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TABLE OF CONTENTS

Agency Entries	1
Privacy Act Publications	69
Freedom of Information Indexes Guide	71
List of CFR Parts Affected	87
Federal Register Pages and Dates	96
Acts Requiring Publication	96

FEDERAL REGISTER INDEX, APRIL-JUNE 1978

THE PRESIDENT

(See also Executive Office of President)

EXECUTIVE ORDERS

- Child, International Year of the, 1979, National Commission; establishment (EO 12053), 16147
- Coal Industry Commission, President's; creation (EO 12062), 23555
- Executive Schedule; placement of certain positions in levels IV and V (EO 12060), 21315
- Foreign Language and International Studies, President's Commission; establishment (EO 12054), 17457
- Military Appeals Nominating Commission, U.S. Court of; establishment (EO 12063), 24659
- Nuclear material, special; export to India (EO 12055), 18157
- Nuclear non-proliferation functions (EO 12058), 20947
- Retirement, mandatory, exemptions: Minetti, G. Joseph (EO 12056), 18639
- Review of Antitrust Laws and Procedures, National Commission; membership (EO 12052), 15133
- Small Business Conference Commission; establishment (EO 12061), 21865
- Tax Court Nominating Commission, U.S.; establishment (EO 12064), 24661
- U.S.-Hungarian trade agreement (EO 12051), 15131
- U.S. Circuit Judge Nominating Commission; establishment (EO 12059), 20949
- Women, National Advisory Committee: Establishment (EO 12050), 14431
- Membership (EO 12057), 19811

LETTERS

- Stainless steel pipe and tube, welded; disapproval of USITC determination (April 22), 17789

MEMORANDUMS

- Federal Statistical System; review (May 11), 20779
- Indonesia; F-5E and F-5F aircraft sales (March 21), 13999
- Security assistance functions, performance by defense attaches (June 12), 27155
- Somalia and Djibouti, refugees; assistance (May 23), 25415
- Trade agreements with U.S.: Hungary (April 7 and June 2), 16689, 16691, 25985
- Romania (June 2), 25983
- Zaire, assistance (May 18), 22169
- Turkey, sale of defense articles and services (March 24), 15603

PROCLAMATIONS

- Alloy tool steel imports, limitations; modifications (Proc. 4559), 14433

- Citizens band radio transceivers, imports (Proc. 4561), 15127
- Hungary, trade agreement with U.S. (Proc. 4560), 15125
- Northern Mariana Islands; application of certain U.S. laws (Proc. 4568), 19999
- University Press Centennial Observance (Proc. 4575), 25987

Special observances:

- Architectural Barrier Awareness Week, National (Proc. 4566), 17795
- Armed Forces Day, 21313
- Education Day, U.S.A. (Proc. 4562), 16441
- Father's Day (Proc. 4574), 25413
- Flag Day and National Flag Week (Proc. 4573), 23553
- Historic Preservation Week, National (Proc. 4569), 20215
- Law Day, U.S.A. (Proc. 4565), 17793
- Loyalty Day (Proc. 4567), 18533
- Mother's Day (Proc. 4570), 20473
- Oceans Week, National (Proc. 4563), 16443
- Older Americans Month (Proc. 4564), 16965
- Prayer, National Day of (Proc. 4572), 21999

REORGANIZATION PLANS

- Reorganization Plans of 1978: No. 1, Equal employment opportunity, 19807

EXECUTIVE AGENCIES

ACCIDENTS

See National Transportation Safety Board.

ACTION

PROPOSED RULES

- Conduct standards, 14072
- Nondiscrimination: Handicapped in federally-assisted program; enforcement coordination, 19883
- Volunteer and employee applicants; exclusion of persons formerly engaged in intelligence activities, 14077

NOTICES

- Family violence demonstration grant; applications closing date, 22226, 23750
- Foster Grandparent and Senior Companion Programs; income eligibility levels, 24341
- Improving Government regulations; inquiry, 22325

ACTUARIES, JOINT BOARD FOR ENROLLMENT

NOTICES

- Meetings: ERISA actuarial services examinations, 25743
- Joint Board Actuarial Examinations Advisory Committee, 21952

ADDITIVES

See Environmental Protection Agency, Food and Drug Administration.

ADMINISTRATIVE COMMITTEE OF FEDERAL REGISTER

See Federal Register Office.

ADMINISTRATIVE CONFERENCE OF UNITED STATES

RULES

- Recommendations: Ratemaking cases, social security disability claims, and time limits on agency actions, 27507

NOTICES

- Meetings: Agency Decisional Processes Committee, 20258
- Agency Organization and Personnel Committee, 21026
- Informal Action Committee, 21706
- Judicial Review Committee, 21706
- Licenses and Authorizations Committee, 27873
- Plenary Sessions, 21026
- Rulemaking and Public Information Committee, 22226
- Sunshine Act Interpretive Guide; availability, 25157

ADVERTISING

See Federal Trade Commission.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

See Historic Preservation, Advisory Council.

AGED

See ACTION, Health, Education, and Welfare Department, Social Security Administration.

AGENCY FOR INTERNATIONAL DEVELOPMENT

RULES

- Commodity transactions financed by AID; eligible transportation costs, etc., 25998

AID

Environmental procedures:
Pesticides; procurement or use, 20491
Procurement, 14471, 15627, 15628, 24839, 24841

NOTICES

Annuitants, limits on compensation; inquiry, 26511

Authority delegations:

American Schools and Hospitals Abroad
Office, Director; foreign assistance, etc., 27629

Commodity Management Office, Director;
transportation source, 25894

Contract Management Office, Director;
contracting functions, 14196

Damascus Mission Director; contracting
functions, 14196

Development Support Bureau, Assistant
Administrator; agriculture program,
etc., 28281

Executive Secretary; information
classification, 22797

Food for Peace, Coordinator; authorities of
Assistant Administrator, Private and
Development Corporation, 27628

Foreign Disaster Assistance Office, Director;
authorities of Assistant Administrator,
Private and Development Corporation,
27629

Gibson, Robert; sign contracts, etc., 25893
India, Mission Director; loan and grant
agreement, 20289

Labor Affairs Office, Director, 27630

Latin America, Asia, Near East, Principle
AID Officers; operational programs
grants, 24927

Private and Development Cooperation
Bureau, Assistant Administrator; Food
for Peace program, etc., 27627

Program and Management Support Office,
Director, et al.; extension of time on
projects, etc., 27629

Regional Operations Division, Chief, et al.;
contracting functions, 14196

Reimbursable Development Programs,
Coordinator; funds expenditure
authorizations, etc., 27629

Services Operations Division, Chief; editorial
changes, 14196

Housing guarantee programs:

Botswana, 25893

Lebanon, 25399

Housing guarantee programs; prescription of
rate, 19746

Improving Government regulations; inquiry,
24218

Meetings:

International Food and Agricultural
Development Board, 15025, 19309,
20070, 22261, 24394, 26809, 28598

International Food and Agricultural
Development Board, Joint Committee
on Agricultural Development, 17436

International Food and Agricultural
Development Board, Joint Research
Committee, 17437

Research Advisory Committee, 24394

Pest management program; interim
procedures, etc.,

Liberia; waiver, 19309

AGING ADMINISTRATION

See Human Development Services Office.

AGRICULTURAL COMMODITIES AND PROGRAMS

See Agricultural Marketing Service.

Agricultural Stabilization and Conservation
Service.

Agriculture Department.

Animal and Plant Health Inspection Service.

Commodity Credit Corporation.

Federal Crop Insurance Corporation.

Federal Grain Inspection Service.

Food and Drug Administration.

Food Safety and Quality Service.

Packers and Stockyards Administration.

AGRICULTURAL MARKETING SERVICE

See also Packers and Stockyards Administration.

RULES

Apricots grown in Wash., 28434.

Avocados grown in So. Fla., 22660, 23557,
28433

Celery grown in Fla., 15609, 27159

Dates (domestic) produced in Calif., 28435

Fruits; imported, 19340

Lemons grown in Ariz. and Calif., 14303,

14641, 15608, 16969, 17798, 18160,

19348, 20476, 21640, 22670, 23986,

24663, 25136, 25991, 27158, 28433

Limes, imported, 22002

Limes grown in Fla., 16149, 22002, 28433

Milk marketing orders:

Indiana, 15136

Iowa, 24516

Middle Atlantic, 18988

New England, 17459

Texas, 27777

Upper Midwest, 19341

Nectarines grown in Calif., 20219

Olives grown in Calif., 24822

Oranges, grapefruit, tangerines, and tangelos

grown in Fla., 17797, 20475, 24821

Oranges (navel) grown in Ariz. and Calif.,

14435, 15407, 16697

Oranges (Valencia) grown in Ariz. and Calif.,

14436, 15408, 16698, 17935, 19193,

19643, 20218, 21636, 22330, 23702,

24822, 26689, 28169, 58789

Packers and stockyards:

Transfer of functions, 19351

Papayas grown in Hawaii, 19813, 27776

Peaches (fresh) grown in Ga., 18642, 20476,

22771, 25331

Pears, plums, and peaches grown in Calif.,

20220, 21637, 27982

Potato research and promotion plan:

Expenses and rate assessment, 23557

Potatoes (Irish) grown in Colo., 21638,

26689

Potatoes (Irish) grown in Southeastern States,

21638, 21639

Raisins produced from grapes grown in Calif.,

27983

Tobacco inspection; Flue-Cured Tobacco

Advisory Committee, 16309

Warehouses, regulations:

Grain, 14005

PROPOSED RULES

Apricots grown in Wash., 23585

Avocados, imported, 17948

Avocados grown in So. Fla., 18182, 19235,

19398

Cherries (sweet) grown in Wash., 21867,

23585

Cranberries grown in Mass. et al., 20815,
25348

Dates (domestic) produced in Calif., 18188,
21463

Grapefruit grown in Fla., 14319

Limes grown in Fla., 18182, 19398

Milk marketing orders:

Eastern Ohio-Western Pennsylvania,

14478, 17963, 21004

Iowa, 20818, 21915

Middle Atlantic, 16185, 17950, 21004

Southern Michigan, 27195

St. Louis-Ozarks, 24540

Texas, 23725

Upper Midwest, 14025

Nectarines grown in Calif., 22726

Oranges (Valencia) grown in Ariz. and Calif.,
16346

Peaches (fresh) grown in Wash., 25347

Peaches grown in Ga., 21003

Pears, plums, and peaches (fresh) grown in

Calif., 23584

Plums grown in Calif., 23724

Potato research and promotion plan:

Expenses and assessment rate, 18193

Potatoes (Irish) grown in Calif. and Oreg.,

28509

Potatoes (Irish) grown in Colo., 23586,

24846

Potatoes (Irish) grown in Idaho and Oreg.,

27193

Potatoes (Irish) grown in Southeastern States,

17949, 18187

Potatoes (Irish) grown in Wash., 27552

Prunes (fresh) grown in Oreg. and Wash.,

26026

Raisins produced from grapes grown in Calif.,

14024, 22727

Wool and mohair advertising and promotion:

ASPC-USDA agreement, 27845

Procedure, 25430

NOTICES

Committees; establishment, renewals,

terminations, etc.:

Flue-Cured Tobacco Advisory Committee,

16357

Improving Government regulations; inquiry,

21991

Meetings:

Flue-Cured Tobacco Advisory Committee,

20028, 25701

Packers and stockyards, posting and deposing

of stockyards:

Barret Livestock Market, Inc., Ala., et al.,

24564

Peanut Administrative Committee; 1978 crop

year, expenses and rate of assessment,

26591

Peanuts; 1978 crop; incoming and outgoing

quality regulations, 26591

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

RULES

Farms and allotments, reconstitution;

marketing quotas and acreage allotments,

18159

Feed grains; disaster payments, 28431

Payment limitation:

Disaster payments for 1977 wheat, feed

grains, upland cotton, and rice, 19340

Exemption of Indian tribal ventures;

correction, 16968

Rice; marketing quotas and acreage
allotments, 16968, 26412

Tobacco (burley); marketing quotas and
acreage allotments, 19339

Tobacco (fire-cured, etc.); marketing quotas
and acreage allotments, 16310, 19339,
28430

Tobacco (flue-cured); marketing quotas and
acreage allotments, 19339

Wheat; marketing quotas and acreage
allotments, 28430

PROPOSED RULES

Peanuts; marketing quotas and acreage

allotments, 14025

Tobacco, cigar binder; 1978-79 marketing

quotas, 19856

Wheat; marketing quotas and acreage

allotments, 27844

NOTICES

Authority delegations:

Financial Management Division, Director;

setoffs and withholdings, 17018

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service.

Agricultural Stabilization and Conservation
Service.

Animal and Plant Health Inspection Service.

Commodity Credit Corporation.

Farmers Home Administration.

Federal Crop Insurance Corporation.

Federal Grain Inspection Service.

Food and Nutrition Service.

Food Safety and Quality Service.

Forest Service.

Packers and Stockyards Administration.

Rural Electrification Administration.

Science and Education Administration.

Soil Conservation Service.

RULES

Authority delegations by Secretary and

General Officers:

Administration, Assistant Secretary;

management functions; correction,

16967

Administration, Assistant Secretary;

management staff, 20781

Deputy Secretary, et al.; sulfonamides used

in swine, 14005

Energy Office, functions, 23983

International Affairs and Commodity

Programs, Assistant Secretary, et al.,

15135

Rural Development, Assistant Secretary, et

al., 22001

Safety and Health Management Office,

Director, 22529

World Food and Agricultural Outlook and

Situation Board; creation and

delegations, 20217

Freedom of Information and Privacy Act

requests; fee schedule, 14002

Import quotas and fees:

Cheese; price determination, 18536

Procurement, 28492, 48491

Sales and exports under Agricultural Trade

Development and Assistance Act;

financing:

Selling agents, 27981

PROPOSED RULES

Import quotas and fees:

Sugar exempt from fees; licensing entry,

20813

Alcohol

Nondiscrimination; sex discrimination
prohibition in federally-assisted programs,
20012

Procurement, 24559

NOTICES

Feed grain donations:

Devils Lake Sioux Indian Tribe, N. Dak.,

15758

Hopi Indian Tribe, Ariz., 24721

Kaiabab-Paiute Indian Tribe, Ariz., 23620

Floodplain management and wetlands

protection; procedures, 25322

Improving Government regulations; inquiry,

21986, 26091

Meat import limitations:

Third quarterly estimates, 28529

Meetings:

Food and Agricultural Sciences Joint

Council, 15345, 27220

Privacy Act; systems of records, 22227,

28019, 28020

Sugar import restrictions; inquiry, 26601

AIR FORCE DEPARTMENT

RULES

Discharge Review Board, 20795

Non-governmental test and evaluation,

support, 22030

Privacy Act; implementation, 19230

Recreation:

Riding stables, 16979

Simplification of regulations, 22970

PROPOSED RULES

Non-governmental test and evaluation,

support, 16193

NOTICES

Air Force Departmental Headquarters;

negative determination for proposed

realignment/reduction, 15767

Environmental statements; availability, etc.:

Joint Readiness Exercise GALLANT

EAGLE 79, 26606

Mobile Land-Based Intercontinental Ballistic

Missile System, 25711

PAVE PAWS radar systems, Otis AFB,

Mass., and Beale AFB, Calif.; ballistic

miss

Alcohol

Gun control; published firearms laws of political subdivisions and States, 23202

Meetings:
Coastal Engineering Research Board, 14713

Explosives Tagging Advisory Committee, 26626

Privacy Act; systems of records, 14713

ALIENS

See *Immigration and Naturalization Service*.

AMERICAN BATTLE MONUMENTS COMMISSION

NOTICES

Improving Government regulations; inquiry, 22602

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

RULES

Animal and poultry import restrictions:

African swine fever; pork and pork products from Italy, 15613

African swine fever; pork and pork products from Malta, 21641

Brucellosis, 19348

Cattle from Canada, 28454

Equine piroplasmiasis optional pre-entry diagnostic screening tests deleted, etc., 15138

Horses affected with CEM; return to U.S., 27173

Horses from United Kingdom, Ireland and France, 25418

Rinderpest and foot-and-mouth disease, etc.; change in disease status of Brazil, 27173

Animal exports:

Attendants of exported livestock, 27171

Deputy Administrator; authorization to permit exportation of animals not covered by provisions, 27171

Animal welfare:

Transportation, handling, care, and treatment of animals; standards, 21161

Communicable diseases in horses, asses, mules and zebras:

Contagious equine metritis (CEM), 22926

Livestock and poultry quarantine:

Brucellosis, 23988, 27168

Contagious equine metritis (CEM), 25993

Overtime services relating to imports and exports:

Animals, commuted traveltime allowances, 19351

Plant pest administrative procedural manuals; incorporation by reference, 26412

Plant quarantine, domestic:

Mexican fruit fly, 15607

Pink bollworm, 25135

Viruses, serums, toxins, etc.:

Contagious equine metritis (CEM); quarantine of thoroughbred horses in Ky., 14023

Japanese beetle quarantine notices, 16984

Minimum virus titer changes; feline panleukopenia vaccine, etc., 25078

Salmonella choleraesuis bacterin and salmonella dublin bacterin, 25077

PROPOSED RULES

Animal and poultry import restrictions:
Bird identification, 16346

Garbage; storage and movement, etc., 28516

Horses from United Kingdom, Ireland, and France; extension of time, 14042

Animal welfare:

Horse protection regulations, 18514, 24064

Livestock and poultry disease control:

Brucellosis, 19402

Livestock and poultry quarantine:

Pseudorabies, 22044, 25433

Plant pest regulations:

Garbage, handling and storage, diseased animals, 28507

Viruses, serums, toxins, etc.:

Feline calicivirus and rhinotracheitis vaccines, etc.; purity requirements, etc., 20506

Master seed virus; extraneous viruses detection; test requirements; update, 17477

Minimum virus titer changes; feline

panleukopenia, etc., 14042

Serum-neutralization tests use authorization, 15719

NOTICES

Environmental statements; availability, etc.:

Japanese beetle, 17515, 21709, 26089

Improving Government regulations; inquiry, 21990

Meetings:

Foreign Animal Diseases Advisory Committee, 24564

Stockyards, livestock markets, and

slaughtering establishments, certain; specific approvals, 22753, 26088

ANIMALS

See *Animal and Plant Health Inspection Service*.

Fish and Wildlife Service.

Food and Drug Administration.

National Oceanic and Atmospheric Administration.

Packers and Stockyards Administration.

ANTITRUST DIVISION, JUSTICE DEPARTMENT

NOTICES

Competitive impact statements and proposed consent judgments; U.S. versus listed companies:

Arrow Overall Supply Co. et al., 21062

California & Hawaiian Sugar Co. et al., 27252

Culbro Corp. et al., 14157, 28568

Everest & Jennings International et al., 21740

Guild Savings & Loan Association, 25744

Holsum Bakery, Inc., et al., 18056

Ideal Baking Co. of Paris, Inc., et al., 14162

Inter-Island Travel Service, Ltd., et al., 26801

Leggett & Platt, Inc., 22790

ANTITRUST LAWS AND PROCEDURES, NATIONAL COMMISSION FOR REVIEW

NOTICES

Hearings, 26351

Meetings, 24635

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

NOTICES

Awareness seminars; planning and arrangement; inquiry, 28219

Meetings:

Accessible Environment National Advisory Committee, 16357, 28219

ARMED FORCES

See *Air Force Department*.

Arms Control and Disarmament Agency.

Army Department.

Civil Aeronautics Board.

Defense Civil Preparedness Agency.

Defense Communications Agency.

Defense Department.

Defense Intelligence Agency.

Defense Investigative Service.

Defense Logistics Agency.

Defense Nuclear Agency.

Navy Department.

Selective Service System.

ARMS CONTROL AND DISARMAMENT AGENCY

PROPOSED RULES

Privacy Act; implementation, 17003, 26589

NOTICES

Advisory Committee closed meetings; report availability, 15380

Environmental assessment, Environmental Modification Convention; availability, 15380

Meetings:

General Advisory Committee, 15380,

20522, 26602

Nuclear non-proliferation; establishment of procedures, 25326

Privacy Act; systems of records, 17020, 26602

ARMY DEPARTMENT

See also *Engineers Corps*.

RULES

Investigations; procedures for officers and boards of officers, 14458

Personnel review boards:

Discharge Review Board; procedures and standards, 15572

Privacy Act; implementation, 17871

Real property:

Relocation assistance and real property acquisition policies; annual relocation assistance reports to GSA, elimination, 22356

Simplification of regulations, 26443

PROPOSED RULES

Privacy Act; implementation, 27864

NOTICES

Environmental statements; availability, etc.:

Fort Ord, Calif., 19701

Fort Polk, La., 27881

Fort Stewart and Hunter Army Airfield, Ga., 18602

Rocky Mountain Arsenal, Colo., 26104

Second Infantry Division redeploying from Korea; hearings, 14983

Tooele Army Depot, Utah, 21714

Fort MacArthur, Calif.; preferred realignment alternative, 14983

Meetings:

Armed Forces Epidemiological Board, 24117, 25855

Armed Forces Institute of Pathology's

Scientific Advisory Board, 21347

Great Lakes-St. Lawrence Seaway, Winter

Navigation Board, 13913, 24118

Military Personal Property Claims

Symposium, 22067

Military Personal Property Symposium,

18602

Promotion of Rifle Practice, National Board,

14983, 24117

ROTC Affairs Army Advisory Panel,

22067

Personal property moving and storage;

symposium, 18602

Privacy Act; systems of records, 15353,

26606, 27882

ARTS AND HUMANITIES, NATIONAL FOUNDATION

PROPOSED RULES

Nondiscrimination:

Handicapped in federally-assisted programs, 15458, 15737, 26589

NOTICES

Committees; establishment, renewals, terminations, etc.:

Arts and Artifacts Indemnity Panel Advisory Committee, 17413

Humanities National Council Advisory

Committee, 14366

Improving Government regulations; inquiry,

22591

Meetings:

Arts and Artifacts Indemnity Panel, 17558

Arts National Council, 17875, 20570,

24386

Dance Advisory Panel, 21954, 28260

Expansion Arts Advisory Panel, 21954

Federal Graphics Evaluation Advisory Panel,

17558

Federal-State Partnership Advisory Panel,

16819, 20570, 25209

Humanities National Council Advisory

Committee, 17558

Humanities Panel, 15808, 18800, 18801,

21382, 21383, 25501, 25502, 27263,

27617

Literature Advisory Panel, 21748

Media Arts Advisory Panel, 16819, 22795

Museum Advisory Panel, 22796

Music Advisory Panel, 15020, 17875,

24386

Planning Office Panel, 14365

Research Grants Panel, 14365

Special Projects Advisory Committee,

21955

Special Projects Advisory Panel, 24386

Theatre Advisory Panel, 25389

Meetings; Sunshine Act, 25405

BALANCED NATIONAL GROWTH AND ECONOMIC

APRIL-JUNE 1978, FEDERAL REGISTER INDEX

DEVELOPMENT, WHITE HOUSE CONFERENCE

NOTICES

Meetings:
Advisory Committee, 20593

BANKS, BANKING

See *Comptroller of Currency*.

Export-Import Bank.

Farm Credit Administration.

Farmers Home Administration.

Federal Deposit Insurance Corporation.

Federal Home Loan Bank Board.

Federal Reserve System.

National Credit Union Administration.

BIOLOGICAL PRODUCTS

See *Animal and Plant Health Inspection Service*.

Food and Drug Administration.

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

RULES

Procurement, 28496

NOTICES

Improving Government regulations; inquiry, 27229

Procurement list, 1978; additions and

deletions, 14711, 15767, 17027, 19430,

19431, 20533, 21713, 21714, 22770,

22771, 24117, 25170, 26103, 27229,

28532

BONNEVILLE POWER ADMINISTRATION

NOTICES

Energy conservation policy; inquiry; correction, 16215

Environmental statements, availability, etc.:

Bonneville proposed program for 1979 FY, 26462

Bonneville proposed program for 1980 FY, 25839

BRIDGES

See *Coast Guard*.

Federal Highway Administration.

CANADA AND UNITED STATES-INTERNATIONAL JOINT COMMISSION

NOTICES

Lake Champlain and Upper Richelieu River; regulation of; hearings, 16553

St. Marys River; redevelopment of hydroelectric generating facilities; hearings, 17409, 21061

CANAL ZONE

See *Panama Canal*.

CENSUS BUREAU

NOTICES

Improving Government regulations; inquiry, 23175

CAB

Meetings:

American Marketing Association Census

Advisory Committee, 15349

Population censuses, special; results, 14336,

18598, 24722

CENTER FOR DISEASE CONTROL

See *Disease Control Center*.

CENTRAL INTELLIGENCE AGENCY

RULES

Freedom of information, 24527

CHILD, INTERNATIONAL YEAR OF THE, 1979, NATIONAL COMMISSION

PROPOSED RULES

Privacy Act; implementation, 23583

NOTICES

Meeting, 26503

Privacy Act; systems of records, 23660

CHILD DEVELOPMENT OFFICE

See *Human Development Services Office*.

CHILD SUPPORT ENFORCEMENT OFFICE

RULES

Child support enforcement program; good cause for refusal to cooperate; program instruction, 15425

PROPOSED RULES

Child support enforcement program; good cause for refusal to cooperate; hearing, 15457

State plan requirements:

Bonding of employees and handling of cash receipts, 14323

NOTICES

Authority delegations:

Deputy Director and Regional

Representatives; enforcement program

authorities, 20866

CHILDREN, CHILD PROTECTION

See *ACTION*.

Child Support Enforcement Office.

Education Office.

Food and Nutrition Service.

Human Development Services Office.

Social Security Administration.

CAB

Policy statements:
Public release of staff memoranda, 22343
Route proceedings, staff role, 19354
Practice and procedure, economic proceedings:
Briefs, format filing changes, 25332
Carriers, local service; cost estimating, 17349
Certificated route authority, new or modified, applications, 21874
Scheduled route service certificates; terms, conditions, and limitations; Comptroller General approval, 20966, 21453
Tariffs of air carriers and foreign air carriers; construction, publication, etc.:
Airline overbooking practices, 24277
Editorial changes, 21323

PROPOSED RULES

Accounts, records, and memoranda for air carriers, preservation:
Indirect air cargo carriers, 15720, 21465
Accounts and reports for air freight forwarders and international air freight forwarders; uniform system:
Indirect air cargo carriers, 15720, 21465
Accounts and reports for certificated air carriers; uniform system:
Corporate disclosure regulations, model; terminated, 14523
Debt restructurings, troubled, prior period adjustments and forward exchange contracts, 25138
Form 41; en route and airport facilities and services; charges by foreign Governments and entities, 26449
Air carrier and foreign air carrier names; indirect air cargo carriers, 15720, 21465
Air carriers; exemption from filing tariffs for interstate and overseas charters, 20521
Air freight forwarders, cooperative shippers associations, etc.:
Indirect air cargo carriers, 15720, 21465
Air taxi operators, classification and exemptions:
Alaska and Hawaii, all-cargo operations, aircraft size increase, 13892
Air transportation services; performance quality; public information availability; advance notice, 19667
Board proceedings, conduct standards, 16990
Charters:
Advance booking; liberalization of rules, 13892, 24542, 25141, 27560
Foreign air carrier permits, conditions and limitations; liberalization of rules; correction, 13892
Foreign air carriers; liberalization of rules; correction, 13892
Foreign air carriers; split all-cargo and split passenger-cargo, 14519, 20240
Inclusive tour; liberalization of rules; correction, 13892
Indirect air cargo carriers, 15720, 21465
One-stop inclusive tours; liberalization of rules; correction, 13892
Participants funds, protection, 17967
Study groups; liberalization of rules; correction, 13892
Supplemental air transportation; split all-cargo and split passenger-cargo, 14519, 20240
Supplemental air transportation certificates; liberalization of rules; correction, 13892

Travel groups; liberalization of rules; correction, 13892
Trips and special services; liberalization of rules; correction, 13892
Trips and special services; split all-cargo and split passenger-cargo, 14519, 20240
Citizen of U. S.; corporations qualifying as; advance notice; extension of time, 18196
Compensation of participants in CAB proceedings, 14044, 15730
Hazardous materials; DOT regulations filing requirements, 15334
Military transportation; exemption of air carriers; charter rates, minimum, 25433
Organization and functions:
Indirect air cargo carriers; extension of time, 15720, 21465
Policy statements:
Domestic passenger-fare level and structure and discount fare policies, 16503
Practice and procedure, economic proceedings:
Brief filing; format changes, 15334
Complaint procedures, 16503
Route authority applications, hearing procedures for processing, 19403, 21690, 22987
Reports, stock ownership; model corporate disclosure; terminated, 14523
Supplemental air transportation certificates; elimination of advertising requirements, 22378
Tariffs of air carriers and foreign air carriers; construction; publication, etc.:
Tariff justification change, 16503

NOTICES

Air cargo pick-up and delivery zone, application for tariff filing authority, 25160
Certificate of public convenience and necessity; applications, 22764
Charter operations, U.S. and foreign direct and indirect, economic and special regulations waived, 21916, 23623
Emergency air transportation requirements:
Northwest Airlines pilots strike, flight changes, 16789
Fares, domestic passenger; increase; various carriers, 16788
Local service class subsidy rate; investigation; correction, 19426
Meetings; Sunshine Act, 13966, 14272, 14371, 15055, 15404, 15552, 16643, 16644, 16880, 17443, 19103, 19496, 19985, 20085, 20367, 20891, 21974, 21975, 21976, 22153, 22295, 22805, 23842, 24171, 24953, 24954, 25224, 25405, 25528, 25769, 25770, 25936, 26679, 26680, 26877, 27280, 27639, 28081
Hearings, etc.:
Aerolineas Dominicanas, S.A., 18595, 19897, 23623, 26463
Aeronaves de Mexico, S.A., 16358
Aerovias Quisqueyana, C. por A. et al., 22428
Air Jamaica Ltd., 23007, 26100
Air North Charter & Training Ltd., 26463
Alaska Airlines, 25845
Alaska Airlines, Inc., 24881, 28220
Allegheny Airlines, Inc., 18584, 25703

Aloha Airlines, Inc., et al., 15345, 16786, 17993, 19897
American Air Transport, Inc., 22428
American Airlines, Inc., 18585, 25159, 25160
Arizona service investigation, 25351, 27575
Austin/San Antonio-Atlanta service, 14706, 16788, 17847
Baltimore/Washington-Houston low-fare route case, 17378
Baltimore/Washington-St. Louis route case, 21916
Baltimore/Washington-St. Louis route proceeding, 17847
Boise-Denver nonstop proceeding, 23007
Boston/New York/Philadelphia/Baltimore/Washington-Puerto Rico/Virgin Islands investigation, 26465
Boston/New York/Philadelphia/Washington-Puerto Rico/Virgin Islands; investigation, 13909, 15761
Braniff Airways, Inc., 14331, 14706, 16529, 18586, 24882
British Airways Board, 14090
British Airways et al., 28021
British Caledonian Airways, Ltd., 21342, 23007
California-Nevada low-fare route proceeding, 22429
California-Southwest-Western Mexico route case, 21919, 22429, 25456
Cargo Charter transfer rate investigation, 14707
Caribbean area service investigation et al., 15175, 18727
Cayman Airways, Ltd., 15346, 19255
Chicago-Albany/Syracuse-Boston competitive service investigation, 22763
Colonial Airlines, Inc., 20360
Colorado ski-points investigation, 27575
Compagnie Nationale Air France et al., 24885, 25846
Compania Mexicana de Aviacion, S.A., 19057
Conner Airlines et al., 22763
Costello Travel Service, Inc., et al., 19059
Dallas/Fort Worth-New Orleans-Florida service investigation, 25847, 26467
Dallas/Fort Worth-Philadelphia service investigation, 19698, 27874
Dan-Air Services Ltd., 18221
DeLaval Turbine, Inc., et al., 25351
Delta Air Lines, Inc., et al., 18224, 21496, 23008, 25159
Domestic passenger-fare investigation, 21344, 26468
Eastern Air Lines, Inc., 18587, 25161, 25849
El Al Israel Airlines Ltd., 21027
Florida-Atlanta competitive nonstop service case, 22429, 27575
Florida-Mexico City investigation, 26604
Frontier Airlines, Inc., 16206, 17516, 18588, 25704, 28022
Gelco Corp., 26765
Hawaiian Airlines, Inc., et al., 25161
Hazardous articles rules and practices investigation, 20830
Houston-Tampa/Orlando investigation, 22430
Hughes Air Corp. et al., 18231
Hughes Airwest, 15466
Inomovator, Inc., 21344

International Air Transport Association, 16793, 16794, 16795, 16796, 17378, 17380, 17849, 18595, 20360, 20361, 22227, 23008, 24887, 25456, 25839, 27576
Kodiak-Western Alaska Airlines, 20028, 22430, 24107
Kodiak-Western Alaska Airlines, Inc., 15464, 18231
Laker Airways Ltd., 25851
Las Vegas-Houston competitive service investigation, 27875
Las Vegas-Texas case, 26604
Linea Aerea Nacional-Chile (LAN), 14092
Local service class subsidy rate; investigation, 18229, 26100
Miami-Los Angeles low-fare case et al., 21710
National Airlines, Inc., et al., 16790, 18589, 19059, 20360, 20831
North Atlantic fares investigation, 24107
North Central Airlines, Inc., 25163
Northwest Airlines, Inc., 14331
Northwest Airlines et al., 26468
Northwest Alaska Service Investigation, 18230
Oakland service case, 24083, 28223
Omaha-Dallas/Ft. Worth Subpart N proceeding, 26465
Overseas National Airways, Inc., et al., 20362
Ozark Air Lines, Inc., et al., 17517, 18589, 25164
Pacific Common fares investigation, 24885
Pan American et al., 18727
Pan American World Airways, Inc., et al., 14333, 20363, 20365, 25165, 25706, 28023
Pevsner, Donald L.; correction, 14530
Philadelphia-Bermuda nonstop proceeding, 25454, 26469
Phoenix-Salt Lake City Service Investigation, 14336, 15346, 23750
Piedmont Aviation, Inc., et al., 17381, 17387, 18590
Pittsburgh-Orlando-Daytona Beach route proceeding, 15467, 25167
Puerto Rico/Virgin Islands freight rates, 16792
San Antonio-Denver route proceeding, 19255, 22228
San Francisco-Reno-Albuquerque-Texas service investigation, 26466, 27576, 28529
Schenkers International Forwarders, Inc., 14093
Societe Anonyme Belge d'Exploitation de la Navigation Aeriennne, 15346, 17993
Southeast Alaska Service Investigation, 18231
Southern Airways, Inc., 15467, 18591
Spokane-Vancouver route proceeding, 21028, 26100
St. Louis-Louisville & San Francisco Bay area nonstop case, 17378
St. Louis/Kansas City-San Diego route proceedings, 24565, 28027
Standard Airways et al., 14707
Sterling Oil Co. of Oklahoma, Inc., et al., 24346, 26100
Supplemental carrier fill-up case, 15764
TACA International Airlines, S.A., 19426
Texas Airlines, Inc., 20833
Texas International Airlines, Inc., 15348, 15761, 17993

Texas International Airways, Inc., 18592
Trans International Airlines, Inc., et al., 15762
Trans World Airlines, Inc., 14530, 26766, 27877
Transatlantic passenger fares between U.S. and Europe, 19898
Transavia Holland B. V., 23750
Tucson-San Diego nonstop route investigation, 26469, 27576
Twin Cities-Kansas City-Oklahoma-Texas route proceeding, 21917
Twin Cities-Las Vegas/Phoenix/San Diego route proceeding, 19699, 26604
U.S.-Bahamas service investigation, 16207, 21028
U.S.-Benelux low-fare proceeding et al., 26761, 28027
U.S./Caribbean passenger fares, 17516
United Air Lines, Inc., 18593
Western Air Lines, Inc., et al., 14334, 14336, 14709
Wichita case et al., 15761, 17517, 20830, 21712
World Wide Livestock Services, Ltd., 14980

CIVIL RIGHTS

See Civil Rights Commission.
Education Office.
Equal Employment Opportunity Commission.
Federal Contract Compliance Program Office.
Health, Education, and Welfare Department.
Housing and Urban Development Department.
Justice Department.

CIVIL RIGHTS COMMISSION

NOTICES
American Indians; denial of equal protection of law; hearings:
South Dakota, 27221
Meetings, regional advisory committees:
Northwestern, 13911
Southern, 13911
Western, 13911
Meetings, State advisory committees:
Alabama, 13910, 13911
Alaska, 13911, 15468, 20259
Arizona, 13911, 19699
Arkansas, 21921
California, 13911, 20523, 22066
Colorado, 13910, 20523
Connecticut, 18231, 21922
Delaware, 14709
District of Columbia, 16531, 20524
Florida, 13911, 24108, 24721
Georgia, 13911
Hawaii, 19311, 19699
Idaho, 13910, 13911, 15468, 22430, 24721, 26469, 26470
Illinois, 13910, 17518, 22066
Indiana, 15469, 20259, 22766
Iowa, 16207
Kansas, 16531
Kentucky, 13911, 26470
Maine, 19222, 27576
Maryland, 16531, 24721
Massachusetts, 16207, 21921, 26470
Michigan, 13910, 24721
Minnesota, 13910, 19699, 25852
Mississippi, 13911
Missouri, 16207, 27576

Civil

Montana, 14709
Nebraska, 16208, 21921
Nevada, 13911, 20259
New Hampshire, 13911, 24722
New Jersey, 14709, 16208, 20259
New York, 13911, 20259, 26470, 28224
North Carolina, 13911
North Dakota, 14709, 19699, 20524
Ohio, 28529
Oregon, 13911, 15468, 20260
Pennsylvania, 20260, 24722
Rhode Island, 13912
South Carolina, 13911, 22767
South Dakota, 18231
Tennessee, 13911, 21921
Utah, 13912
Vermont, 13912, 21921, 26470
Virginia, 17518, 22430
Washington, 13911, 15468, 19699, 25168
West Virginia, 16208, 21921
Wisconsin, 16208, 21496, 26470
Wyoming, 14709
Meetings; Sunshine Act, 15835, 17444, 20085, 24168, 24789

CIVIL SERVICE COMMISSION

See also Federal Prevailing Rate Advisory Committee.

RULES

Career and career-conditional employment:
ACTION community volunteers;
noncompetitive appointment, 20954
Energy Department employees, 14002
Excepted service:
ACTION, 14001, 15607, 21635
Agency for International Development, 21635
Agriculture Department, 16306, 25989, 26411
Arts and Humanities, National Foundation, 14637, 16305, 16306, 16967, 19337, 21635, 22667, 25989
Civil Aeronautics Board, 28429
Commerce Department, 16305, 16967, 19337, 22667, 25417, 27158, 28429
Community Services Administration, 18642
Consumer Product Safety Commission, 15607, 18641, 25989, 26411
Defense Department, 18641, 25076
District of Columbia Government, 16305
Energy Department, 14001, 14637, 14638, 15607, 20953, 22001, 22667, 22668, 25076, 25417, 25989, 26411, 27157
Entire executive civil service; Harry S. Truman Foundation Scholarship Program, 18159
Environmental Protection Agency, 25990
Equal Employment Opportunity Commission, 14637, 22001, 25990
Executive Office of President, 14001, 16305, 21635, 21636
Farm Credit Administration, 19337, 25075, 25990
Federal Home Loan Bank Board, 25989
Health, Education, and Welfare Department, 14001, 16305, 19813, 21636, 25990, 27157
Housing and Urban Development Department, 14001, 18641, 20953, 22001, 22667, 25076, 28429
Interior Department, 16306, 18641, 19337, 22667, 27075, 27157, 28429
International Trade Commission, 15607
Interstate Commerce Commission, 16967

Civil

Justice Department, 16305, 20953, 25076
Labor Department, 14637, 16967, 19337, 25076, 27775
National Credit Union Administration, 14001
National Mediation Board, 21635
National Transportation Safety Board, 16305, 18641
Navy Department, 20954, 25075
Rail Public Counsel Office, 16307
Securities and Exchange Commission, 25075
Smithsonian Institution, 22668
State Department, 14638, 18641, 22668, 27157
Temporary Boards and Commissions, 16306, 27158
Transportation Department, 27775
Treasury Department, 16967, 25417, 27158
Veterans Administration, 25417
Temporary and term employment, 27775
Voting rights programs:
South Carolina, 27841
Texas, 19853

PROPOSED RULES

Employee selection procedures; uniform guidelines; hearing and meeting change, 14955

Coverage for illegitimate children, 27843
Health benefits program, Federal employees: Benefit limits, registration and enrollment changes, etc., 17474
Intergovernmental Personnel Act Programs: Personnel administration merit system standards, 20997

Retirement:
Survivor annuity benefits for illegitimate children, 27843

NOTICES

Administrative law judges; qualifications; inquiry, 24565
Cost of living allowance; non-foreign areas; inquiry, 20524, 24565
Fund-raising within Federal Service for Voluntary Health and Welfare Agencies Manual, proposed revision; inquiry, 14710
Health benefits program, Federal employees; open season; correction, 17518
Improving Government regulations; inquiry, 22157
Meetings: Sunshine Act, 18829
Noncareer executive assignments:
ACTION, 25168
Agriculture Department, 24565
Air Force Department, 22767
Army Department, 24566, 25168
Commerce Department, 14709, 22767, 22768, 24566
Community Services Administration, 24565
Defense Department, 14709, 25168
Energy Department, 14709, 22767
Environmental Protection Agency, 22767, 22768
Equal Employment Opportunity Commission, 21712, 24566
Executive Office of President, 22767, 24565
Farm Credit Administration, 14709
Federal Energy Administration, 21712
Federal Home Loan Bank Board, 22767

Health, Education, and Welfare Department, 14709, 22767, 22768, 25168
Housing and Urban Development Department, 25168
Interior Department, 21712
Interstate Commerce Commission, 22768
Labor Department, 22767
Management and Budget Office, 25168
Pennsylvania Avenue Development Corp., 14709
State Department, 24566, 25168
Privacy Act; systems of records, 26471

COAL

See *Economic Regulatory Administration, Geological Survey, Land Management Bureau.*

COAST GUARD

RULES

Anchorage regulations:

Alaska, 21459
Hawaii; correction, 21881
South Carolina, 14470
Virginia, 28199

Boating safety:

Flotation devices, personal; manufacturer, information pamphlet; correction, 17356
Manufacturer requirements; hull identification numbers assignment, U.S.-Canadian agreement, 14964
Vessel numbering, leased or chartered vessels, 17941

Cargo containers safety approval:

Testing and approval, periodic examination, control and enforcement, etc., 16946

Claims; authority redelegation of District Commanders, 27531

Districts, marine inspection zones, and captain of port areas:

Eleventh District; Los Angeles-Long Beach Marine Inspection; office relocation, 18553

Seventh District; boundary realignments; correction, 18553

Twelfth District; boundary realignment, 25955

Drawbridge operations:

Florida, 22970
Maryland, 21459, 26720
New Jersey, 21881
New York, 24830

Great Lakes pilotage:

Rate increase, 24996

Lifesaving equipment:

Flotation devices, personal; thread specifications and editorial changes, 27152

Marine investigation regulations:

Vessel reporting requirements, 25820

Marine sanitation device violations; written warnings by boarding officers, 22657

Regattas; safety of life:

President's Cup Regatta, Potomac River, Wash., D.C., 25343

Regulatory analysis statements, 24996

Security zones:

Lower Hudson River, N.Y., 26721

PROPOSED RULES

Boating safety:

Boats and associated equipment; raceboat; safety and labeling exemptions; inquiry, 22411

Equipment requirements; visual distress signals, 15118, 16194, 26336

State numbering and casualty reporting systems, 15583

Vessel numbering and casualty and accident reporting, 15583

Cargo vessels:

Exposure suits for vessels operating on Great Lakes, 25000

Dangerous cargoes:

Definitions, particular hazard cargo, etc., 25958

Drawbridge operations:

Connecticut, 22410

Georgia, 23001

New Jersey, 22410, 26756

Texas, 23002

Great Lakes pilotage:

Rate increase, 15590

Lifesaving equipment:

Exposure suits for vessels operating on Great Lakes, 25000

Merchant marine officers and seamen:

Motorboat operators and staff officers, licensing and registration; second class operator of uninspected towing vessels, 22653

Oceanographic vessels:

Exposure suits for vessels operating on Great Lakes, 25000

Passenger vessels:

Exposure suits for vessels operating on Great Lakes, 25000

Operations; safety orientation of passengers, 28426

Pollution:

Oil transfer facilities and operations; water facilities; environment and safety, 15108

Oil transfer facilities and operations; water facilities; environment and safety; meeting, 18571

Regattas; safety of life:

President's Cup Regatta, Potomac River, Wash., D.C., 18571

Tank vessels:

Exposure suits for vessels operating on Great Lakes, 25000

Uninspected vessels:

Operations; safety orientation of passengers, 28426

Vessel movement, control:

CFR Part revoked, 25958

Vessel traffic management:

Arrival, departure, hazardous conditions, etc., 25958

Oil tanker ownership information; marine environment protection, 15586, 18571, 27567

Waterfront facilities explosives handling; pollution; environment and safety, 15108, 18571

NOTICES

Bridges, highway; proposed construction: Blackwater River, N.H.; hearing, 19746

Jacksonville, Fla.; hearing, 24929

Cargo containers, approvals:

American Bureau of Shipping et al., 26810

Citizenship oath filing:

Bunge Corp., 24394

Committees; establishment, renewals, terminations, etc.:

Chemical Transportation Advisory Committee, 26811

Ship Structure Committee, 28282

Highway proposed relocation:

Morgan City, La.; hearing, 24928

Meetings:

Chemical Transportation Advisory Committee, 24929

Chemical Transportation Industry Advisory Committee, 18079

Rules of the Road Advisory Committee, 26352

Ship Structure Committee, 16234, 17437

Navigation, National plan:

Loran-A termination schedule, 22474

Organization and functions:

Emergency Readiness Office, 21498

National Oceanic and Atmospheric Administration, 21497

Organization and Management Systems Office, 21498

Tanker safety and pollution prevention; information and regulatory implementation plan, 16886

COMMERCE DEPARTMENT

See also *Census Bureau,*

Economic Analysis Bureau,

Economic Development Administration,

Foreign-Trade Zones Board,

Industry and Trade Administration,

Maritime Administration,

Minority Business Enterprises Office,

National Bureau of Standards,

National Fire Prevention and Control Administration,

National Oceanic and Atmospheric Administration,

National Technical Information Service,

National Telecommunications and Information Administration,

Patent and Trademark Office,

Travel Service.

RULES

Procurement regulations, 22035

NOTICES

Advisory committees, closed meetings; reports, availability, 28228

Committees; establishment, renewals,

terminations, etc.:

Asian and Pacific Americans Population for 1980 Census Advisory Committee, 25709

Black Population for 1980 Census Advisory Committee, 25710

Industrial Innovation, Advisory Committee on Federal Policy on, 24116

Pacific Fishery Management Council Advisory Panel, 18601

Regional Fishery Management Councils et al., 17026

Consumer product information labeling program, voluntary:

Thermal insulation for homes, proposed specification, 23488

Thermal insulation for homes; suspension of fees for participation, 23495

Improving Government regulations; inquiry, 23170

Laboratory Accreditation Program, National Voluntary:

Concrete, freshly mixed field; testing laboratories accreditation; inquiry, 27224

Meetings:

Economic Advisory Board, 15352

Laboratory Accreditation Criteria

Committee for Thermal Insulation Material, National, 18737, 25170

Regional Economic Development Federal Advisory Council, 16534

Standards Policy Interagency Committee, 14341

Technical Advisory Board, 16796, 23753

Women Business Owners Task Force, 16797, 18232

Nuclear non-proliferation; establishment of procedures, 25326

Organization and functions:

Communications and Information, Assistant Secretary, 24349

Economic Analysis Bureau, National Analysis and Projections Associate Director, 15473

Industry and Trade Assistant Secretary, 27224

Intelligence Liaison Office, 15476

Maritime Affairs, Assistant Secretary, 15473

National Bureau of Standards, 15473

National Oceanic and Atmospheric Administration, 27224

National Telecommunications and Information Administration, 24348

Personnel Office, 15478

Product Standards Office, 17524

Public Affairs Office, 15479

Privacy Act; systems of records, 25853, 28028

Product liability and accident compensation issues; inquiry, 14612

Standard metropolitan statistical classification, proposed criteria for establishment; hearing, 26768

Statistical standards; responsibility transfer to Commerce Department (OMB Circulars A-39, A-46, and A-91 discontinued), 19260

Watches and watch movements; allocation of quotas:

Guam, 24566

Virgin Islands, 24566

COMMISSION ON FINE ARTS

See *Fine Arts Commission.*

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED.

See *Blind and Other Severely Handicapped, Committee for Purchase from.*

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

See *Textile Agreements Implementation Committee.*

COMMODITY CREDIT CORPORATION

RULES

Emergency feed program, 26413

Commodity

Export programs:

Agricultural commodities; sales financing, 25992

Loan and purchase programs:

Cotton, 19194, 19198

Grain, 17461

Gum naval stores, 18988

Honey, 24263

Milk, 19204

Peanuts, 21428, 27160

Sugar, 21318, 24663

Wool (shorn and pulled), 15320

PROPOSED RULES

Industrial hydrocarbons and alcohols; pilot projects, 20775

Loan and purchase programs:

Peanuts, 14035, 17964, 26587

Rice, 17964

Sugar, 27994

Tobacco, 22727

Price support programs:

Milk, 25137

NOTICES

Grain and rice uniform storage agreements, National; extension, 19698

Loan and price support programs; interest rate, 25453

Meetings: Sunshine Act, 23084, 24653

Monthly sales list:

June 1, 1977 through May 31, 1978, 22762

COMMODITY FUTURES TRADING COMMISSION

RULES

Commodity Exchange Act regulations:

Contract market designation; continued compliance with requirements, 17814

Registration forms; futures commission merchants, floor brokers, etc., 19648

Commodity option transactions, 16161

Commodity option transactions, physical commodities, 23707

Organization and functions:

Central and western regions, geographic realignment; etc., 21659

Enforcement Division, Director; authority delegation, 20971

Records and information:

Central and western regions, geographic realignment; etc., 21659

PROPOSED RULES

Commodity Exchange Act regulations:

Contract market; maturing futures contract; limitation, 15438

Financial reporting requirements, minimum, 15072, 23729

Omnibus accounts on gross basis, reports, 22220

Commodity option transactions; hearing, 21022

Leverage transactions; suspension of offer and sale of contracts, 23729

Reports:

Futures commission merchants and foreign brokers; omnibus accounts on gross basis, 22220

Commodity

NOTICES

Committees; establishment, renewals, terminations, etc.:
State Jurisdiction and Responsibilities under Commodity Exchange Act Advisory Committee, 14712
Meetings:
State Jurisdiction and Responsibilities under Commodity Exchange Act Advisory Committee, 14712
Meetings: Sunshine Act, 15055, 15552, 15553, 16256, 16644, 17112, 17444, 18128, 19496, 19985, 20611, 21791, 22805, 23675, 23842, 24168, 24653, 24954, 25224, 25936, 26183, 26877, 27280, 27954
Proposed futures contracts; availability, 18738, 20835

COMMUNICATIONS

See *Federal Communications Commission*,
National Telecommunications and Information Administration,
Rural Electrification Administration.

COMMUNITY PLANNING AND DEVELOPMENT, OFFICE OF ASSISTANT SECRETARY

RULES

Community development block grants.
Categorical program segment grants, completion of projects assisted under, 24656
Editorial changes, 24671
New communities, applications and criteria for discretionary grants, 19229

PROPOSED RULES

Community development block grants: Discretionary grants applications and contracts for technical assistance, 25780
Urban homesteading program, 23692

NOTICES

Authority delegations:
Regional Administrators et al.; urban homesteading, 23700
Community development block grants: Indian tribes and Alaska natives; pre-application deadline, 14539
Technical assistance discretionary grants, application period, 25782

COMMUNITY SERVICES ADMINISTRATION

RULES

Community action programs:
Income poverty guidelines, 14316
Emergency energy conservation program: Funding requirements, energy assistance; income level eligibility for elderly, 14317
Funding requirements; time extension, 21461
Financial management, grantee:
Non-Federal share contribution; eligibility for waiver of increase; FY 1978 grants, 19394
Grantees, funding:
Program account structure; procedures and description, 24842

PROPOSED RULES

Citizen participation grant program; establishment, 26079
Community action programs:
Grantee boards, 26274
Community food and nutrition program, 21016, 21904
Nondiscrimination:
Handicapped in federally-assisted programs, 28758
Uniform Federal standards; Letter-of-Credit amount reduction, 25698

NOTICES

Emergency energy assistance program:
Funding declarations, 14347, 14533, 15352, 17390, 19061, 20030, 22229
Improving Government regulations; inquiry, 22595
Summer Youth Recreation Program; application notice, 18739

COMPTROLLER OF CURRENCY

RULES

Fiduciary powers; National banks and collective investment funds:
Financial reports, annual and quarterly; equity securities; rescission, 23991

Rulings:

Charitable contributions, 19832
Suspensions and prohibitions where felony charged; procedures and standards, 21868

PROPOSED RULES

Fiduciary powers; National banks and collective investment funds:
Securities transactions, trust department accounts and customers; uniform procedures and records, 13889
Trust assets investment; variable amount notes, etc.; suspended, 25348

NOTICES

Authority delegations:
Comptroller, order of succession, 15380
Fair housing lending enforcement, meeting, 23780
Meetings:
Fair housing lending enforcement, 23780

CONSTRUCTION INDUSTRY

See *Employment Standards Administration*.

CONSUMER PRODUCT SAFETY COMMISSION

RULES

Antennas; citizens band base station and television antennas, and supporting structures; warning and instruction requirements, 28397
Architectural glazing materials; safety standards; tempered glass, 26700
Baby rattles; safety requirements, 22005
Carcinogens in consumer products, classifying, evaluating and regulating; interim policy and procedure, 25659
Hazardous substances and articles; administration and enforcement:
Baby rattles; banning and safety standards, 22005
Toys; technical requirements for determining sharp metal or glass edges; correction, 21324

Vinyl chloride monomer, self-pressurized household substances containing: confirmation, 22936
Participants in rulemaking proceedings, financial compensation; policies and procedures, 23562
Poison prevention packaging:
Child-resistant packaging; aspirin-containing powders, exemption, 17332
Child-resistant packaging; iron preparations, 17336
Policy or interpretation statements:
Emergency exemptions, granting, 19216
Refuse bins, unstable; banned hazardous product; petition denied and statement of enforcement policy, 26284
Toys, electrically operated, etc.:
Stalled motor testing; policy and interpretation, 26428
Voluntary standards activities; policy statement, 19221

PROPOSED RULES

Benzene in consumer products as ingredient or contaminant:
Product ban, 21839, 27852
Regulatory action under CPSA, 21838, 27852

Christmas tree lights, miniature; safety standards, 14322, 19136
Hazardous substances and articles:
Benzene; special labeling, 21852, 27852
Lawn mowers, power; safety standards; extension of time, 24697
Nitrobenzene, products containing; information submission, 24325
Poison prevention packaging:
Benzene, 21853, 27852
Child-resistant packaging; economic poisons (pesticides) standards, withdrawn, 24698

Substantial product hazards; reporting requirements, policies, and procedures; hearing and extension of time, 17972

NOTICES

Chain saws; safety standards; petition denied, 26103
Children's wearing apparel containing TRIS, exportation; policy statement, 25711
Committees; establishment, renewals, terminations, etc.:
Product Safety Advisory Council et al.; extension of time, 19701
Electric water heaters; portable immersion: Complaint filed, 14349
Enforcement proceeding, hearing, 19431, 21346

Flammable Fabrics Act; noncompliance complaints against various companies: Spare Parts, 14095
Girl's sweatshirts, certain; Flammable Fabrics Act violation; prehearing conference, 20031
Home insulation; cellulose; mandatory safety standard, extension of time, 19905
Meetings:
Poison Prevention Packaging Technical Advisory Committee, 17995
Product Safety Advisory Council, 23011
Meetings: Sunshine Act, 19103, 19751, 19752, 20891, 21562, 26877, 26878, 26879, 28081, 28082, 28611
Sleds; lead-based paint; enforcement policy, 15352
Tents; flammability; petition denied, 27881

CONSUMERS

See *Consumer Product Safety Commission*,
Federal Trade Commission,
National Highway Traffic Safety Administration.

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RULES

Copyrighted works secondary transmission by cable systems; compulsory license, 27830

NOTICES

Filing and determination of action, 24151

COPYRIGHT ROYALTY TRIBUNAL

RULES

Broadcasting, noncommercial; use of copyrighted works, 25070
Cable systems; royalty fee claims filing, 24528

PROPOSED RULES

Cable systems; royalty fee claims filing, 19423
Phonorecord players (jukebox); royalty fee access; hearing, 20513

NOTICES

Meetings; Sunshine Act, 18128, 21976

COPYRIGHTED WORKS, NEW TECHNOLOGICAL USES NATIONAL COMMISSION

NOTICES

Meetings, 14777, 19080, 20570

COSMETICS

See *Food and Drug Administration*.

COST ACCOUNTING STANDARDS BOARD

RULES

Cost accounting standards:
Applicability, exemptions and waivers, 24820
Compensation, deferred costs; correction, 24821
Defense prime contracts and subcontracts, negotiated; contract clause changes, etc.; correction, 16149
Procurement practices; contract coverage:
Applicability, exemption, and waiver, 24819
Defense prime contracts and subcontracts, negotiated; contract clause changes, etc.; correction, 16149

PROPOSED RULES

Cost accounting standards:
Insurance costs accounting, 20806, 22043

COUNCIL ON ENVIRONMENTAL QUALITY

See *Environmental Quality Council*.

APRIL-JUNE 1978, FEDERAL REGISTER INDEX

Customs

Foreign repairs to, and equipment purchased for, American vessels, 14060, 19417, 21693

NOTICES

Administrative decisions, unpublished, biweekly lists; availability, 26511
Antidumping:
Fabric, impression, of man-made fiber from Japan, 22345
Steel wire rod, carbon, from United Kingdom; extension of time, 27938
Authority delegations:
Assistant Commissioner (Regulations and Rulings); court decisions, 16234
Countervailing duty petitions and preliminary determinations:
Ampicillin trihydrate from Spain, 22479
Bromine and brominated compounds from Israel, 24395
Diuron from Israel, 24396
Footwear from India, 18807
Oleoresins from India, 21087
Optic liquid level sensing systems from Canada, 25512
Papermaking machines and parts from Finland, 15825
Steel, grain oriented silicon electrical, from Italy, 17560
Sugar from European Community, 28599
Textiles and textile products from Argentina, 23781
Textiles and textile products from Brazil, 23783
Textiles and textile products from Colombia, 23786
Textiles and textile products from India, 23788
Textiles and textile products from Korea, 23791
Textiles and textile products from Philippines, 23793
Textiles and textile products from Taiwan, 23785
Textiles and textile products from Uruguay, 23795
Viscose rayon staple fiber from Sweden, 27631
Customhouse broker's examination, October 1978; rescheduling, 26814
Generalized system of preferences; duty free entry of certain merchandise from designated developing countries; petitions: Chlorobenzilate, technical, from Israel; withdrawal, 14563
Diuron wettable powder, 26177
Wire mesh fabric from Mexico; receipt, 14562
Immediate Delivery Application Form 3461; availability and price, 16586
Instruments of international traffic:
Tanks for transportation of apple juice, 27938
Reimbursable services; excess cost of preclearance operations, 21390
Tariff reclassification petitions:
Bicycle reflectors, wide angle, 14562, 20886
Tariff-rate quotas:
Fish, 16587
Tuna fish, canned (classifiable), 20886
Trade name recordation applications:
Aurora Steel Products, 18808
Dawn Imports International, Inc., 18808

CUSTOMS SERVICE

RULES

Air commerce:
Bond requirement waiver; unloading operations, 14962
Felts Field, Spokane, Wash.; international airport status revoked, 28456
Antidumping:
Disclosure conferences during full-scale investigations; correction, 14456
Polyvinyl chloride sheet and film from Republic of China, 28457
Steel plates, carbon, from Japan, 22937
Articles conditionally free, subject to reduced rate, etc.:
Race horses, temporarily exported and returned, 23709
Technical changes; correction, 20003
Customhouse brokers:
Office title change, use of microfiche, etc., 21878, 23565
Drawback:
Claims; accelerated payment, 22176
Fines, penalties, and forfeitures:
Disclosures, voluntary; violations of customs laws, 23712
Liquidation of duties; countervailing duties: Fish from Canada, 25995, 25996
Footwear, non-rubber, from Spain; net amount of bounty, 25815
Handbags from Columbia, 18660
Leather wearing apparel from Uruguay, 23710, 23711
Olives, bottled, from Spain; net amount of bounty, 25813
Sugar-containing articles from Australia, 17352
Zinc, unwrought, from Spain; net amount of bounty, 25814
Mail importations; examination of letter mail, 14454
Merchandise, cartage and lighterage; payment of unclaimed merchandise, 23566
Organization and functions; field organization; ports of entry, etc.:
Bar Harbor, Maine, 19833
Corpus Christi, Tex., 19833
Duluth, Minn., 19833
El Paso, Tex., 28456
Fairport Harbor, Ohio, 18659
Los Angeles, Calif., 19833
Morris County, N.J., 19833
Vessels in foreign and domestic trades:
Cayman Islands, German Democratic Republic, and United Arab Emirates; special tonnage tax and light money, 22173
Individuals boarding or leaving vessels without Customs permission; categories, 22174
Surinam Republic and Iatar, suspension of tonnage tax and light money, 24670

PROPOSED RULES
Air commerce:
Exportation of livestock by aircraft and vessels; inspection certificate, 23731
Organization and functions; field organization; points of entry, etc.:
Point Roberts, Wash., 22752
Vessels in foreign and domestic trades:
Exportation of livestock by aircraft and vessels; inspection certificate, 23731

Defense

DEFENSE CIVIL PREPAREDNESS AGENCY

RULES

Contributions for civil defense equipment, 25093

Insigne, 26569

PROPOSED RULES

Consolidated grants to insular areas, 26335

DEFENSE COMMUNICATIONS AGENCY

NOTICES

Privacy Act; systems of records, 16365

DEFENSE DEPARTMENT

See also Air Force Department.

Army Department.

Defense Civil Preparedness Agency.

Defense Communications Agency.

Defense Intelligence Agency.

Defense Investigative Service.

Defense Logistics Agency.

Defense Nuclear Agency.

Engineers Corps.

Navy Department.

RULES

American National Red Cross and USO employees; assignment to duty with armed forces; correction, 17354

Armed forces, correspondents accompanying; CFR Part removed, 26310

Blind; vending facility program on Federal property, 25339

Contracting:

Defense acquisition regulatory system, 15150

Contracts, selected acquisition; performance measurements, 16975

Directives, instructions and indices; availability to public, 16478

Equal opportunity in off-base housing; complaint inquiry/investigative procedures, reporting requirements, etc., 23569

Medical malpractice claims against armed forces military and civilian personnel, 15148

Off-road vehicles; use on DOD land, 14650

Paternity claims and adoption proceedings involving armed forces members and former members; fathers of illegitimate children, 15149

Research grants and title to equipment purchased, 21326

PROPOSED RULES

Intergovernmental Personnel Act Programs: Personnel administration merit system; standards, 20996

Military personnel; indebtedness, 17838, 23001

NOTICES

Committees; establishment, renewals, terminations, etc.:

NDU and DIS, Boards of Visitors for, 20533

Improving Government regulations; inquiry, 21994

Meetings:

Defense Systems Management College Board of Visitors, 14097

Electron Devices Advisory Group, 17391, 23754, 23755, 24568, 26773, 27884

Science Board Advisory Committee, 15178

Science Board task forces, 14714, 15481, 16798, 17857, 19064, 19906, 20031, 21030, 21714, 22233, 23755, 25712, 26346, 26773, 27884

Wage Committee, 15179, 19704, 25712

Meetings: Sunshine Act, 18401

Privacy Act; systems of records, 19906, 26473

DEFENSE INTELLIGENCE AGENCY

PROPOSED RULES

Privacy Act; implementation, 24711

NOTICES

Meetings:

Scientific Advisory Committee, 14097, 15178, 17995, 19273, 20533

Privacy Act; systems of records, 24352

DEFENSE INVESTIGATIVE SERVICE

RULES

Privacy Act; implementation, 25672, 26720

PROPOSED RULES

Privacy Act; implementation, 19689

NOTICES

Privacy Act; systems of records, 19701

DEFENSE LOGISTICS AGENCY

RULES

Procurement, 18993

DEFENSE NUCLEAR AGENCY

NOTICES

Meetings:

Scientific Advisory Group, 28532

Privacy Act; systems of records, 16366

DELAWARE RIVER BASIN COMMISSION

RULES

Basin regulations:

Water quality standards; incorporation by reference, 27784

NOTICES

Comprehensive plan, sewage treatment plant projects; hearings, 15768, 21926, 26773

Wetland protection policies; hearing, 19431

DISASTER ASSISTANCE

See Agency for International Development.

Farmers Home Administration.

Federal Crop Insurance Corporation.

Federal Disaster Assistance Administration.

Federal Insurance Administration.

Small Business Administration.

DISEASE CONTROL CENTER

PROPOSED RULES

Coal mine health and safety:

Noise standards; dosimeter usage, 16349

Coal miners, underground; medical examinations of; chest roentgenographic, 17979

Grants:

Childhood immunization, urban rat control, and VD control programs, 27210

Quarantine; foreign; elimination of requirement for testing for bacillus anthracis in lather brushes, 27215

NOTICES

Committees; establishment, renewals, terminations, etc.:

Immunization Practices Advisory Committee, 17540

Programs and Policies Advisory Committee (Ad Hoc), 21726

Meetings:

Coal Mine Health Research Advisory Committee, 14736, 20555

Immunization Practices Advisory Committee, 16412, 25192

National Institute for Occupational Safety and Health; study section, 20555

Programs and Policies Advisory Committee (Ad Hoc), 21050

Occupational safety and health standards:

Chemical and physical agents and industrial processes; exposure levels, safe standards for employment; inquiry, 15197

DISEASES

See Animal and Plant Health Inspection Service.

Disease Control Center.

National Institutes of Health.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

See Industry and Trade Administration.

DRUG ENFORCEMENT ADMINISTRATION

RULES

Administrative functions, practices and procedures:

Hearings; Administrative Law Judge; response to order to show cause, extensions of time, 26428

Schedules of controlled substances:

Exempt chemical preparations, 18172

1-Phenylcyclohexylamine and 1-piperidinocyclohexanecarbonitrile, 21325

PROPOSED RULES

Schedules of controlled substances:

Difenoxin in combination with atropine sulfate, 27560

NOTICES

Registration applications, etc.; controlled substances:

Argon Research Corp., 22461, 27260, 27909

Berwick, Robert C., M.D., 19470

Blanton, Frederick Marsh, M.D., 27616

Cilento, Raphael C., M.D., 14749

Clark, Frank B., M.D., 26145

Ganes Chemicals, Inc., 17874

Grega, Stephen J., M.D., 19726

Jackson, Roosevelt P., M.D., 25196

Klinestiver, Donald G., M.D., 16555

Knauf & Tesch Co., 15503

Lax, Aaron, M.D., 18345

M. B. H. Chemical Corp., 15019

Mallinckrodt Inc., 17874

McNeilab, Inc., 27908, 27909

Merck & Co., Inc., 15018

Parke, Davis & Co., 17874

Penick Corp., 17875

Regis Chemical Co., 19470, 28259

Rosen, Isadore I., M.D., 14748

Sarmiento, Maximo R., M.D., 19726

Stepan Chemical Co., 15019

Stephan Chemical Co., 24749, 24750

Whitenight, John W., 17545

Whitenight, John W., D.O., 28259

Wyeth Labs., Inc., 28259

Schedules of controlled substances; production quotas:

Amphetamine, 23021

Ecgonine, 27909

Schedules I and II, 1978 aggregate

production quotas, 20565, 24386

DRUGS

See Alcohol, Drug Abuse, and Mental Health Administration.

Drug Enforcement Administration.

Food and Drug Administration.

ECONOMIC ANALYSIS BUREAU

PROPOSED RULES

Foreign direct investment in U.S.; surveys; mandatory reporting requirements, 22053

NOTICES

Improving Government regulations; inquiry, 23176

ECONOMIC DEVELOPMENT ADMINISTRATION

RULES

Economic development district organization; representation requirement, 18541

Financial assistance requirements:

Lead-based paint on projects assisted by EDA; restrictions on use, 15148

NOTICES

Business development program:

Steel industry, basic; guarantee loan assistance applications, 18626

Steel industry, lending guidelines, 16360

Business development program; applications: WSC Corp. et al., 27577

Import determination petitions:

Bagatelle International, Ltd., et al., 21922

Compatibles et al., 26605

Crewco, Inc., et al., 19060

Eastern Rolling Mills, Inc., et al., 27878

Eico Electronic Instrument Co., Inc., et al., 25457

Fairfield-Noble Corp. et al., 21922

Handi-Bag Co., Inc., et al., 14711

Herbst Shoe Manufacturing Co. et al., 17021

Mayer, Rothkopf Industries, Inc., et al., 18231

Park Silk Co., Inc., et al., 24108

Ronson Corp. et al., 18599

Sentry Manufacturing Co. et al., 13912

Speed Tex Corp. et al., 25168

Thom Brown Shoes, Inc., et al., 24722

Time Saver Tackle, Inc., et al., 22430

Z. Dress Co. et al., 20525

Improving Government regulations; inquiry, 23177

Local public works economic development applications; Form ED-101A revised, 25853

Technical assistance, research and information:

State and local economic development planning grants, 26101

ECONOMIC OPPORTUNITY, NATIONAL ADVISORY COUNCIL

NOTICES

Meetings, 22250

ECONOMIC OPPORTUNITY OFFICE

See Community Services Administration.

ECONOMIC REGULATORY ADMINISTRATION

RULES

Coal; administrative procedures and sanctions: Appeal from interpretations, 14436, 17803, 17804

Oil; administrative procedures and sanctions: Appeal from interpretations, 14436, 17804

Interpretations, 19816, 23989, 25079

Interpretations, authority delegation to Assistant General Counsel, 15617

Interpretations; index, 17338

Interpretations of General Counsel, 15617, 19816

Oil import allocation; 1978-79, 18990

Petroleum allocation and price rules, general: Interpretations, 19816

Interpretations; index, 17338

Recordkeeping requirement, extension, and audit policy, 27781

Petroleum allocation regulations, mandatory: Crude oil produced in California;

entitlement obligations reduction, etc., 26545

Interpretations; index, 17338

Synthetic fuels under entitlements program, 21432

Petroleum price regulations, mandatory:

Crude oil price ceilings, lower and upper tier; adjustments to reflect inflation impact, 24824

Crude oil produced in California; entitlement obligations reduction, etc., 26546

Interpretations, 19816

Interpretations; index, 17338

Resellers and retailers; blends of covered and synthetic products, 24268

Proceedings transfer to Energy Secretary and Federal Energy Regulatory Commission:

Electric energy import and export proceedings; procedures, 21657

Rulings:

Index, 17338

PROPOSED RULES

Gasoline; contingency rationing plan, 28134

Petroleum allocation and price rules, general: Aviation gasoline decontrol, 27976

Kerosene-base jet fuel decontrol, 27974

Motor gasoline, exemption; environmental assessment, availability; inquiry and hearing, 27995

Economic

Motor gasoline, exemption; recommendations, 14491

Petroleum allocation regulations, mandatory: Aviation gasoline decontrol, 27976

Crude oil, lower tier; nonrefining uses; advance notice, 16987, 21682

Crude oil entitlements program; imported residual fuel oil, 26551

Crude oil price controls; inquiry, 15158, 24847

Emergency standby mandatory crude oil and refinery yield control programs; hearing cancelled, 23587

Kerosene-base jet fuel decontrol, 27974

Motor gasoline, exemption; environmental assessment, availability; inquiry and hearing, 27995

Motor gasoline, exemption; recommendations, 14491

Oil, domestic crude, entitlement program; refiners monthly report form, 26548

Petroleum price regulations, mandatory: Aviation gasoline decontrol, 27976

Crude oil price controls; inquiry, 15158, 24847

Emergency standby mandatory crude oil and refinery yield control programs; hearing cancelled, 23587

Kerosene-base jet fuel decontrol, 27974

Motor gasoline, exemption; environmental assessment, availability; inquiry and hearing, 27995

Motor gasoline, exemption; recommendations, 14491

Natural gas liquids and liquid products; maximum lawful price computation; inquiry, 28518

NOTICES

Canadian allocation program:

Crude oil; priority designation evaluation; conference, 20856

Canadian crude oil, mandatory allocation: April through June, 16373, 28534

July through September, 28537

Carbon dioxide effects research and assessment; global carbon cycle and climate change; availability, 18233

Coal use, construction orders:

Bellefield Boiler Plant et al., 26346

General Electric Co., 20260, 21927

Goodyear Tire & Rubber Co., 20855

Consent orders:

Allen & Shumate, Inc., 25179

Asphalt & Petroleum Industries, 20856

Blue Ridge Fuel Co. (landoli), 24727

Howard Oil Co., 24727

Phillips Petroleum Co., 22771

Texas Eastern Transmission Corp., 25180

Electric utilities; petitions filed under section 202(c), 24570, 27581, 28030

Environmental statements; availability, etc.: Southern California Gas Co.; extension of time, 15481

Industrial plants burning natural gas or petroleum products; prohibition orders:

Ash Grove Cement Co., 19064

Avtex Fibers, Inc., 18233

Central Telephone & Utilities Corp., 20538

Martin Marietta Corp., 19070

Economic

Natural gas importation; petitions:
Great Lakes Gas Transmission Co., 21715
Northern Natural Gas Co., 16380
Southern California Gas Co.; extension of
time, 17858
Petroleum allocation regulations, mandatory:
Applications; multiple allocation fractions
for motor gasoline, 19431
Power rates and charges:
Central Valley Project, Western Area Power
Administration, 25178
Hanford Generating Project, Bonneville
Power Administration, 16535, 28031
Laurel Project, Southeastern Power
Administration, 17857, 25856
Rio Grande Project, Western Area Power
Administration, 14984
Sam Rayburn Project, Southwestern Power
Administration, 24570
Southwestern Power Administration, 25179
Transmission rates; Bonneville Power
Administration, 21716
Powerplants burning natural gas or petroleum
products, prohibition orders:
Iowa Public Service Co. et al., 28229
Crude oil, domestic, allocation program; 1978;
entitlement notices:
April, 28229
February, 17030
March, 22435
Hearings, etc.:
Arizona Public Service, 19908
El Paso Eastern Co. et al., 15481, 19279
Maine Public Service Co., 26608
New York Power Pool, 19908
Northern States Power Co., 19909
Tenneco Atlantic Pipeline Co. et al., 26609
West Texas Utilities Co., 19909

EDUCATION

See Education Office.
Food and Nutrition Service.
Health, Education, and Welfare Department.
National Institute of Education.
Science and Education Administration.
Veterans Administration.
Wage and Hour Division.

EDUCATION OFFICE

RULES

Citizen education for cultural understanding
program, 20496
Cooperative education programs, 18676
Emergency school aid:
Compensatory projects, special, 26014
Handicapped children:
Indian lands, etc.; handicapped children
residing on; entitlements, 19762
State operated programs, 16268
Neglected or delinquent children in
institutions; grants to State agencies,
14294
Postsecondary education commissions
program, State, intrastate planning;
allocation formula and program
guidelines, 21330
School assistance in federally affected areas:
Awarding assistance, requirements and
criteria, 19129
Handicapped children residing on Indian
lands, etc., entitlements, 19762
Teacher centers program; correction, 20009

PROPOSED RULES

Basic educational opportunity grant program,
20922
Capacity-building program, State; grants for
improvements in statistical systems;
advance notice, 22062
College work-study program:
Funding changes; hearings, 25149
Guaranteed student loan program, 14376
Handicapped; media services and captioned
films program; advance notice, 18711
Libraries:
Services, construction, etc.; matching funds,
base year, and urban resource libraries,
24333
National direct student loan program:
Funding changes; hearings, 25149
Supplemental educational opportunity grant
program:
Funding changes; hearings, 25149

NOTICES

Applications and proposals, closing dates:
Community service and continuing
education-special projects program,
18116
Desegregation of public education programs;
extension of time, 21735
Educational information centers program,
28562
Follow Through programs, 20560
School construction assistance, 18613
State planning commissions; program-
interstate planning; correction, 15013
Veterans' cost-of-instruction payments
program, 21735
Bilingual Education National Advisory
Council; hearings, 18264
Committees; establishment, renewals,
terminations, etc.:
Accreditation and Institutional Eligibility
Advisory Committee, 22450
Education of Disadvantaged Children,
National Advisory Council, 21946
Extension and Continuing Education
National Advisory Council, 21947
Vocational Education Advisory Council,
20279
Guaranteed student loan program; special
allowance for quarter ending March 31,
1978, 18117
Improving Government regulations; inquiry,
23135
Information collection and data acquisition
activity, description; inquiry, 13920,
16408, 19453, 23654, 25476, 27239
Meetings:
Accreditation and Institutional Eligibility
Advisory Committee, 16810, 23655,
25740
Adult Education National Advisory Council,
17405, 19466, 23016
Bilingual Education National Advisory
Council, 18264, 24608
Black Higher Education and Black Colleges
and Universities National Advisory
Committee, 21050
Community Education Advisory Council,
13922
Education of Disadvantaged Children
National Advisory Council, 17405,
19466, 22451, 28253
Equality of Educational Opportunity
National Advisory Council, 16412
Ethnic Heritage Studies National Advisory
Council, 14361, 15198

Extension and Continuing Education
National Advisory Council, 17870,
24608
Indian Education National Advisory
Council, 19294
Vocational Education National Advisory
Council, 15198, 21946, 25489, 27904
Women's Educational Programs National
Advisory Council, 18265, 23760
Nondiscrimination:
Desegregation of public education programs;
applications, closing date; extension of
time, 21735
Privacy Act; systems of records, 15785
Vocational education teacher certification
fellowship program; teacher shortages,
18117

ELECTIONS

See Census Bureau.
Civil Rights Commission.
Federal Election Commission.
Justice Department.

ELECTRICITY

See Bonneville Power Administration.
Federal Energy Regulatory Commission.
Reclamation Bureau.
Rural Electrification Administration.
Tennessee Valley Authority.
Western Area Power Administration.

EMPLOYEE BENEFITS SECURITY OFFICE

See Pension and Welfare Benefit Programs
Office.

EMPLOYMENT AND TRAINING ADMINISTRATION

PROPOSED RULES

Alien temporary agricultural and logging
employment in U.S.; labor certification;
Adverse effect wage rate, Texas, 22996,
26033

NOTICES

Alien certification program, temporary;
agricultural workers, 1978 adverse effect
rates, 16431
Comprehensive Employment and Training Act
programs:
Economic stimulus package reallocations,
19927
Employment transfer and business competition
determinations; financial assistance
applications, 14750, 15804, 17064,
18354, 19471, 20565, 21746, 22791,
24147, 25197, 26145, 27910, 28573
Environmental statements, Job Corps centers;
availability, etc.:
Cortez Hotel, Tex., et al., 27914
Outlying Land Field, Calif., 27913
Hispanic American labor market problems and
issues; grant awards, closing date and
guidelines, 16431
Indian and Native American economic
stimulus programs:
Summer program; funds allocations, 27911
Meetings:
Apprenticeship Federal Committee, 27260

Migrant and other seasonally employed
farmworker programs:
Funds allocation, 1977 and 1978 FYs,
14750
HEP and CAMP projects funding, 27913
Manpower programs, sponsors, 28574
Skill training improvement program; grant
applications, 19471
Unemployment compensation:
Fund allocations, titles II and IV of CETA,
1977 and 1978 FYs, 18345
Unemployment compensation, emergency:
Federal supplemental or extended benefits;
"on" and "off" indicators; various
States, 21066, 21067, 27261, 27910
Youth Employment and Demonstration
Projects Act programs:
Youth community conservation and
improvement projects; funds
availability, etc., 19472
Youths, migrant and seasonally employed
farmworker family members; funds
availability, etc., 19472, 28575

EMPLOYMENT AND UNEMPLOYMENT STATISTICS, NATIONAL COMMISSION

NOTICES

Hearings, 16555, 19303, 23660, 24635,
26620
Meetings, 19940, 25746

EMPLOYMENT STANDARDS ADMINISTRATION

See also Wage and Hour Division.

RULES

Minimum wage determinations:
Fair Labor Standards Act adjustment to
wage increases, 28495
Service contracts, Federal, labor standards;
organizational changes, 28467
Student-learners, apprentices, messengers,
handicapped-workers, etc.:
Employment certificates, annulment or
withdrawal, 28469

PROPOSED RULES

Black lung disease:
Claims, pending and denied; review, 17765
Claims for benefits; handling and
adjudication, 17732
Disability or death determination standards,
17722, 18699, 19863, 26588, 27196

NOTICES

Minimum wages for Federal and federally-
assisted construction; general wage
determination decisions, modifications,
and supersedeas decisions:
Alabama, 14833, 14839, 17174, 18443,
18446, 19541, 22876, 25266
Arizona, 18443, 20647, 28709
Arkansas, 17161, 19541, 26232, 27341,
28722
California, 17162, 19542, 20647, 22879
Colorado, 17163
Connecticut, 17163, 19542, 20648, 24175,
27327, 28709
Delaware, 21799
District of Columbia, 14834, 17172,
19549, 21813
Florida, 14834, 16043, 18443, 21799,
22911, 24177, 25267, 26225, 26234
Georgia, 14833, 16041, 22865

Hawaii, 20648
Idaho, 14841, 18444, 20648, 24178,
25251, 28710
Illinois, 20649, 21800, 22866, 26227,
28712
Indiana, 17163, 21803, 24183, 28712
Iowa, 14855, 16041, 19543, 27328
Kansas, 18447, 19550, 20655, 20658
Kentucky, 14834, 14859, 17171
Louisiana, 16041, 17171, 20659, 21809,
24190, 27329, 28713, 28722
Maryland, 16045, 17172, 19549, 20655,
21813, 27329
Massachusetts, 16048, 17175, 18449,
20655
Michigan, 16064, 22865, 24200, 26232,
27329, 28712
Minnesota, 22912, 24191, 28712
Mississippi, 16065, 17172, 19544, 27329,
28713, 28722, 28732
Missouri, 19544, 19550, 21815
Montana, 17207, 18467
Nebraska, 16041
Nevada, 14837, 18444, 24196, 27330,
28713
New Hampshire, 22867
New Jersey, 14838, 17223, 25251, 26235
New Mexico, 17172, 19559, 24197
New York, 16066, 26250, 28712
North Carolina, 14834, 16041, 16095
Ohio, 19545, 19562, 20671, 21809, 25254,
26225, 28712
Oklahoma, 19545, 25268, 26258, 27332,
Oregon, 28723
Pennsylvania, 16042, 16097, 17239,
18476, 19546, 19574, 20656, 20697,
21811, 22868, 24198, 27332, 28712,
28718
Rhode Island, 16043
South Carolina, 14834, 16042, 16108,
20717
South Dakota, 17239, 25263, 25278
Tennessee, 14834, 16111, 18445, 21827,
28722
Texas, 16112, 19549, 20657, 20718,
21812, 24199, 26271, 27340, 28721
Utah, 25263, 28722
Virginia, 14834, 17172, 18481, 19549,
19579, 20719, 21813, 24200, 25264
Washington, 26271, 28734
West Virginia, 25264, 25278
Wisconsin, 21813, 22876, 25264, 28712

ENDANGERED SPECIES

See Fish and Wildlife Service.
National Oceanic and Atmospheric
Administration.

ENDANGERED SPECIES SCIENTIFIC AUTHORITY

NOTICES

Export; bobcat, lynx, river otter, and
American ginseng:
Guidelines and information needs, 15098
Hearing, 13913

ENERGY

See Federal Energy Regulatory Commission.
Geological Survey.
Southeastern Power Administration.
Southwestern Power Administration.
Western Area Power Administration.

ENERGY CONSERVATION

See Commerce Department.
Energy Information Administration.
General Services Administration.

ENERGY DEPARTMENT

See also Bonneville Power Administration.
Economic Regulatory Administration.
Energy Information Administration.
Energy Research Office.
Energy Technology Office.
Federal Energy Regulatory Commission.
Hearings and Appeals Office, Energy
Department.
Southeastern Power Administration.
Southwestern Power Administration.
Western Area Power Administration.

RULES

Electric and hybrid vehicle research,
development, and demonstration project;
performance standards, 23500
Electric and hybrid vehicle research,
development, demonstration, and
production; loan guaranties, 20477
Energy conservation program; appliances:
Air-conditioners, central, correction, 24268
Furnaces and vented home heating
equipment, 20154
Home heating equipment, unvented, 20131
Ranges, cooking tops, and ovens,
conventional, and microwave ovens,
20118
Refrigerators, freezers, etc., efficiency
improvement targets, 15147
Water heaters; test procedures suspended,
13865
Proceedings transfer to Energy Secretary and
Federal Energy Regulatory Commission;
LNG terminal facilities application,
21433
Seal and flag, 20783, 24666

PROPOSED RULES

Coal loan guarantee program, 21682
Energy conservation program; appliances:
Water heaters; test procedures; hearing,
13888, 21008
Energy extension service, National, 24316
Grant programs:
Appropriate technology small grants
program; establishment, 16185
Petroleum allocation and price rules, general:
Motor gasoline, exemption;
recommendations, 14491
Petroleum allocation regulations, mandatory:
Motor gasoline, exemption;
recommendations, 14491
Petroleum price regulations, mandatory:
Motor gasoline, exemption;
recommendations, 14491
Natural gas liquids and liquid products;
maximum lawful price computation;
inquiry, 28518
Procurement, 15853

NOTICES

Applications for exception, etc.; cases filed
with Hearings and Appeals Office,
15363, 16370, 16371, 17535, 23756
Committees; establishment, renewals,
terminations, etc.:
Energy Research Advisory Board, 24130
Inertia Fusion Advisory Committee, 20855

Energy

Energy

- National Energy Extension Service Advisory Board, 24726
- Conduct standards:
 - Waivers granted; designation of certain employees, 20534, 24568, 25712, 25856
- Consent orders:
 - Kerr-McGee Corp., 21030
 - Texaco Inc., 20856, 24902
- Crude oil transportation system, Northern Tier and Inland States; inquiry, 17392, 19705
- Energy conservation program; household appliances; inquiry, 25459
- Environmental statements; availability, etc.:
 - Bonneville Power Administration; proposed program for 1979 FY, 26462
 - Crude oil price incentives, cumulative production/consumption effects, 21927
 - Dickey-Lincoln School Lakes Transmission Project, Maine, 14715, 15770
 - Fusion Materials Irradiation Test Facility, Hanford Reservation, Wash., 24118
 - Low Btu Coal Gasification Facility and Industrial Park, 17857
 - Mount Facility, Ohio, 17995
 - Naval Petroleum Reserve No. 1 (Elk Hills), Calif.; hearing, 27230
 - New Melones 230 kV electrical transmission line, Central Valley Project, Calif., 19289
 - Petroleum Feedstock, Baltimore Gas & Electric Co., 21714
 - Rocky Flats Plant Site, Colo.; hearing, 17391
 - Strategic petroleum reserves, 17027
 - Geopressure geothermal industrial workshop, 16798
 - Improving Government regulations; inquiry, 18634, 24215
 - Insulation materials and properties; meeting, 28228
 - International atomic energy agreements; civil uses; subsequent arrangements:
 - Argentina, 19447
 - International Atomic Energy Agency, 28035
 - Peru, 19447
 - Interpretation requests filed with General Counsel's Office, 16799, 19907, 25365
 - Meetings:
 - Food Industry Advisory Committee, 25712
 - Geopressure geothermal industrial workshop, 16798
 - Insulation materials and properties, 28228
 - International Energy Agency Industry Advisory Board, 21715, 26346, 28036
 - International Energy Agency Industry Working Party, 17537, 25856
 - National Petroleum Council, 19289
 - Solar energy commercialization; conference, 19273
 - Solar energy policy, regional forums, 24569
 - Solar heating and cooling of buildings, model code, 15485
 - Nuclear non-proliferation; establishment of procedures, 25326
 - Organization, functions, and authority delegations:
 - Hearings and Appeals Office; establishment, 15485
 - Patent license, intent to grant:
 - Research for Braille Communications, 20534
- Power rate adjustments:
 - Public participation; Western Area Power Administration, interim rates and supplemental proceedings; effective date, 14359
- Privacy Act; systems of records, 18739
- Salary adjustment; Administrator:
 - Southwestern Power Administration, 18611
- Solar energy commercialization; conference, 19273
- Solar energy policy, regional forums, 24569
- Solar heating and cooling of buildings, model code; meeting, 15485
- Uranium enrichment services; termination charges, 17028, 19713
- Uranium enrichment services criteria, 27886

ENERGY INFORMATION ADMINISTRATION

NOTICES

- Financial reporting system; report and hearing, 27056
- Oil and gas reserves survey; estimates, production and ownership, etc.; extension of time, 14535

ENERGY RESEARCH OFFICE

NOTICES

- Meetings:
 - High Energy Physics Advisory Panel, 16222

ENERGY TECHNOLOGY OFFICE

NOTICES

- Meetings:
 - Fossil Energy Advisory Committee, 22771, 24588
 - Geothermal Energy Advisory Committee, 23648

ENGINEERS CORPS

RULES

- Administrative procedures:
 - Exploratory drilling, Gulf of Santa Catalina, Calif., 28475
- Navigation lights, aids, charts and related data policy, 19661
- Wrecks and other obstructions, removal, 22971
- Cultural resources; identification and administration; policies and procedures, 13990
- Danger zones:
 - California, 20802
- Engineering and design:
 - Power and communication lines over reservoirs, clearance, 14013
- Navigation regulations:
 - Fox River, Wis., 26570
 - Lake Washington Ship Canal, Wash., 14652
- Real property:
 - Relocation assistance and real property acquisition policies; annual relocation assistance reports to GSA, elimination, 22356
- Water resource use; establishment of objectives, 14014
- Water resources policies and authorities:
 - Flood damage reduction measures in urban areas, 19804

PROPOSED RULES

- Administrative procedures:
 - Port access routes in North Atlantic Ocean, 28523
- Navigation regulations:
 - Fox River, Wis., 14652
- Water resource policies and authorities:
 - Floodplain management, 22306

ENVIRONMENTAL PROTECTION AGENCY

RULES

- Air pollutants, hazardous; National emission standards:
 - Arizona; authority delegation, 20988
 - Asbestos, 26373
 - California; authority delegation, 20988
 - Nevada; authority delegation, 20988
- Air pollution; standards of performance for new stationary sources:
 - Arizona; authority delegation, 20987
 - California; authority delegation, 20987
 - Nevada; authority delegation, 20987
 - Oxygen process furnaces, opacity standard, 15602
- Air programs; energy-related authority:
 - Kansas, 14470
- Air programs; fuels and fuel additives:
 - Deregistration of motor oil and oil additives, 28490
- Air quality implementation plans; approval and promulgation:
 - Prevention of significant air quality deterioration (PSD), 26403
- Air quality implementation plans; approval and promulgation; various States, etc.:
 - California, 13879, 18174, 22721, 25673, 25675, 25676, 25679, 25680, 25681, 25683, 25684, 25686, 25689, 25691
 - District of Columbia, 16178
 - Indiana, 26722
 - Maine, 14964, 15424
 - Maryland, 22719
 - Massachusetts, 22357, 26574
 - Mississippi, 22358
 - Missouri, 25692, 28204
 - New York, 17358
 - Ohio; correction, 16736
- Air quality implementation plans; preparation, adoption, and submittal:
 - Prevention of significant air quality deterioration (PSD), 26382
 - State implementation plans, nonattainment areas; approval criteria, 21673
- Grants; general regulations and procedures:
 - Administrative changes; OMB Circulars A-102 and 110 implementation, 28485
- Grants, State and local assistance:
 - State management assistance grants, 17717, 21460
 - Treatment works construction, 17703, 21460
 - Treatment works construction authorizations allotment; correction, 28203
- Grants; subagreements:
 - Administrative changes; OMB Circulars A-102 and 110 implementation, 28485
- Motor vehicle fuel economy:
 - 1979 and later model years, 21416, 26722
- Noise abatement programs:
 - Construction equipment; inspection and monitoring provisions, 27989
 - Transportation equipment; inspection and monitoring provisions, 27989

- Organization and functions; revision, 28479
- Pesticide applicators in States or on Indian reservations, Federal certification, 24837
- Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
 - Aqueous extract of seaweed meal, 28491
 - Bentazon, 14020, 15155
 - Chlorothalonil, 22725
 - Dalapon, 22359
 - O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate, 26310
 - 2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate, 14021
 - 5-Ethoxy-3-trichloromethyl-1,2,4-thiadiazole, 22973
 - Gossypolure, 20803
 - Malathion, 22974
 - Methomyl, 25121
 - Oxamyl, 27836
 - Sodium chlorate, 24692
 - Terbacil, etc., 28490
- Pesticides, tolerances in animal feeds:
 - 2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate, 14009
- Glyphosate, 20489
- Pesticides, tolerances in food:
 - Dalapon, 22345
 - O-Ethyl O-(4-(methylthio)phenyl) S-propyl phosphorodithioate, 22176
- Glyphosate, 20489
- Toxic substances:
 - Inventory reporting; availability and supplemental clarification, 16178
- Water pollution; effluent guidelines for certain point source categories:
 - Electroplating; hearing, 22360
 - Fertilizer manufacturing, 17826
 - Pesticide chemicals manufacturing, 17785
 - Pretreatment standards, general; new and existing industrial users of POTWs, 27746
- Water pollution control:
 - Hazardous substances; designation; list; correction, 27533
 - Hazardous substances; determination of harmful quantities; correction, 24310, 27534
 - Hazardous substances; determination of measurement units and penalty rates; correction, 27534
 - Hazardous substances; determination of removability; correction, 27533
 - Pretreatment standards for existing and new sources; CFR Part removed, 27746
- Water pollution control; National discharge elimination system and State program elements:
 - Consent decree requirements and veto procedures, 22162
 - Treatment works; 1977 statutory deadline for compliance; granting extensions criteria, 21270
- Water quality standards; State programs:
 - Nebraska, 24531

PROPOSED RULES

- Air pollution; regional consistency for implementation of Clean Air Act; inquiry and meetings, 14072
- Air pollution; standards of performance for new stationary sources:
 - Petroleum liquid storage vessels, 21616, 21625, 22221
- Air programs; energy-related authority:
 - Delaware, 15339

- Florida, 26456
- Virginia, 14973, 20823
- Air programs; fuels and fuel additives:
 - Refineries, small, 17841, 24331
- Air quality implementation plans; approval and promulgation:
 - Photochemical oxidants; name change, 26985
- Air quality implementation plans; approval and promulgation; various States, etc.:
 - Arizona, 28213
 - California, 13899, 13900, 13901, 14692, 16516, 20823, 22748, 23610, 24071, 28003, 28214
 - Colorado, 24071
 - Connecticut, 16350
 - Florida, 16350
 - Illinois, 17004
 - Louisiana, 16351
 - Maryland, 15167, 22748, 28214
 - Massachusetts, 20514, 24857, 26757
 - Missouri, 27568
 - Nebraska, 14972
 - New Hampshire; extension of time, 13902
 - New Jersey, 18216
 - New York, 20515
 - North Carolina, 19425
 - Oklahoma, 27567
 - Oregon, 25146
 - Virginia, 24858
 - West Virginia, 27208
- Air quality implementation plans; enforcement by State and Federal governments after statutory deadlines:
 - Colorado, 22749
 - Connecticut, 20023
 - Florida, 22221
 - Illinois, 20022, 23004
 - Indiana, 16195, 21902
 - Kentucky, 23002
 - Maine, 26460
 - New York, 19239
 - Ohio, 16195, 23611, 23612, 23614, 24858, 27865, 28004, 28006
 - Washington, 23615, 25147
- Air quality implementation plans; preparation, adoption, and submittal:
 - Intergovernmental consultation, 21466
- Photochemical oxidants; name change, 26985
- Air quality standards, National primary and secondary:
 - Ozone, 26971
- Photochemical oxidants, 26962
- Grants, State and local assistance:
 - Treatment works construction, 17690, 21337, 24713
 - Wastewater treatment works construction, 24248
- Noise abatement programs:
 - Pavement breakers and rock drills; noise emission standards; inquiry; meeting, 26589
- Ocean dumping:
 - Secondary treatment requirements for discharges into marine waters, 17484, 20024, 20025
- Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.:
 - 4-Amino-6-(1,1-dimethyl)-3-(methylthio)-1,2,4-triazin-5 (4H)-one, 28524
 - Calcium hypochlorite etc., 25697
 - Chlorothalonil, 19240

EPA

- O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate, 25837
- Dimethyl tetrachloroterephthalate, 16352
- 2, 6-Dimethyl-4-tridecylmorpholine, 22751
- Dioxathion; codex tolerances, 27866
- Methomyl, 21700, 24861
- Parathion or its methyl homolog, 24714
- Terbacil, 20246
- Pesticide programs:
 - Registration guidelines; Agriculture Secretary notification, 16517
- Pesticides, tolerances in animal feeds:
 - 4-Amino-6-(1,1-dimethylthio)-3-(methylthio)-1,2,4-triazin-5 (4H)-one, 28522
- Regulatory process, public participation in:
 - water pollution programs, various; advance notice, 20821, 22060
- Toxic substances:
 - Polychlorinated biphenyls (PCBs):
 - manufacturing, processing, distribution, and use ban, 24802
- Waste management, solid:
 - Disposal facility classification criteria; hearing and extension of time, 17374
- Hazardous wastes, standards for transporters, 18506
- Water pollution; effluent guidelines for certain point source categories:
 - Electroplating; report availability; extension of time, 16517, 26042
- Water pollution control:
 - Drinking water; interim primary regulations; control of organic chemical contaminants, 19055, 25838
 - Hazardous substances; designation; list; correction, 27569
 - Hazardous substances; determination of harmful quantities; list additions; correction, 27569
 - Hazardous substances; determination of measurement units and penalty rates; list additions; correction, 27569
 - Hazardous substances; determination of removability; list additions; correction, 27569
- Water pollution control; National discharge elimination system and State program elements:
 - Permits, short and long term options, 22167
- Water pollution programs, various; public participation in regulatory process; advance notice, 20821, 22060

NOTICES

- Air pollutants, hazardous; National emission standards:
 - Arizona; authority delegation, 21031
 - California; authority delegation, 21031
 - Nevada; authority delegation, 21031
 - Oregon; authority delegation, 20055
- Air pollution; ambient air monitoring reference and equivalent methods applications:
 - Ambient sulfur dioxide analyzer, 14721
 - 14 B/E Chemiluminescent NO-NOx analyzer, 23650
- Air pollution; standards of performance for new stationary sources:
 - Arizona; authority delegation, 21031
 - California; authority delegation, 21031
 - Nevada; authority delegation, 21031
 - Oregon; authority delegation, 20055

Air pollution control:
Clean Air Act, administration; nonexempt Federal contracts, grants, and loans; list of ineligible violating facilities, 14097, 25468
Exxon Corp., Platform Hondo; applicability of Clean Air Act determination, 16393
Hydrocarbon technology, for motor vehicles; cost effectiveness and feasibility analysis, 27892
Air pollution control, new motor vehicles and engines:
California; waivers, 15490, 17044, 19447, 20549, 25729
Air programs; fuels and fuel additives:
Alcohol-gasoline blends; waivers; guidelines, 24131
Lead phase-down standard; suspension applications, 20550, 21937
Methyl cyclopentadienyl manganese tricarbonyl (MMT); waiver; hearing, 24742
Air quality criteria; external review drafts; availability:
Arsenic, 18246
Cadmium, 23648
Coke oven emissions exposure, 16546
Polycyclic organic matter, 23649
Committees; establishment, renewals, terminations, etc.:
Interagency Toxic Substances Data Committee, 22776
Environmental programs, air and water pollution, pesticides, etc.; public participation in regulatory process; subject list, 14602
Environmental statements; availability, etc.:
Agency statements, weekly receipts, 14727, 15772, 17045, 18247, 19450, 20550, 20860, 21720, 22772, 24380, 25182, 26124, 27234, 27600, 28549
Food additive petitions:
Aluminum phosphide, 20051
O-(4-Bromo-2-chlorophenyl) O-ethyl S-propyl phosphorothioate, 16400, 22775
N,N-Dimethylpiperidinium chloride, 24130
O-Ethyl O-(4-(methylthio)-phenyl) S-propyl phosphorodithioate, 19077
Glyphosate, 19449
Paraquat, 16400
Parathion, 22775
Trichloroisocyanuric acid, etc., 21937
Tricyclazole, 19449
2-Methyl-2-(methylsulfonyl)propanol O-(methylamino)carbonyl-oxime, 18246
Grants, State and local assistance:
Minority construction contractors utilization, 24908
Sewage treatment works; construction; Buy American, 14722
Treatment works, construction; toxicity of chemical grouts for sewer rehabilitation; program requirements memorandum, 21504
Improving Government regulations; inquiry, 14602, 23679
Meetings:
Administrator's Toxic Substances Advisory Committee, 14721, 23648, 24593
Air Pollution Control Techniques National Advisory Committee, 26797
Drinking Water National Advisory Council, 18018
FIFRA Scientific Advisory Panel, 14721, 19449, 21504, 22775

Hazardous waste regulatory program; industry meeting, 23650
Interagency Toxic Substances Data Committee, 22776, 26345
Municipal Construction Division Management Advisory Group, 27602
Resource Conservation Committee, 19291, 22442, 24384, 25186
Science Advisory Board, 15187, 17045, 17399, 19291, 20277, 23012, 23013, 25181, 26123, 26797
Noise pollution:
Noise environment assessment guidelines; inquiry, 28549
Ocean dumping:
Bioassay procedures for permit program manual, availability, 28249
Pesticide applicator certification; Federal agency plans:
DOD plan, 25468
Pesticide applicator certification and interim certification; State plans:
Colorado, 18019, 28249
Hawaii, 22443
Illinois, 20864
Rhode Island, 14107
Pesticide registration applications, 13915, 15001, 15487, 15488, 16400, 16402, 17397, 17398, 19447, 20052, 21505, 22776, 23650, 24384, 25184, 25470
Pesticide uses, restricted; classification procedures; reprint availability, 17399
Pesticides; intensive scientific review ingredient list, 16807
Pesticides; tolerances, registration, etc.:
Ambush (Permethrin), etc., 14099
BAAM (Amitraz), 14100
Benomyl, 14098, 24739, 28250
Bonide Paris Green Pellets, etc., 13915, 14727
O-(4-Bromo-2-chlorophenyl) O-ethyl S-propyl phosphorothioate, etc., 16399, 16400
Cadmium; correction, 15186
Captafol, etc., 26796
2-Chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene, 16405
Cyano (3-phenoxyphenyl) methyl-4-chloro-alpha-(1-methylethyl) benzeneacetate, 19290
Dibromochloropropane (DBCP), 23649
2-(4-(2,4-Dichlorophenoxy) phenoxy) propanoate, 17398
Dinoseb, 27891, 27892
2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuran-yl methanesulfonate, 20051
O-Ethyl O-(4-(methylthio)phenyl) S-propyl phosphorodithioate; extension, 22241, 25181
Ferriamicide Bait, 24593
Glyphosate, 19077, 20549
Goal 2E (RH-2915), 24905
Gossypure, H.F., 18018
GYPCHEK, 20550
HEXAKIS (2-methyl-2-phenylpropyl)-distannoxane; withdrawn, 19291
Hirsutella thompsonii, 16404
Isopropyl palmitate, 20051
Johnson's Diaper Liners, etc., 26347
Methyl 2-(4-(2,4-dichlorophenoxy)phenoxy) propanoate and its metabolites, 14721, 16404, 28036
2-Methyl-2-(methylsulfonyl) propanal O-((methylamino)carbonyl) oxime; correction, 16400

Metribuzin, 20050
Norton, 15188, 19290
Oryzalin, etc., 15486, 15487
Oxadiazon, 22775
Oxamyl, 28546, 28548
Paraquat, 24737
Preferred Bird and Squirrel Repellent Formula 3906 L, 25866
Pydrin, 24738, 24741
Restricted use products; provisional cancellation, 28774
Sodium azide, 16404
Sodium cyanide, 28546
Sodium monofluoroacetate, 14100
Terramycin, 24740, 24903, 24904, 24905, 24906
Thiabendazole (2-(4-thiazolyl)benzimidazole), 18246
2,4,5-Trichlorophenoxyacetic acid, 17116, 19291, 24379, 24743
Trifluralin, 16405
Triforine, 20055, 28547
Triphenyltin fluoride, 20052
ZP Tracking Powder, 25181
Toxic and hazardous substances control:
Hazardous waste regulatory program, industry meeting, 23650
Polychlorinated biphenyls (PCBs) and fully halogenated chlorofluoroalkanes; preliminary exportation guidelines, 24818
Security of confidential business information; draft procedures availability and inquiry, 13915
TSCA Interagency Testing Committee report to EPA; priority consideration chemicals for testing, 16684, 24907
Water pollution; effluent guidelines for certain point source categories:
Concrete products; industry guidance development; availability, 16393
Water pollution control:
Federal Water Pollution Control Act, administration; nonexempt Federal contracts, grants, and loans; list of ineligible violating facilities, 14097, 25468
Treatment works, publicly owned; sampling and analytical procedures, 26126
Water pollution control; discharge of pollutants:
Iowa, 24379
Oregon, 26610
Pennsylvania, 18017, 20549
Water pollution control; safe drinking water; public water systems designations:
California, 25180
Colorado, 14537
Guam, northern groundwater system, 17868
New Hampshire, 18611, 26478
New York, 26611
Rhode Island, 18611, 19713, 26479
Water quality, criteria; inquiry, 21506, 24593
Water quality standards:
Marine waters; availability, 13914
State; adoptions and approvals, 18247

ENVIRONMENTAL QUALITY COUNCIL

PROPOSED RULES

National Environmental Policy Act; implementation; procedural provisions, 25230

NOTICES

Committees; establishment, renewals, terminations, etc.:
Interagency Toxic Substances Data Committee, 22776
Improving Government regulations; inquiry, 22593
Meetings:
Interagency Toxic Substances Data Committee, 22776, 26345
TSCA Interagency Testing Committee, 14712, 15480, 21030

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PROPOSED RULES

Employee selection procedures; uniform guidelines; hearing and meeting change, 14955
Procedural regulations:
Charges deferred to appropriate State and local agencies; designated 706 agencies, 22220
Records availability:
Freedom of information; schedule of fees, 26454
Remedial and/or affirmative action guidelines; final action delay, 16349

NOTICES

Employment nondiscrimination; memorandum of understanding with FCC; extension of time, 15493
Improving Government regulations; inquiry, 22610, 24212
Meetings; Sunshine Act, 14598, 14794, 16881, 17112, 18128, 18399, 19103, 19985, 20367, 20611, 21407, 21976, 23084, 24653, 25224, 25770, 26183, 27282, 27639, 27954, 28328
Meetings; Sunshine Act; EEOC operations report as standing agenda item, 27234
Privacy Act; systems of records; annual republication, 19634
Records and reports:
Apprenticeship information report; extension of filing deadlines, 14359
Employer information report; extension of filing deadlines, 14360
Local union information report; extension of filing deadlines, 14360
Religious discrimination; work scheduling and employee religious needs; hearing, 14360

EXECUTIVE OFFICE OF PRESIDENT

See Central Intelligence Agency.
Environmental Quality Council.
Management and Budget Office.
Science and Technology Policy Office.
Trade Negotiations, Office of Special Representative.

EXPORT-IMPORT BANK

RULES

Freedom of information; correction, 14438

FARM CREDIT ADMINISTRATION

RULES

Financing, eligibility and scope:
Federal land bank and production credit association loans, 16447

APRIL-JUNE 1978, FEDERAL REGISTER INDEX

Loan policies and operations:
Banks for cooperatives; price support program commodities, 27782
Personnel administration; nondiscrimination in employment; editorial changes, etc., 15622

PROPOSED RULES

Funding and fiscal affairs:
Banks for cooperatives, 27849

NOTICES

Improving Government regulations; inquiry, 21984

FARMERS HOME ADMINISTRATION

RULES

Account servicing:
Routine; reamortization, 21640
Association, community facility loans:
Indian tribes and tribal corporations, 18161
Water and waste disposal systems, community domestic; development grants, 15136, 20221, 25331
Watershed loans in certain States; provisions removed, 22671
Drought stricken areas, special assistance; project completion dates, 20956
Environmental statements; filing with EPA, 28440
Farm purchase and development loans (individual):
Land conservation and development: Appalachian Region discontinued, 20221
Grant assistance to State and local governments and nonprofit organizations; jointly funded, 26690
Guaranteed loan programs:
Business and industrial loans, expedited procedures for loan applications, 25801
Emergency livestock loans, 28439
Insurance:
Flood Insurance Program, National; servicing companies, 18538
Insured association and organization loans, bonds and notes for; CFR Part removed, 19342
Loan and grant programs (group):
Associations; resource conservation and development loans and watershed loans and advances, 28442
Community facility; cable television easements, 19342
Community facility loans; water and waste disposal programs, 25800
Loan and grant programs (individual):
Disaster assistance; replacement of form, 24265
Farmer loans; deferral of loan installments, 17936
Organization and functions:
State advisory committees; advisory capacity to State directors, elimination, 23986
Rural development:
Area development assistance planning grants, comprehensive planning, 14283, 15137
Rural housing loans and grants:
Handicapped; eligibility requirements extended to, 26562
Loan funds to finance common areas, playgrounds and tot lots, 24264

Low-income families, maximum adjusted income for; increase, 22671
Rental assistance program, 25790
Security for loans; elimination of personal liability requirement for limited partnership, 26278

PROPOSED RULES

Appeals procedure, 21005
Guaranteed loan programs:
Business and industrial loans; citizenship requirements, 28510
Rural housing loans and grants:
Eligibility standards; repayment ability determination; inquiry, 14322
Loans to FmHA employees, 27195

NOTICES

Business and industrial loans; insured loan interest rates, 22066
Disaster and emergency areas:
Arizona, 21026
Florida, 15343, 24081
Kentucky, 22428, 24876, 26090
Louisiana, 18724
Michigan, 14529, 18724
Mississippi, 14529
Montana, 21026
New Jersey, 14529, 21706
New Mexico, 15343, 18724
New York, 15343
North Carolina, 15343, 20258
North Dakota, 14326
Pennsylvania, 14326, 15344, 17512
South Dakota, 24876
Tennessee, 14530, 15344, 21706, 25157, 26090
Texas, 15344, 16206, 19897, 21706, 24081, 24876, 26090, 27218
Improving Government regulations; inquiry, 21990
Mailing list for program regulations, establishment; inquiry, 17988
Rural housing loans and grants:
Low income housing repair grants, distribution; inquiry, 17988

FEDERAL AVIATION ADMINISTRATION

RULES

Air carriers certification and operations:
Agricultural aircraft operations; operations review program, 22643
Agricultural aircraft operations; special VFR night operations, 28178
Air carriers, scheduled, with helicopters; operations review program, 22643
Air taxi and commercial operators of small aircraft; flight data and cockpit voice recorders, 28177
Air taxi and commercial operators of small aircraft; ground proximity warning system, 28176
Air travel clubs using large airplanes; ground proximity warning system, 28176
Air travel clubs using large airplanes; operations review program, 22642
Domestic, flag, and supplemental air carriers and commercial operators of large aircraft; aircraft and airport security for charter flights, 24829
Domestic, flag, and supplemental air carriers and commercial operators of large aircraft; flight data and cockpit voice recorders, 28177

Domestic, flag, and supplemental air carriers and commercial operators of large aircraft; ground proximity warning system, 28176

Domestic, flag, and supplemental air carriers and commercial operators of large aircraft; operations review program, 22641, 22646, 28403

Foreign air carriers, operations; aircraft and airport security for charter flights, 24829

Air traffic operating and flight rules: Operations review program, 22640

Parachute-jumping; operations review program, 22641

SST noise and sonic boom requirements, 28421, 28420

Aircraft maintenance, preventive, etc.: Operations review program, 22639

Aircraft products and parts, certification: SST noise and sonic boom requirements, 28419, 28421

Airmen certification: Airmen other than flight crewmembers; operations review program, 22640

Flight crew members other than pilots; operations review program, 22639

Pilots and flight instructors; operations review program, 22639

Airworthiness directives: AirResearch, 22339

AVCO Lycoming, 26281, 26282

Avions Marcel Dassault-Breguet, 27510

Beech, 20786, 22933, 23702

Bell, 16698, 19205, 22340

Bendix, 19209, 28171

Boeing, 14959, 15414, 17937, 19645, 24273, 27511, 28171

British Aerospace, 25802, 26281

British Aircraft, 15411, 24825

Britten-Norman, 21870

Burkhart Grob, 26280, 27511

Canair, 15410, 15412

Cessna, 13866, 14959, 18542, 20785, 22341, 22935, 25420, 25805, 27512

Champion, 19207

Detroit Diesel Allison, 19206

Dowty Rotol, 16701

General Dynamics, 19211

General Electric, 13867, 14439, 21443

Glaser-Dirks, 27512

Goodyear, 14960, 28170

Grumman American, 15411, 16699, 27513

Hawker Siddeley, 13868, 14439, 14958, 17346

Lockheed, 16151, 19210

Maule, 28172

McCauley, 16700, 24272

McDonnell Douglas, 14440, 16152, 16702, 19207, 19208, 24826

Piper, 15409, 15413, 16700, 17344, 21441, 22342, 25805, 26697, 28170

Pratt & Whitney, 14441, 17345, 21442, 22932, 25804

Rockwell International, 19209

Rolls Royce, 13869

Schweizer, 26697

Scottish Aviation, 24826

Short Brothers, 20786, 21870, 21871, 24827, 25803, 26280

Sikorsky, 25803

Teledyne Continental Motors, 16152, 17345

Area high routes, 17347, 18551, 19212

Aviation maintenance technician schools: Operations review program, 22643

Control areas, 15416, 17938, 21449

Control zones, 14443, 15415, 17939, 18550, 18551, 19645, 21444, 21445, 21873, 22935, 24275, 25805, 26283, 27516

IFR altitudes, 16704, 25808

Jet routes, 15416, 17369, 17940, 19212, 21451, 23704

Noise standards: SST noise and sonic boom requirements, 28419, 28421

Repair stations: Operations review program, 22643

Reporting points, 15416

Restricted areas, 16703, 21450, 22936, 23703

Standard instrument approach procedures, 14444, 16711, 19214, 21452, 24276, 25810, 28175

Transition areas, 13869, 14442, 14443, 14961, 15414, 15415, 15416, 17347, 17939, 17940, 18550, 19212, 19213, 19646, 19647, 20225, 20787, 20788, 20789, 21448, 21872, 22342, 23703, 24274, 25806, 25807, 26283, 26698, 27516, 28173, 28174

VOR Federal airways, 16153, 19212, 21444, 21446, 21447

PROPOSED RULES

Air carriers certification and operations: Air carriers, scheduled, with helicopters; operations review program, 20448

Air travel clubs using large airplanes; flight crewmember flight and duty time limitations and rest requirements; extension of time, 22650

Domestic, flag, and supplemental air carriers and commercial operators of large aircraft; flight crewmember flight and duty time limitations and rest requirements; extension of time, 22650

Domestic, flag, and supplemental air carriers and commercial operators of large aircraft; operations review program, 20448

Domestic, flag, supplemental, commercial, and foreign air carriers; aircraft and airport security; extension of time, 13891

Air traffic rules, special: Chicago Midway Control Zone, VFR weather minimums; withdrawal, 17370

Aircraft products and parts, certification: Parts manufacturer and export airworthiness approvals, etc.; extension of time, 15432

Aircraft registration: Fees revision, 16924

Aircraft titles and security documents, recording: Fees revision, 16924

Airmen certification: Aircraft registration and recording conveyances; fees revision, 16924

Airmen medical standards: Aircraft registration and recording conveyances; fees revision, 16924

Airport security; domestic, flag, supplemental, commercial and foreign air carriers; extension of time, 13891

Airspace, navigable, objects affecting, 26322

Airworthiness directives: Agusta, 24849, 24850, 25830, 25831, 27555

Airbus Industrie, 20818

Avions Marcel Dassault-Breguet, 24849

Bell, 13890, 14970

Boeing, 16191, 17364, 19666

British Aircraft, 15433

Cessna, 25831

Dornier, 27556

Grumman American, 25833

Hiller, 24848

Lockheed, 17366

McCauley, 23727

McDonnell Douglas, 20237, 25832

Messerschmitt-Bolkow-Blohm, 16740

Pratt & Whitney, 14517, 21463, 22374

Rolls-Royce, 27557

Short Brothers, 27558

Societe Nationale Industrielle Aerospatiale, 24847, 26318

Airworthiness standards: Transport category airplanes; Douglas DC-3 airplanes with turboprop engines, 21900

Area high routes, 15437

Control areas, 26321

Control zones, 20819, 20820, 24851, 28207

Fees: Aircraft registration and recording conveyances; fees revision, 16924

Instruction, ground; aircraft registration and recording conveyances; fees revision, 16924

Jet routes, 20240, 24856

Restricted areas, 16741, 16744, 17368, 19238, 20239, 24854, 24855, 25837, 26323

Transition areas, 13891, 14518, 15434, 15435, 15436, 15437, 16742, 16743, 17966, 19235, 19236, 19237, 20238, 21464, 22375, 22376, 22377, 22985, 22986, 22987, 24324, 24851, 24852, 24853, 24854, 25834, 25835, 25836, 26319, 26320, 26755, 26756, 27559, 28208, 28209

VOR Federal airways, 14971, 14972, 16192, 16742, 17367

NOTICES

Advisory circular checklist and status of FAA regulations, 19773

Airport and airway development legislation, post-1980; consultative planning conference, 19310

Airports; metropolitan Washington; proposed policy; extension of time, 26353

Airspace, navigable; objects affecting: Hotel, proposed; Atlantic City, N.J.; hearing, 16835, 20289

Committees; establishment, renewals, terminations, etc.: Special Aviation Fire and Explosion Reduction Advisory Committee, 24929

Technical Advisory Committee, 17437

Discrete Address Beacon System (DABS); proposed National Aviation Standard; inquiry; extension of time, 24930

Meetings: Aeronautics Radio Technical Commission, 16836, 19747, 20883, 21962, 23068, 24930, 26811, 28282

Air Traffic Procedures Advisory Committee, 13937, 28282

Airport and airway development legislation, post-1980; consultative planning conference, 19310

Organization and functions: Air Carrier District Office, Ypsilanti, Mich.; address change, 20883

Air Traffic Control Tower, Martha's Vineyard, Mass.; commissioning, 20882

Control tower, Pueblo, Colo.; reduction of hours, 25894

FEDERAL BUREAU OF INVESTIGATION

NOTICES

Meetings: National Crime Information Center Advisory Policy Board, 15018

National Crime Information Center: Criminalistic Laboratory Information System (CLIS); establishment, 23022

FEDERAL COMMUNICATIONS COMMISSION

RULES

Accounts, uniform system; ratemaking, plant and expense items, etc., 21333

Amateur radio service: Alien permit applications, 21886

Frequencies available for use by general class amateur radio operators, 19854

Licensing and call sign assignment systems; simplification, 15325

Licensing and operating of complex systems of stations and modification of repeater subbands, 15327

Novice class operators; licensing; editorial change, 17359

Operation in Tex. and N. Mex.; 220-225 MHz band, 14663

Operator classes, privileges, and requirements; technician class, 15324

Operator examinations; administration, 25122

Aviation services: Applications filed by corporations, permitting corporate officers or authorized employees to sign, 27991

License renewal applications, 20803

Cable television relay services (SEE ALSO Radio broadcast services): Microwave stations; continuous operation, 25127

Cable television (SEE ALSO Radio broadcast services): Network program exclusivity protection, 16339, 22212, 25123, 26022

Systems; definition and creation of classes of system, 20235

Citizens radio service. SEE Personal radio services.

Experimental broadcast services: Broadcasting regulation; editorial changes, etc., 14661

FM broadcast translator stations; operation termination, 14660

Experimental nonbroadcast radio services: Equipment demonstration license; eligibility statement, 16736

FM broadcast stations; table of assignments (SEE ALSO Radio broadcast services): Alaska, 27536

Arkansas, 20499

Georgia, 21885, 26022, 27536

Idaho, 24534

Illinois, 21678

Kansas, 14965

Kentucky, 27535

Louisiana, 15322

Maine, 14966

Montana, 20498, 20989

New Mexico, 25345

New York, 14966

North Carolina, 20498

Ohio, 27537

Oklahoma, 26022

Pennsylvania, 14658, 27537

Vermont, 27538

Virginia, 27538

Washington, 14965

Wisconsin, 27540

Frequency allocations and radio treaty matters: Radio frequency bands, design of; minimization of interference to radio astronomy operations, 25344

Industrial radio services: Applications filed by corporations, permitting corporate officers or authorized employees to sign, 27992

Land transportation radio services: Applications filed by corporations, permitting corporate officers or authorized employees to sign, 27992

Maritime services, land and shipboard stations: Applications filed by corporations, permitting corporate officers or authorized employees to sign, 27991

Emission classes, 17473

Lights, electric; ten watt minimum, deletion, 15324

Radiotelephone connection bridge-to-bridge; reserve energy, 20010

Radiotelephony; frequencies between 4000-27500 kHz; restrictions, 19853

Ship radio telegraph stations; assignment of frequencies; editorial changes, 22042

Transmitter power; increase, 18679

Microwave service, private operational, fixed: Applications filed by corporations, permitting corporate officers or authorized employees to sign, 27992

Organization and functions: Amateur code credit certificates, 25122

Contracting Officer, appeals from decisions of; use of GSA Board of Contract Appeals, 24310

Personal radio services: Applications filed by corporations, permitting corporate officers or authorized employees to sign, 27992

Citizens band radio service (CB); simplification of regulations, 13978

Morse code identification equipment, automatic; permission to use in land mobile radio services, 13880

Practice and procedure: Amateur code credit certificates, 25122

Applications filed by corporations, permitting corporate officers or authorized employees to sign, 27991

FM noncommercial educational stations applications; changes in processing, 25822

Public safety radio services: Applications filed by corporations, permitting corporate officers or authorized employees to sign, 27992

Local government services, travelers information stations; frequencies 530, 1606, and 1612 kHz, 25129

Radio broadcast services (SEE ALSO Cable television; FM stations; Television stations): Broadcasting reregulation; modulation monitoring standards, 14659

Radio frequency devices: CB receiver certification program; technical specifications, 25122

Walkie-talkies, low powered; marketing cut-off date extension, 14654

Telephone and telegraph companies: Employee compensation, reporting requirements; annual report form M, 16738

Telephone companies: Accounts, uniform system; ratemaking, plant and expense items, etc., 21333

Telephone network, connection of terminal equipment: Message toll and wide area telephone service; interstate and foreign; classes, 16499

Television broadcast stations; table of assignments (SEE ALSO Radio broadcast services): Alabama, 24534

Georgia, 24535

Illinois, 27539

Wisconsin, 27539

Television broadcast stations (SEE ALSO Radio broadcast services): Subscription television; sports events programming restriction repeal, etc., 15324

PROPOSED RULES

Aviation services: Frequencies, certain; use at nontower airports, 25150

Stations, operation requirements; notification of commencement, 19690

Cable television relay services (SEE ALSO Radio broadcast services): Band expansion, 12.7-12.95 to 12.7-13.20 GHz; inquiry; extension of time, 23616

Cable television (SEE ALSO Radio broadcast services): Saturated systems; regulatory relief from mandatory signal carriage requirements; extension of time, 15342

Domestic public radio services: Permission to use "offset" channels in 150 MHz band, 28007

Educational FM broadcast stations (SEE ALSO Radio broadcast services): Assignment practices, classes, and table of assignments, 27682

Experimental broadcast services: CARS band expansion; inquiry; extension of time, 23616

FM translator stations, 14695, 19695, 23619

FM broadcast stations; table of assignments (SEE ALSO Radio broadcast services): Alabama, 26082

Alaska, 18574

Arkansas, 19692, 27570

California, 17979, 20247, 20249, 23617, 24862

Florida; extension of time, 19896
 Georgia, 19241
 Idaho; extension of time, 16355, 19896
 Illinois, 15341, 27572
 Iowa, 19895
 Kentucky, 19691
 Louisiana, 27571
 Michigan, 16203, 19240
 Minnesota, 14977
 Nebraska, 14088
 Nevada, 16354
 New Jersey, 17981, 25698
 North Carolina, 28011
 Ohio, 27569
 Vermont; extension of time, 24334
 Wisconsin; extension of time, 21701
 Frequency allocations and radio treaty matters:
 CARS band expansion; inquiry, extension of time, 23616
 Maritime services, land and shipboard stations:
 Pilot communications; frequency 156.875 MHz available for exclusive use, 24863
 Public coast station applicants; financial qualifications, 20026
 Radiotelegraph services, interconnection and upgrading of public coast facilities, 16355, 21701, 28215
 Radiotelegraph stations, ship; communication with amateur stations, 20249
 Stations, operation requirements; notification of commencement, 19690
 Organization and functions:
 Common Carrier Bureau, Chief; authority delegation; cable television pole attachment complaints, 19886
 Practice and procedure:
 AM broadcast stations; directional antennas; radiation pattern conversions; inquiry; extension of time, 16783
 Cable television; pole attachment complaint procedures, 19886
 Ex parte communications in informal rulemaking proceedings, 27868
 Responses to FCC inquiries and making of misrepresentations to FCC; terminated, 14692
 Stations, operation requirements; notification of commencement, 19690
 Written responses to FCC inquiries and making of misrepresentations to FCC, 14693
 Radio broadcast services (SEE ALSO Cable television; Educational FM; FM stations; Television stations):
 AM broadcast stations; directional antennas; radiation pattern conversions; inquiry; extension of time, 16783
 Public notice of intent to sell broadcast station; withdrawn, 24560
 Radio frequency devices:
 Motor vehicle ignition systems, spark type; interference; extension of time, 28007
 UHF television receiver noise figures, 15744, 19893
 Telephone companies:
 Domestic public message services by entities other than Western Union; inquiry, 14080, 24861
 Intercity private line services; new priority system; extension of time, 14088
 Jurisdictional separation; integration of rates and services, 13902, 23746, 26336

Telephone companies; extension of lines and discontinuance of service:
 MTS and WATS market structure; extension of time, 18711
 Telephone network, connection of terminal equipment:
 Lamp and/or annunciator functions of systems; petition denied, 16519
 Television broadcast stations; table of assignments (SEE ALSO Radio broadcast services):
 Delaware, 24715
 District of Columbia; extension of time, 17508, 24863
 Idaho, 19693
 Louisiana, 26083
 Maryland, 14694, 17508
 Maryland; extension of time, 24863
 North Carolina, 14694
 Oregon, 18711, 20517
 Virginia; extension of time, 17508, 24863
 Television broadcast stations (SEE ALSO Radio broadcast services):
 Subscription television; authorization, cut-off procedures, etc.; extension of time, 23618
 TV towers, common use of, 24717
 Television broadcast stations (SEE ALSO Radio broadcast services):
 Multiple, ownership; top-50 market policy, 17982

NOTICES

AM broadcast applications ready and available for processing, 13916
 Amateur radio service; call sign assignment system, 15493
 Canadian standard broadcast stations; notification list, 13916, 20081, 23013
 CB radios, used 23-channel, marketing cut-off date extension; petition denied, 19718
 Deaf and hearing impaired, telecommunications services; inquiry; extension of time, 19292
 Domestic public radio services; applications accepted for filing, 15006, 15496, 18024, 18028, 19714, 20551, 22067, 24133, 24743, 25472, 26127, 28036
 Domestic public radio services; applications accepted for filing; publication policy, 25737
 Election candidates; broadcasting time equal access; inquiry, extension of time, 16809
 Emergency Broadcasting System; closed circuit testing, 23757
 Employment nondiscrimination; memorandum of understanding with EEOC; extension of time, 15493
 Fairness doctrine, handling of public issues under; inquiry; extension of time, 18030
 FM broadcast applications ready and available for processing, 15497, 17538, 28043
 FM translator applications ready and available for processing, 15007, 17537, 22778
 Meetings:
 Marine Services Radio Technical Commission, 16809, 19920, 23759, 28044
 National Industry Advisory Committee, 18767
 Private Land Mobile Advisory Committee, 24747, 28044
 Meetings; Sunshine Act, 14371, 14794, 15835, 16644, 17444, 19103, 19496, 19497, 19753, 20367, 21104, 21407,

21408, 22153, 23084, 24168, 24789, 28082, 28083
 Mexican standard broadcast stations; notification list, 20082, 24726
 Minority ownership, of broadcasting facilities; policy statement, 25188
 Press use of domestic private line service, preferential rates, 19916
 Privacy Act; systems of records, 18019
 Radiotelegraph operator code examinations, commercial; use of typewriters at; terminated, 26480
 Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies, 18738, 20553, 21938, 23759, 24912, 28041, 28220
 Satellite communications services; applications accepted for filing, 15008, 16406, 18031, 19291, 21032, 22778, 25383, 25866, 28040, 15495B
 Satellite communications services; applications accepted for filing; publication policy, 25737
 Standard broadcast applications ready and available for processing, 25186
 Telephone network, connection of terminal equipment:
 "Grandfathered" PBX and key telephone systems, 21937, 26612
 Television broadcast applications ready and available for processing, 15364, 24132, 25737
 Television translator applications ready and available for processing, 15007, 17537, 22778
 World Administrative Radio Conference, 16809, 18748, 18761, 19915, 19920, 20865, 21518, 21937, 21944, 22779, 24747, 26479
 Hearings, etc.:
 American Telephone & Telegraph Co., 15005, 17048, 18020
 Bonduel Telephone Co., 18021
 Castelletti, Joseph E., Jr., 25739
 Comsat rate case; extension of time, 15005, 17048
 Contact-Colorado Springs, Inc., et al., 13917
 Cranbury Communications Co., 27602
 Daves Park Court Standard, 15009
 Davis, David L., 24910
 Dunn, Edward, 17399
 Erway, Guy S., et al., 16808
 Gaines, Clement C., 15497
 Grace Missionary Baptist Church, Inc., et al., 17400
 Graves, Jerry M., 17401
 ITT World Communications, Inc., et al., 25737
 Madison County Broadcasting et al., 19918
 Minnesota Mobile Telephone Co. et al., 13917
 Motion Picture Association of America, Inc., 19717
 Offshore Telephone Co., 19715
 RCA American Communications, Inc., 14730
 Radio Dispatch Corp. et al., 16223
 Superior Homes et al., 15498
 Tsimpides, Lycurgus G., 18033
 WMOA, Inc., 24384
 WACB, Inc., 23758
 Western Union Telegraph Co., 18033, 21938
 Yanda, Russell V., et al., 14730
 Yugas, Thomas E., 27604

FEDERAL REGISTER INDEX, APRIL-JUNE 1978

FEDERAL CONTRACT COMPLIANCE PROGRAMS OFFICE

RULES

Women in construction, affirmative action obligations of contractors and subcontractors, 14894, 18672

NOTICES

Women and minorities in construction; participation goals and timetables, 14899, 19473

FEDERAL CROP INSURANCE CORPORATION

RULES

Crop insurance; various commodities:
 Barley, 18536, 19338
 Citrus, 20782
 Corn, 14638, 15319, 18536, 19338
 Forage, 15319
 Forage seeding, 16693, 18537
 Oats, 18536, 19338
 Peanuts, 26561
 Potatoes, 14639, 15319, 18536, 19338
 Wheat, 15320, 18536, 18537, 19338

PROPOSED RULES

Crop insurance; various commodities:
 Forage, 25826

FEDERAL DEPOSIT INSURANCE CORPORATION

RULES

Fair housing; advertising, poster, and recordkeeping requirements; effective date deferred, 18540

Information:

Disclosure; public access to confidential records, 17804
 Interest on deposits:
 Rates on time deposits, maximum, 21437, 23559, 24270, 25994
 Savings accounts, automatic transfers, 20223
 Time deposits, maximum rates of interest payable in Wash. by mutual savings banks, 23559
 Treasury Department; purchase of funds; correction, 20223

PROPOSED RULES

Conduct standards, 28518
 Securities transactions; recordkeeping and confirmation requirements; extension of time, 15432

NOTICES

EDP examination, scheduling and report, distribution; policy statement, 25739
 Income tax remittances by banks to holding company affiliates; policy statement, 22241
 Meetings; Sunshine Act, 14372, 14598, 15404, 16256, 16880, 16881, 17627, 18829, 18830, 19985, 20367, 20891, 21104, 21978, 22517, 23085, 24168, 24790, 25528, 25529, 25771, 26680, 26880, 28328
 Nondiscrimination in real estate loan activities; fair housing policy statement rescission, 28552

APRIL-JUNE 1978, FEDERAL REGISTER INDEX

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

RULES

Disaster assistance:
 Individual and family grants; eligibility criteria, 22030
 Legal services, 19230
 Small project applications (in-lieu contributions), 18992

PROPOSED RULES

Disaster assistance:
 Temporary housing, 27206

NOTICES

Disaster and emergency areas:
 Alabama, 19466
 Arizona, 13923
 Arkansas, 19467
 California, 13923, 22083
 Indiana, 17871
 Louisiana, 22084
 Minnesota, 19467
 Mississippi, 19467, 25741
 Montana, 25741, 26798
 Nebraska, 17871, 17872, 19468
 North Dakota, 19468, 22084
 Wyoming, 25741

FEDERAL ELECTION COMMISSION

PROPOSED RULES

Labor and corporate organization activity; communication costs; reporting duties; inquiry, 14673
 Presidential Election Campaign Fund:
 Financing conventions, primary matching fund, and general election; inquiry and hearing, 23587

NOTICES

Meetings; Sunshine Act, 13966, 14373, 15055, 16257, 17112, 18399, 19497, 20611, 20892, 21791, 22805, 24168, 25224, 26183, 27280
 Policy statements, etc.; vacated, 16547

FEDERAL ENERGY ADMINISTRATION

See *Economic Regulatory Administration*.

FEDERAL ENERGY REGULATORY COMMISSION

RULES

Electric utilities:
 Accounts, uniform system; reclassifying amortization reserves, 15418
 Statements and reports (schedules); base load liquified natural gas facilities, 19363
 Statements and reports (schedules); reclassifying amortization reserves, 15419
 Investigations; policy and procedures, 27176
 Natural gas companies:
 Accounts, uniform system, base load liquified natural gas facilities, 19356
 Property, units of; base load liquified natural gas facilities, 19361
 Statements and reports (schedules); base load liquified natural gas facilities, 19363

Statements and reports (schedules); FPC Form 69 filing requirements discontinued and Form EPA 50 issued, 27178
 Statements and reports (schedules); reclassifying amortization reserves, 15419
 Organization, operation, information, etc.:
 Forms, filing and issuance, 27178
 Photographing and recording of open Commission meetings; restrictions, 20790
 Policy and interpretations:
 Natural gas; optional procedure for certifying new producer sales; policy statement, 23564
 Practice and procedure:
 Photographing and recording of open Commission meetings; restrictions, 20790
 Sunshine Act; implementation, 20790
 PROPOSED RULES
 Electric utilities:
 Forms; hydroelectric license, short form, 18196
 Licenses, permits, and determination of project costs; hydroelectric license, short form, 18196
 Natural gas companies:
 Alaska natural gas transportation system, conditional certificates of public convenience and necessity; incentive rate of return, 20241
 Certificates of public convenience and necessity and abandonment; 60-day emergency review; inquiry, 15730
 Rate schedules and tariffs; rate change filing requirements, 26026
 Statements and reports (schedules); rate change filing requirements, 26026
 Organization, operation, information, etc.:
 Hydroelectric license, short form, 18196
 Petroleum allocation and price rules, general:
 Motor gasoline, exemption; recommendations, 14491
 Petroleum allocation regulations, mandatory:
 Motor gasoline, exemption; recommendations, 14491
 Petroleum price regulations, mandatory:
 Motor gasoline, exemption; recommendations, 14491
 Policy and interpretations:
 Hydroelectric license, short form, 18196
 Natural gas programs, 60-day emergency review; inquiry, 15730
 Rate change filing requirements, 26026
 Practice and procedure:
 Remedial orders review; hearing, 19669
 NOTICES
 California, Thermalito and Table Mountain Irrigation Districts; Fish and Game Department intervention, 18014
 Coal shortage, wholesale power transactions; investigation, 21355
 Electric facilities observation by Commissioners, etc.:
 Philadelphia Electric Co., Susquehanna River in Md. and Pa., 17866
 Environmental statements; availability, etc.:
 Prattville pumped storage project, 25466
 Western LNG Terminal Associates et al., 17039
 Land withdrawals:
 Alaska, 25366

Federal Energy

California, vacated, 24732, 26788
 Colorado, vacated, 14354, 26787
 Idaho, vacated, 26787
 Oregon, 28241
 Utah, vacated, 26787
 Wyoming, vacated, 14354

Meetings:
 Gas Policy Advisory Council, 18245
 Meetings: Sunshine Act, 14272, 14598, 14794, 15404, 15553, 15835, 16257, 16258, 16645, 16881, 17112, 17445, 17627, 17907, 18399, 18627, 18830, 19104, 19497, 19753, 19986, 20085, 20368, 20611, 20892, 21562, 21791, 21976, 21977, 22153, 22296, 23085, 23086, 23675, 23842, 24404, 24653, 25225, 25405, 25771, 26183, 26361, 26681, 27281, 27639, 28083, 28611

Natural gas companies:
 Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend, 14995, 15770, 17040, 17041, 18746, 19442, 20272, 20543, 21499, 21717, 22440, 23632, 23755, 24736, 25460, 25857, 25858, 27231, 27887
 Small producer certificates, applications, 14536, 14719, 15772, 18244, 20041, 21719, 22440, 25462, 25864, 27891

Pipeline carriers:
 Construction indices; 1977 annual, 17534
 Tentative valuation reports, 27233

Hearings, etc.:
 Alabama Electric Cooperative, Inc., et al., 26474
 Alabama Power Co., 21375, 24118
 Alabama-Tennessee Natural Gas Co. et al., 16381, 18740, 24888, 26104, 27583
 Alaska Natural Gas Transportation System, 24573
 Alcan Pipeline Co., 18741
 Algonquin Gas Transmission Co. et al., 15179, 16536, 20265, 20267, 21348, 24119, 25367
 Algonquin LNG, Inc., et al., 15481
 American Electric Power Service Corp., 16800, 24572
 American Petrofina Co. of Texas, 17038
 Anza Electric Cooperative, Inc., 25720
 Appalachian Power Co. et al., 17042, 21348, 21932, 21933
 Arapahoe Production Co. et al., 25369
 Area rate proceedings, 14350, 16381, 17859
 Arizona Public Service Co., 14984, 15354, 21348, 21499, 25370, 27583
 Arkansas Louisiana Gas Co. et al., 14985, 14996, 16800, 17996, 19273, 23630
 Arkansas Power & Light Co., 21348, 21349, 21375, 24573
 Arkansas-Missouri Power Co. et al., 14985, 24730
 Ashland Exploration, Inc., 25861
 Ashton, Philip T., 27593
 Atlantic Richfield Co. et al., 15354
 Bailey, Walter E., 24586
 Bangor Hydro-Electric Co., 26474
 Beacon Gasoline Co., 19273, 27584
 Bear Creek Storage Co. et al., 17859
 Bechtel, William B., 26791
 Bishop, Robert W., 27594
 Black Hills Power & Light Co., 15355, 21375, 25370
 Boise Project Board of Control, 17525

Boston Edison Co., 16801, 17525, 17861, 19432, 23631, 24574
 Braden-Deem, Inc., 21349
 Bright & Co., 14350
 Brooklyn Union Gas Co., 17996
 Brown, Maurice L. Co., 25463
 Burnett, H. N., et al., 25862
 Callery Properties, Inc., 14986
 Cardinal Operating Co., 15355
 Carolina Power & Light Co., 20031
 Central Hudson Gas & Electric Corp. et al., 19434, 20033, 20042
 Central Illinois Public Service Co., 21928, 26475
 Central Kansas Power Co., 21349, 26105
 Central Louisiana Electric Co., 16381
 Central Maine Power Co., 15355, 24890, 25713
 Central Power & Light Co., 21376, 21500, 26788
 Central Telephone & Utilities Corp., 23632, 25720
 Central Virginia Electric Cooperative, Inc., et al., 20267, 21933
 Chace Oil Co., Inc., 21927
 Chattanooga Gas Co., 20033
 Cincinnati Gas & Electric Co., 25371, 26788
 Cities Service Co. et al., 25860, 26105
 Cities Service Gas Co. et al., 16536, 17997, 20042, 20267, 27584, 28236
 Clark-Cowlitz Joint Operating Agency, 21501
 Clay Basin Storage Co., 17998
 Cleveland Electric Illuminating Co., 26776
 Clifton, James T., 18245
 Cliffs Electric Service Co., 19434
 Colorado Interstate Gas Co. et al., 14987, 15185, 16537, 18000, 18001, 20033, 20034, 20035, 20043, 21376, 21928, 24120, 25459, 26105, 26106
 Columbia Gas Transmission Corp. et al., 14350, 14715, 14716, 16382, 16537, 18002, 19910, 19911, 20036, 20544, 21928, 24120, 24575, 24576, 25721, 26779, 27584, 28237
 Columbia Gulf Transmission Co. et al., 17862, 18003, 19274, 24576, 24730, 24891, 27584, 27585
 Commonwealth Edison Co., 25371
 Concerned Citizens Against Power Monopoly et al., 27585
 Condon, Verner H., 19288
 Connecticut Light & Power Co., 15355, 17530, 24576, 27586
 Connecticut Valley Electric Co. Inc., 24121
 Connecticut Yankee Atomic Power Co., 21350, 25371
 Consolidated Edison Co. of New York, 21929, 23632
 Consolidated Edison Co. of New York, Inc., 18003
 Consolidated Gas Supply Corp. et al., 16215, 16216, 16382, 16383, 16802, 17526, 18004, 18005, 19434, 20043, 20545, 21350, 21929, 25721, 26106, 26123, 26779, 26788
 Consumers Power Co., 17526
 Continental Oil Co. et al., 21929, 26774
 Coors-Curry Electric Cooperative, Inc., 26106
 Cordillera Corp., 18005
 Counsil, William G., 27599
 Crooke, Edward Austin, 19280

Crown Zellerbach Corp., 23632
 Daniel Oil Co., 26107
 Davis, Paul R., et al., 24583
 Dayton Power & Light Co., 20043
 Delmarva Power & Light Co., 17531, 25721
 Delta Drilling Co., 16537
 DeMaria, Peter J., 21367
 Des Arc, Ark., City of, et al., 28235
 Dixel Resources Inc., 24892
 Donovan, Raymond E., 19283
 Drinkwater, Terrell C., 25373
 Duke Power Co., 17526, 19279, 23633, 25713, 25721
 Duncan, W.A., 26791
 Duquesne Light Co., 23633
 East Tennessee Natural Gas Co., 16383, 16538, 16802, 17526, 18005, 18245, 22239, 24731, 25373, 25722, 26475, 28237
 Eastern Shore Natural Gas Co., 18006, 23633, 25722
 Eccc, Inc., et al., 20043
 El Paso Electric Co., 14351, 19436, 27586
 El Paso Natural Gas Co. et al., 14351, 14987, 14989, 16538, 16803, 17862, 19275, 20037, 20045, 20545, 21351, 21352, 21933, 23633, 23634, 23635, 24731, 25725, 25728, 27586
 Electric Energy, Inc., 25722
 Ellis, William B., 27600
 Elms Brothers & Co., 14997
 Elrod, Hubert K., et al., 24122, 25720
 Equitable Gas Co. et al., 15356, 20546, 26780
 Equitable Petroleum Corp., 15356
 Escondido Mutual Water Co. et al., 22236
 Explorer Pipeline Co., 15356
 Exxon Pipeline Co. of Calif., 24577
 Fee, Walter F., 27598
 Fischer, Frank E., 25373
 Florida Cities' et al., 26107
 Florida Gas Transmission Co., 16804, 23635, 26108
 Florida Power Corp., 21377
 Florida Power & Light Co., 16384, 17864, 18742, 19436, 19911, 21352, 23636, 24122, 24893, 25373, 25727, 26789
 Gas Gathering Corp., 25714, 28237
 Gas Producing Enterprises, Inc., 24122
 Gas Research Institute, 25172
 Gas Transport, Inc., 21353
 Georgia Power Co., 18245, 20046, 25374
 Gibson Drilling Co., 25462
 Ginther, N.C., et al., 24127
 Goldking Production Co., 17864
 Granite State Gas Transmission, Inc., 16804, 21353
 Great Lakes Gas Transmission Co., 14718, 16804, 16805, 18006, 20046, 21929
 Great Northern Nekeosa Corp., 19280, 19911, 19912
 Green Mountain Power Corp., 16384, 21353, 21354
 Gresham, Wis., Village of, 27587
 Griffin, Thomas A., Jr., 25374
 Gulf Oil Corp., 14990
 Gulf States Utilities Co., 16384, 23637, 24577
 High Island Offshore System, 18007
 Highlands, N.C., et al., 21371, 26122
 Homestead, Fla., City of, et al., 25371
 Huber, J.M., Corp., 28237
 Huffington, Roy M., Inc., 20268
 Huggard, Ernest D., 24122

Hurbrough, John H., et al., 20270
 Hytech Energy Corp., 26108
 Idaho Power Co., 21930, 25374
 Illinois Power Co., 14352, 14993, 17527, 17531, 18245, 21377, 24893, 25722
 Independent Oil & Gas Association of W. Va., 24123
 Indiana & Michigan Electric Co. et al., 14353, 17527, 19280, 21354, 24123, 24124
 Interstate Energy Co., 14353
 Interstate Power Co., 21354, 24577
 Iowa Power & Light Co., 17865
 Iowa Public Service Co., 17528, 18742, 19281
 Iowa Southern Utilities Co., 19438, 25374, 26108
 Iowa-Illinois Gas & Electric Co., 15357, 24731
 J & J Enterprises, Inc., et al., 18743
 Jackson Purchase Electric Cooperative Corp. et al., 24577
 Jacobs, Jerrold L., 24124
 Jones-O'Brien, Inc., et al., 19275
 Kansas City Power & Light Co., 20047, 21377, 28238
 Kansas Gas & Electric Co., 14718, 19438, 24732, 25375, 25723, 26781
 Kansas Power & Light Co., 24125, 27587
 Kansas-Nebraska Natural Gas Co., Inc., 14353, 17528, 19276, 19438
 Kauffman, John T., 14353
 Kennebec River Pulp & Paper Co., Inc., 14353
 Kentucky Gas Storage Co., 19913
 Kentucky Utilities Co., 23637, 25714
 Kentucky West Virginia Gas Co., 21361, 28238
 Kings River Conservation District, 23638
 Larkin, Frederick G., Jr., 25375
 Lawrence Hydroelectric Associates, 26781
 Lawrenceburg Gas Transmission Corp. et al., 18007
 Lehigh Portland Cement Co. et al., 18008, 27588
 Lesky, Stephen, 25375
 Lewis, M.H., 26790
 Lockhart Power Co., 21361
 Lone Star Gas Co. et al., 18745
 Louisiana Power & Light Co., 17866
 Maguire Oil Co., 24125
 Maher, Joseph R., 27587
 McClendon, Jack R., 24124
 McCulloch Oil & Gas Corp., 16385
 McGalliard & Sparks, Inc., 23638
 McKelvy Oil Co., 24732
 Mesa Petroleum Co. et al., 25464
 Meyer, Martin R., 24125
 Michigan Consolidated Gas Co., 18008, 22236
 Michigan Gas Storage Co., 14990
 Michigan Power Co., 14355
 Michigan Wisconsin Pipe Line Co. et al., 16220, 16385, 16538, 17529, 18246, 19438, 21378, 23011, 23638, 24733, 25714, 27588
 Mid-Continent Area Power Pool, 16386
 Mid-Continent Gas Storage Co. et al., 24125
 Midwestern Gas Transmission Co., 14997, 16539, 20272, 22237, 27588
 Minnesota Power & Light Co., 26774
 Mississippi Power & Light Co., 14355, 15357

Mississippi River Transmission Corp., 17529, 21930, 21931, 26108, 26123, 26781
 Missouri Edison Co., 14997
 Missouri Power & Light Co., 24578, 27589
 Missouri Utilities Co., 19439
 Mitchell Energy Corp., 25465
 Mobil Oil Corp. et al., 20047
 Montana Power Co., 16387
 Montana-Dakota Utilities Co., 20047, 25376, 25723, 26109
 Montaup Electric Co., 19913, 24126
 Morgan, Charles F., 24120
 Mosinee Paper Corp., 24895
 Mountain Fuel Resources, Inc., et al., 16539, 17532, 21378, 26774, 27590, 28242
 Mountain Fuel Supply Co., 16387, 19277, 19914, 20547, 26775, 26782, 26785
 MRT Exploration Co. et al., 24578
 Municipal Electric Utilities Association of New York State et al., 25376
 Nagel, Theodore J., 27591
 National Fuel Gas Supply Corp. et al., 16540, 20047, 20547, 24733, 24895, 25376, 26475, 26775
 Natural Gas Pipeline Co. of America et al., 16540, 18009, 20038, 20048, 21378, 21502, 25376, 25377, 26109
 New Bedford Gas & Edison Light Co., 16387, 23638
 New England Power Co., 19281, 23639
 New England Power Pool, 21379, 24578
 New York Power Pool, 24579
 New York State Electric & Gas Corp., 19281
 Newton, John T., 26790
 Niagara Mohawk Power Corp., 15357, 19077, 25723
 North Penn Gas Co., 21362, 23012, 25716, 26111, 28242
 Northern Illinois Gas Co., 24580
 Northern Indiana Public Service Co., 16220, 25716, 26782
 Northern Natural Gas Co., 14355, 14990, 16222, 16387, 18010, 19277, 19281, 19283, 21361, 23639, 24581, 26782, 26783, 28242, 28541
 Northern States Power Co., 16388, 16805, 17530, 17532, 18010, 20858, 23012, 23639, 24582, 24733, 25378, 25715, 27591
 Northville Dock Pipe Line Corp. et al., 19283, 21362
 Northwest Alaskan Pipeline Co., 16805, 26111
 Northwest Pipeline Corp., 14998, 15185, 15482, 16388, 16541, 17533, 18011, 19277, 19278, 19439, 21362, 21363, 25715, 26115
 Northwestern Public Service Co., 17531, 18011, 24127
 ONG Exploration, Inc., et al., 28545
 Ohio Power Co. et al., 18012, 24582, 25726
 Oil & Gas Futures, Inc. of Texas, et al., 23639
 Oklahoma Gas & Electric Co., 15357, 15358, 16388, 27592, 28243
 Oklahoma Natural Gas Gathering Corp., 20038, 26475
 Orange & Rockland Utilities Inc. et al., 17534
 Otter Tail Power Co., 16389, 19283, 21364

Pacific Alaska LNG Co. et al., 21364
 Pacific Gas & Electric Co., 21502, 21931, 25716
 Pacific Gas Transmission Co., 16806
 Pacific Power & Light Co., 14356, 15358, 21365, 24583
 Pan Eastern Production Co., 27593
 Panhandle Eastern Pipe Line Co., 16541, 16542, 21365, 21366, 24734, 25378, 27592, 28243
 Parent, Brian A., 24119
 Penn Yan, Village of, N.Y., 26478
 Pennsylvania Power Co., 25465
 Pennsylvania Power & Light Co., 17866, 26115, 26476, 26783
 Pennzoil Co., 18012, 23641
 Pennzoil Louisiana & Texas Offshore Co., Inc., et al., 24127, 25378, 26116
 Perkins, A.E., 21347
 Philadelphia Electric Co. et al., 15358, 15359, 25380, 25716
 Portland, Oreg., City of, 18741
 Power Authority of State of New York, 16542
 Public Service Co. of Indiana, Inc., 15359, 19441, 19914, 21367, 26476, 26775
 Public Service Co. of New Hampshire, 15359, 21367, 24584, 26117
 Public Service Co. of New Mexico, 21367, 21368, 21931, 21934, 26476
 Public Service Co. of Oklahoma et al., 14357, 17866, 25380
 Public Utility District No. 1 of Chelan County, Wash., 23641, 24897, 26474
 Public Utility District No. 1 of Klickitat County, Wash., 16806
 Public Utility District No. 1 of Lewis County, Wash., 16389
 Puget Sound Power & Light Co., 25380, 26477
 RMNG Gathering Co., 15483
 Raton Natural Gas Co., 16389, 23642
 Redding, Calif., City of, 26779, 27593
 RIC-Delta 1973 Limited Partnership, 14991
 Safe Harbor Water Power Corp., 25380
 San Diego Gas & Electric Co., 14999, 17532
 Schrader, Lynwood, 26790
 Sea Robin Pipeline Co. et al., 17534, 18013, 21368, 23642, 24735, 27594
 Seifried, Dean B., 25381
 Seminole Electric Cooperative, Inc., et al., 23642, 26783
 Shenandoah Gas Co., 20048
 Sierra Pacific Power Co., 24585
 Sinclair Oil Corp., 16390
 Slack, Richard, C., et al., 18012
 Smith, Earl T. & Associates, Inc., 25460
 Smith, H. Russell, 25381
 Smith, James F., 25381
 Sohio Natural Resources Co. et al., 25864
 South Carolina Electric & Gas Co., 15359
 South Georgia Natural Gas Co., 16390, 25718, 26477, 26786
 South Texas Natural Gas Gathering Co., 21369, 24727, 28244
 Southern Company Services, Inc., 20038
 Southern Natural Gas Co. et al., 13914, 14357, 14358, 14999, 16542, 16543, 19278, 19284, 20275, 21932, 23643, 24735, 25717, 26477, 27594
 Southwest Gas Corp., 18013, 19279, 21369, 26120
 Stern, Peter M., 27593

Federal Energy

Federal Energy

Suete Oil Co. et al., 18746
Sun Oil Co., 15360, 16390, 18014, 23643, 23644, 24128, 26121
Switzer, Donald C., 27586
Tampa Electric Co., 25381, 25382
Tenneco Exploration, Ltd., et al., 17530, 26784
Tenneco Inc. et al., 28244
Tenneco LNG, Inc., 21369
Tennessee Gas Pipeline Co. et al., 14719, 14991, 15483, 15484, 16544, 19446, 20049, 21370, 22238, 24128, 24729, 24901, 25718, 26121, 26478, 26786, 27595, 28244, 28245
Tennessee Natural Gas Lines, Inc., 19914, 21370, 25382, 26784
Texas Eastern Transmission Corp. et al., 15000, 16544, 17866, 18014, 21371, 21503, 21934, 23644, 28246
Texas Gas Pipeline Corp., 26775
Texas Gas Transmission Corp., 14358, 14992, 18014, 19915, 20275, 20548, 21934, 24730, 24898, 24899, 25467, 26121, 28246
Texasgulf Inc., 25467
Torrance, Walter F., Jr., 27598
Trans Alaska Pipeline System, 21371
Transcontinental Gas Pipe Line Co., 19284
Transcontinental Gas Pipe Line Corp. et al., 15360, 16807, 17867, 18015, 19915, 21932, 22238, 23645, 23646, 24128, 24129, 24900, 25382, 25719, 25724, 26786, 28247, 28248
Transport, Inc., 19441
Transwestern Pipeline Co., 14359, 15361, 16544
Trunkline Gas Co., 16544, 23647, 26776, 27595, 27596, 27597
Tucson Gas & Electric Co., 17532, 19288, 21373, 23012
U-T Offshore System, 14359, 18015
Ukiah, City of, Calif., 26478
Union Electric Co., 15361, 17530, 18016, 21373, 21934, 27597
Union Oil Co. of California et al., 26122, 26791
United Gas Pipe Line Co. et al., 14992, 15485, 16390, 16547, 17867, 18016, 19279, 19288, 19442, 20049, 21373, 21374, 22239, 24546, 24901, 25382, 25719, 25720, 26784, 27597
Upper Peninsula Generating Co., 18016, 25383
Upper Peninsula Power Co., 17867
Utah Power & Light Co., 15361, 18747, 20050
Valley Gas Transmission, Inc., 24901, 25724
Vermont Electric Cooperative, Inc., 18017, 26776, 26791
Vermont Electric Power Co., Inc., 18017
Virginia Electric & Power Co., 23647
Washington Natural Gas Co., 27598
Washington Water Power Co., 20050
West Texas Gathering Co., 17043, 20050
Western Gas Interstate Co., 15362
Western Massachusetts Electric Co. et al., 17531
Western Transmission Corp., 19289, 21504
Wisconsin Power & Light Co., 14359
Wisconsin Public Service Corp., 24588
Wisconsin River Power Co., 15363
Wisconsin Valley Improvement Co., 21936
Woods, Herbert S., & Associates, 18742
Yeadon, Fred W., Jr., 24122

FEDERAL GRAIN INSPECTION SERVICE

RULES

Grain standards:
Fees for inspection and weighing services; Canada, 16307

NOTICES

Export seed grain; weighing requirements; effective date, 15345
Grain standards; inspection points:
Alabama, 25157
California, 21707
Idaho, 17847, 20828
Indiana, 25157
Kansas, 22428
Minnesota, 21707
Mississippi, 26090
Nebraska, 27218
Texas, 27574
Utah, 17847, 20828
Wisconsin, 21707

FEDERAL HIGHWAY ADMINISTRATION

RULES

Civil rights:
Construction contracts; reporting requirements for equal opportunity employment, 19386
Engineering and traffic operations:
Design standards, highway, 14648
Design standards; 1978 Uniform Traffic Control Devices Manual, 27787
Pedestrian facilities and bikeways, 17814
Railroad-highway insurance protection; coverage amount, 22177
Highway safety:
Pavement marking demonstration program, 18668
Motor carrier safety regulations:
Agents, special; functions, etc., 20011
Out-of-service driver sticker; elimination of requirement, 22360
Practice rules; service of responses to claims, 19047
Payment procedures:
Funds, advancement; partial rescission, 16167
Reimbursement; partial rescission, 16167
Reimbursement; railroad work, 27518
Program management and coordination;
Federal and federally assisted programs and projects, 15626
Public transportation:
Mass transit and special use highway projects; correction, 15321
Right-of-way and environment:
Environmental impact and related statements, 20979
Landscape and roadside development; information centers and systems, 19390

PROPOSED RULES

Highway safety improvement program, 14683
Motor carrier safety regulations:
Employee safety and health standards; extension of time, 21338
Hours of service; limitations for commercial vehicle drivers, 21905
Parts and accessories; air brake system, commercial vehicles; extension of time, 25156

Parts and accessories; commercial vehicles; step, handhold and deck requirements; extension of time, 21337

NOTICES

Bridge tolls, etc.:
Delaware River Port Authority, 18618
Meetings:
Uniform Traffic Control Devices National Advisory Committee, 22797
Traffic Control Devices, Uniform, National Advisory Committee; inquiry, 14561

FEDERAL HOME LOAN BANK BOARD

RULES

Federal home loan bank system:
Bank members, liquidity requirement reduction, 18163
Nondiscrimination requirements; redlining, etc.; policy statement, 22332
Rate of return limitations; certificate accounts, maturities; distribution, 27984
Rate of return limitations; new certificate accounts, 21439, 24271
Federal Savings and Loan Insurance Corporation:
Loans in excess of 80 percent of value, two family dwellings; operations, 17467
State housing corporations investments; policy statement, 20224
Federal savings and loan system:
Certificate accounts; new categories; operations, 24272
Electronic fund transfers through remote service units; operations, 22930
Loans in excess of 80 percent of value, two family dwellings; operations and definitions, 17465

PROPOSED RULES

Federal home loan bank system:
Banks members; liquidity and investment, 17479
Nondiscrimination; handicapped; Federally assisted programs, 16190
Nondiscrimination requirements; furnishing applicants with property appraisal for rejected applications, 22374
Rate of return limitations; certificate accounts, maturities; distribution, 20237
Simplification of regulations, 14505
Tax and loan depositories; savings and loan participation, 17831
Federal Savings and Loan Insurance Corporation:
Liquidity and investment; operations, 17479
Loans, private mortgage insurance; operations, 17833
Tax and loan depositories; savings and loan participation; operations and definitions, 17831
Federal savings and loan system:
Investment in Inter-American Savings and Loan Bank; operations, 23727
Tax and loan depositories; savings and loan participation; operations, 17831

NOTICES

Advisory committee review; inquiry:
Federal Savings and Loan Advisory Council, 14360

Applications, etc.:
Entex, Inc., 25868
First Federal Savings & Loan Association of Okeechobee County, 22242
First Federal Savings & Loan Association of Suffolk, 25383
Southern California Savings & Loan Association, 27606
State Management, Inc., 23652
Sunwood Corp., 16407
TSA Financial Corp., 26615
Transwestern United Corp., 16407
Tropical Savings Investors, Inc., 20553
Washington Federal Savings & Loan Association, 22242
Western Financial Corp., 16407
Meetings:
Federal Savings and Loan Advisory Council, 26480
Meetings; Sunshine Act, 14598, 15553, 16645, 17627, 18628, 19986, 21105, 21791, 24169, 25406, 26183, 27281

FEDERAL HOME LOAN MORTGAGE CORPORATION

NOTICES

Meetings; Sunshine Act, 20086, 21105, 23844

FEDERAL HOUSING COMMISSIONER—OFFICE OF ASSISTANT SECRETARY FOR HOUSING

RULES

College housing; loan program for 78 FY, 25784
College housing; waiver of provisions, 26709
Minimum property standards handbook; one and two-family dwellings, multifamily dwellings and care-type housing, 18670
Mobile home construction and safety standards:
Welding procedures, 19846, 25965
Mortgage and loan insurance programs:
Condominium ownership; interest rates, 23713
Cooperative housing; interest rates, 23713
Mutual mortgage insurance; interest fees charge date, 19846
Mutual mortgage insurance; interest rates, 13870, 23713
Rental projects; mortgage insurance and interest reduction payments; tax and utility subsidy program, 23567
Urban renewal and insured improvement loans; debenture interest rates reduction, 13870

PROPOSED RULES

Mortgage and loan insurance programs:
Coinsurance; late charges, 16513
Condominium ownership; late charges, 16513
Home ownership and project rehabilitation; elimination of substantially rehabilitated properties, 17834
Multifamily housing; late charges, 16514
Mutual mortgage and insured home improvement; late charges, 16513
Nursing homes and intermediate care facilities; late charges, 16514

Property improvement and mobile home loans; late charges, 16513
Property improvement and mobile home loans; maturity period increase, 25349
Property improvement and mobile home loans; refinancing, 22058
State housing finance agencies; late charges, 16514
Urban renewal and insured improvement loans; late charges, 16514

NOTICES

Fire safety requirements, plastic plumbing fixtures, 18034
Thermal insulation; foamed urea-based; standards, 15367

FEDERAL INSURANCE ADMINISTRATION

RULES

Crime insurance program, Federal:
Insurance purchases and claims adjustment; N.C. eligibility, 16337
Insurance purchases and claims adjustment; Puerto Rico eligibility, 27187
Program description; Safety Management Institute added as servicing company, 27186
Flood elevation determinations:
Alabama, 16326, 16327, 16469, 16470, 22676, 23714
Alaska, 22677
Arizona, 16328, 22678, 26300, 28180, 28460
Arkansas, 22679, 26435
California, 16471, 22189, 22190, 22191, 22680, 22681, 22682, 22683, 22684, 22685, 23714, 23715, 26709, 26710, 28181
Colorado, 16471, 16472, 22191, 22192, 22687, 22688, 22689, 22690, 26301, 26433, 26711, 27788
Connecticut, 16328, 16472, 22193, 22194, 22691, 26431, 26432, 28181
Delaware, 16473, 22195, 27526
Florida, 16329, 16473, 16474, 22196, 22197, 22692, 24520, 26429, 26432, 26711, 26712, 28182
Georgia, 22197, 22693, 22694, 26430, 26441, 26712, 26713, 26714
Idaho, 22011
Illinois, 16329, 22010, 22012, 22013, 22020, 22021, 22198, 22199, 22200, 22695, 22696, 24297, 24298, 24522, 26301, 26302, 27522
Indiana, 16475, 22014, 22015
Iowa, 16330, 22015, 22022
Kansas, 16330, 16331, 16475, 22016, 22017, 22023, 22024, 22025, 22026, 24298, 24299, 26302, 26435, 26714
Kentucky, 16331, 16332, 16476, 22018, 22027
Louisiana, 16333, 16476, 22019, 26436, 26437, 27520, 27529, 28460
Maine, 22019
Maryland, 16333, 22020, 26303
Massachusetts, 22027, 22028, 22189, 22697, 23715, 23716, 24050, 26303, 26715, 27521, 28182
Michigan, 16334, 16477, 22028, 22029, 22698, 23717, 26304, 26715, 27519, 27527, 28461
Minnesota, 16450, 22346, 22347, 22348, 22349, 22350, 22699, 22700, 23718,

Federal Insurance

24297, 24299, 24300, 24522, 26304, 28461
Mississippi, 16335, 22350, 22701, 26305, 27523
Missouri, 15165, 16335, 16450, 16451, 22351, 22352, 22353, 22702, 22703, 22704, 22705, 22706, 22946, 22957, 24050, 24521, 26306, 28462, 28463
Nebraska, 16336, 22354, 22961, 26306, 26307
New Hampshire, 16452, 24301, 27524
New Jersey, 16336, 16452, 16459, 16460, 22200, 22355, 22939, 22950, 22969, 24049, 24050, 26307, 26716, 27524
New Mexico, 16453, 22201, 27529
New York, 16453, 16454, 16460, 16461, 16462, 16463, 16464, 16465, 16466, 22201, 22202, 22940, 22949, 22953, 22957, 22961, 24301, 24302, 24303, 24304, 24305, 24521, 26308, 26309, 26716, 26717, 28183, 28184, 28463, 28464, 28465
North Carolina, 16454, 16456, 16467, 22203, 22204, 22955, 22962, 24049, 24306, 26290, 26291
North Dakota, 22962, 27788
Ohio, 16456, 16457, 16458, 16459, 16467, 22204, 22205, 22206, 22207, 22945, 22946, 22955, 23719, 24050, 24307, 24308, 24526, 26293, 26294, 26717
Oklahoma, 24052, 26718
Oregon, 16468, 16725, 22208, 24051, 24052, 24289, 26294, 27181
Pennsylvania, 16715, 16716, 16725, 16726, 16727, 16728, 22178, 22179, 22180, 22181, 22182, 22183, 22184, 22209, 24050, 24053, 24054, 24055, 24056, 24057, 24058, 24059, 24060, 24061, 24289, 24290, 24291, 24520, 24525, 26295, 26296, 26297, 26298, 26299, 27182, 27183, 27518
Puerto Rico, 27525
Rhode Island, 16717, 22956, 24050
South Carolina, 22184, 22958, 22963, 24523
South Dakota, 16729, 24292, 27519
Tennessee, 22942, 24292
Texas, 16717, 16718, 16730, 22943, 22951, 22958, 22959, 22968, 23720, 24049, 24293, 26300, 27183, 27184, 27530
Utah, 22185, 22186, 26440
Vermont, 16730, 22948, 22963, 22964, 24527, 25720, 27525, 27527, 27530
Virginia, 16718, 16719, 16720, 16721, 16722, 16723, 16724, 16731, 16732, 16733, 16734, 22186, 22187, 22188, 22943, 22947, 22952, 22956, 22959, 22960, 22964, 22966, 22967, 23721, 24293, 24294, 24296, 24523, 26431, 26437, 26438, 26439, 27184, 28184
Washington, 16316, 16317, 16318, 16319, 16320, 16724, 22968, 26434, 26440, 27185
West Virginia, 16321, 16322, 16323, 26441
Wisconsin, 16323, 16324, 16715, 16725, 22706, 22940, 22941, 22949, 22952, 22954, 23721, 23722, 24049, 27186, 27522, 27528
Wyoming, 16325, 16326, 22177, 22944, 24296, 27521, 28466
Flood insurance; communities eligible for sale:
Alabama, 16313, 24012, 26288, 27788, 27987

Federal Insurance

Arizona, 16314, 27987
 Arkansas, 27788
 California, 16314, 24014, 26285, 27788
 Colorado, 24014, 26285, 26288, 27987
 Connecticut, 16313, 16314, 18671, 24012, 24014, 26285, 26288, 27788, 27987
 Delaware, 24012, 24014, 26288
 Florida, 16313, 24012, 24014, 26285, 26288, 27788, 27987
 Georgia, 16313, 16314, 18671, 24012, 24014, 27788
 Idaho, 16313, 24012, 24014, 26288
 Illinois, 16313, 16314, 24012, 24014, 26285, 26288, 27788, 28671
 Indiana, 18671, 26288, 27788
 Iowa, 16314, 24012, 24014, 26285, 26288, 27788
 Kansas, 24014, 27788, 27987
 Kentucky, 16314, 24014, 26288, 27788, 27987
 Louisiana, 16314, 24012, 24014, 26285, 26288, 27788
 Maine, 16314, 18671, 24012, 24014, 26285, 26288, 27788
 Maryland, 16313, 16314, 18671, 24012, 24014, 26288, 27788
 Massachusetts, 18671, 24014, 26285, 27788
 Michigan, 16314, 24012, 24014, 26285, 26288, 27788, 27987
 Minnesota, 16313, 16314, 18671, 24012, 24014, 26288, 27788, 27987
 Mississippi, 16313, 16314, 18671, 24012, 24014, 26285, 27788
 Missouri, 18671, 24014, 26285, 26288, 27788, 27987
 Montana, 24012, 24014
 Nebraska, 16314, 18671, 24014, 27788
 New Hampshire, 24014, 26285, 27788, 28671
 New Jersey, 16313, 16314, 24012, 24014, 26285, 26288
 New Mexico, 16313, 24014
 New York, 16314, 24012, 24014, 26285, 26288
 North Carolina, 16313, 16314, 18671, 24012, 24014, 26285, 26288, 27788, 27987
 North Dakota, 16314, 24012, 24014
 Ohio, 16314, 24012, 24014, 27788
 Oklahoma, 16314, 24012, 24014, 27788
 Oregon, 16313, 16314, 18671, 24012, 24014, 26285, 26288, 27788
 Pennsylvania, 16313, 16314, 18671, 24012, 24014, 26285, 27788, 27987
 Rhode Island, 26285
 South Carolina, 24012, 24014, 26285, 27790
 South Dakota, 24012, 24014, 27788
 Tennessee, 16314, 24012, 24014, 27788, 27987
 Texas, 16314, 24012, 24014, 27788, 27987
 Utah, 16314
 Vermont, 18671, 26285, 26288, 27788, 27987
 Virginia, 16314, 24012, 24014, 26288, 27788, 27987
 Washington, 24014, 27987
 West Virginia, 24014, 26288, 27788
 Wisconsin, 24012, 26285, 26288, 27788, 27987
 Wyoming, 24012, 27788, 27987
 Flood insurance; special hazard areas:
 Alabama, 16316, 24022, 24023, 27792

Alaska, 27792
 Arizona, 24020, 24023, 27792
 Arkansas, 24020, 24023, 27792
 California, 24020, 24023, 27792
 Colorado, 24020, 24023, 27792
 Connecticut, 27792
 Delaware, 24022
 Florida, 24020, 24023, 27792
 Georgia, 24020, 24023, 27792
 Idaho, 24020, 24023, 27792
 Illinois, 24020, 24023, 27792
 Indiana, 24020, 24023, 27792
 Iowa, 16316, 24020, 24023, 27792
 Kansas, 24020, 24023, 27792
 Kentucky, 24020, 24023, 27792
 Louisiana, 16316, 24020, 24022, 24023, 27792
 Maine, 24033
 Massachusetts, 24023
 Michigan, 24020, 24023, 27792
 Minnesota, 24020, 24023, 27792
 Mississippi, 24023, 27792
 Missouri, 24020, 24023, 27792
 Montana, 24020, 24023, 27792
 Nebraska, 24020, 24023, 27792
 Nevada, 24023
 New Hampshire, 24023
 New Jersey, 16316, 24022, 24023, 27792
 New Mexico, 24020, 24023, 27792
 New York, 24020, 24023, 27792
 North Carolina, 24020, 24022, 24023, 27792
 North Dakota, 24020, 24023, 27792
 Ohio, 24020, 24023, 27792
 Oklahoma, 24020, 24023, 27792
 Oregon, 24020, 24023, 27792
 Pennsylvania, 16316, 24020, 24022, 24023, 27792
 South Carolina, 16316, 24023, 27792
 South Dakota, 24020, 24023
 Tennessee, 24020, 24023, 27792
 Texas, 24020, 24023, 27792
 Utah, 24020, 24023, 27792
 Vermont, 24020, 24023, 27792
 Virginia, 24023, 27792
 Washington, 24020, 24023, 27792
 West Virginia, 24023, 27792
 Wisconsin, 24020, 24023, 27792
 Wyoming, 24020, 24023, 27792
 Flood insurance; special hazard areas, map corrections:
 Alabama, 24675
 Arkansas, 28185
 California, 28186
 Colorado, 24675, 24676, 28186, 28187, 28193
 Connecticut, 16169, 24676, 24677, 28187, 28188
 Florida, 16169, 16170, 24677, 24678, 28189
 Georgia, 28189
 Kansas, 28190
 Michigan, 28190
 Minnesota, 24678, 24679
 Missouri, 24679
 New Jersey, 16170, 24680, 24681, 28191
 New York, 28191, 28192
 North Carolina, 24681
 North Dakota, 16171, 28192
 Oklahoma, 16171, 24682, 28193
 Pennsylvania, 24683
 Rhode Island, 16171, 24683
 South Carolina, 28193

Texas, 16172, 16173, 16174, 24684, 24685, 24686, 24687, 24688, 24689, 28194, 28195, 28196
 Virginia, 24689, 24690, 24691, 28197, 28198
 Wisconsin, 16174, 24691
PROPOSED RULES
 Flood elevation determinations:
 Alabama, 23732, 24699
 Alaska, 27855
 Arizona, 16746, 16747, 16748, 27855
 California, 16749, 16750, 16754, 16755, 16756, 18700, 22390, 22391, 23732, 23733, 23734, 23735, 24699, 27197, 27856
 Colorado, 16751, 16756, 18700, 18701, 18702, 27197, 27857
 Connecticut, 22391, 23735, 27561, 27857
 Delaware, 18702, 18703
 Florida, 23735, 24699, 27198, 27199
 Georgia, 16751, 16757, 27857
 Hawaii, 23736
 Illinois, 16758, 16759, 18703, 23738, 23739, 23740, 24700
 Indiana, 27200, 27201, 27858
 Kansas, 16760, 18704, 22392, 23740, 23741, 24548, 24700, 26033, 27202
 Kentucky, 16760, 23741, 23742
 Louisiana, 27859
 Maryland, 23743
 Massachusetts, 16761, 18704, 18705, 22393, 24548, 24549, 24550
 Michigan, 16751, 18705, 18706, 18707, 23595, 24701
 Minnesota, 24702, 27859
 Mississippi, 27860
 Missouri, 16763, 18708, 23596, 23597, 24550, 24702, 27202, 27203
 Nebraska, 16772
 Nevada, 24703
 New Hampshire, 18563, 18708, 18709, 23597, 24551, 24552, 27204
 New Jersey, 16752, 16763, 24704, 24705, 27205
 New York, 16764, 16765, 16766, 18564, 22393, 22394, 23598, 23599, 23600, 23601, 24706, 24707, 27206
 North Carolina, 16767, 22394, 23602
 North Dakota, 27861, 27862
 Ohio, 16752, 16767, 22395, 23603, 23604, 23605, 23606, 24553, 24707, 27862, 27863
 Oregon, 22400, 24553, 24554, 24555, 24556, 24557, 27562, 27563, 27863
 Pennsylvania, 16767, 16768, 18565, 22395, 22396, 22401, 22402, 22403, 27564, 27565, 27566
 South Carolina, 18565, 24708
 Tennessee, 22397, 24557
 Texas, 16769, 18566, 18567, 22397, 22403, 24558, 27864
 Utah, 24558, 24708, 24709, 24710
 Vermont, 16769, 22398, 22399, 22404
 Virginia, 16770, 18568, 22405, 22406, 22408, 22409
 Washington, 16753, 16754, 18569, 22399
 West Virginia, 16771, 22409, 24707, 27565
 Wisconsin, 18569, 22410
NOTICES
 Flood insurance; flood prone communities; prohibition of Federal assistance; list, 18268

FEDERAL MARITIME COMMISSION

RULES

Interpretations and policy statements:
 Collective bargaining agreements; exemption; interim statement, 25821
 Military rates; change in reporting period, 22982
 Practice and procedure:
 Rulemaking proceedings, conduct of, 19395
 Subpenas and discovery requests; service and legal representation; appeals, etc., 19665
 Self-policing systems, 18178, 22041, 25343, 28496
PROPOSED RULES
 Collective bargaining agreements; exemption; advance notice, 17845, 24559
 Financial reports by carriers in domestic offshore trades:
 Interest capitalization during construction; extension of time, 20026
 Rate base average value computation, 26081
 Oil pollution cleanup financial responsibility; oil and hazardous substances discharges, 16772, 21337
 Practice and procedure:
 Freight charges in foreign commerce; permission to refund or waive; applications, 18572, 24080

NOTICES

Agreements filed, etc., 13918, 15010, 15011, 15189, 15190, 16224, 16407, 16547, 17048, 17401, 17538, 18034, 18251, 18612, 19078, 19921, 20277, 20554, 20865, 20866, 21518, 22072, 22074, 22779, 23014, 23015, 24593, 25384, 26481, 27606, 27607, 28044, 28251
 Casualty and nonperformance, certificates:
 Compagnie Generale Maritime, 16549
 Costa Armatori S. A., 22443
 Delta Steamship Lines, Inc., 25385
 Hellenic Co. Overseas Cruise Vessels S.A., 26482
 Nouvelle Compagnie de Paquebots, 20278
 Venture Cruise Lines, Inc., 20278, 28252
 Complaints filed:
 A/S D/S Svendborg et al. v. Maryland Port Administration, 23013
 Adel International Development, Inc. v. Puerto Rico Maritime Shipping Authority and Star Lines, Inc., 15011
 Celanese Corp. v. Prudential Steamship Co., 19921
 Circle Industries Corp. v. Northeast Marine Terminal Co., Inc., 16549
 Clark, John T., & Son of Maryland, Inc. v. Maryland Port Administration, 23015
 Du Pont de Nemours, E.I. & Co., v. Seatrain Lines, Inc., 16549
 I.T.O. Corp. of Baltimore v. Maryland Port Administration, 23015
 Old Ben Coal Co. v. Sea-Land Service, Inc., 19079
 Pacific Freight Audit, Inc. v. American President Lines, Ltd., 27606
 Pacific Freight Audit, Inc. v. Sea-Land Service, Inc., 27607
 Union Carbide Corp. v. Japan Lines (U.S.A.) Ltd., 22443

Federal Railroad

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

NOTICES

Meetings, 15775, 23653, 26604

FEDERAL PRISON INDUSTRIES

RULES

Inmate accident compensation; increase in awards, 28466

FEDERAL PROCUREMENT POLICY OFFICE

NOTICES

Businesses, minority; subcontracting; procurement policy; inquiry, 14781
 Consultative services; guidelines, 20065
 Contracts, service; evaluation procedures; wage busting prevention for professionals, 18805
 Management system criteria and data required of contractors; controls; proposed policy, 17885
 Telecommunications functions; transfer; inquiry, 22468

FEDERAL RAILROAD ADMINISTRATION

RULES

Acquisition and modernization assistance; CFR part revoked, 25346
 Applications under section 505; internal rate of return information and forecast requirements, 14663
 Emergency Rail Facilities Restoration Act: Financial assistance, termination of certain programs, 25129
 Obligations guarantee; redeemable preference shares, etc., 14870
 Passenger terminals, financial assistance for, 21887
 Rail banking, acquiring interests in rail properties; interim regulations and inquiry, 14472
 Regional Rail Facilities Reorganization Act: Financial assistance, termination of certain programs, 25129
 Wheels, high carbon cast steel, for freight cars; removal; interim restrictions, 17472, 21334

PROPOSED RULES

Practice rules:
 Safety regulatory program; inquiry, 19696, 26337
 Tank cars, 105 insulated pressure; construction and design improvements; safety inquiry, 15167

NOTICES

Hazardous material transportation:
 Consolidated Rail Corp.; prohibition order, 22474
 New York, Susquehanna & Western Railroad Co.; emergency prohibition, 18396, 25894
 Intercity passenger service:
 Station program cost sharing determination, 18394
 Loan guarantee obligations:
 Missouri-Kansas-Texas Railroad Co., 17900
 Meetings:
 Minority Business Resource Center Advisory Committee, 17437, 25213

United States Lines, Inc. v. Maryland Port Administration, 22780
 Environmental statements; availability, etc.:
 Euro-Pacific Joint Service Agreement, modification, 27235
 North Atlantic Shipping Association Council et al., 28250
 Pacific Westbound Conference; wastepaper and woodpulp to Japan, 14538, 20278
 Seatrain, berthing of vessels in Puerto Rico, 27234
 Freight forwarder licenses:
 AM-CAN Freight Forwarders, Inc., 26482
 Bolton & Mitchell, Inc., 15188
 Bosco Services Freight Forwarding Co., 24138
 C&J Forwarding Inc., 19078
 Carbonell Forwarding Co., 25740
 Cargo Manila, Inc., 27606
 Click Delivery Service, Inc., 15189
 Cosdel International Co. et al., 24594
 Export Enterprises, Inc., 15459
 Gateway Shipping Co., Inc., 15189, 19078
 Global Freight Forwarders, Inc. et al., 14538
 International Kam, Inc., 15365
 Jamco International, Inc., 24138
 Land Joy International Forwarders, Inc., 13919
 Mainstream Forwarding Co., 26482
 Oceanic Forwarding Co., 24138
 Ramasi Services, Inc., 25191
 Sanda Trading Co., Inc., 27607
 Shipper's Export Inc. et al., 16224
 Sobelman, B. H., & Co., Inc., 19078
 Spies Shipping Corp., 21724
 Transgo Forwarding, Inc., 24138
 Trimodal, Inc., 28251
 Meetings; Sunshine Act, 14795, 15553, 16882, 17112, 18128, 19497, 20368, 21562, 22517, 23086, 23843, 24172, 24954, 25225, 25771, 26184, 26361, 27281, 27641
 Oil pollution; certificates of financial responsibility, 14537, 15011, 16548, 17869, 21722, 21723, 22073, 25190
 Rate increases, etc.; investigations and hearings, etc.:
 Pacific Westbound Conference; wastepaper and woodpulp to Japan, 14538
 Union Camp Corp. et al., 17539
 Tariff filing requirements; applications for exemption:
 Crowley Maritime Corp., 13919

FEDERAL MEDIATION AND CONCILIATION SERVICE

NOTICES

Improving Government regulations; inquiry, 21993
 Meetings:
 Arbitration Services Advisory Committee, 26349

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

See *Mine Safety and Health Federal Review Commission*.

FEDERAL POWER COMMISSION

See *Federal Energy Regulatory Commission*.

Federal Railroad

Rail services assistance program, local, 22262
Petitions for exemptions, etc.:
Lamoille Valley Railroad Co., 16586
Louisiana Southern Railway Co., 16586
Maryland & Delaware Railroad Co., 17899
Savannah State Docks Railroad Co., 17900
Preference shares financing applications:
Chicago & North Western Transportation Co., 26626
Rail services assistance program, local; meeting, 22262

FEDERAL REGISTER OFFICE RULES

CFR checklist; 1977 issuances, 13865, 18535, 23701

NOTICES

Freedom of information index requirements: 1978 quarterly guide to agency material, *See* p. 71, THIS INDEX.
Improving Government regulations; inquiry, 21995
Privacy Act; publication requirements, 1978; alternative plan, 23749
Regulations drafting workshops, May and June, 14556

FEDERAL RESERVE SYSTEM RULES

Authority delegations:

Consumer Affairs Division, Director; grant exemptions to States from consumer leasing provisions, 21332

Bank holding companies:

Assets and activities, transferred; continued control; withdrawal and interpretation; correction, 15147, 15321

Banking institutions, State; membership:

Loans by State member banks in special flood-hazardous areas, 18162, 20784

Credit by banks:

OTC margin stock list, 14304, 20966

Credit by brokers and dealers:

OTC margin stock list, 14304, 20966

Credit by persons other than banks, brokers, or dealers:
OTC margin stock list, 14304, 20966

Credit extensions by Federal Reserve:

Eligible bankers' acceptances; interpretation, 21434
Rate changes, 21658

Equal credit opportunity:

Official staff interpretations issuance; procedures, 18540, 21318

Interest on deposits:

Early withdrawal penalty; order granting temporary suspension of Regulation Q, 15408

Investment of U.S. Treasury funds, 19644

Rates, maximum, 21436, 24516, 26425
Savings deposits, withdrawals, 20002

Reserve bank directors:

Financial interest conflict, 24668

Reserves of member banks:

Investment of U.S. Treasury funds, 19644

Securities credit transactions:

OTC margin stock list, 14304

Truth-in-lending:

Consumer leasing; State application for exemption from requirements, 21318
Official staff interpretations, 15148, 21318, 21321, 26425
Official staff interpretations issuance; procedures, 18540, 19644

Record retention requirements; preservation of evidence of compliance, 22928

PROPOSED RULES

Bank holding companies:

Insurance agency activities, permissible, 14970

Nonbanking activities; establishment of

foreign offices; procedures, 16191

Credit by brokers and dealers:

Credit, subordinated; extended for capital purposes, 23588

Nonconvertible corporate debt securities; extension to unlisted securities and uniform loan value, 21008, 27554

Truth-in-lending:

Bank holding companies engaged in nonbanking activities; sale of insurance; inquiry, 23588, 27554

Credit transactions; disclosure requirements; suspended, 16347

Disclosure of varying payments to repay indebtedness, 17363

Minor irregularities; maximum irregular period limits, 23726

NOTICES

Fair housing advertising and poster requirements, 22444

Federal Open Market Committee:

Domestic policy directives, 18251, 22780, 28552

Monetary aggregates, longer run ranges, 18768

Funds transfer and clearing services, Board actions, 17402

Home Mortgage Disclosure Act exemption applications:
Connecticut, 17402

Intercompany income tax accounting

transactions; policy statement, 22782

Meetings:

Consumer Advisory Council, 21379

Meetings; Sunshine Act, 10612, 13966,

14272, 14795, 15231, 15405, 15835,

16645, 17907, 18399, 18400, 19104,

19330, 19497, 20368, 20611, 21105,

21792, 22153, 22805, 23086, 24172,

24653, 25225, 26184, 26362, 26531,

26681, 27641, 27954

Applications, etc.:

American Bancor, Ltd., 16225

Balch Springs Bancshares, Inc., 24595

Banco Nacional De Mexico, S.A., et al.,

14107

Bank Group One Corp., 26482

Bank Land Co., 26482

BankAmerica Corp., 24912

Bay Banks, Inc., 26483

Bellevue Holding Corp. et al., 21944

Bellwood Bancorporation, Inc., 27607

Bovina Bancshares, Inc., 22780

Brownwood Bancshares, Inc., 22780

Capitol Bancorporation, 25868

Central Bancshares of the South, Inc.,

21033

Central National Bancshares, Inc., 21034

Chemical Financial Corp., 16225

Chemical New York Corp., 15190

Chicago Holding Co., 16549

Citibanc Holding Co., Inc., 25475

Citizens Bancorp Inc., 25868

Citizens Bankshares, Inc., 24595

City Bancshares, Inc., 16549

Clarkson Management Co., 26483

Commerce Companies, Inc., 15365

Commercial Bankshares, Inc., 27607

Community Bancorporation, 18613

Community Holding Co., 21944

Cottonwood Bancorporation, 27894

Dean Holbein & Associates, Inc., 26483

Decatur County Bankshares, Inc., 20278

DSB Corp., 14108

El Paso Bancshares, Inc., 21034

Exchange Bancorporation, Inc., 27894

F.M. Financial Corp., Inc., 21724

Farmers Bancshares of Abilene, Inc., 16225

Fidelity Union Bancorp., 15191

First Alabama Bancshares, Inc., 25868,

26483

First Arkansas Bankstock Corp., 19079

First Banc Group of Ohio, Inc., 27893

First Bancgroup-Alabama, Inc., 15500

First Bancorp, Inc., 26483

First Bancorp of N. H., Inc., 21034

First Bank Holding Co., 14361

First Chandler Corp., 19452

First Clinton Bancorporation, Inc., 16810

First Corp., 21724

First Cushing Bancshares, Inc., 27608

First Evergreen Corp., 25475

First Kansas Bancorp., 25475

First & Merchants Corp., 20278

First State Bancorporation, 24595

First State Bancshares, Inc., 18767, 27607

First Steuben Bancorp, Inc., 23760

First-Taylor Financial Corp., 15012

Firsttrust Bancshares Corp., 22780

Florida Bancorporation, Inc., 27608

Florida Bankshares, Inc., 26483

Forest City Ltd., 27608

Forest Hill Bancshares, Inc., 19453

Galveston County Bancshares, Inc., 21034

Garnett Bancshares, Inc., 28252

Gering National Co., 19720

Glen Rose Bancshares, Inc., 18251

Glen-An Corp., 25475

Gordon Financial Corp., 25475

Grandview Bancshares, Inc., 22781

Great Southwest Ban Corp., Inc., 15365

Great Wisconsin Corp., 17540

Haleco Bancshares, Inc., 22783

Harrogate Corp., 22783

Hawkeye Bancorporation, 18768

Hickory Bancorp, Inc., 27608

Holladay Bancorporation, 14361

Indian Head Banks, Inc., 21945

Jackson Hole Banking Corp., 24595

Kenco Bancshares, Inc., 20279

Kerkhoven Bancshares, Inc., 28252

Keystones Bancshares, Inc., 15500

Kyowa Bank Ltd., 16225

Labette County Bankshares, Inc., 23760

Lewisville Bancshares, Inc., 27609

Lime Springs Investment Co., 25476

M & M Financial Corp., 27893

Mercantile Bancorporation, Inc., 16550

Mid-America Bancshares, Inc., 15012

Missouri State Financial Corp., 15191

Moline Manufacturing Co., 24913

Mountain Financial Services, Inc., 21380

Muyskens Corp., 18251

National Bancshares Corp. of Texas, 20279

National Detroit Corp., 22781

New Hampton Bancshares, Inc., 19720

North Dakota Bancshares, Inc., 14361

Northeast United Bancorp, Inc. of Texas,

18768

Old Stone Corp., 22781

Orbanco, Inc., 21034

Otto Bremer Co., 15366

Overland Park Bancshares, Inc., 14108

Pampa Bancshares, Inc., 16225

People's Corp., 27894

Phelps County Bancshares, Inc., 15366

Pioneer Bancorp, Inc., 22445

Platte County Bancshares, Inc., 16550

Polk County Banco, Inc., 15013

Republic Bancorporation, Inc., 21035

Republic of Texas Corp., 14108, 15500,

16226, 18613

River Oaks Bancorp, Inc., 24913

San Augustine Bancshares, Inc., 14108

Security Bancorp, Inc., 24595

Service Bancorporation, 26484

Sibley Bancorp., 15191

Southwest Bancshares, Inc., 25476

Southwest National Corp., 22781

Strawn Bancshares, Inc., 22781

Tennessee Homestead Co., 15013

Texas American Bancshares, Inc., 28252

Texas Commerce Bancshares, Inc., 17540,

22781

Tulbancorp, Inc., 26484

Tusculumbia Bancshares, Inc., 14108

U.S. Trust Corp., 14108

Villa Grove Bancshares, Inc., 21725

Weatherford Bancshares, Inc., 18613

Wells Fargo & Co., 16550

FEDERAL SUPPLY SERVICE

RULES

Procurement:

Procedural guidelines for special procurement, agencies in Alaska, etc., 23575, 25692

FEDERAL TRADE COMMISSION

RULES

Conduct standards, 25333, 26426

Games of chance in food retailing and gasoline industries; one-time exemption granted to FNK Enterprises, 25336

Mergers and acquisitions; financial transactions and institutions; transitional policy, 27517

Ophthalmic goods and services; advertising of prescription eyewear or eye examinations, 23992, 25995

Organization and functions:

Regional Office, Washington, D.C.; elimination; correction, 17351

Procedures and practice rules:

Nonadjudicative procedures; access to documentary evidence, 17352

Prohibited trade practices:

Capax, Inc. (f/k/a Continental Credit Corp.), 27782

Coca-Cola Co. et al., 20967, 23991

Ferrara Imports, Ltd., et al., 18651

Firestone Photographs, Inc., et al., 21875

Georgia-Pacific Corp., 25811

Grolier, Inc., et al., 18652

Insilco Corp. et al., 21877

Johnson Products Co., Inc., 18657

PepsiCo, Inc., 20969, 23991

Performance Sailcraft, Inc., 23991

Reichhold Chemicals, Inc., 18650

Safeway Stores, Inc., 26426

Townsmen-Cenco International, Ltd., et al.,

21876

Verrazano Trading Corp. et al., 28178

Xerox Corp., 21323

PROPOSED RULES

Children's TV advertising, 17967, 18692

Consent orders:

American Service Bureau, Inc., 27849
Australian Land Title, Ltd., et al., 18685,

25349

Bede Aircraft, Inc., et al., 26324, 27852

Capital Builders, Inc., et al., 22992, 26335

Cooga Mooga, Inc., et al., 21009, 24066

Hiken Furniture Co., 14053

Macloed Mobile Homes, Inc., et al.;

extension of time, 21337

Nelson Brothers Furniture Corp., 28210

Public Service Co. of Colorado, 19053,

25349

Roland International Corp. et al., 14524

United Builders, Inc., et al., 22988, 26335

Funeral industry practices; report publication,

26588

Mobile home sales and service; hearings,

19668

Motor vehicles, used, sale of; presiding

officer's report, publication, 28521

Textile products and leather wearing apparel;

care labeling; report availability; inquiry,

26334

NOTICES

Cigarette testing results; tar and nicotine

content, 16550, 22768, 25385

Meetings; Sunshine Act, 14272, 14795,

15553, 15554, 17113, 18400, 19330,

19498, 21408, 21563, 21792, 22806,

24169, 25225, 26184, 26362, 26531,

27641, 28612

Mergers and acquisitions:

Corporate premerger notification program;

filing requirements, 28045

Dairy industry premerger notification

Fish

- Upper Mississippi River Wildlife and Fish Refuge, Iowa, Ill., Minn., and Wis., 25825
- Law Enforcement district offices; address changes, 25823
- Migratory bird hunting:
 - Seasons, limits, and shooting hours, establishment, etc., 28499
 - Shotshells in non-toxic shot zones; prohibitions, 28206, 28391
- Migratory birds; list and definitions; correction, 14968
- Public access, entry, use, and recreation:
 - Back Bay National Wildlife Refuge, Va., 26315
 - Kenai National Moose Range, Alaska, 22725
 - Ruby Lake National Wildlife Refuge, Nev., 16983
 - Salinas Lagoon National Wildlife Refuge, Calif., 14477

PROPOSED RULES

- Endangered and threatened species; fish, wildlife, and plants:
 - Animal taxa, review of status, 16527
- Captive self-sustaining population for various species, etc.; advance notice, 16144
- Darter, goldline; correction and extension of time, 14697
- Darter, Maryland; critical habitat, 20518
- Duck, Mexican; deregulation; correction, 21705
- Manatee, West African, 21338
- Monkey, Rhesus macaque; Bangladesh, 15463
- Rabbit, Ryukyu, etc., 16524
- Salamander, Santa Cruz long-toes; critical habitat, 26759
- Sea turtles; proposed threatened status; reopening of comment period; correction, 13906
- Shiner, Cahaba; correction and extension of time, 14697
- Sucker, razorback, 17375
- Turtle, Hawksbill sea; critical habitat, 22224
- Turtles, key mud and Plymouth red-bellied; critical habitat, 21702
- Wolf spider and amphipod, Kauai cave; critical habitat, 26084
- Endangered Species Convention:
 - Lechwe and leopard, status review; advance notice, 18583
 - Native species list; status review; advance notice, 19176
- Migratory bird hunting:
 - Seasons, limits, and shooting hours establishment, etc., 22421, 28012
 - Shotshells in non-toxic shot zones; prohibition, 28217
- Public access, entry, use, and recreation:
 - Merritt Island National Wildlife Refuge, Fla., 28017

NOTICES

- Endangered and threatened species permits; applications, 14362, 14363, 15201, 15790, 15791, 16815, 16816, 17873, 18614, 18615, 19298, 19300, 19301, 20058, 20059, 20060, 20873, 22085, 22086, 23656, 24614, 25387, 25388, 26494, 26495, 28567, 28568

- Environmental statements; availability, etc.:
 - Federal Aid in Fish and Wildlife Restoration Programs, 28568
- Floodplain management and wetlands protection; procedures, 24225
- Marine mammal applications, etc.:
 - Ministry of Fisheries, USSR, 25709
- Marine turtles conservation; meeting, 24115
- Meetings:
 - Canaan Valley National Wildlife Refuge, 14747

FLOOD ASSISTANCE

- See *Engineers Corps*.
- Federal Disaster Assistance Administration.
- Federal Insurance Administration.

FOOD AND DRUG ADMINISTRATION

RULES

- Advisory committees established or terminated:
 - Anesthetic and Life Support Drugs Advisory Committee, 22674
 - Anti-Infective Agents Advisory Committee, 20488
 - Anti-Infective and Topical Drugs Advisory Committee, 18661
 - Antiperspirant Drug Products Review Panel, 18661
 - Bacterial Vaccines and Bacterial Antigens Review Panel, 28458
 - Cardiovascular Device Classification Panel, 22674
 - Circulatory Devices Panel, 22674
 - Controlled Substances Advisory Committee, 28457
 - Dermatology Advisory Committee, 18661
 - Drug Abuse Advisory Committee, 28457
 - FDA/NIDA Drug Abuse Research Advisory Committee, 28457
 - General Hospital and Personal Use Device Classification Panel, 22673
 - General Medical Devices Panel, 22673
 - Immunology and Microbiology Devices Panel, 22672
 - Immunology Device Classification Panel, 22672
 - Microbiology Device Classification Panel, 22672
 - Obstetrical-Gynecological Device Classification Panel, 22673
 - Obstetrics-Gynecology and Radiologic Devices Panel, 22673
 - Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, 21667
 - Ophthalmic Drugs Advisory Committee, 18661
 - Pathology Device Classification Panel, 22672
 - Radiological Device Classification Panel, 22673
 - Respiratory and Nervous System Devices Panel, 21668
 - Surgical and Rehabilitation Devices Panel, 21667
 - Urological Device Classification Panel, 22673
- Animal drugs, feeds, and related products:
 - Amoxicillin tablets, 24011
 - Amoxicillin trihydrate oral suspension; correction, 16312
 - Arsenamide sodium aqueous injection, 27785

- Butamisol hydrochloride, 15625
- Carcinogenic residues in edible animal products; assay evaluation procedures, revocation, 22675
- Cyclothiazide tablets, 28459
- Dexamethasone injection, 16973
- Furosemide powder, 14647
- Griseofulvin, 28458
- Isoflupredone acetate; generic drug name change, 18172
- Lasalocid with bacitracin, 17469
- Lasalocid with roxarsone, 19844
- Levamisole phosphate injection, 20489
- Levamisole resinate, 18171
- Mibolerone drops, 15625
- Monensin, 27786, 28459
- Pancreatic dornase, 27786
- Penicillin G procaine; correction, 14008
- Sulfamethazine-containing drugs, 19385
- Tetracycline and bulk antibiotic drugs; correction, 14647
- Tylosin, 27786
- Tylosin and sulfamethazine, 14648
- Biological products:
 - Diagnostic standards; blood grouping serum; correction, 19845
- Color additives:
 - Carcinogenic additives in animal feed; revocation, 22675
 - D&C Orange No. 4; effective date confirmed, 14642
- Color additives, provisionally listed, for food, drugs, and cosmetics; closing dates postponed, 14643
- Drug labeling:
 - Thyroid, digitalis, and related drugs for human use; obesity treatment warnings, 22009
- Drug producers registration and listing of drugs in commercial distribution; NDC codes, 24010
- Environmental impact considerations:
 - Medical devices, exemptions from Federal preemption; State and local requirements, 18664, 22675
- Food additives:
 - N-Acetyl-L-methionine, 27784
 - Adhesive coatings, 16972
 - Adhesive coatings and components; polyoxyethylene (20 moles) lanolin, 22676
 - Antioxidants and/or stabilizers, 16972
 - Beeswax, 14644
 - Fluorocarbons in self-pressurized containers; prohibition on use; correction, 14644
 - Sodium lauryl sulfate, 18668
 - Sulfosuccinic acid 4-ester with polyethylene glycol dodecyl ether disodium salt, 16311
- Food labeling:
 - Bakery products; ingredient labeling exemptions, 24519
 - Frozen desserts; ice milk, milk-derived ingredients, etc.; identity standards; stayed provisions reinstated, 19384
- GRAS or prior-sanctioned ingredients:
 - Beeswax, 14644
 - Caprylic acid, 19843
 - Potassium iodide and potassium and calcium iodates; correction, 14008
 - Sodium thiosulfate, 22938
- Hearings, public, before Commissioner:
 - Medical devices, exemptions from Federal preemption; State and local device requirements, 18664

Food

- Human drugs:
 - Cefadroxil capsules, 20976, 27180
 - Cephadrine, sterile, 14646
 - Griseofulvin tablets; dosage size certification, 22676
 - Microdilution minimal inhibitory concentration panels; correction, 16312
 - Neomycin palmitate-trypsin-chymotrypsin concentrate lotion; certification revocation; effective date confirmed, 26428
 - Radioactive drugs, 14646
 - Medical devices:
 - Exemptions from Federal preemption; State and local device requirements, 18665, 22010
 - Milk, evaporated, sweetened condensed, etc.; identity standards, 21670
 - Milk, nonfat dry, lowfat dry, dry whole, and dry cream; identity standards, 19835
 - Organization and authority delegations:
 - Commissioner; lead-based paint poisoning prevention, 22672
 - Deputy Commissioner et al., 20487
 - Drugs Bureau Director et al.; insulin, 20487
 - Medical Devices Bureau, Director; investigational device exemptions, 22006
 - Product recalls; policies and procedures, 26218
 - Radiological health:
 - X-ray systems; performance standards, 19879
 - Shrimp, canned; identity and fill of container standards, 19840, 25423
 - Strawberries, frozen; identity and quality standards; correction, 19864
 - Tomato juice, tomato concentrates, and catsup; identity and quality standards, 19864
- ### PROPOSED RULES
- Administrative practices and procedures:
 - Separation of functions and ex parte communications; withdrawn, 25438
 - Administrative rulings and decisions:
 - Recall effectiveness study; availability, 14674
 - Animal drugs, feeds, and related products:
 - Bacitracin and bacitracin-containing drugs, 25444
 - Confidentiality of data and information; public disclosure; correction, 16997
 - Confidentiality of data and information; public disclosure; extension of time, 23006
 - Penicillin and tetracycline (chlortetracycline and oxytetracycline); extension of time, 16997
 - Bakery products; identity standards, 22728, 22785
 - Biological products:
 - Blood group substances A, B, and AB; standards; correction, 14683
 - Confidentiality of data and information; public disclosure; correction, 16997
 - Confidentiality of data and information; public disclosure; extension of time, 23006
 - Cosmetics:
 - Hair dyes, coal tar; warning statement; extension of time, 19423, 24070

- Drug labeling:
 - Proprietary and established names on prescription drug labels, etc.; withdrawn, 25142
- Enforcement policy:
 - Adverse findings and regulatory letters; practice and procedures, 27498
 - Criminal violation report, prior opportunity for presentation of views, 20508
- Food additives:
 - Petitions; procedural regulations; terminated, 15164
 - Poisonous or deleterious substances; aflatoxins in shelled peanuts and peanut products; reopening; extension of time, 16349
- Food labeling:
 - Bakery products; ingredient labeling exemptions, 14677
 - Firming agents; ingredient labeling exemption, 16347, 20510, 22730
 - Nutrient enrichment ingredients; ingredient labeling exemptions, 14675
- GRAS or prior-sanctioned ingredients:
 - Ammonium bicarbonate, ammonium carbonate, ammonium chloride, ammonium hydroxide, and mono- and disbasic ammonium phosphate, 14064, 18699
 - Carbonates and bicarbonates, 25438
 - Inositol, 22056, 25438
 - Propyl gallate, 19422
 - Sulfuric acid, and ammonium, calcium, potassium, and sodium sulfates; correction, 16996
 - Tall oil, 24067
- Human drugs:
 - Antibiotic, foreign new drug applications; definition of "United States"; withdrawn, 25443
 - Antibiotic-containing griseofulvin, 22730
 - Antifungal antibiotic drugs; griseofulvin content, 22730
 - Bacitracin and bacitracin-containing drugs, 25444
 - Colistimethate sodium, sterile; correction, 14683, 15734
 - Confidentiality of data and information; public disclosure; correction, 16997
 - Confidentiality of data and information; public disclosure; extension of time, 23006
 - Ethylene oxide, ethylene chlorohydrin, and ethylene glycol; maximum residue limits and exposure levels; inquiry, 27474
 - Foreign new drug applications; definition of "United States"; withdrawn, 25443
 - Insulin, foreign new drug applications; definition of "United States"; withdrawn, 25443
 - Over-the-counter drugs; nighttime sleep-aid and stimulant products, 25544
 - Quaternary amines, residual; tests; withdrawn, 21014
 - Tetracycline, concentrated liquid dosage forms; certification revocation, 21694
- Human subjects, protection; prisoner rights and safety, 19417
- Information, public:
 - Medical devices; investigational device exemption procedures, 20726, 25142
- Lemon juice; canned; identity standards and fill of container requirements, 14678, 24547

- Medical devices:
 - Confidentiality of data and information; public disclosure; correction, 16997
 - Confidentiality of data and information; public disclosure; extension of time, 23006
 - Ethylene oxide, ethylene chlorohydrin, and ethylene glycol; maximum residue limits and exposure levels; inquiry, 27474
 - Investigational device exemption procedures, 20726, 25142
 - Lenses, impact-resistant, in eyeglasses and sunglasses; testing methods; extension of time, 18699
 - Radiological health:
 - Diagnostic radiology facilities; quality assurance programs, 18207
 - Mercury vapor lamps; performance standards, 16997, 19423
 - X-ray intensifying screens; radiation protection recommendation; advance notice, 24066
 - Regulatory hearings:
 - Medical devices; investigational device exemption procedures, 20726, 25142
 - Strawberries, frozen; identity and quality standards, 16991
 - Tomato juice, tomato concentrates, and catsup; identity and quality standards, 26454
- ### NOTICES
- Animal drugs, feeds, and related products:
 - Aflatoxin-contaminated corn, blending prohibition; limited exemption, 14122
 - Arsenamide sodium solution; approval withdrawn, 27898
 - Dihydrostreptomycin, injectable; efficacy study, hearing, 27894
 - Doboy Tylan/Sulfa 10 Premix; approval withdrawn, 14739, 26131
 - Dornavac; approval withdrawn, 27898
 - Formica premixes; approval withdrawn, 17054
 - Iron hexanehexol; approval withdrawn, 14738
 - Life-Iron; approval withdrawal, 28553
 - Predsem (prednisone) injectable; approval withdrawn, 26131
 - Selenium in dairy and beef cattle feed, 14736
 - Bakery products; identity standards, hearing, 22785
 - Biological product licenses:
 - North Carolina Serums, Inc., 15195
 - Biological products:
 - Mumps virus vaccine, live for hyperimmunization of source plasma (human donors); approval withdrawn, 21052
 - Plasma, source (human); availability of guideline, 19461
 - Bioresearch studies, toxicological testing laboratories and pesticide toxicity test reports; memorandum of agreement with EPA, 14124
 - Chemical, physical, and biological analysis; memorandum of agreement with Association of Official Analytical Chemists, 25484
 - Color additives:
 - FD&C Red No. 40; working group, interim report availability, 18258
 - Color additives, petitions filed or withdrawn:
 - Combe Inc., 14737

Food

Committees; establishment, renewals, terminations, etc.:
 Arthritis Advisory Committee, 18769, 22075
 Blood and Blood Derivatives Review Panel, 15778
 External Drug Products, Miscellaneous, Review Panel, 15778
 Gastrointestinal Drugs Advisory Committee, 16414
 Medical Device Classification Panels, 28553, 28554
 Obstetrics and Gynecology Advisory Committee, 16414
 Oral Cavity Drug Products Review Panel, 15778
 Radiopharmaceutical Drugs Advisory Committee, 15196
 Dibromochloro-propane (DBCP); action levels for residue in agricultural commodities, 24139
 Drug manufacturers, repackagers, and distributors; memorandum of understanding with Virginia Board of Pharmacy, 19460
 Food additives, petitions filed or withdrawn: Dow Chemical, 14737, 26131
 DRG Flexible Packaging, Ltd., 14737
 Dupont de Neumours, E. I. & Co., Inc., 14738
 Emser Industries, Inc., 27236
 Institute for Research, Inc.; correction, 15195
 Marshall Minerals, Inc., 21727
 Solvay American Corp., 25192
 Food Chemicals Codex; monographs changes; inquiry, 16413, 20557
 Food labeling:
 Ingredient labeling, nutrition labeling, and imitation foods; hearings, 25296
 Grapefruit, canned; identity and quality standards; temporary permits for market testing, 22783
 GRAS or prior-sanctioned ingredients; hearings, 17055, 25192, 25487, 26132
 GRAS review; flavoring substances; additions, and effective date extension, 22784
 GRAS review; food ingredients; submission of unpublished safety data; correction, 17054
 GRAS status, petitions:
 Cellulose fines, 21727
 Pea protein concentrate, pea fiber and pea starch, 14738
 Human drugs:
 Antipsychotic drugs; labeling; precaution statement, 21051
 Antispasmodic drugs; hearing opportunity rescinded, 26489
 Antispasmodic drugs; permission for drugs to remain on market, 26490
 Depo-Provera; hearing, 28555
 Duotrate 30 and 45 with phenobarbital capsules; approval withdrawn, 15778, 18258
 Florantyrone; approval withdrawn, 14741
 Hunter Sessions vena cava balloon occluder; premarket approval, 22075
 Immune serum globulin; availability of guidelines, 15779
 Methylphenidate hydrochloride; efficacy study implementation, hearing, 18256
 New drug applications; interim list; availability, 28557

New drug applications; periodic reporting exemption revocation, 20556
 Onycho-phytex solution; efficacy study hearing, 24140
 Oxytocic drugs, injectable; hearing, 15779
 Phytex liquid; approval withdrawn, 24141
 Povidone and gelatin injections; approval withdrawn, 14743, 26131
 Prochlorperazine; efficacy study implementation, 14742
 Propoxyphene-containing preparations; efficacy study implementation, 26131
 Propoxyphene-containing preparations, labeling, 14739
 Proteolytic enzymes, oral; withdrawal, 18770, 22075
 Radiopharmaceutical drug; hearing withdrawal, 14739
 Sulfonamides; oral use; hearing, 18771
 Sulfonamides; oral use; revocation of exemption, 18771
 Improving Government regulations; inquiry, 23142
 Livestock and poultry producers, technical information education programs; memorandum of understanding with Science and Education Administration, 26492
 Medical devices:
 Cholyglycine RIA (PEG) diagnostic kit; reclassification petition recommendation, 24600
 Conjugated sulfolithocholic acid RIA diagnostic kit; panel recommendation on petition for reclassification, 28557
 Dental; transfer of administrative responsibility, 18769
 Distributors of imported devices; meeting, 25192
 Galactose-1-Phosphate Uridyl Transferase (Gal-PUT) Procedure No. 195; reclassification petition recommendation, 24605
 Hip prosthesis, ceramic; reclassification petition recommendation, 24601, 26493
 Meetings:
 Advisory committees, panels, etc., 15194, 15196, 15777, 16414, 17049, 17053, 17540, 17541, 17542, 19923, 20555, 20556, 21052, 21056, 22076, 22783, 22784, 26484, 26488
 Consumer participation, 26493
 Consumer Representative Ad Hoc Committee, 21727
 Medical devices, imported; distributors, 25192
 Saccharin and Food Safety Policy Study Committee, 21726
 Mercury contamination of fish, shellfish, etc.; sample preparation instructions, 24139
 Olives, pitted; level of defects; guideline availability, 24603
 Organization and authority delegations:
 Gonorrhea diagnostic devices; transfer from Bureau of Drugs to Bureau of Medical Devices, 28558
 Vascular grafts; transfer from Bureau of Biologics and Drugs to Bureau of Medical Devices, 20556
 Pesticide residue of mirex in fish; guideline availability, 14736
 Pesticides; action levels for residue in agricultural commodities:
 Dibromochloro-propane (DBCP), 24139

Poisonous and deleterious substances; availability of action levels, 19922
 Radioactive Materials, Naturally Occurring and Accelerator-Produced (NARM), guides; availability, 14123
 X-ray systems; approvals of variance: Siemens Corp.; intraoral source dental system, 24604
 X-ray systems, diagnostic, petition denied, 15776, 18258

FOOD AND NUTRITION SERVICE

RULES

Child nutrition programs:
 Child care food program; FY 1978 apportionment, 25130
 Food service equipment assistance program; FY 1978 apportionment, 25135
 Nutrition education and training; FY 1978 apportionment, 25131
 Nutrition education and training program, 25133
 Food distribution; donation for U.S. and territories, etc.:
 Nonprofit summer camps for children, 20955
 Food stamp program:
 State agencies and eligible households participation; hearings for households disqualified for fraud, 22669
 Food stamp program; State agencies and eligible household participation; list:
 Alaska, 21305
 48 States and District of Columbia, 21304, 22670
 Guam, 21311, 22670
 Hawaii, 21307
 Puerto Rico, 21308, 22670
 Virgin Islands, 21309, 22670
 School lunch program, National:
 Reimbursement for less than complete Type A lunches in junior high and middle schools, 25991
 Women, infants and children; supplemental food program
 Calorie infant formula, low; addition to WIC food package, etc., 23985

PROPOSED RULES

Food distribution; donation for U.S. and territories, etc.:
 School lunch program, National; schools' donated-food preferences, 26447
 Food stamp program:
 Food Stamp Act of 1977; allotments, eligibility criteria, certification and issuance procedures, etc., 18874
 School lunch program, National:
 Competitive food services; restrictions, 17476, 25137, 27554, 27843

NOTICES

Child nutrition programs:
 Cash in lieu of commodities study solicitation for pilot projects, 15171
 Income poverty guidelines; eligibility for food and reduced-price meals and milk, 28526
 Food stamp program; workfare compensation classified as earned income, 26462
 Improving Government regulations; inquiry, 21992
 Meetings:
 Maternal, Infant and Fetal Nutrition Advisory Council, 21708

School lunch program:
 Cash in lieu of commodities; donated commodities; value for 1978 school year, 27219

FOOD SAFETY AND QUALITY SERVICE

RULES

Fruits and vegetables (processed), inspection and certification:
 Peaches, clingstone (canned); grade standards, 20958, 25417
 Meat and poultry inspection, mandatory:
 Lard and leaf lard; composition standard, 25420
 Mechanically processed product standards and labeling requirements, 26423
 Nitrates, nitrites, and ascorbates in bacon, 20995
 Tomato juice, canned; grade standards, 19815
 Tomato puree, canned; grade standards, 15611

PROPOSED RULES

Gladiolus corms (bulbs); study draft grade standards; advance notice, 19857
 Juice, grapefruit; grade standards, 28511
 Meat and poultry inspection, mandatory:
 Beef roast; minimum cooking requirements, 18681, 21882
 Nitrates and nitrites in cured meat products, 18193
 Nitrites and potassium sorbate in bacon; decrease in levels allowed, 21007
 Poultry chillers; required levels of water adjustment, 14043, 15158
 TBHQ (tertiary butylhydroquinone); antioxidant use, 19858
 Turkey ham; standard, 24064
 Regulatory analysis statement, 18682

NOTICES

Improving Government regulations; inquiry, 21992, 26091
 Meat and poultry plants, chronic problem; publicizing names; policy statement supplement, 19897
 Nitrates and nitrites in cured meat products; policy statement; inquiry; extension of time, 15172, 16357

FOREIGN AID

See Agency for International Development, State Department.

FOREIGN ASSETS CONTROL OFFICE

RULES

Cuban assets control:
 Cuban nationals; transactions incident to U.S. travel, 19852

NOTICES

Rhodesian sanctions; imports of ferrochromium and chromium-bearing steel products from listed countries:
 India, 26353
 Philippines, 18619

APRIL-JUNE 1978, FEDERAL REGISTER INDEX

Forest

FOREIGN CLAIMS SETTLEMENT COMMISSION

NOTICES

Meetings; Sunshine Act, 17113, 23086, 28328

FOREIGN-TRADE ZONES BOARD

NOTICES

Foreign-trade zone applications:
 Battle Creek, Mich., 22066
 Chicago, Ill., 23627
 Galveston, Tex., 20525
 New Jersey, 24566
 New Windsor, N.Y., 20526
 Orlando, Fla., 19721
 Philadelphia, Pa., 14531
 Spartanburg County, S.C., 20526
 Suffolk County, N.Y., 24723

FOREST SERVICE

RULES

Landownership; land exchanges, 24831
 Off-road vehicle use, 20008
 Organization and functions:
 National forest system; land management units, etc., 27190
 Prohibitions:
 Manistee National Forest, 28476
 Property management; protection of insignia, 23574
 Range management:
 Grazing and livestock use on National Forest System, 27532
 Timber, sale and disposal:
 Bidding methods, 21882
 Transportation system; road management, etc., 20007

PROPOSED RULES

Prohibitions:
 National Wild and Scenic Rivers System, 23610
 Timber, sale and disposal:
 Contract conditions; payment guarantees, letters of credit, 20022
 Pre-award compliance requirements; withdrawn, 26757

NOTICES

Classification, development plans, and boundary descriptions:
 Flathead Wild and Scenic River Area, Mont., 26092
 Environmental statements; availability, etc.:
 Alaska National Forests, Cannery Creek aquaculture facilities and timber sale, 13907
 Angeles National Forest, Sheep Mountain Wilderness Study Area, Calif., 17020, 17378
 Angeles National Forest, Timber Management Plan, Calif., 17992
 Arapaho National Forest, Williams Fork Land Management Plan, Colo., 14090
 Boise National Forest, Western Spruce Budworm, Idaho, 15464
 Caribou National Forest, Bear River Land Management Plan, Idaho, 17989
 Chequamegon National Forest, Timber Management Plan, Wis., 22227
 Clearwater National Forest, Elk Summit Planning Unit, Idaho, 17018
 Cleveland National Forest, Timber Management Plan, Calif., 17992

Coconino National Forest, Arizona Snow Bowl Ski Area Proposal, Ariz., 28219
 Cooperative Spruce Budworm Suppression Project, Maine, Vt., and N.H., 17991
 Deerlodge National Forest, Upper Rock Creek Planning Unit, Mont., 15464
 Gifford Pinchot National Forest, Bear Planning Unit Management Plan, Wash., 17989
 Gifford Pinchot National Forest, Lone Tree Planning Unit, Wash., 21916
 Gifford Pinchot National Forest, Upper Cispus Planning Unit Land Management Plan, Wash., 21708
 Gila National Forest, geothermal leasing, N. Mex., 26462
 Gypsy moth suppression and regulatory program, Pa. and N.J., 18724
 Helena National Forest, Magpie-Confederate Land Management Plan, Mont., 17991
 Kisatchie National Forest, Kisatchie Unit Plan, La., 25839
 Klamath National Forest, King Planning Unit, Land Management Plan, Calif., 18725
 Klamath National Forest, Medicine Lake Planning Unit, Calif., 14326
 Lewis and Clark National Forest, Rocky Mountain Front Planning Unit, Mont.; extension of time, 14530
 Los Padres National Forest, Timber Management Plan, Calif., 17992
 Mendocino National Forest, Timber Management Plan, Calif.; extension of time, 15757
 Modoc National Forest, Medicine Lake Planning Unit, Calif., 14326
 Mt. Hood National Forest, Mt. Hood Meadows Ski Area, Oreg., 14090
 Nebraska National Forest, Prairie Dog Management Plan, Nebr., 20028
 Ochoco National Forest, Ochoco-Crooked River Planning Unit, Oreg., 20258
 Okanogan National Forest, Tonasket Planning Unit, Wash.; correction, 15345
 Olympic National Forest, Canal Front Land Management Plan, Wash., 20258
 Pacific Northwest Region National Forests; Western Spruce Budworm Program, 22762
 Payette National Forest, Warren Land Management Plan, Idaho, 26761
 Payette National Forest, Western Spruce Budworm, Idaho, 15464
 Salmon National Forest, Leesburg Land Management Plan, Idaho, 17991
 Sam Houston National Forest, Unit Plan, Tex.; correction, 19252
 San Bernardino National Forest, Sheep Mountain Wilderness Study Area, Calif., 17020, 17378
 San Bernardino National Forest, Timber Management Plan, Calif., 17992
 Shasta-Trinity National Forest, Medicine Lake Planning Unit, Calif., 14326
 St. Joe Wild and Scenic River, 14326
 Wallowa-Whitman National Forest, Grande Ronde Planning Unit, Oreg., 16529
 Improving Government regulations; inquiry, 21991
 Log export restrictions; proposed policy, 13907

Forest

Meetings:

Cascade Head Scenic-Research Area Advisory Council, 24081
Coconino National Forest Grazing Advisory Board, 27873
Humboldt National Forest Grazing Advisory Board, 14530
National Forest System Advisory Committee, 19252
Pacific Crest National Scenic Trail Advisory Council, 21027, 26599
Pacific Crest National Scenic Trail Advisory Council, 25839
Scientists Committee, National Forest Management Act, 23007, 25701
National Environmental Policy Act of 1969 (NEPA); implementation guidelines, 21254
Ozark National Forest; transfer of jurisdiction to National Park Service; correction, 15345
Pesticide use; policy revision, 18725, 20828
Primitive areas; redesignation as class I; inquiry, 17990
Roadless Area Review and Evaluation (RARE II), inventory list, 24876
Timber sale and contract term extension; policy, 26599
Wilderness study areas, reports, etc.:
Helena and Deerlodge National Forests, Elkhorn Wilderness, Mont.; hearing, 26339
Sheep Mountain Wilderness Study Area, Calif.; hearing, 17020, 17378

GAS

See *Economic Regulatory Administration*,
Federal Energy Regulatory Commission,
Geological Survey,
Land Management Bureau,
Pipeline Safety Operations Office.

GENERAL ACCOUNTING OFFICE

PROPOSED RULES

Federal labor-management relations program; appropriated fund expenditures, decision procedures, 14318

NOTICES

Regulatory reports review; proposals, approvals, etc., 14361, 14539, 14735, 15366, 15500, 16226, 16407, 16550, 18252, 19922, 21380, 21725, 21945, 23653, 23760, 24595, 24596, 24913, 26350, 26797, 28047, 28553

GENERAL SERVICES ADMINISTRATION

See also *Federal Register Office*,
Federal Supply Service,
National Archives and Records Service,
Public Buildings Service.

RULES

Procurement; Federal:
Cost accounting standards; National defense contracts and negotiated non-defense contracts, 21038
Cost accounting standards; National negotiated defense contracts, 14108
Energy conservation in Government purchasing, 14315

Fair and equitable compensation to professional employees under contract, 27235
Patents; institutional agreements, in contracts with universities and nonprofit organizations; effective date change, 16979
Small business and labor surplus policies and procedures, 26004
Property management; Federal:
ADP and telecommunications management; CFR Parts transferred, etc., 27190, 27191
Automatic data processing equipment, exchange/sale, acquisition of, 15366
Federal catalog system, form 1303, 18673
Handicapped, physically; accommodations, 16479
Motor vehicles, air-conditioning in; guidelines, 16480
Motor vehicles; display of Government tags, damages to vehicles, etc., 24062
Office furniture and carpeting; use standards, 18673
Payments for supplies and services furnished government agencies, 21882
Procurement sources and programs, 19852, 22210
Supply schedules, Federal, and GSA Supply Catalog, 24533
Telecommunications; survey of telephone station equipment, 27192
Utilization and disposal of personal property; editorial changes, etc., 26575

PROPOSED RULES

Property management, Federal:
Authority delegations; method of issuance, 17508
Telecommunications; listening-in devices, 27867
Travel regulations, mileage reimbursement for privately owned automobiles, 16353

NOTICES

Administrative Services Reorganization Project; reports; availability, 24747
Authority delegations:
Defense Department Secretary, 22445, 26615, 28048
Treasury Department Secretary, 21946
Committees; establishment, renewals, terminations, etc.:
President's Administrative Services Reorganization Project Advisory Committee, 20554, 26484
Real Estate Matters Advisory Panel, 27609
Environmental statements under preparation, administrative actions list, 15192, 21035
Floodplain management and wetlands protection; procedures, 22309
Improving Government regulations; inquiry, 22612
Meetings:
Architectural and Engineering Services Regional Public Advisory Panel, 15191, 17404, 18252, 21035, 25868, 26350, 27894
Archives Advisory Council, 16810
President's Administrative Services Reorganization Project Advisory Committee, 15191, 20056, 20554
Real Estate Matters Advisory Panel, 27609
Privacy Act; systems of records, 22242

Procurement regulations, temporary:
Cost accounting standards; interim guidance, 21040
Cost accounting standards; National defense contracts of civilian executive agencies and negotiated non-defense contracts, 21038
Cost accounting standards; negotiated National defense contracts, 14108
Fair and equitable compensation to professional employees under contract, 27235
Property management; Federal:
Telecommunications; listening-in devices use, 16551
Property management regulations, temporary:
ADP equipment, exchange/sale, acquisition of, 15366
Authority delegations to Defense Department Secretary, 22445, 26615, 28048
Authority delegations to Treasury Department Secretary, 21946
Property transfer; wildlife conservation: Huron Island Light Station; Marquette County, Mich., 27236
Public utilities; hearings, etc.:
Automatic dialing and recorded announcement devices, 17049
Federal Communications Commission; MTS and WATS market structure, 18768
Missouri Public Service Commission, 20554
New Mexico Public Service Commission, 28047
Ohio Public Utility Commission, 17049
Public Service Co. of New York, 25385
Public Utilities Commission of Colorado, 21726
Texas Public Utility Commission, 18768
Utah Power & Light Co., 25385
Virginia Electric Power Co., 22242
Rulemaking proceeding interventions, proposed:
ICC; transportation for disadvantaged persons; American Bus Association petition, 20554
Telecommunications; listening-in devices use; inventory list requirement, 16551
Telephone conversations recording; proposed intervention in FCC proceedings, 18252, 27236

GEOLOGICAL SURVEY

PROPOSED RULES

Outer Continental Shelf; oil, gas, and sulphur operations:
Exploration, development and production activities; list of affected States, 24710
Oil and gas information program; list of affected States, 24710

NOTICES

Coal leasing areas:
La Ventana, N. Mex., 14549
Montana, 24748
New England-Mott, N. Dak., 14549
North Dakota, 24748
Red Desert, Wyo., 14550
Rock Springs, Wyo., 14550
Tsaya, N. Mex., 14550
Geothermal resource areas, operations, etc.:
California, 20564
Oklahoma, 19924

Meetings:

Safety and pollution-prevention equipment standards, 15014
Oil and gas operations:
Oil spillovers, etc.; Federal and Indian onshore leases; reports, 20060
Outer Continental Shelf:
Production platform operators; safety device (FIRS), 24915
Outer Continental Shelf; oil and gas operations:
Safety and pollution-prevention equipment standards; meeting, 15014

GOVERNMENT EMPLOYEES

See *Civil Service Commission*,
Labor Management Services Administration.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

PROPOSED RULES

Mortgage-backed securities program; increase of net worth requirements, 27486

NOTICES

Legal services, attorney approval; application procedure, 27246

GOVERNMENT PRINTING OFFICE

NOTICES

Meetings:
Micropublishing Advisory Council, 27609

HANDICAPPED

See *Blind and Other Severely Handicapped*,
Committee for Purchase from,
Education Office,
Health, Education, and Welfare Department,
Social Security Administration.

HAZARDOUS MATERIALS OPERATIONS OFFICE

RULES

Hazardous materials table and communications regulations:
Exemptions, individual; conversion to regulations of general applicability, 17943
Placards; extension for anhydrous ammonia in nurse tanks, 24845
Hazardous materials transportation; information, definitions, etc.:
International Maritime Dangerous Goods Code; incorporation by reference, 24845
Highway, carriage by:
Exemptions, individual; conversion to regulations of general applicability, 17945, 17946
Rail, carriage by:
Exemptions, individual; conversion to regulations of general applicability, 17945
Shippers:
Exemptions, individual; conversion to regulations of general applicability, 17944, 17946, 21462
Methane; transportation in specification 3AX, 3AAX, and 3T cylinders; extension of time, 21461

Shipping container specifications:

Exemptions; individual; conversion to regulations of general applicability, 17946
Tank car specifications:
Exemptions, individual; conversion to regulations of general applicability; correction, 17946

PROPOSED RULES

Aircraft, carriage by:
Detonators, commercial, and detonating primers, 19242
Exemptions, individual; adoption for general applicability, 24335
Waste materials, hazardous; transportation, 22626
Hazardous materials table and communications regulations:
Detonators, commercial, and detonating primers, 19242
Exemptions, individual; adoption for general applicability, 24335
Waste materials, hazardous; transportation, 22626
Hazardous materials transportation; information, definitions, etc.:
Exemptions, individual; adoption for general applicability, 24335
Waste materials, hazardous; transportation, 22626
Highway, carriage by:
Detonators, commercial, and detonating primers, 19242
Waste materials, hazardous; transportation, 22626
Rail, carriage by:
Detonators, commercial, and detonating primers, 19242
Waste materials, hazardous; transportation, 22626
Shippers:
Detonators, commercial, and detonating primers, 19242
Exemptions, individual; adoption for general applicability, 24335
Pressure tank cars, uninsulated; retrofit program, 20250
Shipment and packaging requirements; metric equivalence for quantity limitations, 28216
Waste materials, hazardous; transportation, 22626
Shipping container specifications:
Detonators, commercial, and detonating primers, 19242
Tank car specifications:
Compliance reporting, 24865
Retrofit program; uninsulated pressure tank cars, 20250
Vessel, carriage by:
Detonators, commercial, and detonating primers, 19242
Exemptions, individual; adoption for general applicability, 24335
Waste materials, hazardous; transportation, 22626
NOTICES
Applications; exemptions, renewals, etc., 15511, 15512, 16837, 20289, 20290, 22476, 26811, 26812
Dangerous goods transport; meeting, 20883
Inconsistency rulings; applications, etc.:
Associated Universities, Inc., 16954, 24932
Railroad Commission of Texas, 24930

Health

Meetings, 20883

HAZARDOUS SUBSTANCES

See *Coast Guard*,
Consumer Product Safety Commission,
Environmental Protection Agency,
Hazardous Materials Operations Office,
Occupational Safety and Health Administration.

HEALTH

See *Alcohol, Drug Abuse, and Mental Health Administration*,
Animal and Plant Health Inspection Service,
Disease Control Center,
Food and Drug Administration,
Health, Education, and Welfare Department,
Health Resources Administration,
Health Services Administration,
Mine Safety and Health Administration,
National Institutes of Health,
Occupational Safety and Health Administration,
Public Health Service,
Social Security Administration.

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also *Alcohol, Drug Abuse, and Mental Health Administration*,
Child Support Enforcement Office,
Disease Control Center,
Education Office,
Food and Drug Administration,
Health Care Financing Administration,
Health Resources Administration,
Health Services Administration,
Human Development Services Office,
Museum Services Institute,
National Institute of Education,
National Institutes of Health,
Public Health Service,
Social Security Administration.

PROPOSED RULES

Drugs, limitations on payment or reimbursement:
Maximum allowable costs; Pharmaceutical Reimbursement Advisory Committee abolished, 25450
Human subjects, protection:
Institutionalized mentally infirm; advance notice, 17375
Intergovernmental Personnel Act Programs:
Personnel administration merit systems; standards, 20996

NOTICES

Committees; establishment, renewals, terminations, etc.:
Women, Rights and Responsibilities, Secretary's Advisory Committee, 22077
Improving Government regulations; inquiry, 23119, 24212
Indian Health Scholarship Program; authority delegation, 18267
Information collection and data acquisition activity, description; inquiry, 13920, 16408, 19453, 23654, 25476, 27239
Meetings:
Education Statistics Advisory Council, 18127

Health

Fund for Improvement of Postsecondary Education, Board of Advisors, 17543, 22451
Health Care Technology Study Section et al., 22076
Mental Retardation, President's Committee, 19466, 28048
National Professional Standards Review Council, 16811, 26484
Protection of Human Subjects of Biomedical and Behavioral Research, National Commission, 19294
Social Security Advisory Council, 22245, 26797
Vital and Health Statistics National Committee, 14539, 24143, 28563
Women, Rights and Responsibilities, Secretary's Advisory Committee, 15366, 15367, 21737, 21738
Meetings; Sunshine Act, 19499
National Health Service Corps Scholarship Program; designation of health specialties, 21059
Nondiscrimination:
 Federally-assisted programs; policy determinations, 18630
 Federally-assisted programs, Title IX; inter-collegiate athletics, 18772
Organization, functions, and authority delegations:
 Assistant Secretary for Health, et al.; Indian Health Scholarship Program, 18267
 Departmental Grant Appeals Board, 20561
 Disease Control Center, 26139
 Education, Assistant Secretary for, et al., 20558
 Food and Drug Administration, 16418
 General Counsel Office, 27245
 Grant and Contract Financial Management Office, 23017
 Health Assistant Secretary et al.; emergency medical services systems, 16423
 Health Care Financing Administration; Administrator, order of succession, 26350
 National Institute of Education, 23761
 Secretary; order of succession, 16425
 Social Security Administration, Commissioner, 25385
 Social Security Administration; Hearings and Appeals Bureau, 23017, 26615
 Social Security Administration; Management and Administration Office, 14132
 Social Security Administration; Program Operations Office, 16424
 Privacy Act; systems of records, 15786, 19079, 28253
 Program results; report availability:
 Poverty and school crime, theoretical perspectives, 18267
 Social security and supplemental security income; cost-of-living increases, benefits and limitations, 20867
 Telecommunications demonstration program; solicitation for applications, 25876

HEALTH CARE FINANCING ADMINISTRATION

RULES

Medical assistance programs:
 Abortions; Federal financial assistance in State claims; comment time extended, 18679

Eligibility coverage and conditions; correction, 20009
Public assistance programs;
 Staff development; correction, 20009

PROPOSED RULES

Aged and disabled, health insurance for:
 Medicare and Medicaid programs;
 suspension of physicians and other individual practitioners, 24988
 Membership on boards of directors of carriers, intermediaries, and fiscal agents; inquiry, 27215
Nonreimbursable expenses; reduction in grace period days for payment, 24332
Skilled nursing and intermediate care facilities; meetings, 24873
Utilization review withdrawn, 24715
Medical assistance programs:
 Medicare and Medicaid programs;
 suspension of physicians and other individual practitioners, 24988
 Membership on boards of directors of carriers, intermediaries, and fiscal agents; inquiry, 27215
Reimbursement method or level changes for health care services; public notice, 20516
Skilled nursing and intermediate care facilities; meetings, 24873
Utilization review; withdrawn, 24715
Professional standards review:
 Grants; eligibility criteria for PSRO's, 13970

NOTICES

Aged and disabled, health insurance for:
 Physicians' services economic index (July 1978-June 1979), 28559
Grants for research and demonstrations; FY 1978 funds availability, 15594
Health insurance program; schedule of limits for cost-reporting periods, 1978 FY; grace period extended, 25873
Health insurance program; schedule of limits for cost-reporting periods, 1979 FY, 25869
Improving Government regulations; inquiry, 23128
Privacy Act; systems of records, 22446, 22448, 22449
Professional Standards Review Councils, Statewide; nominations, designations, etc.:
 Connecticut, 14126
 Florida, 24142
 Illinois, 19292
 Indiana, 19292
 Maryland, 14126
 Massachusetts, 14127
 New York, 14127
 North Carolina, 24142
Tetracycline HCl, propoxyphene HCl, chlorthalidone HCl, etc.; final maximum allowable costs; effective date, 14128, 16425, 20872

HEALTH RESOURCES ADMINISTRATION

NOTICES

Committees; establishment, renewals, terminations, etc.:
 Graduate Medical Education National Advisory Council, 22786
Grants; applications
 Allied health, 18265

Allied health personnel, advanced training traineeships, 18267
General internal or pediatrics; residency training, 14744
Health administration graduate programs, 18266
Public health schools, students traineeships, 18267
Public health schools and health administration graduate programs, 19462
Grants, nursing schools and nursing special projects; low income levels for determination of disadvantaged backgrounds, 27903
Health professions and nursing student loans; "low-income levels" for loan repayment, 18266
Health systems agencies; application information, 20557
Meetings:
 Advisory Committees; May, 15780, 15781, 19923
 Advisory Committees; June, 22076, 24143, 24606
 Advisory Committees; August, 28561

HEALTH SERVICES ADMINISTRATION

NOTICES

Advisory committees; reports availability:
 Migrant Health National Advisory Council, 25193
Grants, availability:
 Community health services project, 17058
Genetic testing and counseling programs, 15781
Home health services, 19462
Maternal and child health and crippled children's services to institutions of higher learning, 26137
Health maintenance organizations, qualified, 20560
Interagency Committee on Emergency Medical Services; report availability, 14128
Meetings:
 Advisory Committees; May, 15196, 15781, 16415, 20056, 20557

HEARINGS AND APPEALS OFFICE, ENERGY DEPARTMENT

NOTICES

Applications for exception, etc.; cases filed, 18602, 18605, 18609, 19446, 19705, 19707, 19709, 19710, 19712, 20835, 20839, 20842, 20843, 20848, 20850, 20853, 22233, 23562, 24571, 25175, 25356, 25359, 25361, 25855, 27578, 27579, 27884, 27885, 28032, 28034
Crude oil entitlements program, exception applications:
 California, hearing, 26558
Crude oil producers; ceiling price exceptions; hearings, 26792
Home heating oil No. 2; allocation and pricing regulations; hearing procedure rules, 17393, 20276, 24588

HERITAGE CONSERVATION AND RECREATION SERVICE

NOTICES

Environmental statements; availability, etc.:
 Off-road vehicles on public lands, 17063
 Owyhee River, Idaho and Oreg.; National Wild and Scenic Rivers System, 23021
Historic Places National Register; additions, deletions, etc.:
 Alabama, 14136, 15201, 16427, 18776, 19924, 24614, 24620, 26495
 Alaska, 14135, 14136, 15201, 16427, 17543, 18775, 19776, 19924, 21059, 22086, 24614, 24620, 27904
 Arizona, 14136, 18775, 18776, 24614, 24620, 25489
 Arkansas, 14136, 18776, 24614, 26495
 California, 14136, 15201, 17543, 18775, 18776, 22086, 23020, 24614, 25489, 26495
 Colorado, 14135, 15201, 16427, 18776, 22086, 24614
 Connecticut, 14136, 15201, 18776, 22086, 24614, 24620
 Delaware, 14135, 14136, 18775, 18776, 24614, 24620, 26495, 27904
 District of Columbia, 14136, 22086, 24614
 Florida, 14136, 21059, 24614, 26145
 Georgia, 14135, 14136, 16427, 18776, 19924, 24615, 24620, 25490, 26145, 26495
 Hawaii, 18776, 19924, 24614, 25490, 27940
 Idaho, 14136, 17543, 18776, 22086, 24614
 Illinois, 14136, 17543, 18775, 18776, 22086, 24614, 27904
 Indiana, 14136, 15201, 16427, 17543, 18776, 24614, 24620, 26145, 27904
 Iowa, 14136, 18776, 24614, 25490, 27904
 Kansas, 14136, 18776
 Kentucky, 14136, 18776, 24614, 24620, 25490, 26495
 Louisiana, 14136, 15201, 18776, 19924, 21059, 22086, 24614, 27904
 Maine, 18776, 14136, 16427, 18775, 24614, 26145
 Maryland, 14135, 15201, 16427, 17543, 18775, 18776, 24614, 24620, 25490
 Massachusetts, 14136, 16427, 18776, 24614, 24620, 25490
 Michigan, 14136, 15201, 18776, 19924, 21059, 22086, 24614
 Minnesota, 14136, 15201, 17543, 18776, 24614
 Mississippi, 14136, 16427, 18776, 24614, 24620, 26495, 27904
 Missouri, 14136, 15201, 18776, 19924, 24614, 24620, 25490, 26145
 Montana, 14136, 18776, 22086
 Nebraska, 14136, 18776, 21059, 24614
 Nevada, 14136, 18776, 21059, 24614
 New Hampshire, 16427, 18775, 22086, 24620, 25490, 26495
 New Jersey, 14135, 14136, 18775, 18776, 21059, 22086, 24614, 27904
 New Mexico, 14136, 18776, 19924, 22086, 24614, 25490
 New York, 14135, 14136, 16427, 18776, 19924, 21059, 22086, 24614, 25490, 27904
 North Carolina, 14135, 14136, 18776, 22086, 24614, 24620, 26495
 North Dakota, 14136, 18776, 24620
 Ohio, 14136, 17543, 18776, 24614, 24620

Oklahoma, 14136, 18776, 19924, 21059, 24614
Oregon, 14136, 18776, 19924, 24614
Pennsylvania, 14135, 14136, 15201, 16427, 18776, 19924, 22086, 24614
Puerto Rico, 24614
Rhode Island, 14136, 17543, 24614
South Carolina, 14136, 18776, 24614, 26495
South Dakota, 14136, 18776, 21059, 24614
Tennessee, 14135, 14136, 15201, 16427, 18775, 18776, 19924, 21059, 22086, 24614, 24620, 26495, 27904
Texas, 14136, 15201, 18776, 19924, 21059, 22086, 24614, 24620, 25490, 26495, 27904
Trust Territory of Pacific Islands, 14136, 18776
Utah, 14135, 14136, 16427, 17543, 18776, 19924, 22086, 24614, 24620, 25490, 26495
Vermont, 14136, 15201, 17543, 18775, 19924, 21059, 22086, 26495
Virgin Islands, 14136, 18776, 24620
Virginia, 14136, 18776, 24614
Washington, 14136, 15201, 17543, 18776, 19924, 21059, 22086, 24614
West Virginia, 14136, 16427, 17543, 18775, 24614
Wisconsin, 14136, 16427, 17543, 18776, 21059, 24614, 24620, 27904
Wyoming, 18776, 24614
Natural Landmarks National Registry; list:
 Alabama, 18049
 Alaska, 18049
 America Samoa, 18049
 Arizona, 18049
 Arkansas, 18049
 California, 18049
 Colorado, 18049
 Connecticut, 18049
 Florida, 18049
 Georgia, 18049
 Guam, 18049
 Hawaii, 18049
 Idaho, 18049
 Illinois, 18049
 Indiana, 18049
 Iowa, 18049
 Kansas, 18049
 Kentucky, 18049
 Maine, 18049
 Maryland, 18049
 Massachusetts, 18049
 Michigan, 18049
 Minnesota, 18049
 Mississippi, 18049
 Missouri, 18049
 Montana, 18049
 Nebraska, 18049
 Nevada, 18049
 New Hampshire, 18049
 New Jersey, 18049
 New Mexico, 18049
 New York, 18049
 North Carolina, 18049
 North Dakota, 18049
 Ohio, 18049
 Oklahoma, 18049
 Oregon, 18049
 Pennsylvania, 18049
 Puerto Rico, 18049
 Rhode Island, 18049
 South Carolina, 18049
 South Dakota, 18049

Housing

Tennessee, 18049
Texas, 18049
Utah, 18049
Vermont, 18049
Virginia, 18049
Washington, 18049
West Virginia, 18049
Wisconsin, 18049
Wyoming, 18049

HIGHWAYS

See *Federal Highway Administration*.
Interstate Commerce Commission.
National Highway Traffic Safety Administration.
National Transportation Safety Board.

HISTORIC PRESERVATION, ADVISORY COUNCIL

NOTICES

Meetings, 17018, 20828

HISTORY, HISTORIC PRESERVATION

See *American Battle Monuments Commission*.
Historic Preservation, Advisory Council.
National Park Service.

HOUSING

See *Agency for International Development*.
Farmers Home Administration.
Federal Home Loan Bank Board.
Federal Home Loan Mortgage Corporation.
Federal Housing Commissioner—Office of Assistant Secretary for Housing.
Housing and Urban Development Department.

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also *Community Planning and Development, Office of Assistant Secretary*.
Federal Disaster Assistance Administration.
Federal Housing Commissioner—Office of Assistant Secretary for Housing.
Federal Insurance Administration.
Government National Mortgage Association.
Interstate Land Sales Registration Office.
Neighborhoods, Voluntary Associations and Consumer Protection, Office of Assistant Secretary.
New Community Development Corporation.

RULES

Conduct standards, 25815
Low-income housing:
 Fair market rents; new construction and substantial rehabilitation; all market areas, 25604
 Fair market rents; new construction and substantial rehabilitation; Guam and New Jersey, 24673
 Fair market rents and contract rent automatic annual adjustment factors; Calif. and N. J. market areas, 14457
 Modernization program—PHA-owned projects, 28790
 Public housing program; development phase; prototype cost limits, 13872, 16168, 26988
NEPA responsibilities, applicants lacking legal capacity, 19228

Housing

Property improvement and mobile home loans; loan amount and term increases, Alaska, 26429

PROPOSED RULES

Low-income housing:

Housing assistance applications; review procedures, 17448

Nondiscrimination:

Handicapped in federally-assisted programs and activities, 16652, 25411

Procurement, 25449

Thermal requirements; minimum property standards for one- and two-family dwellings, 17371

NOTICES

Authority delegations:

Attesting officers; list, 24144

Boston Disaster Field Office Director, 25742

Federal Housing Commissioner-Assistant Secretary for Housing, 26616

Committees; establishment, renewals, terminations, etc.:

Mobile Home National Advisory Council, 25941

Condominiums; consumer forum, 14361

Improving Government regulations; inquiry, 22598, 24212

Low-income housing:

Elderly and handicapped loans; fund allocation, 16652

Meetings:

Condominiums; consumer forum, 14361

Housing Costs Task Force, 16425, 21381

Tenant Participation in Management of

Low-Income Public Housing Task Force, 16552

Privacy Act; systems of records, 15367, 21947, 22245, 25386, 27247, 27248

HUMAN DEVELOPMENT**SERVICES OFFICE****RULES**

Child support enforcement program; good cause for refusal to cooperate; program instruction, 15425

Head Start program:

Eligibility requirements and enrollment limitations, 14937

Funding of Headstart agencies and designation of replacement grantees, 14935

Grants administration, 14933

Social services programs:

Individuals and families; abortions; Federal financial participation in State claims; comment time extended, 18680

PROPOSED RULES

Child support enforcement program; good cause for refusal to cooperate; hearing, 15457

Day care requirements; Federal interagency, 17843

Social services programs:

Families and children; day care requirements, 17843

Individuals and families; day care requirements, 17843

NOTICES

Developmental disabilities program:

Allotments for 1978 FY, 27244

Grant applications; availability, etc.:

Aging Administration dissertation training program, 20057

Aging program, model projects, 16648

Aging research and development projects, 25873

Child abuse and neglect grants program, 21728, 21729, 21731, 21733

Child welfare research and demonstration grants program, 22243, 27490

Cooperative research and demonstration projects program, 24472, 26376

Gerontology career training grants, 17057

Vocational rehabilitation special projects and demonstrations; model spinal cord injury system, 15199

Improving Government regulations; inquiry, 23137

Organization and functions:

Program elements, headquarters staff units, etc., 18613

Social services; Federal allotments to States; 1979 FY; Oregon and Kentucky, correction, 28048

HUNTING

See *Fish and Wildlife Service*.
National Park Service.

**IMMIGRATION AND
NATURALIZATION SERVICE****RULES**

Immigration regulations:

Alien deportability; Harlingen, Tex.; designation as district office, 22332

Alien deportability; Indochina refugees; status adjustment, 18644

Aliens exclusion; status adjustment;

exclusion proceedings; applications renewal, 16445, 17798

Forms; current edition dates, 14957

Forms; Indochina refugees; status adjustment, 18645

Nonimmigrant classes; alien physicians (H-1); patient care incidental to teaching and research, 25801

Nonimmigrant classes; designation of Hartford, Conn. and Newark, N. J. as TWOV ports of entry, 23558

Organization; Harlingen, Tex.; designation as district office, 22331, 27168

Permits, reentry; authorization of consular officers to extend, 26696

Service forms; distribution, 14303

Service officers, powers and duties; availability of service records; authority to certify records, 16150

Service officers, powers and duties; availability of service records;

Harlingen, Tex.; designation as district office, 22332

Service officers, powers and duties; availability of service records; Indochina refugees; status adjustment, 18644

Service officers, powers and duties; availability of service records;

responsibilities of service officers in charge, 18161

Status adjustment; permanent residence; exclusion proceedings; applications renewal, 16445

Status adjustment; permanent residence; Indochina refugees, 18644

Nationality regulations:

Forms; current edition dates, 14957

PROPOSED RULES

Nationality regulations:

Citizenship certificates; procedure following denial of application, 26754

NOTICES

Meetings:

Immigration and Naturalization Federal Advisory Committee, 16817

IMPORTS AND EXPORTS

See *Agriculture Department*,
Animal and Plant Health Inspection Service,
Commerce Department,
Customs Service.

Drug Enforcement Administration,
Economic Regulatory Administration,
Export-Import Bank.

Federal Maritime Commission,
Foreign-Trade Zones Board,
International Trade Commission.

Textile Agreements Implementation Committee.

Trade Negotiations, Office of Special Representative.

INDIAN AFFAIRS BUREAU**RULES**

Business practices on Navajo, Hopi, and Zuni Reservations; peddler's permit requirements, 27826

Enrollment:

Alaska natives, 26442

Confederated Tribes of Siletz Indians of Oregon, 16175

Preparation of rolls for various tribes; revocations, 19649

Fiscal and financial affairs:

Alaska Native Fund; recognition of assignments of future interests by regional corporations, 20003

Law and order on Indian reservations; law enforcement standards, civil rights violations, 16973

Off-reservation treaty fishing

Fraser River convention sockeye and pink salmon fishery, 27187

Off-reservation treaty fishing

Fraser River convention sockeye and pink salmon fishery, 27187

PROPOSED RULES

Electric power systems, operation and maintenance charges:

San Carlos Indian Irrigation Project, Ariz., 18213

Enrollment:

Alaska natives, 14684

Preparation of rolls for various tribes; qualifications and deadline, 19674

Enrollment appeals; filing and processing, 22997

Indian tribe, procedures for acknowledgment of existing American Indian group as, 23743

Law and order on Indian reservations:

Menominee Indian Reservation, offenses committed on, 25448

Off-reservation treaty fishing, 14685

NOTICES

Administrative jurisdiction:

Absentee Wyandotte Allotments, 27904

Alcoholic beverages, introduction, sale and possession; legalizing:

Chemehuevi Indian Reservation, Calif., 20279

Muckleshoot Indian Reservation, Wash., 26616

Seminole Indian Reservation, Fla., 17405

Authority delegations:

Area Directors, Phoenix and Billings; power rules, 22452

Environmental statements; availability, etc.:

Vekol Hills Project, Ariz., copper and molybdenum mine, 23021

Irrigation projects, operation and maintenance charges:

St. Ignatius, Mont., 19468

Judgment funds; plan for use and distribution:

Colville Reservation and Nez Perce Tribe, 25194

Lipan and Mescalero Apache, 22452

Potawatomi Nation, 15789

Taos Pueblo, 22452

Three Affiliated Tribes of Fort Berthold Reservation, 19079

Land transfer:

Absentee Shawnee Tribe of Indians of Oklahoma, 22451

Law enforcement functions performance determinations:

Absentee Shawnee and Cheyenne-Arapaho Tribes, Okla., 20280

Muckleshoot Tribe, 16426

Reorganization Task Force; report availability and inquiry, 16284

Robinson Rancheria, Calif.; return land to trust status, 22789

INDIAN CLAIMS COMMISSION**NOTICES**

Meetings; Sunshine Act, 14373, 15405, 16882, 17907, 19104, 20086, 21563, 22296, 23843, 24791, 25771, 26185, 26681, 28084

**INDUSTRY AND TRADE
ADMINISTRATION****RULES**

Copper set-aside percentages and base period; schedule revision, 24308

Export control:

Special commodity policies; bituminous coal and coke; monitoring reports; termination, 16310

Export licensing:

Agricultural commodities; exemption from quantitative limitations; short supply controls, 25669

Aircraft on temporary sojourn; GATS, 16713

Coal tar, organic; organic medicinal chemicals, etc., 24518

Communist countries; export of commodities to; approval advisory notes, 22343

Crime control and detection commodities; support of human rights, 27985

Documentation requirements; increase in value exemption, 16449

Nuclear weapons programs, commodities supporting; exclusion, 16714

Numerical control systems; information on license applications, 21323

Project, distribution, and service supply licenses; extension, 16447

Republic of South Africa and Namibia restrictions; technical data correction, 18991

Shotguns, limitation on use of general licenses for, 24517

Tractors, off-highway wheel; commodity control list, 20484

Validated export license shipping tolerances, 16970

Motor-vehicle manufacturer, bona fide; determination:

Nomenclature change, 23991

Trade practices, restrictive, or boycotts: Prohibition from compliance by U.S. persons, 16969

PROPOSED RULES

Antiquities, American, preservation; definition of object of antiquity, 14975

NOTICES

Coal and coke, export monitoring reports, 1978:

March, 14337, 16208, 17851, 18729

April, 19900

Export Policy Task Force; inquiry, 17523

Improving Government regulations; inquiry, 23180

Japan-U.S. trade; grievance procedures filing, 23627

Meetings:

Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee, 15471, 20834, 23627

Computer Systems Technical Advisory Committee et al., 14346, 15349, 15765, 22430, 22431, 22432, 24347, 24723, 26339

East-West Trade Advisory Committee, 21924

Electronic Instrumentation Technical Advisory Committee, 15765, 21029

Exporters' Textile Advisory Committee, 24347

Importers' Textile Advisory Committee, 28530

Management-Labor-Textile Advisory Committee, 16533, 22231, 27577

President's Export Council, 19904

Semiconductor Technical Advisory Committee, 15470, 16534, 26101, 26339, 26340, 27879

Telecommunications Equipment Technical Advisory Committee, 16363

Motor vehicle manufacturers, bona fide; list, 24110

Organization and functions:

Central and field organization, 15791

Privacy Act; systems of records, 15800

Watches and watch movements; allocation of quotas:

Guam, 22250

Virgin Islands, 16797

Scientific articles; duty free entry:

Albert Einstein College of Medicine of Yeshiva University/Kennedy Center et al., 14343

Carnegie-Mellon University et al., 17521, 18601

Chemical Industry Institute of Toxicology et al., 15469

Colorado State University, 20527

Columbia University, 27878, 28224

Electric Power Research Institute et al., 25352

Interior

Energy Department, 15470

Frederick Cancer Research Center et al., 16531, 24108, 24112

Geological Survey, 15175, 20528, 22431

Health, Education, and Welfare Department, et al., 20527

Johns Hopkins University et al., 25353

Massachusetts Institute of Technology, 15175, 15469, 20528, 28224

Michigan Cancer Foundation, 14344

Mount Sinai School of Medicine et al., 24113

National Bureau of Standards et al., 28224

National Institutes of Health, 18599, 24109

National Radio Astronomy Observatory, 18599, 22432, 27878

North Carolina State University, 20528, 28225

Ohio State University Research Foundation et al., 25354

Oklahoma College of Osteopathic Medicine & Surgery, 14980

Presbyterian Hospital et al., 19428

Purdue University, 20529

Rice University, 15176

Sandia Laboratories et al., 17519, 22433, 25355, 28225

State University of New York, 22433

University of Alaska, 27879

University of California et al., 14980, 15176, 18600, 20529, 22433, 28226

University of Hawaii, 16532

University of Illinois Medical Center et al., 21922

University of Kansas, 28226

University of Miami, 18600

University of Michigan, 14981

University of Minnesota, 15176

University of Pennsylvania, 15177

University of Rochester et al., 27221

University of South Alabama et al., 17518

University of Southern California, 28226

University of Tennessee, 25355

University of Texas Health Science Center et al., 16532, 18601

University of Virginia Hospital et al., 14345, 15177

V.A. Hospital - Iowa City, 20530

Interior

*National Park Service.
Reclamation Bureau.
Surface Mining Reclamation and
Enforcement Office.*

RULES

Hearings and appeals procedures:
Authority to Surface Mining and
Reclamation Appeals Board, 17941

Property management:
Telecommunications, 26733

Records and testimony; coal resource data,
confidentiality, 15155

Trans-Alaska Pipeline Liability Fund, 27840

PROPOSED RULES

Departmental proceedings:
Participant expense payment assistance;
inquiry, extension of time, 16517

Hearings and appeals procedures:
Surface coal mining, 15441

Improving Government regulations; inquiry,
22573

NOTICES

Animal Damage Control Policy Study;
advisory committee meeting, report
availability, and hearings, 16816, 21950

Authority delegations:
Audit and Investigation Office, Director, et
al.; administer oaths and take
depositions, 23659

Energy, fuel, and natural resources
transportation in Alaska; reservation of
easements; Secretarial Order revoked,
19726

Environmental statements; availability, etc.:
Big Bend National Park, Tex., 17407

Cerbat/Black Mountain Planning Units,
Phoenix District, Ariz., livestock grazing
program, 19984

Coal Resources Development; Southwest
Wyo., 14747, 25195

Everglades National Park, Fla., 27251

Gulf Islands National Seashore, Fla. and
Miss., management and development
plans, 19925

Hot Desert grazing management plan, Utah,
21950, 27615

Josephine Sustained Yield Unit, Oreg.;
correction, 14364

McGee Creek Project, Okla., 17544

Natchez Trace Parkway, Tenn., Ala., and
Miss., 27906

North Valmy Coal-Fired Station, Nev.,
21060

Off-road vehicles on public lands, 17063

O'Neill Unit, Nebr., 26620

Outer Continental Shelf, Eastern Gulf of
Mexico; oil and gas leasing, 27250

Owyhee River, Idaho and Oreg.; National
Wild and Scenic Rivers System, 23021

Paradox Valley Unit, Colorado River Basin
Salinity Control Project, Colo., 21060,
21381

Rio Puerco Resource Area, N. Mex., grazing
management program, 21382

San Luis Valley, Colo., grazing management
program, 21382

Sandy Area Rock Springs, Wyo., livestock
grazing management plan, 21950

Silver City Project, Idaho, 17063

Tulead-Homecamp areas, Calif. and Nev.,
livestock grazing, 20564

Upper Gila-San Simon ES Area, Safford
District, Arizona Livestock Grazing
Management Program, 17874

Vekol Hills Project, Ariz., copper
molybdenum mine, 23021

Youghiogheny State and National Wild and
Scenic River, Pa., and Md., 27906

Floodplain management and wetlands
protection; procedures, 25319

Indian Affairs Bureau Reorganization Task
Force; report availability and inquiry,
16284

Meetings:
Animal Damage Control Policy Study
Advisory Committee, 16816, 21950,
25742

Organization and functions:
Indian Affairs Bureau Reorganization Task
Force; report availability and inquiry,
16284

Privacy Act; systems of records, 24748

Robinson Rancheria, Calif.; return land to
trust status, 22789

Trans-Alaska Pipeline Liability Fund;
notification of oil discharge incidents,
27906

Watches and watch movements; allocation of
quotas:
Guam, 22250, 24566
Virgin Islands, 16797, 24566

Water service and repayment contract
negotiations; public participation
procedures, 25195

INTERNAL REVENUE SERVICE

RULES

Excise taxes:
Coal; black lung benefits revenue temporary
guidelines, 14305

Manufacturers and retailers, special
provisions, etc.; correction, 16975

Income taxes:
Armed Forces members, abatement of
income taxes upon death of, 19392

Credit, general tax; married individuals, etc.,
19653

Debt reserves, bad; thrift institutions,
21454

Disability income payments exclusion,
19655

Drilling costs, intangible; election permitted
in computing, 17815, 18993

Earned income credit, 13875

Foreign corporations; minimum distribution
repeal, 19650

Information returns for carryover basis
property, 16734

Procedural rules:
Returns and claims for refund examination,
appellate functions, etc., 17816

Procedure and administration:
Earned income credit, 13875

Foreign corporation information returns;
civil penalty abatement for failure to
file, 18552

Public inspection of rulings, determination
letters and technical advice
memorandum, 20790

Return information disclosure; Commerce
Department, statistical purposes, etc.,
14962

Returns and return information disclosure;
employee retirement benefit plans,
19657

PROPOSED RULES

Employment taxes:
Wage reporting, combined annual;
information returns, 20020

Estate and gift taxes:
Annuities, armed forces survivor, 21465

Income taxes:
Amortization of railroad rolling stock,
23610

Annuities, armed forces survivor, 21465

Benefit plans (defined) for self-employed
individuals and shareholder-employees,
22734

Bonds, arbitrage, 19675, 19678

Capital losses limitation, 23607

Construction aid contributions, 22997

Deduction limitations; contributions to
qualified pension trusts, 21695

Foreign corporations; transfers, exchanges,
etc.; extension of time, 18570

Gain from sale or exchange of depreciable
property between related taxpayers,
23608

Low-income rental housing; rehabilitation
expenditures depreciation of property,
19679, 22059

New jobs credit, 13893

Wage reporting, combined annual;
information returns, 20020

Procedural rules:
Administrative appeal, single level, 13896,
13899, 15336

Procedure and administration:
Child support obligations, collection,
25143

NOTICES

Authority delegations:
Assistant Commissioner (Accounts,
Collection and Taxpayer Service) et al.;
information disclosure to child support
enforcement agencies, 16235

Assistant Commissioner (Planning and
Research) et al.; furnishing special
statistical studies, etc., 19314

Assistant Commissioner (Public Affairs) et
al.; authorization of first-class air
accommodations, etc., 23069

Assistant Commissioner (Technical) et al.;
tax liability, 16235

Assistant Regional Commissioner
(Appellate) et al., 25757

Chief Counsel's delegate; Tax Court cases,
16236

Deputy Commissioner et al.; information
disclosure to Committees of Congress
and Comptroller General, 19314

Regional Commissioners et al.; compromise
offers, 16587

Regional Commissioners et al.; disclosure of
return information, 16237, 17900

Regional Commissioners et al.; taxpayers,
identity disclosure to press, 19095

Employee benefit plans:
Prohibitions on transactions; exemption
proceedings, applications, hearings, etc.,
15826, 16437, 17067, 17091, 17561,
18354, 18359, 19481, 22799, 22800,
25492, 25513, 28578, 28599

Written determinations, public inspection;
disclosure intention, 19094, 23069,
26512

INTERNATIONAL BROADCASTING BOARD

NOTICES

Meetings; Sunshine Act, 24953

INTERNATIONAL COMMUNICATION AGENCY

RULES

Organization, functions, and authority
delegations:
USIA and Bureau of Educational and
Cultural Affairs, State Department;
transfer of functions, 14298, 16312

Privacy Act; implementation, 14457

Procurement, 28493

NOTICES

Meetings:
Music Advisory Committee, 25196

Organization, functions, and authority
delegations:
Broadcasting, Associate Director; functions,
15368

Contract and Procurement Division, Chief;
functions, 15370

Educational and Cultural Affairs, Associate
Director; functions, 15369

Management, Associate Director; functions,
15370

Programs, Associate Director; functions,
15368

USIA and Bureau of Educational and
Cultural Affairs, State Department;
transfer and continuity of functions,
15371

INTERNATIONAL JOINT COMMISSION-UNITED STATES AND CANADA

*See Canada and United States-International
Joint Commission.*

INTERNATIONAL TRADE COMMISSION

RULES

Conduct standards; Deputy Ethics Counselor;
designation, 25671

NOTICES

Customs valuation; adoption of new rules; U.S.
economic effect; investigation and
hearings, 14156, 16555, 20281

Import investigations:
Bolts, nuts, and large screws, iron or steel;
good cause for reopening; inquiry,
28057

Brooms, broomcorn, 15802

Ceramic articles, 14146

Cigarette holders, 23767

Clothespins from People's Republic of China
et al., 21952, 24915

Copper, unalloyed unwrought, 14748

Copper rod, apparatus for continuous
production, 21951, 24749

Doxycycline, 16429, 18781, 23767

Fastener assemblies, plastic, 15203

Ferrochromium, high carbon, 27907

Fishing tackle, 14156, 25388

Flatware, stainless steel; report to President,
20873

Gemstones, synthetic, 17063, 18343,
28056

APRIL-JUNE 1978, FEDERAL REGISTER INDEX

Interstate

Ice hockey sticks from Finland, 13924

Impression fabric of man-made fiber from
Japan, 14143

Leather wearing apparel from Uruguay,
18343

Luggage products, 14364, 16428, 18058,
22790

Methyl alcohol from Canada, 26800

Multicellular plastic film, certain; swimming
pool covers, etc., 28258

Photographic color paper from Japan and
West Germany, 16554, 20875

Polyvinyl chloride, sheet and film, from
Republic of China, 16429

Rayon staple fiber from Belgium, 21740

Roller units, 18055, 25388, 26496

Sandals, flexible foam, 15018, 27252

Skateboards and platforms, 14365, 17064

Sorbates from Japan, 27252

Steel pipe and tube, welded stainless, from
Japan, 19469

Steel plate, carbon, from Japan, 17410

Steel wire strand for prestressed concrete
from India, 24915

Swivel hooks and mounting brackets,
25743

Telephone terminal and switching
equipment industry; hearing, 26497

Tile setters, ceramic, 21061

Toy vehicles, steel, 18343

Trash pumps, centrifugal, 16553

Windows, monumental wood, 14365,
16429, 18056

Zinc, unalloyed, unwrought, 27908

Meetings; Sunshine Act, 14272, 14795,
15056, 15231, 16882, 17628, 18400,
18628, 19498, 19753, 19754, 20086,
20612, 21106, 22153, 22154, 22806,
24169, 25406, 26362, 26531, 27281

Tariff Schedules; conversion of specific and
compound rates of duty to ad valorem
rates; hearings, 14156, 16555, 20281

Watches and watch movements; determination
of U.S. consumption and quotas for duty-
free entry; Virgin Islands, Guam, and
American Samoa, 14157

INTERSTATE COMMERCE COMMISSION

RULES

Accounts, uniform system:
Procedures for adoption of FASB
accounting standards, 26313

Forms, list of; application procedures;
permanent operating authority, grace
period for filing, 14317

Forms, list of; broker application, 21678

Freight forwarders:
Practice rules; application procedures,
permanent operating authority forms,
grace period for filing, 14317

Reports; corporate disclosure; filing
procedures, 15156

Motor carriers:
Applications for certificates and permits,
17828

Dual operations, common and contract
carriers; applications, 14664

Exemptions; agricultural cooperative
transportation; clarification, 21894

Freight and passenger tariffs and schedules;
less-than-truckload (LTL) rates and
service; small shipments, 14670

Freight and passenger tariffs and schedules;
service restrictions, 17828

Household goods transportation; bill of
lading, 16340

Household goods transportation; reweighing
of shipments, 22982

Less-than-truckload (LTL) rates and
service; small shipments, 14670

Practice rules; application procedures,
permanent operating authority forms,
grace period for filing, 14317

Practice rules; less-than-truckload (LTL)
rates and services; small shipments,
14670

Reports; corporate disclosure; filing
procedures, 15156

Rail carriers:
Accounts, uniform system, 28205, 28498

Reports; class III railroad designation,
28205

Reports; track maintenance, 21894

Revenue levels, adequate; standards and
procedures for establishment, 25774

Railroad car service orders:
Ballast cars, substitution, 14475

Boxcars, distribution, 16739

Boxcars, substitution, 19048

Boxcars, substitution of refrigerator cars,
26735

Freight car movement, 16182

Freight cars; demurrage and free time,
14666, 19050, 23723, 24539

Freight cars, distribution, 14476, 16739,
18555, 21336, 26735

Freight cars, movement, 24536, 26312

Freight cars; ownership, utilization,
distribution, etc., 24694

Grain cars, distribution, 14475, 16342,
16979, 19048, 19052

Grain shipments, multiple car, 24538

Hopper cars, distribution, 14967, 19048,
19049, 28497

Hopper cars, return, 14966, 17361

Hopper cars, substitution, 23723

Hopper cars; unit-grain-trains of less than
number of cars required by tariffs,
24696

Multiple-car shipments transporting less than
minimum quantities, 14473, 21893

Refrigerator cars, distribution, 17360

Refrigerator cars, substitution, 23581

Trailers, insulated; return, 24538, 25129

Railroad car service orders; various
companies:
Atchison, Topeka & Santa Fe Railway Co.,
19396

Brandon Corp., 14669

Brillion & Forest Junction Railroad Co.,
22212

Burlington Northern Inc., 24695

Chesapeake & Ohio Railway Co., 14021

Chicago, Rock Island & Pacific Railroad
Co., 19395, 26581, 26736

Chicago & North Western Transportation
Co., 14668, 24539, 28497

Consolidated Rail Corp., 28496

Erie Western Railway Co., 27841

Lenawee County Railroad Co., Inc., 16341

Missouri Pacific Railroad Co., 14476,
26446

Norfolk & Western Railway Co. et al.,
20235, 24695

North Stratford Railroad Corp., 19047

Octoraro Railway, Inc., 26311

43

42

FEDERAL REGISTER INDEX, APRIL-JUNE 1978

UMI

Interstate

Richmond, Fredericksburg, & Potomac Railroad Co., 15426
St Louis-San Francisco Railway Co., 14474, 19050
Union Pacific Railroad, 15156
Railroad services abandonment:
Chicago, Milwaukee, St. Paul & Pacific Railroad Co., 23799
Reports:
Annual, corporate disclosure; filing procedures, 15156
Water carriers:
Practice rules; application procedures; permanent operating authority forms, grace period for filing, 14317
Reports; corporate disclosure; filing procedures, 15156
PROPOSED RULES
Conduct standards, 20208
Improving Government regulations, 27732
Motor carriers:
Application procedures, protest standards, 17008
Freight and passenger tariffs and schedules, 15168
Freight tariffs and schedules; classification system investigation, 14978
Household goods, pack-and-crate operation; Defense Department, 17509
Household goods transportation; estimating practices investigation, 18712, 28217
Household goods transportation; participation in credit card systems, 17004
Household goods transportation; reweighing of shipments, 14324
Irregular route property carriers; gateways and tacking, applications, 18581
Practice rules:
Procedures governing informal rulemaking proceedings; improving Government regulations, 27732
Small shipments tariff; released rates, 15168
Rail carriers:
Abandonment of lines and discontinuance of service; applications, 15754, 22751
Appellate procedures, 17006
Boxcars and gondolas, incentive per diem funds, use of, 17985
Capital incentive rate proposals, 22062
Exemption authority, general, 24718
Intercity passenger service, adequacy, 25152, 28216
Railroad car service orders; various companies:
Apache Railway Co. et al., 20071
Soo Line Railroad Co., 20080
Railroad consolidation procedures; applications for mergers, controls leases, etc., 15753
Reports:
Certification reporting requirements, class I carriers; inquiry, 14528
Sunshine Act; implementation, 15752
NOTICES
Agreements under sections 5a and b, applications for approval, etc.:
Bulk Carrier Conference, Inc., 15212
Central & Southern Motor Carriers, 24767
Motor Carriers Traffic Association, Inc., 26530
National Motor Freight Classification, 26646

Pacific Inland Tariff Bureau, 27949
Pacific Motor Tariff Bureau, Inc., 26530
Reopening of section 5a application proceedings; clarification, 18827
Southern Motor Carriers Rate Conference, Inc., 19329
Decisions; format standardization, 16240
Docket prefixes; proceedings on microfilm, 15403
Fourth section applications for relief, 16241, 17441, 18390, 18813, 19096, 19493, 20073, 20295, 21775, 21966, 22482, 23674, 23799, 24642, 25401, 26178, 27633, 27634, 27948
Hearing assignments, 13937, 14198, 14595, 14596, 14790, 14978, 15212, 15382, 15547, 15828, 16239, 16438, 16588, 16872, 17093, 17441, 17623, 17903, 18080, 18389, 18623, 18827, 19096, 19314, 19492, 19747, 19957, 20072, 20593, 20887, 21088, 21403, 21526, 21775, 21965, 22142, 22294, 22481, 22803, 23071, 23673, 23798, 24158, 24397, 24642, 24947, 25216, 25401, 25516, 25758, 25895, 26178, 26355, 26512, 26627, 26817, 27273, 27632, 27948, 28068, 28321, 28602
Improving Government regulations; inquiry, 27729
Meetings; Sunshine Act, 13966, 14796, 15836, 17113, 18128, 19330, 20612, 21408, 21792, 24169, 24404, 24405, 25226, 25936, 26880, 28612
Motor carrier, broker, water carrier, and freight forwarder applications, 14563, 14595, 14793, 15513, 16844, 16879, 19102, 19317, 21528, 20297, 20315, 21539, 22491, 23831, 23841, 23840, 24945, 25901, 26526, 26846, 27638, 27953, 28292, 28320
Motor carrier tariffs; rate increases:
Middle Atlantic Conference, 15549
Southern Motor Carriers Rate Conference, Inc., 15500
Motor carriers:
Cash letters, 28602
Dual operations, 28321
Finance applications, complaints, and ex parte proceedings; dockets microfilmed, 27632
Financial proceedings; certificate preparation, 20609
Irregular route property carriers; gateway elimination, 15027, 16589, 16611, 19096, 20594, 21775, 22491, 23799, 24767, 24778, 26512, 26513, 26627, 26817
Lease and interchange of vehicles, 18390, 19101, 19102, 26817, 27272
Operating rights applications, etc., 15538, 24646
Permanent authority applications, 19315, 20293, 25401, 25902, 25935, 26836, 27938, 28282
Pickup and delivery; investigation, 20608
Property broker special licensing, 19493
Property broker special licensing; applications, 13964, 17109, 21560, 25768
Rates and charges; investigation, 16873, 16874, 16875, 16876, 16877
Temporary authority applications, 18823, 19495, 19747, 19957, 13940, 13944, 13947, 13950, 13953, 13956, 13961,

14200, 14203, 15027, 15383, 15387, 15391, 15395, 15399, 15828, 16242, 16633, 17093, 17099, 17104, 17440, 17441, 17903, 18390, 18819, 18813, 19962, 19966, 19973, 19979, 20073, 20887, 20890, 21089, 21094, 21099, 21540, 21561, 21966, 22142, 22482, 22485, 23071, 23076, 23798, 24158, 24398, 24642, 24646, 24762, 24766, 25217, 25527, 25762, 25896, 26179, 26182, 26357, 26526, 26642, 26832, 26846, 27274, 27278, 27634, 27638, 27949, 28077, 28322, 28325, 28606, 28601 28603
Temporary authority applications; caption summary drafting policy statement, 21561
Temporary authority terminations, 17110, 17111, 17440, 17441, 20080, 21403
Transfer proceedings, 19749, 19750, 13939, 13964, 15052, 15548, 15549, 16241, 16878, 17625, 17626, 17903, 18080, 18624, 19316, 19493, 20887, 20889, 21539, 21540, 21546, 21965, 22148, 22803, 22804, 23080, 23673, 23674, 24165, 24666, 24767, 24945, 25401, 25768, 25895, 26355, 26356, 27273, 27278, 27279, 28325, 28326
Permanent authority matters and rulemakings; expanded use of Federal Register; policy statement, 21527
Petitions, applications, finance matters (including temporary authorities), railroad abandonments, alternate route deviations, and intrastate applications, 14574, 14595, 14793, 15522, 16855, 16879, 18082, 18094, 18813, 20337, 21546, 21560, 22490, 22496, 22504, 23831, 23840, 24934, 25223, 25913, 25934, 26859, 28303, 28321
Petitions filing:
American Bus Association, 15827
Blue Bird Coach Lines, Inc., et al., 20295, 23798
Corrugated Carriers, Inc., 24398
Declaratory order, 18 railroads, 17903, 22292
Defense Department, 19494
Practice rules; disbarment proceedings: Weir, Thomas A., 17110
Rail carriers:
Automatic car identification systems; rulemaking petition, 25935
Cancellation of leases over filing of complaints; investigation, 25934
Revenue levels adequacy; levels, 1978 proceeding, 25778
Rail carriers; purchase, control, consolidation, lease or merger procedure applications under section 5 (2) and (3):
Itel Corp., 17905
Lenawee County Railroad Co., Inc., 17905
Newrail Co., Inc., 14369
Southern Railway Co. et al., 25217
Rail merger applications, filing procedures, 15828
Railroad car service orders:
Boxcars, distribution, 18080
Grain cars; distribution, 17623, 18813
Grain cars; inspection and billing, 22294
Hopper cars, covered; distribution; petition denied, 14792
Hopper cars, covered; phosphate and fertilizer shipment, 27637
Hopper cars, covered; replacement, 24947

Justice

INTERSTATE LAND SALES
REGISTRATION OFFICE

PROPOSED RULES

Advertising, sales practices, posting of notices of suspension:
Advertising disclaimers, property reports, etc., 23936
Land registration, 23936
NOTICES
Land developers; investigatory hearings, orders of suspension, etc.:
Aspen Run, 17872
Cobb's Glen, 15788
Deer Run Estates and Deer Run Estates No. 2, 15788
Miami Acres West, 15789
Quail Hollow Pines et al., 19924
South Houghton Lake Forest Estates, 14133
Sunland, 17872
Waterwood, 24144

INVESTMENTS

See *Overseas Private Investment Corporation, Securities and Exchange Commission.*

JOINT BOARD FOR THE
ENROLLMENT OF ACTUARIES

See *Actuaries, Joint Board for Enrollment.*

JUSTICE DEPARTMENT

See also *Antitrust Division, Justice Department, Drug Enforcement Administration, Federal Bureau of Investigation, Federal Prison Industries, Immigration and Naturalization Service, Law Enforcement Assistance Administration, Parole Commission, Prisons Bureau.*

RULES

Information or material production or disclosure:
Authority delegations, U.S. Marshals Service, Director, 19849
Organization, functions, and authority delegations:
Assistant Attorneys General; increased settlement authority, 20793
Deputy Attorney General and Associate Attorney General; supervisory functions, 26001
Executive Office for U.S. Attorneys, Director; personnel authority, 14009
Personnel and administrative matters; per diem and travel allowances, 22969
U. S. Marshals Service, Director; appropriations for prisoners in custody, 20006
Privacy Act; implementation, 19883

PROPOSED RULES

Employee selection procedures; uniform guidelines; hearing and meeting change, 14955
Privacy Act; implementation, 21901, 22999

NOTICES

Authority delegations:
Assistant Attorney General, Office of Legal Counsel, 22791
Improving Government regulations; inquiry, 22922

Railroad car service orders; various companies:
Atchison, Topeka & Santa Fe Railway Co., 20593, 27948
Chicago, Milwaukee, St. Paul & Pacific Railroad, 19748
Chicago, Rock Island & Pacific Railroad Co., 21403
Chicago & Northwestern Transportation Co., 17442
Illinois Central Gulf Railroad Co., 15547, 19749, 20594, 27949
Missouri-Kansas-Texas Railroad Co., 20608
Union Pacific Railroad Co., 27637
Virginia & Maryland Railroad, 21406
Railroad car service rules, mandatory; exemptions, 13938, 14198, 14199, 14791, 15212, 15382, 15548, 16240, 16439, 17109, 17442, 17623, 17624, 18080, 19747, 19748, 20594, 20610, 20890, 21527, 22481, 24403, 24952, 25223, 25895, 28321
Railroad contract rates; policy statement, 22148
Railroad freight rates and charges; various States, etc.:
Colorado, 18624
Georgia; intrastate demurrage rules, 27948
Idaho, 16588
Mississippi, 28601
Nationwide, 20295, 25759
Oklahoma, 22489
Texas, 22804
Texas, coal to; capital incentive rate, 24398
Western coal movements, 22151
Railroad operation, acquisition, construction, etc.:
Chicago & North Western Transportation Co., 18625, 23071, 26645
Grand Trunk Western Railroad Co. et al., 25759
Illinois Central Gulf Railroad Co., 19749
National Railway Utilization Corporation-Control-Peninsula Terminal Co., 28326
Oregon-Washington Railroad & Navigation Co. et al., 23082
Railroad services abandonment:
Allegheny & Western Railway Co. et al., 17904
Atchison, Topeka & Santa Fe Railway Co., 22149
Baltimore & Ohio Railroad Co., 14790, 24946, 26817
Burlington Northern, Inc., 20072, 20292, 27633
Central Iowa Transportation Cooperative, 27637
Chessie System, 22264
Chicago, Milwaukee, St. Paul & Pacific Railroad Co., 13938, 17563, 22150, 27633
Chicago & North Western Transportation Co., 18389, 22281
Chicago Produce Terminal Co., 20593
Consolidated Rail Corp., 14214
Delaware & Hudson Railway Co., 22287
Detroit, Toledo and Ironton Railroad Co., 25516
Georgia Southern & Florida Railway Co., 20073
Illinois Central Gulf Railroad Co., 14791, 15212, 17904
Illinois Terminal Railroad Co., 25518

Justice

Meetings:
Circuit Judge Nominating Commission, U.S., 22087
Newspaper operating agreement; Cincinnati Enquirer and Cincinnati Post; applications to intervene, 23767
Pollution control; consent judgments; U.S. versus listed companies, etc.:
C F & I Steel Corp., 23659
Consolidated Packaging Corp., 23659
Hudson Pulp & Paper Co., 20282
Public Service Co. of New Mexico et al., 18345
Witco Chemical Corp., 25746
Privacy Act; systems of records, 18059, 18060, 19926, 21953, 25883
Voting rights; appointment of examiners:
Marion County, S.C., 27617
Reeves County, Tex., 19470

LABOR DEPARTMENT

See also *Employment and Training Administration*.
Employment Standards Administration.
Federal Contract Compliance Programs Office.
Labor Management Services Administration.
Labor Statistics Bureau.
Mine Safety and Health Administration.
Occupational Safety and Health Administration.
Pension and Welfare Benefit Programs Office.
Wage and Hour Division.

RULES

Apprenticeship and training, equal employment opportunity, 20760
Comprehensive Employment and Training Act: Compilation of regulations; correction, 16974
Youth, economically disadvantaged; summer program for, 21859
Youth incentive entitlement pilot projects; corrections, editorial changes, etc., 23504
Youth programs, 14940
Contracts, Federal; procedures under Walsh-Healey Public Contracts Act, 22975
Mine safety and health; civil penalties for violations, 23517
Procurement, preference in; companies in high unemployment areas; CFR Parts revoked, 19393
Senior community service employment program:
Eligibility increase, 28468

PROPOSED RULES

Comprehensive Employment and Training Act: Youth, economically disadvantaged; summer program for, 14424
Employee selection procedures; uniform guidelines; hearing and meeting change, 14955
Grants and agreements to State and local Governments, Indian and native American entities, etc.; administrative requirements, 26042
Intergovernmental Personnel Act Programs: Personnel administration merit system; standards, 20996
Privacy Act; implementation, 25145
Procurement, 21014

NOTICES

Authority delegations:
Labor-Management Relations Assistant Secretary; information from IRS, 23036
Improving Government regulations; inquiry, 22915, 24212
Industry study reports for adjustment assistance eligibility:
Flatware, stainless steel, 25494
Meetings:
Minimum Wage Study Commission, 21748
Organization, functions, and delegations of authority:
Special Investigation Office; establishment, 27261
Privacy Act; systems of records, 25206, 28579
Unemployment compensation; hearings:
New Hampshire Department of Employment Security, 26500
Adjustment assistance:
A & A Manufacturing et al., 15205
A.F.T. Motor Freight, Inc., 17550
A.M. Milwaukee Body Employees Credit Union et al., 28579
ARA Food Services Co., 27915
ASARCO, Inc. et al., 18791, 24633, 27915
A. S. Mines, Inc., 26148
Abarry Steel Co., 26147
Ace Knitting Mills et al., 21069
Acme Hamilton Manufacturing Corp. et al., 27925
Advent Corp., 21077
Aeroquip Corp. et al., 25498
Aetna-Standard Engineering Co., 28587
Aiken Industries, Inc., 14752, 27914
Aileen, Inc., et al., 15205
Airco, Inc., et al., 26499
Airco Industrial Gases et al., 18790
Alabama By-Products Corp., 18782
Alan Wood Steel Co., 14164
Alatex, Inc., et al., 26497
Aliquippa & Southern Railroad Co., 17070
All Seasons, Inc., et al., 22793
Allegheny-Ludlum Steel Corp. et al., 17550, 18360
Allen Shoe Co., Inc., 24621
Allied Leather Co., 14753, 25493
Alpha Handbag Corp. et al., 17551
Alstate Lawn Products et al., 24634
Alton Box Board Co., 22088
Altoona Shoe, Inc., et al.; correction, 14773
Amax Specialty Metals Corp. et al., 21068
American Biltrite, Inc., 21079
American Bosch, 14165
American Brush Co., Inc., 22089
American Motors Corp. et al., 27923
American Stay Co., Inc., et al., 27924
Ameron Inc., 17071
Amity, Browne-Tilt, Inc., 28584
Anaconda Co., 26147
Andave Sportswear, Inc., 18782
Anderson Development Corp., 23027
Anthony Sportswear, 22089
Anthracite Shirt Co., 21070
Apeco Corp., 24150
Apex Distributing Co. et al., 28581
Apex Glove Co., 14773
Aquada Products, Inc., et al., 14774
Armando Dal Molin Music Typographers, 28586
Armco Steel Corp., 22089, 22099, 24622, 26147

Armor-San Francisco Galvanizing, Inc., 18783
Arrow Co., 18782
Auto Village, Inc., et al., 22087
Avtex Fibers, Inc., 22090
Baltimore & Ohio Railroad Co., 18783
Bauer Canadian Skate, Inc., 14753
Baxter Stores, Inc., 25497
Beans, James H., Foundry Co., 24627
Bel Sportswear, Inc., 21070
Belk Manufacturing Co., Inc., 14754
Benmax Sportswear Co., 26148
Bernie Shoe Co., 14754
Bessemer & Lake Erie Railroad Co., 25494
Best Coat Co., Inc., 27916
Bethlehem Mines Corp., 18784
Bethlehem Steel Corp. et al., 14754, 17072, 21079, 22090, 23036, 24622, 26149, 26498, 27916
Bird & Son, Inc., 23028
Bobbie Knitwear, Inc., 17072
Bootmakers of Sturgeon Bay, Inc., 19930
Bort Carlton Co., 14755
Bound Brook Togs Co., Inc., 14776
Brandywine Corp. et al., 19478, 26149
Braswell Shipyards, Inc., 14755
Bridon American Corp., 18361
Bristol Fashions, Inc., 22091
Brown Shoe Co., 14165, 14756, 17073, 26149, 28585
Bunker Hill Co., 24623
Burnham-Edina Manufacturing Co., 14773
CF&I Steel Corp., 18785, 27916
C & P Sportswear, 18784
Cambridge Co., Inc., 21071
Camp Bird Colorado, Inc., et al., 28580
Canamex Commodity Corp., 23028
Cannonsburg Pottery Inc., 17073
Carousel Slacks et al., 27924
Cascade Steel Rolling Mills, Inc., 14756
Cedarock Co., Inc., 24624
Centre Foundry & Machine Co., 14756
Cepco, Inc., 26150
Champion Die Inc., 27917
Charles Lyons Corp., 14757
Chemionics, 26151
Cheney Brothers, Inc., 17074
Chicago, Milwaukee, St. Paul & Pacific Railroad Co., 21080
Cities Service Co., 24624
Classic Weaving Corp., 17075
Classy Leather Goods Corp., 22100
Clayton Shoe Co. et al., 27917
Clemo Coat Co., 22100
Clift Manufacturing Co. et al., 22100
Coamo Knitting Mills, 17075
Codi Corp. et al., 27922
Cohen Clothes, 18785
Colonial Wood Heel Co., 18785
Colt Industries, Inc., 14757, 27918
Command Print Works, 14166
Composite Electric Assemblies, Inc., et al., 15207
Conaway-Winter, Inc., 27918
Consolidated Rail Corp., 18786, 18787, 22091, 24625, 25495, 27919
Converse Rubber Co., 28582
Copperweld Corp., 22091
Corning Glass Works, 26151
Cranston Print Works, 18361
Crescent Glass Co., Inc., 21071
Crown Pants Co., 17076
Cyclops, Inc., 25496, 26151, 26152
Cyclops Corp., 27931
Cyprus Mines Corp., 26152

Labor

D & H Sportswear, 14758
Dana-Marine Fashions, Inc., 14758
Delavel Turbine, Inc., 14166
Diane Handbags, Inc., 25496
Dictaphone Corp., 17076
Dole Pineapple Co., 14759
Donner-Hanna Coke Corp., 25198
Dorado Fabrics, Inc., 25497
E & S Sportswear, Inc., 17877
Eagle Clothes, Inc., 22092
Earth Shoe Corp., 14759
East Range Clinic, 14759
Eastern Sportswear Manufacturing Co., Inc., 23028
Edinburg Manufacturing Co., 14167
Edwards, E.H., Co., 27919
Eggie Motor Co., Inc., 14168, 21072
Encore Shoe Corp., 14168
Ethan Industries, Inc., 19930
Eureka Sugar Mill of Sugar Corp. of Puerto Rico, 23029
F&A Fashions, Inc., 28585
F/V ALice J., 27920
F/V Divine Creator, 26153
F/V Gale, 26154
F/V Jennifer & Aaron, 23029
F/V Johnny O., 23030
F/V Kathryn Marie, 26154
F/V Leona Louise, 25199
F/V Mencho, 24629
F/V Michael Ann, 23030
F/V Raider II, 26154
F/V Reneva, 26155
F/V Shirley and Roland, 25199
F/V Zerda, 26155
Fabrics by Joyce, Inc., 27920
Fairfield Glove Co., 14773, 14774
Fairfield-Noble Corp. et al., 25197
Fairhaven Corp., 14760
Fajardo Sugar Mill of Sugar Corp. of Puerto Rico, 23031
Federal Mogul Corp., 22092
Filper Corp., 14760
Fine Craft Coat Co., Inc., 24150
Finkelstein, Jacob, & Sons, Inc., et al., 21073
Florsheim Shoe Co., 17077, 18787, 18788, 21072, 22093
Ford Motor Co., 14169
Forest Fabrics, Inc., 27920
Frolic Footwear, 14760
Frontier Steel Co., Inc., 17078
Ft. Smith Structural Steel Co., 17078
GAF Corp., 14761
Geist, Herman, Inc., 28583
General Electric Co., 19478, 24626
General Instrument Corp., 14762
General Motors Corp., 18789
Ghia Sportswear, Inc., 28582
Gilmore Steel Corp., 17084, 17552
Goralnick Shoe Trimming Co., Inc., 17079
Great Bay Sportswear, Inc., 27921
Great Western Railway Co., 14169
Great Western Sugar Co., 14169
Greenfield Components Corp., 21073
Haas Tailoring Co., 22101
Hackett, Clarence A., Inc., 25495
Halltex Clothing Co., 26155
Handley Textiles, Inc., 17079
Hanna Furnace Corp., 14170
Hanna-Barbera Productions, Inc., 17080
Harbison-Walker Refractories, Inc., 26156
Harris Corp., 26156
Harrisburg Manufacturing Co., 27921
Hart Schaffner & Marx, 14762, 25200

Hawthorne Tanners, Inc., 22093
Helene Dec, 14762
Hennoch Manufacturing Contracting Corp., 17553
Hercules Trouser Co., 14763, 19930
Hi-Craft Clothing, 26157
Hibshman Screw Machine Products, Inc., 25200
Hilo Iron Works, Inc., 22101
Hilton Manufacturing Co., 23031
Hubbard & Co., 14764
Hy-Gain de Puerto Rico, Inc., 21080
Hy-Gain Electronics Corp., 17080
Hydri Co., 25497
Hydro Weave, Inc., et al., 14764
Idarado Mining Co., Inc., 21080
Igualdad Sugar Mill of Sugar Corp. of Puerto Rico, 23032
Industrial Clean Air, 27922
Ingersoll Steel Co., 18789
Inspiration Consolidated Copper Co., 14176
International Manufacturing Co., 14170
International Shoe Co., 25497
Irvin, E.T., Works, 24625
Irvin, Harry, Inc., 24626
Irwin Toys, Inc., et al., 21073
Isaacson Steel Co., 14764
J.C. Manufacturing Co., 28585
J & T Sportswear, Inc., 23032
Jay Garment Co., 22093, 28582
Jean Arthur Sportswear et al., 17552, 27926
Jemy Sportswear, Inc., 14171
Jo-Mars Sportswear, Inc., 19931
Johns Hopkins University et al., 19255
Jones & Laughlin Steel Corp., 17081, 17553, 24627, 26157
Jordan Manufacturing Corp., 26157
Julius Goldstein Shoe Manufacturing, Inc., 14765
Julius & Sons, Inc., 23033
June Sportswear Co., Inc., 28583
Kaiser Steel Corp., 14765
Kala Manufacturing Co., 14765
Karmel Textile Co., 14172
Karp, David, Inc., 25496
Keencast Manufacturing Corp., 22102
Keibler Industries, Inc., 14172
Kensco Communications, Inc., 14765
Kentucky Electric Steel Co., 18791
Kramer Corp., 14172
Laclede Steel Co., 21074, 23033
Leader Dyeing & Finishing Co., Inc., 17082
Leemar Corp., 26158
Leemar Knitting Mills, Inc., 17082, 22094
Lesnow Manufacturing Co., Inc., 17554
Liberty Belle Fishing Corp., 25500
Lincoln Sportswear Co., Inc., 17082
Lowenstein, M., & Sons, 26500
Lucky Knitting Mills, 24649
Lukens Steel Co., 21074
M&S Co., Inc., et al., 26158
Machine Design Service, Inc., 19931
Macon Shirt Co., 17083
Magaw Electric Co., 14766
Malden Knitting Mills, Inc., 22094
Marshall Ray Corp., 22095
Maxwell & Rothchild, Inc., 17083
May, Madeline, Co., 28588
Mayflower Coat Co., 24627
McDonald's Enterprises, Inc., 14173
McElwain, J. F., Co., 17081
McGregor-Doniger Inc., 17083

McKeesport Connecting Railroad; corrections, 18362
Medalist of Sikeston, 17555
Medford Knitwear Mills, Inc., 18792
Medical University of South Carolina et al., 19256
Mercer Clothing Co., Ltd., 27926
Merit Clothing Co., Inc., 14767
Mickey Madann Handbags, Inc., 14767
Midwest Steel & Alloy Corp., 23033
Mil Garment Co., Inc., 22102
Miller Shoe Co., 14767, 14768
Milwaukee Tool & Equipment Co., Inc., 22102
Mister Dino, 19932
Modern Clothing Co., 17555
National Garment Co., 27926
National Steel Corp., 22095
National Steel Products Co., 14768
National Supply Co., 22103, 22104
Neiman Tool & Machine, 22096
New Knit Manufacturing Co., 14173
Newark Textiles Printing, Inc., 19932
NL Industries, Inc., 14774
Normal Shoe Co., Inc., et al., 24628
North & Judd/Wilcox Crittenden, 17084
Northern Shoe Co., 14174
Noymer Manufacturing Co., 19933
Oahu Sugar Co., Ltd., 14174
Ohio Ferro-Alloys Corp., 19933
O'Keefe Drilling Co., Inc., 14774
Olin Corp. et al., 21075
Olympia Industries, Inc., 14175
Omega Last Co., 22096
O'Neill, L.J., Shoe Co., 25499
Onondaga Silk Co., Inc., 24628
Pacific Tube Co., 17084
Pallack, Andrew, & Co., Inc., 14776
Palma, Joseph R., Inc., 18362
Paragon Wire & Cable Corp. et al., 21075
Parkview Clothes, 22104
Penn Footwear, 26158
Penn-Dixie Steel Corp., 14769
Personal Sportswear, 17085
Philadelphia, Bethlehem & New England Railroad Co., 22096
Pittsburgh Annealing Box Co., 18792
Pittsburgh Metals Purifying Co., 18793
Ponce Pearl, Inc., 24629
Precision Ball Bearing Co., 24629
Prestonsburg Shoe Co., 17556
Prints Almo, Inc., 14177
Proctor Products, Inc., 27927
Prosperity Garments, 27927
Proximity Print Works, 24630
Publix Meridian, Inc., 21076
Pullman Berry Co., 24630
Pullman Standard, 22097
Quanex Corp., 14769, 21076
RCA Corp., 18793
RTE Corp., 18794
Rain Ducker Inc., 21081
Ranchers Exploration & Development Corp., 23034
Raytheon Co., 17085
Reed Forest Products, Inc., 22097
Regency Electronics, Inc., 22097
Reliable Coat Co., Inc., 22098
Republic Steel Corp., 14769, 14770, 19934, 24631, 24632, 25200, 25201, 25202, 25203, 25204
Richard Tanning Co., Inc., 18794
Richards, Henry, Co., Inc., 25200
River Terminal Railway Co., 25205
Riverside Manufacturing Co., Inc., 17556

Labor

Rivet, A., Co., Inc., 17070
Robert Hall Clothes, 17086
Robert Hall Manufacturing Co., 18362
Robert Shoe Co., Inc., 22098
Robinson Apparel, Inc., 28584
Rocco Handbag Corp., 22105
Rochester Shoe Corp., 18794
S. D. Sales Corp., 21082
Saint Laurie, Ltd., 27927
San Francisco Shirt Works, Inc., 18795
San Francisco Sugar Mill of Sugar Corp. of Puerto Rico, 23035
San Francisco Wildflowers, Ltd., 19934
Scripto, Inc., 17071
Sea-Land Service, Inc., 24632, 25205, 27928
Selmer Co., 21082
Semiconductor Circuits, Inc., 14770
Sentar Glass Co., 14770
Servomation Corp., 18795
Sharon Steel Co., 19934, 19935
Sharon Steel Corp., 26153
Sheesley, Frank M., Co., 28587
Sheldahl, Inc., 18796
Simmons Co., 27928
SKF Industries, Inc., 14177
Soule Steel Co., 17086, 26500, 28581
Southern Electric Steel Co., 14771
Southwestern Bell Telephone Co., 19935
Sportswear Associates, Inc., 28583
Springfield Specialty Motors, 14771
St. Croix Corp., 21083
St. Joseph Structural Steel Co., 21076
Stafford Garment Manufacturing Co., 14177
Standard Rubber Products, Inc., 18796
Stein & Koltis Enterprises, Inc., 14178
Store Decor, Inc., 17086
Stutz Products Corp., 21083
Superior Cutting Die Co., 18797
Superior Tube Co., 17087, 17556
Tennessee Forging Steel Corp., 18797, 19935
Thealinda Knitting Mills, Inc., 14178
Thomas Knitting, Inc., 23035
Thompson Steel Co., Inc., 17557
Tim Sportswear Co., Inc., 14178
Timkin Co., 27928
Tornetta's Motor Trucks Inc., 19936
Totes, Inc., 26159
Tower Fashions, 18797
Transitron Electronics Corp., 22105
True Temper Corp., 26159
U.S. Steel Corp., 14774, 17074, 17087, 17088, 17557, 18798, 18799, 19479, 21083, 22106, 24633, 26160, 27930
Union Bridge Clothing Co., Inc., 27929
Union Carbide Corp., 18798, 19936, 19937
Union Electric Steel Corp., 14771
Union Railroad Co., 25500
Uniroyal, Inc., 26159
Uniroyal Tire Co., 27929
Universal Ball Bearing Corp., 25205
Valley Manufacturing Corp., 21084
Van Huffel Tube Corp., 27931
Vesuvius Crucible Co., 22099
Victor United, Inc., 14772
Vincent Bach Corp., 17087
Viner Brothers Inc., 27932
Wakefield Engineering Inc., 19937
Walker Broadway Associates, Inc., 14179
Wean United, Inc., 25500
Webster Enterprises, Inc., 24633
Wells Benrus Corp., 14772

Wells-Gardner Electronics Corp. et al., 14179
West Point-Pepperell, 22106
Western Bearings Corp., 25206
Western Electric Co., 21084
Wheeling-Pittsburgh Steel Corp., 28588
Wide Awake Shirt Co., 18799
Winer, Arthur, & Co., 18783
Wittman Steel Mills, 18800
Wolff Shoe Manufacturing Co., 17089
Y & S Candies Inc., 21077
Youngstown & Northern Railroad Co., 28587
Youngtimers, Inc., 28586

LABOR MANAGEMENT SERVICES ADMINISTRATION

See also *Pension and Welfare Benefit Programs Office.*

PROPOSED RULES

Conduct standards:
Dismissal review, etc., 15735
Representation proceedings:
Petitions withdrawal, dismissal or deferral, etc., 15735
Unfair labor practices:
Complaint withdrawal or dismissal, etc., 15735

LABOR STATISTICS BUREAU

NOTICES

Meetings:
Business Research Advisory Council, 17545
Labor Research Advisory Council Committees, 15803

LAND MANAGEMENT BUREAU

RULES

Alaska native claims; publication of initial selection applications; waiver of requirements, 17942
Public land orders:
Alaska, 26734
Arizona, 19045
California, 19231
Idaho, 24063, 26734
Montana, 19046, 21461, 26446
Nevada, 19046

PROPOSED RULES

Geothermal resources leasing:
Competitive leases, 20826
Inventory and planning; procedures development; inquiry; extension of time, 24559
Land disposition:
Alaska native selections; reservation of public easements, 22620
Mining claims:
Location; recordation of unpatented claims and filing of assessment work information, 15102

NOTICES

Aircraft; area closures:
Snake River Birds of Prey Natural Area and Study Area, Idaho, 26139
Airport leases:
Alaska, 26798
Arizona, 22453
Nevada, 22250
Wyoming, 26800

Alaska native selections; applications, etc.
Choggiung Ltd., 22248
Cook Inlet Region, Inc., 28563
Eyak Native village, 27609
Kaguyak, Inc., 26618
King Cove Corp., 26140
Koniag, Inc.; correction, 14540
Natives of Kodiak, Inc., 16812
Ninilchik Natives Association, Inc., 14545, 17062
Northway Village, 28048, 28049, 28051
Nu-Nachk Pit, Inc., et al., 24609
Seldovia Native Association, Inc., 14540, 14542, 17062
Unga Corp., 26143
Yak-Tat Kwaan Inc., 19721, 19723

Applications, etc.:

Alaska, 18775, 21518
Arizona, 25489
California, 14134, 18047, 23657, 23658
Colorado, 14746, 15501, 15503, 16811, 17873, 18047, 19080, 20873, 21739, 22455, 24145, 25881, 25883
Florida, 28055
Idaho, 20280
New Mexico, 14134, 14135, 16814, 16815, 18047, 19296, 19924, 20058, 20280, 21518, 21519, 21739, 22084, 22454, 22455, 23657, 24385, 25194, 25195, 25879, 25880, 26140, 27249, 27250, 28256, 28257, 28567
Texas, 27904
Utah, 15502, 24386
Wyoming, 14549, 15013, 15014, 15502, 15503, 16227, 16426, 16427, 16553, 16812, 17062, 17406, 18049, 19297, 19469, 20058, 20564, 21949, 22455, 22456, 24145, 24146, 24147, 24914, 25883, 26494, 27250, 28257, 28258, 28564, 28565, 28566

Authority delegations:

California State Office, Records and Data Management Branch Chief, 24914
Nevada, District Managers, 16426

Coral applications:

California, 23657, 23658
Florida, 28055
Environmental statements; availability, etc.:
Cerberat/Black Mountain Planning Units, Phoenix District, Ariz., livestock grazing program, 19984
Coal resources development; Southwest Wyo., 14746, 18775, 25195
Hot Desert grazing management plan, Utah, 21950, 27615

Josephine Sustained Yield Unit, Oreg.; correction, 14364
North Valmy Coal-Fired Station, Nev., 21060
Outer Continental Shelf, Eastern Gulf of Mexico; oil and gas leasing, 27250
Outer Continental Shelf; Mid-Atlantic States oil and gas leasing, 20563
Rio Puerco Resource Area, N. Mex., grazing management program, 21382
San Luis Resource Area, Colo., grazing management, 21382
Sandy area, Rock Springs, Wyo., livestock grazing management plan, 21950
Silver City Project, Idaho, 17063
Tulead-Homecamp areas, Calif. and Nev., livestock grazing, 20564
Upper Gila-San Simon ES Area, Safford District, Arizona Livestock Grazing Management Program, 17874

Grazing district boundaries:

Idaho, 27249, 28566
Wyoming, 27249, 28566
Indian lands, jurisdiction transfer:
Cherokee Nation of Oklahoma, 18048, 22250

Meetings:

Battle Mountain District Grazing Advisory Board, 13923
Boise District Grazing Advisory Board, 19295
California Desert Conservation Area Advisory Committee, 14133, 26351
Canon City Grazing Advisory Board, 14746
Grand Junction District Grazing Advisory Board, 28256
Interagency Geothermal Leasing and Environmental Streamlining Task Force, 22247
Interagency Geothermal Streamlining Task Force, 24914
Montrose District Grazing Advisory Board, 18343
Rawlins District Grazing Advisory Board, 19297, 25881
Rock Springs District Grazing Advisory Board, 21740
Roswell District Grazing Advisory Board, 24914
Safford District Grazing Advisory Board, 22085
Salmon District Grazing Advisory Board, 14747
Shoshone District Grazing Advisory Board, 15368
Wilderness program, National work session, 23766
Worland District Grazing Advisory Board, 15502, 25882

Motor vehicles, off-road, etc.; area closures:

New Mexico, 18047, 24385
South Dakota, 25195
Oil and gas leasing; protraction diagrams filing, availability:

Alaska, 22456, 25879
Opening of public lands:
Colorado, 19725
Idaho, 26799
Nevada, 25880
Utah, 26619

Organization and functions:

Fairbanks, Alaska, District Office; relocation, 25742

Outer Continental Shelf:

Mineral and oil and gas leases, Alaska; protraction diagrams, availability, 18049
Oil and gas lease sales; Gulf of Mexico; withdrawal of tract, 15501
Oil and gas lease sales, qualified joint bidders, list, 22457, 23658
Oil and gas lease sales; restricted joint bidders, list, 15500, 16427
Oil and gas leasing, Alaska, protraction diagrams, 14134

Research natural area designation:

Aden Lava Flow, N. Mex., 22455

Survey plat filings:

Alaska, 24385
Wilderness policy and review procedure; National work session, 23766
Withdrawal and reservation of lands, proposed, etc.:
Alaska, 18046

Arizona, 15501
California, 14135, 14745, 15502, 17543, 19295, 19296, 22454, 23656
Colorado, 19469, 19725, 19726, 25878, 26798
Idaho, 26799, 28256
Michigan, 14548
Nevada, 20281, 24145

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

RULES

Nondiscrimination:
Crime control and juvenile delinquency programs, federally-assisted, 28796
Research and statistical information; confidentiality, 16974

NOTICES

Appeal from grant application denial, Champaign County, Ill.; hearing, 22087
Criminal intelligence systems operating policies, 28572

Grants solicitation, competitive research:

Addicted prisoners in Conn., Md., and Wash., treatment and rehabilitation, 15204
Adult restitution programs, 15203
Citizens reporting to police, 16818
Environmental attributes relating to informal social control mechanisms and crime prevention, 16817
Graduate research fellowship program competition, 25884
Integrated criminal apprehension program, 15203

Model pre-release program, 15204
National school resource center, 28058
Neighborhood decline and abandonment, 16227
Nonterrorist collective disorders, 22462
Patrol operations management, 21745
Police command and control systems, 15204
Police community relations, 17412
Police management practices, 20063
Police operational decision-making, 16818
Pre-release program, model, evaluation, 14550

Sentencing guidelines, New Jersey, 17412
Undercover business-front fencing operations, 21065
White collar crime data sources, 22087

Meetings:

Criminal Justice National Minority Advisory Council, 21746
Juvenile Justice and Delinquency Prevention National Advisory Committee, 28571
National Institute of Law Enforcement and Criminal Justice Advisory Committee, 20282
Minorities, needs assessment and relationship to criminal justice system; hearing, 17545

LEGAL SERVICES CORPORATION

RULES

Eligibility, legal assistance; maximum income levels, 27534
Financial assistance, procedures governing suspension, 21883

PROPOSED RULES

Eligibility, determination, 21905

Manpower

Governing bodies of recipients:
Membership requirements, 21904

NOTICES

Grants and contracts; applications, 15207, 15372, 16432, 26351, 26804
Meetings; Sunshine Act, 18400, 20893, 24954, 25529
Nondiscrimination, handicapped, 13927

LIBRARIES AND INFORMATION SCIENCE, NATIONAL COMMISSION

NOTICES

Meetings; Sunshine Act, 16882

LIBRARY AND INFORMATION SERVICES, WHITE HOUSE CONFERENCE

NOTICES

Meetings; Sunshine Act, 16884

LIBRARY OF CONGRESS

See also *Copyright Office, Library of Congress. Copyrighted Works, New Technological Uses National Commission.*

NOTICES

Meetings:
American Folklife Center Board of Trustees, 18800

MANAGEMENT AND BUDGET OFFICE

See also *Federal Procurement Policy Office.*

NOTICES

Budget rescissions and deferrals, 16276, 21284, 21628, 25310, 25968
Clean Water Act, data collection; hearing, 18076
Clearance of reports; list of requests, 14182, 14556, 16436, 16437, 16824, 17419, 17559, 17888, 18366, 18617, 19729, 19730, 21524, 21959, 21960, 24392, 24393, 24639, 24920, 25891, 26163, 26351, 27266, 27936, 28266
Committees; establishment, renewals, terminations, etc.:
President's Federal Statistical System Reorganization Project Advisory Committee, 27620

Federal assistance programs study plan, 27504

Federal Grant and Cooperative Agreement Act of 1977; implementation guidance, 21832

Grants, contracts, and agreements with educational institutions; cost principles (A-21 Revised); inquiry; extension of time, 17419

Improving Government regulations; inquiry, 21997, 24219

Privacy Act; systems of records, 14556, 15377, 20064, 22468, 25751, 26624, 27620

Statistical standards; responsibility transfer to Commerce Department (OMB Circulars A-39, A-46, A-65, and A-91 discontinued), 19308

MANPOWER ADMINISTRATION

See *Employment and Training Administration.*

Manpower

MANPOWER POLICY, NATIONAL COMMISSION

NOTICES

Meetings, 15504

MARITIME ADMINISTRATION

RULES

Statements, reports, and agreements; rescission of vessel utilization and performance report filing requirement, 22981

PROPOSED RULES

War risk insurance; vessel and owner eligibility, 24075

NOTICES

Applications, etc.:

Apollo Marine Co. et al., 23751, 25708
Atlas Marine Co. et al., 19429
Boston VLCC Tankers, Inc., et al., 16363
Cove Ventures Inc. et al., 21713, 24114, 26605
Delta Steamship Lines, Inc., 16534, 17023, 19060
Farrell Lines, Inc., 23751, 24723, 24724
Lykes Bros. Steamship Co., Inc., 24724
Suwannee River Finance, Inc., et al., 17856, 23752
Texas Commerce Bank National Association, 21713
Zapata Products Tankers, Inc., 25457

Bid invitations:

SS United States, 17022

Environmental statements; availability, etc.:

Tanker construction and bulk chemical carrier construction programs, 20530
Foreign construction cost computations:
Cargo vessels, MA design C4-s-lu, 20835
Dry bulk carriers, MA design C5-M-129a, 17022

Roll-on-roll-off container ships, MA design C7-S-131a, 20835

Superphosphoric acid tug barge vessels, 17022

Improving Government regulations; inquiry, 23183

MATERIALS TRANSPORTATION BUREAU

See *Hazardous Materials Operations Office*.
Pipeline Safety Operations Office.

MENTAL HEALTH, PRESIDENT'S COMMISSION

NOTICES

Termination, 23059

METRIC BOARD

NOTICES

Meetings; Sunshine Act, 18831, 19755, 23843

MINE SAFETY AND HEALTH ADMINISTRATION

RULES

Civil penalties for violations, 23517

PROPOSED RULES

Civil penalties for violations; extension of time, 14691

Coal mine health and safety:

Miners with pneumoconiosis; transfer procedures; respirable dust; hearing, 26454

Surface mines and work areas; respirable dust; hearing, 26454

Underground mines; respirable dust; hearing, 26454

Filing and other administrative requirements:
Hazardous conditions complaints; processing procedures; extension of time, 14691

Legal identity notification; extension of time, 14691

Representative of miners; extension of time, 14691

Safety standards, mandatory; petitions for modification; practice rules; extension of time, 14691

Respiratory protective devices; tests:

Respirable dust; definition; hearing, 26454

Safety standards, mandatory; underground coal mines:

Self-rescuers; use of filter type and self-contained; hearing, 18710

NOTICES

Meetings:

Advisory Metal and Nonmetallic Mine Health and Safety Standards, Review Advisory Committee, 19477, 21747, 15805

Mine Health and Safety Training Program Regulations Review Advisory Committee, 15204

Meetings; Sunshine Act, 17627

Mine safety and health:

Interpretative bulletins, 17546

Petitions for mandatory safety standard modification:

Albion Vein Slate Co., Inc., 21747

Angus Mining Co., 21068

Big Ben Coal Co., 15805

Burnside Mining Co., 19928

Clines, Inc., 26497

Dally, Anthony & Sons, Inc., 24148

DD&R Coal Co., 26146

Eastern Associated Coal Corp., 19928

Emerald Slate Corp., 26146

Extractors, Inc., 17065

Flat Top Colliery Corp., 28577

Gulf & Western Industries, Inc., 28577

H & S Coal Co., 15805

Hecla Mining Co., 19929, 24148

Hi Top Coal Co., Inc., 21747

Homestake Mining Co., 24148

KWY Coal Co., 19929

Ligon Preparation Co., 24149

National Gypsum Co., 22792

National Mines Corp., 24149

North Mt. Coal Co., 19929

Olga Coal Co., 18354

P. S. & R. Coal Co., 26147

Peabody Coal Co., 22793

Penn Big Bed Slate Co., Inc., 24149

Pontiki Coal Corp., 28577

S & M Coal Co., 17066

Smith & Stover Coal Co., 15806

Standard Metals Corp., 24150

Stearns Mining Co., 17065

MINE SAFETY AND HEALTH FEDERAL REVIEW COMMISSION

RULES

Procedural rules; interim; appeals, 19660

MINERALS, MINING

See *Land Management Bureau*.

Mine Safety and Health Administration.

Mine Safety and Health Federal Review Commission.

Surface Mining Reclamation and Enforcement Office.

MINIMUM WAGE STUDY COMMISSION

NOTICES

Meetings, 25501, 26161

MINORITY BUSINESS ENTERPRISES OFFICE

NOTICES

Improving Government regulations; inquiry, 23191

MISSISSIPPI RIVER COMMISSION

NOTICES

Meetings; Sunshine Act, 19498

MOTOR VEHICLES

See *Environmental Protection Agency*.

Federal Highway Administration.

General Services Administration.

Interstate Commerce Commission.

National Highway Traffic Safety Administration.

Urban Mass Transportation Administration.

MUSEUM SERVICES INSTITUTE

NOTICES

Applications and proposals, closing dates:
Museum services program, 14744, 17404

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

See *Oceans and Atmosphere, National Advisory Committee*.

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

See *Economic Opportunity, National Advisory Council*.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RULES

Administrative authority and policy:

Inspection, persons and personal effects on NASA property, 14008

Congressional Space Medal of Honor; nomination procedures, 15624

Space science flight investigations; policy concerning data obtained, 18646

PROPOSED RULES

Environmental quality:

Floodplain and wetlands management, 25317

Space transportation system:

Personal preference kit; authorized articles, 25693

Wind tunnels, NASA; development work for industry, 21691

NOTICES

Committees; establishment, renewals, terminations, etc.:

Space Science Steering Committee, 16818

Environmental statements; availability, etc.:

Space shuttle program, 20877

Improving Government regulations; inquiry, 21981

Meetings:

Life Sciences Advisory Committee, 22795

NASA Advisory Council, 15019

NASA Advisory Council-Space and

Terrestrial Applications Advisory

Committee, 26620

Space Science Advisory Committee, 22107

Space Science Steering Committee, 19939

Space Systems and Technology Advisory

Committee, 27617

Stratospheric Research Advisory Committee, 16818

Wage Committee, 22107

Patent licenses, exclusive:

Griswold Co., 25208

Licensing Management Corp., 25209

Patent licenses, foreign exclusive:

Japan Engineering Development Co., 20568

NATIONAL ARCHIVES AND RECORDS SERVICE

See also *Federal Register Office*.

RULES

Property management:

National Historical Publications and Records Commission; grant procedures, 14316

PROPOSED RULES

Property management:

Records management; micrographics management; correction, 14975

NOTICES

Advisory committees, 1977 annual report of President; availability on microfilm, 14180, 19940

NATIONAL BUREAU OF STANDARDS

NOTICES

Footwear industry, domestic; technology symposium, 20028

Improving Government regulations; inquiry, 23193

Information processing standards, Federal: I/O channel level interface, 26341, 27577

Meetings:

Building Technology Advisory Committee, 23008, 25355

Footwear industry, domestic; technology symposium, 20028

International Legal Metrology Advisory Committee, 15471

Visiting Committee, 21925

APRIL-JUNE 1978, FEDERAL REGISTER INDEX

National Highway

NATIONAL CREDIT UNION ADMINISTRATION

RULES

Federal Credit Unions; investments and deposits:

Loans and lines of credit to nonmember credit unions, 15623

Federal Credit Unions; organization and operations:

Maturity mobile home lending authority; implementation, 17467

"Of principle" removed from provisions, 15409

Real estate lending, 14926

Travelers checks, money orders, etc.; issuance, 20225

PROPOSED RULES

Federal Credit Unions; organization and operations:

Fixed assets ownership, 26317

Real estate lending, 14929, 19403

NOTICES

Improving Government regulations; inquiry, 23688

Meetings:

National Credit Union Board, 20282

NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION

NOTICES

Improving Government regulations; inquiry, 23185

Meetings:

Fire Training and Education Advisory Committee, 26605

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

See *Arts and Humanities, National Foundation*.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

RULES

Bumper standards:

Certification, 21891

Damageability requirements, 20805

Certification:

Bumper standards, 21891

Fuel economy standards, average:

Trucks, light, and nonpassenger automobiles; correction, 16181

Fuel economy standards, average; passenger

automobiles, exemptions:

Avanti Motor Corp., 28204

Motor vehicle safety standards:

Brake hoses, 22362

Controls and displays, 27542

"Designated seating position," notification to vehicle manufacturers, 21892

Lighting; specifications for signaling devices, 25822

Seat belt anchorages, 21892

Speed attainable in one and two miles;

definitions added; correction, 22364

Tires, new pneumatic, for passenger cars, 24314, 25823

Truck-camper loading, 17947

FEDERAL REGISTER INDEX, APRIL-JUNE 1978

Voluntary product standards:

Plumbing fixtures, porcelain enameled formed steel; withdrawal, 23009

TFE-fluorocarbon resin flexible hose, commercial standard CS 247-62;

withdrawal intent, 21496

TFE-fluorocarbon resin sheet, commercial standard CS 239-63; withdrawal, 21496

Thermal conductance factors for preformed above-deck roof insulation, simplified

practice recommendation R 257-55;

withdrawal intent, 21497

NATIONAL CAPITAL PLANNING COMMISSION

NOTICES

Authority delegations:

Chairman et al., 20878

Improving Government regulations; inquiry,

20945

NATIONAL COMMISSION FOR MANPOWER POLICY

See *Manpower Policy, National Commission*.

NATIONAL COMMISSION FOR REVIEW OF ANTITRUST LAWS AND PROCEDURES

See *Antitrust Laws and Procedures, National Commission for Review*.

NATIONAL COMMISSION ON EMPLOYMENT AND UNEMPLOYMENT STATISTICS

See *Employment and Unemployment Statistics, National Commission*.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

See *Libraries and Information Science, National Commission*.

NATIONAL COMMISSION ON NEIGHBORHOODS

See *Neighborhoods National Commission*.

NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

See *Copyrighted Works, New Technological Uses National Commission*.

NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION

See *Unemployment Compensation National Commission*.

NATIONAL COMMISSION ON THE INTERNATIONAL YEAR OF THE CHILD, 1979

See *Child, International Year of the, 1979, National Commission*.

51

National Highway

Vehicle classification; light trucks and nonpassenger automobiles; 1980-81 models; correction, 16181

PROPOSED RULES

Administrative proceedings, financial assistance to participants; extension of time, 13905

Anthropomorphic test dummy; 6 month and 3 year old children, specifications, 21490

Business information, confidential treatment, 22412

Fuel economy rulemaking; five year draft plan; inquiry; extension of time, 13905

Fuel economy standards, average; passenger automobiles; exemptions

Avanti Motor Corp., 18575

Checker Motor Corp., 24871

Motor vehicle safety rulemaking; five year draft plan; inquiry; extension of time, 13905

Motor vehicle safety standards:

Air brake system; "No-lockup" requirements for trailers; extension of time, 24871

Child restraint systems; seat belt assemblies and anchorages, 21470, 26758

Lamps, reflective devices, etc., 16783, 19250

Occupant crash protection, 21912

Seat belt assembly anchorages, 22419

Theft protection, 18577

Tires, new pneumatic, for passenger cars, 13903, 22420

NOTICES

Breath alcohol measuring devices; qualified products list, 27630, 27631

Field trip to Oklahoma City; National Highway Safety Advisory Committee; State-Federal Relations Subcommittee, 24932

Fuel economy standards, average; passenger cars, 1978-80 model years; exemption petitions:

Excalibur Automobile Corp., 19311

Meetings:

Air brake systems; cancellation, 17438

National Highway Safety Advisory Committee, 17438, 19313; 26814

Motor vehicle defect proceedings; petitions, etc.:

Bostwick, Nat; Volvo fuel injectors leaks, etc.; denial, 22476

Ford Pinto and Mercury Bobcat; fuel tanks and filler necks, 20291, 25404

Pierce, Henry, C.; Dodge Aspen, crankshaft pulley bolt failures; denial, 22476

Motor vehicle safety standards; exemption petitions, etc.:

Bristol Cars Ltd.; exterior protection, 19310

General Engines Co.; motorcycle controls and displays, etc., 16842

General Motors Corp.; fuel system integrity, 20292, 23780, 25214, 25400

General Motors Corp.; glazing materials, 19313

General Motors Corp.; occupant restraint, 18618

Goodyear Tire & Rubber Co.; new pneumatic tires, passenger cars, 16234

International Harvester Co.; air brakes, 17437

Mack Trucks, Inc.; reflex reflector, 18618

Marathon Electric Vehicles, Inc.; low-emission motor vehicles, 27630

Vintage Reproductions, Inc., 26814

Volvo of America; tire selection and rims for passenger cars, 20292, 22476

Washington State Commission on Equipment; lamps, reflective devices etc., 19313

NATIONAL INSTITUTE OF EDUCATION

PROPOSED RULES

Grant programs:

Educational equity research, 14634

NOTICES

Educational research and development activities; unsolicited proposals, 18127

Grant programs, application closing dates:

Advanced study and research in education; experimental program for opportunities, 25193

Educational equity research, 14636

Improving Government regulations; inquiry, 23135

Information collection and data acquisition activity; description; inquiry, 19293, 21738, 23015, 27237

Meetings:

Laboratory and Center Operations Review Panel, 28252

Meetings; Sunshine Act, 19754, 21408

NATIONAL INSTITUTES OF HEALTH

NOTICES

Carcinogenesis bioassay reports; availability:

Anthranilic acid, 14130

Aroclor 1254, 17060

5-Azacytidine, 15785

Beta-2'-deoxy-6-thioguanosine monohydrate, 23015

Chloropicrin, 26138

2,4-Diaminoanisole sulfate, 16417

N,N'-Dicyclohexylthiourea, 23016

2,4-Dinitrotoluene, 21737

Direct blue 6, direct black 38, and direct brown 95 dyes, 19923

Emetine, 14138

Endosulfan, 25193

Hexachloroethane, 27238

Hexachlorophene, 15785

In vitro carcinogenesis, 24607

1-Nitronaphthalene, 26139

3-Nitropropionic acid, 21737

Pentachloronitrobenzene, 25193

Pyrazinamide, 20562

Pyrimethamine, 27238

4,4'-Thiodianiline, 20562

Tris phosphate, 19462

Committees; establishment, renewals, terminations, etc.:

Cancer and Nutrition Scientific Review Committee, 15783

Clearinghouse on Environmental Carcinogens, 22787

Immunobiology study section workshop, 17059

Meetings:

Aging National Advisory Council, 16416

Aging Review Committee, 22787

Allergy and Clinical Immunology Research Committee, 16415

Allergy and Immunology Study Section et al., 18260, 21737

Allergy and Infectious Diseases National Advisory Council, 16416

Animal Resources Advisory Committee, 18260

Arteriosclerosis and Hypertension Advisory Committee; cancellation, 17059

Arthritis, Metabolism, and Digestive Diseases National Advisory Council, 15784

Arthritis National Advisory Board, 26138

Artificial Kidney-Chronic Uremia Advisory Committee, 15782

Behavioral Sciences Research Contract Review Committee, 15782

Biomedical Library Review Committee, 21736

Biotechnology Resources Review Committee, 28562

Blood Diseases and Resources Advisory Committee, 14128

Board of Regents, 16415

Cancer Control Prevention, Detection, Diagnosis, and Pretreatment Evaluation Review Committee, 15196, 21058, 23655, 24143

Cancer Immunotherapy Committee, 14128

Cancer Institute, National; advisory committees, 14129, 14130, 18262, 19463, 22788, 24607, 28561

Cancer National Advisory Board, 17059, 17060, 22789

Cancer Treatment Division, Cooperative Group Chairmen, 18264

Carcinogenesis Program Scientific Review Committee, 19463, 21735

Cardiology Advisory Committee, 14128

Cellular and Molecular Basis of Disease Review Committee, 16416

Child Health and Human Development National Advisory Council, 15783

Clearing house on Environmental Carcinogens; cancellation, 14129

Clinical Applications and Prevention Advisory Committee, 22787

Clinical Cancer Education Committee, 19463, 22788

Clinical Trials Review Committee, 22788, 26138

Colorectal Cancer Screening and Early Detection Conference, 20563

Combined Modality Committee, 20562

Communicative Disorders Review Committee, 18263

Communicative Sciences Study Section, 21736

Dental Caries Program Advisory Committee, 19465

Dental Research National Advisory Council, 15783

DES Task Force Committee, 18259, 18263

Diabetes National Advisory Board, 18259, 27898

Digestive Diseases National Commission, 18259, 19465, 21736

Director, Advisory Committee to, 23655, 24143

Environmental Health Sciences National Advisory Council, 16417

Eye National Advisory Council, 18262

General Clinical Research Centers Committee, 26494

General Medical Sciences National Advisory Council, 16417

General Research Support Program Advisory Committee, 21735, 22787

NOAA

Heart, Lung, and Blood National Advisory Council, 15784

Heart, Lung, and Blood Research Review Committee A, 22788

Heart, Lung and Blood Research Review Committee B, 22788

High Blood Pressure Working Group, 28561

Immunobiology Study Section Workshop, 17059

Mammalian Cell Lines Committee, 15783

Maternal and Child Health Research Committee, 18262

Microbiology and Infectious Diseases Advisory Committee, 21059

Minority Access to Research Careers Review Committee, 22789

National Library of Medicine Board of Regents, 27238

Neurological and Communicative Disorders and Stroke National Institute, Epilepsy Advisory Committee, 17059

Neurological and communicative disorders National research strategy, 16416

Neurological Disorders Program-Project Review A Committee, 18263

Neurological Disorders Program-Project Review B Committee, 18263

Periodontal Diseases Advisory Committee, 19465

Pharmacology-Toxicology Research Program Committee, 24607

Population Research Committee, 21736

Radiation Study Section Workshop, 17060

Recombinant DNA Molecule Program Advisory Committee, 14129, 15784

Research Manpower Review Committee, 15784, 24607

Research Resources National Advisory Council, 18260

Scientific Counselors Board, 15782, 19464, 19465, 24606

Sleep and Age, conference, 14130

Surgical oncology graduate education workshop, 28561

Transplantation Biology and Immunology Committee, 16417, 26139

Vision Research Program Committee, 18264

Neurological and communicative disorders, National research strategy development; forum, 16416

Radiation study section workshop, 17060

Sleep and Age, conference, 14130

Surgical oncology graduate education workshop, 28561

NATIONAL LABOR RELATIONS BOARD

NOTICES

Meetings; Sunshine Act, 17113, 22296

NATIONAL MEDIATION BOARD

NOTICES

Meetings; Sunshine Act, 15405, 22517, 25529, 27281

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

RULES

Administrative proceedings, financial compensation of participants, 17811

Coastal zone management programs:

Federal consistency provisions; implementation procedures; correction, 15416

Fishery conservation and management:

Foreign fishing; fee schedule, etc., 19232

Foreign fishing; Gulf of Alaska trawl and sablefish (blackcod), 27548

Foreign fishing; Pacific cod harvesting, 15431

Foreign fishing; sablefish of Eastern Bering Sea and Northeastern Pacific; PMP, 27550

Foreign fishing; trawl fisheries in Gulf of Alaska PMP, 27551

Haddock, cod, and yellowtail flounder, Atlantic; emergency regulations, 14969, 17362, 19233, 20505, 27549, 28504

Salmon fisheries off Wash., Oreg., and Calif., 15630, 21681, 22214, 27993

Surf clam and ocean quahog fisheries, Atlantic; effort procedures and quantity; correction, 19396

Surf clam and ocean quahog fisheries, Atlantic; effort restrictions, 27549

Surf clam and ocean quahog fisheries, Atlantic; fishing time reduced, 19397

Marine mammals:

Dolphin, northern common; commercial fishing operations; taking prohibited, 28502

Salmon; Fraser River sockeye and pink salmon fishery, 26737

Sea grant program funding regulations, National, 15307

Tuna, Atlantic fisheries:

Bluefin tuna; catch quotas, seasons, etc., 26583

Bluefin tuna; purse seine season closure, 27547

Bluefin tuna; purse seine season reopening, 28502

Whaling:

Bowhead whales; taking by Indians, Aleuts, or Eskimos for subsistence purposes, 13886, 14477, 22214

PROPOSED RULES

Endangered species; interagency cooperation:

Whales, humpback; protection in Hawaii; hearing, 25349

Financial aid to fisheries:

Foreign vessel caused damage in U.S. Fishery Conservation Zone; compensation, 20255

Fishery conservation and management:

Domestic fishing; Gulf of Alaska groundfish, 17242

Foreign fishing; Gulf of Alaska trawl and sablefish (blackcod), 17013

Foreign fishing; tanner crab fishery, commercial, off Alaska, 21170

Groundfish, Atlantic; annual allocations of cod and haddock by vessel classes; plan amendment approval, 21339

Herring, groundfish, and ocean perch fishery management plans, etc.; meeting, 22064

Salmon fisheries off Wash., Oreg., and Calif.; inquiry, 18219, 23748

Sea herring, Atlantic, management plan; hearings; additional agenda, 23747

Sea herring, Atlantic, management plan; hearings of New England Fishery Management Council, 20519

Surf clam fishery management plan, etc.; meeting, 22064

Tanner crab fishery, commercial, off Alaska, 21170

Information disclosure and NOAA employee testimony; policies and procedures, 16745

Marine mammals:

Sea turtles; threatened status; comment period reopened; correction, 13906

Whales, humpback; importation and taking; protection in Hawaii; hearing, 25349

Tuna, Atlantic fisheries:

Bluefin tuna; extension of time, 20027

Tuna, Pacific fisheries:

Yellowfin tuna conservation, etc., 16783

NOTICES

Coastal zone management programs; environmental statements, hearings, etc.:

California, 19259, 26101

Hawaii, 21925

Maine, 18734

Maryland, 24725

Massachusetts, 25169

New Jersey, 21029

North Carolina; corrections, 15350

Rhode Island, 25169

Wisconsin, 25169

Fishery conservation and management, 26472

Cod, haddock, and yellowtail flounder; quota revisions, 19060

Cod, haddock and yellowtail flounder; landing restrictions, 19429

Foreign fishing; Mexican zone; licensing procedures; shrimp or snapper/grouper, 19257

Foreign fishing; U.S. ventures within fishery conservation zone; policy statement, 20532

Tuna, yellowfin; season closure, 19258

Fishery management plans, environmental statements, meetings, etc.:

Groundfish fishery, Atlantic, 14982, 17388, 20531

Groundfish fishery, Gulf of Alaska, 17023

Trawl fishery, Gulf of Alaska, 15472

Fishery transfer applications:

Gulf Shrimp Boats, Inc., 17023, 17024

Hampton, William L., Jr., 17024

Rocomora, Mario, Jr., 28027

Foreign nations fishing for resources subject to U.S. jurisdiction, fees; workshop, 22067

Improving Government regulations; inquiry, 23188

Marine mammal permit applications, etc.:

Aquarium of Cape Cod, Inc., 19256

Coastal Marine Laboratory; modification, 14711

El Paso Zoological Park, 26344

Foerder, Lawrence J., 24116

Gelberg, Dr. Howard, 14982

Gulf Exhibition Corp., 15178, 25853

Hall, Dr. Nicholas R., et al., 24116

NOAA

Hubbs/Seaworld Research Institute, 16364, 17993
 Japan Deep Sea Trawlers Association et al., 23629
 Kooyman, Dr. Gerald L., 25853
 Mammals of Sea Research Association, 17024
 Marine Animal Productions, Inc. et al., 17024
 Marineland Oceanarium and Aquariums, 19258
 Marineworld-Africa USA, 17523
 Ministry of Fisheries, USSR, 25709
 Montreal Zoological Park, 19257
 Mystic Marineland Aquarium, 14532, 19700
 Northwest and Alaska Fisheries Center, 19257
 S.E.E. Okcansky Ribolov, 19905
 Sea Artists Enterprises, Walter Moser-Jackle Ltd., 17025, 27223
 Sea Search, Ltd., 17025, 27223
 Sea World, Inc., 18735
 Siniff, Dr. Donald B., 20029
 Southwest Fisheries Center, 14982
 Zoological Society of London, 21497
 Marine sanctuaries:
 Flower Garden Banks, white paper availability, 28530
 Potential, offshore California; workshop, 14532, 14533
 Marine turtles conservation; meeting, 24115
 Meetings:
 Caribbean Fishery Management Council, 22231
 Coastal Zone Management Advisory Committee, 22231
 Foreign nations fishing for resources subject to U.S. jurisdiction, fees, 22067
 Gulf of Mexico Fishery Management Council, 17993, 18231, 20029, 23628, 24348, 26471
 Marine Fisheries Advisory Committee, 15766
 Marine sanctuaries, potential, offshore California, 14532, 14533
 Marine turtles conservation, 24115
 Mid-Atlantic Fishery Management Council, 15766, 25169, 26472, 27577
 New England Fishery Management Council, 17025, 17994, 22770, 23626, 24115, 24885, 25169, 25356, 26472
 North Pacific Fishery Management Council et al., 15350, 20030, 24115, 24886
 Pacific Fishery Management Council, 19258, 23752
 Sea Grant Review Panel, 19700
 South Atlantic Fishery Management Council et al., 18232, 19701, 23629
 Weather Modification Advisory Board, 16364, 19430
 Western Pacific Fishery Management Council, 19259, 24886
 Organization and functions:
 Caribbean Fishery Management Council; correction, 23752
 Gulf of Mexico Fishery Management Council; correction, 23752

NATIONAL PARK SERVICE

RULES

Backcountry camping registration:
 Hawaii Volcanoes National Park, Hawaii, 17357

Fishing:
 Rocky Mountain National Park, Colo., 14308
 National Capital Parks:
 Demonstrations and special events; White House sidewalk, 14654
 Traffic speed limits; Yellowstone National Park, Wyo., 21460
 NOTICES
 Authority delegations:
 Abraham Lincoln Birthplace National Historic Site; Administrative Services Assistant, 22458
 Big Thicket National Preserve;
 Administrative Officer, et al., 22458
 Cuyahoga Valley National Recreation Area, Ohio, Administrative Officer, 15203
 Everglades National Park, Fla., Administrative Officer, et al., 21519
 Fort Pulaski National Monument, Ga., Administrative Services Assistant, 21519
 Moores Creek National Military Park, Administrative Clerk, 22458
 Southern Arizona Group, Administrative Officer et al; contracts, 17407
 Young Adult Conservation Corps, Tex., Administrative Officer, et al.; contracts, 17407
 Boundary establishment, descriptions, etc.:
 Point Reyes National Seashore, 17408
 Concession permits, etc.:
 Cape Hatteras National Seashore, 27250
 Dinosaur National Monument, 17408
 Everglades National Park, 14748
 Fort Dupont Park, 21740
 Fort Sumter National Monument, 21381
 Gateway National Recreation Area, 19301
 Glacier National Park, 19302, 27251
 Katmai National Monument, 27251
 Mesa Verde National Park, 20062
 Petrified Forest National Monument, 14364
 Environmental statements; availability, etc.:
 Big Bend National Park; Tex., 17407
 Cape Lookout National Seashore, N.C., 14747
 Everglades National Park, Fla., 27251
 Gateway National Recreation Area; management plan, 14143
 Gulf Islands National Seashore, Fla. and Miss., 19925
 Natchez Trace Parkway, Tenn., Ala., and Miss., 27906
 Youghiogheny State and National Wild and Scenic River, Pa. and Md., 27906
 Management and development plans:
 Channel Islands National Monument, Calif.; workshops, 14364
 Gateway National Recreation Area, 14143, 20062
 Redwood National Park; meetings, 22458
 Management policies, availability, 19302
 Meetings:
 Appalachian National Scenic Trail Advisory Council, 14363, 15203, 19301, 22459, 25195
 Boston National Historical Park Advisory Commission, 20061
 Canaveral National Seashore Advisory Commission, 26145
 Chesapeake and Ohio Canal National Historical Park Commission, 28055
 Cuyahoga Valley National Recreation Area Advisory Commission, 17407

Golden Gate National Recreation Area Advisory Committee, 19301, 27905
 Gulf Islands National Seashore Advisory Commission, 28056
 Indiana Dunes National Lakeshore Advisory Commission, 27906
 National Capital Memorial Advisory Committee, 20062
 Pacific Northwest Trail Study, 17408
 Sleeping Bear Dunes National Lakeshore Advisory Commission, 27616
 Monuments, National, preserves, and primitive areas; review for class I redesignation, 15014
 Visitor transportation service; Mount Vernon, 28258

NATIONAL RAILROAD PASSENGER CORPORATION

NOTICES

Meetings; Sunshine Act, 16440, 22154, 26681

NATIONAL SCIENCE FOUNDATION

PROPOSED RULES

Nondiscrimination:
 Handicapped in federally-assisted programs, 16518

NOTICES

Committees; establishment, renewals, terminations, etc.:
 Alan T. Waterman Award Committee, 16555
 Information Science and Technology Advisory Committee, 18801
 Improving Government regulations; inquiry, 24216
 Meetings:
 Advisory Council Task Group No. 2, 21085, 22251
 Astronomical Sciences Advisory Committee, 15020
 Atmospheric Sciences Advisory Committee, 24151
 Behavioral and Neural Science Advisory Committee, 17876, 19485, 19940, 20571, 21084
 Chemistry Advisory Committee, 17413
 Earth Sciences Advisory Committee, 17413
 Engineering Advisory Committee, 16228
 Environmental Biology Advisory Committee, 15810
 International Decade of Ocean Exploration Ad Hoc Subcommittee, 26804
 Materials Research Advisory Committee, 17414, 26503
 Mathematical and Computer Sciences Advisory Committee, 23662, 24152
 Minority Programs in Science Education Advisory Committee, 21085
 National Science Foundation Advisory Council, 20571
 Nuclear Science Advisory Committee, DOE/NSF, 22796
 Ocean Sciences Advisory Committee, 18801, 26804
 Physics Advisory Committee, 15020, 16228, 17413
 Physiology, Cellular and Molecular Biology Advisory Committee, 15810, 17876, 19484, 19940, 21085, 21086

Polar Programs Advisory Committee, 15810
 Policy Research and Analysis and Science Resources Studies Advisory Committee, 19484
 Public participation in NSF programs, policies, and priorities development, 15809
 Research Applications Policy Advisory Committee, 15020
 Science and Society Advisory Committee, 22251, 26804
 Science Education Advisory Committee, 14366, 15809, 19080
 Science Education Research Workshop, 16228
 Social Sciences Advisory Committee, 16227, 16228, 17414, 17876
 Steering Committee Advisory Council, 22251
 Two-Year College Science Education Needs Assessment Advisory Committee, 24152
 Meetings; Sunshine Act, 15405, 19986, 24654
 Organization and functions, 26504
 Privacy Act; systems of records, 16556, 25502
 Public participation in NSF programs, policies, and priorities development; regional forums, 15809
 Science education research; workshop, 16228
 Science resources program; manpower, funding, and output analysis, 17876

NATIONAL TECHNICAL INFORMATION SERVICE

NOTICES

Improving Government regulations; inquiry, 23193
 Inventions, Government-owned; availability for licensing, 15350, 15351, 17388, 18735, 18736, 21344, 22231, 24116, 24725, 24886, 25458, 26767, 28027

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

NOTICES

Computer programs and data bases for predicting radio systems performance; catalogue information solicitation, 21713
 Improving Government regulations; inquiry, 23190
 Meetings:
 Frequency Management Advisory Council, 22232

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

See *Transportation Policy Study, National Commission*.

NATIONAL TRANSPORTATION SAFETY BOARD

NOTICES

Aircraft accidents; investigation hearings, 17419, 20283

APRIL-JUNE 1978, FEDERAL REGISTER INDEX

Nuclear

NEW COMMUNITY DEVELOPMENT CORPORATION

NOTICES

Environmental statements; availability, etc.:
 Newfields, Ohio, 24144

NUCLEAR MATERIALS

See *Environmental Protection Agency, Nuclear Regulatory Commission*.

NUCLEAR REGULATORY COMMISSION

RULES

Byproduct material, human uses:
 Medical uses, group licensing, 25994
 Environmental protection; licensing and regulatory policy and procedures:
 Uranium fuel cycle environmental effects; hearing, 14641
 Uranium fuel cycle impacts from spent fuel and reprocessing and radioactive waste management, 15616, 17803
 Facilities and material licenses; fee schedule revised; correction, 15408
 Interpretations:
 Facility license application review and hearing process, coordination with States, counties, etc.; CFR section removed, 17803
 Nuclear facilities and materials; export and import:
 Nuclear uses, peaceful, exports of facilities and material for, 21643
 Reporting and recordkeeping requirements, approval by Comptroller General, 18989
 Nuclear material, special; domestic licensing:
 License safeguards contingency plans; correction, 14007
 Plants and materials, physical protection:
 Licensee safeguards contingency plans; correction, 14007
 Practice rules:
 Facility license application review and hearing process, coordination with States, counties, etc., 17801
 Orders to show cause; Director, Administration Office, 16446
 Review of decisions and actions; time extension policy, 22346
 Production and utilization facilities; licensing:
 Application updates; service of copies, 18539
 Codes and standards for nuclear power plants, 17337
 Licensee safeguards contingency plans; correction, 14007
 Radiation protection standards:
 Containers, empty; radioactive materials label removal, 22172
 Radioactive material packaging:
 Transport packages; quality assurance requirements; extension of time, 27174

Meetings; Sunshine Act, 14796, 15836, 16882, 17628, 18401, 18628, 19499, 20368, 21563, 23843, 24405, 25937, 26185, 27641, 28329
 Safety recommendations and accident reports; availability, responses, etc., 14555, 15504, 16822, 18073, 19306, 20284, 21520, 22465, 23770, 24916, 25888, 26805, 28263
 Third party communications; policy statement, 20283

NAVY DEPARTMENT

RULES

Claims, personnel, 25425
 Light waivers; variance from requirements; correction, 13878
 Lights, special Naval vessels; additional station and signal lights; correction, 13878
 Personnel:
 Naval Discharge Review Board; policy statement, 17356
 Simplification of regulations; CFR Parts deleted, etc., 17355, 28475
 NOTICES
 "Complaints of Wrong and Reports of Wrong", index; availability internally, not published, 21030
 Environmental statements; availability, etc.:
 Kahoolawe Island, Hawaii; training; hearings, 14534
 Midway Island; U.S. Naval Station and Naval Air Facility, 15354
 Meetings:
 CNO Executive Panel Advisory Committee, 14534, 18602, 20835
 Education and Training Advisory Board, 23629
 Resale System Advisory Committee, 17390
 Patent licenses, exclusive:
 Dyer, Frederick N., 25855
 Western Instrument Corp., 26473
 Privacy Act; systems of records, 16367, 28532

NOTICES

Meetings; Sunshine Act, 14796, 15836, 16882, 17628, 18401, 18628, 19499, 20368, 21563, 23843, 24405, 25937, 26185, 27641, 28329
 Safety recommendations and accident reports; availability, responses, etc., 14555, 15504, 16822, 18073, 19306, 20284, 21520, 22465, 23770, 24916, 25888, 26805, 28263
 Third party communications; policy statement, 20283

NEIGHBORHOODS, VOLUNTARY ASSOCIATIONS AND CONSUMER PROTECTION, OFFICE OF ASSISTANT SECRETARY

PROPOSED RULES

Mobile home procedural and enforcement regulations:
 Modular homes; exempt certification, 27494

NEIGHBORHOODS NATIONAL COMMISSION

RULES

Freedom of information, 28199
 Privacy Act; implementation, 28198

PROPOSED RULES

Freedom of information, 20512
 Privacy Act; implementation, 20511

NOTICES

Meetings, 15807, 19726, 21520, 25209
 Privacy Act; systems of records, 20568

PROPOSED RULES

Byproduct material, human uses:
 Medical therapy licensees; license conditions changes, 27995
 Byproduct material licensing:
 Decommissioning criteria for nuclear material licensing; extension of time, 19053

Nuclear

Exemptions and continued regulatory authority in agreement States:
Safeguard requirements; moderate and low strategic significance material, 22216, 25433
Safeguards on nuclear material, US/IAEA agreement; implementation, 22365
Nuclear facilities and materials, export and import:
Minor quantities, 19861
Nuclear material, special; domestic licensing:
Access to or control over restricted data, criteria and procedures; Hearing Board appointed, 14672
Access to or control over restricted data, criteria and procedures; hearings, 18682
Decommissioning criteria for nuclear facilities; extension of time, 19053
Inspection, resident; facilities and access, 19860
Possession of special nuclear material in transit; license requirements, 22215
Safeguard requirements; moderate and low strategic significance material, 22216, 25433
Safeguards on nuclear material, US/IAEA agreement; implementation, 22365
Nuclear material, special, unclassified; eligibility for access to or control over: Hearing Board appointed, 14672
Hearings, 18682
Plants and material, physical protection:
Safeguard requirements; moderate and low strategic significance material, 22216, 25433
Practice rules:
Antitrust review procedures, 17830
Rulemaking petitions, filing and processing, 18195
Production and utilization facilities; domestic licensing:
Access to or control over restricted data, criteria and procedures; Hearing Board appointed, 18682
Access to or control over restricted data, criteria and procedures; hearings, 18682
Antitrust review procedures, 17830
Decommissioning criteria for nuclear facilities; extension of time, 19053
Financial qualifications requirement, 22373
Inspection, resident; facilities and access, 19860
Physical security plan; hearing, 14672
Safeguards on nuclear material, US/IAEA agreement; implementation, 22365
Source material licensing:
Decommissioning criteria for nuclear facilities; extension of time, 19053
Safeguards on nuclear material, US/IAEA agreement; implementation, 22365

NOTICES

Abnormal occurrence reports:
Fuel assembly control rod guide tube integrity, 27263
Overexposure of two radiation protection technicians, 26621
Abnormal occurrence reports to Congress: Eleventh, 15372
Biological effects of ionizing radiation; BEIRMOD, computer program for calculating effects; report availability, 25749

Committees; establishment, renewals, terminations, etc.:
Risk Assessment Review Group, 28263
Environmental agreements for cooperation with listed States:
New York, 19485
South Carolina, 19485
Virginia, 19485
Environmental statements; availability, etc.:
Commonwealth Edison Co., 25504
Exxon Minerals Co., 22796
Fuel, spent light water power reactor; handling and storage; extension of time, 19305
Offshore power systems, floating nuclear power plants, 20283, 22111
Oxide fuels, mixed; decision memorandum, 20575
Tennessee Valley Authority, 25210
United Nuclear Corp., 18366
Wyoming Mineral Corp., 19488
Fuel cycle facilities, status report; availability, 21087
High-level radioactive solid waste forms; conference, 17882
International Atomic Energy Agency codes of practice and safety guides; availability of drafts, 13931, 21385, 21956, 25750, 27618, 27619
International Atomic Energy Agency manual; availability of drafts, 19305
Issuances, semiannual hard bound volume; availability, 28262
License applications, domestic; open meetings; staff policy, 28058
Material control and accounting; report availability, 19083
Meetings:
High-Level Radioactive Solid Waste Forms, 17882
License applications, domestic; staff policy, 28058
Reactor Safeguards Advisory Committee, 14777, 16229, 16434, 16435, 16560, 16575, 17558, 17877, 18365, 18805, 19081, 19303, 19729, 20282, 20283, 20571, 21086, 21383, 21384, 22107, 22259, 22260, 23037, 23768, 24635, 25389, 25503, 25751, 26161, 26509, 26623, 27617, 27936, 28061, 28262, 28588
Regional State Liaison Officers, 20879
Risk Assessment Review Group, 19083, 21958
Meetings: Sunshine Act, 13967, 14599, 14796, 15554, 16258, 16259, 16646, 17445, 17628, 17629, 17907, 18831, 19104, 19330, 19754, 20368, 21106, 21977, 22154, 23086, 23675, 23843, 24170, 24405, 24654, 24791, 25226, 25227, 25406, 25407, 25771, 25937, 26362, 26531, 26880, 27641
Nuclear non-proliferation; establishment of procedures, 25326
Nuclear waste management goals; report availability, 20879
Oxide fuels, mixed:
Decision memorandum, 20575
Safeguard domestic industry against hypothetical threat; report availability, 20575, 23665
Production and utilization facilities, licensing:
Health cost figures reduction; low level radiation exposure; hearing denied, 22253

Regulatory guides; issuance and availability, 14180, 14552, 14779, 15813, 16434, 16560, 16821, 17417, 17878, 19943, 20882, 21386, 22109, 23664, 24638, 28060
Rulemaking petitions:
Connecticut Citizen Action Group, et al.; denied, 16556
Non Destructive Testing Management Association et al., 25749
Ohmart Corp; withdrawal, 28260
Union of Concerned Scientists, 16561, 27935
Rulemaking petitions; issuance of quarterly report; availability, 18365
Safety analysis reports, safety evaluation reports; availability, etc.:
Babcock & Wilcox Co., 25747
New England Power Co. et al., 25748
Standard review plan; issuance and availability, 13933, 13934, 13935, 13936, 14181, 14552, 14553, 14779, 14780, 15375, 15376, 16560, 16821, 16822, 17558, 17884, 17885, 19944, 19945, 21386, 21387, 22110, 22111, 25887, 27265, 27266
Topical report; issuance and availability, 26510
Uranium mill licensing, environmental impact assessments; technical assistance to States, 17879
Applications, etc.:
Alabama Power Co., 15373, 22251
Arizona Public Service Co. et al., 18802, 19727, 19729, 25746
Arkansas Power & Light Co., 13928, 18363, 18615, 19941
Atlantic Research Corp., 17414
Babcock & Wilcox Co., 17877
Baltimore Gas & Electric Co., 14551, 16559
Boston Edison Co. et al., 18615, 27932
Carolina Power & Light Co., 15373, 17414, 28261
Commonwealth Edison Co. et al., 13929, 15374, 17415, 18364, 19304, 20063, 21955, 22107, 24387, 25504, 25749, 27618
Connecticut Yankee Atomic Power Co., 25503
Consolidated Edison Co. of New York, Inc., 20571, 22108, 24636
Consumers Power Co., 15811, 16432, 16819, 17415, 17882, 18802, 19304, 23662, 25748, 25885, 26622
Dairyland Power Cooperative, 15021, 21955, 22462, 27264, 28261
Detroit Edison Co., 14778, 15021, 17415, 20063
Duke Power Co., 13929, 17877, 17878, 19082, 20572
Duquesne Light Co. et al., 23663, 23664, 25390, 25748
Edlow International Co. et al., 22464
Energy Fuels Nuclear, Inc., 25390
Ente Nazionale Per L'Energia Elettrica, 24387
Florida Power Corp. et al., 15208, 25885
Florida Power & Light Co., 13929, 13930, 14778, 16435, 17416, 22252, 24387, 24388, 25390, 25886
Georgia Power Co. et al., 15811, 16433, 16559, 20063, 23665, 27265
Gulf States Utilities Co., 20572

FEDERAL REGISTER INDEX, APRIL-JUNE 1978

Parole

Houston Lighting & Power Co. et al., 15811, 21956, 22253, 23666
Illinois Power Co., 14551, 15504, 16819
Indiana & Michigan Electric Co. et al., 13930, 16433, 19942, 24388, 24389, 25209, 27933, 27934
Iowa Electric Light & Power Co. et al., 17883, 25390, 25503
Jersey Central Power & Light Co., 18616, 28058
Long Island Lighting Co., 21387
Maine Yankee Atomic Power Co., 15022, 19942, 22109, 28059
Metropolitan Edison Co. et al., 13931, 18364, 20574, 22463, 23037, 23665, 24389, 24636, 25751
Nebraska Public Power District, 16433, 16820, 19942, 19943, 27934, 27935
Niagara Mohawk Power Corp., 15812, 21957, 28059
Northeast Nuclear Energy Co. et al., 17416, 17883, 18616, 18802, 22254, 28060, 28261
Northern States Power Co., 14180, 17416, 24637, 27619, 28589
Nuclear Engineering Co., Inc., 14778, 14781, 15374, 16820, 17418, 18617, 26161
Offshore Power Systems, 13932, 15813, 22255
Philadelphia Electric Co. et al., 17878, 17884, 19306, 21387, 22256, 23664, 26622, 28589
Portland General Electric Co. et al., 13932, 14552, 16821, 17884, 18803, 21388, 23768, 24391, 24637
Power Authority of State of New York, 13932, 19488, 22257, 26509, 26622
Public Service Co. of Indiana, Inc., 15375
Public Service Co. of New Hampshire et al., 19488, 25210, 26623, 27265
Public Service Co. of Oklahoma et al., 20583, 27265
Public Service Electric & Gas Co. et al., 13932, 18803, 19943, 21388
Public Service Gas & Electric Co., 22257
Puget Sound Power & Light Co. et al., 21957, 25391
Radiation Technology, Inc., 13933, 19306, 23037
Rochester Gas & Electric Corp., 14554, 15813, 20880
Sacramento Municipal Utility District, 19084, 25210
Samincorp, Inc., 27619
San Diego Gas & Electric Co. et al., 14555
Southern California Edison Co. et al., 13933, 16434, 18804
Tennessee Valley Authority, 14181, 14554, 24750, 28060, 28262
Texas Utilities Generating Co. et al., 20583
Toledo Edison Co. et al., 13935, 25391, 27619
Transnuclear, Inc., 26509
Union Electric Co., 21389, 25888
University of Delaware, 26510
University of Delaware Research Reactor, 26510
Vermont Yankee Nuclear Power Corp., 27935
Virginia Electric & Power Co., 14780, 15376, 16822, 17417, 17418, 18805, 20881, 21957, 22258, 22465, 24638, 28590

Washington Public Power Supply System et al., 16559
Westinghouse Electric Corp., 18365
Wisconsin Electric Power Co. et al., 14555, 20064, 21389, 22258, 22465, 26162
Wisconsin Public Service Corp. et al., 13933, 21390, 24391, 25211
Yankee Atomic Electric Co., 17418, 17879, 25211, 25750

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

RULES

Agriculture health and safety standards:
Dust, cotton; exposure, 27434, 28474
Health and safety standards:
Arsenic, inorganic, exposure, 19624, 28472
Benzene, liquid mixtures; exposure, 27971
Dust, asbestos, vinyl chloride, etc.; technical changes, 28473
Dust, cotton; exposure, 27394, 27434, 28474
State plans for development and enforcement of standards; suspension of action on State petitions; correction, 14009
State plans for enforcement of standards:
Colorado, 25424
Hawaii, 19851
Tennessee, 20982, 20983, 20985, 20986
Wyoming, 25424

PROPOSED RULES

Health and safety standards:
Benzene, liquid mixtures; exposure to; hearing and correction, 14071, 18215
Cutaneous and eye hazards; inquiry, 22999
State plans for enforcement of standards:
South Carolina, 17003

NOTICES

Applications, etc.:
Eastern Equipment & Engineering Co., 19938
Meetings:
Construction Safety and Health Advisory Committee, 14751, 23022, 28577
Cutaneous Hazards Standards Advisory Committee, 14551, 14752, 21747, 25490
Occupational Safety and Health Federal Advisory Council, 24150
Occupational Safety and Health National Advisory Committee, 15807, 24151
State plans; development, enforcement, etc.:
Arizona, 17066
California, 23023
North Carolina, 23023
Oregon, 15806
Tennessee, 14164
Utah, 17066
Vermont, 19479
Virginia, 25491
Washington, 19480, 23024
Wyoming, 15806
Training, education, and related assistance capabilities development grant programs; scope and objectives, etc., 16140

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

NOTICES

Meetings: Sunshine Act, 15231, 16258, 17628, 21792, 21978, 25772, 26682

OCEANS AND ATMOSPHERE, NATIONAL ADVISORY COMMITTEE

NOTICES

Meetings, 19939, 24750, 26161

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

See *Science and Technology Policy Office*.

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

See *Trade Negotiations, Office of Special Representative*.

OIL

See *Economic Regulatory Administration, Geological Survey, Land Management Bureau*.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NOTICES

Meetings: Sunshine Act, 16882

PACKERS AND STOCKYARDS ADMINISTRATION

See also *Agricultural Marketing Service*.

RULES

Transfer of functions to Agricultural Marketing Service, 19351

NOTICES

Posting and depositing of stockyards:
Farmers & Ranchers Livestock Auction, Inc., Ark., et al., 18726
Montrose Auction Co., Colo., et al., 18727
Valley Livestock Auction Co., Colo., et al., 18726
Rates and charges:
Sioux City Stock Yards, hearing, 15757

PANAMA CANAL

RULES

Employment and compensation; exclusions; intelligence positions in Defense and Army Departments, 17941
Postage rates, international surface; increase, 25819

PAROLE COMMISSION

RULES

Prisoners, youth offenders, and juvenile delinquents; parole, release, etc.:
Chairman of National Commissioners, definition, 22707
Paroling, recommitting, and supervising Federal prisoners, 17470, 22707

APRIL-JUNE 1978, FEDERAL REGISTER INDEX

Parole

PROPOSED RULES

Prisoners, youth offenders, and juvenile delinquents; parole, release, etc.: "Good time," statutory, forfeiture, 22747
Immigration detainee; parole decision, 22747

NOTICES

Meetings; Sunshine Act, 16440, 16646, 20086, 21794, 21795, 23086, 26531, 26880

PATENT AND TRADEMARK OFFICE

RULES

Patent cases:
Inventions, secrecy of; interference proceedings, 28479
Practice rules; interference proceedings, 28477
Practice rules; Patent Cooperation Treaty; implementation, 20460

PROPOSED RULES

Trademark cases:
Forms; withdrawn, 28524
Practice rules; withdrawn, 28524

NOTICES

Improving Government regulations; inquiry, 23193

Meetings:

Trademark Affairs Public Advisory Committee, 17523
Records facilities; public use; enforcement procedures, 21345

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

RULES

Relocation assistance and land acquisition, 22708, 24528

NOTICES

Improving Government regulations; inquiry, 24213

PENSION AND WELFARE BENEFIT PROGRAMS OFFICE

RULES

Administration and enforcement:
Enforcement requests; authority delegation, 17471

Reporting and disclosure requirements:
Annual report summary; correction, 14009

PROPOSED RULES

Fiduciary responsibility:
"Prudence rule," investment of plan assets, 17480, 27208

NOTICES

Employee benefit plans:
Prohibitions on transactions; exemption proceedings, applications, hearings, etc., 15826, 16437, 17067, 17091, 17561, 18354, 18359, 19481, 22799, 22800, 23024, 25492, 25513, 28578, 28599
Sponge rubber products pension plan; reporting and disclosure requirements; alternate compliance method, 20566, 27262

PENSION BENEFIT GUARANTY CORPORATION

RULES

Allocation of assets:
Mandatory employee contributions, 14012
Guaranteed benefits:
Mandatory employee contributions, 14011
Plan benefits valuation; rates and factors, 25337

NOTICES

Improving Government regulations; inquiry, 22608
Privacy Act; systems of records, 23772

PENSION PLANS

See *Civil Service Commission*.
Internal Revenue Service.
Labor Management Services Administration.
Pension and Welfare Benefit Programs Office.
Pension Benefit Guaranty Corporation.
Railroad Retirement Board.
Social Security Administration.
Veterans Administration.

PESTICIDES

See *Environmental Protection Agency*.
Food and Drug Administration.

PIPELINE SAFETY OPERATIONS OFFICE

RULES

Pipeline transportation of gas:
Steel pipe, qualification and design, 18553, 27540
Thermoplastic pipelines design, 13880, 21462

Pipeline transportation of liquids:
Steel pipe, qualification and design, 18553

PROPOSED RULES

Pipeline transportation of gas:
Leak reporting requirements, 24478, 24866

NOTICES

Petitions for waiver; pipelines:
Algonquin Gas Transmission Co., 16842
Panhandle Eastern Pipeline Co., 21526

PLANTS

See *Animal and Plant Health Inspection Service*.
Fish and Wildlife Service.

POLLUTION

See *Coast Guard*.
Environmental Protection Agency.
Environmental Quality Council.
Federal Aviation Administration.
Federal Maritime Commission.
Occupational Safety and Health Administration.

POSTAL RATE COMMISSION

RULES

Practice rules:
Reports filing, periodic; financial forms, 24833

NOTICES

Mail classification schedule, 25504

Meetings; Sunshine Act, 14599, 16645, 25529

Rates and fees, 1978 changes; nonstandard mail surcharge, 19308, 24921

Rural delivery; route consolidation:
Gresham, S.C., Route No. 1; petition for appeal, 21749

POSTAL SERVICE

RULES

International mail:
Publication 42; incorporation by reference extended, 22717
Postal Service Manual:
Books and sound recordings found loose in mail; disposition, 19043
Business reply mail, format, 21328
Certifications by nonprofit third-class bulk mailers, 28201
Editorial and technical changes, packaging, etc., 25096
Incorporation by reference extended, 22717
Newspaper receptacles on rural mailboxes, 14018
Security of mail; delay, detention, or opening mail, etc., 14312
Procurement of property and services:
Postal contracting manual; incorporation by reference extended, 22717

PROPOSED RULES

International mail:
Publication 42; express mail; rate changes, 26033
Postal Service Manual:
Citizens' rate mail; inquiry, 15165
Second-class mail; lower per piece rate for regular rate and science of agriculture publications, 19689

NOTICES

Improving Government regulations; inquiry, 22587, 24212

Meetings:

Board of Governors, 23773
Meetings; Sunshine Act, 14796, 17628, 17629, 19499, 20368, 20369, 22518, 24405, 25407, 28084

Privacy Act; systems of records, 16229, 25893

Rates and fees:

International increases, 15814, 23773
Rates and fees, 1978 changes, 23039, 27620
ZIP Code Directory; National:
Licensing of publishers, 21525

PRESIDENT'S COMMISSION ON MENTAL HEALTH

See *Mental Health, President's Commission*.

PRISONS BUREAU

NOTICES

Meetings:
Corrections Advisory Council, 14748, 26620
National Institute of Corrections Advisory Board, 19470, 25884

PROCUREMENT, FEDERAL

See *General Services Administration*.

PUBLIC BUILDINGS SERVICE

PROPOSED RULES

Procurement:
Solicitation of bids; listing of subcontractors requirement; withdrawn, 14323

PUBLIC HEALTH SERVICE

See also *Alcohol, Drug Abuse, and Mental Health Administration*.
Disease Control Center.
Food and Drug Administration.
Health Resources Administration.
Health Services Administration.
National Institutes of Health.

RULES

Grants:
Abortions and related medical services; comment time extended, 18679
Alcohol abuse and alcoholism prevention, treatment, and rehabilitation services; alcohol research centers, National, 14276
Dental auxiliaries; training programs, 26013
Maternal and child health and crippled children's services, 21154
Public health; graduate programs; development and expansion, 27838
Public health and allied health personnel; health administration graduate programs, training, 26444
Teaching facilities construction, etc.; nurse practitioner training programs, 27837
Teaching facilities construction, etc.; nursing special projects, 27956
Health maintenance organizations; employees' health benefits plans, 17682

PROPOSED RULES

Grants:
Auxiliary dental team practice, multiple; training programs, 26074
Childhood immunization, urban rat control, and VD control programs, 27210
Dental auxiliaries; training programs, 26071
Dentistry, residency training, 18217
Genetic diseases testing and counseling programs, 19537
Home health services; professionals and paraprofessionals, training, 26534
Physician assistants; training programs, 26077
Health planning and resources development:
Health systems agencies; applications review, 19988, 24072
Health systems agencies; certificate of need criteria; extension of time and correction, 21274
Health systems agencies; governing body requirements, 22858
Health systems agencies; reviews of appropriateness of existing services, 21274
State agencies; certificate of need criteria; extension of time and correction, 21274
State agencies; reviews of appropriateness of existing services, 21274
Quarantine, foreign; elimination of requirement for testing for bacillus anthracis in lather brushes, 27215

NOTICES

Health maintenance organizations, qualified; list, 14908, 15013, 16423, 27903
Health maintenance organizations, qualified; revised service areas, 17060, 27245
Improving Government regulations; inquiry, 23124
Meetings:
Advisory Committees; June, 22786
Health Maintenance Organizations, 27898
Organization, functions, and delegations of authority:
Alcohol, Drug Abuse, and Mental Health Administration, 20562
Health, Office of Assistant Secretary for, et al., 14131, 16423

RAIL PUBLIC COUNSEL OFFICE

NOTICES

AMTRAK rail passenger services; assistance for participants in hearings, 27623

RAILROAD RETIREMENT BOARD

RULES

Privacy Act; implementation, 17468

NOTICES

Improving Government regulations; inquiry, 22603
Meetings; Sunshine Act, 19104, 25226
Privacy Act; systems of records, 27267
Supplemental annuity program; determination of quarterly rate of exise tax, 23666
Unemployment period determinations, 18078

RAILROADS

See *Federal Railroad Administration*.
Interstate Commerce Commission.
National Railroad Passenger Corporation.
Rail Public Counsel Office.
Railroad Retirement Board.
United States Railway Association.

RECLAMATION BUREAU

PROPOSED RULES

Teton Flood victims, sale of replacement of farm units to, 24072
Water conservation measures, Colorado River; implementation with Lower Basin contractors and others, 24715

NOTICES

Colorado River storage project; meeting, 21951
Environmental statements; availability, etc.:
Colorado River Basin Salinity Control Project, 21381
McGee Creek Project, Okla., 17544, 20564
O'Neill Unit, Nebr., 26620
Paradox Valley Unit, Colorado River Basin Salinity Control Project, Colo., 21060
Land; sales and transfers:
San Juan National Forest, Colo.; USDA, 23658
Meetings:
Colorado River storage project, 21951
Water service and repayment contract negotiations; public participation procedures, 25195

RECREATION

See *Fish and Wildlife Service*.

Rural

Interior Department.
National Park Service.

REHABILITATION SERVICES ADMINISTRATION

See *Human Development Services Office*.

RENEGOTIATION BOARD

NOTICES

Improving Government regulations; inquiry, 23197, 24212
Interest rates; excessive profits and refunds, 26511
Meetings; Sunshine Act, 15056, 18129, 18401, 18831, 19105, 19331, 19986, 21792, 22296, 24170, 24654, 25226, 25227, 25530, 25772, 25937, 26185, 26363, 27282, 28084, 28612

REVENUE SHARING OFFICE

RULES

Fiscal assistance to State and local Governments:
Auditing and evaluating; guidelines, 15627

PROPOSED RULES

Fiscal assistance to State and local governments:
Nondiscrimination on basis of handicap, 15735

NOTICES

Entitlement data:
Computing allocations; improvement procedures, 14785

RURAL ELECTRIFICATION ADMINISTRATION

RULES

Bulletins; revision list and summary lists, 20955

PROPOSED RULES

Accounting records, audit (Bulletin 185-1), 22043
Electric borrowers, REA Bulletins:
AC transmission line designs; vertical clearances (Bulletin 62-1), 19856
Construction of generation facilities on limited liability basis; solicit contractors' proposals without REA approval (Bulletin 40-6), 26447
Loan criteria, supplemental (Bulletin 20-14), 22043
Telephone borrowers, REA Bulletins:
Anodes, zinc and magnesium sacrificial (Specifications DT-9 and DT-10), 16986
Cable shield bonding connectors (Specifications PE-33; Bulletin 345-65), 21005
Cables, aerial and underground (Specification PE-22; Bulletin 345-13), 21004
Cables, direct burial (Air Core) (Specification PE-23; Bulletin 345-14), 24064
Central office equipment contract; liquidated damages (Bulletin 384-3), 19857
Cords, flat oval telephone (Specification PE-75), 22985

Rural

Digital, stored program controlled central office equipment, general specification Form 522 (Bulletin 384-3), 25138
Improved 500 type sets (Specification PE-41; Bulletin 345-74), 22985
Modular set hardware (Specification PE-76; Bulletin 345-81), 28510
Polyethylene raw material (Specification PE-200; Bulletin 345-21), 21005
Special equipment contract; liquidated damages (Bulletin 385-4), 19857
Subscriber line concentrators, performance specification (Bulletin 385-4), 16986

NOTICES

Energy conservation policy development; inquiry, 21708
Environmental statements; availability, etc.: Arkansas Electric Cooperative Corp., 25158
Associated Electric Cooperative, Inc., et al., 15173
Basin Electric Power Cooperative, 20522
Dairyland Power Cooperative et al., 21027
Old Dominion Electric Cooperative, 27873
Tri-County Electric Association, Inc., 18221
United Power Association, 22763
Western Farmers Electric Cooperative, 27220
Loan guarantees proposed:
Associated Electric Cooperative, Inc., 27220
Basin Electric Power Cooperative, 28527
Buckeye Power, Inc., 15758
Central Electric Power Cooperative, Inc., 25158, 27873
Seminole Electric Cooperative, Inc., 20522
United Power Association, 25453
Western Farmers Electric Cooperative, 18727
Rural telephone bank; revised bylaws, 28019,

SAFETY

See *Coast Guard*.

Consumer Product Safety Commission.
Disease Control Center.
Federal Aviation Administration.
Federal Highway Administration.
Federal Railroad Administration.
Mine Safety and Health Administration.
National Highway Traffic Safety Administration.
National Transportation Safety Board.
Occupational Safety and Health Administration.
Occupational Safety and Health Review Commission.
Pipeline Safety Operations Office.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

RULES

Seaways; required maneuvering data and equipment, etc., 25817

PROPOSED RULES

Joint Tolls Review Board, procedure rules, 20820

NOTICES

Meetings:
Advisory Board, 16586, 27937

Montreal-Lake Ontario Section, 1978
navigation season; procedures for closing; inquiry, 14197, 17089

SCIENCE AND EDUCATION ADMINISTRATION

NOTICES

Committees; establishment, renewals, terminations, etc.:
National Poultry Improvement Plan General Conference Committee, 25351
Improving Government regulations; inquiry, 21991
Meetings:
Committee of Nine, 21027
Cooperative Forestry Research Advisory Board and Advisory Committee, 23750
National Arboretum Advisory Council, 16357
National Plant Genetics Resources Board, 16357
National Poultry Improvement Plan General Conference Committee, 25351

SCIENCE AND TECHNOLOGY POLICY OFFICE

NOTICES

Committees; establishment, renewals, terminations, etc.:
Nuclear Waste Management Technical Advisory Group, 21524
Meetings:
Dam Safety Programs Review Panel, 16824, 21087, 25392
Intergovernmental Science, Engineering, and Technology Advisory Panel, 15208, 20882, 28267
Nuclear Waste Management Technical Advisory Group, 23038, 26808

SECRET SERVICE

RULES

White House press pass; security clearance; issuance, 26719

SECURITIES AND EXCHANGE COMMISSION

RULES

Interpretative releases:
Registrants, guide for reports or memoranda, 20486
Tender offers, registration requirements, 18163
Transactions, securities, by members of National securities exchanges, 18562
Investment Advisors Act:
Brokers and dealers; temporary exemption; extension of time, 19227
Investment Company Act:
Forms and report requirements, 21664
Organization, functions, and authority delegations:
Regional Administrators, 15417
Securities Act:
Bankruptcy-related securities; resales, 14449
Beneficial ownership, filing and disclosure requirements; forms, 18500
Forms; instructions for use, 21661
Interpretative releases, 18163, 20486
Registration; short form, 16677

Underwriters in business combination transactions; status, 21661
Securities Exchange Act:
Accountants; reporting of changes by registrants, 24288
Bankruptcy-related securities; resales, 14450
Beneficial ownership, filing and disclosure requirements; forms, 18495
Beneficial ownership of equity securities; institutional investors reporting, 25421
Forms; instructions for use, 21662
Institutional investment managers, filing and reporting information, 26705
Interpretative releases, 18163, 18562
Quotations for reported securities, dissemination; effective date postponed, 18557
Transactions by members of National securities exchanges; correction, 14451

PROPOSED RULES

Financial statements:
Accounting policies disclosure; withdrawn, 15730
Oil and gas producing companies; financial accounting and reporting; extension of time, 19668
Replacement cost data disclosures; mineral resource assets; extension of time, 19668
Investment Company Act:
Accounting policies disclosure; withdrawn, 15730
Conduct standards; unlawful activities prevention, code of ethics establishment, etc.; correction, 16192
Conduct standards; unlawful activities prevention, code of ethics establishment, etc.; extension of time, 19669
Distribution expenses borne by mutual funds; inquiry, 23589
Financial statements, 19668
Public Utility Holding Company Act:
Accounting policies disclosure; withdrawn, 15730
Financial statements, 19668
Mutual and subsidiary service companies, uniform system of accounts, 22379
Securities Act:
Accounting policies disclosure; withdrawn, 15730
Financial statements, 19668
Insurance companies; investment contracts annuities, exemptive provisions, 22053
Private placement exemptive rule; extension of time, 15441
Securities Exchange Act:
Accounting policies disclosure; withdrawn, 15730
Beneficial ownership, filing and disclosure requirements, 18501
Financial statements, 19668
Quotation information dissemination; withdrawal, 16512
Small businesses; ability to raise capital; impact of disclosure requirements, 15335
NOTICES
Exempted securities; Farm Credit Investment Bonds-Banks for Cooperatives, 26678

Meetings; Sunshine Act, 14373, 14599, 14797, 15405, 15406, 15554, 16440, 16883, 17113, 17628, 18129, 18832, 19331, 20612, 21106, 21793, 21794, 22296, 22518, 23087, 24170, 24406, 24791, 25407, 26185, 26363, 27642, 28329
National clearance and settlement system; hearings, 16231, 19947
Options, foreign; exchange-traded, 21756
Privacy Act; systems of records, 21769, 21771
Regulatory responsibility allocation plans, filing:
National Association of Securities Dealers, Inc., et al., 14195
Securities Exchange Act; Section 11(a), transactions by members of National Securities exchanges; extension of effective date, 23777
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc., et al., 14558, 14559, 15208, 15819, 16576, 17888, 17893, 18379, 19946, 20585, 22111, 22112, 23778, 26655
Boston Stock Exchange, Inc., 16825, 22113, 25506
Boston Stock Exchange Clearing Corp., 26164, 28590
Bradford Securities Processing Services, Inc., 28590
Central Power & Light Co. et al., 28267
Chicago Board Options Exchange, Inc., 18373, 18374, 19085, 19086, 20585, 20586, 21751, 21763, 22471, 22472, 24751, 25212, 26647, 26649, 28061, 28269
Cincinnati Stock Exchange, 14783, 17894
Depository Trust Co., 16576, 16579, 23775, 24155, 28591
Hutton, E.F., Trust, 28271
Midwest Stock Exchange, Inc., 15821, 18078, 22114, 23063, 24757, 26652, 26654, 28273
Municipal Securities Rulemaking Board, 14191, 15821, 19947, 23063, 26164, 26659, 28275
National Association of Securities Dealers, Inc., 16832, 17427, 24758, 28065, 28597
National Securities Clearing Corp., 21760, 21761, 23063, 27625, 28597, 28598
New York Stock Exchange, Inc., et al., 14192, 15210, 15822, 16581, 17429, 17899, 18375, 18376, 18380, 19089, 19738, 19743, 21763, 22115, 23064, 23065, 23066, 25212, 28276
Options Clearing Corp., 23775, 24157
Pacific Clearing Corp., 24639, 28277
Pacific Securities Depository Trust Co., 24640
Pacific Stock Exchange, Inc., et al., 21763, 23776, 26654, 28278
Philadelphia Stock Exchange, Inc., 20067, 21765, 22117, 22119, 23067, 23779, 26660
Puritan Fund, Inc., et al., 28278
Southwestern Electric Power Co., 28280
Stock Clearing Corp. of Philadelphia, 15823, 21768, 27627
Standardized options markets; structure; inquiry, 26660
Hearings, etc.:
Admiralty Fund, Insurance Series, 14557

SEC

Admiralty Fund et al., 19945
Air California, 15377
Alabama Power Co., 15815, 15816, 18367, 20584, 21749
Alpex Computer Corp., 15817
Alternate Energy Systems, Inc., 19731
American Electric Power Co., Inc., 24153
American Electric Power Service Corp. et al., 21750
American Stock Exchange, Inc., et al., 17419
American Utility Shares, Inc., et al., 25752
AMIC Corp., 26649
Appalachian Power Co., 24758
Arcs Equities Corp., 25505
Arkansas Power & Light Co., 26646, 28061
Arkansas-Missouri Power Co. et al., 14183
Barry Wright Corp., 26647
BEM Holding Corp., 20590
Berkshire Capital Fund, Inc., et al., 15505
Boston Stock Exchange, Inc., 20285
Builders Resources Corp., 23059
Bunker Ramo Corp. et al., 22469
Bunker Ramo et al., 14184, 16825
Canaveral International Corp., 14783
Cedar Coal Co. et al., 25506
Central & South West Corp. et al., 25508
Central & South West Services, Inc., 14188
Chicago Milwaukee Corp., 23667
Colonial Gas Energy System et al., 25754
Columbia Gas of Ohio, Inc., et al., 24751
Columbia Gas System, Inc., et al., 15022, 19731
Connecticut Yankee Atomic Power Co., 24154
Consolidated Natural Gas Co. et al., 14189, 21754, 23060
Consolidated Tape Association, 17422
Continental Mortgage Investors, 24155
Corroon & Black Corp., 18368
DSAG Corp., 16825
Dynamics Corp. of America, 17423
Envirodyne Industries, Inc., 23667
Farm Bureau Mutual Fund, Inc., 23061
Farrell Lines, Inc., et al., 20591
Federated Exchange Fund, Ltd., 26649
Federated Master Trust, 15507
Federated Option Income Fund, Inc., et al., 25392
First National Bank of Chicago et al., 14190
General American Life Insurance Co. et al., 15509
General American Transportation Corp., 19087
General Public Utilities Corp. et al., 18368
Georgia Power Co., 15820, 19087
Government Securities Trust et al., 25393
GPM Balanced Fund, Inc., et al., 16827
Gulf Power Co., 14190, 23061
Hoffman Electronics, Inc., 17424
Hutton, E.F., & Co., Inc., 15506
Income Trust for Government Securities, First Series, et al., 19732
Indiana & Michigan Electric Co., 26650
Integon Growth Fund Corp., 20586
Integrated Growth Fund, Inc., 27625
Intercapital Liquid Asset Fund, Inc., et al., 16830
International Aluminum Corp., 17898
International Investors Incorporated et al., 17424

Investor's Government-Guaranteed Income Trust, 28592
Ivac Corp., 18369
Ivy Fund, Inc., et al., 26655
John Hancock Investors, Inc., et al., 24156
Kollmorgen Corp., 24157
Laventhol & Horwath Pension Plan, 24759
Lehigh Portland Cement Co., 16580
Leslie Fund for Income, Inc., 16230
Lexington Research Fund, Inc., et al., 15209
Lexitron Corp., 21757
Life Insurance Co. North America et al., 19733
Louisiana Power & Light Co., 18369, 20587, 20588, 25509
Lowell Gas Co. et al., 25396
Lykes Bros., Inc., 19088
Macrodata Corp., 21757
Major Resources, Inc., 14559
Marathon Securities Corp. et al., 18370
Massachusetts Mutual Life Insurance Co. et al., 17426
Media Investment Co. et al., 24752
Mercantile Industries, Inc., 16580
Metropolitan Edison Co., 17898
Middle South Services, Inc., et al., 16230
Middle South Utilities, Inc., et al., 19089, 23062, 26651
Midwest Corp., 15210
Midwest Stock Exchange, Inc., 20286
Minneapolis Shareholders Co., 19734
Mira-Pak, Inc., 19309
Modern Maid Food Products, Inc., 26164
Monongahela Power Co. et al., 24755
Municipal Exempt Trust et al., 28062
Mutual Asset & Management, Inc., 19737
Mutual Investing Foundation et al., 26657
Narragansett Capital Corp., 21757
National American Corp., 21760
National Fuel Gas Co. et al., 14559, 16580
National Government Securities Trust, 25510
National Industries, Inc., 24756
New York, New Haven & Hartford Railroad Co., 19743
Northeast Utilities et al., 24925
Northern States Power Co., 19743
Northwest Production Corp., 24756
Northwestern Mutual Life Insurance Co. et al., 17431
Ohio Edison Co. et al., 24922
Ohio Power Co. et al., 26652
Oli, Inc., et al., 20589
Pacific Far East Line, Inc., 25754
Pacific Resources, Inc., 23066
Pacific Stock Exchange, Inc., 19091
Parker, Miliken, Clark & O'Hara Retirement Plan and Trust Agreement, 26658
Parthenon Fund, Inc., 18371
Pennsylvania Electric Co., 20590
Philadelphia Stock Exchange, Inc., 20286
Providor Growth Fund, 27625
Providor Investors Fund, 27626
Putnam Daily Dividend Trust, 18372
Resorts International, Inc., 15822
Ruetgers-Nease Chemical Co., Inc., 14367
Sequential Information Systems, Inc., 20286
Southern Co. et al., 21767
Spokane Stock Exchange, Inc., 16582
Standard Shares, Inc., 16832
Standard-Pacific Corp., 22472
State Street Investment Corp., 21767

Terminal Railroad Association of St. Louis, 14368
 Thomson McKinnon Employee Stock Ownership Trust, 14192
 Tiffany Industries, Inc., 25755
 Travelers Insurance Co. et al., 15823
 Union Petrochemical Corp. of Nevada, Inc., 16582
 Universal Container Corp., 22473
 Vanderbilt Growth Fund, Inc., 25397
 Vanderbilt Income Fund, Inc., 25398
 Variable Annuity Life Insurance Co. of America, 23778
 WITS, Inc., 17899
 Weeden Corporate Bond Trust et al., 21772
 Weenie Machine International, Inc., 16582
 Weiss, Peck & Greer, 14193
 Westfield Growth Fund, Inc., 22473
 Westfield Investment Fund, Inc., 22473
 Whiting Corp., 24757
 Wisconsin Michigan Power Co., 15378, 26171

SELECTIVE SERVICE SYSTEM

NOTICES

Improving Government regulations; inquiry, 15211

SMALL BUSINESS ADMINISTRATION

RULES

Business loans:

Interest rates, fluctuating; policy, 26279
 Floodplain management and wetlands protection; policy and procedures, 22298

Handicapped assistance loans:

Associate, definition; loans to nonprofit organizations, 27985

Loans to State and local development companies:

Limits and waivers, administrative, 14007

Nondiscrimination:

Financial assistance programs; disaster loans, economic dislocation, 21322

Small business investment companies:

Movie production and distribution financing, licensees specializing in; pilot program, 21439

Retention of investments, 28455

Small business size standards:

Nightwear manufacturing, women's and children's, 22173

Radio and television broadcasting loans; eligibility criteria, 19352

PROPOSED RULES

Loans to State and local development companies:

LDC participation and fees; clarification, 27554

Nondiscrimination:

Handicapped in financial assistance programs; extension of time, 14674

Small business size standards:

Accounting and auditing services, 24697
 Construction contractors, surety bond guarantee, 21689

NOTICES

Applications, etc.:

Alliance Capital Corp., 21525
 American Indian Investment Opportunities, Inc., 26172

American Small Business Assistance Corp., 20068
 Associates Venture Capital Corp., 20068
 BBS Equities Ltd., 16232
 Beauhan Minority Investment Corp., 14368
 Benson Investment Co., Inc., 26172
 Business Ventures, Inc., 25398
 Canaveral Capital Corp., 14368
 Cannon Capital Corp., 22119
 Capital Assistance Corp. of Connecticut, 19091
 Capital Formation MESBIC, Inc., 22120
 Capital Management & Resources, Inc., 22120
 Capital Marketing Corp., 16232, 17434
 Capitol Area Investors, Inc., 14196
 City Capital Investors Corp., 25398
 CMNY Capital Co., Inc., 17434
 CVC Capital Corp., 14369
 First Capital Corp. of New Mexico, 22120
 Fulcrum Venture Capital Corp., 22121
 Fundex Capital Corp., 28066
 Great American Capital Investors, Inc., 24927
 Great Eastern Financial Corp., 24761
 Indianapolis Business Investment Corp., 17435
 Jermyn Venture Capital Corp., 24927
 Labaron Capital Corp., 19092
 Landers Capital Corp., 20069
 Merit Funding, Inc., 15379
 Metro-Detroit Investment Co., 17435, 26511
 Neighborhood Fund, Inc., 19489
 New Court Ventures, Inc., 19093
 New England Capital Resources Corp., 16584
 Orangeco Investment Co., 25755
 Pan American Capital Corp., 21962
 Quidnet Capital Corp., 25399
 Sagera Venture Corp., Inc., 16233
 San Antonio Venture Capital, Inc., 20069
 Savings Venture Capital Corp., 22121
 SCI Media Ventures, Inc., 19489
 Small Business Improvement Co., 23667
 Small Business Investment Capital, Inc., 22121
 Sprout Capital Corp., 22122
 Tri-State MESBIC, Inc., 16233
 Tyler Refrigeration Capital Corp., 17436
 Vicksburg Small Business Investment Co., 21087
 Western Bancorp Venture Capital Co., 23780
 Authority delegations:
 Administration, Assistant Administrator; grants, etc., 17434
 Field offices, program activities, 22261
 Management Services Office, Director; grants, etc., 17435
 Disaster areas:
 Alabama, 20591, 22119, 27270
 Arizona, 15025
 Arkansas, 19091, 21961
 California, 14196, 15378, 20591
 Connecticut, 16583
 Georgia, 23068
 Hawaii, 24641
 Idaho, 18617, 19745
 Illinois, 23068
 Indiana, 15378, 20591
 Kansas, 16232, 19091, 20591, 23068
 Kentucky, 22261
 Louisiana, 16583, 20069, 21961, 23068
 Maine, 17435

Massachusetts, 16583, 27270
 Michigan, 16233, 19092
 Minnesota, 20069
 Mississippi, 20592, 24641
 Missouri, 15025
 Montana, 26172, 28066
 Nebraska, 14368, 16584, 19092, 20592
 New Hampshire, 16584
 New York, 15379, 25755
 North Dakota, 19093, 20592
 Ohio, 15379, 26173
 Oklahoma, 28066
 Rhode Island, 19093, 22261
 South Dakota, 21961
 Tennessee, 16584, 18618
 Texas, 16584, 20070, 23667, 24641, 26173, 26511, 27271
 Virginia, 20070, 21961, 24761, 27937
 West Virginia, 25399
 Wisconsin, 15379, 20882
 Wyoming, 26173
 Improving Government regulations; inquiry, 22605
 Loans, handicapped assistance, local development company, and business; waiver of administrative ceiling, 19489
 Loans and revolving line credit; maximum interest rates, 24761
 Privacy Act; systems of records, 19744

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

See Census Bureau.

Economic Analysis Bureau.

SOCIAL PROGRAMS

See ACTION.

Community Services Administration.

Food and Nutrition Service.

Health, Education, and Welfare Department.

Human Development Services Office.

Social Security Administration.

SOCIAL SECURITY ADMINISTRATION

RULES

Aged, blind, and disabled; supplemental security income for:

Benefits; reductions, suspensions, and terminations, 18170

Northern Mariana Islands; special age 72 benefits, 25091, 25815

Presumptive disability and blindness; basis for findings and payment, 17354

Rehabilitation services; referral of blind and disabled, 27180

Child support enforcement program; good cause for refusal to cooperate; program instruction, 15424

Information and official records disclosure:

Aid to families with dependent children; State and local government agencies and officials administering program; inquiry, 25672

Old-age, survivors, and disability insurance:

Evidence for proof of eligibility, 24794
 Income from self employment of limited partner; exclusion, 20972, 21880, 25422

Northern Mariana Islands; special age 72 benefits, 25091, 25815

Organization and procedures; social security numbers issuance, 20974

PROPOSED RULES

Aged, blind, and disabled; supplemental security income for:

Disability claims, vocational factors; extension of time, 19238

Evidence of permanent residence in U.S. under color of law, 21012

Household goods, personal effects, and automobile, increasing reasonable value, 18206

Indian tribes, receipts from lands held in trust for; exclusion from countable income and resources, 18205

Medical and social services; income exclusion; advance notice, 15336

Oral inquiry and written application; filing date, 27853

Replacement of damaged, lost, or stolen resources; income exclusion; advance notice, 18699

Resources evaluation; equity value basis, 18698, 21465

Black lung benefits:

Claims, initial review, payment reductions, etc.; advance notice, 15336

Claims, pending and denied; review, 24542

Child support enforcement program; good cause for refusal to cooperate; hearing, 15457

Financial assistance programs:

Aid to families with dependent children; protective, vendor, and two-party payments; advance notice, 21015

Old-age, survivors, and disability insurance: Applications; filing of; advance notice, 25695

Disability claims, vocational factors; extension of time, 19238

International social security agreements; totalization; advance notice, 19863

Transfer and recodification; reference changes, 25837

Organization and procedures:

Transfer and recodification; reference changes, 25837

NOTICES

Improving Government regulations; inquiry, 23138

Income maintenance research and demonstration grants; availability, 17061

Indo-chinese refugees:

Funding for English language and employment services; availability, 22077

Mental health projects, 22080

Meetings:

Social Security Advisory Council, 17870

SOIL CONSERVATION SERVICE

RULES

Support activities:

Archeological and historical properties; protection procedures, 26277, 27158

PROPOSED RULES

Contracting, long term:

Rural abandoned mine program, 15312, 19235

Rural clean water program, 26740

Regulatory impact analysis, 15312

Support activities:

NEPA compliance; floodplain management, 24223

Wetlands protection; policy statement, 28787

APRIL-JUNE 1978, FEDERAL REGISTER INDEX

NOTICES

Environmental statements on watershed projects; availability, etc.:

Agassiz Lake Critical Area Treatment RC&D Measures, N. Dak., 14702

Alcona County Park Critical Area Treatment RC&D Measure, Mich., 14699

Alpena County Roads, King's Landing RC&D Measure, Mich., 14327

Back Creek Reservoir Critical Area Treatment RC&D Measure, N.C., 14699

Baraga County Roads Critical Area Treatment RC&D Measure, Mich., 23621

Bastian Elementary School Land Drainage RC&D Measure, Va., 24341

Beartown Flood Prevention RC&D Measure, Miss., 17512

Belmont Critical Area Treatment RC&D Measure, N.H., 15758

Big Sandy Creek, Tex., 18584

Bigelow Park Land Drainage RC&D Measure, Maine, 24082

Black Hills RC&D Critical Area Treatment RC&D Measures, S. Dak. & Wyo., 17512

Buffalo ISD Erosion Control RC&D Measure, Tex., 14328

Bullbeggar Creek Flood Prevention and Drainage RC&D Measure, Va., 20829

Burkesville Water-Based Recreation RC&D Measure, Ky., 14699

Burton ISD Erosion Control RC&D Measure, Tex., 14700

Camp Barbe 4-H Camp Land Drainage RC&D Measure, W. Va., 14700

Carrabelle Recreation RC&D Measure, Fla., 14327

Cayuga Land Drainage RC&D Measure, Inc., 15759

Chariton Valley RC&D Area Critical Area Treatment Measures, Iowa, 14700

Charles Fork Public Water-Based Fish and Wildlife Recreation RC&D Measure, W. Va., 28527

Charlevoix City Park Critical Area Treatment RC&D Measure, Mich., 23621

Chickasaw-Shiloh RC&D Critical Area Treatment RC&D Measures, Tenn., 17513

Clearwater R-1 School Critical Area Treatment RC&D Measure, Mo., 19252

Clemente Gravel Pit Critical Area Treatment RC&D Measure, N.J., 28020

Coal Creek, Okla., 14701

College Farm Erosion Control RC&D Measure, Tex., 24342

Colorado County Roadside Erosion Control RC&D Measure, Tex., 24342

Conneautville Flood Prevention RC&D Measure, Pa., 25701

Coosa Valley Critical Area Treatment RC&D Measures, Ala., 14328

Cow Creek Critical Area Treatment RC&D Measure, Calif., 17513

Cumberland Valley RC&D Area Critical Area Treatment RC&D Measures, Ky., 23621

Delaware Creek, Okla., 15759

Delta County Roads Critical Area Treatment RC&D Measure, Mich., 28527

Doniphan R-1 School Critical Area Treatment RC&D Measure, Mo., 15758

Drainage District No. 8, Pemiscot County Critical Area Treatment RC&D Measure, Mo., 19252

East Carroll, La., 19253

East Wharton Outfall Erosion Control RC&D Measure, Tex., 24083

Eastern Carter County R-2 School District Critical Area Treatment RC&D Measure, Mo., 19253

Eastern Connecticut Critical Area Treatment RC&D Measures, Conn., 24082

End of Point Abbaye Natural Area Public Water-Based Fish and Wildlife RC&D Measure, Mich., 23622

Fort Stanton Farm Irrigation RC&D Measure, N. Mex., 25702

Four Corners Critical Area Treatment RC&D Measure, Colo., 24342

Fowler and Prairie Creek Park Critical Area Treatment RC&D Measure, Ind., 20828

Fulton-Izard-Sharp Counties Critical Area Treatment RC&D Measure, Ark., 15759

Gogebic County Critical Area Treatment RC&D Measure, Mich., 17513

Gouldsboro Elementary School Critical Area Treatment RC&D Measure, Maine, 24082

Green River RC&D Area Critical Area Treatment RC&D Measures, Ky., 28021

Hamilton Creek, Tex., 25701

Hayden Flood Prevention RC&D Measure, Colo., 14328

Highway District 9 Critical Area Treatment RC&D Measure, Vt., 20829

Hoyle Creek, Okla., 14701

Huntingburg Airport Critical Area Treatment RC&D Measure, Ind., 14701

Illiana Church Camp Critical Area Treatment RC&D Measure, Ind., 24343

Indian Lake School Land Drainage RC&D Measure, N.Y., 17514

Jacks Creek Flood Prevention and Drainage RC&D Measure, Va., 20829

Johnson Lake Public Water-Based Recreation RC&D Measure, Ind., 25702

Just-Olson Critical Area Treatment RC&D Measure, Wis., 24343

Kusel Lake Park Recreation RC&D Measure, Wis., 14702

Lea County State Park Public Water-Based Recreation RC&D Measure, N. Mex., 24343

Lenox Memorial High School Flood Prevention and Drainage RC&D Measure, Mass., 17514

Lewis & Clark 1805 Critical Area Treatment RC&D Measures, N. Dak., 15173

Little Crooked Creek Critical Area Treatment RC&D Measure, La., 24344

Little Grave Creek, W. Va., 28021

Soil

- Little Walnut Creek Project, Inc., 25702
 Little Wyaconda-Sugar Creek, Mo., 18584
 Lower James Critical Area Treatment RC&D Measures, S. Dak., 14329
 Madison County High School Critical Area Treatment RC&D Measure, N.C., 14329
 Marlow Miller Park Critical Area Treatment RC&D Measure, Okla., 14329
 McLeod County Roadside Critical Area Treatment RC&D Measure, Minn., 15760
 McLeod Honor Farm Critical Area Treatment RC&D Measure, Okla., 14702
 Medford City Park Creation RC&D Measure, Wisc., 28528
 Midwest Institute of Scandinavian Culture, Inc. Critical Area Treatment RC&D Measure, Wis., 24344
 Mineral County Fairgrounds Land Drainage RC&D Measure, W. Va., 14703
 Moon Lake Critical Area Treatment RC&D Measure, Miss., 20829
 Mt. Jewett Community Park Land Drainage RC&D Measure, Pa., 17018
 Mt. Sterling Cemetery Critical Area Treatment RC&D Measure, Ill., 23620
 Negreet High School Critical Area Treatment RC&D Measure, La., 24344
 Newlan Creek, Mont., 19253
 Newman Lake Watershed, Wash., 27221
 Noble Ghost Critical Area Treatment RC&D Measure, Supplement No. 1, Tex., 14330
 North Central Critical Area Treatment RC&D Measures, N. Dak., 15173
 North Central Critical Area Treatment RC&D Measures, S. Dak., 14703
 North Central Nebraska RC&D Area Critical Area Treatment RC&D Measures, Neb., 23622
 North Lake Creek Flood Prevention RC&D Measure, Ore., 23623
 North Vermillion School Critical Area Treatment RC&D Measure, Ind., 17019
 Northumberland Flood Prevention RC&D Measure, N.H., 15174
 Oyster Water-Based Recreation RC&D Measure, Va., 14703
 Panhandle RC&D Area Critical Area Treatment Measures, Nebr., 20828
 Parkersburg Community College Land Drainage RC&D Measure, W. Va., 28528
 Pathfinder Irrigation District Wyoming No. 2 Lateral Pipeline RC&D Measure, Wyo. and Nebr., 17019
 Pere Marquette River Fisherman's Access Site Critical Area Treatment RC&D Measure, Mich., 23622
 Plymouth Critical Area Treatment RC&D Measure, N.H., 15760
 Portland-Westbrook College Land Drainage RC&D Measure, Maine, 17514
 Quapaw Pow-Pow Grounds Critical Area Treatment RC&D Measure, Okla., 14330
 Randall Critical Area Treatment RC&D Measures, S. Dak., 14330
 Rensselaer Land Drainage RC&D Measure, Ind., 14331
- Renville County Roadside Critical Area Treatment RC&D Measure, Minn., 14704
 Roosevelt-Custer Critical Area Treatment RC&D Measures, N. Dak., 15174
 Rose Gaffney School Land Draining RC&D Measure, Maine, 25702
 Rosedale School Land Drainage RC&D Measure, Ind., 17019
 Rumford-Smith Crossing Flood Prevention RC&D Measure, Maine, 19254
 Rural Clean Water Program, 17992
 Salt Lick Creek Watershed Project, Ky., 15760
 Sand-Hogshooter Creek Watershed Project, Okla., 14705
 Selah and Moxee Irrigation District Farm Irrigation RC&D Measure, Wash., 15761
 South Central Dakota RC&D Area Critical Area Treatment RC&D Measures, N. Dak., 24345
 South Putnam School Critical Area Treatment & Land Drainage RC&D Measure, Ind., 15174
 South River, Va., 23750
 Southeast Tennessee RC&D Area Critical Area Treatment RC&D Measures, Tenn., 28021
 Southern Sequoyah County Critical Area Treatment RC&D Measure, Okla., 19254
 Stockholm Ballfield Land Drainage RC&D Measure, Maine, 17515
 Stucker Fork, Ind., 17992
 Sunman Park Land Drainage RC&D Measure, Ind., 24346
 Sycamore Trails RC&D Area Cloverdale Community Schools Land Drainage RC&D Measure, Ind., 28528
 Tennessee Valley Critical Area Treatment RC&D Measures, Ala., 14704
 Tombigbee Critical Area Treatment RC&D Measures, Ala., 14704
 Trappe River Critical Area Treatment RC&D, Wis., 14705
 Triffin Tracts Farm Irrigation RC&D Measure, Mont., 28529
 Turkey Creek Watershed Project, Okla., 14705
 Versailles Road-David Zimmerman Critical Area Treatment RC&D Measure, Ill., 23620
 Village of Frederic Flood Prevention RC&D Measure, Mich., 14331
 Westfield Borough Flood Prevention RC&D Measure, Pa., 19254
 White's Mill RC&D Measure, S.C., 14705
 Woolsey Memorial Airport Land Drainage RC&D Measure, Mich., 19057
 Improving Government regulations; inquiry, 21992
 Soil and water resources conservation; implementation activities; guidelines, 24345
 Watershed projects; deauthorization of funds: Broad Brook Watershed, Mass., 27574

SOUTHEASTERN POWER ADMINISTRATION

NOTICES

- Cumberland Basin Projects; power rates and charges, revision, 17043

Marketing policy; public participation procedure; inquiry; extension of time, 15186

SOUTHERN WESTERN POWER ADMINISTRATION

NOTICES

- Power rates and charges; public forums, 16545, 25865

STATE DEPARTMENT

See also *Agency for International Development*.

RULES

- Conduct standards, 18976
 Educational and cultural exchange program, international; increased per diem allowances to foreign participants, 14456

Visas:

- Immigrants, documentation; technical changes, 19649

PROPOSED RULES

- Employment acceptance from foreign governments by retired and reserve officers; procedures for approval, 23593

Visas:

- Immigrant; aliens ineligible, withdrawn, 24547

NOTICES

- Art objects, importation:
 Egyptian Tutankhamun collection; extension of stay, 14561
 Romania, culturally significant objects from, 14561

Authority delegations:

- Deputy Secretary et al; nuclear nonproliferation, 25213
 Oceans and International Environmental and Scientific Affairs, Assistant Secretary, 18079

- Committees; establishment, renewals, terminations, etc.:
 World Administrative Radio Conference, 19746

Environmental statements; availability, etc.:

- Antarctic Living Marine Resources
 Conservation Regime; extension of time, 14560, 23780
 International Convention for High Seas Fisheries of North Pacific Ocean, renegotiation, 20288

- Fishing; 1978 foreign fishing allocations, 18382

Fishing permits, applications:

- Bulgaria, 18132
 Cuba, 18132, 22314
 Japan, 15272, 18132, 26684
 Korea, 19334
 Mexico, 19334, 22314, 26684
 Poland, 22314
 Spain, 15272
 Union of Soviet Socialist Republics, 15272, 18132, 22314, 26684

- Improving Government regulations; inquiry, 22589

- International Pacific Halibut Convention, fishery registration permits for; policy statement, 26625

Meetings:

- International Commission for Conservation of Atlantic Tunas, U.S. National Section Advisory Committee, 15510

- International Radio Consultative Committee, 14369, 14785, 18079

- International Telegraph and Telephone Consultative Committee, 19745, 26173

- Law of the Sea Advisory Committee, 24928

- Ocean Affairs Advisory Committee, 24762

- Overseas Schools Advisory Council, 19947
 Private International Law Advisory Committee, 17560, 18807, 22474, 23668

- Shipping Coordinating Committee, 14369, 15379, 15511, 15825, 16234, 17089, 18383, 18807, 19093, 19745, 20288, 23667, 26352, 26810, 27627, 27937

- Transnational Enterprises Advisory Committee, 15824, 20288, 23668, 25512, 27271

- World Administrative Radio Conference, 23667

- Nuclear non-proliferation; establishment of procedures, 25326

- Privacy Act; systems of records, 16834, 26809

SURFACE MINING RECLAMATION AND ENFORCEMENT OFFICE

RULES

- Abandoned mine reclamation fund; fee collection and coal production reporting: Interest rate and computation, 20794, 25672

Performance standards:

- General; manganese in alkaline waters, rescission, 21458
 Underground mining; manganese in alkaline waters, rescission, 21459

PROPOSED RULES

- Abandoned mine reclamation funds, 17918
 Acquisition, management and disposition of lands and water, 17918

- Grants; Mining and Mineral Resources
 Research Institutes and mineral research projects, 24326

- Indian reclamation program, 17918

Performance standards:

- Surface coal mining and reclamation operations, permanent regulatory program; advance notice, 17918
 Private land reclamation, 17918
 Reclamation requirements, general, 17918
 Rights of entry, 17918

- State reclamation grants, 17918

- State reclamation plans, 17918

NOTICES

- Permanent regulatory program; meetings, etc., 25881

Petitions for rulemaking:

- Texas, State of, et al., 22459

TARIFF COMMISSION

See *International Trade Commission*.

TENNESSEE VALLEY AUTHORITY

PROPOSED RULES

- Nondiscrimination; handicapped in federally-assisted programs, 18693, 23593

NOTICES

- Floodplain management and wetlands protection; procedures, 24228

- Improving Government regulations; inquiry, 25951

- Meetings; Sunshine Act, 15232, 17446, 19755, 21408, 21794

- Transmission line and substation; Cordova-Union-Browns Ferry, Tenn., Miss., and Ala., hearing, 14561

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE

NOTICES

- Bilateral textile negotiations with Colombia, Haiti, Mexico, Philippines, and Thailand; inquiry, 14533

Cotton textiles:

- Brazil, 14348
 China, Republic of, 13912, 18737, 23009, 26102, 27228, 27229, 28530

- Hong Kong, 23009

- India, 17994, 23753, 24351, 24352, 25710, 28029

- Korea, 23010

- Pakistan, 17027, 21346

- Philippines, 17026

- Poland; correction, 14983

- Romania, 16798

Man-made textiles:

- China, Republic of, 13912, 18737, 23009, 26102, 27228, 27229, 28530

- Haiti, 26472

- Hong Kong, 23009

- India, 23753, 24352, 28029

- Korea, 23010, 28531

- Philippines, 17026

- Poland; correction, 14983

- Romania, 22232

- Textile and apparel categories; correlation with Tariff Schedules of U.S.; correlation changes, 26773

Wool textiles:

- China, Republic of, 13912, 18737, 23009, 26102, 27228, 27229, 28530

- Hong Kong, 23009

- India, 17994, 23753, 24352, 27880, 28029

- Korea, 23010, 28531

- Philippines, 17026

- Poland; correction, 14983

- Romania, 22232

TOBACCO PRODUCTS

See *Alcohol, Tobacco and Firearms Bureau*.

TOXIC SUBSTANCES

See *Environmental Protection Agency*.

Environmental Quality Council.

Food and Drug Administration.

Occupational Safety and Health Administration.

TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE

NOTICES

- Generalized System of Preferences:

- Articles eligible for, 24152, 24438

Import quotas:

- Steel, specialty; shortfalls; reallocation, etc., 14366, 23038, 24921

- Steel bar, stainless, from Spain, 14366

Travel

- Import relief investigations; determinations:
 Flatware, stainless steel, 20583

- Tableware, ceramic, 18076, 19308

- Marketing agreements; U.S. and listed countries:
 Footwear, non-rubber; Korea, 14367, 20286

- Footwear, non-rubber; Republic of China, 14367, 20286

- Meetings:
 Trade Negotiations Advisory Committee, 24750, 24751

- Unfair trade practices, petitions:
 Union of Soviet Socialist Republics; marine insurance market, 25212

TRANSPORTATION DEPARTMENT

See also *Coast Guard*.

Federal Aviation Administration.

Federal Highway Administration.

Federal Railroad Administration.

Hazardous Materials Operations Office.

National Highway Traffic Safety Administration.

Pipeline Safety Operations Office.

Saint Lawrence Seaway Development Corporation.

Urban Mass Transportation Administration.

RULES

- Cargo security advisory standards; pilferable high-value or sensitive cargo transit procedures, 24693

- Conduct standards; CFR correction, 26311

- Organization, functions, and authority delegations:
 Coast Guard Commandant; safe containers, 17360

- Federal Railroad Administrator; emergency rail services, 14021

- Research and Special Programs Directorate, Director; intermodal transport, 17360

- Proposed Rules

- Nondiscrimination:
 Handicapped in Federally-assisted programs and activities, 28216

- Procurement, 17974

- NOTICES

- Air transportation, international negotiations; proposed policy statement, 22262

- Floodplain management and protection, procedures; inquiry, 27148

- Improving Government regulations:
 Agenda, 23884

- Inquiry, 23925

- Review list, 23918

- Minority business enterprise program, 20883

- Privacy Act; systems of records, 17090

TRANSPORTATION POLICY STUDY, NATIONAL COMMISSION

- NOTICES

- Hearings, 17089

- Meetings, 14777, 21955, 25212

TRAVEL SERVICE

- NOTICES

- Improving Government regulations; inquiry, 23195

Travel

International travel promotional projects; availability of matching funds, 26344

Meetings:
Travel Advisory Board, 17388

TREASURY DEPARTMENT

See also *Alcohol, Tobacco and Firearms Bureau*, *Comptroller of Currency*, *Customs Service*, *Fiscal Service*, *Foreign Assets Control Office*, *Internal Revenue Service*, *Revenue Sharing Office*, *Secret Service*.

RULES**Antidumping:**

Steel plates, carbon, from Japan, 22937
Coin regulations; CFR Part revoked, 24691
Conduct standards:

Teaching, writing, lecturing, etc.; honoraria or reimbursement for expenses, 17471
Currency and foreign transactions; financial recordkeeping and reporting:
Identification required, 21672
Interpretations and exemptions, 27826
Maintaining additional records, 24527

PROPOSED RULES**Nondiscrimination:**

Handicapped in Federally-assisted programs and activities, 25016
Portfolio investment surveys, 25636
Practice before Internal Revenue Service; advertising and solicitation, 25695

NOTICES**Antidumping:**

Methyl alcohol from Canada, 25758
Motorcycles from Japan, 17900
Nylon yarn from Japan, 22480
Paper, offset, from Canada, 26353
Photographic color paper from Japan, 15380, 27272
Photographic color paper from West Germany, 15381, 27271
Portland hydraulic cement from Canada, 28066
Signal alarms, audible; from Japan, 21962
Sorbates from Japan, 26175
Staple fiber, viscose rayon, from Belgium, 18619
Staple fiber, viscose rayon, from Finland, 19490
Staple fiber, viscose rayon, from France, 19489
Staple fiber, viscose rayon, from Italy, 19491
Staple fiber, viscose rayon, from Sweden, 19492
Steel, wire rods, carbon, from France, 19947
Steel sheets, carbon, for United Kingdom, 24933
Steel sheets, carbon, from France, 24933
Steel sheets, carbon, from Italy, 24933
Steel sheets, carbon, from Netherlands, 24933
Steel sheets, carbon, from West Germany, 24933
Steel sheets, carbon from Belgium, 24933
Steel wire rope from Korea, 24934
Steel wire rope from Korea; extension of investigatory period, 19095
Steel wire strand for prestressed concrete from India, 23672
Steel wire strand for prestressed concrete from Japan, 23671

Welded stainless steel pipe and tubing from Japan, 17439

Authority delegations:

Assistant Secretary (Enforcement and Operations); order of succession, 25215

Deputy Assistant Secretary (Operations); petitions, 16237

Secret Service, Director, 24762

Bonds, Treasury:

1993 series, 26815
1995-2000 series, 18622

Boycotts, international:

List of countries requiring cooperation, 13937

Committees; establishment, renewals, terminations, etc.:

Small Business Advisory Committee, 16588

Floodplain management and wetlands

protection; memorandum, 22311

Gold sales directive, 17900

Improving Government regulations; inquiry, 22319

Meetings:

Small Business Advisory Committee, 22122
USA-Italy tax treaty, 26816

Notes, Treasury:

A-1988 series, 18620, 19948
C-1983 series, 13937
H-1982 series, 22797, 24642
N-1980 series, 16237, 17902
P-1980 series, 21963, 23669
Q-1980 series, 26353, 27632

Organization and functions:

Legal Division, 25214

Securities Exchange Act; designation of exemption securities, 24933

Steel mill products, imported:

Handling charges adjustment and hearing on Great Lakes region trigger prices, 23669

Trigger price mechanism and extras, 18383, 20070, 22122

TRUMAN, HARRY S.,**SCHOLARSHIP FOUNDATION****RULES**

Scholarship program, 26366

UNEMPLOYMENT

See *Economic Development Administration*, *Employment and Training Administration*, *Labor Department*, *Railroad Retirement Board*.

UNEMPLOYMENT**COMPENSATION NATIONAL COMMISSION****NOTICES**

Meetings, 15372, 19483, 25884, 25885
Unemployment compensation programs assessment; hearings, 18073

UNITED STATES RAILWAY ASSOCIATION**NOTICES**

Meetings; Sunshine Act, 14599, 15406, 16259, 21409, 26881

URBAN AFFAIRS

See *Community Planning and Development*, *Office of Assistant Secretary*, *Community Services Administration*, *Economic Development Administration*, *Urban Mass Transportation Administration*.

URBAN MASS TRANSPORTATION ADMINISTRATION**NOTICES**

Transbus procurement requirements; elderly and handicapped transportation services; inquiry; extension of time, 15026

URBAN REINVESTMENT TASK FORCE**NOTICES**

Neighborhood preservation projects; application procedures, 18388

VESSELS

See *Coast Guard*.

Customs Service.

Engineers Corps.

Federal Maritime Commission.

Interstate Commerce Commission.

Maritime Administration.

Panama Canal.

Saint Lawrence Seaway Development Corporation.

VETERANS ADMINISTRATION**RULES**

Adjudication; pensions, compensation, dependency, etc.:

Discharge, character of, 15153

Housing, specially adapted; disability compensation, 14017

Authority delegations:

Memorial Affairs Department, Director, 22973

Loan guaranty:

Interest rate increase, 22717

National Cemetery System; operation, 26571

Procurement, 22032, 24532

Vocational rehabilitation and education:

Education benefits; medical-dental courses, 25429

PROPOSED RULES

Legal services, General Counsel:

Claimants representation; recognition of organizations, attorneys and agents, 17482

Loan guaranty:

Mobile home, double-wide; definition, 17840

Nondiscrimination:

Handicapped in federally-assisted programs, 19166, 25146

Procurement, 14525

Vocational rehabilitation and education:

Counseling; policy and procedures, 22059
Unsatisfactory progress provisions, 15336

NOTICES

Committees; establishment, renewals, terminations, etc.:

Career Development Committee, 19095

Environmental statements; availability, etc.:

California National Cemetery, 20886

Improving Government regulations; inquiry, 21983

Meetings:

Central Office Education and Training Review Panel, 19096, 22142, 23070, 24642, 26178

Cooperative Studies Evaluation Committee, 23070

Educational Allowances Station Committee, 13937, 14369, 23673, 25215, 25216, 25895

Wage Committee, 24934

Privacy Act; systems of records, 15026, 23797, 25216

Wheelchair lift systems (automatic) for passenger motor vehicles; design criteria for safety and quality, 21390

VOCATIONAL REHABILITATION AND EDUCATION

See *Education Office*.

Veterans Administration.

WAGE AND HOUR DIVISION**RULES**

American Samoa; wage orders; certain industries, 25816, 26003

Child labor for agricultural employment of 10 and 11 year old minors in hand harvesting of short season crops; application for and granting of waiver, 26565, 27469, 28471

Garnishment of earnings; restrictions, 28471

Homeworkers in certain industries,

employment; technical changes, 28470

PROPOSED RULES

Child labor for agricultural employment of 10 and 11 year old minors in hand-harvesting of short season crops; waiver; hearing, 14068, 18570, 18709

Executive, administrative, and professional employees:

Salary test levels for exemption; increase determination; hearing, 14688

NOTICES

Learners, certificates authorizing employment at special minimum wages, 19481

WATER AND WATERWAYS

See *Canada and United States-International Joint Commission*.

Coast Guard.

Delaware River Basin Commission.

Engineers Corps.

Environmental Protection Agency.

Federal Maritime Commission.

Interior Department.

Interstate Commerce Commission.

Panama Canal.

Saint Lawrence Seaway Development Corporation.

Soil Conservation Service.

Water Resources Council.

White House**WATER RESOURCES COUNCIL****RULES**

Organization and functions, 25944

NOTICES

Improving Government regulations; inquiry, 23199, 24212

WESTERN AREA POWER ADMINISTRATION**NOTICES**

Peaking power allocation; general marketing criteria:

Colorado River Storage Project, 26793

Power rate adjustments:

Central Valley Project, Calif., 16391

WHITE HOUSE CONFERENCE ON BALANCED NATIONAL GROWTH AND ECONOMIC DEVELOPMENT

See *Balanced National Growth and Economic Development*, *White House Conference*.

WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

See *Library and Information Services*, *White House Conference*.

PRIVACY ACT PUBLICATIONS—APRIL-JUNE 1978

AGRICULTURE DEPARTMENT

NOTICES

Systems of records, 22227, 28019, 28020

AIR FORCE DEPARTMENT

RULES

Implementation, 19230

NOTICES

Systems of records, 16894, 25170

ALCOHOL, TOBACCO AND
FIREARMS BUREAU

NOTICES

Systems of records, 14713

ARMS CONTROL AND
DISARMAMENT AGENCY

PROPOSED RULES

Implementation, 17003, 26589

NOTICES

Systems of records, 17020, 26602

ARMY DEPARTMENT

RULES

Implementation, 17821

PROPOSED RULES

Implementation, 27864

NOTICES

Systems of records, 353, 26606, 27882

CHILD, INTERNATIONAL YEAR
OF THE, 1979, NATIONAL
COMMISSION

PROPOSED RULES

Implementation, 23583

NOTICES

Systems of records, 23660

CIVIL SERVICE COMMISSION

NOTICES

Systems of records, 26471

COMMERCE DEPARTMENT

NOTICES

Systems of records, 25853, 28028

DEFENSE COMMUNICATIONS
AGENCY

NOTICES

Systems of records, 16365

DEFENSE DEPARTMENT

NOTICES

Systems of records, 19906, 26473

DEFENSE INTELLIGENCE
AGENCY

PROPOSED RULES

Implementation, 24711

NOTICES

Systems of records, 24352

DEFENSE INVESTIGATIVE
SERVICE

RULES

Implementation, 25672, 26720

PROPOSED RULES

Implementation, 19689

NOTICES

Systems of records, 19701

DEFENSE NUCLEAR AGENCY

NOTICES

Systems of records, 16366

EDUCATION OFFICE

NOTICES

Systems of records, 15785

ENERGY DEPARTMENT

NOTICES

Systems of records, 18739

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

NOTICES

Systems of records; annual republication,
19634FEDERAL COMMUNICATIONS
COMMISSION

NOTICES

Systems of records, 18019

FEDERAL REGISTER OFFICE

NOTICES

Publication requirements, 1978; alternative
plan, 23749GENERAL SERVICES
ADMINISTRATION

NOTICES

Systems of records, 22242

HEALTH, EDUCATION, AND
WELFARE DEPARTMENT

NOTICES

Systems of records, 15786, 19079, 28253

HEALTH CARE FINANCING
ADMINISTRATION

NOTICES

Systems of records, 22446, 22448, 22449

HOUSING AND URBAN
DEVELOPMENT DEPARTMENT

NOTICES

Systems of records, 15367, 21947, 22245,
25386, 27247, 27248INDUSTRY AND TRADE
ADMINISTRATION

NOTICES

Systems of records, 15800

INTERIOR DEPARTMENT

NOTICES

Systems of records, 24748

INTERNATIONAL
COMMUNICATION AGENCY

RULES

Implementation, 14457

JUSTICE DEPARTMENT

RULES

Implementation, 19883

PROPOSED RULES

Implementation, 21901, 22999

NOTICES

Systems of records, 18059, 18060, 19926,
21953, 25883

LABOR DEPARTMENT

PROPOSED RULES

Implementation, 25145

NOTICES

Systems of records, 25206, 28579

MANAGEMENT AND BUDGET
OFFICE

NOTICES

Systems of records, 14556, 15377, 20064,
22468, 25751, 26624, 27620NATIONAL SCIENCE
FOUNDATION

NOTICES

Systems of records, 16556, 25502

NAVY DEPARTMENT

NOTICES

Systems of records, 16367, 28532

Neighborhoods

NEIGHBORHOODS NATIONAL COMMISSION

RULES
Implementation, 28198

PROPOSED RULES
Implementation, 20511

NOTICES
Systems of records, 20568

PENSION BENEFIT GUARANTY CORPORATION

NOTICES
Systems of records, 23772

POSTAL SERVICE

NOTICES
Systems of records, 16229, 25893

RAILROAD RETIREMENT BOARD

RULES
Implementation, 17468

NOTICES
Systems of records, 27267

SECURITIES AND EXCHANGE COMMISSION

NOTICES
Systems of records, 21769, 21771

SMALL BUSINESS ADMINISTRATION

NOTICES
Systems of records, 19744

STATE DEPARTMENT

NOTICES
Systems of records, 16834, 26809

TRANSPORTATION DEPARTMENT

NOTICES
Systems of records, 47090

VETERANS ADMINISTRATION

NOTICES
Systems of records, 15026, 23797, 25216

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January-June 1978

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Department of Health, Education, and Welfare, Food and Drug Administration (HEW/FDA).	Administrative Guidelines Manual, Jan. 1, 1973. Provides guidance to personnel responsible for regulatory decisions. Contains regulatory tolerances and guidance, and authorization for direct action by the field in areas of seizure, citation, and prosecution.	Available from National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, Va. 22161. Accession No. NTISUB/D/248 Price Code: A00 (\$50.00).	Supervisor, Public Records and Documents Center (HFC-18), Room 4-62, FDA, 5600 Fishers Lane, Rockville, Md. 20852.
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Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control (HEW/PHS/CDC).	A written description of the general preventive medicine residency program, dated Apr. 29, 1976. Residency assignments, qualifications, appointments, and supervision, as outlined in this document.	Center for Disease Control, Attention: Assistant Director for Program, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Assistant Director for Program, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.....	Staff publications booklet: An annual bibliographical listing of contributions made by the CDC staff to medical and scientific literature during the previous year.	Center for Disease Control, Attention: Director, Office of Information, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Office of Information, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.....	Minutes of meetings and annual reports of following public advisory committees: Coal Mine Health Research Advisory Committee, Safety and Occupational Health Study Section, Immunization Practices Advisory Committee, Medical Laboratory Services Advisory Committee.	Center for Disease Control, Attention: Director, Management Analysis Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Management Analysis Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.....	Morbidity and mortality weekly reports. In addition to providing informational morbidity and mortality data on diseases, these reports prescribe policies and interpret policies relative to prevention of diseases as well as health requirements that are covered by regulations.	Center for Disease Control, Attention: Director, Bureau of Epidemiology, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Epidemiology, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.....	Final Report of the Drinking Water Disinfection ad hoc Advisory Committee, dated Mar. 1, 1977. Recommendations to the Secretary, Health, Education, and Welfare, the Assistant Secretary for Health, and the Director, Center for Disease Control, on the merits of chlorine and ultraviolet light as a means of disinfecting water in program areas over which the CDC has jurisdiction or technical responsibility.	Do.....	Do.
Do.....	Annual report to Congress regarding smoking and health.	Center for Disease Control, Attention: Director, Bureau of Health Education, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Health Education, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.....	"Current Items". This publication from the Bureau of Laboratories is directed generally to heads of State or local laboratories. The publication includes technical procedures and informational data.	Center for Disease Control, Attention: Director, Bureau of Laboratories, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Laboratories, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.

GUIDE TO FREEDOM OF INFORMATION INDEXES

Agency and subagency name	Index title: period covered, brief description of contents	Order from: price; make checks payable to—	For inspection, copying, or additional information contact
Do.....	National Institute for Occupational Safety and Health (NIOSH) policy memorandum, dated Sept. 11, 1974 on trade secret information.	Director, National Institute for Occupational Safety and Health, Parklawn Bldg., Room 8-20, 5600 Fishers Lane, Rockville, Md. 20857. No charge for 1 copy.	Director, National Institute for Occupational Safety and Health, Parklawn Bldg., Room 8-20, 5600 Fishers Lane, Rockville, Md. 20857.
Do.....	"NIOSH Policy Letter", dated Nov. 5, 1973 regarding reimbursement to an employer for financial loss (production time: pay) incurred as a result of a NIOSH research project.	Do.....	Do.
Do.....	The President's report on occupational safety and health, annual report for 1974. This report covers programs of the Department of Labor, Department of Health, Education, and Welfare; and the Occupational Safety and Health Review Commission for calendar year 1974. It contains results of the 1st full year of occupational injury and illness survey.	Do.....	Do.
Do.....	The Federal coal mine health program in 1974. This is a report of health activities under the Federal Coal Mine Health and Safety Act of 1969, NIOSH Publication No. 77-143.	Do.....	Do.
Do.....	The Division of Training, National Institute for Occupational Safety and Health, Center for Disease Control, announcement of courses that are available to the public.	Do.....	Do.
Do.....	The National Institute for Occupational Safety and Health current intelligence bulletin. This current bulletin alerts members of the occupational health community, government, labor, and industry to new information on potential occupational health hazards.	Do.....	Do.
Do.....	NIOSH Publications Catalog, 1970-1977. Lists availability of publications from the National Institute for Occupational Safety and Health. NIOSH Publication No. 77-207.	Do.....	Do.
Do.....	Proposed interim program guidelines for venereal disease control, dated March 1975.	Center for Disease Control, Attention: Director, Bureau of State Services, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of State Services, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.....	Venereal disease review criteria, dated Dec. 10, 1971.	Do.....	Do.
Do.....	Recommended treatment schedules for syphilis, dated 1976.	Do.....	Do.
Do.....	Gonorrhea, CDC recommended treatment schedules, dated 1974.	Do.....	Do.
Do.....	Commentary on national strategies to control gonorrhea, dated July 1975.	Do.....	Do.
Do.....	Updated guidelines concerning patients with penicillinase-producing <i>Neisseria gonorrhoeae</i> (PPNG), dated August 1977.	Do.....	Do.
Do.....	Summary Report on Influenza Virus Vaccine use, dated Feb. 7, 1977.	Do.....	Do.
Do.....	Summary Report of Conference on Influenza Vaccine Activity for 1977-78, dated Mar. 21, 1977.	Do.....	Do.
Do.....	Briefing and discussion on influenza A/USSR/1977 (H1N1)—Summary, dated Dec. 22, 1977.	Do.....	Do.
Do.....	Influenza virus vaccine workshop—Summary report and conclusions, dated Jan. 12, 1978.	Do.....	Do.
Do.....	Conference on Influenza A/USSR/1977 (H1N1)—Summary report, dated Jan. 30, 1978.	Do.....	Do.
Do.....	Guidelines for assessing immunity levels, dated November 1973.	Do.....	Do.
Do.....	Immunization Against Disease, 1972 handbook.	Do.....	Do.
Do.....	Guidelines for application immunization Project Grants, dated December 1977.	Do.....	Do.
Do.....	Public Health Service recommendations for Counting Reported Tuberculosis Cases, dated January 1977.	Do.....	Do.
Do.....	Preventive therapy of tuberculosis infection dated February 1975.	Do.....	Do.
Do.....	Memorandum dated Nov. 7, 1975, regarding duration of preventive therapy with isoniazid.	Do.....	Do.
Do.....	Guidelines for prevention of TB transmission in hospitals, dated September 1974.	Do.....	Do.
Do.....	Equipment and procedures for erythrocyte protoporphyrin (EP) analysis as a screening method for pediatric lead poisoning, dated Feb. 3, 1975.	Do.....	Do.

GUIDE TO FREEDOM OF INFORMATION INDEXES

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Do.....	Urban rat survey—guidelines for classroom use and field training of inspectors who serve in community rodent control programs, dated March 1974.	.....do.....	Do.
Do.....	Urban rat control project grants program guidelines for applicants, dated 1975.	.....do.....	Do.
Do.....	Procedures for collecting rats for anticoagulant resistance evaluation, Urban Rat Control, dated Mar. 29, 1977.	.....do.....	Do.
Do.....	Guidelines for grant applications. Childhood lead poisoning control, dated Mar. 14, 1974.	.....do.....	Do.
Do.....	Increased lead absorption and lead poisoning in young children. A statement by the Center for Disease Control, dated March 1975.	.....do.....	Do.
Do.....	The "Training Bulletin," which is published every 18 mo. This document lists each of the headquarters, field, or home-study courses that are available through the auspices of CDC during that time period. Specific information is presented that identifies prerequisites for attendance and describes the nature of each course.	Center for Disease Control, Attention: Director, Bureau of Training, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Training, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.....	Final denials, revocations, suspensions and limitations of licenses, and letters of exemptions to laboratories subject to the Clinical Laboratories Improvement Act of 1967.	Center for Disease Control, Attention: Bureau of Laboratories, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Bureau of Laboratories, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.....	Administrative issuance. Facilities Engineering and Construction Manual, ch. CDC-3-335, dated May 1, 1972. This issuance provides rules and regulations covering CDC buildings and grounds. It applies to CDC employees and also to visitors, solicitors, etc.	Center for Disease Control, Attention: Management Analysis Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, Management Analysis Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Do.....	Administrative issuance. Manual Guide—General Administration No. CDC-57, dated Nov. 13, 1970. This issuance provides policy and procedures to CDC employees for claims including those against CDC or against CDC employees as a result of their official duties.	.....do.....	Do.
Do.....	Administrative issuance. Manual Guide—General Administration No. CDC-1, dated Sept. 30, 1970. This issuance provides policy and procedures for conferences including those cosponsored by CDC and an organization other than a Federal agency.	.....do.....	Do.
Do.....	Administrative issuance. Manual Guide—ADP Systems No. CDC-1, dated Apr. 22, 1971. This issuance specifies the type of information for CDC organizations to furnish CDC computer systems office for determination as to whether a contract should be entered into with an outside source to perform the ADP services or whether the work can be performed within the Center.	.....do.....	Do.
Do.....	Administrative issuance. CDC General Memorandum No. 74-9, dated June 20, 1974. This issuance specifies rates for the Center to pay for blood.	.....do.....	Do.
Do.....	Administrative issuance. Procurement Manual Subpart CDC: 3-75.3, dated May 12, 1972. This issuance specifies CDC delegations of authority for publication of advertisements, notices, or proposals.	.....do.....	Do.
Do.....	Administrative issuance. Manual Guide—Printing Management No. CDC-6, dated Nov. 5, 1969. This issuance provides CDC policies and procedures for procurement of CDC authored articles which are to be published in private journals and briefly mentions publishers' services, e.g., setting of type, sending proofs, etc.	.....do.....	Do.
Do.....	Administrative issuance. National Institute for Occupational Safety and Health Administrative Issuance No. 406, dated Sept. 3, 1974. This issuance describes contents and documentation needed for research and technical services contract requests for NIOSH.	.....do.....	Do.
Do.....	Administrative issuance. Procurement Manual Subpart CDC: 3-3.6, dated Sept. 21, 1970. This issuance prescribes CDC policies and procedures for small purchases particularly through use of imprest funds, and briefly mentions vendors' role.do.....	Do.

GUIDE TO FREEDOM OF INFORMATION INDEXES

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Do.....	Administrative issuance. CDC General Memorandum No. 77-13, dated Sept. 30, 1977. This issuance provides instructions to CDC employees for obtaining typewriter repair service and lists individual companies under contract to make repairs.do.....	Do.
Do.....	Administrative issuance. CDC General Memorandum No. 74-1, dated Jan. 16, 1974. This issuance specifies CDC policies and procedures on unauthorized commitments and for obtaining approval for such commitments.	.....do.....	Do.
Do.....	Administrative issuance. Manual Guide—General Administration No. CDC-52, dated Mar. 12, 1973. This issuance provides policies and procedures for handling public inquiries to CDC during non-work hours.	.....do.....	Do.
Do.....	Administrative issuance. Manual Guide—General Administration No. CDC-18, dated Mar. 6, 1969. This issuance provides CDC policies and procedures for obtaining clearance of CDC authored manuscripts, publications, etc., and includes policy on responding to requests from the press, etc.	.....do.....	Do.
Do.....	Administrative issuance. CDC General Memorandum No. 72-3, dated Feb. 9, 1972. This issuance provides policies and general guidelines to CDC employees on giving assurances of confidentiality in obtaining information from the public.	.....do.....	Do.
Do.....	Administrative issuance. Manual Guide—Personal Property Management No. CDC-2, dated Apr. 17, 1969. This issuance provides CDC policies and procedures for producing, maintaining, shipping, and storing exhibits and includes procedures for production of exhibits by commercial contractors.	.....do.....	Do.
Do.....	Administrative issuance. Manual Guide—Safety Management No. CDC-19, dated Mar. 18, 1974. This issuance provides policy to CDC employees for distribution of cultures of microbial agents and of vectors to non-CDC persons.	.....do.....	Do.
Do.....	Administrative issuance. Manual Guide—Safety Management No. CDC-2, dated Dec. 15, 1975. This issuance provides policy on the need for and use of hazard warning signs that applies to CDC employees and also to visitors.	.....do.....	Do.
Do.....	Administrative issuance. Manual Guide—Safety Management No. CDC-3, dated June 18, 1973. This issuance provides policies on and procedures for handling compressed gases in cylinders. It applies to CDC employees and also certain policies and procedures apply to vendors.	.....do.....	Do.
Do.....	Administrative issuance. Personnel Guides for Supervisors, chapter IV, CDC Guide 7-2, dated Mar. 12, 1963, but still current. This issuance provides CDC policies and procedures for handling complaints on employee indebtedness.	.....do.....	Do.
Do.....	Administrative issuances. Manual Guide—General Administration No. CDC-5, dated Apr. 8, 1971 and National Institute for Occupational Safety and Health Administrative Issuance No. 2, dated Mar. 4, 1974. These issuances provide policies and procedures for making CDC and NIOSH facilities available to guest researchers.	.....do.....	Do.
Do.....	Administrative issuance. Manual Guide—General Administration No. CDC-61, dated Apr. 26, 1973. This issuance provides CDC policies and procedures for providing to students work experiences which relate to the CDC mission and to the educational objectives of the students.	.....do.....	Do.
Do.....	Administrative issuance. National Institute for Occupational Safety and Health unnumbered memorandum, dated Mar. 4, 1974. This issuance provides NIOSH policy on loan of property to non-Federal persons or institutions.do.....	Do.

GUIDE TO FREEDOM OF INFORMATION INDEXES

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Do.....	Administrative issuances. Manual Guide—General Administration No. CDC-11, dated June 8, 1973 and National Institute for Occupational Safety and Health policy memorandum, dated June 25, 1973. These issuances provide policies and procedures for the protection of the individuals who are participating or involved in research investigations of the Center and of NIOSH, respectively.do.....	Do.
Do.....	Administrative issuance. Manual Guide—Travel CDC-10, dated Dec. 26, 1972. This issuance provides CDC policy and procedures for employees renting automobiles for official travel and mentions services provided by the car rental contractors and of the conditions of the contracts.	.....do.....	Do.
Do.....	Administrative issuances. Manual Guide—Travel No. CDC-2 dated Jan. 14, 1974 and Correspondence Manual Chapter 10-40, dated Oct. 1, 1974. These issuances provide instructions to CDC employees for making reservations on common carriers and for picking up the tickets. They list the airlines and their telephone numbers.	.....do.....	Do.
Do.....	Administrative issuance. Manual Guide—General Administration No. CDC-63, Privacy Act, dated Nov. 23, 1976. This issuance provides to CDC employees guidance on carrying out requirements of the act.	.....do.....	Do.
Do.....	Administrative issuance. CDC general memorandum No. 75-10. Freedom of Information Act, dated July 25, 1975. This issuance provides general information to CDC employees on major provisions of the act, procedures for responding to requests for information under the act, and brief data to the CDC employees on the Privacy Act.	.....do.....	Do.
Do.....	Administrative issuance. CDC general memorandum No. 75-2, civil defense, dated Apr. 2, 1975. This issuance provides information on the civil defense capacity and equipment of the CDC facilities in the Atlanta area that are officially designated to be used as public shelter areas under the national fallout shelter program.	.....do.....	Do.
Do.....	Administrative issuance. CDC unnumbered memorandums, parking at Clifton Rd. facilities, dated July 14, 1975 and Jan. 20, 1976. These issuances provide policy for CDC employees and visitors parking at the Clifton Rd. facilities, Center for Disease Control.	.....do.....	Do.
Do.....	Administrative issuance. CDC unnumbered memorandum, directory of licensed day-care facilities in the Metropolitan Atlanta area, dated Mar. 15, 1976. This issuance provides a listing of these facilities.	.....do.....	Do.
Do.....	Administrative issuance. CDC unnumbered memorandum, injury compensation, dated Sept. 15, 1975. This issuance provides procedures for CDC employees to follow to document on-the-job traumatic injuries, including submission of reports from attending physicians.	.....do.....	Do.
Do.....	Administrative issuance. Manual guide—general administration No. CDC-8, soliciting, vending, and displaying or distributing commercial advertising within CDC, dated Apr. 23, 1975. This issuance provides policy for soliciting, vending, and commercially advertising on property occupied by CDC.	.....do.....	Do.
Do.....	Administrative issuance. Personnel guide for supervisors, Ch. III, CDC guide 1-2, commercial employment offices, dated Jan. 7, 1978. This issuance provides policy on using commercial employment offices for recruiting personnel.	.....do.....	Do.
Do.....	Administrative issuance. personnel guide for supervisors, ch. III, CDC guide 1-9, dated Feb. 26, 1976. This issuance provides policies, responsibilities, and procedures for the selective placement program for handicapped employees and disabled veterans.do.....	Do.

GUIDE TO FREEDOM OF INFORMATION INDEXES

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Do.....	Administrative issuance. National Institute for Occupational Safety and Health Administration, issuance No. 8, dated Apr. 15, 1976. This issuance provides policies and procedures for keeping interested governmental, labor, and management groups informed on the initiation and progress of NIOSH field studies.do.....	Do.
Do.....	Administrative issuance. National Institute for Occupational Safety and Health Administration issuance No. 8, dated Oct. 30, 1975. This issuance provides procedures for maintenance of minutes of NIOSH meeting with representatives of nongovernmental groups.	.....do.....	Do.
Do.....	Recommendations of the Public Health Service Advisory Committee on Immunization Practices, such as: general recommendations on immunization, BCG vaccines, cholera vaccine, diphtheria and tetanus toxoids and pertussis vaccine, immune globulins for protection against viral hepatitis, perspectives on the control of viral hepatitis, type B, influenza vaccine, measles outbreak control, measles vaccine, meningococcal polysaccharide vaccines, mumps vaccine, plague vaccine, pneumococcal polysaccharide vaccine, poliomyelitis prevention, rabies, rubella vaccine, smallpox vaccine, typhoid vaccine, typhus vaccine, and yellow fever vaccine.	Center for Disease Control, Attention: Director, General Services Office, Atlanta, Ga. 30333. No charge for 1 copy.	Center for Disease Control, General Services Office, 1600 Clifton Rd. NE., Atlanta, Ga. 30333.
Department of Health, Education, and Welfare, Public Health Service, Health Resources Administration (HEW/PHS/HRA).	Health Resources Administration index of policy documents as required by Public Law 90-23 (Freedom of Information), July 1, 1973, to Oct. 1, 1977. The HRA FOIA index is a listing of the following HRA documents: HRA policy, information, and instruction memoranda; supplements and circulars to the Federal personnel and HEW staff manuals; Federal regulations; delegations of authority; organization and functions statements; programmatic circulars, memoranda, instructions, notices, guides, guidelines, and operating manuals used by HRA components.	Associate Administrator, Office of Communications, Health Resources Administration, Room 10-44, Center Building, 3700 East-West Highway, Hyattsville, Md., 20782. Fees, as prescribed in 45 CFR 5.61, are 10¢ per page with the charge being made if the total amount exceeds \$5. Check payable to DHEW-Health Resources Administration.	Associate Administrator, Office of Communications, Health Resources Administration, Room 10-44, Center Building, 3700 East-West Highway, Hyattsville, Md., 20782 (301)436-8988.
Department of Health, Education, and Welfare, Public Health Service, Health Services Administration (HEW/PHS/HSA).	HSA Freedom of Information Act (FOIA) Index: March 1975 to June 30, 1978. The HSA, FOIA index is a compilation of supplements to the departmental manual system, program level operations manuals, circulars, memoranda, notices and guides used by the components of HSA. All information included in this index is current as of June 30, 1978. The respective bureau level indexes are listed as follows: OA—OFFICE OF THE ADMINISTRATOR OCA—Public Affairs Management System Manual; OPEL—HSA forward plan, fiscal year 1979-83; OM/OCG—HSA procurement operating instructions; OM/OMP—HSA transmittal notices for supplements to DHEW manuals; HSA Circulars; OM/OFS—policy decisions and opinion. BMS—BUREAU OF MEDICAL SERVICES Division of Hospitals and Clinics Operations Manual; BMS supplements to DHEW manuals; Manual of Operations for PHS Health Unit, DFEH, BMS; BMS circulars; Contract Physician's Guide; Division of Hospitals and Clinics circular memoranda; "Emergency Medical Service Systems Program Guidelines"; "HMO Policy Management Bulletin". IHS—INDIAN HEALTH SERVICES IHS circulars; IHS supplements to DHEW manuals; IHS Operations Manual; General Counsel opinions. BCHS—BUREAU OF COMMUNITY HEALTH SERVICES BCHS administrative guide system; BCHS Operations Manual.	Office of Communications and Public Affairs, DHEW/PHS/HSA, Room 14A-55, 5600 Fishers Lane, Rockville, Md. 20857. Checks payable to DHEW/Public Health Service, Mail to HSA Collection Officer, DHEW/PHS/HSA, Room 16-36, 5600 Fishers Lane, Rockville, Md. 20857. Fees charged for research and reproduction of information is based upon the current departmental fee schedule for information under the FOI regulations (45 CFR part 5 subpart E).	Office of Communications and Public Affairs, DHEW/PHS/HSA, Room 14A-55, 5600 Fishers Lane, Rockville, Md. 20857.

GUIDE TO FREEDOM OF INFORMATION INDEXES

Agency and subagency name	Index title: period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
Department of the Interior, Bureau of Mines.	Basic Bureau of Mines Manual General Table of Contents and Checklist—July 6, 1976. Numeric and subject listing of internal policies and procedures by series, part, chapter, paragraph, and subordinate paragraph.	In accordance with fee schedule in 43 CFR 2, App. A, Bureau of Mines.	Chief, Organization and Management Staff, Columbia Plaza Office Bldg., 2401 E St. NW., Washington, D.C. 20241.
Department of Transportation, Federal Highway Administration.	Opinions and final orders of the Federal Highway Administration in regard to the regulation of toll bridges: 1968-77; 1 page listing of opinions and final orders regarding regulation of toll bridges issued by the Federal Highway Administrator, which identifies the case and the date issued.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590. No charge.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590.
Do.....	Cease and desist and driver disqualification final orders by the Federal Highway Administrator: 1969-77; 9-page listing of cease and desist and driver disqualification final orders of the Federal Highway Administrator; items listed are identified by case docket number, name of carrier, and date notice of investigation was mailed.	Do.....	Do.....
Do.....	Cross reference index of current Federal Highway Administration directives as of March 31, 1978. The index is alphabetical by subject. Within each subject applicable Federal Highway Administration orders, notices, and manuals are identified (in some cases manuals may be also identified by the applicable volume or other subordinate breakdown). The index is computerized and updated quarterly.	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington, D.C. 20590..	FOIA Program Officer, Federal Highway Administration, 400 7th St. SW., Washington D.C. 20590; Federal Highway Administration Regional Offices (for location see 49 CFR pt. 7); Federal Highway Administration Division Offices. (For location see 49 CFR pt. 7.)
Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms.	The Director, Bureau of Alcohol, Tobacco, and Firearms (ATF) has determined that publication of the ATF Index of Materials required by the Freedom of Information Act is unnecessary and impracticable for the reason that the Index is changing continually and that items listed are of interest to relatively few potential users. The index is entitled, "Index of Materials Required by the Freedom of Information Act, ATF P 1200.3" and covers the period of July 1967-March 1978. The Index consists of the following: Final Opinions of the Director, Statements of Policy and Interpretations Index, and Administrative staff manuals and instructions to staff..	Office of the Assistant to the Director (Disclosure), Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226. Price \$2.00. Make check payable to the Bureau of Alcohol, Tobacco, and Firearms.	Freedom of Information Act Reading Room, Room 1315, Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Ave. NW., Washington, D.C. 20226. BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS: North Atlantic Regional Office, 6 World Trade Center, Room 620, New York, N.Y. 10048. Mid-Atlantic Regional Office, Room 310, 2 Penn Center Plaza, Philadelphia, Pa. 19102. Southeast Regional Office, 3835 Northeast Expressway, Room 201, Atlanta, Ga. 30340. Central Regional Office, Federal Office Bldg., Room 6510-A, 550 Main St., Cincinnati, Ohio 45202. Midwest Regional Office, 230 S. Dearborn St., 15th floor, Chicago, Ill. 60604. Southwest Regional Office, Main Tower, 1200 Main St., Room 335, Dallas Tex. 75202. Western Regional Office, 525 Market St., 34th floor, San Francisco, Calif. 94105.
Department of the Treasury, Office of the Secretary.	Index of Selected Records: July 1967 to June 1978; Listing of current administrative documents, reports, and releases from the Office of the Secretary, Bureau of Engraving and Printing, Bureau of the Mint, U.S. Secret Service, Bureau of the Public Debt, Bureau of Government Financial Operations, Federal Law Enforcement Training Center, U.S. Customs Service.	Treasury Department Library, Room 5010, Treasury Bldg., 15th and Pennsylvania Ave., Washington, D.C. 20220, \$1.50. Treasury of the United States.	Treasury Department Library, Room 5010, Treasury Bldg., 15th and Pennsylvania Ave., Washington, D.C. 20220.
(U.S.) Arms Control and Disarmament Agency.	Index to notices, instructions, regulations, and other ACDA records.	Freedom of Information Officer, U.S. Arms Control and Disarmament Agency, Department of State Bldg., Washington, D.C. 20451. No charge.	Freedom of Information Officer, U.S. Arms Control and Disarmament Agency, Department of State Bldg., Washington, D.C. 20451.

GUIDE TO FREEDOM OF INFORMATION INDEXES

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Civil Service Commission (CSC).	Index to Civil Service Commission information. Period covered: February 1975 to May 1978. A listing of policy and non-policy publications and information systems arranged alphabetically by title and subject.	Distribution Unit, Room B-431, U.S. Civil Service Commission, 1900 E St. NW., Washington, D.C. 20415. Free.	Commission Library or any Commission office, including regional and area offices.
Committee for Purchase from the Blind and Other Severely Handicapped.	Index of additions and deletions to the procurement list. August 1971-March 1978.	Order from: Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 N. 14th St., Suite 610, Arlington, Va. 22201. Price: 10¢ per page, per copy. Make checks payable to: Treasurer of the United States.	Committee for Purchase from the Blind and Other Severely Handicapped. Attention: Freedom of Information Officer.
Council on Environmental Quality.	Part I--Guidelines/Regulations (i) 1970 Interim Guidelines (ii) 1971 Guidelines (iii) 1972 Recommendations for Improving Agency NEPA Procedures, May 16, 1972 (iv) 1973 Guidelines, August 1, 1973 (v) 1977 Interim Guidance to Federal Agencies on Referrals to the Council of Proposed Federal Actions Found to be Environmentally Unsatisfactory, August 11, 1977. Part II--Memoranda to Heads of Agencies (i) Revised CEQ Guidelines on Environmental Impact Statements Prepared under sec. 102(2)(C) of the National Environmental Policy Act, April 23, 1971 (ii) Revision of agency procedures for preparation of environmental impact statements, August 2, 1973 (iii) Implementation of Pub. L. 94-83 (sec. 102(2)(D) of NEPA, as amended, Sept. 15, 1975 (iv) Memorandum concerning Aberdeen & Rockfish Railroad Co. v. SCRAP (SCRAP case), Nov. 26, 1975 (v) Environmental Impact Statements (format, use, and length), Feb. 10, 1976 (vi) Analysis of impacts on prime and unique farmland in environmental impact statements, Aug. 30, 1976 (vii) Memorandum on Kleppe v. Sierra Club and Flint Ridge Development Co. v. Scenic Rivers Association of Oklahoma (recent Supreme Court decisions), Sept. 16, 1976 (viii) Applying the EIS requirement to environmental impacts abroad, Sept. 24, 1976 (ix) Environmental review pursuant to sec. 1424(e) of the Safe Drinking Water Act of 1974 and its relationship to the National Environmental Policy Act of 1969, Nov. 19, 1976 (x) Application of the National Environmental Policy Act to Federal activities abroad, Jan. 19, 1978 (xi) Implementation of Executive order 11988 on Floodplain management and Executive order 11990 on Protection of wetlands, March 12, 1978. Part III--Other Memoranda to Agencies (i) Memorandum from General Counsel to agency NEPA liaison on decision of D.C. Circuit in Calvert Cliffs' case construing requirements of sec. 102(2)(C) of NEPA, July 30, 1971 (ii) Memorandum from General Counsel to agency NEPA liaison on agency NEPA procedures: An outline of Some of the Issues, Dec. 3, 1971 (iii) Memorandum from General Counsel to agency NEPA liaison on extracts from important court decisions interpreting NEPA, Dec. 3, 1971 (iv) Legal report on delegation by Federal agencies of responsibility for preparation of environmental impact statements, Sept. 5, 1974 (v) Memorandum from the Chairman to NEPA liaisons and General Counsels on the transfer of environmental impact statement receipt and filing from CEQ to EPA, Oct. 28, 1977.	Available from the Council on Environmental Quality.	Public Affairs Office, Council on Environmental Quality, Executive Office of the President, 722 Jackson Pl., NW, Washington, D.C. 20006 (202)633-7005)

GUIDE TO FREEDOM OF INFORMATION INDEXES

Agency and subagency name	Index title; period covered, brief description of contents	Order from; price; make checks payable to—	For inspection, copying, or additional information contact
	<p>Part IV—Current Policy Positions (i) Speech by Chairman Warren on water policy, Mar. 26, 1977 (ii) Speech by Member Speth on nuclear power, Sept. 29, 1977 (iii) Speech by Member Speth on cancer policy, Oct. 12, 1977 (iv) Speech by Chairman Warren on NEPA reform, Feb. 10, 1978 (v) Speech by Chairman Warren on endangered species, Feb. 17, 1978 (vi) Testimony by Member Speth, Subcommittee on Energy and the Environment, House Committee on Interior and Insular Affairs on reprocessing of nuclear fuel, Apr. 27, 1977.</p> <p>Part V—Predecision Referrals to CEQ Under Section 309, Clean Air Act and NEPA (i) CEQ's response to HUD/Lake Alma proposal (Georgia) June 1977 (ii) CEQ's response to DOT's proposal on the West Side Highway Project (New York) July, 1977 (iii) CEQ's response to the U.S. Army Corps of Engineers' proposal on the Wando River Marine Terminal (South Carolina) Oct. 1977 (iv) CEQ's response to DOT's proposal on the County Trunk Highway "Q" (Wisconsin), Feb. 1978 (v) CEQ's response to the DOI and USDA proposal on the Foothills Project (Colorado), Mar. 1978 (vi) CEQ's response to U.S. Army Corps of Engineers proposal on the Packer River Terminal (Minnesota), Jan. 1978 (vii) CEQ's response to EPA's negative declaration on the Sturgeon Bay (Wisconsin) project, May 1978 (viii) CEQ's response to the U.S. Army Corps of Engineers proposal on the Fire Island and Mantaup Point Project.</p> <p>Part VI—General Information (i) CEQ publications list (ii) NEPA Hearing questionnaire, Aug. 8, 1977 (iii) 20 Questions and Answers explaining the NEPA section 102 environmental impact statement process, 102 Monitor, V. 1, No. 10 (Nov. 1971) (iv) Memorandum of implementation of the agreement between the USA and the USSR on cooperation in the field of environmental protection of May 23, 1972, 102 Monitor, V. 2, No. 9, (Oct. 1972) (v) Environmental programs and employment, 102 Monitor, V. 5, No. 4 (May 1975) (vi) CEQ paper "Pollution Control and Employment", Feb. 1976 (vii) CEQ proposed regulations for implementing procedural provisions of the National Environmental Policy Act (June 9, 1978).</p>		
Equal Employment Opportunity Commission.	Index to Commission Decisions Unpublished.	Librarian, Equal Employment Opportunity Commission, 2401 E St., NW., Washington, D.C. Price: 25¢. Payable to: U.S. Treasurer.	Librarian, Equal Employment Opportunity Commission, 2401 E St., NW., Washington, D.C. 20506.
Do.....	Index to Commission Decisions, Published.	Library, Equal Employment Opportunity Commission or district office addresses at 29 C.F.R. 1610.4.	Do.
Do.....	Index to Equal Employment Opportunity Commission Orders.	See above. Price: 15¢. Payable to: U.S. Treasurer.	Do.
Do.....	Index to Compliance Manual (Table of Contents).	See above. Price: \$3. Payable to: U.S. Treasurer.	Do.
Do.....	Index to General Counsel Manual (Table of Contents).	See above. Price: 45¢. Payable to: U.S. Treasurer.	Librarian, Equal Employment Opportunity Commission, 2401 E St. NW., Washington, D.C. 20506.
Farm Credit Administration.	Index of FCA Information Materials; Jan. 1, 1977-June 30, 1978 (1) Publications (those available in supply); (2) news releases issued since Jan. 1, 1972; (3) biographies of FCA officials; (4) speeches by FCA officials; (5) FCA regulations and clarification letters; (6) research reports; (7) FCA Administrative and Personnel Handbook; (8) Directory of the FCA and Farm Credit Districts; (9) Monthly statistics on farm credit bank lending (list of tables); (10) FCA orders; and (11) FCA organization charts.	Public Affairs Division, Farm Credit Administration, 490 L'Enfant Plaza, East, SW., Washington, D.C. 20578. Payable to: Farm Credit Administration. Single copies free of charge for items 1, 3, 4, 6, 8, and 11. Copies of all others available at 10¢ per page.	Mr. Roland W. Olson, Director of Public Affairs, Farm Credit Administration, Washington, D.C. 20578.
Federal Reserve System, Board of Governors.	Card index to Board actions of the type that are made available to the public under the Freedom of Information Act from July 4, 1967 to date.		May be inspected in Freedom of Information Office, Room B-1122, Main Board Bldg., 20th and C Sts. NW.

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Do.....	Hard copy bound index for: 1967.....do. 1968-74.....do.		Do. Do.
Do.....	Copies for additional years in preparation. Individual copy of the card index.....	Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. Charge not to exceed the direct cost of duplication.	Do.
Do.....	Weekly index published and distributed to the public providing identifying information as to any matter issued, adopted or promulgated by the Board from the first week in January 1975 to date (H.2 release).	Publications Services, Division of Administrative Services, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. (Mailing list maintained; no charge for current copies.)	Do.
Federal Trade Commission...	Bound volumes of all FTC decisions, volumes 1-89, initial decisions of administrative law judges; Commission decisions in adjudicative proceedings; significant orders and opinions; consent orders; advisory opinions; and compliance advice; from March 1915 to June 1977. (Index of contents in each volume.)	Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Checks: Superintendent of Documents, \$9-17 each (some volumes out of print).	Public Reference Branch, Federal Trade Commission, Room 130, 6th and Pa. Ave., NW., Washington, D.C. 20580. 202-523-3598. Copying charge \$.12 per page (assessed only when charge totals \$10 or more).
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Do.....	Application for reimbursement for participation in trade regulation rulemaking proceedings, continuous from 1976.do.....	Do.
Do.....	Current operating and administrative manuals; statements of general procedures and policies, rules of practice for adjudicative proceedings, nonadjudicative procedures, and miscellaneous rules; governing statutes.do.....	Do.
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Do.....	Petitions submitted requesting action by the Commission, continuous from 1971.do.....	Do.
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GUIDE TO FREEDOM OF INFORMATION INDEXES

Agency and subagency name	Index title: period covered, brief description of contents	Order from: price; make checks payable to—	For inspection, copying, or additional information contact
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Do.....	Current record of final votes of each member of the Commission in every agency proceeding, continuous from 1973.do.....	Do.
Do.....	Assurances of voluntary compliance submitted by proposed respondents under investigation, 1965 to 1974.do.....	Do.
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International Boundary and Water Commission, United States and Mexico, U.S. Section.	Brochure: Amistad Dam and Reservoir.....	Project Engineer, U.S. Section, IBWC, Route 2, Box 37, Highway 90 West, Del Rio, Tex. 78840. No charge.	Project Engineer, U.S. Section, IBWC, Route 2, Box 37, Highway 90 West, Del Rio, Tex. 78840.
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Do.....	Water Bulletins: containing data for 1 yr. covering flow of Rio Grande and related data from Elephant Butte, N. Mex., to Gulf of Mexico, re storage in major reservoirs, sources of river flow, diversions, suspended silt, chemical analyses, sanitary aspects of water quality, meteorologic data, and irrigated areas—for years 1931 through 1975.	Principal Engineer, Water Operations, U.S. Section, IBWC, room 203, IBWC Bldg., 4110 Rio Bravo, El Paso, Tex. 79902. Price: \$3.50 per bulletin (data for 1 yr). Payable to: Treasurer of the United States.	Principal Engineer, Water Operations, U.S. Section, IBWC, room 203, IBWC Bldg., 4110 Rio Bravo, El Paso, Tex. 79902.
Do.....	Water Bulletins: Containing data for 1 yr. covering flow of Colorado River and other western boundary streams, and related data (including Tijuana, Santa Cruz, and San Pedro Rivers, and Whitewater Draw) for years 1960 through 1975.	Principal Engineer, Water Operations, U.S. Section, IBWC (same address as shown above). Price: \$2.50 per bulletin (data for 1 yr). Payable to: Treasurer of the United States.	Principal Engineer, Water Operations, U.S. Section, IBWC (same address as shown above).
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GUIDE TO FREEDOM OF INFORMATION INDEXES

Agency and subagency name	Index title: period covered, brief description of contents	Order from: price; make checks payable to—	For inspection, copying, or additional information contact
Do.....	Reviewer panelist, alphabetical listing as of February 28, 1978. Listing contains name, State, and institution of individuals who have reviewed proposals for the National Science Foundation for the period indicated above.do.....	Do.
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Do.....	NSF guide to programs. A composite listing of summary information about NSF support programs, as of November, 1977. Provides general guidance and information describing the principal characteristics and basic purposes of each activity; eligibility requirements; closing dates (where applicable); and the address where more detailed information or applications may be obtained. (NSF publication 77-50).	NSF Publications Section, Room 234, 1800 G St. NW., Washington, D.C. 20550. One copy gratis; or Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Stock No. 038-000-00342-9. Unit price: \$2.20.	Do.
Do.....	NSF Grant Policy Manual. A compendium of basic NSF grant policies and procedures for use by the grantee community and NSF Staff. The Manual implements OMB Circular No. A-110, which is directed toward standardizing and simplifying the various accountability and reporting requirements among Federal granting agencies. (NSF publication 77-47).	Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Unit price: \$12.00.	NSF Division of Grants and Contracts, Room 201, 1800 G St. NW., Washington, D.C. 20550.
National Transportation Safety Board (NTSB).	Initial decisions of administrative law judges, April 4, 1967 through June 30, 1978. Chronological listing (by date of service) of decisions after hearings on appeal involving airman or air safety certificates. Safety enforcement decisions, May 18, 1967 through June 30, 1978. Alphabetical and numerical listings of EA and EM final opinions/orders of the Board on appeal from initial decisions of NTSB administrative law judges or Commandant, U.S. Coast Guard. NTSB directives checklist as of Jan. 4, 1978. Numerical listing (by NTSB order No.) of staff operations directives.	Copies of indexes and checklist may be obtained by writing to Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. (Fees for duplication and instructions for payment will be included in letter of acknowledgment to requester).	Chief, Public Inquiries Section, Room 806-A, National Transportation Safety Board, 800 Independence Ave. SW., Washington, D.C. 20594. Public Reference Room 808-F

GUIDE TO FREEDOM OF INFORMATION INDEXES

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Renegotiation Board.....	Index of documents, vols. 1, 2, and 3, 1967 to present: Agreements, modification agreements, clearances after assignment, clearances after reassignment, clearances without assignment, clearance agreements, letters not to proceed, final orders, regional board opinions, orders, modification orders, special accounting agreements, interpretations, general orders, administrative orders that affect the public, memoranda of decision, statements of facts and reasons, summaries of facts and reasons, decisions on applications for stock item exemption, decisions on new durable productive equipment exemption, and decisions on applications for commercial exemption.	Public Information Office, The Renegotiation Board, 2000 M St. NW., Washington, D.C. 20446. \$0.15 per page.	Public Information Office, The Renegotiation Board, 2000 M St. NW., Washington, D.C. 20446, Room 4310. Telephone: 202-254-7019.
Tennessee Valley Authority..	Index to general administrative releases; covers period through June 1978; index to TVA organization bulletins. TVA codes and TVA instructions.	John Van Mol, Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902. Price: \$2.00 Checks payable to: Tennessee Valley Authority.	John Van Mol, Director of Information, Tennessee Valley Authority, Knoxville, Tenn. 37902.

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CUMULATIVE LIST OF CFR PARTS AFFECTED DURING APRIL-JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published during April-June.

1 CFR	3 CFR—Continued	7 CFR—Continued
Ch. I..... 13865, 18535, 23701	PROCLAMATIONS—Continued	300..... 26411
305..... 27507	4567..... 18533	301..... 15607, 25135
PROPOSED RULES:	4568..... 19999	401..... 14638,
465..... 23583	4569..... 20215	14639, 15319, 18536, 18537, 19337,
3 CFR	4570..... 20473	26561
DETERMINATIONS:	4571..... 21313	410..... 20781
April 22, 1978..... 17789	4572..... 21999	414..... 16693, 18537
EXECUTIVE ORDERS:	4573..... 23553	656..... 26277, 27158
11126..... 14431	4574..... 25413	719..... 18159
11189..... 21315	4575..... 25987	724..... 16310, 19338, 28429
11195..... 21315	REORGANIZATION PLANS:	725..... 19339
11832..... 14431	No. 1 of 1978..... 19807	726..... 19339
11861..... 21315	4 CFR	728..... 28430
11888..... 15127	331..... 16149, 24819	730..... 16968, 26412
11902..... 20947	401..... 24820	775..... 28431
11903..... 20949	402..... 24820	795..... 19339, 16968
11972..... 20949	403..... 24820	905..... 17797, 20475, 24821
11993..... 20949	404..... 24820	907..... 14435, 15407, 16697
11995..... 21315	405..... 24820	908..... 14435,
12022..... 15133	406..... 24820	15407, 16698, 17935, 19193, 19643,
12050..... 14431, 19811	407..... 24820	20218, 21636, 22330, 23701, 24822,
12051..... 15131	408..... 24820	25789, 26689, 28169
12052..... 15133	409..... 16149, 24820	910..... 14303,
12053..... 16147	410..... 24821	14640, 15608, 16968, 17798, 18160,
12054..... 17457	415..... 24821	19348, 20475, 21640, 22670, 23986,
12055..... 18157	PROPOSED RULES:	24663, 25136, 25991, 27158, 28432
12056..... 18639	21..... 14318	911..... 16149, 2202, 28433
12057..... 19811	416..... 20806, 22043	915..... 22660, 23557, 28433
12058..... 20947	5 CFR	916..... 20218
12059..... 20949	213..... 14001,	917..... 20219, 21636, 27981
12060..... 21315	14637, 14638, 15607, 16305-16307,	918..... 18642, 20476, 22171, 25331
12061..... 21865	16967, 18159, 18641, 19337, 19813,	922..... 28433
12062..... 23555	20953, 21635, 21636, 22001, 22667-	923..... 21867
12063..... 24659	22668, 25075, 25076, 25417, 25989,	928..... 19813, 27775
12064..... 24661	25990, 26411, 27157, 27158, 27775,	932..... 24822
MEMORANDUMS:	28429	944..... 16149, 19340, 22002, 22644
August 27, 1976..... 15603	315..... 14001, 20954	948..... 21637, 26689
November 19, 1976..... 15603	316..... 27775	953..... 21638
July 21, 1977..... 15603	PROPOSED RULES:	967..... 15608, 27159
November 5, 1977..... 15603	300..... 14955	980..... 21637, 21638
March 21, 1978..... 13999	831..... 27843	987..... 28434
March 24, 1978..... 15603	890..... 17474, 27843	989..... 27983
April 7, 1978..... 16689, 16691	900..... 20996	1001..... 17459
May 11, 1978..... 20779	7 CFR	1004..... 18987
May 18, 1978..... 22169	1..... 14002	1049..... 15135
May 23, 1978..... 25415	2..... 14004,	1068..... 19341
June 2, 1978..... 25983, 25985	15135, 16967, 20217, 20781, 22001,	1079..... 24515
June 12, 1978..... 27155	22329, 23983	1126..... 27776
PROCLAMATIONS:	6..... 18535	1207..... 23557
2383..... 26024	17..... 27981	1421..... 17461
2529..... 26024	26..... 16307	1427..... 19193, 19197
4445..... 14433	29..... 16309	1430..... 19203
4477..... 14433	102..... 14005	1434..... 24263
4492..... 21313	210..... 25990	1435..... 21317, 24663
4509..... 14433	226..... 25130	1438..... 18988
4560..... 15125	227..... 25132	1446..... 21425, 27159
4561..... 15127	230..... 25134	1472..... 15320
4562..... 16441	246..... 23983	1475..... 26413
4563..... 16443	250..... 20954	1488..... 25991
4564..... 16965	271..... 22668-22670	1701..... 20955
4565..... 17793		1800..... 23986
4566..... 17795		1811..... 19342

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING APRIL-JUNE

7 CFR—Continued

1823.....	15136,
1841.....	18160, 20221, 22671, 25331
1861.....	28439
1888.....	21639
1901.....	20956
1904.....	26690, 28440
1933.....	17935, 24265
1942.....	19342, 25799
1948.....	28441
1980.....	14282, 15137
2852.....	25800
2852.....	15610, 19814, 20957, 25417

PROPOSED RULES:

6.....	20813
15a.....	20012
210.....	17476,
250.....	25137, 27217, 27554, 27843
271.....	26447
272.....	18874
273.....	18874
274.....	18874
278.....	18874
279.....	18874
282.....	18874
301.....	16984
330.....	28507
415.....	25826
632.....	15312, 19235
634.....	26740
650.....	24222, 28787
724.....	19856
728.....	27844
729.....	14025
908.....	16346
911.....	18182, 19398
913.....	14319
915.....	18182, 19235, 19398
916.....	22726
917.....	23584, 23724
918.....	21003
921.....	25347
922.....	23585
923.....	23585
924.....	26026
929.....	20815, 25348
944.....	17948, 18182
945.....	27193
946.....	27552
947.....	28508
948.....	23586, 24846
953.....	17949, 18187
980.....	24846, 27193
987.....	18188, 21463
989.....	14024, 22727
1004.....	16185, 17950, 21004
1036.....	14478, 17963, 21004
1040.....	27195
1062.....	24540
1068.....	14025
1079.....	20817, 21915
1126.....	23725
1207.....	18193
1270.....	25430, 27845
1421.....	17964
1430.....	25137
1435.....	27994
1446.....	14035, 26587
1464.....	22727
1480.....	20774

7 CFR—Continued

PROPOSED RULES—Continued

1701.....	16986,
19856, 19857, 21004, 21005,	
22043, 22985, 24064, 25138,	
26447, 28510	
1822.....	14322, 27195
1900.....	21005
1980.....	28510
2851.....	19857
2852.....	28511

8 CFR

100.....	22331, 27167
103.....	16150, 18161, 18644, 22332
214.....	23558, 25801
223.....	26696
236.....	16445, 17798
242.....	18644, 22332
245.....	16445, 18644
299.....	14303, 14957, 18645
499.....	14957

PROPOSED RULES:

341.....	26754
----------	-------

9 CFR

3.....	21160
75.....	14022, 22925, 25993
78.....	19348, 23987, 27168
91.....	27170, 27171
92.....	15137, 25418, 27172, 28453
94.....	15613, 21641, 27173
97.....	19350
113.....	25076, 25078
201.....	19351
202.....	19351
203.....	19351
204.....	19351
315.....	25419
317.....	26423
318.....	20992, 21007, 26423
319.....	25419, 26423

PROPOSED RULES:

11.....	18514, 24064
51.....	19402
85.....	22044, 25433
92.....	14042, 16346
94.....	28516
113.....	14042, 15719, 17477, 20506
317.....	18193
318.....	18193,
18681, 19858, 21002, 21682	
319.....	18193
320.....	18681, 21682
381.....	14043, 15158, 19858, 24064

10 CFR

Ch. I.....	14007
2.....	16446, 17798, 22345
8.....	17798
20.....	22171
35.....	25994
50.....	17337, 18538
51.....	14641, 15613, 17803
71.....	27174
110.....	18989, 21641
170.....	15408
205.....	14436,
15617, 17337, 17803, 17804, 19816,	
23989, 25079	

10 CFR—Continued

210.....	27777
211.....	21429, 26540
212.....	24265, 24822, 26540
213.....	18990
203.....	14436, 17804
430.....	13865,
15138, 20108, 20128, 20147, 24268	
475.....	23498
791.....	20476
1000.....	21433, 21657
1002.....	20782, 24666

PROPOSED RULES:

2.....	17830, 18195
11.....	14672, 18682
30.....	19053
35.....	27995
40.....	19053, 22365
50.....	14672,
17830, 18682, 19053, 19860,	
22365	
70.....	14672,
18682, 19053, 19860, 22215,	
22216, 22365, 25433	
73.....	22216, 25433
75.....	22365
110.....	19861
150.....	22365, 25433
210.....	14491, 27974, 27976, 27995
211.....	14491,
15158, 16987, 21682, 23587,	
24847, 26551, 27974, 27976,	
27995	
212.....	14491
15158, 23587, 24847, 27974,	
27976, 27995, 28518	
300.....	21682
430.....	13888, 21008
465.....	24316
470.....	16185
500.....	28134

11 CFR

PROPOSED RULES:

Ch. I.....	14673
120.....	23587

12 CFR

7.....	19831
9.....	23990
24.....	21868
201.....	21434
202.....	21658
204.....	18539, 21318
207.....	19643
208.....	14304, 20966
217.....	18161, 20784
19643, 20001, 21435, 24516, 26425	
220.....	14304, 20966
221.....	14304, 20966
224.....	14304
225.....	15147, 15321
226.....	15148,
18539, 19644, 21318, 21321, 22927,	
26425	
264a.....	24667
265.....	21322
309.....	17804
329.....	20222,
20223, 21436, 23558, 24269, 25994	
338.....	18540
404.....	14438

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING APRIL-JUNE

12 CFR—Continued

523.....	18163
526.....	21438, 24271, 27983
528.....	22332
531.....	22332, 27983
541.....	17465
545.....	17465, 22929, 24271
563.....	17467
571.....	20224
612.....	15622
613.....	16446
614.....	27782
701.....	14924,
15409, 15622, 17467, 20225	
703.....	15622

PROPOSED RULES:

9.....	13889, 25348
220.....	21008, 23588, 27554
225.....	14970, 16190, 23588, 27554
226.....	16347, 17363, 23726
336.....	28518
344.....	15432
521.....	14505
522.....	14505
523.....	14505, 17479, 17831
524.....	14505
525.....	14505
526.....	14505, 17831, 20237
527.....	14505
528.....	22374
529a.....	16190
531.....	14505, 20237
532.....	14505
545.....	17831, 23727
561.....	17831
563.....	17479, 17831, 17833
564.....	17831
615.....	27849
701.....	14929, 19403, 26317

13 CFR

107.....	21439, 28454
108.....	14007
112.....	21322
116.....	22298
118.....	27985
120.....	26278
121.....	19352, 22172
303.....	18541
309.....	15148

PROPOSED RULES:

108.....	27554
113.....	14674
121.....	21689, 24697

14 CFR

Ch. I.....	28406
21.....	28419
36.....	28419
39.....	13866-
13868, 14438-14441, 14957-14960,	
15409-15413, 16151, 16152,	
16698-16701, 17344-17346, 17937,	
18541, 19204-19210, 19644, 20785,	
20786, 21441-21443, 21870, 21871,	
22339-22341, 22931-22934, 23702,	
24272, 24273, 24824-24827, 25420,	
25802-25805, 26279-26282, 26697,	
27510-27513, 28169-28172	
43.....	22639
61.....	22639
63.....	22639
65.....	22640

14 CFR—Continued

71.....	13869,
14442, 14443, 14960, 15414-15415,	
16152, 17346, 17937-17940, 18550,	
19211-19213, 19645, 19646, 20225,	
20787, 20788, 21443-21448, 21872,	
21873, 22342, 22935, 22936, 23703,	
24274, 24275, 25805-25806, 26282,	
26698, 27516, 28173	
73.....	16702
21449, 21450, 22936, 23703, 25331	
75.....	15415,
17347, 17940, 18551, 21451, 23703	
91.....	22640, 28420
95.....	16703, 25807
97.....	14444,
16711, 19214, 21451, 24275, 25810,	
28174	
105.....	22641
121.....	22641,
22643, 24827, 28176, 28177, 28403	
123.....	22642, 28176
127.....	22643
129.....	24827
135.....	28176, 28177
137.....	22643, 28177
145.....	22643
147.....	22643
202.....	20966, 21453
221.....	21322, 24277
223.....	17467
250.....	24277, 25667
298.....	25087
302.....	17347, 21873, 25332
399.....	19352, 22343
1204.....	14008
1205.....	18646
1221.....	15623

PROPOSED RULES:

21.....	15432
25.....	21900
39.....	13890,
14517, 14970, 15433, 16191,	
16740, 17364, 17366, 19666,	
20237, 20818, 21463, 22374,	
23727, 24847-24850, 25830-	
25833, 26318, 27555-27558	
47.....	16924
49.....	16924
61.....	16924
63.....	16924
65.....	16924
67.....	16924
71.....	13891,
14518, 14971, 14972, 15434-	
15437, 16192, 16741-16743,	
17367, 17368, 17966, 19235-	
19237, 20238, 20239, 20819,	
20820, 21464, 22375-22377,	
22985-22987, 24324, 24851-	
24854, 25834-25837, 26319-	
26321, 26755, 26756, 27559,	
28207-28209	
73.....	16741,
16744, 17368, 19238, 20239,	
24854, 24855, 25837, 26323	
75.....	15437, 17369, 20240, 24856
77.....	26322
91.....	22640
93.....	17370
105.....	22641
121.....	13891, 20448, 22650

14 CFR—Continued

PROPOSED RULES—Continued

123.....	22650	
127.....	20448,	22378
129.....		13891
143.....		16924
187.....		16924
Ch. II.....	18196,	19667
207.....		13892,
	14519, 15720, 20240,	20520,
	21465	
208.....		13892,
	14519, 15720, 20240,	20520,
	21465, 22378	
212.....		13892,
	14519, 15720, 20240,	20520,
	21465	
214.....	13892,	20520
215.....		15720, 21465
221.....	15334, 16503,	20520
241.....	14523, 25138,	26449
244.....		15720, 21465
245.....		14523
246.....		14523
249.....	15720,	21465
288.....		25433
296.....	15720,	21465
298.....		13892
300.....		16990
302.....		15334,
	16503, 19403, 21690,	22987
304.....		14044, 15730
369.....		17967
371.....		13892,
	20520, 24542,	25141, 27560
372.....		20520
372a.....	13892,	20520
373.....	13892,	20520
378.....	13892,	20520
378a.....	13892,	20520
385.....	15720,	21465
389.....	15720,	21465
399.....		16503
1210.....		21691
1214.....		25693
1216.....		25317

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING APRIL-JUNE

16 CFR—Continued

13	18650-18657, 20967, 20969, 21323, 21875-21877, 23991, 25811, 26426, 27782, 28178
419	25336
456	23992, 25995
461	17967
800	27516
1009	19215
1032	19216
1040	25658
1050	23560
1115	17972
1116	17972
1201	26699
1301	26283
1402	28392
1500	21324, 22002, 22936
1505	26427
1510	22002
1700	17330, 17332

PROPOSED RULES:

13	14053, 14524, 18685, 19053, 21009, 21337, 22988, 22992, 24066, 25349, 26324, 26335, 27849, 27852, 28210
423	26334
441	19668
453	26588
455	28521
461	18692
Ch. II	14322, 24325
1145	21838, 27852
1205	24697
1208	19136
1307	21839, 27852
1500	21852, 27852
1700	21853, 24698, 27852

17 CFR

1	17812, 19647
32	16153, 23704
140	20970, 21659
145	21659
200	15416
230	14445, 21660
231	18163, 20484
239	16672, 18500, 21660
240	14451, 18495, 18556, 18557, 24287, 26700
241	14451, 18163, 18557, 25420
249	14445, 18500, 21660, 24287, 26700
270	21664
274	21664
275	19224

PROPOSED RULES:

1	15072, 15438, 22220, 23729
17	22220
31	23729
32	21022
210	15335, 15730, 19668
230	15335, 15441, 22053
239	15335
240	15335, 16512, 18501
249	15335
250	22379
256	22379
270	16192, 19669, 23589

18 CFR

1	20789
1b	27174
2	23564
3	20789, 27178
101	15418
104	15419
141	15419, 19354
201	19354
216	19354
260	15419, 19354, 27178
410	27783
701	25944

PROPOSED RULES:

Ch. I	20241
1	19699
2	15730, 18196, 26026
3	18196
4	18196
131	18196
154	26026
157	15730
260	26026
307	18693, 23593

19 CFR

Ch. I	25812
4	22173, 22174, 24670
6	14961, 28455
10	20003, 23708
22	22175
101	18658, 19832, 28456
111	21877, 23565
125	23565
145	14451
153	14456, 22344, 22937, 28457
159	17352
	18659, 18660, 23709, 23710, 25813, 25814, 15995, 25996
171	23711
200	25671

PROPOSED RULES:

4	14060, 19417, 21693, 23731
6	23731
101	22752

20 CFR

200	17468
401	25672
404	20972
	21880, 24794, 25090, 25422, 25815
416	17353, 18167, 25090, 25815, 27179
422	20973

PROPOSED RULES:

70	22215, 22216
73	22216
150	22216
404	19238, 19863, 25695, 25837
410	15336, 24542
416	15336, 18205, 18206, 18698, 18699, 19238, 21012, 21465, 27853
718	27196
422	25837
655	22996, 26033
718	17722, 18699, 19863, 26588
725	17732
727	17765

21 CFR

5	20486, 20487, 22006, 22671
7	26202
14	18661, 20488, 21666-21668, 22672-22674, 28457, 28458
15	18664
25	18664, 22675
70	22675
74	14641
81	14642
101	24518
131	19834, 21688
135	19384
161	19837, 25423
172	14644, 18667, 19843, 27784
173	14644
175	16311, 16972, 22675
177	16972
182	14008, 14644, 19843, 22938
184	14008, 14644, 19843, 22938
186	19843, 22938
193	20488, 22176, 22345
201	22007
207	24008
361	14644
430	20976
436	20976
442	14646, 20977, 27180
444	26428
449	22676
460	16312
500	22675
510	19385
514	22675
520	14647, 15625, 18171, 28458, 28459
522	15625, 16972, 20489, 27785
524	18171, 27785
540	14008, 16312, 24010
546	14647, 19385
558	14647, 17469, 19385, 19844, 27786, 28459
561	14008, 20488, 22176
571	22675
660	19844
808	18665, 22010
1308	18172, 21324
1316	26428

PROPOSED RULES:

Ch. I	24066
2	14674
7	20508, 27498
10	25438
16	20726, 25142
20	20726, 25142
50	19417
101	14675, 14677, 16347, 20510, 22730
109	16349
136	22728
146	14678, 24547
148	16991, 19864
155	19864, 26454
156	19864, 26454
171	15164
182	14064, 16996, 18699, 22056, 24067, 25438
184	14064, 16996, 18699, 19422, 22056, 25438

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING APRIL-JUNE

21 CFR—Continued

PROPOSED RULES—Continued

186	14064, 16996, 18699, 24067, 25438
201	25142
211	27474
312	16997, 33006
314	16997, 23006, 25443
338	25544
340	25544
369	25444
429	25443
431	16997, 23006, 25443
436	21014, 22730
446	21694
448	14683, 15734
449	22730
505	25444
514	16997, 23006
536	25444
539	25444
548	25444
558	16997
561	28522
601	16997, 23006
680	14683
740	19423, 24070
801	18699
807	16997, 23006
812	20726, 25142
814	16997, 23006
821	27474
1000	18207
1020	19879
1040	16997, 19423
1308	27560

22 CFR

10	18176
42	19648
61	14456
201	25997
216	20490
Ch. V	14298, 16312
505	14457

PROPOSED RULES:

3a	23593
42	24547
603	17002, 26589

23 CFR

130	16167
140	16167, 27518
230	19385
420	15626
625	14648, 27786
646	22176
652	17814
752	19390
753	19390
771	20978
810	15321
920	18668

PROPOSED RULES:

924	14683
-----	-------

24 CFR

0	25815
58	19227
201	26429
203	13870, 23713

24 CFR—Continued

207	13870
213	23713
220	13870
234	23713
236	23566
279	25784, 26709
280	19846, 25964
570	19228, 24656, 24671
841	13871, 16167, 26988
868	28790
888	14457, 24672, 25604
1914	16312, 16314, 18671, 24011, 24013, 26284-26287, 27787, 27986
1915	16316, 24019, 24021, 24022, 27790
1916	24049, 24050
1917	16317-16336, 16449-16477, 16714-16734, 22010-22029, 22177-22209, 22346-22355, 22676-22706, 22939-22969, 23713-23722, 24051-24061, 24289-24307, 24519-24526, 26290-26309, 26429-26441, 26709-26718, 27180-27185, 27518-27530, 28180-28184, 28460-28465
1920	16168-16174, 24675-24691, 28185-28198
1930	27186
1931	16337, 27186
2205	18992, 19229, 22029
4000	28198
4001	28199

PROPOSED RULES:

8	16652, 25411
200	17371, 18669
201	16513, 22058, 25349
203	16513, 19845
204	16513
207	16514
220	16514
232	16514
234	16513
235	17834
250	16514
390	27486
570	25780
590	23692
891	17448
1710	23936
1715	23936
1917	15165
	16746-16772, 18563-18570, 18700-18709, 22390-22410, 23595-23606, 23732-23743, 24070, 24548-24558, 24699-24710, 26033, 27197-27206, 27561-27566, 27855-27864
2205	27206
3282	27494
4000	20511
4001	20512

25 CFR

11	16973
41	19649
42	22997
43	19650
43a	19650
43b	19650
43c	19650
43d	19650

25 CFR—Continued

43e	19650
43f	19650
43h	26441
43i	19650
43j	19650
43k	19650
43m	19650
43p	16175
44	19650
45	19650
49	19650
50	19650
113	20003
252	27825
256	27187

PROPOSED RULES:

11	25448
41	19674
42	22997
43h	14684
54	23743
233	18213
256	14685

26 CFR

1	13875, 19392, 19650, 19653, 21453, 23607, 23608, 23610
7	16734, 17815, 18993, 19655
48	16974
139	14305
301	18552, 20790
404	14962
420	19657
601	17816

PROPOSED RULES:

1	13893, 18570, 19675, 19678, 19679, 20020, 21465, 21695, 22059, 22734, 22997
20	21465
25	21465
31	20020
32	20020
301	25143
601	13896, 13899, 15336

27 CFR

4	19846
18	20493
71	14650
170	24234
201	24234

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING APRIL-JUNE

28 CFR—Continued

PROPOSED RULES:

2 22747
16 19883, 21901, 22999
50 14955

29 CFR

4 28466
8 19393
30 20760
57 19393
58 19393
89 28468
94 14940
16974, 21856, 23504
95 16974
97 14940, 21856, 23504
528 28468
530 28470
575 26562, 27466, 28471
697 25816, 26003
870 28471
1902 14009
1910 19584
27350, 27418, 27962, 28472-28474
1928 27418, 28474
1952 19849, 20980-20985, 25424
2520 14009
2560 17470
2605 14010
2608 14010
2610 25337
2700 19660

PROPOSED RULES:

70a 25145
97 14424, 14916
202 15734
203 15734
204 15734
541 14688
575 14068, 18570, 18709
1601 22220
1607 14955
1608 16349
1610 26454
1910 14071, 18215
1952 17003
2550 17480, 27208

30 CFR

100 23514
715 21458
717 21458
837 20793, 25672

PROPOSED RULES:

11 26454
40 14691
41 14691
43 14691
44 14691
70 16349, 26454
71 16349, 26454
75 18710, 26454
90 26454
100 14691
250 24710
252 24710
715 17835
840 17918
841 17918

30 CFR—Continued

PROPOSED RULES—Continued

843 17918
845 17918
848 17918
850 17918
852 17918
855 17918
880 24326

31 CFR

0 17471
51 15627
94 24691
103 21671, 24527, 27826
203 18967, 26309
214 18970, 26309
226 18972, 26309
317 18972, 26309
321 18972, 26309
409 26718
515 19851

PROPOSED RULES:

10 25695
51 15735
129 25636

32 CFR

61 15148
81 15149
160 15150
Ch. XII 18993
197 23569
206 16975
217 14650
253 17354
260 25337
271 26310
273 21325
289 16478
298a 25672, 26720
301 23569
504 26443
505 17821
511 26443
512 26443
517 26443
519 14458, 26443
532 26443
533 26443
536 26443
538 26443
554 26443
561 26443
563 26443
564 26443
570 26443
572 26443
573 26443
576 26443
577 26443
580 26443
582 26443
581 15572
632 26443
641 22356
700 17355, 28475
701 17355
705 17355

32 CFR—Continued

706 13878
707 13878
710 17355
711 17355
713 17355
719 17355
720 17355
721 17355
722 17355
724 17355
727 17355
728 17355
731 17355
732 17355
733 17355
734 17355
735 17355
751 25425
753 17355
765 17355
766 17355
804 22969
806 19230
809 22970
809b 22970
809c 22970
816 22970
835 22030
865 20795
872 22970
873 22970
874 22970
881 22970
882 22970
886 22970
888c 22970
905 22970
906 22970
908 22970
955 22970
985 16979
1801 25092
1806 26568
1900 24527

PROPOSED RULES:

43a 17838, 23001
292a 24711
298a 19689
505 27864
835 16193
1804 26335
1910 22999

32A CFR

634 24308

33 CFR

1 22657
3 18553, 25955
25 27531
100 25342
110 14470, 21459, 21880, 28199
117 21459, 25428
127 26721
173 17940
181 14963, 17356
204 20802
207 14652, 26570

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING APRIL-JUNE

33 CFR—Continued

209 19660, 22970, 28475
222 14013
238 19804
279 14014
305 13990
401 25817

PROPOSED RULES:

100 18571
117 22410, 23001, 26756
124 25958
126 15108, 18571, 25958
154 15708, 18571
156 15108, 18571
161 15586, 18571, 25958, 27567
173 15583
174 15583
175 15118
177 16194, 26336
183 22411
209 28523
239 22306
403 20820

34 CFR

281 27190
282 27190

35 CFR

67 25819
253 17941

36 CFR

7 14307, 17356, 21460
50 14653
200 27190
212 20006
222 27531
223 21881
254 24830
261 28476
264 23574
295 20006
904 22707, 24528

PROPOSED RULES:

223 20022, 26757
261 23610

37 CFR

1 20458, 28477
3 20461
5 20470, 28477
201 27827
302 24528
304 25068

PROPOSED RULES:

2 28524
4 28524
302 19423
303 20513

38 CFR

1 26571
2 22972
3 14016, 15152
21 25428
36 22716

PROPOSED RULES:

14 17482
18d 19166, 25146
21 15336, 22059
36 17840

39 CFR

10 22717
111 14018, 14308, 19042, 21327, 22717, 25095, 28199
601 22717
3001 24832

PROPOSED RULES:

Ch. I 26033
111 15165, 19689

40 CFR

1 28479
30 28484
33 28484
35 17697, 17716, 21460, 28202
51 21673, 26380
52 13879
14964, 15424, 16177, 16735, 17357, 17358, 18174, 22356-22358, 22717-22719, 25673-25691, 26388, 26573, 26721, 28203
55 14470
60 15600, 20986
61 20987, 26372
79 28489
116 27532
117 27533
118 24309, 27533
119 27534
120 24529
124 21266, 22160
125 21266, 22160
128 27736
171 24834
180 14019, 14020, 15155, 20802, 22359, 22724, 22973, 24692, 25120, 26310, 27835, 28490

204 27988
205 27988
403 27736
413 22360
418 17821
455 17776
600 21412, 26722
710 16178

PROPOSED RULES:

Ch. I 20821, 22060
35 17690, 21337, 24248, 24713
50 26962, 26971
51 21466, 26985
52 13899-13902, 14692, 14972, 15167, 16350, 16351, 16516, 17004, 18216, 19425, 20514, 20515, 20823, 22748, 23610, 24071, 24857, 24858, 25146, 26757, 26985, 27208, 27567, 27568, 28003, 28213, 28214
55 14973, 15339, 20823, 26456
56 14072
60 21616, 21625, 22221
65 16195, 19239, 20022, 20023, 21902, 22221, 22749, 23002, 23004, 23611-23615, 24858, 25147, 26460, 27865, 28004, 28006
80 17841, 24331
116 27569
117 27569
118 27569

40 CFR—Continued

PROPOSED RULES—Continued

119 27569
124 22167
141 19055, 25838
162 16517
180 16352, 19240, 20246, 21700, 22751, 24714, 24861, 25697, 25837, 27866, 28524
204 26589
233 17484, 20024, 20025
250 18506
257 17374
413 16517, 26042
761 24802
1500 25230
1501 25230
1502 25230
1503 25230
1504 25230
1505 25230
1506 25230
1507 25230
1508 25230

41 CFR

Ch. I 14021, 20988
1-1 14315, 26004
1-2 26011
1-3 26011
1-9 16979
1-12 26011
1-16 26011
4-1 28491
4-2 28492
4-3 28492
4-4 28492
4-18 28492
5A-1 23575
5A-2 23576
5A-3 23576
5A-7 23576
5A-10 23576
5A-14 23577
5A-16 23577
5A-19 23577
5A-71 23578
5A-72 23579, 25692
5A-73 23580
5A-76 23580
7-1 24839
7-3 24839, 24840
7-4 24840
7-7 15627
7-10 15628
7-16 24840
7-30 24840
8-2 22031
8-3 24531
8-7 22031
8-52 24531
8-74 42531
13-1 22035
13-3 22039
13-4 22039
Ch. 7 14471
19-1 28493
50-201 22975
50-202 28494
50-206 22977
51-5 28495

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING APRIL-JUNE

41 CFR—Continued

60-4	14888, 18672
101	15321
101-2	21882
101-19	16478
101-25	16480, 18673
101-26	19852, 22210, 24533
101-30	18673, 24533
101-33	27191
101-35	27191, 27192
101-36	27191
101-37	27191
101-38	24062
101-39	24062
101-40	24063
101-42	26575
101-43	26576
101-44	26579
101-45	28579
101-46	26580
105-65	14315
114-35	26733

PROPOSED RULES:

4	24559
29-50	21014
Ch. 8	14525
Ch. 9	15852
5B-2	14323
12-60	17974
24-1	25449
29-70	26042
60-3	14955
101-1	17508
101-7	16353
101-11	14975
101-35	27867
571	26758

42 CFR

50	18679
51a	21154
54a	14276
57	26012, 27836, 27956
58	26443, 27837
110	17682
448	20008
449	18679

PROPOSED RULES:

37	17979
51b	27210
51e	26534
51f	19536
57	18217, 26071-26077
71	27215
122	19988, 21274, 22858, 24072
123	21274
405	24332, 24715, 24873, 24988, 27215
449	24873
450	20516, 24715, 24988, 27215
462	13970

43 CFR

Ch. II	17942, 19231
2	15155
4	17941
29	27840

43 CFR—Continued

PROPOSED RULES:	
3	14975
4	15441
14	16517, 22573
417	24715
428	24072
1600	24559
2650	22620
3200	20826
3220	20826
3830	15102

PUBLIC LAND ORDERS:

5062	26446
5633	19231
5634	19046
5635	19046, 21461
5636	19045
5637	19045
5638	24063
5639	26733
5640	26734

45 CFR

100a	18674
115	19126, 19758
116b	16262
116c	14292
146a	20495
182	18674
185	26014
197	20009
199a	21329
205	20009
228	18680
232	15424
801	19853, 27841
1060	14316
1061	14317, 21016, 21461
1067	24841
1068	19394
1301	14932
1302	14934
1305	14935
1611	27534
1623	21883
1801	26366

PROPOSED RULES:

19	25450
46	17375
64	14072
71	17843
130	24333
144	25149
164	22062
175	25149
176	25149
177	14376
190	20922
220	17843
228	17843
232	15457
234	21015
302	14323, 15457
614	16518
1010	28758
1050	25698
1061	21904, 26069
1062	26274
1151	15458
1170	15737, 26589

45 CFR—Continued

PROPOSED RULES—Continued	
1201	14072
1211	18711
1231	14077
1232	19883
1490	14634
1607	21904
1611	21905
2012	23006

46 CFR

4	25820
160	27152
222	22981
401	24996
502	19394, 19663
528	18175, 22041, 25343, 28496
530	25820
549	22981

PROPOSED RULES:

10	22653
26	28426
33	25000
35	25000
71	25000
75	25000
78	25000, 28426
91	25000
94	25000
97	25000
160	25000
185	28426
189	25000
192	25000
196	25000
308	24075
Ch. IV	17845, 24559
401	15590
502	18572, 24080
512	20026, 26081
542	16772, 21337

47 CFR

0	24310, 25122
1	25122, 25821, 27991
2	25343
5	16736
15	14654, 25122
31	21330
43	16736
68	16480
73	14657, 14658, 14964-14966, 15321, 15322, 20497, 20499, 20988, 21678, 21884, 24533, 24534, 25344, 26020-26022, 27535-27540
74	14660
76	16337, 20226, 22212, 25123, 26022
78	25125
81	17473, 18678, 19853, 27991
83	15324, 19853, 20009, 22042, 27991
87	20803, 27991
89	25127, 27992
91	27992
93	27992
94	27992
95	13879, 13976, 27992
97	14662, 15324-15327, 17359, 19854, 21885, 25122

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING APRIL-JUNE

47 CFR—Continued

PROPOSED RULES:	
0	19886
1	14692, 14693, 16783, 19690, 19886, 27868
2	23616
15	15744, 19893, 28007
21	28007
63	14080, 18711, 24861
64	14080, 14088, 24861
67	13902, 23746, 26336
68	16519
73	14088, 14694, 14977, 15341, 16203, 16354, 16355, 16783, 17508, 17979-17982, 18574, 18711, 19240, 19241, 19691-19693, 19895, 19896, 20247, 20249, 20517, 21701, 23617, 23618, 24334, 24560, 24715, 24717, 24862, 24863, 25698, 26082, 26083, 27569-27572, 27682, 28011
74	14695, 19695, 23616, 23619
76	15342
78	23616
81	16355, 19690, 20026, 21701, 24863, 28215
83	20249, 24863
87	19690, 25150

49 CFR

1	14021, 17359, 17360
85	24692
99	26311
171	24844
172	17942, 24845
173	17944, 17946, 21461, 21462
174	17945
177	17945
178	17946
179	17946
192	13880, 18553, 21462, 27540
195	18533
Ch. II	17472, 21334
252	25129
253	25129
254	25129
256	21886
257	25346
258	14663
260	14870
270	14472
Ch. III	20011
386	19047
395	22360
450	16948
451	16949
452	16950
453	16951
Ch. X	15156

49 CFR—Continued

523	16181
531	28204
533	16181
567	21890
571	17946, 21891, 21892, 22360-22364, 24310, 25822, 25823, 27541
581	20804
1003	14317, 21678, 25129
1004	14664
1033	14021, 14473-14476, 14666, 14668, 14669, 14966, 14967, 15156, 15426, 16182, 16341, 16342, 16739, 16979, 17360, 18555, 19047-19052, 19395, 19396, 20235, 21336, 21893, 22212, 23581, 23722, 23723, 24535-24539, 24694, 24695, 26311, 26312, 26446, 26581, 26734-26736, 27841, 28496, 28497
1047	21894
1051	14670
1056	16340, 22982
1100	14317
1104	14670
1109	25774
1130	17828
1200	26313
1201	28497
1201A	28205
1240	28205
1241	21894, 28205
1307	14670
1310	14670, 17828

PROPOSED RULES:

27	25016, 28216
171	22626, 24335
172	19242, 22626, 24335
173	19242, 20250, 22626, 24335, 28216
174	19242, 22626
175	19242, 22626, 24335
176	19242, 22626, 24335
177	19242, 22626
178	19242
179	20250, 24865
191	24478, 24866
Ch. II	19696, 26337
211	15167
393	21337, 24871, 25156
395	21905
399	21338
Ch. V	13905
512	22412
531	18575, 24871
571	13903, 16783, 18577, 19251, 21470, 21912, 22419-22420
572	21490
Ch. X	17509, 24718
1000	20208
1012	15752
1036	17985

49 CFR—Continued

PROPOSED RULES—Continued	
1056	14324, 17004, 18712, 28217
1065	18581
1100	15168, 17006, 17008
1103	27732
1109	22062
1111	15753
1121	15754, 22751
1124	25152, 28216
1241	14528
1307	14978, 15168
1310	15168
1322	17004

50 CFR

10	14968, 25823
17	15427, 16343, 17910, 18180, 20499, 20938, 21338, 22042
20	28205, 28499, 28501
26	14477, 16981, 22725, 26314
32	20989-20991, 23581, 23582, 24696, 25823, 25824, 26024
33	14022, 15429, 15430, 15629, 16183, 16502, 18679, 20236, 23582, 28206, 28502
216	28502
230	13883, 14477, 22213
285	26581, 27547, 28502
371	26737
Ch. VI	27549, 27550
611	15430, 19232, 27547
651	14968, 17361, 19233, 20505, 27548, 28503
652	19396, 19397, 27549
661	15629, 21681, 22214, 27993

PROPOSED RULES:

17	14697, 15463, 16144, 16524, 16527, 17375, 20518, 21338, 21702, 21705, 22224, 26084, 26759
20	22421, 21338, 21702, 21705, 28012, 28217
23	18583, 19176
26	28017
216	25349
217	25349
220	25349
227	13906
258	20255
280	16783
285	20027
402	25349
Ch. VI	22064
611	17013, 21170
651	21339
656	23747
661	18219, 23748
671	21170
672	17242
Ch. VII	20519

INDEX

FEDERAL REGISTER PAGES AND DATES—APRIL-JUNE 1978

Pages	Date	Pages	Date	Pages	Date
13865-13998	Apr. 3	18533-18638	May 1	23701-23982	June 1
13999-14301	4	18639-18985	2	23983-24261	2
14303-14430	5	18987-19191	3	24263-24514	5
14431-14636	6	19193-19336	4	24515-24658	6
14637-14955	7	19337-19641	5	24659-24818	7
14957-15123	10	19643-19806	8	24819-25073	8
15125-15318	11	19807-19997	9	25075-25330	9
15319-15406	12	19999-20214	10	25331-25411	12
15407-15602	13	20215-20471	11	25413-25665	13
15603-16145	14	20473-20778	12	25667-25787	14
16147-16304	17	20779-20945	15	25789-25981	15
16305-16440	18	20947-21312	16	25983-26276	16
16441-16688	19	21313-21423	17	26277-26410	19
16689-16963	20	21425-21634	18	26411-26559	20
16965-17336	21	21635-21864	19	26561-26688	21
17337-17455	24	21865-21998	22	26689-27154	22
17457-17787	25	21999-22168	23	27155-27506	23
17789-17933	26	22169-22327	24	27507-27773	26
17935-18156	27	22329-22666	25	27775-27979	27
18157-18531	28	22667-22924	26	27981-28168	28
		22925-23552	30	28169-28427	29
		23552-23700	31	28429-28804	30

LIST OF ACTS REQUIRING PUBLICATION IN THE FEDERAL REGISTER, 1977

Description of Act	Citation
Reorganization Act of 1977	Public Law 95-17; 91 Stat. 29; 5 U.S.C. 901 note.
Land and Water Conservation Fund Act of 1965, amendments.	Public Law 95-42; 91 Stat. 210; 16 U.S.C. 4601-9.
Export Administration Amendments of 1977	Public Law 95-52; 91 Stat. 235; 50 U.S.C. app. 2401 note.
Federal Energy Administration Authorization Act of 1977	Public Law 95-70; 91 Stat. 275; 15 U.S.C. 761 et seq.
International Navigational Rules Act of 1977	Public Law 95-75; 91 Stat. 308; 33 U.S.C. 1601 note.
Surface Mining Control and Reclamation Act of 1977	Public Law 95-87; 91 Stat. 445; 30 U.S.C. 1201 note.
Department of Energy Organization Act	Public Law 95-91; 91 Stat. 565; 42 U.S.C. 7101 note.
Youth Employment and Demonstration Projects Act of 1977	Public Law 95-93; 91 Stat. 627; 29 U.S.C. 801 note.
Clean Air Act Amendments of 1977	Public Law 95-95; 91 Stat. 685; 42 U.S.C. 7401 note.
Foreign Relations Authorization Act, FY 1978	Public Law 95-105; 91 Stat. 844; 5 U.S.C. 7342.
Food and Agriculture Act of 1977	Public Law 95-113; 91 Stat. 913; 7 U.S.C. 1281 note.
Territories of U.S., appropriation authorization	Public Law 95-134; 91 Stat. 1159; 48 U.S.C. 1469a.
Federal Mine Safety and Health Amendments Act of 1977	Public Law 95-164; 91 Stat. 1290; 30 U.S.C. 801 et seq.
National School Lunch Act and Child Nutrition Amendments of 1977	Public Law 95-166; 91 Stat. 1325; 42 U.S.C. 1761.
Siletz Indian Tribe Restoration Act	Public Law 95-195; 91 Stat. 1415; 25 U.S.C. 711 note.
Veterans' Administration Physician and Dentist Pay Comparability Amendments of 1977	Public Law 95-201; 91 Stat. 1429; 38 U.S.C. 4118 note.
GI Bill Improvement Act of 1977	Public Law 95-202; 91 Stat. 1433; 38 U.S.C. 1682A note.
International Safe Container Act	Public Law 95-208; 91 Stat. 1475; 46 U.S.C. 1501 et seq.
Social Security Amendments of 1977	Public Law 95-216; 91 Stat. 1509; 42 U.S.C. 1305 note.
Clean Water Act of 1977	Public Law 95-217; 91 Stat. 1566; 33 U.S.C. 1251 et seq.

UMI

INDEX



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June 1978

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CONTAINING:

TITLES 1-16

Changes Jan. 3, 1978
through June 30, 1978

TITLES 17-27

Changes April 3, 1978
through June 30, 1978

TITLES 28-41

*Changes July 1, 1977
through June 30, 1978

TITLES 42-50

Changes Oct. 3, 1977
through June 30, 1978

PARALLEL TABLE OF U.S.C.-C.F.R.

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The LIST OF CFR SECTIONS AFFECTED is designed to lead users of the Code of Federal Regulations (CFR) to amendatory actions published in the Federal Register (FR). It should be shelved with current CFR volumes. Entries are by CFR title, chapter, part, and section. Proposed rules are listed at the end of appropriate titles, except for Title 41, in which proposed rules follow each chapter.

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The CFR is revised annually according to the following schedule:

Titles 1-16—as of Jan. 1
17-27—as of April 1
28-41—as of July 1
42-50—as of Oct. 1

To bring these regulations up to date, consult this LIST OF CFR SECTIONS AFFECTED for any changes, additions, or deletions published after the revision date of the volume you are using. Then check the CUMULATIVE LIST OF PARTS AFFECTED appearing at the front of the latest Federal Register for less detailed but timely changes published after the final date included in this publication.

Cite a page reference from this publication as 43 FR for 1978 page numbers. Example: Page 15628 cite as 43 FR 15628.

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PARALLEL TABLE OF STATUTORY AUTHORITIES AND RULES

A table is included after Title 50 which contains references to the U.S. Code sections cited as authority for CFR regulations added or revised since July 1, 1977.

TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

A table is included at the end of this publication which identifies the inclusive page numbers and corresponding Federal Register issue dates for the period covered.

INDEXES

An INDEX to the daily Federal Register is published monthly, quarterly, and annually for the calendar year. A separate volume, the CFR INDEX and finding aids to the entire Code of Federal Regulations, is revised as of July 1 each year.

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SUGGESTIONS concerning this and other publications of the Office will be welcomed by Fred J. Emery, Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

CHECKLIST OF CURRENT CFR VOLUMES.

3

(Comprising a complete CFR set)

Title	Price	Revision Date
1, 2 (2 Reserved)	\$2.75	Jan. 1, 1978
3 (Compilation of 1977 Presidential documents and Parts 100 and 101)	4.25	Jan. 1, 1978
4	3.25	Jan. 1, 1977
5	4.70	Jan. 1, 1977
6	.95	Jan. 1, 1976*
7 (Parts 0-45)	5.30	Jan. 1, 1977
(Parts 46-51)	4.20	Jan. 1, 1977
(Part 52)	5.20	Jan. 1, 1977
(Parts 53-209)	5.80	Jan. 1, 1977
(Parts 210-699)	6.10	Jan. 1, 1977
(Parts 700-749)	4.10	Jan. 1, 1977
(Parts 750-899)	1.80	Jan. 1, 1977
(Parts 900-944)	4.25	Jan. 1, 1977
(Parts 945-980)	2.40	Jan. 1, 1977
(Parts 981-999)	2.50	Jan. 1, 1977
(Parts 1000-1059)	4.25	Jan. 1, 1977
(Parts 1060-1119)	4.40	Jan. 1, 1977
(Parts 1120-1199)	4.00	Jan. 1, 1978
(Parts 1200-1499)	4.20	Jan. 1, 1977
(Part 1500-End)	7.25	Jan. 1, 1977
8	3.50	Jan. 1, 1978
9	6.80	Jan. 1, 1977
10 (Parts 0-199)	4.40	Jan. 1, 1977
(Part 200-End)	4.60	Jan. 1, 1977
11	2.30	May 1, 1977**
12 (Parts 1-299)	7.40	Jan. 1, 1977
(Part 300-End)	7.30	Jan. 1, 1977
13	4.20	Jan. 1, 1977
14 (Parts 1-59)	6.00	Jan. 1, 1977
(Parts 60-199)	5.10	Jan. 1, 1977
(Parts 200-1199)	6.20	Jan. 1, 1977
(Parts 1200-End)	2.20	Jan. 1, 1977
15	5.35	Jan. 1, 1977
16 (Parts 0-149)	5.50	Jan. 1, 1977
(Parts 150-999)	4.25	Jan. 1, 1977
(Part 1000-End)	3.00	Jan. 1, 1977
17	6.75	April 1, 1977
18 (Parts 1-149)	4.25	April 1, 1977
(Part 150-End)	4.00	April 1, 1977
19	5.75	April 1, 1977
20 (Parts 1-399)	3.25	April 1, 1977
(Parts 400-499)	5.00	April 1, 1977
(Part 500-End)	4.00	April 1, 1977
21 (Parts 1-99)	3.25	April 1, 1977
(Parts 100-199)	4.75	April 1, 1977
(Parts 200-299)	2.10	April 1, 1977
(Parts 300-499)	5.00	April 1, 1977
(Parts 500-599)	4.00	April 1, 1977
(Parts 600-1299)	3.50	April 1, 1977
(Part 1300-End)	4.25	April 1, 1977
22	4.50	April 1, 1977
23	5.50	April 1, 1977
24 (Parts 0-499)	5.00	April 1, 1977
(Part 500-End)	5.25	April 1, 1977
25	4.50	April 1, 1977

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CHECKLIST OF CURRENT CFR VOLUMES

(Comprising a complete CFR set)

Title	Price	Revision Date
26 (Part 1 §§ 1.0-1.169) -----	\$4.75	April 1, 1977
(§§ 1.170-1.300) -----	4.00	April 1, 1977
(§§ 1.301-1.400) -----	3.75	April 1, 1977
(§§ 1.401-1.500) -----	4.00	April 1, 1977
(§§ 1.501-1.640) -----	4.00	April 1, 1977
(§§ 1.641-1.850) -----	4.35	April 1, 1977
(Part 1 §§ 1.851-1.1200) -----	5.25	April 1, 1977
(§§ 1.1201-End) -----	6.75	April 1, 1977
(Parts 2-29) -----	4.50	April 1, 1977
(Parts 30-39) -----	4.35	April 1, 1977
(Parts 40-299) -----	4.50	April 1, 1977
(Parts 300-499) -----	4.35	April 1, 1977
(Parts 500-599) -----	3.15	April 1, 1974***
(Part 600-End) -----	2.40	April 1, 1977
27 -----	7.00	April 1, 1977
28 -----	4.25	July 1, 1977
29 (Parts 0-499) -----	5.75	July 1, 1977
(Parts 500-1899) -----	6.00	July 1, 1977
(Parts 1900-1919) -----	6.00	July 1, 1977
(Part 1920-End) -----	4.50	July 1, 1977
30 -----	6.00	July 1, 1977
31 -----	5.75	July 1, 1977
32 (Parts 1-39) (V.I) -----	4.75	July 1, 1976
(V.II) -----	7.50	July 1, 1976
(V.III) -----	5.25	July 1, 1976
(Parts 40-399) -----	6.25	July 1, 1977
(Parts 400-589) -----	5.00	July 1, 1977
(Parts 590-699) -----	4.00	July 1, 1977
(Parts 700-799) -----	8.25	July 1, 1977
(Parts 800-999) -----	5.75	July 1, 1977
(Parts 1000-1399) -----	2.75	July 1, 1977
(Parts 1400-1599) -----	4.25	July 1, 1977
(Part 1600-End) -----	2.75	July 1, 1977
32A -----	3.75	July 1, 1977
33 (Parts 1-199) -----	7.00	July 1, 1977
(Part 200-End) -----	5.30	July 1, 1977
34 -----	1.70	July 1, 1977
35 -----	4.00	July 1, 1977
36 -----	4.50	July 1, 1977
37 -----	3.00	July 1, 1977
38 -----	6.00	July 1, 1977
39 -----	3.50	July 1, 1977
40 (Parts 0-49) -----	4.25	July 1, 1977
(Parts 50-59) -----	5.75	July 1, 1977
(Parts 60-99) -----	5.00	July 1, 1977
(Parts 100-399) -----	4.75	July 1, 1977
(Part 400-End) -----	5.75	July 1, 1977
41 (Chapters 1-2) -----	5.25	July 1, 1977
(Chapters 3-6) -----	5.50	July 1, 1977
(Chapter 7) -----	2.75	July 1, 1977
(Chapter 8) -----	2.30	July 1, 1977
(Chapter 9) -----	5.00	Sep. 26, 1977
(Chapters 10-17) -----	4.25	July 1, 1977
(Chapter 18) -----	7.60	July 1, 1974***
(Chapters 19-100) -----	4.50	July 1, 1977
(Chapter 101-End) -----	5.75	July 1, 1977
42 (Parts 1-399) -----	5.50	Oct. 1, 1977
(Part 400-End) -----	4.75	Dec. 31, 1977
43 (Parts 1-999) -----	4.00	Oct. 1, 1977
(Parts 1000-End), 44 (44 Reserved) -----	6.00	Oct. 1, 1977

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CHECKLIST OF CURRENT CFR VOLUMES

(Comprising a complete CFR set)

Title	Price	Revision Date
45 Parts 1-99) -----	\$4.25	Oct. 1, 1977
(Parts 100-149) -----	5.50	Oct. 1, 1977
(Parts 150-199) -----	4.75	Oct. 1, 1977
(Parts 200-499) -----	3.50	Oct. 1, 1977
(Part 500-End) -----	6.00	Oct. 1, 1977
46 (Parts 1-29) -----	3.00	Oct. 1, 1977
(Parts 30-40) -----	3.25	Oct. 1, 1977
(Parts 41-69) -----	4.50	Oct. 1, 1977
(Parts 70-89) -----	3.25	Oct. 1, 1977
(Parts 90-109) -----	3.00	Oct. 1, 1977
(Parts 110-139) -----	3.00	Oct. 1, 1977
(Parts 140-165) -----	4.75	Oct. 1, 1977
(Parts 166-199) -----	3.75	Oct. 1, 1977
(Part 200-End) -----	7.25	Oct. 1, 1976
47 (Parts 0-19) -----	5.75	Oct. 1, 1977
(Parts 20-69) -----	5.25	Oct. 1, 1977
(Parts 70-79) -----	5.00	Oct. 1, 1977
(Part 80-End), 48 (48 Reserved) -----	6.00	Oct. 1, 1977
49 (Parts 1-99) -----	3.00	Oct. 1, 1977
(Parts 100-199) -----	8.25	Oct. 1, 1977
(Parts 200-999) -----	7.55	Oct. 1, 1976
(Parts 1000-1199) -----	4.50	Oct. 1, 1977
(Parts 1200-1299) -----	7.40	Oct. 1, 1976
(Part 1300-End) -----	4.25	Oct. 1, 1977
50 -----	5.50	Oct. 1, 1977
Complete 1977 CFR set -----	350.00	1977
Complete 1978 CFR set -----	400.00	1978
CFR Index and finding aids -----	4.75	July 1, 1977
Federal Register—What it is and how to use it -----	2.30	1977
List of Sections Affected, 1949-1963 -----	13.50	1966

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

TITLE 1—GENERAL PROVISIONS

Chapter I—Administrative Committee
of the Federal Register

	Page
3.4 (b) (4) revised	10329

Chapter III—Administrative Confer-
ence of the United States

305.78-1 Added	27507
305.78-2 Added	27508
305.78-3 Added	27509

Title 1—Proposed Rules:

465	23583
-----	-------

TITLE 3—THE PRESIDENT

Proclamations

2383 Rescinded by Fish and Wildlife Service rule of June 9, 1978	26024
2529 Rescinded by Fish and Wildlife Service rule of June 9, 1978	26024
3279 Amended by EO 12038; eff. 10-1-77	4657
4445 Revoked in part by Proc. 4559	14433
4477 See Proc. 4559	14433
4492 Superseded by Proc. 4571	21313
4509 Revoked in part by Proc. 4559	14433
4538 See Proc. 4547	3251
4539 See Proc. 4547	3251
4544	1919
4545	2375
4546	3071
4547	3251
4548	4413
4549	4583
4550	4961
4551	5495
4552	11141
4553	11557
4554	11559
4555	11561
4556	11959
4557	12671
4558	13051
4559	14433
4560	15125
4561	15127
4562	16441
4563	16443
4564	16965
4565	17793
4566	17795

	Page
4567	18533
4568	19999
4569	20215
4570	20473
4571	21313
4572	21999
4573	23553
4574	25413
4575	25987

Executive Orders

July 3, 1913 Revoked in part by PLO 5639	26734
5540 See PLO 5634	19046
7509 Amended by PLO 5635	19046, 21461
7522 Amended by PLO 5634	19046
8038 Amended by PLO 5636	19045
8039 Amended by PLO 5637	19045
8526 Amended by EO 12038	4957
10127 Amended by EO 12038	4957
10480 Amended by EO 12038	4957
10485 Amended by EO 12038	4957
10705 Revoked by EO 12046	13349
10865 Amended by EO 12038	4957
10866 Revoked by EO 12033	1915
10899 Amended by EO 12038	4957
10943 Revoked by EO 12033	1915
11030 See EO 12038	4957
11051 Amended by EO 12046	13349
11057 Amended by EO 12038	4957
11103 See EO 12034	1917
11126 Revoked by EO 12050	14431
11177 Amended by EO 12038	4957
11189 Revoked by EO 12060	21315
11191 Revoked by EO 12046	13349
11195 Revoked by EO 12060	21315
11312 Revoked by EO 12047	13359
11331 Amended by EO 12038	4957
11345 Amended by EO 12038	4957
11371 Amended by EO 12038	4957
11477 Amended by EO 12038	4957
11490 Amended by EO 12038	4957
Amended by EO 12046	13349
11556 Revoked by EO 12046	13349
11578 Amended by EO 12038	4957
11647 Amended by EO 12038	4957
11652 Amended by EO 12038	4957
11658 Amended by EO 12038	4957
11659 Amended by EO 12038	4957
11725 Amended by EO 12046	13349
11752 Amended by EO 12038	4957
11761 Amended by EO 12038	4957
11790 Amended by EO 12038	4957
11832 Revoked by EO 12050	14431
11861 Amended by EO 12035	3073
Amended by EO 12060	21315

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

	Page
11888 Amended by EO 12041	8099
Amended by Proc. 4561	15127
11902 Amended by EO 12038	4957
Revoked by EO 12058	20947
11905 Superseded by EO 12036	3674
11906 See EO 12041	8099
11912 Amended by EO 12038	4957
11934 See EO 12041	8099
11969 Amended by EO 12038	4957
11972 Revoked by EO 12059	20949
11974 See EO 12041	8099
11985 Superseded by EO 12036	3674
11993 Revoked by EO 12059	20949
11994 Superseded by EO 12036	3674
11995 Revoked by EO 12060	21315
12006 See EO 12037	4415
See EO 12056	18639
12009 See EO 12038	4957
See EO 12056	18639
12011 See EO 12037	4415
See EO 12056	18639
12016 See EO 12037	4415
See EO 12056	18639
12022 Amended by EO 12052	15133
12024 See EO 12053	16147
12032 See EO 12041	8099
12033	1915
12034	1917
12035	3073
12036	3674
12037	4415
See EO 12056	18639
12038	4957
12039	8095
12040	8097
12041	8099
12042	9269
12043	9773
12044	12661
12045	13347
12046	13349
12047	13359
12048	13361
12049	13363
12050	14431
Amended by EO 12057	19811
12051	15131
12052	15133
12053	16147
12054	17457
12055	18157
12056	18639
12057	19811
12058	20947
12059	20949
12060	21315

	Page
12061	21865
12062	23555
12063	24659
12064	24661

Memorandums

August 21, 1963 Amended by EO 12046	13349
August 27, 1976 Supplemented by Memorandum of March 24, 1978	15603
November 19, 1976 Supplemented by Memorandum of March 24, 1978	15603
July 21, 1977 Supplemented by Memorandum of March 24, 1978	15603
November 5, 1977 Supplemented by Memorandum of March 24, 1978	15603
January 18, 1978	6203
January 27, 1978	4245
February 2, 1978	7307
February 10, 1978	6575
February 13, 1978	8247
February 15, 1978	8249
March 21, 1978	13999
March 24, 1978	15603
March 27, 1978	12843
April 7, 1978 (Pres. Det. No. 78-9)	16689
April 7, 1978 (Pres. Det. No. 78-10)	16691
May 11, 1978	20779
May 18, 1978	22169
May 23, 1978	25415
June 2, 1978 (Pres. Det. No. 78- 13)	25983
June 2, 1978 (Pres. Det. No. 78- 14)	25985
June 12, 1978	27155

Letters

April 22, 1978	17789
----------------	-------

Clean Air Act Determinations; Energy
Emergencies

February 11, 1978	12273
February 15, 1978	12275
February 18, 1978	12277
February 24, 1978	12279
March 7, 1978	12281
March 13, 1978	12283
March 14, 1978	12285
March 21, 1978	12287, 12289
March 27, 1978	13365

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

Title 3—Continued

Reorganization Plans

	Page
1977 Plan No. 1 See EO 12039	8095
See EO 12040	8097
See EO 12045	13347
See EO 12046	13349
1977 Plan No. 2 See EO 12048	13361
1978 Plan No. 1	19807

Recommendations Approved

January 26, 1978	4377
------------------	------

TITLE 4—ACCOUNTS

Chapter III—Cost Accounting Standards Board

331.20 (h), (i), and (j) added	9779
(j) (2) and (3) corrected	16149
331.30 (b) (3) added	24819
331.50 (a) (4) (B) and (d) revised; (a) (4) (C) added	9780
331.51 Added	9780
332.50 (a) (5) added	9780
332.51 Added	9781
351.120 (c) amendeded	9781
401.10 Revised	24820
402.10 Revised	24820
403.10 Revised	24820
403.50 (c) (2) removed	9781
403.70 (b) revised	24820
404.10 Revised	24820
405.10 Revised	24820
406.10 Revised	24820
406.50 (f) amended	9781
406.60 (c) amendeded	9781
407.10 Revised	24820
408.10 Revised	24820
408.70 Revised	24820
409.10 Revised	24820
409.50 (l) correctly amended	9781, 16149
409.60 (f) amended	9781
410.70 Revised	24821
415.80 Revised	24821

Title 4—Proposed Rules:

21	14318
331	10699
403	10699
408	10699
410	10699
416	20806, 22043
417	11118
418	11118
419	11118
420	11118
421	11118

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

	Page
6.1 (a) amended; (c) added	9773
6.6 Amended	9773
9.6 (c) added	9773
9.20 (f) added	9773
213.3103 (e) and (f) removed	21636
213.3104 (f) (1) revised	1474
(g) added	27157
213.3105 (g) (1) revised	1472
213.3106 (a) (7) added	1471
(b) (7) removed; (d) (2) added	3693
213.3108 (a) (2) added	20954
(a) (6) added	25075
213.3112 (b) (3) added	16308
(b) (3) revised	18641
213.3112 (f) (3) added	25076
(a) (11) revised	27157
213.3113 (f) (5) added	6913
213.3114 (h) (11) revised	1471
213.3116 (e) (2) added; (k) removed	5793
(e) (3) added	19813
213.3130 (a) and (b) removed	5793
(e) added	25075
213.3143 (b) removed	25990
213.3153 (c) (3) revised	16306
213.3182 (b) (13) and (23) removed	16306
213.3199 (h) added	2815
(i) added	16306
(f) added	27158
213.3202 (d) added	18159
213.3216 (e) added	1472
(d) revised	4963, 21636
213.3259 (b) added	21635
213.3274 (a) revised	22668
213.3282 (b) (13) added	8149
(b) (14) through (16) added	16307
(b) (17) added	25989
213.3295 Added	3993
213.3303 (i) (6) added	2377
(d) (6) added	3253
(k) added	6913
(h) added	14001
(k) (1) and (2) added	16305
(a) (1) revised; (a) (20) added	21635
213.3304 (a) (33) added	2378
(c) (6) added	3693
(a) (10) and (r) added	12292
(a) (18) added; (a) (11) revised	14638
(a) (8) added	18642
(a) (7) added	22668

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

	Page		Page
213.3305 (a) (31) revised	1922	(a) (20) revised	16967
(a) (73) revised	2378	(a) (28) added	19337
(a) (59) removed; (a) (78) added	3897, 3993	(n) (2) and (r) (10) added; (r) (1) revised	22667
(a) (79) added	9782	(a) (5), (14), and (34) revised	25417
(a) (47) revised	16967	(x) (2) added	27158
(a) (73) revised	25417	(a) (6) added	28429
(a) (79) revised	27158	(r) (11) added	28429
213.3306 (a) (12) revised	1471	213.3315 (a) (1) revised	2377, 4964
(a) (98) added	1473	(a) (13) revised	6913
(a) (37) revised	2377	(a) (1) revised	14637
(a) (2) revised	3253	(a) (58) revised; (a) (17) added	16967
(a) (98) revised; (a) (99) added	6913	(a) (28) and (k) (2) added	19337
(a) (97) revised	12292	(a) (56) revised	25076, 27775
(a) (100) added	13491	213.3316 (c) (19) added	1474
(a) (52) added	18641	(h) (14) added	4963
(a) (44) added	25076	(q) (9) added	6913
213.3307 (a) (4) removed	5793	(f) (9) revised	7199
213.3309 (a) (10) removed	5793	(h) (13) added	8777
(a) (4) added	12291	(h) (15) added	9782
213.3310 (y) added	3993	(h) (16) added	12291
(e) (3) added	6913	(a) (45) and (h) (17) added	12292
(z) added	6914	(a) (8) and (n) (8) added	14001
(z) (1) revised	8777	(c) (20), (1) (3), and (s) (3), (4) and (5) added	16306
(h) (2) added	12845	(s) (6) added	25989
(z) (2) added	13491	(n) (10) added	25990
(j) (5) added	16305	(a) (6) revised	27157
(a) (11) revised	20953	213.3318 (b) (8) revised	9781
(i) (4) added	25076	(a) (7) added	25990
213.3312 (o) (2) added	1921	213.3322 (g) added	16967
(l) revised	2377	213.3327 (a) (7) and (10) revised	2377
(l) revised	4586	(a) (7) and (11) revised; (a) (8) removed	3994
(a) (16) removed	5793	(a) (1) removed; (a) (7) revised	25417
(m) (4) added	6914	213.3331 (a) (3) and (4) revised	1472
(a) (1) and (2) revised; (b) (4) added	7609	(c) (3) and (4) added	1922
(a) (51) added	9782	(a) (6) added	2377
(a) (1) revised	11689	(c) (2) revised; (o) (2) added	3993
(a) (28) added	19337	(a) (7) revised	4963
(f) added	22667	(c) (5) and (s) added	6914
(o) (3) added	28429	(c) (3) and (4) revised	6913
213.3313 (a) (42) added	3253	(n) (2) added	8149
(a) (42) revised	4585	(s) (1) revised	8251, 8777
(t) (1) revised; (t) (3) added	7199	(a) (1), (d) (1), (g) (1), and (r) (1) revised	9781
(j) (2) added	16306	(g) (1) revised; (g) (2) added	12291
(e) (3) revised	25989	(c) (6) added	12292
(q) (2) added	26411	(m) (6) added	14001
213.3314 (a) (11) added	1471	(a) (8) added; (e) (1), (j) (2), and (l) (1) revised	14637
(a) (9) revised	1921	(a) (9) added	14638
(q) (7) revised	2815	(c) (7) added	15607
(b) (3) added	3693	(a) (10) and (t) added; (c) (7) and (m) (6) revised	20953
(a) (3) revised	4585	(n) (3) added	22001
(a) (14) added	4585	(c) (3) revised	22667
(a) (20) revised	4963		
(x) (1) added	9782		
(a) (9) revised	12291		
(r) (4) through (9) added	12292		
(f) added	16305		

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

Title 5, Chapter I—Continued

	Page		Page
(c) (4) revised	22668	(v) added	22667
(a) (7) revised	25076	213.3384 (l) (5) through (7) added	2167
(d) (2) added	25417	(a) (13) added	3253
(b) (1) revised	25989	(l) (5), (6) and (7) added	2815
(b) (2) added	26411	(a) (14) added	4963
(c) (4) revised	27157	(a) (24) and (m) (3) revised;	
213.3332 (t) revised	4586	(a) (31) and (46) removed	5793
213.3333 (l) added	3994	(b) (19) revised	6914
213.3337 (a) (4) revised	2377	(l) (5) revised	7199
(e) added	4963	(a) (17) and (m) (3) revised	9781
213.3339 (a), (b), and (c) re-		(a) (9) and (47) revised	12292
vised	5793	(d) (3) revised	14001
(a) revised	7199	(a) (31) added	18641
(b) revised	15607	(h) added	20953
213.3340 (g) added	1921	(a) (45) added	22001
(h) added	2815	(b) (23) revised	22667
(i) added	28429	(a) (69) revised	25076
213.3343 (b) revised; (a) added	1472	(a) (6) revised	27775
(e) removed	19337	(a) (14) revised	28429
(c) revised	25075	213.3386 (f) added	2816
213.3344 (d) removed	5793	213.3389 Added	21635
213.3348 (n) removed	13491	213.3394 (a) (2) revised	3254
213.3354 (o) added	1921	(d) (6) added	2816
(p) and (q) added	4585	(h) (10) added	4586
(c) and (d) revised	25989	(h) (11) added	8149
213.3356 (h) added	12845	(d) (7) added	9782
213.3357 (f) added	14001	(a) (29) revised	11143
213.3359 (z), (aa) and (bb)		213.3396 (a) (3) added	16305
added	4586	(b) heading and (l) revised	18641
(cc) added	8777	302 Authority citation revised	4964
(cc) revised	9782	302.101 (c) introductory text and	
(k) removed	12291	(a) revised	2378
(n) added	14001	302.103 Revised	2378
(o) revised	15607	302.501—302.503 (Subpart E)	
213.3360 (a) revised	12291	Added	2378
(e) revised	15607	315.605 Heading, (a), and (b)	
(d) revised	18641, 25989	revised	20954
(a) and (d) revised	26411	315.703c Added	14002
213.3364 (o) added	1921	315.806 (b) (1) revised	5794
213.3367 (b) revised; (h) added	1922	316.302 (c) introductory text re-	
213.3368 (f) added	21635	vised; (c) (4) added	27775
213.3373 (m) added	5793	330 Authority revised	2379
(a) (9) added; (g) (2) revised	18642	330.201 (e) (2) revised	2378
213.3377 (a) and (i) revised	14637	(e) (2) correctly designated	6205
(m) added	22001	338.301 (Subpart C) Removed	8149
(a) revised	25990	353.102 (a) revised	2379
213.3379 (n) added; (g) re-		353.301 Revised	2379
moved	8149	353.302 (b) revised	2379
213.3381 Added	16307	353.307 Redesignated as 353.308	
213.3382 (o) added	12845	and revised; new 353.307	
(n) removed; (p) added	13491	added	2379
(q) added	14637	353.308 Redesignated from 353.-	
(n) added	16305	307 and revised	2379
(r) through (t) added	16967	353.401 (a) (3) added; (b) re-	
(l) revised	19337	vised	2379
(u) added	21635	511.201 (b) amended	1473
		534.202 (b) amended	1473

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

	Page		Page
591.201—591.213 (Subpart B) Ap-		2.27 (a) (3) and (4) and (c) re-	
pendix amended	12293	vised; (a) (7) through (11)	
713.401 (Subpart D) Heading and		and (16) removed; (a) (12)	
section revised	12295	through (15) redesignated as	
713.701—713.710 (Subpart G)		(a) (7) through (10)	13053
Added	12295	(c) correctly designated	16967
752.304 (b) (2)	5794	(f) and (g) added	20217
772.301 (a) revised	2379	2.37 Added	23983
772.306 (a) revised	5794	2.50 (a) (3) (xxi) removed	1289
		2.51 (a) (28) revised	1289
		(a) (28) revised	14005
		2.57 Revised	3256
		2.58 Removed	3256
		2.59 Removed	3256
		2.61 Removed	3256
		2.62 (a) (11) added	8252
		2.65 (a) (32) removed	23983
		2.68 (a) (16) added	15135
		2.70 (a) (15) through (27) add-	
		ed	11689
		2.71 Removed	11689
		2.75 Revised	6058
		2.76 Removed	6059
		Added	22329
		2.77 Added	20781
		2.78 (a) (10) (xviii) and xix) re-	
		moved	22330
		2.79 Removed	6059
		2.80 (a) (9) revised	22001
		2.84 (a) (3) and (4) revised; (a)	
		(7) through (11), (16) and (b)	
		removed; (a) (12) through (15)	
		redesignated as (a) (7) through	
		(10)	13054
		2.86 Added	20217
		2.92 (a) (1) revised; (a) (2) (xi)	
		added	1290
		6.16 Revised	18536
		6.20—6.33 Appendix I amendeded	18536
		16.4 Revised	969
		16.5 (a), (b), and (c) removed	969
		17.8 (c) (1) (ii) interpretation	
		added	27981
		20.1 Amended	5497
		20.7 Revised	5497
		Chapter I—Agricultural Marketing	
		Service (Standards, Inspections,	
		Marketing Practices), Department	
		of Agriculture	
		26.71 (a) revised	16307
		26.72 Revised	16309
		26.353 (c) (4) added	2816
		26.905 Revised	2817
		29.123 Revised	9585
		29.9251 Revised	9585
		29.9403 (b) and (d) revised	16309

Chapter X—National Capital Housing Authority

Chapter removed	8505
200p Removed	8505

Chapter XII—District of Columbia Redevelopment Land Agency

Chapter removed	8505
2200 Removed	8505

Title 5—Proposed Rules:

300	1506, 9131, 11812, 14955
831	27843
890	13583, 17474, 27843
891	13583
900	20996

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

1.1—1.16 (Subpart A) Appendix	
A revised	14002
1.29 (a) amended	12673
1.41 Amended	6205
2.15 (a) (1) revised; (a) (2) (x)	
added	1289
2.17 (a) (3) (xxi) removed; (b)	
(28) revised	1289
(b) (28) revised	14005
2.19 (a) revised; (b), (c), and	
(e) removed	3254
(f) (9) added	8252
2.20 (a) added; (b) and (c) re-	
moved	3256
2.21 (d) (28) added	15135
(a) (32) removed	23983
2.23 (f) added	22001
2.25 (b) revised; (c) and (f) re-	
moved	6057
(c) added; (g) revised	13053
(e) (10) (xviii) and (xix) re-	
moved; (f) added	22329
(h) (1) revised	22001

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

26.71 (a) revised	16307
26.72 Revised	16309
26.353 (c) (4) added	2816
26.905 Revised	2817
29.123 Revised	9585
29.9251 Revised	9585
29.9403 (b) and (d) revised	16309

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

Title 7, Chapter I—Continued

	Page		Page
46.45 Revised	4964	240.3 Revised	12300
102.2 (t) and (u) redesignated as (u) and (v); (q), (r), and new (u) revised; new (t) added	14006	240.4 (a) revised	12300
102.44 Revised	14006	240.6 (a) amended	12300
102.57 Revised	14006	240.7 Amended	12300
102.61 (c) removed; (d) through (f) redesignated as (c) through (e)	14006	240.8 Text designated as (a) and amended; (b) added	12301
102.63 Revised	14006	246 Nomenclature change	23985
102.67 (b) revised	14006	246.2 Amended	23985
102.80 Revised	14006	246.4 (d) and (e) introductory texts, (d) (3), (e) (3) and (4) amended; (f) and (g) headings added	23985
102.91 Revised	14006	246.7 (d), (e) (7), and (g) amended	23985
180.5 (a) (4) added	9782	246.8 (d) note amended	23985
		246.9 (d) (3) amended	23985
		246.10 (a), (b), (d) (3) (ii) and (iii) amended	23985
Chapter II—Food and Nutrition Service, Department of Agriculture		246.17 Heading and (b) heading revised; (a) and (b) (2) amended; (c) and (d) redesignated as (c) (1) and (c) (2); new (c) introductory text added	23985
210.10 (a) (4) revised	25991	246.26 (e) (6) amended	23986
215.1 Amended	1059	247 Added	8778
215.2 (e-2) and (k-1) added; (k) and (x) revised	1059	250.3 (n-1) revised	20955
215.7 (d) (1) and (2) revised	1059	250.6 (r) amended	20955
215.8 (b) revised; (c) removed; (d) redesignated as (c)	1060	250.8 (c) (1) revised	20955
215.9 (b) revised	1060	250.10 (f) (3) (iv) revised	4029
215.10 (a) and (f) revised; (c) amended	1060	250.14 Removed	9783
215.11 (c) (1) amended; (c) (3) added	1060	271.3 (f) (2) removed; (f) (3) through (11) redesignated as (f) (2) through (10); new (f) (8) revised; (f) (9) amended; eff. 1-1-78	1612
215.13a (a), (b), (c), and (d) introductory text revised; (e) amended	1060	Republished	1924
215.16 (b) and (g) amended	1060	Appendix added	8111
225 Revised	4040, 13022	271.7 (e) revised	22669
226 Appendix revised	25130	271 Appendix G added	21299
227 Added	12297	Appendix A revised	21304
227.5 (d) and (e) redesignated as (e) and (f); new (d), (g), and (h) added	25133	Appendix B revised	21305
227.30 (c) amended; (d) and (e) redesignated as (f) and (g); new (d), (e), and (f) (3) through (6) added	25133	Appendix C revised	21307
227.31 Added	25133	Appendix D revised	21308
227.36 Added	25133	Appendix E revised	21310
227.37 Added	25134	Appendix F revised	21311
227.41—227.44 Added	25134	Appendix A corrected	22670
227 Appendix added	25131	Appendix D corrected	22670
230 Appendix amended	5794	Appendix E corrected	22670
Appendix corrected	7609	Appendix F corrected	22670
Appendix amended	25135	272.5 (a) amended; (c) (3) (ii) revised; (c) (3) (iv) removed; (c) (3) (v) redesignated as (c) (3) (iv) and revised	9783
240.1 (b), (c) and (d) revised	12300		
240.2 (d) revised; (1-1) added	12300		

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

Chapter III—Animal and Plant Health Inspection Service, Department of Agriculture

	Page
300 Added	26412
301.52-2a Amended	25135
301.64-2b Revised	15607
301.81-2a Amended	1925
319.28 (b) (5) removed	13491
354.2 Revised	12301

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

401.103 (a) table amended	2380, 15319
(a) amended	18536, 19338
401.126 Amended	15320, 18537
401.132 Amended	2381
401.137 Amended	2380
401.138 Amended	26561
401.141 Amended	2382
401.142 Removed	4248
401.143 Removed	4248
401.148 Amended	2383
401.150 Amended	2384
401.151 Removed	4248
401.154 Added	4248
401.155 Added	14639
401.156 Added	14638
404.22 Amended	2381
404.25 Amended	2381
410.6 Amended	20782
414 Added	16693
414.3 (a) amended	18537

Chapter VI—Soil Conservation Service, Department of Agriculture

622.55 Added	4030
656.7 Revised	26277
Heading revised	27158
657 Added	4031

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

701 Nomenclature change	8784
701.2 (c) amended	8784
701.3 Existing text designated as (a) and amended; (b) added	8784
701.5 Amended	8784
701.9 Amended	8784
701.10 Redesignated as 701.11 and heading amended; new 701.10 redesignated from 701.12 and revised	8784

	Page
701.11 Redesignated as 701.12 and amended; new 701.11 redesignated from 701.10 and heading amended	8784
701.12 Redesignated as 701.10 and revised; new 701.12 redesignated from 701.11 and amended	8784
701.13 Heading and (b) revised; (d) removed; (c) redesignated as (d); new (c) added	8784
701.16 (b), (c), (f), and (k) amended	8784
701.19 (a) amended	8784
701.21 (b) amended	8784
701.22 Removed	8784
701.70 (a) amended	8784
711.29 Amended	9784
719.3 (b) (8) added	18159
719.8 (b) (7) added	18160
722.401—722.423 Removed	8785
722.463—722.468 Removed	8785
722.558—722.564 (Subpart) Heading revised	2384
722.564 Revised	2384
724 Referendums	6205
724.6 Undesignated center heading and section revised	4969
724.7 Revised	4969
724.12—724.17 Undesignated center heading and sections revised	4969
724.26 Revised	16310
724.27 Revised	16310
724.36 Section and undesignated center heading revised	28430
724.69 (n) removed	19339
725.72 (c) (3) (ii) and (iv) revised	2
(r) removed	19339
725.94 (f) revised	2
725.95 (b) amended	2
725.98 (d) amended	2
725.102 (a) and (b) amended	2
726.11 Undesignated center heading and section revised	4972
726.68 (q) removed	19339
728.1 (c) amended	28430
728.10 (a) (2) and (b)	28430
728.16 (a) amended	28430
728.17 (b) revised	28430
729.105 Revised	2817
730 Determinations	16968
730.1502—730.1504 (Subpart) Revised	26412
760.1—760.32 (Subpart) Revised	10535
775.1 (c) amended	28431

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

Title 7, Chapter VII—Continued		Page
775.10 (a) (2) and (b) amended	28431	
775.16 (a) amended	28432	
775.17 (b) revised	28432	
792 Revised	2819	
795 Revised	9784	
Authority citation revised	16968	
795.1 (a) and (b) revised	19340	
795.2 (e) added	1929	
Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture		
905.120 Revised	9455	
905.146 Added	9455	
905.147 Added	9456	
905.148 Added	9456	
905.216 Added; eff. 8-1-77 to 7-31-78	2385	
905.301 (a) and (b) tables amended; (c) revised; eff. 1-16-78 to 9-24-78	2821	
(a) and (b) tables amended; eff. 2-6 and 9-24-78	5498	
(a) table amended	10901	
(a) and (b) tables amended	17797	
(a) table amended	20475	
(a) and (b) tables amended	24821	
906.360 (a) (4) revised	4033	
907.215 Added; eff. 11-1-77 to 10-31-78	4966	
907.719 Revised	753	
907.722 Revised	753	
907.727 Added; eff. 2-3 to 7-13-78	3897	
908.217 Added	19643	
908.876 Added; eff. 3-3-78 to 4-13-78	8785	
908.881 Added; eff. 3-31-78 to 1-15-79	13492	
911.217 Added	28433	
911.340 Added; eff. 5-1 to 6-23-78	16149	
(a) introductory text revised	22002	
912.217 Added; eff. 8-1-77 to 7-31-78	2385	
913.213 Added; eff. 8-1-77 to 7-31-78	2385	
915.140 (d) added	23557	
915.216 (a) revised; eff. 4-1-77 to 3-31-78	3898	
915.217 Added	28433	
915.320 Added	22660	
916.216 (a) revised; eff. 3-1-77 to 2-28-78	2385	
916.352 Added	20219	
917.217 (a) revised; eff. 3-1-77 to 2-28-78	2385	
917.218 (a) revised; eff. 3-1-77 to 2-28-78	2385	
917.219 (a) revised; eff. 3-1-77 to 2-28-78	2385	
917.446 Added	20220	
Introductory text, (a) and (b) revised	27982	
917.447 Added	21637	
918.216 Added	25331	
918.320 Added	18642	
(a) (2) and (3) revised	20476	
(a) (2) and (3) revised	22171	
922.318 Added	28434	
923.317 Added	21867	
928.207 Added	1785	
929.151 Added	1474	
930.107 (a) revised	8116	
932.211 (a) amended	24822	
944.18 Added	22665	
944.205 (a) introductory text and (2) revised; eff. 5-1 to 6-23-78	16150	
(a) introductory text revised	22002	
944.400 Added	19340	
947.230 Added; eff. until 6-30-78	12845	
948.279 Added	26689	
948.377 (b) suspended 5-15-78 to 6-30-78	21638	
953.215 Added	21638	
953.318 Added	21639	
959.218 Added	1475	
Effective date corrected to 8-1-77	2818	
967.130 (a) (4) added	15609	
967.150 Revised	15609	
967.151 Revised	15609	
967.213 (a) and (b) revised	1475	
(a) and (b) effective date corrected to 8-1-77	2818	
967.214 Added	27159	
971.318 Introductory text amended	13055	
980.117 Added	5500	
980.212 (b) introductory text, (2) and (3) revised	3349	
987.6 Revised	4250	
987.8 Amended	4250	
987.9 Amended	4250, 4251	
987.11 Revised	4250	
987.12 Revised	4250	
987.13 Revised	4251	
987.15 Amended	4251	
987.16 Amended	4251	
987.21 Revised	4251	
987.22 Removed	4251	

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

	Page		Page
987.23 Revised	4251	987.401—987.403. (Subpart) Re-	
987.24 Revised	4251	moved	28439
987.26 Revised	4251	987.501 (Subpart) Removed	28439
987.27 Amended	4251	989.401 (a) (1) and (b) revised	27983
987.30 (h) added	4252	989.701 (g) added	13493
987.31 (a) and (c) through (f) revised	4252	989.702 (d) amendeded	13493
987.33 Amended	4252	991.216 Added; eff. 8-1-78 to 7-31-79	10903
987.34 Revised	4252	993.128 Revised	5355
987.38 Added	4252	Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture	
987.39 Amended	4252	1001.4 Revised	17459
987.40 Amended	4252	1001.5b (a) through (d) revised	17460
987.43 Added	4252	1001.11 (c) revised	17460
987.44 (a) revised	4252	1001.15 Introductory text revised	17460
987.45 Amended	4253	1001.43 (d) added	17460
987.46 Amended	4253	1001.47 (a) revised	17460
987.47 Amended	4251	1001.50 Introductory text and (a) revised	17460
987.50 Amended	4253	1001.52 Introductory text amended; (e) revised	17460
987.54 Removed	4253	1001.60 (e) amended	17461
987.55 Revised	4253	1001.73 (a) amended	17461
987.56 Amended	4251, 4253	1001.74 (d) (1) amended	17461
987.57 Amended	4251, 4253	1001.86 (a) amended	17461
987.61 Revised	4253	1004.7 (a) suspended in part from April to August 1978	18987
987.64 Amended	4251	1049.61 (f) suspended in part; (g) through (k) suspended; eff. Apr. through Dec. 1978	15136
Revised	4253	1068.73 (a) (4) suspended May 1978 through April 1979	19341
987.68 Amended	4253	1079.7 (b) (1) suspended in part May 1978 through Apr. 1979	24515
987.72 (a) amended	4253	1126.12 (b) (5) suspended in July 1978	27776
987.103 Removed	28435	1139.12 (b) (5) suspended in part Mar. 78 through July 78	4589
987.104 Added	28435	Chapter XI—Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture	
987.105 Added	28435	1201.1—1201.70 Removed	2627
987.112—987.112a Undesignated center heading added	28436	1201.72—1201.401 Removed	2627
987.112 Added	28436	1207.407 Added	23558
987.112a Added	28436	1207.512 (a) introductory text amended; (a) (8) revised	9133
987.124 Section and undesignated center heading added	28437		
987.138 Added	28437		
987.141 Revised	28437		
987.145 Revised	28437		
987.151 Amended	28438		
987.152 (a) amended; (b) revised	28438		
987.155—987.159 Undesignated center heading removed	28438		
987.155 Removed	28438		
987.156 Removed	28438		
987.159 Removed	28438		
987.161 Revised	28438		
987.162 Revised	28438		
987.164 Revised	28439		
987.165 (b) revised	28439		
987.168 Introductory text revised	28439		
987.172 Added	28439		
987.202—987.204 (Subpart) Removed	28439		

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

Title 7—Continued

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

	Page
1421.72—1421.75 (Subpart) Revised	2822
1421.111—1421.113 (Subpart) Revised	2825
1421.235—1421.237 (Subpart) Revised	2837
1421.270—1421.273 (Subpart) Revised	2830
1421.294 (a) revised	5501
1421.295 Revised	5501
1421.350—1421.353 (Subpart) Revised	2835
1421.390—1421.392 (Subpart) Revised	2841
1421.485—1421.488 (Subpart) Revised	2845
1421.530—1421.544 (Subpart) Added	17461
1425.2 (a) revised	4590
1425.3 (a), (e) and (f) revised	4590
1425.14 (a) revised	4590
1427.160—1427.181 (Subpart) Revised	19194
1427.1901—1427.1904 (Subpart) Revised	19198
1430.282 (a) (1) and (4) revised	1062
(a) (1) and (b) revised	19204
1434.40—1434.44 (Subpart) Revised	24263
1435.17 (a) amended	21318
1435.18 Amended	21318
1435.19 (d) revised	21318
1435.24 (f) amended	21318
1435.26—1435.33 (Subpart) Added	1477
1435.34—1435.44 (Subpart) Added	24664
1438.1636—1438.1645 (Subpart) Revised	18988
1446.1—1446.16 (Subpart) Revised	27160
1446.7 (7) removed	5501
1446.11 Revised	5502
1446.12 (j) revised; (k) added	5502
1446.13 Revised	5502
1446.30—1446.37 (Subpart) Added	21428
1464.7 (a) revised	9134
1468.3 Revised	2
1468.101—1468.126 (Subpart) Added	9456
1472.1403 Revised	3
1472.1405 (f) added	15320
1472.1421 (f) added	15321
1472.1446 (e) added	15321
1472.1501—1472.1555 (Subpart) Added	9462
1475.50—1475.68 (Subpart) Added	26413
1487 Added	4035
1488.2 (h), (j), and (v) revised	25992
1488.4 (d) (9) revised	25992
1488.8 (d) revised; (h) removed	25992
1488.9a Added	25992
1488.19 Removed	1786

Chapter XVII—Rural Electrification Administration, Department of Agriculture

1701 Appendix A amended 20955

Chapter XVIII—Farmers Home Administration, Department of Agriculture

1800.3 Amended	23986
1800.22 (k) removed; (q) revised	7422
1800.23 Revised	7422
1800.26 Added	7422
1804.1—1804.5 (Subpart A) Appendix D revised	3075
Appendix A corrected	7199
1804.3 (d) (1) revised	3075
1806.21—1806.27 (Subpart B) Exhibit B revised	18538
1807.2 (f) (8) revised	7967
1811 Removed	19342
1815 Redesignated as Part 2045 (Subchapter S) and revised	3694
1821.81—1821.86 (Subpart C) Removed	20221
1822.1—1822.18 (Subpart A) Exhibit G amended	5503
Exhibit C revised	22671
1822.63 Revised	3698
1822.81—1822.98 (Subpart D) Exhibits F-5A and J amended; Exhibit J-2 revised	7968
Exhibits F-5A and J amended	25790
Exhibit J-2 revised	25791
1822.83 (b) and (e) (1) introductory text revised	26562
1822.88 (a) (8) and (i) (3) added	7968
(a) (8) and (i) (3) added	25790
1822.89 (b) revised; interim	26278
1822.203 Revised	3896
1822.265 (e) revised	24264
1822.267 (g) revised	24264

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

	Page
1822.271 (b) (3) (v) revised; (a) (11) and (c) (5) added	24264
1822.321—1822.334 (Subpart I) Redesignated as 1933.401—1933.419 (Subpart I) and revised	2853
1823.301—1823.310 (Subpart J) Redesignated as Part 1942 (Subpart I) and revised	28442
1823.321—1823.331 (Subpart K) Redesignated as Part 1942 (Subpart I) and revised	28442
1823.341—1823.360 (Subpart L) Redesignated as Part 1942 (Subpart I) and revised	28442
1823.360 Removed	22671
1823.410 Revised	18161
1823.472 (b) (1), (3) (i), and (e) (1) revised	7200
(b) (2) and (3) redesignated as (b) (3) and (4); new (b) (2) added; (b) (1) revised	13494
(b) (5) correctly redesignated from old (b) (4)	15137
(e) (2) introductory text and (ii) revised	20221
Correctly designated	25331
1841.47 Added	28439
1861.1 (b) (5) (v) removed; (b) (5) (vi) redesignated as (b) (5) (v) and revised; (b) (5) (iv) and (d) revised; (e) and (f) added	8786
1861.9 (e) revised	21640
1861.10 (e) (2) revised	21640
1888.13 (c) revised	20957
1888.17 (b) revised; (c) added	20957
1901.158 (f) (1) revised	8787
1901.205 (f) (1) corrected	7977
1901.301—1901.309 (Subpart G) Exhibits C and D amended	28441
1901.301 Revised	28440
1901.302 (c) revised	28440
1901.303 (b) revised	28440
1901.306 (a) revised	28440
1901.307 (a) introductory text and (2), (c) (2), (3), and (5) revised	28440
1901.309 (a) (2), (b), and (c) revised	28441
1901.651—1901.655 (Subpart N) Added	3697
1901.701—1901.719 (Subpart O) Added	26690
1904.101—1904.180 (Subpart C) Exhibit C amended	24265
1904.124 (a) (1) revised	5503
Revised	17936
1904.170 (e) (4) revised	5504
1904.175 (d) (1) revised	5504
1904.180 (d) (2) (iii) revised	5504
1921.104 (b) revised	7978
1933.5 (d) (3) revised; (d) (4) through (8) added	25800
1933.9 (f) revised	7201
1933.17 (a) (2) (vii) (A), (13) (ii) and (viii) revised; (a) (2) (vii) (C) redesignated as (a) (2) (vii) (D); new (a) (2) (vii) (C) added	7201
(a) (6) (i) (E) (1) revised	19342
1933.18 (a) introductory text, (4) (i), (7), and (9) (ii) (G) revised	7202
1933.20 Revised	19343
1933.401—1933.419 (Subpart I) Redesignated from 1822.321—1822.334 (Subpart I) and revised	2853
Exhibit F corrected	11144
1942.401—1942.424 (Subpart I) Redesignated from Part 1823 Subparts J through L and revised	28442
1948 (Subchapter L) Heading and part added	14283
Technical correction	15137
1955.10 (h) (3) and (j) (2), (3) and (4) revised	4418
1955.15 (d) (12), (15) and (17) revised	4418
1955.63 (a) (1) (i) through (iii) redesignated as (a) (1) (ii) through (iv) and (a) (2) (i) through (v) redesignated as (a) (2) (ii) through (vi)	1290
(a) (1) (i) and (a) (2) (i) added; (f) (1) and (2) revised	1290
1955.116 (a) (2) (v) (C) added; (b) (1), (3) (i) (B), (4) (iii) and (iv) revised	3699
1955.117 (a) (1), (b) (1), (d) (4) and (6) introductory text, (d) (6) (i) and (e) (4) revised; (e) (7) removed; (e) (5) and (6) redesignated as (e) (6) and (7); (a) (2) (iii) and new (e) (5) added	3699
1955.118 (c) (3), (e) (2) and (f) revised	3700
1980.60 (b) revised	1291
1980.444 Revised	7978
1980.451 Undesignated text following (k) amended	7978
1980.452 Amended	25801
1980.469 Amended	25801
2045 (Subchapter S) Added; Part redesignated from 1815 and revised	3694

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

Title 7—Continued

Chapter XXVIII—Food Safety and Quality Service, Department of Agriculture

	Page
2852.38a Added	10540
2852.38b Added	10540
2852.38c Added	10542
2852.2561—2852.2575 (Subpart) Revised	20958
2852.2563 (a) corrected	25417
2852.2564 (a) (1) and (5) corrected	25417
2852.2568 (a) (1) and Tables I and II corrected	25417
2852.2569 (c) and Table III corrected	25417
2852.2570 (a) (1) (vi) and Table IV corrected	25418
2852.3621—2852.3630 (Subpart) Revised	19815
2852.5081—2852.5091 (Subpart) Revised	15611
2871 (Subchapter G) redesignated as 2871 (Subchapter D)	3

Title 7—Proposed Rules:

1	7649
6	20813
15a	20012
17	13385
210	1955,
	3750, 7650, 17476, 25137, 17554,
225	27843
250	4622
271	26447
272	18874
273	18874
274	18874
278	18874
279	18874
280	18874
281	18874
282	18874
301	16984
330	28507
410	9816
415	25826
632	15312, 19235
634	26740
650	24223, 28787
724	19856
728	27844
729	14025
730	5003
760	1955, 7650, 10568
790	4049
791	4049

907	2401
908	10370, 16346
911	2401, 13067, 18182, 19398
913	14319
915	974, 2401, 13067, 18182, 19235, 19398
916	22726
917	23584, 23724
918	21003
921	25347
922	23585
923	23585
924	26026
929	12020, 20815, 25348
930	3915
932	7228, 13584
944	17948, 18182
945	1096, 6793, 27193
946	27552
947	28508
948	23586, 24846
953	17949, 18187
967	12329
980	1098, 18187, 24846, 27193
987	18188, 21463
989	6793, 14024, 22727
991	5841
993	2182
1001	779, 3127, 12695
1004	16185, 17950, 21004
1036	14478, 17963, 21004
1040	27195
1049	9155
1062	24540
1068	14025
1071	3568, 7327
1073	3568, 7327
1079	20817, 21915
1097	3568, 7327
1102	3568, 7327
1104	3568, 7327
1106	3568, 7327
1108	3568, 7327
1120	3568, 7327
1126	3568, 7327, 23725
1132	3568, 7327
1138	3568, 7327
1139	2404
1207	3915, 18193
1270	25430, 27845
1421	2404, 17964
1430	4049, 25137
1434	4437
1435	27994
1438	4865
1446	2404, 14035, 26587
1464	1351, 11707, 22727
1480	20774
1701	11,
	12, 1098, 3284, 3717-3719, 10571, 12869,
	16986, 19358, 19857, 21004, 21005,
	22043, 22985, 24064, 25138, 26447, 28510
1822	14322, 21795
1823	1098
1900	21005

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

1980	28510
1948	5488
2851	19857
2852	28511
2853	3140, 3719, 6957, 9284, 10571
2858	7232, 11204

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

100.4 (a), (b), (c) (2) and (3) amended; (c) (1) and (e) revised	22331
100.4 (c) (3) corrected	27168
103.1 (o) revised	18161
(m) (3) added	18644
103.3 (a) amended	5356
103.7 (b) (1) amended	5356
(d) (3) redesignated as (d) (4); new (d) (3) added	16150
103.10 (a) (1) amended	22332
214.1 (a) revised; (b) and (c) redesignated as (d) and (e); new (b) and (c) added	12674
214.2 (b) revised	12674
(c) (1) amended	23558
(h) (2) (iii) amended	25801
223.2 Amended	26696
235.1 (f) (1a) added	3994
236.3 Redesignated as 236.5	16445
236.4 Redesignated as 236.6 and amended; new 236.4 added	16445
236.5 Redesignated as 236.7 and (c) amended; new 236.5 redesignated from 236.3	16445
Heading revised	17798
236.6 Redesignated as 236.8; new 236.6 redesignated from 236.4 and amended	16445
Technical corrections	17798
236.7 Redesignated from 236.5 and (c) amended	16445
236.8 Redesignated from 236.6	16445
Heading revised	17798
238.3 (b) amended	3995
242.1 (a) amended	22332
242.17 (a) amended	18644
245.1 (c) and (f) amended; (h) added	18644
245.2 (a) (1) revised; (a) (4) amended	16445
(a) (1) and (4) revised; (a) (2) and (3) amended; (e) added	18644

245.4 (b) removed	18645
245.6 Amended	18645
299.1 Amended	14957, 18646
299.2 Redesignated as new 299.3; new 299.2 added	14304
299.3 Redesignated as 299.4 and revised; new 299.3 redesignated from 299.2	14304
299.4 Redesignated from 299.3 and revised	14304
341.1 (b) suspended until 10-1-78	13495
499.1 Amended	14957

Title 8—Proposed rules:

214	11707
341	26754

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

3.11 (b) revised	21161
(c) revised; (d) added	21162
3.12 (a) (4) revised	21162
3.16 Revised	21162
3.17 Revised	21162
3.35 (b) and (c) revised; (d) added	21163
3.36 (a) (5) revised	21163
3.40 Revised	21163
3.41 Revised	21163
3.60 (b) and (c) revised; (d) added	21164
3.61 (a) (4) revised	21164
3.65 Revised	21164
3.66 Revised	21164
3.85 (b) revised; (d) added	21165
3.86 (a) (6) revised	21165
3.90 Revised	21165
3.91 Revised	21166
3.111 (b) revised; (d) added	21166
3.112 (a) (4) revised	21166
3.116 Revised	21166
3.117 Revised	21167
72.2 Revised	3701
72.3 Revised	3701
73.1a (f) added	1063
(e) (7) and (8) added	4591
(g) added	5796
(f) removed	10544
75.5 Added	14023
Revised	22926
(d) (8) and (k) added; (f) revised	25993

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

Title 9, Chapter I—Continued

	Page
75.6 Added	22927
75.7 Added	22927
75.8 Added	22927
(a) revised	25993
78.20 Revised	4592,
8787, 13495, 19348, 23987,	27168
78.21 Revised	4593,
8788, 13496, 19349, 23988,	27169
78.22 Revised	4594,
8789, 13497, 19350, 23989,	27170
78.26—78.31 (Subpart E) Effec-	
tive date extended	12307
78.26 Revised	11144
78.27 Introductory text revised	11144
78.28 Revised	11144
91.14 Amended	27171
91.34 Added	27171
92.2 (i) (2) (iv) added	25418
(i) (2) (v) added	27173
92.4 (e) (1) amended	11690
Heading, (a) (1) and (3), and	
(b) amended	25418
92.11 (d) amended	15138
92.17 Amended	25418
92.20 (c) (3) (i) and (ii) and (5)	
amended	28454
92.25 (a) revised	15138
92.34 (c) amended	15138
94.8 Introductory text amended	15613,
21641, 27173	
94.15 Added	4595
97.2 Amended	19351
101.5 (m) and (n) added	3701
112.8 (c) revised	11145
113.3 (b) (2) introductory text	
revised	13498
113.36 (f) revised	7610
113.55 Added	11146
113.107 Added	25077
113.108 Added	25077
113.139 (d) (2) revised	25078
113.140 (d) (2) revised	25078
113.141 (d) (2) revised	25078
113.165 (d) (3) revised	25078
113.251 Heading amended; (a)	
(2) revised	1479
114.14 (a) (1), and (b) introduc-	
tory text and (1) revised	1479
Chapter II—Agricultural Marketing	
Service (Packers and Stockyards),	
Department of Agriculture	
Chapter heading revised	19351
201 Footnote 1 added	19351
202 Footnote 2 added	19351
203 Footnote 3 added	19351
204.1 Revised	19351
Chapter III—Food Safety and Quality	
Service, Meat and Poultry Inspec-	
tion, Department of Agriculture	
315.1 Heading, (a), and (b)	
amended; introductory text	
revised	25420
317.2 (j) (13) added	26423
318.7 (b) added; (c) (4) table	
amended	20995
318.18 Added	26423
319.5 Added	26423
319.6 Added	26424
319.15 (c) amended	26424
319.104 (f) amended	26425
319.105 (b) (10) added	26424
319.141 Amended	26424
319.142 Amended	26424
319.143 Amended	26424
319.144 Amended	26424
319.145 (a) (1) revised; (a) (2)	
and (3) amended	26424
319.180 (a) through (c)	
amended	26424
319.182 Amended	26425
319.260 Amended	26425
319.261 Amended	26425
319.280 Amended	26425
319.281 (a) (1) amended	26425
319.300 Amended	26425
319.301 Amended	26425
319.302 Amended	26425
319.303 (b) (9) amended	26425
319.304 Amended	26425
319.305 Amended	26425
319.306 Amended	26425
319.307 Amended	26425
319.311 Amended	26425
319.312 Amended	26425
319.600 (a) and (b) amended	26425
319.702 Revised	25420
319.703 (b) and (a) designation	
removed	25420
319.760 (a) amended	26425
319.762 Amended	26425
350.2 (k) added	11147
350.6 (b) amended	11147
350.8 Added	11147
351.20 (b) amended; (c) added	11148
354.45 (a) amended; (b) revised	11148
354.248 Added	11148
355.38 Amended	11148
355.43 Added	11148
362.4 (a) (2), (b) (2), and (c) re-	
vised; (d) added	11148

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

	Page
381.91 Text designated as (a);	
(b) added	12847
381.196 (b) amended	8117
Title 9—Proposed Rules:	
11	18514, 24064
51	19402
54	11204
85	22044, 25433
92	1506, 6957, 14042, 18346
94	1962, 6234, 28516
97	10571
113	6958, 15719, 17477, 20506
201	13488
203	13488
316	3145, 3724
317	1099,
2881, 3145, 3284, 3724, 4050, 8807,	18193
318	8807, 18193, 18681, 19858, 21007, 21682
319	3284, 18193
320	18681, 21682
381	1099,
2881, 4050, 14043, 15158, 19858,	24064
1131	14042
TITLE 10—ENERGY	
Chapter I—Nuclear Regulatory Com-	
mission	
0.735-42 (e) amended	1929
2 Heading revised	6921, 18989
2.1 Amended	6921, 18989
2.104 (b) (3) (i) amended	7210
2.202 (a) introductory text	
amended	16446
2.402 (b) amended	17801
2.706 Amended	17801
2.710 Amended	17801
2.714 (a), (b), and (c) revised	17801
2.714a (a) amended	17802
2.715 (a) amended; (c) revised;	
and (d) added	17802
2.716 Revised	17802
2.730 (c) amended	17802
2.740 (f) amended	17802
2.740a (f) amended	17802
2.743 (b) amended	17802
2.749 (a) amended	17802
2.751a (a) amended	17802
2.754 (a) and (b) revised	17802
2.760 (a) amended	17802
2.762 (a) and (b) amended	17802
2.771 (b) amended	17802
2.772 (c) and (d) amended; (e)	
through (g) added	22346
2.788 (a) and (b) amended	17802
2 Appendix A amended	7210, 17803
8.3 Removed	17803
9.103 Amended	13055
9.108 (c) corrected	10
20.203 (c) (6) (i) corrected	2167
(c) (6) and (7) approval; eff. 3-	
14-78	5357
(f) (4) added	22172
20.403 (a) (4) amended	2719
30 Heading revised	6921, 18989
30.1 Amended	6921, 18989
30.3 Amended	6921, 18989
30.4 Introductory text, (b), (i),	
and (q) amended	6921, 18989
30.5 Amended	6921, 18989
30.6 Amended	6921, 18989
30.11 (a) amended; footnote re-	
moved	6921, 18989
30.12 Amended	6921, 18989
30.13 Amended	6921, 18989
30.14 (a) and (c) amended	6921,
	18989
30.15 (a) (10) added	2387
(a) and (b) amended	6921, 18989
30.16 Amended	6921, 18989
30.18 (c) and (d) amended	6921, 18989
30.19 (a) and (b) amended	6921, 18989
30.20 (a) and (b) amended	6921, 18989
30.31 Amended	6922, 18989
30.32 (d) amended	6922, 18989
30.33 (a) (4) amended	6922, 18989
30.34 Nomenclature change; (c)	
amended	6922, 18989
30.39 Amended	6922, 18989
30.41 (b) (6) redesignated as (b)	
(7); new (b) (6) added	6922, 18989
30.51 Nomenclature change; (a)	
and (c) amended; (c) (2) re-	
moved	6922, 18989
30.53 Amended	6922, 18989
30.54 (a), (b) (1) and (2)	
amended; (b) (3) and (4) re-	
moved	6922, 18989
30.55 (c) and (e) (1) amended;	
(e) (2) and (3) removed	6922,
	18989
30.61 (a) amended	6922, 18989
31 Heading revised	6922, 18989
31.2 Amended	6922, 18989
31.5 (b) and (c) (7) amended	6922,
	18989
31.7 (a) and (b) amended	6922,
	18989
31.8 (b) and (c) (2) amended	6922,
	18989
31.10 (a) amended	6922, 18989
32 Heading revised	6922, 18989
32.1 (a) amended	6922, 18989
32.14 Heading, introductory	
text, and (b) (6) amended	6922,
	18989

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

Title 10, Chapter II—Continued	Page
211.67 (a) (5) and (d) (8) added	21432
(a) (1) and (4) revised; (g) (6) removed	26546
212.31 Amended	24268
212.71—212.77 (Subpart D) Appendix amended	10331, 24824
212.82 Amended	5800
212.92 Amended	24268
212.93 (a) revised	24268
212.131 (a) (2) (i), (3) (i) and (b) (1) revised	26546
213.5 (a) amended	18990
213.9 (a) and (b) amended	18990
213.12 (a) and (b) amended	18990
213.13 (a) and (b) amended	18990
213.15 (d) amended	18991
213.16 (a) amended	18991
213.20 (a) (2) amended	18991
213.21 (a) (2) and (b) (2) amended	18991
213.24 (b) and (e) amended	18991
213.32 (c) and (d) amended	18991
213.33 (c), (d) (1) and (2), (f), and (h) amended	18991
213.36 (c), (d) (1) and (2), (f), and (h) amended	18991
213.37 (a) and (c) amended	18991
214.31 (a) (3) and (g) (1) revised	6280
216 Added	6212
303 Technical correction	17804
303.2 Amended	14437
303.90 (a) revised	14437
303.92 Amended	14437
303.95 (a) revised; (f) added	14437
303.96 Revised	14438
303.100 Nomenclature changes	14438
303.101 Nomenclature changes	14438
303.102 (a) amended	14438
303.103 Amended	14438
303.106 Amended	14438
303.108 (a) amended	14438
303.140—303.148 (Subpart K) Heading revised	14438
303.140 (a) and (b) amended	14438
303.143 (c) (2) amended	14438
303.144 (a) amended	14438
303.145 (b) (1) and (2) (iii), and (c) amended	14438
430.2 Amended	20119, 20131, 20154
430.21—430.24 (Subpart B) Appendix I added	20120
Appendix G added	20132
Appendix N added	20155
Appendix O added	20182
Appendix M corrected	24268, 24269
430.22 (e) (2) removed	13866
(i) added	20119
(g) added	20132
(n) and (o) added	20154
430.24 (i) added	20120
(g) added	20132
(n) and (o) added	20155
430.31—430.32 (Subpart C) Added	15147
475 Added	23500
Chapter III—Energy Research and Development Administration	
791 Added	20477
Chapter X—Department of Energy (general provisions)	
1000.1 (c) (2) (vi) revised; (c) (3) added	21434
(b) (16) (ii) procedures	21658
1002 Added	20783
Technical correction	24666
FEA RULINGS:	
1977-8	1292
Title 10—Proposed Rules:	
2	17830, 18195
11	14672, 18682
19	4865
20	4865
30	10370, 19053
34	12715, 12718
35	11206, 11208, 27995
40	10370, 19053, 22365
50	4050, 10370, 14672, 17830, 18682, 19053, 19860, 22365, 22373
70	10370, 14672, 18682, 19053, 19860, 22215, 2216, 22365, 25433
71	3368, 6095
73	3368, 6095, 22216, 25433
75	22365
100	2729
110	19861
150	22216, 22365, 25433
205	2729, 3568, 12330, 13073
208	7232
209	6608, 10572, 12333
210	6959, 6962, 14491, 27974, 27976, 27995
211	3916, 6611, 6959, 6962, 8150, 8158, 9488, 12332, 14491, 15158, 16987, 21682, 23587, 24847, 26548, 26551, 27974, 27976, 27995
212	6611, 6959, 6962, 8150, 8158, 9488, 10935, 12332, 14491, 15158, 23587, 24847, 27974, 27976, 27995, 28518

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

	Page
213	13386
214	13388
218	6794, 12333
300	21682
303	2729, 3568
430	3571, 6234, 13888, 21008
465	24316
470	16185
500	28134
711	7232, 12333
1002	3128
1010	5841, 9284
1021	7232, 12333
TITLE 11—FEDERAL ELECTIONS	
Title 11—Proposed Rules:	
1—146 (Ch. 1)	14673
120	23587
TITLE 12—BANKS AND BANKING	
Chapter I—Comptroller of the Currency, Department of the Treasury	
7.7445 (c) revised	19832
7.7479 Revised	19832
9.7 (d) revised	6759
9.101—9.104 Removed	23991
22 Revised	7418
24 Added	21868
Chapter II—Federal Reserve System	
201.51 Revised	4002, 21658
201.52 Revised	4002, 21658
201.53 Revised	4002, 21658
201.110 Added	21434
202 Staff interpretations	11967
202.1 (d) revised	18540
202.2 (c) (1) (i) and (2) (iii) revised; (c) (3) added	11969
204.1 (f) (1) revised	1616, 19644
207 OTC margin stock list	14304
207.5 (d) (2) and (e) (2) revised	20966
208.8 (e) (2) and (5) removed; (e) (3) and (4) redesignated as (e) (2) and (3); new (e) (3) revised; Appendix A added	18162
(e) (3) and Appendix A revised	20784
215.2 (c) (iv) revised	8506
217.1 (f) (1) revised	19644
217.4 (d) temporarily suspended in part	15408
217.5 (c) (2) and (3) revised	20002
217.7 (b) (4) and (f) added; (d) and (e) revised	21436
(b) (4), (d), (e), and (f) interpretation	24516
(b) (1) introductory text revised	26425
220 OTC margin stock list	14304
220.8 (h) (2) and (i) (2) revised	20966
221 OTC margin stock list	14304
221.4 (d) (2) and (e) (2) revised	20966
224 OTC margin stock list	14304
225.5 (f) added	10332
225.139 Added	6214
(d) footnote 7 corrected	15147
(b), (c) (1) and (3), (d) and footnote 7 corrected	15321
226 Staff interpretations	3898, 5357, 8117, 13055, 15148, 21321, 26426
226.1 (d) revised	18540
(d) (2) (i) correctly revised	19644, 21318
226.6 (b) (3) Supplement VI added	21319
(i) revised	22928
226.7 (k) (3) (ii) text revised; footnote unaffected	4419
(k) (3) (ii) corrected	7979
(a) (4) footnote 6a redesignated as footnote 6b	22929
226.12 Supplement VI added	21319
264a Added	7611
Revised	24668
265.2 (f) (37) added	4254
(h) (2) revised	21322
Chapter III—Federal Deposit Insurance Corporation	
303.11 (a) (5) revised	9788
(a) (11) added	9789
303.12 (c) (5) revised	9788
309.2 (c) revised; (g) added	17804
309.4 (b) (1) amended	17804
309.6 (c) revised	17804
329.5 (c) (2) revised	20223
329.6 (b) (2) amended; (b) (3) and (4) revised; (b) (5) added	21437
(b) (3) and (4) revised; (b) (2) amended	24270
329.7 (b) (4) amended; (b) (5) and (6) revised; (b) (7) added	21438
(b) (8) added	23559
(b) (5) and (6) revised; (b) (4) amended	24270
(b) (6) footnote 14c corrected	25994
329.8 (j) added	23559
329.10 (b) (1) revised	9789, 20223
330.1 (c) (1) revised	10683
338 Added	11564
Effective date extended to 7-3-78	18540

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

Title 12—Continued

Chapter IV—Export-Import Bank of the United States

Page
404.5 (c) technical correction... 14438

Chapter V—Federal Home Loan Bank Board

511.735-11 (b) (1) (ii) corrected... 1788

523.11 (a) revised... 18163

523.29 Revised... 5358

526.2 (b) (2) revised... 21439

526.5 (a) (6) and (7) added; (c) revised... 21439

(a) (7) and (c) revised... 24271

526.5-1 Revised... 27984

526.10 Added... 27984

528.1 (a) and (b) redesignated as (b) and (c); new (a) added... 22335

528.1a Added... 22335

528.2 Revised... 22335

528.2a Added... 22335

528.3 Introductory text and (a) through (c) redesignated as (a) introductory text and (1) through (3); heading and new (a) introductory text revised; (b) added... 22335

528.4 Text revised... 22335

528.5 (b) amended... 22335

528.6 Revised... 22335

531.7 Removed... 27985

531.8 (c) (2) removed; (c) (3) through (5) redesignated as (c) (2) through (4); (a), (c) (1), (6), (7) and new (3) revised; new (c) (5) and (d) added... 22338

541.10-5 Added... 17465

543.1 Revised... 10545

545.1-1 (i) added... 24272

545.4-2 (k) revised... 9790

Revised... 22930

545.6-1 (a) (1) introductory text, (4) introductory text, (i), (ii), (iv), (vii) and (viii), (5) introductory text, (i) through (iv), and (b) (1) (iii) revised... 17465

545.6-2 Removed... 17466

545.6-3 Heading and introductory text revised; (a) removed... 17466

545.6-7 (a) (1) and (3), (b), (c) (1) (iii) introductory text and (a), and (c) (3) revised... 17466

545.14 (a) (3) (i) revised... 7203

550.1 Revised... 10546

Page
550.2 Removed; 550.6 redesignated as new 550.2... 10546

550.3-550.5 Removed... 10546

550.6 Redesignated as 550.2... 10546

561.35 Revised... 7203

563.9-7 (a) introductory text and (b) revised... 17467

564.2 (c) (1) revised... 10548

566.5 (a) revised... 10546

571.8 Revised... 20224

Chapter VI—Farm Credit Administration

612.2071 (c) revised... 15622

612.2170 (c) (2) and (4) revised... 15622

612.2270 Revised... 15622

613.3010 Revised... 16447

613.3020 (f) revised... 16447

613.3030 (d) added... 16447

613.3040 Revised... 16447

614.4260 (c) (3) (i) revised... 27782

614.4350 Revised... 7422

614.4360 Revised... 7423

615.5450 Revised... 7423

Chapter VII—National Credit Union Administration

701.9 Removed... 15623

701.20 (e) revised... 6577

701.21 Clarification... 17467

701.21-2 (a) and (b) (1) amended... 15409

701.21-6 Added... 14926

701.22 (a) and (b) (3) amended... 20225

701.34 Eff. 3-6-78... 5359

703.2 Added... 15623

720.21 (a) through (g) designated... 5360

720.22 (a) amended... 5360

720.23 (a) introductory text, (a) (1) and (2) amended; (c) and (d) redesignated as (d) and (e); new (e) amended; new (c) added... 5360

720.24 (a) and (b) (1) amended... 5360

720.26 (a) amended... 5360

720.27 (c) amended... 5360

720.34 (a) introductory text, (a) (1) and (b) amended... 5360

747.38 (a) and (b) amended... 5801

760.0 Revised... 7614

760.2 (a) removed; (b) through (e) redesignated as (a) through (d); new (c) amended; new (d) revised; new (e) added... 7614

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

Title 12—Proposed Rules:

Page
1-23 (Ch. I)... 3370, 7243, 13074

7... 1800, 2731, 2732, 2881, 6801

9... 5004, 13889, 25348

11... 10371, 10938

24... 3368

201-294 (Ch. II)... 3370, 7243, 13074

206... 10387

207... 11214

208... 5006, 12720

217... 5008

220... 11214, 21008, 23588, 27554

221... 11214

225... 5382, 6214, 7440, 11584, 14970, 16190, 23588, 27554

226... 16347, 17363, 23726

301-343 (Ch. III)... 3370, 7243, 13074

335... 10401

336... 28518

337... 4051

344... 7441, 15432

500-589 (Ch. V)... 3370, 7243, 13074

521... 14505

522... 14505

523... 14505, 17479, 17831

524... 14505

525... 14505

526... 14505, 17831, 20237

527... 14505

528... 22374

529a... 18190

531... 14505, 20237

532... 14505

545... 5010, 7327, 17831, 23727

561... 17831

563... 17479, 17831, 17833

584... 17831

613... 6804

615... 27849

701... 14929, 19403, 26317

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

101.2-3 (a) amended... 3

105.515 Revised... 3078

107.101 (c) (1) revised... 9135

(c) (2) policy statement removed... 10684

107.303 Amended... 28455

107.806 Revised... 28455

107.1008 Policy statement... 21440

108.502-1 (d) (3) and (4) added... 14007

112 Appendix A amended... 21322

116.30-116.35 (Subpart D) Added... 22298

118.71 (b) added... 27985

120.2 (d) (4) introductory text and (d) (4) (v) revised... 3702

Page
120.3 (b) (2) (ii) and (iii) revised... 26279

121.3-2 (u) through (y) redesignated as (v) through (z); new (u) added... 10333

(u) revised... 13499

121.3-4 Revised... 13499

121.3-5 (a) and (b) amended... 13500

121.3-6 (a) (1) and (2) removed; (a) introductory text and (e) (1) amended; (b) (3) (1) and (4), (d) and (g) revised; (h) added... 13500

121.3-8 (f) (4) added... 10333

Amended... 13502

121.3-10 (f) (5) added... 10333

(d) (12) removed; (l) added... 19352

(b) (4) added... 22173

123.1 (a) (3) added... 6578

Technical correction... 10684

123.2 (a) (4), (b) (1) (iii) and (3) (iv) revised... 6578

123.3 (c) (1) revised... 6579

123.5 (a) introductory text revised; (c) (2) added... 6579

123.17 Revised... 6579

124.8-16 (c) revised... 1489

129 Revised... 5801

Chapter III—Economic Development Administration, Department of Commerce

303.4 (a) (2) revised... 18541

305.5 Revised... 13369

308.4 (a) revised... 8253

308.5 (b) (9) and (12), and (c) revised... 8253

308.24 Revised... 8253

308.27 Revised... 8253

308.28 (a) (1) revised... 3350

Redesignated as 308.29; new 308.28 added... 8253

308.29 Redesignated from 308.28... 8253

309.3 (i) added... 8254

(f) revised... 8507

309.26 Revised... 3350

309.29 Added... 15148

315.4 Added... 3350

Title 13—Proposed Rules:

108... 3130, 27554

112... 9488

113... 9488, 14674

120... 12720

121... 12, 5846, 11584, 12721, 21689, 24697

123... 8619

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

TITLE 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

	Page
1.1 Amended	2316
1.2 Amended	2316
13.11 Revised	10334
13.15 Heading revised	10334
13.16 (d) through (q) added	10334
13.25 Added	10335
13.31—13.67 (Subpart D) Heading revised	10335
13.31 Revised	10335
13.35 Revised	10335
13.37 (d) and (k) revised	10335
13.41 Removed	10335
13.43 Revised	10335
13.44 Added	10336
13.47 Revised	10336
13.49 (a) amended; (b) removed	10336
13.55 Revised	10336
13.57 (d) added	10336
13.59 (a) amended	10336
13.67 Heading revised	10336
13.71—13.87 (Subpart E) Added	10336
21.5 Added	2316
21.93 (b) (1) and (2) amended	28419, 28421
21.183 (e) (1) amended	28419, 28421
23.25 (b) (2) amended; (b) (3) removed; (b) (4) redesignated as (b) (3)	2317
23.29 (a) (2) amended; (a) (3) revised; (a) (4) and (5) removed	2317
23.45 Revised	2317
23.49 (a) (1) and (c) (1) revised; (e) added	2317
23.51 Revised	2317
23.65 Revised	2317
23.67 (c) and (d) added	2317
23.75 Revised	2318
23.77 Revised	2318
23.149 Revised	2318
23.161 (c) revised	2318
23.177 Heading revised; (a) (4) and (b) (3) removed	2318
23.181 Revised	2318
23.729 (f) (1) amended	2318
23.1043 (b) revised; (a) (1) and (d) amended	2319
23.1047 (b) (1) amended	2319
23.1353 (g) added	2319
23.1501 Revised	2319
23.1521 (e) added	2319
23.1523 Revised	2319
23.1541 (c) revised; (d) removed	2319
23.1555 (c) (2) amended; (c) (3) redesignated as (c) (4); new (c) (3) added; (d) revised	2319
23.1559 (a) (1) revised; (a) (2) amended; (a) (3) removed	2319
23.1567 (b) revised	2319
23.1581 (a) and (b) revised; (c) removed; (d) added	2319
23.1583 (b) revised; (j) removed	2320
23.1585 (a) revised; (b) removed; (c) (4) and (e) added	2320
23.1587 Revised	2320
25.21 (d) amended; (f) added	2320
25.29 (a) (2) amended; (a) (3) revised; (a) (4) removed	2320
25.107 (a), (d), and (e) (1) (iv) revised	2320
25.109 (a) revised	2321
25.111 (a) (2) and (3) amended	2321
25.143 (b) revised; (c) table amended	2321
25.147 (a) amended	2321
25.149 (b) removed; (a) redesignated as (b); (c) (5), (6) and (d) amended; (a), (c) (7), (e), (f), (g) and (h) added; (c) introductory text revised	2321
25.177 (b) revised	2322
25.181 Revised	2322
25.201 (c) (2) removed; (c) (3) redesignated as (c) (2); (d) added	2322
25.207 (b) and (c) amended	2322
25.233 (a) amended	2322
25.237 Revised	2322
25.255 Added	2322
25.703 Added	2323
25.729 (e) (3) revised	2323
25.1043 (b) revised	2323
25.1326 Added	10339
25.1353 (c) (6) added	2323
25.1501 Revised	2323
25.1521 (e) revised	2323
25.1581 (a) and (b) revised; (c) removed; (d) added	2323
25.1583 (b) and (c) revised; (i) added	2323
25.1585 (a) (6) and (9) amended; (a) (7) and (c) revised; (a) (10) added	2323
25.1587 Revised	2324

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

	Page
27.25 (b) (1) (i) amended; (b) (1) (iii) removed	2324
27.29 (a) (2) amended; (a) (3) revised; (a) (4) and (5) removed	2324
27.33 (b) amended; (e) added	2324
27.45 Revised	2324
27.65 Heading, (a) (2), and (b) revised	2324
27.67 (c) revised	2324
27.75 (a) (2) (ii) revised	2324
27.143 (b) revised; (e) added	2325
27.175 (c) revised	2325
27.1043 (a) (1) and (d) amended; (a) introductory text and (b) revised	2325
27.1353 (g) added	2325
27.1501 Revised	2325
27.1505 (a) revised; (c) added	2325
27.1521 (f) added	2325
27.1527 Added	2325
27.1545 (b) (1) revised; (b) (2) and (3) redesignated as (b) (3) and (4); new (b) (2) added	2325
27.1581 (a) and (b) revised; (c) removed; (d) added	2325
27.1583 (b) revised; (g) added	2325
27.1585 (c) and (d) added	2326
27.1587 (a) revised; (b) introductory text, (1), and (2) (ii) amended; (b) (3) added	2326
29.29 (a) (2) amended; (a) (3) revised; (a) (4) and (5) removed	2326
29.33 (b) introductory text revised; (e) added	2326
29.45 (a) (1) and (2) and (b) (1) and (2) amended; (a) (3) and (b) (3) removed; (c), (d), and (e) added	2326
29.65 Heading and (a) revised; (c) added	2326
29.143 (b) revised; (e) added	2326
29.175 (c) revised	2327
29.1043 (a) (1) and (d) amended; (b) revised	2327
29.1353 (c) (6) added	2327
29.1501 Revised	2327
29.1505 (a) revised; (c) added	2327
29.1521 (e) revised	2327
29.1527 Added	2327
29.1545 (b) (1) revised; (b) (2) and (3) redesignated as (b) (3) and (4); new (b) (2) added	2327
(b) (1) (ii) corrected	3900
29.1581 (a) and (b) revised; (c) removed; (d) added	2327
29.1583 (b) revised; (g) added	2325
29.1585 (c) and (d) added	2326
29.1587 (a) revised; (b) introductory text, (1), and (2) (ii) amended; (b) (3) added	2326
29.29 (a) (2) amended; (a) (3) revised; (a) (4) and (5) removed	2326
29.33 (b) introductory text revised; (e) added	2326
29.45 (a) (1) and (2) and (b) (1) and (2) amended; (a) (3) and (b) (3) removed; (c), (d), and (e) added	2326
29.65 Heading and (a) revised; (c) added	2326
29.143 (b) revised; (e) added	2326
29.175 (c) revised	2327
29.1043 (a) (1) and (d) amended; (b) revised	2327
29.1353 (c) (6) added	2327
29.1501 Revised	2327
29.1505 (a) revised; (c) added	2327
29.1521 (e) revised	2327
29.1527 Added	2327
29.1545 (b) (1) revised; (b) (2) and (3) redesignated as (b) (3) and (4); new (b) (2) added	2327
(b) (1) (ii) corrected	3900
29.1581 (a) and (b) revised; (c) removed; (d) added	2327
29.1583 (b) revised; (h) added	2327
29.1585 (c) and (d) added	2328
36.1 (a) (3), (f) (7) and (8) added; (d) introductory text, (1) and (2) revised	28419, 28421
36.2 (a) revised	28420, 28421
36.6 Added	8739
36.7 Heading and (d) (2) introductory text revised; (d) (3) added	8730
Heading and (a) amended	28420, 28421
36.101—36.103 (Subpart B) Heading revised	28420, 28421
36.101 Amended	28420, 28421
36.103 Amended	28420, 28421
36.201 (Subpart C) (b) heading and (c) heading and introductory text of section revised	8730
Heading revised; (a) of section amended	28420, 28421
36.301 (Subpart D) Added	28420, 28421
36.1581 (c) amended	28420, 28421
36 Appendixes A and C amended	8730
Appendix A revised	8739
Appendix B amended	8748
Appendix C amended	28420, 28421
39.13	4, 5, 949-951, 1294-1302, 1787, 2168, 2720, 3079, 3080, 3544, 4420, 4421, 4845, 5505-5507, 6060, 6760, 6761, 7204, 7424-7426, 7979, 7980, 9135, 9136, 9587, 9590, 9591, 9593, 9594, 10340, 10904, 11569-11571, 11969, 11970, 13370-13372, 13866-13869, 14439-14441, 14958-14960, 15409-15414, 16151-16152, 16699-16702, 17344-17346, 17937, 18542, 19205-19211, 19644, 20785, 20786, 21441-21443, 21870, 21871, 22339-22342, 22932, 22933, 22935, 23702, 24272, 24273, 24825-24827, 25420, 25802-25805, 26280-26282, 26697, 27510-27513, 28170-28172
43.12 Added	22639
43 Appendixes E and F amended	22639
47.44 Removed	3901
61.17 (a) amended	22639
63.13 Amended	22639
63.53 (b) and (c) removed; (d) redesignated as (b)	22639
63.57 (a) and (b) amended	22639
63.59 (a) (2), (b), and (c) revised	22640
65.13 Amended	22640
65.19 Revised	22640

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

Title 14, Chapter I—Continued

	Page		Page
71 Republished	301	91.18 (a) revised	22640
71.123	3083	91.31 (b) revised; (e) added	2328
3544-3546, 3548, 3549, 3553, 3554,		91.43 (b) revised	22640
4422, 5510, 7204, 7980, 11971,		91.50 Added	10339
11972, 16153, 19212, 21446-21448		91.52 (f) (8) and (9) amendeded;	
71.127	21445	(f) (10) added	10905
71.151	3550, 9139, 11574, 22936	Undesignated text following (d)	
71.161	15416	(2) amended	22640
71.163	15416	91.53 Removed	3901
71.171	6,	91.55 Existing text amended and	
952, 1787, 3081, 3082, 3546, 3552,		designated as (a); new (b)	
3902, 4848, 4849, 5509, 6762, 8508,		added	28421
9137, 9594, 11971, 13373, 13375,		91.73 (b) (3) and (c) (2) amend-	
14443, 15415, 17939, 18550, 18551,		ed; (d) added	22640
19213, 19645, 20225, 21444, 21445,		91.83 Undesignated text follow-	
21873, 22935, 24275, 25805, 26283,		ing (a) (11) removed; (d)	
27516		added	22640
71.181	5,	91.87 (h) revised	11576
6, 951-954, 1303, 1304, 3081, 3082,		91.97 (a) (4) (i) revised	7205
3547, 3551-3553, 4422, 4423, 4847,		91.109 Introductory text revised	10904
4848, 5508-5510, 6761, 7205, 7981,		91.173 (a) and (b) introductory	
9137, 9138, 9595, 11571, 11573,		texts and (a) (2) (v) revised;	
11971, 11972, 13373, 13374, 13869,		(b) (3) added	22640
14442, 14961, 15414-15416, 17347,		91.189 (b) (5) added	22641
17939, 17940, 18550, 19212, 19213,		91.301 (a) revised; (b) amendeded	28421
19646, 19647, 20225, 20787-20789,		91.303 Heading revised; text	
21448, 21872, 22342, 23703, 24274,		amended	28421
25806, 25807, 26283, 26698, 27516,		91.305 Heading revised, (a)	
28173, 28174		amended	28421
71.203	3546, 19212	91.307 Amended	28421
71.207	3546, 19212	91.309 Added	28421
71.209	15416	91.311 Added	28421
71.401	8507, 10340, 12675, 17939, 21449	91 Appendix A amended	22641
73 Republished	659	93.161-93.163 (Subpart N)	
73.23	22936, 25332	Added	7
73.25	9139	95	1306, 8509, 16704, 25808
73.26	9596	97.21-97.35	1788,
73.29	3550, 3554, 6762, 21451	3555, 5511, 7982, 9597, 11973,	
73.31	21450, 23703	14444, 16711, 19214, 21452, 24276,	
73.48	9140	25810, 28175	
73.53	21451	105.15 (b) revised	22641
73.58	21450	105.33 Revised	22641
73.66	11574	105.43 (a) (2) revised	22641
73.69	11574	121 Special FAA Reg. 36 added	3085
73.71	3084, 6763, 16703	Special FAA Reg. 30 amended	28176
73.89	11575	Special FAA Reg. 33 amended	28177
75 Republished	713	121.1 (a) (6) added	1790
75.100	3546,	121.3 (h) added	1790
3554, 15416, 17940, 19212, 21451,		(a), (c), and (e) amended	22646
23704		121.11 Revised	22641
75.400	3546, 17347, 18551, 19212	121.26 Added	22641
91.1 (b) (3) amended	28420, 28421	121.47 (a) amended	22641
91.8 Revised	22640	121.61 (b) introductory text and	
91.15 (a) (2) revised	22640	(1) revised	22641
91.17 (a) introductory text and		121.135 (b) (6) and (7) amended	22641
(1) revised	22640	121.141 (b) revised	2328
		(b) technical correction	3900

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

	Page		Page
121.191 (a) introductory text re-		121.683 (c) added	22649
vised	22641	121.697 (e) (2) amended	22642
121.317 Revised	22641	121.703 (f) amended	22642
121.343 (d) amended	22642	121.723 Revised	22642
121.359 (e) amended	22642	123 Special FAA Reg. 30	
121.383 (a) introductory text re-		amended	28176
vised	22646	123.11 (b) (3) added	22642
121.401 (c) amended	22642	123.12 Added	22642
121.409 (b) (2) amended; (b) (3)		123.13 Revised	22642
redesignated as (b) (4); new		123.15 Revised	22642
(b) (3) added	22646	123.27 (a) through (m) redesign-	
121.417 (b) (2) (ii) and (iii)		nated as (b) through (n);	
amended; (b) (3) (ii) and (c)		new (a) added	22642
revised; (b) (2) (iv) and (b)		123.41 (a) (1) revised	22643
(4) added	22647	127 Special FAA Reg. 36 added	3085
Effective date extended	28403	127.3 Revised	22643
121.425 Undesignated text fol-		127.127 (d) amended	22643
lowing (a) (2) (iii) added	22647	127.151 (a) revised	22643
121.427 (d) (1) introductory text		127.212 Revised	22643
and (2) (ii) revised	22647	127.249 (b) revised	22643
121.433a (a) revised; (c) added	22647	127.313 (f) amended	22643
121.434 (c) (1) (ii) amended	9599	129.25 (a) revised; (d) introduc-	
(e) revised	22647	tory text amended; (f) and	
(e) effective date extended	28403	(g) added	24829
121.437 (b) revised	22648	129.26 (b) (4) revised; (c) added	11978
(b) effective date extended	28403	135 Special FAA Reg. 36 added	3085
121.439 Revised	22648	Special FAA Reg. 30 amended	28176
121.440 (b) (2) revised	22642	Special FAA Reg. 33 amended	28177
121.441 (a) (2) and (d) (3) re-		137.19 (e) amended	22643
vised	22648	137.43 (c) added	28178
121.538 (a) and (d) revised; (1)		145 Special FAA Reg. 36 added	3085
added	24829	145.17 (b) revised	22643
121.538a (e) revised; (f) added	11977	145.59 (a) amended	22643
121.543 Revised	22648	147.31 (c) (1) revised; (c) (2) re-	
121.545 Introductory text revised	22648	designated as (c) (3); new (c)	
121.548 Revised	22642	(2) added	22643
121.571 (a) (1) (iii) revised; (a)		159.93 Removed	2720
(1) (iv) added	22648		
(a) (1) (iii) and (iv) effective			
date extended	28403		
121.573 (a) revised	22648		
(a) effective date extended	28403		
121.576 Revised	22648		
121.581 Heading, (a) and (b)			
amended	22648		
121.584 Revised	11975		
121.585 (b) revised; (c) redesign-			
ated as (d); new (c) added	11975		
121.601 (b) amended	22649		
121.633 Removed	22649		
121.635 Revised	22649		
121.645 (a) revised; (b) through			
(d) redesignated as (c)			
through (e); new (b) added	22649		
121.651 (d) (2) amended	22642		
121.652 (a) amended	22642		
121.657 (e) and (d) amended	22649		

Chapter II—Civil Aeronautics Board

202 Note added	20966, 21453
207 Note added	3086
208 Note added	3087
212 Note added	3087
214 Note added	3087
221.4 Amended; eff. 12-30-77	1322
Amended	24277
221.22 (b) (6) revised; eff. 12-30-	
77	1322
221.31 (a) (10) revised; eff. 12-	
30-77	1322
221.160 (a), (b) (1), (3), and (4)	
revised; eff. 12-30-77	1322
(a) (2) revised	3902
221.171 (c) revised; eff. 12-30-77	1323
221.177 Removed	24277

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

Title 14, Chapter II—Continued		Page
221.190—221.194 (Subpart P)		
Heading revised	21323	
221.190 (a), (b) (1) through (4) and (c) amended; eff. 12-30-77	1323	
221.191 (a) and (c) amended; eff. 12-30-77	1323	
221.192 Amended; eff. 12-30-77	1323	
221.211 (d) amended; eff. 12-30-77	1323	
221.221 (d) amended; eff. 12-30-77	1323	
221.233 Amended; eff. 12-30-77	1323	
223.2 (g) added	17468	
250 Heading revised	24277	
Note added	25667	
250.1 Amended	24283	
250.2a Added	24283	
250.2b Added	24283	
250.3 Revised	24283	
250.4 Revised	24283	
250.5 Revised	24283	
250.6 Revised	24283	
250.7 Removed	24284	
250.9 Revised	24284	
250.10 Revised	24284	
250.11 Added	24284	
250 Appendix B amended	24286, 24287	
288.7 (a) (1) revised; eff. 12-27-77	7615	
296.1 (b) (2), (c) (1) and (2), and (f) (2) revised	13504	
298.2 (e-1) added	1490	
(i) revised; (l) amended	25090	
298.3 (a) (1) and (2), and (b) revised	1490	
298.5 Added	1490	
298.31 Revised	25090	
302.17 Revised	8254	
302.18 (a-2) removed	21875	
302.31 (c) revised	25332	
302.37 (a) and (c) revised	7309	
302.505 (b) revised; eff. 12-30-77	1323	
302.908 Added	21875	
302.1105 Revised	17349	
302.1108 Removed	17349	
371.27 Interpretation	2388	
371.28 Interpretation	2388	
371.50 (c) note revised; eff. 12-27-77	3087	
372a.22 Interpretation	2388	
372a.24 Interpretation	2388	
378.12 Interpretation	2388	
378.13 Interpretation	2388	
378.32 (c) note revised; eff. 12-27-77	3088	
378a.27 Interpretation	2388	
378a.28 Interpretation	2388	
378a.50 (c) note revised; eff. 12-27-77	3088	
385.12 (f) added	1617	
385.13 (nn) added	3703	
399.63 Added	19354	
399.102 Added	22343	
Chapter V—National Aeronautics and Space Administration		
1204.1002 Amended	14008	
1204.1003 (b) amended	14008	
1205 Revised	18646	
1214 Heading revised	9790	
1214.300—1214.306 (Subpart 1214.3) Added	9790	
1221 Heading revised	15623	
1221.100—1221.117 (Subpart 1221.1) Heading added	15624	
1221.200—1221.204 (Subpart 1221.2) Subpart and Appendix A added	15624	
1240.200—1240.206 (Subpart 2) Revised	7310	
1245.117 Effective date corrected	3088	
Title 14—Proposed Rules:		
21	4868, 5522, 15432	
25	21900	
36	4868, 5522	
37	9155	
39	13,	
	974, 975, 1352-1355, 1801, 2733, 3130-3132, 3918, 6805, 6807, 7443, 7988, 9158, 9617, 10410, 12025, 12026, 13390, 13391, 13890, 14517, 14970, 15433, 16191, 16740, 17364, 17366, 19666, 20237, 20818, 21463, 22374, 23727, 24847-24850, 25830-25833, 26318, 27555-27558	
47	16924	
49	16924	
61	16924	
63	16924	
65	16924	
67	16924	
71	1802,	
	2182, 2183, 3133, 3134, 3918, 4437, 4868, 5523, 5524, 6095, 6807, 7244, 7245, 7444, 7988, 9157, 9617-9622, 10938, 11585-11587, 12026, 12027, 12721, 13393, 13891, 14518, 14971, 14972, 15434-15437, 16192, 16741-16743, 17367, 17368, 17966, 19235-19237, 20238, 20239, 20819, 20820, 21464, 22375-22377, 22985-22987, 24324, 24851-24854, 25834-25837, 26319-26321, 26755, 26756, 27559, 28207-28209	
73	2183,	
	2734, 3919, 12028, 16741, 16744, 17368, 19238, 20239, 24854, 24855, 25837, 26323	

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

Page	
75	1802,
	6807, 9157, 15437, 17369, 20240, 24856
77	26322
91	4868, 5522
93	17370
97	1803
121	4438, 8070
	9159, 9160, 10938, 13891, 20448, 22650
123	8070, 22650
127	20448
129	9160, 13891
139	3920
143	16924
187	16924
200—399 (Ch. II)	10938,
	12333, 18196, 19667
207	2882,
	5383, 6621, 8266, 11215, 13892, 14519, 15720, 20240, 20520, 21465
208	5383,
	8266, 11215, 13892, 14519, 15720, 20240, 20520, 21465, 22378
212	5383,
	8266, 11215, 13892, 14519, 15720, 20240, 20520, 21465
214	5383, 8266, 11215, 13892, 20520
215	15720, 21465
221	11225, 12029, 15334, 16503, 20520
223	6621, 8266
228	25433
241	11833, 14523, 25138, 26449
244	15720, 21465
245	14523
246	14523
249	15720, 21465
263	7445
288	25433
296	15720, 21465
298	13892
300	16990
302	15334, 16503, 19403, 21690, 22987
304	14044, 15730
369	3285, 17967
371	6808,
	11215, 13892, 20520, 24542, 25141, 27560
372	20520
372a	11215, 13892, 20522
373	11215, 13892, 20520
378	11215, 13892, 20520
378a	6808, 11215, 13892, 20520
385	15720, 21465
389	15720, 21465
399	11833, 16503
1210	21691
1214	25693
1216	25317
1221	8267
Chapter I—Bureau of the Census, Department of Commerce	
50.40 Revised	3903
Chapter III—Industry and Trade Administration, Department of Commerce	
Chapter heading revised; eff. 12-31-77	
301 Nomenclature changes	7
Authority citation revised	8
301.1 (a) and (d) amended	8
301.3 (a) and (b) amended	8
303.1 corrected	753
303.8 (a) corrected	753
(b) introductory text corrected	2169
315 Nomenclature change	23991
315.3 Amended	23991
369.1 Revised	3512
369.2 Revised	3517
(d) example (xvi) revised; (d) example (xviii) added	11576
369.3 Revised	3525
369.4 Redesignated as 369.6; new 369.4 added	3534
369.5 Added	3536
Redesignated as 369.8	5512
369.6 Redesignated from 369.4	3512
369.8 Redesignated from 369.5	5512
369 Appendix added	16969
370.11 (c) added	12675
371.2 (c) (8) and (9) revised; (c) (10) added	7312
371.6 (c) redesignated as (d); new (c) added	24517
371.11 (a) (1) revised	24517
371.14 Removed	16713
371.18 (b) (2) revised	10341
371.19 Revised	16713
372.11 (e) (4) and (f) (3) revised; (e) (5) through (8) redesignated as (e) (6) through (9) and (f) (4) through (7) redesignated as (f) (6) through (9); new (e) (5) and (f) (4) and (5) added; (j) removed	16971
373 Supplement No. 1 amended	16714, 27985
373.1 (a) and (b) redesignated as (b) and (c); new (a) added	7312
373.2 (b) introductory text revised; (c) (2) (vi) added	7312
Introductory text (e) (1) (i) and (ii), and (2) (i) revised; (e) (2) (iii) and (iv) redesignated as (e) (2) (iv) and (v); new (e) (2) (iii) added	16448
TITLE 15—COMMERCE AND FOREIGN TRADE	
Subtitle A—Office of the Secretary of Commerce	
16.2 (b) revised	8255

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

Title 15, Chapter III—Continued	
	Page
373.3 Introductory text and (d) (2) revised	7312
Introductory text and (k) revised	16448
373.4 Introductory text and (c) (2) revised	7312
373.7 (b), (d) (1) (ii) (e), (2) (ii), and (3) (ii) revised	7313
Introductory text and (n) revised	16448
375.2 (b) (2) and (e) (6) amended	16449
375.3 (d) (1) and (g) (2) amended	16449
376 Supplement 1 removed	16311
376.4 Removed	16311
376.11 (b) revised	21323
376.14 (a) revised	27986
377.4 Added	25669
379.4 (e) redesignated as (f); new (e) added	7313
Introductory text, (f) (1) introductory text and (ii), (2) (i), (2) (ii) (c) Note, (2) (iv), and (2) (v) (c) Note amended	18991
379.8 (a) (3) amended	18992
379 Supplement No. 2 added	7313
385.2 Revised	22344
Existing text designated as (a); (b) added	27986
385.4 (a) revised	7314
(b) and (c) revised	27986
385.5 Redesignated as 385.6; new 385.5 added	27986
385.6 Redesignated from 385.5	27986
386.6 (a) and (c) introductory text revised	7314
386.7 (a), (b) and (c) revised	16971
399.1 (a) amended	7314, 20484, 27986
399.2 Amended	24518
Chapter VIII—Bureau of Economic Analysis, Department of Commerce	
806.14 (b) and (g) (1) (iii) corrected	2169
806.15 (d) (2) corrected	2169
Chapter IX—National Oceanic and Atmospheric Administration, Department of Commerce	
904 Added	17811
917 Added	15307
923 Revised	8395
930 Added	10517
930.19 Heading correctly added	15416

930.20 Heading correctly added	15416
930.30 Heading correctly added	15416
931 Added; final regulations	7550

Title 15—Proposed Rules:

30	7650
377	3134
806	22093
904	9623, 16745

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

0.18 (b) (4) amended	754
(b) (11) removed	6579
Technical correction	17351
1.13 (d) (6) revised	11691
2.1 Revised	10684
2.11 (a) revised	17352
2.34 Revised	3089
Corrected	4972
3.11 (a) revised	11978
3.25 (f) revised	3089
3.61 (a) amended	754
(c) amended	6580
4.8 (c) (2) revised	11978
4.9 (b) (10) and (14) amended	754
(b) (25) revised	1937
4.11 (a) (1) (iv) (B) revised	5802
4.15 (c) (1) revised	1937
5.5 Revised	25334
5.6 Revised	25334
(b) corrected	26426
5.7 Revised	25334
5.8 Redesignated as 5.9; new 5.8 added	25334
5.9 Redesignated from 5.8	25334
5.14 Redesignated as 5.15; new 5.14 added	25334
Corrected	26426
5.15 Redesignated from 5.14	25334
5.16 Redesignated as 5.17	25334
5.17 Redesignated as 5.18; new 5.17 redesignated from 5.16	25334
5.18 Removed; new 5.18 redesignated from 5.17	25334
5.19 Revised	25334
5.32 Revised	25335
(a) (8) corrected	26426
5.34 Revised	25335
5.35 Revised	25335
5.39 Revised	25336
5.40 Redesignated as 5.41; new 5.40 added	25336
5.41 Redesignated from 5.40	25336
5.42 Revised	25336

CHANGES JANUARY 3 THROUGH JUNE 30, 1978

	Page
5.43 Revised	25336
5.51—5.52 (Subpart E) Re-	
moved	25336
13 Amended	2388,
3089, 3090, 4003, 5360, 5383, 5512,	
5513, 5802, 6763, 9141, 9469-9471,	
13056, 13057, 18650-18652, 18657,	
20967, 20969, 21323, 21875-21877,	
23991, 25811, 26426, 27782, 28178	
195 Removed	954
Technical correction	1790
419 Petition exemption granted	25336
456 Added	24006
456.9 (d) corrected	25995
600.7 Added	9473
600.8 Added	9474
(a) heading corrected	13058
800.1 Revised	27517

Chapter II—Consumer Product Safety Commission

1009.9 Added	19216
1012.5 (b) (1) (ii) (H) and (b) (2) (ii) (J) added	5804
1012.6 (c) (1) (ii) amended	5804
1032 Added	19221
1040 Added	25658
1050 Added; interim	23562
1201.7 (c) redesignated as (d) and revised; new (c) added	26700
1301 Petition denied	26283
1303.3 (c) (3) added	8515
1401.4 Statement following (c) added	7983
1402 Added	28397
1500.17 (a) (10) revised	12310
(a) (10) effective date confirmed	22936
1500.18 (a) (15) added	22005
1500.49 Added; eff. 3-26-79	12645
(c) (1), (c) (3) (ii) and (iii), (d) (1), (2) (i) and (iii), (e) (1), (2), and (3) corrected	21324
1505.1—1505.8 Existing text designated as Subpart A; heading added	26428

	Page
1505.6 (a) (4) (ii) amended	26428
1505.50 (Subpart B) Added	22005
1510 Added	4853
1615.1 (e) revised; (g) removed	4853
1615.3 (a) revised; (b) (3) removed	4853
1615.4 (a), (b) (2), (c) (1) and (3), (c) (4) (iv) and (vi), (d) (2) (i) and (ii), (d) (3) (i) (A) and (b) (3), (g) (2) (i) and (3) revised	4853
1615.31 (e) (1) (iii) revised	4855
1616.4 (c) (2) (ii) revised	4855
1700.14 (a) (1) (ii) revised	17332
(a) (12) and (13) revised	17336
1701 Added	11980

Title 16—Proposed Rules:

2	3571
3	3571
4	779, 1804, 3571
13	1506,
2406, 5846, 6622, 6808, 9493, 9495, 9497,	
9623, 10572, 11709, 11834, 13074, 14053,	
14524, 18685, 19053, 21009, 21337,	
22988, 22992, 24066, 25349, 26324, 26335,	
27849, 27852, 28210	
423	26334
433	6810
437	11834
441	19668
443	8258
453	26588
455	28521
461	17967, 18692
704	4054
1000—1750 (Ch. II)	2185, 14322, 24325
1115	13393, 17972
1116	13393, 17972
1145	21838, 27852
1201	2734, 10700
1205	24597
1208	19136
1303	1804
1306	6235
1307	21839, 27852
1500	21852, 27852
1505	10575
1700	4632, 21853, 24698, 27852
1701	12029

CHANGES APRIL 3 THROUGH JUNE 30, 1978

TITLE 17—COMMODITY AND SECURITIES EXCHANGES**Chapter I—Commodity Futures Trading Commission**

	Page
1. Forms 3-R, 7-R, and 8-R; instruction revised	19648
1.50 Revised	17814
32.11 Added	16161
32.12 Added	23707
140.2 Revised	21659
140.81 Added	20971
145.6 Revised	21659

Chapter II—Securities and Exchange Commission

200.30-6 (c) revised	15417
230.145 (d) revised	21661
230.148 Added	14449
231 Interpretative releases	18163, 20485
239.11 Form S-1 amended	18500
239.16b Revised	21661
239.18 Form S-11 amended	18500
239.23 Revised	21662
239.26 Revised	21662
239.27 Heading revised; Form S-16 amended	16677
Revised	21662
240.11a1-1(T) (b) revised; (c) added	18562
240.11a1-2 Introductory text and (b) corrected	14451
240.11a1-4(T) Added	18562
240.11a2-2(T) (f) added	18562
240.11Ac1-1 (e) revised	18557
240.13d-1-240.13d-7 Revised	18495
240.13d-101 Revised	18498
240.13d-102 Removed	18495
Added	18499
240.13f-1 Added	26705
240.14a-101 Schedule 14A amended	24288
241 Interpretative releases	18163, 25421
249.14a-101 Schedule 14A amended	18500
249.208a Revised	21663
249.210 Form 10 amended	18500
249.216 Revised	21663
249.308 Form 8-K amended	14450, 24288
249.308a Form 10-Q amended	14451
249.310 Form 10-K amended	14451, 18500
Revised	21663
249.311 Revised	21663

249.316 Revised	21663
249.325 Added	26705
270.8f-1 Added	21664
274.106 Form N-1Q amended	21665
274.218 Added	21665
275.206A-1(T) (a) amended	19227

Title 17—Proposed Rules:

1	15072, 15438, 22220, 23729
17	22220
31	23729
32	21022
210	15335, 15730, 19668
230	15335, 15441, 22053
239	15335
240	15335, 16512, 18501
249	16336
250	22379
256	22379
270	16192, 19669, 23589

TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES**Chapter I—Federal Energy Regulatory Commission, Department of Energy**

1.3a (b) (1) amended; (b) (2) redesignated as (4); new (b) (2) and (3) added	20790
1b added	27176
2.75 (c) revised	23565
3.8 (j) (4) amended; (j) (5) added	20790
3.170 Form No. 69 removed; Form EIA-50 added	27178
101 Balance sheet accounts:	
Acct. 127 amended	15418
Acct. 215.1 redesignated from Acct. 264 and revised	15418
Acct. 264 redesignated as Acct. 215.1 and revised	15418
104 Balance sheet accounts:	
Acct. 125 amended	15419
Acct. 215.1 redesignated from Acct. 264 and revised	15419
Acct. 264 redesignated as Acct. 215.1 and revised	15419
141.1 Form No. 1 amended	15420, 19382
141.2 Form No. 1-F amended	15422
141.13 (c) and Form No. 9 amended	15419
201 Balance sheet accounts:	
Acct. 108 amended	19356
Acct. 111 amended	19356
Acct. 164.2 amended	19356
Acct. 164.3 added	19356
Gas plant accounts:	
Subsection 3 heading revised	19357
Accts. 364.1-364.8 added	19357

CHANGES APRIL 3 THROUGH JUNE 30, 1978

	Page
Gas plant instruction 3 amended	19356
Operation and maintenance expense accounts:	
Acct. 804.1 added	19359
Acct. 808 redesignated as Acct. 808.1	19359
Acct. 809 redesignated as Acct. 808.2	19359
Acct. 809.1 added	19359
Acct. 809.2 added	19359
Subsection 2 heading revised	19359
Accts. 843 through 848.3 redesignated as 843.1 through 843.9	19359
Accts. 844.1 through 847.8 added	19359
216 Storage plant heading revised	19362
Subsection 3 heading revised	19362
Accts. 361-364 (Subheading B) revised	19362
Acct. 362 heading revised	19362
Acct. 363 revised	19362
Accts. 363.1-363.5 added	19362
Accts. 364.2-364.8 added	19362
260.1 Form No. 2 amended	15420, 19363
260.2 Form No. 2-A amended	15422
260.15 Form No. 69 removed; Form EIA-50 added	27178

Chapter III—Delaware River Basin Commission

410.1 Revised	27784
---------------	-------

Chapter VI—Wafer Resources Council

701 Revised	25944
-------------	-------

Title 18—Proposed Rules:

0-260 (Ch. I)	20241
1	19669
2	15730, 18196, 26026
3	18196
4	18196
131	18196
154	26026
157	15730
260	26026
307	18693, 23593

TITLE 19—CUSTOMS DUTIES**Chapter I—United States Customs Service, Department of the Treasury**

4.1 (c) revised	22174
4.22 Amended	22173, 24671
6.2 (a) amended; (g) redesignated as (h); and new (g) added	14962

6.13 Amended	28456
10.1 (g), (h), and (i) corrected	20003
10.66 Heading and (c) introductory text revised; (c) footnote 62a added	23709
22.20a Amended	22176
101.3 (b) table amended	19833, 28456
101.4 (c) table amended	18659, 19834
111.22 Revised	21878
Technical correction	23565
111.23 (b) (5) revised; (d) added	21880
Technical correction	23565
111.24 Revised	21880
Technical correction	23565
111.25 Revised	21880
Technical correction	23565
111.27 Revised	21880
Technical correction	23565
125.14 Amended	23566
145 Nomenclature changes; policy statement added	14455
145.0 Amended	14454
145.1 Revised	14454
145.2 Revised	14454
145.3 Revised	14454
145.4 Nomenclature change	14454
145.40 (c) amended	14455
153.31 (d) corrected	14456
153.46 Table amended	22345, 22937, 28457
159.47 (f) table amended	17352, 18660, 18661, 23710, 23711
(f) table explanation	25812
(f) table amended	25813-25815, 25995
(d) determination	25997
171.1 (a) introductory text and (2) revised; (a) (3) redesignated as (a) (4); new (a) (3) added	23712

Chapter II—United States International Trade Commission

200.735-103 Introductory text revised	25671
---------------------------------------	-------

Title 19—Proposed Rules:

4	14060, 19417, 21693, 23731
6	23731
101	22752

TITLE 20—EMPLOYEES' BENEFITS**Chapter II—Railroad Retirement Board**

200.4 (e) revised	17468
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CHANGES APRIL 3 THROUGH JUNE 30, 1978

Title 20—Continued

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

	Page
401 Technical correction	25672
404.374 (a) (3) revised	25091
(a) (3) technical correction	25815
404.379 Revised	25091
Technical correction	25815
404.701—404.780 (Subpart H) Revised	24794
404.1050 (a) (2) and (b) (2) revised	20972
(b) (1) revised	21880
(a) introductory text and (2), and (b) revised	25422
404.1051 Heading, (d) and (g) revised; nomenclature change	20973, 25423
404.1052 Nomenclature change	20973, 25423
404.1057 Nomenclature change	20973, 25423
404.1058 Nomenclature change	20973, 25423
404.1065 Nomenclature change	20973, 25423
416.120 (c) (9) and (10) revised	25091
(c) (9) and (10) technical correction	25815
416.202 (b) revised	25091
(b) technical correction	25815
416.537 (b) revised	17354
416.951 Revised	17354
416.952 Revised	17354
416.953 Revised	17354
416.1327 (a) amended	25092
(a) technical correction	25815
416.1336 Revised	18170
416.1337 Added	18170
416.1403 (b) (1) (ii) and (b) (2) revised	17354
416.1703 Revised	27180
416.1705 Revised	27180
422.103 Revised	20974
422.104 Revised	20974
422.104a Redesignated as 422.105 and revised	20974
422.105 Redesignated as 422.106 and revised; new 422.105 redesignated from 422.104a and revised	20974
422.106 Redesignated from 422.105 and revised	20975
422.107 Revised	20975
422.110 Revised	20975

Title 20—Proposed Rules:

	Page
404	19238, 19863, 25695, 25837
410	15336, 24542
416	15336, 18205, 18206, 18698, 18699, 19238, 21012, 21465, 27853
422	25837
655	22996, 26033
718	17722, 18699, 19863, 26588, 27196
725	17732
727	17765

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

5.1 Heading and (a) introductory text revised	20487
(a) (23) added	22672
5.20 Revised	20487
5.59 Revised	22006
5.74 Added	20487
5.100 Amended	20488
7.1 Revised	26218
7.3 (f) through (n) added	26218
7.40—7.59 (Subpart C) Added	26218
14.100 (c) (2) revised; (c) (8) and (15) removed	18661
(c) (20) (i) (I) removed	20488
(d) (1) (viii) and (xv) revised; (d) (1) (v), (vi), (xvi) and (xviii) removed	21667
(d) (1) (i) and (iii) revised; (d) (1) (iv), (x) and (xiii) removed	21668
(d) (1) (xi) revised; (d) (1) (xii) and (xvii) removed	22672
(d) (1) (vii) and (xiv) revised; (d) (1) (ix) and (xix) removed	22673
(c) (1) and (d) (1) (ii) revised; (c) (19) removed	22674
(c) (6) revised; (c) (9) removed	28457
(b) (1) (i) removed	28458
15.1 (b) revised	18664
25.1 (d) (7) correctly added	18665, 22675
70.50 (c) removed	22675
74.1254 (b) amended	14642
81.27 Revised	14643
101.4 (b) (16) through (18) added	24519
131.120 Revised; eff. 7-1-79	21670
131.122 Added; eff. 7-1-79	21670
131.123 Added; eff. 7-1-79	19835

CHANGES APRIL 3 THROUGH JUNE 30, 1978

	Page
131.125 (b) and (c) revised; (e) added; eff. 7-1-79	19836
131.127 (c) (2) and (d) revised; (f) added; eff. 7-1-79	19836
131.130 Revised; eff. 7-1-79	21670
131.132 Added; eff. 7-1-79	21671
131.147 Added; eff. 7-1-79	19836
131.149 Added; eff. 7-1-79	19836
135.110 (a) (1) through (3) in part and (b) (2) and (3) stay reinstated as of 7-8-77	19384
135.120 (a) (2) in part, stay reinstated as of 7-8-77	19384
135.140 (a) (1) and (2) in part, stay reinstated as of 7-8-77	19384
161.173 Revised; eff. 7-1-79	19840
(a) (5) (iv) Table I revised	25423
172.372 Added	27784
172.510 (b) amended	14644
172.515 (b) amended	19843
172.822 (b) (4) added	18668
173.345 (c) (1) (i) corrected	14644
175.105 (c) (5) table amended	16311, 16972, 22676
177.2600 (c) (4) (iii) amended	16972
182.90 Amended	22938
182.1973 Removed	14644
182.1975 Removed	14644
182.3025 Removed	19843
182.5634 Technical correction	14008
182.6807 Removed	22938
184.1025 Added	19843
184.1206 Technical correction	14008
184.1634 Technical correction	14008
184.1635 Technical correction	14008
184.1807 Added	22938
184.1973 Added	14644
186.1025 Added	19843
186.1807 Added	22938
193.105 Added	22345
193.212 (a) amended	22176
193.235 (b) amended	20489
201.316 Added	22009
201.317 Added	22009
207.35 (b) (2) (ii), (3) (iv), and (4) revised	24010
361.1 (c) (3) amended	14646
430.5 (a) (62) and (b) (62) added	20976
430.6 (b) (64) added	20976
436.33 (b) table amended	20976
436.105 (a) and (b) tables amended	20977
442.6 Added	20977
(b) (5) corrected	27180
442.40a (a) (1) (i), (3) (iii), and (b) (1) revised	14646
442.106 Added	20978
442.240 Redesignated as 442.240a; new 442.240 added	14646
442.240a Redesignated from 442.240	14646
442.240b Added	14646
444.540b Removed; effective date confirmed	26428
449.120d (a) (1) amended	22676
460.100 (b) (2) (i) table correctly amended	16312
500.80—500.98 (Subpart E) Removed	22675
510.450 (e) redesignated as (f); new (e) added	19385
514.111 (a) (10) removed	22675
520.526 Added	28459
520.1010 Redesignated as 520.1010a; new 520.1010 added	14647
520.1010a Redesignated from 520.1010	14647
520.1010b Added	14647
520.1100 (c) revised; (d) (4) added	28458
520.1242d Added	18171
520.1430 Added	15625
522.144 (c) revised	27785
522.264 Added	15625
522.540 (c) (2) revised	16973
522.1244 Revised	20489
524.1484b Heading and (a) revised	18172
524.1484c Heading and (a) revised	18172
524.1695 Removed	27786
540.103a (c) (3) revised	24011
540.103c (c) (4) revised	16312
540.255c Technical correction	14008
546.110d (b) corrected	14647
546.113a Technical correction	14647
546.113b (c) (6) (iii) amended	19385
546.180e (a) (1) and (3) (i) (a) corrected	14647
558.76 (e) (3) (viii) added	17469
558.145 (f) (2) amended	19385
558.311 (e) table amended	17469, 19844
558.355 (f) (3) (ii) and (iii) redesignated as (f) (3) (i) (a) and (b); (d) (5) and new (f) (3) (ii) added	27786
(b) (1) revised	28459
558.625 (f) (2) revised	27786
558.630 (b) (3) amended	14648
(f) (3) amended	19385
561.233 (a) amended	22176
561.235 Revised	14009
561.253 (c) amended	20489

CHANGES APRIL 3 THROUGH JUNE 30, 1978

Title 21, Chapter I—Continued

	Page
571.115 Removed	22675
660.28 (a) (1) revised	19845
808 Added	18665
808.20 (a) corrected	22010

Chapter II—Drug Enforcement Administration, Department of Justice

1308.12 (e) revised	21325
1308.24 (i) table amended	18172, 18173
(j) (2) added	18174
1316.47 Existing text designated as (a); (b) added	26428

Title 21—Proposed Rules:

1-1250 (Ch. I)	24066
2	14874
7	20508, 27498
10	25438
16	20726, 25142
20	20726, 25142
50	19417
101	14875, 14877, 16347, 20510, 22730
109	16349
136	22728, 22785
146	14678, 24547
148	16991, 19884
155	19864, 26454
156	19864, 26454
171	15184
182	14064
	16996, 18699, 22056, 24067, 25438
184	14064
	16996, 18699, 19422, 22056, 25438
186	14064
	16996, 18699, 24067, 25438
201	25142
211	27474
312	18997, 23006
314	16997, 23006, 25443
338	25544
340	25544
369	25444
429	25443
431	16997, 23006, 25443
436	21014, 22730
446	21694
448	14683, 15734
449	22730
505	25444
514	16997, 23006
536	25444
539	25444
548	25444
558	16997
561	28522
601	16997, 23006
680	14683
740	19423, 24070
801	18699
807	16997, 23006
812	20726, 25142

814	16997, 23006
821	27474
1000	18207
1020	19879
1040	16997, 19423
1308	27560

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

10 Revised	18976
42.65 (a), (b), and (d) amended	19649
42.91 (a) (1-6) (i), (22), and (c) amended; (a) (10) (iv) and (12) (iii) revised	19649
42.113 (b) amended	19649
42.124 (a) (3) amended	19649
61.3 (c) revised	14456
61.4 (c) revised	14456

Chapter II—Agency for International Development, Department of State

201.01 (s) amended	25998
201.11 (b) (2) (iii) (c) revised; (b) (4) amended	25998
201.12 Revised	25998
201.13 (b) (1) revised	25998
201.14 Revised	25998
201.22 (f) amended	25999
201.25 Revised	25999
201.26 Revised	25999
201.41 Nomenclature change	25999
201.52 (a) (4) (i) revised; (a) (5) (i) (b) amended	25999
201.63 (i) added	25999
201.67 (a) (4) (ii) revised	25999
201.71 (c) removed	25999
201.84 Amended	25999
201 Appendix A revised	25999
216.1 (c) (2) and (3) amended; (c) (10) and (11) removed; (c) (12) and (13) redesignated as (c) (10) and (11); new (c) (12) added	20491
216.3 Revised	20491

Chapter V—International Communication Agency

Chapter heading revised; chapter nomenclature changes	14298
501.2 (a) revised	14298
501.4 (b) revised	14298
502.2 (b) revised	14298
502.7 (d) and (e) (2) revised	14298
503.4 (a) revised	14298
503.5 (b) revised	14299
504 Revised	14299
Appendix I corrected	16312

CHANGES APRIL 3 THROUGH JUNE 30, 1978

505.11 (a) revised	14301
505 Appendixes I and II removed	14457
511.2 Revised	14301

Title 22—Proposed Rules:

3a	23593
42	24547
603	17002, 28589

TITLE 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

130.201—130.209 (Subpart B) Removed	16167
130.301—130.310 (Subpart C) Removed	16167
140.301—140.304 (Subpart C) Removed	16167
140.401—140.404 (Subpart D) Removed	16167
140.900—140.922 (Subpart I) Appendix A tables amended	27518
230.121 (a) (1) and (2), (d) (1) and (2) amended; (e) removed; (f) redesignated as (e)	19386
230.201—230.209 (Subpart B) Appendix A amended	19386
Appendix C revised	19387
Appendix E revised	19388
Appendix F revised	19389
420.306 (b) (2) and (h) (1) revised; (g) amended	15626
625 Revised	14648
625.3 (c) (1) revised	27787
646.111 (a) revised	22177
652 Revised	17814
752 Revised; interim	19390
753 Removed; interim	19390
771.9 (d) (7) revised	20979
771.14 (c) (5) removed; (c) (4) revised	20979
771.19 (f) through (h), (i) introductory text, (j), (1) and (n) revised	20979
771.21 (e) (2) revised	20980
810.202 Correctly designated; heading added	15321
920 Revised	18668

Title 23—Proposed Rules:

924	14683
-----	-------

TITLE 24—HOUSING AND URBAN DEVELOPMENT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

	Page
0.735-204 (f) (3) added	25815
0.735-205 (a) (7) revised	25816
58.5 (b) (3) added	19228

Chapter II—Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development

200.933 Incorporation by reference	18670
201.531 Added	26429
203.20 (a) revised	23713
203.27 (a) (5) added	19846
203.74 (a) revised	23713
203.405 Revised	13870
203.479 Revised	13870
207.259 (e) (6) revised	13870
213.511 (a) revised	23713
220.830 Revised	13870
234.29 (a) revised	23713
236.55 (a) (1) and (b) (1) introductory texts and (a) (3) revised; (a) (2) redesignated as (a) (4) and introductory text revised; new (a) (2) added; interim	23568
236.60 Revised; interim	23568
236.901—236.915 (Subpart E) Added; interim	23568
279.9 Added	26709
279.26—279.34 (Subpart C) Added	25784
280.304 (b) effective date extended in part	19846
280.305 (i) added; interim	25965

Chapter V—Office of the Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development

570 Table of contents republished	24671
570.403 (c) (4) revised	19229
570.480—570.487 (Subpart H) Added	24656

CHANGES APRIL 3 THROUGH JUNE 30, 1978

Title 24—Continued

Chapter VIII—Low-Income Housing,
Department of Housing and Urban
Development

	Page
841 Appendix A amended	13872, 16168
Appendix A revised	26989
868.2 Amended	28790
868.6a Added	28791
888 Schedule A amended	14457
Schedule A revised	24673, 25604

Chapter X—Federal Insurance Ad-
ministration, Department of Hous-
ing and Urban Development

1914.6 Table amended	16313,
16314, 18671, 24012, 24014, 26285,	
26288, 27788, 27987	
1915.3 Table amended	24023, 27792
1915.6 Revised	24019
Table revised	24020
1915.7 Table amended	16316
Revised	24022
1916 Determinations	24049, 24050
1917 Appeals from determina- tions	16316-16336,
16450-16477, 16715-16734, 22010-	
22029, 22177-22210, 22346-22355,	
22677-22706, 22939-22969, 23714-	
23722, 24051-24061, 24289-24308,	
24520-24523, 24525-24527, 26290,	
26291, 26293-26309, 26429-26441,	
26709-26718, 27181-27186, 27518-	
27530, 28180-28184, 28460-28466	
1920 Map amendments	16169-
16174, 24675-24691, 29186-28198	
1930.6 Revised	27186
1931.1 (b) revised	16337, 27187

Chapter XIII—Federal Disaster As-
sistance Administration, Depart-
ment of Housing and Urban Devel-
opment

2205.46 Added	19230
2205.48 (c) (1) revised	22030
2205.54 (h) (1) introductory text and (i) through (iv), (i), (j), and (k) redesignated as (h) introductory text and (1) through (4), (j), (k), and (l); (h) (2) redesignated as (l) and revised	18992

Chapter XXIV—National Commis-
sion on Neighborhoods

	Page
Chapter established	28198
4000 Added; see p. 20511 for text	28198
4001 Added; see p. 20511 for text	28199

Title 24—Proposed Rules:

8	16652, 25411
200	17371
201	16513, 22058, 25349
203	16513
204	16513
207	16514
220	16514
232	16514
234	16513
235	17834
250	16514
390	27486
570	25780
590	23692
891	17448
1710	23936
1715	23936
1917	15165,
16746-16772, 18700-18709, 18563-	
18569, 22390-22406, 22408-22410,	
23595-23606, 23732-23736, 23738-	
23743, 24070, 24548-24558, 24699,	
24710, 26033, 27197-27206, 27561-	
27566, 27855-27864	
2205	27206
3282	27494
4000	20511
4001	20512

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs,
Department of the Interior

11.304 (n) added	16973
41.3 (b) through (n), (p), (q), (u), (v), and (aa) removed	19649
43-43f Removed	19650
43h.15 (d) through (i) added	26442
43i-43k Removed	19650
43m Removed	19650
43p Added	16175
44 Removed	19650
45 Removed	19650
49 Removed	19650
50 Removed	19650
113 Added	20004
252.12 Revised	27826
256.11-256.21 (Subpart B) Add- ed	27187

Title 25—Proposed Rules:

11	25448
41	19674
42	22997

CHANGES APRIL 3 THROUGH JUNE 30, 1978

	Page
43h	14684
54	23743
233	18213
256	14685

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service,
Department of the Treasury

1.42 Removed	19653
1.42-1 Heading revised	19653
1.42A-1 Added	19653
1.43-1 Added	13877
1.593 Removed	21454
1.593-4 Revised	21454
1.593-5 (a) revised	21455
1.593-6 (a) introductory text re- vised	21455
1.593-6A Added	21455
1.593-7 (a) (2) (ii) revised	21457
1.593-8 (d) revised	21457
1.593-10 (a), (b) (3) (i) and (ii) (b) revised	21457
1.593-11 (b) (1) amended; (b) (3) and (4) revised	21458
1.692 Removed	19392
1.692-1 (a) revised	19392
1.952-1 (c) (2) (ii) amended	19652
1.959-3 (b) (3) amended	19652
1.960-1 (c) (1) (v) amended	19652
1.963-0 Added	19652
1.964-1 (c) (2), (c) (6) (iv), and undesignated texts following (b) (2) (ii) and (c) (6) (iv) amended	19652
1.964-2 Undesignated text fol- lowing (c) (1) (ii) amended	19652
1.1248-3 (c) (3) and (4) and (d) (6) amended	19652
1.1248-4 (e) (3) amended	19653
7.57(d)-1 Added	17816
(b) (1) corrected	18993
7.105-1 Amended	19655
7.105-2 Added	19656
7.6039A-1 Added	16735
48.4216(a)-2 (b) (2) corrected	16974
139 Added	14306
301.6110-6 Added	20791
301.6401-1 (a) (2) amended	13878
301.6679-1 (a) (3) revised	18552
404.6103(j) (1)-1 (a) and (b) (4) amended	14962
420.6103(g)-1 Redesignated as 420.6103(l) (2)-1 and revised	19657
420.6103(g)-2 Redesignated as 420.6103(l) (2)-2 and revised	19658
420.6103(g)-3 Redesignated as 420.6103(l) (2)-3 and revised	19658

	Page
420.6103(l) (2)-1 Redesignated from 420.6103(g)-1 and re- vised	19657
420.6103(l) (2)-2 Redesignated from 420.6103(g)-2 and re- vised	19658
420.6103(l) (2)-3 Redesignated from 420.6103(g)-3 and re- vised	19658
601.105 (b) (5) (v) (e) amended	17817
601.106 (a) (3) revised; (d) (2) (ii), and (3) (iii) (e) and (i) amended	17817
601.201 (e) (2) and (n) (4) amended; (e) (15), (n) (1) (i) and (iv), (2), (3) (iii), (5) and (6) revised; (n) (7) re- designated as (n) (8); new (n) (7) added	17817
601.601 (d) (2) (iii) revised; (d) (2) (iv) removed	17821

Title 26—Proposed Rules:

1.0-1.169	13893, 19675, 19679, 21465, 22059, 22997
1.170-1.300	23610
1.301-1.400	18570
1.401-1.500	21695, 22734
1.501-1.640	19678
1.1201-end	20020, 23607, 23608
20	21465
25	21465
31	20020
32	20020
301	25143
601	13896, 13899, 15336

TITLE 27—ALCOHOL, TOBACCO
PRODUCTS, AND FIREARMSChapter I—Bureau of Alcohol, To-
bacco and Firearms, Department of
the Treasury

4.10 Amended	19848
4.37 (a) through (f) headings added; (b) (1) and (2) re- vised; (2) (3) added	19848
4.46 Revised	19848
4.70 (b) and (c) revised	19848
4.73 (a) through (d) headings and (e) added; (b) through (d) revised; (a) amended	19848
4.74 Revised	19849
18.11 Amended	20493
18.141 Revised	20493
71.42 Technical correction	14650
170.43 (b) amended	24234

CHANGES APRIL 3 THROUGH JUNE 30, 1978

Title 27, Chapter I—Continued	Page		Page
170.137 Introductory text revised; authority citation added	24234	201.619 Nomenclature change; (c) through (i) redesignated as (d) through (j); new (c) added	24242
170.173 Introductory text and authority citation revised	24234	201.622 (a)(2) through (4) redesignated as (a)(3) through (5); new (a)(2) added; authority citation revised	24242
194.11 Amended	20494	201.626 Revised	24242
194.222 Revised	20494	201.628 (a) amended	24242
194.242 Revised	20494	201.629 (b) amended; authority citation revised	24243
201.11 Amended	24235	201.631 (c)(1) removed; (c)(2) redesignated as (c)	24243
201.25 Revised	24235	201.631a Removed	24243
201.29 (b), (c), (t) and authority citation revised	24235	201.634 (c) removed; (d) redesignated as (c)	24243
201.43 Heading, (a) introductory text, (b), and authority citation revised; (a)(7) and (8) redesignated as (a)(8) and (9) and revised; new (a)(7) added; (c) redesignated as (c)(1) and revised; (c)(2) added	24235	231.100 Revised	24243
201.44 Heading, introductory text, (d), (e), undesignated text following (e) and authority citation revised; (f) added	24236	250.11 Amended	20494
201.116a Added	24236	250.143 (b) revised	20494
201.132 (j)(2)(ii), undesignated text following (j)(5) and authority citation revised	24236	250.276 Revised	20494
201.149 Revised	24236	251.11 Amended	20495
201.241a Added	24236	251.137 Revised	20495
201.249 Revised; authority citation added	24237	252.11 Amended	24243
201.262 Text amended; authority citation revised	24237	252.26 (a) and authority citation revised	24243
201.267 Text amended; authority citation revised	24237	252.27 Revised	24243
201.301 Revised	24237	252.30 Revised	24243
201.310 (c) and authority citation revised	24237	252.36 Nomenclature change; introductory text, (b), and undesignated text following (e) amended	24243
201.311 Text amended; authority citation revised	24237	252.37 Revised	24244
201.346 Amended	24237	252.61 Revised	24244
201.386 Revised	24237	252.62 Revised	24244
201.393 (c), (d), and authority citation added	24238	252.91 Revised	24244
201.441 Revised	24238	252.91a Added	24244
201.469 Introductory text, (b), and authority citation revised	24238	252.171 Introductory text, (d), undesignated text following (d) and authority citation revised	24244
201.541 (a), (b), (d), and authority citation revised	24238	252.173 Amended; authority citation added	24245
201.581–201.588 (Subpart S) Revised	24238	252.192 Revised	24245
201.601–201.607 (Subpart T) Revised	24241	252.193 Introductory text and authority citation revised	24245
		252.211 Introductory text, undesignated text following (c), and authority citation revised	24245
		252.216 Introductory text and authority citation revised	24245
		252.263 Heading, introductory text, (a), and authority citation revised	24245
		Title 27—Proposed Rules:	
		47	21901
		178	21901
		179	21901

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

TITLE 28—JUDICIAL ADMINISTRATION	Page		Page
Chapter I—Department of Justice		0.160 Introductory text revised	†20793
		0.168 (a) revised	†20793
		0.177a Added	56730
		2 Revised	39809
		2.1 (c) and (d) revised	39668
		(d) revised	†22707
		2.2 Revised	41408
		2.3 Revised	41408, 63774
		2.10 (c)(3) revised	52399
		2.14 (b)(1) and (2)(iii) corrected	44234
		2.17 (b)(2)(ii) revised	44234
		2.20 Table corrected	44234
		Table amended	52399
		2.22 Revised	†22707
		2.23 (b) corrected	44234
		2.25 (f) revised	39668
		2.27 Revised	†4978
		2.33 Heading corrected	44234
		2.54 (b) correctly added	39669, 41408
		Heading revised; (b) removed; (a) designation removed	†17470
		2.59 Removed	†4977
		14.5 Amended	62001
		16.1–16.10 (Subpart A) Appendix added	54285
		16.23 (b)(2)(iv) and (v) amended; (b)(2)(vi) added	†19849
		16.40–16.57 (Subpart D) Appendix added	54285
		16.40 (d) added	37975
		16.78 Removed	41409
		16.81 (b)(1) corrected	38177
		16.93 Revised	40906
		16.102 Added	40907
		16.200 (d)(5) revised	†4978
		17.63 Amended	39213
		17.64 Amended	39213
		20.21 (a)(1) and (b) amended	61595
		20.23 Amended	61598
		22.2 (h) revised; (j) added	†16974
		22.20 (a) amended	†16974
		22.22 (a)(2) revised	†16974
		32.24 (h) and (i) redesignated as (i) and (j); new (h) added	39386
		42.2 Amended	35646
		43.3 Nomenclature change	†1068
		45.735–12 (d) added	64119
		45.735–22 (c)(2)(viii) removed	35970
		50.11 Revised	55470
		55.18 (a) amended	35970
		55 Appendix revised	35971
		Chapter III—Federal Prison Industries, Department of Justice	
		301.21 Revised	†28466
		0.1 Amended	35970, 59384
		0.7 Redesignated as 0.17 and introductory text amended	†26002
		0.8 Redesignated as 0.19; introductory text revised	59384
		0.15 Revised	†26002
		0.17 Redesignated from 0.7 and introductory text amended	†26002
		0.19 (Subpart C-1) Redesignated from 0.8; introductory text revised; subpart heading added	59384
		Revised	†26002
		0.19a Added	†1066
		Removed	†26002
		0.37–0.38 (Subpart G-1) Removed	35970
		0.40 Introductory text revised	†26002
		0.41 (i) added	†8256
		Introductory text revised	†26002
		0.45a Added	†3115
		0.50 Introductory text revised	†26002
		0.55 (d) amended	†6228
		Introductory text revised	†26002
		0.61 Introductory text revised	†26002
		0.65 (d) and (e) revised; (f) and (g) added	†3115
		Introductory text revised	†26002
		0.65a Added	†3115
		0.89 Added	38177
		0.70 Introductory text revised	†26002
		0.75 Introductory text amended	†26003
		0.76 (h) revised	40433
		(w) added	41407
		Introductory text amended	†26003
		0.77 Introductory text amended	†26003
		0.85 (b) amended	†8137
		Introductory text revised	†26003
		0.85a Added	†26003
		0.96b Added	63169
		0.100–0.104 (Subpart R) Appendix amended	57457
		0.111 (o) added	†20006
		0.132 Revised	59384
		0.133 Removed	59385
		0.138 Revised	43392
		0.142 Amended	†22969
		0.143 Amended	†14009
		0.151 Amended	†14009

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Title 28—Proposed Rules:	Page
2 41435, 41436, 41878, 56136, 56137	†5011, 22747
16 19883, 21901, 22999	33775
50 1506, 9131, 11812, 14955	65542
522 84082	84082
524 84082	84082
527 41368	41368
540 84082	84082
541 41368	41368
542 84082	84082
544 41368	41368
548 84082	84082
549 41368, 84082	
551 41368, 84082	

TITLE 29—LABOR	Page
Subtitle A—Office of the Secretary of Labor	
1.5 (a)(1) revised	†1943
4.1 Amended	†28467
4.1a (b) redesignated as (d) and revised; new (b) and (c) added	43064
4.1b (a)(7) revised	43064
(a)(2) and (3) revised; (b) removed	†28467
4.2 Revised	†1491
4.3 (b) revised	43064
(c) revised	†28467
4.4 (b)(2) revised	43064
(a), (c) and (e) amended	†28467
4.5 (a)(1) and (c) amended	†28467
4.6 Introductory text, (a), (j)(1) and (2), and (m)(8) revised	43064
(n)(2) revised	†1491
(b)(2) and (3) and (g) amended	†28467
4.8 Amended	†28467
4.10 (b)(4) amended	†28467
4.52 Amended	†28467
4.53 Revised	†1491
4.101 Revised	†28467
4.102 Revised	43065
4.112 (a) revised	43065
4.113 (a)(1) and (b) revised	43065
4.114 (a) revised	†1492
4.122 Amended	†28467
4.123 (a) amended	†28467
4.133 (b) amended	†28467
4.150 Revised	†1492
4.156 Revised	43065
4.159 Revised	†1492
4.160 Revised	†1492
4.164 (b)(2) amended	†28467
4.167 Amended	†1493

4.170 (b) amended	†28467
4.181 (b) amended	†28467
4.182 Revised	†1493
4.191 (a) through (d) revised	†28467
5.7 (b) revised	54803
5.14 (d)(3) revised	62132
(d)(3) effective date corrected	†2394
6.3 (a) revised	†6944
8 Removed	†19393
30 Revised	†20765
40.41 Revised	43626
40.43 Added	43627
(e) amended	62133
57 Removed	†19393
58 Removed	†19393
89.3 Amended	†28468
89.19 (b)(3)(i) and (ii)(B) amended	†28468
94 Revised	55726
94.1 Revised	52790
94.2 Revised	52791
94.3 Corrected	33730
Amended	46729, 52791, 61822, 62316
Amended	†2151, 14942, 21859, 23504
94.4 (s), (v), (kk), (fff), (ggg), and (hhh), revised; (vvv), (www), (xxx), and (yyy) added	52792
(uuu) added	52805
(kkk) and (lll) revised	†16974
95 Revised	55734
95.3 (a)(4) revised	52793
95.13 (b)(3) and (d)(4)(vi) and (vii), and (d)(5) and (6) added; (c)(3), (d)(2)(ii) and (iii), and (d)(4) introductory text, (d)(4)(i) and (v) revised	52794
95.14 (a), (b), (1), (2), and (3)(ii)(E), and (c) revised; (b)(3)(ii)(G), (iii)(M) and (N) and (b)(3)(v) and (vi) added	52794
95.16 Revised	52796
95.18 Heading, (a), (d), and (e) revised	52796
95.21 Revised	52796
95.31 (c) revised	52797
95.32 (d) and (e)(1) revised	52797
95.33 (d)(2)(ii) and (iv) and (5)(i)(B), (ii)(C) and (D) revised; (d)(4)(viii)(D) and (f)(ii)(E) added	52798
(d)(5)(ii)(C), (D), and (iii)(B), and (d)(6)(i)(C) and (D) revised; (d)(5)(ii)(E) added; (d)(6)(i)(E) removed	†16975

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Page	Chapter I—National Labor Relations Board
52798	100.735-6 Added
52798	102.67 (b), (d), (g) and (j) revised
41117	
52798	Chapter II—Office of the Assistant Secretary for Labor-Management Relations, Department of Labor
†13550	215 Added
	Chapter IV—Office of Labor-Management Standards Enforcement, Department of Labor
59070	401-453 (Subchapter A) Nomenclature changes
59070	403.1 (b) amended
59070	403.4 (b)(4) amended
59070	405.1 (a)(2) removed; (a)(1) redesignated as (a)
59070	405.3 Amended
59070	405.5 Revised
59070	405.7 Revised
59070	406.1 (b)(2) removed; (b)(1) redesignated as (b)
59070	408.3 Amended
59070	408.4 Revised
59070	409.2 Revised
59070	417.7 Amended
59070	417.21 Amended
59071	451.3 (a)(4) revised
59071	451.4 (f) revised
59071	451.6 (b) footnote 16 amended
59071	452.9 Amended
39105, 41280	452.38 (a-1) added; (b) revised
45306	(a) and (b) corrected
	Chapter V—Wage and Hour Division, Department of Labor
65164	511.4 Revised
58745	519.2 (f) revised
58745	519.4 (a) revised
58745	519.5 (b) revised
58745	519.6 (c), (d), and (i) revised
64344	520 Special authority
†12311	521.3 (b) revised
†12311	521.4 (c) revised
†5816	522.24 (a) through (d) revised
†5817	522.35 Heading and (a) revised
†5817	522.43 Heading and (a)(1) through (9) and (d) revised
†5818	522.65 Heading and (a) revised
†5818	522.85 Heading and (a) revised
†5819	525.2 (c) revised
†28469	528.2-528.5 Revised

Page	Chapter I—National Labor Relations Board
52798	95.34 (c)(2), (f) and (g)(1)(i) revised; (i)(6) and (7) and (j)(6) added
52798	95.35 (d) revised
52798	95.38 (a)(1) revised
52798	95.52 (a)(2) and (b)(3) added; (b)(1) and (2) revised
52799	95.53 Heading, (b)(2) and (d) revised
†16975	Revised
52799	95.54 Revised
55752	96 Revised
52800	96.14 Revised
52801	96.19 Revised
52801	96.23 (b)(5) revised
52801	96.27 (b) and (g) revised
52801	96.28-96.30 Revised
52801	96.33 (c) revised
52802	96.34 (a)(1) revised
52802	96.36 Revised
52802	96.43 Revised
†21859	97.1-97.26 (Subpart A) Revised
62316	97.500-97.525 (Subpart F) Added
†23504	97.500-97.523 (Subpart F) Revised
46730	97.601-97.631 (Subpart G) Added
†14943	Revised
46734	97.701-97.721 (Subpart H) Added
†14943	97.701-97.722 (Subpart H) Revised
†2151	97.900-97.922 (Subpart J) Added
†2153	97.1000-97.1024 (Subpart K) Added
61822	97b Added
55760	98 Revised
52802	98.6 (e)(1) and (2) revised
52803	98.12 (b), (c), (e)(2), (f)(2) and (5) introductory text, (i), (ii), and (iii), and (g)(6) revised
52803	98.14 Revised
52804	98.17 Revised
52804	98.22 (a) and (b)(3) revised
52804	98.24 (a) revised
52804	98.41 (a) revised
33730	99 Table of contents revised
55774	Revised
52805	99.42 (a)(1)(i) through (iv) revised; (a)(5) amended
52805	99.44 Revised

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Title 29, Chapter V—Continued

	Page
528.7 Revised	+28469
530.2 Revised	+28470
530.4 (a) introductory text and (1)(ii) revised	+28470
530.10 Revised	+28470
530.12 (b) (1), (2) and introductory text and undersigned paragraph of (3) revised	+28470
530.13 Revised	+28470
575 Added	+26565
Republished	+27469
575.2 Corrected	+28471
575.5 (d) corrected	+28471
575.8 (j) corrected	+28471
602.2 (a) (1) (i), (2) (i), and (3) and (b) (1) and (c) (1) revised; (a) (4) removed; (a) (5) redesignated as (a) (4) and new (a) (4) (i) revised	57687
603.2 (a) (1) (i) and (2) (i), (b) (1), and (c) (1) revised	57688
615.2 (a) (3) redesignated as (a) (4) and revised; new (a) (3) added; (a) (1) (i), (2) (i), and (4) (i), (b) (1), (c) (1) (i) and (2) (i) revised	57689
697.1 (a) (1), (b) (1), (c) (1), (d) (1), (e) (1), (f) (1), (g) (1), (h) (1), (i) (1), (j) (1), (k) (1), (l) (1), (m) (1), and (n) (1) revised	+25816
(a) (1), (b) (1), (c) (1), (d) (1), (e) (1), (f) (1), (g) (1), (h) (1), (i) (1), (j) (1), (k) (1), (l) (1), (m) (1), (n) (1) and (a) through (n) headings revised	+26003
697.3 Revised	+25817, 26004
870.10 (b) (1) through (3), (c) introductory text and (3) through (5), and (d) revised	+28471
870.57 (a) removed; (b) redesignated as (a) and revised	+28472
Chapter X—National Mediation Board	
1208.2 Revised	43627
1208.6 Revised	43628
1209 Revised	60739

Chapter XIV—Equal Employment Opportunity Commission

	Page
1601 Revised	47832, 55388
1601.12 (m) revised	41280
1602.32 Report filing deadline extended to 11-30-77	43065
Chapter XVII—Occupational Safety and Health Administration, Department of Labor	
1902.38 (b) amended	58746
1902.39 (a) suspended; eff. 1-20-78	+11196, 14009
1904 Nomenclature changes	65165
1904.2 (a) revised	65165
1904.3 Revised	65165
1904.4a Removed	65165
1904.5 (a) through (c) and (d) (1) revised	65165
1904.6 Revised	65166
1904.13 Amended	65168
1904.15 Revised	38568
1904.20 (a) revised	65166
1904.21 Revised	65166
1904 Appendix A removed	65166
1908 Revised	41389
1910.19 (c) added	+2600
(d) added	+5963
(c) correctly designated as (d)	+13563
(e) added; eff. 8-1-78	+19624
(f) added; eff. 9-4-78	+27394
Revised	+28473
1910.20 Removed	+5963
1910.401—1910.441 (Subpart T) Added	37668
1910.1000 Table Z-1 amended	+2600
Table Z-2 amended	+5963, 13563
Table Z-1 amended; eff. 8-1-78	+19624
Table Z-2 amended; eff. 9-4-78	+27394
Technical correction	+28473
1910.1018 Added; eff. 8-1-78	+19624
Appendix A added; eff. 8-1-78	+19629
Appendixes B and C added; eff. 8-1-78	+19630
Table II heading revised	+28472
(h) (3) (iii), (5) (i) and (iii), (j) (1) introductory text and (iii), (2) (i) and (vii), (n) (5) (i), (o) (1) (ii) (A) and (2) (i), (q) (1) (i) and (ii) (E) and (3) (i), (t), (u) (4) and (6) and Appendix C corrected	+28472

Note: Symbol (+) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

	Page
1910.1028 Revised	+5963
(e) (1) (ii) and (3) (ii), (g) (4) (ii), (1) (3) (i) and (5) (i), (6), (7) (i) (d), and (e), (1) (3) (iv) and (n) corrected; (e) (4) revised	+13563
(a) (2) (iii) and (k) (2) (iii) added	+27971
1910.1043 Added; eff. 9-4-78	+27394
Technical correction	+28473
(a) (3), (c) (2), (d) (1) (iii) (a), (b), and (c); (e) (1), (3) (i) and (iii), (f) (1) (iv), (2) table I, and (2) (iii), (h) (2) introductory text, (3) (ii) (a), and (5) (i) (c) corrected	+28474
(i) (1) (ii), (iii) and (iv) correctly designated; (i) (1) (ii), (j), (k) (1) (ii) (c), (2) (ii) (f) and (3) (iii), (m) (2) (iv) and (vi) corrected	+28474
1910.1044 Added	45544
(e) (1), (g) table, (k) (2) and Appendix B corrected	46540
Revised	+11527
1910.1045 Added	+2600
1910.1046 Added; eff. 9-4-78 in part	+27434
Correctly designated	+28474
(b), (d) (2) (i) and (ii), (e) (6) (ii) and (8) (i), and (h) (1) (ii) (f) corrected; (g) (1) and (2) headings added; (h) (1) (iii) correctly designated; (j) (1) redesignated as (j)	+28474
1911.12 (a) revised	65166
1911.18 (d) added	65166
1915.59 Added	37673
1916.59 Added	37673
1917.59 Added	37673
1918.99 Added	37673
1926.605 (e) revised	37674
1928.21 (b) amended	37674
(b) revised	38569
(a) (5) added; eff. 9-4-78	+27463
(a) (5) removed	+28474
1928.113 (Subpart I) Added; see p. 27434 for text	+28474
1951.24 (b) (1) revised	33731
1952.4 (a) revised	38568
1952.109 (f) and (g) added	34281
1952.160—1952.164 (Subpart J) Federal concurrent enforcement, eff. 7-25-77	37810, 37975
1952.174 (o) added	37549
Heading revised; (p) added	41858
1952.175 Added	+9807
1952.190—1952.194 (Subpart M) Federal concurrent enforcement, eff. 6-13-78	+25425
1952.224 (f) added	58747
(k) added	+20982
(i) added	+20983
(a) through (c) revised; (g) and (h) added	+20985
(d) revised; (j) added	+20986
1952.242 Revised	37548
1952.244 (f) and (g) added	40196
(h) added	45907
1952.254 (f), (g), and (h) added	40195
1952.264 (d) added	57123
1952.294 Existing text designated as (a); (b) through (f) added	64627
1952.302 Revised	63422
1952.314 (f) and (g) added	+5821
Heading revised; (h) added	+19851
1952.344 (d) added	45907
(d) added	+25424
1952.380—1952.383 (Subpart FF) Added	43629
1960.50 Revised	59498
1960.51—1960.56 Added	59499
1977.21 Revised	47345
Chapter XX—Occupational Safety and Health Review Commission	
2200.34 (d) (2) revised	+4604
2200.35 (c) added	+4604
2200.91 (a) and (c) revised; (f) added	+4604
2200.91a Revised	+4604
2200.101 (a) revised	+4604
Chapter XXV—Pension and Welfare Benefit Programs, Department of Labor	
2510.3-2 (f) added	61259
2520.102-2 Revised	37180
2520.102-3 Revised	37180
2520.102-4 Revised	37182
2520.103-1—2520.103-10 (Subpart C) Heading corrected	43630
2520.103-1—2520.103-11 (Subpart C) Revised	+10140
2520.103-6 (a), (e) (3) and (e) (6) corrected	+14009
2520.103-9 Heading corrected	43630
(a) and (c) corrected	+14009
2520.104-4 Revised	37182
2520.104-5 Revised	37183
2520.104-6 Revised	37183

Note: Symbol (+) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Title 29, Chapter XXV—Continued	Page	2606 Form PBGC-1 effective	Page
2520.104-20 — 2520.104-46 (Sub-part D) Revised; eff. 1977	†10148	date extended	41858
2520.104-26 Revised	37184	2606.3 Revised	59071
2520.104-27 Revised	37184	2606.4 Removed	59071
2520.104-28 Added	37185	2606.5 Removed	59071
2520.104-41 (b) corrected	†14010	2608.7 Revised	†14012
2520.104-42 (a) corrected	†14010	2610 Appendix B amended	41859, 59754
2520.104-46 (c) and (d) added	†14010	Appendix B corrected	†2721
2520.104a-1 Revised	37185	Appendix B amended	†10560, 25337
2520.104a-2 Revised	37185	2614 Added	43066
2520.104a-3 Revised	37185	2615 Added	†1335
2520.104a-4 — 2520.104a-6 (Sub-part E) Revised	†10151		
2520.104a-4 Second (c) and (d) removed; second (b) and first (c) redesignated as (c) and (d)	†14010	Chapter XXVII—Federal Mine Safety and Health Review Commission	
2520.104a-5 Revised	37186	Chapter added	†10320
Redesignated as 2520.104a-7	60898	2700 Added	†10320
Added	†10152	2700.57 Revised	†19660
(a) (2) corrected	†14010		
2520.104a-6 (b) (2) corrected	†14010	Title 29—Proposed Rules:	
2520.104a-7 Redesignated from 2520.104a-5	60898	5	43098
2520.104b-1 Revised	37186	30	52441, 57140, 58766
2520.104b-2 Revised	37187	70a	39997
2520.104b-3 Revised	37188		†25145
2520.104b-4 Revised	37188	94	35318
2550.404b-1 Added	54124	95	35318
2550.407a-1 — 2550.407a-2 Added	47201	96	35318
2550.407a-1 (b) introductory text and (b) (2) corrected	59842	97	43098
2550.407a-3 — 2550.407a-4 Added	47202		†14424, 14916
2550.407d-5 Added	44388	98	35318
2550.407d-6 Added	44388	202	†15734
2550.408b-3 Added	44385	203	†15734
(h) (2), (j), and (o) (2) corrected	45907	204	†15734
2550.408b-4 (a) corrected	36823	522	63434
2550.408b-6 (a) corrected	36823	525	63436
2550.414c-4 (a) and (c) corrected	36823	541	†14688
2560.502-1 Added	†17471	575	†14068, 18570, 18709
		1208	35992
Chapter XXVI—Pension Benefit Guaranty Corporation		1601	35172, 42022, 43099
2602 Form PBGC-1 effective			†22220
date extended	41858	1607	85542
2602.3 Revised	59385		†1506, 9131, 11812, 14955
2602.5 (b) revised	64682	1608	64826
2605.2 Amended	†14011		†16349
2605.4 (c) revised	†14011	1610	†26454
2605.5 (a) (5) added	†14011	1904	55623, 61615
2605.6 (a) revised	†14011	1910	34326
2605.8 (b) and (c) revised	†14011		39120, 46547, 49472, 57286, 62734, 62892
			†2808,
			7669, 9830, 9831, 11227, 12890, 14071, 18215, 22999
		1952	55234, 57140, 64373, 65208
			†4072, 17003
		1960	43100
		1990	54148, 60753
			†3729
		2510	†10579
		2520	60899
		2530	†7870
		2550	†17480, 27208
		2605	†1358

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

	Page		Page
2608	39120	19 Nomenclature changes	†12314
	†1358	19.2 (o) amended	†12314
2610	42381, 59760	19.3 Amended	†12314
	†10580	19.4 (a) and (g) amended	†12314
2617	59285, 61051	19.12 (a) amended	†12314
		19.13 (a) amended	†12314
TITLE 30—MINERAL RESOURCES		20 Nomenclature changes	†12314
Chapter I—Mine Safety and Health Administration, Department of Labor		20.3 Amended	†12314
Chapter heading revised	†12312	20.4 (j) amended	†12314
1. Heading revised; nomenclature changes	†12312	20.5 (a) amended	†12314
1.1—1.3 Amended	†12312	20.13 Amended	†12314
11 Nomenclature changes	†12313	20.14 (a) amended	†12314
11.3 (kk) added	65167	21 Nomenclature changes	†12314
(jj) amended; (kk) added	†12313	21.3 (j) amended	†12314
11.4 Amended	†12313	21.4 Amended	†12314, 12315
11.10 (e) amended	†12313	21.5 (a) amended	†12314
11.90 (b) footnote 4 revised	65167	21.9 Amended	†12314
11.110 (a) introductory text and (1) amended	65167	21.10 (a) amended	†12314
11.150 Table and footnote 7 revised	65167	22 Nomenclature changes	†12314
11.160 (a) amended; (a-1) added	65167	22.3 (j) amended	†12315
11.162-1 (b) table revised	65167	22.4 Amended	†12315
11.203 (a) and (b) (3), (4), and (5) revised; (b) (6) and (7) added	65168	22.5 (a) amended	†12315
15 Nomenclature changes	†12313	22.10 (a) (1) amended	†12315
15.2 (i) amended; (j) added	†12313	22.11 (a) amended	†12315
15.3 Amended	†12313	23 Nomenclature changes	†12315
15.8 Amended	†12313	23.1 (h) added	†12315
15.14 (b) amended	†12313	23.2 (g) amended	†12315
16 Nomenclature changes	†12313	23.3 Amended	†12315
16.2 (f) amended; (g) added	†12313	23.4 (g) amended	†12315
16.3 Amended	†12313	23.5 (a) amended	†12315
16.7 Amended	†12313	23.12 (a) (1) amended	†12315
16.8 Amended	†12313	23.14 (a) amended	†12315
16.14 Amended	†12313	24 Nomenclature changes	†12315
17 Nomenclature changes	†12313	24.0 (e) amended; (f) added; (a) revised	†12315
17.2 (e) amended; (f) added	†12313	24.1 (i) amended	†12315
17.3 Amended	†12313	24.2 Amended	†12315
17.7 Amended	†12313	24.3 (a) amended	†12315
17.8 Amended	†12313	24.7 Amended	†12315
18 Nomenclature changes	†12313	24.9 (a) amended	†12315
18.2 Amended	†12314	25 Nomenclature changes	†12315
18.3 Amended	†12314	25.2 (f) amended; (g) redesignated as (h); new (g) added	†12315
18.6 (a) amended	†12314	25.3 Amended	†12315
18.11 (a) amended	†12314	25.4 (j) amended	†12315
18.14 Amended	†12314	25.6 (a) amended	†12315
18.65 (f) (1) and (2) amended	†12314	25.11 (a) amended	†12315
18.80 (f) amended	†12314	26 Nomenclature changes	†12315
18.81 (a) amended	†12314	26.2 (p) amended; (q) redesignated as (r); new (q) added	†12315
18.82 (a) and (d) through (h) amended	†12314	26.3 Amended	†12316
18.92 (c) (3) amended	†12314	26.6 (k) amended	†12316
18.99 (a) and (b) amended	†12314	26.8 (a) amended	†12316
		26.17 (a) amended	†12316
		27 Nomenclature changes	†12316
		27.2 (a) amended	†12316
		27.3 Amended	†12316
		27.4 (a) and (d) amended	†12316
		27.8 (h) and (subtext) amended	†12316

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Title 30, Chapter I—Continued

	Page
28 Nomenclature changes.....	+12316
28.4 (d) amended; (e) redesignated as (f); new (e) added.....	+12316
28.10 (c), (d), and (g) amended.....	+12316
28.23 (a) amended.....	+12316
28.24 Amended.....	+12316
28.31 (b) amended.....	+12316
28.40 (d) amended.....	+12316
29 Nomenclature changes.....	+12316
29.4 (l) amended; (m) added.....	+12316
29.10 (b) and (c) amended.....	+12316
(c) and (d) amended.....	+12317
29.12 (a) amended.....	+12316
29.33 (b) amended.....	+12316
29.36 Amended.....	+12316
29.41 (b) amended.....	+12316
31 Nomenclature changes.....	+12317
31.2 (k) amended; (l) added.....	+12317
31.3 (a), (b) introductory text, (b) (1), and (d) amended.....	+12317
31.6 (b) (1) and (2) amended.....	+12317
31.8 (a) amended.....	+12317
32 Nomenclature changes.....	+12317
32.2 (k) amended; (l) added.....	+12317
32.3 (a), (b), and (d) (1) amended.....	+12317
32.6 (b) (1) and (2) amended.....	+12317
32.8 (a) amended.....	+12317
33 Nomenclature changes.....	+12317
33.2 (l) amended.....	+12317
33.3 Amended.....	+12317
33.5 (e) amended.....	+12317
33.6 Amended.....	+12317
33.11 Amended.....	+12317
35 Nomenclature changes.....	+12317
35.2 Amended.....	+12317
35.3 Amended.....	+12317
35.6 (a) and (g) amended.....	+12317
35.10 (a) amended.....	+12317
36 Nomenclature changes.....	+12318
36.2 (c) amended.....	+12318
36.3 Amended.....	+12318
36.6 (a) amended.....	+12318
36.7 (b) amended.....	+12318
36.11 (a) amended.....	+12318
36.40 Amended.....	+12318
50 (Subchapter M) and part added.....	65535
Nomenclature changes.....	+12318
50.1 Corrected.....	+1617
Amended.....	+12318
50.2 (d) corrected.....	+1617
(a) revised; (b) amended.....	+12318
50.10 Amended.....	+12318
50.12 Corrected.....	+1617
50.20-1 Heading corrected.....	+1617
50.20-3 (a) amended.....	+12318
50.20-6 (b) (2) and (7) corrected.....	+1617
50.40 (b) amended.....	+12318
55 Nomenclature changes.....	+12318
55.2 Amended.....	57039
55.3 Amended.....	57039
55.9 Amended.....	57040
55.9-88 (e) introductory text and (h) nomenclature change; (e) introductory text and (e) (4) amended.....	+12318
55.12 Corrected.....	36462
Amended.....	57040
55.15 Amended.....	57040
55.19 Amended.....	57040
55.20 Amended.....	57040
55.26-1 Amended.....	+12318
56 Nomenclature change.....	+12318
56.2 Amended.....	57041
56.3 Amended.....	57041
56.9 Amended.....	57041
56.9-88 (e) and (h) nomenclature change.....	+12318
(e) introductory text and (e) (4) amended.....	+12318
56.12 Corrected.....	36462
Amended.....	57041
56.15 Amended.....	57041
56.19 Amended.....	57041
56.20 Amended.....	57042
56.26-1 Amended.....	+12318
57 Nomenclature change.....	+12318
57.2 Amended.....	57042
57.3 Amended.....	57042
57.5 Amended.....	57043
57.9 Amended.....	57043
57.9-88 (e) and (h) nomenclature change.....	+12319
(e) introductory text and (e) (4) amended.....	+12319
57.11 Amended.....	57043
57.12 Amended.....	57043
57.15 Amended.....	57043
57.18-28 (a) and (b) nomenclature change.....	+12319
57.19 Amended.....	57043
57.20 Amended.....	57044
57.21 Corrected.....	36462
Amended.....	57044
57.26-1 Amended.....	+12319
58 Removed.....	65540
70 Nomenclature change.....	+12319
70.1 Amended.....	+12319
70.2 (l) and (k) amended; (l) removed.....	+12319
70.260 (a) amended.....	+12319
70.504 Amended.....	+12319

Note: Symbol (+) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

	Page
70.510 (b) (3) amended.....	+12319
71 Nomenclature change.....	+12319
71.1 Amended.....	+12319
71.2 (a) and (h) amended.....	+12319
71.111 (a) amended.....	+12319
71.200 (a) amended.....	+12319
71.402 (b) amended.....	+12319
71.500 (c) amended.....	+12319
74 Nomenclature change.....	+12319
74.4 (b) amended.....	+12319
74.6 (a) amended.....	+12319
75 Nomenclature change.....	+12319
75.1 Amended.....	+12319
75.2 (n) amended.....	+12319
(m) amended.....	+12320
75.100 (c) (1) amended.....	+12320
75.150 (b) (2) amended.....	+12320
75.155 (c) amended.....	+12320
75.303-2 (c) amended.....	+12320
75.523-1 (c) amended.....	+12320
75.1710-1 (a) (5) (ii) and (6) effective dates suspended.....	34876
(f) amended.....	+12320
75.1712-6 (c) amended.....	+12320
75.1719 (b) revised.....	+13564
(1) (f) nomenclature change.....	+12320
75.1719-2 (c) (2) nomenclature change.....	+12320
75.1719-3 (a) nomenclature change.....	+12320
77 Nomenclature change.....	+12320
77.1 Amended.....	+12320
77.22 (aa) amended.....	+12320
77.100 (b) (2) amended.....	+12320
77.101 (b) (2) amended.....	+12320
77.105 (b) amended.....	+12320
77.215-2 (b) (1) nomenclature change.....	+12320
77.216-2 (a) (1) nomenclature change.....	+12320
77.403 (b) nomenclature change.....	+12320
80 Removed.....	65540
90 Nomenclature change.....	+12320
90.1 Amended.....	+12320
90.2 (b) amended; (g) removed.....	+12320
90.10 Heading, (a) and (b) amended.....	+12320
90.20 Heading and text amended.....	+12320
90.30 Amended.....	+12320
90.31 (a) amended.....	+12320
90.32 Amended.....	+12320
90.33 (b) amended.....	+12320
90.40 Heading and (b) amended.....	+12320
100 (Subchapter P) Subchapter heading added.....	+23517
100 Part transferred from Subchapter O to Subchapter P and revised.....	+23517
Chapter II—Geological Survey, Department of the Interior	
231.2 (j) revised.....	+10341
231.3 (c) (9) added.....	+10341
231.61 Revised.....	+10341
250.12 (c) revised.....	53957
250.30 Revised.....	53958
250.34-250.34-4 Revised.....	+3883
252 Added.....	+3889
270.2 (p) and (q) added.....	+13833
270.11 Revised.....	+13833
270.34 Revised.....	+13833
270.35 Revised.....	+13834
270.78 Revised.....	+13834
Chapter VI—Bureau of Mines, Department of the Interior	
601 Appendix revised.....	55208, 59670
Chapter VII—Office of Surface Mining Reclamation and Enforcement, Department of the Interior	
700 Added.....	62675
700.5 Corrected.....	+2721
705 Added.....	56063
706 Added.....	56066
710 Added.....	62677
710.4 (b) effective date confirmed.....	+5001
710.11 (c) (1) corrected.....	+2721
(d) (2) (ii) effective date confirmed; (d) (2) revised.....	+5001
(d) (3) and (4) added.....	+8091
710.12 Corrected.....	+2721
(e) effective date confirmed; note added; (d) revised.....	+5001
715 Added.....	62680
715.11 (c) effective date confirmed.....	+5001
715.13 (c) (10) and (d) (7) corrected.....	+2721
(d) effective date confirmed.....	+5001
715.14 (l) corrected.....	+2721
715.15 (b) (8) corrected.....	+2721
(a) (9) and (b) (12) effective date confirmed.....	+5001
715.17 (a) correctly designated; (a) introductory text and (e) (6) (iii) corrected; (j) (5) correctly removed.....	+2721
(e) (6) (iii) corrected.....	+3705

Note: Symbol (+) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Title 30, Chapter VII—Continued

	Page
715.17—Continued	
(j) (3) and (5) effective date confirmed	†5001
(c) (1) and (e) introductory text, (1) and (2) revised; (e) (3) through (9) redesignated as (e) (4) through (10); new (e) (3) added; new (e) (6) revised	†8091
(a) (3) added	†21458
715.18 (b) (2) and (6) effective date confirmed	†5001
715.19 (e) (ii) corrected	†2722
(b), (c), (d), and (e) (4) effective date confirmed	†5001
715.20 Note added	†5002
716 Added	62691
716.7 (e) (5) and (g) (2) corrected	†2722
(c), (d), and (e) effective date confirmed	†5001
Note added	†5002
717 Added	62695
717.17 (c) (1) and (e) introductory text, (1) and (2) revised; (e) (3) through (9) redesignated as (e) (4) through (10); new (e) (3) added; new (e) (6) revised	†8092
(a) (3) added	†21459
717.18 (b) (2) and (6) effective date confirmed	†5001
717.20 Note added	†5002
718 Added	62700
718.1 (b) effective date confirmed	†5001
Note added	†5002
720 Added	62700
720.13 Effective date confirmed	†5001
Note added	†5002
721 Added	62700
722 Added	62701
722.11 Heading corrected	†2722
722.12 Heading corrected	†2722
723 Added	62702
725 Added	62704
725.15 Effective date confirmed	†5001
725.23 (a) effective date confirmed	†5001
725.24 Effective date confirmed	†5001
725.25 Note added	†5002
740 Added	62706
740.11 (c) (1) (i) corrected	†2722
740.13 (a) and (b) effective date confirmed	†5001
740.16 (b) corrected	†2722
(e) effective date confirmed	†5001
740.18 Effective date confirmed	†5001
740.26 Effective date confirmed	†5001
740.27 Effective date confirmed	†5001
740.28 Note added	†5002
795 Added	62710
795.11 (a) and (b) effective date confirmed	†5001
795.12 (a) and (b) effective date confirmed	†5001
795.14 Effective date confirmed	†5001
795.16 Effective date confirmed	†5001
795.17 (a) (3) and (b) effective date confirmed	†5001
795.19 Note added	†5002
830 Added	62712
830.11 (a) (1) (i) corrected	†2722
837 Added	62714
837.14 (b) revised	†20795
837.15 (d) revised; (e) redesignated as (f); new (e) added	†20795
(e) corrected	†25672
837.16 Effective date confirmed	†5001
Note added	†5002

Title 30—Proposed Rules:

11	56761, 59294
	†979, 26454
40	†9108, 14691
41	†9109, 14691
43	†9113, 14691
44	†9114, 14691
50	55568
55	35000, 36273, 46930
	†9114
56	35000, 36273, 46930
	†9114
57	35000, 36273, 46930
	†9114
58	55568
70	42362, 43646, 59294
	†979, 3729, 16349, 26454
71	43646, 59294
	†979, 3729, 16349, 26454
75	59294, 59300
	†18710, 26454
77	46367
80	55568
81	†9108
82	†9109
90	59294
	†979, 26454
100	†9120, 14691
211	60890
	†781
250	36273, 49478, 56959
	†24710
252	48893, 56959
	†24710
270	49482
	†4264, 12892
700—837 (Ch. VII)	†25881
700	44920, 46550

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

	Page
710	44920, 46550
715	44920, 46550
	†17835
716	44920, 46550
717	44920, 46550
720	44920, 46550
721	44920, 46550
722	44920, 46550
723	44920, 46550
725	44920, 46550
740	44920, 46550
795	44920, 46550
830	44920, 46550
837	44955, 46552
	†7305
840	†17918
841	†17918
843	†17918
845	†17918
848	†17918
850	†17918
852	†17918
855	†17918
880	†24326
2170	†2540
2171	42540

10.56 (b) revised	38353
10.57 (c) amended	38354
10.58 (a) and (c) amended	38354
10.60—10.62 Amended	38354
10.64 (a) revised	38353
(b) (2) amended	38354
10.65 (a) revised	38354
(b) amended	38354
10.66 (a), (d), and (e) amended	38354
10.67 Amended	38354
10.68 Amended	38354
10.69—10.72 Amended	38354
10.91 Revised	38354

**Chapter I—Monetary Offices,
Department of the Treasury**

51.0—51.4 (Subpart A) Revised	47995
51.10—51.19 (Subpart B) Revised	47990
51.20—51.31 (Subpart C) Revised	47996
51.40—51.45 (Subpart D) Revised	48000
51.100—51.108 (Subpart F) Revised	41860
51.101 (a) clarification	†15627
51.106 (a) clarification	†15627
51.200—51.225 (Subpart G) Added	48002
52 Revised	48547
52.25 Revised	†9807
94 Removed	†24692
103.24 Revised	63774
103.34 (a) (1) and (3) revised; (b) (11) and (12) added	†21672
(a) (1) and (3) and (b) (11) and (12) policy statement	†24527
103 Appendix amended	†27826
128.2 (c) revised	63096
128.10 Revised	63096
128.11 Revised	63096
128.11a Added	63096
128.11b Added	63096
128.12 Revised	63097
128.12a Added	63097
128.13 Revised	63097
128.13a Added	63097
128.13b Added	63097
128.13c Added	63097
128.13d Added	63097
128.14 Revised	63097
128.14a Added	63097
128.14b Added	63097
128.23 Revised	63097
128.30 Revised	63097

**TITLE 31—MONEY AND
FINANCE: TREASURY**

**Subtitle A—Office of the Secretary of
the Treasury**

0.735—39 (a) through (c) revised	†17471
2 Appendix A revised	35958
4.1 Amended	60741
8.21 (a) corrected; (b) (1) revised	36455
8.22 (e) corrected	36455
8.52 (g) corrected	36455
10.0 Revised	38352
10.2 (a) amended	38352
10.4 (c) revised; (d) removed; (e) redesignated as (d)	38352
10.5 (a) revised	38352
10.6 (b) (2), (c), and (d) (1) removed; (b) (1) and (d) (2) redesignated as (b) and (c)	38352
10.9 Removed	38352
10.10 Removed	38352
10.21 Revised	38352
10.22 (b) revised	38352
10.26 Revised	38352
10.30 Amended	38353
10.31 Redesignated as 10.32; new 10.31 added	38353
10.32 Redesignated from 10.31	38353
10.51 (b) and (g) amended	38353

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Title 31—Continued

Chapter II—Fiscal Service, Department of the Treasury

	Page
203 Revised; eff. 7-6-78	+18967
Effective date postponed	+26309
205 Revised	62927
214 Revised; eff. 7-6-78	+18970
Effective date postponed	+26309
214.2 Amended	54804
214.6 (b) introductory text, (1) and (3) revised; (b) (4) added	54804
215 Revised	33732
223.2 Amended	+12678
223.12 (a) and (b) introductory texts revised; (c) amended	+12678
223.22 Revised	+12678
226 Added; eff. 7-6-78	+18972
Effective date postponed	+26309
316 Tables amended	+8083
317.5 Revised; eff. 7-6-78	+18972
Effective date postponed	+26309
321.5 Revised; eff. 7-6-78	+18972
Effective date postponed	+26309
332 Tables added	+8079
341.10 (b) correctly designated	57123
344 Revised	64846
346.1 (c) amended	37520
346.5 Revised	37520
346.8 (d) (2) footnote 1 redesignated as footnote 3; (b) (2) and (d) (2) footnote 3 amended	37520
346.9 (a) amended	37520
346.10 (a) and (b) amended	37520
346.12 Amended	37520
346.15 Table revised	37521

Chapter IV—Secret Service, Department of the Treasury

409 Added +26719

Chapter V—Office of Foreign Assets Control, Department of the Treasury

500.565 Added	+1335
515.562 Added	58518
Correctly designated; authority citation revised	+19852
515.563 Added	+1336
515.564 Added	+19852
515.565 Added	+19852

Title 31—Proposed Rules:

0-12 (Subtitle A)	57973
10	+25695
51	34336
	+9320, 15735

103	-----	Page
129	-----	+10940
203	-----	+25636
214	-----	62308
223	-----	38602, 62308
317	-----	+6812
321	-----	62308

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

1-39 (Subchapter A) 1976 ASPR adopted in CFR	39213
61 Added	+15149
65 Added	+4856
70 Added	+13568
81 Revised	+15149
114 Added	54547
143 Added	55209
160 Added	+15150
166.11 Revised; eff. 9-30-77	+1617
186 Added	+12678
191 Technical correction	42857
192 Revised	+3560
197 Removed	+23569
199 Hearing	41118, 43659
203 Added	57124
206 Revised	+16975
209 Added; eff. 12-10-76	+4009
Technical correction	+5372
217 Added	+14650
230 Revised	+1068
231 Revised	59973
242a.2 (e) introductory text revised	63775
242b Added	63775
248 Added	+8137
253 Correctly added	+12680, 17354
260 Revised	+25339
268 Added	+11197
271 Removed	+26310
273 Revised	+21326
276 Revised	59072
286b.11 Revised	39214
289 Revised	47555
Technical correction	48885
Revised	+16478
290 Revised	40434
290a.9 Added	35157
292a.22 Revised	+3275
292a.23 Revised	+3275
298a.14 (c) revised	+25673
(c) technical correction	+26720
301 Revised	+23569
354 Added	33734
355 Added	36996
356 Added	57312

Note: Symbol (+) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Chapter V—Department of the Army

	Page
504 Removed	+26443
505.9 Amended	+1336, 17821
511 Removed	+26443
512 Removed	+26443
517 Removed	+26443
519 Revised	+14458
Removed	+26443
532 Removed	+26443
533 Removed	+26443
536.44 Removed	+26443
536.50-536.57 Removed	+26443
538 Removed	+26443
554 Removed	+26443
561 Removed	+26443
563 Removed	+26443
564.1-564.5 Removed	+26443
564.7-564.11 Removed	+26443
564.14-564.18 Removed	+26443
570 Removed	+26443
572 Removed	+26443
573 Removed	+26443
576 Removed	+26443
577 Removed	+26443
580 Removed	+26443
581.2 (e) (7) amended; (h) (1) (ii) and (iii), and (h) (11) revised; (h) (12) added	35647
(h) (1) (ii) revised	55810
Revised	+15572
582 Removed	+26443
621.1 Revised	43799
621.2 Added	43800
621.3 Added	43801
621.4 Added	43803
632 Removed	+26443
641.272 Revised	+22356
641.273 (b) revised	+22356
641.274 (b) revised	+22356
650 Revised	65026
656 Added	56326
656.8 Heading, (b), (c) (5) and (d) (8) corrected	+1792
657 Added	55613

Chapter VI—Department of the Navy

700.606-700.612 Removed	+17355
700.703 Removed	+17355
700.705-700.708 Removed	+17355
700.712 Removed	+17355
Correctly removed	+28475
700.718-700.719 Removed	+17355
700.722-700.723 Removed	+17355
700.727-700.728 Removed	+17355
700.730-700.732 Removed	+17355
700.735 Removed	+17355

Note: Symbol (+) refers to 1978 page numbers

	Page
700.738-700.739 Removed	+17355
700.741-700.746 Removed	+17355
700.748 Removed	+17355
700.750-700.751 Removed	+17355
700.759-700.762 Removed	+17355
700.766-700.767 Removed	+17355
700.801-700.810 Removed	+17355
700.812-700.816 Removed	+17355
700.818-700.829 Removed	+17355
700.831-700.833 Removed	+17355
700.835-700.867 Removed	+17355
700.902 Removed	+17355
700.905-700.921 Removed	+17355
700.924-700.934 Removed	+17355
700.936-700.939 Removed	+17355
700.1101-700.1114 Removed	+17355
700.1118-700.1119 Removed	+17355
700.1121-700.1132 Removed	+17355
700.1134-700.1142 Removed	+17355
700.1145 Removed	+17355
700.1147-700.1149 Removed	+17355
700.1152-700.1160 Removed	+17355
700.1162-700.1163 Removed	+17355
700.1203-700.1204 Removed	+17355
701.8 (a), (b) (3), (c), (d), (e), and (f) removed; (b) (1) and (2) redesignated as (a) and (b)	+17355
701.13 Removed	+17355
701.55 Removed	+17355
701.56 (a) removed; (b) and (c) redesignated as (a) and (b)	+17355
701.123 (m) added	35647
705.3 Removed	+17355
705.27 Removed	+17355
705.28 Removed	+17355
706 Revised	36434
Authority citation revised	48876
Technical correction	+13879
706.1 (d) and (f) amended	48876
706.2 Heading revised; tables amended	48876
Table amended	54948
Tables amended	+8257, 12681
706.3 Table amended	48876
707 Revised	61596
Technical correction	+13879
707.1 (c) revised	36251
710 Removed	+17355
711 Removed	+17355
713 Removed	+17355
719.101-719.111 Removed	+17355
719.113 and 719.114 Removed	+17355
719.116-719.137 Removed	+17355
719.139-719.141 Removed	+17355
719.145-719.150	+17355
720.6-720.7 Removed	+17355
720.9-720.11 Removed	+17355

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Title 32, Chapter VI—Continued

	Page
720.13—720.14 Removed	+17355
720.16—720.17 Removed	+17355
720.22—720.25 Removed	+17355
720.40—720.41 Removed	+17355
721 Revised	43071
721.11 Removed	+17355
722.5 Removed	+17355
722.6 Removed	+17355
723.3 (e) (7) amended; eff. 11-28-77	+2170
723.11 (e) (1) amended; (e) (2) revised; eff. 11-28-77	+2170
724 Policy statement	+17355
724.321 Revised	59074
(b) (5) corrected	60911
724.501 Revised	59075
724.503 Revised	59075
724.803 Revised	59075
724.808 Revised	59075
724.811 Revised	59075
724.814 Revised	59075
724.902 Revised	59076
727.2—727.4 Removed	+17355
727.8 Revised	35957
727.11 Revised	35957
727.12 Revised	35958
727.14 (b) removed	+17355
728.11—728.15 Removed	+17355
731 Removed	+17355
732.2—732.11 Removed	+17355
732.13—732.16 Removed	+17355
733 Removed	+17355
734 Removed	+17355
735 Removed	+17355
751.3 (b) (2) (i), and (j) (2) revised	+25425
751.4 (a) revised; (c) and (e) removed	+25426
751.13 Revised	+25426
751.17 (c) (3) (vi) and (d) added	+25426
751.20 Amended	+25426
751.21 (f) (1) (ii) amended; (f) (2) added	+25426
751.22 (f) added	+25427
751.24 (a) and (b) revised; (e) amended; (g) removed	+25427
751.28 (b) amended; (c) added	+25427
751.30 Revised	+25428
753 Removed	+17355
763 Added	+3706
Technical correction	+11815
765.2 Removed	+17355
765.9—765.11 Removed	+17355
766.14 Removed	+17355

Chapter VII—Department of the Air Force

	Page
804 Removed	+22970
806b.13 Revised	+19230
806b.18 Revised	+19231
806b.58 (m) revised	41409
809 Removed	+22970
809b Removed	+22970
809c Removed	+22970
816 Redesignated as Part 983	+1070
819b Added	53958
835 Added	+22030
842.49 (a) (1), (b) (1), (2), (3) (iii) and (iv), (c), (e) (4), (g), (h) introductory text, (h) (1) heading, (h) (i) (d) and (e), (ii), and (2) revised	+7316
842.83 (b) (1) (i) (c) and (d), (ii) through (v) and (c) revised; (b) (1) (i) (e) and (f) added	+7316
842.110 (a) (1) (iii) and (2) (vi) added; (a) (2) (iv) and (v), (3), (4), (5) (i), and (f) revised	+7316
842.125 (a) (1) (iii), (iv), (2), and (3) revised; (a) (1) (v), (vi), and (c) added	+7316
842.148 Revised	+7317
852 Added	42684
861 Redesignated as Part 984	+1070
865.7 (d) added	+1619
865.13 Revised	+1619
865.14 (f) and (g) revised	+1619
865.100—865.126 (Subpart B) Revised	+20795
865.101 Amended	36450
865.103 (b) amended	36450
865.107 (d) amended	36450
865.109 (e) introductory text revised; (e) (3) redesignated as (e) (4) and revised; new (e) (3) added	36450
(e) (3) amended	+2394
865.112 Amended	36450
872 Removed	+22970
873 Removed	+22970
874 Removed	+22970
880.0—880.24 Designated as Subpart A; eff. 10-24-77	+6766
880.35—880.38 (Subpart B) Added; eff. 10-24-77	+6768
881 Removed	+22970
882 Removed	+22970
886 Removed	+22970
888c Removed	+22970
888g Added	+4605
888h Added	+10908

Note: Symbol (+) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

	Page
905 Removed	+22970
906 Removed	+22970
908 Removed	+22970
955 Removed	+22970
983—984 (Subchapter S) Added	+1070
983 Redesignated from Part 816	+1070
Removed	+22970
984 Redesignated from Part 861	+1070
985 Added; eff. 8-3-77	+6767
Removed	+16979

Chapter XII—Defense Logistics Agency

1201—1250 (Subchapter A) Heading revised	+18993
1201 Revised	+18993
1202 Revised	+19008
1203 Revised	+19011
1204 Revised	+19015
1205 Revised	+19016
1206 Revised	+19018
1207 Revised	+19023
1208 Revised	+19023
1209 Revised	+19024
1210 Revised	+19025
1212 Revised	+19025
1213 Revised	+19026
1214 Revised	+19026
1215 Revised	+19028
1216 Revised	+19028
1217 Revised	+19033
1219 Revised	+19033
1220 Revised	+19034
1221 Revised	+19034
1225 Revised	+19035
1250 Revised	+19036
1286 Revised	45908
1287 Added	37204
1288 Added	36997

Chapter XIV—Renegotiation Board

1453.5 (b) (3) (ii) revised; (b) (2) and (3) note removed	+4014
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Chapter XVIII—Defense Civil Preparedness Agency

1800 Added	34878
1801.2 Revised	+25093
1801.3 Revised	+25093
1801.4 Revised	+25093
1801.5 Removed	+25094
1801.6 Revised	+25094
1801.7 Amended	+25094
1801.8 Revised	+25094
1801.9 Revised	+25094
1801.10 Removed	+25094
1801.11 (a) amended	+25094

Note: Symbol (+) refers to 1978 page numbers

1802 Removed	+6229
1806 Revised	+26569

Chapter XIX—Central Intelligence Agency

1900.51 (a) amended	+24527
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Title 32—Proposed Rules:

43a	+17838, 23001
70	62934
	+2834, 7932, 8240
81	34340
91	59761
114	39234
143	41306
260	34893
286	40552, 45935
288	62503
	+8271
292a	38604
	+24711
298a	+19689
505	+27864
553	+3139
806b	33776, 37019, 37829
	+6813
832	+980, 2735
835	+16193
865	39999
976	46367
1286	37982
1421-1499 (Ch. XIV)	+12039
1453	37424
1460	+2187, 10581
1469	+2187, 10581
1804	+26335
1806	+10940, 13588
1810	+5389
1900	64710

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Federal Preparedness Agency, General Services Administration

134 Revised	57457
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Chapter VI—Industry and Trade Administration, Department of Commerce

Chapter heading revised; eff. 12-31-77	+8
621 Sec. 7 amended	52400
621a Sec. 5 amended	52400
621b Sec. 6 amended	52400
631 Sec. 15 amended	52400
633 Sec. 11 amended	52400
634 Schedule A revised; eff. 7-1-78	+24308
651 Sec. 6 amended	52400

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Title 32A—Continued

Chapter XV—Federal Reserve System

	Page
1505 Section 1 amended	35833, 55211
Title 32A—Proposed Rules:	
621	38193
621a	38193
621b	38193
631	38193
633	38193
651	38193
671	43038

TITLE 33—NAVIGATION AND
NAVIGABLE WATERSChapter I—Coast Guard, Department
of Transportation

1.01-30 (a) revised	48022
1.08-1 (a) (9) added	+22657
1.08-5 (c) through (f) revised	+22657
3.01-1 (g) added	48022
3.04-1 (b) revised	+8516
3.04-3 (b) revised	+8516
3.10-1 (b) revised	+2372
3.10-40 Revised	+2372
3.10-80 (b) revised	+2372
3.35-10 Revised	+1056
3.35-15 Revised	+1056
3.35-20 Revised	+1056
(b) corrected	+18553
3.35-25 Revised	+1056
3.35-30 Revised	+1056
3.35-35 Revised	+1056
3.35-55 Removed	+1057
3.35-60 Removed	+1057
3.35-65 Removed	+1057
3.35-70 Removed	+1057
3.35-75 Removed	+1057
3.35-80 Removed	+1057
3.35-85 Removed	+1057
3.40-1 (b) revised	+2372
3.40-10 (b) revised	+2373
3.55-10 (a) revised	+18553
3.60-50 Revised	+25955
3.60-55 Revised	+25955
3.60-60 Revised	+25955
3.85-15 Revised	36252
(b) corrected	38354
3.85-20 Added	36252
25.127 Revised	+27531
26.02 Amended	35784
82 Revised	35784
Authority citation revised	63169
82.120 (a) and (b) corrected	63169
82.135 (a) corrected	63169

82.305 (c) and (e) corrected	63169
82.310 (d) corrected	63169
82.735 (f) corrected	63169
82.748 (a) corrected	63169
82.750 (g) corrected	63169
82.1255 (a) corrected	63169
82.1305 Corrected	63169
82.1440 Corrected	63169
82.1495 Corrected	63169
82.1720 (b) corrected	63169
82.1735 Corrected	63169
85 Removed	35792
86.01-12 Added	57648
87 Heading revised	35792
87.1 Amended	35792
87.5-87.17 Undesignated center heading added	35792
87.18 Added	57648
87.20 Undesignated center heading and section added	35792
87 Appendix B added	57648
Appendix B corrected	+10911
88 Added	35792
91.01-12 Added	57650
96.05-10 Added	35793
100 Temporary regulation	+25343
110.2a Added	34881
110.5 (a-2) added	40694
110.25 (a) revised	39386
110.72b Added	40694
110.72c Added	+14470
110.84a Added	36254
110.90 (c) removed	40694
110.93 Added	44985
110.126 Revised	37369
110.127c Added	37811
110.128b Added	62001
110.128c Added	62001
110.128d Added	62001
(a) through (d) revised	+21881
110.155 (m) (1) removed	58519
110.168 (a) (8) through (12) removed; eff. 7-29-78	+28199
110.233 Added	+21458
117.75 (c) and (f) amended; (m) added	+11983
117.130 Revised	+13379
117.131 Removed	+13379
117.145 (d) (2) revised	+1337
117.175 (d) added; eff. 7-10-78	+24830
117.190 (f) (3) and (4) removed	42199
117.191 Added	42199
117.200 (a) amended; (j) added	+21881
117.225 (f) (1-c) added	+958
117.229 Revised	+956

Note: Symbol (+) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

117.245 (i) (13) removed	58936
(j) (2) revised	61042
(i) (7a) Removed	+957
(j) (10) Revised; (j) (11) removed	+3562
(f) (18) added	+21459
(f) (10) revised	+26720
117.433a Added	61041
Authority citation corrected	+958
117.438c Added	+8518
117.439b Removed	+22970
117.446f Heading corrected	46302
117.462a Added	39387
117.465 Revised	+8516
117.540 (b) (2) amended	+3562
117.560 (g) (9) revised	+1338
117.641 (f) (3) and (4) removed	+1337
117.643 (d) added	+957
117.663 (e) (7) revised	55470
117.685 Revised	+1337
117.706 (b) revised	+6770
117.708 Revised	41118
117.712 (g) (2) revised	+6770
117.725 (b) removed	+8517
117.759b (f) (16) Added	+8517
117.795 Revised	46925
117.800 (e) (1) revised	38903
117.810 (f) (5) and (6) amended	38904
118.15 Amended	56954
118.35 Removed	56954
118.45 Amended	56954
118.60 Authority citation removed	56954
118.65 (c) amended	56954
118.85 (a) amended	56954
126 Authority citation revised	48022
127.358 Added	+26721
127.511 Revised	55471
128.101 Added	48876
128.301 Authority citation removed	63642
128.1401 (b) (2) and (3) revised; (b) (6) added; authority citation removed	63642
Effective date corrected to 1-18-78	+2170
135-136 (Subchapter M) Removed	57650
135 Removed	57650
136 Removed	57650
160 Authority citation revised	48022
160.1 Revised	48022
160.11 Introductory text amended	63369
160.35 (a) and (b) amended; (c) and (d) added	48022

160.37 Added	48023
160.39 Revised	48023
161.101 — 161.189 (Subpart B) Appendix A added	+12257
161.301 — 161.387 Undesignated center heading and sections added	37931
161.401-161.402 Undesignated center heading and sections added	51759
162 Added; supersedes 33 CFR Part 207 in part	51759
Redesignation table	51773
165 Added	63369
Effective date corrected to 1-16-78	+2170
165.201 Added (temporary)	+12682
165.513 Added (temporary)	+10342
173.3 (a) revised	+17941
173.21 (b) revised	+17941
181.31 (b) added	+14964
181.701 — 181.705 (Subpart G) Added; eff. 9-1-78	+9767
181.705 (a) corrected	+17356
183 Technical correction	41634
183.445 (a) revised	36253
183.450 (d) and (e) revised	36253
183.516 (b) and (c) amended	36253
183.520 Heading amended	36253
183.524 (c) revised	36253
183.526 (a) removed	36253
183.532 Table 7 revised	36253
183.534 Revised	36253
183.582 (a) amended	36253
183.590 (a) (2) revised	36253

Chapter II—Corps of Engineers,
Department of the Army

203 Revised	+1434
204.30 (d) and (e) revised	41281
204.202a (b) (9) revised	+20802
204.216 (a) amended; heading and (b) revised	40196
204.222b (a) revised	46520
207.35 Superseded by 162.15	51773, 57961
207.36 Superseded by 162.20	51773, 57961
207.40 Superseded by 162.25	51773, 57961
207.70 Superseded by 162.30	51773, 57961
207.80 Superseded by 162.35	51773, 57961
207.100 (g), (i), (l), (r), and (s) superseded by 162.40 (a) through (f)	51773, 57961

Note: Symbol (+) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Title 33, Chapter II—Continued

	Page		Page
207.127 Removed	51574	207.473 (b) superseded by 162.130	
207.130 Superseded by 162.45	51773, 57961	(a)	51773, 57962
207.140 Superseded by 162.50	51773, 57961	207.510 Superseded by 162.135	51773, 57962
207.154 Superseded by 162.55	51773, 57961	207.530 Superseded by 162.140	51773, 57962
207.157a Superseded by 162.20	51773, 57961	207.545 Superseded by 162.145	51773, 57962
207.160 (f) superseded by 162.65		207.550 Superseded by 162.150	51773, 57962
(a) (1) through (3) and (b)	51773, 57961	207.560 (a) through (c) super-	
207.164c Added	38177	sed by 162.155 (a) through	
207.172 Superseded by 162.70	51773, 57961	(c)	51773, 57962
207.180 (e) (1) through (4), (5)		207.565 (a) and (b) superseded	
(1) and (iii) through (vi) cor-		by 162.160 (a) and (b)	51773, 57962
rectly superseded by 162.75		207.570 (a) and (b) superseded	
(a) (1) through (3), (b) (1)		by 162.165 (a) and (b)	51773, 57962
through (4), and (5) (i)		207.580 (a) and (b) superseded	
through (v)	51773, 57961	by 162.170 (a) and (b)	51773, 57962
207.200 (b) (2) through (3), (c),		207.590 (f) superseded by 162.175	
and (d) superseded by 161.402		(a)	51773, 57962
(a) (1) through (3), (b), and		207.591 Superseded by 162.180	51773, 57962
(c)	51773, 57961	207.600 (a) and (b) superseded	
(e) superseded by 162.80(a)	51773, 57962	by 162.185 (a) and (b)	51773, 57962
207.260 (d) superseded by 162.85		207.610 (a) through (c) super-	
(a)	51773, 57962	sed by 162.190 (a) through	
207.275 (a) (3), (e) (1), (2) (i)		(c)	51773, 57962
through (iii) and (v) through		207.616 Removed	†3275
(vii), and (3) through (6)		207.619 Superseded by 162.195	51773, 57962
correctly superseded by 162.90		207.619a Superseded by 162.200	51773, 57962
(a) (1) through (3), (b) (1),		207.640 (k), (o), and (p) super-	
(2) (i) through (vi), and (3)		sed by 162.205 (a) through	
through (6)	51773, 57962	(c)	51773, 57962
207.301 Superseded by 162.100	51773, 57962	207.642 Superseded by 162.210	51773, 57962
207.306 (a) and (c) superseded		207.643 Superseded by 162.215	51773, 57962
by 162.105 (a) and (b)	51773, 57962	207.645 Superseded by 162.220	51773, 57962
207.400 (a) (1), (2), and (4)		207.670 Superseded by 162.225	51773, 57962
through (8) superseded by		207.715a Superseded by 162.230	51773, 57962
162.110(a) (1) through (7)	51773, 57962	207.718 Revised	†3115
207.410 (a), (b), and (d) through		207.750 (f) removed	40909
(j) superseded by 162.115 (a)		(d) (1) through (6), (10), and	
through (i)	51773, 57962	(l) correctly superseded by	
207.450 Superseded by 162.120	51773, 57962	162.235 (a) (1) through (7),	
207.460 (a) (2) and (15) revised;		and (b)	51773, 57962
(a) (6) (iv) amended	†26570	(g) (1), (4) through (6), (7) (i)	
207.470 (e) through (g), (i)		and (iii), and (11) and	
through (l), and (n) correct-		(15) revised	60142
ly superseded by 162.125 (a)		(g) (2), (4), (5), and (11) re-	
through (m)	51773, 57962	vised	†14652

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

	Page		Page
207.785 Superseded by 162.240	51773, 57962	326 Added	37158
207.787 Superseded by 162.245	51773, 57962	327 Added	37159
207.790 Correctly superseded by		328 Added	37161
162.255 (a) through (g)	51773, 57962	329 Added	37161
207.800 (a), and (c) through (h)		Chapter IV—Saint Lawrence Seaway	
correctly superseded by 162.-		Development Corporation	
250	51773, 57962	401.1—401.94 (Subpart A) Sched-	
207.802 (b) (3) revised	58519	ule I amended	†25818
207.804 (b) (3) revised	58519	Schedule II amended	†25819
207.810 Superseded by 162.260	51773, 57962	401.3 (a) revised	†25817
207.812 Superseded by 162.265	51773, 57962	401.5 Revised	†25817
207.900 Superseded by 162.270	51773, 57962	401.20 Revised	†25818
208.16 Removed	56329	401.31 (b) revised	†25818
208.17 Removed	56329	401.40 (a) revised	†25818
208.23 Removed	56329	401.51 Revised	†25818
208.24 Removed	56329	401.63 Table amended	†25818
208.30 Removed	56329	401.64 (b) revised	†25818
208.31 Removed	56329	402 Revised	†11672
208.35—208.81 Removed	56329	Title 33—Proposed Rules:	
208.83—208.95 Removed	56329	80	†6200
209.120 Removed	37133	90	†6200
209.125 Removed	37133	95	†6200
209.131 Removed	37133	100	†18571
209.133 Removed	37133	110	45693, 59761, 81474
209.138a Added	†28475		†3595
209.141 Added	†8258	117	38919, 38920, 42234, 44560, 46931, 58960, 81061, 81475
209.147 Added	62118		†981, 982, 1363, 4439, 4440, 6814—6816, 8559, 8560, 9625, 13401, 22410, 23001, 26756
209.150 Removed	37133	124	†25958
209.190 Revised	†22971	126	†15108, 18571, 25958
209.260 Removed	37133	154	34895, 39408, 56625
209.325 Revised	†19661		†15108, 18571
221 Added	†4979	155	34895, 39408, 56625
Appendix A added	†4982	156	34895, 39408, 56625
Appendix B added	†4984		†15108, 18571
222.2 Appendix A amended	47204	157	34895, 39999, 47851, 47852, 56625
222.5 Added	†14013	160—165 (Subch. P)	†12840
238 Added	†19804	161	†6906, 15586, 18571, 25958, 27567
257 Added	54286	164	47852, 59012
274 Added	41119	173	58722
278 Added	38569		†15583
279 Added	†14014	174	58722
305 Added	†13990		†15583
320 Added	37133	175	†15118
321 Added	37138	177	†16194, 26336
322 Added	37139	183	†9260, 22411
323 Added	37144	204	36845
324 Added	37147	206	†3287
325 Added	37149	207	51618, 58960
			†10942, 14652
		208	53637, 57141
		209	†6633, 28523
		239	†22306
		282	†3043
		401	†13075
		403	†20820
		407	43613

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

**TITLE 34—GOVERNMENT
MANAGEMENT****Chapter II—General Services Admin-
istration**

	Page
231 Removed	40695
232 Removed	58121
235 Removed	†2722
271 Removed	35833, 35853
281 Redesignated as 41 CFR 101-36.501—101-36.508 (101- 36.5) in part	†27190
282 Redesignated as 41 CFR 101-35.201—101-35.210 (101- 35.2) in part	†27190

TITLE 35—PANAMA CANAL**Chapter I—Canal Zone Regulations**

10.13 (a) (30) added	†11577
10.14 (a) (2) (xli) added	†11577
67.591 (b) and (c) revised	†25819
69.312 (a) revised	40197
119.1 Revised	†13380
119.10 Revised	†13380
119.11 Revised	†13380
119.12 (h) amended	†13380
119.14 Revised	†13380
119.16 (b) removed; (c) through (g) redesignated as (b) through (f)	†13380
119.23 Revised	†13380
119.26 Removed	†13380
119.61 Revised	†13380
119.62 Revised	†13380
119.63 Revised	†13380
119.103 Revised	†13380
119.104 Revised	†13380
119.105—119.108 Removed	†13381
119.141 (a) (4) removed; (a) (5) and (6) redesignated as (a) (4) and (5)	†13381
119.183—119.187 (Subpart E) Heading revised	†13381
119.183 Heading and (a) revised; (e) added	†13381
119.184 Revised	†13381
119.185 Revised	†13381
119.186 Heading and introduc- tory text revised	†13381
119.221 Revised	†13381
119.222 Revised	†13381
119.223 Revised	†13381
119.224 Revised	†13382
119.225 Revised	†13382
119.226 Revised	†13382
119.227 Revised	†13382

119.228—119.229 Removed	†13382
253.8 (c) (3) revised; (c) (4) re- moved	†17941

Title 35—Proposed Rules:

10	45693
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**TITLE 36—PARKS, FORESTS, AND
PUBLIC PROPERTY****Chapter I—National Park Service,
Department of the Interior**

7.3 (h) added	37812
7.4 (i) added	†1793
7.7 (a) (1) (i) and (iii) revised; (a) (2) (v) added	†14308
7.13 (b) (2) revised	†21460
7.14 (c) added	37812
7.20 (a) revised	62483
7.25 (b) (1) revised	†17357
7.34 (b) (3) (i) revised	61042
7.75 (a) (1) (iii) revised	†6229
17 Added	46303
17.3 Amended	†3360
50.19 (e) (1) and (2) revised; (e) (3) through (10) redesignated as (e) (4) through (11); new (e) (3) added	†14654
60.5 Removed	47658
60.7 Removed	47658
60.8 Removed	47658
60.9 Removed	47658
61 Added	47658
63 Added	47664
67 Added	54549
67.9 Added	40437

**Chapter II—Forest Service, Depart-
ment of Agriculture**

200.1 (a) and (c) (2) amended	†27190
200.2 (d) amended	40438
(a) (1), (b) and (d) text re- vised; (d) table amended	†27190
211.2 Effective date corrected to 7-28-77	38178
211.19 Effective date corrected to 7-28-77	38178
211.20—211.37 Effective date cor- rected to 7-28-77	38178
212.7 (a) revised; (b) removed	†20007
212.20 Revised	†20007
212.21 Revised	†20007
215 Added	†11827
222.1—222.11 (Subpart A) Add- ed; redesignated in part from Part 231	56732

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

	Page
222.3 (c) (2) (i) revised; (c) (2) (ii) (H) and (I) added	†27532
222.11 (a) introductory text and (1), (b), (c), and (g) (2) (i) amended	†27532
223.1 (e) (3) amended	35958
223.3 (m) revised	63777
223.6 Revised	†21882
223.10 (c) (2) revised	61452
231 Redesignated in part as 222.1—222.11 (Subpart A)	56732
251.52 (b) and (d) introductory text amended	59386
254.1—254.15 (Subpart A) Add- ed	†24831
254.20—254.28 (Subpart B) added	†5821
261.1 Revised	35958
261.1a Added	35958
261.2 (r) revised; (s) added	35959
261.6 (f) and (g) revised	35959
261.7 Revised	35959
261.10 (k) added	35959
261.13 (h) and (i) added	35959
261.16 Heading and (c) revised; introductory text added	35959
261.19 Revised	35959
261.21 Added	35959
261.50 (e) (1) revised; (f) re- moved; (g) redesignated as (f)	35959
261.52 (d), (h), and (j) revised	35959
261.58 (w), (x), and (y) added	35959
261.77 Technical correction	36254
Revised	†3706
261.78 Added; interim	†28476
264 Added	†23574
291.9 (a), (b), and (c) amend- ed	35959
292.17—292.18 (Subpart D) Add- ed	39387
293.3 Existing text designated as (a); (b) added	35959
293.9 Removed	35960
293.15 (b) removed	35960
293.17 (c) added	35960
295 Revised	†20008

**Chapter III—Corps of Engineers, De-
partment of the Army**

327.4 Revised; eff. 11-15-78	59077
328 Added	59078
330 Added	61986

**Chapter IX—Pennsylvania Avenue
Development Corporation**

	Page
904 Added	†22708
904.2 (a) (2) corrected	†24528
904.25 (d) (3) corrected	†24528

Title 36—Proposed Rules:

7	35859, 46370
	†779, 6261, 9321, 12042
9	63058
	†2188
50	55234
200-295 (Ch. II)	62163
212	46553
214	54310
216	59762
221	46063
222	60108
223	34527
	†1628, 13401, 20022, 26757
231	60108
254	38193, 63649
261	†23610
264	59092
295	46553
313	†5545
322	†5545
327	†5545

**TITLE 37—PATENTS, TRADE-
MARKS, AND COPYRIGHTS****Chapter I—Patent and Trademark
Office, Department of Commerce**

1.1 Text and note revised	†20461
1.4 (a) revised	†20461
1.5 (a) revised	†20461
1.8 (a) introductory text and (2) (i) revised; (a) (2) (xi) add- ed	†20461
1.9 Added	†20461
1.11 (a) revised; eff. 8-1-78	†28477
1.12 Revised	†20461
1.14 (a) and (c) revised	†20462
1.21 (w) and note added	†20462
1.23 Revised	†20462
1.25 (b) revised	†20462
1.26 Revised	†20462
1.52 (a) and (b) revised	†20462
1.55 (d) added	†20463
1.57 Revised	†20463
1.58 Revised	†20463
1.61 Added	†20463
1.70 Added	†20463
1.72 (b) revised	†20464
1.75 (c) revised; (f) and (g) added	†4015
1.77 Revised	†20464

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Title 37, Chapter I—Continued

	Page
1.78 (a) revised	†20464
1.81 Revised	†4015
1.83 (c) added	†4015
1.84 (a) through (f), (i), (j), and (l) revised	†20464
1.104 (c), (d), and note added	†20465
1.141 Revised	†20465
1.146 Revised	†20465
1.205 (c) added; eff. 8-1-78	†28478
1.207 (b) revised; eff. 8-1-78	†28478
1.217 Revised; eff. 8-1-78	†28478
1.223 (c) revised; eff. 8-1-78	†28478
1.225 Revised; eff. 8-1-78	†28478
1.245 Revised; eff. 8-1-78	†28478
1.246 Added; eff. 8-1-78	†28478
1.247 Revised; eff. 8-1-78	†28478
1.287 (c) amended; eff. 8-1-78	†28479
1.318 Added	†20465
1.331 (a) and (c) revised	†20465
1.401—1.482 (Subpart C) Added	†20466
3.56 Added	†20469
3.57 Added	†20470
5.1 Revised	†20470
5.3 Revised	†20470
(b) amended; eff. 8-1-78	†28479
5.11 Revised	†20471
5.13 Revised	†20471
5.14 (b) and (c) revised	†20471
5.15 (a) revised	†20471
5.17 Revised	†20471

Chapter II—Copyright Office, Library of Congress

201.4 Revised	†772
201.5 Revised	†773
201.8 Revised	†772
201.10 Added	45920
201.11 Revised	†960, 27830
201.12 Added	53961
201.13 Added	64684
201.14 Added	59265
201.15 Added	63778
201.16 Added	63780
201.17 Added	†962
Revised	†27832
201.18 Added	64891
201.19 Added	64892
202.3 Revised	†966
202.4—202.9 Removed	†966
202.10 (a) and (c) removed	†966
202.11 Removed	†966
202.12 (a) and (b) removed	†966
202.13 Removed	†966
202.14 (a) and (b) removed	†966
202.15 Removed	†767
202.15a Removed	†966

202.16 Removed	†767
202.17 Revised	†964
202.19 Added	†767
(d) (2) (ii) revised	†12321
202.20 Added	†768
(b) (2), (c) (2) (ix) and (d) revised	†11702
(c) (2) (ii) revised	†12321
202.21 Added	†770
(a), (c) and (e) revised	†11703
203 Added	†774
204 Added	†776

Chapter III—Copyright Royalty Tribunal

302 Added	†24528
304 Added	†25070

Title 37—Proposed Rules:

2	40450
	†4441, 28524
4	40450
	†28524
201	41437, 41438, 42362, 44247, 53980, 54840, 61051, 64374
202	59302
203	61476
204	61476
Ch. III	62019
	†6262, 6263
302	†19423
303	†20513

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

1.554 (a) (3) revised	37976
1.600 Revised	†26571
1.601—1.604 Added	†26571
1.620—1.621 Added	†26572
1.630—1.632 Added	†26573
2.6 Introductory text and (e) revised	41409
(e) (3) revised	†10560
(f) added	†22973
2.75 Revised	41424
2.80 Revised	†3707
3.12 (c) (6) and (g) through (j) added; (c) (5) and (f) revised	†15153
3.13 (b) revised; (c) added	†15154
3.261 (a) (20) revised	43834
3.350 (a) introductory text, (f) (1) (i) and (iii), (2) (i) and (iii) and (h) revised	†14017
3.359 Added; eff. 10-14-76	†4424

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

	Page
3.360 Added	†15154
3.400 (x) and (y) added	†11703
3.460 Introductory text revised	†14018
3.461 Revised	†14018
3.552 (g) revised	†14018
3.808 (a) and (b) (1) introductory text revised	†4423
3.809 (b) (3) and (d) revised; (b) (4) added	†14018
8.0 (b) (2) revised	62367
8a.1 (a), (c), and (e) revised; (h) removed	43835
8a.2 (a), (b) (1), (4), (5), (6) and (8) revised; (b) (9) and (c) added	43835
8a.3 Revised	43835
8a.4 (b), (c) and (d) revised	43836
13.56 (a) and (b) revised	34282
13.400 Removed	41410
13.401 Removed	41410
13.402 Removed	41410
14.500 Revised	41410
14.501 Revised	41411
14.502 Revised	41411
14.503 Revised	41411
14.504 Revised	41411
14.505 Added	41411
14.507 Added	41411
14.514 Revised	41411
14.515 Revised	41412
14.516 Revised	41412
14.517 Revised	41413
14.518 Revised	41413
14.560 Revised	41413
14.561 Revised	41413
14.562 Redesignated from 14.563 and revised	41413
14.563 Redesignated as 14.562; new 14.563 redesignated from 14.583 and revised	41413
14.583 Redesignated as 14.563 and revised	41413
14.600 (a) and (b) introductory text and (b) (1) revised	41414
14.601 Revised	41414
14.602 Revised	41414
(c) and (d) revised	†2722
14.603 (a) revised	41414
14.604 Revised	41414
14.605 Revised	41415
14.606 (a) revised	41415
14.607 Introductory text, (a) and (b) revised	41415
14.608 Revised	41416
(a) and (b) revised	†2722
14.609 Revised	41416
14.610 Revised	41417

	Page
14.615 (b) and (c) revised	41417
14.616 (b) revised	41418
14.617 (a) revised	41418
14.618 (a), (b), and (c) revised	41418
14.619 Undesignated center heading and section added	41418
(b) and (c) revised	†10560
14.620 (b) through (e) revised	41418
14.626 (a) (2) revised	41419
14.627 Introductory text, (a), and (c) revised	41419
14.628 Revised	41419
14.629 (a) and (b) (1) and (4) revised	41419
14.630 Revised	41420
14.632 Redesignated from 14.635 and revised	41420
14.633 Redesignated from 14.636 and revised	41420
14.634 Redesignated from 14.637 and revised	41420
14.635 Redesignated as 14.632 and revised	41420
14.636 Redesignated as 14.633 and revised	41420
14.637 Redesignated as 14.634 and revised	41420
14.638 Revised	41420
14.639 Revised	41420
14.642 Revised	41421
14.646 Revised	41421
14.649 Revised	41421
14.650 Revised	41421
14.651 Revised	41421
14.657 Revised	41421
14.660 Redesignated from 14.663 and revised	41421
14.663 Redesignated as 14.660 and revised	41421
14.664 Revised	41421
14.665 (a) introductory text and (3), and (c) revised	41421
14.666 Revised	41422
14.667 (a) (2), and (4) revised	41422
14.668 (b) (2) revised	41422
14.700—14.709 Undesignated center heading and sections added	41422
17.50d Revised	55212
17.261 Revised	54804
17.262 Revised	54804
17.266 (e) revised	54804
17.270 Introductory text and (a) revised	54805
17.281 Revised	54805
17.285 Revised	54805
17.286 Removed	54805

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Title 38, Chapter I—Continued

	Page
17.287 Revised	54805
17.290 Revised	54806
18.3 (d) added	60144
21.1045 (f) revised	34517
21.4001 (c) (1) revised	†3707
21.4005 (a) (1) and (2), (b), (c), and (e) revised; (f) added	†3707
21.4233 (a) (1) revised	49454
21.4234 (d) (2) revised	49455
21.4235 (h) and (i) added	49455
21.4237 Heading, (a) introductory text and (d) revised; (h) and (i) added	49455
21.4255 (d) and (e) revised; (f) added	†3909
21.4265 (c) (1) and (d) revised	†25429
21.4272 (f) and (g) revised	49455
21.4275 (d) revised	†25429
36.4212 (a) (2) and (3) revised	†9274, 22717
36.4311 (a) revised	†9274, 22717
36.4503 (a) revised	†9274, 22717

Title 38—Proposed Rules:

0—36 (Ch. I)	†2685
1	†1628
2	67328
3	†1631, 12892
3	34528, 59390, 60167, 62396, 64640
8	†2737, 5856
14	40452
14	†12893, 17482
17	39409, 41439
18d	†19166, 25146
21	36484, 37019, 54954, 57328
	†5549, 6722, 6969, 9322, 10581, 10706, 15336, 22059
36	†10583, 17840

TITLE 39—POSTAL SERVICE

Chapter I—United States Postal Service

10.4 (b) incorporation by reference time extended	†22717
111.3 PSM amendments described	38905, 41635, 46742, 55617, 58170
PSM amendments described	†1620, 3118, 4991, 7317, 14019, 14312, 19043, 21328, 25096, 28201
111.4 (b) incorporation by reference time extended	†22717
232.2 (a) (16) added	63170
233.1 (b) (1) and (b) (2) note amended	43836
241 Heading revised	59082
241.1 (c) removed	59082

243.2 (g) removed; (h) and (i) redesignated as (g) and (h)	33722
247 Added	59082
248 Added	59085
259.1 (a) amended; (b), (c), and (d) redesignated as (c), (d), and (e); new (b) added	58170
(c) amended	63170
265.6 (a) (2) amended	59085
265.8 (b) (3) amended	63170
265.10 Appendix A revised	63170
601.100 Incorporation by reference time extended	†22717
601.103 (t) through (w) redesignated as (u) through (x); new (v) revised; new (t) added	35158
601.105 Table amended	35158, 35648, 62368

Chapter III—Postal Rate Commission

3001.102 (b) (4) added; (c) (2) removed; (c) (3) and (4) redesignated as (c) (2) and (3); (e) (2) Form PRC 102 and (3) Form PRC 103 revised	†24833
3002.3 Revised	63781

Title 39—Proposed Rules:

1—959 (Ch. I)	†26033
111	38604, 38606, 39411, 40219, 40922, 43868, 48349, 56509, 56960
	†1986, 6111, 6263, 6972, 9831, 12044, 15165, 19689
232	63911
241	42695, 44821
245	42695, 44821
246	42695, 44821
247	42695, 44821
248	42695, 44821
257	63903
259	43847
265	42695, 44821

TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

1—610 (Chapter I) Appendix A added	60912
1 Revised	†28479
3.300—3.307 (Subpart C) Appendix D revised	62136
Appendix F heading revised; Appendix G added	62137
Appendix F heading revised	†1338
Appendix H added	†1339

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

	Page
3.301 (a) and (d) amended	62135
(a) and (d) amended	†1338
3.305 (d) (3) through (5) added; (f) and (g) revised	62135
3.306 (d) (3) and (4) added; heading, (f) and (g) revised	62135
3.307 Added	62135
3.308 Added	†1339
3.607 (d) revised; (e) added	62137
(f) added	†1339
20.1 Revised	†1340
20.2 (a), (b) (1), and (f) revised	†1340
20.3 (h) amended	†1340
20.5 (d) through (g) and (n) revised; (o) added	†1340
20.8 (a) (2) and (3), (b) (1), (2), and (3), (d), and (e) revised	†1341
30 Authority citation revised	56051
30.101 (c) revised	56051
(a) and (g) revised; (h) added	†28485
30.105 Existing text designated as (a); (b) added	†28485
30.130 Amended	†28485
30.135—22 Revised	†28485
30.220 Amended	†28485
30.225—3 (b) revised	†28485
30.305—2 (a) (3), (4), and (14) revised; (a) (15) and (16) added	56051
(a) (17) and (18) added	†28485
30.305—5 (a) revised	56051
(a) revised	†28485
30.315—1 (a) amended	†28485
30.315—2 Table amended	†28485
30.345—4 Revised	†28485
30.400 Added	†28485
30.405—2 Amended	†28485
30.410—2 Added	†28486
30.410—5 Added	†28486
30.420—4 (e) introductory text amendeded	†28486
30.430 Revised	†28486
30.515 Existing text designated as (a); new (b) added	56051
30.610 (a) amended; (b) (1) and (2) revised; (b) (6) redesignated as (b) (7); new (b) (6) added	†28486
30.615—1 (a) amended	†28486
30.615—2 (b) revised	†28486
30.615—3 Revised	†28486
30.620 (a) amended	†28486
30.620—3 Revised	†28486
30.635—6 Removed	†28486
30.645 (a) amended; (b) revised	†28487

	Page
30.705 Introductory text revised	†28487
30.705—1 Added	†28487
30.715—2 (a) revised; (c) added	†28487
30.720 (c) revised	†28487
30.725—4 (a) amended	†28487
30.800 (h) revised	†28487
30.805 (c) revised	†28487
30.810—1 (a) amended	†28488
30.810—4 Amended	†28488
30.810—5 (d) (2) (ii) revised; (d) (3) added	†28488
30.820 (b) revised	†28488
30.900—1 (c) amended	†28488
30.920—3 (d) added	†28488
30.920—5 (a) introductory text amendeded; (a) (4) and (5) added	†28488
30.1100 Revised	†28488
30.1130 Added	†28489
30.1150 Revised	†28489
33 Interim regulations; effective date extended to 3-1-78	53600
Interim regulations; effective date extended to 10-1-78	†10342
33.005 Revised	†28489
33.142 Added	†28489
33.410—4 Revised	†28489
33.510—5 (d) revised	†28489
35.300—35.340 Text and undesignated center heading removed	56051
35.400—35.425 (Subpart B) Revised	56051
35.605—1 (c) and (d) revised	†1494
35.613 (b) revised; (d) redesignated as (e); new (d) added	†1494
35.626—2 (a) revised	†1494
35.700—35.744 Text and undesignated center heading added	56052
35.850—35.880 (Subpart D) Revised	†7426
35.900—35.965 (Subpart E) Appendix A revised	†17712
35.903 (b) revised	†17703
35.905—6 Revised	†17703
35.905—8 Revised	†17703
35.905—23 Revised	†17703
35.905—26 Revised	†17703
35.905—28 Added	†17703
35.909 Added	†17704
(b) introductory text and (1) correctly added	†21460
35.910—1 Revised	†1598
35.910—2 Revised	†1598
35.910—3 (e) added	†28203

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Title 40—Chapter I—Continued	Page
35.910-4 (d) added	+28203
35.910-7 Added	+1598
Redesignated as 35.910-8	+28203
910-8	+28203
35.910-8 Redesignated from 35-910-7	+28203
35.913 Removed	+17717
35.915 Revised	+17704
35.915-1 Added	+17706
35.917-1 (b) revised; (d) (5) (iv) added	+17706
35.917-2 (a) (4) added	+17706
35.918-35.918-3 Added	+17706
35.920-3 (d) and (e) revised	+17707
35.925-13 Revised	+17707
35.925-21 Added	+17708
35.928 Revised	+17708
(b) corrected	+21460
35.928-1 Revised	+17708
35.928-2 Revised	+17708
35.928-3 Added	+17709
35.928-4 Added	+17709
35.929-35.929-3 Added	+17709
35.930-1 (a) (4) and (b) revised; (a) (5) removed	+17711
35.935-4 Added	+17711
35.935-9 Revised	+17711
35.935-13 Revised	+17711
(a) (2) and (b) corrected	+21460
35.935-15 Added	+17711
35.936-13 (d) added	+17712
35.938-9 (b) (5) added	+17712
35.939 (j) (6) (i) revised	+17712
35.940-3 Revised	+17712
35.1000-35.1050 (Subpart F) Added	+17717
35.1016 Revised	+21460
35.1020 Correctly added	+21461
35 Appendix A corrected	+21460
40.110 (d) revised	56056
40.115 Revised	56056
40.115-2 (b) revised	56056
40.115-3 (c) revised	56056
40.115-4 (b) revised	56056
40.115-5 Existing text designated as (a); (b) added	56057
40.115-6 Revised	56057
40.115-7 Removed	56057
40.115-8 Removed	56057
40.115-9 Removed	56057
40.115-10 Removed	56057
40.120 Revised	56057
40.120-1 Removed	56057
40.120-2 Removed	56057
40.120-3 Removed	56057
40.125-1 Revised	56057
40.125-2 (c) revised	56057
40.130 (b) revised	56057
40.135-1 (a) (1) revised; (c) added	56057
40.135-2 Amended	56057
40.140-2 Removed	56057
40.145-1 Revised	56057
40.160-2 Revised	56057
45.102 (d) revised	56057
45.115 (c) revised	56057
45.135 (f) added	56058
45.145 Amended	56058
51 Policy memorandum	+21673
51.24 Added	+26382
52.01 (f) removed	+26410
52.21 (b) (7), (c) (2), and (c) (3) (i), (v) (a), and (vi) (a) revised; (b) (8) and (9) added	57461
(b) (8) corrected	59500
Revised	+26403
52.50 (c) (17) added	44235
(c) (16) added	55811
52.60 (a) and (b) revised	+26410
52.96 Revised	+26410
52.120 (c) (11) added	36999
(c) (9), (10), and (11) redesignated as (12), (14), and (15); new (9), (10), (11), and (13) added	46926
52.125 (h) added	36999
(d) added	+759
Authority citation added	+760
(e) added	+6945
52.126 (b) introductory text and (a) revised	46926
52.130 (d) added	46926
52.131 Table amended; footnote (b) revised; footnote (f) removed	+761
52.144 Revised	+26410
52.181 Revised	+26410
52.220 (c) (24) (iii) (B) and (ix), (29) (ii) through (iv), (30) (vi) (C), (31) (v) (B) and (vi) through (xii), (32) (iii) and (35) (i) (B) and (ii) through (iv) added; (c) (27) (iv) introductory text and (A), (29) (v) introductory text and (A), (30) (ix) revised	37977
(c) (35) (viii) (A) added	39664
(c) (19) removed	40695
(c) (21) (xiii), (25) (v), (29) (vi), (31) (xiii), and (35) (iii) (B) added; (24) (x) introductory text and (A) revised	41121

Note: Symbol (+) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

	Page
(c) (20), (21) (xiv) through (xxviii), and (23) (ii) and (iii) removed	42224
(c) (21) (i) through (v) and (vii) through (xii), (22) (ii), (23) (i), (24) (iv) through (v), (26) (iii) through (v), (x), and (xiii), (27) (i), (28) (iii) and (iv), (30) (iii) and (32) (ii) revised	42224
(c) (25), (26) (vi) through (viii) and (x) through (xii), (27) (iii), (28) (v) through (ix), (29) introductory text and (i) and (ii) (B), (30) (iv), (v) and (vi) (A) and (vii) and (viii), (31) (i) (C) through (E) and (v) added	42224
(c) (35) (vi) added	47556
(c) (35) (v) added	53962
(c) (35) (i) (A) added	53963
(c) (35) (x) and (37) (ii) added	56113
(c) (25) (vii), (26) (xiv) and (35) (xi) added	56606
(c) (21) (ix) (B), (24) (v) (B), (vi) (B) and (vii) (B), (x) (B), (26) (iv) (B), (viii) (B), (xiii) (B), (xvi) (A), (31) (xvi), (xvii), (32) (iii) (B), (35) (vi) (B), (ix), (xii) (B), (xiv) through (xvii), (37) (i) (B), (iv), (v), and (39) added	+3277
(c) (35) (vii) added	+3279
(c) (35) (xiii) added	+11817
(c) (21) (xvi), (23) (ii), (27) (x), (30) (xi) and (31) (vii) (B) added	+11819
(c) (39) (iv) added	+13879
(c) (38) added	+22721
(c) (39) (v) added; eff. 7-14-78	+25673
(c) (27) (viii) and (c) (32) (vi) added; eff. 7-14-78	+25675
(c) (21) (xiv), (24) (ix) (B), (26) (xiv) and (31) (xiv) added; eff. 7-14-78	+25676
(c) (35) (ix) (C) added; eff. 7-14-78	+25679
(c) (21) (iv) (C) and (D) added; eff. 7-14-78	+25680
(c) (26) (xvi) (B) and (C) and (32) (v) added; eff. 7-14-78	+25681
(c) (31) (xviii) (B) and (C) added; eff. 7-14-78	+25683
(c) (26) (xvii) added; eff. 7-14-78	+25684
(c) (21) (xv), (27) (v) and (vi), (28) (x), (30) (x), (31) (vi) (B), (32) (iv) and (37) (i) (A) added; eff. 7-14-78	+25686
(c) (27) (vii) and (31) (xv) added; eff. 7-14-78	+25689
(c) (32) (iii) (C) and (D) added; eff. 7-14-78	+25691
52.224 (a) (8) added	41122
(a) (1) (ii), (2) (v), (4) (ii) and (5) (ii) and (iv) through (ix), and (6) added	42225
(a) (9) added	56606
(a) (2) (ii) revised; eff. 7-14-78	+25677
(a) (2) (iii) revised; eff. 7-14-78	+25679
(a) revised; eff. 7-14-78	+25691
52.226 (b) revised	42225
(b) (9) (i) added	47556
(b) (4) (ii) added	+3279
(b) (10) added; eff. 7-14-78	+25691
52.227 (b) (3) and (c) added; eff. 7-14-78	+25687
52.229 (b) and (c) added; eff. 7-14-78	+25687
52.230 Revised; eff. 7-14-78	+25687
52.231 Reinstated	40695
Revised	42225
(a) (2) (ii) revised	47557
Heading and (a) (2) (iii) revised	+11819
(a) (3) added; eff. 7-14-78	+25681
52.234 (a) (4) added	41122
(a) (2) (ii) added	42226
(d) (2) and (3) correctly reinstated	+18174
(a) (3) (iv) added; eff. 7-14-78	+25675
(a) introductory text revised; (a) (1) (iii) added; eff. 7-14-78	+25679
(a) (3) (iii) added; eff. 7-14-78	+25681
(a) (2) (iii) added; eff. 7-14-78	+25683
(a) (3) (ii) added; eff. 7-14-78	+25689
52.236 Added	39664
(b) (3) (ii) and (4) added	+11817
(c) added; eff. 7-14-78	+25691
52.246 (b) (2) added	41122
(b) revised	42226
52.252 (b) (2) added	41122
(b) revised	42226
52.253 (b) (2) added	41122
52.254 (a) (1) (ii) through (v) and (2) added	42226
(a) (3) (ii) added; eff. 7-14-78	+25677
(a) (1) (vi) added; eff. 7-14-78	+25691

Note: Symbol (+) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Title 40, Chapter I—Continued

	Page		Page
52.255 (b), (c) (3) (v), (d) (1) and (2) revised; (c) (3) (vi) and (vii) removed; (d) (4) and (5) added	37977	52.771 (c) revised	34519
(b) revised; eff. 7-14-78	†25673	52.781 (f) added; eff. 7-24-78	†26722
52.269 (b) (1) (i) revised; (b) (1) (ii) added	42226	52.793 (a) and (b) revised	†26410
Heading revised; (c) added; eff. 7-14-78	†25673	52.795 (b) added	34519
52.270 Revised	†26410	52.796 Added; eff. 7-24-78	†26722
52.271 Added	†3277	52.833 Revised	†26410
52.272 Added	42226	52.884 Revised	†26410
(a) (3) added; eff. 7-14-78	†25680	52.920 (c) (11) added	†3361
(a) (2) added; eff. 7-14-78	†25687	52.931 (c) added	†3361
52.273 Added	41122	(a) and (b) revised	†26410
(a) (3) (ii) added	47557	52.970 (c) (6) added	37000
(a) (3) (i) added	53962	(c) (7) added	37549
(a) (1) added	53963	52.980 Added	37549
(a) (5) added	56606	52.986 Revised	†26410
(a) (3) (v) and (7) added	†11817	52.1020 (c) (6) and (7) added	†14964
(a) (6) (ii) and (b) added	†11819	(c) (8) added	†15424
(a) (1) (iv) added; eff. 7-14-78	†25677	52.1025 (b) and (c) added	†14964
(a) (4) and (b) (3) added; eff. 7-14-78	†25679	(d) added	†15424
(a) (1) (iii) added; eff. 7-14-78	†25682	52.1029 Revised	†26410
(a) (3) (iv) added; eff. 7-14-78	†25683	52.1070 (c) (19) through (21) added	†22719
(a) (1) (ii) added; eff. 7-14-78	†25689	52.1116 Revised	†26410
(a) (3) (iii) and (b) (2) added; eff. 7-14-78	†25691	52.1120 (c) (8) revised	35834
52.274 Added	†22721	(c) (6) revised	42218
52.275 (b) added; eff. 7-14-78	†25675	(c) (12) added	44236
(b) (3) added; eff. 7-14-78	†25679	Technical correction	†1070
(b) introductory text and (1) added; eff. 7-14-78	†25683	(c) (14) added	†11816
(b) (2) (ii) added; eff. 7-14-78	†25689	(c) (13) added	†12325
52.276 Added	56606	(c) (15) added	†22358
52.277 Added	56606	(c) (8) through (10) revised	†26574
52.280 Added; eff. 7-14-78	†25677	52.1126 (e) revised	35834
(a) (1) added; eff. 7-14-78	†25684	(f) added	42218
52.343 Revised	†26410	(d) added	44236
52.382 Revised	†26410	(d) revised	†1795
52.432 Revised	†26410	(g) added	†12325
52.470 (c) (7) revised	49812	(b) and (e) amended	†26574
(c) (7) revised	†16178	52.1131 (a) corrected	37978
52.488 Removed	†16178	52.1165 Revised	†26410
52.499 Revised	†26410	52.1180 Revised	†26410
52.520 (c) (17) added	57125	52.1224 (b) (5) added; eff. 10-6-77	†10
52.530 Revised	†26410	52.1234 (c) added; eff. 10-6-77	†10
52.581 Revised	†26410	(a) and (b) revised	†26410
52.632 Revised	†26410	52.1270 (c) (8) and (9) added	†22358
52.676 (b) (6) added	58173	52.1280 Revised	†26410
52.683 Revised	†26410	52.1335 (b) table amended	†25692
52.720 (c) (12) added	39665		28204
52.738 Revised	†26410	52.1339 Revised	†26410
52.770 (c) (12) revised; (c) (16) added	34518	52.1382 (c) added	40697
(c) (17) and (18) added; eff. 7-24-78	†26722	(a) and (b) revised	†26410
		52.1436 Revised	†26410
		52.1470 (c) (6) through (9) revised; (c) (11) added	†1342
		(c) (10) added	†3278
		52.1473 (a) amended; (c) removed	†1342

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

	Page		Page
52.1474 (a) removed	†3278	52.2285 Revised	37380
52.1477 Removed	†1343	52.2286 Revised	37381
52.1484 Added	†1343	52.2289 Revised	37382
52.1485 Revised	†26410	52.2291 Removed	37383
52.1486 Added	†1343	52.2292 Removed	37383
52.1487 Added	†1343	52.2294 Revised	37383
52.1529 Revised	†26410	52.2295 Removed	37384
52.1603 Revised	†26410	52.2296 Revised	37384
52.1620 (c) (9) added	53963	52.2297 Revised	37384
52.1633 Removed	53963	52.2298 Revised	37386
52.1634 Revised	†26410	52.2303 Revised	†26410
52.1670 (c) (33) added	43079	52.2346 Revised	†26410
(c) (34) added	56607	52.2380 Revised	†26410
(c) (35) added	58520	52.2420 (c) (13) and (14) revised	58406
Authority citation and (c) (36) added	61453	(c) (17) and (18) added	†9604
(c) (37) added	†17358	52.2435 (h) added	58406
(c) (38) added	†17359	52.2451 Revised	†26410
52.1685 Removed	58520	52.2486 (q) added	38355
52.1686 Removed	58520	52.2489 (i) added	38355
52.1689 Revised	†26410	52.2497 Revised	†26410
52.1778 Revised	†26410	52.2528 Revised	†26410
52.1820 (c) (8) added	37550	52.2581 Revised	†26410
(c) (9) added	55471	52.2630 Revised	†26410
52.1829 (a) and (b) revised	†26410	52.2676 Revised	†26410
52.1830 Table amended	37551	52.2729 Revised	†26410
52.1870 (c) (13) added	†4259	52.2770 (c) (9) added	†4016
(c) (12) added	†4611	52.2779 Revised	†26410
52.1880 (b) added	†4259	52.2780 (b) revised	†4016
(c) correctly added	†4611, 16736	52.2827 Revised	†26410
52.1884 Revised	†26410	55.570 (a) (1) (iii), (iv), (vi), and (vii) revised	56608
52.1919 (a) and (b) revised	†26410	55.872 (a) introductory text and (1) revised	†14471
52.1920 (c) (8) added	39389	55.1520 Removed	41282
(c) (9) added	55472	60 Authority citation revised	41424
(c) (10) added	63782	Authority citation revised	†8800
(c) (9) revised	†9275	60.2 (1) revised	†9278
(c) (11) added	†13574	60.3 Revised	37000
52.1926 Removed	39389	(a) corrected	38178
52.1931 Added	63782	60.4 (b) (FF) revised	37387
52.1932 Added	†13574	(b) (BB) revised	44545
52.1987 Revised	†26410	(b) (ZZ) added	46304
52.2020 (c) (15) added	54417	(b) (BBB) revised	62137
52.2054 Added	54417	(b) (Y) added; eff. 10-6-77	†10
Technical correction	†1070	(b) (S) added	†3361
52.2058 Revised	†26410	(b) (I) revised	†6771
52.2083 Revised	†26410	(b) (D), (F), and (DD) revised	†20987
52.2131 (a) and (b) revised	†26410	60.7 Authority citation added	41424
52.2178 Revised	†26410	Authority citation revised	†8800
52.2220 (c) (28) Added	†11820	60.8 Authority citation added	41424
52.2233 (c) added	36456	(c) revised	57126
(a) and (b) revised	†26410	Authority citation revised	†8800
52.2270 (c) (14) added	34518	60.9 Authority citation added	41424
(c) (13) added	37380	Authority citation revised	†8800
(c) (15) added	†9276	60.10 Authority citation added	41424
52.2272 Revised	37380	Authority citation revised	†8800
52.2275 Revised	37380	60.11 Authority citation added	41424
52.2279 Table amended	37380	Authority citation revised	†8800
52.2283 (a), (b) (1), (2), (3) and (4), and (c) revised	37380		

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Title 40, Chapter I—Continued

	Page		Page
60.13 Authority citation added	41424	60.105 (e) (1) effective date corrected to 6-24-77	38178
(a) revised	†7572	(e) (1) corrected	39389
Authority citation revised	†8800	Authority citation added	41424
60.24 (g) authority citation added	41424	Authority citation revised	†8800
Authority citation revised	†8800	(a) (2) and (4) through (6) and (e) (2) and (3) added	†10869
60.30—60.34 (Subpart C) Added	55797	60.106 (e) effective date corrected to 6-24-77	38178
60.40 Revised	37936	Authority citation added	41424
(c) revised; (d) added	†9278	Authority citation revised	†8800
60.41 (f) added	†9278	(c) and (d) revised	†10869
60.42 (a) (2) revised	61537	60.110 Revised	37937
60.44 (a) (4) and (5), (c) and (d) added; (b) revised	†9278	60.113 Authority citation added	41424
60.45 (f) (4) (iii) and (iv) and (5) corrected; (f) (4) (v) revised	41122	Authority citation revised	†8800
Authority citation added	41424	60.120 Revised	37937
(g) (1) added	61537	60.123 Authority citation added	41424
Authority citation revised	†8800	Authority citation revised	†8800
(f) (4) (vi) added	†9278	60.130 Revised	37937
60.46 Authority citation added	41424	60.133 Authority citation added	41424
Authority citation revised	†8800	Authority citation revised	†8800
60.50 Revised	37936	60.140 Revised	37937
60.53 Authority citation added	41424	60.141 (c) added	†15602
Authority citation revised	†8800	60.142 (a) (2) added	†15602
60.54 Authority citation added	41424	60.143 Added	†15602
Authority citation revised	†8800	60.144 Authority citation added	41424
60.60 Revised	37936	Authority citation revised	†8800
60.63 Authority citation added	41424	(a) (5) and (c) added	†15602
Authority citation revised	†8800	60.150 Revised	37937, 58521
60.64 Authority citation added	41424	60.153 Authority citation added	41424
Authority citation revised	†8800	Revised	58521
60.70 Revised	37936	Authority citation revised	†8800
60.73 Authority citation added	41424	60.154 Authority citation added	41424
Authority citation revised	†8800	Authority citation revised	†8800
60.74 Authority citation added	41424	60.160 Revised	37937
Authority citation revised	†8800	60.165 Authority citation added	41424
60.80 Revised	37936	(d) (2) revised	57126
60.84 Authority citation added	41424	Authority citation revised	†8800
Authority citation revised	†8800	60.166 Authority citation added	41424
60.85 Authority citation added	41424	Authority citation revised	†8800
Authority citation revised	†8800	60.170 Revised	37937
60.90 Revised	37936	60.175 Authority citation added	41424
60.93 Authority citation added	41424	Authority citation revised	†8800
Authority citation revised	†8800	60.176 Authority citation added	41424
60.100 Revised	37937	Authority citation revised	†8800
Revised	†10868	60.180 Revised	37937
60.101 (i) through (m) added	†10869	60.185 Authority citation added	41424
60.102 (a) (2) effective date corrected to 6-24-77	38178	Authority citation revised	†8800
(a) (2) corrected	39389	60.186 Authority citation added	41424
(a) introductory text and (b) revised	†10868	Authority citation revised	†8800
60.104 Revised	†10869	60.190 Revised	37937
		60.194 Authority citation added	41424
		Authority citation revised	†8800
		60.195 Authority citation added	41424
		Authority citation revised	†8800
		60.200 Revised	37937
		60.203 Authority citation added	41424
		Authority citation revised	†8800

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

	Page		Page
60.204 Authority citation added	41424	61.04 (b) (FF) revised	37387
Authority citation revised	†8800	(b) (BB) revised	44545
60.210 Revised	37937	(b) (BBB) revised	62137
60.213 Authority citation added	41424	(b) (Y) added; eff. 10-6-77	†10
Authority citation revised	†8800	(b) (I) revised	†6771
60.214 Authority citation added	41424	(b) (D), (F), and (DD) revised	†20988
Authority citation revised	†8800	61.09 Authority citation added	41424
60.220 Revised	37938	Authority citation revised	†8800
60.223 Authority citation added	41424	61.10 Authority citation added	41424
Authority citation revised	†8800	Authority citation revised	†8800
60.224 Authority citation added	41424	61.12 Authority citation added	41424
Authority citation revised	†8800	Authority citation revised	†8800
60.230 Revised	37938	61.13 Authority citation added	41424
60.233 Authority citation added	41424	Authority citation revised	†8800
Authority citation revised	†8800	61.14 Authority citation added	41424
60.234 Authority citation added	41424	Authority citation revised	†8800
Authority citation revised	†8800	61.15 Authority citation added	41424
60.240 Revised	37938	Authority citation revised	†8800
60.243 Authority citation added	41424	61.16 Authority citation added	41424
Authority citation revised	†8800	Authority citation revised	†8800
60.244 Authority citation added	41424	61.21 (m), (q), and (r) revised	†26373
Authority citation revised	†8800	61.22 (d) (1), (2) (iii), (4) (i) through (iv), and (e) introductory text and (2) introductory text revised; (e) (3) added	†26374
60.250 Revised	37938	61.24 Authority citation added	41424
(b) corrected	44812	Authority citation revised	†8800
60.253 Authority citation added	41424	61.33 Authority citation added	41424
Authority citation revised	†8800	Authority citation revised	†8800
60.254 Authority citation added	41424	61.34 Authority citation added	41424
Authority citation revised	†8800	Authority citation revised	†8800
60.260 Revised	37938	61.43 Authority citation added	41424
60.264 Authority citation added	41424	Authority citation revised	†8800
Authority citation revised	†8800	61.44 Authority citation added	41424
60.265 Authority citation added	41424	Authority citation revised	†8800
Authority citation revised	†8800	61.53 Authority citation added	41424
60.266 Authority citation added	41424	Authority citation revised	†8800
Authority citation revised	†8800	61.54 Authority citation added	41424
60.270 Revised	37938	Authority citation revised	†8800
(b) corrected	44812	61.55 Authority citation added	41424
60.273 Authority citation added	41424	Authority citation revised	†8800
Authority citation revised	†8800	61.67 Authority citation added	41424
60.274 Authority citation added	41424	Authority citation revised	†8800
Authority citation revised	†8800	61.68 Authority citation added	41424
60.275 Authority citation added	41424	Authority citation revised	†8800
Authority citation revised	†8800	61.69 Authority citation added	41424
60.280—60.285 (Subpart BB) Added	†7572	Authority citation revised	†8800
60.340—60.344 (Subpart HH) Added	†9453	61.70 Authority citation added	41424
60 Appendixes A through D authority citations added	41424	Authority citation revised	†8800
Appendix A amended	41755	61.71 Authority citation added	41424
Appendix A amended	†1495	Authority citation revised	†8800
Appendixes A through D authority citations revised	†8800	61.104 (b) (S) added	†3361
Appendix A amended	†10870, 11984	61 Appendixes A and B authority citation added	41424
61 Authority citation revised	41424	Appendixes A and B authority citations revised	†8800
Authority citation revised	†8800	79.31 (a) revised	†28490
61.03 Revised	51574		

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Title 40, Chapter I—Continued	Page		Page
80.7 (a) and (a) (1) introductory texts and (a) (1) (i) amended; (a) (2) revised	45307	86.079-39 Added	45151
80.23 (b) (2) (viii) added	45307	86.080-2 Added	45646
81.300-81.356 (Subpart C) Added	†8964	86.080-10 Added	45151
85.001-85.076-35 (Subpart A) Removed	36457	86.080-11 Added	45152
85.101-85.176-1 (Subpart B) Removed	36457	86.080-24 Added	45152
85.201-85.276-35 (Subpart C) Removed	36457	Revised	45647
85.301-85.376-39 (Subpart D) Removed	36457	86.080-26 Added	45649
85.701-85.874-39 (Subpart H) Removed	36457	86.108-78 Revised	45651
85.801-85.874-39 (Subpart I) Removed	36457	86.108-79 Added	45651
85.901-85.974-39 (Subpart J) Removed	36457	86.113-78 (b) (2) and (3) amended; (b) (2) and (3) tables revised	45651
85.1504 (a) (1) revised	36456	86.113-79 (a) added	45651
85.1601 (a) (3) revised	36457	86.114-78 (a) (7) added	45652
85.1602 (a) (1) revised	36457	86.121-78 (b) (3) revised	45652
85.1606 Revised	36457	86.123-78 (b) (3) revised	45652
85.1608 (d) revised	36457	86.129-79 (a) table, (b), and (c) revised	45652
85.1802 (a) amended	36456	86.129-80 Added	45653
85.1803 (a) amended	36456	86.135-78 (h) added	45654
85 Appendixes I through VI removed	36457	86.136-78 (c) revised	45654
86.077-2 (a) revised	45135	86.137-78 (b) (1), (11), (13), (16) and (17) amended; (b) (7) revised	45655
86.078-3 (a) revised	45135	86.142-78 (f) revised; (p) added	45655
86.078-8 (a) (1) revised	40697	86.142-80 Added	45655
86.078-37 (b) (1) revised	45646	86.144-78 (d) (1), (2) and (3) amended; (a) and (d) (4) revised	45655
86.079-2 Amended	45135	86.301-79-86.347-79 (Subpart D) Added	45154
86.079-10 Added	45136	86.402-78 Amended	56737
(a) (2) (i) corrected	46927	86.413-78 (a) (2) revised	56737
86.079-11 Added	45136	86.416-78 (a) (2) (ii) revised	56737
86.079-21 Revised	45136	86.416-80 Added	56737
86.079-22 Added	45136	86.426-78 (a) revised; (c) added	56737
86.079-23 Added	45136	86.428-78 (f) revised	56737
86.079-24 Added	45137	86.432-78 (a) and (e) revised	56737
(e) (6) corrected	46927	86.436-78 (b) and (e) (2) revised	56737
86.079-25 Added	45139	86.437-78 (b) (1) (ii) and (3) revised	56738
86.079-26 Revised	45142	86.440-78 (a) (2) (ii) revised	56738
86.079-27 Added	45144	86.442-78 (a) (1) revised	56738
86.079-28 Added	45144	86.508-78 (c) revised	56738
86.079-29 Added	45145	86.513-78 (b) revised	56738
86.079-30 Revised	45146	86.519-78 (a) (9) revised	56738
86.079-31 Added	45149	86.535-78 (c) revised	56738
86.079-32 Added	45149	86.537-78 (b) (6) through (21) redesignated as (b) (7) through (22); new (b) (6) added; (b) (3), (11), (13), and (18) revised	56738
86.079-33 Added	45149	86.540-78 (a) through (g) redesignated as (b) through (h); new (a) added	56739
86.079-34 Added	45149		
86.079-35 Revised	45149		
86.079-36 Added	45150		
86.079-37 Added	45150		
86.079-38 Added	45151		

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

	Page		Page
86.542-78 (f) revised; (o) added	56739	120.12 Redesignated from 120.104 and (a) and (b) removed; (c) redesignated as (a)	56740
86.544-78 (c) and (d) (4) amended; (d) introductory text revised	56739	120.21 Redesignated as 120.27 and introductory text removed	56740
86.603 (c) amended	†4552	120.22 Removed	56740
86.605 (a) (2) (v) revised	†4552	120.27 Redesignated from 120.21 and introductory text removed	56740
86.607 (i) revised	†4552	120.37 Added; eff. 7-6-78	†24531
86.608 (c) (1) and (i) revised	†4552	120.104 Redesignated as 120.12 and (a) and (b) removed; (c) redesignated as (a)	56740
(a) revised	†4554	120.115 Removed	56740
86.609 Heading, (a), (b), (c), (d) (3) and (d) (4) (iii) revised	†4552	124.42 (a) (6) revised	†22163
86.610 (a), (b) and (c) revised	†4553	124.46 Revised	†22163
86.612 (f) (1) (ii) and (g) (2) revised	†4553	124.47 Redesignated as 124.49 and revised; new 124.47 added	†22163
86.613 (b) (3) revised	†4553	124.48 Added	†22163
86.777-1-86.777-15 (Subpart H) Heading revised	45171	124.49 Redesignated from 124.47	†22164
86.777-1 Revised	45171	124.100-124.108 (Subpart L) Added; interim	†21270
86.879-5 Added	45171	124 Appendix D added	†22164
86.879-6 Added	45171	125.5 (a) (5) added; interim	†21272
86.879-7 Added	45171	125.26 (c) added; interim	†21272
86.879-8 Added	45172	(d) added	†22166
86.879-9 Added	45172	125.35 (d) (2) amended; interim	†21272
86.879-10 Added	45173	128 Removed; eff. 8-25-78	†27746
86.879-11 Added	45173	133.103 (c) added	54665
86.879-12 Added	45173	136.3 Table 1 corrected; footnote 27 added	37205
86.879-13 Added	45174	Table 1; technical correction	39977
86.879-14 Added	45174	140.4 (b) (1) added	43837
86.977-1-86.977-15 (Subpart J) Heading revised	45174	142.10 (b) (6) (vi) revised	†5373
86.977-1 Revised	45174	142.15 (b) (1) revised	†5373
86 Appendix IX heading revised; Appendix X added	†4554	149 Revised	51578
87.21 (d) revised	†12614	162.10 (i) (2) (x) (D) removed; (j) (2) revised	†5786
87.51 (a) revised	†12614	162.30 Added	44171
87.52 Revised	†12614	(d) through (i) added	†5786
116 Added; eff. 6-12-78 and 9-11-78	†10479	162.31 Added	†5790
Authority citation corrected	†27533	171.11 Added	†24837
116.3 Corrected	†27533	180.2 (a) revised	40909
116.4 Table A corrected	†27533	180.3 (e) (5) corrected	†12682
117 Added; eff. 6-12-78 and 9-11-78	†10489	180.111 Revised	†22974
Technical corrections	†27533	180.150 Revised	†22359
118 Added; 6-12-78 to 9-11-78	†10493	180.153 Revised	†26310
118.1 Existing text designated as (a) and amended; (b) and (c) added	†24310	180.209 (b) amended	†1796, 28490
Corrected	†27534	180.213a Revised	†1796
118.4 Table corrected	†27534	180.215 Revised	46304
118.7 (a) and (b) corrected	†27534	180.225 Revised	56113
119 Added; 6-12-78 and 9-11-78	†10498	Corrected	61259
119.1 Corrected	†27534	Amended	64685
119.5 Table corrected	†27534		
119.14 (b) corrected	†27534		
119.15 (a) corrected	†27534		
120.5-120.11 Removed	56740		

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Title 40, Chapter I—Continued

	Page		Page
180.242 (a) table amended	44812	204.58-1 (d) amended	41635
180.253 Table amended	+25121	204.58-2 (g) amended	41635
180.269 Amended	51580	204.58-3 (e) amended	41635
180.275 Revised	56114	(d) revised	61455
Table amended	+22725	204.59 (d) amended	61456
180.287 Removed	+3709	205.2 (a) (6) removed; (a) (26)	
180.300 Amended	+28490	revised	61457
180.303 Revised	+27836	205.4 (b) amended	+12326
180.319 Table amended	46305	(b) and (c) (1) introductory	
180.332 Revised	62913	texts, (c) (3), (d) (1), and	
180.345 Added	+14021	(e) revised; (c) (1) (v)	
180.355 (a) amended	39978	added; (c) (2) and (f) re-	
(a) amended	+14020	moved	+27990
(a) technical correction	+15155	205.5-2 (e) correctly designated;	
180.356 Revised	40910	(a) introductory text revised;	
Correctly designated	46305	(f) added	61457
180.370 Added	+22973	205.5-3 Removed	61457
180.1001 (c) and (d) tables		205.5-5 (c) and (d) revised	61457
amended	35159	205.5-6 (a) amended; (b) re-	
(c), (d), and (e) tables amend-		vised	61457
ed	40909	205.5-7 Amended	+12326
(d) table amended	47205	205.50—205.59 (Subpart B) Stayed	
(c) and (e) tables amended	63783	in part until 2-21-78	59975
(c) table amended	+28490	Letter of interim warranty	60741
180.1020 Revised	+24692	Effective date corrected	60912
180.1036—180.1038 Added	47205	Effective date stayed in part	+1796
Correctly designated	56114	205.51 (a) (29) revised	61456
180.1039 Added	61985	(a) (3), (5), and (23) revised;	
180.1042 Added	+28491	(a) (8) and (9) amended	61458
180.1043 Added	+20803	205.52 (c) amended	61456
204.4 (b) amended	41635	205.53 (a) (2) (ii) amended	61458
(b) and (c) (1) introductory		205.54-1 (b) (1) and (2) amend-	
texts, (c) (3), (d) (1), and		ed; (d) (4) revised	61456
and (e) revised; (c) (1) (v)		205.54-2 (a) (1) (iii) introductory	
added; (c) (2) and (f) re-		text revised; (a) (1) (iv), (2)	
moved	+27989	(i), and (3) (i) amended	61456
204.5-5 (c) and (d) revised	61454	205.55-1 (b) revised	61456
204.5-6 (a) amended; (b) re-		205.55-2 (a) and (b) (1) revised	61458
vised	61454	(f) amended	+12326
204.5-7 Amended	41635	205.55-4 (b) (4) (i) revised	61456
204.51 (k) amended	41635	(b) (4) (ii) and (6) revised	61458
204.53 (a) (1) (iv) added	61455	(a) amended	+12326
204.55-2 (f) amended	41635	205.55-6 (a) revised	61458
(a) revised	61455	205.55-9 (a) amended	61458
204.55-4 (a) amended	41635	205.55-11 (a) (3) (iii) revised	61456
204.55-8 (a) (4) introductory text		(a) (3) introductory text	
amended; (a) (4) (iii) revised	61455	amended; (a) (3) (v) remov-	
204.55-11 (b) amended	61455	ed; (b) added	61458
204.56 (b) revised; (c) removed	61455	205.56 (a) (2) amended	61456
204.57-1 (c) amended	41635	(a) (1), (b), and (c) revised;	
(h) amended	61455	(a) (3) added	61459
204.57-5 (d) added	41635	205.57-1 (a) and (e) (1) revised;	
204.57-8 (a) and (b) revised; (c)		(c) amended	61459
and (d) redesignated as (d)		(c) amended	+12326
and (e); new (c) added	61455	205.57-2 (e) revised	61459
204.57-9 (a) revised	61455		

Note: Symbol (+) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

	Page		Page
205.57-5 (a) and (b) removed;		413.54 Added	35841
(c) redesignated as new (a);		Comment time extended	48877
new (a) introductory text		Hearing	+22360
amended; new (a) (3) (ii) and		413.61 (d) revised; (e), (f), and	
(5) revised	61459	(g) added	35841
(b) revised	+12326	Comment time extended	48877
205.57-7 (d) revised	61460	Hearing	+22360
205.57-8 (a) and (b) revised; (c)		413.64 Added	35841
and (d) redesignated as (d)		Comment time extended	48877
and (e); new (c) added	61460	Hearing	+22360
205.57-9 (a) revised	61460	413.70—413.74 (Subpart G) Add-	
205.58-1 (d) amended	+12326	ed	35842
205.58-2 (g) amended	+12326	Comment time extended	48877
205.58-3 (d) (3) revised; (e)		Hearing	+22360
amended	61456	413.80—413.84 (Subpart H) Add-	
(e) amended	+12326	ed	35842
205 Appendix I amended	61460	Comment time extended	48877
220.3 (d) corrected	+1071	Hearing	+22360
223 Revised	60703	415.10 Amended	37299
226 Revised	60705	Comment time extended	58747
227.6 (c) (3) corrected	+1071	415.14 Added	37299
227.27 (b) corrected	+1071	Comment time extended	58747
228.11 (b) corrected	+1071	415.20 Amended	37299
228.12 (a) and (b) corrected	+1071	Comment time extended	58747
249 Added	+1903	415.24 Added	37299
254 Added	56115	Comment time extended	58747
403 Added; eff. 8-25-78	+27746	415.120 Amended	37299
406.12 (b) revised; (c) added	62371	Comment time extended	58747
Effective date corrected	64345	415.124 Added	37299
406.13 Revised	62372	Comment time extended	58747
Effective date corrected	64345	415.360 Amended	37300
413.11 (d) revised; (e), (f), and		Comment time extended	58747
(g) added	35839	415.364 Added	37300
Comment time extended	48877	Comment time extended	58747
Hearing	+22360	415.380 Amended	37300
413.14 Added	35839	Comment time extended	58747
Comment time extended	48877	415.384 Added	37300
Hearing	+22360	Comment time extended	58747
413.21 (d) revised; (e), (f), and		415.440 Amended	37300
(g) added	35840	Comment time extended	58747
Comment time extended	48877	415.444 Added	37300
Hearing	+22360	Comment time extended	58747
413.24 Added	35840	415.470 Amended	37301
Comment time extended	48877	Comment time extended	58747
Hearing	+22360	415.474 Added	37301
413.41 (d) revised; (e), (f), and		Comment time extended	58747
(g) added	35840	415.530 Amended	37301
Comment time extended	48877	Comment time extended	58747
Hearing	+22360	415.534 Added	37301
413.44 Added	35840	Comment time extended	58747
Comment time extended	48877	415.550 Amended	37301
Hearing	+22360	Comment time extended	58747
413.51 (d) revised; (e), (f), and		415.554 Added	37301
(g) added	35841	Comment time extended	58747
Comment time extended	48877	416.126 Technical correction	40698
Hearing	+22360	Comment time extended	58747
		418.30 Revised	+17826

Note: Symbol (+) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Title 40, Chapter I—Continued

	Page		Page
418.31 Revised	†17826	600.206-77 (c) (1) (i), (ii), and (iii) revised	45660
418.32 (a) and (b) revised	†17826	600.206-79 Added	45660
418.33 Revised	†17826	(b) and (c) removed; eff. 7-17-78	†21416, 26722
418.35 (a) and (b) revised	†17827	600.206-80 (a) (2) added	45660
418.37 Added	†17827	Revised; eff. 7-17-78	†21416, 26723
418.40 Revised	†17827	600.207-77 (d) (1) (i), (ii), and (iii) revised	45660
418.41 Revised	†17827	600.207-78 Added	45660
418.42 Revised	†17827	600.207-79 (a) (3) (iii) added	45661
418.43 Revised	†17828	Revised; eff. 7-17-78	†21416, 26723
418.45 Revised	†17828	600.207-80 (a) (3) (iii) added	45661
418.47 Added	†17828	Revised; eff. 7-17-78	†21417, 26723
419.14 Comment time extended	35159, 43837	600.306-78 Added	37812
419.24 Comment time extended	35159, 43837	600.306-79 Added	45670
419.34 Comment time extended	35159, 43837	(a) revised; eff. 7-17-78	†21417, 26724
419.44 Comment time extended	35159, 43837	600.307-78 Added	37813
419.54 Comment time extended	35159, 43837	600.307-79 Added; eff. 7-17-78	†21418
428.26 Removed	†6230	Revised; eff. 7-17-78	†26724
428.36 Removed	†6230	600.308-78 Added	37813
429.52-429.53 Removed	49812	600.308-79 Added; eff. 7-17-78	†21418, 26725
429.55 Removed	49812	600.309-78 Added	37813
432.103 (a) revised	54419	600.309-79 Added	45670
432.105 Revised	54419	Revised; eff. 7-17-78	†21418, 26725
436.20-436.22 (Subpart B) Revised	35849	600.309-80 Added	45661
436.30-436.32 (Subpart C) Revised	35850	600.311-79 Added; eff. 7-17-78	†21418, 26725
436.40-436.42 (Subpart D) Revised	35851	600.312-79 Added	45670
436.180-436.182 (Subpart R) Revised	35852	600.313-78 Added	45662
436.180-436.185 (Subpart R) Revised	†9809	600.315-78 Added	45670
455 Revised	†17785	600.316-78 Added	45672
458 Revised	†1344	600.406-77 Removed	45672
600 Authority citation revised	45668	600.501-78-600.512-78 (Subpart F) Added	45662
600.002-77 (a) (15) revised	45656	600.501-78-600.512-79 (Subpart F) Heading revised	45924
600.002-78 (a) (39) and (40) added	45670	Heading; comment time extended	†7983
600.002-79 Amended	45670	600.501-79 Added	45925
Revised	45923	Comment time extended	†7983
Comment time extended	†7983	600.502-79 Added	45925
600.002-80 Added	45656	Comment time extended	†7983
(a) (14) revised; (a) (41) and (42) added	45924	600.506-79 Added	45925
(a) (14), (41) and (42); comment time extended	†7983	Comment time extended	†7983
600.007-77 (b) (1) and (f) revised	45657	600.510-79 Added	45925
600.007-80 Added	45657	Comment time extended	†7983
600.101-78-600.113-78 (Subpart B) Added	45657	600.510-80 (a) (3), (b), (d), and (e) revised	45926
		(a) (3), (b), (d), and (e); comment time extended	†7983
		600.512-79 Added	45927
		Comment time extended	†7983
		600.701-76-600.706-76 (Subpart H) Removed	37813

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

	Page
600 Appendixes I and II added	45667
Appendix V added	37813
Appendix VI added; eff. 7-17-78	†21420
Appendix VI revised; eff. 7-17-78	†26726
610 Added	40439
700-762 (Subchapter R) Temporary rule	60911
710 Added	64575
Clarifications	†9254, 16178
712 Added	†11324
750 Added	61260
761 Added	†7156
762 Added; eff. 10-15-78 and 12-15-78	†11324
Chapter V—Council on Environmental Quality	
1515 Added	65169
1516.3 Heading revised	35960
1516.5 Redesignated as 1516.6 and amended; new 1516.5 added	35960
1516.6 Redesignated from 1516.5 and amended	35960
Title 40—Proposed Rules:	
1-762 (Ch. I)	46558, 61287
2	†20821, 22060
20	†2637
35	39414
50	47565
51	†6390, 17690, 21337, 24248, 24713
52	63076, 65222
53	†26962, 26971
54	33776, 47563, 47564, 57471, 58542, 59522, 63087, 63184, 64378
55	†9162, 21466, 26985
56	34529, 34530, 35661, 35682, 36275, 37213, 37424, 37829, 37830, 38920, 38921, 39235, 39415, 40220, 42879, 43868, 44561, 44321, 44822, 45935, 46371, 46554-46557, 47227, 48354, 48895, 51020, 53981, 55481, 57479, 58415, 58416, 58542, 58543, 58787, 59309, 59310, 59522, 59888, 60753, 60929, 62020, 62163, 62504, 63184, 63798, 63912, 63913, 64378, 64642, 65207, 65208
57	†14, 1967, 2896-2989, 4073, 4267, 4268, 4442, 6265-6267, 7670, 8159-8161, 8809, 8810, 10707-10709, 11834, 12047, 13899-13902, 14692, 14972, 15167, 16350, 16351, 16516, 17004, 18216, 19425, 20514, 20515, 20823, 22748, 23610, 24071, 24857, 24858, 25146, 26757, 26985, 27208, 27567, 27568, 28003, 28213, 28214

Note: Symbol (†) refers to 1978 page numbers

	Page
55	35172
56	†3401, 14973, 15339, 20823, 26456
60	†4872, 14072
61	37218, 53782, 62164
65	†21616, 21625, 22221
80	40452, 44822, 58543
85	†16195, 19239, 20022, 20023, 21902, 22221, 22749, 23002, 23004, 23611, 23612, 23614, 23615, 24858, 25147, 26460, 27865, 28004, 28006
86	†17841, 24331
87	40221, 43412, 51620
116	56298
117	†1108
118	†12615, 13588
119	†10506, 27569
120	†10506, 27569
121	†10506, 27569
122	†10506, 27569
123	45339
124	42882
125	42882, 85209
130	†1256, 22167
131	42882, 85209
141	44561
148	†5756, 9163, 10942, 13077, 19055, 25838
162	51620
164	44174, 44176, 44189, 47565, 49484, 55235, 60573, 63437
171	†3401, 5857, 6973, 11590, 16517
173	80673
180	81873
204	47565
205	35172, 35173, 37578, 40715, 40922, 43869, 47565, 47566, 49485, 54842, 55482, 55829
211	†15, 7671, 9163, 9165, 9323, 10943, 12725, 16352, 19240, 20246, 21700, 22751, 24714, 24861, 25697, 25837, 27866, 28524
228	35804, 48354
233	†26589
241	43226, 45776, 47227, 53847, 59621
250	†10822, 12047
254	41139, 61289
257	†6391, 8811
258	†17484, 20024, 20025
259	34446
413	51625, 54314
423	†4366, 18506
428	37214
434	34446
600	†4942, 7989, 12726, 17374

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Title 40—Proposed Rules—Continued

	Page
700	39182
710	39182, 53804
730	†4073
761	34347, 36484
	†24802
762	42882
763	65209
1500	†25230
1501	†25230
1502	†25230
1503	†25230
1504	†25230
1505	†25230
1506	†25230
1507	†25230
1508	†25230

TITLE 41—PUBLIC CONTRACTS
AND PROPERTY MANAGEMENTChapter 1—Federal Procurement
Regulations

1-1.339—1-1.339-3	Added	†14315
1-1.701-7	Revised	†26005
1-1.701-8	Revised	†26005
1-1.702 (b) (2), (9), and (10)	revised; (b) (15) through (18) added	†26005
1-1.703-1	Revised	†26005
1-1.703-2	(g) revised	†26005
1-1.706-1	(a) and (c) revised; (e) and (f) added	†26006
1-1.706-2	(a) (1) revised	†26006
1-1.706-5	Revised	†26006
1-1.706-6	(c) amended	†26007
1-1.706-9	Added	†26008
1-1.708-1	Revised	†26008
1-1.708-2	(a) through (d) re-	†26008
	vised	
1-1.708-3	Revised	†26009
1-1.800	Revised	†26009
1-1.801	Revised	†26009
1-1.801-1—1-1.801-3	Removed	†26009
1-1.802-1	Revised	†26009
1-1.802-2	Introductory text, (b), (c), (d), and (i) revised; (a) removed	†26009
1-1.804—1-1.804-1	Revised	†26009
1-1.804-2	Removed	†26010
1-1.804-3—1-1.804-5	Revised	†26010
1-1.805-3	Undesignated text following (a) and (b) amended	†26010
1-1.806—1-1.806-1	Revised	†26010
1-1.806-2—1-1.806-5	Removed	†26010
1-1.1203-1	Introductory text, (c), (d), (e) revised; (f) added	†26010

1-2.201 (a) (31)	amended; note added	33736
1-2.202-2	Revised	33736
1-2.301 (b)	revised	33737
1-2.407-6 (a) (1) through (4)	revised; (a) (5) through (8) removed	†26011
1-3	Temporary reg. 44	†14108, 21038
1-3.201 (c) (1)	revised	†26011
1-3.215 (a) (2)	revised	†26011
1-3.410-2 (d)	revised	†7318
1-3.410-3 (c) (5)	revised	†7318
1-3.802-1 (a)	amended; note added	33737
1-3.802-2 (b)	amended; note added	33737
1-3.807-3 (g) (1)	revised	†11987
1-3.809 (b) (1) introductory text, (i) and (ii) introductory text	revised	†11987
1-4.000—1-4.913 (Subpart 1-4.9)	Added	39215
1-4.900	Added	39215
	Corrected	41635
1-4.906 (c)	corrected	41635
1-4.908	Corrected; text in part correctly designated as 1-4.909	41635
1-4.909	Correctly designated; (d) introductory text corrected	41635
	(d) (2) corrected	41636
1-4.911	Corrected	41636
1-4.913 (c)	corrected	41636
1-4.1103-2	Revised	43079
1-4.1107-7	Revised	43079
1-5.902 (c) (3), (4), and (e) (2)	revised; (f) removed; (g) and (h) redesignated as (f) and (g)	†7318
1-5.903-2	Revised	†7318
1-5.904	Revised	†7318
1-5.905	Revised	†7318
1-5.906	Added	†7318
1-5.907	Added	†7318
1-7	Temporary reg. 44	†14108
1-7.203-13	Amended	†7318
1-8.212-1 (f)	revised	43080
1-8.701	Amended	43080
1-8.702	Amended	43080
1-8.703	Amended	43080
1-8.704-1	Amended	43081
1-8.706	Amended	43081
1-8.804-2 (b)	revised	43081
1-8.806-4	Amended	43081
1-9.107-4 (a) (6)	added	†4424
	(a) (6) eff. date revised to 7-18-78	†16979

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

	Page
1-9.107-6	Heading revised; (c) added
	†4424
(c) eff. date revised to 7-18-78	†16979
1-9.109-7	Added
	†4427
Eff. date revised to 7-18-78	†16979
1-10.102-1	Revised
	56116
1-10.103-3 (a) (2)	revised
	56116
1-10.104-1 (b) and (d)	revised
	56116
1-10.105-1 (c) and (d)	revised
	56116
1-10.202 (a) and (d)	revised
	56116
1-12.604	Revised
	†26011
1-12.900	Revised
	†11987
1-12.901 (c)	revised
	†11987
1-12.902-1 (a) (2)	revised
	†11988
1-12.902-2	Revised
	†11988
1-12.903	Introductory text and (d) revised
	†11988
1-12.904-1	Amended
	†11988
1-12.904-2	Amended
	†11990
1-12.905-2	Revised
	†11990
1-12.905-3	Revised
	†11990
1-12.905-4	Revised
	†11991
1-12.905-6	Introductory text re-
	vised
	†11991
1-12.905-11	Added
	†11991
1-16.101 (a) and (b)	revised
	58174
(a) and (c)	revised
	†26011
1-16.201-1	Revised
	58174
1-16.401 (e) and (f)	revised
	56117
(c)	revised
	†26011
1-16.701 (c)	revised
	58174
1-16.801 (a) (8) through (10)	added
	56117
1-16.802	Revised
	38355
1-16.804-2	Revised
	†6946
1-16.804-3 (a), (c), (d), (3)	through (5), and (e) revised
	45672
(a)	revised
	†6946
1-16.804-4 (b)	revised
	†6946
(a) introductory text and (b)	revised
	†26012
1-16.804-5	Revised
	45672
1-16.901-18 (Standard Form 18)	Revised
	58175
1-16.901-33 (Standard Form 33)	Revised
	58176
1-16.901-33-A (Standard Form 33-A)	Revised
	58178
1-16.901-37	Revised
	45673
	Revised
	†6947
1-16.901-37A	Added
	†6949
1-16.901-129	Revised
	38355
1-16.901-147	Revised
	38355
1-16.901-273	Added
	56117
1-16.901-274	Added
	56118
1-16.901-275	Added
	56119

	Page
1-16.902-OF61	Revised
	45675
1-18.106	Revised
	56740
1-18.803-9	Revised
	56740

Chapter 1—Proposed Rules:

1-1—1-30 (Ch. I)	47223
------------------	-------

Chapter 3—Department of Health,
Education, and Welfare

3-4.5700	Revised	59642
3-4.5701	Amended	59642
3-4.5702-2	Revised	59642
3-4.5703 (c) and (e)	revised	52400
	(c) and (e) corrected	54552
	(a) revised	59643
3-4.5704 (c)	added	59643
3-4.5705	Added	59643
3-16.950-315	Amended	†6772
3-16.5001	Removed	†6778
3-16.5101—3-16.5113-3 (Subpart 3-16.51)	Added	†6772

Chapter 4—Department of Agriculture

Chapter 4	Nomenclature	
	changes	†28492
4-1.008	Amended	†28491
4-1.601-1 (a)	revised	†28491
4-2.407-8	Revised	†28492
4-3.211	Revised	†28492
4-3.214	Revised	†28492
4-3.5007	Amended	†28492
4-4.1001—4-4.1004-4 (Subpart 4-4.10)	Added	44236
4-4.5021	Revised	45927
4-4.5022	Amended	†28492
4-4.5090	Amended	†28492
4-16.104 (b)	amended	48878
4-16.350	Revised	48878
4-16.404 (b)	amended	48878
4-16.804-3 (d) and (f)	revised	48878
4-16.804-5 (c)	removed	48878
4-16.850	Removed	48878
4-16.950-225	Removed	48878
4-16.950-361	Added	48878
4-16.950-369	Added	48878
4-16.950-372	Added	48878
4-16.950-425	Removed	48878
4-16.950-425a	Added	48878
4-16.950-425b	Added	48878
4-16.950-452	Revised	48878
4-16.950-454	Revised	48878
4-16.950-456	Revised	48878
4-16.950-560	Added	48878
4-16.950-572	Added	48878
4-16.950-573	Added	48878
4-16.950-574	Added	48878
4-16.950-655	Added	48878

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Title 41, Chapter 4—Continued

	Page
4-16.950-700 Added	48878
4-16.950-716 Added	48878
4-16.950-744 Added	48878
4-16.950-837 Added	48878
4-16.950-838 Added	48878
4-16.950-838a Added	48878
4-16.950-838b Added	48878
4-16.5001 (a) revised	48878
4-18.705-8 (b) amended	+28492

Chapter 4—Proposed Rules:

4-1 +24559

Chapter 5A—Federal Supply Service,
General Services Administration

5A-1.305-50 (c) revised	+1347
5A-1.307-6 Footnote added	+23575
5A-1.307-8 Amended	+23575
5A-1.311 Revised	+1347
5A-1.316-5 (c) (1) revised	+23575
5A-1.450 Added	43838
5A-1.1101-70 (c) removed	43838
5A-1.1205 (c) revised	+23575
5A-1.1205-2 (c) amended	+23575
5A-1.1205-4 (b) (1) revised	+23575
5A-1.1205-50 Removed	+23576
5A-1.7301 Revised	43838
5A-1.7301-1 Revised	43838
5A-1.7301-2 Added	43838
5A-1.7301-3 Added	43838
5A-1.7304 Revised	43838
5A-2.201-70 (e) (1) revised	+1347
5A-2.202-4 (k) revised	+23576
5A-2.403 (c) revised	43839
5A-2.406-3 (a) (2) revised	43839
5A-3.103 Revised	+23576
5A-3.7004 Added	43839
5A-7.103-75 Revised	+23576
5A-7.103-84 Revised	43839
5A-7.103-97 Added	43839
5A-7.103-98 Added	+23576
5A-10.350 Added	+23576
5A-11.401-71 Revised	43839
5A-14.105-1 (a) (1) and (2) and (b) (3) revised	+23577
5A-16.950-300 Amended	43839
5A-16.950-300A Amended	43839
5A-16.950-1424 Revised	+1348
5A-16.950-1535 Revised	+23577
5A-16.950-1535-A Revised	+23577
5A-16.950-1535-1 Revised	+23577
5A-16.950-1602 Amended	43839
5A-16.950-1678 Added	43839
5A-16.950-2875 Added	43839
5A-16.950-2891 Revised	+1348
5A-16.950-2984 Heading revised	+1348
5A-16.950-3024 Added	43839
5A-19.108-1 Revised	43839
5A-19.108-2 Added	43839
5A-19.108-50 (a) (2) revised	43840
5A-19.180 Added	+23577
5A-19.302 Added	+23577
5A-19.302-1 Added	+23577
5A-19.500-5A-19.501 (Subpart 5A-19.5) Added	+23578
5A-71 Added	+23578
5A-72.206 (c) added	43840
5A-72.218 (h) added	43840
5A-72.401 (c) added	43830
5A-72.502 Revised	+23579
5A-72.502-1 Added	+23579
(a) (3) corrected	+25692
5A-72.502-2 Added	+23579
5A-72.502-3 Added	+23579
5A-72.503 Revised	+23579
5A-72.504 Revised	+23579
5A-72.505 Revised	+23580
5A-72.701-5A-72.706 (Subpart 5A-72.7) Added	+1348
5A-73.205-3 Revised	+1348
5A-73.205-5 (e) revised	+1348
5A-73.205-6 Revised	+1349
5A-73.205-7 Revised	+1349
5A-73.213 Revised	+1349
5A-73.217-5 (b) revised	+1349
5A-73.217-7 Revised	+1349
5A-73.217-8 Revised	+1349
5A-73.218 Added	+1349
5A-73.302 Heading revised	43840
5A-73.303 Revised	43840
5A-73.404-1 Revised	+1350
5A-73.510 Added	+23580
5A-76.201-5 (a) revised	+23580
5A-76.201-9 Added	+23580
5A-76.306 Amended	43840
5A-76.307 Amended	43840
5A-76.312 Added	+1350
5A-76.314 Revised	+23580
5A-76.320 Amended	43840
5A-76.332 Added	43840
5A-76.401-5A-76.405 (Subpart 5A-76.4) Revised	43840
Revised	+1350
5A-76.402 Revised	+23580
5A-76.403 Revised	+23580
5A-76.404 Revised	+23580

Chapter 5B—Public Buildings Service,
General Services Administration

Chapter 5B—Proposed Rules:

5B-2 36277
..... +14323

Note: Symbol (+) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Chapter 6—Department of State

	Page
6-6.802 Revised	55618
Technical correction	58179
6-6.803 Amended	55618
Technical correction	58179
6-6.805 Revised	55619
Technical correction	58179
6-6.806-1 Revised	55619
Technical correction	58179
6-6.806-2 Revised	55619
Technical correction	58179

Chapter 7—Agency for International
Development, Department of State

7-1.105-5 Revised	+24839
7-1.405 Added	+24839
7-3.101 Removed	+24839
7-3.101-50 Revised	+24839
(c) (1) revised	+24841
7-4.903-7-4.910 (Subpart 7-4.9) Added	+24841
7-4.5300-7-4.5301 (Subpart 7- 4.53) Removed	+24841
7-7.5002-10 (a) revised	+15628
7-7.5003-3 Revised	+15627
7-7.5003-5 Corrected	42689
7-7.5003-6 Correctly added	42689
7-7.5202-2 Heading revised	+15628
7-7.5302-2 Heading revised	+15628
7-7.5402-7 (a) revised	+15628
7-7.5403-4 Heading revised	+15628
7-7.5503-10 Heading revised	+15628
7-10.402 Revised	+15628
7-16.500-7-16.557 (Subpart 7- 16.5) Amended	+24840
7-16.500 Revised	+24840
7-16.800-7-16.853 (Subpart 7- 16.8) Amended	+24840
7-16.800 Revised	+24840
7-16.900-7-16.964 (Subpart 7- 16.9) Removed	+24840
7-30.4500 (b) and (c) amended	+24840
7-30.4502 (a) amended	+24840
7-60 Appendixes A-J removed	+24840
Chapter 7 Appendix I added	+14471

Chapter 8—Veterans Administration

8-1.302-1 (a) (6) and (7) re- vised	+6091
8-1.311 (a), (b), (c) introduc- tory text, and (c) (3) and (6) revised	+6091
8-1.318-50 Added	+6091
8-1.318-51 Added	+6091
8-1.403-60 Added	+6092

Note: Symbol (+) refers to 1978 page numbers

Page

8-2.201 (a), (c), (d) (3) and (e) (3) revised; (g) removed	+22032
8-2.204 (b) revised	+22032
8-3.207 Revised	+24532
8-4.1004-1 (a) revised	+8258
8-5 Added	61043
8-7.150-24 Revised	+22032
8-7.150-25 Added	+22032
8-7.600 (c) revised	+22033
8-7.650-3 Revised	+22033
8-7.650-5 (c) revised	+22033
8-7.650-6 Revised	+22033
8-7.650-8 Revised	+22033
8-7.650-9 (c) revised	+22034
8-7.650-10 Revised	+22034
8-7.650-12 (b) and (c) revised	+22034
8-7.650-13 Revised	+22034
8-7.650-14 (a) amended	+22034
8-52.106 (e) revised	+24532
8-52.108 Revised	+24532
8-74.112-6 (b) revised	+24532

Chapter 8—Proposed Rules:

8-1-8-95 (Ch. 8) +14525

Chapter 9—Energy Research and
Development Administration

Chapter 9 revised	48879
9-1 Revised; supersedes Part 9- 55 in part	48879
9-1.109-2 (b) amended	36121
9-1.5408 (a) and (b) (1) redesign- ated as (a); (b) (2), (3), (4) and (c) redesignated as (b), (c), (d) and (e); heading and new (a) revised	36121
9-2 Revised	48879
9-3 Revised	48879
9-3.150-9-3.150-4 Revised	36121
9-3.150-5 Removed	36121, 41128
9-3.151-9-3.151-3 Correctly added	36122, 41128
9-3.151-5 Removed	36121, 41128
9-3.152 Correctly added	36123, 41128
9-4 Revised	48879
9-4.5110-1 Amended	36123
9-4.5110-2 (b) amended	36123
9-4.5112-8 Removed	36123
9-4.5603 (c) revised	36123
9-5 Revised	48879
9-6 Revised	48879
9-7 Revised	48879
9-7.5006-7 Amended	36123
9-7.5006-8 Revised	36123
9-7.5006-10 (d) (7) revised	36123
9-7.5006-12 (d) (7) revised	36123
9-7.5006-13 Revised	36123

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Title 41, Chapter 9—Continued		Page
9-7.5006-16—9-7.5006-22 Re-	vised	36123
9-7.5006-59 Revised		36123
9-8 Revised		48879
9-9 Revised		36123, 48879
9-9.103-1 Corrected		41129
9-10 Revised		48879
9-11 Superseded by 9-50.11		48879
9-12 Revised		48879
9-14 Transferred in part to Sub-	part 9-18.8; remainder re-	48879
9-15 Revised		48879
9-16 Note		36123
Revised		48879
9-17 Revised		48879
9-18 Revised		48879
9-20 Removed		48879
9-23 Added		48879
9-30 Revised		48879
9-50 Revised; supersedes 9-55	and 9-56 in part	48879
9-51 Revised; supersedes 9-55	in part	48879
9-52 Redesignated from Part 9-	53 and revised	48879
9-53 Redesignated as Part 9-52	and revised; new Part 9-53 re-	48879
designated from Part 9-54	and revised	48879
9-54 Redesignated as Part 9-53	and revised	48879
9-55 Superseded by Subpart 9-	1.30 and Parts 9-50 and 9-51	48879
9-56 Superseded by Subpart 9-	3.8 and Part 9-50	48879
9-59 Removed		48879
9-59.004 Amended		36123
Chapter 9 Appendix amended		36123, 48879
Chapter 9—Proposed Rules:		
9-1—9-53 (Ch. 9)		†15853
9-1		†12727
9-4		37425, 40923
Chapter 12—Department of Transpor-		
tation		
Chapter 12 revised		45177
12-1 Revised		45178
12-2 Revised		45197
12-3 Revised		45199
12-4 Revised		45205
12-5 Revised		45208
12-6 Revised		45208
12-7 Revised		45210
12-9 Revised		45249
12-10 Revised		45253
12-16 Revised		45255
12-17 Revised		45255
12-18 Revised		45256
12-26 Added		45256
12-30 Revised		45257
12-50 Revised		45257
12-60 Revised		45259
12-70 Added		45262
12-99 Revised		45268
Chapter 12—Proposed Rules:		
12-60		†17974
Chapter 13—Department of Com-		
merce		
13-1 Revised		†22035
13-3 Added		†22039
13-4 Added		†22039
Chapter 14—Department of the		
Interior		
Chapter 14—Proposed Rules:		
14-1		43647, 56345
14-7		43647, 56345
Chapter 14H—Bureau of Indian Af-		
fairs, Department of the Interior		
Chapter 14H—Proposed Rules:		
14H-70		†12894
Chapter 15—Environmental Protec-		
tion Agency		
15-1.009-1 Added		63783
15-1.009-2 Revised		63783
15-1.206—15-1.250 (Subpart 15-		
1.2) Added		63783
15-1.313 Added		63784
(d) (29) corrected		†967
15-1.318-1 (a) (1), (b) (1), (e)		
(1) and (3), and (f) (4), (5)		
and (6) amended		63784
15-1.350 Revised		63785
15-1.351 Removed		63785
15-1.352 Removed		63785
15-1.353 Removed		63785
15-1.603 Amended		63785
15-1.605-3 Redesignated from		
15-1.605-4 and revised		63785
15-1.605-4 Redesignated as 15-		
1.605-3 and revised		63785
15-1.704 Revised		63785
Technical correction		†967
15-1.704-1 Revised		63785
15-1.704-2 Revised		63785
15-1.706-50-2 Amended		63786
15-1.706-50-3 Amended		63786

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

		Page
15-1.708-2 Added		63786
15-1.709-50 Added		63786
15-1.2302-3—15-1.2302-5 (Sub-	part 15-1.23) Added	63786
15-1.5000—15-1.5002-4 (Sub-	part 15-1.50) Added	63786
15-1.5002-2 Correctly desig-	nated	†967
15-1.5300 (a) (1) (v) amended		63787
15-3.405-3 Added		†1797
15-3.405-3-50 Added		†1797
15-3.405-3-51 Added		†1797
15-3.405-3-52 Added		†1797
15-3.408 (b) amended		33737
15-7 Revised		33737
15-7.302-55 Revised		†9279
15-7.350 Added		†9279
15-7.350-1 Added		†9279
15-7.350-2 Added		†9279
15-7.402-54 Revised		†9280
15-7.403-51 Added		†9280
15-7.403-52 Added		†9280
15-7.450-8 Revised		†9280
15-7.451-2 Added		†9280
15-7.451-3 Added		†9280
15-16 Revised		33745
15-16.000 Revised		33745
15-19.302 Removed		54552
15-19.303 Removed		54552
15-19.305 Removed		54552
15-60.000 Amended		33750
15-60.102-1 Amended		33750
15-60.102-2 (b) (1) and (2) re-	vised	33750
15-60.202 (c) amended		33750
15-60.301-6 (a) and (b) (3)	amended	33750
15-60.402 (b) (2) amended		33750
15-60.604 Amended		33750
15-60.700—15-60.703 (Subpart	15-60.7) Removed	33750
Chapter 15—Proposed Rules:		
15-1		35994
Chapter 19—International Communi-		
cation Agency		
Chapter 19 Nomenclature	changes	†28493
19-1.102 Revised		†28493
19-1.103 (e) revised		†28493
19-1.108-2 (a) introductory text	revised	†28493
19-1.254 Removed; new 19-1.254	redesignated from 19-1.255	
and amended		†28493
19-1.255 Redesignated as 19-	1.254 and amended; new 19-	
1.255 redesignated from 19-	1.256	†28493
19-1.256 Redesignated as 19-	1.255; new 19-1.256 redesign-	
ated from 19-1.257		†28493
19-1.257 Redesignated as 19-	1.256	†28493
19-1.258 Removed		†28493
19-1.302-3 (b) (1) and (2)	amended	†28493
19-1.602 Amended		†28493
19-1.604 Amended		†28493
19-1.1302 (Subpart 19-1.13)	Added	†28493
19-1.5305 (a) amended		†28493
19-2.205-1 Amended		†28493
19-2.205-5 Removed		†28493
19-2.403 (b) and (c) amended		†28493
19-2.407-7 Revised		†28493
19-3.450 Amended		†28493
19-3.604-6 (a) revised		†28494
19-3.606-5 (b) revised		†28494
19-15.5000 Revised		†28494
19-15.5000-1 Removed		†28494
19-16.851 Amended		†28494
19-16.860-4 Removed; new 19-	16.860-4 redesignated from	
19-16.860-5		†28494
19-16.860-5 Redesignated as 19-	16.860-4	†28494
19-16.860-6 Removed		†28494
Chapter 20—Nuclear Regulatory		
Commission		
Chapter 20—Proposed Rules:		
20-1 (Ch. 20)		†3288
Chapter 24—Department of Housing		
and Urban Development		
24-1.709-50 Revised		†8139
Chapter 24—Proposed Rules:		
24-1		42234, 45935
		†25449
Chapter 29—Department of Labor		
29-1.006-4 Amended		40197
29-1.008-50 Revised		40197
29-1.009-2 (a) and (c)	amended	40198
29-1.302-50 Revised		40198
29-1.310 and 29-1.310-4 Redesign-	ated as 29-1.1202 and re-	
vised		40198

Note: Symbol (†) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Title 41, Chapter 29—Continued

	Page		Page
29-1.315-2 (a) introductory text and (a) (3) (iv) amended	40198	29-2.404-1 Amended	40201
29-1.350 Amended	40198	29-2.407-3 Amended	40201
29-1.352 Removed; redesignated in part as 29-3.210-50	40198	29-2.407-8 Revised	40201
29-1.401 Revised	40198	29-3.100-50 Amended	40201
29-1.402 Amended	40199	29-3.101-50 Removed	40201
29-1.404-50 Revised	40199	29-3.103 (a) revised	40201
29-1.450 (a) amended; (b) revised	40199	29-3.203 Revised	40202
29-1.451 Removed	40199	29-3.204-50 Amended	40202
29-1.452 (c) amended	40199	29-3.205-29-3.205-50 Added	40202
29-1.453 Redesignated from 29-1.454	40198	29-3.210-29-3.210-50 Added	40202
29-1.454 Redesignated as 29-1.453	40198	29-3.211 Revised	40202
29-1.508-2 Revised	40199	29-3.305 Amended	40202
29-1.601-1 Revised	40199	29-3.404-4 Amended	40202
29-1.602 Revised	40199	29-3.404-7 Amended	40202
29-1.604-1 (a) Introductory text and (a) (1) Introductory text revised	40199	29-3.405-5 Revised	40202
29-1.704-1 Revised	40200	29-3.405-50 Revised	40203
29-1.704-2 (b) amended	40200	29-3.406-1 Amended	40203
29-1.704-3 (b) revised	40200	29-3.409 (a) (1) amended; (b) and (c) revised	40203
29-1.706-3 Redesignated from 29-1.706-53 and amended	40200	29-3.602-50 (b) revised	40203
29-1.706-52 Amended	40200	29-3.603-1 (a) and (c) revised	40203
29-1.706-53 Redesignated as 29-1.706-3 and amended	40200	29-3.604-4 Revised	40203
29-1.706-54 Revised	40200	29-3.604-5 Added	40203
29-1.708-29-1.708.3 Removed	40200	29-3.604-6 (a) through (e) revised	40203
29-1.709 (a) revised; (b) amended	40200	29-3.604-51 Revised	40204
29-1.1002 Introductory text revised	40200	29-3.605-50 Amended	40204
29-1.1202 (Subpart 29-1.12) Added	40200	29-3.605-51 Amended	40204
29-1.50 (Subpart) Designation removed	40200	29-3.606-4 Amended	40204
29-2.102-50 Removed	40201	29-3.705 Amended	40204
29-2.202-1 Amended	40201	29-3.707-50 (b) amended	40204
29-2.202-2 Amended	40201	29-3.802 Revised	40204
29-2.202-3 Revised	40201	29-3.805-50 Revised	40204
29-2.202-52 (a) amended	40201	29-3.805-51 Added	40205
29-2.202-53 (a) revised	40201	29-3.805-52 Added	40205
29-2.205-5 Correctly designated from 29-2.205-50	40201	29-3.805-53 Added	40205
29-2.205-50 Correctly designated as 29-2.205-5	40201	29-3.805-54 Added	40205
29-2.301 Amended	40201	29-3.809-50 Revised	40205
29-2.303-1 Revised	40201	29-12 Revised	40205
29-2.402 Amended	40201	29-26.400 Revised	40206
29-2.402-50 Revised	40201	29-26.404-50 Revised	40206
29-2.402-52 (a), (b), and (c) amended	40201	29-61 Removed	40206

Chapter 29—Proposed Rules:

29-50	+21014
29-70	+26042

Chapter 50—Public Contracts, Department of Labor

50-201.101 Revised	+22975
50-201.301 Added	+22977
50-202.2 Revised	+28495
50-202.3 Revised	+28495
50-202.16 (b) introductory text revised; (b) list amended; (c) removed	+28495
50-206 Added	+22977

Note: Symbol (+) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Chapter 50—Proposed Rules:

50-202	+12337
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Chapter 51—Committee for Purchase From the Blind and Severely Handicapped

51-2.6 Added	36457
51-2.7 Added	36458
51-5.6 Revised	+28496

Chapter 51—Proposed Rules:

51-5	64378
------	-------

Chapter 60—Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor

60-4 Added; eff. 5-8-79	+14894
60-4.3 (a) corrected	+18672
60-4.4 (a) corrected	+18672
60-4.6 Corrected	+18673

60-5-60-11 Removed; eff. 5-8-79	+14894
---------------------------------	--------

Chapter 60—Proposed Rules:

60-3	65542
	+1503, 9131, 11812, 14955
60-4	41378, 53982

Chapter 101—Federal Property Management Regulations

101-2.101 (b) revised; (c) added	55811
(c) revised	+21882
101-2.102 (a) and (c) revised; (d) added	55811
101-2.103 Revised	55812
(a) and (b) revised	+21882
101-2.104 Revised	55812
Introductory text and (b) (2) revised; (b) (4) removed	+21883
101-2.105 Revised	55812
101-2.106 Added	55812
(b) and (e) revised	+21883
101-2.107 Added	55813
101-2.4902 Revised	55813
101-2.4902-789 Revised	55813
101-2.4903 Added	55813
101-2.4903-7306 Added	55813
101-5.100 Revised	35853
101-5.104-7 Revised	35853
101-5.203-5 Revised	35853
101-7 Temporary regulation	+10442
101-11.101-4 Revised	56120
101-11.101-5 Added	56120
101-11.103-1 Revised	56120

101-11.103-2 (a) through (c) revised	56121
101-11.103-4 Added	56121
101-11.104 Added	56121
101-11.411-101-11.411-12 Revised	57314
101-11.504-3 Revised	+4998
101-11.900 Revised	43082
101-11.901 Revised	43082
101-11.902 Revised	43082
101-11.903 (a) revised	43082
101-11.904 (a) (2), (3), (4), (5), and (c) revised	43083
101-17.104-101-17.104-4 Added	57462
101-19.600 Revised	+16479
101-19.601 Revised	+16479
101-19.602 (a) and (c) revised	+16479
101-19.603 Revised	+16479
101-19.604 (a), (c) and (d) revised; (e) added	+16479
101-19.606 Revised	+16480
101-20.100 Revised	56121
101-20.111-101-20.111-3 Revised	56122
101-20.117-2 (a) (2) amended	+8139
101-21.300 Revised	62485
101-21.300-1 Added	62485
101-21.604 (a) and (b) revised	+11820
101-25-101-34 (Subchapter E) Temporary reg. E-49	15366
101-25.112 Added	+8800
101-25.302-1 Revised	36458
(a) revised	+18673
101-25.302-5 Revised	+18673
101-25.302-8 Revised	36458
101-25.304-2 Revised	+16480
101-26.100-3 (b) introductory text revised	58748
101-26.105 (a) and note revised	+22210
101-26.200 Revised	+19852
101-26.201 Revised	+19852
101-26.202 Revised	+19853
101-26.203 Removed	+19853
101-26.203-1 Removed	+19853
101-26.203-2 Removed	+19853
101-26.205 Removed	+19853
101-26.205-1 Removed	+19853
101-26.205-2 Removed	+19853
101-26.206 Revised	+19853
101-26.302 Introductory text and (c) revised	62485
101-26.303 Revised	+22210
101-26.304 Revised	+22210
101-26.305 (a) and (c) revised	58748
Corrected	61597
101-26.306 Revised	+22211

Note: Symbol (+) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

Title 41, Chapter 101—Continued	Page
101-26.308 Revised	+22211
101-26.310 Introductory text, (a) introductory text, (1), and (4) through (7), and (b) revised	58748
101-26.311 (b) revised	58748
101-26.401 (b) revised; (c) re- moved	+24533
101-26.402-4 Revised	+24533
101-26.402-5 (b) revised	+24533
101-26.403-2 (b) (3) revised	58748
101-26.405 Revised	62485
101-26.406-1 (a) revised	+22211
101-26.406-5 Revised	+22211
101-26.407-2 Revised	+22211
101-26.408-3 (a), (b) introduc- tory text, (1), (5), and (6) (i) revised	+22211
101-26.505 Revised	+22211
101-26.505-7 Revised	+22211
101-26.506-2 (b) revised	+22211
101-26.509-1 Revised	+22211
101-26.509-2 (a) and (b) re- vised	+22212
101-26.600 Revised	58748
101-26.602 Revised	58748
101-26.602-2 (a), (b) introduc- tory text and (2) revised; (d) through (f) removed	58748
101-26.602-3 (a) Introductory text and (2) and (b) through (h) revised	58749
101-26.602-4 (d) revised	58749
101-26.603 Revised	58749
101-26.603-1 Removed	58750
101-26.603-2 Removed	58750
101-26.603-3 Removed	58750
101-26.603-4 Removed	58750
101-26.605 Revised	58750
101-26.606 Revised	58750
101-26.607 Added	58750
101-26.607-1 Added	58750
101-26.607-2 Added	58750
101-26.607-3 Added	58750
101-26.4902-2891 Added	+24533
101-26.4904-1520 Removed	58750
101-27.207-3 Revised	61861
101-30.201 (a) revised	36254
101-30.300 Revised	36255
101-30.302 (e) revised	36255
101-30.303 Revised	36255
(b) revised	+18673
101-30.400—101-30.401-2 Revised	36255
101-30.401-3 Removed	36255
101-30.503 (a), (b), and (c) re- vised; (d) added	36255
(d) revised	+18673
101-30.504 Revised	36256
101-30.603 (b) and (c) revised	36256
Revised	+24533
101-30.604 Revised	+24533
101-30.700—101-30.705 (Subpart 101-30.7) Added	+4999
101-30.4901 Revised	+18674
101-30.4901-1303 Added	+18674
101-30.4902 Removed	+18674
101-30.4902-1303 Removed	+18674
101-32 Redesignated as Part 101- 36 in part	+27191
101-32.1304-19 Added	58741
101-32.1700—101-32.1706 (Subpart 101-32.17) Redesignated as 101-35.1700 — 101-35.1706 (Subpart 101-35.17)	+27191
101-32.4702 (c) revised	63642
101-32.4901-120 Note added	63643
101-33 Redesignated from 101- 36	+27191
101-33.003 Amended	+27191
101-35—101-37 (Subchapter F) Heading revised	+27191
101-35 Redesignated as 101-37 and heading revised	+27191
101-35 Redesignated from 34 CFR 282 in part	+27190
Heading revised	+27191
101-35.203 (a) (3) revised	58522
101-35.206 (b) amended	+27191
101-35.209 Appendix B re- moved	+27191
101-35.210 Amended	+27191
101-35.301 Revised	+27192
101-35.302 Revised	+27192
101-35.303 (a) revised	+27192
101-35.307-1 Revised	+27192
101-35.308-9 (f) removed	58522
101-35.311 Added	58522
(b) corrected	+3709
101-35.1700—101-35.1706 (Sub- part 101-35.17) Redesignated from 101-32.1700—101- 32.1706 (Subpart 101-32.17)	+27191
101-36 Redesignated as 101-33; new 101-36 redesignated from 101-32 in part; heading re- vised	+27191
101-36.203-3 (b) amended	+27191
101-36.400-2 Amended	+27191
101-36.404 (a) and (b) amended	+27191
101-36.407 (a) amended	+27191

Note: Symbol (+) refers to 1978 page numbers

CHANGES JULY 1, 1977 THROUGH JUNE 30, 1978

	Page
101-36.501—101-36.508 (101-36.5) Redesignated from 34 CFR 281 in part	+27190
101-36.504 Amended	+27191
101-36.507 Amended	+27191
101-36.1105 Amended	+27191
101-36.1202 Amended	+27191
101-36.1613 Amended	+27191
101-36.4701-2 Amended	+27191
101-37 Redesignated from 101- 35 and heading revised	+27191
101-37.203 (c) amended	+27191
101-38.001-1 Revised	36256
101-38.001-18 Added	36256
101-38.304-1 Revised	+24062
101-38.602 (a), (e), (f), and (n) revised; (o) and (p) added	+24062
101-38.701 (d) revised	+24062
101-38.901 Revised	36256
101-38.907 Introductory text re- vised	36256
101-38.1202-1 (b) revised	+24062
101-38.4903 Revised	+24062
101-39.502 Revised	+7207
101-39.503—101-39.503-7 Re- vised	+7207
101-39.601 (a) Introductory text and (3) revised	36256
101-39.807 (b) introductory text revised	+24062
101-39.901 Revised	36257
101-39.4901 Revised	+7207
101-40.702-3 (d) revised	+24063
101-40.4902 Revised	+24063
101-41 Revised	36672
101-41.208-4 Heading corrected	41128
101-41.214-2 (b) corrected	41128
101-41.214-5 (c) corrected	41128
101-41.302-1 (d) corrected	41129
101-41.304-1 Heading corrected	41129
101-41.305 Heading corrected	41129
101-41.503 Corrected	41129
101-41.603-2 Corrected	41129
101-42.000 Revised	+26575
101-42.101 Introductory text and (a) revised	+26575
101-42.102 Revised	+26575
101-42.102-1 (a) revised	+26575
101-42.102-2 Revised	+26575
101-42.301-1 Revised	40847
101-42.301-2 Revised	40847
101-42.302-1 Revised	+26575
101-42.303-1 Revised	+26575
101-42.303-2 Revised	+26576
101-42.4800 (Subpart 42.48) Added	40847
101-42.4801 Redesignated from 101-42.4901	40847
101-42.4802 Redesignated from 101-42.4902	40847
101-42.4900—101-42.4902 (Sub- part 101-42.49) Heading re- moved	40847
101-42.4900 Removed	40847
101-42.4901 Redesignated as 101- 42.4801	40847
101-42.4902 Redesignated as 101- 42.4802	40847
101-43.102 Revised	40847
101-43.102-1 Revised	+26576
101-43.302 (a) (2) revised	40848
(a) and (b) introductory texts and (a) (1) revised	+26576
101-43.303-1 (b) revised	+26576
101-43.305 Revised	+26576
101-43.311-1 Revised	40848
101-43.311-2 Revised	40848
101-43.312 (c) and (e) revised	40848
101-43.313-9 (f) revised	+26576
101-43.313-10 (e) revised	40848
(a) revised	+26577
101-43.313-12 (b) and intro- ductory text of (c) (2) re- vised	+26577
101-43.315-2 (d) revised	40848
(d) revised	+26577
101-43.315-3 (a) (2) revised	40848
101-43.315-5 (a) introductory text and (b) revised	40849
101-43.319 Revised	40849, 56000
101-43.320 (h) (1) and (2) re- vised	40849
Revised	56000
101-43.321 Added	56002
101-43.400—101-43.403-4 (Sub- part 101-43.4) Removed	55813
101-43.402-6 (a) revised	40849
101-43.503 Revised	56002
Revised	+26577
101-43.504 Revised	56002
101-43.508 Revised	56003
101-43.4700—101-43.4701 (Sub- part 101-43.47) Added	56003
101-43.4800 (Subpart 101-43.48) Added	40849
101-43.4801 Redesignated from 101-43.4901 and (b) (2) re- vised; (d) table amended	40849
(c) revised; (d) table amended	+26578
101-43.4802 Added	40850
Revised	+26578
101-43.4803 Redesignated from 101-43.4905 and revised	40850

Note: Symbol (+) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

	Page
1 Removed	†2877
5 Added	†1587
Appendixes A through G added	†1588
23.110—23.121 (Subpart B) Removed	†2877
33 Removed	†2877
35.61—35.66 (Subpart E) Added	60742
36.301—36.360 (Subpart J) Added	59646
36.351 (b) (2) (i) corrected	61861
50.301—50.310 (Subpart C) Added	†4570
Republished	†4832
51 Heading revised	†2878
51.1—51.9 (Subpart A) Removed	†2878
51a.201—51a.213 (Subpart B) Added	†21154
51a.301—51a.321 (Subpart C) Added	63568
51c Authority citation revised	†5352
51c.302 (a) amended	60418
51c.501 Revised	†5352
51c.502 Revised	†5352
51c.503 (a) (7) (vii) amended	†5352
51c.504 (c) (3) (ii) amended	†5352
51d Revised	56249
52h Added; eff. 10-1-77	†7864
54a.102 Revised	60403
54a.501—54a.517 (Subpart E) Added	†14276
56 Revised	60409
56.801 (Subpart H) Added	†5353
56b Removed	†2878
57 Heading revised	†2878
57.701—57.718 (Subpart H) Removed	†2878
57.1101—57.1114 (Subpart L) Removed	†2878
57.1301—57.1312 (Subpart N) Removed	†2878
57.1601—57.1614 (Subpart Q) Removed	†2878
57.1901—57.1913 (Subpart T) Revised	†27956
57.2401—57.2414 (Subpart Y) Added	60883
Appendix amended	†27837
57.2601—57.2613 (Subpart AA) Removed	†2878
57.2801—57.2812 (Subpart CC) Removed	†2878
57.3101—57.3115 (Subpart FF) Added	59500
57.3301—57.3303 (Subpart HH) Added	†26013
58 Removed	†2878
Added	†26444
58.20—58.33 (Subpart B) Added	†27838
66 Revised	63390
66.106 Heading correctly added	†1498
110.301—110.305 (Subpart C) Revised	†6021
110.401—110.407 (Subpart D) Revised	†6021
110.501—110.508 (Subpart E) Revised	†6021
110.801—110.808 (Subpart H) Revised	†17682
121 Added	†13044
122.1 (c) (1) amended	†1253
122.106 (c) revised	62270
122.109 (b) (2) (i) and (ii) amended; (b) (3) (i) revised	†1253
123 Revised	†10120
124 Added	62270
Chapter IV—Health Care Financing Administration, Department of Health, Education, and Welfare	
405 Nomenclature changes	65113
Technical correction	†6805
405.101 (a) and (b) revised	†4428
405.120 (d) (1) removed	†4428
405.141 Removed	†4428
405.142 Removed	†4428
405.144 Removed	†4428
405.145 Removed	†4428
405.152 (b) revised	†4429
405.156 Removed	†4429
405.157 Introductory text revised	†4429
405.158 (b) removed	†4429
405.175 Removed	†4429
405.205 (b) footnote removed	†4429
405.212 (b) removed	†4429
405.213 (a) revised; (b) removed	†4429
405.214 (a) removed	†4429
405.221 (a), (b), and (e) removed	†4429
405.223 (a) (1) and (2) removed; (d) revised	†4429
405.224 Removed	†4429
405.230 (b) revised	†4429
405.231 (k) revised	†4429
(n) added	†8261
405.240 (d) (1) and (e) removed; (d) (2) revised	†4430
(f) added	†8261

Note: Symbol (†) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

	Page		Page
405.249 (a) (2) revised	†4430	446.150—446.185 (Subpart B) Added	60564
405.250a Redesignated as 405.250-1	†8261	448 Nomenclature changes	65116
405.250-1 Redesignated from 405.250a	†8261	Technical correction	†6605
405.250-2 Added	†8261	448.1 (c) (4) revised	†7986
405.310 (c) revised; (m) removed	†4430	(a) (1), (b) (2) (i), (c) (1), and (d) revised; (b) (1) (vii) and (viii) added; eff. in part 7-1-77	†9813
405.428 (a) and (c) removed	†4430	(d) and (e) technical correction	†20009
405.502 (e) revised	65178	448.2 (d) (4) and (e) revised	†9814
405.504 (a) (1) removed	†4430	448.3 (b) (1) (ii) and (7) through (9) revised; eff. in part 7-1-77	†9814
405.541 Added	65178	(b) (1) (ii) (7) technical correction	†20009
405.542 Added	65179	448.4 (a) and (b) (3) revised; (e) added; eff. in part 7-1-77	†9815
405.543 Added	65180	448.10 (b) (2) (iv) revised	†7986
405.544 Added	65180	(b) (2) (i) and (ii), and (d) revised	†9815
405.609 (a) introductory text revised	†4430	(b) (2) technical correction	†20009
405.1028 (k) and (l) added; eff. 11-24-78	†7985	448.21 (a) (2) (i) (C), (3) (i) (B) and (C) and (c) revised	†9815
405.1626 Removed	†4430	Introductory text technical correction	†20009
405.1627 (b) (1) removed	†4430	448.60 (a) (2) and (3) (iv) revised	†7986
405.1631 Removed	†4430	(a) (1) and (b) (3) revised; (b) (11) added; eff. 10-1-76	†9816
405.1632 (d) removed	†4430	(b) (11) revised	†20009
405.1660 (a) revised	†4430	448.70 (a) (1) amended	†9816
405.1672 (a) revised	†4430	448.80 (a) (1) amended	†9816
405.2001 (a) and (b) introductory text revised; (b) (5) removed	†5826	449 Nomenclature changes	65117
405.2002 Revised	†5826	Technical correction	†6605
405.2003 Revised	†5827	449.10 (a) (11) added	64345
405.2004 (c) (2) amended; (c) (3) removed	†5827	(a) (6) (iii), (b) (16) (ii) and (iii) (A) and (C) revised	†7986
405.2005 (a) (1) and (2) revised	†5827	(c) (1) revised	†9816
405.2006 Removed	†5827	449.31 Revised	†8801
405.2007 Revised	†5827	449.41 (c) (1) revised; eff. 7-1-77	†9816
405.2008 Removed	†5827	449.82 Revised	†5828
405.2009 Removed	†5827	449.100—449.109 (Subpart A) Added	†4580
405.2010 Removed	†5827	Republished	†4842
405.2011 Removed	†5827	450 Nomenclature changes	65119
405.2012 Removed	†5827	Technical correction	†6605
405.2025 (a) (1) amended	†5827	450.23 (a) (1) introductory text, (i) and (iv) amended	†7986
405.2050 (b) (1) (ii) amended; (b) (1) (iii) revised; (b) (1) (iv) added	†5823	450.25 Revised	†13575
405.2056 (b), (c), and (d) revised	†5827	450.30 Clarification	†4861
405.2057 Removed	†5828	(a) (2) revised	†8804
405.2401—405.2430 (Subpart X) Added	†8261		
446 Nomenclature changes	65116		
446.10 (Subpart A) Heading added; section heading revised	60564		

Note: Symbol (†) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

Title 42, Chapter IV—Continued

	Page
450.80 (a) (8) and (d) added	†3120
(a) (6) revised	†9817
450.90 (b) (2) introductory text and (v) revised	†9817
450.120 (Subpart B) Removed	60566
450.310 (Subpart D) Added	†3120
452 Nomenclature changes	65120
460 Nomenclature changes	65121
460.11 Revised	†2630
460.24 Amended	†2630
460.36 Amended	59086
461 Nomenclature changes	65121
463 Added	†7407
473 Nomenclature changes	65121
476 Added	†2283
478 Added	62277
478.101—478.106 Subpart B) Added	†854
480 Nomenclature change	65122
481 Added	†5375

Title 42—Proposed Rules:

37	64642
50	†17979
	62718, 63651, 63797, 64649
	†2899
51a	60761
	†3344
51b	†27210
51e	†26534
51f	†19536
57	†3344,
	4784, 4790, 18217, 26071, 26074, 26077
71	†12338, 27215
81	65194
	†1968
110	†11472, 12339
121	54577, 56133, 57141, 59888
	†3056, 6272
122	†11229, 19988, 21274, 22858, 24072
123	†11229, 21274
124	56916
405—480 (Ch. IV)	†2412
405	†780,
	2412, 2740, 24332, 24715, 24873, 24988, 27215
446	†2413
447	†2413
448	†2413
449	†780, 2412, 2413, 2740, 13860, 24873
450	†780,
	2413, 2740, 2741, 13860, 20516, 24715, 24988, 27215
451	†2413
452	†2413
460	56826, 56844
	†8813
462	†2413, 13970
471	†3796
474	†2413

TITLE 43—PUBLIC LANDS:
INTERIOR

Subtitle A—Office of the Secretary of the Interior

	Page
2.20 Added	†15155
4.1 (4) revised	†17942
4.242 (h) revised	†5514
4.290 Revised	†5514
4.296 Revised	†5514
4.500—4.666 (Subpart F) Removed	†17942
4.513 Amended	†2724
4.560a Added	†2724
4.561 Revised	†2725
4.561a Added	†2725
4.562 (c) and (d) added	†2725
4.564 Added	†2725
17.1 Amended	†4259
17.3 (a), (b) (1) and (2) amended	†4259
17.11 (a) amended	†4259
20 Appendixes C through F revised	†1072
29.1 (g) revised	†27840
29.4 (d) revised	†27841
29.8 (b) and (c) (1) revised	†27841
29.9 (b) (3) and (f) revised	†27841
31 Added	54806
31.11 (a) revised	57462
32 Added	†12266
33 Heading and note added	62913, 65181

Chapter I—Bureau of Reclamation, Department of the Interior

419.1—0 (a) revised	†11821
419.12 Revised	†11821
423 Effective date extension clarified	56508
424 Added	60144

Chapter II—Bureau of Land Management, Department of the Interior

2653.4 (c) filing date extended	64119
(c) filing date extended	†11822
2653.5 (h) and (i) waiver of regulations	†17942
2653.6 (a) (3) waiver of regulations	†17942
2653.9 (d) waiver of regulations	†17942
2920.0—5 (e) removed	†7870
2920.0—5 (e) effective date corrected	†11822

Note: Symbol (†) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

	Page
2924.1—2924.3—1 (Subpart 2924)	
Removed	†7870
Effective date corrected	†11822
3301.7 Added	†3893
3301.8 Added	†3895
3302.2 (a) revised	53963
3305a.4 Revised	53964
3521.3—2 (a) designated as (a) (1); (a) (2) added	64346
3523.1—3 Added	64346
3526.0—1—3526.3—2 (Subpart 3526) Added	64346
6263.0—1—6263.5 (Subpart 6263) Added	†7870
Effective date corrected	†11822

Public Land Orders

2301 Revoked in part by PLO 5633	†19231
2951 See PLO 5635	†19046, 21461
5062 Corrected	†26446
5187 Amended by PLO 5627	63170
5188 Amended by PLO 5640	†26734
5492 Revoked by PLO 5637	†19045
5493 See PLO 5636	†19045
5497 Revoked by PLO 5634	†19046
5498 Revoked by PLO 5635	†19046, 21461
5500 See PLO 5635	†19046, 21461
5502 See PLO 5636	†19045
5508 See PLO 5634	†19046
5608 Revoked by PLO 5630	†3709
5627	63170
5628	63422
5629	63423
5630	†3709
5631	†11992
5632	†11992
5633	†19231
5634	†19046
5635	†19046
Corrected	†21461
5636	†19045
5637	†19045
5638	†24063
5639	†26733
5640	†26734

Title 43—Proposed Rules:

3	†14975
4	54434
	†15441
14	†12339, 16517, 22573
26	54314
417	†24715
426	55625, 56139, 57142, 59763, 59889
428	†24072
1600	†8814, 24559
2650	†22620

Note: Symbol (†) refers to 1978 page numbers

	Page
2720	57862
2800	62505
2880	†8770
3200	†20826
3220	†20826
3250	†12260
3300	56960
3830	†15102
4100	60109, 63437
	†1108

TITLE 45—PUBLIC WELFARE

Subtitle A—Department of Health, Education, and Welfare, General Administration

12 Revised	59843
12.3 (c) corrected	61263
12.9 (d) corrected	61263
16.90—16.91 (Subpart C) Added	†9265
16 Appendix B heading revised; text amended	†9265
19.4 Revised	57317
46.102 (c) revised	†1759
46.203 (b) and (c) revised	†1759
46.204 (b) removed; (c) through (e) redesignated as (b) through (d); new (b) amended	†1759
46.209 (a) and (b) revised	†1759
73a Revised	†7619
85 Added	†2136

Chapter I—Office of Education, Department of Health, Education, and Welfare

100a.10 (a) (11) and (26) revised	53828
(a) (40) added	†1765
(a) (41) added	†9248
(a) (25) amended	†18676
Correctly designated	†20009
100b.10 (f) revised	53828
100c.1 (f) revised	53828
102 Removed	56506
103 Removed	56506
104 Added	53828
104.3 (b) corrected; (e) removed; (f), (g), and (h) redesignated as (e), (f), and (g)	†3909
105 Added	53852
105.603 (e) corrected	†3909
105 Appendix A corrected	†3909
115.3 (e) and (f) revised; (p) and (q) added	†19129
115.11 (g) revised	†19129

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

Title 45, Chapter I—Continued	Page	Page	
115.20—115.27 (Subpart C) Re- vised	†19130	185.02 (n) and authority cita- tions for (f) (2), (g), (i), (j), and (k) revised	†26016
115.30 (a) (10) and (b) (2) (iii) revised	†19133	185.11 (b) (6) and (c) (3) author- ity citations revised	†26016
115.64 Added	65524	185.12 (a) (12) amended; (a) (13), (14), and (15) and (e) added	†26016
115.65 Revised	65526	185.13 (i) revised	†26016
115.70—115.79 (Subpart H) Added	†19762	185.21 (a) revised	†26016
115.80—115.89 (Subpart I) Added	†19765	185.22 (a) revised	†26017
115 Appendix amended	65526	185.23 Authority citation re- vised	†26017
116b Added	†16268	185.31 (a) (1) and (b) (1) re- vised	†26017
116c Revised	†14294	185.33 Revised	†26017
116d Hearings announced	56608	185.51 (a) and (c) authority ci- tation revised	†26017
118 Guidelines removed	†2630	185.52 (f) revised	†26017
121a.5 (b) (9) revised	65083	185.61 (a) and (b) (5) authority citation revised	†26017
121a.540 Added	65083	185.71 (a) revised	†26017
121a.541 Added	65083	185.81 Revised	†26018
121a.542 Added	65083	185.84 (b) revised	†26018
121a.543 Added	65083	185.91 Revised	†26018
121a.702 (a) (2) removed	65083	185.92 Revised	†26018
121a Appendix A amended	65084	185.93 Revised	†26018
124 Guidelines removed	†2630	185.94 (a) revised	†26018
126 Removed	56506	185.95—185.95-6 Undesignated center heading and sections added	†26018
136 Added	64840	185.95 (Subpart K) Removed	†26019
145 Removed	56506	185.101—185.110 (Subpart L) Re- designated as (Subpart K)	†26019
146a Added	†20496	189.11 (b) revised	57638
150 Removed	56506	189.13 (b) revised	57638
151 Removed	56506	189.14 Revised	57638
153 Revised	57288	189.16 (a) (2) and (b) (1) revised	57639
162 Appendix A removed	†2630	189.21 (b) (9) revised	57639
163 Added	61227	190.31—190.39 (Subpart C) Ap- pendix removed	†2631
163a Added	61229	190.32a (c), (e), and (f) revised; eff. 7-1-78 to 6-30-79	†3911
167 Removed	56506	190.33 (b) (1) revised; eff. 7-1-78 to 6-30-79	†3911
168.71—168.83 (Subpart H) Added	64567	190.35 (a) (2) revised; eff. 7-1-78 to 6-30-79	†3912
168.75 (b) (7) corrected	†6230	190.39 (a) (5) and (c) added; eff. 7-1-78 to 6-30-79	†3912
168.76 (b) (1) (iii), (2) and (6) corrected	†6230	190.41—190.48 (Subpart D) Ap- pendix removed	†2631
168.80 (b) correctly designated and corrected; (c) (1) and (2) corrected	†6230	190.43 (b) (1) revised; eff. 7-1-78 to 6-30-79	†3912
168.81 (b) (2) (ii) corrected	†6230	190.48 (a) (6) and (c) added; eff. 7-1-78 to 6-30-79	†3912
171.3 (c) revised	63575	190.51 (Subpart E) Appendix re- moved	†2631
171.4—171.9 Redesignated as 171.5—171.10; new 171.4 added	63575		
172 Added	†7530		
172.63 (b) corrected	†11704		
174 Removed	56506		
178 Removed	56506		
Added	61045		
179 Added	†9248		
181 Removed	56506		
182 Revised	†18676		

Note: Symbol (†) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

	Page		Page
197 Added	†1765	Chapter VI—National Science Foundation	
198 Added	61234		
199a Added	†21330		
Chapter II—Social and Rehabilitation Service (Assistance Programs), Department of Health, Education, and Welfare			
201.14 (a) revised; Appendix added	†9266		
205.40 (b) (2) (iv) and (d) revised	†2631		
205.202 (a) amended; (c) (4) removed	60566		
(c) (4) correctly designated	†20009		
206.10 (a) (1) and (2) (i) revised	†6950		
225.2 Amended	60566		
228 Effective 1-31-77 in part	61268		
228.20 (a) revised	61267		
228.26 (a) revised; (i) redesignated as 228.30(c)	61267		
228.29 (a) and (b) revised	†4019		
228.29-a Added	†4020		
228.30 Revised	61267		
228.33 (g) introductory text and (9), (h) introductory text and (10), and (i) revised	†4020		
228.39 Correctly added	61267		
228.42 (c) and (d) revised	61267		
(c) (2) effective in part 9-7-76 to 9-30-77	61269		
228.51 (c) revised	61267		
228.52 Effective in part 7-1-76 to 9-30-77	61269		
228.61 (a) (1) through (3) and (b) through (d) revised	61267		
228.70 (d) effective in part 10-1-75	61268		
228.92 Added	†4582		
Republished	†4844		
228.100 Revised	61268		
229 Added	†4020		
232.12 Revised	†2176		
232.13 Added	†2176		
Clarification	†15425		
250.30 (d) (2) revised	54420		
Chapter III—Office of Child Support Enforcement (Child Support Enforcement Program), Department of Health, Education, and Welfare			
302.31 Revised	†2180		
302.52 Introductory text, (a) and (b) revised	55818		
Chapter VI—National Science Foundation			
614.4 Revised	55619		
Chapter VIII—United States Civil Service Commission			
801 Appendix A amended	†19853, 27841		
Chapter IX—Administration on Aging, Department of Health, Education, and Welfare			
Chapter IX Removed and regulations transferred to Chapter XIII Subchapter C	59086		
901 Redesignated as Part 1320	59212		
903 Redesignated as Part 1321	59212		
904 Redesignated as Part 1322	59212		
905 Redesignated as Part 1323	59212		
908 Removed	59212		
909 Redesignated as Part 1324	59212		
910 Redesignated as Part 1325	59212		
911 Redesignated as Part 1326	59212		
Chapter X—Community Services Administration			
1060.2-1—1060.2-2 (Subpart) Revised	†14316		
1061.30-11 (b) amended	†9818		
1061.32-1 — 1061.32-4 (Subpart) Added	55187		
1061.51-1—1061.51-15 (Subpart) Added; eff. 3-8-78 to 12-31-78	†9416		
1061.51-3 (b) (1) amended	†1431		
1061.51-7 (b) (1) revised	†14317		
1061.51-8 Amended	†21461		
1061.52-1—1061.52-9 (Subpart) Added	†9818		
1067.41-1—1067.41-3 (Subpart) Added	†24842		
1067.50-1—1067.60-6 (Subpart) Added	†12859		
1068.22-6 (Subpart) Added	†19394		
1068.25-1 — 1068.25-2 (Subpart) Added	53600		
1068.30-1—1068.30-4 (Subpart) Added	63171		
1069.3-1—1069.3-6 (Subpart) Revised	59505		
Heading corrected	61861		
1069.4-1—1069.4-5 (Subpart) Revised	†10912		
1069.8-5 (e) interpretation removed prior to eff. date; new interpretation added	57693		

Note: Symbol (†) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

Title 45—Continued

Chapter XII—ACTION

	Page
1224 Added	54286

Chapter XIII—Office of Human Development Services, Department of Health, Education, and Welfare

1301—1304 (Subchapter B) Heading added	59087
1301 Removed	†2632
Added	†14932
1302.1-5 Revised	†14935
1302.2-3 Revised	†14935
1305 Added	†14936

1320—1326 (Subchapter C) Added; regulations transferred from Chapter IX	59216
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1320 Redesignated from Part 901	59212
Revised	59216

1321 Redesignated from Part 903	59212
Revised	59217

1322 Redesignated from Part 904	59212
Revised	59228

1323 Redesignated from Part 905	59212
Revised	59229

1324 Redesignated from Part 909	59212
Revised	59230

1325 Redesignated from Part 910	59212
Revised	59236

1326 Redesignated from Part 911	59212
Revised	59238

1336 (Subchapter D) Heading added	59087
1336.51 (f) revised	62138

1340 (Subchapter E) Heading added	59087
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1350—1351 (Subchapter F) Heading added	59087
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1361—1370 (Subchapter H) Heading added	59087
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1385—1387 (Subchapter I) Heading added	59087
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Chapter XIV—National Institute of Education, Department of Health, Education, and Welfare

1451.5 Revised	†2878
1451.6 (c) revised	†2879
1451.7 Revised	†2879

	Page
1470.2 (c) removed	63173
1470.3 Amended	63173
1470.5 Revised	63174
1470.7 (b) (1) (iii) revised	63174
1470.9 (a) (1) and (4) revised	63174
1470 Appendix removed	63174
1480 Added	59848

Chapter XVI—Legal Services Corporation

1611 Appendix A revised	†27534
1622 Added	†11198
1623 Added	†21883
Revised	†26366

Chapter XVIII—Harry S. Truman Scholarship Foundation

1801 Revised	64298
Revised	†26366

Chapter XIX—National Commission on the Observance of International Women's Year

1901 Revised	57128
1905 Added	57128

Title 45—Proposed Rules:

5b	60573
16	†1968
19	†25450
46	†1050, 17375
64	†13012, 14072
71	†17843
90	†8756
102	†8561
115	†8561
116	†8581
116d	†8581
121h	†8228
121i	†8711
126	†12048
128	†1892, 2899
130	†8561, 24333
137	†1895, 2899
139	†1898, 2899
144	†25149
161	†8562
164	†22062
173	60574
175	53982
	†25149
176	†25149
177	†14376
179	54926
180	†11676
185	61402
	†1968, 4639
190	†12048, 20922
201	†7672
204	†7672
205	62718, 63651, 64649
	†2899, 7672, 8562

Note: Symbol (†) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

	Page
213	†7672
220	†17843
228	†17843
232	†15457
234	†21015
282	†11719
302	†14323, 15457
614	†16518
1010	†28758
1050	†25698
1061	60432
	†21016, 21904, 26079
1062	†26274
1067	62506
1068	57698
1069	57699
1151	†15458
1170	†15737, 26589
1201	†14072
1231	†14077
1232	†19883
1321	61479
1351	†1363, 7600
1430	†8234
1490	†14634
1601	†4269
1606	†16
1607	†21904
1608	†11241
1611	†21905
1612	†11241
1613	†11241
1614	†11241
1620	†11241
1622	†1807
1623	†19
2012	†23185

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

1.01 (b) (1) (iii) revised; (b) (1) (iv) added; (b) (3) amended	†4431
1.25 (a) amended	†4431
2.20-5 (b) revised	56331
4.01-3 Added	†25820
4.03-5 Amended	61200
4.03-40 Amended	61200
4.40-1—4.40-35 (Subpart 4.40) Added	61200
5.01-1 (b) amended	†4431
5.01-5 (a) and (b) amended	†4431
5.02-10 (a) amended	†4431
5.02-15 (a) amended	†4431
5.13-5 (a) amended	†4431
5.20-1 (a) amended	†4431
5.20-40 (a) amended	†4431
5.20-140 (e) amended	†4431
5.30-3 (a) and (b) amended	†4431
5.30-15 (a) and (b) revised	†6779
5.30-35 Added	†6779
7 Heading correctly added	63174
7.3 Added	†3562
7.95 Corrected	63174
24.10-25 (a) (1) revised	56331
30.01-5 (e) (1) amended	63643
32.15-1 (a) revised; note added	56331
32.15-3 (b) amended	56331
32.15-5 (a) revised; note added	56331
35.01-30 Revised	56331
70.05-3 (f) revised	63643
77.17-5 (a) amended	56331
77.20-1 Revised; note added	56331
78.07-13 Removed	63643
90.05-1 (c) revised	63643
97.07-13 Removed	63643
110.15-117 (a) (1) revised	56331
148 Heading revised	†8760
148.01-1 (e) revised	63643
148.01-7 (a) table revised	†8760
Table corrected	†11583
148.02-1 (c) revised	†8761
148.02-3 (b) removed	†8761
148.02-5 Revised	63643
148.04-13 (a) introductory text revised	†8761
148.04-23 Added	†8761
153.1—153.12 (Subpart A) Table 1 corrected	56608
153.372 Corrected	57126
Introductory text corrected	57962
160.001-1 Revised	†27152
160.001-2 (j) and table added	†27152
160.001-3 (a) amended	†27154
160.002-1 Heading, (a) introductory text, (1), (2), and (3) revised	†27153
(c) amended; (d) removed	†27154
160.002-3 (i) revised	†27153
(b) amended	†27154
160.002-5 Footnote added	†9772
160.002-6 (b) revised	†9770
160.002-7 (a) amended	†27154
160.005-1 Heading and (a) revised	†27153
(c) amended; (d) removed	†27154
160.005-3 (i) revised	†27153
(b) amended	†27154
160.005-5 Footnote added	†9772
160.005-6 (b) revised	†9770
160.009-1 Heading, (a) introductory text, (1), and (2) revised	†27153
(c) amended; (d) removed	†27154
160.009-3 (b) amended	†27154
160.009-5 Footnote added	†9772
160.009-6 (b) revised	†9770

Note: Symbol (†) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

Title 46, Chapter I—Continued		Page
160.047-1 Heading, (a) introductory text, (1), and (3) revised		+27153
(d) removed		+27154
160.047-3 (c) amended; (h) revised		+27154
160.047-5 Footnote added		+9772
160.047-6 (a) revised		+9770
160.048-1 Heading, (a) introductory text and (2) revised		+27153
(d) removed		+27154
160.048-3 (g) revised		+27154
160.048-5 Footnote added		+9772
160.048-6 (a) revised		+9771
160.049-1 Heading, (a) introductory text and (1) revised		+27153
(d) removed		+27154
160.049-3 (e) revised		+27154
160.049-5 Footnote added		+9772
160.049-6 (a) revised		+9771
160.050-1 Heading, (a) introductory text and (2) revised		+27153
(c) removed; (b) amended		+27154
160.050-3 (b) amended; (e) revised		+27154
160.050-5 Footnote added		+9772
160.050-6 (a) revised		+9771
(a) corrected		+10913
160.050-7 (a) amended		+27154
160.052-1 (a)(1) removed; heading, (a) introductory text, (2), and (3) revised		+27153
(d) removed		+27154
160.052-3 (f) revised; (c) amended		+27154
160.052-7 Footnote added		+9772
160.052-8 Heading and (a) revised		+9771
160.053-1 (d) removed		+27154
160.053-5 (a) revised		+9771
160.055-1 Heading, (a) introductory text, (1), (2), and (3) revised		+27153
(c) amended; (d) removed		+27154
160.055-3 (d) revised		+27153
(c) and (h) amended		+27154
160.055-7 Footnote added		+9772
160.055-8 Heading and (b) revised		+9771
(b) corrected		+10913
160.055-9 (a) amended		+27154
160.060-1 (a)(1) removed; Heading, (a) introductory text, (2), and (3) revised		+27153
(d) removed		+27154
160.060-3 (c) amended; (f) revised		+27154
160.060-7 Footnote added		+9772
160.060-8 Heading and (a) revised		+9771
160.064-3 Footnote added		+9772
Correctly designated		+10913
160.064-4 (a)(1) and (2) revised		+9772
167.65-3 Revised		56332
175.05-1 (g) removed		63643
182.20-22 (a) revised; (a-1) added		63175
184.15-10 (a) designation removed; text amended		56332
185.15-3 Removed		63643
188.05-1 (a) table correctly amended; footnotes 10, 11, and 12 added		+968
195.20-15 (a) designated removed; text amended		56332
196.07-13 Removed		63643
Chapter II—Maritime Administration, Department of Commerce		
222.2 Heading and (a)(2) revised		+60567
Revised		+22981
251.1 Appendix No. 3 added		+1622
252.20 Heading revised; (a) and (b) redesignated as (a)(1) and (2); new (a) heading added; (c) introductory text and (1) through (4) redesignated as (a)(3) introductory text and (i) through (iv)		+4858
(d) heading and (1) through (3) redesignated as (a)(4) heading and (i) through (iii); new (b) added		+4858
280 Revised		61461
Comment time extended		+9, 4260
310.2 (a) revised; eff. 11-12-77		+9
310.3 (b)(2) revised; eff. 11-12-77		+9
310.12 Article 1 revised; Article 2 amended; eff. 11-12-77		+9

Note: Symbol (+) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

		Page
350.2 Amended		+1943
350.4 (b) amended		+1943
350.5 (b)(7) added		+1943
381.2 (b)(4) added		57126
381.7 Added		57126
Chapter III—Coast Guard, Department of Transportation		
401.405 Revised		+24996
401.410 (a) revised		+24997
401.420 Revised		+24997
401.428 Revised		+24997
Chapter IV—Federal Maritime Commission		
502.32 (b) revised		54291
(b)(1) and (2) corrected		55818
502.42 Nomenclature change and amended		+19395
502.53 Amended		+19395
502.135 Revised		+19665
502.153 Amended		+19665
502.209 Revised		+19665
502.262 Effective date clarified		+11992
507 Added		62916
Suspended		+3361
507.1 Revised		+3362
507.4 (d) revised		+3563
528 Revised		+18178
Reconsideration extension of time		+22041
Petition denied		+25343
Reconsideration extension of time		+28496
528.1 Amended		+7319
530.9 Added		+25821
531 Revised		54813
Authority citation revised		60912
Note added		64685
531.2 (l) corrected		60912
(o) corrected; (q) correctly designated		60913
531.3 (a), (c)(2) and (3), (f), (j), and (p) corrected; (i)(A) through (F) renumbered (1) through (6)		60913
531.5 (a)(6), (b)(1) and (b)(8) (xv)(B) corrected		60913
531.6 (g) corrected		60913
531.8 (c) corrected		60913
531.9 (c) corrected		60913
531.10 (b)(5) and (d) introductory texts, (b)(5)(i) and (d)(2) corrected		60913
531.11 (c) corrected		60913
531.14 (a) and (d) corrected		60913
531.16 (a) corrected		60913
531.17 (a)(2)(i), (b)(1), (c)(1), and (e) corrected		60913
531.18 (e)(2) corrected		60913
531.19 (d) and (e) corrected		60913
533.1 Amended		64686
536 Revised		59267
536.0 (b) corrected		61047
536.1 (a)(3) and (4) added; (b)(1)(i) corrected		61047
(a)(4) corrected; (a)(5) added		62372
536.2 (g) and (k) corrected		61047
536.3 (l) and (n) corrected		61047
536.4 (c) corrected		61047
536.5 (d)(12) and (19) corrected		61047
536.9 (c) corrected		61047
536.10 (b)(2) corrected		61047
536.14 (a) corrected		61047
536.15 (c) corrected		61047
543 Note added		55087
549.5 (a)(1) revised		+22982
Title 46—Proposed Rules:		
4		+9165
10		+22653
26		+28426
33		+25000
35		+25000
54		58712, 59763
71		+25000
75		+25000
78		+25000, 28426
91		+25000
93		+10946
94		+25000
97		+25000
148		+13402
153		64134
157		+12218
160		+25000
185		+28426
186		+12218
187		+12218
189		+25000
192		+25000
196		+25000
197		58712, 59763
283		+1363, 4269
308		+24075
401		+15590
500-551 (Ch. IV)		+17854, 24559
502		56139, 62939
		+18572, 24080
510		56139, 56960, 58181
511		+11590
512		+12345, 20026, 26081
542		+16772, 21337

Note: Symbol (+) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

	Page
0.11 (h) revised	+8140
0.12 (j) revised	+8140
0.92 (i) added	54823
0.101 Revised	54823
0.102 Added	54823
Revised	59754
0.231 (g) amended	+24310
0.288 (v) revised	56507
(x) amended; (y) added	62918
0.314 (w) added	+25122
0.403 Revised	63788
1.4 (c) and (d) revised	63788
1.251 (a) redesignated as (a) (1); (a) (2) added; (e) amended	56508
1.573 Note 3 added	+25822
1.913 (a) revised	+27991
1.922 Amended	+25122
1.952 (b) amended	+7323
1.953 (b) (2) removed	+10343
1.1305 (a) (6) (iii) and (iv) amended; (a) (6) (v) added; (a) (7) revised	59755
1.1311 Note added	59850
2.106 Table amended; footnotes 273 and 287 revised; footnotes 213 and 287A removed; footnotes 367A and 367B added	58409
Table amended; footnote NG116 added	59977
Footnote NG 13 removed	62002
Table amended; footnote NG 117 added	64897
Table amended	+2879
Table amended; footnote US 211 added	+25344
2.815 (b), (c) and (d) revised; (e) added	+12687
2.983 (i) added	+12687
2.1001 (e) revised; (f) added	+12687
2.1005 Added	+12688
5.252 (b) revised; (c) redesignated as (e); new (c) and (d) added	+16736
15.59 (a) revised	+25123
15.115 Extension of time to 12-31-78	+14657
17.4 (f) amended	54823
17.7 (a) and (b) (1) through (3) amended	54823
(a) corrected	56608, 57127
17.10 Heading and introductory text amended	54824
17.14 (b) amended	54824
17.21 (a) amended	54824
17.23 Amended	54824
17.24 Heading, introductory text and (a) amended	54824
17.25 Heading, (a) introductory text, (1) and (2) amended; (a) (3) revised	54824
17.26 Heading, (a) introductory text, (1) and (2) amended; (a) (3) revised	54824
17.27 Heading, (a) introductory text, (1) and (3) amended; (a) (4) revised	54824
17.28 Heading, (a) introductory text, (1) and (3) amended; (a) (4) revised	54824
17.29 Heading, (a) introductory text, (1) and (3) amended; (a) (4) revised	54824
17.30 Heading, (a) introductory text, (1) and (3) amended; (a) (4) revised	54824
17.31 Heading, (a) introductory text, (1) and (3) amended; (a) (4) revised	54825
(a) (1) corrected	56608
17.32 Heading, (a) introductory text, (1) and (3) amended; (a) (4) revised	54825
17.33 Heading, (a) introductory text, (1) and (3) amended; (a) (4) revised	54825
17.34 Heading, (a) introductory text, (1) and (3) amended; (a) (4) revised	54825
17.35 Heading, (a) introductory text, (1) and (3) amended; (a) (4) revised	54825
17.36 Heading, (a) introductory text, (1) and (3) amended; (a) (4) revised	54825
17.37 Heading, (a) introductory text, (1) and (3) amended; (a) (4) revised	54825
17.38 Heading and text amended	54826
17.39—17.58 Undesignated center heading amended; note revised	54826
17.39 Heading, introductory text (b), (c) (1) and (2) amended	54826
17.40 Heading, introductory text, (c), (d) (1) and (2) amended	54828

Note: Symbol (+) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

	Page
17.41 Heading, introductory text, (c), (d) (1) and (2) amended	54826
(d) (2) corrected	56608
17.42 Heading, introductory text, (b), (c), (d) (1) and (2) amended	54826
17.45 Amended	54826
17.54 Revised	54826
21.31 (e) introductory text and (1) revised	+1498
21.44 (b) (2) revised	55818
21.508 (a) revised	+8140
31.100-2 Revised; eff. 1-1-79	+21333
31.100-3 (a) revised; eff. 1-1-79	+21334
31.6-60 Note added; eff. 1-1-79	+21334
43 Forms M, O, and R amended	+16738
63.54 Note 2 revised	+3563
64.233 Revised	+11704
64.601 (b) Note 2 amended	+3563
68.2 Revised	64688
(c) revised	+16499
68.3 (l) through (p) redesignated as (m) through (q); new (l) added	+16499
68.106 (c) added	+16499
68.214 (e) added	+16499
68.215 Added	+16499
68.302 (f) corrected	55819
68.310 (f) corrected	55819
68.312 (c) (2) and Table 1 corrected	55819
68.506 Added	+16501
73.35 Note 11 added	62920
73.50 (a) (2) corrected	+4022
73.51 (a) and (e) (1) revised	61863
73.52 Revised	61863
73.56 (a) note removed; (d) added; effective date postponed to 3-1-78	55620
(d) note corrected	59087
(d) note revised	+8141
(a) revised	+14659
73.67 (a) (8) revised	+14659
73.69 (d) (3) and (5) corrected	+4022
73.140 (c) (5) added	+14659
73.202 (b) table amended	54421, 57690, 58180, 58752, 60567, 60743, 62139, 63889, 64348, 64627
(b) table amended	+1499-1501, 2880, 3363, 4612-4616, 5000, 5515, 6606, 8805, 9280, 10343, 10344, 11705, 14658, 14965, 14966, 15322, 20499, 20989, 21678, 21885, 24534, 25345, 26002, 27535, 27538, 27540
(b) technical correction	+2880
73.240 Note 11 added	62920
73.253 (a) revised	+14659
73.267 (a) (2) and (b) (1) revised	61863
73.275 (a) (8) revised	+14659
73.313 (d) introductory text amended; (d) (1), (2), (3), and undesignated text added	+8142
73.340 (c) (5) added	+14659
73.504 (a) table amended	54421
73.540 (c) (5) added	+14659
73.553 (a) revised	+14659
73.567 (a) (2) and (b) (1) introductory text and (2) revised	61863
73.573 (a) (8) revised	+14660
73.606 (b) table amended	54420, 57963, 58752, 63176
(b) table amended	+1502, 1504, 3364-6605, 6607, 7208, 20498, 24534, 24535, 27539
73.636 Note 11 added	62920
73.642 (c) revised	54827
73.643 (a) removed; (b) through (f) redesignated as (a) through (e)	62373
(a) through (c) removed; (d) and (e) redesignated as (a) and (b)	+15324
73.658 (k) Note 1 revised	+7431
73.689 (a) (2) (ii), (b) (1) and (2) (i) revised	61863
(a) (2) (iii) (A) corrected	+4022
73.933 (b) (8) revised	58751
73.936 (d) (3) amended	58751
73.937 (d) (3) amended	58751
74.402 (a) footnote 6 and (e) Note revised	+14661
74.431 (c) (2) revised	+14661
74.432 (c) (7) added; (d) revised	+14661
74.451 (a) and (d) revised	+14661
74.452 (d) Note removed	+14662
74.461 (b) amended	+14662
74.462 (e) (3) revised	+14662
74.601 (d) revised	+1949
74.602 (a) and (h) introductory texts revised; (i) removed	+1950
(a) revised	+14662
74.603 (a) revised	+1950
74.604 (a) revised	+1950
74.631 (d) and (g) revised	+1950
74.632 (e) revised	+1950
74.634 (a) (1) revised	+1950
74.635 (a) (1) and (5) removed; (a) (4) revised	+1950
74.637 (a) revised	+1951
74.651 (a) (3) and (c) revised	+1951

Note: Symbol (+) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

Title 47, Chapter I—Continued	Page	Page	
74.661 (c) revised	+1951	78.53 (a) introductory text re- vised; (b) removed	61864
74.665 (a), (b), (c), (f), and (g) revised	+1951	(a) introductory text revised	+4617
74.682 (f) removed	+1951	(a) (2) removed	+25127
74.701 (a) and (b) revised	+1951	78.55 Revised	+25127
74.731 (b) revised	+1951	78.61 (a) revised; (e) and (f) added	+4617
74.732 (b) revised	+14662	78.105 (a) revised	61864
74.734 (a) (6) added	+1951	81.25 (a) revised	+27991
74.750 Heading and (c) (1) re- vised; (d) redesignated as (e) and introductory text and (1) revised; new (d) added; (f) through (i) removed	+1951	81.72 (j) revised	+13062
74.752 Added	+1952	81.132 (a) (1) revised	+17473
74.761 Revised	+1952	81.134 (d) table amended; foot- note 2 added	+18679
74.766 (b) redesignated as (c) and revised; new (b) added	+1952	81.137 (d) memorandum opin- ion and order of May 27, 1976 stayed in part	+10344
74.784 (c) revised	+1952	81.191 (c) (1) revised; (c) (2) re- designated as (3); new (c) (2) added	58409
74.801 Amended	+14662	81.204 (c) revised	63890
74.851 (a) and (f) revised	+13576	81.303 (e) added	+5378
74.852 (a) revised; (c) re- moved	+13576	81.304 (a) table amended; (b) (6) added	+5378
74.861 Revised	+13576	81.306 (a) through (c) amend- ed	+19854
74.1232 (h) added	+14660	81.308 Amended	+19854
74.1266 Revised	56742	81.356 (b) (11) revised	58409
76.7 (c) (3) revised	64688	(a) table amended; (b) (2) added	64897
76.9 Added	56507	81.358 (a) revised	64628
76.10 Heading and text amend- ed	+20235	81.361 (a) amended	+1624, 8143
76.11 (a) and (b) amended	+20235	81.368 (b) revised	58410
76.30 Amended	+20235	81.901—81.906 (Subpart S) Added	+5378
76.31 Commissioner's statement	56332	81 Appendix added	60145
76.59 (b) amended	+20235	Appendix corrected	62373
76.61 (b) amended	+20235	Appendix corrected	+2395
76.65 (b) amended	+20235	83.25 (a) revised	+27991
76.67 (f) amended	+20235	83.106 (a) revised	57963
76.92 (g) added	+16339	83.178 (f) added	+6092
(g) effective date postponed	+25125, 26023	83.201 (b) revised	58410, 63644
76.225 Removed	64349	83.223 Revised	58410
76.300 (b) amended	+20235	83.233 Revised	58410
76.305 (a) introductory text re- vised	+20235	83.332 Removed	+22042
76.403 Note amended	+20235	83.333 Removed	+22042
76.601 (f) amended	+20235	83.351 (a) introductory text re- vised	64628
78.1 Revised	+1952	(a) table amended; (b) (12) added	64897
78.3 Revised	+1952	(a) table amended; (b) (73), (74), and (75) added	+1624
78.5 (a) text and (b) revised	+1953	(a) table corrected	+3563
78.11 (a), (c), (d) introductory text and (2), and (e) and (f) introductory texts revised	+1953	Amended	+19854
(h) removed	+25127	83.352 (a) revised	58410
78.15 (c) revised	61864	83.353 Revised	58410
78.18 (a) introductory text and (b) revised	+1953	83.354 (b) and (c) amended	+19854
78.19 (e) (2) revised	61864		

Note: Symbol (+) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

	Page		Page
83.355 Amended	+19854	91.121 Added	+6785
83.359 Table amended	64897	Revised	+7435
83.360 (a) amended	+1624	91.152 (i) added	+7435
83.363 (c) added	64689	91.154 (b) revised	+7435
83.366 (h) and (j) revised	58410	91.354 (a) table amended; (b)	
83.372 (a) table 2 amended	+19854	(17) added	59977
83.446 (a) (6) revised	+15324	(a) table amended	63890
(a) (9) and (b) (4) revised	+20010	(a) table amended; (b) (36)	
83.491 (c) revised	+20010	added	+11994
83.493 (d) revised	+20010	Technical correction	+13577
83.496 (a) revised	+15324	91.504 (a) table amended; (b)	
83.527 (a) revised	+15324	(15) added	59977
83.813 (a) (3) revised	+4261	(a) table amended	63890
83.815 (a) (4) added	+4261	91.554 (a) table amended; (b)	
83 Appendix added	60145	(18) added	59978
Appendix corrected	62373	(b) (50) revised	+4261
Appendix corrected	+2395	(a) table amended; (b) (51) re-	
87.25 (a) revised	+27991	vised	+10368
87.33 Revised	+20803	(a) table corrected	+11822
87.115 (g) revised	54421	93.55 (a) revised	+27992
87.125 Removed	+20803	93.103 (b) introductory text re-	
87.183 (dd) correctly added	54552	vised	+6785
87.251 (b) revised	+1505	(a) and (b) (5) revised	+7435
89.57 (a) revised	+27992	93.104 (c) introductory text re-	
89.102 (c) (1) (iv) revised	+25129	vised; (f) added	+6785
89.105 (d) introductory text and		93.105 (d), (e), and (f) revised;	
(a) revised; (f) added	+6784	(i) added	+6785
(a) and (d) (5) revised	+7434	93.121 Added	+6786
89.107 (c) introductory text re-		Revised	+7435
vised; (f) added	+6784	93.152 (f) added	+7435
89.109 (d) revised; (k) added	+6784	93.154 (b) revised	+7435
89.121 Added	+6784	93.402 (b) amended	59978
(d) revised	+7434	(c) revised	+11994
89.153 (i) added	+6784	Technical correction	+13577
(j) added	+7434	94.29 (a) revised	+27992
89.163 (b) revised	+7434	94.63 (b) introductory text re-	
89.259 (f) table amended; (g)		vised	+1625
(18) through (20) added	+10697	94.65 (g) revised	+1625
89.523 (d) revised	+5833	95.21 (a) revised	+27992
89.525 (e) table amended; (f)		95.59 (a) revised	+7435
(25) added	+5833	95.71 Revised	+7435
(f) (25) corrected	+7432	(e) added	+13880
89.655 (c) revised	+6784	95.201 (b) revised	+27993
91.55 (a) revised	+27992	95.221 (a) revised	+27992
91.103 (b) introductory text re-		95.401—95.521 (Subpart D) Re-	
vised	+6784	designated as 95.401 and re-	
(a) and (b) (5) revised	+7434	vised	+13978
91.104 (c) introductory text re-		95.401 Redesignated from	
vised; (f) added	+6785	95.401—95.521 (Subpart D)	
91.105 (d), (e), and (f) revised;		and revised	+13978
(i) added	+6785	95.421 (a) revised	+27993
91.114 (f) (3) revised	54827	95.513 (b) redesignated as 95.657	
(f) (3) effective date corrected	57964	and revised	+13987
(f) (3) revised	+8518	95.657 Redesignated from 95.513	
		(b) and revised	+13987

Note: Symbol (+) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

Title 47, Chapter I—Continued

	Page		Page
97.3 (n) (3) revised	57690	97.67 (c) revised	57690
(i) revision, (m) amendment		(c) revision eff. date stayed as	
eff. date stayed as of 11-4-		of 11-4-77	58753
77	58753	(c) revised	†15332
(c) and (i) revised	†7323	97.74 Redesignated from 97.75	†12688
(z) and (aa) added	†12688	97.75 Redesignated at 97.74; new	
(i) removed; (j) through (aa)		97.75 added	†12688
redesignated as (i) through		97.76 Added	†12688
(z); new (l) amended; new		97.77 Redesignated as 97.78; new	
(m) introductory text and		97.77 added at end of subpart	
(3) revised	†15331	C	†12689
97.7 (d) revision eff. date stayed		97.78 Redesignated from 97.77	†12689
as of 11-4-77	58753	97.82 Redesignation from 97.83	
(d) revised	†15325	eff. date stayed as of 11-4-77	58753
(a) revised	†19854	Redesignated from 97.83	†15332
97.13 (a) revised; (b) removed;		97.83 Redesignation eff. date	
(c) through (f) redesignated		stayed as of 11-4-77	58753
as (b) through (e)	†15325	Redesignated as 97.82; new	
97.25 (b), (c), and (d) redesign-		97.83 redesignated from	
ated as (c), (d), and (e);		97.85	†15332
new (b) added	†25122	97.84 (d) revised	57691
97.40 (d) and (e) removal, (c)		Redesignation and (c), (d), and	
revision eff. date stayed as of		(e) revision eff. date stayed	
11-4-77	58753	as of 11-4-77	58753
Waiver	†7319	(d) (1) technical change	†15327
(b), (c), and (d) revised	†7323	Redesignated from 97.87; (c)	
(c) through (e) removed	†15331	through (e) revised	†15332
97.41 (c) removal, (d) through		97.85 Redesignation eff. date	
(g) redesignation, (b) re-		stayed as of 11-4-77	58753
vision eff. date stayed as of		Redesignated as 97.83; new	
11-4-77	58753	97.85 added	†15332
(a) and (b) revised; (d) and (f)		97.86 Addition eff. date stayed as	
removed; (e) and (g) redesign-		of 11-4-77	58753
ated as (d) and (e); new (d)		Added	†15332
revised	†7323	97.87 Redesignation and (c), (d),	
(b) and (c) removed; (d) and		and (e) revised; eff. date	
(e) redesignated as (b)		stayed as of 11-4-77	58753
and (c)	†15331	Redesignated as 97.84; (c)	
97.43 Revision eff. date stayed as		through (e) revised	†15332
of 11-4-77	58753	97.88 (a) revised	57691
Waiver	†7319	Heading, introductory text, (a),	
Revised	†15331	(b), (c), and (e) revision	
97.51 Revised	†7323	eff. date stayed as of 11-4-	
97.53 Removed	†7324	77	58753
97.59 (a) and (b) revised	†17359	Waiver	†7319
97.61 (a) amended	57690	Heading, introductory text, (a)	
(a) and (c) revision, (d) addi-		through (c) and (e) re-	
tion eff. date stayed as of		vised	†15332
11-4-77	58753	97.89 (c) and (d) removal eff.	
(a) table amended; (b) (6) re-		date stayed as of 11-4-77	58753
moved	†14663	(c) and (d) removed	†15333
(a) introductory text and (c)		97.95 (a) (1) revision eff. date	
revised; (d) added	†15331	stayed as of 11-4-77	58753
97.63 Revision eff. date stayed as		Heading, (a) (1) and (2) revised	†7324
of 11-4-77	58753	(a) (1) revised	†15333
Revised	†15332		

Note: Symbol (†) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

	Page		Page
97.103 (c) (5) removal, (c) and		17979, 17981, 17982, 18574, 18711,	
(e) introductory texts, (c) (1)		19240, 19241, 19691-19693, 19895,	
through (4), (d), and (e) (1)		19896, 20247, 20249, 20517, 21701,	
through (5) revision, (f) re-		23617, 23618, 24334, 24560, 24715,	
designation as (g); (e) (6) and		24717, 24862, 24863, 25698, 26082,	
(7) and new (f) addition eff.		26083, 27569-27572, 27682, 28011	
date stayed as of 11-4-77	58753	74	†9500, 14695, 19695, 23616, 23619
(c) through (e) revised; (f) re-		76	60180
designated as (g) and re-			†3598, 5012, 8275, 13402, 15342
vised; new (f) added	†15333	78	†7334, 9500, 23616
97.109 Removal eff. date stayed		81	58770
as of 11-4-77	58753		†10414,
Removed	†15333		11836, 16355, 19690, 20026, 21701,
97.110 Removal eff. date stayed			24863, 28215
as of 11-4-77	58753	83	54436
Removed	†15333		†20249, 24863
97.111 Removal eff. date stayed		87	62508
as of 11-4-77	58753		†3408, 7990, 19690, 25150
Removed	†15333	89	†6822
97.126 Revision eff. date stayed		91	†6272, 6822, 12048
as of 11-4-77	58753	93	†6822, 12048
Removed	†15333	95	65902, 69893
97.181 (b) revision eff. date		97	†6822
stayed as of 11-4-77	58753		56346
(b) revised	†15333		†7332
97.305 (b) revised	†21886		
Title 47—Proposed Rules:			
0	†19886		
1	†3402, 59889		
	14692, 14693, 16783, 19690, 19886, 27868		
2	54577, 56346, 63184		
	†9500, 23616		
13	54578		
15	†15744, 19893, 28007		
21	†28007		
61	†3596, 11719		
63	†9505, 14080, 18711, 24861		
64	†7672, 14080, 14088, 24861		
67	53647, 61876		
	†4646,		
	5011, 11835, 13077, 13902, 23746, 26336		
68	58186		
	†13589, 16519		
73	54435,		
	54578, 54843, 55105-55107, 55109,		
	56346, 57695-57698, 57974-57977,		
	58187-58189, 58417, 58768, 58769,		
	59092, 59763, 59764-59766, 59768,		
	59889, 60168, 60179, 60578, 60764,		
	61290, 61877, 61878, 62164, 62396,		
	63913 64379, 64849, 64914		
	†1510-		
	1516, 1970, 2413, 3402, 3403, 3405, 3407,		
	3597, 4076, 4647, 6111-6113, 6633, 6635,		
	6636, 7329, 7330, 8273, 8274, 8815, 8816,		
	9509-9511, 10413, 10710, 10943, 10944,		
	11724, 11835, 11836, 12346, 13402,		
	13592, 14088, 14694, 14977, 15341,		
	16203, 16354, 16355, 16783, 17508,		

Note: Symbol (†) refers to 1978 page numbers

TITLE 49—TRANSPORTATION
Subtitle A—Office of the Secretary of
Transportation

1.46 (n) (10) and (x) added	61865
(n) (11) added	†5515
(n) (12) added	†17360
1.49 (m) revised	†14021
1.53 Revised; eff. 9-23-77	†5516
(d) added	†17360
1.64 Revised	58754
1 Appendix A amended	58754
Appendix A amended	†5834
25 Appendix A tables revised	†10914
71.5 (b) revised	56610
85 Appendix amended	†24693
99.735-13 (a) CFR correction	†26311
99.735-35 (a) CFR correction	†26311
Chapter I—Materials Transportation Bureau, Department of Transporta- tion	
171.7 (d) (10) revised	†10918
(d) (17) revised	†24845
171.12 (e) added	†10918
172.100 (g) (3) revised	57964
172.101 Table amended	57965
Table amended	†8520
172.203 (d) (1) (ix) added	†10918
172.204 (b) revised	†17943
172.506 Revised	58523
(c) corrected	†970
(d) added	†24845

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

Title 49—Chapter I—Continued

	Page		Page
173.3 (c) added	+17944	173.314 (c) table amended; note 24 added	+8521
173.8 (a) revised	+6786	(c) table corrected	+9149
173.34 (e) (13) (i) and (iii) revised; (e) (13) (v) added	63644	(c) table corrected; note 24 redesignated as note 25	+17946
(e) (13) (v) corrected	64628	173.315 (m) added	+17945
(e) (15) (ii) revised	+8521	173.328 (a) (3) added	+8522
173.54 Revised	57965	173.346 (a) (12) revised	57967
173.65 (a) (3) added; (d) revised	57965	173.353 (a) (7) added	+8522
(d) revised	+8521	173.365 (a) (14) revised	58938
173.89 Revised	57965	173.369 (a) (14) introductory text revised	+17945
173.107 (d) (2) added	57965	173.373 (a) (6) added	+8522
173.113 (a) (1) revised	58937	173.375 (a) (2) added	58938
173.119 (m) (2) and (8) revised	57966	173.377 (b) (5) revised; (j) added	58938
(a) (28) added	58937	173.850 (a) (7) added	57967
(m) (11) revised	+8521	173.906 Added	+8522
173.135 (a) (10) added	58937	173.995 (a) (3) and (4) revised; (a) (5) and (c) added	+17945
173.139 (a) (6) revised	58937	173.1025 Revised	57967
173.148 (a) (5) revised; (a) (6) added	+17944	174.25 (a) (2) (i) and (ii) revised	+8522
173.154 (a) (3) and (4) added	57966	174.47 Revised	+17945
(a) (14) revised; (a) (17) and (18) added	+17944	174.48 Added	+17945
173.157 (b) (3) revised	57966	176.80 (b) revised	57967
173.182 (c) (4) revised	57966	176.230 Added	+8522
(b) (6) (i) revised	+8521	176.415 (c) (5) added	+8522
(c) (5) added	+17944	177.804 Added	+4859
173.193 (a) (2) added	+17944	177.854 (c) and (d) introductory text revised	+17945
173.204 (a) (4) revised	58937	178.44-23 (a) (4) revised	63645
173.206 (a) (13) added	57966	178.53-2 (a) revised	+17946
(a) (2) revised	58937	178.53-3 Revised	+17946
173.217 (a) (8) added	57966	178.53-9 (a) revised	+17946
(b) revised	+17944	178.118-6 (a) footnote 3 revised	61465
173.221 (a) (9) revised	57966	179.14 (a) (3) added	61465
173.223 (a) (5) revised	58938	(a) (4) and (5) added	+7436
173.241 (a) (3) revised	+8521	179.105-6 (d) (1) and (2) revised	+7437
173.245 (a) (27) revised	+17944	179.105-7 Revised	+2181
173.249 (a) (7) revised; (a) (13) added	58938	179.200-18 (b) (1) revised	+8523
173.251 (b) (3) added	+8521	Effective date corrected to 1-1-79	+17946
173.253 (a) (6) revised	58938	179.201-1 (a) table amended	+8523
173.256 (a) (7) added	58938	Effective date corrected to 1-1-79	+17946
173.266 (b) and (c) introductory texts and (d) and (e) revised	58524	192.13 (a) revised	60148
(b) (7) revised	+17944	192.14 Added	60148
173.268 (b) (6) added; (f) (6) removed	+17945	192.63 (b), (c), and (d) redesignated as (c), (d), and (e); (a) amended; new (b) added	+13883
173.269 (a) (6) added	58938	(b) effective date postponed	+21462
173.272 (i) (22) revised	57966	192.121 Revised	+13883
173.287 (b) (8) added	58938	192.123 (a) introductory text, (b) (1) and (2), (c) and (d) revised	+13883
173.302 (a) (3) amended	+13383	192.313 (a) (4) (ii) revised	60148
(a) (3) revised	+17945		
(a) (3) comment time extended	+21461		
(a) (3) revised	+21462		
173.306 (d) (4) added	57966		

Note: Symbol (+) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

	Page		Page
192.452 Added	60148	268.17 Corrected	55212
192.619 (a) (2) (ii) table revised	60148	268.21 (b) (6) corrected	55212
192 Appendixes A and B amended	+18554	268.31 (d) (1) and (3) corrected	55212
Appendix A corrected	+27540	270 Added	+14472
195.3 (a), (c) (1) (iv) and (v) revised	+18554		
195.5 Added	+6788	Chapter III—Federal Highway Administration, Department of Transportation	
195.212 (b) (3) (ii) revised	60149	Chapter III Interpretations	60078
195.402 (d) revised	+6788	386-398 (Subchapter B) Appendix A amended	60078
		Appendix B amended	+20010
Chapter II—Federal Railroad Administration, Department of Transportation		386.13 (b) and (d) revised	53965
Chapter II Emergency order No. 7	+12693	(b) (iii) revised	+19047
Emergency order No. 7 amended	+17472	386.14 (b) revised	53965
Emergency order No. 7 revised	+21335	386.35 Revised	53965
209 Added	56741	386.36 Revised	53965
209.9 Correctly designated	62920	386.38 Revised	53965
209.115 (e) corrected	59755	386.40 (a) revised	53965
209 Appendix A added	+7438	386.49 Added	53966
221.13 (a) revised	62004	391.47 (b) (9) and (10) added; (d) revised	53966
221.15 (a) and (d) revised	62004	392.6 Policy statement	+7622
221 Appendix A added	62004	394.9 (a) revised	61866
228 Authority citation revised	+3124	395.8 (a) amended	58530
228.5 Amended	+3124	395.9 Added	58527
228.7 (a) introductory text revised; (c) added	+3124	395.13 (b) removed	+22360
228.11 (a) (5) added	+3124	Chapter IV—Coast Guard, Department of Transportation	
228.19 (a) revised	+3124	450-453 (Subchapter B) Added	+16948
228.21 Revised	+3124	450 Added	+16948
233.11 Revised	+7438	451 Added	+16949
252 Removed	+25129	452 Added	+16950
253 Removed	+25129	453 Added	+16951
254 Removed	+15129		
255.7 (d) (2) and (3) revised	62005	Chapter V—National Highway Traffic Safety Administration, Department of Transportation	
Technical correction	+1091	Chapter V Temporary procedural regulation extended	+10918
256 Authority citation revised	+21887	501 Revised	+8525
256.3 (n) redesignated as (o); new (n) added	+21887	501.7 (b) (4) and (5) revised	+11995
256.5 (b) (6), (c) (3) and (6), and (d) (2) and (5) revised	+21887	501.8 (i) (2) and (j) added	58531
256.7 (c) and (d) revised	+21887	510 Added	64629
256.9 Removed	+21887	Comment time extended	+5518
256.11 Revised	+21887	523.2 Amended	+12013
256.13 (b) introductory text and (a) revised; (d) amended	+21890	523.3 (b) revised	+12013
256.15 (a) amended	+21890	523.5 Heading and (a) introductory text revised	+12013
256 Appendix A revised	+21890	527 Added	58946
257 Removed	+25346	527.11 (a) (2) revised	64119
258.7 (a) (4) (v) revised	+14663	531.1 Revised	+28204
258.9 Amended	+14663	531.5 Revised	+28204
260 Revised	+14870	533.1 Nomenclature change	+12013
266 Added	+860		

Note: Symbol (+) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

Title 49, Chapter V—Continued

	Page
533.2 Nomenclature change	+12013
533.3 Nomenclature change	+12013
533.4 Nomenclature change; (a)	
(1) revised; (a)(3) added;	
(b) amended	+12013
533.5 Revised	+12014
(a) table revised	+16181
533.6 Nomenclature change	+12013
537 Added	62383
553.21 Revised	58949
553.35 Revised	58949
567.1 Revised	+21891
567.3 Amended	+21891
567.4 (g)(5) revised	+21891
567.5 (b) added; (c)(7)(i) and	
(ii) revised	+9605
(b)(1)(ii) and (3) corrected	+12014
567.7 (a) revised	+21891
568.5 Revised	+9605
571.3 Amended	+9606
Interpretation	+21892
571.101 Amended; eff. 9-1-80	+27542
571.101-80 Added; eff. 9-1-80	+27542
571.105 Amended	+9606
571.106-74 Amended	+22362
571.108 Amended	+9606
Corrected	+22364
Amended; eff. 1-1-79	+25822
571.109 Appendix A amended	56333, 62387
Appendix A amended	+4859, 4860
Appendix A corrected	+6093
Amended	+12015
Text and Appendix A	
amended	+24314
Appendix A amended	+24315
Corrected	+25823
571.121 Interpretation	64630
Interpretation withdrawn	+9149
Amended	+9606, 12015
571.122 Amended	+9606
Technical correction	+22364
571.126 Amended	+17947
571.127 Added; eff. in part 9-1-	
79	+10920
571.205 Amended	61466
571.208 Amended	61470
571.210 Amended	+21892
571.222 Amended	64120
Amended	+9150
580.1 Revised	+10922
580.2 Revised	+10922
580.7 Added	+10922
581 Interpretation	+20804

Note: Symbol (+) refers to 1978 page numbers

Chapter VI—Urban Mass Transportation Administration, Department of Transportation

601.4 Revised	59755
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Chapter VIII—National Transportation Safety Board

850 Added	61205
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Chapter X—Interstate Commerce Commission

1003.1 (a) Forms amended	62489
(a) Forms corrected	64349
(a) Forms compliance date	+14317
(a) Forms amended	+3565, 21679
1003.2 Forms amended	62489
Forms compliance date	+14317
1003.3 (b) Forms amended	62489
(b) Forms compliance date	+14317
1004.3 Added	+14665
1006.1-1006.4 Removed	+972
1011 Added	65181
1011.7 Added	+1091
(d) revised; (f) added	+7438
1033.7 (d) introductory text and	
(2) revised	+24694
1033.1084 (e) revised	+4432
1033.1171 (g) revised	61269
1033.1182 (h) revised	+2395
1033.1188 (e) revised	55819
1033.1200 (d) revised	63788
(d) revised	+26446
1033.1210 (h) revised	+4433
1033.1211 (e) revised	57691
1033.1231 (f) revised	+762, 28496
1033.1234 Revised	55212, 58411, 61597
(k) revised	+14476
Revised	+26735
1033.1237 (g) revised	61269
1033.1240 (e) revised	+9282
1033.1241 (e) revised	54291
1033.1242 (e) revised	+4432
1033.1247 (d) revised	+4617
1033.1249 (g) revised	59386
(g) revised	+26311
1033.1254 (f) revised	54293
1033.1262 (f) revised	57318
(f) revised	+19047
1033.1267 (g) revised	+7324
1033.1269 (c) revised	54294
(c) revised	+14476
1033.1270 (c) revised	+2725
1033.1272 (e) revised	+7324
1033.1273 (l) revised	57317
(l) revised	63789
Removed	+6951

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

	Page		Page
1033.1275 (f) revised	+2396	(e) revised	+16739
1033.1276 Added	53601	1033.1307 Added	+10563
(f) revised	+4433	Removed	+17360
1033.1277 Added	54292	1033.1308 Added	+10561
1033.1278 Added	54293	Revised	+12694
Revised	55213	(e) revised	+19049, 28497
1033.1280 Added	54828	1033.1309 Added	+10562
Revised	59387	Revised	+16182, 24536, 26312
(e) revised	+23723	1033.1310 Added	+11200
1033.1281 Added	55214	Revised	+13063
1033.1282 Added	56128	(g) revised	+24538
(e) revised	+7325	1033.1311 Added	+11823
1033.1283 Added	57691	1033.1312 Added	+13065
(e) revised	63645	(i) revised	+24696
1033.1284 Added	58950	1033.1313 Added	+13383
1033.1285 Added	59278	Revised	+14473, 21893
(f) revised	+24535	1033.1314 Added	+14474
1033.1286 Added	59503	(g) revised	+19050
Removed	62006	1033.1315 Added	+14667
1033.1287 Added	63176	(a) amended; (b) through (e)	
(f) revised	+24695	revised	+19050
1033.1288 Added	62926	(e) revised	+23723, 24539
(e) revised	+24539	1033.1316 Added	+14669
1033.1289 Added	63423	(e) revised	+28497
(f) revised	+24695	1033.1317 Added	+14669
1033.1290 Added	63891	1033.1318 Added	+14967
(f) revised	+14022	Revised	+17361
1033.1291 Added	+972	1033.1319 Added	+14967
1033.1292 Added	+971	1033.1320 Added	+15426
1033.1293 Added	+1092	1033.1321 Added	+16341
1033.1294 Added	+1093	1033.1322 Added	+16342
1033.1295 Added	+3282	Amended	+16980
(c) and (f) revised	+27842	(j) revised	+19052
1033.1296 Added	+3125	1033.1323 Added	+18555
(e) revised	+19048	1033.1324 Added	+19395
Revised	+23581, 26735	1033.1325 Added	+19396
1033.1297 Added	+3913	1033.1326 Added	+20235
Removed	+4433	1033.1327 Added	+22213
1033.1298 Added	+3710	1033.1328 Added	+24538
(e) revised	+14475	Revised	+25130
1033.1299 Added	+3710	1033.1329 Added	+26581
Revised	+6789, 8528, 13064	1033.1330 Added	+26736
(i) revised	+10923	1036.2 Table revised	+1954
1033.1300 Added	+5834	1036.7 Revised	+5835
Removed	+7325	Technical correction	+8143
1033.1301 Added	+7326	1047 Form BOp-102 revised	+2399
Revised	+12327	1047.20-1047.23 Effective date	
(e) revised	+14475, 19048	extended	+10698
1033.1302 Added	+7623	1047.20 Revised	+2397
1033.1303 Added	+8143	1047.21 Revised	+2398
1033.1304 Added	+8529	(a) revised	+21894
Revised	+9281	1047.22 Revised	+2398
Amended	+15156	1047.23 Revised	+2398
(f) revised	+19049	1051.1 Revised	+14670
1033.1305 Added	+9607	1056 Interpretations	+16340
(j) revised	+16739	1056.6 (d) amended	+22982
Revised	+21336	1056.7 (b) amended	+3126
1033.1306 Added	+10564	1056.15 Revised	+763

Note: Symbol (+) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

Title 49, Chapter X—Continued

	Page		Page
1059 Added	+972	1131.5 (b) (2) and (3) (ii) amended	65184
1080.2 (c) revised	+10923	(a) revised; (b) (2) and (3) (ii) amended	+1626
1080.1279 Added; eff. 10-3 to 10-15-77	54553	(b) (2) amended	+8554
(e) revised 55820, 57692, 59504,	61471	(b) (2) effective date corrected	+11706
Removed	62490	1132.5 (b) revised	56334
1090.5 Removed; new 1090.5 redesignated from 1090.6	57127	1134.1 (b) revised	+3565
Corrected	58531	1134.6 (b) revised	+3565
1090.6 Redesignated as 1090.5; new 1090.6 redesignated from 1090.7	57127	1134.50 (b) revised	+3565
1090.7 Redesignated as 1090.6; new 1090.7 redesignated from 1090.8	57127	(b) corrected; footnotes 3 and 4 redesignated as 1 and 2	+6789
1090.8 Redesignated as 1090.7	57127	1200.2 Added	+26314
1091 Added	53602	1201 (Subpart A) Amended	56610
1100.225 (f) order	+3711	Amended	64350
1100.247 (f) (2) revised	62489	(Subpart A) effective date stayed	+1799
Caption summary format changes	+2632	Technical correction	+3126
1102 Revised	53603	(Subpart A) Amended	+28205
1102.1 Amended	+1799	1201.900—1201.950 (Subpart B) Revised	+1733
1102 Schedule B corrected 55087,	60913	Comment time extended	+3365
1104.10 Added	+14670	Amended	+28498
1104.22 (a) designation removed	56333	1202 Amended	56612, 64351
1109.15 (b) (2) (i) revised	62139	1203 Removed	+2726
1109.25 Added	+5836	1205 Amended	56612, 64351
Text and Schedule A revised	+25774	1206 Amended	56613, 64351
1121.11 (o) added	+7624	1207 Amended	53623, 56614, 64351
1121.24 Amended	+7624	1208 Amended	56614, 64351
1121.32 (d) (1) amended	+7624	1209 Amended	56615, 64352
1121.38 (b) (2) (i) and (e) amended	+7624	1210 Amended	56616, 64352
1121.40 (c) (2) amended	+7625	1211 Amended	62006
1121.41—1121.46 Revised	+7625	1240.1 (a), (b) (1) and (2) effective date stayed	+1799
1121.42 Table corrected	+10564	Technical correction	+3126
1121.47 Added	+7637	Schedules added	+21896
1125 Revised	+1692	(a) amended; (b) (2) revised	+28205
Comment time extended	+3364	1241 Corporate disclosure clarification	+4617
Interpretations	+4261	Corporate disclosure filing procedures	+15156
1125.6 Table corrected	+8530	1241.11 Effective date stayed	+1799
1125.7 Table corrected	+8530	Technical correction	+3126
1127 Interpretations	62921	Schedules added	+21896
Revised	+1716	1241.12 Effective date stayed	+1799
Comment time extended	+3364	Technical correction	+3126
Interpretations	+9150	Existing text designated as (a); (b) added	+28205
Comment time extended	+10369	1241.31 Removed	+2726
1130.1 (b) revised	+3564	1242 Revised	+7640
(b) amended	+17828	1243.1—1243.3 Effective date stayed	+1799
1131.2 Amended	64350	Technical correction	+3126
Amended	+8554	1249 Revised	53626
Effective date corrected	+11706	Corporate disclosure clarification	+4617
		Corporate disclosure filing procedures	+15156

Note: Symbol (+) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

	Page		Page
1250 Corporate disclosure clarification	+4617	1307.10 Revised	+8540
Corporate disclosure filing procedures	+15156	Effective date corrected	+11706
1251 Corporate disclosure clarification	+4617	1307.11 (b) revised	+8540
Corporate disclosure filing procedures	+15156	(b) effective date corrected	+11706
1252 Revised	55620	1307.12 Revised	+8540
1300.3 (b) revised	+8531	Effective date corrected	+11706
(b) effective date corrected	+11706	1307.15 Added	+8540
1300.4 (e) removed	+972	Effective date corrected	+11706
1300.9 (i) (6) revised	+8531	1307.26 (a) (1) revised	+8542
(i) (6) effective date corrected	+11706	(a) (1) effective date corrected	+11706
(i) (6) corrected	+12327	1307.27 (k) (3) removed	+972
1300.14 (g) revised	+8532	1307.43 (e) and (g) revised	+8542
(g) effective date corrected	+11706	(e) and (g) effective date corrected	+11706
1300.31 Added	+8532	1307.44 (c) revised	+8542
Effective date corrected	+11706	(c) effective date corrected	+11706
(c) (2) (iii) corrected	+12327	1307.50 Added	+8542
1300.32 Added	65185	Effective date corrected	+11706
1303.3 (a) revised	+8534	(c) (4) corrected	+12327
(a) effective date corrected	+11706	1307.51 Added	+14670
1303.8 (g) (5) revised	+8534	1307.100 (b) (2) and (c) (3) revised	63892, 64353
(g) (5) effective date corrected	+11706	(b) (1), (c) (2), (4), (5) and (6) amended	+8553
1303.11 (c) revised	+8534	(b) (1), (c) (2), (4), (5) and (6) effective date corrected	+11706
(c) effective date corrected	+11706	(c) (2) (ii) corrected	+12328
1303.37 Added	+8534	1307.101 (b) (2) and (c) (3) revised	64354
Effective date corrected	+11706	(b) (1), (c) (2), (4), (5) and (6) amended	+8553
1304.3 (b) revised	+8536	(b) (1), (c) (2), (4), (5) and (6) effective date corrected	+11706
(b) effective date corrected	+11706	(c) (2) (ii) corrected	+12328
1304.4 (k) removed	+972	1308.1 (a) (4) revised	+8544
1304.14 (h) revised	+8536	(a) (4) effective date corrected	+11706
(h) effective date corrected	+11706	1308.3 (a) and (b) revised	+8544
1304.43 Added	+8536	(a) and (b) effective date corrected	+11706
Effective date corrected	+11706	1308.4 (k) removed	+972
1306.2 (a) revised	+8538	1308.13 Added	+8544
(a) effective date corrected	+11706	Effective date corrected	+11706
1306.18 Added	+8538	1308.101 (a) (4) revised	+8546
Effective date corrected	+11706	(a) (4) effective date corrected	+11706
1306.100 (b) (2) and (c) (3) revised	63892, 64352	1308.103 (a) and (b) revised	+8546
(b) (1), (c) (2), (4), (5) and (6) revised	+8553	(a) and (b) effective date corrected	+11706
(b) (1), (c) (2), (4), (5) and (6) effective date corrected	+11706	1308.110 Added	+8546
(c) (2) (ii) corrected	+12328	Effective date corrected	+11706
1306.101 (b) (2) and (c) (3) revised	64353	1309.3 Revised	+8547
(b) (1), (c) (2), (4), (5) and (6) amended	+8553	Effective date corrected	+11706
(b) (1), (c) (2), (4), (5) and (6) effective date corrected	+11706	1309.6 Removed	+972
(c) (2) (ii) corrected	+12328	1310 Eff. 10-5-77	+3365
1307.5 (b) and (d) revised	+8539		
(b) and (d) effective date corrected	+11706		

Note: Symbol (+) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

Title 49, Chapter X—Continued

	Page
1310.1 (c) (5) added	63424
(c) (1), (d) (1) and (e) amended	†8552
(c) (1), (d) (1) and (e) effective date corrected	†11706
(d) (1) corrected	†12327
1310.3 Revised	†8549
Effective date corrected	†11706
1310.4 (f) (4) amended	†8552
(f) (4) effective date corrected	†11706
1310.5 (i) (4) added	63424
(b) revised	†8551
(b) effective date corrected	†11706
1310.6 (e) (1) revised	†8551
(f) (3) (ii), (h) (1), (n) (1) and (3) amended	†8552
(e) (1), (f) (3) (ii), (h) (1), (n) (1) and (3) effective date corrected	†11706
1310.7 (g) (3) and (4), and (h) (3) amended	†8552
(g) (3) and (4) and (h) (3) effective date corrected	†11706
1310.8 (b) (1) and (5) amended	†8552
(b) (1) and (5) effective date corrected	†11706
(d) added	†17829
1310.9 (a) (2) and (g) (3) revised; (a) (3) and (f) amended	†8552
(a) (2) and (3), (g) (3), and (f) effective date corrected	†11706
1310.11 (b) (8) amended	†8552
(b) (8) effective date corrected	†11706
1310.14 (i) (2) amended	†8552
(f) (2) amended	†8553
(f) (2) and (i) (2) effective date corrected	†11706
1310.15 (e) added	54553
(b) (1) (ii) amended	†8552
(b) (1) (ii) effective date corrected	†11706
1310.17 (c) (3) amended	†8553
(c) (3) effective date corrected	†11706
1310.19 (a) (1) amended	†8552
(a) (1) effective date corrected	†11706
1310.20 (c) (1) and (f) (1) amended	†8553
(c) (1) and (f) (1) effective date corrected	†11706
1310.21 (b) amended	†8552
(b) effective date corrected	†11706
1310.22 (f) amended	†8553
(f) effective date corrected	†11706
1310.24 (a) (2) (i) amended	†8552
(a) (1) amended	†8553
(a) (1) and (2) (i) effective date corrected	†11706
1310.25 (h) and (l) revised; (t) and (u) amended	†8552
(a) (7), (e), (g) (1), and (p) (1) and (2) amended	†8553
(a) (7), (e), (g) (1), (h), (l), (p) (1) and (2), (t) and (u) effective date corrected	†11706
Heading corrected	†12327
1310.26 (g) (2) and (4) amended	†8552
(f) amended	†8553
(f), (g) (2) and (4) effective date corrected	†11706
(f) corrected	†12328
1310.27 (b) (5), (c) (2) and (m) amended	†8552
(l) (6) and (n) amended	†8553
(b) (5), (c) (2), (l) (6), (m) and (n) effective date corrected	†11706
1310.28 (i) (2) and (4) revised	64350
(i) (3), (5) and (6) revised	†8552
(i) (3), (5) and (6) effective date corrected	†11706
1310.30 (a) amended	†8552
(a) effective date corrected	†11706
1310.34 Added	†14671
1331.6 Added	†11202

Title 49—Proposed Rules:

27	†25016, 28216
171	†1369, 22626, 24335
172	†7449, 8562, 19242, 22626, 24335
173	†983, 1369, 3598, 8562, 19242, 20250, 22626, 24335, 28216
174	†983, 8562, 19242, 22626
175	†8562, 19242, 22626, 24335
176	†8562, 19242, 22626, 24335
177	†983, 8562, 19242, 22626
178	†983, 2741, 19242
179	†3598, 20250, 24865
191	†24478, 24866
192	62397, 64136
195	62397, 64136
209—268 (Ch. II)	†9324, 19696
209—270 (Ch. II)	†26337
211	†15167
218	59310
	†8162, 9512
221	†10583
266	†1108
391	57488
	†20
392	†20, 1809

Note: Symbol (†) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

	Page
393	†3598, 6274, 6637, 9166, 9626, 21337, 24871, 25156
395	55109, 58418
	†20, 21, 21905
399	†5397, 8566, 21338
501—590 (Ch. V)	†11100, 13905
512	†22412
523	63184
	†1370, 3600
531	†18575, 24871
533	63184
	†1370, 3600
567	†9167
570	60185
571	58545, 64136
	†2189, 7451, 8570, 9626, 10947, 13903, 16783, 18577, 19250, 21470, 21912, 22419, 22420, 26758
572	†21490
576	67979
580	68546
581	57979
	†12049
1000—1332 (Ch. X)	†7675, 17509, 24718
1000	†20208
1003	53982, 60932
1004	54843
1008	54579, 60932
1012	†15752
1036	†17985
1047	59522
	†8817
1056	†13078, 14324, 17004, 18712, 28217
1057	59984
	†1109
1062	54437, 54845, 55239, 56241, 57699
1065	†18581
1080	53648
1082	59522
	†8817
1100	59985
	†5857, 13404, 15168, 17006, 17008
1103	†27732
1106	62939
1109	†22062
1111	†15753
1121	†15754, 22751
1124	†25152, 28216
1127	54920
1130	53982, 60932
1134	53982, 60932
1200	†1370
1201	56347
	†1371, 3140, 7991, 10711
1204	†11725
1206	†1371, 7991, 10711
1240	55347
	†3140
1241	56347
	†1376, 3140, 3731, 3920, 14528
1260	†11725
1261	†11725
1307	†14978, 15168

Note: Symbol (†) refers to 1978 page numbers

	Page
1310	†15168
1322	†17004
1331	†1809

TITLE 50—WILDLIFE AND FISHERIES

Chapter I—United States Fish and Wildlife Service, Department of the Interior

10.12	Amended	59358
10.13	Revised	59358
	Corrected	†10565, 14968
10.22	Table amended	†25823
17.11	(i) amended	58755, 58758, 60745
	(i) corrected	†968
	(i) amended	†3715, 4028, 4621, 6233, 9612, 12691, 15429, 16345, 20504
17.12	(i) amended	†17916
17.31	Revised	†18181
17.40	(d) added	†9612
	(e) added	†20504
17.41	Added	†6233
17.44	(d) added	†3715
	(e) added	†15429
	(f) added	†16345
17.95	(d) amended	58756, 58758
	(e) corrected	59755
	(e) amended	†3715
	(d) amended	†4025
	(c) amended	†4621
	(a) amended	†9615
	(e) amended	†15429
	(b) amended	†20940
	(e) corrected	†22042
18.3	Amended	†13066
20	Frameworks	†28500
20.21	(j) revised	†28206
20.101—20.107 (Subpart K)	Interpretation	†1093
20.105	(d) amended	54554, 59829, 61270
	(f) interpretation	†1799
20.108	Amended	53627, 55820
	Revised	†8145
	Amended	†28501
21.29	(k) amended	†968, 10566
25.44	Added	64120
26.34	Amended	56616
	Amended	†5517, 6790, 6951, 9283, 10923, 10925, 10926, 12017, 14477, 16983, 22725, 26315
27.11	Revised	56954
32.4	Amended	†26025
32.11	Amended	55216, 57693, 59279

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

	Page		Page
32.12 Amended	55215-55219, 56128, 57692, 58531, 59278, 59387	255.3 (e) (1) (i) amended	†9154
Amended	†20989-20991, 25823, 25825	258.5 Revised	61271
32.21 Amended	55216	259.30 (a) and (b) revised	65185
32.22 Amended	54829, 55215, 55216, 56748-56750	260.70 (b) (1) through (3) revised	†1094
Amended	†3565, 6790, 23582	(b) (3) revised	†6952
32.31 Amended	55216	285.1 Revised	†26583
32.32 Amended	54422, 54828, 55088-55090, 55215, 56128	285.10-285.21 (Subpart B) Revised	†26583
Amended	†3565, 23582, 24696, 25823	285.13 Interpretations	†27547, 28503
33.5 Amended	53966, 55219, 58411, 58412, 59279, 59756, 59851, 60914, 62011, 62490, 63177, 64354, 64355	285.20-285.24 (Subpart C) Redesignated as 285.50-285.54 (Subpart C)	†8554
Amended	†2633, 2726, 3283, 3366, 3565, 4434, 4435, 5520, 6791, 6952, 7647, 7648, 10369, 10929-10933, 11823, 11824, 12018, 13384, 13577, 14022, 15430, 15629, 16184, 16502, 18679, 20236, 23582, 28502, 28506	285.30-285.36 (Subpart D) Redesignated as 285.80-285.86 (Subpart D)	†8554
Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce		285.50-285.54 (Subpart C) Redesignated from 285.20-285.24 (Subpart C)	†8554
215.27 Added	†5521	285.80-285.86 (Subpart D) Redesignated from 285.30-285.36 (Subpart D)	†8554
216.15 (b) added	60150	Chapter III—International Regulatory Agencies (Fishing and Whaling)	
216.24 (e) (2) (ii), (4) and (5) (i) amended	54295	351 Revised	†9481
(e) interpretation	56617	371.1-371.9 (Subpart A) Revised	†26737
(e) (2) (ii) and (4) interpretations	64121	Chapter IV—Joint Regulations (United States Fish and Wildlife Service, Department of the Interior and National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce)	
Decision	64548	402 Added	†874
Revised	64552	Chapter VI—Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce	
(e) interpretation	†1094	Chapter VI PMP amendments	†27549, 27550
(b) (3), (d) (2) (ii) (D) and (iv) (A), (e) (4) and (5) (i), and (f) (3) corrected	†1627	611 Revised	60682
Decision, correction	†1627	611.2 (f), (1) (2) and (v) corrected	†2726
(e) (2) (ii) and (c) (4) interpretations	†3566	(p) (1) amended; (ee) added	†11825
(e) interpretation	†5521	611.3 Heading corrected	†2726
(d) (2) (i) (A) interpretation	†28502	611.4 (b) Tables I and II corrected	†2727
230.10 (b) revised	†13886		
(b) effective date corrected	†14477		
230.70-230.77 Undesignated center heading and text added	†13886		
Effective date corrected	†14477		
230.74 (c) revised	†22214		
255.1 (f) and (g) revised	†9153		

Note: Symbol (†) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

	Page		Page
611.9 (d) (3) and (4), (e) (1), and Appendixes I through IV corrected	†2727	(a) introductory text amended; (a) (1) and (2) revised	65187
Appendixes I and II amended	†11825	(a) introductory text, (1) and (2) eff. date extended 2-15-78 to 3-31-78	†6094
611.11 (d) added	61471	(a) (1) and (3) amended	†14969
(d) revised	62926	651.6 (a) and (c) amended	58413
(d) revised	†3567	Interpretation; eff. 12-23-77 to 12-31-77	63892
611.12 (b) corrected	†2727	(a) and (c) revised	†14969
611.15 (c) corrected	†2727	(c) revised	†19234
611.20 (c) (1) table 2 amended	60149	651.7 (b) revised; (c) removed; (d) redesignated as (c) and amended	58413
Table I amended	†10566	Interpretation; eff. 12-23-77 to 12-31-77	63892
611.22 Added	†19232	(c) and (d) revised; eff. 1-1-78 to 2-14-78	65187
611.50 (b) (3) (ii), (c) (2), (d) (1) (iii), and (e) (2) corrected	†2727	(c) and (d) eff. date extended 2-15-78 to 3-31-78	†6094
(e) (1) revised	†10934	(a) introductory text and (d) revised; (b) amended; (e) added	†14969
(a) amended	†11825	(a) and (b) revised; (c), (d), and (e) redesignated as (d), (e), and (f); new (c) added	†17362
611.53 (c) amended	56129	Interpretation	†27549
611.60 (Subpart D) Added	†11825	651.8 (a) (2) and (3) revised; (a) (4) added; eff. 1-1-78 to 2-14-78	65187
611.70 (b) (1), (f) (1) (iii) and (3) corrected; (b) (2) (i) and (ii) correctly designated	†2727	(a) (2) Amended	†778
611.80 (Subpart F) Heading corrected; (e) (2) (ii) and (4) of section corrected	†2727	(a) (2), (3) and (4) eff. date extended 2-15-78 to 3-31-78	†6094
611.90 (c) (2) (ix) corrected	†2727	(a) revised; (b) added	†14969
611.91 (b) table amended	60149	651.10 (b) amended	†14969
611.91 Added	†10566	651.11 (e) amended; eff. 1-1-78 to 2-14-78	65187
611.92 (d) (3) and (4) amended	60915	(a) and (b) revised	†778
(b) (1) (i) table, (2), (3) (i) (A), (B), (C), and (E), (iii), (iv) and (v), and (c) corrected	†2727	(e) eff. date extended 2-15-78 to 3-31-78	†6094
(a) and (b) (2) revised; (c) redesignated as (d) and revised; (b) (3) (vi) and new (c) added	†15431	651.12 Revised; eff. 1-1-78 to 2-14-78	65187
(b) (3) (vi) revised	†27548	Eff. date extended 2-15-78 to 3-31-78	†6094
611.93 Heading revised	†2726	651 Appendix A removed; eff. 1-1-78 to 2-14-78	65187
Heading, (b) (1) Table I and (iii) (B), (b) (2) introductory text, (ii) (A), (iii) (C), (3) (i) (A) and (B) (1) through (4) corrected	†2727	Appendix A eff. date extended 2-15-78 to 3-31-78	†6094
611.94 Heading revised	†2726	652 Added; interim	59948
(a) corrected	†2728	Added; final	†6953
(c) introductory text and (1) revised	†27548	652.6 (a) amended	†13582
611.95 (d) corrected	†2728	652.7 (a) (1) revised	†7209, 13582
651 Revised; interim	†13578	(a) (1) correctly designated; (a) (3) interpretation	†19397
Effective date extended	†20505	Interpretation; eff. 7-1-78 to 9-30-78	†27549
Revised; final	†28504		
651.2 Amended	†14969		
651.3 (a) (1) and (a) (2) and (3) tables amended; (a) (2) and (3) footnotes 2 removed	58413		
Interpretation; eff. 12-23-77 to 12-31-77	63892		

Note: Symbol (†) refers to 1978 page numbers

CHANGES OCTOBER 3, 1977 THROUGH JUNE 30, 1978

Title 50, Chapter VI—Continued		Page
652.8 (a) revised	65188	32
(a) revised	†4029	215
661 Revised; interim	†15630	216
Effective date extended	†22214	217
FMP boundary line	†27993	220
661.9 (c) table corrected	†21681	227
Title 50—Proposed Rules:		230
10	†12830	255
13	†12830	235
14	†12830	258
17	57329, 57492, 60579, 60765, 61290, 64382, 65209, 65213	280
	†2193, 4872, 12050, 12735, 13404, 13592, 14697, 15463, 16144, 16524, 16527, 17375, 20518, 21338, 21702, 21705, 22224, 26084, 26759	285
20	59987, 61878, 63437	402
	†6275, 22421, 28012, 28217	601—680 (Ch. VI)
23	†9168, 9628, 12348, 12349, 18583, 19176	601
26	56627	602
	†10590, 28017	603
		611
		651
		652
		656
		661
		671
		672
		Ch. VII

Note: Symbol (†) refers to 1978 page numbers

Additions to Table 1, July 1977 through June 1978

This table lists the sections of the U.S. Code and U.S. Statutes at Large which are being added to Table 1 as a result of authority citations carried in the Federal Register from July 1977 through June 1978. Recent legislation is carried by public law number at the end of the list.

Table 1 is in the CFR Index and finding aids revised as of July 1, 1977.

In order to determine the Federal Register page numbers of the parallel CFR citations, consult the List of CFR Sections Affected above.

U.S. Code	CFR	7 U.S.C.:	CFR
3 U.S.C.:		4a	17 Part 140
202	31 Part 409	13a-1	17 Part 1
4 U.S.C.:		15b	7 Part 27
1480	7 Part 1807	79	7 Part 26
5 U.S.C.:		79a	7 Part 26
321	7 Part 2	79b	7 Part 26
483a	22 Part 22	135	40 Part 33
552	7 Part 2018	136 et seq	40 Part 171
	8 Part 299	150ee	7 Part 300
	10 Parts 1, 71, 110	161	7 Part 300
	14 Part 152	228	9 Part 204
	15 Part 807	228b	9 Parts 201, 203
	16 Parts 2, 3, 1000	428 note	7 Part 795
	18 Part 3	450j—450l	7 Part 760
	24 Part 4001	612c	7 Part 247
	30 Part 252	612c note	7 Part 247
	32 Parts 242a, 1800	714c	7 Part 1487
	40 Part 1515	901 et seq	7 Part 1701
	41 Part 105-53	1010—1011	7 Part 654
	49 Parts 1003, 1041, 1130, 1134	1011	36 Parts 222, 254
552a	1 Parts 445, 461	1307	7 Part 730
	24 Part 4000	1307 note	7 Part 795
	45 Part 1224	1308	7 Part 795
553	10 Parts 1, 2, 9, 71, 110	1316	7 Part 719
	15 Part 807	1318	7 Part 719
	16 Part 1201	1319	7 Part 719
	19 Part 141	1338	7 Part 719
	20 Part 615	1359	7 Part 1446
	32 Part 242a	1383	7 Part 719
	46 Parts 507, 549	1421 et seq	7 Part 1435
	49 Parts 1003, 1004, 1011, 1041, 1051, 1057, 1130, 1134, 1300, 1303, 1304, 1306, 1308-1310	1431	7 Part 247
554	10 Part 110	1441	7 Part 795
557	12 Part 308	1444	7 Part 1425
558	49 Parts 1300, 1303, 1304, 1306, 1308-1310	1445e	7 Part 1421
559	49 Parts 1004, 1041, 1057, 1130, 1134	1446	7 Part 1435
		1447 et seq	7 Part 1435
831	5 Part 831	1501	7 Part 401
2903	28 Part 0	1506	7 Part 414
5308	41 Parts 7-1—7-60	1516	7 Part 414
5516	31 Part 215	1621—1630	50 Parts 261—266
5517	31 Part 215	1622	7 Parts 2851-2853
7154	5 Part 713	1624	7 Parts 2851-2853
7342	10 Part 0	1701 et seq	7 Part 17
	41 Part 101-49	1980	7 Part 1888
App	49 Part 1011	1989	7 Parts 1901, 1904, 1921, 1930, 1942, 1948, 2045
		2201	36 Part 264

PARALLEL TABLE

8 U.S.C.:	CFR	15 U.S.C.—Continued	CFR
1101.....	8 Parts 103, 242, 299	41 et seq.....	16 Part 456
	20 Part 655	46.....	16 Part 1605
1182.....	8 Parts 103, 242, 299	49.....	16 Part 1605
1184.....	20 Part 655	50.....	16 Part 1605
1226.....	8 Part 245	77a et seq.....	17 Part 229
1252.....	8 Parts 103, 245, 299	77b.....	17 Part 230
1255.....	8 Parts 103, 236, 242, 299	77c.....	17 Part 200
10 U.S.C.:		77d.....	17 Part 239
125.....	32 Part 1287	77f.....	17 Part 229
131 et seq.....	32 Part 230	77g.....	17 Part 229
133.....	32 Parts 143, 301, 356, 1287	77h.....	17 Parts 229, 239, 249
137.....	32 Part 160	77j.....	17 Part 229
172.....	32 Part 186	77s.....	17 Part 229
275.....	32 Part 114	77sss.....	17 Part 239
1089.....	32 Part 61	78a et seq.....	17 Parts 200, 229, 240, 249
1168.....	32 Part 888h	78b.....	12 Parts 208, 225
1169.....	32 Part 888h		17 Part 240
1553.....	32 Part 70	78g.....	12 Part 224
2112—2117.....	32 Part 242b	78i.....	17 Part 240
2202.....	32 Parts 1—39	78l.....	17 Parts 229, 239, 240
2301—2314.....	41 Part 12—70	78m.....	17 Part 229
2733.....	32 Part 61	78n.....	17 Parts 229, 239, 249
3010.....	32 Part 143	78o—4.....	12 Parts 10, 208, 343
3012.....	32 Parts 656, 657	78q—78w.....	12 Part 10
3293.....	32 Part 65	78q.....	12 Parts 207,
5011.....	32 Part 143		208, 220, 221, 225, 343
5576.....	32 Part 65	78q-1.....	12 Parts 208, 225
6011.....	32 Part 763		17 Part 249b
7430.....	15 Part 377	78w.....	12 Parts 208, 220, 221, 224,
8010.....	32 Part 143		225, 343
8012.....	32 Parts 819b,		17 Part 229
	835, 852, 888g, 888h, 983, 984, 985	80a—14.....	17 Part 274
8293.....	32 Part 65	80a—44.....	17 Part 200
Ch. 4.....	32 Parts 354, 355	205a—k.....	32 Part 209
12 U.S.C.:		631.....	13 Parts 116, 129
1 et seq.....	12 Parts 2, 10	631 et seq.....	13 Parts 118, 122
24.....	12 Part 2	634.....	13 Part 118
60.....	12 Part 2	636.....	13 Part 129
73.....	12 Part 2	637.....	13 Part 129
92.....	12 Part 2	661.....	13 Part 116
248.....	12 Parts 208, 264a	713c.....	7 Part 247
301.....	12 Part 264a	717 et seq.....	18 Part 1b
357.....	12 Part 201	761 et seq.....	10 Parts 450, 460
1425b.....	12 Part 545	761.....	10 Part 440
1464.....	12 Parts 526, 566	1076.....	16 Part 1401
1709—1.....	24 Parts 203, 213, 234	1191—1204.....	16 Parts 1028, 1050
1725.....	12 Parts 541, 550	1193.....	16 Part 1607
1726.....	12 Parts 541, 550	1194.....	16 Part 1605
1730.....	12 Parts 541, 550	1211—1214.....	16 Part 1028
1817.....	12 Parts 303, 338	1261—1274.....	16 Parts 1028, 1050
1818.....	12 Parts 2, 24, 338	1261—1262.....	16 Part 1505
1819.....	12 Parts 308, 338	1261.....	16 Parts 1500, 1510
1828.....	12 Part 265	1261 et seq.....	16 Part 1040
1920.....	12 Part 338	1262.....	16 Part 1510
2901.....	12 Parts 528, 531	1269.....	16 Parts 1505, 1702
14 U.S.C.:		1302.....	49 Part 571
2.....	33 Part 82	1391.....	49 Part 571
93.....	33 Part 3	1392.....	49 Parts 501—590
15 U.S.C.:		1397.....	49 Parts 567, 568
18.....	16 Part 13	1401.....	49 Part 510
18A.....	16 Part 800	1407.....	49 Parts 501—590

PARALLEL TABLE

15 U.S.C.—Continued	CFR	16 U.S.C.—Continued	CFR
1471—1476.....	16 Parts 1028, 1050	791—823.....	33 Part 221
1471—1473.....	16 Part 1701	792 et seq.....	18 Part 1b
1471.....	16 Part 1702	825g.....	18 Part 3
1472.....	16 Part 1702	916a—1.....	50 Part 230
1474.....	16 Part 1702	1001—1008.....	7 Part 654
1531 et seq.....	50 Part 402	1005.....	7 Part 1942
1640.....	12 Part 226	1006a.....	7 Part 654
1681b.....	16 Part 600	1317.....	50 Part 216
1681e.....	16 Part 600	1451 et seq.....	15 Part 930
1681s.....	16 Part 600	1456.....	30 Part 250
1691.....	12 Parts 528, 531	1801 et seq.....	50 Parts 611, 651,
1691 et seq.....	12 Part 338		652, 661
1912.....	49 Parts 501—590	1801—1882.....	50 Part 661
1915.....	49 Part 567	1851.....	50 Part 601
1941.....	49 Parts 501—590	1855.....	50 Part 601
1988.....	49 Parts 501—590	4601—4622.....	33 Part 17
1990.....	49 Part 580	5801.....	36 Part 222
2001.....	40 Part 600	17 U.S.C.:	
	49 Parts 523, 529, 553	101—710.....	37 Parts 203, 204
2001 et seq.....	49 Parts 501—590	107.....	37 Part 201
2002.....	49 Parts 523, 525, 527	111.....	37 Parts 201, 302
2003.....	40 Part 600	118.....	37 Part 304
2005.....	40 Parts 531, 537, 600	304.....	37 Part 201
2006.....	40 Part 600	407.....	37 Part 202
2011.....	40 Part 610	408.....	37 Part 202
2051—2081.....	16 Parts 1028, 1050	702.....	37 Parts 201, 202
2051.....	16 Parts 1401, 1402	708.....	37 Part 201
2051 et seq.....	16 Parts 1032, 1040	18 U.S.C.:	
2057.....	16 Parts 1302, 1303, 1304, 1305	207.....	46 Part 502
2058.....	16 Parts 1105, 1302,	208.....	12 Part 264a
	1303, 1304, 1305	827.....	27 Parts 1—8,
2065.....	16 Part 1605		18, 47, 70, 72, 173, 178, 179, 181,
2076.....	16 Parts 1401, 1402, 1605		186, 194—197, 200—201, 211—213,
2079.....	16 Parts 1145, 1500,		231, 240, 245, 250—252, 270, 275,
	1505, 1510, 1605, 1615, 1616, 1702		285, 290, 295
2210.....	45 Part 2010	831—835.....	49 Parts 388, 390—398
2214.....	45 Part 2000	926.....	27 Parts 1—8,
2218.....	45 Part 2010		18, 47, 72, 173, 178, 179, 186, 194—
2301.....	16 Part 700		197, 200—201, 211—213, 231, 240,
2501 et seq.....	10 Part 791		245, 250—252, 270, 275, 285, 290,
2605.....	40 Parts 712, 750, 761, 762		295
2607.....	40 Parts 710, 712	3056.....	31 Part 409
2611.....	40 Part 762	3655.....	28 Part 2
16 U.S.C.:		4102.....	28 Part 0
195.....	36 Part 7	4105.....	28 Part 0
460d.....	33 Part 222	4164.....	28 Part 2
	36 Part 328	4201—4218.....	28 Part 2
470.....	7 Part 1901	4254—4255.....	28 Part 2
470 et seq.....	36 Part 61	5005—5041.....	28 Part 2
470—1.....	36 Part 67	19 U.S.C.:	
485.....	36 Part 254	1.....	19 Part 101
486.....	36 Part 254	2.....	19 Part 101
516.....	36 Part 254	66.....	19 Part 101
535.....	36 Part 223	81c.....	27 Part 201
555a.....	36 Part 254	173.....	19 Part 141
5807.....	36 Part 222	482.....	19 Part 145
590a—590f.....	7 Parts 610, 657	1202.....	15 Part 303
590p.....	7 Part 654		19 Parts 101, 141
590q.....	7 Part 610	1335.....	19 Parts 200, 207
703—711.....	50 Part 10	1337.....	19 Part 210
718a.....	50 Part 91	1499.....	19 Part 145

PARALLEL TABLE

19 U.S.C.—Continued	CFR	21 U.S.C.—Continued	CFR
1581	19 Part 145	263f	21 Part 1050
1623	19 Parts 6, 22	301 et seq	21 Part 7
1624	19 Part 101	321	21 Parts 172,
2482	19 Parts 205, 207	176, 177, 182, 184, 570, 640	
20 U.S.C.:		331	21 Parts 2,
19	45 Part 104	173, 189, 300, 500, 510, 700, 740,	
241	45 Part 116b	801, 807, 813	
241-1	45 Part 166b	336	21 Part 109
241c-1	45 Part 116b	342	21 Parts 70, 172,
241c-2	45 Part 116d	173, 177, 189, 300, 500, 514, 570,	
241c-5	45 Part 116b	700, 740, 801	
241f	45 Part 116b	343	21 Parts 70, 101, 193, 514, 740
241g	45 Part 116b	346	40 Part 180
283	45 Part 115	346a	21 Part 109
293	45 Part 115	348	21 Parts 70, 177,
512a	45 Part 146a	300, 514, 570, 573, 700, 801	
1026	45 Part 136	351	21 Parts 2,
1041-1046	45 Part 136	173, 189, 300, 500, 510, 640, 700,	
1070c-1070c-4	45 Part 192	740, 801, 807, 813	
1085	45 Part 168	352	21 Parts 2,
1088	45 Part 168	173, 189, 444, 500, 510, 640, 700,	
1088b-1	45 Part 178	740, 807, 813	
1088b-3	45 Part 178a	355	21 Parts 173,
1088f-1	45 Part 168	189, 291, 500, 700, 740, 801	
1101 et seq	45 Part 172	357	21 Parts 173,
1119a	45 Parts 100a, 197	189, 430, 432, 436, 455, 500, 700,	
1119a-1	45 Part 198	740, 801	
1133-1133c	45 Part 182	360	21 Parts 520, 807
1134-1134c	45 Part 194	360b	21 Parts 70, 173,
1134-1134b	45 Part 179	189, 300, 432, 526, 700, 740, 801	
1134d-1134h	45 Part 179	360j	21 Part 813
1134i-1134m	45 Part 194	360k	21 Parts 15, 25, 808
1141	45 Parts 136, 168, 182, 198	361	21 Parts 2,
1142b	45 Part 199a	173, 189, 300, 500, 700, 740, 801	
1211b	45 Part 166	362	21 Part 740
1221c	45 Part 198	371	16 Parts 1701, 1702
1221e	45 Part 1480	21 Parts 5, 291, 570, 740, 807, 808,	
1221e-3	45 Part 136	813	
1228	45 Part 1228	374	21 Part 813
1231d	45 Part 116b	376	21 Parts 73, 81, 514, 571
1232	45 Part 116b	376 note	21 Parts 73, 81
1232c	45 Parts 104, 134, 136	381	21 Part 813
1232d	168, 178, 198	466	9 Part 381
1401	45 Part 168	612	9 Part 91
1411-1420	45 Part 116b	613	9 Part 91
1412	45 Parts 104, 116b	614	9 Part 91
1413	45 Part 116b	618	9 Part 91
1416	45 Part 116b	621	7 Parts 315, 319
1417	45 Parts 104, 116b		9 Parts 318, 325
1419	45 Part 121m	875	28 Part 0
1681	45 Part 115	876	21 Part 1316
2001-2012	45 Part 1801		28 Part 0
2301-2461	45 Parts 104, 105	1031-1056	7 Part 2859
2311	45 Part 104	22 U.S.C.:	
2502-2504	45 Part 163	1201	22 Part 22
2505	45 Part 163a	2651	22 Part 22
2531-2534	45 Part 191	2670	22 Parts 51, 71
21 U.S.C.:		2778	27 Parts 1-8,
114a	9 Part 91	18, 47, 70, 72, 123, 124, 173, 178,	
114g	9 Part 78	179, 181, 186, 194-197, 200-201,	
135	9 Part 92	211-213, 231, 240, 245, 250-252,	
		270, 275, 285, 290, 295	
		3101	15 Part 806

PARALLEL TABLE

23 U.S.C.:	CFR	27 U.S.C.:	CFR
101	23 Part 642	205	27 Parts 18,
109	23 Part 652	47, 70, 72, 173, 178, 179, 181, 186,	
131	23 Part 752	194-197, 200-201, 211-213, 231,	
137	23 Part 810	240, 245, 251-252, 270, 275, 285,	
142	23 Part 810	290, 295	
149	23 Part 810	28 U.S.C.:	
152	23 Part 652	503	28 Part 50
210	23 Part 666	509	28 Part 14
315	23 Parts 11, 666	516	28 Part 50
402	23 Part 652	517	28 Part 50
25 U.S.C.:		29 U.S.C.:	
2	25 Parts 20, 43p, 73, 258	49 et seq	20 Parts 653-655
6	25 Part 258	211	29 Part 521
9	25 Parts 20, 43p, 73	212	29 Part 575
43	25 Part 259	213	29 Part 575
44	25 Part 259	218	29 Part 575
46	25 Part 259	655	29 Parts 1910, 1915-1918
47	41 Part 3-4	657	29 Parts 1910,
348	25 Part 259	1915-1918, 1926, 1928, 1977	
396d	25 Part 177	672	29 Part 1951
450a et seq	45 Part 105	673	29 Part 1952
450b	45 Part 105	706	45 Part 85
450e	45 Part 105	791	5 Part 713
450f	45 Part 105	794	45 Parts 85, 115
450m	25 Part 11	801	36 Part 215,
472	25 Part 259		43 Part 32
479	25 Part 259	801 et seq	29 Part 97
1612	42 Part 36	1132	29 Part 2560
1613	42 Part 36	1302	29 Parts 2614-2615
1615	42 Part 36	1341	29 Parts 2610, 2615
1633	41 Part 3-4	1344	29 Part 2615
1652	42 Part 36		
1672	41 Part 3-4, 42 Part 36	30 U.S.C.:	
1674	42 Part 36	185	15 Part 377
26 U.S.C.:		723	30 Part 50
57	26 Part 7	732	30 Part 50
105	26 Part 7	801-960	29 Part 2700
302	26 Part 1	813	30 Part 50
367	26 Part 7	821	30 Part 50
410	26 Part 1	957	30 Parts 50, 75
411	26 Part 1	1201	25 Part 177,
585	26 Part 1	30 Parts 700, 710, 715-718, 720-	
955	26 Part 7	723, 725, 740, 795, 830, 837	
1023	26 Part 7	1201 et seq	43 Part 4
1561	26 Part 1	1242	30 Part 837
4182	27 Part 178	31 U.S.C.:	
4975	26 Parts 54, 141	551	45 Part 104
5146	27 Parts 250, 251	686	7 Part 1821,
5178	27 Part 252		22 Part 128
5207	27 Part 250	752	31 Part 344
6001	27 Parts 194, 250, 251	754c	31 Part 344
6048	26 Part 404	951-953	32 Part 268
6060	26 Part 1	1038	31 Parts 203, 214, 226
6103	26 Part 420	1601 et seq	43 Part 1880
6109	26 Part 1	33 U.S.C.:	
6695	26 Part 1	15	46 CFR Part 7
7805	26 Part 139	151	46 Part 7
	27 Part 18	401 et seq	33 Parts 320, 325,
			326, 328, 329
		401	33 Part 321
		403	33 Parts 221, 322

PARALLEL TABLE

33 U.S.C.—Continued	CFR	42 U.S.C.—Continued	CFR
499	33 Part 117	289l-4	42 Part 52h
701a	33 Part 238	294y-1	42 Part 36
701a-1	7 Part 654	295g-2	42 Part 57
701b-1	7 Part 654	295g-4	42 Part 57
941	29 Parts 1910, 1926, 1928	295g-8	42 Part 57
1121 et seq.	15 Part 917	295g-9	42 Part 57
1221	33 Part 128	295h	42 Part 58
1221 nt	33 Part 161	295h-1	42 Part 58
1224	33 Parts 162, 165	296k	42 Part 57
1251 et seq.	40 Parts 116-119, 124, 125	296m	42 Part 57
1321	43 Part 29	300c-21	45 Part 51d
1322	33 Part 1	300e through 300e-15	42 Part 110
1342	40 Part 133	300e	42 Part 405
1344	33 Parts 221, 320, 323, 325, 326, 327	300f	40 Part 149
1345	40 Part 133	300h	40 Part 149
1361	40 Part 133	300h-3	40 Part 149
1413	33 Parts 320, 324-327	300j-2	40 Part 35
1601	49 Part 1	300o-1	42 Part 124
1606	33 Part 707	300r	42 Part 124
38 U.S.C.:		426	42 Part 405
101	32 Part 70	428	20 Part 416
210	41 Part 8-5	607	45 Part 205
722	38 Part 3	611	20 Part 401
2001-2008	20 Part 653	703	42 Part 51a
3103	32 Part 70	704	42 Part 51a
Ch. 24	38 Part 1	1302	42 Parts 50, 405, 448-480, 481
Ch. 42	20 Part 653	450, 460, 461, 463, 473, 476, 478, 480, 481	45 Parts 16, 229, 446, 448-452
39 U.S.C.:		1320 et seq.	42 Part 463
101	39 Part 247	1320c-1	42 Part 460
401	39 Parts 247, 248	1320c-11	42 Part 478
403	39 Part 247	1320c-15	42 Part 476
404	39 Parts 247, 248	1382c	20 Part 404
40 U.S.C.:		1383	20 Part 404
333	29 Parts 1910, 1915-1918, 1928	1395h	20 Part 405
485	41 Part 101-20	1395l	42 Part 405
486	15 Part 17	1395u	42 Part 405
	34 Part 235,	1395x	42 Part 405
	41 Parts 8-5, 12-70, 13-1, 13-3, 13-4, 101-17, 101-19, 101-41, 101-48, 101-49, 105-53, 105-65	1395y	42 Part 405
875	36 Part 904	1395bb	20 Part 422
877	36 Part 904	1395hh	42 Parts 405, 449
41 U.S.C.:		1395mm	42 Parts 405, 449
10a et seq.	20 Part 654	1396a	42 Part 450
38	41 Part 50-206	1437	24 Part 811
300k-1	42 Part 121	1437c	24 Part 811
2996e	45 Part 1621	1437d	24 Part 841
42 U.S.C.:		1480	7 Parts 1901, 1921, 1933, 2045
200d	45 Part 115	1759a	7 Part 225
216	42 Parts 5, 52h, 56, 123, 124	1771	7 Part 230
241	21 Part 7	1775	7 Part 230
247d	42 Part 56	1778-1785	7 Part 230
254e	42 Part 5	1788	7 Part 227
257	21 Part 291	1857	40 Parts 52, 61
257a	21 Part 291	1857c-5	40 Part 52
262	21 Part 7	1857d-1	40 Parts 60, 61
263b through 263n	21 Part 5	1857f-6e	40 Part 85
263h	21 Part 1005	1857g	40 Parts 61, 87
263j	21 Part 1010	1904	7 Part 1904
264	21 Parts 7, 640	1981	12 Part 531
		1989	7 Part 1822

PARALLEL TABLE

42 U.S.C.—Continued	CFR	42 U.S.C.—Continued	CFR
2000	23 Part 420	4321 et seq.	7 Part 657
2071	10 Part 110		23 Part 752
2073	10 Parts 51, 110		49 Part 179
2074	10 Part 110	4332	21 Parts 2, 173, 189, 300, 500, 700, 740, 801
2077	10 Parts 70, 110		30 Part 250
2092	10 Parts 51, 71, 110	4588	42 Part 54a
2093	10 Part 110	4601 et seq.	36 Part 904
2094	10 Part 110	4728	5 Part 900
2095	10 Part 110	4912	40 Part 204
2111	10 Parts 51, 110	4916	49 Part 210
2112	10 Part 110	5174	24 Part 2205
2133	10 Part 110	5177	20 Part 625
2134	10 Part 110	5178	24 Part 2205
2139	10 Part 110	5182	24 Part 2205
2139a	10 Part 110	5184	13 Part 318
2154-2158	10 Part 110	5189	24 Part 2205
2201	10 Parts 0, 1, 110	5201	24 Part 2205
2231	10 Part 110	5301 et seq.	24 Parts 58, 571
2232	10 Part 110	5601 et seq.	28 Part 22
2233	10 Part 110	5841	10 Parts 0, 1, 8, 21, 70, 71, 110
2234	10 Part 110	5842	10 Part 110
2236	10 Part 110	5843	10 Part 1
2239	10 Part 110	5844	10 Parts 1, 50, 70, 73
2273	10 Part 110	5845	10 Part 1
2461	14 Part 1221	5846	10 Part 110
2921 et seq.	45 Parts 1301, 1305	5849	10 Part 1
2928	45 Part 1305	6212	15 Part 377
2928b	45 Parts 1301, 1305	6272	28 Part 0
2928c	45 Part 1302	6274	28 Part 0
2928f	45 Part 1301	6293	10 Part 430
2928g	45 Part 1305	6321 et seq.	10 Part 450
2928h	45 Part 1302	6362	14 Part 313
2928i	45 Part 1301	6721 et seq.	31 Part 52
2942	7 Parts 1807, 1866, 1901, 1921	6801	10 Part 460
2996c	45 Part 1622	6901 et seq.	40 Part 40
2996e	45 Parts 1621, 1623	6931	40 Part 35
2996f	45 Part 1621	6947	40 Part 35
2996j	45 Part 1623	6948	40 Part 35
3001 et seq.	45 Parts 1320-1326	6949	40 Part 35
3021 et seq.	45 Part 1321	6972	40 Part 254
3021-3022	45 Part 1325	6974	40 Part 249
3028	45 Part 1325	6981	40 Part 40
3031 et seq.	45 Part 1323	6984	40 Part 40
3035 et seq.	45 Part 1322	6985	40 Part 40
3041-3041e	45 Part 1326	6986	40 Part 40
3045 et seq.	45 Part 1324	7101	10 Part 791
3121 et seq.	13 Parts 305, 308, 309	7101 et seq.	10 Part 450
3121	13 Part 307		18 Part 157
3251 et seq.	40 Part 33	7264	10 Part 1002
3334	23 Part 420	7401	40 Parts 51, 52, 60, 61
3401 et seq.	28 Part 22	7401 et seq.	40 Part 52
3535	24 Parts 213, 233, 234, 571, 811, 812, 1700	7407	40 Part 81
3605	12 Part 338	7410	40 Parts 51, 52, 60, 61
3608	12 Part 338	7411	40 Parts 60, 61
4001-4128	24 Parts 1912, 1914-1917, 1925	7414	40 Parts 51, 52, 60, 61
4104a	12 Part 760	7416	40 Parts 60, 61
4151-4156	45 Part 105	7419	40 Part 52
4201 et seq.	13 Part 317	7423	40 Parts 51, 52
		7425	40 Parts 51, 52
		7470-7479	40 Parts 51, 52

PARALLEL TABLE

42 U.S.C. (Continued)	CFR	47 U.S.C.—Continued	CFR
7521	40 Part 86	317	47 Part 76
7525	40 Part 86	412	47 Part 68
7541	40 Part 86	1857	40 Part 52
7542	40 Part 86	48 U.S.C.:	
7545	40 Part 79	1655	49 Part 195
7601	40 Parts 51, 52, 60, 61, 79, 81, 86	49 U.S.C.:	
43 U.S.C.:		Preceding sec. 1	49 Part 1091
1331	30 Parts 250, 252	1	49 Parts 1033, 1038, 1080
1334	43 Part 3301	1 et seq.	18 Part 1b
1624	25 Part 113		49 Part 1011
1628	25 Part 113	5	49 Parts 1130, 1306—1310
1715	36 Part 254	5b	49 Part 1211
1716	36 Part 254	5c	49 Parts 1211, 1331
1751	36 Part 222	6	49 Parts 268, 1306—1310
1751 et seq.	36 Part 222	12	49 Parts 1211, 1249, 1307—1310
1761	43 Part 2851	15a	49 Part 1109
44 U.S.C.:		17	49 Parts 1011, 1080
25	41 Part 105-65	20	49 Parts 1211, 1249, 1300, 1303, 1304, 1308, 1310
2107 note	41 Part 105-63	26	49 Part 209
3509	15 Part 803	66	41 Part 101-41
45 U.S.C.:		302	49 Part 1003
6	49 Part 209	303	49 Part 1003
13	49 Part 209	304	49 Parts 1059, 1308, 1331
34	49 Part 209	305	49 Parts 1003, 1130, 1134
431	49 Parts 209, 221	310	49 Part 1004
437	49 Part 209	310a	49 Parts 1300, 1303, 1304, 1306, 1308, 1309
1808	49 Part 209	316	49 Parts 1100, 1307
46 U.S.C.:		317	49 Part 1308
170	46 Parts 153, 185	318	49 Parts 1300, 1303, 1304, 1308—1310
249 et seq.	46 Part 350	319	49 Parts 1300, 1303, 1304, 1308, 1310
375	46 Parts 5, 148	319a	49 Part 1131
391a	46 Parts 148, 153, 185	904	49 Parts 1300, 1303, 1304, 1306, 1307, 1309—1310
416	46 Parts 5, 148	906	49 Parts 1300, 1303, 1304, 1306, 1307, 1309, 1310
466b	9 Part 91	1002	49 Part 1041
814-815	46 Parts 531, 536	1003	49 Parts 1300, 1303, 1304, 1306, 1308, 1310
816	46 Part 536	1004	49 Part 1041
817	46 Part 531	1005	49 Parts 1300, 1303, 1304, 1307, 1308, 1310
820	46 Parts 507, 536	1013	49 Parts 1300, 1303, 1304, 1306, 1308, 1310
828	46 Part 507	1301	14 Part 214
831	46 Part 507	1302	14 Part 223
833	46 Part 528	1324	14 Part 291
841	46 Part 531	1354	14 Parts 71, 152
841a	46 Parts 507, 549	1355	14 Parts 43, 91, 105, 121, 123, 127, 137
844-845a	46 Part 531	1357	14 Parts 129, 183
876	46 Part 507	1382	14 Part 221
1387	46 Part 310	1386	14 Part 212, 214, 373
1454	46 Part 160	1388	14 Parts 291, 298
1469	33 Part 173	1421-1430	14 Parts 43, 61, 63, 65, 91, 105, 121, 123, 137, 145, 147
1488	33 Part 1	1511	14 Part 221
	46 Part 160	1651 et seq.	49 Part 270
1503	49 Parts 450-453		
47 U.S.C.:			
152	47 Parts 73		
155	47 Parts 64, 81, 89, 91, 93, 94, 95		
184	47 Part 1		
218	47 Part 68		
220	47 Part 68		
301	47 Part 73		
315	47 Part 76		

PARALLEL TABLE

49 U.S.C.—Continued	CFR	87 Stat.:	CFR
1653a	49 Part 270	30-57	45 Part 1320
1654	49 Part 266	36-44	45 Parts 1321, 1325
1655	14 Parts 43, 91, 105, 145, 152	45-49	45 Parts 132, 1323
	33 Part 117	49-51	45 Part 1326
	46 Parts 7, 148, 152, 153	56-57	45 Part 1324
	49 Parts 209, 388, 392	221	7 Part 795
1657	49 Parts 209, 523, 527, 531, 537	839	29 Parts 94-96, 98
1701 et seq.	14 Part 152	88 Stat.:	
1802	49 Part 209	174	33 Part 305
1803	49 Parts 171, 179, 197	357-358	45 Part 1320
1804	49 Parts 192, 209	357	45 Parts 1321, 1324
1808	49 Parts 171, 172, 209	358	45 Part 1324
1809	49 Part 209	392	7 Parts 1841, 1901
1903	46 Parts 4, 850	534-535	45 Part 115
50 U.S.C.:		553	45 Part 115
797	32 Parts 763, 852	1242	10 Part 40
2403	15 Part 375	1528	49 Part 256
App. 2061 et seq.	20 Part 654	1845	29 Parts 94-96, 98, 99
App. 2071	10 Part 216	1978	15 Parts 2002, 2006
App. 2168	4 Part 413	2242-2249	42 Part 123
App. 2251-2297	32 Part 1800	89 Stat.:	
App. 2284	32 Part 1806	93	49 Part 256
App. 2403	15 Parts 372, 376	685	37 Parts 1, 3, 5
App. 2403-1a	15 Part 369	90 Stat.:	
App. 2404	15 Part 390	31	49 Part 1125
App. 2405	15 Parts 387, 388	57	49 Part 1125
U.S. Statutes at Large:		71	49 Part 258
49 Stat.:		76	49 Part 260
647	42 Part 405	125	49 Part 256
68 Stat.:		143	49 Part 266
663	32 Part 260	268	20 Parts 404, 416
75 Stat.:		705	13 Part 116
840	46 Part 507	1013	15 Parts 923, 930, 933
76A Stat.:		1263 et seq.	10 Part 475
41	35 Part 69	2024	49 Part 258
78 Stat.:		2094	45 Part 192
688	18 Part 410	2300	22 Part 63
79 Stat.:		2541	37 Part 201
213 et seq.	33 Part 279	2625	49 Part 260
80 Stat.:		2629	49 Part 256
915	33 Part 305	2917	36 Part 330
83 Stat.:		91 Stat.:	
108-115	45 Part 1320	221	22 Parts 51, 71
1280	15 Part 933	394	22 Part 63
84 Stat.:		395	22 Part 63
695	20 Part 615	419	15 Part 904
708	20 Part 615	431	15 Part 904
1036	46 Part 280	445 et seq.	7 Part 601
85 Stat.:		565	10 Part 209
221	33 Part 173	582-585	18 Parts 1, 3
619	12 Parts 612, 613, 614	582	18 Part 0
620	12 Parts 612, 613, 614	583	18 Part 0
621	12 Parts 612, 613, 614	585	18 Part 0
715	25 Part 113	586	18 Part 0
86 Stat.:		590	18 Part 0
88-95	45 Parts 1320, 1324	606	18 Part 0
816	40 Parts 124, 125	913	7 Part 795
816 et seq.	40 Part 455	913 et seq.	7 Part 792
870	46 Part 543	917	7 Part 795
973	33 Part 274	940	7 Part 730

PARALLEL TABLE

91 Stat.—Continued	CFR	Public Laws—Continued	CFR
950.....	7 Part 792	94-284.....	16 Parts 1105, 1304, 1305
981.....	7 Part 730	94-305.....	13 Parts 118, 122
1461.....	42 Parts 50, 449	94-317.....	13 Part 116
1561.....	20 Part 401	94-322.....	10 Part 211
92 Stat.:		94-332.....	10 Parts 210, 211, 212
47.....	10 Part 475	94-335.....	10 Part 212
Public Laws:		94-348.....	49 Part 209
91-76.....	14 Part 1221	94-361.....	32 Part 1801
92-463.....	41 Part 105-54	94-364.....	49 Part 580
92-583.....	15 Part 931	94-369.....	31 Part 52
93-203.....	29 Parts 95, 96, 98	94-370.....	15 Parts 923, 930, 933
93-207.....	40 Part 35	94-375.....	20 Part 416
93-275.....	10 Parts 215, 430	94-383.....	10 Part 430
93-357.....	7 Part 1845	94-385.....	10 Parts 202,
93-380.....	45 Part 116d		205, 210, 211, 212, 215, 303, 430,
93-438.....	10 Part 871		440, 450, 460
	41 Part 9-9	94-405.....	45 Parts 122a, 166
93-498.....	45 Part 2000	94-413.....	10 Parts 475, 791
93-502.....	5 Part 807	94-444.....	29 Parts 97, 99
93-511.....	10 Part 215	94-455.....	20 Part 416
93-519.....	10 Part 215		26 Part 404
93-567.....	29 Parts 95, 96, 98		40 Part 20
93-583.....	15 Part 933	94-460.....	42 Parts 110, 405, 449
93-637.....	16 Part 700	94-461.....	15 Part 917
93-642.....	45 Part 1801	94-464.....	32 Part 61
94-25.....	49 Part 256	94-482.....	45 Parts 100a,
94-29.....	17 Parts 200, 229, 239, 240, 249		104, 105, 146a, 163, 163a, 168, 172,
94-43.....	45 Part 185		178, 178a, 179, 185, 192, 197, 198
94-79.....	10 Parts 2, 21, 31, 34, 35, 40, 70	94-484.....	8 Part 214
94-83.....	10 Part 51		10 Part 430
94-97.....	10 Part 40		22 Parts 42, 63
94-99.....	10 Parts 205,	94-487.....	13 Part 308, 309
	210, 211, 212, 215, 303	94-502.....	20 Part 653
94-105.....	7 Parts 210, 226	94-531.....	33 Part 173
94-108.....	37 Part 201	94-540.....	20 Part 416
94-131.....	37 Parts 1, 3, 5	94-553.....	37 Parts 201-204
94-133.....	10 Parts 205,	94-555.....	49 Parts 256, 258, 260
	210, 211, 212, 215, 303	94-566.....	20 Parts 416, 615
94-135.....	45 Parts 1320-1326	94-579.....	36 Parts 222, 254
94-142.....	45 Parts 100b, 121a, 121m	94-580.....	40 Parts 249, 254
94-154.....	36 Part 223	94-582.....	7 Part 26
94-163.....	10 Parts 205,	94-702.....	37 Part 201
	210, 211, 212, 215, 430, 450	95-6.....	50 Part 680
	15 Part 377	95-26.....	7 Part 701
	40 Part 610	95-40.....	45 Parts 105, 192
	49 Parts 523, 525, 529, 537	95-45.....	22 Parts 51, 71
94-164.....	20 Part 416	95-52.....	15 Part 369
94-167.....	45 Parts 1901, 1905	95-59.....	7 Part 271
94-168.....	32 Part 209	95-66.....	41 Parts 7-1-7-60
94-187.....	10 Part 871	95-70.....	10 Parts 210-212
94-210.....	43 Part 31	95-75.....	32 Part 706
	49 Parts 256, 258, 260, 270, 1125,		49 Part 1
	1127, 1201, 1240, 1241, 1243	95-83.....	22 Part 63
94-214.....	7 Part 795		42 Parts 405, 449
94-215.....	50 Part 91	95-85.....	49 Parts 501-590 (Ch. V)
94-222.....	12 Part 226	95-86.....	15 Part 904
94-239.....	12 Part 338	95-87.....	7 Part 657
94-241.....	20 Parts 404, 416		25 Part 177
94-258.....	15 Part 377		30 Parts 700, 705, 706, 710, 715-718,
94-265.....	50 Parts 601, 602, 661		720-723, 725, 740, 795, 830, 837

PARALLEL TABLE

Public Laws—Continued	CFR	Public Laws—Continued	CFR
95-89.....	7 Parts 1888, 1980,	95-156.....	7 Part 795
	20 Part 654	95-163.....	14 Part 201
	32A Part 134	95-164.....	29 Part 2700
	41 Parts 1-1-1-3, 1-12, 1-16		30 Parts 1, 11, 15-29, 31-33, 35,
95-91.....	10 Parts 205,		36, 50, 55-57, 70, 71, 74, 75, 77,
	209-212, 216, 303, 430, 475, 791,		90, 100
	1000, 1001	95-166.....	7 Parts 210, 225, 227, 240
	18 Part 0	95-176.....	27 Parts 201, 252
95-93.....	29 Parts 94, 97, 97b	95-178.....	25 Part 113
	36 Part 215	95-188.....	12 Part 264a
	43 Part 32	95-205.....	42 Parts 50, 449
95-95.....	40 Parts 52, 79		45 Part 228
95-105.....	10 Part 0	95-210.....	42 Parts 405, 481
95-107.....	43 Part 423	95-216.....	20 Part 401
95-113.....	7 Parts 17,	95-217.....	7 Part 2
	25, 247, 701, 760, 792, 795, 1435		40 Parts 35, 116-118, 124, 125
95-126.....	32 Parts 70, 581	95-222.....	45 Part 1622
95-128.....	12 Parts 22, 208, 528, 531	95-233.....	36 Part 223
	24 Parts 570, 1909, 1914, 1925	95-238.....	10 Part 475
95-142.....	42 Part 463	95-553.....	37 Part 201
95-144.....	28 Part 0	95-719.....	17 Part 240
95-147.....	31 Parts 203, 214, 226		

132 TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

1977		1977	
Pages	Date	Pages	Date
33707-34273	July 1	47545-47815	Sept. 22
34275-34498	5	47817-48320	22
34499-34853	6	48321-48863	23
34855-35140	7	48865-49430	26
35141-35621	8	49431-49800	27
35623-35824	11	49801-51555	28
35825-35949	12	51557-52362	29
35951-36230	13	52363-53590	30
36231-36446	14	53591-53891	Oct. 3
36447-36795	15	53893-54247	4
36797-36988	18	54249-54395	5
36989-37189	19	54397-54527	6
37191-37349	20	54529-54792	7
37351-37521	21	54793-54930	11
37523-37791	22	54931-55080	12
37793-37961	25	55081-55187	13
37963-38166	26	55189-55442	14
38167-38336	27	55443-55593	17
38337-38549	28	55595-55805	18
38551-38889	29	55807-55878	19
38891-39080	Aug. 1	55879-56100	20
39081-39193	2	56101-56311	21
39195-39358	3	56313-56486	25
39359-39656	4	56487-56591	26
39657-39952	5	56593-56712	27
39953-40167	8	56713-56946	28
40169-40419	9	56947-57113	31
40421-40675	10	57115-57296	Nov. 1
40677-40845	11	57297-57443	2
40847-41094	12	57445-57681	3
41095-41264	15	57683-57939	4
41265-41399	16	57941-58149	7
41401-41602	17	58151-58395	8
41603-41812	18	58397-58507	9
41813-42183	19	58509-58728	10
42185-42297	22	58729-58928	11
42299-42676	23	58929-59033	14
42677-42837	24	59035-59259	15
42839-43049	25	59261-59362	16
43051-43372	26	59363-59485	17
43373-43613	29	59487-59746	18
43615-43793	30	59747-59833	21
43795-43955	31	59835-59954	22
43957-44209	Sept. 1	59955-60110	23
44211-44540	2	60111-60555	25
44541-44799	6	60557-60720	28
44801-44977	7	60721-60903	29
44979-45282	8	60905-61027	30
45283-45623	9	61029-61236	Dec. 1
45625-45891	12	61237-61439	2
45893-46043	13	61441-61585	5
46045-46263	14	61587-61847	6
46265-46504	15	61849-61975	7
46505-46911	16	61977-62123	8
46913-47165	19	62125-62356	9
47167-47543	20	62357-62459	12
		62461-62893	13
		62895-63161	14
		63163-63377	15
		63379-63629	16

TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

133

1977		1978	
Pages	Date	Pages	Date
63631-63766	Dec. 19	9773-10327	Mar. 10
63767-63880	20	10329-10533	13
63881-64097	21	10535-10681	14
64099-64334	22	10683-10899	15
64335-64617	23	10901-11140	16
64619-64675	27	11141-11555	17
64677-64847	28	11557-11687	20
64849-65129	29	11689-11813	21
65131-65603	30	11815-11957	22
		11959-12271	23
		12273-12670	24
		12671-12841	27
		12843-13050	28
		13051-13364	29
		13365-13489	30
		13491-13863	31
		13865-13998	Apr. 3
		13999-14301	4
		14303-14430	5
		14431-14636	6
		14637-14955	7
		14957-15123	10
		15125-15318	11
		15319-15406	12
		15407-15602	13
		15603-16145	14
		16147-16304	17
		16305-16440	18
		16441-16688	19
		16689-16963	20
		16965-17336	21
		17337-17455	24
		17457-17787	25
		17789-17933	26
		17935-18156	27
		18157-18531	28
		18533-18638	May 1
		18639-18985	2
		18987-19191	3
		19193-19336	4
		19337-19641	5
		19643-19806	8
		19807-19997	9
		19999-20214	10
		20215-20471	11
		20473-20778	12
		20779-20945	15
		20947-21312	16
		21313-21423	17
		21425-21634	18
		21635-21864	19
		21865-21998	22
		21999-22168	23
		22169-22327	24
		22329-22666	25
		22667-22924	26
		22925-23552	30
		23553-23700	31

134 TABLE OF FEDERAL REGISTER ISSUE PAGES AND DATES

1978		1977	
<i>Pages</i>	<i>Date</i>	<i>Pages</i>	<i>Date</i>
23701-23982-----	June 1	25983-26276-----	June 16
23983-24261-----	2	26277-26410-----	19
24263-24514-----	5	26411-26559-----	20
24515-24658-----	6	26561-26688-----	21
24659-24818-----	7	26689-27154-----	22
24819-25073-----	8	27155-27506-----	23
25075-25330-----	9	27507-27773-----	26
25331-25411-----	12	27775-27979-----	27
25413-25665-----	13	27981-28168-----	28
25667-25787-----	14	28169-28427-----	29
25789-25981-----	15	28429-28804-----	30

C
O
D
E

UMI

THURSDAY, JUNE 1, 1978



highlights

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

For workshops in Washington, D.C. and out of town, see notice on inside front cover.

SUNSHINE ACT MEETINGS 23842

PRIVACY ACT ISSUANCES, 1978

OFR develops alternative plan to fulfill publication requirements 23749

IMPROVING GOVERNMENT REGULATIONS

DOT issues three documents for public comment (Parts II, III, and IV of this issue) 23880, 23918, 23924
Index to other agency proposals 23924

REGULATIONS REVIEW

DOT publishes semi-annual summary of its proposed rules and final regulations to be published in the FEDERAL REGISTER and also lists existing regulations selected for review and possible revocation or revision (2 documents) (Parts II and III of this issue) 23880, 23918

LAND REGISTRATION

HUD/ILSRO proposes rules on exemption, disclosure, advertising, sales practices and notices of suspension; comments by 7-31-78 (Part V of this issue) 23936

MORTGAGE INSURANCE AND HOME IMPROVEMENT LOANS

HUD/FHC increases FHA maximum interest rate on homes from 8.75 percent to 9.00 percent; effective 5-23-78 23713

LEVERAGE CONTRACTS

CFTC proposes to establish moratorium on entry into business of offering and selling to public standardized contracts for delivery of silver and gold bullion and coins; comments by 7-3-78 23729

FEDERAL SAVINGS AND LOAN SYSTEM

FHLBB proposes authority for limited investment by Federal associations in the Inter-American Savings and Loan Bank; comments by 7-3-78 23727

POSTAL INCREASE

PS publishes new international postal rates and fees; effective 12:01 am May 29, 1978 23773

CONTINUED INSIDE

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for June are being accepted for the free Friday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L Street NW., Washington, D.C. in room 9409 from 9 to 11:30 a.m.

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(Each session identical).

WHERE: Room 269, U.S. Post Office Building, 1823 Stout Street, Denver.

RESERVATIONS: Call Liz Stout, Area Code 303-837-3602.

FRANKFORT, KENTUCKY

WHEN: June 16, 1978 at 1 p.m.
(Each session identical).

WHERE: Capitol Plaza Tower Auditorium.

RESERVATIONS: Office for Policy and Management, Commonwealth of Kentucky, Area Code 502-564-7300.

LOS ANGELES, CALIFORNIA

WHEN: June 21, 22, and 23, 1978, at 9 a.m.
(Each session identical)

WHERE: Room 8544, Federal Bldg., 300 N. Los Angeles St.

RESERVATIONS: Call Evelyn Tirre, 213-688-3800.

SAN FRANCISCO, CALIFORNIA

WHEN: June 21, 22, and 23, 1978, at 9 a.m.
(Each session identical)

WHERE: Conference Rooms C and D, Environmental Protection Agency, 215 Fremont Street.

RESERVATIONS: Call Area Code 415-556-6600.

SEATTLE, WASHINGTON

WHEN: June 16, 1978, at 9 a.m.

WHERE: South Auditorium, 4th Floor, Federal Building, 915 2nd Avenue, Seattle.

RESERVATIONS: Call Patrick Brito or Susan Fuller, Area Code 206-442-4905.

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FEDERAL REGISTER, VOL. 43, NO. 106—THURSDAY, JUNE 1, 1978

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Chicago, Ill 312-663-0884

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Photo copies of documents appearing in the Federal Register. 523-5240

Corrections 523-5237

Public Inspection Desk 523-5215

Finding Aids 523-5227

Public Briefings: "How To Use the Federal Register." 523-3517

Code of Federal Regulations (CFR).. 523-3419
523-3517

Finding Aids 523-5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations. 523-5233

Weekly Compilation of Presidential Documents. 523-5235

Public Papers of the Presidents..... 523-5235

Index 523-5235

PUBLIC LAWS:

Public Law dates and numbers 523-5266

Slip Laws 523-5266

U.S. Statutes at Large 523-5266

Index 523-5266

..... 523-5282

U.S. Government Manual

..... 523-5230

Automation

..... 523-3408

Special Projects

..... 523-4534

HIGHLIGHTS—Continued

COMMODITY OPTION TRANSACTIONS

CFTC grants modified petition to allow firms meeting certain standards designed to assure protection of option customers to continue to offer and sell options on physical commodities after 6-1-78; effective 6-1-78 23704

CUSTOMS VIOLATIONS

Treasury/Customs amends rules to reflect changes in Customs policy with respect to voluntary disclosure of certain violations; effective 6-1-78 23711

LIVESTOCK FOR EXPORT

Treasury/Customs proposes to require authorized person to furnish Customs with export inspection certificate at time of departure from U.S. of any aircraft carrying livestock for export; comments by 7-3-78 23731

ENTRY OF HORSES

Treasury/Customs amends regulations providing informal entry of certain horses returned to United States after temporary exportation for racing; effective 7-3-78 23708

TEXTILES AND TEXTILE PRODUCTS

Treasury/Customs issues preliminary countervailing duty determinations for products from Argentina, Brazil, China, Colombia, India, Korea, Philippines, and Uruguay (8 documents); effective 6-1-78 23781-23795

COTTON, WOOL AND MAN-MADE TEXTILE PRODUCTS FROM INDIA

CITA grants an increase for flexibility for apparel and made-up and miscellaneous products; effective 5-26-78 23753

LEATHER WEARING APPAREL FROM URUGUAY

Treasury/CS waives countervailing duties and issues final countervailing duty determination and suspension of liquidation; (2 documents); effective 6-1-78 23709, 23710

INDIAN TRIBES

Interior/BIA proposes procedures for establishing that an American Indian group exists as an Indian tribe; comments by 7-3-78 23743

WILDERNESS PROGRAM

Interior/BLM announces public work session on 6-16-78 23766

TEXAS MILK MARKETING AREA

USDA/AMS announces hearing for 6-13-78 on proposed changes to relax or remove certain provisions 23725

SAFETY REPORTS

NTSB issues aircraft statistical report and responses to safety recommendations 23770

PRIVACY ACT

PBGC revises a routine use; comments by 7-3-78 23772
VA publishes various changes to systems of records; comments by 7-3-78 23797

MEETINGS—

Commerce/Secy: Commerce Technical Advisory Board, 6-22-78 23753

NOAA: Pacific Fishery Management Council; Scientific and Statistical Committee, and Salmon Advisory Sub-panel, 7-12 through 7-14-78 23752

FEDERAL REGISTER, VOL. 43, NO. 106—THURSDAY, JUNE 1, 1978

iii

HIGHLIGHTS—Continued

DOD: Electron Devices Advisory Group, 6-13, 6-20, 6-21, 6-29, and 7-11-78 (4 documents)	23754, 23755
AF: Scientific Advisory Board Electronic Warfare Subgroup of the Joint Army Science Board/Air Force Scientific Advisory Board Summer Study on Battlefield Systems Integration; 6-19 through 6-20-78	23754
FCC: Radio Technical Commission for Marine Services, 6-21, 6-22, and 6-26-78	23759
HEW/OE: National Advisory Council on Women's Educational Programs, 6-21 through 6-24-78	23760
ITC: Certain Cigarette Holders, 6-6-78	23767
NRC: Advisory Committee on Reactor Safeguards Subcommittees on Indian Point Nuclear Generating Station, Unit No. 3, and Seismic Activity Subcommittees, 6-16-78	23768
PS: Board of Governors, 6-6-78	23773
Treasury/CC: Fair Housing Lending Enforcement Program, 6-8-78	23780

USDA/SEA: Cooperative Forestry Research Advisory Committee and the Cooperative Forestry Research Advisory Board, 8-1 through 8-3-78	23750
---	-------

HEARINGS—

CAB: Phoenix-Salt Lake City Service Investigation, 8-29-78	23750
Transavia Holland B.V., 6-8-78	23750

RESCHEDULED HEARING—

NHTSA: Full system integrity in the 1977 Chevrolet Chevette, 6-6-78 now meeting 6-16-78	23780
---	-------

SEPARATE PARTS OF THIS ISSUE

Part II, DOT	23880
Part III, DOT	23918
Part IV, DOT	23924
Part V, HUD/ILSRO	23936

contents

ACTION

Notices

Family violence demonstration grant; applications closing date; correction	23750
--	-------

AGRICULTURAL MARKETING SERVICE

Rules

Oranges (Valencia) grown in Ariz. and Calif	23701
---	-------

Proposed Rules

Milk marketing orders: Texas	23725
Plums grown in Calif	23724

AGRICULTURAL DEPARTMENT

See Agricultural Marketing Service; Science and Education Administration; Soil Conservation Service.

AIR FORCE DEPARTMENT

Notices

Meetings: Scientific Advisory Board	23754
---	-------

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.: Phoenix-Salt Lake City Service Investigation	23750
Transavia Holland B. V.	23750

COMMERCE DEPARTMENT

See also Industry and Trade Administration; Maritime Administration; National Oceanic and Atmospheric Administration.

Notices

Meetings: Technical Advisory Board	23753
--	-------

COMMODITY FUTURES TRADING COMMISSION

Rules

Commodity option transactions, physical commodities	23704
---	-------

Proposed Rules

Commodity Exchange Act regulations: Financial reporting requirements, minimum; extension of time	23729
Leverage transactions; suspension of offer and sale of contracts	23729

COMPTROLLER OF CURRENCY

Notices

Fair housing lending enforcement, meeting	23780
---	-------

CUSTOMS SERVICE

Rules

Articles conditionally free, subject to reduced rate, etc.: Informal entry procedure for certain articles temporarily exported and returned	23708
Fines, penalties, and forfeitures: Disclosures, voluntary; violations of Customs laws	23711
Liquidation of duties; countervailing duties: Leather wearing apparel from Uruguay (2 documents)	23709, 23710

Proposed Rules

Air commerce regulations and vessels in foreign and domestic trades: Exportation of livestock by aircraft and vessels; inspection certificate	23731
---	-------

Notices

Countervailing duty petitions and preliminary determinations: Textiles and textile products from Argentina	23781
Textiles and textile products from Brazil	23783
Textiles and textile products from Columbia	23786
Textiles and textile products from India	23788
Textiles and textile products from Korea	23791
Textiles and textile products from Philippines	23793
Textiles and textile products from Taiwan	23785
Textiles and textile products from Uruguay	23795

DEFENSE DEPARTMENT

See also Air Force Department.

Notices

Meetings: Electron Devices Advisory Group (4 documents)	23754, 23755
Science Board task forces	23755

EDUCATION OFFICE

Notices

Meetings: Women's Educational Programs National Advisory Council	23760
--	-------

ENERGY DEPARTMENT

See also Federal Energy Regulatory Commission.

Notices

Applications for exception, etc.; cases filed with Hearings and Appeals Office	23756
--	-------

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives: Beech	23702
Jet routes	23703
Restricted areas; correction	23703
Transition areas	23703

Proposed Rules

Airworthiness directives: McCauley	23727
--	-------

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rules

Telephone companies: Jurisdictional separation; integration of rates and services	23746
---	-------

Notices

Emergency Broadcasting System; closed circuit testing	23757
Meetings: Marine Services Radio Technical Commission	23759
Rulemaking proceedings filed, granted, denied, etc.; petitions by various companies	23759
Hearings, etc.: WACB, Inc	23758

FEDERAL ENERGY REGULATORY COMMISSION

Notices

Hearings, etc.: Sun Oil Co. et al	23755
---	-------

FEDERAL HOME LOAN BANK BOARD

Proposed Rules

Federal savings and loan system: Investment in Inter-American Savings and Loan Bank	23727
---	-------

FEDERAL INSURANCE ADMINISTRATION

Rules

Flood elevations determinations: Alabama	23713
California (2 documents)	23714
Massachusetts (2 documents)	23715, 23716
Michigan (2 documents)	23716, 23717
Minnesota (2 documents)	23717, 23718
Ohio (2 documents)	23718, 23719
Texas (2 documents)	23719, 23720
Virginia	23720
Wisconsin (3 documents)	23721, 23722

V
4
3
/
1
0
6

J
E
/
1

7
8

UMI

CONTENTS

Proposed Rules

Flood elevation determinations:	
Alabama.....	23732
California (5 documents).....	23732-23735
Connecticut.....	23735
Florida.....	23735
Hawaii.....	23736
Illinois (3 documents).....	23738-23740
Kansas (2 documents).....	23740, 23741
Kentucky (2 documents).....	23741, 23742
Maryland.....	23743

FEDERAL REGISTER OFFICE

Rules	
CFR checklist; 1977 issuances ...	23701
Notices	
Privacy Act; publication requirements, 1978; alternative plan	23749

FEDERAL RESERVE SYSTEM

Proposed Rules	
Truth-in-lending:	
Minor irregularities; maximum irregular period limits	23726
Notices	
Applications, etc.:	
First Steuben Bancorp, Inc.....	23760
Lafayette County Bankshares, Inc	23760

GENERAL ACCOUNTING OFFICE

Notices	
Regulatory reports review; proposals; approvals, etc. (EEOC)	23760

GENERAL SERVICES ADMINISTRATION

See Federal Register Office.

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Education Office.	
Notices	
Organization, functions, and authority delegations:	
National Institute of Education	23761

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See also Federal Insurance Administration; Interstate Land Sales Registration Office.	
Rules	
Mortgage and loan insurance programs:	
Interest rates	23713

INDIAN AFFAIRS BUREAU

Proposed Rules	
Indian tribes, procedures for establishing American Indian group as	23743

INDUSTRY AND TRADE ADMINISTRATION

Notices	
Scientific articles; duty free entry:	
Woods Hole Oceanographic Institution et al. correction..	23750
INTERIOR DEPARTMENT	
See Indian Affairs Bureau; Land Management Bureau.	
INTERNATIONAL TRADE COMMISSION	
Notices	
Import investigations:	
Cigarette holders, certain	23767
Doxycycline	23767

INTERSTATE COMMERCE COMMISSION

Rules	
Railroad car service orders:	
Freight cars, demurrage and free time	23722
Hopper cars, substitution	23723

Notices	
Fourth section applications for relief	23799
Hearing assignments	23798
Hearing assignments; correction	23798
Motor carrier, broker, water carrier, and freight forwarder applications; corrections (3 documents)	23831, 23840, 23841

Motor carriers:	
Irregular route property carriers; gateway elimination	23799
Temporary authority applications; correction	23798

Petitions, applications, finance matters (including temporary authorities), railroad abandonments, alternate route deviations, and intrastate applications	23831
--	-------

Petitions, applications, finance matters (including temporary authorities), railroad abandonments, alternate route deviations, and intrastate applications; correction	23840
--	-------

Petitions filing:	
Blue Bird Coach Lines, Inc., et al.; correction	23798

Railroad services abandonment:	
Chicago, Milwaukee, St. Paul & Pacific Railroad Co.....	23799
Northampton & Bath Railroad Co	23799

INTERSTATE LAND SALES REGISTRATION OFFICE

Proposed Rules	
Land registration and advertising, sales practices, and posting of notices of suspension	23936

JUSTICE DEPARTMENT

Notices	
Newspaper operating agreement; Cincinnati Enquirer and Cincinnati Post; applications to intervene	23767

LAND MANAGEMENT BUREAU

Notices	
Wilderness policy and review procedure; National work session	23766

MARITIME ADMINISTRATION

Notices	
Applications, etc.:	
Apollo Marine Co. et al.....	23751
Farrell Lines, Inc	23751
Suwannee River Finance, Inc., et al	23752

NATIONAL ARCHIVES AND RECORDS SERVICE

See Federal Register Office.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Notices	
1977 Chevrolet Chevette, rescheduled hearing.....	23780

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Proposed Rules	
Fishery conservation and management:	
Atlantic sea herring management plan; hearings; additional agenda	23747
Salmon fisheries off Wash., Oreg., and Calif.; inquiry; correction	23748

Notices	
Fishery conservation and management:	
Salmon management plan, etc.; meeting	23752

Organization and functions:	
Caribbean Fishery Management Council; correction.....	23752
Gulf of Mexico Fishery Management Council; correction	23752

NATIONAL TRANSPORTATION SAFETY BOARD

Notices	
Safety recommendations and accident reports; availability, responses, etc	23770

NUCLEAR REGULATORY COMMISSION

Notices	
Meetings:	
Reactor Safeguards Advisory Committee	23768
Applications, etc.:	
Portland Electric Co.....	23768

PENSION BENEFIT GUARANTY CORPORATION

Notices	
Privacy Act; systems of records	23772

POSTAL SERVICE

Notices	
Meetings:	
Board of Governors	23773
Rates and fees:	
International increases	23773

SCIENCE AND EDUCATION ADMINISTRATION

Notices	
Meetings:	
Cooperative Forestry Research Advisory Board and Advisory Committee	23750

SECURITIES AND EXCHANGE COMMISSION

Notices	
Securities Exchange Act; section 11(a), transactions by members of National securities exchanges; extension of effective date	23777
Self-regulatory organizations; proposed rule changes:	
American Stock Exchange, Inc	23778
Depository Trust Co.....	23775

CONTENTS

Options Clearing Corp	23775
Pacific Stock Exchange Inc	23776
Philadelphia Stock Exchange, Inc	23779
Hearings, etc.:	
Variable Annuity Life Insurance Co. of America	23778

SMALL BUSINESS ADMINISTRATION

Notices	
Applications, etc.:	
Western Bancorp Venture Capital Co.....	23780

SOIL CONSERVATION SERVICE

Notices	
Environmental statements on watershed projects; availability, etc.:	
South River, Va.....	23750

STATE DEPARTMENT

Notices	
Environmental statements; availability, etc.:	
Antarctic Living Marine Resources Conservation Regime; extension of time; correction	23780

TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE

Notices	
Cotton, man-made fiber and wool textile products from India	23753

TRANSPORTATION DEPARTMENT

See also Federal Aviation Administration; National Highway Traffic Safety Administration.

Notices	
Improving Government regulations:	
Agenda	23880
Inquiry	23924
Review list	23918

TREASURY DEPARTMENT

See Comptroller of Currency; Customs Service.

VETERANS ADMINISTRATION

Notices	
Privacy Act; systems of records	23797

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month. A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

1 CFR	17 CFR	24 CFR—Continued
Ch. I..... 23701	32..... 23704	PROPOSED RULES:
7 CFR	PROPOSED RULES:	1710 23936
908..... 23701	1 23729	1715 23936
PROPOSED RULES:	31 23729	1917 (17 documents)... 23732-23743
917 23724	19 CFR	25 CFR
1126 23725	10..... 23708	PROPOSED RULES:
12 CFR	159 (2 documents)..... 23709, 23710	54 23743
PROPOSED RULES:	171 23711	47 CFR
226 23726	PROPOSED RULES:	PROPOSED RULES:
545 23727	4 23731	67 23746
14 CFR	6 23731	49 CFR
39..... 23702	24 CFR	1033 (2 documents) 23722, 23723
71..... 23703	203 23713	50 CFR
73..... 23703	213 23713	PROPOSED RULES:
75..... 23703	234 23713	656 23747
PROPOSED RULES:	1917 (17 documents) 23713-23722	661 23748
39 23727		

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	Date
23701-23982	June 1

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

Commerce/PTO—Implementation of Patent Cooperation Treaty..... 20458; 5-11-78
CFTC—Commodity option transactions; suspension of the offer and sale of commodity options 16153; 4-17-78
FCC—Implementing changes in frequencies; operating procedures and other criteria relating to radio-telephony 19853; 5-9-78
Interstate and foreign message toll telephone service (MTS) and wide area telephone service (WATS); new or revised classes 16480; 4-19-78
FDIC—Interest on deposits; authorization for insured nonmember banks (including mutual savings banks) to offer depositors two new categories of time deposits..... 21436; 5-18-78

FHLBB—Limitations on rate of return; authorization for member institutions to offer two new categories of certificate accounts 21438; 5-18-78
FRS—Interests on deposits; authorization for member banks to offer depositors two new categories of time deposits..... 21435; 5-18-78
HEW/FDA—Saccharin and its salts; warning notices must be displayed in retail establishments selling food containing saccharin on or after June 1, 1978 8794; 3-3-78
HCFA—Medical assistance programs; reasonable cost reimbursement of inpatient hospital services 8801; 3-3-78
HUD/FHC—Revision No. 6 to HUD's minimum property standards 18669; 5-2-78
ICC—Common and contract carrier authority; dual operations issue not considered in applications 14664; 4-7-78

DOT/MTB—Qualification and design of steel pipe for transportation of natural gas and liquids 18553; 5-1-78

List of Public Laws

This is a continuing list of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office. [Last Listing: May 30, 1978]

H.R. 10392 Pub. L. 95-286
To establish a Hubert H. Humphrey Fellowship in Social and Political Thought at the Woodrow Wilson International Center for Scholars at the Smithsonian Institution and to establish a trust fund to provide a stipend for such fellowship. (May 26, 1978; 92 Stat. 278) Price: \$.50.

FEDERAL REGISTER

Table of Effective Dates and Time Periods—June 1978

This table is for use in computing dates certain in connection with documents which are published in the FEDERAL REGISTER subject to advance notice requirements or which impose time limits on public response. Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for FEDERAL REGISTER scheduling procedures. In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)
A new table will be published monthly in the first issue of each month.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
June 1	June 16	July 3	July 17	July 31	August 30
June 2	June 19	July 3	July 17	August 1	August 31
June 5	June 20	July 5	July 20	August 4	September 5
June 6	June 21	July 6	July 21	August 7	September 5
June 7	June 22	July 7	July 24	August 7	September 5
June 8	June 23	July 10	July 24	August 7	September 6
June 9	June 26	July 10	July 24	August 8	September 7
June 12	June 27	July 12	July 27	August 11	September 11
June 13	June 28	July 13	July 28	August 14	September 11
June 14	June 29	July 14	July 31	August 14	September 12
June 15	June 30	July 17	July 31	August 14	September 13
June 16	July 3	July 17	July 31	August 15	September 14
June 19	July 5	July 19	August 3	August 18	September 18
June 20	July 5	July 20	August 4	August 21	September 18
June 21	July 6	July 21	August 7	August 21	September 19
June 22	July 7	July 24	August 7	August 21	September 20
June 23	July 10	July 24	August 7	August 22	September 21
June 26	July 11	July 26	August 10	August 25	September 25
June 27	July 12	July 27	August 11	August 28	September 25
June 28	July 13	July 28	August 14	August 28	September 26
June 29	July 14	July 31	August 14	August 28	September 27
June 30	July 17	July 31	August 14	August 29	September 28

AGENCY ABBREVIATIONS USED IN HIGHLIGHTS AND REMINDERS
(This List Will Be Published Monthly In First Issue Of Month.)

USDA—AGRICULTURE DEPARTMENT
AMS—Agricultural Marketing Service
ARS—Agricultural Research Service
ASCS—Agricultural Stabilization and Conservation Service
APHIS—Animal and Plant Health Inspection Service
CCC—Commodity Credit Corporation
CEA—Commodity Exchange Authority
CSRS—Cooperative State Research Service
EMS—Export Marketing Service
ERS—Economic Research Service
FmHA—Farmers Home Administration
FCIC—Federal Crop Insurance Corporation
FAS—Foreign Agricultural Service
FNS—Food and Nutrition Service
FSQS—Food Safety and Quality Service
FS—Forest Service

PSA—Packers and Stockyards Administration
RDS—Rural Development Service
REA—Rural Electrification Administration
RTB—Rural Telephone Bank
SEA—Science and Education Administration
SCS—Soil Conservation Service
COMMERCE—COMMERCE DEPARTMENT
Census—Census Bureau
EDA—Economic Development Administration
FTZB—Foreign-Trade Zones Board
ITA—Industry and Trade Administration
MA—Maritime Administration
MBEO—Minority Business Enterprise Office
NBS—National Bureau of Standards
NFPFA—National Fire Prevention and Control Administration

NOAA—National Oceanic and Atmospheric Administration
NSA—National Shipping Authority
NTIA—National Telecommunications and Information Administration
NTIS—National Technical Information Service
PTO—Patent and Trademark Office
USTS—United States Travel Service
DOD—DEFENSE DEPARTMENT
AF—Air Force Department
Army—Army Department
DCPA—Defense Civil Preparedness Agency
DCAA—Defense Contract Audit Agency
DIA—Defense Intelligence Agency
DIS—Defense Investigative Service
DLA—Defense Logistics Agency
EC—Engineers Corps
Navy—Navy Department

FEDERAL REGISTER

DOE—ENERGY DEPARTMENT

BPA—Bonneville Power Administration
 ERA—Economic Regulatory Administration
 EIA—Energy Information Administration
 ERO—Energy Research Office
 ETO—Energy Technology Office
 FERC—Federal Energy Regulatory Commission
 OHADOE—Hearings and Appeals Office, Energy Department
 SEPA—Southeastern Power Administration
 SWPA—Southwestern Power Administration
 WAPA—Western Area Power Administration

HEW—HEALTH, EDUCATION, AND WELFARE DEPARTMENT

ADAMHA—Alcohol, Drug Abuse, and Mental Health Administration
 CDC—Center for Disease Control
 FDA—Food and Drug Administration
 HCFA—Health Care Financing Administration
 HDOSO—Human Development Services Office
 HRA—Health Resources Administration
 HSA—Health Services Administration
 MSI—Museum Services Institute
 NIH—National Institutes of Health
 OE—Office of Education
 PHS—Public Health Service
 RSA—Rehabilitation Services Administration
 SSA—Social Security Administration

HUD—HOUSING AND URBAN DEVELOPMENT DEPARTMENT

CARF—Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
 CPD—Community Planning and Development, Office of Assistant Secretary
 FDAA—Federal Disaster Assistance Administration
 FHEO—Fair Housing and Equal Opportunity, Office of Assistant Secretary
 FHC—Federal Housing Commissioner, Office of Assistant Secretary for Housing
 FIA—Federal Insurance Administration
 GNMA—Government National Mortgage Association
 ILSRO—Interstate Land Sales Registration Office
 NCA—New Communities Administration
 NCDC—New Community Development Corporation
 NVACP—Neighborhoods Voluntary Associations and Consumer Protection, Office of Assistant Secretary

INTERIOR—INTERIOR DEPARTMENT

BIA—Bureau of Indian Affairs
 BLM—Bureau of Land Management
 FWS—Fish and Wildlife Service
 GS—Geological Survey

HCRS—Heritage Conservation and Recreation Service
 Mines—Mines Bureau
 NPS—National Park Service
 OHA—Office of Hearings and Appeals, Interior Department
 RB—Reclamation Bureau
 SMRE—Surface Mining Reclamation and Enforcement Office

JUSTICE—JUSTICE DEPARTMENT

DEA—Drug Enforcement Administration
 INS—Immigration and Naturalization Service
 LEAA—Law Enforcement Assistance Administration
 NIC—National Institute of Corrections

LABOR—LABOR DEPARTMENT

BLS—Bureau of Labor Statistics
 BRB—Benefits Review Board
 ESA—Employment Standards Administration
 ETA—Employment and Training Administration
 FCCPO—Federal Contract Compliance Programs Office
 LMSEO—Labor Management Standards Enforcement Office
 MSHA—Mine Safety and Health Administration
 OSHA—Occupational Safety and Health Administration
 P&WBP—Pension and Welfare Benefit Programs
 W&H—Wage and Hour Division

STATE—STATE DEPARTMENT

AID—Agency for International Development
 FSGB—Foreign Service Grievance Board

DOT—TRANSPORTATION DEPARTMENT

CG—Coast Guard
 FAA—Federal Aviation Administration
 FHWA—Federal Highway Administration
 FRA—Federal Railroad Administration
 MTB—Materials Transportation Bureau
 NHTSA—National Highway Traffic Safety Administration
 OHMO—Office of Hazardous Materials Operations
 OPSO—Office of Pipeline Safety Operations
 SLS—Saint Lawrence Seaway Development Corporation
 UMTA—Urban Mass Transportation Administration

TREASURY—TREASURY DEPARTMENT

ATF—Alcohol, Tobacco and Firearms Bureau
 Customs—Customs Service
 Comptroller—Comptroller of the Currency
 ESO—Economic Stabilization Office (temporary)
 FS—Fiscal Service
 IRS—Internal Revenue Service
 Mint—Mint Bureau

PDB—Public Debt Bureau
 RSO—Revenue Sharing Office

INDEPENDENT AGENCIES

ATBCB—Architectural and Transportation Barriers Compliance Board
 CAB—Civil Aeronautics Board
 CASB—Cost Accounting Standards Board
 CEQ—Council on Environmental Quality
 CFTC—Commodity Futures Trading Commission
 CITA—Textile Agreements Implementation Committee
 CPSC—Consumer Product Safety Commission
 CRC—Civil Rights Commission
 CSA—Community Services Administration
 CSC—Civil Service Commission
 CSC/FPRAC—Federal Prevailing Rate Advisory Committee
 EEOC—Equal Employment Opportunity Commission
 EXIMBANK—Export-Import Bank of the U.S.
 EPA—Environmental Protection Agency
 ESSA—Endangered Species Scientific Authority
 ERDA—Energy Research and Development Administration
 FCA—Farm Credit Administration
 FCC—Federal Communications Commission
 FCSC—Foreign Claims Settlement Commission
 FDIC—Federal Deposit Insurance Corporation
 FEA—Federal Energy Administration
 FEC—Federal Election Commission
 FHLBB—Federal Home Loan Bank Board
 FMC—Federal Maritime Commission
 FPC—Federal Power Commission
 FRS—Federal Reserve System
 FTC—Federal Trade Commission
 GSA—General Services Administration
 GSA/ADTS—Automated Data and Telecommunications Service
 GSA/FPA—Federal Preparedness Agency
 GSA/FSS—Federal Supply Service
 GSA/NARS—National Archives and Records Service
 GSA/PBS—Public Buildings Service
 ICA—International Communications Agency
 ICC—Interstate Commerce Commission
 ICP—Interim Compliance Panel (Coal Mine Health and Safety)
 ITC—International Trade Commission
 LSC—Legal Services Corporation
 MB—Metric Board
 NACEO—National Advisory Council on Economic Opportunity
 NASA—National Aeronautics and Space Administration
 NCUA—National Credit Union Administration
 NFAH/NEA—National Endowment for the Arts

FEDERAL REGISTER

NFAH/NEH—National Endowment for the Humanities
 NLRB—National Labor Relations Board
 NRC—Nuclear Regulatory Commission
 NSF—National Science Foundation
 NTSB—National Transportation Safety Board
 OFR—Office of the Federal Register
 OMB—Office of Management and Budget
 OPIC—Overseas Private Investment Corporation
 PADCC—Pennsylvania Avenue Development Corporation

PRC—Postal Rate Commission
 PS—Postal Service
 RB—Renegotiation Board
 RRB—Railroad Retirement Board
 ROAP—Reorganization, Office of Assistant to President
 SBA—Small Business Administration
 SEC—Securities and Exchange Commission
 TVA—Tennessee Valley Authority
 USIA—United States Information Agency
 VA—Veterans Administration
 WRC—Water Resources Council

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[1505-01]

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1977 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1977. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

For a Checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The rate for subscription service to all revised volumes issued for 1977 is \$350 domestic, \$75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1977):

Title	Price
1.....	\$1.65
2 (Reserved).....	
3.....	3.00
4.....	3.25
5.....	4.70
7 Parts:	
0-45.....	5.30
46-51.....	4.20
52.....	5.20
53-209.....	5.80
210-699.....	6.10
700-749.....	4.10
750-899.....	1.80
900-944.....	4.25
945-980.....	2.40
981-999.....	2.50
1000-1059.....	4.25
1060-1119.....	4.40
1120-1199.....	3.20
1200-1499.....	4.20
1500-end.....	7.25
8.....	2.60
9.....	6.80
10 Parts:	
0-199.....	4.40
200-end.....	4.60
11 (Rev. 5/1/77).....	2.30
12 Parts:	
1-299.....	7.40
300-end.....	7.30
13.....	4.20
14 Parts:	
1-59.....	6.00
60-199.....	5.10

Title	Price
200-1199.....	6.20
1200-end.....	2.20
15.....	5.35
16 Parts:	
0-149.....	5.50
150-999.....	4.25
1000-end.....	3.00

CFR Unit (Rev. as of April 1, 1977):

17.....	\$6.75
18 Parts:	
1-149.....	4.25
150-end.....	4.00
19.....	5.75
20 Parts:	
01-399.....	3.25
400-499.....	5.00
500-end.....	4.00
21 Parts:	
1-99.....	3.25
100-199.....	4.75
200-299.....	2.10
300-499.....	5.00
500-599.....	4.00
600-1299.....	3.50
1300-end.....	4.25
22.....	4.50
23.....	5.50
24 Parts:	
0-499.....	5.00
500-end.....	5.25
25.....	4.50
26 Parts:	
1 (§§ 1.0-1.169).....	4.75
1 (§§ 1.170-1.300).....	4.00
1 (§§ 1.301-1.400).....	3.75
1 (§§ 1.401-1.500).....	4.00
1 (§§ 1.501-1.640).....	4.00
1 (§§ 1.641-1.850).....	4.35
1 (§§ 1.851-1.1200).....	5.25
1 (§§ 1.1201-end).....	6.75
2-29.....	4.50
30-39.....	4.35
40-299.....	4.50
300-499.....	4.35
500-end.....	2.40
27.....	7.00

CFR Unit (Rev. as of July 1, 1977):

28.....	\$4.25
29 Parts:	
0-499.....	5.75
500-1899.....	6.00
1900-1919.....	6.00
1920-end.....	4.50
30.....	6.00
31.....	5.75
32 Parts:	
1-39 (V. I) (Rev. 7/1/76).....	4.75
(V. II) (Rev. 7/1/76).....	7.50
(V. III) (Rev. 7/1/76).....	5.25
40-399.....	6.25
400-589.....	5.00
590-699.....	4.00
700-799.....	6.25
800-999.....	5.75
1000-1399.....	2.75
1400-1599.....	4.25
1600-end.....	2.75
32A.....	3.75
33 Parts:	
1-199.....	7.00
200-end.....	5.30
34.....	1.70
35.....	4.00
36.....	4.50
37.....	3.00
38.....	6.00
39.....	3.50

Title	Price
40 Parts:	
0-49.....	4.25
50-59.....	5.75
60-99.....	5.00
100-399.....	4.75
400-end.....	5.75
41 Chapters:	
1-2.....	5.25
3-6.....	5.50
7.....	2.75
8.....	2.30
9 (Rev. 9/26/77).....	5.00
10-17.....	4.25
18-100.....	4.50
101-end.....	5.75
CFR INDEX & finding aids.....	4.75

CFR Unit (Rev. as of Oct. 1, 1977):

43 Parts:	
1-999.....	\$4.00
45 Parts:	
1-99.....	4.25
200-499.....	3.50
46 Parts:	
1-29.....	3.00
30-40.....	3.25
70-89.....	3.25
90-109.....	3.00
110-139.....	3.00
140-165.....	4.75
166-199.....	3.75
49 Parts:	
1-99.....	3.00
1300-end.....	4.25

[3410-02]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 591]
[Valencia Orange Reg. 590, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period June 2-8, 1978, and increases the quantity of such oranges that may be so shipped during the period May 26-June 1, 1978. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective June 2, 1978, and the amendment is effective for the period May 26-June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of Valencia oranges, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on May 30, 1978, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges continues to show overall strength.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of Valencia oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

1. Section 908.891 is added as follows:

§908.891 Valencia Orange Regulation 591.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period June 2, 1978, through June 8, 1978, are established as follows:

- (1) District 1: 399,000 cartons;
 - (2) District 2: 551,000 cartons;
 - (3) District 3: Unlimited.
- (b) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" mean the same as defined in the marketing order.

2. Paragraph (a) (1) and (3) in §908.890 Valencia Orange Regulation 590 (43 FR 22330), is hereby amended to read:

§908.890 Valencia orange regulation.

(a) . . .

(1) District 1: 512,000 cartons.

(3) District 3: 118,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: May 31, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

(FR Doc. 78-15486 Filed 5-31-78; 11:32 am)

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

(Docket No. 78-CE-9-AD; Amdt. 39-3226)

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 65-A90, B90, C90 and E90 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) applicable to Beech Models 65-A90, B90, C90 and E90 airplanes. Initially it requires, prior to further flight, inspection of the Beechcraft H-14 elevator autopilot servo with a 13.5 inch diameter or larger bellcrank to determine if the autopilot servo cable has caused the elevator cable to be misaligned to the point where the elevator cable rubs on the pulley bracket installed at fuselage station 340.00. If rubbing is detected, the autopilot must be rendered inoperative and placarded to that effect. The AD further requires all autopilot installations in these model airplanes to be modified on or before September 1, 1978 and allows those autopilots made inoperative by the actions specified above to be returned to service following this modification. The AD, which is of an emergency nature, is necessary to prevent the airplane elevator cable from failing which could result in loss of elevator control and ensuing hazard to occupants of the airplane.

EFFECTIVE DATE: June 8, 1978, to all persons except those to whom it has already been made effective by air mail letter from the FAA dated May 4, 1978.

Compliance: As required in the body of the AD, unless already accomplished.

ADDRESSES: Beechcraft Service Instructions No. 0988, applicable to this AD, may be obtained from local Beechcraft Aviation and Aero Centers or Beech Aircraft Corp., Commercial Service Department, 9709 East Central, Wichita, Kans. 67201. A copy of the service instructions cited above is contained in the rules docket, Office of the Regional Counsel, room 1558, 601 East 12th Street, Kansas City, Mo. 64106 and at room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

E. L. Tankesley, Aerospace Engineer, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3146.

SUPPLEMENTARY INFORMATION: The FAA has determined that the problem described in the summary is an unsafe condition which is likely to exist or develop in other airplanes of the same type design. Since the agency also determined that an emergency situation existed and that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest. Accordingly, all known registered owners/operators of the affected airplanes were notified of the AD by air mail letter from the FAA dated May 4, 1978. The AD became effective as to those individuals upon receipt of the notification letter. Since the unsafe condition described in the summary may still exist on other Beech Model 65-A90, B90, C90 and E90 airplanes, the AD is being published in the FEDERAL REGISTER as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective as to all persons who did not receive the letter of notification.

DRAFTING INFORMATION

The principal authors of this document are: E. L. Tankesley, Flight Standards Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Section 39.13 of the Federal Aviation Regulations (14 CFR Section 39.13) is amended by adding the following new Airworthiness Directive.

BECH. Applies to Model 65-A90, B90 and C90 (Serial Nos. LJ-114 through LJ-705), and Model E90 (Serial Nos. LW-1 through LW-141) airplanes incorporat-

ing Beechcraft H-14 autopilot installations with a 13.5-inch diameter elevator servo bellcrank.

To preclude possible failure of the elevator control cable, unless already accomplished:

(A) Before the next flight, except for those airplanes previously modified in accordance with Beech Modification Kit No. 90-9067-1S, open the aft fuselage belly access door and locate the autopilot elevator servo bellcrank at F.S. 319.00, located to the left of centerline. Measure the bellcrank and if it measures 10 inches or less, no further action is required. If the bellcrank measures 13.5 inches or larger (groove to groove), visually inspect the primary elevator control cable, the pulley bracket at F.S. 340.00, the autopilot servo cable, and autopilot bellcrank in accordance with Beech Service Instructions No. 0988, or later approved revisions. If there is no evidence of cable rubbing or damage to the airplane, no further immediate action is required.

1. If rubbing of the elevator cable is noted, but no damage has occurred:

(a) Disconnect and remove the autopilot servo cable from the airplane.

(b) Install a locally fabricated placard in plain view of the pilot indicating "AUTOPILOT INOPERATIVE".

2. If fraying of the elevator cable or other damage is noted:

(a) Replace the elevator cable and repair or replace any other damaged parts.

(b) Accomplish paragraphs (A)(1) and (1)(b).

(B) If not previously accomplished, on or before September 1, 1978, modify the servo mount of any Beechcraft H-14 elevator autopilot servo having a 13.5-inch diameter or larger bellcrank in accordance with Beech Modification Kit No. 90-9067-1S, or later approved revisions. Upon the completion of this modification any autopilot made inoperative under paragraphs (A)(1) or (A)(2) of this AD may be returned to service and the "AUTOPILOT INOPERATIVE" placard removed.

(C) Aircraft may be flown in accordance with 21.197 to a base where the inspection required by this AD can be accomplished, after coordination with the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(D) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective June 8, 1978, to all persons except those to whom it has already been made effective by air mail letter from the FAA dated May 4, 1978.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.89 of the Federal Aviation Regulations (14 CFR Section 11.89)).

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Mo., on May 19, 1978.

CHARLES A. WHITFIELD,
Acting Director,
Central Region.

(FR Doc. 78-15169 Filed 5-31-78; 8:45 am)

[4910-13]

(Docket No. 78-SO-25)

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Raeford, N.C., Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule designates the Raeford, N.C., transition area and will lower the base of controlled airspace in the vicinity of the Raeford Municipal Airport from 1200 to 700 feet to accommodate Instrument Flight Rule (IFR) operations. A public use instrument approach procedure, VOR/DME-A, has been developed for the airport and additional controlled airspace is required to protect aircraft conducting Instrument Flight Rule (IFR) operations.

EFFECTIVE DATE: 0901 Gmt, June 15, 1978.

ADDRESS: Send comments on the proposal to: Federal Aviation Administration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

William F. Herring, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320; telephone 404-763-7646.

SUPPLEMENTARY INFORMATION: The Raeford Municipal Airport operating status has been changed to include Instrument Flight Rules (IFR) operations and a public use VOR/DME-A instrument approach procedure has been established to serve the airport and is available for use as soon as a 700-foot transition area is established for the protection of aircraft conducting instrument operations at the airport. Therefore, since this action is required in the interest of aviation safety, notice and public procedure hereon are not considered necessary.

DRAFTING INFORMATION

The principal authors of this document are William F. Herring, Airspace and Procedures Branch, Air Traffic

Division, and Eddie L. Thomas, Office of Regional Counsel.

ADOPTION OF AMENDMENT

Accordingly, Part 71 of the Federal Aviation Regulations (14 CFR 71) is amended, effective 0901 Gmt, June 15, 1978, as hereinafter set forth.

In Subpart G, §71.181 (43 FR 440), by adding the following:

Raeford, N.C.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Raeford Municipal Airport (Lat. 35°01'12" N., Long. 79°11'28" W.); excluding that portion that coincides with the Fayetteville, N.C. transition area.

(Sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, GA., on May 22, 1978.

GEORGE R. LACAILLE,
Acting Director,
Southern Region.

(FR Doc. 78-15170 Filed 5-31-78; 8:45 am)

[1505-01]

(Airspace Docket No. 78-WA-5)

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

Correction

In FR Doc. 78-13457 appearing at page 21449 of the issue of Thursday, May 18 1978, at page 21450 in the first column, the reference to R-3129 in the second line of the amendatory language for §73.31 should be R-3120.

[4910-13]

(Airspace Docket No. 78-SW-4)

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters a segment of Jet Route No. 87 between Humble, Tex., and Dallas-Fort Worth, Tex., to be designated from Humble to Fort Worth via Navasota, Tex. This realignment converts a vector route to a jet route which will be charted thereby reducing flight planning and communication coordination time. The new alignment of J-87 is compatible with the traffic flow in the Houston, Tex., area.

EFFECTIVE DATE: September 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-3715.

SUPPLEMENTARY INFORMATION:

HISTORY

On April 24, 1978, the FAA published for comment a proposal to realign J-87 between Humble, Tex., and Dallas-Fort Worth, Tex., via Navasota, Tex. (43 FR 17369). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. The comments received expressed no objection to the proposal. Section 75.100 of Part 75 was republished in the *FEDERAL REGISTER* on January 3, 1978 (43 FR 714).

THE RULE

This amendment to Part 75 of the Federal Aviation Regulations (FARs) realigns Jet Route No. J-87 between Humble, Tex., and Dallas-Fort Worth, Tex., via Navasota, Tex., rather than via direct radials. The route via Navasota is used extensively as a vector route; however, the present routing of J-87 is not used because of the traffic flow in the Houston area. This action will reduce flight planning and communication coordination time that is presently required to use the new route.

DRAFTING INFORMATION

The principal authors of this document are Mr. Everett L. McKisson, Air Traffic Service, and Mr. Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart B of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (43 FR 714) is amended, effective 0901 Gmt, September 7, 1978, as follows:

§ 75.100

Under Jet Route No. 87, the text is deleted and "From Humble, Tex., via Nava-

sota, Tex.; Dallas-Fort Worth, Tex.; Tulsa, Okla.; Butler, Mo.; Kirksville, Mo.; Bradford, Ill.; Joliet, Ill.; to Northbrook, Ill." is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on May 23, 1978.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc. 78-15168 Filed 5-31-78; 8:45 am]

[6351-01]

Title 17—Commodities and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 32—REGULATION OF COM- MODITY OPTION TRANSACTIONS

Exemption From Suspension of Commodity Option Transactions

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: Section 32.11 of the interim commodity option regulations generally suspends the solicitation or acceptance of orders for, or the acceptance of payment for, the purchase or sale of commodity options after June 1, 1978. On May 11, 1978, the Commission received a petition to allow firms meeting certain standards designed to assure protection of option customers to continue to offer and sell options on physical commodities after June 1, 1978. The Commission has determined to grant the petition in a substantially modified form. It is doing so by amending the interim regulations to add a new § 32.12.

Section 32.12 provides that the provisions of § 32.11 shall not apply to prevent the solicitation or acceptance of orders for, or the acceptance of money, securities or property in connection with, the purchase or sale of any commodity option on a physical commodity granted by a person domiciled in the United States who, on May 1, 1978, was both in the business of granting options on a physical commodity and in the business of buying, selling, producing, or otherwise utilizing that commodity, if all of the conditions set forth in § 32.12 are met at the time of the solicitation or acceptance. By its terms, § 32.12 will expire 60 days

after the effective date of any amendment to Section 4(c) of the Commodity Exchange Act. In the event that any provision of § 32.12 or the application thereof to any person or circumstance should be held invalid, the validity of § 32.11 to those or other persons or circumstances shall not be affected thereby.

EFFECTIVE DATE: June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Fred M. Santo, Assistant General Counsel, Office of General Counsel, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, telephone 202-254-5543.

SUPPLEMENTARY INFORMATION: On April 12, 1978, the Commission adopted Rule 17 CFR 32.11, 43 FR 16153 et seq. (April 17, 1978), as an amendment to its interim commodity option regulations.¹ Section 32.11, which becomes effective on June 1, 1978, will generally suspend, until further action of the Commission, the solicitation or acceptance of orders or payment for the purchase or sale of commodity options.²

On May 11, 1978, the Commission received a petition for interim rulemaking to amend § 32.11.³ The petitioners requested that § 32.11 be amended by adding a new paragraph to allow those firms which can meet certain specified conditions to continue to offer and sell options on physical commodities—so-called dealer options—after June 1, 1978.

Under the petition, it was suggested that an option grantor be required to satisfy the following conditions in order to qualify to do business after June 1. It must: (1) as of May 5, 1978, have been in the business of buying, selling, producing or otherwise utilizing the underlying commodity; (2) have a net worth of \$6 million; (3) notify FCMs through whom its options are sold if its net worth falls below the minimum requirement; (4)

¹ 17 CFR Part 32 (1977), as amended, 42 FR 61831 (December 6, 1977).

² Section 32.11 does not, however, restrict the offer and sale of commodity options to commercial interests for use in connection with their businesses, which will continue to be allowed under the provisions of the trade option exemption contained in § 32.4(a) of the interim regulations.

³ In a memorandum opinion and order dated May 18, 1978, the United States District Court for the Northern District of Illinois sustained the validity of the suspension. *Rosenthal et al. v. Bagley, et al.*, No. 78 C 1385. An appeal is pending in the case.

⁴ The petition was filed under Commission regulation 17 CFR § 13.2 (1977), which provides that any person may file a petition with the Commission for the issuance, amendment or repeal of a rule of general application.

segregate funds equal to an amount by which "the value" of the transaction exceeds the amount received or to be received by the grantor; (5) issue an identification number for each transaction; and (6) confirm each executed transaction. In addition, the FCMs through whom such options would be sold would have been required to: (1) have evidence that the grantor meets the above requirements; (2) treat and deal with an amount of funds "equal in value" to that received as payment for the option until the option expires or is liquidated; (3) record each transaction in the customers' name by the grantor's transaction identification number; and (4) provide a disclosure statement to customers.

Because the option suspension is scheduled to go in effect on June 1, 1978, and will require a complete cessation of all option sales to the general public, a notice of the petition for interim rulemaking was published in the *FEDERAL REGISTER* on Tuesday, May 16 in order to enable the Commission to proceed expeditiously in the event it decided to amend § 32.11, either in the form proposed or otherwise.⁴ The Commission held hearings on both written and oral submissions to permit members of the public to express their views on the merits of the petition.⁵ The Commission held a public hearing on Friday, May 19, to receive oral presentations regarding the petition. Interested persons were also invited to participate in the rulemaking proceeding by submitting comments on the petition in written form on or before May 23.⁶

In imposing the options suspension, the Commission stated that it "has determined that the offer and sale of commodity options in the United States is at present fraught with fraud and other illegal and unsound practices and represents substantial risks to members of the general public."⁷ 43 FR 16153. In evaluating whether to impose the suspension, the Commission considered what, if any, basis might exist upon which the Commission could distinguish between foreign commodity options and domestic dealer options.⁸ While much of the

⁴ 43 FR 21022 (May 16, 1978).

⁵ Four persons, representing three firms, including the petitioner, testified at the oral hearing. Only one of these firms is presently in the business of selling options on physical commodities to the general public.

⁶ The Commission received three comment letters on the proposal. One commentator represented a firm presently offering options on physical commodities to the public.

⁷ As generally understood, foreign commodity options are options on physical commodities or on commodity futures contracts which originate on or through the facilities of foreign exchanges. Domestic dealer options, on the other hand, are options on physical commodities which originate other

publicity accompanying the Commission's enforcement efforts had focused on persons engaged in the sale of foreign options, the Commission had also noted in its release that it received reports concerning, and was investigating, alleged abuses in the dealer option market. The Commission concluded:

... if dealer option sales to the public are permitted to continue while virtually all other option trading is suspended, those firms that have been selling foreign options in an illegal and unsound manner may begin marketing dealer options in a similar fashion, thereby effectively undermining the basic purpose for which the suspension is being imposed. The Commission has therefore determined not to exempt dealer options from the suspension.

43 FR 16157. The Commission continues to have these concerns.

Since the adoption of § 32.11, however, bills to amend the Commodity Exchange Act have been reported out of both the Senate Committee on Agriculture, Nutrition and Forestry, and the House Committee on Agriculture. Consistent with § 32.11, both bills would generally ban the offer and sale of commodity options in the United States until the Commission should be prepared to allow option activity to recommence. Section 2(c) of the Senate Committee bill would, however, exempt dealer options from any Congressional or Commission ban on commodity option transactions, provided that the grantors and FCMs vending such options meet certain prescribed requirements.⁹ The House Committee bill would leave entirely to the Commission's discretion whether to exempt the sale of dealer options from a ban on option transactions.¹⁰ In accordance with § 2(c) of the House Committee bill, however, any exemption adopted by the Commission could apply only to a person "domiciled in the United States who on May 1, 1978, was in the business of granting an option on a physical commodity and was in the business of buying, selling, producing or otherwise utilizing that commodity."¹¹

The petition for interim rulemaking seeking an exemption for domestic dealer options which has been presented for Commission consideration, appears to have been based on provisions in both the Senate Committee and House Committee bills.

The effective date of the options suspension is June 1, 1978. The effective date of any amendments to the

than on or through the facilities of exchanges.

⁹ S. 2391, 95th Cong., 2d Sess. § 2(c) (1978). The Senate Committee on Agriculture, Nutrition and Forestry voted to report this bill out of Committee on April 19, 1978. See S. Rep. No. 95-850, 95th Cong., 2d Sess., (1978).

¹⁰ H.R. 10285, 95th Cong., 2d Sess. § 2(c) (1978). On May 10, 1978, the House Committee on Agriculture voted to report this bill out of Committee.

Commodity Exchange Act will be subsequent to that date but prior to October 1, 1978.¹² In anticipation of possible Congressional action designed to allow certain dealers to continue the sale of options notwithstanding any general ban that may be in effect, and to assure that these dealers will not be required unnecessarily to cease operations during the relatively brief period before a Congressional exemption from the options suspension can take effect, if one should be enacted, the Commission has determined to adopt § 32.12, exempting a limited category of dealer options from the provisions of § 32.11. To assure that the Commission's exemption will be not broader than any exemption Congress will likely allow, § 32.12 incorporates the most stringent provisions of the bills reported out of the Senate Committee on Agriculture, Nutrition and Forestry, and the House Committee on Agriculture and adds additional protections the Commission believes essential for customer protection. The Commission's exemption will expire, by its own terms, sixty days after the effective date of any amendment to the Commodity Exchange Act provision which authorizes the regulation of commodity options (§ 32.12(d)). The Commission believes § 32.12 will be consistent with any impending Congressional action, and is in all respects lawful and valid. Since it is possible, however, that a court may view it otherwise, § 32.12(e) provides that any substantive deficiency in § 32.12 shall not be taken to affect the validity of the underlying options suspension.

Set forth below is a brief synopsis of the salient portions of § 32.12 in the form adopted, together with a discussion of certain comments received by the Commission and of revisions made in the interim rulemaking petition as a result of those comments and further consideration by the Commission.

Section 32.12 generally provides that the provisions of § 32.11 shall not apply to the purchase or sale of any commodity option on a physical commodity granted by a person domiciled in the United States who, on May 1, 1978, was both in the business of granting options on a physical commodity and in the business of buying, selling, producing or otherwise utilizing that commodity, if all of the other conditions set forth in § 32.12 are satisfied. The Commission changed the operative date suggested by the petitioner from May 5, 1978, to May 1 in order to comport with the date set forth in the House Committee bill. The further requirement that the grantor be in the business of both utilizing a commodity

¹² Section 12(d) of the Commodity Exchange Act, as amended, 7 USC 18(d), authorizes appropriations for the Commission through September 30, 1978.

and granting options thereon as of May 1 was likewise adopted from the House Committee bill.

One commentator stated that these requirements would be unconscionable because a competent and honest dealer not presently in the business of granting options, who in the future might wish to do so, would be ineligible, even though it met all the other conditions and otherwise was eminently qualified. This comment misses the mark. The purpose of § 32.12 is not to establish a permanent regulatory structure for the offer and sale of options on physical commodities. Rather, as stated above, the purpose is, for a limited time, to make it unnecessary for a limited category of existing option dealers to have to cease operations, while the Congress considers legislation that may expressly authorized their continuation in business. The temporary nature of § 32.12 can be seen by reference to § 32.12(d) which specifically provides that this section shall be of no further effect upon the expiration of 60 days after the effective date of any amendment to section 4(c) of the Commodity Exchange Act (the section of the Act the Congress would have to amend in order to mandate a dealer option exemption). In any event, § 32.12(c) provides that upon written application, and for good cause shown in any particular case, the Commission can waive this requirement, as well as any of the other requirements in paragraphs (a) or (b) of this section, subject to such other terms and conditions as the Commission may find appropriate in the public interest and for the protection of option customers.

Section 32.12(a)(1) requires a grantor to have a net worth of at least \$10 million. This is the net worth requirement set forth in the Senate Committee bill. The petitioner proposed a net worth requirement of \$6 million. In commenting on the \$6 million proposal, two commentators stated that to adopt such a high net worth requirement would violate section 15 of the Commodity Exchange Act because only one firm presently granting dealer options could qualify under this test.

In adopting this provision, as well as all the other provisions of this section, the Commission has taken into account its responsibilities under section 15 of the Act. Under Section 15 the Commission is required, in adopting any rule, regulation or order, to:

... take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the objectives of [the] Act as well as the policies and purposes of [the] Act. . . .

Section 15 does not require the Commission to subordinate the policies and purposes of the Commodity Exchange

Act to those of the antitrust laws. Section 15 requires only that the Commission consider the public interest served by the antitrust laws and endeavor to use the least anticompetitive means of achieving the objectives, policies and purposes of the Act.¹¹ Thus, consistent with Section 15, the Commission may adopt regulations that have anticompetitive implications and is not required to take the least anticompetitive course of action where the objectives, policies or purposes of the Commodity Exchange Act would be better served in some other way.

With very limited exception, § 32.11 completely bans the offer and sale of commodity options. That ban has already been held to be consistent with the requirements of Section 15. *Rosenthal, et al. v. Bagley, et al., supra*. Section 32.12 is designed to protect the interests of as narrow class of legitimate and financially stable dealers, recognized by Congressional committees, that are presently engaged in the business of both granting options in a commodity and utilizing that same commodity. The Commission has not previously imposed any requirements on option grantors; its earlier regulations, 17 CFR §§ 32.1 through 32.10, focused on the persons through whom the grantor sells its options to the general public, i.e., futures commission merchants and associated persons thereof. The Commission believes it necessary to apply a very high net worth requirement to grantors to provide a financial cushion, among other things, to assure performance of the option agreement and to meet liabilities that may arise on account of the acts or omissions of the person or persons that offer or sell a grantor's options to the public, with whom the grantor will jointly and severally be liable.¹² The Commission is aware of only one firm presently granting dealer options that may be able to satisfy this net worth requirement at this time, although it appears that other firms which meet the other criteria of the rule could meet this standard by a further infusion of funds. In any

¹¹In *British American Commodity Options Corp. v. Bagley*, CCH Comm. Fut. L. Rep. ¶20,245 at p. 21,334 (S.D.N.Y. December 20, 1976), *aff'd in part and rev'd in part on other grounds*, 552 F.2d 482 (2d Cir. 1977), *cert. denied*, 98 S. Ct. 427 (1977), plaintiffs challenged the Commission's interim commodity option regulations on the grounds that they were anticompetitive and had been adopted in violation of Section 15. In rejecting plaintiffs' challenge, the district court declared that Section 15 "... does not require the Commission to adopt the least anticompetitive means but only requires it to 'take into consideration the public interest to be protected by the antitrust laws and endeavor to take the least anticompetitive means of achieving the objectives of [the] Act'"

¹²See §§ 32.12(a)(2) and (b)(4).

event, by virtue of § 32.12(c) the Commission may, for good cause shown, waive this requirement if the Commission determines that to do so would be consistent with the public interest and the protection of option customers.

Section 32.12 also provides that the option grantor will be jointly and severally liable with the wrongdoer for any damages sustained by an option customer as the result of any unlawful act or omission, or any breach of contract, by any person or firm who sold the option to the option customer or by any agent or employee of that person. Section 32.12(a)(2) requires that the grantor's liability be set forth as an express contractual term of each and every option that is granted. Section 32.12(b)(4) imposes this liability on the grantor irrespective of whether or not the option contract contains the required provision. Both of these sections provide, however, that if the Commission should find other terms and conditions satisfactory to provide option customers substantially equivalent financial protection, those terms and conditions may be substituted for joint and several liability under these provisions. Conceivably, a grantor's proposal that it undertake to guarantee payment of any judgment rendered against the person selling the option, or other similar undertaking, could provide such protection, and be acceptable to the Commission.

In imposing the options suspension, the Commission was concerned with the manner in which options were being sold to the general public. As the Commission stated at the time it imposed the suspension:

The available evidence demonstrates to the Commission's satisfaction that an overwhelming majority of the firms that engage in the offer and sale of commodity options in this country employ and cause to be employed practices and procedures that are fraudulent or otherwise illegal or unsound and that these practices and procedures pose a substantial threat to members of the general public.

43 FR 16154. The petition for interim rulemaking set forth a rule apparently designed primarily to ensure the financial stability of the grantor. The petition did not meaningfully address the primary problem which caused the need for the suspension—the fraudulent and abusive sales practices used by many firms and individuals to sell options to the general public. Accordingly, the Commission has found it necessary to adopt criteria beyond those addressed in the petition, which are calculated to protect the public from the fraudulent practices that were, and continue to be, the Commission's primary concern. Thus, §§ 32.12(a)(2) and (b)(4) will assure that an option customer will be able to collect a judgment for damages sustained in the purchase of an option not only

from the person or persons who sold the option to him by unlawful means, but also from the grantor, who initiated the dealer option activity and profits from its continuance, and upon whose integrity and stability the Commission is relying in adopting § 32.12. The Commission is hopeful that an option grantor, with knowledge of the potential liability which might be incurred, will be circumspect in choosing the firms through which it deals and assist the Commission in monitoring the activities of the persons chosen to market its options to the public.

Section 32.12(a)(7) provides that neither a grantor nor a person offering and selling options to the public, nor certain persons associated with them, (1) may have been convicted of any criminal violations involving commodities or securities in the last ten years (§ 32.12(a)(7)(i)), or be permanently or temporarily enjoined from engaging in any commodities or securities activities (§ 32.12(a)(7)(ii)), or (2) be subject to an outstanding order of the Commission denying trading privileges on a contract market to such person, or suspending such person's registration as a commodity professional, or suspending or expelling such person from membership on any contract market (§ 32.12(a)(7)(iii)). This provision was patterned after Section 4n(7)(B) of the Commodity Exchange Act, 7 U.S.C. 6n (1976), which applies identical standards as a criteria for denying, suspending or revoking the registration of commodity trading advisors and commodity pool operators. The Commission also applies these standards as "good cause" for refusing, suspending or revoking the registration of futures commission merchants, associated persons and floor brokers under Sections 8a(2) and 8a(3) of the Act, 7 U.S.C. 12a(2) and 12a(3) (1976).¹³

The Commission understands, of course, that not all injunctions, criminal convictions or other disabilities will be based upon behavior that should necessarily bar a grantor or a futures commission merchant from dealer option activity. Accordingly, the Commission will carefully consider any application it may receive pursuant to § 32.12(c) seeking a waiver of the requirements of this provision by a firm that is prepared to show good cause why it should be permitted to conduct an option business notwithstanding a disability under the terms of § 32.12(a)(7).

Other requirements imposed on the grantor include: (1) segregation of funds equal to an amount by which the value of each transaction exceeds the amount received or to be received by the grantor for such transaction (§ 32.12(a)(3)); (2) providing an account identification number for each

¹³40 FR 28125 (July 3, 1975).

transaction (§ 32.12(a)(4)); (3) providing the futures commission merchant selling the option with a confirmation of all orders executed (§ 32.12(a)(5)); (4) notifying the Commission in writing of, and providing evidence by affidavit of, compliance with each provision of this § 32.12 (§ 32.12(a)(8) (i) and (ii)); (5) submission to the Commission of certified financial statements attesting to the grantor's net worth (§ 32.12(a)(8)(iii)); and (6) certain book and recordkeeping and reporting requirements (§ 32.12(b)(1)). Section 32.12(b)(2)(i) makes it unlawful for a grantor to sell an option through any person not previously identified in writing to the Commission, (see also § 32.12(a)(8)(i)).

Section 32.12(a)(6) makes clear that the Commission's basic option regulations, set forth in §§ 32.1 through 32.10, remain in effect and must be adhered to by each person offering and selling options.¹⁴ These provisions prescribe certain registration, book and recordkeeping, financial, disclosure, segregation¹⁵ and other customer protection requirements. A grantor which sells an options through a person that the grantor knows or has reason to know is not complying with the requirements of any provision of Part 32, will be in violation of § 32.12(b)(2) (iii). Section 32.12(a)(6) requires the confirmation statement already mandated by § 32.5(d) to include the transaction identification number that the grantor must provide to the FCM under § 32.12(a)(4). Section 32.12(a)(6)(iii) will also require persons offering and selling options to comply with any reporting requirements the Commission may impose in the future. Finally, § 32.12(b)(3) makes it unlawful for a futures commission merchant to offer or sell an option acquired from a grantor to any other futures commission merchant. This will avoid the possibility that a futures commission merchant not previously identified to the

¹⁴In *British American Commodity Options Corp. v. Bagley*, 552 F.2d 482 (2d Cir. 1977); *cert. denied*, 98 S. Ct. 427 (1977), the Court of Appeals for the Second Circuit generally upheld the validity of these regulations.

¹⁵The petition would have required segregation by the FCM of funds "equal in value" to that received as payment for the option. This provision is different from that imposed by § 32.6, under which 90 percent of the purchase price received from a customer must be segregated and treated as belonging to that customer. Under the petition, it was not clear that a trust consisting of money received from option customers was required to be created—which is the intent and effect of § 32.6. In addition, one commenter suggested that the Commission require simply that the premium, as opposed to the purchase price, be required to be segregated. For the brief period that this provision is to be in effect, the Commission determined to continue in effect the segregation requirements of § 32.6.

Commission may be in a position to sell an option to the public. A futures commission merchant wishing to acquire an option for its own account may do so by acquiring the option directly from the grantor.

Inasmuch as the effective date of the suspension is June 1, 1978, good cause exists to make § 32.12 effective on that same date and on less than 30 days notice as would otherwise be required under 5 U.S.C. § 553 (1976). To do otherwise, would cause unnecessary harm to those persons qualifying under § 32.12 for the exemption from the option suspension. Since § 32.12 is a substitute rule which grants or recognizes an exemption or relieves a restriction it may be made effective on less than 30 days notice on that basis as well. See 5 U.S.C. 553(d)(1) (1976).

In consideration of the foregoing, the Commission, pursuant to the authority contained in sections 2(a)(1), 4(c)(b) and 8a of the Act, 7 U.S.C. 2, 6c(b) and 12a (1976), hereby amends Part 32 of Title 17 of the Code of Federal Regulations by adding a new § 32.12 which provides as follows:

§ 32.12 Exemption from suspension of commodity option transactions.

(a) The provisions of § 32.11 shall not apply to the solicitation or acceptance of orders for, or the acceptance of money, securities or property in connection with, the purchase or sale of any commodity option on a physical commodity granted by a person domiciled in the United States who, on May 1, 1978, was both in the business of granting options on a physical commodity and in the business of buying, selling, producing, or otherwise utilizing that commodity, if all of the following conditions are met at the time of the solicitation or acceptance:

(1) The grantor has a net worth of at least \$10,000,000;

(2) Under the express contractual terms of each option offered by the grantor (or under such terms and conditions as are found satisfactory to the Commission which would provide option customers substantially equivalent financial protection), the grantor is liable jointly and severally with any person that sells its options to an option customer for all damages sustained by any option customer in connection with the offer and sale of an option as the result of any unlawful act or omission or any breach of contract by any person or firm who sold the option to the option customer or by any agent or employee of that person;

(3) The grantor segregates daily, exclusively for the benefit of option customers, money, "exempted securities" (within the meaning of section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)), commercial paper, bankers' acceptances,

commercial bills, or unencumbered warehouse receipts, equal to an amount by which the value of each transaction exceeds the amount received or to be received by the grantor for such transaction;

(4) The grantor provides an identification number for each transaction;

(5) The grantor provides to the futures commission merchant selling the option a confirmation of all orders for such transactions executed, including striking price and premium and a transaction identification number;

(6) Each person who is offering and selling the option to an option customer (i) is fully in compliance with each and every requirement of this Part 32, (ii) includes in the confirmation statement required by § 32.5(d) to be furnished to option customers the transaction identification number provided by the grantor, and (iii) makes such reports to the Commission as the Commission by rule or regulation or order may require.

(7) Neither the grantor nor the person who is offering and selling the option to any option customer nor any officer or director or principal shareholder or partner or controlling person of either:

(i) Has within ten years been convicted of any felony or misdemeanor involving the purchase or sale of any commodity or security, or any option on any commodity or security, or

(ii) Is permanently or temporarily enjoined by order, judgment or decree of any court of competent jurisdiction from acting as a commodity pool operator, futures commission merchant, or floor broker, or as an affiliated person or employee of any of the foregoing, or from engaging in or continuing any conduct or practice in connection with any such activity or in connection with the purchase or sale of commodities or securities or options on commodities or securities; or

(iii) Is subject to an outstanding order of the Commission denying trading privileges on any contract market to such person, or suspending or revoking the registration of such person as a commodity trading advisor, commodity pool operator, futures commission merchant, associated person of a futures commission merchant or floor broker, or suspending or expelling such person from membership on any contract market.

(8) Before any grantor of any option shall commence to offer and sell options under authority of this paragraph the grantor shall (i) notify the Commission in writing of the name of each person selling its options and that it meets each and every requirement set forth in this paragraph, (ii) provide evidence of compliance with each provision of this section by affidavit executed upon actual knowledge by the proprietor of a sole proprietor-

ship grantor, a general partner of a partnership grantor, or the chief executive officer or chief financial officer of a corporate grantor, and (iii) submit to the Commission its most recent annual financial statements for a fiscal year subsequent to May 31, 1977, certified by an independent certified public accountant in accordance with generally accepted accounting principles.

(b) (1) The grantor of any option publicly offered pursuant to paragraph (a) shall keep full, complete and systematic records together with all pertinent data and memoranda of or relating to such transactions and make such reports to the Commission as the Commission by rule or regulation or order may require. All records, memoranda and other documents required to be maintained under this paragraph shall be produced for inspection upon request by any authorized representative of the Commission or the United States Department of Justice, and true and correct copies thereof, and information and reports as to the content or meaning thereof, shall be provided upon request to any authorized representative of the Commission or the United States Department of Justice. It shall be unlawful for any person upon proper request, to fail or refuse to permit inspection or to fail or refuse to provide true and correct copies of any record, memorandum or other document required to be produced or furnished pursuant to this paragraph.

(2) It shall be unlawful for any grantor to sell an option through any person that acquires the option with a view to resale to an option customer (i) if the identity of that person has not previously been reported in writing to the Commission; (ii) if the grantor knows or has reason to know that the person is disqualified pursuant to paragraph (7) of paragraph (a); or (iii) if the grantor knows or has reason to know that the person or firm is not complying with the requirements of this Part 32 in any respect.

(3) It shall be unlawful for any futures commission merchant to offer or sell an option acquired from a grantor to any other futures commission merchant.

(4) The grantor of any option offered and sold to an option customer pursuant to paragraph (a) shall be liable jointly and severally with any person that sells its options to option customers for all damages sustained by the option customer in connection with the offer and sale of an option as the result of any unlawful act or omission or any breach of contract by any person who sold the option to the option customer or by any agent or employee of that person except to the extent that the Commission may find other terms and conditions satisfac-

tory to provide option customers substantially equivalent financial protection pursuant to paragraph (a)(2). Upon timely application the grantor may intervene in any reparation proceeding brought by an option customer pursuant to section 14 of the Commodity Exchange Act based upon any act or omission for which the grantor may be liable.

(c) Upon written application the Commission may for good cause shown in any particular case waive the requirements of any provision of paragraph (a) or (b) of this section subject to such other terms and conditions as the Commission may find appropriate in the public interest and for the protection of option customers.

(d) The provisions of paragraphs (a), (b) and (c) shall be of no further effect upon the expiration of sixty days after the effective date of any amendment to section 4c(b) of the Commodity Exchange Act.

(e) In the event that any provision of this section or the application thereof to any person or circumstance should be held invalid, the validity of § 32.11 to those or other persons or circumstances shall not be affected thereby.

(7 U.S.C. 2, 6c(b) and 12a (1976).)

Issued in Washington, D.C. on May 26, 1978, by the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures
Trading Commission.

(FR Doc. 78-15264 Filed 5-31-78; 8:45 am)

[4810-22]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

(T.D. 78-153)

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Informal Entry of Certain Race Horses Returned to the United States

AGENCY: United Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to provide for the informal entry of certain horses returned to the United States after temporary exportation for racing. An exemption from the formal entry requirements for articles such as racehorses is authorized by law and will facilitate the entry of the horses without jeopardizing the proper collection of Customs duties.

EFFECTIVE DATE: July 3, 1978.

FOR FURTHER INFORMATION CONTACT:

John T. Roth, Regulations and Legal Publications Division, United States Customs Service, 1301 Constitution Avenue N.W., Washington, D.C. 20229, 202-566-8237.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On July 8, 1976, a notice of proposed rulemaking was published in the *FEDERAL REGISTER* (41 FR 27972) concerning the entry of horses returned to the United States after having been temporarily abroad solely for racing. The proposal would amend § 10.66 of the Customs Regulations (19 CFR 10.66), which sets forth the entry procedure for certain articles temporarily exported and returned, to provide for the use of that procedure for horses returned after a temporary exportation for racing, if the horses are imported by or for the account of the person who exported them and are claimed to be exempt from duty under item 802.40 of the Tariff Schedules of the United States (TSUS) (19 U.S.C. 1202). Under § 10.66(c), formal entry procedures may be avoided by filing the application described in that section with the district director prior to exportation, and by filing a duplicate application upon the return of the merchandise.

EXEMPTION FROM DUTY

Item 802.40, TSUS, provides that horses returned to the United States after having been exported temporarily solely for racing may be entered free of duty if imported by or for the account of the person who exported them. In addition, the tariff schedules have been temporarily amended to provide, in items 903.50 and 903.51, TSUS, for the free entry of all horses entered on or before June 30, 1980, other than for immediate slaughter.

INFORMAL ENTRY

Section 498(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1498(a)), provides that the Secretary of the Treasury may prescribe regulations for the entry of 11 specified categories of articles or merchandise including, in section 498(a)(10), merchandise the value of which, in the opinion of the Secretary of the Treasury, cannot be declared at the time of entry. The practical effect of section 498(a) is to permit the Secretary of the Treasury to exempt the merchandise and articles described in that section from some or all of the formal entry requirements set forth in section 484 of the Tariff Act of 1930, as amended (19 U.S.C. 1484), that would otherwise apply.

The Customs Service is aware that the value of a racehorse depends on a

number of factors. Consideration must be given to the horse's success in racing (including its last race), the success of its breeding line, its age, and any disease or injury from which it may suffer. Because of these factors (and perhaps others as well), a racehorse's value may be constantly changing. The computation of the horse's value on a particular date during its racing career requires expert analysis, and the opinions of experts may differ widely. Consequently, racehorses are precisely the type of article intended to be covered by section 498(a)(10) of the Tariff Act.

COMMENTS

Two comments, both from the same party, were received in response to the notice of proposed rulemaking and both favored the proposal.

One comment, in addition, suggested that consideration be given to amending the Customs Regulations to eliminate the formal entry requirements for all horses returned to the United States after temporary exportation. This proposal has been carefully studied and the Customs Service has concluded that there is no legal basis for permitting the informal entry of all horses.

CHANGES IN PROPOSAL

The proposed amendments to paragraphs (a) and (c) of § 10.66 of the Customs Regulations would make racehorses returned to the United States and claimed to be exempt from duty under item 802.40, TSUS, subject to the provisions of those paragraphs.

The effect of the proposed amendment to paragraph (c) would be to permit a racehorse to return without formal entry provided an application, prepared in a manner specified in that paragraph, is filed with Customs prior to the exportation of the racehorse and a duplicate application is filed at the time the racehorse is returned.

The effect of the proposed amendment to paragraph (a), however, would be to require additional papers to be filed upon the return of a racehorse which did not use the informal procedure provided for in paragraph (c). Since it was the intent of the proposed amendments to facilitate the return of racehorses, rather than to add to the formal entry requirements, the proposed amendment to § 10.66(a), which has been determined to be unnecessary, has been withdrawn.

DRAFTING INFORMATION

The principal author of this document was John T. Roth, Regulations and Legal Publications Division, Office of Regulations and Rulings, United States Customs Service, Washington, D.C. 20229. However, personnel from other offices of the Customs Service

participated in its development, both on matters of substance and style.

AMENDMENT

Accordingly, under the authority of sections 498 and 624, 46 Stat. 728, as amended, 759 (19 U.S.C. 1498, 1624), § 10.66 of the Customs Regulations is revised by amending the section heading and the first sentence of paragraph (c) to read as follows:

§ 10.66 Articles exported for temporary exhibition and returned; horses exported for horse racing and returned; procedures on entry.

(c) Articles claimed to be exempt from duty under item 802.20, 802.30, or 802.40, 62a Tariff Schedules of the United States (19 U.S.C. 1202), may be returned free of duty without formal entry and without regard to the requirements of paragraph (a) or (b) of this section if:

(1) Part 10 of the Customs Regulations is amended by adding a new footnote 62a to paragraph (c) of § 10.66 to read as follows:

"Articles, when returned after having been exported for use temporarily abroad solely for any of the following purposes, if imported by or for the account of the person who exported them: . . . In the case of horses, used for racing." (Item 802.40, Tariff Schedules of the United States).

(R.S. 251, as amended, secs. 498, 624, 46 Stat. 728, as amended, 759 (19 U.S.C. 1498, 1624).)

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: May 19, 1978.

RICHARD J. DAVIS,
Assistant Secretary
of the Treasury.

(FR Doc. 78-15238 Filed 5-31-78; 8:45 am)

[4810-22]

(T.D. 78-155)

PART 159—LIQUIDATION OF DUTIES

Waiver of Countervailing Duties—Leather Wearing Apparel from Uruguay

AGENCY: Department of the Treasury, Customs Service.

ACTION: Waiver of countervailing duties.

SUMMARY: This notice is to inform the public that a determination has been made to waive countervailing duties that would otherwise be required by section 303 of the Tariff Act

of 1930 on imports of leather wearing apparel from Uruguay. The waiver is being issued based on actions by the Government of Uruguay to phase out the effective export subsidy on these items. The waiver will expire on January 4, 1979, unless revoked earlier.

EFFECTIVE DATE: June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard B. Self, Office of Tariff Affairs, U.S. Treasury Department, 15th and Pennsylvania Avenue NW., Washington, D.C., 202-566-8585.

SUPPLEMENTARY INFORMATION: In a "Final Countervailing Duty Determination" published in the *FEDERAL REGISTER* on January 30, 1978, (43 FR 3974) it was determined that bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), are being paid or bestowed directly or indirectly upon the manufacture, production, or exportation of leather wearing apparel from Uruguay.

Since leather wearing apparel from Uruguay is free of duty under the Generalized System of Preferences (GSP) the case was referred to the International Trade Commission in accordance with section 303(a)(2) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(2)), for a determination as to whether an industry in the United States is being, or is likely to be injured, or prevented from being established, by reason of the importation of such article or merchandise into the United States. On April 24, 1978, the U.S. International Trade Commission did find that an industry in the United States is being injured by reason of the importation of Uruguayan leather wearing apparel into the United States. Pursuant to section 303(b)(3) of the Tariff Act of 1930 (19 U.S.C. 1303(b)(3)), T.D. 78-154 is being issued concurrently with this determination directing the assessment and collection of countervailing duties and suspending liquidation of entries.

In its final countervailing duty determination, the Treasury indicated that in the event of an affirmative determination by the Commission, it would waive the imposition of countervailing duties based upon certain actions taken by the Uruguayans at that time. Section 303(d) of the Tariff Act of 1930, as amended by the Trade Act of 1974 (Pub. L. 93-618, January 3, 1975), authorizes the Secretary of the Treasury to waive the imposition of countervailing duties during the four-year period beginning on the date of enactment of the Trade Act of 1974 if he determines that:

(1) Adequate steps have been taken to reduce substantially or eliminate during such period the adverse effect of a bounty or grant which he has determined is being paid or bestowed

with respect to any article or merchandise;

(2) There is a reasonable prospect that under section 102 of the Trade Act of 1974, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and

(3) The imposition of the additional duty under this section with respect to such article or merchandise would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Based upon analysis of all the relevant factors and after consultations with interested agencies and parties with direct interest in this proceeding, I have concluded that steps have been taken to reduce substantially the adverse effects of the bounty or grant. Specifically the Government of Uruguay is committed toward the total removal of the net bounty derived from the tax rebate certificate program (reintegro) (or any equivalent or comparable benefit) on all leather products, except tanned leather as such, to all export markets between January 1, 1978, and January 1, 1979. Such elimination will be staged according to the following schedule: 50-percent reduction by January 1, 1978 (such reduction took place December 28, 1977); 50-percent reduction of the remaining balance on or before July 1, 1978; and total elimination of any remaining subsidy on or before January 1, 1979.

The waiver conditions further provide that the Government of Uruguay will proceed with its previously stated decision to eliminate the reintegro (or equivalent) for all exports from Uruguay on or before January 1, 1983.

The issuance of this waiver of countervailing duties would not inhibit in any way the right of the U.S. Government to take appropriate actions in the event that future imports of leather wearing apparel from Uruguay were having a disruptive effect on U.S. industry.

After consulting with appropriate agencies, including the Department of State, the Department of Labor, the Department of Commerce, and the Office of the Special Representative for Trade Negotiations, I have further concluded: (1) That there is a reasonable prospect that, under section 102 of the Trade Act of 1974, successful trade agreements will be entered into with foreign countries or instrumentalities providing for the reduction or elimination of barriers to or other distortions of international trade; and (2) That the imposition of countervailing duties on leather wearing apparel from Uruguay would be likely to seriously jeopardize the satisfactory completion of such negotiations.

Accordingly, pursuant to section 303(d) of the Tariff Act of 1930, as

amended (19 U.S.C. 1303(d)), I hereby waive the imposition of countervailing duties as well as the suspension of liquidation ordered in the T.D. 78-154 on leather wearing apparel from Uruguay.

This determination may be revoked, in whole or in part, at any time and shall be revoked whenever the basis supporting such determination no longer exists. Unless sooner revoked or made subject to a resolution of disapproval adopted by either House of Congress of the United States pursuant to section 303(e) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(e)), this waiver of countervailing duties will, in any event, by statute cease to have force and effect on January 4, 1979.

On or after the date of publication in the *FEDERAL REGISTER* of a notice revoking this determination in whole or in part, the day after the date of adoption by either House of Congress of a resolution disapproving this "Waiver of Countervailing Duties", or January 4, 1979, whichever occurs first, countervailing duties will be assessable on leather wearing apparel imported directly or indirectly from Uruguay in accordance with T.D. 78-154.

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting after the last entry from Uruguay under the commodity heading "Leather wearing apparel" the number of this Treasury Decision in the column headed "Treasury Decision", and the words "Imposition of countervailing duties waived" in the column headed "Action".

(R.S. 251, secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2051, 2052; (19 U.S.C. 66, 1303, 1624).)

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

MAY 23, 1978.

(FR Doc. 78-15178 Filed 5-31-78; 8:45 am)

[4810-22]

(T.D. 78-164)

PART 159—LIQUIDATION OF DUTIES

Countervailing Duties—Leather Wearing Apparel from Uruguay

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Final Countervailing Duty Determination and Suspension of Liquidation.

SUMMARY: This notice is to inform the public that it has been determined that the Government of Uruguay has provided benefits considered to be bounties or grants within the meaning of the Countervailing Duty Law to manufacturers who export leather wearing apparel to the United States

and that the Secretary of the Treasury has been advised by the International Trade Commission that an industry in the United States is being injured by reason of the importation of such merchandise benefiting from the bounties or grants. However, countervailing duties are being waived, based upon the criteria established by the Trade Act of 1974, including the actions taken and to be taken by the Government of Uruguay to reduce substantially the bounty or grant.

EFFECTIVE DATE: June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard B. Self, Office of Tariff Affairs, U.S. Treasury Department, 15th and Pennsylvania Avenue NW., Washington, D.C., 202-566-8585.

SUPPLEMENTARY INFORMATION: On April 27, 1977, a notice of "Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the *FEDERAL REGISTER* (42 FR 21531). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of Uruguay upon the manufacture, production or exportation of leather wearing apparel constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to below as "the Act"). Since the leather wearing apparel specified in the petition is classifiable under item 791.7600 of the Tariff Schedules of the United States, (TSUSA), the notice also indicated that there was evidence on record concerning injury to, or likelihood of injury to, an industry in the United States.

On January 30, 1978, a notice of "Final Countervailing Duty Determination" was published in the *FEDERAL REGISTER* (43 FR 3974). In that notice it was stated that "it is hereby determined that leather wearing apparel from Uruguay is subject to bounties or grants within the meaning of section 303 of the Act." A description of the programs determined to constitute the bounties or grants was provided, and it was noted that the net amount of the bounties or grants were estimated or determined to be approximately 12 percent of the f.o.b. price for export to the United States of leather wearing apparel from Uruguay.

Since leather wearing apparel from Uruguay entered free of duty under the U.S. Generalized System of Preferences, pursuant to section 303(b) of the Act, liquidation was suspended and the U.S. International Trade Commission ("Commission") advised of the determination.

On April 24, 1978, the Commission advised the Secretary of the Treasury of its determination that "an industry in the United States is being injured

by reason of the importation of leather wearing apparel from Uruguay, entered under item 791.76 of the Tariff Schedules of the United States . . . upon which the Department of the Treasury has determined that a bounty or grant is being paid . . ." (43 FR 18343).

Accordingly, pursuant to section 303(b)(3) of the Act, notice is hereby given that leather wearing apparel, imported directly or indirectly, from Uruguay, entered on or after January 30, 1978, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

Effective on or after June 1, 1978, and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of leather wearing apparel imported directly or indirectly from Uruguay, which benefit from these bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in an amount to be ascertained in accordance with the above declaration.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be credited or bestowed, directly or indirectly, upon the manufacture, production or exportation of such merchandise.

The liquidation of all entries for consumption or withdrawals from warehouse for consumption of such leather wearing apparel imported directly or indirectly from Uruguay which benefit from these bounties or grants and are subject to the order shall be suspended pending further declaration of the net amount of the bounties or grants paid. Deposit of the estimated countervailing duty shall be required at the time of entry for consumption or withdrawal from warehouse for consumption.

Notwithstanding the above, a "Notice of Waiver of Countervailing Duties" is being published concurrently with this order which covers leather wearing apparel from Uruguay subject to this investigation in accordance with section 303(d) of the Act. At such time as the waiver ceases to be effective, in whole or in part, a notice will be published setting forth the deposit of estimated countervailing duties which will be required at the time of entry, or withdrawal from warehouse, for consumption.

The table in § 159.47(f) of the Customs Regulations (19 CFR 159.47(f)) is amended by inserting after the last entry from Uruguay the words "Leather wearing apparel" in the column headed "Commodity", the number of this Treasury Decision in the column

headed "Treasury Decision", and the words "bounty-declared rate" in the column headed "Action".

(R.S. 251 secs. 303, as amended, 624; 46 Stat. 687, 759, 88 Stat. 2050, 2051; (19 U.S.C. 66, 1303, 1624).)

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 15, March 16, 1978, the provisions of Treasury Department Order No. 165, Revised November 2, 1954, and § 159.47(d) of the Customs Regulations (19 CFR 159.47(d)), insofar as they pertain to the issuance of a countervailing duty order by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

MAY 23, 1978.

(FR Doc. 78-15179 Filed 5-31-78; 8:45 am)

[4810-22]

(T.D. 78-152)

PART 171—FINES, PENALTIES, AND FORFEITURES

Voluntary Disclosure of Certain Customs Violations

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This rule amends the Customs Regulations to reflect changes in Customs policy with respect to the voluntary disclosure of certain Customs violations. The amendments to the Customs Regulations (1) eliminate the requirement that a voluntary disclosure be forwarded by the district director to Headquarters prior to its investigation by the local field office of the Customs Service Office of Investigations, (2) permit the district director, rather than Customs Service Headquarters, to determine whether the disclosure is truly voluntary, and (3) permit, under certain circumstances, the acceptance of a voluntary disclosure unaccompanied by a tender of the loss of revenue. These changes are being made to streamline the procedures under which voluntary disclosures are handled and to encourage the voluntary disclosure of the type of violations covered by the voluntary disclosure program.

EFFECTIVE DATE: This rule will be effective on June 1, 1978.

FOR ADDITIONAL INFORMATION CONTACT:

John T. Roth, Regulations and Legal Publications Division, Office of Regulations and Rulings, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-8237.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On January 16, 1975, Treasury Decision 75-21 was published in the FEDERAL REGISTER (40 FR 2797) amending Subpart A of Part 171 of the Customs Regulations to set forth, among other matters, Customs policy in regard to voluntary disclosures of certain Customs violations. Under that policy, if it is established that a person has made a truly voluntary disclosure of a violation of section 592 of the Tariff Act of 1930, as amended (19 U.S.C. 1592), and the violation may result in a loss of revenue, the penalty assessable with respect to the violation is mitigated (upon the filing of a petition for relief) to an amount not exceeding the loss of revenue, provided a tender of the actual loss of revenue as withheld duties accompanied the disclosure. This policy was amplified in amendments to § 171.1(a) of the Customs Regulations (19 CFR 171.1(a)) published as Treasury Decisions 75-234 (40 FR 43894) and 76-212 (41 FR 31529).

PROCEDURAL CHANGES

Section 171.1(a) of the Customs Regulations currently provides for the immediate referral of the disclosure by the district director to the Headquarters Office of the United States Customs Service which determines, after referral of the disclosure to the appropriate field office of the Customs Service Office of Investigations and receipt of its report, whether the disclosure was truly voluntary. It has been determined, however, that use of the voluntary disclosure program would be encouraged by permitting the decision as to whether a disclosure is voluntary under § 171.1(a) to be made by the district director (after referral of the disclosure to the appropriate field office of the Office of Investigations and receipt of a report from that office) and, where he decides that the disclosure was voluntary, by permitting him immediately to notify the violator that the liability for the violation disclosed will be limited to one times the loss of revenue. The district director could then apply his determination with respect to voluntary disclosure to a petition for relief on which he is otherwise permitted to act by § 171.21 of the Customs Regulations (19 CFR 171.21). Therefore, in order to streamline the procedure under which voluntary disclosures are handled, to reduce unnecessary delays in both the investigation of the disclosures and the disposition of petitions for relief in which voluntary disclosures are involved, and to further the objectives of the voluntary disclosure program, it has been determined that § 171.1(a) should be

amended to provide for the immediate referral of the disclosure by the district director to the appropriate field office of the Office of Investigations and for the subsequent return of the disclosure by the field office, together with its report, to the district director for appropriate action.

VOLUNTARY DISCLOSURE UNACCOMPANIED BY A TENDER OF THE REVENUE LOSS

The Customs Service recognizes that instances exist in which a violation of 19 U.S.C. 1592 will be suspected or known by the disclosing party, but the loss of revenue resulting from that violation will not be immediately ascertainable. To encourage the voluntary disclosure of violations in these instances, it has been determined that § 171.1(a) should be amended further to permit the acceptance of a voluntary disclosure unaccompanied by a tender of the loss of revenue: *Provided* (1) The disclosing party alleges that the loss of revenue cannot be ascertained at the time of the disclosure and (2) the disclosing party agrees to compute the loss of revenue and tender the same to the district director at the earliest possible date. The loss of revenue must be tendered prior to any mitigation of statutory liability pursuant to § 171.1(a).

INAPPLICABILITY OF NOTICE AND DELAYED EFFECTIVE DATE REQUIREMENTS

The amendments set forth below provide for a more logical and expedient sequence in the handling of voluntary disclosures and place no additional duties or burdens on the public. For these reasons, the Customs Service believes that a notice of proposed rule-making and request for public comment with respect to the amendments are unnecessary and that there is good reason for the amendments to become effective on the earliest date possible under 5 U.S.C. 553.

DRAFTING INFORMATION

The principal author of this document was John T. Roth, Regulations and Legal Publications Division of the Office of Regulations and Rulings, United States Customs Service. However, personnel from other offices of the Customs Service participated in the development of the document, both on matters of substance and style.

AMENDMENTS

Accordingly, paragraph (a) of § 171.1 of the Customs Regulations (19 CFR 171.1(a)) is amended by amending the first sentence thereof, by amending all of subparagraph (2), by redesignating subparagraph (3) as subparagraph (4), and by adding a new subparagraph (3) to read as follows:

§ 171.1 Special procedures for certain liabilities incurred under section 592, Tariff Act of 1930, as amended.

(a) *Voluntary disclosure.* Any voluntary disclosure of violations of Customs laws which may result in a loss of revenue and which would subject either the merchandise involved or its value to forfeiture under section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), accompanied by a tender of the loss of revenue (except as provided in subparagraph (3) of this paragraph), shall be immediately referred by the district director to the appropriate field office of the Office of Investigations. Upon the completion of its investigation, the field office shall immediately return the disclosure, together with its report, to the district director for appropriate action.

(1) *Detection of undisclosed violations resulting from a voluntary disclosure.* Undisclosed violations discovered by Customs as a result of the investigation of a voluntary disclosure will be treated in the same manner as set forth above unless it is determined that such other violations were intentional when committed.

(3) *Voluntary disclosures accompanied by tender of loss of revenue.* Any voluntary disclosure of violations of Customs laws which may result in a loss of revenue and which would subject the merchandise involved or its value to forfeiture under 19 U.S.C. 1592 will be accepted and processed under the provisions of this paragraph when unaccompanied by a tender of the loss of revenue: *Provided* (1) The disclosing party alleges that the loss of revenue cannot be ascertained at the time of the disclosure, and (2) the disclosing party agrees to ascertain the loss of revenue and to tender the same to the district director at the earliest possible date. The loss of revenue must be tendered prior to any mitigation of the statutory liability incurred for the violations.

(R.S. 251, as amended, secs. 592, 618, 624, 46 Stat. 750, as amended, 757, as amended, 759 (5 U.S.C. 301, 19 U.S.C. 66, 1592, 1618, 1624).)

G. R. DICKERSON,
Acting Commissioner
of Customs.

Approved: May 22, 1978.

RICHARD J. DAVIS,
Assistant Secretary
of the Treasury.

[FR Doc. 78-15240 Filed 5-31-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER, [FEDERAL HOUSING ADMINISTRATION], DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-78-539]

MORTGAGE INSURANCE AND HOME IMPROVEMENT LOANS

Changes in Interest Rates

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: The change in the regulations increases the FHA maximum interest rate on homes. The change is necessitated by the current realities of high discounts and declining use of FHA financing in the mortgage market. This action by HUD is designed to bring the maximum interest rate on home mortgages into line with other interest rates currently prevailing in the mortgage market.

EFFECTIVE DATE: May 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Chester C. Foster, Acting Director, Actuarial Division, Office of Policy Development and Evaluation, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410 202-755-5898.

SUPPLEMENTARY INFORMATION: The following miscellaneous amendments have been made to this chapter to increase the maximum interest rate which may be charged on mortgages insured by this Department. (The maximum interest rate on home mortgage loan and insurance programs has been raised from 8.75 percent to 9.00 percent.) The Secretary has determined that such changes are immediately necessary to meet the needs of the mortgage market, and to prevent speculation in anticipation of a change, in accordance with her authority contained in 12 U.S.C. 1709-1, as amended. The Secretary has, therefore, determined that advance notice and public procedure are unnecessary and that good cause exists for making this amendment effective. A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD Handbook 1390.1. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of

the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. Accordingly, Chapter II is amended as follows:

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

1. In § 203.20 paragraph (a) is amended to read as follows:

§ 203.20 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent per annum with respect to mortgages insured on or after May 23, 1978.

2. In § 203.74 paragraph (a) is amended to read as follows:

§ 203.74 Maximum interest rate.

(a) The loan shall bear interest at the rate agreed upon by the lender and the borrower, which rate shall not exceed 9 percent per annum with respect to loans insured on or after May 23, 1978.

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Individual Properties Released From Project Mortgage

1. In § 213.511 paragraph (a) is amended to read as follows:

§ 213.511 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent per annum with respect to mortgages insured on or after May 23, 1978.

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

1. In § 234.29 paragraph (a) is amended to read as follows:

§ 234.29 Maximum interest rate.

(a) The mortgage shall bear interest at the rate agreed upon by the mortgagee and the mortgagor, which rate shall not exceed 9 percent per annum

with respect to mortgages insured on or after May 23, 1978.

(Sec. 3(a), 82 Stat. 113; (12 U.S.C. 1709-1); sec. 7, Department of Housing and Urban Development Act, (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., May 23, 1978.

MORTON A. BARUCH,
Acting Assistant Secretary for
Housing, Federal Housing
Commissioner.

[FR Doc. 78-15174 Filed 5-31-78; 8:45 am]

[4810-01]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-3810]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the city of Satsuma, Mobile County, Ala.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Satsuma, Mobile County, Ala. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Satsuma, Ala.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Satsuma, are available for review at City Hall, Satsuma, Ala.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, assistant administrator, Office of Flood Insur-

ance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Satsuma, Ala.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Steele Creek.....	Old highway 43.....	11
	Southern RR.....	12
Spat Creek.....	Orange Ave.....	10
	Corporate limits 1760 ft upstream from Orange Ave.....	10
Tributary to Spat Creek.....	Tajaucha Dr. North.....	10
	Corporate limits 720 ft upstream from Tajaucha Dr. North.....	11
Sweet Gum Creek.....	Juniper Ave.....	11
	Northeast corporate limits.....	11
Gunnison Creek.....	East corporate limits.....	10

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14068 Filed 5-31-78; 8:45 am]

[4210-01]

[Docket No. FI-1024]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Berkeley, Alameda County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Berkeley, Alameda County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Berkeley, Calif.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Berkeley, are available for review at City Hall, 2134 Grove Street, Berkeley, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 7th Street SW., Washington, D.C. 20410

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Berkeley, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet (national geodetic vertical datum)
Strawberry Creek .	Cross Campus Rd.....	238

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14069 Filed 5-31-78; 8:45 am]

[4210-01]

[Docket No. FI-3815]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Newport Beach, Orange County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Newport Beach, Orange County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Newport Beach, Calif.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Newport Beach, are available for review at City Hall, 330 Newport Boulevard, Newport Beach, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line, 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

gives notice of his final determinations of flood elevations for the city of Newport Beach, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Canyon.....	Backbay Dr.....	7
	Jamboree Rd*.....	55
San Diego Creek ..	Jamboree Rd*.....	12
Newport Bay.....	Intersection of Emerald Ave. and Park Ave.....	6
	Intersection of Topaz Ave. and Park Ave.....	6
	Intersection of Jade Ave. and Park Ave.....	6
	Intersection of Balboa Blvd. and 39th St.....	6
Santa Naan River .	Intersection of Prospect St. and Newport Shores Dr.....	10
	Intersection of Neptune Ave. and 52d St.....	9

* Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14070 Filed 5-31-78; 8:45 am]

[4210-01]

[Docket No. FI-3691]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for The Town of Boxborough, Middlesex County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Boxborough, Middlesex County, Mass.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Boxborough, Middlesex County, Mass.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Boxborough are available for review at Town Hall, 29 Middle Road, Boxborough, Mass.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Boxborough, Middlesex County, Mass.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum.
Beaver Brook.....	At corporate limit.....	225
	320 ft upstream of corporate limit.....	228
	1,080 ft upstream of corporate limits.....	230
	950 ft downstream of earth dam.....	230
	50 ft upstream of earth dam.....	246
	50 ft upstream of Whitcom Ave.....	249
	At Route 495 southbound.....	255
	845 ft downstream of a farm road bridge.....	261
	25 ft downstream of a farm road bridge.....	271
	180 ft upstream of a farm road bridge.....	276
	50 ft downstream of Hill Rd.....	285
	Just upstream of Mass. Ave.....	289
Elizabeth Brook	At southwestern corporate limit.....	252
	50 ft upstream of access road.....	257
	100 ft downstream of Codman Hill Rd.....	259
	At Old Codman Hill Rd.....	265
	80 ft upstream of Stone Dam.....	268
	Just upstream of Mass. Ave.....	273
Guggins Brook	At corporate limit with Acton.....	207
	2110 ft upstream of corporate limit with Acton.....	209
	80 ft downstream of Liberty Square Rd.....	214
	50 ft upstream of Liberty Square Rd.....	218
	1,080 ft upstream of Liberty Square Rd.....	218
	425 ft downstream of School Dam.....	230
	Just upstream of School Dam.....	238
	80 ft downstream of Cobleigh Rd.....	247
	50 ft upstream of Depot Rd.....	310
Fort Pond Brook...	At downstream corporate limits with Acton.....	208
	At upstream corporate limits with Acton.....	208
Fort Pond Brook branch.	At confluence with Fort Pond Brook.....	208
	Just upstream of Boston and Maine RR. (1st crossing).....	210
	580 ft upstream of Sargent Rd.....	216

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14071 Filed 5-31-78; 8:45 am]

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[4210-01]

[Docket No. FI-3833]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for The Town of East Longmeadow, Hampden County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of East Longmeadow, Hampden County, Mass.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of East Longmeadow, Hampden County, Mass.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of East Longmeadow are available for review at the Department of Public Works, Town Hall, 60 Center Square, East Longmeadow, Mass.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of East Longmeadow, Hampden County, Mass.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or

RULES AND REGULATIONS

individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum.
Watchaug Brook...	Corporate limit with Somers.	205
	At Elmerest Country Club Golf Course bridge.	207
	105 ft downstream of Somers Rd culvert.	214
	105 ft upstream of Somers Rd culvert.	219
	105 ft downstream of Meadow Brook Rd culvert.	219
	105 ft upstream of Meadow Brook Rd culvert.	222
	At Hampden corporate limits.	222
	At Springfield corporate limits.	221
	100 ft upstream of Porter Rd.	223
	3,540 ft upstream of Porter Rd.	224
South branch Mill River.	At Hampden corporate limits.	228
	At Confluence with Watchaug Brook.	207
	Just downstream of Pease Rd.	219
	Downstream of culvert (1,850 ft upstream of Pease Rd).	223
	100 ft upstream of culvert (1,850 ft upstream of Pease Rd).	225
	Just downstream of Somers Rd.	235
	100 ft upstream of Somers Rd.	238
	1,850 ft upstream of Somers Rd.	239
Tributary A (confluence with Watchaug Brook, 2,000 ft north of Somers corporate limits).		

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14072 Filed 5-31-78; 8:45 am]

[4210-01]

[Docket No. FI-3731]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Township of Erie, Monroe County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Erie, Monroe County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Erie, Mich.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Erie, are available for review at Township Hall, 2060 Manhattan Street, Erie, Mich.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Erie, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

RULES AND REGULATIONS

[4210-01]

[Docket No. FI-3694]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of New Brighton, Ramsey County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of New Brighton, Ramsey County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of New Brighton, Minnesota.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of New Brighton, are available for review at City Hall, 803 Fifth Avenue Northwest, New Brighton, Minn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of New Brighton, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum.
Lake Erie	Sterns Rd.	578
	Lakewood Rd.	578
Bay Creek	Cemetery Rd.	601
	Erie Rd.	592
	U.S. 24 ¹ .	591
	U.S. 24 ¹ .	590
	Chesapeake & Ohio RR.	590
	Driveway (1450 ft upstream of U.S. 25 crossing).	588
	U.S. 25 ¹ .	587
	U.S. 25 ¹ .	588
	U.S. 24A.	583
	Driveway (1900 ft downstream of U.S. 24A crossing).	581
	Penn Central RR ¹ .	580
	Penn Central RR ¹ .	579
	Detroit, Toledo & Shoreline RR.	578
	I-75.	578

¹Upstream.
²Downstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14073 Filed 5-31-78; 8:45 am]

[4210-01]

[Docket No. FI-3839]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of New Baltimore, Macomb County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of New Baltimore, Macomb County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map

(FIRM), showing base (100-year) flood elevations, for the city of New Baltimore, Mich.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of New Baltimore, are available for review at City Hall, 6535 Green Street, New Baltimore, Mich.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of New Baltimore, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum.
Crapaud Creek	Main St.	578
	Green St.	578
	Perren St.	579
	Base Rd.	580
	Washington Rd.	581
	Bedford Rd.	582
	Ashley Rd.	584
	Shoreline.	578.5
Lake St. Clair		

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14074 Filed 5-31-78; 8:45 am]

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum.
County ditch No. 2	7th St. NW	886
	7th St. NW	880
	Service Rd	880
	Service Rd	878
	U.S. Interstate Highway 694	876
	U.S. Interstate Highway 694	872
	Weir at Long Lake Rd	871
	Weir at Long Lake Rd	869
Rice Creek	Minnesota Transfer RR	868
	Long Lake	868
Long Lake	Near shoreline	868
Pike Lake	Near shoreline	872

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14075 Filed 5-31-78; 8:45 am]

[4210-01]

[Docket No. FI-3772]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Wabasha, Wabasha County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Wabasha, Wabasha County, Minn.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Wabasha, Minn.

ADDRESS: Maps and other information showing the detailed outlines of

RULES AND REGULATIONS

the flood-prone areas and the final elevations for the city of Wabasha, Minn., are available for review at City Hall, 257 Main Street West, Wabasha, Minn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Wabasha, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum.
Mississippi River-Zumbro River	Minnesota Trunk Highway 80	878

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14076 Filed 5-31-78; 8:45 am]

[4210-01]

[Docket No. FI-3857]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Loveland, Clermont County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Loveland, Clermont County, Ohio.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Loveland, Clermont County, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Loveland, Clermont County, Ohio, are available for review at 120 West Loveland Avenue, Loveland, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Loveland, Clermont County, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum.
Little Miami River	Chessie System Bridge	587
	Loveland Rd. Bridge	588
	Upstream corporate limits	590
O'Bannon Creek	ConRail RR Bridge	588
	Second St. Bridge	588
	Upstream corporate limit	590

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14077 Filed 5-31-78; 8:45 am]

[4210-01]

[Docket No. FI-3469]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Reynoldsburg, Franklin County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Reynoldsburg, Franklin County, Ohio.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Reynoldsburg, Franklin County, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Reynoldsburg, Franklin County, Ohio, are

RULES AND REGULATIONS

available for review at the lobby of the City Hall, 7232 Main Street, Reynoldsburg, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Reynoldsburg, Franklin County, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum.
Blacklick Creek	Downstream corporate limits	832
	Confluence of lateral D	834
	Livingston Ave. (downstream)	848
	Livingston Ave. (upstream)	850
	Main St. (U.S. Route 40), downstream	858
	Main St. (U.S. Route 40), upstream	860
	Confluence of lateral F	870
	Upstream corporate limits	882
Lateral D	Confluence with Blacklick Creek	834
	State Route 256 (downstream)	853
	State Route 256 (upstream)	855
Lateral K	Corporate limits	871
	State Route 256 (downstream)	852
	State Route 256 (upstream)	854
	Graham Rd.—corporate limits (downstream)	854
	Graham Rd.—corporate limits (upstream)	855
	Palmer Rd. (downstream)	887
	Palmer Rd. (upstream)	889
	Dam	944
	Main St. (corporate limits)	949

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
French Run (lateral G)	Confluence with Blacklick Creek	860
	Confluence of lateral G-A	887
	Confluence of lateral G-B	883
	Rodebaugh Rd.—corporate limits (downstream)	906
	Rodebaugh Rd.—corporate limits (upstream)	910
Lateral G-A	Confluence with French Run (lateral G)	867
	Wagoner Rd. (downstream)	879
	Wagoner Rd. (upstream)	881
	Upstream corporate limits	1,005
Lateral G-B	Confluence with French Run (lateral G)	883
	Wagoner Rd. (downstream)	902
	Wagoner Rd. (upstream)	913
Lateral F	Confluence with Blacklick Creek	870
	Rodebaugh Rd. (downstream)	882
	Rodebaugh Rd. (upstream)	883
Lateral N	Corporate limits	898
	Corporate limits	825
	Brice Rd. (downstream)	832
	Brice Rd. (upstream)	835

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14078 Filed 5-31-78; 8:45 am]

[4210-01]

[Docket No. FI-3783]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Bellmead, McLennan County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Bellmead, McLennan County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evi-

dence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Bellmead, McLennan County, Tex.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Bellmead, McLennan County, Tex. are available for review at City Hall, 2801 Parrish, Waco, Tex. 76705

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Bellmead, McLennan County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum.
Lucky Branch.....	Just upstream Concord Rd.	451
	Just upstream Meyers Lane.	457
Martin Branch.....	Just upstream of southern corporate limits.	426
	Just upstream Katy Lane.	429
Bellmead Ditch.....	Just upstream Bellmead Dr.	412

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended;

42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14079 Filed 5-31-78; 8:45 am]

[4210-01]

[Docket No. FI-3784]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Beverly Hills, McLennan County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Beverly Hills, McLennan County, Tex.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Beverly Hills, McLennan County, Tex.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Beverly Hills, McLennan County, Tex., are available for review at City Hall, 3418 Memorial, Waco, Tex. 76711.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Beverly Hills, McLennan County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act

of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum.
Waco Creek.....	Just upstream of Columbia Blvd.	499
	Just upstream of Sherry Lane.	517

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14080 Filed 5-31-78; 8:45 am]

[4210-01]

[Docket No. FI-3706]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Goshen, Rockbridge County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Goshen, Rockbridge County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of town of Goshen, Rockbridge County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Goshen, Rockbridge County, Va., are available for review at the Goshen Fire Department, Goshen, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Goshen, Rockbridge County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, above mean sea level
Calf Pasture River	Downstream corporate limits.	1,395
	Chesapeake & Ohio RR. (downstream).	1,396
	Chesapeake & Ohio RR. (upstream).	1,398
	State Route 42.....	1,399
	2,400 ft upstream State Route 42.	1,402
	Upstream corporate limits.	1,409
Mill Creek.....	Mouth.....	1,396
	Chesapeake & Ohio RR. (upstream 50 ft).	1,400
	425 ft upstream C. & O. RR.	1,406
	State Route 39A.....	1,409
	900 ft upstream State Route 39A.	1,410
	2,400 ft upstream State Route 39A.	1,420
	Upstream corporate limits.	1,425

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Ad-

ministrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14081 Filed 5-31-78; 8:45 am]

[4210-01]

[Docket No. FI-3752]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Darlington, Lafayette County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Darlington, Lafayette County, Wis.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Darlington, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Darlington, Wis. are available for review at City Hall, 135 East Ann Street, Darlington, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Darlington, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum.
Pecatonica River...	Chicago, Milwaukee, St. Paul and Pacific Railroad (144.1 miles above mouth).	825
	State Trunk Highway 23 and 81.	823
	Chicago, Milwaukee, St. Paul and Pacific Railroad (142.9 miles above mouth).	822

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14082 Filed 5-31-78; 8:45 am]

[4210-01]

[Docket No. FI-3665]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Ladysmith, Rusk County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Ladysmith, Rusk County, Wis.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Ladysmith, County, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Ladysmith, are available for review at City Hall, 300 West Miner Avenue, Ladysmith, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Ladysmith, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Flambeau River ...	State Highway 27.....	1101
	County Trunk Highway "G" (upstream side).	1105
	U.S. Highway 8.....	1115

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14083 Filed 5-31-78; 8:45 am]

[4210-01]

[Docket No. FI-3008]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Oak Creek, Milwaukee County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Oak Creek, Milwaukee County, Wis.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Oak Creek, Milwaukee County, Wis.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Oak Creek, are available for review at city hall, 8640 South Howell Avenue, Oak Creek, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free-line, 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Oak Creek, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the Community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, Oak Creek datum
Root River.....	Highway I-94.....	95
	13th St.....	88
Oak Creek (main stem).	Nicholson Rd.....	95
	Howell Ave.....	89
	Shepard Ave.....	84
	Puetz Rd.....	82
Oak Creek (north branch).	Drexel Ave.....	128
	8th St.....	123
	Wildwood Dr.....	115
	Puetz Rd.....	113
Oak Creek (south branch).	20th St.....	110
	20th St.....	109
	13th Street.....	108
	Ryan Road.....	98

¹ Upstream.
² Downstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14084 Filed 5-31-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. No. 1 to Revised Service Order No. 1315]

PART 1033—CAR SERVICE

Demurrage and Free Time on Freight Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 1 to Revised Service Order No. 1315).

SUMMARY: Revised Service Order No. 1315 establishes minimum periods for the detention of cars by shippers and receivers free of demurrage and increases demurrage charges for cars held beyond the free time. The order is printed in full in the FEDERAL REGISTER dated May 3, 1978, at page 19050. Amendment No. 1 extends this order for an additional period of 2 months.

DATES: Effective 6:59 a.m., June 1, 1978; Expires 6:59 a.m., August 1, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

Upon further consideration of Revised Service Order No. 1315 (43 FR 19050), and good cause appearing therefor:

It is ordered,

§ 1033.1315 Demurrage and free time on freight cars.

Revised Service Order No. 1315 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) Expiration date: The provisions of this order shall expire at 6:59 a.m., August 1, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 6:59 a.m., June 1, 1978.

(49 U.S.C. 1(10-17).)

A copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Decided May 26, 1978.

By the Commission, Railroad Service Board, members Joel E. Burns,

Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15258 Filed 5-31-78; 8:45 am]

[7035-01]

[Amdt. No. 1 to Revised Service Order No. 1280]

PART 1033—CAR SERVICE

Substitutions of Hopper Cars for Covered Hopper Cars or Boxcars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 1 to Revised Service Order No. 1280).

SUMMARY: Because of severe shortages of cars certain railroads are unable to furnish sufficient covered hopper cars and boxcars required for loading grain and grain products. Some railroads have available supplies of open hopper cars which can be substituted for boxcars or covered hopper cars for transporting these shipments. Revised Service Order authorizes railroads to substitute open hopper cars for covered hopper cars or boxcars for transporting shipments of grain or grain products. The consent of the shipper is required. Amendment No. 1 extends Revised Service Order No. 1280 for an additional 6 months. Revised Service Order No. 1280 is printed in full in the FEDERAL REGISTER Volume 42, page 59386.

DATES: Effective 11:59 p.m., May 31, 1978; expires 11:59 p.m., November 30, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate

Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

Upon further consideration of Revised Service Order No. 1280 (42 FR 59386), and good cause appearing therefor:

It is ordered,

§ 1033.1280 Substitution of hopper cars for covered hopper cars or boxcars.

Revised Service Order No. 1280 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) Expiration date: The provisions of this order shall expire at 11:59 p.m., November 30, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., May 31, 1978.

(49 U.S.C. 1(10-17).)

A copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a summary with the Director, Office of the Federal Register.

Decided May 25, 1978.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member Joel E. Burns not participating.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15259 Filed 5-31-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Proposed Extension of Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice proposes to continue through May 31, 1979, the current effective grade and size requirements on the handling of fresh California plums. These requirements are designed to provide for orderly marketing in the interest of producers and consumers.

DATES: Written comments must be received on or before June 23, 1978. Proposed effective dates: July 15, 1978, through May 31, 1979.

ADDRESSES: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077 South Building, Washington, D.C. 20250, where they will be made available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Plum Regulation 14 (§ 917.447; 43 FR 21636) sets forth the current grade and size requirements on the handling of fresh California plums through July 14, 1978. This proposed amendment would continue these requirements for the period July 15, 1978, through May 31, 1979, as recommended by the Plum Commodity Committee, established under the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917). This marketing agreement and order regulate the handling of fresh pears, plums, and peaches grown in California, and is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The committee estimates that 10.1 million packages of plums will be available for fresh shipment during the 1978 season compared to actual

shipment of 11.1 million packages last season. The grade and size requirements are necessary to prevent the shipment of California plums of a lower grade and smaller size than specified and are designed to continue to provide ample supplies of good quality plums in the interest of producers and consumers pursuant to the declared policy of the act.

The proposal is that § 917.447 Plum Regulation 14 (43 FR 21636) be amended to read as follows:

§ 917.447 Plum Regulation 14.

Order. (a) During the period July 15, 1978, through May 31, 1979, no handler shall ship any lot of packages or containers of any plums, other than the varieties named in paragraph (b) hereof, unless such plums grade at least U.S. No. 1.

(b) During the period July 15, 1978, through May 31, 1979, no handler shall ship:

(1) Any lot of packages or containers of Tragedy or Kelsey plums unless such plums grade U.S. No. 1, with a total tolerance of 10 percent for defects not considered serious damage in addition to the tolerances permitted by such grade; or

(2) Any lot of packages or containers of Angeleno, Andys Pride, Autumn Queen, Bee Gee, Casselman, Empress, Fresno Rosa, Grand Rosa, Improved Late Santa Rosa, King David, Late Santa Rosa, Linda Rosa, Red Rosa, Rosa Grande, Roysum, SW-1, and Swall Rosa plums unless such plums grade U.S. No. 1, except that healed cracks emanating from the stem and which do not cause serious damage shall not be considered as a grade defect with respect to such grade; or

(3) Any lot of packages or other containers of Late Tragedy plums unless such plums grade U.S. No. 1, except that gum spots which do not cause serious damage shall not be considered as a grade defect with respect to such grade.

(c) During the period July 15, 1978, through May 31, 1979, no handler shall ship any package or other container of any variety of plums listed in Column A of the following Table I unless such plums are of a size that an eight-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety of Column B of said table.

TABLE I

Column A variety	Column B plums per sample
Ace.....	55
Amazon.....	64
Andys Pride.....	69
Angeleno.....	67
Autumn Rosa.....	72
Beauty.....	91
Bee Gee.....	65
Burmosa.....	60
Casselman.....	63
Duarte.....	62
Durado.....	91
El Dorado.....	68
Elephant Heart.....	53
Empress.....	57
Fresno Rosa.....	62
Friar.....	56
Frontier.....	61
Gar-Rosa.....	71
Grand Rosa.....	54
July Santa Rosa.....	69
Kelsey.....	47
Laroda.....	58
Late Duarte.....	60
Late Santa Rosa (including Improved late Santa Rosa and Swall Rosa.....	84
Linda Rosa.....	63
Mariposa.....	61
Midsummer.....	63
Nubiana.....	56
President.....	57
Queen Ann.....	50
Queen Rosa.....	53
Red Beaut.....	91
Red Rosa.....	64
Redroy.....	58
Rosa Ann.....	69
Rosa Grande.....	63
Roysum.....	80
Santa Rosa.....	69
Simka, Arrosa, New Yorker.....	48
Standard.....	83
Tragedy.....	114
Wickson.....	51

(d) When used herein, "U.S. No. 1" and "serious damage" shall have the same meaning as set forth in the United States Standards for Fresh Plums and Prunes (7 CFR 51.1520-1538); and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

Dated: May 26, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-15253 Filed 5-31-78; 8:45 am]

PROPOSED RULES

23725

[3410-02]

[7 CFR Part 1126]

[Docket No. AO-231-A46]

MILK IN THE TEXAS MARKETING AREA

Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rulemaking.

SUMMARY: The hearing is being held to consider changes in the order that have been proposed by dairy farmer cooperatives and milk distributors. The proposals would relax or remove the "dairy farmer for other markets" provision, modify the diversion provisions, require producer-handlers to own and operate their own distribution system, and include, within limits, dumped milk, milk sold for animal feed and shrinkage in a single use classification. Proponents contend that the requested order changes are needed to reflect changed marketing conditions and to insure orderly marketing in the area.

DATE: June 13, 1978, beginning at 9:30 a.m., local time.

ADDRESS: Dunfey Royal Coach Inns, 3800 W. Northwest Highway, Dallas, Tex. 75220.

FOR FURTHER INFORMATION CONTACT:

Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-4824.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a public hearing to be held at the Dunfey Royal Coach Inns, 3800 W. Northwest Highway, Dallas, Tex. 75220, beginning at 9:30 a.m., local time, on June 13, 1978, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Texas marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY SOUTHERN MILK SALES, INC.

PROPOSAL NO. 1

Amend § 1126.12(b)(5) as follows:

§ 1126.12 Producer.

(b) * * *

(5) Any person with respect to milk produced by him during the months of February through July that is caused to be delivered to a pool plant by a cooperative association or a pool plant operator if during the immediately preceding period of September through November 28 percent or more of the milk from the same farm was caused by such cooperative association or pool plant operator to be delivered to plants as other than producer milk (except milk that is not producer milk as a result of a temporary loss of Grade A approval or the application of § 1126.13(e) (4) and (5)), unless such pool plant was a nonpool plant during any of such immediately preceding months.

PROPOSED BY THE SOUTHLAND CORPORATION

PROPOSAL NO. 2

Amend § 1126.13(d) as follows:

§ 1126.13 Producer milk.

(d) * * *

(d) Diverted from a pool plant described in § 1126.7(a) for the account of the handler operating such plant to a pool plant described in § 1126.7 (a), (b), (c), (d) or (e), except that milk diverted to a plant operated by a cooperative association may not be milk of the cooperative association's members. Milk so diverted shall be priced at the plant to which diverted; or

PROPOSAL NO. 3

Amend § 1126.10 as follows:

§ 1126.10 Producer-handler.

"Producer-handler" means any person:

(a) Who owns and operates a dairy farm and a milk processing plant from which all route disposition in the marketing area from such facility is made through a distribution system owned and operated by the same person;

(b) Who receives no fluid milk products, other than as provided for in subparagraph (c), in the processing plant or distribution system from sources other than his own farm production and pool plants;

(c) Whose receipts of fluid milk products during the month from pool plants do not exceed the lesser of 5 percent of his Class I disposition during the month or 10,000 pounds;

(d) Who disposes of no other source milk in products processed in the milk processing plant or received in the distribution system, as Class I, milk except by increasing the nonfat milk solids content of the fluid milk products received from his own farm production or pool plants; and

(e) Who provides proof satisfactory to the market administrator that the ownership, care and management of the dairy farm and other resources necessary for his own farm production of milk; the ownership, management and operation of the processing plant; and the ownership, management and operation of the milk distribution system are the personal enterprise and risk of such person.

PROPOSED BY ASSOCIATED MILK PRODUCERS, INC.

PROPOSAL NO. 4

§ 1126.12 [Amended]

Delete § 1126.12(b)(5).

PROPOSAL NO. 5

§ 1126.13 [Amended]

Amend § 1126.13 by adding a new sub-paragraph as follows: "Milk of a producer shall not be eligible for diversion from a pool plant under this section if during the month less than 15 percent of the total milk of such person is received at a pool plant."

PROPOSAL NO. 6

Amend § 1126.13(e)(2) to provide for the diversion of producer milk from any plant described pursuant to § 1126.7(e).

PROPOSED BY SCHEPPS DAIRY, INC.

PROPOSAL NO. 7

§§ 1126.40 1126.41 [Amended]

Amend §§ 1126.40 and 1126.41 to provide the following:

Classify plant shrinkage, animal feed and dumped fluid milk products as a single classification within Class III with a maximum allowable as Class III of 2.5% of the receipts of bulk fluid milk and bulk fluid cream products during the month. Skim and butterfat in this group in excess of 2.5% would be classified as Class I. Section 1126.40(c)(3) would cross-reference § 1126.41; and § 1126.40(c)(4) would be amended to strike the phrase beginning "if the Market Administrator is notified . . ." and substitute a cross-reference to § 1126.41. Section 1126.41 would be amended to add wherever the word "shrinkage" is used "animal feed and dumped milk" and wherever the percentage figure "1.5%" is used to increase it to "2.5%."

PROPOSED BY DAIRY DIVISION,
AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 8

§ 1126.73 [Amended]

Amend § 1126.73(g)(1) to read as follows:

On or before the 26th day of each month, an amount determined by multiplying such receipts during the first 18 days of the month by the Class III price for the preceding month. If the handler so elects, such price may be adjusted by the butterfat differential specified in § 1126.74 for the preceding month; and

PROPOSAL NO. 9

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from Market Administrator, C. E. Dunham, 11117 Shady Trail, P.O. Box 29529, Dallas, Tex. 75229, or from the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture.
Office of the Administrator, Agricultural Marketing Service.
Office of the General Counsel.
Dairy Division, Agricultural Marketing Service (Washington office only).
Office of the Market Administrator, Texas Marketing Area.

Procedural matters are not subject to the above prohibition and may be discussed at any time.

Signed at Washington, D.C., on: May 26, 1978.

WILLIAM T. MANLEY,
Deputy Administrator
Marketing Program Operations.

[FR Doc. 78-15257 Filed 5-31-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

[12 CFR Part 226]

[Reg. Z; Docket No. R-0164]

MINOR IRREGULARITIES—MAXIMUM
IRREGULAR PERIOD LIMITS

Revised Interpretations

AGENCY: Board of Governors of the Federal Reserve System.

PROPOSED RULES

ACTION: Proposed revised interpretation.

SUMMARY: This proposed revised interpretation would expand the current "minor irregularities" provisions of Regulation Z which permit certain irregular payment amounts and payment periods to be considered regular for purposes of calculating the annual percentage rate on consumer credit transactions. It provides that in most real property transactions with a term of 15 years or more, an irregular first period of up to 62 days may be treated as though it were a regular period. The proposed rule is intended to simplify computation of the annual percentage rate in long-term real property transactions involving unequal payments, including graduated payment mortgages.

DATE: Comments must be received on or before June 26, 1978.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT:

Glenn E. Loney, Section Chief, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3867.

SUPPLEMENTARY INFORMATION: (1) In an effort to simplify computation of annual percentage rates in graduated payment mortgages, such as those made under the HUD/FHA Section 245 Experimental Financing Program, the Board is proposing to revise Interpretation § 226.503. That interpretation currently allows first payment periods of up to 50 days to be treated as if they were regular for purposes of the annual percentage rate calculation, only in transactions longer than 1 year which are otherwise payable in equal monthly instalments. Since graduated payment mortgages, by their very nature, involve unequal instalments, creditors offering them cannot now take advantage of the minor irregularities provision.

The Board believes this requirement that the obligation be otherwise payable in equal instalments may appropriately be relaxed in the case of most long-term real property transactions, even if the instalments are unequal. Moreover, it believes that in such transactions allowing a first period of up to 62 days to be considered regular will have only a minor effect on the annual percentage rate. It therefore proposes to allow such a longer period to be treated as regular.

There are two limitations on the type of real property transaction that qualifies for this special rule regarding irregularities. The transaction must be for a term of at least 15 years, and it must be otherwise payable in monthly

instalments. These limitations are included to insure that use of this provision will not result in major deviations from the true annual percentage rate.

The Board is permitted by § 107 of the Truth in Lending Act (15 U.S.C. 1606) to allow variances in the annual percentage rate.

The Board would like to receive any comments the public might have on this proposal. In particular, the Board believes comments on the following issues would be helpful.

1. Are the restrictions placed on the use of this amendment appropriate? Are any additional restrictions necessary? Should any of the proposed restrictions be made less severe, more strict, or eliminated? For example, the amendment applies only to real property transactions whose terms are 15 years or more. Could that minimum eligible term be increased, decreased, or eliminated, without seriously distorting the annual percentage rate?

2. To assure less distortion in the rate calculation, would it be advisable or necessary to limit this amendment to apply to those mortgage credit plans that require the customer to pay interest for the irregular portion of the first payment period?

3. Does this adjustment achieve the desired result as stated above?

(2) To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, comments, or arguments. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 26, 1978, and should include the docket number R-0164. The material submitted will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

(3) Pursuant to the authority granted in 15 U.S.C. 1064 (1968), the Board proposes to revise Regulation Z, 12 CFR Part 226.503 by adding the following at the end thereof:

§ 226.604 Minor irregularities—maximum irregular period limits.

Notwithstanding the above or the language in § 226.5(d) that limits the minor irregularities provisions to transactions that are "otherwise payable in equal instalments scheduled at equal intervals," the following rule may be applied to real property transactions.

An initial payment period of 62 days or less may be treated as though it were regular if:

(1) The term of the obligation (the date from which the finance charge begins to accrue to the date of the final payment) is at least 15 years, and

(2) The obligation is otherwise payable in monthly instalments.

By order of the Board of Governors,
May 19, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-15144 Filed 5-31-78; 8:45 am]

[6720-01]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 78-314]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendments Concerning Investment
in the Inter-American Savings and Loan Bank

MAY 24, 1978.

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank board proposed to permit Federal savings and loans to invest within certain limitations in the Inter-American Savings and Loan Bank, as authorized by section 22 of the Housing Authorization Act of 1976. This action is needed because the Board's present regulations do not permit such investment.

DATE: Comments must be received on or before July 3, 1978.

ADDRESS: Send comments to the Office of the Secretary, Federal Home Loan Bank Board, 1700 G Street NW, Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board at the above address. 202-377-6440.

SUPPLEMENTARY INFORMATION: Section 22 of the Housing Authorization Act of 1976 (Pub. L. 94-375, 90 Stat. 1067; August 3, 1976) amended Section 5(c) of the Home Owners' Act of 1933 to permit Federal savings and loan associations to invest in the share capital and capital reserve of the Inter-American Savings and Loan Bank ("BIAPE"). The statute provides that such investment, when combined with investments in loans guaranteed under the Foreign Assistance Act of 1961, as amended (A.I.D. Housing Guaranty Program), shall not exceed the amount previously authorized for such guaranteed loans, i.e. one percent of the association's assets.

It is the Board's understanding that BIAPE was formed in November, 1975, by the savings and loan industry in Latin America to create an international secondary mortgage market to

PROPOSED RULES

increase the volume of capital available for housing loans in Latin America. BIAPE, a privately-owned investment bank specializing in housing and housing finance on an international basis, is empowered to borrow from, and lend and guarantee loans to, its members to facilitate their housing finance operations. Its initial subscribers represent ten Latin American countries and a group of State-chartered savings and loan associations located in the southwestern part of the United States.

Because of the present illiquidity of investments in BIAPE (due to lack of an organized secondary market in its shares and absence of a repurchase arrangement) and the fact that the organization is now in its formative period, the Federal Home Loan Bank Board believes it desirable to propose a limited implementation of the statutory authority which would impose certain threshold criteria for Federal association investment and limit total investment as set forth below. The proposed regulation would include in the investment limitation the amount of any pledges or commitments made by an association to provide BIAPE with reserve capital in the future.

Accordingly, the Board hereby proposes to amend Part 545 by revising § 545.6-20(c) and adding a new paragraph (h) to § 545.9 thereof, to read as set forth below.

§ 545.6-20 Loans guaranteed under the Foreign Assistance Act of 1961.

(c) *Percentage-of-assets limitations.* No Federal association may invest in any loan, or interest therein, pursuant to paragraph (a) of this section if, as a result, its aggregate outstanding principal amount of investment in such loans or interests therein and in investments made pursuant to § 545.9(h) would exceed one percent of its assets.

§ 545.9 Securities and other investments.

A Federal association may invest in the following:

(h) The share capital and capital reserve of the Inter-American Savings and Loan Bank, subject to the following conditions:

(1) The association's net worth meets the requirements of § 563.13 of this chapter, its scheduled items do not exceed 2.5 percent of its specified assets, and all appraised losses have been offset by specific loss reserves to the extent required by § 563.17-2 of this chapter;

(2) The association's aggregate investment pursuant to this paragraph, including the amount of any obligations undertaken to provide said Bank

with reserve capital in the future ("callable capital"), will not, as a result of such investment, exceed one-quarter of one percent of its assets or \$100,000, whichever is less; and

(3) The association's aggregate investment under this paragraph and its aggregate outstanding principal amount of investment under § 545.6-20 will not, as a result of such investment, exceed one percent of its assets.

(Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4081, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc. 78-15234 Filed 5-31-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 78-GL-3]

AIRWORTHINESS DIRECTIVES

McCaughey Propellers Two Bladed Constant Speed Model D2A34C58, F2A34C58 and D2A34C98 Series

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD) applicable to propellers installed on Cessna A188, A188A, A188B, and Transavia PL-12 airplanes by a new AD that adds additional airplane models. The new AD imposes the same inspection and replacement requirements on the airplane models covered by the existing AD and adds relaxed inspection and replacement requirements on additional airplane models. The new AD is needed because service experience indicates these airplanes are also susceptible to hub failures and blade loss to which the AD is directed. The additional airplane models use the same design propellers. Periodic inspection of the propeller hubs is required until replaced by oil-filled hubs containing a dyed oil crack detection system.

DATES: Comments must be received on or before July 3, 1978.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, Attn: Rules Docket (AGL-7) Docket No. 78-GL-3, 2300 East Devon Avenue, Des Plaines, Ill. 60018. The applicable service information may be obtained from McCaughey Accessory Division, Cessna Aircraft

Co., Box 7, Roosevelt Station, Dayton, Ohio 45417. A copy of the applicable service information is contained in the Rules Docket, Office of the Regional Counsel, 2300 East Devon Avenue, Des Plaines, Ill. 60018; and at FAA Headquarters, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Robert W. Alpiser, Engineering and Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018, telephone 312-694-4500, extension 308.

SUPPLEMENTARY INFORMATION:

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action upon the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of the proposed rule will be filed in the Rules Docket.

This notice proposes to supersede Amendment 39-3033 (42 FR 46275) AD 77-19-01 (as corrected by deleting the four words "but not limited to" in letter date October 18, 1977, 43 FR 16700).

After issuing Amendment 39-3033, the Federal Aviation Administration (FAA) has determined, based on service experience with other airplanes using the same design propeller, that the AD should be expanded to include additional airplane models. Therefore, the FAA is considering superseding Amendment 39-3033 by a new AD that includes additional airplane models using McCauley Propellers, two bladed constant speed Model D2A34C58, F2A34C58 and D2A34C98 series.

DRAFTING INFORMATION

The principal authors of this document are R. W. Alpiser, Flight Standards Division, Great Lakes Region, and J. W. Hacker, Office of the Regional Counsel, Great Lakes Region.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by

superseding Amendment 39-3033 (42 FR 46275), AD 77-19-01 (as corrected by deleting the four words "but not limited to" in letter dated October 18, 1977, 43 FR 16700) by adding the following new airworthiness directive:

McCauley Propellers: Applies to the following Model D2A34C58(-), F2A34C58(-), and D2A34C98(-) series propellers. Paragraph (a) applies to those propellers installed on Cessna A188, A188A, A188B, and Transavia PL-12 airplanes only. Paragraph (b) applies to those propellers installed on airplanes not covered by paragraph (a) including but not limited to Bellanca 17-30, 17-30A, Cessna 185 and A185 series, 206, P206, P208A, TP206A, U206A thru F, TU206A thru F, 207, 210, 210A thru D, Interceptor (Aero Commander/Meyers) 200 series, Navion A thru H, Procaer F15/C, and Windecker AC-7 airplanes.

D2A34C58; D2A34C58-A; D2A34C58-B, -BM, or -BMN; D2A34C58-C, -CM, or -CMN; D2A34C58-J, -JM, or -JMN; D2A34C58-K, -KM, or -KMN; D2A34C58-L, -LM, or -LMN; D2A34C58-M or -MN; D2A34C58-N; F2A34C58-N; D2A34C98-BM or -BMN; D2A34C98-CM or -CMN; D2A34C98-JM or -JMN; D2A34C98-KM or -KMN; D2A34C98-LM or -LMN; D2A34C98-M or -MN and D2A34C98-N.

Compliance required as indicated, unless already accomplished.

To detect propeller hub cracks and prevent possible failure, accomplish the following:

(a) Propellers installed on Cessna A188, A188A, A188B, and Transavia PL-12 airplanes only.

(1) All propeller models and series listed above.

(i) Propeller hubs with less than 500 total hours time in service, inspect in accordance with paragraph (c)(1) within 525 hours total time and reinspect in accordance with paragraph (c)(1) every 100 hours time in service from last inspection.

(ii) Propeller hubs with 500 or more but less than 1200 total hours time in service, inspect in accordance with paragraph (c)(1) within the next 25 hours time in service after the effective date of this AD, and reinspect in accordance with paragraph (c)(1) every 100 hours time in service from last inspection.

(2) Model D2A34C58 and D2A34C58-A only. Propeller hubs with 1200 or more total hours in service, or whose total time in service is unknown, remove from service and replace in accordance with paragraph (c)(3) within the next 25 hours in service after the effective date of this AD.

(3) All propeller models and series listed above except D2A34C58 and D2A34C58-A. Propeller hubs with 1200 or more total hours time in service, or whose total time in service is unknown, inspect in accordance with paragraph (c)(2) within the next 25 hours time in service after the effective date of this AD, unless already accomplished within the last 300 hours time in service, and reinspect in accordance with paragraph (c)(2) every 300 hours time in service from the last inspection.

(4) Exemption. The foregoing inspections may be discontinued after replacement of Model D2A34C58(-), F2A34C58(-), or D2A34C98(-) series propeller hubs with McCauley oil-filled hubs as in paragraph (c).

(b) Propellers installed on but not limited to Bellanca 17-30, 17-30A, Cessna 185 and

A185 series, 206, P206, P206A, TP206A, U206A thru F, TU206A thru F, 207, 210, 210A thru D, Interceptor (Aero Commander/Meyers) 200 series, Navion A thru H, Procaer F15/C, and Windecker AC-7 airplanes.

(1) Models D2A34C58 and D2A34C58-A (non-shot peened hubs).

(i) Propeller hubs with less than 500 total hours time in service, inspect in accordance with paragraph (c)(1) within 525 hours total time and reinspect in accordance with paragraph (c)(1) every 100 hours from last inspection.

(ii) Propeller hubs with 500 or more but less than 1200 total hours time in service, inspect in accordance with paragraph (c)(1) within the next 25 hours time in service after the effective date of this AD, and reinspect in accordance with paragraph (c)(1) every 100 hours from last inspection.

(iii) Propeller hubs with 1200 or more total hours in service, or when total hours in service is unknown, remove from service and replace in accordance with paragraph (c)(3) within the next 25 hours time in service after the effective date of this AD.

(2) Models D2A34C58-B, -C, -J, -K, -L (non-shot peened hubs).

(i) Propeller hubs with less than 500 total hours time in service, inspect in accordance with paragraph (c)(1) within 525 hours total time and reinspect in accordance with paragraph (c)(1) every 100 hours from last inspection.

(ii) Propeller hubs with 500 or more but less than 1200 total hours time in service, inspect in accordance with paragraph (c)(1) within the next 25 hours time in service after the effective date of this AD, and reinspect in accordance with paragraph (c)(1) every 100 hours from last inspection.

(iii) Propeller hubs with 1200 or more total hours in service, or when total hours in service is unknown, inspect in accordance with paragraph (c)(2) within the next 50 hours time in service after the effective date of this AD, unless already accomplished within the last 300 hours time in service, and reinspect in accordance with paragraph (c)(2) every 300 hours time in service from the last inspection.

(3) Models D2A34C58-BM, -BMN, -CM, -CMN, -JM, -JMN, -KM, -KMN, -LM, -LMN, -M, -MN, and -N (shot peened hubs).

(i) Propeller hubs with 1200 or more total hours in service but less than 2301 hours time in service, inspect in accordance with paragraph (c)(2) within the next 100 hours time in service after the effective date of this AD unless previously accomplished within the last 1200 hours.

(ii) Propellers with 2400 or more total hours time in service or whose total time in service is unknown, inspect in accordance with paragraph (c)(2) within the next 50 hours time in service after the effective date of this AD, unless previously accomplished within the last 300 hours time in service, and reinspect in accordance with paragraph (c)(2) every 300 hours time in service from the last inspection.

(4) Exemption. The foregoing inspections may be discontinued after replacement of Model D2A34C58(-), F2A34C58(-), or D2A34C98(-) series propeller hubs with McCauley oil-filled hubs as in paragraph (c).

(c) Required action:

(1) Remove spinner, if installed, and inspect all external surfaces of the propeller hub for cracks by dye penetrant method. The propeller need not be disassembled or

removed from the airplane for this inspection, which can be performed by a Federal Aviation Administration Certificated A & P mechanic. Replace before further flight any cracked hub with a new or serviceable hub which complies with the requirements of this AD as described in paragraph (c)(3).

(2) Remove propeller from airplane and disassemble sufficiently to inspect all internal and external surfaces of hub for cracks by dye penetrant inspection in accordance with McCauley Service Letter 1974-3 dated March 29, 1974. This inspection must be performed by a Federal Aviation Administration approved propeller repair station. Replace before further flight any cracked hub with a new or serviceable hub which complies with the requirements of this AD as described in paragraph (c)(3).

Remove propeller from airplane, disassemble, inspect components and replace hub with a Model D2A34C58-BMNO, -CMNO, -JMNO, -KMNO, -LMNO, -MNO, -NO, -O or D2A34C98-BMNO, -CMNO, -JMNO, -LMNO, -MNO, -NO or -O oil-filled series hub, as applicable, in accordance with McCauley Service Bulletin No. 122 dated February 15, 1977, No. 130 dated January 20, 1978 and Service Manual No. 720415, or later Federal Aviation Administration approved revisions. Modification to the oil-filled hub during major disassembly or overhaul must be accomplished by a Federal Aviation approved propeller repair station.

Alternatively, a non-oil-filled hub which has been shot peened and reworked in accordance with McCauley Service Bulletin No. 88, dated November 6, 1970 and Service Manual 720415 or later Federal Aviation Administration approved revisions may be used. The non-oil-filled hub models, when used, must comply with the repetitive inspection requirements of paragraphs (c)(1) and (c)(2), as applicable. The replaced Model D2A34C58 and D2A34C58-A hubs having 1200 or more total hours time in service must be identified with a "Reject Tag" since their continued use in certificated aircraft is not permissible.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made part hereof pursuant to 5 U.S.C. 522(a)(1). All persons affected by the directive who have not already received these documents from the manufacturer, may obtain copies upon request to McCauley Accessory Division, Cessna Aircraft Co., Box 7, Roosevelt Station, Dayton, Ohio 45417. These documents may also be examined at the Great Lakes Regional Office, 2300 East Devon Avenue, Des Plaines, Ill. 60018, and at FAA Headquarters, 800 Independence

Avenue SW., Washington, D.C. 20591. A historical file on this airworthiness directive which includes incorporated material is maintained by the FAA at its headquarters in Washington, D.C., and at the Great Lakes Region.

(Secs. 313(a), 601, and 803, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89).

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Ill., on May 15, 1978.

JOHN M. CYROCKI,
Director, Great Lakes Region.

(FR Doc. 78-15171 Filed 5-31-78; 8:45 am)

[6351-01]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Part 1]

MINIMUM FINANCIAL REQUIREMENTS

Proposed Adoption and Monitoring: Extension of Comment Period

AGENCY: Commodity Futures Trading Commission.

ACTION: Extension of Comment Period.

SUMMARY: This notice extends the period for public comments set in the April 10, 1978 (43 FR 15072) FEDERAL REGISTER release proposing the adoption and monitoring of Minimum Financial Requirements for Futures Commission Merchants. The comment period is hereby extended to June 15, 1978.

DATE: Comments on the proposed rule should be submitted by June 15, 1978.

ADDRESS: Send comments to Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT:

John L. Manley, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, 202-254-5218.

SUPPLEMENTAL INFORMATION:

The proposed rules published in the April 10, 1978 FEDERAL REGISTER, would amend the minimum financial and related reporting requirements imposed upon futures commission merchants (FCM's) and would change the computational formula used to determine whether a futures commission merchant meets the minimum financial requirements; establish an early warning system designed principally to give notice of a futures commission merchant's financial deterioration; and require all self-regulatory organizations under the jurisdiction of the Commodity Futures Trading Commission to adopt minimum financial and reporting requirements with respect to their member futures commission merchants. The rules would also permit the responsibility for monitoring and auditing any FCM which is a member of more than one self-regulatory organization to be delegated to a single self-regulatory organization.

(7 U.S.C. 6c, 6f, 6g, 7a, 12a and 17.)

Issued in Washington, D.C., on May 26, 1978, by the Commission.

GARY L. SEEVERS,
Vice-Chairman, Commodity
Futures Trading Commission.

(FR Doc. 78-15192 Filed 5-31-78; 8:45 am)

[6351-01]

[17 CFR Part 31]

MORATORIUM ON THE OFFER AND SALE OF LEVERAGE CONTRACTS

Offering and Selling Standardized Contracts

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule.

SUMMARY: The Commodity Futures Trading Commission is proposing to adopt a rule which would establish a moratorium on the entry into the

business of offering and selling to the public standardized contracts commonly known to the trade as margin accounts, margin contracts, leverage accounts or leverage contracts for the delivery of silver bullion, gold bullion, bulk silver coins or bulk gold coins (hereinafter collectively referred to as "leverage contracts"). The proposed moratorium would remain in effect until such time as the Commission determines whether leverage contracts, or any class thereof, are contracts for future delivery of a commodity within the meaning of the Commodity Exchange Act, as amended, and should be regulated accordingly or are not futures contracts and the Commission adopts appropriate registration, financial, recordkeeping or other regulations as necessary in order to provide adequate customer protection. The moratorium would not affect firms engaged in a leverage contract business as of May 23, 1978. In addition, the proposed rule would permit the Commission to entertain applications for exemptions from the moratorium by any person who could demonstrate (1) that he had invested substantial resources in the development of a leverage contract business prior to the effective date of the moratorium, (2) that this business is designed to insure the financial solvency of the contracts to be offered and to prevent manipulation or fraud and (3) that to allow entry by this person into the leverage contract business would present no substantial risk to the public and would otherwise be consistent with the public interest.

DATES: Written comments on the proposed rule must be received by the Commission at its offices in Washington, D.C. on or before July 1, 1978.

ADDRESS: In order to be considered, written comments on the proposed rule must be submitted to: Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT:

David R. Merrill, Office of General Counsel, 2033 K Street NW., Washington, D.C. 20581, telephone 202-254-9880.

SUPPLEMENTARY INFORMATION:

Under section 2(a)(1) of the Commodity Exchange Act, as amended, 7 U.S.C. 2 (1976), and section 217 of the Commodity Futures Trading Commission Act of 1974, 7 U.S.C. 15a (1976), Congress gave the Commission exclusive jurisdiction over leverage contracts and broadly empowered the Commission to regulate the offer and sale of leverage contracts so as to prevent manipulation or fraud and to insure the financial solvency of these transactions. Under section 217, Congress also directed the Commission to

regulate leverage contracts in accordance with the provisions of the Commodity Exchange Act concerning futures contracts if the Commission determined that leverage contracts are contracts for future delivery of a commodity within the meaning of the Commodity Exchange Act. Specifically, section 217 provides in pertinent part:

No person shall offer to enter into, enter into, or confirm the execution of any transaction for the delivery of silver bullion, gold bullion, or bulk silver coins or bulk gold coins, pursuant to a standardized contract commonly known to the trade as a margin account, margin contract, leverage account, or leverage contract contrary to any rule, regulation, or order of the Commodity Futures Trading Commission designed to insure the financial solvency of the transaction or prevent manipulation or fraud: *Provided*, That such rule, regulation, or order may be made only after notice and opportunity for hearing. If the Commission determines that any such transaction is a contract for future delivery within the meaning of the Commodity Exchange Act, as amended, such transaction shall be regulated in accordance with the provisions of such Act.

In addition, Section 8a(5) of the Commodity Exchange Act broadly empowers the Commission "to make and promulgate such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions or to accomplish any of the purposes of . . . [the Act] . . ."

On June 24, 1975, the Commission adopted a general antifraud rule applicable to leverage contracts. 17 CFR 30.03 (1977). Since that time, the Commission has studied and monitored the offer and sale of leverage contracts in this country as well as the nature of the leverage contracts being offered.¹ Recently, the Commission has conducted and in-depth survey in which it reviewed the operations of firms known to be currently marketing leverage contracts. This survey has revealed that:

1. Outstanding leverage contracts presently account for at least \$100 million open customer interest. While sales of leverage contracts declined somewhat since the 1973-1974 period, there are indications of recent increased activity in this area which has

¹See, e.g., 40 FR 36382-36385 (August 20, 1975) wherein the Commission proposed to adopt a temporary rule which would have required any person proposing to establish a leverage contract business to file with, and have declared effective, by the Commission a plan of that business. Following a written comment period and further deliberation concerning this temporary rule, the Commission determined not to adopt the rule. See also Report of the Commission's Advisory Committee on Market Instruments on Futures, Forward and Leverage Contracts and Transactions dated July 16, 1976, excerpts of which appear in CCH Comm. Fut. L. Rep., ¶ 20,192.

resulted in additional firms beginning to market leverage contracts with a concomitant increase in the total volume of leverage contracts presently being sold;

2. The principal characteristics of a leverage contract appear to be similar, if not identical, to those of futures contracts. However, many of the advantages of auction-type futures markets are not present in leverage contract trading;

3. Leverage customers appear to be inadequately protected. Since the leverage dealer serves as the buyer to every seller and the seller to every buyer, leverage customers are totally dependent upon the financial integrity of the dealer for making a buy-sell market for offsetting contracts, the delivery of the specified commodity, and the maintenance, safety, and payment of customer funds and profits;

4. Leverage market prices and trade information such as open interest, volume of trading and general marketing data are not widely disseminated;

5. Leverage contracts appear to be entered into for the sole purpose of speculating on price changes in gold or silver and not for the purpose of shifting existing economic risks; and

6. A review of pertinent court and state regulatory agency records reveals that at least 11 firms engaged in the offer and sale of leverage contracts have experienced financial failure since 1973.

On the basis of this information, together with knowledge previously gained by the Commission concerning leverage contracts, the Commission has determined, in accordance with its authority under section 217 of the Commodity Futures Trading Commission Act of 1974 and sections 2(a)(1) and 8a(5) of the Commodity Exchange Act, as amended, to propose a moratorium on the entry into the business of offering and selling leverage contracts to the public until such time as the Commission determines whether these contracts, or any class thereof, should be regulated as contracts for future delivery of a commodity or whether registration, financial, recordkeeping or other regulations are required to insure the financial solvency of these contracts and prevent fraud and manipulation in the marketing of these contracts. The proposed rule imposing this moratorium would, however, establish a procedure whereby any person might be granted an exemption from the moratorium if he could demonstrate to the Commission that he had invested substantial resources in the development of a business for the offer and sale of leverage contracts prior to the effective date of the moratorium, that this business is designed to insure the financial solvency of the leverage contracts to be offered and to prevent manipulation or fraud, and

that to allow this person's entry into the leverage contract business would present no substantial risk to the public and would otherwise be consistent with the public interest.

In consideration of the foregoing, the Commission proposes to create a new part 31 of title 17 of the Code of Federal Regulations as follows:

PART 31—LEVERAGE TRANSACTIONS

Sec. 31.1 Suspension of the offer and sale of leverage contracts.

AUTHORITY: 7 U.S.C. 2, 12a(5), and 15a (1976).

§ 31.1 Suspension of the offer and sale of leverage contracts.

(a) It shall be unlawful for any person, by use of the mails or any means or instrumentality of interstate commerce, to engage in the business of offering to enter into, entering into or confirming the execution of any transaction for the delivery of silver bullion, gold bullion, bulk silver coins or bulk gold coins pursuant to a standardized contract commonly known to the trade as a margin account, margin contract, leverage account or leverage contract, who was not engaged in such business on May 23, 1978.

(b) The Commission may, in its discretion, grant an exemption from the provisions of paragraph (a) of this section to any person who can demonstrate (1) that prior to May 23, 1978, such person had invested substantial resources to develop a business for the offer and sale of accounts or contracts referred to in paragraph (a) of this section, (2) that this business is designed to insure the financial solvency of the contracts to be offered and sold and to prevent manipulation or fraud, and (3) that the manner in which such person proposes to conduct this business will present no substantial risk to the public and is otherwise consistent with the public interest.

Issued in Washington, D.C. on May 23, 1978.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures
Trading Commission.

[FR. Doc. 78-15167 Filed 5-31-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Parts 4 and 6]

VESSELS IN FOREIGN AND DOMESTIC TRADES—AIR COMMERCE REGULATIONS

Proposed Amendments to Customs Regulations Pertaining to Exportation of Livestock by Aircraft and Vessels

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to require an aircraft commander or other authorized person to furnish Customs with an export inspection certificate issued by the Veterinary Services, Animal and Plant Health Inspection Service, Department of Agriculture, at the time of departure from the United States of any aircraft carrying livestock for export. The purpose of this requirement is to prevent diseased livestock from being exported from the United States by air. It also is proposed to make minor conforming changes in § 4.71 of the Customs regulations, a similar provision relating to the exportation of livestock by vessels.

DATE: Comments must be received on or before July 3, 1978.

ADDRESS: Written comments should be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:

Leonard Rosenberg, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5706.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 4.71 of the Customs regulations (19 CFR 4.71) provides that a proper notice of inspection by the Bureau of Animal Industry (now the Animal and Plant Health Inspection Service), Department of Agriculture, shall be furnished to Customs by the master before clearance of a vessel carrying horses, mules, asses, cattle, sheep, swine, or goats.

However, there is no similar provision in Part 6 of the Customs regulations (19 CFR Part 6) requiring an aircraft commander or other authorized person to furnish Customs an export inspection certificate before departure of an aircraft carrying these animals.

The Customs Service has been advised by the Department of Agriculture that there have been several instances recently when livestock subject to export health inspection and certification have been exported by aircraft without proper documentation.

To ensure that no diseased livestock are exported, it is necessary that those animals subject to health inspection and certification exported by aircraft have the proper documentation.

Therefore, it is proposed to insert a new sentence in § 6.8(a) of the Customs regulations (19 CFR 6.8(a)) to require an aircraft commander or other authorized person to furnish Customs

an export inspection certificate issued by the Veterinary Services, Animal and Plant Health Inspection Service, Department of Agriculture, prior to departure of an aircraft carrying certain animals. The Customs Service also desires to revise the language of § 4.71 of the Customs regulations (19 CFR 4.71), relating to the exportation of livestock by vessel, to conform to an organizational change within the Department of Agriculture and a change of title in their required documentation.

AUTHORITY

These amendments are proposed under the authority of R.S. 251, as amended (19 U.S.C. 66), sections 12, 13, 14, 34 Stat. 1263, as amended (21 U.S.C. 612, 613, 614), sections 624, 644, 46 Stat. 759, 761, as amended (19 U.S.C. 1624, 1644), section 1109, 72 Stat. 799, as amended (49 U.S.C. 1509).

COMMENTS

Before adopting this proposal, consideration will be given to any written comments that are submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b) of the Customs regulations (19 CFR 103.8(b)) during regular business hours at the Regulations and Legal Publications Division, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

DRAFTING INFORMATION

The principal author of this document was Charles D. Ressin, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in its development.

PROPOSED AMENDMENTS

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

It is proposed to amend § 4.71 of the Customs regulations (19 CFR 4.71) to read as follows:

§ 4.71 Inspection of livestock.

A proper export inspection certificate issued by the Veterinary Services, Animal and Plant Health Inspection Service, Department of Agriculture, shall be filed before the clearance of a vessel carrying horses, mules, asses, cattle, sheep, swine, or goats (9 CFR Part 91).

PART 6—AIR COMMERCE REGULATIONS

It is proposed to amend § 6.8(a) of the Customs regulations (19 CFR 6.8(a)) by inserting a new sentence between the first and second sentences to read as follows:

PROPOSED RULES

§ 6.8 Documents for clearance, or for certain departures.

(a) . . . The aircraft commander or authorized person also shall deliver a proper export inspection certificate issued by the Veterinary Services, Animal and Plant Health Inspection Service, Department of Agriculture (9 CFR Part 91), to the Customs officer in charge at the time of departure of any aircraft carrying horses, mules, asses, cattle, sheep, swine, or goats. . . .

Approved: May 22, 1978.

R. E. CHASEN,
Commissioner of Customs.

RICHARD J. DAVIS,
Assistant Secretary of the Treasury.
(FR Doc. 78-15239 Filed 5-31-78; 8:45 am)

[4210-01]

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-4160]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the Town of Falkville, Morgan County, Ala.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Falkville, Morgan County, Ala.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, Falkville, Ala. Send comments to: Mr. Paul M. Jones, Water and Street Superintendent, town of Falkville, Town Hall, Falkville, Ala. 35622.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance,

Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410, (202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Falkville, Ala., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Painter Branch.....	Fifth Ave.....	592
	U.S. Highway 31	595
	MacArthur St.....	604

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-14085 Filed 5-31-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4161]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the City of Oxnard, Ventura County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Oxnard, Ventura County, Calif.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 305 West Third Street, Oxnard, Calif.

Send comments to: Mr. Dennis Hogel, Public Works Director, city of Oxnard, City Hall, 305 West Third Street, Oxnard, Calif. 93939.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Oxnard, Calif., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Beardley Wash ....	.5 mile upstream of Wright Rd.	170
	.3 mile upstream of Wright Rd.	163
	.25 mile upstream of Wright Rd.	150
	Wright Rd.....	147
	500 feet downstream of Wright Rd.	120
	1250 feet downstream of Wright Rd.	115
	.3 mile downstream of Wright Rd.	106
	.4 mile downstream of Wright Rd.	101

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-14086 Filed 5-31-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4162]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the City of Redlands, San Bernardino
County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Redlands, San Bernardino County, Calif.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the pro-

posed base (100-year) flood elevations are available for review at City Hall, Redlands, Calif.

Send comments to: Mayor Charles G. DeMirky, City Hall, P.O. Box 280, Redlands, Calif. 92373.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Redlands, Calif., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
The Zanja.....	Tennessee St*.....	1265
	New York St*.....	1288
	Texas St*.....	1312
	9th St*.....	1383
	Church St*.....	1404
	Division St*.....	1424
	University St*.....	1444
	Grove St*.....	1477
	Judson St*.....	1500
	Lincoln St*.....	1529
	Dearborn St*.....	1554
	Wabash St*.....	1617
San Timoteo Creek.....	San Timoteo Canyon Rd. Bridge*.....	1295
	San Timoteo Canyon Rd. at Southern Pacific RR*.....	1335
Santa Ana River....	Mountain View Ave*.....	1071
	California St*.....	1125
	Alabama St*.....	1188

*Upstream.

PROPOSED RULES

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-14087 Filed 5-31-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4163]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the City of San Bernardino, San Bernardino
County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of San Bernardino, San Bernardino County, Calif.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 300 North D Street, San Bernardino, Calif.

Send comments to: Mayor Bob Holcomb, City Hall, 300 North D Street, San Bernardino, Calif. 92418.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood eleva-

tions for the city of San Bernardino, Calif. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
San Timoteo Creek	Waterman Ave*	1011
Little Mountain Channel	Colton Ave*	1035
Devil Creek	Levenger St*	1345
Storm Drain	42nd St*	1403
Cable Creek	Hill Dr*	1417
	North Park Blvd*	1428
	Highway 395 Freeway*	1629
	Kendall Dr*	1643
	Palm Ave*	1895
	Cypress Ave*	1784
East Rialto Storm Drain	Rialto Ave*	1155
	Meridian Ave*	1162
	Pepper Ave*	1173
	Eucalyptus Ave*	1183
Del Rosa Channel	Baseline Rd*	1082
	Fairfax Dr*	1128
	Highland Ave*	1170
	Pumalo St*	1183
	Date St*	1196
	Citrus St*	1209
	Marshall Blvd*	1254
	Eureka St*	1275
	Foothill Dr*	1247
Upper Warm Creek	Tippecanoe St*	1066
Sand Creek	Del Rosa Ave*	1089
	Pacific St*	1183
	Atchison, Topeka & Santa Fe RR*	1287
	Date St*	1340
	Citrus Ave*	1372
	Marshall Blvd*	1435
Little Sand Creek	Atchison, Topeka & Santa Fe RR*	1219
	Sterling Ave*	1271
	Lynwood Dr*	1292
	Marshall Ave*	1337
	Foothill Blvd*	1445
Santa Ana River	E Street Bridge*	978
	Waterman Ave*	1005
	Atchison, Topeka & Santa Fe RR*	1025

PROPOSED RULES

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
	Tippecanoe Ave*	1049
	Southern Pacific RR Bridge*	1081

*Upstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974)).

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-14088 Filed 5-31-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

(Docket No. FI-4164)

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Santa Maria, Santa Barbara County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Santa Maria, Santa Barbara County, Calif.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 110 East Cook Street, Santa Maria, Calif.

Send comments to: Mayor Elwin Mussell, City Hall, 110 East Cook Street, Santa Maria, Calif. 93454.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notices of the proposed determinations of base (100-year) flood elevations for the City of Santa Maria, Calif., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bradley Ditch	Jones St.	240
	Alvin Ave.	235
	Donovan Rd.	229
	U.S. Route 101	215
	Broadway	211
	Pacific Coast RR	203

*Downstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974)).

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-14089 Filed 5-31-78; 8:45 am)

PROPOSED RULES

[4210-01]

[24 CFR Part 1917]

(Docket No. FI-3818)

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Union City, Alameda County, Calif.

Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 3386 of the FEDERAL REGISTER of January 25, 1978.

DATES: January 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

The following flood elevations should be added:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
San Francisco Bay	Intersection of Union City Blvd. and Alvarado Blvd.	7
	Veasy Street	7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974)).

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-14090 Filed 5-31-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

(Docket No. FI-4165)

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Windsor Locks, Hartford County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the pro-

posed base (100-year) flood elevations listed below for selected locations in the town of Windsor Locks, Hartford County, Conn.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Clerk's Office, Town Hall, 45 Church Street, Windsor Locks, Conn.

Send comments to: Mr. Edward Savino, First Selectmen, Board of Selectmen, Town of Windsor Locks, Town Hall, 45 Church Street, Windsor Locks, Conn. 06096.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Windsor Locks, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Connecticut River	Confluence of Waterworks Brooks	33
	Route 40 bridge	34
	At northern corporate limits	35
Kettle Creek	At confluence with Connecticut River	34
	At Windsor Locks Canal	41
	1080 feet upstream of Main St.	42
	350 feet downstream of Center St.	43
	At Center St.	46
	60 feet upstream of Center St.	47
	300 feet upstream of Center St.	48
	350 feet upstream of Center St.	49
	950 feet upstream of Center St.	54
	1,700 feet upstream of Center St.	61
	2,660 feet upstream of Center St.	70

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974)).

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-14091 Filed 5-31-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

(Docket No. FI-4166)

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Palm Beach Gardens, Palm Beach County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Palm Beach Gardens, Palm Beach County, Fla.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed

rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 10500 North Military Trail, Palm Beach Gardens, Fla.

Send comments to: Mr. John L. Orr, City Manager, City of Palm Beach Gardens, City Hall, 10500 North Military Trail, Palm Beach Gardens, Fla. 33410.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Palm Beach Gardens, Fla., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Lake Worth.....	Intersection of Prosperity Farms Rd and Idlewild Rd. MacArthur Blvd.....	12
C-17 Canal.....	South of State Route 809.	13

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

PROPOSED RULES

Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[PR Doc. 78-14092 Filed 5-31-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4167]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City and County of Honolulu, Hawaii

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city and county of Honolulu, Hawaii.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Clerk's Office, City Hall, Honolulu, Hawaii.

Send comments to: Mr. Robert Moore, Assistant County Administrator, Oahu Civil Defense Agency, 650 South King Street, Honolulu, Hawaii 96813.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City and County of Honolulu, Hawaii, in accordance with section 110 of the Flood Disaster Pro-

tection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Pahipahialua Stream.....	2,160 ft upstream from Kamehameha Highway.	53
	510 ft upstream from Kamehameha Highway.	19
Hoolapa Stream.....	365 ft upstream from Kamehameha Highway.	35
	At Kamehameha Highway (upstream side).	21
	480 ft downstream from Kamehameha Highway.	11
Kalaekahāipa Stream.....	775 ft upstream from Kamehameha Highway.	31
	At Kamehameha Highway (upstream side).	20
	150 ft downstream from Kamehameha Highway.	16
Ohia Stream.....	Along Plantation Rd. (830 ft west from Kamehameha Highway).	23
	At Kamehameha Highway (upstream side).	11
Ohia Stream East.....	Kamehameha Highway (downstream side).	11
Kaipapau Stream.....	2,300 ft upstream from Kamehameha Highway.	87
	At Kamehameha Highway (upstream).	12
Waipilopilo Stream.....	1,140 ft upstream from Kamehameha Highway.	29
	350 ft upstream from Kamehameha Highway.	11
Hanahimoa Stream.....	1,260 ft upstream from Kamehameha Highway.	31
	210 ft upstream from Kamehameha Highway.	10

PROPOSED RULES

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum	Source of flooding	Location	Elevation, in feet, national geodetic vertical datum	Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Kaluanui Stream ..	250 ft downstream from Plantation Rd.	23		Downstream Lahiki St. ...	45	Paukauia Stream ..	900 ft upstream from Halewa Rd.	8
Punaluu Stream	2,900 ft upstream from Kamehameha Highway.	22		Hihimanu St. (upstream).	31	Helemano Stream ..	3,510 ft upstream from Kamehameha Highway.	27
Kahana Stream.....	5,720 ft upstream from Kamehameha Highway.	20	Waimanalo Streams Inosole Stream.	2,280 ft upstream from Hihimanu St.	60		Kamehameha Highway (upstream).	14
	At Kamehameha Highway (upstream).	9		Hihimanu St. (upstream).	21	Opaewa Stream	Twin Bridge Rd. (upstream).	20
Kaaawa Stream.....	990 ft upstream from Kamehameha Highway.	15		Kalaniana'ole Highway (upstream).	14	Anahulu River.....	930 ft upstream from Cane Haul Rd.	22
Waikane Stream ...	3,040 ft upstream from Kamehameha Highway.	50	Waiupe Stream	Hughes Rd. (upstream) ..	14		Cane Haul Rd. (upstream).	16
	Kamehameha Highway (upstream).	15		Confluence of Kulul Stream.	124	Waimea River	2,540 ft upstream from Kamehameha Highway.	27
	Confluence with Kaneohe Bay.	8		Ani St. (upstream).....	118		2,040 ft upstream from Kamehameha Highway.	20
Waialeale Stream ..	2,610 ft upstream from Kamehameha Highway (upstream).	35		Hind Dr. (upstream).....	34		2,085 ft upstream from Kamehameha Highway.	79
	At Kamehameha Highway (upstream).	14	Kulul Stream.....	Kalaniana'ole Highway (upstream).	7		285 ft upstream from Kamehameha Highway.	18
Heeia Stream	Alaloa Street (upstream).	54		1,138 ft upstream from Hihimanu Dr.	252	Paumalu Stream ...	2,085 ft upstream from Kamehameha Highway.	79
	At Kamehameha Highway (upstream).	4		Hihimanu Dr. (upstream).	135		285 ft upstream from Kamehameha Highway.	18
Kealahala Stream ..	Anoi Rd. (downstream) ..	114	Waialeale-Iki Stream.	1,140 ft upstream from Kalaniana'ole Highway.	67		Intersection of Kaula Drive and East Kaula Place.	8
	Pahia Rd. (upstream) ..	95		Kalaniana'ole Highway (upstream).	18	Pacific Ocean (Tsunami Wave).	Along Kaula Place, 90 ft north of intersection with Kamehameha Highway.	12
	Private Rd. (upstream).	85	Kapakahi Stream ..	Walaho St. (upstream) ..	13		Intersection of Kaula Drive and East Kaula Place.	8
	880 ft downstream from Pahia Rd.	78		1,565 ft upstream from Halekua Dr.	208		Along Airport Road, 1600 ft north of northernmost branch of Plantation Rd.	12
	Kamehameha Highway (upstream).	39		Halekua Dr. (upstream) ..	124		Easternmost intersection of Kamehameha Highway and Wahinepe St.	13
Kaneohe Stream ...	Wallele Rd. (upstream) ..	10		Malia St. (upstream).....	67		Along Pakelo Place, 125 ft east of Kamehameha Highway.	10
	(downstream 130 ft).....	47		Alikoa St. (upstream).....	39		Along Kaula Place, 200 ft northeast of Kamehameha Highway.	26
	At eastern end of Holowai St.	8		Kalaniana'ole Highway (upstream).	33		Along Kaula Place, 600 ft west of Kamehameha Highway.	15
Kamooalii Stream ..	Luluku Rd. (upstream) ..	111		Confluence of Waialeale-Nui Stream.	24		Along Hauula Highway.	10
	Likelike Highway (upstream).	110	Waialeale-Nui Stream.	Kahala Ave. (upstream).	6		Homestead Rd., 75 ft west of westernmost intersection of Hauula Highway and Kamehameha Highway.	10
	150 ft downstream of Likelike Highway.	74		550 ft upstream from Malia St.	80		Along Hauula Highway.	10
Kawa Stream	1,220 ft upstream from Namoku St.	98	Waialeale Major Drain.	Malia St. (upstream).....	60		Homestead Rd., 100 ft south of easternmost intersection of Kamehameha Highway and Hauula Highway.	10
	Namoku St. (upstream) ..	78		Interstate H-1 Freeway (upstream).	25		Along Hauula Highway.	10
	Confluence of Tributary to Kawa Stream 740 ft downstream from Namoku Street.	60		50 ft downstream of Interstate H-1 Freeway.	46		Homestead Rd., 100 ft south of easternmost intersection of Kamehameha Highway and Hauula Highway.	10
	Kaneohe Bay Drive (upstream).	34		Hunakal St. (upstream) ..	45		Along Hauula Highway.	10
	15 ft downstream from Mukulele Dr.	86		Pueo St. (upstream).....	17		Along Hauula Highway.	10
Tributary to Kawa Stream.	4,030 ft upstream from Kalaniana'ole Highway.	73		Kilauea Ave. (upstream)	16		Along Hauula Highway.	10
Waimanalo Stream ..	Kalaniana'ole Highway (upstream).	24		King St. (downstream) ..	43		Along Hauula Highway.	10
	Tinker Rd. (upstream) ..	12	Kahili Stream.....	Kikowae St. (upstream).	11		Along Hauula Highway.	10
	Kakaina St. (upstream) ..	120	Moanalua Stream Lower.	Kamehameha Highway (upstream).	7		Along Hauula Highway.	10
	Mahalia St. (upstream)	68		Kamehameha Highway (upstream).	7		Along Hauula Highway.	10
	25 ft downstream of Mahalia St.	58	Moanalua Stream Upper.	Northern Most Al Aolani St. (upstream).	239		Along Hauula Highway.	10
	Confluence of Stream B.	35		Ala Aolani St. (upstream).	190		Along Hauula Highway.	10
	Confluence with Waimanalo Stream.	16		(upstream), 100 ft above Ala Lani St.	167		Along Hauula Highway.	10
	Kalaniana'ole Highway (upstream).	14		Ala Aolani Loop (upstream).	167		Along Hauula Highway.	10
Waimanalo Streams Stream A.	40 ft downstream of Waikupanaha St.	119		Moanalua Lakeside Access Rd.	87		Along Hauula Highway.	10
	Waikupanaha St. (upstream) ..	44	East Makaha Stream.	Kaulawaha Rd (upstream).	44		Along Hauula Highway.	10
Waimanalo Streams Stream B.	100 ft downstream of Waikupanaha St.	119		2,340 ft downstream from Kaulawaha Road.	13		Along Hauula Highway.	10
	Mokulama St. (upstream).	54	West Makaha Stream.	Kili Dr. (upstream).....	36		Along Hauula Highway.	10
	Hihimanu St. (upstream).	33		1,020 ft upstream from Farrington Highway.	14		Along Hauula Highway.	10
Waimanalo Streams Stream C.	50 ft downstream of Waikupanaha St.	125	Kiikii Stream.....	Waialua Rd. (upstream).	14		Along Hauula Highway.	10
	Lahiki St. (upstream) ..	97		330 ft downstream from Waialua Rd.	11		Along Hauula Highway.	10
	Makakala St. (upstream).	71	Kaukonahua Stream.	10 ft upstream of southern most Cane Haul Rd.	44		Along Hauula Highway.	10
				Cane Haul Rd. (upstream).	30		Along Hauula Highway.	10
				Farrington Highway (upstream).	20		Along Hauula Highway.	10
				730 ft upstream from Kaukonahua Rd.	30		Along Hauula Highway.	10
				Kaukonahua Rd. (upstream).	28		Along Hauula Highway.	10
				Confluence with Kiikii Stream.	16		Along Hauula Highway.	10

PROPOSED RULES

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Intersection of Kamehameha Highway and Hila Rd.		14
Intersection of Kamehameha Highway and Kaawa Place.		13
Along Perimeter Rd., 850 ft north of Summer Rd.		10
Along Moses St., 350 ft east of Cochran St.		14
Intersection of Hila St. and Miliokai St.		6
Along Paiko St., 160 ft south of Kalaniana'ole Highway.		1
Intersection of Keahole St. and Kalaniana'ole Highway.		8
Along Kalaniana'ole Highway, 500 ft east of Kealahou St.		24
Along Pueo St., 400 ft southeast of Kahala Ave.		8
Intersection of Kalakaua Ave. and Ohua Ave.		6
Along Paos Place, 500 ft west of Kalia Rd.		4
Along Paos Place, 800 ft west of Kalia Rd.		8
Along Ala Moana Park Drive, 800 ft from westernmost intersection with Ala Moana Rd.		5
Along Sand Island Access Rd., 300 ft north of Mokauea St.		5
Along PaPa Dr., 300 ft south of Papipi Rd.		8
Along Ewa Beach Rd., 2,000 ft east of Kilaha St.		4
Along Coral Sea Rd., 1,200 ft southwest of National Bay St.		8
Along Olai St., 1,900 ft west of Hanun St.		11
Intersection of Laumania Ave. and Keaulana Ave.		16
Intersection of Luualaei Navel Rd. and Farrington Highway.		17
Along Hakimo Rd., 120 ft northeast of Farrington Highway.		14
Intersection of Hookele St. and Farrington Highway.		16
Intersection of Kimo St. and Farrington Highway.		14
Along Hila St., 500 ft east of Farrington Highway.		9
Intersection of Mila Kami St. and Farrington Highway.		16
Along Mila Kami St., 600 ft east of Farrington Highway.		9
Along Quarry Rd., 200 ft east of Farrington Highway.		17
Intersection of Alta St. and Pokai Bay St.		18
Intersection of Waianae Valley Rd. and Farrington Highway.		10

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14093 Filed 5-31-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]
[Docket No. FI-4168]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Village of Glenview, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the village of Glenview, Cook County, Ill.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Glenview Village Hall, 1930 Prairie Street, Glenview, Ill.

Send comments to: Mr. Robert Van Deusen, Village Manager of Glenview, Glenview Village Hall, 1930 Prairie Street, Glenview, Ill. 60025.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Glenview, Cook County, Ill., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change

PROPOSED RULES

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
West Branch of Salt Creek.	Meacham Rd. (upstream).	708
	Schaumburg Rd. (upstream).	723
	Higgins Rd. (upstream).	726
	Woodfield Rd. (upstream).	729
	Golf Rd. (upstream).	730
	Tower Rd. (upstream).	733
	Wiley Rd. (upstream).	738
	Roselle Rd. (upstream).	743
	Plum Grove Rd. (upstream).	727
Tributary C of the West Branch of Salt Creek.	Schaumburg Rd. (upstream).	742
	Schaumburg Court (upstream).	745
Tributary CA to Tributary C of the West Branch Salt Creek.	Roselle Rd. (upstream).	789
	Schaumburg Rd. (upstream).	794
	Lincoln St. (upstream).	794
Tributary D of West Branch of Salt Creek.	Confluence with the West Branch of Salt Creek.	710
	Downstream corporate limits (4,250 feet above mouth).	723
	Upstream corporate limits (5,975 feet above mouth).	726
Salt Creek.	Confluence of Tributary D of Salt Creek.	730
	Plum Grove Rd. (upstream) (outside corporate limits).	727
Tributary D of Salt Creek.	Algonquin Rd. (upstream).	724
	Hammond Dr. (upstream).	731
West Branch of the DuPage River.	Springingsguth Rd. (upstream).	797
	Syracuse Lane (upstream).	797
	Braintree Lane (upstream).	797
	Cambridge Dr. (upstream).	797
	Second Cambridge Dr. (upstream).	798
	Bradford Lane (upstream).	801
Schaumburg Tributary of Poplar Creek.	Golf Rd. (upstream).	790
	Upstream limit of detailed study (1,270 feet above Golf Rd.).	790

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

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PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14095 Filed 5-31-78; 8:45 am]

any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National geodetic vertical datum
West Fork North Branch Chicago River.	Downstream corporate limits.	624
	Waukegan Rd. upstream.	624
	Glenview Rd. upstream.	627
	Grove St. upstream.	627
	East Lake Ave.	629
	Confluence with Navy Ditch.	630
	West Lake Ave. upstream.	631
	Upstream corporate limits.	631
Navy Ditch.	Confluence with West Fork of North Branch Chicago River.	630
	Blackthorn Dr. upstream.	630
	Downstream Glenview Naval air station.	630
	Downstream Chicago and Northwestern R.R.	654
	Upstream Chicago and Northwestern R.R.	662
	Greenwood Rd. upstream.	662
	Strawberry Lane upstream.	662
	2,000' upstream of Strawberry Lane.	674

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

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PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14094 Filed 5-31-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4169]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Schaumburg, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the village of Schaumburg, Cook County, Ill.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building, 100 Schaumburg Court, Schaumburg, Ill.

Send comments to: Hon. Raymond R. Russell, Mayor of Schaumburg, City Hall, 101 Schaumburg Court, Schaumburg, Ill. 60193.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the village of Schaumburg, Cook County, Ill., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4170]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Village of Winfield, DuPage County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Winfield, DuPage County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Hall, 27 West 465 Jewell Road, Winfield, Ill.

Send comments to: Mr. Robert E. Enders, Village President of Winfield, 27 West 465 Jewell Road, Winfield, Illinois 60190.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the village of Winfield, DuPage County, Ill., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more

stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Branch DuPage River.	Confluence of Winfield Creek.	713
	Upstream of Beecher Ave.	713
	Upstream of High Lake Rd.	715
Winfield Creek	Upstream of Summit Dr.	713
	Upstream of Park St.	714
	Upstream of Church St.	717
	Upstream of Manchester Rd.	718
	Downstream of Roosevelt Rd.	721

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

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PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14096 Filed 5-31-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4171]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Chanute, Neosho County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Chanute, Neosho County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Chanute, Kans. Send comments to: Mr. Robert Bunting, City Manager, City of Chanute, P.O. Box 311, Chanute, Kans. 66720.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Chanute, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Turkey River.	At Katy Rd.	927
	At Atchison Topeka & Santa Fe RR near Katy Rd.	928
	2,120 ft downstream of Santa Fe Lake Dam.	930
	760 ft downstream of Santa Fe Lake Dam.	932
	U.S. Highway Bridge 189.	933
	Santa Fe Lake	944

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Chanute Drain	East corporate limit.	917
	80 ft downstream of Central Ave.	919
	185 ft downstream of Evergreen Ave.	922
	50 ft downstream of Evergreen Ave.	923
	110 ft downstream of Highland Ave.	924
	80 ft downstream of Lincoln Ave.	930
	60 ft downstream of Santa Fe Ave.	932
	At Atchison Topeka & Santa Fe RR.	943
	Steuben Ave.	944
	240 ft upstream of Steuben Ave.	947
	40 ft downstream of Garfield Ave.	948
	360 ft upstream of Garfield Ave.	949
	160 ft downstream of Lafayette Ave.	952
	100 ft upstream of Lafayette Ave.	955
	40 ft downstream of Kansas Ave.	958
	120 ft upstream of Kansas Ave.	959

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14097 Filed 5-31-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4172]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Nickerson, Reno County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Nickerson, Reno County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the

second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 11 North Nickerson, Nickerson, Kans. Send comments to: The Hon. Melvin Schreiber, Mayor, City of Nickerson, City Hall, Nickerson, Kans. 67561.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410. 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Nickerson, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National geodetic vertical datum
Arkansas River	At County Rd., FAS 560.	1,591
	3,750 ft upstream of County Rd., FAS 560.	1,595
	3,370 ft downstream of State Route 98.	1,598
	420 ft Downstream of State Route 98.	1,601
Bull Creek	4,320 ft downstream of County Rd., FAS 560.	1,592
	4,850 ft downstream of County Rd., FAS 560.	1,594
	360 ft upstream of County Rd., FAS 560.	1,598
	1,950 ft upstream of County Rd., FAS 560.	1,600

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14098 Filed 5-31-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4173]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Jefferson County, Ky.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Jefferson County, Ky. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Bulletin Board in the County Courthouse, Louisville, Ky. Send comments to: Mr. Mitch McConnell, County Judge/Executive of Jefferson County, 203 Jefferson County Courthouse, Louisville, Ky.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410. 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Jefferson County, Ky., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added

section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Ohio River	Mill Creek confluence	444
	Mill Creek cutoff	448
Middle fork	Cannons Lane	493
Beargrass Creek	Oxmoor Bridge (downstream)	532
Welcher Creek	Ferry Lane	587
	Downstream corporate limits	549
	Upstream corporate limits	554
South fork	Hill Creek Dr.	512
Beargrass Creek	Avoca Creek confluence	539
	Taylorville Rd.	833
Buettel Branch	Southern RR.	476
	Progress Blvd. (downstream)	488
Mill Creek cutoff	Bardstown Rd.	499
	Cane Run Rd.	448
Upper Mill Creek	Terry Lane	446
	Imperial Ter. (upstream)	441
	Lynnview ditch confluence	440
Cane Run ditch	Teaneck Dr. (upstream)	440
	Illinois Central RR	443
	Campground Rd. (downstream)	444
Boxwood ditch	Rockford Lane	439
	Lynnview Ave.	440
East branch	Tata Gale Dr.	440
Boxwood ditch	Hughes Lane (downstream)	441
	Lynnview ditch	440
	Rockford Lane	440
	Crums Lane (downstream)	443
Big Run	Cane Run Rd.	450
	Dixie Highway (downstream)	460
	Walkway	480
Lower Mill Creek	Orell Rd.	444
	Greenwood Rd.	444
Black Pond Creek	Johnsontown Rd.	444
	Terry Rd. (upstream)	448
Valley Creek	Alandale Rd.	444
	Maryman Dr.	446
Stephan ditch	Johnsontown Rd.	444
	Maryman Dr.	448
Ponder Creek	Dixie Highway	454
	Private road (upstream)	473

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14099 Filed 5-31-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4175]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Lynch, Harlan County, Ky.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Lynch, Harlan County, Ky. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the pro-

posed base (100-year) flood elevations are available for review at the City Hall, East Main Street, Lynch, Ky. Send comments to: Hon. E. Harold Gates, Mayor of Lynch, City Hall, Box 687, Lynch, Ky. 40855.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Lynch, Harlan County, Ky., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Looney Creek	Downstream corporate limits	1,638
	Conveyor Dr. (upstream side)	1,714
	City St. (upstream side, #1,370 ft upstream of Conveyor Dr.)	
	City St. (upstream side, #2,600 ft downstream of Gap Branch)	1,749
	Confluence of Gap Branch	1,787
	Gap Branch St. (upstream side)	1,792
	Kentucky Route 160 (upstream side)	1,855
	Upstream corporate limits	1,885
Gap Branch	Confluence Looney Creek	1,787
	Upstream corporate limit	1,900

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14100 Filed 5-31-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4175]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Worcester County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Worcester County, Md. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Bulletin Board of the Courthouse, Snow Hill, Md. Send comments to: Mr. John A. Yankus, County Administrator of Worcester County, Courthouse Room 127, Snow Hill, Md. 21863.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Worcester County, Md., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood In-

surance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Coastal Bays	Virginia State boundary	8
	Taylor landing	7
	Public landing	7
	Newport Bay	7
	Fassett Point	9
	Snug Harbor	9
	Ocean City Harbor	9
	West Ocean City	9
	Turnville Creek	6
	Hemphill's Dock	6
	Delaware State boundary	6
Bottle Branch	Harrison Road Bridge	7
	Confluence of Hudson Branch	12
Kitts Branch	Berlin corporate limit	20
	ConRail RR. (downstream)	10
	ConRail RR. (upstream)	17
	Flower St.	18
	State Route 346	21
	U.S. Route 113	24
	ConRail	25
	U.S. Route 50	25
Whaleysville Branch	State Route 346	32
	Circle Rd.	33
	State Route 610	36

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14101 Filed 5-31-78; 8:45 am]

[4310-02]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 54]

PROCEDURES FOR ESTABLISHING THAT AN AMERICAN INDIAN GROUP EXISTS AS AN INDIAN TRIBE

Proposed Rule

AGENCY: Bureau of Indian Affairs.

ACTION: Proposed rule.

SUMMARY: The Bureau proposes revised new regulations which would provide procedures for acknowledging that certain American Indian tribes exist. Proposed regulations were initially published on June 16, 1977. The period for public comment closed on September 18, 1977. Because of the comments received, substantive changes have been made in the initially proposed regulations. Therefore, a second publication of the proposed regulations, with revisions, is in order.

DATES: Comments must be received on or before July 3, 1978.

ADDRESSES: Written comments should be directed to: Director, Office of Indian Services, Bureau of Indian Affairs, 18th and "C" Streets NW., Washington, D.C. 20245, Attention: Federal Recognition Project.

FOR FURTHER INFORMATION CONTACT:

Mr. John A. Shapard, Jr. Division of Tribal Government Services, Branch of Tribal Relations, telephone 202-343-4045, principal author, Mr. John A. Shapard, Jr.

SUPPLEMENTARY INFORMATION: Various Indian groups throughout the United States have requested that the Secretary of the Interior officially acknowledge them as Indian tribes. Heretofore, the limited number of such requests permitted an acknowledgement of the group's status on a case-by-case basis at the discretion of the Secretary. The recent increase in the number of such requests before the Department necessitates the development of procedures to enable the Department to take a uniform approach in their evaluation.

Proposed regulations were published on June 16, 1977. The period for public comment closed on September 18, 1977. Since that time Bureau staff has consulted with Indian groups and their representatives throughout the country. National Indian organizations, Congressional staff members interested in the regulations, and specialists in the Bureau and other Federal Agencies.

The interest in these regulations has been intense. The suggestions and comments have been thoughtful and

copious. The nature and number of the suggestions and comments have emphasized the myriad of approaches which may be taken in developing regulations and procedures to acknowledge tribal existence. While all the approaches appeared to be viable, there is no single "best approach." The following proposed regulations, therefore, are a composite of what we consider to be the best and generally most acceptable thought put forth. We believe it to be the soundest way to accomplish the Departmental objective of acknowledging the existence of those American Indian tribal groups which have maintained their political, ethnic and cultural integrity despite the absence of any formal action by the Federal Government to acknowledge or implement a Federal relationship.

While there is a large number of American citizens who are of Indian descent in this country, many of them do not and have not ever lived in tribal relations. A group of Indian descendants, living in the same general region, does not necessarily constitute an Indian tribe, even though the individuals may have recently joined together in some formal organization such as a corporation. Under the regulations as proposed, the Assistant Secretary—Indian Affairs would acknowledge only those Indian tribes whose members and their ancestors existed in tribal relations since aboriginal times and have retained some aspects of their aboriginal sovereignty.

The criteria in these regulations are difficult to meet. They can, however, be met with relative ease and at minor expense by tribes which have remained intact throughout history.

There will be a few groups of American Indian descendants which may have existed for a period of time as an Indian tribe but which cannot prove that they meet the criteria. Section 54.10(b) provides for such groups in that the Secretary shall suggest other options (if any) under which rejected groups may apply for services and benefits.

The Department must be assured of the tribal character of the petitioner before the group is acknowledged. Although petitioners must be American Indians, groups of descendants will not be acknowledged solely on a racial basis.

Many of the concepts which proved to be bothersome in previous proposals were dealt with in the "Definitions" section. Others are clarified in the text. As a result of the comments, this revision of the initial June 16, 1977, proposed regulations has been so extensive that it must be considered as an entirely new proposal, although the ultimate objective is the same.

It is proposed to add a new Part 54 to Subchapter G of Chapter I of Title

25 of the Code of Federal Regulations to read as follows:

Sec.

54.1 Definitions.

54.2 Purpose.

54.3 Scope.

54.4 Who may file.

54.5 Where to file.

54.6 Duties of the Department.

54.7 Form and content of petition.

54.8 Notice of receipt of petition.

54.9 Processing the petition.

54.10 Final action by the Department of Interior.

54.11 Determination of needs.

AUTHORITY: 5 U.S.C. 301; secs. 463 and 465 R.S., 25 U.S.C. 2 and 9; 230 DM 1 and 2.

§ 54.1 Definitions.

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Assistant Secretary" means the Assistant Secretary—Indian Affairs, or his authorized representative.

(c) "Department" means the Department of the Interior.

(d) "Bureau" means the Bureau of Indian Affairs.

(e) "Area Office" means the Bureau of Indian Affairs Area Office.

(f) "Indian tribe" also referred to herein as "tribe" means any Indian group within the United States that the Secretary of Interior acknowledges to be an Indian tribe.

(g) "Petitioner" means any entity which has submitted a petition to the Secretary requesting acknowledgement that it is an Indian tribe.

(h) "Autonomous" means having a separate tribal council, internal process, or other organizational mechanism which the tribe has used as its own means of making tribal decisions independent of the control of any other Indian governing entity. Autonomous must be understood in the context of the Indian culture and social organization of that tribe.

(i) "Member of an Indian group" means an individual who is recognized by a group which is not currently acknowledged to be an Indian tribe as meeting its membership criteria and who consents to being listed as a member of that group.

(j) "Member of Indian tribe" means an individual who meets the membership requirements of the tribe as set forth in the governing document or is recognized collectively by those persons comprising the tribal governing body, and has continuously maintained tribal relations with the tribe.

(k) "Historically or historical" means dating back to the earliest documented contact between the aboriginal tribe from which the petitioners descended and citizens or officials of the United States, Colonial or territorial governments, or if relevant, citizens and officials of foreign governments which have ceded territory to the United States.

(l) "Continuously" means extending from generation to generation throughout the tribe's history essentially without interruption. A petitioner, however, shall not fail to satisfy any criteria herein merely because of fluctuations of tribal activity during various years.

(m) "Indigenous" means native to the United States in that at least part of the tribe's aboriginal range extended into what is now the continental United States.

§ 54.2 Purpose.

The purpose of this part is to establish a Departmental procedure and policy for acknowledging that certain American Indian tribes exist. Such acknowledgement of tribal existence by the Department is a prerequisite to the protection, services and benefits from the Federal Government available to Indian tribes. Such acknowledgement shall also mean that the tribe is entitled to the immunities and privileges available to other federally acknowledged Indian tribes by virtue of their status as Indian tribes as well as the responsibilities and obligations of such tribes. Acknowledgement shall subject the Indian tribe to the plenary power of Congress and the United States over such tribes.

§ 54.3 Scope.

(a) This part is intended to cover only those American Indian groups indigenous to the United States which are ethnically and culturally identifiable as such, but which are not currently acknowledged as Indian tribes by the Department. It is intended to apply to groups which can establish a historically continuous tribal existence and which have functioned as autonomous tribes on an essentially continuous basis since historical times until the present.

(b) This part does not apply to Indian tribes, organized bands, pueblos or communities which are already acknowledged as such and are receiving services from the Bureau of Indian Affairs.

(c) This part is not intended to apply to associations, organizations, corporations or groups of any character, formed in recent times, composed of individuals of Indian descent from several different groups or tribes.

(d) Nor is this part intended to apply to splinter groups, political factions, communities or groups of any character which separated from the main body of a tribe currently acknowledged as being an Indian tribe by the Department, unless it can be clearly established that the group has functioned historically and continuously until the present as an autonomous entity.

(e) Further, this part does not apply to groups which are, or the members

of which are, subject to Congressional legislation terminating or forbidding the Federal relationship.

§ 54.4 Who may file.

Any Indian group in the United States which believes it should be acknowledged as an Indian tribe, and can satisfy the criteria in Section 54.7, may submit a petition requesting that the Secretary acknowledge the group's existence as an Indian tribe.

§ 54.5 Where to file.

A petition requesting the acknowledgement that an Indian group exists as an Indian tribe shall be filed with the Assistant Secretary—Indian Affairs, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20245, Attention: Federal Recognition Project.

§ 54.6 Duties of the Department.

(a) The Department shall assume the responsibility to contact, within a twelve-month period following the enactment of these regulations, all Indian groups known to the Department in the continental United States whose existence has not been previously acknowledged by the Department. Included specifically shall be those listed in Chapter 11 of the American Indian Policy Review Commission Report. The Department shall inform all such groups of the opportunity to petition for an acknowledgement of tribal existence by the Federal Government.

(b) The Secretary shall publish in the FEDERAL REGISTER within 90 days after the final publication of these regulations, a list of all Indian tribes which are recognized and receiving services from the Bureau of Indian Affairs.

(c) Within 90 days after the publication of final regulations, the Secretary will have available suggested guidelines for the format of petitions, including general suggestions and guidelines on where and how to research for required information. The Department's example of petition format, while preferable, shall not preclude the use of any other format.

(d) The Department shall, upon request, provide suggestions and advice to researchers representing a petitioner for their research into the petitioner's historical background and Indian identity. The Department shall not be responsible for the actual research on behalf of the petitioner.

§ 54.7 Form and content of the petition.

The petition may be in any readable form which clearly indicates that it is a petition requesting the Secretary to acknowledge tribal existence. The petition shall include at least the following:

(a) A statement of facts establishing that the petitioner has been identified

historically and continuously until the present as "American Indian, Native American, or aboriginal." Evidence to be relied upon in determining the group's historic and continuous Indian identity shall include at least one of the following:

(1) Repeated identification by Federal authorities;

(2) Longstanding relationships with state governments based on identification of the group as Indian;

(3) Repeated dealings with a county, parish, or other local government in a relationship based on the group's Indian identity;

(4) Identification as an Indian entity by records in courthouses, churches, or schools;

(5) Identification as an Indian entity by anthropologists, historians, or other scholars;

(6) Repeated identification as an Indian entity in newspapers and books;

(b) Evidence that a substantial portion of the petitioning group inhabits a specific region or lives in a community viewed as American Indian and distinct from other populations in the area, and that its members are descendants of an Indian tribe which historically inhabited a specific area.

(c) A statement of facts which establishes that the petitioner has maintained historical and essentially continuous tribal political influence or other authority over its members as an autonomous entity until the present. This statement must clearly establish that the petitioner's present internal procedure for making decisions which affect the membership as a whole (tribal government, leadership, group decision-making process or method of operating) evolved from that of the historical tribe; that the present tribal leadership, spokesman or elders have assumed at least some of the rights, obligations and traditions of the historical tribe; and that the present internal procedures are not an effort to reconstitute a defunct system.

(d) A copy of the group's present governing document, or in the absence of a written document, a statement describing in full the membership criteria and the procedures through which the group currently governs its affairs and its members.

(e) A list of all known current members of the group and a copy of each available former list of members based on the tribe's own defined criteria. The membership must consist of individuals who have established, using evidence acceptable to the Secretary, descendancy from a tribe which existed historically or from historical tribes which combined and functioned as a single autonomous entity.

Evidence acceptable to the Secretary of tribal membership for this purpose includes but is not limited to:

(1) Descendancy rolls prepared by the Secretary for the petitioner for purposes of distributing claims money, providing allotments, or other purposes;

(2) State, Federal or other official records or evidence identifying present members or ancestors or present members as being an Indian descendant and a member of the petitioning group;

(3) Church, school, and other similar enrollment records indicating the person as being a member of the petitioning entity;

(4) Affidavits of recognition by tribal elders, leaders or the tribal governing body, as being an Indian descendant of the tribe and a member of the petitioning entity.

(5) Other records or evidence identifying the person as a member of the petitioning entity.

(f) The membership of the petitioning group is composed principally of persons who are not members of any other North American Indian tribe.

(g) The petitioner is not, nor are its members, the subject of Congressional legislation which has expressly terminated or forbidden the Federal relationship.

§ 54.8 Notice of receipt of petition.

(a) Within 30 days after receiving a petition, the Assistant Secretary shall send an acknowledgement of receipt, in writing, to the petitioner, and shall have published in the FEDERAL REGISTER a notice of such receipt including the name and location, and mailing address of the petitioner and other such information that will identify the entity submitting the petition and the date it was received. The notice shall also indicate where a copy of the petition may be examined.

(b) Groups with petitions on file with the Bureau on the date these regulations are published in final form shall be notified within 60 days from the date of final publication that their petition is on file. Notice of that fact, including the information required in paragraph (a) of this section, shall be published in the FEDERAL REGISTER.

(c) The Assistant Secretary shall also notify, in writing, the Governor of any State in which a petitioner resides.

§ 54.9 Processing the petition.

(a) Upon receipt of a petition, the Assistant Secretary shall cause a review to be conducted to determine whether the petitioner is entitled to be acknowledged as an Indian tribe. The review shall include consideration of the petition and supporting evidence, and to the extent necessary, verification of the factual statements contained therein. In order to verify the facts, the Secretary may also initiate other research by his staff, as

deemed necessary and appropriate, to obtain additional information about the petitioner's status.

(b) Prior to actual consideration of the petition, the Assistant Secretary shall notify the petitioner of any obvious deficiencies, or significant omissions, that are apparent upon an initial review, and provide the petitioner with an opportunity to withdraw the petition for further work or to submit additional information or a clarification.

(c) Petitions shall be considered on a first come, first serve basis determined by the date of original filing with the Department. The Federal Recognition Project staff shall establish a priority register including those petitions already pending before the Department.

(d) The petitioner shall be notified when the petition comes under active consideration, and who is the primary Bureau staff member reviewing the petition, his back-up, and supervisor. Such notice shall also include the office address and telephone number of the primary staff member.

(e) A petitioning group may, at its option and upon written request, withdraw its petition prior to publication by the Assistant Secretary of his finding in the FEDERAL REGISTER and, may if it so desires, file an entirely new petition. Such petitioners shall not lose their priority date by withdrawing and resubmitting their petitions later, provided the time periods in paragraph (f) of this section shall begin upon active consideration of the resubmitted petition.

(f) The Assistant Secretary shall publish his proposed findings in the FEDERAL REGISTER within one year after notifying the petitioner that active consideration of the petition has begun. The Secretary may extend that period up to an additional 180 days upon show of due cause to the petitioner. In addition to the proposed findings, his report shall outline the evidence for the proposed decision. Copies of such evidence shall be available for the petitioner.

§ 54.10 Final action by the Department.

(a) The Assistant Secretary shall acknowledge the existence of the petitioner as an Indian tribe when it is determined that the group satisfies the criteria in § 54.7. His decision shall be final if not remanded by the Secretary for reconsideration within 60 days.

(b) The Assistant Secretary shall refuse to acknowledge that a petitioner is a Indian tribe if it fails to satisfy the criteria in § 54.7. Upon receipt of a report of proposed findings which are unfavorable to the petitioner, the petitioner shall have 90 days to respond, including an opportunity to present written arguments and evidence to rebut the evidence relied upon. In the event the Assistant Secretary refuses

to acknowledge the eligibility of a petitioning group, he shall analyze and forward to the petitioner other options, if any, under which application for services and other benefits may be made.

(c) After consideration of the written arguments and evidence rebutting the unfavorable proposed findings, a summary of the Assistant Secretary's conclusion and his final determination as to the petitioner's status shall be published in the FEDERAL REGISTER within 60 days from the expiration of the response period. The Assistant Secretary's decision shall be final for the Department unless it is remanded by the Secretary for reconsideration within 60 days of such publication.

(d) The Secretary in his consideration of the Assistant Secretary's decision may review the petition, staff research, findings, and additional facts obtained from written arguments and evidence submitted by the petitioner after the publication of the preliminary report.

(e) The Secretary shall remand any decision by the Assistant Secretary which in his opinion:

(1) Would be changed by significant new evidence which he has received subsequent to the publication of the decision;

(2) The evidence used in making the decision was not reliable, or from reliable sources, or was of little probative value;

(3) The petitioner's or the Bureau's research appears inadequate or incomplete.

(f) Notice of the final decision for the Department shall be mailed to the petitioner, the Governors of the States involved, and published in the FEDERAL REGISTER.

(g) Upon final determination that the petitioner is an Indian tribe, the tribe shall be eligible for services and benefits from the Federal Government available to other federally acknowledged tribes and entitled to the privileges and immunities available to other federally acknowledged tribes by virtue of their status as Indian tribes as well as the responsibilities and obligations of such tribes. Acknowledgment shall subject such Indian tribes to the plenary power of Congress and the United States.

(h) While the newly recognized tribe shall be eligible for benefits and services, acknowledgement of tribal existence will not create an immediate entitlement to existing Bureau of Indian Affairs' programs. Such programs shall become available upon appropriation of funds by Congress in response to a request by the Bureau for a supplemental appropriation or inclusion of an appropriate amount in the next regular Departmental annual appropriation. Such request shall follow a determination of the needs of the newly recognized tribe.

§ 54.11 Determination of needs.

Within 6 months after acknowledgment that the petitioner exists as an Indian tribe, the appropriate Area Office shall consult and develop in cooperation with the group, and forward to the Assistant Secretary, a determination of needs and a recommended budget required to serve the newly acknowledged tribe.

FORREST J. GERARD,
Assistant Secretary—
Indian Affairs.

[FR Doc. 78-15318 Filed 5-31-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 67]

[Docket No. 21264; FCC 78-320]

INTEGRATION OF RATES AND SERVICES FOR THE PROVISION OF COMMUNICATIONS BY AUTHORIZED COMMON CARRIERS BETWEEN THE UNITED STATES MAINLAND AND HAWAII, ALASKA, AND PUERTO RICO/VIRGIN ISLANDS

Federal-State Joint Board Memorandum
Opinion and Order

AGENCY: Federal Communications Commission.

ACTION: Federal-State Joint Board Memorandum Opinion and Order, docket 21264.

SUMMARY: On March 29, 1978, the Federal Communications Commission issued a Memorandum Opinion and Order in the matter of integration or rates and services for the provision of communications by authorized common carriers between the United States Mainland and Hawaii, Alaska, and Puerto Rico/Virgin Islands. The Joint Board denies the request of Puerto Rico Telephone Authority and Puerto Rico Telephone Co. to modify its procedural schedule adopted in Memorandum Opinion and Order, 43 FR 13077, March 29, 1978.

DATE: Not applicable.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Francis L. Young, Common Carrier Bureau, 632-7084.

SUPPLEMENTARY INFORMATION:

MEMORANDUM OPINION AND ORDER

Adopted: May 10, 1978.

Released: May 17, 1978.

In the matter of integration of rates and services for the provision of communications by authorized common

carriers between the United States Mainland and Hawaii, Alaska, and Puerto Rico/Virgin Islands, Docket No. 21264.¹

1. Presently before the Federal-State Joint Board for its consideration are: (a) The Petition for Partial Reconsideration, filed March 27, 1978, by Puerto Rico Telephone Authority and Puerto Rico Telephone Co. (PRTA/PRTC) seeking alteration of our "Memorandum Opinion and Order," FCC 78-207, released March 21, 1978 (Order); (b) an Opposition, filed April 11, 1978, by All America Cables and Radio, Inc., ITT Communications, Inc.—Virgin Islands, and the Virgin Islands Telephone Corp. (ITT companies); and (c) a Reply, filed April 21, 1977, by PRTA/PRTC. In our March 21, 1978 Order, we instructed the Joint Board staff to prepare a recommended decision for our consideration based on the record existing as of March 31, 1978. We further stated that this staff prepared recommendation would be distributed to all parties of record for their comments. In addition we stated that the comments on this staff prepared recommendation shall include a study detailing the effect of implementing the staff recommendation, as well as studies detailing the effect of implementing any exceptions to the staff recommendation which are advocated by any party. The pleading schedule adopted called for such comments and studies to be filed no later than August 1, 1978; replies to be filed no later than September 15, 1978; and responses to be filed no later than October 2, 1978.

2. PRTA/PRTC now urge that we alter our Order in two respects. First, they request that the schedule for comments, replies and responses be compressed. Second, they request that an opportunity be afforded for oral presentations by the parties to the Joint Board. PRTA/PRTC note that rate integration cannot be accomplished finally until an acceptable separations procedure is established. Under the schedule we have now adopted, PRTA/PRTC argue it is virtually certain that the final step of rate integration will be significantly delayed. (This final step was originally scheduled for January 1, 1979.) PRTA/PRTC assert that the schedule we have adopted should be compressed so that all comments, replies, and responses would be submitted no later than July 17, 1978. PRTA/PRTC also urge, as stated above, that we provide an opportunity, following the submission of all pleadings on the staff recommendation, for the parties to make an oral presentation to the Joint Board and to answer questions of the staff and the Joint Board. Such presentations, PRTA/PRTC argue, would

¹ See 43 FR 13077, March 29, 1978.

be extremely useful to the Joint Board in its understanding of the issues and significance of any decision it will make.

3. In their opposition, the ITT companies assume that the staff recommended decision can be expected to designate a particular separations methodology. Moreover, they assume that all parties will be required to conduct specific implementation impact studies for the particular separations methodology, as well as any exceptions proposed by the parties. The ITT companies argue that the studies required cannot be completed in less than the time outlined in the Order. In support, they outline the efforts they believe necessary to come up with acceptable and useful separations study results, and the schedule they forecast for completion of the various steps involved. They estimate all new study data becoming available by July 1978, leaving them less than one month to transform the data into finished studies and to formulate appropriate comments. Therefore, they conclude, the change proposed by PRTA/PRTC is unrealistic and inconsistent with the goal of establishing a sound record from which the Joint Board can reasonably recommend a separations methodology. PRTA/PRTC, in reply, argue that much of the effort described by the ITT companies should have already been concluded, and even assuming that much of the work has not been done, previous studies furnished to the Commission in 1976 should provide a working basis for any new studies.

4. As pointed out by the ITT companies, the Staff recommendation will include a specific separations formula recommendation applicable to Puerto Rico and the Virgin Islands based on the present record. We intend that all parties will prepare detailed studies using the most current information available to demonstrate the effect of implementing the staff recommendation. The outline detailed by the ITT companies for the efforts necessary to complete such studies appears reasonable. Therefore, we cannot conclude that a compression of the schedule set forth in our March 21 Order can be accomplished while at the same time requiring detailed studies to be made. Consequently, PRTA/PRTC's request to compress the schedule must be denied. Finally, we note that our March 21 Order is limited to the staff's immediate effort and the additional comments and studies we believe are necessary. Therefore, the PRTA/PRTC request for oral presentations is not properly before us and will be dismissed. However, at such time as we adopt further procedures we will address that request.

5. Accordingly, it is ordered, That the Petition for Partial Reconsider-

ation, filed March 27, 1978, by Puerto Rico Telephone Authority and Puerto Rico Telephone Co. is denied.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-15172 Filed 5-31-78; 8:45 am]

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

[50 CFR Part 656]

ATLANTIC GROUND FISH FISHERY MANAGEMENT PLAN

Amended Hearing

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Public hearing notice amendment.

SUMMARY: The Mid-Atlantic Fishery Management Council, in cooperation with the New England Fishery Management Council, announces that the public hearing on the Atlantic Groundfish Fishery Management Plan scheduled for May 31, 1978, at the Holiday Inn, Route 25, Riverhead, Long Island, will include a discussion from 6 to 7 p.m. on the Draft Fishery Management Plan for Atlantic Sea Herring.

FOR FURTHER INFORMATION CONTACT:

Mr. John Bryson, Executive Director, Mid-Atlantic Council, Federal Building, Room 2115, North and New Streets, Dover, Del. 19901, 302-674-2331.

SUPPLEMENTARY INFORMATION: The New England Fishery Management Council is preparing a Fishery Management Plan on the Atlantic Sea Herring (*Clupea harengus*) fishery. Hearings are being held to receive public comment on the plan and suggested management measures relating to the herring fishery in the Fishery Conservation Zone established under the Fishery Conservation and Management Act of 1976.

This is to advise the general public that the agenda for the meeting announced in the FEDERAL REGISTER on May 12, 1978 (43 FR 20531) has been expanded to include a hearing on the Proposed Fishery Management Plan on Atlantic Sea Herring. The expanded portion of the meeting, from 6 to 7 p.m., to be conducted by the Mid-Atlantic Council in cooperation with the New England Council, will be at the Holiday Inn, Route 25, Riverhead, Long Island.

PROPOSED RULES

Signed at Washington, D.C., this
25th day of May 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.

[FR Doc. 78-15143 Filed 5-31-78; 8:45 am]

[1505-01]

[50 CFR Part 661]

**COMMERCIAL AND RECREATIONAL SALMON
FISHERIES OFF THE COASTS OF WASHING-
TON, OREGON, AND CALIFORNIA**

**Supplemental Notice of Proposed Rulemaking
Correction**

In FR Doc. 78-11606, appearing at
page 18219 in the issue for Friday,
April 28, 1978; on page 18220, middle
column, seventh line from the bottom,
the number after "approximately"
should read "11".

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6820-27]

OFFICE OF THE FEDERAL REGISTER

PRIVACY ACT ISSUANCES

**Publication Requirements, 1978; Alternative
Plan**

AGENCY: Office of the Federal Register, NARS, GSA.

ACTION: Notice of alternative publication plan.

SUMMARY: Federal agencies are required by the Privacy Act of 1974 to give annual notice of certain records they maintain. Because printing costs have become a major concern of many agencies, the Office of the Federal Register has developed an alternative plan which will allow the agencies to fulfill the publication requirement and at the same time keep costs to a minimum. This document outlines the procedures to be followed by agencies interested in availing themselves of this alternate plan.

**FOR FURTHER INFORMATION
CONTACT:**

Robert Jordan, 202-523-3408.

BACKGROUND DATA

1. Pub. L. 93-579 requires each Federal Agency to "publish in the FEDERAL REGISTER at least annually a notice of the existence and character of the systems of records" maintained by that agency.
2. Last year, these notices were published in a six volume set entitled "Privacy Act Issuances, 1977 Compilation" that totaled 3,400 pages.
3. Less than 3 percent of the material included in the Compilation has been amended or otherwise changed by agency actions since it was published.
4. Full text reprinting of this material in the FEDERAL REGISTER would cost agencies over \$900,000.

**ALTERNATIVE TO FULL TEXT
REPUBLICATION**

In response to the concern expressed by many agencies over the cost of republishing the records systems notices in full text in the FEDERAL REGISTER, The Director of the FEDERAL REGISTER

has developed the following alternative which agencies may wish to consider.

**PUBLIC INTEREST AND CONGRESSIONAL
INTENT PROTECTED**

In developing this alternative the paramount consideration was to comply with the Congressional Intent that notices of systems of records and information about them must be readily available to the public in general and to the individuals to whom the records pertain in particular.

INCORPORATION BY REFERENCE

Under 5 U.S.C. 552(a)(1) "matter reasonably available to the class of persons affected thereby is deemed published in the FEDERAL REGISTER when incorporated by reference therein with the approval of the Director of the Federal Register." To satisfy the 1978 publication requirements, the Director of the Federal Register will grant approval to incorporate by reference the text of notices contained in the "Privacy Act Issuances—1977 Compilation" and any published amendments. This approval will be granted to any agency that applies and subscribes to the agreement set out below under "Agency Responsibility."

JUSTIFICATION

The Director believes that incorporation by reference is warranted for the following reasons:

1. *Cost.* It would cost over \$900,000 to reprint the material in the Compilation and full text republication is not essential since most of the material in the Compilation is still substantially up-to-date.
2. *Availability.* The 1977 Compilation has been distributed to Depository Libraries all over the country and can be examined at these libraries free of charge. Copies of the Compilation will also be available at the General Services Administration Federal Information Centers which are located at 38 central points around the country.
3. *Digest of Privacy Act Notices.* The Office of the Federal Register will furnish a photocopy of the full text of a particular records system upon request for a nominal fee.

3. *Digest of Privacy Act Notices.* The Office of the Federal Register will publish a Digest of the systems of rec-

ords that will contain pertinent information about each records system maintained by a Federal agency. The Digest will satisfy the needs of most researchers, will be in a convenient, usable form, and will be reasonably priced. The Digest also will contain a list of Depository Libraries and Federal Information Centers where the 1977 Compilation of Privacy Act Issuances and amendments are available for examination.

AGENCY RESPONSIBILITY

Agencies interested in availing themselves of this plan should send a letter on or before June 30, 1978 to the Director of the Federal Register, National Archives and Records Service, GSA, Washington, D.C. 20408, that states at least the following:

"This is to apply for approval to incorporate by reference the notices of records appearing in the 'Privacy Act Issuances—1977 Compilation' as amended by documents published in the FEDERAL REGISTER that are not reflected in that Compilation.

"If approval is granted, we agree to republish in the FEDERAL REGISTER before August 31st all the amendments to the systems of records that are not reflected in the 1977 Compilation. The reason for the republication of these amendments is to provide the public with a single publication that updates the 1977 Compilation.

"We also agree to review proofs of the 1978 Digest of Privacy Act Issuances that your office is preparing and to cooperate with your staff in making that Digest a meaningful and useful publication.

Signature and title of
responsible official."

Model documents are being prepared for agency use in incorporating by reference previously published notices and for republishing recent amendments. They will be made available to agencies electing to use the incorporation by reference option. Agencies not interested in availing themselves of this plan should submit the full text of their notices of systems of records as required by 5 U.S.C. 552a(e)(4) to the Office of the Federal Register no later than August 15, 1978.

FRED J. EMERY,
Director of the Federal Register.

[FR Doc. 78-15233 Filed 5-31-78; 8:45 am]

[1505-01]

ACTION

[Announcement No. 78-01]

**COMPETITIVE FAMILY VIOLENCE
DEMONSTRATION GRANT****Correction**

In FR Doc. 78-14492, appearing at page 22226 in the issue of Wednesday, May 24, 1978, make the following correction on page 22227:

In column one, in the paragraph labeled "3.," line two, "1978" should appear as "1979."

[3410-03]

DEPARTMENT OF AGRICULTURE

Science and Education Administration

COOPERATIVE FORESTRY RESEARCH ADVISORY BOARD AND ADVISORY COMMITTEE**Notice of Meeting**

The Cooperative Forestry Research Advisory Committee and the Cooperative Forestry Research Advisory Board will meet August 1-3, 1978, at Northern Arizona State University, Flagstaff, Ariz., at 8 a.m.

The meetings are open to the public and will be held in Frier Hall on the University campus.

The Advisory Board, in separate meeting (Room 210), will consider recommendations for the allocation of research funds.

The Advisory Committee, in separate meeting (Room 203), will evaluate forestry research requirements and make suggestions for cooperative research activities.

In joint sessions (Room 203), the Board and Committee will become acquainted with the McIntire-Stennis research at the host institution. Progress in regional and national research planning will be examined at these sessions.

The names of Board and Committee members and agenda are available upon request to the executive secretary of the Board, R. J. Aldrich, USDA-SEA/CR, Washington, D.C. 20250, or the executive secretary of the Committee, J. D. Sullivan, USDA-SEA/CR, Washington, D.C. 20250. Written statements may be filed with the Committee before or after the meeting.

R. J. ALDRICH,
Acting Deputy Director.

MAY 26, 1978.

[FR Doc. 78-15256 Filed 5-31-78; 8:45 am]

[3410-16]

Soil Conservation Service

SOUTH RIVER SUBWATERSHED, VIRGINIA**Intent Not To Prepare an Environmental Impact Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; and part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 850.7(d); of the Soil Conservation Service Guidelines (42 FR 40114) August 8, 1977; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for Structure No. 8 of the South River Subwatershed, Augusta County, Va.

The environmental assessment of this federally assisted action indicates that this action will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy exists. As a result of these findings, Mr. David N. Grimwood, State Conservationist, has determined that preparation and review of an environmental impact statement is not needed.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement includes conservation land treatment supplemented by one single-purpose floodwater retarding structure.

The notice of intent to not prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. David N. Grimwood, State Conservationist, Soil Conservation Service, 400 North 8th Street, Room 9201, Richmond, Va. 23240, 804-782-2455. An environmental impact appraisal has been prepared and sent to various Federal, State and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 3, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.904, Flood Control Act, Pub. L. 78-534, 58 Stat. 887, as amended.)

Dated: May 23, 1978.

JOSEPH W. HAAS,
Assistant Administrator for
Water Resources, Soil Conservation Service, U.S. Department of Agriculture.

[FR Doc. 78-15158 Filed 5-31-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 32325]

PHOENIX-SALT LAKE CITY SERVICE INVESTIGATION**Notice of Hearing**

The hearing herein, set at the end of the prehearing conference for August 29, 1978, will be held before the undersigned in Hearing Room 479, U.S. Post Office and Federal Court Building, 350 South Main Street, Salt Lake City, Utah 84101, and will convene at 10 a.m.

Dated at Washington, D.C., May 25, 1978:

RUDOLF SOBERNHEIM,
Administrative Law Judge.
[FR Doc. 78-15261 Filed 5-31-78; 8:45 am]

[6320-01]

[Docket 24847]

TRANSAVIA HOLLAND B. V.**Notice of Hearing**

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on June 8, 1978, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge William A. Kane, Jr.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on March 29, 1978, and other documents which are in the docket of this proceeding on file in the docket section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 25, 1978.

WILLIAM A. KANE, Jr.,
Administrative Law Judge.
[FR Doc. 78-15260 Filed 5-31-78; 8:45 am]

[1505-01]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

WOODS HOLE OCEANOGRAPHIC INSTITUTE, ET AL**Applications for Duty-Free Entry of Scientific Articles****Correction**

In FR Doc. 78-14582 appearing at page 22434 in the issue for Thursday, May 25, 1978, in the middle column, third paragraph ("Docket No. 78-

00222"), in the fourth and fifth lines, "model JEM-100CS" should have read "model JEM-100CX".

[3510-03]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-607]

APOLLO MARINE CO. AND ARTEMIS MARINE CO.**Application**

Notice is hereby given that Apollo Marine Co. (Apollo) and Artemis Marine Co. (Artemis) (collectively, the applicants), affiliates of Arles Marine Shipping Co. and the other related companies known as the Berger Group, have filed application dated May 9, 1978, for operating-differential subsidy for the proposed operation of two 48,000 dwt (one each) Catag OBO vessels, to be constructed, in the worldwide carriage of liquid and dry bulk cargoes.

The applicants intend to operate the vessels in both domestic and foreign trade, including foreign-to-foreign trading, in the carriage of both liquid and dry bulk cargo. The proposed operating-differential subsidy contract would cover only voyages made in foreign trade.

With respect to domestic operations, a separate notice will be published under section 805(a) of the Merchant Marine Act, 1936, as amended.

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Room 3099B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230.

Any person, firm, or corporation having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit such views and comments in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Maritime Administration, 14th and E Streets NW., Washington, D.C. 20230, by the close of business on June 12, 1978.

The Maritime Subsidy Board will consider these views and comments and take such action with respect therein as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS).)

By order of the Maritime subsidy board.

Dated: May 25, 1978.

JAMES S. DAWSON, Jr.,
Secretary.
[FR Doc. 78-15149 Filed 5-31-78; 8:45 am]

[3510-03]

[Docket No. S-608]

FARRELL LINES, INC.**Application**

Notice is hereby given that Farrell Lines, Inc. (Farrell), by letter dated April 14, 1978, has requested certain interchange and transfer privileges for its vessels assigned to operating-differential subsidy agreements, contracts Nos. MA/MSB-352 and FMB-87 (American Export Services) as follows:

1. The transfer of 12C3- and 12C4-type freight vessels (breakbulk) between services on trade routes Nos. 10, 12, and 18 and the services on trade routes Nos. 14-1 and 15-A.

2. The interchange and transfer of five C5 containerships, four C4 RO/RO's and two C6 containerships between services on trade routes Nos. 5-7-8-9, 10, and 12 and the services on trade routes Nos. 15-A and 16.

The specific services to which Farrell's request would be applicable are as follows:

Trade route No. 5-7-8-9—U.S. North Atlantic/Western Europe—Service provided by C5 containerships and C5 RO/RO's with a minimum of 40 and a maximum of 55 sailings, provided that only three vessels shall be operated on the service at any one time.

Trade route No. 10—U.S. North Atlantic/Mediterranean and Black Sea—Service provided by C3 and C4 breakbulk ships, C5 containerships, and C5 RO/RO's with a minimum of 65 and a maximum of 95 sailings.

Trade route No. 12—U.S. Atlantic/Far East—Service provided by C3 and C4 breakbulk ships, with a minimum of 20 and a maximum of 30 sailings.

Trade route No. 14-1—U.S. Atlantic/West Africa—Service provided by C3 and C4 breakbulk ships, with a minimum of 20 sailings.

Trade route No. 15-A—U.S. Atlantic/South and East Africa—Service provided by C3 and C4 breakbulk ships, with a minimum of 20 and a maximum of 30 sailings.

Trade route No. 16—U.S. Atlantic and Gulf/Australia and New Zealand—Service provided by C6 and C8 containerships, with a minimum of 16 sailings and subject to an overall maximum of 89 sailings for trade routes Nos. 14-1, 15-A, and 16.

Trade route No. 18—U.S. Atlantic/India, Sri Lanka, Pakistan, Bangladesh, and Red Sea—Service provided by C3 and C4 breakbulk ships, with a minimum of 18 and a maximum of 25 sailings.

Present vessel assignments and transfer and interchange privileges are as follows:

Contract No. MA/MSB-352. Two C6 and two C8 containerships are assigned to trade route No. 16 and the two C6 containerships may transfer to

trade route No. 15-A on a ship-for-ship basis as two new C8 containerships are delivered for service on trade route No. 16.

Three C8 LASH-type vessels are assigned to trade route No. 27 and have no interchange or transfer privilege.

Nine C4 vessels (which are not assigned to specific services) may be interchanged or transferred among trade routes Nos. 14-1, 15-A, and 16. These vessels also may be interchanged (substituted) for the C3 and C4 vessels named in contract No. FMB-87.

Contract No. FMB-87. Five C5 containerships and four C5 RO/RO vessels may be interchanged among services on trade routes Nos. 5-7-8-9, 10, and 12, provided that only three vessels shall be operated on trade route Nos. 5-7-8-9 at any one time.

Twelve C3 vessels may be interchanged or transferred among trade routes Nos. 10, 12, and 18 and three C4 vessels may be interchanged among the same routes.

Twelve C3 vessels and three C4 vessels may be interchanged (substituted) for the C4 vessels named in contract No. MA/MSB-352.

As used in this notice, the term "interchange" means the approximately simultaneous substitution of vessels. The term "transfer" means removal of a vessel from one service and placement into another. Farrell proposes to exercise the interchange and transfer privileges in such a manner as to comply with minimum and maximum sailing requirements specified for each subsidized service.

Any person, firm, or corporation having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20230, by the close of business on June 12, 1978.

The Maritime Subsidy Board will consider views and comments and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS).)

By order of the Maritime Subsidy Board.

Dated: May 25, 1978.

JAMES S. DAWSON, Jr.,
Secretary.
[FR Doc. 78-15150 Filed 5-31-78; 8:45 am]

[3510-03]

CONSTRUCTION OF THREE 39,500 DWT INTEGRATED TUG BARGE BULK VESSELS APPLICATIONS FOR CONSTRUCTION-DIFFERENTIAL SUBSIDY

Filing

Notice is hereby given that Suwannee River Finance, Inc., Suwannee River SPA Finance, Inc., and Suwannee River Phosphate Finance, Inc., on March 17, 1978, filed, pursuant to title V of the Merchant Marine Act, 1936, as amended, applications for construction-differential subsidy to aid in the construction of three new integrated tug barge bulk vessels (one per each company) of approximately 39,500 deadweight tons for use in the foreign commerce of the United States.

Any person may inspect the nonconfidential portions of these applications in the Office of the Secretary, Room 3099-B, Maritime Administration, Department of Commerce, 14th and E Streets NW., Washington, D.C. 20230.

Dated: May 25, 1978.

By order of the Maritime Subsidy Board Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-15164 Filed 5-31-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

CARIBBEAN FISHERY MANAGEMENT COUNCIL

Statement of Organization, Practices, and Procedures (SOPP's) Amendment

In the FEDERAL REGISTER, Vol. 42, No. 198, appearing in the Thursday, October 13, 1977, issue, make the following correction:

7.E. Employment Practices (4) Leave, should read:

"Council staff employees are entitled to annual and sick leave accrued at the current rate used by the United States Government. For annual leave accrual purposes only, credit shall be given to prior Federal, military, or State service, not to exceed a total of twelve (12) years."

8(B) Composition (1): should read:

"The Standing Committee on Finance shall be composed of five voting members, provided the Council Chairman shall automatically be a member of this Committee. The remaining four members of said Committee shall be selected by Council vote."

11(2) New last paragraph:

"In the development of Fishery Management Plans, the contents of fishery management plans and the standard format for fishery management plans found at 50 CFR 602.3 and 602.4 will be followed."

Dated: May 25, 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.

[FR Doc. 78-15188 Filed 5-31-78; 8:45 am]

[3510-22]

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

Statement of Organization, Practices, and Procedures (SOPP's) Amendment

In FR Doc. 77-26339, appearing in the FEDERAL REGISTER issue of September 13, 1977, and beginning at page 46015, make the following correction:

1. Page 46015, (7)(3) 3. Compensatory Leave and Overtime Pay, should read:

Employees subject to the Fair Labor Standards Act (FLSA) shall receive overtime as specified therein. Employees covered by the Act are nonexempt. Employees occupying nonexempt positions will be paid for overtime under the provisions contained in 5 U.S.C. or the FLSA, whichever provides the greater rate of pay to the employee. Since no premium pay (night differential, Sunday differential, hazard pay, etc.) is involved in Council operations, it is anticipated that eligible Council employees will receive overtime pay under the provisions contained in 5 U.S.C.

Travel time is not considered as overtime during the normal work week (Monday through Friday). Travel time on weekends or holidays will be considered as overtime for nonexempt employees.

Overtime must be authorized in advance by the employee's supervisor.

Compensatory time vs overtime—Employees whose rates of pay under 5 U.S.C. do not exceed the maximum rate for GS-10 may elect to receive compensatory time in lieu of overtime.

2. Page 46015, (7)(3) 5. Holidays:

Delete: Fourth Monday in October. (This leaves Veterans Day as a holiday but without a specified date.)

3. Page 46015, (7)(i) Personnel Files:

Delete from first sentence: "Council member and * * *."

Delete but without second sentence: "member or * * *."

4. Page 46015, (8)(a) Management Committees:

Delete: Management Committees. Add: Fishery Management Committees (a separate fisheries management committee shall be appointed for each designated fisheries management unit).

5. Page 46021, (13)(b) Procurement:

Add to: Subsections 9. Award, 13. Bid Processing, 31. Approval Authority, 32. Processing Contract Modifications:

"For the procurement of materials, supplies, or equipment this subsection

remains unchanged; however, for procurement of services for developing fishery management plans or studies in support of such plans, the authority granted to the Executive Director in this subsection remains with the full Council and the Executive Director will act in the specified capacity only at the direction of the Council."

6. Page 46022, (13) 23:

Add: h. Cost-Plus-Fixed-Fee Contract.

This is the same as a cost contract, except that a set, non-variable fee is added as the Contractor's profit, in addition to other allowable costs. Thus, these contracts are issued only to for-profit organizations. Any such fee must be separately stated in any contract or proposal, and is paid only upon completion of work regardless of progress payments.

Dated: May 25, 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.

[FR Doc. 78-15189 Filed 5-31-78; 8:45 am]

[3510-22]

PACIFIC FISHERY MANAGEMENT COUNCIL; SCIENTIFIC AND STATISTICAL COMMITTEE; AND SALMON ADVISORY SUBPANEL

Public Meeting With Partially Closed Session

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. appendix I, as amended, notice is hereby given of a meeting of the Pacific Fishery Management Council established under section 302(a), and its Scientific and Statistical Committee and Salmon Advisory Subpanel established under section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265).

The Council meeting will take place Thursday and Friday, July 13-14, 1978, in the Presidio Room of the Hilton Inn located at 1000 Agujito Road, Monterey, Calif.

The Salmon Advisory Subpanel will meet on Wednesday, July 12, 1978, in the Big Sur Room of the Hilton Inn, convening at 1 p.m. and adjourning about 10 p.m. The proposed agenda for the subpanel is as follows:

July 12

(1) Consideration of the Salmon Management Plan.

The Scientific and Statistical Committee will meet on Wednesday and Thursday, July 12-13, 1978, in the Marina Room of the Hilton Inn in Monterey. The Committee will meet at 1 p.m. and adjourn about 10 p.m. on July 12, tentatively reconvening, dependent on Council developments, at 8 a.m. and adjourning about 5 p.m. on July 13. The proposed agenda for the Committee is as follows:

JULY 12-13

(1) Consideration of development of fishery management plans;
(2) Operational and procedural matters of the Council, including fishery advisory panel and management development teams activities;
(3) Other Committee business.

The Pacific Fishery Management Council will convene at 10 a.m. and adjourn about 5 p.m. on July 13, and will reconvene at 8 a.m. and adjourn about 5 p.m. on July 14. The meeting may be extended or shortened depending on progress on the agenda. The proposed agenda is as follows:

JULY 13

1. Closed 2-hour session (8 to 10 a.m.) to discuss classified material, on the status of current maritime boundary and resource negotiations between the United States and Canada;
2. Operational and procedural matters of the Council, including its staff, advisory panels, and committees activities;
3. Consideration of reports from ad hoc committees;
4. Review of communications from other agencies and organizations;
5. Consideration of fishery management plans under development.

JULY 14

1. Operational and procedural matters of the Council, including its staff, advisory panels, and committee activities;
2. Consideration of reports from ad hoc committees;
3. Review of communications from other agencies and organizations;
4. Consideration of fishery management plans under development.

The Salmon Advisory Subpanel and Scientific and Statistical Committee meetings will be open to the public. For more information on arrangements, changes to the agenda, and/or written comments, contact: Mr. Lorry M. Nakatsu, Executive Director, Pacific Fishery Management Council, 526 South West Mill Street, Second Floor, Portland, Ore. 97201, telephone: 503-221-6352.

The closed session of the Council is planned for the early morning of the first day, July 13, from 8 through 10 a.m. to hear and discuss Department of State security classified material on the status of current maritime boundary and resource negotiation between the United States and Canada. Only those Council members and staff having security clearances will be allowed to attend this closed session.

The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of its General Counsel, formally determined, on April 27, 1978, pursuant to section 10(d) of the Federal Advisory Committee Act, that the agenda items covered in the closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein, because items

will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1) as information which is properly classified pursuant to Executive Order 11652. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection Facility, Room 5317, Department of Commerce.)

Dated: May 25, 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.

[FR Doc. 78-15187 Filed 5-31-78; 8:45 am]

[3510-18]

Office of the Secretary

COMMERCE TECHNICAL ADVISORY BOARD

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that the Commerce Technical Advisory Board will hold a meeting on Thursday, June 22, 1978, from 9 a.m. until 5 p.m. and on Friday, June 23, 1978, from 9 a.m. until 12 noon, in Room 6802, Department of Commerce, Washington, D.C.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value to the business community.

Tentative agenda items include:

1. Role of science and technology in the footwear industry.
2. Structure of a study of Federal policies on innovation.
3. Status report on the study of the Federal policy on entrepreneurship of technology-based industries.
4. Review of activities of the Maritime Administration.

The meeting will be open to public observation. The public may submit written statements or inquiries to the Chairman before or after the meeting. A limited number of seats will be available to the public and to the press on a first-come-first-served basis.

Copies of minutes and materials distributed will be made available for reproduction, following certification by the Chairman, in accordance with the Federal Advisory Committee Act, at the U.S. Department of Commerce, Office of the Assistant Secretary for Science and Technology, Washington, D.C. 20230.

Further information may be obtained from Mrs. Florence Feinberg, Administrator, Room 3867, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5065.

Dated: May 25, 1978.

JORDAN J. BARUCH,
Assistant Secretary for
Science and Technology.

[FR Doc. 78-15244 Filed 5-31-78; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS FROM INDIA

Increasing Import Restraint Levels

MAY 26, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Granting an increase for flexibility for apparel and made-up and miscellaneous textile products in Categories 330-369, 431-469, and 630-669, as a group. (A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), and March 3, 1978 (43 FR 8828)).

SUMMARY: The Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India, provides, among other things, for percentage increases in the group limits to account for flexibility during an agreement year. Under the terms of paragraph 7 of the bilateral agreement, as amended, and at the request of the Government of India, the import restraint level for Categories 330-369, 431-469, and 630-669, as a group, is being increased to 38,943,306 square yards equivalent for the agreement year which began on January 1, 1978, and extends through December 31, 1978.

EFFECTIVE DATE: May 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, DC 20230, 202-337-5423.

SUPPLEMENTARY INFORMATION: On February 2, 1978, a letter of January 27, 1978, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the FEDERAL REGISTER (43 FR 4451), which established import restraint levels for certain specified categories of cotton, wool, and man-made fiber textile products, produced or manufactured in India and exported to the United States during the 12-

month period which began on January 1, 1978. In the letter published below the Commissioner of Customs is directed by the Chairman of the Committee for the Implementation of Textile Agreements, in accordance with the provisions of the bilateral agreement, to increase the 12-month level of restraint previously established for Categories 330-369, 431-469, and 630-669, as a group, to the designated amount.

RONALD I. LEVIN,
Acting Chairman, Committee for the Implementation of Textile Agreements.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

May 26, 1978.

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: On January 27, 1978, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption and withdrawal from warehouse for consumption during the twelve-month period beginning on January 1, 1978 and extending through December 31, 1978 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in India, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.¹

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to paragraph 7 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to amend, effective on May 26, 1978, the twelve-month level of restraint established in the directive of January 27, 1978 for Categories 330-369, 431-469 and 630-669, as a group, to the following:

Category	Amended 12-mo level of restraint ¹
330-369, 431-469, and 630-669.	38,943,300 sq yds equivalent

¹The levels of restraint have not been adjusted to reflect any imports after December 31, 1977.

²The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India which provide, in part, that, with the exception of apparel products in Categories 330-359 which are accompanied by the elephant-shaped certification, (1) within the aggregate, group limits, may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward; (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

NOTICES

The actions taken with respect to the Government of India and with respect to imports of cotton, wool and man-made fiber textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

RONALD I. LEVIN,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 78-15245 Filed 5-31-78; 8:45 am]

[3910-01]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

MAY 19, 1978.

The USAF Scientific Advisory Board Electronic Warfare Subgroup of the Joint Army Science Board/Air Force Scientific Advisory Board Summer Study on Battlefield Systems Integration will meet at HQ SAMSO, Los Angeles, Calif., on June 19-20, 1978, from 9 a.m. to 5 p.m. each day.

The Subgroup will receive classified briefings and hold classified discussions on various foreign systems as well as projected U.S. command and control systems. The meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc. 78-15148 Filed 5-31-78; 8:45 am]

[3810-70]

Office of the Secretary

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

The DOD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, N.Y. 10014 on July 11, 1978.

The purpose of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical

advice on the conduct of economical and effective research and development programs in the area of Electron Devices.

The meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The AGED will review programs on microwave devices, night vision devices, lasers, infrared systems and microelectronics. The review will include classified program details throughout.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: May 25, 1978.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Service, Department of Defense.

[FR Doc. 78-15183 Filed 5-31-78; 8:45 am]

[3810-70]

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street, 9th Floor, New York, N.Y. 10014, on June 13, 1978.

The purpose of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The microwave area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices millimeter wave devices, and passive devices. The review will include details of classified defense programs throughout. In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it is hereby determined that this meeting of the Advisory Group on Electron Devices concerns matters listed in Section 552b(c) of Title 5 of the United States Code,

specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: May 25, 1978.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Service, Department of Defense.

[FR Doc. 78-15181 Filed 5-31-78; 8:45 am]

[3810-70]

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed sessions at the Santa Barbara Research Center, 75 Coromar Drive, Goleta, Calif. on June 29, 1978.

The purpose of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Department with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This special device area includes such program as Infrared and Night Vision Sensors. The review will include classified program details throughout.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: May 25, 1978.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Service, Department of Defense.

[FR Doc. 78-15185 Filed 5-31-78; 8:45 am]

[3810-70]

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group D (Mainly Laser Devices) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session at 201 Varick Street,

NOTICES

New York, N.Y. 10014, on June 20-21, 1978.

The purpose of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The laser area includes programs on developments and research related to low energy lasers for such applications as battlefield surveillance, target designation, ranging, communications, weapon guidance and data transmission. The review will include details of classified defense programs throughout.

In accordance with section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in section 552b(c) of Title 5 of the United States Code, specifically, Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: May 25, 1978.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Service, Department of Defense.

[FR Doc. 78-15184 Filed 5-31-78; 8:45 am]

[3810-70]

DEFENSE SCIENCE BOARD TASK FORCE ON SSBN SECURITY

Quarterly Review

The Defense Science Board Task Force on the SSBN Security Technology Program will meet in closed session on June 20, 1978 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board Task Force is to advise the Secretary of Defense and the Under Secretary of Defense (Research and Engineering) on overall research and engineering and to provide long-range guidance to the Department of Defense in these areas.

The purpose of this Quarterly Review meeting is to review fiscal year 1978 progress on data analysis and experiment plans.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically

Subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

Dated: May 25, 1978.

MAURICE W. ROCHE,
Director, Correspondence and Directives DoD/WHS.
[FR Doc. 78-15182 Filed 5-31-78 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. G-9530, et al.]

SUN OIL CO., ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates¹

May 19, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition

for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

vided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Under the procedure herein pro-

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft *	Pressure base
G-9530 ¹ P May 23, 1975	Sun Oil Co., P.O. Box 20, Dallas, Tex. 75221.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., North Hostetter field, McMullen County, Tex.	53.0	14.73
CI72-440 C Sept. 19, 1977	Amoco Production Co. et al., Security Life Bldg., Denver, Colo. 80292.	Panhandle Eastern Pipe Line Co., Chieftan field, Adams County, Colo.	\$1.47	15.025
CI74-145 C Sept. 19, 1977	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	El Paso Natural Gas Co., Langlie Mattix field, Lea County, N. Mex.	(²)	14.65
CI75-38 C Sept. 19, 1977	Gulf Oil Corp.	El Paso Natural Gas Co., CDU well No. 424, Lea County, N. Mex.	\$1.47	14.73
CI76-676 C July 7, 1976	NAPECO Inc., 122 South Michigan Ave., Chicago, Ill. 60603.	Natural Gas Pipeline Co. of America, 7 Oaks field, Polk County, Tex.	(³)	14.73
CI77-690 C July 25, 1977	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	Transwestern Pipeline Co., White City field, Eddy County, N. Mex.	(⁴)	15.025

¹Application reflects transfer of acreage from Jake L. Hamon to applicant. Hamon's interest previously sold under Atlantic Richfield Co. rate schedule No. 7, docket No. C-19659.
²Per nationwide rate as prescribed in opinion No. 770-A.
³Applicant is willing to accept a permanent certificate at the applicable national rate pursuant to opinion No. 770, as amended.
⁴Not used.
⁵Applicant states that it is entitled to receive the national rate.
⁶Applicant states that it qualifies for the national rate.
Filing codes: A—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Suspension. F—Partial succession.
[FR Doc. 78-14969 Filed 5-31-78; 8:45 am]

[3128-01]

Hearings Appeal Office
CASES FILED WITH THE OFFICE OF HEARINGS AND APPEALS
Week of May 5 Through May 12, 1978

Notice is hereby given that during the week of May 5, 1978 through May 12, 1978, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed

with the Office of Hearings and Appeals of the Department of Energy. Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the

date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.
Dated: May 22, 1978.
MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals.

APPENDIX.—List of cases received by the Office of Hearings and Appeals
(Week of May 5 through May 12, 1978)

Date	Name and location of applicant	Case No.	Type of submission
May 5, 1978	Colonial Oil Co., Alexandria, Va. If granted: Colonial Oil Co. would be assigned a new, lower priced supplier of motor gasoline to replace its present supplier, American Petrofina Co.	DEE-1075	Exception to change suppliers.
Do	Custer Gas Service, Custer, S.D. If granted: Custer Gas Service would be permitted to increase retroactively its prices for propane above the maximum levels permitted under the mandatory petroleum price regulations.	DEE-1077	Price exception (sec. 212.93).
Do	Custer Gas Service, Custer, S.D. If granted: An evidentiary hearing would be convened in connection with the objections raised by Custer Gas Service regarding a proposed remedial order which was issued to the firm on Mar. 29, 1978.	DRH-0027	Motion for an evidentiary hearing.
Do	Gas del Oro, Inc., Gas del Oro International & El Dorado Marketing Co., Washington, D.C. If granted: Gas del Oro, Inc., Gas del Oro International, and El Dorado Marketing Co. would be granted an evidentiary hearing in connection with an objection to the Mar. 21, 1978, proposed decision and order issued with respect to the Ozone Gas Processing Plant.	DEH-0396	Do.
Do	Harpel Petroleum Corp., Casper, Wyo. If granted: The application to the Harpel Petroleum Corp. of the provisions of 10 CFR, pt. 212, subpt. D, would be stayed pending a final determination on an application for exception which the firm intends to file.	DES-0973	Stay request.
Do	Texaco, Inc., White Plains, N.Y. If granted: The DOE's Apr. 5, 1978, information request denial would be rescinded and Texaco, Inc., would receive access to additional DOE data regarding the revision of the "property" definition as set forth in 10 CFR 212.72.	DFA-0177	Appeal of an information request denial.
May 8, 1978	Kern County Refinery, Inc., Cerritos, Calif. If granted: Kern County Refinery, Inc., would receive an exception from the provisions of 10 CFR 211.67 with respect to its entitlement purchase obligations for the months of June through November 1978.	DXE-1076	Exception from the entitlements program.
Do	Mid-Kansas Propane & Gas Supply, Newton, Kans. If granted: Mid-Kansas Propane & Gas Supply would not be required to file Form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-1078	Exception to the reporting requirements.

APPENDIX.—List of cases received by the Office of Hearings and Appeals—Continued
(Week of May 5 through May 12, 1978)

Date	Name and location of applicant	Case No.	Type of submission
Do	North Kern Front Enterprises, Inc., Santa Ana, Calif. If granted: North Kern Front Enterprises, Inc., would be permitted to sell the crude oil produced from the Mitchell lease, located in Kern County, Calif., at market prices.	DEE-1081	Price Exception (sec. 212.74).
Do	Standard Oil Co. (Indiana) Chicago, Ill. If granted: Standard Oil Co. (Indiana) would receive an exception from the provisions of 10 CFR 212.83(h)(2)(ii) with respect to the passthrough of increased propane costs in its retail sales.	DEE-1079	Price exception (sec. 212.83).
May 9, 1978	Big Bend Truck Plaza, Tallahassee, Fla. If granted: Big Bend Truck Plaza would be granted an evidentiary hearing with respect to its objection to the proposed remedial order issued by DOE region IV on Mar. 30, 1978.	DRH-0032	Motion for an evidentiary hearing.
Do	Bonray Oil Co., Oklahoma City, Okla. If granted: The revised remedial order issued by DOE region VI on Apr. 28, 1978, would be rescinded and Bonray Oil Co. would not be required to refund the overcharges made in its sales of crude oil produced from the Pruett-Williams, Johanning and Phillips University properties.	DRA-0178	Appeal of a revised remedial order.
Do	Herrington L. P. Gas Co., Inc., Olive Branch, Miss. If granted: Herrington L. P. Gas Co., Inc., would be granted an evidentiary hearing with respect to its pending objection to the proposed remedial order issued by DOE region IV.	DRH-0013	Motion for an evidentiary hearing.
Do	Kansas-Nebraska Natural Gas Co., Inc., Hastings, Nebr. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Yenter plant.	DXE-1082	Extension of the relief granted in <i>Kansas-Nebraska Natural Gas Co., Inc.</i> , Case No. DXE-0127 (decided Feb. 13, 1978) (unreported decision).
Do	Lakes Gas Co., Forest Lake, Minn. If granted: Lakes Gas Co., would be granted an evidentiary hearing with respect to its pending objection to a proposed remedial order issued by DOE region V on Apr. 12, 1978.	DRH-0040	Motion for an evidentiary hearing.
Do	Lakes Gas Co., Forest Lake, Minn. If granted: Lakes Gas Co., would be granted discovery with respect to its objection to a proposed remedial order issued to the firm by DOE region V on Apr. 12, 1978.	DRD-0040	Motion for discovery.
Do	Mid-Continent Systems, Inc., Little Rock, Ark. If granted: The Apr. 5, 1978, supplemental remedial order issued by DOE region IV would be rescinded and Mid-Continent Systems, Inc., would not be required to refund overcharges made in its sales of No. 2 fuel oil to Georgia Power Co.	DRA-0179	Appeal of a supplemental remedial order.
Do	Propane Gas & Appliance Co., Enterprise, Ala. If granted: Propane Gas & Appliance Co. would be permitted to increase its prices for propane above the maximum levels permitted under the mandatory petroleum price regulations.	DEE-1080	Price exception (sec. 212.93).
May 10, 1978	Petrochemical Energy Group, Washington, D.C. If granted: The Mar. 31, 1978, SNG feedstock assignment order issued to Consumers Power Co. for its Marysville SNG plant would be rescinded.	DEA-0180	Appeal of an assignment order.
Do	Petrochemical Energy Group, Washington, D.C. If granted: The Mar. 31, 1978, SNG feedstock assignment order issued to Northern Illinois Gas Co. for its Minooka, Ill. plant with respect to the period Apr. 1 through Sept. 30, 1978, would be rescinded.	DEA-0181	Do.

Notices of objection received
(Week of May 5 through May 12, 1978)

Date	Name and location of applicant	Case No.
May 5, 1978	Kenard D. Brown (Economiser Pump), Casper, Wyo.	DEE-0658
Do	Texaco, Inc., Los Angeles, Calif.	DEE-0947

Proposed remedial orders

May 27, 1978	Wilhoite Gas Service, Inc., Prospect, Ky.	DRO-0045
May 8, 1978	Robert E. Park, Casper, Wyo.	DRO-0046
Do	Read & Stevens, Inc., Washington, D.C.	DRO-0047

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION
[FCC 78-363]
CLOSED CIRCUIT TEST OF EMERGENCY BROADCAST SYSTEM SCHEDULED FOR JUNE 9, 1978
MAY 25, 1978.
A test of the Emergency Broadcast

System (EBS) has been scheduled for Friday, June 9, 1978 between 2:03:30 and 2:09:00 p.m. Washington, D.C. (e.d.t.) time. Only ABC, AP Radio, CBS, IMN, MBS, NBC, NPR, and UPI Audio radio network affiliates will receive the Test Program for the Closed Circuit Test. AP and UPI wire service clients will receive activation and termination messages of the Closed Circuit Test. Television networks are not participating in the Test.
Network affiliates will be notified of the test procedures via their network beginning 4 days in advance of the test. Test messages will also be run by AP and UPI radio press wire services for 4 days in advance of the test to

insure wide dissemination of the test announcement and schedule.

Final evaluation of the June test is scheduled to be made by the end of June, 1978.

This is a closed circuit test and will not be broadcast over the air.

Action by the Commission May 25, 1978. Commissioners Ferris (Chairman), Lee, Quello, Washburn, Fogarty and White, with Commissioner Brown not participating.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-15196 Filed 5-31-78; 8:45 am]

[6712-01]

[FCC 78-354; BC Docket No. 78-156 File No. BR-2222]

WACB, INC.

Notice of Apparent Liability; Designating Application for Hearing on Stated Issues

Adopted: May 18, 1978.

Released: May 24, 1978.

By the Commissioner: Commissioner Lee absent.

1. The Commission has before it for consideration the above-captioned license renewal application and its inquiries into the operation of Station WACB, Kittanning, Pa.

2. Information before the Commission raises serious questions as to whether the applicant possesses the qualifications to remain a licensee of the captioned station. In view of these questions, the Commission is unable to find that a grant of the renewal application will serve the public interest, convenience and necessity, and must, therefore, designate the application for hearing.

3. Accordingly, it is ordered, that the captioned application is designated for hearing pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place to be specified in a subsequent Order, upon the following issues:

(a) To determine whether, in light of all the facts and circumstances pertaining thereto, the station was operated by a person or persons not holding a third-class radio telephone permit endorsed for broadcast in violation of section 73.93 of the Commission's Rules;

(b) To determine whether, in light of all the facts and circumstances pertaining thereto, entries in the WACB programming logs were falsified and/or fabricated in violation of sections 73.111 and 73.112(a) of the Commission's Rules and, if so, the extent to which this practice occurred;

(c) To determine whether, in light of all the facts and circumstances per-

taining thereto, entries in the WACB operating logs were falsified and/or fabricated in violation of sections 73.111 and 73.113(a) of the Commission's Rules and, if so, the extent to which this practice occurred;

(d) To determine whether, in light of all the facts and circumstances pertaining thereto, the employees of radio Station WACB were instructed by management or principals of the licensee to falsify and/or fabricate entries in the station's operating logs;

(e) To determine whether, in light of all the facts and circumstances pertaining thereto, the licensee repeatedly violated the following Commission Rules: Sections 73.52(a); 73.56(a); 73.67(a)(3); 73.93; 73.111(a) and 73.113(a)(1)(v) as alleged in the Official Notices of Violation issued on January 19, 1977, and September 19, 1977, and, if so, the nature and extent of those violations and whether, in light of the evidence adduced pursuant to that determination, the licensee has exercised that degree of responsibility and control required of a licensee of this Commission;

(f) To determine whether the licensee in a letter to the Commission dated January 27, 1977, written in response to the Official Notice of Violation issued on January 19, 1977, made misrepresentations to the Commission or was lacking in candor regarding the licensee's asserted efforts to correct some of the violations listed in the Official Notice of Violation; and

(g) To determine whether, in light of all the evidence adduced under the preceding issues, the licensee of WACB possesses the requisite qualifications to remain a licensee of the Commission and whether a grant of the captioned application would serve the public interest, convenience and necessity.

4. It is further ordered, that the Chief of the Broadcast Bureau is directed to serve upon the captioned applicant within thirty (30) days of the release of this Order, a Bill of Particulars with respect to issues (a) through (f) inclusive.

5. It is further ordered, that the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (a) through (f) and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to remain a licensee and that a grant of the application would serve the public interest, convenience and necessity.

6. It is further ordered, that to avail itself of the opportunity to be heard, the applicant, pursuant to section 1.221(c) of the Commission's Rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating

an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. It is further ordered, that if it is determined that the hearing record does not warrant an Order denying the captioned application for renewal of license of Station WACB, it shall also be determined whether the licensee has repeatedly violated the following sections of the Commission's Rules: 73.46(a); 73.52(a); 73.56(a); 73.67(a)(3); 73.67(a)(4); 73.93(a); 73.111(a); 73.113(a)(1)(v); 73.114(a)(3); 73.1215(b)(2) and the terms of authorization for WACB and, if so, whether an Order of forfeiture pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of \$10,000 or some lesser amount should be issued for the violations which occurred within one year of the issuance of the Bill of Particulars in this matter.

8. It is further ordered, that this document constitutes a Notice of Apparent Liability for forfeiture for the violations of those sections of the Commission's Rules set out in the preceding paragraph and of the terms of the station's authorization. The Commission has determined that, in every case designated for hearing involving revocation or denial or renewal of license for alleged violations which also come within the purview of section 503(b) of the Act, is shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we stress that inclusion of this notice is not to be taken as in any way indicating what the initial or final disposition of the case should be. That judgment is, of course, to be made on the facts of each case.

9. It is further ordered, that the applicant herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such Rule and shall advise the Commission thereof as required by section 1.594(g) of the Rules.

10. It is further ordered, that the Chief Administrative Law Judge assign the same Administrative Law Judge to conduct this hearing who is assigned to conduct the renewal hearing ordered this day to determine whether the licensee of Stations WMOA and WMOA-FM, Marietta, Ohio, possesses the requisite qualifications to be and remain a licensee of the Commission, and that the said Administrative Law Judge shall take cognizance, with respect to each proceeding, of any findings of fact in the other proceeding which bear upon the qualifications of the licensee in that proceeding.

6. It is further ordered, that the Secretary of the Commission send a copy of this Order, by certified mail, return receipt requested to WACB, Inc., licensee of WACB, Kittanning, Pa.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM TRICARICO,
Secretary.

[FR 78-15195 Filed 5-31-78; 8:45 am]

[6712-01]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," the schedule of future Radio Technical Commission for Marine Services (RTCM) meetings is as follows:

RTCM SC 69/FCC, WARC-79 Advisory Committee for Maritime Mobile Service sixteenth meeting Comsat Bldg., 950 L'Enfant Plaza SW., Wash-

[6712-01]

ington, D.C., Comsat Auditorium, 9:30 a.m. to 12:30 p.m., June 21, 1978.

AGENDA

1. Administrative items.
2. Draft reply comments to the 8th Notice of Inquiry in Docket No. 20271.
Charles Dorian, chairman SC 69, COMSAT General, 950 L'Enfant Plaza SW., Washington, D.C. 20024, Phone: 202-554-6758.

Executive committee meeting. The next executive committee meeting will be on Thursday, June 22, at 9:30 a.m. in conference room 7200, Nassif Building, 400 Seventh Street SW. (at D Street), Washington, D.C.

AGENDA

1. Call to order.
2. Administrative matters.

Special committee No. 73, "Minimum Performance Standards (MPS)—Omega Receiving Equipment".

Notice of first meeting. Monday June 26, 1978—1:30 p.m.
Conference room 7200, Nassif Build-

ing, 400 Seventh Street SW., Washington, D.C.

AGENDA

1. Call to order.
2. Organization of the committee.
Max H. Carpenter, co-chairman, MITAGS, 5700 Hammonds Ferry Road, Linthicum Heights, Md. 21090, Phone: 301-636-5793.

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. All RTCM meetings are open to the public. Written statements are prepared, but by previous arrangement. Oral presentations will be permitted within time and space limitations.

Those desiring additional information concerning the above meeting(s) may contact either the designated Chairman or the RTCM Secretariat, phone 202-632-6490.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR 78-15193 Filed 5-31-78; 8:45 am]

[Report No. 1122] PETITIONS FOR RECONSIDERATION OF ACTIONS IN RULEMAKING PROCEEDINGS FILED

MAY 23, 1978.

Docket or RM No.	Rule No.	Subject	Date received
1995.....	Part 76, Subpart F.....	Amendment of Subpart F of Part 76 of the Commission's Rules and Regulations with Respect to Network Cable Television Systems	
		Filed by James E. Greeley Attorney for KLN Broadcasting, Inc. (WLFI-TV).....	May 16, 1978
		Filed by Herbert M. Schulkind, H. Schulkind and Mark J. Palchick, Attorneys for Wyneco Communications, Inc. (WYEC-TV).....	May 17, 1978
		Filed by William M. Barnard, Attorney for WGBS Television, Inc. (WGBS-TV).....	Do.
		Filed by Peter Shuebruk, Herbert M. Schulkind, Howard J. Bfaun and Mark J. Palchick, Attorneys for WGBS Broadcasting Co., Inc. (WGBS-TV).....	Do.
		Filed by Herbert M. Schulkind, H. Schulkind and Mark J. Palchick, Attorneys for Great Lakes Communications, Inc. (GLC-TV).....	Do.
		Filed by Jack P. Blume, Howard J. Bfaun and Mark J. Palchick, Attorneys for Key Television, Inc. (KEY-TV).....	Do.
		Filed by William J. Potts, Jr., Attorney for The KMTV Corp. (KMTV).....	Do.
		Filed by Samuel S. Carey, President for WBOC, Inc. (WBOC-TV).....	Do.
		Filed by Howard L. Hoffman, President for Broadcasting-Telecasting Services, Inc. (WBBH-TV).....	Do.
		Filed by William Hausler, Vice President General Manager for Cable Associates, Inc.	May 18, 1978
		Filed by Richard Hildreth and James G. Ennis, Attorneys for Henson Aviation, Inc. (WHAG-TV) and Central Coast Broadcasters, Inc. (KCOY-TV).....	Do.
		Filed by Robert L. Heald and James G. Ennis, Attorneys for Gill Industries (KNTV).....	Do.
		Filed by David M. Baltimore, President for WBRE-TV, Inc. (WBRE-TV).....	Do.
		Filed by Everett H. Erlick, Robert J. Kaufman, James A. McKenna, Jr., Robert W. Coll and Steven A. Lerman, Attorneys for American Broadcasting Companies, Inc.	Do.
		Filed by James A. McKenna, Jr., Robert W. Coll and Steven A. Lerman, Attorneys for Birmingham Television Corp., (WBMG), et. al.	Do.
		Filed by Eugene F. Mullin and Howard M. Weiss, Attorneys for Ponderosa Television, Inc. (KTVZ-TV).....	Do.
		Filed by Joel Rosenbloom and Stephen A. Weisswasser, Attorneys for Poole Broadcasting Co. (WJRT-TV & WPRI-TV) and Capital Cities Communications, Inc. (WTNH-TV).....	Do.
		Filed by Erwin G. Krasnow and James J. Popham, Attorneys for National Association of Broadcasters.....	Do.
19528.....		Proposals for New or Revised Classes of Interstate and Foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS).	
		Filed by Russell L. Smith, Associate General Counsel for Consolidated Rail Corporation.....	May 12, 1978
		Filed by Thomas A. Phemister, General Attorney for The Association of American Railroads.....	May 15, 1978

NOTE.—Oppositions to petitions for reconsideration must be filed within 15 days after publication of this Public Notice in the FEDERAL REGISTER. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
William J. Tricarico,
Secretary.

[FR Doc. 78-15223 Filed 5-31-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM**FIRST STEUBEN BANCORP, INC.****Acquisition of Bank**

First Steuben Bancorp, Inc., Toronto, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the Eastern Ohio Bank, Morristown, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 23, 1978.

Board of Governors of the Federal Reserve System, May 24, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-15146 Filed 5-31-78; 8:45 am]

[6210-01]

LABETTE COUNTY BANKSHARES, INC.**Formation of Bank Holding Co.**

Labette County Bankshares, Inc., Altamont, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 95.69 percent or more of the voting shares of the Labette County State Bank, Altamont, Kans. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve

NOTICES

Bank, to be received not later than June 19, 1978.

Board of Governors of the Federal Reserve System, May 24, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-15145 Filed 5-31-78; 8:45 am]

[1610-01]

GENERAL ACCOUNTING OFFICE**REGULATORY REPORTS REVIEW****Receipt and Approval of Report Proposal**

A request for clearance of a new form to collect information from the public was received by the Regulatory Reports Review Staff, GAO, on May 8, 1978. (See 44 U.S.C. 3512 (c) and (d).) The purpose of publishing this notice is to inform the public of such receipt and the action taken by GAO.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The Equal Employment Opportunity Commission (EEOC) requested clearance of new Form 329, Qualifications Inquiry. The form will be used to collect information on eligible applicants for Equal Opportunity Specialist positions. After certificates of eligibles are received from the Special Examining Unit, the appointing officer will then send qualifications inquiries to the references furnished by the available eligibles whose names were certified to EEOC. The information received via the qualifications inquiry form will provide information about the candidate with respect to past performance and personal qualities which will be used together with other information in his/her examination file to decide which candidates are to be offered appointments. The EEOC estimates sending 3,000 forms per year.

The GAO granted special handling clearance of Form 329 on May 23, 1978, under number B-180541 (R0535) because the nature of the form did not necessitate soliciting comments from the public by notice in the FEDERAL REGISTER and a finding that the form is not excessively burdensome and

does not duplicate information already available from other Federal sources.

NORMAN F. HEYL,
Regulatory Reports
Review Officer.

[FR Doc. 78-15175 Filed 5-31-78; 8:45 am]

[4110-02]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE****Office of Education****NATIONAL ADVISORY COUNCIL ON
WOMEN'S EDUCATIONAL PROGRAMS****Meeting**

AGENCY: Office of Education, National Advisory Council on Women's Educational Programs.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Women's Educational Programs and its Executive, Federal Policy and Practices, Legislation, Program, and Public Information Committees. It also describes the functions of the Council. Notice of the meeting is required pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). This document is intended to notify the general public of their opportunity to attend.

DATE: June 21, 1978, 8 p.m. to 11 p.m.; June 22 and 23, 8:30 a.m. to 5 p.m.; and June 24, 8:30 a.m. to 11 a.m.

ADDRESS: The Holiday Inn, 401 Holiday Drive, Pittsburgh, Pa. 15220.

FOR FURTHER INFORMATION CONTACT:

Kathleen Maurer, National Advisory Council on Women's Educational Programs, 1832 M Street NW., No. 821, Washington, D.C. 20036, 202-653-5846.

The National Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 93-380, section 408(f)(1). The Council is mandated to (a) advise the Commissioner with respect to general policy matters relating to the administration of the

Women's Educational Equity Act of 1974; (b) advise and make recommendations to the Assistant Secretary for Education concerning the improvement of educational equity for women; (c) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to section 408 of Pub. L. 93-380, including criteria developed to insure an appropriate distribution of approved programs and projects throughout the Nation; (d) make such reports to the President and the Congress on the activities of the Council as it determines appropriate; (e) develop criteria for the establishment of program priorities; and (f) disseminate information concerning its activities under section 408 of Pub. L. 93-380.

The meetings of the Executive Committee will take place on June 21, 1978, from 8 p.m. to 11 p.m. The agenda will include plans for the Council meeting.

The meeting of the Federal Policy and Practices Committee, the Legislation Committee, the Program Committee and the Public Information Committee will take place on June 22, 1978, from 8:30 a.m. to 5 p.m. The agenda for the Federal Policy and Practices Committee will include review of the status of various Council recommendations, report on Title IX activity and update on the separate education department.

The agenda for the Legislation Committee will include discussion of the Women's Educational Equity Act and pending legislation and regulations as they affect women.

The agenda for the Program Committee will include discussion of evaluation efforts directed toward the WEEA Program including site visits and survey instruments.

The agenda for the Public Information Committee will include discussion of upcoming Council publications.

The meeting of the National Advisory Council on Women's Educational Programs will take place from 8:30 a.m. to 5 p.m. on June 23 and from 8:30 a.m. to 11 a.m. on June 24, 1978. The agenda will include (1) report of the Executive Director; (2) report of the Women's Program Staff; (3) committee reports; (4) presentations from local area representatives of education organizations; (5) new business.

The meeting of the Council and the committees will be open to the public. Records will be kept of the proceedings and will be available for public inspection at the Council offices at 1832 M Street NW., Suite 821, Washington, D.C.

Signed at Washington, D.C., on May 26, 1978.

JOY R. SIMONSON,
Executive Director.

[FR Doc. 78-15222 Filed 5-31-78; 8:45 am]

NOTICES

[4110-39]

NATIONAL INSTITUTE OF EDUCATION**Statement of Organization, Functions, and Delegations of Authority**

Part E, Chapter EN, of the Statement of Organization, Functions, and Delegations of Authority for the Education Division, National Institute of Education (NIE) (40 FR 37071, August 25, 1975; 41 FR 22621, June 4, 1976; 41 FR 23992, June 14, 1976; 42 FR 2544, January 12, 1977; 42 FR 45385, September 9, 1977; is superseded and replaced by a revised Chapter EN to reflect a reorganization of the National Institute of Education. This new chapter reads as follows:

Section EN.00 Mission. The National Institute of Education carries out the policies, established by the Congress in the General Education Provisions Act (GEPA), as amended, as follows: (1) To provide every person equal opportunity to receive an education of high quality, regardless of race, color, religion, sex, national origin, or social class; (2) to concentrate resources on improvement of basic educational skills; on problems of finance, productivity, and management in educational institutions; on improving educational opportunities for students of limited English-speaking ability, women and students who are socially, economically, or educationally disadvantaged; on career preparation; and on improved dissemination of educational research and development; and (3) generally—to help solve or to alleviate the problems of, and promote the reform and renewal of American education; to advance the practice of education, as an art, science, and profession; to strengthen the scientific and technological foundations of education; and to build an effective educational research and development system.

The Director of the Institute, through the Institute, conducts educational research; collects and disseminates the findings of educational research; trains individuals in educational research; assists and fosters such research, collection, dissemination, or training, through grants, technical assistance to, or jointly financed cooperative agreements with public organizations, institutions, agencies or individuals; promotes the coordination of such research and research support within the Federal Government; and constructs or provides (by grant or otherwise) for such facilities as he or she determines may be required to accomplish such purposes. The term "Educational Research" as used in Section 405(e)(1) of GEPA includes "Research (basic and applied), planning, surveys, evaluations, investigations, experiments, developments and demonstrations in the field of education (including career education)."

Section EN.10 Organization. The National Institute of Education consists of a National Council on Educational Research (NCER) and a Director of the Institute. The Director is responsible to the Assistant Secretary for Education, and reports to the Secretary through the Assistant Secretary for Education. The organization responsible to the Director is as follows: Office of the Director; Office of Administration, Management and Budget; Program on Teaching and Learning; Program on Educational Policy and Organization; and Program for Dissemination and Improvement of Practice.

Section EN.20 Functions. A. The National Council on Educational Research: Establishes general policies for, and reviews the conduct of the Institute; advises the Assistant Secretary for Education and the Director of the Institute on the development of programs to be carried out by the Institute; presents to the Assistant Secretary for Education and the Director such recommendations as it may deem appropriate for the strengthening of educational research, the improvement of methods of collecting and disseminating the findings of educational research, and ensuring the implementation of educational renewal and reform based upon the findings of educational research; conducts such studies as may be necessary to fulfill its functions; prepares an annual report to the Assistant Secretary for Education on the current status and needs of educational research in the United States; submits an annual report to the President on the activities of the Institute, and on educational research in general which (1) shall include such recommendations and comments as the Council may deem appropriate and, (2) shall be submitted to the Congress not later than March 31 of each year.

B. The Office of the Director: Assures the effective implementation of NIE's legislative mission; advises the Assistant Secretary for Education and the Congress on Federal educational policy and legislation; assures that all programs and actions of the NIE comply with national, departmental, and NCER goals for equal educational and employment opportunity; and, provides leadership in alleviating or solving problems of American education through the activities of the Institute and in the context of policies of the Congress and the NCER. This Office carries out its mission through the Immediate Office of the Director, with three supporting offices and five staff groups.

1. The Immediate Office of the Director: Consists of the Director, the Deputy Director and the Deputy Director for Management. This Office is responsible for coordinating and di-

recting the activities of the Institute; promoting the coordination of education research and research support within the Federal Government; developing and recommending NCER adopting of policies to guide NIE in fulfilling its legislative mandate; and in coordination with the Secretary for Health, Education, and Welfare (HEW) planning and implementing Federal actions to improve the quality of American education and achieve the Nation's equal opportunity goals. In coordination with the Associate Directors of the Institute, the Office also reviews the research strategies employed by the Institute to assure the development of appropriate research policies and management practices. This Office represents the Institute on Federal councils and interagency committees of which the Director is a member, including the Federal Council on Educational Research and Development (FCERD) of which the Director is the Chairman; receives the recommendations of the Panel for the Review of Laboratory and Center Operations as specified in GEPA; and coordinates NIE's international activities related to educational R&D. The Deputy Director is responsible to the Director for the agency's program policies, and the Deputy Director for Management is responsible to the Director for the agency's management policies. The Associate Directors report to the Director through the Deputy Director on program matters, and through the Deputy Director for Management on administrative and management matters.

2. The Planning and Program Development Office: Is the Director's and Deputy Directors' chief instrument for reviewing NIE's existing research policy and initiating work in new priority areas. The Office functions as a steering mechanism for the Institute and assures that the research program is designed to reflect the Director's goals and priorities. This Office, through its Equity Planning and Analysis staff, reviews all research to assure that NIE's mandate to improve equality of educational opportunity is fully reflected in the selection, design and management of research projects. The Planning office serves as staff for discussion between the Director, Deputy Directors and Associate Directors, leading to establishment of NIE's research priorities; participates in the annual and long range planning processes; and, reviews the current work of the Institute.

3. The Special Studies Office: Under the Deputy Director, conducts short-term studies of policy questions as the need for such studies arises and, monitors all phases of major studies requested or mandated by Congress, HEW, or other Executive agencies carried out by the Program Offices.

4. The Equal Employment Opportunity Office (EEO): Under the Deputy Director for Management, assures that NIE attracts, retains, and promotes a staff fully reflective of the variety of the American people and, that similar considerations apply to those who are the recipients of the Institute's funds. This office is responsible for planning, coordinating, and evaluating Equal Employment Opportunity programs within the Institute, and it renders assistance to agency contractors and grantees in meeting the letter and the spirit of Federal Equal Employment Opportunity laws and regulations and in understanding the special importance to the NIE mission of these laws and regulations.

5. The Educational Organizations and Institutions Staff: Assists the Director in two functions: (1) Developing and maintaining substantive relationships with educational organizations by working in close relation with Institute program offices to serve special needs of education organizations; by assuring Institute awareness of the needs, interests, and concerns of the educational community; by advising the Director and staff on policy issues affecting education organizations, such as State and local education agencies and educational associations; and by coordinating Institute activities in this area with those of similar units within HEW and, (2) coordinating the execution of Institute policies with respect to the educational laboratories and centers in their institutional relationships with the Institute; by advising the Director on the status of the laboratories and centers; and by the recommending appropriate Institute policies and coordinating Institute monitoring and staff review of laboratories and centers research programs.

6. The NCER Staff: Serves as a liaison between the National Council of Educational Research and the Director as they meet the interrelated functions assigned to them by the legislation establishing the NIE and, provides the Council with administrative and other support.

7. The Congressional Affairs Staff: Is responsible for coordinating all NIE activities relating to legislative affairs, including NIE authorizing and appropriating legislation and HEW proposals affecting the agency; advises Director and Institute staff on the implications of current legislation and Congressional interest; in consultation and coordination with the Assistant Secretary for Legislation, develops and maintains liaison activities with Members of Congress, Congressional staff, and appropriate committees to interpret NIE goals, programs, and activities, informs NIE staff on Congressional interests in particular areas of educational research; coordinates NIE's legislative activities with those of the

Assistant Secretary for Legislation; and, participates in and coordinates the drafting of legislation affecting NIE and of testimony related to NIE's programs and appropriations.

8. The Public Affairs Staff: In coordination with the Assistant Secretary for Public Affairs, advises the Director on public affairs policy and programs, and directs and coordinates the public affairs program of the Institute; serves as the principal channel for dissemination of news about the Institute to the general and education press; and develops, implements and monitors editorial policy with regard to NIE publication activity. The head of this staff serves as the Institute's Freedom of Information Officer.

9. The Executive Secretariat: Is responsible for the operation of an effective correspondence management system that will be responsive to the flow of incoming and outgoing paperwork for the Institute.

C. The Office of Administration, Management and Budget: Participates in the development and implementation of the National Institute of Education's goals, policies, plans and programs through its seven major functions and responsibilities: (1) Budget preparation, presentation, and execution; (2) personnel and management analysis; (3) accounting controls and records; (4) procurement management, primarily through contracts and grants; (5) publications management; (6) legal interpretation and advice, and related services; and (7) the support of staff needs. This Office is responsible to the Director and Deputy Directors for administrative and management policies and systems required for the Institute's operation and, provides for the communication and implementation of such policies and systems throughout the Institute, appropriate regional outlets, and other Federal agencies such as HEW, Office of Management and Budget, Treasury Department, Civil Service Commission, General Accounting Office and Congressional committees.

The Office assists in carrying out equality in employment and educational opportunity, both through its functions—which have a unique and direct impact on this objective—and through its contacts with individuals and organizations, within and outside the Institute. This Office carries out its mission through the Office of the Associate Director for Administration, Management and Budget, five divisions, and one staff unit.

1. The Office of the Associate Director for Administration, Management and Budget: Provides leadership, systems and policy guidance in concert with the Director and Deputy Directors in the management and administration of the Institute's program. The Office of the Associate Director super-

vises and manages all of the functional responsibilities assigned to the group. Within the context of agency and government policy, the Office also provides technical guidance to the program Associate Directors and day-to-day technical advice for agency executive and administrative officers in all NIE components.

2. The Budget and Program Analysis Division: Performs all program and budget analysis necessary for the formulation, presentation, and execution of the Institute's annual and long-range budget and, serves as a primary focal point for assuring that major planning and budgetary decisions are implemented and are in accord with overall Institute goals, objectives, and priorities. The Office is also responsible for a systematic work-unit measurement program needed to determine staffing requirements.

3. The Personnel and Management Analysis Division: Performs the full range of functions related to personnel hiring, staff use, the provision of comprehensive personnel services for the Institute's employees, and labor-management relations. This Division systematically analyzes working conditions, policies, and procedures for management and administrative improvement.

This Division emphasizes the commitment to provide equality of opportunity in recruitment efforts, promotion, employee training, and retention of NIE staff. The Division is a primary force in carrying out the affirmative action program.

4. The Contracts and Grants Management Division: Plans, develops and directs a comprehensive procurement program for the National Institute of Education to include negotiation, award, and management of contracts and grants; formulates and implements the contract and grant policies and procedures that guide the development of solicitations; and, directs the NIE Proposal Clearinghouse, which assures the conduct and completion of internal review procedures for proposals received.

In cooperation with the EEO Office, this Division provides ongoing screening of all contracts and grants awarded by the Institute to assure compliance with Federal Equal Employment Opportunity Regulations. And, in concert with the EEO Office, the Contracts and Grants Division is responsible for encouraging the maximum use of minority, 8(a), and women-owned firms and for being aware of their capabilities and resources.

5. The Financial and Data Management Division: Manages and coordinates all financial and data management systems, including automatic data processing operations and programs to support management officials and program operations, and it

plans, develops, implements and manages NIE's financial accounting program to include controlling funds, processing payments, maintaining official accounting records, and preparing reports.

6. The Publications Management and Administrative Services Division: Performs the full range of support functions related to the Institute's publications program, including printing, editorial services, and technical advice on production and distribution, and it provides a variety of supporting services to NIE including: Procurement of supplies, equipment and communications facilities, management of records, space and property; distribution of all incoming and outgoing NIE mail; and maintenance of a public inquiry center.

7. The Administrative Policy Staff: Is responsible for the development and interpretation of general administrative policy; the provision of advice and assistance to Institute staff, relating to the application and interpretation of a wide variety of federal statutes and regulations; the review and coordination of the development of regulations for new activities; and the forms clearance process. This staff also serves as a principal contact with a number of government-wide educational coordinating bodies and, manages the administration of the FCERD.

D. The Program on Teaching and Learning: Conducts research and related activities on the processes of human learning and development so that, on the basis of better understanding of these processes, our country can provide an equal opportunity for all people—regardless of race, ethnic or language background, sex, or social class—to obtain an education of highest quality. The Program is concerned with the substance of what is taught and with the practice of teaching; with education at all levels and in all settings, both formal and informal. It conducts research grounded in the realities of educational tasks related to teaching and learning, analyzes basic issues and problems, reviews and evaluates current educational practices, and develops improved educational practices. Based on these activities, the Program also communicates what is known to researchers and practitioners, and provides technical assistance to those who need the knowledge gained from this research. This Program is organized into the Offices of the Associate Director for Teaching and Learning, the Executive Officer, and Program Coordination and Analysis and, five major program areas.

1. The Office of the Associate Director for Teaching and Learning: Provides policy guidance, programmatic leadership, and supervision to this research program of the agency. Within the context of agency program and

management policies, including policies related to equality of educational and employment opportunity, the Associate Director defines the formal organizational structure of the program; establishes program and budget priorities; recruits staff, provides administrative and technical supervision; consults with other government officials and outside experts to formulate program objectives; oversees the preparation of research plans; monitors the quality and efficiency of program operations; and, participates in the general management of the agency, including the development of agency goals and policies, and representation to the agency's public.

2. The Office of the Executive Officer: Provides for effective and efficient administrative operations within the Program on Teaching and Learning and assures coordination between Program operations and the administrative, management and budget functions of the agency. This Office is responsible for budget analysis and planning, maintenance of management information systems, project reports management, annual operations planning and tracking, and for administrative actions in relation to personnel, grants and contracts management, travel, physical space, equipment and printing, and for related functions.

3. The Office for Program Coordination and Analysis: Provides for coordination of research activities among organizational units within the Program and between the Program and other program units in the agency; analyzes Program research activities; coordinates development of the annual research plan for the Program, the review of unsolicited proposals, and the laboratory, center and other institutional research activities, as well as the development and implementation of grants programs for fundamental research; reviews research plans and operations for impact on equality of educational opportunity; and provides assistance to program staff on research methodology. A particular responsibility is to provide leadership for program activities relating to practice improvement, including summaries of research findings, publication of program products, dissemination of program information to the public, and the exchange of information and assistance among researchers and practitioners.

4. The Program on Reading and Language Studies: Focuses on understanding and improving the development of language communication and literacy skills, and on the ways that race, class, ethnic heritage, and culture bear upon language and literacy development. Activities under this function include research on the acquisition of oral language and functional and higher level literacy skills in different cultural and

social settings; research on cognitive consequences of becoming literate; research to improve the practice of literacy education by improving teaching, instructional materials, tasks and objectives; and research on teaching strategies and other aspects of language and literacy instruction. Special attention is given to the language and literacy development of bilingual students, including the acquisition of English as a second language. An important dimension is the linkage between development of literacy and communications skills, on one hand, and access to employment and career development, on the other. This Program also includes syntheses of research, development, and demonstrations for communication to the educational community in the domains of reading and language studies.

5. The Program On Learning and Development: Supports research and other related activities that focus upon the development of mathematical skills, reasoning, problem-solving abilities and nonverbal cognitive skills, as well as social processes that affect learning. Emphasis is upon developmental processes that affect learning. Emphasis is upon developmental processes and major transitions in human development, and upon how these influence opportunities for minorities, females, and the disadvantaged to obtain education of high quality.

Studies performed in this Program advance knowledge of how sex, race, ethnic, social class and cultural groups differ in their developmental and learning experiences, how to diagnose and overcome learning difficulties, and how to design improved instructional tasks, materials and teaching strategies. Studies also explore the relationship between developmental stages and children's ability to acquire conceptual structures within specific subject matter domains. Information is gathered on non-verbal cognition both to understand better non-verbal ways of perceiving and knowing and to explore relationships between verbal and non-verbal learning.

Research advances understanding of the social processes that influence educational attainment and other learning outcomes. Studies of socialization processes examine ways in which group membership and identity, social interactions or other influences on affective development shape learners' motivations, attitudes and self-concepts, and educational aspirations. The influences of motivations, attitudes and beliefs upon educational performance are investigated, together with differences between racial, sex, ethnic or social-economic status groups in terms of socialization processes and their effects on schooling.

6. The Program on Teaching and Instruction: Supports research and other

related activities that focus on the determinants of effective teaching—teaching processes, classroom interaction, the social and organizational contexts for teaching and learning—and assists teachers to meet the learning needs of diverse student populations more successfully, emphasizing the following areas:

Improvement of Teaching. Descriptive studies conducted to examine teaching processes in varied classroom settings (desegregated schools, multi-ethnic classes, urban and rural schools) where students with culturally and racially diverse backgrounds are highly represented. Related research investigates the effects of sex, race, ethnic and social class differences on teachers' expectations about children and how these expectations influence classroom behavior.

The Environment for Teaching and Learning. Research is focused on the social and organizational contexts for teaching and learning. It examines the ways that informal social norms and relationships and formal organizational structure enhance or impede effective teaching and instruction. Research also examines different ways of organizing schools and classrooms, including alternative grading and reward practices, open classrooms and peer-tutoring arrangements.

Teacher Education and Professional Development. Research is focused on the knowledge and skills and professional development of prospective and practicing teachers and how to improve teachers' training and continued professional growth. Particular attention is given to programs that stress bilingual and multicultural education, the needs of urban and rural students and females, and the preparation of minority teachers.

Instructional Improvement and Implementation. Work is focused on the implementation of new approaches to instruction and, on the development and/or adoption of improved materials and practices in specialized subject areas for specific areas or for specific groups of students where clearly identified needs exist. Studies are made of what is being taught in classrooms in different settings, and of opportunities for improving instruction through technology. Emphasis is given to the teacher's role in the implementation process. This program also encompasses evaluation of the effects of particular curricula, teaching approaches and classroom management strategies.

7. Much, if not most, of human learning takes place outside schools. This learning interacts with formal school learning in important ways. The nature and influence of out of school learning may differ sharply by sex and between ethnic, social, racial and language groups. The Program on Education in the Home, Community

and Work: Supports research to understand out-of-school learning environments; to look at the differences between learning in the school and in other settings; and to strengthen the linkage between school, home, work and community so that each setting reinforces and extends the educational opportunities available in the others. Research under this Program also focuses upon the relationships between school and work and the nature of learning in the work place; ways in which schools can prepare students (especially females and the disadvantaged) for successful careers; and, on career development in three major areas: (1) How career decisions are made and how education can contribute to the career decision-making processes; (2) how occupational skills are acquired; and (3) the role of career exploration in the career decision-making process.

8. The Program on Testing, Assessment and Evaluation: Supports research to improve the tools of assessing, describing, documenting and analyzing student achievement and performance, instructional processes, characteristics of learning environments, and their interrelationships. Work includes studies of test "sensitivity" to cultural and other student background characteristics, support for the development of alternative assessment instruments, and studies in the use of standardized tests by teachers, schools, and State and local education agencies. Improvements are sought in research design and data analysis techniques, techniques for measuring characteristics of instructional process and learning environments, and the validity of tests designed to screen applicants for post-secondary education, the professions, and other occupations. Finally, this Program includes an interest in and capacity for evaluating promising new educational programs of potential national significance, which may emerge from time to time. These may be innovative programs developed at the local level, demonstrations funded by other agencies, or other educational developments from which knowledge may be derived.

9. The Program on Educational Policy and Organization: Makes the governance and organization of education more effective and more equitable by conducting a broad range of research and assistance activities on educational finance, law, governance, organization and management. Program priorities reflect the Agency's concern for the effects of alternative educational policies and organizational forms on the poor, on racial and ethnic minorities, on the handicapped and on women, so that burdens and benefits of American education are more equitably distributed in the future than at present. In addition,

Program goals reflect the Agency's objective of improving educational practice. Program activities relate to public and private educational institutions at all levels, to education in formal and informal settings, and to people of all ages and backgrounds. This program is organized into Offices of the Associate Director for Educational Policy and Organization, the Executive Officer, and Program Coordination and Analysis, and three major program areas.

1. The Office of the Associate Director for Educational Policy and Organization: Provides policy guidance, programmatic leadership, and supervision to this research program of the agency. Within the context of agency program and management policies, including policies related to equality of educational and employment opportunity, the Associate Director defines the formal organizational structure of the program; establishes program and budget priorities; recruits staff; provides administrative and technical supervision; consults with other government officials and outside experts to formulate program objectives; oversees the preparation of research plans; monitors the quality and efficiency of program operations; and, participates in the general management of the agency, including development of agency goals and policies, and representation of the agency to the Congress, within the Executive Branch and to the agency's public.

2. The Office of the Executive Officer: Provides for effective and efficient administrative operations within the Program on Educational Policy and Organization and assures coordination between Program operations and the administrative, management and budget functions of the agency. This Office is responsible for budget analysis and planning, maintenance of management information systems, project reports management, annual operations planning and tracking, and for administrative actions in relation to personnel, grants and contracts management, travel, physical space, equipment and printing, and for related functions.

3. Office for Program Coordination and Analysis: Provides for coordination of research activities among organizational units within the Program and between the Program and other program units in the agency; analyzes Program research activities; coordinates development of the annual research plan for the Program, the review of unsolicited proposals, laboratory, center, and other institutional research activities; as well as the development and implementation of grants programs for fundamental research; reviews research plans and operations for impact on equality of educational opportunity; and, provides assistance to program staff on research method-

ology. A particular responsibility is to provide leadership for program activities relating to practice improvement, including summaries of research findings, publication of program products, dissemination of program information to the public, and the exchange of information and assistance among researchers and practitioners.

4. The Program on Educational Finance: Conducts research and renders assistance on issues of revenue production; revenue allocation, and the patterns and effects of expenditure in education at all levels. The Program assists policy-makers at the Federal, State and local levels to anticipate the consequences of possible finance initiatives. Technical assistance is rendered to legislators, administrators, the courts and educators for this purpose.

5. The Program on Law and Public Management: Improves the process by which educational policy is developed, influenced, implemented and monitored, primarily at the Federal, State and municipal levels; conducts research on major issues of educational policy, on the policy-making process, on intergovernmental roles and relationships and on the way each branch and level of government performs its function in the policy-making and implementation process; and, provides information and technical assistance to appropriate audiences, based on the results of this research.

6. The Program on Educational Organizations and Local Communities: Examines the social organization of education in educational organizations and communities; conducts research on governance, organization and management of schools, school systems, colleges, universities and other educational organizations; on the relationships between these institutions and family and community; and on the integration of educational and social services in communities; and conducts a wide range of research activities and assistance activities designed to help educators make effective use of research results on issues addressed by this Program.

7. The Program for Dissemination and Improvement of Practice: Contributes to the advancement of educational practice and educational opportunity by assisting educational institutions, organizations, and the public in making more effective use of knowledge about education. The Program conducts research into the ways that new knowledge can lead to the improvement of educational practice; makes knowledge about education more widely available; and, mainly through fostering regional capabilities for research and exchange of assistance, helps schools and other educational organizations make better use of new knowledge and techniques. Be-

cause of the Agency's concern for equality of educational opportunity, primary attention is given to the needs of disadvantaged groups and individuals who typically find it difficult to acquire new knowledge and techniques and can benefit most from help in applying new ideas. This Program is organized into Offices of the Associate Director for Dissemination and Improvement of Practice, the Executive Officer, and Program Coordination and Analysis and, three major program areas.

1. The Office of the Associate Director for Dissemination and Improvement of Practice: Provides policy guidance, programmatic leadership, and supervision to this research program of the agency. Within the context of agency program and management policies, including policies related to equality of educational and employment opportunity, the Associate Director defines the formal organizational structure of the program; establishes program and budget priorities; recruits staff; provides administrative and technical supervision; consults with other governmental officials and outside experts to formulate program objectives; oversees the preparation of research plans, monitors the quality and efficiency of program operations; and participates in the general management of the agency, including development of agency goals and policies, and representation of the agency to the Congress, within the Executive Branch and to the agency's public.

2. The Office of the Executive Officer: Provides for effective and efficient administrative operations within the Program for Dissemination and Practice Improvement and assures coordination between Program operations and the administrative management and budget functions of the agency. This Office is responsible for budget analysis and planning, maintenance of management information systems, project reports management, annual operations planning and tracking, and for administrative actions in relation to personnel, grants and contracts management, travel, physical space, equipment and printing, and for related functions.

3. The Office for Program Coordination and Analysis: Provides for coordination of research and operational activities among organizational units within the Program and between the Program and other program units in the agency; analyzes Program research activities; coordinates development of the annual research plan for the Program, the review of unsolicited proposals, and laboratory, center and other institutional research activities, coordinates the development and implementation of grants programs for fundamental research; reviews research plans and operations for impact

on equality of educational opportunity; and, provides assistance to program staff on research methodology. The Office coordinates activities to assist others in using program results, including summaries of research findings, publication of program products, and dissemination of program information to the public. A particular responsibility is to assure that the activities of the Program on Research and Educational Practice are fully coordinated with the Regional Program and the Program on Information Resources.

4. The Program on Information Resources: Maintains and improves core systems for collecting information and making this information available to practitioners and researchers in the ways that are most useful to them. This information concerns research results, the usefulness of the many different products from development, and exemplary practices. The Program operates a nationwide system of primary educational information resource centers, including the National Library of Education; supports the extension of service capabilities at the State level and in other educational organizations; and demonstrates the application of new technologies and media for providing information about education to those who need it.

5. The Regional Program: Stimulates and supports the collaborative planning and implementation of regional research and development programs. These programs are addressed to the special needs of each region and provide for the exchange of ideas and assistance to improve educational practice throughout the region. The Program fosters institutional relationships among States, local school districts, universities, and other educational institutions that provide continuing channels of communication and facilitate the mobilization of resources in response to their emerging problems and opportunities. Based on information developed from analysis of regional program operations, this Program develops policy recommendations on the regional aspects of the Institute's activities.

6. The Program on Research and Educational Practices: Conducts research on the factors that influence the way that research results are used in educational setting. The primary responsibilities of this program are to: (1) Provide research and analysis to support and improve the activities of the Program on Information Resources and the Regional Program; (2) conduct comparative analyses of similar activities funded at the Federal, State, and local levels, as well as research on broader relationships between research and practice; and (3) plan and analyze small-scale experiments designed to improve knowledge about

factors that influence the way that new knowledge finds its way to and is used by educators. The results of the research conducted by this Program are used in planning Agency dissemination and practice improvement activities, and are made available to the States and other educational organizations.

Section EN.30 Vested and Delegated Authority. The Director of the National Institute of Education has program authority directly vested in him or her by the Education Amendments of 1972, as amended, as well as certain delegated program authorities as follows:

A. In order to accomplish the functions set forth in Section EN.20 of this revised Chapter, Section 408(a) of GEPA, as amended, authorizes the Director of the Institute: (1) To make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operation of the agency; (2) in accordance with those provisions of Title 5, United States Code, relating to the appointment and compensation for personnel and subject to such limitations as are imposed in this part, to appoint and compensate such personnel as may be necessary to enable the agency to carry out its functions; (3) to accept unconditional gifts or donations of services, money, or property (real, personal, or mixed; tangible or intangible); (4) without regard for Section 3648 of the Revised Statutes of the United States (31 U.S.C. 529), to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary for the conduct of the agency; (5) with funds expressly appropriated for such purpose, to construct such facilities as may be necessary to carry out functions vested in him or her or in the agency of which he or she is head, and to acquire and dispose of property; and (6) to use services of other Federal agencies and reimburse such agencies for such services.

B. Pursuant to the Delegations of Authorities, dated June 19, 1973, and approved by the President on July 6, 1973, from the Director-designate of the Office of Economic Opportunity (OEO) to the Secretary of Health, Education and Welfare, the Secretary's redelegation of July 11, 1973 to the Assistant Secretary for Education, and the Assistant Secretary's redelegation, the Director of the National Institute of Education is authorized to administer those grants, contracts, or other agreements made or enter into which constitute the program describe in paragraph three (3) clause five (5) of the document ("educational voucher demonstrations and other projects designed to study or test ways to improve educational opportunities for the disadvantaged.")

Section EN.40 Order of Succession. In the absence of the Director or in

the event that there is a vacancy in that office, the Deputy Director shall serve as the Acting director. In the event that both the Director and Deputy Director are absent or there is a vacancy in both offices, the following shall serve as Acting Director in the order indicated: Deputy Director for Management; Associate Director for Administration, Management and Budget.

Dated: May 24, 1978.

LEONARD D. SCHAEFFER,
Assistant Secretary for
Management and Budget.

[FR Doc. 78-15236 Filed 5-31-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

WILDERNESS PROGRAM

Public Work Session

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public work session.

SUMMARY: This notice announces a National work session that will be held to develop wilderness inventory criteria for the Wilderness Policy and Review Procedure and to encourage public participation.

DATE: June 16, 1978.

ADDRESS: Director (370), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

By phone call: Division of Recreation, Mr. Robert Lund or Mr. Randy Botkin, 202-343-9353.

SUPPLEMENTARY INFORMATION: On March 8, 1978, the Department of the Interior, Bureau of Land Management, published a notice to the public of the availability of a draft Wilderness Policy and Review Procedure. The draft explained the procedure which the Bureau of Land Management proposes to use in reviewing for wilderness preservation potential the public lands under its administration. The draft was made available to enable the public to make comments on the proposed Wilderness Policy and Review Procedure before they are implemented. The time for public comments expired on May 17, 1978.

In order to provide the general public and affected organizations and corporations an opportunity to develop the operational wilderness review criteria which will be utilized in the Wilderness Policy and Review Procedure, a National work session will be held at the following time and loca-

tion: Washington, D.C.; June 16, 1978, beginning at 9 a.m.; in rooms 7000-A and 7000-B at the Interior Building, 18th and C Street NW.

Representatives of the Bureau of Land Management will present a slide series that explains the proposed wilderness inventory criteria. A detailed presentation of the criteria and inventory steps will follow. Public participants will be assembled in workgroups. Each workgroup will develop a written document recommending wilderness inventory criteria and a step-by-step inventory procedure. Representatives from each workgroup will present an oral report of their recommendations subject to group discussion and analysis at the conclusion of the work session. Each participant will receive on or before July 3, 1978, typed copies of all group recommendations and a survey of individual comments received. Each participant will also receive a copy of the final criteria for wilderness evaluation as adopted by the BLM after the recommendations have been evaluated.

Interested individuals who wish to participate should contact the Division of Recreation, Mr. Robert Lund or Mr. Randy Botkin, 202-343-9353, by 4 p.m., Thursday, June 8, 1978, to pre-register and receive advance copies of the work session materials.

Dated: May 26, 1978.

GEORGE L. TURCOTT
Associate Director.

[FR Doc. 78-15180 Filed 5-31-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-51]

CERTAIN CIGARETTE HOLDERS

Preliminary Conference

Notice is hereby given that a preliminary conference will be held in connection with the above-styled investigation at 12 noon (e.s.t.) on Tuesday, June 6, 1978, by means of a telephone conference call. Notice of this investigation was published in the FEDERAL REGISTER on March 26, 1978 (43 FR 13104). The purposes of this conference are to establish a discovery schedule, to discuss procedures to be followed in pursuing such discovery, to set the dates for the hearing on this matter, and to resolve any other matter necessary to the conduct of this investigation.

Parties desiring to participate in this conference shall so indicate in writing to the undersigned Presiding Officer, at 701 E Street NW., Washington, D.C. 20436, such communication to be received no later than June 5, 1978.

If any questions should arise not covered by these instructions, the par-

ties or their counsel may call the Chambers of the Presiding Officer at 202-724-0070.

The Secretary shall serve a copy of this Notice upon all parties of record and shall publish it in the FEDERAL REGISTER.

Issued: May 24, 1978.

DONALD K. DUVAL,
Presiding Officer.

[FR Doc. 78-15135 Filed 5-31-78; 8:45 am]

[7020-02]

[Investigation No. 337-TA-3]

DOXYCYCLINE

Concerning Length of Commission Investigation

Notice is hereby given that the U.S. International Trade Commission on May 23, 1978, after considering the written arguments filed by parties of record, granted the April 19, 1978, motion of the Commission investigative attorney to designate this investigation as a "more complicated investigation" pursuant to section 337(b)(1) of the Tariff Act of 1930, as amended (19 U.S.C. 1337 (b)(1)), and section 210.15 of the Commission rules of practice and procedures (19 CFR section 210.15). The effect of this action is to extend the statutory time limit for completing this investigation from October 12, 1978, to April 12, 1979.

In approving the motion, the Commission adopts the recommendation of the Presiding Officer, Judge Donald K. Duval, that the complex legal and factual issues raised by Respondent Danbury's defenses, including fraud on the Patent Office, inequitable conduct and patent misuse, provide sufficient good reason for designating this investigation as a more complicated investigation, especially in light of very recent joinder of that respondent. In addition, there are serious public interest considerations that require further exploration by the Commission Investigative Attorney.

By Order of the Commission

Issued: May 25, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-15134 Filed 5-31-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Office of the Attorney General

CINCINNATI POST AND CINCINNATI ENQUIRER APPLICATION FOR APPROVAL OF JOINT OPERATING AGREEMENT

Decision on Applications To Intervene in Hearing

The Newspaper Preservation Act, 15 U.S.C. 1801 et seq., requires the Attor-

ney General's prior written approval of any new joint newspaper operating arrangement if the arrangement is to qualify for the limited antitrust exemption afforded by the Act. Pursuant to that Act, and the regulations governing the filing and approval of joint newspaper operating arrangements (28 CFR Part 48), on September 28, 1977, the Cincinnati Post and Cincinnati Enquirer filed an Application for Approval of a Joint Operating Arrangement.

Section 1803(b) of Title 15, United States Code, provides that approval cannot be given unless the Attorney General determines that not more than one of the newspapers involved in the arrangement is a publication other than a failing newspaper and that approval of the arrangement would effectuate the policy and purpose of the Act. This determination must be based on the record, consisting of all materials filed in accordance with 28 CFR Part 48.

Based upon a review of the entire record, the Attorney General was of the opinion that the required determination could not be made without a hearing and, accordingly, on February 22, 1978, ordered that a hearing be held in accordance with the provisions of 28 CFR 48.10 (Order No. 771-78, published March 2, 1978, 43 FR 8596).

The regulations implementing the Newspaper Preservation Act define the term "Attorney General" to mean the Attorney General "or his delegate" (28 CFR 48.2(a)). On May 16, 1978, the Attorney General issued Order No. 785-78 delegating to me the authority to decide all questions arising under the Act in the matter of the September 28, 1977, application filed by the Cincinnati Post and the Cincinnati Enquirer, except that the Attorney General retained the authority to make the final decision in accordance with 28 CFR 48.14.

The procedures applicable to parties who file applications to intervene in the hearing and the standards applicable to such applications for intervention are set forth in 28 CFR 48.11. Various parties have filed applications to intervene in the hearing. As the Attorney General's delegate, it is my duty to determine whether each application to intervene should be granted or denied.

Accordingly, I hereby grant approval to intervene in the hearing to the following applicants:

1. The Attorney General of the State of Ohio.
2. Queen City Suburban Press, Inc.;
3. The Newspaper Guild, Cincinnati Newspaper Guild, International Typographical Union and Cincinnati Typographical Union;
4. B. J. Heheman, et al.; and
5. John W. Lahmer, et al.

The application to intervene filed by the Cincinnati Web Pressmen's Union No. 20 is denied.

If the letter request of the counsel for the Cincinnati Mailers Union No. 17 to enter an appearance was intended to constitute on application to intervene, it is denied.

If the letter request of the American Civil Liberties Union for permission to make a presentation at the hearing was intended to constitute application to intervene, it is denied.

Dated: May 26, 1978.

JOHN M. HARMON,
Assistant Attorney General,
Office of Legal Counsel.

[FR Doc. 78-15190 Filed 5-31-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFETY, GUARDS, INDIAN POINT NUCLEAR GENERATING STATION, UNIT NO. 3, AND SEISMIC ACTIVITY SUBCOMMITTEES

Notice of Meeting

The ACRS Subcommittees on the Indian Point Nuclear Generating Station, Unit No. 3, and Seismic Activity will hold a combined, open meeting on June 16, 1978, in Room 1046, 1717 H Street NW., Washington, D.C. 20555, to consider matters regarding seismicity at the site of the Indian Point Nuclear Generating Station.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittees, their consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follow:

FRIDAY, JUNE 16, 1978, 8:30 A.M. UNTIL
THE CONCLUSION OF BUSINESS

The Subcommittees may meet in Executive Session, with any of their consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittees will hear presentations by and hold discussions with representatives of the NRC Staff, the Port Authority of the State of New York (PASNY), their consultants,

and Dr. Yash P. Aggarwal and Dr. Lynn R. Sykes of the Lamont-Doherty Geological Observatory and Department of Geological Sciences, Columbia University, New York, pertinent to this review. The Subcommittees may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Elpidio G. Igne, telephone 202-634-1920, between 8:15 a.m. and 5 p.m., e.d.t.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the White Plains Public Library, 100 Martine Avenue, White Plains, N.Y. 10601.

Dated: May 30, 1978.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 78-15348 Filed 5-31-78; 8:45 am]

[7590-01]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO., ET AL. (TROJAN NUCLEAR PLANT)

Order for Modification of License

I

Portland General Electric Co., the City of Eugene, Ore., and Pacific Power & Light Co. (the licensee) are the holders of Facility Operating License No. NPF-1, which authorizes operation of the Trojan Nuclear Plant (the facility) at power levels up to 3411 megawatts thermal. The facility, which is located in Rainier, Ore., is a pressurized water reactor used for the commercial generation of electricity.

II

The facility has been shutdown for refueling since March 17, 1978. On April 13, 1978, Portland General Electric Co. (PGE), operator of the facility, orally informed the NRC's Office of Inspection and Enforcement of potential design errors related to the shear walls of the Control Building at the facility. The NRC's Office of Nuclear Reactor Regulation was orally informed by PGE of the potential design errors on April 14, 1978, and

was advised that PGE was investigating the matter and would report on the results of its investigation within two weeks. By letter dated April 28, 1978, PGE informed the NRC's Office of Inspection and Enforcement and the Office of Nuclear Reactor Regulation that design errors did, in fact, exist with respect to the walls of the Control Building and that the Control Building walls did not conform to the design criteria set forth in the Final Safety Analysis Report (FSAR) for the facility.

On May 1, 1978, members of the NRC staff met with representatives of PGE and Bechtel Power Corp., Architect-Engineer for the Trojan facility, to discuss the results of PGE's investigation of the design errors for the Control Building. A detailed account of the Licensee's investigation and analysis of the design errors was presented at this meeting and in written form by letter dated May 5, 1978, pursuant to the NRC Staff's direction in a letter dated May 2, 1978. Another meeting between the above parties was held on May 19, 1978, to obtain additional details of the Licensee's investigation and analysis of the design errors, and the information obtained at this meeting was submitted in written form on May 24, 1978. Based on the discussions on May 1 and 19, 1978, and on a review of the written submissions of May 5 and May 24, 1978, the Acting Director, Office of Nuclear Reactor Regulation has determined that the following design errors exist with respect to the Control Building walls:

- (1) The steel reinforcement in the reinforced concrete core of the walls is generally discontinuous and, therefore, the concrete core cannot be relied upon to resist shear to the extent assumed in the approved design;
- (2) The shear capacity of the reinforced concrete and grouted masonry block was computed incorrectly resulting in a lower level of conservatism than intended; and
- (3) The steel reinforcement needed to resist shear beyond the capacity of the concrete and grouted masonry block was computed incorrectly resulting in a lower level of conservatism than intended.

As a result of the above-described design errors found to exist for the Control Building, the Acting Director, Office of Nuclear Reactor Regulation has determined that the Control Building does not comply with the requirements of Technical Specification 5.7.1 of Appendix A of Operating License No. NPF-1. Technical Specification 5.7.1 provides that:

5.7.1 Those structures, systems and components identified as Category I Items in Section 3.2.1 of the FSAR shall be designed and maintained to the original design provisions con-

tained in Section 3.7 of the FSAR with allowance for normal degradation pursuant to the applicant Surveillance Requirements.

FSAR Section 3.2.1 lists the Control Building as a Category I Item. Specifically, the walls of the Control Building have not been designed in accordance with FSAR Section 3.7 in that:

1. The shear walls do not have the intended capacity to resist the Operating Basis Earthquake (OBE) nor the Safe Shutdown Earthquake (SSE), with peak ground accelerations of 0.15G and 0.25G, respectively, since they do not conform to the appropriate seismic design criteria of FSAR Sections 3.7, and 3.8 as referenced by FSAR Section 3.7.2.1. Utilizing the damping criteria delineated in Table 3.7-1, the appropriate design values and material properties, the appropriate design Codes (Uniform Building Code—1967 for the reinforced grouted masonry and ACI 318-63 for the reinforced concrete) stated in FSAR Sections 3.8.1.3, 3.8.1.5 and 3.8.1.6, the acceptance criteria corresponding to the loading combinations containing earthquake loadings in FSAR Section 3.8.1.3 cannot be met.
2. Reinforcing steel in the reinforced concrete core of the Control Building walls is generally discontinuous and, therefore, does not conform to the requirements of ACI 318-63 as specified in FSAR Section 3.8.1.2, which is referenced in FSAR Section 3.7.
3. FSAR Section 3.8.1.6, which is referenced in FSAR Section 3.7, specifies a value for f'_c for the concrete in the Control Building of 3000 psi rather than the value of 5000 psi that was used in the original design analysis for the Control Building walls.
4. The calculated and the allowable stresses for critical shear walls in the Control Building are different from those listed in FSAR Table 3.8.5, which is referenced in Section 3.7.

III

As a result of the identification of the non-conformances discussed above, a detailed reevaluation of the Control Building in its existing configuration has been performed by the Licensee to assess the present capability of the structure to withstand the Operating Basis Earthquake (OBE) and the Safe Shutdown Earthquake (SSE), which produce the limiting loads on the shear walls. The NRC Staff has evaluated the results of the Licensee's investigation and analysis programs and has assessed whether continued operation of the facility would be acceptable from a safety standpoint. This evaluation is set forth in the Staff's concurrently issued Safety Evaluation.

Based on this evaluation, the Staff has determined that there has been a reduction in conservatism and design margins with respect to the Control

Building's seismic capability below the level intended and desired for the 33 years remaining in the expected plant life. Because this reduction in margin is significant, the Staff has determined that the margins should be restored by appropriate modifications to the Control Building. PGE has indicated its intent to implement such modification by June 1, 1979. Based on practical considerations, the potential complexity of the modification and considerations of safety in the interim, the Staff has determined that this date is acceptable.

Also based on its evaluation, the NRC Staff has determined that there is adequate assurance of safety in the interim before the Control Building modifications in that, in the event of the occurrence of the SSE established for the facility, the facility has the capability to withstand such event and be brought to a safe shutdown condition. In addition, the NRC Staff has determined that the facility may be operated during the interim period without endangering the health and safety of the public provided that certain conditions are imposed. The first condition is that no modifications to the Control Building be made that would in any way reduce the strength of the existing shear walls. Moreover, it has been determined that the OBE capability for the Control Building in its present state has been reduced to 0.11G, below the value of 0.15G established for the facility, and therefore that, as a second condition on interim operation, certain actions must be taken in the event that an earthquake occurs that exceeds the facility criteria for a 0.11G peak ground acceleration at the plant site.

Based on the particular factual circumstances outlined above, the Acting Director, Office of Nuclear Reactor Regulation had determined that the design margins originally provided for in the FSAR and approved by the Commission should be restored by appropriate modifications to the Control Building. The Acting Director has further determined that operation of the facility prior to implementation of design modifications of June 1, 1979, that will bring the Control Building into substantial compliance with Technical Specification 5.7.1 will not pose an undue risk to the health and safety of the public, provided the following conditions are imposed to insure the Control Building's integrity:

- (1) No modification which may in any way reduce the strength of the existing shear walls shall be made without prior NRC approval; and
- (2) In the event that an earthquake occurs that exceeds the facility criteria for a 0.11G peak ground acceleration at the plant site, the facility shall be brought to a cold shutdown condition and inspected to determine the ef-

fects of the earthquake on the facility. Operation, cannot resume under these circumstances without prior NRC approval.

Currently, the facility is shut down; since the facility does not fully conform to the present applicable license requirements, it may not be operated without violating the license until the effective date of this Order. Upon the effective date of this Order, the Technical Specifications governing operation of the facility shall be modified to authorize continued operation during the interim period in accordance with the terms of this Order.

IV

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, *It is ordered, That:*

(1) On or before June 1, 1979, the Control Building shall be brought into substantial compliance with Technical Specification 5.7.1 and the intended design margins of that Technical Specification shall be restored by design modifications such that:

(a) the Control Building OBE capacity of 0.15g is met using 2 percent damping as required by FSAR Table 3.7.1;

(b) the Control Building OBE capability of 0.15g and SSE capability of 0.25g are met using a yield strength for reinforcing steel of 40,000 psi in accordance with ASTM minimum values as required by FSAR section 3.8.1.3.3;

(c) the masonry portions of the Control Building walls met Uniform Building Code requirements for reinforced grouted masonry as specified in FSAR section 3.8.1.4;

(2) On or before July 1, 1978, the Licensee shall submit to the Acting Director, Office of Nuclear Reactor Regulation, for review and approval, a proposed schedule for actions to be taken to bring the Control Building into substantial compliance with the requirements and intended design margins of Technical Specification 5.7.1, as specified in (1) above.

(3) On or before September 1, 1978, the Licensee shall submit to the Acting Director, Office of Nuclear Reactor Regulation, for review and approval, a detailed description of the actions, design changes, and modifications, as well as supporting analyses, and a request for any license amendment necessary for implementation of the proposed modifications that are proposed to bring the Control Building into substantial compliance with the requirements and intended design margins of Technical Specification 5.7.1, as specified in (1) above.

(4) Upon the effective date of this Order and until June 1, 1979, or until the modification is implemented, whichever is earlier, facility Operating

License NPF-1 is deemed modified such that application of those portions of Technical Specification 5.7.1 noted in Item (1) above to the Control Building is deemed to be waived, provided that the facility shall be operated in accordance with the following conditions:

(a) no modification which may in any way reduce the strength of the existing shear walls shall be made without prior NRC approval; and

(b) in the event that an earthquake occurs that exceeds the facility criteria for a 0.11G peak ground acceleration at the plant site, the facility shall be brought to a cold shutdown condition and be inspected to determine the effects, if any, of the earthquake. Operation cannot resume under these circumstances without prior NRC approval.

(5) The terms of this Order shall become effective on the expiration of the period during which a hearing may be requested or, in the event that a hearing is requested and held, on the date specified in an order made following the hearing.

By June 26, 1978, the Licensee may file a request for a hearing with respect to this Order. Also by June 26, 1978, any other person whose interest may be affected may file a request for a hearing with respect to this Order. A request for a hearing must set forth with particularity the interest of the person requesting the hearing in the proceeding, and how that interest may be affected by the results of the proceeding. The issues that may be raised within the scope of this Order are: (1) Whether interim operation prior to the modifications required by this Order should be permitted, and (2) whether the scope and timeliness of the modifications required by this Order to bring the facility into substantial compliance with the license are adequate from a safety standpoint.

A request for a hearing by the Licensee or another person must be filed with the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. Requests for hearing filed during the last ten (10) days of the notice period should be accompanied by a collect telephone call to Victor Stello, Director, Division of Operating Reactors, U.S. Nuclear Regulatory Commission at: 301-492-7672 notifying him that a hearing request has been filed. After business hours, calls may be placed to the Duty Officer, Division of Operating Reactors, 301-492-7000. This notification should be received by the end of the notice period on June 26, 1978. A copy of the request for a hearing should also be sent to the Chief Hearing Counsel, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington,

D.C. 20555, and to Warren Hastings, Esquire, 121 SW Salmon Street, Portland, Ore. 97204, attorney for the Licensee.

For further details with respect to this action; see (1) Operating License NPF-1, as amended, (2) the Licensee's letter dated April 28, 1978, (3) the Licensee's letter and attached Licensee Event Report dated May 5, 1978, and (4) Licensee's letter dated May 24, 1978. All of the above documents are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Ore.

Dated at Bethesda, Md. this 26th day of May 1978.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
Acting Director, Office of
Nuclear Reactor Regulation.

[FR Doc. 78-15347 Filed 5-31-78; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-22]

STATISTICAL REPORT; RESPONSES TO SAFETY RECOMMENDATIONS

Availability and Receipt

The National Transportation Safety Board on May 18 released its *Annual Review of Aircraft Accident Data, U.S. General Aviation, Calendar Year 1976* (Report No. NTSB-ARG-78-1).

This statistical publication breaks down non-airline accident data for 1976 in 191 pages of tables and graphs. Included are cause/factor tables for each kind of general aviation flying, severity of injury, and aircraft damage by kind of flying and type of aircraft, as well as such selected data as pilot flight time and accident location by States. These data are divided into sections pertaining to all operations, small fixed-wing aircraft, large fixed-wing aircraft, rotorcraft, gliders, and collisions between aircraft.

There were 4,193 total and 695 fatal general aviation accidents that occurred during 1976. Included in the total number of accidents are 48 collisions between aircraft. By coding each aircraft involved in collisions, an additional 48 records were produced, which brought the total number of accident records to 4,241. This figure reflects the actual number of pilots and aircraft involved in the accidents.

RESPONSES TO SAFETY RECOMMENDATIONS

Aviation

A-74-19.—The Federal Aviation Administration on April 18 advised the

Safety Board in response to this recommendation that Advisory Circular (AC) 97-1 was issued November 4, 1976, to describe Runway Visual Range (RVR) measuring equipment and its operating use. AC-97-14, issued September 28, 1977, revised definition of RVR for editorial purposes and added information to 6(2)(b) Mid-RVR, 6(2)(c) Rollout RVR, and 6(3)(a) Category IIIa Weather Conditions. Paragraph 6b, Departing Aircraft, was changed to include information on baselines. The table depicting fractions of a statute mile was deleted in paragraph c, Visibility Measurements. The FAA also states that the January 1978 issue of the Airman's Information Manual (AIM) contains a description of RVR. Copies of the AC's and AIM revision are attached to FAA's letter.

Highway

H-77-1.—Federal Highway Administration's letter of April 5 is a followup to its June 27, 1977, letter concerning the Board's recommendation that FHWA assess a sample of accidents in each FHWA region for post-crash maintenance practices. In lieu of a sample in each region, FHWA asked for a review of the States' practices to be reported by the FHWA division offices as a part of the annual report on the highway safety program. A "Summary Report on State Maintenance Practices in Replacement of Damaged Highway Hardware," in response to this request, is attached to FHWA's April 5, letter.

FHWA also provides a copy of a policy statement issued to assist States in upgrading highway facilities. This statement, FHWA Notice N7560.4, on "Federal Aid Participation in Highway Appurtenances" was issued November 17, 1977. FHWA is also developing a training activity for State maintenance personnel. This training is to develop an awareness of the safety aspects of roadway and roadside features and an understanding of current standards and practices for improving safety. Also completed is the updating and reissuance of the "Maintenance and Highway Safety Handbook," distributed to the States for maintenance personnel. A copy is provided with FHWA's letter.

FHWA advises that the maintenance manual for its field personnel, which will contain information on review and inspection of maintenance activities, is under development—to be completed in late 1978.

H-77-32.—In rejecting the Safety Board's recommendation, which called for a scientific study of the merits of using tachographs in commercial vehicles to reduce accidents, the Federal Highway Administration by letter of April 5 stated that (1) there is insufficient credible evidence of the effectiveness of recording speedometers as

an accident prevention device to warrant further study at this time, and (2) there is valid evidence that present day technology of recording speedometers severely limits their use to certain purposes and specified conditions. The conditions do not include general use of recording speedometers as a viable tool for safety purposes, according to FHWA. Numerous interrelated factors which contributed to this determination are detailed in the formal response letter.

Further, FHWA states,

For the motor carrier industry, the costs of acquisition, installation, and maintenance of the device, coupled with the costs of removal, review, evaluation, filing, and accessibility of the enormous number of recordings, would represent a considerable cost burden of significant impact on the national economy without reasonable expectation of safety benefits. The necessary requirements in the rulemaking processes required by Executive Order 11949 and OMB Circular A-107 would, in our judgment, preclude the successful promulgation of regulations requiring recording speedometers.

In view of these factors, it is concluded that there would be little value received for the resource investment required to perform a controlled study on the merits and use of the device in question. In view of other priorities in the Motor Carrier Safety Program, conducting the recommended study at this time would not represent a prudent or optimum application of resources.

Intermodal

I-77-2 and 3.—Letter of April 24 from the Secretary of the U.S. Department of Transportation is in response to Safety Board recommendations based on investigation of the March 31, 1977, derailment of two railroad flatcars carrying uranium hexafluoride near Rockingham, N.C. The recommendations called for guidelines for emergency response procedures in transportation accidents involving radioactive materials that will coordinate on-scene leadership during all stages and identify the responsibilities of the responding Federal, State, and local agencies in reducing injury and damages in such emergencies (I-77-2); and for procedures to minimize the time required to identify radiation dangers at accident sites when radioactive materials are involved (I-77-3).

The Secretary states that DOT fully endorses both recommendations. Attached to his letter are documents indicating measures designed to achieve the recommended objectives. These documents are: (1) Notice published at 40 FR 59191, December 24, 1975, by the General Services Administration's Federal Preparedness Agency, captioned "Radiological Incident Emergency Response Planning: Fixed Facilities and Transportation" which spells out interagency responsibilities; (2) a chart dated September 27, 1977, for radiological emergency response

training which shows emergency function and activity, personnel involved, the course (development responsibility and presentation responsibility), priority, and status; and (3) a book prepared by the Regional Training Committee, Region VIII, and the Western Interstate Nuclear Board in April 1975, entitled "Guide and Example Plan for Development of State Emergency Response Plans and Systems for Transportation-Related Radiation Incidents."

I-78-1.—Letter of April 25 from the Materials Transportation Bureau responds to the Safety Board's recommendation issued last January 17 to the Secretary of Transportation to develop, publish, and maintain an official list of regulated hazardous materials that cross-references all United States, United Nations, Inter-Governmental Maritime Consultative Organization (IMCO), and International Air Transport Association (IATA) commodity descriptions and reference numbers. The Board also recommended that the list be arranged for convenient use by all persons engaged in the export or import of hazardous materials.

MTB agrees with the recommendation "except insofar as it would have the Department's hazardous materials regulations cross-reference IATA commodity descriptions and reference numbers." Rather, MTB contemplates having the official list of hazardous materials cross-reference forthcoming International Civil Aviation Organization (ICAO) descriptions and reference numbers.

MTB believes that ICAO references will be preferable to IATA references for several reasons. Like IMCO, ICAO represents and speaks for the international community of governments. IATA is a nongovernmental entity comprised of a number of airlines engaged in international air transportation. While its "regulations" are recognized by a number of governments, lacking in nationally promulgated hazardous materials regulations for air transportation, they can hardly be considered as universally authoritative or accorded the same degree of official acceptance as the United Nations or IMCO standards, according to MTB.

Concerning the general subject of identification codes, MTB provides a list of some other codes used to identify commodities in both domestic and international transportation and for other purposes: National Motor Freight Classification (Item Number), Standard Transportation Commodity Code (STCC), Uniform Freight Classification (Item Number), Standard Industrial Classification (SIC), Transportation Commodity Code (TCC), Brussels Nomenclature (BTN), Standard International Trade Classification (SITC), Broad Economic Categories

(BEC), Nomenclature of Industrial Products (NIPRO), Central American Uniform Tariff Code (UTC), and Standard Foreign Trade Classification (SFTC).

MTB states,

We appreciate the fact that the Board's recommendation does not recommend that we attempt to cross-reference all of the above listing systems. We presume that this reflects the Board's recognition that there must be a controlling domestic list of hazardous materials for transportation purposes, and that cross-referencing to another list can be sanctioned only after its functional relationship to the central list is clearly established. It is specifically for this reason that we did not include in our regulations an authorization to use the IMCO list when it was first adopted in 1976. Since 1976, the Coast Guard has participated in an extensive effort at IMCO meetings to bring about a proper match-up between the IMCO list and the United States list. Similar efforts have taken place at U.N. and ICAO meetings. We are now sufficiently satisfied that most of the international descriptions may be adopted by the Department of Transportation, listed in a separate table in our regulations and authorized for use in association with both hazardous materials import and export movements within the United States.

MTB further states that it has initiated a regulatory project to produce a cross-reference listing of United Nations, IMCO, and ICAO descriptions that will be authorized for use within the United States for international shipments.

Marine

M-77-33 through 36.—U.S. Coast Guard on April 13 responded to recommendations resulting from the collision between the *SS Edgar M. Queeny* and *Corinthos* on January 31, 1975.

In answer to recommendations M-77-33, which asked Coast Guard to amend 33 CFR 164.11(k) to require that masters and pilots discuss beforehand and agree to the essential features and relevant checkpoints of maneuvers to be undertaken, Coast Guard is preparing a notice of proposed rulemaking to publish proposed requirements for a Master-Pilot Conference prior to any substantial maneuvering of all vessels which require a pilot; the regulations will be contained in a new part of 33 CFR Part 163. Coast Guard states that this would require the master to ensure that he or the person in charge of the vessel is informed of the nature of planned vessel maneuvers and the pertinent features of the maneuver before maneuvering is begun. "The requirement of agreement on essential features and relevant checkpoints as a prerequisite to a maneuver impinges on the traditional Master/Pilot relationship and will not be included," Coast Guard states. The primary responsibility of the master for the safety of his vessel will be included.

With reference to M-77-34, which called for a rate of turn indicator on the bridge of all ships of 10,000 or more deadweight tons, Coast Guard notes that the precise information furnished by a rate of turn indicator would not have provided more significant information than that available from the ship's compass in the prevention of the subject casualty. Coast Guard states that during the preparation of the Navigation Safety Regulations (33 CFR Part 164) it was determined that, although the rate of turn indicator may be useful on vessels of 35,000 gross tons or more, further study is necessary and that there was insufficient basis for requiring this equipment.

Coast Guard states that it is in basic agreement with recommendation M-77-35 and is proceeding with that objective—to develop and promulgate specifications for an enclosed, firesafe, self-contained lifeboat for installation aboard oceangoing vessels of 10,000 or more deadweight tons.

In response to M-77-36, which called for rulemaking and IMCO initiatives to require that anchors be stowed in recesses in the hull so that there is not projection outside the hull plating, Coast Guard has undertaken a preliminary study to assess the viability of the concept. Coast Guard stated that essentially it has been a designer's option as to how to house anchors. Recessing has been provided for certain ships which routinely maneuver without aid of tugs in confined locks, such as on the Great Lakes.

M-78-10 through 13.—These recommendations were issued last March 23 following investigation into the sinking of the *SS Edmund Fitzgerald* during a severe storm November 10, 1975, in eastern Lake Superior.

Coast Guard on April 21 reported that its Ninth District has instituted programs which will accomplish the recommended action for: Insuring that all hatch covers, hatch coamings, and vents are in good repair and are capable of being made weathertight at annual inspections of all Great Lakes bulk cargo vessels before the spring shipping season and at inspections before the winter load line season (M-78-10); using the ship-rider program by Coast Guard Marine Inspectors and hatch cover inspections at cargo loading facilities to prevent sailings of any vessel found lacking in weathertight integrity (M-78-11); and reporting hatch cover inspections made of Great Lakes bulk cargo vessels and sailing prevented or restricted due to non-weathertight closures over the next 2 years for an accurate accounting in re-assessing minimum freeboard requirements (M-78-12).

Coast Guard also reports that it is under study, and will comment on prior to July 1, 1978, recommendation

M-78-13 for investigation, together with the American Bureau of Shipping, of the effects that the deeper drafts permitted under the 1969, 1971, and 1973 amendments to the Great Lakes Load Line regulations have had on the structural strength of Great Lakes bulk cargo vessels. Also to be noted is any damage or bottom plating wear over the next 2 years caused by the "groundings" of these vessels during loading, unloading, or navigation in restricted-depth waterways; the effect this damage and wear might have on the structural strength of these vessels in a seaway is to be evaluated.

M-78-14 and 15.—Also with reference to the *SS Edmund Fitzgerald* casualty is the letter of April 14 from the American Bureau of Shipping. In answer to M-78-14, recommending that the Bureau insure that the closures on the freeboard deck of all Great Lakes bulk cargo vessels are capable of being made weathertight in accordance with the annual survey requirements of 46 CFR 42.09-40, the Bureau states that commencing with the upcoming season its surveyors will require that all covers be fitted in place for examination. This will insure that, if properly fitted and maintained, all hatch covers can be secured weathertight.

Regarding M-78-15, addressed to the Bureau but otherwise identical to recommendation M-78-13, above, to the Coast Guard, the Bureau states that its Rules for Building and Classing Bulk Carriers for Service in the Great Lakes, published in 1966, has requirements for the longitudinal strength of vessels of lengths from 400' to 850'. Since then vessels on the Great Lakes have increased in length, and the Great Lakes Load Line Interim Longitudinal Strength Standard was adopted in 1968 as tentative by the United States and Canada. At that time, the Bureau agreed to make an extensive and comprehensive study on the longitudinal strength requirements for Great Lakes carriers of lengths from 400' to 1,200', inclusive.

From this investigation, the Bureau has finalized its longitudinal strength standard, agreed to by the Coast Guard in its letter of March 14, 1978, and a new edition of Rules for Building and Classing Bulk Carriers for Service on the Great Lakes will be issued this summer. The Bureau also states that this investigation established that existing vessels approved by the Bureau have adequate longitudinal strength at the drafts now assigned for operation in the Great Lakes. "We do not feel that the increased drafts permitted under the amendments to the Great Lakes Load Line Regulations had any adverse effect on the longitudinal strength of the Great Lakes bulk carriers," the Bureau said.

During drydock surveys, the Bureau has examined the bottom plating and has found no evidence of damage or wear attributed to "groundings" during loading, unloading, or navigation in restricted-depth waterways. The Bureau states that it will continue to report any structural damages attributable to "groundings" during the ensuing years, as it has done in the past.

NOTE.—Copies of the full text of responses to recommendations summarized above may be obtained at a cost of \$4.00 for service and 10¢ per page for reproduction. All requests to the Board for copies must be in writing, identified by recommendation number and date of publication of this notice in the *FEDERAL REGISTER*. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Single copies of the "Annual Review of Aircraft Accident Data, U.S. General Aviation, Calendar Year 1976" may be obtained from the Safety Board. Multiple copies may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).

MARGARET L. FISHER,
Federal Register
Liaison Officer.

MAY 26, 1978.

(FR Doc. 78-15232 Filed 5-31-78; 8:45 am)

[7708-01]

PENSION BENEFIT GUARANTY CORPORATION

PRIVACY ACT OF 1974

Revision of Routine Use

The Privacy Act of 1974, Pub. L. 93-479, amended Title 5, United States Code, by adding a new section 522a, effective September 27, 1975. 5 U.S.C. 552a(e)(11) requires that each agency publish a notice of the intended change of a routine use of records at least 30 days prior to the implementation of such change and allow opportunity for public comment thereon.

Accordingly, the Pension Benefit Guaranty Corporation (PBGC) is hereby publishing notice of a change of routine use pertaining to the disclosure of Privacy Act records maintained in each PBGC System of Records as published in the *FEDERAL REGISTER* on September 27, 1977 (42 FR 49696). The change is deemed necessary to enable the efficient conduct of PBGC's functions under Title IV of the Employee Retirement Income Security Act of 1974. Interested persons are invited to submit written data, views, or arguments on this revised routine use to the General Counsel, Pension Benefit Guaranty Corporation, P.O. Box 7119, Washington, D.C. 20044. Each person

submitting comments should include his name and address, identify this notice, and give reasons for any recommendations. Comments must be submitted on or before July 3, 1978, and will be considered before the routine use is made final. Copies of written comments will be available for examination by interested persons in the Office of Communications of the Pension Benefit Guaranty Corporation, Suite, 7100, 2020 K Street NW., Washington, D.C. 20006.

Issued in Washington, D.C., this 25th day of May 1978.

MATTHEW M. LIND,
Executive Director, Pension
Benefit Guaranty Corporation.

STATEMENT OF ROUTINE USE

The PBGC routine use No. 4, entitled "Routine Use—Disclosure During Litigation" is hereby amended to read as follows:

4. Routine Use—Disclosure During and in Anticipation of Litigation.

A record from this system of records may be disclosed during litigation, including disclosure to all counsel in the course of discovery or settlement negotiations and during the presentation of evidence to a court, magistrate or administrative tribunal, or during proceedings in reasonable anticipation thereof.

(FR Doc. 78-15186 Filed 5-31-78; 8:45 am)

[7710-12]

POSTAL SERVICE

BOARD OF GOVERNORS

Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 9 a.m. on Tuesday, June 6, 1978, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza SW., Washington, D.C. 20260. Except as indicated in the following paragraphs, the meeting is open to the public. The Board expects to discuss the matters stated in the Agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at 202-245-4632.

On May 2, 1978, the Board of Governors of the United States Postal Service unanimously voted to close to public observation a portion of the June 6, 1978, meeting. Each of the members of the Board voted in favor of partially closing the meeting, which is expected to be attended by the following persons: Governors Wright,

Holding, Ching, Coddling, Hardesty, and Robertson; Postmaster General Bolger; Deputy Postmaster General Conway; and Secretary to the Board Cox.

The portion of the meeting to be closed will consist of a discussion of the Postal Service's possible strategies and positions in current collective bargaining negotiations involving parties to the 1975 National Agreement between the Postal Service and the labor organizations representing certain postal employees, which is scheduled to expire in July of 1978.

Agenda

- Minutes of the Previous Meeting.
- Remarks of the Postmaster General. (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)
- Report of the Regional Postmaster General. (Mr. Doran, Regional Postmaster General, will report on postal conditions in the Central Region.)
- Report of the Chief Postal Inspector. (Chief Postal Inspector Benson will report on the Postal Inspection Service.)
- Report on Capital Investment Plans. (Pursuant to a request by one of the members at the Board's meeting of May 2, 1978, Mr. Biglin, Senior Assistant Postmaster General, Finance Group, will present a report which will bring the members up to date on the Postal Service's plans for capital investments.)
- Report on International Electronic Message Service Demonstration. (Mr. William J. Miller, Director, International EMSS Program, will brief the members on the current status of the planned demonstration of an international electronic message service system.)
- Report on Employee and Labor Relations. (The Board will discuss possible strategies and positions in current collective bargaining negotiations for a new Labor Agreement. As stated above in the Notice of Meeting, the part of the meeting that will be devoted to this matter will be closed to the public.)

LOUIS A. COX,
Secretary.

(FR Doc. 78-15221 Filed 5-31-78; 8:45 am)

[7710-12]

INTERNATIONAL POSTAL RATES AND FEES

Increase in Rates and Fees

AGENCY: Postal Service.

ACTION: New International Postal Rates and Fees.

SUMMARY: Pursuant to its authority under 39 U.S.C. 407, and in accordance with announced plans, which were filed with the *FEDERAL REGISTER* on May 24, 1978, to place into effect per-

manent increases in the rates of domestic postage and fees for domestic postal services, the Postal Service intends to implement permanent increases in (1) the international regular surface rates for letter mail, post and postal cards, printed matter and small packets, and parcel post; (2) the international exceptional surface rates for printed matter; and (3) the international rates applicable to direct sacks of printed matter. These rates appear below in Schedules I-IV and are effective 12:01 a.m., May 29, 1978. The Postal Service intends also to implement permanent increases in the fees for the following international special mail services: registration, insurance, special delivery, special handling, money orders, certificates of mailing, restricted delivery, and return receipts. The fees for these services appear below in schedule V. A. through H. and are effective 12:01 a.m., May 29, 1978.

EFFECTIVE DATE: May 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert J. Barry, 202-245-4414.

SUPPLEMENTARY INFORMATION: On April 14, 1978, the Postal Service published for comment in the *FEDERAL REGISTER* proposed changes in international postal rates and fees (43 FR 15814). Interested persons were invited to submit written comments concerning the proposed rate and fee changes by May 10, 1978.

Two written comments were received. One was from an individual who argued that the rates and fees for sending a registered letter from the United States to Mexico should be the same as sending the same letter from Mexico to the United States. The Postal Service has no control over the postal rates and fees charged by the postal system of Mexico. As to the U.S., international registered mail rates, these rates, under the Convention of the Universal Postal Union, may be raised to the level of domestic registered mail rates, which have been increased, as noted above. In addition, we do not believe it would be appropriate for the U.S. Postal Service to increase its registered mail rates above those shown in Schedule V.A. to make them equal with the rates of another country or to lower them to the rates of another country so that such rates would be "on a reciprocal basis" with such other country, as the commenter wishes. The rates charged elsewhere may not be best for U.S. purposes, and the relevance of foreign rates to our rate setting is unclear. Moreover, "reciprocity" could lead to a variety of rates for numerous destinations, as situation that would entail practical difficulties.

The same commenter also claimed that the U.S. Postal Service should im-

mediately refund the cost of a return receipt request if a mailer does not receive the receipt back from another country of if the receipt is not filled in properly. Postal regulations do not provide immediate reimbursement in such cases but instead set out a procedure substantially geared to exhausting the possibilities for correcting any apparent deficiencies in obtaining a return receipt. Section 454.4 of Publication 42, International Mail, which is incorporated by reference in the FEDERAL REGISTER, see 39 CFR 10.1, provides that if the sender has failed to receive a return receipt for which a fee was paid, or if the return receipt is improperly completed, an inquiry should be filed. The procedures to follow in filing an inquiry are contained in 923.12 of Publication 42, International Mail. We believe these procedures are preferable to the immediate refund that was proposed.

The other commenter stated that the international rate structure for second class and controlled circulation periodicals, which increases not on an ounce by ounce or pound by pound basis, but rather by increments of 2 oz., 4 oz., 8 oz., 16 oz., 32 oz., and 64 oz., leads to inequities and is arbitrary and discriminatory in its effect. The commenter says also that he understands that "one of the reasons for the wide weight breaks which exist in the international rate structure is the Universal Postal Union agreement to which the United States is party." The commenter is partially correct in that the Universal Postal Union agreement is the only reason for this situation. The Postal Service agrees with the commenter that these wide weight breaks lead to inequities and has been trying unsuccessfully since their adoption by the Universal Postal Union to have them modified so that smaller weight increments might be employed.

Having given due consideration to the comments received, the Postal Service hereby adopts the following rates. The adopted rates differ in certain respects from those shown in the proposal. This is because the Postal Rate Commission's Recommended Decision, is approved by the Governors, was different in certain respects from the Postal Service request, and certain international rates and fees are related to the level of certain domestic rates and fees. The adopted rates also include the rates applicable to direct sacks of printed matter (Schedule IV), which were inadvertently omitted from the proposal.

(39 U.S.C. 401, 403, 404(a) (2), 407, 410 (a).)

ROGER P. CRAIG,
Deputy General Counsel.

I. CANADA AND MEXICO
REGULAR SURFACE RATES

1. Letter mail, 15 cents first ounce; 13 cents each additional ounce up to 12 ounces; eighth-zone-priority-mail rates for heavier weights.
2. Post and postal cards, 10 cents each.
3. Printed matter and small packets.

Ounces	Printed matter	Small packets
2.....	\$0.20	\$0.20
4.....	.40	.40
6.....	.53	.53
8.....	.66	.66
10.....	.79	.79
12.....	.92	.92
14.....	1.05	1.05
16.....	1.18	1.18
32.....	1.26	1.26
64.....	1.68	1.68
Each additional 32.....	.84	.84

*To Mexico only.

4. Parcel post, \$2.19 for the first 2 pounds and 52 cents for each additional pound or fraction.

II. COUNTRIES OTHER THAN CANADA AND MEXICO
REGULAR SURFACE RATES

1. Letter mail, printed matter and small packets.

Ounces	Letter mail	Printed matter	Small packets
1.....	\$0.20	\$0.20	\$0.20
2.....	.36	.20	.20
4.....	.48	.40	.40
8.....	.96	.68	.66
16.....	1.84	1.05	1.05
32.....	3.20	1.26	1.26
64.....	5.20	1.68	1.68
Each additional 32.....	.84		

2. Post and postal cards, 14 cents each.

3. Parcel post. (i) Central America, the Caribbean Islands, Bahamas, Bermuda and St. Pierre and Miquelon: \$2.19 for the first 2 pounds and 52 cents for each additional pound or fraction.

- (ii) Other countries: \$2.34 for the first 2 pounds and 59 cents for each additional pound or fraction.

Class of mail	Not more than 2 lbs	More than 2 lbs but not more than 10 lbs	More than 10 lbs
Letters, letter packages, post cards, and airmail other articles.....	\$2.00	\$2.25	\$2.85
Surface other articles.....	2.25	2.85	3.25

III. EXCEPTIONAL SURFACE RATES FOR PRINTED MATTER
ALL COUNTRIES

Ounces	Books and sheet music	Publishers' second class	Publishers' controlled circulation
2.....	\$0.48	\$0.08	\$0.09
4.....	.48	.11	.12
6.....	.48	.20	.23
16.....	.48	.36	.41
32.....	.66	.60	.68
64.....	.84	.84	.95
Each additional 32.....	.42	.42	.47

IV. DIRECT SACKS OF PRINTED MATTER TO ALL COUNTRIES

Class of mail	Each 2 pounds or fraction
Regular printed matter.....	\$0.84
Publishers' second class.....	.42
Controlled circulation.....	.47
Books and sheet music.....	.42

V. FEES

- A. Registration. The fees for registered mail will be increased as follows:

Limit of indemnity	Fee
1. Canada:	
\$0.01 to \$100.....	\$3.00
\$100.01 to \$200.....	3.30
2. All other countries: \$15.76.....	3.00

- B. Insurance. The fees for insurance will be increased as follows:

Limit of indemnity	Fee
1. Canada:	
\$0.01 to \$15.....	\$0.50
\$15.01 to \$50.....	0.85
\$50.01 to \$100.....	1.10
\$100.01 to \$150.....	1.40
\$150.01 to \$200.....	1.75
\$200.01 to \$300.....	2.25
\$300.01 to \$400.....	2.75
2. All other countries:	
Not over \$15.....	0.90
\$15.01 to \$50.....	1.20
\$50.01 to \$100.....	1.50
\$100.01 to \$200.....	2.10
\$200.01 to \$300.....	2.70
\$300.01 to \$400.....	3.30
\$400.01 to \$500.....	3.60
\$500.01 to \$600.....	3.90
\$600.01 to \$700.....	4.20
\$700.01 to \$800.....	4.50
\$800.01 to \$900.....	4.80
\$900.01 to \$1,000.....	5.10
\$1,000.01 to \$1,200.....	5.40
\$1,100.01 to \$1,200.....	5.70

- C. Special delivery. The fees for special delivery will be increased as follows:

- D. Special handling. The fees for special handling will be increased as follows:

Not more than 10 lbs.....	\$0.70
More than 10 lbs.....	1.00

- E. Money orders. The fees for money orders will be increased as follows:

Value up to—	
\$0.01 to \$10.....	\$0.90
\$10.01 to \$50.....	1.10
\$50.01 to \$400.....	1.40

*The increase in the maximum value of international money orders from \$300 to \$400 as provided herein will not become effective until negotiations have been completed with the countries exchanging international money orders with the United States.

- F. Certificates of mailing. The fees will be increased as follows:

1. Original certificate for ordinary postal union mail articles or parcel post: 15 cents for each piece described.
2. Each additional copy of original certificate of mailing or copy of original mailing receipt for registered or insured mail: 15 cents for each piece described.
3. Identical pieces of postal union mail with ordinary stamps, precanceled, or meter stamps.

- a. Up to 1,000 pieces (1 certificate for total number): 75 cents.
- b. For each additional 1,000 pieces or fraction: 15 cents.
- c. Duplicate copy: 15 cents.

- G. Restricted delivery. The fee for restricted delivery will be increased to 80 cents.

- H. Return receipts. The fee for return receipts requested at the time of mailing will be increased to 45 cents.

[FR Doc. 78-15133 Filed 5-25-78; 4:41 pm]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

(Release No. 34-14796; File No. SR-DTC-78-8)

DEPOSITORY TRUST CO.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 15, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change involves a modification of DTC's procedures for

record date deposits. The proposed rule change is attached as exhibit 2 to DTC's filing on form 19b-4A, file No. SR-DTC-78-8.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change are as follows:

The purpose of the proposed rule change is to enable DTC to continue to provide full depository services efficiently, including record date protection, for securities which are record for dividends or other distributions on the day the securities are deposited with DTC.

The proposed rule change relates to DTC's carrying out the purposes of section 17A of the Securities Exchange Act of 1934 by enabling DTC to continue to provide depository services for record date deposits and thereby facilitating the prompt and accurate clearance and settlement of securities transactions.

Discussions have been held with Participants regarding the impact of the proposed rule change on Participants' operations. Written comments have not been solicited or received. All Participants have been notified of the proposed rule change by the DTC Import Notice attached as exhibit 2, to DTC's filing on form 19b-4A, file No. SR-DTC-78-8.

DTC perceives no burden on competition by reason of the proposed rule change.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-

regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 22, 1978.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 24, 1978.

(FR Doc. 78-15163 Filed 5-31-78; 8:45 am)

[8010-01]

(Release No. 34-14798; File No. SR-OCC-78-1)

OPTIONS CLEARING CORP.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on May 15, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change would impose minimum marking prices to be used in computing margin on short positions in certain low-priced options which are within approximately a month of expiration.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The primary purpose of the proposed rule change is to increase OCC's margin requirements for short positions in certain low-priced "spot month" options (i.e., options which have less than a month to run until expiration).

OCC's current margin requirement for short positions is 130 percent of the "daily options marking price" (i.e., the closing asked quotation on the preceding trading day). Margin is paid to OCC at the beginning of each business day, and the 30 percent "cushion" is generally sufficient to protect OCC against the increased exposure resulting from rising prices during the course of the day. However, if a particular series of options is both volatile (so that a change in the price of the underlying security will cause a similar dollar change in the premium for the option) and low-priced (so that a relatively small premium increase in

dollar terms would represent a substantial increase in percentage terms). OCC's 30 percent cushion may not be adequate for that series. In any given account, the inadequacy may be made up by excess margin for other series of options; but if not, OCC's only recourse under its present rules would be to call for variation margin during the course of the day.

The options which are most likely to be both volatile and low-priced are options with exercise prices at or slightly below (in the case of a call) or above (in the case of a put) the current market value of the underlying security and expiring in the relatively near future. If an option with an exercise price at or near the money has a substantial period before expiration, it will undoubtedly be volatile, in the sense that its premium will closely follow price movements in the underlying security. However, it will not be low-priced, because it will have time value over and above whatever intrinsic (i.e., in-the-money) value it may have. Accordingly, a given change in the market price of the underlying security is not likely to result in a substantial percentage change in the premium for the option. Conversely, if an option with a substantial period to run before expiration trades at a low premium, it is not likely to be volatile, because the premium indicates that its exercise price is well out of the money.

OCC therefore believes that the only options for which its current margin requirements may be inadequate are low-priced spot month options with exercise prices at or near the market price of the underlying security. The purpose of the proposed rule change is to improve OCC's margin protection for options of that type by prescribing minimum marking prices for short positions in certain spot month options which would otherwise have marking prices of less than one point. To avoid imposing an unnecessary margin burden for series of spot month options which are too far out of the money to be volatile, the minimum marking prices would apply only where the exercise price of the option is not more than 10 percent lower (in the case of a call) or higher (in the case of a put) than the current market value of the underlying security.

In addition, the proposed rule change would make it clear that when OCC exercises its authority to impose a special daily options marking price for a particular series of options, it may elect to do so only with respect to short positions or long positions of that series. Finally, the proposed rule change would eliminate from rule 601(c) certain language which became obsolete when the expiration date was changed to a Saturday.

The proposed rule change would protect investors and the public inter-

est by strengthening OCC's margin requirements.

Comments were not and are not intended to be solicited with respect to the proposed rule change.

OCC does not believe that the proposed rule change would impose any material burden on competition. Any incidental burden which might result from increased margin requirements is outweighed by the need to ensure the adequacy of those requirements.

On or before July 5, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approved such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 22, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 24, 1978.

[FR Doc. 78-15161 Filed 5-31-78; 8:45 am]

[8010-01]

[Release No. 34-14794; File No. SR-PSE-78-9]

PACIFIC STOCK EXCHANGE INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 9, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Pacific Stock Exchange Inc. ("PSE") hereby requests to amend Rule VI by adding Section 86 (Italics indicate additions):

RULE VI—EXCHANGE OPTIONS TRADING

RULES PRINCIPALLY APPLICABLE TO TRADING OF OPTIONS CONTRACTS

Payment for Floor Brokerage Services

Sec. 86. When a member acts as a floor broker for another member and is to receive remuneration for such brokerage services, then payment of these brokerage commissions shall be made no later than the thirtieth day of the month. Provided, That an invoice detailing the brokerage charges for the services performed is delivered to the member receiving such brokerage services no later than the tenth day of that month.

Commentary:

.01 In the event of a dispute as to the amount of brokerage due, the amount agreed upon as owed shall be payable in accordance with the provisions of this Rule.

.02 Nothing in this Rule will operate to supersede any pre-existing agreement between members for the payment of commissions.

STATEMENT OF BASIS AND PURPOSE

The Basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to provide a definitive date wherein payment of floor brokerage charges must be paid.

The proposed rule change fosters cooperation among members on the Options Floor by establishing a guideline for monthly payments of floor brokerage charges, and is in compliance with the Act and the rules and regulations thereunder.

Comments have neither been solicited nor received from members on the proposed rule change.

The proposed rule change imposes no burden upon competition.

On or before July 5, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof

with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 22, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 23, 1978.

[FR Doc. 78-15162 Filed 5-31-78; 8:45 am]

[8010-01]

[Release No. 34-14795]

SECURITIES TRANSACTIONS BY MEMBERS OF NATIONAL SECURITIES EXCHANGES

Legislation Affecting Section 11(a) of the Securities Exchange Act of 1934

The Securities and Exchange Commission today announced that legislation delaying the full effectiveness of section 11(a) of the Securities Exchange Act of 1934 (the "Act")¹ for nine months, from May 1, 1978 to February 1, 1979, has been signed into law by the President.²

Section 11(a)(1) of the Act makes it unlawful for a member of a national securities exchange to effect transactions on that exchange for (i) the member's own account, (ii) the account of a person associated with the member, or (iii) an account over which the member or any person associated with the member exercises investment discretion (collectively referred to as "covered accounts"). Section 11(a) was effective immediately upon its enactment with respect to persons who became members of national securities exchanges after May 1, 1975. Pursuant to section 11(a)(3) as enacted in 1975,³ its effectiveness was delayed until May 1, 1978, with respect to transactions by persons who were exchange members on May 1, 1975.

The legislation delaying the full effective date of section 11(a) for nine months represents a modified version of legislation requested by the Commission in February 1978.⁴ The delay-

¹ 15 U.S.C. 78k(a).

² Pub. L. 95-283, 95th Cong., 2d Sess. (1978).

³ 15 U.S.C. 78k(a)(3).

⁴ On February 22, 1978, the Commission submitted to the Congress a recommenda-

ing legislation was adopted as part of the Securities Investor Protection Act Amendments of 1978 (the "1978 SIPA Amendments") which revise the Securities Investor Protection Act of 1970 in several respects.⁵ Specifically, section 19 of the 1978 SIPA Amendments amends section 11(a)(3) of the Act to delay the effectiveness of section 11(a)(1) from May 1, 1978 to February 1, 1979 with respect to persons who were members of national securities exchanges on February 1, 1978. The amendment is effective retroactively to May 1, 1978.

IMPACT OF THE LEGISLATION ON SECTION 11(a) AND THE COMMISSION'S RULES ADOPTED THEREUNDER

The legislation has three effects. First, it extends the section 11(a)(3) "grandfather" period from May 1, 1978 until February 1, 1979. Second, it broadens the class of exchange members "grandfathered" under section 11(a)(3) to include not only those persons who were exchange members on May 1, 1975, but also those persons who became exchange members between May 1, 1975 and February 1, 1978. Third, the legislation is effective retroactively to May 1, 1978 and thus section 11(a) does not apply with respect to covered account transactions effected by "grandfathered" members on or after May 1, 1978.

The Commission again advises interested persons that its rules adopted under section 11(a)⁶ do not apply to exchange members who are "grandfathered" under section 11(a)(3), as amended. Accordingly, these rules will not take effect with respect to such persons until February 1, 1979.⁷ Per-

son that it enact legislation to delay the full effective date of section 11(a)(1) from May 1, 1978 until November 1, 1979. Letters from Harold M. Williams to Walter F. Mondale, Thomas P. O'Neill, Jr., Harley O. Staggers, and Harrison A. Williams (February 22, 1978), and Memorandum of the Securities and Exchange Commission in Support of its Recommendation that the Congress Delay the Full Effectiveness of section 11(a) until November 1, 1979.

⁵ 15 U.S.C. 78aaa et seq. The 1978 SIPA Amendments also amend section 3(b) of the Securities Act of 1933, 15 U.S.C. 77c(b), raising to \$1,500,000 the ceiling on the small issue exemption under that Act.

⁶ Temporary Rule 11a1-1(T) (the "proprietary trading" rule), 17 CFR 240.11a1-1(T); Rule 11a1-2 (the "look-through" rule), 17 CFR 240.11a1-2; Temporary Rule 11a1-4(T) (the "bond trading" rule), 17 CFR 240.11a1-4(T); and Temporary Rule 11a2-2(T) (the "effect versus execute" rule), 17 CFR 240.11a2-2(T). See Securities Exchange Act Release No. 12055 (January 27, 1978), 41 FR 8075 (February 24, 1976); Securities Exchange Act Release No. 13388 (March 18, 1977), 42 FR 16745 (March 29, 1977); Securities Exchange Act Release No. 14563 (March 14, 1978), 43 FR 11542 (March 17, 1978); and Securities Exchange Act Release No. 14713 (April 27, 1978), 43 FR 18557 (May 1, 1978).

⁷ Other than the "effect versus execute" rule, the Commission's rules under section

11(a) are adopted pursuant solely to the Commission's exemptive rulemaking power under sections 11(a)(1)(G) or 11(a)(1)(H). The "effect versus execute" rule was adopted in part pursuant to the Commission's rulemaking power under section 11(a)(2), 15 U.S.C. 78k(a)(2). In view of the then-imminent legislation, the Commission recently amended the effect versus, execute rule to clarify the fact that it does not apply to any members grandfathered under section 11(a)(3). See paragraph (f) of Temporary Rule 11a2-2(T), Securities Exchange Act Release No. 14713 (April 27, 1978), 43 FR 18557 (May 1, 1978).

The Commission stated in its February 1978 legislative recommendation that a delay in section 11(a)'s full effectiveness would provide additional time (i) for the resolution of problems presented by the section, and (ii) to plan for the effectiveness of the section. The Commission intends to use the nine-month delay to reexamine its rulemaking and interpretive actions under section 11(a) and to undertake a review of that section's impact upon the activities of national securities exchanges and their members. Commentators are invited to submit their views and arguments with respect to any of the actions taken to date by the Commission under section 11(a).⁸ Interested persons should submit six copies of their views and arguments by August 1, 1978 to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and should refer to File No. S7-613. All submissions will be made available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street NW., Washington, D.C.

The Commission advises exchanges and their members that the period of delay enacted with respect to section 11(a) extends only until early next year. Consequently, it is imperative that such persons undertake promptly to take whatever steps may be necessary to prepare for compliance in all respects with section 11(a) when it becomes fully effective on February 1, 1979.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 24, 1978.

[FR Doc. 78-15160 Filed 5-31-78; 8:45 am]

11(a) are adopted pursuant solely to the Commission's exemptive rulemaking power under sections 11(a)(1)(G) or 11(a)(1)(H). The "effect versus execute" rule was adopted in part pursuant to the Commission's rulemaking power under section 11(a)(2), 15 U.S.C. 78k(a)(2). In view of the then-imminent legislation, the Commission recently amended the effect versus, execute rule to clarify the fact that it does not apply to any members grandfathered under section 11(a)(3). See paragraph (f) of Temporary Rule 11a2-2(T), Securities Exchange Act Release No. 14713 (April 27, 1978), 43 FR 18557 (May 1, 1978).

⁸ See note 6 supra.

[8010-01]

(Release No. 10254; 811-926)

VARIABLE ANNUITY LIFE INSURANCE CO. OF AMERICA

Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MAY 24, 1978.

Notice is hereby given that the Variable Annuity Life Insurance Co. of America ("VALIC Washington"), P.O. Box 3206, Houston, Tex. 77001, a District of Columbia stock life insurer, which is registered as an open-end management investment company under the Investment Company Act of 1940 ("Act"), filed an application on December 19, 1977, pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant registered under the Act on February 5, 1960. On April 20, 1959, Applicant filed a Registration Statement under the Securities Act of 1933 pursuant to which Applicant proceeded to make a public offering of \$4,000,000 of individual variable annuity contracts.

Pursuant to a resolution of the Board of Directors of VALIC Washington, on July 2, 1968, the stockholders and variable annuity contractholders at their annual meeting on July 31, 1968, authorized and directed the officers of VALIC Washington to cause the corporate domicile of the Applicant to be changed from the District of Columbia to the State of Texas.

On August 21, 1968, the Variable Annuity Life Insurance Co. ("VALIC Texas"), a Texas stock life insurer, was organized, with VALIC Washington being the sole stockholder thereof. On May 1, 1969, pursuant to Agreements for Transfer of Assets, of Reinsurance and for the Assumption of Liabilities, entered into between VALIC Washington and VALIC Texas, all of the assets of VALIC Washington, were transferred to VALIC Texas and all of the variable and fixed annuity contracts and life insurance policies of VALIC Washington, were reinsured with and by VALIC Texas. Pursuant to a Supplemental Agreement, dated January 27, 1969, an exchange by the shareholders of VALIC Washington of their stock for the stock of VALIC Texas was undertaken.

On February 1, 1977, by formal Decree of Dissolution, the Superior Court of the District of Columbia ordered VALIC Washington dissolved. Applicant presently has no assets, no

liabilities, no shareholders and no contractholders. No public offering of Applicant's securities is being made presently and no such public offering is proposed for the future.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 19, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following June 19, 1978, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

(FR Doc. 78-15159 Filed 5-31-78; 8:45 am)

[8010-01]

(Release No. 34-14632; File No. SR-Amex-78-9)

AMERICAN STOCK EXCHANGE, INC.**Self-Regulatory Organization; Proposed Rule Change**

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 21, 1978 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE.

Rule 174 of the American Stock Exchange is proposed to be amended to delete the requirement that a specialist disclose information concerning completed Exchange transactions, and to add that a specialist may disclose such information on request.

The text of the proposed rule change is attached as Exhibit A.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to eliminate the requirement that a specialist, upon request, disclose the names of buying and selling member organizations in completed Exchange transactions, and to make clear that such information, when disclosed, must also be disclosed on request to any eligible person. No other exchange has a rule requiring disclosure of similar information concerning transactions in its market. Therefore, the disclosure requirement of Rule 174 can place Amex specialists at a competitive disadvantage.

Rule 174 is proposed to be amended pursuant to sections 11A(a)(1)(C)(ii) and 11A(c)(1)(F) of the Securities Exchange Act of 1934, since the amendment would contribute towards an environment of fair competition and equal regulation for competing market makers in different market centers.

No comments were solicited or received with respect to the proposed rule change.

The Amex has determined that no burden on competition will be imposed by the proposed rule change.

On or before July 5, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or
(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-

regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 22, 1978.

For the commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

APRIL 4, 1978.

EXHIBIT A**AMERICAN STOCK EXCHANGE, INC.**

Rule 174 of the American Stock Exchange is proposed to be amended as set forth below. Brackets [] indicate deleted material, and *italics* indicate added material.

Rule 174. Disclosures by Specialists Prohibited

No member acting as a specialist shall, directly or indirectly, at any time disclose to any person other than a Floor Official or authorized Exchange official: (a) Any information in regard to orders entrusted to him as a specialist; or (b) the name of a bidder or offeror except that a specialist shall, when requested, disclose whether a bid or offer is in whole or in part for an account in which he has a direct or indirect interest. *Provided, however, When requested by a member, member organization, or a representative of the issuer of the security involved, the specialist (shall, to the best of his ability,) may disclose to such parties the names of buying and selling member organizations in completed Exchange transactions unless specifically directed to the contrary by the parties involved.*

*** Commentary

102 If a specialist discloses the name of a buying or selling member organization in a completed Exchange transaction to any person (other than a Floor Official or authorized Exchange Official acting in his official capacity), the specialist must disclose such information to any other person who requests it pursuant to the Rule.

(FR Doc. 78-15242 Filed 5-31-78; 8:45 am)

[8010-01]

(Release No. 34-14738; File No. SR-PHX-78-9)

PHILADELPHIA STOCK EXCHANGE, INC.**Self-Regulatory Organization; Proposed Rule Change**

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 26, 1978, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Rule 1030 "Transactions with Issuers" has been amended to read as follows: No member or member organiza-

tion shall accept an order for the account of any corporation which is the issuer of an underlying stock for the sale (writing) of a call option contract with respect to that underlying stock.

The wording in Rule 1031 "Restricted Stocks" has been deleted and the new language reads as follows: For the purposes of: (i) Covering a short position in a call option contract; or (ii) delivery pursuant to the exercise of a put option contract; or (iii) satisfying an exercise notice assigned in respect of a call option contract, no member or member organization shall accept shares of an underlying stock, which may not be sold by the holder thereof except upon registration pursuant to the provisions of the Securities Act of 1933 or pursuant to SEC rules promulgated under the Securities Act of 1933, unless, at the time such securities are accepted and at any later time such securities are delivered, applicable provisions of the Securities Act of 1933 and the rules thereunder have been complied with by the holder of such securities.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule changes is to amend PHILX Rules 1030 and 1031 to reflect recent SEC action concerning transactions in exchange-traded options by affiliates of issuers and holders of restricted securities. (SEC Release No. 33-5890, December 20, 1977.)

Rule 1030 adopted at the outset of PHILX's options program, prohibits the acceptance by any Exchange member of an order for the sale (writing) of a call option contract relating to underlying stock if the order is for the account of the issuer of such stock or an affiliate of the issuer.

The rule recognizes that the sale of a call option may involve a solicitation of an order to buy the underlying securities and that, in the absence of an effective registration statement and prospectus, a member firm could violate Federal securities laws if it accepts orders from an issuer for a sale of call options relating to its securities. Since the PHILX was aware that the SEC staff held the view that a solicitation was also involved if an affiliate sought to sell a call option relating to his corporation's shares, Rule 1030 was made applicable to orders of affiliates as well as issuers.

In a recent release, the SEC announced that it had conducted a review of the procedures involved in trading listed options (and the exercise procedures in connection with such trading) and considered matters relating to the writing of exchange-traded call options on securities subject to the resale provisions of SEC Rules 144 and 145. In part, the Re-

lease noted that because the mechanics of selling call options upon national exchanges are similar to those involved in the sale on an exchange of other exchange-traded securities, the SEC authorized the Division of Corporate Finance to take the view that the writing of exchange-traded call options should not be deemed under Rule 144(f) as a solicitation for the purchase of the underlying securities.

In light of the SEC's current position, the PHILX proposes to amend Rule 1030 to limit the scope of the rule to orders for the sale of call options entered by or for the account of the issuer of the underlying securities only.

Exchange Rule 1031 currently prohibits PHILX members from accepting stock which can only be sold either upon registration or pursuant to SEC Rules (restricted stock) to (i) cover a short call position, (ii) satisfy margin requirements in connection with such position or (iii) deliver or receive pursuant to the exercise of a put or call option. In consideration of the recent SEC release, the PHILX proposes to amend Rule 1031 in order to facilitate the acceptance of permissible options orders by member firms and where appropriate, to permit margining of such options on a covered basis with "restricted stock".

The basis for the proposed rule changes is found in Section 6(b)(5) of the Securities Exchange Act of 1934, as amended, which provides, in pertinent part, that the rules of the Exchange be designed to prevent fraudulent and manipulative acts and to protect investors and the public interest.

Comments were neither solicited nor received.

The PHILX has determined that the proposed amendments will not impose any burden on competition.

On or before July 5, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of such filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L

Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 22, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SHIRLEY E. HOLLIS,
Assistant Secretary.

MAY 5, 1978.

(FR Doc. 78-15243 Filed 5-31-78; 8:45 am)

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 09/09-0224]

WESTERN BANCORP VENTURE CAPITAL CO.

Application for a License To Operate as a
Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to section 107.102(1978) by Western Bancorp Venture Capital Co., 707 Wilshire Boulevard, Los Angeles Calif. 90017, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. et seq.).

The proposed officers, directors and principal stockholders are:

Richard G. Shaffer, 707 Wilshire Boulevard, Los Angeles, Calif. 90017, president, director.

Dale M. Skurdahl, 707 Wilshire Boulevard, Los Angeles, Calif. 90017, treasurer, director.

Charles D. Kenny, 707 Wilshire Boulevard, Los Angeles, Calif. 90017, secretary, director.

Western Bancorporation, 707 Wilshire Boulevard, Los Angeles, Calif. 90017, 100 percent.

Western Bancorporation is a bank holding company. They own and operate 22 commercial banks in 11 Western States. In California they own the United California Bank.

The SBIC will begin operations with an initial capitalization of \$504,235. They contemplate a plan of operation emphasizing "equity" and "venture" capital type financing with a diversified investment policy. The applicant, a California corporation intends to make investments in small business concerns principally in the Los Angeles area.

Matters involved in SBA's consideration of the application include: (1) the general business reputation and character of the proposed owners and management, (2) the reasonable prospects for successful operation of the new

SBIC under such management (including adequate profitability and financial soundness, in accordance with the Act and regulations), and (3) whether the proposed licensing action would be in furtherance of the purpose of the Act.

Notice is hereby given that any person may, not later than June 16, 1978, submit to SBA in writing comments on the proposed SBIC to Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Los Angeles, Calif.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: May 24, 1978.

PETER F. MCNEISH,
Deputy Associate
Administrator for Investment.

(FR Doc. 78-15262 Filed 5-31-78; 8:45 am)

[1505-01]

DEPARTMENT OF STATE

[Public Notice 600]

CONSERVATION OF ANTARCTIC LIVING MARINE RESOURCES

Extension of Comment Period

Correction

In FR Doc. 78-9080, appearing at page 14560 in the issue for Thursday, April 6, 1978, the docket number should appear as printed above.

[4910-59]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety
Administration

1977 CHEVROLET CHEVETTE

Public Hearing Rescheduled

The National Highway Traffic Safety Administration has rescheduled for June 16, 1978, a public hearing originally scheduled for June 6, 1978, at which the General Motors Corporation will be afforded an opportunity to present data, views, and arguments relating to an initial determination of noncompliance with Federal Motor Vehicle Safety Standard No. 301-75, *Fuel system integrity*, in the 1977 Chevrolet Chevette. Notice of the initial determination of noncompliance and the original scheduling of the hearing appeared in the FEDERAL REGISTER on May 11, 1978 (43 FR 20292).

The rescheduling of the hearing responds to a petition for additional

time in which to prepare for the hearing made by General Motors in a letter of May 24, 1978, and a supplemental telephone contact of May 26, 1978. In those communications, General Motors represented that it would be unable to present a full statement of its position on June 6, 1978, because it would have inadequate time to analyze the information upon which the agency based its initial determination of noncompliance, and other information which General Motors obtained during an inspection of the testing facility which the agency used for compliance testing of the 1977 Chevette.

The agency believes that the public interest will best be served by a brief postponement of the hearing. Allowing General Motors additional time to make a complete presentation at the time of their hearing will facilitate the ability of the public to obtain a clear understanding of General Motors' position in this matter. The agency believes that a brief postponement will not significantly compromise the public's interest in safety.

Therefore, in light of the foregoing, the public hearing relating to the initial determination on noncompliance with FMVSS No. 301-75 in the 1977 Chevrolet Chevette will be held at 10 a.m. on June 16, 1978, in Room 6332, Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, D.C. 20590.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Ms. Gail Willis, Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration, Room 3222, Transpoint Building, 2100 Second Street SW., Washington, D.C. 20590, telephone 202-426-2832, before close of business on June 9, 1978.

The agency's investigative file in this matter is available for public inspection during working hours (7:45 a.m. to 4:15 p.m.) in the Technical Reference Library, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590.

HOWARD DUGOFF,
Deputy Administrator.

(FR Doc. 78-15417 Filed 5-31-78; 8:45 am)

[4810-33]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

FAIR HOUSING LENDING ENFORCEMENT

Public Meeting

AGENCY: Comptroller of the Currency, Treasury.

ACTION: Notice of public meeting.

SUMMARY: Settlement of *National Urban League, et al. v. Office of the*

Comptroller of the Currency, et al. (Civil Action No. 76-0718), provides that a semiannual meeting will be held to review the fair housing lending enforcement program of the Office of the Comptroller of the Currency. Members of the public are invited to attend this meeting.

DATE: June 8, 1978, at 10 a.m.

ADDRESS: 490 L'Enfant Plaza SW., Washington, D.C. 20219. Individuals who plan to attend this meeting should report to the 6th floor reception desk prior to 10 a.m.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Taylor, Associate Deputy Comptroller, Office of the Comptroller of the Currency, Washington, D.C., 20219, phone 202-447-1600.

SUPPLEMENTARY INFORMATION: Settlement of *National Urban League, et al. v. Office of the Comptroller of the Currency, et al.* (Civil Action No. 76-0718), provides that a semiannual meeting will be held to review the fair housing lending enforcement program of the Office of the Comptroller of the Currency. Representatives of the Comptroller of the Currency will discuss their fair housing program and any changes made or proposed therein and will receive and consider suggestions from the National Urban League. Members of the public are invited to attend this meeting and will be given an opportunity to make comments and suggestions with respect to the enforcement program of the Comptroller of the Currency.

Dated: May 25, 1978.

JOHN G. HEIMANN,
Comptroller of the Currency.

(FR Doc. 78-15157 Filed 5-31-78; 8:45 am)

[4810-22]

Customs Service

CERTAIN TEXTILES AND TEXTILE PRODUCTS FROM ARGENTINA

Preliminary Countervailing Duty Determination

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Preliminary countervailing duty determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of Argentina has given benefits which may constitute bounties or grants on the manufacture or exportation of men's and boys' apparel and textile mill products of cotton, wool, and man-made fiber. A final determination will be made by November 7, 1978. Interested persons are invited to comment on this action.

EFFECTIVE DATE: June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Operations Officer, Duty Assessment Division, Office of Operations, U.S. Customs Service, Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On January 30, 1978 a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (43 FR 3963). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of Argentina upon the manufacture, production, or exportation of men's and boys' apparel and textile mill products of cotton, wool, and man-made fiber constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

For purposes of this notice "textile mill products" include yarns, fabrics, household textiles, and miscellaneous products of textile mills made of cotton, wool, and man-made fibers, as specified in U.S. bilateral textile agreements; and "men's and boys' apparel" includes those items described in the appendix to this notice, together with their Tariff Schedule classifications.

On the basis of an investigation conducted pursuant to section 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), it preliminarily has been determined that benefits have been received by the Argentine manufacturers/exporters of men's and boys' apparel and textile mill products of cotton, wool and man-made fiber which may constitute bounties or grants within the meaning of the Act. These benefits include the following:

1. Special tax and import benefits to all companies that locate in geographically designated sections of Argentina.

2. Reduction in income taxes paid on export earnings by a deduction in taxable income derived from export sources.

Programs which on their face do not describe a bounty or grant include:

The textile items involved include those in categories 331-359, 433-459, and 630-659 of the Correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated, as published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), and amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888) and March 7, 1977 (42 FR 12898) January 25, 1978 (43 FR 3421) and March 3, 1978 (43 FR 8828). In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "textile mill products" for the purposes of this notice.

1. Remission of value added tax on export. The Department has consistently held that the non-excessive rebate or remission of indirect taxes, directly related to an exported product, does not constitute a bounty or grant within the meaning of the law. There is no evidence before the Department that the value added tax rebates operate to confer bounties or grants on exports of the merchandise in question from Argentina. Consistent with the guidelines set out by the U.S. Court of Customs and Patent Appeals in its decision in the *Zenith* case, Treasury will investigate whether the rebate or emission of the turnover tax exceeds the rate of tax (*United States v. Zenith Radio Corporation*, 562 F.2d 1209 (C.C.P.A. 1977), cert. granted, 46 U.S.L.W. 13511 (February 21, 1978)).

2. Cash rebates (reembolsos) paid as a percentage of the value of the exported merchandise. This rebate is more than offset by numerous indirect taxes, other than the value added tax, that are directly related to the final product exported.

3. Preferential short-term financing, which does not appear to be a bounty based on information that the interest rate charged is not less than that available commercially.

4. Export Credit Insurance benefits which is not a bounty since the government-sponsored program is self-sustaining based on premiums assessed.

5. Duty exemptions for imported raw materials used in exported articles, which is in accordance with internationally recognized principles of drawback.

Programs not applicable or not utilized by the textile industry include:

1. Free Trade Zones. None exist in Argentina.

2. Multiple exchange rates. Argentina currently operates only one exchange rate.

3. Duty exemptions for imported capital equipment. This provision, once available, has been abolished.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office not later than July 3, 1978.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 15, March 16, 1978, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and section 159.47 of the Customs Regulations (19 CFR 159.47),

insofar as they pertain to the issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.
MAY 25, 1978.

APPENDIX

Catalog No.	Item	TSUSA No.
SUITS		
443	Wool, woven	380.0260
443	do	380.5146
443	do	380.6350
443	do	380.6651
443	do	380.6652
443	do	380.6653
443	do	380.6654
643	Manmade, woven	380.0464
643	do	380.5178
643	do	380.8451
643	do	380.8452
643	do	380.8145
643	do	380.8148
643	do	380.0420

COATS AND JACKETS

333	Cotton, woven	380.0940
333	do	380.0960
333	do	380.1235
333	do	380.1255
333	do	380.0042
459	Wool, knit	380.5795
434	do	380.6110
433	do	380.0240
433	Wool, woven	380.6310
433	do	380.8611
433	do	380.8612
633	Manmade, knit	380.8104
633	do	380.8105
633	do	380.0402
633	Manmade, woven	380.0443
633	do	380.5164
633	do	380.8411
633	do	380.8412

TROUSERS

347	Cotton, woven	380.3920
347	do	380.3924
347	do	380.3923
347	do	380.3921
347	do	380.3930
347	do	380.3928
347	do	380.3926
347	do	380.5124
347	Cotton, knit	380.0033
347	do	380.0660
347	Cotton, woven	380.0071
347	do	380.0072
447	Wool, woven	380.0265
447	do	380.5154
447	do	380.6360
447	do	380.6660
647	Manmade, knit	380.0435
647	do	380.0430
647	do	380.8142
647	do	380.8168
647	do	380.8167
647	Manmade, woven	380.0468
647	do	380.0469
647	do	380.5184
647	do	380.8449
647	do	380.8458
647	do	380.8457

OVERCOATS AND RAINCOATS

334	Cotton, woven	380.0910
334	do	380.0920
334	do	380.1210
334	do	380.1220
334	do	380.0980

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
334	do	380.0990
334	do	380.1280
334	do	380.1290
334	Cotton, knit	380.0002
334	do	380.0611
334	Cotton, woven	380.0045
434	Wool, woven	380.0245
434	do	380.5136
434	do	380.5137
434	do	380.6320
434	do	380.6615
434	do	380.6618
634	Manmade, knit	380.8101
634	do	380.8109
634	do	380.8111
634	do	380.0405
634	Manmade, woven	380.0445
634	do	380.5168
634	do	380.8410
633	do	380.8418
634	do	380.8417

SHIRTS

338	Cotton, knit	380.0651
338	do	380.0652
340	Cotton, woven	380.0080
340	do	380.2750
340	do	380.2760
340	do	380.2782
340	do	380.2788
340	do	380.2798
340	do	380.2770
338	Cotton, knit	380.0028
338	do	380.0029
459	Wool, knit	380.5795
438	do	380.6110
438	do	380.0240
440	Wool, woven	380.6310
440	do	380.8611
440	do	380.8612
638	Manmade, knit	380.8104
638	do	380.8105
638	do	380.0402
640	Manmade, woven	380.0443
640	do	380.5164
640	do	380.8411
640	do	380.8412

SWEATERS AND CARDIGANS

345	Cotton, knit	380.0658
345	do	380.0659
345	do	380.0030
359	do	380.0695
359	do	380.0654
445	Wool, knit	380.5730
445	do	380.5740
445	do	380.5750
445	do	352.0209
445	do	380.5900
445	do	380.6130
445	do	380.6140
445	do	380.6145
445	do	380.6155
459	do	380.6160
459	do	380.7215
459	do	380.0422
645	Manmade	380.0426
645	do	380.8152
645	do	380.8153

DRESSING GOWNS AND ROBES

350	Cotton, woven	380.0049
350	do	380.1520
350	do	380.1540
350	do	380.1820
350	do	380.1840
350	Cotton, knit	380.0009
350	do	380.0620
459	Wool, woven	380.0250
459	do	380.6330

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
459	do	380.6630
650	Manmade, knit	380.0408
650	do	380.8117
650	Manmade, woven	380.0449
650	do	380.8425

PAJAMAS AND OTHER NIGHTWEAR

351	Cotton, knit	380.0011
351	do	380.0625
351	Cotton, woven	380.2100
351	do	380.2400
351	do	380.3909
351	do	380.0050
651	Manmade, knit	380.0411
651	do	380.8123
651	Manmade, woven	380.0452
651	do	380.8430

MUFFLERS, SCARVES AND SHAWLS

359	Cotton, knit	372.1010
359	do	372.1520
359	Cotton, woven	372.1040
359	do	372.1540
359	do	372.1580
359	Wool, knit	372.3000
459	do	372.1020
459	do	372.3500
459	Wool, woven	372.1050
459	do	372.4500
659	Manmade, knit	372.1030
659	do	372.7000
659	Manmade, woven	372.1060
659	do	372.7520
659	do	372.7540

NECKTIES

359	Cotton, knit	373.0500
359	do	373.1000
459	Wool, knit	373.1500
659	Manmade, knit	373.2500
659	Manmade, woven	373.2700

VESTS

359	Cotton, woven	380.0073
359	do	380.3320
359	do	380.3620

BEACHWEAR

659	Manmade, knit	380.0429
659	do	380.8163
659	Manmade, woven	380.0465
659	do	380.8453

UNDERWEAR

352	Cotton, knit	380.0635
338	do	380.0018
338	do	380.0021
338	do	380.0640
352	do	378.1030
352	do	378.1530
352	do	378.1520
352	do	378.2011
352	do	378.2510
352	do	378.0540
352	Cotton, woven	378.0561
459	Wool, woven	378.4000
459	do	378.4500
638	Manmade, knit	380.0416
638	do	380.0417
630	do	370.8820
630	do	370.8840
652	do	378.0545
652	do	378.6015
652	do	378.6020
653	Manmade, woven	378.0565
652	do	378.6511

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
WORK GLOVES		
331	Cotton, woven	704.4040
331	Cotton, knit	704.4502
331	do	704.4504
331	do	704.4508
331	do	704.4508
.....	Leather (100 pct.)	705.3510
.....	Leather (pt.)	705.3550
.....	Rubber and Plastics (dipped)	705.8800

In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "men's and boys' apparel" for the purposes of this notice.

(FR Doc. 78-15224 Filed 5-31-78; 8:45 am)

[4810-22]

CERTAIN TEXTILES AND TEXTILE PRODUCTS FROM BRAZIL

Preliminary Countervailing Duty Determination
AGENCY: United States Customs Service, Treasury Department.

ACTION: Preliminary countervailing duty determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of Brazil has given benefits which may constitute bounties or grants on the manufacture or exportation of men's and boys' apparel and textile mill products of cotton, wool, and man-made fiber. Interested persons are invited to comment on this action.

EFFECTIVE DATE: June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Edward Haley, Operations Officer,
Duty Assessment Division, Office of
Operations, U.S. Customs Service,
Washington, D.C. 20229, 202-566-
5492.

SUPPLEMENTARY INFORMATION:
On January 30, 1978, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (43 FR 3964).

The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of Brazil upon the manufacture, production or exportation of men's and boys' apparel and textile mill products of cotton, wool, and man-made fiber constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (hereinafter referred to as "the Act").

For purposes of this notice "textile mill products" include yarns, fabrics,

household textiles, and miscellaneous products of textile mills made of cotton, wool, and man-made fibers, as specified in U.S. bilateral textile agreements; and "men's and boys' apparel" includes those items described in the appendix to this notice, together with their Tariff Schedule classifications.

On the basis of an investigation conducted pursuant to section 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), it preliminarily has been determined that benefits have been received by the Brazilian manufacturers/exporters of men's and boys' apparel and textile mill products of cotton, wool, and man-made fiber which may constitute bounties or grants within the meaning of the Act. These benefits include the following:

1. Certificates granted by the Brazilian Government in the amount of the Industrial Products Tax (IPI) that are in addition to the ordinary exemption on export of that indirect tax.

2. Preferential financing for exports under Resolution 398.

3. Tax relief on equipment and earnings in addition to grants to certain new industries and industries located in economically depressed areas under Law 1137.

4. Partial exemption from payment of IPI and import duties on machinery purchases.

5. Cash assistance given to certain enterprises under BEFIEIX, a governmental agency.

Programs preliminarily determined not to be bounties or grants within the meaning of the Act include the following:

1. Exemption from the Industrial Products Tax (IPI), a value added tax, on export transactions. The Department has consistently held that the non-excessive rebate or remission of indirect taxes, directly related to an exported product, does not constitute a bounty or grant within the meaning of the law. There is no evidence before the Department the IPI remission operates to confer bounties or grants on exports of the merchandise in question from Brazil. Consistent with the guidelines set out by the U.S. Court of

The textile items involved include those in categories 331-359, 433-459, and 630-659 of the correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated, as published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), and amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888), March 7, 1977 (42 FR 12898), January 25, 1978 (43 FR 3421) and March 3, 1978 (43 FR 8828). In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "textile mill products" for the purposes of this notice. Cotton yarn entering the U.S. under TSUS item numbers 300.60 through 300.98 are not included in this investigation.

Customs and Patent Appeals in its decision in the Zenith case, Treasury will investigate whether the rebate or remission of the IPI exceeds the rate of tax. (*United States v Zenith Radio Corporation*, 562 F. 2d 1209 (C.C.P.A. 1977), cert. granted, 46 U.S.L.W. 13511 (February 21, 1978)).

2. Exemption from the payment of import duties and the IPI tax on imports that are incorporated in finished products for export.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination.

Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 15, March 16, 1978, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and section 159.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to the issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

MAY 25, 1978.

APPENDIX

Catalog No.	Item	TSUSA No.
SUITS		
443	Wool, woven	380.0260
443	do	380.5146
443	do	380.6350
443	do	380.6651
443	do	380.6652
443	do	380.6653
443	do	380.6654
643	Manmade, woven	380.0464
643	do	380.5178
643	do	380.8451
643	do	380.8452
643	do	380.8145
643	do	380.8148
643	do	380.0420

COATS AND JACKETS

333	Cotton, woven	380.0940
333	.....do	380.0960
333	.....do	380.1235
333	.....do	380.1255
333	.....do	380.0042
459	Wool, knit	380.5795
434	.....do	380.6110
433	.....do	380.0240
433	Wool, woven	380.6310
433	.....do	380.6611
433	.....do	380.6612
633	Manmade, knits	380.8104

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
633	do	380.8105
633	do	380.0402
633	Manmade, woven	380.0443
633	do	380.5184
633	do	380.8411
633	do	380.8412

TROUSERS

347	Cotton, woven	380.3920
347	do	380.3924
347	do	380.3923
347	do	380.3921
347	do	380.3930
347	do	380.3928
347	do	380.3926
347	do	380.5124
347	Cotton, knit	380.0033
347	do	380.0660
347	Cotton, woven	380.0071
347	do	380.0072
347	do	380.0265
347	Wool, woven	380.5154
347	do	380.6360
347	do	380.6660
347	Manmade, knit	380.0435
347	do	380.0430
347	do	380.8142
347	do	380.8166
347	do	380.8167
347	Manmade, woven	380.0468
347	do	380.0469
347	do	380.5184
347	do	380.8449
347	do	380.8456
347	do	380.8457

OVERCOATS AND RAINCOATS

334	Cotton, woven	380.0910
334	do	380.0920
334	do	380.1210
334	do	380.1220
334	do	380.0980
334	do	380.0990
334	do	380.1280
334	do	380.1290
334	Cotton, knit	380.0002
334	do	380.0611
334	Cotton, woven	380.0045
334	Wool, woven	380.0245
334	do	380.5136
334	do	380.5137
334	do	380.8320
334	do	380.6615
334	do	380.6616
334	Manmade, knit	380.8101
334	do	380.8109
334	do	380.8111
334	do	380.0405
334	Manmade, woven	380.0445
334	do	380.5168
334	do	380.8410
334	do	380.8416
334	do	380.8417

SHIRTS

338	Cotton, knit	380.0651
338	do	380.0652
340	Cotton, woven	380.0060
340	do	380.2750
340	do	380.2760
340	do	380.2782
340	do	380.2788
340	do	380.2798
340	do	380.2770
338	Cotton, knit	380.0028
338	do	380.0029
338	Wool, knit	380.5795
338	do	380.0205
338	do	380.6120
338	Wool, woven	380.0255
338	do	380.5142
338	do	380.6340
338	Manmade, knit	380.0419

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
638	do	380.8138
638	do	380.8139
640	Manmade, woven	380.0455
640	do	380.8435
640	do	380.0458
640	do	380.0461
640	do	380.5172
640	do	380.8440
640	do	380.8445

SWEATERS AND CARDIGANS

345	Cotton, knit	380.0658
345	do	380.0659
345	do	380.0030
359	do	380.0695
359	do	380.0654
445	Wool, knit	380.5730
445	do	380.5740
445	do	380.5750
445	do	380.0209
445	do	380.5900
445	do	380.8130
445	do	380.8140
445	do	380.8145
445	do	380.8155
459	do	380.8160
459	do	380.7215
645	Manmade, do	380.0422
645	do	380.0426
645	do	380.8152
645	do	380.8153

DRESSING GOWNS AND ROBES

350	Cotton, woven	380.0049
350	do	380.1520
350	do	380.1540
350	do	380.1820
350	do	380.1840
350	Cotton, knit	380.0009
350	do	380.0620
459	Wool, woven	380.0250
459	do	380.6330
459	do	380.6630
650	Manmade, knit	380.0408
650	do	380.8117
650	Manmade, woven	380.0449
650	do	380.8425

PAJAMAS AND OTHER NIGHTWEAR

351	Cotton, knit	380.9011
351	do	380.0625
351	Cotton, woven	380.2100
351	do	380.2400
351	do	380.3909
351	do	380.0050
351	Manmade, knit	380.0411
351	do	380.8123
651	Manmade, woven	380.0452
651	do	380.8430

MUFFLERS, SCARVES AND SHAWLS

359	Cotton, knit	372.1010
359	do	372.1520
359	Cotton, woven	372.1040
359	do	372.1540
359	do	372.1580
459	Wool, knit	372.3000
459	do	372.1020
459	do	372.3500
459	Wool, woven	372.1050
459	do	372.4500
659	Manmade, knit	372.1030
659	do	372.7000
659	Manmade, woven	372.1080
659	do	372.7520
659	do	372.7540

NECKTIES

359	Cotton, knit	373.0500
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APPENDIX—Continued

Catalog No.	Item	TSUSA No.
359	do	373.1000
459	Wool, knit	373.1500
659	Manmade, knit	373.2500
659	Manmade, woven	373.2700

VESTS

359	Cotton, woven	380.0073
359	do	380.3320
359	do	380.3820

BEACHWEAR

659	Manmade, Knit	380.0429
659	do	380.8163
659	Manmade, woven	380.0465
659	do	380.8453

UNDERWEAR

352	Cotton, knit	380.0635
338	do	380.0018
338	do	380.0021
338	do	380.0640
352	do	378.1030
352	do	378.1530
352	do	378.1520
352	do	378.2011
352	do	378.2510
352	do	378.0540
352	Cotton, woven	378.0581
459	Wool, woven	378.4000
459	do	378.4500
638	Manmade, knit	380.0416
638	do	380.0417
630	do	370.8820
630	do	370.8840
652	do	378.0545
652	do	378.6015
652	do	378.6020
652	Manmade, woven	378.0565
652	do	378.6511

WORK GLOVES

331	Cotton, woven	704.4010
331	Cotton, knit	704.4502
331	do	704.4504
331	do	704.4506
331	do	704.4508
331	Leather (100%)	705.3510
331	Leather (part)	705.3550
331	Rubber and plastics (dipped)	705.8600

LEATHER WEARING APPAREL

333	With cotton, woven	791.7412
334	do	791.7413
347	do	791.7418
348	With cotton, knit	791.7420
359	With cotton, woven	791.7426
459	With wool, knit	791.7430
459	With wool, woven	791.7440
645	With manmade, knit	791.7454
648	do	791.7458
633	do	791.7459
634	do	791.7460
659	do	791.7464
633	With manmade, woven	791.7470
634	do	791.7471
647	do	791.7480
659	do	791.7484
659	With other fibers	791.7490
659	All leather apparel	791.7620
659	do	791.7660

In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "men's and boys' apparel" for the purposes of this notice.

[FR Doc. 78-15225 Filed 5-31-78; 8:45 am]

[4810-22]

CERTAIN TEXTILES AND TEXTILE PRODUCTS FROM THE REPUBLIC OF CHINA (TAIWAN)

Preliminary Countervailing Duty Determination

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Preliminary countervailing duty determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of the Republic of China (Taiwan) has given benefits which may constitute bounties or grants on the manufacture or exportation of men's and boys' apparel and textile mill products of cotton, wool, and man-made fiber. A final determination will be made by November 7, 1978. Interested parties will have an opportunity to comment on this action.

EFFECTIVE DATE: June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

William Trujillo, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On January 30, 1978, a notice of "Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (43 FR 3966). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of the Republic of China (Taiwan) upon the manufacture, production or exportation of men's and boys' apparel and textile mill products of cotton, wool, and man-made fiber constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

For purposes of this notice "textile mill products" include yarns, fabrics, household textiles, and miscellaneous products of textile mills made of cotton, wool, and man-made fibers, as specified in U.S. bilateral textile agreements; and "men's and boys' apparel"

The textile items involved include those in categories 331-359, 433-459, and 630-659, of the correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated, as published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), and amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881) January 21, 1977 (42 FR 3888), and March 7, 1977 (42 FR 12898), January 25, 1978 (43 FR 3421) and March 3, 1978 (43 FR 8828). In addition, all similar products not

includes those items described in the appendix to this notice, together with their Tariff Schedule classifications.

On the basis of the available information to date, pursuant to an investigation conducted under section 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), it preliminarily has been determined that benefits have been received by manufacturers/exporters in the Republic of China (Taiwan) on men's and boys' apparel and textile mill products of cotton, wool, and man-made fiber which may constitute bounties or grants within the meaning of the Act. These benefits have been conferred under the following programs:

(1) Income tax holidays or accelerated depreciation of fixed assets used for exportation for newly created firms or firms expanding their production facilities under the Statute for Encouragement of Investment.

(2) Preferential export financing.

(3) Tax benefits for firms located in Export Processing Zones, including exemption from import duties and taxes on machinery.

(4) Exemptions for exporting firms from import duties on capital items.

(5) A tax incentive for operating expenses incurred on overseas sales promotion activities.

(6) Export risk insurance to the extent that the scheme may require government subsidization to compensate for artificially low premiums.

It has preliminarily been determined, based upon information supplied in this case and in previous countervailing duty investigations involving products from Taiwan, that certain practices of the Government of the Republic of China do not on their face describe a bounty or grant. They include:

(1) Reduction in the stamp tax on export documents.

(2) Customs duty drawback on imported raw materials and semi-finished products used to manufacture exports.

(3) Reduction in income tax rate on dividends or partnership profits for non-resident aliens or foreign companies.

The rebate of the Taiwanese business tax upon export was also cited as a program allegedly conferring a "bounty or grant" upon manufacturers of products covered by this investigation. The Department has consistently held that the nonexcessive rebate or remission of indirect taxes, directly related to the exported product, does not constitute a bounty or grant within the meaning of the law. There is no evidence before the De-

covered by these categories because they are "certified handloomed and folklore products" are considered "textile mill products" for the purpose of this notice.

partment that the business tax rebates operate to confer bounties or grants on exports of the merchandise in question from the Republic of China. Consistent with the guidelines set out by the U.S. Court of Customs and Patent Appeals in its decision in the *Zenith* case, Treasury will investigate whether the rebate or remission of the business tax exceeds the rate of tax (*United States v. Zenith Radio Corporation*, 562 F.2d 1209 (C.C.P.A. 1977), cert. granted, 46 U.S.L.W. 13511 February 21, 1978).

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office not later than July 3, 1978.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 15, March 16, 1978, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and section 159.47 of this Customs Regulation (19 CFR 159.47), insofar as they pertain to the issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.
MAY 25, 1978.

APPENDIX

Catalog No.	Item	TSUSA No.
SUITS		
443	Wool, woven	380.0260
443	do	380.5146
443	do	380.6350
443	do	380.6651
443	do	380.6652
443	do	380.6653
443	do	380.6654
643	Manmade, woven	380.0464
643	do	380.5176
643	do	380.8451
643	do	380.8452
643	do	380.8145
643	do	380.8148
643	do	380.0420

COATS AND JACKETS

333	Cotton, woven	380.0940
333	do	380.0960
333	do	380.1235
333	do	380.1255
333	do	380.0042
459	Wool, knit	380.5795
434	do	380.6110
433	do	380.0240
433	Wool, woven	380.6310
433	do	380.6611
433	do	380.6612
633	Manmade, knit	380.8104

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
633	.....do.....	380.8105
633	.....do.....	380.0402
633	Manmade, woven	380.0443
633	.....do.....	380.5164
633	.....do.....	380.8411
633	.....do.....	380.8412

TROUSERS

347	Cotton, woven	380.3920
347	.....do.....	380.3924
347	.....do.....	380.3923
347	.....do.....	380.3921
347	.....do.....	380.3930
347	.....do.....	380.3928
347	.....do.....	380.3928
347	.....do.....	380.5124
347	Cotton, knit	380.0033
347	.....do.....	380.0660
347	Cotton, woven	380.0071
347	.....do.....	380.0072
447	Wool, woven	380.0285
447	.....do.....	380.5154
447	.....do.....	380.6360
447	.....do.....	380.6660
647	Manmade, knit	380.0435
647	.....do.....	380.0430
647	.....do.....	380.8142
647	.....do.....	380.8166
647	.....do.....	380.8187
647	Manmade, woven	380.0468
647	.....do.....	380.0469
647	.....do.....	380.5184
647	.....do.....	380.8449
647	.....do.....	380.8456
647	.....do.....	380.8457

OVERCOATS AND RAINCOATS

334	Cotton, woven	380.0910
334	.....do.....	380.0920
334	.....do.....	380.1210
334	.....do.....	380.1220
334	.....do.....	380.0980
334	.....do.....	380.0990
334	.....do.....	380.1280
334	.....do.....	380.1290
334	Cotton, knit	380.0002
334	.....do.....	380.0611
334	Cotton, woven	380.0045
434	Wool, woven	380.0245
434	.....do.....	380.5136
434	.....do.....	380.5137
434	.....do.....	380.6320
434	.....do.....	380.6615
434	.....do.....	380.6616
634	Manmade, knit	380.8101
634	.....do.....	380.8109
634	.....do.....	380.8111
634	.....do.....	380.0405
634	Manmade, woven	380.0445
634	.....do.....	380.5168
634	.....do.....	380.8410
633	.....do.....	380.8416
634	.....do.....	380.8417

SHIRTS

338	Cotton, knit	380.0651
338	.....do.....	380.0652
340	Cotton, woven	380.0060
340	.....do.....	380.2750
340	.....do.....	380.2760
340	.....do.....	380.2782
340	.....do.....	380.2788
340	.....do.....	380.2798
340	.....do.....	380.2770
338	Cotton, knit	380.0028
338	.....do.....	380.0029
459	Wool, knit	380.5795
438	.....do.....	380.0205
438	.....do.....	380.6120
440	Wool, woven	380.0255
440	.....do.....	380.5142
440	.....do.....	380.6340
638	Manmade, knit	380.0419

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
638	.....do.....	380.8138
638	.....do.....	380.8139
640	Manmade, woven	380.0455
640	.....do.....	380.8435
640	.....do.....	380.0458
640	.....do.....	380.0461
640	.....do.....	380.5172
640	.....do.....	380.8440
640	.....do.....	380.8445

SWEATERS AND CARDIGANS

345	Cotton, knit	380.0658
345	.....do.....	380.0659
345	.....do.....	380.0030
359	.....do.....	380.0695
359	.....do.....	380.0654
359	Wool, knit	380.5730
445	.....do.....	380.5740
445	.....do.....	380.5750
445	.....do.....	382.0209
445	.....do.....	380.5900
445	.....do.....	380.6130
445	.....do.....	380.8140
445	.....do.....	380.8145
445	.....do.....	380.8155
459	.....do.....	380.8160
459	.....do.....	380.7215
645	Manmade,	380.0422
645	.....do.....	380.0426
645	.....do.....	380.8152
645	.....do.....	380.8153

DRESSING GOWNS AND ROBES

350	Cotton, woven	380.0049
350	.....do.....	380.1520
350	.....do.....	380.1540
350	.....do.....	380.1820
350	.....do.....	380.1840
350	Cotton, knit	380.0009
350	.....do.....	380.0620
459	Wool, woven	380.0250
459	.....do.....	380.6330
459	.....do.....	380.6630
650	Manmade, knit	380.0408
650	.....do.....	380.8117
650	Manmade, woven	380.0449
650	.....do.....	380.8425

PAJAMAS AND OTHER NIGHTWEAR

351	Cotton, Knit	380.0011
351	.....do.....	380.0625
351	Cotton, woven	380.2100
351	.....do.....	380.2400
351	.....do.....	380.3909
351	.....do.....	380.0050
651	Manmade, knit	380.0411
651	.....do.....	380.8123
651	Manmade, woven	380.0452
651	.....do.....	380.8430

MUFFLERS, SCARVES, AND SHAWLS

359	Cotton, knit	372.1010
359	.....do.....	372.1520
359	Cotton, woven	372.1040
359	.....do.....	372.1540
359	.....do.....	372.1560
459	Wool, knit	372.3000
459	.....do.....	372.1020
459	.....do.....	372.3500
459	Wool, woven	372.1050
459	.....do.....	372.4500
659	Manmade, knit	372.1030
659	.....do.....	372.7000
659	Manmade, woven	372.1080
659do.....	372.7520
659do.....	372.7540

NECKTIES

359	Cotton, knit	373.0500
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APPENDIX—Continued

Catalog No.	Item	TSUSA No.
359do.....	373.1000
459	Wool, knit	373.1500
659	Manmade, knit	373.2500
659	Manmade, woven	373.2700

VESTS

359	Cotton, woven	380.0073
359	.....do.....	380.3320
359	.....do.....	380.3620

BEACHWEAR

659	Manmade, knit	380.0429
659	.....do.....	380.8163
659	Manmade, woven	380.0465
659	.....do.....	380.8453

UNDERWEAR

352	Cotton, knit	380.0635
338	.....do.....	380.0018
338	.....do.....	380.0021
338	.....do.....	380.0640
352	.....do.....	378.1030
352	.....do.....	378.1530
352	.....do.....	378.1520
352	.....do.....	378.2011
352	.....do.....	378.2510
352	.....do.....	378.0540
352	Cotton, woven	378.0561
459	Wool, woven	378.4000
459	.....do.....	378.4500
638	Manmade, knit	380.0416
638	.....do.....	380.0417
630	.....do.....	370.8820
630	.....do.....	370.8840
652	.....do.....	378.0545
652	.....do.....	378.6015
652	.....do.....	378.6020
652	Manmade, woven	378.0565
652	.....do.....	378.6511

WORK GLOVES

331	Cotton, woven	704.4010
331	Cotton, knit	704.4502
331	.....do.....	704.4504
331	.....do.....	704.4506
331	.....do.....	704.4508
.....	Leather (100 pct)	705.3510
.....	Leather (part)	705.3550
.....	Rubber and plastics (dipped)	705.8600

In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "men's and boys' apparel" for the purposes of this notice.

[FR Doc. 78-15226 Filed 5-31-78; 8:45 am]

[4810-22]

CERTAIN TEXTILES AND TEXTILE PRODUCTS FROM COLOMBIA

Preliminary Countervailing Duty Determination
AGENCY: U.S. Customs Service,
Treasury Department.

ACTION: Preliminary Countervailing
Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of Colombia has given benefits which may constitute bounties or

grants on the manufacture or exportation of men's and boys' apparel and textile mill products of cotton, wool, and man-made fiber. A final determination will be made by November 7, 1978. Interested persons are invited to comment on this action.

EFFECTIVE DATE: June 1, 1978.

FOR FURTHER INFORMATION
CONTACT:

Vincent P. Kane, Operations Officer,
Duty Assessment Division, Office of
Operations, U.S. Customs Service,
Washington, D.C. 20229, 202-566-
5492.

SUPPLEMENTARY INFORMATION:
On January 30, 1978, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (43 FR 3988). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of Colombia upon the manufacture, production, or exportation of men's and boys' apparel and textile mill products of cotton, wool, and man-made fiber constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

For purposes of this notice "textile mill products" include yarns, fabrics, household textiles, and miscellaneous products of textile mills made of cotton, wool, and man-made fibers, as specified in U.S. bilateral textile agreements; and "men's and boys' apparel" includes those items described in the appendix to this notice, together with their Tariff Schedule classifications.

On the basis of evidence collected to date in an investigation conducted pursuant to section 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), it tentatively has been determined that benefits have been received by the Colombian manufacturers/exporters of men's and boys' apparel and textile mill products of cotton, wool, and man-made fiber which may constitute bounties or grants within the meaning of the Act. These benefits include the following:

The textile items involved include those in categories 331-359, 433-459, and 630-659 of the CORRELATION: Textile and Apparel Categories with Tariff Schedules of the United States Annotated, as published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), and amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888), March 7, 1977 (42 FR 12898), January 25, 1978 (43 FR 3421), and March 3, 1978 (43 FR 8828). In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "textile mill products" for the purposes of this notice.

determination by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel
of the Treasury.

MAY 25, 1978.

APPENDIX

Catalog No.	Item	TSUSA No.
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SUITS

443	Wool, woven	380.0260
443do.....	380.5146
443do.....	380.6350
443do.....	380.6651
443do.....	380.6652
443	.....do.....	380.6653
443	.....do.....	380.6654
643	Manmade, woven	380.0464
643	.....do.....	380.5176
643	.....do.....	380.8451
643	.....do.....	380.8452
643	.....do.....	380.8145
643	.....do.....	380.8148
643	.....do.....	380.0420

COATS AND JACKETS

333	Cotton, woven	380.0940
333	.....do.....	380.0960
333	.....do.....	380.1235
333	.....do.....	380.1255
333	.....do.....	380.0042
459	Wool, knit	380.5795
434	.....do.....	380.8110
433	.....do.....	380.0240
433	Wool, woven	380.6310
433	.....do.....	380.6611
433	.....do.....	380.6612
633	Manmade, knit	380.8104
633	.....do.....	380.8105
633	.....do.....	380.0402
633	Manmade, woven	380.0443
633	.....do.....	380.5164
633	.....do.....	380.8411
633	.....do.....	380.8412

TROUSERS

347	Cotton, woven	380.3920
347	.....do.....	380.3924
347	.....do.....	380.3923
347	.....do.....	380.3921
347	.....do.....	380.3930
347	.....do.....	380.3928
347	.....do.....	380.3928
347	.....do.....	380.5124
347	Cotton, knit	380.0033
347	.....do.....	380.0660
347	Cotton, woven	380.0071
347	.....do.....	380.0072
447	Wool, woven	380.0265
447	.....do.....	380.5154
447	.....do.....	380.6360
447	.....do.....	380.6660
647	Manmade, knit	380.0435
647	.....do.....	380.0430
647	.....do.....	380.8142
647	.....do.....	380.8166
647	.....do.....	380.8167
647	Manmade, woven	380.0468
647	.....do.....	380.0469
647	.....do.....	380.5184
647	.....do.....	380.8449
647	.....do.....	380.8456
647	.....do.....	380.8457

OVERCOATS AND RAINCOATS

334	Cotton, woven	380.0910
334	.....do.....	380.0920
334	.....do.....	380.1210
334	.....do.....	380.1220
334	.....do.....	380.0980
334	.....do.....	380.0990

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
334	.....do.....	380.1280
334	.....do.....	380.1290
334	Cotton, knit.....	380.0002
334	.....do.....	380.0611
334	Cotton, woven.....	380.0045
434	Wool, woven.....	380.0245
434	.....do.....	380.5136
434	.....do.....	380.5137
434	.....do.....	380.6320
434	.....do.....	380.6615
434	.....do.....	380.6616
434	Manmades, knit.....	380.8101
434	.....do.....	380.8109
434	.....do.....	380.8111
434	.....do.....	380.0405
434	Manmades, woven.....	380.0445
434	.....do.....	380.5168
434	.....do.....	380.8410
434	.....do.....	380.8418
434	.....do.....	380.8417

SHIRTS

338	Cotton, knit.....	380.0651
338	.....do.....	380.0652
340	Cotton, woven.....	380.0060
340	.....do.....	380.2750
340	.....do.....	380.2780
340	.....do.....	380.2782
340	.....do.....	380.2788
340	.....do.....	380.2798
340	.....do.....	380.2770
338	Cotton, knit.....	380.0028
338	.....do.....	380.0029
459	Wool, knit.....	380.5795
438	.....do.....	380.0805
438	.....do.....	380.8120
440	Wool, woven.....	380.0255
440	.....do.....	380.5142
440	.....do.....	380.6340
438	Manmades, knit.....	380.0419
438	.....do.....	380.8138
438	.....do.....	380.8139
440	Manmades, woven.....	380.0455
440	.....do.....	380.8435
440	.....do.....	380.0458
440	.....do.....	380.0461
440	.....do.....	380.5172
440	.....do.....	380.8440
440	.....do.....	380.8445

SWEATERS AND CARDIGANS

345	Cotton, knit.....	380.0658
345	.....do.....	380.0659
345	.....do.....	380.0030
359	.....do.....	380.0695
359	.....do.....	380.0654
445	Wool, knit.....	380.5730
445	.....do.....	380.5740
445	.....do.....	380.5750
445	.....do.....	380.0209
445	.....do.....	380.5900
445	.....do.....	380.8130
445	.....do.....	380.8140
445	.....do.....	380.6145
445	.....do.....	380.6155
459	.....do.....	380.6180
459	.....do.....	380.7215
445	Manmades.....	380.0422
445	.....do.....	380.0426
445	.....do.....	380.8152
445	.....do.....	380.8153

DRESSING GOWNS AND ROBES

350	Cotton, woven.....	380.0049
350	.....do.....	380.1520
350	.....do.....	380.1540
350	.....do.....	380.1820
350	.....do.....	380.1840
350	Cotton, knit.....	380.0009
350	.....do.....	380.0620
459	Wool, woven.....	380.0250
459	.....do.....	380.6330
459	.....do.....	380.6630

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
850	Manmades, knit.....	380.0408
850	.....do.....	380.8117
850	Manmades, woven.....	380.0449
850	.....do.....	380.8425

PAJAMAS AND OTHER NIGHTWEAR

351	Cotton, knit.....	280.0011
351	.....do.....	380.0625
351	Cotton, woven.....	380.2100
351	.....do.....	380.2400
351	.....do.....	380.3909
351	.....do.....	380.0050
351	.....do.....	380.0411
651	Manmades, knit.....	380.8123
651	Manmades, woven.....	380.0452
651	.....do.....	380.8430

MUFFLERS, SCARVES AND SHAWLS

359	Cotton, knit.....	372.1010
359	.....do.....	372.1520
359	Cotton, woven.....	372.1040
359	.....do.....	372.1540
359	.....do.....	372.1560
359	Wool, knit.....	372.3000
459	.....do.....	372.1020
459	.....do.....	372.3500
459	Wool, woven.....	372.1050
459	.....do.....	372.4500
659	Manmades, knit.....	372.1030
659	.....do.....	372.7000
659	Manmades, woven.....	372.1060
659	.....do.....	372.7520
659	.....do.....	372.7540

NECKTIES

359	Cotton, knit.....	373.0500
359	.....do.....	373.1000
459	Wool, knit.....	373.1500
659	Manmades, knit.....	373.2500
659	Manmades, woven.....	373.2700

VESTS

359	Cotton, woven.....	380.0073
359	.....do.....	380.3320
359	.....do.....	380.3620

BEACHWEAR

659	Manmades, knit.....	380.0429
659	.....do.....	380.8163
659	Manmades, woven.....	380.0465
659	.....do.....	380.8453

UNDERWEAR

352	Cotton, knit.....	380.0635
338	.....do.....	380.0018
338	.....do.....	380.0021
338	.....do.....	380.0640
352	.....do.....	378.1030
352	.....do.....	378.1530
352	.....do.....	378.1520
352	.....do.....	378.2011
352	.....do.....	378.2510
352	.....do.....	378.0540
352	Cotton, woven.....	378.0561
459	Wool, woven.....	378.4000
459	.....do.....	378.4500
638	Manmades, knit.....	380.0418
638	.....do.....	380.0417
630	.....do.....	370.8820
630	.....do.....	370.8840
652	.....do.....	378.0545
652	.....do.....	378.6015
652	.....do.....	378.6020
652	Manmades, woven.....	378.0565
652	.....do.....	378.6511

WORK GLOVES

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
331	Cotton, woven.....	704.4010
331	Cotton, knit.....	704.4502
331	.....do.....	704.4504
331	.....do.....	704.4506
331	.....do.....	704.4508
331	Leather (100 pct).....	705.3510
331	Leather (part).....	705.3550
331	Rubber and plastics (dipped).....	705.8600

LEATHER WEARING APPAREL

333	With cotton, woven.....	791.7412
334	.....do.....	791.7413
347	.....do.....	791.7418
348	With cotton, knit.....	791.7420
359	With cotton, woven.....	791.7426
459	With wool, knit.....	791.7430
459	With wool, woven.....	791.7440
645	With manmades, knit.....	791.7454
648	.....do.....	791.7458
633	.....do.....	791.7459
634	.....do.....	791.7460
659	.....do.....	791.7464
633	With manmades, woven.....	791.7470
634	.....do.....	791.7471
647	.....do.....	791.7480
659	.....do.....	791.7484
659	With other fibers.....	791.7490
659	All leather apparel.....	791.7620
659	All leather apparel.....	791.7660

In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "men's and boys' apparel" for the purposes of this notice.

[FR Doc. 78-15227 Filed 5-30-78; 8:45 am]

[4810-22]

CERTAIN TEXTILES AND TEXTILE PRODUCTS FROM INDIA

Preliminary Countervailing Duty Determination

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of India has given benefits which may constitute bounties or grants on the manufacture or exportation of men's or boys' apparel and textile mill products of cotton, wool, and man-made fiber. A final determination will be made by November 7, 1978. Interested persons are invited to comment on this action.

EFFECTIVE DATE: June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Holly Kuga, Duty Assessment Division, Office of Operations, U.S. Customs Service, Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On November 7, 1977, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was

published in the FEDERAL REGISTER (43 FR 3970). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of India upon the manufacture, production, or exportation of men's and boys' apparel and textile mill products of cotton, wool, and man-made fiber constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

For purposes of this notice "textile mill products" include yarns, fabrics, household textiles, and miscellaneous products of textile mills made of cotton, wool, and man-made fibers, as specified in U.S. bilateral textile agreements; and "men's and boys' apparel" includes those items described in the appendix to this notice, together with their Tariff Schedule classifications.

Based upon investigation to date, it has been determined preliminarily that certain programs administered by the Government of India do not constitute the bestowal of "bounties or grants" within the meaning of the Act. They include:

(1) The Indian Government provides drawback of customs duties and the rebate of excise taxes upon exportation of products. The amounts allowed under these programs are limited to the amount of duties and taxes actually paid. For example, the drawback and rebates are limited to amounts paid on raw material inputs and component parts of the final product, not including machinery and equipment used to manufacture the final product. Non-excessive customs duty drawback and excise tax rebates are also given upon export, but are limited to amounts paid on component parts and raw material inputs of the final product.

The Department has consistently held that the non-excessive rebate or remission of indirect taxes, directly related to an exported product, does not constitute a bounty or grant within the meaning of the law. There is no evidence before the Department that the rebate of this tax operates to confer bounties or grants on exports.

The textile items involved include those in categories 331-359, 433-459, and 630-659 of the Correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated, as published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), and amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888) and March 7, 1977 (42 FR 12898) January 25, 1978 (43 FR 3421) and March 3, 1978 (43 FR 8828). In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "textile mill products" for the purposes of this notice.

of the merchandise in question from India. Consistent with the guidelines set out by the U.S. Court of Customs and Patent Appeals in its decision in the Zenith case, Treasury will investigate whether the rebate or remission of this tax exceeds the rate of tax (United States v. Zenith Radio Corporation, 562 F.2d 1209 (C.C.P.A. 1977), cert. granted, 46 U.S.L.W. 13511 (February 21, 1978)).

(2) Export risk insurance loans provided by the Export Credit and Guarantee Corporation (ECGC). The loans cover specific export risk problems not covered in other commercial policies. The ECGC is able to cover its claims from operating income (primarily premiums charged to the policyholders themselves), and there is no ongoing government funding or other evidence of preferential treatment accorded to borrowers by virtue of ECGC's ownership by the Indian Government.

In addition, a number of other programs cited by petitioner have been preliminarily determined as not applicable to, or utilized by, Indian textile and textile product manufacturers subject to this investigation. They include: (1) Tax Credit Certificates (program never implemented by Indian Government); (2) Income Tax Offsets for Overseas Expenses (program abolished April 1, 1978); (3) Export Promotion Grants by the Market Development Fund (never utilized by textile or textile product exporters); (4) Export Financing Through the Industrial Development Bank (not applicable to manufacturers subject to this investigation); (5) Benefits by Virtue of Location in Kandla Free Trade Zone (no producers or exporters of this merchandise located in Zone).

On the basis of an investigation conducted pursuant to section 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), it preliminarily has been determined that benefits paid under three programs administered by the Government of India constitute the bestowal of "bounties or grants" within the meaning of the Act. They are:

(1) Cash Rebates Upon Export.—Exporters of textile and textile products subject to this investigation receive cash rebates upon export varying from 6.5 percent to 15 percent of the f.o.b. value of the exported products. This program preliminarily is considered a "bounty or grant" pending receipt of information from the Indian Government substantiating its claim that the rebates are merely compensation for indirect taxes paid on exported products which are not otherwise refunded upon export.

(2) Import Permits.—Indian exporters involved in this investigation are eligible to automatically receive permits to import goods used in the manufacture of their exported products,

either component parts or raw materials, up to a fixed percentage of the f.o.b. value of their exports. These permits are negotiable instruments and, therefore, constitute a form of bounty.

(3) Export Financing.—The Government of India provides short-term export financing at rates that may be considered preferential compared to commercial interest rates presently charged in India. Pending receipt of information regarding the commercial interest rate charged on financing at the same terms as those under investigation, this program preliminarily considered as a bounty or grant.

Before a final determination is made consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination.

Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office not later than July 3, 1978.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190, Revision 15, March 16, 1978, provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and section 159.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to the issuance of a preliminary countervailing duty notice by the Commissioner of Customs, are hereby waived.

MAY 25, 1978.

ROBERT H. MUNDHEIM,
General Counsel
of the Treasury.

APPENDIX

Catalog No.	Item	TSUSA No.
SUITS		
443	Wool, woven.....	380.0260
443	.....do.....	380.5146
443	.....do.....	380.6350
443	.....do.....	380.6651
443	.....do.....	380.6652
443	.....do.....	380.6653
443	.....do.....	380.6654
443	Manmades, woven.....	380.0464
643	.....do.....	380.5178
643	.....do.....	380.8451
643	.....do.....	380.8452
643	.....do.....	380.8145
643	.....do.....	380.8148
643	.....do.....	380.0420

COATS AND JACKETS

333	Cotton, woven.....	380.0940
333	.....do.....	380.0960
333	.....do.....	380.1235
333	.....do.....	380.1255
333	.....do.....	380.0042
459	Wool, knit.....	380.5795
434	.....do.....	380.6110

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
433	do.	380.0240
433	Wool, woven	380.6310
433	do.	380.6611
433	do.	380.6812
633	Manmade, knit	380.8104
633	do.	380.8105
633	do.	380.0402
633	Manmade, woven	380.0443
633	do.	380.5184
633	do.	380.8411
633	do.	380.8412

TROUSERS

347	Cotton, woven	380.3920
347	do.	380.3924
347	do.	380.3923
347	do.	380.3921
347	do.	380.3930
347	do.	380.3928
347	do.	380.3926
347	do.	380.5124
347	Cotton, knit	380.0033
347	do.	380.0660
347	Cotton, woven	380.0071
347	do.	380.0072
447	Wool, woven	380.0285
447	do.	380.5154
447	do.	380.6360
447	do.	380.6660
447	Manmade, knit	380.0435
447	do.	380.0430
447	do.	380.8142
447	do.	380.8166
447	do.	380.8187
447	Manmade, woven	380.0468
447	do.	380.0469
447	do.	380.5184
447	do.	380.8449
447	do.	380.8456
447	do.	380.8457

OVERCOATS AND RAINCOATS

334	Cotton, woven	380.0910
334	do.	380.0920
334	do.	380.1210
334	do.	380.1220
334	do.	380.0980
334	do.	380.0990
334	do.	380.1280
334	Cotton, knit	380.1290
334	do.	380.0002
334	do.	380.0611
334	Cotton, woven	380.0046
434	Wool, woven	380.0245
434	do.	380.5136
434	do.	380.5137
434	do.	380.6320
434	do.	380.6615
434	do.	380.6616
634	Manmade, knit	380.8101
634	do.	380.8109
634	do.	380.8111
634	do.	380.0405
634	Manmade, woven	380.0445
634	do.	380.5168
634	do.	380.8410
633	do.	380.8416
634	do.	380.8417

SHIRTS

338	Cotton, knit	380.0651
338	do.	380.0652
340	Cotton, woven	380.0080
340	do.	380.2750
340	do.	380.2760
340	do.	380.2782
340	do.	380.2788
340	do.	380.2798
340	do.	380.2778
338	Cotton, knit	380.0028
338	do.	380.0029
459	Wool, knit	380.5795
438	do.	380.0205

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
438	do.	380.8120
440	Wool, woven	380.0255
440	do.	380.5142
440	do.	380.8340
638	Manmade, knit	380.0419
638	do.	380.8138
638	do.	380.8139
640	Manmade, woven	380.0455
640	do.	380.8435
640	do.	380.0458
640	do.	380.0461
640	do.	380.5172
640	do.	380.8440
640	do.	380.8445

SWEATERS AND CARDIGANS

345	Cotton, knit	380.0658
345	do.	380.0659
345	do.	380.0030
359	do.	380.0695
359	do.	380.0654
445	Wool, knit	380.5730
445	do.	380.5740
445	do.	380.5750
445	do.	382.0209
445	do.	380.5900
445	do.	380.6130
445	do.	380.6140
445	do.	380.6145
445	do.	380.6155
459	do.	380.6160
459	do.	380.7215
645	Manmade	380.0422
645	do.	380.0428
645	do.	380.8152
645	do.	380.8153

DRESSING GOWNS AND ROBES

350	Cotton, woven	380.0049
350	do.	380.1520
350	do.	380.1540
350	do.	380.1820
350	do.	380.1840
350	Cotton, knit	380.0099
350	do.	380.0620
459	Wool, woven	380.0250
459	do.	380.6330
650	Manmade, knit	380.6630
650	do.	380.0408
650	do.	380.8117
650	Manmade, woven	380.0449
650	do.	380.8425

PAJAMAS AND OTHER NIGHTWEAR

351	Cotton, knit	380.0011
351	do.	380.0625
351	Cotton, woven	380.2100
351	do.	380.2400
351	do.	380.3909
351	do.	380.0050
651	Manmade, knit	390.0411
651	do.	380.8123
651	Manmade, woven	380.0452
651	do.	380.8430

MUFFLERS, SCARVES AND SHAWLS

359	Cotton, knit	373.1010
359	do.	372.1520
359	Cotton, woven	372.1040
359	do.	372.1540
359	do.	372.1560
359	Wool, knit	372.3900
459	do.	372.1020
459	do.	372.3500
459	Wool, woven	372.1050
459	do.	372.4500
659	Manmade, knit	372.1030
659	do.	372.7000
659	Manmade, woven	372.1090
659	do.	372.7520
659	do.	372.7540

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
NECKTIES		
359	Cotton, knit	373.0500
359	do.	373.1000
459	Wool, knit	373.1500
659	Manmade, knit	373.2500
659	Manmade, woven	373.2700

VESTS

359	Cotton, woven	380.0073
359	do.	380.3320
359	do.	380.3620

BEACHWEAR

659	Manmade, knit	380.0429
659	do.	380.8163
659	Manmade, woven	380.0465
659	do.	380.8453

UNDERWEAR

352	Cotton, knit	380.0635
338	do.	380.0018
338	do.	380.0021
336	do.	380.0640
352	do.	378.1030
352	do.	378.1530
352	do.	378.1520
352	do.	378.2011
352	do.	378.2510
352	do.	378.0540
352	Cotton, woven	378.0561
459	Wool, woven	378.4000
459	do.	378.4500
638	Manmade, knit	380.0416
638	do.	380.0417
630	do.	370.8820
630	do.	370.8840
652	do.	378.0545
652	do.	378.6015
652	do.	378.6020
652	Manmade, woven	378.0565
652	do.	378.6511

WORK GLOVES

331	Cotton, woven	704.4010
331	Cotton, knit	704.4502
331	do.	704.4504
331	do.	704.4506
331	do.	704.4508
.....	Leather (100 pct)	705.3510
.....	Leather (part)	705.3550
.....	Rubber and plastics (dipped)	705.8600

LEATHER WEARING APPAREL

333	With cotton, woven	791.7412
334	do.	791.7413
347	do.	791.7415
348	With cotton, knit	791.7420
350	With cotton, woven	791.7426
459	With wool, knit	791.7430
459	With wool, woven	791.7440
645	With manmade, knit	791.7454
645	do.	791.7458
633	do.	791.7459
634	do.	791.7460
659	do.	791.7464
633	With manmade, woven	791.7470
634	do.	791.7471
647	do.	791.7480
659	do.	791.7484
.....	With other fibers	791.7460
.....	All leather apparel	791.7620
.....	do.	791.7660

In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "men's and boys' apparel" for the purposes of this notice.

[FR Doc. 78-15228 Filed 5-31-78; 8:45 am]

[4810-22]

CERTAIN TEXTILES AND TEXTILE PRODUCTS
FROM THE REPUBLIC OF KOREA

Preliminary Countervailing Duty Determination

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of the Republic of Korea has given benefits which are not considered to be bounties or grants on the manufacture or exportation of men's and boys' apparel and textile mill products of cotton, wool, and man-made fiber, because the net amount of such benefits are deemed legally de minimis. A final determination will be made by November 7, 1978. Interested persons are invited to comment on this action.

EFFECTIVE DATE: June 1, 1978.

FOR FURTHER INFORMATION
CONTACT:

William Trujillo, Operations Officer, Duty Assessment Division, Office of Operations, U.S. Customs Service, Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On January 30, 1978, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (43 FR 3972). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of the Republic of Korea upon the manufacture, production or exportation of men's and boys' apparel and textile mill products of cotton, wool, and manmade fiber constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

For purposes of this notice "textile mill products" include yarns, fabrics, household textiles, and miscellaneous products of textile mills made of cotton, wool, and manmade fibers, as specified in U.S. bilateral textile agreements; and "men's and boys' apparel"

The textile items involved include those in categories 331-359, 433-459, and 630-659, of the correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated, as published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), and amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR

includes those items described in the appendix to this notice, together with their Tariff Schedule classifications.

On the basis of an investigation conducted pursuant to section 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), it preliminarily has been determined that certain practices of the Government of the Republic of Korea provided benefits to manufacturers, but that such benefits do not constitute bounties or grants within the meaning of section 303 of the Act. The benefits bestowed thereunder involve an aggregate amount of twenty-five one hundredths of one percent (0.25%), of the value of the merchandise exported and are therefore, considered to be de minimis. These practices are:

1. Short term financing at preferential interest rates.

2. Interest savings resulting from delayed payment in customs duties on imports of machinery and equipment.

3. Tax benefits under a provision for accelerated depreciation in connection with fixed assets used directly for exportation of goods.

4. Interest savings resulting from tax deferrals by inclusion in loss accounts in reserve funds in connection with losses accruing from export activities.

It preliminarily has been determined that certain practices of the Government of the Republic of Korea do not constitute a bounty or grant in that they do not on their face describe a bounty based on the information currently available. These practices are:

1. Exemption of commodity and textile taxes, which were indirect taxes levied on the exported product. These taxes were substituted for a value added tax on January 1, 1978, which also is an indirect tax. The Department has consistently held that the nonexcessive rebate or remission of indirect taxes, directly related to an exported product, does not constitute a bounty or grant within the meaning of the law. There is no evidence before the Department that value added tax rebates operate to confer bounties or grants on exports of the merchandise in question from Korea. Consistent with the guidelines set out by the U.S. Court of Customs and Patent Appeals in its decision in the *Zenith* case, Treasury will investigate whether the rebate or remission of the value added tax exceeds the rate of tax. (*United States v. Zenith Radio Corporation*, 562 F. 2d 1209 (C.C.P.A. 1977), cert. granted, 46 U.S.L.W. 13511 (February 21, 1978)).

56881) January 21, 1977 (42 FR 3888), and March 7, 1977 (42 FR 12898), January 25, 1978 (43 FR 3421) and March 3, 1978 (43 FR 8828). In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "textile mill products" for the purpose of this notice.

2. Remission, upon exportation, of customs duties on imported raw materials, reflecting internationally accepted principles of "drawback" on such items. This includes a "wastage allowance", whereby the exporter allegedly receives duty remission in an amount greater than he is entitled to receive. The principles of drawback would include the remission of duties paid on total imports of raw materials, some of which are not used in the final product due to the manufacturing process.

3. Benefits from Export Industrial Estates. Under the Export Industrial Estate Development Law, manufacturers allegedly are given benefits for locating in areas outside of traditional population centers. No benefits, but rather certain disincentives, have been imposed on factories in high population areas to encourage their location in the Industrial Estates.

4. Long term and special raw material purchase loans. There is no evidence to show that the terms of these loans are favorable compared to those commercially available. The terms are the London Inter-Bank offer rate plus 2.5 percent. Security requirement for the raw material loan is 125 percent.

It preliminarily has been determined that certain practices of the Government of the Republic of Korea do not constitute a bounty or grant on grounds that they are either not applicable or not utilized by the textile industry. These practices are:

1. Benefits to exporters of the "link system" which allegedly provides exporters the right to impact certain luxury items that are ordinarily carefully controlled. None of the textile firms utilized this system in 1977 and the program was abolished December 31, 1977.

2. Benefits from locating in Masan and IRI Free Export Zones. No textile facilities are located in these zones.

3. Deferred payment export financing, which is not utilized by the textile industry.

4. Deferred payment of commodity and textile taxes. Prior to abolition of these taxes, the textile industry was not eligible for any extension of payments on these taxes.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by this office not later than July 3, 1978.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department

Order 190 Revision 15, March 16, 1978, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and section 159.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to the issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel
of the Treasury.

MAY 25, 1978.

APPENDIX

Catalog No.	Item	TSUSA No.
SUITS		
443	Wool, woven	380.0280
443	do	380.5146
443	do	380.6350
443	do	380.6651
443	do	380.6652
443	do	380.6653
443	do	380.6654
643	Manmade, woven	380.0484
643	do	380.5176
643	do	380.8451
643	do	380.8452
643	do	380.8145
643	do	380.8148
643	do	380.0420

COATS AND JACKETS

333	Cotton, woven	380.0940
333	do	380.0950
333	do	380.1235
333	do	380.1255
333	do	380.0042
459	Wool, knit	380.5795
434	do	380.6110
434	do	380.0240
433	Wool, woven	380.6310
433	do	380.6611
433	do	380.6612
633	Manmade, knit	380.8104
633	do	380.8105
633	do	380.0402
633	Manmade, woven	380.0443
633	do	380.5184
633	do	380.8411
633	do	380.8412

TROUSERS

347	Cotton, woven	380.3920
347	do	380.3924
347	do	380.3923
347	do	380.3921
347	do	380.3930
347	do	380.3928
347	do	380.3926
347	do	380.5124
347	Cotton, knit	380.0033
347	do	380.0660
347	Cotton, woven	380.0071
347	do	380.0072
447	Wool, woven	380.0265
447	do	380.5154
447	do	380.6360
447	do	380.6660
647	Manmade, knit	380.0435
647	do	380.0430
647	do	380.8142
647	do	380.8166
647	do	380.8167
647	Manmade, woven	380.0468
647	do	380.0469
647	do	380.5184
647	do	380.8449
647	do	380.8456
647	do	380.8457

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
OVERCOATS AND RAINCOATS		
334	Cotton, woven	380.0910
334	do	380.0920
334	do	380.1210
334	do	380.1220
334	do	380.0980
334	do	380.0990
334	do	380.1280
334	do	380.1290
334	Cotton, knit	380.0002
334	do	380.0611
334	do	380.0045
434	Cotton, woven	380.0245
434	Wool, woven	380.5136
434	do	380.5137
434	do	380.6320
434	do	380.6615
434	do	380.6616
634	Manmade, knit	380.8101
634	do	380.8109
634	do	380.8111
634	do	380.0405
634	Manmade, woven	380.0445
634	do	380.5168
634	do	380.8410
633	do	380.8416
634	do	380.8417

SHIRTS

338	Cotton, knit	380.0651
338	do	380.0652
340	Cotton, woven	380.0060
340	do	380.2750
340	do	380.2760
340	do	380.2782
340	do	380.2788
340	do	380.2798
340	do	380.2770
338	Cotton, knit	380.0028
338	do	380.0029
459	Wool, knit	380.5795
438	do	380.0205
438	do	380.6120
440	Wool, woven	380.0255
440	do	380.5142
440	do	380.6340
638	Manmade, knit	380.0419
638	do	380.8138
638	do	380.8139
640	Manmade, woven	380.0455
640	do	380.8435
640	do	380.0458
640	do	380.0461
640	do	380.5172
640	do	380.8440
640	do	380.8445

SWEATERS AND CARDIGANS

345	Cotton, knit	380.0658
345	do	380.0659
345	do	380.0030
345	do	380.0695
345	do	380.0654
445	Wool, knit	380.5730
445	do	380.5740
445	do	380.5750
445	do	382.0209
445	do	380.5900
445	do	380.6130
445	do	380.6140
445	do	380.6145
445	do	380.6155
459	do	380.6180
459	do	380.7215
645	Manmade	380.0422
645	do	380.0426
645	do	380.8152
645	do	380.8153

DRESSING GOWNS AND ROBES

330	Cotton, woven	380.0049
350	do	380.1520

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
350	do	380.1540
350	do	380.1820
350	do	380.1840
350	Cotton, knit	380.0009
350	do	380.0620
459	Wool, woven	380.0250
459	do	380.6330
459	do	380.6630
650	Manmade, knit	380.0408
650	do	380.8117
650	Manmade, woven	380.0449
650	do	380.8425

PAJAMAS AND OTHER NIGHTWEAR

351	Cotton, knit	380.0011
351	do	380.0625
351	Cotton, woven	380.2100
351	do	380.2400
351	do	380.3909
351	do	380.0050
651	Manmade, knit	380.0411
651	do	380.8123
651	Manmade, woven	380.0452
651	do	380.8430

MUFFLERS, SCARVES, AND SHAWLS

359	Cotton, knit	372.1010
359	do	372.1520
359	Cotton, woven	372.1040
359	do	372.1540
359	do	372.1560
459	Wool, knit	372.3000
459	do	372.1020
459	do	372.3500
459	Wool, woven	372.1050
459	do	372.4500
659	Manmade, knit	372.1030
659	do	372.7000
659	Manmade, woven	372.1060
659	do	372.7520
659	do	372.7540

NECKTIES

359	Cotton, knit	373.0500
359	do	373.1000
459	Wool, knit	373.1500
659	Manmade, knit	373.2500
659	Manmade, woven	373.2700

VESTS

359	Cotton, woven	380.0073
359	do	380.3320
359	do	380.3620

BEACHWEAR

659	Manmade, knit	380.0429
659	do	380.8163
659	Manmade, woven	380.0465
659	do	380.8453

UNDERWEAR

352	Cotton, knit	280.0635
338	do	280.0018
338	do	280.0021
338	do	280.0640
352	do	278.1030
352	do	278.1530
352	do	278.1520
352	do	278.2011
352	do	278.2510
352	do	278.0540
352	Cotton, woven	278.0561
459	Wool, woven	278.4000
459	do	278.4500
638	Manmade, knit	280.0416
638	do	280.0417
630	do	270.8820

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
630	do	370.8840
652	do	378.0545
652	do	378.6015
652	do	378.6020
652	Manmade, woven	378.0565
652	do	378.6511

WORK GLOVES

331	Cotton, woven	704.4010
331	Cotton, knit	704.4502
331	do	704.4504
331	do	704.4506
331	do	704.4508
.....	Leather (100 pct)	705.3510
.....	Leather (part)	705.3550
.....	Rubber and plastics (dipped)	705.8600

In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "men's and boys' apparel" for the purposes of this notice.

[FR Doc. 78-15229 Filed 5-31-78; 8:45 am]

[4810-22]

CERTAIN TEXTILES AND TEXTILE PRODUCTS FROM THE PHILIPPINES

Preliminary Countervailing Duty Determination

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Preliminary countervailing duty determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of the Philippines has given benefits which may constitute bounties or grants on the manufacture or exportation of men's and boys' apparel and textile mill products of cotton, wool, and man-made fiber. A final determination will be made by November 7, 1978. Interested persons are invited to comment on this action.

EFFECTIVE DATE: June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Leon McNeill, Duty Assessment Division, Office of Operations, U.S. Customs Service, Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: On January 30, 1977, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (43 FR 3975). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of the Philippines upon the manufacture, production, or exportation of men's and boys' apparel and textile mill products of cotton, wool, and man-made fiber constitute the payment or bestowal or a bounty of grant, directly or indirectly, within

the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

For purposes of this notice "textile mill products" include yarns, fabrics, household textiles, and miscellaneous products of textile mills made of cotton, wool, and man-made fibers, as specified in U.S. bilateral textile agreements; and "men's and boys' apparel" includes those items described in the appendix to this notice, together with their Tariff Schedule classifications.

On the basis of an investigation conducted pursuant to section 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), it preliminarily has been determined that benefits have been received by the Philippine manufacturers/exporters of men's and boys' apparel and textile mill products of cotton, wool, and man-made fiber which may constitute bounties or grants within the meaning of the Act. These benefits have been conferred under the following programs:

1. Various tax incentives under the Export Incentives Act (R.A. 6135) including:

A. Exemption from import duties and compensating taxes on imported machinery and equipment.

B. Tax credits on domestic capital equipment purchased equal to the amount of taxes and duties that would have been paid had the equipment been imported.

C. Reduced income tax for 5 years.

D. Income tax benefits resulting from 50 percent deduction from taxable income for training expenses.

E. Tax benefits resulting from the deduction of undistributed profit reinvested in capital stock for procurement or expansion of machinery and equipment used.

2. Possible preferential financing benefits resulting from the Central Bank's alleged relaxed cash deposit requirements on letters of credit opened by Philippine importers resulting in lower costs to exporters of imported components and raw materials.

3. Special incentives granted to companies located in the Bataan Export Processing Zone, including:

A. Accelerated depreciation rates for fixed assets.

B. The carryover as deductions from taxable income for 5 years of losses in-

"The textile items involved include those in categories 331-359, 433-459, and 630-659 of the Correlation: Textile and Apparel Categories with Tariff Schedules in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), and amended on December 31, 1975 (40 FR 60220), December 30, 1976 (41 FR 56881), January 21, 1977 (42 FR 3888) and March 7, 1977 (42 FR 12898) January 25, 1978 (43 FR 3421) and March 3, 1978 (43 FR 8828). In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "textile mill products" for the purposes of this notice.

curred during the first 5 years of operation.

C. The exemption of taxes and duties on imports of machinery and equipment used in the production of articles to be exported.

D. Reduced income taxes.

E. Government guaranteed loans.

F. Special financial assistance for factory construction.

4. Priority status of exporters in the issuance of import licenses and foreign exchange allocations.

Programs preliminarily determined to be not applicable to or utilized by the textile industry in the Philippines include:

1. Various incentives under the Investment Incentives Act. No textile company receives benefits under that law.

2. Tax credit on purchase of domestic capital equipment, none of which is purchased domestically by the textile industry.

Programs preliminarily determined not to be bounties or grants with the meaning of the Act include the following:

1. Various tax incentives under the Export Incentives Act (R.A. 6135), including:

A. Customs duty exemption for imported components used in the production of articles to be exported (drawback).

B. Exemption from sales taxes of export sales.

The Department has consistently held that the non-excessive rebate or remission of indirect taxes, directly related to an exported product, does not constitute a bounty or grant within the meaning of the law. There is no evidence before the Department that the rebate of this tax operates to confer bounties or grants on exports of the merchandise in question from the Philippines. Consistent with the guidelines set out by the U.S. Court of Customs and Patent Appeals in its decision in the *Zenith* case, Treasury will investigate whether the rebate or remission of this tax exceeds the rate of tax, (*United States v. Zenith Radio Corporation*, 562 F. 2d 1209 (C.C.P.A. 1977), cert. granted, 46 U.S.L.W. 13511 (February 21, 1978)).

C. Exemption from specific taxes (i.e., special excise tax) and compensating taxes (i.e., border tax adjustments) of raw materials used in articles to be exported.

2. Incentives granted to companies located in the Bataan Export Processing Zone, including:

A. The exemption of taxes and duties on imports of raw materials and supplies used in the production of articles to be exported. These are not treated as bounties by Treasury.

B. Exemption from municipal and provincial sales taxes.

C. Reduced utility and water rates. According to the Government, these

rates are identical to ordinary rates assessed outside the Zone.

D. Manpower training in market promotion. According to the Government, no such assistance exists.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office not later than July 3, 1978.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 Revision 15, March 16, 1978, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and section 159.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to this issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

MAY 25, 1978.

APPENDIX

Catalog No.	Item	TSUSA No.
SUITS		
443	Wool, woven	380.0280
443	do	380.5148
443	do	380.8350
443	do	380.8651
443	do	380.8652
443	do	380.8653
443	do	380.8654
443	Manmade, woven	380.0464
443	do	380.5178
443	do	380.8451
443	do	380.8452
443	do	380.8145
443	do	380.8148
443	do	380.0420
COATS AND JACKETS		
333	Cotton, woven	380.0940
333	do	380.0960
333	do	380.1235
333	do	380.1255
333	do	380.0042
459	Wool, knit	380.5795
434	do	380.6110
433	do	380.0240
433	Wool, woven	380.6310
433	do	380.6611
433	do	380.6812
633	Manmade, knit	380.8104
633	do	380.8105
633	do	380.0402
633	Manmade, woven	380.0443
633	do	380.5164
633	do	380.6411
633	do	380.8412
TROUSERS		
347	Cotton, woven	380.3920
347	do	380.3924

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
347	do	380.3923
347	do	380.3921
347	do	380.3930
347	do	380.3928
347	do	380.3928
347	do	380.5124
347	Cotton, knit	380.0033
347	do	380.0660
347	Cotton, woven	380.0071
347	do	380.0072
447	do	380.0265
447	do	380.5154
447	do	380.6360
447	do	380.6660
447	Manmade, knit	380.0435
447	do	380.0430
447	do	380.8142
447	do	380.8166
447	do	380.8167
447	Manmade, woven	380.0468
447	do	380.0469
447	do	380.5184
447	do	380.8449
447	do	380.8458
447	do	380.8457
OVERCOATS AND RAINCOATS		
334	Cotton, woven	380.0910
334	do	380.0920
334	do	380.1210
334	do	380.1220
334	do	380.0980
334	do	380.0990
334	do	380.1280
334	do	380.1290
334	Cotton, knit	380.0002
334	do	380.0611
334	Cotton, woven	380.0045
434	Wool, woven	380.0245
434	do	380.5136
434	do	380.5137
434	do	380.6320
434	do	380.6615
434	do	380.6616
434	Manmade, knit	380.8101
434	do	380.8109
434	do	380.8111
434	do	380.0405
434	Manmade, woven	380.0445
434	do	380.5168
434	do	380.8410
434	do	380.8418
434	do	380.8417
SHIRTS		
338	Cotton, knit	380.0651
338	do	380.0652
340	Cotton, woven	380.0060
340	do	380.2750
340	do	380.2760
340	do	380.2782
340	do	380.2788
340	do	380.2798
340	do	380.2770
338	Cotton, knit	380.0028
338	do	380.0029
459	Wool, knit	380.5795
438	do	380.0205
438	do	380.8120
440	Wool, woven	380.0255
440	do	380.5142
440	do	380.6340
638	Manmade, knit	380.0419
638	do	380.8138
638	do	380.8139
640	Manmade, woven	380.0455
640	do	380.8435
640	do	380.0458
640	do	380.0461
640	do	380.5172
640	do	380.8440
640	do	380.8445

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
SWEATERS AND CARDIGANS		
345	Cotton, knit	380.0658
345	do	380.0659
345	do	380.0030
35^	do	380.0695
359	do	380.0654
445	Wool, knit	380.5730
445	do	380.5740
445	do	380.5750
445	do	382.0209
445	do	380.5900
445	do	380.6130
445	do	380.6140
445	do	380.6145
445	do	380.6155
459	do	380.6160
459	do	380.7215
645	Manmade	380.0422
645	do	380.0428
645	do	380.8152
645	do	380.8153
DRESSING GOWNS AND ROBES		
350	Cotton, woven	380.0049
350	do	380.1520
350	do	380.1540
350	do	380.1820
350	do	380.1840
350	Cotton, knit	380.0009
350	do	380.0620
459	Wool, woven	380.0250
459	do	380.6330
459	do	380.6630
650	Manmade, knit	380.0408
650	do	380.8117
650	Manmade, woven	380.0449
650	do	380.8425
PAJAMAS AND OTHER NIGHTWEAR		
351	Cotton, knit	380.0011
351	do	380.0625
351	Cotton, woven	380.2100
351	do	380.2400
351	do	380.3909
351	do	380.0050
651	Manmade, knit	380.0411
651	do	380.8123
651	Manmade, woven	380.0452
651	do	380.8430
MUFFLERS, SCARVES, AND SHAWLS		
359	Cotton, knit	372.1010
359	do	372.1520
359	Cotton, woven	372.1040
359	do	372.1540
359	do	372.1560
359	Wool, knit	372.3000
459	do	372.1020
459	do	372.3500
459	Wool, woven	372.1050
459	do	372.4500
659	Manmade, knit	372.1030
659	do	372.7000
659	Manmade, woven	372.1060
659	do	372.7520
659	do	372.7540
NECKTIES		
359	Cotton, knit	373.0500
359	do	373.1000
459	Wool, knit	373.1500
659	Manmade, knit	373.2500
659	Manmade, woven	373.2700
VESTS		
359	Cotton, woven	380.0073
359	do	380.3320
359	do	380.3620

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
BEACHWEAR		
659	Manmade, knit	380.0429
659	do	380.8163
659	Manmade, woven	380.0465
659	do	380.8453
UNDERWEAR		
352	Cotton, knit	380.0635
338	do	380.0018
338	do	380.0021
338	do	380.0840
352	do	378.1030
352	do	378.1530
352	do	378.1520
352	do	378.2011
352	do	378.2510
352	do	378.0540
352	Cotton, woven	378.0561
459	Wool, woven	378.4000
459	do	378.4500
638	Manmade, knit	380.0416
638	do	380.0417
630	do	370.8820
630	do	370.8840
652	do	378.0545
652	do	378.6015
652	do	378.6020
652	Manmade, woven	378.0565
652	do	378.6511
WORK GLOVES		
331	Cotton, woven	704.4010
331	Cotton, knit	704.4502
331	do	704.4504
331	do	704.4506
331	do	704.4508
.....	Leather (100 pct.)	705.3510
.....	Leather (part)	705.3550
.....	Rubber and plastics (dipped)	705.8600
LEATHER WEARING APPAREL		
333	With cotton, woven	791.7412
334	do	791.7413
347	do	791.7418
348	With cotton, knit	791.7420
359	With cotton, woven	791.7428
459	With wool, knit	791.7430
459	With wool, woven	791.7440
645	With manmade, knit	791.7454
648	do	791.7458
633	do	791.7459
634	do	791.7460
659	do	791.7464
633	With manmade, woven	791.7470
634	do	791.7471
647	do	791.7480
659	do	791.7484
.....	With other fibers	791.7490
.....	All leather apparel	791.7620
.....	do	791.7680

In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "men's and boys' apparel" for the purposes of this notice.

[FR Doc. 78-15230 Filed 5-31-78; 8:45 am]

[4810-22]

CERTAIN TEXTILES AND TEXTILE PRODUCTS FROM URUGUAY

Preliminary Countervailing Duty Determination

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of Uruguay has given benefits which may constitute bounties or grants on the manufacture or exportation of men's and boys' apparel and textile mill products of cotton, wool, and manmade fiber. A final determination will be made by November 7, 1978. Interested parties will have an opportunity to comment on this action.

EFFECTIVE DATE: June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Ready, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION:

On January 30, 1978, a notice of "Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (43 FR 3977). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of Uruguay upon the manufacture, production, or exportation of men's and boys' apparel and textile mill products of cotton, wool, and manmade fiber constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

For purposes of this notice "textile mill products" include yarns, fabrics, household textiles, and miscellaneous products of textile mills made of cotton, wool, and manmade fibers, as specified in U.S. bilateral textile agreements; and "men's and boys' apparel" includes those items described in the appendix to this notice, together with their Tariff Schedule classifications.

On the basis of evidence collected to date in an investigation conducted pursuant to § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), it preliminarily has been determined that benefits have been received by Urugu-

The textile items involved include those in categories 331-359, 433-459, and 630-659, of the Correlation: Textile and Apparel Categories with Tariff Schedules of the United States Annotated, as published in the FEDERAL REGISTER on Feb. 3, 1975 (40 FR 5010), and amended on Dec. 31, 1975 (40 FR 60220), Dec. 30, 1976 (41 FR 56881), Jan. 21, 1977 (42 FR 3888), Mar. 7, 1977 (42 FR 12898), Jan. 25, 1978 (43 FR 3421) and Mar. 3, 1978 (43 FR 8828). In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "textile mill products" for the purposes of this notice.

guayan manufacturers/exporters of men's and boys' apparel and textile mill products of cotton, wool, and manmade fiber which may constitute bounties or grants within the meaning of the Act. The benefits have been conferred under the following programs:

1. Reduction in the corporate income tax on export earnings of nontraditional exports.

2. Tax holidays on all earnings for new export-oriented industries and other concessions for additional investments by already existing export industries.

3. The granting of tax certificates, known as "reintegros", calculated as a percentage of the value of exported goods.

4. Export financing at preferential rates.

5. Tax concessions and free services for firms located within free ports and zones.

The rebate of import duties paid on raw materials used in the production of men's and boys' apparel and textile mill products of cotton, wool, and manmade fiber have been preliminary determined not to constitute bounties of grants within the meaning of the Act.

The rebate of the Uruguayan value added tax upon export was also cited as an additional program which confers a bounty or grant upon manufacturers covered by this investigation. The Department has consistently held that the non-excessive rebate or remission of indirect taxes, directly related to an exported product, does not constitute a bounty or grant within the meaning of the Act. There is no evidence before the Department that the value added tax rebates operate to confer bounties or grants on exports of the merchandise in question from Uruguay. Consistent with the guidelines set out by the U.S. Court of Customs and Patent Appeals in its decision in the *Zenith* case, Treasury will investigate whether the rebate or remission of the value added tax exceeds the rate of tax. (*United States v. Zenith Radio Corporation*, 562 F. 2d 1209 (C.C.P.A. 1977), cert. granted, 46 U.S.L.W. 13511 (Feb. 21, 1978)).

Before a final determination is made, consideration will be given to any relevant data, views, or arguments submitted in writing with respect to this preliminary determination. Submission should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 28 of 1950 and Treasury Department Order 190 Revision 15, March 16, 1978, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and section 159.47 of the Customs Regulations (19 CFR 159.47) insofar as they pertain to the issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.
MAY 25, 1978.

APPENDIX

Catalog No.	Item	TSUSA No.
Suits		
443	Wool, woven	380.0280
443	do	380.5146
443	do	380.6350
443	do	380.6651
443	do	380.6652
443	do	380.6653
443	do	380.6654
443	Manmade, woven	380.0484
443	do	380.5176
443	do	380.8451
443	do	380.8452
443	do	380.8148
443	do	380.8148
443	do	380.0420

COATS AND JACKETS		
333	Cotton, woven	380.0940
333	do	380.0960
333	do	380.1235
333	do	380.1255
333	do	380.0042
459	Wool, knit	380.5795
434	do	380.6110
433	do	380.0240
433	Wool, woven	380.6310
433	do	380.6611
433	do	380.6612
633	Manmade, knit	380.8104
633	do	380.8105
633	do	380.0402
633	Manmade, woven	380.0443
633	do	380.5184
633	do	380.8411
633	do	380.8412

TROUSERS		
347	Cotton, woven	380.3920
347	do	380.3924
347	do	380.3923
347	do	380.3921
347	do	380.3930
347	do	380.3928
347	do	380.3926
347	do	380.5124
347	Cotton, knit	380.0033
347	do	380.0660
347	Cotton, woven	380.0071
347	do	380.0073
447	Wool, woven	380.0265
447	do	380.5154
447	do	380.6360
447	do	380.6660
647	Manmade, knit	380.0435
647	do	380.0430
647	do	380.8142
647	do	380.8168
647	do	380.8167
647	Manmade, woven	380.0468
647	do	380.0469
647	do	380.5184
647	do	380.8449
647	do	380.8456
647	do	380.8457

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
OVERCOATS AND RAINCOATS		
334	Cotton, woven	380.0910
334	do	380.0920
334	do	380.1210
334	do	380.1220
334	do	380.0960
334	do	380.0990
334	do	380.1280
334	do	380.1290
334	Cotton, knit	380.0002
334	do	380.0611
334	Cotton, woven	380.0045
434	Wool, woven	380.0245
434	do	380.5136
434	do	380.5137
434	do	380.6320
434	do	380.6615
434	do	380.6616
634	Manmade, knit	380.8101
634	do	380.8109
634	do	380.8111
634	do	380.0405
634	Manmade, woven	380.0445
634	do	380.5168
634	do	380.8410
634	do	380.8416
634	do	380.8417

SHIRTS		
338	Cotton, knit	380.0651
338	do	380.0652
340	Cotton, woven	380.0060
340	do	380.2750
340	do	380.2760
340	do	380.2762
340	do	380.2768
340	do	380.2798
340	do	380.2770
338	Cotton, knit	380.0028
338	do	380.0029
459	Wool, knit	380.5795
438	do	380.0205
438	do	380.6120
440	Wool, woven	380.0255
440	do	380.5142
440	do	380.6340
638	Manmade, knit	380.0419
638	do	380.8138
638	do	380.8139
640	Manmade, woven	380.0465
640	do	380.8435
640	do	380.0458
640	do	380.0461
640	do	380.5172
640	do	380.8440
640	do	380.8445

SWEATERS AND CARDIGANS		
345	Cotton, knit	380.0658
345	do	380.0659
345	do	380.0030
359	do	380.0695
359	do	380.0654
445	Wool, knit	380.5730
445	do	380.5740
445	do	380.5750
445	do	380.0209
445	do	380.5900
445	do	380.6130
445	do	380.6140
445	do	380.6145
445	do	380.6155
459	do	380.6160
459	do	380.7215
645	Manmade	380.0423
645	do	380.0426
645	do	380.8152
645	do	380.8153

DRESSING GOWNS AND ROBES		
350	Cotton, woven	380.0049
350	do	380.1520

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
350	do	380.1540
350	do	380.1820
350	do	380.1840
350	Cotton, knit	380.0009
350	do	380.0620
459	Wool, woven	380.0250
459	do	380.6330
459	do	380.6630
650	Manmade, knit	380.0408
650	do	380.8117
650	Manmade, woven	380.0449
650	do	380.8425

PAJAMAS AND OTHER NIGHTWEAR		
351	Cotton, knit	380.0011
351	do	380.0825
351	Cotton, woven	380.2100
351	do	380.2400
351	do	380.3909
351	do	380.6050
651	Manmade, knit	390.0411
651	do	380.8123
651	Manmade, woven	380.0452
651	do	380.8430

MUFFLERS, SCARVES, AND SHAWLS		
359	Cotton, knit	372.1010
359	do	372.1520
359	Cotton, woven	372.1040
359	do	372.1540
359	do	372.1560
359	Wool, knit	372.3000
459	do	372.1020
459	do	372.3500
459	Wool, woven	372.1050
459	do	372.4500
459	Manmade, knit	372.1030
659	do	372.7000
659	Manmade, woven	372.1060
659	do	372.7520
659	do	372.7540

NECKTIES		
359	Cotton, knit	373.0500
359	do	373.1000
459	Wool, knit	373.1500
659	Manmade, knit	373.2500
659	Manmade, woven	373.2700

VESTS		
359	Cotton, woven	380.0073
359	do	380.3320
359	do	380.3620

BEACHWEAR		
659	Manmade, knit	380.0429
659	do	380.8163
659	Manmade, woven	380.0465
659	do	380.8453

UNDERWEAR		
352	Cotton, knit	380.0635
352	do	380.0018
352	do	380.0021
352	do	380.0640
352	do	378.1030
352	do	378.1530
352	do	378.1520
352	do	378.2011
352	do	378.2510
352	do	378.0840
352	Cotton, woven	378.0561
459	Wool, woven	378.4000
459	do	378.4500
638	Manmade, knit	380.0416
638	do	380.0417
630	do	370.8820

APPENDIX—Continued

Catalog No.	Item	TSUSA No.
630	do	370.8840
652	do	378.0545
652	do	378.6015
652	do	378.6020
652	Manmade, woven	378.0565
652	do	378.6511

WORK GLOVES		
331	Cotton, woven	704.4010
331	Cotton, knit	704.4502
331	do	704.4504
331	do	704.4506
331	do	704.4508
.....	Leather (100 pct)	705.3510
.....	Leather (part)	705.3550
.....	Rubber and plastics (dipped)	705.8600

In addition, all similar products not covered by these categories because they are "certified handloomed and folklore products" are considered "men's and boys' apparel" for the purposes of this notice.

[FR Doc. 78-15231 Filed 5-31-78; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

PRIVACY ACT OF 1974

Amendment of Systems Notices; Additional Routine Uses

Notice is hereby given that the Veterans Administration is considering adding a new routine use to each of the following systems of VA records set forth on pages 49726-49767 of the FEDERAL REGISTER of September 27, 1977.

49VA21, Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA.

50VA22 Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records—VA.

58VA21/22 TARGET—Compensation, Pension, Education and Rehabilitation Records—VA.

The Veterans Administration has determined that contesting claimants and parties claiming an apportionment should have coequal access to information relevant to their claim. Accordingly, this routine use statement is proposed for inclusion in the three systems of records listed above. Release of information for this purpose is considered a necessary and proper use of data in these systems of records.

CHANGES OTHER THAN ROUTINE USE STATEMENTS

1. Notice is hereby given that the Veterans Administration is adding under "Categories of individuals covered by the system" for the systems of records entitled, "Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records—VA" (50VA22) and

"TARGET—Compensation, Pension, Education and Rehabilitation Records—VA" (58VA21/22) the following items, numbers 5 and 13, respectively. "Service members who have applied for VA educational benefits under Title 38, United States Code, Chapter 32."

2. Notice is hereby given that the Veterans Administration is adding under "Categories of individuals covered by the system" for the systems of records entitled, "Veterans and Beneficiary Identification and Records Locator System—VA" (38VA28) the following item: "Service members who have established accounts from which future applications for VA educational benefits, under Title 38, United States Code, Chapter 32 may be based."

3. Notice is hereby given that the Veterans Administration is changing the "Authority for maintenance of the system" section of the system of records entitled "Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records—VA" (50VA22) to include Chapter 32, Title 38, United States Code as an additional authority for maintaining the system of records. Accordingly, the "Authority for maintenance of the system" section is changed to read: "Title 38, United States Code, Chapter 3, Section 210(c)(1), and Chapters 31, 32, 34, 35 and 36."

4. Notice is hereby given that the Veterans Administration is changing the "Authority for maintenance of the system" section of the system of records entitled, "TARGET—Compensation, Pension, Education and Rehabilitation Records—VA" (58VA21/22) to include Chapter 32, Title 38, United States Code as an additional authority for maintaining the system of records. Accordingly, the "Authority for maintenance of the system" section is changed to read: "Title 38, United States Code, Chapter 3, Section 210(c)(1), and Chapters 11, 13, 15, 23, 31, 32, 34, 35 and 36."

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before July 3, 1978, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), until July 12, 1978. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the room number.

If no public comment is received during the 30-day review period, July 3, 1978, allowed for public comment or unless otherwise published in the FEDERAL REGISTER by the Veterans Administration, the new routine use statements and changes included herein are effective May 25, 1978.

Approved: May 25, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

NOTICE OF SYSTEM OF RECORDS

In the system identified as 49VA21, "Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA," appearing at 42 FR 49753, the following routine use statement is added to read as follows:

System name: Veterans, Dependents, and Beneficiaries Compensation and Pension Records—VA.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

.....

26. Information from this system of records which directly affects payment or potential payment of benefits to contesting claimants, including parties claiming an apportioned share of benefits may be coequally disclosed to each affected claimant upon request from that claimant in conjunction with the claim for benefits sought or received.

In the system identified as 50VA22, "Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records—VA," appearing at 42 FR 49754, an additional category of individuals is added; the section "Authority for maintenance of the system" is changed; and an additional routine use statement is added as follows:

System name: Veterans, Dependents, Beneficiaries and Armed Forces Personnel Education and Rehabilitation Records—VA.

Categories of individuals covered by the system:

.....

5. Service members who have applied for VA educational benefits under Title 38, United States Code, Chapter 32.

.....

Authority for maintenance of the system: Title 38, United States Code,

Chapter 3, Section 210(c)(1) and Chapters 31, 32, 34, 35, and 36.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information from this system of records which directly affects payment or potential payment of benefits to contesting claimants, including parties claiming an apportioned share of benefits, may be coequally disclosed to each affected claimant upon request from that claimant in conjunction with the claim for benefits sought or received.

In the system of records identified as 58VA21/22, "TARGET—Compensation, Pension, Education and Rehabilitation Records—VA," appearing at 42 FR 49760, an additional category of individuals is added; the section "Authority for maintenance of the system" is changed; and an additional routine use statement is added as follows:

System name: TARGET—Compensation, Pension, Education and Rehabilitation Records—VA.

Categories of individuals covered by the system:

13. Service members who have applied for VA educational benefits under Title 38, United States Code, Chapter 32.

Authority for maintenance of the system: Title 38, United States Code, Chapter 3, Section 210(c)(1) and Chapters 11, 13, 15, 23, 31, 32, 34, 35, and 38.

Routine uses of records maintained in the system including categories of users and the purposes of such uses:

34. Information from this system of records which directly affects payment or potential payment of benefits to contesting claimants, including parties claiming an apportioned share of benefits, may be coequally disclosed to each affected claimant upon request from that claimant in conjunction with the claim for benefits sought or received.

In the system identified as 38VA28, "Veterans and Beneficiary Identification and Records Locator System—VA," appearing at 42 FR 49747, and

additional category of individual is added as follows:

System name: Veterans and Beneficiary Identification and Records Locator System—VA.

Categories of individuals covered by the system:

Service members who have established accounts from which future applications for VA educational benefits, under Title 38, United States Code, Chapter 32 may be based.

[FR Doc. 78-15273 Filed: 5-31-78 8:45 am]

[1505-01]

INTERSTATE COMMERCE COMMISSION

[No. MCC 10096]

DECLARATORY ORDER—EXECUTIVE COACH SERVICE

Filing of Petition

Correction

In FR Doc. 78-12784, appearing at page 20295 in the issue of Thursday, May 11, 1978, make the following correction on page 20295.

In column two, on the first line, the date "June 12, 1978" should appear in the blank.

[1505-01]

[Notice No. 70]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In FR Doc. 78-12611, appearing at page 19973 in the issue of Tuesday, May 9, 1978, make the following correction on page 19975.

In column one, tenth line of "No. MC 112520 (Sub-No. 353TA)", the word "pumpmill" should read "pulp-mill".

[7035-01]

[Notice No. 672]

ASSIGNMENT OF HEARINGS

MAY 25, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish no-

tices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction¹

No. MC 107993 (Sub-No. 58), J. J. Willis Trucking Co., is dismissed, as published in the FEDERAL REGISTER of March 22, 1978, page 11886.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15252 Filed 5-31-78; 8:45 am]

[7035-01]

[Notice No. 673]

ASSIGNMENT OF HEARINGS

MAY 26, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC 41406 (Sub-No. 62), Artim Transportation System, Inc.; No. MC 69397 (Sub-No. 32), James H. Hartman & Son, Inc.; No. MC 74321 (Sub-No. 138), B. F. Walker, Inc.; No. MC 83539 (Sub-No. 483F), C & H Transportation Co., Inc.; No. MC 88380 (Sub-No. 28), Reb Transportation, Inc.; No. MC 105045 (Sub-No. 81F), R. L. Jeffries Trucking Co., Inc.; No. MC 107445 (Sub-No. 15), Underwood Machinery Transport, Inc.; No. MC 115904 (Sub-No. 92), Grover Trucking Co.; No. MC 120257 (Sub-No. 43F), K. L. Breeden & Sons, Inc.; No. MC 123048 (Sub-No. 389F), Diamond Transportation System, Inc.; No. MC 127625 (Sub-No. 27F), Santee Cement; and No. MC 128270 (Sub-No. 28), Rediehs Interstate, Inc., are now assigned for continued prehearing conference May 31, 1978, at the offices of the Interstate Commerce Commission, Washington, D.C.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15247 Filed 5-31-78; 8:45 am]

¹The FEDERAL REGISTER of May 22, 1978, page 21965, erroneously showed this proceeding as assigned for hearing June 12, 1978, at Denver, Colo. The application is dismissed.

[7035-01]

MAY 26, 1978.

FOURTH SECTION APPLICATIONS FOR RELIEF

These applications for long-and-short-haul relief have been filed with ICC.

Protests are due at the ICC within 15 days from the date filed with ICC.

FSA No. 43551, Western Trunk Line Committee, Agent, No. A-2750, rates on hoisting machinery, from Pocatello, Idaho, to stations in Eastern Territory, in its tariff 134-R, ICC A-4949, effective June 22, 1978.

Grounds for relief—rate relationships.

FSA No. 43552, Orient Overseas Container Line, Inc., No. 10, intermodal rates, from rail carrier's terminals at U.S. Gulf Coast ports, to ports in the Far East, in its tariff Nos. 7 and 4, ICC 7 and 3 (respectively), effective June 22, 1978.

Grounds for relief—water competition.

FSA No. 43553, Intercontinental Transport (ICT) BV, No. 1, intermodal rates, between rail carrier's terminals on the U.S. Pacific Coast, and ports in Continental Europe and the United Kingdom, in North Europe-United States Pacific Freight Conference Westbound Europe Pacific Coast Joint Container Freight Tariff No. 4, ICC No. 4, and Eastbound Pacific Coast European Joint Container Freight Tariff No. 1, ICC No. 1, effective June 25, 1978.

Grounds for relief—water competition.

FSA No. 43553, Hapag-Lloyd AG, No. 1, intermodal rates between rail carrier's terminals on the U.S. Pacific Coast and ports in Continental Europe and the United Kingdom, in North Europe-United States Pacific Freight Conference Westbound Europe Pacific Coast Joint Container Freight Tariff No. 4, ICC No. 4, and Eastbound Pacific Coast European Joint Container Freight Tariff No. 1, ICC No. 1, effective June 25, 1978.

Grounds for relief—water competition.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15250 Filed 5-31-78; 8:45 am]

[7035-01]

[Docket No. AB-187 (Sub-No. 1)]

NORTHAMPTON & BATH RAILROAD CO. ABANDONMENT NEAR NORTHAMPTON AND BATH JUNCTION IN NORTHAMPTON COUNTY, PA.

Notices of Findings

Notice is hereby given pursuant to Section 1a of the Interstate Commerce

Act (49 U.S.C. 1a) that by an Certificate and Decision dated May 15, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Oregon Short Line R. Co.—Abandonment—Goshen, 354 ICC 76 (1977), the cost of which is to be borne by the United States Steel Corp. and for public use as set forth in said decision, the present and future public convenience and necessity permit the abandonment by the Northampton & Bath Railroad Co. of its entire line of railroad from Northampton to Bath junction, Pa., a distance of 7.28 miles. A certificate of public convenience and necessity permitting abandonment was issued to the Northampton & Bath Railroad Co. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than June 16, 1978. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective July 17, 1978.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15249 Filed 5-31-78; 8:45 am]

[7035-01]

[Docket No. AB-7 (Sub-No. 52F)]

STANLEY E. G. HILLMAN, TRUSTEE OF THE PROPERTY OF CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO., DEBTOR, ABANDONMENT NEAR MOMENCE AND JOLIET, IN WILL AND KANKAKEE COUNTIES, ILL.

Notice of Findings

Notice is hereby given pursuant to section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by a certificate and decision dated May 18, 1978, a finding, which is administratively final, was made by the Commission, Review Board No. 5, stating that, subject to the conditions for the protection of railway employees prescribed

by the Commission in Oregon Short Line R. Co.—Abandonment—Goshen, 354 ICC 76 (1977), and for public use as set forth in said decision, the present and future public convenience and necessity permit the abandonment by Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul & Pacific Railroad Co. of a portion of the Delmar to Joliet Railroad Branch Line. The proposed abandonment extends from railroad milepost 56.0 near Momence, Ill., to railroad milepost 91.0 near Joliet, Ill., a distance of 35.0 miles plus 7.93 miles of auxiliary track located in Kankakee and Will Counties, Ill. A certificate of public convenience and necessity permitting abandonment was issued to Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul & Pacific Railroad Co. Since no investigation was instituted, the requirement of section 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing exhibit I (section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this notice. The offer, as filed, shall contain information required pursuant to section 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective July 17, 1978.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15248 Filed 5-31-78; 8:45 am]

[7035-01]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

Notice

MAY 26, 1978.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 12, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a common carrier, by motor vehicles, over irregular routes.

MC 13250 (Sub-No. E2) (partial correction), filed June 4, 1974, published in the FEDERAL REGISTER issue of February 2, 1978, and republished, as corrected, this issue. Applicant: J. H. ROSE TRUCK LINE, INC., 5003 Jensen Drive, Houston, TX 77002. Applicant's representative: Charles E. Munson, 500 West Sixteenth Street, P.O. Box 1945, Austin, TX 78767. Part I(C) *Commodities, the transportation of which, because of their size or weight, requires the use of special equipment and related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight requires special equipment. Part II(A)(4) between points in AL on and south of a line beginning at the GA-AL State line, and extending along U.S. Hwy 80 to the AL-MS State line, on the one hand, and, on the other, points in NE on and west of a line beginning at the SD-NE State line, and extending along U.S. Hwy 83 to the NE-KS State line; (33) between points in CO on and east of a line beginning at the CO-WY State line, and extending along CO Hwy 318 to junction U.S. Hwy 40, to junction CO Hwy 13, to junction CO Hwy 132, to junction CO Hwy 325, to junction Interstate Hwy 70, to junction Interstate Hwy 25, to junction CO Hwy 94, to junction U.S. Hwy 40, to the CO-KS State line, on the one hand, and, on the other, points in NM on and east of a line beginning at the NM-OK State line, and extending along NM Hwy 68 to junction U.S. Hwy 56, to junction NM Hwy 120, to junction NM Hwy 65, to junction NM Hwy 104, to junction NM Hwy 129, to junction Interstate Hwy 40, to junction U.S. Hwy 84, to junction NM Hwy 20, to junction U.S. Hwy 285, to junction NM Hwy 13, to junction U.S. Hwy 82, to junction Interstate Hwy 10, to junction NM Hwy 11, to the United States-Mexico international boundary line; (34) between points in CO on and east of a line beginning at the NM-CO State line, and extending along Inter-

state Hwy 25 to the CO-WY State line, on the one hand, and, on the other, points in UT on and west of a line beginning at the AZ-UT State line, and extending along UY Hwy 21 to junction County Road 257, to junction UT Hwy 30, to junction UY Hwy 2 to the UT-ID State line; (58) from points in IL, to points in OR on and south of a line beginning at the CA-OR State line, and extending along OR Hwy 97 to junction OK Hwy 205, to junction U.S. Hwy 20, to junction U.S. Hwy 395, to junction OR Hwy 31, to junction OR Hwy 138, to junction OR Hwy 42, to junction U.S. Hwy 101, to an unnumbered highway to the Pacific Ocean near Coos Bay, OR; (60) between points in IL, on the one hand, and, on the other, points in UT on and south of a line beginning at the NV-UT State line, and extending along U.S. Hwy 6 to junction UT Hwy 132, to junction U.S. Hwy 89, to junction UT Hwy 31, to junction UT Hwy 98, to junction UT Hwy 33, to junction UT Hwy 68, to the CO-UT State line; (98) from points in MT on and west of a line beginning at the United States-Canada international boundary line, and extending along U.S. Hwy 89 to junction U.S. Hwy 287, to junction Interstate Hwy 90, to junction U.S. Hwy 89 to the MT-WY State line, to points in WV on and south of a line beginning at the WV-KY State line, and extending along WV Hwy 37 to junction WV Hwy 10, to junction WV Hwy 7, to junction U.S. Hwy 119, to junction U.S. Hwy 21, to junction WV Hwy 39, to junction WV Hwy 41, to junction WV Hwy 15, to junction U.S. Hwy 219, to junction U.S. Hwy 250, to the WV-VA State line; (112) from points in WA on and west of a line beginning at the United States-Canada international boundary line, and extending along WA Hwy 9 to junction WA Hwy 20, to junction U.S. Hwy 97, to junction WA Hwy 17, to junction Interstate Hwy 90, to junction WA Hwy 21, to junction WA Hwy 26, to junction WA Hwy 261, to junction U.S. Hwy 12, to the WA-ID State line, to points in WV; (EX32) between points in MO on and south of a line beginning at the MO-KS State line, and extending along MO Hwy 52 to junction U.S. Hwy 54, to junction MO Hwy 50, to the MO-IL State line, on the one hand, and, on the other, points in WA on and west of a line beginning at the United States-Canada international boundary line, and extending along U.S. Hwy 97 to junction WA Hwy 155, to junction WA Hwy 174, to junction WA Hwy 21, to junction WA Hwy 260, to junction WA Hwy 261, to junction U.S. Hwy 12 to the WA-OR State line; (37) between points on NV on and east of a line beginning at the UT-NV State line, and extending along NV Hwy 30 to junction U.S. Hwy 40, to junction Alternate U.S. Hwy 93, to junction Inter-

state Hwy 15 to the CA-NV State line, on the one hand, and, on the other, points in OR; (41) between points in ND, on the one hand, and, on the other, points in OR on, south and west of a line beginning at the Pacific Ocean near Florence, OR, extending along OR Hwy 126 to junction OR Hwy 36, to junction OR Hwy 99, to junction OR Hwy 242, to junction U.S. Hwy 20, to junction U.S. Hwy 97, to junction OR Hwy 31, to junction U.S. Hwy 395, to the CA-OR State line; (43) between points in TX on, and south and west of a line beginning at the NM-TX State line, and extending along U.S. Hwy 285 to junction U.S. Hwy 80, to junction TX Hwy 18, to junction TX Hwy 329, to junction U.S. Hwy 67, to junction TX Hwy 137, to junction Interstate Hwy 10, to junction U.S. Hwy 181, to junction TX Hwy 36, to the Gulf of Mexico, on the one hand, and, on the other, points in WY on and west of a line, and extending along U.S. Hwy 310 to junction U.S. Hwy 14A, to junction WY Hwy 120, to junction WY Hwy 789, to junction U.S. Hwy 287, to junction WY Hwy 28, to junction U.S. Hwy 187, to junction WY Hwy 430, to the CO-WY State line; (FX16) between points in ID on and south of a line beginning at the OR-ID State line, and extending along Interstate Hwy 80N to junction ID Hwy 68, to junction U.S. Hwy 20, to junction U.S. Hwy 26 to the ID-WY State line, on the one hand, and, on the other, points in KS on and south of a line beginning at the CO-KS State line, and extending along U.S. Hwy 50 to junction KS Hwy 31, to junction U.S. Hwy 169, to junction KS Hwy 7, to junction KS Hwy 135, to junction U.S. Hwy 69, to junction KS Hwy 52, to the MO-KS State line; (29) from points in OK to points in SD on and west of a line beginning at the SD-ND State line, and extending along SD Hwy 65 to junction U.S. Hwy 212, to junction SD Hwy 63, to junction U.S. Hwy 14, to junction SD Hwy 73 to the SD-NE State line.

NOTE.—The purpose of this republication is to state the correct territorial description. The remainder of this letter-notice remains as previously published.

No. MC 14552 (Sub-No. E22), filed May 20, 1974. Applicant: J. V. MCNI-CHOLAS TRANSPORTATION CO., P.O. Box 749, Youngstown, OH 44501. Applicant's representatives: James Grance (same as above) and Paul F. Beery, 275 East State Street, Columbus, OH 43215. *Steel mill equipment, materials, and supplies* (except commodities in bulk), and *rolling mill rolls*, from Washington, DC, and those points in MD on and east of a line beginning at the MD-PA State line, and extending along U.S. Hwy 522, then along U.S. Hwy 522 to the MD-WV State line, to those points in OH beginning at the Ohio River, and extend-

ing along OH Hwy 132, then north along OH Hwy 132 to junction U.S. Hwy 50, then east along U.S. Hwy 50 to junction U.S. Hwy 23, then north along U.S. Hwy 23 to junction U.S. Hwy 70, then east along U.S. Hwy 70 to the OH River. The purpose of this filing is to eliminate the gateway of Youngstown, OH.

No. MC 31462 (Sub-No. E440), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in TN, on the one hand, and, on the other, points in TX on and west of a line commencing at the TX-OK State line on U.S. Hwy 81, then south along U.S. Hwy 81 to junction U.S. Hwy 82, then west along U.S. Hwy 82 to junction TX Hwy 148, then south along TX Hwy 148 to junction U.S. Hwy 380, then west along U.S. Hwy 380 to junction TX Hwy 67, then south along TX Hwy 67 to junction U.S. Hwy 180, then along U.S. Hwy 180 to junction TX Hwy 351, then south along TX Hwy 351 to junction U.S. Hwy 277, then south along U.S. Hwy 277 to the Texas-Mexico border at Del Rio, TX. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Tillman County, OK, and points within 50 miles thereof, and points in Bradley County, AR.

No. MC 31462 (Sub-No. E441), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in MO, on the one hand, and, on the other, points in TX on and west of a line commencing at the OK-TX State line on U.S. Hwy 259, then south along U.S. Hwy 259 to junction U.S. Hwy 59, then south along U.S. Hwy 59 to junction U.S. Hwy 69, then south along U.S. Hwy 69 to junction TX Hwy 63, then south along TX Hwy 63 to junction U.S. Hwy 190, then east along U.S. Hwy 190 to the TX-LA State line. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Bradley County, AR, and points in Okmulgee County, OK.

No. MC 31462 (Sub-No. E442), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in TX, on the one hand, and, on the other, points in IL on and north of a line commencing at the MO-IL State

line at Chester, IL, then east from Chester along IL Hwy 150 to junction IL Hwy 154, then east along IL Hwy 154 to junction U.S. Hwy 51, then north along U.S. Hwy 51 to IL Hwy 15, then east along IL Hwy 15 to the IL-IN State line. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Bradley County, AR, and St. Louis, MO, and East St. Louis, IL, and points within 50 miles of St. Louis and East St. Louis.

No. MC 31462 (Sub-No. E443), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in TX, on the one hand, and, on the other, points in IN. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Bradley County, AR, and Cairo, IL, and points within 25 miles of Cairo, IL.

No. MC 31462 (Sub-No. E444), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in TX, on the one hand, and, on the other, points in WI on and east of a line commencing at the MN-WI State line on U.S. Hwy 63, then north along U.S. Hwy 63 to junction U.S. Hwy 53, then north along U.S. Hwy 53 to the WI-MN State line. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Tillman County, OK, and points within 50 miles thereof, points in Bradley County, AR, Kansas City, MO, and points within 30 miles thereof, Burlington, IA, and points within 50 miles thereof, and Alden, MN, and points within 35 miles of Alden, MN.

No. MC 31462 (Sub-No. E445), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in TX on and south of U.S. Hwy 66, on the one hand, and, on the other, points in WI. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Tillman County, OK, and points within 50 miles thereof, points in Kansas City, MO, and points within 30 miles thereof, Burlington, IA, and points within 50 miles thereof, Alden, MN, and points within 35 miles of Alden, MN.

No. MC 31462 (Sub-No. E446), filed April 5, 1976. Applicant: PARA-

MOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in MI, on the one hand, and, on the other, points in TX. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Tillman County, OK, and points within 50 miles thereof, points in Bradley County, AR, and Burlington, IA, and points within 50 miles of Burlington, IA.

No. MC 31462 (Sub-No. E447), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in TX, on the one hand, and, on the other, points in OH. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Bradley County, AR, and Cairo, IL, and points within 25 miles of Cairo, IL.

No. MC 31462 (Sub-No. E448), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in TX, on the one hand, and, on the other, points in KY. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Bradley County, AR, and Cairo, IL, and points within 25 miles of Cairo, IL.

No. MC 31462 (Sub-No. E449), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in TX, on the one hand, and, on the other, points in the DC. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Tillman County, OK, and points within 50 miles thereof, points in Bradley County, AR, Kansas City, MO, and points within 30 miles thereof, Fort Wayne, IN, and points in IN within 40 miles thereof, and Cairo, IL, and points within 25 miles of Cairo, IL.

No. MC 55898 (Sub-No. E9), filed December 9, 1975. Applicant: DECATO BROS., INC., Heater Road, Lebanon, NH 03766. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, MA 01103. *Lumber*, from points in ME to points

in VT. The purpose of this filing is to eliminate the gateways of York and Cumberland Counties, ME, and points in NH.

No. MC 55898 (Sub-No. E11), filed December 9, 1975. Applicant: DECATO BROS., INC., Heater Road, Lebanon, NH 03766. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, MA 01103. *Lumber*, from points in ME to points in NY, Cleveland, OH, Wilmington, DE, Baltimore and Sparrows Point, MD, Scranton, Erie, Honesdale, and points in Haverford Township (Delaware County), PA, and those points in Delaware County, PA, south and east of a line beginning at the intersection of the western and northern boundaries of Upper Darby Township, and extending southward along Darby Creek to Bishop Avenue, then south along Bishop Avenue to junction U.S. Hwy 1, then west along U.S. Hwy 1 to junction PA Hwy 320, then south along PA Hwy 320 to the corporate limits of Chester, then west along the northern corporate limits of Chester to the easterly boundary of Upper Chichester Township, then south along eastern boundary thereof to the southern boundary of said township, then west along the southern boundary of said township to the DE State line, then south along the DE State line to the Delaware River, then northward along the Delaware River to the city limits of Philadelphia, PA, then westerly along the city limits of Philadelphia to Upper Darby Township, and then westerly along the northern boundary of Upper Darby Township to point of beginning. The purpose of this filing is to eliminate the gateways of Claremont, Laconia, Lebanon, Newport, and Rollinsford, NH, and points in VT.

No. MC 55898 (Sub-No. E13), filed December 9, 1975. Applicant: DECATO BROS., INC., Heater Road, Lebanon, NH 03766. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, MA 01103. *Lumber*, from points in ME to points in OH, KY, IL, IN, MI, and WI. The purpose of this filing is to eliminate the gateways of York and Cumberland Counties, ME, and Berlin, NH.

No. MC 55898 (Sub-No. E14), filed December 9, 1975. Applicant: DECATO BROS., INC., Heater Road, Lebanon, NH 03766. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, MA 01103. *Lumber*, from points in ME (except points in York and Cumberland Counties), to points in PA, VA, and WV. The purpose of this filing is to eliminate the gateways of York and Cumberland Counties, ME, and Berlin, NH.

No. MC 60014 (Sub-No. E313), filed June 4, 1974. Applicant: AERO

TRUCKING, INC., P.O. Box 308, Monroeville, PA 15146. Applicant's representative: William J. Rorison (same as above). *Iron and steel articles*, which by reason of size or weight require the use of special equipment, as described in appendix V to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, from Washington, DC, (1) to those points in KY on and west of a line beginning at the KY-WV State line, and extending along U.S. Hwy 23 to junction U.S. Hwy 23/460, then along U.S. Hwy 23/460 to junction KY Hwy 80, then along KY Hwy 80 to junction KY Hwy 11, then along KY Hwy 11 to junction KY Hwy 92, then along KY Hwy 92 to junction U.S. Hwy 27, then along U.S. Hwy 27 to the KY-TN State line; (2) to those points in TN on and west of a line beginning at the KY-TN State line, and extending along U.S. Hwy 27 to junction TN Hwy 62, then along TN Hwy 62 to junction TN Hwy 84, then along TN Hwy 84 to junction TN Hwy 111, then along TN Hwy 111 to junction TN Hwy 56, then along TN Hwy 56 to the TN-AL State line; (3) to points in AL on and west of a line beginning at the TN-AL State line, and extending along U.S. Hwy 27 to junction AL Hwy 79, then along AL Hwy 79 to junction AL Hwy 69, then along AL Hwy 69 to junction U.S. Hwy 11/43, then along U.S. Hwy 11/43 to junction U.S. Hwy 43, then along U.S. Hwy 43 to junction Interstate Hwy 65, then along Interstate Hwy 65 to junction Interstate Hwy 10, then along Interstate Hwy 10 to the AL-MS State line; (4) from Washington, DC, to points in MS. The purpose of this filing is to eliminate the gateways of Pittsburgh and Aliquippa, PA, and Wheeling and Beachbottom, WV, and Steubenville, OH.

No. MC 60014 (Sub-No. E314), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, PA 15146. Applicant's representative: William J. Rorison (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire*, in coils (except commodities in bulk, those of unusual value, commodities requiring special equipment), between points in PA, on the one hand, and, on the other, those points in ME on and east of a line beginning at the CD-ME International Boundary line, and extending along U.S. Hwy 201, then along U.S. Hwy 201 to junction U.S. Hwy 2, then along U.S. Hwy 2, to junction ME Hwy 156, then along ME Hwy 156 to junction ME Hwy 133, then along ME Hwy 133 to junction ME Hwy 104, then along ME Hwy 117, then along ME Hwy 117 to junction U.S. Hwy 302, then along U.S. Hwy 302 to the ME-NH State

line. The purpose of this filing is to eliminate the gateways of (1) NY, (2) Greenwich, CT, (3) points in MA on and east of U.S. Hwy 5, (4) between points in that part of MA, on and east of a line beginning at the MA-NH State line, and extending along U.S. Hwy 202 to junction MA Hwy 68 (at or near Baldwinville, MA), then along MA Hwy 68 to junction MA Hwy 56 (at or near Hubbardston, MA), then along MA Hwy 56 to junction MA Hwy 12 (near Rochdale, MA), then along MA Hwy 12 to the MA-CT State line (except points in Barnstable, Dukes, and Nantucket Counties, MA).

No. MC 60014 (Sub-No. E315), filed August 28, 1976. Applicant: AERO TRUCKING, INC., P.O. Box 308, Monroeville, PA 15146. Applicant's representative: William J. Rorison (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire* in coils, between points in NY, on the one hand, and, on the other, points in OH on and south of a line beginning at the Lake Erie-OH State line, and extending along OH Hwy 91 to junction U.S. Hwy 322, then along U.S. Hwy 322 to the OH-PA State line. The purpose of this filing is to eliminate the gateways of points in PA, and Columbiana, Cuyahoga, Mahoning, Summit, and Trumbull Counties, OH.

No. MC 107002 (Sub-No. E11) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of June 18, 1975, and republished, as corrected, this issue. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Applicant's representative: John J. Borth (same as above). *Liquid chemicals*, in bulk, in tank vehicles, from points in Harrison and Jackson Counties, MS, to points in MN (Cedartown, GA*), and points in WV (plantsite of Monsanto Chemical Co., at Anniston, AL*), restricted against the transportation of liquid hydrogen, liquid oxygen, and liquid nitrogen to points in MN, and liquefied petroleum gases to points in WV. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

NOTE.—The purpose of this republication is to correct the gateway of WV.

No. MC 107002 (Sub-No. E17), filed June 4, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Applicant's representatives: Harold D. Miller, Jr., P.O. Box 22567, Jackson, MS 39205, and John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, MS 39204. (1) *Petroleum and petroleum products*, as described in appendix XIII to the report in descriptions in Motor Carrier

Certificates, 61 MCC 209, in bulk, in tank vehicles, from Vicksburg, MS, to those points in AR on, west, and north of a line beginning at the AR-TX State line, and extending along U.S. Hwy 67 to junction U.S. Hwy 270, then along U.S. Hwy 270 to junction U.S. Hwy 167, then along U.S. Hwy 167 to junction U.S. Hwy 79, then along U.S. Hwy 79 to the White River, then along the White River to the AR-MS State line (Washington County or Friars Points, Greenville and Vicksburg, MS*). (2) *Petroleum and petroleum products*, as described in appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 (except asphalt and liquefied petroleum gases), in bulk, in tank vehicles, from Vicksburg, MS, to points in IL (Washington County, MS*). (3) *Petroleum and petroleum products*, as described in appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 (except asphalt and liquefied petroleum gases), in bulk, in tank vehicles, from Vicksburg, MS, to points in IN (Washington County, MS*). (4) *Petroleum and petroleum products*, as described in appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 (except asphalt and liquefied petroleum gases), in bulk, in tank vehicles, from Vicksburg, MS, to points in KY (Washington County, MS*). (5) *Petroleum and petroleum products*, as described in appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 (except asphalt and liquefied petroleum gases), in bulk, in tank vehicles, from Vicksburg, MS, to points in OH (Washington County, MS*). (6) *Petroleum and petroleum products*, as described in appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 (except asphalt and liquefied petroleum gases), in bulk, in tank vehicles, from Vicksburg, MS, to points in OK (Washington County, MS*). (7) *Petroleum and petroleum products*, as described in appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 (except asphalt and liquefied petroleum gases), in bulk, in tank vehicles, from Vicksburg, MS, to points in VA (Washington County, MS*). (8) *Petroleum and petroleum products*, as described in appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 (except asphalt and liquefied petroleum gases), in bulk, in tank vehicles, from Vicksburg, MS, to points in WV (Washington County, MS*). (9) *Petroleum and petroleum products*, in bulk, in tank vehicles, from Vicksburg, MS, to points in GA (Tuscaloosa, AL*). (10) *Petroleum and petroleum products*, in bulk, in tank vehicles, from Vicksburg, MS, to points in NC (Tuscaloosa, AL*). (11) *Petroleum and petroleum prod-*

ucts, in bulk, in tank vehicles, from Vicksburg, MS, to points in SC (Tuscaloosa, AL*). (12) *Petroleum products*, in bulk, in tank vehicles, from Vicksburg, MS, to points in FL (Mobile, AL*). (13) *Petroleum products*, in bulk, in tank vehicles, from Vicksburg, MS, to points in TX (Natchez, MS*). (14) *Refined petroleum products*, in bulk, in tank vehicles, from Vicksburg, MS, to points in TN (Crump, MS, and/or Tuscaloosa, AL*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107002 (Sub-No. E52) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER issue of May 15, 1975, and republished, as corrected, this issue. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Applicant's representative: John J. Borth (same as above). *Anhydrous ammonia and acids*, in bulk, and *ammonium nitrate, urea, fertilizer, and fertilizer ingredients*, in bulk, in tank vehicles, from the plant and storage facilities of Arkla Chemical Corp., in Phillips County, AR, to points in IN, restricted to the transportation of shipments originating at the plant and storage facilities of Arkla Chemical Corp., in Phillips County, AR. The purpose of this filing is to eliminate the gateways of Barfield, AR, and points within 10 miles thereof.

NOTE.—The purpose of this republication is to correct the commodity description.

No. MC 107002 (Sub-No. E102) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER issue of May 21, 1975, and republished, as corrected, this issue. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Applicant's representative: John J. Borth (same as above). *Anhydrous ammonia and acids*, and *ammonium nitrate, urea, fertilizer, and fertilizer ingredients*, in bulk, in tank or hopper-type trailers, from the plant and storage facilities of Arkla Chemical Corp., in Phillips County, AR, to points in FL. The purpose of this filing is to eliminate the gateway of Mobile, AL.

NOTE.—The purpose of this republication is to correct the commodity description.

No. MC 107002 (Sub-No. E146) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER issue of May 28, 1975, and republished, as corrected, this issue. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Applicant's representative: John J. Borth (same as above). *Chemicals*, liquid, in bulk, in tank vehicles, from Collierville, TN, to points in IA. The purpose of this filing is to eliminate the gateway of Arlington, TN.

NOTE.—The purpose of this republication is to correct the gateway.

No. MC 107002 (Sub-No. E147) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER issue of May 28, 1975, and republished, as corrected, this issue. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Applicant's representative: John J. Borth (same as above). *Chemicals*, liquid, in bulk, in tank vehicles, from Collierville, TN, to points in TX. The purpose of this filing is to eliminate the gateway of Arlington, TN.

NOTE.—The purpose of this republication is to correct the gateway.

No. MC 107002 (Sub-No. E177) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER issue of May 30, 1975, and republished, as corrected, this issue. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Applicant's representative: John J. Borth (same as above). *Liquid chemicals*, in bulk, in tank vehicles (except hydrogen peroxide), from River Falls, AL, to points in OK. The purpose of this filing is to eliminate the gateway of Memphis, TN.

NOTE.—The purpose of this republication is to correct the gateway.

No. MC 107002 (Sub-No. E250) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER issue of August 26, 1975, and republished, as corrected, this issue. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Applicant's representative: John J. Borth (same as above). *Petroleum base herbicide*, in bulk, in tank vehicles, from the new plantsite of the Mid-South Chemical Co. approximately 5 miles from Friars Point, MS, to points in IL, IN, OH, MI, KY, MO (Memphis, TN*), IA, KS, WI (Memphis, TN, and Barfield, AR, and points within 10 miles thereof*), AL (Clarksdale, MS*), GA, NC, SC (Clarksdale, MS, and Fox, AL*), FL (Clarksdale, MS, and Fox, AL*), and those in LA south of U.S. Hwy 84 (Vicksburg, MS*), those points in TN on and west of U.S. Hwy 27 (Memphis, TN*). The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

NOTE.—The purpose of this republication is to correct the territorial description.

No. MC 107002 (Sub-No. E253) (Correction), filed May 12, 1974, published in the FEDERAL REGISTER issue of August 26, 1975, and republished, as corrected, this issue. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Applicant's representative: John J. Borth (same as above). *Liquid fertilizer solutions*, in bulk, in tank vehicles from Nesbitt, MS, to points in AL, FL, GA, IL, IN, IA, LA, MI, OH, OK, TX (Memphis, TN*), KS, NC, and BC (Collierville, TN*), IA and WI (Barfield,

AR, and points within 10 miles thereof*). The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

NOTE.—The purpose of this republication is to add the states of IA and WI, previously omitted, and correct the gateway for NC and SC.

No. MC 107002 (Sub-No. E254) (correction), filed May 12, 1974, published in the FEDERAL REGISTER issue of August 26, 1975, and republished, as corrected, this issue. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Applicant's representative: John J. Borth (same as above). *Liquefied petroleum gases*, in bulk, in tank vehicles from Lake Village, AR, and points within 12 miles thereof, to those points in AL south of U.S. Hwy 80 (MS*), those in AR on and east of a line beginning at the AR-MO State line, and extending along AR Hwy 115 to U.S. Hwy 67, then along U.S. Hwy 67 to junction U.S. Hwy 63, then along U.S. Hwy 63 to junction AR Hwy 1, then along AR Hwy 1 to White River, then along White River to the AR-MS State line (Memphis, TN*), FL (MS and Mobile, AL*), GA (Vicksburg, MS*), IL (Memphis, TN*), IN (Memphis, TN*) IA (Memphis, TN, and Barfield, AR, and points within 10 miles thereof*), KY (Memphis, TN*), NC, SC (Vicksburg, MS, and Tuscaloosa, AL*), OH (Memphis, TN*), WI (Memphis, TN, and Barfield, AR, and points within 10 miles thereof*), WV (Hamilton, MS, and the plant site of Monsanto Chemical CO. in Anniston, AL*), and those in LA on and south of a line beginning at the LA-MS State line, and extending along U.S. Hwy 84 to junction LA Hwy 8, then along LA Hwy 8 to the LA-TX State line (Vicksburg, MS*), those in MO on, north, and east of a line beginning at the MO-KS State line, and extending along MO Hwy 18, to junction MO Hwy 13, then along MO Hwy 13 to junction MO Hwy 32, then along MO Hwy 32 to junction U.S. Hwy 65, then along U.S. Hwy 65 to junction MO Hwy 38, then along MO Hwy 38 to junction MO Hwy 5, then along MO Hwy 5 to the MO-AR State line, (Memphis, TN*), and those in TN east of U.S. Hwys 41 and 31W (Tullahoma, TN*). The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

NOTE.—The purpose of this republication is to add the state of IN as a destination state, previously omitted.

No. MC 107012 (Sub-No. E331), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988 Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New furniture, uncrated*, (1) From points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Man-

atee, Okeechobee, Sarasota, Broward, Collier, Dade, Martin, Monroe, Palm Beach, and Saint Lucie Counties, FL, to points in Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union, and Webster Counties, KY; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, St. Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, LA; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, and Yazoo Counties, MS; Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, and Weakley Counties, TN; and points in TX (*points in AR). (2) From points in Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, St. Johns, and Union Counties, FL; to points in Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, LA; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, and Yazoo Counties, MS; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Aransas,

Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, TX (*points in AR). (3) From points in Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, and Volusia Counties, FL; to points in Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union and Webster Counties, KY; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, LA; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington and Yazoo Counties, MS; Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, and Weakley Counties, TN; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson,

Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, TX (*points in AR). (4) From points in Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton and Washington Counties, FL, to points in Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union, and Webster Counties, KY (*points in AR). Aroostook, Penobscot, Piscataquis, Somerset, Hancock, Knox, Waldo, and Washington Counties, ME (*Berne, IN). Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, and Yazoo Counties, MS (*points in AR). Coos, Carroll, and Grafton Counties, NH (*Berne, IN). Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, and Weakley Counties, TN (*points in AR). Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray,

Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, TX (*points in AR). Chittenden, Franklin, Grand Isle, Lamoille, Addison, Orange, Washington, Caledonia, Essex, and Orleans Counties, VT (*Berne, IN). (5) From points in Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties, FL, to points in Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union, and Webster Counties, KY; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine, and Webster Parishes, LA; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, and Yazoo Counties, MS; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llamo, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher,

Wheeler, Wichita, Wilbarger, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, TX (*points in AR). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 107012 (Sub-No. E332), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New furniture, uncrated*, (1) From points in Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, and Yazoo Counties, MS, to points in AZ, CA, KS, NH, NM; Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron and Texas Counties, OK; Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Winkler, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward Counties, TX; Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, and Westmoreland Counties, VA and the Independent Cities of Alexandria, Fairfax, Falls Church, and Fredericksburg, VA, Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New

Kent, Nottoway, Powhatan, Prince Edward, and Prince George Counties, and the Independent Cities of Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond, and Waynesboro, VA. Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah, and Warren Counties, and the Independent Cities of Harrisonburg, and Winchester, VA. (2) From points in Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, and Wayne Counties, MS, to points in Apache, Coconino, Mohave, Navajo, Yavapai, and Yuma Counties, AZ; points in CA, KS; Coos, Cheshire, Hillsboro, Sullivan, Carroll, and Grafton Counties, NH; McKinley, Rio Arriba, San Juan, Colfax, Harding, Mora, Taos, and Union Counties, NM; Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron, and Texas Counties, OK. (3) From points in Attala, Claiborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, and Winston Counties, MS, to points in Apache, Coconino, Mohave, Navajo, and Yavapai Counties, AZ; points in CA, KS, NH; McKinley, Rio Arriba, and San Juan Counties, NM; Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron, and Texas Counties, OK. (4) From points in Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion, Pike, Walthall, and Wilkinson Counties, MS, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendocino, Tehama, Trinity, Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura, San Bernardino, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, and Yolo Counties, CA; Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabaunsee, Wyandotte, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood,

Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumner, and Washington Counties, KS; points in NH; Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, and Washington Counties, OK. (5) From points in Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS, to points in AZ, CA, KS, NH, NM, and OK; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, LaSalle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, and Winkler Counties, TX. The purpose of this filing is to eliminate the gateway of Greene County, AR.

No. MC 107012 (Sub-No. E347), filed May 16, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New furniture, uncrated.* (1) From

points in Bennett, Butte, Custer, Fall River, Haakon, Jackson, Lawrence, Meade, Pennington, Shannon, Washbaugh, Ziebach, Campbell, Corson, Dewey, Edmunds, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Brule, Buffalo, Hand, Hughes, Hyde, Jones, Lyman, Mellette, Stanley, Sully, Todd, Tripp, Aurora, Bon Homme, Charles Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Jerauld, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Sanborn, Turner, Union, and Yankton Counties, SD, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR. (Greene County, AR*); Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, and Washington Counties, IA (points in IL within the Burlington, IA commercial zone*); Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg, and Pushmataha Counties, OK (Kansas City, MO*).

(2) From points in Beadle, Brookings, Brown, Clark, Codrington, Day, Deuel, Grant, Hamlin, Kingsbury, Marshall, Roberts, and Spink Counties, SD, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR (Greene County, AR*); Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, and Washington Counties, IA (points in IL within the Burlington, IA commercial zone*); Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, LeFlore, McCurtain, Pittsburg, Pushmataha, Canadian, Carter, Cleveland, Greek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love, McClain, Marshall, Murray, Noble,

Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole, and Stephens Counties, OK (Kansas City, MO*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107012 (Sub-No. E349), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, crated.* (1) From points in AL, to points in CA, CO, ID, KS, MT, NV, ND, OR, SD, UT, WA, and WY. (2) From points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, and Tallapoosa Counties, AL, to points in AZ; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, and Washington Counties, AR; points in IA, NM, and OK; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, and Winkler Counties, TX. (3) From points in Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, and Russell Counties, AL, to points in AZ; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion,

Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; points in IA; Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, McKinley, Rio Arriba, San Juan, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra, Socorro, Colfax, Harding, Mora, Taos, and Union Counties, NM; Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, Woodward, Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron, Texas, Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love, McClain, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole, and Stephens Counties, OK; Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, and Winkler Counties, TX. (4) From points in Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, and Winston Counties, AL, to points in AZ; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, and Washington Counties, AR; Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winnesiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Hahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Os-

ceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, and Woodbury Counties, IA; points in NM, OK, and TX. (5) From points in De Kalb, Jackson, Limestone, Madison, Marshall, and Morgan Counties, AL, to points in AZ; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, and Washington Counties, AR; points in IA, NM, OK, and TX. (6) From points in Baldwin, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lawndes, Marengo, Mobile, Monroe, Perry, Sumter, Washington, and Wilcox Counties, AL, to points in Apache, Coconino, Mohave, Navajo, Yavapai, Maricopa, Pima, Pinal, Santa Cruz and Yuma Counties, AZ; Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, and Washington Counties, AR; points in IA; Bernalillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, McKinley, Rio Arriba, San Juan, Colfax, Harding, Mora, Taos, and Union Counties, NM; Herkimer, Jefferson, Lewis, Oneida, Oswego, St. Lawrence, Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saratoga, Schenectady, Warren, and Washington Counties, NY; Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron, Texas, Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love, McClain, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole, and Stephens Counties, OK. The purpose of this filing is to eliminate the gateway of Greene County, AR.

No. MC 107012 (Sub-No. E350), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, cartoned.* (1) From points in AZ to points in GA, KY, NC, SC, TN, and VA. (2) From points in Cochise, Gila, Graham, and Greenlee Counties, AZ, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion,

Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall, and Morgan Counties, AL; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties, FL; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desota, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS. (3) From points in Apache, Coconino, Mohave, Navajo, and Yavapai Counties, AZ to points in AL; Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; points in FL; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desota, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS. (4) From points in Maricopa, Pima, Pinal, and Santa Cruz Counties, AZ, to points in AL; Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; points in FL; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desota, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS. (5)

From points in Yuma County, AZ, to points in AL; Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; points in FL; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desota, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS. The purpose of this filing is to eliminate the gateway of Greene County, AR.

No. MC 107012 (Sub-No. E351), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, cartoned.* (1) From points in AR, to points in KY, NC, and VA. (2) From points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, and Yell Counties, AR, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall, and Morgan Counties, AL; Glenn, Humboldt, Lake, Mendicino, Tehama, and Trinity Counties, CA; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties, FL; points in GA; Allamakee, Blak Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshie, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque,

Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, and Washington Counties, IA; Aitkin, Carlton, Cook, Lake, Saint Louis, Tasca, Beltrami, Clearwater, Kittson, Koochiching, Lake Of The Woods, Mahanomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Kanabec, Le Sueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona, and Wright Counties, MN; points in MT, ND, OR, and SC; Anderson, Blount, Campbell, Carter, Clairborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, De Kalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, and Washington Counties, AR, to points in AL; Glenn, Humboldt, Lake, Mendicino, Tehama, and Trinity Counties, CA; points in FL and GA; Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desota, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS; Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill, Coos, Curry, Douglas, Jackson, and Josephine Counties, OR; points in SC and TN (except Memphis, TN). (5) From points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR, to points in Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike and Russell Counties, AL; Apache, Coconino, Mohave, Navajo, Yavapai, Maricopa, Pima, Pinal, Santa Cruz, and Yuma Counties, AZ; points in CA; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, and Washington Counties, FL; points in GA and IA; Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sher-

Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Cannon, Cheatham, Clay, Davidson, De Kalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, and Weakley Counties, TN; Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch, Weber, Carbon, Daggett, Duchesne, Emery, Grand, San Juan, Uintah, Garfield, Juab, Kane, Millard, Piute, Sanpete, Sevier, and Wayne Counties, UT; points in WY. (4) From points in Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, and Washington Counties, AR, to points in AL; Glenn, Humboldt, Lake, Mendicino, Tehama, and Trinity Counties, CA; points in FL and GA; Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desota, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS; Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill, Coos, Curry, Douglas, Jackson, and Josephine Counties, OR; points in SC and TN (except Memphis, TN). (5) From points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR, to points in Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike and Russell Counties, AL; Apache, Coconino, Mohave, Navajo, Yavapai, Maricopa, Pima, Pinal, Santa Cruz, and Yuma Counties, AZ; points in CA; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Bay, Calhoun, Escambia, Gulf, Holmes, Jackson, Okaloosa, Santa Rosa, Walton, and Washington Counties, FL; points in GA and IA; Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sher-

man, Thomas, Trego, Wallace, and Wichita Counties, KS; points in MN, MT, and NV; McKinley, Rio Arriba and San Juan Counties, NM; points in ND, OR, SC, and SD; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, De Kalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, and Weakley Counties, TN; points in UT and WY. The purpose of this filing is to eliminate the gateway of Greene County, AR.

No. MC 107012 (Sub-No. E352), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, Ind. 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, cartoned.* (1) from points in CA, to points in AL, FL, GA, KY, NC, SC, TN, and VA. (2) From points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, and Yuba Counties, CA, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, St. Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, LA; points in MS. (3) From points in Inyo, Fresno, Kings, and Tulare Counties, CA, to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison,

Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, LA; points in MS. (4) From points in Glenn, Humboldt, Lake, Mendocino, Tehama, and Trinity Counties, CA, to points in AR, LA, and MS; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, TX. (5) From points in Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, and Ventura Counties, CA, to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; points in MS. (7) From points in Imperial, Riverside, and San Diego Counties, CA, to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; points in MS. (7) From points in Imperial, Riverside, and San Diego Counties, CA, to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, and Washington Counties, IA; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desota, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc,

Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS. (8) From points in Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, and Yolo Counties, CA, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, LA; points in MS. The purpose of this filing is to eliminate the gateway of Greene County, AR.

No. MC 107012 (Sub-No. E353), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, cartoned*, (1) from points in NV, to points in AL, FL, GA, KY, MS, NC, SC, TN, and VA. (2) From points in Clark, Lincoln, Esmeralda, Eureka, Lander, and Nye Counties, NV, to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, LA. (3) From points in Elko and Whitepine Counties, NV, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Union, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, St. Landry, Caldwell, Vernon, East

Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, LA. (4) From points in Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey, and Washoe Counties, NV, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, St. Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, LA; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, TX. The purpose of this filing is to eliminate the gateway of Greene County, AR.

No. MC 107012 (Sub-No. E354), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, cartoned*, (1) from points in UT, to points in AL, FL, GA, KY, MS, NC, SC, TN and VA. (2) From points in Beaver, Iron and Washington Counties, UT, to points in Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe

Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA. (3) From points in Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch and Weber Counties, UT, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, St. Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, LA. (4) From points in Carbon, Daggett, Duchesne, Emery, Grand, San Juan and Uintah Counties, UT, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, LA. (5) From points in Garfield, Juab, Kane, Millard, Piute, Sanpete, Sevier and Wayne Counties, UT, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, St. Landry, Vernon, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse,

Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA. The purpose of this filing is to eliminate the gateway of Greene County, AR.

No. MC 107012 (Sub-No. E355), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, cartoned*, (1) from points in WA, to points in AL, FL, GA, KY, LA, MS, NC, SC, TN and VA. (2) From points in Clark, Cowitt, Klickitat, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum and Yakima Counties, WA, to points in AR; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. (3) From points in Ferry, Lincoln, Okanogan, Pend Oreille, Spokane and Stevens Counties, WA, to points in AR; Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. (4) From points in Clallam, Grays Harbor, Jefferson, Kitsap, Mason, San Juan, Chelan, Douglas, Grant, Island, King, Kittitas, Skagit, Snohomish and Whatcom Counties, WA, to points in AR; Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, Le Flore, McCurtain, Pittsburg and Pushmataha Counties, OK; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg,

Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. (5) From points in Adams, Asotin, Benton, Columbia, Franklin, Garfield, Walla Walla and Whitman Counties, WA, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. The purpose of this filing is to eliminate the gateway of Greene County, AR.

No. MC 107012 (Sub-No. E356), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, cartoned*, (1) from points in FL, to points in CA, CO, ID, IA, KS, MN, MT, NV, ND, OR, SD, UT, WA, and WY. (2) From points in Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, and Sarasota Counties, FL, to points in AZ; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; points in NM and OK; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Noan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson,

Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward and Winkler Counties, TX. (4) From points in Broward, Collier, Dade, Martin, Monroe, Palm Beach and St. Lucie Counties, FL, to points in AZ; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union and Webster Counties, KY; points in NM and OK; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby and Tipton Counties, TN; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collins, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. (5) From points in Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshie, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahon-

tas, Sac, Sioux and Woodbury Counties, IA; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward and Winkler Counties, TX. The purpose of this filing is to eliminate the gateway of Greene County, AR.

No. MC 107012 (Sub-No. E357), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above).

New commercial and institutional fixtures, cartoned, (1) from points in GA, to points in AZ, CA, CO, ID, KS, MN, MT, NV, NM, ND, OK, OR, SD, UT, WA and WY. (2) From points in Atkinson, Baker, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Chatham, Chocoma, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Teifair, Terrell, Thomas, Tift, Troup, Turner, Twiggs, Upson, Webster, Wilcox and Worth Counties, GA, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in IA; Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Whichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward and Winkler Counties, TX. (3) From points in Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, De Kalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes and Wilkinson Counties, GA, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in IA; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens,

Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collins, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. (4) From points in Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattall, Toombs, Ware, Wayne, Wheeler, Bryan, Bullock, Candler, Chatham, Effingham, Evans, Liberty and Screven Counties, GA, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in IA; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens,

Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collins, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. (5) From points in Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker and Whitfield Counties, GA, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, Washington, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshie, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor, Union, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahon-

tas, Sac, Sioux and Woodbury Counties, IA; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collins, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. The purpose of this filing is to eliminate the gateway of Greene County, AR.

No. MC 107012 (Sub-No. E358), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). New commercial and institutional fixtures, cartoned, (1) from points in IA, to points in FL and MS. (2) From points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshie, Worth and Wright Counties, IA, to points in AL; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Brad-

100

Klinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. (4) From points in Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello and Washington Counties, IA to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, De Kalb, Jackson, Limestone, Madison, Marshall, Morgan, Baldwin, Butler, Choctaw, Clarke, Conecuh, Dallas, Escambia, Greene, Hale, Lawndes, Marengo, Mobile, Monroe, Perry, Sumter, Washington and Wilcox Counties, AL; Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saine and White Counties, AR; Atkinson, Baker, Ben Hill, Berrien, Bibb, Blackley, Brooks, Calhoun, Chattahoochee, Clay, Clinch, Coffee, Colquitt, Cook, Crawford, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Grady, Harris, Houston, Irwin, Jones, Lamar, Lanier, Lee, Lowndes, Macon, Marion, Meriwether, Miller, Mitchell, Monroe, Muscogee, Peach, Pike, Pulaski, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Talbot, Taylor, Telfair, Terrell, Thomas, Tift, Troup, Turner, Twigg, Upson, Webster, Wilcox, Worth, Banks, Borrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta,

ria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt and Wood Counties, TX. (5) From points in Adair, Adams, Audubon, Cass, Fremont, Guthrie, Harrison, Mills, Montgomery, Page, Pottawattamie, Ringgold, Shelby, Taylor and Union Counties, IA, to points in AL; Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White Counties, AR; points in GA; Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, St. Landry, Vernon, Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette, Vermillion, Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; points in NC, SC and TN; Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe, Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex and York Counties and the independent cities of Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, South Boston, Staunton, Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach and Williamsburg, VA. (6) From points in Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux and Woodbury Counties, IA, to points in AL; Ashley, Bradley, Cal-

LA; points in MS; Arlington, Caroline, Culpepper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, Westmoreland, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickinson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe, Accomack, Gloucester, Greenville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, York, Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottingham, Powhatan, Prince Edward and Prince George Counties, VA and the Independent Cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, South Boston, Staunton, Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond and Waynesboro, VA. (3) From points in Clarke, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton and Stevens Counties, KS, to points in KY; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Clairborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunilla, Union, Webster and Yalobusha Counties, MS; points in VA. (4) From points in Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace and Wichita Counties, KS, to points in Arkansas, Cleburne, Conway, Faulker, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White

Boston, Staunton, Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond and Waynesboro, VA. (3) From points in Clarke, Comanche, Edwards, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Kiowa, Meade, Morton, Pawnee, Seward, Stanton and Stevens Counties, KS, to points in KY; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Claiborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunilla, Union, Webster and Yalobusha Counties, MS; points in VA. (4) From points in Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace and Wichita Counties, KS, to points in Arkansas, Cleburne, Conway, Faulker, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline and White

Counties, AR; points in KY; Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll, Winn, Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; points in MS and VA. (5) From points in Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson and Woodson Counties, KS; points in KY; Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; points in MS and VA. (6) From points in Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumner and Washington Counties, KS; points in Allen, Barren, Breckinridge, Bullitt, Butler, Christian, Edmonson, Grayson, Hardin, Hart, Henry, Jefferson, La Rue, Logan, Meade, Muhlenberg, Nelson, Ohio, Oldham, Shepley, Simpson, Spencer, Todd, Trimble, Warren, Bell, Breathitt, Clay, Estill, Floyd, Harlan, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, McCreary, Owsley, Perry, Pike, Whitley, Ballard, Caldwell, Calloway, Carlisle, Crittenden, Daviess, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Lyon, Marshall, McCracken, McLean, Trigg, Union and Webster Counties, KY; Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge and West Feliciana Parishes, LA; points in MS; Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, Westmoreland, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland,

Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe, Accomack, Gloucester, Greensville, Isle of Wight, Lancaster, Mathews, Middlesex, Nansemond, Northampton, Northumberland, Richmond, Southampton, Surry, Sussex, York, Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward and Prince George Counties, VA, and the Independent Cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, South Boston, Staunton, Chesapeake, Emporia, Franklin, Hampton, Newport News, Norfolk, Portsmouth, Suffolk, Virginia Beach, Williamsburg, Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond and Waynesboro, VA. The purpose of this filing is to eliminate the gateway of Greene County, AR.

No. MC 107012 (Sub-No. E 360), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New Commercial and Institutional Fixtures, cartoned:* (1) From points in LA, to points in ID, MN, MT, ND, OR, SD and WA. (2) From points in Avoyelles, Catahoula, Concordia, Evangeline, Grant, La Salle, Rapides, St. Landry and Vernon Parishes, LA, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Glenn, Humboldt, Lake, Mendicino, Tehama and Trinity Counties, CA; Kit Carson, Logan, Morgan, Phillips, Segwick, Washington, Weld and Yuma Counties, CO; points in IA; Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabunsee and Wyandotte Counties, KS; Elko, Whitepine, Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey and Washoe Counties, NV; Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN; Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch, Weber, Garfield, Juab, Kane, Millard, Piute, Sanpete, Sevier and Wayne Counties, UT; Arlington, Caroline, Culpeper, Essex, Fairfax, Fauquier, King George, Orange, Prince William, Spotsylvania, Stafford, Westmoreland,

Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Craig, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Henry, Highland, Lee, Montgomery, Nelson, Patrick, Pittsylvania, Pulaski, Roanoke, Rockbridge, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe, Albemarle, Amelia, Brunswick, Buckingham, Charles City, Chesterfield, Cumberland, Dinwiddie, Fluvanna, Goochland, Hanover, Henrico, James City, King and Queen, King William, Louisa, Lunenburg, Mecklenburg, New Kent, Nottoway, Powhatan, Prince Edward, Prince George, Clarke, Frederick, Greene, Loudoun, Madison, Page, Rappahannock, Rockingham, Shenandoah and Warren Counties, VA, and the Independent Cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Bedford, Bristol, Buena Vista, Clifton Forge, Covington, Danville, Galax, Lexington, Lynchburg, Martinsville, Norton, Radford, Roanoke, Salem, So. Boston, Staunton, Charlottesville, Colonial Heights, Hopewell, Petersburg, Richmond, Waynesboro, Harrisonburg and Winchester, VA; points in WY. (3) From points in Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Lafayette and Vermillion Parishes, LA, to points in Glenn, Humboldt, Lake, Mendicino, Tehama and Trinity Counties, CA; points in IA; Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabunsee and Wyandotte Counties, KS; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Cannon, Cheatham, Clay, Davidson, De Kalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN; points in VA; Park, Teton, Yellowstone National Park, Big Horn, Campbell, Crook, Johnson, Sheridan, Washakie and Weston Counties, WY. (4) From points in Caldwell, West Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll and Winn Parishes, LA, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendicino, Tehama, Trinity, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San

Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne and Yolo Counties, CA; Garfield, Mesa, Moffat, Rio Blanco, Routt, Adams, Arapahoe, Boulder, Cedar Creek, Chaffee, Denver, Douglas, Eagle, Elbert, El Paso, Fremont, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Park, Pitkin, Summit, Teller, Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Weld and Yuma Counties, CO; points in IA; Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabunsee, Wyandotte, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Segwick, Smith, Stafford, Sumner and Washington Counties, KS; points in NV, UT and WY. (6) From points in Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine and Webster Parishes, LA, to points in Glenn, Humboldt, Lake, Mendicino, Tehama and Trinity Counties, CA; Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, Washington, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux and Woodbury Counties, IA; Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey and Washoe Counties, NV; points in NC; Clarendon, Dillon, Florence, Georgetown, Horry, Marion and Williamsburg Counties, SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN; Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch and Weber Counties, UT; points in VA;

Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabunsee, Wyandotte, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Segwick, Smith, Stafford, Sumner and Washington Counties, KS; points in NV, UT and WY. (6) From points in Bienville, Bossier, Caddo, Claiborne, De Soto, Natchitoches, Red River, Sabine and Webster Parishes, LA, to points in Glenn, Humboldt, Lake, Mendicino, Tehama and Trinity Counties, CA; Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, Washington, Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Humboldt, Ida, Kossuth, Lyon, Monona, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux and Woodbury Counties, IA; Churchill, Douglas, Humboldt, Lyon, Mineral, Ormsby, Pershing, Storey and Washoe Counties, NV; points in NC; Clarendon, Dillon, Florence, Georgetown, Horry, Marion and Williamsburg Counties, SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Cannon, Cheatham, Clay, Davidson, DeKalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne and Weakley Counties, TN; Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Summit, Tooele, Utah, Wasatch and Weber Counties, UT; points in VA;

Park, Teton, Yellowstone National Park, Big Horn, Campbell, Crook, Johnson, Sheridan, Washakie and Weston Counties, WY. The purpose of this filing is to eliminate the gateway of Greene County, AR.

No. MC 107012 (Sub-No. E361), Filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, cartoned:* (1) From points in MN, to points in AL, FL, GA, LA, and MS. (2) From points in Aitkin, Carlton, Cook, Lake, Saint Louis, and Tascas Counties, MN, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, and Tipton Counties, TN; Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, TX. (3) From points in Beltrami, Clearwater, Kittson, Koochiching, Lake of The Woods, Mahanomen, Marshall, Norman, Pennington, Polk, Red Lake, and Roseau Counties, MN, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway,

Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, and Orangeburg Counties, SC; Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, Mc Nairy, Madison, Obion, Shelby, Tipton, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, and Weakley Counties, TN; Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, Mc Mullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, TX. (5) From points in Becker, Benton, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Hubbard, Kandiyohi, Lac Qui Parle, Meeker, Morrison, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin, and Yellow Medicine Counties, MN, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, and Sumter Counties, SC; Chester, Crockett, Dyer,

Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, Mc Nairy, Madison, Obion, Shelby, and Tipton Counties, TN; Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, Mc Mullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, TX. (5) From points in Becker, Benton, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Hubbard, Kandiyohi, Lac Qui Parle, Meeker, Morrison, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin, and Yellow Medicine Counties, MN, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, Sumter, Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper, Orangeburg, Aiken, Chesterfield, Darlington, Fairfield, Keeshaw, Lancaster, Lee, Lexington, Marlboro, Richland, and Sumter Counties, SC; Chester, Crockett, Dyer,

Hardin, Henderson, Henry, Hichman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, and Weakley Counties, TN; Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, Mc Mullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, Williamson, Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, TX. (6) From points in Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock, and Watonwan Counties, MN, to points in Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Mc Dowell, Macon, Madison, Mitchell, Polk, Rutherford, Swain, Transylvania, Yancey, Alexander, Alleghany, Ashe, Avery, Burke, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Surry, Watauga, Wilkes, Yadkin, Bladen, Brunswick, Carteret, Columbus, Craven, Cumberland, Duplin, Greene, Harnett, Hoke, Johnston, Jones, Lenoir, New Hanover, Onslow, Pender, Robeson, Sampson, Scotland, and Wayne Counties, NC; points in SC and TN; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, TX. The purpose of this filing is to eliminate the gateway of Greene County, AR.

No. MC 107012 (Sub-No. E362), filed May 13, 1974. Applicant: NORTH

AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, cartoned.* (1) From points in NM, to points in GA, KY, NC, SC, TN, and VA. (2) From points in Bernadillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, and Valencia Counties, NM, to points in AL and FL; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS. (3) From points in Mc Kinley, Rio Arriba, and San Juan Counties, NM, to points in AL; Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR; points in FL; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Claiborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS. (4) From points in Chaves, Curry, De Baca, Eddy, Lea, Lincoln, Quay, and Roosevelt Counties, NM, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall, and Morgan Counties, AL; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake Orange, Osceola, Pasco, Pinellas, Pol, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties, FL; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS. (5) From points in Colfax, Harding, Mora, Taos, and Union Counties, NM, to points in AL and AL; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS. The purpose of the filing is to eliminate the gateway of Greene County, AR.

Holmers, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS. (5) From points in Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra, and Socorro Counties, NM, to point in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall, and Morgan Counties, AL; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake Orange, Osceola, Pasco, Pinellas, Pol, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties, FL; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS. (6) From points in Colfax, Harding, Mora, Taos, and Union Counties, NM, to points in AL and AL; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS. The purpose of the filing is to eliminate the gateway of Greene County, AR.

No. MC 107012 (Sub-No. E363), filed May 13, 1974. Applicant: NORTH

AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, cartoned.*

(1) From points in OK, to points in GA, KY, NC, SC, and VA.

(2) From points in Alfalfa, Beckham, Blaine, Caddo, Comanche, Cotton, Custer, Dewey, Ellis, Greer, Harmon, Harper, Jackson, Kiowa, Major, Roger Mills, Tillman, Washita, Woods, and Woodward Counties, OK, to Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall, and Morgan Counties, AL; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake Orange, Osceola, Pasco, Pinellas, Pol, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties, FL; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS; points in TN.

(3) From points in Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, and Washington Counties, OK, to points in AL and FL; Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Saint Bernard, Saint Charles, Saint Helena, Saint James, Saint John The Baptist, Saint Martin, Saint Mary, Saint Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, LA; points in MS and TN.

(4) From points in Beaver, Cimarron, and Texas Counties, OK, to points in AL and FL; Bolivar, Carroll, Coahoma,

Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Qultman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Covington, Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Lamar, Pearl River, Perry, Stone, Wayne, Attala, Claiborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, Winston, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS; points in TN.

(5) From points in Atoka, Bryan, Choctaw, Coal, Haskell, Latimer, Le Flore, McCurtain, Pittsburg and Pushmataha Counties, OK, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, De Kalb, Winston, Jackson, Limestone, Madison, Marshall, and Morgan Counties, AL; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties, FL; Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, De Kalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury,

Perry, Stewart, Wayne, and Weakley Counties, TN.

(6) From points in Canadian, Carter, Cleveland, Creek, Garfield, Grady, Grant, Hughes, Jefferson, Johnston, Kay, Kingfisher, Lincoln, Logan, Love, McClain, Marshall, Murray, Noble, Okfuskee, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Pottawatomie, Seminole, and Stephens Counties, OK, to points in AL and FL; Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS; points in TN.

The purpose of this filing is to eliminate the gateway of Greene County, AR.

No. MC 107012 (Sub-No. E364), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, cartoned.*

(1) From points in TX, to points in KY, NC, and VA.

(2) From points in Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, and Young Counties, TX, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, De Kalb, Jackson, Limestone, Madison, Winston, Marshall, and Morgan Counties, AL; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando, Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, and Volusia Counties, FL;

Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, De Kalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattnall, Toombs, Ware, Wayne, Wheeler, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker, Whitfield, Bryan, Bullock, Candler, Chatam, Effingham, Evans, Liberty, and Screven Counties, GA; Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, and Washington Counties, IA; Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS; points in SC and TN.

(3) From points in Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, and Winkler Counties, TX, to points in Autauga, Bibb, Blount, Calhoun, Chambers, Cherokee, Chilton, Clay, Cleburne, Coosa, Cullman, Elmore, Etowah, Jefferson, Lee, Randolph, St. Clair, Shelby, Talladega, Tallapoosa, Barbour, Bullock, Coffee, Covington, Crenshaw, Dale, Geneva, Henry, Houston, Macon, Montgomery, Pike, Russell, Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall, and Morgan Counties, AL; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Alachua, Baker, Bradford, Clay, Duval, Flagler, Levy, Marion, Nassau, Putnam, Saint Johns, Union, Broward, Collier, Dade, Martin, Monroe, Palm Beach, Saint Lucie, Brevard, Citrus, Hernando,

Hillsborough, Indian River, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, Volusia, Columbia, Dixie, Franklin, Gadsden, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties, FL; points in GA; Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Qultman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, Yazoo, Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS; points in SC and TN.

(4) From points in Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kennedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, and Zavala Counties, TX, to points in Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, De Kalb, Jackson, Winston, Limestone, Madison, Marshall, and Morgan Counties, AL; Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, De Kalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison, Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker, and Whitfield Counties, GA; Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Benton, Webster, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, and Washington Counties, IA; Aitkin, Carlton, Cook, Lake, Saint Louis, Tascas, Beltrami, Clearwater, Kittson, Koochiching, Lake Of The Woods, Mahanomen, Marshall, Norman, Pennington, Polk,

Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Kanabec, Le Sueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona, Wright, Becker, Benton, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Hubbard, Kandiyohi, Lac Qui Parle, Meeker, Morrison, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin, and Yellow Medicine Counties, MN; Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibbeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunila, Union, Webster, and Yalobusha Counties, MS; Barnes, Cass, Dickey, Kidder, La Moure, Logan, McIntosh, Ransom, Richland, Sargent, Stutsman, Eddy, Foster, Grand Forks, Griggs, Nelson, Steele, Traill, Benson, Cavalier, Pembina, Pierce, Ramsey, Rollette, Sheridan, Towner, Walsh, Wells, Bottineau, Burke, McHenry, McLean, Mountrail, Renville, Ward, Divide, McKenzie, and Williams Counties, ND; Clarendon, Dillon, Florence, Georgetown, Horry, Marion, and Williamsburg Counties, SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, De Kalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, and Weakley Counties, TN.

(5) From points in Austin, Bastrop, Bell, Brazoria, Brazos, Burleson, Caldwell, Calhoun, Chambers, Colorado, Comal, De Witt, Falls, Fayette, Fort Bend, Galveston, Gonzales, Grimes, Guadalupe, Hardin, Harris, Hays, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Matagorda, Milam, Montgomery, Newton, Orange, Polk, Robertson, San Jacinto, Travis, Trinity, Tyler, Victoria, Walker, Waller, Washington, Wharton, and Williamson Counties, TX, to points in Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall, and Morgan Counties, AL; Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, and Washington Counties, IA; Aitkin, Carlton, Cook, Lake, Saint Louis, Tascas, Beltrami, Clearwater, Kittson, Koochiching, Lake Of The Woods, Mahanomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Kanabec, Le Sueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey,

Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona, Wright, Becker, Benton, Big Stone, Cass, Chippewa, Clay, Crow Wing, Douglas, Grant, Hubbard, Kandiyohi, Lac Qui Parle, Meeker, Morrison, Otter Tail, Pope, Renville, Stearns, Stevens, Swift, Todd, Traverse, Wadena, Wilkin, and Yellow Medicine Counties, MN; Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, Powell, and Sanders Counties, MT; Barnes, Cass, Dickey, Kidder, La Moure, Logan, McIntosh, Ransom, Richland, Sargent, Stutsman, Eddy, Foster, Grand Forks, Griggs, Nelson, Steele, Traill, Benson, Cavalier, Pembina, Pierce, Ramsey, Rollette, Sheridan, Towner, Walsh, Wells, Bottineau, Burke, McHenry, McLean, Mountrail, Renville, Ward, Divide, McKenzie, and Williams Counties, ND; Clarendon, Dillon, Florence, Georgetown, Horry, Marion, and Williamsburg Counties, SC; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Chester, Crockett, Dyer, Fayette, Gibson, Hardeman, Haywood, Lake, Lauderdale, McNairy, Madison, Obion, Shelby, Tipton, Cannon, Cheatham, Clay, Davidson, De Kalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, and Weakley Counties, TN.

(6) From points in Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, TX, to points in Colbert, Fayette, Franklin, Lamar, Lauderdale, Lawrence, Marion, Pickens, Tuscaloosa, Walker, Winston, De Kalb, Jackson, Limestone, Madison, Marshall, and Morgan Counties, AL; Glenn, Humboldt, Lake, Mendicino, Tehama, and Trinity Counties, CA; Charlotte, De Soto, Glades, Hardee, Hendry, Highlands, Lee, Manatee, Okeechobee, Sarasota, Broward, Collier, Dade, Martin, Monroe, Palm Beach, and Saint Lucie Counties, FL; Banks, Barrow, Butts, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, De Kalb, Elbert, Fannin, Fayette, Forsyth, Franklin, Fulton, Gilmer, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jasper, Lumpkin, Madison,

Morgan, Newton, Oconee, Pickens, Rabun, Rockdale, Spalding, Stephens, Towns, Union, Walton, White, Baldwin, Burke, Columbia, Emanuel, Glascock, Greene, Hancock, Jefferson, Jenkins, Johnson, Laurens, Lincoln, McDuffie, Oglethorpe, Putnam, Richmond, Taliaferro, Treutlen, Warren, Washington, Wilkes, Wilkinson, Appling, Bacon, Brantley, Camden, Charlton, Glynn, Jeff Davis, Long, McIntosh, Montgomery, Pierce, Tattall, Toombs, Ware, Wayne, Wheeler, Bartow, Chattooga, Carroll, Catoosa, Dade, Douglas, Floyd, Gordon, Haralson, Heard, Murray, Paulding, Polk, Walker, Whitfield, Bryan, Bullock, Candler, Chatham, Effingham, Evans, Liberty, and Screven Counties, GA; Alameda, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Appanoose, Boone, Clarke, Dallas, Decatur, Greene, Grundy, Hamilton, Hardin, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Story, Tama, Warren, Wayne, Webster, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, and Washington Counties, IA; points in MN, MT, ND, and SC; Campbell, Corson, Dewey, Edmunds, Faulk, Harding, McPherson, Perkins, Potter, Walworth, Beadle, Brookings, Brown, Clark, Codrington, Day, Deuel, Grant, Hamlin, Kingsbury, Marshall, Roberts, and Spink Counties, SD; Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Scott, Sevier, Sullivan, Unicoi, Union, Washington, Bedford, Bledsoe, Bradley, Coffee, Cumberland, Fentress, Franklin, Grundy, Hamilton, Lincoln, Loudon, McMinn, Marion, Marshall, Meigs, Monroe, Moore, Morgan, Polk, Rhea, Roane, Sequatchie, Van Buren, Warren, White, Cannon, Cheatham, Clay, Davidson, De Kalb, Dickson, Jackson, Macon, Montgomery, Overton, Pickett, Putnam, Robertson, Rutherford, Smith, Sumner, Trousdale, Williamson, Wilson, Benton, Carroll, Decatur, Giles, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Lawrence, Lewis, Maury, Perry, Stewart, Wayne, and Weakley Counties, TN.

The purpose of this filing is to eliminate the gateway of Greene County, AR.

No. MC 107012 (Sub-No. E366), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, crated.*

(1) From points in MS, to points in CO, ID, IA, MN, NT, NV, ND, OR, SD, UT, WA, and WY.

(2) From points in Bolivar, Carroll, Coahoma, Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery, Quitman, Sharkey, Sunflower, Tallahatchie, Warren, Washington, and Yazoo Counties, MS, to points in Apache, Coconino, Mohave, Navajo, Yavapai, and Yuma Counties, AZ; points in CA and KS; McKinley, Rio Arriba, and San Juan Counties, NM; Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron, and Texas Counties, OK.

(3) From points in Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion Pike, Walthall, and Wilkinson Counties, MS, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendocino, Tehama, Trinity, Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura, San Bernardino, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, and Yolo Counties, CA; Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabunsee, Wyandotte, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumner, and Washington Counties, KS; Bath, Boone, Bourbon, Boyd, Bracken, Campbell,

River, Perry, Stone, and Wayne Counties, MS, to points in Apache, Coconino, Mohave, Navajo, Yavapai, and Yuma Counties, AZ; Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, and Washington Counties, AR; points in CA and KS; McKinley, Rio Arriba, San Juan, Colfax, Harding, Mora, Taos, and Union Counties, NM; Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron, and Texas Counties, OK.

(4) From points in Attala, Claiborne, Clarke, Copiah, Hinds, Jasper, Kemper, Lauderdale, Leake, Madison, Neshoba, Newton, Noxubee, Rankin, Scott, Simpson, Smith, and Winston Counties, MS, to points in Apache, Coconino, Mohave, Navajo, and Yavapai Counties, AZ; points in CA and KS; McKinley, Rio Arriba, and San Juan Counties, NM; Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, Washington, Beaver, Cimarron, and Texas Counties, OK.

(5) From points in Adams, Amite, Franklin, Jefferson, Jefferson Davis, Lawrence, Lincoln, Marion Pike, Walthall, and Wilkinson Counties, MS, to points in Butte, Lassen, Modoc, Nevada, Plumas, Shasta, Sierra, Siskiyou, Yuba, Inyo, Fresno, Kings, Tulare, Glenn, Humboldt, Lake, Mendocino, Tehama, Trinity, Kern, Los Angeles, Orange, San Luis Obispo, Santa Barbara, Ventura, San Bernardino, Alameda, Alpine, Amador, Calaveras, Colusa, Contra Costa, Eldorado, Madera, Marin, Mariposa, Merced, Mono, Monterey, Napa, Placer, San Benito, Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tuolumne, and Yolo Counties, CA; Atchison, Brown, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Miami, Nemaha, Osage, Pottawatomie, Shawnee, Wabunsee, Wyandotte, Cheyenne, Decatur, Ellis, Graham, Greeley, Gove, Lane, Logan, Ness, Norton, Phillips, Rawlins, Rooks, Rush, Scott, Sheridan, Sherman, Thomas, Trego, Wallace, Wichita, Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee, Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, Woodson, Barber, Barton, Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Harper, Harvey, Jewell, Kingman, Lincoln, Marion, McPherson, Mitchell, Morris, Osborne, Ottawa, Pratt, Reno, Republic, Rice, Riley, Russell, Saline, Sedgwick, Smith, Stafford, Sumner, and Washington Counties, KS; Bath, Boone, Bourbon, Boyd, Bracken, Campbell,

Carroll, Carter, Clark, Elliott, Fleming, Franklin, Gallatin, Grant, Greenup, Harrison, Johnson, Kenton, Lawrence, Lewis, Magoffin, Martin, Mason, Menifee, Montgomery, Morgan, Nicholas, Owen, Pendleton, Powell, Robertson, Rowan, Scott, and Wolfe Counties, KY; Adair, Cherokee, Craig, Delaware, McIntosh, Mayes, Muskogee, Nowata, Okmulgee, Osage, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, and Washington Counties, OK.

(6) From points in Alcorn, Benton, Calhoun, Chickasaw, Choctaw, Clay, Desoto, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Oktibeha, Panola, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Tunica, Union, Webster, and Yalobusha Counties, MS, to points in AZ; Benton, Boone, Carroll, Crawford, Franklin, Johnson, Logan, Madison, Marion, Newton, Pope, Searcy, Sebastian, Van Buren, and Washington Counties, AR; points in CA, KS, NM, and OK; Andrews, Archer, Baylor, Blanco, Borden, Bosque, Brown, Burnet, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Crane, Crockett, Crosby, Dawson, Denton, Dickens, Eastland, Ector, Edwards, Erath, Fisher, Gaines, Garza, Gillespie, Glasscock, Hamilton, Haskell, Hill, Hood, Howard, Irion, Jack, Johnson, Jones, Kendall, Kent, Kerr, Kimble, King, Knox, Lampasas, Llano, Lubbock, Lynn, McCulloch, McLennan, Martin, Mason, Menard, Midland, Mills, Mitchell, Montague, Nolan, Palo Pinto, Parker, Reagan, Runnels, San Saba, Schleicher, Scurry, Shackelford, Somervell, Stephens, Sterling, Stonewall, Sutton, Tarrant, Taylor, Terry, Throckmorton, Tom Green, Upton, Val Verde, Wise, Yoakum, Young, Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Dallam, Deaf Smith, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, Lamb, Lipscomb, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, Wichita, Wilbarger, Aransas, Atascosa, Bandera, Bee, Bexar, Brooks, Cameron, Dimmit, Duval, Frio, Goliad, Hidalgo, Jim Hogg, Jim Wells, Kaines, Kenedy, Kinney, Kleberg, La Salle, Live Oak, McMullen, Maverick, Medina, Nueces, Real, Refugio, San Patricio, Starr, Uvalde, Webb, Willacy, Wilson, Zapata, Zavala, Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, and Winkler Counties, TX.

The purpose of this filing is to eliminate the gateway of Greene County, AR.

No. MC 107012 (Sub-No. E365), filed May 13, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New commercial and institutional fixtures, cartoned.*

(1) From points in OR, to points in AL, FL, GA, KY, LA, MS, NC, SC, TN, and VA.

(2) From points in Benton, Clackamas, Clatsop, Columbia, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, Yamhill, Coos, Curry, Douglas, Jackson, and Josephine Counties, OR, to points in AR; Anderson, Angelina, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Marion, Morris, Nacogdoches, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Sabine, San Augustine, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, TX.

(3) From points in Cook, De Schutes, Gilliam, Hood River, Jefferson, Sherman, Wasco, Harney, Klamath, Lake, Malheur, Baker, Grant, Wheeler, Morrow, Umatilla, Union, and Walla Walla Counties, OR, to points in Clark, Hempstead, Howard, Lafayette, Little River, Miller, Montgomery, Nevada, Pike, Polk, Scott, Sevier, Yell, Ashley, Bradley, Calhoun, Chicot, Cleveland, Columbia, Dallas, Desha, Drew, Lincoln, Ouachita, Union, Arkansas, Cleburne, Conway, Faulkner, Garland, Grant, Hot Springs, Jefferson, Lee, Lonoke, Monroe, Perry, Phillips, Prairie, Pulaski, Saline, and White Counties, AR.

The purpose of this filing is to eliminate the gateway of Greene County, AR.

P.O. Box 308, Forest Park, GA 33050. Applicant's representative: R. M. Tettelbaum, Suite 375, 3379 Peachtree Road NE., Atlanta, GA 30326. (i)(a) *Fresh and cured meats and such commodities* as are classified as dairy products in the Appendix to the report in *Modification of permits—Packing House Products*, 46 MCC 23 (except from Nashville and McMinnville, TN), (b) *frozen foods* (except from Nashville and McMinnville, TN), (c) *Fresh fruits and vegetables* (except from Nashville and McMinnville, TN), from points in Davidson County, TN, and those points in TN on and west of a line beginning at the GA-TN State line, and extending along U.S. Hwy 41 to junction Alternate U.S. Hwy 41, then along Alternate U.S. Hwy 41 to the TN-KY State line, those points in NC on and east of a line beginning at the SC-NC State line, and extending along Interstate Hwy 85 to junction U.S. Hwy 52, then along U.S. Hwy 52 to junction U.S. Hwy 158, then along U.S. Hwy 158 to junction U.S. Hwy 29, then along U.S. Hwy 29 to the VA-TN State line, and those points in VA on and east of U.S. Hwy 15. (II) *Meats, meat products and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from Jackson and Humboldt, TN, to those points in NC on and east of a line beginning at the NC-SC State line, and extending along U.S. Hwy 25 to junction U.S. Hwy 64, then along U.S. Hwy 64 to junction NC Hwy 18, then along NC Hwy 18 to the VA-NC State line; those points in VA on and east of a line beginning at the VA-NC State line, and extending along U.S. Hwy 220 to junction VA Hwy 57, then along VA Hwy 57 to junction U.S. Hwy 29, then along U.S. Hwy 29 to junction VA Hwy 6, then along VA Hwy 6 to junction Blue Ridge Parkway, then along the Blue Ridge Parkway to junction U.S. Hwy 522, then along U.S. Hwy 522 to the VA-WV State line. The purpose of this filing is to eliminate the gateway of Atlanta, GA.

No. MC 107515 (Sub-No. E557), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 33050. Applicant's representative: R. M. Tettelbaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, GA 30326. *Frozen foods*, except in bulk, in vehicles equipped with mechanical refrigeration, from Jacksonville, IL (1) to points in NV and on and south of Interstate Hwy 15. (2) To those points in AZ on and south of Interstate Hwy 40. (3) To those points in CA on and south and west of a line beginning at the CA-NV State line, and extending along Interstate Hwy 80, then along Interstate Hwy 80 to junction Interstate Hwy 5, then along Interstate

The purpose of this filing is to eliminate the gateway of Greene County, AR.

No. MC 107515 (Sub-No. E509), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC.,

Hwy 5 to the CA-OR State line. (4) to those points in WA and OR on or west of Interstate Hwy 5. The purpose of this filing is to eliminate the gateway of Union City, TN.

No. MC 108341 (Sub-No. E21), filed November 9, 1977. Applicant: MOSS TRUCKING CO., INC., 3027 North Tryon St., P.O. Box 8409, Charlotte, NC 28208. Applicant's representative: Jack F. Counts (same as above). *Source, special nuclear, and by-product materials, radio-active materials, related radioactive equipment, component parts and associated materials*, restricted to the transportation of commodities which because of size or weight require the use of special equipment, and contractor's materials, supplies, and equipment moving in connection therewith which do not necessarily require the use of special equipment, (1) between points in that part of NY on and south to Interstate Hwy 287 and east of the Hudson River, and those in Staten Island, on the one hand, and, on the other, points in WV, those in the U.S. in and west of MI, IN, IL, MO, AR, and TX, those in OH (except that part east of U.S. Hwy 21 and north of U.S. Hwy 30), those in PA on and south of U.S. Hwy 30 and west of Interstate Hwy 70, and those in MD on and west of U.S. Hwy 11; (2) between points in Orange, Putnam, Rockland and Westchester Counties, NY, on the one hand, and, on the other, points in that part of the U.S. in and west of the Upper Peninsula of MI, WI, IL, MO, AR, and TX, those in IN on and south of U.S. Hwy 35, those in OH on and south of a line beginning at the OH-IN State line, and extending along U.S. Hwy 35 to junction U.S. Hwy 50, then along U.S. Hwy 50 to the OH-WV State line, and those in WV on and south of U.S. Hwy 33; (3) between points in that part of NY on and east of NY Hwy 10 and on and south of NY Hwy 7 and north of Orange and Putnam Counties, NY, on the one hand, and, on the other, points in the U.S. in and west of MN, IA, MO, AR, and TX, those in OH on and south of U.S. Hwy 50 and those in WV on and south of U.S. Hwy 33; (4) between points in that part of NY on and south of a line beginning at the NY-PA State line, and extending along NY Hwy 12 to junction NY Hwy 8, to the NY-VT State line, and north and west of a line beginning at the NY-PA State line, and extending along NY Hwy 10 to junction NY Hwy 7, then along NY Hwy 7 to the NY-VT State line, on the one hand, and, on the other, points in that part of the U.S. in and east of ND, SD, NE, MO, AR, and TX, those in MN on and west of Interstate Hwy 35 and those in IA on and west of U.S. Hwy 218; (5) between points in that part of NY on and east or south of a line beginning at the NY-PA State line, and extending

No. MC 107515 (Sub-No. E557), filed January 27, 1975. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 33050. Applicant's representative: R. M. Tettelbaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, GA 30326. *Frozen foods*, except in bulk, in vehicles equipped with mechanical refrigeration, from Jacksonville, IL (1) to points in NV and on and south of Interstate Hwy 15. (2) To those points in AZ on and south of Interstate Hwy 40. (3) To those points in CA on and south and west of a line beginning at the CA-NV State line, and extending along Interstate Hwy 80, then along Interstate Hwy 80 to junction Interstate Hwy 5, then along Interstate

along NY Hwy 13 to junction U.S. Hwy 20, then along U.S. Hwy 20 to junction NY Hwy 26, then along NY Hwy 26 to junction NY Hwy 3, then along NY Hwy 3 to the NY-VT State line, on the one hand, and, on the other, points in the U.S. in and west of ND, SD, NE, KS, OK, AR, and TX, and those in that part of MO, on and west of a line beginning at the MO-IA State line, and extending along Interstate Hwy 29 to junction MO Hwy 7, then along MO Hwy 7 to junction MO Hwy 17, then along MO Hwy 17 to junction U.S. Hwy 63, then along U.S. Hwy 63 to the MO-AR State line; (6) between points in that part of NY on and east of NY Hwy 19 and west and north of a line beginning at the NY-PA State line, and extending along NY Hwy 13 to junction U.S. Hwy 20, then along NY Hwy 20 to junction NY Hwy 26, then along NY Hwy 26 to junction NY Hwy 3, then along NY Hwy 3 to the NY-VT State line, on the one hand, and, on the other, points in AZ, CA, ID, NV, NM, OR, TX, UT, and WA, and those in CO south and west of a line beginning at the CO-WY State line, and extending along CO Hwy 13 to junction U.S. Hwy 40, then along U.S. Hwy 40 to junction CO Hwy 9, then along CO Hwy 9 to junction U.S. Hwy 50, then along U.S. Hwy 50 to junction Interstate Hwy 25, then along Interstate Hwy 25 to the CO-NM State line; and (7) between points in NY on and west of NY Hwy 19, on the one hand, and, on the other, points in CA, OR, WA, and those in NV in and west of Humboldt, Pershing, Lander, Nye, Lincoln, and Clark Counties. The authority granted by this letter-notice is limited to a five-year term. The purpose of this filing is to eliminate the gateway of points in VA within the District of Columbia Commercial Zone.

No. MC 108341 (Sub-No. E22), filed November 9, 1977. Applicant: MOSS TRUCKING CO., INC., 3027 North Tryon St., P.O. Box 8409, Charlotte, NC 28208. Applicant's representative: Jack F. Counts (same as above). *Source, special nuclear, and by-product materials, radio-active materials, related radioactive equipment, component parts and associated materials*, restricted to the transportation of commodities which because of size or weight require the use of special equipment and contractor's materials, supplies, and equipment moving in connection therewith which do not necessarily require the use of special equipment, between points in CT, on the one hand, and, on the other, points in the U.S. in and west of MI, IN, IL, MO, AR, and TX, those in WV, those in PA on and south of U.S. Hwy 30 and west of PA Hwy 26, and those in OH (except that part east of U.S. Hwy 23 and north of U.S. Hwy 40).

The authority granted in this letter-notice is limited to a five-year term. The purpose of this filing is to eliminate the gateway of points in VA within the District of Columbia Commercial Zone.

No. MC 108341 (Sub-No. E23), filed November 9, 1977. Applicant: MOSS TRUCKING CO., INC., 3027 North Tryon St., P.O. Box 8409, Charlotte, NC 28208. Applicant's representative: Jack F. Counts (same as above). *Source, special nuclear, and by-product materials, radio-active materials, related equipment, component parts and associated materials*, restricted to the transportation of commodities which because of size or weight require the use of special equipment, and contractor's materials, supplies, and equipment moving in connection therewith which do not necessarily require the use of special equipment, between points in RI, on the one hand, and, on the other, points in the U.S. in and west of MI, IN, IL, MO, AR, TX, those in WV, those in OH on and south of U.S. Hwy 422, those in PA on and south of PA turnpike and west of Interstate Hwy 70 and those in MD on and west of U.S. Hwy 15. The authority granted in this letter-notice is limited to a five-year term. The purpose of this filing is to eliminate the gateway of points in VA within the District of Columbia Commercial Zone.

No. MC 108341 (Sub-No. E24), filed November 9, 1977. Applicant: MOSS TRUCKING CO., INC., 3027 North Tryon St., P.O. Box 8409, Charlotte, NC 28208. Applicant's representative: Jack F. Counts (same as above). *Source, special nuclear, and by-product materials, radio-active materials, related radioactive equipment, component parts and associated materials*, restricted to the transportation of commodities which because of size or weight require the use of special equipment, and contractor's materials, supplies, and equipment moving in connection therewith which do not necessarily require the use of special equipment, (1) between points in MA, on the one hand, and, on the other, points in the U.S. in and west of the upper peninsula of MI, WI, IL, MO, AR, and TX, those in WV, those in IN on and south of IN Hwy 26, those in OH on and south of U.S. Hwy 36, those in PA on and south of U.S. Hwy 36, those in PA on and south of U.S. Hwy 30 and west of PA Hwy 26, and those in MD on and west of U.S. Hwy 15; and (2) between points in MA east of Worcester County, on the one hand, and, on the other, points in MI, and those in IN on and north of IN Hwy 26, and those in OH on and north of U.S. Hwy 24. The authority granted in this letter-notice is limited to a five-year term. The purpose of this filing is

to eliminate the gateway of points in VA within the District of Columbia Commercial Zone.

No. MC 113855 (Sub-No. E432), filed August 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, ND 58102. *Metal and metal articles*, (A) Between points in IL on, north, and west of a line beginning at the IA-IL State line, and extending along U.S. Hwy 30 to junction IL Hwy 2, then along IL Hwy 2 to junction IL Hwy 38 at or near Dixon IL, then along IL Hwy 38 to junction IL Hwy 31 then along IL Hwy 31 to the IL-WI State line, on the one hand, and, on the other, points in IN. (B) Between points in IL on, north, and west of a line beginning at Lake Missouri, and extending along the southern boundary of Lake County to junction IL Hwy 43, then along IL Hwy 43 to junction IL Hwy 62, then along IL Hwy 62 to junction IL Hwy 53, then along IL Hwy 53 to junction U.S. Hwy 34, then along U.S. Hwy 34 to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction U.S. Hwy 2 and south and east of a line beginning at the junction of IL Hwy 2 to junction IL Hwy 38 at or near Dixon, IL, then along IL Hwy 38 to junction IL Hwy 31, then along IL Hwy 31 to the IL-WI State line, on the one hand, and, on the other, points in IN on and south of a line beginning at the OH-IN State line, and extending along IN Hwy 67 to junction of U.S. Hwy 40, then along U.S. Hwy 40 to the IN-IL State line. (C) Between points in IL on, north, and west of a line beginning at Lake Missouri, and extending along the southern boundary of Lake County to junction IL Hwy 43, then along IL Hwy 43 to junction IL Hwy 62, then along IL Hwy 62 to junction IL Hwy 53, then along IL Hwy 53 to junction U.S. Hwy 34, then along U.S. Hwy 34 to junction U.S. Hwy 30, then along U.S. Hwy 30 to the IL-IA State line, on the one hand, and, on the other, points in KY. (D) Between points in IL on and north of a line beginning at the IA-IL State line, and extending easterly along U.S. Hwy 6 to junction U.S. Hwy 30, and points south and west of U.S. Hwy 30 extending west from the junction of U.S. Hwy 6 and U.S. Hwy 30 to the IL-IA State line, on the one hand, and, on the other, points in KY on and east of a line beginning at the IN-KY State line, and extending along KY Hwy 55 to junction KY Hwy 80, then along KY Hwy 80 to junction KY Hwy 63, then along KY Hwy 63 to the KY-TN State line. (E) Between points in IL bounded by a line beginning at the junction of U.S. Hwy 6 and IL Hwy 71, then along U.S. Hwy 6 to Joliet, IL, then along U.S. Hwy 30 to junction

U.S. Hwy 34, then along U.S. Hwy 34 to junction IL Hwy 71, then along IL Hwy 71 to junction U.S. Hwy 6, on the one hand, and, on the other, points in OH on and east of a line beginning at the KY-OH State line, and extending along U.S. Hwy 62 to junction OH Hwy 13, then along OH Hwy 13 to junction U.S. Hwy 250, then along U.S. Hwy 250, to Lake Erie at Sandusky, OH. (F) Between points in IL on, north, and west of a line beginning at Lake Missouri, and extending along the southern boundary of Lake County to junction IL Hwy 43, then along IL Hwy 43 to junction IL Hwy 62, then along IL Hwy 62 to junction IL Hwy 53, then along IL Hwy 53 to junction U.S. Hwy 34, then along U.S. Hwy 34 to junction IL Hwy 71, then along IL Hwy 71 to junction U.S. Hwy 6, then along U.S. Hwy 6 to the IL-IA State line, on the one hand, and, on the other, points in OH. (G) Between points in IL on and north of U.S. Hwy 6, on the one hand, and, on the other, points in WV and the following described portion of PA: Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazelton, PA, and mines in that part of PA south and west of a line beginning at the PA-OH State line, and extending along U.S. Hwy 224 to junction U.S. Hwy 422, then along U.S. Hwy 422 to junction U.S. Hwy 19 near Rose Point, PA, then along U.S. Hwy 19 to junction unnumbered highway near Portersville, PA, then along unnumbered highway via Prospect, PA, to junction U.S. Hwy 422, then along U.S. Hwy 422 to Ebensburg, PA, then along U.S. Hwy 22 to junction U.S. Hwy 522, then along U.S. Hwy 522 to junction PA Hwy 641 (formerly PA Hwy 433), then along PA Hwy 641 to junction PA Hwy 997, and then along PA Hwy 997 to the PA-MD State line, including points on the indicated portions of the highways specified. The purpose of the filings in parts (A) through (G) is to eliminate the gateway of Elgin, IL. (H) Between points in IL on and north of U.S. Hwy 6, on the one hand, and, on the other, points in MA, CT, RI, NJ, DE, DC, NY in and east of Tioga, Tompkins, and Cayuga Counties; MD, on and east of a line beginning at the MD-PA State line, then along U.S. Hwy 140 to junction MD Hwy 97, then along MD Hwy 97 to DC; VA in and east of Southampton, Sussex, Prince George, Charles City, New Kent, King William, King and Queen, Essex, and King George Counties; and Hyde, Washington, Tyrrell, Dare, Chowan, Gates, Perquimans, Pasquotank, Camden, and Currituck Counties, NC. The purpose of this filing is to eliminate the gateways of Elgin, IL, and Scranton, Allentown, and Hazelton, PA.

No. MC 113855 (Sub-No. E433), filed August 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450

Marion Road SE., Rochester, MN 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, ND 58102. *Metal and metal articles*, (a) between points in IN on and east of a line beginning at the IL-IN State line, and extending along Interstate Hwy 90 to junction Interstate Hwy 65, then along Interstate Hwy 65 to junction IN Hwy 46, then along IN Hwy 46 to junction IN Hwy 7, then southeast along IN Hwy 7 to the IN-KY State line at or near Madison, IN, on the one hand, and, on the other, points in NE south of U.S. Hwy 6 and east of U.S. Hwy 81, (b) between points in IN south and west of the line in (a) above, on the one hand, and, on the other, points in NE east and north of a line beginning at the IA-NE State line, and extending along U.S. Hwy 77 to junction NE Hwy 92, then along NE Hwy 92 to the NE-IA State line (including points on NE Hwy 92 but excluding points on U.S. Hwy 77) and (c) between points in IN within an area bounded on the north by Interstate Hwy 90, on the east by Interstate Hwy 65, and on the south by Interstate Hwy 70 (not including points on the indicated highways other than those on Interstate Hwy 70 west of Indianapolis, IN), on the one hand, and, on the other, points in NE within an area beginning at Omaha, NE, and extending along NE Hwy 92 to junction U.S. Hwy 77, then along U.S. Hwy 77 to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction NE Hwy 14, then along NE Hwy 14 to junction Interstate Hwy 80, then along Interstate Hwy 80 to the point of beginning (not including Omaha, NE, or points on the indicated Hwys other than those points on Interstate Hwy 80), (d) between points in KY on and east of a line beginning at the IN-KY State line, and extending along U.S. Hwy 150 to junction U.S. Hwy 27, then along U.S. Hwy 27 to the KY-TN State line, on the one hand, and, on the other, points in NE, and (e) between points in KY on and east of a line beginning at the IN-KY State line, and extending along U.S. Hwy 231 to junction Interstate Hwy 65, then along Interstate Hwy 65 to the KY-TN State line, and extending along U.S. Hwy 150 to junction U.S. Hwy 27, then along U.S. Hwy 27 to the KY-TN State line, on the one hand, and, on the other, points in NE on and north of a line beginning at the IA-NE State line, and extending along NE Hwy 92 to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction U.S. Hwy 281 at or near Grand Island, NE, then along U.S. Hwy 281 to junction Interstate Hwy 80, then along Interstate Hwy 80 to junction Interstate Hwy 76, then along Interstate Hwy 76 to the NE-CO State line. The purpose of this filing is to eliminate the gateways of Elgin, IL, and points in SD.

No. MC 113908 (Sub-No. E140), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, MO 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. *Vinegar*, in bulk, in tank vehicles, from Bailey, Belding, and Fremont, MI, (1) to those points in CO on and south and west of a line beginning at the CO-NE State line, and extending along CO Hwy 71 to junction U.S. Hwy 24, then east along U.S. Hwy 24 to the CO-KS State line, (2) to those points in AR on and south and west of a line beginning at the AR-MO State line, and extending along U.S. Hwy 167 to junction U.S. Hwy 64, then east along U.S. Hwy 64 to the AR-TN State line, (3) to those points in MS on and south and west of a line beginning at the AR-MS State line, and extending along U.S. Hwy 82 to junction U.S. Hwy 61, then along U.S. Hwy 61 to junction MS Hwy 33, then south along MS Hwy 33 to the MS-LA State line, (4) to points in OK, (5) to points in TX. The purpose of this filing is to eliminate the gateway of Nixa, MO.

No. MC 113908 (Sub-No. E154), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, MO 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. *Vinegar and vinegar stock*, in bulk, in tank vehicles, from Oklahoma City, OK, to points in CO, IA, NE, and those points in IL on and north of a line beginning at the IL-MO State line, and extending along U.S. Hwy 24, to junction U.S. Hwy 136, to junction IL Hwy 119, then along IL Hwy 119 to the IL-IN State line. The purpose of this filing is to eliminate the gateway of Hutchinson, KS.

No. MC 113908 (Sub-No. E269), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, MO 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. *Vinegar*, in bulk, in tank vehicles, from Denver, CO, to points in AR, LA, IN, and OH. The purpose of this filing is to eliminate the gateway of Nixa, MO.

No. MC 113908 (Sub-No. E400), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, MO 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. *Vinegar stock*, in bulk, in tank vehicles, from Fremont, MI, to those points in CO on and south of a line beginning at the CO-KS State line, and extending along U.S. Hwy 24, to junction CO Hwy 86, then along CO Hwy 86 to junction CO Hwy 67, then along CO Hwy 67 to junction U.S. Hwy 285, then along U.S.

Hwy 285 to junction Interstate Hwy 70, then along Interstate Hwy 70 to junction CO Hwy 64, then along CO Hwy 64 to the CO-UT State line. The purpose of this filing is to eliminate the gateway of Marionville and Nixa, Mo.

No. MC 113908 (Sub-No. E404), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, MO 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. *Vinegar*, in bulk, in tank vehicles, from New York, NY, to points in OK and those points in AR on and west and north of a line beginning at the AR-OK State line, and extending along AR Hwy 96 to junction AR Hwy 23, then north along AR Hwy 23 to the AR-MO State line. The purpose of this filing is to eliminate the gateways of Memphis, TN, and Marionville, Mo.

No. MC 113908 (Sub-No. E406), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, MO 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. *Vinegar*, in bulk, in tank vehicles, from Marionville, MO, (1) to those points in NE on and west of NE Hwy 71; (2) to those points in CO on and west and north of a line beginning at the CO-NE State line, and extending along CO Hwy 71, then along CO Hwy 71 to junction U.S. Hwy 36, then along U.S. Hwy 36 to junction Interstate Hwy 70, then along Interstate Hwy 70 to the CO-UT State line; (3) to those points in TX on and west of a line beginning at the TX-NM State line, and extending along U.S. Hwy 285 to junction U.S. Hwy 90, then along U.S. Hwy 90 to the International Boundary line between the United States and Mexico. The purpose of this filing is to eliminate the gateways of Oklahoma City, OK, and Wichita, KS.

No. MC 113908 (Sub-No. E407), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, MO 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. *Vinegar*, in bulk, in tank vehicles, from Marionville, MO, to points in CA on and west of U.S. Hwy 95. The purpose of this filing is to eliminate the gateways of Rogers, AR, and Denver, CO.

No. MC 113908 (Sub-No. E408), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, MO 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. *Vinegar*, in bulk, in tank vehicles, from Rogers, AR, (1) to points in NY; (2) to those points in

MD on and south and west of a line beginning at the Atlantic Ocean, and extending along U.S. Hwy 50, then along U.S. Hwy 50 to junction MD Hwy 404, then along MD Hwy 404 to the Atlantic Ocean; (3) those points in PA on and north and east of a line beginning at the PA-DE State line, and extending along PA Hwy 41, then along PA Hwy 41 to junction PA Hwy 10, then along PA Hwy 10 to junction Interstate Hwy 76, then along Interstate Hwy 76 to the PA-OH State line; (4) to points in DE. The purpose of this filing is to eliminate the gateways of Nixa, MO, and Belding, MI.

No. MC 113908 (Sub-No. E409), filed December 5, 1974. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Glenstone Station, Springfield, MO 65804. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. *Vinegar*, in bulk, in tank vehicles, from Belding, MI, to points in El Paso and Hudspeth Counties, TX. The purpose of this filing is to eliminate the gateways of Memphis, TN, and Wichita, KS.

No. MC 114019 (Sub-No. E480) (Partial Correction), filed December 20, 1976, published in the FEDERAL REGISTER issue of February 2, 1978, and republished on March 9, 1978, and April 19, 1978, and partially republished, as corrected, this issue. Applicant: MIDWEST EMERY FREIGHT SYSTEM, 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Arthur J. Sibik (same as above). *Wire, wire fencing, and other iron and steel articles*: (1) From points in Cook County, IL, and Lake County, IN, to points in WI within the area bounded on the east by U.S. Hwy 45, on the north by WI Hwy 60, on the west by U.S. Hwy 12 and WI Hwy 69, and on the south by the WI-IL State line The purpose of this filing is to eliminate the gateways on Milwaukee, WI, and Waukegan, IL.

NOTE.—The purpose of this partial correction is to state the correct territorial description. The remainder of this letter-notice remains as previously published.

No. MC 114552 (Sub-No. E110), filed August 22, 1975. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Gypsum and gypsum products, composition board, urethane and urethane products, and such insulation materials and roofing and roofing materials and supplies as are useful in the manufacture and distribution of roofing and roofing materials* (except in bulk), from points in NC (except points in Bertie, Camden, Caswell, Chowan, Currituck, Dare, Forsyth, Franklin, Gates, Granville, Halifax, Hertford, Hyde, Martin, Northampton, Pasquo-

tank, Perquimans, Person, Rockingham, Stokes, Tyrrell, Vance, Warren, and Washington Counties), to those points in NJ on and north of a line beginning at the Atlantic Ocean, then extending along NJ Hwy 72 to its junction with NJ Hwy 70, then along NJ Hwy 70 to junction U.S. Hwy 206, then along U.S. Hwy 206 to junction Interstate Hwy 295, then along Interstate Hwy 295 to junction Interstate Hwy 276, then along Interstate Hwy 276 to the NJ-PA State line. The purpose of this filing is to eliminate the gateway of points in Wayne County, NC.

No. MC 114552 (Sub-No. E142) (correction), filed August 25, 1975, published in the FEDERAL REGISTER issue of March 29, 1978, and republished, as corrected, this issue. Applicant: SENN TRUCKING CO., P.O. DRAWER 220, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Composition board*, from points in VA on and east of a line beginning at the VA-NC State line, then extending along Interstate Hwy 85 to junction VA Hwy 10, then along VA Hwy 10 to junction U.S. Hwy 258, then along U.S. Hwy 258 to the Chesapeake Bay, to points in ND, SD, and those points in IA on and west of U.S. Hwy 59, those points in MN on and west of a line beginning at the IA-MN State line, then extending along U.S. Hwy 59 to junction MN Hwy 28, then along MN Hwy 28 to junction MN Hwy 29, then along MN Hwy 29 to junction U.S. Hwy 71, then along U.S. Hwy 71 to junction MN Hwy 1, then along MN Hwy 1 to junction MN Hwy 72, then along MN Hwy 72 to the International Boundary line between U.S. and CD. The purpose of this filing is to eliminate the gateway of points in Wayne County, NC, and Greenwood, SC.

NOTE.—The purpose of this republication is to clarify the letter-notice that was published incorrectly in the FEDERAL REGISTER.

No. MC 117574 (Sub-No. E56), filed June 6, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same as above). *Dredges, component parts of dredges, and dredging equipment*, which is also industrial machinery and attachments, accessories and parts of such industrial machinery, (1) between points in Alleghany and Garrett Counties, MD, on the one hand, and, on the other, points in AZ, CA, CO, CT, FL, ID, IL, LA, ME, MA, MN, NT, NE, NV, NH, NJ, NM, NY, ND, OK, OR, PA, RI, SD, TX, UT, VT, WA, WY and those points in the following described states: points in AL south of a line commencing at the AL-MS State line along U.S. Hwy 78 to junction U.S. Hwy 43, then along U.S. Hwy 43 to junction AL Road 24, then along AL

Road 24 to junction AL Road 67, then along AL Road 67 to junction U.S. Hwy 278, then along U.S. Hwy 278 to junction U.S. Hwy 431, then along U.S. Hwy 431 to the GA-AL State line; points in AR south of a line commencing at the OK-AR State line, then on Interstate Hwy 40 to junction U.S. Hwy 49, then along U.S. Hwy 49 to the AR-MS State line; points in GA south of a line commencing at the AL-GA State line along U.S. Hwy 280 to its termination at the Atlantic Ocean; points in IA north and west of a line commencing at the IA-WI State line along IA Road 13 to junction IA Road 187, then along IA Road 187 to junction U.S. Hwy 20, then along U.S. Hwy 20 to junction U.S. Hwy 63, then along U.S. Hwy 63 to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction IA Road 330, then along IA Road 330 to junction Interstate Hwy 35, then along Interstate Hwy 35 to junction IA Road 2, then along IA Road 2 to junction U.S. Hwy 169, then along U.S. Hwy 169 to the MO-IA State line; points in KS north and west of a line commencing at the KS-MO State line, then on Interstate Hwy 70 to junction U.S. Hwy 75, then along U.S. Hwy 75 to the KS-OK State line; points in MI west of a line commencing at Lake Superior on U.S. Hwy 41, then along U.S. Hwy 41 to junction MI Road 26, then along MI Road 26 to junction U.S. Hwy 45, then along U.S. Hwy 45 to the MI-WI State line; points in MS south of a line commencing at the MS-AR State line on U.S. Hwy 49, then along U.S. Hwy 49 to junction U.S. Hwy 61, then along U.S. Hwy 61 to junction MI Road 6, then along MI Road 6 to junction U.S. Hwy 78, then along U.S. Hwy 78 to the MS-AL State line; points in MO west of a line commencing at the MO-IA State line on U.S. Hwy 169 to junction Interstate Hwy 29, then along Interstate Hwy 29 to the MO-KS State line; points in WI west of a line commencing at the WI-MI State line on U.S. Hwy 45 to junction U.S. Hwy 8, then along U.S. Hwy 8 to junction WI Road 27, then along WI Road 27 to junction WI Road 178, then along WI Road 178 to junction Interstate Hwy 94, then along Interstate Hwy 94 to junction U.S. Hwy 53, then along U.S. Hwy 53 to junction WI Road 35, then along WI Road 35 to the WI-IA State line. (2) between points in Broome, Chenango, Cortland, and Tioga Counties, NY, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, IN, KS, KY, LA, ME, MD, MA, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OK, OR, PA, RI, SC, SD, TNB, TX, UT, VT, VA, WA, WY (except points in IL north and east of a line commencing at the IL-WI State line on Interstate Hwy 80, then along Interstate Hwy 80 to junction Interstate Hwy 74, then along In-

terstate Hwy 74 to junction U.S. Hwy 150, then along U.S. Hwy 150 to junction U.S. Hwy 136, then along U.S. Hwy 136 to the IL-IN State line; points in IN south of a line commencing at the IN-IL State line on U.S. Hwy 136, then along U.S. Hwy 136 to junction U.S. Hwy 40, then along U.S. Hwy 40 to the IN-OH State line; points in IA east of a line commencing at Dubuque, then along U.S. Hwy 61 to junction Interstate Hwy 80, then along Interstate Hwy 80 to the IA-IL State line; points in the lower peninsula of MI and points in the upper peninsula of MI southeast of a line commencing at Sault St. Mane, then along Interstate Hwy 75 to junction MI Hwy 28, then along MI Hwy 28 to junction MI Hwy 77, then along MI Hwy 77 to junction U.S. Hwy 2, then along U.S. Hwy 2 to junction U.S. Hwy 41, then along U.S. Hwy 41 to Escanaba; points in OH north of a line commencing at the OH-IN State line on U.S. Hwy 40, then along OH Hwy 40 to junction OH Hwy 16, then along OH Hwy 16 to junction U.S. Hwy 36, then along U.S. Hwy 36 to junction U.S. Hwy 22, then along U.S. Hwy 22 to the OH-WV State line; points in WV north of a line commencing at the WV-OH State line on U.S. Hwy 22, then along the U.S. Hwy 22 to the WV-PA State line; points in WI south and east of a line commencing at Sheboygan, then along WI Hwy 23 to junction U.S. Hwy 151, then along U.S. Hwy 151 to the WI-IA State line. (3) between points in Bradford, Columbia, Lackawana, Luzerne, Montour, Northumberland, Pike, Sullivan, Susquehanna, Wayne, and Wyoming Counties, PA, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, IA, KS, KY, LA, MN, MS, MO, MT, NE, NV, NM, ND, OK, OR, SC, SD, TN, TX, UT, WA, WI, WY, and points in the following described States: points in IL north and west of a line commencing at Waukegan along IL Hwy 120 to junction U.S. Hwy 45, then along U.S. Hwy 45 to junction IL Hwy 114, then along IL Hwy 114 to the IL-IN State line; points in IN south and west of a line commencing at the IL-IN State line along IN Hwy 10 to junction Interstate Hwy 65, then along Interstate Hwy 65 to junction IN Hwy 32, then along IN Hwy 32 to the IN-OH State line; points in MD south and east of a line commencing at the PA-MD State line along U.S. Hwy 40, to junction U.S. Hwy 522, then along U.S. Hwy 522 to the PA-MD State line, and south and west of a line commencing at the PA-MD State line along Interstate Hwy 83 to junction with U.S. Hwy 301, then along U.S. Hwy 301 to junction MD Hwy 207, then along MD Hwy 207 to junction Interstate Hwy 95, then along Interstate Hwy 95 to the MD-VA State line; points in MI north and west of a line commencing

at Alpena along MI Hwy 32 to junction U.S. Hwy 131, then along U.S. Hwy 131 to junction MI Hwy 72, then along MI Hwy 72 to Lake MI; points in NC south and west of a line commencing at the VA-NC State line along U.S. Hwy 13 to junction U.S. Hwy 158, then along U.S. Hwy 158 to the Atlantic Ocean; points in OH south and west of a line commencing at the IN-OH State line along OH Hwy 47 to junction OH Hwy 49, then along OH Hwy 49 to junction U.S. Hwy 36, then along U.S. Hwy 36 to junction OH Hwy 29, then along OH Hwy 29 to junction U.S. Hwy 40, then along U.S. Hwy 40 to junction OH Hwy 800, then along OH Hwy 800 to junction OH Hwy 148, then along OH Hwy 148 to the WV-OH State line; points in PA south and west of a line commencing at the WV-PA State line along PA Hwy 2 to junction PA Hwy 18, then along PA Hwy 18 to junction PA Hwy 21, then along PA Hwy 21 to junction U.S. Hwy 40, then along U.S. Hwy 40 to the MD-PA State line; and points south and east of a line commencing at the MD-PA State line along U.S. Hwy 522 to junction Interstate Hwy 76, then along Interstate Hwy 76 to junction Interstate Hwy 81, then along Interstate Hwy 81 to junction Interstate Hwy 83, then along Interstate Hwy 83 to the MD-PA State line; points in VA south and west of a line commencing at the MD-VA State line along Interstate Hwy 95 to junction U.S. Hwy 58, then along U.S. Hwy 58 to junction U.S. Hwy 13, then along U.S. Hwy 13 to the VA-NC State line; points in WV south and west of a line commencing at the OH-WV State line at Moundsville along WV Hwy 2 to the WV-PA State line. (4) between points in Armstrong, Butler, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean, Mercer, Venango, and Warren Counties, PA, on the one hand, and, on the other, points in AZ, AR, CA, OR, WA, and points in the following described States: points in CO south and west of a line commencing at the CO-UT State line along U.S. Hwy 666, then to the CO-NM State line; points in CT south and east of a line commencing at New Haven, CT, along U.S. Hwy 5 to junction U.S. Hwy 6, then along U.S. Hwy 6, to the CT-RI State line; points in FL south and east of a line commencing at Panama City, FL, then along U.S. Hwy 231 to junction FL Hwy 2, then along FL Hwy 2 to the FL-GA State line; points in GA south and east of a line commencing at the FL-GA State line along GA Hwy 91 to junction U.S. Hwy 19, then along U.S. Hwy 19 to junction GA Hwy 27, then along GA Hwy 27 to junction GA Hwy 46, then along GA Hwy 46 to junction GA Hwy 56, then along GA Hwy 56 to junction U.S. Hwy 80, then along U.S. Hwy 80 to junction U.S. Hwy 301, then along

U.S. Hwy 301 to the GA-SC State line; points in ID north and west of a line commencing at the MT-ID State line along U.S. Hwy 93 to the ID-NV State line; points in ME south and east of a line commencing at the NM-ME State line along U.S. Hwy 1 to junction ME Hwy 32 then along ME Hwy 32 to junction U.S. Hwy 201, then along U.S. Hwy 201 to the ME-CD International Boundary; points in MA south and east of a line commencing at the RI-MA State line along U.S. Hwy 1 to the MA-NH State line; points in MT north and west of a line commencing at the MT-CD State line along MT Hwy 511 to junction MT Hwy 5, then along MT Hwy 5 to junction MT Hwy 13, then along MT Hwy 13 to junction MT Hwy 200, then along MT Hwy 200 to junction U.S. Hwy 93 to the MT-ID State line; points in NV north and west of a line commencing at the ID-NV State line along U.S. Hwy 93 to junction U.S. Hwy 6, then along U.S. Hwy 6 to the NV-UT State line; points in NH south and east of a line commencing at the MA-NH State line along U.S. Hwy 1 to the NH-ME State line; points in NM south and west of a line commencing at the CO-NM State line along U.S. Hwy 666 to junction U.S. Hwy 66, then along U.S. Hwy 66 to junction U.S. Hwy 85, then along U.S. Hwy 85 to the NM-TX State line; points in NC south and east of a line commencing at the NC-SC State line along U.S. Hwy 15, then along U.S. Hwy 15 to the NC-VA State line; points in RI south and east commencing at the CT-RI State line along U.S. Hwy 6 to junction U.S. Hwy 1, then along U.S. Hwy 1 to the RI-MA State line; points in SC south and east of a line commencing at the GA-SC State line along U.S. Hwy 301 to junction U.S. Hwy 78, then along U.S. Hwy 78 to junction U.S. Hwy 15, then along U.S. Hwy 15 to the SC-NC State line; points in TX south and west of a line commencing at the NM-TX State line along U.S. Hwy 80 to junction U.S. Hwy 90, then along U.S. Hwy 90 to junction U.S. Hwy 87, then along U.S. Hwy 87 to junction TX Hwy 316, then along TX Hwy 316 to the Gulf of MX; points in UT south and west of a line commencing at the NV-UT State line along U.S. Hwy 6 to junction UT Hwy 26, then along UT Hwy 26 to junction Interstate Hwy 70, then along Interstate Hwy 70 to junction U.S. Hwy 163, then along U.S. Hwy 163 to junction U.S. Hwy 666, then along U.S. Hwy 666 to the UT-CO State line; points in VA south and east of a line commencing at the NC-VA State line along U.S. Hwy 58 to its termination at VA, then along VA Hwy 49 to junction U.S. Hwy 360, then along U.S. Hwy 360 to junction Interstate Hwy 95, then along Interstate Hwy 95 to the VA-MD State line.

The purpose of this filing is to eliminate the gateway of Carlisle, PA.

No. MC 119176 (Sub-No. E20), filed March 25, 1976. Applicant: THE SQUAW TRANSIT CO., P.O. Box 9368, Tulsa, OK 74107. Applicant's representative: Clayte Binion, Sayers, Scurlock, Binion & Brackett, 1108 Continental Life Building, Fort Worth, TX. *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection of commodities into or from holes or wells.* (1) Between points in NM, on the one hand, and, on the other, points in IL (Tulsa, OK*). (2) Between points in NM, on the one hand, and, on the other, points in IN (Tulsa, OK*). (3) Between points in NM, on the one hand, and, on the other, points in GA (Houston, TX*). (4) Between points in NM, on the one hand, and, on the other, points in FL (Houston, TX*). (5) Between points in NM, on the one hand, and, on the other, points in AR (Tulsa, OK*). (6) Between points in NM, on the one hand, and, on the other, points in NE (Bartlesville, OK*). (7) Between points in NM, on the one hand, and, on the other, points in TN (Tulsa, OK*). (8) Between points in NM, on the one hand, and, on the other, points in KY (Tulsa, OK*). (9) Between points in NM, on the one hand, and, on the other, points in MO (Bartlesville, OK*). (10) Between points in NM, on the one hand, and, on the other, points in MS (Houston, TX*). (11) Between points in NM, on the one hand, and, on the other, points in CO, on the one hand, and, on the other, points in KY (Tulsa, OK*). (12) Between points in NM, on the one hand, and, on the other, points in AR (points in OK*). (13) Between points in NM, on the one hand, and, on the other, points in CO, on the one hand, and, on the other, those points in MO on and south of Interstate Hwy 70 (points in OK*). (14) Between those points in CO on and south of Interstate Hwy 70, on the one hand, and, on the other, those points in KS on and east of a line beginning at the KS-OK State line, and extending along Interstate Hwy 35 to junction U.S. Hwy 54, then on and south along U.S. Hwy 54 to the KS-MO State line; (b) between points in CO on and south of U.S. Hwy 160, on the one hand, and, on the other, those points in KS on and south of U.S. Hwy 160 (points in OK*). (15) Between points in TX, on the one hand, and, on the other, points in NE (points in OK*). (16) Between points in TX, on the one hand, and, on the other, points in NE (points in OK*). (17) Between those points in TX on and south and east of a line beginning

at the TX-LA State line, and extending along Interstate Hwy 10 to junction U.S. Hwy 77, then extending along on and south along U.S. Hwy 77 to Brownsville, TX at the international boundary line between the United States and Mexico, on the one hand, and, on the other, points in NM (Houston, TX*). (18) Between points in TX, on the one hand, and, on the other, points in IL (Tulsa, OK*). (19) Between points in TX, on the one hand, and, on the other, points in TX, on the one hand, and, on the other, points in CO (points in OK*). (20) Between points in TX, on the one hand, and, on the other, points in KY (Houston, TX or Tulsa, OK*). (21) Between points in TX, on the one hand, and, on the other, points in IN (Houston, TX or Tulsa, OK*). (22) (a) Between points in TX, on the one hand, and, on the other, those points in LA on and south of U.S. Hwy 190, and (b) between those points in TX on and south of Interstate Hwy 10, on the one hand, and, on the other, points in LA (Houston, TX*). (23) Between points in TX, on the one hand, and, on the other, points in OH (Tulsa, OK*). (24) Between points in TX, on the one hand, and, on the other, points in MI (Tulsa, OK and East St. Louis, IL*). (25) Between points in LA, on the one hand, and, on the other, NE (Tulsa, OK*). (26) Between points in LA, on the one hand, and, on the other, NE (Tulsa, OK*). (27) Between points in LA, on the one hand, and, on the other, those points in OK on and north of Interstate Hwy. 40 (Tulsa, OK*). (28) Between points in LA, on the one hand, and, on the other, points in MO (Tulsa, OK*). (29) Between points in LA, on the one hand, and, on the other, points in KS (Tulsa, OK*). (30) Between those points in LA on and south of U.S. Hwy 190, on the one hand, and, on the other, points in NM (Houston, TX*). (31) Between points in TN, on the one hand, and, on the other, points in NE (points in OK*). (32) Between points in TN, on the one hand, and, on the other, points in CO (points in OK*). (33) Between those points in TN on and west of Interstate Hwy 65, on the one hand, and, on the other, points in MS on and south of Interstate Hwy 20 (West Memphis, AR*). (34) Between those points in TN on and west of U.S. Hwy 51, on the one hand, and, on the other, points in FL (West Memphis, AR*). (35) Between those points in TN on and west of U.S. Hwy 51, on the one hand, and, on the other, points in GA (West Memphis, AR*). (36) Between points in KY, on the one hand, and, on the other, those points in OK on and north of Interstate Hwy 40 (Tulsa, OK*). (37) Between points in KY, on the one hand, and, on the other, those points in KS on and south of U.S. Hwy 50 and 54 (Bartlesville, OK*). (40) Between points in IN, on the one hand,

and, on the other, points in OK (Tulsa, OK*). (41) Between points in IN, on the one hand, and, on the other, those points in AR on and east of U.S. Hwy 71 (Tulsa, OK*). (42) Between points in IN, on the one hand, and, on the other, those points in KS on and south of U.S. Hwy 160 (Bartlesville, OK*). (43) Between those points in IN on and south of U.S. Hwy 70, on the one hand, and, on the other, those points in CO on and south of a line beginning at the CO-NM State line, and extending along U.S. Hwy 160 to junction CO Hwy 10, then along CO Hwy 10 to junction U.S. Hwy 50, then along U.S. Hwy 50 to the CO-KS State line (Bartlesville, OK*). (44) Between points in OH, on the one hand, and, on the other, points in NM (Tulsa, OK; points in TX*). (45) Between points in OH, on the one hand, and, on the other, points in CO (Bartlesville, OK*). (46) Between points in OH, on the one hand, and, on the other, those points in KS on and south of Interstate Hwy 70 (Tulsa, OK*). (47) Between points in OH, on the one hand, and, on the other, those points in AR on and west of U.S. Hwy 71 (Tulsa, OK*). (48) Between points in IL on and north of Interstate Hwy 70, on the one hand, and, on the other, those points in AR on and west of a line beginning at the AR-TX State line, and extending along Interstate Hwy 30, then along Interstate Hwy 30 to junction U.S. Hwy 65, then along U.S. Hwy 65 to the AR-MO State line (Tulsa, OK*). (49) Between those points in IL on and south of U.S. Hwy 50, on the one hand, and, on the other, those points in KS on and south of a line beginning at the KS-CO State line, and extending along U.S. Hwy 50 to junction U.S. Hwy 54, then along U.S. Hwy 54 to the KS-MO State line (Bartlesville, OK*). (50) Between points in IL, on the one hand, and, on the other, those points in CO on and south of U.S. Hwy 50 (Bartlesville, OK*). (51) Between points in IL, on the one hand, and, on the other, points in OK (Tulsa, OK*). (52) Between points in TN, on the one hand, and, on the other, points at ports of entry on the United States-Canadian international boundary line, near Coutts, MT, and Northgate, ND (Tulsa, OK or Sterling, CO*). (53) Between points in IL on and south of Interstate Hwy 70, on the one hand, and, on the other, Coutts, MT (Tulsa, OK and/or Sterling, CO*). (54) Between points in KY, on the one hand, and, on the other, points on the Canadian-United States international boundary line in MT (Sterling, CO and Tulsa, OK*). (55) Between points in MO on and south of Interstate Hwy 70, on the one hand, and, on the other, points in MT on the United States-Canadian international boundary line (points in OK and Sterling, CO*). (56) Between points in LA, on the one

hand, and, on the other, points on the Canadian-United States international boundary line, in MT and ND (Houston, TX; points in OK and/or Sterling, CO*). (57) Between points in FL, on the one hand, and, on the other, points on the Canadian-United States international boundary line, in MT and ND (Texarkana, TX, Tulsa, OK and/or Sterling, CO*). (58) Between points in GA on the one hand, and, on the other, points on the Canadian-United States international boundary line, in MT and ND (Texarkana, TX, Tulsa, OK and/or Sterling, CO*). (59) Between points in AL, on the one hand, and, on the other, points on the United States-Canadian boundary line in MT and ND (Texarkana, TX, Tulsa, OK and/or Sterling, CO*). (60) Between points on the United States-Canadian international boundary line at MT and ND, on the one hand, and, on the other, points in MS (Texarkana, TX, Tulsa, OK and/or Sterling, CO*). (61) Between points in AR, on the one hand, and, on the other, points in MT and ND on the United States-Canadian international boundary line (points in OK and Sterling, CO*). (62) Between those points in KS on and south of U.S. Hwy 54, on the one hand, and, on the other, points in MT and ND on the United States-Canadian boundary line (points in OK and Sterling, CO*). (63) Between points in TX, on the one hand, and, on the other, points on the United States-Canadian boundary line in MT and ND (points in OK and Sterling, CO*). (64) Between points in NM, on the one hand, and, on the other, Northgate, ND (Tulsa, OK and/or Sterling, CO*). (65) Between points in IN on and south of Interstate Hwy 70, on the one hand, and, on the other, ports of entry on the United States-Canadian boundary line in MT (Tulsa, OK and/or Sterling, CO*). (66) Between points in OK, on the one hand, and, on the other, ports of entry on the United States-Canadian international boundary line in ND and MT (Sterling, CO*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 119176 (Sub-No. E21), filed March 25, 1976. Applicant: THE SQUAW TRANSIT CO., P.O. Box 9368, Tulsa, OK 74107. Applicant's representative: Clayte Binion, Sayers, Scurlock, Binion and Brackett, 1108 Continental Life Building, Fort Worth, TX 76102. *Machinery, equipment, materials and supplies used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and machinery, equipment, materials and supplies, used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe*

lines, including the stringing and picking up thereof, except in connection with main pipelines, as follows: (1) Between points in NM, on the one hand, and, on the other, points in IL (Tulsa, OK*). (2) Between points in NM, on the one hand, and, on the other, points in IN (Tulsa, OK*). (3) Between points in NM, on the one hand, and, on the other, points in GA (Houston, TX*). (4) Between points in NM, on the one hand, and, on the other, points in FL (Houston, TX*). (5) Between points in NM, on the one hand, and, on the other, points in KY (Tulsa, OK*). (6) Between points in NM, on the one hand, and, on the other, points in TN (Tulsa, OK*). (7) Between points in NM, on the one hand, and, on the other, points in MO (Bartlesville, OK). (8) Between points in NM, on the one hand, and, on the other, points in TN (Tulsa, OK*). (9) Between points in NM, on the one hand, and, on the other, points in AR (Tulsa, OK*). (10) Between points in NM, on the one hand, and, on the other, points in MO (Bartlesville, OK). (11) Between points in NM, on the one hand, and, on the other, points in MS (Houston, TX*). (12) Between points in CO, on the one hand, and, on the other, points in KY (Tulsa, OK*). (13) Between points in CO, on the one hand, and, on the other, points in AR (points in OK*). (14) Between those points in CO, on and south of Interstate Hwy 70, on the one hand, and, on the other, those points in MO on and south of Interstate Hwy 70 (points in OK*). (15) (a) Between points in CO, on the one hand, and, on the other, those points in KS on and east of a line beginning at the KS-OK State line, and extending along Interstate Hwy 35 to junction U.S. Hwy 54, then along U.S. Hwy 54 to the KS-MO State line; and (b) between those points in CO on and south of U.S. Hwy 160; on the one hand, and, on the other, those points in KS on and south of U.S. Hwy 160 (points in OK*). (16) Between points in TX, on the one hand, and, on the other, points in NE (points in OK*). (17) Between points in TX on and south of a line beginning at the TX-LA State line, and extending along Interstate Hwy 10 to junction U.S. Hwy 77, then along U.S. Hwy 77 to Bravensville, TX, on the one hand, and, on the other, points in NM (Houston, TX*). (18) Between points in TX, on the one hand, and, on the other, points in IL (Tulsa, OK*). (19) Between points in TX, on the one hand, and, on the other, points in CO (points in OK*). (20) Between points in TX, on the one hand, and, on the other, points in KY (Houston, TX*). (21) Between points in TX, on the one hand, and, on the other, points in IN (Houston, TX or Tulsa, OK*). (22) (a) Between points in TX, on the one hand, and, on the other, those points in LA on and south of U.S. Hwy 190; and (b) between those points in TX on and south of Interstate Hwy 10, on the one hand, and, on the other, points in LA (Houston, TX*). (23) Between

points in TX, on the one hand, and, on the other, points in OH (Tulsa, OK*). (24) Between points in TX, on the one hand, and, on the other, points in MI (Tulsa, OK and East St. Louis, IL*). (25) Between points in LA, on the one hand, and, on the other, points in CO (Tulsa, OK*). (26) Between points in LA, on the one hand, and, on the other, points in NE (Tulsa, OK*). (27) Between points in LA, on the one hand, and, on the other, points in OK on and north of Interstate Hwy 40 (Tulsa, OK*). (28) Between points in LA, on the one hand, and, on the other, points in MO (Tulsa, OK*). (29) Between points in LA, on the one hand, and, on the other, points in KS (Tulsa, OK*). (30) Between those points in LA on and south of U.S. Hwy 190, on the one hand, and, on the other, points in NM (Houston, TX*). (31) Between points in TN, on the one hand, and, on the other, points in NE (points in OK*). (32) Between points in TN, on the one hand, and, on the other, points in CO (points in OK*). (33) Between those points in TN on and west of Interstate Hwy 65, on the one hand, and, on the other, points in MS on and south of Interstate Hwy 20 (West Memphis, AR*). (34) Between points in TN on and west of U.S. Hwy 51, on the one hand, and, on the other, points in FL (West Memphis, AR*). (35) Between those points in TN on and west of U.S. Hwy 51, on the one hand, and, on the other, points in GA (West Memphis, AR*). (37) Between points in KY, on the one hand, and, on the other, those points in OK on and north of Interstate Hwy 40 (Tulsa, OK*). (39) Between points in KY, on the one hand, and, on the other, those points in KS on and south of a line beginning at the KS-CO State line, and extending along U.S. Hwy 50 to junction U.S. Hwy 154, then along U.S. Hwy 154 to junction U.S. Hwy 54, then along U.S. Hwy 54 to the KS-MO State line (Bartlesville, OK*). (40) Between points in IN, on the one hand, and, on the other, points in OK (Tulsa, OK*). (41) Between points in IN, on the one hand, and, on the other, those points in AR on and east of U.S. Hwy 71 (Tulsa, OK*). (42) Between points in IN, on the one hand, and, on the other, points in KS on and south of U.S. Hwy 160 (Bartlesville, OK*). (43) Between points in IN on and south of Interstate Hwy 70, on the one hand, and, on the other, those points in CO on and south of a line beginning at the CO-UT State line, and extending along U.S. Hwy 50, then along U.S. Hwy 50 to junction CO Hwy 10, then south along CO Hwy 10 to junction U.S. Hwy 160, then along U.S. Hwy 160 to the CO-KS State line (Bartlesville, OK*). (44) Between points in OH, on the one hand, and, on the other, points in NM (Tulsa, OK and points in TX*). (45) Between

points in OH, on the one hand, and, on the other, points in CO (Bartlesville, OK*). (46) Between points in OH, on the one hand, and, on the other, those points in KS on and south of Interstate Hwy 70 (Tulsa, OK*). (47) Between points in OH, on the one hand, and, on the other, points in AR on and west of U.S. Hwy 71 (Tulsa, OK*). (48) Between those points in IL on and north of Interstate Hwy 70, on the one hand, and, on the other, those points in AR on and west of a line beginning at the AR-TX State line, and extending along Interstate Hwy 30 to junction U.S. Hwy 65, then along U.S. Hwy 65 to the AR-MO State line (Tulsa, OK*). (49) Between points in IL on and south of U.S. Hwy 50, on the one hand, and, on the other, those points in KS on and south of a line beginning at the KS-CO State line, and extending along U.S. Hwy 50, then along U.S. Hwy 50 to junction U.S. Hwy 154, then along U.S. Hwy 154 to junction U.S. Hwy 54, then along U.S. Hwy 54 to the KS-MO State line (Bartlesville, OK*). (50) Between points in IL, on the one hand, and, on the other, points in CO on and south of U.S. Hwy 50 (Bartlesville, OK*). (51) Between points in IL, on the one hand, and, on the other, points in OK (Tulsa, OK*). (52) Between points in TN, on the one hand, and, on the other, ports of entry on the Canada-United States International Boundary line in MT and ND (Tulsa, OK and/or Sterling, CO*). (53) Between points in IL on and south of Interstate Hwy 70, on the one hand, and, on the other, Coutts, MT (Tulsa, OK and/or Sterling, CO*). (54) Between points in KY, on the one hand, and, on the other, points on the Canada-United States International Boundary line in MT (Sterling, CO and/or Tulsa, OK*). (55) Between those points in MO on the south of Interstate Hwy 70, on the one hand, and, on the other, points in MT on the United States-Canada International Boundary line (points in OK and/or Sterling, CO*). (56) Between points in LA, on the one hand, and, on the other, points on the Canada-United States International Boundary line at ports of entry in MT and ND (Houston, TX; points in OK; and/or Sterling, CO*). (57) Between points in FL, on the one hand, and, on the other, points on the Canada-United States International Boundary line at ports of entry in MT and ND (Texarkana, TX, Tulsa, OK or Sterling, CO*). (58) Between points in GA, on the one hand, and, on the other, points on the Canada-United States International Boundary line at ports of entry in MT and ND (Texarkana, TX, Tulsa, OK or Sterling, CO*). (59) Between points in AL, on the one hand, and, on the other, points at the ports of entry on the United States-Canada International Boundary in MT and ND (Texar-

kana, TX, Tulsa, OK or Sterling, CO*). (60) Between points at the ports of entry on the United States-Canada International Boundary line and MT and ND, on the one hand, and, on the other, points in MS (Texarkana, TX, Tulsa, OK and/or Sterling, CO*). (61) Between points in AR, on the one hand, and, on the other, ports of entry in MT and ND on the United States-Canada International Boundary line (points in OK and Sterling, CO*). (62) Between points in KS on and south of U.S. Hwy 54, on the one hand, and, on the other, ports of entry in MT and ND at the United States-Canada International Boundary line (points in OK and Sterling, CO*). (63) Between points in TX, on the one hand, and, on the other, points on the United States-Canada International Boundary line at ports of entry in MT and ND (points in OK and Sterling, CO*). (64) Between points in NM, on the one hand, and, on the other, Northgate, ND (Tulsa, OK and Sterling, CO*). (65) Between points in IN on and south of Interstate Hwy 70, on the one hand, and, on the other, ports of entry on the United States-Canada International Boundary line in MT (Tulsa, OK and Sterling CO*). (66) Between points in OK, on the one hand, and, on the other, ports of entry on the United States-Canada International Boundary line in ND and MT (Sterling, CO*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 127974 (Sub-No. E25), filed February 9, 1978. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Avenue, Trenton, NJ 08610. Applicant's representative: Philip Liedtka (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire*, between those points in NY on and west of a line beginning at the NY-PA State line, and extending along NY Hwy 305 to junction NY Hwy 17, then along NY Hwy 17 to Olean, then along NY Hwy 16 to the Niagara River, then along the Niagara River to Lake Ontario, on the one hand, and, on the other, those points in NJ north of a line beginning at the Delaware River, and extending along NJ Hwy 20 to junction unnumbered highway, then along unnumbered highway to junction Interstate Hwy 78, then along Interstate Hwy 78 to junction U.S. Hwy 202, then along U.S. Hwy 202 to junction County Hwy 511, then along County Hwy 511 to junction NJ Hwy 10, then along NJ Hwy 10 to junction County Hwy 527, then along County Hwy 527 to junction NJ Hwy 23, then along NJ Hwy 23 to junction Interstate Hwy 80, then along Interstate Hwy 80 to the Hudson River and on and south of a

line beginning at the Delaware River, and extending along unnumbered highway to junction NJ Hwy 173, then along NJ Hwy 173 to junction Interstate Hwy 78, then along Interstate Hwy 78 to junction County Hwy 513, then along County Hwy 513 to junction County Hwy 512, then along County Hwy 512 to junction County Hwy 525, then along County Hwy 525 to junction NJ Hwy 24, then along NJ Hwy 24 to junction U.S. Hwy 202, then along U.S. Hwy 202 to junction NJ Hwy 23, then along NJ Hwy 23 to junction U.S. Hwy 46, then along U.S. Hwy 46 to Paterson, then along NJ Hwy 4 to junction County Hwy 503, then along County Hwy 503 to junction NJ Hwy 6, then along NJ Hwy 6 to junction County Hwy 505, then along County Hwy 505 to junction unnumbered highway near Northvale, then along unnumbered highway to the NJ-NY State line. The purpose of this filing is to eliminate the gateway of Philadelphia, PA.

No. MC 127974 (Sub-No. E26), filed February 9, 1978. Applicant: P. LIEDTKA TRUCKING, INC., 110 Patterson Avenue, Trenton, NJ 08610. Applicant's representative: Philip Liedtka (same as above). *Iron and steel angles, bars, channels, conduit, fencing, flooring, joists, lath, mesh, piling, pipe, posts, rails, rods, roof bolt mats, roofing, strip, structurals, tank parts, tubing, and wire*, between those points in NY bounded by a line beginning at the NY-VT State line, and extending along U.S. Hwy 20 to junction NY Hwy 28, then along NY Hwy 28 to junction NY Hwy 30, then along NY Hwy 30 to junction NY Hwy 3, then along NY Hwy 3 to Lake Champlain, on the one hand, and, on the other, those points in NJ bounded by a line beginning at the Delaware River, and extending along U.S. Hwy 206 to junction County Hwy 524, then along County Hwy 524 to junction NJ Turnpike, then along NJ Turnpike to junction County Hwy 545, then along County Hwy 545 to Brown Mills, then along County Hwy 530 to junction unnumbered highway near Pemberton, then along unnumbered highway to junction NJ Hwy 72, then along NJ Hwy 72 to junction County Hwy 563, then along County Hwy 563 to junction County Hwy 563 Spur, then along County Hwy 563 Spur to New Gretna, then along U.S. Hwy 9 to junction County Hwy 585, then along County Hwy 585 to junction U.S. Hwy 30, then along U.S. Hwy 30 to the Delaware River, then along the Delaware River to the point of beginning. The purpose of this filing is to eliminate the gateway of Philadelphia, PA.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15251 Filed 5-31-78; 8:45 am]

[1505-01]

[Volume No. 82]

MOTOR CARRIER, BROKER, CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

Correction

In FR Doc. 78-10604 appearing at page 16844 in the issue of Thursday, April 20, 1978, on page 16848, in column two, the paragraph beginning "No. MC 113352" should begin "No. MC 113362".

[7035-01]

[Volume No. 94]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

NOTICE

MAY 24, 1978.

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g. M1 F, M2 F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission within 30 days after the date of this notice. Such protests shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247) and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 115917 (Sub-Nos. 3, 4, 5, 6, 10, 17, 20, and 25) (M1F) (Notice of filing of petition to modify certificates to delete restrictions), filed March 24, 1978.

Petitioner: UNDERWOOD & WELD CO., INC., P.O. Box 247, Crossnore,

¹Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

NC 28616. Representative: Wilmer B. Hill, 666 11th Street NW., Washington, DC 20001. Petitioner holds motor common carrier certificates in No. MC 115917 (Sub-Nos. 3, 4, 5, 6, 10, 17, 20, and 25), issued August 18, 1958; May 4, 1959; February 9, 1959; September 1, 1959; December 12, 1962; June 13, 1968; December 13, 1976; and October 12, 1973, respectively, authorizing transportation, over irregular routes, as follows: No. MC 115917 (Sub-No. 3) authorizes transportation of *Iron ore*, in bulk and in bags, from points in Avery County, NC, to points in KY, VA, WV, and PA. No. MC 115917 (Sub-No. 4) authorizes transportation of (1) *Fish meal*, in bulk, and in bags, from Wildwood, NJ; Reedville, White Stone, and Norfolk, VA; New York, NY; Moss Points, MS; Baltimore, MD; Philadelphia, PA; and Portland, ME, to points in NC and SC; (2) *Soybean millfeed and soybean meal*, in bulk, and in bags, from Decatur, Danville, Champaign, and Chicago, IL; Decatur and Indianapolis, IN; Bellevue and Cincinnati, OH; Augusta, GA; and Chattanooga and Memphis, TN, to points in NC and SC; (3) *Pulverized oats and barley*, in bulk and in bags, from Colby, Menomonee, La Crosse, Phillips, and Amery, WI, and Minneapolis, MN, to points in NC and SC; (4) *Cookie meal*, in bulk, and in bags, from Chicago, IL, to points in NC and SC; (5) *Wheat flakes, corn flakes, corn kibbles, wheat kibbles, and corn granules*, in bulk, and in bags, from Danville, IL, to points in NC and SC; (6) *Alfalfa meal*, in bulk, and in bags, from Brunswick, MO; Topeka, KS; Schuyler, NE; Hoytville, OH; and Memphis, TN, to points in NC and SC; (7) *Meat meal, meal scrap, and bone meal*, in bulk, and in bags, from Kearny, NJ; Chicago, IL; and Cincinnati, OH, to points in NC and SC; (8) *Corn gluten feed and corn gluten meal*, in bulk and in bags, from Granite City and Decatur, IL; Indianapolis, IN; and Cedar Rapids, IA, to points in NC and SC; and (9) *Linseed meal*, in bulk, and in bags, from Minneapolis, MN; Cleveland, OH; and Pittsburgh, PA, to points in NC and SC. No. MC 115917 (Sub-No. 5) authorizes transportation of *Wet ground mica*, in bulk and in bags, from points in Mitchell County, NC, to Denver and Colorado Springs, CO; Lexington and Louisville, KY; and points in AL, AR, CA, CT, DE, GA, IL, IN, IA, KS, LA, MD, MA, MI, MN, MS, MO, NJ, NY, OH, OK, OR, PA, RI, SC, TN, TX, VA, WA, WV, WI, and DC. No. MC 115917 (Sub-No. 6) authorizes transportation as pertinent, of *Clay, clay byproducts, and clay waste materials*, in bulk, and in bags, from points in Avery, Mitchell, and Yancey Counties, NC, to points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NJ, NM, NY, OH, OK, OR, PA,

RI, SC, TN, TX, VA, WA, WV, WI, WY, and DC. No. MC 115917 (Sub-No. 10), authorizes transportation of (1) *Feldspar*, in bags, from points in Mitchell and Yancey Counties, NC, to points in AL, AR, CT, DE, FL, GA, IL, IN, KS, KY, LA, MD, MA, MI, MS, MO, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, WV, and WI; and (2) *Dry ground mica*, in bags, from points in Mitchell, Yancey, and Avery Counties, NC, to points in CT (except Stratford), IA, KY (except Louisville), ME, MA (except Millis), MT, NE, NV, NH, NJ (except Bayonne, East Rutherford, Jersey City, Manville, Kearney, Newark, Perth Amboy, Raritan, South Bound Brook, and Trenton), PA (except Beaver Falls, Cannonsburg, Chester, Erie, Lansdale, New Castle, Washington, and York), RI, SC (except Anderson), SD, UT, VT, VA (except Newport News), and WA. No. MC 115917 (Sub-No. 17) authorizes transportation of *olivine*, in bags, and *olivine*, in bulk, in dump vehicles, from points in Avery, Buncombe, and Mitchell Counties, NC, to points in AL, AR, CT, DE, FL, GA, IL, IN, KS, KY, LA, MD, MA, MI, MS, MO, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, WV, and WI. No. MC 115917 (Sub-No. 20) authorizes transportation, as pertinent, of *Dry ground mica*, in bags, from the plants of the United States Gypsum Co. at or near Kings Mountain, NC, to points in the United States (except AK and HI). No. MC 115917 (Sub-No. 25) authorizes transportation, as pertinent, of (1) *olivine*, in bulk and in bags, (a) from points in Yancey County, NC, to points in the United States (except AK and HI), restricted to the transportation of traffic in bulk, in dump vehicles, and in bags, to points in GA, SC, and VA; and (b) from points in Avery, Buncombe, and Mitchell Counties, NC, to points in AZ, CA, CO, ID, IA, ME, MN, MT, NE, NV, NH, NM, ND, OR, SD, UT, VT, WA, WY, and DC; (2) *Feldspar*, in bulk and in bags, from points in Mitchell and Yancey Counties, NC, to points in AZ, CA, CO, ID, IA, ME, MN, MT, NE, NV, NH, NM, ND, OR, SD, UT, VT, WA, WY, and DC; (3) *Wet ground mica*, in bulk and in bags, (a) from points in Mitchell County, NC, to points in AZ, CO (except Denver and Colorado Springs), FL, ID, KY (except Lexington and Louisville), ME, MT, NE, NV, NH, NM, ND, SD, UT, VT, and WY; and (b) from points in Avery County, NC, to points in the United States (except AK and HI) restriction: The service authorized immediately above is restricted to the transportation of traffic in bulk, in dump vehicles, and in bags, to points in GA, SC, and VA; (4) *Sand*, in bulk and in bags, from points in Mitchell and Yancey Counties, NC, to points in AL, AR, CT, DE, FL, GA, IL, IN, KS, KY, LA, MD, MA, MI, MS, MO, NJ, NY, OH, OK,

PA, RI, SC, TN, TX, VA, WV, WI, and DC. Restriction: The service authorized immediately above is restricted to the transportation of traffic in bulk, in dump vehicles, and in bags, to points in GA, SC, and VA. By the instant petition, petitioner seeks to modify the above certificates as follows: (A) Delete the restrictions "in bulk and in bags" in (Sub-Nos. 3, 4, 5, 6, and part (2) of Sub-No. 25); (B) substitute the language "in containers" for "in bags" in (Sub-No. 10) part (1) and (2); (Sub-No. 17) and (Sub-No. 20); and (C) In (Sub-No. 25) substitute the language "in containers" for "in bulk and in bags" in parts (1), (3) and (4) of the commodity descriptions and to substitute the language "in containers" for "in bags" in the three "Restriction" paragraphs.

REPUBLICATIONS OF GRANT OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

NOTICE

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before July 3, 1978. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Such pleading shall comply with Special rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 85997 (Sub-No. 2) (republication), filed October 6, 1977, published in the FEDERAL REGISTER issue of November 3, 1977, as Oklahoma Docket No. 37832 (Sub-No. 3), and republished this issue. Applicant: EDMOND MOTOR FREIGHT, INC., P.O. Box 922, Edmond, OK 73034. Representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23d Street, Oklahoma City, OK 73107. An order of the Commission, Review Board No. 4, decided March 30, 1978, and served April 10, 1978, finds that applicant may conduct operations in interstate or foreign commerce within limits which do not exceed the scope of the intrastate operations for which appli-

cant holds Certificate No. MC 37832 (Sub-No. 3) embraced in the order dated January 10, 1978, issued by the Corporation Commission of Oklahoma, which authorizes operations as a common carrier by motor vehicle, solely within the State of Oklahoma in the transportation of *Freight*, over regular routes, between Oklahoma City, OK, and Buffalo, OK, serving Woodward, Ft. Supply, May, and Laverne, OK, as intermediate points and Moorland, OK as an off-route point: From Oklahoma City, OK, via State Hwy 3 to its junction with U.S. Hwy 81, thence via U.S. Hwy 81 to its junction with State Hwy 33 at Kingfisher, OK, thence via State Hwy 33 to its intersection with U.S. Hwy 270 at Watonga, OK, thence via U.S. Hwy 270 to Woodward, OK, thence via U.S. Hwy 270 to its junction with U.S. Hwy 283, thence via U.S. Hwy 283 to its junction with U.S. Hwy 64, thence via U.S. Hwy 64 to Buffalo, OK, thence via U.S. Hwy 183 to its junction with U.S. Hwy 270 and return over the same route. The applicant is authorized to utilize this authority with its present authority to provide service to, from and between all points under the combined authorities. The purpose of this republication is to reflect applicant's actual grant of authority.

No. MC 107012 (Sub-No. 255) (clarification) (republication), filed October 13, 1977, published in the FEDERAL REGISTER issues of December 1, 1977, and April 27, 1978 and republished as corrected, this issue. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gary M. Crist (same address as applicant). An Order of the Commission, Review Board No. 3, decided March 23, 1978, and served March 31, 1978, finds that the present and future public convenience and necessity require operation, by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, transporting: *Fireplaces, and component parts, accessories, and equipment for fireplaces*, from the facilities of Heatlator, a division of Vega Industries, Inc., located at or near Mount Pleasant and Centerville, IA, to Wickes Lumber and Building Supply Centers, at points in WI, MN, NE, KS, MO, IL, IN, RI, MI, OH, KY, TN, PA, NY, VT, NH, ME, MA, AL, CT, NJ, DE, MD, OK, WV, AR, TX, LA, MS, GA, FL, NC, SC, VA, CO, and DC; that applicant is fit, willing and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to broaden the territorial description by clarifying that Centerville, IA is an additional origin point.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

NOTICE

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use a such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protest not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if not representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 9071 (Sub-No. 4F), filed April 3, 1978. Applicant: DAVID

STEINMAN, d.b.a. Steinman Trucking Co., River Street and South Washington Avenue, Scranton, PA 18503. Representative: Joseph Hoary, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 MCC 467, and commodities in bulk), over regular routes, between Carbondale, PA, and Scranton, PA, (1) from Carbondale over U.S. Hwy 6 to Scranton; (2) from Carbondale over county highways known as the Montdale Road and O'Neill Hwy to Scranton; and return over these routes to Carbondale. Service is requested to and from all intermediate points and the off-routes point of Wilkes Barre, PA. (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 25798 (Sub-No. 313F), filed April 3, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale FL 33823. Representative: Tony G. Russell, P.O. Box 1186, Auburndale, FL 33823. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from (1) Natchez, MS, to points in AL, FL, GA, NC, and SC, and (2) from Forest, NS, to points in AL, AR, AZ, CA, CO, FL, GA, KS, LA, MO, NV, NM, NC, OK, SC, and TX. (Hearing site: Jackson, MS.)

NOTE.—Common control may be involved.

No. MC 41406 (Sub-No. 72F), filed March 30, 1978. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: E. Stephen Heisley, 666 11th Street NW., No. 805, Washington, DC 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, from Huntington, WV, and Coalton, KY, to points in IA, MO, WI, IL, IN, MI, OH, PA, and NY. (Hearing site: Charleston, WV.)

No. MC 42011 (Sub-No. 37F), filed April 3, 1978. Applicant: D. Q. WISE & CO., INC., P.O. Box 15125, Tulsa, OK 74115. Representative: J. Michael Alexander, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority is sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Construction equipment, parts, accessories, and supplies*, from Gulfport, MS, to points in OK. (Hearing site: Dallas, TX, or Tulsa, OK.)

No. MC 102567 (Sub-No. 209F), filed March 30, 1978. Applicant: MCNAIR

TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, LA 71111. Representative: Joe C. Day, 2040 North Loop West, Suite 208, Houston, TX 77018. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Blackstrap molasses and mixtures thereof*, in bulk, in tank vehicles, from Westwego, LA, to points in FL. (Hearing site: Houston, TX.)

No. MC 102616 (Sub-No. 946F), filed April 3, 1978. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Propane*, in bulk, in tank vehicles, (1) from Toderhunter, OH, to points in GA, IL, IN, KY, PA, and WV; (2) from Oakland City, IN, to points in IL; and (3) from Lawrenceville, IL, to points in IN. (Hearing site: Chicago, IL, or Columbus, OH.)

No. MC 106674 (Sub-No. 309F), filed March 30, 1978. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Floor sweeping compounds and absorbents* (except in bulk), from the facilities of the Oil-Dri Corp. of America, at Ochlocknee, GA, to points in the United States in and east of MN, IA, MO, OK, and TX. Restriction: Restricted to the transportation of shipments originating at the above-named origin. (Hearing site: Chicago, IL, or Indianapolis, IN.)

No. MC 107515 (Sub-No. 1133F), filed March 29, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Alan E. Serby, Suite 375, 3379 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, as described in section A of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 208 and 766 (except in bulk), in vehicles equipped with mechanical refrigeration, from facilities of MBPXL Corp., Nebraska City, NE, to points in AL, FL, GA, MS, NC, SC, TN, and VA. (Hearing site: Omaha, NE.)

NOTE.—Common control may be involved.

No. MC 110098 (Sub-No. 187F), filed March 27, 1978. Applicant: ZERO REFRIGERATED LINES, a corporation, 1400 Ackerman Road, P.O. Box 20380, San Antonio, TX 78220. Representative: T. W. Cothren (same address as

applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the facilities of Wilson Foods Corp., at Oklahoma City, OK, to points in CA. Restriction: Restricted to the transportation of traffic originating at the above-named origin, and destined to the named destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

No. MC 110988 (Sub-No. 355F), filed April 3, 1978. Applicant: SCHNEIDER TANK LINES, INC., 4321 West College Avenue, Appleton, WI 54911. Representative: John R. Patterson, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals*, in bulk, from Terre Haute, IN, to points in TX; and (2) *cupric chloride*, in rubber-lined tanks, from Cedar Rapids, IA, to Elyria, OH. (Hearing site: Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 112989 (Sub-No. 60F) (amendment), filed February 14, 1977, published in the FEDERAL REGISTER issue of April 20, 1978, and republished as amended, this issue. Applicant: WEST COAST TRUCK LINES, INC., 85647 Hwy 99 South, Eugene, OR 97405. Representative: John W. White, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, pipe fittings, and accessories*, (1) from Turner, OR, to points in AZ, CO, ID, MT, NV, NM, OR, UT, WA, and WY; and (2) from Turner, OR, to points on the international boundary line between the United States and Canada located at or near Blaine, WA. The purpose of this republication is to show Turner, OR, as the point of origin, in lieu of Tangent, OR. (Hearing site: Portland or Salem, OR.)

No. MC 113678 (Sub-No. 738F), filed March 30, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Terminal Ice & Cold Storage Co., located at or near Bettendorf, IA, to points in AL, FL, GA, KS, MN, NE, NC, ND, SC, SD. Restricted to traffic originating at and

destined to the named points. (Hearing site: Omaha, NE.)

No. MC 113678 (Sub-No. 741F), filed March 30, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner, (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from points in NY (except New York City and points in the New York City Commercial Zone), to points in the United States in and west of WI, IL, MO, AR, and LA (except AK and HI), restricted to traffic originating at the named points. (Hearing site: New York, NY.)

No. MC 113678 (Sub-No. 742F), filed March 30, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner, (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise as is dealt in by wholesale and retail grocery stores and food business houses*; and (2) *inedible animal and pet foods* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from points in UT, to points in the United States (except AK, HI, and UT), restricted to traffic originating at points in UT, or having a prior movement by rail or air carrier. (Hearing site: Salt Lake City, UT.)

No. MC 113678 (Sub-No. 746F), filed April 3, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner, (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by hardware, discount and department stores and supermarkets* (except commodities in bulk), from the facilities of, or utilized by, Action Industries, Inc., at or near (1) Pittsburgh and Cheswick, PA, to points in IA, MN, NE, ND, SD, and WI, and (2) Baltimore, MD, to points in and west of WI, IL, KY, TN, and MS, and points in AL, FL, GA (except AK and HI). Restricted to traffic originating at and destined to the named points. (Hearing site: Pittsburgh, PA.)

No. MC 114632 (Sub-No. 154F), filed March 30, 1978. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: Michael L. Carter, P.O. Box 287, Madison, SD 57042. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk) from Plover, WI to points in the United States (except AK and HI).

(Hearing site: Minneapolis, MN or Chicago, IL.)

NOTE.—Applicant holds motor contract carrier authority in No. MC 129706, therefore dual operations may be involved.

No. MC 114632 (Sub-No. 156F), filed April 3, 1978. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: Michael L. Carter, P.O. Box 287, Madison, SD 57042. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between the facilities of Stokely-Van Camp, Inc., at or near Lawrence, KS on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

NOTE.—Applicant holds motor contract authority in No. MC 129706, therefore dual operations may be involved.

No. MC 115092 (Sub-No. 68F) filed March 30, 1978. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic foam articles*, from Oakland, CA to points in CO, ID, MT, OR, UT, WA and WY. (Hearing site: Boise, ID or Oakland, CA.)

No. MC. 117147 (Sub-No. 8F), filed April 3, 1978. Applicant: STARR'S TRANSPORTATION, INC., Upper Main Street, North Troy, VT 05850. Representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, in the transportation of: (1) *Paper and paper articles*, from Northampton, MA, to points in ME, MD, NH, VT, NJ, NY, RI, CT, PA, and VA, and (2) *materials and supplies* used or useful in the manufacturing, processing, sale, and distribution of paper and paper articles, from points in ME, NY, NJ, NH, VT, RI, CT, MD, PA, and VA, to Northampton, MA, under a continuing contract with Packaging Corp. of America. (Hearing site: Boston, MA.)

NOTE.—Applicant holds common carrier authority in MC 140956 (Sub-No. 2), therefore dual operations may be involved.

No. MC. 117574 (Sub-No. 300F), filed March 22, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wallboard, building board, insulation board, fiberboard, pulpboard, composition board, particle board, slabs, partitions, sheets, boards, mineral fiber products, building materials, and materials, sup-*

plies and accessories used in connection with the installation thereof, from points in Lauderdale County, MS, to points in the United States in and east of AR, IA, LA, MN, and MO, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the above described commodities (except commodities in bulk), from points in the United States in and east of AR, IA, LA, MN, and MO, to points in Lauderdale County, MS. (Hearing site: New Orleans, LA or Washington, DC.)

NOTE.—Common control may be involved.

No. MC. 117574 (Sub-No. 308F), filed March 30, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, from the facilities of Nucor Steel Corp., in or near Darlington County, SC, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC. (Hearing site: Charleston, SC or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 117644 (Sub-No. 49F), filed April 3, 1978. Applicant: D & T TRUCKING CO., INC., 498 First Street NW., New Brighton, MN 55112. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, articles distributed by meat packing houses and such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in sections A, B, C, and D of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), between points in IA, MN, NE, ND, SD, and WI, under continuing contract or contracts with Armour Food Co. (Hearing site: St. Paul or Minneapolis, MN.)

No. MC 118142 (Sub-No. 169F), filed March 30, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Chef Pierre, Inc., at or near Forest, MS, to points in the

United States (except AK and HI). (Hearing site: Wichita, KS, or Kansas City, MO.)

No. MC 119789 (Sub-No. 458F), filed March 27, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: Lewis Coffey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, millwork, and lumber products*, from Canadian, TX, to points in AL, FL, and GA. (Hearing site: Dallas, TX.)

No. MC 119968 (Sub-No. 11) (amendment), filed December 29, 1977, published in the FEDERAL REGISTER issues of February 24, 1978 and April 27, 1978, and republished as amended, this issue. Applicant: A. J. WEIGAND, INC., P.O. Box 130, 1046 North Tuscawawas Avenue, Dover, OH 44622. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Hydrofluoric acid*, in bulk, from Nitro, WV to points in IL, IN, MI, NY, OH, PA, RI, MA, CT, MD, NJ, KY, WI, NC, MO, TN, SC, FL, GA, AL, and TX. (Hearing site: Columbus, OH.)

NOTE.—The purpose of this republication is to amend the requested authority by broadening the territorial description by adding AL and TX as destination points.

No. MC 120978 (Sub-No. 21F), filed April 3, 1978. Applicant: Reinhart Mayer d.b.a. Mayer Truck Line, 1203 South Riverside Drive, Jamestown, ND 58401. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural, industrial and construction machinery, and equipment, and parts and sub-assemblies* for agricultural, industrial and construction machinery and equipment, from Gwinner, ND, to points in the U.S. (except AK and HI). (Hearing site: Fargo, ND or Minneapolis or St. Paul, MN.)

NOTE.—Applicant holds contract carrier authority in MC 128217 and other subs, therefore dual operations may be involved.

No. MC 121794 (Sub-No. 2F), filed April 3, 1978. Applicant: Wilkett Trucking Co., P.O. Box 209, Stigler, OK 74462. Representative: George G. Olsen, 1130 17th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Haskell, LeFlore, Muskogee and Pittsburg Counties, OK, to points in Bosque, Dallas, Johnson, Morris and Tarrant Counties, TX. (Hearing site: Washington, DC or Stigler, OK.)

No. MC 124078 (Sub-No. 793F), filed March 30, 1978. Applicant: SCHWER-

MAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in TX to points in AZ, AR, CO, KS, LA, MS, MO, NM and OK. (Hearing site: Dallas, TX.)

NOTE.—Common control may be involved.

No. MC 124078 (Sub-No. 794F), filed April 3, 1978. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, from the facilities of Appalachian Power Co. at or near St. Albans, WV, to points in KY, OH, PA, TN, VA and WV. (Hearing site: Charleston, WV.)

NOTE.—Common control may be involved.

No. MC 124692 (Sub-No. 207F), filed April 3, 1978. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglas, P.O. Box 4347, Missoula, MT 59806. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing materials, insulating materials, plastic products, and equipment, materials and supplies* used by roofing and insulation contractors and distributors, (1) from Minneapolis-St. Paul, MN, to ND, SD, MT and WY, and (2) from Denver, CO, to SD, KS, NE, UT, MT, WY, MN, NM, WA and OR. Restricted in (1) and (2) above to traffic originating at or destined to the facilities of McArthur Co. (Hearing site: Denver, CO.)

No. MC 124896 (Sub-No. 53F), filed March 30, 1978. Applicant: WILLIAMSON TRUCK LINES, INC., P.O. Box 3485, Wilson, NC 27893. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* (except commodities in bulk), from the facilities of or utilized by Ore-Ida Foods, Inc., and Terminal Ice and Cold Storage Co., located at or near Plover, WI to points in AL, AR, DE, DC, FL, GA, KY, LA, MD, MS, MO, NC, PA, SC, TN, VA, and WV, and (2) *returned, refused or rejected merchandise described in part (1) above*, from points in AL, AR, DE, DC, FL, GA, KY, LA, MD, MS, MO, NC, PA, SC, TN, VA, and WV to the facilities of or utilized by Ore-Ida Foods, Inc., and Terminal Ice and Cold Storage Co., located at or near Plover, WI, restricted in parts (1) and (2) to the transportation of traffic originating at the named origins and destined to the

named destinations. (Hearing site: Chicago, IL or Milwaukee, WI.)

No. MC 128273 (Sub-No. 296F), filed March 30, 1978. Applicant: MID-WESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Cameron, Dallas, De Witt, Hidalgo, Lavaca, Nueces, Starr, Webb and Willacy Counties, TX, to points in the United States (except AK, HI, and TX). Restricted: (1) Against the transportation of canned goods from Harlingen and Mission, TX, to points in KS, OK, LA, AR, MO, KY, TN, MS, AL, and points in IL and IN on and south of U.S. Hwy 24; and (2) Against the transportation of commodities in bulk in tank vehicles. (Hearing site: Dallas, TX or Washington, DC.)

No. MC 129903 (Sub-No. 9), filed December 20, 1977. Applicant: EMPORIA MOTOR FREIGHT, INC., P.O. Box 1103, Route 5, Emporia, KS 66801. Representative: John L. Richeson, Second and Main Streets, Ottawa, KS 66067. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *High temperature insulation for furnaces and materials used in the installation thereof*, from the facilities of Pyro-Bloc, a Division of Sauder Industries, Inc., Emporia, KS, to points in the United States (except AK and HI). (Hearing site: Emporia, KS.)

No. MC 129927 (Sub-No. 4F), filed March 23, 1978. Applicant: JAMERSON BROTHERS TRUCKING CO., INC., P.O. Box 205, Appomattox, VA 24522. Representative: Richard J. Lee, 4070 Falstone Road, Richmond, VA 23234. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes transporting: *Iron and steel articles, and articles, materials supplies and equipment*, used in the manufacture, sales, distribution, and erection thereof (except in bulk), between the plantsites of Lynchburg Steel & Specialty Co., at or near Lynchburg and Monroe, VA, and Montague-Betts Co., Inc., at or near Lynchburg, VA, on the one hand, and, on the other points in KY, TN, VA, NC, WV, PA, OH, MD, and DC, under a continuing contract, or contracts, with Lynchburg Steel & Specialty Co., of Lynchburg and Monroe, VA, and Montague-Betts Co., Inc., of Lynchburg, VA. (Hearing site: Richmond or Lynchburg, VA.)

No. MC 134300 (Sub-No. 25F), filed April 3, 1978. Applicant: TRIPLE R EXPRESS, INC., 409 1st Street SW., New Brighton, MN 55112. Representative: Samuel Rubenstein, 301 North

5th Street, Minneapolis, MN 55403. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *A. Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides, and commodities in bulk), (1) from the facilities of Armour Food Co., at or near Mason City, IA, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC. (2) From the facilities of Armour Food Co., at South St. Paul, MN, to points in DE, ME, MD, NJ, RI, and DC. B. *Meats, meat products, and meat byproducts, dairy products, articles distributed by meat packinghouses, and such commodities as are used by meatpackers in the conduct of their business as described in sections A, B, C, and D of appendix I to the report in Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides, and commodities in bulk), when destined to and for use by meatpackers, from points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC to the facilities of Armour Food Co., at or near Mason City, IA. (Hearing site: Minneapolis or St. Paul, MN.)

No. MC 134922 (Sub-No. 257F), filed March 30, 1978. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Bob McAdams (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pneumatic rubber tires and tubes and motor vehicle parts, supplies, and accessories* (except commodities in bulk and those which because of size and weight require special equipment), from Mansfield, OH, to points in UT, NV, CA, OR, and WA. (Hearing site: San Francisco, CA, or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 134922 (Sub-No. 260F), filed April 3, 1978. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Bob McAdams (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals, drugs, medicines, and toilet preparations, packing supplies, advertising matter, and display materials* related thereto (except in bulk), from points in NY, MA, DE, NJ, and PA, to points in OR, UT, CA, AZ, NV, TX, and OK.

NOTE.—Common control may be involved. If a hearing is deemed necessary, it is requested it be held in Washington, DC or New York, NY. Applicant states the purpose of this application is to replace existing in-

terline service it is now providing with its affiliated company.

No. MC 134922 (Sub-No. 261F), filed March 30, 1978. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Bob McAdams (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular route, transporting: *Such merchandise as is sold and used by wholesale, retail and discount stores* (except foodstuffs, alcoholic beverages, commodities in bulk, and those which because of size or weight require the use of special equipment), between Fostoria and Ashland, OH, on the one hand, and, on the other, points in MT, WY, CO, AZ, NM, TX, and OK.

NOTE.—Common control may be involved. If a hearing is deemed necessary, it is requested it be held in Columbus, OH, or Washington, DC.

No. MC 135078 (Sub-No. 23F), filed March 30, 1978. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, NE 68127. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Authority sought to operate, as a common carrier, by motor vehicle, over irregular routes, transporting: *Carpeting and rugs*, from points in Bartow, Catoosa, Chattooga, Whitfield, Gordon, Murray, Walker, and Floyd Counties, GA, and points in Hamilton County, TN, to points in AZ, AR, CA, CO, ID, IA, KS, LA, MO, MT, NE, NV, NM, OK, OR, SD, TX, UT, WA, and WY, restricted to transportation of traffic originating in the named origin counties and destined to the named destination States.

NOTE.—If a hearing is deemed necessary, Applicant requests it be held at San Francisco, CA. Applicant holds contract carrier authority in MC 135007 Sub 1 and other subs thereunder, therefore dual operations may be involved.

No. MC 135410 (Sub-No. 18F), filed March 30, 1978. Applicant: COURTNEY J. MUNSON d.b.a., MUNSON TRUCKING, 700 South Main, Monmouth, IL 61462. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Continental Freezers of Illinois, at Chicago, IL, to points in IN, KY, the Lower Peninsula of MI, OH, and St. Louis, Scotts City, and Sikeston, MO, and points in their commercial zones, restricted to the transportation of shipments originating at the named origins and destined to the named destinations. (Hearing site: Chicago, IL.)

No. MC 135684 (Sub-No. 72F), filed March 30, 1978. Applicant: BASS TRANSPORTATION CO. INC., P.O.

Box 391, Old Croton Road, Flemington, NJ 08822. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Such commodities as are dealt in by retail and chain grocery, hardware, and drug stores*, in containers, from St. Louis, MO, to points in TX, LA, OK, and AR, and (2) *Materials, supplies, and equipment* used in the manufacture and distribution of the commodities in (1) above (except in bulk), from points in TX, LA, OK, and AR, to St. Louis, MO. (Hearing site: Washington, DC or Newark, NJ.)

No. MC 136109 (Sub-No. 1F), filed March 30, 1978. Applicant: HETEM BROS., INC., 601 Commerce Road, Linden, NJ 07036. Representative: E. Stephen Heisley, 666 11th Street NW., No. 805, Washington, DC 20001. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles; and (2) *materials and supplies*, in bulk, used in the manufacture, processing, blending, sale, and distribution of the commodities in (1) above, between the facilities of and utilized by Exxon Chemical Co., U.S.A., an operating Division of Exxon Chemical Co., a division of Exxon Corp. in Essex, Middlesex, and Union Counties, NJ, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, MD, VA, DC, WV, NC, SC, OH, MI, and KY, restricted to the transportation of traffic moving under a continuing contract, or contracts, with Exxon Chemical Co., U.S.A., an operating Division of Exxon Chemical Co., a division of Exxon Corp. (Hearing site: Houston, TX or Washington, DC.)

No. MC 136606 (Sub-No. 48F), filed March 30, 1978. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, MT 59807. Representative: W. E. Seliški, P.O. Box 8058, Missoula, MT 59807. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Stone*, from points in MT, to points in WA, OR, and CA. (Hearing site: Billings, MT.)

No. MC 136713 (Sub-No. 12F), filed March 27, 1978. Applicant: AERO LIQUID TRANSIT, INC., 1717 Four Mile Road NE., Grand Rapids, MI 49505. Representative: Daniel J. Kozera, Jr., The McKay Tower, Suite 2-A, Grand Rapids, MI 49503. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from the Cochin Pipeline terminals, at or near New Hampton, IA, Mankato and Benson, MN, and Carrington, ND,

to points in IA, MN, ND, SD, NE, WI and IL. (Hearing site: Lansing or Detroit, MI, or Chicago, IL.)

NOTE.—Dual operations may be involved.

No. MC 138308 (Sub-No. 43F), filed March 20, 1978, published in the FEDERAL REGISTER issue of April 27, 1978, and republished as corrected, this issue. Applicant: KLM, Inc., 2102 Old Brandon Road, (P.O. Box 6098), Jackson, MS 39208. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail, department and variety stores* (except commodities in bulk), (1) from points in CT, IN, KY, IA, ME, MD, MI, NH, NJ, OK, RI, TN, VT, VA, WV and WI to the facilities of Value Mart, Inc. at or near Hattiesburg, MS. (2) From points in AL, AR, CA, CT, FL, IL, IN, KY, LA, ME, MD, MA, MI, MO, MS, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WA, WV and WI to the facilities of Value Mart, Inc. at or near Atlanta, GA, restricted in (1) and (2) above to the transportation of shipments originating at the named origins and destined to the indicated destinations. (Hearing site: Jackson, MS.)

NOTE.—Applicant holds motor contract carrier authority in No. MC 128592 and sub-numbers thereunder, therefore dual operations may be involved. The purpose of this republication is correct the requested authority in part (2) of the application to reflect service to points in VA (not TA); and also in the "Note" it should read "No." in lieu of Mo.

No. MC 138308 (Sub-No. 45F), filed March 30, 1978. Applicant: KLM, INC., 2102 Old Brandon Road, (P.O. Box 6098), Jackson, MS 39208. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Chef Pierre, Inc., at or near Forest, MS to points in the United States (except AK and HI). (Hearing site: Jackson, MS.)

NOTE.—Applicant holds motor contract carrier authority in No. MC 128592 and sub-numbers thereunder, therefore dual operations may be involved.

No. MC 138792 (Sub-No. 2F), filed April 3, 1978. Applicant: D. J. VISKOE TRUCKING, INC., P.O. Box 98, Big Falls, MN 56627. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the facilities of Anderson Clayton Foods at or near Jacksonville, IL, to Baltimore, Landover and Jessup,

MD, Secaucus, NJ, Philadelphia and Pittsburgh, PA, Boston, MA, Syracuse and Rochester, NY, and points in CT and VA. (Hearing site: Minneapolis, MN.)

No. MC 139577 (Sub-No. 18F), filed April 3, 1978. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, Friesland, WI 53935. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Containers and container ends*, from Indianapolis, IN to KS, IL, MI, MN, OH, TN, TX and WI; (2) *Canned goods*, from points in KS, IL, MI, MN, OH, TN, TX and WI to Tipton, IN. Restriction: Restricted to shipments originating at and destined to the above-named origins and destinations. (Hearing site: Indianapolis, IN or Madison, WI.)

No. MC 141783 (Sub-No. 4), filed January 3, 1977. Applicant: HARRIGILL TRUCKING COMPANY, a Corporation, 203 Highway 51 North, Brookhaven, MS 39601. Representative: Jerry H. Blount, Suite L162, Capital Towers, 125 South Congress Street, Jackson, MS 39201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper wrapping, pulpboard and fibreboard, and waste paper or straw pulp or mixture thereof*, from the facilities of St. Regis Paper Co. at or near Ferguson, MS, to points in TX; and (2) *supplies and equipment* used in the manufacture of paper, from points in TX to the facilities of the St. Regis Paper Co. at or near Ferguson, MS. (Hearing site: Jackson, MS.)

No. MC 143374 (Sub-No. 3F), filed March 30, 1978. Applicant: DENNIS J. DURBIN, d.b.a. DURBIN TRANSPORT, 12400 Goodhill Road, Wheaton, MD 20906. Representative: H. Neil Garson, 3251 Old Lee Highway, Suite 400, Fairfax, VA 22030. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Bricks, firebricks, flue lining, concrete lintels, concrete block, patio block and splash blocks*, from the facilities of Betco Block and Products, Inc., at Bethesda and Gaithersburg, MD, to the facilities of the Hechinger's Store at Newport News, VA. Restricted to the transportation of traffic under a continuing contract, or contracts with Betco Block and Products, Inc., of Bethesda and Gaithersburg, Md. (Hearing site: Washington, DC.)

No. MC 144117 (Sub-No. 6F), filed March 30, 1978. Applicant: TLC LINES, INC., 1666 Fabick Drive, P.O. Box 1090, Fenton, MO 63026. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Authority sought to operate as

a common carrier, by motor vehicle, over irregular routes, transporting: *Pulpboard*, from the facilities of Scott Paper Co., Inc., Beveridge Paper Co. Division, at Indianapolis, IN, to points in NM, CO, WY, MT, ID, UT, AZ, NE, CA, OR, and WA. Restriction: Restricted to traffic originating at above named origin and destined to the above named destinations. (Hearing site: Chicago, IL, or St. Louis, MO.)

No. MC 144210 (Sub-No. 1F), filed March 30, 1978. Applicant: GEORGE L. MCINTOSH TRUCKING, INC., RD No. 1, Watertown, NY 13601. Representative: Herbert M. Canter, 305 Montgomery Street, Syracuse, NY 13202. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Animal feeds, poultry feeds, ingredients for the same, and animal health products*, from the facilities of Red Rose Feed Division of Carnation Co., at Circleville, OH, to points in Cayuga, Chenango, Cortland, Franklin, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, and St. Lawrence Counties, NY. (Hearing site: Columbus, OH; Syracuse, NY; or Washington, DC.)

No. MC 144330 (Sub-No. 36F), filed March 30, 1978. Applicant: UTAH CARRIERS, INC., P.O. Box 1218, Building F-9—Freepoint Center, Clearfield, UT 84016. Representative: Glade Holfeltz (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Rough lumber*, from St. Joseph, MO, to Seattle, and Kent, WA; Portland, OR; San Francisco, and Los Angeles, CA; and Salt Lake City and Morgan, UT. (Hearing site: Kansas City, MO, or St. Louis, MO.)

No. MC 144338F, filed: February 9, 1978. Applicant: SPECTOR FREIGHT SYSTEM OF CANADA LTD., 1608 The Queensway Room 104-A, Toronto M8Z 1V6, Ontario, Canada. Representative: Edward Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a common carrier by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the commission, commodities in bulk and those requiring special equipment), between ports of entry on the International Boundary line between the United States and Canada located at or near Detroit, MI, and Detroit, MI; from the International Boundary at the Detroit River located at or near Detroit MI, over city streets to Detroit, and return over the same routes. (Hearing site: Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 144521 F, filed March 27, 1978. Applicant: EVERETT S. JOHN-

SON, d.b.a. J H MOTORS, 4540 State Avenue, P.O. Box 850, Billings, MT 59103. Representative: Gary L. Beiswanger, P.O. Box 20562, Billings, MT 59104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transportation of: *Wrecked and disabled motor vehicles, in secondary movements* between points in MT, WY, CO, ND, SD, ID, WA and NV, in a non-radial movement. (Hearing site: Billings, MT.)

PASSENGERS

No. MC 35321 (Sub-No. 1F), filed March 24, 1978. Applicant: HENRY S. ERSCHEN, INC., R. D. No. 2, Walnutport, PA 18088. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (a) *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Carbon County, PA, that portion of Lehigh County, PA north of U.S. Hwy 22, and that portion of Northampton County, PA north of U.S. Hwy 22 and on and west of PA Hwy 33, and extending to points in the US (except AK and HI) and, (b) *passengers and their baggage*, in special operations on round-trip sightseeing or pleasure tours, beginning and ending at points in Carbon County, PA, that portion of Lehigh County, PA north of U.S. Hwy 22, and that portion of Northampton County, PA north of U.S. Hwy 22 and on and west of PA Hwy 33, and extending to points in the US (except AK and HI). (Hearing site: Harrisburg, PA.)

NOTE.—Common control may be involved.

No. MC 52334 (Sub-No. 7F) (amendment) filed February 21, 1978, published in the FEDERAL REGISTER issue of April 6, 1978, and republished as amended, this issue. Applicant: BOISE-WINNEMUCCA STAGES, INC., 1105 La Pointe Street, Boise, ID 83706. Representative: A. J. Achabal (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, in the transportation of: *Passengers and their baggage* in the same vehicle with passengers, in special or charter round-trip operations, from points in Ada and Canyon Counties, ID, to points in Elko County, NV. Note: Common control may be involved. (Hearing site: Boise, ID). The purpose of this republication is to indicate that applicant also seeks special operations with the above authority.

No. MC 143515 (Sub-No. 2) (amendment) filed September 15, 1977, published in the FEDERAL REGISTER issue of November 10, 1977, and republished as amended, this issue. Applicant: P &

W CHAPTER SERVICE, INC., 2710 South 34th Avenue, Yakima, WA 98902. Representative: Charles C. Flower, 303 East "D" Street, Suite 2, Yakima, WA 98901. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: (1) *Illegal aliens and their baggage*, in the custody of the U.S. Immigration and Naturalization Service from points in WA and OR to Calexico, CA in one way charter operations. (Hearing site: Yakima, WA.) The purpose of this republication is delete part (1) of the requested authority; and add the state of OR as an origin point in part (2).

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers of motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An Original and two copies of protests against the granting of the requested authority must be filed with the Commission on or before July 3, 1978. Such protests shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13594. Authority sought for purchase by PARISH THOMPSON d.b.a. THOMPSON TRUCKING, Route 1, Afton, WY 83110 of a portion of the operating rights of Osborne Trucking Co., Inc., 1008 Sierra Drive, Riverton, WY 82501. Applicant's attorney: Brian K. Ridenour, Nelson & Harding, P.O. Box 82028, Lincoln, NE 68501. Operating rights sought to be purchased: Lumber, as a contract carrier over irregular routes from Afton, WY to points in CO, SD and western NE, as more fully described in Permit No. MC-133741. Vendee is authorized to operate pursuant to certificate No. MC-139723 (Sub-No. 2) as a common carrier of wood residuals from Afton, WY to Cokesville, WY. Approval of the transaction will result in Vendee holding both contract and common carrier authority to serve the same shipper, but Vendee in a directly related application, simultaneously filed, seeks to convert its certificate to a permit. No splitting of operating authority or duplicating authority will result from approval of the transaction. Application for temporary authority under section 210a(b) is being simultaneously filed.

NOTE.—No. MC-139723 (Sub-No. 3) is a directly related matter.

No. MC-F-13598. Authority sought for purchase by VALLERIE TRANSPORTATION SERVICE, INC., P.O. Box 880, Norwalk, CT 06852, of a portion of the operating rights of Troiano Express Co., Inc., 755 New York Ave., Hunting, NY 11743, and for acquisition by John E. Albert E. and Raymond R. Vallerie, all of Norwalk, CT 06582, of control of such rights through purchase. Transferees' attorney: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW, Washington, DC 20005; transferor's attorney, William J. Augello, 120 Main Street, Huntington, NY 11743. Operating rights sought to be purchased: General commodities, with the usual exceptions, as a common carrier over irregular routes, between points in Nassau and Suffolk Counties, NY (restricted against the transportation of shipments moving in express service). Vendee is authorized to operate as a common carrier in CT, MA, NJ, NY, and RI. Application has been filed for temporary authority under § 210a(b).

No. MC-F-13600. Authority sought for purchase by HERMAN R. EWELL, INC., East Earl, PA 17519 of a portion of the operating rights of Skyline Transport, Inc., 1910 Russell Street, Baltimore, MD 21230 and for acquisition by Herman R. Ewell, East Earl, PA 17519, of control of such rights through the purchase. Applicant's attorney: John M. Musselman, P.O. BOX 1146, 410 North Third Street, Harrisburg, PA 17108. Operating rights sought to be purchased: As a common carrier, Molasses, in bulk, in tank vehicles, from Baltimore, MD, to points in DE, NC, OH, PA, VA, WV, and DC, with no transportation for compensation on return except as otherwise authorized; *Liquid and invert sugar*, in bulk, in tank vehicles, from Baltimore, MD, to points in NJ, DE, PA, OH, and NC, with no transportation for compensation on return except as otherwise authorized; *liquid sugar, invert sugar, corn syrup, dextrose, and blends thereof*, in bulk, from Baltimore, MD, to points in MD, and Harland, Hazard, and Pikesville, KY, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein to Maryland are restricted to transportation of shipments having an immediate prior movement by rail; *Maple sugar*, in bulk, from ports of entry on the International Boundary line between the United States and Canada at or near Highgate Springs and Derby, VT, to Baltimore, MD, Brundidge, AL, Terre Haute, IN, and Chicago, IL, and from Baltimore, MD, to Brundidge, AL, Terre Haute, IN, and Chicago, IL; *Liquid dextrose, corn syrup and blends thereof*, in bulk, from the facilities of Skyline Terminals, Inc., at Baltimore, MD, to Dover, Newark, and Wilming-

ton, DE; Altona, Biglerville, Chamberburg, Denver, Gardners, Harrisburg, Lancaster, Norristown, Philadelphia, Reading, Sayre, Shippensburg, Williamsport, and York, PA; Atlantic City, Bridgeton, Cedarville, Ocean city, Paterson, and Vineland, NJ; Charlottesville, Cheriton, Harrisonburg, Parksley, Petersburg, and Richmond, VA, and DC; *Liquid commodities* (except asphalt, asphaltic products, paving and surfacing tar, and road oils), in bulk, in tank vehicles, from the facilities of Skyline Terminals, Inc., at Baltimore, MD, to points in DE, MD, NJ, NY, OH, PA, NC, VA, WV, and DC, restricted to the transportation of shipments (a) having a prior movement by rail, water or motor carrier and combinations thereof, and (b) destined to the above named points; and *Maple sugar*, in bulk, in tank vehicles, from Newport, VT, to Baltimore, MD, Brundidge, AL, and Terre Haute, IN. Vendee is authorized to operate as a common carrier, to points in the United States (except AK and HI) and, as a contract carrier, in CT, DE, MD, MA, NJ, NY, PA, RI, VT, VA, WV and DC. Dual operations are involved. Application has been filed for temporary authority under section 210a(b).

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission on or before July 3, 1978. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Protests shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 118831 (Sub-No. 161F) (correction) filed March 27, 1978, published in the FEDERAL REGISTER issue of April 27, 1978, as No. MC 118831 (Sub-No. 16F), and republished as cor-

rected this issue. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 7007, High Point, NC 27264. Representative: E. Stephen Heasley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: *General Commodities* in bulk, between Jacksonville, FL, and Baltimore, MD, as follows: from Jacksonville over U.S. Hwy 17 to Pocatago, SC, then over Alternate U.S. Hwy 17 (formerly portion U.S. Hwy 15) to Walterboro, SC, then over U.S. Hwy 15 to Society Hill, SC, then over U.S. Hwy 52 to Cheraw, SC, then over U.S. Hwy 1 to Rockingham, NC, then over U.S. Hwy 220 to junction U.S. Hwy 311, then over U.S. Hwy 311 via High Point, NC to Winston-Salem, NC, then over U.S. Hwy 421 to Greensboro, NC, then over U.S. Hwy 70 to Durham, NC, then over U.S. Hwy 15 to Oxford, NC, then over U.S. Hwy 158 to Henderson, NC, and then over U.S. Hwy 1 to Baltimore, and return over the same route. From Jacksonville to High Point as specified above, then over U.S. Hwy 70 to Durham, NC, and then to Baltimore as specified above, and return over the same route. From Jacksonville to Walterboro, SC, as specified above, then over U.S. Hwy 15 to Laurinburg, NC, then over U.S. Hwy 501 to Aberdeen, NC, and then over U.S. Hwy 1 to Baltimore, and return over the same route. From Jacksonville to Laurinburg as specified above, then over U.S. Hwy 401 (formerly portion Alternate U.S. Hwy 15) to Fayetteville, NC, then over U.S. Hwy 301 to Petersburg, VA, and then over U.S. Hwy 1 to Baltimore, and return over the same route. Service is authorized to and from all intermediate points between Walterboro, SC, and Baltimore, MD, inclusive, without restriction; Brunswick and Savannah, GA, restricted to southbound traffic only; and the off-route points of Columbia, SC and Charlotte, NC. (Hearing site: Washington, DC.)

NOTE.—This application is directly related to Central Transport, Inc.—Purchase (Portion)—Eastern Express, Inc. Docket No. MC-F 13554, published in the FEDERAL REGISTER issue of April 27, 1978. The purpose of this application is to insure that Central receives either under the section 5 application or this application all of the operating rights sought to be acquired from Eastern. The purpose of this correction is to indicate the correct docket number.

No. MC 139723 (Sub-No. 3F), filed May 3, 1978. Applicant: PARISH THOMPSON, d.b.a. THOMPSON TRUCKING, Route 1, Afton, WY. Representative: Brian K. Ridenour, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *wood residuals* from the facilities of Star Studs Co., a division of New Idria

Mining & Chemical Co., near Afton (Lincoln County), WY, to the railroad yards in Cokesville (Lincoln County), WY. Restricted (1) to the transportation of shipments having an immediate subsequent movement by rail; and (2) to a transportation service to be performed under a continuing contract or contracts with Star Studs Co., of Afton, WY. (Hearing site: Riverton or Casper, WY).

NOTE.—Applicant holds common carrier authority in MC 139723 (Sub-No. 2), therefore dual operations may be involved. The purpose of this application is to convert a certificate of public convenience and necessity to a Permit, and is a directly related application to MC-F-13594 which is published in a previous section of this FEDERAL REGISTER issue.

MOTOR CARRIER INTRASTATE APPLICATION(S)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

New York Docket No. T-9549 filed March 13, 1978. Applicant: GRAHAM MOVING & STORAGE, INC., 3 West and LaBarre Avenue, Plattsburgh, NY 12901. Representative: David J. Marshall, 68 Court Street, Plattsburgh, NY 12901. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *Household goods*, between the Counties of Clinton, Essex, St. Lawrence and Franklin, NY on the one hand, and, on the other, all points in the State of NY. Restricted to the performance of pickup and delivery service in connection with packing, crating and containerizing or unpacking, uncrating and decontainerization of such traffic; also restricted to the transportation of such household goods having prior or subsequent movement, in containers, beyond the points authorized. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to New York Public Service Commission,

Empire State Plaza, Albany NY 12223, and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 002600A5A filed April 20, 1978. Applicant: RED ARROW FREIGHT LINES, INC., 3901 Seguin Road, P.O. Box 1897, San Antonio, TX 78297. Representative: Phillip Robinson, P.O. Box 2207, Austin, TX 78768. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities*, between Palestine, Fairfield and Dew, TX, and the facilities of Houston Power & Light Co., and Dow Chemical Co., as follows: (1) From Palestine over U.S. Hwy 79 to Oakwood, TX, then over unnumbered county road to the facilities of Houston Power & Light Co. and Dow Chemical Co., and return, serving the termini and all intermediate points; (2) From Palestine over U.S. Hwy 79 to Long Lake, TX, then over U.S. Hwy 84 to Butler, TX, and then over unnumbered county road to the facilities of Houston Power & Light Co. and Dow Chemical Co., and return, serving the termini and all intermediate points. (3) From Dew over Farm-To-Market road 489 to its junction with U.S. Hwy 84, and return over the same, serving all intermediate points.

NOTE.—Applicant proposes to tack and coordinate the proposed additional services with all services authorized in intrastate commerce under Certificate 2600 and with all services now authorized in interstate and foreign commerce under authorities granted in Docket No. MC 2226 and all subs thereunder. Applicant seeks no duplicate authority. Intrastate, interstate and foreign commerce authority sought.

Hearing: If uncontested, hearing will be held May 16, 1978, Room 299, 611 South Congress, Austin, TX. If protested, parties of interest will be notified of time and place of hearing by letter. Requests for procedural information should be addressed to Texas Public Utility Commission, 7800 Shoal Creek Boulevard, Suite 400N, Austin, TX 78757, and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 002627B3A filed March 30, 1978. Applicant: CENTRAL FREIGHT LINES INC., 5601 West Waco Drive, P.O. Box 238, Waco, TX 76703. Representative: Phillip Robinson, P.O. Box 2207, Austin, TX 78768. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities*, between Palestine, TX, and the facilities of Houston Power & Light Co., and Dow Chemical Co., as follows: (1) From Palestine over U.S. Hwy 79 to Oakwood, TX, then over unnumbered county road to the facilities of Houston Power & Light Co. and Dow Chemical Co., and

return, serving the termini and all intermediate points; (2) From Palestine over U.S. Hwy 79 to Long Lake, TX, then over U.S. Hwy 84 to Butler, TX, and then over unnumbered county road to the facilities of Houston Power & Light Co. and Dow Chemical Co. and return, serving the termini and all intermediate points.

NOTE.—Applicant proposes to tack and coordinate the proposed additional services with all services authorized in intrastate commerce under Certificates 2627, 2054, 4336 and 4337 and with all services now authorized in interstate and foreign commerce under authorities granted in Docket No. MC 30867 and all subs thereunder. Applicant seeks no duplicate authority. Intrastate, interstate and foreign commerce authority sought.

Hearing: Date, time, and place not yet fixed. Requests for procedural information should be addressed to Texas Railroad Commission, P.O. Drawer 12967, Capitol Station, Austin, TX 78711, and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. HOMME, Jr.
Acting Secretary.

[FR Doc. 78-15246 Filed 5-31-78; 8:45 am]

[1505-01]

[Volume No. 70]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

Correction

In FR Doc. 78-6726 appearing at page 11011 in the issue for Thursday, March 16, 1978, on page 11015, in the first column, in "MC 109397 (Sub-No. 383F)", change the Sub-No. number to read "(Sub-No. 393F)".

[1505-01]

[Volume No. 76]

PETITIONS APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Correction

In FR Doc. 78-8260 appearing on page 13464 in the issue of Thursday, March 30, 1978, on page 13472, in the middle column, the last paragraph, which continues at the top of the third column, should read as follows:

No. MC-69116 (Sub-No. 199F), filed February 10, 1978. Applicant: SPECTOR INDUSTRIES, INC., d.b.a., SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106. Applicant's representative:

Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic fittings, cast iron pipe and cast iron fittings*. From Bakers and Charlotte, NC, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, the Lower Peninsula of MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and DC.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held at Charlotte, NC, or Washington, D.C.

[1505-01]

[Volume No. 90]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

Correction

In FR Doc. 78-13436 appearing at page 21528 in the issue for Thursday, May 18, 1978, on page 21538, in the middle column, the "MC" number now listed as "No. MC 14438 (Sub-No. 2F)", should be corrected to read "No. MC 144438 (Sub-No. 2F)".

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409). 5 U.S.C. 552b(e)(3).

CONTENTS

Civil Aeronautics Board.....	1
Commodity Futures Trading Commission	2-4
Federal Energy Regulatory Commission	5
Federal Maritime Commission ..	6
Indian Claims Commission	7
Metric Board.....	8
National Transportation Safety Board	9
Nuclear Regulatory Commission	10, 11

[6320-01]

1

[M-133; May 25, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., June 1, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

1. Ratification of items adopted by notation.

2. Notice of proposed rulemaking amending Part 241 of the Board's Economic Regulations to reflect generally accepted accounting principles for troubled debt restructurings, prior period adjustments, and forward exchange contracts (Memo No. 7979, BAS, BPDA, BOE, OGC).

3. Docket 31397—Notice of Proposed Rulemaking EDR-341, to increase the size of aircraft for all-cargo air taxis to 18,000 pounds (Memo No. 7610-B, OGC, BPDA, OEA).

4. Docket 32368—Part 302—Changes in the format for filing briefs to the Board—Final Rule (Memo No. 7845-A, OGC).

5. Docket 22859, *Domestic Air Freight Rate Investigation*, Delta's motion to end regular reporting of domestic freight traffic as associated with this case (Memo No. 1961-G, OGC).

6. Dockets 32097, 32195 and 32187, *Pittsburgh-Orlando-Daytona Beach Route Proceeding*—Order on requests for reconsideration and consolidation (Memo No. 7156-B, OGC).

7. Docket 29186—Memphis-Twin Cities Milwaukee Case Petition for Reconsideration (OGC).

8. Docket 30646, Bismarck-Fargo-Minneapolis-Chicago Subpart M Proceeding (OGC).

9. Docket 29968, *Louisville Service Case*—Order on Discretionary Review (OGC).

10. Docket 31360—AeroPeru, Renewal of Foreign Air Carrier Permit (Memo No. 7981, OGC, BIA).

11. Docket 32208, Eastern's request for an exemption to operate one daily Miami-Port-

au-Prince, Haiti nonstop round trip (Memo No. 7977, BIA, OGC).

12. Docket 30236, Subpart N Application of United Air Lines—Cleveland-San Diego Nonstop Authority (Memo No. 6817-F, BPDA, OGC).

13. Dockets 29706, 31216 and 31956—Motion of Allegheny for immediate hearing on its application for Philadelphia-Bermuda nonstop authority and motion of Eastern to dispense with a hearing (Memo No. 7541-A, BPDA, BIA).

14. Dockets 28887 and 29948 (Application of Ozark Air Lines for Realignment of Route 107; Motion of North Central to consolidate) (Memo No. 611-C, BPDA).

15. Docket 31446, Piedmont's application for amendment of its certificate for Route 87 to reduce restrictions in seven Chicago markets, (Memo No. 7786-A, BPDA).

16. Docket 26573, Application of American Airlines, Inc. for renewal of its temporary Chicago-Isleup authority (Memo No. 7307-A, BPDA).

17. Docket 32423, Alaska Airlines' application to modify restriction in Fairbanks-Juneau market from a two stop requirement to a one-stop requirement (Memo No. 7974, BPDA).

18. Docket 31633, Allegheny's application for exemption authority to provide nonstop Cleveland-Rochester service (Memo No. 7759-A, BPDA).

19. Docket 31131, Petition by Cimarron for reconsideration of denial of exemption in Order 78-3-160 (Memo No. 7556-B, BPDA).

20. Docket 32369, Petition by State and County of Hawaii for reconsideration of Order 78-4-24, which vacated suspension for intra-Hawaii fare increase (BPDA).

21. Docket 30332, IATA agreement dealing with reduced fares for cargo agents (BPDA, BIA).

22. Docket 32699, Charter rate increases proposed by United (BPDA).

23. Docket 32715, PAA complaint against Air France extension of "Midweek" fares beyond New York (BPDA).

24. Part 288—Notice of Proposed Rulemaking amending certain military minimum rates (Memo No. 4658-M, BPDA).

25. Docket 32321, Southern Airways, Inc., Proposed settlement of Enforcement Proceeding (Memo No. 7951, BOE).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

[S-1122-78 Filed 5-30-78; 8:59 am]

[6351-01]

2

COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

FEDERAL REGISTER, Vol. 43, No. 103, May 26, 1978, page 22805.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., May 31, 1978.

CHANGES IN THE MEETING: Add to open session: Discussion of Leverage Transactions.

[S-1124-78 Filed 5-30-78; 9:12 am]

[6351-01]

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., June 2, 1978.

PLACE: 8th Floor Conference Room, 2033 K Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Discussion of proposed Legislative Reauthorization.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-1125-78 Filed 5-30-78; 9:12 am]

[6351-01]

4

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., June 9, 1978.

PLACE: 8th Floor Conference Room, 2033 K Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market Surveillance.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-1126-78 Filed 5-30-78; 9:37 am]

[6740-02]

5

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published May 30, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., May 31, 1978.

SUNSHINE ACT MEETINGS

CHANGE IN THE MEETING: The Regular Commission Meeting has been changed to May 31, 1978, at 9 a.m.

KENNETH F. PLUMB,
Secretary.

[S-1123-78 Filed 5-30-78; 8:59 am]

[6730-01]

6

FEDERAL MARITIME COMMISSION.

TIME AND DATE: June 6, 1978. 1 p.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

1. Agreement No. 8260-18: Modification of the Mediterranean/U.S.A. Great Lakes Westbound Freight Conference to provide for intermodal authority.

2. Agreement No. 50 DR-4: Petition of the Pacific Coast-Australasian Tariff Bureau to change the application of a tariff rate to a contract/non-contract rate.

3. Agreement No. 10256: Establishment of North Europe and Mediterranean U.S. Pacific Conference Rate Agreement.

4. Special Docket No. 572: *Collier Carbon & Chemical Corp. v. Sea-Land Service, Inc.*—Review of initial decision.

5. Special Docket No. 573: *Campbell Soup Co. v. Pacific Westbound Conference*—Review of initial decision.

6. Docket No. 78-7: *E.I. du Pont de Nemours & Co., Inc. v. Seatrain Lines, Inc.*—Review of initial decision.

7. Special Docket No. 521: *Texas Fibers, Inc. v. Lykes Bros. Steamship Co., Inc.*—Consideration of the record.

8. Special Docket No. 547: *Toshoku America, Inc. v. Sea-Land Service, Inc.*—Consideration of the record.

9. Docket No. 75-24: *Interconex, Inc. v. Sea-Land Service, Inc., American Export Lines, Inc., U.S. Lines, Inc.*—Consideration of the record on remand from U.S. Court of Appeals.

PORTION CLOSED TO THE PUBLIC

1. Docket No. 73-17: *Sea-Land Service, Inc. and Gulf Puerto Rico Lines, Inc.*—Proposed rules on containers; and Docket No. 74-40: *Puerto Rico Maritime Shipping Authority*—Proposed ILA rules on containers—Consideration of petitions for reconsideration of Order of Discontinuance.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5725.

[S-1127-78 Filed 5-30-78; 12:06 pm]

[7030-01]

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., June 7, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public.

Docket 15-P, *et al.*, *Potawatomi*.
Dockets 158 and 231, *Sac and Fox*.
Docket 301, *Oneida*, Petition to Intervene.
Docket 332-C, *Yankton Sioux*.
Dockets 352 and 369, *Aleut*.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, telephone 202-653-6174.

[S-1132-78 Filed 5-30-78; 3:32 pm]

[3510-13]

8

MAY 31, 1978.

METRIC BOARD.

TIME AND DATE: 10 a.m., Thursday, June 15, 1978; 10 a.m., Friday, June 16, 1978.

PLACE: Room 2008, New Executive Office Building, 17th Street and Pennsylvania Avenue NW., Washington, D.C. 20503.

STATUS: The Thursday portion of this meeting will be closed to the public. The Friday portion will be open.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC—JUNE 16

(1) Review of May 10, 1978 Board meeting.
(2) General business discussions.
(3) Program proposals discussions.

PORTIONS CLOSED TO THE PUBLIC—JUNE 15

(1) Personnel matters.
(2) Budget review.

CONTACT PERSON FOR MORE INFORMATION:

Alban Landry, 301-921-3815.

[S-1128-78 Filed 5-30-78; 3:23 pm]

[4910-58]

9

NATIONAL TRANSPORTATION SAFETY BOARD.

TIME AND DATE: 9:30 a.m., Thursday, June 8, 1978 [NM-78-24].

PLACE: NTSB Board Room, National Transportation Safety Board, 800 Independence Avenue SW., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. *Marine Accident Report*—Capsizing and sinking of the self-elevating mobile offshore drilling unit Ocean Express on April 15, 1976.

2. *Railroad/Highway Accident Report*—Collision of a Louisiana & Arkansas freight train and an L. V. Rhymes tractor-trailer at Goldonna, La., December 28, 1977.

3. *Report of Proceedings*—How to Minimize the Effects of Hazardous Materials Releases in Train Derailments.

4. *Recommendation* to National Highway Transportation Safety Administration re requirements for incorporating automatic brake adjustment devices and cab placards in certain commercial vehicles.

5. *Recommendation Closeout*—Aviation A-72-179; A-74-30, 31, 32, 33, and 34; A-77-70 and 71; and A-76-85.

6. *Discussion* of pipeline and marine modal objectives and goals.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022.

[S-1131-78 Filed 5-30-78; 3:32 pm]

[7590-01]

10

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of June 5, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

MONDAY, JUNE 5, 1:30 p.m.

1. Discussion of Draft Testimony on Waste Management Legislation (Approx. 2 hrs.) (Public Meeting).

2. Discussion of Personnel Matter (Approx. 1 hr.) (Closed—Exemption 6) (Tentative).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

MAY 26, 1978.

[S-1129-78 Filed 5-30-78; 3:23 pm]

[7590-01]

11

NUCLEAR REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 23086, May 30, 1978.

TIME AND DATE: Week of May 29, 1978 (Changes).

PLACE: Commissioner's Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

TUESDAY, MAY 30, 3 P.M.

Briefing on BWR Containments (Approx. 1 Hr.) (Public Briefing)—Additional Item.

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CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1104.

ROGER M. TWEED,
Office of the Secretary.

MAY 30, 1978.

[S-1130-78 Filed 5-30-78; 3:23 pm]

12

[6720-02]

FEDERAL HOME LOAN MORTGAGE CORPORATION.

TIME AND DATE: June 1, 1978, at 2:30 p.m.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Henry Judy, 202-624-7107.

SUNSHINE ACT MEETINGS

MATTERS TO BE CONSIDERED:

Consideration of Corporation Goals and Strategies for 1978.
Consideration of Corporation Affirmative Action Plan.
Consideration of Appointments to Pension Plan Investment Committee.
Consideration of Status Report on 1978 Goals and Objectives.
Consideration of Private Mortgage Insurance Eligibility Requirements.
Consideration of Status Report on Corporation Move to New FHLBB Building.

Announcement is being made at the earliest practicable time.

No. 156, May 31, 1978.

J. J. FINN,
Secretary.

[S-1135-78 Filed 5-31-78; 9:51 am]

13

[6720-02]

FEDERAL HOME LOAN MORTGAGE CORPORATION.

TIME AND DATE: June 1, 1978, at the conclusion of the open meeting to be held at 2:30 p.m.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Closed meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Henry Judy, 202-624-7107.

MATTERS TO BE CONSIDERED:
Consideration of Salary Adjustment.

Announcement is being made at the earliest practicable time.

No. 157, May, 31, 1978.

J. J. FINN,
Secretary.

[S-1136-78 Filed 5-31-78; 9:51 am]

THURSDAY, JUNE 1, 1978
PART II



DEPARTMENT OF
TRANSPORTATION

Office of the Secretary

REGULATIONS AGENDA

Registered

[4910-62]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[OST Docket No. 58; Notice 78-3]

DEPARTMENT REGULATIONS AGENDA

AGENCY: Department of Transportation.

ACTION: Department Regulations Agenda.

SUMMARY: The Regulations Agenda is a semi-annual summary of each proposed and each final regulation that the Department of Transportation expects to publish in the FEDERAL REGISTER during the succeeding 12 months or such longer projected period as may be anticipated. It will provide the public with information about the Department of Transportation's regulatory activity. It is expected that this information will enable the public to be more aware of, and allow it to more effectively participate in, the Department's regulatory activity.

ADDRESSES: The mailing addresses for the initiating offices of the Department which appear in the Agenda are 400 Seventh Street SW., Washington, D.C. 20590, except for the Federal Aviation Administration and the St. Lawrence Seaway Development Corporation, which are located at 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: For further information on this Regulations Agenda in general, contact:

Neil Eisner, Acting Assistant General Counsel, Office of Regulation and Enforcement, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-4710.

For information about any particular item on the Regulations Agenda, contact the individual listed in the column headed "Contact" for that item. Unless otherwise indicated, the telephone area code for each of these individuals is 202.

SUPPLEMENTARY INFORMATION:**BACKGROUND**

Improvement of Government regulations has been a prime goal of the Carter Administration. There should be as few regulations as necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed.

To help the Department of Transportation ("Department") achieve

these goals, on January 31, 1978, the Secretary of Transportation issued a statement of Policies and Procedures for Simplification, Analysis, and Review of Regulations (43 FR 9582; March 8, 1978). These policies and procedures took effect on March 1, 1978. They include a requirement that the Department prepare a semi-annual Department Regulations Agenda for publication in the FEDERAL REGISTER. The Agenda summarizes each proposed and each final regulation that the Department expects to publish in the FEDERAL REGISTER during the succeeding 12 months or such longer projected period as may be anticipated.

DEFINITIONS

The following definitions are provided for ease in understanding the information in this document.

(a) Initiating office means an operating administration or other organizational element within the Department, the head of which is authorized by law or delegation to issue regulations or to formulate regulations for issuance by the Secretary.

(b) Regulation means a statement of general or particular applicability and future effect for publication in the FEDERAL REGISTER and designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of the initiating office or the Department, except that if such statement implements a financial assistance program, it need not be published in the FEDERAL REGISTER to come under this definition.

(c) Major regulation means a regulation which is not an emergency regulation and which in the judgment of the head of the initiating office or the Secretary or the Deputy Secretary—

(1) Requires a Regulatory Analysis or is otherwise costly;

(2) Concerns a matter on which there is substantial public interest or controversy;

(3) Has a significant impact on another operating administration or other parts of the Department or other Federal Agency; or

(4) Otherwise involves important Department policy.

(d) Emergency regulation means a regulation which, in the judgment of the head of the initiating office, circumstances require to be issued without notice and opportunity for public comment or made effective in less than 30 days after publication in the FEDERAL REGISTER.

(e) Non-major regulation means a regulation which in the judgment of the head of the initiating office is neither a major nor an emergency regulation.

A Regulatory Analysis is required for each proposed regulation that—

(a) Could produce a major effect on the general economy in terms of cost, consumer prices, or production;

(b) Could produce a major increase in costs or prices for individual industries, levels of government, geographic regions, or specific elements of the population; or

(c) The Secretary or head of the initiating office determines deserves such an analysis.

EXPLANATION OF INFORMATION IN THE AGENDA

The Agenda is divided by initiating offices. For each initiating office, there is a subdivision for: (1) major regulations, (2) non-major regulations, and (3) routine and frequent non-major regulations. For each proposed and final regulation expected to be published, the Agenda provides the following information: a short descriptive title; a summary; the earliest expected publication date (if a decision is made to issue the proposal or the regulation); and a contact office or official who can provide additional information. In the case of a major regulation, the report also includes a brief statement as to why it is considered major; the past and anticipated chronology of the development of the regulation and the related regulatory citation in the Code of Federal Regulations. In the case of non-major regulations issued routinely and frequently as part of an established body of technical requirements (such as the Federal Aviation Administration's Airspace Rules) to keep those requirements operationally current, only the general category of the regulations, the identity of a contact office or official, and an indication of the expected number of regulations are included; individual regulations are not listed.

If a regulatory docket number has already been established, it is contained in parentheses immediately following the short descriptive title of the regulation. If a member of the public desires further information regarding a particular proposal or regulation, reference should be made to this docket number. The Federal Highway Administration also provides an FHPM number at this point for easier reference by those who use the Federal-aid Highway Program Manual (FHPM). The numbers following the FHPM represent, respectively, the volume, chapter, section, and subsection at which the material is located in the FHPM.

In the "Date" column, abbreviations are used to indicate the particular documents being considered for issuance by that date. ANPRM stands for Advance Notice of Proposed Rulemaking, NPRM for Notice of Proposed Rulemaking, and FR for Final Rule. Listing a date in this column is not an indication that a proposal or final rule will be issued on that date; it is the date on which a final decision is expected to be made on whether to issue

the document listed. If issued, publication in the FEDERAL REGISTER would follow within a few days. These dates are based on current schedules. Subsequently received information could result in a decision not to take regulatory action or in changes to proposed publication dates. For example, the need for further evaluation could result in a later publication date; evidence of a greater need for the regulation could result in an earlier publication date.

It should be noted that some of the items on the Agenda result from programs which were established to review existing regulations and revoke or revise those regulations which the initiating office determines are not achieving their intended purpose. For example, the anticipated rulemaking actions listed by the Federal Highway Administration (FHWA) are primarily in response to the implementation of FHWA's Regulations Reduction Review recommendations adopted in late 1977. As a result of those recommendations, FHWA is currently in the process of systematically reviewing and, where appropriate, revising all of its existing regulatory material to assure consistency with its Policy on the Minimization of Red Tape, issued on October 20, 1977. This policy was published in the FEDERAL REGISTER (43 FR 10578; FHWA Docket No. 76-21; Notice 4) on March 14, 1978. As indi-

cated on the Agenda, many of the Federal Aviation Administration's proposed regulatory actions also result from one of its many regulatory reviews.

The Department Regulations Agenda was based on the proposed Executive Order on "Improving Government Regulations" (42 FR 59740; November 18, 1977). The information in the Agenda was being prepared when the President issued the final Executive Order (E.O. 12044) on "Improving Government Regulations" (43 FR 12661; March 24, 1978), modifying the proposed requirements for an Agenda. In accordance with the requirements of the final Executive Order, the Department has prepared and published elsewhere in this issue a proposed, modified version of its Policies and Procedures for Simplification, Analysis, and Review of Regulations. This proposal would require the additional information needed in future Regulations Agendas to comply with the Executive Order.

PURPOSE

The Department is publishing this Regulations Agenda in the FEDERAL REGISTER to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be

more aware of the Department's regulatory activity. Knowledge of the nature and scope of this activity, as well as the specific proposals being considered, should result in more effective public participation. Awareness of the dates when notices may be issued seeking public comment should allow appropriate planning and more efficient use of the comment period. By providing the expected data for a decision on whether to issue a final rule, the Department expects that more appropriate planning will also be possible.

This publication in the FEDERAL REGISTER does not impose any binding obligation on the Department, or any of the offices within the Department, with regard to any specific item on the Agenda. Regulatory action in addition to the items listed is not precluded.

If further information is desired on any of the items listed in the Agenda, the public is encouraged to contact the individual listed for the particular item. Additional information concerning the Agenda in general or the Department's regulatory policies and procedures may be obtained from Neil Eisner, whose address and telephone number appear above.

Issued in Washington, D.C., on May 22, 1978.

BROCK ADAMS,
Secretary of Transportation.

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DEPARTMENT OF TRANSPORTATION SEMIANNUAL REGULATIONS AGENDA

Title	Summary	Contact	Date
OFFICE OF THE SECRETARY, MAJOR REGULATIONS			
Nondiscrimination on the Basis of Handicap in DOT-Funded Programs and Activities. Notice of proposed rulemaking, docket No. 56.	<p>A. <i>Summary:</i> Proposed regulation would implement sec. 504 of Rehabilitation Act of 1973, prohibiting discrimination against handicapped persons in federally funded programs. The regulation establishes requirements for recipients of DOT financial assistance to meet the mandate of sec. 504.</p> <p>B. <i>Why major:</i> The proposed regulation will have a major impact on DOT programs, particularly those administered by FAA, FRA, UMTA, and FHWA. All recipients of DOT aid must take positive actions to make their federally funded programs accessible to the handicapped.</p> <p>C. <i>Chronology:</i> HEW issued regulations on Jan. 13, 1978, requiring Federal agencies to integrate the requirements of sec. 504 into their respective programs and activities. HEW mandated that all Federal Agencies publish an NPRM by Apr. 12, 1978. A draft regulation was circulated formally for comment within DOT on January 20. The NPRM should be published shortly after the Apr. 12, 1978, deadline set by HEW. Thereafter, DOT will allow 90 d for public comment, during which time a public hearing will be held. A final regulation will be published within 135 d after the close of the comment period.</p> <p>D. <i>Citation:</i> 49 CFR pt. 27.</p>	Martin Convisser, 426-4357	NPRM May 1978.
Title VI Civil Rights Regulations	<p>A. <i>Summary:</i> The Department has an existing title VI regulation dating from 1970, and a title VI order promulgated by Secretary Coleman on Jan. 19, 1977, reaffirmed by Secretary Adams in March of that year. A new regulatory package is being developed to replace the previous layering of regulations.</p> <p>B. <i>Why major:</i> Substantial public interest is anticipated and it will effect all of the DOT elements and the administration of all grant programs.</p> <p>C. <i>Chronology:</i> Proposal is currently under review.</p> <p>D. <i>Citation:</i> 49 CFR pt. 21.</p>	Robert J. Coates, 426-4754	NPRM August 1978.
Minority Business Enterprise Program.	<p>A. <i>Summary:</i> Pursuant to a recent DOT order on minority business enterprise, the operating elements of DOT are developing implementation plans for affirmative action in contracting for minority business enterprises.</p> <p>B. <i>Why major:</i> Substantial public interest is anticipated given the proposed action's potential impact on the DOT's procurements and assistance programs.</p> <p>C. <i>Chronology:</i> Proposal is currently under review by the DOT elements.</p> <p>D. <i>Citation:</i> No CFR citation as yet.</p>	Ellen Feingold, 426-4648....	NPRM October.
OFFICE OF THE SECRETARY, NONMAJOR REGULATIONS			
Consolidation of Transportation Grants U.S. Territories.	The regulation would comply with title V of Pub. L. 95-134 which permits departments and agencies to consolidate grant programs, reduce reporting requirements, and waive the local matching funds requirement.	Joan Bauerlein, 426-9605....	NPRM May 1978

DEPARTMENT OF TRANSPORTATION SEMIANNUAL REGULATIONS AGENDA—Continued

Title	Summary	Contact	Date
U.S. COAST GUARD, MAJOR REGULATIONS			
Construction and Operating Standards for Mobile Offshore Drilling Units (docket No. CGD 73-251).	<p>A. <i>Summary:</i> Would establish 1 set of uniform, comprehensive regulations applicable to all mobile offshore drilling units.</p> <p>B. <i>Why major:</i> Considered major due to increased public awareness and concern regarding offshore oil and gas development, also substantial Congressional interest.</p> <p>C. <i>Chronology:</i> Project commenced 1973. Environmental and economic analyses completed March 1977. NPRM published May 1977. Public hearing held June 1977.</p> <p>D. <i>Citation:</i> 33 CFR 155, 46 CFR 10, 12, 30, 31, 35, 70, 90, 98, 105, 151, and 157.</p>	CDR Bishop 426-2190.....	FR June 1978.
Qualifications of the Person in Charge of Oil Transfer Operations, Tankerman Requirements (docket No. CGD 74-44a, 74-44).	<p>A. <i>Summary:</i> Would redefine and establish qualifying criteria for certifying individuals engaged in the carriage and transfer of the various categories of dangerous cargoes in bulk.</p> <p>B. <i>Why major:</i> Considered major because this is a Presidential initiative.</p> <p>C. <i>Chronology:</i> Environmental analysis and inflationary impact statement completed February 1977. NPRM published April 1977. Public hearing June 1977.</p> <p>D. <i>Citation:</i> 33 CFR 155, 46 CFR 10, 12, 30, 31, 35, 70, 90, 98, 105, 151, and 157.</p>	CDR Hess.....	FR September 1978.
Revision of Electrical Engineering Regulations (docket No. CGD 74-125).	<p>A. <i>Summary:</i> General revision and updating to conform with latest technology and to include steering requirements.</p> <p>B. <i>Why major:</i> Considered major since it incorporates the steering requirements of the Presidential initiatives.</p> <p>C. <i>Chronology:</i> NPRM published June 1977. A supplemented NPRM will be issued September 1978.</p> <p>D. <i>Citation:</i> 46 CFR 111-113.</p>	R. Tweedie, 426-2205.....	NPRM September 1978.
Standard for new Self-Propelled Vessel Carrying Bulk Liquefied Gases (docket No. CGD 74-289).	<p>A. <i>Summary:</i> These regulations would adopt the Intergovernmental Maritime Consultative Organization (IMCO) resolution, the code for construction and equipment of ships carrying liquefied gases in bulk.</p> <p>B. <i>Why major:</i> This is a major rulemaking involving matters of substantial public interest.</p> <p>C. <i>Chronology:</i> Economic and environmental impact assessments and negative declarations were prepared before the NPRM was issued October 1978. Public hearing held November 1976.</p> <p>D. <i>Citation:</i> 46 CFR 31, 34, 40, 54, 58, 98, 154, and 154a.</p>	LCDR Dickey, 426-1577	FR June 1978.
Whitewater Rafts Inspection (docket No. CGD 75-020).	<p>A. <i>Summary:</i> These proposed regulations would recognize the unique construction, arrangement, equipment, and general operation of the vessels engaged in this service.</p> <p>B. <i>Why major:</i> This project is considered major because of the potential significant cost to a minor/small industry and business; substantial congressional interest.</p> <p>C. <i>Chronology:</i> This project commenced in 1974. NPRM publication will probably be delayed until late summer so that public hearings can be held after the 1978 operating season.</p> <p>D. <i>Citation:</i> 46 CFR 175-187.</p>	LCDR Anderson, 426-2183.	NPRM August 1978.
Upgrade Tank Barge Construction (docket No. CGD 75-083).	<p>A. <i>Summary:</i> The action being considered would upgrade the present design standards for new tank barges carrying oil. This action is a result of the study of the tank barge pollution problem as directed in the Presidential Initiatives.</p> <p>B. <i>Why major:</i> Considered major due to substantial Congressional and public interest.</p> <p>C. <i>Chronology:</i> The upgrade of tank barge construction standards was published as a NPRM in the FEDERAL REGISTER of December 24, 1971. As a result of the 63 written comments received, it was decided that the standards needed to be studied further. In 1974 the Coast Guard and the Maritime Administration performed a joint study of the tank barge pollution problem which found that certain construction techniques might provide a significant advantage for eliminating oil pollution from tank barges. However, the study had several weaknesses and regulatory action was not taken. In July 1977 the Coast Guard began a reexamination of the tank barge construction standards. This study will be completed by June 1978 with regulatory action to follow.</p> <p>D. <i>Citation:</i> 46 CFR 32-40.</p>	LCDR Johnson, 426-4431 ...	ANPRM October 1978.
Pollution Prevention, Vessel and Oil Transfer Facilities (docket No. CGD 75-124).	<p>A. <i>Summary:</i> Would reduce accidental discharge of oil or oily waters during vessel operations and during the transfer of oil or oily waters to or from vessels.</p>	LCDR Busavage 426-9578....	FR July 1978.

Title	Summary	Contact	Date
U.S. COAST GUARD, MAJOR REGULATIONS—Continued			
Inert Gas System (docket No. 77-057)	<p>B. <i>Why major:</i> Considered major due to intense opposition to oil water separator requirement of 33 CFR 155.330 by owner/operators of offshore marine service vessels and inland waterways vessels. Also, considerable expense is estimated to be incurred by the towing service to install separators and monitors or alarms.</p> <p>C. <i>Chronology:</i> 3 public hearings were held during November 1977. Coordination with EPA April 1978.</p> <p>D. <i>Citation:</i> 33 CFR 154, 155, and 156.</p> <p>A. <i>Summary:</i> Would require oil tankers of 20,000 dwt and over to be fitted with inert gas systems.</p> <p>B. <i>Why major:</i> This is a result of a Presidential initiative and meets major cost impact criteria.</p> <p>C. <i>Chronology:</i> Inflationary impact statement completed May 1977. NPRM issued May 1977. Public hearing held in Washington, D.C. and San Diego June 1977.</p> <p>D. <i>Citation:</i> 46 CFR 32.53.</p>	D. Sheehan, 426-2205	FR September 1978
Segregated Ballast/Double Bottoms (docket No. CGD 77-058).	<p>A. <i>Summary:</i> On Mar. 17, 1977 President Carter directed the Secretary of Transportation to issue new rules for oil tanker standards which were to include segregated ballast on all tankers and double bottoms on all new tankers which call at American ports.</p> <p>B. <i>Why major:</i> This rulemaking is considered major because of substantial congressional and public interest.</p> <p>C. <i>Chronology:</i> NPRM was issued May 1977. As a result of the Intergovernmental Maritime Consultative Organization (IMCO) February 1976 Tanker Safety and Pollution Prevention Conference a new NPRM will be issued.</p> <p>D. <i>Citation:</i> 33 CFR 157.</p>	CDR Ireland, 426-4431	NPRM September 1978.
Steering Gear Design Standards to Provide Redundancy (docket No. CGD 77-063).	<p>A. <i>Summary:</i> On Mar. 17, 1977 President Carter directed the Secretary of Transportation to issue new rules to provide for back-up steering systems for all tankers calling at U.S. ports.</p> <p>B. <i>Why major:</i> This rulemaking is considered major because of congressional and public interest.</p> <p>C. <i>Chronology:</i> NPRM published May 1977. As a result of the IMCO February 1976 Tanker Safety and Pollution Prevention Conference a new NPRM will be issued.</p> <p>D. <i>Citation:</i> 46 CFR 58.</p>	CDR Williams, 426-2160	MPRM September 1978.
Construction and Equipment for Existing Self-Propelled Vessels Carrying Bulk Liquefied Gases (docket No. 77-069).	<p>A. <i>Summary:</i> Would amend regulations for existing self-propelled vessels that carry bulk liquefied gases by including the substantive requirements of the "Code for Existing Ships Carrying Liquefied Gases in Bulk" adopted by IMCO which would increase safety levels of existing gas ships.</p> <p>B. <i>Why major:</i> This is a major because it involves a large number of existing U.S. and foreign flag liquefied gas ships and is the subject of substantial public interest.</p> <p>C. <i>Chronology:</i> An advance notice of proposed rulemaking was published June 1977. Regulatory analysis should be completed August 1978. An environmental impact assessment should be completed October 1978.</p> <p>D. <i>Citation:</i> 46 CFR 31, 34, 38, 40, 54, 96, and 154.</p>	LCDR Pluta, 426-2160	NPRM February 1979.
Licensing of Pilots (docket No. CGD 77-084).	<p>A. <i>Summary:</i> This proposal would require recency of service for each route upon which a pilot is authorized to serve; licenses to be issued with tonnage limitations commensurate with pilot experience; and consideration of shiphandling simulator training for pilots of large vessels (Very Large Crude Carriers—VLCC's).</p> <p>B. <i>Why major:</i> Considered major because there is substantial interest among marine personnel on this matter with opposition expected from Federal pilots.</p> <p>C. <i>Chronology:</i> A Regulatory analysis should be completed September 1978. Public Hearing will probably be held February 1979.</p> <p>D. <i>Citation:</i> 46 CFR 10.</p>	LCDR Norman, 426-2240	NPRM December 1978
Tank Vessel Operations Regulations, Puget Sound (docket No. CGD 78-041).	<p>A. <i>Summary:</i> The Coast Guard is considering issuing regulations governing the operation of tank vessels in the Puget Sound area to protect against environmental harm resulting from vessel or structure damage, destruction, or loss.</p> <p>B. <i>Why major:</i> This is considered a major rulemaking due to congressional and public interest. In addition it may generate controversy between the public, environmentalists, and the oil industry.</p>	CDR Janacek, 426-1935	NPRM June 1978.

Title	Summary	Contact	Date
U.S. COAST GUARD, MAJOR REGULATIONS—Continued			
Personnel Job Safety Requirements for Industrial Vessels.	<p>C. <i>Chronology:</i> Secretary Adams signed 180-day interim rule on Mar. 14, 1978 prohibiting entry of oil tankers in excess of 125,000 dwt in Puget Sound. ANPRM issued March 1978 with public hearing scheduled April 1978. Intend to publish NPRM June 1978 with public hearing July 1978. Final rule publication August 1978.</p> <p>D. <i>Citation:</i> 33 CFR 160, 161.</p> <p>A. <i>Summary:</i> To develop safety requirements for personnel employed on vessels engaged in oil field exploration and development.</p> <p>B. <i>Why major:</i> This action concerns a matter that is of significant public interest and which will impact on other Federal agencies. Action mandated by pending Outer Continental Shelf legislation.</p> <p>C. <i>Chronology:</i> Prepare work plan November 1978. Submit ANPRM for DOT review February 1979.</p> <p>D. <i>Citation:</i> 46 CFR subch. I and V.</p>	CDR Cronk, 472-5160	ANPRM April 1979.
Personnel Job Safety Requirements for Fixed Installations on the Outer Continental Shelf.	<p>A. <i>Summary:</i> To develop personnel safety and health requirements for artificial island, fixed installations and other devices on the Outer Continental Shelf.</p> <p>B. <i>Why major:</i> This action concerns a matter that is of significant public interest and which will impact on other Federal agencies. Action mandated by pending Outer Continental Shelf legislation.</p> <p>C. <i>Chronology:</i> Prepare work plan August 1978.</p> <p>D. <i>Citation:</i> 33 CFR subch. N 46 CFR subch. IA and V.</p>	CDR Cronk, 472-5160	ANPRM December 1978.
U.S. COAST GUARD, NONMAJOR REGULATIONS			
Waterways Safety, Berwick Bay, La. 33 CFR 161 (docket No. CGD 73-186).	Would codify certain operating procedures now being done under local order.	G. Molessa, 426-4958	NPRM July 1977.
Lights on Pipelines, 33 CFR 82 (docket No. CGD 73-216).	Would require warning lights on unattended dredge pipelines.	D. Parr, 426-4958	FR July 1978.
Cargo Location Signs and Cargo Information Cards on Barges 46 CFR 35 (docket No. CGD 73-243).	Would require notification of crew of the hazards and locations of dangerous cargoes carried on barges.	R. Query, 426-1217	NPRM September 1978.
VTS Louisville, Ky., 33 CFR 161 (docket No. CGD 73-244).	Would make mandatory a now voluntary vessel traffic service	F. Schwer, 426-4958	Do.
VTS San Francisco, 33 CFR 161 (docket No. CGD 73-274).	.....do.....	.....do.....	NPRM June 1978.
VTS Houston—Galveston, 33 CFR 161 (docket No. CGD 74-029).	.....do.....	.....do.....	NPRM November 1978.
Powered Pilot Hoists and Ladder, 46 CFR 160 and 163 (docket No. CGD 74-140).	Would establish new regulation for pilot hoists and revise regulations for pilot ladders and chain ladders.	R. Markel, 426-1445	NPRM October 1978.
Provisions to allow for Foreign Inspection of Liferails, 46 CFR 160.051 (docket No. CGD 74-208).	Would establish an acceptable mechanism for ships operating in foreign ports to have necessary safety inspections performed.	M. Daniels, 426-1445	ANPRM November 1978.
Measurement of Vessels Size of Accesses to Exemptible Water Ballast Spaces, 46 CFR 69 (docket No. CGD 74-211).	Would establish measurement of vessel size of accesses to exemptible water ballast space.	P. Stitt, 426-2192	NPRM August 1978.
Fixed Fire Extinguishing Systems on Uninspected Vessels 46 CFR 160.029 (docket No. CGD 74-284).	Would establish standards for the construction and installation of Halon 1301 and other fixed fire extinguishing systems.	K. Wahle, 426-1444	NPRM July 1978.
Elevators and Dumbwaiters, 46 CFR 58 (docket No. CGD 75-001).	Would Adopt the ANST standard safety code with certain modifications for vessel construction.	B. Jackson, 426-2205	FR December 1978.
Bulk Concentrate Cargoes, 42 CFR 93.25 (docket No. CGD 75-033).	Would establish stability standards for high moisture content bulk concentrate cargoes in accordance with Intergovernmental Maritime Consultative Organization (IMCO).	Mr. Ewing, 426-2187	NPRM June 1978.
Compatibility of Bulk Liquid Cargoes 46 CFR 150 (docket No. CGD 75-059).	Would establish cargo loading standards to prevent the intermingling of cargo likely to create dangerous conditions.	R. Query, 426-1217	NPRM September 1978.
Benzene Carriage Requirements Vapor Exposure Limitations, 46 CFR 151 and 153 (docket No. CGD 75-075).	Proposed requirements to prevent exposure of crew to hazardous vapors.	Lt. Haas, 426-1019	NPRM June 1978.
Measurement of Vessels, 46 CFR 69 (docket No. CGD 75-078).	Proposed deduction for spaces to collect, carry and process vessel waste material.	P. Stitt, 426-2192	FR June 1978.
Cargo Transfer Manual, 46 CFR 35 (docket No. CGD 75-148).	Proposed requirement for standard procedures to be contained in a manual available for the crew's use.	LCDR Anderson, 426-2183	NPRM November 1978.

DEPARTMENT OF TRANSPORTATION SEMIANNUAL REGULATIONS AGENDA—Continued

Title	Summary	Contact	Date
U.S. COAST GUARD, NONMAJOR REGULATIONS—Continued			
Ocean Operator, 46 CFR 157 and 186 (CGD 75-178).	Proposed licensing requirements for the rank of ocean operator....	CDR Pensom, 426-2240.....	FR August 1978.
Launching Devices for Liferrafts 46-180.063 (docket No. CGD 75-217).	Proposed specification for approval of devices used for launching inflatable liferafts.	M. Daniels, 426-1445.....	NPRM August 1978.
Helicopter Operations with Tank Vessels, 46 CFR 32, 34, and 25 (docket No. CGD 75-221).	Would establish guidelines for helicopter operations on tank vessels and LNG vessels.	LTJG Sediak, 426-2197.....	NPRM May 1978.
Pilots on Self-Propelled Vessels 33 CFR 163 (docket No. CGD 75-236).	Would require pilots in certain areas not now covered by State laws.	R. Bauman, 426-1934.....	NPRM July 1978.
Advance Notice of Arrival 33 CFR 161 (docket No. CGD 75-238).	Would require advance notice to captain of the port (COPT) of vessel arrivals, departures and hazardous conditions.	E. Bonekemper, 426-1927.....	NPRM May 1978.
Marine Occupational Safety and Health Standards, Commercial Diving Regulations, 46 CFR 54 and 197 (docket No. CGD 76-009).	Proposed equipment and operational standards for commercial divers.	CDR Muth, 426-2307.....	FR June 1978.
Stability Standards for Tug Boats 46 CFR 42 (docket No. CGD 76-018).	Would establish intact stability standards for vessels normally engaged in towing operations to increase their resistance to capsizing.	Mr. Perrini, 426-1287.....	NPRM June 1978.
Tug assistance in Confined Waters (docket No. CGD 76-025).	May require tug assistance for large vessels operating in confined waters.	F. Schwer, 426-4958.....	NPRM June 1978.
Lights and Retro-Reflective Material for Life Preservers and Other Lifesaving Equipment, 46 CFR 25, 33, 75, 94, 161, 164, 167, 180, and 192 (docket No. CGD 76-028).	Would require lights and retroreflective material on life preservers in order to aid rescue effects.	LCDR Anderson, 426-2183.....	FR August 1978.
Lifesaving Systems for Great Lakes Vessels, 46 CFR Subch. D, E, I, T, and Q (docket No. CGD 76-033).	Would amend lifesaving equipment regulations to improve changes of personnel survival following abandonment of vessel.	R. Markle, 426-1445.....	NPRM January 1979.
Exposure Suits on Great Lakes Vessels 46 CFR 33, 75, 99, and 180 (docket No. CGD 76-033a).	Proposed approval specification and vessel requirements for low-temperature exposure.	.....do.....	NPRM May 1978.
Factory Inspection Approval Procedures 46 CFR 159 (docket No. CGD 76-048).	Proposed procedures to allow 3d party inspection of specified equipment.	F. Thompson, 426-2174.....	NPRM June 1978.
Factory Inspector, Distress Signal 46 CFR 160 (docket No. CGD 76-048a).	Proposed procedures to allow 3d party inspection of specified equipment.	R. Markle, 426-1445.....	Do.
Minimum Net Bottom Clearance 33 CFR 164 (docket No. CGD 76-051).	May require vessels to maintain a minimum net bottom clearance while transmitting certain navigable waters of the United States.	F. Schwer, 426-4958.....	Do.
Subdivision of Passenger Vessels 46 CFR 73 and 74 (docket No. CGD 76-053).	Proposed more flexible regulations by allowing compliance with Intergovernmental Maritime Consultative Organization as an alternative to existing requirements.	Mr. Howell, 426-2187.....	NPRM December 1978.
Stability Standards for Hopper Dredges (docket No. CGD 76-080).	Would improve dredge's capability to withstand flooding caused by damage to hull or interior piping.	Mr. Ewing, 426-2187.....	NPRM July 1978.
Cargo Manifest: Foreign Tankers, 46 CFR 35 (docket No. CGD 76-081).	Proposal to alert the crew to the identity of cargo.	LCDR Anderson.....	Supplementary NPRM June 1978.
Requirements for Boat Ventilation, 33 CFR 183 (docket No. CGD 76-082).	Would establish requirements for ventilation of fuel and engine compartments on boats.	Mr. Granholm, 426-4027.....	NPRM May 1978.
Combination Fire Hose Nozzles, 46 CFR 32, 766, 95, 162, and 193 (docket No. CGD 76-086).	Proposed requirement for an approved combination nozzle on most vessels.	F. Thompson, 426-2174.....	FR June 1978.
Oil/Water Separator, 46 CFR 162 (docket No. CGD 76-088a).	Would establish approval procedures and specifications for oil-water separators, cargo and bilge monitors, and bilge alarms for use on merchant vessels.	L. Martin, 426-1445.....	Do.
Tank Vessel Regulations, 33 CFR 157 (docket No. CGD 76-088b).	Proposed requirements for installation and use of oil-water separators.	.....do.....	FR October 1978.
Deepwater Port Safety Zone Regulation, 33 CFR 150 (docket No. CGD 76-096).	Would establish regulations for safety zones in the vicinity of deep water ports.	.....do.....	NPRM May 1978.
Lights on Barges, 33 CFR 80.16 (docket No. CGD 76-109).	Would extend requirements for flashing lights at heads of tows to all oil inland waters.	W. McGovern, 426-4958.....	NPRM April 1978.
Revision to Subchapter N, 33 CFR 140 (docket No. CGD 76-125).	Proposed general revisions to the subch. N, artificial islands and fixed structures on the Outer Continental Shelf.	CDR Cronk, 427-5160.....	NPRM May 1978.
Applicability of Western Rivers/Inland Rules (Chief Counsel's Interpretative Rules), 33 CFR 80.04 and 33 CFR 95.02 (docket No. CGD 76-129).	Would define where the inland and western rivers rules apply on the Port Allen-Morgan City Alternate and Landside Routes.	W. McGovern, 426-4958.....	FR August 1978.
Approval Procedures—Shapes, 33 CFR 87 (docket No. CGD 76-131).	Would prescribe approval procedures for the manufacture of day shapes required by the 72 COLREGS.	.....do.....	NPRM November 1978.
Approval Procedural Whistles, 33 CFR 87 (docket No. CGD 76-132).	Would prescribe approval procedures for the manufacture of whistles required by the 72 COLREGS.	.....do.....	Do.

DEPARTMENT OF TRANSPORTATION SEMIANNUAL REGULATIONS AGENDA—Continued

Title	Summary	Contact	Date
U.S. COAST GUARD, NONMAJOR REGULATIONS—Continued			
Amendments to Vessel Numbering Requirements, 33 CFR 173 and 174 (docket No. CGD 76-155).	Would make minor changes to the vessel numbering and accident reporting requirements to make them more consistent and efficient.	LT Gauthier, 426-4176.....	FR September 1978.
Certification Expiration Date Stickers for Small Passenger Vessels, 46 CFR 178 (docket No. CGD 76-162).	Would inform passengers of expired approvals for small passenger vessels.	J. Crawford, 472-7964.....	FR May 1978.
Licensing of Deck Officers, 46 CFR 10.05 (docket No. CGD 76-173).	Proposed general revision and updating of licensing requirements for deck and engineer officers to include provision of the Intergovernmental Maritime Consultative Organization conference on standard of training and watchkeeping.	LCDR Norman, 426-2240.....	NPRM April 1978.
Licensing of Engineering Officers, 46 CFR 10.10 (docket No. CGD 76-174).	Proposed general revision and updating of licensing requirements for deck and engineer officers to include provision of the Intergovernmental Maritime Consultative Organization conference.	.....do.....	NPRM December 1978.
Visual Distress Signals for Boats, 33 CFR 175 (docket No. CGD 76-183).	Would require visual distress signals to be carried on boats when operating on coastal waters and on the high seas.	LT Gauthier, 426-4176.....	FR November 1978.
Visual Distress Signals for Boats, 33 CFR 175 and 46 CFR 180 (docket No. CGD 76-183a).	Would establish approval specifications for certain new visual distress signals to be required in CGD 76-183 (above entry).	.....do.....	NPRM June 1978.
Use of Dangerous Articles as Ship's Stores and Supplies on Board Vessels, 46 CFR 147 (docket No. CGD 76-191).	Proposed storage and labeling requirements.	J. McAnulty, 426-1587.....	NPRM December 1978.
Radar Observer Endorsement for Personnel, 46 CFR 10 (docket No. CGD 76-193a).	Would require specialized training in use of radar equipment.	CDR Hess, 426-2251.....	NPRM June 1978.
Reexamination Procedures for Unlicensed Ratings, 46 CFR 12 (docket No. CGD 76-203).	Would eliminate confusion about reexamination procedures.	.....do.....	FR June 1978.
Shipboard Fumigation Standards, 46 CFR 147A (docket No. CGD 76-206).	Proposed operational requirements for fumigation procedures on vessels.	LT Norris, 426-1577.....	NPRM August 1978.
Exemption for Cargo Vessels in Alaska Serving Remote Villages, 46 CFR 6, 30, 42, 43, 70, 90, and 151; 33 CFR 1 (docket No. CGD 76-223).	Would allow special uses for specific vessels serving in the Alaskan trade.	LCDR Sampson, 426-2183.....	NPRM July 1978.
Requirement to Stop to Permit Boarding, 33 CFR 177 (docket No. CGD 76-232).	Would require boat operations to stop when ordered to do so by Coast Guard boarding officer.	LT Gauthier, 426-4176.....	NPRM August 1978.
Administrative Amendment to Delete Incorrect References and Add New Proper Reference, 46 CFR 2 (docket No. CGD 76-014).	Would revise incorrect reference in the Code of Federal Regulations.	LT Rock, 426-2183.....	FR August 1978.
2d Radar and Withdraws Collision Avoidance Radar, 33 CFR 164 (docket No. CGD 77-016).	Would require 2d radar on large vessels.	F. Schwer, 426-4958.....	FR September 1978.
Marine Safety Investigations, 33 CFR 168 (docket No. CGD 77-018).	Would implement investigation authority under Ports and Waterways Safety Act.	E. Bonekemper, 426-1927.....	NPRM August 1978.
Ocean Dumping Surveillance Equipment Requirements, 33 CFR 158 (new part) (docket No. CGD 77-029).	Would establish equipment requirements to conduct surveillance to prevent unlawful dumping of material into ocean waters.	LT Voyik, 426-9573.....	NPRM July 1978.
Casualty Reporting Regulations Elimination of Dual Reporting Requirements, 46 CFR 4 (docket No. CGD 77-038).	Would eliminate a duplicative report.	LT Regalbuto, 426-1445.....	FR September 1978.
Suspension and Revocation Proceedings—Consolidation of Regulations, 46 CFR 1 and 5 (docket No. CGD 77-037).	Would combine disparate regulations into a unified whole.	.....do.....	FR June 1978.
Semiportable Fire Extinguishers, 46 CFR 162.039 (docket No. CGD 77-039).	Would amend specification to allow approval of wheeled units for use on stable platforms.	F. Thompson, 426-2174.....	NPRM June 1978.
Manning of Uninspected Towing Vessels 46 CFR 167 (docket No. CGD 77-062).	Would require the 3 watch system on towing vessels.	CDR Pensom 426-2240.....	NPRM July 1978.
Designation of Oceanographic Vessels 46 CFR 188 (docket No. CGD 77-081).	Would delegate means of designating an oceanographic research vessel to officers in charge, marine inspection (OCMI).	.....do.....	NPRM August 1978.
Amendment to Clarify 46 CFR 157.16.5 46 CFR 157 (docket No. CGD 77-083).	Editorial correction.	.....do.....	FR October 1978.
Operational Specification for Radar 33 CFR 164 (docket No. CGD 77-085).	Would develop specifications for radar systems on vessels over 1,600 gross tons.	W. McGovern, 426-4958.....	NPRM December 1978.

Title	Summary	Contact	Date
U.S. COAST GUARD, NONMAJOR REGULATIONS—Continued			
VTS New York, 33 CFR 161 (docket No. CGD 77-087).	Would establish regulations for vessel traffic service in New York harbor.	F. Schwer, 426-4958	FR December 1978.
Realignment of CCGD13 COTP/OCMI Zones 33 CFR 3.60 (docket No. CGD 77-088).	Would realign captain of the ports/officer in charge, marine inspection zones in 12th Coast Guard district.	G. Molessa, 426-4958	FR September 1978.
Requirement for First Purchaser List Kept by Boat Dealers, 33 CFR 179 (docket No. CGD 77-115).	Would require boat dealers to create a list of retail purchases so manufacturers could send notice to alert of safety defects.	CDR Greenough, 426-1757	NPRM July 1978.
Optional Numbering Requirements 33 CFR 173 and 174 (docket No. CGD 77-117).	Would make certain vessel numbering requirements applicable to States optional for the States.	LT Gauthier, 426-4176	NPRM June 1978.
Numbering Requirements for Leased Vessel, 33 CFR 173 (docket No. CGD 77-117a).	Would increase to 7 days the period during which owner of a based vessel can keep the certificate of number.	LT Gauthier, 426-4176	FR April 1978.
Amendments to Alternative Compliance 33 CFR 87 (docket No. CGD 77-132).	Editorial improvement and clarification of existing regulations.	W. McGovern, 426-4958	FR September 1978.
Barge Loadline Exemptions (docket No. CGD 77-135).	Would provide exemption for river barges operating on waters between Chicago and Burns Harbor and between St. Marks and Carabelle.	Mr. Ewing, 426-2187	NPRM September 1978.
Specification for Flotation Materials (docket No. CGD 77-145).	Would establish performance specification for foam flotation material in boats to resist fuel and solvents.	Mr. Granholm, 426-4027	Fr August 1978.
Acceptance of ASME U or UM stamped Class I, II, and III pressure vessels (docket No. CGD 77-147).	Would accept pressure vessels bearing the ASME "U" or "UM" stamp without U.S. Coast Guard inspection.	H. Hime, 426-2160	NPRM September 1978.
Amendments to Customs Regulations for Boats, 19 CFR 12 (docket No. CGD 77-157).	Would amend the joint Treasury—Coast Guard Customs regulations for imported boats. Minor revision to improve administrations of the regulations.	ENS Ziegenfuss, 426-1757	NPRM August 1978.
Damage Stability Information on Cargo Ships, 46 CFR 93 (docket No. CGD 77-161).	Would require masters of vessels to have damage stability information on board.	LTJG McKay/Mr. Howell, 426-2187	ANPRM August 1978.
Electronic Navigation Equipment, 33 CFR 164 (docket No. CGD 77-163).	Would require Loran-C or Alternative System on all vessels 1600 Gross tons and greater.	F. Schwer, 426-4958	NPRM June 1978.
Establishment of Second-Class Ocean Operator 186, and 187 (docket No. CGD 77-176).	Would establish qualification for a second operator on small passenger vessels required to have more than one Ocean Operator on board.	CDR Pensom, 426-2240	FR October 1978.
Written Warning for Violation of Marine Sanitation Device Regulations 33 CFR 1 (docket No. CGD 77-182).	Would inform the public of CG policy of issuing warnings for first time violations of Marine Sanitation Device regulations.	LT Welch, 426-4176	FR May 1978.
Amend Navigation Safety Regulations 33 CFR 164 (docket No. CGD 77-183).	Would relax some navigation requirements for Great Lakes and provide editorial corrections.	F. Schwer, 426-4958	NPRM May 1978.
Exception for Standards for Raceboats 33 CFR 183 (docket No. CGD 77-191).	Would exempt raceboats from standards meant for purely recreational boats.	Mr. Gray, 426-4027	ANPRM May 1978.
Designation of Confined and Congested Waters, 33 CFR 164 (docket No. CGD 77-196).	Would list waters to be designated as "Confined or Congested" in accordance with Navigation Safety Regulations.	C. Liana, 426-4958	NPRM September 1978.
Second Class Operators for Towing Vessels (docket No. CGD 77-204).	Would allow for able seaman service on ocean going vessels to be credited toward second class towboat license.	LCDR Norman, 426-2240	NPRM September 1978.
Delaware Bay Regulated Navigated Area 33 CFR 161 (docket No. CGD 77-211).	Proposed equipment requirements and operating restrictions on vessels transiting Delaware Bay and River.	D. Ziegfeld, 426-1934	FR December 1978.
Notification of Tank Vessel Ownership Information and Name (docket No. CGD 77-213).	Would require Tank Vessel Owners/Operators to advise USCG of identity and ownership of tank vessels entering navigable waters of United States.	E. Bonekemper, 426-1927	NPRM April 1978.
Inland Waterways Navigation Regulations (docket No. CGD 77-217).	Editorial changes to certain regulations previously issued by the Corps of Engineers and transferred to the Coast Guard under the Ports and Waterways Safety Act of 1972.	G. Molessa, 426-4958	FR August 1978.
Oxygen Resuscitators on Chemical Tankers 46 CFR 153 (docket No. CGD 77-223).	Would clarify what is an acceptable resuscitator	R. Query, 426-1217	FR September 1978.
Port Security Regulations Update 33 CFR 6, 121, 124, 135, and 127 (docket No. CGD 77-228).	Would eliminate outdated material in Port Security Regulations, indicated parts of 33 CFR.	E. Bonekemper, 426-1927	FR July 1978.
Halon 1301 Fire Extinguishing Systems for Merchant Vessels 46 CFR 164.017 (docket No. CGD 77-232).	Would allow Halon 1301 for specific types of installation	R. Eberly, 426-2197	NPRM September 1978.
Navigation Lights for Small Vessels, 33 CFR 89 (docket No. CGD 77-233).	Would specify approval procedures and installation requirements for International Rules navigation lights for small vessels.	C. Liana, 426-4958	NPRM July 1978.

Title	Summary	Contact	Date
U.S. COAST GUARD, NONMAJOR REGULATIONS—Continued			
Administrative Change COTP/MIO LA-LB, 33 CFR 3.55 (docket No. CGD 77-234).	Would correct address of relocated Marine Inspection Office	G. Molessa, 426-4958	FR August 1978.
Administrative Update COTP Areas, 33 CFR 3 (docket No. CGD 77-241).	Editorial changes to listing of certain Captain of the Port Areas	G. Molessa, 426-4958	FR December 1978.
Loran Position Transmitting Device, 33 CFR 82 (docket No. CGD 77-243).	Would amend Prince Williams Sound Vessel Traffic Regulations to require Loran Position Transmitting Devices.	F. Schwer, 426-4958	NPRM 1978.
Great Lakes Winter Navigation (docket No. CGD 77-246).	Would establish three regulated navigation areas for Great Lakes	D. Ziegfeld, 426-1934	NPRM June 1978.
Safety Orientation and Passenger Vessels, 46 CFR 185 and 28 (docket No. CGD 78-009).	Would alert passengers to locations and use of safety devices	LT Rock, 426-2183	NPRM September 1978.
PFD Thread Specifications, 46 CFR 160 (docket No. CGD 78-012).	Would amend Personal Flotation Device Specification to allow use of alternative threads in several seams.	F. Thompson, 426-2173	FR June 1978.
Great Lakes Pilotage Rate Increase, 46 CFR 401 (docket No. CGD 78-016).		J. Hartke, 755-8683	NPRM April 1978.
Waterfront Facilities Update, 33 CFR 126 (docket No. CGD 78-023).	Would eliminate errors and outdated cross references in existing waterfront facilities regulations.	E. Bonekemper, 426-1927	ANPRM July 1978.
Oil and Removable Hazardous Substances, Pollution Prevention Vessels and Marine Transfer Facilities (docket No. CGD 78-032).	Would establish regulations for pollution prevention for oil and removable hazardous substances for vessels and marine transfer facilities.	J. Busavage, 426-9578	ANPRM July 1978.
Amendment to Boat Capacity Labels, 33 CFR 183 (docket No. CGD 78-034).	Would make information in safe loading capacity labels clearer and easier to use.	LT McBride, 426-4027	NPRM July 1978.
Safety Standards for Boat Gasoline Fuel Systems (docket No. CGD 78-036).	Would amend safety standards for boat gasoline fuel systems	L. Granholm, 426-4027	FR June 1978.
LNG Facility Regulations, 33 CFR 126 (docket No. CGD 78-038).	Would establish Liquid Natural Gases Waterfront Facility Safety Regulations in accordance with Memorandum of Understanding between USCG and Material Transportation Bureau (MTB).	E. Bonekemper, 426-1927	ANPRM June 1978.
Oil and Non Removable Hazardous Substances, Pollution Prevention Vessels and Marine Transfer Facilities (docket No. CGD 78-039).	Would establish regulations for pollution prevention for oil and non-removable hazardous substances for vessels and marine transfer facilities.	J. Busavage, 426-9578	ANPRM August 1978.
COTP Houston, Editorial Changes, 33 CFR 162 (docket No. CGD 78-050).	Editorial Changes to the description of the Captain of the Ports Houston area.	G. Molessa, 426-4958	FR September 1978.
Tows Navigating the Pass Manchaz Bridge, LA, 33 CFR 3 (docket No. CGD 78-051).	Proposed regulation of Tows navigating the waters in the vicinity of the Pass Manchaz Bridge, LA.	.....do.....	NPRM October 1978.
COLREGS 72, Demarcation Line, 33 CFR 82 (docket No. CGD 78-052).	Proposed amendment to COLREGS (International Collision at Sea Regulations), 72 establishing demarcation line in Florida.	.....do.....	NPRM September 1978.
Crane Operator Qualifications for Fixed Installations, Industrial Vessels and Mobile Drilling Units on the Outer Continental Shelf, 33 CFR 148 and 48 CFR 92.	Would develop required qualifications for crane operators employed on the Outer Continental Shelf.	P. Cronk, 472-5160	ANPRM June 1978.
Deepwater Port Liability Fund Requirements, 33 CFR 150.	Would implement provisions of the Deepwater Port Act of 1974 to establish and administer liability limits and compensation relative to accidental oil spills at deepwater port sites.	F. Martin, Jr., 426-2606	ANPRM March 1978.

U.S. COAST GUARD, ROUTINE AND FREQUENT NONMAJOR REGULATIONS

Safety Security Zone Regulations	Total:.....	R. Frank, 426-1927	April 1978 to April 1998.
Anchorage Area Regulations	10.....	H. Snow, 426-1940	April 1978 to April 1979.
Drawbridge Regulations	16.....	F. Teuton, 426-1380	Do.
	90.....		

Title	Summary	Contact	Date
FEDERAL AVIATION ADMINISTRATION, MAJOR REGULATIONS			
FAR 152—sec. 30 Regulations—Civil Rights (docket No. 18419).	<p>A. <i>Summary:</i> Develop regulations to implement sec. 30 of the Airport and Airway Development Act of 1970, as amended by the Airport and Airway Development Act Amendments of 1976 (Act). The regulations would assure that no person is excluded on the grounds of race, creed, color, national origin, or sex from participating in any project for airport development, airport master planning or airport system planning conducted with or benefitting from funds received from a grant made under the act.</p> <p>B. <i>Why major:</i> The proposed regulations implementing sec. 30 are considered major inasmuch as there is substantial public interest and they involve important department policy.</p> <p>C. <i>Chronology:</i> The proposed regulations were set forth in a notice of proposed rulemaking (notice No. 77-1) on Jan. 13, 1977 (42 FR 2850). The regulations are proposed to be included in existing pt. 152 as new Subpt. E—nondiscrimination in airport aid program. The public was invited to comment on the proposed rule by Mar. 14, 1977, which date was twice extended (to May 20, 1977) upon numerous requests from the public. Inasmuch as there is a need to clarify the scope of the proposed regulations, it has been determined that a supplemental notice will be issued covering matters either not covered or not clearly stated in the regulations. Such notice will be issued simultaneously with the publication of the present final rule. Interested persons will be afforded 45-60 days to comment.</p> <p>D. <i>Citation:</i> 14 CFR pt. 152.</p>	Paul Galka, 426-3831	FR August 1978.
SST Noise Rule (docket No. 15376)	<p>A. <i>Summary:</i> The rule, as proposed, would: (1) require all SSTs to except Concorde with flight time before Jan. 1, 1980, to comply with the stage 2 noise limits (an airplane that has been shown to comply with noise limits originally applied to subsonic jets) of 14 CFR pt. 36 in order to operate in the United States; (2) prohibit modifications of current SST types that increase their noise; (3) place operational restrictions on SSTs that do not comply with the stage 2 noise limits of pt. 36; and (4) add procedures adapting the flight test conditions and noise limits of pt. 36 to SSTs. A proposal to improve protection of the United States from sonic boom is also included.</p> <p>B. <i>Why major:</i> The rule is considered major because of the high degree of public concern regarding SST noise and the international implications of SST operating limits.</p> <p>C. <i>Chronology:</i> ANPRM 70-33 issued Aug. 4, 1970, requested public input on the general pattern of SST noise. The NPRM was, in part, a response to an environmental defense fund suit on the subject. Notice 75-15, issued Mar. 25, 1975, contained EPA proposals, including 8 options to contest SST noise. 2 public hearings (Los Angeles and Washington) were held in May 1975. Notice 76-1 issued Feb. 6, 1976, contained a further EPA proposal clarifying those in notice No. 75-15. A public hearing was held in Washington in April 1976. Notice 77-23, issued Oct. 11, 1977, added further FAA proposals to the EPA proposals. Public hearings were held in Hawaii (January 1978) and Los Angeles (February 1978).</p> <p>D. <i>Citation:</i> 14 CFR, pts. 21, 36, and 91.</p>	James Denamore, 755-0488.	FR September 1978.
Post Crash Fuel Fires (docket No. 12274).	<p>A. <i>Summary:</i> Proposed rulemaking (NPRM's 74-16/A/B) establishing standards for fuel systems to prevent post crash explosions or fires.</p> <p>B. <i>Why major:</i> This is a major proposal because it would require all existing and newly manufactured turbine engine powered transport airplanes to have protective fuel systems installed by specified dates. The proposal has generated considerable public interest and controversy with respect to technological and economic impacts, and the adequacy of the proposals.</p>	Joe Sullivan, 755-8716	FR July 1978.

Title	Summary	Contact	Date
FEDERAL AVIATION ADMINISTRATION, MAJOR REGULATIONS—Continued			
Compartment Interior Materials Toxic Gas Emission (docket No. 14230).	<p>C. <i>Chronology:</i> September 1972—Petition for rulemaking from Aviation Consumer Action Project (ACAP) to require installation and use of nitrogen inerting systems on transport category aircraft. March 1974—NPRM 74-16 issued. May 1974—NPRM 74-16A issued. April 1977—NPRM 77-16B issued. June 1978—Public hearing held. August 1978—Comment period closed.</p> <p>D. <i>Citation:</i> 14 CFR pts. 25 and 121.</p> <p>A. <i>Summary:</i> Project objective is to determine whether regulations should be amended to include requirements pertaining to toxic gas emission characteristics of compartment materials.</p> <p>B. <i>Why major:</i> This is a major project due to substantial public interest and because postmortem examination often indicates that the blood of accident victims contains lethal amounts of toxic gases emitted by burning materials.</p> <p>C. <i>Chronology:</i> Project authorized May 9, 1973. Advance notice 74-38 issued Dec. 19, 1974. Public hearing on compartment materials was held Nov. 14-17, 1977.</p> <p>D. <i>Citation:</i> 14 CFR pt. 25.</p>	.....do.....	FR July 1978.
Aircraft Wheels and Wheel-Brake Assemblies.	<p>A. <i>Summary:</i> The objective is to upgrade the requirements for wheels and brakes for small and transport airplanes.</p> <p>B. <i>Why major:</i> This is a major project due to substantial public interest because wheel and brake integrity is considered critical to the safety of rejected takeoffs.</p> <p>C. <i>Chronology:</i> Project initiated Sept. 7, 1977 to develop a notice of proposed rulemaking.</p> <p>D. <i>Citation:</i> 14 CFR pts. 23, 25, and 37.</p>	.....do.....	NPRM August 1978.
Flammability Standard for Crewmember Uniforms (docket No. 14451).	<p>A. <i>Summary:</i> Proposed revision to establish flammability specifications for crewmember uniforms that will provide protection against heat and flame.</p> <p>B. <i>Why major:</i> This proposal is considered major rulemaking project due to substantial public interest and potential cost to airlines.</p> <p>C. <i>Chronology:</i> Prior to April 1974, a number of informal conferences were held with members of the public including the Association of Flight Attendants (AFA), regarding flammability of flight attendant uniforms. A project was established to examine AFA claims regarding uniform flammability. National Bureau of Standards (NBS) Center for Fire Research was selected as research contractor. An advance notice of proposed rulemaking (ANPRM) No. 75-13 was issued Mar. 13, 1975, to solicit public information and comments. A follow-on contract was established with the NBS to evaluate comments and conduct further testing. Contract in effect March 1978.</p> <p>D. <i>Citation:</i> 14 CFR pt. 121.</p>	.....do.....	NPRM December 1978.
Aircraft Tires	<p>A. <i>Summary:</i> The objective of this project is to determine if the aircraft tire standards in the regulations should be upgraded, and if so, the details of the upgrading.</p> <p>B. <i>Why major:</i> This is considered a major project due to substantial public interest because tire integrity is considered critical to takeoff roll ground handling conditions.</p> <p>C. <i>Chronology:</i> Project initiated November 1977.</p> <p>D. <i>Citation:</i> 14 CFR pt. 37.167.</p>	.....do.....	NPRM October 1978.
FAR pt. 107 (docket No. 16245)	<p>A. <i>Summary:</i> Proposed revision of 14 CFR pt. 107 to update, clarify and add provisions to the regulations to provide more effective security for persons and property in air transportation.</p> <p>B. <i>Why major:</i> May involve substantial public interest or controversy.</p> <p>C. <i>Chronology:</i> Started June 30, 1975. NPRM issued June 1977.</p> <p>D. <i>Citation:</i> 14 CFR pt. 107.</p>	Richard A. Noble, 426-8768	FR August 1978.
Air Ambulance Standards (docket No. 17045).	<p>A. <i>Summary:</i> Proposed standards for the air transportation of persons requiring medical attention or care enroute.</p> <p>B. <i>Why major:</i> The proposed regulations are considered major because there is substantial public interest in it.</p> <p>C. <i>Chronology:</i> May 1973—Project authorized. December 1974—DOT working group formed to develop standards. July 1975—2 public hearings held. July 1977—ANPRM 77-14 issued. Comments are now being analyzed.</p> <p>D. <i>Citation:</i> 14 CFR pt. 135.</p>	Joe Sullivan, 755-8716	FR June 1978.
FAR pt. 91 Upgrade	<p>A. <i>Summary:</i> To upgrade 14 CFR, pt. 91 standards applicable to the operation of certain aircraft, when not operated as an air carrier.</p>	.....do.....	NPRM September 1978.

Title	Summary	Contact	Date
FEDERAL AVIATION ADMINISTRATION, MAJOR REGULATIONS—Continued			
Parts Manufacturer Approvals (docket No. 17147).	<p>B. <i>Why major:</i> This is considered major due to substantial public interest in the constraints to be proposed for safer operations of large aircraft under pt. 91.</p> <p>C. <i>Chronology:</i> Project approved in March 1978.</p> <p>D. <i>Citation:</i> 14 CFR pt. 91.</p> <p>A. <i>Summary:</i> Proposes to revise the Parts Manufacturer Approval application and reporting requirements and provisions related to showing identicalness of parts.</p> <p>B. <i>Why major:</i> The proposed revision is considered to be major because it is controversial.</p> <p>C. <i>Chronology:</i> Project No. 78-257-R was initiated December 23, 1975. NPRM No. 77-19 published in the <i>FEDERAL REGISTER</i> (42 FR 43985). Comment period later reopened until Jan. 4, 1978 (NPRM No. 77-19A, 42 FR 81048) and again reopened until May 15, 1978 (NPRM No. 77-19B). Portions of NPRM dealing with other subjects to be handled separately.</p> <p>D. <i>Citation:</i> 14 CFR pt. 91.</p>	do	FR March 1979.
Deletion of Three-Pointer Altimeter (docket No. 17151).	<p>A. <i>Summary:</i> Proposed revision to prohibit the use of three-pointer altimeters on all turbine engine-powered airplanes.</p> <p>B. <i>Why major:</i> This proposal is considered to be a major regulation because it may generate substantial public interest and require considerable funds to be expended by owners/operators of turbine engine powered airplanes. In addition, since three-pointer altimeters will be prohibited from being installed in all turbine engine powered airplanes within a reasonable time period, it will be controversial.</p> <p>C. <i>Chronology:</i> Prohibition of three-pointer altimeters from use in airplanes was first recommended by the Special Air Safety Advisory Group at the completion of its survey of the cockpit environment in air carrier aircraft in 1975. Thereafter, the matter was researched and it was deemed necessary to solicit comments from interested persons. Accordingly, Advance Notice of Proposed Rule Making (ANPRM) No. 77-18 was published in the <i>FEDERAL REGISTER</i> on Aug. 29, 1977, with a comment closing date of Nov. 28, 1977. An evaluation of comments received in response to that ANPRM indicated that an NPRM should be issued. Accordingly, a notice of proposed rulemaking (NPRM) is being prepared.</p> <p>D. <i>Citation:</i> 14 CFR pts. 23, 25, 91, 121, and 135.</p>	do	NPRM November 1978.
Aircraft Cabin Ozone Contamination (docket No. 16854).	<p>A. <i>Summary:</i> Proposed revision to limit the concentration of high altitude ozone allowed in an aircraft cabin.</p> <p>B. <i>Why major:</i> The Notice of Proposed Rule Making is considered a major project because it involves an area of substantial public interest and will be controversial.</p> <p>C. <i>Chronology:</i> In winter of 1976, FAA became aware of crew and passenger complaints of discomfort on high altitude flights and in March 1977 ozone gas was believed to be probable cause. An Advisory Circular, No. 00-52, Ozone Irritation During High Altitude Flight, was published July 21, 1977, defining ozone, its causes, and its symptoms. On May 26, 1977, FAA initiated a project to study the short and long term health effects of exposure to high altitude ozone. An ANPRM was issued on October 6, 1977, seeking information from all interested persons. A Notice of Proposed Rule Making is being developed.</p> <p>D. <i>Citation:</i> 14 CFR pts. 23, 25, 91, 121, and 135.</p>	do	NPRM September 1978.
Lithium Sulfur Dioxide Batteries.....	<p>A. <i>Summary:</i> Proposed airworthiness directive (AD) requiring removal of Lithium Sulfur Dioxide (LSDO) batteries from all aircraft including those installed in Emergency Locator Transmitters (ELTs), and companion Technical Standard Order (TSO) prescribing standards for acceptable batteries.</p> <p>B. <i>Why major:</i> Considered major project due to considerable public interest.</p> <p>C. <i>Chronology:</i> Regional and Headquarters team established July 1976 to write draft LSDO TSO. Draft completed December 1976. TSO updated August 1977. Proposed AD and TSO combined in one regulatory package December 1977.</p> <p>D. <i>Citation:</i> 14 CFR pts. 37 and 39.</p>	do	NPRM July 1978.
Operations Review Notice No. 78-3 (docket No. 17869).	<p>A. <i>Summary:</i> Proposes to revise the flight and duty time limitations and rest requirements for flight crewmembers used by domestic, flag, and supplemental air carriers, commercial operators of large aircraft and air travel clubs.</p>	do	FR May 1979.

Title	Summary	Contact	Date
FEDERAL AVIATION ADMINISTRATION, MAJOR REGULATIONS—Continued			
Operations Review Notice No. 13.....	<p>B. <i>Why major:</i> This proposal is considered a major regulation because of the controversy associated with the complexity and enforcement problems of the current rules.</p> <p>C. <i>Chronology:</i> The proposals contained in this notice are based on related proposals discussed at the December 1975, Operations Review Conference. The Notice was published in the <i>FEDERAL REGISTER</i> on Feb. 27, 1978, with a closing date of May 30, 1978, for public comments.</p> <p>D. <i>Citation:</i> 14 CFR pts. 121 and 123.</p> <p>A. <i>Summary:</i> Proposes to establish regulations for flight and duty time limitations and rest requirements for flight attendants used by domestic, flag, and supplemental air carriers, commercial operators of large aircraft and air travel clubs.</p> <p>B. <i>Why major:</i> This proposal is considered a major regulation because there is substantial public interest in it.</p> <p>C. <i>Chronology:</i> The proposals contained in this notice are based on related proposals discussed at the December 1975, Operations Review Conference.</p> <p>D. <i>Citation:</i> 14 CFR pts. 121 and 123.</p>	do	NPRM December 1978.
Pt. 135 Regulatory Review (docket No. 16097).	<p>A. <i>Summary:</i> Proposes to substantially revise the requirements for operations conducted by air taxi and commercial operators of small aircraft to provide a higher level of safety.</p> <p>B. <i>Why major:</i> This amendment is considered a major regulation because of the costs and the controversy associated with the general upgrading of the current rules.</p> <p>C. <i>Chronology:</i> This amendment resulted from proposals discussed at the November 1976, pt. 135 regulatory review conference. Notice 77-17 was published in the <i>FEDERAL REGISTER</i> on Aug. 29, 1977, with a closing date of Nov. 28, 1977, for public comment. Comments have been analyzed and evaluated and a draft amendment is being prepared.</p> <p>D. <i>Citation:</i> 14 CFR pt. 135.</p>	do	FR June 1978.
Pt. 135 Regulatory Review Program: Additional Airworthiness Requirements for 10 or More Passenger Small Airplanes Over 12,500 lbs. (docket No. 17325).	<p>A. <i>Summary:</i> This proposal would amend the airworthiness standards for certain turbopropeller powered multiengine small airplanes to allow their certification and operation at weights above 12,500 lbs.</p> <p>B. <i>Why major:</i> This proposal is considered major because it will generate substantial public interest since it represents a departure from a long-standing line of demarcation between "large" and "small" airplanes, insofar as airworthiness standards and operating rules are concerned.</p> <p>C. <i>Chronology:</i> Advance notice 77-25 (40 FR 58702; Oct. 27, 1977) dealt with the general question of the need for a new FAR airworthiness part for use by commuter air carriers. The maximum weight issue is one of many that are involved.</p> <p>D. <i>Citation:</i> 14 CFR pts. 21, 23, and 135.</p>	do	NPRM August 1978.
Airworthiness Review Admendment No. 8: Miscellaneous and Procedural Amendments (docket No. 14779).	<p>A. <i>Summary:</i> Proposed amendments to parts to improve and update the airworthiness standards that apply to the type certification of aircraft, engines, propellers, related operating and maintenance rules, and procedural requirements.</p> <p>B. <i>Why major:</i> This group of amendments is considered major because it includes a number of costly and controversial amendments (dealing generally with cabin safety) that require modification of aircraft in service.</p> <p>C. <i>Chronology:</i> Notice 75-31 (40 FR 29140) appeared in the <i>FEDERAL REGISTER</i> on July 11, 1975. The final amendment is being prepared.</p> <p>D. <i>Citation:</i> 14 CFR pts. 1, 21, 23, 25, 27, 29, 31, 33, 35, 43, 45, 91, and 121.</p>	do	FR November 1978.
Administrative User Charges.....	<p>A. <i>Summary:</i> This notice proposes to revise existing FAA fees for aircraft registration and for recording conveyances affecting title to, or any interest in, aircraft. In addition, it proposes to establish fees for FAA certification of pilots, instructors, and other airmen, including medical certification. It is intended that this proposed rule will provide for the recovery of expenses that the FAA incurs in these activities. The proposed action would be in accordance with the sense of the Congress.</p> <p>B. <i>Why major:</i> This proposal is considered a major project because it involves an area of substantial public interest and controversy.</p> <p>C. <i>Chronology:</i> NPRM published on April 20. Closing date for comments is July 19, 1978.</p> <p>D. <i>Citation:</i> 14 CFR pts. 47, 49, 61, 63, 65, 67, 143, and 187.</p>	John M. Rodgers, 426-3420	FR October 1978.

DEPARTMENT OF TRANSPORTATION SEMIANNUAL REGULATIONS AGENDA—Continued

Title	Summary	Contact	Date
FEDERAL AVIATION ADMINISTRATION, NONMAJOR REGULATIONS			
Agricultural Aircraft Night Operations (docket No. 14821).	Proposed rule to permit special visual flight rules (VFR) night operations by agricultural aircraft operators without complying with certain instrument flight requirements since agricultural aircraft are not usually instrument flight rules (IFR) equipped and have need to conduct operations under special VFR conditions.	Joe Sullivan, 755-8716	FR February 1979.
Airborne Vibration Monitors (docket No. 13989).	Proposed rule to require an indicator system for detecting rotor imbalance for each engine in specified wide-bodied airplanes.	do.	FR June 1978
Special Aircraft Certificates (docket No. 13954).	Proposed rule to limit the issuance of "Experimental" certificates under 14 CFR pt. 21 to aircraft engaged in genuine experimental operations except for certain amateur-built aircraft.	do.	Do.
Status of FAA Pilots on Test Flights (docket No. 14611).	Proposed clarification of the status of both applicants and FAA pilots during flight tests required for certification of aircraft.	do.	Do.
Leakage of Fluids (docket No. 15534).	Proposed standards for certification, maintenance, and equipment to prevent inflight overboard leakage of fluids subject to freezing.	do.	Do.
Cargo Pallets, Nets and Containers (docket No. 18140).	Proposed updated standards for cargo pallets, nets, and containers in accordance with the changes in technology and specifications which have taken place since 1970, when the current standards were developed.	do.	FR December 1978.
Determination of Aircraft Approach Categories (docket No. 17538).	Proposed revision to 14 CFR §97.3 to eliminate use of maximum certificated landing weight as a criterion for grouping aircraft in approach categories in order to facilitate aircraft categorization and simplify determinations of landing minimums.	do.	FR April 1979.
Delayed Landing Flap Procedure for Turbojet-Powered Airplanes (docket No. 15020).	Proposed revision to 14 CFR pt. 91 which would require landing flap setting for turbojet-powered airplanes to be delayed until at or below 1,000 feet above airport elevation for purpose of noise abatement on approach and landing.	do.	FR February 1979.
Operations Review Amendment No. 4 (docket No. 16383).	Miscellaneous amendments concerning aircraft maintenance, airman certification, general operating and flight rules, parachuting, certification and operations of air carriers, air travel clubs, repair stations, and aviation maintenance technical schools.	do.	FR May 1978.
Operations Review Amendment No. 5 (docket No. 17034).	Proposed amendments to requirements pertaining to airman and crewmembers, training programs, flight operations, dispatching, and records and reports of air carrier and commercial operators of large aircraft.	do.	Do.
Operations Review Amendment No. 6 (docket No. 17154).	Proposed amendments to flight rule fuel requirements, VOR equipment checks, safety belts and harnesses and other clarifying changes to 14 CFR pt. 91.	do.	FR June 1978.
Operations Review Notice No. 8.	Proposed revision to update and improve airman and crewmembers rules, training programs, flight operations, dispatching, records and reports of air carriers and commercial operators and scheduled air carriers with helicopters.	do.	NPRM May 1978.
Operations Review Notice No. 9.	Proposed revision to update and improve equipment, maintenance, and operating rules of aircraft, airman certification, certificated operators and agencies, flight attendants and training requirements.	do.	NPRM June 1978.
Operations Review Notice No. 10.	Proposed revision to update and improve the equipment and operating rules of aircraft operated by scheduled air carriers of large aircraft and agricultural aircraft operators.	do.	NPRM July 1978.
Operations Review Notice No. 11.	Proposed revision to update and improve the rules applicable to mechanic certification, repair stations and aircraft equipment.	do.	NPRM August 1978.
Operations Review Notice No. 12.	Proposed extensive revisions to update and improve 14 CFR pts. 43 and 91 applicable to aircraft maintenance, preventive maintenance, rebuilding and alteration of aircraft.	do.	NPRM September 1978.
Operations Review Notice No. 14.	Proposed miscellaneous revisions and other editorial and clarifying changes to pts. 14 CFR 43, 63, 65, 91, 105, 121, 123, 127, 143, 145, and 147.	do.	NPRM February 1979.
Airworthiness Review Program: Amendment No. 7: Airframe Amendments.	Proposed amendment to 14 CFR pts. 23, 25, 27 and 29 to update and improve the airframe and crashworthiness standards that apply to aircraft certification, and would make certain related changes in the operating rules contained in pt. 121.	do.	FR July 1978.
Transport Category Airplane Fatigue Regulatory Review Amendments (docket No. 18280).	Proposed amendment to pt. 25 revising the structural fatigue evaluation requirements, and by incorporating related guidance, to take into account state-of-the-art development and service experience.	do.	FR April 1979.
Operations Review Program (docket No. 16220).	The agency's proposed action on certain proposals presented during the 1975-76 Operations Review Program.	Maurice Taylor, 426-3128	FR June 1978.

DEPARTMENT OF TRANSPORTATION SEMIANNUAL REGULATIONS AGENDA—Continued

Title	Summary	Contact	Date
FEDERAL AVIATION ADMINISTRATION, NONMAJOR REGULATIONS—Continued			
Part 91 Review (docket No. 18431).	The agency conducted a Regulatory Review Conference of 14 CFR pt. 91, subpt. B, in September 1977, in order to update that part. This action will cover all proposals covered by the review except for lost communications.	do.	FR December 1978.
Part 91 Review Lost Communications (docket No. 18431).	The FAA conducted a Regulatory Review Conference of 14 CFR pt. 91, subpt. B, in September 1977, in order to update that part. This action will cover the special proposal on lost communications.	do.	FR February 1979.
Pearson Airpark	Proposal to exclude persons from the requirement of communicating with Portland Tower while operating in the Pearson Airpark Traffic Pattern.	Charles Stratton, 426-3128.	NPRM July 1978.
Part 77 Review (docket No. 16920).	Proposal to amend 14 CFR pt. 77 including areas such as notice requirements, obstruction standards, aeronautical studies, determinations, antenna farm areas and discretionary review/petition procedures.	O. E. Faltsettl, 426-8777	NPRM April 1979.
Reimbursement of Security Screening Costs (docket No. 17326).	Proposes a procedure for compensating air carriers for certain security screening costs in foreign air transportation.	R. P. Jones, 426-8409	FR September 1978.
Security Screening to Charter Flights (docket No. 17878).	Would extend security screening to charter passenger flights conducted by 14 CFR pt. 121/129 certificate holders.	do.	FR June 1978.
Special Aircraft Registration Numbers (docket No. 17331).	Proposed revision to delete all references to and provisions for special aircraft registration numbers thereby eliminating registration number changes on aircraft.	Elizabeth Bowman, 405-686-2284.	FR December 1978.
Registration of Aircraft by Resident Aliens.	Proposed revision to comply with section 14 of Pub. L. 95-183 enacted by Congress effective Nov. 9, 1977, amended Mar. 8, 1978, which provides for United States registration of aircraft by resident aliens and by corporations which do not qualify for registration as citizens.	Florine G. Crockett, 405-686-2284.	NPRM December 1978.
Civil Helicopter Noise Certification (docket No. 17558).	This project would establish noise certification levels for new production civil helicopters.	James Densmore, 425-9027.	FR April 1979.
Designated Manufacturing Inspection Representatives (docket No. 16822).	Proposed rule to permit designated manufacturing inspection representatives (DMIR's) to conduct evaluation inspections and to perform all of their authorized functions outside the manufacturing plant at which they are employed.	Joe Sullivan, 755-8716	FR May 1979.
Identification (ID) Plates (docket No. 15977).	Proposed rule to prohibit the removal, change, or placement of information on identification plates required by the regulation and the removal and installation of ID plates on aircraft, aircraft engines, propellers, and propeller blades and hubs, without the approval of the administrator.	do.	Do.
Implementation of OMB Circular A-95 (docket No. 17337).	Proposed procedures and regulations (pt. 152) implementing Office of Management and Budget (OMB) circular A-95 (coordination of Federal assistance programs with State, area-wide, and local planning agencies), based on public comment on interim procedures in Special Federal Aviation Regulation 35.	Edward F. Rancourt, 426-8090.	FR February 1979.
Implementation of Energy Policy (docket No. 16617).	Proposed implementation of the Energy Policy and Conservation Act.	Cynthia Zook, 426-3420.	FR May 1978.
Update of pt. 139.	Proposed revision of 14 CFR pt. 139 to update and clarify the part and to update fire-fighting agent substitution rates and reduce the economic burden of fire-fighting requirements.	Harry Hink, 426-3087	NPRM October 1978.
Experimental Certificates	Proposed revision to 14 CFR pt. 21 to allow special airworthiness certificates for air racing, exhibition and amateur built aircraft to be issued for periods in excess of 1 year.	Joe Sullivan 755-8716	NPRM February 1979.
Foreign Airman Certificate	Proposed revisions to provide for the issuance of special purpose airman certificates to foreign pilots and other flight crew members to permit those persons to operate U.S. registered civil aircraft leased by foreign operators for carriage of persons and property for compensation or hire.	do.	NPRM October 1978.
3d Attitude Gyro	Proposed amendment to add flight instrument requirement for all multiengine turbojet-powered airplanes not already required to have a 3d gyroscopic attitude instrument independently powered in case of total aircraft electrical failure.	do.	NPRM May 1979.
Export Airworthiness Approvals (docket No. 17147).	Proposed amendment (1) to provide for the issuance of export certificates of airworthiness for unassembled normal category rotorcraft, and (2) to provide for the issuance of export airworthiness approvals for aeronautical products that do not meet certain requirements if the importing country agrees to accept the products in such condition.	do.	FR December 1978.
Aircraft Engine Regulatory Review Notice (docket No. 16919).	Proposed amendment to 14 CFR pts. 23, 25, 27, 29, and 33 to resolve a number of regulatory issues raised by engine manufacturers and to update those standards.	do.	NPRM June 1979.
Delegation of Authority	Proposed amendment to 14 CFR pt. 11 to delegate certain authority of the Administrator to officials within the FAA.	Howard A. Bartnick, 426-3493.	FR May 1978.

DEPARTMENT OF TRANSPORTATION SEMIANNUAL REGULATIONS AGENDA—Continued

Title	Summary	Contact	Date
FEDERAL AVIATION ADMINISTRATION, NONMAJOR REGULATIONS, ROUTINE AND FREQUENT			
Other Items:	Approximate number:		
Pl. 95—Instrument Flight Rules Altitudes	2,500	Joe Sullivan, 426-8718	Apr. 1, 1978 to Mar. 21, 1979.
Airworthiness Directives	300	do	Do.
Standard Instrument Approach Procedures	2,800	do	Do.
Airspace Actions	525	William Broadwater, 426-3731.	Do.
FEDERAL HIGHWAY ADMINISTRATION, MAJOR REGULATIONS			
Outdoor Advertising Control and Acquisition (FHPM 7-6-2).	A. Summary: This regulation would provide a definition of effective control of outdoor advertising per 23 U.S.C. 131. It also delineates Federal parameters for signs exempt from control under the statute and establishes the basic framework for State development of police power regulations and procedures. The regulation also outlines the requirements for Federal participation in the acquisition on compensable nonconforming outdoor advertising devices. B. Why major: This proposal may involve substantial public interest, is controversial, and involves important Department policy. C. Chronology: The proposal involves the consolidation of 2 existing regulations, 23 CFR pt. 750, subpts. D and G, and 1 interim regulation, 23 CFR, pt. 750, subpt. E. The regulations have been in effect since Sept. 16, 1975, and July 29, 1974, respectively. The interim regulation has been in effect since Oct. 18, 1976. The proposed consolidation will be issued as interim regulations. D. Citation: 23 CFR, pt. 750, subpts. D, G, and E.	Richard Moeller, 245-0021.	Interim regulations May 1978 and FR August 1978.
Traffic Safety and Highway and Street Work Zones (docket No. 76-14; proposed FHPM 6-4-2-12).	A. Summary: This regulation would provide guidance and establish procedures to assure that adequate consideration is given to motorists, pedestrians, and construction workers on all Federal-aid construction projects. B. Why major: This regulation concerns a matter on which there is substantial public interest and could have a considerable cost impact. C. Chronology: An ANPRM was published on Sept. 23, 1976, and an NPRM was published on Aug. 25, 1977. D. Citation: 23 CFR pt. 630, subpt. J.	Mr. J. Daves, 426-4847	FR April 1978.
Air Quality Guidelines (FHPM 7-7-9-1).	A. Summary: This regulation would establish administrative procedures on: (1) funding sanctions; (2) conformity of highway plans, programs, and projects with air quality implementation plans; and (3) priority to highway improvements with air quality benefits during an interim period. This regulation will be in addition to existing FHPM 7-7-9, air quality guidelines. B. Why major: This regulation is considered major because it affects another Federal agency and may be controversial. C. Chronology: The Clean Air Act Amendments of 1977 became law in August 1977. D. Citation: 23 CFR pt. 770.	H. M. Rupert, 426-4836	NPRM July 1978.
Employee Safety and Health Standards (docket No. MC-64).	A. Summary: This regulation would provide safety and health standards to govern employees engaged in the operation, maintenance, and loading and unloading of motor vehicles, designed to eliminate uncertainty with regard to the jurisdictional authority of OSHA. B. Why major: This proposal may have a significant impact on the Department of Labor's Occupational Safety and Health Administration. C. Chronology: A notice of proposed rulemaking was issued Mar. 2, 1978, and the closing date for the comment period is May 31, 1978. D. Citation: 49 CFR pt. 399.	Gerald J. Davis, 426-9767	FR November 1978.
Minimum Cab Space Dimensions (docket No. MC-79).	A. Summary: This regulation proposes to specify minimum size for the cab portion of the regulated commercial vehicles manufactured after a certain date. B. Why major: This proposal has the potential of being costly if extensive changes to cab configuration become necessary.	D. W. Morrison, 426-1700	NPRM March 1979.

DEPARTMENT OF TRANSPORTATION SEMIANNUAL REGULATIONS AGENDA—Continued

Title	Summary	Contact	Date
FEDERAL HIGHWAY ADMINISTRATION, MAJOR REGULATIONS—Continued			
State Highway Agency Equal Employment Opportunity Programs (FHPM 2-2-2).	C. Chronology: The advance notice of rulemaking was issued on Feb. 14, 1978. Comment period closes on July 14, 1978. D. Citation: 49 CFR pt. 393. A. Summary: This regulation would set forth the Federal Highway Administration (FHWA) Federal-aid policy and FHWA and State responsibilities relative to a State highway agency's assuring compliance with the equal employment opportunity requirements of Federal-assisted highway construction contracts. B. Why major: There is substantial public interest relative to this FHPM. C. Chronology: The FHWA is awaiting decisions by the Equal Employment Opportunity Commission relative to the future direction of State EEO programs. D. Citation: 23 CFR, pt. 230, subpt. C.	Ted B. Sennett, 426-0693	NPRM December 1978.
Construction Contract Equal Opportunity Compliance Procedures (FHPM 2-2-3).	A. Summary: This regulation would prescribe policies and procedures to standardize the implementation of the equal opportunity contract compliance program, including compliance reviews, consolidated compliance reviews, and the administration of areawide plans. B. Why major: There is substantial public interest relative to this FHPM. C. Chronology: The FHWA is awaiting decisions by the Department of Labor relative to the future direction of the contract compliance program. D. Citation: 23 CFR, pt. 320, subpt. D.	do	NPRM December 1978.
Title VI Program and Related Statutes (FHPM 2-1-2).	A. Summary: This regulation would provide guidelines for: (a) implementing the FHWA title VI compliance program under title VI of the Civil Rights Act of 1964 which requires nondiscrimination in Federally-assisted programs and implementing related civil rights laws and regulations, and (b) conducting title VI program compliance reviews relative to the Federal-aid highway program. B. Why major: There is substantial public interest relative to this FHPM. C. Chronology: The FHWA is awaiting decisions by the Department of Justice relative to the future direction of the title VI program. D. Citation: 23 CFR pt. 200.	Flynn M. Wells, 426-0501	NPRM December 1978.
Geometric Design Criteria for Resurfacing, Restoration, and Rehabilitation of Streets and Highways Other Than Freeways (docket No. 77-4).	A. Summary: This regulation would contain criteria intended to provide additional flexibility in some of the basic geometric features of design, primarily those on which modification would result in appreciable savings in costs and other impacts while improving safety. B. Why major: This regulation is considered major because the relaxation of design criteria has proven to be controversial. C. Chronology: FHWA docket No. 77-4, published in the Federal Register of Aug. 25, 1977, offered 3 alternatives. Because of the adverse comments all alternatives were rejected and FHWA decided to develop a new set of criteria for resurfacing, restoration, and rehabilitation (RRR) projects. D. Citation: 23 CFR pt. 625.	Alvin R. Cowan, 426-0312	NPRM August 1978.
Certification of Motor Vehicle Size and Weight Enforcement (docket No. 77-21; FHPM 6-8-5).	A. Summary: This is a proposed revision of existing regulations dealing with annual certifications by the States that all size and weight laws are being enforced. Anticipated is a requirement for an annual enforcement program against which the States' efforts could be measured at the end of the year. B. Why major: The regulation is major because failure on the part of the State is cause for the withholding of Federal-aid highway project approval. C. Chronology: ANPRM was issued in January 1978, with comments due Apr. 15, 1978. D. Citation: 23 CFR pt. 658.9.	David W. Baldwin, 426-1993.	NPRM October 1978.
Withdrawal of Interstate Segments and of Public Mass Transit Projects (docket No. 77-9).	A. Summary: The regulations covering title 23, United States Code; Highways (hereafter referred to as 23 U.S.C.), sec. 103(e)(2) would permit the withdrawal of an interstate route and the substitution of other interstate routes. The regulations covering 23 U.S.C. 103(e)(4) would permit the withdrawal of an interstate route and the substitution of other highway and public transit projects. B. Why major: There is substantial public interest and controversy concerning the withdrawal under 23 U.S.C. 103(e)(4) of routes designated after Aug. 13, 1973, and the question of pay-back of Federal funds already committed.	Federal Highway Administration, L. A. Starnon, 426-0404 or F. Calhoun 426-0762.	NPRM June 1978 and FR October 1978.

Title	Summary	Contact	Date
FEDERAL HIGHWAY ADMINISTRATION, MAJOR REGULATIONS—Continued			
Payback for Interstate System Substitution and Modifications.	<p>C. <i>Chronology:</i> The current substitution regulations were issued on June 12, 1974. The Federal-Aid Highway Act Amendments of 1974 and the Federal-Aid Highway Act of 1976 amended the original statutory provisions enacted by the Federal-Aid Highway Act of 1973.</p> <p>D. <i>Citation:</i> 23 CFR pt. 476 subpt. D.</p> <p>A. <i>Summary:</i> The regulations covering payback would discuss the disposition of Federal funds expended on the withdrawn route.</p> <p>B. <i>Why major:</i> There is substantial public interest and controversy concerning the withdrawal under 23 U.S.C. 103(e)(4) of routes designated after Aug. 13, 1973, and the question of payback of Federal funds already committed.</p> <p>C. <i>Chronology:</i> Proposed regulations on payback were issued on Nov. 17, 1975. Sec. 110(b) of the Federal-Aid Highway Act of 1976 required substantial changes in the proposed regulations. A Joint FHWA-UMTA task force developed proposed substitution and payback regulations. The regulations should be published in the <i>FEDERAL REGISTER</i> for public comment in June. Final regulations should be published by October 1.</p> <p>D. <i>Citation:</i> 23 CFR pt. 476, subpt. E.</p>	.....do.....	Do.
Hours of Service of Drivers (docket No. MC-70-1).	<p>A. <i>Summary:</i> The Federal Highway Administration (FHWA) is proposing a revision of the regulations pertaining to hours of service limitations for commercial vehicle drivers engaged in interstate or foreign commerce.</p> <p>B. <i>Why major:</i> This proposal may be controversial and could have a major cost impact on the major carrier industry.</p> <p>C. <i>Chronology:</i> An advance notice of proposed rulemaking which stated that FHWA was considering an extensive review of the hours of service of drivers regulation was published on Feb. 12, 1976 (docket MC-70, notice 76-14, 49 FR 6275).</p> <p>D. <i>Citation:</i> 49 CFR pt. 395.</p>	Gerald J. Davis, 426-9767 ...	ANPRM April 1978.
Commercial Motor Vehicle Inspection, Repair and Maintenance (docket No. MC-48).	<p>A. <i>Summary:</i> FHWA is considering amending the regulation on commercial motor vehicle inspections repair and maintenance to reduce vehicle-defect-related accidents caused by inadequate inspection and maintenance procedures.</p> <p>B. <i>Why major:</i> This proposal may be controversial and could have a major cost impact on the motor carrier industry.</p> <p>C. <i>Chronology:</i> This proposed amendment was issued as an NPRM on Apr. 5, 1977.</p> <p>D. <i>Citation:</i> 49 CFR pt. 396.</p>	Donnell W. Morrison, 426-1706.	FR June 1978.
State or Local Land Use Actions Affecting Outdoor Advertising (docket No. 77-20).	<p>A. <i>Summary:</i> The FHWA is considering the promulgation of regulations regarding the review of State or local land-use actions that result in the removal of outdoor advertising signs without compensation or that permit the erection of off-premise signs prohibited by the Highway Beautification Act.</p> <p>B. <i>Why major:</i> This proposal may be controversial and may have substantial public interest.</p> <p>C. <i>Chronology:</i> An FHWA legal opinion on this issue was released by the Federal Highway Administrator on Dec. 8, 1976. The ANPR requests comment on alternate methods of implementing the December 8 opinion.</p> <p>D. <i>Citation:</i> 23 CFR pt. 750.708.</p>	Richard Moeller, 245-0021..	ANPRM May 1978.
Environmental Impact and Related Statements (FHPM 7-7-2).	<p>A. <i>Summary:</i> Executive Order 11991 authorizes the Council on Environmental Quality (CEQ) to issue regulations to implement the National Environmental Policy Act. These CEQ regulations are expected to be in final form in the near future and they are expected to require substantive revisions to FHPM 7-7-2.</p> <p>B. <i>Why major:</i> These revisions are expected to be major because there will be substantial public interest or controversy and because they involve important departmental policy.</p> <p>C. <i>Chronology:</i> Work to revise the regulation will begin when the CEQ regulations are finalized.</p> <p>D. <i>Citation:</i> 23 CFR pt. 771.</p>	Rex I. Wells, 426-0106	NPRM January 1979.

Title	Summary	Contact	Date
FEDERAL HIGHWAY ADMINISTRATION, MAJOR REGULATIONS—Continued			
Urban Transportation Planning Process (FHPM 4-4-2) and Transportation Improvement Program (FHPM 4-4-6).	<p>A. <i>Summary:</i> Revisions to these regulations may include:.....</p> <ol style="list-style-type: none"> 1. Periodic rather than annual certification..... 2. Elimination of narrative discussion on merging long range and transportation systems management (TSM) plan elements and inclusion of non-federally-funded projects in the transportation improvement program (TIP)..... 3. Added flexibility in initiating and selecting highway projects..... 4. Implementation of the planning aspects of the 1977 Clean Air Act Amendments..... <p>B. <i>Why major:</i> These are major regulations since they significantly impact the Urban Mass Transportation Administration (UMTA).</p> <p>C. <i>Chronology:</i> The recommendations of the FHWA regulations reduction task force were adopted in October 1977. A memorandum transmitting the proposed changes to UMTA is being prepared. Following agreement with UMTA, proposed regulations will be prepared.</p> <p>D. <i>Citation:</i> 23 CFR pt. 450, subpts. A and C.</p>	V. Paparella, 426-2961	NPRM August 1978.
FEDERAL HIGHWAY ADMINISTRATION, NONMAJOR REGULATIONS			
New Research and Development (R. & D.) Studies and Work Programs (FHPM 5-4-1).	This regulation would cover the starting of new R. & D. studies funded with Federal-aid highway funds and for programing R. & D. work.	Harry H. Hersey, 426-0241.	FR November 1978.
R. & D. Management—General (FHPM 5-2-1).	This regulation would cover the management of R. & D. studies using Federal-aid highway funds.	.....do.....	FR January 1979.
R. & D. Reports and Implementation Activities (FHPM 5-4-3).	This regulation would cover documentation of the results of R. & D. studies funded with Federal-aid highway funds.	.....do.....	Do.
Federal-Aid Funds Without State Matching (FHPM 5-6-1).	This regulation would cover the use of Federal-aid highway funds without State matching to finance pooled fund studies.	.....do.....	Do.
Administration of Negotiated Contracts (Proposed FHPM 1-7-2).	The existing 3 regulations would be combined to coordinate and minimize requirements and to bring FHWA contracting procedures in conformance with Office of Management and Budget (OMB) circular A-102, specifically attachment O which deals with procurement standards for use by grantees.	W. Bullard, 426-0175.....	NPRM April 1978 and FR July 1978.
Program Approval and Authorization (FHPM 4-1-2-1).	This regulation is being revised to reflect recent policy changes in management of the highway planning and research program, e.g., allowing separate projects for metropolitan planning organizations, applying matching ratio to time periods rather than a fiscal year fund, etc.	.....do.....	NPRM June 1978 and FR October 1978.
Public Road Mileage for Apportionment of Highway Safety Funds, Off-System Roads Funds, High Hazard Location Project Funds and Roadside Obstacle Elimination Funds (FHPM 4-5-3).	The revised regulation would expand the existing one, which includes only highway safety funds, to include the other listed programs in the revised title.	D. W. Briggs, 426-0199	NPRM July 1978 and FR October 1978.
Incentive Grants—Statistics for Highway Planning (FHPM 4-5-2).	The proposed regulation would document the procedures to be used in connection with 23 U.S.C. 402(j) for highway safety incentive grants which are based on improved highway fatality rates (fatalities per 100,000,000 vehicle miles of travel).	F. E. Jarema, 426-0160	Do.
Joint Development of Highway and Multiple Use of Roadway Properties (FHPM 7-7-8).	This regulation would state FHWA policy to encourage State/local action to plan highway corridors cooperatively; describes joint development feasibility studies and reports which are stages in joint development planning; describes what features, facilities, etc., can receive Federal funding participation; and describes use restrictions and maintenance responsibilities of multiple-use sponsors.	K. C. Anderson, 426-9173....	NPRM May 1978.
Historic and Archeological Preservation (FHPM 7-7-4).	This regulation would replace obsolete policy and procedures memorandum (PPM) 20-7 and incorporate all FHWA regulations in the historic and archeological preservation subject area into one directive. It will present a simple process to accomplish all legal and regulatory obligations, but tailor the procedures to insure compatibility with the highway development process.	A. M. Love III, 426-9173.....	NPRM December 1978.
Procedures for Abatement of Highway Traffic Noise and Construction Noise (FHPM 7-7-3) (Interim revision).	This revision would make several minor technical changes to the existing regulation. It also establishes new FHWA policy on approval of noise prediction methods.	H. M. Rupert, 426-4836	FR April 1978.
Procedures for Abatement of Highway Traffic Noise and Construction Noise (FHPM 7-7-3) (long-term revisions).	This revision would make substantial reductions in the detailed procedures and interpretive information in the existing regulation. This is being done pursuant to the FHWA regulation reduction task force recommendations.	.....do.....	NPRM June 1978.

DEPARTMENT OF TRANSPORTATION SEMIANNUAL REGULATIONS AGENDA—Continued

Title	Summary	Contact	Date
FEDERAL HIGHWAY ADMINISTRATION, NONMAJOR REGULATIONS—Continued			
Environmental Impact and Related Statements (FHPM 7-7-2) (interim revisions).	The proposed revisions would: (a) Allow a nonmajor action classification for FHWA projects which have a minimal effect on properties protected under sec. 4(f) of the DOT Act or sec. 106 of the National Historic Preservation Act; provided that the nonmajor classification is appropriate under other existing criteria, and (b) allow Federal Highway Administrator to delegate responsibility for sec. 4(f) determinations to the regional administrators for all projects other than those processed with nondelegated environmental impact statements.	R. G. Clour, 426-0142	FR April 1978.
General Policy and Definitions (FHPM 7-1-1).	This regulation would prescribe the general policy of FHWA regarding the acquisition of real property for highway and related purposes and defines certain terms used in FHWA right-of-way acquisition regulations.	Douglas A. Wubbels, 426-0142.	Regulation to be canceled April 1978.
State Highway Department Responsibilities (FHPM 7-1-2).	This regulation would prescribe the general responsibility of a State highway department in the acquisition of rights-of-way for the Federal-aid highway systems.	.....do.....	NPRM December 1978.
Reimbursement Provisions (FHPM 7-1-30).	This regulation would set forth provisions governing reimbursement to a State highway department for right-of-way costs incurred in connection with a Federal or Federal-aid highway project.	.....do.....	Do.
Civil Rights (FHPM 7-1-4).	This regulation would prescribe the general policy of the FHWA in the area of civil rights relative to the right-of-way acquisition function.	.....do.....	Regulation to be cancelled May 1978.
The Acquisition Function—Policy (FHPM 7-2-1).	This regulation would prescribe FHWA policy regarding the acquisition function.	John Johns, 426-0142.	NPRM December 1978.
The Acquisition Function—General Provisions and Project Procedures (FHPM 7-2-2).	This regulation would prescribe FHWA project provisions and procedures regarding the acquisition of real property for highway and highway related projects.	.....do.....	Do.
The Acquisition Function—General Provisions and Project Procedures Functional Replacement of Real Property in Public Ownership (FHPM 7-2-2-1).	This regulation would prescribe FHWA policies on functional replacement of real property in public ownership.	.....do.....	Do.
The Acquisition Function—Negotiations (FHPM 7-2-3).	This regulation would prescribe FHWA procedures regarding the acquisition of real property by negotiations.	.....do.....	Do.
The Acquisition Function—Administrative Settlements, Legal Settlements, and Court Awards (FHPM 7-2-4).	This regulation would prescribe FHWA policies regarding the settlement of acquisitions through administrative means and legal processes.	.....do.....	Do.
Appraisal and Appraisal Review Policy (FHPM 7-3-1).	This regulation would establish FHWA requirements for the preparation and review of appraisal reports for the acquisition of lands necessary for Federal-aid highway for Federal-aid highway projects.	Douglas A. Wubbels, 426-0142.	NPRM May 1978 and FR November 1978.
Property Management (FHPM 7-4-1).	This regulation would prescribe FHWA policies and procedures for the management of real property acquired in connection with Federal-aid highway projects.	Tom Johns, 426-0142.	NPRM December 1978.
Disposal of Rights-of-Way (FHPM 7-4-2).	This regulation would prescribe FHWA policies and procedures for disposal of portions of highway rights-of-way no longer needed for highway purposes.	.....do.....	Do.
Junkyard Control and Abatement (FHPM 7-6-4).	This regulation would provide definition of effective control of junkyards per 23 U.S.C. 138. It identifies alternative methods for abating nonconforming junkyards and establishes the basic framework for State development of police power regulations and procedures. It also identifies items which are eligible for Federal participation in the various abatement techniques such as screening, removal, and relocation.	Richard Moeller, 245-0021.	NPRM June 1978 and FR October 1978.
Relocation Assistance—General (FHPM 7-5-1).	This regulation would prescribe the general provisions and procedures for the uniform implementation and conduct of the nationwide relocation assistance program to assure the fair and equitable treatment of persons displaced by highway programs.	R. G. King, 426-0116.	FR February 1979.
Relocation Assistance—Relocation Services (FHPM 7-5-2).	This regulation would set forth the requirements for that portion of the relocation program dealing with the services and assistance to be made available to persons displaced by or adversely affected by highway and related projects.	.....do.....	Do.
Relocation Assistance—Moving Payments (FHPM 7-5-3).	This regulation would prescribe the moving payments and other benefits available to individuals, families, businesses, farm operations, nonprofit organizations, and owners of outdoor advertising devices forced to relocate due to highway activities.	.....do.....	Do.
Relocation Assistance—Replacement Housing Payments (FHPM 7-5-4).	This regulation would prescribe the payments and eligibility requirements for homeowners and tenants forced to vacate their dwellings located on lands needed for highway purposes.	.....do.....	Do.

DEPARTMENT OF TRANSPORTATION SEMIANNUAL REGULATIONS AGENDA—Continued

Title	Summary	Contact	Date
FEDERAL HIGHWAY ADMINISTRATION, NONMAJOR REGULATIONS—Continued			
Relocation Assistance—Mobile Homes (FHPM 7-5-5).	This regulation would set forth the special provisions for payments and benefits applicable to owners and occupants of mobile homes located on lands required for highway purposes.	.....do.....	Do.
Relocation Assistance—Replacement Housing As Last Resort (FHPM 7-5-6).	This regulation would implement sec. 206 of Pub. L. 91-646 and prescribes the procedures and methods for providing replacement housing as a last resort when it is determined that a Federal or Federal-aid project cannot proceed to actual construction because comparable replacement housing is not available for persons to be displaced from their dwellings because of such construction.	.....do.....	Do.
State Audit Expense Contract Costs (FHPM 1-4-2-3).	This regulation would establish: (a) The State's responsibility for the audit of costs incurred by 3d parties pursuant to a State/claimant contract on federal-aid and other highway projects undertaken cooperatively with the Federal Highway Administration (FHWA), and (b) the reimbursement criteria for Federal participation in audit expense to incurred.	J. E. Lewis, 426-0562	FR July 1978.
State Legal Expense—Contract Claims (FHPM 1-4-2-4).	This regulation would establish the basis of eligibility for reimbursement of administrative settlement costs, and other legal expenses, including attorney salaries and fees, in the defense of contract claims on Federal-aid projects, including any Federal projects performed by a State under Federal-aid procedures.	.....do.....	Do.
Reimbursement for Employment of Public Employees of Federal-aid Projects (FHPM 1-4-5).	This regulation would prescribe policies and procedures governing the extent to which Federal funds may participate in the cost of salaries and wage and related labor costs, incurred by public forces of State highway departments, counties, cities, or other political subdivisions.	.....do.....	Do.
Incentive Payments for Controlling Outdoor Advertising on the Interstate System (FHPM 1-4-7).	This regulation would prescribe project procedures for making the incentive payments authorized by 23 U.S.C. 131(j).	.....do.....	Do.
Bond Issue Projects (FHPM 1-4-8).	This regulation would prescribe policies and procedures for making the use of Federal funds in aiding the States in the retirement of the principal of bonds, pursuant to 23 U.S.C. 122.	K. C. Kippley, 426-0673	Do.
Advance Construction of Federal-aid Projects (FHPM 6-3-2-7).	This regulation would prescribe procedures for the construction by a State of projects on any of the Federal-aid systems, in advance of apportionment of Federal-aid funds, or in lieu of apportioned funds for the Interstate System only, and for the subsequent reimbursement to the State of the Federal share of the cost of project, pursuant to 23 U.S.C. 115 as amended.	.....do.....	FR June 1978.
Reimbursement Vouchers FR-20 and FR-21 (FHPM 1-4-6).	This regulation would prescribe the procedures to be followed by States in claiming and supporting costs incurred for work performed.	J. E. Lewis, 426-0673	FR April 1978.
Application for and Obligation of Federal-aid Funds for Education and Training (FHPM 3-1-2).	This regulation would prescribe for programing 1/2 of 1 pct. Federal-aid highway funds for training and education.	J. Coe, 426-9141	FR August 1978.
Construction Engineering Costs.	This regulation would prescribe policies and procedures to claim reimbursement for eligible construction engineering costs and to request and approve an increase in statutory limitations from 10 to 15 pct. of construction costs.	J. E. Lewis, 426-0562	FR June 1978.
Tire Requirements.	The FHWA is considering amending the tire requirements regulation (49 CFR 393.75) for the purpose of: (1) exempting front tires on single unit vehicles from tire marking requirements, (2) exempting all vehicles operating in commercial zones from tire marking requirements, and (3) providing an exemption for tire overloading for vehicles operating under State permits.	Donnell W. Morrison 426-1700.	NPRM June 1978.
Disqualifying Offenses, Drugs.	The FHWA is considering amending the disqualification of drivers regulation (49 CFR 391.15) by reviewing and enlarging that group of substances and drugs, whose use by drivers, operating commercial motor vehicles, is forbidden and is considered a disqualifying offense.	Gerald S. Davis, 426-9767	NPRM January 1978.
Visual Acuity.	The FHWA is considering amending the physical qualification for drivers regulation (49 CFR 391.41) by review and determining minimum visual acuity in each eye separately as well as binocular acuity for commercial vehicle drivers.	.....do.....	Do.

DEPARTMENT OF TRANSPORTATION SEMIANNUAL REGULATIONS AGENDA—Continued

Title	Summary	Contact	Date
FEDERAL HIGHWAY ADMINISTRATION, NONMAJOR REGULATIONS—Continued			
Highway Safety Improvements Program (docket No. 78-4; FHPM 6-2-3).	When setting priorities for railroad grade crossing improvements, present regulations require States to consider hazard rating, accident history, and the results of onsite inspections. It is necessary that consideration also be given to other factors which have the potential for catastrophic accidents. The proposed change in regulation would add 2 more factors to be used in determining priority for grade crossing projects: (1) The frequency with which trains carrying hazardous materials use the crossing; (2) the number of persons exposed to the crossing (passenger load of train; crossing use by school or passenger bus, pedestrians, or other situations involving large numbers of people).	S. Louick, 426-2131.....	NPRM April 1978.
Indian Reservation Roads (FHPM 6-3-2-8).	This regulation would contain procedures implementing 23 U.S.C. 208 and the FHWA Bureau of Indian Affairs (BIA) (Department of Interior) interagency agreement covering FHWA overview of BIA highway projects.	George Hutzelmann, 426-0460.	ANPRM September 1978, NPRM November 1978, and FR February 1979.
Public Lands Development Roads and Trails (FHPM 6-9-4-2).	This regulation would contain procedures implementing 23 U.S.C. 214 and the FHWA Bureau of Land Management (BLM) (Department of Interior) interagency agreement covering FHWA overview of BLM highway projects.	.....do.....	ANPRM October 1978, NPRM December 1978, and FR March 1979.
Forest Highways (FHPM 6-9-2-1).....	This regulation would contain procedures applicable to forest highways projects administered by direct Federal offices and State highway departments.	.....do.....	ANPRM November 1978 and NPRM January 1979.
Special Bridge Replacement Program (FHPM 6-7-4-1).	This regulation would describe the policies and procedures followed by FHWA in administering the special bridge replacement program, including what projects are eligible, how applications are filed and evaluated, and how projects are funded.	L. A. Herr or Stanley Gordon, 472-7697.	FR May 1978.
Location and Hydraulic Design of Encroachments on Flood Plains (FHPM 6-7-3-2).	This regulation would establish FHWA policies and procedures to assure good flood-plain management practices are followed in the Federal-aid highway programs.	Frank L. Johnson or Philip L. Thompson, 472-7690.	NPRM April 1978 and FR July 1978.
Erosion and Sediment Control on Highway Construction Projects (FHPM 6-7-3-1).	This regulation would prescribe practices for the prevention and abatement of erosion and sediment damage on highway projects.	Frank L. Johnson, 472-7690.	FR October 1978.
Permits for Highway Work in or Adjacent to Streams (FHPM 6-7-1-1).	This regulation would contain procedures dealing with permits and includes memorandums of understanding with the Coast Guard and the Corps of Engineers as appendices.	.....do.....	Do.
Coordination of Water Resources Development Projects (FHPM 6-1-1-4).	This regulation would prescribe policy and procedures for the coordination and financing of highway—water resources development projects.	Joseph W. Burdell, 426-0442 or Frank L. Johnson, 472-7690.	Do.
Fracture Control Plan (for Bridges Containing Fracture—Critical Members).	This regulation would supersede provisions of materials and welding specifications published by the American Association of State Highway and Transportation Officials (AASHTO) and the American Welding Society (AWS), where the materials and welding is to be used in tension components of a bridge whose failure could result in the collapse of the bridge.	Mr. L. A. Herr or Mr. C. E. Hartbower, 426-0426.	NPRM May 1978.
Highways for National Defense (FHPM 6-9-5).	This regulation would update and simplify requirements. The regulation would essentially provide guidance in administering defense access-road funds where requirements differ from normal Federal-aid procedures. Defense access funds are transferred from the Department of Defense for use on certain defense related or impacted roads.	Emmett C. Kaericher, Jr., 426-0466.	Do.
Required Contract Provisions—Federal-Aid Contracts (FHPM 6-4-1-1).	This regulation would update and clarify revisions of the required contract provisions for Federal-aid construction contracts.	K. L. Ziems, 426-4847.....	Do.
Contract Procedures (FHPM 6-4-1-6).	This regulation would simplify Federal-aid contract procedures.....	.....do.....	Do.
Minority Business Enterprise in Federal-Aid Highway Construction (FHPM 6-4-1-8).	This regulation would revise current procedures dealing with increased participation by minority business firms in Federal-aid highway construction activity.	.....do.....	FR June 1978.
Contract and Force Account, Justifications Required for Force Account Work (FHPM 6-4-1-14).	This regulation would simplify procedures relating to Federal-aid construction work performed by other than competitively awarded contract.	.....do.....	FR July 1978.
General Material Requirements (FHPM 6-4-1-16).	This regulation would simplify procedures relating to general material requirements for Federal-aid construction work.	.....do.....	FR October 1978.
Physical Construction Authorization (FHPM 6-4-2-1).	This regulation would simplify procedures relating to authorization of the physical construction.	.....do.....	FR July 1978.
Sampling and Testing of Materials and Construction (FHPM 6-4-2-7).	This regulation would revise current procedures relating to sampling and testing of materials and construction in Federal-aid highway projects except those constructed pursuant to 23 U.S.C. 117 which deals with certification acceptance and projects constructed under direct supervision of the Federal Highway Administration.	Ross Martinez, 426-0420	NPRM October 1978.

DEPARTMENT OF TRANSPORTATION SEMIANNUAL REGULATIONS AGENDA—Continued

Title	Summary	Contact	Date
FEDERAL HIGHWAY ADMINISTRATION, NONMAJOR REGULATIONS—Continued			
Inspection of Federal-Aid Construction Projects (FHPM 6-4-2-8).	This regulation would prescribe the policies, procedures, and guides for inspection and approval of Federal-aid highway construction projects, except those constructed pursuant to 23 U.S.C. 117 which deals with certification acceptance.	Donald Steinke, 426-0436	NPRM December 1978.
Equal Employment Opportunity on Federal-Aid Highway Construction Contracts (FHPM 6-4-1-2).	This regulation would simplify procedures relating to equal employment opportunity Federal-aid construction contracts.	K. L. Ziems, 426-4847.....	NPRM October 1978.
Landscape and Roadside Development (FHPM 6-2-5-1).	This regulation would prescribe policies and procedures relating to highway landscaping and plant establishment, safety rest areas and information centers and systems, and scenic strips in connection with Federal-aid highway projects.	Ken Rickerson, 426-0314	FR May 1978.
Pedestrian Facilities and Bikeways (FHPM 6-2-5-2).	This regulation would strengthen policy requiring consideration of pedestrian and bicycle facilities on all Federal-aid highway projects and specifies participation limits on bikeways on independent alignment.	.....do.....	Do.
Pavement Design Policy (FHPM 6-2-4-1).	This regulation would set forth general pavement design policy for Federal-aid highway projects including stage construction.	Leon M. Noel, 426-0327	FR October 1978.
Resurfacing, Restoration, and Rehabilitation (R-R-R) Work (FHPM 6-2-4-2).	This regulation would set forth policy and project procedures for implementing R-R-R provisions of the 1978 Federal-Aid Highway Act.	.....do.....	FR November 1978.
Skid Resistant Surface Design (FHPM 6-2-4-3).	This regulation would set forth pavement design policy as it pertains to skid resistance on Federal-aid highway projects.	.....do.....	NPRM January 1979.
Pavement Type Selection and Alternate Bids (FHPM 6-2-2-4).	This regulation would set forth policy for the selection of pavement type on Federal-aid projects, and procedures to be used for bidding on more than 1 alternate..	.....do.....	NPRM March 1979.
Design Standards for Highways (FHPM 6-2-1-1).	This regulation would designate standards, specifications, policies, guides, and references that are acceptable for use on Federal-aid highway projects.	Alvin R. Cowan, 426-0312	FR April 1978.
Plans, Specifications, and Estimates (FHPM 6-3-3-1).	This regulation would prescribe policies and procedures relating to the preparation, submission, and approval of plans, specifications, and estimates (P.S. & E.) and supporting documents for Federal-aid projects.	.....do.....	NPRM July 1978.
Traffic Operations Program to Increase Capacity and Service (TOPICS) (FHPM 6-8-2-2).	This regulation would propose a revision to shorten and simplify the regulations relating to the TOPICS program.	Chester F. Phillips, 426-0323.	FR June 1978.
Traffic Control Devices on Federal-aid and Other Streets and Highways (FHPM 6-8-3-1).	This regulation would prescribe the policies and procedures of FHWA relative to obtaining basic uniformity in the visible features and functioning of traffic control devices on all highways open to public travel in accordance with the manual on uniform traffic control devices for streets and highways.	Donald P. Ryan, 426-0411	FR October 1978.
Motorist Aid Systems (FHPM 6-8-3-3).	This regulation would provide policies and procedures relating to motorist-aid systems on Federal-aid highways.	Robert Harp, 426-0411	FR May 1978.
Traffic Surveillance and Control (FHPM 6-8-3-4).	This regulation would establish policies and procedures relating to the expenditure of Federal-aid funds for traffic surveillance and control measures and equipment to reduce congestion, improve traffic flow, and increase safety.	.....do.....	Do.
National Standards for Specific Information Signs (docket No. 77-6, FHPM 6-8-3-8).	This regulation would expand existing standards for specific information signs on the Interstate System and other freeways on the primary system to other primary highways as authorized by sec. 122(a), Federal-Aid Highway Act of 1976.	Donald P. Ryan, 426-0411	FR July 1978.
Great River Rd. (FHPM 6-9-15)	This regulation would outline procedures to be followed in the funding, programming, and execution of a program for a national scenic and recreational highway in the Mississippi River Valley known as the Great River Rd.	V. Cletti, 426-0540	NPRM October 1978.
Relinquishment of Highway Facilities (FHPM 6-1-1-8).	This regulation would prescribe Federal Highway Administration procedures relating to relinquishment of highway facilities.	R. J. Kreklau or C. R. Green, 426-0334.	NPRM July 1978.
Certification Acceptance (FHPM 6-5-2).	This regulation would provide instructions for preparation and acceptance of State certification proposals to accomplish the policies and objectives of 23 U.S.C. will be amended to eliminate the requirement with States mark and submit State laws, regulations, etc., with a certification acceptance request.	C. R. Green, 426-0334	FR July 1978.
Reimbursement for Railroad Work (FHPM 1-4-3).	This regulation would prescribe policies and procedures on reimbursement to the States for railroad work done on projects undertaken pursuant of the provisions, 23 CFR 646B.	J. A. Carney, 426-0104	NPRM December 1978.
Utility Relocation and Adjustment (FHPM 1-4-4).	This regulation would prescribe the policies and procedures for the adjustment and relocation of utility facilities on Federal-aid highway projects and projects under the direct supervision of the Federal Highway Administration.	.....do.....	NPRM November 1978.
Accommodation of Utilities (FHPM 6-8-3-2).	This regulation would prescribe policies and procedures for accommodating utility facilities on the rights-of-way of Federal and Federal-aid highway projects.	.....do.....	Do.
Railroad Highway Projects (FHPM 6-6-2-1).	This regulation would prescribe policies and procedures for advancing Federal-aid projects involving railroad facilities.	.....do.....	NPRM December 1978.

DEPARTMENT OF TRANSPORTATION SEMIANNUAL REGULATIONS AGENDA—Continued

Title	Summary	Contact	Date
FEDERAL HIGHWAY ADMINISTRATION, NONMAJOR REGULATIONS—Continued			
Federal Program Approval and Project Authorization (FHPM 6-3-2-2).	This regulation would prescribe policies and procedures for preparation and submission of programs for utilization of highway construction funds and describes authorization procedures.	V. Ciletti, 426-0104.....	FR May 1978.
Emergency Fund Procedure (FHPM 6-3-2-10).	This regulation would outline the procedures to be followed in the administration of emergency funds for the repair or reconstruction of Federal roads and Federal-aid highways damaged or destroyed by material disasters or catastrophic failures.	V. Ciletti, 426-0450.....	FR June 1978.
Public Lands Highways (FHPM 6-3-4-1).	This regulation would outline the procedures to be followed in administering funds authorized for public land highways.	.....do.....	NPRM July 1978.
Project Agreements (FHPM 6-3-1-1).	This regulation would prescribe the forms and procedures for the preparation and execution of the project agreement required by 23 U.S.C. 110(a) for Federal-aid projects.	L. Pettigrew or C. R. Green, 426-0334.	NPRM December 1978.
Exemption from Preparing Driver's Daily Logs for Operations Between Certain Fixed Locations (docket No. MC-70-2).	This regulation would propose to exempt certain drivers from preparing the driver's log when they operate between specified fixed locations or over the same route day after day within the allowable hours of service.	Gerald J. Davis, 426-9767 ..	NPRM August 1978.
Rear End Underride Protection (docket No. MC-77).	This regulation would propose to provide improved rear-end protection on heavy motor vehicles manufactured after a certain date to prevent the underriding of vehicles which impact the rear of those vehicles.	D. W. Morrison, 426-1700 ..	NPRM March 1979.
100-Mi Exemption—Driver's Logs (docket No. MC-78).	This regulation would propose to increase the present 50-mi radius exemption from the daily log requirement to a radius of 100 mi.	Gerald J. Davis, 426-9767 ..	FR October 1978.
Toxic Gases in Truck Cabs (docket No. MC-80).	This regulation would request information relative to the extent of the problem and to inquire as to what regulation, if any, should be issued.	.....do.....	NPRM October 1978.
Ambient Temperature in Heavy Duty Truck Cabs (docket No. MC-81).	This regulation would request information relative to the extent of the problem of excessive in-cab heat which is harmful to the driver and to inquire as to what regulation, if any, should be issued.	.....do.....	NPRM September 1978.
Parts and Accessories Necessary for Safe Operations (docket No. MC-82).	This regulation would align the Federal motor carrier safety regulations with the Federal motor vehicle safety standards of the National Highway Traffic Safety Administration to insure manufacturing and operational compatibility.	D. W. Morrison, 426-1700 ..	FR March 1979.
Air-Brake System on Commercial Motor Vehicles—NHTSA Standard No. 121 (docket No. MC-83).	This regulation would require that any antilock system installed on the drive axle of truck tractors to comply with FMVSS No. 121 be kept operative.	.....do.....	FR February 1979.
Multiday Log (docket No. MC-89-2)....	This regulation would amend the existing regulations dealing with the hours of service of drivers by extending the use of the multiday log past June 1978.	Gerald J. Davis, 426-9767 ..	FR June 1978.
Relocation Assistance—Moving Payments—Moving Expense Schedules (FHPM 7-5-3).	This regulation would set forth the FHWA approved moving expense schedules which are applicable to all residential moves necessitated by all Federal programs administered by all Federal agencies. These schedules are reviewed and updated by each State highway department on a semiannual basis and approved by FHWA prior to final publication in the FEDERAL REGISTER semiannually.	R. G. King, 426-0116.....	FR October 1978 and FR March 1979.
Vegetation Plantings Obscuring Legal Outdoor Advertising Signs (77-13).	This ANPRM addresses the possibility of FHWA prohibiting Federal-aid assistance in new landscape plantings that may now or in the future obscure legal outdoor advertising signs.	Ken Rickerson, 426-0314 ..	ANPRM June 1978.
Employment and Materials Report PR-47 (FHPM 6-4-1-9).	This regulation would implement new reporting procedures for the collection data on usage of highway construction materials, supplies, and labor.	L. Staron, 426-0404	NPRM June 1978.
FEDERAL RAILROAD ADMINISTRATION, MAJOR REGULATIONS			
Station Program Cost-Sharing Determination.	A. Summary: Title VII of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 851 et seq.) provides for the upgrading by the Secretary of Transportation of the passenger railroad system between Washington, D.C., and Boston, Mass., including the funding of certain station improvements. Non-Federal parties will have to bear 1/3 of the cost of the non-operational portions of stations (as determined by the Secretary) used in intercity passenger service and of related facilities. This notice would set forth the Department's proposed determination as to what will constitute a nonoperational portion of a station and a related facility for purpose of allocating station project costs between the Federal Government and other participating entities. B. Why major: Anticipated great interest on the part of State and local transportation agencies due to the shared cost implication of the Secretary's determination.	Christopher Moffitt, 426-7737.	FR July 1978.

DEPARTMENT OF TRANSPORTATION SEMIANNUAL REGULATIONS AGENDA—Continued

Title	Summary	Contact	Date
FEDERAL RAILROAD ADMINISTRATION, MAJOR REGULATIONS—Continued			
Improved Glazing Materials on Railroad Rolling Equipment (docket No. RSQM-1).	C. Chronology: The proposal determination has been in process of development within the Department since early 1977. The NPRM was published for public comment on Apr. 28, 1978. D. Citation: No CFR citation as yet. A. Summary: Rocks and bullets are being directed at trains with increasing frequency resulting in personal injury or death for train crews and passengers. Glazing materials that resist puncture by bullets and rocks are available. The Federal Railroad Administration (FRA) is considering a requirement that such glazing materials be used on the windows of locomotives, passenger cars, and cabooses as a way to enhance the safety of individuals riding in such equipment. B. Why major: Anticipated degree of controversy in view of the responses to the ANPRM and the identified cost factors in comparison to the benefits achievable under such a rule. C. Chronology: The ANPRM was published Mar. 10, 1977 (42 FR 13309). Subsequently, demonstration testing has been done at Aberdeen Proving Grounds to evaluate some of the potential materials. FRA is evaluating the responses to the ANPRM and the demonstration testing to determine future action. D. Citation: No CFR citation as yet.	Philip J. Brannigan, 426-9186.	NPRM September 1978.
Strobe Lights on Locomotives (docket No. RSGC-2).	A. Summary: Grade crossing accidents represent the single largest group of railroad-related fatalities each year. Available data indicate that the conspicuity of locomotives may be a factor in many of these accidents. Limited research conducted with one railroad has indicated that equipping locomotives with strobe lights will improve their conspicuity and may lead to a reduction in these accident statistics. B. Why major: Anticipated interest on the part of State and local government; intense controversy over bad side effects from strobe light exposure for train crews, and degree of controversy reflected by responses to ANPRM. C. Chronology: The ANPRM was published Mar. 7, 1978 (43 FR 9324). Comments are still being received. D. Citation: No CFR citation as yet.	John A. McNally, 426-9179.	Do.
FEDERAL RAILROAD ADMINISTRATION, NONMAJOR REGULATIONS			
Blue Signal Protection of Workmen (docket No. RSOR-3, notice 14).	This action would amend 49 CFR pt. 218 to resolve various operational difficulties.	John A. McNally, 426-9179.	Revised NPRM July 1978.
Construction of Railroad Employees Sleeping Quarters (docket No. HS-2).	This action would implement congressional directive in Hours of Service Act (45 U.S.C. 62(a)(4)) making it unlawful to begin construction of sleeping quarters in the immediate vicinity of a railroad yard.	Grady C. Cothen, 426-8285	FR June 1978.
Railroad Bridge Safety Standards.....	This action would establish safety standards for inspection and rating of load capacity for railroad bridges.	William R. Paxton, 426-0912.	NPRM December 1978.
Railroad Noise Emission Compliance Regulations (docket No. RNE-1).	This action would amend FRA railroad noise emission compliance regulations (49 CFR pt. 210) to reflect EPA standards for fixed railroad facilities that are to be issued by Aug. 30, 1978.	John A. McNally, 426-9178.	NPRM February 1979.
Locomotive-Wheel Slip/Slide Indicators (docket No. LI-4).	This action would require wheel slip/slide indicators on locomotives and that these devices be repaired immediately if they become defective in service.	Philip J. Brannigan, 426-9186.	FR September 1978.
Track Safety Standards.....	This action would make technical amendments to track safety standards (49 CFR pt. 213) to reflect research results and experience with current standards.	William R. Paxton, 426-0912.	NPRM September 1978.
Rules, Standards, and Instructions for Railroad Signal Systems.	This action would make miscellaneous technical amendments to 49 CFR pt. 236.	.....do.....	NPRM October 1978.
Signal System Reporting Rules.....	This action would amend 49 CFR pt. 233 to require reporting of failures of active grade crossing warning devices.	.....do.....	NPRM July 1978.
Rear Markers on Trains (docket No. RSRM-1).	This action would establish penalty schedules for violations of rear marker requirements prescribed in 49 CFR pt. 221.	John A. McNally, 426-9179.	FR November 1978.
Rules for Use of Radio in Train Operations (docket No. RSOR-5).	This action would establish penalty schedules for violations of radio rule requirements prescribed in 49 CFR pt. 220.	.....do.....	FR December 1978.
Safety Appliances for Freight Cars.....	This action would establish safety appliance standards for newly designed equipment.	Philip J. Brannigan, 426-9186.	NPRM January 1979.
Accident/Incident Reporting Rules (docket No. RAR-2).	This action would amend 49 CFR pt. 225 by changing the monetary damage threshold for accidents required to be reported to FRA. This is a biennial adjustment to account for price changes.	John A. McNally, 426-9179.	NPRM November 1978.
Safety Standards for Cabooses (docket No. RSC-76-6).	This action would prescribe comprehensive safety standards for cabooses.	Philip J. Brannigan, 426-9186.	NPRM December 1978.
Noise Levels for Train Crew Members	This action would explore feasibility of reducing noise exposure for train crews in both locomotive cabs and cabooses.	John A. McNally, 426-9179.	ANPRM January 1979.

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DEPARTMENT OF TRANSPORTATION SEMIANNUAL REGULATIONS AGENDA—Continued

Title	Summary	Contact	Date
FEDERAL RAILROAD ADMINISTRATION, NONMAJOR REGULATIONS—Continued			
Speed Indicators on Locomotives.....	This action would amend existing locomotive inspection rules (49 CFR pt. 230) to require speed indicators on locomotives and to require their immediate repair if they become defective in service.	Philip J. Brannigan, 426-9188.	NPRM June 1978.
Freight Car Safety Standards	This action would make technical amendments to existing freight car safety standards (49 CFR pt. 215) to eliminate various problem areas.	.....do.....	NPRM October 1978.
Rail Service Assistance to States Under Sec. 5 of the DOT Act (FRA economic docket No. 4).	This action would amend 49 CFR pt. 268 to provide guidelines for a more comprehensive application for substitute service assistance.	Mark H. Tessler, 426-7737..	FR August 1978.
Rail Banking Under Sec. 810 of the 4R Act of 1978 (FRA State rail docket No. 1).	This action would amend the interim rail bank regulations (49 CFR pt. 270) based upon comments received.	Larry A. Friedman, 426-8220.	FR July 1978.
Intermodal Terminal Regulations Amendments (FRA State rail docket No. 2).	This action would amend the intermodal terminal regulations (49 CFR pt. 256, financial assistance for railroad passenger terminals) to extend date for filing applications and, pursuant to statutory amendment (sec. 219(a) of the Rail Transportation Improvement Act, 94 Stat. 555), transfer authority for non-transportation projects to the National Endowment for the Arts and make other changes.	Anne Bergner, 755-9332	FR April 1978.
Procedures for Considering Environmental Impacts (docket No. EP-1).	This action would set forth procedures for the consideration, preparation, and processing of environmental impact statements and related documents for FRA actions.	Brigid Hynes-Cherin, 426-8220.	FR May 1978.
Maintenance, Inspection and Testing of Grade Crossing Devices (docket No. RSGC-1).	This action would prescribe inspection, testing, and maintenance standards for active highway grade crossing warning devices.	William R. Paxton, 426-0912.	NPRM July 1978.
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, MAJOR REGULATION			
Uniform Tire Quality Grading System (docket No. 25).	A. Summary: Effective dates for present UTQGS regulation requiring grading information in the areas of treadwear, traction, and temperature resistance for bias and belted bias tires would be established. B. Why major: This regulation is major because of public interest. C. Chronology: NPRM issued in 1973 and final rule issued in May 1975. This regulation is congressionally mandated and the agency is under court order requiring its issuance. The rule was challenged by domestic manufacturers but was upheld, except for remand for minor changes, by the 8th Circuit Court of Appeals. Effective dates governing radials should be issued in 1979. D. Citation: 49 CFR 575.	Michael Brownlee, 426-1740.	FR April 1978 (bias, belted bias) and FR March 1979 (radials).
Light Trucks Fuel Economy Rulemaking.	A. Summary: Would establish fuel economy standards for model year 1982-84 light trucks. B. Why major: Considered major because of impact on industry, public and energy consumption. C. Chronology: None yet. D. Citation: 49 CFR 533.	Richard Strombotne, 426-0846.	NPRM March 1979.
Proposal to Suspend the Antilock Portion of Federal Motor Vehicle Safety Standard (FMVSS) 121, Air Brake Systems, for Trailers (docket No. 75-18).	A. Summary: The notice proposed a moratorium on the antilock requirements of FMVSS 121 for trailers and the establishment of a test program to determine the effects of antilock. The final rule would resolve these issues. B. Why major: The rule is considered major because of the level of public and congressional interest in the air brake standard. C. Chronology: An NPRM was issued in March 1978. D. Citation: 49 CFR 571.121.	A. Malliaris, 426-0842	FR July 1978.
Passenger Automobile Fuel Economy Rulemaking.	A. Summary: Would establish revised fuel economy standards for model years 1984-86 passenger automobiles. B. Why major: Considered major because of impact on industry, public and energy consumption. C. Chronology: None yet. D. Citation: 49 CFR 533.	Richard Strombotne, 426-0846.	ANPRM July 1978 and NPRM January 1979.
Confidential Business Information.....	A. Summary: Would codify existing method of processing confidential information from manufacturers. This would streamline and speed up NHTSA use of data and will assure the manufacturer of a more predictable process of information gathering. B. Why major: The proposal is considered major because of the controversial nature of the confidential business information. C. Chronology: Existing proposal is first codification of procedures that have been used in the past. D. Citation: 49 CFR 512.	Joe Levin, 426-9511	NPRM April 1978 and FR September 1978.

DEPARTMENT OF TRANSPORTATION SEMIANNUAL REGULATIONS AGENDA—Continued

Title	Summary	Contact	Date
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION NONMAJOR REGULATION			
School Bus Crash Protection.....	Would extend Federal motor vehicle safety standard (FMVSS) 222 to cover day care center buses.	A. Malliaris, 426-0842	NPRM September 1978.
Seat Belt Assemblies (docket No. 74-14).	Would improve seat belt comfort, convenience, reliability, and effectiveness by prescribing parameters for performance and dynamic testing of seat belt assemblies.	.....do.....	Do.
Child Restraint Systems (docket No. 74-9).	Would upgrade performance of all child restraints by performing dynamic tests using child and infant dummies; regulate infant restraints.	.....do.....	NPRM June 1978.
School Bus Passenger Seating and Crash Protection (docket No. 73-03).	Would amend FMVSS 222 to increase the maximum allowable seat spacing in school buses from 20 to 21 in.; this spacing would accommodate large high school students while still insuring a safe level of school bus seat performance.	.....do.....	FR September 1978.
Brake Hoses (docket No. 1-5).....	This amendment to FMVSS 106 would relieve several restrictions relating to assembly labeling requirements.	.....do.....	FR April 1978.
Test Dummies Representing 3-Yr and 8-Mo Old Children (docket No. 73-8).	Would provide specifications for dummies to be used in testing for compliance with FMVSS 213, child restraint systems, in conjunction with proposal to amend that standard to provide for dynamic testing and to extend its applicability.	.....do.....	NPRM July 1978.
Low Volume Manufacturers Fuel Economy Rulemaking.	A rule may be proposed to refine the requirements regarding the contents of and procedures for disposition of petitions from low volume manufacturers for exemption and for establishment of alternative standards.	Richard Strombotne, 426-0846.	NPRM June 1978 and final rule September 1978.
Exemption From and Establishment of Fuel Economy Standards (docket No. LVM-77-01).	Analysis of petition for exemption from 1978 standard and setting of alternative standard for Avanti Motor Corp.	.....do.....	Final rule June 1978.
Exemption From and Establishment of Fuel Economy Standards (docket No. LVM-77-03).	Analysis of petition for exemption from 1978-80 standards and setting of alternative standards for Checker Motors.	.....do.....	NPRM April 1978 and final rule June 1978.
Exemption From and Establishment of Fuel Economy Standards (docket No. LVM-77-02).	Analysis of petition for exemption from 1978-80 standards and setting of alternative standards for Rolls-Royce Ltd.	.....do.....	Do.
Exemption From and Establishment of Fuel Economy Standards (docket No. LVM-77-04).	Analysis of petition for exemption from 1978-80 standards and setting of alternative standards for Excalibur Automobile Corp.	.....do.....	NPRM May 1978 and final rule July 1978.
Occupant Protection in Interior Impacts.	Would extend to trucks, buses, and multipurpose vehicles of 10,000 lb or less, the current standard for passenger cars designed to cushion impact of passengers striking interior vehicle structures. Consideration will also be given to upgrading the present FMVSS 203 requirements.	A. Malliaris, 426-0842	NPRM June 1978 and final rule August 1978. NPRM September 1978.
Steering Control Rearward Displacement.	Would extend to trucks, buses, and multipurpose vehicles of 10,000 lb or less the current standard for passenger cars designed to minimize rearward displacement of the steering column during frontal crashes. Upgrading the present FMVSS 204 will also be considered.	.....do.....	Do.
Low Tire-Pressure Warning Indicator.	Would require a low pressure tire warning indicator on all vehicles which can be present to show a specified drop from recommended pressure.	.....do.....	Do.
Vehicle Exterior Protrusions.....	Would eliminate protrusions of the ornamental/identification type and sharp edges, both of which could cause injury to pedestrians, cyclists, and others.	.....do.....	Do.
Rearview Mirror (docket No. 74-20)....	This technical amendment would modify the existing FMVSS 111 to improve compliance procedures, provide for optional plane and convex mirrors on trucks and upgrade heavy truck mirror systems.	.....do.....	FR September 1978.
Door Locks and Door Retention Components.	This technical amendment would clarify existing test procedures and extend the applicability of FMVSS 208 such that present side door requirements cover transverse rear doors.	.....do.....	NPRM September 1978.
Gross Coupling Weight Rating (docket No. 73-15).	An amendment to the regulations on certification (49 CFR 567) and of vehicles manufactured in 2 or more stages (49 CFR 568) would require labeling of the gross coupling weight rating for semitrailers.	Roger Compton, 426-1767...	FR September 1978.
Road Wheel Identification and Selection.	This proposal would establish certain requirements of wheel rims to reduce misapplication of wheels and thereby reduce accidents caused by radial overloading and cornering weakness.	A. Malliaris, 426-0842	NPRM January 1979.
Fields of Direct View (docket No. 70-7).	This proposal would establish requirements for the maximum allowable size of obstructions in the field of view of drivers, the luminous transmittance of glazing, and the location and functional characteristics of sun visors.	.....do.....	NPRM August 1978.

DEPARTMENT OF TRANSPORTATION SEMIANNUAL REGULATIONS AGENDA—Continued

Title	Summary	Contact	Date
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION NONMAJOR REGULATION—Continued			
Rear View Mirrors (docket No. 71-3a)...	This proposal would amend FMVSS 111 to: (a) reduce the blind areas by upgrading mirror visibility using improved compliance testing procedures, (b) upgrade occupant protection requirements and add pedestrian protection requirements using shatter resistant and breakaway or foldaway tests, (c) set specifications for day-night reflectance requirements to reduce headlight glare, (d) set specifications for convex mirror quality and use, and (e) minimize obstruction of the forward view by establishing mirror location specifications.	.....do.....	Do.
Controls and Displays (docket No. 1-18).	This proposal would require the use of symbols and allow the use of additional words if the manufacturer desires. Symbols allowed would generally conform to those adopted by the International Standards Organization to create an internationally uniform scheme.	.....do.....	FR April 1978.
Hydraulic Brake Systems (docket No. 70-27).	This proposal would extend coverage of FMVSS 105-75 from passenger cars to multipurpose vehicles, buses, and all trucks.	.....do.....	NPRM March 1979.
Headlight Candlepower (docket No. 78-05).	This proposal would increase the maximum allowable candlepower of motor vehicle headlighting systems from 75,000 to 150,000 cp. It would also require an identification code for headlamps.	.....do.....	FR June 1978.
Brake System Inspectability.....	Would establish certain levels of brake degradation as unsafe and to establish test procedures and criteria for measurement. The ANPRM would request technological approaches.	.....do.....	ANPRM July 1978 and NPRM March 1979.
Theft Protection (docket No. 1-21).....	Would amend existing standard to require separate keys for doors and ignition, door lock modifications, internal control of hood latch, modification in ignition wiring, and ignition key alarm. Would apply to passenger cars, light trucks, and vans.	.....do.....	NPRM April 1978 and FR February 1979.
URBAN MASS TRANSPORTATION ADMINISTRATION, MAJOR REGULATIONS			
Withdrawal of Interstate Segments and of Public Mass Transit Projects.	<p>A. <i>Summary:</i> The regulations covering 23 U.S.C. 103(e)(2) would permit the withdrawal of an interstate route and the substitution of other interstate routes.</p> <p>The regulations covering 23 U.S.C. 103(e)(4) would permit the withdrawal of an interstate route and the substitution of other highway and public transit projects.</p> <p>B. <i>Why major:</i> There is substantial public interest and controversy concerning the withdrawal under 23 U.S.C. 103(e)(4) of routes designated after Aug. 13, 1973, and the question of payback.</p> <p>C. <i>Chronology:</i> The current substitution regulations were issued on June 12, 1974. The Federal-Aid Highway Act Amendments of 1974 and the Federal-Aid Highway Act of 1976 amended the original statutory provisions enacted by the Federal-Aid Highway Act of 1973.</p> <p>D. <i>Citation:</i> 23 CFR pt. 476, subpt. D.</p>	Urban Mass Transportation Administration, R. White, 472-6991. Federal Highway Administration, L. A. Staron 426-0404; or F. Calhoun, 426-0762.	NPRM June 1978, and FR October 1978.
Payback for Interstate System Substitution and Modifications.	<p>A. <i>Summary:</i> The regulations covering payback would discuss the disposition of Federal funds expended on the withdrawn route.</p> <p>B. <i>Why major:</i> There is substantial public interest and controversy concerning the withdrawal under 23 U.S.C. 103(e)(4) of routes designated after Aug. 13, 1973, and the question of payback.</p> <p>C. <i>Chronology:</i> Proposed regulations on payback were issued on Nov. 17, 1975. Sec. 110(b) of the Federal-Aid Highway Act of 1976 required substantial changes in the proposed regulations.</p> <p>D. <i>Citation:</i> 23 CFR pt. 476, subpt. E.</p>	Urban Mass Transportation Administration, R. White, 472-6991. Federal Highway Administration, L. A. Staron, 426-0404; or F. Calhoun, 426-0762.	NPRM June 1978. FR October 1978.
Sec. 3(e) regulations.....	<p>A. <i>Summary:</i> Pursuant to sec. 3(e) of the UMT Act, UMTA plans to publish procedures regarding the involvement of private mass transit operators in federally-assisted programs.</p> <p>B. <i>Why major:</i> While these regulations will implement statutory requirements, this is a controversial issue for both the transit industry and private operators.</p> <p>C. <i>Chronology:</i> NPRM to be prepared and issued by October 1978.</p> <p>D. <i>Citation:</i> 49 CFR pt. 619.</p>	Robert Batchelder, 426-1908.	NPRM October 1978.
Paratransit Policy.....	A. <i>Summary:</i> UMTA will publish a policy regarding the availability of Federal assistance for previously unfunded providers of urban transportation, such as taxi cabs.	Douglas Birnie, 426-4080	Policy statement September 1978.

DEPARTMENT OF TRANSPORTATION SEMIANNUAL REGULATIONS AGENDA—Continued

Title	Summary	Contact	Date
URBAN MASS TRANSPORTATION ADMINISTRATION, MAJOR REGULATIONS—Continued			
Urban Transportation Planning Process and Transportation Improvement Program.	<p>B. <i>Why major:</i> Any major policy regarding UMTA assistance such as this will be controversial and of public interest.</p> <p>C. <i>Chronology:</i> Policy statement to be published September 1978.</p> <p>D. <i>Citation:</i> None.</p> <p>A. <i>Summary:</i> Revisions to these regulations may include:.....</p>	Urban Mass Transportation Administration, Bob Kirkland, 426-4991.	NPRM August 1978.
Environmental Procedures.....	<p>1. Periodic rather than annual certification.</p> <p>2. Elimination of narrative discussion on merging long-range and Transportation Systems Management (TSM) plan elements and inclusion of non-federally funded project in the Transportation Improvement Program (TIP).</p> <p>3. Added flexibility in initiating and selecting highway projects.</p> <p>4. Implementation of planning related aspects of the 1977 amendments to the Clean Air Act.</p> <p>B. <i>Why major:</i> These are major regulations since they can significantly streamline transportation planning.</p> <p>C. <i>Chronology:</i> NPRM to be issued by August 1978.</p> <p>D. <i>Citation:</i> 23 CFR pt. 450.</p> <p>A. <i>Summary:</i> The Council on Environmental Quality will be issuing new procedures to implement the National Environmental Policy Act. These procedures will require all Federal agencies to implement new environmental regulations.</p> <p>B. <i>Why major:</i> UMTA policy in this area may be expected to be of significant interest to both UMTA grantees and the public.</p> <p>C. <i>Chronology:</i> NPRM to be issued by January 1979.</p> <p>D. <i>Citation:</i> 49 CFR pt. 617.</p>	Daniel Duff, 426-1907.....	NPRM January 1979.
MATERIALS TRANSPORTATION BUREAU, OFFICE OF HAZARDOUS MATERIALS OPERATIONS, MAJOR REGULATIONS			
Development of New Standards For Transportation of Hazardous Waste Materials.	A. <i>Summary:</i> Would establish new standards and procedures for the transportation of hazardous waste materials.	A. Roberts, 426-0656.....	NPRM June 1978.
Preemption/Safe Routing of Radioactive Materials.	<p>B. <i>Why major:</i> Major rulemaking due to its significant impact on the operating administrations and another Federal agency.</p> <p>C. <i>Chronology:</i> NPRM jointly developed with EPA; public hearing held on Oct. 28, 1977; targeted date of issuance June 1, 1978; targeted date of final rule to be issued Oct. 1, 1978.</p> <p>D. <i>Citation:</i> 49 CFR pts. 171, 172, 173, 174, 175, 176, and 177.</p> <p>A. <i>Summary:</i> Consideration of an administrative ruling as applied to transportation routing of hazardous materials.</p> <p>B. <i>Why major:</i> Major rulemaking due to substantial public interest and controversy; and has a significant impact on another operating agency.</p> <p>C. <i>Chronology:</i> Published a public notice and invitation to comment on Aug. 15, 1977; Public hearing was held on Nov. 10, 1977; Targeted date of issuance of NPRM, July 1, 1978; Targeted date of final rule, Nov. 1, 1978.</p> <p>D. <i>Citation:</i> 49 CFR pt. 107.</p>	D. Crockett, 755-4972.....	ANPRM July 1978.
MATERIALS TRANSPORTATION BUREAU, OFFICE OF HAZARDOUS MATERIALS OPERATIONS, NONMAJOR REGULATIONS			
Cryogenic Liquids (docket No. HM-115).	Proposed standards and procedures for the transportation of cryogenic liquids.	P. Seay, 755-4906.....	NPRM November 1978.
Intermodal Portal Tank.....	Proposed standards for new specifications for portable tanks and procedures for use of these portable tanks for certain hazardous materials.	A. Roberts, 426-0656.....	NPRM August 1978.
Use of Metric System.....	Proposal to allow the use of metric system of measurements in place of the present U.S. liquid measure and the avoirdupois weight measurement.	A. Roberts, 426-0656.....	NPRM June 1978.
Recodification of Operating Procedures For Motor Vehicles.	Proposed simplification and recodification of the existing operating procedures for transportation of hazardous materials by motor vehicles as prescribed in pt. 177.	D. Goodman, 426-1700.....	NPRM March 1979.
Recodification of Radioactive Requirements.	Proposed consolidation, simplification and recodification of the existing requirements applicable to the transportation of radioactive materials.	A. Grella, 426-2311.....	NPRM September 1978.

DEPARTMENT OF TRANSPORTATION SEMIANNUAL REGULATIONS AGENDA—Continued

Title	Summary	Contact	Date
MATERIALS TRANSPORTATION BUREAU, OFFICE OF HAZARDOUS MATERIALS OPERATIONS, NONMAJOR REGULATIONS—Continued			
Use of United Nations Materials Shipping Terminology/Numbers.	Proposed incorporation of shipping descriptions and serial numbers from United Nations regulations covering the transport of dangerous goods.	A. Roberts, 426-0656	NPRM December 1978.
Operating Safety Concerns for Aircraft.	Proposed standards for the safe operation of aircraft having certain hazardous materials aboard.	G. Tenley, 755-4972	NPRM November 1978.
Availability of Shipping Papers to Emergency Response Personnel.	Proposal to require shipping papers covering hazardous materials to be made available by train crew to emergency personnel.	J. Horning, 755-4902	Do.
Revision of Certain Requirements Applicable to Radioactive Materials.	Proposal to require labeling of excepted radioactive materials packages and notation on shipping papers regarding losses of radioactive shipments.	A. Orella, 426-2311	NPRM December 1978.
Definition of a Flammable Solid. (docket No. HM-118).	Proposed new standards for classifying a material as a flammable solid.	C. Schultz, 755-4906	NPRM March 1979.
Blasting Agents. (docket No. HM-143).	Proposed new standards for the transportation of blasting agents.	C. Schultz, 755-4906	FR September 1978.
Forbidden Materials. (docket No. HM-159).	Proposed standards to add the names of materials to the Hazardous Materials Table that are known to be too hazardous to be permitted in commercial transportation.	C. Schultz, 755-4906	NPRM February 1979.
Transportation of Asbestos. (docket No. HM-160).	Proposed standards to control asbestos emissions during transportation.	A. Roberts, 426-0656	FR August 1979.
Radiation Exposure of Transportation Workers.	Consideration of methods which will reduce radiation exposure levels to transportation workers.	A. Grella, 426-2311	NPRM March 1979.
Retrofit Program for DOT 112 and 114 Tank Cars. (docket No. HM-144).	Consideration of possible changes in the current schedule to retrofit DOT 112 and 114 tank cars with safety devices.	W. Black, 426-2748	NPRM May 1978.
Safety Improvement Program for DOT 105 Tank Cars.	Consideration of possible changes to current safety performance standards of DOT 105 tank cars.	.....do.....	NPRM July 1978.
Repairs and Maintenance of Vehicles. (docket No. HM-110).	Would establish conditions under which repair and maintenance may be performed on motor vehicles containing hazardous materials.	D. Goodman, 426-1700	FR July 1978.
Location of Manhole Assemblies and Certification Plates on Cargo Tanks. (docket No. HM-138).	Would specify the location of a manhole assembly on a cargo tank and authorize the attachment of certification plates to an integral supporting structure of certain cargo tanks.	J. Horning, 755-4902	FR August 1978.
Requirements for Radioactive Materials. (docket No. HM-152).	Proposed revision of certain secs. of pt. 175 which will reduce the exposure to radioactive materials for passengers aboard aircraft.	A. Grella, 426-2311	FR January 1979.
Color Coding of Compressed Gas Packages. (docket No. HM-141).	Reconsideration of color standard to be applied to compressed gas cylinders as a safety measure.	A. Roberts, 426-0656	Withdrawal September 1978.
Conversion of Individual Exemptions and Minor Regulatory Adjustments to Regulations of General Applicability. (docket No. HM-139).	Proposed incorporation of provisions for selected exemption applications or existing exemptions and incorporation of miscellaneous minor changes based on petition requests.	D. Raines, 755-4962	NPRM every 2 mos.
Commercial Detonators and Detonating Primers.	Proposed standards for establishing appropriate shipping descriptions and hazard classifications for many detonators which are currently used in commercial service.	C. Schultz, 755-4906	NPRM June 1978.

MATERIALS TRANSPORTATION BUREAU, OFFICE OF PIPELINE SAFETY OPERATIONS, MAJOR REGULATIONS

Development of new standards for LNG facilities (docket No. OPSC-48).	<p>A. Summary: Comprehensive new standards would be proposed for the siting, design, construction, operation, and maintenance of LNG facilities.</p> <p>B. Why major: Major rulemaking due to substantial public interest and controversy.</p> <p>C. Chronology: ANPRM 42 FR 20776, Apr. 21, 1977, closing date for comments Dec. 1, 1977. NPRM (siting and design) Dec. 1, 1978. NPRM (construction, operation, and maintenance) Mar. 1, 1979. Final rules (siting and design) Aug. 1, 1979. Final rules (construction, operation, and maintenance) Dec. 1, 1979.</p> <p>D. Citation: 49 CFR pt. 193 (new).</p>	P. Hammond, 426-0135	NPRM December 1978.
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MATERIALS TRANSPORTATION BUREAU, OFFICE OF PIPELINE SAFETY OPERATIONS, NONMAJOR REGULATIONS

Requirements for Reporting Gas Incidents—pt. 191 (project No. 85-5).	The present reporting forms would be revised to provide additional and more appropriate information about gas safety problems and to require reports from certain systems not now covered.	A. Garcia, 426-2082	NPRM June 1978.
Joining and Testing Plastic Pipe—pt. 192 (project No. 178-8).	Requirements involving joining procedures, personnel training, or field tests would be proposed to assure the integrity of plastic pipe joints.	P. Cory, 426-2082	NPRM July 1978.

DEPARTMENT OF TRANSPORTATION SEMIANNUAL REGULATIONS AGENDA—Continued

Title	Summary	Contact	Date
MATERIALS TRANSPORTATION BUREAU, OFFICE OF PIPELINE SAFETY OPERATIONS, NONMAJOR REGULATIONS—Continued			
Qualification and Design of Steel Pipe—pt. 192 (docket No. 77-10).	The manufacturing and design requirements for steel pipe (including Grade X-70) in the 1977 editions of API 5LX and API 5LS would be incorporated by reference.	F. Fulton, 426-2082	FR June 1978.
Standards to Reduce Spill Size Risks Associated with Pipeline Transportation of Highly Volatile Liquids Such as Liquid Petroleum Gas—pt. 195 (project No. 173-7).	Valve spacing or other requirements would be proposed to minimize the amount of commodity or vapor that can spread into populated areas in event of a spill.	P. Cory, 426-2082	.....do.....
Standards to Reduce Pipeline Failure Rates in Pipelines Carrying Highly Volatile Liquids (LPG/NH ₃)—pt. 195 (project 82-4L).	Testing or operating requirements would be proposed to assure the safe operation of existing pipelines transporting highly volatile liquids.	O. Mocharko, 426-2082	NPRM August 1978.
Corrosion Control (project No. 176-7).	Changes would be proposed to current cathodic protection requirements to alleviate compliance burdens.	.....do.....	NPRM October 1978.
Safety Plans for Normal Operations and Emergencies for Pipelines Carrying Highly Volatile Liquids (project No. 175-7).	Criteria would be proposed to govern a carrier's plans for preventing and handling emergencies for pipelines carrying highly volatile liquids (LPG/NH ₃).	P. Cory, 426-2082	NPRM June 1978.
System Failure Warning (docket No. OPS-29).	Advance notice of proposed rulemaking on use of telemetry for pressure or flow measurements to warn of system failure would be withdrawn.	L. Furrow, 426-0135	Withdrawal June 1978.
Definition of "Gathering Line" (docket No. OPS-31).	Notice of proposed rulemaking to redefine the term "gathering line" would be withdrawn.	.....do.....	Do.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Rules of Procedure of the Joint Review Board.	Major regulations. None. Nonmajor regulations: Proposed revision of joint U.S.-Canadian procedures for the appeal of the classification of a particular commodity under the joint Seaway Tariff of Tolls.	Robert D. Kraft, 426-3574	FR June 1978.
Operational Regulations.....	Routine and frequent: Annual update of operational regulations developed jointly with Seaway Authority of Canada.	Frederick A. Bush, 315-764-0271.	June 1978 and March 1979.

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THURSDAY, JUNE 1, 1978
PART III



DEPARTMENT OF
TRANSPORTATION
Office of the Secretary

DEPARTMENT
REGULATIONS REVIEW
LIST

Semi-annual Summary

4910-62]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[OST Docket No. 58; Notice 78-4]

DEPARTMENT REGULATIONS REVIEW LIST

Semi-annual Summary

AGENCY: Department of Transportation.

ACTION: Department Regulations Review List.

SUMMARY: The Regulations Review List is a semiannual summary of the existing regulations that the Department of Transportation has selected for review and possible revocation or revision. It will provide the public with information about the Department of Transportation's regulatory review activity. It is expected that this information will enable the public to be more aware of, and allow it to more effectively participate in, the Department's regulatory activity.

DATES: Comments on a review under consideration must be received before the target date set forth in the List.

ADDRESSES: Send comments on a particular review under consideration to The Docket Clerk for the responsible initiating office. The mailing address for the initiating offices of the Department which appear in the List are 400 Seventh Street SW., Washington, D.C. 20590, except for the Federal Aviation Administration and the St. Lawrence Seaway Development Corporation, which are located at 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION, CONTACT: For further information on this Regulations Review List in general, contact:

Neil Eisner, Acting Assistant General Counsel, Office of Regulation and Enforcement Department of Transportation, 400 Seventh Street SW., Washington, D.C., 202-426-470.

For information about any particular item on the Regulations Review List, contact the individual designated in the List.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons are invited to submit comments on the reviews under consideration by submitting such written data, views, or arguments as they may desire. Communications should identify the review by the short description provided and be submitted to the appropriate address specified above. All communications received before the target date specified in the List for completing the review and determining the corrective

course of action to be taken will be considered by the initiating office before making a determination. An initiating Office is an operating administration or other organizational element within the Department, the head of which is authorized by law or delegation to issue regulations or to formulate regulations for issuance by the Secretary. Because the dates are tentative and only the month is given, comments should be submitted as much before the target date as possible. All comments submitted will be available for public inspection and copying, both before and after the date a determination is made, in the Office of the Docket Clerk at the address specified above. A report summarizing each oral contact made by a member of the public commenting on the substance of any review will be filled in the appropriate docket.

BACKGROUND

Improvement of Government regulations has been a prime goal of the Carter Administration. There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed.

To help the Department of Transportation ("Department") achieve these goals, on January 31, 1978, the Secretary of Transportation issued a statement of Policies and Procedures for Simplification, Analysis, and Review of Regulations (43 FR 9582; March 8, 1978). These policies and procedures took effect on March 1, 1978. They include a requirement that the Department prepare a semiannual list of existing regulations it has selected for review and possible revocation or revision for publication in the FEDERAL REGISTER. The publication of this List is also in accordance with Executive Order 12044 on "Improving Government Regulations" (43 FR 12661; March 24, 1978.)

EXPLANATION OF INFORMATION IN THE LIST

The Regulations Review List is divided by initiating offices. For each initiating office, there is a subdivision for (1) reviews under regulatory development and (2) reviews under consideration. Some initiating offices already have regulatory projects under development that resulted from a review of their existing regulations. Because some reviews can be large-scale undertakings, and because there are already a number of these in the regulatory development process, the Department thought it would provide the public

with valuable information if it indicated not only which regulatory reviews are under consideration but also which reviews have now reached the stage where proposed revisions are being, or have been, prepared. The number of regulatory projects that an initiating office can handle is limited by available resources. Therefore, the number of reviews in the regulatory development stage limits the number that can be added to the consideration stage.

The List provides the following information for both stages of review: a short description of the existing regulations involved, including the related citation to the Code of Federal Regulations; a brief description of the reasons for each selection; and a contact office or official who can provide additional information. For reviews under regulatory development, the current status is provided; for reviews under consideration, the target date for completing the review and determining the corrective course of action to be taken is given. The action taken can be revocation or revision of the regulation, or it can be a determination that no regulatory action is necessary because the regulation is found to be achieving its goals and the goals and objectives of Executive Order 12044 and the Department regulatory policies and procedures.

Additional, more detailed information on the reviews under regulatory development can be found in the Department Regulations Agenda, a semiannual summary of each proposed and each final regulation that the Department expects to publish in the FEDERAL REGISTER during the next twelve months, or longer if anticipated. The Agenda is published elsewhere in today's FEDERAL REGISTER. In the future, the Department Regulations Agenda and the Department Regulations Review List will be published as a joint document.

PURPOSE

The Department is publishing this Regulations Review List in the FEDERAL REGISTER to share with interested members of the public information concerning the Department's actions in the regulatory area. Knowledge of the nature and scope of this activity, as well as the specific reviews being considered, should result in more effective public participation in the Department's regulatory activity.

This publication in the FEDERAL REGISTER does not impose any binding obligation on the Department, or any of the offices within the Department, with regard to any specific item on the List.

If further information is desired on any of the items in the List, the public is encouraged to contact the individual whose name is provided in the List. Additional information concerning the

List in general or the Department's regulatory policies and procedures may be obtained from Neil Eisner, whose address and telephone number appear above.

Issued in Washington, D.C. on May 22, 1978.

BROCK ADAMS,
Secretary of Transportation.

DEPARTMENT OF TRANSPORTATION SEMI-ANNUAL REGULATIONS REVIEW LIST

Regulations selected for review	Reasons selected	Target date
U.S. COAST GUARD.—Reviews under consideration [For further information contact: Capt. G. K. Greiner, Jr., USCG, at 202-426-1477]		
Charges for Duplicate Medals and Sales of Personal Property, Equipment or Services and Rental (33 CFR 1.261).	Length of time since last evaluated, changing economic factors.	June 1978.
Delegation of Authority (33 CFR 1.01)	Section is out-of-date and will be reviewed for possible consolidation with other related sections.	August 1978.
Regulations, United States Coast Reserve (33 CFR pt. 8).	Length of time since last evaluated; need to reflect changed procedures.	December 1978.
Boating Safety: Equipment Requirements—Personal Flotation Devices (33 CFR 175.151).	Length of time since last evaluated; research and development project initiated to determine need for revision of carriage regulations.	August 1980.
Boats and Associated Equipment: Safe Loading (33 CFR pt. 183C).	Length of time since last evaluated; standards may not be effective for all boats to which these regulations apply.	January 1979.
Boats and Associated Equipment: Safe Powering (33 CFR pt. 183D).	Length of time since last evaluated; standards may be limited in applicability.	January 1980.
Boats and Associated Equipment: Flotation Standards (33 CFR E-H).	Length of time since last evaluated; standards may be limited in applicability.	August 1980.
Marine Investigation Regulations (46 CFR pt. 4).	Being reviewed for possibility of simplification, clarification, and accuracy.	June 1978.
Suspension and Revocation Proceedings (46 CFR pt. 51).	do	Do.
Vessel Inspection (46 CFR pt. 2).	do	December 1978.
Regattas and Marine Parades (33 CFR pt. 100)	Length of time since last evaluated; survey of District Commanders will determine if conditions have changed.	Do.
FEDERAL AVIATION ADMINISTRATION.—Reviews under consideration [For further information contact: Individual listed with particular item]		
Objects Affecting Navigable Airspace (14 CFR pt. 77)	These regulations were selected for review to determine the need to clarify the requirements for evaluation of objects intruding into the navigable airspace and to determine the FAA's proper role and functions in obstruction evaluation (contact: O. E. Falsetti at 202-426-8777).	June 1978.
Rotorcraft Review (14 CFR pts. 27, 29, 61, 91, 127, and 135).	These regulations were selected for review to determine the need for (1) developing IFR airworthiness standards for rotorcraft certification and (2) improving and updating the rotorcraft airworthiness requirements and operating regulations (contact: Joe Sullivan at 202-755-8716).	October 1978.
Reviews under regulatory development		
Operations Review Program (14 CFR pts. 43, 61, 63, 65, 91, 101, 105, 121, 123, 127, 129, 133, 135, 137, 141, 143, 145, 147, and 148).	The reasons for the Operations Review Program is to review pts. 43, 61, 63, 65, 91, 101, 105, 121, 123, 127, 129, 133, 135, 137, 141, 143, 145, 147, and 148 of the Federal Aviation Regulations to update and improve: (1) the maintenance rules; (2) the airman certification rules; (3) selected air traffic and general operating rules; (4) the rules for the certification and operation of air carriers, air travel clubs and operators for compensation or hire, and (5) the rules for schools and other certificated agencies (contact: Joe Sullivan at 202-755-8716).	8 NPRM's have been issued and 6 additional NPRM's are now under development; 3 final rules have been issued and comments are under review on the outstanding NPRM's.
Subpt. 135 Regulatory Review Program (14 CFR pts. 121 and 135).	The reasons for the pt. 135 Regulatory Review Program are: (1) to substantially revise the requirements for operations conducted by air taxi and commercial operators of small aircraft, and (2) to provide a higher level of safety for operations conducted by air taxi and commercial operators of small aircraft (contact: Joe Sullivan at 202-755-8716).	Comments on NPRM are being analyzed.
Aircraft Engine Regulatory Review Program (14 CFR pts. 23, 25, 27, 29, and 33).	The reasons for an Aircraft Engine Regulatory Review Program are: (1) to resolve a number of regulatory issues that have been raised by aircraft engine manufacturers and others concerning the aircraft engine and related powerplant installation requirements in pts. 23, 25, 27, 29, and 33 of the Federal Aviation Regulations and (2) to update those standards and requirements in line with service experience and the current state of the art (contact: Joe Sullivan at 202-755-8716).	NPRM is under development.
Airport Security (14 CFR pt. 107)	The reason for this review is to update, clarify and add provisions implementing sec. 316 of the Federal Aviation Act of 1958 to provide more effective security for persons and property in air transportation (contact: Richard A. Noble at 202-426-8768).	Comments on NPRM are being analyzed.
General Operating and Flight Rules (14 CFR pt. 91)	These regulations were selected for review to upgrade the rules applying to (1) large aircraft and (2) any aircraft when a passenger is carried (contact: Joe Sullivan at 202-755-8716).	NPRM is under development.
Certification and Operations: Land Airports Serving CAB Certificated Air Carriers (14 CFR pt. 139).	These regulations were selected for review to update and clarify 14 CFR pt. 139 and, in particular, to update the firefighting agent substitution rules and reduce the economic burden of the firefighting requirements (contact: Harry Hink at 202-426-3067).	Do.

Reviews under regulatory development—Continued

Airport Aid Program (14 CFR pt. 152)	These regulations were selected for review in order to simplify and clarify the requirements for receipt of aid under the Airway Development Act Amendments of 1976 (contact: Paul Galls at 202-426-3831).	Do.
Regulatory Review Program on Flight Rules (14 CFR pt. 91 subpt. B).	These regulations were selected for review in order to update the regulations governing aircraft in pt. 91 subpt. B due to changes in technology and also to simplify and eliminate duplication in the regulations (contact: Joe Sullivan at 202-755-8716).	Do.
Transport Category Airplane Fatigue Regulatory Review Program (14 CFR pt. 25).	The reason for the Transport Category Airplane Fatigue Regulatory Review Program is to update and improve the structural fatigue evaluation requirements set forth in §§25.571 and 25.573 of pt. 25 of the Federal Aviation Regulations (contact: Joe Sullivan at 202-855-9716).	Comments on NPRM are being analyzed.
Airworthiness Review Program (14 CFR pts. 21, 23, 25, 27, 29, 31, 33, 35, 36, 37, 43, 91, 121, 133, and 135).	The reasons for the Airworthiness Review Program are to update and improve the certification and operating regulations of the Federal Aviation Regulations containing airworthiness standards (contact: Joe Sullivan at 202-755-8716).	8 NPRM's have been issued; 5 final rules have been issued and the comments are under review on the other 3 outstanding NPRM's.

FEDERAL HIGHWAY ADMINISTRATION.—Reviews under consideration
[For further information contact: Dennis Judycki at 202-426-0848]

All regulatory material located in the Federal-Aid Highway Program Manual (FHPM), including the following material which is codified in Title 23, Code of Federal Regulations, Highways: Chapter 1—Federal Highway Administration Subchapter A—General Management and Administration: Part 11—Accounting Part 12—State Internal Audit Responsibility Part 17—Recordkeeping Subchapter B—Payment Procedure Subchapter C—Civil Rights Subchapter D—National Highway Institute Subchapter E—Planning Subchapter F—Research & Development Subchapter G—Engineering and Traffic Operations Subchapter H—Right-of-Way and Environment Subchapter I—Public Transportation	A Regulations Reduction Task Force was established in October 1978 to develop recommendations to simplify Federal requirements and expedite the delivery of Federal-aid highway funds to the States and local jurisdictions. FHWA, as a result of a Regulations Reduction Review report prepared by the Task Force and adopted in late 1977, conducted an initial review of all regulatory material located in the FHWA's Policy on the Minimization of Red Tape. (FEDERAL REGISTER, Vol. 43, No. 50, Tuesday, Mar. 14, p. 10578).	Initial review has been completed and decisions made as to which regulations need to be revised. Regulatory documents are presently being developed for those regulations selected for revision.
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Reviews under regulatory development

The following Federal Motor Carrier, Safety Regulations in effect, on Jan. 28, 1978: Title 49, Code of Federal Regulations, Transportation. Chapter III—Federal Highway Administration Subchapter B—Federal Motor Carrier Safety Regulations: Part 390—General Part 391—Qualifications of Drivers Part 392—Driving of Motor Vehicles Part 393—Parts and Accessories Necessary for Safe Operation Part 394—Notification, Reporting and Recording of Accidents Part 395—Hours of Service of Drivers Part 396—Inspection and Maintenance Part 397—Transportation of Hazardous Materials; Driving and Parking Rules	An FHWA Task force was established in April 1977, to review existing Federal Motor Carrier Safety Regulations and identify those requirements no longer necessary, the elimination of which would result in reduction of paperwork without safety loss.	Initial review has been completed and decisions made as to which regulations need to be revised. Regulatory documents are being or will be developed for those regulations selected for revision.
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FEDERAL RAILROAD ADMINISTRATION.—Reviews under consideration
[For further information contact: Michael Haley at 202-426-7737]

Guarantee of Certificates of Trustees of Railroads in Reorganization (Pursuant to the Emergency Rail Services Act of 1970) (49 CFR pt. 250).	This program is likely to become active again when \$50 million in trustee certificates is paid by the Penn Central trustees upon consummation of the debtor's reorganization plan. The regulations will be reviewed to determine whether the information requirements should be modified to make them consistent with the regulation issued under FRA's other loan guarantee program (49 CFR pt. 260).	August 1978.
Freight Car Safety Standard (49 CFR pt. 215)	A large number of complaints and petitions have been received relative to these regulations. The railroad industry alleges that parts of these regulations are not truly safety requirements. Amendments could incorporate new safety requirements based on laboratory and service tests as well as operating experience.	June 1979.
Nondiscrimination on Federally Assisted Railroad Programs (49 CFR pt. 265).	In working with the sec. 905 regulations regularly for a year or more, FRA has found that there are inconsistencies in definitions compared with other Federal regulations and programs concerned with barring discrimination against minorities. Further, although the regulation covers the Northeast Corridor Improvement Project (NECIP), it is not written to accommodate a construction contract program, making application of the regulation to the NECIP needlessly cumbersome and difficult.	July 1978.
General Safety Inquiry	FRA has initiated a general railroad safety inquiry to obtain information from the public to assist in evaluating and improving the effectiveness of its safety regulatory program. A series of public hearings, each focused on a single regulatory topic covered by FRA regulations, will be held throughout the remainder of 1978.	See 43 FR 19698 for a listing of the topics to be covered and the hearing dates.

Reviews under regulatory development—Continued

Loans Under the Emergency Rail Facilities Restoration Act (49 CFR pt. 252).	The programs to which these regulations apply have accomplished their purpose and been terminated.	Termination notice being prepared for issuance May 1978.
Payments to Trustees of Railroads in Reorganization for the Continued Provision of Essential Transportation Services pursuant to sec. 213(a) of the Regional Rail Reorganization Act of 1973 (49 CFR pt. 253).		
Agreements pursuant to sec. 215 of the Regional Rail Reorganization Act of 1973 (49 CFR pt. 254).		
Acquisition and Modernization Loan Assistance (49 CFR pt. 257).	The authority for these regulations is found in sec. 402 and 403 of the Regional Rail Reorganization Act of 1973. Those sections were repealed as of Apr. 1, 1978, pursuant to sec. 808 of the Railroad Revitalization and Regulatory Reform Act of 1978. This program has never been funded and is inactive.	Do.
Assistance to State, Local and Regional Transportation Authorities in the Northeast Region for Continuation of Local Rail Services (49 CFR pt. 255).	Sec. 402 of the Regional Rail Reorganization Act of 1973 was repealed as of Apr. 1, 1978. Because grants entered into prior to Apr. 1, 1978, are still in effect, a determination will be made as to when 49 CFR pt. 255 will be repealed.	Matter being reviewed with decision to be made May 1978, and termination notice to be issued June 1978.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION.—Reviews under consideration
[For further information contact: Barry Felrice at 202-426-1600]

Federal Motor Vehicle Safety Standards (FMVSS) 208—Occupant Protection (49 CFR 571.208).	The estimated annual benefit exceeds \$1 per vehicle in reduction of fatalities and injuries to occupants in motor vehicle accidents, the average estimated added cost exceeds \$1 per vehicle, and persistent adverse reaction has been and is expected to continue from affected industries.	For active belts August 1979. For passive belts June 1979 (preliminary). For air cushion systems of other passive systems fiscal year 1983 through fiscal year 1985 (preliminary).
FMVSS 214 Side Door Strength (49 CFR 571.214)	There has been persistent adverse reaction from affected industries to this regulation.	August 1979.
FMVSS 215 Exterior Protection (49 CFR 571.215)	The average estimated added cost exceeds \$1 per vehicle, consumer letters are well above average and a persistent adverse reaction has been and is expected to continue from Congress and affected industries.	June 1980.
FMVSS 301 Fuel System Integrity (49 CFR 571.301)	The estimated annual benefit exceeds \$1 per vehicle in reduction of accident fatalities and injuries and the average estimated cost exceeds \$1 per vehicle.	August 1978.
FMVSS 202 Head Restraints (49 CFR 571.202)	The average estimated added cost exceeds \$1 per vehicle.	February 1980.
FMVSS 207 Seating Systems (49 CFR 571.207)	Due to the general consumer concern for safety of children this regulation was selected for review.	Do.
FMVSS 213 Child Seating Systems (49 CFR 571.213)	Again, due to consumer and congressional concern for safety of children this regulation was thought to be important for review.	February 1980 (preliminary).
FMVSS 220 School Bus Rollover Protection (49 CFR 571.220)	The consumer and congressional concern for safety of children	Do.
FMVSS 221 School Bus Body Joint Strength (49 CFR 571.221) .....	.....do.....	Do.
FMVSS 222 School Bus Seating System (49 CFR 571.222) .....	.....do.....	February 1980.
FMVSS 121 Air Brakes (49 CFR 571.121)	The estimate annual benefit exceeds \$1 per vehicle in accidents avoided and reduction of accident severity, the average estimated added cost exceeds \$1 per vehicle, and consumer letters are well above average. The persistent adverse reaction has been and is expected to continue from Congress and affected industries and the defects have been significant.	June 1979 (pending court cases may change this date or prevent completion).
FMVSS 105 Hydraulic Brakes (49 CFR 571.105)	The estimated annual benefit exceeds \$1 per vehicle in accidents avoided and reduction of accident severity, and average estimated added cost exceeds \$1 per vehicle.	February 1980.
FMVSS 108 Lighting Systems (49 CFR 571.108)	The estimated annual benefit exceeds \$1 per vehicle in accidents avoided and reduction of accident severity, plus the average estimated added cost exceeds \$1 per vehicle.	Do.
FMVSS 122 Motorcycle Brakes (49 CFR 571.122)	The estimate annual benefit exceeds \$1 per vehicle in accidents avoided and reduction of accident severity, and the average estimated added cost exceeds \$1 per vehicle.	Do.

URBAN MASS TRANSPORTATION ADMINISTRATION.—Reviews under consideration
[For further information contact: DAN DUFF at 202-426-1908]

Charter and School Bus Regulations (49 CFR pt. 604)	UMTA has received a considerable number of comments from the transit industry on these regulations and is considering all comments.	October 1978.
<i>Review under regulatory development</i>		
Sec. 504 Regulations (49 CFR pt. 609)	These regulations are being reviewed and revised because HEW has issued new regulations in this area.	NPRM June 1978.
Withdrawal of Interstate Segments and Public Mass Transit Projects (23 CFR pt. 478D).	There is substantial public interest and controversy concerning the withdrawal of routes designated after Aug. 13, 1973, under 23 U.S.C. 103(e)(4) and the question of payback.	Do.
Payback for Interstate System Substitution and Modifications.	.....do.....	Do.
Urban Transportation Planning Process	The current regulations need to be reviewed to reflect new policy and perhaps to add new requirements.	NPRM August 1978.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, MATERIALS TRANSPORTATION BUREAU/OFFICE OF HAZARDOUS MATERIALS OPERATIONS.—

Reviews under consideration

[For further information contact: Joseph Nalevanko at 202-755-4972]

Shippers—General Requirements for Shipments and Packagings (49 CFR pt. 173):		
Matches (49 CFR 173.176).....	Due to inquiries requesting an interpretation of this section and to eliminate the possibility of noncompliance based on a misunderstanding of the requirements, there is a need to simplify and clarify present standards.	January 1979.
Electric Storage Batteries, Wet (49 CFR 173.360).....	.....do.....	February 1979.
Charcoal (49 CFR 173.162).....	.....do.....	Do.

Reviews under regulatory development

Carriage of Hazardous Materials by Public Highway (49 CFR pt. 177).	Need for simplification, clarification, and accuracy	NPRM March 1979.
Requirements for the Transportation of Radioactive Materials (49 CFR new pt. 127).	.....do.....	NPRM September 1978.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION, MATERIALS TRANSPORTATION BUREAU/OFFICE OF PIPELINE SAFETY.—Reviews under consideration

Welding of steel in Gas Pipelines (49 CFR pt. 172, subpt. E).	Present requirements to be examined in light of changes in technology, and perceived industrial interest..	December 1978.
Maintenance of Gas Pipelines (49 CFR pt. 192, subpt. M)	The performance required by the maintenance standards needs clarification as indicated by extend of interpretations generated by these standards.	Do.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.—Reviews under consideration

[For further information contact: Robert Kraft at 202-426-3574]

Rules of Procedure of the Joint Tolls Advisory Board (33 CFR pt. 403).	Recent agreement between United States and Canada changed role of this bilateral committee. Rules of procedure may be changed to reflect this.	June 1978.
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[FR Doc. 78-14705 Filed 5-22-78; 4:43 pm]

THURSDAY, JUNE 1, 1978
PART IV



DEPARTMENT OF
TRANSPORTATION
Office of the Secretary

IMPROVING
GOVERNMENT
REGULATIONS

Proposals for Implementing
Executive Order 12044

Federal Register

PREVIOUSLY PUBLISHED PROPOSALS

Listed below are other documents on implementation of Executive Order 12044 previously published in the FEDERAL REGISTER:

Agency	1978 Date of Issue	Vol. 43 FR, Page No.
Selective Service System	April 11	15211
Energy Department	May 1	18634
National Capital Planning Commission	May 15	20945
National Aeronautics and Space Administration ...	May 22	21981
Veterans Administration	May 22	21983
Farm Credit Administration	May 22	21984
Agriculture Department	May 22	21986
Federal Mediation and Conciliation Service	May 22	21993
Defense Department	May 22	21994
Administrative Committee of the Federal Register	May 22	21995
Office of Management and Budget	May 22	21997
Civil Service Commission	May 23	22157
Treasury Department	May 24	22319
ACTION	May 24	22325
Interior Department	May 25	22573
Postal Service	May 25	22587
State Department	May 25	22589
National Foundation on the Arts and the Human- ities	May 25	22591
Council on Environmental Quality	May 25	22593
Community Services Administration	May 25	22595
Housing and Urban Development Department	May 25	22598
American Battle Monuments Commission	May 25	22602
Railroad Retirement Board	May 25	22603
Small Business Administration	May 25	22605
Pension Benefit Guaranty Corporation	May 25	22608
Equal Employment Opportunity Commission	May 25	22610
General Services Administration	May 25	22612
Labor Department	May 26	22915
Justice Department	May 26	22922
Health, Education, and Welfare Department	May 30	23119
Commerce Department	May 30	23170
Renegotiation Board	May 30	23197
Water Resources Council	May 30	23199
Environmental Protection Agency	May 31	23679
National Credit Union Administration	May 31	23688

PROPOSALS SCHEDULED FOR LATER PUBLICATION

Listed below are other Executive order implementation documents on file with the Office of the Federal Register which will be published later:

Agency	1978 Date of Issue
Pennsylvania Avenue Development Corporation	June 2
National Science Foundation	June 2

REPORT ON OTHER AGENCIES

On June 2, the Office of Management and Budget will publish a listing of agencies that have determined their regulations are not covered by the provisions of the Executive Order.

[4910-62]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[OST Docket No. 58; Notice 78-5]

IMPROVING GOVERNMENT REGULATIONS

Proposed Regulatory Policies and Procedures

AGENCY: Department of Transportation.

ACTION: Notice of proposed regulatory policies and procedures.

SUMMARY: The Department of Transportation proposes to establish policies and procedures for simplification, analysis, and review of regulations. This proposal is issued pursuant to the new Executive Order on "Improving Government Regulations." It is expected that these proposed procedures would result in fewer, simpler, more comprehensible and less burdensome regulations; improve the opportunity for and effectiveness of public involvement; and generally increase the efficiency of the Department's regulatory programs by requiring periodic review of regulations to assure their continued need.

DATES: Comments must be received on or before July 31, 1978.

ADDRESS: Send comments on the proposal to: Docket Clerk, OST Docket No. 58, Office of the General Counsel, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Neil R. Eisner, Acting Assistant General Counsel, Office of Regulation and Enforcement, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-4710.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons are invited to participate in the development of the proposed policies and procedures by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Secretary of Transportation before taking action on the proposed policies and procedures. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available for public inspection and copying, both before and after the closing date for comments, in the Office of the Assistant General Counsel for Regula-

tion and Enforcement, Room 10100, Nassif building (DOT Headquarters) 400 Seventh Street SW., Washington, D.C., between the hours of 9 a.m. and 5:30 p.m. local time, Monday through Friday except Federal holidays. A report summarizing each oral contact made by a member of the public commenting on the substance of this proposal will be filed in the docket.

BACKGROUND

Improvement of government regulations has been a prime goal of the Carter Administration. There should be no more regulations than necessary, and those that are issued should be simpler, more comprehensible, and less burdensome. Regulations should not be issued without appropriate involvement of the public; once issued, they should be periodically reviewed and revised, as needed, to assure that they continue to meet the needs for which they originally were designed. In an effort to meet these objectives, the Department of Transportation ("Department") has already taken many actions. There are many noteworthy examples.

To increase the opportunity for public participation, for example, the National Highway Traffic Safety Administration (NHTSA) recently published a notice in the FEDERAL REGISTER of its Five Year Plan for Motor Vehicle Safety and Fuel Economy Rulemaking; this notice allows public comment on the plan and its priorities, thereby allowing public participation at the earliest stages in the rulemaking process.

Efforts have also been made to simplify existing regulations. A recently issued Federal Aviation Administration (FAA) Notice of Proposed Rulemaking (NPRM) on flight time limitations illustrates these efforts. This proposal would consolidate three regulatory subparts into one and eliminate many inconsistencies. It would reduce the number of regulatory sections involved from 24 to 8 and decrease the amount of regulatory material by approximately 65 percent. This is an area where the FAA has been asked for dozens of interpretations each year; the proposal would clarify the concepts embodied in the regulations and substantially lessen the need for legal interpretations. To improve its existing regulations, the Federal Highway Administration (FHWA) established a Regulations Reduction Task Force which submitted a number of recommendations designed to simplify and minimize regulations and administrative requirements in all program areas. Regulatory proposals on these recommendations are being considered.

Specific efforts to ease or eliminate reporting requirements have also been undertaken. The Coast Guard, for ex-

ample, issued an NPRM to eliminate dual reporting requirements imposed on certain vessels when they are involved in accidents or casualties. The FAA recently revoked a requirement that each holder of an aircraft registration certificate file an annual report on the current eligibility of the aircraft for registration. FHWA also recently announced substantial reductions in forms and reporting requirements imposed upon states and industry.

Efforts to decrease the burden of compliance with the Department's regulations are also being taken. The FAA, for example, issued a final rule relieving affected certificate holders of the burden of obtaining FAA approval of major repair data on a case-by-case basis, if certain requirements necessary for the interest of safety are met. The Federal Railroad Administration (FRA) revised its regulations to reduce the compliance and paperwork burden of those who apply for Federal guarantees of obligations to finance railroad facilities rehabilitation and improvement. The Urban Mass Transportation Administration (UMTA) changed its procedures for providing operating assistance to urban mass transportation operators to (1) reduce paperwork and (2) allow easier preparation and review, and earlier submission and approval, of applications for assistance. This has resulted in a reduction of paperwork of up to 75 percent after acceptance of initial, one-time submissions, and earlier payment of funds to grantees, thus avoiding serious grantee cash shortage situations.

To permit persons who lack the resources to participate meaningfully in its regulatory proceedings, NHTSA has established a program of financial assistance to such persons.

To improve the quality of existing regulations or revoke them if they are unnecessary, a number of the initiating offices within the Department have, for a number of years, used a process of reviewing their existing regulations. A substantial number of regulatory proposals has resulted from these reviews.

Organizational changes have also been made, to strengthen rulemaking capabilities and responsiveness. The Materials Transportation Bureau (MTB) of the Research and Special Programs Administration (RSPA), for example, implemented changes that included the establishment of a more systematic process for planning, ordering its priorities, and scheduling its rulemaking activities.

As a final example of the actions being taken, to improve the quality of drafting in their regulatory documents, the initiating offices have either been providing their own training courses or sending their employees to effective writing and rulemaking

process courses taught by other government or private agencies.

To further encourage and promote the many efforts to improve the Department's regulations, on January 31, 1978, the Secretary of Transportation issued a statement of Policies and Procedures for Simplification, Analysis, published in the *FEDERAL REGISTER* on March 8, 1978 (43 FR 9582). These policies and procedures were the product of many months of work by all elements of the Department. They were issued initially as an internal memorandum, rather than as a formal Department Order, for two reasons. One, so that the Department might gain a working familiarity with them and make any required changes before issuing them as an Order. Two, so that the Department might more easily make any changes required when the final Executive Order addressing these concerns was issued.

On March 23, 1978, the President issued a final Executive Order on this matter, "Improving Government Regulations" (E.O. 12044; 43 FR 12861, March 24, 1978). Section 5 of that Executive Order requires the following:

Each agency shall review its existing process for developing regulations and revise it as needed to comply with this Order. Within 60 days after the issuance of the Order, each agency shall prepare a draft report outlining (1) a brief description of its process for developing regulations and the changes that have been made to comply with this Order; (2) its proposed criteria for defining significant agency regulations; (3) its proposed criteria for identifying which regulations require regulatory analysis; and (4) its proposed criteria for selecting existing regulations to be reviewed and the list of regulations that the agency will consider for its initial review. It shall be published in the *FEDERAL REGISTER* for public comment.

Based upon Executive Order 12044, and the Department's working experience with its internal procedures, appropriate modifications to the Department's Policies and Procedures for Simplification, Analysis, and Review of Regulations have been made. As modified, those policies and procedures, which appear below, are published for public comment; the Department's list of regulations that it will consider for its initial review appears elsewhere in today's *FEDERAL REGISTER*. To assist the public in reviewing and commenting on the proposed policies and procedures, the following paragraph by paragraph analysis has been provided.

EXPLANATION OF REGULATORY POLICIES AND PROCEDURES

PARAGRAPH 1. PURPOSE

This paragraph states the general purpose of the Order and indicates that the policies and procedures that are prescribed apply to the issuance of new regulations as well as the review of existing ones.

PARAGRAPH 2. CANCELLATION
This paragraph cancels earlier Departmental documents which set forth regulatory policies and procedures.

PARAGRAPH 3. EFFECTIVE DATE
After public comment is received and considered and appropriate changes are made, an effective date will be established for this Order and inserted in this paragraph.

PARAGRAPH 4. REFERENCES
The references contained in this paragraph prescribe general procedural requirements that must be complied with by the Department in the development and promulgation of regulations. Although the Office of Management and Budget (OMB) Circular A-85 which prescribed procedures for consultation with heads of State and local governments in the development of Federal programs may not have been cancelled by the time this Notice appears in the *FEDERAL REGISTER*, it is expected to be cancelled prior to the issuance of this proposal as a final Order. Therefore, it has not been included as a reference in this paragraph.

PARAGRAPH 5. COVERAGE
This paragraph is broken down into two sections, Definitions and Applicability.

Because the Department is made up of many elements which are authorized, by law or delegation, to issue or formulate regulations, the phrase "initiating office" is defined and used throughout the Order to refer to those elements which have such authority. The remaining definitions help to distinguish the various categories of regulations for which different requirements are established by this Order.

The Department is especially interested in obtaining public comment on its proposed criteria for defining a "significant regulation." In reviewing the definition of "significant regulation", reference should be made to the definition of "emergency regulation" and the item set forth in paragraph 9a for consideration in determining whether a regulation is significant. The definitional criteria have been carefully considered by the Department. For example, because the Department is made up of many initiating offices, the discretion given the Secretary or Deputy Secretary, in addition to the head of the initiating office, to determine whether a regulation is significant, is especially important. This should allow a variety of perspectives to affect the ultimate decision. The Department also carefully considered its safety functions, which make the definition of "emergency regulation" extremely important.

With a careful balancing of concerns, the Department has proposed that emergency regulations must comply with many of its procedures.

For an indication of how these definitions work in practice, reference can be made to the Department's first Semi-Annual Regulations Agenda which is published elsewhere in today's *FEDERAL REGISTER*. In this Agenda, the Department's definition of "major regulation" is the same as the proposed definition for "significant regulation". Since the Agenda lists all regulatory documents the Department expects to publish in the next year (or longer, if anticipated), a comparison can be made between those considered "significant" and those considered "nonsignificant". As the Agenda indicates, the definition contained in this proposal would result in over 70 significant proposals or final rules in the next year.

Paragraph 5b(1) indicates that the Order would apply to all rules and regulations of the Department, including those which establish conditions for financial assistance. The definition of "rule" would be that which is contained in section 551(4) of Title 5, United States Code.

Paragraph 5b(2)(a) has been included to prevent unnecessary delay in the development of a regulation for which an NPRM was issued prior to the effective date of these proposed procedures. It must be noted that rulemaking in which an NPRM was issued prior to the effective date of the proposed procedures would be subject to earlier Department regulatory policies and procedures. As has been noted, the Department currently has in effect many policies and procedures similar to those being proposed herein. The remaining portions of paragraph 5b(2) are derived from Executive Order 12044.

PARAGRAPH 6. OBJECTIVES

This paragraph sets forth the objectives to be pursued in issuing new regulations as well as continuing existing ones. These objectives are related to specific requirements throughout the order. For example, see paragraphs 9b, 9e, and 12.

PARAGRAPH 7. DEPARTMENT REGULATIONS COUNCIL

The establishment of a Department Regulations Council by this paragraph is especially important. Chaired by the Deputy Secretary of Transportation, it will permit consideration of appropriate significant regulations, the monitoring of reviews, the review of Department regulatory policies and procedures, and other necessary tasks by representatives of all the modes of transportation. With its membership consisting of the highest ranking officials in the Department, it should

ensure a special emphasis on the Department's regulatory activity. The functions and responsibilities assigned to the Council under paragraph 7b, along with the staff support provided to it under paragraph 7c, will enable the Department to achieve more readily the objectives of this Order. Because the Department is made up of many different modal administrations or initiating offices, the Council would permit a more unified and strengthened effort in the direction of improving regulations. It would also provide an ideal forum for the consideration of regulations and related matters that affect more than one initiating office.

PARAGRAPH 8. RESPONSIBILITIES OF INITIATING OFFICES

This paragraph sets forth the specific responsibilities of the initiating offices for carrying out the policies and procedures contained in this Order. It is especially noteworthy that, pursuant to paragraph 8b(6), the head of an initiating office would normally notify the Secretary, in writing, of the circumstances requiring emergency issuance of an otherwise significant regulation; however, if it is not possible to submit a memorandum in time, the regulation may be issued prior to submitting the memorandum. This provision recognizes the important safety responsibilities of the Department and its many modal administrations. Quick action on some matters is so important that no delay can be tolerated. For example, the Federal Aviation Administration may have to send a telegram to affected operators of aircraft to notify them of a regulation requiring immediate correction of a safety defect on their aircraft. Provision has been made, however, to ensure that, where appropriate, even emergency regulations receive further analysis after their issuance. For example, see paragraph 9j.

Paragraph 8a lists four factors that should be considered in determining whether a regulation is significant. When it is determined that a regulation is not significant under the terms of the Order, the proposed Order would require that it be accompanied by a statement in the *FEDERAL REGISTER* to that effect at the time the regulation is proposed. After determining that a regulation is significant, to ensure that appropriate decisions are made at a stage when they will be most effective, and to stress the importance of the early awareness and involvement of the head of the initiating office, that individual would review a number of factors before the initiating office may proceed to develop a significant regulation. Initially, he or she would consider the need for the regulation, the major issues involved, and the alternative approaches to be explored. If the head of the initiating office determines that further action is warranted, a Work Plan would be prepared; it would cover the need, the objectives and legal basis for the regulation, the probable reporting requirements, and the opportunities for public participation. After approval of the Work Plan by the head of the initiating office, development of the significant regulation could proceed. The Department feels the Work Plan would be a valuable planning and organization tool. Submitting it to the General Counsel as soon as it is approved would also be required; this would allow the Office of the Secretary to be informed at the earliest stages of development.

PARAGRAPH 9. REVIEW OF SIGNIFICANT REGULATIONS

This paragraph sets forth the numerous requirements that must be satisfied at each step in the development of significant regulation.

Paragraph 9a lists four factors that should be considered in determining whether a regulation is significant. When it is determined that a regulation is not significant under the terms of the Order, the proposed Order would require that it be accompanied by a statement in the *FEDERAL REGISTER* to that effect at the time the regulation is proposed.

After determining that a regulation is significant, to ensure that appropriate decisions are made at a stage when they will be most effective, and to stress the importance of the early awareness and involvement of the head of the initiating office, that indi-

vidual would review a number of factors before the initiating office may proceed to develop a significant regulation. Initially, he or she would consider the need for the regulation, the major issues involved, and the alternative approaches to be explored. If the head of the initiating office determines that further action is warranted, a Work Plan would be prepared; it would cover the need, the objectives and legal basis for the regulation, the probable reporting requirements, and the opportunities for public participation. After approval of the Work Plan by the head of the initiating office, development of the significant regulation could proceed. The Department feels the Work Plan would be a valuable planning and organization tool. Submitting it to the General Counsel as soon as it is approved would also be required; this would allow the Office of the Secretary to be informed at the earliest stages of development.

Then, before any regulatory document of substantive significance (e.g., advance notice of proposed rulemaking, notice of proposed rulemaking, notice of withdrawal, supplemental notice or final rule) pertaining to a significant regulation may be issued, it would be submitted to the Secretary for concurrence, accompanied by a Work Plan, a draft Regulatory Analysis or Evaluation, and a summary of the results of any coordination outside the initiating office. Before a subsequent regulatory document may be issued, the Work Plan and the Regulatory Analysis, or the Evaluation would be updated and supplemented.

Before submitting a final rule for Secretarial concurrence, the head of the initiating office would review the factors listed in paragraph 9e and determine, among other things, that the regulation is needed; that the effects, the alternatives and the public comment have been considered; and that an adequate response to the public comment has been proposed. Especially noteworthy at this stage is the proposal that the head of the initiating office also determine that the least burdensome of the acceptable alternatives has been chosen; that an estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the regulation, and that the regulation is written in plain English and understandable to those who must comply with it.

When a regulatory document is submitted to the General Counsel's Office to receive the Secretary's concurrence, it would be transmitted to the Secretarial Officers who may have an interest in the subject. After coordinating their comments and recommendations, the General Counsel would submit a report to the Secretary, through the Deputy Secretary, analyzing the

matter. The Deputy Secretary or the General Counsel also could refer the Document to the Department Regulations Council for consideration, if the Council's views are deemed desirable or likely to assist the Secretary.

Because of their potential importance, notices of an exclusively procedural nature (e.g., extending time for comments or scheduling a public hearing) pertaining to a significant regulation would also be submitted for the Secretary's concurrence. When warranted (e.g., a hearing must be cancelled with very short notice and concurrence is needed rapidly) the General Counsel could concur for the Secretary but would advise the Secretary of such action as soon as possible.

If the initiating office issues an emergency regulation that would otherwise be significant and subject to the requirements of this paragraph, then a statement of the reasons why it is impracticable or contrary to the public interest for the initiating office to follow the procedures of this Order and Executive Order 12044 would be included with the regulation when it is published in the *FEDERAL REGISTER*. The statement would include the name of the policy official responsible for this determination. It should be noted, however, that under paragraph 10g, the Order would require the preparation of a Regulatory Analysis or an Evaluation as soon as possible after issuance of the final rule, unless an exception is granted by the Secretary.

PARAGRAPH 10. REGULATORY ANALYSES AND EVALUATIONS

This paragraph sets forth the requirements for a regulatory analysis or an evaluation.

As required by Executive Order 12044, under paragraph 10a, a draft regulatory analysis would be required for all proposed regulations (1) that will result in an annual effect on the economy of \$100 million or more; (2) that will result in a major increase in costs or prices for individual industries, levels of government, or geographic regions; or (3) when the Secretary or the head of the initiating office determines that it is necessary. Because the Department feels that there are many regulations that could have an economic impact warranting the economic evaluation required in a Regulatory Analysis, despite an effect of less than \$100 million, the proposed policies and procedures would also require such an analysis when the proposed regulation will result in a major effect on the general economy in terms of costs, consumer prices, or production.

The Department is especially interested in receiving public comment on whether the proposed criteria are reasonable and effective. However, two points must be noted in this respect.

First, for all proposals not requiring a draft regulatory analysis, a draft evaluation of the economic consequences of the regulation would be required. Thus, an economic analysis would be required for all proposed regulations.

Although it is contemplated that Evaluations would not be as extensive as regulatory analyses, some regulations not requiring a regulatory analysis might have an economic effect that would result in an Evaluation almost as extensive. At the other extreme, if the expected economic impact is so minimal that a detailed evaluation is not warranted, a statement to that effect and the basis for it would be included in the preamble to the proposed regulation. This recognizes that there are many necessary regulations that clearly have little or no economic impact; to require a full evaluation to state what is obvious after a brief review would appear unduly burdensome. A positive but simple explanation of the reason for concluding that the proposal would have minimal impact should suffice. The second point is that the department regulations agenda required under paragraph 13 would include all proposed regulations the Department is planning on issuing in the next year or longer. This list would identify which regulations will require a regulatory analysis. Based on this, the public could submit appropriate comments which could result in the secretary or the head of the initiating office, as a matter of discretion, requiring a regulatory analysis where it would not otherwise be required. Additionally, the agenda will provide the public with an easy, comparative method for checking on how these criteria are being applied in practice.

Pursuant to paragraph 10b, the regulatory analysis would discuss the problem generating the proposed rule and the issues that make it significant; the major alternative considered would be described and the consequences of each alternative would be analyzed; and a detailed explanation of the reasons one alternative was chosen over the others would be given. The scope of the evaluation that would be done when a regulatory analysis is not required would reflect the importance of the proposal.

For significant regulations, the regulatory analysis or the evaluation is not limited to an analysis of the economic consequences. Because the Department feels that other issues may warrant an analysis, a requirement for this has been added.

It is felt that these analyses of all regulatory proposals should contribute to the development of more effective regulations. Because they are required early in the development of a regulation, they should not only ensure that alternative approaches are fully con-

sidered at a stage when they can still be effectively implemented, but should also clearly indicate where data are lacking. When further information is needed, the proposed procedures would require that the problem be noted in the regulatory analysis and the appropriate questions be asked in the preamble to the proposed rulemaking.

A copy of the regulatory analysis or evaluation would be placed in the public rulemaking docket and summarized in the proposed rulemaking. A final regulatory analysis or evaluation would be prepared for each regulation for which a draft was required.

The proposed order would provide an exception from the requirement for an evaluation for emergency regulations that otherwise would be non-significant. However, for emergency regulations that otherwise would be significant, a regulatory analysis or an evaluation, whichever is appropriate, would have to be prepared as soon as possible after the issuance of the notice or final rule, unless the secretary grants an exception. This recognizes that, in order to issue the regulatory document in time to respond to the situation creating the emergency, it may not be possible to prepare a regulatory analysis or an evaluation. Although not required by Executive Order 12044, the Department feels that in some instances, even after an emergency rule has been issued, a regulatory analysis or an evaluation could prove valuable, especially with respect to a subsequent review of the effectiveness of the emergency regulation. When it is felt there would be no value to a subsequent regulatory analysis or evaluation, the secretary could grant an exception.

PARAGRAPH 11. REVIEW AND REVISION OF EXISTING REGULATIONS

It is the intent of the Department that regulations not achieving their intended purpose be revoked or revised. To achieve this goal, this paragraph sets forth a requirement for reviewing existing regulations. Criteria are provided in paragraph 11b for consideration in both identifying regulations for review and determining the order in which they are to be reviewed. Public comment with respect to the adequacy of the criteria and suggestions for further items are especially requested. This paragraph would also require that a list of those regulations selected for review and possible revocation or revision be prepared by the initiating offices; a consolidated Department list would then be published semi-annually in the FEDERAL REGISTER along with the Department Regulations Agenda that would be required by paragraph 13.

PARAGRAPH 12. OPPORTUNITY FOR PUBLIC PARTICIPATION

This paragraph sets forth guidelines for ensuring full and effective public participation. Public comment is particularly requested with respect to methods for more effectively providing the public with notice of proposed regulatory action.

Paragraph 12a encourages the initiating offices to use the flexibility granted them to supplement the minimum required rulemaking steps, when appropriate; this should allow whichever method is deemed most effective for increasing public participation in a particular situation to be used.

Pursuant to paragraphs 12b and c, at least 60 days would be provided for public comment on a proposed significant regulation and, generally, at least 45 days on a proposed non-significant regulation. If these minimums could not be provided, an explanation would have to be included in the regulatory document. Paragraph 12d would establish a Department policy for providing public notice and opportunity to comment even where it is not required by statute. This should greatly improve the opportunity for public participation.

Paragraph 12e would prescribe general policy and procedural requirements regarding State and local government participation in the development and promulgation of significant regulations with a major intergovernmental impact. This is based on the Presidential memoranda referenced in paragraph 4c.

PARAGRAPH 13. DEPARTMENT REGULATIONS AGENDA

This paragraph would require the preparation of a semi-annual regulations Agenda summarizing each proposed and each final regulation the Department expects to publish in the FEDERAL REGISTER during the succeeding 12 months (or longer, if anticipated). The Department would publish this report in the FEDERAL REGISTER in January and July of each year. For internal working purposes, each initiating office would submit updates of its portion of the Agenda to the regulations council on a bi-monthly basis.

The Department would publish the regulations agenda in the FEDERAL REGISTER to share with interested members of the public the Department's preliminary expectations regarding its future regulatory actions. This should enable the public to be more aware of the Department's regulatory activity. Knowledge of the nature and scope of this activity, as well as the specific proposals being considered, should result in more effective public participation. Awareness of the dates when notices may be issued seeking public comment should allow appropriate planning and more

efficient use of the comment period. Providing the expected date for a decision on whether to issue a final rule should also assist the public in its planning.

It must be stressed, however, that this publication in the FEDERAL REGISTER is not intended to impose any binding obligation on the Department, or any of the offices within the Department, with regard to any specific item on the agenda. Regulatory action in addition to the items listed would not be precluded. The information required to be published in the Agenda would be only that information which could reasonably be expected to be known by the Agency at the time the Agenda was prepared.

In accordance with the regulatory procedures that took effect March 1, 1978, the Department has already prepared its first Agenda. It is published elsewhere in today's FEDERAL REGISTER. Although additional information would be included in the next Agenda in accordance with those proposed procedures, the public's attention is directed to the first Agenda to examine the format and the amount and kind of information that is provided. The Department is particularly interested in receiving public comment on whether the agenda would adequately inform the public of the Department's regulatory activity.

Issued in Washington, D.C. on May 22, 1978.

BROCK ADAMS,
Secretary of Transportation.

DEPARTMENT OF TRANSPORTATION REGULATORY POLICIES AND PROCEDURES

1. PURPOSE

This order establishes objectives to be pursued in reviewing existing regulations and in issuing new regulations; prescribes procedures and assigns responsibilities to meet those objectives; and establishes a department regulations council to assist and advise the secretary in achieving those objectives and improving the quality of regulations and the policies and practices which affect the formulation of regulations.

2. CANCELLATION

a. The following documents are superseded and cancelled:

(1) The secretary's memorandum of March 23, 1976, on the subject of "Departmental Regulatory Reform."

(2) Notice 76-5 entitled "Policies to Improve Analysis and Review of Regulations" issued April 13, 1976, and published in the FEDERAL REGISTER on April 16, 1976 (41 FR 16200-01).

(3) The secretary's memorandum of February 8, 1977, on the subject of "DOT Regulations."

(4) The deputy secretary's memorandum of March 9, 1977, on the subject

of "Review of Regulations—Interim Regulations."

(5) The general counsel's memorandum of April 25, 1977, on the subject of "Authorship of Regulatory Documents."

(6) Department of Transportation order 2050.4 on the subject of "Procedures for Considering Inflationary Impacts."

(7) The secretary's memorandum of January 31, 1978, and the statement attached thereto, on the subject of "Policies and Procedures for Simplification, Analysis, and Review of Regulations."

b. The controls listed in the table of "Controls of Certain Powers and Duties" in the DOT organization manual (DOT order 1100.23A, Figure I-C) requiring the head of an operating administration to coordinate notices of proposed rulemaking and regulations with the office of the secretary before issuance are superseded and suspended pending their cancellation by amendment to the organization manual. The controls requiring the head of an operating administration to coordinate regulatory documents with another operating administration are not affected by this order and continue to be the responsibility of the originating operating administration.

3. EFFECTIVE DATE

This order is effective —, 1978.

4. REFERENCES

a. Title 5, United States Code, sections 552(a)(1) and 553 which prescribe general procedural requirements of law applicable to all Federal agencies regarding the formulation and issuance of regulations.

b. Executive Order 12044, "Improving Government Regulations," which prescribes general policy and procedural requirements applicable to all Federal executive agencies regarding the improvement of existing and future regulations.

c. Presidential memoranda of March 23, 1978, and February 25, 1977, for the heads of executive departments and agencies, which prescribe general policy and procedural requirements applicable to all Federal executive agencies regarding State and local government participation in the development and promulgation of significant Federal regulations having a major intergovernmental impact.

5. COVERAGE

a. Definitions.

(1) Initiating office means an operating administration or other organizational element within the Department, the head of which is authorized by law or delegation to issue regulations or to formulate regulations for issuance by the Secretary.

(2) Significant regulation means a regulation that is not an emergency regulation and that in the judgment of the head of the initiating office, or the secretary, or the deputy secretary:

(a) Requires a regulatory analysis under paragraph 10a of this order or is otherwise costly;

(b) Concerns a matter on which there is substantial public interest or controversy;

(c) Has a major impact on another operating administration or other parts of the Department or another Federal agency; or

(d) Otherwise involves important Department policy.

(See paragraph 9a of this order for factors to consider in applying this definition.)

(3) Emergency regulation means a regulation that:

(a) In the judgment of the head of the initiating office, circumstances require to be issued without notice and opportunity for public comment or made effective in less than 30 days after publication in the FEDERAL REGISTER; or

(b) Is governed by short-term statutory or judicial deadlines.

(4) Non-significant regulation means a regulation that in the judgment of the head of the initiating office is neither a significant nor an emergency regulation.

b. Applicability.

(1) This order applies to all rules and regulations of the Department, including those which establish conditions for financial assistance.

(2) This order does not apply to:

(a) Any rulemaking in which a notice of proposed rulemaking was issued before the effective date of this Order and which was still in progress on that date;

(b) Regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557);

(c) Regulations issued with respect to a military or foreign affairs function of the United States;

(d) Matters related to agency management or personnel; or

(e) Regulations related to Federal Government procurement.

6. OBJECTIVES

To simplify and improve the quality of regulations, it is the policy of the Department that the following objectives be pursued in issuing new regulations and continuing existing regulations:

a. Necessity. A regulation should not be issued or continue in effect unless it is based on a well-defined need to address a specific problem.

b. Clarity. A regulation and any supplemental material explaining it should be clear, precise, and understandable to all who may be affected by it.

c. *Simplicity.* A regulation should be as short and uncomplicated as possible; before issuance, it should be coordinated as required within the Department and between the Department and other Federal agencies to eliminate or minimize unnecessary duplication, inconsistency, and complexity; it should be issued only after compliance costs, paperwork and other burdens on the public are minimized.

d. *Timeliness.* A regulation should be issued in time to respond to the circumstances that require it and should be modified or cancelled as those circumstances change.

e. *Reasonableness.* A regulation should provide a feasible and effective means for producing the desired results; it should be developed giving adequate consideration to the alternatives and anticipated safety, environmental, social, energy, economic, and legal consequences; it should not impose an unnecessary burden on the economy, on individuals, on public or private organizations, or on State and local governments.

f. *Fairness.* Generally, a regulation should be issued only after a reasonable and timely opportunity has been provided for all interested persons to comment on it.

7. DEPARTMENT REGULATIONS COUNCIL

a. *Membership; Chair and Vice-Chair.* A department regulations council is hereby established comprised as follows:

Regular Members

- (1) The Deputy Secretary—Chair
- (2) General Counsel—Vice-Chair
- (3) Assistant Secretary for Policy and International Affairs
- (4) Assistant Secretary for Budget and Programs
- (5) Assistant Secretary for Administration
- (6) Assistant Secretary for Governmental Affairs
- (7) Director, Office of Public and Consumer Affairs
- (8) Director, Departmental Office Of Civil Rights

Ex Officio Members

- (1) Commandant of the Coast Guard
- (2) Federal Aviation Administrator
- (3) Federal Highway Administrator
- (4) Federal Railroad Administrator
- (5) National Highway Traffic Safety Administrator
- (6) Urban Mass Transportation Administrator
- (7) Saint Lawrence Seaway development Corporation Administrator
- (8) Research and Special Programs Administrator

b. *Functions and responsibilities.* The council:

- (1) Monitors initiating offices' programs for reviewing and revising their existing regulations and makes recommendations to the heads of initiating

offices and the Secretary when appropriate with regard to the conduct and effectiveness of those programs;

(2) Considers each significant regulation referred to it and makes such recommendations as the members consider appropriate regarding the advisability of the Secretary's concurring in its issuance;

(3) On its own initiative or upon request, reviews, discusses, and makes such recommendations to the Secretary as the members consider appropriate regarding Department regulatory policies and procedures; and

(4) In coordination with the initiating office(s) concerned, designates such tasks forces or requires the preparation of such reports, analyses, or options papers as it considers necessary for proper Council consideration of any regulatory matter or inquiry referred to or initiated by the Council.

c. *Staff support.* The general counsel provides regular staff support to the council and designates an assistant general counsel to be responsible for performing the functions assigned to the general counsel's office. These include the coordination of the staffing, analysis, and review of items coming before the council or on which the council requires additional information; the convening and management of task forces designed to review and improve major categories of existing regulations; and such additional duties as the Council may specify.

d. *Meetings; attendance of members.* The council meets on a regular bi-monthly basis. It also meets on special occasions, at the call of the Chair, either on his or her own initiative or at the request of the head of an initiating office. Attendance by ex officio members is optional. Any member who is unable to attend a meeting may be represented at the meeting only by the member's principal deputy or chief counsel. A member may be accompanied by supporting staff for purposes of briefing the council or assisting the member with respect to an agenda item or a significant regulation scheduled for discussion.

e. *Agenda.* The general counsel's office prepares an agenda for each meeting and distributes it to the members in advance of the meeting, together with any documents to be discussed at the meeting. When the agenda includes consideration of a significant regulation, the general counsel's office makes such arrangements with the initiating office as may be appropriate for briefing the council and responding to questions concerning the regulation.

f. *Minutes.* The general counsel's office prepares summary minutes following each meeting and distributes them to the members.

8. RESPONSIBILITIES OF INITIATING OFFICES

a. The head of each initiating office is primarily responsible for:

- (1) reviewing proposed regulations to ensure that they meet the objectives set forth in paragraph 6 of this Order;
- (2) issuing regulations within the scope of his or her statutory or delegated authority;

(3) coordinating proposed regulations with other Federal agencies and other operating administrations and organizational elements within the Department; and

(4) In conjunction with the Assistant Secretary for Governmental Affairs, consulting with State and local governments as required under the memorandum referenced in paragraph 4c of this Order in the development of regulations to be issued by that office.

b. To improve the quality of existing and future regulations in accordance with the purposes and policies set forth in this Order, the head of each initiating office:

- (1) Establishes and carries out a program for reviewing and revoking or revising existing regulations in accordance with paragraph 11 of this Order;
- (2) Includes in the public docket for each proposed regulation a draft Regulatory Analysis or Evaluation as required under paragraph 10 of this Order;

(3) Includes in the public docket for each final regulation a final Regulatory Analysis or Evaluation as required under paragraph 10 of this Order;

(4) Submits Regulations Reports to the Department Regulations Council in accordance with paragraph 13a of this Order;

(5) Submits for the Secretary's concurrence before issuance regulatory documents pertaining to significant regulations, together with such supporting documentation as may be required by paragraph 9 of this Order;

(6) Advises the Secretary by memorandum, before issuance if possible, of the circumstances requiring emergency issuance of an otherwise significant regulation;

(7) Names a Regulations Officer to coordinate the review of regulations and act as principal staff liaison with the Council; and

(8) Informs the Deputy Secretary or the General Counsel of any regulatory matter which should be reviewed by or coordinated with the Council.

9. REVIEW OF SIGNIFICANT REGULATIONS

a. In determining whether a regulation is significant, the following things, among others, are considered:

- (1) The type and number of individuals, businesses, organizations, State and local governments affected;
- (2) The compliance and reporting requirements likely to be involved;

(3) Direct and indirect effects of the regulation including the effect on competition; and

(4) The relationship of the regulations to those of other programs and agencies.

Regulations that are not considered significant under this Order are accompanied by a statement in the FEDERAL REGISTER to that effect at the time the regulation is proposed.

b. Before an initiating office proceeds to develop a significant regulation, the head of the initiating office considers the need for the regulation, the major issues involved and the alternative approaches to be explored. If he or she determines that further action is warranted, the initiating office then prepares a Work Plan. The Work Plan states or describes:

- (1) The need for the regulation;
- (2) The objective(s) of the regulation;
- (3) The legal authority for the regulation;

(4) The names of the individual or organizational unit primarily responsible for developing the regulation and of the accountability official;

(5) Whether a Regulatory Analysis is likely to be required and how and where it will be produced;

(6) The probable reporting requirements (direct or indirect) that may be involved;

(7) A tentative plan for how and when the Congress, interest groups, other agencies, and the general public will have opportunities to participate in the regulatory process; and

(8) The tentative target dates for completing each step in the development of the regulation.

If the Work Plan is approved by the head of the initiating office, the development of the significant regulation may proceed.

c. As soon as it is approved, the Work Plan is submitted to the General Counsel for his or her information.

d. Before issuing for publication in the FEDERAL REGISTER any regulatory document of substantive significance (e.g., advance notice of proposed rulemaking, notice of proposed rulemaking, notice of withdrawal, supplemental notice or final rule) or a notice of an exclusively procedural nature (e.g., extending time for comments or scheduling a public hearing) pertaining to a significant regulation, the initiating office submits it to the Secretary for concurrence.

To receive Secretarial concurrence for the issuance of any regulatory document of substantive significance pertaining to a significant regulation, the initiating office submits it to the General Counsel's office at least 30 days before the proposed date of issuance; included with this submission is (1) an approved Work Plan, (2) a draft Regulatory Analysis or Evaluation, and (3)

a summary of the results of any coordination outside the initiating office. Once a Work Plan and Regulatory Analysis or Evaluation is developed for a particular significant regulation, they are only updated and supplemented for successive regulatory documents pertaining to that significant regulation. In the case of a final rule submitted for Secretarial concurrence, there is an accompanying summary of meaningful public comments received.

f. Before submitting a final rule for Secretarial concurrence, the head of the initiating office reviews all the documents required to be submitted and determines that, at a minimum:

- (1) The regulation is needed;
- (2) The direct and indirect effects of the regulation have been adequately considered;

(3) Alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;

(4) Public comments have been considered and an adequate response has been prepared;

(5) The regulation is written in plain English and is understandable to those who must comply with it;

(6) An estimate has been made of the new reporting burdens or record-keeping requirements necessary for compliance with the regulation;

(7) The name, address and telephone number of a knowledgeable agency official is included in the publication; and

(8) A plan for evaluating the regulation after its issuance has been developed.

g. The General Counsel's office distributes each regulatory document and accompanying supporting documents received from an initiating office under paragraph 9d of this Order to all appropriate Secretarial Officers for review and coordinates their comments and recommendations for transmittal, together with a staff analysis, to the Secretary through the Deputy Secretary.

h. The Deputy Secretary or the General Counsel may refer a significant regulation to the Department Regulations Council for its consideration at its next regular or special meeting. This is done if, in the judgment of the Deputy Secretary or the General Counsel, the views of the Council on that regulation are desirable or likely to assist the Secretary in determining whether to concur in its issuance. Council consideration of a significant regulation is in addition to and not in lieu of Secretarial staff review; both are scheduled and coordinated so as to minimize delay in transmitting the resulting recommendations to the Secretary.

i. To receive Secretarial concurrence for the issuance of any notice of an exclusively procedural nature pertaining

to a significant regulation, the initiating office submits a copy of the notice to the General Counsel's office at least 3 days before the intended date of issuance; included with this submission is a memorandum which specifies the intended date of issuance, states why the notice is required and describes any changes that it will cause in the previously anticipated schedule of action dates on the significant regulation concerned.

j. The General Counsel may concur for the Secretary in the issuance of a procedural regulatory document received from an initiating office under paragraph 9i of this Order, when warranted. The General Counsel advises the Secretary through the Deputy Secretary of such action as soon as possible. For all other such documents, the General Counsel's office advises the Secretary through the Deputy Secretary of each document received. Unless otherwise notified before the intended date of issuance, Secretarial concurrence may be presumed.

k. For an emergency regulation that otherwise would be significant, the initiating office includes with the regulation when published in the FEDERAL REGISTER, a statement of the reasons why it is impracticable of contrary to the public interest for the initiating office to follow the procedures of this Order and Executive Order 12044. Such a statement includes the name of the policy official responsible for this determination.

10. REGULATORY ANALYSES AND EVALUATIONS

a. Except as indicated in paragraph 10g of this Order, and initiating office prepares and places in the public docket a draft Regulatory Analysis for each of its proposed regulations that:

- (1) Will result in an annual effect on the economy of \$100 million or more;
- (2) Will result in a major effect on the general economy in terms of costs, consumer prices, or production;
- (3) Will result in a major increase in costs or prices for individual industries, levels of government, or geographic regions; or

(4) The Secretary or head of the initiating office determines deserves such analysis.

b. Each draft Regulatory Analysis contains:

- (1) A succinct statement of the problem and the issues that make the regulation significant;
- (2) A description of the major alternative ways of dealing with other problem that were considered by the initiating office;
- (3) An analysis of the economic and any other relevant consequences of each of these alternatives; and
- (4) A detailed explanation of the reasons for choosing one alternative over the others.

c. A draft Regulatory Analysis addresses all salient points to the maximum extent possible. If data are lacking or there are questions about how to determine or analyze points of interest, the problem is noted in the draft Regulatory Analysis; to help elicit the necessary information during the public comment period on the advance notice or notice of proposed rulemaking, the appropriate questions are included in the advance notice or notice of proposed rulemaking.

d. The initiating office includes in each advance notice or notice of proposed rulemaking on a proposal requiring a Regulatory Analysis, an explanation of the regulatory approach being considered or proposed, a short description of the alternative approaches, and a statement of how the public may obtain a copy of the draft Regulatory Analysis for review and comment.

e. An initiating office prepares and places in the public docket for each of its proposed regulations not requiring a draft Regulatory Analysis, a draft Evaluation. This Evaluation includes an analysis of the economic consequences of the proposed regulation, quantifying, to the extent practicable, its estimated cost to the private sector, consumers, Federal, State and local governments, as well as its anticipated benefits and impacts. Judgment is exercised by the head of the initiating office so that resources and time devoted to the Evaluation reflect the importance of the proposal. If the head of the initiating office determines that the expected impact is so minimal that that the proposal does not warrant a full Evaluation, a statement to that effect and the basis for it is included in the proposed regulation; a separate statement is not placed in the public docket. For a significant regulation, the Evaluation also includes a succinct statement of the issues which make the regulation significant and an analysis of any other relevant consequences.

f. The initiating office prepares a final Regulatory Analysis for each final regulation that meets the criteria of paragraph 10a of this Order; otherwise, a final Evaluation, in accordance with the requirements of paragraph 10e of this Order, is prepared. The Regulatory Analysis or the Evaluation is placed in the public docket at the time of or before issuing the final regulation.

g. An emergency regulation that otherwise would be non-significant is excepted from the requirements for any Evaluation. For an emergency regulation that otherwise would be significant, the initiating office prepares and places in the public docket as soon as possible after issuance of the notice or final regulation a Regulatory Analysis or Evaluation, whichever is appro-

priate, unless an exception is granted by the Secretary.

11. REVIEW AND REVISION OF EXISTING REGULATIONS

a. Each initiating office establishes a program for reviewing its existing regulations and revoking or revising those regulations that it determines are not achieving their intended purpose. This review follows the same procedural steps for the development of new regulations.

b. In identifying existing regulations for review and possible revocation or revision and in determining the order in which they are to be reviewed, an initiating office considers:

- (1) The nature and extent of complaints or suggestions (including petitions for rulemaking) received;
- (2) The need to simplify or clarify language;
- (3) The need to eliminate overlapping and duplicative regulations;
- (4) The need to eliminate conflicts and inconsistencies in its own regulations or those of other initiating offices or other agencies;
- (5) The length of time since the regulations were last reviewed or evaluated;
- (6) The significance and continued relevance of the problem the regulations were originally intended to solve;
- (7) The burdens imposed on those directly or indirectly affected by the regulations;
- (8) The degree to which technology, economic conditions or other factors have changed in the area affected by the regulation; and
- (9) The number of requests received for exemption from a regulation and the number granted.

c. Each initiating office prepares a list of the existing regulations it has selected for review and possible revocation or revision. It includes (1) a brief description of the reasons for each selection, (2) a target date for completing the review and determining the course of corrective action to be taken, and (3) the name and telephone number of a knowledgeable initiating office official who can provide additional information. The list of existing regulations selected is submitted to the Department Regulations Council through the General Counsel. It is updated as part of the initiating office's semi-annual Regulations Report and the bi-monthly supplements required under paragraph 13 of this Order. The semi-annual report includes any final action taken or determination made since the last list.

d. The General Counsel's office consolidates the initiating offices' lists of existing regulations selected for review for the Council and from that consolidation prepares a semi-annual Regulations Review List for publication in the FEDERAL REGISTER with the De-

partment Regulations Agenda. FEDERAL REGISTER publication is for the stated purpose of sharing information with interested members of the public. Choosing to review a regulation does not indicate that it will be discarded or that it will not be enforced while under review.

12. OPPORTUNITY FOR PUBLIC PARTICIPATION

a. In addition to publishing proposals and notices of regulatory actions in the FEDERAL REGISTER, initiating offices should, in appropriate circumstances, provide a clear, concise notice to publications likely to be read by those affected, and to the extent practical, notify interested parties directly. If the subject is unusually complex, or if there is a considerable potential for adverse effects from a failure to provide an opportunity for early public participation, initiating offices should consider supplementing the minimum rulemaking steps required by section 553 of Title 5, United States Code. For example, an advance notice of proposed rulemaking may be employed to solicit comments and suggestions on an upcoming notice of proposed rulemaking or an open conference may be held at which a discussion between all interested parties would help narrow or clarify issues. However, such supplementary procedures should be used only when they will serve to clarify the issues and enhance effective public participation. They should not be used if they would delay the process of developing the regulations unless significant additional information is to be gained by the agency or the public.

b. The public is provided at least 60 days to comment on proposed significant regulations. In the few instances where the initiating office determines this is not possible, the proposal is accompanied by a brief statement of the reasons for a shorter time period.

c. The public is generally provided at least 45 days to comment on proposed non-significant regulations. When 45 days are not provided, the proposal or the regulation is accompanied by a brief statement of the reasons.

d. To the maximum extent possible and reasonable, notice and an opportunity to comment on regulations should be provided to the public, even when not required by statute. Otherwise, the public should be requested to comment subsequent to the issuance of the final rule, when reasonable. Such action is taken only when it could reasonably be expected to result in the receipt of useful information. This action can be taken in conjunction with a plan for evaluating the regulation after its issuance.

e. If any of the national organizations representing general purpose State and local governments (including the National Governors' Associ-

ation, the National Conference of State Legislatures, the Council of State Governments, the National League of Cities, the United States Conference of Mayors, the National Association of Counties, and the International City Management Association) notifies the Department, including any of its initiating offices, that it believes a regulation included on the Department's Regulations Agenda would have major intergovernmental significance, the initiating office develops a specific plan, in conjunction with the Assistant Secretary for Governmental Affairs, for consultation with State and local governments in the development of that regulation. Such consultation includes the solicitation of comments from the above named groups, from other representative organizations and from individual State and local governments as appropriate.

In determining appropriate action, to help ensure the practicality and effectiveness of the programs, the initiating office considers the following:

- (1) State and local sectors constitute the delivery mechanisms for most of the actual services the Federal Government provides;
- (2) State and local sectors have concerns and expertise;
- (3) Early participation by State and local officials in the planning process helps ensure broad-based support for the proposals that are eventually developed; and
- (4) Early participation also ensures that priorities developed at the Federal level will work in conjunction with and not at cross-purposes to priorities at the State and local level.

Whenever a significant proposed regu-

lation, identified as having a major intergovernmental impact, is submitted to the Office of Management and Budget for review or is published in the FEDERAL REGISTER, it is accompanied by a brief description of (1) how State and local governments have been consulted, (2) what the nature of the State and local comments was, and (3) how the agency dealt with such comments.

13. DEPARTMENT REGULATIONS AGENDA

a. Each initiating office prepares a semi-annual Regulations Report summarizing each proposed and each final regulation that office expects to publish in the FEDERAL REGISTER during the succeeding 12 months or such longer period as may be anticipated. This Report is submitted to the Department Regulations Council, through the General Counsel, not later than the last working days of June and December each year and supplemented with a bi-monthly updating report not later than the last working days of February, April, August, and October each year.

b. The Report specifies, for each proposed and final regulation expected to be published:

- (1) A title;
- (2) A description;
- (3) The earliest expected publication date;
- (4) The name and telephone number of a knowledgeable initiating office official who can provide additional information; and
- (5) Whether it is a significant or a non-significant regulation.

The Semi-Annual Regulations Report

includes any final action taken since the last report.

c. For a significant regulation, the Report also briefly states:

- (1) Why it is considered significant;
- (2) The past and anticipated chronology of the development of the regulation;
- (3) The need for the regulation;
- (4) The legal basis for the action being taken; and
- (5) Whether a Regulatory Analysis will be required.

d. For non-significant regulations issued routinely and frequently as part of an established body of technical requirements (such as the Federal Administration's Airspace Rules) to keep those requirements operationally current, the Report only states:

- (1) The general category of the regulations;
- (2) The identity of a contact office or official; and
- (3) An indication of the expected volume of issuance; individual regulations are not listed.

e. The General Counsel's office consolidates the initiating offices' Regulations Reports for the Council and from that consolidation prepares a semi-annual Department Regulations Agenda for publication in the FEDERAL REGISTER. FEDERAL REGISTER publication is for the stated purpose of sharing with interested members of the public the Department's preliminary expectations regarding its future regulatory actions and does not impose any binding obligation on the Department or initiating offices with regard to any specific item in the report or preclude regulatory action on any unspecified item.

[FR Doc. 78-14706 Filed 5-22-78; 4:43 am]

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THURSDAY, JUNE 1, 1978
PART V



DEPARTMENT OF
HOUSING
AND URBAN
DEVELOPMENT

Office of Interstate
Land Registration Sales

LAND REGISTRATION

Advertising, Sales Practices, and
Posting of Notices of Suspension

[4210-01]

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[24 CFR 1710, 1715]

[Docket No. R-78-537]

LAND REGISTRATION

Advertising, Sales Practices, Posting of Notices
of SuspensionAGENCY: Office of Interstate Land
Sales Registration, HUD.

ACTION: Proposed rule.

SUMMARY: These regulations are intended to (1) create additional exemptions for those subdivisions for which registration is not necessary in the public interest; (2) produce a more readable and meaningful property report when registration is necessary; (3) clarify both the registration and exemption procedures; (4) correlate the language and provisions in §§1715.5, 1715.10, 1715.15 and 1715.25 with the proposed revisions to Part 1710, and (5) add new paragraphs in connection with advertising disclaimers and the use of investment potential as a sales inducement. The purpose is to provide more assistance to developers in making their submissions and to produce a property report which is more beneficial to prospective purchasers.

DATES: Comments due: July 31, 1978.

ADDRESS: Send comments to: Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION
CONTACT:

REGISTRATION INFORMATION

John F. Weaver, Director, Examination Division, 202-755-5358; or Daniel J. Bosanko, 202-755-5358, Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

EXEMPTION INFORMATION

Roger G. Henderson, Director, Policy Development and Control Division, Office of Interstate Land Sales Registration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-755-6847.

ADVERTISING AND SALES PRACTICES
INFORMATION

Thomas D. Barnett, Office of Interstate Land Sales Registration, 451 Seventh Street SW., Washington,

D.C. 20410, 202-755-6716.

SUPPLEMENTARY INFORMATION: On August 4, 1976, the Assistant Secretary for Consumer Affairs and Regulatory Functions published advance notice of a proposal to initiate rule-making and on January 31, 1977 published the proposed revision of exemption and disclosure regulations. The objective was to simplify and clarify registration for developers and to provide purchasers a more readable and meaningful Property Report. An additional objective was to revise the exemption provisions so that subdivisions for which registration is not necessary in the public interest or the protection of purchasers could qualify under more meaningful exemption criteria.

In response to a number of substantive comments received from the public the proposed exemptions and the disclosure requirements have been revised and clarified and additional exemption provisions are being proposed. Therefore, Part 1710 is again revised and published in its entirety for further comment. Only the proposed amendments for Part 1715 are published.

In addition, the Office of Interstate Land Sales Registration will offer exemption guidelines to further clarify OILSR's policies, positions and procedural requirements pertinent to certain provisions for exemption from the registration requirements of the Interstate Land Sales Full Disclosure Act.

In the registration procedures, the developer will no longer submit a Statement of Record and then repeat elements of that information in a separate Property Report. Instead, the Property Report will become a segment of the Statement of Record and information in that segment will not be repeated elsewhere.

It is also proposed to eliminate the requirement that a copy of any restrictive covenants and a copy of the developer's financial statements be attached to the Property Report. Instead, it will be required that a supply of these documents be maintained at whatever places are necessary so that immediate delivery can be made to a prospective purchaser who requests them.

Other proposed changes, or lack of change, in disclosure and exemption requirements are discussed paragraph by paragraphs.

Part 1710 is proposed to be revised to reflect the correct headings and new numbers.

Section 1710.1 is proposed to be amended to add new definitions for "Available for Use", "Owner", "Parent Corporation", "Principal", "Sale" and "Start of Construction." This section is proposed to be printed in alphabetical order.

The definition of "sale" is proposed to be amended. Considerable negative

comment was received with respect to the proposed amendment to the definition of the term "sale." However, OILSR maintains its policy and practice to adhere to the theory of an ongoing sale while payments are being made. This position is in conformity with cases under securities laws. The proposed definition of "sale" would result in consumer protection because under installment contracts, which are often used in land sales, frauds are not discovered until long after the actual signing of a contract. This definition would also remedy abuses under section 1710.11 as discussed below.

Sections 1710.02, 1710.05 and 1710.10 have not been changed.

Section 1710.11 has been amended to delete the provision in its entirety. Further, §§1710.101, 1710.102 and 1710.103 are redesignated to other uses. A revised §1710.11 is proposed which includes the following subsections: Subsection (a), General; subsection (b), Eligibility Requirements; subsection (c) Formats and Filing Requirements; subsection (d), Supporting Documentation; subsection (e), Reporting Requirements; and subsection (f), Exemption Retention. Subsections (c) and (d) now contain the amended formats previously set forth in §§1710.101, 1710.102 and 1710.103.

Although the proposal to amend the definition of sale for purposes of the exemption generated considerable comment to the contrary, OILSR maintains the position that to be eligible for exemption under §1710.11 the real estate must be free and clear of liens, encumbrances and adverse claims and continue to be free and clear during the period the purchaser is making payments or until a deed has been delivered, whichever comes later. The intent of OILSR's position is to prevent the seller from encumbering the property after the contract or lease has been signed.

Under the current definition of the time of sale or lease in §1710.11, a developer may sell lots under the exemption which are encumbered by a mortgage if a deed is passed within 120 days and payments are placed in escrow. Such a definition expands the eligibility for the exemption beyond the limits set forth in the statute. Therefore, to conform with the statute and the definition of sale elsewhere, the section is being amended to clarify that the real estate must be free and clear of all liens, encumbrances and adverse claims at the time a contract or agreement is signed and remain free and clear during the period the purchaser is making payments or until a deed has been delivered, whichever comes later.

Several comments were received objecting to OILSR's policy of denying a developer's §1710.11 exemption application if the real estate is subject to a

reservation in a land patent, as is the case with much land west of the Mississippi River. A reservation in a land patent is an encumbrance; since it is not one of the "liens, encumbrances or adverse claims" specifically omitted by section 1403(10) of the Act, a developer may not qualify for this exemption. However, it remains OILSR's position that these subdivisions may be able to qualify for the proposed §§1710.14 and 1710.15 exemptions.

Section 1710.11(e) is proposed to be further amended to eliminate the requirement of having the developer file each acknowledged statement and developer's affirmation within 31 days after the expiration of the calendar year in which the sale or lease was made. Comments received indicated that developers found that the proposed amendment would simplify the reporting requirement. Section 1710.11(e) is proposed to require that the developer file a single copy of the approved Statement of Reservations, Restrictions, Taxes and Assessments along with an affidavit stating that the Statement is a true representation of the Statement provided to each purchaser. This procedure will eliminate the need for the developer to file copies of each statement. Paragraph (e)(1)(ii) will permit the developer to file only a copy of the purchaser's acknowledgement evidencing receipt of the Statement. Paragraph (e)(2) is proposed to be added to avoid confusion with respect to whether the developer complied with the reporting requirements. The developer must report if no lot sales occurred under the exemption provision. The developer's affirmation is proposed to be amended to indicate that in addition to making an on-the-lot inspection, the purchaser received a Statement of Reservations, Restrictions, Taxes and Assessments prior to entering into a sales contract or lease.

The warning at the end of the Statement of Reservation, Restrictions, Taxes and Assessments is proposed to be amended to advise purchasers that they are purchasing a lot(s) in an offering that has qualified for exemption. Therefore, the purchasers do not have the benefit of any remedies under the Interstate Land Sales Full Disclosure Act.

Section 1710.12 has not been changed.

Sections 1710.13(a) and (b) are proposed to be redesignated §§1710.13(b)(1) and 1710.13(b)(2).

The current §1710.13(c) exempts the sale or lease of lots in a subdivision provided their number is less than 50 lots and not more than five percent of the developer's total lots in the subdivision platted of record and provided that the other lots in the subdivision are exempt pursuant to §1710.10(c) or §1710.10(d). Based upon comments re-

ceived from the building industry, OILSR continues to propose that §1710.13(c) be amended to increase the five percent limitation to ten percent of the lots platted of record. In addition, it is proposed to redesignate the Section as 710.13(b)(3).

Several comments were received that favored the new §1710.13(b)(4) exemption. Section 1710.13(b)(4) is proposed to provide an exemption for a lot or lots sold by the developer to a person engaged in the land sales business. To qualify for this exemption that sale must be to a person who is going to resell the lot(s) in the normal course of business. The term "business" is viewed as an activity of some continuity, regularity and permanency or means of livelihood. It is thought that the protections afforded purchasers in non-exempt transaction need not be extended to the sophisticated businessperson engaged in the land sales business. Section 1710.13(b)(4), however, does not permit an exemption when the sale is made to an individual purchaser who is merely buying the lot for investment purposes to be sold sometime in the future. Such an individual would not be considered to be engaged in the land sales business.

A new §1710.13(b)(5) is proposed to exempt the sale or lease of a lot to the owner of any property which adjoins such lot provided that a residential, commercial or industrial building is located on such adjoining lot. This exemption will allow the sale of lots to purchasers who simply wish to increase the size of their property by buying the adjoining lot. It is believed that the protections afforded purchasers in non-exempt transactions need not be extended to purchasers under these circumstances.

A new exemption is proposed and designated §1710.13(b)(6) for the sale or lease of lots in a subdivision where the developer, during the previous five years, has not and will not make more than 12 sales or leases during any 12 month period. In addition, each purchaser must make an on-the-lot inspection of the real estate which is being purchased or leased. It is OILSR's opinion that the registration requirements of the Act with respect to such a subdivision are not necessary in the public interest and for the protection of purchasers by reason of the small amount involved or the limited character of the public offering.

Section 1710.13(b)(7) is proposed to allow an exemption for lot sales in scattered sites. One of the most troublesome areas in administering the land sales program is the common promotional plan concept. Many comments critical of OILSR's application of this concept have been received, not only in response to the prior proposed rulemaking but also over the past five years. In addition, Congressional inter-

est has been evidenced recently, inquiring as to whether OILSR's interpretation of common promotion plan comports with Congressional intent.

The problems that have arisen in connection with the common promotional plan often stem from the sale of lots on a scattered-site basis. Normally this situation entails a developer who is offering 50 or more lots in different locations, even though the number of lots in each location total less than 50. In most cases the offering would be subject to the jurisdiction of the statute because the lots are commonly promoted and are owned by the same developer and the scattered sites would thus comprise a subdivision as defined by the statute.

Under the proposed exemption the sale of lots in a site, which is defined as a lot or any group of lots that are contiguous or are known or designated by a common name, would be exempt if the site contained less than 50 lots. Thus, a developer selling lots in four sites, three of which contained 10 lots each and one of which contained 60 lots, would be entitled to an exemption for the three 10-lot sites but not for the 60-lot site, unless another exemption were applicable.

This exemption would also apply to real estate brokers as well. (An exemption for real estate brokers selling lots in scattered locations, each of which comprises less than 50 lots, had been requested in some of the comments.) Thus, a broker could handle more than 50 lots in a number of locations even if they were listed under that broker's account, provided there were less than 50 lots offered from each location.

Section 1710.14(a)(1) is proposed to be amended to delete the exemption provision. It is believed that the need for a single transaction exemption no longer exists because of the creation of the exemption for the sale of lots to a person who is engaged in a bona fide land sales business as well as the creation of other regulatory exemptions.

Section 1710.14(a)(2) is proposed to be redesignated §1710.14 because of the proposal to delete the Single Transaction Exemption under §1710.14(a)(1).

The new limited offering exemption under §1710.14 is designed to provide an exemption for the developer of a subdivision or sites in a scattered site subdivision containing fewer than 150 lots who promotes this subdivision or site locally without using sophisticated marketing techniques to attract purchasers residing outside the local community. The land sales industry's comments and OILSR's experience have demonstrated that developments with a local market which includes more than one State are often precluded from qualifying for the current limited offering exemption. Therefore,

§ 1710.14 has been proposed to permit interstate sales if such sales are incidental to the logical promotion of the subdivision to the local market. This may occur, for example, when the local community is located on a State border. OILSR would carefully examine the advertising and promotional media and methods used by a developer to determine whether the sales program is intended to attract the permanent residents of the local community or whether the promotion is more broadly directed. The use of marketing techniques and media which attract persons residing beyond the local community would disqualify a subdivision for the exemption if the promotion could be logically confined to the residents of the local community.

Due to the various geographical characteristics and population densities which exist throughout the United States, a precise definition of "local community" which can be uniformly applied cannot be made. Therefore, eligibility for the exemption will necessarily be determined on a case-by-case basis by evaluating the local nature of the offering. To evaluate the local nature of the offering, OILSR has devised a presumption of "local community", which will be recognized if the following criteria exist:

(1) Newspapers and periodicals in which the subdivision is promoted are published in the county in which the subdivision is located;

(2) Billboards and signs promoting the subdivision are located within 15 miles of the subdivision;

(3) Distribution of handbills, brochures, pamphlets and other printed promotional material is limited to the subdivision or offices of real estate brokers;

(4) Any listing real estate broker has its principal office in the county in which the subdivision is located;

(5) Radio or television stations used to promote the subdivision are located in the same county as the subdivision.

If the developer furnishes proper evidence that these criteria are present, no further action by the developer is necessary to establish that the offering will be made to a "local community". If these criteria are not present, a "local community" may still be established upon a proper showing by the developer. For example, if there are no newspapers published in the county in which the subdivision is located, OILSR would find acceptable advertisements placed with those newspapers in close proximity to the county where the subdivision is located, if these newspapers are the logical sources through which to advertise the subdivision to permanent residents of the area.

Several comments were received which indicated concern that OILSR's proposed policy with regard to the use

of the telephone and advertising could be unduly restrictive so as to make the exemption virtually unavailable to developers. It is OILSR's position that the normal business use of the telephone and the mails to respond to inquiries from prospective purchasers would be acceptable.

However, it remains OILSR's position that the use of sophisticated marketing techniques such as direct mail or telephone solicitation, offers or gifts, trips or other such forms of promotion as a means to induce purchasers to visit the subdivision or purchase a lot would be unacceptable for purposes of the exemption.

Comments received pointed out that it is not customary to use general warranty deeds in some jurisdictions. In response to the comments, the local offering exemption is proposed to accept a provision for the delivery of a deed other than a general warranty deed if such deed is commonly used in the area where the subdivision is located. For example, a provision for delivery of a special warranty deed will be acceptable for subdivisions located in the mountains of Colorado if it is shown that as a matter of custom general warranty deeds are not given.

The proposed limited offering exemption requires that the purchaser make an on-site inspection of the real estate prior to purchase and that the developer and buyer affirm in writing that such inspection was made. The developer must retain these affirmations for three years.

Further, to qualify for the proposed limited offering exemption, the developer must specify within the terms of the purchase agreement whether improvements such as roads, sewers, water, utilities or amenities will be provided by the developer or if the responsibility for such installation has been left to the purchaser. The contract must also indicate who is responsible for the maintenance of the above stated improvements since the maintenance can be as costly as the installation.

The proposed exemption also requires that the purchase agreement contain a non-waivable provision for a 14 day cooling off period during which the purchaser may cancel the agreement for any reason and receive a complete refund of all monies paid. Although comments received stated that a 14 day cooling off period was not necessary since the purchaser was making an on-the-lot inspection, OILSR maintains that this time is necessary for a purchaser to determine whether the lot can be used for the purpose for which it is being acquired.

A new restriction is being added to the proposed exemption in response to comments received. Any lots located within a flood plain, or a flood prone area as designated by a Federal, State

or local agency will be disqualified for the exemption unless the community in which the subdivision is located is participating in the Federal Flood Insurance Program.

The proposed exemption which was designated § 1710.14(a)(3) has been redesignated § 1710.15. The current § 1710.15, Exemption Advisory Opinions, is proposed to be redesignated § 1710.16.

Based upon a number of comments received recommending exemption for subdivisions with improvements, § 1710.15 is proposed to be amended to exempt those subdivisions or sites in a scattered site subdivision which have fewer than 300 lots offered as primary homesites. The provision that the offering be directed to persons residing within the local community in which the subdivision is located has been deleted, since this exemption is geared toward improvement completion rather than locale.

The exemption as proposed requires that each purchaser make an on-the-lot inspection and that the developer and purchaser affirm in writing that the inspection was made. As in § 1710.14, the developer must retain the affirmations for three years. The requirement that the developer submit the affirmations to OILSR has been deleted.

To provide additional protection to lot purchasers it is proposed that an acceptable sales contract or purchase agreement under the exemption must obligate the seller to deliver a deed within 120 days of signing the sales contract or purchase agreement. The requirement that a general warranty deed be delivered has been modified in response to comments indicating that other types of deeds are customarily used in certain jurisdictions. As in § 1710.14, the sales contract or purchase agreement must contain a non-waivable provision for a 14 day cooling off period.

In addition, the exemption has been amended to require that in order to qualify, a subdivision must meet all local codes and standards. In subdivisions utilizing central systems, potable water and sanitary sewage disposal systems must be extended to each lot. In the absence of central systems, there must be assurances that an adequate potable water supply is available year-round and that the land is approved for the installation of septic tanks. Furthermore, each lot must be situated on a road that has been built to a standard acceptable to the local governing authority and that authority must have stated that it will accept responsibility for maintaining the road. In response to comments suggesting that paved roads are not customary in all localities, the requirement that roads be paved has been deleted.

If recreational facilities are promised, such facilities must have been completed or the developer must place funds in escrow or obtain an irrevocable letter of credit to assure their completion before commencing sales.

Although comments from the land sales industry cited numerous objections to the requirements, OILSR maintains its position that before any lot can be sold pursuant to the exemption, the requirements of paragraph (b)(1)(vi) of § 1710.15 must be met for that lot. However, developers may apply for an obtain the exemption for the entire subdivision when 30 percent of the lots in the subdivision meet the requirements of paragraph (b)(1)(vi) and there are adequate financial arrangements to assure compliance for the remainder of the subdivision. Financial arrangements will be considered adequate if sufficient funds are in escrow with an independent institution having trust powers or there is an irrevocable letter of credit in an adequate amount from a lending institution. This provision will enable developers to obtain the exemption during the initial stages of development and thereby eliminate any lapse between completion of facilities and sales.

Comments were received pointing out the benefit of disclosure if lots are located in a flood plain or in an area designated to be flood prone by a Federal, State or local agency. As a result, the exemption has been amended to disqualify any lots so located unless the community in which the subdivision is located is participating in the Federal Flood Insurance Program.

Procedurally, §§ 1710.14(c) and 1710.15(c) are proposed to instruct developers on how to apply for exemption orders pursuant to these sections.

Section 1710.15 is proposed to be redesignated as § 1710.16 and amended to include instructions to developers on how to obtain an Advisory Opinion.

Section 1710.17 is amended to provide for a concurrent submission of only a Statement of Record and a request for an Exemption Order. If a Statement of Record is effective and an Exemption Order is granted covering the same subdivision, the developer must elect within 30 days of the date of the Exemption Order or the effective Statement of Record, whichever is later, whether the Exemption Order or the Statement of Record is to remain in effect. If the developer fails to inform the Secretary that the Exemption Order is to remain in effect, the Order will be automatically terminated and it will be presumed by OILSR that the Statement of Record will remain in effect.

Section 1710.18 has not been changed.

Section 1710.20 has been retitled, rearranged and rewritten for clarity. The requirement that submissions be

delivered by specific methods has been deleted, leaving the mode of delivery to the discretion of the developer.

Section 1710.21 has been retitled and rearranged for clarity. No substantive changes have been made.

Section 1710.22 has been retitled and rewritten to consolidate into one place instructions as to when an initial or consolidated Statement of Record is to be used. It clarifies a long standing policy that a developer who acquires title to the remaining lots in a subdivision from another developer must file a new initial Statement of Record before making sales.

Developers will now generally add lots by consolidation unless prior approval of the Secretary is obtained to use a separate initial filing for the additional lots.

Two new subparagraphs have been added to discuss current policies that a consolidation serves to amend prior Statements of Record and that lots which have been deleted from prior registrations by the developer must be reregistered before being sold.

Section 1710.23 has been retitled and rewritten for clarity. Two new requirements for amendments have been added. One requires that new financial statements be included in the submission if those already on file are a year or more old and the other requires that a new affirmation accompany the amendment.

Section 1710.25 has been redesignated as § 1710.52.

Section 1710.26 has been redesignated as § 1710.54.

Section 1710.27 has been redesignated as § 1710.56.

Section 1710.32 has been redesignated to § 1710.29 and has been retitled and rewritten for clarity with no substantive change.

Section 1710.35 would be amended to revise the fee schedule for computing fees required to be paid under initial filings, consolidated filings, initial state filings, consolidated state filings, exemption orders, consolidated exemption orders and advisory opinions. The present fee schedule has been effective since April 28, 1969 and does not realistically represent current costs.

Section 1710.45 has simply been rewritten for clarity.

Section 1710.52, 1710.54, 1710.56, 1710.58, and 1710.59 are new numbers given respectively to currently effective §§ 1710.25, 1710.26, 1710.27, 1710.115, and 1710.120. OILSR believes that this renumbering will bring all the state filing sections together in one place and make them easier to use.

Section 1710.52(a) is substantially the same as in the current regulations except for a clarification of the fact that the state property report is a part of the Statement of Record and except for an expansion of the state

certification wording to include coverage of the supporting documentation in the Statement of Record.

In § 1710.52(b) the provision for curing, by amendment, the OILSR suspension of a state filing after it has been suspended by the state has been deleted because no situation is foreseen in which it would be appropriate. This paragraph has also been changed by the addition of a requirement that state filings made effective by the Secretary shall become ineffective with the Secretary if the subject subdivision becomes inactive with or suspended by the state certifying the filing to the Secretary.

Section 1710.52(c) has been expanded to give registrants a reference for applicable suspension notice procedures.

References for examination standards for state accepted materials filed with the Secretary are now given in paragraph (d) of § 1710.52. The standards referred to are the federal filing standards in §§ 1710.100-118 and 1710.200-219; the state filing standards in §§ 1710.58, 1710.59 and 1710.56 and the proposed guidelines for filing state accepted materials as Statements of Record and amendments thereto. It is intended that the guidelines will be published at the same time as the final version of the regulations. These references have been added in response to industry requests.

A new paragraph (f) has been added to § 1710.52 which clarifies the applicability of a current OILSR requirement to state filings. This is the requirement that three final printed version copies of the state property reports be submitted to OILSR within 20 days of the issuance of an effective date.

Section 1710.54 includes no substantive changes from the current regulations except for format alterations and wording clarification. It has been suggested that this and other relevant sections be amended to reject all state filings. This has not been done due to the legislative mandate in section 1409 of the Interstate Land Sales Full Disclosure Act to cooperate with states in such matters when it is in the public interest.

Section 1710.56 has a new internal format which more clearly indicates the types of filings to which the requirements are applicable. Paragraph (a) of § 1710.56 includes additional directions for filing amendments. These directions indicate that changes in material facts must be reflected in amendments within fifteen days of the date such change becomes known, or should be known, to the developer, although registrants should be aware that amendments are not necessary to delete lots sold to individual purchasers. This paragraph also includes a new requirement for submission of current financial statements with the

filing of amendments if the financial statements previously submitted are more than twelve months old at the time of the amendment, this last requirement will provide more meaningful financial information for OILSR examination.

OILSR has not followed the suggestion that it make provisions in its regulations for processing amendments without further review of the file at that time. It is believed that such a restriction would not be consistent with OILSR's responsibility for requiring full and fair disclosure.

Paragraph (b) of § 1710.58 includes current standards for consolidations which have been brought together from the present §§ 1710.27 (a) and 1710.120. These standards clarify the fact that a consolidation may be submitted for additional lots in the same promotional plan and that, if such is submitted, it will be in cumulative form covering all the lots in the common promotional plan.

Clear reference to state certification and fee requirements and other relevant provisions are now made in § 1710.56 to remind registrants of the applicability of such items to state filings.

A new paragraph (a) of § 1710.58 gives directions for a revised federal cover page for state filings and requires that such page be attached to the state property report when it is delivered to lot purchasers.

A new paragraph (b) has also been added to § 1710.58 to require certain "special risks factors" to be printed in the state property report in a position of high visibility. These warnings are also required in federal property reports and they cover risk situations involving the environment, land values, completion of improvements, lot resale and changing government regulations.

Furthermore, a paragraph (c) has been added to § 1710.58 to set out directions for a new receipt and agent certification page. This is necessary because the receipt form is no longer on the cover page to the property report and because it is believed by OILSR that the purchaser would be better protected if the sales agent certified he has not made statements to the purchaser which are contrary to the Property Report.

Section 1710.59 sets out in greater detail than before basic items that must be included in state accepted materials filed as Statements of Record pursuant to §§ 1710.52 and 1710.54. The items required in this section should be provided in the Statement of Record along with the applicable items and information set out in the proposed Guidelines for Filing State Accepted Materials as Statements of Record.

The General Information section for these Statement of Record materials

is now the same as that required in § 1710.208 for federal filing Statements of Record.

The new distinct violations and litigation disclosure provision in § 1710.59 is not a new disclosure requirement; it is required in general information disclosure in the present form of § 1710.120.

The financial information requirement in § 1710.59 has been expanded to make it clear that the financial information requirements for state OILSR filings are the same as those for federal OILSR filings. There has also been added to this section a new requirement that new financial statements be submitted along with a yearly notice of continued sales activity if certain other submissions have not been made in the previous year.

Section 1710.59 also includes a new requirement for disclosure of marketing technique information. Other requirements in this section are substantially the same as in the present form of the regulations except for certain format changes which give a clearer presentation of the instructions.

Section 1710.100 now deals with the proposed new format of the Statement of Record and identifies the two segments of the single document.

Section 1710.102 is a new paragraph which gives general instructions for the preparation of the Statement of Record. It sets the standards for the preparing, printing and binding of the Statement of Record and for the final version of the Property Report and the identification of documents.

Section 1710.105-118 are new paragraphs which give detailed instructions for the preparation of the Property Report segment of the Statement of Record. The most radical change in this segment is from a question and answer format for the Property Report to one of narrative style together with a new sequence for presentation of the information. Other changes are as follows:

Section 1710.105(a) Cover Page—this page has been completely redesigned. The red overlay has been deleted and it now clearly states that the report is one prepared by the developer, not by any government agency. Elimination of the overlay should reduce printing costs.

Section 1710.106(a) Table of Contents—this is a new requirement to enable the prospective purchaser to more easily locate items included in the report.

Section 1710.106(b) requires the use of the pronouns "you" and "your" for the purchaser and "we", "us" and "our" for the developer.

Section 1710.107(a) "Risks of Buying Land" replaces the Special Risk Factors now used and are general paragraphs to alert the purchaser to some of the problems which may arise in connection with the transaction.

Section 1710.107(b) notifies the purchaser, when appropriate, that warnings appear in the text of the report.

Section 1710.108 provides information as to the number of lots covered in the report; the location of the subdivision; its estimated size and identifies the developer. A telephone number is provided for contact with the developer.

Section 1710.109, "Title and Land Use" covers property report disclosure requirements for title and related subjects. Subparagraph (a) gives format instructions and particular wording to be used in the introduction of "Title and Land Use" in the property report. Subparagraph (b) gives the substantive information requirements for the subjects included under the "Title and Land Use".

The first general disclosure subject to be addressed is "Method of Sale" (see § 1710.109(b)(1)). The expanded disclosure under this heading covers sales contracts, credit security, delivery and type of deed, developer encumbrance of sold lots, and mineral right reservations. Much of this disclosure is currently required by OILSR policy so that their inclusion in the regulations now informs registrants more fully as to OILSR standards for disclosure.

That part of this disclosure relating to the type of deed to be delivered (see § 1710.109(b)(1)(iii)) includes a standardized warning which apprises the purchaser of the limited nature of a quitclaim deed. This warning and its caption are to be used if a quit claim deed is to be given to lot purchasers. However, upon the approval of the Secretary, this warning may be omitted if an acceptable attorney's opinion is submitted which indicates that a quitclaim deed has a meaning in the jurisdiction where the subdivision is located which is substantially contrary to the effect of this warning. Contrary to some industry comments, similar warnings for warranty deeds with material exceptions have not been included because of similar disclosure in § 1710.109(b)(2) concerning exceptions to title.

The second general disclosure subject to be addressed is "Encumbrances, Mortgages, and Liens" (see § 1710.109(b)(2)). The disclosure here is substantially the same as that currently required with additional disclosure if the developer is delinquent in accordance with the terms of an encumbrance on the registered lots. Also, new standardized warnings have been drafted to increase uniformity of disclosure requirements by OILSR. These warnings cover circumstances including: Lack of blanket encumbrance release provisions for individual lots, unrecorded release provisions, and release provisions exercisable only by the developer.

Requirements in the previous proposal that encumbrances be highlighted has been deleted in response to industry criticism that such a requirement is too ambiguous.

The third general disclosure subject covered is "Recording the Contract and Deed" (see § 1710.109(b)(3)). This subject also generally requires the same disclosure currently provided for in the present OILSR regulations. Exceptions to this are the addition of disclosure requirements as to why a deed or contract can not or will not be recorded, the effect of recording, and the need for title insurance or attorney's title opinion.

The fourth general disclosure subject is "Payments" (see § 1710.109(b)(4)). This subject now includes prior required disclosure on escrows, prepayment penalties, and developer's remedies against a defaulted purchaser. A new warning has been included for situations where there is no escrow or there is an inadequately protected escrow.

The fifth general disclosure deals with any restrictions, easements or other controls which may affect the purchaser's use of his lot. No new information is required over the present regulations.

The sixth general disclosure deals with plat maps, zoning, surveying, permits and environment. Environment is a new category in this group which was added at the suggestion of various environmental groups. The developer is now asked to disclose whether any environmental impact study has been prepared in connection with the subdivision or the area in which the subdivision is located.

Section 1710.110, Roads, gives information on roads providing access to the subdivision and those within the subdivision. The basic information is the same as that presently required. Some questions have been added for clarity and to allow the developer to cover, initially, situations that might have been the subject of a letter of deficiency in the past. A date for the starting of construction is now required.

Section 1710.111, Utilities, covers the utility services to the subdivision. The water and sewer sections have been expanded to consider more methods of providing these services so that the developer can make proper disclosures on his first submission. The present and future capacity of central systems will now be disclosed. Possible costs to the purchaser are more fully explored. The information desired, including construction starting date, on all utilities is more clearly stated.

OILSR has received comments suggesting that developers be allowed to state that they have adequate water or other utility service in their subdivision for certain limited parts of the

subdivision. It is OILSR's position that such disclosure would not be prohibited in the Property Report provided that it was made clear which portions of the subdivision do not have adequate utility service.

Section 1710.112, Financial Information, requires disclosure as to the developer's financial condition only when there has been a deficit in retained earnings, an operating loss or a qualification in an auditor's opinion.

It also requires that the purchaser be notified that copies of the developer's latest statements can be had upon request.

A new paragraph has been added for disclosure as to the economic feasibility of the subdivision.

Section 1710.113, Local Services, will cover the availability of local services. The required information has been reduced and simplified.

Section 1710.114, Recreational Facilities, sets out several new property report disclosure requirements relating to recreation facilities. Criteria for determining which recreational facilities are to be included in the disclosure are set out.

Disclosure requirements for recreational facilities are given. These include a chart revised to meet certain suggestions. Thus it asks for "Date Available For Use" rather than the more ambiguous "Estimated Completion Date". More inclusive charts than the one used were considered but rejected as being confusing. Criticism of chart disclosure of recreational facility use fees has been rejected because it is OILSR's experience that use fees can pose a material unforeseen expense to many purchasers.

Following the chart further disclosure relating to recreational facilities is required which includes disclosure previously required as well as several new items. Again, all of this is presented in a new format which reflects OILSR's concern with "readability". The several new disclosure requirements here include questions concerning construction responsibility, liens and mortgages, permits, facility leases, public and other use of the facility, and television reception.

Section 1710.115 covers matters dealing with the general topography, flooding, hazards, nuisances, climate and occupancy under the general heading, Subdivision Characteristics and Climate. Some new criteria have been added so that the developer may determine when warnings will be necessary as to steep slopes and fire dangers.

Section 1710.116, Additional Information, provides for disclosure about any property owners' associations, taxes, violations and litigations, resales and unusual situations.

The paragraph on the property owner's association has been expanded

to inform purchasers more clearly of their responsibilities to, and benefits from, the association and to indicate the developer's relationship with the association.

The paragraph on taxes has been expanded to disclose those occasions when a subdivision is, or will be, encompassed within a special improvement district.

The violations and litigations paragraph has been rewritten to clarify the extent to which disclosure is required.

A paragraph has been added to inform the purchaser when there are restrictions which might hamper his efforts to sell his lot at a later date and when the developer has no program to assist in the resale.

A paragraph for unusual situations has been added to provide information in those instances where the subdivision will involve leases, where sales are on a time sharing or membership basis or where the subdivision is located in a foreign country.

A new paragraph has been added to deal with Equal Opportunity in Lot Sales.

Section 1710.117 contains a new paragraph, "cost sheet", which is a recap of the major expenditures, including lot price, which the purchaser can expect to pay. Comment was received that the proposed cost sheet is repetitive and prone to error. However, OILSR believes that lot purchasers need a short summary of the costs of their lot.

Provisions are made for the signature of the senior executive officer and for a listing of the lots which are included in the registration.

Section 1710.118 is a receipt and certification page to be executed by the purchaser and the salesperson. It also contains a form which the purchaser may use to cancel or agree to when he is entitled to do so. Comments have been received which suggest that all purchaser rescissions should be made, in writing, to the developer. But, it is OILSR's position that such a requirement would unduly restrict purchasers' rights.

Section 1710.200 provides instructions for completing the Additional Information and Documentation segment.

None of the information given in the Property Report segment is repeated in the Additional Information and Documentation segment. This segment consists of information not normally given in the Property Report and documentation to support statements made in both segments.

Only those proposed revisions not already discussed will be mentioned here.

Section 1710.208(d)(2) establishes criteria for general plan maps of the subdivision and requires the submis-

sion of two copies for the use of both the OILSR Examination and Field Review Division.

Section 1710.209, Title and Land Use, sets out the disclosure requirements for title evidence and related subjects to be included in the Additional Information and Documentation segment. Generally the requirements under this section are the same as those in the presently effective regulations, but the following deletions, additions, and clarifications have been made.

In response to comment, "Title Evidence in General" (see § 1710.209(a)) requires that title information in a consolidated Statement of Record include only the registered lots in a subdivision and certain indicated common areas and facilities but it need not include lots deeded to individual purchasers or otherwise deleted from the registration. These instructions also allow the developer not to amend the title evidence for reacquired registered lots if the condition of their title is at least as marketable as it was when they were first sold as registered lots.

In response to comments received by OILSR, § 1710.209(b), "The Forms of Acceptable Title Evidence", now includes a previously enforced OILSR policy requirement that both forms of acceptable title evidence shall not limit the issuer's liability to a nominal amount. The new standard is that they will not limit liability to less than the market value of the subject land at the time it was acquired by the current subdivision owner. Also, in accordance with comments received, the phrase "guaranteeing title to the subdivision" has not been used as a title evidence standard due to its ambiguity. In addition to the above, a new provision is included which states OILSR's existing policy of accepting title opinions based on Torrens title certificates.

"Title Searchers", § 1710.209(c) now states, in response to industry comment, that such searches must cover only a period acceptable in the local jurisdiction. Also in response to comments, the requirement for a statement as to which records have been searched has been deleted, and it has now been stated that title evidence searches done via title insurance company title plants are acceptable. Instructions for this subject also indicate the time length of title searches required when Torrens certificates are involved.

"Items to be Included in Title Evidence", § 1710.209(d), includes substantially the same disclosure as previously required except for wording clarification and except for the requiring of a certified statement that all lots to be registered are within the submitted metes and bounds legal description, if such description is given in place of a

recorded plat. Unrecorded plats are not included as an acceptable form of legal description for title evidence in Statements of Record. There is also a new requirement for submission of a copy of any Torrens title certificate on which a submitted title opinion is based.

Section 1710.209(e), "Items to Accompany Title Evidence", requires disclosure of items required in the present regulations, with the addition of a statement that the contract revocation rights granted purchasers in the Interstate Land Sales Full Disclosure Act cannot be limited or qualified by provisions in lot purchase contracts or other related instruments.

Section 1710.209(f)(2) clarifies that, in those jurisdictions where it is unlawful to sell lots prior to the final approval and recording of plat maps, a recorded plat must be furnished and requires that, where not all lots on the plat are being included in the registration, those lots which are being registered are to be identified.

Section 1710.211 Utilities disclosure has been revised so that:

(1) Where water or sewer service is to be furnished by a governmental agency or an entity regulated by a government agency, so long as the entity is not the developer or an affiliate of the developer, it would be acceptable to establish the capacity of the system by a statement from the supplier.

(2) Reports from a private laboratory would be accepted as to chemical quality and bacteriological purity of water where such reports are not available from a cognizant health officer.

After consideration of a substantial number of comments from the industry, consumers and OILSR staff sources many adjustments have been made in § 1710.212, "Financial Information". It is proposed that the present exception from the necessity for audited financial statements be revised by increasing the monetary value of the 300 lots to \$1,500,000 and by adding a limitation that a deed must be delivered within 120 days of the date of the sales contract with any down payments or deposits being held in an escrow or trust account.

Two additional exceptions are proposed. The first would cover those situations where all facilities, utilities and amenities promised by the developer have been completed and a deed to the lot is delivered within 120 days of the date of the contract with down payments or deposits being held in escrow or trust account.

The second would cover those situations where the developer is, (1) contractually obligated to the purchaser to complete the promised facilities, utilities and amenities by the date set out in the Property Report, and (2) has posted financial assurance of their

completion and (3) delivers a deed within 120 days with down payments and deposits being held in an escrow or trust account.

Provisions have been made to allow a developer who cannot qualify for use of the exceptions initially to demonstrate to the Secretary at a later date that the requirements of one of the exceptions can be met.

In response to consumer group and OILSR staff comment a new provision is proposed which calls for a recap of the projected development costs and income for the subdivision.

Section 1710.214, Recreational Facilities, now requires less information on recreational facilities than presently required in the current comparable segment of the Statement of Record. This is because much of this disclosure is now included in the Property Report. Documentation and questions remain in this segment for recreational facility proposed plans, costs, and contracts. New requirements are included concerning permits, and conditions and terms of conveyance of such facilities to lot owner associations. This last disclosure has, in the response to criticism, been revised to make it clear that questions concerning conditions and terms of conveyance of recreational facilities to lot owners' associations need only be answered if there is an intention to make such transfers.

There are two proposed additions to § 1710.215, Subdivision Characteristics and Climate.

One would require two copies of the geological survey map. In reply to industry comment questioning the need for two topographic maps OILSR maintains that it has need of an original copy with its attendant color coding for both the OILSR Field Review Division and the Examination Division. The other addition to this section asks whether the local jurisdiction has any system for rating the land for fire hazards.

In response to comments, § 1710.216, Additional Information, is changed so that:

(1) Property Owners' Association information more fully discloses the relationship between the developer and the association.

(2) Information on the developer's methods of advertising and marketing is included.

(3) Clarification is made that submissions on subdivisions in foreign jurisdictions shall be in the English language and that supporting documents shall be submitted in their original language and be accompanied by an English translation.

(4) Disclosure is made of information in connection with Equal Opportunity in Lot Sales.

Section 1710.310, Required Notice as to Activity and Financial Condition, is

a new proposed section which would require a notice to be filed with the Secretary on the anniversary of the last effective date issued to disclose whether or not the developer is still active in the subdivision. If he is still active, a copy of his latest financial statements would be furnished. If he is no longer active in the subdivision, he may ask that the registration be suspended.

Section 1710.115 is redesignated to § 1710.58.

Section 1710.120 is redesignated to § 1710.59.

Section 1710.125, partial Statement of Record, is proposed to be deleted. The filing instructions for §§ 1710.14 and 1710.15 Regulatory Exemptions—Exemption Order Required and § 1710.15 Advisory Opinion have been incorporated into each section.

Some of these revisions have a direct effect upon portions of §§ 1715.5, 1715.10, 1715.15 and 1715.25.

Specifically, changes in the wording of the cover sheet of the Property Report require similar changes in the advertising disclaimer in § 1715.10 to make it clear that the Property Report is prepared by the developer, not by any government agency. This Section has also been revised for clarity.

Two new paragraphs are proposed for § 1715.10.

Section 1715.10(c) states the present policy that the advertising disclaimer need not appear on billboards, matchbook folders or business cards.

Section 1715.10(d) will allow a developer to combine the wording of the federal disclaimer with that of any required advertising disclaimer provided all of the Federal wording is included in the combined disclaimer.

An additional paragraph, (kk), is proposed to be added to § 1715.15 to make it clear that advertising shall not discriminate against any person because of race, color, religion, sex or national origin. This corresponds with § 1710.116(f).

Section 1715.25(m) has been rewritten for clarity and to change the word "his" to the word "purchaser". No substantive change is made.

Five new paragraphs are proposed for § 1715.25.

Section 1715.25(e) clarified OILSR's long standing policy as to practices which serve to deny purchasers any cancellation or refund rights or privileges granted them by a contractual relationship.

Section 1715.25(f) clearly states the policy that any prospective purchaser is entitled to receive a Property Report.

Section 1715.25(g) requires the delivery of a Property Report in the same language as that in which an advertising campaign is conducted as specified in § 1710.102(n).

Section 1715.25(h) sets forth the necessity for maintaining a supply of any restrictive covenants and of financial statements and with the delivery of a copy of each of a purchaser, upon request, as required by §§ 1710.109(f), 1710.112(d), 1710.209(f) and 1710.212(f).

Section 1715.25(i) is proposed to establish criteria for the use of investment potential as a sales inducement.

In addition, certain citations and words are to be amended for correctness and clarity.

Proposed Effective Date.

The proposed effective date of the regulations for Part 1710 would apply prospectively but would require compliance by developers with effective registrations during the year after the regulations become effective. The date for compliance would be based on the anniversary of the most recent effective date of registration or amendment.

The proposed amendments to Part 1715 would become effective 60 days after publication in final form.

Interested persons are invited to participate in this rulemaking proceedings by submitting written comments or suggestions to the Rule Docket Clerk, Office of the Secretary, Department of Housing and Urban Development, Room 5216, 451 Seventh Street SW., Washington, D.C. 20410. All communications should refer to the Office of Interstate Land Sales Registration, Land Registration and the date of publication. It is requested, though not required, that all written communications be submitted in triplicate.

All communications received on or before July 31, 1978, will be considered before taking action on the proposed rules. The proposals contained in this notice may be changed in light of comments received. Particular attention is invited with respect to the revised exemption procedures in §§ 1710.14 and 1710.15. A copy of each written submission will be available for public inspection during business hours at the above address.

Public hearings may be scheduled to hear comments on the proposed rules. If public hearings are scheduled, notice will appear in the FEDERAL REGISTER and various general and special circulation newspapers and periodicals.

A draft Environmental Impact Statement was made available by HUD for public inspection at the time of the publication on January 31, 1977 of the initial proposals to amend these regulations. Comments which have been received on the Draft and any additional comments received during the comment period of these proposed regulations will be considered in the process of developing the final Environmental Impact Statement.

That statement will be made available for public inspection with the publication of the final regulations.

The draft Environmental Impact Statement is available for public inspection at the Office of the HUD Rules Docket Clerk, Room 5216, 451 Seventh Street SW., Washington, D.C. 20410.

This notice of proposed rulemaking is issued under the authority of section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); section 1419, Interstate Land Sales Full Disclosure Act, 15 U.S.C. 1718.

NOTE.—It is hereby certified that the economic and inflationary impacts of this proposed regulation have been carefully evaluated in accordance with OMB Circular A-107.

Accordingly, Parts 1710 and 1715 of Chapter IX of 24 CFR are proposed to be revised as follows:

PART 1710—LAND REGISTRATION

Subpart A—General Requirements

- Sec.
- 1710.1 Definitions.
 - 1710.2 Official address.
 - 1710.3-4 [Reserved.]
 - 1710.5 General applicability.
 - 1710.6-8 [Reserved.]
 - 1710.9 Available exemptions—category index.
 - 1710.10 Statutory exemptions.
 - 1710.11 Statutory exemptions—Secretary must determine eligibility—procedures for obtaining determination.
 - 1710.12 Statutory exemptions—when inapplicable.
 - 1710.13 Regulatory exemptions—no OILSR determination required.
 - 1710.14 Regulatory exemption—local offering—determination and exemption order required.
 - 1710.15 Regulatory exemption—primary homesite—determination and exemption order required.
 - 1710.16 Advisory opinion—Secretary's determination may be requested.
 - 1710.17 Concurrent submission—request for exemption/statement of record.
 - 1710.18 No-action letter—Secretary's determination required.
 - 1710.19 [Reserved.]
 - 1710.20 Requirement for registering a subdivision. Statement of record—filing and form.
 - 1710.21 Effective dates.
 - 1710.22 Statement of record—initial or consolidated.
 - 1710.23 Amendment—filing and form.
 - 1710.24-28 [Reserved.]
 - 1710.29 Use of property report—misstatements, omissions or representation of HUD approval prohibited.
 - 1710.30-34 [Reserved.]
 - 1710.35 Payment of fees.
 - 1710.36-39 [Reserved.]
 - 1710.40-44 [Reserved.]
 - 1710.45 Suspensions.
 - 1710.46-49 [Reserved.]
 - 1710.50-51 [Reserved.]
 - 1710.52 State filings—in general.
 - 1710.53 [Reserved.]
 - 1710.54 State filings—acceptable filings.
 - 1710.55 [Reserved.]
 - 1710.56 State filings—amendments and consolidations.
 - 1710.57 [Reserved.]
 - 1710.58 State filings—property report.

Sec.
1710.59 State filings—statement of record.
1710.60-99 [Reserved].

Subpart B—Reporting Requirements

1710.100 Statement of Record—format.
1710.101 [Reserved].
1710.102 General instructions for completing the statement of record.
1710.103-104 [Reserved].
1710.105 Cover sheet.
1710.106 Table of contents.
1710.107 Risks of buying land, warnings.
1710.108 General information.
1710.109 Title and land use.
1710.110 Roads.
1710.111 Utilities.
1710.112 Financial information.
1710.113 Local services.
1710.114 Recreational facilities.
1710.115 Subdivision characteristics and climate.
1710.116 Additional information.
1710.117 Cost sheet, listing of lots.
1710.118 Receipt and signature page.
1710.119-199 [Reserved].
1710.200 Instructions for additional information and documentation.
1710.201-207 [Reserved].
1710.208 General information.
1710.209 Title and land use.
1710.210 Roads.
1710.211 Utilities.
1710.212 Financial information.
1710.213 Local services.
1710.214 Recreational facilities.
1710.215 Subdivision characteristics and climate.
1710.216 Additional information.
1710.217-218 [Reserved].
1710.219 Affirmation.
1710.220-299 [Reserved].
1710.300-309 [Reserved].
1710.310 Required notice as to activity and financial condition.
1710.311-999 [Reserved].

Subpart A—General Requirements

§ 1710.1 Definitions.

As used in this chapter:

- (a) "Act" means the Interstate Land Sales Full Disclosure Act, 82 Stat. 590, 15 U.S.C. 1701, which became effective in its original form on April 28, 1969.
- (b) "Advisory Opinion" means the formal written decision of the Secretary, pursuant to § 1710.10 or § 1710.13, stating whether or not a particular method of sale is exempt from the requirements of this part.
- (c) "Available for use" means that in addition to being constructed, the subject facility is fully operative and supplied with any materials and staff necessary for its intended purpose.
- (d) "Blanket encumbrance" means a trust deed, mortgage, judgment, or any other lien or encumbrance, including an option or contract to sell, or a trust agreement, affecting a subdivision or affecting more than one lot offered within a subdivision, except that such term shall not include any lien or other encumbrance arising as the result of the imposition of any tax assessments by any public authority.
- (e) "Date of filing" means the date a Statement of Record, amendment or consolidation, accompanied by the applicable fee, is received by the Secretary.

(f) "Developer" means any person who, directly or indirectly, sells or leases, or offers to sell or lease, or advertises for sale or lease any lots in the subdivision.

(g) "Exemption order" means the formal written decision of the Secretary, pursuant to §§ 1710.14 and 1710.15, to exempt any subdivision or any lots in a subdivision from the requirements of this part.

(h) "Interstate Commerce" means trade or commerce among the several States or between any foreign country and any State.

(i) "Lot" means any portion, piece, division, unit, or undivided interest in land in such interest includes the right to the exclusive use of a specific portion of the land.

(j) "Offer" means any inducement, solicitation, or attempt to encourage a person to acquire a lot in a subdivision.

(k) "OILSR" means the Office of Interstate Land Sales Registration.

(l) "Owner" means the person or entity who holds the fee title to the land in the subdivision and has the power to convey that title to others.

(m) "Parent Corporation" means that entity which ultimately controls the subsidiary even though the control may arise through any series or chain of other subsidiaries or entities.

(n) "Person" means an individual, or an unincorporated organization, partnership, association, corporation, trust, or estate.

(o) "Principal" means any person or entity holding a 10%, or more, financial or ownership interest in the developer or owner, directly or through any series or chain of subsidiaries or other entities.

(p) "Purchaser" means an actual or prospective purchaser or lessee of a lot in a subdivision.

(q) "Rules and Regulations" refer to all rules and regulations adopted pursuant to the Act, including the general requirements published in this part.

(r) "Sale" means any obligation or arrangement for consideration to purchase or lease a lot directly or indirectly. A sale shall continue until the obligation or arrangement has been paid in full or a deed has been delivered, whichever comes later. The term "sale" or "seller" include in their meanings the term "lease" and "lessor".

(s) "Secretary" means the Secretary of Housing and Urban Development or a duly authorized representative.

(t) "Senior executive officer" means the individual of highest rank responsible for the day to day operations of the developer and who has the authority to bind or commit the developing entity to contractual obligations.

(u) "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico and

the territories and possessions of the United States.

(v) "Start of construction" means breaking ground for building a facility followed by diligent action to complete the facility.

(w) "Subdivision" means any land, located in any State or in a foreign country, which is divided or proposed to be divided into 50 or more lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan; and where subdivided land is offered for sale or lease by a single developer or a group of developers acting in concert and where such land is contiguous or is known, designed, or advertised as a common unit or by a common name, such land shall be presumed, without regard to the number of lots covered by each individual offering, as being offered for sale or lease as part of a common promotional plan.

(x) "Territory" means any area of land, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan; and where subdivided land is offered for sale or lease by a single developer or a group of developers acting in concert and where such land is contiguous or is known, designed, or advertised as a common unit or by a common name, such land shall be presumed, without regard to the number of lots covered by each individual offering, as being offered for sale or lease as part of a common promotional plan.

(y) "Trust" means a legal arrangement for the management and disposition of property for the benefit of one or more persons.

(z) "Unincorporated organization" means an organization that is not a corporation, partnership, association, or trust.

§ 1710.2 Official address.

The official address of the Secretary for delivery of all mail, telegrams, information, filings, registration, and other material required by or relating to the Act or this chapter is:

Office of Interstate Land Sales Registration, HUD Building, 451 Seventh Street, SW., Washington, D.C. 20410.

§ 1710.5 General applicability.

Except in the case of an exempt transaction, a developer may not sell or lease lots in a subdivision, making use of any means or instruments of transportation or communication in interstate commerce or of the mails, unless a Statement of Record is in effect in accordance with the provisions of this part; and the developer furnishes each purchaser with a printed Property Report, meeting the requirements of the provisions of this part, in advance of the signing of any contract or agreement for sale or lease by the purchaser. As used in this part "lot" shall include lots located in any state or in a foreign country.

§ 1710.9 Available exemptions—category index.

This section sets forth a summary of the different types of exemptions that are available to developers. You must review the referenced sections to determine the full requirements of each exemption.

(a) Transactions which may be exempted due to the nature of the real estate or related items sold. These exemptions are self determining. There is no requirement to consult or file with OILSR; however, Advisory Opinions may be requested as described at § 1710.16:

(1) The sale or lease of lots in a subdivision all of which are five or more acres in size (see § 1710.10(b));

(2) The sale or lease of land on which there is a building, or where

there is a contract obligating the seller to build such a structure on the lot within a period of two years (see § 1710.10(c));

(3) The sale of evidences of indebtedness secured by a mortgage or deed of trust (see § 1710.10(e));

(4) The sale of securities issued by a real estate investment trust (see § 1710.10(f));

(5) The sale or lease of cemetery lots (see § 1710.10(h));

(6) The sale or lease of real estate zoned for commercial or industrial development when certain other characteristics exist (see § 1710.10(j));

(7) The sale or lease of lots whose price is less than \$100 provided the purchaser is not required to buy more than one lot (see § 1710.13(b)(1));

(8) The lease of lots for less than five years provided the lessee is not obligated to renew the lease (see § 1710.13(b)(1));

(b) Transactions which may be exempted due to the nature of the real estate or related items sold. For this exemption an OILSR determination is required. Therefore, you must file an application with OILSR:

(1) The sale of lots designated for use as primary homesites (see § 1710.15);

(c) Transactions which may be exempted by virtue of who the purchaser is. The following are self determining but an Advisory Opinion may be requested as described in § 1710.16:

(1) The sale of lots to a person who acquires the lots for the purpose of engaging in the construction business (see § 1710.10(i));

(2) The sale of lots to a person who is engaged in the land sales business (see § 1710.12(b)(4));

(3) The sale of lots to the owner of the adjacent lot which has a residential, commercial, or industrial building on it (see § 1710.13(b)(5));

(d) Transactions which may be exempted because of the number of lots involved. The following are self determining but an Advisory Opinion may be requested as described in § 1710.16:

(1) The sale or lease of lots in a subdivision containing fewer than 50 lots (see § 1710.10(a)); or in any of two or more sites containing less than 50 lots each in a scattered site subdivision (see § 1710.13(b)(7));

(2) The sale or lease of 12 or fewer lots per 12 month period provided that this limit has not been exceeded during the preceding five year period (see § 1710.13(b)(6));

(e) Transactions which may be exempted because of the nature of the offering. These exemptions are self determining. There is no requirement to consult or file with OILSR; however, an Advisory Opinion may be requested as described in § 1710.16:

(1) The sale or lease of lots pursuant to a court order (see § 1710.10(d));

(2) The sale or lease of lots by any government agency (see § 1710.10(g));

(f) Transactions which may be exempted because of the nature of the offering. For this exemption an OILSR determination is required. Therefore, you must file an application with OILSR:

(1) The sale or lease of lots in a subdivision where promotion is confined to the local community and certain other requirements are met (see § 1710.14).

§ 1710.10 Statutory exemptions—no OILSR determination required.

The requirements of this chapter shall not apply to:

(a) The sale or lease of real estate not pursuant to a common promotional plan to offer or sell 50 or more lots in a subdivision.

(b) The sale or lease of lots in a subdivision, all of which are 5 acres or more in size.

(c) The sale or lease of any lots on which there is a residential, commercial or industrial building, or to the sale or lease of land under a contract obligating the seller to erect such a building thereon within a period of 2 years.

(d) The sale or lease of real estate under or pursuant to court order.

(e) The sale of evidences of indebtedness secured by a mortgage or deed of trust on real estate.

(f) The sale of securities issued by a real estate investment trust.

(g) The sale or lease of real estate by any government or government agency.

(h) The sale or lease of cemetery lot.

(i) The sale or lease of lots to any person who acquires such lots for the purpose of engaging in the business of constructing residential, commercial or industrial buildings or for the purpose of resale or lease of such lots to persons engaged in such business.

(j) The sale or lease of real estate which is zoned by the appropriate governmental authority for industrial or commercial development, when:

(1) Local authorities have approved access from such real estate to a public street or highway;

(2) The purchaser or lessee of such real estate is a duly organized corporation, partnership trust or business entity engaged in commercial or industrial business;

(3) The purchaser or lessee of such real estate is represented in the transaction of sale or lease by a representative of its own selection;

(4) The purchaser or lessee of such real estate affirms in writing to the seller that it either (i) is purchasing or leasing such real estate substantially for its own use or (ii) has a binding commitment to sell, lease, or sublease such real estate to an entity which meets the requirement of subpara-

graph (2), is engaged in commercial or industrial business, and is not affiliated with the seller or agent; and,

(5) A policy of title insurance or title opinion is issued in connection with the transaction showing that title to the real estate purchased or leased is vested in the seller or lessor, subject only to such exceptions as may be approved in writing by such purchaser or the lessee prior to recordation of the instrument of conveyance or execution of the lease, but (i) nothing herein shall be construed as requiring the recordation of a lease, and (ii) any purchaser or lessee may waive, in writing in a separate document, the requirement of this subparagraph that a policy of title insurance or title opinion be issued in connection with the transaction.

§ 1710.11 Statutory exemption: Secretary must determine eligibility: Procedures for obtaining determination.

(a) General. An offering is exempt from the provisions of the Act if it meets all the Eligibility Requirements listed below in paragraph (b) of this section.

(b) Eligibility requirements. (1) You must file a Claim of Exemption with the Secretary. The required format and instructions for preparation are found in paragraph (c)(1) of this section. You must obtain the Secretary's approval which is not retroactive.

(2) you must file a Statement of Reservations, Restrictions, Taxes and Assessments with the Secretary. The required format and instructions for preparation are found in paragraph (c)(2) of this section.

(3) At the time of sale or lease, the property must be free of all liens, encumbrances and adverse claims, except for:

(i) Reservations which developers commonly give to local bodies or public utilities for bringing public services to the land being developed.

(ii) Taxes and assessments imposed by a State, by any other public body having authority to assess and tax property or by a property owners association which are liens on the property before they are due and payable.

(iii) Beneficial property restrictions enforceable by other lot owners.

(4) Each purchaser or his or her spouse must make a personal on-the-spot inspection of the real estate before signing the contract to purchase or lease that real estate. In addition, the developer or salesperson must sign a written affirmation that the foregoing inspection was made for each sale or lease. The required format and instructions for preparing the developer's affirmation are found in paragraph (c)(3) of this section.

(5) Prior to signing the contract for sale or lease, the salesperson must furnish to the purchaser or lessee a copy

of the Secretary approved Statement of Reservations, Restrictions, Taxes and Assessments. In addition, the salesperson must obtain a receipt from the purchaser or lessee acknowledging that the Statement was furnished as required. The required format and instructions for preparing this receipt are found in paragraph (c)(4) of this section.

(c) *Formats and filing instructions.*
(1) The Claim of Exemption must be in the following format:

CLAIM OF EXEMPTION

I hereby affirm on this _____ day of _____, 19____, that:

A. I am the developer, or the duly authorized agent of the developer, of the subdivision known as _____, located at _____, in the County of _____, State of _____.

B. I will comply with all of the filing and reporting requirements set forth in 24 CFR 1710.11;

C. Each sale made pursuant to this exemption will comply fully with the terms set forth in 24 CFR 1710.11; and

D. The Statements made in support of this Claim of Exemption are true and complete.

Signature.

Title.

(If the affirmation is made by an agent of the developer of the subdivision, submit written authorization to act as agent.)

(2) The Statement of Reservations, Restrictions, Taxes and Assessments must be in the following format and completed according to the following instructions:

STATEMENT OF RESERVATIONS, RESTRICTIONS, TAXES AND ASSESSMENTS

Developer IRS Number _____
Owner IRS Number _____
Name of developer _____
Address (include street address if different than mailing address) _____
Owner (if developer is other than owner) —
Address (include street address if different than mailing address) _____
Name of Subdivision _____
Location _____
Number of lots in subdivision _____
Number of lots in this offering _____
Number of acres in subdivision _____
Number of acres in this offering _____

RESERVATIONS AND RESTRICTIONS

Instructions for completing information about reservations and restrictions. Either attach a list of the reservations and restrictions (stating that it is intended to comply with this subsection), or give a complete description of all reservations and restrictions that affect the property covered by this Claim of Exemption.

When reservations or restrictions do not affect all of the lots in the offering, identify those lots that are affected.

Explain who has the authority to enforce the reservations and restrictions.

Identify where the reservations and restrictions are recorded or filed.

Include book and page numbers.

TAXES

Instructions for completing information about taxes. Provide a complete description and listing of taxes and liens as they apply to the real estate subject to the Claim of Exemption. Include only the following which apply to this offering:

(1) Taxes and liens which are presently due and payable (if any);

(2) Taxes which constitute liens on the real estate before they become due and payable, including the date they will become due and payable;

(3) When tax rates or amounts are not yet available for the current taxing period, show the current rate or amount which is available. Include a statement explaining that the taxes shown are not current and that current tax or amounts may be different;

(4) If the real estate has been rezoned, subdivided or resubdivided since the last tax period, show an estimate for the current tax period. Include a statement explaining the estimate.

ASSESSMENTS

Instructions for completing information about assessments. Provide a complete description of all assessments, fees and dues which have been levied or may be levied in connection with the real estate subject to this Claim of Exemption. List the assessments, fees and dues showing the rate and amount.

Include an explanation of the authority for imposing the listed assessments, fees and dues.

WARNING

Instructions for printing required warning. Print the following warning in red on the final version.

The offering in which you are purchasing one or more lots has qualified for exemption from the Interstate Land Sales Full Disclosure Act. Therefore, you will not have the benefit of any remedies under the Act.

NO FEDERAL AGENCY HAS JUDGED THE MERITS OR VALUE, IF ANY, OF THIS REAL ESTATE.

(3) The Affirmation that each purchaser or lessee has made an on-the-lot inspection before signing a contract must be in the following format:

AFFIRMATION

I hereby affirm on this _____ day of _____, 19____, that I am the developer, or the developer's authorized agent, of the subdivision known as _____, located at _____, in the County of _____, State of _____.

I further affirm that on _____, 19____, Mr. and/or Mrs. _____ or Ms. _____ of _____, purchased/leased lot _____ in Section _____ of the above stated subdivision and that all presale/lease requirements of 24 CFR 1710.11 were met.

Name

Title

(NOTE.—If this affirmation is made by an agent, submit the written authorization to act as agent. Only one authorization per agent need be submitted for each calendar year.)

(4) The receipt from purchasers or lessors which acknowledges that they

have received the Statement of Reservations, Restriction Taxes and Assessments before signing a contract, must be in the following format:

ACKNOWLEDGEMENT

I hereby acknowledge that I have received a Statement of Reservations, Restrictions, Taxes and Assessments for (identify the subdivision and its location) from (name of developer). I have made a personal on-the-lot inspection of (identify the lot) which is the lot I plan to buy or lease.

Date: _____

Signature of purchaser or lessee)

(d) *Supporting documentation.* You must submit the following documentation to support the information in the Statement of Reservations, Restrictions, Taxes and Assessments:

(1) Submit a plat of the subdivision offering. Each unsold lot which is the subject of the Claim of Exemption must be clearly identified on the plat.

(2) Submit evidence of title. This evidence of title may be a title insurance policy or an attorney's opinion: *Provided*, that the attorney is experienced in the examination of titles and is a member of the bar in the State in which the property is located. The evidence of title must be dated within 20 business days of its submission and must identify (or list) all easements, encumbrances, covenants, conditions, reservations, limitations and restrictions.

(3) Submit a copy of the contract of sale or lease to be used.

(e) *Reporting requirements.* (1) By January 31 of each year, you must report to the Secretary any sale or lease made during the preceding calendar year. The report must include:

(i) One representative copy of the Statement of Reservations, Restrictions, Taxes and Assessments along with an affidavit affirming that the Statement submitted is a true copy of that given to each purchaser or lessee.

(ii) One copy of each purchaser's or lessee's receipt acknowledging that the Statement of Reservations, Restrictions, Taxes and Assessments was delivered (see paragraph (c)(4) of this section).

(iii) For each sale or lease, a copy of the salesperson's affirmation that a personal on-the-lot inspection was made prior to signing a contract of sale or lease (see paragraph (c)(3) of this section).

(iv) One representative copy of the contract of sale or lease along with an affidavit affirming that the contract submitted is a true copy of that used for each sale or lease.

(2) When no sales or leases are made during a calendar year, you must so notify the Secretary before the January 31 reporting deadline.

(3) All documents required to be submitted with the normal report are to be bound and identified by the subdivision name and the corresponding OILSR identification number. At any time during a year, the Secretary may require that all or part of the documents described above be submitted for sales or leases during that calendar year to date. Upon receipt of such a request, you are required to submit the documentation without delay.

(f) *How to retain eligibility.* (1) Eligibility for this exemption provision can be retained for as long as the developer operates the subdivision offering within the provisions of this section or until all the lots subject to the Claim of Exemption are sold. However, the exemption does not extend to lots which are reacquired.

(2) Violations of the provisions of this Section may result in the termination of the Secretary's approval and sales or leases made on and subsequent to the date of the violation may be voidable.

§ 1710.12 Statutory exemptions—when inapplicable.

The exemptions set forth under § 1710.10 and 1710.11 of this part shall not be applicable when the method of sale, lease, or other disposition of land or an interest in land is adopted for the purpose of evasion of the Act.

§ 1710.13 Regulatory exemptions—no OILSR determination required.

(a) *General.* The Secretary has established several regulatory exemptions which are to be self-determined. You do not have to submit anything. The OILSR's prior determination is not needed.

(b) *Conditions for self-determined exemption.* If a sale meets any of the following requirements, it qualifies for a self-determined exemption.

(1) The sale or lease of lots, each of which will be sold or leased for less than \$100, including closing costs: *Provided*, That the purchaser or lessee will not be required to purchase or lease more than one lot;

(2) The lease of lots for a term not to exceed five years: *Provided*, The terms of the lease do not obligate the lessee to renew.

(3) The sale or lease of lots in a subdivision: *Provided*, That the number of sales or leases is fewer than fifty lots and not more than ten percent of the subdivision's total lots platted of record. In addition, all other lot sales or leases in the subdivision must be statutorily exempt for one or more of the following reasons:

(i) The lots have a residential, commercial or industrial building upon them;

(ii) The developer is contractually obligated to construct a residential, commercial or industrial building on

the lot within two years following signing of the contract; or

(iii) The lots are sold or leased to persons who acquire the lots for the purpose of engaging in the business of constructing residential, commercial or industrial buildings.

(4) The sale of lease of lots to a person who is engaged in a bona fide land sales business.

(5) The sale or lease of a lot to a purchaser who owns the contiguous lot which has a residential, commercial or industrial building on it.

(6) The sale or lease of lots in a subdivision where the developer, within the past 5 years, has not and will not make more than 12 sales or leases during any 12-month period. In addition, each purchaser must make an on-the-lot inspection of the real estate which is being purchased or leased.

(7) The sale or lease of lots in a scattered site subdivision if the individual sites have fewer than 50 lots each. A site is a lot or any group of lots that are contiguous or are known or designated by a common name. For purposes of this exemption lots will be considered contiguous even though physically separated by a road, park, water, recreational or other facility, or in any similar manner.

§ 1710.14 Regulatory exemption—local offering—determination and exemption order required.

(a) *General.* This section describes a regulatory exemption from the registration provisions of the Act which was established by the Secretary and requires that certain eligibility requirements be met. It is also required that certain material be submitted to OILSR to substantiate that eligibility. When eligibility is established, the Secretary may issue an Exemption Order and the developer can begin exempt sales and leases.

(b) This exemption was established to exempt from full disclosure those small subdivisions or commonly promoted sites which meet the eligibility requirements and which are promoted for sale or lease to persons who reside in the same geographical area as the subdivision or site. However, the exemption does not extend to subdivisions or sites on which the Secretary has evidence or information that the approval of the exemption would not be in the public interest. Furthermore, the exemption does not extend to any lot located in a flood plain or a flood prone area as designated by a Federal, State, or local agency unless the community is participating in the Federal Flood Insurance Program.

(1) *Eligibility requirements.* The subdivision must meet all of the following requirements:

(i) The subdivision or site must have fewer than 150 lots. A site is a lot or any group of lots that are contiguous

or are known or designated by a common name. For purposes of this exemption, lots will be considered contiguous even though physically separated by a road, park, water, recreational or other facility, or in any similar manner.

(ii) The promotion (advertising, marketing program, etc.) must be directed to permanent residents of the local community in which the subdivision is located. Eligibility for this exemption will be determined on a case-by-case basis by evaluating the local nature of the promotion. However, the promotion of a subdivision will be presumed to be directed to the permanent residents of the local community if:

(A) Newspapers and periodicals in which the subdivision is promoted are all published in the county in which the subdivision is located;

(B) Billboards and signs promoting the subdivision are located within 15 miles of the subdivision;

(C) Distribution of handbills, brochures, pamphlets, and other printed advertising or promotional material is limited to the subdivision or offices of real estate brokers;

(D) Any listing real estate broker's principal office is in the county in which the subdivision is located;

(E) Radio or television stations used to promote the subdivision are located in the same county as the subdivision.

(iii) The marketing program for the subdivision cannot include any direct mail or telephone solicitation, offers of gifts, trips, dinners, or other such promotional techniques to induce prospective purchasers or lessees to visit the subdivision or to purchase or lease a lot.

(iv) Each purchaser or lessee (or spouse) must make a personal on-the-lot inspection of the real estate to be purchased or leased before signing the sale or lease agreement. A written acknowledgement (see paragraph (c)(4) of this section for format), stating that on-the-lot inspection was properly made, must be signed by both the salesperson and the purchaser or lessee. The developer (or agent) must retain these acknowledgements for at least 3 years and, upon demand by the Secretary, make them available for inspection.

(v) Each purchase or lease agreement must contain:

(A) A clear and specific statement describing the party responsible for providing and maintaining the roads, water facilities, sewer facilities and amenities; and,

(B) An unconditional and non-waivable provision of 14 days during which the purchaser or lessee has the right to cancel the agreement and receive a refund of all consideration paid.

(vi) In addition to subdivision (v) of this subparagraph, each purchase agreement must also provide for deliv-

ery of a deed which is free of blanket encumbrances.

(2) **Filing requirements.** All of the following documentation must be submitted before a Local Offering Exemption Order will be issued.

(i) An Application for Exemption Order. The required format and instructions for preparations are found in paragraph (c)(1) of this section.

(ii) A \$250.00 filing fee in the form of a certified check, cashier's check, or postal money order made payable to the Treasurer of the United States. This fee is not refundable.

(iii) A Comprehensive Statement. The instructions for preparation are found in paragraph (c)(2) of this section.

(iv) A Developer's Affirmation in the exact form shown in paragraph (c)(3) of this section.

(v) A sample copy of the Acknowledgment of On-The-Lot Inspection. The required format and exact wording to be used are found in paragraph (c)(4) of this section.

(vi) A sample copy of the purchase or lease agreement.

(vii) A sample copy of the deed to be delivered to each purchaser.

(viii) A general plan of the subdivision. Include a map and plat which shows the total land owned and under option or similar arrangement for acquisition of title. Clearly identify the lots which are the subject of the exemption application.

(ix) After reviewing the above listed material, the Secretary may determine that additional information is required to support or clarify one or more aspects of the exemption application. When this occurs, the developer will be notified in writing and will be expected to furnish promptly the requested additional information.

(c) **Formats and additional filing instructions.** This subsection contains the 4 formats required to be followed when applying for an Exemption Order under the Local Offering Exemption. All applications must include the material listed under Filing Requirements to constitute a complete filing on which a determination can be made.

(1) The Application for Exemption Order must be in the following format and completed according to the following instructions:

APPLICATION FOR EXEMPTION ORDER

Developer's IRS Number: _____
 Owner's IRS Number: _____
 Name of Subdivision: _____
 Location: _____
 Name of developer: _____
 Developer's street address: _____
 Developer's mailing address: _____
 Authorized agent: _____
 Authorized agent's address: _____

A. IDENTIFICATION AND FILING INFORMATION

1. State whether or not this filing is an initial filing with the Office of Interstate

Land Sales Registration for the subdivision or an additional offering of lots to be consolidated with a previous filing. If this filing is a consolidation, identify the OILSR file number assigned to the previous filing.

2. State whether or not you intend to make subsequent filings for additional lots in the subdivision.

B. GENERAL INFORMATION

1. Name the State, Commonwealth, territory, or possession of the United States or the foreign country in which the subdivision is located.

2. Name the county or other political subdivision in which the subdivision is located.

3. State the number of lots and acres in the subdivision subject to this application for an Exemption Order. If the filing is a consolidation with a previous filing, include only the number of lots and acres being added by this filing.

4. State the total number of lots and acres planned for the entire subdivision.

5. Identify any additional acreage owned or under option or similar arrangement for acquisition of title to land. State what plans, if any, you have for this additional acreage.

6. State whether or not the present developer or owner has sold or leased any lots in this subdivision since April 28, 1969. If these transactions were made pursuant to an exemption, identify the exemption provision. State whether or not an Exemption Advisory Opinion, Exemption Order, or Claim of Exemption was filed for these transactions and, if so, indicate the OILSR file number.

C. FILINGS WITH STATE AUTHORITIES

Attach a copy of the property report, subdivision report, offering statement, or similar document which has been filed with any State or States. Explain the current status of the State filing.

(2) The comprehensive statement is in narrative form. Under the heading Comprehensive Statement, answer the following questions:

(i) State the number of unsold lots in the subdivision as of the effective date of this exemption provision; and the number of lots currently available.

(ii) Name the political subdivision (e.g., municipality, county, etc.) in which the subdivision is located and state the population size from the latest census.

(iii) List the names and addresses of each person, partnership, corporation, or other entity owning any interest in the subdivision or acting as sales agent for the subdivision. Include the names and addresses of the principals of each partnership, corporation, or other entity owning an interest in the subdivision.

(iv) State whether or not the developer, principals of the developer, or principals of the legal entity having a ownership interest in this subdivision are directly or indirectly involved in any other subdivision(s). If so, include the name and location of the subdivision(s) and the proposed number of lots for each.

(v) State whether or not the same sales personnel, sales office, or other

sales facilities have been or will be used in common with the promotion or sale of lots in this subdivision and any of those subdivisions listed in subdivision (iv) of this subparagraph. State whether referrals have been made or will be made to or from this subdivision and any of the subdivision(s) listed in subdivision (iv) of this subparagraph.

(vi) Describe the geographical relationship of this subdivision to those subdivisions listed in subdivision (iv) of this subparagraph.

(vii) Describe how sales will be made. If a real estate broker is used, explain how the broker will be instructed to limit promotion of the subdivision only to persons residing in the local community.

(viii) Describe the advertising or promotional methods used or to be used in the sale or lease of lots in the subdivision. Include information on the following, as applicable:

(A) The name and business address of all newspapers or other periodicals used or to be used in promoting the subdivision along with circulation and distribution data for each;

(B) The name and location of radio and television stations which have been or will be used to promote the subdivision and indicate the broadcast range of each;

(C) Describe the distribution of brochures, handbills, promotional maps, or other printed advertising;

(D) Describe the location of billboards and their distance from the subdivision;

(E) Describe any use of the mails and telephone.

(ix) Attach to this Comprehensive Statement, in affidavit form, a list containing the names and addresses of all purchasers within the past 3 years. The list must include: both the home address of the purchaser at the time of sale and the purchaser's current address; the identity of the lot; the date of the sale; and the amount of payments as of the date of application for this exemption. Sales which may have been exempt transactions under one of the exemption provisions of §§ 1710.10 and 1710.13 of the OILSR rules and regulations should be designated and the appropriate exemption provision identified.

(3) The developer affirmation which must be submitted with the Application for Exemption Order must be in the form shown below:

DEVELOPER'S AFFIRMATION

I hereby affirm that I am the developer of the lots herein described or will be the developer at the time the lots are offered for sale or lease to the public, or that I am the agent (a) authorized by the developer to complete this statement.

I further affirm that the statements contained in all documents submitted with the

Application for Exemption Order are true and complete.

Date: _____
 (Corporate seal if applicable)
 Signature: _____

Title

WARNING: Section 1418 of the Housing and Urban Development Act of 1968 (82 Stat. 598, 15 U.S.C. 1717) provides: "Any person who willfully violates any of the provisions of this title or the rules and regulations prescribed pursuant thereto . . . shall upon conviction be fined not more than \$5,000 or imprisoned not more than five years, or both." (Sec. 1419, 82 Stat. 598, U.S.C. 1718, Secretary's delegation published 38 FR 5006)

(a) If an agent is executing the filing applications, submit written authorization to act as the agent.

(4) The acknowledgment that the purchaser made an on-the-lot inspection must be in the form shown below:

ACKNOWLEDGMENT OF PURCHASER'S ON-THE-LOT INSPECTION

I hereby affirm that on this date _____, I made a personal on-the-lot inspection of lot _____ in (name of subdivision) which is located in (name of county), (name of State). I made such on-site inspection before obligating myself to buy a lot in this subdivision.

(d) **Termination.** Any exemption order issued pursuant to the provisions of this section shall be limited to the facts, affirmations, and methods of operation as represented in the request and any material change in or deviation therefrom shall automatically terminate the effect of such exemption order.

§ 1710.15 Regulatory exemption—primary homesite determination and exemption order required.

(a) **General.** This section describes a regulatory exemption from the registration provisions of the act which was established by the Secretary and requires that certain eligibility requirements be met. It is also required that certain material be submitted to OILSR to substantiate that eligibility. When eligibility is established, the Secretary may issue an exemption order and the developer can begin exempt sales and leases.

(b) This exemption was established to exempt from full disclosure those subdivisions or sites in a subdivision of limited size which are designed for primary homesites only. However, the exemption does not extend to subdivisions or sites on which the Secretary has evidence or information that the approval of the exemption would not be in the public interest. Furthermore, the exemption does not extend to any lot located in a flood plain or a flood prone area as designated by a Federal, State or local agency unless the community is participating in the Federal Flood Insurance Program.

(1) **Eligibility requirements.** The offering must meet all of the following requirements:

(i) The offering must be for fewer than 300 lots in a subdivision or in one site in a scattered site subdivision, and all of the lots must be intended for use as primary homesites. A site is a lot or any group of lots that are contiguous or are known or designated by a common name. For purposes of this exemption lots will be considered contiguous even though physically separated by a road, park, water, recreational or other facility or in any similar manner.

(ii) Sales will not be made by installment sales contract or installment purchase agreement.

(iii) Each purchaser must make a personal on-the-lot inspection of the real estate to be purchased before signing the sales agreement. A written acknowledgment (see paragraph (c)(4) of this section for format) stating that the on-the-lot inspection was properly made must be signed by both the salesperson and the purchaser. The developer (or agent) must retain these affirmations for three years and upon demand of the Secretary, make these documents available for inspection.

(iv) Each purchase agreement must provide for delivery of a warranty deed which is free of any blanket encumbrance. A deed other than a warranty deed may satisfy this requirement if it is free of any lien to secure a financial obligation and if it is accompanied by an opinion to that effect by an attorney who is licensed to practice in the jurisdiction where the subdivision is located. The deed must be delivered within 120 days of signing the sales contract or purchase agreement.

(v) The sales contract or purchase agreement must contain an unconditional and non-waivable provision of 14 days during which the purchaser has the right to cancel the agreement and receive a refund of all consideration paid.

(vi) On the date that application is made for this exemption, at least 30 percent of the lots in the subdivision or site must meet all the eligibility requirements listed in (A) through (E) below. Each individual lot must meet all these same requirements at the time it is sold.

(A) The subdivision must meet all local codes and standards.

(B) Each lot must be situated on a road that has been built to a standard acceptable to the local governing authority and that authority must have stated that it will accept responsibility for maintenance of the roads.

(C) Adequate precautions to prevent flooding in the subdivision (e.g., drainage structures, land fill, etc.) must have been taken.

(D) Electricity must be extended to each lot.

(E) In subdivisions utilizing central systems, potable water and sanitary

sewage disposal must be extended to each lot. In subdivisions which do not have a central water or sewage disposal system, there must be assurances that an adequate potable water supply is available year-round and that the land is approved for the installation of septic tanks.

(vii) All recreational facilities, if any, planned for the subdivision must be complete or the developer must have placed funds for completion in escrow with an independent institution having trust powers. An irrevocable letter of credit from a lending institution to assure completion of recreational facilities may be substituted for this escrow arrangement.

(2) **Filing requirements.** All of the following documentation must be submitted before a Primary Homesite Exemption Order will be issued.

(i) An Application for Exemption Order. The format and instructions for preparation are found in paragraph (c)(1) of this section.

(ii) A \$250 filing fee in the form of a certified check, cashier's check or postal money order made payable to the Treasurer of the United States. This fee is not refundable.

(iii) A Comprehensive Statement. The instructions for preparation are found in paragraph (c)(2) of this section.

(iv) The Developer's Affirmation in the exact form found in paragraph (c)(3) of this section.

(v) A sample copy of the Acknowledgment of On-The-Lot Inspection. The required format and exact wording to be used are found in paragraph (c)(4) of this section.

(vi) A sample copy of the purchase or lease agreement.

(vii) A sample copy of the deed to be delivered to each purchaser.

(viii) A general plan of the subdivision. Include a map and plat which shows the total land owned and under option or similar arrangement for acquisition of title. Clearly identify the lots which are the subject of the exemption application.

(ix) A copy of the escrow agreement or irrevocable letter of credit required to assure completion of recreational facilities, when such facilities are not complete.

(x) As applicable, documentation from local governing authorities that:

(A) Roads in the subdivision have been and/or will be built to local standards and the local authority accepts responsibility for maintenance of the roads.

(B) Adequate precautions to prevent flooding in the subdivision have been approved.

(C) Potable water is available on a year-round basis.

(D) The land is approved for the installation of septic tanks.

(xi) After reviewing the above listed material, the Secretary may determine

that additional information is required to support or clarify one or more aspects of the exemption application. When this occurs, the developer will be notified in writing and will be expected to furnish promptly the requested additional information.

(c) **Formats and additional filing instructions.** This subsection contains the 4 formats required to be followed when applying for an Exemption Order under the Primary Homesite Exemption. All applications must include the material listed under Filing Requirements to constitute a complete filing on which a determination can be made.

(1) The Application for Exemption Order must be in the following format and completed according to the following instructions:

APPLICATION FOR EXEMPTION ORDER

Developer's IRS Number: _____
Owner's IRS Number: _____
Name of Subdivision: _____
Location: _____
Name of developer: _____
Developer's street address: _____
Developer's mailing address: _____
Authorized agent's address: _____

A. IDENTIFICATION AND FILING INFORMATION

1. State whether or not this filing is an initial filing with the Office of Interstate Land Sales Registration for the subdivision or of additional offering of lots to be consolidated with a previous filing. If this filing is a consolidation, identify the OILSR file number assigned to the previous filing.

2. State whether or not you intend to make subsequent filings for additional lots in the subdivision.

B. GENERAL INFORMATION

1. Name the State, Commonwealth, territory or possession of the United States or the foreign country in which the subdivision is located.

2. Name the county or other political subdivision in which the subdivision is located.

3. State the number of lots and acres in the subdivision subject to this application for an Exemption Order. If the filing is a consolidation with a previous filing, include only the number of lots and acres being added by this filing.

4. State the total number of lots and acres planned for the entire subdivision.

5. Identify any additional acreage owned or under option or similar arrangement for acquisition of title to land. State what plans, if any, you have for this additional acreage.

6. State whether or not any lots have been sold or leased in this subdivision since April 28, 1969. If these transactions were made pursuant to an exemption, identify the exemption provision. State whether or not an Exemption Advisory Opinion, Exemption Order or Claim of Exemption was filed for these transactions and, if so, indicate the OILSR file number.

C. FILINGS WITH STATE AUTHORITIES

Attach a copy of the property report, subdivision report, offering statement or similar document which has been filed with any State or States. Explain the current status of the State filing.

(2) The comprehensive statement is in narrative form. Under the heading Comprehensive Statement, answer the following questions:

(i) State the number of unsold lots in the subdivision as of the effective date of this exemption provision; and the number of lots currently available.

(ii) Name the political subdivision (e.g., municipality, county, etc.) in which the subdivision is located and state the population size from the latest census.

(iii) List the names and addresses of each person, partnership, corporation or other entity owning any interest in the subdivision or acting as sales agent for the subdivision. Include the names and addresses of the principals of each partnership, corporation or other entity owning an interest in the subdivision.

(iv) State whether or not the developer, principals of the developer or principals of the legal entity having a ownership interest in this subdivision are directly or indirectly involved in any other subdivision(s). If so, include the name and location of the subdivision(s) and the proposed number of lots for each.

(v) State whether or not the same sales personnel, sales office or other sales facilities have been or will be used in common with the promotion or sale of lots in this subdivision and any of those subdivisions listed in subdivision (iv) of this subparagraph. State whether referrals have been made or will be made to or from this subdivision and any of the subdivision(s) listed in subdivision (iv) of this subparagraph.

(vi) Describe the geographical relationship of this subdivision to those subdivisions listed in subdivision (iv) of this subparagraph.

(vii) Describe how sales will be made. If a real estate broker is used, explain how the broker will be instructed to limit promotion of the subdivision to lots to which all improvements have been extended.

(viii) Describe the advertising or promotional methods used or to be used in the sale or lease of lots in the subdivision. Submit copies of any promotional material you may have available.

(ix) Attach to this Comprehensive Statement, in affidavit form, a list containing the names and addresses of all purchasers within the past three years. The list must include: Both the home address of the purchaser at the time of sale and the purchaser's current address; the identity of the lot; the date of the sale; and the amount of payments as of the date of application for this exemption. Sales which may have been exempt transactions under one of the exemption provisions of §§ 1710.10 and 1710.13 of the OILSR rules and regulations should be designated and the appropriate exemption provision identified.

(3) The developer affirmation which must be submitted with the Application for Exemption Order must be in the form shown below:

DEVELOPER'S AFFIRMATION

I hereby affirm that I am the developer of the lots herein described or will be the developer at the time the lots are offered for sale or lease to the public, or that I am the agent (a) authorized by the developer to complete this statement.

I further affirm that the statements contained in all documents submitted with the Application for Exemption Order are true and complete.

(date)

(signature)

(corporate seal if applicable)

(title)

Warning: Section 1418 of the Housing and Urban Development Act of 1968 (82 Stat. 598, 15 U.S.C. 1717) provides: "Any person who willfully violates any of the provisions of this title or the rules and regulations prescribed pursuant thereto . . . shall upon conviction be fined not more than \$5,000 or imprisoned not more than five years, or both." (Sec. 1419, 82 Stat. 598, U.S.C. 1718, Secretary's delegation published 36 FR 5006.)

(a) If an agent is executing the filing applications, submit written authorization to act as the agent.

(4) The acknowledgment that the purchaser made an on-the-lot inspection must be in the form shown below:

ACKNOWLEDGMENT OF PURCHASER'S ON-THE-LOT INSPECTION

I hereby affirm that on this date _____, I made a personal on-the-lot inspection of lot _____ in (name of subdivision) which is located in (name of county), (name of State). I made such on-site inspection before obligating myself to buy a lot in this subdivision.

(d) **Termination.** Any exemption order issued pursuant to the provisions of this section shall be limited to the facts, affirmations, and methods of operation as represented in the request and any material change in or deviation therefrom shall automatically terminate the effect of such exemption order.

§ 1710.16 Advisory Opinion: Secretary's determination may be requested.

(a) **General.** When it is not clear that an offering is either exempt under the self-determined statutory provisions of § 1710.10, the self-determined regulatory provisions of § 1710.13 or whether jurisdiction exists, you may request an Advisory Opinion to clarify your situation. This Section describes the filing requirements for requesting an Advisory Opinion.

(b) **Standard documentation.** All requests must contain the following documentation:

(1) A \$250 filing fee in the form of a certified check, cashier's check or postal money order made payable to the Treasurer of the United States. This fee is not refundable.

(2) A Request for Advisory Opinion in the following format:

REQUEST FOR ADVISORY OPINION

Name of Subdivision or identity of real estate offering for which Advisory Opinion is requested:

Location: _____
Name of developer/owner: _____
Authorized agent: _____
Authorized agent's address: _____

A. State whether or not this is an initial request for Advisory Opinion with the Office of Interstate Land Sales Registration. Identify any OILSR file number previously assigned to the subdivision or real estate offering.

B. Name the State, Commonwealth, territory or possession of the United States or the foreign country in which the subdivision is located.

C. Name the county or comparable jurisdiction in which the real estate is located and state the population size thereof according to the latest census.

D. State the number of lots and acres comprising the real estate subject to this request for Advisory Opinion.

E. State the total number of lots and acres planned for the entire subdivision or real estate offering.

F. Identify any additional real estate the developer/owner owns or has under option or an arrangement to acquire title. State the intended use of any additional acreage.

G. State whether or not any property has been sold or leased in the subdivision since April 28, 1969 by the current developer/owner.

(3) The Comprehensive Statement is in narrative form. Under the heading **COMPREHENSIVE STATEMENT** answer the following questions:

A. Identify the exemption provisions of § 1710.10 or § 1710.13 of the OILSR rules and regulations under which this request is filed.

B. State the number of unsold lots in the subdivision as of April 28, 1969; and the number of lots currently available.

C. List the names and addresses of each person, partnership, corporation or other entity owning any interest in the subdivision or acting as sales agent for the subdivision. Include the names and addresses of the principals of each partnership, corporation or other entity owning an interest in the subdivision.

D. State whether or not the developer, principals of the developer or principals of the legal entity having a ownership interest in the real estate which is the subject of your request for Advisory Opinion are directly or indirectly involved in any other subdivision(s). If so, include the name and location of the subdivision(s) and state the proposed number of lots for each.

E. State whether or not the same sales personnel, sales office, or other sales facilities have been or will be used in common with the promotion or sale of lots in this subdivision and any of those subdivisions listed in D above. State whether referrals have been or will be made to or from this subdivision and any of the subdivisions listed in D above.

F. Describe the geographical relationship of this subdivision to those subdivisions listed in D above.

G. Describe how sales or leases will be made.

H. Describe the advertising or promotional methods used or to be used in the sale or lease of lots in the subdivision. Include information on the following, as applicable:

1. The name and business address of all newspapers or other periodicals used or to be used in promoting the subdivision along with circulation and distribution data for each;

2. The name and location of radio and television stations which have been or will be used to promote the subdivision and indicate the broadcast range of each;

3. Describe the distribution of brochures, handbills, promotional maps, or other printed advertising and attach any such advertising to this Comprehensive Statement;

4. Describe the use of the telephone in the operation of the subdivision.

1. Attach to this Comprehensive Statement, in affidavit form, a list containing the names and addresses of all purchasers or lessees within the past 3 years. This list must include: both the home address of the purchaser or lessee at the time of sale or lease and the purchaser's or lessee's current address; the identity of the lot; the date of the sale or lease; and the amount of payments as of the date of this Request for Advisory Opinion.

(4) A map or plat showing the total land owned. Clearly identify the property which is the subject of your request for Advisory Opinion.

(5) A Developer's Affirmation exactly as shown below:

DEVELOPER'S AFFIRMATION

I hereby affirm that I am the developer or owner of the property herein described or will be the developer at the time the lots are offered for sale or lease to the public, or that I am the agent (a) authorized by the developer to complete this statement.

I further affirm that the statements contained in all documents submitted with the Request for Advisory Opinion are true and complete.

Warning: Section 1418 of the Housing and Urban Development Act of 1968 (82 Stat. 598 U.S.C. 1717) provides:

"Any person who willfully violates any of the provisions of this title or the rules and regulations prescribed pursuant thereto . . . shall upon conviction be fined not more than \$5,000 or imprisoned not more than 5 years, or both." (Sec. 1419, 82 Stat. 598, 15 U.S.C. 1718, Secretary's delegations published 36 FR 5006.)

(c) **Additional documentation.** In addition to the Standard Documentation, submit the following documentation (if any) for the specified provisions:

(a) If an agent is executing the filing applications, submit written authorization to act as the agent.

(1) For an Advisory Opinion pertaining to § 1710.10(2) no additional documentation is required to be submitted with the request.

(2) For an Advisory Opinion pertaining to § 1710.10(b) no additional information is required to be submitted with the request. However, the acreage of each lot must be clearly delineated on the plat.

(3) For an Advisory Opinion pertaining to § 1710.10(c), submit a copy of the contract of sale or lease used.

(4) For an Advisory Opinion pertaining to § 1710.10(d), submit a copy of the court order.

(5) For an Advisory Opinion pertaining to § 1710.10(e), describe the security arrangement and submit a copy of the evidence of indebtedness.

(6) For an Advisory Opinion pertaining to § 1710.10(f), describe the real estate investment trust and submit a copy of the legal documents by which the trust was created.

(7) For an Advisory Opinion pertaining to § 1710.10(g), specify the government entity.

(8) For an Advisory Opinion pertaining to § 1710.10(h), no additional documentation is required to be submitted with the request.

(9) For an Advisory Opinion pertaining to § 1710.10(i), describe the method of disposition and specify how the developer will be assured that the purchaser or lessee is engaged in the business of building or is acquiring the real estate for resale or lease to a builder.

(10) For an Advisory Opinion pertaining to § 1710.10(j), describe how the subdivision and method of disposition meets the requirements for the exemption. Submit supporting documentation, including evidence of the zoning and a copy of the instrument containing the purchaser or lessee affirmation.

(11) For an Advisory Opinion pertaining to § 1710.13(b)(1), if true, submit an affidavit affirming that lots will be sold for less than \$100, including closing costs and that the purchaser will not be required to purchase more than one lot.

(12) For an Advisory Opinion pertaining to § 1710.13(b)(2), submit a copy of the lease.

(13) For an Advisory Opinion pertaining to § 1710.13(b)(3), submit an affidavit that fewer than 50 lots and in no event more than 10 percent of the lots in the subdivision will be sold unless there are completed residential, commercial, or industrial buildings on the lots, or the contract obligates the seller to erect such buildings within 2 years, or the lots are sold or leased to persons who acquire the lots for the purpose of engaging in the business of constructing residential, commercial, or industrial buildings.

(14) For an Advisory Opinion pertaining to § 1710.13(b)(4), describe the

method of disposition and specify how the developer will be assured that the purchaser or lessee is engaged in the land sales business.

(15) For an Advisory Opinion pertaining to § 1710.13(b)(5), no additional documentation is necessary to be submitted with the request.

(16) For an Advisory Opinion pertaining to § 1710.13(b)(6), no additional documentation is necessary to be submitted with the request.

(17) For an Advisory Opinion pertaining to § 1710.13(b)(7), submit a map showing the location of all sites and plats which clearly delineate the number of lots in each site.

(18) For an Advisory Opinion pertaining to jurisdiction, no additional information is required to be submitted with the request.

§ 1710.17 Concurrent submission—request for exemption/statement of record.

A request for an Exemption Order pursuant to § 1710.14 may be accompanied by the submission of a complete Statement of Record filed in accordance with the procedures described in the following paragraphs:

(a) You may submit a request for an Exemption Order and a complete Statement of Record at the same time. The filing of a request for an Exemption Order and a Statement of Record will not affect the date on which the Statement of Record becomes effective.

(b) If a Statement of Record is effective and an Exemption Order is granted covering the same subdivision, you must elect within 30 days of the date of the Exemption Order or the effective Statement of Record, whichever is later, whether you intend to rely upon the Exemption Order or intend for the Statement of Record to remain in effect. If you fail to inform the Secretary that the Exemption Order is to remain in effect, the Order will be automatically terminated and it will be presumed by OILSR that the Statement of Record will remain effective. If you do not intend to rely upon the Statement of Record, you may not represent to a purchaser that:

(1) The subdivision has been registered with the Secretary.

(2) The Statement of Record is in effect.

(3) The Secretary has accepted any Property Report or similar information given to a purchaser.

If you do not intend to rely upon the Exemption Order, you may not represent to a purchaser that the method of sale, lease, or other disposition is exempt from the Act.

§ 1710.18 No Action Letter: Secretary's Determination Required.

(a) There are instances when one or more sales or leases will fall within the

Act's jurisdiction but not qualify for exemption. Nevertheless, the circumstances of the sales or leases may be such that no affirmative action is needed to protect the public interest or prospective purchasers.

(b) If a request for a No Action Letter is submitted and the facts presented demonstrate that no affirmative action is needed to protect the public interest or prospective purchasers in particular transactions, a letter will be issued stating that no action will be taken under the Act with regard to those transactions.

(c) The issuance of a No Action Letter will not affect any right which any purchaser may have under the Act and it will not preclude any future agency action which may become necessary.

(d) A request for a No Action Letter must include a thorough explanation of the proposed transactions.

§ 1710.20 Requirements for Registering a Subdivision—Statement of Record—Filing and Form.

(a) *Filing.* In order to register a subdivision and receive an effective date, the developer or owner of the subdivision must file a Statement of Record with the Secretary. The official address to be used is:

Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

A fee, in the amount and the form set out in § 1710.35, must accompany the Statement of Record.

(b) *Form.* The Statement of Record shall be in the format specified in § 1710.100 and shall be completed in accordance with the instructions in §§ 1710.102, 1710.105-118, 1710.200, 1710.208-216, and 1710.219. It shall be supported by the documents required by §§ 1710.208-216 and 1710.219. It shall include any other information or documents which the Secretary may require as being necessary or appropriate for the protection of purchasers.

(c) *State filings.* A Statement of Record for a subdivision located in one of the States appropriately identified in § 1710.54 may be in the form required by State authorities if filed in accordance with the requirements in §§ 1710.52, 1710.56, 1710.58, and 1710.59.

§ 1710.21 Effective dates.

(a) *General.* The effective date of an initial or consolidated Statement of Record or any amendment thereto shall be the 30th day after the date of filing unless the Secretary notifies the developer in writing prior to such 30th day that:

(1) The effective date has been suspended in accordance with § 1710.45(a) or,

(2) An earlier effective date has been determined.

(b) *Amendments prior to an effective date.* If a Statement of Record or any amendment is amended prior to its becoming effective, the effective date shall be the 30th day after the filing of the latest amendatory material unless the Secretary notifies the developer in writing prior to such 30th day that:

(1) The effective date has been suspended in accordance with § 1710.45(a) or,

(2) An earlier effective date has been determined.

(c) *Suspension of effective date by developer.* A developer, or owner, may request that the effective date of its Statement of Record be suspended, provided there are no administrative proceedings pending against either of them at the time the request is submitted. The request must include any consolidations or amendments which have been made to the initial Statement of Record. Forms for this purpose will be furnished by the Secretary upon request. Upon acceptance by the Secretary, the effectiveness of the Statement of Record shall be suspended as of the date the request was executed by the developer or owner. The suspension shall continue until the developer, or owner, submits all amendments necessary to bring the registration into full compliance with the Regulations which are in effect at the date of the amendments and the Secretary allows those amendments to become effective.

§ 1710.22 Statement of Record.

(a) *Initial Statement of Record.* Except in the case of exempt transactions, an initial Statement of Record shall be filed, and an effective date issued, prior to selling or leasing any lot in a subdivision. If there is a transfer of ownership of registered lots from one developer, or owner, to another developer, or owner, the new developer, or owner, must submit a new initial Statement of Record and receive an effective date covering the acquired lots prior to selling or leasing any of those lots. Changes in principals due to a sale of stock in a corporation or changes in partners or joint venturers which are accomplished in accordance with the partnership or joint venture agreement but which do not cause a change in the title to the land in the subdivision may be submitted as an amendment. Any initial Statement of Record must be accompanied by a fee, as specified in § 1710.35, based upon the number of lots sought to be registered.

(b) *Consolidated Statement of Record.* If the developer intends to sell or lease additional lots as part of the same common promotional plan with lots already registered, a consolidated

Statement of Record may be submitted for the additional lots. A fee, as specified in § 1710.35 and based on the number of additional lots, must accompany the submission. The additional lots may not be sold or leased until a new effective date is issued. If the additional lots are simply the result of a replatting of lots previously registered and do not include any additional land, the change may be made by an amendment. However, the amendment must be accompanied by a fee, as specified in § 1710.35, based on the number of additional lots.

(c) *Consolidated Statement of Record—Form.* A consolidated Statement of Record shall conform to the same format and requirements for an initial Statement of Record. Answers given in previous Statements of Record may not be incorporated by reference. However, supporting documentation which is specifically applicable to both the prior Statement of Record and to the additional submission may be incorporated by reference.

(d) *Consolidated Statement of Record amends prior Statement of Record.* A Consolidated Statement of Record shall answer all applicable questions for all registered lots in the subdivision except those deleted pursuant to other provisions in these regulations. The resulting Property Report shall be used for all sales in the subdivision, except for those transactions which are exempt from the provisions of the Act or which have been granted an exempt status by the Secretary, unless the Secretary has specifically authorized the use of multiple Property Reports.

(e) *Initial Statement of Record—when prior approval to submit is required.* In those subdivisions where there is a disparity between the lots already registered and those sought to be registered because of location, terrain, proposed use of the lots or the amenities to be furnished or available, the developer may present a resume of the differences and request the Secretary's permission to file a separate initial Statement of Record for the additional lots. Upon consideration of the facts submitted, the Secretary may allow such a procedure.

(f) *Lots which have been deleted from registration.* Should the developer, for any reason, delete by amendment any registered lots from an effective Statement of Record, those lots shall be the subject of a consolidated Statement of Record, and a new effective date issued, before they can be sold or leased. An appropriate fee must accompany the submission.

(g) *Lots sold to individual purchasers.* It is not necessary to report to OILSR or to delete from the registration those lots which have been sold to individual purchasers for their own use.

§ 1710.23 Amendment—Filing and Form.

(a) *Filing.* If any change occurs in any representation of material fact required to be stated in an effective Statement of Record, an amendment shall be filed. The amendment shall be filed within 15 days of the date on which the developer knows, or should have known, that there has been a change in material fact.

(b) *Form.* An amendment shall incorporate by reference the prior Statement of Record except for any changes in material fact. A change in material fact shall be specifically described and supported by the same documentation which would be required for an initial submission.

Any amendment shall be accompanied by:

(1) A letter from the developer giving a clear and concise description of the purpose and significance of the amendment and referring to the Section and page of the Statement of Record which is being amended; and

(2) All pages of the Statement of Record, which have been amended, re-typed in the required format to reflect the changes. The OILSR number of the Statement of Record shall appear at the top of each page of the material submitted; and

(3) A copy of the developer's latest financial statements as required by § 1710.212 unless the Statement of Record already contains copies of financial statements which are less than one year old as of the date of the submission of the amendment; and

(4) A new affirmation in the form specified in § 1710.219.

§ 1710.29 Use of Property Report—misstatements, omissions or representation of HUD approval prohibited.

(a) Nothing in these regulations shall be construed to authorize or approve the use of a Property Report containing any untrue statement of a material fact or omitting to state a material fact required to be stated therein.

(b) Nor shall anything in these regulations be construed to authorize or permit any representation that the Property Report is prepared or approved by the Secretary, OILSR or the Department of Housing and Urban Development.

§ 1710.35 Payment of fees.

(a) *Method of payment.* Fees must be paid by certified check, by cashier's check or by postal money order made payable to the Treasurer of the United States.

(b) *Fees of registration.* The fee for each initial and consolidated registration is set forth in the following schedule:

Number of lots:	Fees
1 to 50	\$300
51 to 100	370

Number of lots:	Fees
101 to 150	440
151 to 200	510
201 to 250	580
251 to 300	650
301 to 350	720
351 to 400	790
401 to 450	860
451 to 500	930
501 and over	1,000

(c) *Fee for exemption order or advisory opinion.* The filing fee for an Exemption Order (§ 1710.14) or an Advisory Opinion (§ 1710.15) is \$250. This fee is not refundable.

(d) *Concurrent submission.* When you file a concurrent submission as provided in § 1710.17, a fee for both submissions as described under paragraphs (b) and (c) of this section must be paid. These fees are not refundable.

(e) *Fee for amendments.* A fee of \$100 is charged for the filing of the second and any subsequent pre-effective amendments to an initial or consolidated filing. No fee is charged for the first pre-effective amendment or for any post-effective amendment.

§ 1710.45 Suspensions.

(a) *Suspension Notice.* Prior to effective date. (1) If it appears to the Secretary that a Statement of Record or an amendment is on its face incomplete or inaccurate in any material respect, the Secretary shall so advise the developer, by issuing a suspension notice, within a reasonable time after the filing of such materials but prior to the time the materials would otherwise be effective.

(2) A suspension notice issued pursuant to this subsection shall suspend the effective date of the Statement of Record or the amendment. It shall continue in effect until 30 days after the necessary amendments are submitted which correct all deficiencies cited in the notice.

(3) Upon receipt of a suspension notice, the developer has 15 days in which to request a hearing. If a hearing is requested, it shall be held within 20 days of the receipt of the request by the Secretary.

(b) *Suspension orders—subsequent to effective date.* (1) A notice of proceedings to suspend an effective Statement of Record may be issued to a developer if the Secretary has reasonable grounds to believe that an effective Statement of record includes an untrue statement of a material fact, or omits a material fact required by the Act or the rules and regulations, or omits a material fact which is necessary to make the statements therein not misleading. The Secretary may, after notice, and after opportunity for a hearing requested within 15 days of receipt of such notice, issue an order suspending the Statement of Record. In the event that a suspension order is issued, such order shall remain in effect until the developer has amended the Statement of Record or otherwise complied with the requirements

of the order. When the developer has complied with the requirements of the order, the Secretary shall so declare and thereupon the suspension order shall cease to be effective.

(2) If the Secretary undertakes an examination of a developer or his records to determine whether a suspension order should be issued, and the developer fails to cooperate with the Secretary or obstructs, or refuses to permit the Secretary to make such examination, the Secretary may issue an order suspending the Statement of Record. Such order shall remain in effect until the developer has complied with the requirements of the order. When the developer has complied with the requirements of the order, the Secretary shall so declare and thereupon the suspension order shall cease to be effective.

(3) Upon receipt of an amendment to an effective Statement of Record, the Secretary may issue an order suspending the Statement of Record until the amendment becomes effective if the Secretary has reasonable grounds to believe that such action is necessary or appropriate in the public interest or for the protection of purchasers.

(4) Suspension orders issued pursuant to this subsection shall operate to suspend the Statement of Record as of the date the order is either served on the developer or his registered agent or is delivered by certified or registered mail to the address of the developer or his authorized agent.

§ 1710.52 State Filings—In General.

(a) Material filed with and found acceptable by State authorities charged with the responsibility of regulating the sale of lots in subdivisions may be accepted for examination by the Secretary as a Statement of Record required by this part if the Secretary determines such action to be appropriate and such determination is set forth in § 1710.54.

Such Statements of Record shall include the state property report or a similar state accepted document submitted as a property report (in either case, such documents will be referred to as state property reports in §§ 1710.52, 1710.54, 1710.56, 1710.58, and 1710.59). Materials sought to be made effective under this section shall be submitted in the form specified in §§ 1710.52(d), 1710.54, 1710.56 and 1710.58, and shall include the information required by those §§ 1710.52(d), 1710.54, 1710.56, in addition to material otherwise required by the State. Material filed with the Secretary under this section must be accompanied by a statement from the appropriate State authorities which states substantially that:

The (indicate the State Department of Real Estate or other appropriate entity) has reviewed the attached materials and finds

they are true copies of (1) the (indicate Property Report or other similar state accepted document or amendment to such document) for (indicate the name of the subdivision), made effective by the state of _____ on _____ (give date); and (2) the supporting documentation upon which such (indicate the document or amendment) is based.

Signature.

(b) Where material has been accepted for filing by the Secretary under paragraph (a) of this section and such material or its duplicate, or any part thereof, for any reason, is no longer acceptable to the State authorities or effective in that state, the filing with the Secretary shall be ineffective. If a subdivision, registered with the Secretary and a state pursuant to § 1710.52(a) and § 1710.54 becomes inactive, or suspended under the laws of such state, then its registration with the Secretary shall be ineffective from that time.

(c) An effective date or a suspension notice may be issued by the Secretary pursuant to § 1710.21 or § 1710.45 for state accepted materials submitted as Statements of Record.

(d) The Secretary will examine the material filed with or made effective by the state authorities pursuant to § 1710.54 and require such changes, additional information, documents or certification as the Secretary determines to be reasonably necessary or appropriate in the public interest or for the protection of purchasers before issuing a Federal effective date. The disclosure standards under which such materials will be examined shall be those set out for Federal Statements of Record in §§ 1710.102, 1710.105-118 and 1710.208-216. Applications of these standards to state accepted materials submitted as Statements of Record, shall be in accordance with the Guidelines for Filing of State Accepted Land Sales Disclosure Materials as Statements of Record and with § 1710.58 State Filings—Property Report and § 1710.59 State Filings—Statement of Record.

(e) The Secretary may refuse to accept any particular filing under this section when it is determined that acceptance is not in the public interest.

(f) Three copies of the final version of the State Property Report submitted as part of the materials made effective by the Secretary as part of the Statement of Record, shall be sent to the Office of Interstate Land Sales Registration in the exact form in which they are to be delivered to lot purchasers. This shall be done within 20 days of the date on which the Statement of Record is initially made effective by the Secretary or within 20 days of the date on which consolidated Statements of Record or amendments affecting the State Property Report are made effective. These copies shall

be accompanied by, or have attached, the pages and statements required by § 1710.58. The cover page required by § 1710.58 (a) shall have the Federal effective date printed on its face and, except for the inclusion of such date and other specifically permitted variations, the final versions of this state document shall be exactly the same as that made effective by the Secretary as part of the Statement of Record.

§ 1710.54 State filings—materials which may be filed with the Secretary.

(a) Pursuant to § 1710.52, the Secretary has determined that the following materials, after having been filed with and found acceptable by the authorities in the specified State, may be filed with the Secretary as initial Statements of Records under § 1710.52 and may be amended or consolidated under § 1710.56:

(i) California: Final Subdivision Public Reports and supporting documentation regarding subdivisions in California.

(b) Pursuant to § 1710.52, the Secretary has determined that, in addition to the materials described in § 1710.54(a), above, the following materials which have been filed with the Secretary in accordance with prior effective regulations may be amended and/or consolidated under the provisions of § 1710.56:

(1) Florida: Materials which were (i) filed with the State of Florida after August 1, 1967, and (ii) accepted by Florida and filed with the Secretary prior to December 30, 1976.

(2) Hawaii: Materials which were (i) filed with the State of Hawaii prior to enactment of Act 223, Session Laws of Hawaii, 1967; and (ii) accepted by Hawaii and filed with the Secretary prior to January 1, 1975.

(3) New York: Materials accepted by the State of New York and filed with the Secretary prior to January 1, 1975.

The requirements of §§ 1710.52, 1710.56, 1710.58, 1710.59 shall apply to all amendments and consolidations which are filed or required to be filed in connection with materials which have been made effective by states and accepted by the Secretary.

1710.56 State filings—amendments and consolidations.

(a) Amendments—(1) General Requirements. State accepted materials, filed with the Secretary pursuant to §§ 1710.52 and 1710.54 shall be amended to reflect any amendment to such materials made effective by the state or any change of a material fact regarding the subdivision. All amendments to such materials, which reflect changes in material facts regarding the subdivision, shall be submitted to the Secretary within 15 days of the date on which the developer knows of

such change. However, such amendment shall not be effective until the Secretary receives a certification from the appropriate State authorities that said amendment has been made effective by that State and until the Secretary has determined that the amendment meets all other applicable requirements of these regulations.

(2) Amendments shall include or be accompanied by:

(i) A letter from the developer giving a narrative statement fully explaining the purpose and significance of the amendment and referring to that section and page of the Statement of Record which is being amended, and;

(ii) All amended pages of the state accepted materials filed with the Secretary pursuant to §§ 1710.52 and 1710.54. These pages shall be retyped with their amendments. Each such page shall have its date of preparation in the lower right hand corner, and;

(iii) A copy of the developer's latest financial statement as required by § 1710.212, unless the Statement of Record already contains financial statements which are less than 12 months old as of the date of the submission of the amendment, and;

(iv) A signed state acceptance certification substantially the same as that required by § 1710.52, and;

(v) The appropriate fees as indicated in § 1710.35.

(b) Consolidations.—(1) When consolidations allowed. If lots are to be registered pursuant to §§ 1710.52 and 1710.54 which are in the same common promotional plan with other lots already registered with the Secretary, then new consolidated state accepted materials including such lots may be filed with the Secretary as a Statement of Record.

(2) Consolidated Statements of Record shall include or be accompanied by:

(i) State accepted consolidation materials which are also acceptable to the Secretary as a complete Statement of Record (state property report inclusive) pursuant to §§ 1710.52, 1710.54 and other referenced sections. These state accepted consolidation materials shall cover all lots previously registered in the common promotional plan, except that lots may be omitted

which have been deeded to individual purchasers or otherwise deleted from lots offered for sale. These materials shall also include information and items required in §§ 1710.52, 1710.58, 1710.59 and other referenced sections for state accepted materials filed as an initial registration Statement of Record, except that, supporting documentation materials previously made effective by the Secretary for other lots in the subject common promotional plan may be incorporated by reference into the new consolidation materials submitted as a Statement of Record. However, such documentation may be incorporated by reference only if it is applicable to the new consolidated lots as well as to the previously registered lots and if it also currently meets all requirements of §§ 1710.52, 1710.58, and 1710.59 for materials submitted as initial Statements of Record. All pages of consolidated Statements of Record shall be retyped from their related previously filed Statements of Record with all amendments and changes for the consolidated lots added. See the Guidelines for Filing State Accepted Land Sales Disclosure Materials as Statements of Record for further assistance on preparation of these materials.

(ii) A signed state acceptance certification substantially the same as that required by § 1710.52(a); and,

(iii) The appropriate fees as indicated in § 1710.35.

(c) Effective Date—State Filing. The effective dates of state materials filed as amendments and consolidated Statements of Record shall be determined in accordance with the provisions of § 1710.21.

§ 1710.58 State filings—property report.

Land sales public disclosure documents which are acceptable to the appropriate states indicated in § 1710.54 and which are submitted as property reports in materials submitted as Statements of Record pursuant to §§ 1710.52 and 1710.54, shall include the below indicated items. Hereinafter, such documents will be referred to as "state property reports".

(a) A cover page shall be included in the state property report by attaching

it to the front of the state property report prior to the time it is delivered to lot purchasers.

(1) This cover page shall be prepared in accordance with the below instructions and the "Sample State Property Report Cover Page" printed herein; except that:

(i) The heading "Sample State Property Report Cover Page" shall not be printed on the cover page by the developer, and;

(ii) The size of the cover page may be reduced to that of the other pages in the state document filed with the Secretary as a Property Report, and;

(iii) The warning to be printed by the developer at the top of the cover page shall be printed in red as required below.

(2) The top margin of the cover page shall be 1 inch. The next 3 inches shall contain a warning printed in red ½ inch capital letters, with ¼ inch spaces between the lines, which shall read as follows:

READ THIS PROPERTY REPORT BEFORE SIGNING ANYTHING

This statement need be printed in red only in the final printed version of the state property report which is to be delivered to lot purchasers; but if it is not printed in red in the state accepted materials submitted to the Secretary for pre-effective examination, then the registrant shall indicate his intention to print this statement in red by drawing this statement in red on the cover page in such materials or by including a statement indicating that this statement will be printed in red ½ inch letters on the final printed version of the state document made effective by the Secretary as a Property Report.

(3) The remainder of the cover page shall contain the following paragraphs centered, below the last line of the warning:

"This property report is prepared and issued by (insert the name of the developer of the subdivision or the name of the appropriate state agency). It is not prepared or issued by the Federal Government.

Federal law requires that you receive this property report prior to your signing a contract or agreement to buy or lease a lot in this subdivision. However, no Federal agency has judged the merits or value, if any, of this property.

READ THIS PROPERTY REPORT BEFORE SIGNING ANYTHING

This property report is prepared and issued by (insert the name of the developer of this subdivision or the name of the appropriate state agency). It is NOT prepared or issued by the Federal Government.

Federal law requires that you receive this property report prior to your signing a contract or agreement to buy or lease a lot in this subdivision. However, NO FEDERAL AGENCY HAS JUDGED THE MERITS OR VALUE, IF ANY, OF THIS PROPERTY.

Under federal law, if you received this property report less than 48 hours prior to signing a contract or agreement, you have until midnight of the third business day (Monday - Saturday) following the signing of the contract to cancel it by notice to the developer. You may have additional rights under state laws.

NAME OF SUBDIVISION

NAME OF DEVELOPER

EFFECTIVE DATE OF THIS REPORT

FEDERAL REGISTER, VOL. 43, NO. 106—THURSDAY, JUNE 1, 1978

Under federal law, if you received this property report less than 48 hours prior to signing a contract or agreement, you have until midnight of the third business day (Monday-Saturday) following the signing of the contract to cancel it by notice to the developer. You may have additional rights under state laws."

NAME OF SUBDIVISION

NAME OF DEVELOPER

EFFECTIVE DATE OF THIS REPORT

(b) The below warnings, or ones substantially the same, shall be included in the state property report in positions of high visibility. The future value of land is very uncertain; do not count on appreciation. The subdivider is obligated to complete (indicate all of particular subdivision improvements) included in the offering and has made financial arrangements for such completion. It is possible, of course, that the developer will fail to complete the promised improvements. If such a situation occurs, then litigation by local authorities, the homeowner's association, or lot owners may be necessary to enforce the completion through exercise of the financial provisions previously made. You should consider the competition which you made experience from the developer in attempting

to resell your lot and the possibility that real estate brokers may not be interested in listing your lot. Changing land development and land use regulations by government agencies may affect your ability to sell your land. Any subdivision, and the attendant construction, will have an impact on the environment and the surrounding area. Whether or not the impact is adverse, and the degree of the impact, will depend upon the location, size, and planning of the subdivision and its rate of development. Change in aesthetic qualities, such as plant and animal life, noise levels and scenery may have an effect upon the value of your lot, your use and enjoyment of it and your ability to sell it. The additional burdens on local services, recreational facilities and water supplies may require that taxes be increased to finance them.

(c) A receipt and agent certification page or pages shall be included in the state property report. These pages shall be produced substantially in accordance with the following directions and accompanying "Sample Receipt and Agent Certification" (this last title shall not be printed in the final version of the state property report). The receipt and agent certification

shall be prepared in such a way as to incorporate an original and a copy. The original and one copy of this page shall be included in the property report delivered to prospective purchasers. Carbon paper may be inserted between the two so that after the purchaser has signed the receipt and the salesman has signed the certification, the copy can be detached. This copy shall be retained by the developer for a period of three years from the date of execution or for the term of the contract, whichever is greater. Upon demand by the Secretary, the developer shall, without delay, make the copies of these receipts and certifications available for inspection by the Secretary, or the developer shall forward to the Secretary any of these receipts and certifications, or copies thereof, as the Secretary may specify. The Agent Certification must be completed by the developer, or its agent, in the presence of the purchaser, unless the transaction takes place through the mails with no personal contact. In the latter case, the certification should be completed before the property report is delivered to the purchaser. The person signing shall be the person most active in dealing with prospective purchases.

FEDERAL REGISTER, VOL. 43, NO. 106—THURSDAY, JUNE 1, 1978

Agent Certification

I certify that I have made no representations to the person(s) receiving this property report contrary to the information contained in this property report.

Purchaser Receipt

IMPORTANT READ CAREFULLY

Name of Subdivision: _____ Lot _____ Block _____ Section _____
Effective Date: _____
OILSR Number: _____
Name of Salesperson: _____
Signature: _____ Date: _____

The developer must give you a copy of this property report and give you an opportunity to read it before you sign any contract or agreement. By signing this receipt you acknowledge that you have received a copy of the property report prepared according to the Rules and Regulations of the Office of Interstate Land Sales Registration, U. S. Department of Housing and Urban Development.

Office of Interstate Land Sales Registration
HUD Building
451 Seventh Street, S.W.
Washington, D. C. 20410

Received by: _____ Date: _____

Street Address: _____

City: _____

FEDERAL REGISTER, VOL. 43, NO. 106—THURSDAY, JUNE 1, 1978

§ 1710.59 State Filings—Statement of Record.

If the developer is filing pursuant to section 1710.52, the materials and information indicated below shall be filed with the Secretary, as the State of Record required by this part. Such Statement of Record shall be bound, tabbed, and indexed to facilitate examination. An index shall be placed at the beginning, or top, of the material submitted.

SECTION I. COMPLETE THE FOLLOWING HEADING

STATEMENT OF RECORD

Name of Subdivision _____
Location (state, county) _____
Name of Developer _____
Developer's Address _____
Developer's IRS Number _____
Developer's Authorized Agent _____
Agent's Address _____
Subdivision Owner _____

After the above heading supply all information, statements and documentation required in § 1710.208, General Information.

The documentation required here includes the state accepted land sales disclosure document which is submitted as a property report and which has been made effective by the appropriate state indicated in § 1710.54.

Section II. Submit all information required in § 1710.212, Financial Information. Also submit Notice of Activity and Financial Condition as Amendments to this section as required by § 1710.310.

Section III. Submit all information required in § 1710.218(c) Marketing Information.

Section IV. Submit all information required in § 1710.118(c) Violations and Litigation.

Section V. Submit all information, documentation, certifications, and affirmations submitted to the state in conjunction with the registration of the subject subdivision. This section shall include or consist of the state Statement of Record or similar document, if such exists. Materials and documents submitted in Sections I, II, and III need not be duplicated in this section. Contracts and agreements must contain the language required by § 1710.209(e)(2), Title.

Section VI. Affirmation.

I hereby affirm that I am the senior executive officer of the developer of the lots herein described or will be the senior executive officer of the developer at the time lots are offered for sale or lease to the public, or that

I am the agent authorized by such developer to complete the statement (if agent, submit written authorization to act as agent); and

That the statements contained in this state document filed with the Secretary as a Statement of Record and any supplement thereto, together with any documents submitted herewith, are full, true, complete, and correct; and

That I have complied with the land development and disclosure requirements of the State of _____ (State of filing); and

That the material submitted is a true and accurate copy of all the material filed with

and accepted by the State of _____ (State of filing); and that the fees accompanying this application are in the amount required by the Rules and Regulations of the Office of Interstate Land Sales Registration.

Date: _____
Signature: _____

[Corporate seal _____
if applicable]

Title

Warning: Section 1418 of the Housing and Urban Development Act of 1968 (82 Stat. 598, 15 U.S.C. 1717) provides: "Any person who willfully violates any of the provisions of this title or of the rules and regulations or any person who willfully, in a Statement of Record filed under, or in a Property Report issued pursuant to, this title, makes any untrue statement of a material fact or omits to state any material fact * * * shall upon conviction be fined not more than \$5,000 or imprisoned not more than 5 years, or both."

Support B—Reporting Requirements

§ 1710.100 Statement of Record—Format.

(a) *Segments.* The Statement of Record consists of two segments:

(1) The first segment which will be used as a Property Report when an effective date is issued, and;

(2) A second segment which contains additional information and documentation.

(b) *General format.* The Statement of Record shall be prepared in accordance with the following format:

Section No. ¹	Heading	Section No. ²
1710.105.	Cover sheet.....	
1710.106.	Table of contents.....	
1710.107.	Risks of buying land, warnings.....	
1710.108.	General information.....	1710.208
1710.109.	Title and land use.....	1710.209
	(a) General instructions.....	
	(b) Method of sale.....	
	(c) Encumbrances, mortgages, and liens.....	
	(d) Recording.....	
	(e) Payments.....	
	(f) Restrictions.....	
	(g) Plats, zoning, surveying, permits environment.....	
1710.110.	Roads.....	1710.210
1710.111.	Utilities.....	1710.211
	(a) Water.....	
	(b) Sewer.....	
	(c) Electricity.....	
	(d) Telephone.....	
	(e) Fuel or other energy source.....	
	(f) Garbage and trash collection.....	
1710.112.	Financial information.....	1710.212
1710.113.	Local services.....	1710.213
1710.114.	Recreational facilities.....	1710.214
1710.115.	Subdivision characteristics and climate.....	1710.215
	(a) General topography.....	
	(b) Water coverage.....	
	(c) Drainage and fill.....	
	(d) Flood plain.....	
	(e) Flooding and soil erosion.....	
	(f) Nuisances.....	
	(g) Hazards.....	
	(h) Climate.....	
	(i) Occupancy.....	

Section No. ¹	Heading	Section No. ²
1710.116.	Additional information.....	1710.216
	(a) Property owners' association.....	
	(b) Taxes.....	
	(c) Violations and litigation.....	
	(d) Resales.....	
	(e) Unusual situations:	
	(1) Leases.....	
	(2) Foreign subdivision.....	
	(3) Time sharing.....	
	(4) Memberships.....	
	(f) Equal opportunity in lot sales.....	
1710.117.	Cost sheet, listing of lots.....	
1710.118.	Receipt and signature page:	
	Affirmation.....	1710.219
	Documentation.....	

¹Property report segment.²Additional information and documentation segment.

§ 1710.102 General Instructions for completing the Statement of Record.

(a) *Paper and Type.* The Statement of Record shall be on good quality, unglazed white or pastel paper, Letter size paper, approximately 8 X 10½ inches in size, will be used for the Property Report segment and legal size paper, approximately 8½ X 13 inches in size, will be used for the Additional Information and Documentation segment. Side margins shall be no less than 1 inch and no greater than 1½ inches. Top and bottom margins shall be no less than 1 inch. In the preparation of the charts to be included in the Property Report, the developer may vary from the above margin requirements or print the charts lengthwise on the required size paper if such measures are necessary to make the charts readable. The Statement of Record shall be prepared in an easily readable style of elite or pica type of uniform front in blue, black or blueblack ink.

(b) *Numbering and Dating.* Each page of the Statement of Record shall be numbered and shall include the date of typing or preparation in the lower right hand corner.

(c) *Signing.* The Statement of Record shall be signed by the senior executive officer of the developer or a designated agent.

(d) *Printing.* The Statement of Record and insofar as practical, all papers and documents filed as a part thereof, shall be printed, lithographed, photocopied, typewritten or prepared by any similar process which, in the opinion of the Secretary, produces copies suitable for a permanent record. Irrespective of the process used, all copies of any such materials shall be clear and easily readable.

(e) *Headings, Subheadings, Captions, Introductory Paragraphs, Warnings.* Property Report subject "headings" are those descriptive introductory words which appear immediately after section numbers 1710.106 through 1710.116 (e.g. § 1710.108 has

"General Information" and § 1710.111 has "Utilities"). Each such heading shall be printed in the Property Report in underlined capital letters and centered at the top of a new page. Section numbers shall not be printed in the Property Report.

Property Report subheadings are those descriptive introductory words which appear in italics in the Regulations at the beginning of paragraphs designated by paragraph letters (a), (b), (c), etc. An example of a subheading is "water" found immediately after the paragraph letter (a) in § 1710.111. These subheadings will be printed in the Property Report only if they are relevant to the subject subdivision. If printed these subheadings shall be capitalized and shall begin at the left hand margin of the page. Property

Report "captions" are those descriptive introductory words which appear in italics in the Regulations at the beginning of subparagraphs designated by numbers (1), (2), (3), etc. An example of such captions is "Sales Contract and Delivery of Deed" found immediately after the subparagraph number "(1)" in § 1710.109(b). These captions are to be printed in the Property Report only if they are applicable to the subject subdivision. If printed these captions shall be centered on the page and shall have only the first letter of each word capitalized.

Headings and subheadings will be used in the Property Report in accordance with the sample page appearing in § 1710.102. Introductory paragraphs will follow headings if they are appli-

cable and necessary for a readable entry into the subject matters, but note, the introductory paragraphs for "Title to the Property and Land Use" are to be used in every case as provided in § 1710.109(a)(1). Subheadings and captions which do not apply to the subdivision may be omitted from the Property Report segment and answered "not applicable" in the Additional Information and Documentation segment, unless specifically required to be included elsewhere in these instructions. Warnings shall be printed as they appear in the instructions in § 1710.105-118. They shall be in a form identical to the sample page in § 1710.102, except that they shall be printed in red. The paragraphs in the Property Report segment need not be numbered.

Sample Page

ROADS

Here we discuss the roads that lead to the subdivision, those within the subdivision and the location of nearby communities.

ROADS PROVIDING ACCESS TO THE SUBDIVISION.

County road #43 leads to the subdivision. It has two lanes and the width of the wearing surface is 22 feet. It's paved with a macadam surface.

This road is maintained by Bottineau County with County funds. No improvements are planned at this time.

ROADS WITHIN THE SUBDIVISION.

The roads within the subdivision will be located on rights of way dedicated to the public.

We are responsible for constructing the interior roads. There will be no additional cost to you for this construction.

(The following warning will appear in red print.)

We have not set aside any funds in an escrow or trust account or made any other financial arrangements to assure completion of the roads so there is no assurance we will be able to

complete the roads.

At present, the roads are under construction and do not provide access to the lots in Units 2 and 3 during wet weather. The chart below describes their present condition and estimated completion dates

Unit and starting date	Percent now complete	Estimated completion date	Present surface	Final surface
1 August 1977	50	June 1978	Gravel	Asphalt.
2 April 1978	10	February 1979	Dirt	Do.
3 August 1978	5	June 1979	Rough grade	Do.

(f) *Language Style.* All information given in the Property Report segment shall be stated in narrative form using plain, concise, everyday language which can be readily understood by purchasers who are unfamiliar with real estate transactions. Excessively long paragraphs should be avoided. Keep them as brief as possible. Use separate paragraphs for different points discussed. Disclose all pertinent facts. Potential consequences to a purchaser must be made clear even though not specifically asked for in the format of the instructions. In the Property Report the pronouns "you" and "your" shall generally be used in referring to the prospective purchaser and the pronouns "we", "us", and "our" shall generally be used in referring to the developer.

(g) *Incorporation of Documents by References.* If the submission is a consolidated Statement of Record, each question shall be specifically answered. However, supporting documentation may be incorporated by reference as provided for in §1710.22(c). Identification of the document and of the prior initial or consolidated Statement of Record in which it may be found shall be placed in the right hand margin next to the item it supports.

(h) *Identification of Exhibits.* (1) If an item in the Statement of Record is supported by information in an exhibit, place the appropriate exhibit number in the right hand margin of the Additional Information and Documentation segment immediately adjacent to the item it supports. Whenever the exhibit is a summary or statement of terms or items, such summary or statement must be presented in a clear and concise manner.

(2) The supporting documents required by these regulations shall be identified by affixing a tab on the right side of the cover sheet of the exhibit and by identifying on the tab the section number of the Statement of Record instructions to which the documentation corresponds. These exhibits or documents shall then be placed in proper sequence in the Additional In-

formation and Documentation Segment after the §1710.219 Affirmation. If the data in an exhibit is applicable to more than one section of instructions, the developer may substitute as an exhibit in the second case a statement incorporating the earlier exhibit by reference. Deeds, title policies, subdivision plats or maps and other documentary information required to be contained in the document segment of the Statement of Record need not be on the same size paper as the Statement of Record but, if larger, shall be folded to a size no larger than 8 1/4 X 13 inches. Supporting documents shall be inserted into the binding in such a manner as to permit them to be examined without the necessity of removing them from the binding. This may be accomplished by proper folding or through the use of envelopes.

(i) *Binding.* The Statement of Record shall be bound with the Property Report segment on top, including any exhibits which may be required to be attached when delivered to the purchaser, followed by the Additional Information and Documentation segment.

(j) *Advertising and Promotional Material.* No advertising or promotional material or statements which are self-serving on behalf of the developer or owner may be included in the Statement of Record or resulting Property Report.

(k) *Additional Information.* (1) In addition to the information expressly required to be stated in the Statement of Record, there shall be added, and the Secretary may require, such further material information, documentation and certification as may be necessary in the public interest and for the protection of purchasers or necessary in order to make the statements not misleading in the light of circumstances under which they are made.

(2) The instructions are not all inclusive. The developer shall include any other facts which would have a bearing upon the use by the purchaser of any of the facilities, services or amenities; which would cause or result in additional expenses to the purchaser;

which would have an effect upon the use and enjoyment of the lot by the purchaser for the purpose for which it is sold or which adversely affect the value of the lot.

(3) If any of the questions or directives are inherently inapplicable because of the character of the subdivision, they may be omitted.

(l) *Modification of Format or Content.* The Secretary may require or permit modification to the content and format of the Property Report segment of the Statement of Record to include additional information or to change the sequence or position of information when such changes are deemed to be in the public interest, for the protection of purchasers or to accommodate those states which agree to utilize the Federal Statement of Record for meeting state disclosure requirements.

(m) *Required Documentation.* Where the documentation required by the Statement of Record cannot be obtained, a letter stating the reasons must be furnished by the developer, along with the best alternative assurance available. However, the documentation required by the following sections must be provided before the material will be considered to constitute a Statement of Record:

- Sec.
1710.105-118 Property report segment.
1710.208 Corporate papers; partnership agreement, etc.
1710.209(a) Evidence of title.
1710.209(e)(1) Copies of contracts, etc.
1710.209(f)(2) Plat maps.
1710.212 Financial Statements

The documentation required by the remaining Sections of the Statement of Record must be provided if the developer includes statements evidencing an obligation or commitment on the part of a third party or action by a public official relating to the subdivision. Lacking such documentation, appropriate disclosures may be required in the Statement of Record.

(n) *Final Version of Property Report.* On the date that a Statement of Record becomes effective, the Property Report segment shall become the Property Report for the subject subdivision. The version of the Property Report delivered to prospective lot purchasers shall be verbatim to that found effective by the Secretary and shall have no covers, pictures, emblems, logograms or identifying insignia other than as required by these regulations. It shall meet the same standards as to grade of paper, type size, margins, style and color of print as those set herein for the Statement of Record, except where required otherwise by these regulations. However, the date of typing or preparation of the pages and the OILSR number

shall not appear in the final version. If the final version of the Property Report is commercially printed, or photocopied by a process which results in a commercial printing quality, and is bound on the left side, both sides of the pages may be used for printed material. If it is typed, photocopied by a process which does not result in a clear and legible product on both sides of the page or is bound at the top, printing shall be done on only one side of the page. Three copies of the final version of the Property Report, in the exact form in which it is delivered to prospective lot purchasers, shall be sent to this Office within 20 days of the date on which the Statement of Record, amendment, or consolidation is allowed to become effective by the Secretary. If a property Report in a foreign language is used as required by §1715.25(g), three copies of that Property Report together with copies of the translated documents shall be furnished the Secretary within 20 days of the date on which the advertising is first used. A Property Report prepared

pursuant to these regulations shall not be distributed to potential lot purchasers until after the Statement of Record of which it is a part or any amendment to that Statement of Record has been made effective by the Secretary.

§1710.105 Cover page.

(a) The cover page of the Property Report shall be prepared in accordance with the following directions and, with the exception of size, shall be in a form identical to the sample printed herein except that the red print called for in the following paragraph appears as black on the sample.

(1) The margins shall be at least 1 inch.

(2) The next 3 inches shall contain a warning, centered, in 1/2 in capital letters in red type with 1/4 inch space between the lines which reads as follows:

READ THIS PROPERTY REPORT BEFORE SIGNING ANYTHING

(3) The remainder of the page shall contain the following paragraphs,

double spaced and beginning 1/4 inch below the last line of the warning:

This Report is prepared and issued by the developer of this subdivision. It is NOT prepared or issued by the Federal Government.

Federal law requires that you receive this Report prior to your signing a contract or agreement to buy or lease a lot in this subdivision. However, NO FEDERAL AGENCY HAS JUDGED THE MERITS OR VALUE, IF ANY, OF THIS PROPERTY.

If you received this Report less than 48 hours prior to signing a contract or agreement, you have until midnight of the third business day (Monday-Saturday) following the signing of the contract to cancel it by notice to the developer.

Name of Subdivision _____
Name of Developer _____
Effective Date of This Report _____

(4) At the time of submission, the developer may indicate his intention to comply with the red printing by a drawing or by a statement to that effect.

(5) The effective date shall not be inserted until the developer receives notification of the effectiveness of his submission from the Secretary.

READ THIS PROPERTY REPORT BEFORE SIGNING ANYTHING

This Report is prepared and issued by the developer of this subdivision. It is NOT prepared or issued by the Federal Government.

Federal law requires that you receive this Report prior to your signing a contract or agreement to buy or lease a lot in this subdivision. However, NO FEDERAL AGENCY HAS JUDGED THE MERITS OR VALUE, IF ANY, OF THIS PROPERTY.

If you received this Report less than 48 hours prior to signing a contract or agreement, you have until midnight of the third business day (Monday-Saturday) following the signing of the contract to cancel it by notice to the developer.

NAME OF SUBDIVISION _____

NAME OF DEVELOPER _____

EFFECTIVE DATE OF THIS REPORT _____

§ 1710.106 Table of contents.

(a) The second page shall consist of a Table of Contents which lists the headings in the Property Report, the major subheadings, if any, and the page on which they appear. For example, the entry for Title and Land Use would appear as follows:

Title and land use	Page No.
Method of sale
Encumbrances, mortgages, and liens
Recording the contract and deed
Payments
Restrictions on the use of your lot
Plat maps

(b) Use of "You" and "We". At the bottom of page 2, insert the following remark: "In this Property Report, the words "you" and "your" refer to the buyer. The words "we", "us", and "our" refer to the developer.

§ 1710.107 Risks of buying land.

(a) The third page shall be headed "Risks of Buying Land" and shall contain the following paragraphs:

Any value which your lot may have can be materially affected if we do not complete the subdivision and its utilities, roads, and recreational facilities. If, for any reason, it becomes impossible for us to follow through with our development plans, you may not be able to recover your purchase price or even dispose of your lot at all.

Even if the development proceeds on schedule, you will face the competition of the developer's own sales program if you offer your lot for sale. This usually involves an extension sales campaign and marketing commissions which you may not be able to match.

Any subdivision, and the attendant construction, will have an impact on the environment and the surrounding area. Whether or not the impact is adverse, and the degree of impact, will depend upon the location, size, and planning of the subdivision and its rate of development. Changes in aesthetic qualities such as plant and animal life, noise levels, and scenery may have an effect upon the value of your lot, your use and enjoyment of it, and your ability to sell it. The additional burdens on local services, recreational facilities, and water supplies may require that taxes be increased to finance them.

In the purchase of real estate, many technical requirements must be met to assure that you receive proper title. This Report covers only some of the matters which need to be considered. Since this purchase involves a major expenditure or money, it is recommended that you seek professional advice before you obligate yourself.

(b) **Warnings.** If the instructions or the Secretary require any warnings to be included in the Property Report segment, the following statement shall be added beneath the "Risks of Buying Land" on page 3 under a heading "Warnings":

Throughout this Property Report, there are specific warnings, printed in red, concerning the developer, the subdivision, or individual lots. Be sure to read all warnings carefully before signing any contract or agreement.

Both the heading, "Warning", and the statement shall be in red print.

§ 1710.108 General information.

Insert and complete the following format:

This Report covers — lots located in _____ County, (State). See Page — for a listing of these lots. It is estimated that this subdivision will eventually contain — lots.

The developer of this subdivision is:

(Developer's name) _____

(Developer's address) _____

(Developer's telephone number) _____

Answers to questions and information about this subdivision may be obtained by telephoning the developer at the number listed above.

§ 1710.109 Title to the property and land use.

(a) **General instructions.** (1) Below the heading "Title to the Property and Land Use" insert the following introductory paragraphs:

A person with title to property generally has the right to own, use, and enjoy the property. A contract to buy a lot doesn't give you title to the lot. You won't have title until you receive a valid deed for the lot. A restriction or an encumbrance on your lot, or on the subdivision, could adversely affect your title.

Here we will discuss the sales contract you will sign and the deed you will receive. We will also provide you with information about any land use restrictions and encumbrances, mortgages, or liens affecting your lot and some important facts about payments, recording, and title insurance.

(2) **Information to be provided.** After the above introductory paragraph provide the information required by the following instructions and questions. Follow a general form identical to the sample page printed in § 1710.102.

(b) **Method of sale.**—(1) **Sales contract and delivery of deed.** (i) At the time of sale, will the buyer receive a deed for his lot? If not, will the buyer sign a purchase money or installment contract or similar instrument in connection with the purchase of his lot?

(ii) If a contract is signed at the time of sale which has provisions for later delivery of a deed, indicate when the deed will be delivered and include the following, or substantially the same, language in the disclosure narrative under "Method of Sale": "A contract to buy a lot does not give you title to the lot. You will not have title to your lot until you receive a valid deed for the lot. If you fail to make your payments required by the contract, you may lose your lot and all monies paid."

(iii) If, at the time of a credit sale, the developer gives the buyer a deed to the lot, what type of security must the buyer give the seller?

(iv) If the lots are to be sold on the basis of an installment contract, can the developer or the owner of the subdivision or their creditors encumber the lots already sold? If so, include the following warning, in red, in the disclosure narrative under the caption "Sales contract and delivery of deed":

The (indicate subdivision developer, owner, or their creditors) can place a mortgage on or encumber the lots in this subdivision after they are sold. This may cause you to lose your lot and any monies paid on it.

(2) **Type of deed.** What type of deed will be used to convey title to lots in the subdivision?

(3) **Quitclaim deeds.** If a quitclaim deed is to be given to lot purchasers insert the below warning, or a warning which is substantially the same, in red in the disclosure narrative below the caption "Quitclaim Deeds". This particular warning may be deleted at the direction of the Secretary if an acceptable attorney's opinion is submitted with the Statement of Record which indicates that a quitclaim deed has a meaning in the jurisdiction where the subdivision is located which is substantially contrary to the effect of this warning. This warning shall be phrased substantially as follows:

The Quitclaim deed given by the developer or the owner of this subdivision gives you no assurance of ownership of your lot.

(4) **Oil, gas, and mineral rights.** Will the oil, gas, or mineral rights be reserved from any lots sold in this subdivision? If so, have ingress and egress rights been reserved for the holders of the oil, gas, or mineral rights? Does the reservation contain the right to remove oil, gas, or minerals from a point outside the lot boundary without surface access? If so, must the surface be protected from subsidence? Will this interfere with any surface use of the Property? If oil, gas, or mineral rights have been reserved, insert the following statement or one substantially the same in the narrative answer under the caption "oil, gas, and mineral rights":

The (indicate oil, gas or mineral rights) to (state which lots) in this subdivision will not belong to the purchaser of those lots.

There (are/are no) provisions to compensate you for any damages resulting from exercise of these rights.

(c) **Encumbrances, Mortgages and Liens.**—(1) **In General.** State whether any of the lots or common facilities which serve the subdivision, other than recreation facilities, are subject to a blanket encumbrance, mortgage or lien. If yes, identify the type of encumbrance (e.g. deed of trust, mortgage, mechanics liens), the holder of the lien, and the lots covered by the lien. If any blanket encumbrance, mortgage, or lien is not current in accordance with its terms as of the date of submission of the material, so indicate.

water stored for extended periods tends to become stale and may acquire an unpleasant taste or odor.

(C) If individual wells are to be used and if the sales contract contains no provisions for refund or exchange in the event a productive well cannot be installed, include a statement to the effect that there is no assurance a productive well can be installed and if it cannot, no refund of the purchase price of the lot will be made.

(D) If individual wells are to be used, include a brief statement to the effect that the purity and chemical content of the water cannot be determined until each individual well is completed and tested.

(E) If there have been no hydrological surveys in connection with the use of individual wells, include a warning to the effect that there is no assurance of a sufficient supply of water for the anticipated population. The warning shall be in red.

Water

Unit	Starting date	Percentage of completion	Service available

(C) What is the present capacity of the central plant (i.e., how many connections can be supplied)? If the capacity is not sufficient to serve all lots in the Statement of Record and is to be expanded in phases, what is the time-table for each phase to be in service and what will trigger the beginning of the expansion for each phase? If an entity other than the developer or an affiliate or subsidiary of the developer will supply the water for the central system; if the operation of that entity is supervised by a governmental agency and if that entity states it can supply the anticipated population of the development, then information as to the capacity of the plant and a hydrological survey is not necessary. If the entity does not indicate it can supply water for the anticipated population or if the capacity of any central system is not sufficient to serve all lots in the Statement of Record, include a warning, in red, which describes the limitations and sets forth the number of lots which can now be served.

(D) Have there been any hydrological surveys to determine that a sufficient source of water is available to serve the anticipated population of the subdivision? Has the water in the central system been tested for purity

(F) Is a permit required to install the individual system to be used? If so, from whom and where is the permit secured?

(H) *Central system.* (A) If water is to be provided by a central system, who is the supplier? What is the supplier's address and telephone number?

(B) Will the water mains be extended in front of, or adjacent to, each lot? When will construction begin? What is the present percentage of completion of the water mains and central supply plant? When will service be available to the individual lots? If the central system is not complete and there are separate units or sections in the subdivision having different completion dates, then the starting date for construction, the percentage of completion and the service availability date shall be set forth in the following chart form rather than in a narrative paragraph.

and chemical content? If so, did the results show that the water meets all standards for a public water supply? Does the water have an objectionable taste, odor, or color? If there have been no hydrological surveys showing a sufficient supply of water or tests for purity and chemical content for the central system, include a warning, in red, to the effect that there is no assurance of a sufficient supply or that the water is drinkable.

(E) Is there any financial assurance of completion of the central system and any future expansion? If not, include a warning, in red, to the effect that the developer has not set aside any funds in an escrow or trust account or made any other financial arrangements to assure completion of the water system.

(F) Have all permits been obtained from the proper agencies for the construction, use, and operation of the central system? If not, include a warning, in red, to the effect that the required permits, approvals, or licenses for construction, operation, or use of the water system have not been obtained; therefore there is no assurance the system can be constructed or used.

(G) If previous completion dates given in prior Statements of Record have not been met, state that previous completion dates have not been met and give the previous dates. Underline the answer.

(H) Is the purchaser to pay any construction costs, one-time connection fees, availability fees, special assessments or deposits for the central system? If so, what are the amounts? If not, state there are no charges other than use fees. If the purchaser will be responsible for construction costs of the water mains, state the cost to install the mains to the most remote lot covered by the submission.

(I) If a purchaser wishes to use a lot prior to the date water is available to it, may the purchaser install an individual system? If so, include the information required for individual systems in § 1710.111(a)(1)(i). Will the purchaser be required to discontinue use of any individual system and connect to the central system when service is available to the lot? If the purchaser is not required to connect to the central system, must any construction costs, connection fees, availability fees, special assessments or deposits in connection with the central system still be paid? If an individual system may not be installed, so state and indicate water will not be available until the central system is extended to the lot.

(J) If connection to the system is voluntary and not all purchasers elect to use the system, will be cost to those who do use the system be increased? If so, include a statement to the effect that connection to the central system is voluntary and those who use the system may have to pay a disproportionate share of the cost of the system and its operation.

(K) If the developer is to construct the system and will later turn it over to a property owners' association for operation and maintenance, state whether there will be any charge for the sale and if it will be conveyed free and clear of any encumbrance. If there is a charge or if the association must assume an encumbrance, state the estimated amount of either and the terms for retirement of either obligation.

(L) If the supplier of water is other than a governmental agency or an entity which is regulated and supervised by a governmental agency, state that "there is no assurance of continuous service at reasonable rates." This statement may be omitted if financial statements, which indicate the supplier's ability to perform its obligations, are furnished in § 1710.211.

(M) The following warning, in red, shall be included unless:

(1) Title information as to ownership of the central water system is included in § 1710.209, or;

(2) The central system is owned and operated by a governmental agency or by an entity which is regulated and supervised by a governmental agency.

We do not own or operate the central water system so we cannot assure its continued availability for your use.

(b) *Sewer.* (1) What methods of sewage disposal are to be used (e.g., central system, comfort stations, or individual on-site systems such as septic tanks, holding tanks, etc.) in the subdivision? Of the following questions, only those which apply to the subdivision need be answered.

(i) *Individual systems.* (A) If individual systems are to be used, have the local authorities given general approval to the use of these systems in the subdivision or have they given specific approval for each lot? Are permits necessary? From whom and where are they obtained? Must testing of the lot be done prior to the issuance of a permit? What is the estimated costs of the system and any necessary tests?

(B) If holding tanks are to be used, state whether pumping and hauling service is available and the estimated monthly costs of that service for a family of four.

(C) If each and every lot has not been approved for the use of an individual on-site system, include a warning, in red, that there is no assurance permits can be obtained for the installation and use of individual on-site systems.

(D) If no permit is required for the installation and use of individual on-site systems, explain whether this may have an effect upon the purchaser or the availability of construction or permanent financing.

(E) If the developer has knowledge that permits for the installation of individual on-site systems have been denied; that there have been unsatisfactory percolation tests or that systems have not operated satisfactorily in the subdivision, state the number of these rejections, unsatisfactory tests, and operations.

(ii) *Comfort stations.* (A) If comfort stations are to be used, how many lots will be served by each station? When will construction be started? When will the station or stations be completed and ready for use? Have the necessary permits been obtained for the construction and use of comfort stations? If the necessary permits have not been obtained, include a warning,

in red, that the necessary permits, approvals, or licenses have not been obtained for the construction and use of the comfort stations, therefore there is no assurance they can be constructed or used. If there are comfort stations located in different units and

Comfort stations

Unit	Starting date	Percentage of completion	Available for use

(B) Who is to construct the comfort stations? Is there any financial assurance of their completion? If not, include a warning, in red, that no funds have been set aside in an escrow or trust account nor have any other financial arrangements been made to assure completion of the comfort stations and there is no assurance the developer will be able to complete them.

(C) Who will be responsible for maintenance of the comfort stations? Is there any cost to the purchaser for construction, use or maintenance?

(iii) *Central system.* (A) If a central sewage treatment and collection system is being installed, who is responsible for construction of the system? Will the sewer mains be installed in front of, or adjacent to, each lot? When will construction be start-

ed? When will service be available (month and year)? Who will own and operate the system?

(B) What are the present percentage of completion and the present capacity of the system (i.e., number of connections which can be served)? If the present capacity is not sufficient to serve all lots included in the Statement of Record and it is to be expanded in phases, what is the timetable for expansion and what will trigger that expansion? If the central system is not complete and there are separate units or sections in the subdivision having different service availability dates, the following chart shall be used to show the construction starting date; the percentage of completion, and service availability dates rather than a narrative paragraph.

Sewer

Unit	Starting date	Percentage of completion	Service availability date

If sewage treatment facilities are to be supplied by an entity which is regulated by a governmental agency and which is not the developer or an affiliate or subsidiary of the developer and the entity has stated it can serve the anticipated population of the development, then information or capacity need not appear.

(C) Have all necessary permits been obtained for the construction and use of the central system? Do these permits limit the number of connections or homes which the system may serve? If the permits have not been obtained, enter a warning, in red, to the effect that the necessary permits, approvals or licenses have not been obtained for the central sewage system; therefore there is no assurance that the system can be completed, operated or used.

(D) If the system cannot now serve all lots included in the Statement of Record, either because the supplier of the service has not stated it can and will serve all lots or if construction has not reached a stage where all lots can be served or permits to serve all lots have not been obtained, include a warning, in red, which states that all lots cannot now be served; the number which can be served and the reason for the lack of capacity.

(E) Will the purchaser pay any construction costs, special assessments, one time connection fees, availability fees, use fees or deposits? What are the amounts of these charges? If the purchaser is to pay construction costs

PROPOSED RULES

of the sewer mains, state the cost of installation of the mains to the most remote lot in the subdivision.

(F) If the purchaser wishes to use the lot prior to the date central sewer service is available, may the purchaser install an individual system? If so, include the information on individual systems required by § 1710.111(b)(1)(i). Will the purchaser be required to discontinue use of the individual system and connect to the central system when service is available? If the purchaser is not required to connect to the central system, must the purchaser still pay any construction costs, connection fees, availability fees, special assessments or deposits? If the purchaser may not install an individual system, so state and indicate service will not be available until the central system reaches the lot.

(G) If connection to the system is voluntary and not all purchasers elect to use the system, will the cost to those who do use the system be increased? If so, include a statement to the effect that connection to the central system is voluntary and those who use the system may have to pay a disproportionate share of the cost of the system and its operation.

(H) Is there any financial assurance of completion of the central system and any future expansion? If not, include a warning, in red, that no funds have been set aside in escrow or trust accounts nor have any other financial arrangements been made to assure the completion of the central system; therefore there is no assurance that it will be completed.

(I) If previous completion dates given in prior Statements of Record have not been met, state that previous dates have not been met and give the previous dates. Underline the answer.

(J) If the developer is to construct the system and will later turn it over to a property owners' association for operation and maintenance, state whether there will be any charge for the conveyance and if it will be conveyed free and clear of any encumbrance. If there is a charge or if the association must assume an encumbrance, state the estimated amount of either the terms for retirement of either obligation.

(K) If the owner or operator of the central sewer system is other than a governmental agency or an entity which is regulated and supervised by a governmental agency, state that "there is no assurance of continuous service at reasonable rates". This statement may be omitted if financial statements, which indicate the supplier's ability to perform his obligations, are furnished in § 1710.211.

(L) The following warning, in red, shall be included unless:

(1) Title information as to ownership of the central sewer system is included in § 1710.209, or;

(2) The central system is owned and operated by a governmental agency or by entity which is regulated and supervised by a governmental agency.

We do not own or operate the central sewer system so we cannot assure its continued availability for your use.

(c) *Electricity.* (1) Who will provide electrical services to the subdivision?

(2) Have primary electrical service

Electric Service

Unit	Starting date	Percentage complete	Service availability date

(3) If construction of the lines or service to the ultimate consumer is provided by an entity other than a publicly regulated utility, who provides, or will provide, the service? Who will be responsible for maintenance? What is the assurance of completion? If service is not provided by a publicly regulated utility, what charges or assessments will the purchaser pay?

(4) If the primary service lines have not been extended in front of, or adjacent to each lot, will the purchaser be responsible for any construction costs? If so, what is the utility company's policy and charges for extension of primary lines? Based on that policy, what would be the cost to the purchaser for extending primary service to the most remote lot in this Report?

(5) If electrical service will not be provided, what is an alternate source (e.g., generators, etc.) and what are the estimated costs?

Telephone service

Unit	Starting date	Percentage complete	Service availability date

(3) If the service lines have not been extended in front of, or adjacent to, each lot, will the purchaser be responsible for any construction costs? If so, what is the utility company's policy and charges for extension of service

lines been extended in front of, or adjacent to, all of the lots? If not, when (month and year) or under what conditions will construction begin and when will service be available? If they have not been installed, who is responsible for their construction.

If electrical service lines have been extended in front of, or adjacent to, all lots and there are separate units or sections having different service availability dates, the following chart shall be used to give the construction starting date; the percentage of completion and service availability dates rather than a narrative paragraph.

(6) If the lines are to be installed by some entity other than a publicly regulated utility and if there is no financial assurance of completion, include a warning, in red, to the effect that no escrow or trust accounts have been established nor have any other financial arrangements been made to assure construction of the electric lines.

(d) *Telephone.* (1) Is telephone service now, or will it be, available? Who will furnish the service?

(2) Have the service lines been extended in front of, or adjacent to, each of the lots? If not, when, and under what conditions, will construction be started and when will service be available (month and year)? If the telephone service lines have not been extended in front of, or adjacent to, each lot and there are separate units or sections having different service availability dates, then use the following chart to show the construction starting date, the percentage of completion and service availability date.

lines? Based on that policy, what would be the cost to the purchaser of extending service lines to the most remote lot in this Report?

(e) *Fuel or other Energy Source.* (1) What fuel, or other energy source, will

be used for heating, cooking, etc., in the subdivision? If other than electricity, where and at what price can it be secured? Does it entail installation charges or charges for storage tanks? What is the cost to the purchaser for any installation fees, connection fees or storage tanks? If the fuel is natural gas, when will the mains be installed in front of, or adjacent to, the lots so that service is available? What is the name and address of the natural gas supplier?

(f) *Garbage and trash collection.* Is there a garbage and trash collection service available for the use of lot owners? If so, who supplies the service and what is the cost to the purchaser? If not, is there a public or private dump nearby? How far away is the dump? Is there any charge for its use?

§ 1710.112 Financial Information.

(a) Has the developer had a deficit in retained earnings or experienced an operating loss during the last fiscal year or, if less than a year old, since its formation? If so, include a statement to the effect that this may affect the developer's ability to complete promised facilities and to discharge his financial obligations. This statement may be omitted if:

(1) All facilities, utilities and amenities set out in the Property Report and sales contract have been completed so that the lots included in the Statement of Record are immediately usable for the purpose for which they are sold, or if;

(2)(i) The developer is contractually obligated to the purchaser to complete all facilities, utilities and amenities promised by the developer in either the Property Report or sales contract so that all lots included in the Statement of Record will then be usable for the purpose for which they are sold by the dates set out in the Property Report or contract, and;

(ii) The developer has made financial arrangements, such as the posting of surety bonds (Corporate or individual promissory notes or bonds are not acceptable), irrevocable letters of credit or the establishment of escrow or trust accounts which assure the completion of all facilities, utilities and amenities promised by the developer in the Property Report or contract, and;

(iii) The sales contract provides for delivery of a deed within 120 days of the date of the contract which conveys title free of any mortgage or lien, and;

(iv) Any deposits or down payments are held in an escrow or trust account.

(b) If the developer's financial statements have been audited, did the accountant qualify the opinion or decline to give an opinion? If so, why was the opinion qualified or declined?

(c) The information required by paragraphs (a) and (b) of this section

PROPOSED RULES

need appear only if the answer to the question is an affirmative one.

(d) The following statement shall appear:

A copy of the developer's financial statements for the period ending _____ are available from the developer upon request.

(e) State the projected percentage of gross revenue which will be allocated to land acquisition costs; to development costs (i.e., roads, utilities and amenities), to marketing costs (i.e., sales and advertising) and to "other" (i.e., administrative, profit, etc.). If no projection has been made, include the following warning, in red:

No study has been made to determine whether it is economically feasible to develop this subdivision as it is proposed to be developed.

§ 1710.113 Local Services.

(a) *Fire Protection.* Is fire protection available? From whom? Is there any cost to the purchaser? How far from the center of the subdivision is the nearest fire station? Is the protection available year round? If not, is insurance available at normal rates or at a higher cost?

(b) *Police Protection.* Is police protection available? From whom? Where is the nearest police station and how far is it from the center of the subdivision?

(c) *Schools.* Will purchasers be entitled to use local schools? If so, where are the elementary, junior high and senior high schools located? How far are they from the center of the subdivision?

Recreational facilities

Facility	Percent complete	Date of start of construction	Date available for use	Financial assurance of completion	Buyer's cost and assessments

(1) *Facility.* Identify each recreational facility. Identify closely related facilities (e.g. swimming pool and bathhouse) separately only if their availability dates differ. Also, if for any proposed or partially constructed recreational facility listed, the related construction plan information required by § 1710.214(a), "Recreational Facilities" is not available, include a warning, in red, printed below the chart and referenced to the name of the facility on the chart by an asterisk or other appropriate symbol. This warning shall be phrased substantially as follows:

"The plans for the (identify the facility) are so indefinite it may not be completed."

vision? Is school bus transportation available? To what extent and from what location is school bus service available?

(d) *Hospital.* Where is the nearest hospital? How far is it from the center of the subdivision? Is ambulance service available? From whom? How far away is the nearest ambulance station?

(e) *Physicians and Dentists.* Are there physicians and dentists in nearby towns? Which towns? How far are these towns from the subdivision?

(f) *Shopping Facilities.* Are there shopping facilities in the subdivision or in nearby towns? Where? How far are they from the subdivision?

(g) *Mail Service.* Describe the arrangements the purchasers must make to receive mail service.

(h) *Public Transportation.* Is there public transportation available in the subdivision or to nearby towns?

§ 1710.114 Recreational Facilities.

(a) *Recreational Facilities to be covered.* Unless otherwise indicated, all information required by paragraphs (b) and (c) of this section shall be provided for only those recreational facilities which are:

(1) Within, adjacent or contiguous to the subdivision, and;

(2) Maintained substantially for the use of lot owners.

(b) *Recreational Facility Chart.* Complete the below chart in accordance with the instructions which follow it. This chart shall immediately follow the Section 1710.114 heading.

Furthermore, if any recreational facility listed on the chart is not owned by the developer, insert a warning, in red, below the chart phrased substantially as follows:

We do not own or operate the (name of facility or facilities) so we cannot assure its (their) continued availability.

(2) *Percent complete.* State the percentage of completion of construction for each recreational facility.

(3) *Date of start of construction.* Insert the date of the start of construction for the facility.

(4) *Date Available For Use.* If the construction of the facility is not com-

plete or if it is not available to lot owners for its intended use, indicate the date that the facility will be available for use.

If the "date available for use" for any facility has been amended to delay it to a later date, indicate such delay in a statement immediately below the chart.

This statement shall include the name of the facility and the prior availability date, and it shall be referenced to the appropriate facility listed on the chart by use of an asterisk or other appropriate symbol.

(5) *Financial Assurance of Completion.* If the construction of the facility is not complete, state whether there is any financial assurance of construction. If none, state "none". If such exists, state the type of assurance (i.e., bond, escrow, or trust). If no documentation for such assurance has been provided in § 1710.214 of the Statement of Record, then do not indicate such assurance on the chart, but in place of such assurance on the chart state "none".

(6) *Buyer's Cost and Assessments.* State the lost buyer's cost or assessment for using the facility. These costs should include any applicable property owners' association assessment, the developer's maintenance assessment or a use fee. If the cost information is lengthy, you may use an asterisk or other appropriate symbol and include the cost information in a paragraph below the chart.

(c) Information to be provided below the recreational facility chart and related warnings.

(1) *Constructing the Facilities.* If the facilities are not complete, indicate who is responsible for the construction of the facilities and indicate whether the developer is or is not contractually obligated to the purchaser to provide these recreational facilities. Indicate whether the purchaser will be required to pay any of the cost of construction of any of these facilities (estimate and disclose such cost, if any).

(2) *Maintaining the Facilities.* Indicate who is responsible for the operation and maintenance of these facilities.

(3) *Facilities which will be leased to lot purchasers.* If no facilities covered here will be leased to an association of lot owners in the subject subdivision, omit this caption and any information requested under it from the Property Report. If such leases exist or are anticipated, state which facilities are or will be leased and indicate the term of the lease. Also, state whether the lot owners will have an opportunity to terminate or ratify the lease after control of the Property Owners' Association is turned over to them. Indicate whether the owner of a recreational facility leased to the Property Owners' Association may encumber it and

whether the holders of such encumbrances may acquire the leased facilities and not honor the lease. Indicate whether the lease payments may be increased, and whether the lease can be assigned or sublet. State how the lease can be terminated.

(4) *Claims on the facilities.* Indicate whether there are presently liens or mortgages on any of these recreational facilities. Describe such liens or mortgages, if any. If the facility is to be transferred to lot owners, as a Property Owners' Association or otherwise, indicate whether it be transferred free and clear of all liens and encumbrances.

(5) *Permits.* If the necessary permits have not been obtained for the construction and/or use of the facilities, identify the facilities for which such permits have not been obtained and include the following statement, or one substantially the same, in the narrative under the caption "Permits":

The (identify the permit or license) has not been obtained and therefore there is no assurance that the lot owners will be able to use the (identify the facility).

(6) *Who may use the facilities.* Indicate who will be permitted to use the recreational facilities (e.g., lot owners, their guests, employees of developer, general public, etc.). If the general public will be permitted to use the facilities include the following statement in the narrative under the caption "Who may use the Facilities":

The (identify the facility) is open to use by the general public and their use of the facility may limit use of it by lot owners.

(7) *Television.* Indicate which national television networks can be adequately received in the subdivision. State by what modes of reception they can be received (i.e., cable or antenna).

§ 1710.115 Subdivision characteristics and climate.

(a) *General topography.* What is the general topography and the major physical characteristics of the land in the subdivision? Are there any steep slopes, rock outcropping, unstable or expansive soil conditions, etc., which will necessitate the use of special construction techniques to build on, or use, any lot in the subdivision? If so, what lots are affected, what techniques are recommended and what is their estimated cost? If any lots in the subdivision have a slope of 20 percent, or more, include a warning, in red, that "Some lots in this subdivision have a slope of 20 percent, or more. These lots may require unusual care in the placement of a building and may require the use of building techniques which are more expensive than normal." (If individual septic tank systems are to be used, include in the warning, "Placement of septic systems may be difficult or impossible on steep slopes.")

(b) *Water coverage.* Are any lots, or portions of any lots, covered by water at any time? What lots are affected? When are they covered by water? How does this affect their use for the purpose for which they are sold? Can the condition be corrected? At what cost to the purchaser?

(c) *Drainage and fill.* Do any of the lots require draining or fill prior to being used for the purpose for which they are being sold? Who will be responsible for any corrective action? If the purchaser is responsible, what are the estimated costs? What lots will require drainage or fill?

(d) *Flood plain.* Is the subdivision located within a flood plain or an area designated by any Federal, State or local agency as being flood prone? What lots are affected and how often are they flooded? Is flood insurance available? Is it required in connection with the financing of any improvements to the lot? What is the estimated cost of the flood insurance?

(e) *Flooding and soil erosion.* (1) State whether the subdivision is subject to periodic flooding and soil erosion.

(2) If it is, describe any program the developer has to control soil erosion, sedimentation or periodic flooding throughout the subdivision. Include in the description information as to whether the program has been approved by the appropriate government officials; when it is to start; when it is to be completed (month and year); whether the developer is obligated to comply with the program and whether there is any financial assurance of completion.

(3) Unless the program, at a minimum, provides for:

(i) Temporary measures such as mulching and seeding to reduce the duration of exposure of soils without vegetative covering between the time of grading and time of final planting and silt basins to trap the sediment in runoff water, and;

(ii) The use of sodding and seeding to provide permanent vegetation in areas of heavy grading or cut and fill along with the construction of diversion channels, ditches, outlet channels, waterway stabilizers and sediment control basins as permanent controls, include a statement that the steps being taken may not be sufficient to prevent property damage or health and safety hazards.

(f) *Nuisances.* Are there any land uses which may adversely affect the subdivision (e.g., unusual or unpleasant noises or odors, pollutants or nuisances such as existing or proposed industrial activity, military installations, airports, railroads, truck terminals, race tracks, animal pens, noxious smoke, chemical fumes, stagnant ponds, marshes, slaughterhouses and sewage treatment facilities). If any

nuisances exist, describe them. If there are none, state there are no nuisances which affect the subdivision.

(g) *Hazards.* (1) Are there any unusual safety factors which affect the subdivision (e.g., dilapidated or abandoned properties, unsafe construction, air or vehicular traffic hazards, danger from fire or explosion or radiation hazards)? Is the developer aware of any proposed plans for construction which may create a nuisance or safety hazard or adversely affect the subdivision? If there are any existing hazards or if there is any proposed construction which will create a nuisance or hazard, describe the hazard or nuisance. If there are no existing or possible future hazards, state that there are none.

(2) Is the area subject to natural hazards or has it been formally identified by any federal, state or local agency as an area subject to the frequent occurrence of natural hazards (e.g., tornadoes, hurricanes, earthquakes, mudslides, forest fires, brush fires, avalanches, flash flooding, etc.)? If the jurisdiction, in which the subdivision is located, has a rating system for fire hazard, state the rating assigned to the land in the subdivision and explain its meaning.

(h) *Climate.* What are the average temperature ranges, summer and winter, for the area in which the subdivision is located (i.e., high, low, and mean)? What is average annual rainfall and snowfall?

(i) *Occupancy.* How many homes are occupied on a full or part time basis as of the (date of submission)?

§ 1710.116 Additional information.

(a) *Property owners' association.* (1) Will there be a property owners' association for the subdivision? Has it been formed? what is its name? Is it operating and active? If not yet formed, when will it be formed? Who is responsible for its formation?

(2) Does the developer exercise, or have the right to exercise, any control over the Association because of voting rights or placement of officers or directors? For how long will this control last?

(3) Is membership in the association voluntary? Will non-member lot owners be subject to the payment of dues or assessments? What are the association dues? Can they be increased? Are members subject to special assessments? For what purpose? If membership in the association is voluntary and if the association is responsible for operating or maintaining facilities which serve all lot owners, include the following statement: "Since membership in the association is voluntary, you may be required to pay a disproportionate share of the association costs or it may not be able to carry out its responsibilities."

(4) What are the functions and responsibilities of the association? Will the association hold architectural control over the subdivision?

(5) Are there any functions or services that the developer now provides at no charge for which the association may be required to assume responsibility in the future? If so, will an increase in assessments or fees be necessary to continue these functions or services?

(6) Does the current level of assessments, fees, charges, or other income provide the capability for the association to meet its present, or planned, financial obligations including operating costs, maintenance and repair costs and reserves for replacement? If not, how will any deficit be made up?

(b) *Taxes.* (1) When will the purchaser's obligation to pay taxes begin? To whom are the taxes paid? What are the annual taxes on an unimproved lot after transfer to a purchaser? If the taxes are to be paid to the developer, include a statement that "Should the developer not forward the tax funds to the proper authorities, a tax lien may be placed against your lot."

(2) Is the subdivision encompassed within, or proposed to be encompassed within, a special improvement district? What is the purpose of the district? Does it levy an annual assessment? (This information need appear only if the answer is in the affirmative and if the same information has not been disclosed elsewhere.)

(c) *Violations and litigations.* (1) Has the developer, the owner of the land, or any of their principals, officers, directors, parent corporation, subsidiaries, or an entity in which any of them hold a 10 percent or more financial or ownership interest been disciplined, debarred, or suspended by any governmental agency in connection with activities relating to environmental concerns, land sales, land investment, security sales, construction or sale of homes or home improvements or similar or related activities? Is there now pending against any of them an action which could result in their being debarred or suspended or disciplined? OILSR suspension notices on pre-effective Statements of Record and amendments need not be listed.

(2) Has the developer, the owner of the land or any of their principals, officers, directors, parent corporation, subsidiaries, or an entity in which any of them hold a 10 percent or more financial or ownership interest been convicted by any court, or is there now pending against any of them any criminal proceedings in any court, for violation of a Federal, State, or local law or regulation in connection with activities relating to environmental concerns, land sales, land investment, securities sales, construction or sale of homes or home improvements or similar or related activity?

(3) Has the developer, the owner of the land, any principal, any person holding a 10 percent or more financial or ownership interest in either, or any officer or director of either, filed a petition in bankruptcy? Has an involuntary petition in bankruptcy been filed against it or them or have they been an officer or director of a company which became insolvent or was involved, as a debtor, in any proceedings under the Bankruptcy Act during the last 13 years?

(4) Is the developer or any of its principals, any parent corporation or subsidiary, any officer or director a party to any litigation which may have a material adverse impact upon its financial condition or its ability to transfer title to a purchaser?

(5) This information need appear only if any of the questions are answered in the affirmative. If any answer is affirmative, unless the Secretary gives prior approval for it to be omitted, a brief description of the action and its present status or disposition shall be given. If the action may have an effect upon the developer's ability to transfer title to lots sold or to complete promised facilities, include a warning, in red, which describes the possible effects the action may have upon the subdivision.

(d) *Resales.* (1) Are there restrictions which might hinder lot owners in the resale of their lots (e.g., a prohibition against posting signs, limitations on access to the subdivision by outside brokers or prospective buyers; the developer's right of first refusal; membership requirements)? If so, briefly explain the restrictions.

(2) Unless the developer now has an operational and active resale program, the following statement shall be included: "The developer has no program to assist you in the resale of your lot."

(3) If there are no restrictions, no answer to question (1) need appear. If there are no restrictions and the developer has an operational and active resale program, the entire subtopic will be omitted.

(e) *Unusual situations.* This topic need appear only if one or more of the following cases apply to the subdivision, then only the applicable subject, or subjects, will appear.

(1) *Leases.* What is the term of the lease? Is it renewable? Is it recordable? Can creditors of the developer, of owner, acquire title to the property without any obligation to honor the terms of the lease? Are the lease payments a flat sum or are they graduated? Can the lease be assigned or sublet? How can the lessee mortgage or otherwise encumber the leasehold? Will the lessee be permitted to remove any improvements he has installed when the lease expires or is terminated?

(2) *Foreign subdivision.* (i) Is the owner or developer of the subdivision a foreign country corporation? If legal action is necessary to enforce the contract, must it be taken in the courts of the country where the subdivision is located?

(ii) Does the country in which the subdivision is located have any laws which restrict, in any way, the ownership of land by aliens? If so, what are the restrictions?

(iii) Must an alien obtain a permit or license to own land, build a home, live, work, or do business in the country where the subdivision is located? If so, where is such permit or license secured; for how long is it valid and what is its cost?

(3) *Time sharing.* (i) How is title to be conveyed? How many shares will be sold in each lot? How is use time allocated? How are taxes, maintenance, and utility expenses divided and billed? How are voting rights in any Association apportioned? Are there management fees? If so, what are their amounts and how are they apportioned?

(ii) Is conveyance of any portion of the lot contingent upon the sale of the remaining portions? Is the initial buyer responsible for any greater portion of the expense than his normal share until the remaining interests are sold? If the purchase of any of the portions is financed, will the default of one owner have any effect upon the remaining owners?

(4) *Memberships.* (i) Does the purchaser receive any interest in title to the land? What is the term of the membership? Is it renewable? What disposition is made of the membership in the event of the death of the member? Are the lots individually surveyed and the corners marked? If not, how does the member identify the area which the member is entitled to use? What is the approximate square footage the member is entitled to use? Are there different classes of membership? How are the different classes identified and what are the differences between them?

(ii) If the member does not receive any interest in the title to the land, include a warning, in red, to the effect that "you receive no interest in the title to the land but only the right to use it for a certain period of time."

(f) *Equal Opportunity in Lot Sales.* State whether or not the developer is in compliance with Title VIII of the Civil Rights Act of 1968 by not directly or indirectly discriminating on the basis of race, religion, sex or national origin in any of the following general areas: lot marketing and advertising, rendering of lot services, and in requiring terms and conditions on lot sales and leases. An affirmative answer cannot be given if the developer, directly or indirectly, because of race,

color, religion, sex or national origin is;

(1) Refusing to sell or lease lots after the making of a bona fide offer or to negotiate for the sale or lease of lots or is otherwise making unavailable or denying a lot to any person, or;

(2) Discriminating against any person in the terms, conditions or privileges in the sale or leasing of lots or in providing services or facilities in connection therewith, or;

(3) Making, printing, publishing or causing to be made, printed or published any notice, statement or advertisement with respect to the sale or leasing of lots that indicates any preference, limitation or discrimination against any person, or;

(4) Representing to any person that any lot is not available for inspection, sale or lease when such lot is in fact available, or;

(5) For profit, inducing or attempting to induce any person to sell or lease any lot by representations regarding the entry or non-entry into the neighborhood of a person or persons of a particular race, color, religion, sex or national origin.

§ 1710.117 Cost sheet, signature of senior executive officer, lot listing.

(a) *Cost Sheet—Format.* (1) The cost sheet shall be prepared in accordance with the following format:

In addition to the purchase price of your lot, there are other expenditures which must be made. Some of these costs are set out elsewhere in this Report under the heading to which they apply. Listed below is a summary of the major items.

Purchase price of lot \$
Estimated one-time charges:
1. Water connection fee/installation of private well \$
2. Sewer connection fee/installation of private on-site sewer system \$
3. Construction costs to extend electric and/or telephone services \$
4. Other (identify) \$
Total \$
Estimated monthly/annual charges, exclusive of utility use fees:
1. Taxes—average unimproved lot \$
2. Dues and assessments \$
3. Recreational use fees \$
Signature of Senior Executive Officer

(2) *Cost sheet instructions.* (i) If central water and sewer systems will provide service to the subdivision; if the connection fees for these services are the same throughout the subdivision and if all fees, charges or assessments are the same for all lots, then these figures may be printed. The price of the lot and the total are to be entered at the time the purchaser's signature is secured on the receipt. The references to private wells and sewer systems may be omitted.

(ii) If all lots in the subdivision are to use private wells and sewer systems; if the estimated costs for these items are the same throughout the subdivision and if all other fees, charges or

assessments are the same for all lots, then these figures may be printed. The purchase price of the lots and the total are to be entered at the time the purchaser's signature is secured on the receipt. The references to the central systems may be omitted.

(iii) If any of the figures will vary from lot to lot or section to section of the subdivision or if different systems will be used in different areas of the subdivision, then the amounts shall not be entered until the receipt is presented to the purchaser for signature. If a central system will be used in all or part of the subdivision and a private system in all or other parts, then the portion which does not apply to the purchaser's lot shall be crossed out.

(iv) If individual private systems may be used prior to the availability of service from any central system and the purchaser is not required to connect to any central system, both figures may be entered or only the highest cost figures may be used with a parenthetical explanation. If the purchaser is required to connect to any central system and discontinue the use of his private system when central service is available, both cost figures shall be given, together with an explanation.

(v) If there is a one time, lump sum "availability fee" which is assessed to the purchaser in connection with a central utility, include under "other" and identify.

(vi) Recreational use fees need be included only if they are separate from other assessments, are assessed on a monthly or annual basis or are involuntary regardless of use. If the fees are substantial or voluntary (e.g., country club dues, golf, tennis or ski club dues), they may be included and a parenthetical remark added to indicate they are optional or dependent on use of the facility.

(vii) At the discretion of the Secretary, where there is extreme diversity in the figures for different areas of the subdivision, variations may be permitted as to whether the figures will be printed, entered manually, or a range of costs used or any combination of these features.

(viii) The estimated annual taxes shall be based upon the projected valuation of the lot after transfer to a purchaser.

(b) *Signature of the Senior Executive Officer.* The Senior Executive Officer or a duly authorized agent shall sign the property report. Facsimile signatures may be used for purposes of reproduction of the property report.

(c) *Listing of lots.* The listing of lots shall consist of a description of the lots included in the Statement of Record by the name or number of the section or unit, if any; the block number, if any; and the lot number.

For example, if the lot numbers run consecutively, they shall be listed as 1 through 50. If they do not run consecutively, or if there are exceptions, they shall be listed as 1 through 50, except lots 5, 12 and 17. If the filing is a consolidation, the listing shall include all lots registered to date in the subdivision, except those which have been deleted by amendment.

§ 1710.118 Receipt Page.

(a) *Format.* The receipt page shall be prepared in accordance with the following format:

PURCHASER RECEIPT

IMPORTANT: READ CAREFULLY

OILSR Number
Name of Subdivision
Effective date:

The developer must give you a copy of this Property Report and give you an opportunity to read it before you sign any contract or agreement. By signing this receipt, you acknowledge that you have received a copy of the Property Report prepared according to the Rules and Regulations of the Office of Interstate Land Sales Registration, U.S. Department of Housing and Urban Development.

Received by Date
Street Address City
State Zip

If any representations are made to you which are contrary to those in this Report, please notify the: Office of Interstate Land Sales Registration, HUD Building, 451 Seventh Street SW., Washington, D.C. 20410.

AGENT CERTIFICATION

I certify that I have made no representations to the person(s) receiving this Property Report which are contrary to the information contained in this Property Report.

Lot Block Section
Name of Salesperson Signature Date

If you are entitled to cancel your purchase contract, and wish to do so, you may cancel by personal notice, by a telephone call or in writing. If you cancel in person or by telephone, it is recommended that you immediately confirm the cancellation in writing. You may use the form below.

Developer's Name
Developer's Address
Lot No. Block No. Date of Contract

This will confirm that I/we wish to cancel our purchase contract.

Purchaser(s) signature
Date

(b) The original and one copy of this page shall be attached to the Property Report delivered to prospective purchasers. Carbon paper may be inserted between the two so that after the purchaser has signed the receipt and the salesperson has signed the certification, the copy can be detached and retained by the developer for a period of 3

years from the date of execution or the term of the contract, whichever is the longer. Upon demand by the Secretary, the developer shall, without delay, make the copies of these receipts and certifications available for inspection by the Secretary or the developer shall forward to the Secretary any of the receipts and certifications, or copies thereof, as the Secretary may specify.

(c) If the transaction takes place through the mails, the cost figures shall be entered and the person most active in dealing with the prospective purchaser shall sign the certification prior to mailing the Property Report to the purchaser. Otherwise, the certification shall be executed in the presence of the purchaser.

(d) The effective date appearing on the receipt shall be the same as that appearing on the cover sheet of the Property Report.

§ 1710.200 Instructions for Statement of Record, Additional Information and Documentation segment.

The Additional Information and Documentation segment of the Statement of Record shall contain the information, statements, and documents required in §§ 1710.208 through 1710.219. Each section number and its associated heading and each paragraph letter or number and their associated subheadings or captions shall appear in the corresponding Sections (1710.208 through 1710.219) of this segment; except that, the letters and subheadings for § 1710.209 (b), (c), and (d) shall be omitted as they require no separate response other than the providing of the required documentation. Following each heading, subheading, or caption printed in this segment, the registrant shall insert an appropriate response which shall include an answer to applicable questions in the Regulations and references to any exhibits or documents which are supplied. If a heading, subheading, or caption does not apply to the subdivision, it shall be followed by the words "not applicable". If an exhibit or document is required, it shall be referenced by number in the right hand margin of the applicable section response, tabbed, and attached in proper sequence following the § 1710.219 Affirmation. See § 1710.102 (g), (h), and (i) for further instructions pertaining to exhibits. In addition to the statements and documentation expressly required in this segment, there shall be added any further material, information, documentation and certifications as may be necessary in the public interest and for the protection of purchasers or to cause the statements made to be not misleading in the light of the circumstances under which they are made.

§ 1710.208 General information.

(a) *Administrative information.* (1) State whether the material represents an initial Statement of Record or a consolidated Statement of Record. If it is a consolidated Statement of Record, identify the original OILSR number assigned to the initial Statement of Record. State whether subsequent Statements of Record will be submitted for additional lots in the subdivision.

(2) Has the developer submitted a request for an exemption for the subdivision?

(3) List the States in which registration has been made for the subdivision and/or the developer.

(4) If any State listed in paragraph (a)(3) of this section has not permitted a registration to become effective or has suspended the registration or prohibited sales, name the State involved and give the reasons cited by the State for their action.

(5) State whether the developer has made, or intends to make, a filing with the U.S. Securities and Exchange Commission (SEC) which is related in any way to the subdivision. If a filing has been made with the SEC, give the SEC identification number; identify the prospectus by name; date of filing and state the page number of the prospectus upon which specific reference to the subdivision is made. Any disciplinary action taken against the developer by the SEC should be disclosed in §§ 1710.116 and 1710.216.

(b) *Subdivision information.* (1) If this is a consolidated Statement of Record, state the number of lots being added, the number of lots in prior Statements of Record and the new total number of lots. The Secretary must be able to reconcile the numbers stated here with the title evidence; the plat maps and the disclosure in § 1710.108.

(2) State the number of acres represented by the lots in this Statement of Record. If this is a consolidated Statement of Record, state the number or acres being added, the number of acres in prior Statements of Record and the new total number of acres. State the total acreage owned in the subdivision, the number of acres under option or similar arrangement for acquisition of title to the land and the total acreage to be offered pursuant to the same common promotional plan.

(3) State whether any lots have been sold in this subdivision since April 28, 1969, and prior to registration with this Office. If they were sold pursuant to an exemption, identify the exemption provision and state whether an advisory opinion, exemption order or exemption determination was obtained with respect to those lots sales. Give the OILSR number assigned to the exemption, if any.

(c) *Developer Information.* (1) State the name, address, Internal Revenue

Service number, and telephone number of the owner of the land. If the owner is other than an individual, name the type of legal entity and list the interest, and extent thereof, of each principal. Identify the officers and directors.

(2) If the developer is not the owner of the land, state the developer's name, address, Internal Revenue Service number, and telephone number. If the developer is other than an individual, name the type of legal entity and list the interest, and the extent thereof, of each principal. Identify the officers and directors.

(3) State the name, address, and telephone number of an authorized agent. This shall be the party designated by the developer to receive correspondence, service of process, and notice of any action taken by OILSR. In all Statements of Record, including those for foreign subdivisions, the authorized agent shall be a resident of the United States.

(4) State whether the owner of the land, the developer, its parent, subsidiaries, or any of the principals, officers, or directors of any of them are directly or indirectly involved in any other subdivision. If so, identify the subdivision by name, location, and OILSR number, if any.

(5) State whether the owner or developer is a subsidiary corporation. If either the owner or developer is a subsidiary corporation or if any of the principals of the owner or developer are corporate entities, name the parent and/or corporate entity and state the principals of each to the ultimate parent entity.

(d) **Documentation.** (1) Submit a copy of the property report, subdivision report, offering statement or similar document filed with the state or states with whom the subdivision has been registered.

(2) Submit two copies of a general plan of the subdivision. This general plan shall consist of a map, prepared to scale, and it shall identify the various proposed sections or units within the subdivision; the lot numbers within those sections or units; the existing or proposed roads or streets and the location of the existing or proposed recreational and/or common facilities. In an initial filing, this map shall, at least, reflect the lots and area included in the Statement of Record. In a consolidated Statement of Record, it shall reflect the lots and area being added as well as the lots and areas previously registered. If a map of the entire subdivision is submitted with the initial Statement of Record, and if no substantial changes are made when material for a consolidated Statement of Record is submitted, the original map may be incorporated by reference. Lot dimensions need not be shown on individual lots

but a representative lot, with dimensions, shall be displayed on the map.

(3) (i) If the developer is a corporation, submit a copy of the articles of incorporation, with all amendments; a copy of the certificate of incorporation or a certificate of a corporation in good standing and, if the subdivision is located in a state other than the one in which the original certificate of incorporation was issued, a certificate of registration as a foreign corporation with the state where the subdivision is located.

(ii) If the developer is a partnership, unincorporated association, joint stock company, joint venture or other form of organization, submit a copy of the articles of partnership or association and all other documents relating to its organization.

(iii) If the developer is not the owner of the land, submit copies of the above documents for the owner.

§ 1710.209 Title and land use.

(a) In general, submit title evidence which specifically states the status of the legal and equitable title to the land comprising the lots covered by this Statement of Record and the land upon which are located any common areas or facilities disclosed in the Property Report pursuant to § 1710.111 (a) and (b) and § 1710.114. Title evidence need not be submitted for those common areas and facilities disclosed in these sections which are not owned by the developer. This requirement may be met only by title evidence in one of the below listed forms which shall be dated no earlier than 20 business days preceding the date of the filing of the Statement of Record with the Secretary. If the title evidence is dated earlier than 20 days prior to the date of filing, the developer may submit a separate attorney's opinion of title covering the period from the date of title evidence to a date no earlier than 20 business days preceding the date of the filing. The title information submitted as part of a consolidated Statement of Record need not cover the lots which have been deeded to individual purchasers or deleted from the registered lots. The developer shall amend the title evidence to reflect the change in the status of title of any previously registered, reacquired lots unless the status of title of such lots is at least as marketable as when it was first offered for sale by the developer as a registered lot. The § 1710.209(a) response in the Additional Information and Documentation segment of the Statement of Record need only include: (1) A statement that a particular type of title evidence (attorney's opinion or title insurance policy) is provided as exhibit number 1710.209(a), and (2) marginal notation of that exhibit number. The title evidence itself shall then be in-

cluded in the Additional Information and Documentation segment in its proper sequential place after the § 1710.219 Affirmation. (See §§ 1710.102 and 1710.200 for further instructions on exhibits.)

(b) The Forms of Acceptable Title Evidence. (1) An original or copy of a signed owner's policy of title insurance, a certificate of title, or similar instrument issued by a title company duly authorized by law to issue such instruments in the state in which the subdivision is located. Title company insurance policies and certificates of title which, respectively, limit insurance and negligence liability to amounts less than the market value of the subject land at the time of its acquisition by the subdivision owner, are not acceptable if submitted to fulfill this requirement; or,

(2) A signed legal opinion stating the condition of title, prepared and signed by an attorney at law experienced in the examination of titles and a member of the Bar in the State in which the property is located. Title opinions, which limit negligence liability to amounts less than the market value of the subject land at the time of its acquisition by the subdivision owner, are not acceptable if submitted to fulfill this requirement. Such title opinion may be based on a Torrens land registration system certificate of title, or similar instrument, if the attorney's opinion in conjunction with such certificate meets all the general title evidence requirements in this section as well as the indicated special requirements specifically applicable to title evidence based on such certificates.

(c) Title Searches. The required evidence of the status of title shall be based on a search of all public records which may contain documents affecting title to the land or the developer's ability to deliver marketable title. The search must cover a period which is required or generally considered adequate for insuring marketability of title in the jurisdiction in which the subdivision is located. Such search shall include an examination of at least the following documents:

(1) The records of the recorder of deeds or similar authority;

(2) U.S. Internal Revenue Liens;

(3) The records of the circuit, probate, or other courts including Federal courts and bankruptcy or reorganization proceedings which have jurisdiction to affect the title to the land;

(4) The tax records;

(5) Financing statements filed pursuant to the Uniform Commercial Code or similar law. If it is held that the financing statements do not affect the title of the land, include a statement of the legal authority for that opinion. This search may be accomplished through the use of a title insurance

company title plant, the information in which is based on current searches of the appropriate and necessary documents, including as a minimum those listed immediately above. For any attorney's title opinion based on Torrens certificates of title, the title search need only go beyond the original time of registration of the certificate of title for those types of encumbrances which are not conclusively settled by the proceedings at the time of such registration. In such cases, the required statement shall clearly reflect the documents and periods searched.

(d) Items to be included in the Title Evidence. The title evidence shall include the below indicated information, instruments, and statements which shall be filed in accordance with the following instructions and which shall not be repeated or duplicated elsewhere in the Statement of Record. These requirements are applicable to both forms of acceptable title evidence.

(1) A legal description of the land on which the lots, common areas, and facilities covered by the title evidence are located. This legal description shall be adequate for conveying land in the jurisdiction in which the subdivision is located. If this legal description is based on a recorded plat, then the recording place, book name, book number, and page number shall be stated in the description. If this legal description is given by metes and bounds, the title evidence shall include or be accompanied by a certified statement of the preparer of the title evidence, a licensed attorney, or an engineer or surveyor, indicating that all subject lots, common areas, and common facilities are encompassed within the metes and bounds description in the evidence. If at any time after the submission of the legal description required above, the description of the subject land is changed or found to be in error, a correcting amendment shall be made to the Statement of Record.

(2) The name of the person(s) or other legal entity(ies) holding fee title to the property described.

(3) The name of any person(s) or other legal entity(ies) holding a leasehold estate or other interest of record in the property described.

(4) A listing of any and all exceptions or objections to the title, estate or interest of the person(s) or legal entity(ies) referred to in paragraphs (d) (2) or (3) of this section, including any encumbrances, easements, covenants, conditions, reservations, limitations or restrictions of record. (Any reference to exceptions or objections to title shall include specific references to the instruments in the public records upon which they are based.) When an objection or exception to title affects less than all of the proper-

ty covered by this Statement of Record, the title evidence shall specifically note what portion of the property is so affected.

(5) Copies of all instruments in the public records specifically referred to in paragraph (d) (4) of this section (Abstracts of such instruments are acceptable if prepared by an attorney or professional or official abstractor qualified and authorized by law to prepare and certify such abstracts and if the abstracts contain a material portion of the recorded instruments sufficient to determine the nature and effect of such instruments). Also include copies of any release provisions, relating to encumbrances on the property described, which are not included in the documents otherwise required by this section.

(6) A statement as to whether there is a holder of an ownership interest in the land other than the developer. If so, include copies of any documentation which evidence the developer's authorization to develop and/or sell the land.

(7) If an attorney's title opinion has been submitted pursuant to this section which has been based on a Torrens land registration certificate of title, submit a copy of such certificate.

(e) Supplemental Title Information. Submit the following title related documents, information, and statements separately from the "title evidence" referred to in paragraphs (a), (b), (c), and (d) of this section.

(1) Copies of any trust deeds, deeds in trust, escrow agreements or other instruments which purport to protect the purchaser in the event of default or bankruptcy by the developer on any instrument or instruments which create a blanket encumbrance upon the property unless they have been previously provided as part of "title evidence" submitted pursuant to paragraph (d) of this section.

(2) Copies of all forms of contracts or agreements and notes to be used in selling or leasing lots. The contracts or agreements, including promissory notes, must contain the following language in boldface type (which must be distinguished from the type used for the rest of the contract) on the face or signature page above all signatures:

You have the option to void your contract or agreement by notice to the seller if you did not receive a Property Report prepared pursuant to the rules and regulations of the Office of Interstate Land Sales Registration, U.S. Department of Housing and Urban Development, in advance of, or at the time of your signing the contract or agreement. If you received the Property Report less than 48 hours prior to signing the contract or agreement, you have the right to revoke the contract or agreement by notice to the seller until midnight of the third business day following the consummation of the transaction. A business day is any calendar day except Sunday and the following

business holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving and Christmas.

The above revocation and voidability provisions may not be limited or qualified in the contract or other document by requiring a specific type of notice or by requiring that notice be given at a specified place.

(3) A statement as to whether the developer has reserved the right to exchange or withdraw lots after a purchaser has signed a sales contract (e.g., for prior sales, failure to pass credit check). If yes, indicate this authority and make reference to the applicable paragraph in the sales contract or other document.

(4) A statement as to whether there is any and make reference to the applicable paragraph in the sales contract or other document.

(5) A copy of the agreement, if not included in the sales contract, in which seller agrees with buyer to secure the release of lots from any blanket encumbrance.

(6) Copies of deeds and leases by which the developer will lease or convey title of the lots to purchasers or lessees.

(7) A statement as to whether the developer knows of any instruments not of record which, if recorded, would affect title to the subdivision. If yes, copies of these instruments shall be submitted, except that copies of unrecorded contracts for sales of lots in the subdivision need not be submitted.

(f) Permits, Plat Maps, Environment and Restrictions. (1) **Permits.** Identify the Federal, state and local agencies or similar organizations which have the authority to regulate or issue permits, approvals or licenses which may have a material effect on the developer's plans with respect to the proposed division of the land, facilities or proposed facilities, common areas, improvements or proposed improvements to the subdivision. State what permits, approvals or licenses are required by these agencies and whether they have been obtained by the developer. State the facility affected by each required permit, approval or license.

If no agency regulates the division of the land or issues any permits, approvals or licenses with respect to improvements, so state. Your answer shall specifically address itself to the areas of environmental protection agencies, environmental impact statements, Corps of Engineers permits to construct, dredge, bulkhead, affect the flow of, or otherwise change or affect bodies of water within or around the subdivision. Also, include any permits or licenses issued or required by water resources boards or pollution control boards, river basin commissions, conservation agencies, or other similar organizations or entities.

(2) *Plat Maps.* (i) State whether it is unlawful to sell lots prior to the final approval and recording of a plat map in the jurisdiction where the subdivision is located.

(ii) In those jurisdictions where it is unlawful to sell lots prior to final approval and recording of the plat, and in those cases where a plat has been recorded, submit a copy of the recorded plat. This plat should be an exact copy of the recorded document. It should reflect the signatures of the approving authorities and bear a stamp or notation by the recorder of deeds, or similarly constituted officer, as to the recording data.

(iii) If the plat has not been approved by the local authorities nor recorded, and if it is not unlawful to sell lots prior to final approval and recording, submit a map which has been prepared to scale and which shows the proposed division of the land, the lot dimensions and their relation to proposed or existing streets and roads. The map shall contain sufficient engineering data to enable a surveyor to locate the lots.

(iv) Whether recorded or unrecorded, the plat or map shall show:

(A) The dimensions of each lot, stated in the standard unit of measure acceptable for such purposes in the political subdivision where the land is located.

(B) A clear delineation of each of the lots and any common areas or facilities.

(C) Any encroachments or rights-of-way on, over, or under the land, or a notation of these items together with the identity of the lots affected.

(D) The courses, distances and monuments, natural or otherwise, of the land's boundaries; contiguous boundaries and ownership of adjoining land and names of abutting streets, ways, etc.

(E) The location of the section or unit encompassing the lots in relationship to the larger tract, or tracts, in the subdivision.

(F) The delineation of any flood plains or flood control easements affecting any of the lots.

(v) The plat, or map shall be prepared by a licensed surveyor or engineer.

(vi) The number of lots included on each page of the plat or map shall be entered in the lower right hand corner of that page of the plat or map. If all lots on the page are not included in the Statement of Record with which the plat or map is submitted, then the lots which are to be included in that Statement of Record shall be identified on the plat or map; a legend describing the method of identification shall be entered on the face of the plat or map and the number of lots entered

of Record. The Secretary must be able to reconcile the totals of these numbers with the information given in Section 1710.108 and Section 1710.208 of the Statement of Record and the title evidence.

(3) *Environmental impact study.* If the developer is aware of any environmental impact study for the subdivision or the area in which the subdivision is located, submit a copy of that study.

(4) *Restrictions or Covenants.* Submit a copy of any recorded or proposed restrictions or covenants for the subdivision if not submitted elsewhere in this Statement of Record.

A copy of these restrictions or covenants shall be delivered to a prospective purchaser upon request. A supply shall be maintained at whatever place or places as will be necessary to allow immediate delivery upon request.

§ 1710.210 Roads.

(a) If the developer is to complete any roads providing access to the subdivision, submit a copy of any contracts which have been executed and a copy of any bonds or escrow agreements which have been posted to guarantee completion thereof. If the access routes are to be completed by the local government, submit a copy of a letter from the local authorities setting forth the plan for completion.

(b) Submit copies of any contracts which have been executed for the completion of the road system within the subdivision and copies of any bond or escrow agreements which have been posted to assure completion.

(c) If the interior roads are to be maintained by a public authority, submit a copy of a letter from that authority which states that the roads have been, or the conditions upon which, and the point in time when they will be, accepted for maintenance.

(d) State the estimated cost of the proposed road system.

§ 1710.211 Utilities.

(a) *Water.* (1) If water is to be supplied by a central system, furnish a letter from the supplier that it will supply the water. If the system is operated by a governmental division, or by an entity whose operations are regulated by a governmental agency but which is not affiliated with or under the control of the developer, the letter shall include a statement that the supply of water will be sufficient to serve the anticipated population of the subdivision or how many homes or connections it can and will serve and that the water is tested at regular intervals and has been found to meet all standards for a public water supply.

is not regulated by a governmental agency or by an entity which is affiliated with or controlled by the developer, submit a copy of any engineers' reports or hydrological surveys which indicate there is a sufficient supply of water to serve the anticipated population of the subdivision.

(3) If the supplier of water is not in one of the categories in paragraph (a)(1) of this section, submit a copy of a letter or report from a cognizant health officer, or from a private laboratory licensed by the State to perform tests and issue reports on water, as to the chemical quality and bacteriological purity of the water in the central system. This letter or report shall include an analysis, in layman's language, of the results of the tests.

(4) If any bond, escrow agreement or other financial assurance of the completion of the central system, including any phases which are to be constructed in the future, has been posted, furnish a copy of the document.

(5) *Furnish a copy of any permits which have been obtained in connection with the construction and operation of the central system.* If a permit is required to install individual wells, submit a letter from the proper authority which states the requirements for obtaining the permit and that there is no objection to the use of individual wells in the subdivision.

(6) State the estimated cost to the developer of the central water system.

(7) *Furnish a copy of any membership agreement or contract which allows or requires lot owners to use the central water system.* If this document is furnished elsewhere in the Statement of Record, reference to it may be made here.

(8) If the statement called for in § 1710.111(a)(1)(L) is not included in the Property Report, furnish a copy of the financial statements of the supplier of water. If these statements are furnished elsewhere in this Statement of Record, they may be incorporated here by reference.

(b) *Sewer.* (1) If sewage disposal is to be by individual on-site systems, furnish a letter from the local health authorities giving general approval to the use of these systems in the subdivision or giving specific approval for each and every lot.

(2) If sewage disposal is to be through a central system which is owned and operated by a governmental division, or by an entity whose operations are regulated by a governmental agency but which is not affiliated with, or under the control of, the developer, furnish a letter from the entity that it will provide this service and that its treatment facilities have the capacity to serve the anticipated population of the subdivision or how

(3) *Furnish a copy of any permits obtained for the construction and operation of the central sewer system or construction and use of any other method of sewage disposal contemplated for the subdivision except those to be obtained by individual lot owners at a later date.*

(4) If any bond, escrow agreement, or other financial assurance of the completion of the central system or other system for which the developer is responsible, and any future expansion, has been posted, furnish a copy of the document.

(5) State the estimated cost to the developer of the central sewer system.

(6) *Furnish a copy of any membership agreement or contract which allows, or requires, the lot owners to use the central system.* If this document is furnished elsewhere in the Statement of Record, it may be incorporated here by reference.

(7) If the statement called for in § 1710.111(b)(1)(iii)(K) is not included in the Property Report, furnish a copy of the financial statements of the supplier of sewer service. If these statements are furnished elsewhere in the Statement of Record, they may be incorporated here by reference.

(c) *Electricity.* (1) *Furnish a letter from the electric company that it will supply service to the subdivision.*

(2) *Furnish a copy of any agreements or contracts for the installation of the electrical facilities which have been executed and a copy of any instrument providing financial assurance of completion of the facilities which has been posted.*

(d) *Telephone.* (1) *Furnish a letter from the telephone company that it will supply service to the subdivision.*

(2) *Furnish a copy of any agreements or contracts for the installation of the telephone facilities which have been executed and a copy of any financial assurance of completion of the facilities which has been posted.*

(e) *Fuel or other energy source.* (1) *Furnish a letter from the supplier of fuel that it will supply the product to the subdivision.*

(f) *Garbage and trash disposal.* No further information necessary.

§ 1710.212 Financial information.

(a) *Financial statements.* (1) Submit a copy of the developer's financial statements for the last full fiscal year. These statements shall be prepared in accordance with generally accepted accounting principles, as prescribed by the American Institute of Certified Public Accountants, and shall be audited by an independent licensed public accountant. They shall include a balance sheet, a statement of profit and loss, a statement of changes in financial condition, and a certified opinion by the accountant. The statements

the date the Statement of Record is submitted.

(2) If the audited statements are more than 6 months old at the date of submission of the Statement of Record, or if the last full fiscal year has ended within the last 90 days and audited Statements are not yet available, the developer may submit a copy of the audited statements for the previous full fiscal year and supplement them with unaudited, interim statements so that the financial information is no more than 6 months old on the date that the Statement of Record is submitted. The interim statements may be prepared by company personnel but must contain a balance sheet, a statement of profit and loss and a statement of changes in financial condition and be prepared in accordance with generally accepted accounting principles.

(b) *Exceptions.* (1) If the developer does not have audited financial statements and the criteria in one of the following exceptions are met, statements need not be audited and certified but must meet all of the other requirements set forth in paragraphs (a)(1) and (a)(2) of this section.

(2) For the purposes of these exceptions, these definitions shall apply:

(i) "Deed" shall mean a warranty deed, or its equivalent, which contains no exceptions which would interfere with the purchaser's use and enjoyment of the lot.

(ii) Date of contract shall mean the date on which the contract or agreement is signed by the purchaser.

(iii) "Escrow or trust account as to down payments and deposits" shall mean an account, established in accordance with local real estate laws or regulations, which assures the return to the purchaser of any monies paid in the event title is not delivered to the purchaser in accordance with the terms of the contract.

(3) The exceptions are: (i) The aggregate sales prices of all lots offered pursuant to a common promotional plan equals \$1,500,000 or less and there will be fewer than 300 lots in the subdivision and the sales contract provides for delivery of a deed within 120 days of the date of the contract which conveys title free of any mortgage or lien with any down payments or deposits being held in an escrow account, or;

(ii) All facilities, utilities, and amenities promised by the developer in the Property Report or sales contract have been completed so that the lots included in the Statement of Record are immediately usable for the purpose for which they are sold and the sales contract provides for delivery of a deed within 120 days of the date of the contract which conveys title free of any mortgage or lien with any down payments or deposits being held in an

(iii) All of the following conditions are met: (A) The developer is contractually obligated to the purchaser to complete all facilities, utilities, and amenities promised by the developer in either the Property Report or sales contract so that all lots included in the Statement of Record will be usable for the purpose for which they are sold by the dates set out in the Property Report or contract, and;

(B) The developer has made financial arrangements, such as the posting of surety bonds (corporate or individual promissory notes or bonds are not acceptable), irrevocable letters of credit or the establishment of escrow or trust accounts, which assure the completion of all facilities, utilities, and amenities promised by the developer in the Property Report or contract, and;

(C) The sales contract provides for the delivery of a deed within 120 days of the date of the contract which conveys title free of any mortgage or lien, and;

(D) Any deposits or down payments are held in an escrow or trust account.

[The term "conveys title free of any mortgage or lien" in these exceptions is not intended to prohibit the taking of an instrument as security for the lot purchase price after title is conveyed.]

(c) *Newly formed entity.* If the developer is newly formed and has not had any significant operating experience, an audited or unaudited balance sheet and statement of receipts and disbursements of funds may be submitted. However, within 120 days after the end of the first full fiscal year, the developer shall comply with the requirements for furnishing audited or unaudited statements, as applicable, for that full fiscal year.

(d) *Use of parent company statements.* If the developer is a subsidiary company and does not have audited financial statements, the Secretary may permit the use of the audited and certified statements of the parent company: *Provided,* That those statements are accompanied by an unconditional guaranty that the parent shall perform and fulfill the obligations of the subsidiary. If this procedure is adopted, the developer shall submit the following:

(1) The unaudited financial statements of the subsidiary.

(2) The audited and certified financial statements of the parent company.

(3) A properly executed guaranty in a form acceptable to the Secretary.

(e) *Opinions.* If the accountant qualifies his opinion, the Secretary may accept the statements and require such additional disclosure as the Secretary deems necessary in the public interest or for the protection of purchasers.

filed with the Statement of Record shall be made available to prospective purchasers upon request. A supply of the latest submitted statements shall be maintained at whatever place, or places, as is necessary to allow immediate delivery upon request by a prospective purchaser. These statements shall contain financial information only and shall not include any promotional material such as that usually set forth in annual reports.

(g) *Change from audited to unaudited statements.* (1) Developers who file audited statements must continue with audited statements throughout the duration of the registration unless, at a later date, the developer submits amendments which demonstrate to the satisfaction of the Secretary that:

(i) The number of lots yet to be sold in the subdivision has been reduced to less than 300 having a sales value of less than \$1,500,000.00, and that it will not exceed either of these categories through further additions to the subdivision, or through the reacquisition of lots already sold, and the sales contract provides for delivery of a deed within 120 days of the date of the contract which conveys title free and clear of any mortgage or lien with any down payment or deposits being held in an escrow or trust account, or; deposits being held in an escrow or trust account, or;

(ii) The developer then qualifies for exception 2(ii) or 2(iii) above.

(2) The Secretary may allow a developer, who has made sales prior to registration, to submit unaudited statements under the provisions of paragraph (g)(1)(i) of this section. The developer must demonstrate to the satisfaction of the Secretary that the acceptance of unaudited statements would not be a detriment to the public interest or to the protection of purchasers.

(h) *Reporting adverse changes.* The developer shall submit new financial statements if, at anytime, they disclose there has been a material adverse change in the developer's financial condition.

(i) *Financing of improvements.* Describe the financing plan that is to be used in financing on-site or off-site improvements proposed in the Statement of Record.

(j) *Financing of sales.* Describe any plan which the developer has arranged for financing the purchase price of lots sold and identify the lender(s).

(k) *Recap of development costs and income.* Complete the following format:

Estimated date for full completion of amenities: _____
Projected date for complete sell out of subdivision: _____
Land costs \$ _____
Estimated selling costs \$ _____
Estimated improvement costs \$ _____

Estimated overhead and profits \$ _____
Total \$ _____
Estimated total land sales income \$ _____
Estimated income from fees \$ _____
Estimated miscellaneous income \$ _____
Total \$ _____

§ 1710.213 Local services.

No further information required.

§ 1710.214 Recreational facilities.

(a) Submit a synopsis of the proposed plans and estimated cost of any proposed or partially constructed recreational facility disclosed in § 1710.114. This item should include the general dimensions and a brief description of the facility but it should not include blue prints or similar technical materials.

(b) Submit a copy of any contract for construction of the recreational facilities disclosed in § 1710.114 which are not structurally complete and any bond or escrow arrangements to assure their completion.

(c) State what permits are required for the construction and use of any recreational facility and submit copies of those which have been obtained.

(d) If the developer, or owner of the subdivision, their principals, or subsidiaries, intend to transfer the title of a listed recreational facility in the future, explain at what time, by what type of conveyance, and to whom such transfer will be made. In such cases, also disclose any adverse effects on, or cost to, lot purchasers which may be caused by such transfer. Also disclose any contractual conditions on such transfer which relate to lot purchasers.

§ 1710.215 Subdivision characteristics and climate.

(a) Submit two copies of a current geological survey topographic map, or maps, of the largest scale available from the U.S. Geological Survey with an outline of the entire subdivision and the area included in this Statement of Record clearly indicated. Photo or xerox copies made by the developer are not acceptable. Do not shade the areas on the maps which have been outlined.

(b) Submit a copy of any local authorities' approval of the developer's plan to control soil erosion, sedimentation and periodic flooding.

(c) If drainage facilities are proposed but not yet completed, submit a synopsis of the developer's proposed plans which includes a description of the system of collecting surface waters; a description of the steps to be taken to control erosion and sedimentation and the estimated cost of the drainage facilities.

(d) Submit copies of any bonds, escrow or trust accounts or other financial assurance of completion of the drainage facilities.

(e) State whether the jurisdiction in which the subdivision is located has a

system for rating the land for fire hazards. If so, state the rating assigned the land in the subdivision.

§ 1710.216 Additional information.

(a) *Property Owners' Association.* (1) If the association has been formed as a legal entity, submit a copy of the articles of association, bylaws or similar documents, and a copy of the charter or certificate of incorporation.

(2) Submit a copy of any membership agreement or similar document.

(3) Submit a copy of the association's latest financial statement or a statement of potential receipts and expenses for a full fiscal year.

(4) If the developer exercises any control over the association, state whether any contracts have been executed between the association and the developer or any affiliate or principal of the developer. If there have been, briefly summarize the terms of the contracts, their purpose, their duration, and the method and rate of payment required by the contract. State whether the association may modify or terminate the contracts after the owners assume control of the association.

(5) State whether there is any agreement which would require the association to reimburse the developer, its affiliates or successors for any attorney's fees or costs arising from an action brought against them by the association or individual property owners, regardless of the outcome of the action.

(6) If the answer to paragraph (a)(4) or (a)(5) of this section is in the affirmative, disclosure may be required in § 1710.116(a) at the discretion of the Secretary.

(b) *Taxes.* No further information necessary.

(c) *Price range, type of sales and marketing.* (1) State the price range of lots in the subdivision.

(2) State the type of sales to be made, i.e., contract for deed, cash, deed with security instrument, etc.

(3) Describe the methods of advertising and marketing to be used for the subdivision. The description should include, but need not be limited to, information on such matters as to:

(i) Whether the developer will employ his own sales force or will contract with an outside group;

(ii) Whether wide area telephone solicitation will be employed;

(iii) Whether presentations will be made away from the immediate vicinity of the subdivision and/or if prospective purchasers will be furnished transportation from distant cities to the subdivision;

(iv) Whether mass mailing techniques will be used and gifts offered to those who respond.

(4) Submit a copy of any advertising or promotional material that is, or has been, used for the subdivision that:

(i) Mentions or refers to recreational facilities which are not disclosed in § 1710.114, or;

(ii) Promotes the sale of lots based on the investment potential or expected profits, or;

(iii) Contains information which is in conflict with that disclosed in this Statement of Record.

Amendments to reflect changes in advertising or promotional material need be filed only when there is a material change related to one of the above factors.

Depending upon the content of the material submitted, the Secretary may require additional warnings in the Property Report segment.

(d) *Violations and Litigation.* (1) Submit a copy of the complaint(s), the answer(s) and the decision(s) for any litigation listed in § 1710.116(c).

(2) If it is indicated in § 1710.116(c) that the developer or any of the parties involved in the subdivision are, or have been, the subject of any bankruptcy proceedings, furnish a copy of the schedules of liabilities and assets (or a recap of those schedules); the petition number; the date of the filing of the petition; names and addresses of the petitioners, trustee and counsel; the name and location of the court where the proceedings took place and the status or disposition of the petition. Explain, briefly, the cause of the action.

(3) Furnish a copy of any orders issued in connection with any violations listed in § 1710.116(c).

(e) *Unusual Situations.* (1) No further information is necessary on leases.

(2) *Foreign subdivisions.* If the subdivision is located outside the several States, the District of Columbia, the Commonwealth of Puerto Rico or the territories or possessions of the United States, the Statement of Record shall be submitted in the English language and all supporting documents, including copies of any laws which restrict the ownership of land by aliens, shall be submitted in their original language and shall be accompanied by a translation into English.

(3) No further information necessary on time sharing.

(4) No further information necessary on membership.

(f) *Equal Opportunity in Lot Sales.* No further information required.

§ 1710.219 Affirmation.

The following affirmation shall be executed by the senior executive officer or a duly authorized agent:

I hereby affirm that I am the Senior Executive Officer of the developer of the lots herein described or will be the Senior Executive Officer of the developer at the time lots are offered for sale or lease to the public, or that I am the agent authorized by the Senior Executive Officer of such developer to complete this statement (if agent, submit written authorization to act as agent); and,

That the statements contained in this Statement of Record and any supplement hereto, together with any documents submitted herein, are full, true, complete, and correct; and,

That the developer is bound to carry out the promises and obligations set forth in this Statement of Record and Property Report or that I have clearly delineated the proposals for which the developer is not bound and stated who is or will be responsible, if anyone; and

That the fees accompanying this submission are in the amount required by the rules and regulations of the Office of Interstate Land Sales Registration.

(Date) _____

(Signature) _____

(Corporate seal if applicable) _____

(Title) _____

WARNING: Section 1418 of the Housing and Urban Development Act of 1968 (82 Stat. 598, 15 U.S.C. 1717) provides: "Any person who willfully violates any of the provisions of this title or of the rules and regulations or any person who willfully, in a Statement of Record filed under, or in a Property Report issued pursuant to this title, makes any untrue statement of a material fact . . . shall upon conviction be fined not more than \$5,000.00 or imprisoned not more than 5 years, or both."

§ 1710.310 Required notice as to activity and financial condition.

(a) Where the developer has submitted no material to the Secretary in connection with a Statement of Record, made effective pursuant to §§ 1710.21, 1710.52, 1710.54 or 1710.56, during any twelve month period following the last effective date issued by the Secretary, a notice shall be submitted by the developer within 30 days of the annual anniversary for that last effective date, and on each successive anniversary where no other material has been submitted during each prior year, which contains the following information:

(1) Subdivision name and address.

(2) Developer's name, address and telephone number.

(3) OILSR number.

(4) Most recent effective date issued by the Secretary.

(5) Either: (i) A statement that the developer is still engaged in land sales activity at the subject subdivision and that there have been no changes in material fact since the last effective date was issued which would require an amendment to the Statement of Record, or;

(ii) A statement that the developer is no longer engaged in land sales activity at the subject subdivision; the reason it is not (i.e., all lots sold to the public or the remaining lots in the subdivision have been sold to another developer along with the new developer's name, address, telephone number and the date of sale). A request may

be made that the Statement of Record for the subject subdivision be suspended. That request should be submitted in duplicate and the suspension would become effective upon the counter-signature of the Secretary, or an authorized designee, with the duplicate being mailed to the developer.

(6) The notice shall be dated and shall be signed by the senior executive officer of the developer in a signature line above his typed name and title.

(b) The notice shall be accompanied by a copy of the developer's latest financial statements prepared in accordance with the requirements of § 1710.212 except in those cases where a suspension is requested.

(c) From the date of the submission of this Notice, the financial statement delivered to prospective purchasers upon request shall be a copy of those which accompanied the Notice. If the only change in the Property Report is the date of the financial statements as given in § 1710.112, the date may be overprinted to reflect the date of the new financial statements and the effective date shall remain the same.

(d) This Notice, and any attachments thereto, shall be an integral part of the Statement of Record and failure to submit the notice when due shall be grounds for an action to suspend the effective Statement of Record.

PART 1715—ADVERTISING, SALES PRACTICES, POSTING OF NOTICES OF SUSPENSIONS

Support A—Advertising

§ 1715.5 [Amended]

1. In § 1715.5(a)(3), the citation to § 1710.25 is amended to read "§ 1710.52".

2. In § 1715.5(b), the words "he" and "him" are changed to the words "The Secretary".

3. Section 1715.10 is revised to read as follows:

§ 1715.10 Advertising disclaimer; subdivisions registered and effective with HUD.

(a) The following disclaimer statement shall be displayed below the text of all printed material and literature used in connection with the sale or lease of lots in a subdivision for which an effective Statement of Record is on file with the Secretary. If the material or literature consists of more than one page, it shall appear at the bottom of the front page. The disclaimer statement shall be set in type of at least ten point font.

"Obtain the Property Report required by Federal law and read it before signing anything. No Federal agency has judged the merits or value, if any, of this property."

(b) If the advertising is of a classified type; is not more than five inches

long and not more than one column in print wide, the disclaimer statement may be set in type of at least six point font.

(c) This disclaimer statement need not appear on billboards or on normal size matchbook folders or business cards which are used in advertising.

(d) A developer who is required by any state, or states, to display an advertising disclaimer in the same location, or one of equal prominence, as that of the federal disclaimer, may combine the wording of the disclaimers. All of the wording of the federal disclaimer must be included in the resulting combined disclaimer.

4. Section 1715.15(m) is revised and § 1715.15(kk) is added to read as follows:

§ 1715.15 Advertising standards and guidelines.

(m) Advertising which indicates the size of the lot offered shall include the amount of land available for use by the purchaser after all easements to which the lot may be subject, except for those for providing utilities to the lot, have been deducted. If the property is subject to easements which are unusual in size, then this fact shall also be noted. All maps, plats, representations or drawing shall show either the dimensions of the tract or the amount of acreage after deductions of easements.

(kk)(1) Pursuant to Section 804(c) of Title VIII of the Civil Rights Act of 1968, as amended, the Federal Fair Housing Law, except as exempted by Section 807, advertising shall not contain any indication of any preference, limitation or discrimination based on race, color, religion, sex or national origin.

(2) All advertising and sales presentations or representations shall be consistent with the Advertising Guidelines for Fair Housing published in 37 FR 6700 (4-1-72) and 40 FR 20079 (5-8-75).

(3) Whenever sales activity takes place which is subject to the Fair Housing Law, the HUD approved Fair Housing Poster must be displayed.

Subpart B—Sales Practices

§ 1715.25 Sales practices, when unlawful [Amended]

5. In the first and second sentences of the first paragraph of § 1715.25, the words "his" are changed to "the developer," and § 1715.25 (e) through (i) are added to read as follows:

(e) Use of any practice, device or representation which would deny a purchaser any cancellation or refund rights or privileges granted the purchaser by the terms of a contract or any other document used by the developer as a sales inducement.

(f) To refuse to deliver a Property Report to any person who exhibits an interest in the subdivision and requests a copy of the Property Report.

(g) To fail to deliver a Property Report in the same language as that in which an advertising campaign is conducted.

(1) If an advertising campaign is conducted in a language other than English, the final version of the Property Report delivered to those prospective purchasers who were the recipients of the advertising material shall be printed in the language in which the advertising campaign was conducted.

(2) Sales documents such as the contract, agreement, promissory note and deed shall be printed in the same language as that of the advertising or have an accurate translation attached to them.

(h) The failure to maintain a sufficient supply of any restrictive covenants and financial statements and to deliver a copy to a purchaser upon request as required by §§ 1710.109(f), 1710.112(d), 1710.209(f) and 1710.212(f).

(i) The use, as a sales inducement, of any representation that any lot or parcel has good investment potential or will increase in value unless it can be established, in writing, that:

(1) Comparable lots or parcels in the subdivision have, in fact, been resold by their owners on the open market at a profit, or;

(2) There is a factual basis for the represented future increase in value and the factual basis is certain, and;

(3) The sales price of the offered lot or parcel does not already reflect the anticipated increase in value due to any promised facilities, amenities, etc. The burden of establishing the relevancy of any comparable sales and the certainty of the factual basis of the increase in value shall rest upon the developer.

PROPOSED EFFECTIVE DATE

The foregoing proposed amendments to Part 1710 would become effective 60 days after the date of final publication with respect to initial and consolidated Statements of Record and exemptions. Existing exemptions and Statements of Record would be affected as follows:

(a) No existing exemption; or exemption in process, is affected;

(b) A developer applying for an exemption after the date of the publication but prior to the effective date may apply under either the present or the amended regulations;

(c) Any examination of an initial or consolidated Statement of Record or an amendment in process on the date of publication will be completed under the provisions of the present regulations;

(d) Initial or consolidated Statements of Record or amendments submitted after the date of publication but prior to the effective date of these Regulations may be submitted under either the present regulations or the amended regulations but if the amended regulations are selected, the material must bring the entire Statement of Record into compliance with those regulations.

(e) A Statement of Record which is effective or in the process on the effective date of these amended regulations shall be brought into compliance with the amended regulations in 1979.

This shall be accomplished at the time any consolidated Statement of Record is submitted after the date on which the amended regulations become effective or by the anniversary month in 1979 of the last effective date issued by the Secretary for any initial, consolidated or amended registration, whichever occurs first.

At the option of the developer, this may be accomplished at the time any amendment is submitted during the same period of time.

(f) The disclosure standards of the amended regulations shall pertain to all Statements of Record notwithstanding that their last effective date may be prior to the date on which these amended regulations become effective.

The proposed amendments to Part 1715 would become effective 60 days after the date of final publication.

(g) Any submission made solely for the purpose of conforming to the amended regulations need only include those documents which have not been previously furnished or those which need to be updated because of changes which have taken place since they were originally submitted. All other documentation may be incorporated by reference to the Statement of Record with which they were submitted. The developer may, at his option, include new documentation or copies of those documents previously furnished in order to expedite the examination process.

Issued at Washington, D.C., on May 24, 1978.

GENO C. BARONI,
Assistant Secretary for Neighborhoods,
Voluntary Associations
and Consumer Protection.

[FR Doc. 78-15077 Filed 5-31-78; 8:45 am]

FRIDAY, JUNE 2, 1978



highlights

SUNSHINE ACT MEETINGS 24168

FLOODPLAIN MANAGEMENT AND WETLANDS PROTECTION

Three agencies issue documents implementing Executive Orders 11988 and 11990 (Part IV of this issue) **24223, 24225, 25228**

IMPROVING GOVERNMENT REGULATIONS

Four agencies issue proposals on implementation of Executive Order 12044 (Part III of this issue) **24211**
Office of Management and Budget issues report on other agencies **24219**
Index to other agency proposals **24212**

ADVERTISING OF OPHTHALMIC GOODS AND SERVICES

FTC issues rule preempting State laws which prohibit or burden advertising and requires that consumers be provided with copies of their prescriptions; effective 7-3-78 **23992**

X-RAY INTENSIFYING SCREENS

HEW/FDA announces intent to develop a radiation protection recommendation; comments by 11-29-78 **24066**

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN

USDA/FNS clarifies requirements; effective 6-2-78 **23983**

DISTILLED SPIRITS

Treasury/ATF implement law providing a series of liberalizing amendments to the Internal Revenue Code; effective 6-2-78 (Part V of this issue) **24232**

MOTOR VEHICLE AND TRANSPORTATION MANAGEMENT

GSA amends list of government activities exempt from displaying U.S. Government tags and other identification and issues policy governing responsibility for damages to motor vehicles; effective 6-2-78 **24061**

MERCURY CONTAMINATION

HEW/FDA announces availability of sample preparation procedures for mercury contamination of fish, shellfish, crustaceans, and other aquatic animals **24139**

NATIONAL DRUG CODE NUMBER

HEW/FDA permits reuse of NDC number under certain conditions; effective 7-3-78 **24008**

FEDERAL HEALTH FUNDS

HEW/PHS extends comment period to 6-23-78 regarding review and approval or disapproval by health systems agencies of certain proposed uses of funds **24072**

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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FEDERAL REGISTER, VOL. 43, NO. 107—FRIDAY, JUNE 2, 1978

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Public Briefings: "How To Use the Federal Register."	523-3517
Code of Federal Regulations (CFR) ..	523-3419
	523-3517
Finding Aids	523-5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents	523-5235
Index	523-5235

PUBLIC LAWS:

Public Law dates and numbers	523-5266
	523-5282
Slip Laws	523-5266
	523-5282
U.S. Statutes at Large	523-5266
	523-5282
Index	523-5266
	523-5282

U.S. Government Manual	523-5230
Automation	523-3408
Special Projects	523-4534

HIGHLIGHTS—Continued

WAR RISK INSURANCE

Commerce/MA proposes to amend regulations concerning the eligibility of a vessel and its owner for insurance; comments by 7-31-78 24075

BANKS AND BANKING

Treasury/Comptroller rescinds certain trust department reporting requirements relating to national banks; effective 10-31-78.. 23990

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Labor/ESA issues general wage determination decisions (Part II of this issue)..... 24174

WASTEWATER TREATMENT WORKS

EPA proposes series of amendments to regulations governing grants for construction; comments by 7-17-78 (Part VI of this issue)..... 24248

TURKEY HAM

USDA/FSQS proposes product standard; comments by 8-31-78 24064

PESTICIDE

HEW/FDA announces availability of administrative guideline on action levels for dibromochloropropane..... 24139

GRAS SUBSTANCES

HEW/FDA proposes to affirm that tall oil as an indirect human food ingredient is generally recognized as safe; comments by 8-1-78 24067

NEW ANIMAL DRUGS

HEW/FDA approves safe and effective use of amoxicillin tablets for treating infections in cats; effective 6-2-78 24010

NEW DRUGS

HEW/FDA reissues proposal to withdraw approval of a topical antifungal drug product under the drug efficacy study; hearing requests due by 7-3-78 24140

HEW/FDA withdraws approval of a topical antifungal product under the drug efficacy study; effective 6-12-78 24141

MEETINGS—

USDA/FS: Cascade Head Scenic-Research Area Advisory Council, 6-30-78..... 24081

Commerce/NOAA: New England Fishery Management Council, 6-7 and 6-8-78..... 24115

North Pacific Fishery Management Council and Scientific and Statistical Committee and Advisory Panel, 6-21 through 6-23-78 24115

Marine Turtle Program, South East Region, 6-26 and 6-27-78..... 24115

Commission of Fine Arts: 6-27-78..... 24117

CRC: Florida Advisory Committee, 6-21-78 24108

DOD/Army: Armed Forces Epidemiological Board Subcommittee on Health Maintenance Systems, 6-23-78 24117

Winter Navigation Board on Great Lakes St. Lawrence Seaway, 6-29-78 24118

Executive Committee of the National Board for the Promotion of Rifle Practice, 7-19-78 24117

HEW/NIH: Advisory Committee to the Director, NIH, 6-15 and 6-16-78 24143

HIGHLIGHTS—Continued

HEW/Secy: Health Interview Survey Technical Consultant Panel of the United States National Committee on Vital and Health Statistics, 6-28 and 6-29-78	24143
Labor/OSHA: Federal Advisory Council on Occupational Safety and Health, 6-20-78	24150
National Advisory Committee on Occupational Safety and Health; 6-15-78	24151
NSF: Advisory Committee for Atmospheric Sciences, 6-22 through 6-24-78	24151
Advisory Committee for the Two-Year College Science Education Needs Assessment, 6-23-78	24152
Subcommittee on Computer Sciences, 6-19 and 6-20-78	24152

CHANGED MEETINGS—

HEW/NIH: Cancer Control Prevention, Detection, Diagnosis and Pretreatment Evaluation Review Committee, 6-1 and 6-2-78	24143
National Council on Health Planning and Development, 7-14-78	24143

SEPARATE PARTS OF THIS ISSUE

Part II, Labor/ESA	24174
Part III, PADC, Energy, NSF, AID, OMB	24211
Part IV, USDA/SCS, Interior/FWS, TVA	24221
Part V, Treasury/ATF	24232
Part VI, EPA	24248

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

HUD/FDAA—In-Lieu contributions; repair or restoration of public facilities damaged or destroyed in major disasters.. 18992; 5-3-78

List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

[Last Listing: June 1, 1978]

S.J. Res. 137..... Pub. L. 95-287
Reaffirming the unity of the North Atlantic Alliance commitment. (May 30, 1978; 92 Stat. 280) Price: \$.50.

contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Improving Government regulations; inquiry	24218
---	-------

AGRICULTURAL MARKETING SERVICE

Rules

Lemons grown in Ariz. and Calif.	23986
---------------------------------------	-------

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Food and Nutrition Service; Food Safety and Quality Service; Forest Service; Rural Electrification Administration; Soil Conservation Service.

Rules

Authority delegations by Secretary and General officers: Energy Office, functions	23983
---	-------

ALCOHOL, TOBACCO AND FIREARMS BUREAU

Rules

Implementation of statutory changes made by Public Law 95-176	24232
---	-------

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules

Livestock and poultry quarantine: Brucellosis	23987
---	-------

Proposed Rules

Animal welfare: Horse protection regulations; extension of time	24064
---	-------

ARMY DEPARTMENT

Notices

Meetings: Armed Forces Epidemiological Board	24117
Great Lakes-St. Lawrence Seaway, Winter Navigation Board	24118
Promotion of Rifle Practice, National Board	24117

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

Notices

Procurement list, 1978; additions and deletions	24117
---	-------

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.: Kodiak-Western Alaska Airlines	24107
--	-------

Oakland service case	24083
North Atlantic fares investigation	24107

CIVIL RIGHTS COMMISSION

Notices

Meetings, State advisory committees: Florida	24108
--	-------

COMMERCE DEPARTMENT

See also Economic Development Administration; Industry and Trade Administration; Maritime Administration; National Oceanic and Atmospheric Administration; National Technical Information Service.

Notices

Committees; establishment, renewals, terminations, etc.: Industrial Innovation, Advisory Committee on Federal Policy On	24116
---	-------

COMPTROLLER OF CURRENCY

Rules

Fiduciary powers; National banks and collective investment funds: Financial reports, annual and quarterly; equity securities ..	23990
---	-------

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Notices

Filing and determination of action	24151
--	-------

DEFENSE DEPARTMENT

See Army Department.

ECONOMIC DEVELOPMENT ADMINISTRATION

Notices

Import determination petitions: Park Silk Co., Inc., et al	24108
--	-------

ECONOMIC REGULATORY ADMINISTRATION

Rules

Oil; administrative procedures and sanctions: Interpretations	23989
---	-------

EMPLOYMENT AND TRAINING ADMINISTRATION

Notices

Employment transfer and business competition determinations; financial assistance applications	24147
--	-------

EMPLOYMENT STANDARDS ADMINISTRATION

Notices

Minimum wages for Federal and federally assisted construction; general wage determina-	
--	--

tion decisions, modifications, and supersedeas decisions (Conn., Fla., Idaho, Ind., La., Mich., Minn., Nev., N. Mex., Pa., Tex., and Va.)	24174
---	-------

ENERGY DEPARTMENT

See also Economic Regulatory Administration; Federal Energy Regulatory Commission.

Notices

Committees; establishment, renewals, terminations, etc.: Energy Research Advisory Board	24130
Environmental statements; availability, etc.: Fusion Materials Irradiation Test Facility, Hanford Reservation, Wash	24118
Improving Government regulations; inquiry	24214

ENVIRONMENTAL PROTECTION AGENCY

Proposed Rules

Air quality implementation plans; approval and promulgation; various States, etc.: California	24071
Colorado	24071
Grants, State and local assistance: Treatment works construction; technical amendments	24248

Notices

Food additive petitions: N,N-dimethylpiperidinium chloride	24130
Fuels and fuel additives: Alcohol-gasoline blends waivers; guidelines	24131

FARMERS HOME ADMINISTRATION

Rules

Organization and functions: State advisory committees; advisory capacity to State directors, elimination of	23986
---	-------

Notices

Disaster and emergency areas: Florida	24081
Texas (2 documents)	24081

FEDERAL COMMUNICATIONS COMMISSION

Notices

Domestic public radio services; applications accepted for filing	24133
Television broadcast applications ready and available for processing	24132

FEDERAL ENERGY REGULATORY COMMISSION

Notices

Hearings, etc.: Alabama Power Co	24118
--	-------

UMI

FEDERAL REGISTER, VOL. 43, NO. 107—FRIDAY, JUNE 2, 1978

vii

V
4
3
/
1
0
7

J
E
/
2

7
8

UMI

CONTENTS

RURAL ELECTRIFICATION ADMINISTRATION		
Proposed Rules		
Rural telephone programs:		
Direct burial telephone cables (Air Core); REA Specification PE-23	24064	
SECURITIES AND EXCHANGE COMMISSION		
Notices		
Self-regulatory organizations; proposed rule changes:		
Depository Trust Co.....	24155	
Options Clearing Corp	24157	
Hearings, etc.:		
American Electric Power Co., Inc	24153	
Connecticut Yankee Atomic Power Co	24154	
Continental Mortgage Investors	24155	
John Hancock Investors, Inc., et al	24156	
Kollmorgen Corp	24157	
SOIL CONSERVATION SERVICE		
Proposed Rules		
Support activities:		
NEPA compliance; floodplain management	24223	
Notices		
Environmental statements on watershed projects; availability, etc.:		
Bigelow Park Land Drainage RC&D Measures, Maine	24082	
East Wharton Outfall Erosion Control RC&D Measure, Tex	24083	
Eastern Connecticut Critical Area Treatment RC&D Measure, Conn	24082	
Gouldsboro Elementary School Critical Area Treatment RC&D Measure, Maine	24082	
STATE DEPARTMENT		
See Agency for International Development.		
TENNESSEE VALLEY AUTHORITY		
Notices		
Floodplain management and wetlands protection; procedures	24228	
TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE		
Notices		
Generalized System of Preferences:		
Articles eligible for	24152	
TREASURY DEPARTMENT		
See Comptroller of Currency.		

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month. A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR		21 CFR		40 CFR	
2	23983	207	24008	PROPOSED RULES:	
246	23983	540	24010	35	24248
910	23986			52 (2 documents)	24071
1800	23986	PROPOSED RULES:			
PROPOSED RULES:		Ch. I	24066	41 CFR	
650	24222	182	24067	101-38	24062
1701	24064	186	24067	101-39	24062
9 CFR		740	24070	101-40	24063
78	23987	24 CFR		42 CFR	
PROPOSED RULES:		1914 (2 documents)	24011, 24013	PROPOSED RULES:	
11	24064	1915 (3 documents)	24019	122	24072
381	24064		24021, 24022	43 CFR	
10 CFR		1916 (2 documents)	24049, 24050	PROPOSED RULES:	
205	23989	1917 (19 documents)	24051-24061	428	24072
12 CFR		PROPOSED RULES:		PUBLIC LAND ORDERS:	
9	23990	1917	24070	5638	24063
15 CFR		27 CFR		46 CFR	
315	23991	170	24234	PROPOSED RULES:	
16 CFR		201	24234	308	24075
13 (3 documents)	23991	231	24243	502	24080
456	23992	252	24243		
PROPOSED RULES:					
13	24066				

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

1 CFR		16 CFR—Continued		27 CFR	
Ch. I.....	23701	PROPOSED RULES:		170.....	24234
7 CFR		13.....	24066	201.....	24234
2.....	23983	17 CFR		231.....	24243
246.....	23983	32.....	23704	252.....	24243
908.....	23701	PROPOSED RULES:		40 CFR	
910.....	23986	1.....	23729	PROPOSED RULES:	
1800.....	23986	31.....	23729	35.....	24248
PROPOSED RULES:		19 CFR		52.....	24071
650.....	24222	10.....	23708	41 CFR	
917.....	23724	159.....	23710	101-38.....	24062
1126.....	23725	171.....	23711	101-39.....	24062
1701.....	24064	PROPOSED RULES:		101-40.....	24063
9 CFR		4.....	23731	42 CFR	
78.....	23987	6.....	23731	PROPOSED RULES:	
PROPOSED RULES:		21 CFR		122.....	24072
11.....	24064	207.....	24008	43 CFR	
381.....	24064	540.....	24010	PROPOSED RULES:	
10 CFR		PROPOSED RULES:		428.....	24072
205.....	23989	Ch I.....	24066	PUBLIC LAND ORDERS:	
12 CFR		182.....	24067	5638.....	24063
9.....	23990	186.....	24067	46 CFR	
PROPOSED RULES:		740.....	24070	PROPOSED RULES:	
226.....	23726	24 CFR		308.....	24075
545.....	23727	203.....	23713	502.....	24080
14 CFR		213.....	23713	47 CFR	
39.....	23702	234.....	23713	PROPOSED RULES:	
71.....	23703	1914.....	24011, 24013	67.....	23746
73.....	23703	1915.....	24019, 24021, 24022	49 CFR	
75.....	23703	1916.....	24049, 24050	1033.....	23722, 23723
PROPOSED RULES:		1917.....	23713-23722, 24051-24061	50 CFR	
39.....	23727	PROPOSED RULES:		PROPOSED RULES:	
15 CFR		1710.....	23936	656.....	23747
315.....	23991	1715.....	23936	661.....	23748
16 CFR		1917.....	23732-23743, 24070		
13.....	23991	25 CFR			
456.....	23992	PROPOSED RULES:			
		54.....	23743		

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	Date
23701-23982.....	June 1
23983-24261.....	2

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-01]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary to reflect the establishment of the Office of Energy. The Department has determined that the utilization and conservation of energy and the development of new sources of energy require a single agency responsible for all USDA energy and energy-related matters. The Director of the Office of Energy will report to the Secretary.

EFFECTIVE DATE: June 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Weldon Barton, Director, Office of Energy and Assistant to the Secretary, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-2455.

Subpart C—Delegations of Authority to the Deputy Secretary, Assistant Secretaries, the Director of Economics, Policy Analysis and Budget, and the Director, Office of Governmental and Public Affairs

1. Section 2.21 is amended by revoking and reserving paragraph (a)(32) as follows:

§ 2.21 Delegations of authority to the Assistant Secretary for International Affairs and Commodity Programs.

(a) Related to agricultural stabilization and conservation. . . . (32) [Revoked and Reserved]

Subpart D—Delegations of Authority to Other General Officers and Agency Heads

2. A new § 2.37 is added to read as follows:

§ 2.37 Delegations of authority to the Director, Office of Energy.

The following delegations of authority are made by the Secretary of Agriculture to the Director of the Office of Energy:

(a) Advise the Secretary and other policy-level officials of the Department on energy policies and programs. (b) Develop and evaluate Departmental energy policies and strategies including those regarding the allocation of scarce resources and provide Departmental leadership in developing the agricultural and rural components of the National Energy Policy Plan. (c) Review and evaluate Departmental energy and energy-related programs and progress. (d) Coordinate Department programs to meet energy and energy-related goals.

(e) Represent the Department at conferences, meetings, and other contacts where energy matters are discussed, including liaison with the Department of Energy and other governmental agencies and departments. (f) Work with the Office of Governmental and Public Affairs to maintain Congressional and public contacts in energy matters including development of legislative proposals, preparation of reports on legislation pending in Congress, appearances before Congressional Committees and related activities. (g) Serve as Chairperson of the Energy Coordinating Committee of the Department. (h) Work with appropriate Departmental officials and staff offices to incorporate into existing budgetary, procurement and other management systems and procedures the capabilities needed to meet requirements of the Office of Energy for carrying out its functions and responsibilities for USDA energy planning, policies, and strategies.

Subpart H—Delegations of Authority by the Assistant Secretary for International Affairs and Commodity Programs

3. Section 2.65 is amended by revoking and reserving paragraph (a)(32) as follows:

§ 2.65 Administrator, Agricultural Stabilization and Conservation Service.

(a) Delegations. . . . (32) [Revoked and Reserved]

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953.)

For subparts C and D:

Dated: May 26, 1978.

CAROL TUCKER FOREMAN, Acting Secretary of Agriculture.

For subpart H:

Dated: May 26, 1978.

G. EDWARD SCHUH, Acting Assistant Secretary for International Affairs and Commodity Programs.

[FR Doc. 78-15405 Filed 6-1-78; 8:45 am]

[3410-30]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—CHILD NUTRITION PROGRAMS

[Amdt. No. 1]

PART 246—SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

Miscellaneous Amendments and Corrections

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This document makes a few clarifying changes in the Women, Infants, and Children (WIC) Program regulations, adds a low calorie infant formula to the WIC food package, in response to requests and corrects some errors in the FEDERAL REGISTER copy of the regulations.

DATE: This amendment becomes effective June 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Jennifer R. Nelson, Acting Director, Supplemental Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-8206.

SUPPLEMENTAL INFORMATION: On August 26, 1977, regulations for the Special Supplemental Food Program for Women, Infants, and Children (WIC Program) were published in the *FEDERAL REGISTER* (42 FR 43205). In order to clarify particular requirements in those regulations and correct some errors which appeared in the *FEDERAL REGISTER* copy of the regulations, this amendment is being promulgated. Generally, it is the Department's policy to obtain public comments prior to making changes in the regulations. However, since the changes are primarily clarifications of requirements, the Department believes it would be in the public's interest to publish this amendment as soon as possible rather than going through the proposed rulemaking procedures. The major changes in this amendment are described below.

Responsibility for setting uniform standards for the administration of grants has been transferred to the Office of Management and Budget from the General Services Administration. Accordingly, Federal Management Circular 74-7 has been reissued as Office of Management and Budget A-102, and the regulations are amended to refer to the new Circular.

The Department believes that the term "participants" more closely reflects the role of persons taking part in the WIC Program than the term "recipients," as WIC Program participants are involved in health care and nutrition education in addition to the receipt of food. Therefore, the regulations are amended to change the word "recipient" to "participant," wherever it appears in the regulations.

There has been some confusion over the meaning of the term "Grant closeout procedure" (§ 246.17). In the past, grant closeout procedure has been used to describe the submission of final reports for a fiscal year grant. "Grant closeout procedure" would be better used to describe the actual termination of the relationship between the State agency and the Department. Therefore, the procedure for the end of the fiscal year is now referred to as the fiscal year closeout, and the actual termination of the grant is called the grant closeout. Section 246.17 is renamed "Closeout procedure" to encompass both of these areas.

In § 246.4(d), the State agency is currently required to list on the Affirmative Action Plan all areas or populations which do not have a WIC Pro-

gram or those desiring to expand. The amendment to § 246.4(d) requires State agencies to consider opening additional WIC Programs in areas which have an existing WIC Program that cannot serve all of the potential participants who request Program benefits.

Section 246.4(d)(3) requires that the State agency provide written justification for not funding the area most in need according to the Affirmative Action Plan. However, the rule did not state to whom the report should be submitted. Therefore, the regulations are amended to require the State agency to submit the justification to FNS.

In § 246.4(e), the State is required to contact all potential agencies in an area to ensure that they are aware of the opportunity to apply for participation in the Program. Because of the use of the word "an" it is not clear that the sentence refers to the area next in line according to the Affirmative Action Plan, which is under consideration for a WIC Program or expansion of existing operations. To eliminate this ambiguity, the sentence is reworded to require the State agency to contact all potential local agencies in the area to ensure that they are aware.

In § 246.4(e) (3) and (4), the regulations will require that private physicians be licensed by the State if they are to be working in conjunction with a health or welfare agency to operate a WIC Program. This provision ensures that physicians involved in the WIC Program possess the appropriate credentials.

Section 246.7 states that a person who is determined eligible shall receive supplemental foods or food instruments within 10 days of notification of eligibility. In § 246.7, the regulations will be amended to state that a person receive supplemental food within 10 days if it is a direct distribution or home delivery system and immediately redeemable food instruments within 10 days if it is a retail purchase system. This is to ensure that participants receive supplemental foods within ten days regardless of whether they are receiving supplemental foods through a retail purchase, home delivery or direct distribution food delivery system.

Section 246.7(e)(7) requires that the administrative personnel collecting the residence and income data sign the certification form. It was not clear whether the person actually collecting the information had to personally sign the form, or whether the person responsible for collecting the information for Program purposes could sign. The regulations are amended to specify that the WIC administrative official does not need to actually collect the data in order to sign the certifica-

tion form as the responsible official. Where the competent professional authority has the responsibility for all certification information, only one signature is required for economic, residential and nutritional need data.

In § 246.8, the nutritional specifications for authorized supplemental foods are listed. Since we have received a number of requests to authorize a low calorie infant formula for infants and children as a substitute for infant formula, we have decided that a lower calorie infant formula may be provided under certain conditions. Infants over six months of age may receive this low calorie infant formula with the approval of a physician. Children over one year of age may receive the infant formula as a substitute in the package for children with special dietary needs, which also requires a physician's approval.

Section 246.10 requires that the State agency implement a uniform food delivery system within 10 months of the effective date of the regulations. This language was not entirely clear as to exactly which requirements of § 246.10 were effective in 10 months, and which were effective immediately. In order to clarify this confusion and allow the State and local agencies sufficient time to implement the new food delivery requirements, the regulations are amended to clarify that all requirements of 247.10 must be implemented by July 26, 1978. However, the State agency should implement as many provisions as possible, as soon as possible, within the time frame.

In § 246.10(d)(3), the regulations require that the participant be given 30 days to use the food instrument, and the vendor be given 60 days to submit the food instrument for payment. This requirement has caused concern among a number of State agencies which interpreted the section to mean vendors must be given the full 60 days rather than up to 60 days. The purpose of the requirement was to set 60 days as the maximum time for redemption of food instruments so food vendors would be better able to submit food instruments in the allotted time. However, if a State agency wishes to require food instrument redemption in less than 60 days, this is permissible as long as this does not cause an undue burden on the food vendor. We have, therefore, amended the regulations to require State agencies to allow vendors "no more than 60 days" to submit food instruments for payment.

In addition, some States questioned whether participants may be given more than 30 days to use food instruments. As long as the appropriate amount of the food package is issued to the participant for the time period involved, we have no objection to participants being allowed more than 30 days. The total cycle for food instru-

ment issuance, use, and submission for payment, however, must be completed within the maximum 90-day time limit. The regulations have been amended to allow more than 30 days for participants to use food instruments.

In § 246.17, the regulations require that each State agency submit a final fiscal year closeout report within 90 days of the end of the fiscal year. However, the regulations also allow the food vendor 60 days from the day the participant must use the food instrument to submit the food instrument for payment.

As the participant is allowed at least 30 days to use the food instrument, the expiration date for the vendor may be as much as 90 days from issuance. If a food instrument is issued towards the end of the fiscal year, the vendor will not have to submit the food instrument until close to 90 days after the end of the fiscal year. In this case it would be difficult for the State agency to submit a final closeout report for all expenditures during that fiscal year within 90 days of the end of the fiscal year. Therefore, the regulations are amended to allow the State agency 120 days following the end of the fiscal year to submit the final fiscal year closeout report.

Accordingly, the regulations are amended as follows:

1. Wherever the word "recipient" appears, it is deleted and the word "participant" is inserted in lieu thereof.
2. The term "FMC 74-7" is deleted wherever it appears, and the term "A-102" is inserted in lieu thereof.

§ 246.2 [Amended]

3. In § 246.2, the definition of "FMC 74-7" is deleted.

4. In § 246.2, the following two definitions are inserted immediately following the opening paragraph:

"A-102" means Office of Management and Budget Circular No. A-102, which sets forth uniform standards for the administration of grants to State and local governments.

"A-110" means Office of Management and Budget Circular No. A-110 which sets forth uniform administrative requirements for grants and agreements with institutions of higher education, hospitals and other non-profit organizations.

§ 246.4 [Amended]

5. In § 246.4(d), the first sentence is amended by adding at the end thereof: "or have a need for additional local agencies in the area to handle potential participants."

6. In § 246.4(d)(3), the words "to FNS" are inserted after the word "justification."

7. In § 246.4(e), in the sentence which begins "Additionally, the State agency shall contact . . ." the word

"an" which appears between the words "in" and "area" is changed to "the." In the same sentence the word "local" is inserted between "potential" and "agencies."

8. In § 246.4(e)(3), the words "licensed by the State" are inserted after the word "physician."

9. In § 246.4(e)(4), the words "licensed by the State" are inserted after the word "physician."

10. In § 246.4(f), the following subtitle is added, "Health or welfare agencies."

11. In § 246.4(g), the following subtitle is added, "Health or welfare agencies and private physicians."

§ 246.7 [Amended]

12. In § 246.7(d), the last sentence is deleted and the following two sentences are inserted in lieu thereof: "A person who is certified in a local agency which has a home delivery or direct distribution system shall receive supplemental foods within ten days of notification of certification and a person who is certified in a local agency which has a retail purchase system shall receive food instruments within ten days of notification of certification. Such food instruments shall be redeemable immediately."

13. In § 246.7(e)(7), the sentence is deleted and the following sentence is inserted in lieu thereof: "The signature and title of the administrative personnel responsible for determining residential and economic eligibility under the Program, and the signature and title of the competent professional authority making the nutritional need determination."

14. In § 246.7(g), the reference to "§ 246.16(c)(2)," is deleted and "§ 246.16(a)(2)" is inserted in lieu thereof.

§ 246.8 [Amended]

15. In § 246.8(d)(1)(i), the following sentence is added to the end of the paragraph headed "Substitutes":

". . . Additionally, if the physician determines and documents the need for a low calorie infant formula, infants over six months of age may receive an iron-fortified infant formula intended for use by infants which is a complete nutritional beverage not requiring the addition of any ingredients other than water prior to being served in a liquid state, which contains at least 10 milligrams of iron per liter of formula at standard dilution and which supplies 54 kilocalories per 100 milliliters, i.e., approximately 16 kilocalories per fluid ounce at standard dilution. Concentrated liquid or powdered formula shall be provided, except that ready-to-feed formula may be authorized when the competent professional authority determines and documents that there is an unsanitary or restricted water supply, that there

is poor refrigeration or that the person who is caring for an infant may have difficulty in correctly diluting concentrated liquid or powdered formula."

16. In § 246.8(d)(1)(iv), under whole fluid milk on the chart, change "(.394 1)," to "(.384 1)" between the words "oz." and "of."

17. In § 246.8(d)(3)(i), "67 kilocalories" is changed to "54 kilocalories" between "supplies" and "per," and "20 kilocalories" is changed to "16 kilocalories" between "approximately" and "per."

18. The chart given under § 246.8(d)(3)(iv) is revised to read as follows:

- (iv) The maximum quantity of supplemental foods authorized per month is as follows:

Food	Quantity.
Juices	
Single strength juices—138 fluid ounces (4.082 l)	
Frozen concentrated juices—May be substituted as long as the reconstituted volume is not greater than the amount authorized for single strength juices.	

§ 246.9 [Amended]

19. In § 246.9, paragraph (d)(3) is amended by adding at the end thereof, the words "Operation and Administration."

§ 246.10 [Amended]

20. In § 246.10, paragraph (a) is amended by adding the following sentence: "By July 26, 1978, all requirements of this section shall be implemented."

21. In § 246.10(b) the phrase "Within ten months of the effective date of this part" is deleted.

22. In § 246.10(d)(3)(ii), the word "either" is deleted and the words "a minimum of" are inserted between the words "be" and "30 days". The words "for the participant's first month of issuance it can be" are inserted between "or" and "the" in the second sentence.

23. In § 246.10(d)(3)(iii), the words "no more than" are added in the second sentence after the word "be." The following sentence is added immediately after the second sentence, "If this date is less than 60 days, the State agency shall ensure that the food vendor is able to submit food instruments for redemption within the required time limit without undue burden."

§ 246.17 [Amended]

24. In § 246.17, the heading is amended to read "Closeout procedures."

25. In § 246.17, paragraph (a) is amended by deleting the word "grant," between the words "final" and "closeout."

26. In § 246.17(b), the heading is amended to read "Fiscal year closeout reports."

27. In 246.17(b)(2), the word "90," is deleted and the word "120" is substituted in lieu thereof.

28. In § 246.17, a new paragraph (c) is added as follows:

(c) *Grant closeout procedures.* When grants to State agencies are terminated, the following procedures shall be performed in accordance with A-102 and A-110:

29. In § 246.17, paragraph (c) is changed to (1), and paragraph (d) is changed to (2).

§ 246.26 [Amended]

30. In § 246.26(e)(6), the following change is made to the address immediately following the word "Region," "2420 West 26th Avenue, Room 430-D, Denver, Colo. 80211".

(Catalog of Federal Domestic Assistance, Program No. 10.557.)

Dated: May 25, 1978.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc. 78-15265 Filed 6-1-78; 8:45 am]

[3410-02]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 148]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period June 4, 1978 through June 10, 1978. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: June 4, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Findings. Pursuant to the marketing agreement, as amended, and Order No.

910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, and upon other information, it is found that the limitation of handling of lemons, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on May 30, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons continues good as warm weather prevailed in most markets.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until July 3, 1978 (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 910.418 Lemon Regulation 148.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period June 4, 1978, through June 10, 1978, is established at 330,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: May 31, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-15511 Filed 6-1-78; 8:45 am]

[3410-07]

CHAPTER XVIII—FARMERS, HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 1800—ADMINISTRATIVE PROVISIONS

Subpart A—Organization and General Functions of the Farmers Home Administration

DELETION

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations regarding State Advisory Committees. This action is taken because of administrative action to remove obsolete regulations from the Code of Federal Regulation. The intended effect of this action is to simplify FmHA regulations by removing unnecessary verbiage.

EFFECTIVE DATE: June 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph H. Linsley, Chief, Directives Management Branch. Phone: 202-447-4057.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration amends § 1800.3 of subpart A of part 1800, chapter XVIII, title 7 in the Code of Federal Regulations by deleting the last sentence. This action is a part of an overall effort of the Farmers Home Administration to remove extraneous material from its regulations thereby providing an eventual simplification. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since the purpose of the change is to eliminate unnecessary regulations and since the Farmers Home Administration no longer has State Advisory Committees, publication for comment is unnecessary.

§ 1800.3 [Amended]

Accordingly, § 1800.3 is amended to delete the last sentence which reads: "State Advisory Committees serve in an advisory capacity to the State Directors on all phases of the Farmers Home Administration programs."

(7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; sec. 10 Pub. L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 5850.)

NOTE.—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: May 25, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.
[FR Doc. 78-15328 Filed 6-1-78; 8:45 am]

[3410-34]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 78—BRUCELLOSIS

Subpart D—Designation of Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

BRUCELLOSIS AREAS

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Animal and Plant Health Inspection Service is amending its Brucellosis Regulations. These amendments update the Brucellosis regulations by providing the current status of various counties and States which have been designated Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, or Noncertified Areas for purposes of interstate movement of cattle and bison from such areas. This action is required because of the change in the Brucellosis status of the areas affected.

EFFECTIVE DATE: June 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. A. D. Robb, U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, Hyattsville, Md., Room 805, 301-436-8713.

SUPPLEMENTARY INFORMATION: The amendments delete the following areas from the list of Certified Brucellosis-Free Areas in § 78.20 and add such areas to the list designated as Modified Certified Brucellosis Areas in § 78.21 because it has been determined that they now come within the definition of a Modified Certified Brucellosis Area in § 78.1(m): Grant County in Arkansas.

The amendments delete the following areas from the list of Modified

Certified Brucellosis Areas in § 78.21 and add such areas to the list designated as Certified Brucellosis-Free Areas in § 78.20 because it has been determined that they now come within the definition of a Certified Brucellosis-Free Area in § 78.1(1): Bingham and Caribou Counties in Idaho; Bourbon, Chautauqua, Cherokee, Coffey, Labette, and Mitchell Counties in Kansas; and Dodge, Douglas, and Perkins Counties in Nebraska.

Accordingly, §§ 78.20, 78.21, and 78.22 of Part 78, Title 9, Code of Federal Regulations, designating Certified Brucellosis-Free Areas, Modified Certified Brucellosis Areas, and Noncertified Areas, respectively, are amended to read as follows:

§ 78.20 Certified brucellosis-free areas.

The following States, or specified portions thereof, are hereby designated as Certified Brucellosis-Free Areas:

(a) Entire States.

Arizona, California, Connecticut, Delaware, Hawaii, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Virginia, Washington, West Virginia, Wisconsin, Virgin Islands.

(b) Specific Counties Within States.

Alabama. Dale, Geneva.
Arkansas. Baxter, Bradley, Carroll, Cleveland, Columbia, Dallas, Drew, Fulton, Garland, Jefferson, Johnson, Marion, Monroe, Montgomery, Newton, Ouachita, Searcy, Sharp, Stone, Union, Woodruff.

Colorado. Adams, Alamosa, Arapahoe, Archuleta, Baca, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kiowa, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Pueblo, Rio Blanco, Rio Grande, Routt, Saguache, San Juan, San Miguel, Sedgwick, Summit, Teller, Washington, Weld, Yuma.

Florida. Baker, Bay, Citrus, Dixie, Escambia, Franklin, Holmes, Jackson, Leon, Liberty, Monroe, Okaloosa, Orange, Santa Rosa, Seminole, St. Johns, Taylor, Wakulla, Walton, Washington.

Georgia. Appling, Atkinson, Bacon, Banks, Brantley, Bryan, Bulloch, Burke, Butts, Camden, Candler, Charlton, Chatham, Chattahoochee, Clarke, Clayton, Cook, Crawford, De Kalb, Echols, Effingham, Evans, Fannin, Franklin, Glascock, Glynn, Greene, Habersham, Jeff Davis, Johnson, Lanier, Laurens, Liberty, Long, McIntosh, Monroe, Peach, Rabun, Richmond, Screven, Stephens, Taylor, Toombs, Treuten, Twiggs, Upson, Ware, Wayne, Wheeler, White, Wilkerson.

Idaho. Ada, Adams, Bear Lake, Benewah, Bingham, Blaine, Boise, Bonner, Boundary, Butte, Camas, Canyon, Caribou, Clark, Clearwater, Custer, Gem, Idaho, Kootenai, Latah, Lemhi, Lewis, Minidoka, Nez Perce, Owyhee, Payette, Power, Shoshone, Valley, Washington.

Illinois. Adams, Alexander, Bond, Boone, Brown, Bureau, Calhoun, Carroll, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cook, Crawford, Cumberland, De Kalb, De Witt, Douglas, Du Page, Edgar, Edwards, Effingham, Fayette, Ford, Franklin, Fulton, Gallatin, Greene, Grundy, Hamilton, Hancock, Hardin, Henderson, Henry, Iroquois, Jackson, Jasper, Jefferson, Jersey, Jo Daviess, Johnson, Kane, Kankakee, Kendall, Knox, Lake, La Salle, Lawrence, Lee, Livingston, Logan, Macon, Macoupin, Madison, Marion, Marshall, Mason, McDonough, McHenry, McLean, Menard, Mercer, Monroe, Montgomery, Morgan, Moultrie, Ogle, Peoria, Perry, Piatt, Pike, Pope, Pulaski, Putnam, Randolph, Richmond, Rock Island, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Stark, Stephenson, Tazewell, Union, Vermilion, Wabash, Warren, Washington, Wayne, White, Whiteside, Will, Williamson, Winnebago, Woodford.

Iowa. Adair, Allamakee, Audubon, Benton, Black Hawk, Boone, Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll, Cass, Cedar, Cerro Gordo, Cherokee, Chickasaw, Clarke, Clay, Clayton, Clinton, Crawford, Dallas, Davis, Decatur, Delaware, Des Moines, Dickinson, Dubuque, Emmet, Fayette, Floyd, Franklin, Fremont, Greene, Grundy, Hamilton, Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida, Iowa, Jackson, Jasper, Jefferson, Johnson, Jones, Keokuk, Kosciusko, Lee, Linn, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Marshall, Mills, Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien, Osceola, Page, Palo Alto, Pocahontas, Polk, Pottawattamie, Poweshiek, Plymouth, Sac, Scott, Shelby, Sioux, Story, Tama, Taylor, Union, Van Buren, Wapello, Warren, Washington, Webster, Winnebago, Winneshiek, Woodbury, Worth, Wright.

Kansas. Anderson, Barber, Bourbon, Brown, Chase, Chautauqua, Cherokee, Cheyenne, Clark, Clay, Coffey, Comanche, Decatur, Doniphan, Douglas, Edwards, Ellsworth, Finney, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Haskell, Hodgeman, Jewell, Johnson, Kearny, Klingman, Kiowa, Labette, Lane, Logan, Marion, Marshall, Meade, Mitchell, Ness, Norton, Pawnee, Phillips, Pottawatomie, Pratt, Rawlins, Republic, Riley, Rooks, Rush, Saline, Scott, Shawnee, Sheridan, Sherman, Smith, Stanton, Stevens, Thomas, Trego, Wallace, Washington, Wichita, Wyandotte.

Kentucky. Bell, Breathitt, Campbell, Clay, Edmonson, Floyd, Harlan, Johnson, Kenton, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Magoffin, Martin, McCreary, Menifee, Morgan, Owsley, Pendleton, Perry, Pike, Robertson, Trimble, Whitley, Wolfe.

Mississippi. Alcorn, Hancock, Harrison, Jackson, Stone, Tishomingo.

Missouri. Audrain, Dunklin, Gasconade, Hickory, Lewis, Moniteau, Montgomery, Perry, Platte, Pulaski, St. Louis, Schuyler, Shelby.

Nebraska. Banner, Box Butte, Cheyenne, Dakota, Deuel, Dodge, Douglas, Perkins, Thurston.

New Mexico. Catron, Colfax, Dona Ana, Grant, Harding, Hidalgo, Lincoln, Los Alamos, Luna, McKinley, Otero, Rio Arriba, Sandoval, San Juan, Santa Fe, Sierra, Socorro, Taos, Torrance.

South Dakota. Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codrington, Corson, Custer, Davison,

Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Kingsbury, Lake, Lawrence, Lincoln, Lyman, Marshall, McCook, McPherson, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, Ziebach.

Tennessee. Anderson, Blount, Campbell, Carter, Claiborne, Davidson, Fentress, Grainger, Greene, Hamblen, Hancock, Jefferson, Johnson, Knox, Lake, Lewis, Meigs, Morgan, Perry, Polk, Roane, Robertson, Scott, Sequatchie, Sevier, Sullivan, Union, Van Buren.

Texas. Armstrong, Borden, Brewster, Childress, Comal, Crane, Culberson, Ector, Gillespie, Glasscock, Gray, Hansford, Hartley, Hemphill, Hudspeth, Hutchinson, Irion, Jeff Davis, Kendall, Kerr, Kimble, Lipscomb, Llano, Loving, Martin, Mason, Menard, Midland, Moore, Newton, Ochiltree, Pecos, Presidio, Reagan, Real, Roberts, Schleicher, Sherman, Sterling, Sutton, Terrell, Val Verde, Ward, Winkler, Yoakum.

Utah. Beaver, Cache, Carbon, Daggett, Davis, Duchesne, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Morgan, Piute, Rich, Salt Lake, San Juan, Sanpete, Sevier, Summit, Tooele, Uintah, Utah, Wasatch, Washington, Wayne, Weber.

Vermont. Bennington, Caledonia, Essex, Grand Isle, Lamoille, Orange, Rutland, Washington, Windham, Windsor.

Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Natrona, Niobrara, Park, Platte, Sheridan, Sublette, Sweetwater, Teton, Uinta, Washakie, Weston.

Puerto Rico. Adjuntas, Aguada, Aguadilla, Aguas Buenas, Aibonito, Anasco, Arroyo, Barceloneta, Barranquitas, Bayamon, Cabo Rojo, Caguas, Canovanas (Loiza), Catano, Cayey, Ceiba, Ciales, Cidra, Coamo, Comerio, Corozal, Culebra, Dorado, Fajardo, Guanica, Guayama, Guaynabo, Gayanilla, Hormigueros, Humacao, Jayuya, Juana Diaz, Juncos, Lajas, Lares, Las Marias, Liguillo, Manati, Maricao, Maunabo, Mayaguez, Moca, Morovis, Naranjito, Orocovis, Patillas, Penuelas, Ponce, Rincon, Rio Grande, Rio Piedras, Sabana Grande, Salinas, San German, San Juan, San Lorenzo, Santa Isabel, Toa Alta, Toa Baja, Trujillo Alto, Utuado, Vega Alta, Vega Baja, Vieques, Villalba, Yabucoa, Yauco.

§ 78.21 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

(a) Entire States.

Alaska, Louisiana, Oklahoma.

(b) Specific Counties Within States.

Alabama. Augusta, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dallas, De Kalb, Elmore, Etowah, Escambia, Fayette, Franklin, Greene, Hale, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Macon, Madison, Marengo,

Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Russell, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, Winston.

Arkansas. Arkansas, Ashley, Benton, Boone, Calhoun, Chicot, Clark, Clay, Cleburne, Conway, Craighead, Crawford, Crittenden, Cross, Desha, Faulkner, Franklin, Grant, Greene, Hempstead, Hot Spring, Howard, Independence, Izard, Jackson, Lafayette, Lawrence, Lee, Lincoln, Little River, Logan, Lonoke, Madison, Miller, Mississippi, Nevada, Perry, Phillips, Pike, Poinsett, Polk, Pope, Prairie, Pulaski, Randolph, Saline, Scott, St. Francis, Sebastian, Sevier, Van Buren, Washington, White, Yell.

Colorado. Mesa
Florida. Alachua, Bradford, Brevard, Broward, Calhoun, Charlotte, Clay, Collier, Columbia, Dade, De Soto, Duval, Flagler, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Jefferson, Lafayette, Lake, Lee, Levy, Madison, Manatee, Marion, Martin, Nassau, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Lucie, Sarasota, Sumter, Suwanee, Union, Volusia.

Georgia. Baker, Baldwin, Barrow, Bartow, Ben Hill, Berrien, Bibb, Bleckley, Brooks, Calhoun, Carroll, Catoosa, Chattooga, Cherokee, Clay, Clinch, Cobb, Coffee, Colquitt, Columbia, Coweta, Crisp, Dade, Dawson, Decatur, Dodge, Dooly, Dougherty, Douglas, Early, Elbert, Emanuel, Fayette, Floyd, Forsyth, Fulton, Gilmer, Gordon, Grady, Gwinnett, Hall, Hancock, Haralson, Harris, Hart, Heard, Henry, Houston, Irwin, Jackson, Jasper, Jefferson, Jenkins, Jones, Lamar, Lee, Lincoln, Lowndes, Lumpkin, Macon, Madison, Marion, McDuffie, Meriwether, Miller, Mitchell, Montgomery, Morgan, Murry, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Pickens, Pierce, Pike, Polk, Pulaski, Putnam, Quitman, Randolph, Rockdale, Schley, Seminole, Spalding, Stewart, Sumter, Talbot, Taliaferro, Tattnall, Telfair, Terrell, Thomas, Tift, Towns, Troup, Turner, Union, Walker, Walton, Warren, Washington, Webster, Whitfield, Wilcox, Wilkes, Worth.

Idaho. Bannock, Bonneville, Cassia, Elmore, Franklin, Fremont, Gooding, Jefferson, Jerome, Lincoln, Madison, Oneida, Teton, Twin Falls.

Illinois. Adams, Appanoose, Guthrie, Ringgold, Wayne.

Kansas. Allen, Atchison, Barton, Butler, Cloud, Cowley, Crawford, Dickinson, Elk, Ellis, Franklin, Geary, Greenwood, Harper, Harvey, Jackson, Jefferson, Leavenworth, Lincoln, Linn, Lyon, McPherson, Miami, Montgomery, Morris, Morton, Nemaha, Neosho, Osage, Osborne, Ottawa, Reno, Rice, Russell, Sedgewick, Seward, Stafford, Sumner, Wabaunsee, Wilson, Woodson.

Kentucky. Adair, Allen, Anderson, Ballard, Barren, Bath, Boone, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clinton, Crittenden, Cumberland, Daviess, Elliott, Estill, Fayette, Fleming, Franklin, Fulton, Gallatin, Garrard, Grant, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harrison, Hart, Henderson, Henry, Hickman, Hopkins, Jackson, Jefferson, Jessamine, Laree, Laurel, Lincoln, Livingston, Logan, Lyon, Madison, Marion, Marshall, Mason, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Montgomery, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen,

Powell, Pulaski, Rockcastle, Rowan, Russell, Scott, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Union, Warren, Washington, Wayne, Webster, Woodford.

Mississippi. Adams, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hinds, Holmes, Humphreys, Issaquena, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lamar, Lauderdale, Lawrence, Leake, Lee, LeFlore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pearl River, Perry, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tippah, Tunica, Union, Walthall, Warren, Washington, Wayne, Webster, Wilkinson, Winston, Yalobusha, Yazoo.

Missouri. Adair, Andrew, Atchison, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cass, Cedar, Chariton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, De Kalb, Dent, Douglas, Franklin, Gentry, Greene, Grundy, Harrison, Henry, Holt, Howard, Howell, Iron, Jackson, Jasper, Jefferson, Johnson, Knox, Laclede, Lafayette, Lawrence, Lincoln, Linn, Livingston, Macon, Madison, Maries, Marion, McDonald, Mercer, Miller, Mississippi, Monroe, Morgan, New Madrid, Nodaway, Oregon, Osage, Ozark, Pemiscot, Pettis, Phelps, Pike, Polk, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Charles, St. Clair, St. Francois, St. Genevieve, Saline, Scotland, Scott, Shannon, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, Wright.

Nebraska. Adams, Antelope, Arthur, Blaine, Boone, Boyd, Brown, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cherry, Clay, Colfax, Cuming, Custer, Dawes, Dawson, Dixon, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Garfield, Gosper, Grant, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Holt, Hooker, Howard, Jefferson, Johnson, Kearney, Keith, Keya Paha, Kimball, Knox, Lancaster, Lincoln, Logan, Loup, Madison, McPherson, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Rock, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thomas, Valley, Washington, Wayne, Webster, Wheeler, York.

New Mexico. Bernalillo, Chaves, Curry, De Baca, Eddy, Guadalupe, Lea, Mora, Quay, Roosevelt, San Miguel, Union, Valencia.

South Dakota. Jones, Stanley.

Tennessee. Bedford, Benton, Bledsoe, Bradley, Cannon, Carroll, Cheatham, Chester, Clay, Cocke, Coffee, Crockett, Cumberland, Decatur, DeKalb, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Grundy, Hamilton, Hardeman, Hardin, Hawkins, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lauderdale, Lawrence, Lincoln, Loudon, Macon, Madison, Marion, Marshall, Maury, McMinn, McNairy, Monroe, Montgomery, Moore, Obion, Overton, Pickett, Putnam, Rhea, Rutherford, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Warren, Washington, Wayne, Weakley, White, Williamson, Wilson.

Texas. Anderson, Andrews, Angelina, Aransas, Archer, Atascosa, Austin, Bailey,

Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Bosque, Bowie, Brazoria, Brazos, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Camp, Carson, Cass, Castro, Chambers, Cherokee, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comanche, Concho, Cooke, Coryell, Cottle, Crockett, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmitt, Donley, Duval, Eastland, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hardeeman, Hardin, Harris, Harrison, Haskell, Hays, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Jack, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kenedy, Kent, King, Kinney, Kleberg, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Lubbock, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Matagorda, Maverick, Medina, Milam, Mills, Mitchell, Montague, Montgomery, Morris, Motley, Nacogdoches, Navarro, Nolan, Nueces, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Rains, Randall, Red River, Reeves, Refugio, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Scurry, Shackelford, Shelby, Smith, Somervell, Starr, Stephens, Stonewall, Swisher, Tarrant, Taylor, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Wood, Young, Zapata, Zavala.

Utah. Box Elder
Vermont. Addison, Chittenden, Franklin, Orleans.

Wyoming. Lincoln
Puerto Rico. Arecibo, Camuy, Carolina, Gurabo, Hatillo, Isabela, Las Piedras, Naguabo, Quebradillas, San Sebastian.

§ 78.22 Noncertified areas.

The following States, or specified portions thereof, are hereby designated as Noncertified Brucellosis Areas:

(a) Entire States.

Yellowstone National Park.

(b) Specific counties within States.

Florida. Okeechobee.
Missouri. Newton.
South Dakota. Harding.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 114a-1, 115, 117, 120, 121, 125, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141, 9 CFR 78.25.)

The amendments impose certain restrictions necessary to prevent the spread of brucellosis in cattle and relieve certain restrictions presently imposed. They should be made effective promptly in order to accomplish their purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public

participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of May 1978.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

M. T. Goff,
Acting Deputy Administrator,
Veterinary Services.
(FR Doc. 78-15255 Filed 6-1-78; 8:45 am)

[3128-01]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION*

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

1978 Interpretations of the General Counsel

AGENCY: Department of Energy.

ACTION: Notice of Interpretation.

SUMMARY: Attached is an Interpretation issued by the Office of the General Counsel of the Federal Energy Administration (FEA) under 10 CFR Part 205, Subpart F, on June 9, 1976. This notice represents a continuing effort to make Department of Energy (DOE) Interpretations (or those issued by its predecessor agencies) available to the public through publication in the FEDERAL REGISTER.

FOR FURTHER INFORMATION CONTACT:

Diane Stubbs, Office of the General Counsel, Department of Energy, 12th & Pennsylvania Avenue NW., Room 1121, Washington, D.C. 20461 (202) 566-9070.

SUPPLEMENTARY INFORMATION: In accordance with DOE's initial notice concerning the publication of 1976 Price and Allocation Interpretations.

*Editorial Note: Chapter II will be renamed at a future date to reflect that it contains regulations administered by the Economic Regulatory Administration of the Department of Energy.

tions, 42 FR 7923 (February 8, 1977), appended hereto is an additional Interpretation issued in 1976 by the FEA General Counsel which was inadvertently omitted from the 1976 Interpretations published in the above notice. This Interpretation has been designated 1976-26.

DOE has not attempted to review the Interpretation published today for continuing applicability and validity. Interested persons should therefore note with particular attention the limitations on the applicability of Interpretations as stated below.

Interpretations depend for their authority on the accuracy of the factual statement used as a basis for the Interpretation (10 CFR 205.84(a)(2)) and may be rescinded or modified at any time (§ 205.85(d)). Only the persons to whom Interpretations are addressed and other persons upon whom Interpretations are served are entitled to rely on them (§ 205.85(c)). An Interpretation is modified by a subsequent amendment to the regulation(s) or ruling(s) interpreted thereby to the extent that the Interpretation is inconsistent with the amended regulation(s) or ruling(s) (§ 205.85(e)). Although Interpretations are not subject to appeal, any person aggrieved by an Interpretation may submit a petition for reconsideration pursuant to § 205.85(f). The Interpretation appended hereto is published today only for general guidance in accordance with the reasons set forth in the notice first cited above.

Issued in Washington, D.C., May 25, 1978.

WILLIAM P. DAVIS,
Director of Administration.

INTERPRETATION 1976-26

To: Continental Oil Company
Date: June 9, 1976
Rule Interpreted: § 205.202(e)(2)(B)
Code: GCW—Notice of Noncompliance

ISSUE

This Interpretation is in response to your request of May 20, 1976 that FEA issue an "interpretative ruling" on whether an "issue letter" as described at Exhibit 5.100.00-E of the FEA Compliance Manual (at paragraph 55.252) is a "notice of noncompliance" as contemplated by FEA's penalty regulations at 10 CFR 205.202(c)(2)(B).

INTERPRETATION

For the reasons set forth below, FEA does not consider an "issue letter" as that form is described in Exhibit 5.100.00-B of the FEA Compliance Manual to be a "notice of noncompliance" as contemplated by FEA penalty regulations. (§ 205.202(e)(2)(B).)

FEA's penalty regulations as set forth at § 205.202 include a provision which deals with the imprisonment of corporate personnel for violations of FEA regulations. Section 205.202(e)(1) states, in part, that:

... no such individual director, officer or agent shall be subject to imprisonment under paragraph (c) [criminal penalties] unless he also has knowledge, or reasonably

should have known, of notice of noncompliance received by the corporation from the FEA.

A key element in determining criminal liability for imprisonment of corporate personnel, therefore, is the existence, in a given case, of a "notice of noncompliance." Hence, the determination of what constitutes such a notice is a crucial factor in the interpretation of FEA's regulations relating to criminal sanctions.

"Notice of Noncompliance" is defined in part at § 205.202(e)(2)(B) to include:

... any written notice that the FEA believes the corporation to be acting in violation of the provisions of this chapter issued under authority of the Energy Petroleum Allocation Act of 1973, as amended, or any order issued pursuant thereto, and shall include, but not be limited to, a notice of probable violation issued under § 205.191, a remedial order issued under §§ 205.192 or 205.193, or a consent order issued under § 205.197. (Emphasis added.)

In promulgating the definition of "notice of noncompliance," FEA intended that definition to be broad enough to act as a meaningful deterrent to corporate officials who are inclined knowingly and with impunity to violate FEA regulations. However, the commentary accompanying the promulgation of FEA's revised civil and criminal penalties makes clear that the written notices FEA intended to be considered as notices of noncompliance are limited to Notices of Probable Violation, Remedial Orders, and Consent Orders, and other written orders or notices which contain an official agency pronouncement that it has reason to believe a corporation is acting in violation of an FEA regulation or order. 41 FR 19929 (May 14, 1976).

An "issue letter," as described at Exhibit 5.100.00-B of the FEA Compliance Manual, is a letter from an FEA auditor or his supervisor to a firm at the completion of a significant stage of an FEA investigation which describes "the auditor/investigator's analysis of the significance of the facts." (FEA Compliance Manual, § 5.102.02.) The letter is intended to initiate a dialogue with a firm concerning the auditor's initial impressions of matters surfaced during the course of the audit. The firm is requested, in the issue letter, to analyze and respond to the points raised therein to determine areas of agreement, elucidate ambiguities, and clarify the breadth of contested regulatory interpretations prior to the institution of formal compliance proceedings by the agency itself.

An "issue letter," therefore, is neither a formal statement or interpretation of policy by the FEA nor a formal administrative action alleging a violation of FEA regulations. Rather it is simply a statement of an individual auditor's views, and perhaps those of his immediate supervisor, designed to sharpen the issues and give the company the opportunity to correct misunderstandings prior to the auditor's obtaining the clearances necessary to institute an official agency proceeding. Consequently, an "issue letter" as described in Exhibit 5.100.00-B of the Compliance Manual is not a "notice of noncompliance" as that term is used in § 205.202(e)(2)(B).

[4810-33]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 9—FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Reporting Requirements

AGENCY: Comptroller of the Currency.

ACTION: Final rule.

SUMMARY: This amendment rescinds certain trust department reporting requirements relating to national banks so as not to duplicate new reporting requirements to be issued by the Security and Exchange Commission (SEC) covering essentially the same subject matter. This action is intended to reduce unnecessary reporting burdens.

EFFECTIVE DATE: This amendment will be effective October 31, 1978. (Affected banks will be required to file the report for the quarter ending September 30, 1978, no later than October 30, 1978.)

FOR FURTHER INFORMATION CONTACT:

Dean E. Miller, Deputy Comptroller for Specialized Examinations, Office of the Comptroller of the Currency, 490 L'Enfant Plaza SW., Washington, D.C. 20219, telephone No. 202-447-1731.

SUPPLEMENTARY INFORMATION: On November 29, 1977, the Comptroller published for comment a proposed amendment (42 FR 65204) which would rescind two reporting requirements applicable to national banks so as not to duplicate new reporting requirements being issued by the SEC and covering essentially the same subject matter. These two reporting requirements have been required of all national banks which hold in their trust departments equity securities having an aggregate market value of \$75,000,000 or more. The first report is an annual report of holdings, as of December 31 of the previous year, listing all issues of which the bank holds 10,000 shares or more. The second report is a quarterly report of transactions whereby each affected bank must file a report of all transactions in equity securities in excess of 10,000 shares or having a market value of \$500,000 or more, which occurred during the preceding quarter.

In 1975, the SEC was given authority to require somewhat similar reports

also required agencies having similar reporting requirements to take steps to ensure that unnecessary duplication and reporting burdens were not imposed. The SEC published a proposed reporting system for comment on March 30, 1977 (42 FR 16831) (Release No. 34-13396). Since publication of that proposal, the Commission has approved in principle a final rule. This rule will require the filing of annual reports of holdings by all institutional investors. It will have a moderate degree of compatibility with the annual report required by this Office. The SEC will not require quarterly reports of any kind at this time.

In response to the Comptroller's December 30, 1977 proposal, twenty-six comments were submitted. Seven were from banks, two were from bank trade associations, two were from companies that assemble information from the reports for commercial purposes; and the remainder were from users of the information.

All of the banks and the bank trade associations responding supported the proposal. It was noted by them that the reports are required of only a segment of banks, which in turn are only a segment of the institutional investment managers. They indicated that both reports are costly to prepare, and do not relate to a specific supervisory function. The quarterly reports also are regarded by the SEC as being of limited value, the commentators pointed out.

The opponents of the proposal noted that the SEC has not put its reporting system in place, and that uncertainty exists as to what that system will be. They urged that our reporting system not be discontinued until final action is taken by the SEC, in order that no gaps in information occur. Several emphasized the value of a quarterly report of holdings.

The Comptroller has determined that because of the similarity between the annual reports required by this Office and the annual reports to be required by the SEC and in light of Presidential and Congressional directives to reduce unnecessary duplication and reporting burdens, the annual report requirement of 12 CFR 9.102(a) is being rescinded. The Comptroller also has determined that the quarterly reports which have been required have proven to be of limited value and have imposed an unfair burden on only one class of institutional investor, the national banks. Therefore, the Comptroller also is rescinding the quarterly report requirement of 12 CFR 9.102(b) with the final quarterly report due no later than October 30, 1978.

DRAFTING INFORMATION

Comptroller for Specialized Examinations, and Richard H. Neiman, Staff Attorney.

RESCISSION OF RULE

§§ 9.101-9.104 [Rescinded]

12 CFR Part 9 is amended by rescinding §§ 9.101, 9.102, 9.103, and 9.104.

Dated: May 30, 1978.

JOHN G. HEIMANN,
Comptroller of the Currency.
(FR Doc. 78-15394 Filed 6-1-78; 8:45 am)

[3510-25]

Title 15—Commerce and Foreign Trade

CHAPTER III—INDUSTRY AND TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 315—DETERMINATION OF BONA FIDE MOTOR-VEHICLE MANUFACTURER

Change in Nomenclature

AGENCY: Industry and Trade Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: This rule redesignates organizations and officials in accordance with the reorganization effective on December 4, 1977. The content of Part 315 will remain the same as before.

EFFECTIVE DATE: December 4, 1977.

FOR ADDITIONAL INFORMATION CONTACT:

Thomas C. Meehan, Office of Producer Goods, Industry and Trade Administration, Department of Commerce, Washington, D.C. 20230, 202-377-4816.

Accordingly, Part 315 is amended as follows:

1. All references to "Domestic Commerce" throughout Part 315 are modified to read "Domestic Business Development".

2. In § 315.3 reference to "Form DIB-964" is modified to read "Form ITA-964"; reference to "OBRA" is modified to read "OPG".

ROBERT E. SHEPHERD,
Deputy Assistant Secretary for

[6820-27]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket 8855-o]

PART 13—PROHIBITED TRADE PRACTICES AND AFFIRMATIVE CORRECTIVE ACTIONS

The Coca-Cola Co., et al.

Correction

In FR Doc. 78-13289 appearing at page 20967 of the issue of Tuesday, May 16, 1978, on page 20968 in the second column under paragraph A, the word "product" in the eleventh line should be changed to "production".

[6820-27]

[Docket 8856-o]

PART 13—PROHIBITED TRADE PRACTICES AND AFFIRMATIVE CORRECTIVE ACTIONS

PepsiCo, Inc.

Correction

In FR Doc. 78-13290 appearing at page 20969 of the issue of Tuesday, May 16, 1978, at page 20969 in the third and fourth lines of paragraph C, At the bottom of the third column, the word "consented" should be inserted between "license" and "to".

[6750-01]

[Docket C-2922]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Performance Sailcraft, Inc.

AGENCY: Federal Trade Commission.

ACTION: Order to cease and desist.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts or practices and unfair methods of competition, this consent order, among other things, requires a Pointe-Claire, Quebec, Canada, manufacturer and distributor of fiberglass sailboats and accessories to cease entering into or enforcing any form of agreement with its dealers concerning the retail price of its products; restricting territories in which its dealers may advertise or sell its products;

pricing and territorial instructions. Further, any future price lists distributed by the firm must note that the prices are suggested or approximate.

DATE: Complaint and order issued May 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Alfred F. Dougherty, Jr., Director, Bureau of Competition, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C. 20580, 202-523-3601.

SUPPLEMENTARY INFORMATION: On Friday, May 27, 1977, there was published in the FEDERAL REGISTER, 42 FR 27255, a proposed consent agreement with analysis in the matter of Performance Sailcraft, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions, or objections regarding the proposed form of order.

No comments were received, and the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR 13, are as follows:

Subpart—Coercing and Intimidating: § 13.358 Distributors. Subpart—Combining or Conspiring: § 13.395 To control marketing practices and conditions; § 13.425 To enforce or bring about resale price maintenance; § 13.430 To enhance, maintain, or unify prices; § 13.470 To restrain or monopolize trade; § 13.497 To terminate or threaten to terminate contracts, dealings, franchises, etc. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements: § 13.533-45 Maintain records. Subpart—Cutting Off Access to Customers or Market: § 13.560 Interfering with distributive outlets. Subpart—Cutting Off Supplies or Service: § 13.610 Cutting off supplies or service; § 13.655 Threatening disciplinary action or otherwise. Subpart—Maintaining Resale Prices: § 13.1145 Discrimination: § 13.1145-5 Against price cutters; § 13.1145-20 Distributive channels and outlets generally; § 13.1155 Price schedules and announcements; § 13.1165 Systems of espionage; § 13.1165-80 Requiring information of price cutting; § 13.1165-90 Spying on and reporting price cutters, in general.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.)

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-15370 Filed 6-1-78; 8:45 am]

[6750-01]

SUBCHAPTER D—TRADE REGULATION RULES

PART 456—ADVERTISING OF OPHTHALMIC GOODS AND SERVICES

AGENCY: Federal Trade Commission.

ACTION: Final Trade Regulation Rule.

SUMMARY: The Federal Trade Commission issues a final rule which preempts state laws which either prohibit or burden the advertising of prescription eyewear or eye examinations. The rule also prohibits restrictions on advertising of this type imposed by private groups such as trade associations. Finally, the rule requires that consumers be provided with copies of their prescriptions after they have their eyes examined. The Commission is taking this action because of a staff investigation which highlighted an inadequacy of consumer information disclosure in the retail ophthalmic market.

EFFECTIVE DATE: July 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Terry S. Latanich, Gary D. Hailey, Scott P. Klurfeld, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580, 202-523-3426.

SUPPLEMENTARY INFORMATION:

STATEMENT OF BASIS AND PURPOSE

A. ANALYSIS OF THE RECORD EVIDENCE

1. **Introduction.** On September 16, 1975, the Federal Trade Commission directed its staff to examine the adequacy of information disclosure in the retail ophthalmic market.¹ The staff, in the course of this investigation, made comprehensive surveys of state occupational licensing laws, and of private associational codes of practice which govern those who dispense prescription eyeglasses. Numerous comments were received from various interested persons: industry members,

¹Federal Trade Commission (Bureau of Consumer Protection), *Staff Report on Advertising of Ophthalmic Goods and Services and Proposed Trade Regulation Rule* (1977), Exhibit XIII-2, at 1. (hereinafter cited as "Staff Report").

state occupational licensing boards, other state officials, state and national professional associations, and consumer groups.²

Following this investigation, the Commission on January 16, 1976, proposed a trade regulation rule which would eliminate restraints placed by states and private associations on the dissemination of information concerning ophthalmic goods and services, thereby permitting sellers to advertise.³ The Commission indicated in the proposed rule that it might require ophthalmologists and optometrists to release prescriptions to their patients so that consumers would be able to price shop. In addition, the FEDERAL REGISTER notice containing the proposed rule specifically questioned whether the scope of the rule should be expanded to include the advertising of eye examinations.⁴

The scope of the informal oral hearings in this matter was focused through the publication of a second FEDERAL REGISTER notice setting forth designated issues.⁵ One of these designated issues was whether the coverage of the rule should include the advertising of examination services.⁶

Throughout the proceeding the staff attempted to maximize the awareness and participation of state officials because the proposed rule would preempt state law. Written comments were received from many officials, and 31 state and local government representatives gave testimony at the public hearings.⁷ Consumer groups, economists, optometrists, opticians, and to a lesser degree ophthalmologists also participated. In addition over 1,000 written comments were received from consumers.⁸

At the conclusion of the rulemaking hearings the presiding officer published a report containing his findings and conclusions. In that report the presiding officer recommended that the Commission promulgate a final rule.⁹

Based on its analysis of the evidentiary record, the staff recommended that the Commission promulgate a trade regulation rule which would allow the advertising of ophthalmic

²Categories VIII, IX, and X of the Public Record (215-52).

³41 FR 2399 (1976).

⁴Id. at 2401, question 7.

⁵41 FR 14,194 (April 2, 1976).

⁶Id. at 14,196, question 7.

⁷See Staff Report at 2. Hearings were held in Washington, D.C., Cleveland, Ohio; New York, N.Y.; San Francisco, Calif.; Dallas, Tex. See publication notice in 41 FR 14,194 (1976).

⁸See Staff Report at 3.

⁹Report of the Presiding Officer on Proposed Trade Regulation Rule Regarding Advertising of Ophthalmic Goods and Services (1977), Exhibit XIII-1. (Hereinafter cited as "Presiding Officer's Report").

goods and services.¹⁰ After reviewing the record in this proceeding and hearing oral presentations from both industry and consumer representatives, the Commission has voted to promulgate a final rule which would allow advertising of eye examinations as well as advertising of ophthalmic goods and services.

2. **Background. Industry Importance:** Ophthalmic goods and services are used by over 50 percent of the United States population. In 1975 over 112,000,000 people used corrective lenses, and consumers spent approximately \$4.1 billion in this industry that same year.¹¹ The frequency of use of ophthalmic goods, however, is not evenly distributed over all groups and classes of persons.

A 1974 survey determined that use of prescription lenses increases with age. While persons 45 and older made up only 31 percent of the population in 1974, they purchased 59 percent of all corrective lenses. Similarly, the proportion of people using eyeglasses varies in age: ages 24-45, 41.9 percent used eyeglasses; ages 45-64, 88 percent; over age 65, 93 percent.¹²

Other studies have indicated that the use of eyeglasses varies with income. The income level of a family group is positively correlated with eyeglass use; higher income families are able to purchase eyeglasses more frequently.¹³ Among youths the need for glasses and the need for a change of existing prescriptions is substantially

¹⁰See Staff Report at 3.

¹¹Gordon R. Trapnell Consulting Actuaries, *The Impact of National Health Insurance on the Use and Spending for Sight Correction Services* (1976), Exhibit II-68, at Record 1968 (hereinafter the Record is cited as "R."). See Staff Report at 121.

¹²Public Health Service, National Center for Health Statistics, DHEW, *Characteristics of Persons with Corrective Lenses—United States, 1971*, Series 10, No. 93 at table 1, p. 10 and 16. See Trapnell Study, supra note 11 at table 9; Transcripts, *California Attorney General's Fight Inflation Committee Hearings* (1975), Exhibit IV-141, at R. 5963; Report and Recommendation of the California Attorney General's Inflation Committee, March 1975; "Advertising the Price of Eyeglasses—Majority Report" and "Minority Report on Advertising the Price of Eyeglasses," Exhibit IV-133, at R. 5762. See also Staff Report at 122.

¹³Gordon R. Trapnell, supra note 11 at R. 1971. See Comment Cyril C. Tulley, Exhibit VII-303, at R. 13011; *Expenditures for Personal Health Services—National Trends and Variations, 1953-1970*, DHEW Publication No. (HRA) 74-3105 (Oct. 1973), Exhibit III-5; Comment of Nancy C. Billelo, Exhibit VII-341, at R. 13053; Douglas Coate, *Studies in the Economics of the Profession of Optometry*, CCNY Univ. Microfilms, No. 74-20 (1974), Exhibit V-5, at R. 6300. See also testimony of John Collins, Chairman, Health Care Task Force, North Jersey Federation of Senior Citizens, Transcript 2430 at 2431-32 (hereinafter transcript cited as "Tr."); Staff Report at 123.

greater for those in lower income families.¹⁴ Thus, the rule will affect a large number of consumers, especially those who are most vulnerable: the elderly and the poor.

Industry structure: The ophthalmic industry consists of three levels: (1) Manufacturers of frames and lenses; (2) wholesale laboratories which distribute manufactured goods and fabricate completed eyeglasses; and (3) retailers, including ophthalmologists, optometrists, and opticians, who dispense the finished product to consumers.¹⁵ The Rule is basically concerned with unfair acts and practices occurring at this third stage.

Ophthalmologists are licensed physicians who diagnose and treat all conditions relating to the eye, including visual problems. They also may perform surgery, and prescribe drugs and corrective lenses.¹⁶ In 1975 they performed 43 percent of all eye examinations in the United States, and dispensed over 10 percent of all corrective lenses.¹⁷

Optometrists are licensed practitioners who specialize in problems of human vision. They perform eye examinations and are able to prescribe and adapt lenses or or other optical aids to preserve or restore maximum visual efficiency.¹⁸ They are trained to detect eye diseases, but are not permitted to make definite diagnoses, perform surgery or prescribe drugs.¹⁹

Optometrists outnumber ophthalmologists almost two-to-one, with approximately 20,000 in active practice in 1975. They are the major retail providers of eye care goods and services, performing 57 percent of all eye exams in 1975. In that year they also dispensed 49 percent of the total corrective lenses sold at retail.²⁰ Most optom-

¹⁴"Eye Examination Findings Among Youths Ages 12-17 Years, United States," DHEW Publications No. (HRA) 76-1637, Hearing Exhibit 116 (hereinafter cited as "HX") at 16, 18. See Staff Report at 124-25.

¹⁵See Staff Report at 11-32.

¹⁶National Center for Health Statistics, Health Resources Statistics, U.S. DHEW (1974), Exhibit II-18, at R. 636. In addition to eye diseases, ophthalmologists also examine the eye for symptoms of disease elsewhere in the body. American Association of Ophthalmology, "What Is An Ophthalmologist?" (1965), HX 281 Attachment 5. See Staff Report at 15-16.

¹⁷Gordon R. Trapnell Consulting Actuaries, supra note 11 at R. 1967. See Staff Report at 17.

¹⁸Health Resources Statistics, supra note 16. See Staff Report at 17-18.

¹⁹Id.; *Synopsis of Education for the Health Professions*, Committee of Presidents of the Health Professions Educational Associations of the Association for Academic Health Centers (Washington, D.C.) at 26. One state, West Virginia, permits optometrists to use drugs for both therapeutic and diagnostic purposes. *American Optometric Association News*, Vol. 16, No. 7 (April 1977), at p. 7. See Staff Report at 18-19.

²⁰Gordon R. Trapnell Consulting Actuaries, supra note 11 at R. 1964, 1967. See Staff Report at 19-20.

etrists charge at cost for ophthalmic goods; they derive their income from examination and dispensing fees.²¹ It should be noted though that although many optometrists dispense ophthalmic goods at "cost", the attendant "dispensing fee" for dispensing the ophthalmic goods makes the net effect on the consumer the same as if the goods had simply been "marked up."

Opticians, the third type of practitioner, supply consumers with eyeglasses on the written prescription of ophthalmologists and optometrists. They do not examine or treat the eyes, nor do they perform refractions or prescribe lenses; rather, they share the dispensing functions with the other two groups. Since most optometrists dispense eyeglasses to their patients, opticians' primary source of customers consist of patients of non-dispensing ophthalmologists.²² There were an estimated 10,500 active opticians in 1975, many working in small retail establishments. Approximately 41 percent of corrective lenses were dispensed by opticians in 1975.²³

The three groups of practitioners have historically fought over their proper roles because of this high degree of functional overlap. Ophthalmologists have opposed the expansion of optometrists into traditional medical functions such as examining for pathology or using drugs to diagnose diseases.²⁴ Optometrists counter that they can detect eye and other diseases and therefore provide a valuable public service by offering a "point of entry" into the health care system. They argue that they can diagnose pa-

²¹See, e.g., "First Annual Practice Management Survey," *Optical Journal and Review of Optometry*, Vol. 113, No. 2 (February 15, 1976), Exhibit VI-44, at R. 12547; letter to FTC from J. Harold Bailey, Executive Director, American Optometric Association, (November 15, 1975), Exhibit IV-53 at R. 2553; testimony of James W. Clark, Jr., Executive Director, Kansas Optometric Association, Tr. 4272 at 4294. See also Staff Report at 20-21.

²²See Better Vision Institute, Inc., "Facts You Should Know About Your Vision," *New York Times*, Jan. 9, 1971 (Advertising Supplement), at 2; Opticians Association of America, "A Task Analysis of the Dispensing Optician," HX 309; letter to FTC from J. A. Miller, Executive Director, Opticians Association of America (Oct. 17, 1975), Exhibit IV-55, at R. 2912. See also Staff Report at 22-25.

²³Gordon R. Trapnell Consulting Actuaries, supra note 11 at R. 1962, 1966, 1967. See also Staff Report at 25-26.

²⁴See, e.g., Robert W. Wolmoth, *A Statement on the Future of Ophthalmology* (1975), Exhibit II-28, at R. 792; David W. Shaver, "Opticianry, Optometry, and Ophthalmology: An Overview," *Medical Care*, Vol. XII, No. 9 (1974), Exhibit II-21, at R. 708, 711-713. Mosely H. Winkler, M.D., "We're Surrendering our Patients to Non-physicians," *Medical Economics* (August 23, 1976), at 74-79. See also Staff Report at 26-28.

tients with problems other than those affecting vision and refer them to appropriate medical practitioners.²⁵

Optometrists and opticians, on the other hand, are in direct competition at the retail level of dispensing. The optometrists have a distinct advantage in this competition since they can offer one-stop service; and examination and the actual dispensing. Optometrists have consistently resisted attempts by opticians to expand their professional role into other areas, such as determining the proper form or design of a patient's eyeglass lenses, or the dispensing of contact lenses.²⁶ Opticians answer that they are qualified to perform such services, and that it is because of optometry's opposition that they have not been able to gain state licensing which would assure uniform qualifications.²⁷

It might be assumed that this inter-professional rivalry would enhance competition among providers of eye care, and thereby benefit consumers. Widespread restrictions on advertising by these groups, however, has severely hampered their ability to inform consumers of their respective qualifications, services, and prices. The potentially beneficial effects of such inter-professional rivalry are substantially diminished by the fact that consumers lack the basic informational tools to discern the various marketplace alternatives.²⁸

3. **Prevalence of Advertising Bans.** Restrictions on the advertising of ophthalmic goods and services emanate from a complex web of state and private regulation of the providers of eye care: ophthalmologists, optometrists, and opticians. Professional associations, through their codes of ethics, rules of practice, membership requirements, and informal pressures, reinforce existing legal restraints and often suppress advertising even where it is legally permitted.

²⁵See, e.g., testimony of Ron G. Fair, President, American Optometric Association, Tr. 4638 at 4669-73. See also Staff Report at 28-29.

²⁶See, e.g., letter to FTC from J. A. Miller, Executive Director, Opticians Association of America (Oct. 30, 1975), Exhibit IV-55, at R. 2913-14; testimony of Ron G. Fair, President, American Optometric Association, Tr. 4638 at 4747; Florida State Board of Optometry v. Miami-Dade Optical Dispensary, No. 74-24358 (Fla. Cir. St., Dade Co., June 3, 1976). See also Staff Report at 29-30.

²⁷See, e.g., Statement of California Association of Dispensing Opticians, HX 286; rebuttal submission of Opticians Association of America, Exhibit IX-180, at R. 17366; 17368; comment of Al Schleuter, Warson Optics, Exhibit VIII-126, at R. 14536; testimony of Kenneth R. Davenport, President, South Carolina Association of Opticians, Tr. 6182 at 6192-93. See also Staff Report at 30-31.

²⁸See Staff Report Section II. This lack of consumer knowledge is discussed further in Section 5 of this Statement of Basis and Purpose.

The net effect of the advertising restrictions pertaining to optometrists and opticians³⁰ as of May 1, 1977, is as follows:

(1) In 19 states,³⁰ No price advertising of eyeglasses is permitted, by virtue of the legal restraints pertaining to both optometrists and opticians;

(2) In 17 states,³¹ price advertising by opticians is permitted, but is prohibited for optometrists;

(3) In 2 states,³² price advertising by one practitioner group is prohibited, and by the other group is partially restricted;

(4) In 5 states,³³ price advertising by both groups is partially restricted;

(5) In 2 states,³⁴ price advertising by opticians is permitted, but by optometrists is partially restricted;

(6) In 6 states, unrestricted price advertising by both optometrists and opticians is legally permitted; however, optometrists who are members of the respective state associations in those states where price advertising is legally permitted are nevertheless prevented from disseminating price information by privately-imposed codes of ethics and other membership requirements.³⁵ In addition, private bans on advertising are frequently found in the by-laws of state and national associations of optometrists, ophthalmologists and opticians.³⁶

³⁰This ranking excludes ophthalmologists, since as a practical matter they do not advertise even in those states where they are not legally constrained from so doing.

³¹Alaska, Hawaii, Illinois, Indiana, Kentucky, Louisiana, Maine, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Wisconsin, and Wyoming.

The state statutes, board regulations, and association codes of ethics pertaining to optometrists and opticians are contained in Exhibits IV-1 through IV-51 of the record, except for recently enacted laws and rules which were promulgated after the written record was closed. Many of those new statutes and regulations were submitted as exhibits to witnesses' testimony, and may be found in the record under category XII.

³²Alabama, Arkansas, Delaware, Florida, Georgia, Idaho, Kansas, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, South Dakota, Tennessee and Vermont.

³³Connecticut and Washington.

³⁴Massachusetts, New York, Ohio, Texas and Virginia.

³⁵Utah and West Virginia.

³⁶Arizona, California, Colorado, District of Columbia, Iowa and Maryland.

³⁷See Staff Report at 68-77 for a full discussion of the scope and nature of private bans, which vary considerably for the three practitioner groups.

Ophthalmologists, as physicians, may belong to the American Medical Association (AMA), as well as their own specialty association, the American Association of Ophthalmology (AAO), and state affiliates of these organizations. The AAO has no codes or rules governing the conduct of members in-

The impetus for regulation has come from within the industry itself, in part as a response to perceived advertising abuses³⁷ but also as a means to eliminate the economic threat posed by free competition.³⁸ The presiding officer concluded: "that these restraints were enacted into state laws and regulations . . . at the insistence of optometrists cannot be challenged."³⁹

Although the landmark Supreme Court decisions in *Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council*⁴⁰ and *Bates v. State Bar of Arizona*⁴¹ have established some measure of first amendment protection for commercial speech, they have not addressed many issues raised by this rule, such as the extent to which affirmative disclosure requirements may hinder or facilitate the flow of truthful information to consumers. In fact, the rule complements these decisions by helping to insure that their objectives are carried out.

4. *The Economic Effects of Advertising Restraints on Consumers.* The evidence available at the time this rule was proposed indicated that a wide range of prices existed within many jurisdictions for comparable prescription eyewear.⁴²

The initiation of the rulemaking proceedings spurred several consumer groups and others to undertake an assortment of price surveys. A single theme predominates throughout all of the surveys performed: prices for lenses, frames, or complete eyeglasses vary as much as 100 percent to 300 percent from seller to seller.⁴³

so far as advertising is concerned. The AMA's Principles of Medical Ethics state that a physician should not solicit patients; what constitutes solicitation has been elaborated upon by the AMA. See Staff Report at 69-71.

The American Optometric Association is the major national association of optometrists. Until recently, it had a clear national policy against price advertising by its members. Its present stated policy, however, is to defer to its state affiliates to set standards with respect to advertising. Many state associations do explicitly condemn advertising, including the associations in five of the six states where it is legally permitted. See Staff Report at 71-76.

The major national association of opticians, the Opticians Association of America, has no stated policy against advertising by its members, and few state affiliates condemn it. Although there appears to be considerable debate among individual opticians about the propriety of advertising, organized opticianry as a whole has neither condemned nor condoned advertising. See Staff Report at 76-77.

³⁸See Staff Report at 46-47.

³⁹Id. at 48-52.

⁴⁰Presiding Officer's Report, Exhibit XIII-1 at 59.

⁴¹425 U.S. 748 (1976).

⁴²433 U.S. 350 (1977).

⁴³See Staff Report at 79-88.

⁴⁴See Staff Report at 79-81, n. 2.

Critics of these studies charge that the studies failed to control for the variability of the frame or prescription, the quality of the goods provided, or variations in the associated professional services offered by the seller.

But none of these criticisms rebuts the finding that prices for relatively homogeneous ophthalmic goods and services do in fact vary widely. In those instances in which prices were quoted for a specific frame and prescription, the survey results conclusively demonstrated the wide range of available prices.⁴⁴ Survey data indicating that the lowest-priced sellers used the same sources of lenses as the high-priced sellers⁴⁵ refutes the critics' claim that price variations are the product of quality variations (as do those surveys finding a wide range of prices quoted for a particular eyeglass frame.)

Thus, the available evidence shows that prices for ophthalmic goods are highly variable. Moreover, it indicates that consumers are not aware of the range of price alternatives.⁴⁶ Accordingly, the Commission finds that significant consumer loss has occurred and continues to occur because of these factors.

A substantial body of economic theory and evidence indicates that wide price variations for relatively homogeneous goods are characteristic of a market in which there is inadequate information. The lack of adequate information can occur not only because the dissemination of information is prevented by restraints on advertising, but because rational consumer behavior suggests that for infrequent purchases of the kind involved here, consumers are less likely to seek out information from sources other than advertising than they would be for commodities more frequently purchased or for those involving larger expenditures.⁴⁷ The introduction of information by those who are able to do so most efficiently (i.e., sellers) tends to (1) decrease consumer search costs and (2) force sellers to become more price conscious and price competitive.

Even where the benefits of advertising are not always immediately measurable in terms of actual price reductions, the ability to economize on search costs is a genuine, independent consumer benefit.⁴⁸

In a market in which the normal channels of commercial communica-

⁴⁵See, e.g., Terry Freeman, *Survey of Eyeglass Prices in Ohio*, Ohio Health and Retirement Committee, HX 139; Delia Schletter, *Optical Illusion: A Consumer View of Eye Care*, San Francisco Consumer Action (1976), Exhibit II-65, at R. 1526.

⁴⁶Id. at 1613.

⁴⁷See Staff Report, Section IV(B).

⁴⁸See Staff Report at 35-51, and 90.

⁴⁹Testimony of David G. Tureck, Director, Center for Research on Advertising, American Enterprise Institute, Tr. 13 at 17.

tion have been closed, consumer search is difficult or impossible. Advertising facilitates consumer search.⁴⁹ By providing the consumer information concerning product, price and performance characteristics, advertising helps the consumer to assess product differences and make a rational purchase decision. And for some groups, such as the aged, the absence of advertising imposes virtually insurmountable obstacles to effective search in the ophthalmic market.⁵⁰

Therefore, allowing advertising will provide consumers with at least some of the information necessary for comparison shopping, thereby reducing search costs.

Price advertising serves to reduce mean prices by informing the public of price alternatives (so that a greater percentage of the public will purchase from sellers who offer lower prices) and by inducing greater price competition among sellers (resulting either in reduced prices or deterrence of future price increases). A number of studies in other product fields lend support to these conclusions.⁵¹ Most of the surveys of prescription eyeglass prices introduced into the record, while not purporting to demonstrate a causal relationship between advertising and prices, tend to show that prices are lower in states that permit advertising. In addition, the reported experiences of retail chains and numerous consumers bear witness to the fact that price differentials exist across state lines and correlate with advertising bans.⁵²

Two surveys conducted by Professor Lee Benham of Washington University sought to analyze the impact of information restraints on eyeglass prices.

In his first study, Benham compared prices paid for eyeglasses, in those states which had complete advertising prohibitions with prices charged in states which had no restrictions.⁵³ Data on prices was obtained from a 1964 survey of 634 persons in 23 states. Benham found that the mean price for eyeglasses in states with restraints on advertising was 25 percent higher than in states where advertising was permitted.⁵⁴ Comparing the most restrictive states with the least restrictive states, he found that mean costs differed by more than 100 percent.⁵⁵ By the use of regression analysis,

⁵⁰See, e.g., George Stigler, "The Economics of Information," *The Organization of Industry* (1968) at 186-87.

⁵¹Testimony of Donald F. Reilly, Deputy Commissioner on Aging, DHEW, Tr. 111 at 114.

⁵²See Staff Report at 93-95.

⁵³Id. at 96-97, n. 58.

⁵⁴Benham, *The Effect of Advertising on the Price of Eyeglasses*, 15 J. L. & ECON. 337 (1972), Exhibit V-1, R. 6216.

⁵⁵Id. at R. 6222.

⁵⁶Id., tables 1 and 2 at R. 6220-22.

Benham demonstrated a positive correlation between the difference in prices and the presence or absence of advertising restraints.⁵⁶

Benham's second study investigated the proposition that more stringent professional control of the types and quantity of information leads to restraints on the usual flow of commercial information, thereby decreasing competition and increasing prices.⁵⁷ Benham constructed three indices which reflected alternative but interrelated approaches for examining the impact of professional control on the market,⁵⁸ and also considered other associated factors and variables which affect eyeglass prices or consumption.⁵⁹ All three indices were found to be strongly associated with prices paid. Prices increase as membership in the American Optometric Association increases. The mean price increases as the proportion of eyeglasses purchased from "professional" sources rather than "commercial" sources increases. And since the proportion of individuals obtaining eyeglasses is directly related to the price of glasses, the indices of professional control are likewise strongly associated with the frequency with which eyeglasses are purchased.⁶⁰

This second study also found that, where multiple purchases of eyeglasses are included, demand for eyeglasses is elastic.⁶¹ That is, the percentage decrease in price is less than the percentage increase in demand, resulting in an increase in total expenditure.⁶² In addition, some economies of scale on material purchases may be realized by high-volume retail sellers. Therefore, the increased per-unit cost attributable to advertising expenses could be more than offset by increased sales volumes and by the economies of scale associated with such high sales volume.⁶³

A study funded by the American Optometric Association critiqued the Benham studies.⁶⁴ Although this critique does raise some methodological questions, the Commission agrees with the Presiding Officer⁶⁵ that the Benham data is reliable and in con-

⁵⁷Id. at R. 6227.

⁵⁸Benham and Benham, *Regulating Through the Professions: A Perspective on Information Control*, 18 J. L. & ECON. 421 (1975), Exhibit V-2, R. 6232.

⁵⁹Id. at 6235-38.

⁶⁰Id. at 6241-46.

⁶¹Id. at 6241-51.

⁶²Id.

⁶³See Staff Report at 115-17.

⁶⁴Testimony of John Burdeshaw, Southern Research Institute, Tr. 5712 at 5713; Southern Research Institute, *The Advertising of Ophthalmic Goods and Services: An Economic and Statistical Review of Selected FTC and Related Documents*, Report to the AOA, Project 3692 (1976), HX 358.

⁶⁵Report of the Presiding Officer, Exhibit XIII-1 at 45.

junction with the other economic evidence provides a sound empirical base on which to promulgate this rule.

Another significant price comparison survey was conducted by San Francisco Consumer Action (SFCA), funded by the FTC's public participation program.⁶⁶ Price quotations for ophthalmic lenses, complete pairs of eyeglasses, and contact lenses were collected in California in the summer of 1975, at a time at which price advertising was not permitted in that state. Similar price quotations were obtained a year later in Arizona a state where price advertising is allowed.⁶⁷

The data from this survey (adjusted to control for the time-lag variable) demonstrates that prices in Arizona are from 4.2% to 41.7% lower than those in California.⁶⁸

Because SFCA concluded that there was very little price advertising occurring in Arizona at the time of their survey, the question arises as to whether the lower prices are attributable to price advertising. Other economists, however, have testified that the ability to price advertise, even in the absence of actual advertising, might serve to deter sellers from raising prices because of the threat of potential price advertising.⁶⁹ SFCA noted that as recently as five years ago price advertising was very prevalent in Arizona and that there were large "price wars" as recently as two or three years ago.⁷⁰

Economic theory teaches that continued price advertising could be used to attract customers away from those who raise their prices.⁷¹ The observed pattern in Arizona of a period of heavy price advertising and price wars followed by limited price advertising and a consequently lower-priced market is consistent with this economic model. This evidence leads to the conclusion that the lower prices in Arizona can be attributed, at least in part, to price advertising.

5. *Advertising bans and consumer knowledge.* This trade regulation rule is premised in part on the finding that adequate information is not present in the ophthalmic market to allow consumers to make intelligent and informed purchase decisions.

Professional associations challenged this premise, arguing that adequate information is available to consumers.⁷²

⁶⁶Delia Schletter, *There's More Than Meets the Eye*, San Francisco Consumer Action (1976), HX 397.

⁶⁷Testimony of Delia Schletter, San Francisco Consumer Action, Tr. 6297 at 6440.

⁶⁸See Staff Report, Table 3-1 at 98.

⁶⁹See, e.g., testimony of David G. Tureck, supra note 48 at 17.

⁷⁰Testimony of Delia Schletter, supra note 65 at 6430.

⁷¹Testimony of David G. Tureck, supra note 48 at 17, 28.

⁷²See materials cited in Staff Report at 126-27, n. 21.

But a survey of practicing AOA members conducted by the AOA itself found that over 55% of those optometrists expressing an opinion indicated their belief that consumers do not have enough information available to them to select the ophthalmic goods and services which best meet their budgets and needs.⁷²

Measured from the perspective of the consumer, the lack of consumer knowledge becomes even more apparent. Pursuant to a grant in accordance with Section 1.17 of the FTC's Rules of Practice, California Citizen Action Group (CCAG) performed a survey of consumer knowledge and attitudes.⁷³

The first portion of the CCAG study focused on the consumers' own assessments of their knowledge of the eye care field. Most consumers considered themselves relatively uninformed about the quality of materials used in eyeglasses, eyeglass and frame prices, and examination fees. The poor ranked themselves as "totally uninformed" almost twice as often as did the non-poor.

Another aspect of the CCAG study was the measurement of actual consumer awareness. Researchers questioned consumers as to the roles and functions of ophthalmologists, optometrists, and opticians. In the critical areas of which professionals could or could not diagnose eye disease, treat eye diseases, and prescribe medication, consumers frequently were confused. The most significant finding was the consumers' inability to distinguish among the types of "examination" or "service" performed by the three classes of practitioners. Again, the poor are less likely to be knowledgeable about such matters than are the non-poor.⁷⁴

Therefore, the absence of information in the market has created a situation of high relative consumer misinformation. Advertising clearly holds the potential to educate the public in many of the above-noted areas. The CCAG study attempted to determine the impact of additional information in the market on consumer knowledge. After receiving information about methods and costs of eyeglass fabrication, consumers became more receptive to the concept of comparison shopping for eyeglasses and showed increased awareness of purchase alternatives.⁷⁵

Although price information is an important factor in eyeglass purchasing decisions, it is by no means the only

⁷²Testimony of Farrell Aron, American Optometric Association Statistician, Tr. 3877 at 3882.

⁷³Outline of testimony of Paul A. Fine, California Citizens Action Group, HX 279.

⁷⁴Id. For a more detailed discussion of the CCAG study, see Staff Report at 127-33 and 146-49.

⁷⁵Id.

important factor. A study conducted by the California Optometric Association⁷⁶ found that consumers felt the reputation of the examining doctor and the services he or she provides are at least as important or even more important than the prices charged for an examination or for the eyeglasses themselves.⁷⁷ These findings rebut the contention that consumer decision-making will be solely motivated by price.

The economic losses being borne by consumers as the result of advertising bans do not represent the full extent of the consumer injury associated with these restraints. Advertising bans and the attendant higher prices have resulted in a significant decrease in consumption of vision care products and services among the less affluent.⁷⁸ The problem is perhaps greatest with respect to the elderly. Approximately 93% of those over age 65 use some form of corrective eyewear.⁷⁹ Since many elderly consumers have relatively low income levels but need corrective eyewear much more frequently than other groups, any decline in consumption attributable to high prices is especially serious for the elderly.⁸⁰

6. *Economic impact on small businesses.* The rule's impact on small businesses is mixed. The requirement of release of prescriptions by ophthalmologists and optometrists will almost certainly aid small businesses, notably opticians who will be assured unfettered access to all potential eyeglass purchasers. "[T]he small business optician will thrive and eventually [the rule will] accomplish what the FTC seeks—lower prices to consumers while maintaining quality and service through competition."⁸¹

Advertising, however, might have a different impact on small businesses. The pressures generated by advertising could cause retail dispensers to either integrate vertically into manufacturing or expand horizontally at the retail level in order to take advantage of economies of scale. The result could be increased concentration in the industry as some inefficient businesses are driven out of the market.⁸²

⁷⁶Statement of Dr. Harvey Adelman, HX 245.

⁷⁷Copy of computer results used by Dr. Adelman, HX 247; see Staff Report at 140-44.

⁷⁸See Staff Report at 122-23.

⁷⁹See materials cited in Staff Report at p. 122, n. 10.

⁸⁰See Staff Report at 149-152.

⁸¹Testimony of Stephen L. Adams, President, Tennessee Dispensing Opticians Association, Tr. 6035 at 6038. See also *Dispensing of Eyeglasses by Physicians: Hearings before the Subcommittee on Antitrust and Monopoly of the Senate Committee on the Judiciary*, 89th Cong., 1st Sess. (1965), Exhibit II-26 at R. 770; Staff Report at 281-282.

⁸²See, e.g., Southern Research Institute, *The Advertising of Ophthalmic Goods and*

The overall impact of the Rule is therefore difficult to assess. The potential for increased concentration from the advertising aspect of the rule must be balanced against the probable gains small business opticians will receive from the release of prescription requirements. Additionally, the ability of firms to enhance their market position may be affected by other state laws which limit entry, access, or branch office locations.⁸³ Weighing all of these factors, the Commission is confident that "the rule will not result in driving the small businessman from the ophthalmic marketplace."⁸⁴ Even assuming that the rule were to cause a slight increase in concentration, consumers will not necessarily be injured. To the extent that the ophthalmic market has always exhibited oligopolistic tendencies—e.g., absence of price competition, concerted withholding of relevant information, and high prices—it is due in part to the restraints the Commission is removing.⁸⁵ The rule will eliminate some of these present market characteristics; the overall effect will be a gain for consumers without causing any grave harm to small businesses.

7. *Major Industry Arguments in Support of Advertising Restraints.* Some opponents of ophthalmic advertising have argued that widespread deception will follow the lifting of advertising bans, either because price advertisements of highly variable products such as eyeglasses are inherently deceptive or because unscrupulous practitioners will be likely to use "bait-and-switch" or other deceptive advertising techniques.

The fact that there are different types of eyeglasses is not determinative of the issue of whether price advertising would be deceptive. Examination of the price lists for ophthalmic lenses indicates that the prices for lenses are less variable than the number of potential prescription formulas would lead one to believe. Wide ranges of prescriptive power lenses are grouped into a relatively small number of price categories.⁸⁶ Some wholesale

Services, HX 356, at p. 21; testimony of J. Howard Sturman, Academy of California Optometrists, Tr. 3348 at 3364-65. See also Staff Report at 282-86.

⁸³See Staff Report, Section II(B)(3). While these restrictions may have been imposed by some states for the purpose of limiting concentration, it is by no means clear that such a result will follow. Indeed, these restrictions may have adverse effects. Moreover, the Commission has publicly expressed concern that restrictions of this type may result in significant consumer injury. The Commission has authorized its staff to investigate the effects of restrictions of this type.

⁸⁴See Report of the Presiding Officer at 126; Staff Report at 281. The staff and Presiding Officer agreed on this finding.

⁸⁵See Staff Report at 286.

⁸⁶See, e.g., letter to FTC from Jerome Dienstag, Associate General Counsel, Footnotes continued on next page

laboratories charge a single price for all single-vision lenses regardless of prescriptive power.⁸⁷

Similarly, prices for the hundreds of different ophthalmic frames can be easily grouped into a small number of price categories.⁸⁸

False or deceptive advertising, including "bait-and-switch" techniques, is already prohibited in every state.⁸⁹ To prohibit ophthalmic advertising totally because of the possibility that a few practitioners will engage in deceptive advertising constitutes a classic example of regulatory overkill. State and local consumer protection machinery is adequate to control ophthalmic advertising,⁹⁰ which is no more likely to be false or deceptive than advertising of any other goods or services.

It has been argued that if the Commission permits ophthalmic advertising, it should either require the affirmative disclosure of certain information, or alternatively permit the states to require such disclosures.⁹¹ Where a state or local government has determined that all retail advertising should include certain disclosures, the rule will not prevent it from applying such requirements to ophthalmic advertising as well. Under Section 456.5 of the Rule, across-the-board regulations of this type (e.g., a requirement that all advertisements offering a special price disclose the price normally charged) would not be preempted.

The rule will also permit the states to require affirmative disclosures in any or all of the five limited areas unique to ophthalmic goods and services (see Section 456.5).⁹² The Commission does not believe it is necessary to require such disclosures because most advertising does and probably will continue to include that information voluntarily,⁹³ but the Commission

Footnotes continued from last page

Bausch and Lomb, Inc. (November 17, 1975), Exhibit V-20 at R. 7921.

⁸⁷See, e.g., Optical Brochure of the Heard Optical Co., Long Beach, Calif., HX 282.

⁸⁸See, e.g., advertisement by Opti-Cal, Exhibit II-32 at R. 849.

⁸⁹Forty-nine states and the District of Columbia have enacted laws similar to the Federal Trade Commission Act to prevent deceptive and unfair trade practices. Alabama, which does not have such a law, has a statute which makes false advertising a misdemeanor, and a consumer complaint clearinghouse designed to facilitate enforcement of existing laws and recommend new legislation.

⁹⁰See materials cited in Staff Report at 161, n. 30.

⁹¹See, e.g., Comment of J. Harold Bailey, Executive Director, American Optometric Association, Exhibit VIII-160 at R. 14,726.

⁹²See Staff Report, pp. 167-172, and memorandum of Albert H. Kramer, Director of Bureau of Consumer Protection, to FTC (December 9, 1977), Exhibit XIII-3.

⁹³See, e.g., advertisement by Opti-Cal, Exhibit II-32 at R. 849; advertisement by 20/20 Contact Lens Service, Exhibit II-53 at R. 1449.

believes that it would not be unreasonable for the states to mandate these disclosures.

Some industry members have expressed the fear that advertising will lead to a loss of "professionalism."⁹⁴ The predicted effects of a lowered professional image are twofold: (1) consumers will lose confidence in practitioners and the doctor-patient relationship will deteriorate, and (2) fewer high-calibre people will wish to enter the profession in the future.

Perhaps the most compelling counter argument to the contention that advertising will impair the self-image of the professional and thus result in inferior eye care was made by optometrists who testified at the hearings. Virtually all these optometrists asserted that they would not lower their own standards of professional care if advertising were allowed.⁹⁵

It is unlikely that consumers will perceive advertising as indicative of lowered professional standards. The CCAG study indicated that the current widespread withholding of information is viewed by many consumers as a calculated effort by professionals to obscure their economic motivations.⁹⁶ Advertising may serve to lower patients' suspicions and may actually enhance the professional's image.

The available evidence also fails to show that advertising will result in a reduction in the number of intelligent and committed persons who will choose to enter the profession.⁹⁷

The major argument advanced by opponents of the rule was that the advertising of ophthalmic goods and services would lead to a deterioration in the quality of those commodities. The theory underlying this argument is that practitioners, by lowering their prices to survive in the more competitive market which advertising would engender, would be forced to provide inferior goods and reduce the quantity and quality of services offered.⁹⁸ A fundamental assumption on which this argument rests is that the prices of eye care goods and services are directly related to their quality.

The scant evidence presented in support of the notion that low cost is indicative of low quality in the current eye care market consisted primarily of anecdotal testimony alleging that certain discount optical establishments

⁹⁴The U.S. Supreme Court considered, and subsequently rejected, a similar argument in regard to pharmacists in *Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council*, 425 U.S. 748 (1976).

⁹⁵See materials cited in Staff Report at 177, n. 98.

⁹⁶Paul A. Fine Associates, *Study on Eye Care and Eye Services*, HX 280 at Tables 14 and 15.

⁹⁷See Staff Report at 181-82.

⁹⁸See, e.g., materials cited in Staff Report at 183, n. 119.

provide inferior goods and services.⁹⁹ The industry chose not to test empirically their assumption regarding the relationship between price and quality in those several regional ophthalmic markets where advertising and lower prices currently exist.

Other participants in this proceeding did attempt to measure the price-quality relationship.

Two separate studies were conducted on behalf of San Francisco Consumer Action (SFCA). The first study, conducted in California in 1975, compared prices with the quality of both eye examinations and eyeglasses.¹⁰⁰ This survey found that the quality of eye examinations—in terms of the accuracy of the prescriptions rendered and the numbers and kinds of tests conducted—was independent of the prices charged for those examinations (\$12.50 to \$35.00). The surveyors concluded that:

Much of what goes on in an exam room depends, in the last analysis, on the conscientiousness and efficiency of the individual doctor. Little, if anything, is directly affected by the fees charged for such exams or whether the doctor advertises, is located in a professional building, or practices in a discount store.¹⁰¹

The SFCA study of lens quality produced similar results. The prices of the eyeglasses, which ranged from \$20 to \$37, were found to be unrelated to their quality, as measured by the lenses' adherence to the American National Standards Institute, (ANSI) Z-80 standards and conformance to the practitioners' prescriptions.¹⁰²

The second SFCA study, conducted in Arizona, had a format similar to the California study and yielded similar results.¹⁰³ The surveyors obtained eye examinations which cost them from \$14 to \$35 and purchased eyeglasses priced from \$24.15 to \$43.90. Again, the findings showed that the quality of an eye examination or optical materials were not necessarily tied to price or manner of practice.¹⁰⁴

The collective results of these studies and others¹⁰⁵ show that—contrary to the hypothetical assumptions of many of the rule's opponents—prices of eye care goods and services are not positively related to their quality. If low prices are not indicative of inferior

⁹⁹Id. at 184, n. 121.

¹⁰⁰Delia Schletter, *Optical Illusion: A Consumer View of Eye Care*, San Francisco Consumer Action (1976), Exhibit II-65.

¹⁰¹Id. at R. 1658.

¹⁰²Id. at R. 1663-67.

¹⁰³Delia Schletter, *There's More Than Meets the Eye*, San Francisco Consumer Action (1976), HX 397.

¹⁰⁴Id. at 203-04.

¹⁰⁵See, e.g., Adam K. Levin, *A Survey on the Quality of Eye Care and Eye Wear in New Jersey as it Relates to Price*, HX 167; New York City Department of Consumer Affairs, *Survey of Optometric Establishments*, January 1976-June 1976, HX 173.

goods and services in the current eye care market, it may be inferred that the level of quality would not necessarily change as advertising and the lower prices which would follow it become more widespread.

Another implied assumption of those who have argued that the removal of advertising restraints would cause a deterioration in quality is that those restraints currently contribute to the maintenance of high quality levels in the eye care goods and services markets.

But the only empirical study on the record which attempted to compare the quality level of an advertising state with that of a nonadvertising state found no quality differences between the two jurisdictions. The SFCA study referred to above found that the level of quality between the sample groups of examiners and dispensers in California and Arizona was much the same.¹⁰⁶ The clear inference from that finding is that California's prohibition on price advertising did not have the effect of fostering higher quality eye care than that available in neighboring Arizona.

The results of a New Jersey study also called into question the notion that that state's advertising ban had ensured that its citizens would receive high quality ophthalmic goods and services.¹⁰⁷

The available evidence refutes the prediction that the quality of ophthalmic goods and services will deteriorate if advertising bans are removed. Given the professed goal of industry members to ensure that the public receives high quality eye care goods and services—and the evidence which shows that advertising bans do not insure the accomplishment of that goal—more direct approaches to quality control would seem appropriate.¹⁰⁸

8. *Consumer Access to Ophthalmic Prescriptions.* Considerable testimony was given at the public hearing in this matter which indicates that prescriptions are not readily available to all consumers. Consumers are discouraged by several types of conduct from taking their prescriptions elsewhere to be filled.

Numerous persons—primarily consumers, representatives of consumer groups, and opticians—have testified that many optometrists and ophthalmologists simply would not release prescriptions to consumers, even when requested to do so.¹⁰⁹ A related concern is the practice of some doctors who will not conduct an examination unless the patient agrees in advance to

purchase his eyeglasses from the practitioner.¹¹⁰ At least one state board of optometry has held that optometrists are free to condition the availability of their services upon agreement by the consumer that all goods will be purchased from the examining optometrist.¹¹¹

By far the most frequent practice employed to discourage consumers from shopping elsewhere is the charging of a fee for the prescription in addition to that charged for the examination if the consumer requests his prescription so that he can shop elsewhere for his eyewear.¹¹² Even though the additional charge may be only \$5 or \$10, it is still sufficient to discourage many consumers from obtaining prescriptions to shop around for the best buy.

A practice which is occurring with increasing frequency involves the conditioning of the release of a prescription on the signing of a waiver of liability.¹¹³ In the most extreme case, the waiver form purports to relieve the examining refractonist of responsibility not only for defects which are attributable to the practitioner who dispenses the eyeglasses, but also for the examination itself.¹¹⁴ The enforceability of such a waiver is not at issue here. Such disclaimers, enforceable or not, may have a significant impact on the consumer's decision whether to take his prescription elsewhere. Even less extreme disclaimers may have the effect of making consumers erroneously believe that other dispensers are not qualified to dispense their eyeglasses and discouraging consumers from shopping around for less expensive eyeglasses.¹¹⁵

Although many optometrists and ophthalmologists have stated their belief that patients are unconditionally entitled to obtain their prescriptions,¹¹⁶ the evidence reflects the fact that consumers are encountering considerable difficulty in obtaining their prescriptions. In virtually every instance in which practicing optometrists were surveyed, for example, it was found that in excess of 50% imposed some restriction on the availability of the patient's prescription.¹¹⁷ Such evidence supports the conclusion that consumers are being deterred

¹⁰⁶See, e.g., materials cited in Staff Report at 243, n. 32.

¹⁰⁷Position Statement of Michigan State Board of Examiners in Optometry, HX 315 at 1-2.

¹⁰⁸See Staff Report at 245-47.

¹⁰⁹Id. at 248-51.

¹¹⁰See, e.g., Testimony of Donald Juhl, President, Jack Eckerd Corporation, Tr. 379 at 395.

¹¹¹See, e.g., Testimony of E. Craig Fritz, President, Connecticut Opticians Association, Tr. 2827 at 2832.

¹¹²See, e.g., Staff Report at 252, n. 54-56.

¹¹³See Staff Report at 252-53.

from selecting the eyeglass dispenser of their choice because of their inability to obtain their prescriptions. The rule provision adopted in Section 456.7 is intended to ensure consumers unconditional access to their ophthalmic prescriptions.

In addition to the preceding discussions of the general importance of promulgating a prescription delivery requirement, it is necessary to explain the basis for the particular provisions included in the rule.

The most basic issue involves the requirement that the prescription must be tendered to the patient regardless of whether or not the patient has requested it.¹¹⁸ The major difficulty with adopting a provision which would require release only upon request is consumers' lack of awareness that the purchase of eyeglasses need not be a unitary process.¹¹⁹ Also, the right of the consumer to this prescription should be immunized from an evidentiary squabble over whether the consumer actually did or did not request the prescription. In addition, there is no evidence in the record to suggest that any significant burden would attend the release of the prescription in every instance.

It has been argued that examiners should be able to condition release of the prescription on the patient's fulfillment of all financial obligations to the provider. The Rule accommodates this concern but requires that examiners not discriminate in their payment or billing policies against those who wish to take their prescriptions elsewhere to comparison shop.

The rule also allows a refractonist to charge an additional fee for verifying the accuracy of lenses dispensed by another seller, but only when the verification is actually performed. No other "surcharge" may be imposed for releasing the prescription.

Some participants in this proceeding argued that the rule should require a disclosure on the prescription form itself, informing the consumer of his right to take his prescription to any dispensing ophthalmologist, optometrist, or optician.¹²⁰ It may be true that consumers are generally unaware of their eyeglass purchasing alternatives, but a mandatory disclosure here is unnecessary because advertising should substantially remedy this lack of knowledge.¹²¹

9. *Advertising of Eye Examinations.* From the very inception of this proceeding, the issue of whether the rule should be expanded to include the ad-

¹¹⁸Id. at 267-69.

¹¹⁹See, e.g., testimony of J. Howard Sturman, Academy of California Optometrists, Tr. 3348 at 3366.

¹²⁰See, e.g., testimony of Earl Hendrix, Hendrix and McGuire Dispensing Opticians, Tr. 3995 at 4002.

¹²¹See, Staff Report at 278.

vertising of information related to the eye examination has been squarely before the public.¹²²

In his report, the Presiding Officer strongly recommended adoption of a provision that ophthalmologists and optometrists be permitted to advertise their eye examination fees.¹²³

The staff also believed that the evidence supported the lifting of bans which prohibit the price advertising of eye examinations.¹²⁴ However, the staff recommended that the Commission delay taking action on the examination-price advertising issue until a later date when related service advertising issues, such as whether the advertising of professional credentials or practice specialties should be allowed, could be fully explored.¹²⁵

The Commission has concluded that the failure to include in the rule a provision which eliminates existing restrictions on the advertising of eye examinations would seriously reduce the effectiveness of the rule.

Public and private restraints on the advertising of cost and availability of eye examinations are widespread. More than 40 states prohibit the advertising of price information about eye examinations.¹²⁶

The effects of such restraints on consumers are similar to the effects of restraints on the advertising of ophthalmic goods and services. For example, there are wide variations in the prices of eye examinations just as there are wide variations in the prices of eyeglasses. Three surveys found price variations of 200-300 percent.¹²⁷

It is difficult to find data comparing the average prices for eye examinations in states that restrict advertising to those in states that permit it because restrictions are so widespread. The actual occurrence of advertising of eye examinations has apparently been so limited that it has not permitted a study, similar to the Benham studies previously discussed, to be conducted. An informal survey conducted by the Virginia Citizens Consumer Council compared prices in Virginia with those in the District of Columbia, finding significantly lower prices in

¹²²See 41 Fed. Reg. 2,399 (1976); 41 Fed. Reg. 14,194 (1976).

¹²³Report of the Presiding Officer, Exhibit XIII-1, at 168-71.

¹²⁴Staff Report at 291.

¹²⁵Id.

¹²⁶Staff Report to the Federal Trade Commission and Proposed Trade Regulation Rule Concerning Advertising of Ophthalmic Goods and Services (January 1976), Exhibit II-1, at Appendix C.

¹²⁷Adam K. Levin, *A Survey on the Quality of Eye Care and Eye Wear in New Jersey as it Relates to Price*, HX 167 (\$10-\$21); Della Schletter, *San Francisco Consumer Action: Optical Illusion: A Consumer View of Eye Care* (1976), Exhibit II-65, at R. 1526 (\$12.50-\$35), and *There's More Than Meets the Eye* (1976), HX 397 (\$14-\$35).

the District of Columbia, which has no restrictions on advertising of eye examinations.¹²⁸ Economic theory would lead one to expect that introduction of information tends to decrease consumer search costs as well as lead to greater price competition among sellers.¹²⁹ Such theory was confirmed by Benham's studies concerning prices of eyeglasses; there is no reason to expect it would not also be confirmed by more complete studies of examination prices.

Consumer ignorance is as prevalent with respect to eye examinations as it is with respect to eyeglasses.¹³⁰ Advertising would help to reduce this ignorance.

And just as many of the elderly and poor are doing without needed eyeglasses because of high prices and lack of information and affordable alternatives, they are also doing without eye examinations. Evidence in the record indicates that more people could get eye examinations more often if prices were lower.¹³¹

Those who oppose permitting the advertising of eye examinations offered two main objections. First, the cost of an examination varies widely from patient to patient because the nature and scope of an examination depends on the needs of the individual patient; therefore, price advertising of examinations is inherently deceptive. Secondly, advertising would not inform the consumer of the "quality" or the comprehensiveness of an advertised examination, and competition from advertising would force practitioners to engage in minimal, "quickie" examinations.¹³²

Most of the optometrists and ophthalmologists who testified indicated that they charge a fairly standardized examination fee.¹³³ Therefore, it should not be difficult for practitioners to provide accurate, non-deceptive price information.

The "quality" argument concerning the advertising of examination fees does not differ substantially from the issue posed by the advertising of ophthalmic goods. If an optometrist or other examiner chooses to perform substandard examination, an advertising ban serves as no real deterrent. There are more direct means to con-

¹²⁸R. 7778.

¹²⁹See Staff Report at 88-93.

¹³⁰See outline of testimony of Paul A. Fine, California Citizens Action Group, Hearing Exhibit 276; see also Paul A. Fine Associates, *Study on Eye Care and Eye Services*, Hearing Exhibit 280.

¹³¹See, e.g., Statement of Dr. Grady St. Clair, Chairman, American Association of Retired Persons and National Retired Teachers Association, Hearing Exhibit 296.

¹³²See, e.g., Comment of J. Harold Bailey, Executive Director, American Optometric Association, Exhibit VIII-160, at R. 14741.

¹³³See Staff Report at 289, n. 6-9.

trol the problem of poor quality eye examinations, such as state laws which mandate minimum examination requirements.

As discussed earlier, virtually all the optometrists who testified asserted that they would not lower their own professional standards of care if advertising were allowed.¹³⁴ Most optometrists feel that they could handle a significantly larger number of patients than they currently do.¹³⁵ Therefore, fears that the increase in the number of eye examinations sought by the public which advertising will generate will force practitioners to take on more patients than they can handle seem unwarranted.

The Commission has declined, at this time, to impose any mandatory affirmative disclosure requirements upon the truthful advertising of eye examination. However, the Commission has chosen not to prevent the states from requiring that any specified affirmative disclosures be included in the dissemination of advertising concerning eye examinations if the states find such disclosures to be necessary.

10. *Discussion and Disposition of Suggested Additions to the Rule.* A number of consumers and consumer groups have advocated the imposition of a number of affirmative disclosure requirements on sellers.¹³⁶ The three major provisions advocated by these persons would require practitioners to provide consumers with price information over the telephone, to post prices in their places of business, and to itemize their bills so as to clearly differentiate the examination process from the dispensing process.

Each of these disclosures would greatly facilitate comparison shopping by consumers. But the proposed rule was designed to permit the dissemination of the information, not to require it. If it is found that consumers remain unable to obtain the necessary information on which to base their purchase decisions even after this rule becomes effective, the Commission can then consider whether to impose mandatory disclosure requirements on sellers.

Others believe that the rule should also remove related business restraints on providers of eye care goods and services.¹³⁷ Such restraints include: limits on the number of branch offices an eye care practitioner may operate, prohibitions on the employment of op-

¹³⁴See Staff Report at 177, n. 98.

¹³⁵Alden N. Haffner, O.D., Ph.D., Project Director, *A National Study of Assisting Manpower in Optometry*, Department of Labor Contract No. 81-34-70-11 (1971), Exhibit II-17, at R. 618.

¹³⁶See Staff Report at 292, n. 17-19.

¹³⁷Post-Record Comment of Bruce J. Terris, Attorney, Americans for Democratic Action et. al., August 12, 1977, at 42-59.

tometrists, ophthalmologists and opticians by lay corporations, and bans on the use of trade names. Such restraints are widespread.¹³⁸

The evidence in the record on these restraints strongly suggests that they may increase prices to consumers. However, the record lacks the necessary evidence to evaluate the justifications offered in support of these restrictions. These and other restrictions in the ophthalmic market are the subject of an ongoing staff investigation.

B. LEGAL BASIS FOR THE RULE

1. *Unfair Acts or Practices Under Section 5 of the Federal Trade Commission Act.* This is the first Commission trade regulation rule proceeding conducted completely under the rule-making authority granted by section 203 of the Federal Trade Commission Improvement Act:

The Commission may prescribe rules which define with specificity acts or practices which are unfair or deceptive acts or practices in or affecting commerce (within the meaning of * * * Section 5(a)(1)). Rules under this subparagraph may include requirements prescribed for the purpose of preventing such acts or practices.¹³⁹

The term "unfair" cannot be narrowly defined. When the Federal Trade Commission was created, Congress made a deliberate policy choice to adopt a general standard, giving the Commission, subject to review by the courts, both the responsibility and the authority to develop more precise articulations of the meaning of "unfair" in the context of specific industries or situations. Nor did the Congress intend that the meaning of the term be static. Economic and social development creates new problems which require new answers, and time and thought bring new insights into the nature of trade regulation problems and the efficacy of possible remedies. The Commission is charged with the responsibility of combining the functions of a court of equity with those of an expert body to develop concepts of "unfair acts or practices" appropriate to the issues of the present time.

Instead of undertaking to define what practices should be deemed unfair, as had been done in earlier legislation, the act left the determination to the Commission. Experience with existing laws had taught that definition, being necessarily rigid, would prove embarrassing and, if rigorously applied, might involved great hardship

¹³⁸See Staff Report at 63-68.

¹³⁹Federal Trade Commission Act Section 18(a)(1)(B), 15 U.S.C. 57a (1976). Section 5(a)(1) provides: Unfair methods of competition in or affecting commerce and unfair acts or practices in or affecting commerce are hereby declared unlawful. Federal Trade Commission Act Section 5(a)(1), 15 U.S.C. 45 (1976).

* * * Furthermore, an enumeration, however comprehensive, of existing methods of unfair competition must necessarily soon prove incomplete, as with new conditions constantly arising novel unfair methods would be devised and developed.¹⁴⁰

In 1964 the Commission reviewed its prior decisions on unfairness and concluded that:

No enumeration of examples can define the outer limits of the Commission's authority to proscribe unfair acts or practices, but the examples should help to indicate the breadth and flexibility of the concept of unfair acts or practices and to suggest the factors that determine whether a particular act or practice should be forbidden on this ground. These factors are as follows: (1) whether the practice, without necessarily having been previously considered unlawful, offends public policy as it has been established by statutes, the common law, or otherwise—whether, in other words, it is within at least the penumbra of some common law, statutory, or other concept of unfairness; (2) whether it is immoral, unethical, oppressive, or unscrupulous; (3) whether it causes substantial injury to consumers (or competitors or other businessmen). If all three factors are present, the challenged conduct will surely violate Section 5 even if there is not specific precedent for proscribing it. The wide variety of decisions interpreting the elusive concept of unfairness at least makes clear that a method of selling violates Section 5 if it is exploitive or inequitable and if, in addition to being morally objectionable, it is seriously detrimental to consumers or others. Beyond this, it is difficult to generalize.

In the last analysis, the Commission's responsibility in this area is to enforce a sense of basic fairness in business conduct. For while Section 5 "does not authorize regulation which has no purpose other than . . . censoring the morals of business men" (*FTC v. R.F. Keppel & Bro., Inc.*, 291 U.S. 304, 313 (1934)), the Commission cannot shirk the difficult task of defining and preventing those breaches of the principles of fair dealing that cause substantial and unjustifiable public injury.¹⁴¹

¹⁴⁰*FTC v. Gratz*, 253 U.S. 421, 436-37 (1920) (dissenting opinion of Mr. Justice Brandeis), *dissent adopted*, *FTC v. Brown Shoe Co.*, 384 U.S. 316, 320-21 (1966); *cited with approval* in *FTC v. Sperry & Hutchinson Co.*, 405 U.S. 233 (1972). See also H.R. Rept. No. 1142, 63rd Cong., 2d Sess. 18-19 (1914); S. Rept. No. 597, 63rd Cong., 2d Sess. 13 (1914).

¹⁴¹Statement of Basis and Purpose of Trade Regulation Rule 408, Unfair or Deceptive Advertising and Labeling of Cigarettes in Relation to Health Hazards of Smoking, 29 Fed. Reg. 8324, 54-55 (1964).

These pre-1964 cases emphasized the ethical dimensions inherent in "unfair acts or practices." These were cases in which consumer injury was caused by some act or practice which either offended society's moral sense as expressed in analogous case law or statutes or in other contexts. The Supreme Court recognized in *FTC v. Sperry & Hutchinson Co.*,¹⁴² however, this is a minimum rather than a maximum statement of the nature of "unfair acts or practices." The Commission's authority is not limited only to practices which are subject to general public condemnation, it has a more general mandate to consider, in the Court's phrase, "public values."¹⁴³ In a complex economy, consumer injury can be caused by intricate chains of interaction among many participants, and the Commission is not prevented from acting simply because it is difficult to pinpoint the blame. Section 5, like other statutes administered by the Commission, is "unfinished law which the administrative body must complete before it is ready for application."¹⁴⁴ The intent of the Congress was to protect consumers from unwarranted injury in the marketplace. Thus, in carrying out its mandate to "finish" the law, since 1964 the Commission has increasingly concentrated on the examination of whether particular acts or practices are in fact causing injury, and on how and why they do so.¹⁴⁵ In addition, the Commission examines other public policies as articulated by other responsible bodies in the society that have weighed the acts or practices, to see if they have found some justification or compensatory benefit, and to determine whether the Commission's action does promote public policy as expressed in other contexts.¹⁴⁶

These two inquiries are appropriate for this matter:

(1) Whether the acts or practices result in substantial harm to consumers. In making this determination both the economic and social benefits and losses flowing from the challenged conduct must be assessed, and

¹⁴²405 U.S. 233 (1972).

¹⁴³*Id.* at 244.

¹⁴⁴*FTC v. Ruberoid Co.*, 343 U.S. 470, 485 (1952) (dissenting opinion of Mr. Justice Jackson) (footnote omitted).

¹⁴⁵See Schwartz, *Regulating Unfair Practices Under the FTC Act: The Need for a Legal Standard of Fairness*, 11 Akron L. Rev. 1 (1977).

¹⁴⁶This inquiry is not always an easy one. There are many possible sources from which a sense of prevailing public policy can be gleaned, and they are not always consistent with each other. The Commission must often balance conflicting policies and come to its own conclusions. And, of course, a practice may offend Section 5 even if it is specifically approved by state law. See *FTC v. Sperry & Hutchinson Co.*, 405 U.S. 233, 239 n. 4 (1972); *Spiegel, Inc. v. FTC*, 540 F.2d 287 (7th Cir. 1976).

(2) Whether the challenged conduct offends public policy.

The second question—whether the failure to disseminate information occasioned by the body of state law at issue in this proceeding is offensive to public policy—is easily answered. In *Virginia State Bd. of Pharmacy v. Virginia Citizens Consumer Council*,¹⁴⁷ and *Bates v. State Bar of Arizona*,¹⁴⁸ the Supreme Court has held that the consumer's right to receive price information is protected by the first amendment. We regard this as an authoritative declaration of general public policy in this area.¹⁴⁹

Even if the consumer's right to receive information were not so clearly protected by the Constitution, we think its importance is sufficiently established by other sources, including a number of Federal statutes.¹⁵⁰

We turn then to the first issue—whether consumers are injured by the lack of information. As is discussed at length in Part A of this Statement, economic theory indicates that if price information is not available, or if it can be obtained only at high cost, consumers are deprived of the opportunity to satisfy their needs at the lowest available price.¹⁵¹ This is particularly true for consumers such as the old or the poor who find extensive search not just expensive but physically impossible. In addition, the lack of price information means that in many places prices will be higher than they would be if consumers could readily compare potential sources of supply.

The theoretical support for the conclusion that the failure to provide price information injures consumers is so strong that the Commission believes it could promulgate a trade regulation rule on this issue without additional direct empirical support.¹⁵² Nonetheless, in the course of this proceeding extensive research and survey analysis was undertaken by the Commission staff and by other interested

¹⁴⁷425 U.S. 748 (1976).

¹⁴⁸433 U.S. 350 (1977).

¹⁴⁹It does not necessarily follow that the right to receive information under Section 5 is co-extensive with the first amendment right. *Virginia Pharmacy and Bates* provide general, not specific, policy guidance.

¹⁵⁰See, e.g., Truth in Lending Act, 15 U.S.C.A. §§ 1601 et seq. (1977 Supp.); Fair Packaging and Labeling Act, 15 U.S.C. §§ 145 et seq. (1976); Real Estate Settlement Procedures Act, 12 U.S.C. §§ 2601 et seq. (1976). There are other significant policy considerations which justify the Commission's action in this matter. See discussion at notes 155-159 and accompanying text.

¹⁵¹See Section A(4), *supra*.

¹⁵²Theoretical studies, economic models and similar works are a vital part of a rule-making record. Under appropriate circumstances they can themselves constitute substantial evidence within the meaning of that term. See *American Public Gas Ass'n v. FPC*, 567 F.2d 1016, 1036-43, 1080 (D.C. Cir. 1977).

parties. This research, which is also discussed in Part A, provides strong verification of the theoretical expectation. Higher prices, lower rates of consumption by the poor and the elderly, and lower frequency of eye examinations are the result of the failure of sellers and refractionists to disseminate information in the ophthalmic market. Moreover, the record established that the failure to provide necessary information concerning eye examinations and ophthalmic goods and services is the direct result of state laws and private codes which compel such an outcome.

The question arises as to whether the apparent consumer injury resulting from these restrictions represents the whole picture. Supporters of the advertising restrictions have claimed that the restrictions provide consumers with health and safety benefits that offset the economic injury. The issue of health and safety benefits has also been the subject of extensive empirical inquiry in the course of the proceeding, and is also analyzed in Part A.¹⁵³ There is no persuasive evidence in the record that the restrictions do in fact produce the claimed significant health and safety benefits, or that they are an efficient way to promote such benefits, or that the public health and safety would be jeopardized by their absence. Nor are they necessary to prevent deception.¹⁵⁴ This is not a matter in which the Commission must weigh complicated evidence concerning the relative merit of competing desirable objectives, or decide how much economic injury should be sustained for the sake of how much health and safety benefit. There is little support for the argument that the restrictions on price advertising are producing any benefits to offset the injury caused.

This consumer injury, coupled with the specific public policy in favor of providing information to consumers, is sufficient to support the rule. However, there is a more general policy on which we can also rely. That is, the public policy of this country favors the existence of free markets to the maximum extent possible. While the complexity of the modern economy often necessitates a departure from free market organization, as a general proposition a market-perfecting solution to a perceived problem is preferable. There should be a heavy burden of proof on those who would opt for a different form of economic organization; that burden has not been met here.¹⁵⁵

For sixty years this assumption has been the foundation of the Commis-

¹⁵³See Section A(7), *supra*.

¹⁵⁴*Id.*

¹⁵⁵See, e.g., Charles Schultze, *The Public Use of Private Interest passim* (Brookings 1977).

sion's analysis of its responsibilities with respect to unfair methods of competition. A free market cannot function properly in the absence of effective competition and a primary duty of the government is to prevent collusion, undue concentration, or other practices that undermine this functioning.

What is sometimes overlooked, though, is that the existence of competition is only one requisite for a functioning free market. There are a number of other factors involved, such as availability of information, a lack of excessive transaction costs, a lack of costs incurred by or benefits accruing to persons external to the decision process and mobility of resources.¹⁵⁶ Thus, the Commission's responsibility to promote the efficient functioning of markets has relevance to its interpretation of its mandate to act against "unfair or deceptive acts or practices" as well as against "unfair methods of competition." Acts or practices which cause consumer injury by creating, exploiting, or failing to alleviate market imperfections other than a lack of or threat to competition can be unfair within the meaning of Section 5.

Such an economic rationale underlies the Commission's action on Preservation of Consumers' Claims and Defenses.¹⁵⁷ That rule concerns sellers' separation of the consumer's duty to pay from the seller's duty to perform, and the transfer of the risks of sellers non-performance to the consumer. The Commission determined that only if the risks and costs of non-performance remained with the seller would an efficient level of risk be achieved.¹⁵⁸

This example is given only to establish that our views here are not without precedent. It is sufficient to say that an additional test of unfairness in the instant matter is whether the acts or practices at issue inhibit the functioning of the competitive market and whether consumers are harmed thereby. (Whether the inhibition is justified is of course part of the test of consumer injury.)

Since one of the absolute essentials of a competitive market is information, particularly information about prices, and since the net consumer injury has been clearly established, this test is also met.¹⁵⁹

¹⁵⁶See, e.g., Paul Samuelson, *Economics* 36-76, 371-616 (6th ed. 1964).

¹⁵⁷40 FR 53,506 (1975).

¹⁵⁸*Id.* at 53,522-24.

¹⁵⁹The Commission's analysis of the standard of "unfair practices" requires a balancing of the various components of that test. For example, the fact that a practice injures consumers by impeding the operation of a competitive market could be considered as either a "policy" consideration or an element of the equation to determine "consumer injury" (or both). The Commission believes that it is incumbent upon it to clearly

Footnotes continued on next page

2. *Specific Provisions.* The overall unfair result in this matter has been created by an interrelated web of private and public actions. The rule defines each of them with specificity.

The first section of the rule, §456.2, makes it an unfair act or practice for sellers *en masse* to fail to disseminate information. It then states that the failure of an individual acting alone shall not be regarded as unfair within the meaning of Section 5. This formulation is based upon the principles set forth above. The basic problem is that the people who usually disseminate information through advertising, the sellers, do not do so in this market. At the same time, in few industries does everyone advertise. Individuals' views and incentive structures differ and what is sensible for one may not be for another. Normally, the market provides sufficient incentives for enough people to advertise so that the information is supplied. In this context an individual failure to advertise is not an unfair act or practice because it produces no harm. Even in the context of a total failure to disseminate information by all sellers it is difficult to find an unfair act or practice in the failure of any individual seller to advertise. He might or might not have advertised anyway, and his share of the total harm caused is infinitesimal. Thus, the Commission has chosen to make explicit that an individual cannot be held liable under the rule for not advertising.

This, of course, creates a rule which the Commission cannot directly enforce because there is no one against whom it could bring an action. The normal regulatory solution would be to require affirmative disclosure of information, an action clearly within the Commission's power. In this case, however, there is a superior, less-intrusive remedy: the creation of an explicit right to advertise which provides a defense to any private or non-federal effort to inhibit an individual from advertising. The record in this proceeding demonstrates that where permitted to do so, sellers of ophthalmic goods and services and refractionists willingly provide the necessary material information to the public.

Section 456.3 prohibits non-federal governmental restraints on the dissemination of information by sellers and refractionists. However, by specifically eliminating the possibility of liability for civil penalties under section 5(m)(1)(A) and redress under Section 19(b) of the Act, the Commission has eliminated the spectre of the Commission holding a state official financially

liable for enforcing the acts of his or her state's legislature. The Commission retains the authority to seek cease and desist relief under Section 5(b) of the FTC Act and injunctive relief under section 13 of the FTC Act and other applicable statutes to prevent state or local officials from interfering with the mandates of this rule.

Section 456.4 defines as unfair an individual seller's failure to advertise if the sole reason for the failure is his or her desire to comply with non-federal laws or private codes of conduct. As the Declaration of Intent (Section 456.9) makes clear, the seller's motivation is the sole criterion of the applicability of this provision. Again, the purpose is to provide a defense for the advertiser. It is not necessary to compel dissemination of information when simply permitting it is an adequate remedy.

Some industry members have contended that this section defines "compliance with state law," not the failure to provide information, as the unfair act or practice.¹⁶⁰ The Commission is not asserting that in the abstract compliance with state law is unfair. However, the Commission is finding that a seller or refractionist who would otherwise provide material information to the public, and fails to do so solely to comply with the mandates of state law, is acting unfairly. As discussed earlier, the unfair act or practice here is defined as the failure to provide information and the resultant consumer injury.

With respect to Section 456.2, 456.3 and 456.4, the Commission finds that the underlying conduct is substantively unfair within the meaning of Section 5(a)(1) of the FTC Act. Moreover, each of the aforementioned sections provides an appropriate remedy to rectify the failure of the ophthalmic market to generate the necessary information.

Section 456.5 of the Rule specifically permits states and local governmental entities to impose limited affirmative disclosure requirements upon advertising of ophthalmic goods and services. Various persons have argued either that the Commission should require the affirmative disclosure of certain information in such advertising, and that it should permit the states to require such disclosures.¹⁶¹ Several states, including New York, Massachusetts and Virginia presently require certain disclosures.¹⁶²

In weighing the desirability of affirmative disclosure requirements the Commission necessarily engaged in a balancing process. The Commission supports the goal of providing maxi-

mum useful information in advertisements. However, disclosure requirements can increase advertising costs and discourage advertising altogether.¹⁶³ Numerous parties to this proceeding contended that if permitted, states would circumvent the Commission's rule by indirectly prohibiting advertising through the imposition of burdensome disclosure requirements which were unnecessary to deter deceptive or unfair advertising.¹⁶⁴ Based on the available data, it appears that the imposition of unnecessary and potentially burdensome disclosure requirements is a strong possibility.¹⁶⁵

To prevent the barring of advertising of ophthalmic goods and services by such indirect means, the Commission has limited the instances in which the states may require disclosures in such advertising. Section 456.5 of the rule delineates these exceptions. In addition, this section specifically recognizes the right of the state or local governmental entities to petition the Commission for additional disclosure requirements.

In fashioning its remedy, and to prevent future occurrences of the defined unfair acts, the Commission has employed a standard which permits the states to impose disclosure requirements which possess the potential for minimizing deception or unfairness. In the area of eye examination advertising the Commission declined, at this time, to circumscribe the ability of states or private parties to impose reasonable affirmative disclosure requirements.

Section 456.6 prohibits private restraints on the dissemination of information. In the light of the preceding analysis, the imposition of private bans on advertising as an unfair act or practice requires no special discussion. However, one aspect of this provision should be explained. Section 456.6(b) specifically permits organizations which are not primarily composed of ophthalmic industry members to impose across-the-board advertising standards which also apply to advertisements of ophthalmic goods and services. It is the Commission's intent that groups such as the National Association of Broadcasters be able to adopt guidelines which set standards for all advertising. Groups such as the Better Business Bureau which might incidentally include a seller or refractionist, but which are not composed primarily of such persons, may also adopt or enforce across-the-board advertising standards under this rule. However, groups such as the NAB or BBB are not permitted by the rule to establish specific guidelines for ophthalmic goods and services advertising.

¹⁶⁰Id. at VI(B), n. 63.

¹⁶¹Id. at n. 65.

¹⁶²Id. at VI(B).

Groups which are primarily composed of sellers and refractionists cannot impose any disclosure requirements on the advertising of ophthalmic goods and services whatsoever.

Section 456.7 requires a refractionist to furnish a copy of the prescription to the buyer at the conclusion of the examination. The evidence in the record establishes that consumers are subject to substantial economic loss through the imposition of surcharges for obtaining the release of their ophthalmic prescriptions, and through the "lost opportunity" costs attributable to the lack of comparison shopping caused by the outright refusal to release prescriptions.¹⁶⁶ In addition, through the use of waiver notices and other forms of disclaimers, consumers are being deceived as to the capabilities of other practitioners and as a consequence are induced to restrict their purchase options.¹⁶⁷ In many instances, these tactics enable refractionists to retain patients who might otherwise have gone elsewhere for dispensing, or, in the case of surcharges, permit the refractionist to recoup lost revenue for services not performed.¹⁶⁸

Based on this evidence, it is the Commission's finding that the failure to release ophthalmic prescriptions and related practices are unfair acts or practices. The consumer injury associated with these practices is clear from the preceding discussion. The policy inquiry is essentially the same as that elaborated upon in our discussion of the advertising restrictions. The practices addressed in Section 456.7 offend public policy in that they deny consumers the ability to effectively use available information and inhibit the functioning of the competitive market model.

Moreover, this provision is necessary to make the price disclosure provision fully effective. Without the right to their prescriptions, the Commission's efforts to insure maximum useful information in the market will have little effect on consumers where these practices prevail. Thus, it is the Commission's finding that Section 456.7 is justified both as a specific delineation of an unfair act or practice as well as a remedy to implement the right to advertise.

3. *Unfair Acts or Practices v. Unfair Methods of Competition.* One comment filed in this proceeding challenged the Commission's authority to promulgate this trade regulation rule on the grounds that the practices covered by the rule are practices which affect the structure and workings of the market. This, it is argued, removes the practices from the coverage of the

¹⁶⁶See Section A(7), *supra*.

¹⁶⁷Id.

¹⁶⁸Seymour L. Coblenz, *Optometry and the Law* 66 (1976).

Section 18 of the FTC Act, which covers rules governing unfair or deceptive acts or practices, but does not specifically address the Commission's authority to promulgate rules governing unfair methods of competition.¹⁶⁹

Leaving aside the fact that the Commission can prescribe rules governing unfair methods of competition,¹⁷⁰ this argument misconceives the meaning of "unfair or deceptive acts or practices."

The original FTC Act covered only "unfair methods of competition." In 1938 Congress adopted the Wheeler-Lea Amendments to the Federal Trade Commission Act¹⁷¹ adding the provision which forbids "unfair acts or practices" as distinguished from unfair methods of competition. The impetus for the addition of the Wheeler-Lea Amendments came from the decision of the Supreme Court in *FTC v. Raladam Co.*,¹⁷² in which the Supreme Court held that the Commission's power under "unfair methods of competition" was limited to those cases in which the Commission could prove an impact on present or potential competitors—injury to the general public was not enough.

The legislative history of the Wheeler-Lea Act establishes that the distinction between "unfair acts or practices" and "unfair methods of competition" rests on the victims of the injury, not upon any fundamental aspect of the action itself. If the action injures competitors or the competitive system, it is an unfair method of competition. If the same action causes injury to consumers it is an unfair or deceptive act or practice.¹⁷³

Many unfair or deceptive trade practices with which the Commission is concerned would meet either test. False advertising, for example, is an unfair and deceptive practice because it misleads consumers and causes direct injury. It could also be categorized as an unfair method of competition because it diverts trade from honest to dishonest businesses. The Magnuson-Moss Act was intended to expand consumer protection remedies, not contract them, and as long as the requisite consumer injury is present, the Commission's authority to promulgate rules is clear. If such rules have the ancillary effect of improving the competitive system, this is a bonus, not a disablerment.

4. *Preemption of State Laws by the Commission.* In section B(1), we noted that it is well settled that the Commission may proscribe conduct permitted by state law.¹⁷⁴ In this proceeding,

¹⁶⁹15 U.S.C. § 57(2).

¹⁷⁰See *National Petroleum Refiners Ass'n v. FTC*, 482 F.2d 672, 686-89 (D.C. Cir. 1973), cert. denied, 415 U.S. 951 (1974).

¹⁷¹52 Stat. 111 (1938).

¹⁷²283 U.S. 643 (1931).

¹⁷³H. Rep. No. 1613, 75th Cong., 1st Sess. 3 (1937).

¹⁷⁴See, e.g., *Spiegel, Inc. v. FTC*, 540 F.2d 287 (7th Cir. 1976), aff'g 86 FTC 425 (1975).

ly permitting conduct, i.e., advertising, which has been specifically proscribed by the states. One of the frequently voiced arguments in this proceeding has been the contention that the Commission lacks the authority to preempt the "reasoned health regulation" of the states.¹⁷⁵ In this regard it has been contended that the doctrine set forth in *Parker v. Brown*¹⁷⁶ serves as a bar to Commission preemption.

The Commission does not believe that the *Parker* exception to the Sherman Act is determinative of the question of Commission preemption authority under the Federal Trade Commission Act. In *Parker* the Supreme Court hinged its state action exemption on its reading of the legislative history of the Sherman Act:

The Sherman Act makes no mention of the state as such, and gives no hint that it was intended to restrain state action or official action directed by a state . . . conclusions derived not from the literal meaning of the words "person" and "corporation" but from the purpose, the subject matter, the context and the legislative history of the statute.¹⁷⁷

The proper test for measuring the ability of the Commission to preempt state law has, we believe, been correctly stated by the American Optometric Association as being not whether Congress could have preempted state advertising bans, but rather whether such authority was delegated by Congress to the Commission under the Federal Trade Commission Act, as amended.¹⁷⁸

Generally, two propositions emerge from an analysis of the legislative history of the Congressional grant of rulemaking authority to the Commission under the Magnuson-Moss amendments: (1) the general grant of rulemaking power was not itself intended to foreclose states from all regulation of the consumer protection field;¹⁷⁹ and (2) it was intended that the Commission would have power to preempt state laws by promulgating rules.¹⁸⁰

¹⁷⁵Comment of the International Association of Boards of Examiners in Optometry, Inc., Exhibit XIV-25 at 3; Comments of the Kansas Optometric Association, Exhibit XIV-40, at 2.

¹⁷⁶*Parker v. Brown*, 317 U.S. 341 (1943).

¹⁷⁷Id. at 351.

¹⁷⁸Comment of the American Optometric Association, Exhibit XIV-30 at 40.

¹⁷⁹See S. Rep. No. 91-1124, 91st Cong., 2d Sess. 9 (1970).

¹⁸⁰For example, the Senate Commerce Committee's report on an earlier version of the final Magnuson-Moss legislation stated the following concerning the preemptive effect of Commission trade regulation rules: "In the course of the Committee's consideration of the Commission's rulemaking power the issue of preemption was discussed. At the present time a Trade Regulation Rule would preempt state legislation or regulation that conflicted." S. Rep. No. 92-269, 92d Cong., 1st Sess. 28 (1971). Relevant

Footnotes continued on next page

Thus, it is the Commission's position that Commission trade regulation rules are preemptive in nature.

5. A State as a "Person". Under § 456.3 of the Rule, the Commission has specifically defined the enforcement of state advertising bans to be an unfair practice. This necessarily raises the question of whether the state or its officials are "persons" for jurisdictional purposes under the Federal Trade Commission Act.

The issue of whether a state was a "person" under various federal statutes has come before the Supreme Court in a line of cases dating back to *Ohio v. Helvering*, 292 U.S. 360 (1934). That case involved a claim by a state that its state-owned liquor stores fell outside the scope of a federal tax on "every person who sells" liquor. Consequently, the Court had to determine whether states fell within the statutory definition of person. In its decision the Court refused to lay down an absolute rule, saying, "whether the word 'person' or 'corporation' includes a state . . . depends on the connection in which the word is found." *Id.* at 370.

The general approach of *Helvering* has been followed by later cases, in that the issue of whether states were "persons" was resolved separately for each statute by referring to "[t]he purpose, the subject matter, the context, the legislative history, and the executive interpretation of the statute" *United States v. Cooper Corp.*, 312 U.S. 600, 605 (1941).

In the Supreme Court's recent decision in *City of Lafayette, Louisiana v. Louisiana Power & Light Co.*, 46 U.S.L.W. 4265 (1978) the Court determined that state and local governmental entities are "persons" within the meaning of that term in the Sherman Act. Citing its earlier decisions in *Chattanooga Foundry & Pipe v. City of Atlanta*, 203 U.S. 390 (1906) and *Georgia v. Evans*, 316 U.S. 159 (1942) the Court held that there is nothing in the Sherman Act, "its history, or its policy" which would exclude states or cities from the definition of "persons."¹⁸¹

The Court has also looked to whether exclusion of states from the statuto-

ry class of "persons" would frustrate the purpose of the statute.¹⁸² Permitting the states to commit unfair acts or practices, i.e. prohibiting the providing of material information to consumers by private parties, would frustrate the purpose of the Federal Trade Commission Act. The Commission recognizes that in the exercise of its jurisdiction over states, caution must be exercised. The Commission has sought to minimize the effects of the Rule on the states by eliminating Section 205 and 206 liability for civil penalties and redress. (See Section 456.3 of the Rule.)

Moreover, the Commission is cognizant of the fact that in at least one instance the Supreme Court has recognized a "state sovereignty" defense to the exercise of federal authority under the commerce clause. See *National League of Cities v. Uesery*, 426 U.S. 833 (1976). In the *NLC* case, the Court prohibited the imposition of federal minimum wage standards on state employees, citing the potential interference with the internal functioning of the state. 426 U.S. at 840-41. While the scope of this decision is unclear the Commission in Section 456.8 has decided to exclude from the Rule's coverage state employees who are re-fractionists or sellers. The Commission has also decided to exclude from the rule's coverage federal employees such as military personnel and other Department of Defense employees. This exemption, contained in § 456.8, eliminates the potential for conflict between the regulations of different federal entities.

In the course of the Commission's analysis of the law of unfairness under Section 5 of the Federal Trade Commission Act, the Commission examined in great detail the intent, purposes, and goals underlying the state and local laws preempted by this rule. While the Commission has the legal authority to preempt the state laws at issue here, it has also considered whether as a matter of sound regulatory policy it should defer to the state judgments despite the overwhelming evidence that the restrictions on advertising cause consumer injury without producing offsetting benefits. Overruling the judgment of the states in a matter such as this is a serious step. No matter what the legal authority, it should be a step taken reluctantly. However, the Commission's primary obligation is directly to the people of the country to protect them against unfair acts or practices. We would be abandoning that obligation if we failed to take action against acts and prac-

tices which so clearly injure consumers. If theoretical analysis or empirical research created substantial doubt about the impact of these practices, we might choose to defer as a matter of comity. But we do not think such is the case in this matter.

APPENDIX

The first Congressional activity on legislation which culminated in passage of the Magnuson-Moss Act came in a 1970 report of the Senate Commerce Committee.¹ The Committee had held hearings on a bill to expand the FTC's jurisdiction and enforcement powers² and the FTC had taken the opportunity to recommend inclusion of a grant of substantive rulemaking authority.³ The Committee agreed, and recommended such a grant along with its recommendation for expanding FTC jurisdiction to practices "in or affecting" interstate commerce.⁴

At this point, preemption had not been discussed in connection with the grant of rulemaking authority. Instead the Committee's main concern was that the expansion of FTC jurisdiction itself not be construed as ousting states from the field of consumer protection.⁵ The Committee report cautioned that the expansion of jurisdiction was "not intended to replace local enforcement of state or local laws against unfair trade practices,"⁶ and recommended the addition to the bill of a section entitled "State Laws Not Affected":

"Sec. 106. The Amendments made by this title shall not affect the jurisdiction of any court or agency of any state or the application of the law of any state with respect to any matter over which the Federal Trade Commission has jurisdiction by reason of such amendment insofar as such jurisdiction

¹S. Rep. No. 91-1124, 91st Cong., 2d Sess. (1970).

²S. 3201, 91st Cong., 1st Sess. (Dec. 3, 1969).

³Hearing on S. 3201 Before the Consumer Subcomm. of the Senate Comm. on Commerce, 91st Cong., 1st and 2d Sess. 65 (1970).

⁴S. Rep. No. 91-1124, 91st Cong., 2d Sess. (1970).

⁵In some areas, the courts have read the mere delegation of authority to an agency as a congressional "occupation of the field" which showed an intent to exclude all state regulation of that subject. *E.g., Napier v. Atlantic Coast Line Ry. Co.*, 272 U.S. 605 (1926). This is not an inevitable result, for (as in all preemption cases) the issue is one of Congressional intent, and in other areas the courts have found that preemption had been intended only when state laws in some way conflicted with the way the federal agency used its power. *E.g., Rice v. Santa Fe Elevator Corp.*, 331 U.S. 218, 236-37 (1947); see generally *Bethlehem Steel Co. v. New York State Labor Relations Bd.*, 330 U.S. 767, 773-74 (1947). At the time the rulemaking legislation was being considered, the lower courts had already held that the FTC act itself had not been intended to exclude the states from the field of consumer protection; *e.g., Double-Eagle Lubricants, Inc. v. Texas*, 248 F. Supp. 515 (N.D. Tex. 1965), appeal dismissed, 384 U.S. 434 (1966). Congress apparently wanted to make sure that the expansion of the Commission's jurisdiction would not lead to a different construction.

⁶S. Rep. No. 91-1124, 91st Cong., 2d Sess. 9 (1970).

tion or the application of such law does not conflict with the provision of the Federal Trade Commission Act, regulations thereunder, or the exercise of any authority by the Commission under such Act. [Emphasis added.]

This was added, in the Committee's words, to make clear that the bill's provisions "do not preempt or affect state laws not in conflict with . . . regulations (under the FTC Act) or the exercise of any authority by the Commission under such Act."

While the purpose of this section was to show that states were not completely excluded from the field, it clearly implies that state laws would be preempted to the extent that they were "in conflict with" FTC rules or other Commission activity. This understanding is confirmed by the subsequent Judiciary Committee hearings⁷ on the bill.⁸ Senator Ervin believed that such preemption was a natural incident to FTC substantive rules which conflicted with state law, and wanted to either delete the preemption section (Section 106) as superfluous or (his strong preference) change it to prevent any FTC Rule from overturning state laws.⁹ Other witnesses shared this belief about the preemptive effect of the FTC rules, although not all of them opposed such a result, and Section 106 was viewed as merely confirming a power which would have been implicit anyway.¹⁰ The significant point is that all parties agreed that the FTC would have preemptive powers under Section 106. The only differences concerned the question of whether or not this was a power that the FTC already possessed. And though no further action was taken on the bill during the 91st Congress,¹¹ the Committee deliberations set the framework for subsequent congressional consideration of these issues.

In the 92nd Congress, the Senate again considered a bill to expand the FTC's jurisdiction and confirm its substantive rulemaking authority.¹² The rulemaking provisions

⁷*Id.* at 23.

⁸*Id.* at 11.

⁹Although the bill was sent to the Judiciary Committee for study of a provision allowing class actions, much of the hearings focused on the preemptive effect of the new rulemaking section.

¹⁰Hearing on S. 3201 before the Senate Committee on the Judiciary, 91st Cong., 2d Sess. 130-31 (1970).

¹¹*Id.* at 349 (Prof. Milton H. Handler); 238-39, (Gilbert H. Weil, General Counsel, Ass'n of Nat'l Advertisers). But see *Id.* at 137 (Richard D. Barger, Nat'l Ass'n of Ins. Commissioners); 320 (Edward Dunkelberger, General Counsel, Nat'l Canners Ass'n) for the view that Section 106 granted a preemptive power that would not otherwise exist. In fact, the courts generally have held that a delegation of substantive rulemaking authority does include the power to preempt conflicting state laws: See, *e.g., Free v. Bland*, 369 U.S. 663 (1962); *Florida Lime & Avocado Growers v. Paul*, 373 U.S. 132, 143 (1963); *Leslie Miller, Inc. v. Arkansas*, 352 U.S. 187 (1956); *Mahon v. Stowers*, 416 U.S. 100 (1974); and *Sperry v. Florida ex rel. Florida State Bar*, 373 U.S. 379, 387-98 (1963).

¹²The bill (with Section 106 intact) was reported back to the Senate by the Judiciary Committee on October 5, 1970, but with no written report or recommendations, and Congress adjourned without acting on it.

¹³S. 986, 92nd Cong., 1st Sess., Title II (1971).

were identical to those considered a year earlier, except that Section 106 had been dropped from the bill.¹⁴ However, the preemption issue still received extensive discussion, both in the Commerce Committee and on the Senate floor, and it appears that the omission of that section had not changed the congressional intent. It was still intended that the expansion of FTC authority not be read as automatically excluding the states from that field, although this issue was not as extensively discussed as it had been the previous year.¹⁵ More importantly, it was also intended that specific FTC rules would be able to preempt state law.

Consideration of the latter preemption issue began during the Commerce subcommittee hearings on the bill. The subcommittee Chairman had requested the FTC to analyze the preemptive effect of its regulations, and the FTC memorandum submitted in response concluded that under existing law FTC rules would preempt conflicting state regulations.¹⁶ The other witnesses that addressed the issue made the same assumption about the preemptive effect of FTC rules would have, and used this to argue against the grant of rulemaking power.¹⁷ However, the Commerce Committee was nearly unanimous¹⁸ in recommending adoption of the rulemaking provision, and submitted the following views on its preemptive effect:

"In the course of the Committee's consideration of the Commission's rulemaking power the issue of a preemption was discussed. At the present time a Trade Regulation Rule would preempt state legislation or regulation that conflicted. But the 'conflict' test is a very difficult one to apply.

"It is the view of this Committee that the Federal Trade Commission would be empowered to prescribe with specificity, when promulgating legislative rules, the extent to which comparable State law is preempted and how it is preempted. For example, if the Commission were to prescribe a uniform na-

"There was also a change which removed the requirement of cross-examination in hearings on proposed rules.

"The Commerce Committee simply reported that it was "[n]ot the Committee's intent in expanding the jurisdiction of the Commission" to make the FTC the sole consumer protection agency, and that "State and local consumer protection efforts are not to be supplanted by this expansion of jurisdiction." S. Rep. No. 92-269, 92nd Cong., 1st Sess. 23 (1971).

"While the question as to whether Commission rules and orders supersede concurrent state action must be answered by a judgment upon the particular case a Federal Trade Commission Trade Regulation Rule under present law would be the controlling standard over any state regulation of the same subject matter to the extent of the Commission's jurisdiction and to the extent that there is an actual conflict between the two schemes of regulation." *Hearing on S. 986 before the Consumer Subcomm. of the Senate Comm. on Commerce*, 92nd Cong., 1st Sess. 65 (1971). The FTC memorandum also supported the position that the mere delegation of authority to the FTC had not excluded the states from the consumer protection field. *Id.* at 64.

¹⁷*Id.* at 76-78, 85 (Exchanges of Senator Cook and Gilbert H. Weil, General Counsel, Ass'n of Nat'l Advertisers).

¹⁸Senator Cook was the only objector. S. Rep. No. 92-269, 92nd Cong., 1st Sess. 62 (1971).

tional rule governing the practices of door-to-door salesmen it would prescribe the effect of that rule on the various state statutes. It might standardize the forms to be used and the procedures to be followed while specifically leaving state law intact as to enforcement procedures and penalty provisions."

The debates on the Senate floor make it clear that, even though no specific preemption section had been written into the bill, it was still intended that the FTC would be able to preempt inconsistent state laws with its rules. Senator Moss, the Chairman of the subcommittee that had considered the bill, explained that:

"S. 986 has no 'preemption' provision. As the preemption provision of S. 3201 [the bill considered the previous year] is simply a restatement of the Federal Supremacy Doctrine as set forth by the Supreme Court, the inclusion or omission of this section would have no legal consequence."¹⁹

A subsequent exchange between Senator Hruska (who opposed the rulemaking provision) and Senator Magnuson (sponsor of the bill and Chairman of the Commerce Committee) shows the extent of the preemptive authority intended:

"Senator Hruska. I come from an agricultural part of the country, the big breadbasket and the meat locker of the Nation. We have a farm program that has been going on for many years now. Part of that farm program is based upon the idea that there should be a limitation of production so that there will not be such surpluses of agricultural products that the market will become so depressed that the agricultural industry, the raisers of wheat, feed, grains, hogs, and cattle, will not get into an economic structure which would make it impossible for those engaged in that industry to continue their activities. The program involves setting aside a certain number of acres which will not be tilled and which will not produce agricultural goods.

"Yet that program could well become grist in the mill for the Federal Trade Commission if it were armed with the authority which section 206 [rulemaking] seeks to give it. Certainly it could be said it is unfair and it is bad for the consumers to be deprived of those products which could be grown on those unused acres 'and we therefore make a rule that there shall be no laws that will forbid the use of acres.'

"So you see, Mr. President, it is not only in new fields that this power would enable the Federal Trade Commission to function; it could take existing laws and existing statutes and say, 'These laws and statutes are unfair.'"

Senator Magnuson. I listened to the statement by the Senator from Nebraska [Hruska] and I have no objection to the way he analyzes the rulemaking section. Legally, I think what he said is correct."

The Senate passed the bill by a 76-2 vote, but the House took no action on it before Congress adjourned.²⁰ However, new bills

¹⁹*Id.* at 28.

²⁰117 Cong. Rec. 39,826 (1971).

²¹*Id.* at 39,835-36, 39,840. The Senate subsequently defeated Senator Hruska's proposal to delete the rulemaking section of the bill. *Id.* at 39,850.

²²The House Commerce Committee had been considering a similar bill, H.R. 4809, but (perhaps because the Senate hearings and report had already been made available

Footnotes continued on next page

were introduced early in the 93rd Congress and these were the bills which eventually became the Magnuson-Moss Act. The process by which the final legislation was produced is somewhat complex, but all the available evidence suggests that the congressional intent concerning preemption was just what it had been in the previous two Congresses.

The rulemaking section of the Senate bill, S. 356, was identical to the reported version of the bill that had been considered in the 92nd Congress, except that a new section on preemption had been added to make explicit the intent expressed in the earlier debates and Committee reports. The new section provided:

(2)(vii) Whenever the Commission determines in a rulemaking proceeding pursuant to paragraph (g)(2) that uniformity in the engagement of any act or practice in compliance with a rule issued pursuant to paragraph (g)(2) is in the public interest and necessary to carry out the intent of this Act, the Commission shall include in such rule a description of the extent to which such rule preempts State and local requirements relating to the same acts or practices affected by the Commission's rule. The reasons for preemption, or lack thereof, including the extent of consideration given to the need for uniformity shall be set forth in the rule with specificity.²⁴

No explanation was given for making this preemptive authority explicit rather than implicit (as had been done in the 92nd Congress).

However, while the bill was being considered by the Commerce Committee, the Commission was litigating the issue of its substantive rulemaking authority under Section 6(g) of the Federal Trade Commission Act.²⁵ The new FTC Chairman, Lewis A. Engman, was concerned that the rulemaking procedures being considered by Congress would be too burdensome and preferred to wait and try to establish the FTC's existing rulemaking authority in the pending litigation, so the Commission reversed its earlier position and opposed the congressional affirmation of its rulemaking

Footnotes continued from last page
ble) there was little discussion of the preemptive effect of the FTC rules. The only reference to the issue is a statement by an opponent that the bill would allow the FTC to "promulgate national 'rules' which will have the effect of voiding the laws of the various states." *Hearings on H.R. 4809 before the Subcomm. on Commerce & Finance of the House Comm. on Interstate & Foreign Commerce*, 92nd Cong., 1st Sess. 456 (1971) (Statement of the American Advertising Federation).

²⁴119 Cong. Rec. 972 (1973). An additional provision allowed the Commission, on the petition of a state or local government, to exempt individual state or local laws from such preemption.

²⁵The District Court had ruled that the FTC had no substantive rulemaking power. *National Petroleum Refiner's Ass'n v. FTC*, 340 F. Supp. 1343 (D.D.C. 1972). At the opening of the 93rd Congress, the FTC was appealing this decision to the Court of Appeals. The decision was subsequently reversed.

powers.²⁶ Subsequently, the Commerce Committee reported the bill out with the entire rulemaking section (including the preemption provision) deleted.²⁷ However, the Committee reports pledged to reintroduce the legislation in the event the courts ruled against the FTC, and explicitly stated that "the deletion of rulemaking powers by the committee is not to be read in any way as a reversal of the Senate's position in the 92nd Congress. . . ."²⁸

Meanwhile, the House had been considering a bill²⁹ patterned after the 92nd Congress proposals. Like those proposals, the bill gave the Commission rulemaking authority without any specific language on preemption, but (also like those proposals) the intent seems to have been that the rulemaking authority included the power to preempt conflicting state laws. The Committee hearings on the bill showed that this was assumed to be the case,³⁰ and the Committee's report confirms it. The report repeated the position that the expansion of the Commission's power to "in or affecting interstate commerce" was not intended to exclude states from the consumer protection field,³¹ then went on to say:

²⁴482 F.2d 672 (D.C. Cir. 1973), cert. denied, 415 U.S. 951 (1974). Letter of March 26, 1973; S. Rep. No. 93-151, 93rd Cong., 1st Sess. 57-58 (1973).

²⁵No hearings had been held on the bill, and comments had been solicited and received only from the FTC. S. Rep. No. 93-151, 93rd Cong., 1st Sess. 53 (1973).

²⁶*Id.* at 32. The bill was subsequently passed by the Senate in this form.

²⁷H.R. 20, 93rd Cong., 1st Sess. (1973).

²⁸The following exchange is illustrative:

"Mr. Vaughan: The proposals would further allow the Federal Trade Commission to adopt rules 'defining with specificity acts or practices which are unfair or deceptive to consumers' which could and, in all certainty, would vitiate the laws of the States. Constitutional questions aside, we do not believe it desirable to vest any Federal administrative agency with such unbridled quasi-legislative power as to upset the laws of the States without a congressionally approved specific statute establishing an overriding Federal interest in each restricted area of allowable agency activity."

"Subcommittee Chairman Moss: Would you not agree that the rulemaking to which you refer in your statement is now going forward under the existing authority of the Federal Trade Commission and would be unaffected if Congress takes no further action? . . ."

"Mr. Higginbotham: That is right, Mr. Chairman . . . *Hearings on H.R. 20 before the Subcomm. on Commerce & Finance of the House Comm. on Interstate & Foreign Commerce*, 93rd Cong., 1st Sess. 202, 217 (1973) (Walter W. Vaughan, Consumer Bankers Ass'n; Mr. Higginbotham, Legislative Counsel for the Ass'n answered for Mr. Vaughan.) See also, *Id.* at 235 (Robert B. Norris, Nat'l Consumer Finance Ass'n), 250-51 (James Smith, American Bankers Ass'n), 317 (American Advertising Federation), and 345 (Sears, Roebuck & Co.)."

³¹"The expansion of the FTC's jurisdiction . . . is not intended to occupy

Where cases of consumer fraud of a local nature which affect commerce are being effectively dealt with by State or local government agencies, it is the Committee's intent that the Federal Trade Commission should not intrude."

Subchapter D of Chapter 1 of Title 16 of the Code of Federal Regulations is amended by adding Part 456 to read as follows:

Sec.
456.1 Definitions.
456.2 Private conduct.
456.3 Public restraints.
456.4 Conformance to State law.
456.5 Permissible State limitations.
456.6 Private restraints.
456.7 Separation of examination and dispensing.
456.8 Federal or State employees.
456.9 Declaration of Commission intent.

AUTHORITY: 38 Stat. 717, as amended (15 U.S.C. 41, et seq.).

§ 456.1 Definitions.

A "buyer" is any person who has had an eye examination.

The "dissemination of information" is the use of newspapers, telephone directories, window displays, signs, television, radio, or any other medium to communicate to the public any information, including information concerning the cost and availability of a product or service.

An "eye examination" is the process of determining the refractive condition of a person's eyes or the presence of any visual anomaly by the use of objective or subjective tests.

"Ophthalmic goods" consists of eyeglasses, or any component of eyeglasses and contact lenses.

"Ophthalmic services" are the measuring, fitting, and adjusting of ophthalmic goods to the face subsequent to an eye examination.

A "person" means any party over which the Federal Trade Commission has jurisdiction. This includes individuals, partnerships, corporations, and professional associations.

A "prescription" is the written specifications for ophthalmic lenses which are derived from an eye examination. The prescription shall contain all of the information necessary to permit the buyer to obtain the necessary ophthalmic goods from the seller of his choice. In the case of a prescription for contact lenses, the refractionist must include in the prescription only those measurements and directions which would be included in a prescription for spectacle lenses. All prescriptions shall include all the information specified by state law, if any.

the field or in any way to preempt state of local agencies from carrying out consumer protection or other activities within their jurisdiction which are also within the expanded jurisdiction of the Commission." H.R. Rep. No. 93-1107, 93rd Cong., 2d Sess. 45 (1974).

³¹*Id.*

A "refractionist" is any Doctor of Medicine, Osteopathy or Optometry or any other person authorized by state law to perform eye examinations.

A "seller" is any person, or his employee or agent, who sells or provides ophthalmic goods and services directly to the public.

§ 456.2 Private conduct.

(a) (1) It is an unfair act or practice for sellers to fail to disseminate information concerning ophthalmic goods and services notwithstanding state or local law to the contrary. *Provided:* Violation of this subpart by any seller acting alone shall not be deemed to be a violation of section 5(a)(1) of the Federal Trade Commission Act.

(2) To prevent this unfair act or practice, any seller may engage in the dissemination of information concerning ophthalmic goods and services subject to the limitations expressed in § 456.5 below.

(b) (1) It is an unfair act or practice for refractionists to fail to disseminate information concerning eye examinations notwithstanding state or local law to the contrary. *Provided:* Violation of this subpart by any refractionist acting alone shall not be deemed to be a violation of section 5(a)(1) of the Federal Trade Commission Act.

(2) To prevent this unfair act or practice, any refractionist may engage in the dissemination of information concerning eye examinations. Nothing in this subpart shall excuse a refractionist from compliance with any state or local law which permits the dissemination of information concerning eye examinations, including information on the cost and availability of those examinations, but requires that specified affirmative disclosures also be included.

§ 456.3 Public restraints.

It is an unfair act or practice under section 5 of the Federal Trade Commission Act for any state of local governmental entity or any subdivision thereof, state instrumentality, or state or local governmental official to enforce any:

(a) Prohibition, limitation or burden on the dissemination of information concerning ophthalmic goods and services by any seller or group of sellers, or

(b) Prohibition, limitation or burden on the dissemination of information concerning eye examinations by any refractionist. *Provided:* Nothing in subparagraph (b) shall be construed to prohibit the enforcement of a state or local law which permits the dissemination of information concerning eye examinations, including information on the cost and availability of those examinations, but requires that specified affirmative disclosures also be included.

Violation of subparagraphs (a) and (b) shall not be deemed for purposes of section 5(m)(1)(A) or section 19 of the Federal Trade Commission Act to be a violation of section 5(a)(1) of the Act.

§ 456.4 Conformance to State law.

It is an unfair act or practice under section 5 of the Federal Trade Commission Act:

(a) For any seller to reduce, limit, or burden the dissemination of information concerning ophthalmic goods and services in order to comply with any law, rule, regulation or code of conduct of any nonfederal legislative, executive, regulatory or licensing entity or any other entity or person, which would have the effect of prohibiting, limiting, or burdening the dissemination of this information, or

(b) For any refractionist to reduce, limit, or burden the dissemination of information concerning eye examinations in order to comply with any law, rule, regulation or code of conduct of any nonfederal legislative, executive, regulatory or licensing entity or any other entity or person, which would have the effect of prohibiting, limiting, or burdening the dissemination of this information. *Provided:* To the extent that a state or local law, rule, or regulation permits the dissemination of information concerning eye examinations, including information on the cost and availability of those examinations, compliance with that law or regulation shall not be construed to reduce, limit or burden the dissemination of information concerning eye examinations.

§ 456.5 Permissible State limitations.

(a) To the extent that a state or local law, rule, or regulation requires that any or all of the following items be included within any dissemination of information concerning ophthalmic goods and services, such a law, rule, or regulation shall not be considered to prohibit, limit, or burden the dissemination of information:

(1) Whether an advertised price includes single vision and/or multifocal lenses;

(2) Whether an advertised price for contact lenses refers to soft and/or hard contact lenses;

(3) Whether an advertised price for ophthalmic goods includes an eye examination;

(4) Whether an advertised price for ophthalmic goods includes all dispensing fees; and

(5) Whether an advertised price for eyeglasses includes both frames and lenses.

(b) Where a state or local law, rule or regulation applies to all retail advertisements of consumer goods and services (including a law, rule, or regulation which requires the affirmative

disclosure of information or imposes reasonable time, place and manner restrictions), such a law, rule, or regulation shall not be considered to prohibit, limit, or burden the dissemination of information.

(c) If, upon application of an appropriate state or local governmental agency, the Commission determines that any additional requirement of any such state or local governmental agency deemed by that agency to be necessary to prevent deception or unfairness is reasonable and does not unduly burden the dissemination of information, then that requirement shall be permitted to the extent specified by the Commission.

§ 456.6 Private restraints.

(a) It is an unfair act or practice for any person, other than a state or a political subdivision or agency thereof, to prohibit, limit or burden:

(1) The dissemination of information concerning ophthalmic goods and services by any seller;

(2) The dissemination of information concerning eye examinations by any refractionist. *Provided:* Nothing in this subpart shall be construed to prohibit any person from imposing reasonable affirmative disclosure requirements on the dissemination of information concerning eye examinations.

(b) Any organization or association which is not composed primarily of sellers and/or refractionists, which adopts or enforces self-regulatory guidelines for the dissemination of information which apply to all retail advertisements of consumer goods and services, shall not be deemed to be in violation of this subpart.

(c) The conditioning of membership in a professional or trade association of sellers or refractionists on a requirement that members or prospective members of that association not engage in the dissemination of information concerning ophthalmic goods and services and eye examinations or a requirement that ophthalmic goods and services be advertised only in a prescribed manner shall be deemed to prohibit, limit or burden the dissemination of that information.

§ 456.7 Separation of examination and dispensing.

In connection with the performance of eye examinations, it is an unfair act or practice for a refractionist to:

(a) Fail to give to the buyer a copy of the buyer's prescription immediately after the eye examination is completed. *Provided:* A refractionist may refuse to give the buyer a copy of the buyer's prescription until the buyer has paid for the eye examination but only if that refractionist would have required immediate payment from that buyer had the examination revealed that no ophthalmic goods were required;

(b) Condition the availability of an eye examination to any person on a requirement that that person agree to purchase any ophthalmic goods from the refractionist;

(c) Charge the buyer any fee in addition to the refractionist's examination fee as a condition to releasing the prescription to the buyer. *Provided:* A refractionist may charge an additional fee for verifying ophthalmic goods dispensed by another seller when the additional fee is imposed at the time the verification is performed; or

(d) Place on the prescription, or require the buyer to sign, or deliver to the buyer a form or notice waiving or disclaiming the liability or responsibility of the refractionist for the accuracy of the eye examination or the accuracy of the ophthalmic goods or services dispensed by another seller.

§ 456.8 Federal or State employees.

Nothing in this part shall be construed to prohibit any federal, state or local governmental entity from adopting and enforcing standards or requirements concerning the dissemination of information and release of prescriptions by sellers or refractionists employed by those governmental entities.

§ 456.9 Declaration of Commission intent.

(a) (1) It is the purpose of this part to allow retail sellers of ophthalmic goods and services to disseminate information concerning those goods and services in a fair and nondeceptive manner to prospective purchasers. This part is intended to eliminate certain restraints, burdens, and controls imposed by state and local governmental action as well as by private action on the dissemination of information, including advertising, concerning ophthalmic goods and services.

(2) It is the intent of the Commission that this part shall preempt all state and local laws, rules, or regulations that are repugnant to this part, and that would in any way prevent or burden the dissemination of information by retail sellers of ophthalmic goods and services to prospective purchasers, except to the extent specifically permitted by this part. All state or local laws, rules, or regulations which burden the dissemination of information by requiring affirmative disclosures specifically addressed to ophthalmic goods and services are preempted, except for those specifically permitted by this part. State and local laws, rules, or regulations which apply to advertising of all consumer goods and services, including those that require affirmative disclosure of information, are not preempted.

(b) It is the Commission's intent that state laws which do not permit refractionists to disseminate information concerning eye examinations, in-

cluding information concerning the cost and availability of those examinations, be preempted. State and local laws, rules or regulations which require affirmative disclosure of information in all disseminations of information concerning eye examinations are not preempted.

(c) The Commission intends this part to be as self-enforcing as possible. To that end, it is the Commission's intent that this part may be used, among other ways, as a defense to any proceeding of any kind which may be brought against any retail seller of ophthalmic goods and services or refractionist who advertises in a nondeceptive and fair manner.

(d) It is not the Commission's intent to compel any seller or refractionist to disseminate information by virtue of this part. On the contrary, the provisions of this part are intended solely for the protection of those sellers and refractionists who want to disseminate information but have been restrained or prevented from advertising due to the prohibitions and restrictions of state and local laws and regulations, or be private action.

(e) In prohibiting the use of waivers and disclaimers of liability in § 456.7(d), it is not the Commission's intent to impose liability on a refractionist for the ophthalmic goods and services dispensed by another seller pursuant to that refractionist's prescription.

(f) In this part, the Rule, each subparagraph, and the Declaration of Commission Intent and their application are separate and severable.

By direction of the Commission dated May 24, 1978.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc. 78-15353 Filed 6-1-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS: GENERAL

[Docket No. 76P-00711]

PART 207—REGISTRATION OF PRODUCERS OF DRUGS AND LISTING OF DRUGS IN COMMERCIAL DISTRIBUTION

Notification of Registrant; Drug Establishment Registration Number and Drug Listing Number

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the drug regulations to permit reuse, after a specified time period, of the product code segment of a National Drug Code (NDC) number when a drug product is discontinued and to permit the omission of leading zeros from the numeric character code when an NDC number is used in the labeling of small containers. The amendment also indicates a change in the conditions that require the use of a new NDC number for a drug product. This action is based on a proposal that was issued in response to a petition by the Pharmaceutical Manufacturers Association. These revisions are intended to extend the usefulness of the present coding system, encourage voluntary use of the NDC number on labels of small containers, and clarify the changes in conditions requiring a new NDC number for a drug product.

EFFECTIVE DATE: July 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Mary Cooper, Bureau of Drugs (HFD-315), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Avenue, Room 1318, Silver Spring, Md. 20910, 301-427-8170.

SUPPLEMENTARY INFORMATION: In the *Federal Register* of April 28, 1976 (41 FR 17754), the Commissioner of Food and Drugs proposed to amend: § 207.35(b)(2)(ii) (21 CFR 207.35(b)(2)(ii)) to permit the reuse of the product code of a discontinued drug product; § 207.35(b)(3)(iv) (21 CFR 207.35(b)(3)(iv)) to permit the omission of leading zeros when the NDC number is imprinted directly on dosage forms or when a container is too small or otherwise unable to accommodate a label containing both required and optional labeling information; and § 207.35(b)(4) (21 CFR 207.35(b)(4)) to indicate a change in the conditions that require the use of a new NDC number for a drug product. The proposal was published in response to a petition submitted to the Food and Drug Administration (FDA) by the Pharmaceutical Manufacturers Association. Interested persons were invited to submit comments on the proposal on or before June 28, 1978.

After reexamining Part 207, the Commissioner has determined that the language providing for the reuse of a product code, originally proposed as a revision of § 207.35(b)(2)(ii), should be included in § 207.35(b)(4) instead. The Commissioner believes that paragraph (b)(4) of § 207.35, which pertains to the assignment of new NDC numbers by registrants to drug products, is the more appropriate paragraph. Also, the Commissioner advises that, for clarity, he is adding an-

other sentence to § 207.35(b)(4) to state that reuse of product codes, under the specified conditions, may occur regardless of the NDC number configuration used.

In response to the proposal, comments were received from a pharmacist, a professional organization, two trade associations, three manufacturers, and a health department of a State government. A summary of the substantive comments and the Commissioner's conclusions follow.

1. A comment in support of the proposed reuse of product codes suggested that a product code should not be reused until 5 years after expiration of the last manufactured batch, or 5 years after the last shipped batch, if there is no expiration date, whichever is longer.

The Commissioner agrees with the suggested waiting period of 5 years for reuse of the product code. This prohibition of use until 5 years after an expiration date, i.e., a date after which a product can no longer be sold, or 5 years after the last shipped batch if there is no expiration date, should provide ample assurance that the product is not available. The final rule is changed accordingly.

2. Another comment suggested that to help prevent the possibility of a patient being treated for either an overdose or an adverse drug reaction from a product within an entirely different therapeutic class, a product code should be reused only for drugs in the same general therapeutic class, e.g., a product code used for an antibiotic drug should be reassigned only to another antibiotic drug.

The Commissioner believes that adoption of the 5-year waiting period discussed in comment 1 obviates the need to restrict reuse of product codes to a certain type of drug product. Before allowing reuse of product codes, the 5-year period should assure that the product is out of commercial channels as well as out of the hands of consumers before any reused product code appears.

3. One comment stated that notice of each reused product code number should be sent to each interested party.

The Commissioner advises that the agency intends to publish a directory that will include a listing of new drug products, discontinued drug products, and changes in drug product code numbers. Although the first publication of the new directory does not include all these features, the agency intends to revise the directory annually and to include all this information. Each interested party then will have a single source for product code number information.

4. One comment objected to the reuse of product code numbers because permanent numbers assure accu-

rate and reliable sources of drug identification whenever accidental ingestion occurs.

The Commissioner believes that accurate and reliable sources of drug information will continue under reuse of product code numbers for the reasons stated in response to comments 1, 2, and 3.

5. One comment suggested that FDA assign additional labeler codes to manufacturers as an alternative to the reuse of product code numbers.

The Commissioner advises that assigning additional labeler codes would still involve using the product code segment of the NDC number a second time. Under this alternative not only would a product code be reused but more than one labeler code per manufacturer would exist. The Commissioner believes that assigning additional "Labeler Codes" could result in confusion to users of the NDC number system, especially poison control centers. The regulations do not preclude the use of the labeler's distinguishing mark ("company logo") when imprinting directly on dosage forms in the place of the NDC "Labeler Code." Thus, under the suggested alternative, for example, dosage forms may appear which could bear the same product code, the same "company logo," and which may be two entirely different products without a ready means of distinguishing them. The Commissioner concludes, therefore, that the public health and safety would be better served by rejecting this alternative.

6. Each comment regarding proposed § 207.35(b)(3)(iv) favored the provision to omit leading zeros from the numeric character code when the NDC number is used in labeling small containers. However, one comment suggested that the omission of leading zeros be permitted only after prior FDA approval and not at the discretion of the manufacturer or distributor.

The Commissioner disagrees with this comment. The primary standard necessary in determining whether to omit leading zeros is whether a container is too small or otherwise unable to accommodate a label containing both required and optional labeling information. The Commissioner believes that the manufacturer or distributor is capable of making this determination without prior FDA approval in each circumstance.

7. Another comment stated that proposed § 207.35(b)(3)(iv) implies that all 10 characters of the NDC number should be used to imprint solid dosage forms for purposes of identification.

The Commissioner advises that no such implication was intended. The final regulation is reworded to remove any ambiguity and to state clearly that leading zeros may be omitted from any segment of the NDC number in the specified cases.

8. Another comment agreed to the amendment provided manufacturers still have the option of using the labeler's distinguishing mark ("company logo"), when imprinted directly on dosage forms, in place of the labeler code.

The Commissioner advises that although he prefers use of the NDC labeler code, the regulations do not preclude the use of the labeler's distinguishing mark ("company logo"), when imprinted directly on dosage forms, in place of the NDC labeler code.

9. Several comments regarding the proposed revisions to § 207.35(b)(4), stated that a change in the legal marketing status, i.e., from prescription (Rx) to over-the-counter (OTC), is not a significant enough change to warrant a new NDC number. These comments stated that the proposal would result in frequent NDC number changes that would hinder poison control centers in identifying drug products. Other comments stated that a change from Rx to OTC or from OTC to Rx often does not result in a change in the actual drug product, i.e., the drug product is identical; therefore, the NDC number should remain identical. Several other comments regarding proposed § 207.35(b)(4) objected to requiring a new NDC number for a change in either the color of a drug product or an inactive ingredient that has a physiological effect. These comments stated that many color changes are insignificant in distinguishing drug products and that a new NDC number is not warranted for such changes. Many of these comments stated that the proposal would cause the manufacturer undue economic hardships; it would have to change, e.g., tablet punches, printing rolls, and catalogue listings. Some of these comments stated that changes in inactive ingredients that have a physiological effect are not significant enough changes to warrant a new NDC number.

After considering the comments, the Commissioner concludes that the proposal did not adequately indicate the types of changes that the agency may consider significant in distinguishing one product version from another and that further clarification is necessary.

The Commissioner believes the integrity of the NDC system should be maintained. He realizes that frequent changes in code numbers create numerous problems for those utilizing the code, including FDA. He also realizes that frequent changes in code numbers detract from optimum usage of the code. However, the Commissioner believes that any change in those drug product characteristics that clearly distinguish one drug product version from another should result in the assignment of a new product code to the clearly distinguished version.

While it is the responsibility of each registrant to determine for itself when a change in drug product characteristics results in a clearly distinguished version and, thus, requires the assignment of a new product code to the clearly distinguished version, the Commissioner offers the following as guidance. The Commissioner concludes that in at least five circumstances, i.e., change in: active ingredient(s); strength or concentration of active ingredient(s); dosage form; route of administration, if it also includes a change in product formulation; and product name, a new product code shall be assigned. In these five circumstances, the Commissioner advises, the product versions are clearly distinguishable; and a new NDC number is necessary in each case.

The Commissioner also concludes that although most changes in drug product characteristics result from changes made voluntarily by a manufacturer, from time to time, FDA may require such changes. For example, if an ingredient is determined to be unsafe and its use in drug products not permitted, each manufacturer would be required to reformulate its drug products containing such an ingredient. Thus, except for the five circumstances described above which require a new NDC number in each case, when FDA requires a change in drug product characteristics and the Commissioner determines there is a need to assign a new product code to the reformulated product, the Commissioner will announce in a FEDERAL REGISTER publication his determination regarding the required action that a new product code is necessary for such product changes. This publication will include the reasoning and justification for the Commissioner's determination (see 41 FR 26842, June 29, 1976, regarding chloroform).

In view of the preceding discussion, the Commissioner is revising proposed § 207.35(b)(4) to delete the naming of changes in inactive ingredients and legal status as examples of changes requiring assignment of a new product code in each circumstance.

10. Other comments suggested that the economic hardships related to frequent NDC number changes were ignored in the economic impact assessment used to support the proposed amendment.

As discussed in the response to comment 9, the Commissioner did not intend to require frequent NDC number changes. The proposed rule has been revised to clarify this intent. Therefore, the Commissioner concludes that because frequent NDC number changes will not be necessary, a revised economic impact assessment is not needed.

NOTE.—The Food and Drug Administration has determined that this document

does not contain an agency action that requires consideration of its environmental effects. Therefore, preparation of an environmental impact statement is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 502, 505, 507, 701, 52 Stat. 1041 as amended, 1050-1053 as amended, 1055-1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 321(n), 352, 355, 357, 371)) and under authority delegated to the Commissioner (21 CFR 5.1), Part 207 is amended in § 207.35 by revising paragraph (b)(2)(ii), (3)(iv), and (4) to read as follows:

§ 207.35 Notification of registrant; drug establishment registration number and drug listing number.

(2) * * *

(ii) The last five numeric characters of the 10-character code identify the drug and the trade package size and type. The segment which identifies the drug formulation is known as the Product Code and the segment which identifies the trade package size and type is known as the Package Code. The Product Code and the Package Code shall be assigned by the manufacturer or distributor prior to drug listing and included in Form FD-2657 (Drug Product Listing). Either of two methods may be used by the manufacturer or distributor in assigning the Product and Package Codes: a 3-2 Product-Package Code configuration (e.g., 542-12) or a 4-1 Product-Package Code configuration (e.g., 5421-2). Only one such Product-Package Code configuration may be used by a manufacturer or distributor with a given Labeler Code and this same configuration shall be used in assigning the Product-Package Codes for all drugs included in the drug listing. The manufacturer or distributor shall report to the Food and Drug Administration the Product-Package Code configuration used in assigning these codes:

(3) * * *

(iv) All 10 characters shall appear and the leading zeros in any segment of the NDC number shall be shown: *Provided, however*, That when the NDC number is used for product identification by direct imprinting on dosage forms or in the case of containers too small or otherwise unable to accommodate a label with sufficient space to bear both required and optional labeling information, leading zeros may be omitted from any segment of the NDC number.

(4)(i) If any change occurs in those product characteristics that clearly

distinguish one drug product version from another, a new NDC number shall be assigned by the registrant to the new product version and that information submitted to the Food and Drug Administration. Such a change shall include, but not be limited to, a change in: active ingredient(s); strength or concentration of active ingredient(s); dosage form; route of administration, if it also includes a change in product formulation; and product name. If, by FEDERAL REGISTER publication, the Food and Drug Administration requires a change in drug product characteristics and determines the change will require assignment of a new product code to the reformulated product, the Food and Drug Administration shall announce its determination in the FEDERAL REGISTER publication that requires the change and shall include its reasoning and justification for such determination. If a change in packaging only is involved, the trade package code may be revised without assigning a new product code segment, but the Food and Drug Administration shall be informed about the new trade package code and characteristics.

(ii) When a drug product has been discontinued, its product code may be reassigned to another drug product 5 years after the expiration date of the discontinued product, or, if there is no expiration date, 5 years after the last shipment of the discontinued product into commercial distribution. Reuse of product codes may occur, under the specified conditions, regardless of the NDC, Product Code, and Package Code configuration used.

Effective date. This regulation is effective July 3, 1978.

(Secs. 201(n), 502, 505, 507, 701, 52 Stat. 1041 as amended, 1050-1053 as amended, 1055-1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 321(n), 352, 355, 357, 371).)

Dated: May 22, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-15067 Filed 6-1-78; 8:45 am]

[4110-03]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

Amoxicillin Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The animal drug regulations are amended to reflect approval

of a new animal drug application (NADA) submitted by Beecham Laboratories, providing for use of amoxicillin tablets to treat cats for infections of the upper respiratory tract, genitourinary tract, gastrointestinal tract, and skin and soft tissue.

EFFECTIVE DATE: June 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert A. Baldwin, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Beecham Laboratories, Division of Beecham, Inc., Bristol, Tenn. 37620, submitted NADA 55-081V that provides for the use of amoxicillin trihydrate tablets in treating cats for those conditions mentioned above. Beecham currently holds an approval for use of this drug in dogs. This approval extends use of the drug to cats and imposes a further limitation on the length of time that the drug may be administered to both animals. In addition, the format of the existing conditions of use for this drug is editorially revised.

In accordance with the freedom of information regulations and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)) of the animal drug regulations, a summary of the safety and effectiveness data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347 and 350 (21 U.S.C. 360b (i) and (n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), § 540.103a is amended by revising paragraph (c)(3) to read as follows:

§ 540.103a Amoxicillin trihydrate film-coated tablets.

(c) * * *

(3) *Conditions of use*—(i) *Dogs*—(a) *Amount:* 5 milligrams per pound of body weight, twice a day.

(b) *Indications for use.* It is used for the treatment of infections of the respiratory tract (tonsillitis, tracheobronchitis), genitourinary tract (cystitis), gastrointestinal tract (bacterial gastroenteritis), and soft tissues (abscesses, lacerations, wounds), caused by susceptible strains of *Staphylococcus*

aureus, *Streptococcus* spp., *Escherichia coli*, *Proteus mirabilis*, and bacterial dermatitis caused by *Staphylococcus aureus*, *Streptococcus* spp., and *Proteus mirabilis*.

(c) *Limitations.* Administer for 5 to 7 days or 48 hours after all symptoms have subsided. If no improvement is seen in 5 days, review diagnosis and change therapy. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(i) *Cats*—(a) *Amount:* 50 milligrams (5 to 10 milligrams per pound of body weight) once a day.

(b) *Indications for use.* It is used in the treatment of infections caused by susceptible organisms as follows: upper respiratory tract due to *Staphylococcus aureus*, *Streptococcus* spp., and *Escherichia coli*; genitourinary tract (cystitis) due to *Staphylococcus aureus*, *Streptococcus* spp., *Escherichia coli*, and *Proteus mirabilis*; gastrointestinal tract due to *Escherichia coli*; and skin and soft tissue (abscesses, lacerations, and wounds) due to *Staphylococcus aureus*, *Streptococcus* spp., *Escherichia coli*, and *Pasteurella multocida*.

(c) *Limitations.* Administer for 5 to 7 days or 48 hours after all symptoms have subsided. If no improvement is seen in 5 days, review diagnosis and change therapy. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date: June 2, 1978.

(Sec. 512 (i) and (n), 82 Stat. 347 and 350 (21 U.S.C. 360b (i) and (n))).

Dated: May 24, 1978.

FRED J. KINGMA,
Acting Director, Bureau of
Veterinary Medicine.

[FR Doc. 78-15277 Filed 6-1-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-4179]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National

Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), administered by the Federal Insurance Administration, enables property owners to purchase flood insurance at rates made affordable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administration has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administration finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 1914.6 is amended by adding in alphabetical sequence new entries to the table.

§ 191.4.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
New York	Clinton	Saranac, town of	May 9, 1978, emergency	Apr. 18, 1975	360171
Ohio	Putnam	Kalida, village of	do	Mar. 1, 1974	390471-B
Oklahoma	Nowata	South Coffeyville, town of	do	June 25, 1976	400411
Oregon	Marion	Gates, city of	do	July 2, 1976	410159
Pennsylvania	Delaware	Bethel, township of	do	Jan. 24, 1975	421606
Ohio	Van Wert	Middle Point, village of	May 8, 1978, emergency	do	390841
Alabama	Lawrence	Courtland, town of	Apr. 17, 1978 suspension withdrawn	Mar. 8, 1974 and July 2, 1976	010141-B
Connecticut	Hartford	East Windsor, town of	do	Nov. 16, 1973 and Aug. 13, 1976	090027-B
Do	Fairfield	Norwalk, city of	do	Oct. 25, 1974	090012-A
Florida	Broward	Hillsboro Beach, town of	do	Jan. 9, 1974 and Jan. 30, 1976	120040-B
Georgia	Dougherty	Unincorporated areas	do	Mar. 3, 1976	130074-A
Idaho	Blaine	Hailey, city of	do	Dec. 7, 1973 and Oct. 29, 1976; Aug. 23, 1977	160022-C
Illinois	Cook	Harvey, city of	do	June 28, 1974 and Aug. 13, 1978	170100-B
Do	Kankakee	Kankakee, city of	do	Jun. 28, 1974 and Aug. 20, 1978	170339-B
Maryland	Washington	Hagerstown, city of	do	May 10, 1974 and May 21, 1976	270074-B
Minnesota	Goodhue	Unincorporated areas	do	do	270140-A
Do	Hennepin	Maple Grove, city of	do	Mar. 22, 1974 and Sept. 24, 1976	270169-B
Do	Nicollet	St. Peter, city of	do	June 21, 1974 and June 11, 1978	270317-B
Mississippi	Monroe	Amory, city of	do	Jan. 18, 1974 and Oct. 24, 1974	280116-B
Do	Sunflower	Moorhead, city of	do	May 10, 1974	280186-B
New Jersey	Union	Elizabeth, city of	do	May 22, 1970 and May 8, 1971	345523-C
Do	Essex	Fairfield, borough of	do	June 15, 1973	345295-A
Do	Bergen	North Arlington, borough of	do	Mar. 29, 1974	340055-B
Do	Passaic	Prospect Park, borough of	do	May 3, 1974	340406-B
North Carolina	Durham, Orange, and Chatham	Chapel Hill, town of	do	June 21, 1974 and June 18, 1978	370180-C
Do	Halifax	Roanoke Rapids, city of	do	Mar. 8, 1974	370117-A
Do	New Hanover	Wilmington, city of	do	Mar. 1, 1974	370171-A
Pennsylvania	Butler	Butler, city of	do	May 24, 1974 and Apr. 9, 1976	420312-B
Do	Lancaster	Elizabethtown, borough of	do	Jan. 23, 1974 and Apr. 16, 1976	420550-B
Do	Mercer	Farrell, city of	do	June 28, 1974 and June 18, 1978	420673-B
Do	Westmoreland	Jeannette, city of	do	June 14, 1974 and July 9, 1978	420882-B
Do	Lehigh	Lower Milford, township of	do	Oct. 18, 1974	421039-A
Do	Jefferson	Reynoldsville, borough of	do	Jan. 9, 1974 and June 11, 1976	420513-B
Do	Bucks	Riegelsville, borough of	do	Feb. 20, 1973 and May 14, 1978	420201-B
Do	Snyder	Monroe, township of	do	Feb. 1, 1974 and Feb. 7, 1976	421020-B
Do	McKean	Smethport, borough of	do	Dec. 28, 1973 and May 28, 1976	420672-B
Do	Chester	Tredyffrin, township of	do	Dec. 28, 1973	420291-A
Oregon	Tillamook	Garibaldi, city of	do	Apr. 17, 1978	410280-A
Do	Clatsop	Hammond, town of	do	June 28, 1974 and Nov. 28, 1975	410031-B
Do	Lincoln	Lincoln City, city of	do	Nov. 8, 1974 and Mar. 4, 1977	410120-A
Montana	Blaine and Phillips	Fort Belknap Indian Community	Apr. 25, 1978, emergency	do	300180-new
North Dakota	Richland	Walcott, township of	Apr. 28, 1978, emergency	do	390785
Ohio	Williams	Unincorporated areas	do	Jan. 27, 1978	190378
Iowa	Fayette	Fayette, city of	Apr. 27, 1978, emergency	May 28, 1976	230210-A
Maine	Sagadahoc	Woolwich, town of	Apr. 19, 1978, emergency	Feb. 4, 1977	300155
Montana	Lake	Unincorporated areas	do	Mar. 28, 1978	380339-new
North Dakota	Barnes	do	do	Nov. 5, 1978 and Mar. 10, 1978	360873-A
New York	Warren	Hague, town of	do	do	410281
Oregon	Washington	Cornelius, city of	do	Nov. 5, 1976	421115
Pennsylvania	Berks	Tulpehocken, township of	do	Nov. 8, 1974	470094-A
Tennessee	Unicoi	Erwin, city of	Apr. 20, 1978, emergency	Dec. 17, 1976	560094-new
Wyoming	Teton	Unincorporated areas	Apr. 19, 1978, emergency	do	120331
Florida	Jefferson	do	Apr. 21, 1978, emergency	Dec. 2, 1977	100014-A
Delaware	Kent	Lepsic, town of	do	Aug. 9, 1974 and Jan. 9, 1976	400386
Oklahoma	Roger Mills	Hammon, town of	do	Aug. 13, 1978	400413
Do	LeFlore	Spiro, town of	do	Oct. 1, 1976	450094
South Carolina	Greenwood	Unincorporated areas	do	Jan. 20, 1978	260254-B
Michigan	Huron	Lake, township of	Jan. 30, 1974, emergency; Apr. 3, 1978, regular; Apr. 3, 1978, suspended; Apr. 19, 1978, reinstated	Jan. 31, 1975	do

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Ohio	Portage	Kent, city of	Mar. 2, 1973, emergency; Mar. 2, 1978, regular; Mar. 15, 1978, suspended; Apr. 17, 1978, reinstated	Oct. 28, 1973 and July 30, 1976	390456-B
Delaware	Kent	Unincorporated areas	Mar. 15, 1978, suspension withdrawn	June 27, 1975	100001-A
Louisiana	East Baton Rouge Parish	Baker, city of	do	Sept. 9, 1970	225193-A
Do	Jefferson Parish	Unincorporated areas	do	Oct. 13, 1971 and July 9, 1976	225199-B
Maryland	Ottawa	Baltimore, city of	do	June 28, 1976	240087-A
Michigan	Ottawa	Ferrysburg, city of	do	June 28, 1974 and Aug. 6, 1976	260184-B
Do	Berrien	Lincoln, township of	do	July 26, 1974 and Dec. 5, 1975	260037-B
Do	Oceans	Pentwater, township of	do	June 21, 1974 and July 2, 1976	260183-B
Mississippi	Leflore	Sidon, town of	do	Aug. 2, 1974	280106-B
Do	Carroll	Valden, town of	do	June 7, 1974 and Feb. 20, 1976	280029-B
Ohio	Lucas	Oregon, city of	do	Aug. 1, 1975 and Dec. 19, 1975	390361-B
Oklahoma	Rogers	Claremore, city of	do	Aug. 28, 1971 and Oct. 3, 1975	405375-C
Do	Stephens	Comanche, city of	do	Dec. 28, 1971 and Sept. 26, 1975	405376-C
Do	Payne	Stillwater, city of	do	June 22, 1973 and Jan. 9, 1976	405380-A
South Dakota	Brown	Groton, city of	do	July 11, 1975	460179-A
Texas	Jefferson	Beaumont, city of	do	Sept. 2, 1970 and Nov. 14, 1975	485457-A
Do	Harris	El Lago, city of	do	July 2, 1971 and July 11, 1975	485466-B
Do	Galveston	Unincorporated areas	do	Apr. 8, 1977	4854709-B
Do	Dallas	Grand Prairie, city of	do	July 6, 1973 and Sept. 10, 1976	485472-A
Do	Cameron	Harlingen, city of	do	July 13, 1972 and Oct. 17, 1975	485477-A
Do	Brazoria	Hillcrest Village, city of	do	Mar. 18, 1972 and Apr. 11, 1975	485478-B
Do	Galveston	Hitchcock, city of	do	Nov. 17, 1970 and Oct. 31, 1975	485479-C
Do	Kleberg	Kingsville, city of	do	Oct. 9, 1970 and Feb. 26, 1971 and Nov. 21, 1975	480424-B
Do	Galveston	League City, city of	do	June 5, 1970 and June 17, 1977	485488-B
Do	Harris	Nassau Bay, city of	do	Nov. 17, 1970 and Sept. 5, 1975	485491-D
Do	Brazoria	Oyster Creek, village of	do	May 8, 1971 and Nov. 19, 1976	481255-B
Do	Harris	Webster, city of	do	May 19, 1972 and July 1, 1974	485516-A
Do	Wilson	Unincorporated areas	do	Mar. 15, 1978	480230-A
Virginia	Roanoke	Vinton, town of	do	July 19, 1974 and May 21, 1976	410131-B
Wisconsin	Marinette	Marinette, city of	do	Mar. 15, 1978	550261-B
Do	Wood	Unincorporated areas	do	Mar. 15, 1978	550513
Oregon	Sherman	Wasco, city of	Apr. 24, 1978, emergency	Oct. 22, 1975	410195
South Dakota	Marshall	Veblen, city of	do	Apr. 25, 1975	460146

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17304, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

(FR Doc. 78-14246 Filed 6-1-78; 8:45 am)

[4210-01]

[Docket No. FI-4176]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National

Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from

any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), administered by the Federal Insurance Administration, enables property owners to purchase flood insurance at rates made affordable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
North Dakota	Cass	Warren, township of	Feb. 20, 1978, emergency		380265
Washington	Skamania	Stevenson, town of	do	Apr. 23, 1978	530181
Nebraska	Cedar	Hartington, city of	Feb. 22, 1978, emergency	Sept. 28, 1975	310378
Tennessee	Bedford	Beil Buckle, town of	do	June 14, 1974	470007-A
Kentucky	Bullitt	Lebanon Junction, city of	Feb. 23, 1978, emergency	Mar. 15, 1974 and June 18, 1976	210304-B
North Carolina	Wilkes	Ronda, town of	do	Sept. 8, 1974 and May 14, 1976	370258-A
Ohio	Henry	Unincorporated areas	Feb. 27, 1978, emergency	Nov. 25, 1977	390776
Oklahoma	Garvin	Maysville, town of	do	Dec. 17, 1976	400402
Texas	Paducah	Paducah, city of	do	June 27, 1978	480771
Tennessee	White	Sparta, city of	Mar. 14, 1974, emergency; Nov. 2, 1977, regular; Nov. 2, 1977, suspended; Feb. 20, 1978, reinstated	June 28, 1974 and Apr. 2, 1976	470203-A
Maine	Washington	Alexander, town of	Mar. 2, 1978, emergency	Dec. 6, 1974 and Nov. 12, 1976	230303-A
South Dakota	Brule	Chamberlain, city of	do	June 25, 1976 and Mar. 4, 1977	480164-A
California	Kern	California City, city of	Mar. 6, 1978, emergency	Apr. 15, 1977	060440-A
Michigan	Gogebic	Ironwood, township of	do	Mar. 11, 1977	280403
Ohio	Licking	Pataskala, village of	do	Oct. 8, 1976	390338
North Dakota	Pembina	Pembina, city of	June 18, 1971, emergency; Apr. 30, 1977, regular; Nov. 2, 1977, suspended; Feb. 23, 1978, reinstated	June 20, 1970	385368-C
Do	Cass	Mapleton, township of	Mar. 8, 1978, emergency		380282
Texas	Midland	Unincorporated areas	do	Jan. 3, 1978	481239
Iowa	Crawford	Charter Oak, city of	Mar. 9, 1978, emergency	June 4, 1976	190094
Michigan	Eaton	Pottersville, city of	do		280710-new
Colorado	Jefferson	Lakewood, city of	Feb. 23, 1978, suspension withdrawn	July 21, 1972	08575-A
Michigan	Washtenaw	Ypsilanti, township of	Mar. 20, 1978, emergency	Apr. 8, 1977	260542-A
Missouri	St. Charles	Lake St. Louis, city of	do		290868-new
New Hampshire	Cheshire	Jaffrey, town of	do	Jan. 24, 1975	330215
North Dakota	Cass	Normanna, township of	do		380323-new
Ohio	Pickaway	Unincorporated areas	do		390445
Pennsylvania	Huntingdon	Logan, township of	do	Dec. 6, 1974	421894
Maryland	Worcester	Berlin, town of	Mar. 21, 1978, emergency	Jan. 21, 1977	240141-A
Ohio	Columbiana	Salineville, village of	do	Jan. 27, 1978	390628
North Dakota	Sioux	Unincorporated areas	do		380321-new
Montana	Wibaux	do	Mar. 22, 1978, emergency		300173
North Dakota	Cass	Relle's Acres, city of	do		380324-new
Iowa	Linn	Lisbon, city of	Mar. 23, 1978, emergency	Mar. 19, 1976	190607
Montana	Carbon	Unincorporated areas	do		300139
North Dakota	Cass	Durbin, township of	do		380325-new
Do	Golden Valley	Unincorporated areas	do		380326-new
Do	Cass	Harwood, township of	do		380259
Do	Oliver	Unincorporated areas	do		380077
Pennsylvania	Allegheny	North Fayette, township of	do	Sept. 20, 1974 and June 18, 1976	421085-A
Do	Bucks	Hulmeville, borough of	Aug. 16, 1973, emergency; Sept. 30, 1977, regular; Oct. 1, 1977, suspended; Mar. 15, 1978, reinstated	Feb. 1, 1974	420190-A
Florida	Union	Lake Butler, city of	Mar. 24, 1978, emergency		120595-new
Montana	Phillips	Unincorporated areas	do	Feb. 7, 1978	300162-A
North Dakota	Dunn	Dodge, city of	Mar. 20, 1978, emergency	Apr. 25, 1975	380027
Do	Golden Valley	Sentinel Butte, city of	do		380329-new
Do	Slope	Unincorporated areas	do		380330-new
Ohio	Madison	do	do		390773
North Dakota	Morton	Almont, city of	Mar. 21, 1978, emergency		380331-new
Do	Ransom	Fort Ransom, city of	do		380332-new
Do	Cass	Pleasant, township of	do		380283
Ohio	Ottawa	Genoa, village of	do	July 18, 1975	390612
Oklahoma	Wagoner	Coweta, city of	do	June 4, 1976	400216
South Dakota	Brown	Westport, town of	do		460011
Ohio	Franklin	Obetz, village of	Mar. 23, 1978, emergency	Feb. 15, 1974	390176-A

FEDERAL REGISTER, VOL. 43, NO. 107—FRIDAY, JUNE 2, 1978

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Michigan	Genesee	Penton, township of	Mar. 24, 1978, emergency	Apr. 1, 1977	260394-A
Montana	Hill	Unincorporated areas	do	Feb. 21, 1978	300153
Do	Valley	do	do	do	300171
New Hampshire	Sullivan	Croydon, town of	do	Nov. 29, 1974	330156
New York	Livingston	Leicester, town of	do	Oct. 18, 1974 and Aug. 20, 1976	361285-A
North Dakota	Adams	Unincorporated areas	do		380333-new
Do	Logan	Gackle, city of	do		380334-new
Do	Cass	Gardner, township of	do		380266
Do	do	Noble, township of	do		380268
Do	do	Raymond, township of	do		380261
Oklahoma	Garvin	Wynnewood, city of	do	Oct. 29, 1976	400251
New York	Suffolk	Shelter Island, town of	Aug. 31, 1973, emergency; May 3, 1974, regular; Feb. 21, 1978, suspended; Mar. 27, 1978, reinstated	May 31, 1974 and July 30, 1976	360809-B
Montana	Fallon	Unincorporated areas	Mar. 24, 1978, emergency		300149
Maine	Lincoln	Dresden, town of	Mar. 28, 1973, emergency	Sept. 20, 1974 and Dec. 3, 1976	230084-A
Montana	Wheatland	Unincorporated areas	do		300172
North Dakota	Ward	Kenmare, township of	do	May 2, 1975	380234
Do	Walsh	Unincorporated areas	do		380135
Pennsylvania	Cambria	Portage, township of	do	Jan. 13, 1978	421444
South Dakota	Spink	Unincorporated areas	do	Jan. 10, 1978	460076-A
California	Los Angeles	Avalon, city of	Mar. 29, 1978, emergency	Oct. 8, 1976	060098
Florida	Holmes	Unincorporated areas	do	June 17, 1977	120420
Idaho	Boise	Idaho City, city of	do	Dec. 24, 1976	160222
New York	Fulton	Caroga, town of	do	Nov. 8, 1974 and June 25, 1976	361129-A
North Carolina	Caldwell	Lenoir, city of	do	Dec. 3, 1976	370261
Do	Yancey	Unincorporated areas	do		370261
Pennsylvania	Cambria	Brownstown, borough of	do		422654-new
Massachusetts	Dukes	West Tisbury, town of	do	Feb. 14, 1975	250074
North Dakota	Trail	Viking, township of	Mar. 30, 1978, emergency		380322-new
Ohio	Trumbull	Lordstown, village of	Mar. 31, 1978, emergency	Jan. 13, 1978	390812
Do	Van Wert	Ohio City, village of	do		390869-new
Pennsylvania	Monroe	Hamilton, township of	do	Nov. 22, 1974	421888
Montana	Phillips	Saco, town of	do		300055
Do	Sweet Grass	Unincorporated areas	Apr. 4, 1978, emergency		300167
Colorado	Adams	Commerce City, city of	Apr. 11, 1974, emergency; Feb. 15, 1978, regular; Feb. 20, 1978, suspended; Apr. 3, 1978, reinstated	June 28, 1974 and July 11, 1975	080006-B
Minnesota	Brown	Unincorporated areas	Jan. 28, 1972, emergency; Aug. 15, 1977, regular; Aug. 15, 1977, suspended; Apr. 3, 1978, reinstated	Aug. 15, 1977	270034
Virginia	Campbell	Brookneal, town of	Jan. 15, 1974, emergency; Mar. 1, 1978, regular; Mar. 1, 1978, suspended; Mar. 28, 1978, reinstated	May 17, 1974	510030-B
Nebraska	Colfax	Unincorporated areas	Mar. 31, 1978, emergency	July 26, 1977	310426
Michigan	Houghton	Chassell, township of	Apr. 13, 1978, emergency	Feb. 4, 1977	260411-A
Ohio	Van Wert and Paudling	Scott, village of	Apr. 10, 1978, emergency		390857
California	Los Angeles	LaCanada Plintridge, city of	do		060669
Iowa	Emmet	Unincorporated areas	Apr. 11, 1978, emergency	May 17, 1977	190865-A
Maine	Sagadahoc	Georgetown, town of	do	Jan. 28, 1977	230209-A
Montana	Ravalli	Unincorporated areas	do		300061
Do	Teton	do	do	Nov. 22, 1977	300168-A
Do	do	Choteau, city of	do	May 13, 1977	300097-A
North Dakota	Cass	Berlin, township of	do		380620
Do	Foster	Carrington, city of	do	May 28, 1976 and Mar. 7, 1978	380218
Do	Cass	Harwood, city of	do		380338-new
Do	Barnes	Litchville, city of	do	Jan. 17, 1975	380187
Do	McHenry	Willow Creek, township of	do		380337-new
Mississippi	Hinds	Terry, town of	Mar. 27, 1975, emergency; Apr. 3, 1978, regular; Apr. 7, 1978, reinstated	Feb. 1, 1974 and Feb. 20, 1976	280073-B
Montana	Fergus	Unincorporated areas	Apr. 13, 1978, emergency		300019
Pennsylvania	Wyoming	Clinton, township of	do	Nov. 29, 1974 and Mar. 19, 1976	422197
Do	York	York Haven, borough of	do	Jan. 23, 1974 and Mar. 19, 1976	420946-A
Montana	Golden Valley	Unincorporated areas	Apr. 14, 1978, emergency		300152
New York	Clinton	Chazy, town of	do	Aug. 5, 1977	861310
Colorado	Alamosa	Unincorporated areas	Jan. 19, 1978, suspension withdrawn	Aug. 2, 1974	080009
Georgia	Lowndes	Valdosta, city of	do	Mar. 29, 1974 and Mar. 26, 1978	130200-A
Kansas	Leavenworth	Leavenworth, city of	do	Nov. 28, 1973	200190
Michigan	Berrien	Royalton, township of	do	June 21, 1974 and June 25, 1976	260043-A
Missouri	St. Louis	Fenton, city of	do	May 17, 1974	290350
Do	do	Ferguson, city of	do	Sept. 14, 1973 and June 18, 1976	290351-A
New Jersey	Somerset	Warren, township of	do	Jan. 16, 1974	340446
Pennsylvania	Schuylkill	Port Carbon, borough of	do	Mar. 23, 1973 and Oct. 1, 1976	420783-A

FEDERAL REGISTER, VOL. 43, NO. 107—FRIDAY, JUNE 2, 1978

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State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Washington	Pacific	Unincorporated areas	do	Oct. 25, 1974	530126
West Virginia	Logan	Mitchell Heights, town of	do	Aug. 17, 1971	540095-A
New Hampshire	Rockingham	Nottingham, town of	Feb. 13, 1978, emergency	June 28, 1974 and Nov. 19, 1976	330137-A
Texas	Ellis	Ennis, city of	do	June 28, 1974 and Dec. 10, 1976	480207-A
Florida	Okaloosa	Shalimar, town of	Feb. 15, 1978, emergency	do	120579
North Dakota	Grand Forks	Emerado, city of	Feb. 17, 1978, emergency	Sept. 10, 1976	380034
Do	Ransom	Unincorporated areas	do	do	380089
Colorado	Arapahoe	Greenwood Village, city of	Mar. 16, 1976, emergency; Jan. 5, 1978, regular; Jan. 19, 1978, suspended; Feb. 20, 1978, reinstated	Dec. 27, 1974	080195-A
New Jersey	Hudson	East Newark, borough of	Apr. 21, 1975, emergency; Sept. 30, 1977, regular; Dec. 12, 1977, suspended; Feb. 7, 1978, reinstated	June 28, 1974 and June 11, 1976	340219-B
Ohio	Ottawa	Port Clinton, city of	Apr. 5, 1973, emergency; Sept. 30, 1977, regular; Dec. 19, 1977, suspended; Jan. 30, 1978, reinstated	Feb. 8, 1974	390434-B
Colorado	Jefferson	Wheat Ridge, city of	Feb. 20, 1978, suspension withdrawn	May 28, 1972	085079-A
Delaware	Sussex	Unincorporated areas	do	Dec. 13, 1974	100029-A
Florida	Broward	Tamarac, city of	do	June 21, 1974	120058-A
Georgia	Richmond	Augusta, city of	do	May 24, 1974 and Aug. 20, 1978	130159-A
Illinois	Stephenson	Unincorporated areas	do	Dec. 27, 1974	170639
Michigan	Ottawa	Grand Haven, city of	do	June 28, 1974 and Aug. 1, 1975	260269-A
Do	do	Spring Lake, township of	do	June 28, 1974 and May 21, 1976	260281-A
Do	Iosco	Tawas, city of	do	May 31, 1974 and June 18, 1976	260102-A
Minnesota	Hennepin and Wright	Dayton, city of	do	Jan. 4, 1974 and Oct. 15, 1976	270157-A
Nebraska	Cass	Nehawka, city of	do	Sept. 6, 1974 and Nov. 28, 1975	310032-A
Do	Sarpy	Springfield, city of	do	May 3, 1974 and Nov. 28, 1975	310194-A
New Jersey	Atlantic	Absecon, city of	do	June 28, 1974	340001-B
Do	do	Atlantic City, city of	do	June 18, 1971	345278-B
Do	Cape May	Avalon, borough of	do	Apr. 17, 1970 and Oct. 31, 1975	345279-A
Do	Ocean	Beach Haven, borough of	do	June 17, 1970	345282-B
Do	do	Bay Head, borough of	do	Aug. 17, 1971 and Mar. 19, 1976	345281-C
Do	Atlantic	Brigantine, city of	do	May 15, 1970	345286-A
Do	Cape May	Cape May City, city of	do	Aug. 7, 1970	345288-A
Do	do	Cape May Point, borough of	do	July 1, 1970	345289-B
Do	Cumberland	Downe, township of	do	Apr. 20, 1973 and June 25, 1976	340167-A
Do	Ocean	Dover, township of	do	Oct. 23, 1970	345293-B
Do	do	Lavallette, borough of	do	June 11, 1971	340379-C
Do	Monmouth	Little Silver, borough of	do	Aug. 31, 1973 and Aug. 27, 1976	340305-A
Do	do	Long Branch, city of	do	May 31, 1974	340307-A
Do	Atlantic	Longport, borough of	do	Aug. 12, 1970	345302-A
Do	Somerset	Manville, borough of	do	Apr. 13, 1973 and Dec. 24, 1976	340437-A
Do	Atlantic	Margate, city of	do	June 18, 1971	345304-B
Do	Union	Plainfield, city of	do	June 28, 1971	345312-B
Do	Suffolk	Asharoken, village of	do	Aug. 20, 1971	365333-B
New York	Westchester	Briarcliff Manor, village of	do	June 28, 1974 and Apr. 9, 1976	360904-B
Do	Suffolk	Brookhaven, town of	do	Jan. 15, 1971	365334-B
Do	Erie	East Aurora, village of	do	July 20, 1973	365335-A
Do	Ontario	Geneva, town of	do	July 28, 1974 and July 16, 1976	360600-A
Do	Monroe	Hamlin, town of	do	Jan. 23, 1974 and May 14, 1978	360418-B
Do	Cattaraugus	Little Valley, village of	do	May 31, 1974 and Apr. 30, 1978	360082-A
Do	Livingston	Livonia, town of	do	Mar. 8, 1974 and Apr. 30, 1976	360386-B
Do	Nassau	Long Beach, city of	do	July 1, 1972 and Oct. 24, 1975	365338-A
Do	Suffolk	Lloyd Harbor, village of	do	Apr. 12, 1974 and Sept. 24, 1976	360799-A
Do	Oswego	Richland, town of	do	July 26, 1974 and June 4, 1976	360660-A
Do	Nassau	Sea Cliff, village of	do	Feb. 1, 1974 and Apr. 30, 1976	360493-A
Do	Wayne	Sodus, town of	do	Aug. 16, 1974 and Oct. 8, 1976	360898-A
Do	Steuben	Urbana, town of	do	May 10, 1974	360783-A
Do	Oneida	Whitesboro, village of	do	Feb. 22, 1974 and May 21, 1976	360566-A
Do	Niagara	Wilson, town of	do	May 17, 1974 and July 23, 1978	360514-A

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
North Carolina	Gaston	Castonia, city of	do	June 21, 1974 and Aug. 20, 1976	370100-A
Do	do	do	do	Apr. 12, 1974 and Aug. 13, 1976	370257-A
Oregon	Polk	Unincorporated areas	do	Feb. 7, 1975	410186
Pennsylvania	Erie	Corry, city of	do	Apr. 12, 1974 and Aug. 27, 1976	420447-A
Do	York	Fairview, township of	do	Feb. 22, 1974	420923
Do	Cumberland	Hampden, township of	do	May 3, 1974	420360
Do	Mifflin	Newton-Hamilton, borough of	do	June 28, 1974 and Apr. 23, 1976	420689-A
Do	Berks	Kenhorst, borough of	do	Nov. 5, 1976	420135-A
Do	Bucks	Sellersville, borough of	do	Mar. 8, 1974	420203
Do	Crawford	Titusville, city of	do	May 31, 1974 and Jan. 30, 1976	420354-A
Do	Mercer	Wheatland, borough of	do	July 19, 1974 and July 30, 1976	420681-A
Do	Bradford	Wysox, township of	do	July 26, 1974 and July 9, 1976	420977-A
Tennessee	Williamson	Brentwood, city of	do	Nov. 30, 1973	470205
Washington	Cowlitz & Clark	Woodland, city of	do	Nov. 2, 1973 and June 11, 1976	530035-A
West Virginia	Harrison	Clarksburg, city of	do	Dec. 28, 1973 and Mar. 26, 1976	540056-A
Connecticut	Hartford	Wethersfield, town of	Mar. 1, 1978, suspension withdrawn	May 11, 1973	690040-A
Florida	Palm Beach	Palm Springs, village of	do	Mar. 15, 1974 and June 11, 1976	120223-B
Georgia	Fulton	Alpharetta, city of	do	June 14, 1974 and Oct. 17, 1975	130084-B
Illinois	Kankakee	Bradley, village of	do	Mar. 1, 1974 and Apr. 16, 1976	170338-B
Iowa	Lee	Keokuk, city of	do	Jan. 23, 1974 and Apr. 23, 1976	190185-B
Kansas	Montgomery	Coffeyville, city of	do	May 3, 1974 and Nov. 21, 1975	200282-A
Do	Edwards	Kinsley, city of	do	May 17, 1974 and Oct. 3, 1975	200092-B
Louisiana	Iberville	Grosse Tete, village of	do	Feb. 1, 1974 and Nov. 14, 1975	220084-B
Maryland	Washington	Funkstown, town of	do	Mar. 6, 1974 and Jan. 28, 1976	340073-B
Massachusetts	Berkshire	Pittsfield, city of	do	May 10, 1974 and Jan. 7, 1977	350037-B
Missouri	St. Francois	Flat River, city of	do	Apr. 20, 1973	365264-A
Do	Gasconade	Hermann, city of	do	May 3, 1974 and Nov. 7, 1975	360141-B
Do	St. Louis	Ladue, city of	do	Mar. 15, 1974 and Sept. 12, 1975	390263-B
Do	do	Maplewood, city of	do	Nov. 23, 1973	295266
Do	Monroe	Paris, city of	do	Apr. 5, 1974	290241
Do	Cass	Pleasant Hill, city of	do	Sept. 15, 1972	295269-A
Do	Crawford	Steelville, city of	do	Sept. 13, 1974	290114-B
Do	St. Louis	Times Beach, city of	do	Jan. 9, 1974	290388
Mississippi	Monroe	Aberdeen, city of	do	Jan. 23, 1974 and June 18, 1976	280115-B
Nebraska	Platte	Columbus, city of	do	June 29, 1973	315272-A
New Jersey	Union	Berkeley Heights, township of	do	May 24, 1974 and July 30, 1976	340459-B
Do	Somerset	Bernardsville, borough of	do	Dec. 28, 1973	340429-A
Do	Monmouth	Sea Bright, borough of	do	Oct. 14, 1971	345317-A
Do	Cape May	Cape Isle, city of	do	July 17, 1970	345318-B
Do	Ocean	Seaside Park, borough of	do	Aug. 17, 1971	345319-C
Do	do	Ship Bottom, borough of	do	May 26, 1970	345320-A
Do	Cape May	Stone Harbor, borough of	do	Jan. 8, 1971	345323-B
Do	Ocean	Surf City, borough of	do	May 26, 1970	345324-A
New Mexico	McKinley	Gallup, city of	do	Mar. 1, 1974 and Aug. 9, 1977	350042-B
New York	Nassau	Glen Cove, city of	do	Aug. 16, 1974 and June 11, 1976	360465-B
Do	Schenectady	Niskayuna, town of	do	Mar. 29, 1974 and July 23, 1976	360739-B
Do	Jefferson	Orleans, town of	do	May 31, 1974 and July 16, 1976	360345-B
Do	Wayne	Palmyra, town of	do	Apr. 5, 1974 and Dec. 5, 1975	360974-B
Do	Chautauqua	Panama, village of	do	Aug. 9, 1974 and June 11, 1976	360143-B
Do	do	Sherman, village of	do	Jan. 3, 1975	361502-A
Do	Steuben	South Corning, village of	do	July 13, 1973 and Nov. 16, 1973	360782-C
Do	Broome	Union, town of	do	Feb. 6, 1976	360056-A
Ohio	Lake	Mentor, city of	do	June 14, 1974 and June 18, 1976	390317-B
Oregon	Clackamas	Unincorporated areas	do	Mar. 1, 1978	415588
Do	do	Gladstone, city of	do	Apr. 5, 1974 and June 25, 1976	410017-B
Do	do	West Linn, city of	do	Dec. 17, 1973 and Aug. 20, 1976	410024-B
Do	Douglas	Winston, city of	do	Sept. 14, 1973	415593-C

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State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Pennsylvania	Perry	Bloomfield, borough of	do	Apr. 12, 1974	420748-B
Do	Juniata	Permanagh, township of	do	Oct. 12, 1973	420517-A
Do	Lancaster	Leacock, township of	do	June 7, 1974 and July 2, 1976	420956-B
Do	Montgomery	Lower Moreland, township of	do	Nov. 30, 1973 and July 23, 1976	420702-B
Do	Juniata	Mifflin, borough of	do	Jan. 16, 1974 and Nov. 7, 1975	420516-B
Do	do	Turbett, township of	do	Apr. 5, 1974	420522-A
Do	Delaware	Upper Darby, township of	do	Jan. 16, 1974 and June 18, 1976	420440-B
Do	Montgomery	Upper Gwynedd, township of	do	June 14, 1974 and July 30, 1976	420956-B
Do	Bucks	Warminster, township of	do	Jan. 9, 1974	420990-A
Do	Lehigh	Whitehall, township of	do	Jan. 9, 1974 and Jan. 23, 1976	420595-B
Do	Blair	Williamsburg, borough of	do	Nov. 30, 1973 and May 21, 1976	420165-B
South Carolina	Sumter	Sumter, city of	do	June 21, 1974 and Apr. 16, 1976	450184-A
Tennessee	Marion	Jasper, town of	do	Feb. 26, 1972	475429-B
Texas	Tarrant	Haltom City, city of	do	June 28, 1974	480599-A
Virginia	Smyth	Saltville, town of	do	May 10, 1974 and Oct. 15, 1976	510191-B
Washington	Grays Harbor	Ocean Shores, city of	do	June 21, 1974 and June 4, 1976	530065-B
West Virginia	Mason	Hartford, town of	do	Nov. 22, 1974	540247-A
California	San Joaquin	Lodi, city of	Apr. 3, 1978, suspension withdrawn	Apr. 5, 1974 and Oct. 3, 1975	060300-B
Do	Contra Costa	Martinez, city of	do	June 28, 1974	065044-A
Georgia	Carroll	Carrollton, city of	do	May 24, 1974 and Jan. 23, 1976	130208-B
Iowa	Clayton	Marquette, city of	do	Jan. 19, 1972	195182-C
Kentucky	Campbell	California, city of	do	Mar. 15, 1974	210036-A
Louisiana	Caldwell Parish	Unincorporated areas	do	do	220044-A
Do	Concordia Parish	do	do	do	220053-A
Do	do	Ridgecrest, town of	do	May 24, 1974 and Dec. 5, 1975	220046-B
Do	Tensas Parish	Unincorporated areas	do	do	220215-A
Do	West Baton Rouge Parish	do	do	do	220239-A
Michigan	Berrien	Benton, township of	do	June 28, 1974 and Mar. 5, 1976	260031-B
Do	do	Grand Beach, village of	do	do	260268-A
Do	Muskegon	Laketon, township of	do	Aug. 2, 1974 and June 25, 1976	260159-B
Minnesota	Scott	Unincorporated areas	do	Dec. 20, 1974	270426-A
Mississippi	Hinds	Bolton, town of	do	Apr. 22, 1977	280216-B
Do	Leflore	Itta Bena, city of	do	June 7, 1974	280103-B
Do	do	Morgan City, town of	do	Nov. 29, 1974 and Oct. 24, 1975	280104-B
Do	Carroll	North Carrollton, town of	do	June 7, 1974 and July 16, 1976	280026-B
Missouri	Jackson	Lee's Summit, city of	do	June 21, 1974 and Dec. 5, 1975	290174-B
Do	Clay	North Kansas City, city of	do	Mar. 15, 1974 and Nov. 28, 1975	290099-B
Nebraska	Thurston	Pender, village of	do	May 3, 1974 and July 23, 1976	310221-B
North Carolina	Pasquotank	Elizabeth City, city of	do	Nov. 9, 1973 and Oct. 3, 1975	370185-B
Do	Cleveland	Shelby, city of	do	Jan. 8, 1974 and July 23, 1976	370064-B
New Jersey	Passaic	Bloomington, borough of	do	Mar. 19, 1972 and July 9, 1976	345284-B
Do	Ocean	Brick, township of	do	Aug. 4, 1972 and June 10, 1977	345285-B
Do	Burlington	Burlington, city of	do	July 23, 1971; Feb. 20, 1976 and July 29, 1977	345287-B
Do	Mercer	Ewing, township of	do	Aug. 25, 1972 and Jan. 30, 1976	345294-A
Do	Monmouth	Highlands, borough of	do	Sept. 3, 1971 and June 30, 1976	345297-A
Do	Atlantic	Ventnor, city of	do	June 18, 1971 and Dec. 26, 1975	345326-A
Do	Cape May	West Wildwood, borough of	do	Jan. 8, 1971 and Oct. 17, 1975	345328-B
Do	do	Wildwood Crest, borough of	do	Feb. 26, 1971 and Dec. 26, 1975	345330-A
New York	Jefferson	Alexandria Bay, village of	do	Feb. 22, 1974	390154-B
Ohio	Cuyahoga	Gates Mills, village of	do	Nov. 9, 1973 and May 28, 1976	390593-B
Oregon	Curry	Unincorporated areas	do	Sept. 13, 1974	410052-B
Pennsylvania	Lycoming	Jersey Shores, borough of	do	Apr. 6, 1973 and Mar. 5, 1976	420642-C
Do	Bucks	Upper Southampton, township of	do	Jan. 16, 1974 and May 28, 1976	420989-B
Tennessee	Loudon	Loudon, city of	do	Feb. 1, 1974 and Oct. 8, 1976	470110-B
Texas	Jackson	Edna, city of	do	Nov. 11, 1971 and Apr. 18, 1975	485465-B
Do	Galveston	Unincorporated areas	do	Apr. 8, 1971 and May 15, 1973 and June 24, 1977	485470-B

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Do	Matagorda	do	do	May 1, 1971 and Mar. 5, 1976	485489-A
Do	do	Palacios, city of	do	Nov. 17, 1970 and July 11, 1975	485495-B
Do	Victoria	Victoria, city of	do	May 22, 1970 and July 23, 1971	480638-B
Virginia	Wythe	Wytheville, town of	do	June 28, 1974 and May 21, 1976	510181-B
Washington	Snohomish	Everett, city of	do	June 21, 1974	530164-A
Do	Manitowoc	Two Rivers, city of	do	Jan. 9, 1974 and June 4, 1976	550243-B

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 18, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14251 Filed 6-1-78; 8:45 am]

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[4210-01]

[Docket No. FI-4178]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

Withdrawal of Flood Insurance Maps

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: This rule lists communities where Flood Insurance Rate Maps or Flood Hazard Boundary Maps published by the Federal Insurance Administration, have been temporarily withdrawn for administrative or technical reason. During that period that the map is withdrawn, the insurance purchase requirement of the National Flood Insurance Program is suspended.

EFFECTIVE DATE: The date listed in the fifth column of the table.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The list includes the date that each map was withdrawn, and the effective date of its republication, if it has been republished. If a flood prone location is now being identified on another map, the community name and number for the effective map are shown.

The Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, re-

quires at Section 102, the purchase of flood insurance as a condition of Federal financial assistance if such assistance is:

(1) For acquisition and construction of buildings, and

(2) For buildings located in a special flood hazard area identified by the Secretary of Housing and Urban Development.

One year after the identification of the community as flood-prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction of buildings in these areas unless the community has entered the program. The denial of such financial assistance has no application outside of the identified special flood hazard areas of such flood-prone communities.

Prior to July 1, 1975, the statutory requirement for the purchase of flood insurance did not apply until and unless the community entered the program and the special flood hazard areas were identified by the issuance of a flood insurance map. However, after July 1, 1975, or one year after identification, whichever is later, the requirement applies to all communities in the United States that are identified as having special flood hazard areas within their community boundaries, so that, no such financial assistance can legally be provided for buildings in these areas unless the community has entered the program.

The insurance purchase requirement with respect to a particular community may be altered by the issuance or withdrawal of the Federal Insurance Administration's (FIA's) official Flood Insurance Rate Map (FIRM) or the Flood Hazard Boundary Map (FHBM).

A FHBM is usually designated by the letter "H" preceding the community number and a FIRM by the letter "I" preceding the community number. If the FIA withdraws a FHBM for any reason the insurance purchase requirement is suspended during the period of withdrawal. However, if the community is in the Regular Program and only the FIRM is withdrawn but a FHBM remains in effect, then flood insurance is still required for properties located in the identified special flood hazard areas shown on the FHBM, but the maximum amount of insurance available for new applications or renewal is first layer coverage under the Emergency Program, since the community's Regular Program status is suspended while the map is withdrawn. (For definitions see 24 CFR Part 1909 et seq.)

As the purpose of this revision is the convenience of the public, notice and public procedure are unnecessary, and cause exists to make this amendment effective upon publication. Accordingly, Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended as follows:

1. Present § 1915.6 is revised to read as follows:

§ 1915.6 Administrative withdrawal of maps.

(a) Flood Hazard Boundary Maps (FHBM's). The following is a cumulative list of withdrawals pursuant to this Part: 40 FR 5149, 40 FR 17015, 40 FR 20798, 40 FR 46102, 40 FR 53579, 40 FR 56672, 41 FR 1478, 41 FR 50990, 41 FR 13352, 41 FR 17726, 42 FR 8895, 42 FR 29433, 42 FR 46226, and 42 FR (center page number of this notice in FEDERAL REGISTER).

(b) Flood Insurance Rate Maps (FIRM's). The following is a cumulative list of withdrawals pursuant to this Part: 40 FR 17015, 41 FR 1478,

and 42 FR (enter page number of this notice in FEDERAL REGISTER).

2. The following additional entries (which will not appear in the Code of Federal Regulations) are made Pursuant to § 1915.6:

State	County	Location	Map No. and "Federal Register" citation	Reason	Effective date of withdrawal	Effective map or proper authority
Arizona	Yuma	Parker, town of	I 040100; 42 FR 9110	1	July 10, 1977	
Arkansas	Ashley	Fountain Hill, town of	H 050414 01; 40 FR 8811	1	Mar. 31, 1977	
Do	Jefferson	Redfield, city of	H 050282 01; 40 FR 14754	1	July 20, 1977	
California	San Mateo	Atherton, town of	H 060312A 01-02; 41 FR 13340	1A	Sept. 8, 1976	
Do	San Joaquin	Tracy, city of	H 060303 01-03; 39 FR 28250	1	July 20, 1977	
Colorado	Arapahoe and Jefferson	Bow Mar, town of	H 080232 01; 41 FR 11485	1	July 27, 1977	
Do	Kit Carson	Placer, town of	H 080242 01; 40 FR 33675	1	Aug. 22, 1977	
Do	Weld	Platteville, town of	H 080190A 01; 41 FR 6728	1	July 26, 1977	
Florida	Okaloosa	Okaloosa Island Beaches	I 125135; 41 FR 1473	3	July 1, 1977	Okaloosa County, FIRM 120173B. Do.
Do	do	Okaloosa Island Beaches (Holiday Isle)	I 12061 0000 03; 35 FR 12599	3	do	Do.
Do	Hillsborough	Temple Terrace, city of	I 120115B; 42 FR 33210	3	May 19, 1977	Meriweather County Do.
Georgia	Meriweather	Alvaton, town of	H 130358 01; 40 FR 12643	3	July 26, 1977	Meriweather County Do.
Do	do	Chalybeate Springs, town of	H 130435 01-02; 40 FR 14755	3	do	City of Indianapolis, Ind., FHB 180159A.
Do	Appling	Surrency, town of	H 130003 01; 40 FR 2426	1	July 19, 1977	
Idaho	Twin Falls	Buhl, city of	H 160160 01; 40 FR 20800	1	July 20, 1977	
Illinois	St. Clair	Millstadt, village of	H 170838 01; 40 FR 11576	1	Feb. 17, 1977	
Indiana	Marion	Beech Grove, city of	H 180158 01-06; 41 FR 13347	3	July 26, 1977	City of Indianapolis, Ind., FHB 180159A.
Do	Fulton	Rochester, city of	H 180071A 01; 41 FR 16648	1	July 21, 1977	City of Indianapolis, Ind., FHB 180159A.
Do	Marion	Southport, city of	H 180161 01; 41 FR 13347	3	July 26, 1977	City of Indianapolis, Ind., FHB 180159A.
Iowa	Des Moines	Mediapolis, city of	H 190615 01; 40 FR 33671	1	Aug. 8, 1977	
Do	Palo Alto	West Bend, city of	H 190475 01; 41 FR 29834	1	July 20, 1977	
Kansas	Smith	Athol, city of	H 200340 01; 40 FR 769	1	Aug. 22, 1977	
Do	Gray	Copeland, city of	H 200398A 01; 42 FR 24960	1	do	
Do	Rush	Otis, city of	H 200311 01; 39 FR 43081	1	July 20, 1977	
Do	Greeley	Tribune, city of	H 200535 01; 40 FR 33677	1	Aug. 8, 1977	
Do	Doniphan	Wathena, city of	H 200085A 01; 41 FR 45560	1A	Sept. 9, 1977	
Kentucky	Boone	Petersburg, town of	H 210244A 01; 42 FR 8883	3	Aug. 3, 1977	Boone County, FHB 210013.
Louisiana	Vermillion Parish	Gueydan, town of	H 220225 01-02; 38 FR 29229	1A	Sept. 8, 1977	
Do	Iberville Parish	Plaquemine, city of	H 220086A 01-04; 40 FR 51049	1	July 20, 1977	
Do	Tensas Parish	St. Joseph, town of	H 22017A 01-03; 41 FR 16640	1	do	
Do	Iberville Parish	White Castle, town of	H 220088 01-02; 38 FR 24358	1A	Sept. 8, 1977	
Michigan	Branch	Kinderhook, township of	H 260361 01-06; 40 FR 24723	1	June 24, 1977	
Do	Mason	Ludington, city of	H 260581 01-03; 40 FR 33822	1	July 19, 1977	
Minnesota	Sterns	Avon, city of	H 270443A 01; 41 FR 35709	1	do	
Do	Carver	Norwood, city of	H 270593 01; 39 FR 40570	1	Mar. 30, 1977	
Do	Marshall	Aslo, city of	H 270272A 01; 40 FR 778	1	Aug. 8, 1977	
Missouri	Stoddard	Essex, city of	H 290425A 01; 41 FR 2244	1	July 19, 1977	
Do	Perry	Perryville, city of	H 290282A 01-02; 41 FR 6731	1	June 28, 1977	
Montana	Sweetgrass	Big Timber, city of	H 300106 01; 41 FR 45561	1A	Aug. 30, 1977	
Do	Roosevelt	Froid, town of	H 300093 01; 40 FR 14757	1A	do	
Do	Big Horn	Hardin, city of	H 300115 01; 41 FR 8180	1A	do	
Do	Sheridan	Medicine Lake, town of	H 300098 01; 41 FR 20550	1A	do	
Do	Judith Basin	Stanford, town of	H 300037 01; 39 FR 28260	1A	do	
Do	Pondera	Valier, town of	H 300133 01; 40 FR 14757	1	Feb. 16, 1977	
Nebraska	Red Willow	Bartley, village of	H 310264 01; 40 FR 23985	1	July 20, 1977	
Do	Gage	Cortland, village of	H 310264 01; 40 FR 20312	1	do	
Do	Garden	Ashkosh, city of	H 310098A 01; 41 FR 4911	1	June 27, 1977	
New Mexico	Grant	Hurley, town of	H 350021A 01-02; 41 FR 18853	1A	Sept. 8, 1977	
New York	Seneca	Lodi, village of	H 361530B 01; 42 FR 8862	1	June 24, 1977	
Do	Broome	Port Dickinson, village of	I 360053C; 42 FR 33225	4	May 2, 1977	I 360053B.
North Carolina	Harnett	Dunn, city of	H 370264 0001A-0004A; 42 FR 8868	2	June 28, 1977	
North Dakota	Walsh	Adams, city of	H 380152 01; 40 FR 23985	1A	Aug. 30, 1977	
Do	Cavaller	Alsen, city of	H 380153A 01-02; 42 FR 8872	1A	do	
Do	Griggs	Binford, city of	H 380158 01; 40 FR 6968	1A	do	
Do	Towner	Bisbee, city of	H 380128 01; 40 FR 8816	1A	do	
Do	Wells	Bowdon, city of	H 380159 01; 40 FR 20813	1	Aug. 22, 1977	
Do	Dickey	Ellendale, city of	H 380225A 01; 40 FR 42556	1	July 27, 1977	
Do	Steele	Finley, city of	H 380227 01; 40 FR 6968	1A	Aug. 30, 1977	
Do	Williams	Grenora, city of	H 380177 01; 40 FR 17990	1A	do	
Do	Sargent	Gwinner, city of	H 380229 01; 40 FR 4129	1A	do	
Do	Ramsey	Hampden, city of	H 380094 01; 39 FR 43396	1A	do	
Do	do	Lawton, city of	H 380095 01; 39 FR 44397	1A	do	
Do	Logan and McIntosh	Max, city of	H 380043 01; 39 FR 43083	1	July 27, 1977	
Do	McLean	Nelson, city of	H 380060 01; 39 FR 43083	1	Aug. 22, 1977	
Do	Nelson	McVie, city of	H 380238 01; 40 FR 6968	1A	Aug. 30, 1977	
Do	Grand Forks	Northwood, city of	H 380245 01; 40 FR 6968	1	June 28, 1977	
Do	Towner	Rock Lake, city of	H 380129 01; 39 FR 43083	1A	Aug. 30, 1977	

FEDERAL REGISTER, VOL. 43, NO. 107—FRIDAY, JUNE 2, 1978

State	County	Location	Map No. and "Federal Register" citation	Reason	Effective date of withdrawal	Effective map or proper authority
Do	Steele	Sharon, city of	H 380203 01; 40 FR 6968	1A	do	
Do	Stutsman	Streeler, city of	H 380127 01; 39 FR 43083	1	Aug. 22, 1977	
Do	Ramsey	Starkweather, city of	H 380096 01; 39 FR 44397	1A	Aug. 30, 1977	
Do	Kidder	Tappen, city of	H 380040 01; 39 FR 44397	1	July 27, 1977	
Do	McLean and Burleigh	Wilton, city of	I 331	1	Aug. 22, 1977	
Do	McIntosh	Zeeland, city of	H 380214 01; 41 FR 20560	1	do	
Ohio	Allen and Van Wert	Delphos, city of	H 390551 01-02; 40 FR 24725	4	June 11, 1976	June 11, 1976. H 390005A.
Oklahoma	Jackson	Martha, town of	H 400307A 01; 42 FR 8868	1	July 21, 1977	
Oregon	Umatilla	Hermiston, city of	H 410209A 01; 40 FR 25470	1	Aug. 31, 1977	
Do	Clackamas	Molalla, city of	H 410020A 01; 40 FR 56913	1	July 20, 1977	
Pennsylvania	Montgomery	Telford, borough of	H 422339 01; 40 FR 4131	1	do	
Do	Bedford	Woodbury, borough of	H 421355A 01; 41 FR 21334	2	Mar. 14, 1977	
South Dakota	Kingsbury	De Smet, city of	H 460168 01; 40 FR 20814	1	July 21, 1977	
Do	Perkins	Lemmon, city of	H 460191 01; 41 FR 20569	1	July 20, 1977	
Do	Bon Homme	Tyndall, city of	H 460220 01; 41 FR 29839	1	do	
Do	Lawrence	Whitewood, city of	H 460228 01; 41 FR 28967	1	July 19, 1977	
Tennessee	Meigs	Decatur, city of	H 470134 01; 39 FR 21148	4	June 13, 1974	Mar. 11, 1977. H 470134A.
Do	Hawkins	Mount Carmel, city of	H 470311 01-05; 41 FR 20563	1A	July 26, 1977	
Texas	Bell and Williamson	Bartlett, city of	H 480707 01; 40 FR 31219	1	July 21, 1977	
Do	Panola	Beckville, town of	H 480967 01; 40 FR 27653	1	do	
Do	Upshur	Big Sandy, town of	H 481037 01; 40 FR 20815	1	do	
Do	Shelby	Center, city of	H 480566A 01; 41 FR 4906	1	do	
Do	Delta	Cooper, city of	H 480193A 01; 41 FR 38502	1	do	
Do	Smith	Lindale, city of	H 480569A 01-02; 41 FR 6739	1	do	
Do	Gonzales	Nixon, city of	H 481114 01; 40 FR 20802	1	July 20, 1977	
Do	Fannin	Savoy, city of	H 480813 01; 40 FR 33673	1	do	
Do	Freestone	Teague, city of	H 480236A 01-02; 41 FR 8182	1A	Sept. 8, 1977	
Do	Wilbarger	Vernon, city of	H 480683A 01-05; 41 FR 6733	1	July 21, 1977	
Do	McLennan	West, city of	H 480931 01-02; 41 FR 20570	1	do	
Do	Grayson	Whitesboro, town of	H 480838 01-02; 40 FR 20815	1	do	
Utah	Box Elder	Garland, city of	H 490207 01; 41 FR 35711	1	July 20, 1977	
Do	Wasatch	Heber City, city of	H 490168A 01; 40 FR 56913	1	Aug. 12, 1977	
Vermont	Caledonia	Hardwick, village of	H 500187 01; 42 FR 46189	3	Dec. 23, 1977	H 500027B, town of Hardwick, Vt.
Washington	Grays Harbor	Elma, town of	H 530060A 01; 41 FR 29840	1	Mar. 11, 1977	
Do	Snohomish	Lake Stevens, city of	H 530291 01; 40 FR 31222	1	July 20, 1977	
Do	Spokane	Millwood, town of	H 530180A 01; 41 FR 4907	1	June 28, 1977	
Do	Celan	Wenatchee, city of	H 530020 01; 39 FR 30124	1	Aug. 15, 1977	
Wisconsin	Sauk	Troy, village of	H 550406 01-12; 39 FR 44400	3	July 27, 1977	Sauk County.
Wyoming	Carbon	Sinclair, town of	H 560067 01; 40 FR 23987	1	Aug. 9, 1977	

REASON FOR RESCINDMENT

1. The Community appealed its flood-prone designation and FIA determined the Community would not be inundated by a flood having a 1-pct chance of occurrence in any given year.

1A. FIA determined the Community would not be inundated by a flood having a 1-pct chance of occurrence in any given year.

2. The Flood Hazard Boundary Map (FHB) contained printing errors or was improperly distributed. A new FHB will be prepared and distributed.

3. The Community lacked land-use authority over the special flood hazard area.

4. A more accurate FIA map is the effective map for this Community.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14247 Filed 6-1-78; 8:45 am]

[4210-01]

[Docket No. FI-4181]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL FLOOD HAZARD AREAS

Communities with Minimal Hazard Areas

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with local officials of the communities listed below, has determined, based upon analysis of existing conditions in the Special Flood Hazard areas, that it is appropriate at this time to convert the communities listed below to the Regular Program of the National Flood Insurance Program without determining base flood elevations.

EFFECTIVE DATE: Date of this notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

FEDERAL REGISTER, VOL. 43, NO. 107—FRIDAY, JUNE 2, 1978

SUPPLEMENTARY INFORMATION: In these areas, there is no reason not to make full limits of coverage available. The available limits of coverage for flood insurance in these communities is increased to \$185,000 for 1 to 4 family residential structures, \$250,000 for other residential and commercial structures, \$60,000 for contents of residential structures, and \$300,000 for contents of commercial structures. Flood insurance is available at Zone C rates throughout the entire community.

Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Association servicing company for the state.

The effective date of conversion to the Regular Program will not appear in the Code of Federal Regulations except for the page number of this entry in the FEDERAL REGISTER.

The entry reads as follows:

§ 1915.7 List of communities with minimal hazard areas.

State, County, and Community Name

Alabama, Geneva County, town of Malvern.
 Delaware, Sussex County, town of Greenwood.
 Louisiana, St. James Parish, town of Gramercy.
 Louisiana, West Baton Rouge Parish, city of Port Allen.
 Louisiana, Avoyelles Parish, village of Moreauville.
 Louisiana, Lafourche Parish, city of Thibodaux.
 New Jersey, Camden County, township of Berlin.
 New Jersey, Camden County, Borough of Pine Hill.
 North Carolina, Pitt County, town of Winterville.
 Pennsylvania, Beaver County, Borough of Georgetown.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administration, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

RULES AND REGULATIONS

ministrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
 Secretary.

[FR Doc. 78-14249 Filed 6-1-78; 8:45 am]

[4210-01]

[Docket No. FI-4055]

PART 1915—IDENTIFICATION AND MAPPING OF SPECIAL HAZARD AREAS

List of Communities with Special Hazard Areas

AGENCY: Federal Insurance Administration.

ACTION: Final rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program (NFIP). The identification of such areas is to provide guidance to communities on the reduction of property losses, by the adoption of appropriate flood plain management, or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATES: The date listed in the eighth column of the table or 30 days after the date of this FEDERAL REGISTER publication, whichever is later.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, requires the purchase of flood insurance as a condition of Federal financial assistance of insurable property if such assistance is:

(1) For acquisition and construction of buildings as defined in Part 1909 of Title 24 of the Code of Federal Regulations, and

(2) For buildings located in a special flood hazard area identified by the Secretary of Housing and Urban Development.

For communities participating in the NFIP (see the fifth column in the table for a community's program status), this requirement applies on the date listed in the eighth column. For communities not participating in the program, section 202 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area effective one year from the hazard identification date (the date in the eighth column of the table).

This 30-day period before the map action becomes effective does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of 6 months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The 6-months period shall be considered to begin 30 days after the date of publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the 1-year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the FEDERAL REGISTER or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001-4128).

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table:

§ 1915.3 List of communities with special hazard areas (FHBMs in effect).

RULES AND REGULATIONS

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
CO	Uninc. Area	Custer County (03-06,08,11-16, 18-20,22,25-27,33-35,39-41,46-47)	080040	A N-5,9	I F	24 JAN 78	24 JAN 78	Mr. Leonard Ries - Chairman - Board of County Commissioners - County Courthouse - P.O. Box 122 Westcliffe, CO 81252 (303) 783-2441
CO	Uninc. Area	Dolores County (0001-0010, 0012)	080279	A E-5	I F	24 JAN 78	24 JAN 78	Mr. Wayne Twilley - Chairman - Board of County Commissioners - County Courthouse - Dove Creek, CO 81324 (303) 677-2321
LA	Uninc. Area	Sabine Parish (0001-0017)	220368	A N-5	I F	24 JAN 78	24 JAN 78	Mr. C. C. Nabours - President - Office of the Police Jury - Parish Courthouse - Many, LA 71449 (504) 258-2115
ME	Kennebec	Town of Oakland (0001-0002)	230242	A E-11,12	I F	24 JAN 75	24 JAN 78	Mr. Eric S. Meserve - Town Manager - P.O. Box 137 - Calais, ME 04963 (207) 462-7037
MO	Uninc. Area	Jefferson County (0002,0004, 0008-0010,0012-0014,0016-0018,0021-0024)	300154	A N-5	I F	24 JAN 78	24 JAN 78	Mr. James Sandoel - Chairman - Board of County Commissioners - County Courthouse - Bolivar, MO 64602 (417) 255-3332
OR	Uninc. Area	Marion County (01-25,27-32, 34-39,43-48,50-58,60-66)	410154	A E N-10,11,12	I F	24 JAN 75	24 JAN 78	Mr. Walter R. Heine - Chairman - Board of County Commissioners - County Courthouse - Salem, OR 97301 (503) 838-2212

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
OR	Lincoln	City of Millersburg (0001)	410284	A N-5	I F	24 JAN 78	24 JAN 78	Honorable Clayton Wood - Mayor - City Council - 4320 N.E. Woods Road - Millersburg, OR 97321 (503) 938-6375
SD	Uninc. Area	Codington County (0001-0009)	460260	A N-5	I F	24 JAN 78	24 JAN 78	Mr. Ralph Mack - Chairman - Board of County Commissioners - County Courthouse - Watertown, SD 57201 (605) 866-0397
TX	Uninc. Area	Anderson County (0001-0018)	480001	A N-5	I F	24 JAN 78	24 JAN 78	Honorable N. R. Link - County Judge - Office of the County Judge - County Courthouse Palestine, TX 75601 (214) 729-5158
TX	Uninc. Area	Brown County (0001-0013)	480717	A N-5	I F	24 JAN 78	24 JAN 78	Honorable James G. Sennell - County Judge - Office of the County Judge - County Courthouse Brownwood, TX 76801 (915) 646-0370
TX	Uninc. Area	Dimmit County (0001-0016)	480769	A N-5	I F	24 JAN 78	24 JAN 78	Honorable Larry Speer - County Judge - Office of the County Judge - County Courthouse Carrizo Springs, TX 78834 (512) 876-2323
TX	Pol. Jund. Harris	City of Katy (0001)	480301	B E-8,11	I F	28 JUN 74	24 JAN 78	Mrs. A. Murray - City Secretary - City Hall - 910 Avenue D - P.O. Box 617 - Katy, TX 77450 (713) 371-3131

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY	
TX	Uninc. Area	Presidio County (0001-0005, 0007-0014,0016-0018,0021- 0024,0026-0029,0031-0036)	480530	A	N-5	I	F	24 JAN 78	24 JAN 78	Honorable W. B. Johnson - County Judge - Office of the County Judge - County Courthouse Marfa, TX 79843 (915) 725-4452
TX	Uninc. Area	Starr County (0001-0016)	480575	A	E-8,9,10,11, 12	I	F	1 NOV 74	24 JAN 78	Honorable Dr. Mario E. Ramirez - County Judge - Office of the County Judge - County Courthouse Rio Grande City, TX 76892 (512) 487-2307
TX	Uninc. Area	Uvalde County (0001-0016)	480629	A	N-5	I	F	24 JAN 78	24 JAN 78	Honorable Leo Darley - County Judge - Office of the County Judge - County Courthouse Uvalde, TX 78801 (512) 278-3216
VT	Addison	Town of Hancock (0002,0004)	500005	A	E-8,10,11,12	I	F	20 SEP 74	24 JAN 78	Mr. Everett C. Ertis - Chairman - Board of Selectmen - Town Hall - Hancock, VT 05748 (802) 767-8660

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AL	Choctaw	Choctaw County (Uninc. 0001A-0017A Areas)	010310	E-6	I	F	Jan. 27, 1978	Jan. 27, 1978	Charles Ford, Probate Judge County Courthouse Butler, AL 36904 Phone: (205) 459-2417
AL	Crenshaw	Crenshaw County (Uninc. 0001A-0009A Areas)	010246	E-10,11, 12,14	I	F	Dec. 6, 1974	Jan. 27, 1978	Tom Hardin, Probate Judge Courthouse Luverne, AL 36049 Phone: (205) 335-5640
FL	Baker	Baker County (Uninc. 0001A-0010A Areas)	120419	N-5	I	F	Jan. 27, 1978	Jan. 27, 1978	R. H. Davis, Chmn. Co. Bd. County Courthouse MacClenny, FL 32063 Phone: (904) 259-3613
GA	Hart	Hart County (Uninc. 0001A-0005A Areas)	130467	N-5	I	F	Jan. 27, 1978	Jan. 27, 1978	Byron Whitmire, Ch. Co. Com. P. O. Box 279 Hartwell, GA 30643 Phone: (404) 376-2024
IL	Jersey	Jersey County (Uninc. 0001A-0005A Areas)	170312	E-10,11, 12,14	I	F	Dec. 27, 1974	Jan. 27, 1978	Clyde Cope, Ch. Co. Bd. County Courthouse Jerseyville, IL 62552 Phone: (618) 498-5571, ext. 2.

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
IL	Menard	Menard County (Uninc. 0001A-0004A Areas)	170505	E-10,11, 12,14	I	F	Jan. 10, 1975	Jan. 27, 1978	James Combs, County Clerk Box 455 Courthouse Petersburg, IL 62675 Phone: (217) 632-2415
IN	Floyd	Floyd County (Uninc. 0001A-0004A Areas)	180432	E-5	I	F	Jan. 27, 1978	Jan. 27, 1978	Raymond Libs, President, County Commissioners Room 214 City County Building New Albany, IN 47150 Phone: (812) 944-3665
IN	Henry	Henry County (Uninc. 0001A-0006A Areas)	180437	N-5	I	F	Jan. 27, 1978	Jan. 27, 1978	Homer Peckinpaugh, Ch. Co. Comm., Courthouse New Castle, IN 47353 Phone: (317) 529-4705
IN	Wabash	Wabash County (Uninc. 0001A-0006A Areas)	180266	E-10,11, 12,14	I	F	Dec. 27, 1974	Jan. 27, 1978	Glen Beery, Co. Comm. Wabash County Courthouse Wabash, IN 46992 Phone: (219) 563-5217

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
MS	Covington	Covington County, (Uninc. 0001A-0005A Areas)	280291	E-5	I	F	Jan. 27, 1978	Jan. 27, 1978	Guy C. Hughs, Pres. Bd. of Suprs., Courthouse Collins, MS 39428 Phone: (601) 722-3395
NY	Allegany Cattaraugus Chautauque Erie	Seneca Nation of Indians 0001A-0005A	361591	E-5	I	F	Jan. 27, 1978	Jan. 27, 1978	Calvin E. Lay, Pres. Saylor Community Building P. O. Box 268A Irving, NY 14081 Phone: (716) 532-5661
NC	Chowan	Chowan County (Uninc. 0001A-0004A Areas)	370301	E-5	I & C	F	Jan. 27, 1978	Jan. 27, 1978	Dallas L. Jethro, Jr., Co. Com. P. O. Box 405 Edenton, NC 27932 Phone: (919) 482-8486
OH	Madison	Madison County (Uninc. 0001A-0009A Areas)	390773	N-5	I	F	Jan. 27, 1978	Jan. 27, 1978	Louis Overturf, Ch. Co. Comm. County Courthouse London, OH 43140 Phone: (614) 852-2972

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RULES AND REGULATIONS

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
OH	Paulding	Paulding County (Uninc. Areas) 0001A-0006A	390777	N-5	I	F	Jan. 27, 1978	Jan. 27, 1978	John Dietrich, Ch. Co. Comm. County Courthouse Paulding, OH 45879 Phone: (419) 399-2051
OH	Columbiana	Village of Salineville 0001A	390628	N-5	I	F	Jan. 27, 1978	Jan. 27, 1978	Stanley E. Fitch, Mayor Main Street Salineville, OH 43945 Phone: (216) 679-2307
OH	Williams	Williams County (Uninc. Areas) 0001A-0006A	390785	N-5	I	F	Jan. 27, 1978	Jan. 27, 1978	Donald Kaiser, Ch. Co. Comm. County Courthouse Bryan, OH 43506 Phone: (419) 636-2059

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
PA	Warren	Township of Deerfield 0001A	422118	N-8, 11, 12, 14	I	F	Nov. 15, 1974	Jan. 27, 1978	Joseph M. Pillar, Ch. Deerfield Township Suprs. Tidioute, PA 16351 Phone: (814) 484-3474
WI	Dodge	City of Beaver Dam 0001C	550095	E-12, 14	I	F	Dec. 17, 1973 Oct. 10, 1975 Sept. 24, 1976	Jan. 27, 1978	Bob Kachelski, Mayor City Hall Beaver Dam WI 53916 Phone: (414) 885-5541

RULES AND REGULATIONS

24027

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AK	Unorganized Borough	City of Akomlut (01-30)	020116 A	N-5,9	I	F	31 JAN 78	31 JAN 78	Honorable Irvin Brink - Mayor - Bethel Division - City Hall - Nunatichuk, AK 99541 (907) 543-2024
ID	Uninc. Area	Madison County (0001-0007)	160217 A	N-5	I	F	31 JAN 78	31 JAN 78	Mr. W. Keith Walker - Chairman - Board of County Commissioners - County Courthouse - Rexburg, ID 83440 (208) 358-3652
ID	Uninc. Area	Twin Falls County (0001-0023)	160231 A	N-5	I	F	31 JAN 78	31 JAN 78	Mr. Merl E. Leonard - Chairman - Board of County Commissioners - County Courthouse - Twin Falls, ID 83301 (208) 734-3000
IA	Uninc. Area	Clayton County (0001-0010)	190858 A	E-5	I	F	31 JAN 78	31 JAN 78	Mr. Virgil Hessel - Chairman - Board of Supervisors - County Courthouse - Elkader, IA 52043 (319) 245-1106
MT	Uninc. Area	Richland County (0005,0008-0012,0014-0016,0020-0021)	300165 A	N-5	I	F	31 JAN 78	31 JAN 78	Mr. Andrew Peterson - Chairman - Board of County Commissioners - County Courthouse - Sidney, MT 59270 (406) 482-4725
NV	Uninc. Area	Lyon County (0001-0008,0010-0012,0014-0015,0017-0019,0020-0023,0025-0027)	320029 A	N-5	I	F	31 JAN 78	31 JAN 78	Mr. Robert H. Griffin - Chairman - Board of County Commissioners - County Courthouse - Yerington, NV 89447 (702) 463-2352

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
ND	Barnes	City of Valley City (01-05)	380002 B	E -8,9,11,12	I	F	8 FEB 74	31 JAN 78	Mr. Robert K. Barrow - City Engineer - City Hall - Valley City, ND 58072 (701) 845-0330
CR	Uninc. Area	Lake County (0003-0005,0008,0010-0016,0029,0031,0034,0036,0042-0045,0049-0050,0052)	410115 A	E -5	I	F	31 JAN 78	31 JAN 78	Mr. George Carion - Chairman - Board of County Commissioners - County Courthouse - Lakeview, CR 97630 (503) 947-2421
TX	Uninc. Area	Bexar County (01-28,31-36,39-43,46-52,54-82)	480035 A	E-5	I	F	31 JAN 78	31 JAN 78	Honorable Blair Reeves - County Judge - Office of the County Judge - County Courthouse San Antonio, TX 78204 (512) 220-2625
TX	Uninc. Area	Fayette County (0001-0014)	480815 A	N-5	I	F	31 JAN 78	31 JAN 78	Honorable Fritz C. Lebbries - County Judge - Office of the County Judge - County Courthouse LaGrange, TX 72945 (713) 963-3459
UT	Uninc. Area	San Juan County 0002-0004 , 0032	490109 A	E-5	I	F	31 JAN 78	31 JAN 78	Mr. Calvin Black - Chairman - Board of County Commissioners - County Courthouse - Monticello, UT 84535 (801) 557-2202

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/NE	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AL	Houston	Houston County (Uninc. Areas) 01-43	010098A	E-10, 11, 12, 14	I	F	Feb. 14, 1975	Feb. 3, 1978	Nathan Mathis, Co. Chron. Courthouse Box 1672 Dorthan, AL 36301 Phone: (205) 793-1114
AL	Lowndes	Lowndes County (Uninc. Areas) 0001A-0011A 0001A-0007A 0009A-0011A	010272	E-10, 11, 12, 14	I	F	Nov. 29, 1974	Feb. 3, 1978	Lenard Nell, Jr., Co. Engr. County Courthouse Hayneville, AL 36040 Phone: (205) 548-2324
AL	Perry	City of Marion 0001B	010313	E-11, 12, 14	I	F	June 27, 1975 Nov. 14, 1975	Feb. 3, 1978	W. David Cobb, C. Admn. City Hall Marion, AL 36756 Phone: (205) 683-8359
AL	Russell	Russell County (Uninc. Areas) 0001A-0010A	010287	E-10, 11, 12, 14	I	F	Jan. 17, 1975	Feb. 3, 1978	Howard Light, Chron. Co. Comm., Courthouse Phenix City, AL 36867 Phone: (205) 298-6425
GA	Liberty	Municipality of Allenhurst 0001A	130350	E-5	I	F	Feb. 3, 1978	Feb. 3, 1978	William C. Cox, Mayor P. O. Box 123 Allenhurst, GA 31302 Phone: (912) 875-2694
GA	Brooks	Brooks County (Uninc. Areas) 0001A-0005A	130281	N-5	I	F	Feb. 3, 1978	Feb. 3, 1978	J. H. Cooper, Ch. Co. Comm. P. O. Box 272 Quitman, GA 31643 Phone: (912) 253-5551

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/NE	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
GA	Jenkins	Jenkins County (Uninc. Areas) 0001A-0005A	130118	E-5	I	F	Feb. 3, 1978	Feb. 3, 1978	Charles Bagg, Chron. Co. Comm., P. O. Box 797 Millen, GA 30442 Phone: (912) 922-2563
GA	Gwinnett	Municipality of Rest Haven 01	130327A	N-5	I	F	Feb. 3, 1978	Feb. 3, 1978	Troy Adams, Mayor 869 Gainesville Highway Buford, GA 30519 Phone: (404) 945-5515
GA	Thomas	Thomas County (Uninc. Areas) 0001A-0005A	130401	N-5	I	F	Feb. 3, 1978	Feb. 3, 1978	Theron Davis, Chron. Co. Comm., P. O. Box 520 Thomasville, GA 31752 Phone: (912) 225-0515
IL	Grundy	Grundy County (Uninc. Areas) 0001A-0005A	170256	E-10, 11, 12, 14	I	F	Dec. 20, 1974	Feb. 3, 1978	Eugene Sorensen, Bldg. & Zoning Officer Zoning Office Courthouse Morris, IL 60450 Phone: (815) 942-4412
IL	Knox	Knox County (Uninc. Areas) 0001A-0005A	170914	E-5	I	F	Feb. 3, 1978	Feb. 3, 1978	Yvonne Tabb, Co. Clk. County Courthouse Galesburg, IL 61401 Phone: (209) 343-3121

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IN	Hancock	City of Greenfield 0001B-0002B	180084	E-8, 10, 11, 12, 14	I	F	Nov. 23, 1973 Sept. 24, 1975	Feb. 3, 1978	Won Blue, Mayor Town Hall Greenfield, IN 46140 Phone: (317) 452-4141
IN	Miami	Miami County (Uninc. Areas) 0001A-0005A	180409	E-5	I	F	Feb. 3, 1978	Feb. 3, 1978	Robert Utery, Dir. Miami Co. Planning Comm., Rm. 103 Courthouse Peru, IN 46970 Phone: (317) 472-3220
IN	Sussex	Township of Green 0001B	340529	E-11, 12, 14	I	F	Nov. 1, 1974 May 14, 1976	Feb. 3, 1978	Harold E. Pellow, Engr. R. D. #1, Box 2D Augusta, NJ 07822 Phone: (201) 848-6485
IN	Monmouth	Borough of Keansburg 01	340303A	E-10, 11, 12, 14	I & C	F	April 20, 1973	Feb. 3, 1978	Eugene Connelly, Mayor 43 Church Street Keansburg, NJ 07734 Phone: (201) 757-0215
IN	Hunterdon	Township of Kingwood 0001A-0003A	340499	E-10, 11, 12, 14	I	F	March 15, 1974	Feb. 3, 1978	Walter Mironchik, Clerk R. D. #1 Frenchtown, NJ 08825 Phone: (201) 996-4275

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/NE	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
NJ	Bergen	Township of Mahwah 0001B-0003B	340049	E-8, 11, 12, 14	I	F	April 5, 1974 June 11, 1975	Feb. 3, 1978	Vincent Soukup, P. E., Engr. 200 Rt. 17 South Mahwah, NJ 07430 Phone: (201) 529-5400
NC	Caswell	Caswell County (Uninc. Areas) 0001A-0005A	370300	N-6	I	F	Feb. 3, 1978	Feb. 3, 1978	Rick Honeycutt, C. Mgr. P. O. Box 98 Vanceville, NC 27379 Phone: (919) 694-4193
OH	Franklin	City of Columbus 0001A-0017A 0001A-0003A 0005A-0017A	390170	E-8, 10, 11, 12, 14	I	F	Aug. 9, 1974	Feb. 3, 1978	Lia Carver, Dev. Planner Le-Vegas-Lincoln Tower 50 West Broad Street Suite 29 Columbus, OH 43215 Phone: (614) 461-5763
OH	Logan	Logan County (Uninc. Areas) 0001A-0005A	390772	E-5	I	F	Feb. 3, 1978	Feb. 3, 1978	Carmen Scott, Dir. of Planner Box 141 East Liberty, OH 43019 Phone: (513) 855-3431
TN	Gibson	Gibson County (Uninc. Areas) 0001A-0010A	470359	N-5	I	F	Feb. 3, 1978	Feb. 3, 1978	Joe Boswell Soil Conservation Office Trenton, TN 36382 Phone: (601) 855-0024

RULES AND REGULATIONS

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
TN	Madison	Madison County (Uninc. Areas) 0001A-0011A 0001A-0008A, 0010A-0011A	470112	E-10, 11, 12, 14	I	F	Jan. 17, 1975	Feb. 3, 1978	Walter B. Harris, County Judge County Courthouse Jackson, TN 38501 Phone (901) 427-9441

STATE	COUNTY	COMMUNITY NAME AND NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AZ	Uninc. Area	Pinal County (0001-0007, 0009-0024, 0026-0033, 0035- 0048)	040077	A	E-8, 10, 11, 12	I	F	10 JAN 75	7 FEB 78
IA	Uninc. Area	Warren County (0001-0006)	190912	A	N-5, 9	I	F	7 FEB 78	7 FEB 78
MA	Barnstable	Town of Chatham (01-09, 13-14)	250004	A	E-8, 11, 12	C	F	31 MAY 74	7 FEB 78
MT	Uninc. Area	Big Horn County (0001-0002, 0007-0009)	300143	A	N-5	I	F	7 FEB 78	7 FEB 78
MT	Uninc. Area	Blaine County (0002-0003, 0005-0008, 0012-0013, 0026- 0028)	300144	A	N-5	I	F	7 FEB 78	7 FEB 78
MT	Uninc. Area	Phillips County (0004-0006, 0009-0010, 0012-0014, 0017)	300162	A	N-5	I	F	7 FEB 78	7 FEB 78

RULES AND REGULATIONS

STATE	COUNTY	COMMUNITY NAME AND NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
MO	Uninc. Area	Scotts Bluff County (0001-0010)	310473	A	N-5	I	F	7 FEB 78	7 FEB 78
NH	Uninc. Area	Curry County (0001-0017)	350127	A	N-5	I	F	7 FEB 78	7 FEB 78
NM	Uninc. Area	Eddy County (0001-0020, 0022- 0026, 0028-0032, 0034-0045)	350120	A	E-5	I	F	7 FEB 78	7 FEB 78
OK	Uninc. Area	Oklmulgee County (0001-0009)	400492	A	N-5	I	F	7 FEB 78	7 FEB 78
TX	Uninc. Area	Jeff Davis County (0001- 0023)	481251	A	N-5	I	F	7 FEB 78	7 FEB 78
TX	Uninc. Area	Young County (0001-0012)	480684	A	N-5, 9	I	F	7 FEB 78	7 FEB 78

STATE	COUNTY	COMMUNITY NAME AND NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
UT	Uninc. Area	Davis County (0001-0008)	490038	A	E-5	I	F	7 FEB 78	7 FEB 78
UT	Uninc. Area	Sevier County (0002, 0006, 0011- 0012, 0014-0016, 0018, 0024)	490121	A	E-5	I	F	7 FEB 78	7 FEB 78
UT	Uninc. Area	Washington County (0007- 0008, 0014, 0018-0019, 0021- 0022, 0025, 0028)	490224	A	E-5	I	F	7 FEB 78	7 FEB 78
VT	Chittenden	Town of Hinesburg (0001, 0003-0004)	500322	A	N-11, 12, 14	I	F	31 JAN 75	7 FEB 78

RULES AND REGULATIONS

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE IS	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
FL	Calhoun	Calhoun County (Uninc. Areas) 0001A-0007A	120403	E-5	1	F	Feb. 10, 1978	Feb. 10, 1978	Willie D. Wise, Circuit Clk. County Courthouse Room # 630 Blountstown, FL 32424 Phone: (904) 674-8312
GA	Quitman	Municipality of Georgetown 0001A	130379	N-5	1	F	Feb. 10, 1978	Feb. 10, 1978	Robert Bennett, Mayor P.O. Box 297 Georgetown, GA 31754 Phone: (912) 334-3588
GA	Peach	Peach County (Uninc. Areas) 0001A-0003A	130373	E-5	1	F	Feb. 10, 1978	Feb. 10, 1978	William Terrell, Zoning Office Courthouse Fort Valley, GA 31030 Phone: (912) 825-5118
IN	Randolph	Randolph County (Uninc. Areas) 0001A-0006A	180429	E-5	1	F	Feb. 10, 1978	Feb. 10, 1978	Joseph S. Cross, Jr., Ex. Dir. Area Planning Comm. Courthouse, Room 202 Winchester, IN 47394 Phone: (317) 584-4865

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE IS	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
IN	Ripley	Ripley County (Uninc. Areas) 0001A-0006A	180221	E-10, 11, 12, 14	1	F	Dec. 13, 1974	Feb. 10, 1978	William Abdon, Dir. Area Planning Commission P.O. Box 443 Versailles, IN 47042 Phone: (812) 688-6062
MI	Macomb	City of Sterling Heights 01-04	260128C	E-12, 14	1	F	June 29, 1977 April 12, 1974 Sept. 10, 1976	Feb. 10, 1978	Jerry H. Hammond, Engr. 40555 Utica Road Sterling Heights, MI 48078 Phone: (313) 268-8500
MI	Genesee	Township of Thetford 0001A-0002A	260783	N-5	1	F	Feb. 10, 1978	Feb. 10, 1978	Sharon Norris, Clerk Twp. Hall, 4014 E. Vienne Road Clio, MI 48420 Phone: (313) 686-5200
MN	Hennepin	Township of Hassen 0001A-0004A	270678	E-5	1	F	Feb. 10, 1978	Feb. 10, 1978	Richard Sherman, Ch. Plan. Comm., Hassen Twp. Rt. # 1, Box 42C Rogers, MN 55374 Phone: (612) 935-3381
MN	Lac Qui Parle	Lac Qui Parle County 0001A-0009A (Uninc. Areas)	270239	E-5	1	F	Feb. 10, 1978	Feb. 10, 1978	Palmer Grinager, Ch. Bd., Co. Comm. Boyd, MN 56218 Phone: (612) 598-7444

RULES AND REGULATIONS

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE IS	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
NY	Cheautauque	Town of Ellery 0001A-0005A	361072	E-5	1	F	Feb. 10, 1978	Feb. 10, 1978	Jacquelyne Stowell, Clerk Box J Bemus Point, NY 14712 Phone: (716) 386-2185
NC	Person	Person County (Uninc. Areas) 0001A-0006A	370346	N-5	1	F	Feb. 10, 1978	Feb. 10, 1978	Roy L. Lowe, Co. Mgr. P.O. Box 1214 Roxboro, NC 27573 Phone: (919) 592-9184
NC	Anson	Town of Polkton 0001A	370286	N-5	1	F	Feb. 10, 1978	Feb. 10, 1978	Barbara Rackley, T. Clerk P.O. Box 66 Polkton, NC 28135 Phone: (704) 272-7463
NC	Jackson	Town of Webster 01	370281A	N-5	1	F	Feb. 10, 1978	Feb. 10, 1978	Roy Baker, Mayor P.O. Box 6 Webster, NC 28788 Phone: (704) 586-2070
OH	Allen	Allen County (Uninc. Areas) 0001A-0007A	390758	E-5	1	F	Feb. 10, 1978	Feb. 10, 1978	George E. Woolley, Engr. Office P.O. Box 1138 1501 N. Sugar Street Lima, OH 45802 Phone: (419) 228-3700

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE IS	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
OH	Ashland	Ashland County (Uninc. Areas) 0001A-0007A	390759	N-5	1	F	Feb. 10, 1978	Feb. 10, 1978	Don Workman, Ch. Co. Comm. County Courthouse Ashland, OH 44805 Phone: (419) 289-0000
OH	Fairfield	Fairfield County (Uninc. Areas) 0001A-0008A	390158	E-5	1	F	Feb. 10, 1978	Feb. 10, 1978	Phillip Boyle, Reg. Planning Director County Courthouse Lancaster, OH 43130 Phone: (614) 654-6530, ext. 256
OH	Monroe	Monroe County (Uninc. Areas) 0001A-0008A	390404	E-10, 11, 12, 14	1	F	Feb. 14, 1975	Feb. 10, 1978	Gerald Sims, Co. Engr. Courthouse P.O. Box 555 Woodsfield, OH 43793 Phone: (614) 472-0763
PA	Bucks	Township of Bristol 0001A-0002A	420984	E-10, 11, 12, 14	1	F	July 20, 1973	Feb. 10, 1978	William H. Carter, Mayor Pond & Mulberry Streets Bristol, PA 19007 Phone: (215) 786-3829
SC	Abbeville	Abbeville County (Uninc. Areas) 0001A-0011A	450227	N-5	1	F	Feb. 10, 1978	Feb. 10, 1978	W. D. Nixon, Ch. Co. Comm. Courthouse Abbeville, SC 29620 Phone: (803) 459-5312

RULES AND REGULATIONS

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
CA	Sonoma	City of Cotati (01)	060377 B	E-11,14	I	F	22 NOV 74	14 FEB 78	Mr. Mark Thysen - Planner - P.O. Box 428 - 201 W. Sierra Avenue Cotati, CA 94926 (707) 795-5478
CA	Uninc. Area	Kings County (01-07,09-19, 21-22,24-25,27,30-31,33- 39,41-57,59-61,64-66,68- 69,72-79,81-87)	060086 A	E-8,10,11,12	I	F	23 AUG 74	14 FEB 78	Mr. John Marcot - Chairman - Board of Supervisors - County Courthouse - Hanford, CA 93230 (209) 582-3211
CA	Uninc. Area	Solano County (0001-0013)	060631 A	N-5	I	F	14 FEB 78	14 FEB 78	Mr. Richard Brann - Chairman - Board of County Supervisors - County Courthouse - Fairfield, CA 94533 (707) 422-2010
MT	Uninc. Area	Mineral County (0001-0002, 0005-0006,0009-0010,0013- 0014)	300159 A	N-5	I	F	14 FEB 78	14 FEB 78	Mr. R.J. Hollenback - Chairman - Board of County Commissioners - County Courthouse - Superior, MT 59612 (406) 822-4541
NM	Bernalillo	City of Albuquerque (01-37)	350002 A	E-11,12,14	I	F	20 AUG 76	14 FEB 78	Mr. Bruno Coneslano - Asst. City Engineer-Hydrology - P.O. Box 1283 - Albuquerque, NM 87103 (505) 766-7441
OK	Major	Town of Cleo Springs (01)	400280 A	N-11,14	I	F	12 SEP 75	14 FEB 78	Ms. Mary Clinesmith - City Treasurer - P.O. Box 6 - Cleo Springs, OK 73729 (405) 436-2243

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY	
OR	Washington	City of Tigard (0001)	410276	A	E-5	I	F	14 FEB 78	14 FEB 78	Mr. Larry Svart - Assistant Planner - P.O. Box 23257 - 12420 S.W. Main - Tigard, OR 97223 (503) 639-4171 Ext.730
SD	Edmunds	City of Ipswich (01)	460184	A	N-8,11,14	I	F	5 NOV 76	14 FEB 78	Mr. Ed Bachman - City Auditor - Office of the City Auditor - City Hall - Ipswich, SD 57451 (605) 426-5231
UT	Uninc. Area	Morgan County (14,16-18,20- 24,26-27,31-33,37-38,41- 42,44-45,48-49,51-52)	490092	A	E-8,10,11,12	I	F	18 OCT 74	14 FEB 78	Mr. Dale H. Thurston - Chairman - Board of County Commissioners - P.O. Box 825 - Morgan, UT 84050 (801) 829-3311
WA	Uninc. Area	Stevens County (0001-0029)	530185	A	E-5	I	F	14 FEB 78	14 FEB 78	Mr. Lee L. Strand - Chairman - Board of County Commissioners - County Courthouse - Colville, WA 99114 (509) 694-4301

RULES AND REGULATIONS

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AL	Etowah	Etowah County (Uninc. Areas) 0001A-0009A	010077	N-5	I	F	Feb. 17, 1978	Feb. 17, 1978	Harry Sizemore, Ch. Co. Bd. Courthouse Gadsden, AL 35901 Phone: (205) 546-2821
AL	Winston	Winston County (Uninc. Areas) 0001A-0009A	010304	N-5	I	F	Feb. 17, 1978	Feb. 17, 1978	Idas Neal, Ch. Co. Bd. Courthouse Double Springs, AL 35553 Phone: (205) 489-5026
GA	Wilcox Dodge	Municipality of Abbeville 0001A	130195	N-5	I	F	Feb. 17, 1978	Feb. 17, 1978	Walter Bruce, Mayor City Hall Abbeville, GA 31001 Phone: (912) 467-2666
GA	Laurens	Laurens County (Uninc. Areas) 0001A-0011A	130462	N-5	I	F	Feb. 17, 1978	Feb. 17, 1978	W. E. Lovett, Jr., Ch. Co. Bd. P.O. Box 2911 Dublin, GA 31021 Phone: (912) 272-4755
GA	Tift	Tift County (Uninc. Areas) 0001A-0004A	130404	N-5	I	F	Feb. 17, 1978	Feb. 17, 1978	Charles Kent, Ch. Co. Comm. P.O. Box 826 Tifton, GA 31794 Phone: (912) 382-5350
IL	Schuyler	Village of Browning 01	170606B	E-11, 12, 14	I	F	Aug. 23, 1974 Feb. 6, 1976	Feb. 17, 1978	Sidney Dewitt, Jr., Vil. Pres Village Hall Browning, IL 62624 Phone: (217) 323-2771

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
IL	Montgomery	City of Hillsboro 01	1705138	E-11, 12, 14	I	F	May 17, 1974 Aug. 6, 1976	Feb. 17, 1978	James F. Lyarle, Mayor 114 East Wood Street Hillsboro, IL 62049 Phone: (217) 532-5566
IL	Pike	Village of Nebo 01	170554B	E-11	I	F	Dec. 28, 1973 Jan. 16, 1976	Feb. 17, 1978	Dulane B. Milbren, Vil. President Village Hall Nebo, IL 62355 Phone: (217) 734-2138
MI	Menominee	Township of Ingallston 0001A-0005A	260660	N-5	I & C	F	Feb. 17, 1978	Feb. 17, 1978	Roy Rasner, Twp. Supr. Route # 1 Wallace, MI 49893 Phone: (906) 863-9031
MI	Ingham	Township of Locke 0001A-0002A	260671	E-5	I	F	Feb. 17, 1978	Feb. 17, 1978	Dorothy Finger, Clk. Rowley Road Williamston, MI 48895 Phone: (517) 468-3472
MS	Lincoln	Lincoln County (Uninc. Areas) 0001A-0009A	280273	N-5	I	F	Feb. 17, 1978	Feb. 17, 1978	W. A. Rogers, Ch. Co. Bd. Box 555 Brookhaven, MS 39601 Phone: (601) 233-4911
MS	Oktibbeha	Oktibbeha County (Uninc. Areas) 0001A-0009A	280277	N-5	I	F	Feb. 17, 1978	Feb. 17, 1978	Willie Thompson, Pres. Bd. of Suprs. Courthouse Starkville, MS 39759 Phone: (601) 323-5834

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
NY	Franklin	Town of Burke 0001A-0003A	361394	N-15	I	F	Feb. 17, 1978	Feb. 17, 1978	Mary Brockway Town Clerk Burke, NY 12917 Phone: (518) 483-5175
NC	Burke	Burke County (Uninc. Areas) 0001B-0008B	370034	E-9	I	F	Aug. 19, 1977	Feb. 17, 1978	Chester West, Dir. P.O. Box 219 Morgantown, NC 28655 Phone: (704) 437-5721
NC	Gates	Gates County (Uninc. Areas) 0001A-0002A	370103	E-10, 11, 12, 14	I	F	Feb. 14, 1975	Feb. 17, 1978	Edward McDuffie, Co. Mgr. P.O. Box 141 Gatesville, NC 27938 Phone: (919) 357-6071
OH	Clark	Village of Enon 0001A	390795	E-5	I	F	Feb. 17, 1978	Feb. 17, 1978	Charles E. Koons, Mayor East Main Street Enon, Ohio 45323 Phone: (513) 864-7936
OH	Union	Union County (Uninc. Areas) 0001A-0006A	390808	E-5	I	F	Feb. 17, 1978	Feb. 17, 1978	Maxwell Robinson, Ch. Co. Comm. Courthouse Marysville, OH 43940 Phone: (513) 642-2841

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
OH	Wood	Wood County (Uninc. Areas) 0001A-0011A	390809	E-5	I	F	Feb. 17, 1978	Feb. 17, 1978	Frank Redeloff, Ch. Co. Comm. Courthouse Square Bowling Green, OH 43402 Phone: (419) 352-6531
OH	Wyandot	Wyandot County (Uninc. Areas) 0001A-0006A	390787	N-5	I	F	Feb. 17, 1978	Feb. 17, 1978	John Hendricks, Pres. Bd. of Comm. Courthouse Upper Sandusky, OH 43351 Phone: (419) 294-3436
SC	York	York County (Uninc. Areas) 0001A-0009A	450193	E-5	I	F	Feb. 17, 1978	Feb. 17, 1978	James E. Klugh, Co. Mgr. P.O. Box 66 York, SC 29745 Phone: (803) 684-2969

STATE	COUNTY	COMMUNITY NAME AND NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
CA	Uninc. Area	Monterey County (0001-0022, 0024-0041)	060195 A	E-5	C	F	21 FEB 78	21 FEB 78	Mr. Ken Blum - Chairman - Board of Supervisors - County Court- house - Salina, CA 92331 (408) 424-8511
CO	Uninc. Area	Morgan County (0003-0012)	080129 A	N-5	I	F	21 FEB 78	21 FEB 78	Mr. William Work - Chairman - Board of County Commissioners - County Courthouse - Fort Collins, CO 80501 (303) 687-0252
KS	Uninc. Area	Butler County (01-84)	200637 A	E-5,9	I	F	21 FEB 78	21 FEB 78	Mr. Robert J. Patterson - Chairman - Board of County Commissioners - County Court- house - El Dorado, KS 67022 (316) 321-1920
KS	Uninc. Area	Shawnee County (01-35)	200331 A	N-5	I	F	21 FEB 78	21 FEB 78	Ms. Mary Bogart - Chairman - Board of County Commissioners - County Courthouse - Topeka, KS 66677 (913) 265-0000
MT	Uninc. Area	Hill County (0006-0017,0019- 0020,0023-0025,0028)	300153 A	N-5	I	F	21 FEB 78	21 FEB 78	Mr. Daniel Morse - Chairman - Board of County Commissioners - County Courthouse - Harre, MT 59501 (406) 263-1421
MT	Uninc. Area	Park County (0001-0009,0011- 0012,0014-0018,0020-0024, 0026-0028,0030-0034)	300160 A	E-5	I	F	21 FEB 78	21 FEB 78	Mr. Don Blakelee - Chairman - Board of County Commissioners - County Courthouse - Livingston, MT 59047 (406) 222-0400

STATE	COUNTY	COMMUNITY NAME AND NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
MT	Uninc. Area	Valley County (0011-0012, 0016-0017,0019-0021,0026)	300171 A	N-5	I	F	21 FEB 78	21 FEB 78	Mr. Earl Daly - Chairman - Board of County Commissioners - County Courthouse - Glasgow, MT 59203 (406) 228-4713
NY	Uninc. Area	Lander County (0001-0004, 0006-0007,0009-0013,0015- 0023,0025-0045,0047-0051, 0053-0057)	320013 A	E-8,10,11, 12	I	F	26 JUL 74	21 FEB 78	Mr. Louis M. Lemaire - Chairman - Board of County Commissioners - County Courthouse - Austin, NY 89310 (702) 964-2439
TX	Uninc. Area	Zapata County (0001-0016)	480687 A	N-8, 11,12	I	F	2 AUG 74	21 FEB 78	Honorable Jacob B. Rathmell - County Judge - Office of the County Judge - County Courthouse Zapata, TX 78076 (512) 766-4342
VT	Windham	Town of Grafton (02-14)	500129 B	N-11,12,14	I	F	6 DEC 74	21 FEB 78	Mrs. Margery M. Heindel - Chair- man - Office of the Board of Selectmen - Grafton, VT 05145 (802) 943-2419
WA	Uninc. Area	Greys Harbor County (0002- 0014,0016-0020)	590057 A	E-8,10,11, 12	C	F	28 JUN 74	21 FEB 78	Mr. John Pearsall - Chairman - Board of County Commissioners - County Courthouse - Montesano, WA 98563 (206) 245-3731
WY	Uninc. Area	Converse County (0021-0023, 0027-0028)	560082 A	N-5	I	F	21 FEB 78	21 FEB 78	Mr. Brooks - Chairman - Board of County Commissioners - County Courthouse - Douglas, WY 82033 (307) 358-3415

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AL	Blount	Blount County (Uninc. Areas) 0001A-0009A	010230	N-5	I	F	Feb. 24, 1978	Feb. 24, 1978	Frank J. Green, Probate Judge P. O. Box 568 Oneonta, AL 35121 Phone: (205) 274-2134
AL	Colbert	Colbert County (Uninc. Areas) 0001A-0008A	010318	N-5	I	F	Feb. 24, 1978	Feb. 24, 1978	Bruce Gargis, Ch. Co. Comm. Courthouse Tusculum, AL 35674 Phone: (205) 383-4981
AL	Shelby	Shelby County (Uninc. Areas) 0001A-0011A	010191	N-5	I	F	Feb. 24, 1978	Feb. 24, 1978	James Ray, Co. Engr. 506 Highway 70 Columbie, AL 35051 Phone: (205) 669-6769
GA	Habersham	Habersham County (Uninc. Areas) 0001A-0005A	130458	E-5	I	F	Feb. 24, 1978	Feb. 24, 1978	Clay Strange, Ch. Co. Comm. Clarkville, GA 30523 Phone: (404) 754-6264
IL	Bureau	Village of Cherry 01	170011A	E-11, 12, 14	I	F	July 11, 1975	Feb. 24, 1978	Edmund Flarty, Mayor Village Hall Cherry, IL 61317 Phone: (815) 894-2171

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
IL	McHenry	City of McHenry 0001B	170483	E-8, 11, 12, 14	I	F	March 29, 1974 Sept. 24, 1976	Feb. 24, 1978	Joseph B. Stanek 1111 N. Green Street McHenry, IL 60050 Phone: (815) 385-0953
IL	Shelby	Shelby County (Uninc. Areas) 0001A-0010A	170933	N-5	I	F	Feb. 24, 1978	Feb. 24, 1978	Delores Bruns, Co. Clk. Courthouse Shelbyville, IL 62565 Phone: (217) 774-4421
IL	Fayette	City of Vandalia 0001B	170233	E-8, 11, 12, 14	I	F	March 22, 1974 March 19, 1976	Feb. 24, 1978	Rose Ann Mull, Clk. 219 South Fifth Vandalia, IL 62471 Phone: (618) 283-1196
IN	Clark	Clark County (Uninc. Areas) 0001A-0007A	180426	E-5	I	F	Feb. 24, 1978	Feb. 24, 1978	Sharon Wilson, Dir. Clark Co. Reg. Plan. Comm. Courthouse Clark, IN 47130 Phone: (812) 283-4451, ext. 25
IN	Putnam	Putnam County (Uninc. Areas) 0001A-0006A	180213	N-10, 11, 12, 14	I	F	Jan. 3, 1975	Feb. 24, 1978	Johnny Masten, Co. Comm. Courthouse Greencastle, IN 46135 Phone: (317) 653-4603
MI	Menominee	Township of Harris 0001A-0003A	260456	N-5	I	F	Feb. 24, 1978	Feb. 24, 1978	Bert Wielech, Supr. R. D. # 2 Bark River, MI 49807 Phone: (906) 466-3508

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
MI	Schoolcraft	Township of Inwood 0001A-0003A	260518	N-5	I	F	Feb. 24, 1978	Feb. 24, 1978	Joe Carley, Supr. Cooks, MI 49817 Phone: (906) 644-2231
MI	Marquette	Township of Powell 0001A-0005A	260452	N-5	I & C	F	Feb. 24, 1978	Feb. 24, 1978	Peter French, Supr. Powell Township Bldg. Big Bay, MI 49808 Phone: (906) 345-9345
MI	Genesee	Township of Vienna 0001A-0002A	260665	E-5	I	F	Feb. 24, 1978	Feb. 24, 1978	Howard Owens, Supr. 3370 W. Vienna Road Clio, MI 48420 Phone: (313) 688-7560
MS	Amite	Amite County (Uninc. Areas) 0001A-0009A	280268	N-5	I	F	Feb. 24, 1978	Feb. 24, 1978	G. McClendon, Pres. Bd. of Supervisors Courthouse Liberty, MS 39645 Phone: (601) 657-8288
MS	Hinds	Hinds County (Uninc. Areas) 0001A-0017A	280070	E-10, 11, 12, 14	I	F	OCT. 14, 1974	Feb. 24, 1978	Pat Jones, Pres. Bd. of Suprs. P. O. Box 686 Jackson, MS 39205 Phone: (601) 353-6603
MS	Issaquena	Issaquena County (Uninc. Areas) 0001A-0009A	280200	E-5	I	F	Feb. 24, 1978	Feb. 24, 1978	Mary Vandevender, Clk. Courthouse Mayersville, MS 39113 Phone: (601) 873-2761

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
MS	Jasper	Jasper County (Uninc. Areas) 0001A-0008A	280302	N-5	I	F	Feb. 24, 1978	Feb. 24, 1978	Ruth Stockman, Clk. P. O. Box 406 Bay Springs, MS 39422 Phone: (601) 764-3368
MS	Walshall	Walshall County (Uninc. Areas) 0001A-0007A	280307	N-5	I	F	Feb. 24, 1978	Feb. 24, 1978	Denver Kennedy, Clk. P. O. Box 351 Tylertown, MS 39667 Phone: (601) 876-3553
MS	Webster	Webster County (Uninc. Areas) 0001A-0012A	280284	N-5	I	F	Feb. 24, 1978	Feb. 24, 1978	Dean Hall, Pres. Bd. of Supr. Courthouse Walshall, MS 39771 Phone: (601) 258-4801
NY	Broome	Town of Nanticoke 0001B-0003B	360052	E-11, 12, 14	I	F	April 12, 1974 Nov. 7, 1975	Feb. 24, 1978	Howard J. Gates, Supr. Glen Aubrey Rd. Box 64 Whitney Point, NY 13862 Phone: (607) 862-3232
NC	Duplin	Duplin County (Uninc. Areas) 0001A-0011A	370083	N-5	I	F	Feb. 24, 1978	Feb. 24, 1978	J. W. Hoffer, Ch. Co. Comm. P. O. Box 158 Kenansville, NC 28349 Phone: (919) 296-1591
OH	Richland	Richland County (Uninc. Areas) 0001A-0008A	390476	N-5	I	F	Feb. 24, 1978	Feb. 24, 1978	James Roberts, Co. Engr. 395 N. Main St. Mansfield, OH 44902 Phone: (419) 524-4004

RULES AND REGULATIONS

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
OH	Ross	Ross County (Uninc. 0001A-0009A Areas)	390480	E-10, 11, 12, 14	I	F	Feb. 7, 1975	Feb. 24, 1978	Robert Rittinger, Ch. Co. Comm. Courthouse Chillicothe, OH 45601 Phone: (614) 774-2925
OH	Tuscarawas	Tuscarawas County (Uninc. 0001A-0008A Areas)	390782	E-5	I	F	Feb. 24, 1978	Feb. 24, 1978	William Haney, Ch. Co. Comm. 172 N. Broadway Street New Philadelphia, OH 44663 Phone: (216) 364-8811
SC	Hampton	Hampton County (Uninc. 0001A-0009A Areas)	450095	E-5	I	F	Feb. 24, 1978	Feb. 24, 1978	E. E. Johnson, Co. Admn. Box 103 Hampton, SC 29924 Phone: (803) 943-3014
SC	Marlboro	Marlboro County (Uninc. 0001A-0007A Areas)	450146	N-5	I	F	Feb. 24, 1978	Feb. 24, 1978	William P. Wallace, Ch. Co. Council Courthouse Bennettsville, SC 29512 Phone: (803) 479-4462
TN	Giles	Giles County (Uninc. 0001A-0008A Areas)	470063	N-5	I	F	Feb. 24, 1978	Feb. 24, 1978	Earl Wrightfield, Judge Courthouse Pulaski, TN 38478 Phone: (615) 363-5300
TN	Montgomery	Montgomery County (Uninc. 0001A-0011A Areas)	470136	E-10, 11, 12, 14	I	F	Aug. 30, 1974	Feb. 24, 1978	William Beach, Judge Courthouse Clarksville, TN 37040 Phone: (615) 647-6787

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
TN	Stewart	Stewart County (Uninc. 0001A-0006A Areas)	470180	N-10, 11, 12, 14	I	F	Sept. 13, 1974	Feb. 24, 1978	Ira Atkins, Co. Judge Courthouse Dover, TN 37058 Phone: (615) 232-5371
VA	Madison	Madison County (Uninc. 0001A-0006A Areas)	510094	E-10, 11, 12, 14	I	F	Nov. 8, 1974	Feb. 24, 1978	Steve Utz, Co. Zoning Admn. P.O. Box 368 Madison, VA 22727 Phone: (703) 948-6102
MI	Baraga	Township of L'Anse 0001A-0004A	260353	N-5	I	F	Feb. 24, 1978	Feb. 24, 1978	Carlo L. Heikkinen, Supr. RFD - Pequamine Rd. L'Anse, MI 49946 Phone: (906) 524-6707
NI	Mercer	Township of Hamilton 0001A-0007A	340246	E-10, 11, 12, 14	I	F	Feb. 22, 1974	Feb. 24, 1978	Thomas J. Warwick, Clk. 2090 Greenwood Ave. Trenton, NJ 08609 Phone: (609) 586-3500

RULES AND REGULATIONS

STATE	COUNTY	COMMUNITY NAME AND NUMBER OF PANELS	COMMUNITY NUMBER AND SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AK	Uninc. Area	Matanuska Susitna Borough (0001-0003)	020024 A	N-5	I	F	28 FEB 78	28 FEB 78	Mr. David B. Simpson - Planning Director - Box B - Palmer, AK 99645 (907) 743-3246
CA	Uninc. Area	Lassen County (0001-0003, 0005-0051)	060092 A	N-5	I	F	28 FEB 78	28 FEB 78	Mr. Robert K. Sorveng - Associate Planner - Planning Department - Susanville, CA 96130 (916) 257-2625
CA	San Diego	City of San Diego (02-11,13- 15,17-18,20-24,26-49,52- 54,57,59-71,73-78,80-84, 86-97,100-104,106-116, 119-121,123-124)	060295 A	E-5	C	F	28 FEB 78	28 FEB 78	Mr. Robert Cain - Flood Plain Management - City Operations Building - 122 First Avenue - Mail Station 403 - San Diego, CA 92101 (714) 236-6050
KS	Uninc. Area	Finney County (0001-0013)	200099 A	N-5	I	F	28 FEB 78	28 FEB 78	Mr. Robert Buerkle - Chairman - Board of County Commissioners - County Courthouse - Garden City, KS 67846 (316) 276-3051
KS	Uninc. Area	Lancaster County (0001-0008)	310134 A	N-5	I	F	28 FEB 78	28 FEB 78	Mr. H. Bruce Hamilton - Chairman Board of County Commissioners - County Courthouse - Lincoln, NE 68508 (402) 475-5511

STATE	COUNTY	COMMUNITY NAME AND NUMBER OF PANELS	COMMUNITY NUMBER AND SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
NV	Uninc. Area	Washoe County (0001-0022, 0025-0026,0032,0035,0038, 0041-0042,0045-0046,0048- 0058)	320019 A	E-15	I	F	28 FEB 78	28 FEB 78	Mr. George Oshira - Director - Department of Public Works - 1205 Mill Street - P.O. Box 1111 - Reno, NV 89520 (702) 788-4101
NH	Strafford	Town of Rollinsford (0001)	330190 A	N-9,11,12 14	I	F	3 JAN 75	28 FEB 78	Mrs. Grace L. Jones - Chair- person - Board of Selectmen - 11 Prospect Street - Rollinsford, NH 03869 (603) 742-2310
OR	Uninc. Area	Baker County (0001,0003-0009 0011-0020,0022-0039)	410001 A	E-5	I	F	28 FEB 78	28 FEB 78	Mr. Dennis L. Fuller - Chairman - Board of County Commissioners - County Courthouse - Baker, OR 97814 (503) 528-5503
UT	Uninc. Area	Box Elder County (0001-0003, 0005-0009,0011-0012,0014- 0044,0047-0061)	490005 A	E-5	I	F	28 FEB 78	28 FEB 78	Mr. Don E. Chase - Chairman - Board of County Commissioners - County Courthouse - Brigham City, UT 84302 (801) 725-1277

RULES AND REGULATIONS

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AL	Dallas	Dallas County (Uninc. Areas) 0001A-0012A	010063	E-10, 11, 12, 14	I	F	Jan. 3, 1975	March 3, 1978	Weston Scarsbrook Dallas County Bldg. Dept. P. O. Box 806 Selma, AL 36701 Phone: (205) 872-3436
AL	Choctaw	Town of Pennington 0001A	010035	N-5	I	F	March 3, 1978	March 3, 1978	Margalete Hurt, Clk. P. O. Box 40 Pennington, AL 36910 Phone: (205) 654-2336
GA	Walker	Walker County (Uninc. Areas) 0001A-0006A	130180	E-5	I	F	March 3, 1978	March 3, 1978	Roy Parrish, Pres. Co. Comm. Courthouse LaFayette, GA 20728 Phone: (404) 638-1443
IL	Fulton	City of Canton 01-03	170242B	E-8, 11, 12, 14	I	F	June 14, 1974 July 11, 1975	March 3, 1978	Harlan E. Crouch, Mayor 210 East Chestnut Canton, IL 61520 Phone: (309) 647-0065
IL	Massac	City of Metropolis 01-02	170469B	E-11, 12, 14	I	F	March 8, 1974 Jan. 23, 1976	March 3, 1978	Henry Taylor, Mayor 106 W. Fifth Street Metropolis, IL 62560 Phone: (618) 524-2711
IL	Ogle	City of Oregon 01	170530B	E-11, 12, 14	I	F	Nov. 23, 1973 Sept. 26, 1975	March 3, 1978	Christie Martin, Mayor 115 N. Third Oregon, IL 61061 Phone: (815) 732-6321

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
IN	Huntington	Huntington County (Uninc. Areas) 0001A-0006A	180438	N-5	I	F	March 3, 1978	March 3, 1978	Harford Crockett, Dir. Huntington Co. Plan. Comm. 4th Floor Courthouse Huntington, IN 46750 Phone: (219) 356-5900
IN	Tippecanoe	Tippecanoe County (Uninc. Areas) 0001A-0006A	180428	E-5	I	F	March 3, 1978	March 3, 1978	Jerry Overstreet Tippecanoe Co. Area Plan. Comm. Courthouse LaFayette, IN 47905
KY	Hickman	Hickman County (Uninc. Areas) 0001A-0004A	210338	N-5	I	F	March 3, 1978	March 3, 1978	Stanley Hopkins, Judge Courthouse Clinton, KY 42031 Phone: (502) 653-5221
MI	Barry	Township of Thornapple 0001A-0004A	260330	E-5	I	F	March 3, 1978	March 3, 1978	Marc Squier, Supr. 114 E. Main St. Middleville, MI 49333 Phone: (616) 795-7202

RULES AND REGULATIONS

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
MS	Yazoo	Yazoo County (Uninc. Areas) 0001A-0014A	280199	E-10, 11, 12, 14	I	F	Sept. 13, 1974	March 3, 1978	Sam S. Fisher, Pres. Bd. of Suprs. P. O. Box 68 Yazoo City, MS 39194 Phone: (601) 673-2232
NY	Chautauque	Town of North Harmony 0001A-0004A	361076	E-5	I	F	March 3, 1978	March 3, 1978	Willis Graham, Town Supr. P. O. Box 167 Stow, NY 14785 Phone: (716) 785-3445
OH	Adams	Adams County (Uninc. Areas) 0001A-0008A	390001	N-5	I	F	March 3, 1978	March 3, 1978	Paul Hanover, Ch. Co. Co. 110 W. Main St. West Union, OH 45693 Phone: (513) 544-3286
OH	Ashtabula	Ashtabula County (Uninc. Areas) 0001A-0012A	390010	E-5	C	F	March 3, 1978	March 3, 1978	Walter R. Krothe, Chief Ins. Ashtabula Co. Dept. of Bldg. Reg. Co. Office Bldg. Jefferson, OH 44047 Phone: (216) 576-2040
SC	Lee	Lee County (Uninc. Areas) 0001A-0006A	450126	N-5	I	F	March 3, 1978	March 3, 1978	Clyde Beasley, Ch. Co. Council Courthouse Bishopville, SC 29316 Phone: (803) 428-3406

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
SC	McCormick	McCormick County (Uninc. Areas) 0001A-0006A	450226	E-5	I	F	March 3, 1978	March 3, 1978	Curtis Baggett, Co. Comm. P. O. Box 426 McCormick, SC 29635 Phone: (803) 465-2231
SC	Williamsburg	Williamsburg County (Uninc. Areas) 0001A-0014A	450187	E-10, 11, 12, 14	I	F	Nov. 29, 1974	March 3, 1978	Hugh McCutchen, Co. Supr. P. O. Box 330 Kingstree, SC 29556 Phone: (803) 354-9321
TN	Henry	City of Paris 0001B	470090	E-8, 11, 12, 14	I	F	Feb. 1, 1974 Sept. 3, 1976	March 3, 1978	W. J. Neese, Mayor City Hall Paris, TN 38242 Phone: (901) 642-1212

RULES AND REGULATIONS

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
CA	Uninc. Area	Tehama County (0001-0005, 0008-0011,0013-0017,0020- 0023,0025-0028)	065064 A	E-5	I	F	7 MAR 78	7 MAR 78	Mr. Larry A. Coleman - County Director of Water Resources - Flood Control & Water Conserva- tion District - Route #1 P.O. Box 4 - Garber, CA 95933 (916) 365-1462
KS	Uninc. Area	Harvey County (0001-0006)	200585 A	N-5	I	F	7 MAR 78	7 MAR 78	Mr. Orville Schmidt - Chairman - Board of County Commissioners - County Courthouse - Newton, KS 67114 (316) 252-7232
LA	Uninc. Area	Caddo Parish (0001-0015)	220361 A	N-5	I	F	7 MAR 78	7 MAR 78	Mr. Wesley Browning - President - Office of the Police Jury - Parish Courthouse - Shreveport, LA 71101 (318) 222-3632
LA	Uninc. Area	Natchitoches Parish (0001-0017)	220129 A	E-5	I	F	7 MAR 78	7 MAR 78	Mr. J. L. Ackel - President - Office of the Police Jury - Parish Courthouse - Natchitoches, LA 71457 (318) 332-2714
MA	Bristol	City of Fall River (01-15)	250055 B	N-12,14	I	F	13 MAY 77	7 MAR 78	Mr. Richard St. Pierre - Assistant to Mayor - Mayor's Office - One Government Center - Fall River, MA 02720 (617) 675-6011
ND	Foster	City of Carrington (01-02)	380218 A	N-12,14	I	F	28 MAY 76	7 MAR 78	Mr. Wally Emerson - City Auditor Box 137 - Carrington, ND 58421 (701) 652-2102

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
OK	Oklahoma	City of Midwest City (01-04, 06-08,10-12)	400405 B	E-11,12,14	I	F	3 JUN 77	7 MAR 78	Mr. John Bates - City Engineer - P.O. Box 10570 - Midwest City, OK 73110 (405) 732-2261
SD	Uninc. Area	Pennington County (01-18,21- 22,27-41,46-52,67-84,86- 104,106-107,109-124,126- 135,138-154,156-167)	460064 A	E-8,10,11, 12	I	F	27 DEC 74	7 MAR 78	Mr. Dan Ferber - Director of Planning & Zoning - 220 Kansas City Street - Rapid City, SD 57701 (605) 354-2186
TX	Uninc. Area	Travis County (0001-0016)	481026 A	E-5,9	I	F	7 MAR 78	7 MAR 78	Honorable Mike Benfro - County Judge - Office of the County Judge - County Courthouse - Austin, TX 78767 (512) 476-7162
WY	Fremont	Town of Dubois (01)	560018 B	N-12,14	I	F	23 JAN 74 27 AUG 76	7 MAR 78	Honorable George M. Blevins - Mayor - P.O. Box 456 - Dubois, WY 82513 (307) 455-2335

RULES AND REGULATIONS

STATE	COUNTY	COMMUNITY NAME & NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
AL	Lauderdale	Town of Rogersville 01-04	010339A	N-5	I	F	March 10, 1978	March 10, 1978	John Robertson, Mayor P.O. Box 178 Rogersville, AL 35652 Phone: (205) 247-5446
FL	Sumter	City of Wildwood 00018	120299	E-8, 11, 12, 14	I	F	Jan. 23, 1974 May 28, 1976	March 10, 1978	John Phillips, Jr., City Mgr. P.O. Box 267 Wildwood, FL 37265
GA	Burke	Burke County (Uninc. 0001A-0012A Areas)	130022	E-5	I	F	March 10, 1978	March 10, 1978	Ray Delisle, Ch. Co. Comm. P.O. Box 62 Waynesboro, GA 30630 Phone: (404) 554-2324
IL	Lee	City of Amboy 01	1704148	E-11, 12, 14	I	F	Nov. 23, 1973 April 11, 1975	March 10, 1978	Kenneth McCracken, Mayor P.O. Box 158 Amboy, IL 61310 Phone: (815) 857-2814
IL	Ogle	Ogle County (Uninc. 0001A-0011A Areas)	170525	E-5	I	F	March 10, 1978	March 10, 1978	Helvie Wooding, Co. Clk. Courthouse Oregon, IL 61061 Phone: (815) 732-2211
IL	Stark	City of Wyoming 01	170615A	N-5	I	F	March 10, 1978	March 10, 1978	Lucille Park, Mayor City Hall Wyoming, IL 61491 Phone: (309) 695-4821

STATE	COUNTY	COMMUNITY NAME & NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
IN	Hamilton	City of Carmel 00018	180081	E-8, 11, 12, 14	I	F	Aug. 9, 1974 March 5, 1976	March 10, 1978	Peggy Smith, C. Clk. 40 E. Main Carmel, IN 46032 Phone: (317) 844-1811
IN	Franklin	Franklin County (Uninc. 0001A-0006A Areas)	180068	E-10, 11, 12, 14	I	F	Dec. 13, 1974	March 10, 1978	Clarence L. Myer, Ex. Dir. Franklin Co. Plan. Comm. Courthouse Brookville, IN 47012 Phone: (317) 647-5731
IN	Knox	Knox County (Uninc. 0001A-0010A Areas)	180422	E-5	I	F	March 10, 1978	March 10, 1978	Glenn A. Koby, Dir. Knox Co. Area Plan. Comm. 7th & Busserson St. Courthouse Vincennes, IN 47591 Phone: (812) 886-4042
IN	Howard	Town of Russiaville 01	180427A	E-5	I	F	March 10, 1978	March 10, 1978	Dale Robertson, T. Bd. President Russiaville, IN 46979 Phone: (317) 883-7212
MI	Newaygo	Township of Croton 01-12	260468A	N-5	I	F	March 10, 1978	March 10, 1978	William R. Miller, Supr. Township Hall, Rt. 2 Newaygo, MI 49337 Phone: (616) 652-1161

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
MI	Antrim	Village of Elk Rapids 0001A	260699	E-5	I	F	March 10, 1978	March 10, 1978	Elaine Glowicki, Co. Clk. P.O. Box 398 Elk Rapids, MI 49629 Phone: (616) 264-9274 Robert C. Lake, Pres. 2100 Lake Angelus Shores Pontiac, MI 48055 Phone: (313) 335-8840
MN	Beltrami	Beltrami County (Uninc. Areas) 0001A-0032A	270684	E-5	I	F	March 10, 1978	March 10, 1978	Bill Patnaude, Co. Planner Box 248 Semedji, MN 56601 Phone: (218) 751-4412
MN	Cass	Cass County (Uninc. Areas) 0001A-0027A	270631	E-5	I	F	March 10, 1978	March 10, 1978	Mahlon Swentkosske Cass Co. Zoning Office Courthouse Walker, MN 56494 Phone: (218) 547-3309
MN	Fillmore	Fillmore County (Uninc. Areas) 0001A-0009A	270124	E-10, 11, 12, 14	I	F	Dec. 27, 1974	March 10, 1978	Wesley Kasten, Zoning Admn. Courthouse Preston, MN 55965 Phone: (507) 765-3325

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
MS	Lee	Town of Saltillo 01-02	280261A	E-15	I	F	March 10, 1978	March 10, 1978	R. W. Webb, Mayor R.O. Box K Saltillo, MS 38666 Phone: (601) 869-5431
NC	Wilson	Wilson County (Uninc. Areas) 0001A-0008A	370370	N-5	I	F	March 10, 1978	March 10, 1978	R. L. Shuford, Jr., Mgr. P.O. Box 1228 Wilson, NC 27893 Phone: (919) 237-3913
OH	Licking	Licking County (Uninc. Areas) 0001A-0009A	390328	E-5	I	F	March 10, 1978	March 10, 1978	Paul E. McNamee, P. E. 38 S. First Street Newark, OH 43055 Phone: (614) 349-8421
OH	Tuscarawas	Village of Roswell 01	390813A	E-5	I	F	March 10, 1978	March 10, 1978	Gino J. Martinelli, Mayor Roswell, OH 44663 Phone: (216) 364-2988

STATE	COUNTY	COMMUNITY NAME AND NO. OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM AND CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE (S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
PA	Bucks	Township of Newtown 01-06	421084A	E-5	I	F	March 10, 1978	March 10, 1978	Carl Sedie, Twp. Chrm. Richboro Rd. Newtown, PA 18940 Phone: (215) 968-2996
TN	Haywood	Town of Stanton 01	470256A	N-5	I	F	March 10, 1978	March 10, 1978	G. Faulk, Mayor Town Hall P.O. Box 97 Stanton, TN 38069 Phone: (901) 548-6140
VA	Scott	Scott County (Uninc. Areas) 0001A-0006A	510142	E-5	I	F	March 10, 1978	March 10, 1978	Gene Dishner, Co. Admn. P.O. Box 67 Gate City, VA 24251 Phone: (703) 386-6521
WV	Marion	Town of Barrackville 01	540098A	E-15	I	F	March 10, 1978	March 10, 1978	Darroll C. Courtney, Mayor Town Hall Barrackville, WV 26559 Phone: (384) 266-2709

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD F/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
CA	San Diego	City of Chula Vista (01-06, 09, 11)	065021	B	E-11, 12, 14	C	F	8 APR 77	14 MAR 78 Mr. William J. Robens - Director of Public Works - Public Works Department - P.O. Box 1687 - Chula Vista, CA 92012 (714) 427-3300 ext. 234
KS	Sedgwick	City of Haysville (0001)	200324	B	E-8, 11, 12, 14	I	F	28 JUN 74	14 MAR 78 Mrs. V. Faye Mallory - City Clerk - City Hall - P.O. Box 404 - Haysville, KS 67060 (316) 524-3243
MO	Uninc. Area	Cass County (01-51)	290783	A	E-5, 9	I	F	14 MAR 78	14 MAR 78 Honorable J. Weldon Jackson - Presiding Judge - Office of the County Judge - County Courthouse - Harrisville, MO 64701 (816) 884-4511
ND	Uninc. Area	Custer County (0003-0005, 0007-0030)	310428	A	N-5	I	F	14 MAR 78	14 MAR 78 Ms. Marian J. Woodward - County Clerk - Office of the County Clerk - County Courthouse - Bismarck, ND 58002 (701) 672-5701
NH	Uninc. Area	Luna County (0001-0034)	350139	A	E-5	I	F	14 MAR 78	14 MAR 78 Mr. John L. Gray - Chairman - Office of the County Administrator - County Courthouse - Danbury, NH 08030 (508) 545-2754
ND	Logan	City of Napoleon (0001)	380044	A	N-5	I	F	14 MAR 78	14 MAR 78 Honorable Roger Martin - Mayor - Office of the Mayor - City Hall - Napoleon, ND 58561 (701) 754-2266

STATE	COUNTY	COMMUNITY NAME & NUMBER OF PANELS	COMMUNITY NUMBER & SUFFIX	PROGRAM & CHANGE CODE	INLAND OR COASTAL	HAZARD P/M/E	IDENTIFICATION DATE(S)	EFFECTIVE DATE OF THIS MAP ACTION	LOCAL MAP REPOSITORY
OK	Uninc. Area	Muskogee County (0001-0014)	400491 A	N-5	I	F	14 MAR 78	14 MAR 78	Mr. Jesse V. Smith - Chairman - Board of County Commissioners - County Courthouse - Muskogee, OK 74401 (918) 682-7721
TX	Uninc. Area	Tom Green County (0001-0019)	480622 A	N-5	I	F	14 MAR 78	14 MAR 78	Honorable Edg B. Keyes - County Judge - Office of the County Judge - County Courthouse San Angelo, TX 76901 (915) 653-2385

FINAL LIST CODES

1. Conversion to Regular Program with FIRM (elevations determined)

2. Conversion to Regular Program with FIRM (no elevations determined)

3. Conversion to Regular Program with no Special Flood Hazard Area- no FIRM

4. Conversion to Regular Program with no Special Flood Hazard Area- no FIRM; rescission of FIRM effective on same date as conversion

5. Initial FIRM

6. Revision - Change of elevation; revised FIRM

7. Revision - Change of zone designation; revised FIRM
8. Revision - Corporate limit changes

9. Revision - Drafting corrections; Printing errors

10. Revision - Curvilinear

11. Revision - Add Flood Hazard Area

12. Revision - Reduce Flood Hazard Area

13. Revision - Federal Register omission

14. Revision - Refunds possible

15. Attention! A previous map (or maps) has been rescinded or withdrawn for this community. This may have affected the sequence of suffixes.

R - REGULAR PROGRAM E - EMERGENCY PROGRAM N- NOT IN PROGRAM

(24 CFR § 1915.3)

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968); effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969) as amended, 39 FR 2787, January 24, 1974.)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.
(FR Doc. 78-14252 Filed 6-1-78; 8:45 am)

[4210-01]

[Docket No. FI-4180]

PART 1916—CONSULTATION WITH
LOCAL OFFICIALS

Changes in Base Flood Elevations

AGENCY: Federal Insurance Administration, HUD.
ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator, after consultation with the Chief Executive Officer of each community listed, finds that modification of the proposed flood elevations for those communities is appropriate as a result of requests for changes in the interim rule.

DATES: These modified flood elevations are in effect as of the dates listed in the sixth column of the attached list and amend the Federal Insurance

Rate Map(s) (FIRM) in effect for each listed community prior to this date.

ADDRESSES: The modified base (100-year) flood elevation determinations for each community are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table.

FOR FURTHER INFORMATION
CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator has published a notification of modification of the base (100-year) flood elevations in prominent local newspapers for the communities listed below. Ninety (90) days have elapsed since that publication, and the Administrator has received no appeals from the communities requesting changes in the proposed flood elevation determinations.

The numerous changes made in the base (100-year) flood elevations on the Flood Insurance Rate Map for each community make it administratively infeasible to publish in this notice all of the base (100-year) flood elevation changes contained on the maps. However, this notice includes the address of the Chief Executive Officer where the modified base (100-year) flood elevation determinations are available for inspection.

The modifications are pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are basis for flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations together with the flood plain management measures required by 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities.

These modified elevations shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

The changes in the base (100-year) flood elevations listed below are in accordance with 24 CFR 1916.8:

State	County	Location	Name and date of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
New Jersey	Union	New Providence, borough of.	The Sommit Independent & Berkeley Heights-Press, Nov. 3 and 10, 1976.	Mr. J. D. Clark, Borough Administrator, 1243 Springfield Ave., New Providence, N.J. 07974.	Sept. 3, 1976....	345306B
North Carolina	Carteret	Beaufort, town of	The Carteret County News Times, Aug. 8 and 11, 1977.	Hon. Eugene B. Pond, Mayor, town of Beaufort, P.O. Box 390, Beaufort, N.C. 28516.	Aug. 12, 1977...	375364B
Texas	Victoria	Victoria, city of	Victoria Advocate, Aug. 19 and 26, 1977.	Hon. C. C. Carsner, Jr., Mayor, city of Victoria, P.O. Box 2207, Victoria, Tex: 77901.	.....do.....	480638B
Wisconsin	Buffalo	Fountain City, city of	The Cochrane-Fountain City Recorder, July 27 and Aug. 3, 1977.	Hon. James Scholmeier, Mayor, city of Fountain City, 357 North St., Fountain City, Wis. 54629.	Aug. 5, 1977.....	555555B

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-14248 Filed 6-1-78; 8:45 am)

[4210-01]

[Docket No. FI-4177]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Changes in Base Flood Elevations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Interim rule.

SUMMARY: This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

DATE: These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination. From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that the Federal Insurance Administrator reconsider the changes. These modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community listed in the fifth column of the table. Send comments to that address also.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The numerous changes made in the base (100-year) flood elevations of the Flood Insurance Rate Map(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection. Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-

234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR Part 1916.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may, at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.

The changes in the base (100-year) flood elevations listed below are in accordance with 24 CFR 1916.8:

State	County	Location	Name and date of newspaper where notice was published	Chief executive officer of community	Effective date of modified flood insurance rate map	New community No.
Pennsylvania...	Northampton	Palmer, township of	Easton Express, Mar. 17 and 24, 1978.	Mr. George Gable, Supervisor, Hibbs, Pa. 15443.	Mar. 10, 1978...	420728B
New Jersey	Bergen	Upper Saddle River, borough of.	The Ridgewood News, Feb. 8 and 9, 1978.	Hon. Kenneth W. Sherwood, Mayor, borough of Upper Saddle River, 378 West Saddle River, N.J. 07458.	Feb. 10, 1978...	340077 0001B
Missouri	St. Charles	St. Charles, city of	The Banner News, Mar. 30 and 31, 1978.	Hon. Frank Brokgreittens, Mayor, city of St. Charles, 101 South Main St., St. Charles, Mo. 43301.	Mar. 31, 1978...	290318 0001-0002B
Massachusetts	Norfolk	Walpole, town of	The Walpole Times, Mar. 18 and 23, 1978.	Mr. Edward T. O'Neill, Town Administrator, town of Walpole, Main St., Walpole, Mass. 02061.	Mar. 24, 1978...	250254 0001-0002A
Rhode Island	Bristol	Barrington, town of	The Barrington Times, Jan. 25 and Feb. 1, 1978.	Mr. Robert J. Schiedler, Town Manager, Town Hall, 283 County Rd., Barrington, R.I. 02806.	Oct. 17, 1975...	445392B
Ohio	Cuyahoga	Mayfield, village of	Sun Press, Feb. 10 and 17, 1978.	Hon. Robert G. Beebe, Mayor, village of Mayfield, 6821 Wilson Mills Rd., Mayfield, Ohio 44143.	Feb. 3, 1978	390116C

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14250 Filed 6-1-78; 8:45 am]

[4210-01]

[Docket No. FI-3702]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Cannon Beach, Clatsop County, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Cannon Beach, Clatsop County, Oreg. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Cannon Beach, Oreg.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Cannon Beach, are available for review at City Hall, 163 East Gower Street, Cannon Beach, Oreg.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Cannon Beach, Oreg.

This final rule is issued in accordance with section 110 of the Flood Dis-

aster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pacific Ocean.....	At coast near west end of Sitka St.	28
	At coast near north corporate limit (near 7th St.).	27
	At coast near west end of Umpqua St.	27
	At coast near west end of Washington St.	24
	At coast near west end of Jackson St.	24
	At coast near west end of Brallier St.	23
	At coast near west end of Tanana St.	20
	At coast near west end of Coolidge Ave.	19
	At coast near west end of Chisana St.	15
Elk Creek.....	At Hemlock St. and 2d St.	12

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14049 Filed 6-1-78; 8:45 am]

[4210-01]

[Docket No. FI-3158]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Rockaway, Tillamook County, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Rockaway, Tillamook County, Oreg. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Rockaway, Oreg.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Rockaway, Oreg., are available for review at City Hall, 276 South Highway 101, Rockaway, Oreg.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Rockaway, Oreg.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An

opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pacific Ocean.....	West of Oregon Coast Highway 101:	
	2d St.....	27
	North 5th Ave.....	27
	Nehalem Ave.....	23
	South 7th Ave.....	23
	Helmiller St.....	24
Clear Lake.....	East of Oregon Coast Highway 101:	
	South 3d Ave.....	14
	South 6th Ave.....	14
Rock Creek.....	South of South 3d Avenue:	
	South "E" St.....	18
	South "D" St.....	16
	South "C" St.....	16
Lake Lytle.....	East of Highway 101:	
	North St.....	12
	North 6th Ave.....	12

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14050 Filed 6-1-78; 8:45 am]

[4210-01]

[Docket No. FI-3743]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Norman, Cleveland County, Okla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Norman, Cleveland County, Okla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Norman, Cleveland County, Okla.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Norman, Cleveland County, Okla., are available for review at the Planning Department of the City of Norman, 111 North Peters, Norman, Okla 73070.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Norman, Cleveland County, Okla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Canadian River.....	Just upstream of Interstate Highway 35.	1,105
	Just upstream of Rock Creek Rd.	1,132
	Just downstream of Franklin Rd.	1,142
Bishop Creek.....	Clearview Dr. (extended).	1,125
	Just upstream in Brooks St.	1,137
	Just upstream of Oklahoma Ave.	1,143
	Just upstream of Alameda St.	1,155
	Just downstream of Cockrel Ave.	1,171
Bishop Creek tributary A.	Approximately 500 ft upstream of U.S. Highway 77 (Classen Blvd.).	1,132
	Approximately 100 ft downstream of Lindsey St.	1,143
	Just upstream of Sinclair Dr.	1,166
Bishop Creek tributary B.	Just upstream of Alameda St.	1,157
	Apache St. (extended)....	1,166
Bishop Creek tributary C.	Approximately 400 ft upstream of Brooks St.	1,145
Imhoff Creek.....	Just upstream of Imhoff Rd.	1,112
	Westbrooke Terr. (extended).	1,131
	Just upstream of Lindsey St.	1,141
	Just downstream of Boyd St.	1,147
	Just upstream of Mala St.	1,159
	Just upstream of Webster Ave.	1,164
Merckle Creek.....	Just upstream of Lindsey St.	1,131
	Just upstream of 24th Ave. SW.	1,145
	Just downstream of Crestment St.	1,150
	Just downstream of Robinson St.	1,160
Merckle Creek overflow.	Just upstream of Stephanie Lane.	1,116
Brookhaven Creek	Just upstream of Main St.	1,126
	Just upstream of Robinson St.	1,163
Rock Creek.....	Leaning Elm Dr. (extended).	1,136
	Just upstream of Rock Creek Rd.	1,158
Lake Thunderbird	Entire shoreline.....	1,049

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14051 Filed 6-1-78; 8:45 am]

[4210-01]

[Docket No. FI-3703]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Baldwin, Allegheny County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Baldwin, Allegheny County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Borough of Baldwin, Allegheny County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Borough of Baldwin, Allegheny County, Pa., are available for review at the Baldwin Municipal Building, 3344 Churchview Avenue, Pittsburgh, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Baldwin, Allegheny County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Monongahela River.	Confluence of Becks Run.	734
	Upstream corporate limits.	734
Streets Run.....	Streets Run Rd. (upstream) (near Brentwood Rd.).	656
	Streets Run Rd. (near Prospect Rd.).	917
	Chessie System (downstream) (near Doyle Rd.).	980
Lick Run.....	Norfolk & Western RR. (upstream).	1,015
	Curry Rd. (upstream)....	1,016
	McAnnulty Rd. (upstream).	1,032
Becks Run.....	Carson St.....	734
	Becks Run Rd. (upstream).	745
	Bajo Rd. (upstream).....	762
	Becks Run Rd. (upstream).	766

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14052 Filed 6-1-78; 8:45 am]

[4210-01]

[Docket No. FI-3340]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Benton, Columbia County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Benton, Columbia County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Benton, Columbia County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Benton, Columbia County, Pa., are available for review at the home of Walter Gordon, Rural Delivery No. 3, Benton, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Benton, Columbia County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeal of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fishing Creek.....	Downstream corporate limits.	723
	Upstream side State Route 254.	732
	Confluence of West Creek.	739
	First corporate limit crossing.	746
	Second corporate limit crossing.	776
	Downstream crossing State Route 487.	811
	Upstream side upstream crossing State Route 487.	820
West Creek.....	Borough of Benton downstream corporate limits.	751
	First corporate limit crossing.	763

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Second corporate limit crossing.	754
	Upstream side Legislative Route 19076.	763
	Borough of Benton upstream corporate limits (extended).	777
	Upstream side Legislative Route 19077.	788
	Downstream side State Route 239.	807

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14053 Filed 6-1-78; 8:45 am]

[4210-01]

[Docket No. FI-3338]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Bristol, Bucks County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Bristol, Bucks County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Borough of Bristol, Bucks County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Bristol, Bucks County, Pa., are available for review at the second floor in the Borough Manager's Office, Municipal

Building, Pond and Mulberry Streets, Bristol, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Bristol, Bucks County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Delaware River.....	Upstream and downstream corporate limits.	11
Otter Run (Mill Creek).	Maple Beach Rd.....	11
	Otter St.....	19
	Bristol Pike (U.S. Route 13).	22
Adams Hollow Creek.	Radcliffe St.....	11
	Wood St.....	15
	Pond St.....	18
	ConRail.....	22

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14054 Filed 6-1-78; 8:45 am]

[4210-01]

[Docket No. FI-3513]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Derry, Mifflin County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Derry, Mifflin County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Derry, Mifflin County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Derry, Mifflin County, Pa., are available for review at the Bulletin Board, Municipal Building, Mill Street, Yeagertown, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Derry, Mifflin County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Kishacoquillas Creek.	Route 22.....	477
	Route 322.....	477
	Downstream Route 522..	480
	Street No. 2 near Highland Park.	491
	Street No. 3 passes filtration plant.	512
	Street No. 4 from Yeagertown.	536
Jacks Creek.....	North Derry St.....	556
	Route 22.....	475
	Private road.....	475
	Goss Mill Rd.....	482
	Downstream of Gross Derry Bridge.	496
	Upstream of Gross Derry Bridge.	500
Juniata River.....	Paintersville Bridge.....	524
	Downstream corporate limits.	463
	Upstream corporate limits.	475

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14055 Filed 6-1-78; 8:45 am]

[4210-01]

[Docket No. FI-3425]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Durham, Bucks County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Durham, Bucks County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified

for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Durham, Bucks County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Durham, Bucks County, Pa., are available for review at the Post Office, Durham, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Durham, Bucks County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Delaware River.....	Cooks Creek.....	155
	Downstream corporate limit.	152
Cooks Creek.....	Coon Hollow Run.....	192
	Tributary No. 1.....	166
	Private road.....	155
	U.S. Route 61.....	155
	Pennsylvania Canal.....	155
	Aqueduct.....	155
	Delaware River.....	155

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128) and Secretary's delegation of authority to Federal Insurance

Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14056 Filed 6-1-78; 8:45 am]

[4210-01]

[Docket No. FI-3746]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Etna, Allegheny County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Etna, Allegheny County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Borough of Etna, Allegheny County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Etna, Allegheny County, Pa., are available for review at the Etna Borough Building, 23 Locust Street, Pittsburgh, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Etna, Allegheny County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An

opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Allegheny River	Confluence of Pine Creek	735
Pine Creek	62d Street Bridge	736
	Confluence with Allegheny River	735
	At 4th Chessie System crossing	736
	Butler St.	743
	Crescent St. (downstream side)	744
	Crescent St. (upstream side)	749
	Grant Ave	750
	Corporate limits (upstream)	751
Little Pine Creek	Confluence with Pine Creek	745
	Dewey St.	752
	Greeley St.	756
	Corporate limits (upstream)	761

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-14057 Filed 6-1-78; 8:45 am)

[4210-01]

[Docket No. FI-2918]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Gaines, Tioga County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Gaines, Tioga County, Pa. These base

(100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Gaines, Tioga County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for township of Gaines, Tioga County, Pa., are available for review at the Gaines Post Office, Main Street, Gaines, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free-line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Gaines, Tioga County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pine Creek	Downstream corporate limits	1,188
	Pine Creek Rd	1,196
	Township 328	1,221
	Confluence with Long Run	1,224
	Legislative Route 478 (extended)	1,235
	Confluence with Elk Run	1,258
	W. A. & G. RR	1,260

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Phoenix Run	Confluence with Phoenix Run	1,273
	Upstream corporate limits	1,276
	Confluence with Pine Creek	1,273
	Legislative Route 102	1,275
	Confluence with unnamed tributary (approximately 5,000 ft above mouth of Phoenix Run)	1,319

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-14058 Filed 6-1-78; 8:45 am)

[4210-01]

[Docket No. FI-3704]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Hatfield, Montgomery County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Hatfield, Montgomery County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Borough of Hatfield, Montgomery County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Hatfield, Montgomery County, Pa., are available for review at the Hatfield Municipal Office, Main and Chestnut Streets, Hatfield, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 7th Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Hatfield, Montgomery County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Branch Neshaminy Creek	East Vine St.	303
	Upstream side of Chestnut St.	307
	East Broad St.	314
	Corporate limits	317
Towamencin Creek	At confluence with West Branch Neshaminy Creek	304
	Downstream side of South Main St.	313
	Butler Rd.	318
	Columbia Ave. (extended)	325
North Hatfield tributary	Corporate limits	304

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-14059 Filed 6-1-78; 8:45 am)

[4210-01]

[Docket No. FI-3859]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Harmony, Beaver County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Harmony, Beaver County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Harmony, Beaver County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Harmony, Beaver County, Pa., are available for review at The Harmony Municipal Building, Woodland Road, Ambridge, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Harmony, Beaver County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Upstream corporate limits	709
	Downstream corporate limits	708
Big Sewickley Creek	Upstream corporate limits	726
	Downstream corporate limits	711
Legionville Run	Legionville Rd	745
	Duss Ave	740
	State Route 65	708
	Confluence with Ohio River	708

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-14060 Filed 6-1-78; 8:45 am)

[4210-01]

[Docket No. FI-3781]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Jackson, Tioga County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Jackson, Tioga County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Jackson, Tioga County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines

of the flood-prone areas and the final elevations for the township of Jackson, Tioga County, Pa., are available for review at the Jackson Township Building, Millerton, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Jackson, Tioga County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hammond Creek...	Downstream corporate limits.	1,147
	Switchback Rd.....	1,175
	Confluence of North Run.	1,189
	Pa. Rte. 328 (4,000 ft. upstream of confluence of North Run).	1,213
	Pa. Rte. 328 (1,500 ft. downstream of Alder Run).	1,246
	Confluence of Alder Run.	1,263
	Pa. Rte. 328 (2,650 ft. upstream of confluence of Alder Run).	1,290
	Pa. Rte. 328 (near Trowbridge).	1,331
North Run.....	Legislative Route 58070..	1,349
	Confluence with Hammond Creek.	1,189
	Pa. Rte. 328 (upstream)..	1,208
	Township Road 791 (extended).	1,214
Alder Run.....	Legislative Route 58075..	1,301
	Confluence with Hammond Creek.	1,263
	Pa. Rte. 328 (upstream).	1,273

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	4,000 ft. above confluence with Hammond Creek.	1,346
	Cook Rd	1,398

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.
PATRICIA ROBERTS HARRIS,
Secretary.
(FR Doc. 78-14061 Filed 6-1-78; 8:45 am)

[4210-01]
PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Lewistown, Mifflin County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the borough of Lewistown, Mifflin County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the borough of Lewistown, Mifflin County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the borough of Lewistown, Mifflin County, Pa., are available for review at the Municipal Building, Council Chambers, 2 East 3d Street, Lewistown, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-

755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the borough of Lewistown, Mifflin County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Juniata River.....	Downstream corporate limit.	475
	Fleming Ave. extended...	476
	Hale St. extended.....	477
	Bell Ave.....	478
	Silversand Ave. extended.	479
	Upstream corporate limit.	479
Kishacoquillas Creek.	Confluence with Juniata River.	477
	U.S. Route 522.....	477
	South Pine Rd. extended.	477
	East Walnut St.....	482
	ConRail.....	484
	Banks Ave. extended.....	485
	ConRail.....	488
Jacks Creek.....	Confluence with Juniata River.	475
	U.S. Route 22.....	475
	Upstream corporate limit.	475

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.
PATRICIA ROBERTS HARRIS,
Secretary.
(FR Doc. 78-14062 Filed 6-1-78; 8:45 am)

[4210-01]
(Docket No. FI-3303)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Ligonier, Westmoreland County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Ligonier, Westmoreland County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Ligonier, Westmoreland County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Ligonier, Westmoreland County, Pa., are available for review at the Ligonier Township Municipal Building, Old Route 30 West, Ligonier, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Ligonier, Westmoreland County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Loyalhanna Creek	Confluence with Laughlin Run.	1,180
	Township Route 605.....	1,164
	S.R. 711.....	1,152
	Confluence with Mill Creek.	1,143
	L.R. 64071.....	1,141
	Confluence with Four Mile Run.	1,130
Four Mile Run.....	U.S. Route 30.....	1,109
	L.R. 64075.....	1,173
	Township Route 944 (bridge deck collapsed).	1,158
	L.R. 64080.....	1,141
	Confluence with unnamed tributary.	1,130
Two Mile Run.....	Township Route 595.....	1,322
	L.R. 64080.....	1,312
	L.R. 64071.....	1,140
Mill Creek.....	Ann Roberts Rd.....	1,384
	Pennsylvania Route 271.	1,322
	Confluence with Mack's Run.	1,308
	Pennsylvania Route 271.	1,287
	State Route 711.....	1,163
	Abandoned railroad.....	1,151
	Township Route 950.....	1,145
	U.S. Route 30 West.....	1,143
	U.S. Route 30 East.....	1,143
Hanna's Run.....	Robb Rd.....	1,224
	White City Rd.....	1,217
	Confluence of Mary Ann Run.	1,205
Tributary No. 2.....	Private drive.....	1,218
	L.R. 64058.....	1,215
Tributary No. 1.....	Township Route 595.....	1,282
	Confluence with Mill Creek.	1,273
Mack's Run.....	Township Route 954.....	1,316
	Confluence with Mill Creek.	1,308
Laughlinton Run.	Mill St.....	1,299
	U.S. Route 30.....	1,271
	Private drive.....	1,263
	Confluence with Naugle Run.	1,228
	Private drive.....	1,209
	Laurel Glen Dr.....	1,196
	State Route 381.....	1,187
Naugle Run.....	Mill St.....	1,286
	Private drive.....	1,277
	Confluence with Laughlinton Run.	1,228
Lynn Run.....	7,450 ft above confluence of Loyalhanna Creek.	1,368
	8,200 ft above confluence of Loyalhanna Creek.	1,342
	4,600 ft above confluence of Loyalhanna Creek.	1,311
	L.R. 64060.....	1,285

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.
PATRICIA ROBERTS HARRIS,
Secretary.
(FR Doc. 78-14063 Filed 6-1-78; 8:45 am)

[4210-01]
PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of New Castle, Lawrence County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of New Castle, Lawrence County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of New Castle, Lawrence County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of New Castle, Lawrence County, Pa., are available for review at the First Floor, New Castle City Hall, North Jefferson Street, New Castle, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of New Castle, Lawrence County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination

RULES AND REGULATIONS

to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Mahoning River	Upstream corporate limit.	786
	ConRail bridge	782
	Confluence of Shenango River	777
Shenango River	Upstream corporate limit.	805
	Confluence of Neshannock Creek	800
	Mahoning Ave.	793
Neshannock Creek	Route 422	784
	Confluence of Mahoning River	777
	Upstream corporate limit.	860
Big Run	Paper Mill Rd	831
	Washington St.	810
	Confluence of Shenango River	800
Moravia St.	Upstream corporate limit.	822
	Moravia St.	794

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14064 Filed 6-1-78; 8:45 am]

[4210-01]

[Docket No. FI-3887]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Palmerton, Carbon County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Palmerton, Carbon County, Pa. These base (100-year) flood elevations are the basis for the flood plain manage-

ment measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Borough of Palmerton, Carbon County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Palmerton, Carbon County, Pa., are available for review at the Borough of Palmerton, 443 Delaware Avenue, Palmerton, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Palmerton, Carbon County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lehigh River	Downstream corporate limits.	399
	Dam	406
	Upstream corporate limits.	418
Aquashicola Creek	Downstream corporate limits.	393
	ConRail (downstream) ...	396
	8th St.	399
ConRail (upstream)	Confluence of Mill Creek	409
	ConRail (upstream)	417

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Park Run	Upstream corporate limits.	417
	Downstream corporate limits.	393
	ConRail	397
Mill Creek	Lehigh Ave.	400
	Delaware Ave.	401
	Lafayette Ave.	411
Aquashicola Creek	Confluence with Aquashicola Creek	409
	Delaware Ave.	410

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14065 Filed 6-1-78; 8:45 am]

[4210-01]

[Docket No. FI-2774]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Township of Portage, Cameron County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Portage, Cameron County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Portage, Cameron County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Portage, Cameron County, Pa., are available for review at the home of Twila Aldin, Secretary-Treasurer of Portage, R.D. No. 1, Emporium, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Portage, Cameron County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Sinnemahoning Portage Creek	Downstream corporate limits.	1,124
	Driveway bridge	1,128
	ConRail bridge	1,163

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14066 Filed 6-1-78; 8:45 am]

[4210-01]

[Docket No. FI-3114]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Reading, Berks County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

RULES AND REGULATIONS

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Reading, Berks County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Reading, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Reading, are available for review at City Hall, Eighth and Washington Streets, Reading, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Reading, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Schuylkill River	U.S. 422	200
	Bingaman St.	207
	Penn St.	209
Angelic Creek	Schuylkill St.	215
	Warren Street Bypass	229
	Morgantown Rd.	210
Wyomissing Creek	Morgantown Rd. Dam	220
	West Shore Bypass	208

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tylpohocken Creek	Museum Rd.	211
	Reading Belt RR	215
	Warren St (Route 422)	215

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14067 Filed 6-1-78; 8:45 am]

[6820-24]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

[FPMR Amdt. G-45]

MOTOR VEHICLE AND TRANSPORTATION MANAGEMENT

AGENCY: General Services Administration.

ACTION: Final Rule.

SUMMARY: This regulation contains various changes relating to motor vehicle and transportation management, including changes to the list of Government activities that are exempt from displaying U.S. Government tags and other identification on vehicles and the setting forth of GSA Policy governing responsibility for damages to motor vehicles. This regulation is necessary to update the FPMR to reflect current policy, procedures, and related instructions pertaining to motor vehicle and transportation management.

EFFECTIVE DATE: June 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait, Director, Regulations and Management Control Division, Office of the Executive Director, Federal Supply Service, General Services Administration, Washington, D.C. 20406, 703-557-1914.

PART 101-38—MOTOR EQUIPMENT MANAGEMENT

Subpart 101-38.3—Official U.S. Government Tags

Section 101-38.304-1 is revised as follows:

§ 101-38.304-1 Code designations.

Official U.S. Government tags, except tags issued by the District of Columbia Department of Highways and Traffic pursuant to § 101-38.303-1, shall be numbered serially for each agency, beginning with 101, and shall be preceded by a letter code designating the agency having accountability for the motor vehicles as follows:

Action.....	ACT.
Agriculture, Department of.....	A.
Air Force, Department of the.....	AF.
Army, Department of the.....	W.
Civil Aeronautics Board.....	CA.
Civil Service Commission.....	CS.
Commerce, Department of.....	C.
Community Services Administration.....	CSA.
Consumer Product Safety Commission.....	CPSC.
Corps of Engineer, Civil Works.....	CE.
Defense Contract Audit Agency.....	DA.
Defense, Department of.....	D.
Defense Logistics Agency.....	DLA.
District of Columbia Redevelopment Land Agency.....	LA.
Energy, Department of.....	E.
Environmental Protection Agency.....	EPA.
Executive Office of the President.....	EO.
Council of Economic Advisors, National Security Council, Office of Management and Budget.....	
Executive Protective Service.....	EPS.
Export-Import Bank of the United States.....	EB.
Federal Aviation Administration.....	FA.
Federal Communications Commission.....	FC.
Federal Deposit Insurance Corporation.....	FD.
Federal Mediation and Conciliation Service.....	FM.
Federal Reserve System.....	FR.
Federal Trade Commission.....	FT.
General Accounting Office.....	GA.
General Services Administration.....	GS.
Government Printing Office.....	GP.
Health, Education, Welfare, Department of.....	HW.
Housing and Urban Development, Department of.....	H.
Interagency Motor Pool System.....	G.
Interior, Department of the.....	I.
Interstate Commerce Commission.....	IC.
Judicial Branch of the Government.....	JB.
Justice, Department of.....	J.
Labor, Department of.....	L.
Legislative Branch.....	LB.
National Aeronautics and Space Administration.....	NA.
National Capital Housing Authority.....	NH.
National Capital Planning Commission.....	NP.
National Guard Bureau.....	NG.
National Labor Relations Board.....	NL.
National Science Foundation.....	NS.
Navy, Department of the.....	N.
Nuclear Regulatory Commission.....	NRC.
Panama Canal Company.....	PC.
Railroad Retirement Board.....	RR.
Renegotiation Board.....	RB.
Securities and Exchange Commission.....	SE.
Selective Service System.....	SS.
Small Business Administration.....	SB.
Smithsonian Institution.....	SI.
National Gallery of Art.....	
Soldiers' and Airmen's Home, U.S.....	SH.
State, Department of.....	S.
Tennessee Valley Authority.....	TV.
Transportation, Department of.....	DOT.
Treasury, Department of the.....	T.
United States Information Agency.....	IA.
United States Postal Service.....	P.
Veterans Administration.....	VA.

Subpart 101-38.6—Exemptions From Use of Official U.S. Government Tags and other Identification

Section 101-38.602 is amended by revising paragraphs (a), (e), (f), and (n) and by adding paragraphs (o) and (p) as follows:

§ 101-38.602 Unlimited exemptions.

(a) *Agriculture, Department of.* Motor vehicles that the Animal and Plant Health Inspection Service, Agricultural Marketing Service, Food and Nutrition Service, Food Safety and Quality Service, Forest Service, and Office of the Inspector General use in the conduct of investigative or law enforcement activities.

(e) *Energy, Department of.* Motor vehicles that the Department of Energy designates for use in the conduct of security operations or in the enforcement of security regulations.

(f) *Health, Education, and Welfare, Department of.* Motor vehicles operated by the Office of Investigations and Office of the Inspector General that are used for law enforcement and investigative purposes.

(n) *Treasury, Department of the.* All motor vehicles operated by the U.S. Secret Service; Intelligence Division and Internal Security Division of the Internal Revenue Service; Bureau of Alcohol, Tobacco, and Firearms; and Office of Investigation of the U.S. Customs Service.

(o) *State, Department of.* All motor vehicles designated for the protection of both domestic and foreign dignitaries and motor vehicles used in the investigations of passport and visa fraud cases.

(p) *National Labor Relations Board.* Motor vehicles that the field offices use for investigative activities.

Subpart 101-38.7—Transfer of Title to Government-Owned Motor Vehicles

Section 101-38.701(d) is revised as follows:

§ 101-38.701 Methods of transfer.

(d) Standard Form 97, The U.S. Government Certificate of Release of Motor Vehicle, and Standard Form 97-A, Agency Record Copy of the U.S. Government Certificate of Release of a Motor Vehicle, are issued together in a unit set as Standard Form 97. Upon completion of the set, Standard Form

97 shall be furnished the purchaser or donee; one copy of Standard Form 97-A shall be furnished the holding agency; and one copy of Standard Form 97-A shall be furnished the contracting officer of the agency effecting sale or transfer of the motor vehicle. (Also see § 101-45.303-3.)

Subpart 101-38.12—Preparation and Control of Standard Form 149, U.S. Government National Credit Card

Section 101-38.1202-1(b) is revised as follows:

§ 101-38.1202-1 Expiration date.

(b) All cards without expiration dates shall be replaced.

Subpart 101-38.49—Forms and Reports

Section 101-38.4903 is revised as follows:

§ 101-38.4903 Examples of agency identification.

Agency identification	Letter height (inch)	
	Min.	Max.
For official use only.....	1/4	1/2
U.S. Government.....	1/4	1
Department of the Interior.....	1	1 1/2
Bureau of Reclamation.....	1/4	1/2
For official use only.....	1/4	1/2
U.S. Government.....	1/4	1
Internal Revenue Service.....	1	1 1/2
For official use only.....	1/4	1/2
U.S. Government.....	1/4	1
Department of Energy.....	1	1 1/2
For official use only.....	1/4	1/2
U.S. Government.....	1/4	1
Federal Aviation Administration.....	1	1 1/2

PART 101-39—INTERAGENCY MOTOR VEHICLE POOLS

Subpart 101-39.8—Accidents and Claims

Section 101-39.807(b) is amended by revising the introductory paragraph to read as follows:

§ 101-39.807 Responsibility for damages.

(b) When an employee damages an interagency motor pool vehicle through misconduct or improper operation as defined in § 101-39.704, GSA will charge all costs to the agency employing the operator, including the fair market value of the vehicle less any salvage value, if the vehicle is damaged beyond economical repair. GSA will furnish the agency an acci-

dent report regarding the incident. Each agency shall be responsible for disciplining its employees who are guilty of damaging motor pool vehicles through misconduct or improper operation.

PART 101-40—TRANSPORTATION AND TRAFFIC MANAGEMENT

Subpart 101-40.7—Reporting and Adjusting Discrepancies in Government Shipments

Section 101-40.702-3(d) is revised as follows:

§ 101-40.702.3 Preparation of a discrepancy report.

(d) Pilferage, theft, or loss, regardless of dollar value, occurring in a shipment of ammunition, explosives, or other hazardous articles (as identified in 49 CFR part 172) shall be reported by telephone within 24 hours after discovery to both the agency or activity responsible for the shipment and to the Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. In addition, a written discrepancy report shall be prepared and distributed immediately, and a copy shall be forwarded to the Materials Transportation Bureau.

Subpart 101-40.49—Forms, Formats, and Agreements

Section 101-40.4902 is revised as follows:

RULES AND REGULATIONS

§ 101-40.4902 Standard forms.

The Standard forms illustrated in this subpart 101-40.49 may be obtained by submitting a requisition in FEDSTRIP format to the GSA regional office providing support to the requesting activity.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).)

Dated: May 23, 1978.

JAY SOLOMON,
Administrator of
General Services.

[FR Doc. 78-15276 Filed 6-1-78; 8:45 am]

[4310-84]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

(Public Land Order 5638; Idaho 13325)

IDAHO

Transfer of Jurisdiction: Withdrawal of Lands for Dworshak Dam Wildlife Mitigation Project

AGENCY: Bureau of Land Management (Interior).

ACTION: Final rule.

SUMMARY: This public land order transfers 4,027.56 acres of public lands to the Corps of Engineers and withdraws the lands from operation of the mining laws. The purpose of this rule is to provide lands for the Dworshak Dam Wildlife Mitigation Project. This action is taken under the Federal Land Policy and Management Act of 1976.

EFFECTIVE DATE: June 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Mathew Millenbach, 202-343-8731.

By virtue of the authority contained in section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, it is ordered as follows:

1. The following described lands are hereby transferred from the Bureau of Land Management to the Corps of Engineers:

BOISE MERIDIAN

T. 40 N., R. 4 E.,
Sec. 2, lots 3, 4, 6, and W 1/4 of lot 7,
SW 1/4 NE 1/4, S 1/4 NW 1/4, W 1/4 SW 1/4,
NE 1/4 SW 1/4, NE 1/4 SE 1/4 SW 1/4,
W 1/4 SE 1/4 SW 1/4, NW 1/4 NW 1/4 SE 1/4,
SE 1/4;
Sec. 3, lots 1 through 8, S 1/4 N 1/4, E 1/4 SW 1/4,
SE 1/4;
Sec. 10, N 1/4, N 1/4 SW 1/4, W 1/4 SW 1/4 SW 1/4,
N 1/4 SE 1/4 SW 1/4, SE 1/4 SE 1/4 SW 1/4, SE 1/4;
Sec. 11, W 1/4 NW 1/4, SE 1/4 NW 1/4,
W 1/4 NE 1/4 SW 1/4, NW 1/4 SW 1/4,
N 1/4 SW 1/4 SW 1/4, NW 1/4 SE 1/4 SW 1/4,
S 1/4 SE 1/4;
Sec. 12, E 1/4 SW 1/4 SW 1/4, S 1/4 SE 1/4 SW 1/4,
S 1/4 SE 1/4;
Sec. 13, N 1/4, SW 1/4, N 1/4 SE 1/4, SW 1/4 SE 1/4;
Sec. 14, E 1/4 NE 1/4 NE 1/4, SE 1/4 SW 1/4 NE 1/4,
SE 1/4 NE 1/4, SE 1/4 NE 1/4 SW 1/4, S 1/4 SW 1/4,
SE 1/4;
Sec. 15, SE 1/4 SE 1/4 SE 1/4, N 1/4 NW 1/4 NE 1/4,
SE 1/4 NW 1/4 NE 1/4, W 1/4 NW 1/4 NW 1/4,
W 1/4 NW 1/4 SW 1/4, SE 1/4 NW 1/4 SW 1/4.
T. 40 N., R. 5 E.,
Sec. 5, E 1/4 SW 1/4 NE 1/4, SW 1/4 SW 1/4 NE 1/4,
W 1/4 SE 1/4, SE 1/4 SE 1/4;
Sec. 6, lots 3, 4, 5, W 1/4 SW 1/4 NE 1/4,
SE 1/4 NW 1/4;
Sec. 7, E 1/4 lot 5, lot 6, S 1/4 NE 1/4, SE 1/4 NW 1/4,
E 1/4 SW 1/4, SE 1/4 I 24 Sec. 8, NE 1/4,
E 1/4 NE 1/4 NW 1/4, S 1/4 NW 1/4.

The lands described aggregate approximately 4,027.56 acres in Clearwater County.

2. The lands described in paragraph 1 are hereby withdrawn from all forms of appropriation under the mining laws excepting the mineral leasing laws.

CECIL D. ANDRUS,
Secretary of the Interior.

MAY 17, 1978.

[FR Doc. 78-15406 Filed 6-1-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-15]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

Proposed Revision of REA Specification PE-23 for Direct Burial Telephone Cables (Air Core)

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: REA proposes to revise REA Bulletin 345-14 to announce the revision of REA Specification PE-23 for Direct Burial Telephone Cables (Air Core). This specification was revised to upgrade the electrical requirements and to include a section on Qualification Testing. The effect of this action will be to take advantage of state-of-the-art improvements in cable manufacturing and help assure the long-term performance characteristics of the cable under certain environmental conditions. On issuance of REA Bulletin 345-14, appendix A to part 1701 will be modified accordingly.

DATE: Public comments must be received by REA no later than July 3, 1978.

ADDRESS: Persons interested in the revised specification may submit written data, views, or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Warner T. Smith, Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1340, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-3827.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the Rural Electrification Act, as amended (17 USC 901 et seq.), REA proposes to issue REA Bulletin 345-14.

A copy of the proposed revision of REA Bulletin 345-14 and the proposed revision of REA Specification PE-23 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

Dated: May 24, 1978.

C. R. BALLARD,
Assistant Administrator,
Telephone.

(FR Doc. 78-15254 Filed 6-1-78; 8:45 am)

[3410-34]

Animal and Plant Health Inspection Service

[9 CFR Part 11]

ANIMAL WELFARE

Horse Protection Regulations; Extension of Comment Period

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of extension of time for comments.

SUMMARY: This document would extend the comment period on the proposed rulemaking published in the FEDERAL REGISTER, April 28, 1978 (43 FR 18514-18531), which proposes new and revised regulations under the Horse Protection Act to prevent the showing, exhibiting, selling or auctioning of sore horses and certain transportation of sore horses in connection therewith at horse shows, horse exhibitions, horse sales, and horse auctions as required or authorized by the Horse Protection Act Amendments of 1976, enacted on July 13, 1976, and certain other purposes. Certain representatives of the horse industry have requested that the comment period be extended in order to give them adequate time to prepare relevant data and information and to develop sound views and comments. This document is to provide an extension of the comment period as requested.

DATE: Comments must be received on or before June 30, 1978.

ADDRESS: Send comments to Deputy Administrator, USDA, APHIS, VS, Room 703, Federal Building, 6505 Belcrest Road, Hyattsville, Md. 20782.

FOR FURTHER INFORMATION CONTACT:

Dr. Dale F. Schwindaman, Senior Staff Veterinarian, Animal Care Staff, Veterinary Services, Animal and Plant Health Inspection Service,

U.S. Department of Agriculture, Room 703, Federal Building, 6505 Belcrest Road, Hyattsville, Md. 20782, 301-436-8271.

SUPPLEMENTARY INFORMATION: Notice was given April 28, 1978 (43 FR 18514-18531), of proposed new and revised regulations under the Horse Protection Act to prevent the showing, exhibition, selling or auctioning of sore horses and certain transportation of sore horses in connection therewith at horse shows, horse exhibitions, horse sales, and horse auctions as required or authorized by the Horse Protection Act Amendments of 1976 (Pub. L. 94-360) enacted on July 13, 1976.

This proposal provided for receipt of comments on or before May 30, 1978.

In response to this proposal, requests were received from representatives of the horse industry for additional time in which to obtain relevant data and information and to develop sound views and comments. Since the Department is interested in receiving meaningful views and comments, these circumstances are considered justification for an extension of the time period originally allotted for submitting views and comments. Therefore, the period for the submission of comments concerning the proposal is hereby extended until June 30, 1978.

Done at Washington, D.C., this 31st day of May, 1978.

PIERRE A. CHALOUX,
Deputy Administrator,
Veterinary Services.

(FR Doc. 78-15467 Filed 6-1-78; 8:45 am)

[3410-37]

Food Safety and Quality Service

[9 CFR Part 381]

STANDARD FOR TURKEY HAM

Notice of Proposed Rulemaking

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes a standard for "Turkey Ham." This product which is fabricated from turkey thigh meat has been marketed for a number of years and has gained consumer acceptance for both its organoleptic characteristics and nutritional qualities. As a result, an increasing number of firms are now marketing the product. The provisions of the

PROPOSED RULES

24065

proposal would preserve the characteristic qualities of turkey hams, and would also require that the product name be qualified by the term "Cured Turkey Thigh Meat" so that consumers would be fully informed that the content of the product was turkey.

DATE: Comments must be received on or before August 31, 1978.

ADDRESSES: Written Comments to: Hearing Clerk, Room 1077, South Agriculture Building, U.S. Department of Agriculture, Washington, D.C. 20250. Oral Comments to: Mr. Irwin Fried, 202-447-6042. See also "Comments" under Supplementary Information.

FOR FURTHER INFORMATION CONTACT:

Mr. Irwin Fried, Acting Director, Product Labels and Standards Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-6042.

SUPPLEMENTARY INFORMATION:

COMMENTS

Interested persons are invited to submit comments concerning this proposal. Written comments must be sent in duplicate to the Hearing Clerk. Comments should bear a reference to the date and page number of this issue of the FEDERAL REGISTER. Any person desiring an opportunity for oral presentation of views must make such request to Mr. Irwin Fried, so that arrangements may be made for such views to be presented. A transcript shall be made of all views orally presented. All comments submitted pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business.

BACKGROUND

Since 1975, the Department has permitted certain cured poultry products fabricated from turkey thigh meat to be labeled as "Turkey Ham" without further qualification. The decision to permit this labeling was based on the view that the term "ham" when prefixed by the species name of an animal refers to the hind limb of that animal. Poultry products are subject to the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) and the poultry products inspection regulations (9 CFR Part 381). The Act and regulations do not define the term "ham"; however, this conclusion concerning the meaning of the term "ham" was based on section 317.8(b)(13) of the Federal meat inspection regulations (9 CFR 317.8(b)(13)) which provides:

The word "ham," without any prefix indicating the species of animal from which de-

rived, shall be used in labeling only in connection with the hind legs of swine.

This provision implies that the term "ham" when prefixed by the species name of an animal refers to the hind limb of that animal.

Section 4(h) (1) and (3) of the Poultry Products Inspection Act (21 U.S.C. 451(h) (1) and (3)) provide that a poultry product is misbranded "if its labeling is false or misleading in any particular," or "if it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word 'imitation' and immediately thereafter the name of the food imitated." In this connection, the American Meat Institute (AMI) and the National Pork Producers Council (NPPC) petitioned the Department to amend the Federal meat inspection regulations and the poultry products inspection regulations to restrict the use of the term "ham" to the labeling of meat products prepared from the hind legs of swine. AMI and NPPC assert that the labeling of a turkey product merely as "Turkey Ham" would falsely indicate that the product contains pork, and that a "Turkey Ham" is an imitation of a pork ham.

In their petition, AMI and NPPC described a study of data obtained from a sample of 400 consumers in four major cities. The study was designed to determine whether the present labeling is likely to mislead consumers about the meaning of "Turkey Ham." Unfortunately, the methodology used in that survey does not permit a rational judgment to be made about consumers' interpretations.

The Department also had a market survey conducted to determine the consumers' understanding of "Turkey Ham." While the results of the survey indicated that the largest group of consumers (40 to 54 percent) understand correctly that the product contained only turkey meat, there is a substantial group of consumers (8 to 19 percent) that believe it to contain some or all pork meat. It appears that the labeling on a "Turkey Ham" would not cause consumers to believe that it contained pork and would not be an imitation of a pork ham if the product name "Turkey Ham" were qualified by the term "Cured Turkey Thigh Meat"; if the word "ham" were the same size, style, and color as the word "turkey"; and if a standard were developed for the product.

Accordingly, it is hereby proposed to require this labeling on the product and to establish a standard for it.

"turkey Ham" is finding increasing consumer acceptance and has been produced with certain characteristics that consumers have come to expect. Accordingly, in order to assure that these characteristics are present in "Turkey Ham," the Administrator proposes to require the product to be pre-

pared only from boneless turkey thigh meat with the skin and surface fat removed; to require the product to be cured with approved curing agents; to require the finished product weight after cooking to be no more than the original weight of the turkey thigh meat used prior to curing; to permit the product to contain certain cure accelerators, phosphates, smoke flavorings, artificial smoke flavorings, and seasonings; and to permit the product to be smoked.

Since there is a textural difference among whole boneless thighs, chunked thigh meat, and ground thigh meat, it is also proposed to require a product to be labeled as "Chunked and Formed" or "Ground and Formed" if fabricated from chunks of thigh meat or ground thigh meat.

Also, in order to assure that all qualifying statements, i.e., "Cured Turkey Thigh Meat," "Chunked and Formed," and "Ground and Formed" are prominently placed on the labeling with such conspicuousness as to render it likely to be read and understood by consumers, it is proposed to require qualifying statements to be not less than one-half the size of the product name, but in no case less than one-eighth inch in height, and to require that the lettering be in the same style and color and with the same background as the product name.

This action does not address directly the use of nitrites in poultry products. That matter is under active review by the Food and Drug Administration. The provision in the proposed standard prescribing the use of nitrites may be affected by action undertaken in the future by the Food and Drug Administration.

Accordingly, it is proposed to amend the poultry products inspection regulations by adding a new section 381.171 to Subpart P to read as follows:

§ 381.171 Definition and standard for "Turkey Ham."

(a) "Turkey Ham" shall be fabricated from boneless turkey thigh meat with the skin and surface fat removed. The thighs shall be that cut of poultry described in § 381.170(b)(5) of this part.

(b) The product may or may not be smoked, and shall be cured using approved curing agents as provided in § 381.147(f) of this part. The product may also contain cure accelerators, phosphates, smoke flavorings, artificial smoke flavorings, and seasonings as provided in § 381.147(f) of this part.

(c) The finished product weight after cooking shall be no more than the original weight of the turkey thigh meat used prior to curing.

(d) The product name on the label shall show the word "Turkey" in the same size, style, color, and with the same background as the word "Ham,"

and shall precede and be adjacent to it.

(e) The product name shall be qualified with the statement "Cured Turkey Thigh Meat." If the product is fabricated from chunks of turkey thigh meat, the product name shall be further qualified to indicate that it is "Chunked and Formed." If the product is fabricated from ground turkey thigh meat, the product name shall be further qualified to indicate that it is "Ground and Formed." The qualifying statements shall be not less than one-half the size of the product name, but the letters shall be not less than one-eighth inch in height. The lettering shall be in the same style and color and with the same background as the product name.

NOTE.—The Food Safety and Quality Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Done at Washington, D.C., on: May 31, 19768.

ROBERT ANGELOTTI,
Administrator,
Food Safety and Quality Service.
(FR Doc. 78-15498 Filed 6-1-78; 8:45 am)

[6820-27]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 772 3051]

COOGA MOOGA, INC., ET AL.

Consent Agreement With Analysis To Aid
Public Comment

Correction

In FR Doc. 78-13284 appearing at page 21009 of the issue of Tuesday, May 16, 1978, at page 21012 in the thirty-seventh line in the first column, the word "casually" should be changed to "causally".

[4110-03]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Chapter I]

[Docket No. 78N-00741]

X-RAY INTENSIFYING SCREENS

Intent to Develop a Radiation Protection
Recommendation

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Commissioner of Food and Drugs announces that the

Food and Drug Administration (FDA) is considering development of a radiation protection recommendation advocating the increased use of X-ray intensifying screens made from recently developed phosphor materials. The Commissioner believes that the increased use of these screens in appropriate examinations has the potential for a significant reduction in the radiation exposure experienced by persons undergoing medical radiological examination. Comments on the need for, usefulness, and content of such a recommendation are requested.

DATE: Comments by November 29, 1978.

ADDRESS: Written comments to the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Harvey Rudolph, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1960.

SUPPLEMENTARY INFORMATION: Through the Bureau of Radiological Health (BRH) and under the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90-602, 42 U.S.C. 263b et seq.), FDA conducts and supports research, training, and operational activities to minimize unnecessary exposure of the public to electronic product radiation. In carrying out the purposes of the Radiation Control for Health and Safety Act, the Commissioner is authorized to make such recommendations for the control of electronic product radiation as he considers appropriate (42 U.S.C. 263d). In this capacity and under section 301 of the Public Health Service Act, the Commissioner is considering the development of a voluntary radiation protection recommendation and related information to encourage the use of X-ray intensifying screens made from recently developed phosphor materials which can result in reduced patient exposure. The recommendation would encourage radiographic facilities to use these new screens when appropriate and would provide guidance and suggestions to assist radiographic facilities in adopting these new screens.

This recommendation would be among several that have been or will be proposed by the Commissioner concerning the hazards and control of electronic product radiation or radiation from other sources. Some of these may be made for areas or activities inappropriate for mandatory control. These recommendations are developed in cooperation with national scientific and technical authorities and representatives of professional,

public, and private groups that have an interest and knowledge in the field. Therefore, these recommendations will represent a consensus of expert opinion upon which individual practitioners and allied health personnel can rely. These recommendations, which will provide guidance on techniques for reducing unnecessary exposure to electronic product radiation or radiation from other sources, would be implemented through educational programs and cooperative activities with professional organizations and State health agencies. The issuance of this notice is part of the FDA policy of early public participation in recommendation development activities.

The Commissioner advises that the actions related to the development of this recommendation are separate from any actions concerning X-ray intensifying screens that may be taken under the authority of the Medical Device Amendments of 1976 (Pub. L. 94-295) to the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.). Classification of X-ray intensifying screens according to section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c) or any subsequent regulations or other actions will be separate actions which will proceed independently of the development of any radiation protection recommendations.

Through its Bureau of Radiological Health, FDA has had an active interest in the development and increased use of X-ray intensifying screens made from the newer phosphors because of the potential of such screens for significantly reducing exposure from medical radiographic examinations. Studies performed in BRH laboratories and elsewhere have demonstrated that exposure reductions of 50 to 90 percent compared to conventional systems are now possible using intensifying screens made from the new generation of phosphors. Images obtained with systems that provide a 50 percent exposure reduction are comparable to those obtained with conventional systems, whereas those systems providing the greatest exposure reduction may be useful only in certain circumstances or for special procedures. In general, an exposure reduction of about one-half of the conventional exposure results from the greater X-ray absorbing efficiency of the new phosphors. Additional exposure reduction is made possible by the increased brightness of the phosphors and their use with film emulsions whose spectral sensitivity has been optimized for the phosphor emissions. Although this additional exposure reduction may degrade image quality, the Commissioner believes there may be applications where this degradation does not result in a significant loss of diagnostic information.

The Commissioner is considering those actions which the agency should take to encourage the potential reduction in exposure to ionizing radiation that could result from widespread use of the new intensifying screens where they prove to be clinically acceptable. Among the actions being considered is the establishment of an FDA radiation protection recommendation encouraging the use of the new screens. The Commissioner is therefore seeking comment on the utility, need for, and content of such a recommendation as well as information that could be used to develop the recommendation or that could be included in educational programs to promote the use of such screens.

The Commissioner advises that BRH has evaluated prototype intensifying screens which offer more than a 50 percent reduction in patient exposure, compared to conventional calcium tungstate screens, while offering superior or comparable image quality. This evaluation is based on examination of the physical parameters of the images. Most of the commercially available newer film-screen systems appear to be designed to require even less exposure than the prototype screens described above, but unfortunately, result in a compromise of the image quality, such as lower contrast or increased quantum mottle (blotching of the image due to statistical fluctuations in spatial distribution of the image-forming X-rays). The current purchaser may be left in the position of having to compromise some image quality to obtain the exposure reduction afforded by the new systems. The Commissioner encourages manufacturers to offer improved intensifying screen and X-ray film combinations that do not compromise image quality and believes that this should be possible with current technology. The Commissioner sees the interaction of: (1) The electrochemical industry in developing new phosphors, (2) the screen manufacturers in applying these phosphors, and (3) the film manufacturers in developing new emulsions as an example of technology transfer and engineering that is well directed to the national interest in a vital area of public health. Although long term gains may be achieved by developing more efficient phosphors and higher packing densities, the Commissioner hopes that the present gains can be incorporated into general medical practice in the short term.

The Commissioner acknowledges that the adoption of the newer film-screen systems by facilities with established radiology programs may require the solution of certain clinical and technical problems associated with the different characteristics of the newer systems and the use of multiple imaging systems in a single facility. He in-

vites comments defining the type and extent of these problems, as well as information on steps which have been or could be used to overcome these problems.

Clinical users of these systems are invited to submit information on their clinical experience and suggestions concerning the use of currently available systems, together with recommendations for future developments. Manufacturers and others are also invited to submit their current or anticipated solutions to these problems. Such information will be used in determining the need for and content of any recommendations and to support educational efforts designed to encourage the use of the new systems.

To assist in this study and in developing useful recommendations, the Commissioner requests detailed scientific and technical data, as well as comments or suggestions, supported by detailed rationale and justification on the following questions:

1. For what examinations have the newer screen-film combinations been used without loss of diagnostic information, and what are the magnitudes of the exposure reductions realized from their use?

2. For what examinations may image quality be traded for exposure reduction without compromising the diagnostic objectives of the examination, and with which imaging systems has this been satisfactorily accomplished?

3. Do technologists adapt readily to the particular energy (kVp) dependence of these systems? What adjustments of technique are necessary because of the new systems?

4. What procedures should be used by a facility when adopting imaging systems using the newer screens? Should single X-ray systems or entire departments be converted at once to use the new intensifying screens?

5. Can darkroom facilities and procedures be adjusted to effectively operate when different film and screen combinations are used in the same facility?

6. What is the effect of the use of the newer screens on overall system performance and reliability? Does the potential for reduced exposures result in extended X-ray tube lifetime? Can the reduced exposure times possible with the new screens be used to reduce problems due to patient motion?

7. What additional actions should FDA take, in addition to the possible development of an FDA formal recommendation, to foster the use of the newer imaging systems and thereby reduce exposure to radiation?

Individuals or organizations wishing to receive copies of draft recommendations or related documents distributed or made available for review during consideration of this action by the agency may have their names placed

on the mailing list by writing to: Division of Compliance (HFX-460), Bureau of Radiological Health, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

Interested persons are invited to participate in developing the proposed recommendation by submitting written comments or data on the subject. Communications on the proposed recommendation should be sent to the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. Comments received on or before November 29, 1978, will be considered by the Commissioner in formulating any recommendations on this subject. Recommendations that are developed will be published in the FEDERAL REGISTER as proposals and public comment will be invited.

This notice of intent is issued under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 356, 82 Stat. 1174-1176 (42 U.S.C. 263d)) and under authority delegated to the Commissioner (21 CFR 5.1).

Dated: May 23, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

(FR Doc. 78-15063 Filed 6-1-78; 8:45 am)

[4110-03]

[21 CFR Parts 182, 186]

[Docket No. 78N-00321]

TALL OIL

Affirmation of Grasp Status as an Indirect
Human Food Ingredient

AGENCY: Food and Drug Administration.

ACTION: Proposal.

SUMMARY: This proposal would affirm the generally recognized as safe (GRAS) status of tall oil as an indirect human food ingredient. The safety of this ingredient has been evaluated under a comprehensive safety review being conducted by the agency.

DATES: Written comments by August 1, 1978.

ADDRESS: Written comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration is conducting a comprehensive safety review of human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The Commissioner issued several notices and proposed regulations (see the FEDERAL REGISTER of July 26, 1973 (38 FR 20040)) initiating this review. Pursuant to this review, the safety of tall oil has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the Commissioner proposes to affirm the GRAS status of this ingredient.

Tall oil is essentially the sap of the pine tree. The tall oil of commerce, however, is a byproduct derived from the waste liquors of the pinewood pulp mills in the kraft or sulfate process of paper manufacture. It consists mainly of a mixture of fatty and resin (or rosin) acids and, depending upon the source of the wood and the processing methods used, varies in composition and properties. The resin acids and fatty acids (tall oil) are removed from the wood and converted to soaps by the highly alkaline pulping chemicals. Crude tall oil, recovered when the skimmings are acidified, is separated through distillation into resin and fatty acid fractions.

Crude tall oil is composed of two major fractions, tall oil resin acids and tall oil fatty acids, and a minor fraction consisting of a mixture of unsaponifiable or "neutral" substances. The bulk of the resin acids, comprising about 42 percent of tall oil, consists of diterpenoid monocarboxylic derivatives of alkylated hydrophenanthrenes of the abietic and pimaric acid types.

The fatty acid fraction constitutes about 51 percent of the tall oil. Oleic and linoleic acids, in approximately equal percentages, comprise about 80 percent of this fraction, while the remaining 20 percent consists of a mixture of other fatty acids.

The unsaponifiable fraction accounts for about 7 percent of tall oil. It consists mainly of hydrocarbons, sterols and higher alcohols. Sitosterol, identified as largely β -sitosterol, makes up from 70 to 75 percent of this fraction.

Some constituents of tall oil are either GRAS themselves or are constituents of other GRAS substances. Tall oil fractions are commercially available under a number of trade names; their composition and properties vary depending on conditions of manufacture.

Tall oil is listed in § 182.70 (21 CFR 182.70) as GRAS for cotton and cotton fabrics used in dry food packaging pursuant to regulations published in the FEDERAL REGISTER of June 10, 1961 (26 FR 5224). It is also listed in § 181.26 as a drying oil in the manufacture of

food-packaging materials which is the subject of a prior sanction.

Tall oil is authorized for indirect food use in the following regulations: § 175.105, as a component of adhesives; § 175.300, as a drying oil used in the formulation of resinous and polymeric coatings; § 175.320, as an optional substance used in the formulation of resinous and polymeric coatings for polyolefin films; § 176.210, as a substance used in the formulation of defoaming agents used in the manufacture of paper and paperboard; and § 177.2600, as a component of rubber articles intended for repeated use.

Use of tall oil for all purposes in the United States rose from 86 million pounds in 1960 to 117 million pounds in 1965 and then dropped to 75 million pounds in 1970. No data are available on the actual consumption of tall oil due to its migration to food from packaging materials. However, the migration of resin components from sized paper to foods has been studied. It was concluded that foods stored up to several weeks in packaging papers containing up to 7 percent resin contain, on the average, no more than 9 parts per million of resin. It seems reasonable to assume that the level of consumer exposure to tall oil resins, fatty acids, and unsaponifiable components migrating to foods from food packaging materials would be the same.

Tall oil has been the subject of a search of the scientific literature from 1920 to the present. The standards used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 177 abstracts on tall oil was reviewed and 42 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (the Select Committee), selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology:

No feeding studies specifically designed to determine the safety of crude (whole) tall oil have been reported. However, Sunde observed a reduction in the growth of chicks fed 5 percent crude tall oil (about 6.3 g per kg per day) in the diet as compared to chicks fed oleic, linoleic, or linolenic acids at the same level. Chicks on the tall oil diet grew as well as those fed butyric acid at the same level.

In man, tall oil and the resin acids have been found to be slightly irritating to the skin and the mucous membranes. Abietic acid, a major constituent of tall oil, was moderately toxic when ingested (dose not indicated), and large doses (up to 0.5 g per kg per day) of β -sitosterol, a major constituent of the unsaponifiable fraction of tall oil, apparently caused anorexia, gastrointestinal cramps, and diarrhea in some patients.

Acute toxicity tests of tall oil resin have been conducted on several species of animals. When "pale tall oil resin" was administered (route unspecified, but presumably oral) as a 30 percent solution in corn oil, the LD₅₀ values were found to be 7.6 g per kg for rats, 4.6 g per kg for mice, and 4.6 g per kg for guinea pigs.

Longer term studies showed no differences between controls and young albino rats fed 0.01 percent, 0.05 percent, and 0.2 percent pale tall oil resin (about 10 to 200 mg per kg per day) for 90 days in their diets. Observations included appearance, growth, food intake, hematology, urinalysis, and gross pathologic examinations of the liver, kidneys, spleen, gonads, heart, and brain. Histopathologic examinations of these organ and the stomach, small intestine, colon, pancreas, urinary bladder, adrenals, thyroid, parathyroids, lymph nodes, lungs, bone marrow, muscle, prostate and uterus were also made. When 1 percent tall oil resin was fed (1 g per kg per day), growth and food consumption were depressed during the first two weeks, but normal growth rate returned after two weeks. Hematologic findings and urinalyses were normal. No significant differences were noted at autopsy and upon histologic examination of the viscera except for a slightly greater liver weight than in the controls. When 5 percent tall oil resin was fed (5 g per kg per day), rapid weight loss followed and all of the rats died within two weeks.

Tall oil resins were fed to young albino rats and young beagle dogs at dietary levels of 0.05 and 1.0 percent for two years. The 0.05 percent level amounted to about 50 mg per kg per day for the rats and about 40 mg per kg per day for the dogs. In addition, the resins were fed to rats as a level of 0.2 percent (200 mg per kg per day) for two years. Observations included gross signs, mortality, food intake, body weight, hematology, urinalysis, liver and kidney function tests, and tumor incidence. Observations at necropsy included organ weights for liver, kidneys, spleen, gonads, brain, heart, thyroid, and adrenals. Histopathologic examination of these organs and the aorta, gall bladder, peripheral nerves, and spinal cords of the dogs, revealed no significant differences between those animals fed tall oil resins at the

0.05 and 0.2 percent levels and their controls. However, at the 1.0 percent level, food consumption of the rats was 10 percent below that of the control animals and their growth rates were slightly depressed. Food consumption and growth rates for dogs receiving 1 percent tall oil resin in the diet were not significantly different from the controls. Likewise, no significant differences were found in the hematology, urinalyses, and liver and kidney function tests between the experimental and the control animals. There was liver enlargement but histologically, the organ was within normal limits; all other organs were comparable to those of the controls. Histopathologic findings and tumor incidence in test and control animals did not differ significantly.

When the glycerol esters of the fatty acid distillate of tall oil provided 30 percent of the calories in the diet of rats, Seppanen found that over 95 percent of the fatty acid glycerides was absorbed. In the same work, it was observed that at a level of 15 percent in the diet, tall oil fatty acid glyceride margarine supported a longer life span in female rats than buttered controls. Further, at a level of 15 percent of the dietary calories, tall oil fatty acids and their ethyl and glyceryl esters produced the same growth rate in weanling male and female rats, as compared with controls on a soybean diet. Those receiving 60 percent of their calories as tall oil fatty acid distillate had diarrhea, skin and fur disorders, decreased growth rate, and increased mortality. Hydrogenation of the tall oil fatty acid glycerides (to iodine value 70) seemed to decrease the injurious effects when fed at this high level. When experiments on reproduction with rats were carried out over three generations with 30 percent of their calories from tall oil fatty acid glyceride margarine, as compared with an ordinary margarine control, no significant differences in reproduction or survival were observed. Histopathologic comparison of the lungs, heart, thyroid, adrenals, liver, kidney, stomach, and intestine in experimental animals and controls also showed no significant differences, except for hepatic parenchymal degeneration and "swollen renal tubule cells," which were also observed in rats fed tall oil fatty acid glyceride margarine at 30 percent and 60 percent levels in a fat-absorbability experiment.

Antila added the ethyl esters of the fatty acids of tall oil to the fodder of milk cows at a level of 3 percent (500

mg per kg). Milk yield was not adversely affected. Iodine value of the milk fat was increased as was the proportion of conjugated diethenoids. When the tall oil fatty acid distillate was added at a 10 percent level, the iodine value of the milk fat and the relative proportion of C₁₈ acids were increased.

At a concentration of 2.3 to 2.6 percent (1 g per kg per day) in the dry feed mixture fed to hens, Antila et al. observed that ethyl esters of the fatty acids of tall oil appeared to increase the egg production. However, a concentration of 4.3 to 4.8 percent (about 1.8 g per kg per day) in the feed lowered egg production. The fertilizability and hatchability of the eggs were "normal."

In order to determine the role of cis-5,9,12-octadecatrienoic acid as a possible growth-retarding factor, pine seed oil, which contains twice as much of this compound as tall oil fatty acid distillate, was fed by Seppanen to rats weighing about 50 g over a 16-day period. At a dietary fat level of 30 percent of the calories (amounting to about 4 g of the octadecatrienoic acid per kg of body weight), a statistically insignificant reduction in weight gain was observed, as compared to weight gain on a diet containing the same level of soybean oil.

Altschul reported that the feeding of 0.3 g (150 mg per kg per day) of stigmasterol daily to rabbits for 73 to 116 days did not produce cholesterol-like arteriosclerotic changes.

No studies concerning the teratogenicity, mutagenicity or carcinogenicity of tall oil have come to the attention of the Select Committee.

Title	Order No.	Price code	Price ¹
Tall oil (scientific literature review)	PB-228-556/AS	A05	\$6.00
Tall oil (Select Committee report)	PB-262-666/AS	A02	4.00

¹Price subject to change.

This proposed action does not affect the present use of tall oil for pet food or animal feed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409(d), 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348(d), 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Parts 182 and 186 be amended as follows:

§ 182.70 [Amended]

1. In § 182.70 *Substances migrating from cotton and cotton fabrics used in dry food packaging*, by deleting "Tall oil" from the list of substances.

All of the available safety information on tall oil has been carefully evaluated by qualified scientists of the Select Committee. It is the opinion of the Select Committee that:

Because tall oil as a GRAS or prior sanctioned substance is currently restricted to use in dry food packaging materials or in their preparation, it can be assumed that the amount of tall oil consumed in food through migration from or abrasion of these materials is minute.

There have been no reports of significant harmful biological effects of tall oil when fed to animals even at levels that are considerably greater than could conceivably be consumed by man as tall oil is now used in packaging materials.

It is the conclusion of the Select Committee that there is no evidence in the available information on tall oil that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when it is used in food-packaging materials as now practiced, or as it might be expected to be used for such purposes in the future. Based upon his own evaluation of all available information on tall oil, the Commissioner concurs with this conclusion. The Commissioner therefore concludes that no change in the current GRAS status of tall oil is justified.

Copies of the scientific literature review on tall oil and the report of the Select Committee are available for review at the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22151, as follows:

2. In Part 186 by adding a new § 186.1557 to read as follows:

§ 186.1557 Tall oil.

(a) Tall oil (CAS Reg. No. 008002-26-4) is essentially the sap of the pine tree. It is obtained commercially from the waste liquors of pinewood pulp mills and consists mainly of tall oil resin acids and tall oil fatty acids.

(b) The ingredient meets the following specifications:

(1) Resin acids: The vendor should specify an 8 percent range (inclusive) within the range of 30 to 65 percent.

(2) Fatty acids: The vendor should specify an 8 percent range (inclusive) within the range of 18 to 62 percent.

(3) Unsaponifiable content: The vendor should specify a 4 percent range (inclusive) within the range of 4 to 25 percent.

(4) Saponification value: The vendor should specify a range of 10 (inclusive) within the range of 160 to 185.

(5) Acid value: The vendor should specify a range of 10 (inclusive) within the range of 160 to 180.

(6) Iodine number: The vendor should specify a range of 20 (inclusive) within the range of 120 to 210.

(7) Refractive index (25° C): 1.49 to 1.51.

(8) Specific gravity (15.5° C): 0.95 to 1.00.

(9) Heavy metals (as lead): Not more than 20 parts per million.

(c) The ingredient is used or intended for use as a constituent of cotton and cotton fabrics used in dry food packaging.

(d) The ingredient is used at levels not to exceed good manufacturing practice.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of this ingredient in food under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act (21 U.S.C. 342), and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Part 181 (21 CFR Part 181), incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of an applicable prior sanction in response to this proposal.

Interested persons may, on or before August 1, 1978, file with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fisher Lane, Rockville, Md. 20857, written comments (preferably four copies) regarding this proposal. Received comments may be seen in the above office from 9 a.m. to 4 p.m., Monday through Friday.

Dated: May 22, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-15068 Filed 6-1-78; 8:45 am]

[4110-03]

[21 CFR Part 740]

[Docket No. 77P-0353]

COAL TAR HAIR DYES CONTAINING 4-METHOXY-M-PHENYLENEDIAMINE (2,4-DIAMINOANISOLE) OR 4-METHOXY-M-PHENYLENEDIAMINE SULFATE (2,4-DIAMINOANISOLE SULFATE)

Proposed Warning Statement; Extension of Comment Period

Correction

In FR Doc. 78-12253 appearing on page 19423 in the issue of Friday, May 5, 1978, the 1st paragraph under Supplementary Information should read as follows:

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of January 6, 1978 (43 FR 1101), the Commissioner of Food and Drugs issued a proposal to require warning labels on coal tar hair dyes containing 4-methoxy-m-phenylenediamine (also known as 2,4-diaminoanisole) or 4-methoxy-m-phenylenediamine sulfate (also known as 2,4-diaminoanisole sulfate) to warn consumers about the risk of cancer that may result from using hair dyes containing these ingredients. The proposal would also require that posters be displayed in beauty salons alerting patrons to ask to read the label on the hair dye preparations to be used on their hair. Interested persons were requested to submit their comments on the proposal on or before March 7, 1978. The comment period was extended to close of business, May 8, 1978 in a notice published in the FEDERAL REGISTER of March 10, 1978 (43 FR 9830).

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-4182]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Spencer, Roane County, W. Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Spencer, Roane County, W. Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the com-

munity is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 207 Court Street, Spencer, W. Va. Send comments to: Hon. Terry A. Williams, Mayor, city of Spencer, City Hall, 207 Court Street, Spencer, W. Va. 25276.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Spencer, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Spring Creek.....	At eastern corporate limit.	725
	Market St.....	725

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Upstream of Main St.....	726
	2,320 ft upstream of Main St.	727
	At western corporate limit.	729
Goff Run.....	At confluence with Spring Creek.	726
	1,425 ft upstream of State Hospital Rd.	726
	2,530 ft upstream of State Hospital Rd.	735
	At southeastern corporate limit.	740
Tanner Run.....	At confluence with Spring Creek.	725
	275 ft upstream of Main St.	725
	845 ft upstream of Main St.	727
	1,560 ft upstream of Main St.	728
	At northwestern corporate limit.	733

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14245 Filed 6-1-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 904-8]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Colorado Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On May 5, 1977, the Governor of Colorado submitted to the Regional Administrator, Region VIII, of the Environmental Protection Agency (EPA), an addition to the Colorado State Implementation Plan (SIP) for the attainment and maintenance of national ambient air quality standards. The addition consists of a new Colorado Air Pollution Control Commission Rule, "Procedural Rules for All Proceedings before the Air Pollution Control Commission and the Air Pollution Variance Board." The rule is a housekeeping measure for proceedings at the state level. The State submittal has been reviewed and found to be consistent with the sub-

stantive and procedural requirements of 40 CFR Part 51 and the Clean Air Act. There is no impediment to approval of this revision as an addition to the Colorado SIP, and inclusion will assist the State in disseminating the rule to persons who will have interest in its requirements.

DATE: Comments must be received on or before July 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Dale M. Wells, Technical Advisor, Air Programs Branch, U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colo. 80295, 303-837-3711.

ADDRESSES: Copies of EPA's technical support document are available at: Environmental Protection Agency, Region VIII, Air and Hazardous Materials Division, 1860 Lincoln Street, Denver, Colo. 80295. Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street SW., Washington, D.C. 20460.

Interested persons are encouraged to submit written comments on the proposed revision. Comments should be addressed to the Office of Regional Counsel, Environmental Protection Agency, Region VIII, Suite 900, 1860 Lincoln Street, Denver, Colo. 80295. All comments will be available for public inspection during business hours at the Denver Office noted above.

(Sec. 110, Clean Air Act, as amended (42 U.S.C. 7401 et seq.).)

Dated: May 22, 1978.

ALAN MERSON,
Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations, as follows:

Subpart G—Colorado

In § 52.320, paragraph (c)(10) is added as follows:

§ 52.320 Identification of plan.

• • • • •

(c) • • • • •
(10) Procedural Rules for all proceedings before the Air Pollution Control Commission, submitted May 5, 1977 by the Governor.

[FR Doc. 78-15335 Filed 6-1-78; 8:45 am]

[6560-01]

[40 CFR Part 52]

[FRL 901-6]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to the San Bernardino and Riverside County Air Pollution Control Districts' and the South Coast Air Quality Management District's Rules and Regulations in the State of California

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: Revisions to the San Bernardino and Riverside County Air Pollution Control Districts' (APCD) and the South Coast Air Quality Management District's (AQMD) rules and regulations have been submitted to the Environmental Protection Agency (EPA) by the California Air Resources Board for the purpose of revising the California State Implementation Plan (SIP). The intended effect of these revisions is to update the rules and regulations and to correct deficiencies in the SIP. The EPA invites public comments on these rules, especially as to their consistency with the Clean Air Act.

DATE: Comments may be submitted up to August 1, 1978.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105. Copies of the proposed revisions are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations: South Coast Air Quality Management District, District Headquarters, 9420 Telstar Avenue, El Monte, Calif. 91731; California Air Resources Board, 1709 11th Street, Sacramento, Calif. 95814; and Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Wayne A. Blackard, EPA, Region IX, 415-556-7882.

SUPPLEMENTARY INFORMATION: The California Air Resources Board submitted the following revisions on either October 13 or November 4, 1977 as indicated:

SAN BERNARDINO COUNTY DESERT APCD
(SOUTHEAST DESERT PORTION)—Nov. 4, 1977

Rule	Title
101.....	Title.
102.....	Definition of terms.
103.....	Definition of geographical areas.

**SAN BERNARDINO COUNTY DESERT APCD
(SOUTHEAST DESERT PORTION)—Nov. 4,
1977—Continued**

Rule	Title
105.....	Authority to arrest.
301.....	Permit fees.
42 (deleted)....	Hearing board fees.
43 (deleted)....	Analysis fees.
44 (deleted)....	Technical reports—Charges for.
53.1 (deleted)....	Scavenger plants.
73 (deleted)....	Dry sandblasting.
404.....	Particulate matter—Concentration.
405.....	Solid particulate matter—Weight.
406.....	Specific contaminants.
444.....	Open fires.
461.....	Gasoline transfer and dispensing.
462.....	Organic liquid loading.
463.....	Storage of organic liquids.
471.....	Asphalt or coal tar equipment.
474.....	Fuel burning equipment.
501.....	General.
502.....	Filing petitions.
509.....	Place of hearing.

**RIVERSIDE COUNTY APCD (SOUTHEAST
DESERT PORTION)—Nov. 4, 1977**

101.....	Title.
102.....	Definition of terms.
105.....	Authority to arrest.
461.....	Gasoline transfer and dispensing.
501.....	General.

SOUTH COAST AQMD

101.....	Title (Oct. 13, 1977).
102.....	Definition of terms (Oct. 13, 1977).
218.....	Stack monitoring (Nov. 4, 1977).
301.....	Permit fees (Oct. 13, 1977).
303.....	Hearing board fees (Nov. 4, 1977).
401.....	Visible emissions (Oct. 13, 1977).
463.....	Storage of organic liquids (Nov. 4, 1977).
468.....	Pumps and compressors (Nov. 14, 1977).
477 (new).....	Coke ovens (Oct. 13, 1977).
477.1 (new).....	Coke oven enforcement procedures (Oct. 13, 1977).

In addition, regulations were submitted concerning new source review and emergency episodes. These regulations will be considered in separate FEDERAL REGISTER actions.

Under section 110 of the Clean Air Act as amended, and 40 CFR part 51, the Administrator is required to approve or disapprove the regulations submitted as revisions to the SIP. The Regional Administrator hereby issues this notice acknowledging receipt of these rules including rule deletions caused thereby. The Environmental Protection Agency has not completed its review of these rules pursuant to section 110 of the Clean Air Act, and therefore, this notice should not be construed to represent agency policies. The Administrator has not yet decided whether these proposed rules will be approved or disapproved. The public is advised that interested persons may participate by submitting written comments to the Region IX Office. Comments will be received on or before August 1, 1978. Comments received will be available for public inspection at the EPA Region IX Office and the EPA Public Information Reference Unit.

AUTHORITY: Secs. 110 and 301(a), Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)).

PROPOSED RULES

Dated: April 25, 1978.

**PAUL DE FALCO, Jr.,
Regional Administrator.**

[FR Doc. 78-15337 Filed 6-1-78; 8:45 am]

[4110-83]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Public Health Service

[42 CFR Part 122]

**HEALTH SYSTEMS AGENCY REVIEWS OF CER-
TAIN PROPOSED USES OF FEDERAL HEALTH
FUNDS**

Extension of Comments Period

AGENCY: Public Health Service, HEW.

ACTION: Notice of extension of time for comments.

SUMMARY: This Notice extends the period of time permitted for the submission of comments in response to the proposed regulations governing review and approval or disapproval by health systems agencies of certain proposed uses of Federal funds in accordance with section 1513(e) of the Public Health Service Act. The Department has received a number of requests from the public asking for an extension of the 30-day comment period.

DATE: Comments must be received on or before June 23, 1978.

ADDRESS: Written comments and recommendations should be submitted to: Director, Office of Policy Coordination, Bureau of Health Planning and Resources Development, Center Building, Room 6-22, 3700 East-West Highway, Hyattsville, Md. 20782. All materials received in response to the proposed regulations will be available for public inspection and copying at the above location on weekdays (Federal holidays excepted) between the hours of 9 a.m. and 5 p.m.

**FOR FURTHER INFORMATION
CONTACT:**

Colin C. Rorrie, Jr., Ph.D., Acting Director, Bureau of Health Planning and Resources Development, Center Building, Room 6-22, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6850.

SUPPLEMENTARY INFORMATION: On May 9, 1978, the Secretary issued proposed regulations concerning the conduct of reviews to approve or disapprove certain proposed uses of Federal funds for the development, expansion, or support of health resources ("review and approval").

Comments on the proposed regulations were to have been received by June 8, 1978. At the request of several members of the public, the comment

period on the proposed regulations is extended to June 23, 1978.

Dated: May 28, 1978.

**JOSEPH A. CALIFANO, Jr.,
Secretary.**

[FR Doc. 78-15392 Filed 6-1-78; 8:45 am]

[4310-09]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[43 CFR Part 428]

**SALE OF REPLACEMENT FARM UNITS TO
TETON FLOOD VICTIMS**

**Proposed Reclamation Rules and Regulations
Establishing Policies and Procedures**

AGENCY: Bureau of Reclamation, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Reclamation, Department of the Interior, proposes to issue rules and regulations establishing policies and procedures to meet the Secretary's responsibilities in administering the sale of replacement farm units to qualifying farmers whose farms were damaged or destroyed by the Teton flood of June 5, 1976. These proposed rules are issued in response to the Act of February 25, 1978, Pub. L. 95-238 (92 Stat. 76). The Department believes that these regulations will enable the Department to meet fully the mandates of the act.

DATES: Comment Period: June 30, 1978.

ADDRESS: Comments should be submitted to the Commissioner, Bureau of Reclamation, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240, Attention: Code 420.

**FOR FURTHER INFORMATION
CONTACT:**

Mr. L. David Williamson, Division of Water and Land, Bureau of Reclamation, 202-343-5204.

SUPPLEMENTARY INFORMATION: It is the policy of the Department of the Interior to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulations to the Bureau of Reclamation. Comments must be received on or before June 30, 1978.

Reimbursement for losses and damages to property as a result of the failure of the Teton Dam on June 5, 1976, was provided for under the Teton Dam Disaster Assistance Act, Pub. L. 94-400 (90 Stat. 1211), and rules and regulations published relating thereto. The Teton flood caused substantial losses of

farm soils and productive capacity which it is not economical to reclaim. While payment was made for such actual monetary loss, it is probable that some individuals will not be able to maintain an economically productive farming enterprise to reestablish themselves in the farming business. The Act of February 25, 1978, Pub. L. 95-238, provides for the sale of lands formerly within the Idaho National Energy Laboratory Reserve to such individuals. The acres available for purchase will allow the qualifying farmers to reestablish themselves in a farming enterprise and will also help to restore the economic and agricultural base of the flood damaged region.

There is a limited amount of land available for purchase together with a limit of 5 years in which purchases can be made. There is also a need to avoid checker-boarding of undisposed lands; therefore, the regulations provide for sales in sequence rather than by random selections.

The proposed regulations provide two separate filings by the qualifying farmers: First, a notice of prospective eligibility; and second, a notice of intent to purchase. The notice of prospective eligibility is to be filed by individuals who believe they are qualifying farmers as defined in those regulations. This notice must be given on or before September 30, 1978, in order to receive consideration for participation in the land-sale program. The regulations require that qualifying farmers file a notice of intent to purchase in sufficient time to allow for the administrative work to be done on surveys, appraisals, and drawings prior to the date of sale.

The 5-year limit on sales provided in the act makes it necessary that the final date for filing a notice of intent to purchase occur no later than July 1, 1982. Filings after that date will not be considered by the Secretary.

Sales will be conducted at approximately 6-month intervals until the expiration of the statutory period ending February 24, 1983, or until the disposal of all the available lands, whichever occurs first.

It is also provided in the proposed regulations that where a husband and wife are both eligible they can, to the extent deemed possible by the Secretary, select contiguous replacement farm units.

Because of the time restrictions for publication of regulations and for initial determinations of eligibility provided in the act, the Department intends to act promptly to promulgate final regulations.

The Bureau of Reclamation will prepare an environmental assessment of the proposed regulations and would appreciate any information on potential impacts of implementing the regulations. Prior to publication of the

final regulations the environmental assessment will be reviewed with the staff of the Council on Environmental Quality for additional guidance.

The primary authors of this document are Lloyd Ericson, Chief, Lands Branch, Pacific Northwest Region, Bureau of Reclamation, Federal Building and U.S. Courthouse, Box 043, Boise, Idaho, and Terence G. Cooper, Natural Resources Specialist, Recreation and Lands Branch, Bureau of Reclamation, 18th and C Streets NW., Washington, D.C.

Pursuant to the authority of the Secretary of the Interior contained in the Administrative Procedure Act, 60 Stat. 237, 5 U.S.C. 552, 553, and in the Act of February 25, 1978 (92 Stat. 76), U.S.C. et seq., it is hereby proposed to establish a new part 428 of title 43 to read as follows:

Dated: May 25, 1978.

**CECIL D. ANDRUS,
Secretary of the Interior.**

The rules for title 43, part 428, will read as follows:

Sec.	
428.1	Purpose.
428.2	Policy.
428.3	Liability.
428.4	Definitions.
428.5	Eligibility.
428.6	Sale of replacement farm units.
428.7	Decisions and appeals.

AUTHORITY: 42 U.S.C. 2011, Pub. L. 95-238, sec. 210, February 25, 1978.

§ 428.1 Purpose.

To provide for the sale of economic farm units to qualifying farmers whose land is economically infeasible to reclaim from damages resulting from the Teton flood of June 5, 1976, and who are unable to find suitable replacement land for their flood-damaged farm, and in order to restore the economic and agricultural base of the flood damaged region, as authorized by the Act of February 25, 1978 (92 Stat. 76).

§ 428.2 Policy.

(a) The policy of the Department shall be to provide for the expeditious and orderly sale of public lands under the provisions of the Act of February 25, 1978 (92 Stat. 76).

(b) The possibility exists that not all of the lands set aside by Congress will be required; therefore, it is the policy of the Department to dispose of the lands in adjacent blocks to the extent feasible. To accomplish this objective, replacement farm units will be made available for purchase by qualifying farmers on a sequential basis, rather than on a random selection basis.

§ 428.3 Liability.

Neither the promulgation of these regulations nor rights arising under them constitute any admission of lia-

PROPOSED RULES

bility by the United States. No provision of these regulations shall be construed as providing or creating a right of action against the United States, its agents, or employees, nor shall these regulations be construed as waiving or extending any applicable statute of limitations or any other requirement prerequisite to any such right of action in connection with the Teton flood of June 5, 1976.

§ 428.4 Definitions.

(a) "Secretary" means the Secretary of the Interior or his duly authorized representative.

(b) "Regional Director" means the Regional Director of the Pacific Northwest Region of the Bureau of Reclamation.

(c) "Teton flood" means the flood resulting from the collapse of the Teton Dam of the Lower Teton Division of the Teton Basin Federal Reclamation Project on June 5, 1976.

(d) "Damaged farm" means an agricultural enterprise which, in the opinion of the Secretary of the Interior, produced sufficient income immediately prior to June 5, 1976, to support a farmer and which is not economically feasible to reclaim so that it produces an income equal to that earned prior to the Teton flood because of damages resulting directly from the Teton flood.

(e) "Replacement farm unit" means a quarter section tract of land or the approximate equivalent thereof containing approximately one hundred sixty (160) acres, of which at least 85 percent is certified as arable (capable of sustaining continuous successful irrigation farming with the application of water to the land) by the Secretary of the Interior. The replacement farm units shall be established by the Secretary from lands made available for that purpose within sections 14, 23, 24, 25, and 36, Township 6 North, Range 33 East; Section 19, 30, and 31, Township 6 North, Range 34 East, and the Southeast Quarter (SE $\frac{1}{4}$), the South Half of the Northeast Quarter (SE $\frac{1}{2}$ NE $\frac{1}{4}$), the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), and the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), all in Section 8, and the South Half of the North Half (S $\frac{1}{2}$ N $\frac{1}{2}$) of Section 9, all in Township 5 North, Range 34 East; Boise Meridian, Jefferson County, Idaho.

(f) "Qualifying farmer" means an owner-operator of a damaged farm who, on June 5, 1976, resided on or in the immediate locality of the damaged farm, and whose livelihood was derived primarily from his farming operation of the damaged farm prior to the Teton flood, and who is otherwise qualified under the terms of these regulations to purchase a replacement farm unit.

(g) "Resident" means an individual whose principal place of residence

during the farming season for 1 year immediately prior to the Teton flood was within the counties of Fremont, Teton, Madison, Jefferson, Bonneville, Bingham, or Bannock in the State of Idaho.

(h) "Owner" means an individual, partnership, or corporation vested with title to a damaged farm on June 5, 1976, to the extent that all land parcels comprising the damaged farm share the same title and are all used as a single agricultural enterprise.

(i) "Operator" means an individual who makes the day-to-day decisions and directs day-to-day farming activities, including giving directions to any employee of the operator. Lessors of farms shall not be considered operators for the purposes of these regulations.

§ 428.5 Eligibility.

(a) In order to qualify for consideration for purchase of a replacement farm unit under these regulations, each prospective qualifying farmer must notify the Secretary of his prospective eligibility as a qualifying farmer as defined in these regulations on or before September 30, 1978. Failure to notify the Secretary on or before September 30, 1978, shall disqualify the applicant from any further consideration for purchase of a replacement farm unit. Notice must be delivered to the Regional Director, U.S. Bureau of Reclamation, Federal Building and U.S. Courthouse, Box 043, 550 West Fort Street, Boise, Idaho 83724, or must be postmarked to this address, on or before September 30, 1978. Each notice of prospective eligibility must provide the following information:

(1) The full name of each individual seeking to be determined eligible as a qualifying farmer, or the name of each partnership together with the name of each partner, or the name of the corporation seeking eligibility.

(2) The legal description of the damaged farm.

(3) The owner of the damaged farm on the date of the Teton flood.

(4) The applicant's total net taxable income for the tax year prior to the Teton flood, together with a statement of the portion of such net taxable income derived from his operation of the damaged farm during that period.

(5) A statement describing the nature and extent of the land damage loss sustained on the damaged farm, including the number of acres completely lost which cannot be economically reclaimed for agricultural purposes.

(6) The date and amount of each determination of flood damage pertaining to the damaged farm made by the authorized officer of the Department of the Interior under the laws and reg-

ulations pertaining specifically to the Teton flood (43 CFR part 419 (1977)).

(7) A report on all farm lands purchased, or contracts, or options entered into for the purchase of farm land by the applicant since June 5, 1976.

(8) A statement of the operating procedures and responsibilities of the applicant in connection with a damaged farm during the 12 months preceding June 5, 1976, including a report on any leases or other agreements, oral or written, providing for use of the lands by others, in whole or in part, for rent or for sharing of crops or income from the production of the damaged farm.

(9) A statement of the applicant's residence for the 12 months immediately preceding June 5, 1976.

(b) In order to be determined eligible, the applicant's damaged farm must have suffered an economically nonreclaimable land loss to the extent that, if reclaimed, it could provide only forty percent (40%) or less of its potential income-producing capacity prior to the flood; or the damaged farm must have sustained a complete loss of at least sixty (60) acres of land.

(c) In order to be eligible as a qualifying farmer, the owner-operator must have derived more than fifty percent (50%) of his net taxable income from the operation of the damaged farm during the tax year preceding the Teton flood and must have been unable to purchase a farm of comparable productivity since the Teton flood. The applicant shall be deemed to have been able to replace the damaged farm and shall not be eligible to purchase a replacement farm unit under these regulations if he has purchased a farm of comparable productivity since June 5, 1976.

(d) The Secretary, acting through the Regional Director, shall make a preliminary determination of qualifying farmers based upon the notices of eligibility filed pursuant to § 428.5(a). Each applicant shall be given written notice by December 1, 1978, of the preliminary determination made concerning his eligibility status.

(e) A final determination of eligibility as a qualifying farmer shall be made by the Secretary, acting through the Regional Director, on the basis of documentary evidence submitted by the applicant. The accumulation of data to provide evidence or proof of eligibility shall be the sole responsibility of the applicant. Such evidence must be submitted to: Regional Director, U.S. Bureau of Reclamation, Federal Building and U.S. Courthouse, Box 043, 550 West Fort Street, Boise, Idaho 83724.

(f) The evidence submitted by the applicant, together with any other evidence available, shall be examined to determine its sufficiency, authenticity, and reliability in determining the eligi-

bility of the applicant. If the examination of the evidence indicates that the applicant is a qualifying farmer, the applicant shall be notified by certified mail that he is a qualifying farmer.

(g) If the applicant fails to supply any of the information required, or if the applicant's qualifications do not meet the requirements of these regulations, the applicant shall not be qualified to purchase a replacement farm unit. The applicant shall be notified by the Regional Director by certified mail of such disqualification, whether conditional or complete, and the reasons therefor and of the right of appeal.

§ 428.6 Sale of replacement farm units.

(a) Replacement farm units shall be made available for purchase by qualifying farmers approximately every 6 months starting in February 1979 and ending in July 1982: *Provided, however*, That sales will be limited to the land made available for this program pursuant to the Act of February 25, 1978 (92 Stat. 76) and described in § 428.4(e) above. The Secretary shall notify all qualifying farmers, in writing, of the date the first replacement farm units will be offered for sale and will also give notice of the closing date on which the qualifying farmer may file an intent to purchase a replacement farm unit from those offered for sale during the initial sale period. No subsequent notice will be provided; however, each qualifying farmer may file an intent to purchase at any time after the initial sale: *Provided*, That no filings may be made after July 1, 1982.

(b) To participate in the sale program for any period, the qualifying farmer must file a notice of intent to purchase with the Regional Director, at the address provided in § 428.5(a) hereof. All such notices of intent to purchase filed after the closing date of the initial sale shall be accumulated as of January 1 and July 1 of each year to determine the number of replacement farm units to be sold to qualifying farmers at the next sale: *Provided, however*, That the availability of land for replacement farm units will be limited to the area authorized for sale under this program as indicated in § 428.4(e) hereof. The available lands will be sold in quarter section units of approximately 160 acres to qualifying farmers according to their priority standing for purchase of replacement farm units as established in paragraphs (c) and (d) of this section.

(c) The Secretary, acting through the Regional Director, shall, on or about February 1 and August 1 of each year, starting in 1979 and ending in 1982, conduct public drawings of the names of those finally determined to be qualifying farmers who have filed a notice of intent to purchase.

(d) The names of the qualifying farmers shall be drawn and numbered in the order drawn for the purpose of establishing priority in the order in which the replacement farm units may be purchased by qualifying farmers.

(e) Each notice of intent to purchase filed by a qualifying farmer shall be accompanied by a certified check in the amount of \$1,000 payable to the Bureau of Reclamation. The check shall constitute a performance guarantee by the qualifying farmer. If the qualifying farmer fails to enter into a purchase agreement with the United States for a replacement farm unit offered by the Regional Director or, having entered into a purchase agreement fails to complete the purchase, the performance guarantee will be forfeited to the United States as liquidated damages. If the qualifying farmer enters into a purchase agreement and completes the terms of the agreement, the performance guarantee fee will be applied to the purchase price of the replacement farm unit.

(f) Qualifying farmers need not be present at the drawings to participate.

(g) After the drawing, the Regional Director will notify in writing each qualifying farmer of his respective priority. The qualifying farmers may, to the extent that lands are available, successively exercise their rights to purchase a replacement farm unit in accordance with the purchase right priority established by the drawing.

(h) All available replacement farm units will be assigned numbers by the United States and must be purchased in sequence by qualifying farmers in accordance with the purchase right priority established by the drawings. The lower numbered units will be sold first, and no replacement unit will be sold until all units having a lower number have been purchased.

(i) If a qualifying farmer fails within 10 calendar days to enter into a purchase contract for the unit offered to him at the time of his eligibility, the replacement farm unit will be offered to the next qualifying farmer who has not made a purchase at the time the unit is available. A qualifying farmer who fails to purchase an offered unit shall forfeit his opportunity to participate in the sale for that period and shall also forfeit his performance guarantee required under § 428.6(e). Qualifying farmers who forfeit their rights to purchase may file a subsequent notice of intent to purchase for later sales, but must meet all the requirements of the new filing, including the payment of another performance guarantee.

(j) The consideration to be paid by the qualifying farmer for a replacement farm unit shall be the current fair market value of the unit on the basis of an appraisal approved by the

Regional Director on behalf of the Secretary. An appraisal approved not more than 6 months prior to the offering of the farm units for sale shall be considered adequate to determine the current fair market value of the unit.

(k) The fair market value of replacement farm units shall be determined by a board of three appraisers composed of one appraiser designated by the Secretary, one designated by the State of Idaho, and one selected from the Teton flood disaster area by the designated State and Federal appraisers.

(1) The Secretary, acting through the Regional Director, shall sell and convey by quitclaim deed fee title to replacement farm units to qualifying farmers, subject to the normal reservations included in patents issued for other public lands disposed of in the area, including, but not limited to, the reservations of easements for public roads along exterior boundaries of such replacement farm units as determined to be desirable by the Secretary.

§ 428.7 Decisions and appeals.

The Regional Director, acting as designee of the Secretary, shall make the determinations required under these rules and regulations. A party directly affected by such determination may appeal in writing to the Commissioner of the Bureau of Reclamation within 30 days of receipt of the Regional Director's determination. The affected party shall have an additional 30 days thereafter within which to submit a supporting brief or memorandum to the Commissioner. The Regional Director's determination will be held in abeyance until the Commissioner has reviewed the matter and rendered a decision. Pertinent addresses are shown below:

Commissioner, Bureau of Reclamation, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.
Regional Director, Bureau of Reclamation, Federal Building and U.S. Courthouse, Box 043, 550 West Fort Street, Boise, Idaho 83724.

Dated: May 25, 1978.

CECIL D. ANDRUS,
Secretary of the Interior.
[FR Doc. 78-15320 Filed 6-1-78; 8:45 am]

[3510-03]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 308]

WAR RISK INSURANCE

Eligibility of a Vessel and its Owner for Insurance

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Proposed regulation.

SUMMARY: The Maritime Administration proposes to amend its regulations to clarify the eligibility of United States-flag vessels and to establish eligibility criteria for foreign-flag vessels which conform to the revised legislative authority of the Secretary of Commerce under a recent amendment to the Merchant Marine Act of 1936. The amendment also would make certain other changes in titles, addresses, binder fees, application and binder forms, definitions, supporting documents, warranties and in the voluntary Contract of Commitment forms.

COMMENT DATE: Written comments by interested persons must be received by close of business July 31, 1978.

ADDRESS: Send comments to the Secretary, Maritime Administration, Washington, D.C. 20230. All comments will be made available for inspection during normal business hours in Room 3099-A, Department of Commerce Building.

FOR FURTHER INFORMATION CONTACT:

K. H. Green, Director, Office of Marine Insurance, Room 3622, Maritime Administration, Department of Commerce, Washington, D.C. 20230, 202-377-4820 or 4091.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Pub. L. 94-523 (90 Stat. 2474) became law on October 17, 1976. It revised and extended the entire war risk insurance program under Title XII, Merchant Marine Act, 1936, as amended, conducted by the Secretary of Commerce through the Maritime Administration.

Section 1 of Pub. L. 94-523 inserted new criteria for considering the eligibility of foreign-flag vessels for war risk insurance interim binders, including characteristics, employment and general management of the vessel. Section 1 also provided that United States-flag and foreign-flag vessels shall be subject to such vessel reporting requirements as the Secretary may establish by regulation. Section 2 defined loaded or empty containers located aboard vessels as part of cargo. Section 3 corrected a typographical error in the statute. Section 4 inserted new authority to charge an annual fee to recover costs of processing applications, employment of underwriting agents and appointment of experts. Section 5 extended the program to September 30, 1979.

On March 8, 1977, the Maritime Administration published an amendment to 46 CFR Part 308 (Amendment 35 to General Order 75, 2nd Revision) in the FEDERAL REGISTER (42 FR 13023, FR Doc. 77-6816). It prescribed terms and

conditions upon which war risk insurance interim binders on United States-flag vessels would be reinstated and issued through September 30, 1979.

The subject amendment (Amendment 36 to General Order 75, 2nd Revision) primarily prescribes terms and conditions upon which war risk insurance interim binders on foreign-flag vessels will be issued. It also implements the inclusion of containers in the definition of cargo in Pub. L. 94-523.

SPECIAL RULES FOR FOREIGN-FLAG VESSELS

1. Interim insurance for United States-owned foreign-flag vessels is provided to assure availability of selected ships to meet requirements for augmentation of United States-flag shipping at the beginning of a national emergency. In determining the ships needed to meet those requirements, the Assistant Secretary for Maritime Affairs will consider the characteristics, employment and general management of each vessel. Preference will be given to the following vessel types and sizes:

(a) Vessels substantially engaged in the foreign commerce of the United States; a vessel will be considered to be substantially engaged in the foreign commerce of the United States if, on a semiannual basis, in excess of thirty percent (30%) of the net tons of cargo carried by the vessel is carried between a foreign port or ports and a port or ports in the United States (including Alaska, Hawaii, Puerto Rico and any territory or insular possession of the United States), but only if such cargo is transported to such port or ports for consumption therein or for transshipment (in its raw state or subsequent to refining) for consumption elsewhere in the United States;

(b) Product tankers up to 60,000 deadweight tons, with particular emphasis on so-called handy-sized tankers having relatively high speed and refueling at sea capability;

(c) Dry bulk cargo vessels;

(d) Heavy lift vessels;

(e) Refrigerated vessels and other classes of ships in short supply in the United States-flag fleet; and

(f) Other vessels with special capabilities.

2. Ships on which interim insurance is provided must be not more than 25 years old.

3. Interim binder fees for foreign-flag vessels are increased to cover expenses permitted by statute.

4. All vessels for which war risk insurance interim binders have been issued must file reports under the United States Merchant Vessel Locator Filing System (USMER). The purpose of USMER is to keep national agencies informed concerning arrivals, departures and at-sea locations of in-

sured merchant vessels throughout the world. Failure to make regular reports as required will result in a one-time notice of default after which, if the failure to report continues, all war risk insurance interim binders and any insurance attaching thereunder will be cancelled. Instruction pamphlets and message format forms for the filing of USMER messages will be furnished by the Maritime Administration with the binders when issued.

5. War risk insurance interim binders will not be issued for vessels described in § 308.1(c) (General Order 75, 2nd Revision), and no applications for such vessels will be accepted.

6. A copy of Amendment 36 to General Order 75, 2nd Revision, signed by an official of the applicant signifying knowledge of all new requirements, criteria of eligibility, terms, conditions and warranties, must be attached to the war risk insurance applications, along with the other required documents. Failure to comply with this requirement will result in rejection of an application. A copy of Amendment 36 will be attached to all binders issued.

The Maritime Administration has determined that the adoption of this proposed amendment to 46 CFR Part 308 will not have a major economic effect on the general economy or any significant segment of industry, levels of government or geographical areas that would require the preparation of a regulatory analysis under EO 12044 (43 FR 126661). Provisions of this revision of part 308 are required to implement Pub. L. 94-523 (90 Stat. 2474) to determine standards of eligibility for and the mechanics of providing war risk insurance for the protection of vessels determined to be essential to the foreign commerce and security of the United States. No alternative to these proposed regulations has been found to be suitable to accomplish this objective.

Accordingly, in consideration of the foregoing and pursuant to Title XII, Merchant Marine Act, 1936 (46 U.S.C. 1281-1294), as amended through Pub. L. 94-523, 46 CFR Part 308 is hereby amended as follows:

1. Delete the term "Maritime Administrator" wherever it appears in Part 308 and substitute therefor the term "Assistant Secretary."

2. Delete the term "American War Risk Agency, 99 John Street, New York, N.Y. 10038" wherever it appears in Part 308 and substitute therefor the term "American War Risk Agency, 14 Wall Street, New York, N.Y. 10005."

3. Delete the term "Division of Insurance, Maritime Administration, Washington, D.C. 20235" wherever it appears in Part 308 and substitute therefor the term "Maritime Administration, Attention: Director, Office of Marine Insurance, Washington, D.C. 20230."

4. Section 308.1 is amended in its entirety to read as follows:

§ 308.1 Eligibility of a vessel and its owner for insurance.

Any vessel within one of the following categories shall be eligible for insurance, but shall remain eligible only while meeting the qualifications criteria in one of said categories. An eligible vessel is not insured unless and until an application is submitted as required in subpart B, C, or D of this part 308 and the Assistant Secretary for Maritime Affairs (Assistant Secretary) approves said application.

(a) A vessel registered, enrolled or licensed under the laws of the United States of America (United States); any undocumented vessel owned or chartered by or made available to the United States or any department or agency thereof; any tug or barge or other watercraft (documented under the laws of the United States, or undocumented) owned by a citizen of the United States and used in essential water transportation; and United States citizen-owned watercraft used in the fishing trade or industry, except when used exclusively in or for sport fishing.

(b) Any vessel, other than a vessel described in paragraph (a) of this section determined by the Assistant Secretary to be engaged in the national defense or the national economy of the United States and subject to an unqualified Contract of Commitment with the United States in a form required by the Assistant Secretary, and which is:

(1) Owned by a United States corporation, or a foreign corporation in which a majority of the stock is owned and controlled by a citizen or citizens of the United States, whether direct or through intervening corporations, foreign or domestic. Where such intervening corporations are foreign, the ultimate majority ownership and control of the stock of such corporations must be vested in a citizen or citizens of the United States as defined in section 1201(d), Merchant Marine Act, 1936, as amended (46 U.S.C. 1281(d)); or

(2) Owned by a foreign corporation which is not directly or beneficially owned by a citizen or citizens of the United States, but which vessel is under a long-term charter or other long-term contract covering the use of the vessel on terms deemed by the Assistant Secretary to subject the vessel to United States control in the event of an emergency. The charterer of such vessel must be either a citizen or citizens of the United States or a foreign corporation in which a majority of the stock is owned and controlled by a citizen or citizens of the United States, whether direct or indirect through intervening corporations, for-

eign or domestic. Where such intervening corporations are foreign, ultimate majority ownership and control of the stock of such corporations must be vested in a citizen or citizens of the United States, as defined in section 1201(d), Merchant Marine Act, 1936, as amended (46 U.S.C. 1281(d)).

(c) Any other vessel, at the sole discretion of the Assistant Secretary, but only while engaged in a service which has been determined by the Assistant Secretary to be in the interest of the national defense or the national economy of the United States. Vessels in this category are not eligible for war risk insurance interim binders.

5. Section 308.2 is deleted in its entirety and the following §§ 308.2-1, 308.2-2, 308.2-3, 308.2-4, and 308.2-5 are substituted:

§ 308.2-1 Interim insurance; availability.

(a) Interim insurance is available on any vessel described in § 308.1 (a) and (b) above, provided application for interim insurance is submitted as required in subparts B, C, or D of this part 308, and the Assistant Secretary approves said application.

§ 308.2-2 Interim insurance; special rules for foreign-flag vessels.

(a) Interim insurance on vessels described in § 308.1(b) shall be subject to an unqualified Contract of Commitment with the United States, in form as required by the Assistant Secretary and set forth in § 308.5 below.

(b)(1) For the purpose of providing interim insurance on vessels described in § 308.1(b), the Assistant Secretary shall consider the characteristics, employment and general management of the vessel.

(2) The Assistant Secretary formally determines that the following vessels are engaged in a service in the interest of the national defense or the national economy of the United States and qualify for interim insurance:

(i) Vessels substantially engaged in the foreign commerce of the United States;

(ii) Product tankers up to 60,000 deadweight tons and with particular emphasis on so-called handy-sized tankers having relatively high speed and refueling at sea capability;

(iii) Dry bulk cargo vessels;

(iv) Heavy lift vessels;

(v) Refrigerated vessels and other classes of ships in short supply in the United States-flag fleet; and

(vi) Other vessels with special capabilities; Provided, that a vessel will be considered to be substantially engaged in the foreign commerce of the United States if, on a semi-annual basis, in excess of thirty percent (30%) of the net tons of cargo carried by the vessel is carried between a foreign port or ports and a port or ports in the United States (including Alaska, Hawaii,

Puerto Rico and any territory or insular possession of the United States), but only if such cargo is transported to such port or ports for consumption therein or for transshipment (in its raw state or subsequent to refining) for consumption elsewhere in the United States.

§ 308.2-3 Vessel location reports.

(a) All vessels for which war risk insurance interim binders have been issued must file reports under the United States Merchant Vessel Locator Filing System (USMER). The purpose of USMER is to keep national agencies informed concerning arrivals, departures and at-sea locations of insured merchant vessels throughout the world. Failure to make regular reports as required will result in a one-time notice of default after which, if the failure to report continues, all war risk insurance interim binders and any insurance attaching thereunder will be cancelled. Instruction pamphlets and message format forms for the filing of USMER messages will be furnished by the Maritime Administration with the binders when issued.

§ 308.2-4 Change in status of vessel described in § 308.1 (a) and (b) after binder issued: Notice.

(a) It is the intention of the parties that any breach of the warranty prescribed hereunder as to vessels in all categories with respect to Department of Commerce Transportation Orders T-1 and T-2 (32A CFR Parts 701 and 502), as well as the additional warranties as to vessels in categories (b)(1) and (b)(2), with respect to maintenance of eligibility for insurance and availability of the insured vessels to the United States Government in time of emergency, shall terminate the binders and any insurance attaching thereunder.

(b) In the event of the sale, demise charter, requisition, confiscation, change of flag, total loss, or any other change in status which, by the terms of the binder causes the binder to terminate, prompt notice shall be given in writing to the American War Risk Agency, 14 Wall Street, New York, N.Y. 10005.

§ 308.2-5 Change in status of other vessels: Notice.

(a) It is the intention of the parties that any breach of the warranty as to operation in the approved service of vessels described in § 308.1(c) shall terminate the insurance.

(b) In the event of the sale, demise charter, requisition, confiscation, change of flag, total loss, any other change in status or change in operation of the vessel in the approved service, prompt notice shall be given to the American War Risk Agency, 14 Wall Street, New York, N.Y. 10005.

6. Section 308.3 is amended in its entirety to read as follows:

§ 308.3 Applications for insurance; warranties; supporting documents; payment of binder fees.

(a) *In general.* Separate applications shall be filed for war risk hull insurance, war risk protection and indemnity insurance, and Second Seamen's war risk insurance for each vessel to be covered by such insurance, except for LASH or similar type barges, in which case one set of applications may be filed for a group of such barges if accompanied by a schedule of the individual vessels to be insured containing the required information for each vessel. Disbursements insurance, limited to consumable and subsistence stores, slop chests, bar stock, and bunker fuel, is available as added coverage upon application for war risk hull insurance. All applications for war risk hull insurance shall be accompanied by information relating to the vessel in required form, in triplicate, for use by the Assistant Secretary in determining the value thereof, pursuant to part 309 of this subchapter G, as amended from time to time and published in the FEDERAL REGISTER. An applicant submitting more than one application at the same time is required to submit only a single citizenship certificate or single set of citizenship certificates, as the case may be.

(b) *Warranties.*—(1) *In general.* Applications for war risk hull and protection and indemnity insurance in any eligible category of this part 308 shall include a warranty that, at all times during the effective period of the binder and any insurance attaching thereunder, the insured vessel, regardless of its nation of registry, will comply with Department of Commerce Transportation Orders T-1 and T-2 (32A CFR parts 701 and 502), or any modifications thereof so long as they remain in force and that the vessel will not be chartered, except with the prior approval of the Maritime Administration, unless in accordance with the provisions of § 221.7 of this chapter. The requirement for "prior approval" of the Maritime Administration of charters to non-citizens is applicable to any charter in existence at the time the applicant applies for insurance. Existing charters which are subject to this requirement include charters or contracts of affreightment to non-citizens which will extend for a period of more than six (6) months subsequent to the date of application for insurance or under which the vessel is committed to make a voyage or voyages of which the total period of time will extend for more than six (6) months subsequent to the date of application for insurance.

(2) *Vessels described in § 308.1(a).* Applications for war risk insurance on

a vessel described in § 308.1(a) shall contain the warranty that at and from the date of issuance of the interim binder and for and during the term of any insurance attaching thereunder, such vessel will remain eligible within its category.

(3) *Vessels described in § 308.1(b).* Applications for war risk insurance on a vessel described in § 308.1(b) shall contain the warranties that at all times the vessel will remain eligible within its applicable category; that the vessel will be made available for use by the United States pursuant to the signed Contract of Commitment submitted with the insurance applications, as required by the Maritime Administration; that the vessel will remain in the approved service; and that no controlling interest in the vessel shall be transferred by a subsequent sale or long-term charter, except on the condition that the successor in interest agrees to be bound by the terms of the applicant's Contract of Commitment. All instruments transferring any controlling interest in the vessel, including long-term charter or merger agreements, shall be submitted to the Maritime Administration for prior approval.

(4) *Vessels described in § 308.1(c).* Applications for war risk insurance on a vessel described in § 308.1(c) shall contain warranties that the vessel will remain in the approved service and that any change in flag or service will be reported in advance to the Maritime Administration for a new determination as to whether the vessel's service is in the interest of the national defense or the national economy of the United States. Vessels in this category are not eligible for war risk insurance interim binders.

(5) *Vessel locator filing requirements for vessels in all categories.* Applications for insurance on vessels in all categories, except tugs and barges and vessels used exclusively in the fishing trade or industry, described in § 308.1(a), shall contain a warranty that at all times the vessel will file reports as required under the U.S. Merchant Vessel Locator Filing System (USMER) as prescribed in § 308.2-3 above.

(c) *Filing applications for insurance.* An application for insurance on a vessel described in § 308.1(a) shall be made in triplicate to the American War Risk Agency, 14 Wall Street, New York, N.Y. 10005, underwriting agent for the Maritime Administration, as prescribed in §§ 308.101, 308.201, and 308.301. All other insurance applications shall be made in triplicate to the Maritime Administration, Attention: Director, Office of Marine Insurance, Washington, D.C. 20230.

(d) *Materials in support of application on vessel described in § 308.1(b).*—

(1) *In general.* An application for in-

surance on a vessel described in § 308.1(b) shall be accompanied by: (i) A Contract of Commitment, executed in triplicate originals, in the form prescribed in § 308.5 of this part 308; (ii) An executed agreement contained in the application for insurance that any charter or other contract covering the use of the vessel during the period of the binder or any insurance attaching thereunder shall be subject to termination or suspension without notice in the event the United States requires the use of the vessel under the Voluntary Contract of Commitment submitted by the applicant; (iii) A copy of Amendment 36 to Maritime Administration General Order 75, 2d Revision, signed by an official of the applicant and signifying knowledge of all new requirements, criteria of eligibility, terms, conditions, and warranties. A copy of this Amendment 36 will be attached to all binders issued. In the event the vessel is determined to be ineligible under the terms of this part 308, the applicant will be so advised and the executed Contract of Commitment and any official foreign government action or approval will be returned to the applicant by the Maritime Administration.

(2) *Certificate of citizenship.* An application for insurance on such a vessel shall be supported by citizenship certificate(s), executed in triplicate originals, in form prescribed in § 308.4 of this part 308, establishing the U.S. citizenship of the majority ownership and control of the vessel-owning corporation, whether direct or through intervening corporations.

(3) *Existing long-term charters.* An application for a vessel in this category which is at the time of application under long-term charter or other long-term contract, either to the applicant or from the applicant to a third party, shall be jointly submitted by the owner and the charterer, and in addition to the other materials required under this paragraph, shall be accompanied by a copy of the long-term contract covering the use of the vessel and all addenda thereto, certified to be full and complete copies (except as to rate of hire or freight) and citizenship certificate(s) in triplicate in the form prescribed in § 308.4 of this part 308 establishing the U.S. citizenship of the majority of the shareholders and control of the charterer. The charterer shall also furnish to the Maritime Administration a certified copy of any amendment to such charter which may be issued subsequent to the issuance of any binder of insurance under this part 308.

(4) *Foreign government action or approval.* An application for a vessel in this category also shall be accompanied by a certified copy of the evidence of any official action or approval required by the government of the

country of registry as a prerequisite to the execution of a Contract of Commitment with the United States.

(5) *Additional materials.* With respect to a vessel in this category, the applicant shall submit the following additional materials:

(i) A statement describing the service in which the vessel is engaged, including a listing of the vessel's voyages and ports of call during the immediately preceding six (6) month period, indicating the tonnage and type of cargo carried on such voyages and the reasons why such service should be deemed to be in the interest of the national defense or the national economy of the United States;

(ii) Material demonstrating the management and financial capabilities of the applicant, and,

(iii) In the case of a new vessel or a vessel which has not for the six (6) months immediately prior to the date of the application been engaged in the foreign commerce of the United States, a statement, signed by a responsible company official, certifying the extent to which the vessel will be engaged in the foreign commerce of the United States for the six (6) months immediately following the issuance of any interim binder of insurance under this part 308.

(e) *Requests for changes in binders.* All requests for changes in binders and inquiries relative to the insurance after the interim binders have been issued shall be directed to the American War Risk Agency, 14 Wall Street, New York, N.Y. 10005.

(f) *Fees.* A check payable in U.S. funds to the "Maritime Adm.—Commerce" for the total amount of all binder fees payable by such applicant shall accompany each application. Binder fees are not returnable.

(g) *Copies of applications.* Copies of insurance applications, vessel data forms, certificates of citizenship, and the Contract of Commitment may be obtained from the American War Risk Agency at the address listed above or from the Maritime Administration, Attention: Director, Office of Marine Insurance, Washington, D.C. 20230.

7. § 308.4 is amended in its entirety to read:

§ 308.4 Form of citizenship and control.

Certificates of citizenship in the following form shall be submitted in triplicate with the application filed for vessels described in § 308.1(b) of this Part 308. Form MA-183A (4-78).

UNITED STATES OF AMERICA, DEPARTMENT OF COMMERCE, MARITIME ADMINISTRATION, CERTIFICATE OF OWNERSHIP AND CONTROL BY UNITED STATES CITIZENS

APPLICANT FOR WAR RISK INSURANCE

I, _____ (Name),
_____, (Title) of
_____, (Name of Corporation),

WITNESSETH

Whereas, on _____, 19____, the Assistant Secretary of Commerce for Maritime Affairs (herein called the "Assistant Secretary") found and determined that the _____ (herein described as the "Vessel"), Official No. _____, documented under the laws of _____, of _____ Gross Tons, which was built _____, 19____, is eligible for interim war risk insurance under Title XII, Merchant Marine Act, 1936, as amended, and General Order 75, as revised, 46 CFR Part 308, § 308.1(b); *Provided*, That the Vessel shall at all time be in compliance with requirements of General Order 75 (46 CFR Part 308), and that the Vessel shall be made available to the United States upon request in event of a national emergency, as described in Article (1) hereinbelow, pursuant to this Contract of Commitment: *And, provided further*, That the Owner or the Master of the Vessel shall periodically notify the United States of the Vessel's position in accordance with § 308.2-3 of this Part 308 (General Order 75), and

Whereas, the parties hereto desire to enter into such a voluntary Contract of Commitment covering the Vessel:

Now, therefore, in consideration of the premises and other good and valuable considerations hereinafter set forth, the parties hereto mutually agree as follows:

§ 308.6 [Amended]

9. Section 308.6 is amended by changing the paragraph "(d)" designation to "(e)" and inserting the following new paragraph "(d)":

(d) New applications for interim binders on foreign-flag vessels, with necessary attachments as specified in § 308.3 of this Part 308 and check for binder fees prescribed, should be filed with the Maritime Administration, Attention: Director, Office of Marine Insurance, Washington, D.C. 20230. All interim binders for foreign-flag vessels will become effective on the date the Owner's Contract of Commitment is executed by the Maritime Administration.

§ 308.10 [Amended]

10. Section 308.101 is amended as follows:

(a) In application format Paragraphs (b)(1) and (b)(2), by inserting a comma after the word "vessel" first appearing in each, and by deleting the phrase "under Panamanian, Honduran or Liberian registry," immediately after said comma.

(b) By inserting, after the paragraph on warranty of compliance with Department of Commerce Transportation Orders T-1 and T-2, the following new paragraph:

Warranted, as to a vessel in any eligible category of the application, that at all times during the binder period or any period of insurance attaching thereunder, the vessel, by

action of its owner or master, will comply with the requirements of the United States Merchant Vessel Locator Filing System (USMER) as defined in § 308.2-3 of this Part 308.

(c) By eliminating the paragraph beginning with "Binding fee" and substituting therefor the following:

BINDER FEE (NOT RETURNABLE): UNITED STATES-FLAG VESSELS

\$25 per vessel, under 500 gross tons;
\$100 per vessel, 500 gross tons and over;
\$5 each LASH or similar type barge.

FOREIGN-FLAG VESSELS

\$50 per vessel, under 500 gross tons;
\$200 per vessel, 500 gross tons and over;
\$10 each LASH or similar type barge in United States funds.

(d) By deleting the paragraph beginning with the words "Check payable" and substituting the following new paragraph:

Check payable in United States funds to the order of "Maritime Adm.—Commerce" is enclosed herewith.

11. Section 308.102 is amended by:

(a) Changing the section heading to read:

§ 308.102 Issuance of interim binder; its terms and conditions; fees.

(b) By deleting the last sentence and substituting therefor the following three sentences:

• • • The binder fee (not returnable) for United States-flag vessels shall be \$25 per vessel under 500 gross tons; \$100 per vessel of 500 gross tons or over; and \$5 per LASH or similar type barge. The binder fee (not returnable) for foreign-flag vessels shall be \$50 per vessel under 500 gross tons; \$200 per vessel 500 gross tons or over; and \$10 per LASH or similar type barge. All fees are payable in United States funds by check to order of the "Maritime Adm.—Commerce."

§ 308.103 [Amended]

12. Section 308.103(a) is amended by changing the last sentence to read as follows:

(a) • • • The "stated valuation" of the vessel insured refers to the vessel as described in § 309.5 of this Chapter (Maritime Administration General Order 82, 30th Revision, as amended).

§ 308.106 [Amended]

13. Section 308.106 is amended by inserting, after the paragraph on warranty of compliance with Department of Commerce Transportation Orders T-1 and T-2, the following new paragraph:

Warranted, as to a vessel in any eligible category of the application, that at all times during the binder period or any period of insurance attaching thereunder, the vessel, by action of its owner or master, will comply with the requirements of the United States

Merchant Vessel Locator Filing System (USMER) as defined in § 308.2-3 of this Part 308.

14. Section 308.201 is amended as follows:

(a) In application format paragraphs—(b)(1) and—(b)(2), by inserting a comma, after the word "vessel" first appearing in each, and by deleting the phrase "Panamanian, Honduran or Liberian registry," immediately after said comma.

(b) By inserting after the warranty of compliance with Department of Commerce Transportation Orders T-1 and T-2, the following new paragraph:

Warranted, as to a vessel in any eligible category of the application, that at all times during the binder period and any period of insurance attaching thereunder, the vessel, by action of its owner or master, will comply with the requirements of the United States Merchant Vessel Locator Filing System (USMER) as defined in § 308.2-3 of this Part 308.

(c) By deleting the two paragraphs beginning with the words "Binding fee" and "Check payable," respectively, and substituting therefor two new paragraphs as follows:

Binder fee (not returnable), \$5 for each United States-flag LASH or similar type barge; \$25 for all other United States-flag vessels; \$10 for each foreign-flag LASH or similar type barge; and \$50 for all other foreign-flag vessels.

Check payable in United States funds to order of "Maritime Adm.—Commerce" is enclosed herewith.

§ 308.202 [Amended]

15. Section 308.202 is amended by deleting the last sentence and substituting the following two sentences:

The binder fee (not returnable) shall be \$5 for a United States-flag LASH or similar type barge; \$25 for all other United States-flag vessels; \$10 for a foreign-flag LASH or similar type barge; and \$50 for all other foreign-flag vessels. All fees are payable in United States funds by check to the order of "Maritime Adm.—Commerce."

§ 308.206 [Amended]

16. Section 308.206 is amended by inserting, after the paragraph on warranty of compliance with Department of Commerce Transportation Orders T-1 and T-2, the following new paragraph:

Warranted, as to a vessel in any eligible category of the application, that at all times during the binder period or any period of insurance attaching thereunder, the vessel, by action of its owner or master, will comply with the requirements of the United States Merchant Vessel Locator Filing System (USMER) as defined in § 308.2-3 of this Part 308.

§ 308.301 [Amended]

17. Section 308.301 is amended as follows:

(a) In application format paragraphs—(b)(1) and—(b)(2), by inserting a comma after the word "vessel" first appearing in each, and by deleting the phrase "Panamanian, Honduran or Liberian registry," immediately after said comma.

(b) By deleting the two paragraphs beginning with the words "Binding fee" and "Check Payable," respectively, and substituting therefor two new paragraphs as follows:

Binder fee (not returnable) \$75 for a United States-flag vessel and \$150 for a foreign-flag vessel.

Check payable in United States funds to the order of "Maritime Adm.—Commerce" is enclosed herewith.

§ 308.302 [Amended]

18. Section 308.302 is amended by deleting the last sentence and substituting therefor the following two sentences:

*** The binder fee (not returnable) shall be \$75 for a United States-flag vessel and \$150 for a foreign-flag vessel. All fees are payable in United States funds by check to the order of "Maritime Adm.—Commerce."

§ 308.501 [Amended]

19. Section 308.501 is amended by adding a new penultimate paragraph as follows:

*** For the purposes of this Subpart F—War Risk Cargo Insurance, the terms "cargo" and "cargoes" as used herein shall include loaded or empty containers located aboard United States-flag and foreign-flag vessels insured under Title XII, Merchant Marine Act, 1936, as amended.***

20. The index to Part 308 is amended in part as follows:

- 308.2-1 Interim insurance: Availability.
- 308.2-2 Interim insurance: Special rules for foreign-flag vessels.
- 308.2-3 Vessel location reports.
- 308.2-4 Change in status of vessels described in § 308.1 (a) and (b) after binder issued: Notice.
- 308.2-5 Change in status of other vessels: Notice.
- 308.3 Applications for insurance; warranties; supporting documents; payment of binder fees.
- 308.4 Form of citizenship and control.
- 308.102 Issuance of interim binder; its terms and conditions; fees.

(Secs. 204(b), 1201-1214, Merchant Marine Act, 1938, as amended (46 U.S.C. 1114(b) and 1281-1294); Reorganization Plans No. 21 of 1950 (64 Stat. 1273), and No. 7 of 1981 (75 Stat. 840), as amended by Pub. L. 91-489 (84 Stat. 1036) and Department of Commerce Organization Order 10-8 (36 FR 19707, July 23, 1973).)

(Catalog of Federal Domestic Assistance Program No. 11.503, Maritime War Risk Insurance.)

By order of the Assistant Secretary of Commerce for Maritime Affairs.

Dated: May 26, 1978.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-15237 Filed 6-1-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[Docket No. 78-12]

RULES OF PRACTICE AND PROCEDURE

Simplification of the Rules Governing Special Docket Applications for Permission To Refund or Waive Portions of Freight Charges in the Foreign Commerce

AGENCY: Federal Maritime Commission.

ACTION: Enlargement of time to file comments.

SUMMARY: Department of Agriculture has demonstrated a need for a limited enlargement of time to file comments on the proposed amendment of the rules of practice and procedure to simplify the process by which common carriers by water in the foreign commerce of the United States or conferences of these carriers seek permission to refund or waive a portion of freight charges because of tariff errors (43 FR 18572; May 1, 1978). Their request for additional time is granted in part.

DATE: Comments on or before June 2, 1978.

ADDRESS: Comments to: Secretary, Federal Maritime Commission, Room 11101, 1100 L Street NW., Washington, D.C. 20573.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street NW., Washington, D.C. 20573, 202-523-5725.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-15421 Filed 6-1-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-07]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation No. A612]

FLORIDA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Florida Counties as a result of tornadoes, high winds, hail, and rain April 19, 1978:

Alachua and Union.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Governor Reubin O'D. Askew that such designation be made.

Applications for emergency loans must be received by this Department no later than November 16, 1978, for physical losses and May 21, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 25th day of May 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-15329 Filed 6-1-78; 8:45 am]

[3410-07]

[Designation Number A613]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Texas Counties as a result of drought January 1 through March 24, 1978,

and hall and high winds August 30, 1977, in Hansford County; and drought March 1, 1977, through April 10, 1978, in Starr County.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit D, Paragraph VB, including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for emergency loans must be received by this Department no later than November 16, 1978, for physical losses and May 21, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 25th day of May 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.
[FR Doc. 78-15331 Filed 6-1-78; 8:45 am]

[3410-07]

[Designation No. A614]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Texas Counties as a result of drought June 1, 1977, through March 22, 1978, in Hardeman County; drought July 1, 1977, through April 18, 1978, in Kimble County; and drought May 1, 1977, through April 5, 1978, as well as a hailstorm September 15, 1977, in Mason County.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for emergency loans must be received by this Department no later than November 20, 1978, for physical losses and May 23, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 25th day of May 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.
[FR Doc. 78-15330 Filed 6-1-78; 8:45 am]

[3410-11]

Forest Service

CASCADE HEAD SCENIC-RESEARCH AREA ADVISORY COUNCIL

Meeting

The Cascade Head Scenic-Research Area Advisory Council will meet on Friday, June 30, 1978, at the Elks Lodge No. 1886, 2020 NE. 22nd, Lincoln City, Ore. The meeting will begin at 1:30 p.m.

The purpose for the meeting is for the Advisory Council to formulate their recommendations on the breaching of the dikes and other research plans in the Area.

The meeting will be open to the public. Persons who wish additional information concerning the meeting should contact Pam McCawley, Hebo Ranger Station, Hebo, Ore., 97122, phone 392-3161, or Dale Dufour, Siuslaw National Forest, at 545 SW. Second Street, Corvallis, Ore. 97330, phone 757-4492.

Dated: May 24, 1978.

LARRY A. FELLOWS,
Forest Supervisor.
[FR Doc. 78-15359 Filed 6-1-78; 8:45 am]

[3410-16]

Soil Conservation Service

EASTERN CONNECTICUT R.C. & D. AREA,
CRITICAL AREA TREATMENT R.C. & D. MEAS-
URES, CONNECTICUTIntent Not To Prepare Environmental Impact
Statements

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the Critical Area Treatment R.C. & D. Measures in the Eastern Connecticut R.C. & D. Area.

The environmental assessment of these Federally assisted actions indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. John W. Tippie, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for this project.

The measures concern plans for critical area treatment to reduce damage caused by gully and rill erosion and the resulting sediment. The planned works of improvement include about 200 acres to be shaped and vegetatively treated, the installation of approximately 210,000 feet of pipe with associated structures, and the placement of about 44,000 cubic yards of rock riprap.

The notice of intent not to prepare environmental impact statements has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. John W. Tippie, State Conservationist, Soil Conservation Service, Mansfield Professional Park, Storrs, Conn. 06268, 203-429-9361. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 3, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: May 26, 1978.

JOSEPH W. HAAS,
Assistant Administrator for
Water Resources Soil Conser-
vation Service.

[FR Doc. 78-15358 Filed 6-1-78; 8:45 am]

[3410-16]

BIGELOW PARK LAND DRAINAGE R.C. & D.
MEASURE, MAINEIntent Not To Prepare an Environmental Impact
Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bigelow Park Land Drainage R.C. & D. Measure, Washington County, Maine.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Warwick M. Tinsley, Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for providing both surface and subsurface water control for the town of Harrington's community park. The planned works of improvement include a grassed waterway, two tile systems and outlet structures, and vegetative stabilization of disturbed areas.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Warwick M. Tinsley, Jr., State Conservationist, Soil Conservation Service, USDA Building, Orono, Maine 04473, 207-866-2132. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 3, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: May 26, 1978.

JOSEPH W. HAAS,
Assistant Administrator for
Water Resources Soil Conser-
vation Service.

[FR Doc. 78-15358 Filed 6-1-78; 8:45 am]

[3410-16]

GOULDSBORO ELEMENTARY SCHOOL CRIT-
ICAL AREA TREATMENT R.C. & D. MEASURE,
MAINEIntent Not To Prepare an Environmental Impact
Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Gouldsboro Elementary School Critical Area Treatment R.C. & D. Measure, Hancock County, Maine.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Warwick M. Tinsley, Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for erosion control on the community school site. The planned works of improvement include three diversions, two grassed waterways, subsurface drainage, a walkway, protective fence, and establishment of vegetation.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Warwick M. Tinsley, Jr., State Conservationist, Soil Conservation Service, USDA Building, Orono, Maine 04473, 207-866-2132. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 3, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: May 26, 1978.

JOSEPH W. HAAS,
Assistant Administrator for
Water Resources Soil Conser-
vation Service.

[FR Doc. 78-15355 Filed 6-1-78; 8:45 am]

[3410-16]

EAST WHARTON OUTFALL EROSION CONTROL
R.C. & D. MEASURE, TEXASIntent Not To Prepare an Environmental Impact
Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the East Wharton Outfall Erosion Control R.C. & D. Measure, Wharton County, Tex.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for stabilizing an area of critical gully erosion in the southeast part of the city of Wharton. The planned works of improvement include installation of a concrete chute spillway near the outlet end of the gully. Rock riprap will be used to stabilize the outlet of the chute spillway and the upper end of the gully. All areas denuded during construction will be established to permanent vegetation. The treatment area will involve about 3 acres of land. The installation is planned over a 1-year period.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George C. Marks, State Conservationist, Soil Conservation Service, P.O. Box 648, Temple, Tex. 76501, 817-774-1214. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 3, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation

and Development Program, Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: May 26, 1978.

JOSEPH W. HAAS,
Assistant Administrator for
Water Resources Soil Conser-
vation Service.

[FR Doc. 78-15357 Filed 6-1-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket Nos. 30699, etc.]

OAKLAND SERVICE CASE

Order

Adopted by the Civil Aeronautics board at its office in Washington, D.C., on the 19th day of April 1978.

Petition of Oakland Chamber of Commerce and Port of Oakland for a service investigation. Applications of Allegheny Airlines, Inc., Braniff Airways, Inc., Frontier Airlines, Inc., Hughes Air Corp., doing business as Hughes Airwest, Northwest Airlines, Inc., Texas International Airlines, Inc. for authority between Oakland, Calif., and various points. Docket Nos. 30739, 30819, 30862, 30863, 31583, 30981, 30868.

I. SUMMARY OF PLEADINGS

On April 6, 1977, the Oakland Chamber of Commerce and the Port of Oakland filed a petition in Docket 30699 asking the Board to investigate whether the following 22 Oakland markets need service by an additional or replacement carrier: Albuquerque, Atlanta, Boston, Chicago, Dallas/Fort Worth, Denver, Detroit, Houston, Kansas City, Las Vegas, Los Angeles, Miami/Fort Lauderdale, Minneapolis/St. Paul, New York, Philadelphia, Phoenix, Portland, Reno, St. Louis, Salt Lake City, Seattle, and Washington/Baltimore.

Oakland requests that any new routes awarded in this case be designated as separate segments on carriers' certificates so that new service in these 22 Oakland markets will be mandatory rather than permissive. It also proposes that suspension, deletion, or other modification of the incumbent carriers' existing authority in these markets be put in issue under section 401(g) of the Act. It suggests two alternatives: (1) deletion of Oakland from all existing certificates and award of new mandatory Oakland routes to incumbents and others, or (2) elimination of dormant authority only. Attachment A to this order summarizes Oakland's petition and the pleadings filed in support of it.

United and TWA filed answers opposing the Oakland petition. Both state that the case Oakland proposes would be unmanageably large and an

unwise use of the Board's limited resources. They also argue that the East Bay is already well served by flights at San Francisco. United further argues that the wholesale suspension or deletion of existing Oakland authority and substitution of separate segments would be inconsistent with a rational route program. TWA calculates that one additional daily nonstop round trip in each of the 22 Oakland markets would require a total of 70 million gallons of fuel annually, and argues that this alone would require an investigation of the effects on fuels cost and availability before the Board could even hear the route case.

II. SCOPE OF PROCEEDING AND OUTLINE
OF PROCEDURE

For the reasons set forth below, we are instituting a proceeding for the purpose of determining the need for new Oakland authority (see section III). This case, however, will not include all 22 markets in Oakland's petition. To avoid duplication, we will exclude six Oakland markets already at issue in pending cases.¹ We also will exclude the Oakland-Los Angeles market. It already receives extensive nonstop low-fare service from an intrastate carrier which, under recently enacted legislation, may enter into agreements with interstate carriers to interline traffic. With the intrastate carrier no longer limited to serving local traffic we see no need to consider new Oakland-Los Angeles authority at this time. Thus, the *Oakland Service Case* we are setting down in Docket 30699 will include the issue of new and improved authority in the following 15 Oakland markets: Albuquerque, Atlanta, Boston, Chicago, Dallas/Fort Worth, Denver, Detroit, Houston, Kansas City, Minneapolis/St. Paul, Philadelphia, Phoenix, Portland, Salt Lake City, and Seattle. We have decided, however, not to put in issue the suspension, deletion, or (except to the extent a holder may apply for it) modification of any of the incumbent carriers' existing authority at Oakland (see p. 56 below).

We are proposing a novel and experimental procedure for the conduct of the *Oakland Service Case*. First, we will conduct two separate hearings before administrative law judges: the first to adjudicate the issues of public convenience and necessity for new authority in the Oakland markets at issue (see section V-B), and the second

¹New York and Washington/Baltimore are at issue in the *Transcontinental Low-Fare Route Proceeding*, Docket 30358; Las Vegas and Reno in the *California-Nevada Low-Fare Route Proceeding*, Docket 31574; Miami/Fort Lauderdale in the *Miami-Los Angeles Low-Fare Case*, Docket 31976; and St. Louis in the *St. Louis-Louisville and San Francisco Bay Area Nonstop Case*, Docket 31491.

to determine the fitness of applicants (see section V-C). We propose, however, to withdraw from the former hearing the one major issue which, in our traditional route proceedings, has been most prolific of complication, expense, and delay: the issue of comparative carrier selection. Instead, we have tentatively decided to adopt, for the purposes of this case, a policy of awarding permissive, subsidy-ineligible authority in each market where a need for new authority is shown, to every fit, willing, and able applicant for such authority whose illustrative service proposal indicates that it is prepared to satisfy any part of that need (see section IV).

Interested parties will have an opportunity to comment on the foregoing proposed policy from the standpoint of law, fact, and economics, and an oral argument will be scheduled (see section V-A). The two hearings will then proceed under the ground rules described in the final section of this order. While the initial pleadings and facts of which we may take official notice have led us to arrive at certain tentative findings and conclusions as to the need for additional route authority in most of the Oakland markets we are placing in issue (see section III), the hearing on public convenience and necessity issues will be open to any additional evidence relevant to the issue of need which the parties may wish to submit, consistent with the policies discussed elsewhere in this order. Similarly, although we have arrived at the tentative conclusion that there is no significant likelihood that the ability of any incumbent carrier now holding authority at Oakland or San Francisco to fulfill its certificate obligations will be impaired or threatened by any awards which we may make in this proceeding, the hearing on public convenience and necessity issues will be open to any relevant evidence of such impairment. Finally, if the responses to our proposed policy determination convince us that in some or all of the markets at issue we should not follow the proposed policy of awarding permissive authority to all qualified applicants, then by a subsequent order we will add carrier selection in those markets to the issues to be heard in the public convenience and necessity hearing.

III. NEED FOR ADDITIONAL AUTHORITY AT OAKLAND

Introduction. As explained in the succeeding discussion, we tentatively find and conclude that Oakland International Airport (OAK) is significantly more convenient than San Francisco International Airport (SFO), in terms of ground access, for a large number of Bay Area residents and travelers. We further find and conclude that for the most part the inter-

state carriers authorized to serve Oakland have not met the need for service at OAK, resulting in severe underutilization of a fine airport facility. Consequently, we tentatively conclude that additional and different authority to serve Oakland is required by the public convenience and necessity, and we are instituting this investigation to ascertain more definitely the extent of this public need and to grant the needed authority in a form and manner we believe will most promptly and effectively remedy the existing deficiencies in Oakland's service. The policies and procedures we propose, as detailed elsewhere in this order, are novel and experimental, but we believe that they will result both in significant new service and in a wider range of price and service options for Oakland passengers. We cannot say with absolute certainty that our solution will have the results we predict—only actual experience can show that—but we believe it will create the opportunity for the most rapid possible improvements in Oakland service. We will observe the interaction of market forces at Oakland, and if the improvements we foresee do not occur, we will consider taking further steps.

Demand potential at Oakland. Available economic data support both Oakland's request for improved service and our finding that the current pattern of service in the San Francisco area is causing inconvenience to millions of air travelers. The East Bay area contains 40.6 percent of the total Bay area population, and considered as a separate economic unit, the East Bay area would rank 16th, 15th, 16th and 18th nationally in terms of population, effective buying income, buying power index, and retail sales, respectively.¹ Moreover, the results of the Bay Area Metropolitan Transportation Commission's 1975 survey of departing passengers at the three Bay area airports show that the East Bay area generates 25 percent of the total Bay area traffic using scheduled services, and that 17 percent of the traffic at SFO originates or terminates in the East Bay area.² This last figure translates into 2.7 million East Bay passengers who are using an airport less convenient than OAK.³ Moreover, the experience of the Oakland-Los Angeles market—the one Oakland market now receiving frequent, convenient low-fare service (see below, p.

¹In the nine-county San Francisco Bay area, the East Bay area consists of Alameda, Contra Costa, Napa, and Solano counties; the West Bay area of Sonoma, Marin, San Francisco, and San Mateo counties; and the South Bay area of Santa Clara County. See attachment H to this order.

²These results are summarized in OAK-30 through 37, attached to Oakland's petition.

³See page 15 of Oakland's petition.

11)—tends to confirm that with good service the Oakland airport can attract at least 25 percent of the total Bay area air traffic.

Oakland has extensive, high-quality airport facilities. In 1962 Oakland completed a major expansion of its airport at a cost of \$20 million, providing a new passenger terminal and a 10,000-foot runway, with over-water approaches at each end and a practical annual capacity of 179,000 landings and takeoffs. The runway is fully instrumented with ILS, approach lighting, in-runway lighting, including touchdown and centerline lights, and high-speed turnoffs. Access roads, automobile parking, gate positions, ticketing, baggage claim, public waiting areas, and passenger-hold rooms can handle 4 million passengers annually. Oakland passengers also have access to the Bay Area Rapid Transit system (BART) by means of a shuttle between the passenger terminal and the nearest BART station. The Oakland airport has an international arrivals building which provides customs and immigration facilities and is designed to accommodate multiple wide-bodied passenger loads. There is a jet maintenance complex, now leased to World Airways, capable of simultaneously accommodating four 747 or six DC-10/L-1011 aircraft. The airport is physically divided into two separate aviation facilities, one for commercial airlines and one for general aviation. Each facility has an FAA control tower.⁴

In spite of the strong potential demand for service at Oakland and in spite of its fine facilities, the Oakland airport's share of the total San Francisco Bay area true-C. & D. traffic for the markets in issue in the year ended June 30, 1977, was only as follows:

Share of total Bay Area traffic using Oakland airport

Oakland markets	Percent
Albuquerque.....	1.0
Atlanta.....	2.6
Boston.....	1.7
Chicago.....	7.7
Dallas/Fort Worth.....	9.5
Denver.....	10.0
Detroit.....	3.0
Houston.....	1.5
Kansas City.....	2.3
Minneapolis/St. Paul.....	1.1
Philadelphia.....	2.6
Phoenix.....	7.5
Portland.....	17.9
Salt Lake City.....	11.2
Seattle.....	13.2

The Oakland airport's low share of the total Bay area O. & D. traffic correlates closely with the quantity and quality of the Service it receives from the nine incumbent carriers—service which makes far less than optimum

⁴See OAK-820 through 824, Docket 30356.

use of its facilities and does very little to tap the East Bay area's potential traffic demand. The following table sets forth the service presently being provided at the Oakland and San Francisco airports by the incumbent carriers having authority in the 15 Oakland Markets we are placing in issue (except where otherwise indicated, these carriers also have comparable authority in the corresponding San Francisco markets):

Market	Carrier	Daily Round Trips Provided ^{a/}							
		To/From Oakland				To/From San Francisco			
		No. of Stops				No. of Stops			
		0	1	2	3+	0	1	2	3+
Philadelphia	American	NA	None			NA	1	0	0
	TWA		None			1	1	1/0	0
	United		None			1	2/1	1/0	0
Phoenix	American		None			3	0	0	0
	Hughes Airwest ^{b/}	1	1	2/0	0	NA	2/3	0	3/0
	TWA		None			3	1/0	0	0
	Western		None			0	2/1	1	0
Portland	Continental		None			No Authority			
	Hughes Airwest	NA	None			NA	1/2	1/2	2
	United	3	0	0	0	5	5/4	1	0
	Western		None			3/4	0	0	0
Salt Lake City	United		None			3	1	0	0/1
	Western	1	0	0	0	4/5	1	0	0
Seattle/Tacoma	Continental		None			No Authority			
	Hughes Airwest	NA	NA	None		NA	NA	1	1/3
	United	1	2	0	0	7	1/0	2/1	0
	Western		None			8/7	0	0	0

NOTES: NA = No authority
Single figures indicate daily round trips. Where service is directionally unbalanced, "x/y" indicates x flights to Oakland and y flights from Oakland.
^{a/} Table shows round trips operated four or more times per week. In the San Francisco-Atlanta market, National operates two round trips per week.
^{b/} One or more of this carrier's Oakland flights makes an intermediate stop at San Francisco or San Jose.

SOURCE: March 1, 1978 Official Airline Guide

Market	Carrier	Daily Round Trips Provided ^{a/}							
		To/From Oakland				To/From San Francisco			
		No. of Stops				No. of Stops			
		0	1	2	3+	0	1	2	3+
Albuquerque	Continental TWA		None			3	0	0	0
			None			0	1	0	0
Atlanta	Delta b/ National	0	0	0	2/0	2	1/3	1/0	1/0
			None			None ^{a/}			
Boston	American TWA United	NA	None			NA	1	0/1	2
			None			1	1	0/2	0
			None			1	1	3/1	1
Chicago	American TWA United		None			3	0	2	0
		1/2	0	0	0	3/4	0	0/2	1/0
		2	0	0/1	0	3	2	0	0
Dallas/Ft. Worth	American b/ Continental Delta b/	0/1 NA 0/1	1/0 None 3/2	0 0 0	0	6 NA 4	0/1 0 1/0	0 2/0 0	0
Denver	TWA United Western		None			1	0	0	0
		1	1	0	0	3	1	0	0
		0	1	0	0	1	1/3	1/0	0
Detroit	American TWA United		None			1	1	1	0
			None			0	1/0	0	1/0
			None			1	1	0	0
Houston	American Continental National		None			2	1	0	0
		NA	NA	None		NA	NA	1/2	0
			None			4/2	2	0	0
Kansas City	TWA United		None			2	1	1/0	0
			None			1	0	0/1	0
Minneapolis/ St. Paul	Northwest Western		None			2	0	0	0
			None			3	1/0	1	0

As will be seen from the table, 7 of the 15 Oakland markets currently receive no service at all, while an eighth has multistop service in one direction only and a ninth has nonstop service in one direction only. The remaining 6 markets have nonstop service in one direction only. The remaining 6 markets have nonstop service in both directions, but frequencies are limited. Only two markets, Chicago and Portland, receive more than one nonstop round trip per day. (In contrast, as we point out elsewhere, the Oakland-Los Angeles market receives 11 daily round trips from an intrastate carrier.) Although competitive service is authorized in all of the Oakland markets at issue, it is actually provided in only three of them, and only one market (Chicago) has two carriers offering round/trip nonstop service. Moreover, in a few instances Oakland flights make an intermediate stop at San Francisco or San Jose—a flight pattern which we believe is psychologically discouraging to the Oakland passenger and does little to stimulate use of the Oakland airport. In some other markets, Oakland service is provided in one direction only, and is thus unusable by the East Bay traveler who wishes to leave his car at the airport and pick it up on his return flight.

The current low level of service at Oakland is not new. For over thirty years San Francisco International Airport has been the dominant terminal for interstate traffic. Although Oakland was the Bay Area's first major commercial air facility (opening in 1927), it was used during World War II as a military airfield, and commercial traffic was shunted to San Francisco, where for the most part it has remained. As far back as 1947, Oakland filed a formal adequacy-of-service complaint with the Board concerning the service it was receiving.⁶ Oakland voluntarily withdrew that complaint, hoping to negotiate improved service for the carriers involved, but in 1961 it filed a second petition for an adequacy-of-service investigation.⁷ Since the Board had recently awarded new authority in a number of Oakland markets and several others were at issue in a case pending at that time, it deferred action on the petition, with the hope that its newly-created Office of Community Relations could work out an informal solution of Oakland's problems.⁸ Several carriers instituted new and improved service in 1963,⁹ and,

⁶Docket 3215.
⁷Docket 12385.
⁸See Order E-17318, August 14, 1961. Order E-19128, December 21, 1962, permitted informal discussions between Oakland and the air carriers authorized to serve it.
⁹The most important service improvements were in the Chicago, Denver, Los Angeles, and Portland markets and, in 1964, between Oakland and Las Vegas.

port still better service, it withdrew its formal complaint.¹⁰ There have been few improvements, however, in Oakland service in the fifteen years since 1963.¹¹ Nonstop frequencies to Denver and Phoenix have remained the same as in 1963. Oakland has never received any single-plane service to Albuquerque, Kansas City, or Minneapolis/St. Paul, and single-plane service to Atlanta, Boston, Detroit, Houston, and Philadelphia has been infrequent and intermittent. Dallas/Ft. Worth service is better than in 1963, when there was no round-trip single-plane service, but as of December 15, 1977, Delta dropped its westbound nonstop flight, so that the market no longer receives round/trip nonstop service. There have been some improvements in nonstop service by certificated carriers in the Chicago, Portland, Salt Lake City, and Seattle markets, but these are not very significant, considering the fact that fifteen years have gone by.¹²

A comparison of Oakland's current nonstop frequencies with those of twenty years ago shows that, while nonstop service to Chicago, Denver, Phoenix, and Seattle is somewhat more frequent now than in 1958, the Dallas/Ft. Worth, Portland, and Salt Lake City markets have fewer nonstop operations.¹³ In contrast, while nonstop service between the San Francisco International Airport and Chicago and Portland has increased only slightly during the past 20 years (the 1958 nonstop frequencies in these markets were already quite numerous,¹⁴ nonstop flights to and from the San Francisco airport in the Dallas/Ft. Worth, Denver, Phoenix, Salt Lake City, and Seattle markets have more than doubled over that period.

We recognize that because of increases in aircraft size since 1958, fewer flights may in fact provide the

same or a greater number of seats. Twenty years of traffic growth, however, have more than compensated for the increase in aircraft size in most markets, particularly those involving hub-to-hub service. In this connection it is noteworthy that the load-factor data in Oakland's petition show healthy loads (at the DPFI fare levels) on nonstop flights to and from Chicago, Dallas/Ft. Worth, Denver, Portland, Salt Lake City, and Seattle during 1975 and the first half of 1976, the lowest being Salt Lake City at 55 percent (exhibits OAK-56 through 62).

Over the years, the Board has taken a variety of regulatory approaches to satisfying Oakland's needs. The earliest certificates named Oakland as a separate point, but the holders also had San Francisco authority and for the most part undertook to serve Oakland through the San Francisco Airport by use of the Board's airport notice procedure. Later, when the Board was considering new long-haul authority to the Bay area, at a time when traffic would support fewer frequencies than today, the Board took the view that compelling carriers to divide between San Francisco and Oakland the limited number of long-haul frequencies then feasible would unreasonably restrict their ability to provide effective service to either community.¹⁵ As a result, the certificates issued at that time and later usually designated Oakland as a single hyphenated point with San Francisco.

By 1970, however, the intrastate carriers in California had demonstrated "that there is a sizable public demand for aggressively promoted, competitively scheduled, convenient, low-cost direct air service between the satellite airport and distant destinations."¹⁶ To meet this demand, we awarded Continental Air Lines new authority to Portland and Seattle, restricted to satellite airports in the Los Angeles and San Francisco areas. Continental, however, has elected to serve only one satellite airport in the San Francisco area (San Jose), so it has not developed Oakland traffic as we hoped it would.

The Causes of the Low Level of Service at Oakland. It has been suggested that the paucity of service at Oakland can be explained either by the proximity of service at the San Francisco International Airport or by the existence of extensive unused authority at Oakland itself, which supposedly would enable the incumbent carriers to smother the efforts of any new carrier to establish itself at Oakland. Experience, however, suggests that neither of

¹⁰*Southern Transcontinental Service Case*, 34 C.A.B. 487 (1961).
¹¹*Pacific Northwest-California Investigation*, 54 C.A.B. 38, 42 (1970).

these explanations is adequate. For example, Hughes Airwest, which had theretofore been subject to stop restrictions in the San Francisco/Oakland-Las Vegas/Phoenix markets, applied in early 1975 for nonstop authority in the two Oakland markets, where the incumbent carriers were providing little or no service. Western, which had previously dropped its nonstop service in the Oakland-Las Vegas market on March 1, 1970, reinstituted such service on April 27, 1975, after Airwest filed its application but before it could be processed. Notwithstanding this apparent attempt by Western to preempt the market, Airwest prosecuted its application to a successful conclusion and inaugurated Oakland-Las Vegas nonstop service on November 1, 1976—whereupon Western terminated its nonstop service on January 15, 1977, leaving Airwest as the sole roundtrip nonstop carrier in the market.¹⁷ In addition to Western, Delta, National, and TWA all have unused nonstop authority in the Oakland-Las Vegas market, while American and TWA hold such authority in the Oakland-Phoenix market. These carriers between them currently provide 9½ daily nonstop round trips in the San Francisco-Las Vegas market and 6 daily nonstop round trips in the San Francisco-Phoenix market, which nevertheless have not deterred Airwest's Oakland service.

The Oakland-Los Angeles service history provides another instructive example. For years, the certificated interstate carriers provided minimal levels of nonstop service between Oakland and Los Angeles,¹⁸ while offering substantial SFO-Los Angeles service. One month prior to the entry of Pacific Southwest Airlines (PSA) in February 1965, however, the interstate carriers (United and Western) doubled their nonstop service from 5 to 10 roundtrips per day. Since PSA's entry both UA and WA have left the market (United in April 1970, Western in January 1976), so that now the intrastate carriers provide the only service.¹⁹ Although PSA operated for more than ten years in the face of active Oakland-Los Angeles competition, and has always operated in the face of very extensive San Francisco-Los Angeles competition plus multiple Oakland-Los Angeles dormant authority, it has maintained its high level of nonstop service. As a result, Oakland now generates 25 percent of Bay area-Los Angeles traffic.²⁰

These two examples demonstrate, we think, that although the existence

¹⁷Delta operates a single nonstop flight eastbound only.

¹⁸An intrastate carrier entered the market in November 1960, but remained for only six months.

¹⁹Air California operates one-stop service only.

²⁰OAK-38.

of dormant authority at Oakland may indeed allow the holders of such authority to attempt to smother or preempt a prospective new carrier, such attempts are not particularly effective and do not deter a new carrier whose motivation is otherwise adequate from entering and effectively serving an Oakland market; and that a fortiori neither the mere existence of such dormant authority nor the proximity of extensive service in the corresponding San Francisco market is a major obstacle to the entry of such a new carrier at Oakland. By the same token, these factors do not explain the propensity of the incumbent carriers at Oakland and San Francisco in most cases to provide very limited service at the Oakland airport which falls far short of realizing the East Bay area's traffic potential. Rather, in our view, the failure of the incumbent carriers to provide better service to Oakland results from the self-reinforcing incentives that dual or hyphenated certification has created to concentrate service at San Francisco. Given the post-World War II pattern (which has persisted to this day) of minimal Oakland service alongside the major hub activity of SFO, carriers have chosen SFO as a marketing and operational base because (a) the concentration of scheduled service at SFO offers them maximum opportunities to gain connecting traffic, and (b) once established at SFO, the carriers find little incentive to open another station at Oakland, or to promote existing Oakland services, since by doing so they would be diverting passengers from their own SFO services. It is no coincidence that Airwest, having more restrictions on its SFO authority than any other Oakland carrier, recently has been the interstate carrier most active in seeking new Oakland authority and instituting new Oakland service. We expect that other carriers to be certificated in this proceeding, which will not be under the sway of the self-reinforcing incentives to concentrate their services at San Francisco, will be induced by Oakland's unrealized traffic potential to offer the kind of frequent, low-cost air service Oakland needs.

Market Analysis. As explained above, 7 of the 22 markets that Oakland wishes us to investigate have been excluded on procedural and other grounds. We tentatively find that at least 12 of the remaining 15 markets are now and will continue to be large enough to support some nonstop service. This finding rests on assumptions relating to Oakland's traffic potential, realistic price reductions that carriers could offer, and cost adjustments flowing from the price reductions. Our forecasts for the 15 markets are explained in Attachment B and set forth in detail in Attachments C through F.

All the assumptions used are conservative. For example, we have relied exclusively on forecasts of local O&D traffic as support for nonstop service. Obviously, most applicants with existing systems will be able to flow other traffic over new Oakland segments if they choose. Moreover, all applicants will have access to interline connecting traffic. Thus, an attractive Oakland-Chicago service will undoubtedly be used by thousands of travelers in smaller Oakland-Midwest markets, just as is presently the case with San Francisco-Chicago service; and the same will be true in the Atlanta, Dallas/Ft. Worth, Denver, and many other markets. The present ratio of interline connecting to local O&D traffic²¹ in all Oakland markets is 23 percent; at San Francisco the ratio is 27 percent, reflecting the greater availability of interline connections at that airport. As Oakland's total service increases, a significant volume of connecting traffic will become available to support more service and permit Oakland to begin to compete with SFO as a connecting complex. Thus, by basing our traffic forecasts solely on local O&D traffic we have in fact understated the true traffic potential for all applicants by something like 25 percent, and for applicants with existing systems and access to on-line flow traffic by even more. Interested parties will have an opportunity to show the full traffic potential of the Oakland markets in issue at the hearing.

Our other assumptions are as follows:

1. Historic traffic at the Oakland airport does not accurately represent the Oakland traffic potential. Since poor or non-existent Oakland service causes East Bay travelers to use other Bay area airports, our traffic forecasts for the Oakland markets assume that with good service, Oakland will attract a larger percentage of the total three-airport Bay area traffic. The results of the Metropolitan Transportation Commission survey and PSA's service in the Oakland-Los Angeles market (see pp. 4-5 and 11-12) indicate that Oakland's share should average approximately 25 percent.

2. It seems likely that price reductions will be a prominent feature of the marketing strategies adopted by new Oakland carriers and by incumbents. Our analysis forecasts 1979 traffic using the existing price level²² and three levels of discounts from it. To be conservative, we have based our revenue/cost projections on the highest level of discounted fares, which also

²¹O&D Traffic Survey, Table 10, year ended June 30, 1977. The combined connecting ratio for all three Bay Area airports is 28 percent (2.26 million interline connecting to 8.66 million local O&D passengers).

²²See attachment E for data on price level.

means that we assume the lowest level of price-stimulated traffic.

3. In our view the most conservative figure for the price elasticity of demand in these markets would be -0.7, the figure used in the *Domestic Passenger-Fare Investigation*.²³ There is reason to believe that, for fare reductions of the magnitude we would anticipate in these Oakland markets, the true price elasticity of demand is actually considerably greater.²⁴ In our forecasts (see Attachment C), we have calculated traffic and revenues under various fare reductions, assuming elasticity coefficients of -0.7, -1.0, -1.5, and -2.5. For 9 of the 15 markets at issue, a coefficient of -0.7 is found sufficient to produce enough local O&D traffic to support one daily round trip with suitable aircraft in each market (see Attachment D). For 3 of the remaining markets (Boston, Philadelphia, and Detroit), the respective coefficients required to produce this level of local O&D traffic are -.78, -.81, and -.9, all of which would appear to be readily attainable. For the remaining 3 markets (Albuquerque, Atlanta, and Kansas City), our analysis shows an unprofitable operation at probably attainable elasticity coefficients based on local O&D traffic alone. However, as previously pointed out, no carrier will in fact be limited to local O&D traffic; all will have access to interline connecting traffic, particularly in Oakland markets to such major connecting hubs as Atlanta, and many will be able to flow additional on-line traffic over new Oakland segments. Thus, while our very conservative analysis rather clearly shows that most of the Oakland markets will support some nonstop service, it by no means shows that the remaining Oakland markets will not support such service. We consider that there is a sufficient likelihood that they will do so to warrant putting all 15 markets in issue, so that their full traffic potential can be further explored at the hearing.

4. The majority of the service will eventually be operated with aircraft suitable to the density and stage length of each market, and most operations will reflect cost-cutting strategies designed to generate profits at reduced fares. In our analysis, we used recent historical costs of carriers serving the Bay Area markets in question (not necessarily at Oakland). These experienced costs were adjusted in three ways: (a) by assuming all-coach seating at DPFI-standard density, (b) by assuming an average passenger load

²³See C.A.B. (DPFI Vol.) 550-59 (1971).

²⁴In Order 78-3-106, March 23, 1978, we employed an implicit elasticity coefficient of approximately -1.0 in calculating the probable effects of Western's proposed fare reductions in the Miami-Los Angeles market.

factor of 65 percent, and (c) by eliminating passenger food expense (carriers could escape this expense by serving no food or by offering on-board food service for a cash charge which would cover costs).

The last three assumptions do not indicate a preference by the Board for uniform low-fare, no-frills service; on the contrary, we hope to see a wide variety of price/quality options offered in the Oakland markets. However, we believe there is a significant demand for this particular type of service and that Oakland carriers could profitably tap it.

Diversion from Existing Carriers. The Board has recently had occasion to discuss its current policies as to the weight to be given to diversion from an incumbent carrier as a factor in the public convenience and necessity.²⁵ As a rule, diversion will not be of decisional significance unless it threatens an affected carrier's ability to perform its certificate obligations, or will necessarily result in termination of essential services which will not be replaced by an applicant or by other carriers. These policies will apply to the present proceeding. Because relatively little service is now being provided in the 15 Oakland markets at issue, the incumbent carriers at Oakland have relatively little at stake and can claim correspondingly little diversion. Those few incumbents who are actively promoting service at Oakland ought to be in an excellent position to maintain or even increase their stake in the face of efforts by newcomers to break into the markets in question. Any incumbent that contends that this is not the case should be prepared to show why it is under some special disability which will hamper it in maintaining its stake in the Oakland markets it is serving. Otherwise, as we said in the *Greenville/Spartanburg* case, we would be inclined to regard the replacement of an incumbent carrier in a market by a more efficient and enterprising newcomer as representing a net gain to the public interest.

Improved service at Oakland will of course tend to divert East Bay travelers who today have little choice but to use service at the San Francisco airport despite its lesser convenience and accessibility by surface travel. But the Board has never been disposed to regard the shift of traffic from a less convenient to a more convenient serv-

²⁵*Greenville/Spartanburg-Washington/New York Subpart M Case*, Order 77-10-1, October 3, 1977; *Ohio/Indiana Points Nonstop Service Investigation*, Order 78-2-71, February 14, 1978, at pp. 7-10; *Piedmont Boston Entry Application*, Order 78-4-69, April 14, 1978, at pp. 5-6. See also *Trans-Pacific Route Investigation*, 51 C.A.B. 161, 168-69 (1969); *Reopened Service to Omaha and Des Moines Case*, Order 75-9-19, September 8, 1975, at pp. 15-16.

ice as a negative factor in the public convenience and necessity. Thus, the fact that East Bay-originating traffic may shift from the San Francisco to the Oakland airport, and that this shift may induce a proportionate reduction in services now being provided at San Francisco, will not be considered a valid argument for withholding the award of additional authority to serve Oakland. It might, of course, be a matter of concern to the Board if it were shown that greatly improved service at Oakland would result in complete termination of service in a corresponding San Francisco market. But such a result would appear on its face to be highly unlikely, given the fact that the West Bay traffic pool, for which service at the San Francisco airport is markedly more convenient, is considerably larger than the East Bay traffic pool. The incumbent carriers at San Francisco, even if they do not choose to maintain their historic stake in the East Bay traffic by entering into or maintaining competition at the Oakland airport, should have no difficulty in maintaining their stake in the West Bay traffic, since nothing prevents them from matching at San Francisco either the services or the fares which may be offered at Oakland as a result of this proceeding. Again, any incumbent that contends that some special disability will require it to terminate service in its San Francisco markets in the face of improved service at Oakland should be prepared to show what this special disability is.

In short, consideration of the preliminary pleadings and facts of which the Board can take official notice leads us tentatively to conclude that diversion from incumbent carriers at Oakland and San Francisco as the result of any new services at Oakland which may be authorized in this proceeding will not be so extensive, under the Board's established decisional criteria, as to warrant or require the denial of new authority to serve Oakland. All interested parties will, however, have a full opportunity to address the diversion question at the hearing on economic issues, within the framework of the Board's established diversion policies.²⁶

Similar considerations govern the possible contention that an award of additional authority in the Oakland markets at issue will have an adverse effect on subsidy. This is a matter which could only affect Hughes Airwest. That carrier has usable authority in only three of the Oakland mar-

²⁶We do not expect the hearing to spend time arguing over the details of diversion forecasts where it is evident that diversion will not be extensive enough to meet the Board's established criteria; see *Piedmont Boston Entry Application*, preceding footnote.

kets at issue (Phoenix, Portland, and Seattle/Tacoma), and actually serves only the Phoenix market, where its recently acquired nonstop authority (see p. 11) is subsidy-ineligible. We see no reason to suppose that Alwest will be at a disadvantage in the Oakland-Phoenix market; it has already survived an apparent preemption attempt by a trunkline carrier in the related Oakland-Las Vegas market. Our tentative conclusion is therefore that an award of additional authority at Oakland will not have an adverse effect on subsidy.

Summary: Tentative Findings of Public Convenience and Necessity. All issues of the public convenience and necessity for awards of additional certificated route authority in the Oakland markets at issue will be adjudicated in the economic hearing. We have nevertheless arrived at tentative findings on many of these issues, based on certain guidelines plus facts shown of record or of which we can take official notice, which facts we do not anticipate will be controverted. We set forth these tentative findings and guideline here so that the parties may address them in their evidentiary presentations.

1. It is our tentative view that the public convenience and necessity require the grant of nonstop authority in every Oakland market not now receiving nonstop service in which the forecast traffic in 1979 will be capable of sustaining at least one nonstop round trip per day with suitable aircraft on a profitable basis, and in which there is a fit, willing, and able applicant prepared to provide nonstop service. The ability to sustain one nonstop round trip per day is our tentative minimum criterion for an award in any market. We tentatively find that at least 12 of the 15 markets at issue will be capable of supporting this level of nonstop service; the remaining three markets may or may not be.

2. It is also our tentative view that the public convenience and necessity require the grant of additional nonstop authority in Oakland markets already receiving nonstop service where such service is not realizing Oakland's full traffic potential. Based on the Oakland parties' studies plus the results actually realized in the Oakland-Los Angeles market, we have tentatively assessed that potential as being at least 25 percent of the total traffic using the three Bay area airports. Since this potential is not being realized today in any of the 15 Oakland markets in issue, we are led to the tentative conclusion that new nonstop authority should be awarded in all of them in which the minimum traffic criterion is met.

3. Finally, we would not be disposed to deny applications for additional nonstop authority in any of the Oak-

land markets at issue meeting the minimum traffic criterion even if it were shown (which we do not anticipate it will be) that the award of such authority would not result in any immediate increase in the amount of nonstop service now being provided. Our review of the history of service at Oakland shows how easy it is for the incumbent carriers who also have comparable authority at San Francisco to drop their Oakland operations in favor of their parallel San Francisco operations, and shows also the economic motivations these incumbent carriers have for continuing to concentrate their Bay area operations at a single airport, San Francisco. In view of this history and these motivations, we cannot be confident that even those Oakland markets now receiving nonstop service from the incumbents will continue to do so reliably and without interruption. There appears to us to be a need in all markets for additional carriers whose motivations will impel them to focus their attention and efforts on Oakland rather than San Francisco service. Even if it were to appear that such new carriers might not immediately inaugurate service in any particular market, we believe it would nevertheless serve the public interest to have such carriers authorized and waiting in the wings in the event the incumbent carrier or carriers now providing service should subsequently falter or yield to the temptation to transfer their present Oakland service to San Francisco.

It will not be enough to wait until such a contingency actually arises and then have to order a new Oakland service investigation to deal with it; as a practical matter, the Board cannot review the service needs of individual city-pair markets at sufficiently frequent intervals to make this a satisfactory solution.²¹ Oakland has suffered from inadequate and unreliable service for such a long time that we believe we have a particular responsibility to see that its future service is both more adequate and more reliable, and that any deficiencies which appear in the future will be promptly and flexibly remedied. Moreover, our analysis indicates that the more service Oakland receives in one market, the more it will tend to receive in others, since each new flight tends to increase the pool of connecting traffic which supports still other new flights. For all these

²¹See discussion at pp. 38-39 below. Similarly, we do not think it will be enough to award standby authority in those Oakland markets (if any) which might arguably now be receiving an optimum level of service—quite apart from the question of additional price/service options—since this would provide no adequate remedy in the event the incumbent carrier or carriers in the markets reduced their service to token levels but did not eliminate it altogether.

reasons, we tentatively find that the public convenience and necessity require awards of new nonstop authority in all markets at issue meeting the minimum traffic criterion, regardless of the level of service they are now receiving.

IV. THE AWARD OF PERMISSIVE AUTHORITY TO ALL QUALIFIED APPLICANTS

We have tentatively decided to adopt, for the purposes of this proceeding, a policy of awarding permissive, subsidy-ineligible authority in every market at issue in which a need for additional authority is shown (see the discussion above), to every fit, willing, and able applicant whose illustrative service proposal (see section V-B) indicates that it is prepared to satisfy a part of the demonstrated need. This represents a fundamental departure from the policies the Board has followed in the great majority of route proceedings during its nearly 40 years of existence. In this section of the order we discuss and give our reasons for tentatively adopting this policy in the present proceeding.

At the outset, a word should be said about why we are proposing to adopt this policy at the beginning of the present proceeding, rather than waiting until its conclusion. In several other route cases which have been through the hearing process and are now awaiting final decision, we have already indicated our interest in exploring the possibility of awarding the authority at issue to all or most applicants on a permissive basis, and have announced that we will hear oral argument on the advisability of multiple permissive awards in those cases in the near future.²² In still other pending cases, the possibility of multiple permissive awards has been expressly placed in issue in the instituting order. In the present case, however, we are interested in demonstrating, among other things, that the elimination of the issue of comparative carrier selection, through the adoption of a policy of permissive awards to all qualified applicants, will enormously simplify, shorten, and reduce the cost of route proceedings. To do this, we must at least tentatively adopt the policy before the evidence is prepared, and shape the entire procedural course of the case to accord with the policy. How we propose to do this is detailed in section V of this order.

²²*Improved Authority to Wichita Case*, Order 78-3-78, March 16, 1978; *Las Vegas-Dallas/Ft. Worth Nonstop Service Investigation*, Order 78-3-121, March 24, 1978; *Memphis-Twin Cities/Milwaukee Case*, Order 78-3-35, March 9, 1978; *Midwest-Atlanta Competitive Service Case*, Order 78-4-13, April 6, 1978; *Ohio/Indiana Points Nonstop Service Investigation*, Order 78-2-71, February 14, 1978; *Phoenix-Des Moines/Milwaukee Route Proceeding*, Orders 78-1-116, January 26, 1978, and 78-3-130, March 27, 1978.

Simplifying and speeding up the proceeding is particularly important here, because a conventional route proceeding covering all 15 Oakland markets would take an inordinate length of time to complete, and would overtax our hearing and analytical resources. In setting down the *Chicago-Midway Low-Fare Proceeding*, in a somewhat similar situation, we found it necessary to reduce the number of markets in issue to six in order to assure a reasonably speedy conclusion to the case.²³ A conventional hearing on Oakland's service needs would probably have to be similarly limited. We believe it is much more desirable, however, to keep all 15 Oakland markets in issue, and to speed up the case by eliminating the issue of carrier selection. In part, this is because Oakland has already had to wait so long to have its service needs heard. But more important, our analysis (see p. 12) indicates that a major deterrent today to better service in any particular Oakland market is the relatively small pool of connecting traffic arriving or departing at Oakland in other markets. This suggests the desirability of putting as much new service as possible into Oakland all at one time so that the new services will be mutually supportive. It in turn points up the need for placing in issue as many Oakland markets as can practically be handled—a much greater number under the new procedure we propose than under conventional procedures—and of structuring the case with a view to authorizing as much new service in these markets as they can sustain.

There is no doubt that the policy we propose to adopt here represents a far-reaching departure from the Board's customary practice in most route certification cases during the nearly 40

²³Order 77-5-81, May 17, 1977. While Midway and Oakland are both in a sense "satellite airports" where inadequate service is alleged, there are also significant differences between the two situations which help explain why we are not treating them identically at this time. Among these differences are: (1) That Midway serves the same community as O'Hare, namely Chicago, whereas the Oakland Airport serves a physically and politically distinct group of communities; (2) the differences in runway length, facilities, and maximum flight range at the Oakland and Midway airports; (3) their different service histories; (4) the differences in geography and surface transportation between the two areas; and (5) the fact that Midway was specifically set down to consider low-fare commuter service tailored to applicants' proposals, whereas this case is being set down in response to a civic petition for a service investigation and structured by us to provide maximum service benefits to the community at its own airport. Finally, as to the different structure of the two cases, the major change is, of course, that our thinking is much further advanced than it was a year ago.

years of its history.²⁴ But we have no mandate to adhere blindly to policies and practices which, however suitable they may have been for a heavily subsidized infant industry in the Depression era of the 1930's, have arguably become unsuited for the almost unrecognizably transformed mature industry of the late 1970's. When Congress set up an independent regulatory agency and charged it with overseeing the destinies of a rapidly developing transportation industry, guided only by the broadly worded standards of section 102 of the Act, it clearly expected the Board to adapt the form and substance of its regulatory policies not only to the facts of each case but also to the economic realities of the present day as the Board finds them. The regulatory policies of the past have proven inadequate to meet Oakland's service needs, and we thus have a clear obligation to seek out new means, consistent with the Act, to satisfy the public convenience and necessity for more and better service at Oakland. But the importance of our obligation to probe past policies to their fundamentals far transcends the service needs of any particular community; it goes to the basic health and future of the great industry entrusted to our care. We would be faithless to our trust if, through timidity or an unthinking adherence to precedents based on facts which no longer exist, we set a vital and burgeoning industry on the same path to obsolescence and decline which has been trodden by some other industries whose regulators did not dare to innovate as conditions changed.

"[T]his kind of flexibility and adaptability to changing needs and patterns of transportation is an essential part of the office of a regulatory agency. Regulatory agencies do not establish rules of conduct to last forever; they are supposed, within the limits of the law and of fair and prudent administration, to adapt their rules and practices to the Nation's needs in a volatile, changing economy. They are neither required nor supposed to regulate the present and the future within the inflexible limits of yesterday." *American Trucking Associations v. Alchison, T. & S. F. Ry. Co.*, 387 U.S. 397, 416 (1967).

It would extend this order unduly even to outline the extent of the changes in air transportation that have taken place between 1938 and 1978. A suggestive glimpse can be had by reading the first Board decision in which two air carrier applicants contended for a new route—one which both applicants agreed could be operated by only one of them.²⁵ The win-

²⁴This practice has not been invariable; a number of significant exceptions are described later in this section (see p. 46).

²⁵*Continental A.L., et al., Mandatory Route*, 1 C.A.A. 80, 100 (1939). The route involved, Wichita-Pueblo via several interme-

ning applicant was Continental, a "grandfather" carrier by virtue of its prior air mail contract for service over a single route between Denver and El Paso via six intermediate points in Colorado and New Mexico.

"It conducts its present operations with 3 Lockheed 12-A airplanes powered with Wasp S-B Jr. engines. This equipment will accommodate six passengers under normal operating conditions. In addition, it owns a Stearman 4-E plane, which it uses for auxiliary mail service and for pilot training. Flying personnel consists of five first pilots and four copilots. Two of the latter have first pilot ratings. All pilots are certificated and qualified to fly Continental's entire route. . . . Continental's chief maintenance shops are located at Denver, where a staff of 12 properly certificated mechanics perform most of the maintenance work. . . . The revenue passenger load factor . . . was about 35 percent (i.e., about 2 passengers per flight). During 1938, Continental received revenues in the amount of \$280,429.21. . . . Net income . . . amounted to \$14,710.63. The passenger revenue was about 8.7 cents per airplane mile and the total revenue 42.4 cents per airplane mile. The total operating expenses per airplane mile were 38.61 cents, of which 24.73 cents were classified as direct flying expense." (1 C.A.A. at 90-91).

The last data given are particularly significant, since they show that passenger revenues amounted to only about 20 percent of total revenues, and fell far short of covering either direct or indirect operating costs. The remaining revenues, 80 percent of the total, consisted almost entirely of mail pay based not on the actual cost of carrying the mail but on the "need" of the carrier. With the equipment it used in 1938, Continental today would be classed as a rather small commuter carrier (the most popular current commuter aircraft has three times the passenger capacity of Continental's 1938 Lockheeds); it would be exempted from virtually all economic regulation by Part 298 of the Board's regulations, and would not be receiving subsidy.²⁶

In the utterly different air transportation industry of 1978, we inquire how our proposed policy of permissive awards in the Oakland markets at issue to all qualified applicants comports with section 102 of the Act—whether it is likely to foster the goals which Congress sought to achieve without bringing on the evils Congress sought to avert. We believe our proposed policy passes this test, for reasons we now explain.

diates in Kansas and Colorado, was one of the so-called "mandatory" routes which Congress in the 1938 Act instructed the Board to grant without the necessity for findings of public convenience and necessity. Interestingly enough, this is virtually the same route (long since abandoned by Continental) that was recently certificated to Air Midwest.

²⁶Or perhaps it might be subsidized, if Air Midwest is viewed as its lineal descendant.

The legislative history of the 1938 Act leaves little doubt that one of the principal evils Congress feared was "destructive competitive practices" (to quote the language of section 102(c)).²² Destructive competition was an evil much on the mind of businessmen and economists during the 1930's, and testimony in support of the 1938 Act stressed over and over the prevailing industry view that such competition had been and was actually occurring in the airline industry.²³ Destructive competition was not all competition, however, for Congress in section 102(d) instructed the Board to foster "competition to the extent necessary to assure the sound development of an air transportation system. . . .", and the Act's sponsors repeatedly assured questioners that its purpose was to encourage, not suppress, healthy competition.²⁴

²²Congress also feared unsafe operations and inability to attract capital—both of which were strongly associated in its mind with destructive competitive practices—and the unjustly discriminatory, unjust, and unreasonable fares which might be a product of either destructive competition or unchecked monopoly power. For present purposes it is sufficient to focus on destructive competition, since if our proposed policy will not engender this evil we see no reason to suppose it will engender any of the others.

²³See *Civil Aeronautics Board Practices and Procedures*, Report of the Subcommittee on Administrative Practice and Procedure, Senate Judiciary Committee, 94th Congress, 1st Session (1976) (Committee Print) [Cited hereafter as *CAB Practices and Procedures*], pp. 208-13. Actually there was very little competition, destructive or otherwise, in 1938 for commercial air traffic (passengers, express, and cargo). Neither aircraft technology nor demand were yet to the point where commercial traffic alone could be carried at a profit; it was practically impossible to operate a scheduled airline service without an airmail contract, and a 1935 amendment to the 1934 Air-Mail Act prohibited the holders of airmail contracts from competing "in any way." Industry witnesses insisted, however, that destructive competition was to be expected in the near future unless regulatory controls on entry were imposed. The only evidence cited of already existing destructive competition was the extremely low bids—obviously far below cost—submitted in competitive bidding on airmail contracts under the 1934 Act. But these below-cost bids, while they certainly suggested something wrong with the 1934 Act, did not suggest that an open competitive market would be characterized by destructive competition. (The bidders' behavior was in fact quite rational, although speculative; an airmail contract carried with it an implied promise of a valuable long-term exclusive franchise, while the winning low bidder was not bound by its bid for the life of the contract, but could have its compensation raised by petitioning the ICC). (See *ibid.* pp. 206, 210.)

²⁴See the legislative history cited in *Continental Air Lines v. C.A.B.*, 519 F.2d 944 (1975), *cert. denied*, 424 U.S. 928 (1976); *CAB Practices and Procedures* (preceding footnote), pp. 214-215.

The first problem, then, is to define the differences between healthy and destructive competition. To begin with, destructive competition is not simply competition which hurts or surprises a competitor. All competition exerts downward pressure on the profits of the individual firms subject to it, and there is an inevitable tendency for businessmen, while praising competition both in the abstract and in the familiar forms to which they have grown accustomed, to attack as "excessive" and "destructive" actual or potential new and unaccustomed forms of competition that threaten their traditional methods of business conduct and, unless the latter are changed in response, their profits and viability. Yet without such new forms of competition, innovation is checked and incentives for cost efficiency are reduced. It goes without saying, also, that we cannot accept the thesis which has sometimes been suggested in the past, that service competition in air transportation is healthy but price competition tends to be destructive. An alternative thesis, that in certain markets service competition (specifically scheduling competition) becomes destructive and must be suppressed by agreements among competitors, was decisively rejected by the Board in the *Capacity Reduction Agreements Case*, Order 75-7-98, July 21, 1975.

Finally, we cannot agree to define healthy competition as that state where the fortunes of the competitors fluctuate but no competitor ever goes to the wall.²⁵ On the contrary, we do not believe that either "sound economic conditions" in air transportation (section 102(b)) or the "sound development of an air transportation system" (section 102(d)) are bound up with the financial well-being of any one firm in the industry. In healthy competition, producers who are inefficient or make bad decisions may fail, but efficient and well-managed producers can operate profitably, while the wants of consumers are satisfied at the lowest feasible price. The occasional failure can serve a useful purpose, not only by eliminating the inefficient or imprudent operator, but also by flashing a yellow light to others.

In destructive or cutthroat competition, on the other hand, either a powerful producer seeks to drive competitors out of the market by predatory tactics in order to achieve monopoly profits thereafter, or else all producers operate at a price which persistently fails to cover the costs of even the most efficient. It is the latter picture

²⁵The historical record shows, incidentally, that the Board's past brand of regulation has not served to protect a considerable number of carriers from being forced into "failing business" mergers or acquisitions, although it has spared most of them from the ultimate trauma of bankruptcy.

which is most frequently invoked by those who warn of the likelihood of destructive competition in air transportation if regulatory controls on entry are lifted. Without entry controls, it is contended, more carriers will enter markets than the markets can sustain, capacity will be offered for which there is no demand at a price which covers the cost of offering it, and all competitors will suffer losses in these markets. This will depress profits in the industry at large, discourage further capital investment and the introduction of more advanced aircraft, and cause a deterioration in the quality of service. Ultimately, either the public will be deprived of essential services through the failure of all carriers, or only one or a few carriers will remain, who will then be in a position to behave as monopolists.

Putting aside the possibility of predatory behavior by a single powerful carrier—a threat which our own statute gives us ample weapons to combat—the occurrence of destructive competition of the type described above requires us to assume one of several possible causative circumstances. Since such destructive competition is not commonly observed in those numerous sectors of the economy where there are no regulatory controls on market entry, we may safely assume that these causative circumstances are unusual. First, if capital is long-lived and immobile, and through miscalculation competitors irretrievably commit too much capital to a particular market, they may have no choice but to remain in a depressed market, even though earning subnormal returns for long periods of time. In air transportation, however, the principal form of capital investment, flight equipment, is only moderately long-lived and is exceptionally mobile. Apart from regulatory constraints, it can very easily be transferred from market to market or disposed of, since there is a very active and efficient used-aircraft market. Thus no carrier is constrained by capital immobility to remain in a saturated market.²⁶

A second possible cause of destructive competition would occur if, in the absence of regulatory controls on entry, the market would be invaded by

²⁶If a nationwide or worldwide excess of capacity develops, it may in the extreme case become necessary to take some flight equipment out of service, thus saving fuel, labor, and other out-of-pocket operating costs; but ordinarily it will be more efficient to employ this capital equipment as fully as possible to serve the public at prices that will maximize revenues, until such time as the excess of capacity is worked off, rather than to promote underusage of equipment by adopting regulatory policies which keep prices high and restrict carriers' opportunities to put their capital to the best possible use in serving the public.

carriers whose managements were either so unsophisticated as to be unable to calculate their own costs of operation, or else so influenced by essentially non-economic motives as to be indifferent to considerations of profit and loss, or at least willing to operate at a subnormal rate of return.²⁷ The requirement is not merely that one or a few such operators appear in the marketplace—the normal forces of competition are quite capable of adjusting to the usually rather transitory presence of such operators—but that they be so numerous and persistent that their economically irrational behavior dominates the marketplace and makes it impossible for even an efficient, rational firm to operate at a profit and thus ultimately deprives the public of service. Without stopping to ascertain if this hypothetical situation ever prevails for any length of time anywhere in the economy, we observe merely that there is no evidence of it in air transportation.

The remaining possibility is that carrier managements, although economically sophisticated and motivated by a desire to maximize profits, will nevertheless behave irrationally, rushing en masse into markets without regard to how many carriers they will sustain or how many other carriers are serving or trying to enter them at the same time. For this behavior to be pathological, moreover, these managements must go further and refuse to withdraw even if unsuccessful after a reasonable period of trial, regardless of the ease of shifting their capital to other markets, but must prefer to go down with the ship rather than give up a point of "market share."²⁸ However, producers seeking

²⁷Examples of the latter might be the wealthy businessmen who subsidize a journal of opinion or a major sports team as a vehicle for keeping his views or his personality before the public or (at the other end of the scale) the individual who is willing to accept a subnormal return on his labor and investment in return for the psychic satisfaction of being his own boss. As to the former, however, there is no indication that being the proprietor of an airline is so prestigious as to bring non-economic motives into play; and as to the latter, the capital investment and technically skilled organization required is much too great to allow a "mom and pop" airline to start or stay in business for any significant length of time. In any case, there would appear to be no reason for a regulatory body to deprive the public of the benefits of service provided at exceptionally low prices by those few who derive special gratification from providing it, unless the ultimate effect of their presence in the market is to deprive the public of needed services.

²⁸Obviously we are not referring to the entirely rational behavior of a carrier that is prepared to operate at a sustainable loss during the early stages of developing a new market with a view to later profits, or of a carrier that believes it has a valid competitive strategy in a market and is prepared to

to maximize profits simply do not behave this way in other parts of the economy, absent the peculiar circumstances of capital immobility or non-economic motivations discussed earlier, and no one has offered any convincing explanation of why they should be expected to do so in today's mature air transportation industry. Over the years we have seen carrier managements again and again withdraw from markets where their operations have proved to be persistently unprofitable, and we see no reason whatever to suppose that they would not do so even more promptly in conditions of entry and pricing freedom. Our experience with the managements of the presently certificated carriers preclude us from assuming on any significant scale the kind of economically irrational behavior which would be a prerequisite to destructive competition under this third possibility, and there is no indication whatever that new entrants into air transportation, even if less experienced, would not for the most part prove equally rational in their competitive behavior.

Looking specifically at the major area of the industry, the domestic scheduled route system: since pervasive regulation has been in effect since 1938, we cannot of course say with complete confidence what the effects of competition with freer entry and fewer competitive and pricing restrictions would be today; but there are certain very suggestive signs. First, it should be noted that once the Board establishes competition in a market—and today more than 70 percent of domestic air travel takes place in competitive markets—it has little further control over the service side of that competition, since it is prohibited from regulating equipment, facilities, and schedules.²⁹ Yet although service competition has often been sharp, we cannot find that it has ever been significantly destructive.³⁰ Similarly, the

give its strategy a fair test and to wait out other carriers whose strategies it believes will prove unsuccessful. The difference between this and the irrational behavior discussed in the text above lies in the length of time a carrier will persist in trying to make an unsuccessful strategy work and the amount of evidence it is prepared to disregard in its persistence. While individual carriers of this kind may well appear occasionally and thereafter be weeded out by competitive pressures, injury to the public and serious waste of resources will only occur when all or most airline managements exhibit this irrational behavior.

²⁹Section 401(e)(4) of the Act. See *Continental Air Lines v. C.A.B.*, 522 F.2d 107 (C.A.D.C. 1974), where the court of appeals set aside one aspect of the Board's decision in the *Seating Configuration Phase of the Domestic Passenger-Fare Investigation* as an unwarranted interference with the carriers' freedom to engage in service competition.

³⁰In the earlier part of this decade, a then majority of the Board was persuaded that

Board during the past year or 2 had indicated that it intends to adopt an extremely permissive attitude toward price competition; and although the returns are not yet all in, we see no sign to date of destructive price competition appearing.

Moreover, we do not find destructive competition in markets where the Board has certificated a considerable number of carriers, including those where the market has not proven big enough to allow all of the carriers to operate. Thus, although the Board over the years has authorized no fewer than 12 carriers to serve the New York-Washington market (1.9 million passengers in the year ended June 30, 1977),³¹ the competitive balance in the market has remained quite stable for a number of years, with Eastern dominating the market ever since it introduced its shuttle service. In the most recent year Eastern carried 67 percent of the traffic, while American carried 16 percent, National (which specializes in serving Kennedy Airport) 6 percent, Braniff 5 percent, TWA 2 percent, and the remaining carriers (Delta, Northwest, Ozark, Piedmont, Southern, and United) 1 percent or less.³²

Other markets with a large number of authorizations are Boston-New York (6),³³ Miami-Tampa (9), Atlanta-Miami (5), Portland-Seattle (8), Houston-New Orleans (7), New York-Philadelphia (8), Los Angeles-San Diego (5), Chicago-Los Angeles (4), Los Angeles-Phoenix (5), and Los Angeles-Honolulu.

scheduling competition in certain major long-haul markets had become destructively uneconomic, and accordingly approved a series of capacity reduction agreements among the carriers involved designed to abate such competition, over the repeated dissents of Members Minetti and West. When the issue was fully aired at a hearing, however, a subsequent Board determined that the capacity reduction agreements were contrary to the policy of the antitrust laws, not required to meet any important transportation need, and adverse to the public interest. *Capacity Reduction Agreements Case*, Order 75-7-98, July 21, 1975. See also *United States v. C.A.B.*, 511 F.2d 1315 (C.A.D.C. 1975). It should be noted that many certificated carriers consistently opposed the capacity agreements as unnecessary and potentially predatory.

³¹In this and the other markets cited in this paragraph, some of the carriers referred to are subject to long-haul restrictions. Carriers with intermediate-stop restrictions are ignored.

³²The most recently authorized carrier, Pan American (for fill-up traffic on international flights, see Order 77-11-10), carried no recorded traffic in this market in the cited period. Its future participation will probably be in the under-1-percent bracket.

³³The Board is currently considering adding another carrier to the Boston-New York market, and has forecast that the addition will have no material impact on the competitive balance in the market. *Piedmont Boston Entry Application*, Order 78-4-69, April 14, 1978, at pp. 4, 14.

lu (6).⁴³ A considerable number of markets, some of them quite modest in size, have three authorized carriers. Most of the major cities of the Northeast, for example, have three carriers authorized to Los Angeles; and except for the New York and Washington markets, only one or two carriers generally provide service in these markets at any one time, with the identity of the serving carrier or carriers varying at irregular intervals. Yet none of these markets is or has been characterized by destructive competition.

Also, the Board has sometimes markedly increased the amount of competition in a market in a very short time. Within the space of a few years in the 1950's, for example, the Board increased the number of carriers in the Atlanta-Tampa/Miami markets from 2 to 5, and in the Tampa-Miami market from 3 to 6. In the *Transpacific* case in 1969,⁴⁴ the Board at one stroke increased the Mainland carriers serving Hawaii from 3 to 8. The number of Mainland cities authorized for direct service to Hawaii went from 4 to 25; Mainland-Hawaii markets of quite modest size were authorized to 2 carriers, larger ones to 3, and the largest (Los Angeles-Honolulu) to 6. This occurred, moreover, at what subsequent events proved to be a singularly unfavorable moment, just as the air traffic turnaround of the early 1970's was beginning, and at a time when the carriers, anticipating continued rapid traffic growth, had a record number of aircraft on hand and on order, thus leading to substantial overcapacity. Yet notwithstanding these unfavorable circumstances the competition which ensued benefited the public through reduced fares and more convenient service; traffic was so stimulated that despite the recession the Board's very optimistic traffic forecast for 1970 was surpassed within two or

⁴³Several of the markets cited are "entry-mileage" markets, relatively short-haul markets in which some or all of the incumbent carriers focus their efforts not on the local traffic but on longer-haul traffic flows to and from distant points, which flows they combine by serving both points on the same flight. It might be expected that these markets would be peculiarly susceptible to destructive price-cutting, if such behavior were ever to be characteristic of the air transportation industry, since the operations of the long-haul carriers are supported primarily by their long-haul traffic flows, and they are therefore in an excellent position to price at the margin in the short-haul local market. But in reality there has been little or no evidence of any tendency toward destructive price-cutting in these "entry-mileage" markets, and indeed they are frequently found to be dominated by one or two turnaround carriers (such as Eastern in the shuttle markets) who specialize in frequent, reliable service to the local traffic.

⁴⁴*Transpacific Route Investigation*, 51 C.A.B. 161 (1969); see particularly the table at p. 163-4.

three years; and although some of the carriers suffered losses on their Mainland-Hawaii services for a few years, none of them suffered any long-term impairment. Two of the new carriers whose authority was tied to long-haul international routes have left the market (one of them presumably only temporarily), while the remaining six have all found their competitive niche and are operating profitably.

The *Transpacific* experience illustrates how the competitive marketplace deals with overoptimistic carrier marketing strategies based on overoptimistic carrier and Board traffic forecasts—of which there were more than a few in the late 1960's. During this period the Board and the industry both anticipated a continuation of the decade's rapid traffic growth trend, which approached (and in many markets exceeded) 15 percent annually. In some markets, all of the carriers persevered through a period of losses, until renewed growth made profitable operations possible. In others, the least favorably situated or least efficient carrier (sometimes an incumbent, more often a new entrant) dropped out of the market after an unprofitable test period, either seeking suspension or deletion by the Board, or reducing its service (and its losses) to a token level. Some of these competitive dropouts have returned to the markets in question, others have not. On the whole, the managements involved reacted promptly, rationally, and prudently; there has been no outbreak of ruinous competition; and the public has frequently benefited and never, so far as we are aware, suffered any significant inconvenience or loss of service.

It might be argued that the foregoing historical examples from the certificated route system do not disprove the possibility of destructive competition in conditions of open entry and pricing freedom. Where there are a small and fixed number of operators in an essentially closed system who face each other in many markets under the supervision of a Board which (so it is argued) has historically acted as a cartel pricing agent, it might be pointless to expect really sharp competition, particularly in price. But the same absence of destructive competition has been the rule in those situations where the Board has not had control over either entry or pricing. Thus, in markets within a single State where intrastate carriers unblended by the Board have challenged Board-certificated interstate carriers, competition has often been keen, but not to our way of thinking destructive. In California, Pacific Southwest and Air California have driven fares sharply downward and have established dominance in a number of the intrastate markets (including the largest, Los Angeles-San

Francisco), but the interstate carriers have remained in many markets, and the competition has not impaired their financial health—not even that of Hughes Airwest, a subsidized local service carrier with many small-community responsibilities which might have been thought particularly susceptible to such injury. More recently, in Texas, the onslaught of Southwest Airlines has led to major fare reductions and a tense and prolonged competitive battle, but again the competition has not impaired the financial health of the Board-certificated carriers operating in Texas, and one of them, Texas International (like Hughes Airwest a subsidized local service carrier with small-community responsibilities) has not only prospered but has itself become a convinced low-fare advocate and practitioner.

Similarly, we do not observe destructive competition in the unregulated or lightly regulated portions of the industry: air taxis, commuter carriers, freight forwarders, tour operators, and supplemental carriers. There is, of course, considerable attrition among the smaller operators, as there is in most other parts of the economy where a small operator can get a foothold at all. But we do not see in these unregulated areas of the industry any evidence of the kind of wholesale failure and loss of service to the public that the framers of the 1938 Act feared.

This historical experience, together with our analysis of the circumstances under which destructive competition might be expected to occur, leads us to believe that destructive competition of the type Congress feared in 1938 is unlikely to result if the Board allows freer entry into air transportation markets, and specifically if we adopt here a policy of permissive awards to all qualified applicants in the Oakland markets at issue. Our belief is further strengthened by our observation of the current state of the industry. First, although traffic growth rates of 6 to 10 percent in recent years have remained well below the long-term 1946-68 average, the industry is prosperous and quite stable. No significant carriers appear to be in financial jeopardy, while some are reaping all-time record profits. The overcapacity which plagued the industry during the early 1970's has substantially disappeared; all carriers are now net buyers of aircraft, and the overall fleet appears to be in approximate equilibrium with current demand. The carriers and their lenders, with the lessons of the early 1970's still fresh in their minds, appear to be exercising a prudent caution in their equipment purchase plans. This is simply not the type of economic environment in which, in this or any other industry of which we are aware, destructive competitive wars are likely to erupt.

There is one point about our proposed policy of multiple permissive entry which it is very important to have completely understood: precisely because there is no likelihood of destructive competition if entry restrictions are eased, we do not expect the number of carriers actually serving a market in which the policy is applied to be significantly greater than if we proceeded to select a carrier or carriers in the traditional manner. The number of carriers that can profitably operate in any particular market at any one time is limited by such underlying factors as the local traffic demand, its price elasticity, the extent to which it can be stimulated by better service or new price/service options, the availability of connecting traffic and beyond-market traffic flows to support service, available aircraft and their unit costs, and so forth. An open-entry policy will not repeal the economic force of these factors.

The Board in its route decisions has traditionally attempted to ascertain as accurately as it could the maximum number of carriers each market in issue will be able to sustain in the immediate future, and during most periods of its history its policy has been to certificate this maximum feasible number of carriers. Its calculations have undoubtedly been wide of the mark in a good many cases—obviously so in those cases where carriers it has certificated have found it impossible to operate profitably and have withdrawn from the market; less obviously so in those cases where it has underestimated the market's capacity and has thus deprived the public of competitive services which could have been operated at a profit. But probably in the majority of cases the Board's estimate of the number of competitive services a market could sustain has been accurate.

If, therefore, the Board now resolves to make permissive awards to all qualified applicants, and the number of such applicants exceeds (as is typical) the number the market is capable of supporting, then it is obvious that not all the carriers receiving awards will be able to operate, nor will we expect them to do so. Some may initiate service but later drop out when their efforts to establish themselves prove unsuccessful; others, appraising head-on the competitive situation at the time their authority becomes effective and deeming it unfavorable, may initiate service later or not at all. After a possible shakedown period when new entrants struggle with incumbents and each other for a place in the market, it is quite likely that the number of carriers actually operating will be no greater than if we had conducted our service investigation on traditional lines.

Focusing on the case at hand, most of the Oakland markets in issue, even

assuming a much fuller realization of Oakland's traffic potential, are relatively modest in size, and will sustain at most only one or two carriers. At one end of the scale are the Albuquerque, Atlanta, and Kansas City markets, where our analysis does not demonstrate beyond question that any nonstop service can be profitably operated at this time (see p. 14 and Attachments C and D). At the other extreme are considerably larger markets such as Chicago and Seattle/Tacoma where it seems reasonably clear that competitive nonstop service is feasible (and, indeed, the Chicago market already has it). But certainly it does not appear at all likely that any of the Oakland markets will in the near future be large enough to support the services of four, six, or a dozen carriers, regardless of what competitive strategies they choose to pursue.

The distinguishing feature of our proposed policy of permissive awards to all qualified applicants, therefore, is not that a greater number of carriers will wind up serving some or all of the markets, but that it will be the competitive forces of the marketplace, and not the Board, which ultimately will select the carriers that will so serve. Moreover—and this is of the greatest importance—not only will the marketplace initially select the carrier or carriers who will serve each market, but it will go on doing so on a continuous, real-time basis, because at all times there will be additional carriers holding permissive authority who will be waiting in the wings, on the lookout for any sign of faltering or complacency on the part of the carrier or carriers first selected.

It is our tentative judgment that in the Oakland markets here at issue the forces of the marketplace will in terms of section 102 of the Act do as good a job as we could do, and very likely better, in selecting the carrier or carriers that will actually serve the markets. Because the marketplace is a more finely tuned mechanism, and responds sensitively to current circumstances whereas the Board can only respond to past facts embalmed in an evidentiary record, the market's initial selection is likely to be better than the Board's even where the Board strives to recreate in its decisional process the very factors that are determinative in the marketplace. To the extent the Board relies on factors that have no direct analogues in the marketplace, and tend to result in the selection of carriers the market would not select, we are no longer convinced that the employment of these factors results in a net gain to the objectives of section 102. Tilting the balance even more in favor of selection by the marketplace is the fact that it acts continuously, on the basis of new facts and circumstances as they arise, in contrast to

the Board's episodic mode of action which allows it to appraise the needs of the public in any particular market only at intervals of many years and on the basis of the facts existing at a particular frozen moment of time. The Board's selection process, in short, lacks both the flexibility of the market's and its ongoing ability to correct and adjust for constantly changing circumstances.

Although the Board over the years has employed many factors in selecting carriers to serve particular markets, it can fairly be said, we think, that the Board's predominant concern has been to select the carrier that will most fully satisfy the needs and desires of the traveling and shipping public. Ordinarily this will be the carrier most capable and most strongly motivated to satisfy these needs and desires, which in turn will almost inevitably, given conditions of competition, be the carrier that can operate the most profitably.⁴⁵ Unprofitable services are rarely, if ever, provided at levels above a bare minimum for any length of time. This is particularly the case where the services are not eligible for subsidy, as has been true of substantially all new route authority awarded during the past decade and a half, and will be true of any authority awarded in the present proceeding.

Of the factors which the Board has traditionally employed in selecting carriers, many, probably the majority, are factors which will tend to help the applicant achieve success in the competitive marketplace. Among these are strength of identity at one or both terminals in the market; strong promotional efforts; willingness and ability to offer low fares;⁴⁶ previous participation in carrying the traffic; ability

⁴⁵It occasionally happens, however, that the Board is misled by the representations of an applicant that claims to be interested in providing the best possible service to the public, but whose true motivation is to prevent any other applicant from being awarded the authority at issue. Such an applicant may promise excellent service in its route case exhibits, but then provide only minimal service after receiving the award, or even allow the authority to become dormant. Unfortunately the Board has never developed means of binding successful applicants to the service promises by which they achieve their awards. In egregious cases, the conduct described above may lead (usually after a number of years' delay) to a new route case; in less obvious cases, nothing may ever happen. (The carrier involved will usually claim that the service it originally proposed was or would have been unprofitable, although it convinced the Board otherwise in gaining the award.) Under a policy of multiple permissive entry, of course, this situation either would not arise in the first place or would be self-remedying through the continuous action of the marketplace.

⁴⁶This, it should be noted, has been a relatively secondary factor in carrier selection until quite recently.

to flow traffic from beyond-segment markets over the new segment (which correlates with such beyond-segment service benefits as first single-plane and first single-carrier service); operating efficiency; possession of aircraft suitable to the market; and (the sum and consequence of all) a credible forecast of profitable operations. To the extent that these factors are determinative of the Board's choice, the competitive marketplace should concur—except that the marketplace tends on the whole to be a more subtle and finely tuned mechanism for weighing these factors than the Board, and operates on more complete and up-to-date facts.⁴⁴

Another carrier selection factor which likewise pulls in the same direction as the mechanism of the marketplace is the Board's reluctance (sometimes express, always implicit) to award all new routes to the same carrier or small group of carriers, and its desire to give every carrier a fair share of the competitive opportunities. In the real world, of course, an entrepreneur typically cannot pursue all profit opportunities simultaneously, but must select those which appear most promising; and no entrepreneur is shut out of all profit opportunities, even if he has to make his own. But the complexity of the task of making such fine discrimination a priori—of deciding not just that a single carrier is unlikely to be the best provider of services in all markets, but which carrier is likely to be the best provider in each individual market—further suggests the probable superiority of leaving the determination to the competitive process of initiation by carrier management and decision by consumers, in the reasonable certainty that no one carrier is likely to capture all of the prizes.

⁴⁴It would obviously be futile to expect that the market will in each instance choose the same carriers as the Board would. For one thing, the Board's judgment, like all human judgments, is fallible. Moreover, many carrier-selection decisions are extremely close; the Board members who take part in them would not be shocked to learn that the marketplace had drawn the balance differently. Looking back at the experience of the California intrastate markets, it seems quite unlikely that the Board (or anyone else) would at the outset have selected Pacific Southwest as the carrier most likely to succeed in the competitive struggle, from among the considerable number of new entrants who came into the Intra-California markets in the immediate post-World War II era. PSA was among the very smallest of the intrastate operators; its credentials on paper were in no way exceptional, and it took some years to demonstrate its competitive prowess. Here is a case, therefore, where the marketplace in the long run selected a carrier whose selection certainly promoted the objectives of section 102 but which probably would not have been selected by the Board in a conventional route proceeding.

Another traditional factor sometimes employed by the Board—the calculation of which applicant would divert the least traffic and revenue from the incumbent or incumbents in the market—is rather clearly not one which the forces of competition would honor. In this respect, we believe, the forces of competition are right. It is our judgment that, unless diversion from an incumbent rises to the level where it threatens the incumbent's ability to perform its certificate obligations or will necessarily result in termination of essential services which will not be replaced by an applicant or another carrier (see pp. 15-16), it should not be a factor either in determining whether additional service should be authorized in a market or in determining which carrier or carriers should provide the needed service.

Employment of comparative diversion as a selection factor is subject to certain perversities. Applicants have an incentive to formulate their service proposals in a route case so as to forecast less diversion from an incumbent than other applicants. However, such service proposals are in no way binding on a successful applicant, who once certificated may institute a service pattern that results in greater diversion than was forecast. On the other hand, if an applicant will divert less from an incumbent because of factors which make the applicant a weak competitor, then there is a distinct danger that the public will not receive the service it needs—if not in the immediate future, then in the longer run. All in all, we find that elimination of comparative diversion as a carrier selection factor is consistent with our view of the overall public interest, as it clearly is consistent with our previously announced deemphasis on diversion as a factor in determining public need for additional service.

As for a third group of factors, those involving the desire to strengthen the finances or route structures of applicants perceived as being among the smaller or weaker carriers in the industry, it is more difficult to say to what extent the competitive marketplace will mirror the Board's traditional concerns. In a mature industry where virtually any complete new entry or significant expansion of a carrier's system will involve competition with someone, the probable answer is that a carrier in need of route strengthening will be able to strengthen itself only if it is able to compete successfully. Certainly there have been conspicuous awards made for strengthening purposes—such as the 1969 award to Northeast in the Miami-Los Angeles market—which would not be duplicated by the competitive marketplace. But these are the awards, on the whole, that tend to be unsuccessful in achieving their purpose in

the long run, as the cited award to Northeast clearly was.

On the other hand, we think there is every reason to believe that well-managed small carriers will find plenty of opportunities for successful and profitable expansion and route development in the competitive marketplace under the policy we propose to adopt here. Contrary to what has been said of some fields of sports, this is not a business where a good big man—or woman—always beats a good little one. The available evidence strongly indicates that there are few if any economies of scale in air transportation beyond a rather low initial threshold.⁴⁵ Once a carrier has a certain minimum fleet, a certain minimum utilization of its stations, a certain minimum schedule pattern in a particular market, its costs do not automatically or reliably decrease to any great extent as the scale of its operations grows. The lowest unit costs are frequently those of the middle-sized carriers, not the largest or the smallest. Moreover, there is plenty of evidence that a large carrier can sometimes be too big to serve a particular market successfully. Finally, it has been amply demonstrated that well-managed small and medium-sized carriers can obtain capital on reasonable terms.

There are hundreds of instances where a small carrier is to be found competing successfully with a much larger one.⁴⁶ Moreover, our docket is overflowing with applications by smaller carriers for the right to take on larger entrenched incumbents in all manner of markets. If these applicants expect to be able to make headway against a long-time incumbent, with all the advantages of that status, who is always free to try to preempt a new entrant by increasing service or cutting fares, why should they have reason to fear other applicants who lack those advantages? Thus, we fully expect that the industry will continue to have many healthy members, nor do we fear for a disappearance of profitable expansion opportunities for small and medium-sized carriers.

From the foregoing discussion we conclude that there is nothing funda-

⁴⁵See R. Caves, *Air Transport and its Regulators* (1962); Crane, "The Economics of Air Transportation" 22 *Harv. Bus. Rev.* 495 (1945); Koontz, "Domestic Air Line Self-Sufficiency: A Problem of Route Structure," 42 *Am. Econ. Rev.* 103 (1952); *Report of the CAB Special Staff on Regulatory Reform* 102-07 (1975); *CAB Practices and Procedures* (note 33 above), pp. 62-63.

⁴⁶"Competing successfully" does not necessarily mean carrying a majority of the traffic in the market, although this occurs in many cases; it may also mean carrying a minority share of the traffic on a profitable basis, frequently in conjunction with beyond-segment operations which the larger carrier cannot and would not wish to duplicate.

mentally incompatible with the objectives of section 102 of the Act about the manner in which the forces of the competitive marketplace will operate to select the carrier or carriers that will actually render service from time to time in the Oakland markets here at issue, once the Board has (as proposed) granted permissive authority to all qualified applicants. Indeed, not only may the forces of the market dictate the same number of operating carriers as the Board would have certificated, but they may very well select more or less the same carriers that the Board would have selected, given the fact that many of the decisional factors the Board would have employed are counterparts of economic factors which tend to produce success in the marketplace. Moreover, we see no convincing evidence that, to the extent the market's choice of carriers may prove to differ from what the Board's choice would have been, the market's choice will further the objectives of section 102 any less than the Board's choice would have. Since the market is a more subtle and finely tuned mechanism than the Board's decisional process can ever hope to be, and operates on more comprehensive and up-to-the-minute data, we in fact feel justified in concluding that the market's choice is quite likely in the long run to prove more consistent than the Board's with the objectives of section 102.

This conclusion is further strengthened by the fact that, as already noted, the market acts continuously whereas the Board can only act episodically and infrequently. Even if the Board's decisional process results in the best possible choice of a carrier or carriers to serve a market today, this may not be the best possible choice six months or a year or two years from now. Carrier managements, motivations, and capabilities change; the carrier that provides just the service the traveling public wants today may not be willing or able to do so tomorrow, while a different carrier may become better qualified or more motivated to provide that service—or the new service the public will have come to desire.⁴⁷ If there are numbers of carriers waiting in the wings, all authorized but not all operating at the same time, the market can adjust continuously to

⁴⁷As previously noted (see footnote 44 above), the continuous action of the marketplace can be expected to remedy a type of situation which the Board's traditional procedures have found very difficult to deal with, that in which a successful applicant for a route award fails to provide the service which it promised in its route-case presentation and on the basis of which it was selected for the award, not because the service in question is truly uneconomic but because its motive for seeking the award was preemption rather than a desire to provide the service.

changes in facts and circumstances, since any of the authorized but nonoperating carriers can rapidly enter the market at any time if it perceives that the incumbent carrier or carriers are failing to meet the market's needs in terms of either service or price. In contrast, once the Board has focused on a particular market in a route proceeding, it rarely does so again for eight to ten years at a minimum, and often much longer.⁴⁸ There is no guarantee, indeed, that the Board will ever come back to a market whose needs have once been adjudicated, particularly if certain minimum standards of service (which may be considerably short of what the consuming public desires and would be prepared to support) are maintained by the carrier or carriers already authorized to serve the market. The Board's processes and its sense of priorities based on limited resources have tended to keep its attention focused on certain major benchmarks in service: first single-plane service, first nonstop service, first competitive service, and (very recently) first low-fare service. An applicant that was not prepared or in a position to promise one of these "firsts" has had but a poor chance to have its application set for hearing.

Thus, although there are today a substantial number of markets with

⁴⁸Thus, 6 of the 15 Oakland markets that will be investigated in this proceeding were last in issue in 1969-70, based on evidentiary records of about two years earlier: Albuquerque in the *Service to Albuquerque Case*, 52 CAB 363 (1969); Atlanta, Dallas/Ft. Worth, and Houston in the *Southern Tier Competitive Nonstop Investigation*, Order 69-7-135 (1969); Minneapolis/St. Paul in the *Twin Cities-California Service Investigation*, 52 CAB 1 (1969); Portland and Seattle/Tacoma in the *Pacific Northwest-California Investigation*, 54 CAB 38 (1970) (see p. 10 above); and Salt Lake City in the *Service to Salt Lake City Investigation*, 55, CAB 222 (1970). The Detroit market was last in issue in the *Detroit-California Nonstop Service Investigation*, 43 CAB 557 (1968); the Phoenix market in *Airwest's Oakland-Las Vegas/Phoenix Subpart M Case* in 1975 (see p. 11 above), and before that in the *Southern Transcontinental Service Case*, 33 CAB 701 (1961), in which the Atlanta, Dallas/Ft. Worth, and Houston markets also figured; and the Chicago, Denver, and Kansas City markets in the *Denver Service Case*, 22 CAB 1178 (1955). The Boston and Philadelphia markets do not appear ever to have been specifically put in issue before this; both TWA and United had Oakland-Philadelphia authority in their grandfather certificates, and Boston was added to their routes not long thereafter. Except for Airwest's Subpart M application in the Phoenix market, which focused entirely on Oakland service, and the *Pacific Northwest-California Investigation*, where special attention was focused on service through the Oakland and San Jose airports although San Francisco was also in issue, all of the cited cases treated Oakland service as merely an adjunct to San Francisco service, and gave little or no separate attention to Oakland's specific service needs.

three or more authorized carriers (many of these authorizations being either the product of historical accidents, route realignments, or entry-mileage situations), it has remained true (at least until very recently) that the Board has usually considered two actually serving carriers in a market to be enough, and hence has been generally unwilling to set for hearing applications to serve markets already actively served by two carriers. Even where two carriers are in fact the most the market will support, this aspect of the Board's policy has tended to freeze the competitive situation in such markets by excluding the possibility that a new entrant could displace one of the two carriers already in the market by better serving the needs and desires of the public. By the same token, although there are a considerable number of markets (including most of the Oakland markets here at issue) where more carriers are authorized to serve than are actually serving, the dormant carriers are not necessarily or even usually the best prospects to keep the serving incumbents on their toes as would be the case under a regime of freer entry.

The net result is that, in most markets most of the time, there is no realistic threat that the carrier or carriers now serving the market will have to face an immediate competitive challenge from an outside carrier. A carrier with monopoly rights in a market large enough to support two can be fairly sure that sooner or later the Board will authorize an additional carrier; otherwise, the threat of additional competitive entry is greatly diluted by the regulatory barrier compounded of the Board's priority standards, the limited number of applications it has heretofore found it possible to set for hearing, and the expense and duration of its proceedings.

Over the long term, there is considerable evidence that this rigid and protected route system, the product of carrier selection by the Board in elaborate, slow-moving, and (as to any individual market) infrequent route proceedings rather than continuously by the marketplace, has promoted competition primarily in the service rather than the price dimension, and even in the service dimension has frequently resulted in competition that is "soft" or even nonexistent as in the case of markets such as Oakland's. Such soft or nonexistent competition occurs, we believe, because of the absence of a realistic and immediate threat of new entry—a threat that, under the Act's system of certification, can only come from "excess" carriers authorized to serve but not currently serving the market. It is one of the major costs to the public of the Board's traditional regulatory policies, characterized heretofore by relatively rigid price controls

and limitations on entry, and therefore by the absence of a realistic threat of new competition in all markets at all times, that it has fostered a significantly less efficient system than would be achievable by adopting entry policies consistent with the Act that would at all times pose such a realistic and immediate threat of new competitive entry.

The matter of short- and long-term costs is worthy of further attention. It might be argued, for instance, that even if carrier selection by the marketplace is just as valid in terms of section 102 objectives as selection by the Board, the latter is less costly. Even in the short term, we have a great deal of doubt that this is the case. The costs of selection by the marketplace are of course perfectly real, but it is easy to exaggerate them. When several carriers struggle for a place in a market which has not room for all of them, there is a temporary excess of capacity as a result of either their offering more service than the consuming public is prepared to buy at the going price, or else their offering it at a price that does not cover the costs of some or all of them at the load factors they are able to achieve. Because destructive competition does not occur, and particularly because capacity can so easily be shifted to different markets, we do not expect this condition of excessive (i.e., inadequately compensated) capacity to persist for a long time. It presently becomes evident which carrier or combination of carriers has hit on the winning combination of factors in the market, and the others yield to the market's choice. Very little beyond advertising and marketing costs is irretrievably lost; capacity is merely underutilized and therefore inadequately compensated for a time.⁴⁸

On the other hand, selection by the Board also has its costs. Most obviously, there are the costs to the government and to private parties of conducting and participating in Board route proceedings. These are by no means negligible; indeed, they are a very serious deterrent to a small carrier seeking to enter the certificated system. Less obvious, but quite possibly greater, are the unseen costs of

⁴⁸In comparing the costs of selection by the market vs. selection by the Board, moreover, it should be noted that a competitive struggle for a place in the market also occurs in most cases where the Board selects an additional carrier to serve a previous monopoly market, even though this struggle may perhaps not be as extensive as it will be under a policy of permissive awards to all qualified applicants. However, as we have previously discussed, we do not under our proposed policy expect that all successful applicants will actually inaugurate service; to the extent that they do not elect to do so, of course, neither they nor the incumbent carriers will incur the short-run costs of a competitive struggle.

Board selection. When a new carrier applies to enter a market with a plan for better service, lower fares, or both, that both the Board and the marketplace agree is economically sound, the public loses the benefits of that service during the year or two that passes while the Board is considering the case. When a carrier believes that it could benefit both the public and itself by seeking to replace a carrier already serving a market, but refrains from filing an application because it sees little likelihood that the application will qualify for hearing under the Board's priority policies, the public loses the benefit of the arguably better service for an indefinite time. Similarly, when the Board selects a carrier to serve a market which is not the carrier that competitive forces would have selected—is not, that is to say, the carrier prepared to provide the best (including lowest-priced) service to the public at a profit to itself—then again the public loses. In the long run, these effects are cumulative; as we said earlier, one of the major costs of the traditional system of restrictive entry with carrier selection by the Board is that it has fostered a significantly less efficient system that would be achievable under a system of freer entry consistent with the Act that would emphasize carrier selection by the marketplace and a permanent realistic threat of competitive entry to keep incumbent carriers on their toes.

We have no reliable way of measuring these different kinds of costs or of weighing them against each other in numerical terms, but our belief is that in the long run the costs of selection by the marketplace are decidedly less than those of selection by the Board. In the long run, how these respective costs are incurred is at least as important as their short-term measure. The costs of selection by the marketplace are incurred in a way which has a very strong tendency to promote efficiency, initiative, and good management generally. Unfortunately there is little evidence that the process by which the Board selects carriers in conventional route cases has any measurable tendency to promote these desirable results.⁴⁹

It is sometimes argued, and may be argued here, that applicants or their

⁴⁹Although the Board has on occasion expressed a desire to employ efficiency of operations as a carrier-selection factor in its route decisions, it has not found it possible to do so effectively because of an absence of consensus as to what are the fairest and most reliable measures of operating efficiency that can be derived from an evidentiary record. See, e.g., the *Fort Myers-Atlanta Case*, Order 75-10-119, October 29, 1975, at p. 7; Order 74-1-81 (on reconsideration), January 22, 1976, at p. 4, n. 12; *Transatlantic Route Proceeding*, Order 78-1-118, January 11, 1978, Appendix (Board opinion dated October 21, 1977), pp. 26-27.

financial backers cannot and will not take the risk of investing capital in the establishment and promotion of a new service, unless they can have, at least temporarily, an exclusive franchise. We frankly cannot see why this should be the case. It is of course a question of fact whether entrepreneurs will take risks, or financial backers provide capital, in any specific situation. But we observe that relatively high factor mobility in air transportation reduces the risk of market entry as compared to other parts of the economy at large, where entrepreneurs and their financial backers launch all sorts of new enterprises, produce new products and services, mount major marketing campaigns, and the like, all involving large sums of money, and all without the comforting protection of an exclusive franchise. Moreover, as already pointed out, the Board's conventional route awards give no protection against the incumbent in the market; so why should protection be required against fellow-applicants, who have none of the incumbent's advantages? It may be that an applicant here will be able to convince us that, for some special reason, it will be able and willing to enter the competitive battle in one of the markets in issue only if granted the limited type of exclusive franchise which is the most the Board could or would grant—and also to convince us that its services would be so valuable as to outweigh the very great disadvantages that a return to comparative carrier selection in this case would entail. But such an applicant bears a doubly heavy burden of proof to show us that such exclusivity is indispensable. Our expectation is that there will be an ample number of applicants to serve the Oakland markets at issue without any promise of exclusive rights.

Having tentatively concluded that our proposed policy of permissive awards to all qualified applicants will further the statutory goals embodied in section 102 of the Act at least as well as (and quite possibly better than) a continuation of the traditional policy of selecting a single applicant or limited number of applicants (less than all) to serve each market, we next inquire whether there is any express or inescapably implicit barrier in the statute which would preclude us from adopting this policy—or, to put it differently, whether the statute mandates the past Board practice of comparative carrier selection. We tentatively conclude that it does not, and we are reinforced in our conclusion by the fact that, although the Board has usually followed this practice in the past, in a significant number of situations it has not done so.

Briefly, we conclude that the statutory prerequisites to awarding a carrier

authority to perform air transportation are (1) that the carrier be found fit, willing, and able to perform the air transportation in question and (2) that the air transportation in question (i.e., service between certain named points) be found required by the public convenience and necessity. The Act does not, we conclude, require the Board to find that the particular applicant, in a multi-applicant situation, will actually inaugurate and continue to perform the air transportation in question, so long as it finds that someone will perform it. Accordingly, once the Board has concluded that the public convenience and necessity require certain service, it can award permissive authority to all applicants found fit, willing, and able to perform the service and can rely on the forces of the marketplace to determine which among them will actually provide the service from time to time. The fact that the Board has customarily (but not invariably) selected from among the applicants a carrier or carriers to perform service it found required by the public convenience and necessity, and has denied authority to all other applicants, does not, we believe, stem from any command of the statute. It stems rather from circumstances that prevailed at the time the Act was adopted, and continued to prevail for a considerable time thereafter, but no longer prevail today. Specifically, these circumstances were (1) that at the time the Act was adopted substantially all air service was heavily subsidized by the federal treasury, whereas today only service to small communities (a relatively minor part of the overall air transportation system) is subsidized, and virtually all new route awards are ineligible for subsidy; and (2) that at the time the Act was adopted most route authority was mandatory in form, whereas today most authority (including most newly awarded authority) is permissive. These changed circumstances, we believe, require a reappraisal of the Board's past practice of comparative carrier selection.

Nothing in the Federal Aviation Act expressly requires the Board, when confronted with several applications for the same route authority, to pick and choose among the applicants on grounds other than fitness, granting one or more of the applications and denying the others. Nothing in the Act, in fact, speaks of a comparative hearing in which applications for the same authority are considered together.⁵⁰ On the contrary, section

⁵⁰It might be argued that the doctrine of *Ashbacker Radio Co. v. F.C.C.*, 326 U.S. 327 (1945), as applied to Board route cases, necessarily assumes that applications for the same route authority are mutually exclusive and that the Board must grant one (or, at

401(c) simply provides that each application filed shall be brought to public notice, shall be set for public hearing, and shall be disposed of as speedily as possible, while section 401(d) provides that the Board shall issue a certificate authorizing the whole or any part of the [air] transportation covered by the application if it finds that the applicant is fit, willing, and able to perform such transportation properly and that "such transportation" is required by the public convenience and necessity. Despite the implications of some statements in past Board decisions,⁵¹

least, no more than it finds the market will accommodate) and deny the others. But all *Ashbacker* holds is that if applications are mutually exclusive then they must be heard and decided contemporaneously. The syllogism's minor premise, mutual exclusivity, is established not by anything in the Act but by the Board's longstanding policy of treating applications for the same authority as mutually exclusive in most situations, and its specific findings of mutual exclusivity "as a matter of economic fact" in numerous cases. Under our proposed policy, of course, applications will no longer be mutually exclusive in the same sense as formerly, since all qualified applicants will be granted the authority in question on a permissive basis.

⁵¹See *New York-Florida Renewal Case*, 41 C.A.B. 404 (1964), set aside on other grounds in *Northeast Airlines v. C.A.B.*, 345 F.2d 488 (C.A. 1, 1965), cert. denied sub nom. *Eastern Air Lines v. Northeast Airlines*, 382 U.S. 845 (1965). The Board had awarded Northeast Airlines a New York-Florida route on the basis of findings that a third carrier was needed in the New York-Florida markets and that the award would strengthen Northeast. Subsequently, when the temporary award came up for renewal, the Board refused to renew it on the grounds that Northeast had lost large sums of money in serving the route and could be expected to go on doing so, and hence that the public convenience and necessity no longer required Northeast's services in the markets. The First Circuit remanded the case (331 F.2d 579, C.A. 1, 1964), pointing out that the Board had neither reexamined and repudiated its earlier finding of a need for a third carrier in the markets (the court held that Northeast's losses did not negate that need), nor found Northeast unfit, nor selected another carrier to take Northeast's place. On remand, the Board in the above-cited decision insisted in effect that its earlier findings of a public need for a third carrier in the markets did not constitute a complete public convenience and necessity finding, and that the issue was whether the public convenience and necessity required service by the particular applicant, Northeast. It held that Northeast's losses did not render the applicant unfit, but did support the conclusion that renewal of Northeast's authority was not required by the public convenience and necessity. (Looking back, it is not clear why the Board did not find that Northeast, though "fit" and "willing", would not long be "able" to go on serving the route in view of its expected large losses and weakened financial condition. The answer may perhaps lie in the Board's extreme reluctance to make a finding which could be characterized as stigmatizing an established carrier as "unfit".)

quire the Board to find that performance of "such transportation" by the applicant is required by the public convenience and necessity, only that "such transportation" is so required.⁵² Thus a literal reading of section 401(d) is not offended by the policy we propose to follow in the present case.⁵³ Carrier applications to serve one or more markets requested for investigation by the Oakland parties are already on file, and others will presumably be filed in response to this order. In each of the Oakland markets being placed in issue, the Board will determine whether "such transportation" (i.e., nonstop air service such as that proposed in the applications) is required by the public convenience and necessity, and will then award authority for such transportation to each qualified applicant found to be fit, willing, and able to perform such transportation, with the full expectation that such transportation will be performed by one or more of the existing or newly authorized carriers, though not, perhaps, by all of them.

Moreover, while the Board has engaged in comparative carrier selection in most multi-applicant cases over the past forty years, there have been significant cases in which it has refused to do so, at least one of which has

⁵²The language quoted is from section 401(d)(1), dealing with applications for permanent certificates; it does not appear in section 401(d)(2), dealing with applications for temporary certificates, and the latter provision differs in other ways as well. The Supreme Court in *C.A.B. v. State Airlines*, 338 U.S. 572 (1950), described the differences between the two subparagraphs as "slight but immaterial" and went on to repudiate the idea that the language of section 401(d) should be read in such a manner as to restrict the Board's authority. In that case the Board had found that the public convenience and necessity required service over a route described in some of the applications consolidated for hearing, and then awarded the route to a carrier whose application did not actually describe that route, but covered it only by way of a general clause requesting any other authority the Board might see fit to grant. The Court of Appeals held that the Board could not under section 401(d) award a route to a carrier whose application did not describe it, but the Supreme Court reversed, holding that the Board's procedure was reasonable and that section 401(d) should be interpreted flexibly. In a later case, *North Central Airlines v. C.A.B.*, 281 F.2d 18 (C.A.D.C. 1960), the court upheld the Board in awarding authority to a carrier that not only had not requested it in its application, but actively sought to reject it. While the exact points at issue here are not the same as in the *State Airlines* and *North Central* cases, we think the flexible construction those cases put on section 401(d) supports our thesis here.

⁵³As the subsequent discussion will show, the "speedy disposition" requirement of section 401(c) should be better satisfied by the policy and procedures we propose here than by more traditional procedures.

been upheld by the courts. See, e.g., *Louisville-New York Nonstop Investigation*, 21 CAB 794 (1955); *Eastern Route Consolidation* case, 25 CAB 215 (1957); *Detroit-California Nonstop Service Investigation*, 43 CAB 557 (1966), *aff'd sub nom. United Air Lines v. C.A.B.*, 371 F. 2d 221 (C.A. 7, 1967); and see *Western Route Realignment*, Order 77-11-74, November 17, 1977 (in "minor markets", unrestricted authority awarded as a matter of policy to all carriers for whom the markets are on-system). In the first three cited cases, the Board removed restrictions on the authority of all carriers serving the markets at issue, notwithstanding tacitly conceded claims by parties that the markets were not large enough to support unrestricted nonstop service by so many carriers. Similarly there have been other areas of air transport regulation—air taxis and commuter air carriers, freight forwarders, tour operators, supplemental carriers—where the Board has expressly or implicitly rejected any notion of comparative selection of carriers. We cite these cases and areas, not to suggest that selection has not been the norm in certificated route cases, but to suggest that it has not been treated as an indispensable element of air transport regulation under the Act or an invariable rule of Board decision.

Notwithstanding this literal reading of section 401(d), however, the Board from a very early date treated applications for the same authority as mutually exclusive in most situations. We have earlier described the first reported case involving two applications for the same route authority, decided only a few months after the Board (then the Civil Aeronautics Authority) was set up.⁴ Since both applicants agreed that only one application should be granted, it is understandable that the Board treated the applications as mutually exclusive and selected one applicant over the other. The assumption of mutual exclusivity, in this and subsequent cases, is even more understandable when it is recalled that the original "grandfather" certificated routes stemmed directly from air mail contracts which under earlier legislation were awarded by competitive bidding to a single applicant.

Moreover, virtually all certificated air routes—the "grandfather" routes and those subsequently awarded

⁴In the *Detroit-California* case this claim appears to have been borne out by subsequent events, since one of the three applicants terminated nonstop service in the markets after a brief period of unsuccessful competitive effort. Notwithstanding this outcome, we are aware of no evidence that the public interest suffered in any material respect as a result of the Board's decision.

⁵*Continental A.L., et al., Mandatory Route*, see note 30 above.

alike—where in the early days of certification heavily subsidized by the federal taxpayers through the payment of mail pay based upon the entire "need" of the carrier rather than merely on the cost of actually carrying the mails.⁵ Apart from a handful of "non-mail" routes, certificated route authority ineligible for subsidy support did not begin to be awarded until a number of years after the Board began operations. Under these circumstances, awarding authority to more applicants than a market needed or could support would have meant, not selection by operation of competitive market forces, but a large and unjustified increase in federal subsidy.

Finally, most early (and many subsequent) Board decisions awarding new route authority explicitly or implicitly conveyed the idea that a successful applicant had an obligation to inaugurate promptly the service it had proposed, on the basis of which (in part, at least) it had been selected for an award. The concept appears to have been that of an exchange of benefits and obligations, with the government conferring a valuable and to some extent exclusive franchise (i.e., a certificate) in return for the carrier's undertaking to actually provide the service which it has promised and the Board has found to be needed. Moreover, authority under early certificates was predominantly mandatory in form.⁶ It would obviously have been

⁴As we noted earlier, in the *Continental* case 80 percent of the winning applicant's revenues consisted of mail pay. Although the Board did not undertake to separate the service and subsidy elements of mail pay until more than a decade later, there is no question but that mail pay in 1939 was mostly subsidy.

⁵At this remove it is difficult to measure exactly the degree to which authority in city-pair markets under early certificates was mandatory. Under the air mail contracts that preceded the 1938 Act and became the basis for almost all of the original "grandfather" routes, it was apparently contemplated that the basic mail schedules would begin at one terminal of an air mail route and proceed to the other terminal via stops at each intermediate point named on the route; there was, however, a qualified right to add non-mail flights and, with the approval of the Postmaster General, mail flights which omitted some or all of the intermediate points. The pre-Civil Aeronautics Act state of affairs was carried forward and to some extent liberalized by the Board's original so-called "nonstop" regulation, whose history is recounted in some detail in *Transcontinental & Western Air, Detroit-St. Louis Nonstop*, 8 CAB 471 (1945). (The first reported decision arising under the regulation appears to be *Eastern A.L., Birmingham-New Orleans Non-Stop (sic) Service*, 2 CAB 598 (1941).) Basically, the Board in adopting the regulation held that nonstop service between points not consecutively named on a route segment did not require a certificate amendment, since these were already points "between which" the

anomalous, when a route award was considered to carry with it an obligation of actual service, to make more awards in a market than the number of competing carrier operations the Board believed the market to be currently or at least prospectively capable of sustaining at a reasonable subsidy cost.

However, at a very early stage of its history the Board began to award authority in city-pair markets which was not mandatory and which the Board did not necessarily expect the holder to operate. The Board began by adopting a "nonstop" regulation⁷ which significantly increased certificate holders' operating flexibility by conditionally authorizing (but not requiring) additional nonstop operations between points not consecutively named on a route segment. Over the years, this regulation was progressively liberalized until trunkline carriers had complete freedom to overfly intermediate points, and to begin and terminate flights short of terminal points, except where expressly forbidden by a certificate restriction.⁸ The Board also began at an early date to consolidate separate grandfather routes of the same carrier, thus (subject to the nonstop regulation) creating potential permissive nonstop authority in dozens of city-pair markets by eliminating the certificate requirement of a stop at the route junction point.⁹ Although these route consolidations required a certificate amendment and the carrier was required to propose and show the benefits of overflying the segment junction point on at least some flights it was not required either to show a need for or to promise performance of

carrier was authorized to engage in air transportation. The establishment of such nonstop service was nevertheless subject to a notification procedure which allowed the Board an opportunity to disapprove the proposed nonstop operation if it involved a substantial departure from the shortest course flown pursuant to the route description in the certificate and if, after a hearing, the Board found the public interest would be adversely affected by such a departure.

⁷See preceding footnote.
⁸The local service carriers, whose certificates were granted later, have authority to overfly intermediate points on route segments which in most cases is conditional on first providing two daily round trips to each intermediate point overflown. Although this certificate condition restricts the carriers' operational flexibility to a degree, none of the authority involved on a multi-point segment is strictly speaking mandatory since the carrier is not required to operate any particular service pattern in any city-pair market, and indeed can avoid the force of the condition altogether by refraining from overflights.

⁹Two early decisions of this kind are *Northwest Air, Consolidation of Routes Nos. 3 and 16*, 2 CAB 96 (1940), and *United A.L., Consolidation of Routes Nos. 1 and 12*, 3 CAB 72 (1941).

nonstop service in each of the dozens of city-pair markets in which nonstop authority was thereby created. Some of this nonstop authority, indeed, remains dormant to the present day. In contrast, later route realignments have been granted without a requirement that the carrier propose or show the benefits of any particular pattern of improved service.

Subsequent Board interpretations of the requirements of air carriers' certificates have rendered most of the remaining certificated route authority permissive rather than mandatory. Thus, the board held that where two points are named on a long linear segment, the carrier is not obligated to provide nonstop or even single-plane service between them; all that is required is that a traveler be able, by some succession (however inconvenient) of on-line connecting flights over the segment, to get from one point to the other.¹⁰ The net effect is that, where a point (as is typical) appears on a long linear segment, the carrier requires suspension authority from the Board only if it proposes to discontinue service at the point altogether; no lesser reduction in service is held to violate its certificate obligation.

Some Board opinions have stated in dictum that, despite the permissive nature of a carrier's route authority in a particular city-pair market, the carrier nevertheless has a duty under section 404 of the Act to render adequate service in accordance with its certificate. It is fair to say, however, that insofar as it relates to providing any particular service pattern in a city-pair market, the obligation of adequate service under section 404 has remained virtually a dead letter which the Board has been able neither to define nor to enforce. During the first two decades of its history the Board conducted no adequacy-of-service investigations; it then conducted several in quick succession, and in two actually issued orders requiring the provision of specified flights; but this flurry exhausted the impulse, and since that time the Board has conducted no further such investigation. In one of the cases,¹¹ the Board ruled that, even where a carrier has previously been

¹⁰See *National Airlines, Jacksonville-Miami Nonstop*, 6 CAB 521, 523 (1945); cf. *United Air Lines, Amended Certificate*, 29 CAB 1298, 1300 (1959). In contrast, where two points are made terminals of a route segment without any intermediate points, the carrier is mandatorily required to provide nonstop service between them. Many such mandatory two-point segments, however, have been wiped out by subsequent route realignments, and recent authority of this type has sometimes been given on an expressly permissive basis.

¹¹*Fort Worth Investigation*, 27 CAB 280, 286, 279 (1958). Members Minetti and Hector dissented on the cited point.

specifically selected to meet an affirmatively found need for competitive service in a particular market, its subsequent obligation of adequate service under section 404 depends on the service currently being provided by the other carrier or carriers authorized to serve the market—in other words, unless combined service of all carriers in the market is legally inadequate (a very low standard) neither carrier can be charged with violating section 404 no matter how little (if any) service it provides.

Actually, the Board long ago concluded that there is simply no feasible way to enforce attractive and convenient service on the part of an unwilling and unsubsidized carrier, regardless of its theoretical obligations under section 404. (A subsidized carrier presumably will be willing if the subsidy offered is large enough.) Accordingly, the Board's preferred and indeed only solution for demonstrably poor service by an incumbent carrier has been to find a willing applicant and certificate it in place of or in addition to the incumbent.¹² Thus as a practical matter permissive authority carries with it no affirmative service obligation, despite the language of section 404. Nor does even authority which is mandatory in form impose an obligation to provide service that meets the substantive public need; the Board has never defined any minimum standard of service under mandatory authority, and a carrier with such authority in a market can reduce its service to a purely nominal level, such as one round trip per week, without apparently violating its certification obligations.¹³

In a 1968 decision¹⁴ the Board held that an award of permissive rather than mandatory authority to a new carrier was appropriate even where the record in the proceeding demonstrated an affirmative need for additional service in the markets at issue. Since then (as indeed was usually the case earlier) new authority has almost invariably been awarded in permissive form, regardless of the nature of the public convenience and necessity findings in the case, where the market at issue were already on-system or at least on-segment to the applicant. While off-segment and off-system extensions continued for the most part to be granted in mandatory form, even these extensions have recently been granted in expressly permissive form.¹⁵

¹²See *New England Service Investigation*, Order 74-7-70, July 17, 1974.

¹³See *Complaint of Donald Pevsner*, Order 77-11-94, November 18, 1977.

¹⁴*Allegheny Airlines Route 97 Investigation*, 50 CAB 94, 104 (1968).

¹⁵See *Midwest-Atlanta Competitive Service Case*, Order 78-4-113, April 6, 1978; *Memphis-Twin Cities/Milwaukee Case*, Order 78-3-35, March 9, 1978; *Ohio/Indiana*

Meanwhile subsidy has played a constantly declining role in the certificated air transportation system. Whereas in 1938 virtually all certificated air transportation was heavily subsidized, today the trunklines have not received subsidy for two decades and more, one of the local service carriers has already gone off subsidy, and subsidy plays a constantly decreasing proportionate role in the finances of the remaining local service carriers. Virtually all new route authority awarded during the past decade and a half has been made ineligible for subsidy support,¹⁶ and considerable amounts of formerly subsidized service to small communities is today being provided by noncertificated commuter carriers, without subsidy support, under suspension/replacement agreements and orders.

We cite these long-standing trends toward permissive and subsidy-ineligible route authority because in our view they thoroughly undermine much of the original rationale for treating limitation of entry and comparative carrier selection as logical or practical necessities of regulation. We believe that these trends place on us an affirmative duty to reappraise the necessity and desirability of continuing our normal past practice of carrier selection, and the advantages which might accrue from moving to the proposed policy of permissive awards to all qualified applicants. Air transportation has gone in forty years from the struggling infant industry of 1938, in which most route authority was mandatory, most service was non-competitive and virtually all was heavily subsidized, and in which there was little realistic opportunity for new entry, to the prosperous and well-established industry of today, in which the great majority of route authority is permissive, most traffic moves in competitive markets, subsidy is a minor and declining factor in carrier finances, and in which new entrants are impatiently waiting to join the industry. It cannot be that Congress intended us to follow precisely the same entry policies today as in 1938.

Nor would it be logical to do so. If service pursuant to the authority

Points Nonstop Service Investigation, Order 78-2-71, February 14, 1978; *Phoenix-Des Moines/Milwaukee Route Proceeding*, Order 78-1-116, January 27, 1978. Compare *Las Vegas-Dallas/Fort Worth Nonstop Service Investigation*, Order 78-3-121, March 24, 1978, with *Improved Authority to Wichita Case*, Order 78-3-78, March 16, 1978.

¹⁶The two conspicuous exceptions have been the award of new certificates to Air New England and Air Midwest (see Orders 74-10-101, October 18, 1974, and 76-12-59, December 16, 1976), each case involving the reestablishment of subsidized service to communities which formerly received such service from another carrier (Northeast and Frontier, respectively).

granted in a route proceeding is ineligible for subsidy (and particularly under the "subsidy spillover" conditions we have recently devised),⁶ then a successful applicant considering institution of service is risking no one's money but its own. If it is clearly understood that a successful applicant is free not only to terminate unprofitable new service, but indeed to refrain from inaugurating new service in the first place if competitive conditions appear unfavorable at the time of the award, then the applicant cannot be put in the position of having to choose between violating its obligations and wasting its capital on unprofitable operations; instead, its realization of profit or loss will depend entirely and exclusively on its management skill and business judgment.⁶ If a certificate does not impose any service obligations, there is no inherent reason why it should convey any exclusive authority. Thus, since we have already tentatively concluded that our proposed policy of multiple permissive awards will further the objectives of the Act, and we now further conclude that the Act does not preclude us from adopting that policy, it would seem evident that we ought to do so.

An additional benefit we see as flowing from adoption of the proposed new policy—particularly if it is adopted at the outset of the proceeding, as we propose to do here—lies in the dramatic reduction in the complexity, cost to applicants, and time required to complete route proceedings. Over the years, one of the most frequent complaints about Board proceedings has been their cost and the time they take. Almost all of the numerous bills to reform air transport regulation which have been introduced in Congress in the past few years have included provisions calling for faster action by the Board on applications for new route authority under section 401 of the Act. The Board has endeavored in various ways to expedite its procedures, and will continue to do so; yet the problem remains. The CAB Advisory Committee on Procedural Reform, whose report was filed on December 31, 1975, surveyed all hearing cases decided between 1970 and 1972, and two facts stand out from the survey: that route cases take many months, even years, to complete, and that the trend was then toward an increase rather than a decrease in completion time.

Although more recent efforts have speeded up the decisional process to a degree, an internal survey of cases closed during the 27 months ended

⁶See *Phoenix-Des Moines/Milwaukee Route Proceeding*, et al., Order 78-1-116, January 28, 1978.

⁷The same observations, of course, apply to an incumbent whose authority is permissive (as is all of the incumbents' authority at Oakland).

September 30, 1977, indicated that an average of 568 days—approximately 19 months—elapses between the time a domestic licensing case is ordered set for hearing and final Board decision. Moreover, the Board's workload of applications for new domestic route authority is increasing, while its resources are limited. Accordingly, past delays are no longer acceptable, and any potential means of simplifying and shortening domestic route cases and reducing their demands on Board staff resources (the two things are closely correlated) deserves to be carefully explored. The Board is actively exploring shortened and simplified procedures, and has in fact just issued a notice of proposed rulemaking looking toward the adoption of additional such procedures.⁸ But there is a limit to the extent to which procedural changes alone can speed up the processing of cases, where the issues to be resolved remain complex. Hence another avenue which the Board feels obligated to explore is the simplification, and where possible, elimination of substantive issues in route proceedings.

Anyone familiar with Board route proceedings will agree that the single issue which complicates and prolongs them the most is the issue of comparative carrier selection. Single-applicant cases are notoriously easier to decide than those with multiple applicants—in fact, an oral evidentiary hearing is often not required. In the past year or two we have begun to process foreign-carrier permit cases (where by definition there is only one application) through the use of show-cause procedures; and more recently we have undertaken to employ such procedures in at least some domestic single-applicant licensing cases.⁹

If the issue of comparative carrier selection is eliminated, the remaining evidence as a rule is both simple to obtain and noncontroversial. For example, (1) the facts concerning the historic traffic in the market or markets at issue, and the present and past services (if any) provided by the incumbent carrier or carriers, are ordinarily easy to ascertain and not subject to dispute. (2) Whether the service proposed by the applicant carrier will be generally beneficial to the traveling and shipping public typically requires little analysis; what creates

⁸See *Expedited Procedures for Processing Licensing and Rates Cases*, PDR-54, April 18, 1978, in which the facts referred to in the text above are explored in greater detail.

⁹See *Piedmont Boston Entry Application*, Order 78-4, 69, April 14, 1978. The Board has also used show-cause procedures to grant domestic fillup rights on international flights, another situation in which competition between applicants for the same authority is not involved.

complications is the need to quantify precisely in its various dimensions the degree of public benefit likely to be conferred by an applicant's service proposals. (3) Once it is ascertained that a market is or will be large enough to support competitive non-stop operations (a comparatively simple fact to establish), it is usually not essential to inquire at length into the merits or demerits of the existing service in the market, or the ability or willingness of the incumbent carrier to increase operations to meet public demand; the Board's long-established policy has been that in such situations competition is inherently beneficial and should be authorized unless serious reasons to the contrary are shown.¹⁰ (4) As we have recently had occasion to point out, it is not essential to show that an applicant's proposed services will be profitable, particularly where the authority to be granted will be permissive.¹¹ (5) Finally, it is ordinarily not difficult to determine whether the impact of a grant of new authority on the carrier or carriers already in the market—diversion, in short—will or will not meet the standard the Board is currently applying (see discussion at p. 15 above). What complicates the typical route case, however, is the need to quantify precisely the diversion from the incumbent which an award to each possible applicant would cause, in order to employ comparative diversion as a factor in choosing among the applicants.

In sum, therefore, we anticipate that eliminating the issue of comparative carrier selection will enormously simplify and expedite the conduct of the evidentiary hearing on public convenience and necessity issues which will be held in this case. No applicant will be required to submit exhibits designed to show that its service proposal will produce greater public benefits than any other applicant's, or that its service will be more profitable or will produce a greater reduction in subsidy need or will otherwise result in a greater or more needed degree of route strengthening, or that it will divert less revenue from an incumbent—or, in general, that it outranks

¹⁰See *Continental Air Lines v. C.A.B.*, 519 F.2d 944 (1975), cert. denied, 424 U.S. 958 (1976), and Board decisions cited therein; *Southern Tier Competitive Nonstop Investigation*, Order 69-7-135, July 24, 1969; and see *Domestic Passenger-Fare Investigation*, Order 71-4-54, April 9, 1971, at p. 27 ("One of our principal policies has been that the traveling public is entitled to the benefit of competition whenever it is justified by existing and projected market traffic.")

¹¹*Ohio/Indiana Points Nonstop Service Investigation*, Order 78-2-71, February 14, 1978, at p. 29; *Improved Authority to Wichita Case*, Order 78-3-78, March 18, 1978; *Piedmont Boston Entry Application*, footnote 70 above, at p. 6.

all other applicants in any of the numerous factors which the Board has historically employed in choosing among competing applicants for the same authority.

Moreover, as pointed out above, our proposed policy contemplates not only that some entrants may drop out of the market if their operations prove unprofitable, but that some applicants awarded authority may elect not to inaugurate service if it appears unlikely to become profitable. Given this degree of uncertainty, an applicant cannot reasonably be expected to produce a service proposal which it explicitly or implicitly promises to operate if granted authority, regardless of conditions prevailing at the time; nor can it reasonably be expected to produce separate service proposals responsive to every possible combination of contingencies as to what incumbents and other applicants may elect to do in the future. The most that can be required—and what we will in fact require—is merely that each applicant submit an illustrative service proposal, comprising illustrative schedules and fares, costed on certain reasonable assumptions, which demonstrates that it has given serious thought to the requirements and potentialities of the market at issue and which, if operated and economically viable, would satisfy all or part of the public need. Unlike the service proposals submitted in the typical route case before this, the illustrative service proposals to be submitted here will not be comparatively evaluated.¹² Section V-B of this order describes in greater detail the illustrative service proposal which each applicant is to submit; the point to be made here is simply that it will be a markedly simpler piece of evidence to prepare and evaluate than the traditional competitive service proposal.

The foregoing analysis raises fundamental questions about whether the Board should continue to conduct and decide its route cases as it has conducted and decided most of them most of the time during the past forty years. If dispensing with comparative carrier selection by the Board in favor of permissive awards to all qualified applicants, to be followed by competitive selection in the market place, will

¹²Analytically, the evidence of each applicant's illustrative service proposal goes in part to the issue of the applicant's willingness to provide the air transportation for which a need is determined at the hearing. However, the illustrative service proposals, individually and collectively, should also aid in the ascertainment of what transportation is required by the public convenience and necessity in the various markets at issue and whether, if operated, the applicant's proposal would meet all or part of that need. This evidence will therefore be received and evaluated in the economic hearing (see section V-B).

V. PROCEDURES

A. COMMENTS AND ARGUMENT ON PROPOSED POLICY DETERMINATION

All interested parties will have 21 days from the date of service of this order (which will also be published in the *FEDERAL REGISTER*) to file comments on the proposed policy determination set forth in section IV of this order, i.e., the decision to award permissive authority to all qualified applicants in each of the Oakland markets in issue in which a need for additional authority is found in this proceeding.¹³ Approximately 14 days after these comments are due (the exact date and time will be announced later) the Board will schedule an oral argument on the policy issue. Interested parties will then have an additional 21 days to file reply comments addressing the issues raised by the initial comments and the oral argument. The Board will endeavor to issue an order setting forth its determination on the policy issue as soon as possible thereafter.

Interested parties should address the proposed policy from the standpoint of law, fact, economics, and public policy. Any factual material that a party wishes the Board to consider should be reduced to exhibit or affidavit form and appended to the party's comments. It is the Board's tentative view that any issues of fact material to the application of the proposed policy at Oakland, and a fortiori to its application generally, comprise the kind of broad issues of "legislative" fact (to employ Professor Davis' classification¹⁴) that lend themselves better to an argument type of hearing rather than a trial type. Parties who contend that a trial type of hearing should be held on this issue should be prepared to show in specific detail why the procedure of written comment and oral argument provided for above is inadequate.

Apart from questions arising under the Federal Aviation Act itself, we are particularly interested in parties' views as to the interaction between our proposed policy and laws relating to energy conservation and protection of the environment. While specific factual questions relating to energy and environmental issues will be dealt with in the economic hearing (see below), general policy questions should be addressed in this phase of the proceeding to the extent they involve whether or not the Board should go forward with the proposed policy. In particular, if any party contends that the environ-

¹³Participation in comments and oral argument on the policy issue is not obligatory; no applicant's status will be adversely affected by failure to participate.

¹⁴K. Davis, *Administrative Law Treatise*, §§7.02, 7.20 (1958); and see *American Airlines v. CAB*, 359 F.2d 624, 633 (C.A.D.C. 1966).

¹⁵The issue of deleting or suspending incumbents' unused authority in the markets already at issue usually does not significantly complicate the traditionally scoped route case. We have, therefore, included this issue in some such cases simply to maximize the Board's decisional flexibility at the close of the case. See e.g., *St. Louis-Louisville and San Francisco Bay Area Nonstop Case*, Orders 77-12-113, December 22, 1977, and 78-3-104, March 23, 1978. For the reasons indicated in the text, the circumstances are quite different here.

mental or energy laws preclude the Board from adopting the proposed policy, we expect this contention to be raised at the outset. We will also welcome comments suggesting how the proposed policy can be accommodated with the environmental and energy laws. One specific matter: our environmental regulations, in section 312.12 (14 CFR §312.12), require all applicants to file environmental evaluations which contemplate more detailed schedule proposals than it is practical to require under the proposed policy. We solicit comments as to the extent to which this regulation can and should be waived or modified to fit in with the procedures we propose to follow in this proceeding.

Interested persons who do not plan to participate in the hearings in this proceeding (see subsequent sections) may nevertheless participate in this resolution of the policy issue by filing twenty copies of written data, views, or arguments pertaining thereto, without the necessity for seeking leave to intervene or becoming a formal party. Individual members of the public can likewise participate informally by filing their comments with the Docket Section in letter form, without the necessity of filing additional copies. All comments so filed will be available for inspection in the Docket Section.

B. ECONOMIC HEARING

A hearing will be conducted before an Administrative Law Judge to consider all elements of the public convenience and necessity for awards of additional certificated route authority in the Oakland markets placed in issue, including those on which the Board has made tentative findings in this order, but excluding the policy issue which will be decided under the procedure outlined in section V-A above, and excluding issues of fitness, willingness, and ability of individual applicants. The issues to be addressed in this hearing include traffic, the general feasibility of operating proposals, diversion, and environmental and energy issues, as well as any other economic matters deemed relevant and material by the Administrative Law Judge, except for matters expressly excluded, particularly those related to comparative selection.

Traffic. The evidentiary focus of the economic hearing should be on the Board's tentative findings concerning traffic set forth in this order, including its assessment of what is the minimum level of traffic necessary to sustain some service with suitable aircraft in each market. These findings—that some service can be operated on an economic basis by at least one carrier using suitable aircraft—are expected to be determinative of the public convenience and necessity for additional authority.

Accordingly, evidence submitted by the parties should be designed to supplement or rebut the Board's forecast, and its determination in respect to the feasibility of economic service. For the 12 markets for which we have tentatively found need, forecasts should not be based on operating proposals but should concentrate on historic local traffic, normal growth rates, airport demand shift, and price elasticity of demand. Methodologies which take into account the impact of schedules, including the provision of new single plane service in beyond markets, generally will produce higher forecasts than those set forth in the Board's forecast. Since only a minimum forecast is necessary to justify the finding that the market is large enough to support some service, such forecasts are unnecessary in those markets. For the remaining markets, however, rebuttal to the Board's forecast may show that the Board has understated traffic. Proposed routing and anticipated flow traffic will be considered for this purpose.

Operating Proposals. Operating proposals are required to demonstrate that the applicant's proposed service is reasonably calculated to meet some demand in the market. Evidence concerning operating proposals will be sufficient if an applicant shows that it would be economically feasible to operate a minimum pattern of service—one daily round trip—with an aircraft suitable for the traffic density and stage length. Attachment H specifies that the forecast should also specify the prices to be offered and a break-even costing of the illustrative schedule. This evidence is required to show general economic feasibility, and there will be no comparison of the schedule proposal of one applicant with that of another. For these reasons applicants need not submit detailed schedules showing a complete pattern, including beyond-area services, schedule times, and the like.⁷ On the contrary, because the Board is proposing to authorize multiple entry in addition to retaining existing authority, the actual service patterns that may be offered are likely to be established by trial and error depending on competitive conditions which cannot be forecast. Accordingly, the kind of detailed forecasts showing traffic, revenue and costs are not necessary insofar as these are utilized in traditional Board proceedings to permit the selection—and exclusion—of applicants on a comparative basis.

Diversion. Incumbent carriers authorized to serve Oakland or San Francisco and other parties may

⁷If subsequently the Board determines to consider evidence on a comparative basis, carriers will be permitted to submit revised exhibits.

submit evidence of diversion that may result from the grant of permissive authority to all qualified applicants in each of the 15 city pair markets at issue in this proceeding. Given incumbents' ability to respond competitively, however, we expect any carrier claiming diversion to show in detail how additional operations at Oakland will threaten its ability to perform its certificate obligations, or will necessarily result in termination of essential services which will not be replaced by an applicant or by other carriers. We also expect the single local service carrier receiving subsidy to submit a detailed forecast of increased subsidy need, if any. (See discussion at pp. 15-17 above.)

Nevertheless, evidence relating to diversion will not be limited, except as the Administrative Law Judge may determine. In particular, since applicants will not be providing detailed schedule proposals but only illustrative schedules, "worst case" assumptions may be made concerning the volume of service or the prices to be offered at Oakland by newly authorized carriers. Any such assumptions, however, should be explained in detail in accompanying narrative and the assumptions concerning market size, airport demand shift, the efficiency and cost level of newly authorized carriers, and the profitability of such carriers should be set forth.

Energy and Environment. The economic hearing will also deal with all issues relating to energy conservation and the protection of the environment. Applicants who have not already done so should file their environmental evaluations under section 312.12 of the Procedural Regulations (14 CFR 312.12) within 50 days after the date of service of this order, or within 15 days after filing their respective applications, whichever is later. Other evidence on environmental and energy issues, including a statement by each applicant of the maximum fuel usage required to implement its illustrative service proposal, shall be submitted at the time of direct exhibits, and rebuttal thereto at the time of rebuttal exhibits. Environmental evaluations filed by applicants shall include the information specified in Part 312.12(c) of the Board's Procedural Regulations (14 CFR 312.12(c)) to the extent that the illustrative operating proposals required by this order permit.⁸ To the extent that an applicant is unable to supply that information using its illustrative schedule, it shall base its environmental evaluation on its forecast of the worst

⁸Attachment J provides the airport profile for scheduled operations at Oakland. Applicants are free to add nonscheduled operations to the profile, but any additions should be explained clearly.

case (with respect to the environment) which might result, should its application be granted.

In addition, all applicants are put on notice that they may be required to produce, introduce, and cosponsor an exhibit which describes the potential environmental impact at Oakland of an award of multiple permissive authority, in terms that go beyond the individual environmental evaluations required by Part 312.12. The timing and content of this exhibit will be left to the discretion of the Director of the Bureau of Pricing and Domestic Aviation.

C. FITNESS HEARING

All issues relating to the fitness, willingness, and ability of applicants for new and improved authority herein will be consolidated for hearing into a separate proceeding before an Administrative Law Judge. The fitness hearing will go forward simultaneously with the economic hearing provided for in B above, having due regard for the convenience of the parties in each proceeding in respect to procedural dates.

There may be significant differences between the applicants in respect to the subordinate issues raised by the statutory requirement that the Board find each applicant to be fit, willing, and able. For example, it is clear that under traditional practice the fitness of existing federally certificated carriers can be established by generalized findings based on officially noticeable data, such as the Forms 41, and the noticeable fact that the applicant is an operating entity. Furthermore, intrastate and other carriers seeking certification in this proceeding should not have to prove fitness separately if the matter has been adjudicated in other proceedings. Because fitness is in no sense comparative, but is a test to be passed or failed by each applicant without regard to any other applicant, the Board suggests that fitness findings based on officially noticeable data or findings and information noticeable from other proceedings be handed down in a separate initial decision, and not await the more complex and difficult findings that may be required in the case of applicants whose fitness evidence cannot be as readily determined.

Attachment I sets forth the minimum fitness evidence and information that applicants whose fitness cannot be established by notice, including applicants not operating air service at this time, should provide. The Administrative Law Judge in his discretion may alter or amend Attachment I; it is attached to this order at this time primarily to permit applicants to begin preparing for the fitness hearing.

D. OVERALL PROCEDURAL SCHEDULE

To avoid any possibility of disruption in the event the Board, after re-

ceiving comments and hearing oral argument, decides not to go forward with the proposed policy of permissive awards to all qualified applicants in some or all of the markets in issue, the hearings on economic issues and fitness will not commence until the Board arrives at a final decision on the policy issue. Once this decision is arrived at, the Administrative Law Judges will issue notices of prehearing conference. Applications conforming to the scope of the issues may be filed at any time prior to the prehearing conference in the economic issues hearing.

Petitions for reconsideration of this order may be filed within 21 days after the date of service. Such petitions may address themselves to the scope of the proceeding and to the general procedures to be followed. They should not address the proposed policy determination which will be the subject of comments and oral argument. They should also not address the Board's tentative findings in this order which will be open to rebuttal at the economic hearing, unless the party shows why its disagreement with these findings cannot be dealt with adequately at the hearing. Answers to petitions for reconsideration shall be filed within 15 days following the due date for filing such petitions.

Accordingly, it is ordered that:

1. A proceeding to be designated the *Oakland Service Case* is instituted in Docket 30699 and shall be set for hearing in accordance with the procedures set forth below.

2. The issues in said proceeding shall be:

(a) Whether the public convenience and necessity require the grant of additional certificated route authority between Oakland, Calif., on the one hand, and some or all of the following points: Albuquerque, N. Mex.; Atlanta, Ga.; Boston, Mass.; Chicago, Ill.; Dallas/Ft. Worth, Tex.; Denver, Colo.; Detroit, Mich.; Houston, Tex.; Kansas City, Mo.; Minneapolis/St. Paul, Minn.; Philadelphia, Pa.; Phoenix, Ariz.; Portland, Oreg.; Salt Lake City, Utah; and Seattle/Tacoma, Wash.

(b) Whether the applicants for such authority are fit, willing, and able to perform the air transportation found by the Board to be required by the public convenience and necessity.

3. Petitions for reconsideration of this order shall be filed within twenty-one (21) days following the date of service of this order, and answers shall be filed within fifteen (15) days thereafter. Petitions for leave to intervene, applications, and motions to consolidate applications within the scope of the proceeding shall be filed prior to the prehearing conference in the economic proceeding (see 4(b) below).

4. The proceeding shall be divided into three phases as follows: (a) Com-

ments on proposed policy determination. (i) Within 21 days from the date of service of this order, all interested parties are invited to file comments on the proposed policy determination set forth in section IV of this order, and to serve such comments on the other parties to the proceeding. Failure to file comments, however, will not affect any person's status as an applicant. Such comments should address the proposed policy from the standpoint of law, fact, economics, and public policy. Any factual material that a party wishes the Board to consider should be reduced to exhibit or affidavit form and appended to the party's comments.

(ii) Approximately 14 days following the date for receipt of comments, the Board will schedule oral argument thereof, at a time and place to be hereafter designated. Parties desiring to take part in the oral argument shall so indicate in their comments.

(iii) Within 21 days following the oral argument, all interested parties may file reply comments addressing the issues raised by the original comments and the oral argument. Following receipt of the reply comments, the Board will issue an order disposing of the policy issues involved as soon as practicable.

(iv) Interested persons who do not plan to participate in the hearings to be held in this proceeding may nevertheless participate in the resolution of the policy issue, without having to seek leave to intervene or become a formal party, by filing twenty (20) copies of written data, views, or arguments, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before June 20, 1978, will be considered by the Board before taking final action on the proposed policy determination. Copies of such comments will be available for examination by interested persons in the Docket Section of the Board, Room 710, 1625 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

(v) Individual members of the general public who wish to express their interest as consumers by participating informally in this proceeding may do so through submission of comments in letter form to the Docket Section at the address above, without the necessity of filing additional copies.

(b) *Economic hearing.* All issues in the proceeding other than the policy determination covered by paragraph 4(a) and the fitness issues covered by paragraph 4(c) shall be heard before an Administrative Law Judge at a time and place to be determined later. This phase of the proceeding shall focus on the Board's tentative findings as to the need for the award of additional route authority in the Oakland mar-

kets at issue; its tentative traffic forecasts and findings that some service with suitable aircraft can be economically operated in at least 12 of the 15 markets at issue; the illustrative service proposals of the applicants; the effects of new authorizations on the operations of incumbent carriers at Oakland and San Francisco; and environmental and energy issues. The evidence required of all applicants is set forth in Attachment H hereto, subject to the rulings of the Administrative Law Judge. All applicants shall file environmental evaluations pursuant to Part 312 of the Board's Regulations within 50 days of the date of service of this order, or 15 days after the filing of their respective applications, whichever is later.

(c) *Fitness, willingness, and ability hearing.* All issues relating to the fitness, willingness, and ability of the applicants shall be heard before an Administrative Law Judge at a time and place to be later determined. The evidence required of applicants not holding a certificate of public convenience and necessity for scheduled service, or whose fitness has not been adjudicated in another proceeding, is set forth in Attachment I, subject to the rulings of the Administrative Law Judge.

5. All authority awarded in this proceeding shall be permissive and ineligible for Federal subsidy, and all authority awarded to local service carriers and any other subsidized carriers shall be subject to the subsidy-ineligible condition established in Order 78-1-116.

6. to the extent that they conform to the scope of the proceeding, as defined in paragraph 2 above, the applications of Allegheny Airlines in Docket 30739, Braniff Airways in Docket 30819, Frontier Airlines in Docket 30862, Hughes Airwest in Dockets 30863 and 31583, Northwest Airlines in Docket 30981, and Texas International Airlines in Docket 30866, are consolidated into the proceeding instituted by paragraph 1; to the extent they do not conform and to the extent not consolidated with the *California-Nevada Low Fare Route Proceeding*, Docket 31574, these applications are dismissed.

7. The motion of Northwest Airlines to consolidate its application in Docket 30981 is granted.

8. The motions of Frontier Airlines and the Regional Airport Planning Committee for leave to file unauthorized documents in Docket 30699, and the motions of United Air Lines, Hughes Airwest, and the Arizona Department of Transportation for leave to file unauthorized documents in Docket 30583, are granted.

9. The following are made parties to the proceeding instituted by paragraph 1: Allegheny Airlines, Braniff Airways, Frontier Airlines, Hughes

Airwest, Northwest Airlines, Texas International Airlines, Trans World Airlines, United Air Lines, the Oakland Chamber of Commerce and Port of Oakland, the Regional Airport Planning Committee, the Arizona Department of Transportation, the Alameda County Mayors' Conference, the State of California and the Public Utilities Commission of the State of California, the Contra Costa County Mayors' Conference, the Denver Parties and Colorado Public Utilities Commission, the Minneapolis/St. Paul Airports Commission, the City of Phoenix, the City of Portland, Portland Chamber of Commerce, Portland Freight Traffic Association and the Port of Portland, the Seattle Parties, the Spokane Parties, and the Utah Agencies and Utah Department of Transportation.

10. The petitions for leave to intervene of the Minneapolis/St. Paul Airports Commission, the Alameda County Mayors' Conference, the Contra Costa County Mayors' Conference, the People of the State of California and the Public Utilities Commission of the State of California, the Regional Airport Planning Committee, the Denver Parties and Colorado Public Utilities Commission, the Utah Agencies and Utah Department of Transportation, and the Portland Parties are granted.

This order shall be published in the FEDERAL REGISTER."

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

All Members concurred and Member O'Melia filed the attached concurring statement.

O'Melia, member, concurring statement: I concur fully with the tentative finding set forth in this order that the present air services to the East Bay area may be severely deficient and that additional and effective authority may be necessary to properly serve the Oakland International Airport. I am concerned, however, that the procedures contemplated in the order adopted today, involving untested techniques, major departures from past practice, a new interpretation and a modified application of the Federal Aviation Act, new hearing concepts for

"The following attachments are filed with the Office of the FEDERAL REGISTER as part of the original document. Copies of the order and attachments may be obtained at the Civil Aeronautics Board, Distribution Section, Room 516, 1825 Connecticut Avenue NW., Washington, D.C. 20428: Attachment A—Summary of Pleadings; B—Narrative to Forecasts; C—True O&D Traffic and Forecast, 15 Bay Area Markets; D—Estimated Financial Result of Nonstop Service, 15 Oakland Markets; E—Domestic Trunk On-Flight Haul & Yield; F—Fare Increases and Inflated Low Fares, 15 Markets; G—East Bay Economic Statistics; H—Evidence To Be Supplied By all Applicants; I—Evidence To Be Supplied by New Entrants; J—Scheduled Operations Base for Environmental Evaluations.

the Administrative Law Judges, and novel issues for the applicants and practitioners, may create a proceeding of undesirable complexity. Moreover, an omnibus route proceeding involving 16 largely discrete markets with different characteristics may be almost unmanageable, and is certain to require extensive efforts over a considerable period of time, even under the premises and procedures tentatively adopted today. The imaginative effort to meet Oakland's petition could well frustrate the very purposes it is meant to serve. An experimental proceeding may be very useful for the Board, but it may not be equally effective in giving Oakland the services it needs in a timely fashion on a petition filed over a year ago.

I am concerned about this point, because it seems certain that the *Oakland Service Case*, which will surely become a landmark case in terms of its innovative features, is certain to consume a considerable period of time and to absorb the time and energies of a substantial portion of our staff analysts and attorneys. As the order notes, six of the markets listed in Oakland's quest for new services—markets that are not insubstantial—are already at issue in pending proceedings. Any progress made in moving these and other important cases along is dependent upon the same staff resources. I hope that the Board will lend equal efforts to pressing ahead with the proceedings in question, as listed in footnote 1 of the Board's Order, so that the air transport needs of passengers and shippers in the East Bay area can be offered some meaningful relief at the earliest possible time.

As we proceed with implementation of the *Oakland Service Case*, we should not lose sight of the fact that the arduous task undertaken by Congress to reform and renew this country's aeronautical statute is nearing its culmination, and may very possibly come to fruition in the next few months. That legislation, if it gives us the results intended for it, may accomplish for markets such as those contemplated in this proceeding, all that a route case might accomplish, and with much less effort. Recognizing the intensive work and dedication of the staff in designing a response to Oakland's petition, I consider it unfortunate that the conclusion of regulatory reform may moot much of this effort if it comes about before the final stages of the *Oakland Service Case*.

Although I am in agreement with the stated purpose of the order being issued today—to seek to increase service to Oakland—and believe it is desirable to explore new policies and new procedures meant to diminish regulatory burdens and expand services, I have prepared this concurring statement to make known some reservations that I hope will be addressed by the parties to the case in the course of the proceeding. The first deals with the adoption of a permissive multiple awards policy, and the second has to do with the contemplated severance of economic and fitness issues.

The concept of granting permissive multiple awards has many very substantial attractions, and is certainly a move in the direction of permitting the marketplace to be a principal determining factor of what carriers will offer what services. Yet it cannot divorce itself from many dangers of both a legal and a policy nature. The Board's order fully recognizes the risks involved. On May 17 and 18, moreover, the Board conducted an omnibus oral argument on the issue of multiple permissive awards, and a talented array of representatives from the industry

and the consumer public sought to warn the Board of the problems that might arise, as well as to encourage the Board in its search for a more service-oriented system. I would have preferred for the Board and its staff to have had more time to evaluate the comments presented, before finalizing the issuance of this order. However, given the age of Oakland's petition (filed April, 1977), I accept that time is of the essence, and that those same comments can be brought to bear on this proceeding as we again explore the merits of permissive multiple awards.

In tentatively adopting, for the purposes of this proceeding, a policy of awarding permissive, subsidy-ineligible authority in selected Oakland markets to every qualified applicant, I reserve the right to press for a different or a modified solution on the basis of the evidence, briefs and arguments that are to be presented. While I believe that this reservation, of itself, may not distinguish my position from that of some of the other Members of the Board, it needs to be said because the tentative findings, predicated in large measure on Board policy in cases still being litigated, have too much of a flavoring of prejudgment.

I also have reservations about the proposal to separate the hearings on economic issues from those on carrier fitness in the secondary stages of this proceeding. The determination that an applicant carrier meets the established standards of fitness, willingness, and ability calls for specific evidentiary submissions and specific findings. Conceivably these can be separated from the submissions and findings required in a hearing to ascertain traffic, operating proposals, diversion and environmental factors, so long as the latter are not involved when the final fitness determination is made. However, I am not convinced that this division is either necessary or desirable. In the Board's tradition of some forty years, the issues of public convenience and necessity, on the one hand, and of fitness, on the other, have been considered to be integral parts of a final determination in a particular case. The reasons for that integration are not obscure. The judgment of whether a carrier is "fit, willing and able" has always been made in the context of the services to be performed, route to be operated, and the competition to be mounted. The proposal to separate economic from fitness determinations raises the question whether traditional judgments are no longer to be made. In such a case, a finding of fitness, at least for a certificated carrier, might become a pro forma determination.

There is, of course, a distinct difference between the task of ascertaining fitness for a certificated carrier and fitness for non-certificated new entrants, and it may be desirable for the Board, as a general proposition, to move in the direction of separate fitness hearings. However, pending the receipt of further comments, from both advocates and opponents of the proposed separation, I would also reserve my position on this point.

RICHARD J. O'MELIA.

[FR Doc. 78-15197 Filed 6-1-78; 8:45 am]

[6320-01]

[Dockets 32486 and 32487]

**KODIAK-WESTERN ALASKA AIRLINES
ACQUISITION PROCEEDING**

Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter, now assigned to be held on May 30, 1978, (43 FR 22430, May 25, 1978), is postponed indefinitely. This postponement has been granted at the request of counsel for the applicant carrier who has stated that the applications in Dockets 32486 and 32487 will be withdrawn.

Dated at Washington, D.C., May 26, 1978.

THOMAS P. SHEEHAN,
Administrative Law Judge.

[FR Doc. 78-15389 Filed 6-1-78; 8:45 am]

[6320-01]

[Order 78-5-157; Dockets 27918, 27918-1]

**NORTH ATLANTIC FARES INVESTIGATION;
PART CHARTER PHASE**

Order Terminating the Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of May 1978.

We have decided to terminate this investigation. The Part-Charter Phase (Docket 27918-1) will, however, be continued.

The purpose of this investigation was to "establish reasonable standards and guidelines [for] evaluating both fare level and fare structure, on a recurrent basis, in the context of North Atlantic fare agreements that are reached in IATA Traffic Conferences and are filed with the Board for its approval." The investigation was instituted shortly after the completion of the Domestic Passenger Fare Investigation (DPFI), Docket 21866, which established ratemaking standards and policies on an industry-wide basis for air transportation within the 48 States. Thus, the Board contemplated that the North Atlantic Fares Investigation would "mirror" the DPFI, insofar as it would consider the establishment of long-term ratemaking standards, with appropriate allowance for the Board's inability to prescribe international fares.²

In the years since this investigation was started, there have been profound changes in both the Board's fare policies and the international fare-setting mechanism. We have moved away from strict DPFI-style ratemaking and placed more reliance on carrier management to establish fares geared to

¹Order 78-10-12, dated Oct. 1, 1976, at 2.
²Order 75-6-42, dated June 9, 1975, at 2.

the needs of the marketplace. Our underlying philosophy is that competition is a more efficient price regulator than government, and that excessively high prices can be inhibited effectively by the presence of aggressive competitors or the threat of entry. Therefore, we have endeavored to increase the forces of competition in the airline industry by encouraging market entry, particularly where an applicant proposes to institute lower fares or improve service. The result in domestic markets has been a dramatic increase in price competition, with the introduction of innovative fares and services designed to reflect the operating characteristics and marketing philosophies of individual carriers. This trend has spread to the international area as well, where we have seen both new services, such as Laker's Skytrain, and new low fares, such as the APEX, standby, and budget, by both new and established scheduled airlines. Indeed, at the present time the filing of uniform fares in conformance with IATA Traffic Conference Agreements has been largely discontinued, and an open-rate situation prevails in the North Atlantic in which each carrier devises fares that it believes will be in its best interest. In evaluating a unilateral filing, the Board now chooses to rely on the carrier's judgment of its self-interest, without speculating about whether it would be profitable for all carriers in the market.

Thus, a strict DPFI-style set of rate-making standards and policies on an industry-wide basis would be totally at odds with our current policy of encouraging competition. Although we still view with concern the high level of normal economy fares in the North Atlantic and possible cross-subsidizations of discount passengers by full-fare passengers, we are reluctant to dampen the initiative of carrier management by restricting fares to a predetermined structure based on the average of all carrier costs, or to restrict our ability to evaluate new fare filings on a case-by-case basis. While the information submitted in this docket by the carriers indicates specific problem areas that may require Board action, such as prorate dilution and stop-over provisions, these can be dealt with in rulemakings of limited scope. For these reasons, a comprehensive fare investigation is no longer necessary or desirable; we will therefore terminate the North Atlantic Fares Investigation.

We have decided to continue the Part-Charter Phase rulemaking, Docket 27918-1. This rulemaking is designed to explore the feasibility of various types of "fill-up" fares in scheduled service, including the so-called "part-charter" fares proposed by several carriers. Since the result may be greater freedom for the scheduled car-

riers to offer low-fare services, it is clearly in line with current Board fare policies, and should be continued.

Accordingly, *It is ordered, That:*

1. The investigation in Docket 27918 is terminated.

2. The Part-Charter Phase, Docket 27918-1, will continue as a separate investigation.

3. Copies of this order will be served on the persons named in the service lists in Dockets 27918 and 27918-1.

This order will be published in the *FEDERAL REGISTER*.³

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-15390 Filed 6-1-78; 8:45 am]

[6335-01]

COMMISSION ON CIVIL RIGHTS

FLORIDA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Florida Advisory Committee (SAC) of the Commission will convene at 9 a.m. and will end at 1 p.m. on June 21, 1978, El Toro Room, Sheraton Motel, 224 E. Gordan Street, Pensacola, Fla. 32501.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, 75 Piedmont Avenue NE., Atlanta, Ga. 30303.

The purpose of this meeting is to review proceedings of Regional SAC Conference, discuss role of SAC's in Commission organization, outline Commission Programming for fiscal years 1979 and 1980, plan SAC activity for balance of fiscal year 1978.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., May 30, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc. 78-15367 Filed 6-1-78; 8:45 am]

[3510-24]

DEPARTMENT OF COMMERCE

Economic Development Administration

PARK SILK COMPANY, INC., BENNETT IMPORTING CO., AND GERALYN BLOUSE CO.

Petitions for Adjustment Assistance; Investigations

Petitions were accepted for filing from three firms: (1) Park Silk Co.,

³All members concurring.

Inc., 2 Park Avenue, New York, N.Y. 10012, producer of fabric (accepted May 15, 1978); (2) Bennett Importing Co., Inc., 19 Bennett Street, Lynn, Mass. 01905, a producer of novelty, sports, and casual shoes for women (accepted May 15, 1978); and (3) GERALYN BLOUSE CO., Inc., 536 Broadway, New York, N.Y. 10012, producer of women's blouses (accepted May 18, 1978). The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and §315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBURN, JR.,
Chief, Trade Act Certification
Division, Office of Planning
and Program Support.

[FR Doc. 78-15323 Filed 6-1-78; 8:45 am]

[3510-25]

Industry and Trade Administration

ELECTRON MICROSCOPES

Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00168. Applicant: Frederick Cancer Research Center, P.O. Box B, Frederick, Md. 21701. Ar-

ticle: Electron Microscope, Model EM 201C and Accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used to investigate changes in cells related to the development of tumors following exposure to cancer inducing chemicals. The project is an integral part of a comprehensive study of the induction of human cancer by chemicals in the environment. The results of the electron microscopic studies will be correlated with parallel biochemical and biological experiments dealing with chemical transformation of chemicals in the tissue and of changes in the tissue cells which will be observed by light and electron microscopy. Article ordered: September 23, 1977.

Docket No. 78-00174. Applicant: University of Florida, Department of Anatomy, MG-42 M.S.B., Gainesville, Fla. 32610. Article: Electron Microscope, Model JEM 100S Including Water Recirculator and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for experiments involving the study of Cryptorchidism in mammals and the characterization of Sertoli cell functions using tracer elements. These experiments will be conducted in order to develop and improve upon current techniques for the production of new information regarding the characterization of Sertoli cell functions at the ultrastructural level. Article ordered: February 8, 1978.

Docket No. 78-00177. Applicant: University of Nebraska, Lincoln, 14th and R Streets, Lincoln, Nebr. 68588. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to study micro-organisms, viruses, and nucleic acids, the interaction of plants and pathogens, and plant responses to disease and stress at the cellular level. Experiments will include serological, autoradiographic, and ultrastructural studies by electron microscopy to characterize viruses and antigens and determine their location in plant hosts and vectors and their probable site, sequence, and method of synthesis; determination of physiological and cytological changes in plants and vectors caused by viral, fungal, or bacterial pathogens and the relation of these changes to the general problem of the interaction of virus, fungus, bacterium, plant, and vector, study of translocation of pesticides and herbicides in plants; localization of heavy metal uptake by crop plants grown on soils into which municipal wastes were incorporated. The articles will also be used in teaching a course in electron microscope techniques to individual students in lieu of university language requirements. Article ordered: February 21, 1978.

Docket No. 78-00184. Applicant: The Ohio State University, College of Veterinary Medicine, 1900 Coffey Road, Columbus, Ohio 43210. Article: Electron Microscope, Model H-300 and Accessories. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used to confirm that sphincteric areas of the intracranial arteries in the dog are morphologically unlike those of the intestine and colon then the question of innervation becomes significant. Association of the sphincteric areas with the autonomic nervous system would suggest function as peripheral resistance vessels and help account for the greater blood supply available to the brain shock. The article will also be used for training of graduate students and as a research tool by students on Master of Science and Ph. D. program. In addition, the faculty will be using the article for the preparation of teaching materials for undergraduate professional veterinary programs. These materials will be used in all of teaching materials for undergraduate professional veterinary programs. These materials will be used in all of the "systems courses," covering histological and small surface structures of the respiratory, cardiovascular, digestive, reproductive, and musculoskeletal systems. Article ordered: January 11, 1978.

Docket No. 78-00195. Applicant: The University of Texas System Cancer Center, M.D. Anderson Hospital and Tumor Institute Science Park, Research Division, Buescher State Park, P.O. Box 418, Smithville, Tex. 78957. Article: Electron Microscope, Model EM 201 and accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in conducting the following experiments:

- (a) Studies of eggs and sperm in fertilization studies in sea urchins;
- (b) particle distribution and size in plasma membranes in fruit flies (*Drosophila*) in reference to circadian rhythms;
- (c) structure and development of male reproductive structures in selected species of algae; and
- (d) structure of walls and internal components in algal cells and how these structures relate and effect functions of tissues. The article will also be used for independent research at the graduate and postdoctoral level as well as in a course in cellular biology for advance undergraduates. Article ordered: December 29, 1977.

Docket No. 78-00197. Applicant: Medical College of Georgia, 1120 15th Street, Augusta, Ga. 30901. Article: Electron Microscope, Model EM400 HMG and Accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for studies of biological materials derived from laboratory animals and/or

humans. The experiments to be conducted will include the following:

- (a) Examination and photographic recording of tissue sections, 500A to 4µm thick, from normal and experimentally altered laboratory animals;
- (b) examination and photographic recording of normal and experimentally altered whole cells from tissue culture;
- (c) examination of cells, organelles, inclusions and cell membranes from (a) and (b) above using eucentric goniometer to optimize the orientation of these structure for photographic analyses; and (d) examination and photographic recording of normal and pathological human tissue, including the use of goniometric analysis as detailed in (c) above.

All projects are directed at providing as detailed a correlation of structural relationships with regard to normal experimentally altered and/or pathological states as possible. The article will also be used for educational purposes in the courses: Anatomy 814. High Resolution Microscopy (the basic technique in electron microscopy) and Anatomy 322. Advanced High Resolution Microscopy (advance and specialized techniques of electron microscopy). Application received by Commissioner of Customs: April 6, 1978.

Docket No. 78-00199. Applicant: Stanford University, 851 Welch road, Palo Alto, Calif. 94304. Article: Electron Microscope, Model EM 201 with Plate Camera and Accessories. Manufacturer: Philips Electronics Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in conducting the following experiments:

- (a) Studies of eggs and sperm in fertilization studies in sea urchins;
- (b) particle distribution and size in plasma membranes in fruit flies (*Drosophila*) in reference to circadian rhythms;
- (c) structure and development of male reproductive structures in selected species of algae; and
- (d) structure of walls and internal components in algal cells and how these structures relate and effect functions of tissues. The article will also be used for independent research at the graduate and postdoctoral level as well as in a course in cellular biology for advance undergraduates. Article ordered: December 29, 1977.

Docket No. 78-00203. Applicant: Biomedical Laboratory, Aberdeen Proving Ground Edgewood Area, Aberdeen Proving Ground, Md. 21010. Article: Electron Microscope, Model JEM 100S. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study ultrastructural changes in animal tissues to detect changes caused by potentially toxic chemicals. Article ordered: December 20, 1977.

Docket No. 78-00204. Applicant: The Johns Hopkins University, Charles

and 34th Streets, Baltimore, Md. 21218. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for localization of enzyme activities in bone and cartilage cells using electron microscopic histochemistry and investigations of the substructure of bone and cartilage cells, and noncellular matrix secreted and resorbed by these cells, including collagen fibers, proteoglycans and mineral crystals. The objectives of these studies include gaining insight into the control mechanisms of skeletal growth and development, and the identification and characterization of bone and cartilage lysosomal enzymes. Application received by Commissioner of Customs: April 6, 1978.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory
Import Programs Staff.

[FR Doc. 78-15363 Filed 6-1-78; 8:45 am]

[3510-25]

NIH-BETHESDA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific

tific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00128. Applicant: National Institutes of Health, National Institute of Dental Research, 9000 Rockville Pike, Bethesda, Md. 20014. Article: LKB 2128-010 Ultratome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of undermineralized tooth and bone, exocrine glands and tissue cultural cells. Investigations will include studies on the process of mineralization, exocrine gland structure and function, cytochemical studies on various cellular organelles, electron diffraction of mineralized tissues, and energy dispersive X-ray analysis of various tissues. The article will also be used in teaching basic electron microscopy and cytochemistry.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a cutting speed range of 0.1 to 50 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by the National Bureau of Standards in its memorandum dated May 16, 1978, that: (1) cutting speeds in the excess of 4 mm/sec. are pertinent to the applicant's research studies, and (2) the domestic instrument does not provide the pertinent feature. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Statutory
Import Programs Staff.

[FR Doc. 78-15364 Filed 6-1-78; 8:45 am]

[3510-25]

BONA FIDE MOTOR-VEHICLE MANUFACTURERS

Names and Addresses

AGENCY: U.S. Department of Commerce, Industry and Trade Administration, Bureau of Domestic Business Development.

ACTION: List of Names and Addresses of Bona Fide Motor-Vehicle Manufacturers.

SUMMARY: In accordance with headnote 2 to Subpart B, Part 6, Schedule 6 of the Revised Tariff Schedules of the United States (19 U.S.C. 1202) and 15 CFR Part 315 the following is a list of the names and addresses of bona fide motor-vehicle manufacturers, as determined by the Deputy Assistant Secretary for Domestic Business Development Department of Commerce, and the effective date for each such determination. Each determination shall be effective for the 12-month period beginning on the determination date shown following the name and address of each manufacturer. From time to time this list will be revised, as may be appropriate, to reflect additions, deletions, or other necessary changes.

EFFECTIVE DATE: May 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Thomas C. Meehan, Industry Specialist, Transportation and Capital, Equipment Division, Office of Producer Goods, 202-377-4816.

UNITED STATES BONA FIDE MOTOR VEHICLE MANUFACTURERS LIST MAY 1, 1978 WITH DATE OF CERTIFICATION

Adams International Truck Co., Inc., 116 Carroll St., P.O. Box 1556, Thomasville, Ga. 31792, January 18, 1978.
Adolph Truck Equipment, Inc., 1701 Fairfax Trfwy., Kansas City, Kans. 66115, January 1, 1978.
Allentown Brake & Wheel Service, Inc., R.D. 3, P.O. Box 2088, Allentown, Pa. 18001, October 19, 1977.
Allied Truck Equipment, 4524 Clyde Park Ave., Grand Rapids, Mich. 49509, January 1, 1978.
American Equipment & Trailer, Inc., 610 North Grand, Drawer 4028, Amarillo, Tex. 79105, January 1, 1978.
AM General Corp., 32500 Van Born Rd., Wayne, Mich. 48184, April 1, 1978.
American La France, Division of A-T-O, Inc., 100 East La France St., Elmira, N.Y. 14902, July 8, 1977.
American Motors Corp., 27777 Franklin Rd., Southfield, Mich. 48034, January 1, 1978.

American Trailer, Inc., 1500 Exchange Ave., Oklahoma City, Okla. 73126, January 1, 1978.
American Trailer Service, Inc., 2814 North Cleveland Ave., St. Paul, Minn. 55113, January 18, 1978.
Amthor Welding Service, Inc., 307 State Route 52 East, Walden, N.Y. 12586, July 9, 1977.
Harold G. Anderson Equipment Corp., One Anderson Drive, Albany, N.Y. 12205, October 4, 1977.
Antietam Equipment Corp., P.O. Box 91, Hagerstown, Md. 21740, January 1, 1978.
ARC Welding & Fabricating Co., 71 Mill Street Victoria Mount, Johnston, R.I. 02919, July 1, 1977.
Arctic Enterprises, Inc., P.O. Box 635, Thief River Falls, Minn. 56701, August 1, 1977.
Arkansas Trailer Manufacturing, Inc., P.O. Box 4058, Asher Avenue Station, 32nd & Elm St., Little Rock, Ark. 72204, January 1, 1978.
Arrow Trailer & Equipment Co., 140 North Dirksen Parkway, Springfield, Ill. 62702, April 1, 1978.
Ateco Equipment, Inc., P.O. Box 8741, Pittsburgh, Pa. 15521, April 1, 1978.
ATTEX, Inc., 870 West Main St., East Palestine, Ohio 44413, August 1, 1977.
Automated Waste Equipment Co., Inc., 328 4th St., Trenton, N.J. 08638, September 1, 1977.
Automotive Service Co., 111-113 North Waterloo, Jackson, Mich. 49204, January 18, 1978.
Avanti Motor Corp., 765 South Lafayette Blvd., P.O. Box 1918, South Bend, Ind. 46634, January 10, 1978.
B.E.C. Truck Equipment, Inc., 3209 Vestal Parkway East, Vestal, N.Y. 13850, March 6, 1978.
Bethlehem Fabricators, Inc., 1700 Riverside Dr., P.O. Box 70, Bethlehem, Pa. 18016, January 20, 1978.
Allan U. Bevier, Inc., 1201 Ridgely St., Baltimore, Md. 21230, April 1, 1978.
Blue Bird Body Co., P.O. Box 937, Fort Valley, Ga. 31030, January 18, 1978.
Bock Products, Inc., 1901 West Hively Ave., Elkhart, Ind. 46514, January 1, 1978.
Boone Heavy Duty Trailer, Inc., Route 20 East, Palmer, Mass. 01069, January 1, 1978.
Borbein Young & Co., 234 North Sherman St., Springfield, Mo. 65806, January 1, 1978.
Boyetown Auto Body Works, Inc., Boyertown, Pa. 19512, September 1, 1977.
Brake & Equipment Co., Inc., 1801 North Mayfair Rd., Milwaukee, Wis. 53226, January 1, 1978.
Brake Service & Parts, Inc., 170 Washington St., Bangor, Maine 04401, January 18, 1978.
Bristol-Donald Co., Inc., Bristol-Donald Manufacturing Corp., 50 Roanoke Ave., Newark, N.J. 07105, January 1, 1978.
Broadway-St. Louis, Inc., 104 Elam Dr., Valley Park, Mo. 63088, December 15, 1977.
Bus Andrews Equipment, Sales & Service, Inc., 2828 East Kearney St., Springfield, Mo. 65803, January 1, 1978.
Bush Hog Loadercraft, P.O. Box 431, Brady, Tex. 76825, January 1, 1978.
Caelder Industries, Inc., Purdy Ave., Watertown, N.Y. 13601, April 1, 1978.
The Carnegie Body Co., 9500 Brookpark Rd., Cleveland, Ohio 44129, January 1, 1978.
Champion Carriers, Inc., 2321 E. Pioneer Dr., Irving, Tex. 75061, October 20, 1977.

Champion Home Builders Co., 5573 East North St., Dryden, Mich. 48428, August 1, 1977.
Checker Motors Corp., 2016 North Pitcher St., Kalamazoo, Mich. 49007, January 1, 1978.
Cherry Valley Tank Division, Inc., 75 Cantigue Rd., Westbury, N.Y. 11590, April 1, 1978.
Chrysler Corp., CIMS 416-16-06, Chrysler Center, 12000 Oakland Ave., Highland Park, Mich. 48288, January 18, 1978.
B.M. Clark Co., Inc., Route 17, P.O. Box 185, Union, Maine 04862, January 14, 1978.
D.W. Clark Road Equipment, Inc., 448 East Brighton Ave., Syracuse, N.Y. 13205, May 1, 1978.
Clark Truck Equipment Co., 6821 Academy Parkway West, NE, Albuquerque, N. Mex. 87103, January 1, 1978.
Fred Clemett & Co., Inc., 2020 Lemoyne St., Syracuse, N.Y. 13211, July 1, 1977.
Collins Industries, Inc., P.O. Box 58, Hutchinson, Kans. 67501, Dec. 1, 1977.
Comet Corp., N. 3808 Sullivan Rd., Spokane, Wash. 99216, January 18, 1978.
Commercial Truck & Trailer, Inc., 313 North State St., Girard, Ohio 44420, January 1, 1978.
Cook Body Co., 3701 Harlee Ave., Charlotte, N.C. 28208, October 22, 1977.
Correct Manufacturing Corp., London Road Extension, Delaware, Ohio 43015, July 1, 1977.
Cortez Enterprises, Inc., 777 Stow St., Kent, Ohio 44240, February 1, 1978.
Crane Carrier Co., 1925 North Sheridan, Tulsa, Okla. 74151, September 19, 1977.
Crenshaw Corp., 1700 Commerce Rd., Richmond, Virginia 23224, July 1, 1977.
Cross Truck Equipment Co., Inc., 1801 Perry Drive SW., Canton, Ohio 44706, August 23, 1977.
Crown Coach Corp., 2428 East 12th St., Los Angeles, Calif. 90021, March 20, 1978.
Daleiden Auto Body & Manufacturing Corp., 425 East Vine St., Kalamazoo, Mich. 49001, January 12, 1978.
Darby Equipment Co., Inc., P.O. Box 5698, Longview, Tex. 76501, January 1, 1978.
Dealers Truck Equipment Co., Inc., 2460 Midway St., P.O. Box 31435, Shreveport, La. 71130, January 1, 1978.
Dealers Truckstell Sales, Inc., 653 Beale St., P.O. Box 502, Memphis, Tenn. 38101, January 1, 1978.
Decker Tank Co., Division of Chet Decker Auto Sales, 300 Lincoln Ave., Hawthorne, N.J. 07506, November 3, 1977.
John Deere Horicon Works of Deere & Co., 220 East Lake St., Horicon, Wis. 53032, June 1, 1977.
Delevan Industries, 1560 Harlem Rd., Buffalo, N.Y. 14206, January 1, 1978.
Downs Clark, P.O. Drawer 1376, Brownwood, Tex. 76801, January 19, 1978.
Dufrane Motors Distributors, Inc., 417 East Main St., Malone, N.Y. 12953, January 1, 1978.
Dunham Manufacturing Co., Inc., P.O. Box 430, Minden, La. 71055, January 1, 1978.
Dutac, Inc., 60 Lumber St., Hopkington, Mass. 01748, January 15, 1978.
Eastern Tank Corp., 290 Pennsylvania Ave., Paterson, N.J. 07503, January 1, 1978.
Eight Point Trailer Corp., 6100 East Washington Blvd., Los Angeles, Calif. 90040, January 18, 1978.
Equipment Industries, 100 Pavonia Ave., Jersey City, N.J. 07032, January 1, 1978.
Equipment Service, Inc., 40 Airport Rd., Hartford, Conn. 06114, April 1, 1978.

E. D. Etnyre & Co., 200 Jefferson St., Oregon, Ill. 61061, October 1, 1977.
E. & R. Trailer Sales, Inc., RFD No. 1, Middle Point, Ohio 45863, January 1, 1978.
Euclid Inc., 2221 St. Clair Ave., Cleveland, Ohio 44117, August 1, 1977.
Ewell Equipment Co., 307 North Timberland Dr., Lufkin, Tex. 75901, February 1, 1978.
Excalibur Automobile Corp., 1735 South 106th St., Milwaukee, Wis. 53214, May 22, 1977.
Fasino's Power Brake Inc., 291 Jay St., Rochester, N.Y. 14608, January 1, 1978.
Fifth Wheel, Inc., Box 15706, Tulsa, Okla. 74115, January 1, 1978.
Fleet Equipment Co., 10605 Harry Hines, P.O. Box 20578, Dallas, Tex. 75220, January 1, 1978.
Ford Motor Co., The American Rd., Dearborn, Mich. 48121, January 18, 1978.
F & P Truck & Trailer Equipment Division, 254-266 Central Ave., Newark, N.J. 07103, October 12, 1977.
Freightliner Corp., 4747 North Channel Ave., Portland, Ore. 97217, December 14, 1977.
French Tool & Supply Co., 915 East Second St., P.O. Box 2752, Odessa, Tex. 79760, January 1, 1978.
Fruehauf Corp., 10900 Harper Ave., Detroit, Mich. 48213, December 1, 1977.
FWD Corp., 105 East 12th St., Clintonville, Wis. 54929, January 1, 1978.
Peter Garafano & Son, Inc., 264 Wabash Ave., Paterson, N.J. 07503, June 4, 1977.
Garnon Truck Equipment Co., 1617 Peninsula Dr., Erie, Pa. 16505, January 1, 1978.
General Motors Corp., 3044 West Grand Blvd., Detroit, Mich. 48202, January 19, 1978.
General Trailer Co., Inc., 546 West Wilkins St., Indianapolis, Ind. 46225, January 27, 1978.
General Truck Equipment & Trailer Sales, 5310 Broadway Ave., Jacksonville, Fla. 32205, January 1, 1978.
Gillig Bros., 25800 Clawitter Rd., Hayward, Calif. 94545, January 1, 1978.
Gilson Bros., P.O. Box 152, Plymouth, Wis. 53073, September 26, 1977.
Gooch Brake & Equipment Co., 508 Grand Ave., Kansas City, Mo. 64108, January 6, 1978.
Granning Service Corp., 2471 Wyoming Ave., Dearborn, Mich. 48121, January 1, 1978.
The Greyhound Corp., Greyhound Tower, Phoenix, Ariz. 85077, d.b.a. Motor Coach Industries, Inc., Pembina, N. Dak. 58271, and Transportation Manufacturing Corp., Roswell, N. Mex. 88201, August 1, 1977.
Grumman Flexible Corp., 970 Pittsburgh Dr., Delaware, Ohio 43015, January 1, 1978.
Hackney & Sons, 400 Hackney Ave., Washington, N.C. 27889, January 1, 1978.
Hallenberger, Inc., 5716 Boonville Highway, P.O. Box 5085, Evansville, Ind. 47715, January 1, 1978.
Harley-Davidson Motor Co., Inc., 3700 West Juneau Ave., Milwaukee, Wis. 53201, April 1, 1978.
Harris Truck & Trailer Sales Inc., 2145 Independence, Cape Girardeau, Mo. 63701, January 1, 1978.
Harvel Truck Equipment, Inc., 1000 East 8th St., Los Angeles, Calif. 90021, January 1, 1978.
Heil Equipment Co. of Philadelphia Inc., 1223 Ridge Pike, Conshohocken, Pa. 19428, January 1, 1978.
Hendrickson Manufacturing Co., 8001 West 47th St., Lyons, Ill. 60534, January 1, 1978.

Herter's, Inc., Route 1, Waseca, Minn. 56093, May 18, 1977.
The Hess & Eisenhardt Co., 8959 Blue Ash Rd., Cincinnati, Ohio 45242, January 9, 1978.
Hews Body Co., 190 Rumery St., South Portland, Maine 04106, January 18, 1978.
Hobbs Equipment Co., Inc., Keeler Ave., P.O. Box 59, Norwalk, Conn. 06954, August 9, 1977.
O. G. Hughes & Sons, Inc., 4816 Rutledge Pike, P.O. Box 8277, Knoxville, Tenn. 37914, January 1, 1978.
Hunting Brakes Service, Inc., 448 East Jericho Turnpike, Huntington, N.Y. 11746, January 1, 1978.
Hustler Corp., 3029 Distribution Dr., Jonesboro, Ark. 72401, November 1, 1977.
Illinois Auto Central, Inc., 4750 South Central Ave., Chicago, Ill. 60638, January 1, 1978.
Indiana Truck & Trailer, 2017 Highway 41 North, Evansville, Ind. 47727, January 1, 1978.
International Body Co., Inc., 545 Duke Rd., Buffalo, N.Y. 14225, January 1, 1978.
International Harvester Co., 401 North Michigan Ave., Chicago, Ill. 60611, January 18, 1977.
Iroquois Manufacturing Co., Inc., Richmond Rd., Hinesburg, Vt. 05461, July 1, 1977.
Jeep Corp., 27777 Franklin Rd., Southfield, Mich. 48034, January 1, 1978.
Kaffenbarger Welding Co., 10100 Ballentine Pike, New Carlisle, Ohio 45344, January 1, 1978.
Kawasaki Motors Corp., 2009 E. Edinger Ave., Santa Ana, Calif. 92711, January 1, 1978.
Kencar Equipment Co., 1906 Lakeview Ave., Dayton, Ohio 45408, January 19, 1978.
L. W. Ledwell & Son, Inc., 3300 Waco St., Texarkana, Tex. 75501, January 1, 1978.
Leland Equipment Co., 7777 East 42d Place South, P.O. Box 45128, Tulsa, Okla. 74145, January 18, 1978.
Loadking, Elk Point, S. Dak. 57025, January 1, 1978.
Long Trailer Service, Inc., P.O. Box 5105, Greenville, S.C. 29606, January 1, 1978.
Mack Trucks, Inc., P.O. Box M, Allentown, Pa. 18105, January 1, 1978.
Maday Body & Equipment Corp., 575 Howard St., Buffalo, N.Y. 14206, January 1, 1978.
Madison Truck Equipment, Inc., 2410 S. Stoughton Rd., Madison, Wis. 53716, October 22, 1977.
Manning Equipment, Inc., 12000 Westport Rd., P.O. Box 23229, Louisville, Ky. 40223, April 16, 1978.
Marmon Motor Co., P.O. Box 5175, Dallas, Tex. 75222, January 1, 1978.
Maxon Industries, Inc., 1960 East Slauson Ave., Huntington Park, Calif. 90255, August 16, 1977.
Mickey Truck Bodies, Inc., P.O. Box 2044, High Point, N.C. 27261, June 30, 1977.
Middlehauff, Inc., 1615 Ketcham Ave., Toledo, Ohio 43608, January 18, 1978.
Mid West Truck Equipment Sales Corp., 4041 North Brush College Rd., R.R. 7 Box 463F, Decatur, Ill. 62521, February 22, 1978.
Moline Body Co., 222 52d St., Moline, Ill. 61265, January 6, 1978.
Monon Trail, a Division of Evans Transportation Co., P.O. Box 655, Monon, Ind. 47959, April 8, 1978.
Moore & Sons, Inc., P.O. Box 30091, Memphis, Tenn. 38130, January 1, 1978.

Motor Truck Equipment Corp., 2950 Irving Blvd., P.O. Box 47385, Dallas, Tex. 75247, January 1, 1978.

Mount Vernon Truck & Body Co., 2222 South 10th St., Mount Vernon, Ill. 68264, January 1, 1978.

Mutual Wheel Co., 2345 4th Ave., Moline, Ill. 61265, February 20, 1978.

Nabors Trailers, Inc., P.O. Box 979, Mansfield, La. 71052, January 1, 1978.

Neil's Automotive Service, Inc., 167 East Kalamazoo Ave., Kalamazoo, Mich. 49007, January 1, 1978.

Nelson Manufacturing Co., Route 1, Box 90, Ottawa, Ohio 45875, January 1, 1978.

Ness Co., The, P.O. Box 365, York, Pa. 17405, January 1, 1978.

New Method Equipment Co., 707 27th Avenue SW., P.O. Box 4638, Cedar Rapids, Iowa 52407, January 1, 1978.

Newark Truck Parts, Inc., 560 Market St., Newark, N.J. 07105, January 1, 1978.

Novi Manufacturing Co., P.O. Box 324, 25701 Seeley Rd., Novi, Mich. 48050, November 1, 1977.

Ohio Body Manufacturing Co., North Main St., New London, Ohio 44851, January 1, 1978.

Ohio Truck Equipment, Inc., 4100 Rev Dr., Cincinnati, Ohio 45232, January 1, 1978.

Olson Bodies, Inc., 600 Old Country Rd., Garden City, N.Y. 11530, November 1, 1977.

Olson Trailer & Body Builders Co., 2740 South Ashland Ave., P.O. Box 2445, Green Bay, Wis. 54306, January 18, 1978.

Oshkosh Truck Corp., 2307 Oregon St., Oshkosh, Wis. 54901, January 18, 1978.

Ottawa Truck Division, Gulf & Western Manufacturing Co., 415 East Dundee St., Ottawa, Kans. 66067, January 1, 1978.

Outboard Marine Corp., 100 Sea Horse Dr., Waukegan, Ill. 60085, January 18, 1978.

PACCAR, Inc., d.b.a. Kenworth Truck Co., Peterbilt Motors Co., P.O. Box 1518, Bellevue, Wash. 98009, January 18, 1978.

Palmer Spring Co., 355 Forest Ave., Portland, Maine 04101, January 18, 1978.

Palmer Trailer Sales Co., Inc., 182 Park St., Palmer, Mass. 01069, January 18, 1978.

Peabody Gillion Corp., 500 Sherman St., Gillion, Ohio 44833, November 1, 1977.

Peerless Division, Royal Industries, Inc., 18205 Southwest Boones Ferry Rd., Tualatin, Oreg. 97062, January 8, 1978.

Perfection Equipment Co., 5100 West Reno, Box 75540, Oklahoma City, Okla. 73107, January 12, 1978.

Petroleum Equipment & Supply Co., Inc., 321 Forbes Ave., New Haven, Conn. 06512, September 28, 1977.

Pezzani & Reid Equipment Co., 3960 West Fort St., Detroit, Mich. 48218, January 1, 1978.

Pheonix Manufacturing, Inc., 375 West Union St., Nanticoke, Pa. 18634, February 20, 1978.

Polaris E-Z-Go Division of Textron, Inc., 1225 North Country Rd. 18, Minneapolis, Minn. 55427, August 2, 1977.

C. E. Pollard Co., 13575 Auburn Ave., Detroit, Mich. 48223, July 27, 1977.

Power Brake Service & Equipment Co., 1022 Carnegie Ave., Cleveland, Ohio 44115, January 1, 1978.

Progress Industries, Inc., 400 East Progress St., Arthur, Ill. 61911, October 1, 1977.

Quality Truck Equipment Co., Route 66 Bypass and Mercer Ave., P.O. Box 102, Bloomington, Ill. 61702, January 1, 1978.

Recreatives Industries, Inc., 60 Depot St., Buffalo, N.Y. 14206, July 13, 1977.

Reliable Spring Co., Inc., 10557 South Michigan Ave., Chicago, Ill. 60628, January 20, 1978.

Roanoke Welding Co., P.O. Box 4373, Roanoke, Va. 24015, January 1, 1978.

Rowland Truck Equipment, Inc., 2900 Northwest 73d St., Miami, Fla. 33147, November 19, 1977.

R/S Truck Body Co., Inc., P.O. Box 420, Allen, Ky. 41601, January 1, 1978.

Ryder Truck Rental, P.O. Box 5, Red Hill, Pa. 18076, January 1, 1978.

Ryder Truck Rental, 2770 Bluff Rd., Indianapolis, Ind. 46225, January 1, 1978.

Sanitary Equipment Co., Inc., P.O. Box 836, Orange, Conn. 96477, March 17, 1978.

Schien Body & Equipment Co., Inc., North on University, Carlinville, Ill. 62828, January 18, 1978.

Scientific Brake & Equipment Co., 314 West Genesee Ave., Saginaw, Mich. 48602, January 19, 1978.

Scorpion, Inc., Box 300, Crosby, Minn. 56441, April 29, 1978.

Sebring-Vanguard, Inc., Sebring Air Terminal, P.O. Box 1479, Sebring, Fla. 33870, July 1, 1977.

Sharpsville Steel Equipment Co., 6th and Main Sts., Sharpsville, Pa. 16150, January 2, 1978.

Smith-Moore Body Co., Inc., P.O. Box 27287, Richmond, Va. 23261, January 18, 1978.

Somerset Welding & Steel, Inc., P.O. Box 628, Somerset, Pa. 15501, January 1, 1978.

South Florida Engineers, Inc., 5911 East Buffalo Ave., P.O. Box 11927, Tampa, Fla. 33680, July 2, 1977.

Southwest Truck Body Co., 200 Sidney St., St. Louis, Mo. 63104, February 11, 1978.

Spring Valley Dodge, Inc., 19 South Main St., Spring Valley, N.Y. 10977, April 1, 1978.

Steffen, Inc., 623 West Seventh St., Sioux City, Iowa 51103, November 4, 1977.

Superior Lima Division, Sheller-Globe Corp., 1200 East Kibby St., Lima, Ohio 45802, March 20, 1978.

George Swanson & Son, Inc., 5400 Marshall, Arvade, Colo. 80002, November 1, 1977.

Thokol Corp., Logan Division, 2503 North Main St., Logan, Utah 84321, January 15, 1978.

Thomas Built Buses, Inc., 408 Courtesy Rd., High Point, N.C. 27161, August 1, 1977.

Impte, 075 East 74th Ave., Commerce City, Colo. 80022, January 1, 1978.

Traffic Transport Engineering, Inc., 8900 Goddard Rd., Romulus, Mich. 48174, January 1, 1978.

Transport Equipment Co., 400, Sixth Ave., South, P.O. Box 3817, Seattle, Wash. 98124, January 18, 1978.

Truck Equipment Co., Inc., 911 Southwest Washington St., Peoria, Ill. 61601, January 18, 1978.

Truck Equipment, Inc., 80 Potts Ave., Green Bay, Wis. 54303, January 18, 1978.

Truck Equipment Co., 900 Wheeler, P.O. Box 837, Fort Smith, Ark. 72901, January 1, 1978.

Truck Equipment, Inc., 560 Northeast 44th Ave., P.O. Box 3265, Des Moines, Iowa 50316, January 1, 1978.

Truck Equipment Service Co., 00 Oak St., Lincoln, Nebr. 68521, January 1, 1978.

The Truck Engineering Co., 200 East Pont-

Truck Parts & Equipment, Inc., 4501 West Esthner, Wichita, Kans. 67209, November 11, 1977.

Turtle Top Corp., 118 West Lafayette St., Goshen, Ind. 46526, October 14, 1977.

Union City Body Co., Inc., 1015 West Pearl St., Union City, Ind. 47390, August 15, 1977.

Unit Rig & Equipment Co., P.O. Box 3107, Tulsa, Okla. 74101, January 1, 1978.

Varniman International, Inc., 30 Central Ave., Farmingdale, N.Y. 11735, January 1, 1978.

Vernon Blvd. Truck Equipment, Inc., 32-03 Vernon Blvd., Long Island City, N.Y. 11106, June 1, 1977.

Volkswagen Manufacturing Corp of America, 7111 East Eleven Mile Rd., Warren, Mich. 48090, October 11, 1977.

Vulcan Trailer Manufacturing Co., 1321, Third St., Ensley, Birmingham, Ala. 35214, December 1, 1977.

Walter Motor Truck Co., School Rd., Voorheesville, N.Y. 12186, April 29, 1978.

Ward School Bus Manufacturing, Inc., Highway 65, South, Conway, Ark. 72032, April 19, 1978.

Wayne Corp., an Indian Head Co., P.O. Box 1447, Industries Rd., Richmond, Ind. 47374, October 31, 1977.

Wayne Engineering Corp., P.O. Box 648, Cedar Falls, Iowa 50613, January 1, 1978.

Westinghouse Air Brake Co., Construction & Mining Equipment Group, 2300 Northeast Adams St., Peoria, Ill. 61639, February 1, 1978.

Weston Equipment Co., Inc., 130 Railroad Hill St., Waterbury, Conn. 06708, January 3, 1978.

Wheels & Brakes Inc., 1270 Memorial Dr. SE, Atlanta, Ga. 30318, January 1, 1978.

Wheel & Rim Sales Co., 435 West State St., Columbus, Ohio 43215, January 1, 1978.

White Motor Corp., 35129 Curtis Blvd., Eastlake, Ohio 44044, January 18, 1978.

White Trucks & Equipment Sales, Inc., 2401 Dinneen Ave., Orlando, Fla. 32804, December 1, 1977.

Winnebago Industries, Inc., Jct. Highway 9 and 69, Forest City, Iowa 50436, March 19, 1978.

Wollard Aircraft Equipment, Inc., 8950 Northwest 77th Ct., Miami, Fla. 33166, December 1, 1977.

Wyman's Inc., Box 541, Montpeller, Vt. 05602, July 1, 1977.

ROBERT E. SHEPARD,
Deputy Assistant Secretary for
Domestic Business Development.

[FR Doc. 78-15396 Filed 6-1-78; 8:45 am]

[3510-25]

FREDERICK CANCER RESEARCH CENTER, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the

value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before June 22, 1978.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5 p.m., Monday through Friday, in Room 6886C of the Department of Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00228. Applicant: Frederick Cancer Research Center, P.O. Box B, Frederick, Md. 21701. Article: MM/ZABIB Ultra-High Resolution Electron Impact Ionization Mass Spectrometer with Reversed Geometry and Accessories. Manufacturer: VG Micromass, United Kingdom. Intended use of article: The article is intended to be used for precise mass spectrometric analysis of a wide range of substances obtained or produced by the very varied interdisciplinary carcinogenesis research programs. These will include: (1) high molecular weight potential antitumor compounds related to various antibiotics; (2) products formed by the interaction of carcinogenic polycyclic aromatic hydrocarbons (and/or metabolic derivatives) with components of DNA and RNA; (3) metabolites of bile acids, sterols, and aromatic amines which may affect tumor development; (4) metabolites and hydroxy derivatives of the carcinogen

7,12-dimethylbenz(a)anthracene; (5) polar antitumor drugs and metabolites; (5a) hormones and small peptides which may serve as tumor markers; (6) synthetic compounds (polycyclic aromatics, steroids, nitrosamines, etc.) prepared for use as research tools; (7) metabolites of nitrosamines; (8) alkylated purines and pyrimidines resulting from reactions with carcinogenic nitrosamines, triazenes, tetrazenes, etc.; (9) components of complex mixtures resulting from chemical studies on nitrosamine precursors. Application received by Commissioner of Customs: May 10, 1978.

Docket No. 78-00229. Applicant: Baylor College of Medicine, 1200 Moursund Avenue, Houston, Tex. 77030. Article: Goniometer Tilt Stage for Electron Microscope. Manufacturer: Philips Electronics Instruments NV, the Netherlands. Intended use of article: The article is an accessory to an existing electron microscope which will be used in studies of the myofibril protein lattice in striated muscle called the *z* band and *myofibril*.

objectives of these studies are to build and test three dimensional models of these structures based on electron micrographs at various tilt angles in various orientations and based on optical diffraction data from the electron micrographs. Application received by Commissioner of Customs: May 15, 1978.

Docket No. 78-00232. Applicant: The University of Chicago, 5801 S. Ellis Ave., Chicago, Ill. 60637. Article: 12kW RU-200H High Brilliance Rotating Anode X-Ray Generator with Accessories. Manufacturer: Rigaku, Japan. Intended use of article: The article is intended to be used in studies of the x-ray properties of molecular-sieve zeolites and amorphous semiconductors in an attempt to understand the chemical forces between the atom. Application received by Commissioner of Customs: May 15, 1978.

Docket No. 78-00233. Applicant: University of California—Lawrence Livermore Laboratory, P.O. Box 5012, Livermore, Calif. 94550. Article: Two (2) 4 GHz Oscilloscope, Model TSN 660. Manufacturer: Thomson-CSF, France. Intended use of article: The articles are intended to be used to precisely time the occurrence of x-rays at various energies with relation to the incident laser beam. The articles will be used with the "Dante" experiment which consists of several windowless x-ray detectors with appropriate filtering such that different energy levels of x-ray spectrum are observed. Application received by Commissioner of Customs: May 11, 1978.

Docket No. 78-00234. Applicant: University of Kansas Medical Center, 39th and Rainbow Boulevard, Kansas City, Kans. 66103. Article: Electron Microscope, Model EM 10A and accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for conducting the following research: (a) High resolution studies of mineralization of matrix vesicles derived from cartilage and bone cells to determine the crystalline nature of mineral formed and how the biological membranes of the matrix vesicles change during mineralization; (b) freeze-fracture EM studies of unfixed epiphyseal growth plate during growth and mineralization; (c) nature of intracellular junctions in renal tubular epithelial cells in normal and diseased humans; (d) abnormal mineralization of bone in patients with chronic renal disease who are on prolonged dialysis; and (e) ultrastructure of human tumor cells of various types taken at surgery to confirm or establish a new diagnosis not determined by conventional light microscopy. In addition, the article will be used to train resident doctors in Pathology to use electron microscopy in their future diagnostic work and grad-

logical research. Application received by Commissioner of Customs: May 15, 1978.

Docket No. 78-00235. Applicant: National Eye Institute, DHEW, NIH, Building 10, Bethesda, Md. 20014. Article: LKB 2128-010 Ultratome IV Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section human and animal tissues which will be used in investigations to further basic knowledge on cell and tissue ultrastructure and to reveal, at the ultrastructural level, the enzyme localization and distribution in cells and tissues developing under normal and pathological conditions. Application received by Commissioner of Customs: May 15, 1978.

Docket No. 78-00237. Applicant: Indiana University-Purdue University at Indianapolis (IUPUI)—Biology Department, 1201 East 38th Street, Indianapolis, Ind. 46205. Article: LKB 8800A Ultratome III Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the study of various biological materials including multicellular and unicellular plants and animals, as well as subcellular preparations. These studies will be conducted to elucidate ultrastructural development sequences with respect to the distribution of cellular organelles and membrane systems and their respective enzymes systems. In some cases, investigations will attempt to further understand cell function or to elucidate host-parasite relationships under different experimental conditions. In addition, the article will be used in a course entitled Electron Microscopy which is designed to teach basic preparative techniques for electron microscopy (including histochemical techniques), the principles and use of the electron microscope, and the interpretation of ultrastructure. Students in a plant anatomy course will use the article for the required project. Application received by Commissioner of Customs: May 15, 1978.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,

Statutory Import Programs Staff.

[FR Doc. 78-15365 Filed 6-1-78; 8:45 am]

[3510-25]

MOUNT SINAI SCHOOL OF MEDICINE, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free

section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before June 22, 1978.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5 p.m., Monday through Friday, in Room 6886C of the Department of Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00230. Applicant: Mount Sinai School of Medicine, 5th Avenue and 100th Street, New York, N.Y. 10029. Article: 1 Hemofiltration Unit BF 910 and Accessories. Manufacturer: Belco-Germany GmbH, West Germany. Intended use of article: The article is intended to be used in studies which involve the comparative clinical trial of a new form of artificial kidney treatment. This treatment consists in principle in the separation of an ultrafiltrate for blood of uremic patients and replacement by a physiological solution. Application received by Commissioner of Customs: May 17, 1978.

Docket No. 78-00231. Applicant: The Johns Hopkins University, 34th and Charles Street, Baltimore, Md. 21218. Article: Gammacell 40 Small Animal Irradiator and accessories. Manufacturer: Atomic Energy of Canada, Ltd., Canada. Intended use of article: The article is intended to be used in research directed along the lines of studying adoptive immunotherapy of cancer (hematopoietic and lymphoid grafts), and in a program of hematopoietic cell support for bone marrow transplant patients. Experiments to be conducted will include preparation of a large number of rats and mice with lethal whole body irradiation in order to study repopulation of hematopoietic cells (spleen colony forming units) and the effect of drugs on these cells, adoptive transfer of immune systems (transplantation of antigens and spleen cells to lethally irradiated mice), induction of graft versus host disease, and study of its sequelae on mice, rats, hamsters and rabbits (lethal irradiation followed by allogeneic hematopoietic and lymphoid cells). The article will also be used to kill lymphoid cells and tumor cells used in tumor immunology and antigen matching studies, such as the

mixed lymphocyte cultures and 51 Chromium release studies. Other studies include the irradiation of blood products for totally immunosuppressed patients. Application received by Commissioner of Customs: May 17, 1978.

Docket No. 78-00239. Applicant: Northwestern University, 2299 Sheridan Road, Evanston, Ill. 60201. Article: Tycoon Micro-Electrode Puller, Model EH-12 20V with auto timer and volt slider. Manufacturer: Takahashi Seiki Kogyo Co., Ltd., Japan. Intended use of article: The article is intended to be used to produce very long shanked, slender electrodes with extremely fine tip diameter (less than 0.1µm). Intracellular potentials are recorded from the hair cells of the mammalian cochlea during research to gain understanding of the functional properties of the receptor cells of the ear. Application received by Commissioner of Customs: May 17, 1978.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.
[FR Doc. 78-15366 Filed 6-1-78; 8:45 am]

[3510-03]

Maritime Administration
[Docket No. S-609]

COVE VENTURES INC., COVE TANKERS CORP.
AND COVE TRADING INC.

Application

Notice is hereby given that by letter of May 4, 1978, attorneys representing Cove Tankers Corp., filed an application requesting written permission under section 805(a) of the Merchant Marine Act, 1936, as amended, for Cove Ventures Inc., an affiliate of Cove Tankers Corp., to own the SS *Cove Leader* (ex-*Vantage Defender*) for operation in the domestic trade, and for another affiliate, Cove Shipping Inc., to operate the *Cove Leader* in the domestic trade, as well as the right to move the vessel from one domestic trade to another, and/or from a foreign trade to a domestic trade. The *Cove Leader* is a 71,054 d.w.t. tanker built in 1959.

Cove Ventures Inc. is an applicant for an operating-differential subsidy contract for bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics. If this application is granted, it will be necessary to extend to Cove Ventures Inc. as an affiliated company, the same written permission as has heretofore been granted Cove Tankers Corp. and Cove Trading Inc. both of which have heretofore been awarded operat-

ing-differential subsidy contracts. Those written permissions are as follows:

1. For Cove Shipping Inc. to operate the USNS's *Susquehanna*, *Neches*, *Columbia*, and *Hudson* in Domestic service under MSC or private charters.

2. For Cove Tankers Corp.'s owned vessel, *Mount Explorer*, and its bareboat chartered vessels, *Mount Navigator* and *Cove Communicator*, to engage in the domestic service under MSC or private charter, and for Cove Shipping Inc. to operate these same vessels in the domestic trade.

3. For Cove Trading Inc. to own the *Cove Trader* for worldwide operation (including domestic operation), and Cove Shipping Inc. to operate the *Cove Trader* and *Stuyvesant* in the carriage of Alaskan oil in the domestic trade.

4. The right to move the foregoing vessels from one domestic trade to another, and/or from a foreign trade to a domestic trade.

It will also be necessary to extend to Cove Trading Inc. and to Cove Tankers Corp. the written permission requested for Cove Ventures Inc. to own, and for Cove Shipping Inc. to operate the *Cove Leader* in the domestic trade, as well as the right to move the vessel from one domestic trade to another, and/or from a foreign trade to a domestic trade.

Additionally, written permission has been requested on behalf of Cove Ventures Inc., Cove Trading Inc., and Cove Tankers Corp. for Cove Tanker Associates to own the *Mount Navigator* and for Cove Communicator Associates to own the *Cove Communicator*.

Cove Ventures Inc. and Cove Trading Inc. are subsidiaries of Cove Steamship Inc., which is owned 100 percent by Cove Maritime Cos., Inc. Lawrence Shipping Corp. is also owned 100 percent by Cove Maritime Co., Inc. Lawrence Shipping Corp. owns 100 percent of the outstanding stock of both Cove Tankers Corp., and Cove Shipping Inc. One officer and director of Cove Ventures Inc. owns a pecuniary interest in Cove Tankers Associates. Two officers and directors of Cove Ventures Inc. own a pecuniary interest in Cove Communicator Associates.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on June 8, 1978, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time

or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

Dated: May 30, 1978.

By order of the Assistant Secretary for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-15332 Filed 6-1-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric
Administration

MARINE TURTLE PROGRAM; SOUTHEAST
REGION

Meeting

Notice is hereby given of a public meeting to obtain views on a program for the conservation of marine turtles. The meeting will be co-hosted by the National Marine Fisheries Service (NMFS) and the Fish and Wildlife Service (FWS). The agencies are currently investigating methods of enhancing population of marine turtles. During the meeting, items related to the marine turtle program will be discussed. The meeting will be held on Monday and Tuesday, June 26 and 27, 1978, in the Tampa Room of the Barclay Airport Inn, 5303 West Kennedy Boulevard, Tampa, Fla. 33609. The meeting will convene at 9 a.m. and adjourn at approximately 5 p.m. each day.

PROPOSED AGENDA

1. Review of the NMFS-FWS Marine Turtle Program.
2. Future requirements.
3. Priority considerations.

The meeting is open to the public and there will be seating for a limited number of the public on a first come first served basis. For further information concerning this meeting, interested persons should contact: Regional Director, NMFS, 9450 Koger Boulevard, St. Petersburg, Fla. 33702, telephone 813-893-3141.

Dated: May 26, 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.

[FR Doc. 78-15319 Filed 6-1-78; 8:45 am]

[3510-22]

NEW ENGLAND FISHERY MANAGEMENT
COUNCIL

Change in Location of Meeting

Notice of a meeting of the New England Fishery Management Council on June 7-8, 1978, was published in the FEDERAL REGISTER on May 23, 1978, Vol. 43, No. 100, p. 22004. The location of this meeting has unavoidably been changed from the Downtown Holiday Inn to the Portland Civic Center. However, the agenda and meeting times remain the same.

Dated: May 30, 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.

[FR Doc. 78-15349 Filed 6-1-78; 8:45 am]

[3510-22]

NORTH PACIFIC FISHERY MANAGEMENT
COUNCIL AND SCIENTIFIC AND STATISTICAL
COMMITTEE AND ADVISORY PANEL

Public Meeting with Partially Closed Session

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix, as amended, notice is hereby given of (1) a joint meeting of the North Pacific Fishery Management Council, established by Section 302(a) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and its Scientific and Statistical Committee (SSC), and Advisory Panel (AP), both established under Section 302(g) of the Act; and (2) separate meetings of the SSC and AP.

The SSC and AP will meet separately on June 21, 1978. The SSC will meet in the Council offices, Suite 32, 333 West 4th Avenue, Post Office Mall Building, Anchorage, Alaska, beginning at 9 a.m., to discuss and review their report to the Council. The AP will meet in the Aleutian Room of the Anchorage/Westward/Hilton Hotel, 3d and E Streets, Anchorage, Alaska, beginning at 9 a.m., to discuss and prepare their report to the Council.

The Council and its SSC and AP will meet jointly on Thursday and Friday, June 22 and 23, 1978, in the Anchorage/Westward/Hilton Hotel, 3d and E Streets, Anchorage, Alaska. The meeting will convene at 8:30 a.m., and adjourn at approximately 5 p.m. The meetings may be extended or shortened depending upon progress on the agenda. The proposed agenda is as follows:

JUNE 22

(1) Executive Director's Report and other Council administrative business; (2) Reports from Scientific and Statistical Committee and Advisory Panel; (3) Progress Report and update from the Council's Drafting Management Planning Teams; (4) Closed 2-hour session (1:30 p.m. to 3:30 p.m.) to discuss properly classified material on the status of international negotiations affecting fishery stocks in the North Pacific Ocean; (5) Period for public comment; (6) Review of foreign fishing activities.

JUNE 23

(1) Consideration and discussion of Fishery Management Plan/Environmental Impact Statement for: High Seas Salmon Fishery Off the Coast of Alaska east of 175° East Longitude; Bering Sea Surf Clam; King Crab; Bering Sea and Aleutian Islands Groundfish Fishery During 1979; Tanner Crab Off Alaska, 1978; (2) Amendments to the Fishery Management Plan for the Gulf of Alaska Groundfish Fishery During 1978; and (3) Other Council business.

The SSC and AP meetings will be open to the public, as will all but the early afternoon of the first day of the Council meeting. For information on seating arrangements, changes to the agenda, and/or written comments, contact: Mr. Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, telephone 907-274-4563.

A closed session of the Council is planned for the early afternoon of the first day, June 22, 1978, from 1:30 p.m. to 3:30 p.m., to hear and discuss Department of State security classified material on international negotiations affecting fishery stocks in the North Pacific Ocean. Only those Council members and staff having security clearances will be allowed to attend this closed session.

The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of its General Counsel, formally determined on May 25, 1978, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the agenda-items covered in the closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein because these items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1) as information which is properly classified pursuant to Executive Order 11652. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection Facility, Room 5317, Department of Commerce.)

Dated: May 30, 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.
[FR Doc. 78-15350 Filed 6-1-78; 8:45 am]

[3510-22]

NATIONAL MARINE FISHERIES SERVICE

Issuance of Permit

On February 7, 1978, Notice was published in the FEDERAL REGISTER (43 FR 5035) that an application had been filed with the National Marine Fisheries Service by Mr. and Mrs. Lawrence Jeffrey Foerder 811 Anza Drive, Santa Barbara, Calif. 93105, for a permit to take two (2) California sea lions (*Zalophus californianus*) for the purpose of public display.

Notice is hereby given that on May 19, 1978, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking to Mr. and Mrs. Lawrence Jeffrey Foerder, subject to certain conditions set forth therein. The Permit is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731.

Dated: May 19, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.
[FR Doc. 78-15360 Filed 6-1-78; 8:45 am]

[3510-22]

NATIONAL MARINE FISHERIES SERVICE

Modification of Permit

Notice is hereby given that pursuant to the provisions of sections 216.33(d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216), the Scientific Research Permit No. 92 issued to Dr. Nicholas R. Hall and Dr. William W. Dawson, Department of Neuroscience and Ophthalmology, College of Medicine, University of Florida, Gainesville, Fla. 32610, on May 6, 1975 (40 F.R. 21507), is modified in the following manner:

Section B-3 has been changed to read, "The animals shall be maintained at the facilities of the Marine Mammal Foundation, South Pasadena, Florida, for the purpose of conducting the research described in the application."

This modification is effective on the date of publication in the FEDERAL

REGISTER. The Permit, as modified, is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Fla. 33702.

Dated: May 5, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.
[FR Doc. 78-15361 Filed 6-1-78; 8:45 am]

[3510-04]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for \$.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161 for \$4 (\$8 outside North American Continent). Requests for copies of patent applications must include the Pat.-Appl. number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, 1900 Half Street SW., Washington, D.C. 20324

Patent application 871,067: Adding Frequency Agility to Fire-Control Radars. Filed January 20, 1978.

Patent application 871,866: Improved Fabry-Perot Diplexer. Filed January 24, 1978.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research Code 302, Arlington, Va. 22217

Patent application 840,939: Fluidic Combustion of a Solid Fuel Ramjet; filed October 11, 1977.

Patent application 843,905: Two-Axis Motion Compensation for AMTI; filed October 20, 1978.

Patent application 852,646: Parabolic Optical Waveguide Horns and Design Thereof; filed November 18, 1977.

Patent application 858,873: Wide Field-of-View Michelson Filter; filed December 8, 1977.

Patent application 860,814: Apparatus for Determining Projectile Position and Barrel Pressure Characteristics; filed December 15, 1977.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546

Patent application 839,963: Mixed Diamines for Lower Melting Addition Polyimide Preparation and Utilization; filed October 6, 1977.

Patent application 858,763: Pseudo Continuous Wave Acoustic Instrument; filed December 8, 1977.

Patent application 860,404: A Speed Control Device for a Heavy Duty Shaft; filed December 13, 1977.

Patent 3,387,218: Apparatus for Handling Micron Size Range Particulate Material; filed May 6, 1964, patented June 4, 1968; not available NTIS.

Patent 3,492,858: Microbalance; filed May 8, 1967, patented February 3, 1970; not available NTIS.

Patent 3,538,053: Nuclear Alkylated Pyridine Aldehyde Polymers and Conductive Compositions Thereof. Filed September 11, 1968, patented November 3, 1970; not available NTIS.

Patent 3,600,599: Shunt Regulation Electric Power System. Filed October 3, 1968, patented August 17, 1971; not available NTIS.

Patent 3,777,811: Heat Pipe with Dual Working Fluids. Filed June 1, 1970, patented December 11, 1973; not available NTIS.

Patent 4,063,814: Optical Scanner; filed April 6, 1978, patented December 20, 1977; not available NTIS.

Patent 4,064,692: Variable Cycle Gas Turbine Engines; filed June 2, 1975, patented December 27, 1977; not available NTIS.

Patent 4,066,039: Adjustable Securing Base; filed September 7, 1976, patented January 3, 1978; not available NTIS.

Patent 4,067,653: Differential Optoacoustic Absorption Detector; filed August 27, 1976; patented January 10, 1978; not available NTIS.

Patent 4,068,495: Closed Loop Spray Cooling Apparatus; filed March 31, 1978, patented January 17, 1978; not available NTIS.

[FR Doc. 78-15362 Filed 6-1-78; 8:45 am]

[3510-18]

Office of the Secretary

ADVISORY COMMITTEE ON FEDERAL POLICY ON INDUSTRIAL INNOVATION

Proposed Establishment

On May 9, 1978, President Carter directed that an Industrial Innovation Coordinating Committee, under the chairmanship of the Secretary of Commerce (the Secretary), develop for Presidential consideration a set of policy options to address issues and problems bearing on industrial innova-

tion. The President explicitly required that input be sought from the private sector.

To assist in receiving input from the private sector, it is anticipated that the Secretary, in accordance with the provisions of the Federal Advisory Committee Act [5 U.S.C. App. (1976)] and Office of Management and Budget Circular A-63 of March 1974, will propose the establishment of an Advisory Committee on Federal Policy on Industrial Innovation. The establishment of such a committee is subject to consultation with the General Services Administration.

The proposed Committee would advise the Secretary of the views of its members with regard to Federal policy options designed to increase significant industrial innovation in the United States as required by the referenced Presidential Directive of May 9, 1978.

The proposed Committee would consist of approximately 125 members to be appointed by the Secretary to assure a balanced representation of such interests as industry, business, academia, labor, consumers, environmentalists and other public interests.

The proposed Committee would function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act. The proposed Committee would operate through subcommittees of its members.

Pending the formal establishment of the Advisory Committee, interested persons are invited to submit nominations and comments to the Secretary. Such comments should be addressed to the Secretary of Commerce, United States Department of Commerce, 14th and E Streets NW., Washington, D.C. 20230.

Dated: May 30, 1978.

JORDAN J. BARUCH,
Assistant Secretary for
Science and Technology.

[FR Doc. 78-15437 Filed 6-1-78; 8:45 am]

[6330-01]

COMMISSION OF FINE ARTS

VARIOUS PROJECTS AFFECTING APPEARANCE OF WASHINGTON, D.C.

Meeting

The Commission of Fine Arts will meet in open session on Tuesday, June 27, 1978, at 10 a.m., in the Commission offices at 708 Jackson Place NW., Washington, D.C. 20006, to discuss various projects affecting the appearance of Washington, D.C.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address.

This notice confirms notice published December 27, 1977, 42 FR 64651.

Dated in Washington, D.C., May 24, 1978.

CHARLES H. ATHERTON,
Secretary.

[FR Doc. 78-15275 Filed 6-1-78; 8:45 am]

[6820-33]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1978

Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1978 a commodity to be produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: June 2, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On January 20, 1978 the Committee for Purchase from the Blind and Other Severely Handicapped published notice (43 FR 2916) of proposed addition to Procurement List 1978, November 14, 1977 (42 FR 59015).

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following commodity is hereby added to Procurement List 1978:

CLASS 1440

Circuit Card Assembly (SH), 1440-00-454-8574.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc. 78-15354 Filed 6-1-78; 8:45 am]

[3710-08]

DEPARTMENT OF DEFENSE

Department of the Army

ARMED FORCES EPIDEMIOLOGICAL BOARD, SUBCOMMITTEE ON HEALTH MAINTENANCE SYSTEMS

Open Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name of committee: Armed Forces Epidemiological Board Subcommittee on Health Maintenance Systems.

Date of meeting: June 23, 1978.

Time: 0900-1700 hours.

Place: Conference Room 3092, Walter Reed Army Institute of Research, Walter Reed Army Medical Center, Washington, D.C.

Proposed agenda: The proposed agenda will include a discussion of the Subcommittee Director's site visit to the Medical Evaluation Review Board and discussion of the draft report on the scope of periodic physical examinations for military personnel.

2. This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, DASG-AFEB, Room 1B472 Pentagon, Washington, D.C. 20310.

Dated: May 30, 1978.

DUANE G. ERICKSON,
LTC, MSC, USA,
Executive Secretary.

[FR Doc. 78-15322 Filed 6-1-78; 8:45 am]

[3710-08]

EXECUTIVE COMMITTEE OF THE NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE

Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), announcement is made of the following committee meeting:

Name of Committee: Executive Committee of the National Board for the Promotion of Rifle Practice.

Date of Meeting: 14 JULY 1978.

Place: Secretary of the Army Conference Room, Room 2E 687, The Pentagon.

Time: 0900 hours.

Proposed Agenda: (1) M1 rifle sales program; (2) public relations program for civilian marksmanship program; (3) expansion of DCM ammunition sales program; (4) NBPRP support for a pistol program; (5) current and future national match scheduled events; (6) implementation of A. D. Little recommendations; (7) NBPRP interservice marksmanship responsibility; (8)

new caliber .30 M72 match bullet; (9) national shooting facility; (10) Marine Corps pistol trophy; and (11) nomination for board membership.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

Dated May 22, 1978.

ROBERT VINSON,
Administrative Officer.
[FR Doc. 78-15369 Filed 6-1-78; 8:45 am]

[3710-92]

WINTER NAVIGATION BOARD ON GREAT LAKES—ST. LAWRENCE SEAWAY

Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Winter Navigation Board to be held on June 29, 1978 at the Holiday Inn, located approximately one mile from the Baltimore-Washington International Airport, at 6500 Elkridge Landing Road in North Linthicum, Md. The meeting will be in session from 8:30 a.m., EST until 4:00 p.m.

The Winter Navigation Board is a multi-agency organization which includes representatives of Federal agencies and non-Federal public and private interests. It was established to direct the Great Lakes-St. Lawrence Seaway navigation season extension demonstration investigations being conducted pursuant to Pub. L. 91-611, as amended by Pub. L. 93-251 and Pub. L. 94-587.

The primary purpose of the meeting is to review the preliminary draft Feasibility Report addressing year-round navigation on the entire Great Lakes-St. Lawrence Seaway System. In addition, the Environmental Plan of Action and its proposed implementation under the EAGLE (Environmental Assessment of Great Lakes-St. Lawrence Ecosystem) organization will be discussed. The schedule to complete fiscal year 1979 St. Lawrence River Demonstration Activities will also be reviewed.

The meeting will be open to the public, subject to the following limitations:

a. As the seating capacity of the meeting room is limited, it is desired that advance notice of intent to attend be provided. This will assure adequate and appropriate arrangements for all attendants.

b. Written statements to be made part of the minutes may be submitted prior to, or up to 10 days following, the meeting, but oral participation by

the public is limited because of the time schedule.

Inquiries may be addressed to Mr. David Westheuser, U.S. Army Engineer District, Detroit, Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231, telephone (313) 226-6770.

Date: May 25, 1978.

By authority of the Secretary of the Army.

ROME D. SMYTH,
Colonel, U.S. Army, Director, Administration Management, TAGCEN.

[FR Doc 78-15368 Filed 6-1-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

FUSION MATERIALS IRRADIATION TEST FACILITY, HANFORD RESERVATION, RICHLAND, WASHINGTON DOE/EIS-0017

Availability of Final Environmental Impact Statement

Notice is hereby given that the U.S. Department of Energy (DOE) has issued a final Environmental Impact Statement, DOE/EIS-0017, Fusion Materials Irradiation Test Facility, Hanford Reservation, Richland, Wash. (April 1978). The statement was prepared pursuant to implementation of the National Environmental Policy Act of 1969 in support of legislative action providing funds to construct and operate a deuterium-lithium high flux neutron source facility at the DOE Hanford Reservation in Richland, Benton County, Wash. The draft of this statement was issued in July 1977, by the former Energy Research and Development Administration (ERDA) as ERDA-1556-D, High Flux Neutron Source Facility. Since the issuance of ERDA-1556-D, the responsibility for the project was assumed by DOE and the project subsequently renamed the Fusion Materials Irradiation Test Facility and the statement number changed to DOE/EIS-0017.

The proposed facility will be used in the DOE magnetic fusion program to assist in developing radiation resistant structural materials and insulators suitable for use in fusion reactors. The environmental impacts which may be associated with the construction and operation of the facility were assessed. The overall environmental impacts were determined to be minimal and do not represent an undue environmental risk either from normal operation or postulated accidents.

Copies of the final Environmental Impact Statement are available for public inspection at the DOE public reading rooms located at:

Library, Room 1223, 20 Massachusetts Avenue NW., Washington, D.C.
Albuquerque Operations Office, National Atomic Museum, Kirtland Air Force Base East.

Chicago Operations Office, 9800 South Cass Avenue, Argonne, Ill.
Chicago Operations Office, 175 West Jackson Boulevard, Chicago, Ill.
Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho.
Nevada Operations Office, 2753 South Highland Drive, Las Vegas, Nev.
Oak Ridge Operations Office, Federal Building, Oak Ridge, Tenn.
Richland Operations Office, Federal Building, Richland, Wash.
San Francisco Operations Office, 1333 Broadway, Oakland, Calif.
Savannah River Operations Office, Savannah River Plant, Aiken, S.C.

Copies of the final statement have been furnished to those who commented on the draft statement. Copies are also available for public inspection at designated Federal Depository Libraries.

A limited number of single copies of the final statement are available for distribution by the Technical Information Center, P.O. Box 62, Oak Ridge, Tenn. 37830, 615-483-8611, extension 34672. The statement is also available from the the National Technical Information Service, Springfield, Va. 22161.

Dated at Washington, D.C., this 26th day of May 1978.

For the Department of Energy.

WILLIAM P. DAVIS,
Deputy Director of Administration.

[FR Doc. 78-15321 Filed 6-1-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket No. ER78-378]

ALABAMA POWER CO.

Proposed Tariff Change

MAY 24, 1978.

Take notice that Alabama Power Co. (Alabama) on May 17, 1978, tendered for filing a rate schedule designated Rate Schedule-Interim Power Supply. Alabama states that the filed rate schedule operates in addition to and in accordance with the provisions of the Interconnection Agreement between Alabama Power Co. and Alabama Electric Cooperative, Inc. dated February 23, 1972, as amended (FERC Rate Schedule No. 133).

Alabama further states that the rate schedule is intended to cover and provide for temporary capacity and energy transactions between the Company and the Cooperative on and after June 1, 1978, from month to month, until the Cooperative's new generating capacity is declared available for commercial operation.

Alabama requests an effective date of June 1, 1978, and therefore requests

waiver of the Commission's notice requirements.

According to Alabama copies of this filing were served upon Alabama Electric Cooperative, Inc., the Southeastern Power Administration, the Alabama Public Service Commission and the Rural Electrification Administration.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15288 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. CP78-85]

ALGONQUIN GAS TRANSMISSION CO. AND TEXAS EASTERN TRANSMISSION CORP.

Motion

MAY 25, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

Take notice that on May 5, 1978, Algonquin Gas Transmission Co. (Algonquin Gas), 1284 Soldiers Field Road, Boston, Mass. 02135, Texas Eastern Transmission Corp. (Texas Eastern), P.O. Box 2521, Houston, Tex. 77001, and Boston Gas Co., (Boston Gas), One Beacon Street, Boston, Mass. 02108, filed in Docket No. CP78-85 a motion to extend the limited-term authorization issued in this proceeding pursuant to section 7(c) of the Natural Gas Act so as to authorize a continu-

ation of the exchange, transportation, and delivery of certain quantities of gas by Movants to The Brooklyn Union Gas Co. (Brooklyn Union) through June 30, 1979, all as more fully set forth in the motion on file with the Commission and open to public inspection.

On November 10, 1975, the FPC granted Movants a temporary certificate authorizing the proposed transportation-exchange of natural gas for Brooklyn Union during a term commencing November 1, 1975, and ending April 30, 1976, it is said. Further, it is stated that the temporary certificate was granted upon the condition that Algonquin Gas' charge for service rendered thereunder be collected subject to refund pending further FPC action. After formal hearings in this proceeding, it is indicated that on July 30, 1976, the FPC issued an order approving settlement and issued certificates authorizing the service for the benefit of Brooklyn Union through October 31, 1976. It is asserted that the July 30, 1976, order also found that the stipulation and settlement provided a reasonable basis for disposing of issues relating to the reimbursement charge to Boston Gas and Boston Gas' jurisdictional status.

The motion further indicates that by order of November 26, 1976, Algonquin Gas and Texas Eastern were granted temporary certificates authorizing a further continuation of the service through December 31, 1977, and making the transportation charges to be collected by Algonquin Gas subject to refund. On December 13, 1976, Boston Gas and Brooklyn Union were authorized to continue their exchange through December 31, 1977, and Algonquin Gas was granted permanent limited-term authorization for the transportation services to Brooklyn Union through December 31, 1977, and the refund condition concerning Algonquin Gas' proposed transportation charge was removed. It is stated that said order referred the adjudication of the reasonableness of that charge to Algonquin Gas' pending rate proceedings.

Movants state that on September 16, 1977, the FPC determined that Brooklyn Union's participation in this transaction does not affect its current exempt status under section 1(c) of the Natural Gas Act. It is indicated further that on December 30, 1977, the previous orders in this proceeding were amended to authorize continuation of the exchange-transportation services for Brooklyn Union for the period December 31, 1977, to June 30, 1978.

Movants state that Brooklyn Union has requested an extension of the subject service currently being provided through June 30, 1979. It is indicated that the extended service proposed to

be undertaken by the parties is to permit receipt of quantities of gas to be made available for Brooklyn Union by Distigas of Massachusetts Corp. (DOMAC) Pursuant to authorization granted in Docket No. CP77-216. It is said that the gas to be transported and delivered under the extended service is required by Brooklyn Union to assure its ability to meet the requirements of its high priority markets pending completion and authorization of long-term transportation arrangements for gas made available by DOMAC. It is stated that deliveries under the proposed service are not anticipated to exceed 40 billion Btu's per day, with total deliveries during the extended period not exceeding approximately 13,630 billion Btu's.

Movants expressly request a limited-term authorization terminating June 30, 1979.

Boston Gas requests that any extension of authority granted to it continue on the terms and subject to the conditions set forth in the stipulation which appears on pages 135-136 of the hearing transcript in Docket No. CP76-85, et al., which, it is asserted, the order of July 30, 1976, found to provide a reasonable basis for disposing of the Boston Gas reimbursement charge issue and the Boston Gas jurisdiction issue.

Any person desiring to be heard or to make any protest with reference to said motion should on or before June 8, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15307 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. ID-1835]

BRIAN A. PARENT

Application

MAY 24, 1978.

Take notice that on May 8, 1978, Brian A. Parent, (Applicant) filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Assistant Treasurer and Assistant Secretary, Atlantic City Electric Co., Public Utility and Assistant Treasurer and Assistant Secretary, Deepwater Operating Co., Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

(FR Doc. 78-15287 Filed 6-1-78; 8:45 am)

[6740-02]

[Docket No. ID-1405]

CHARLES F. MORGAN

Application

MAY 24, 1978.

Take notice that on May 8, 1978, Charles F. Morgan, (Applicant) filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Senior Vice President and Treasurer, Atlantic City Electric Co., Public Utility and Director and Treasurer, Deepwater Operating Co., Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection.

KENNETH F. PLUMB,
Secretary.

(FR Doc. 78-15288 Filed 6-1-78; 8:45 am)

[6740-02]

[Docket No. CP78-332]

COLORADO INTERSTATE GAS CO.

Notice of Application

MAY 24, 1978.

Take notice that on May 15, 1978, Colorado Interstate Gas Co. (Applicant), P.O. Box 1087, Colorado Springs, Colo. 80944, filed in Docket No. CP78-332 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas on a best-efforts basis for Western Slope Gas Co. (Western) pursuant to a gas transportation agreement dated May 5, 1978, between Applicant and Western, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Western is a customer of Applicant and is investigating an abandoned gas field in Morgan County, Colo. (the Roundup Field), to determine if it will be suitable for the underground storage of natural gas, it is said. In order to enable Western to investigate the feasibility of using the Roundup Field for underground storage without constructing major facilities which would be of no future use if the field did not prove to be suitable for Western's needs, Applicant, whose facilities are located much closer to the storage site than are Western's, proposes to assist Western by transporting limited volumes of gas, to be used for injection and withdrawal, until the valuation program is complete, but not beyond December 31, 1978, it is said.

Pursuant to the May 5, 1978, agreement, Applicant proposes to transport up to a maximum of 15,000 Mcf of gas per day from the Mesa Delivery Point in Adams County, Colorado, where Western purchases such gas under Applicant's Rate Schedule P-1, to an existing tap on Applicant's Watkins-to-Fort Morgan pipeline (the Roundup Delivery Point) located in Morgan County, Colorado, it is said. Western would redeliver some or all of the gas withdrawn during the field evaluation to Applicant at the Roundup Delivery Point, and Applicant would transport those volumes of gas to the Mesa Delivery Point for redelivery to Western, it is said. Applicant states that the maximum volume of gas to be transported each way by applicant is 150,000 Mcf.

Applicant states that it would charge Western 1 cent for each Mcf of gas transported from the Mesa Delivery Point to the Roundup Delivery Point and for each Mcf of gas that Western delivers to Applicant at the Roundup Delivery Point for transportation and redelivery at Mesa. Western would provide measurement facilities for all gas volumes, regardless of the direction of flow, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 15, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such a hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

(FR Doc. 78-15289 Filed 6-1-78; 8:45 am)

[6740-02]

[Docket No. CP78-323]

COLUMBIA GAS TRANSMISSION CORP. AND
NATIONAL FUEL GAS SUPPLY CORP.

Application

MAY 24, 1978.

Take notice that on May 9, 1978, Columbia Gas Transmission Corp. (Columbia) and National Fuel Gas Supply Corp. (National) filed in Docket No. CP78-323 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas on a gas for gas basis at four existing points of interconnection, seven new points of interconnection, and other unspecified points in Applicants' general operating

area (i.e., the northeastern part of Ohio and the state of New York and the Commonwealth of Pennsylvania), and to construct and operate interconnecting measuring facilities at two specified points and at other unspecified points as necessary, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The proposed exchange would be pursuant to an agreement dated February 28, 1978, between Columbia and National which provides that Columbia may deliver gas to National and National would receive such gas as is tendered by Columbia utilizing the available capacity of National's existing facilities, and National may deliver gas to Columbia and Columbia would receive such gas as is tendered by National utilizing the available capacity of Columbia's existing facilities, it is said. It is indicated that the delivery exchange points by Columbia to National would consist of three new delivery points as follows: (1) From Columbia's Line 4657 into National's Line A-12, in Highland Township, Elk County, Pa.; (2) from Columbia's Line 4010 into National's Line G-20, in Rose Township, Jefferson County, Pa.; and (3) from Columbia's gas purchase and gathering facilities into National's Line PY in the towns of Java and Arcade, Wyoming County, N.Y. The delivery exchange points by National to Columbia will consist of: (a) An existing delivery point from the unit well line for Well H-246, jointly owned by Columbia and National, into Columbia's 4-inch Line G-1, in the town of Hartsville, Steuben County, N.Y.; and (b) a new delivery point from National's gathering line into Columbia's Line 1711 in Cherry Hill Township, Indiana County, Pa.

Columbia and National also propose to construct and operate interconnecting measuring facilities at exchange points (1) and (2) above, it is said. The cost of such facilities is estimated to be \$12,900 which costs will be financed with funds generated internally by Columbia and National. It is said that the facilities associated with exchange points (3) and (b) above, which are to be utilized for Applicants' gas purchases, would be constructed under Applicants budget-type gas purchase authorizations.

In addition, Applicants request authorization to exchange natural gas at unspecified points associated with gas purchases by Applicants, when the required interconnecting facilities would be constructed under Applicants' then effective gas purchase authorizations; to exchange natural gas and construct and operate interconnecting facilities at unspecified points which are established for the purpose of attaching gas produced by Applicants; and to exchange natural gas and construct and

operate interconnecting facilities at unspecified points which are established for purposes other than attaching gas purchased or produced by Applicants.

It is stated that balancing will be achieved as nearly as possible on a monthly basis; however, if the deliveries by each Applicant to the other at points of exchange do not balance, such net difference shall be redelivered to the deficient Applicant by the other Applicant at the balancing points. The Applicant which redelivers gas at new balancing points shall be entitled to retain and deduct 5 percent of the gas so redelivered as an allowance for company use and gas unaccounted for, it is said.

It is indicated that the delivery balancing points by Columbia to National would consist of three existing points as follows: (1) From the discharge side of Columbia's Ellwood City compressor station into National's 12-inch Line N, in Franklin Township, Beaver County, Pa.; (2) at the interconnection of Columbia's Line 1862 and National's transmission line in Cameron County, Pa.; and (3) at the point of delivery from Columbia to National in Warren County, Pa. It is further indicated that the delivery balancing points by National to Columbia would consist of two existing points as follows: (1) At Columbia's Ellwood City compressor station, in Franklin Township, Beaver County, Pa.; and (2) at the interconnection of Columbia's Line 1862 and National's transmission line in Cameron County, Pa.

Applicants state that it is necessary to have advance Commission authorization for both the exchange and the construction of interconnecting facilities in order expeditiously to establish additional exchange points for the attachment of Applicant's own production volumes and to alleviate emergencies on Applicant's pipeline systems.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 15, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and sub-

ject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

(FR Doc. 78-15308 Filed 6-1-78; 8:45 am)

[6740-02]

[Docket No. ER78-3771]

CONNECTICUT VALLEY ELECTRIC COMPANY
INC.

Proposed Tariff Change

MAY 24, 1978.

Take notice that Connecticut Valley Electric Co. Inc. (Connecticut Valley), on May 17, 1978, tendered for filing proposed changes in its Transmission Service Agreement with the New Hampshire Electric Cooperative, Inc. Connecticut Valley indicates that the proposed changes would decrease revenues from jurisdictional sales and service by \$680 based on the 12-month period ending May 1978. Connecticut Valley further requests waiver of the Commission's 30-day notice requirement so that the reduction may become effective on June 1, 1978.

Connecticut Valley further indicates that the filing is made to comply with the provisions of Transmission Agreement (FPC No. 8) which requires that charges shall be modified annually to incorporate the applicable cost data contained in the Company's current Ferc Form No. 1.

According to Connecticut Valley copies of the filing were served upon the New Hampshire Cooperative, Inc., and the New Hampshire Public Utilities Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before

June 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15290 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. ID-1811]

ERNEST D. HUGGARD

Application

MAY 24, 1978.

Take notice that on May 8, 1978, Ernest D. Huggard, (Applicant) filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Control, Altantic City Electric Co., Public Utility and Director, Vice President, Deepwater Operating Co., Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15291 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. ER78-376]

FLORIDA POWER & LIGHT CO.

Proposed Agreement To Provide Specified Transmission Service

MAY 24, 1978.

Take notice that Florida Power & Light Co. (F.P. & L.), on May 16, 1978, tendered for filing as an initial rate an executed Agreement, entitled "Agreement To Provide Specified Transmission Service Between Florida Power & Light Co. and Fort Pierce Utilities Authority." F.P. & L. indicates that under the Agreement, F.P. & L. will transmit power and energy for the

Fort Pierce Utilities Authority (Fort Pierce) as is required by Fort Pierce in the implementation of its interchange agreement with the city of Homestead, Fla.

F.P. & L. requests an effective date for this Agreement of no later than 30 days after the date of filing. F.P. & L. states that copies of the filing were served on the Utilities Director of the Fort Pierce Utilities Authority.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15292 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. ID-1833]

FRED W. YEADON, JR.

Application

MAY 24, 1978.

Take notice that on May 8, 1978, Fred W. Yeadon, Jr., (Applicant), filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, Central Vermont Public Service Corp., Public Utility and Director, Vermont Electric Power Co., Inc., Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15293 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. RI78-54]

GAS PRODUCING ENTERPRISES, INC.

Petition for Special Relief

MAY 25, 1978.

Take notice that on April 21, 1978, Gas Producing Enterprises, Inc. (Petitioner), Five Greenway Plaza East, Houston, Tex. 77046 filed a petition for special relief in Docket No. RI78-54 pursuant to section 2.76 of the Commission's rules.

Petitioner requests permission to charge \$0.859500 per Mcf at 14.65 psia for the sale of gas to Colorado Interstate Gas Co. from its Jermyn Well 1-19 located in Keyes Field, Cimarron County, Okla. Currently, Petitioner charges \$0.315798 per Mcf for its gas. Petitioner plans to spend \$23,000 to work-over the well to restore production and recovery of the remaining estimated 144 Mmcf of gas.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 16, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15309 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. RI78-57]

HUBERT K. ELROD AND C. DAVID LONG

Petition for Special Relief

MAY 24, 1978.

Take notice that on May 1, 1978, Hubert K. Elrod and C. David Long (Petitioners), 125 N. Roosevelt, Box 292, Guymon, Okla. 73942 filed a petition for special relief in Docket No. RI78-57 pursuant to § 2.76 of the Commission's General Policy and Interpretations (18 CFR § 2.76) for the sale of gas from the Oliver Gas Well Unit No. 1, Sec. 3-2N-14 ECM, Texas County, Okla. to Western Gas Interstate.

Petitioners currently receive 41.84¢ per Mcf and request a rate of 76.18¢ per Mcf for the sale of said gas. Petitioners state that the well is under produced creating a financial hardship on Petitioners who must pay for the rising costs of operating items.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 15, 1978, filed with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15294 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. RI77-100]

INDEPENDENT OIL & GAS ASSOCIATION OF WEST VIRGINIA

Petition for Special Relief

MAY 24, 1978.

Take notice that on April 25, 1978, Independent Oil & Gas Association of West Virginia (IOGA), 1150 Connecticut Avenue NW., Washington, D.C. 20036 has filed a petition for further relief from applicable rates in the above-captioned docket pursuant to §§ 2.56a(g) and 2.56b(h) of the Commission's statements of general policy and interpretations, Order No. 411, as amended, and pertinent settlement proposals previously approved by the Commission.

IOGA seeks cost-based increases in presently authorized rates to permit the recovery of a Federal income tax cost component for gas from wells commenced prior to January 1, 1973, and during the period between January 1, 1973, and January 1, 1975; and to attract required investment capital for West Virginia wells not yet drilled. Specifically, Petitioner requests a rate of \$75.88¢ per Mcf for gas from wells commenced prior to January 1, 1973; \$1.1944 per Mcf for gas from wells commenced during the period from January 1, 1973 to January 1, 1975; \$2.1379 for gas from wells commenced after January 1, 1978 for gas sold from West Virginia wells to the interstate pipelines of Carnegie Natural Gas Co., Equitable Gas Co., Columbia Gas Transmission Corp., and Consolidated Gas Supply Corp.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 15, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a

protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15295 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. ER78-379]

INDIANA & MICHIGAN ELECTRIC CO.

Proposed Tariff Change

MAY 24, 1978.

Take notice that Indiana & Michigan Electric Co. on May 17, 1978, tendered for filing proposed changes in its FERC Tariff No. 25, applicable to service to Michigan Power Co. Indiana & Michigan Electric Co. indicates that the proposed changes would increase revenues from jurisdictional sales and service by approximately \$2,972,047, based on the 12-month period ending December 31, 1978. Indiana & Michigan Electric Co. proposes that the rates and charges and terms and conditions of service revised by this filing become effective June 16, 1978.

Copies of the filing were served upon the affected customer, and the Michigan Public Service Commission, according to Indiana & Michigan Electric Co.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE. 20426 in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15296 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. ER78-380]

INDIANA & MICHIGAN ELECTRIC CO.

Proposed Tariff Change

MAY 24, 1978.

Take notice that Indiana & Michigan Electric Co. (I&M Electric) on May 17, 1978, tendered for filing proposed changes in its FERC Tariff No. 22, applicable to service to Northern Indiana Public Service Co. I&M Electric indicates that the proposed changes would increase revenues from jurisdictional sales and service by approximately \$3,369,330, based on the 12-month period ending December 31, 1978. Indiana & Michigan Electric Co. proposes that the rates and charges and terms and conditions of service revised by this filing become effective June 16, 1978.

Copies of the filing were served upon the affected customer and the Public Service Commission of Indiana, according to I&M Electric.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15297 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. ER78-381]

INDIANA & MICHIGAN ELECTRIC CO.

Proposed Tariff Change

MAY 24, 1978.

Take notice that Indiana & Michigan Electric Co. (I&M) on May 17, 1978, tendered for filing an Interconnection Agreement dated as of January 2, 1977, between it and the City of Richmond. I&M indicates that that Agreement is now pending before the Commission on a joint motion seeking, among other things, the approval of the Agreement. I&M now seeks to have the Agreement filed, together with certain modifications to the Firm Power Schedule which is annexed to the Agreement. I&M states that the

NOTICES

proposed changes would increase revenues from jurisdictional sales and service under the Agreement by approximately \$1,090,335, based on the 12-month period ending December 31, 1978. I&M proposes that the changed rates and charges as revised by this filing, become effective June 16, 1978.

Copies of the filing were served upon the affected customers and the Public Service Commission of Indiana, according to I&M.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15298 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. ER78-382]

INDIANA & MICHIGAN ELECTRIC CO.

Proposed Tariff Change

MAY 25, 1978.

Take notice that Indiana & Michigan Electric Co. on May 17, 1978, tendered for filing proposed changes in its FERC Electric Tariff MRS and its FERC Electric Tariff WS, both applicable to service to municipal wholesale for resale customers only. I&M indicates that the proposed changes would increase revenues from jurisdictional sales and service by approximately \$3,562,205, based on the 12-month period ending December 31, 1978. Indiana & Michigan Electric Co. proposes that the rates and charges and terms and conditions of service revised by this filing become effective June 16, 1978.

Copies of the filing were served upon the affected customers, the Public Service Commission of Indiana and the Michigan Public Service Commission, according to I&M.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure

(18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15310 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. ER78-383]

INDIANA & MICHIGAN ELECTRIC CO.

Proposed Tariff Change

MAY 25, 1978.

Take notice that Indiana & Michigan Electric Co. (I&M) on May 17, 1978, tendered for filing proposed changes in its FERC Electric Tariff REC-1, applicable to service to rural electric cooperative wholesale for resale customers only. I&M indicates that the proposed changes would increase revenues from jurisdictional sales and service by approximately \$5,366,032, based on the 12-month period ending December 31, 1978. I&M proposes that the rates and charges and terms and conditions of service revised by this filing become effective June 16, 1978.

Copies of the filing were served upon the affected customers, the Public Service Commission of Indiana and Michigan Public Service Commission, according to I&M.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15311 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. ID-1832]

JACK R. MCCLENDON

Application

MAY 24, 1978.

Take notice that on May 2, 1978, Jack R. McClendon, (Applicant), filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President, The Connecticut Light and Power Co., Public Utility and Vice President, The Hartford Electric Light Co., Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 9, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15299 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. ID-1834]

JERROLD L. JACOBS

Application

MAY 24, 1978.

Take notice that on May 8, 1978, Jerrold L. Jacobs (Applicant) filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Atlantic City Electric Co., Public Utility, and Vice President, Deepwater Operating Co., Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a

NOTICES

petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15300 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. ER78-384]

KANSAS POWER & LIGHT CO.

Proposed Changes on Rates and Charges

MAY 25, 1978.

Take notice that on May 18, 1978, the Kansas Power & Light Co. (KPL) tendered for filing a newly executed renewal contract dated April 12, 1978, with the city of Centralia, Kans., for wholesale service to that community. KPL states that this is a renewal of a similar contract dated March 6, 1968, and designated KPL Rate Schedule FPC No. 99. The proposed effective date is May 1, 1978, and KPL requests that the Commission waive the notice requirements as allowed in § 35.11 of its regulations. According to KPL, the net billing for the 12 months succeeding the proposed change in agreements will be \$82,073.73. In addition, KPL states that copies of the contract have been mailed to the city of Centralia and the State Corporation Commission of Kansas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15316 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. RI78-42]

MAGUIRE OIL CO.

Petition for Special Relief

MAY 25, 1978.

Take notice that on March 21, 1978, Maguire Oil Co. (Petitioner) 4200 First National Bank Building, Dallas, Tex. 75202 filed a petition for special relief in Docket No. RI78-42.

Petitioner seeks authorization to sell its gas at a rate of 54 cents per Mcf plus an additional 30 percent as a certificated small producer, plus adjustments for the Btu factor, marketing cost, and compression. Currently, Petitioner is authorized to sell gas at a rate of 45 cents per Mcf. The purchaser of the gas is Valley Gas Transmission, Inc.

Petitioner states that it plans to install compression facilities in order to return its well to production. Petitioner's well is located in the Buena Suerte Field, Duvall County, Tex.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 16, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15312 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. ID-1845]

MARTIN R. MEYER

Application

MAY 24, 1978.

Take notice that on May 8, 1978, Martin R. Meyer (Applicant) filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Secretary and Assistant Treasurer, Atlantic City Electric Co., Public Utility, and Secretary, Deepwater Operating Co., Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this

filing are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15301 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. CP78-327]

MID-CONTINENT GAS STORAGE CO., AND
SOUTHERN NATURAL GAS CO.

Application

MAY 24, 1978.

Take notice that on May 11, 1978, Mid-Continent Gas Storage Co. (Mid-Continent), P.O. Box 190, Aurora, Ill. 60507, and Southern Natural Gas Co. (Southern), P.O. Box 2563, Birmingham, Ala. 35202 (Applicants) filed in Docket No. CP78-327 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicants to perform certain services necessary to enable Mid-Continent to provide on an annual basis up to 15,000,000 Mcf of gas storage service to Southern for a period ending November 30, 1981, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that a serious shortage of natural gas exists both nationwide and in Southern's service territory which is making it increasingly difficult to serve higher priority customers during the winter heating season. The application further states that Mid-Continent proposes to furnish storage service to help Southern mitigate the effects of the gas shortage by storing gas during the warmer injection period (April 1 through November 30) for delivery to Southern during the colder withdrawal period (November 1 to March 31). Southern has contracted with Mid-Continent for the proposed storage service to meet its storage requirements until the Bear Creek project proposed in Docket Nos. CP78-266 and CP78-267 is operational, it is stated.

It is indicated that Mid-Continent entered into a limited term storage leasing agreement (lease) dated March 23, 1978, under which it leased an undivided interest in Northern Illinois Gas Co.'s (NI-Gas) extensive intrastate storage and related transportation system for a fixed period ending November 30, 1981. It is further indicated that Mid-Continent has acquired under the lease those rights necessary to provide storage service to Southern under a limited term storage agreement dated March 23, 1978, which storage agreement provides that during the initial 1978 injection period

(April 1 through November 30) and during each subsequent injection period (April 1 through November 30), Southern may deliver or cause to be delivered to Mid-Continent an injection volume of natural gas (injection period volume) of up to 15,000,000 Mcf for transportation and storage. It is stated that Mid-Continent has an obligation to accept up to 15,000,000 Mcf of gas during the initial injection period and during each subsequent injection period, subject of Mid-Continent's right on any 54 days during any injection period to refuse to accept all or any portion of the tendered daily injection volumes if such refusal is necessary under the provisions of the lease subordinating Mid-Continent's leased storage capacity on a daily basis to NI-Gas' intrastate distribution system needs and NI-Gas' pre-existing obligations to third system needs and NI-Gas' pre-existing obligations to third parties.

Applicants indicate that the storage agreement further provides that during the withdrawal periods (November 1 through March 31) Mid-Continent would make available or cause to be made available to Southern an aggregate storage withdrawal volume (withdrawal period volume) of gas thermally equivalent to the volume of gas injected during the immediately preceding injection period, subject to the conditions that (1) Mid-Continent would make available a daily withdrawal volume of gas up to 125 percent of $\frac{1}{2}$ soth of the withdrawal period volume, (2) the daily obligation to make gas available is on a best efforts basis subject to provisions of the lease subordinating Mid-Continent's leased storage capacity to NI-Gas' intrastate distribution system needs and NI-Gas' pre-existing obligations to third parties and (3) if Southern elects to withdraw up to 15,000,000 Mcf of gas during a withdrawal period when it does not, for any reason, have in storage 15,000,000 Mcf of gas, it would deliver or cause to be delivered during the next injection period in addition to any other injections, an aggregate make-up injection volume of natural gas thermally equivalent to the volume withdrawn in excess of said preceding injection period volume.

It is stated that all injection and withdrawal gas required for the storage service would be furnished by Southern. It is further stated that Southern agrees to deliver injection gas and accept withdrawal gas at already existing interconnections (Delivery Point) of NI-Gas' intrastate facilities with those of one or more of NI-Gas' existing pipeline suppliers, and that Southern would be responsible for all transportation and exchange arrangements necessary to deliver or receive gas at the Delivery Point.

The application states that in order to deliver the injection period volume

and receive the withdrawal period volume, Southern will enter into a transportation agreement with Tennessee Gas Pipeline Co., a Division of a Tenneco Inc. (Tennessee). Pursuant to such agreement Southern would deliver gas for injection into storage to Tennessee at the presently authorized interconnection between Southern's and Tennessee's systems near Pugh, Miss., and that to deliver such gas to the Delivery Point, Tennessee would enter into a transportation agreement with Midwestern Gas Transmission Co. (Midwestern), it is said. It is indicated that Tennessee would deliver the gas received from Southern to Midwestern at an existing point of interconnection between their systems and Midwestern would then deliver such gas to Mid-Continent at the Delivery Point. Southern would receive the withdrawal period volume by the reverse of these procedures, it is stated.

It is indicated that each month, Southern would pay to Mid-Continent a storage charge which would be the sum of a demand charge and a two-tier commodity charge determined as follows:

- (a) The demand charge would be the product of \$16.11 per Mcf times the Daily Withdrawal Volume (66,667 Mcf).
- (b) Until an aggregate volume of 10,000,000 Mcf of gas has been injected or withdrawn during any injection period or withdrawal period, the commodity charge per Mcf injected or withdrawn during such month would be \$0.0056.
- (c) After an aggregate volume of 10,000,000 Mcf of gas has been injected or withdrawn during any injection period or withdrawal period, the commodity charge for each additional Mcf of gas injected during such month would be \$0.65. These monthly storage charges would be applied to a minimum bill of \$13,000,000 for each of the periods ending November 30, 1979, 1980, and 1981.

It is indicated that Southern would pay 21.09 cents per Mcf of injection volumes at 14.73 psia to Tennessee for the transportation services, and that in addition, Tennessee would receive 4.67 percent of the injection volumes delivered to it by Southern.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 14, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to

participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15302 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket Nos. ER77-493, etc.]

MONTAUP ELECTRIC CO.

Filing of Settlement Agreement

MAY 24, 1978.

Take notice that on May 17, 1978, Montaup Electric Co. tendered for filing a proposed settlement agreement together with a motion to the Commission to approve the agreement. Montaup states that the settlement agreement would resolve all issues among the parties in the above docketed consolidated proceedings. Montaup further states that all parties have signed the Settlement Agreement except the Attorney General of the Commonwealth of Massachusetts, who has represented that he does not oppose the agreement.

Any person to be heard or to protest said settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before June 2, 1978. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15303 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. AR84-2, etc.]

N. C. GINTHER, ET AL., AND W. L. GINTHER
AND M&M MINERALS CORP.

Petition for Special Relief, Supplement to Petition for Special Relief and Petition for Declaratory Order With Respect to Refunds

MAY 24, 1978.

Take notice that on November 14, 1977, N. C. Ginther, et al. (Petitioners), 1400 Bank of the Southwest Building Houston, Tex. 77002 filed pursuant to §§ 1.7 and 1.7(a) a petition for special relief; W. L. Ginther (Ginther, Warren & Co.) and M&M Minerals Corp. (Applicants), 1400 Bank of Southwest Building, Houston, Tex. 77002 filed a petition for declaratory order with respect to refunds in the above-captioned docket. On November 21, 1977, Petitioners filed a supplement to petition for special relief from refund obligation pursuant to §§ 1.11(a), 1.7(a) and 154.109.

Specifically, Petitioners who are non-operating working interest owners of leases in the Sarco Creek and West Videuri Fields, Texas Gulf Coast Area from which sales were made by Petitioners to Tennessee Gas Pipe Line Co. between June 1959 and May 1971 request special relief from the Commission's July 14, 1977, Order Directing Disbursement of Refunds. (Said order found Petitioners owing \$116,000 for sales under Ginther, Warren & Co. Gas Rate Schedule Nos. 1 and 2.) Petitioners seek relief on the basis of the equities involved, pointing out, inter alia, that they collected below ceiling rates between 1965 and 1971.

Due to financial problems, Ginther, Warren & Co., operators of the leases, filed in District Court for proceedings in an arrangement; subsequently these leases were assigned to M&M Minerals Corp. It is Applicants' contention that by virtue of the proceedings in arrangement the refund obligation under Ginther, Warren & Co.'s Gas Rate Schedule Nos. 1 and 2 should be deemed discharged. Also Applicants state that M&M Minerals Corp. (M&M) should not be held liable for the refund obligation since M&M did not make the sales, and had no interest in the leases when the refund obligation accrued; furthermore, M&M received an interest in the leases pursuant to an agreement which was part of the arrangement proceeding. Therefore, in the petition for declaratory order, Applicants request that the Commission declare they do not owe refunds under Gas Rate Schedules Nos. 1 and 2.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 15, 1978, file with the Federal Energy Regulatory Commission, Washington,

[6740-02]

[Docket No. CI78-7671]

PENNZOIL LOUISIANA AND TEXAS OFFSHORE, INC.

Application For Certificate Pursuant To
Optional Procedure

MAY 23, 1978.

Take notice that on May 17, 1978, Pennzoil Louisiana and Texas Offshore, Inc. (PLATO), Houston, Tex. 77001, filed an application for a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act and 18 CFR 2.75 (optional procedure). PLATO requests a rate of \$4.75/Mcf plus 5 cents/Mcf compression charge for the sale of approximately 239 Bcf of reserves from 50 offshore Louisiana and Texas blocks to United Gas Pipe Line Co. (United). The Applicant requests a rate of \$3.67/Mcf plus 5 cents/Mcf compression charge for the sale of 83 Bcf of reserves from 14 blocks in offshore Louisiana and Texas to Sea Robin Pipe Line Co. (Sea Robin). For the total sales of 322,330 Bcf of reserves, PLATO is requesting the Commission to approve rates which in the aggregate would equal approximately \$1,454,728,050.00. This is about \$875,776,750.00 more than Applicant would collect should it be authorized to collect the applicable nationwide rate (\$1.61/Mcf flat rate). Applicant estimates that the reserves from the subject 64 blocks would be depleted in 1987.

PLATO requests the Commission waive the provision in 18 CFR 2.75(o) which requires an applicant to collect the nationwide rate for the first 9 months of deliveries, and asks that it be authorized to collect its rates of \$4.79 and \$3.72/Mcf subject to refund from June 17, 1978.

Applicant also requests that the present application be consolidated with its applications filed in Docket Nos. CI77-702 (July 25, 1977) and CI78-499 and CI78-500 (March 2, 1978).

Notice is hereby given that Applicant as well as Pennzoil Oil and Gas, Inc. (POGI), and Pogo Producing Co. (Pogo) on March 2, 1978, filed applications pursuant to the Commission's optional procedure, requesting certificates covering the sale of gas from each's interest in High Island Blocks 323 and 520 offshore Texas to United at an initial base rate of \$2.89/Mcf. PLATO's filings on March 2, 1978, were in Docket Nos. CI78-499 and 500; POGI's were in Docket Nos. CI78-498 and 501; and Pogo's were in Docket Nos. CI78-502 and 503. Each Applicant therein requested waiver of 18 CFR §§ 2.75(f) and 154.93 to permit acceptance for filing their respective contracts which contained impermissible pricing provisions.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15304 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. ES78-34]

NORTHWESTERN PUBLIC SERVICE CO.

Application

MAY 25, 1978.

Take notice that on April 24, 1978, the Northwestern Public Service Co. (Applicant) filed an application with the Commission, pursuant to section 204 of the Act, seeking authorization to issue, and to renew or extend the maturity of, promissory notes to evidence short-term borrowings as needed for the Applicant's business from time to time, provided that the aggregate principal amount of such notes outstanding at any one time shall not exceed \$30 million. The notes will be issued through the period ending July 1, 1979 and with maturities of not exceeding 360 days.

The Applicant is incorporated under the laws of the State of Delaware, with its principal business office at Huron, S. Dak. and is qualified to do business as a foreign corporation in the States of Iowa, North Dakota and South Dakota.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 9, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15313 Filed 6-1-78; 8:45 am]

The application of PLATO in Docket No. CI78-767 purports to consolidate PLATO's applications in Docket Nos. CI78-499 and 500 as well as its application in Docket No. CI77-702.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 14, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15305 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. RI78-53]

SUN OIL CO.

Petition for Special Relief

MAY 25, 1978.

Take notice that on April 20, 1978, Sun Oil Co. (Petitioner), 11 NorthPark East, Suite 800, Dallas, Tex. 74231 filed a petition for special relief in Docket No. RI78-53 pursuant to § 2.76 of the Commission's rules.

Petitioner seeks permission to charge at total base rate of 50.00¢ per Mcf for the sale of gas from the Tebo Gas Unit, Well No. 1, Hamilton County, Texas, so that it can recover monies to be spent in restimulating the well to recover the maximum amount of gas reserves. Kansas Nebraska Natural Gas Co. is the purchaser of Petitioner's gas. Currently, Petitioner charges 29.5¢ per Mcf for its gas.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 16, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file

a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15314 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket Nos. CP78-317; CP78-94]

TENNESSEE GAS PIPELINE CO.

Pipeline Application

MAY 23, 1978.

Take notice that on May 5, 1978, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Tex. 77001, filed in Docket No. CP78-317 an application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the construction and operations of 0.85 miles of 6" pipeline extending from a platform in Vermilion 218 to a point on the existing Blue Water System. Alternatively, Tennessee requests in Docket No. CP78-94 waiver of § 157.7(b)(1)(i).

Tennessee states that granting of the requested certificate will enable Tennessee to receive additional deliverability from previously committed reserves. Tennessee also states that granting Tennessee's alternate request for waiver will relieve Tennessee of the time and expense of preparing several other relatively minor certificate applications and will also relieve the Commission and its Staff of the burden of processing Tennessee's request for a certificate for these facilities at Vermilion 218 as well as such other minor applications.

Further, Tennessee says that the proposed construction for the facilities at Vermilion 218 is expected to cost about \$930,000.

Any person desiring to be heard or to make any protest with reference to said application, on or before June 14, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the

Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15315 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. CP78-330]

TRANSCONTINENTAL GAS PIPELINE CORP.

Application

MAY 24, 1978.

Take notice that on May 12, 1978, Transcontinental Gas Pipeline Corporation (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP78-330 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, installation, and operation of three 3,735 horsepower (hp) Solar Centaur centrifugal gas turbine compressor units, station piping and other appurtenant facilities to be located at existing Compressor Station 60 on Applicant's mainline system in East Feliciana Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the additional horsepower obtained from the proposed facilities is necessary because the maximum capacity of its existing facilities at the discharge side of Station 60 is approximately 1,833,000 Mcf per day; however, Applicant anticipates that during the 1978-79 winter season the quantity of gas which would be required to be moved through Station 60 from all upstream sources would be up to about 2,061,000 Mcf per day. Applicant indicates that this total quantity is the sum of anticipated maximum flowing supplies from presently attached sources as well as new sources to be attached, withdrawal quantities from the Washington Storage Field, withdrawal quantities from the Hester Storage Field, the quantities attributable to exchange transactions in this area of the system, short- and long-haul transportation

quantities, and anticipated emergency gas supplies of an estimated 150,000 Mcf per day.

The proposed facilities are estimated by Applicant to cost \$4,032,000, which cost would be financed initially through short-term loans and available cash, it is said. Construction is scheduled to commence in July, 1978, in order that the three compressor units, which are to be delivered in October, 1978, can be installed and ready for an in-service date of December 1, 1978, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 15, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15306 Filed 6-1-78; 8:45 am]

[6740-02]

[Docket No. CP78-328]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

MAY 24, 1978.

Take notice that on May 12, 1978, Transcontinental Gas Pipe Line Cor-

poration (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP78-328 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the long-haul firm and interruptible transportation service for Consolidated Gas Supply Corporation (Consolidated) under a revised transportation agreement, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is authorized pursuant to the certificate issued in Docket No. CP72-244 and an agreement dated September 12, 1972, which is on file with the Commission as Rate Schedule X-56 in Applicant's FERC Gas Tariff, Original Volume No. 2, to provide firm transportation service for Consolidated up to 71,548 Mcf per day (14.7 psia) and interruptible transportation service up to 30,663 Mcf per day from two points on Applicant's system in Louisiana to the Clinton County, Pa., redelivery point for a 20-year term, expiring October 31, 1992.

Applicant states that as a result of changes and additions in the sources of gas supply available to Consolidated, particularly from offshore Louisiana, and in the terms and conditions under which Applicant renders similar long-haul transportation services for others, Applicant and Consolidated have revised the basic agreement pursuant to which Applicant proposes to provide firm and interruptible transportation services for Consolidated in the future.

It is indicated that the principal provisions of the revised transportation agreement dated April 12, 1978, are as follows:

(a) Delivery points for the receipt of Consolidated's gas on Applicant's system in the production area are divided into three groups: (1) delivery points at which Applicant would receive gas for firm transportation service through its main line for delivery in Clinton County, Pennsylvania, at Applicant's effective Rate Schedule CD-3 demand and commodity rate (less certain adjustments to the commodity rate); (2) delivery points at which Applicant would receive gas for firm main line transportation at its Rate Schedule CD-3 demand and commodity rate (as above), plus an additional charge to reimburse Applicant for Consolidated's share of the capacity for expanded facilities installed by Applicant in the production area in order to provide the transportation service on a firm basis; and (3) delivery points at which Applicant would receive gas for interruptible transportation. In addition, in the event that Applicant is required to install additional facilities between its main line and any point designated for the receipt of interruptible volumes for Consolidated, Consolidated may terminate the transportation service from such delivery point, reduce the maximum daily volume assigned to such point so as to eliminate the need for additional facilities, or convert the deliveries tendered at such

point to a firm basis. If Consolidated exercises the latter option, then Applicant, either separately or jointly with Consolidated, would construct the required facilities and charges for the transportation services for gas tendered at such point would be adjusted.

(b) Applicant's obligation to provide firm transportation service, now stated volumetrically as 71,548 Mcf per day (14.7 psia), is restated in heating value units in dekatherms (dt) per day. Interruptible transportation volumes may be tendered by Consolidated up to 100,000 dt per day, a change from 30,663 Mcf per day. The contract rate of 22.0 cents per Mcf for existing interruptible service under Rate Schedule X-56 is changed, initially, to 24.0 cents per dt.

(c) The revised agreement provides: (1) that Applicant would retain fuel use and line loss make-up volumes related to rendering the interruptible transportation service, (2) for reimbursement for plant use and shrinkage in the event Consolidated's gas is processed, and (3) terms for the transportation of liquids in gas tendered by Consolidated.

(d) Five new delivery points for the receipt of Consolidated's gas by Applicant are as follows: (1) a point on Applicant's Southwest Louisiana Gathering System and the U-T Offshore System's Johnson's Bayou Plant in Cameron Parish, Louisiana; (2) a point on Applicant's existing facilities in South March Island Area, Block 66 Field, offshore Louisiana; (3) a point on Applicant's existing facilities in Vermilion Area, Block 101 Field, offshore Louisiana; (4) a point on Applicant's existing Southwest Louisiana Gathering System immediately downstream from Mobil Oil Corporation's Cameron Plant, in Cameron Parish, Louisiana; and (5) a point at the interconnection between Applicant and Trunkline Gas Company at Ragley, Beauregard Parish, Louisiana.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 15, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required

herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15317 Filed 6-1-78; 8:45 am]

[3128-01]

Office of the Secretary

ENERGY RESEARCH ADVISORY BOARD

Determination To Establish

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), I hereby certify that the establishment of an Energy Research Advisory Board, ERAB as hereinafter identified, is in the public interest in connection with the performance of duties imposed upon the Department of Energy by the DOE Organization Act (Pub. L. 95-91) and other applicable law. This determination follows consultation with the General Services Administration, pursuant to section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular No. A-63 (Revised).

1. *Name of Advisory Committee.* Energy Research Advisory Board.

2. *Purpose.* The ERAB will advise the Office of the Secretary of Energy, through the Director of Energy Research, on scientific and technical matters of interest to the Department. Specifically the ERAB is to advise the Secretary, the Deputy Secretary, and the Under Secretary of Energy, and the Director of Energy Research on overall research and development (R. & D.) being conducted in DOE and provide long-range guidance in these areas to the Department. In furtherance of this mission, the Board shall concern itself with research and development policy matters in the area of long-range planning and shall render advice to the Office of the Secretary of Energy and the Department's key managers in areas useful to their offices as to specific energy systems and related research programs. Specific advice shall be rendered to meet the needs of the Agency by agreement with the Assistant Secretaries and the Under Secretary of the Department. The ERAB shall be responsible to requests for advice from the Secretary of Energy, the Deputy Secretary, the

Under Secretary and the Director of Energy Research, and the Assistant Secretaries concerned with research.

3. *Effective Date of Establishment and Duration.* The ERAB is established, effective June 19, 1978, and after filing of the charter with the standing committees of Congress having legislative jurisdiction of the Department of Energy, and will be terminated or renewed not later than two years from the date the charter is filed as required by the Federal Advisory Committee Act.

4. *Membership.* The membership of ERAB will rotate each December 31 (approximately one-fourth of the Board being replaced each year). Membership and representation of all interests will be determined in accordance with the requirements of the Federal Advisory Committee Act (Pub. L. 92-463) and section 624(b) of the Department of Energy Organization Act (Pub. L. 95-91). Membership will include reasonable representation of the various points of view and functions of the industry and users affected, including residential, commercial, and industrial consumers; membership will also include, where appropriate, representation from both State and local governments, and representatives of state regulatory utility commissions selected after consultation with the respective national associations. Small business shall be represented. The Board members will be selected on the basis of their preeminence in the fields of science and technology pertinent to the interests of the respective offices of the Department, their professional expertise in relevant fields, their insight into the relationship between these discipline areas and relevant energy issues, their working experience with the points of view of industry, university, government, and professional community areas, and on the basis of their ability to knowledgeably express the views of other affected and appropriate interests. Selection of members will reflect the Board's principal focus on R. & D. The Board, its Executive Steering Committee and other subcommittees and ad hoc subpanels will include a significant representation from science interest groups concerned with residential consumer issues at both the Federal and regional level.

There will be no discrimination based on race, color, national origin, religion, or sex.

5. *Operation.* The ERAB will operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), OMB Circular A-63 (Revised), section 624 of the Department of Energy Organization Act (Pub. L. 95-91), and other directives and instructions issued in accordance with the implementation of these Acts. An Executive Steering Commit-

tee of ERAB will normally meet four times each year and at such other times as may be called by the Chairperson in consultation with the Director of Energy Research.

Agenda will be determined by the Chairperson in consultation with the Executive Director and the Director, Division of Advisory and Liaison Programs, with the approval of the Director of Energy Research giving due consideration to the suggestions of the Board members. Staff support will be provided to the Board by the Office of the Director, Division of Advisory and Liaison Programs, Office of Energy Research, DOE.

6. *Objectivity.* The advice and recommendations of this Advisory Committee will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the Advisory Committee's independent judgment.

Issued at Washington, D.C. on May 26, 1978.

JAMES R. SCHLESINGER,
Secretary of Energy.

[FR Doc. 78-15391 Filed 6-1-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 904-7; PFT-28]

FOOD ADDITIVE PETITION

Filing

BASF Wyandotte Corp., Agricultural Chemical Division, 100 Cherry Hill Road, Parsippany, N.J. 07054, has submitted a petition (FAP 8H5182) to the Environmental Protection Agency (EPA) which proposes that 21 CFR Part 193 be amended by establishing a regulation permitting the use of the plant regulator N,N-dimethyl-piperidinium chloride in an experimental program involving the application of said pesticide to growing cotton with a tolerance limitation of 2 parts per million (ppm) in cottonseed meal. Notice of this submission is given pursuant to the provisions of Section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington D.C. 20460. Inquiries concerning this petition may be directed to Special Registration Branch (SRB), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at 202-755-4851. Written comments should bear a notation indicating the petition number. Comments may be

made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: May 24, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-15336 Filed 6-1-78; 8:45 am]

[6560-01]

[FRL-904-6]

OFFICE OF ENFORCEMENT

Guidelines for Section 211(f) Waivers for Alcohol-Gasoline Blends

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Clean Air Act Amendments of 1977 added section 211(f), which prohibits or limits the use of certain fuels and fuel additives, including alcohol-gasoline blends. Section 211(f) also provides for waivers of these prohibitions and limitations if a fuel or fuel additive manufacturer can show that a fuel or fuel additive will not cause or contribute to the failure of any emission control device or system installed on vehicles or engines to achieve compliance with applicable emission standards.

Pursuant to section 211(f), the Administrator has 180 days after receipt of an application within which to grant or deny a waiver. If the Administrator does not act within 180 days, the application for waiver shall be treated as granted.

These Guidelines are being published in order to facilitate waiver application and review for alcohol-gasoline blends, in particular Gasohol. The Guidelines also establish procedures for the waiver process.

FOR FURTHER INFORMATION CONTACT:

George Y. Sugiyama, Attorney-Advisor, Mobile Source Enforcement Division (EN-340), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-755-2848.

SUPPLEMENTARY INFORMATION:

GUIDELINES: SECTION 211(f)(4) WAIVERS

I. APPLICATIONS FOR WAIVERS AND BURDEN OF PROOF

All requests for a waiver, the supporting data, and the contents of all related submittals should be public information and therefore releasable to any party requesting such data.

Should an applicant for a waiver desire to assert a claim of business confidentiality or trade secret information over any part of an application requesting a waiver, such assertion should only be made if the failure to submit such information would seriously jeopardize the success of the application and the release of such information will cause significant harm to the applicant.

Applications for waivers should be submitted only by manufacturers of fuels or fuel additives. Requests for waivers by individuals or organizations who are not manufacturers will not be considered a sufficient request for waiver such as to initiate the 180 day review period provided by section 211(f)(4). For purposes of initiating the 180 day requirement, an application will be considered to be received on the date it is delivered to the Director, Mobile Source Enforcement Division. Use of certified (return receipt) or registered mail is encouraged.

The Administrator may waive the section 211(f) prohibitions and restrictions if he "determines that the applicant has established" (emphasis supplied) that the fuel additive in question will not cause the effects described in section 211(f)(4). The burden of performing tests and furnishing data and evidence is upon the applicant. Applications which are not accompanied by any evidence as to the effects of a fuel additive upon the emissions performance of the national automobile fleet will be denied. Any waiver granted to one manufacturer will be applicable to any manufacturer similarly situated. Multiple applications for the same waiver are not necessary and are discouraged unless based on different or additional information.

II. DEFINITIONS

A. Substantially Similar

A fuel additive is not substantially similar to any fuel additive used in the certification of any model year 1975 or subsequent model year vehicle or engine under section 206 of the Clean Air Act (as amended), if:

(a) Such fuel additive contains any element other than an impurity which was not specified for use, or was not typically contained, in the fuel utilized in the certification of any model year 1975, or subsequent model year vehicle or engine, or

(b) The chemical structure of the additive is not identical to the chemical structure of any additive specified for use in the certification of any model year 1975, or subsequent model year vehicle or engine.

B. Introduction Into Commerce

Introduction into commerce of a fuel additive occurs when with regard to a

quantity of fuel containing such additive:

(a) No further blending, mixing, or other treatment or change to the chemical composition of the fuel will occur, and

(b) The fuel has entered into the process of shipment, such as pipeline or common carrier (whether or not owned or controlled by the manufacturer), with the purpose of selling or offering for sale.

C. Increase in Concentration

The phrase "increase in concentration" is applicable on a per refiner basis and, with respect to fuel additives, will be considered to occur if any concentration in any gallon of fuel (in grams of additive per gallon) exceeds any preceding concentration for a fuel entered into commerce.

III. TESTING PROCEDURES

A request for a waiver should contain data relating to a fuel additive's emissions effects which are derived from vehicle testing. It is essential that test data provide a reliable basis for comparison with the conditions under which vehicles are certified pursuant to section 206 of the Clean Air Act. The various tests and conditions under which tests should be conducted are described below.

A. Use of the FTP for Exhaust Emissions Testing

For all tailpipe tests the Federal Test Procedure for 1978 and subsequent year light-duty vehicles should be used. The FTP is described at 40 CFR 86.101 et seq. Any deviations from the FTP should be reported in the application for waiver along with an explanation as to the reasons for such deviations.

B. Federal Durability Schedule

EPA has reason to believe that any alcohol-gasoline blended fuels effects which may cause or contribute to the failure of a vehicle or engine to meet emission standards will be concentration and/or time dependent. Due to this dependence, such effects may not appear during the relatively short period (3 to 4 months) over which mileage is accumulated utilizing the 50,000 mile Federal Durability Schedule (40 CFR Part 86 Appendix IV).

EPA requests information on any time and concentration dependent effects that alcohol-gasoline blends may have on automotive systems such as gaskets or other parts of fuel systems, both metallic and nonmetallic. Further, any testing procedures which are used to determine such effects should be described in detail.

Should an applicant for a waiver choose to obtain mileage accumulation data, any deviations from the Federal

Durability Schedule should be reported in the application for waiver along with an explanation of the reasons for such deviations.

C. Testing at Various Concentration Levels of Fuel Additives

Where a waiver is sought for a fuel additive, the additive's effects upon emissions performance may be critically dependent upon its concentration in use. Data submitted should encompass the range of concentrations intended for use. No attempt by EPA to extrapolate data to a permissible concentration level is contemplated.

IV. FUEL AND FUEL ADDITIVE SPECIFICATIONS

A. Mileage Accumulation Fuel

The fuel utilized for mileage accumulation should be similar to that utilized in the certification of light-duty motor vehicles under section 206 of the Clean Air Act except with regard to the application additive. Reference should be made to 40 CFR 86.113-79(a)(2) for an example of one such fuel. Specifications for the mileage accumulation fuel should be reported in the application for a waiver along with documentation that the fuel utilized did not vary in specifications.

B. Emission Test Fuel

All emission testing should be performed using Indolene fuel except with regard to the application additive. If Indolene fuel is not used, then it is recommended that the specifications for emission test fuel contained at 40 CFR 86.113-79(a)(1) be followed. Specifications for the emission test fuel used should be reported in the application for a waiver along with documentation demonstrating that the fuel utilized did not vary in specifications.

V. DURABILITY OF EMISSION CONTROL SYSTEMS AND DEVICES

A waiver cannot be granted if a fuel additive will cause or contribute to a failure of any emission control device or system to achieve compliance with the standards over the vehicle's useful life. EPA believes that harm to emission control devices or systems which adversely affects vehicle performance, such that removal or rendering inoperative of such devices or systems may be reasonably expected, should be considered a basis under section 211 (f)(4) for denying a waiver. Where the potential for such harm is evidenced, the applicant has the burden of proving that such harm will not occur.

VI. FORMATS FOR SUBMITTAL OF INFORMATION

A. A separate application should be filed for each additive for which a waiver is requested.

B. The application should be in writing, signed by an authorized representative of the applicant, and clearly indicate that it is an application for a waiver pursuant to section 211 (f)(4) of the Clean Air Act.

C. All information and data which is used to support a request for a waiver should be submitted at the same time. Substantive amendments (other than technical corrections of information already received by EPA) may be considered to be new applications, and the date such amendments are received may be treated as the beginning of the 180 day period specified in section 211 (f)(4).

D. An application filed by more than one party is permissible and will be accepted.

E. The applicant has the burden of furnishing to EPA all data which is referenced or utilized as support for a request for a waiver.

F. Each application will receive a docket number which will be communicated to the applicant(s) along with the receipt date of the application. All correspondence should refer to the docket number.

G. A copy of each application should be submitted to: Director, Mobile Source Enforcement Division (EN-340), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

H. Each application should contain the following information:

1. Fuel and fuel additive specifications for the mileage accumulation and emissions test fuel and for the fuel and/or fuel additive for which a waiver is requested and the methods of analysis.

2. HC, CO, NOx emission values in grams/mile for each test performed.

3. Deterioration factors for each vehicle.

4. A description or reference to a description of all procedures used to test each vehicle.

5. A record and description of maintenance and other servicing performed.

6. The results of each emission test for each vehicle and the point in the durability schedule at which such vehicles were tested.

7. A description of each vehicle in the control and test fleets, including a description of their engines, emission control systems, fuel system components, and any auxiliary emission control devices.

8. Results of analysis of the actual fuel used in mileage accumulation and emission testing with respect to additive concentration, lead content, octane rating, sulfur content, phosphorus content, Reid vapor pressure, distillation specifications, and hydrocarbon composition.

9. Evidence of other physical effects of the additive for which waiver is requested on fuel system parts for the 50,000 miles of operation (e.g., indica-

tion of corrosion or material incompatibility with the additive).

10. Evidence of the physical effects of the additive for which waiver is requested on catalytic converters for the 50,000 miles of operation (e.g., pressure drop test results or other physical testing to determine extent of catalyst plugging).

Dated: April 24, 1978.

MARVIN B. DURNING,
Assistant Administrator
for Enforcement.

[FR Doc. 78-15352 Filed 6-1-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

TV BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: May 24, 1978.

Released: May 26, 1978.

Notice is hereby given, pursuant to section 1.572(c) of the Commission's Rules, that on July 7, 1978, the TV broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to section 1.227(b)(1) and section 1.591(b) of the Commission's Rules, an application in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on July 6, 1978, which involves a conflict necessitating a hearing with any application on this list must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on July 6, 1978.

The attention of any party in interest desiring to file pleadings concerning any pending TV broadcast application, pursuant to section 309(d)(1) of the Communication's Act of 1934, as amended, is directed to section 1.580(i) of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

BPCT-4970 (new), Greenville, Miss., Big River Broadcasting Co., Channel 15, ERP: Vis.: 2746 kW, HAAT 887 ft.

BPCT-5130 (new), Las Vegas, Nev., Broadcast West, Inc., Channel 21, ERP: Vis.: 280 kW, HAAT 1,419 ft.

BPCT-5148 (new), Pembina, N. Dak., North American Communication Corp., Channel 12, ERP: Vis.: 318 kW, HAAT 825 ft.

BPCT-5149 (new), Cleveland, Ohio, Cleveland Television Corp., Channel 19, ERP: Vis.: 1090 kW, HAAT 1,008 ft.

BPCT-5155 (new), Grand Junction, Colo., Pikes Peak Broadcasting Co., Channel 8, ERP: Vis.: 162 kW, HAAT 2,973 ft.

BPCT-5166 (new), Grand Rapids, Mich., T.V. 17 Unlimited, Inc., Channel 17, ERP: Vis.: 440.5 kW, HAAT 1,057 ft.

BPCT-5167 (WBTW-TV), Florence, S.C., Daily Telegraph Printing Co., Channel 13, change transmitter site; change ERP: Vis.: 316 kW; change HAAT 1,949 ft.

BPCT-5168 (new), Alexandria, La., Louisiana Educational TV Authority, Channel 25, ERP: Vis.: 2690 kW, HAAT 940 ft.

BPCT-5169 (new), Abilene, Tex., Big Country TV Co., Channel 32, ERP: Vis.: 2051.3 kW, HAAT 909.5 ft.

BPCT-5170 (new), San Antonio, Tex., Family Television, Inc., Channel 29, ERP: Vis.: 1242 kW, HAAT 894 ft.

BPET-598 (new), Bemidji, Minn., Northern Minnesota Public Television, Inc., Channel 9, ERP: Vis.: 316 kW, HAAT 1,098 ft.

BPET-599 (new), Edwardsville, Ill., Southwestern Illinois Public Television, Inc., Channel 18, ERP: Vis.: 5000 kW, HAAT 1,225 ft.

BPET-600 (WNJB), New Brunswick, N.J., New Jersey Public Broadcasting Authority, Channel 58, change transmitter location; change ERP: Vis.: 3040.9 kW, HAAT 1410.3 ft., and request for waiver of section 73.610(d) of the Commission's Rules.

BPET-602 (new), West Palm Beach, Fla., Public Broadcasting Foundation of Palm Beach County, Inc., Channel 42, ERP: Vis.: 1069 kW, HAAT 1,971 ft.

BPET-604 (new), Fort Myers, Fla., the State Board of Regents of Florida, Channel 30, ERP: Vis.: 614 kW, HAAT 968.3 ft.

BPET-605 (KFME-TV), Fargo, N. Dak., Prairie Public Television, Inc., Channel 13, change transmitter location; change ERP: Vis.: 305.5 kW; and change HAAT 1,142 ft.

BPET-607 (KOAP-TV), Portland, Oreg., State of Oregon Acting by and through the State Board of Higher Education, Channel 10, change ERP: Vis.: 309 kW.

BPET-608 (new), Los Angeles, Calif., Quality Public Broadcasting Corp., Channel 68, ERP: Vis.: 2265 kW, HAAT 2,284 ft.

BPCT-5177 (new), San Antonio, Tex., Hubbard Broadcasting, Inc., Channel 29, ERP: Vis.: 2084 kW, HAAT 1,474 ft.

[FR Doc. 78-15197 Filed 6-1-78; 8:45 am]

[6712-01]

[Report No. 911]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

MAY 22, 1978.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30-day notice period (see § 309(c) of the Communications Act), applications filed under part 68, applications filed under part 63 relative to small projects, or as otherwise noted.

Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for part 68 applications.

In order for an application filed under part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20848-CD-P-78 Penna. Radio Telephone Co. (new) C.P. for a new station to operate on 454.350 MHz to be located at North Queen and Chestnut Streets, Lancaster, Pa.

20951-CD-P-78 General Telephone Co. of Florida (KWT890) C.P. for additional facilities to operate on 152.84 MHz to be located at a new site Loc. No. 6: 2.8 miles north of Knights, Fla.

21194-CD-P-78 Carolina Telephone & Telegraph Co. (KDS725) C.P. to relocate facilities operating on 158.10 MHz to be located at .7 mile northwest of Whiteville, N.C.

21197-CD-P-78 Gulf Central Communications & Electronics, Inc. (new) C.P. for a new 1-way station to operate on 43.22 MHz to be located at State Highway 98, 1.8 miles east of Maxie, La.

21207-CD-P-2-78 General Telephone Co. of the Southwest (KFL909) C.P. to change antenna system operating on 152.60 and 152.72 and to add standby facilities operating on 152.60 and 152.72 MHz located at Highway 377 West at Hall Rock Quarry, Brownwood, Tex.

21249-CD-P-2-78 Bruce Graham (KLB689) C.P. to relocate facilities operating on 152.09 MHz from Loc. No. 1 to Loc. No. 2 and for additional facilities to operate on 152.12 MHz at Loc. No. 2: 8 miles south of Canadian, Tex.

21250-CD-P-3-78 Two-Way Radio of Carolina, Inc. (new) C.P. for a new 1-way

station to operate on 158.70 MHz, base, 72.24 MHz, repeater, at Loc. No. 1: East side U.S. Hwy. 29A—1.5 miles northwest of Concord, N.C., and 75.88 MHz, control at Loc. No. 2: 400 South Tyron, Charlotte, N.C.

21278-CD-P-2-78 Evans Communications, Inc. (KTS235) C.P. to designate facilities operating on 152.24 MHz at Loc. No. 1 as standby and for additional facilities to operate on 152.24 MHz to be located at a new site Loc. No. 2: Corner of Gervais and Bull Street, Columbia, S.C.

21279-CD-P-78 Ranch Radio, Inc. (KLB324) C.P. for additional facilities to operate on 454.250 MHz at Loc. No. 1: 1 mile north of El Campo, Tex.

21280-CD-P-78 Telephone Answering Service, Inc. (KJU799) C.P. for additional facilities to operate on 152.18 MHz located at 805 Kentucky Avenue, Paducah, Ky.

21285-CD-P-7-78 Southwestern Bell Telephone Co. (KKB855) C.P. for additional facilities to operate on 152.63 MHz and to correct coordinates and change transmitters operating on 152.51, 152.54, 152.66, 152.75, 152.78, and 152.81 MHz located at 3.7 miles north and 2.9 miles west of the intersection of Grand and Main Streets, in Enid, Okla.

21286-CD-P-3-78 Mobilfone Communications, Inc. (KKX714) C.P. to change antenna system operating on 152.03, 152.18, and 152.21 MHz at Loc. No. 2: 3.63 miles west of Pflugerville, Tex.

21287-CD-P-78 Answerphone of Cumberland & Atlantic Counties, Inc. (KTS279) C.P. for additional facilities to operate on 454.100 MHz to be located at a new site Loc. No. 2: Brigantine Inn, 1400 Ocean Avenue, Brigantine, N.J.

21289-CD-P-78 Mobilfone Communications, Inc. (KFL661) C.P. for additional facilities to operate on 152.24 MHz at a new site Loc. No. 4: 3.63 miles west of Pflugerville, Tex.

21294-CD-P-2-78 General Telephone Co. of the Southwest (KLF468) C.P. to replace transmitter operating on 152.51 and 152.72 MHz and for additional facilities to operate on 152.51 and 152.72 MHz, standby located at east side of FM2012, 2.5 miles north of intersection of FM2012 and FM918, Kilgore, Tex.

21295-CD-P-9-78 Mobilfone Communications, Inc. (KKX714) C.P. for additional facilities to operate on 152.06, 152.09, 152.15, 454.050, 454.100, 454.150, 454.200, 454.250, and 454.350 MHz at Loc. No. 2: 3.63 miles west of Pflugerville, Tex.

21296-CD-P-3-78 Mobile Phone of Texas, Inc. (KKO341) C.P. for additional facilities to operate on 454.125 MHz, control at Loc. No. 1: KFDC-TV tower, State Route 30 and Old Seymour Road, Wichita Falls, Tex.; and 152.09 MHz, base and 459.125 MHz, repeater at a new site Loc. No. 2: 0.9 mile south of Hwys. 25 and 287 near Electra, Tex.

21420-CD-P-2-78 Airsignal International, Inc. (KQB688) C.P. for additional facilities to operate on 152.06 and 152.15 MHz to be located at a new site Loc. No. 6: Gates Mill Shopping Center, Mayfield Heights, Ohio.

21421-CD-P-78 Radio Relay Corp.-New Jersey (KEC935) C.P. for additional facilities to operate on 35.58 MHz to be located at a new site Loc. No. 6: 1,500 feet east of Route 34, 3 miles south of Matawan, N.J.

21422-CD-AL-2-78 AAA Answerphone, Inc.—Jackson. Consent to Assignment of License from AAA Answerphone, Inc.—

Jackson, Assignor to Anserphone of Nat-
chez, Inc., Assignee, Stations: KRH666
and KUD208, Natchez, Miss.

21423-CD-P-(2)-78 Metro Fone Communi-
cations, Inc. (KRS655) C.P. for additional
facilities to operate on 2128.0 MHz, re-
peater at Loc. No. 1: IDS Center, 80 South
Eighth Street, Minneapolis, Minn., and
2178.0 MHz, control, at a new site Loc. No.
2: 4211 Rhode Island Avenue, North, New
Hope, Minn.

21424-CD-MP-78 Carolinal Telephone &
Telegraph Co. (KDS761) M.P. to relocate
facilities operating on 158.10 MHz to be lo-
cated at 2.7 miles north, Ahoskie, N.C.

21425-CD-P/ML-78 DPRS, Inc. t/a Zip-
Call (KCB890) C.P. to change antenna
system operating on 43.58 MHz at Loc. No.
8: Oak Street, 0.4 miles north of Route 6,
Barnstable, Mass.

21426-CD-AL-78 Betty Bowen Bradshaw,
d.b.a. Salisbury Answering Service. Con-
sent to Assignment of License from Betty
Bowen Bradshaw, d.b.a. Salisbury Answer-
ing Service, Assignor to Salisbury Mobile
Telephone, Inc., Assignee. Station
KGH868, Salisbury, Md.

21428-CD-P-(8)-78 Advanced Radio Com-
munications Co. (KQZ755) C.P. for addi-
tional facilities to operate on 454.025,
454.050, 454.200, 454.250, 454.300, and
454.350 MHz to be located at location No.
6: Bull Run Mountain, 7.1 miles NNW of
Haymarket, Va.

21429-CD-P-(2)-78 Tel-Page Corp.
(KEC941) C.P. for additional facilities to
operate on 454.275 and 454.350 MHz to be
located at Loc. No. 2: One Lincoln First
Square, Rochester, NY.

21430-CD-P-(4)-78 George L. Oakley
(new) C.P. for a new station to operate on
152.06, 152.21 at two (2) new sites de-
scribed as Loc. No. 1: At San Miguel
Mountain, approx. 5 miles Southeast of
Spring Valley, Calif.; and Loc. No. 2: At
Birch Hill, approx. 6 miles Southwest of
Oak Grove, Calif.

21431-CD-P-78 Southern Radio-Phone,
Inc. (KLF537) C.P. for additional facilities
to operate on 454.350 MHz at Loc. No. 2:
3.7 miles west of Princeton, Fla.

21432-CD-P-78 Southeast Mobilphone,
Inc. (KQZ742) C.P. to change antenna
system operating on 152.09 MHz at Loc.
No. 1: 1.5 miles Northwest of Morristown,
Tenn.

21427-CD-TC-(2)-78 Radio Dispatch Corp.
Consent to Transfer de facto control from
Richard A. Howard, Transferor to Edward
Konjoyan, Transferee. Stations: KMD992
and KSV928, Pomona, Calif.

21433-CD-P-78 Marc Weber Tobias and
Michael Charles Tobias, d.b.a. MT Sys-
tems, Inc. (new) C.P. for a new station to
operate on 152.09 MHz to be located at
White Clay Butte, 3.4 miles north-north-
east of Murdo, S. Dak.

21434-CD-P-(4)-78 R.C.S., Inc. (KMD689)
C.P. for additional facilities to operate on
454.025, 454.050, 454.275, and 454.300 MHz
at Loc. No. 2: 1224 Murray Avenue, San
Luis Obispo, Calif.

21435-CD-P-(4)-78 Intrastate Radio Tele-
phone, Inc. of Los Angeles (KMA200) C.P.
for additional facilities to operate on
454.250 and 454.275 MHz to be located at
Loc. No. 4: Oat Mountain, near Los Ange-
les, Calif; and 454.250 and 454.275 MHz at
a new site described as Loc. No. 5: 3960
Crest Road, Rolling Hills, Calif.

21435-CD-AP/AL-(2)-78 Albert
Steiner, d.b.a. Long Island Telephone Co.
Consent to Assignment of License and

Permit from Albert M. Steiner, d.b.a. Long
Island Telephone Co., Administrator of the
Estate of Albert M. Steiner, Assignor to
Albert Steiner, Administrator of the
Estate of Albert M. Steiner, Assignee. Sta-
tions: KAA278, Brookville, N.Y.; and
KEJ885, Brookville, N.Y.

21437-CD-P-(3)-78 Radiotelephone Co. of
Indiana, Inc. (KSA811) C.P. to change an-
tenna system and relocate facilities oper-
ating on 454.100, 454.200, and 454.275 MHz
at Loc. No. 3: 2530 Enterprise Street, In-
dianapolis, Ind.

21438-CD-P-78 Radiotelephone Co. of In-
diana, Inc. (KUC846) C.P. for additional
facilities to operate on 35.22 MHz to be lo-
cated at a new site Loc. No. 2: 401 North
Pennsylvania Street, Indianapolis, Ind.

MAJOR AMENDMENT

21129-CD-P-78 Future Communications,
Inc., Morris Illinois (new) Amend base fre-
quency 454.125 MHz to read 454.175 MHz.
All other particulars to remain as reported
on PN No. 905 dated April 10, 1978.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

*Renewal of Licenses Expiring July 1, 1978.
Term: July 1, 1978 to July 1, 1983*

Allied Utilities Corp., KLF469, Arkansas.
Allied Telephone Co. of Missouri, Inc.,
KAH665, Missouri.
Allied Telephone Co. of Missouri, Inc.,
KBM511, Missouri.
Allied Telephone Co. of Oklahoma, Inc.,
KLB508, Oklahoma.
Allied Telephone Co. of Oklahoma, Inc.,
KLB684, Oklahoma.
Allied Telephone Co. of Arkansas, Inc.,
KFJ885, Arkansas.
Allied Telephone Co. of Arkansas, Inc.,
KLB683, Arkansas.
Allied Telephone Co. of Arkansas, Inc.,
KLB697, Arkansas.
Allied Telephone Co. of Arkansas, Inc.,
KLB774, Arkansas.
Breda Telephone Corp., KUS310, Iowa.
Bell Telephone Co. of Pennsylvania,
KB9819, Pennsylvania.
Bell Telephone Co. of Pennsylvania,
KEK300, Pennsylvania.
Bell Telephone Co. of Pennsylvania,
KGA474, Pennsylvania.
Bell Telephone Co. of Pennsylvania,
KGA475, Pennsylvania.
Bell Telephone Co. of Pennsylvania,
KGA476, Pennsylvania.
Bell Telephone Co. of Pennsylvania,
KGA585, Pennsylvania.
Bell Telephone Co. of Pennsylvania,
KGA592, Pennsylvania.
Bell Telephone Co. of Pennsylvania,
KGB868, Pennsylvania.
Bell Telephone Co. of Pennsylvania,
KGC226, Pennsylvania.
Bell Telephone Co. of Pennsylvania,
KGC228, Pennsylvania.
Bell Telephone Co. of Pennsylvania,
KGC229, Pennsylvania.
Bell Telephone Co. of Pennsylvania,
KGC411, Pennsylvania.
Bell Telephone Co. of Pennsylvania,
KGC412, Pennsylvania.
Bell Telephone Co. of Pennsylvania,
KGH861, Pennsylvania.
Bell Telephone Co. of Pennsylvania,
KGH867, Pennsylvania.
Bell Telephone Co. of Pennsylvania,
KGH872, Pennsylvania.
Bell Telephone Co. of Pennsylvania,
KGH874, Pennsylvania.
Bell Telephone Co. of Pennsylvania,
KGI262, Pennsylvania.

Bell Telephone Co. of Pennsylvania,
KGI263, Pennsylvania.
Bell Telephone Co. of Pennsylvania,
KGI264, Pennsylvania.
Bell Telephone Co. of Pennsylvania,
KGI265, Pennsylvania.
Bell Telephone Co. of Pennsylvania,
KGI266, Pennsylvania.
Bell Telephone Co. of Pennsylvania,
KGI267, Pennsylvania.
Blue Earth Valley Telephone Co., KBM521,
Minnesota.
Bridge Water Telephone Co., KDS970, Min-
nesota.
Boone County Telephone Co., KLB775, Ar-
kansas.
Bloomington Home Telephone Co., Inc.,
KJ817, Indiana.
Bledsoe Telephone Cooperative, KQZ759,
Tennessee.
Branderburg Telephone Co., KIY459, Ken-
tucky.
Branderburg Telephone Co., KWH341,
Kentucky.
Continental Telephone Co. of Arkansas,
KLB709, Arkansas.
Continental Telephone Co. of Arkansas,
KFL950, Arkansas.
Continental Telephone Co. of Arkansas,
KLB700, Arkansas.
Continental Telephone Co. of Arkansas,
KLB691, Arkansas.
Continental Telephone Co. of Arkansas,
KLB625, Arkansas.
Continental Telephone Co. of Arkansas,
KLB708, Arkansas.
Continental Telephone Co. of Arkansas,
KLB793, Arkansas.
Continental Telephone Co. of Arkansas,
KLB801, Arkansas.
Continental Telephone Co. of California,
KMM688, California.
Continental Telephone Co. of California,
KFL896, California.
Continental Telephone Co. of California,
KFL908, Nevada.
Continental Telephone Co. of California,
KMA746, California.
Continental Telephone Co. of California,
KMM584, California.
Continental Telephone Co. of California,
KMM598, California.
Continental Telephone Co. of California,
KMM633, California.
Continental Telephone Co. of California,
KMM635, California.
Continental Telephone Co. of California,
KMM637, California.
Continental Telephone Co. of California,
KMM638, California.
Continental Telephone Co. of California,
KMM650, California.
Continental Telephone Co. of California,
KMM661, California.
Continental Telephone Co. of California,
KMM662, California.
Continental Telephone Co. of California,
KMM663, California.
Continental Telephone Co. of California,
KMM664, California.
Continental Telephone Co. of California,
KMM669, California.
Continental Telephone Co. of California,
KMM670, California.
Continental Telephone Co. of California,
KMM672, California.
Continental Telephone Co. of California,
KMM681, California.
Continental Telephone Co. of California,
KMM682, California.
Continental Telephone Co. of California,
KOF901, Nevada.
Continental Telephone Co. of California,
KOP243, Nevada.

Continental Telephone Co. of Illinois,
KDS788, Illinois.
Continental Telephone Co. of Illinois,
KJ817, Illinois.
Continental Telephone Co. of Illinois,
KJ824, Illinois.
Continental Telephone Co. of Illinois,
KJ768, Illinois.
Continental Telephone Co. of Indiana,
KSD325, Indiana.
Continental Telephone Co. of Iowa,
KFL915, Iowa.
Continental Telephone Co. of Iowa,
KAF637, Iowa.
Continental Telephone Co. of Iowa,
KAL874, Iowa.
Continental Telephone Co. of Iowa,
KDT218, Iowa.
Continental Telephone Co. of Iowa,
KEK285, Iowa.
Continental Telephone Co. of Iowa,
KFJ904, Iowa.
Continental Telephone Co. of Kansas,
KDT222, Kansas.
Continental Telephone Co. of Kentucky,
KIM917, Kentucky.
Continental Telephone Co. of Maine,
KCI294, Maine.
Continental Telephone Co. of Maine,
KCI298, Maine.
Continental Telephone Co. of Minnesota,
KAD928, Minnesota.
Continental Telephone Co. of Minnesota,
KAF647, Minnesota.
Continental Telephone Co. of Minnesota,
KAL875, Minnesota.
Continental Telephone Co. of Minnesota,
KLF532, Minnesota.
Continental Telephone Co. of Missouri,
KAD514, Missouri.
Continental Telephone Co. of Missouri,
KBM506, Missouri.
Continental Telephone Co. of Missouri,
KDT216, Missouri.
Continental Telephone Co. of Missouri,
KGI768, Missouri.
Continental Telephone Co. of New Hamp-
shire, KCI301, New Hampshire.
Continental Telephone Co. of New Jersey,
KEK273, New Jersey.
Continental Telephone Co. of Northwest,
Inc., KOK413, Oregon.
Continental Telephone Co. of Northwest,
Inc., KFL898, Oregon.
Continental Telephone Co. of Northwest,
Inc., KON906, Washington.
Continental Telephone Co. of Northwest,
Inc., KOK336, Washington.
Continental Telephone Co. of Northwest,
Inc., KH2322, Oregon.
Continental Telephone Co. of the South,
KIY351, Georgia.
Continental Telephone Co. of the South,
KIY791, Georgia.
Continental Telephone Co. of Texas,
KLB517, Texas.
Continental Telephone Co. of Texas,
KKT567, Texas.
Continental Telephone Co. of Texas,
KLB789, Texas.
Continental Telephone Co. of Texas,
KKQ969, Texas.
Continental Telephone Co. of Texas,
KLB766, Texas.
Continental Telephone Co. of Texas,
KLB767, Texas.
Continental Telephone Co. of Texas,
KLB768, Texas.
Continental Telephone Co. of Texas,
KLB763, Texas.
Continental Telephone Co. of Texas,
KLB503, Texas.
Continental Telephone Co. of Texas,
KKB865, Texas.

Continental Telephone Co. of Vermont,
KCC788, Vermont.
Continental Telephone Co. of Virginia,
KIM907, Virginia.
Continental Telephone Co. of Virginia,
KIY597, Virginia.
Continental Telephone Co. of Virginia,
KIY580, Virginia.
Continental Telephone Co. of the West,
KFL906, Utah.
Continental Telephone Co. of the West,
KLF567, Utah.
Continental Telephone Co. of the West,
KOE515, Utah.
Continental Telephone Co. of the West,
KLF549, Idaho.
Continental Telephone Co. of the West,
KJU802, New Mexico.
California-Oregon Telephone Co., KMM686,
California.
Carolina Telephone & Telegraph Co.,
KIJ362, North Carolina.
Carolina Telephone & Telegraph Co.,
KFL939, North Carolina.
Carolina Telephone & Telegraph Co.,
KFQ924, North Carolina.
Carolina Telephone & Telegraph Co.,
KIY788, North Carolina.
Carolina Telephone & Telegraph Co.,
KLF937, North Carolina.
Carolina Telephone & Telegraph Co.,
KIJ363, North Carolina.
Capital City Telephone Co., KDN410, Mis-
souri.
Consolidated Telephone Co., KQZ710, Min-
nesota.
Conroe Telephone Co., KUS305, Texas.
Coose Valley Telephone Co., KWB378, Ala-
bama.
Cowiche Telephone Co., KFL882, Washing-
ton.
Citizens Utilities Co. of Pennsylvania,
KWU221, Pennsylvania.
Chenango & Unadilla Telephone Corp.,
KEJ895, New York.
Chenango & Unadilla Telephone Corp.,
KEJ896, New York.
Chenango & Unadilla Telephone Corp.,
KEJ897, New York.
Chenango & Unadilla Telephone Corp.,
KEJ898, New York.
Chenango & Unadilla Telephone Corp.,
KEJ899, New York.
Clifton Telephone Co., KLB579, Texas.
City of Beresford, KFL952, South Dakota.
City of Brookings Telephone Department,
KAL878, South Dakota.
California-Pacific Utilities Co., KEK279,
California.
Calhoun City Telephone Co., Inc., KUS373,
Mississippi.
Camden Telephone Co., KQK719, Michigan.
Camden Telephone Co., KQK716, Michigan.
Camden Telephone Co., Inc., KJ810, Indi-
ana.
Cameron Telephone Co., KKO357, Louisi-
ana.
Cascade Telephone Co., KRM954, Iowa.
Cascade Telephone Co., KOP320, Washing-
ton.
Central Telephone Co., KOH273, Nevada.
Central Telephone Co., KUS241, Minnesota.
Central Telephone Co., KFL960, Minnesota.
Central Telephone Co., KQK770, Michigan.
Central Telephone Co., KWU415, Iowa.
Central Telephone Co., KDT213, Iowa.
Central Telephone Co. of Florida, KIN646,
Florida.
Central Telephone Co. of Florida, KIY737,
Florida.
Central Telephone Co. of Illinois, KUS220,
Illinois.
Central Telephone Co. of Illinois, KFQ929,
Illinois.

Central Telephone Co. of Illinois, KRS701,
Illinois.
Central Telephone Co. of Illinois, KSD683,
Illinois.
Central Telephone Co. of Illinois, KUC880,
Illinois.
Central Telephone Co. of Missouri, KLF467,
Missouri.
Central Telephone Co. of Virginia, KIY771,
Virginia.
Central Telephone Co. of Virginia, KJU797,
Virginia.
Central Telephone Co. of Virginia, KQZ725,
Virginia.
Delaware Telephone Co., Inc., KEJ901, New
York.
Delaware Telephone Co., Inc., KEJ902, New
York.
The Diamond State Telephone Co.,
KGA471, Delaware.
The Diamond State Telephone Co.,
KGA473, Delaware.
The Diamond State Telephone Co.,
KGH864, Delaware.
The Diamond State Telephone Co.,
KGH865, Delaware.
Doniphan Telephone Co., KAA485, Missou-
ri.
Doniphan Telephone Co., KLF575, Missou-
ri.
Denver & Ephrata Telephone & Telegraph
Co., KGH859, Pennsylvania.
Denver & Ephrata Telephone & Telegraph
Co., KGI782, Pennsylvania.
Empire Telephone Corp., KEK286, New
York.
Florida Telephone Corp., KQZ771, Florida.
Federated Telephone Cooperative, KAH663,
Minnesota.
General Telephone Co. of Illinois, KRH635,
Illinois.
General Telephone Co. of Illinois, KQZ751,
Illinois.
General Telephone Co. of Illinois, KRH669,
Illinois.
General Telephone Co. of Illinois, KQZ703,
Illinois.
General Telephone Co. of Illinois, KRS622,
Illinois.
General Telephone Co. of Illinois, KUS259,
Illinois.
General Telephone Co. of Illinois, KQZ758,
Illinois.
General Telephone Co. of Illinois, KRH645,
Illinois.
General Telephone Co. of Illinois, KRH633,
Illinois.
General Telephone Co. of Illinois, KRH670,
Illinois.
General Telephone Co. of Illinois, KQZ746,
Illinois.
General Telephone Co. of Indiana, KSA260,
Indiana.
General Telephone Co. of Indiana, KSA623,
Indiana.
General Telephone Co. of Indiana, KJSJ800,
Indiana.
General Telephone Co. of Indiana, KSH815,
Indiana.
General Telephone Co. of Indiana, KSA309,
Indiana.
General Telephone Co. of Indiana, KSA624,
Indiana.
General Telephone Co. of Indiana, KJSJ809,
Indiana.
General Telephone Co. of the Northwest,
Inc., KFQ933, Oregon.
General Telephone Co. of the Northwest,
Inc., KEK281, Idaho.
General Telephone Co. of the Northwest,
Inc., KDS908, Washington.
General Telephone Co. of the Northwest,
Inc., KON912, Washington.

General Telephone Co. of the Northwest, Inc., KTS244, Washington.
 General Telephone Co. of the Northwest, Inc., KWU496, Washington.
 General Telephone Co. of the Northwest, Inc., KUC860, Washington.
 General Telephone Co. of the Northwest, Inc., KTS239, Washington.
 General Telephone Co. of the Northwest, Inc., KOH271, Oregon.
 General Telephone Co. of Kentucky, KLF654, Kentucky.
 General Telephone Co. of Kentucky, KQZ735, Kentucky.
 General Telephone Co. of Kentucky, KIY450, Kentucky.
 General Telephone Co. of Kentucky, KRH664, Kentucky.
 General Telephone Co. of Kentucky, KWH321, Kentucky.
 Glacier State Telephone Co., KWA665, Alaska.
 Glenwood Telephone Membership Corp., KWU388, Nebraska.
 Goshen Telephone Co., Inc., KUS294, Alabama.
 Home Telephone Co., KWT872, Indiana.
 Hendricks Telephone Corp., KFL938, Indiana.
 Hendricks Telephone Corp., KWT929, Indiana.
 Hopkinton Telephone Co., KCI302, New Hampshire.
 Harrington Telephone, Inc., KWT932, Nebraska.
 Hager City Telephone Co., KJU798, Wisconsin.
 Illinois Consolidated Telephone Co., KSL763, Illinois.
 Illinois Consolidated Telephone Co., KSL764, Illinois.
 Illinois Consolidated Telephone Co., KSL765, Illinois.
 Illinois Consolidated Telephone Co., KSC369, Illinois.
 Intra-State Telephone Co., KQZ727, Illinois.
 Intra-State Telephone Co., KSJ807, Illinois.
 Kearsarge Telephone Co., KUS308, New Hampshire.
 Kearsarge Telephone Co., KUS300, New Hampshire.
 Lufkin Telephone Exchange, Inc., KKK717, Texas.
 Munising Telephone Co., KUS387, Michigan.
 Munising Telephone Co., KUS386, Michigan.
 Munising Telephone Co., KUS388, Michigan.
 Mid-Texas Telephone Co., KLB616, Texas.
 Mid-Texas Telephone Co., KUC998, Texas.
 New Jersey Telephone Co., KEJ893, New Jersey.
 New Ulm Rural Telephone Co., KAG613, Minnesota.
 Northern Telephone Cooperative, Inc., KLF525, Montana.
 Northwestern Telephone Systems, Inc., KOK412, Oregon.
 Northwestern Telephone Systems, Inc., KFL914, Montana.
 Oklahoma Allied Telephone Co., KLB620, Oklahoma.
 Oklahoma Allied Telephone Co., KLB675, Oklahoma.
 Palmerton Telephone Co., KGC403, Pennsylvania.
 Pioneer Telephone Cooperative, Inc., KWT908, Oklahoma.
 Pioneer Telephone Cooperative, Inc., KLB671, Oklahoma.
 Pioneer Telephone Cooperative, Inc., KLB670, Oklahoma.

Pioneer Telephone Cooperative, Inc., KLB699, Oklahoma.
 Pioneer Telephone Cooperative, Inc., KUO614, Oklahoma.
 Peninsula Telephone & Telegraph Co., KOK333, Washington.
 Quaker State Telephone Co., KGH858, Pennsylvania.
 Romain Telephone Co., Inc., KLB755, Texas.
 RCA Alaska Communications, Inc., KTR985, Alaska.
 RCA Alaska Communications, Inc., KWA671, Alaska.
 Souris River Telephone Mutual Aid Corp., KAI930, North Dakota.
 Souris River Telephone Mutual Aid Corp., KAI931, North Dakota.
 The Southern New England Telephone Co., KOA221, Connecticut.
 The Southern New England Telephone Co., KCA718, Connecticut.
 The Southern New England Telephone Co., KCA723, Connecticut.
 The Southern New England Telephone Co., KCA751, Connecticut.
 The Southern New England Telephone Co., KCC475, Connecticut.
 The Southern New England Telephone Co., KLF610, Connecticut.
 Southland Telephone Co., KIY521, Alabama.
 St. John Cooperative Telephone & Telegraph Co., KRS675, Washington.
 Stockbridge and Sherwood Telephone Co., KWH347, Wisconsin.
 St. Joseph Telephone & Telegraph Co., KIY457, Florida.
 Smithville Telephone Co., Inc., KWU240, Indiana.
 St. Joseph Telephone & Telegraph Co., KUS237, Florida.
 South Georgia Telephone Co., KIY751, Georgia.
 Schaller Telephone Co., KWU471, Iowa.
 Trinity Valley Telephone Co., KLB788, Texas.
 Taconic Telephone Corp., KED363, New York.
 Thomaston Telephone Co., KIR201, Georgia.
 Twin-Lakes Telephone Cooperative Corp., KUO635, Tennessee.
 Tri-County Telephone Co., KFJ883, Alabama.
 Tri-County Telephone Co., Inc., KWT873, Indiana.
 Tri-County Telephone Cooperative, Inc., KJU801, Wisconsin.
 United Telephone Co. of Florida, KIM901, Florida.
 United Telephone Co. of Florida, KIJ354, Florida.
 United Telephone Co. of Florida, KUD237, Florida.
 United Telephone Co. of Florida, KRM968, Florida.
 United Telephone Co. of Florida, KDS357, Florida.
 United Telephone Co. of Florida, KDS548, Florida.
 United Telephone Co. of Florida, KSD329, Florida.
 United Telephone Co. of the Northwest, KFQ926, Oregon.
 United Telephone Co. of the Northwest, KJU803, Washington.
 United Telephone Co. of the Northwest, KOK335, Oregon.
 United Telephone Co. of the Northwest, KOK349, Oregon.
 United Telephone Co. of the Northwest, KON917, Washington.

United Telephone Co. of the Northwest, KON924, Washington.
 United Telephone Co. of Missouri, KLF578, Missouri.
 United Telephone Co. of Missouri, KLF541, Missouri.
 United Telephone Co. of Missouri, KLF483, Missouri.
 United Telephone Co. of Missouri, KPQ937, Missouri.
 United Telephone Co. of Missouri, KLF481, Missouri.
 United Telephone Co. of Missouri, KDT201, Missouri.
 United Telephone Co. of Missouri, KWA658, Missouri.
 United Telephone Co. of Minnesota, KFL953, Minnesota.
 United Telephone Co. of Minnesota, KFL890, Minnesota.
 United Telephone Co. of Minnesota, KFL881, Minnesota.
 United Telephone Co. of Kansas, Inc., KUC861, Kansas.
 United Telephone Co. of Kansas, Inc., KQA637, Kansas.
 United Telephone Co. of Kansas, Inc., KBM522, Kansas.
 United Telephone Co. of Ohio, KQA651, Ohio.
 United Telephone Co. of Ohio, KQA459, Ohio.
 United Telephone Co. of Ohio, KUA305, Ohio.
 United Telephone Co. of Arkansas, KFL956, Arkansas.
 United Telephone Co. of Iowa, KLF489, Iowa.
 United Telephone Co. of Iowa, KLF488, Iowa.
 United Telephone Co. of the West, KQA626, Nebraska.
 United Telephone Co. of the West, KUC851, Nebraska.
 The United Telephone Co. of Pennsylvania, KGH871, Pennsylvania.
 The United Telephone Co. of Pennsylvania, KGH863, Pennsylvania.
 The United Telephone Co. of Pennsylvania, KGI777, Pennsylvania.
 United Telephone Co. of Pennsylvania, KUD216, Pennsylvania.
 The United Telephone Co. of Pennsylvania, KUO634, Pennsylvania.
 The United Telephone Co. of Pennsylvania, KUS330, Pennsylvania.
 United Telephone Mutual Aid Corp., KWT940, North Dakota.
 United Telephone Mutual Aid Corp., KWT961, North Dakota.
 United Telephone Mutual Aid Corp., KWT971, North Dakota.
 United Telephone Mutual Aid Corp., KWT970, North Dakota.
 Unity Telephone Co., KLF540, Maine.
 Upper Peninsula Telephone Co., KWU296, Michigan.
 Upper Peninsula Telephone Co., KQZ732, Michigan.
 Upper Peninsula Telephone Co., KQK776, Michigan.
 United Telephone Co., KSJ625, Wisconsin.
 Vernon Telephone Cooperative, KTS260, Wisconsin.
 Viroqua Telephone Co., KRS673, Wisconsin.
 Valley Telephone Co., KSW211, Wyoming.
 Wheat State Telephone Co., Inc., KWT888, Kansas.
 The Wheat State Telephone Co., Inc., KUC850, Kansas.
 Wheat State Telephone Co., Inc., KBM514, Kansas.
 Whidbey Telephone Co., KOP303, Washington.

Wolverine Telephone Co., KLF494, Michigan.
 West Jersey Telephone Co., KEC942, New Jersey.
 West Jersey Telephone Co., KUO562, New Jersey.
 Walnut Hill Telephone Co., KLB682, Arkansas.
 West Virginia Telephone Co., KQD316, West Virginia.
 Wise County Telephone Co., KLB325, Texas.
 The Western Reserve Telephone Co., KQA650, Ohio.
 The Western Reserve Telephone Co., KQK583, Ohio.
 West Florida Telephone Co., KFL958, Florida.
 Wellman Co-Operative Telephone Association, KLF566, Iowa.
 Webster County Telephone Co., KFL949, Missouri.
 West Branch Telephone Co., KAF638, Iowa.
 Webster-Calhoun Cooperative Telephone Association, KRS881, Iowa.

RURAL RADIO SERVICE

60240-CR-P/L-78 Hawaiian Telephone Co. (new) C.P. and license for a new rural subscriber station to operate on 157.86 and 157.92 MHz to be located at 1st Avenue, home of James McCauliff, Hawaiian Paradise Park, Hawaii.
 60241-CR-P/L-78 Hawaiian Telephone Co. (new) C.P. and license for a new rural subscriber station to operate on 157.86 and 157.92 MHz to be located at Hawaii Island Safari, Mess Hall Building, Hale Pohaku, Hawaii.
 60242-CR-P/L-78 Hawaiian Telephone Co. (new) C.P. and license for a new rural subscriber station to operate on 157.86 and 157.92 MHz to be located at University of Hawaii Cafeteria Building, Hale Pohaku, Hawaii.
 60243-CR-P/L-78 Hawaiian Telephone Co. (new) C.P. and license for a new rural subscriber station to operate on 157.86 and 157.92 MHz to be located at Home of Dr. Mark Rosenberg, 3 miles NE of Kaimu, Kehena Beach, Hawaii.
 60244-CR-P/L-78 Hawaiian Telephone Co. (new) C.P. and license for a new rural subscriber station to operate on 157.86 and 157.92 MHz to be located at 5th Avenue, Home of Ezell Fern, Hawaiian Paradise Park, Hawaii.

POINT TO POINT MICROWAVE RADIO SERVICE

IL-2022-CF-ML-78 Illinois Bell Telephone Co. (KVH77) .25 mile NW. of Sicily (Christian) Ill. Mod. of license to correct coordinates from Lat. 39°35'30" N. Long. 89°29'41" W. to read Lat. 39°35'28" N. Long. 89°29'51" W.
 WV-2170-CF-R-78 General Telephone Co. of the Northwest, Inc. (WAT941). In territory of grantee, application for renewal of radio station license (developmental) expiring May 28, 1978, term; May 28, 1978 to May 28, 1979.
 WV-2284-CF-P-78 American Telephone and Telegraph Co. (KQE76). 1.5 miles NW. of Tyler, (Kanawha) W. Va. Lat. 38°24'02" N. Long. 81°44'20" W. C.P. to add frequency 4010V MHz toward Gandeeville, W. Va.
 WV-2285-CF-P-78 Same (KQA40) 1.8 miles west of Gandeeville, (Roan) W. Va. Lat. 38°41'51" N. Long. 81°26'35" W. C.P. to add frequency 3970V MHz toward Tyler, and Elizabeth, W. Va.
 WV-2286-CF-P-78 Same (KQA41) 2.0 miles NNE. of Elizabeth, (Wirt) W. Va.

Lat. 39°05'07" N. Long. 81°24'44" W. C.P. to add frequencies 4010V toward Gandeeville, and 3750H MHz toward Parkersburg, W. Va.
 WV-2287-CF-P-78 Same (KQA42) Mary and George Sts. Parkersburg, (Wood) W. Va. Lat. 39°15'46" N. Long. 81°32'50" W. C.P. to add frequency 4030H MHz and replace antennas on frequency 4050V HmZ toward Elizabeth, W. Va.
 AR-2295-CF-P-78 United Telephone Co. of Arkansas (new). West Main and Flagler Sts. Monette, (Craighead) Ark. Lat. 35°53'21" N. Long. 90°20'31" W. C.P. for a new station on frequency 2178H MHz on azimuth 170.3° toward Caraway, Ark.
 AR-2296-CF-P-78 Same (new) NE. corner Nelson and First St. Leachville, (Mississippi) Ark. Lat. 35°56'14" N. Long. 90°15'24" W. C.P. for a new station on frequency 2162H MHz on azimuth 195.2° toward Caraway, Ark.
 MO-2297-CF-P-78 Southwestern Bell Telephone Co. (KAL86) 600 St. Louis Street Springfield, (Greene) Mo. Lat. 37°12'31" N. Long. 93°17'10" W. C.P. to add a new point of communication on frequency 6226.9H MHz on azimuth 124.6° toward Rogersville, Mo.
 MO-2298-CF-P-78 Same (new) 2.1 miles SW. of Rogersville, (Greene) Mo. Lat. 37°05'45" N. Long. 93°04'55" W. C.P. for a new station on frequencies 5974.8V MHz on azimuth 304.7° toward Springfield, Mo. and 5945.2V MHz on azimuth 057° toward Fordland, Mo.
 MO-2299-CF-P-78 Southwestern Bell Telephone Co. (new) 3.5 miles NE. of Fordland, (Webster) Mo. Lat. 37°11'51" N. Long. 92°53'10" W. C.P. for a new station on frequencies 6197.2H MHz on azimuth 237.1° toward Rogersville, and 6226.9V MHz on azimuth 111.6° toward Mansfield, Mo.
 MO-2300-CF-P-78 Same (new) State Highway 5, south of U.S. 60 Mansfield, (Wright) Mo. Lat. 37°05'57" N. Long. 92°34'39" W. C.P. for a new station on frequencies 5945.2H MHz on azimuth 081.5° toward Cabool, and 5974.8H MHz on azimuth 291.8° toward Fordland, Mo.
 MO-2301-CF-P-78 Same (new) 1.5 miles north of Cabool, (Texas) Mo. Lat. 37°09'09" N. Long. 92°07'26" W. C.P. for a new station on frequencies 6197.2V MHz on azimuth 261.8° toward Mansfield, and 6226.9V MHz on azimuth 145.9° toward Willow Springs, Mo.
 MO-2302-CF-P-78 Same (new) 1.1 miles SW. of Willow Springs, (Howell) Mo. Lat. 36°59'12" N. Long. 91°59'03" W. C.P. for a new station on frequency 5974.8H MHz on azimuth 326.0° toward Cabool, Mo.
 2310-CF-R-78 Mountain States Telephone and Telegraph Co. (KQA85). In territory of Grantee, application for renewal of radio station license (developmental) expiring June 12, 1978, term; June 12, 1978 to June 12, 1979.
 MS-2312-CF-P-78 South Central Bell Telephone Co. (KLP20) 201 East George St. Greenwood, (Leflore) Miss. Lat. 33°31'15" N. Long. 90°10'43" W. C.P. to replace transmitters and change frequencies 6323.3H to 6123.1H MHz and 6382.6H to 6004.5H MHz toward Glendora, Miss.
 MS-2313-CF-P-78 Same (KLO99) 1.2 miles WNW. of Glendora (Tallahatchie) Miss. Lat. 33°50'05" N. Long. 90°18'58" W. C.P. to replace transmitters and change frequencies 6071.2H to 6375.2V MHz and 6130.5H to 6256.5V MHz toward Greenwood, Miss. change 5997.1V to 6375.2H

MHz and 6115.7V to 6256.5H MHz toward Clarksdale River, Miss.
 MS-2314-CF-P-78 Same (KLO98) Clarksdale River 3.8 miles SE. of Clarksdale, (Coahoma) Miss. Lat. 34°09'10" N. Long. 90°32'21" W. C.P. to replace transmitters, move and replace antennas and change frequencies 6249.1V to 6123.1V MHz, change 6367.7V to 6004.5V MHz toward Glendora, change 6264.H to 6123.1H MHz and 6382.6H to 6004.5H MHz toward Clarksdale, Miss.
 MS-2315-CF-P-78 Same (KYJ42) 86 Yazoo Ave. Clarksdale, (Coahoma) Miss. Lat. 34°12'17" N. Long. 90°34'25" W. C.P. to replace transmitters, move and replace antennas and change frequencies 6011.9H to 6375.2V MHz and 6130.5H to 6256.5V MHz toward Clarksdale River, Miss.
 GA-2316-CF-P-78 Southern Bell Telephone and Telegraph Co. (KJK96) Garrettta 8.2 miles ESE. of Rentz, (Laurens) Ga. Lat. 32°20'02" N. Long. 82°52'07" W. C.P. to move antennas on frequency 5945.2H MHz toward Mcrae, Ga.
 KS-2322-CF-P-78 Southwestern Bell Telephone Co. (KAE27) 137 South 7th Street Salina, (Saline) Kans. Lat. 38°50'21" N. Long. 97°36'35" W. C.P. to increase structure height, add a new point of communication on frequency 6286.2V MHz on azimuth 257.5° toward Brookville, Kans., and move antennas on frequency 3730H MHz toward McPherson, Kans.
 KS-2323-CF-P-78 Same (new) 3.5 miles west of Brookville, (Ellsworth) Kans. Lat. 38°46'00" Long. 98°01'17" W. C.P. for a new station on frequencies 6034.2H MHz on azimuth 077.2° and 6034.2V MHz on azimuth 249.1° toward Ellsworth, Kans.
 KS-2324-CF-P-78 Same (new) Ellsworth J. 2.5 miles SW. of Ellsworth, (Ellsworth) Kans. Lat. 38°41'47" N. Long. 98°15'19" W. C.P. for a new station on frequencies 6286.2H MHz on azimuth 68.9° toward Brookville, Kans. and 6286.2V MHz on azimuth 311.7° toward Wilson Junction, Kans.
 KS-2325-CF-P-78 Same (new) Wilson Junction 1.9 miles NNW. of Wilson, (Russell) Kans. Lat. 38°51'25" N. Long. 98°29'09" W. C.P. for a new station on frequencies 6034.2H MHz on azimuth 131.6° toward Ellsworth, Kans. and 6034.2V MHz on azimuth 268.9° toward Russell Junction, Kans.
 KS-2326-CF-P-78 Same (new) Russell Junction 3.5 miles SW. of Russell, (Russell) Kans. Lat. 38°50'59" N. Long. 98°54'39" W. C.P. for a new station on frequencies 6286.2H MHz on azimuth 088.6° toward Wilson Junction, Kans., and 6286.2V MHz on azimuth 274.1° toward Hays, Kans.
 KS-2327-CF-P-78 Same (new) 126 west Eleventh St. Hays, (Ellis) Kans. Lat. 38°52'21" N. Long. 99°19'53" W. C.P. for a new station on frequency 6034.2H MHz on azimuth 093.8° toward Russell Junction, Kans.
 UT-2071-CF-P-78 Utah-Wyoming Telephone Co. (WBA722) North Main Street Randolph, (Rich) Utah. Lat. 41°40'01" N. Long. 111°11'05" W. C.P. to add a new point of communication on frequency 2112.5V MHz on azimuth 158.4 toward Crawford Bt. passive reflector and from passive to Woodruff, Utah.
 UT-2072-CF-P-78 Same (new) Main Street Woodruff, (Rich) Utah. Lat. 41°31'22" N. Long. 111°09'45" W. C.P. for a new station on frequency 2162.5V MHz on azimuth 66.5° toward Crawford Bt. passive

reflector and from passive to Randolph, Utah.

CA, NE, UT, AZ—2319-CF-AL-AP-(39)-78 Western Tele-Communications, Inc. Application for consent to assignment of radio station construction permit of license from Western Tele-Communications, Inc., assignor, to MCI Telecommunications Corp., assignee, for the following stations:

WO161 San Francisco, California
WO162 Mt. Vaca, California
WO165 Sacramento, California
WBA842 Bald Mountain, California
WBA843 Ward Peak, California
WBA844 Slide Mountain, Nebraska
WBA845 Reno, Nevada
WBA846 Warm Springs, Nevada
WBA847 Toulon Peak, Nevada
WBA848 Mt. Moses, Nevada
WBA849 Stony Point, Nevada
WBA850 Elko Mountain, Nevada
WBA851 Wells, Nevada
WBA852 Pilot Range, Utah
KOC42 New Promontory, Utah
WBA853 Ogden, Utah
KPT21 Nelson Peak, Utah
WBA854 Salt Lake City, Utah
WAH596 Phoenix, Arizona
WJL70 Yuma, Arizona
WDL71 Telegraph Pass, Arizona
WJL72 Baker Peak, Arizona
WKR44 Miramar NAS, California
WKR45 Woodson Mountain, California
WO152 El Centro, California
WO153 Midway Wells, California
WO154 Telegraph Pass, Arizona
WO155 San Diego, California
WO156 Toro Peak, California
WO157 Elsinore Peak, California
WO158 Catalina Island, California
WO159 Saddle Peak, California
WO160 Los Angeles, California
WO181 Oatman Mountain, Arizona
WO182 White Taub Mountain, Arizona
WO183 Phoenix, Arizona
WO184 Pinal Peak, Arizona
WO185 Mt. Bigelo, Arizona
WO186 Tucson, Arizona

CORRECTIONS

NY—1938-CF-P-78 New York Telephone Co. (new) Mount Trembleau 1.2 miles SSE. of Port Kent, (Essex) N.Y. Correct azimuth to read 348.5° toward Plattsburgh. All other particulars remain the same as reported on Public Notice No. 907 dated April 24, 1978.

[FR Doc. 78-15194 Filed 6-1-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1777]

BOSCO SERVICES FREIGHT FORWARDING CO., TERCO, INC., d.b.a.

Reinstatement of License

By Federal Maritime Commission Order served and published in the FEDERAL REGISTER, Bosco Services Freight Forwarding Co., Terco, Inc. d.b.a., Independent Ocean Freight Forwarder License No. 1777 was revoked effective February 15, 1978, for failure to maintain a valid surety bond on file with the Commission. The Order of Revocation was served on February 21, 1978.

An appropriate surety bond has been received in favor of Bosco Services Freight Forwarding Co., Terco, Inc., d.b.a., and compliance pursuant to Section 44, Shipping Act, 1916, and Section 510.9 of the Commission's General Order 4 has been achieved.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission Order No. 201.1 (Revised) Section 5.01(a), dated August 8, 1977, Independent Ocean Freight Forwarder License No. 1777 is hereby reissued to Bosco Services Freight Forwarding Co., Terco, Inc., d.b.a., effective February 15, 1978. A copy of this Notice of Reinstatement shall be published in the FEDERAL REGISTER and served upon Bosco Services Freight Forwarding Co., Terco, Inc., d.b.a.

ROBERT M. SKALL,
Deputy Director, Bureau of
Certification and Licensing.

[FR Doc. 78-15385 Filed 6-1-78; 8:45 am]

[6730-01]

[Independent Ocean Freight Forwarder License No. 1943]

JAMCO INTERNATIONAL, INC.

Order of Revocation

On May 15, 1978, Jamco International, Inc., P.O. Box 53376, Houston, Tex. 77002, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1943 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), Section 5.01(c), dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 1943 issued to Jamco International, Inc., be and is hereby revoked effective May 15, 1978, without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Jamco International, Inc.

ROBERT M. SKALL,
Deputy Director, Bureau of
Certification and Licensing.

[FR Doc. 78-15387 Filed 6-1-78; 8:45 am]

[6730-01]

[Independent Ocean Freight Forwarder License No. 663]

OCEANIC FORWARDING CO.

Order of Revocation

The bond issued in favor of Oceanic Forwarding Co., 140 Park Lane, Brisbane, Calif. 94005, FMC No. 663, was cancelled effective May 20, 1978.

By letter dated April 24, 1978, the license was advised by the Federal Maritime Commission that Independ-

ent Ocean Freight Forwarder License No. 663 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before May 20, 1978.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Oceanic Forwarding Co. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(d) dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 663 be and is hereby revoked effective May 20, 1978.

It is further ordered, That Independent Ocean Freight Forwarder License No. 663 issued to Oceanic Forwarding Company be returned to the Commission for cancellation.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Oceanic Forwarding Co.

ROBERT M. SKALL,
Deputy Director, Bureau of
Certification and Licensing.

[FR Doc. 78-15388 Filed 6-1-78; 8:45 am]

[6730-01]

[Independent Ocean Freight Forwarder License No. 2059]

TRANSGO FORWARDING, INC.

Order of Revocation

On May 19, 1978, Transgo Forwarding, Inc., P.O. Box 523474, Miami, Fla. 33122, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 2059 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), Section 5.01(c), dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 2059 issued to Transgo Forwarding, Inc. be and is hereby revoked effective May 19, 1978, without prejudice to reapply for a license in the future.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Transgo Forwarding, Inc.

ROBERT M. SKALL,
Deputy Director, Bureau of
Certification and Licensing.

[FR Doc. 78-15386 Filed 6-1-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 78D-0098]

ACTION LEVELS FOR DIBROMOCHLORO- PRO-
PANE (DBCP) RESIDUES IN RAW AGRICUL-
TURAL COMMODITIES

Availability of Administrative Guideline

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the availability of the administrative guideline pertaining to the action levels for residues of the pesticide dibromochloropropane (DBCP) in raw agricultural commodities.

FOR FURTHER INFORMATION CONTACT:

Howard N. Pippin, Bureau of Foods (HFF-312), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-245-3092.

SUPPLEMENTARY INFORMATION: There are no tolerances established under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) for the pesticide chemical, dibromochloropropane (DBCP), in raw agricultural commodities. The Environmental Protection Agency (EPA) has suspended the use of DBCP for certain food crops and classified all other uses of DBCP as "restricted use pesticides" (see the FEDERAL REGISTER of September 26, 1977 (42 FR 48915)). EPA's action was taken after determining that DBCP is an "imminent hazard" in that it is a carcinogen. Therefore, in the absence of a tolerance, the Food and Drug Administration established these action levels, based on the recommendations from EPA, for determining the regulatory status of raw agricultural commodities containing DBCP residues. This notice also informs interested persons of the availability of information the agency relied on in establishing the action levels. Copies of the EPA recommendation and other supporting documents are available for public examination in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

The administrative guideline setting forth the action levels of 1.5 ppm for DBCP in milk (fat basis) and 0.05 ppm for DBCP in raw agricultural commodities other than milk is available for public examination in the Office of the Hearing Clerk, Food and Drug Administration. The FDA established these action levels on the basis of

EPA's recommendation that they be set at the level of the regulatory assay method's analytical sensitivity, taking into account its precision. Requests for single copies of the guideline may be made in writing to the Hearing Clerk (HFC-20), Food and Drug Administration (address above).

Interested persons may submit written comments on the guideline to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857 (preferably four copies, each identified with the Hearing Clerk docket number found in brackets in the heading of this document). Received comments will be incorporated into the public file on the guideline and may be seen in the above-named office between 9 a.m. and 4 p.m., Monday through Friday, except holidays.

Dated: May 24, 1978.

WILLIAM F. RANDOLPH
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-15071 Filed 6-1-78; 8:45 am]

[4110-03]

[Docket No. 78D-0006]

MERCURY CONTAMINATION OF FISH,
SHELLFISH, AND OTHER AQUATIC ANIMALS

Availability of Sample Preparation Instructions

AGENCY: Food and Drug Administration.

ACTION: Notice

SUMMARY: This document announces the availability of instructions for preparing the portion of the food used for analysis in determining compliance with the guideline for mercury contamination of fish, shellfish, crustaceans, and other aquatic animals.

ADDRESS: Single copies of instructions are available from the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Howard N. Pippin, Bureau of Foods (HFF-312), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-245-3092.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs has learned, through the decision in *United States v. An article of food*, * * * *halibut*, No. C76-822S (W.D. Wash. Oct. 11, 1977), that there is a need for more details on the procedures for preparing the portion of the food used for analysis in determining compliance with the administrative guideline for mercury contamination of fish, shell

fish, crustaceans, and other aquatic animals.

The guideline is established on the "edible portion" of the food. In general, inedible portions of the product are discarded, and the edible portion only is analyzed. Instructions for preparation of several aquatic animals are listed in the Food and Drug Administration's Pesticide Analytical Manual. Analysts should use discretion in determining the inedible portion of products not listed. The edible portion preparations currently listed in the Pesticide Analytical Manual are:

Crabs, hard shell—Examine a homogeneous mixture of meat and fatty materials isolated as described below: Heat crab in boiling water or place in autoclave under flowing steam for one minute. Remove claws and other appendages and pick out meat. Remove back shell, clean out and discard viscera and gills (easily removed by hand). Include in the edible portion fatty material (yellowish colored) from inside tips of the back shell and any fatty material (yellowish colored) adhering to meat. Break crab in half and remove meat from body cavity excluding shell and other obviously extraneous materials.

Crab, soft shell—Examine entire crab.

Fish (raw)—Remove and discard heads, scales, tails, fins, guts and inedible bones; do not remove skin; fillet to obtain all flesh and skin from head to tail and from top of back to belly on both sides. Where extremely large whole fish are to be analyzed and filleting is impractical, 3 cross-sectional slices from each fish may be taken and combined. Clean, scale and eviscerate fish. Take one inch thick slices, one from behind the pectoral fins, one from halfway between first slice and the vent, and one from behind the vent. Remove bones from each slice before combining. Rule of edibility supersedes these directions; e.g., catfish skin (inedible) is discarded.

Oyster, Clams (raw)—Examine a homogeneous mixture of meats and liquor.

Shrimp (raw), crawfish and similar shellfish—Remove and discard heads, tails and shells; examine edible meat only.

Fish, breaded, raw or cooked—Do not remove breading. Fillet as necessary (as described for "fish (raw)") to remove bones and/or tails.

Fish, canned in brine or water—Drain and discard liquid, examine remainder.

Fish, canned in oil, broth or sauce—Examine a homogeneous mixture of can contents.

Fish, frozen—Thaw, drain and discard drainings. Fillet—use entire piece. Whole fish—proceed as for "fish (raw)."

Fish, smoked—Proceed as for "fish (raw)."

Frog legs—Discard bones; examine edible meat only.

Oysters and clams, canned or frozen—Examine a homogeneous mixture of meats and liquor.

Shrimp and similar shell fish, breaded—Examine as received.

Shrimp and similar shellfish, canned in brine—Drain and discard brine; examine edible meat.

Shrimp and similar shellfish, frozen—Thaw, drain and discard drainings. Remove and discard heads, tails and shells; examine edible meat only.

Copies of the instructions for sample preparation (Pesticide Analytical Manual, Vol. 1, sections 141.12 and 141.22) are available for public examination at the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. Requests for single copies may be made in writing to that office.

Dated: May 23, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

(FR Doc. 78-15070 Filed 6-1-78; 8:45 am)

[4110-03]

(Docket No. 77N-0388; DESI 10936)

ONYCHO-PHYTEX SOLUTION

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice reclassifies Onycho-Phytex solution (NDA 10-936) to lacking substantial evidence of effectiveness, proposes to withdraw approval of the new drug application (NDA), and offers an opportunity for hearing on the proposal. The drug has been used for topical treatment of fungus infection of the skin.

DATE: Hearing requests due on or before July 3, 1978.

ADDRESSES: Communications forwarded in response to this notice should be identified with the reference number DESI 10936, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857. Requests for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC-20), Room 4-65. Requests for opinion of the applicability of this notice to a specific product: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs.

FOR FURTHER INFORMATION CONTACT:

Ronald L. Wilson, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 10936) published in the FEDERAL REGISTER of June 23, 1970 (35 FR 10242), the Food and Drug Administration announced its conclusion that the drug product described below is less than effective (possibly effective) for topical treatment of mycotic infections of the nails.

NDA 10-936; Onycho-Phytex solution containing boric acid-tannic acid-salicylic acid complex and ethyl alcohol; Unimed, Inc., 35 Columbia Road, Somerville, N.J. 08876.

A notice of opportunity for hearing on a proposal to withdraw approval of this new drug application was published in the FEDERAL REGISTER of July 17, 1971 (36 FR 13283). The notice also included Phytex liquid (NDA 10-937), also containing boric acid-tannic acid-salicylic acid complex. A hearing was not requested concerning Phytex liquid, and a final order withdrawing its approval appears elsewhere in this issue of the FEDERAL REGISTER. The notice of opportunity for hearing was premature and is hereby withdrawn insofar as it applied to Onycho-Phytex solution, because the NDA holder had previously been granted an extension of time to complete ongoing clinical studies for that product. Results of the studies were submitted to the Food and Drug Administration prior to the revocation on December 14, 1972 (37 FR 26623), of extensions to permit further testing. Those studies are discussed below.

Four double-blind studies were performed, one each by Drs. Deegan, Helfand, Gibbs, and Carter, comparing Onycho-Phytex solution with placebo in the treatment of fungus infections of the nails. The placebo used in the studies was the total product minus the active ingredient. At the beginning of the studies all patients had a nail or nails exhibiting the typical appearance of onychomycosis. Scrapings from the nails also showed the presence of fungus elements when tested in a potassium hydroxide (KOH) preparation. The treatment period was 12 months. At the end of the test periods, clinical appraisals and mycological evaluations with KOH tests were performed to determine whether fungal elements remained. Based upon the results at the end of the 12-month treatment period, in the Helfand and Carter studies the drug outperformed placebo as measured by both the clinical appraisal and the mycological evaluation (KOH tests), although in the Helfand study, the drug eliminated fungal elements in only one-third of the cases and the difference was not statistically significant.

In the Gibbs study there was no difference between drug and placebo either clinically or mycologically. In the Deegan study the clinical evaluation favored the drug but the mycological results clearly showed placebo to be superior. As the most important criterion of effectiveness in treatment of this disease is the elimination of the causative organism, the placebo obviously outperformed the drug in this study.

In summary, in only one study (Carter) out of four was the drug clearly superior to placebo, both clinically and mycologically, and in only one study (Carter) was the drug significantly superior to placebo in eliminating fungal elements. In view of the inconsistencies in the results of the other three studies, i.e., one clearly unfavorable to the drug, and two showing no strong trend toward reproducing the results of the Carter study, the Carter study is not sufficient to provide substantial evidence of effectiveness.

The NDA holder has proposed that the drug be labeled as an adjunct to debridement. Patients in these four studies did receive debridement, and the lack of a consistent advantage in KOH-demonstrated cures in the drug-treated group still renders the drug less than effective, whether as primary treatment or adjunctive treatment.

In addition, there is a question of the validity of the studies that do show some degree of effectiveness in that they are not adequate and well-controlled as defined in 21 CFR 314.111(a)(5). Adequate steps were not taken to minimize bias on the part of the subjects in the studies or the observer-analyst when debridement was performed during regular patient visits. (21 CFR 314.111(a)(5)(ii)(a)(3).) Since the patients were not randomized for this aspect of the study, a question exists of how much of the clinical improvement may have been due to the debridement of the nail. (21 CFR 314.111(a)(5)(ii)(a)(2)(ii).)

On the basis of all of the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug.

Therefore, notice is given to the holder of the new drug application and to all other interested persons that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application and all

amendments and supplements thereto on the ground that new information before him with respect to the drug product, evaluated together with the evidence available to him at the time the application was approved, shows there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

In addition to the holder of the new drug application specifically named above, this notice of opportunity for hearing applies to all persons who manufacture or distribute a drug product that is identical, related, or similar to the drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice of opportunity for hearing to determine whether it covers any drug product that the person manufactures or distributes. Such person may request an opinion of the applicability of this notice to a specific drug product by writing to the Division of Drug Labeling Compliance (address given above).

In addition to the ground(s) for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962, or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant and all other persons subject to this notice pursuant to 21 CFR 310.6 are hereby given an opportunity for a hearing to show why approval of the new drug application should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of the drug product named above and of all identical, related, or similar drug products.

An applicant or any other person subject to this notice pursuant to 21 CFR 310.6 who decides to seek a hearing shall file (1) on or before (insert date 30 days after date of publication in the FEDERAL REGISTER) a written notice of appearance and request for hearing, and (2) on or before (insert date 60 days after date of publication

in the FEDERAL REGISTER), the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by the person not to make use of the opportunity for a hearing concerning the action proposed with respect to the product and constitutes a waiver of any contentions concerning the legal status of any such drug product. Any such drug product may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact that precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk between the hours of 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: May 25, 1978.

J. RICHARD CROUT,
Director, Bureau of Drugs.

(FR Doc. 78-15278 Filed 6-1-78; 8:45 am)

[4110-03]

(Docket No. 77N-0388; DESI 10936)

PHYTEX LIQUID

Withdrawal of Approval of New Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice withdraws approval of the new drug application for Phytex liquid (NDA 10-937) containing boric acid-tannic acid-salicylic acid complex and ethyl alcohol. The drug has been used for topical treatment of fungus infections of the skin.

EFFECTIVE DATE: June 12, 1978.

ADDRESS: Requests for opinion of the applicability of this notice to a specific product should be identified with the reference number DESI 10936 and directed to: Division of Drug Labeling Compliance (HFD-310), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Ronald L. Wilson, Bureau of Drugs (HFD-32), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3650.

SUPPLEMENTARY INFORMATION: In a notice (DESI 10936; Docket No. FDC-D-361 (now Docket No. 77N-0388)) published in the FEDERAL REGISTER of July 17, 1971 (36 FR 13283) the Food and Drug Administration offered an opportunity for a hearing on a proposal to issue an order withdrawing approval of the following drug product based upon the lack of substantial evidence of effectiveness.

NDA 10-937; Phytex liquid containing boric acid-tannic acid-salicylic acid complex, and the ethyl alcohol; Unimed, Inc., 25 Columbia Rd., Somerville, N.J. 08876.

Onycho-Phytex solution, which was also included in the July 17, 1971, notice, is not affected by this notice.

All drug products that are identical, related, or similar to the drug named above, and are not the subject of an approved new drug application are covered by the new drug application reviewed and are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write the Division of Drug Labeling Compliance (address given above).

Neither the holder of the new drug application nor any other person filed a written appearance of election as provided by said notice. The failure to file such an appearance constitutes

election by such persons not to avail themselves of the opportunity for a hearing.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended (21 U.S.C. 355)), finds that on the basis of new information before him with respect to the drug product, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug product will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Therefore pursuant to the foregoing finding, approval of new drug application 10-937, and all amendments and supplements applying thereto, is withdrawn effective June 12, 1978.

Shipment in interstate commerce of the above product or of any identical, related, or similar product that is not the subject of an approved new drug application will then be unlawful.

Dated: May 25, 1978.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc. 78-15279 Filed 6-1-78; 8:45 am]

[4110-35]

Health Care Financing Administration
STATEWIDE PROFESSIONAL STANDARDS
REVIEW COUNCIL OF NORTH CAROLINA
Request for Nominations for Public Member
Positions on the Council

Nominations are being accepted for public member positions on the North Carolina Statewide Professional Standards Review Council. A Statewide Council is being established because there are now eight Professional Standards Review Organizations (PSRO's) in North Carolina.

PSRO's review medical care services paid for under the Medicare, Medicaid, and Maternal and Child Health and Crippled Children Services programs in order to assure that those services are medically necessary, of acceptable quality, and provided at the appropriate level of care.

Statewide Councils are established in States that have three or more PSRO's to: (1) Help to coordinate PSRO activities and disseminate information among them; (2) assist the Secretary in the development of uniform data gathering and operating procedures; (3) review certain determinations and recommendations made by PSRO's as a result of their reviews of medical care; (4) work with doctors and other practitioners and with medical facilities so that they will assure that medical care provided is necessary, appropriate, and of acceptable

quality; and (5) assist the Secretary to carry out several of his responsibilities, including the evaluation of the PSRO's review activities and the designation of replacement PSRO's when necessary.

Nominees for public representatives are considered on the basis of whether they are:

(1) Knowledgeable about health care provided in North Carolina under the Medicare, Medicaid, and Maternal and Child Health and Crippled Children Services programs;

(2) Willing and able to represent the interests of the public; and

(3) Willing and able to discharge the responsibilities of membership in the Statewide Council.

Special consideration will be given to qualified individuals who are not affiliated with:

(1) Organizations and groups that must, under law, be represented on the Council (PSRO's and physician groups); or

(2) Organizations and groups that are represented on the Council's Advisory Group (hospitals and other health care facilities and health care practitioners other than physicians).

Please include biographical data which demonstrate each nominee's qualifications, particularly their knowledge of health care in the State and their willingness and ability to represent the interests of the public. Persons or organizations may submit nominations to:

Virginia M. Smyth, Regional Administrator,
Health Care Financing Administration,
101 Marietta Tower, Atlanta, Ga. 30323.

After consideration of all nominations received within 60 days of this Notice, including nominees of the Governor of North Carolina, the Secretary will appoint four public representatives, two of whom will have been recommended by the Governor.

For further information about the nature and functions of the Council and the role of public members in Council activities, please call the Office of the Regional Administrator, HCFA, 404-242-2329.

Dated: May 25, 1978.

ROBERT A. DERZON,
Administrator, Health Care
Financing Administration.

[FR Doc. 78-15334 Filed 6-1-78; 8:45 am]

[4110-35]

STATEWIDE PROFESSIONAL STANDARDS
REVIEW COUNCIL OF FLORIDA
Request for Nominations for Public Member
Positions on the Council

Nominations are being accepted for public member positions on the Florida Statewide Professional Standards Review Council. A Statewide Council

is being established because there are now three Professional Standards Review Organizations (PSRO's) in Florida.

PSRO's review medical care services paid for under the Medicare, Medicaid, and Maternal and Child Health and Crippled Children Services programs in order to assure that those services are medically necessary, of acceptable quality, and provided at the appropriate level of care.

Statewide Councils are established in States that have three or more PSRO's: (1) Help to coordinate PSRO activities and disseminate information among them; (2) assist the Secretary in the development of uniform data gathering and operating procedures; (3) review certain determinations and recommendations made by PSRO's as a result of their reviews of medical care; (4) work with doctors and other practitioners and with medical facilities so that they will assure that medical care provided is necessary, appropriate, and of acceptable quality; and (5) assist the Secretary to carry out several of his responsibilities, including the evaluation of the PSRO's review activities and the designation of replacement PSRO's when necessary.

Nominees for public representatives are considered on the basis of whether they are:

(1) Knowledgeable about health care provided in Florida under the Medicare, Medicaid, and Maternal and Child Health and Crippled Children Services programs;

(2) Willing and able to represent the interests of the public; and

(3) Willing and able to discharge the responsibilities of membership in the Statewide Council.

Special consideration will be given to qualified individuals who are not affiliated with:

(1) Organizations and groups that must, under law, be represented on the Council (PSRO's and physician groups); or

(2) Organizations and groups that are represented on the Council's Advisory Group (hospitals and other health care facilities and health care practitioners other than physicians).

Please include biographical data which demonstrate each nominee's qualifications, particularly their knowledge of health care in the State and their willingness and ability to represent the interests of the public. Persons or organizations may submit nominations to:

Virginia M. Smyth, Regional Administrator,
Health Care Financing Administration,
101 Marietta Tower, Atlanta, Ga. 30323.

After consideration of all nominations received within 60 days of this Notice, including nominees of the Governor of Florida, the Secretary will appoint four public representatives, two

of whom will have been recommended by the Governor.

For further information about the nature and functions of the Council and the role of public members in Council activities, please call the Office of the Regional Administrator, HCFA, 404-242-2329.

Dated: May 25, 1978.

ROBERT A. DERZON,
Administrator, Health Care
Financing Administration.

[FR Doc. 78-15333 Filed 6-1-78; 8:45 am]

[4110-83]

Health Resources Administration
NATIONAL COUNCIL ON HEALTH PLANNING
AND DEVELOPMENT
Change of Meeting Date

In FEDERAL REGISTER Document 78-13967 appearing at page 22076 in the issue for Tuesday, May 23, 1978, the June 9, 1978, meeting of the "National Council on Health Planning and Development" has been changed to July 14, 1978. The Council will continue discussions of Goals Implementation Strategy, Improving Policy Communications, and Pending Regulations and Evaluations Plans for Pub. L. 93-641. The discussion on Issues, Rate Regulation, Certification of Need and Health Planning Linkages scheduled for June, will be postponed until the Fall of this year. All other information is correct as appears.

Dated: May 30, 1978.

MONTE B. NICHOL,
Acting Associate Administrator
for Operations and Management.

[FR Doc. 78-15485 Filed 6-1-78; 8:45 am]

[4110-85]

Office of the Assistant Secretary for Health
HEALTH INTERVIEW SURVEY TECHNICAL CONSULTANT PANEL OF THE UNITED STATES
NATIONAL COMMITTEE ON VITAL AND
HEALTH STATISTICS

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of June 1978:

Name: Health Interview Survey Technical Consultant Panel of the United States National Committee on Vital and Health Statistics.

Date and Time: June 28-29, 1978, 9 a.m.
Place: Hubert H. Humphrey Building, Rooms 525-A and 529-A, 200 Independence Avenue SW., Washington, D.C. 20201.

Open for entire meeting.

Purpose. The Secretary and by delegation the Assistant Secretary for

Health and the Director, National Center for Health Statistics (NCHS), are charged under section 306 of the Public Health Service Act, as amended, 42 U.S.C. 242k, with the responsibility to collect, analyze, and disseminate national health statistics on vital events and health activities, including the physical, mental, and physiological characteristics of the population, illness, injury, impairment, the supply and utilization of health facilities and manpower, the operation of the health services system, health economic expenditures, and changes in the health status of people; administer the Cooperative Health Statistics System; stimulate and conduct basic and applied research in health data systems and statistical methodology; coordinate the overall health statistical activities of the programs and agencies of the Health Resources Administration and provide technical assistance in the management of statistical information; maintain operational liaison with statistical gathering and processing services of other health agencies, public and private, and provide technical assistance within the limitations of staff resources, research, consultation and training programs in international statistical activities; and participate in the development of national health policy with Federal agencies.

Agenda. (1) Alternative Methods of Providing Sub-national Estimates; (2) Objectives and priorities of the Health Interview Survey; (3) Need for data on Alcoholism and (4) Status Reports on: (a) Smoking and immunization supplements, (b) 1979 Pretest, and (c) Data users form.

The meeting is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or other relevant information, should contact Mr. James A. Smith, National Center for Health Statistics, Room 2-12, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, telephone 301-436-7122.

Agenda items are subject to change as priorities dictate.

Dated: May 24, 1978.

WAYNE RICHEY, JR.,
Associate Director for Management, Office of Health Policy
Research and Statistics.

[FR Doc. 78-15274 Filed 6-1-78; 8:45 am]

[4110-08]

National Institutes of Health
CANCER CONTROL PREVENTION, DETECTION,
DIAGNOSIS AND PRETREATMENT EVALUATION REVIEW COMMITTEE

Amended Notice of Meeting

NOTE.—This document originally appeared in the FEDERAL REGISTER for Wednesday,

May 31, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See the inside cover of this issue for information about agencies publishing on assigned days of the week.)

Notice is hereby given of a change in meeting place of the Cancer Control Prevention, Detection, Diagnosis, and Pretreatment Evaluation Review Committee, National Cancer Institute, June 1-2, 1978, which was published in the FEDERAL REGISTER on May 16, 1978 (43 FR 21058). The meeting will be held in the Blair Building, Room 110, 8300 Colesville Road, Silver Spring, Md. 20014.

Dated: May 24, 1978.

SUZANNE L. FRENEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-15177 Filed 6-1-78; 8:45 am]

[4110-08]

ADVISORY COMMITTEE TO THE DIRECTOR, NIH
Notice of Meeting

NOTE.—This document originally appeared in the FEDERAL REGISTER for Wednesday, May 31, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See the inside cover of this issue for information about agencies publishing on assigned days of the week.)

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Advisory Committee to the Director, NIH, June 15-16, 1978, National Institutes of Health, Bethesda, Md., Building 31, Conference Room 10, C Wing. The meeting will take place from 9 a.m. to 5 p.m. on June 15, and from 9 a.m. to 1 p.m. on June 16. The entire meeting will be open to the public.

The purpose of the meeting will be to discuss possible strategies to develop appropriate principles for health research planning. The Committee will consider the speech delivered by Secretary Califano before the Annual Meeting of the Federation for Clinical Research and develop themes and procedures for carrying out the goals outlined by the Secretary. The Committee will review and comment on documents drafted for the purpose of implementing these goals.

In addition, the development of revised Recombinant DNA Research Guidelines and other policy issues of concern to the Director, NIH, will be discussed.

The Executive Secretary, Charles R. McCarthy, Ph.D., National Institutes of Health, Building 1, Room 201, Bethesda, Md. 20014, 301-496-1480, will furnish summaries of the meeting, rosters of Committee members and guests, and substantive program information.

Dated: May 24, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
[FR Doc. 78-15178 Filed 6-1-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

New Community Development Corporation
(Docket No. N-78-877)

NEWFIELDS NEW COMMUNITY

Intent to Supplement Environmental Impact
Statement

The U.S. Department of Housing and Urban Development, New Community Development Corporation, Washington, D.C., intends to issue a supplement to the Final Environmental Impact Statement for Newfields New Community which is located approximately seven miles northwest of downtown Dayton, in Montgomery County, Ohio.

The Supplement will evaluate the impact of certain actions HUD/NCDC is contemplating with respect to the proposed withdrawal of Title VII assistance to the project.

The new community project as originally approved by HUD/NCDC consisted of some 4,000 acres and was planned to be developed over a 20-year period to accommodate a population of approximately 40,000 in 13,000 dwelling units. At present, Newfields consists of a partially developed area of approximately 300 acres. The partially developed area, which is served by roads and utilities, is the home of approximately 43 families. It also includes approximately 20 unoccupied dwelling units, a commercial office building, a 10-acre lake, approximately 35 acres of open space, a swimming pool and a community building.

Copies of the Supplement will be available in the near future. The comment period for the Supplement will be 30 calendar days.

The final Environmental Impact Statement for Newfields was issued on June 19, 1973. Copies of the final EIS are available for review at the New Community Development Corporation at HUD in Washington, D.C., and at the HUD Area Office located at 60 East Main Street, Columbus, Ohio, telephone 614-469-7345.

Comments concerning this Notice are invited from all affected and interested parties. Please send comments by June 19, 1978 to: Earl DeMaris, Deputy Administrator for Project Support and Development, U.S. Department of Housing and Urban Development, New Community Development Corporation, Room 7134, 451 7th Street SW., Washington, D.C. 20410.

Telephone inquiries about this Notice may be directed to Raymond G. Hay, Environmental Clearance Officer (alternate), 202-755-6876.

Issued at Washington, D.C., May 23, 1978.

WILLIAM J. WHITE,
General Manager, New Community
Development Corporation.

[FR Doc. 78-15283 Filed 6-1-78; 8:45 am]

[4210-01]

Office of the Secretary

(OILSR No. 0-02849-40-287(E); Docket No. N-78-876; Docket No. ED-78-2-IS)

WATERWOOD, HORIZON PROPERTIES CORP.

Notice of Hearing

In the matter of Waterwood, Horizon Properties Corp., Respondent.
Pursuant to 15 U.S.C. 1706(b) and 24 CFR 1710.45(a) and 1720.120, Notice is hereby given that:

1. Waterwood, Horizon Properties Corp., its officers and agents, herein-after referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701, et seq.) received a Notice of Suspension dated April 7, 1978, which was sent to the developer pursuant to 15 U.S.C. 1706(b), 24 CFR 1710.45(a) and 1720.120 based on information obtained by the Office of Interstate Land Sales Registration showing that the statement of Record and Property Report for Waterwood of San Jacinto County, Tex., contain untrue statements of material fact or omit to state material facts required to be stated therein or necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received May 16, 1978, in response to the Order of Suspension.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Order of Suspension.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(b) and 24 CFR 1710.45(a) and 1720.120, it is hereby ordered that a public hearing for the purpose of taking evidence on the questions set forth in the Order of Suspension will be held before Judge James W. Mast, in Room 7143, HUD Building, 451 Seventh Street SW., Washington, D.C. at 10 a.m. on June 9, 1978.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C., 20410 on or before May 31, 1978. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above

scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR § 1710.45(a).

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR § 1720.120

Dated: May 23, 1978.

By the Secretary.

JAMES W. MAST,
Chief Administrative
Law Judge.

[FR Doc. 78-15281 Filed 6-1-78; 8:45 am]

[4210-01]

(Docket No. D-78-501)

ATTESTING OFFICERS

Revision of List of Designees

AGENCY: Department of Housing and Urban Development.

ACTION: Revision to List of Designees.

SUMMARY: This Notice revises and updates the list of designees of the Department of Housing and Urban Development who are attesting officers and who are delegated the authority to cause the seal of the Department of Housing and Urban Development to be affixed and to authenticate copies of documents.

EFFECTIVE DATE: May 25, 1978.

FOR FURTHER INFORMATION
CONTACT:

David D. White, Assistant General Counsel for Administrative Law, Department of Housing and Urban Development, Washington, D.C. 20410, 202-755-7087.

SUPPLEMENTARY INFORMATION: The designation and delegation of authority published at 36 FR 23835 (December 15, 1971), as amended at 37 FR 23468 (November 3, 1972), and further amended at 39 FR 40186 (November 14, 1974) lists the employees of the Department of Housing and Urban Development who are designated as attesting officers and who are authorized to cause the seal of the Department of Housing and Urban Development to be affixed to such documents as may require its application and to certify that a copy of any book, record, paper, or other document is a true copy of that in the files of the Department. This notice revises and updates that list.

Accordingly, the list of employees of the Department of Housing and Urban Development, who are designated as attesting officers and who are authorized to cause the seal of the Depart-

ment of Housing and Urban Development to be affixed to such documents as may require its application and to certify that a copy of any book, record, paper, or other document is a true copy of that in the files of the Department, is revised to read as follows:

1. Legal Assistant to Assistant General Counsel for Administrative Law.
2. Secretary to the General Manager, New Communities Development Corporation.
3. Financial Analyst, Project Financing Staff, Office of Assistant Secretary for Housing—Federal Housing Commissioner.

4. Interstate Land Sales Administrator.

5. Deputy Administrator, Office of Interstate Land Sales Registration.

6. Federal Insurance Administrator.
7. Director, Mortgage Insurance Accounting Group, Office of Finance and Accounting.

8. Deputy Director, Mortgage Insurance Accounting Group, Office of Finance and Accounting.

9. Chief, Program Liquidation Branch, assisted Housing Management, Office of Assistant Secretary for Housing—Federal Housing Commissioner.

10. The Secretary to each Regional Administrator, and the Secretary to each Regional Counsel.

11. The Secretary to each Area Director, and the Secretary to each Area Counsel.

12. Secretary to the Associate Regional Counsel for Private Market Financing, Atlanta Regional Office, Region IV.

13. Assistant for Operations, Office of Assistant Secretary for Fair Housing and Equal Opportunity.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d).))

Issued at Washington, D.C., May 25, 1978.

PATRICIA ROBERTS HARRIS,
Secretary of Housing
and Urban Development.

[FR Doc. 78-15282 Filed 6-1-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

(Colorado 244021&J)

NORTHWEST PIPELINE CORP.

R/W Application for Pipeline

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corp., 315 East 200 South, Salt Lake City, Utah 84111, has applied for a right-of-way for a 4½" o.d.

natural gas pipeline for the East Douglas Creek Gathering System approximately 0.75 miles long, across the following Public Lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO
COUNTY, COLO.

T. 2 S., R. 101 W.
Sec. 34: SE¼NE¼, NE¼SE¼.
Sec. 35: W¼NW¼.
T. 3 S., R. 100 W.
Sec. 15: NW¼SW¼.

The above-named gathering system will enable the applicant to collect natural gas in the area through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions. (2) To give all interested parties the opportunity to comment on the application. (3) To allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on Northwest Pipeline Corp.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, JR.,
Leader, Craig Team,
Branch of Adjudication.

[FR Doc. 78-15372 Filed 6-1-78; 8:45 am]

[4310-84]

(Colorado 26299-B)

NORTHWEST PIPELINE CORP.

R/W Application for Pipeline

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Northwest Pipeline Corp., 315 East 200 South, Salt Lake City, Utah 84111, has applied for R/W 78103 for the Mountain Fuel Gathering System of approximately 1 mile of 4½" pipeline through the following Public Land:

SIXTH PRINCIPAL MERIDIAN, MOFFAT
COUNTY, COLO.

T. 12 N., R. 95 W.
Sec. 19: Lots 2, 3, 9, and 11, NE¼SW¼, NE¼SE¼.

The above-named gathering system will enable the applicant to collect

natural gas and to convey it to the applicant's customers. The purposes for this notice are: (1) To inform the public that the Bureau of Land Management is proceeding with the preparation of environmental and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions; (2) to give all interested parties the opportunity to comment on the application; (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on Northwest Pipeline Corp.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, JR.,
Leader, Craig Team,
Branch of Adjudication.

[FR Doc. 78-15373 Filed 6-1-78; 8:45 am]

[4310-84]

(N-19622)

NEVADA

Proposed Withdrawal and Reservation of
Lands of Military Purposes; Correction

MAY 22, 1978.

The notice published as FR Doc. 78-12775, page 20281 of the issue for May 11, 1978, should have included the following words immediately preceding the land description.

"All that public land lying within the following described area:"

LACEL E. BLAND,
Acting Chief,
Division of Technical Services.

[FR Doc. 78-15374 Filed 6-1-78; 8:45 am]

[4310-84]

(W-63511)

WYOMING

Application

MAY 24, 1978.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Coastal States Gas Corporation of Houston, Tex. filed an application for a right-of-way to construct a cathodic protection ground bed to complete the cathodic protection of an existing natural gas transmission line affecting the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING
T. 52 N., R. 101 W.,
Sec. 29, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{4}$ SE $\frac{1}{4}$.

The facilities for this proposed right-of-way extent from a point of connection with an existing pipeline in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and will end in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, T. 52 N., R. 101 W., Park County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyoming 82401.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.
(FR Doc. 78-15375 Filed 6-1-78; 8:45 am)

[4310-84]

(W-62900)

WYOMING

Application

MAY 23, 1978.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation of Salt Lake City, Utah has filed an application for a right-of-way to construct a buried 8 $\frac{1}{2}$ -inch O. D. pipeline as an addition to their gathering system for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 24 N., R. 111 W.,
Secs. 1, 9, 10, 11 and 12.
T. 25 N., R. 107 W.,
Sec. 31.
T. 24 N., R. 108 W.,
Secs. 4, 5 and 6.
T. 25 N., R. 108 W.,
Secs. 35 and 36.
T. 24 N., R. 109 W.,
Secs. 1, 4, 5, 6, 9, 10, 11 and 12.
T. 24 N., R. 110 W.,
Secs. 1, 2, 7, 8, 9, 10 and 11.

The proposed pipeline designated as Lincoln Gathering System—Trunk "B" will begin at a point of connection with Northwest Pipeline Corporation's proposed Trunk "A" pipeline located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, T. 24 N., R. 111 W., Sweetwater County, Wyo. and will end at a point in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 31, T. 25 N., R. 107 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of

whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.

(FR Doc. 78-15376 Filed 6-1-78; 8:45 am)

[4310-84]

(W-63855)

WYOMING

Application

MAY 24, 1978.

Notice is hereby given that pursuant to Sec. 28 of the Minerals Leasing Act of 1920, as amended (30 U.S.C. 185) Western Oil Transportation Co., Inc., of Casper, Wyo. filed an application for a right-of-way to construct a 4 $\frac{1}{2}$ O. D. pipeline for the purpose of transporting crude oil across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 58 N., R. 76 W.,
Sec. 30, lots 19 and 20.
T. 58 N., R. 77 W.,
Sec. 24, lot 10;
Sec. 25, lot 1.

The pipeline is a proposed addition to a gathering system in Sheridan County.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 951 Union Boulevard, Casper, Wyo. 82601.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.

(FR Doc. 78-15377 Filed 6-1-78; 8:45 am)

[4310-84]

(W-63213)

WYOMING

Application

MAY 24, 1978.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C.

185), the Colorado Interstate Gas Co. of Colorado Springs, Colo. filed an application for a right-of-way to construct two 6 $\frac{1}{2}$ -inch O. D. pipelines for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 38 N., R. 89 W.,
Sec. 8, lots 5, 9 and 10.
T. 38 N., R. 90 W.,
Sec. 1, lots 2, 5, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 2, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
T. 39 N., R. 90 W.,
Sec. 36, W $\frac{1}{4}$ SE $\frac{1}{4}$.

The proposed pipelines will transport natural gas from the MDU Cevin No. 1-6 Monsanto well located in the NW $\frac{1}{4}$ of Section 6, T. 38 N., R. 89 W., and the O'Connell No. 1-36 well located in the SE $\frac{1}{4}$ of Section 36, T. 39 N., R. 90 W., to connect with an existing pipeline in the NW $\frac{1}{4}$ of Section 1, T. 38 N., R. 90 W., all within Fremont County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands
and Minerals Operations.

(FR Doc. 78-15378 Filed 6-1-78; 8:45 am)

[4310-84]

(W-63845)

WYOMING

Application

MAY 25, 1978.

Notice is hereby given that pursuant to Section 28 of the Minerals Leasing Act of 1920, as amended (30 U.S.C. 185) Northwest Pipeline Corp. of Salt Lake City, Utah filed an application for a 12 $\frac{1}{2}$ -inch pipeline for the purpose of transporting natural gas across the following described lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 19 N., R. 112 W.,
Secs. 2 and 28.
T. 20 N., R. 112 W.,
Sec. 26.
T. 20 N., R. 111 W.,
Secs. 2 and 14.
T. 21 N., R. 111 W.,
Sec. 32.

This pipeline is a proposed addition to their gathering system in Sweetwater County and Lincoln County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 1869, Highway 187 North, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands
and Minerals Operations.
(FR Doc. 78-15379 Filed 6-1-78; 8:45 am)

[4310-84]

(W-61559)

WYOMING

Application; Amendment

MAY 22, 1978.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Stauffer Chemical Co. of Wyoming filed an application to amend right-of-way W-61559 to construct an additional 4-inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 23 N., R. 103 W.,
Sec. 34, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

The proposed pipeline will transport natural gas from the KD Luff 3-34 well to a point of connection with Stauffer Chemical's existing pipeline all within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T. 23 N., R. 103 W., Sweetwater County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82901.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands
and Minerals Operations.

(FR Doc. 78-15380 Filed 6-1-78; 8:45 am)

(W-63273)

WYOMING

Application

MAY 23, 1978.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. of Salt Lake City, Utah filed an application for a right-of-way to construct a cathodic protection station for the protection and safe operation of their natural gas pipeline system and affects the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 27 N., R. 112 W.,
Sec. 28, SW $\frac{1}{4}$ NE $\frac{1}{4}$.

The facilities for this station extend from a point of connection with an existing pipeline in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and end in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 28, T. 27 N., R. 112 W., Sublette County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, Highway 187 North, P.O. Box 1869, Rock Springs, Wyo. 82001.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands
and Minerals Operations.
(FR Doc. 78-15381 Filed 6-1-78; 8:45 am)

[4510-30]

DEPARTMENT OF LABOR

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by

operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 30th day of May 1978.

ERNEST G. GREEN,
Assistant Secretary for
Employment and Training.

APPLICATIONS RECEIVED DURING THE WEEK ENDING MAY 26, 1978

Name of applicant and location of enterprise	Principal product or activity
Burke Mountain Recreation, Inc., East Burke, Vt.	Ski resort and recreation area.
Augusta Fiberglass Coatings, Inc., Blackville, S.C.	Fiberglass fabrications.

APPLICATIONS RECEIVED DURING THE WEEK
ENDING MAY 26, 1978—Continued

Name of applicant and location of enterprise	Principal product or activity
Aero Mech, Inc., Clarksburg, W. Va.	Commuter airline operations.
Milam Inc. (Pine Grove Nursing Home), Cedar Grove, Wis.	Nursing home.
Haydon E. Woodard, Junction, Tex.	Motel.
Pearson Enterprises, Inc., Pineville, La.	Retail/wholesale pharmaceutical drugs.
Iowa Gateway, Inc., Keokuk, Iowa.	Unloading barges, storing, and shipping by trucks.
Blaine County Development Corp., Chinook, Mont.	Livestock sales ring.

[FR Doc. 78-15425 Filed 6-1-78; 8:45 am]

[4510-43]

Mine Safety and Health Administration

[Docket No. M-78-26-M]

ANTHONY DALLY & SONS, INC.

Petition for Modification of Application of
Mandatory Safety Standard

Notice is hereby given that Anthony Dally & Sons, Inc., Pen Argyl, Pa. 18072, a subsidiary of Doney Slate Co. and Diamond Slate Co., has filed a petition to modify the application of 30 CFR 57.19-7, to its Quarry No. 6, Stephens Jackson Quarry, Doney Slate Co. Pit and Mill, and Diamond Slate Co. Quarry and Mill Mines, located in Northampton County, Pa., in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of Petitioner's statement is as follows:

(1) Petitioner proposes to use a second fully qualified hoist engineer when men are being lowered into or hoisted out of the quarry instead of using a mechanical device to prevent overspeed or overtravel. The auxiliary engineer would be stationed immediately next to the operating engineer as a standby in the event of a sudden health problem of the operating engineer.

(2) The danger of overtravel is more effectively removed by the presence of a standby engineer.

(3) The use of a mechanical device could cause the man box to be suspended in mid-air, thereby creating an increased and unnecessary hazard.

(4) There is no danger of overspeed because the speed of travel is less than 100 feet a minute.

(5) Friction bands on the hoist drum and endless drum provide a natural and constant braking power.

(6) Severe competition from Europe and the increase of substitute products has contributed to reducing the number of active quarries from 76 to 6. Requiring the addition of expensive and/or unnecessary equipment would only increase the burden upon an already hard-pressed industry.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before July 3, 1978. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: May 20, 1978.

ROBERT B. LAGATHER,
Assistant Secretary
for Mine Safety and Health.

[FR Doc. 78-15399 Filed 6-1-78; 8:45 am]

[4510-43]

[Docket No. M-78-29-M]

HECLA MINING CO.

Petition for Modification of Application of
Mandatory Safety Standard

Notice is hereby given that Hecla Mining Company, Box 320, Wallace, Idaho 83873, has filed a petition to modify the application of 30 CFR 57.19-71 (hoisting procedures), to its Lucky Friday Mine, located in Mullen County, Idaho, in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of Petitioner's statement is as follows:

(1) The area to be covered by the variance would be limited to the shaft-sinking operation at the above mine.

(2) Past practice has been for the men to ride from the bottom of the shaft in a bucket partially filled with muck.

(3) After considerable investigation of alternative methods, Petitioner believes this method provides the safest means of transport for the men engaged in shaft-sinking.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before July 3, 1978. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: May 22, 1978.

ROBERT B. LAGATHER,
Assistant Secretary
for Mine Safety and Health.

[FR Doc. 78-15400 Filed 6-1-78; 8:45 am]

[4510-43]

[Docket No. M-78-20-M]

HOMESTAKE MINING CO.

Petition for Modification of Application of
Mandatory Safety Standard

Notice is hereby given that Homestake Mining Co., P.O. Box 875, Lead, S. Dak. 57754, has filed a petition to modify the application of 30 CFR 57.9-112, to its Homestake Mine, located in Lawrence County, S. Dak., in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of Petitioner's statement is as follows:

(1) For the reasons set forth below, Petitioner requests that a modification of 30 CFR 57.9-112 be granted to allow reflectors to be used instead of trip lights on the following listed equipment. All rock haulage, trip and other cars or equipment not listed will be equipped with blinker lights when they are moved.

(2) Large explosive cars, used to transport explosives to and from underground magazines, will be equipped with reflectors on each end of the car. These cars are moved at a slow speed through lighted drifts and would not create a hazard to employees or other haulage.

(3) Small explosive cars that are used to transport explosives from the underground magazines to the working places would be equipped with reflectors on each end of the cars. These cars are generally used once per day and only two cars are involved. Because of the length of the train no hazard would be involved.

(4) Supply trucks would be equipped with a quick attached reflector bar on the rear of the pulled trip, or the front car of a pushed trip. Because of the limited height of the empty car it has been found that the reflector bar is much safer than any other type of warning device because it can be seen from either direction.

(5) Track trucks, pipe trucks, and underground toilets will be equipped with reflectors on each end of the car. When these cars are moved, they are either pushed by hand or if moved by a locomotive, only one car is involved.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before July 3, 1978. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: May 19, 1978.

ROBERT B. LAGATHER,
Assistant Secretary
for Mine Safety and Health.

[FR Doc. 78-15401 Filed 6-1-78; 8:45 am]

[4510-43]

[Docket No. M-78-66-C]

LIGON PREPARATION CO.

Petition for Modification of Application of
Mandatory Safety Standard

Notice is hereby given that Ligon Preparation Co., Box 47, Drift, Ky. 41619, has filed a petition to modify the application of 30 CFR 75.1100 (fire protection), to its I-203 Mine, located in Floyd County, Ky., in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of Petitioner's statement is as follows:

(1) In lieu of a water line running the entire length of the belt line capable of delivering 50 gallons per minute at 50 PSI, Petitioner proposes that:

(a) A man shall patrol the belt to keep it in good running condition, well rock dusted and lubricated.

(b) Water deluge or dry chemical deluge fire suppression devices shall be located at all points where coal passes from secondary beltlines to the primary belt.

(c) Telephone communications along the belt to the surface will be established.

(d) A fire sensing unit shall run the entire length of the belt.

(e) 240 pounds of bagged rock dust shall be placed at intervals not to exceed 300 feet along the belt line.

(f) A portable water car of at least 1,000 gallons will be located in the section with 500 feet of fire hose.

(2) A water line able to deliver less than the required amount and pressure of water already runs the length of the belt with outlets every 300 feet.

(3) The insufficient water supply at the mine makes this petition necessary.

(4) Petitioner's proposal will provide adequate protection at the above mine.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before July 3, 1978. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: May 22, 1978.

ROBERT B. LAGATHER,
Assistant Secretary
for Mine Safety and Health.

[FR Doc. 78-15397 Filed 6-1-78; 8:45 am]

[4510-43]

[Docket No. M-78-57-C]

NATIONAL MINES CORP.

Petition for Modification of Application of
Mandatory Safety Standard

Notice is hereby given that National Mines Corp., P.O. Box 295, Wayland, Ky. 41665, has filed a petition to modify the application of 30 CFR 75.1710-1(a) (cabs or canopies), to its Stinson No. 1, Stinson No. 2, Stinson No. 3, Stinson No. 5, and Beaver Creek No. 4 Mines, located in Knott County, Ky., in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of Petitioner's statement is as follows:

(1) Due to the combination of severely limited vision and close confinement in the cab, appendages of the operator's body, such as his head and limbs, hang out in such a manner that they are in jeopardy of being crushed between the equipment and the coal rib.

(2) Ingress and egress from the cab is so limited that the operator is held captive and cannot escape in case of roof damage, machine malfunction, cable damage, power failure or machine fire.

(3) Due to rolls and adverse conditions, canopies constantly strike roof bolts, sheering or destroying the torque of the roof bolts and reducing them to an inefficient state. This exposes all employees to the hazard of a roof fall and causes the overall reduction of safety to miners in Petitioner's mine.

(4) For the reasons set forth above, Petitioner requests that a modification of 30 CFR 75.1710-1 be granted for the above mines. Petitioner proposes to substitute 10" x 10" roof bolt plates instead of the current 6" x 6" plates, providing additional support and more bearing to the surface on the roof.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before July 3, 1978. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: May 22, 1978.

ROBERT B. LAGATHER,
Assistant Secretary
for Mine Safety and Health.
[FR Doc. 78-15398 Filed 6-1-78; 8:45 am]

[4510-43]

[Docket No. M-78-22-M]

PENN BIG BED SLATE CO., INC.

Petition for Modification of Application of
Mandatory Safety Standard

Notice is hereby given that Penn Big Bed Slate Co., Inc., P.O. Box 184, Slattington, Pa. 18080, has filed a petition to modify the application of 30 CFR 57.19-7 (hoists), to its Manhattan Quarry Mine, located in Lehigh County, Pa., in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of Petitioner's statement is as follows:

(1) Petitioner proposes to use a second fully qualified hoist engineer when men are being lowered into or hoisted out of the quarry instead of using a mechanical device to prevent overspeed or overtravel. The auxiliary engineer would be stationed immediately next to the operating engineer as a standby in the event of a sudden health problem of the operating engineer.

(2) The danger of overtravel is more effectively removed by the presence of a standby engineer.

(3) The use of a mechanical device could cause the man box to be suspended in mid-air, thereby creating an increased and unnecessary hazard.

(4) There is no danger of overspeed because the speed of travel is less than 100 feet a minute.

(5) Friction bands on the hoist drum and endless drum provide a natural and constant braking power.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before July 3, 1978. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: May 19, 1978.

ROBERT B. LAGATHER,
Assistant Secretary
for Mine Safety and Health.

[FR Doc. 78-15402 Filed 6-1-78; 8:45 am]

[4510-43]

[Docket No. M-78-24-M]

STANDARD METALS CORP.

Petition for Modification of Application of
Mandatory Safety Standard

Notice is hereby given that Standard Metals Corp., Box 247, Silverton, Colo. 81433, has filed a petition to modify the application of 30 CFR 57.19-57 (hoisting fitness certification), to its Sunnyside Mine/American Tunnel, located in San Juan County, Colo., in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of Petitioner's statement is as follows:

(1) Petitioner has a multi-level mine employing over 170 employees underground on day shift and swing shift, including four full time hoistmen and one fill-in that are examined and certified yearly.

(2) Petitioner's geologists and engineers constantly go in and out of production areas, often when crews are not in the areas, requiring hoisting by one of the geologists or engineers.

(3) Petitioner has a high turnover and report off problem with personnel, partially due to snow slides which block the only two ways in and out of town. Therefore, almost everyone in the above mine has, at one time or another, operated the tuggers to compensate for these shortages.

(4) The cost for medical examinations to comply with 57.19-57 would be well over \$20,000 annually to cover general employees who will only operate a tugger once or twice a year. In addition, every small tugger station would be papered with these certificates so these persons could operate the tuggers if the need arose.

(5) Presently, no employee is allowed underground who does not pass his pre-employment physical, which detects major problems such as hearing or sight loss and heart defects, and Petitioner is currently setting up a program where every employee will be given a physical examination approximately every 4 years to ensure that no physical or mental defects have occurred.

(6) For the reasons set forth above, Petitioner requests that the requirements of 30 CFR 57.19-57 be modified for the above mine so that the general mine personnel will be exempt from taking yearly medical examinations as well as being certified to operate hoists. The safety department, management and supervision feel that requesting this variance will not endanger the general mine personnel in any respect.

REQUEST FOR COMMENTS

NOTICES

before July 3, 1978. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: May 19, 1978.

ROBERT B. LAGATHER,
Assistant Secretary
for Mine Safety and Health.

[FR Doc. 78-15403 Filed 6-1-78; 8:45 am]

[4510-26]

Occupational Safety and Health Administration

FEDERAL ADVISORY COUNCIL ON
OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the Federal Advisory Council on Occupational Safety and Health, established under section 4(a) of Executive Order 11807 of September 28, 1974 (39 FR 35559), Occupational Safety and Health Programs for Federal Employees, will meet on June 20th starting at 9:30 a.m. in Room S4215 A, B, and C New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. The meeting will be open to the public.

The agenda provides for:

I. Announcements.

II. Prospects of including safety and health training into USCS Management and Supervisory Courses.

III. Status of the new Executive Order.

IV. Committee Reports:

A. Standing Committee on FARS—Status of Standardized Reporting System.

B. Standing Committee on Occupational Noise—Progress on developing a Model program.

C. Standing Committee on Safety and Health Conferences—1978 Conferences both Regional and National.

D. Standing Committee on National Programs—Target—Prevention and Protection program status.

E. Standing Committee on Federal Safety and Health Awards—Recommended revised agency hazard categories.

The Council welcomes written data, views or comments concerning safety and health programs for Federal employees, including comments on the agenda items. All such submissions received by close of business June 16, 1978, will be provided to the members of the Council and included in the record of the meeting.

The Council will consider oral presentations relating to agenda items.

a written request to be heard by close of business June 16, 1978. The request must include the name and address of the person wishing to appear, the capacity in which appearance will be made, a short summary of the intended presentation and an estimate of the amount of time needed.

All communication regarding this Advisory Council should be addressed to Ms. Annie Asensio, Executive Director, FACOSH, Department of Labor, OSHA, First Floor South, 2100 M Street NW., Washington, D.C. 20210, telephone 202-653-5500.

Signed at Washington, D.C. this 30th day of May 1978.

EULA BINGHAM,
Assistant Secretary of Labor.
[FR Doc. 78-15404 Filed 6-1-78; 8:45 am]

[4510-28]

Office of the Secretary

[TA-W-3207]

APECO CORP., EVANSTON, ILL.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 23, 1978, in response to a worker petition received on February 8, 1978, which was filed on behalf of workers and former workers producing electro static photocopy machines at the Apeco Corp. of Evanston, Ill.

Notice of investigation was published in the FEDERAL REGISTER on March 14, 1978 (43 FR 10650). No public hearing was requested and none was held.

The petitioning group of workers in this case is covered under certification TA-W-988, issued on November 17, 1976. Since all workers separated, totally or partially, from the Evanston, Ill., headquarters on or after July 12, 1975 (impact date), and before November 17, 1978 (expiration date of the certification), are covered, a new investigation would serve no purpose. Consequently the investigation has been terminated.

Signed at Washington, D.C., this 17th day of May, 1978.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.
[FR Doc. 78-15129 Filed 6-1-78; 8:45 am]

[4510-28]

[TA-W-3175]

FINE CRAFT COAT CO., INC., BROOKLYN, N.Y.

Termination of Investigation

ated on February 21, 1978, in response to a worker petition received on February 6, 1978, which was filed by the Amalgamated Clothing and Textile Workers Union on January 31, 1978, on behalf of workers and former workers producing men's suits and sportcoats at Fine Craft Coat Co., Inc., Brooklyn, N.Y.

Notice of investigation was published in the FEDERAL REGISTER on March 3, 1978 (43 FR 8864). No public hearing was requested and none was held.

On February 3, 1978, the Department issued a certification of eligibility to apply for adjustment assistance for all workers engaged in employment related to the production of men's suits and sportcoats at Fine Craft Coat Co., Inc., Brooklyn, N.Y. (TA-W-362). All workers separated from employment at Fine Craft on or after October 11, 1974 (impact date), and before February 3, 1978 (expiration date of the certification), would have been covered under TA-W-362.

Since all employees were separated in December 1977 during the existence of an active certification, a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 19th day of May 1978.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.
[FR Doc. 78-15130 Filed 6-1-78; 8:45 am]

[4510-26]

Occupational Safety and Health Administration

NATIONAL ADVISORY COMMITTEE ON
OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the National Advisory Committee on Occupational Safety and Health (NACOSH) will meet on June 15 at the New Department of Labor Building, 3rd Street and Constitution Avenue NW., Washington, D.C. The Committee will meet in room N-3437. The meeting will begin at 9 a.m. The public is invited to attend.

The National Advisory Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970 (Pub. L. 91-596) to advise the Secretary of Labor and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act.

The Committee will hear and discuss a NIOSH report by J. Donald Millar, Acting Director, National Institute of

NOTICES

There will be a discussion of the progress regarding protection of workers under section 11(c) of the Occupational Safety and Health Act.

For additional information contact:

Clarence Page, Division of Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3635, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210, telephone: 202-523-8024.

Written data or views concerning these agenda items may be submitted to the Division of Consumer Affairs. Such documents which are received before the scheduled meeting dates, preferably with 20 copies, will be presented to the Committee and its subgroups, and included in the official record of the proceedings.

Anyone who wishes to make an oral presentation should notify the Division of Consumer Affairs before the meeting date. The request should include the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the chairpersons of the Committee and its subgroups, to the extent which time permits.

Official records of the meetings will be available for public inspection at the Division of Consumer Affairs.

Signed at Washington, D.C., this 1st day of June 1978.

EULA BINGHAM,
Assistant Secretary of Labor.
[FR Doc. 78-15533 Filed 6-1-78; 10:19 am]

[1410-03]

LIBRARY OF CONGRESS

Copyright Office

NOTIFICATION OF FILING AND DETERMINATION OF ACTIONS UNDER TITLE 17 OF THE UNITED STATES CODE

Notice is hereby given that the Copyright Office is taking action as indicated below, under the following provision of the copyright law, title 17 of the U.S. Code, Pub. L. 94-553:

§ 508 Notification of filing and determination of actions

(a) Within one month after the filing of any action under this title, the clerks of the courts of the United States shall send written notification to the Register of Copyrights setting forth, as far as is shown by the papers filed in the court, the names and addresses of the parties and the title, author, and registration number of each work involved in the action. If any other copyrighted work is later included in the action by amendment, answer, or other pleading, the clerk shall also send a notification.

clerk of the court shall notify the Register of it, sending with the notification a copy of the order or judgment together with the written opinion, if any, of the court.

(c) Upon receiving the notifications specified in this section, the Register shall make them a part of the public records of the Copyright Office.

These notifications and any other items, such as copies of pleadings, orders, judgments, and written opinions of the courts, received by the Copyright Office after January 1, 1978, from the clerks of the courts of the United States under this provision, will be made a part of the public records of the Copyright Office by recording them on microfilm. The Copyright Office will also catalog and index them in the Copyright Card Catalog under each of the titles of the works involved and under the names of each of the parties to the action.

This microfilm and the Copyright Card Catalog are available to the public in the Crystal Square Annex to the Library of Congress, located in Building No. 4 of Crystal Square, 1745 Jefferson Davis Highway, Arlington, Va., from 8 a.m. to 4 p.m., Mondays through Fridays (except legal holidays).

In addition, the recorded items themselves are filed in the Copyright Office Library, in the Crystal Mall Annex to the Library of Congress, located in Building No. 2 of Crystal Mall, 1921 Jefferson Davis Highway, Arlington, Va., which is also open from 8 a.m. to 4 p.m., Mondays through Fridays (except legal holidays), where they will be available to the public as a single group of records.

Search reports made by the Copyright Office will in appropriate cases include the facts of record reflecting notifications recorded under this provision, when searches are conducted under the names and titles under which these notifications are indexed.

Photocopies of these recorded items will be provided by the Copyright Office to the public, on request, at the general photocopying fee; and certified copies will be made at the photocopying fee plus the statutory certification fee.

Dated: May 18, 1978.

BARBARA RINGER,
Register of Copyrights.

Approved:

DANIEL J. BOORSTIN,
Librarian of Congress.

[FR Doc. 78-15324 Filed 6-1-78; 8:45 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR ATMOSPHERIC
SCIENCES

the National Science Foundation announces the following meeting:

Name: Advisory Committee for Atmospheric Sciences.
Dates: June 22, 23, and 24, 1978.
Time: 9 a.m.-5 p.m.
Place: Room 642, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.
Type of Meeting: Open.
Contact Person: Dr. Alan J. Grobecker, Division Director, Division of Atmospheric Sciences, Room 644, National Science Foundation, Washington, D.C. 20550, telephone: 202-634-1490.
Summary Minutes: May be obtained from the Committee Management Coordinator, Division of Financial and Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.
Purpose of Committee: The Advisory Committee for Atmospheric Sciences provides advice, recommendations, and oversight concerning support for research and research-related activities in the atmospheric sciences area.

AGENDA

JUNE 22, 1978

0900—Correction of Minutes of February Meeting.
 0930—National Center for Atmospheric Research (NCAR) Facilities for Atmospheric Sciences (ATM) Research.
 1200—Lunch.
 1300—Reconvene for Discussion.
 1700—Adjourn.

JUNE 23, 1978

0900—NCAR Procedures for Planning and Post-hoc Review of Center Activities.
 1000—NSF Procedures for NSF/NCAR Planning and Post-hoc Review of Center Activities.
 1100—Discussion.
 1200—Lunch.
 1300—Priorities of NSF/ATM Activities.
 1700—Adjourn.

JUNE 25, 1978

0900—Plans for Next Meeting to Discuss "The Role of NCAR in NSF Plans".
 1100—Issues to be Addressed by Advisory Committee for Atmospheric Sciences Next Year.
 1200—Lunch.
 1300—Reconvene for Discussion.
 1500—Adjourn.

M. REBECCA WINKLER,
Committee Management Coordinator.

MAY 30, 1978.

[FR Doc. 78-15382 Filed 6-1-78; 8:45 am]

[7555-01]

ADVISORY COMMITTEE FOR THE TWO-YEAR COLLEGE SCIENCE EDUCATION NEEDS ASSESSMENT

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for the Two-Year College Science Education Needs Assessment.
Date and Time: June 23, 1978—8:30 a.m. to 5 p.m.
Place: Room 651, 5225 Wisconsin Avenue NW., Washington, D.C.
Type of Meeting: Closed.
Contact Person: Mr. Bill G. Aldridge, Program Manager Division of Science Education Development and Research, National Science Foundation, Washington, D.C. 20550, telephone 202-282-7910.
Purpose of Advisory Committee: To provide advice and recommendations concerning support for projects in Two-Year College Comprehensive Assessment of Science Education.

Agenda: Review fiscal year 1978 grants. Review and discuss proposals as part of the selection process for awards.
Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), Government in the Sunshine Act.
Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF on February 18, 1977.

M. REBECCA WINKLER,
Committee Management Coordinator.

MAY 30, 1978.

[FR Doc. 78-15383 Filed 6-1-78; 8:45 am]

[7555-01]

ADVISORY COMMITTEE FOR MATHEMATICAL AND COMPUTER SCIENCES SUBCOMMITTEE FOR COMPUTER SCIENCE

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Mathematical and Computer Sciences Subcommittee for Computer Science.
Dates: June 19 and 20, 1978.
Time: 9 a.m. each day.
Place: Rooms 321 and 338, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of Meeting: Part open—06/19 (9 a.m.-5 p.m.) Closed; 06/20 (9 a.m.-5 p.m.) Open.
Contact Person: Mr. Kent K. Curtis, Head, Computer Science Section, telephone: 202-632-7346. Anyone planning to attend this meeting should notify Mr. Curtis no later than June 6, 15, 1978.

Summary Minutes: May be obtained from the Committee Management Coordinator, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose for Subcommittee: To provide advice and recommendations concerning support for research in Computer Science.

AGENDA

MONDAY, JUNE 19, ROOMS 331 AND 338

9 a.m.-5 p.m. Review Intelligent Systems and Computer Science Research Equipment Programs

TUESDAY, JUNE 20 ROOM 338

9 a.m. Report of Intelligent Systems Program Sub-Panel.
 10:30 a.m. Report of Computer Science Research Equipment Program Sub-Panel.
 12:30 p.m. Lunch.
 1:30 p.m. Briefing by Dr. James A. Krumhansl, AD/MPE.
 2:30 p.m. Briefing by Dr. John R. Pasta.
 3:30 p.m. Discussion of Proposal Reviewing with Dr. Ronald E. Kagarise, DAD/MPE.
 5 p.m. Adjourn.

Reason for Closing: The Subcommittee will be reviewing grants and declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Director, NSF, pursuant to provisions of Section 10(d) of Pub. L. 92-463.

M. REBECCA WINKLER,
Committee Management Coordinator.

MAY 30, 1978.

[FR Doc. 78-15384 Filed 6-1-78; 8:45 am]

[3190-01]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

TRADE POLICY STAFF COMMITTEE

Generalized System of Preferences (GSP): Notice of Deadline for Receipt of Petitions Requesting Modification of the List of Articles Eligible for Duty-Free Treatment Under the GSP

Notice is hereby given that, in order to be considered in the next annual review of products covered by the GSP, petitions for modification of the list of articles eligible for duty-free treatment under the GSP must be received no later than the close of business on Tuesday, July 18, 1978. The GSP provides for the duty-free importation of qualifying eligible articles when imported from designated beneficiary developing countries. The GSP was established by Title V of the Trade Act of 1974 and implemented by Executive Order 11888.

Requests should be submitted in 20 copies, in conformance with regulations codified in 15 CFR Chapter XX, especially Part 2007 (published in the September 9, 1977 *FEDERAL REGISTER*, 42 FR 45532), and addressed to the Chairman, GSP Subcommittee, Trade Policy Staff Committee, Office of the

Special Representative for Trade Negotiations, Room 711, 1800 G Street NW., Washington, D.C. 20506. Further information can be obtained from Doral Cooper, Executive Director, GSP Subcommittee, telephone 202-395-6971.

Notice of petitions accepted for review will be published in the *FEDERAL REGISTER* on or about August 1, 1978. Public hearings on accepted petitions will be held September 18-22, 1978.

WILLIAM B. KELLY, Jr.,
Chairman, Trade Policy Staff Committee.

[FR Doc. 78-15327 Filed 6-1-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

(Rel. No. 20554; 70-6168)

AMERICAN ELECTRIC POWER CO., INC. AND AMERICAN ELECTRIC POWER SERVICE CORP.

Proposed Issuance of Note and Procurement of Letters of Credit or Surety Bonds by Service Company in Connection With Casualty Insurance Program

MAY 24, 1978.

Notice is hereby given that American Electric Power Co., Inc. ("AEP"), a registered holding company, and its service company subsidiary American Electric Power Service Corp. ("Service Company"), 2 Broadway, New York, N.Y. 10004, have filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 12(b) and 12(d) of the Act and Rule 50(a)(4) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Service Company renders various management and other services to the AEP System companies, including the procurement of virtually all their required insurance protection. A major component of such insurance protection consists of a primary casualty insurance program which affords workman's compensation and comprehensive public liability protection in each instance up to a limit of \$500,000 per occurrence. In addition to such primary casualty insurance, excess public liability insurance is also maintained to provide coverage for losses in excess of \$500,000.

Prior to April 1, 1978, Service Company maintained a conventional primary casualty insurance program affording the following workmen's compensation as well as general and automobile liability insurance: (1) Work-

men's compensation insurance for all benefits payable under state compensation laws and employers' liability in an amount of not in excess of \$500,000 per occurrence; and (2) general liability and automobile insurance providing for full coverage in each instance up to \$500,000 per occurrence for bodily injury liability and self-insured deductible of \$500,000 for property damage liability. The premiums payable for such a program were predetermined prior to the effective date of the insurance protection. The workmen's compensation insurance premiums were determined by application of rates per \$100 of payroll prescribed by state insurance manuals. The general liability and automobile insurance premiums were derived from the use of a loss rating to determine an appropriate rate per \$100 of payroll and per vehicle in service. Consequently, the total amount of premium was calculated prior to the commencement of coverage. For the year of coverage from 1977 to 1978 a deposit premium was payable in the amount of 12½ percent of the pre-calculated premium at the inception of coverage and the balance was payable in eleven equal monthly installments. The deposit premium was subject to premium audits and retrospective loss adjustments to reflect favorable or unfavorable actual loss experience.

Effective April 1, 1978, Service Company instituted a new primary casualty insurance program with Insurance Co. of North America ("INA") providing workmen's compensation coverage and comprehensive public liability coverage. The workmen's compensation insurance program (which includes employer liability coverage) continues to provide insurance for all benefits payable under state compensation laws, but the premium for such coverage is determined on a paid loss retrospective rating basis under which (1) the AEP System companies pay a deposit premium of \$181,000 in twelve monthly installments instead of a standard deposit premium of \$722,000, (2) Service Company agrees to reimburse INA for paid losses and maintains a special deposit fund of \$36,750 from which INA may alternatively pay losses, and (3) Service Company issues a promissory note in favor of INA in the initial amount of \$670,250 as collateral for the payment of the unpaid balance of the deposit premium (\$722,000 less \$15,000 for the first monthly installment and less \$36,750 for the special deposit loss fund of \$36,750). The workmen's compensation premium paid under this program is subject to loss fund, audit and paid loss retrospective adjustments which could result in changes during the course of the program in the amount of the promissory note so that such note would equal, together with the

cash deposit premium payments made, the entire amount of the premium as then determined (such premium not to exceed 250 percent of the estimated standard deposit premium of \$722,000). Such promissory note will be non-interest bearing and payable upon demand by INA. In addition such note must be supported by either a letter of credit or a surety bond in the full amount of the note.

This new program also includes general and automobile liability insurance on a deductible basis providing coverage for bodily injury with a limit of liability of \$500,000 whereby (1) the AEP System companies pay a deposit premium of \$693,000 in twelve monthly installments instead of a standard deposit premium of over \$4,000,000, (2) Service Company agrees to reimburse INA for all paid losses and maintains a special deposit fund of \$88,000 from which INA may alternatively pay losses, and (3) Service Company provides INA a letter of credit or surety bond in the amount of \$2,100,000 which is equal to the expected public liability losses of \$2,668,000 less expected first year paid losses of \$568,000. The public liability premium payable under this program is subject to audit and paid loss adjustments which could change the amount of the required letter of credit and bond of indemnity. The maximum amount of paid losses which must be reimbursed by Service Company under the liability program shall not exceed \$7,500,000, and all losses in excess thereof are to be borne by INA.

Under the new primary casualty insurance program INA basically will collect at the commencement of the program only the expense portion of the total premium normally payable for the insurance coverage afforded in the form of deposit premiums. INA will defer the collection of the loss portion of the total premium cost of the program until losses are actually paid, at which time Service Company will be billed and obliged to reimburse INA for such paid losses. This new program is expected to result in the following benefits: (1) cash flow advantages resulting from reduced deposit premiums, installment premium audit, retrospective rating adjustments and, most importantly, the reimbursement of the insurer for losses only at such time as they are actually paid; (2) premium savings in excess of \$500,000 over the duration of the program for the policy year April 1, 1978, to April 1, 1979, resulting from INA's lower charges for unallocated claims and administrative expenses inherent to the program; (3) improved control over the effectiveness and cost of loss prevention service provided by INA by virtue of its increased ability to tailor such service to the specific needs of the AEP System companies; and (4) an

opportunity to plan for an orderly transition to a program of self-insurance for all casualty losses.

Letters of credit or surety bonds in the favor of INA are required under the new program so as to assure INA that the loss portion of the premium will be paid by Service Company. It is stated that it may be necessary that AEP guarantee the performance of Service Company in order for Service Company to obtain the required letters of credit or surety bonds. In such case no charge would be made by AEP for such guaranty. In the alternative it may be necessary that AEP itself obtain the required letters of credit or surety bonds on behalf of Service Company, in which case AEP will bill Service Company for any costs thereof. Approval is sought for AEP to undertake these actions if necessary.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at \$17,500, including legal fees of \$500. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 20, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-15268 Filed 6-1-78; 8:45 am]

[8010-01]

[Release No. 20558; 70-6166]

CONNECTICUT YANKEE ATOMIC POWER CO.

Proposed Issuance and Sale of Short-Term Notes to Banks and a Dealer in Commercial Paper and Exception From Competitive Bidding

MAY 25, 1978.

Notice is hereby given that Connecticut Yankee Atomic Power Co. ("Connecticut Yankee"), P.O. Box 270, Hartford, Conn. 06101, an electric utility subsidiary company of Northeast Utilities & New England Electric System, both of which are registered holding companies, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Connecticut Yankee proposes to issue and sell notes to banks and commercial paper to a dealer from time to time on or before June 30, 1979. The aggregate amount of all such notes at any time outstanding, whether issued to banks or to a dealer in commercial paper, will not exceed \$30,000,000.

The bank notes to be issued by Connecticut Yankee will each be dated the date of issue, will have maximum maturity dates of 9 months, and will bear interest at the prime rate. The bank notes will be issued no later than June 30, 1979, and will be subject to prepayment at any time at the company's option without premium. Connecticut Yankee proposes to make such borrowings from The Chase Manhattan Bank, New York, N.Y., The Connecticut Bank & Trust Co., Hartford, Conn., and Bankers Trust Co., New York, N.Y., in a maximum principal amount at any one time outstanding from each bank of \$15,000,000, \$10,000,000, and \$5,000,000, respectively. Compensating balance requirements vary somewhat with each bank; however, Connecticut Yankee calculates that the effective cost of such borrowings will be 10.31 percent per annum based on a prime interest rate of 8 1/4 percent. No closing costs are required in connection with any of the proposed bank borrowings.

The commercial paper will be issued in the form of short-term promissory notes in denominations of not less than \$50,000 and no more than \$1,000,000, of varying maturities, with no maturity more than 270 days after the date of issue, and will not be repayable prior to maturity. The commercial paper will be sold directly to a

commercial paper dealer at the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity. No commercial paper shall be issued having a maturity of more than 90 days at an effective interest cost to Connecticut Yankee in excess of the effective bank interest rate at which Connecticut Yankee could obtain loans from banks in an amount at least equal to the principal amount of such commercial paper. No commission or fee will be payable in connection with the issuance and sale of the commercial paper. The purchasing dealer, as principal, will reoffer the commercial paper to institutional investors at a discount of not more than 1/4 of 1 percent per annum less than the prevailing discount rate to Connecticut Yankee.

The commercial paper will be reoffered to not more than 200 identified and designated customers in a nonpublic list prepared for Connecticut Yankee in advance by the purchasing dealer. No additions will be made to this customer list. It is anticipated that the commercial paper will be held by customers to maturity, but if such customers desire to resell prior to maturity, the purchasing dealer, pursuant to a verbal repurchase agreement, will repurchase the commercial paper and reoffer the same to others in the group of 200 customers.

The funds to be derived from the issuance and sale of the bank notes and commercial paper will be applied by Connecticut Yankee: (i) to repay \$18,470,000 of commercial paper presently outstanding pursuant to order of the Commission (HCAR No. 20098 (July 5, 1977)), (ii) to provide funds for construction, and (iii) to provide a portion of the funds required for the purchase of additional nuclear fuel through June 30, 1979.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at \$2,500. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Connecticut Yankee requests that the proposed issuance and sale of commercial paper be excepted from the competitive bidding requirements of rule 50 pursuant to paragraph (a)(5)(B) thereof on the ground that it is not practicable to invite competitive bids for commercial paper and that current rates for commercial paper of prime borrowers such as Connecticut Yankee are published daily in financial publications. Connecticut Yankee further requests that the time for filing certificates of notification pursuant to rule 24 be extended to allow for filing on a quarterly basis.

Notice is further given that any interested person may, not later than

June 22, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-15270 Filed 6-1-78; 8:45 am]

[File No. 500-11]

CONTINENTAL MORTGAGE INVESTORS

Suspension of Trading

MAY 24, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Continental Mortgage Investors being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 4:30 p.m. (e.d.t.) on May 24 through June 2, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-15269 Filed 6-1-78; 8:45 am]

[8010-01]

[Release No. 34-14802; File No. SR-DTC-78-7]

DEPOSITORY TRUST CO.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on April 27, 1978, the above mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Additions to the Fee Schedule for Major Services:

Conversion of convertible securities
\$.01 per share of underlying security (usually common stock) resulting from the conversion of bonds or preferred stock, subject to a minimum transaction charge of \$7.50 and a maximum charge of \$37.50; plus two regular MDO delivery fees for the two bookentry movements affecting a Participant's account to deduct the convertible securities and add the underlying security.

Override delivery instructions (MDOs) to Continuous Net Settlement

One regular MDO delivery fee charged only to the submitting Participant for each override MDO processed specifying National Securities Clearing Corporation's CNS system as the receiver.

Regular delivery instructions (MDOs) which are not completed (dropped)

One regular MDO delivery fee charged only to the submitting Participant for each MDO dropped because of insufficient securities position, unless DTC's system shows that the submitting Participant's drop was caused by notice of potential receipt of a delivery from another Participant which subsequently dropped.

Regular delivery and urgent withdrawal instructions (MDOs and CODs) which DTC rejects

\$2.00 charged to the submitting Participant for each instruction rejected because of wrong CUSIP number, wrong input form, requests in securities issues which are not DTC-eligible, missing identifier for the submitting Participant (or receiving Participant on MDOs), or illegible data.

The Fee Schedule for Major Services was originally filed on Form 19b-4A, File No. SR-NYSE-75-19. A revised Fee Schedule for Major Services has been filed on Form 19b-4A, File No. SR-DTC-78-6, but is not yet effective. The above additions to the Fee Schedule for Major Services will be effective on May 1, 1978, and will continue in effect after the effectiveness of the revised Fee Schedule for Major Services filed on Form 19b-4A, File No. SR-DTC-78-6.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change are as follows:

The purpose of the proposed rule change is to establish fees for four depository activities initiated by a number of DTC Participants. One fee is for a new service inaugurated in 1977—conversion of convertible securities. The other three fees concern activities in existence for some time for which fees were never established. The primary purpose of these fees is to have the Participants initiating these activities cover DTC's costs for the activities.

The proposed rule change relates to DTC's carrying out the purposes of section 17A of the Securities Exchange Act of 1934 by equitably allocating fees among DTC Participants.

Discussions of possible fees for conversion of convertible securities were held with several Participants using that service. No written comments on the proposed fees have been solicited or received. All Participants have been notified of the proposed fees by a DTC Important Notice.

DTC perceives no burden on competition by reason of the proposed rule change.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 23, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 25, 1978.

[FR Doc. 78-15271 Filed 6-1-78; 8:45 am]

[8010-01]

[Rel. No. 10256; 812-4298]

JOHN HANCOCK INVESTORS, INC. AND JOHN HANCOCK MUTUAL LIFE INSURANCE CO.

Filing of Application for Order

MAY 25, 1978.

Notice is hereby given that John Hancock Investors, Inc. ("Investors") a closed-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), and John Hancock Mutual Life Insurance Co. (the "Life Company"), John Hancock Place, P.O. Box 111, Boston, Mass. 02117, a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts (collectively "Applicants"), filed an application on April 19, 1978, pursuant to section 17(d) of the Act and rule 17d-1 thereunder, for an order of the Commission permitting (1) the Life Company to purchase in a direct placement \$3,000,000 principal amount (out of a total offering of \$12,000,000) of a new issue of unsecured 8.90 percent Notes due May 1, 1993 (the "1978 Notes") of Gray Drug Stores, Inc. ("Gray Drug"), and (2) Investors, as one of the holders of Gray Drug 9 1/4 percent Notes due June 1, 1986 (the "1971 Notes"), to execute an instrument (the "Amendment") approving the amendment of certain of the financial covenants contained in the 1971 Notes, thereby conforming those financial covenants to the financial covenants contained in the 1978 Notes which will have the effect of consenting to issuance of the 1978 Notes. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that Investors presently holds \$2,700,000 of the 1971 Notes (out of a total principal amount presently outstanding of \$11,700,000). These Notes were purchased in a private placement transaction on May 27, and October 28, 1971. The note agreements pertaining to the 1971 Notes (the "1971 Agreements") were amended by amendments dated July 27, 1973, and June 21, 1974, the latter amendment adding certain restrictions on the incurrence of funded debt by Gray Drug. Applicants further state that the Life Company currently owns no securities of Gray Drug. Issuance and sale of the 1978 Notes would be prohibited under the amended terms of the 1971 Notes.

The approval of the holders of 66 2/3 percent in outstanding principal amount of the 1971 Notes is required for any amendment or waiver of the terms of the 1971 Agreements. Applicants state that holders of the 1971 Notes (other than Investors) holding in excess of such figure have stated

that they will enter into the Amendment. However, any waiver or amendment of any term of the 1971 Agreements which affects the prepayment of the 1971 Notes requires 100 percent holder approval. Therefore, the provisions of the Amendment which would alter prepayments to the holders of the 1971 Notes on account of certain "excess sales" of Gray Drug assets would not be effective unless Investors enters into the Amendment.

Applicants state that the following are some of the major modifications which would be brought about by the proposed Amendment: (1) Permit the holders of the 1978 Notes to participate pro rata in any prepayment of the 1971 Notes caused by "excess sales" of Gray Drug assets; (2) relax the strict limitations on incurrence of funded debt in the 1971 Agreements, and permit incurrence of long-term debt if: (i) consolidated net tangible assets are at least 25 percent of consolidated funded debt, and (ii) historical ratio of annual income available for fixed charges to pro forma annual fixed charges is at least 1.75 to one for both the most recent year and the most recent 2 years (3) replace the flat limit on current debt present in the 1971 Agreements, and instead permit the incurrence of current debt if the sum of consolidated net tangible assets plus pro forma short-term debt is at least 200 percent of long-term debt plus pro forma short-term debt; (4) increase the flat limit as to the amount to which current debt must be reduced during one 45-day period a year from \$2,000,000 to \$7,500,000, but additionally require that during such 45-day period consolidated net tangible assets plus the highest amount of short-term debt during the 45-day period must be at least 250 percent of long-term debt plus such highest amount of short-term debt; and (5) increase required working capital to \$35,000,000 (from \$32,000,000) and impose a new requirement that current assets be at least 175 percent of current liabilities.

Rule 17d-1, adopted by the Commission pursuant to section 17(d) of the Act, provides, in pertinent part, that no affiliated person of any registered investment company and no affiliated person of such a person acting as principal, shall participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by an order. A joint enterprise or other joint arrangement as used in this rule is any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company and

any affiliated person of such registered investment company, or any affiliated person of such a person, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking. In passing upon such application, the Commission will consider whether the participation of such registered company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies, and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Under section 2(a)(3) of the Act, an investment adviser to an investment company is an affiliated person of such investment company, and anyone owning more than 5 percent of the adviser's outstanding voting securities is an affiliated person of the adviser. Accordingly, since John Hancock Advisers, Inc. ("Advisers") is the investment adviser to Investors and a wholly-owned subsidiary of the Life Company, the Life Company is an affiliated person of an affiliated person of Investors, and its proposed purchase of the 1978 Notes could constitute a joint transaction with Investors due to either the continuing ownership by Investors of the 1971 Notes or the execution of the Amendment.

Applicants state that the Board of Directors of Investors ("the Board") (including four out of five of the Directors who are not interested persons of Investors, the fifth such Director not being present at the meeting at which the Amendment was considered) has determined that executing the Amendment is in the best interests of Investors for the following reasons: (1) Issuance of the 1978 Notes will permit Gray Drug to increase its capitalization, thus permitting it to convert short- and medium-term loans into long-term indebtedness; (2) because Gray Drug has improved its management, earnings, etc., since 1974, the additional restrictions imposed by the June 21, 1974, amendment are no longer appropriate, and the more conventional terms embodied in the Amendment are appropriate; (3) Gray Drug will be permitted to incur additional long-term debt and to lease new properties, thus enabling Gray Drug to refurbish its properties and exploit new market opportunities by incurring new leases; (4) it is the business judgment of the Board that the benefit to Investors of the proposed changes in the 1971 Agreements which will result from the Amendment outweighs any detriment to Investors which may result from any of such changes which are favorable to Gray Drug; (5) Investors will obtain the same terms as in the 1978 Notes; (6) the proceeds of the 1978 Notes will be indirectly available to Gray Drug to

repay the 1971 Notes; and (7) conforming the 1971 Agreements to the 1978 Agreements will give Gray Drug one set of financial covenants to adhere to, thus facilitating compliance with such covenants.

For the reasons outlined above, Applicants submit that the proposed transactions are consistent with the provisions, policies, and purposes of the Act, and that the participation of Investors in the proposed transactions is not on a basis different from or less advantageous than that of other participants. Accordingly, Applicants request an order from the Commission pursuant to section 17(d) of the Act and rule 17d-1 thereunder permitting Investors to enter into the Amendment, and permitting the Life Company to purchase the 1978 Notes.

Notice is further given that any interested person may, not later than June 19, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address set forth above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-15267 Filed 6-1-78; 8:45 am]

[8010-01]

[File No. 1-5562]

KOLLMORGEN CORP.

Application To Withdraw From Listing and
Registration

MAY 26, 1978.

The above named issuer has filed an application with the Securities and

Exchange Commission, pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The common stock of Kollmorgen Corp. (the "Company") has been listed for trading on the Amex since March 6, 1968. On April 12, 1978, the stock was also listed for trading on the New York Stock Exchange, Inc. ("NYSE") and concurrently therewith, such stock was suspended from trading on the Amex. In making the decision to withdraw its common stock from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing on both exchanges. The Company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for such stock.

The application relates solely to the withdrawal from listing and registration on the Amex and shall have no effect upon the continued listing of such common stock on the NYSE. The Amex has posed no objection in this matter.

Any interested person may, on or before June 23, 1978, submit by letter to the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission will, on the basis of the application and any other information submitted to it, issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-15266 Filed 6-1-78; 8:45 am]

[8010-01]

[Release No. 34-14801; File No. SR-OCC-78-2]

OPTIONS CLEARING CORP.

Self-Regulatory Organization; Proposed Rule
Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is

hereby given that on May 15, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change would revise the method in which the variable portion of OCC's clearing fund is determined to base the calculation on open interest value, rather than open interest, and to provide for recalculation on a monthly rather than a quarterly basis. Under the proposed rule change, the variable portion of the clearing fund for each month would amount to approximately 7 percent, or such greater percentage as OCC's Board of Directors prescribed from time to time by resolution, of average daily open interest value for the 3 preceding calendar months.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change would revise the formula used by OCC to determine clearing fund contributions. Under OCC's present rules, each Clearing Member is required to make a "fixed contribution" to the clearing fund in the amount of \$10,000, plus a "variable contribution," redetermined quarterly, in an amount equal to \$10 multiplied by the average daily number of option contracts maintained by the Clearing Member in open long or short positions with OCC during the preceding calendar quarter.

Accordingly, under OCC's present rules, the amount of the clearing fund is based primarily on open interest (i.e., the number of option contracts outstanding). It does not take into account open interest value, which is the measure of OCC's obligations to the public. Therefore, if open interest remains static but premiums rise, thereby increasing the dollar value of OCC's obligations, the clearing fund will not increase correspondingly. Conversely, during periods when open interest is increasing but premiums are declining, OCC's clearing fund requirements will increase even if OCC's aggregate loss exposure is decreasing.

The proposed rule change would revise the manner in which the variable portion of the clearing fund is calculated by basing the calculation on open interest value, rather than open interest. Generally speaking, the variable portion of the clearing fund would be fixed at 7 percent, or such greater percentage as the Board of Directors may from time to time prescribe by resolution, of average daily open interest value over the 3 calendar months preceding the determination.¹

¹The percentage formula is not exact, because the variable contributions of newly-footnotes continued on next page

The amount of the variable portion would be redetermined on a monthly, rather than a quarterly basis. Once the amount of the variable portion for each month was determined, the Clearing Member would be required to contribute its proportionate share of that amount, based on the average daily number of option contracts carried by all Clearing Members during that period.

Because of the fluctuations in open interest value over time, it is not possible to predict whether the implementation of the proposed rule change would result in an increase or a decrease in the size of OCC's clearing fund. To avoid any disclosure problems which might result in the event of a decrease, the proposed rule change would not be implemented until it had been reflected in a new prospectus or prospectus supplement.

The proposed rule change would serve the public interest by making the size of OCC's clearing fund more proportionate to the magnitude of OCC's obligations.

Comments were not and are not intended to be solicited with respect to the proposed rule change.

OCC does not believe that the proposed rule change would impose any material burden on competition. Any incidental burden which might result if the implementation of the rule change had the effect of increasing OCC's clearing fund requirements would be outweighed by the desirability of making the size of OCC's clearing fund more proportionate to its obligations.

On or before July 7, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change; or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof

Footnotes continued from last page admitted Clearing Members would continue to be fixed by the Board of Directors for the first 3 months of membership. Because transactions by newly-admitted Clearing Members would be included in the denominators of the fractions used to determine the proportionate shares of the percentage fund to be contributed by other Clearing Members, the variable portion of the clearing fund might work out to be slightly more or less than the specified percentage of open interest value.

with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 23, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 25, 1978.

[FR Doc. 78-15272 Filed 6-1-78; 8:45 am]

[1505-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 65]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In FR Doc. 78-12609, appearing at page 19962 in the issue for Tuesday, May 9, 1978, in the third column, third complete paragraph of page 19963, "No. MC 11343 (Sub-No. 99TA)" should have read "No. MC 113434 (Sub-No. 99TA)".

[7035-01]

[Notice No. 674]

ASSIGNMENT OF HEARINGS

MAY 30, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 1515 (Sub-No. 239), Greyhound Lines, Inc., is now assigned for continued hearing July 11, 1978 (9 days), at the Ramada Inn, Monkhouse Drive, Shreveport, LA.

MC 139495 (Sub-No. 275), National Carriers, Inc., is now assigned for hearing July 7, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

MC 138035 (Sub-No. 9), W. S. Dunning & Sons, Inc., now assigned June 7, 1978, at Louisville, KY, is canceled and transferred to Modified Procedure.

MC 119988 (Sub-No. 116), Great Western Trucking Co., Inc., now assigned June 8, 1978, at Louisville, KY, is canceled and application dismissed.

MC 143450 (Sub-No. 1), Ambassador Coach Line, Inc., now assigned June 12, 1978, at Parsons, KS, is canceled, application dismissed.

MC 114418 (Sub-No. 8), Western Transport Crane & Rigging, Inc., now assigned June 5, 1978, at Spokane, WA, is canceled and transferred to Modified Procedure.

MC 143829, Scales Airport Service, Inc., now being assigned July 25, 1978 (2 days), for continued hearing at Philadelphia, PA, in a hearing room to be later designated.

MC 6078 (Sub-No. 86F), D. F. Bast, Inc., now being assigned July 27, 1978 (2 days), at Philadelphia, PA, in a hearing room to be later designated.

MC 19157 (Sub-No. 45), McCormack's Highway Transportation, Inc., now being assigned June 20, 1978, for continued hearing at the Offices of the Interstate Commerce Commission in Washington, DC.

MC 110683 (Sub-No. 122), Smith's Transfer Corp., now assigned June 27, 1978, at Indianapolis, IN, is canceled and application dismissed.

MC 144188, P. L. Lawton, Inc., now assigned for hearing on June 28, 1978, at Washington, DC, is canceled and transferred to Modified Procedure.

MC 118989 (Sub-No. 170), Container Transit, Inc., is now assigned for hearing July 17, 1978 (2 days), at Chicago, IL, at a location to be later designated.

FF 209, Lyons Transport, Inc., is now assigned for hearing July 19, 1978 (3 days), at Chicago, IL, at a location to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15408 Filed 6-1-78; 8:45 am]

[7035-01]

[Notice No. 84]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 24, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating

authority upon which it is predicted, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5470 (Sub-No. 145 145 TA), filed April 26, 1978. Applicant: TAJON, INC., R.D. 5, P.O. Box 146, Mercer, PA 16137. Applicant's representative: Richard W. Sanguigni, (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ground glass and cullet* in dump vehicles, from Cleveland, OH to Delmar, NY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Bassickis Co., 2300 West 3rd Street, Cleveland, OH 44113. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 52460 (Sub-No. 214TA), filed April 13, 1978. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th Street, P.O. Box 9637, Tulsa, OK 74107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 NW. 58th Street, Oklahoma City, OK 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, except in bulk, from the facilities of Vlasic Foods, Inc. at or near Greenville, MS, to points in AL, AR, CO, FL, GA, KS, KY, LA, MO, NM, OK, TN, TX and points in IL on and south of IL Hwy 18 and points in IN and south of Sullivan, Greene, Monroe, Brown, Bartholomew, Decatur, and Franklin Counties, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Vlasic Foods, Inc., 33220 West 14 Mile Road, West Bloomfield, MI 48033. Send protests to: Connie Stan-

ley, Transportation Assistant, Room 240 NW. 3rd, Oklahoma City, OK 73102.

No. MC 58923 (Sub-No. 49TA), filed April 5, 1978. Applicant: GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road SE., P.O. Box 6944, Atlanta, GA 30315. Applicant's representative: Jerome F. Marks, Georgia Highway Express, Inc., 2090 Jonesboro Road SE., P.O. Box 6944, Atlanta, GA 30315. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, Classes A and B Explosives, Household Goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading). (1) Between Memphis, TN and Atlanta, GA, serving all intermediate points: From Memphis, TN over U.S. Hwy 72 to Huntsville, AL (also over U.S. Alternate Hwy 72, from intersection of U.S. Hwy 72 and U.S. Alternate Hwy 72, near Tusculumbia, AL, to Huntsville, AL), then over U.S. Hwy 431 to Gadsden, AL, then over U.S. Hwy 411 to Centre, AL, then over AL State Hwy 9 to GA-AL State Line, then over GA State Hwy 20 to Rome, GA, then over U.S. Hwy 411 to intersection of U.S. Hwy 41, then over U.S. Hwy 41 to Atlanta, GA, and return over the same route; (2) Between Memphis, TN and Atlanta, GA, serving all intermediate points: From Memphis, TN over U.S. Hwy 78 to Junction U.S. Hwy 278, then over U.S. Hwy 278 to Atlanta, GA, and return over the same route; (3) Between Memphis, TN and Valdosta, GA, serving all intermediate points: From Memphis, TN over U.S. Hwy 78 to Tupelo, MS, then over U.S. Hwy 45 to Columbus, MS, then over U.S. Hwy 82 to Tifton, GA, then over U.S. Hwy 41 to Valdosta, GA, and return over the same route; (4) Between Junction U.S. Hwy 78 and U.S. Hwy 43 (at or near Hamilton, AL) to Mobile, AL, serving all intermediate points: From Junction U.S. Hwy 78 and U.S. Hwy 43, over U.S. Hwy 78 to Birmingham, AL, then over U.S. Hwy 31 to AL-FL State Line, then over U.S. Hwy 29 to Pensacola, FL, then over U.S. Hwy 90 to Mobile, AL (also from Pensacola, FL over U.S. Hwy 29 to junction of Interstate Hwy 10, then over Interstate Hwy 10 to Mobile, AL), and return over the same route; (5) Between Birmingham, AL and Mobile, AL, serving all intermediate points: From Birmingham, AL over U.S. Hwy 11 to Junction U.S. Hwy 43, then over U.S. Hwy 43 to Mobile, AL, and return over the same route; (6) Between Huntsville, AL and Mobile, AL, serving all intermediate points: From Huntsville, AL over U.S. Hwy 431 to Junction U.S. Hwy 231, then over U.S. Hwy 231 to Panama City, FL, then over U.S. Hwy 98 to

Pensacola, FL, then over U.S. Hwy 29 to Junction Interstate Hwy 10, then over Interstate Hwy 10 to Mobile, AL, and return over the same route; (7) Between Pensacola, FL and Tifton, GA, serving all intermediate points: From Pensacola, FL over U.S. Hwy 29 to Junction Interstate Hwy 10, then over Interstate Hwy 10 to Junction U.S. Hwy 319, then over U.S. Hwy 319 to Junction U.S. Hwy 82, then over U.S. Hwy 82 to Tifton, GA (also from Junction U.S. Hwy 29 and Interstate Hwy 10, over Interstate Hwy 10 to Junction FL State Hwy 14, then over FL State Hwy 14 to Junction FL State Hwy 145, then over FL State Hwy 145 to FL-GA State Line, then over GA State Hwy 31 to Junction U.S. Hwy 41, then over U.S. Hwy 41 to Tifton, GA), and return over the same route; (8) Between Corinth, MS and Tupelo, MS, serving all intermediate points: From Corinth, MS over U.S. Hwy 45 to Tupelo, MS, and return over the same route; (9) Serving all points in Shelby County, TN as off-route points; (10) Serving all points in AL not intermediate on the above routes as off-route points; (11) Serving all points in FL not intermediate on the above routes located in and west of Madison, Hamilton and Taylor Counties as off-route points; (12) Serving all points in the Commercial Zones of Memphis, TN and Birmingham, AL. Authority is sought for applicant to tack routes 1 thru 12 with applicant's authority presently held under Public Convenience and Necessity No. MC-58923 and Subs, and to interline with other carriers at all points of interchange in AL, FL (that portion of FL sought in the application) and Shelby County, TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (58) statements of support attached to the application which may be examined at the field office named below. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, GA 30309.

No. MC 71074 (Sub-No. 8TA), filed April 11, 1978. Applicant: WAREHOUSE TRANSPORT, INC., 211 Plainfield Street, Springfield, MA 01107. Applicant's representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses and, in connection therewith, *equipment, materials and supplies* used in the conduct of such business (except commodities in bulk) from Albany, NY to points in CT, VT, NH

and MA under a continuing contract or contracts with The Great Atlantic & Pacific Tea Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Great Atlantic & Pacific Tea Co., Inc., 2 Paragon Drive, Montvale, NJ 07645. Send protests to: David M. Miller, District Supervisor, 438 Dwight Street, Room 338, Springfield, MA 01103.

No. MC 95540 (Sub-No. 1018TA), filed April 17, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33801. Applicant's representative: Benji W. Fincher, 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles), from the facilities of Rich Products Corp., at or near Murfreesboro, TN, to points in AL, AR, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, WV, and WI, for 180 days. Supporting shipper: Rich Products Corp., 1145 Niagara Street, Buffalo, NY 14213. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Bureau of Operation, 8410 NW 53d Terrace, Miami, FL 33166.

No. MC 105457 (Sub-No. 92TA), filed April 26, 1978. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Road, Charlotte, NC 28206. Applicant's representative: J. V. Luckadoo, 600 Johnston Road, Charlotte, NC 28206. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Centre, AL and Birmingham, AL; From Centre over U.S. Hwy 411 to junction U.S. Hwy 278, then over U.S. Hwy 278 to junction U.S. Hwy 11, then over U.S. Hwy 11 to Birmingham, and return over the same route serving all intermediate points; (2) Between Junction U.S. Hwy 278 and Interstate Hwy 59 at or near Gadsden, AL and Birmingham, AL; From junction U.S. Hwy 278 and Interstate Hwy 59 at or near Gadsden, over Interstate Hwy 59 to Birmingham, AL, and return over the same route serving all intermediate points; (3) Between Atlanta, GA and Birmingham, AL; From Atlanta over U.S. Hwy 78 (also over Interstate Hwy 20) to Birmingham, and return over the same route serving all intermediate points; (4) Between Birmingham, AL and Cullman, AL; From Birmingham over U.S. Hwy 31 to Cullman and

return over the same route serving all intermediate points; (5) Between Decatur, AL and Pulaski, TN; From Decatur over U.S. Hwy 31 to Pulaski and return over the same route serving all intermediate points; (6) Between Birmingham, AL and Junction Interstate Hwy 65 and U.S. Hwy 64; From Birmingham over Interstate Hwy 65 to junction U.S. Hwy 64, and return over the same route serving all intermediate points; (7) Between Junction U.S. Hwys 78 and 431 at or near Oxford, AL and junction of U.S. Hwy 431 and AL Hwy 75 at or near Albertville, AL; From Junction U.S. Hwy 78 and 431 at or near Oxford, over U.S. Hwy 431 to junction AL Hwy 75 at or near Albertville, and return over the same route serving all intermediate points; (8) Between Arab, AL and Fayetteville, TN; From Arab over U.S. Hwy 231 to Fayetteville, and return over the same route serving all intermediate points; (9) Between Decatur, AL and Huntsville, AL; From Decatur over Alternate U.S. Hwy 72 to Huntsville and return over the same route serving all intermediate points; (10) Between Athens, AL and Huntsville, AL; From Athens over U.S. Hwy 72 to Huntsville and return over the same route serving all intermediate points for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (68) statements of support attached to the application which may be examined at the field office named below. Send protests to: District Supervisor, Terrell Price, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

NOTE.—Applicant intends to (a) to operate over all combinations of routes described above and (b) to join the operating authority sought herein with applicant's existing authority and thereafter perform through service (c) authority is sought to interchange with connecting carriers.

No. MC 111302 (Sub-No. 121TA), filed March 27, 1978. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, 1500 Amherst Road, Knoxville, TN 37919. Applicant's representative: David A. Peterson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Di nitro butyl phenol*, in bulk, in tank vehicles, from the facilities of Alpine Laboratories at or near Bay Minette, AL to the facilities of Baird McGuire Corp., in Holyoke, MA. (2) *Di nitro butyl phenol*, in bulk, in tank vehicles, from the facilities of Alpine Laboratories at or near Bay Minette, AL to the facilities of Uni-Royal Co. in Gastonia, NC. (3) *Butyl phenol*, in bulk, in tank vehicles, from the facilities of the Ethyl Corp. in Orangeburg, SC to the facilities of Alpine Laboratories at or near Bay

Minette, AL. Restricted to traffic moving in round trip service between the plantsite of Alpine Laboratories at or near Bay Minette, AL and the facilities shown in parts (1), (2), and (3) above, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Alpine Laboratories, Inc., P.O. Box 147, Bay Minette, AL 36507. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, Nashville, TN 37203.

No. MC 113666 (Sub-No. 130TA), filed April 14, 1978. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Daniel R. Smetanick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carbon petroleum*, except in bulk, from Manahawkin, NJ to Freeport, PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. Grout Corp., West End Avenue, Old Greenwich, CT 06870. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 114457 (Sub-No. 384TA), filed April 27, 1978. Applicant: DART TRANSIT CO., 2102 University Avenue, St. Paul, MN 55114. Applicant's representative: James H. Wills (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing goods, supplies and accessories* (1) from Plainview, NY to IL, IN, IA, KS, MI, MN, MO, NE, ND, OH, SD and WI; and (2) from Monroe, OH to CT, ME, MA, NH, NJ, NY, RI, and VT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Powers-Fiat, 1 Michael Court, Plainview, NY 11803. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 110 South 4th Street, 414 Federal Building and U.S. Court House, Minneapolis, MN 55401.

No. MC 114569 (Sub-No. 223TA), filed April 20, 1978. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Applicant's representative: N. L. Cummins (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum billets and extrusions; aluminum doors and windows, glazed and unglazed; fabricated metal products and hardware, accessories, and parts there-*

of when moving in connection therewith from the facilities of Capitol Products Corp. located in Hampden Township, Cumberland County, PA to points in OH, MI, IN, IL, and WI; and (2) Aluminum scrap, glass in crates, aluminum hardware, vinyl plastics, and fluxing materials from the points in destination states shown in (1) to the facilities of Capitol Products Corp. in Hampden Township, Cumberland County, PA; and (3) Glass in crates, aluminum hardware, and vinyl plastics from points in OH, MI, IL and PA to the facilities of Capitol Products Corp. in Kentland, IN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Capitol Products Corp., Box 69, Mechanicsburg, PA 17055. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, Harrisburg, PA 17108.

No. MC 118263 (Sub-No. 70TA), filed April 17, 1978. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Applicant's representative: William P. Whitney, 708 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), (1) from the facilities of American Home Foods, Division of American Home Products Corp. at Laporte, IN, to all points in OH, and KY; (2) from the facilities of American Home Foods, Division of American Home Products Corp. at Milton, PA, to Laporte, IN and the Chicago commercial zone and OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): American Home Foods, Division of American Home Products Corp., 685 Third Avenue, New York, NY 10017. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 118263 (Sub-No. 72TA), filed April 19, 1978. Applicant: COLDWAY CARRIERS, INC., P.O. Box 2038, Clarksville, IN 47130. Applicant's representative: William P. Whitney, Jr., 708 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and related products*, except in bulk, moving in vehicle equipped with mechanical refrigeration, between the warehouse sites of Louisville Freezer Center in Jefferson County, KY, on the one hand, and, on the other, all points and places in AL, DC, FL, GA, IL, IN, IA, KS, KY, LA, MD, MI, MS, MO, NY, NC, OH, PA,

DC, TN, VA, WV, and WI. Restricted to the transportation of freight having an origin or destination at the warehouse sites of Louisville Freezer Center, for 180 days. Supporting shipper(s): Louisville Freezer Center, 2000 South Ninth Street, Louisville, KY 40208. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 121322 (Sub-No. 2TA), filed April 14, 1978. Applicant: STEVE J. DUNNE CARTAGE INC., 1800 South Wolf Road, Des Plaines, IL 60016. Applicant's representative: Daniel Freet (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail grocery establishments, between points located in the Chicago commercial zone on the one hand, and, on the other, points in the St. Louis, MO and Detroit, MI commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Dry Storage Corp., Arthur Comeau, Director of Distribution, 2005 West 43d Street, Chicago, IL 60609. Send protests to: Transportation Assistant, Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.*

No. MC 123887 (Sub-No. 13TA), filed April 28, 1978. Applicant: L. J. NAVY TRUCKING CO., 2300 Eighth Avenue, Huntington, WV 25703. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers and used empty containers on return, from Eden, NC to Charleston, Huntington and Williamson, WV, and from Newark, NJ to Huntington, WV and Irontown and Portsmouth, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (5) statements of support attached to the application which may be examined at the field office named below. Send protest to: Miss Frances A. Ciccarello, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC. 124813 (Sub-No. 183TA), filed April 14, 1978. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, P.O. Box 166, Eagle Grove, IA 50533. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, IA

50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dicalcium phosphate*, from the facilities of Beker Industries, Corp., located at or near Marseilles, IL, to points in IN, IA, MO, MI and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Beker Industries, Corp., 124 West Putnam Avenue, Greenwich, CT 06830. Send protests to: Herbert W. Allen District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC. 125375 (Sub-No. 17TA), filed April 24, 1978. Applicant: F.B. GUEST d.b.a. F.B.G. TRANSPORT, Route 5, Box 298, Covington, GA 30209. Applicant's representative: Richard M. Tittlebaum, Serby & Mitchell, P.C., 5th Floor, Lenox Towers I, 3390 Peachtree Road, Atlanta, GA 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products* from the facilities of Borden, Inc. at or near Watertown, NY, to points in PA, MD, WV, VA, NC, SC, GA, FL, KY, and AL; and (2) *materials, equipment and supplies* used in the production and/or distribution of dairy products, from points in the United States in and east of AL, TN, KY, and OH, to the facilities of Borden, Inc., located at or near Watertown, N.Y. Service in (1) and (2) above to be provided under a contract or continuing contracts with Borden, Inc., Watertown, NY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Borden, Inc., P.O. Box 1019, Columbus, Ohio 43216. Send protests to: E. A. Bryant, Interstate Commerce Commission, Room 300, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC. 127705 (Sub-No. 57TA), filed April 14, 1978. Applicant: KREVDA BROS. EXPRESS, INC., P.O. Box 68, 501 South Broadway, Gas City, IN 46933. Applicant's representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers and container accessories*, from the facilities of Kerr Glass Manufacturing at Huntington, WV, to Cincinnati, Leipsic, Medina, Orrville and Urbana, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Kerr Glass Manufacturing, P.O. Box 97, San Springs, Okla. 74063. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne

Street, Suite 113, Fort Wayne, IN 46802.

No. MC 28404, (Sub-No. 10TA), filed April 27, 1978. Applicant: BLACKWOOD CRANE & TRUCK SERVICE, INC., P.O. Box 3037, Knoxville, TN 37917. Applicant's representative: Wayne R. Whaley, Jr., P.O. Box 3037, Knoxville, TN 37917. Authority sought to operate as a common carrier, over irregular routes, for 180 days, transporting: (1) *Iron and steel reinforcing bars, smooth bars, billets and other articles made from billets from facilities of Azcon Corp. at or near Knox County, TN to FL, GA, SC, NC, VA, WV, MD, PA, OH, IN, MI, WI, IA, IL, MO, AR, LA, MS, AL, KA, OK, TX, and TN.* (2) *Materials and supplies used in the production of metal articles (except liquid and chemical commodities in bulk) on return.* Supporting shipper: Knoxville Iron, Div. of Azcon Corp., 1919 Tennessee Avenue, Knoxville, TN 37921. Send protests to: Glenda Kuss, Transportation Assistant, Bureau of Operations, ICC, Suite A-422—U.S. Court House, 801 Broadway, Nashville, TN 37203.

No. MC 128413 (Sub-No. 6TA), filed March 23, 1978. Applicant: SEASON-ALL TRANSPORTATION CO., Route 119 South Indiana, PA 15701. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Aluminum products, fabricated metal products and materials, equipment and supplies used in the production, distribution and sale of the above named commodities (except commodities in bulk) between the facilities of Season-All Industries, Inc. at or near Decatur, IL on the one hand, and, on the other, points in AL, AR, CO, CT, DC, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, ND, OK, OH, PA, RI, SC, SD, TN, TX, VT, VA, WV and WI.* Restriction: The operations authorized herein are limited to a transportation to be performed under a continuing contract or contracts with Season-All Industries, Inc. Supporting shipper(s): Season-All Industries, Inc., Route 119 South Indiana, PA 15701. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 135874 (Sub-No. 119TA), filed April 11, 1978. Applicant: LTL PERISHABLES, INC., 550 E. 5th Street South, South St. Paul, MN 55075. Applicant's representative: Randy Busse, 550 E. 5th Street South, South St. Paul, MN 55075. Authority sought to operate as a common carrier, by motor vehicle, over irregular

routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery, food, department, and hardware stores and in connection therewith, equipment, materials and supplies used in the conduct of such business (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Hodgkins, IL and its commercial zone to points in MN, ND, SD, and Hudson, La Crosse, Superior, and Eau Claire, WI, for 180 days.* Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Couzens Warehouse & Distributors, Inc., 6600 South River Road, Hodgkins, IL 60525. Send protests to: DeLores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building, and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 138157 (Sub-No. 69TA), filed April 27, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market Street, Chattanooga, TN 37410. Applicant's representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *motor vehicle parts, tools, and accessories, from points in the Los Angeles, CA commercial zone to points in TX, OK, AR, LA, MS, AL, FL, GA, TN, NC, SC, VA, and MD.* Restriction: Restricted to traffic originating at the facilities of The Allen Group, Inc. Further restricted against the transportation of commodities in bulk, in tank vehicles, and commodities which by reason of size or weight require the use of special equipment. Supporting shipper: The Allen Group, Inc., 19914 South Via Baron Street, Compton, CA 90220. Send protests to: Glenda Kuss, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203, for 180 days.

No. MC 139193 (Sub-No. 76TA), filed April 19, 1978. Applicant: ROBERTS & OAKE, INC., 527 East 52nd Street North, Sioux Falls, SD 57101. Applicant's representative: Jacob P. Billig, 2033 K Street NW., Washington, D.C. 20006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Fresh bananas and commodities otherwise exempt from regulation under section 203(b)(6) of the Interstate Commerce Act, when moving in mixed shipments with fresh bananas from Charleston, SC to points in IA, IL, IN, KS, KY, MI, MN, MO, NE, ND, OH, SD, TN, and WI, restricted to the transportation of traffic having a prior movement by water, for 180 days.* Ap-

plicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Chiquita Brands, Inc., 95 Chestnut Ridge Road, Montvale, NJ 07645, Peter Comtabad, Director of Inland Transportation. Send protests to: Chairman, Motor Carrier Board, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.

No. MC 139193 (Sub-No. 77TA), filed April 19, 1978. Applicant: ROBERTS & OAKE, INC., 527 East 52nd St. North, Sioux Falls, SD 57101. Applicant's representative: Jacob P. Billig, 2033 K Street NW., Washington, D.C. 20006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Fresh bananas, and commodities otherwise exempt from regulation under section 203(b)(6) of the Interstate Commerce Act, when moving in mixed shipments with fresh bananas from Albany, NY, Baltimore, MD, and Port Newark, NJ to points in IA, IL, IN, KY, MI, MN, MO, OH, TN, and WI, restricted to the transportation of traffic having a prior movement by water, under a continuing contract or contracts with Chiquita Brands, Inc., for 180 days.* Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Chiquita Brands, Inc., 95 Chestnut Ridge Road, Montvale, NJ 07645, Peter Comtabad, Director of Inland Transportation. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.

No. MC 139420 (Sub-No. 34TA), filed April 18, 1978. Applicant: ART GREENBERG, d.b.a. GLACIER TRANSPORT, P.O. Box 428, Grand Forks, ND 58201. Applicant's representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Waterbed frames and matching case goods, waterbed components and accessories therefor, from the respective commercial zones of Gardena, Los Angeles, Santa Clara, Carson, Irvine, and the city of Commerce, CA, to ports of entry on the United States-Canada boundary line located at or near San Haven or Pembina, ND and Noyes, MN.* Restriction: Restricted to the transportation of traffic destined to Winnipeg, MB, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Floating Ecstasy, Ltd., 108 Osborne Street, Winnipeg, MB, Canada R3L 1Y5. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Com-

merce Commission, Room 268 Federal Building and U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

No. MC 139787 (Sub-No. 6TA), filed April 7, 1978, and published in the FEDERAL REGISTER issue of May 9, 1978, and republished as corrected this issue. Applicant: M. & M. TRUCKING CO., INC., P.O. Box 1743, Auburn, AL 36830. Applicant's representative: Kim C. Meyer, 235 Peachtree Street, Suite 1200, Atlanta Gas Light Tower, Atlanta, GA 30301. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sand and gravel (in bulk, in dump trucks), from Montgomery, Macon, and Elmore Counties, AL, to points in GA and those points in FL in and north of Brevard, Orange, Lake, Sumter, and Hernando Counties, FL, for 180 days.* Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): R. & S. Materials, Inc., P.O. Box 3547, Montgomery, AL 36109. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1816, 2121 Building, Birmingham, AL 35203. The purpose of this republication is to correct the territorial description.

No. MC 139858 (Sub-No. 22TA), filed April 17, 1978. Applicant: AMSTAN TRUCKING INC., 1255 Corwin Avenue, Hamilton, OH 45015. Applicant's representative: Chandler L. Van Orman, 1729 H Street NW., Washington, DC 20006. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Plumbers' goods and fittings, and materials, supplies and equipment used in the manufacture and distribution thereof, (1) from Plainfield, CT to points in AL, AR, FL, GA, IL, IN, IA, KS, LA, MD, MI, MS, MO, NE, NC, OH, OK, PA, SC, TN, TX, VA, DC, WV, and WI. (2) from Andrews, SC and Robbins, NC to Plainfield, CT, Tiffin, OH, and Kokomo, IN. (3) from Niagara Falls, NY, to Plainfield, CT. (4) from Bessemer City, NC, to Louisville, KY. (5) from Paintsville, KY, to Torrance, CA. (6) from Malvern, AR, to Paintsville, KY. (7) from Malvern, PA, to Paintsville, KY.* Restrictions: The operations authorized above are subject to the following conditions: (1) The product description does not include commodities which because of their size or weight require the use of special equipment. (2) Said operations are limited to a transportation service to be performed under a continuing contract or contracts with American Standard Inc. of New Brunswick, NJ, for 180 days. Supporting shipper(s): American Standard Inc., James P. Nelligan, General Traffic Manager, P.O. Box 2003, New Brunswick, NJ 08903. Send protests to: Paul J. Lowry, Dis-

trict Supervisor, Bureau of Operations—ICC, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 141764 (Sub-No. 6TA), filed April 13, 1978. Applicant: BLACK-HAWK ENTERPRISES, 853 Hancock Street, Hayward, CA 94544. Applicant's representative: William D. Taylor—Handler, Baker & Greene, 100 Pine Street, Suite 2550, San Francisco, CA 94111, 415-986-1414. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Aluminum and fiberglass insect screening; aluminum nails; and vinyl coated yarns from the facilities of Phifer Wire Products, Inc. at or near Tuscaloosa, AL to City of Industry, CA, under a continuing contract or contracts with Phifer Wire Products, Inc., for 180 days.* Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Phifer Wire Products, Inc., 4400 Kauloosa Avenue, P.O. Box 1700, Tuscaloosa, AL 35401. Send protests to: District Supervisor, A. J. Rodriguez, 211 Main Suite 500, San Francisco, CA 94105.

No. MC 142559 (Sub-No. 12TA), filed April 14, 1978. Applicant: BROOKS TRANSPORTATION, INC., 3830 Kelley Avenue, Cleveland, OH 44114. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Refrigerators, freezers, water coolers, dishwashers, disposers, room air-conditioners, dehumidifiers, humidifiers and other household appliances.* Between Columbus, OH and Edison, NJ, for 180 days. Supporting shipper(s): White-Westinghouse International Co., 930 Fort Duquesne Boulevard, Pittsburgh, PA 15222. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 142929 (Sub-No. 2TA), filed April 19, 1978. Applicant: YAGER TRUCKING, Route 1, P.O. Box 868, Woodland, CA 95695. Applicant's representative: Milton W. Flack, 4311 Wilshire Boulevard, Suite 300, Los Angeles, CA 90010. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables, in vehicles equipped with mechanical refrigeration from Pasco, WA to Sacramento, CA, under a continuing contract or contracts with Northern California Frozen Foods, Inc., for 180 days.* Supporting shipper(s): Northern California Frozen Foods, Inc., 1724-10th Street, Sacramento, CA 95814. Send protests to: District Supervisor, A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

No. MC 143110 (Sub-No. 4TA), filed April 17, 1978. Applicant: K. & B. EXPRESS, INC., P.O. Box 841, Union, NJ. Applicant's representative: Stuart R. Mandel, Mandel & Kavalier, 315 S. Beverly Drive, Ste. 315, Beverly Hills, CA 90212. Authority sought to operate as a contract carrier by motor vehicle over irregular routes, as follows: (1) Transporting: *Vacuum cleaners, vacuum cleaner bags, floor polishers, rug shampoos, electric motors, and parts, for vacuum cleaners, vacuum cleaner bags, floor polishers and rug shampoos, janitorial supplies, buckets, hand trucks, steelware, hardware, mop heads, mop wringers, handles, mipro, squeegees, cloth bags, yars, and related supplies and parts (except in bulk); (1) from Old Greenwich, CT, Bristol, VA, Fultonville, NY, and Charlotte, NC to Harrisburg, PA, Charleston and Logan, WV, Bristol and Richmond, VA, Louisville and Lexington, KY, Memphis and Jackson, TN, Asheville, Charlotte, and Gastonia, NC, Columbia, SC, Atlanta (College Park) and Norcross, GA, Mobile, AL, Pine Bluff, Little Rock, and Jonesboro, AK, and Dallas, TX; (2) from Old Greenwich, CT, Bristol, VA, Fultonville, NY, and Charlotte, NC to Harrisburg, PA, Memphis and Jackson, TN, Toledo, OH, Evansville and Hammond, IN, Elk Grove Village, Springfield, Des Plaines, and Marion, IL, Waterloo, Cedar Rapids, Des Moines, and Davenport, IA, Wichita, KS, Omaha, NE, Mesa and Phoenix, AZ, Colorado Springs, Denver and Greeley CO, Salt Lake City, UT, Reno, NV, Los Angeles and Daley City, CA, Portland, OR and Seattle, WA; (3) from Bristol, VA, Fultonville, NY, and Charlotte, NC to Charlotte, NC, Richmond and Bristol, VA, Harrisburg, PA, Bronx, Fultonville, and Utica, NY, Old Greenwich and Hartford, CT, West Springfield and Worcester, MA; (2) transporting: *Plastic household cleaning and maintenance products and supplies (except in bulk) from Sparks, NE to Fultonville, NY, Dallas, TX, Des Plaines, IL, and Charlotte, NC; (3) transporting: Buffing compounds, polishing compounds, cleaning compound, petroleum resins, paraffin wax compounds, paraffins, petroleum wax, cleaning, scouring or washing compounds, soaps, disinfectants, cleaning and lubricating conveyor or rubber compounds (except in bulk) from St. Louis, MO and Chicago, IL to points in AL, AZ, AK, CA, CO, CT, FL, GA, ID, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NV, NJ, NM, NY, NC, OK, OH, OR, PA, SD, TN, TX, UT, VA, WA, and WI, under a continuing contract or contracts in (1) through (3) above with Electrolux Group, division of General Foods Corp., for 180 days.* Supporting shipper(s): Electrolux, 51 Forest Avenue, Old Greenwich, CT 06870.*

Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

No. MC 143161 (Sub-No. 5TA), filed April 6, 1978. Applicant: BEVERAGE TRANSPORT, INC., Box 13515, 1210 Bluff Road, Columbia, SC 29201. Applicant's representative: Harry S. Dent, P.O. Box 528, Columbia, SC 29202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages and soft drinks and materials, supplies, and equipment* used in the manufacture, mixing, distribution, and sale of nonalcoholic beverages and soft drinks, between Cayce, SC on the one hand, and, on the other, to points and places in FL, GA, AL, MS, LA, TX, TN, NC, VA, WV, KY, IL, IN, OH, MD, DE, PA, NY, MI, WI, CT, RI, MA, VT, ME, DC, and NH, under a continuing contract or contracts with Carolina Cannery South, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Carolina Cannery South, Inc., Cayce, SC 29033. Send protests to: E. E. Strotheid, District Supervisor, Room 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

No. MC 144211 (Sub-No. 1TA), filed April 14, 1978. Applicant: BROWN & SONS, INC., P.O. Box 55, Gratis, OH 45330. Applicant's representative: Lewis S. Witherspoon, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Slag*, in bulk, in dump vehicles, from Middletown, OH, to Gas City, Marion, Winchester, and Dunkirk, IN, under a continuing contract with The Calumite Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Calumite Co., Raymond H. Evans, General Manager of Operations, P.O. Box 7180, Trenton, NJ 08628. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 144228 (Sub-No. 3TA), filed April 20, 1978. Applicant: BAGLE TRANSPORT LINES, INC., 9632 Palo Pinto Road, Fort Worth, TX 76116. Applicant's representative: Harry F. Horak, 5001 Brentwood Stair Road, Room 109, Fort Worth, TX 76116. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Ductile iron pipe fittings and foundry supplies* used in the manufacture of ductile iron pipe fittings between Eastland, TX, Birmingham, AL, Primos, PA, Columbus, GA, Charlotte, NC, Biscoe,

NC, Chattanooga, TN, Chicago, IL, South Barre, MA, Anniston, AL, Hayward, CA, New York City, NY, Stoughton, MA, Southington, CT, Mobile, AL, Provo, UT, Seattle, WA, Portland, OR, and Louisville, KY, under a continuing contract or contracts with EBAA Iron, Inc., for 180 days. Supporting shipper(s): EBAA Iron, Inc., R.F.D. 2, Eastland, TX 76448. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27, Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 144334 (Sub-No. 1TA), filed April 28, 1978. Applicant: J. WHITE TRANSPORTATION, INC., Highway 63 North, Cedar City, MO 65022. Applicant's representative: Charles J. Fain and Willard C. Reine, 235 East High Street, Jefferson City, MO 65101. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Heavy electrical switchgear, electrical transformers, portable electrical substations, related protective coverings, housing, fencing material, iron and steel articles, aluminum articles, electrical substations, shelter aisle switchgear, breaker sleds, bases, switching sleds, related installation equipment, and other similar items, prefabricated or fabricated, from Callaway County, MO to mining sites, construction sites, warehouse sites, manufacturing plants or export points within the continental United States; and similar items and equipment on return. Also from mining sites, construction sites, warehouse sites, manufacturing plants or export points within the continental United States to Callaway County, MO, similar items and equipment on return, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Central Electric Manufacturing, Business Route 54 South at Junction BB, Fulton, MO 65251. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.*

No. MC 144490 (Sub-No. 1TA), filed April 5, 1978. Applicant: ED'S CARTAGE, INC., 354 North Hemlock, Wood Dale, IL 60191. Applicant's representative: Philip A. Lee, 120 West Madison Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Medicine cabinets and bathroom (plumbing and lighting) fixtures; vanity basins and marble tops; and display show casing the aforementioned commodities, from Elk Grove Village, IL, to points and places throughout the following States, i.e., IN, OH, PA, NY, NI, DE, VA, MO, KY, TN, GA, OK, TX, NM, AZ, CA, MN, WI, IA, MI, MA, NV, AR,*

NE, FL, LA, MS, OR, WA, NC, and SC. Also glass mirrors from Cincinnati and Cleveland, OH to Elk Grove Village; also injected molded plastic cabinets from Social Circle, GA to Elk Grove Village, IL; also marble dust and marble tops from Los Angeles, CA to Elk Grove Village, IL; and also urethane plastic door material from Jasper, IN to Elk Grove Village, IL, under a continuing contract or contracts with General Bathroom Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): General Bathroom Products, Inc., Anthony W. Miller, Traffic Manager, 2201 Touhy Avenue, Elk Grove, IL 60007. Send protests to: Transportation Assistant, Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 144568TA, filed March 30, 1978. Applicant: S.W. TRANSPORT, INC., 800 Ouellette Street, Marquette, PQ, Canada. Applicant's representative: Donald E. Cross, 918-16th Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bolts, nails, screws, nuts, washers, fasteners, wire, wire mesh, rods, bars, wire fabric, and fencing, from rouses point, NY to points in AL, AR, CA, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, ME, MI, MN, MS, MO, NE, NV, NH, NJ, NC, ND, OH, OK, OR, PA, RI, SC, SD, TN, TX, UT, VT, VA, WV, WI, under a continuing contract with Industrial Fasteners Ltd. and Sivaco Wire & Nail Co. for 180 days. Supporting shipper(s): Sivaco Wire & Nail Co., 800 Ouellette Street, Marquette, PQ, Canada, and Industrial Fasteners Ltd., (same address as previous shipper). Send protests to: District Supervisor, David A. Demers, Interstate Commerce Commission, P.O. Box 548, 87 State Street, Montpelier, VT 05602.*

No. MC 144610 (Sub-No. 1TA), filed April 14, 1978. Applicant: C. ALLEN TRUCKING, INC., 1 Nenninger Lane, East Brunswick, NJ 08816. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ship Stores, (except in bulk and food stuffs), (1) From Williamatic, CT, Hamburg, Kenilworth, New Brunswick, Passaic, and Trenton, NJ, Chester, Farmingdale, and Mineola, NY, Mechanicsburg, Schuylkill Haven, and York, PA, and Bethel, VT, to Mobile, and Montgomery, AL, Miami, and Tampa, FL, New Orleans, LA, Pascagoula, MS, and Houston, TX, and (2) From New Orleans, LA, to Chester, PA, and Brooklyn, NY. Applicant has*

also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper, L. F. Gaubert & Co., Inc., 700 South Broad Street, New Orleans, LA 70119. Send protests to: Robert H. Johnston, District Supervisor, 9 Clinton Street, Newark, NJ 07102, for 180 days.

No. MC 144611 (Sub-No. 1TA), filed April 13, 1978. Applicant: BRIDGEWATER TRANSPORTATION, INC., P.O. Box 491, Bound Brook, NJ 08805. Applicant's representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07080. 180-day Temporary Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Disposable hospital supplies* including but not limited to such commodities as disposable incontinence pads (underpads), adult and infants' diapers, draw sheets, disposable toweling, wash-cloths and facial tissues, from Jersey City, NJ and Bridgewater, NJ to points in the United States (except AK and HI); and (2) *Materials, equipment and supplies (except commodities in bulk in tank vehicles) used in the manufacture and sale of the commodities named in (1) above, from points in the United States (except AK and HI), to Jersey City, NJ and/or Bridgewater, NJ under a continuing contract or contracts with Hosposable Products, Inc. of Jersey City, NJ and/or Bridgewater Manufacturing Corp. of Bridgewater, NJ. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hosposable Products, Inc. Bridgewater Manufacturing Corp., 13-25 Edward Hart Drive, Liberty Industrial Park, Jersey City, NJ 07305. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.*

No. MC 144637 (Sub-No. 1TA), filed April 17, 1978. Applicant: PROFESSIONAL DELIVERY SERVICE, INC., 49 (O) East Industry Court, Deer Park, NY 11729. Applicant's representative: Piken & Piken, Esqs., One Lefrak City Plaza, New York, NY 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular and irregular routes, transporting: *Appliances, televisions, audio equipment and furniture. 1. From the facilities of Allbrand Appliance & T.V. Co., Inc., located at or near Deer Park, NY and Long Island City, NY, to the facilities of Allbrand Appliance & T.V. Co., Inc., located at or near Cambridge, MA, Meridan, CT, North Kingstown, RI, and North Miami, FL. 2. From points in MA, CT, RI, and FL to the facilities of Allbrand Appliance & T.V. Co., Inc. located at or near Deer Park, NY and Long Island City, NY. Restriction: The*

above authority is limited to service rendered under contract or continuing contracts with Allbrand Appliance & Television Co., Inc., of Long Island City, NY for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Allbrand Appliance & T.V. Co., Inc., 41-50, 22nd Street, Long Island City, NY 11101. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

PASSENGER CARRIERS

No. MC 109865 (Sub-No. 16TA), filed March 15, 1978. Applicant: VALLEY TRANSPORTATION, INC., 516 Oxford Road, Oxford, CT 06483. Applicant's representative: L. C. Major, Jr., Suite 400, Overlook Building, 6121 Lincoln Road, Alexandria, VA 22312. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, in the same vehicle, with passengers, in charter operations. From Springfield and W. Springfield, MA, and in New London County, CT to points and places in the United States, excluding HI, and return, restricted to charter tour movements being operated for tour brokers which also involve the pickup and discharge of tour passengers at points in the State of CT other than New London County, for 180 days. Supporting shipper: Connecticut Pleasure Tours, Inc., d.b.a. Kaplan Tours, 140 Captains Walk, New London, CT 06320. Send protests to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 135 High Street, Room 324, Hartford, CT 06101.*

No. MC 144523 (Sub-No. 1TA), filed March 28, 1978. Applicant: INTERNATIONAL LIMOUSINE SERVICE, INC., 2660 Woodley Road NW., Washington, DC 20008. Applicant's representative: Remi J. Fogliarino, (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Passengers, their personal baggage and small packages over regular routes: 1. Washington, DC to Baltimore, MD to Rockville, MD and return to Washington, DC, two runs per day. Between Mary E. Switzer Building, 330 C Street SW., Washington, DC east to Southwest Freeway to Route I-295, north to Washington-Baltimore Parkway, north to Route I-495, west to Route I-95, north to Route I-695, west to Exit 17, east to Security Boulevard, east to East High Rise Building, at 6401 Security Boulevard, Baltimore, MD. After stopping at East High Rise Building, MD then west on Security Boulevard*

to Route I-695, south to Route I-95, south to Route I-495, west to Route MD 355, north to Twinbrook Road, east to Fishers Lane, east to Parklawn Building at 5600 Fishers Lane, Rockville, MD. After stopping at Parklawn Building at 5600 Fishers Lane, Rockville, MD then west on Fishers Lane to Twinbrook Road, south to Route MD 355, north to Route MD 187, south to Route I-495, south to Washington Memorial Parkway to Route I-95, north to 330 C Street SW., Washington, DC. 2. Baltimore, MD to Washington, DC to Rockville, MD, to Baltimore, MD and return to Washington, DC, two runs per day. Depart East High Rise Building, at 6401 Security Boulevard, Baltimore, MD, west on Security Boulevard, to Route I-695, south to Route I-95, south to Route I-495, south to Washington-Baltimore Parkway, south to Route I-295, south to 11th Street Bridge, SW., via Suitland Exit to Southwest Freeway, west to Switzer Building, at 330 C Street SW., Washington, DC. After stopping at Switzer Building at 330 C Street SW., Washington, DC then south on Route I-95 to George Washington Memorial Parkway to Route I-495, north to Exit 18 to Route MD 187, north to Route MD 355, north to Twinbrook Road, east to Fishers Lane, east to Parklawn Building at 5600 Fishers Lane, Rockville, MD. After stopping at Parklawn Building at 5600 Fishers Lane, Rockville, MD then west on Fishers Lane to Twinbrook Road, west to Route MD 355, north to Exit 19, north to Route I-495, north to Route I-95, north to Route I-695, west to Exit 17, east to Security Boulevard, east to the East High Rise Building, at 6401 Security Boulevard, Baltimore, MD. Under a continuing contract, or contracts, with Health Care Financing Administration, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Health Care Financing Administration, Health, Education, and Welfare, 330 C Street SW., Washington, DC 20201. Send protests to: Interstate Commerce Commission, 12th Street and Constitution Avenue NW., Room 1413, District Supervisor W. C. Hersman, Washington, DC.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

(FR Doc. 78-15410 Filed 6-1-78; 8:45 am)

[7035-01]

(Notice No. 57)

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 2, 1978.

Application filed for temporary authority under section 210a(b) in con-

nection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77688. By application filed May 24, 1978, LASALLE CARTAGE CO., INC., 2707 Territorial Road, St. Paul, MN 55114, seeks temporary authority to transfer the operating rights of Furnell & Webb Co., 2280 Hampden Avenue, St. Paul, MN 55114, under section 210a(b). The transfer to LaSalle Cartage Co., Inc., of the operating rights of Furnell & Webb Co., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15411 Filed 6-1-78; 8:45 am]

[7035-01]

[Notice No. 58]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 2, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77689. By application filed May 25, 1978, TIGGES TRUCKING, INC., 5071 JKF Road, Dubuque, IA 52001, seeks temporary authority to transfer the operating rights of CURTIS HENKES, an individual, Monona, IA 52159, under section 210a(b). The transfer to TIGGES TRUCKING, INC., of the operating rights of CURTIS HENKES, an individual, is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15412 Filed 6-1-78; 8:45 am]

[7035-01]

[Notice No. 59]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before July 3, 1978. Failure seasonably to file a pro-

test will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77505, filed May 10, 1978. Transferee: HELEN R. LUCAS, d.b.a. BUD'S EXPRESS VAN & STORAGE, 410 Mississippi Street, Vallejo, CA 94590. Transferor: Ellis Wright, d.b.a. Bud's Express Van & Storage (same address as transferee). Applicant's representative: Mavis D. Christian, Manager (same address as transferee). Authority sought for purchase by transferee of the operating rights of transferor as set forth in Certificate No. MC 128581 (Sub-No. 3), issued September 16, 1975, as follows: *Used household goods*, between points in Alameda, Lake, Marin, Sacramento, San Francisco, San Joaquin, San Mateo, Placer, Yolo, Contra Contra, Napa, Sonoma, and Solano Counties, CA. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77614, filed May 1, 1978. Transferee: FUTURISTIC TOURS LTD., c/o Sidney J. Leshin, 575 Madison Avenue, New York, NY 10022. Transferor: Harlem Commonwealth Tours, Inc., 361 West 125th Street, New York, NY, 10027. Applicant's representative: Sidney J. Leshin, 575 Madison Avenue, New York, NY 10022. Authority sought for purchase by transferee of broker's license No. MC 130029, issued April 15, 1971, as follows: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, in round-trip tours, beginning and ending in New York, NY, and extending to points in the United States. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77632, filed May 15, 1978. Transferee: NOBLE VAN &

STORAGE CO., INC., One Hayes Street, Elmsford, NY 10523, transferor: Eddy Transfer Co., Inc., 31 Merritt Street, Port Chester, NY 10573. Applicant's representative: Robert J. Gallagher, Esq., 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 140449, issued April 16, 1975, as follows: *Household goods* as defined by the Commission, between points in Westchester County, NY, and those in Connecticut within 10 miles of Port Chester, NY, on the one hand, and, on the other, points in NY, CT, MA, RI, and NJ. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 93855. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77675, filed May 17, 1978. Transferee: CALIFORNIA MOVERS EXPRESS, INC., 800 Grayson Street, Berkeley CA 94710, transferor: Bentley's Inc., 800 Grayson Street, Berkeley, CA 94710. Applicant's representative: Michael S. Rubin, attorney at law, 256 Montgomery Street, San Francisco, CA 94104. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. MC 98820 and (Sub-No. 1), both issued February 9, 1961, as follows: *Household goods*, as defined by the Commission, between specified points in CA. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77678, filed May 17, 1978. Transferee: MARY ELIZABETH HUBERS, JOHN EDWARD HUBERS, and WILLIAM JOSEPH HUBERS, 103 Wells Avenue, Ferndale, Glen Burnie, MD. Transferor: Robert Lee Zimmerman and Barbara Ann Zimmerman, a partnership, doing business as B & B Bus Line, Linthicum, MD. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, DC 20005. Operating rights are set forth in Certificate No. MC-125765 issued May 27, 1964 as follows: *Passengers and their baggage* and newspapers and express, in the same vehicle with passengers over regular routes between Baltimore, MD and Hanover, PA, serving all intermediate points and between Hanover, PA and Gettysburg, PA serving all intermediate points. An application by the transferee to operate temporarily the properties of the transferor has been filed under section 210a(b). Transferee holds no authority issued by this Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15413 Filed 6-1-78; 8:45 am]

[7035-01]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in "Waste" Products, Ex Parte No. MC-85, 124 MCC 583 (1976).

An original and one copy of protests (including protestant's complete argument and evidence) against applicant's participation may be filed with the In-

terstate Commerce Commission on or before June 22, 1978. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence within 30 days of the date of its notice in the FEDERAL REGISTER, subject to its tariff publication effective date.

P-11-78 (Special Certificate—Waste Products), filed April 27, 1978. Applicant: VIKING TRANSPORT, INC., 585 Hi Tech Way, P.O. Box 546, Oakdale, CA 95361. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, CA

94108. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste products* for recycling or reuse, between points in CA, AZ, and NV in furtherance of a recognized pollution control program sponsored by Circo Glass of Fresno, CA for the purpose of transporting and recycling waste products.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15409 Filed 6-1-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board	16,
	17, 18, 19
Commission on Civil Rights.....	1
Commodity Futures Trading	
Commission	2
Federal Communications	
Commission	3
Federal Deposit Insurance	
Corporation	4
Federal Election Commission.....	5
Federal Home Loan Bank	
Board	6
Federal Maritime Commission...	20
Federal Reserve System (Board	
of Governors)	21
Federal Trade Commission	7, 8
International Trade	
Commission	9, 10
Interstate Commerce	
Commission	11
Nuclear Regulatory	
Commission	12
Renegotiation Board.....	13, 14
Securities and Exchange	
Commission	15

[6335-01]

1

MAY 31, 1978.

COMMISSION ON CIVIL RIGHTS.

DATE AND TIME: Friday, June 2, 1978, 4 p.m.

PLACE: Room 800, 1121 Vermont Avenue NW., Washington, D.C.

STATUS: Emergency conference call meeting; open to the public.

MATTER TO BE CONSIDERED: Review and consideration of the "Social Indicators Report."

FOR FURTHER INFORMATION CONTACT:

Loretta Ward, Public Affairs Unit, 202-254-6697.

[S-1144-78 Filed 5-31-78; 3:25 pm]

[6351-01]

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND PLACE: 10 a.m., June 6, 1978.

PLACE: 5th Floor Hearing Room, 2033 K Street NW., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

1. PIE-C Report Discussion.
2. Part 8 Disciplinary Procedures.
3. Policy Discussion on Settlement Procedures.

PORTIONS CLOSED TO THE PUBLIC

Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-1149-78 Filed 5-31-78; 3:25 pm]

[6712-01]

3

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING FOLLOWS: 9:30 a.m., Open Commission Meeting, Wednesday, May 31, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission Meeting. CHANGES IN THE MEETING: The meeting on the following subject has been cancelled:

Agenda, Item No., and Subject

Hearing—1—Reconsideration of the Commission's decision in the Greenwood, Miss., AM and FM renewal proceeding (Docket Nos. 20025-26).

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone 202-632-7260.

Issued: May 26, 1978.

[S-1143-78 Filed 5-31-78; 3:25 pm]

[6714-01]

4

NOTICE OF AGENCY MEETING

FEDERAL DEPOSIT INSURANCE CORPORATION.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation met in closed session at 4:45 p.m. on Tuesday, May 30, 1978, by telephone conference call, to consider certain personnel actions.

In scheduling the meeting, the Board determined, on motion of Chairman George A. LeMalstre, seconded by Director William M. Isaac, with Director John G. Heimann (Comptroller of the Currency) concurring, that Corporation business required action on the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the meeting was exempt from the open meeting requirements of the "Government in the Sunshine Act" by subsections (c)(2) and (c)(6) thereof (5 U.S.C. 552b(c)(2) and (c)(6)); and that the public interest did not require consideration of the matters in a meeting open to public observation.

Requests for information concerning the meeting may be directed to Mr. Alan R. Miller, Executive Secretary of the Corporation, at 202-389-4446.

Dated: May 30, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-1140-78 Filed 5-31-78; 1:57 pm]

[6715-01]

5

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, June 7, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Audit Reports, Compliance, Personnel.

DATE AND TIME: Thursday, June 8, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

Setting of future meeting dates. Correction and approval of minutes. Advisory opinions: AO 1977-67. AO 1978-21. AO 1978-27.

SUNSHINE ACT MEETINGS

Rules of procedure of the FEC pursuant to 2 U.S.C. 437(c).
Allocation of candidate travel.
Reports from division heads.
Pending legislation.
Pending litigation.
Appropriations and budget (Budget Execution Report).
Liaison with other Federal agencies.
Classification actions.
Routine administrative matters.
Commission employee entrance into competitive civil service.

PORTIONS CLOSED TO THE PUBLIC (EXECUTIVE SESSION)

Any matters not concluded at the meeting of June 7, 1978.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, telephone 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.
[S-1142-78 Filed 5-31-78; 3:25 pm]

[6720-01]

6

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: May 31, 1978, 9:30 a.m.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Franklin O. Bolling, 202-377-6677.

MATTERS TO BE CONSIDERED:

Application for Permission to Organize a New Federal Savings and Loan Association—Salvador J. Cangeal, et al., River Ridge, La.

Limited Facility Application—Eureka Federal Savings and Loan Association of San Francisco, San Francisco, Calif.

Consideration of Association Request for a Commitment to Insure Accounts—(Proposed) First State Savings and Loan Association of Clinton, Clinton, S.C.

Consideration of Association Request for Modification of Condition—Heritage Savings and Loan Association, Grenada, Miss. Branch Office Application—Valley Federal Savings and Loan Association, Van Nuys, Calif.

Application for Bank Membership—Charter Oak Savings Association, Cincinnati, Ohio.

Application to Acquire Control of Matagorda County Savings Association, Bay City, Tex., by Matagorda County Savings Association Group, Bay City, Tex.

No. 155, May 24, 1978.

[S-1139-78 filed 5-31-78; 11:01 am]

[6750-01]

7

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, June 6, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED.

NONADJUDICATIVE MATTER: Consideration of disposition of a non-public Part II matter.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; Recorded Message, 202-523-3806.

[S-1145-78 Filed 5-31-78; 3:25 pm]

[6750-01]

8

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Tuesday, June 6, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 2 p.m., on Tuesday, June 6, 1978, the meeting will automatically be cancelled. Any item that is placed on the agenda before that time will be announced in accordance with the Additional Information Procedures posted with Commission Meeting Notices outside Room 130 of the Federal Trade Commission.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830; Recorded Message, 202-523-3806.

[S-1146-78 Filed 5-31-78; 3:25 pm]

[7020-02]

9

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Wednesday, June 7, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary): a. Swivel hooks (Docket No. 512).

5. Zinc (Inv. TA-201-31)—vote on remedy (if necessary).
6. Molded golf balls (Inv. 337-TA-35)—vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-1137-78 Filed 5-31-78; 11:01 am]

[7020-02]

10

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, June 15, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED.

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary): a. Wire strand from India (Docket NO. 514). b. Pool covers (Docket No. 513).
5. Certain luggage products (Inv. 337-TA-39)—vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-1138-78 Filed 5-31-78; 11:01 am]

[7035-01]

11

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, June 6, 1978.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Open Regular Conference.

MATTERS TO BE CONSIDERED: 1. Tariff simplification (Traffic); 2. Metrication (Traffic); and 3. Task Force Recommendation No. 4 (Procedures to Promote Effective Competition (PRO)).

CONTACT PERSON FOR MORE INFORMATION:

Douglas Baldwin, Director, Office of Communications, telephone 202-275-7252.

The Commission's professional staff will be available to brief news media

representatives on conference issues at the conclusion of the meeting.

MAY 30, 1978.

[S-1134-78 Filed 5-31-78; 9:11 am]

[7590-01]

12

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of June 5, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

TUESDAY, JUNE 6, 2 P.M.

1. Briefing on NMSS Role in International Safeguards and Physical Security Determinations (Approx. 1 hr.) (Open; Portions may be closed).

2. Discussion of OIA/OGC Inquiry in Testimony of the Executive Director for Operations (Approx. 1 hr.) (Closed—Exemption 1) (Chairman's Conference Room).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

MAY 30, 1978.

[S-1141-78 Filed 5-31-78; 1:57 pm]

[7910-01]

13

RENEGOTIATION BOARD.

DATE AND TIME: Monday, June 19, 1978; 2 p.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20046.

STATUS: Closed to public observation.

MATTERS TO BE CONSIDERED: ABC Management Service, Inc., Fiscal Year Ended June 30, 1974 and 1975; ABC Food Service, Inc., Fiscal Year Ended June 30, 1975.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: May 31, 1978.

GOODWIN CHASE,
Chairman.

[S-1147-78 Filed 5-31-78; 3:25 pm]

[7910-01]

14

RENEGOTIATION BOARD.

DATE AND TIME: Tuesday, June 6, 1978; 10 a.m.

SUNSHINE ACT MEETINGS

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Matters 1 through 7 are open to public observation; Matters 8 and 9 are closed to public observation; Matters 10 and 11 are not applicable for status.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Meeting held May 23, 1978, and other Board Meetings, if any.

2. Report of the Chairman concerning: (a) Budget, (b) Case Processing, (c) Personnel Actions, (d) Organization Progress of the Staff, (e) Rulemaking and Regulations.

3. Recommendation for Clearance or Assignment to a Division: Fairchild Industries, Inc., Consolidated with: Burns Aero Seat Co., Inc., S.J. Industries, Inc., FYE: December 31, 1969, December 31, 1970 and December 31, 1971.

4. Recommended Clearances Without Assignment: (List 1908).

A. Powell Electronics, Inc., Fiscal Years Ended April 30, 1974, 1975 and 1978.

A-1 Powell Electronics, Inc., Fiscal Years Ended April 30, 1974, 1975 and 1978.

B. Weston Instruments, Inc., Fiscal Year Ended December 31, 1974.

B-1 Schlumberger Technology, Fiscal Year Ended December 31, 1974.

B-2 Weston Puerto Rico Inc., Fiscal Year Ended December 31, 1974.

B-3 Weston Caribe Inc., Fiscal Year Ended December 31, 1974.

B-4 Westronics, Inc., Fiscal Year Ended December 31, 1974.

C. Vanguard Electronics Co., Fiscal Year Ended January 31, 1975.

D. Pacific Forge, Inc., Fiscal Year Ended December 31, 1975.

E. Product Research and Chemical Corp., Fiscal Year Ended September 30, 1975.

F. AMI Industries, Inc. (Name changed from Aircraft Mechanics, Inc. Oct. 15, 1975), Fiscal Year Ended December 31, 1975.

5. Partial Mandatory Exemption of New Durable Productive Equipment: Bryant Grinder Corp., Fiscal Years Ended November 30, 1974 and 1975.

6. Partial Mandatory Exemption of New Durable Productive Equipment: Rockford Machine Tool Co., Fiscal Years Ended November 30, 1974 and 1975.

7. Recommended Clearances Without Assignment: (List 1910).

A. Struthers Wells Corp., Fiscal Year Ended December 31, 1975.

B. Studebaker-Worthington, Inc., Fiscal Year Ended December 31, 1975.

C. Velan Engineering Ltd., Fiscal Years Ended May 31, 1975 and 1976.

D. Ward Leonard Electric Co., Fiscal Year Ended December 31, 1975.

D-1 Lee Spring Co., Inc., Fiscal Year Ended December 31, 1975.

D-2 Unimax Switch Corp., Fiscal Year Ended December 31, 1975.

8. Finding of Excessive Profits: OSO Corp., Fiscal Year Ended October 31, 1973.

9. Court of Claims Case: *Airborne, Inc. v. United States*, Ct. Cl. No. 553-78.

10. Approval of Agenda for Meeting to be held June 20, 1978.

11. Approval of Agenda for other meetings, if any.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant Gen-

eral Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: May 30, 1978.

GOODWIN CHASE,
Chairman.

[S-1148-78 Filed 5-31-78; 3:25 pm]

[8010-01]

15

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of June 5, 1978, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, June 6, 1978, at 10 a.m. and on Thursday, June 8, 1978, immediately following the open meeting scheduled for 2:30 p.m. Open meetings will be held on Wednesday, June 7, 1978, at 10 a.m., and on Thursday, June 8, 1978, at 2:30 p.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Commissioners Loomis, Evans, Pollack, and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, June 6, 1978, at 10 a.m., will be:

Formal orders of investigation.
Referral of investigative files to Federal, State or Self-Regulatory authorities.
Authorization of staff members to testify.
Institution of injunctive actions.
Settlement of injunctive actions.
Institution of administrative proceedings of an enforcement nature.
Settlement of administrative proceedings of an enforcement nature.
Regulatory matters bearing enforcement implications.
Freedom of Information Act appeal.
Other litigation matters.

The subject matter of the closed meeting scheduled for Thursday, June 8, 1978, immediately following the open meeting at 2:30 p.m., will be:

Post oral-argument discussion.

The subject matter of the open meeting scheduled for Wednesday, June 7, 1978, at 10 a.m., will be:

SUNSHINE ACT MEETINGS

1. Consideration of a release soliciting public comments on proposed Rule 15c3-4 and the amendment of Rule 15c3-3 to permit, under restricted conditions, the borrowing and lending of customer securities.

2. Consideration of proposed rule change filed by the Chicago Board Options Exchange, to provide restrictions on the writing of discount opening uncovered call options, under specified conditions, during the period in which stabilizing activities are conducted in connection with underwritten offerings of the related underlying securities.

3. Proposed adoption of Rule 13f-1 and related form under the Securities Exchange Act governing the reporting requirements of institutional investment managers.

4. Discussion concerning the re-examination of rules related to shareholder communications, shareholder participation in the corporate electoral process and corporate governance generally.

5. Consideration of an exemption from certain rules of the Commission's Conduct Regulations for an attorney who will act as a consultant to the Commission for less than 60 days.

The subject matter of the open meeting scheduled for Thursday, June 8, 1978, at 2:30 p.m., will be:

Oral argument concerning broker-dealer proceedings in the matter of Nassar and Company, Inc., et al., and George M. Nassar, which has been remanded to the Commission by the United States Court of Appeals for the District of Columbia Circuit.

FOR FURTHER INFORMATION, PLEASE CONTACT:

John Ketels at 202-755-1129.

MAY 30, 1978.

[S-1133-78 Filed 5-31-78; 9:11 am]

[6320-01]

16

[M-133, AMDT. 1, MAY 26, 1978.]

NOTICE OF ADDITION OF ITEMS TO THE JUNE 1, 1978 AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., June 1, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: (Addition) 5a. Airline Advertising practices, Petition of OCA to prohibit advertising fares prior to the 15th day before the carrier's tariff is to take effect. (OGC, BPDA, BIA, OEA, BOE). (Addition) 9a. Dockets 31414, 29441, and 29991—*Service to Kamuela Case, Hawaiian Airlines, Application to suspend service, Aloha Airlines, Application to suspend service* (OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 673-5068.

SUPPLEMENTARY INFORMATION: Item 5a is subject to the 120-day rule

which expires on June 8, 1978. In order for the Board to comply with its policy statement under Part 399 relating to rulemaking petitions, 14 CFR 399.70, it is necessary that this item be considered at its next meeting.

Because the lawyer handling this case is leaving the Board on June 2, 1978, he would like it discussed in our June 1, 1978 meeting. Accordingly, the following Members have voted that agency business requires the addition of Items 5a and 9a to the June 1, 1978 meeting agenda and that no earlier announcement of these additions was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-1150-78 Filed 5-31-78; 3:57 pm]

[6320-01]

17

[M-133, AMDT. 2, MAY 31, 1978]

NOTICE OF ADDITION AND DELETION OF ITEMS FROM THE JUNE 1, 1978 AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., June 1, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.
SUBJECT: (Addition) 9b. Dockets 25546 and 28266, Mackey Certification Proceeding. (Deletion) 20. Docket 32369 (correct Docket No. 32258), Petition by State and County of Hawaii for reconsideration of Order 78-4-24, which vacated suspension for intra-Hawaii fare increase (BPDA).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Staff work on Item 9b was completed on May 26. The draft opinion on discretionary review should be considered by the Board at its June 1 Sunshine Meeting. The target date on this case has been advanced three times and is now fixed for June 6. The last Notice of Change in Target Date states: "The matter will be considered by the Board at its meeting during the week of May 29 with the expectation that a decision will be rendered by June 6, 1978."

The staff had earlier requested that Item 20 be placed on the June 1 calendar in the belief that it would be forwarded to the Board in time for action on that date. Other time-constrained work has intervened, however, necessitating a one week delay. Accordingly, the following Members have voted that agency business requires the addition of Item 9b and the deletion of

Item 20 and that no earlier announcement of these changes was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-1151-78 Filed 5-31-78; 3:57 pm]

[6320-01]

18

[M-133, AMDT. 3, MAY 30, 1978]

NOTICE OF ADDITION OF ITEM TO THE JUNE 1, 1978 AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., June 1, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 2a. Docket 30254, Discretionary review on Board initiative of the initial decision approving a settlement in *In the Matter of The Flying Tiger Line, Inc., Wayne M. Hoffman, Robert W. Prescott, Joseph J. Healy, Charles I. Hopkins, Rudolph J. Valenta, and Anna C. Chennault* (OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, The Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Unless the Board acts on this Item on June 3, the initial decision, under Section 302.27 of the regulations, becomes the order of the Board on June 4, nine days after the respondents could have sought review (May 26). Accordingly, the following Members have voted that agency business requires the addition of Item 2a to the June 1, 1978 agenda and that no earlier announcement of this addition was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-1152-78 Filed 5-31-78; 3:57 pm]

[6320-01]

19

[M-134, AMDT. MAY 31, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., June 7, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Oral Argument—Docket 28672, IATA Agreements Concerning Agency Matters—Uniform Commission Rates.

STATUS: Open.

SUNSHINE ACT MEETINGS

PERSON TO CONTACT:

Phyllis T. Kaylor, Secretary, 202-673-5068.

[S-1153-78 Filed 5-31-78; 3:57 pm]

[6730-01]

20

FEDERAL MARITIME COMMISSION.

TIME AND DATE: June 2, 1978, 9 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Closed.

MATTERS TO BE CONSIDERED: 1. Docket Nos. 73-22, 73-22 (Sub. No. 1) and 74-36 (Sub. No. 1): Matson Navigation Co.—Proposed changes in rates between the U.S. Pacific Coast and Hawaii—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5725.

[S-1155-78 Filed 5-31-78; 4:01 pm]

[6210-01]

21

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS).

TIME AND DATE: 10 a.m., June 7, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: 1. Proposed guidelines for enforcement of Regulation Z (Truth in Lending); 2. Proposed program for improving Federal Reserve regulations; and 3. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: May 31, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-1154-78 Filed 5-31-78; 3:57 pm]

FRIDAY, JUNE 2, 1978
PART II



DEPARTMENT OF
LABOR

Employment Standards
Administration

MINIMUM WAGES FOR
FEDERAL AND
FEDERALLY ASSISTED
CONSTRUCTION

General Wage Determination
Decisions

For
the
Federal

[4510-27]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision to-

gether with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedes Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedes Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedes Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Stand-

ards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Connecticut: CT78-3003; CT78-3004	Feb. 17, 1978.
Florida: FL77-1142	Dec. 2, 1977.
Idaho: ID78-5017	Apr. 7, 1978.
Indiana: IN78-2025; IN78-2030; IN78-2032; IN78-2033	Mar. 10, 1978.
IN78-2029; IN78-2051; IN78-2052	Mar. 24, 1978.
Louisiana: LA78-4013	Feb. 17, 1978.
LA78-4052	May 12, 1978.
Minnesota: MN77-2043; MN77-2044; MN77- 2045; MN77-2046	May 8, 1977.
MN78-2009	Mar. 10, 1978.
Nevada: NV78-5009	Do.
NV78-5011	Mar. 17, 1978.
New Mexico: NM78-4048	May 5, 1978.
Pennsylvania: PA78-3017	Do.
PA78-3045	May 12, 1978.
Texas: TX77-4264	Sept. 30, 1977.
TX78-4014	Feb. 17, 1978.
TX78-4017	Mar. 10, 1978.
TX78-4028; TX78-4032; TX78-4033; TX78-4035; TX78-4036; TX78- 4037; TX78-4038; TX78-4040; TX78-4041; TX78-4043; TX78- 4044	Apr. 14, 1978.
Virginia: VA78-3040	May 5, 1978.

SUPERSEDES DECISIONS TO GENERAL
WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedes Decision numbers are in parentheses following the numbers of the decisions being superseded.

Michigan: MI77-2125(MI78-2054)	Sept. 18, 1977.
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CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

None.

Signed at Washington, D.C., this 26th day of May 1978.

DOROTHY P. COME,
Acting Assistant Administrator
Wage and Hour Division.

DECISION NO. CT78-3003- Mod #1 Continued MODIFICATIONS P. 2 Payments									
(43 FR 7110- February 17, 1978) Fairfield, Litchfield, & Windham Counties									
Change:	Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.				
Carpenters, millwrights, pile-drivers, soft floor layers (Building construction): Fairfield Co.: Bridgeport, Easton, Fairfield, Monroe, Stratford, Trumbull, Weston, & Westport, & that part of Orange from Orange Center Rd. to Milford & the Oyster River situated in Orange	\$10.25	.90	.65	c	a				
Fairfield Co.: Bethel, Brookfield, Danbury, Darien, New Canaan, New Fairfield, Newtown, Redding, Ridgefield, Sherman, Stamford, & Wilton; Litchfield Co.: Barkhamsted, Bethlehem, Bridgewater, Canaan, Colebrook, Cornwall, Goshen, Kent, Litchfield, Morris, New Hartford, New Milford, Norfolk, Norwalk, Roxbury, Salisbury, Sharon, Torrington, Warren, Washington, Winchester, and Woodbury: commercial, up to 4 stories	10.10	.90	.65		.10				
Litchfield Co.: Harwinton, Plymouth, and Terryville	6.90	.90	.65		.10				
Fairfield Co.: Shelton	9.80	.90	.65		.05				
Carpenters: Heavy & Highway: Fairfield Co.: Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, Trumbull, Weston, & Westport	9.35	.35	.30	d					
Fairfield Co.: Bethel, Brookfield, Danbury, Darien, New Canaan, New Fairfield, Newtown, Redding, Ridgefield, Sherman, Stamford, & Wilton; Litchfield Co.: Barkhamsted, Bethlehem, Bridgewater, Canaan, Colebrook, Cornwall, Goshen, Kent, Litchfield, Morris, New Hartford, New Milford, Norfolk, Norwalk, Roxbury, Salisbury, Sharon, Torrington, Warren, Washington, Winchester, and Woodbury: commercial, up to 4 stories	10.10	.90	.65	f	.05				
Litchfield Co.: Harwinton, Plymouth, and Terryville	6.90	.90	.65						
Fairfield Co.: Shelton	9.80	.85	.65	f	.10				
Carpenters: Heavy & Highway: Fairfield Co.: Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, Trumbull, Weston, & Westport	9.80	.80	.55	f	.05				
Fairfield Co.: Bethel, Brookfield, Danbury, Darien, New Canaan, New Fairfield, Newtown, Redding, Ridgefield, Sherman, Stamford, & Wilton; Litchfield Co.: Barkhamsted, Bethlehem, Bridgewater, Canaan, Colebrook, Cornwall, Goshen, Kent, Litchfield, Morris, New Hartford, New Milford, Norfolk, Norwalk, Roxbury, Salisbury, Sharon, Torrington, Warren, Washington, Winchester, and Woodbury: commercial, up to 4 stories	10.10	.90	.65		.05				
Litchfield Co.: Harwinton, Plymouth, and Terryville	6.90	.90	.65						
Fairfield Co.: Shelton	9.80	.85	.65	f	.10				
Carpenters: Heavy & Highway: Fairfield Co.: Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, Trumbull, Weston, & Westport	9.80	.80	.55	f	.05				
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Carpenters: Heavy & Highway: Fairfield Co.: Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, Trumbull, Weston, & Westport	9.80	.80	.55	f	.05				
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Litchfield Co.: Harwinton, Plymouth, and Terryville	6.90	.90	.65						
Fairfield Co.: Shelton	9.80	.85	.65	f	.10				
Carpenters: Heavy & Highway: Fairfield Co.: Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, Trumbull, Weston, & Westport	9.80	.80	.55	f	.05				
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Litchfield Co.: Harwinton, Plymouth, and Terryville	6.90	.90	.65						
Fairfield Co.: Shelton	9.80	.85	.65	f	.10				
Carpenters: Heavy & Highway: Fairfield Co.: Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, Trumbull, Weston, & Westport	9.80	.80	.55	f	.05				
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Carpenters: Heavy & Highway: Fairfield Co.: Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, Trumbull, Weston, & Westport	9.80	.80	.55	f	.05				
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Carpenters: Heavy & Highway: Fairfield Co.: Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, Trumbull, Weston, & Westport	9.80	.80	.55	f	.05				
Fairfield Co.: Bethel, Brookfield, Danbury, Darien, New Canaan, New Fairfield, Newtown, Redding, Ridgefield, Sherman, Stamford, & Wilton; Litchfield Co.: Barkhamsted, Bethlehem, Bridgewater, Canaan, Colebrook, Cornwall, Goshen, Kent, Litchfield, Morris, New Hartford, New Milford, Norfolk, Norwalk, Roxbury, Salisbury, Sharon, Torrington, Warren, Washington, Winchester, and Woodbury: commercial, up to 4 stories	10.10	.90	.65		.05				
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Fairfield Co.: Shelton	9.80	.85	.65	f	.10				
Carpenters: Heavy & Highway: Fairfield Co.: Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, Trumbull, Weston, & Westport	9.80	.80	.55	f	.05				
Fairfield Co.: Bethel, Brookfield, Danbury, Darien, New Canaan, New Fairfield, Newtown, Redding, Ridgefield, Sherman, Stamford, & Wilton; Litchfield Co.: Barkhamsted, Bethlehem, Bridgewater, Canaan, Colebrook, Cornwall, Goshen, Kent, Litchfield, Morris, New Hartford, New Milford, Norfolk, Norwalk, Roxbury, Salisbury, Sharon, Torrington, Warren, Washington, Winchester, and Woodbury: commercial, up to 4 stories	10.10	.90	.65		.05				
Litchfield Co.: Harwinton, Plymouth, and Terryville	6.90	.90	.65						
Fairfield Co.: Shelton	9.80	.85	.65	f	.10				
Carpenters: Heavy & Highway: Fairfield Co.: Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, Trumbull, Weston, & Westport	9.80	.80	.55	f	.05				
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Fairfield Co.: Bethel, Brookfield, Danbury, Darien, New Canaan, New Fairfield, Newtown, Redding, Ridgefield, Sherman, Stamford, & Wilton; Litchfield Co.: Barkhamsted, Bethlehem, Brid									

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MODIFICATIONS P. 4

DECISION NO. CT78-3004- Mod #2
(43 FR 7117- February 17, 1978)
Hartford, Middlesex, New Haven
New London, and Tolland
Counties, Connecticut

Change:

Bricklayers; cement masons, finishers; marble masons; plasterers; stonemasons; terrazzo workers & tile setters (Building); Hartford Co.; Berlin, Kensington, New Britain, Newtonington, Plantsville, & Southington; New Haven Co.: Meriden Middlesex Co.: New London Co. E.Haven Co.: Bethany, Stratford, E.Haven, Guilford, Hamden, Madison, New Haven, N.Branford, N.Haven, Orange, V.Haven, Woodbridge, Cheshire, and Remainder of Milford New Haven Co.: Ansonia & Derby 1 Hartford Co.: Bristol, Marion, and Plainville; New Haven Co.: Beacon Falls, Middlebury, Milville, Naugatuck, Prospect, Waterbury, and Wolcott New Haven Co.: Devon to the Orange Town line & the Indian River in Milford Bricklayers (Heavy & Highway) Carpenters; millwrights; plumbers; millwrights; pipefitters; millwrights; and soft floor layers: Building construction: Hartford Co.: Avon, E. Granby E. Hartland, E.Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Hamden, Manchester, Rocky Hill, Simsbury, S.Windsor, Suffield, Thompsonville, Unionville, W.Hartford, Wethersfield, Windsor, Windsor Locks: Tolland Co.: Bolton, Ellington Rockville, Somers, Stafford, Tolland, and Vernon

FEDERAL REGISTER, VOL. 43, NO. 107—FRIDAY, JUNE 2, 1978

24177

MODIFICATIONS P. 6

DECISION NO. C778-3004- Mod # 2		Continued		Fringe Benefits Payments					Education and/or Appr. Tr.
		Basic Hourly Rates	H & W	Pensions	Vacation				
<u>Change:</u> Electricians (Continued): Middlebury, Naugatuck, Oxford, Prospect, Seymour, Southbury, Waterbury, and Wolcott Middlesex Co.: Cromwell, Middlefield, Middletown, & Portland; New London, Co.: Bozrah, Colchester, Franklin, Lisbon, Montville, N.Stonington, Norwihh, Griswold, Lebanon, Ledyard, Preston, Salem, Sprague, Stonington, and Voluntown; and Toiland Co.		\$10.40	1.22	374.60	h	1/8%			
Sprinkler fitters		11.30	1.50	374.50		1/2			
Steamfitters		11.75	.75	1.05		.08			
Truck drivers (building):		10.57	1.31	.81		.13			
Class 1		7.81	.665	.65	a				
Class 2		7.91	.665	.65	a				
Class 3		8.01	.665	.65	a				
Class 4		7.96	.665	.65	a				
Class 5		8.06	.665	.65	a				
Class 6		8.11	.665	.65	a				
Truck drivers (Heavy & Highway):									
2 axle		7.37	.665	.65	a				
3 axle		7.47	.665	.65	a				
4 axle		7.57	.665	.65	a				
euclids		7.82	.665	.65	a				
trailers		7.72	.665	.65	a				
Decinion #X177-1142 - Mod. #3 (42 FR 61435 - 12/2/77) Capo Canaveral, Kennedy Space Flight Center, Patrick Air Force Base, and Melabar Radar Site, Florida.									
<u>Change:</u> Air tool operators; concrete laborers; hod carriers; mason tenders; mortar mixers; kettlemen (excl. roofing & waterproofing); pipelayers; powdermen; form setters; (paving & curbing & gutter); well point and dewatering system laboror Gunnite laboror Gunnite nozzlemen Unskilled		\$ 6.25 6.52 6.92 6.10	.45 .45 .45 .45	.30 .30 .30 .30		.01 .01 .01 .01			

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DECISION #ID78-5017 - Mod. #4
(43 FR 14841 - April 7, 1978)
Statewide Idaho

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$11.59	.78	.85			.075
11.74	.78	.85			.075
11.84	.78	.85			.075
12.09	.78	.85			.075
11.99	.78	.85			.075

Change:
Carpenters:
Benevah, Bonner, Boundary,
Clearwater, Idaho County
(north of the northern bound-
ary of Township #29 North),
Kootenai, Latah, Lewis, Nez
Perce, Shoshone Counties;
Carpenters:
Filedrivermen; Sawfilers;
Stationary Power Wood-
working tool operator;
Floor Layer; Floor
Finisher; Floor Sander
Carpenters (burned, charred,
creosoted or similarly
treated material); Boom
Man
Millwrights and Machine
Erectors
Filedriver (creosoted
material)
Cement Masons:
Benevah, Bonner, Boundary,
Clearwater, Idaho County
(north of 46th Parallel),
Kootenai, Latah, Lewis, Nez
Perce, Shoshone Counties;
Zone 1:
Cement Masons
Gunnite; Power Machine;
Power Traveling
Machine; Power Magnesite
or other material with
oxichloride base
Power Tools
Zone 2:
Cement Masons
Gunnite; Power Machine;
Power Traveling Machine;
Power Magnesite or
other material with
oxichloride base
Power Tools
Zone 3:
Cement Masons
Gunnite; Power Machine;
Power Traveling Machine;
Power Magnesite or
other material with
oxichloride base
Power Tools
Zone 4:
Cement Masons
Gunnite; Power Machine;
Power Traveling Machine;
Power Magnesite or
other material with
oxichloride base
Power Tools
Zone 5:
Cement Masons
Gunnite; Power Machine;
Power Traveling Machine;
Power Magnesite or
other material with
oxichloride base
Power Tools

NOTICES

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$11.58	.75	\$1.00			.05
11.73	.75	1.00			.05
12.03	.75	1.00			.05
11.83	.75	1.00			.05
11.98	.75	1.00			.05
12.28	.75	1.00			.05
12.28	.75	1.00			.05
12.43	.75	1.00			.05
12.73	.75	1.00			.05
12.73	.75	1.00			.05
12.88	.75	1.00			.05
13.18	.75	1.00			.05

DECISION #ID78-5017 (Cont'd):

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$9.45	.82	.90			.05
9.70	.82	.90			.05
9.95	.82	.90			.05
10.20	.82	.90			.05
10.15	.82	.90			.05
10.20	.82	.90			.05
10.60	.82	.90			.05
10.65	.82	.90			.05

Change:
Laborers:
Area 1:
Benevah, Bonner, Boundary,
Clearwater, Idaho County
(north of the 46th Parallel),
Kootenai, Latah, Lewis, Nez
Perce, Shoshone Counties;
Building Construction:
Group 1
Group 2
Group 3
Group 4
Group 5-A
Group 5-B
Group 5-C
Group 5-D
Heavy and Highway Con-
struction:
Zone 1:
Group 1
Group 2
Group 3
Group 4
Group 5-A
Group 5-B
Group 5-C
Group 5-D
Zone 2:
Group 1
Group 2
Group 3
Group 4
Group 5-A
Group 5-B
Group 5-C
Group 5-D

NOTICES

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$10.35	.82	.90			.05
10.60	.82	.90			.05
10.85	.82	.90			.05
11.10	.82	.90			.05
11.05	.82	.90			.05
11.10	.82	.90			.05
11.50	.82	.90			.05
11.55	.82	.90			.05
10.80	.82	.90			.05
11.05	.82	.90			.05
11.30	.82	.90			.05
11.55	.82	.90			.05
11.50	.82	.90			.05
11.55	.82	.90			.05
11.95	.82	.90			.05
12.00	.82	.90			.05
11.25	.82	.90			.05
11.50	.82	.90			.05
11.75	.82	.90			.05
12.00	.82	.90			.05
11.95	.82	.90			.05
12.00	.82	.90			.05
12.40	.82	.90			.05
12.45	.82	.90			.05

DECISION #1078-5017 (Cont'd) 1

LABORERS (AREA 1)
Benewah, Bonner, Boundary, Clearwater, Idaho County (north of the 46th parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties

LABORERS (AREA 1)

Building, Heavy and Highway Construction

- Group 1: Brush Hog Feeder; Concrete Crewman; Concrete Signalman; Crusher Feeder; Demolition Machine; Fence Erector; Plagman; General Laborer; Grout Machine; Header Tender; Nipper; Riprap Man; Scaffold Erector, wood or steel; Scaleman; Stake Jumper; Structural Mover; Tailhoesman (boom or nozzle); Timber Bucker and Faller (by hand); Truck Laborer (RN); Truck Loader; Well-point Man; Window Cleaner
- Group 2: Asphalt Batcher; Asphalt Roller, walking; Carpenter Tender; Concrete Finisher Tender; Cement Handler; Concrete Saw, walking; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine, feeder, stacker; Form Setter, paving; Grade Checker using level; Jackhammer Operator; Nozzleman (squeeze and fio-creta nozzle); Nozzleman, water, air or steam; Pavement Breaker; Pipelayer, corrugated metal Culvert; Pipelayer, multi-section; Pot Tender; power Buggy Operator; Power Tool Operator, gas, electric, pneumatic; Railroad equipment, power driven except dual mobile power spiker or puller; Railroad power spiker or puller, dual mobile; Rodder and Spreader; Sandblast Tailhoesman; Tamping; Trencher; Shawnee; Tugger Operator; Vibrator, under 4 inches; Wagon Drills; Water pipe Liner; Wheelbarrow, power driven

- Group 3). Air Track Drills; Brush Machines; Calson workers; free air;
Blow Gun; concrete pump and faller; Concrete Stack; Gunite; High Scales;
Shot Blasting Machine; Shot Blasting Machine; Shot Blasting Machine;
Small Laser Beam Operator; Monitor Operator; Air Track or
smaller mounting; Motor Mixer; Nozzle Man (jet blasting nozzle);
over 1200 lbs.; jet blast machine power-propelled, sandblast nozzle);
pipelayer (working topman, caulker, collarman, joinder, mortarmen,
rigger, jacker, shorer, valve or meter installer); pipecrapper;
Vibrator, 4 inches and over

- Group 4: Drilla with dual masta; Powderman; Welder, electric, manual or automatic

TUNNEL AND SHAFT, Free Air

- | | |
|----------|---|
| Group 5: | Bull Gang; Pump Creta Creman, including distributing |
| Class A: | Pipe, Assembling and dismantle and Nipper; Concrete
creman; Dungan |
| Class B: | Brakman; Finisher; Vibrator; Formmaster |
| Class C: | Miner and Nossaleman for concrete and Laser Beam
Operator on tunnels |
| Class D: | Raise and Shaft Miner; Laser Beam Operator on raises
and Shafts |

NOTICES

Change (Cont'd): Painters:	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Benawah, Bonner, Boundary, Clearwater, Idaho County (north of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties:	\$11.22	.40	.90		.02
Brush Spray; Steel; Stream Clean- ing; Rollers (over 9" or 10" handle); Finish Drywall Taper; Swing Stage; Over 30 ft. high	11.47	.40	.90		.02
Bitumastic; Sand Blast; Bridges; Towers; Stacks; Steelies; Tanks on legs Plasterers' Tenders:	11.57	.40	.90		.02
Benawah, Bonner, Boundary, Clearwater, Idaho County (north of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	11.62	.40	.90		.02
Plumbers: Remaining Counties and Idaho County (south of the 46th Parallel)	10.00	.82	.90		.05
Power Equipment Operators: (Area 1): Benawah, Bonner, Boundary, Clearwater, Idaho County (north of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties:	12.32	.79	1.10		.10
Zone 1:					
Group 1	9.80	1.00	1.40		.03
Group 2	10.10	1.00	1.40		.03
Group 3	10.65	1.00	1.40		.03
Group 4	10.80	1.00	1.40		.03
Group 5	10.95	1.00	1.40		.03
Group 6	11.20	1.00	1.40		.03
Group 7	11.45	1.00	1.40		.03

FEDERAL REGISTER, VOL. 43, NO. 107—FRIDAY, JUNE 2, 1978

MODIFICATIONS P.13

Change (Cont'd):	Basic (Cont'd)	Fringe Benefits Payments			
		H & W	Pentless	Vacation	Education and/or Appr. Tr.
Power Equipment Operators (Cont'd)					
(Area 1) (Cont'd):					
Benevuh, Bonner, Boundary,					
Clearwater, Idaho County					
(north of the 46th Parallel),					
Kootenai, Latah, Lewis, Nez					
Perce, Shoshone Counties:					
<u>Zone 2:</u>					
Group 1	\$10.45	\$1.00	\$1. 0		.03
Group 2	10.75	1.00	1.40		.03
Group 3	11.30	1.00	1.40		.03
Group 4	11.45	1.00	1.40		.33
Group 5	11.60	1.00	1.40		.03
Group 6	11.85	1.00	1.40		.03
Group 7	12.10	1.00	1.40		.03
<u>Zone 3:</u>					
Group 1	10.70	1.00	1.40		.03
Group 2	11.00	1.00	1.40		.03
Group 3	11.55	1.00	1.40		.03
Group 4	11.70	1.00	1.40		.03
Group 5	11.85	1.00	1.40		.03
Group 6	12.10	1.00	1.40		.03
Group 7	12.35	1.00	1.40		.03
<u>Zone 4:</u>					
Group 1	11.15	1.00	1.40		.03
Group 2	11.45	1.00	1.40		.03
Group 3	12.00	1.00	1.40		.03
Group 4	12.15	1.00	1.40		.03
Group 5	12.30	1.00	1.40		.03
Group 6	12.55	1.00	1.40		.03
Group 7	12.80	1.00	1.40		.03
<u>Zone 5:</u>					
Group 1	11.60	1.00	1.40		.03
Group 2	11.90	1.00	1.40		.03
Group 3	12.45	1.00	1.40		.03
Group 4	12.60	1.00	1.40		.03
Group 5	12.75	1.00	1.40		.03
Group 6	13.00	1.00	1.40		.03
Group 7	13.25	1.00	1.40		.03

MODIFICATIONS P. 14

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$7.76	.49	.10		.10
<p>Change (Cont'd.):</p> <p>Soft Floor Layers:</p> <p>Ada, Adams, Boise, Canyon, Elmore, Gem, Gooding County (western third of County including City of Bliss), Idaho County (south of the 46th Parallel), Owyhee, Payette, Valley, Washington Counties</p> <p>Truck Drivers:</p> <p>(Area 1):</p> <p>Benevah, Bonner, Boundary, Clearwater, Idaho County (north of the 46th Parallel) Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties:</p> <p>Zone 1:</p> <p>Group 1 10.98</p> <p>Group 2 11.02</p> <p>Group 3 11.08</p> <p>Group 4 11.17</p> <p>Group 5 11.38</p> <p>Group 6 11.42</p> <p>Group 7 11.48</p> <p>Group 8 11.52</p> <p>Group 9 11.63</p> <p>Group 10 11.67</p> <p>Group 11 11.98</p> <p>Group 12 12.12</p> <p>Group 13 12.28</p> <p>Group 14 12.42</p>				

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DECISION #1078-5017 (Cont'd):

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.58	\$1.07	.80		
11.62	1.07	.80		
11.66	1.07	.80		
11.77	1.07	.80		
11.98	1.07	.80		
12.02	1.07	.80		
12.08	1.07	.80		
12.12	1.07	.80		
12.23	1.07	.80		
12.27	1.07	.80		
12.58	1.07	.80		
12.72	1.07	.80		
12.88	1.07	.80		
13.02	1.07	.80		
13.83	1.07	.80		
11.87	1.07	.80		
11.93	1.07	.80		
12.02	1.07	.80		
12.23	1.07	.80		
12.27	1.07	.80		
12.33	1.07	.80		
12.37	1.07	.80		
12.48	1.07	.80		
12.52	1.07	.80		
12.83	1.07	.80		
12.97	1.07	.80		
13.13	1.07	.80		
13.27	1.07	.80		

Change (Cont'd):

Truck Drivers (Cont'd):
(Area 1) (Cont'd):
Beneah, Bonner, Boundary,
Clearwater, Idaho County
(north of the 46th Parallel),
Kootenai, Latah, Lewis, Nez
Perce, Shoshone Counties
Zone 4:
Group 1
Group 2
Group 3
Group 4
Group 5
Group 6
Group 7
Group 8
Group 9
Group 10
Group 11
Group 12
Group 13
Group 14
Zone 5:
Group 1
Group 2
Group 3
Group 4
Group 5
Group 6
Group 7
Group 8
Group 9
Group 10
Group 11
Group 12
Group 13
Group 14

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$12.28	\$1.07	.80		
12.32	1.07	.80		
12.38	1.07	.80		
12.47	1.07	.80		
12.68	1.07	.80		
12.72	1.07	.80		
12.78	1.07	.80		
12.82	1.07	.80		
12.93	1.07	.80		
12.97	1.07	.80		
13.28	1.07	.80		
13.42	1.07	.80		
13.58	1.07	.80		
13.72	1.07	.80		
12.68	1.07	.80		
12.72	1.07	.80		
12.78	1.07	.80		
12.87	1.07	.80		
13.08	1.07	.80		
13.12	1.07	.80		
13.18	1.07	.80		
13.22	1.07	.80		
13.33	1.07	.80		
13.37	1.07	.80		
13.68	1.07	.80		
13.82	1.07	.80		
13.98	1.07	.80		
14.12	1.07	.80		

NOTICES

DECISION #1078-5017 (Cont'd):

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$9.18	.85	.75	.60	.10
9.24	.85	.75	.60	.10
9.30	.85	.75	.60	.10
9.36	.85	.75	.60	.10
9.41	.85	.75	.60	.10
9.67	.85	.75	.60	.10
9.73	.85	.75	.60	.10
9.79	.85	.75	.60	.10
9.90	.85	.75	.60	.10
9.96	.85	.75	.60	.10
10.02	.85	.75	.60	.10
10.08	.85	.75	.60	.10
9.56	.85	.75	.60	.10
9.77	.85	.75	.60	.10
9.90	.85	.75	.60	.10
10.08	.85	.75	.60	.10
10.19	.85	.75	.60	.10
10.31	.85	.75	.60	.10
10.59	.85	.75	.60	.10
10.82	.85	.75	.60	.10
11.05	.85	.75	.60	.10
10.47	.85	.75	.60	.10
10.43	.85	.75	.60	.10
10.49	.85	.75	.60	.10
10.55	.85	.75	.60	.10
10.61	.85	.75	.60	.10
10.66	.85	.75	.60	.10
10.92	.85	.75	.60	.10
10.98	.85	.75	.60	.10
11.04	.85	.75	.60	.10
11.15	.85	.75	.60	.10
11.21	.85	.75	.60	.10
11.27	.85	.75	.60	.10
11.33	.85	.75	.60	.10

Change (Cont'd):

Truck Drivers (Cont'd):
(Area 2) (Cont'd):
Remaining Counties and Idaho
County (south of the 46th
Parallel):
Zone 2 (Cont'd):
Group 13 (Cont'd):
Class A
Class B
Class C
Class D
Class E
Class F
Class G
Class H
Class I
Group 14

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.81	.85	.75	.60	.10
11.02	.85	.75	.60	.10
11.15	.85	.75	.60	.10
11.33	.85	.75	.60	.10
11.44	.85	.75	.60	.10
11.56	.85	.75	.60	.10
11.84	.85	.75	.60	.10
12.07	.85	.75	.60	.10
12.30	.85	.75	.60	.10
11.72	.85	.75	.60	.10
\$12.15	.50	1.20		.01
11.95	.90	1.30		.05

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DECISION #IN78-2029 - MOD. #3
(43 FR 12581 - March 24, 1978)
Adams, Blackford, Boone, Carroll,
Cass, Clinton, DeKalb, Fountain,
Fulton, Hamilton, Hancock, Hend-
ricks, Howard, Huntington, Jay,
Johnson, Madison, Miami, Mont-
gomery, Morgan, Noble, Shelby,
Steuben, Tipton, Wabash, Warren,
Wells, White, & Whitley Counties,
Indians

CHANGE:
Asbestos Workers:
Remaining Cos.
Bricklayers; Stonemasons:
Adams, DeKalb, Huntington, Noble,
Steuben, Wells, & Whitley Cos.
Boone, Hancock, Hendricks, John-
son, Montgomery, & Morgan Cos.
Carroll, Clinton, Fountain,
Warren, & White Cos.
Cass & Fulton Cos.
Wabash Co.
Carpenters; Millwrights:
Piledrivers; Soft Floor Layers:
Boone, Fountain, Hamilton, Han-
cock, Hendricks, Johnson (excl-
Edinburgh), Montgomery, Morgan
(Exclu. Tps. of Washington &
Baker), Shelby (Camp Atterbury
Area, Motal, & Van Buren Tps.),
& Warren Cos.;
Carpenters; Millwrights:
Carroll, Clinton, & White Cos.;
Carpenters; Soft Floor Layers:
Millwrights; Piledrivers:
Cement Masons:
Adams, DeKalb, Noble, Steuben,
& Whitley Cos.
Blackford, Huntington, Jay,
Wabash, & Wells Cos.
Carroll, Cass, Clinton, Foun-
tain, Howard, Miami, Mont-
gomery, Warren, & White Cos.
Electricians:
Carroll, Cass, Fulton, & White
Cos.
Fountain & Warren Cos.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$12.15	.50	1.20			.01
11.34	.45	.30			.01
12.04	.40	.35			.06
11.24	.48	.60			.02
10.10	1.00	.40			
10.13	.85	.50			
12.30	.70	.60			.08
10.56	.60	.50			.02
10.91	.60	.50			.02
10.50	.75				.01
9.95	.60	.80			
10.00	.60	.75			
12.00	.50	3%			.42
12.27	.50	3%+.50			.25%

DECISION #IN78-2029 (Cont'd)

CHANGE:
Ironworkers:
Adams, Blackford, DeKalb, Hunt-
ington, Jay, Noble, Steuben,
Wabash, Wells, & Whitley Cos.
Boone (excl. NW 1/4), Clinton (E
1/4), Hamilton, Hancock, Hendricks,
Howard, Johnson, Madison, Mon-
gan, Shelby, & Tipton (excl.
NW 1/4) Cos.
Boone (NW 1/4), Carroll, Cass,
Clinton (Rem. of Co.), Fountain,
Miami, Montgomery, Tipton (NW
1/4), Warren, & White Cos.
Fulton Co.
Lathers:
Adams, DeKalb, Huntington,
Noble, Steuben, Wabash, Wells,
& Whitley Cos.
Carroll, Cass, Clinton, Howard,
Montgomery, Warren, & White
Cos.
Painters:
Clinton, Fountain, Montgomery,
& Warren Cos.;
Brush; Roller
Structural Steel
Sandblasting
Spray
Plasterers:
Adams, DeKalb, Noble, Steuben,
& Whitley Cos.
Plumbers; Steamfitters:
Adams, DeKalb, Huntington, Noble,
Steuben, Wells, & Whitley Cos.
Boone, Hamilton, Hancock, Hen-
dricks, Howard, Johnson, Miami
(So. of Rte #218), Morgan,
& Shelby, & Tipton Cos.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$11.55	.90	1.45			.02
11.95	.90	1.30			.05
11.14	.90	1.25			.02
11.45	.90	1.33			.03
10.60		.50			.01
10.56	.55	.35			.01
10.75					
11.00					
11.75					
14.02					
10.56	.60				
12.15	.55	.85			.07
12.40	.50	.80			.04

DECISION #IN78-2029 (Cont'd)

CHANGE:
Roofers:
Adams, DeKalb, Noble, Steuben,
Walls, & Whitley Cos.
Carroll, Cass, Clinton, Fountain,
Montgomery, Warren, & White
Cos.;
Composition, Damp & Waterproof
Slate, Tile, & Asbestos
Fulton Co.;
Composition, Damp & Waterproof
Slate, Tile, & Asbestos
Sheet Metal Workers:
Adams, Blackford, Cass, DeKalb,
Howard, Huntington, Jay, Miami,
Noble, Steuben, Wabash, Wells,
& Whitley Cos.
Terrazzo Workers; Tile Setters:
Adams, DeKalb, Huntington, Noble,
Steuben, Wells, & Whitley Cos.
Tile Setters:
Boone, Hancock, Hendricks,
Johnson, Montgomery, & Morgan
Cos.
Carroll, Clinton, Fountain,
Warren, & White Cos.
Power Equipment Operators:
Adams, Blackford, Carroll, Cass,
Clinton, DeKalb, Hamilton,
Hancock, Howard, Huntington,
Jay, Johnson, Madison, Miami,
Shelby, Steuben, Tipton, Wabash,
Wells, White, & Whitley Counties
Group 1
Group 2
Group 3
Group 4
ADD:
Terrazzo workers; Tile setters:
Wabash Co.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$10.90		.10			
11.65	.50	.28			
11.90	.50	.28			.03
10.95	.50	.40			.03
11.45	.50	.40			
11.98	.50	.60			.12
10.80					
11.51	.40	.35			.04
11.24	.48	.60			.02
9.65	1.00	.90			.01
	.55	.65			.09
	.55	.65			.09
	.55	.65			.09
10.13	.85	.50			

DECISION #IN78-2030 - MOD. #3
(43 FR 10169 - March 10, 1978)
Statewide, except Lake, LaPorte,
Porter, and St. Joseph Counties,
Indiana

CHANGE:
Cement Masons:
Adams, Allen, DeKalb, Noble,
Steuben, and Whitley Counties
Benton (Eastern 2/3), Carroll,
Cass, Clinton, Fountain (Eastern
1/4), Howard, Jasper (Southern
2/3), Miami, Montgomery, Newton
(Southeastern 2/3), Tippecanoe,
Warren (Eastern 2/3), & White
Cos.
Blackford, Delaware, Grant,
Huntington, Jay, Randolph,
Wabash, & Wells Cos.
Greene & Sullivan Cos.
Ironworkers:
Adams, Allen, Blackford, DeKalb,
Delaware (northeastern 1/3 of
Co.), Grant (excluding s/w
portion), Huntington, LaGrange
(eastern 1/4 of Co.), Noble,
Steuben, Wabash, Wells, &
Whitley Cos.
Elkhart, Fulton, Kosciusko,
LaGrange (western 1/4 of Co.),
Marshall, Pulaski, & Starke
Cos.
Marion Co.
Bartholomew, Boone (southeastern
1/4 of Co.), Brown, Clinton
(eastern 1/3 of Co.), Decatur
(western 1/4 of Co.), Delaware
(southern 2/3 of Co.), Grant
(S/W Portion), Hamilton, Han-
cock, Hendricks, Henry, Howard,
Jackson (northern 1/4 of Co.),
Jennings (northern 1/4 of Co.),
Johnson, Lawrence (northeastern
1/6 of Co.), Madison, Monroe,
Morgan, Owen, Putnam (eastern
1/4 of Co. excluding Greencastle),
Rush, Shelby, & Tipton Cos.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$10.50	.75				.01
10.00	.60	.75			
9.95	.60	.80			
11.35	.40	.70			.01
11.55	.90	1.45			.02
11.45	.90	1.33			.03
11.80	.90	1.30			.05
11.95	.90	1.30			.05

DECISION #IN78-2033 (Cont'd)

MODIFICATIONS P. 27

Basic Hourly Rates	H & W	Pensions	Vacation	Education Appr. Tr.				
CHANGE: Marble Setters' Finishers; Terrazzo Workers' Finishers; & Tile Setters' Finishers: Brown, Jackson, & Jennings Cos.; Marble Setters' Finishers; & Tile Setters' Finishers \$ 9.80								
DECISION #IN78-2031 - MOD. #3 (43 FR 12389 - March 24, 1978) Allen, Bartholomew, Benton, Dearborn, Delaware, Grant, Marion, Monroe, Tippecanoe, Vanderburgh, & Vigo Counties Indiana								
CHANGE: Asbestos Workers: Bartholomew, Benton, Delaware, Marion, Monroe, Tippecanoe, & Vigo Cos. Bricklayers; Marble Setters; Stonemasons; Terrazzo Workers; & Tile Setters: Allen Co.: Bricklayers; Marble Setters & Stonemasons Benton & Tippecanoe Cos.: Bricklayers; Marble Setters; & Terrazzo Workers Grant Co.: Bricklayers; Marble Setters; Stonemasons; Terrazzo Workers; & Tile Setters Marion Co.: Bricklayers; Stonemasons Marble Setters; Tile Setters Terrazzo Workers Vigo Co.: Bricklayers; Stonemasons Marble Setters; Terrazzo Workers; & Tile Setters Carpenters; Millwrights; Piledriversmen; & Soft Floor Layers: Allen Co.: Carpenters; Soft Floor Layers Millwrights; Piledriversmen Bartholomew Co. (Camp Atterbury) & Marion Co.: Carpenters; Millwrights Benton & Tippecanoe Cos.: Carpenters & Soft Floor Layers Millwrights & Piledriversmen								
\$ 9.80								
\$12.15	.50	1.20		.01				
11.34	.45	.30		.01				
11.24	.48	.60		.02				
11.24	.48	.60		.02				
10.13	.85	.50						
12.04	.40	.35		.06				
11.51	.40	.35		.04				
11.25	.40	.35		.03				
11.95	.40	.70		.01				
11.55	.40	.70		.01				
10.57	62a			.08				
10.90	62a			.08				
12.30	.70	.60		.08				
10.56	.60	.50		.02				
10.91	.60	.50		.02				

NOTICES

DECISION #1N78-2051 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.50	.75			.01
10.00	.60	.75		
9.95	.60	.80		
12.00	.50	3%		1/2
12.50	.70	32+.60		.5%
12.80	.70	32+.60		.5%
12.90	.70	32+.60		.5%
13.05	.70	32+.60		.5%
11.60	.50	32+.50		.01
13.05	.50	3%		1/2
12.10	.50	32+.50		.01
10.905	.48	.50	.25	
11.55	.90	1.45		.02
11.95	.90	1.30		.05
11.80	.90	1.30		.05
11.14	.90	1.25		.02
10.60	.50	.50		.01
10.54	.55	.35		.01
13.32		.25		.025

CHANGE:

Cement Masons:

Allen Co.

Benton & Tippecanoe Cos.

Delaware & Grant Cos.

Electricians:

Benton & Tippecanoe Cos.

Dearborn Co.:

Up to & incl. 18 mi. radius
from Hamilton Co., Ohio Court
House

Over 18 mi. radius up to & incl.

21 mi. radius from Hamilton

Co., Ohio Court House

Over 21 mi. radius up to & incl.

25 mi. radius from Hamilton

Co., Ohio Court House

Over 25 mi. radius from Hamilton

Co., Ohio Court House

Monroe Co.

Vanderburgh Co.

Vigo Co.

Glaziers:

Vanderburgh County

Ironworkers:

Allen, Delaware (Northeastern

1/3 of Co.) & Grant (excluding

a/v portion) Cos.

Bartholomew, Delaware (Southern

2/3 of Co.), Grant (a/v portion)

& Monroe Cos.

Marion County

Benton & Tippecanoe Counties

Lathers:

Allen County

Benton & Tippecanoe Counties

Dearborn County

MODIFICATIONS P. 29

DECISION #IN78-2051 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
CHANGE:				
Marble Setters' Finishers; Terrazzo Workers' Finishers; & Tile Setters' Finishers: Bartholomew, Delaware, Grant, Marion, Monroe, & Tippecanoe Cos.:				
Marble Setters' Finishers; & Tile Setters' Finishers	\$ 9.80			
Dearborn Co.:				
Marble Setters' Finishers	10.885			
Terrazzo Workers' Finishers	10.835			
Tile Setters' Finishers	10.785			
Painters:				
Benton & Tippecanoe Cos.:				
Brush	10.75			
Structural Steel	11.00			
Sandblasting	11.75			
Spray	14.02			
Pipefitters; Plumbers; & Steamfitters:				
Bartholomew (Camp Atterbury), & Marion Cos.	12.40	.80		.04
Plasterers:				
Allen Co.	10.54	.60		
Plumbers; Steamfitters:				
Allen Co.	12.15	.85		.07
Roofers:				
Allen County:				
Roofers	10.90	.10		
Pitch Work	11.15	.10		
Benton & Tippecanoe Counties:				
Composition	11.65	.28		
Slate, Tile & Asbestos	11.90	.50		
Sheet Metal Workers:		.28		
Allen and Grant Counties	11.98	.50		.12
Terrazzo Workers; Tile Setters:				
Allen County	10.80			

NOTICES

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
CHANGE:				
Power Equipment Operators: Allen, Benton, Delaware, Grant, Marion, & Tippecanoe Counties				
Group 1	.55	.65		.06
Group 2	.55	.65		.09
Group 3	.55	.65		.09
Group 4	.55	.65		.09
Line Construction:				
Vanderburgh County				
Linemen; Line Truck Operators; Hole Digger; Stool Handling Cable Splicer				
Groundman	.50	32+.60		1/2
Truck Driver	.50	32+.60		1/2
OMIT:				
Line Construction (Dearborn Co.)				
ADD:				
Line Construction (Dearborn Co.)				
LINE CONSTRUCTION				
Dearborn County				
Up to & including 18 mi. radius of Hamilton Co., Court House, Cincinnati, Ohio				
Linemen; Operator all mechanized equipment operators	.70	32+.60		.5%
Groundmen	.70	32+.60		.5%
Over 18 up to & including 21 mi. radius of Hamilton Co., Court House, Cincinnati, Ohio				
Linemen; Operators all mech- anized equipment operators	.70	32+.60		.5%
Groundmen	.70	32+.60		.5%
Over 21 up to & including 25 mi. radius of Hamilton Co., Court House, Cincinnati, Ohio				
Linemen; Operators all mech- anized equipment operators	.70	32+.60		.5%
Groundmen	.70	32+.60		.5%
Over 25 mi radius of Hamilton Co., Court House, Cincinnati, Ohio				
Linemen; Operators all mech- anized equipment operators	.70	32+.60		.5%
Groundmen	.70	32+.60		.5%

DECISION #IN78-2052 - MOD. #3
(43 FR 12598 - March 24, 1978)
Fayette, Franklin, Henry, Ohio,
Randolph, Ripley, Rush, Union
& Wayne Counties, Indiana

CHANGE:
Asbestos Workers:
Henry & Rush Cos.
Cement Masons:
Randolph Co.
Electricians:
Ohio Co.:
Up to & incl. 18 mi. radius
from Hamilton Co. Court House
in Cincinnati, Ohio
Over 18 mi. radius up to &
incl. 21 mi. radius from
Hamilton Co. Court House in
Cincinnati, Ohio
Over 21 mi. radius up to &
incl. 25 mi. radius from
Hamilton Co. Court House in
Cincinnati, Ohio
Over 25 mi. radius from
Hamilton Co. Court House in
Cincinnati, Ohio
Ironworkers:
Fayette (Part of Co.), Henry, &
Rush Cos.
Randolph Co. (Rem. of Co.)
Lathers:
Franklin, Ohio, Ripley, & Union
Cos.
Power Equipment Operators:
Fayette, Henry, Randolph, Rush,
Union, & Wayne Counties
Group 1
Group 2
Group 3
Group 4

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$12.15	.50	1.20		.01
9.95	.60	.80		
12.50	.70	324.60		.52
12.80	.70	324.60		.52
12.90	.70	324.60		.52
13.05	.70	324.60		.52
11.95	.90	1.30		.05
11.55	.90	1.45		.02
13.32		.25		.025
11.90	.55	.65		.09
11.00	.55	.65		.09
9.10	.55	.65		.09
8.10	.55	.65		.09

NOTICES

DECISION #LA78-4013 - Mod. #4
(43 FR 7125 - February 17, 1978)
Boasler, Caddo & Calcasieu
Parishes, Louisiana

CHANGE:
Asbestos workers:
Boasler & Caddo Parishes
Ironworkers:
Boasler & Caddo Parishes
Laborers:
Boasler & Caddo Parishes:
Group 1
Group 2
Group 3
Group 4
Calcasieu Parish - Group 1
Group 2
Group 3
Group 4
Group 5
Group 6
Group 7

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$10.43	.40	.76		.03
10.75	.45	.90		.06
6.50	.20	.10		.05
6.60	.20	.10		.05
6.65	.20	.10		.05
6.70	.20	.10		.05
7.80	.20	.10		.05
7.90	.20	.10		.05
7.95	.20	.10		.05
8.76	.20	.10		.05
8.32	.20	.10		.05
8.16	.20	.10		.05
7.85	.20	.10		.05
6.32	.20	.10		.05
6.32	.20	.10		.05
7.80	.20	.10		.05
7.90	.20	.10		.05
7.95	.20	.10		.05
8.76	.20	.10		.05
8.32	.20	.10		.05
8.16	.20	.10		.05
7.85	.20	.10		.05
5.91	.20	.10		.05
6.11	.20	.10		.05
6.16	.20	.10		.05
6.21	.20	.10		.05
6.56	.20	.10		.05
6.60	.20	.10		.05
4.65	.20	.10		.05
6.70	.20	.10		.05

DECISION #LA78-4052 - Mod. #2
(43 FR 20659 - May 12, 1978)
Statewide Louisiana

CHANGE:
Asbestos workers - Zone 2
Zone 3
Cement masons (Building Construction):
Zone 6
Zone 7
Ironworkers (Building Construction):
Zone 3
Laborers (Building Construction):
Zone 2 - Group 1
Group 2
Zone 3 - Group 1
Group 2
Group 3
Group 4
Group 5
Group 6
Group 7
Zone 8 - Group 1
Group 2
Group 3
Group 4
Group 5
Group 6
Zone 9 - Group 1
Group 2
Group 3
Group 4

DECISION #LA78-4052 (CONT'D.)
Laborers (Bldg. Const.) (Cont'd.)
Zone 10 - Group 1
Group 2
Group 3
Painters - Zone 3 - Group 1
Group 2
Group 3
Plumbers & pipefitters - Zone 4

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$ 6.25	.20	.10		.05
6.35	.20	.10		.05
6.50	.20	.10		.05
8.965	.425	.40		.06
9.34	.425	.40		.06
10.215	.425	.40	.95	.06
10.14	.50	.60		.09

DECISION #SN77-2043 - Mod. #4
(42 FR 23190 - May 6, 1977)
Anoka, Carver, Hennepin, Scott,
Dakota, Ramsey & Washington
Counties, Minnesota

CHANGE:
POWER EQUIPMENT OPERATORS:
SITE PREPARATION, EXCAVATION
& INCIDENTAL PAVING
GROUP 1
GROUP 2
GROUP 3
GROUP 4
GROUP 5
GROUP 6
GROUP 7

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$14.60	.55	.50		
12.95	.55	.50		
12.70	.55	.50		
12.10	.55	.50		
11.75	.55	.50		
11.65	.55	.50		
11.40	.55	.50		
11.28	.55	.50		
11.20	.55	.50		
10.93	.55	.50		
10.45	.55	.50		
10.00	.55	.50		

CLASS 1 - Helicopter Operator
CLASS 2 - Truck & Crawler Cranes with 300' of Boom and over, including jib
CLASS 3 - Truck & Crawler Cranes w/200' of Boom, up to and not including 300'
of Boom, including jib
CLASS 4 - Truck & Crawler Cranes with 150' of Boom, up to and not including
200' of Boom, including jib
CLASS 5 - Traveling Tower Crane
CLASS 6 - Master Mechanic; Pile Driving Operator
CLASS 7 - Truck & Crawler Cranes up to 150' of Boom, including jib; Derrick
(Guy & Stiffleg); Hoist Engineer (3 drums or more); Locomotive Operator;
Overhead Crane Operator (Inside Building Perimeter); Tower Cranes - Stationary
Tractor Operator with Boom; All Terrain Vehicle Operator; Fireman, Chief License
CLASS 8 - Air Compressor Operator, 375 CFM or over; Pump Operator and/or
Conveyor Optr., (2 or more machines); Hoist Engineer (two drum); Mechanic or
Welder; Pumpcrete or Compaco-type Machine Operator; Forklift
CLASS 9 - Boom Truck Operator; Concrete Mixer Operator; Drilling Rigs - Heavy
Rotary or Churn when used for caisson drilling for Elevator Cylinder or
Building Construction; Front End Loader Operator; Hoist Engineer (one drum);
Straddle Carrier Operator; Power Plant Engineer (100 KW and over on multiples
equal to 100 KW and over); Tractor Operator over D2; Well Point Pump Operator
CLASS 10 - Concrete Batch Plant Operator; Fireman, First Class License; Gunite
Operator; Tractor Operator D-2 or similar size; Front End Loader Operator, up
to 1 cu. yd.
CLASS 11 - Air Compressor Optr., 375 CFM or over; Pump and/or Conveyor Optr.;
Fireman, Temporary Heat; Brakeman; Pick-up Sweeper (1 cu. yd. and over hopper
capacity); Truck Crane Oiler; Welding Machine Optr. (see Schedule 16 on Air
Comp., Pumps, Conveyors, Welding Mach.
CLASS 12 - Mechanical Space Heater (Temporary Heat); Oiler or Greaser; Elevator
Operator

NOTICES

DECISION #N77-2046 - (CONT'D)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
CLASS 1 - Helicopter Operator				
CLASS 2 - Truck & Crawler Cranes with 300' of Boom and over, including jib				
CLASS 3 - Truck & Crawler Cranes w/200' of Boom, up to and not including 300' of Boom, including jib				
CLASS 4 - Truck & Crawler Cranes with 150' of Boom, up to and not including 200' of Boom, including jib				
CLASS 5 - Master Mechanic; Pile Driving Operator				
CLASS 6 - Truck & Crawler Cranes up to 150' of Boom, including jib; Derrick (Guy & Stiffleg); Hoist Engineer (3 drums or more); Locomotive Operator; Overhead Crane Operator (Inside Building Perimeter); Tower Cranes - Stationary				
CLASS 7 - Tractor Operator with Boom; All Terrain Vehicle Cranes; Fireman, Chief Licensee				
CLASS 8 - Air Compressor Operator, 375 CFM or over; Pump Operator and/or Conveyor Opr., (2 or more machines); Hoist Engineer (two drum); Mechanic or Welder; Pumpcrete or Comploc-type Machine Operator; Forklift				
CLASS 9 - Boom Truck Operator; Concrete Mixer Operator; Drill Rigs - Heavy Rotary or Churn when used for caisson drilling for Elevator Cylinder or Building Construction; Front End Loader Operator; Hoist Engineer (one drum); Straddle Carrier Operator; Power Plant Engineer (100 KW and over on multiples equal to 100 KW and over); Tractor Operator over D2; Well Point Pump Operator				
CLASS 10 - Concrete Batch Plant Operator; Fireman, First Class License; Gunite Operator; Tractor Operator D-2 or similar size; Front End Loader Operator, up to 1 cu. yd.				
CLASS 11 - Air Compressor Opr., 375 CFM or over; Pump and/or Conveyor Opr.; Fireman, Temporary Heat; Brakeman; Pick-up Sweeper (1 cu. yd. and over hopper capacity); Truck Crane Oiler; Welding Machine Opr. (see Schedule 16 on Air Comp., Pumps, Conveyors, Welding Mach.				
CLASS 12 - Mechanical Space Heater (Temporary Heat); Oiler or Greaser; Elevator Operator				

DECISION #N77-2046 - MOD. #3
(42 FR 23404 - May 6, 1977)
Benton, Sherburne & Stearns
Counties, Minnesota

CHANGE:

POWER EQUIPMENT OPERATORS:
SITE PREPARATION, EXCAVATION,
& INCIDENTAL PAVING
Sherburne Co. (South of the
Northern Boundary of T-13-N &
East of the Western Boundary
of R-27-W)

Remainder of Benton & Stearns
Counties

GROUP 1
GROUP 2
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DECISION #PA78-3017 - Mod. #1
(43 FR 19574 - May 5, 1978)
Carbon, Monroe Counties, including
Toboyhanna Army Depot and Pike County,
Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Change: Carpenters Zone 4	\$11.18	.64	.50			.05
Laborers: Zone 1	9.30	.48	.59			
Class 1	9.45	.48	.59			
Class 2	9.70	.48	.59			
Class 3						
Zone 2	7.96	.35	.45			
Class 1	8.21	.35	.45			
Class 2	8.36	.35	.45			
Class 3	8.98	.35	.45			
Class 4	8.71	.35	.45			
Class 5						
Marble Setters Zone 1	9.05	1.00	1.15			
Millwrights Zone 1	11.93	.64	.50			.05
Power Equipment Operators: Group 1	12.44	74	10.34	a		1.84
Group 2	12.15	74	10.34	a		1.84
Group 3	11.28	74	10.34	a		1.84
Group 4	10.51	74	10.34	a		1.84
Group 5	10.04	74	10.34	a		1.84
Group 6	9.13	74	10.34	a		1.84
Group 7	12.69	74	10.34	a		1.84
Group 7-A	12.94	74	10.34	a		1.84
Group 7-B	13.18	74	10.34	a		1.84
Terrazzo Workers: Zone 1	9.30	1.00	1.15			
Tile Setters: Zone 1	9.05	1.00	1.15			
Truck Drivers: Class 1	8.97					
Class 2	9.04					
Class 3	9.53					

DECISION #PA78-3045 - Mod. #1
(43 FR 20714 - May 12, 1978)
Lackawanna, Susquehanna, Wayne, and
Wyoming Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Change: Carpenters: Lackawanna, Susquehanna, and Wayne Counties Wyoming County: East of Susquehanna River Electricians: West of Susquehanna River Laborers: Lackawanna, Wayne, Susquehanna, & Northern part of Wyoming Co.: Unskilled and Window Cleaners Semi skilled Laborers: Jackhammer operators, (each man when two hammer) vibrator and buster men wagon drill and all men handling dynamite, gas buggies 2" pumps and concrete mixers (up to 2 bags), and all pneumatic tools: Plaster tenders and mason tenders and handling of all material to be used masons & scaffold builders Non-metallic pipe layers and making of joints, clay, terra cotte, ironstone, vitrified concrete handling of burning torches, asphalt or other material Millwrights Lackawanna, Susquehanna, and Wayne Counties Wyoming County East of Susquehanna River	\$10.67 10.67 11.24 9.30 9.45 9.70 9.45 11.25 11.25	.64 .64 .65 .48 .48 .48 .48 .64 .64	.50 .50 34+.85 .59 .59 .59 .59 .50 .50			.05 .05 .03

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
DECISION #TX77-4264 - Mod. #5 (42 FR 53168 - September 30, 1977) Tom Green County, Texas Change: Bricklayers	\$ 9.50					
DECISION #TX78-4014 - Mod. #3 (43 FR 7132 - February 17, 1978) Gregg County, Texas Change: Asbestos workers	10.43	.40	.76			.03
DECISION #TX78-4017 - Mod. #1 (43 FR 10272 - March 10, 1978) Taylor County, Texas Change: Asbestos workers	10.43	.40	.76			.03
DECISION #TX78-4028 - Mod. #2 (43 FR 16112 - April 14, 1978) Armstrong, Carson, Castro, Child- ress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hans- ford, Hartley, Hemphill, Hutch- inson, Lipscomb, Moore, Ochil- tree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas Change: Electricians: Zone 2 - Cable splicers Glaziers	10.85 11.10 7.90	.40 .40	3% 5%			1/10% 1/10%
DECISION #TX78-4032 - Mod. #1 (43 FR 16119 - April 14, 1978) Bowie County, Texas Change: Asbestos workers Ironworkers	10.43 10.75	.40 .45	.76 .90			.03 .06
DECISION #TX78-4033 - Mod. #1 (43 FR 16120 - April 14, 1978) Brazos County, Texas Change: Electricians	11.65	.55	10%			.06

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
DECISION #TX78-4035 - Mod. #1 (43 FR 16122 - April 14, 1978) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Cos., Texas Change: Asbestos workers Electricians: Zone 1 - Electricians Cable splicers Zone 2 - Electricians Cable splicers	\$10.43 11.13 11.38 11.03 12.13	.40 .60 .60 6% 6%	.76 7% 7% 7% 7%			.03 7/10% 7/10% 1% 1%
DECISION #TX78-4036 - Mod. #4 (43 FR 16125 - April 14, 1978) El Paso County, Texas Change: Ironworkers	8.90	.55	1.00			.15
DECISION #TX78-4037 - Mod. #2 (43 FR 16127 - April 14, 1978) Galveston & Harris Cos., Texas Change: Electricians - Harris Co. Roofers	11.65 9.61	.55 .42	10% .35	.25		.06 .06
DECISION #TX78-4038 - Mod. #1 (43 FR 16129 - April 14, 1978) Harrison County, Texas Change: Asbestos workers	10.43	.40	.76			.03
DECISION #TX78-4040 - Mod. #4 (43 FR 16131 - April 14, 1978) Jefferson & Orange Cos., Texas Change: Roofers	9.61	.42	.35	.25		.06
DECISION #TX78-4041 - Mod. #2 (43 FR 16133 - April 14, 1978) Lubbock County, Texas Change: Cement masons	7.80					

STATE: Michigan
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. M177-2125, dated September 16, 1977 in 42 FR 46892
DESCRIPTION OF WORK: Highway, Bridge, Airport and Sewer Construction exclusive of Buildings

SUPERSEDES DECISION

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
DECISION #TX78-4043 - Mod. #4 (43 FR 16134 - April 14, 1978) Trawla County, Texas Changes: Cement masons Electricians Line Construction: Linemen Groundmen Groundmen (1st year) Plumbers & pipefitters	\$ 9.24 11.10 11.24 6.18 5.62 11.20	.55 8% 3% 3% 3% 3%			.8% 1/10% 1/10% 1/10% 1/10% 1/10%
DECISION #TX78-4044 - Mod. #2 (43 FR 16136 - April 14, 1978) Michite County, Texas Changes: Asbestos workers Electricians: Zone 1 - Electricians Zone 2 - Cable splicers Cable splicers	10.43 10.50 10.75 10.85 11.10	.40 3% 3% 3% 3%	.76		.03 1/10% 1/10% 1/10% 1/10%
DECISION #VA78-3040 - Mod. #1 (43 FR 19579 - May 5, 1978) Radford Army Ammunition Plant, Virginia Changes: DECISION No. 1: VA78-3040 Supersedes Decision No. VA77-3088 dated July 1, 1977 in 42 FR 34261					

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
CARPENTERS: ZONE 1 MACOMB, MONROE, OAKLAND, ST. CLAIR & WAYNE COUNTIES; in LIVINGSTON COUNTY The Townships of Brighton, Deerfield, Genoa, Hartland, Osceola & Tyrone, in SANILAC COUNTY That part East of a line projected North & continuing the East Lapeer & West St. Clair county line to South Huron County line ZONE 2E ARENAC, BAY, CLARE, CLINTON, GENESSEE, GLADWIN, GRATOT, HURON, INGHAM, ISABELLA, IOSCO, JACKSON, LAPEER, LENAWEE, MIDLAND, OGDEN, SAGINAW, SHIawassee, TUSCOLA & WASHTENAW COUNTIES; the Remainder of LIVINGSTON & SANILAC COUNTIES; in EATON COUNTY, All but the townships of Bellevue, Kalamo, Vermontville & Walton; in IONIA COUNTY, the Townships of Danby, Orange, Portland & Seveva ZONE 2W ALLEGAN, BARRY, BRANCH, CALHOUN, CASS, HILLSDALE, KALAMAZOO, KENT, LAKE, MANISTEE, MASON, MESOTA, MONTCALM, MUSKEGON, NEWAGO, OCEANA, OTTAWA, ST. JOSEPH & VAN BUREN COUNTIES; the Remainder of EATON & IONIA COUNTIES; in BERRIEN COUNTY, all but the townships of Chicala, New Buffalo & 3 Oaks; in BENZIE COUNTY, the Townships of Blaine, Colfax, Crystal, Lake Gimore, Joyfield & Weldon	10.48 10.38 10.38 10.25	.75 .60 .60 .60	98 .60 .60 .60	118 .01 .01 .01	.04 .01 .01 .01

NOTICES

DECISION NO. M178-2054

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
CARPENTERS (CONT'D) ZONE 3LP ALCONA, ALPENA, ANTRIM, CHARLEVOIX, CHEBOYGAN, CRAWFORD, LEVICK, GRAND TRAVERSE, KALKASKA, LEELEAUNAW, MIS-SAUKEE, MONTMORENCY, OSCEOLA, OSCADA, OTSEGO, PRESQUE, ISLE ROUSSEAU & WEXFORD COUNTIES & The remainder of BENZIE COUNTY ZONE 3UP ALGER, BARAGA, CHIPPEWA, DELTA, DICKINSON, GOGEBIC, HOUGHTON, IRON, KENOSIA, LUCE, MAKINAC, MARQUETTE, MONMINEE, ONTONAGON & SCHOOLCRAFT COUNTIES ZONE 4 THE REMAINDER OF BERRIEN COUNTY CEMENT MASONS: ZONE 1 GENESSEE, LIVINGSTON, MACOMB, MONROE, OAKLAND, SAGINAW, WASHTENAW & WAYNE COUNTIES; Cement masonry related to Highway, Road & Street Construction ZONE 2 - Remainder of State PAINTERS: KINT, MONTCALM, MECOSTA & the West 1/2 of IONIA COUNTIES only: Brush Bridges over Highway or Railroads Steam Cleaning/Sandblasting; Bridge Work over Rivers or Lakes, Spray & Pressure Roller	10.14 10.09 12.03 11.65 11.30 8.55 8.80 9.05	.60 .60 .50 .50 .50 .50 .50 .50	.60 .60 .57 .50 .50 .25 .25 .25		.01 .01 .05 .02 .02 .02 .02 .02

DECISION NO. M178-2054

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
IRONWORKERS: STRUCTURAL & REINFORCING ZONE 1 Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon & Schoolcraft Counties ZONE 2 Emmet, Charlevoix, Antrim, Leelanau, Benzie, Grand Traverse, L'Anse-au-Loup, Manistee, Wexford, Missaukee, Lake, Osceola, Oceana, Mecosta, Newaygo, Muskegon, Kent, Montcalm, Ottawa, Ionia, Allegan, Barry, Eaton, Van Buren, Kalamazoo, Calhoun, St. Joseph, Branch & Hilldale Counties ZONE 3 Remainder of State Structural Reinforcing	9.50 10.70 11.18 10.10	.50 .60 85 1.23	1.00 1.00 148 158	1.40 1.40 174 158	.04 .08 .09 .07

NOTICES

PAGE 5

SW LAB OC

DECISION NO. M178-2054

LABORERS:

OPEN CUT CONSTRUCTION
ZONE 1 - WAYNE, OAKLAND &
MACOMB COUNTIES

CLASS	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
CLASS A	9.60	9.02	8.73	8.44
CLASS B-1	9.36	8.75	8.48	8.10
CLASS B-2	9.21	8.66	8.57	8.41
CLASS C	9.00	8.65	8.36	8.21
CLASS D	9.13	8.57	8.29	8.04
CLASS E	9.00	8.39	8.11	7.82
CLASS F	8.92	8.33	8.04	7.70
CLASS G	8.89	8.23	7.95	7.65

FRINGE BENEFITS FOR ALL ZONES

AND ALL CLASSIFICATIONS

\$.65 Health & Welfare

.35 Pension

.85 Vacation and Holiday

.04 Apprentice Training

CLASS A - Line form setter for curb or pavement

CLASS B - Pipe Layers, oxygen gun

CLASS B-1 - Asphalt Raker

CLASS B-2 Asphalt tamper and asphalt taker helper

CLASS C - Tunnel miner (highway work only), finishers tenders, guard rail builder, highway and median barrier installer, fence erector, bottom man, powderman, wagon drill and air track operators, curb and side rail setters' helpers, diamond and core drills.

CLASS D - Mixer operator (less than 5 sacks), air or electric tool operator (Jack

hammer, etc.), spreader, boxman (asphalt, stone, gravel, etc.), concrete padder

power chain saw operator, paving batch truck driver, asphalt screed chucker,

grade checker and tunnel mucker (highway work only), concrete saw (under 40 h.p.)

and dry pack machine

CLASS E - Cement handler or dockman, topman, asphalt dust handler

CLASS F - Asphalt shoveler, or loader, asphalt palt misc., aze man, batch bin (no

power), burlap man, carpenters' helpers, subgrade labor (hand tools), yard man,

guard rail builder's helper, highway and median barrier installer's helper,

fence erector helper, dumper (wagon, truck, etc.), jetting labor, joint filling

labor, misc. unskilled labor; powder monkey (helpers) sprinkler labor, form sett-

ing labor, pavement reinforcing, handling and placing (e.g. wire mesh, steel

mats, Dowell boards, etc.), masons or bricklayer tender on manholes, headwall,

etc.

ZONE DEFINITIONS

ZONE 1 - Genesee, Macomb, Monroe, Oakland, Washtenaw, & Wayne Counties

ZONE 2 - Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clair, Clinton,

Eaton, Gratiot, Hillsdale, Huron, Ingham, Jackson, Kalamazoo, Lapeer, Lenawee,

Livingston, Midland, Muskegon, St. Joseph, Saginaw, Sanilac, Shiawassee,

Tuscola, & Van Buren

ZONE 3 - Alcona, Alpena, Arenac, Baraga, Benzie, Charlevoix,

Cheboygan, Chippewa, Clare, Crawford, Delta, Dickinson, Emmet, Gladwin, Geoghele,

Grand Traverse, Houghton, Iosco, Iron, Isabella, Kalamazoo, Keweenaw, Lake,

Leelanau, Luce, Mackinac, Manistee, Marquette, Mason, menominee, Missaukee,

Montmorency, Newaygo, Oceana, Ogemaw, Ontonagon, Oscoda, Otsego, Presque

Ile, Roscommon, Schoolcraft, and Wexford Counties

ZONE 4 - Jackson, Hillsdale &

LENAWEE COUNTIES

ZONE 5 - CLINTON, EATON, INGHAM,

WESTERN PART OF LIVINGSTON &

CITY OF PORTLAND IN IONIA

COUNTY

CLASS 1

CLASS 2

CLASS 3

CLASS 4

CLASS 5

CLASS 1

CLASS 2

CLASS 3

CLASS 4

CLASS 5

CLASS 1

CLASS 2

CLASS 3

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PAGE 6

SW LAB OC

DECISION NO. M178-2054

LABORERS:

OPEN CUT CONSTRUCTION
ZONE 6 - GENESSEE, LAPEER &
SHIAWASSEE COUNTIES

CLASS	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
CLASS 1	7.50	.55	.55	.04
CLASS 2	7.60	.55	.55	.04
CLASS 3	7.70	.55	.55	.04
CLASS 4	7.75	.55	.55	.04
CLASS 5	7.85	.55	.55	.04

ZONE 7 - SAGINAW, BAY, MIDLAND
GRATIOT, TUSCOLA, ISABELLA,
HURON, CLARE, GLADWIN, A RENAC,
ROSCOMMON & OCEANA COUNTIES

CLASS	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
CLASS 1	7.65	.55	.55	.04
CLASS 2	7.75	.55	.55	.04
CLASS 3	7.85	.55	.55	.04
CLASS 4	7.90	.55	.55	.04
CLASS 5	8.00	.55	.55	.04

ZONE 8 - BARRY, CALHOUN, BRNACH,
ALLEGAN, KALAMAZOO, ST. JOSEPH,
VAN BUREN, BERRIEN, CASS, MUS-
KOGON, OCEANA, NEWAGO, S.W.
PART OF EATON TO CITY OF
OLIVET & EASTERN PART OF LAKE
COUNTY

CLASS	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
CLASS 1	6.65	.55	.55	.04
CLASS 2	6.75	.55	.55	.04
CLASS 3	6.85	.55	.55	.04
CLASS 4	6.90	.55	.55	.04
CLASS 5	7.00	.55	.55	.04

ZONE 9 - OSCOLA, MOCOSTA, KENT,
MONTICALLY, OTTAWA, IONIA (EX-
CEPT CITY OF PORTLAND) COUNTIES

CLASS	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
CLASS 1	6.10	.55	.55	.04
CLASS 2	6.20	.55	.55	.04
CLASS 3	6.30	.55	.55	.04
CLASS 4	6.35	.55	.55	.04
CLASS 5	6.45	.55	.55	.04

PAGE 7

SW LAB OC

DECISION NO. M178-2054

LABORERS:

OPEN CUT CONSTRUCTION
ZONE 10 - MANISTEE, MASON,
EMMETT, CHEBOYGAN, ANTRIM,
CHARLEVOIX, OTSEGO, LEELENAU,
BENZIE, GRAND TRAVERSE, KALKA-
SKA, CRAWFORD, WEXFORD, MIST-
SAUREE, PRESQUE ISLE, MONT-
MORENCY, ALPENA, OSCODA,
ALCONA & IOSCO COUNTIES

CLASS	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
CLASS 1	5.75	.55	.55	.04
CLASS 2	5.85	.55	.55	.04
CLASS 3	5.95	.55	.55	.04
CLASS 4	6.00	.55	.55	.04
CLASS 5	6.10	.55	.55	.04

ZONE 11 - ENTIRE UPPER
PENINSULA

CLASS	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates
CLASS 1	6.77	.55	.55	.04
CLASS 2	6.87	.55	.55	.04
CLASS 3	6.97	.55	.55	.04
CLASS 4	7.02	.55	.55	.04
CLASS 5	7.07	.55	.55	.04

LABORERS: OPEN CUT CONSTRUCTION
CLASS 1 - Construction Laborer
CLASS 2 - Mortar & Material Mixers, Concrete form man, Signal Man, Well Point
Man, Manhole, Headwall & Catch Basin builder, Guard Rail Builders & Fence
Erectors
CLASS 3 - Air, Gasoline, Electric Tool Oper., Vibrator Oper., Driller, Pumpman
Tar Kettle Oper., Dracers, Rodder, reinforced Steel or mesh (under 40 H.P.)
Windlass & Tugger Man
CLASS 4 - Trench or Excavating Grade Man
CLASS 5 - Pipelayers (inclu. crock, metal pipe, multi-plate or other conduits)

DECISION NO. M178-2054

POWER EQUIPMENT OPERATORS:
UNDERGROUND CONSTRUCTIONZONE 1
*JURISDICTION BELOW

CLASS I
CLASS II
CLASS III
CLASS IV

MICH-8-PED-U-2-1

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
10.61	.80	1.00	10%	.05
10.49	.80	1.00	10%	.05
9.83	.80	1.00	10%	.05
9.31	.80	1.00	10%	.05

CLASS I - Power Shovel, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end-loader (over 14 cu. yd. cap.), scraper, self-propelled or tractor drawn), dozer (9 blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant oper., concrete), backfiller tamper, well drilling rig, slip form paver, slope paver conveyor loader (euclid type) grader

CLASS II - Trencher (8' digging capacity & smaller), end-loader 14 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller or diesel powered or powered by generator of 300 amps or more - inclusive of other than backhoe or front end-loader), crusher

CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors (600 cu. ft. per min or larger), pumpcrete machine (and similar equipment) (mechanic helper, maintenance man, boom truck (non-swinging, non-powered or diesel powered), pump (2 or more 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum 4 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck mounted - includes compressor)

CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hours or more a day - gas or diesel powered - excluding equipment, self propelled (6' wider over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt, curing machine (self-propelled), concrete saw (40 H. P. or over)

*JURISDICTION: WAYNE, OAKLAND, MACOMB, MONROE, LENAWE, HILLSDALE, BRANCH, CALHOUN, JACKSON, WASHINGTON, LIVINGSTON, INGHAM, EATON, CLINTON, SHIMANSEE, GENESEE, LAPEER, ST. CLAIR, SANILAC, TUSCOLA, SAGINAW, GRATIOT, MIDLAND, BAY & HURON COUNTIES.

DECISION NO. M178-2054

POWER EQUIPMENT OPERATORS:
UNDERGROUND CONSTRUCTION

ZONE 2

CLASS I
CLASS II
CLASS III
CLASS IV

MICH-9-PED-U-2-2

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
9.24	.80	1.00	10%	.05
8.98	.80	1.00	10%	.05
8.52	.80	1.00	10%	.05
8.27	.80	1.00	10%	.05

CLASS I - Power Shovel, crane (crawler, truck type or pile driving), dragline, backhoe, clamshell, trencher (over 8' digging capacity), mechanic, end-loader (over 14 cu. yd. cap.), scraper, self-propelled or tractor drawn), dozer (9 blade & over), concrete paver (2 drum or larger), side boom tractor (type D-4 or equivalent & larger), elevating grader, roller (asphalt), gradall (and similar type machine), batch plant oper., concrete), backfiller tamper, well drilling rig, slip form paver, slope paver conveyor loader (euclid type) grader

CLASS II - Trencher (8' digging capacity & smaller), end-loader 14 cu. yd. capacity & smaller), dozer (less than 9' blade), side boom tractor (smaller or diesel powered or powered by generator of 300 amps or more - inclusive of other than backhoe or front end-loader), crusher

CLASS III - Air compressor (2 or more - less than 600 CFM), air compressors (600 cu. ft. per min or larger), pumpcrete machine (and similar equipment) (mechanic helper, maintenance man, boom truck (non-swinging, non-powered or diesel powered), pump (2 or more 4" up to 6" discharge - gas or diesel powered - excluding submersible pumps), concrete paver (1 drum 4 yd. or larger), wagon drill (multiple), elevator (other than passenger), concrete breaker (self-propelled or truck mounted - includes compressor)

CLASS IV - Hydraulic pipe pushing machine, pumps (2 or more up to 4" discharge if used 3 hours or more a day - gas or diesel powered - excluding equipment, self propelled (6' wider over), stump remover, mulching equipment, farm tractor (with attachment), finishing machine (concrete), roller (other than asphalt, curing machine (self-propelled), concrete saw (40 H. P. or over)

DECISION NO. M178-2054

POWER EQUIPMENT OPERATORS:
Wayne, Monroe, Washtenaw,
Oakland, Macomb & Genesee

ZONE 1

HIGHWAY CONSTRUCTION

CLASS 1
CLASS 2
CLASS 3
CLASS 4

MICH-10-PED-3

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
10.26	.80	1.00	10%	.05
10.04	.80	1.00	10%	.05
9.58	.80	1.00	10%	.05
9.45	.80	1.00	10%	.05

DECISION NO. M178-2054

POWER EQUIPMENT OPERATORS:
Remainder of State

Zone 2

Highway Construction

CLASS 1
CLASS 2
CLASS 3
CLASS 4

MICH-11-PED-3

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
10.23	.80	1.00	10%	.05
9.92	.80	1.00	10%	.05
9.46	.80	1.00	10%	.05
9.21	.80	1.00	10%	.05

CLASS 1 - Asphalt plant, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile driver, roller (asphalt), blade grader, trenching mach. (ladder to wheel), auto-grader, slip form paver, self-propelled or tractor drawn scraper, conveyor loader (euclid type), end-loader (1 yd. & over), bulldozer, hoisting Eng., tractor, finishing (asphalt), mechanic, pump (6" discharge or over, gas, diesel powered or generator 300 amp or more), shouldering or gravel dist. Mach. (self-propelled), backhoe (over 3.8 yd. bucket), side boom tractor (type D-4 or larger), tube finisher (slip form paving), gradall & similar mach., self-propelled asphalt planer, concrete batch plant, asphalt slurry Mach., self-propelled asphalt paver, concrete pump 3" and over

CLASS 2 - Sweeper (wayne type & similar equip.), screening plant, washing plant, crusher, backhoe (3/8 yd. bucket or less), side boom tractor (smaller than D-4 or equivalent)

CLASS 3 - Air compressor (600 cu. ft. per min or more), air compressor (2 or more less than 600 cfm), wagon drill, concrete breaker, farm tractor w/attachments

CLASS 4 - Oiler, firemen, Mechanic helper, Trencher (service), flectplanes, clettpane, graders self-propelled fine grade form (concrete), concrete finishing Mach., boom or winch hoist truck, end-loader under 1 yd. cap., roller (other than asphalt), curing equipment (self-propelled), concrete saw 40 HP up, power bin, asphalt plant driver, vibratory compaction equip., power driver guard post driver, mulching equipment, stump remover, boiler firemen, concrete pump under 3", self propelled mesh installer, farm type tractor

CLASS 1 - Asphalt plant, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile driver, roller (asphalt), blade grader, trenching mach. (ladder to wheel), auto-grader, slip form paver, self-propelled or tractor drawn scraper, conveyor loader (euclid type), end-loader (1 yd. & over), bulldozer, hoisting Eng., tractor, finishing (asphalt), mechanic, pump (6" discharge or over, gas, diesel powered or generator 300 amp or more), shouldering or gravel dist. Mach. (self-propelled), backhoe (over 3.8 yd. bucket), side boom tractor (type D-4 or larger), tube finisher (slip form paving), gradall & similar mach., self-propelled asphalt planer, concrete batch plant, asphalt slurry Mach., self-propelled asphalt paver, concrete pump 3" and over

CLASS 2 - Sweeper (wayne type & similar equip.), screening plant, washing plant, crusher, backhoe (3/8 yd. bucket or less), side boom tractor (smaller than D-4 or equivalent)

CLASS 3 - Air compressor (600 cu. ft. per min or more), air compressor (2 or more less than 600 cfm), wagon drill, concrete breaker, farm tractor w/attachments

CLASS 4 - Oiler, firemen, Mechanic helper, Trencher (service), flectplanes, clettpane, graders self-propelled fine grade form (concrete), concrete finishing Mach., boom or winch hoist truck, end-loader under 1 yd. cap., roller (other than asphalt), curing equipment (self-propelled), concrete saw 40 HP up, power bin, asphalt plant driver, vibratory compaction equip., power driver guard post driver, mulching equipment, stump remover, boiler firemen, concrete pump under 3", self propelled mesh installer, farm type tractor

NOTICES

PAGE 16

DECISION NO. MI78-2054

SIGN INSTALLERS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CLASS A Performs all necessary labor and uses all tools & equipment required to construct & set concrete forms required in the installation of highway street signs; ZONE 1 ZONE 2	8.32 7.73	\$20.00 \$20.00	\$22.00 \$22.00		.15 .15
CLASS B Performs all miscellaneous labor uses all hand and power tools and operates all other equipment mobile or otherwise, required for the complete installation of highway and street signs; ZONE 1 ZONE 2	8.07 7.48	\$20.00 \$20.00	\$22.00 \$22.00		.15 .15
FOOTNOTE:					
a. Per week per employee					
ZONE 1 - Genesee, Macomb, Monroe	Oakland		Washtenaw & Wayne		
ZONE 2 - Remainder of State					

TRUCK DRIVERS - ZONES 1 & 2

CLASS 1 - Truck driver (on all trucks except dump trucks of 8 cubic yds. capacity or over, tandem axle trucks, transit mix and semis, euclid type equipment, double bottoms and low boys)

CLASS 2 - Truck drivers on dump trucks of 8 cubic yards capacity or over (including tandem axle trucks, tandem axle water trucks, transit mix and semis.)

CLASS 3 - Euclid type equipment, double bottoms and low boys for hauling heavy equipment.

FOOTNOTE:

FOOTNOTE:
a. Per week, per employee

NOTICES

DECISION NO. MI78-2054		MICH-SNR-TD	
TRUCK DRIVERS:		Fringe Benefits Payments	
Basic Hourly Rate		H & W	Pensions Vacation Education and/or Appr. Tr.
	Wayne, Oakland, Macomb, Washtenaw, Monroe, St. Clair & Genesee Counties		
9.08		\$24.00	\$28.00
9.21		\$24.00	\$28.00
9.41		\$24.00	\$28.00
	Lapeer & Shiawassee Counties:		
8.98		\$24.00	\$28.00
9.11		\$24.00	\$28.00
9.31		\$24.00	\$28.00
	Jackson, Lenawee & Hillsdale Counties		
7.30		\$19.00	\$22.00
	CLASS 1		

CLASS 1 - Truck driver (except dump trucks of 8 cubic yards capacity or over, Pole Trailers, Semis, Low Boys, euclid, Double Bottom & Fuel Trucks.

CLASS 2 - Truck Driver on Dump Trucks of 8 cubic yards capacity or over, Pole Trailers, Semis & Fuel Trucks.

CLASS 3 - Low Boy, Euclid & Double Bottom Driver

FOOTNOTES:

FOOTNOTE:
a. Per week per employee

[FR Doc. 78-15235 Filed 6-1-78; 8:45 am]

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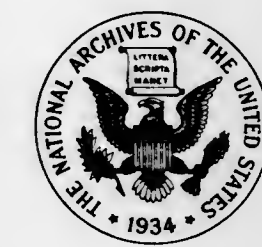
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FRIDAY, JUNE 2, 1978
PART III



IMPROVING GOVERNMENT REGULATIONS

Proposals for
Implementing Executive
Order 12044

Table of Contents

Agency for International Development	24218
Energy Department	24215
National Science Foundation	24216
Office of Management and Budget	24219
Pennsylvania Avenue Development Corporation	24213

PREVIOUSLY PUBLISHED PROPOSALS

Listed below are other documents on implementation of Executive Order 12044 previously published in the FEDERAL REGISTER:

Agency	1978 Date of Issue	Vol. 43 FR, Page No.
Selective Service System	April 11	15211
Energy Department	May 1	18634
National Capital Planning Commission	May 15	20945
National Aeronautics and Space Administration ..	May 22	21981
Veterans Administration	May 22	21983
Farm Credit Administration	May 22	21984
Agriculture Department	May 22	21986
Federal Mediation and Conciliation Service	May 22	21993
Defense Department	May 22	21994
Administrative Committee of the Federal Register	May 22	21995
Office of Management and Budget	May 22	21997
Civil Service Commission	May 23	22157
Treasury Department	May 24	22319
ACTION	May 24	22325
Interior Department	May 25	22573
Postal Service	May 25	22587
State Department	May 25	22589
National Foundation on the Arts and the Human- ities	May 25	22591
Council on Environmental Quality	May 25	22593
Community Services Administration	May 25	22595
Housing and Urban Development Department	May 25	22598
American Battle Monuments Commission	May 25	22602
Railroad Retirement Board	May 25	22603
Small Business Administration	May 25	22605
Pension Benefit Guaranty Corporation	May 25	22608
Equal Employment Opportunity Commission	May 25	22610
General Services Administration	May 25	22612
Labor Department	May 26	22915
Justice Department	May 26	22922
Health, Education, and Welfare Department	May 30	23119
Commerce Department	May 30	23170
Renegotiation Board	May 30	23197
Water Resources Council	May 30	23199
Environmental Protection Agency	May 31	23679
National Credit Union Administration	May 31	23688
Transportation Department	June 1	23925

CORRECTION OF FILE LINES ON PREVIOUSLY PUBLISHED PROPOSALS

The file lines for the following agencies' documents are corrected as indicated below:

Agency	1978 Date of Issue	Vol. 43 FR, Page No.	Correct File Line
Equal Employment Opportunity Commission.	May 25	22611	FR Doc. 78-14710 Filed 5-22-78; 5:04 pm.
Health, Education, and Welfare Department.	May 30	23169	FR Doc. 78-14597 Filed 5-22-78; 2:06 pm.
Housing and Urban Development Department.	May 25	22601	FR Doc. 78-14620 Filed 5-22-78; 2:08 pm.
Labor Department	May 26	22921	FR Doc. 78-14591 Filed 5-22-78; 12:21 pm.
Postal Service	May 25	22588	FR Doc. 78-14583 Filed 5-22-78; 10:23 am.
Renegotiation Board	May 30	23198	FR Doc. 78-14849 Filed 5-24-78; 10:34 am.
Water Resources Council.	May 30	23199	FR Doc. 78-14885 Filed 5-24-78; 2:52 pm.

FEDERAL REGISTER, VOL. 43, NO. 107—FRIDAY, JUNE 2, 1978

NOTICES

24213

[7630-01]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

IMPROVING GOVERNMENT REGULATIONS IN ACCORDANCE WITH EXECUTIVE ORDER NO. 12044

Request For Public Comment

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Request for public comment.

SUMMARY: The Pennsylvania Avenue Development Corporation proposes these procedures for development of regulations in accordance with Executive Order No. 12044, Improving Government Regulations (43 FR 12661, March 24, 1978). The proposal establishes procedures for developing both significant and nonsignificant new regulations, for drafting a regulatory analysis, and for reviewing existing regulations. Comments are solicited on: (1) whether the proposal is easy to read and understand, and (2) whether the procedures are an effective and efficient means of complying with Executive Order No. 12044.

DATE: Submit comments by August 1, 1978.

ADDRESS: Send comments to Peter T. Meszoly, General Counsel, Pennsylvania Avenue Development Corporation, 425 13th Street NW., Suite 1148, Washington, D.C. 20004, 202-566-1078.

FOR FURTHER INFORMATION CONTACT:

Mary M. Schneider, Attorney, Office of General Counsel, Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Suite 1148, Washington, D.C. 20004, 202-566-1078.

The proposal reads as follows:

I. POLICY

It is the policy of the Pennsylvania Avenue Development Corporation to develop regulations that achieve legislative goals in an effective and efficient manner. To ensure effectiveness, regulations will be clearly and simply written. The Corporation's planning and development jurisdiction is limited to a 21-square block area in downtown Washington, D.C. The Corporation prepared and is implementing the congressionally approved "Pennsylvania Avenue Plan—1974." It is not expected that the Corporation's activities will require development of significant regulations. However, in developing any regulations, the Corporation will consider the efficiency of proposed procedures and seek to avoid unnecessary burdens on the economy and on individuals and organizations who must comply with the regulations. In addition, the Corporation recognizes the importance of public participation in the regulatory process and will maximize opportunities for public participation.

ognizes the importance of public participation in the regulatory process and will maximize opportunities for public participation.

II. PROCEDURE FOR DEVELOPING REGULATIONS

A. PRELIMINARY PROCEDURES

1. Any division of the Corporation proposing a regulation shall notify the Executive Director and the General Counsel of its intent. This notification may be made orally at the weekly Senior Staff meeting, or may be in writing. The notification shall include a brief statement of the purpose for the proposed regulation.

2. The Executive Director or the General Counsel will determine whether the proposed regulation is a significant regulation that meets the criteria in section B, below. This determination shall be in writing addressed to the division supervisor proposing the regulation. Whether a regulation is significant or not will determine the procedure to be followed in developing the regulation.

3. As soon as a proposed regulation is determined to be significant, it will be placed on the Corporation's agenda of significant regulations. This agenda will be reviewed by the Executive Director and published in the FEDERAL REGISTER in October and April of every year.

4. The semiannual agenda will describe the significant regulations being considered, the need and legal basis for the regulations, and the status of regulations listed on any previously published agenda. The name, office address, and telephone number of the persons assigned to prepare each regulation will be included in the agenda.

B. DETERMINATION OF SIGNIFICANT REGULATIONS

A proposed regulation will be considered significant if the proposal either has a significant economic impact outside the Corporation's area, or imposes a compliance or reporting requirement on a significant number of individuals or groups outside the Corporation's area.

C. DEVELOPMENT OF SIGNIFICANT REGULATIONS

1. If a regulation is significant, the division proposing the regulation will assign at least one person to develop the regulation. This person(s) will work closely with an attorney assigned by the General Counsel.

2. This team will draft an outline of the proposed regulation, and submit it with a report to the Executive Director and the General Counsel describing: (i) Issues to be considered; (ii) alternative approaches to be explored; (iii) a proposal for obtaining public comment; and (iv) a schedule for completion of various steps in the development of the regulation.

pletion of various steps in the development of the regulation.

3. The Executive Director or the General Counsel will then determine whether a regulatory analysis is required. The team will prepare a regulatory analysis in accordance with section III if one is required.

4. The Executive Director or the General Counsel will choose the alternative and make necessary policy determinations based on the outline and draft report, and any required regulatory analysis.

5. The team will draft regulations based on the Executive Director's or General Counsel's determinations, and submit a final draft for comment to the General Counsel and the supervisor of the division that had proposed the regulation. The Executive Director will approve publication of the regulation in the FEDERAL REGISTER.

6. Upon approval, the General Counsel will transmit the regulation to the FEDERAL REGISTER and will allow 60 days for public comment, or fully explain the extraordinary circumstances that require a shorter comment period. Comments will be solicited on whether the regulation is easy to read and understand as well as on the substantive content.

7. At the close of the public comment period, the team members will analyze the comments received, and revise the regulation where appropriate. The revised final regulation will be submitted for comment to the General Counsel and the supervisor of the division that had proposed the regulation.

8. The final regulation will be approved by the Executive Director and transmitted by the General Counsel to the FEDERAL REGISTER for publication.

D. DEVELOPMENT OF NONSIGNIFICANT REGULATIONS

1. If a regulation is not considered significant, the division proposing the regulation will assign one person to develop the regulation, and to work closely with an attorney assigned by the General Counsel.

2. This team will develop and publish the regulation in the FEDERAL REGISTER. The notice will provide at least 30 days for public comment and will include a statement explaining why the regulation is not considered significant.

3. At the close of the comment period, the team will analyze the comments and revise the regulation where appropriate.

4. The revised final regulation will be submitted to the General Counsel, who will transmit it to the FEDERAL REGISTER for publication.

III. ANALYSIS OF REGULATIONS

1. All proposed significant regulations will be considered by the Executive

FEDERAL REGISTER, VOL. 43, NO. 107—FRIDAY, JUNE 2, 1978

tive Director or the General Counsel to determine if a regulatory analysis is required. The determination will include a consideration of the extent to which the proposal has a major impact on the general economy. The draft report required in section II. C. 2. will assist in making this determination.

2. If a regulatory analysis is required, it shall include:

(a) A brief statement of the problem to be addressed.

(b) A description of major alternatives considered by the agency in dealing with the problem.

(c) An analysis of the economic consequences of each of the alternatives considered.

(d) An explanation of the reasons for recommending one alternative over the others.

3. Public notice of proposed regulations will provide an explanation of the contents of any regulatory analysis and information on how the public may obtain a copy of the regulatory analysis.

IV. REVIEW OF EXISTING REGULATIONS

Because the Corporation has a small body of regulations, it will review any complaints or suggestions pertaining to existing regulations in September and March each year and review the regulations that were the subject of comments to determine:

1. The continued need for the regulation.

2. The burdens on those affected by the regulation.

3. The need to clarify language used in the regulation.

4. The need to simplify or change the procedures described in the regulation.

5. The degree to which changes in technology, economic conditions, or other factors affect the regulation.

Dated: May 30, 1978.

PETER T. MESZOLY,
Acting Executive Director.

[FR Doc. 78-15284 Filed 5-30-78; 10:57 am]

[3128-01]

DEPARTMENT OF ENERGY

IMPROVING ENERGY REGULATIONS

Public Meetings

AGENCY: Department of Energy.

ACTION: Request for public participation.

SUMMARY: The Department of Energy (DOE) is issuing this notice to obtain public participation in its meetings on Improving DOE Regulations.

DATES: Los Angeles, June 12, 1978; Houston, June 14, 1978; Minneapolis, June 20, 1978; Washington, D.C., June 22, 1978.

TIME: 2-5 p.m. and 7-9 p.m., all locations.

LOCATIONS: Los Angeles Convention Center, Room 207, 1201 South Figueroa, Los Angeles, Calif.; Rice University, Mechanical Lab Building, Room 254, 6100 South Main Street, Houston, Tex.; Federal Court House, 1110 South 4th Street, Room B-15, Minneapolis, Minn.; Economic Regulatory Administration, 2000 M Street NW., Room 2105, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Rue Dann (DOE Public Affairs), 1200 Pennsylvania Avenue NW., Room 3107, Washington, D.C. 20461, 202-566-9833.

Gracie Hemphill (DOE Policy and Evaluation), 1200 Pennsylvania Avenue NW., Room 4324, Washington, D.C. 20461, 202-566-3005.

Thomas B. DePriest (DOE Office of General Counsel), 1200 Pennsylvania Avenue NW., Room 5134, Washington, D.C. 20461, 202-566-9565.

SUPPLEMENTARY INFORMATION: I. Background, II. Comments Requested, and III. Meeting Procedure.

I. BACKGROUND

On April 25, 1978, the DOE issued a request for public comment (43 FR 18634, May 1, 1978) on its proposals for improving energy regulations in response to President Carter's Executive Order No. 12044, Improving Government Regulations (43 FR 12661, March 24, 1978). As we noted in the request for public comment, the Secretary of Energy supports the President's efforts, especially as they will increase public participation in DOE regulatory decisionmaking. Greater public participation in energy policy-making can lead to an increased awareness of the need for conservation

and development of renewable energy resources. These meetings which we are announcing are only the DOE's initial contacts with members of the public to discuss regulatory reform issues. In this first set of meetings, we have selected four sites which we believe will provide us with a good cross-section of public opinion. We plan to schedule further discussions on future occasions as part of our continuing dialog with the public on regulatory reform.

II. COMMENTS REQUESTED

We are inviting anyone who is affected by our regulatory programs to participate in one of our discussions on Improving DOE Regulations. We are especially requesting the participation of the industries we regulate (including the small businesses which must comply with our regulations), State and local governments whose plans and policies relate to our regulatory programs, public institutions that are significant energy consumers like hospitals and schools, representatives of minority communities, senior citizens, and other energy consumers.

Anyone who participates in these meetings may suggest related subjects for discussion, but we would like to explore the following items at each of these meetings:

1. What do our regulations cost industry?
2. What do our regulations cost the public?
3. Which of our regulations are especially difficult to understand?
4. Which of our regulations impose a heavy compliance burden or a heavy reporting burden?
5. Which of our regulations reduce competition in industry?
6. Which of our regulations complicate the work of State or local governments?
7. Which of our regulations reduce public participation in our regulatory decisionmaking?
8. How can we expand public participation in regulatory decisionmaking?
9. Are there any special issues we should consider as we implement our 15 current regulatory reform initiatives? We discussed these initiatives in our Request for Public Comment.
10. What regulatory reform initiatives should we next pursue?

III. MEETING PROCEDURE

These public meetings will be informal discussions. A panel of DOE representatives from the Economic Regulatory Administration, the Office of Policy and Evaluation, the Office of

Intergovernmental and Institutional Relations, and other interested offices will participate in each discussion. The afternoon and evening meetings at each location will follow the same agenda and will open with the prepared statements of those who wish to present them. If you want to present a statement, address your request to Regulatory Reform Public Meetings, Public Hearing Management, 2000 M Street NW., Room 2313, Box TT, Washington, D.C. 20461. In your letter, be sure you indicate the location of the meeting you will attend, whether you plan to attend in the afternoon or in the evening, and a phone number we can use to contact you through the last business day before the meeting you plan to attend. In addition, since we may have to limit the number of people who can make such presentations so that we allow time for the discussion, you should describe your interest in Improving DOE Regulations and why you are a proper representative of a group or class of persons that has such an interest. Also, you should give a concise summary of your prepared oral statement.

If we select you to present your prepared statement, we will notify you by 4:30 p.m., on the last business day before the meeting. You will not have to distribute multiple copies of your statement, but it will be helpful to the other participants if you do.

After the prepared statements, the panel members will accept questions from anyone at the meeting. You may introduce at that time any additional topic that is related to the discussion. We will forward each question that panel members cannot answer to the appropriate DOE official, who will respond by telephone. (We will include each of these responses in the transcript.)

We will prepare a transcript of each of these discussions and make it available to the public. We will accept written comments on that transcript or on our original request for public comment.

We have scheduled evening meetings at each location so that members of the public who might otherwise be unable to participate can do so. If you have any questions about the format, the agenda, or the topics under consideration at any of these meetings, you should contact Gracie Hemphill at the address listed above.

Issued in Washington, D.C., May 26, 1978.

JOHN F. O'LEARY,
Deputy Secretary,
Department of Energy.

[FR Doc. 78-15285 Filed 5-30-78; 11:02 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION IMPROVING NSF REGULATIONS

Draft Report in Response to Executive Order No. 12044, "Improving Government Regulations"

AGENCY: National Science Foundation.

ACTION: Request for public comment.

SUMMARY: The National Science Foundation is publishing this draft report for public comment as required by Executive Order 12044. It discusses the scope of NSF regulations, the procedure for formulating rules, and procedural changes under consideration in response to Executive Order 12044.

DATE: Please provide comments by August 31, 1978.

ADDRESS: Send comments to Office of General Counsel, Attn.: Mr. Jesse E. Lasken, National Science Foundation, Washington, D.C. 20550, 202-632-4393.

FOR FURTHER INFORMATION CONTACT:

Mr. Lasken.

DRAFT REPORT REQUIRED BY SECTION 5 OF EXECUTIVE ORDER 12044

INTRODUCTION

Section 5 of Executive Order 12044 requires each agency to review its existing process for developing regulations and to prepare a report describing that process and any changes planned in order to comply with the criteria set forth in the Executive Order. This draft report provides this information for the National Science Foundation.

SCOPE OF NSF REGULATIONS AND THE PROCESS BY WHICH THEY ARE MADE

NSF is not a regulatory agency. Hence, its regulations and rules, other than those dealing with internal agency management or personnel matters, are generally concerned with the processing and administration of grants and other awards for the support of scientific research, science education programs, science policy analysis and similar activities, primarily at universities and other nonprofit organizations. Some of these are published in the Code of Federal Regulations

(CFR). Most, however, are contained in the NSF Grants Policy Manual which, while published in the FEDERAL REGISTER, is not in CFR format. NSF also has a system of internal issuances as set forth in NSF Circular No. 1. Most of these deal with internal matters, but some establish policies that may impact on recipients of NSF awards. Most such policies, however, are normally reflected in the Grants Policy Manual.

The Grants Policy Manual was published in the FEDERAL REGISTER in draft form for public comment. Drafts were also widely circulated to interested university groups. Revisions will also be made available for public comment by FEDERAL REGISTER publication and by other means.

Any regulations intended for publication in the Code of Federal Regulations are also published for comment in the FEDERAL REGISTER before they are made final.

NSF regulations and rules are normally cleared throughout the Foundation and reviewed or signed by the Director.

The National Science Foundation's policies and activities, unlike those of other Federal agencies, are subject to the review of a 25-member National Science Board appointed by the President. The Board includes persons who come from most of the groups affected by NSF programs and policies. The Board thus acts as a further check to ensure that NSF rules and regulations are reasonable.

CHANGES IN THE NSF RULE MAKING PROCESS AS A RESULT OF EXECUTIVE ORDER 12044

The Foundation believes that its rule making procedures substantially comply with the requirements of Executive Order 12044, and that no significant procedural changes are required. However, more formal documentation will be required. As part of the normal review process the Office of General Counsel and the Assistant Director for Administration will both review for compliance with specific Executive Order 12044 requirements.

NSF proposes to issue a new internal circular, as set forth in Appendix A to this draft report, to implement the Executive Order.

PROPOSED NEW CRITERIA FOR DEFINING SIGNIFICANT AGENCY REGULATIONS

The Foundation believes that section 2(d) of Executive Order 12044 ba-

sically formalizes what the Foundation has generally sought to accomplish. Accordingly, rather than attempt to draw arbitrary distinctions, the draft circular includes broad definitions of "significant" and "nonsignificant" regulations and a requirement that the NSF Management Council review each proposed regulation within the scope of Executive Order 12044 to determine whether it is significant or nonsignificant.

PROPOSED CRITERIA FOR IDENTIFYING REGULATIONS REQUIRING REGULATORY ANALYSIS

Given the nature of our programs and the recipients of NSF awards, we do not believe any of our regulations will have sufficient economic impact to require the formal regulatory analysis described in section 3 of Executive Order 12044. For example, NSF was exempted from the requirements of OMB Circular 107. Hence, we have no plans to develop formal criteria.

REVIEW OF EXISTING REGULATIONS

Because NSF regulations are few, specific criteria for review of existing regulations seem superfluous. NSF will review all of its regulations periodically on a cycle of two to three years. Its regulations at 45 CFR Part 612 are presently under review. Its regulations at 45 CFR Parts 610, 630, and 635 will be reviewed during 1978 to see whether they are still needed.

APPENDIX A TO NSF DRAFT REPORT—NATIONAL SCIENCE FOUNDATION, OFFICE OF THE DIRECTOR, WASHINGTON, D.C. 20550

NSF CIRCULAR NO.

ADMINISTRATION AND MANAGEMENT

Subject: Procedures for the development and approval of NSF regulations.

1. *Purpose.* This circular establishes procedures for initiating new or changing existing NSF regulations which impact on grantees, principal investigators and others outside the Government. It also implements the requirements of Executive order 12044, "Improving Government Regulations," dated March 23, 1978.

2. *Scope.* This circular applies to all NSF regulations except those dealing with NSF management or personnel or NSF procurements and those deter-

mined to fall within section 6(b) (1) or (2) of Executive Order 12044. This Circular does not apply to the publication of program brochures, announcements, program solicitations, or descriptive or informational literature that merely reflect regulations authoritatively published elsewhere.

3. *Policy.* The procedures described in paragraph 5. must be followed prior to the issuance of any NSF regulation that may affect the manner in which recipients or potential recipients of NSF awards conduct the administration of such awards. In particular, these procedures must be followed in proposing and promulgating regulations proposed for publication in the Code of Federal Regulations or the NSF Grant Policy Manual and similar issuances that apply to most NSF award recipients.

4. *Definitions.* a. Significant regulations are those which are determined by NSF to have a major impact on NSF grantees, principal investigators and others outside the government.

b. Nonsignificant regulations are those which are determined by NSF to be merely technical amendments of an existing regulation or a regulation of minor consequence.

5. *Procedures.*—a. *Initiating a new or amending an existing NSF regulation.* When it becomes necessary to initiate a new or amend an existing regulation which is within the scope of this Circular, the initiating office should prepare a proposed draft or outline of the regulation or amendment. The draft, along with a memorandum explaining why the regulation or amendment is needed, the direct or indirect effects of the regulation and alternative approaches (if any) under consideration, should be forwarded by the appropriate Assistant Director or other official reporting to the Director to the Chairman of the Management Council for action.

b. *Management Council action.* The Management Council will review the proposed regulation and accompanying documentation and will make an initial determination as to whether the regulation or amendment is significant or non-significant.

(1) *Significant regulation or amendment.* If the Management Council determines that the proposed regulation or amendment is significant, the initiating office will prepare a memorandum to the Director and Executive

Council via the Chairman of the Management Council out-lining tentative plans for obtaining public comment on the regulation and target dates for completion of the various steps in the development of the regulation. In addition, this memorandum should include a tentative plan for evaluating the regulation after its issuance. In most cases this evaluation need not be elaborate or formal. It may consist of nothing more than a plan for staying informed of grantee reactions and experience under the regulation. The initial memorandum to the Management Council discussed in paragraph 5.a., along with any Management Council comments or suggestions, should be included in the material forwarded to the Director and Executive Council.

(2) *Nonsignificant regulations or amendment.* If the Management Council determines that the proposed regulation or amendment is non-significant, it may approve the implementation of the new or amended regulation without further review by the Director or the Executive Council.

c. *Director's initial approval and public participation.* If the Director, after reviewing the proposal and with the advice of the Executive Council, agrees with the Management Council's determination that the regulation or amendment is both necessary and significant, arrangements will be made for giving the public meaningful opportunity to comment on such regulations or amendments. The proposed regulation will be published in the FEDERAL REGISTER for public comment. In the case of an unusually lengthy item, however, notice on where the complete document can be obtained may be published in the FEDERAL REGISTER.

Normally, at least 60 days should be allowed for public comment. Depending on the importance and potential impact of the regulation consideration will also be given to holding open conferences or public hearings, sending notices of proposed regulations to publications likely to be read by those affected, and notifying interested parties or associations of interested parties directly.

d. *Director's final approval and issuance of significant regulations.* After receiving and considering comments received from the public on the proposed new regulation or amendment, a final draft will be prepared for the Director's approval. If the Direc-

tor approves the final draft of the regulation or amendment, he will sign the following determination statement:

DETERMINATION ON NEED FOR REGULATION

I, _____, Director of the National Science Foundation, have determined as required by Executive Order 12044 that the regulation _____ (title of regulation) (1) is needed; (2) that its direct and indirect effects have been adequately considered; (3) that alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen; (4) that public comments have been considered and an adequate response has been prepared; (5) that the regulation is written in plain English and is understandable to those who must comply with it; (6) that an estimate has been made of the new reporting burdens or record keeping requirements (if any) necessary for compliance with the regulation; (7) that the name, address and telephone number of a knowledgeable agency official is included in the publication; and (8) that a plan for evaluating the regulation after its issuance has been developed.

Signature and date.

Once the Director has given his final approval for the issuance of significant regulations or amendments, they will be published in the appropriate publication i.e., FEDERAL REGISTER, Code of Federal Regulations, Grant Policy Manual, etc.

6. *Emergency waiver.* Procedures outlined in paragraph 5. for initiating a new or changing an existing regulation may be waived by the Director in whole or in part if he determines that a regulation is being issued in response to an emergency or under short-term statutory or judicial deadlines. Where the Director makes such a determination a statement of the reasons for it shall be published in the FEDERAL REGISTER.

7. *Periodic review of published regulations.* The Assistant Director for Administration shall be responsible for the periodic review of the need for existing published regulations of the Foundation. He shall also be responsible for the preparation of the schedule and agenda required by sec. 2(a) of Executive Order 12044.

Issued in Washington, D.C., May 22, 1978.

RICHARD C. ATKINSON,
Director.

CHARLES H. HERZ,
General Counsel,

National Science Foundation.

[FR Doc. 78-15351 Filed 5-30-78; 12:06 pm]

[4710-02]

AGENCY FOR INTERNATIONAL DEVELOPMENT

Response to Executive Order No. 12044,
Improving Government Regulations

IMPROVING A.I.D. REGULATIONS

AGENCY: Agency for International Development.

ACTION: Request for public comment.

SUMMARY: The Agency for International Development (A.I.D.) is publishing this report to obtain public comment on its proposed implementation of Executive Order No. 12044, Improving Government Regulations (43 FR 12661, March 24, 1978). The report covers our process for developing regulations; criteria for defining significant regulations and identifying those which require regulatory analyses; criteria for selecting existing regulations to be reviewed; and a list of regulations to be included in the initial review.

DATE: Comments should be submitted by June 30, 1978.

ADDRESS: Send comments to: Office of Management Planning, Agency for International Development, Washington, D.C. 20523.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard F. Calhoun, Office of Management Planning, Agency for International Development, 202-632-9726.

I. BACKGROUND

In response to the Executive Order, A.I.D. is adopting procedures for the development and review of its regulations which affect the public, provide for early citizen participation where appropriate, and assure that our regulations are written simply and clearly.

As a foreign affairs agency without domestic programs, A.I.D. currently maintains only 13 regulations which affect the U.S. public. All are considered to be "significant" in terms of Section 2(e) of the Executive Order but none appears to require "Regulatory Analysis" as described in Section 3. Since A.I.D. programs are not directed to U.S. State or local governments, we do not have any regulations or special procedures which apply to them.

II. POLICY

It shall be A.I.D. policy to insure that our existing and future regulations serve a clearly established pur-

pose, are periodically reviewed by policy officials, minimize the impact of cost and paperwork on the public, be submitted for early public comment wherever possible, and be drafted as concisely and clearly as possible.

III. PROCESS FOR DEVELOPING REGULATIONS

A.I.D. Regulations or amendments to them are drafted and cleared within A.I.D. by the office having responsibility for the subject matter concerned. After approval by the Administrator of the Agency, or duly designated official, they are published in the Federal Register, in accordance with the Administrative Procedure Act, and codified in the Code of Federal Regulations (CFR). They are also published in the A.I.D. directives system.

We plan to modify our procedures to include early solicitation of public comment in the Federal Register for proposed amendments to existing regulations and new regulations, whenever appropriate in accordance with the Executive Order. We plan to establish a schedule by which each of our regulations will be reviewed triennially. We also intend to review our internal directives to determine whether they contain any material which ought to be made more readily available to the public in the Federal Register. As indicated, the Administrator of the Agency, or the duly designated official, shall approve regulations before they are published as final rules. At a minimum, this official will determine that:

- the regulation is needed and its effect considered;
- alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;
- public comments have been considered, where appropriate, and an adequate response has been prepared;
- the regulation is written in plain English and is understandable to those who must comply with it;
- an estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the regulations;
- the name, address and telephone number of a knowledgeable Agency official are included in the publication; and
- a plan for evaluating the regulation after its issuance has been developed.

An agenda listing any proposed new or amended regulations and existing regulations under review will be published semiannually in the FEDERAL REGISTER. The agenda will include an explanation of the need for the action and a contact person in the Agency.

NOTICES

IV. CRITERIA FOR DETERMINING SIGNIFICANT REGULATIONS

Although we are defining all present A.I.D. regulations as "significant," the following preliminary criteria will be used for determining if future regulations should be so defined:

- the number of individuals, organizations, and businesses affected;
- the ease or complexity of compliance;
- the economic effects;
- overlap with regulations of other agencies/programs;
- whether the regulation does or would contain important foreign policy considerations; and
- whether it is/would be a major concern to the President, Congress, U.S. private sector.

V. REGULATORY ANALYSES

We propose to adopt the criteria stated in Section 3(a)(1) of the Executive Order to identify which regulations require "Regulatory Analysis." None of the existing A.I.D. Regulations appears to fall within these criteria.

VI. CRITERIA FOR SELECTING EXISTING REGULATIONS TO BE REVIEWED

In accord with our proposed triennial review procedure, we will initially examine five regulations, using the following criteria and any other special considerations as may develop:

- whether it is still needed;
 - whether it can be shortened, simplified or clarified;
 - whether reporting or other requirements are still necessary or can be modified or eliminated; and
 - whether there is any inconsistency with current statutory requirements.
- Regulations to be included in our initial review early in 1979 are:
- (2) Overseas Shipment of Supplies by Voluntary Nonprofit Relief Agencies.
 - (5) Per Diem Payments to Participants in Nonmilitary Mutual Security Training Programs.
 - (8) Suppliers of Commodities and Commodity-related Services Ineligible for A.I.D. Financing.
 - (11) Transfer of Food Commodities for Use in Disaster Relief and Economic Development, and Other Assistance (P.L. 480, Title II).
 - (14) Advisory Committee Management.

JOHN J. GILLIGAN,
Administrator, Agency for
International Development.

MAY 26, 1978.

[FR Doc. 78-15494 Filed 5-31-78; 2:44 pm]

OFFICE OF MANAGEMENT AND BUDGET

IMPROVING GOVERNMENT REGULATIONS

AGENCY: Office of Management and Budget.

ACTION: Request for public comments.

SUMMARY: This document lists agencies that have not published reports implementing Executive Order 12044 and the reasons why the agencies are not publishing reports. OMB is asking for public comment on these reasons. OMB also points out opportunities for comment on agency reports already published in the FEDERAL REGISTER.

DATES: Comments must be received: For agency reports, see comment dates in individual agency reports. For agencies not issuing a report, comments must be received on or before August 1, 1978.

ADDRESSES: For agency reports, see individual reports. For agencies not issuing a report, send comments to: Wayne Granquist, Associate Director for Management and Regulatory Policy, Room 244, Executive Office Building, Washington, D.C. 20503.

The Office of Management and Budget encourages members of the public to comment on agency plans to implement Executive Order 12044, Improving Government Regulations. A complete schedule of when agency plans were published in the FEDERAL REGISTER may be found on the inside cover of this part III. Interested members of the public have 60 days from the publication date to review and comment on the plans.

This process offers the public a unique and unprecedented opportunity to comment on the procedures by which agencies will develop their regulations. The procedures which an agency follows to develop its regulations has a substantial effect on the form and substance of a final regulation. Members of the public are not ordinarily asked to comment on agency procedures. However, because regulations play an important role in people's lives, we believe the public should be afforded the opportunity to participate in the design of new procedures governing the development and issuance of regulations.

In reviewing the agencies' plans, the public may especially wish to consider the following questions:

- (1) Do the proposed procedures assure that the public will have ample opportunity for early and meaningful involvement in the development of regulations?
- (2) Do the proposed procedures assure that top-level policy officials will be accountable for the agency's regulations?
- (3) Will regulations which have a major economic effect be carefully

identified and analyzed? Will the analyses help in deciding whether and how to regulate?

Particular attention is invited on the lists of existing regulations each agency proposes to review. The public is asked to help identify regulations that are (1) unnecessarily costly and contributing to inflation, (2) unclear and too complex, or (3) overlapping and conflicting with other regulations. This will help determine priorities the agencies' review of existing regulations.

Comments on agency reports should be directed to the responsible agency official identified in each report. Agency plans will be revised based on the comments received. Final reports will be sent to OMB for approval no later than September 15, 1978. OMB hopes to complete the approval of agency reports before September 30, 1978. As required by the Order, the first schedule of agency agendas will appear in the FEDERAL REGISTER on Monday, October 2, 1978.

Some agencies have not published reports. Section 6(b) of the Executive Order excludes from coverage:

- (1) Regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557);
- (2) Regulations issued with respect to a military or foreign affairs function of the United States;
- (3) Matters related to agency management or personnel;
- (4) Regulations related to Federal Government procurement;
- (5) Regulations issued by the independent regulatory agencies; or
- (6) Regulations that are issued in response to an emergency or which are governed by short-term statutory or judicial deadlines.

The agencies listed below have informed OMB that they believe they are not subject to the Order. However, several have indicated they intend to apply the policy objectives of the Order to their regulations. The list is organized according to the reasons for requesting exemptions.

(1) AGENCIES REQUESTING EXEMPTION BECAUSE THE REGULATIONS THEY ISSUE DEAL PRIMARILY WITH INTERNAL MANAGEMENT OR PERSONNEL MATTERS

Export-Import Bank of the United States.
Inter-American Foundation.
International Communication Agency.
Central Intelligence Agency.
Marine Mammal Commission.
Overseas Private Investment Corporation.
Commission on Civil Rights.
U.S. Arms Control and Disarmament.
Federal Service Impasses Panel.
Advisory Commission on Intergovernmental Relations.

NOTICES

U.S. Federal Labor Relations Council.

(2) AGENCIES REQUESTING EXEMPTION BECAUSE THEIR REGULATIONS DEAL WITH MILITARY OR FOREIGN AFFAIRS FUNCTIONS

National Security Agency.
Board for International Broadcasting.
Office of the Special Representative for Trade Negotiations.

(3) AGENCIES REQUESTING EXEMPTION BECAUSE THEY ISSUE SO FEW REGULATIONS OR EXPECT LITTLE SIGNIFICANT CHANGE IN THEIR REGULATIONS

Advisory Council on Historic Preservation.
Harry S. Truman Scholarship Foundation.
Foreign Claims Settlement Commission of the United States.
Panama Canal Company.
Advisory Council on Historic Preservation.
Canal Zone Government.
National Transportation Safety Board.

(4) AGENCIES REQUESTING EXEMPTION BECAUSE THEY ARE NOT EXECUTIVE AGENCIES OF THE FEDERAL GOVERNMENT AND THEREFORE NOT SUBJECT TO THE PROVISIONS OF THE ORDER

Appalachian Regional Commission.
Delaware River Basin Commission.
Susquehanna River Basin Commission.
U.S. Railway Association.

NOTE: The National Mediation Board believes that it is an independent regulatory agency and therefore not subject to the provisions of the Order.

Finally, reports have not yet been received from:

U.S. International Trade Commission.
Tennessee Valley Authority.

OMB is seeking public comment on whether or not these agencies should be exempt before OMB makes a final determination. Copies of the letters received from the agencies listed above will be made available to interested members of the public by the FEDERAL REGISTER. Comments should be sent to Wayne Granquist, Associate Director for Management and Regulatory Policy, Room 244, Executive Office Building, Washington, D.C. 20503. Comments should be received no later than August 1, 1978.

The President has also encouraged the independent agencies to undertake similar programs to improve their regulations. He asked that they report progress on their efforts to him and to Congress by June 30, 1978. Since many of the regulations which affect the public are developed by the independent agencies, OMB will ask that these

NOTICES

reports be made public also. Reports are expected from the following independent agencies: Civil Aeronautics Board, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Election Commission, the Federal Energy Regulatory Commission, the Federal Home Loan Bank Board, the Federal Maritime Commission, the Federal Reserve Board, the Federal Trade Commission, the Interstate Commerce Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, and the Securities and Exchange Commission.

WAYNE GRANQUIST,
Associate Director for Management and Regulatory Policy.
[FR Doc 78-15506 Filed 5-31-78; 3:22 pm]

FRIDAY, JUNE 2, 1978
PART IV



DEPARTMENT OF
AGRICULTURE/Soil
Conservation Service
DEPARTMENT OF
INTERIOR/Fish and
Wildlife Service
TENNESSEE VALLEY
AUTHORITY

FLOODPLAIN
MANAGEMENT AND
WETLANDS PROTECTION

Implementation of Executive
Orders 11988 and 11990

PREVIOUSLY PUBLISHED DOCUMENTS

Listed below are other documents on implementation of Executive Orders 11988 and 11990 previously published in the FEDERAL REGISTER:

Agency	1978 Date of Issue	Vol. 43 FR, Page No.
Small Business Administration	May 24	22298
Army Department, Corps of Engineers	May 24	22306
General Services Administration, Public Buildings Service	May 24	22309
Treasury Department	May 24	22311

[3410-16]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

[7 CFR Part 650]

COMPLIANCE WITH NEPA

Related Environmental Concerns

AGENCY: Soil Conservation Service (SCS), USDA.

ACTION: Proposed rule.

SUMMARY: These proposed rule changes prescribe the policy and general guidelines for implementing the spirit and intent of Executive Order (E.O.) 11988—Floodplain Management, in Federal assistance programs administered by the Soil Conservation Service.

DATE: Comments should be received on or before July 15, 1978.

ADDRESS: Interested persons are invited to submit written comments, suggestions, etc., to: Victor H. Barry, Jr., Deputy Administrator for Programs, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013, telephone 202-447-7245.

FOR FURTHER INFORMATION CONTACT:

Glen H. Loomis, Director, Environmental Services Division, Soil Conservation Service, U.S. Department of Agriculture, P.O. Box 2890, Washington, D.C. 20013, telephone 202-447-3839.

SUPPLEMENTARY INFORMATION: On May 24, 1977, the President issued a comprehensive environmental message that included E.O. 11988, Floodplain Management. The Executive order directs each Federal agency to issue or amend existing regulations and procedures within 1 year. The order links the need to protect lives and property from increasing flood losses with the need to restore and preserve the natural and beneficial values served by flood plains. The order direct Federal agencies:

... to avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative* * *

The order specifies that:

Each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out its responsibilities.

The modified agency procedures are to incorporate the Water Resources Council's (WRC's) July 1976 "Unified National Program for Flood Plain

PROPOSED RULES

24223

Management." As directed by the order, WRC prepared the "Floodplain Management Guidelines for Implementing E.O. 11988," published as 43 FR 6030, on February 10, 1978. SCS has used the WRC guidelines in preparing its own rules and procedures (7 CFR 650.25) to comply with the Executive order.

The proposed rules are general and address all Federal assistance programs administered by SCS. Handbooks and internal guidelines of SCS are being revised and amended to give specific details for agency compliance.

Implementation of these rules will not have significant consequences for the economic and social well-being of our society. Therefore, a regulatory analysis will not be necessary in accordance with E.O. 12044, Improving Government Regulations, dated March 23, 1978.

SCS has requested the Water Resources Council to arrange a meeting with representatives of the Council on Environmental Quality, the Department of Housing and Urban Development Federal Insurance Administration, and the Water Resources Council, as required by E.O. 11988. Copies of these proposed rules have been provided to the designated representatives of these three agencies.

(7CFR 2.62; E.O. 11988.)

Dated: May 25, 1978.

VICTOR H. BARRY, Jr.,
Deputy Administrator
for Programs.

A new § 650.25 is added to Subpart A, Related Environmental Concerns as follows:

§ 650.25 Flood-plain management

(a) Policy. (1) It is the policy of SCS to help land users achieve wise use and treatment of all their land, including flood plains. If assistance appears to include an activity in a flood plain as defined in E.O. 11988, SCS field personnel are to consult and bring to the attention of the land user Department of Housing and Urban Development's (HUD's) flood insurance maps or other more detailed flood hazard maps covering the proposed flood-plain site. In giving assistance to users of flood-plain lands SCS is to carefully consider the nature, scope, and degree of the flood hazards. Consideration is also to be given to the natural and beneficial values in the flood plain at the time assistance is provided. SCS is to discourage development (hazardous or unsafe uses) of flood-plain areas subject to inundation by the 1 percent chance flood (i.e., 100-year or base flood), especially if the occupancy or modification might cause significant adverse impacts within the flood plain.

(2) For undeveloped flood-plain lands not currently used for produc-

tion of food, fiber, and forest products, SCS is to provide leadership in encouraging land users to leave such lands in the natural state if development might adversely affect valuable aquatic or terrestrial ecosystems or increase the risk of flooding. Technical and financial assistance provided by SCS through conservation districts and other legally authorized State and local sponsoring organizations are to be carried out in full compliance with the spirit and intent of E.O. 11988, Floodplain Management.

(3) If there are no practicable alternatives to carrying out an action on the base flood plain and the proposed or alternative actions are considered to be incompatible development of a flood plain, SCS may withdraw assistance. If further assistance is provided, SCS, within acceptable standards, may assist the land user in designing or modifying the proposed action so as to minimize potential harm within the flood plain. Such assistance is to be directed toward reducing the risk of flood loss and minimizing the impact of floods on human safety, health, and welfare and is to include associated measures which will aid in the restoration and preservation of the natural and beneficial values served by the flood plain.

(4) Lands under SCS ownership and control (Plant Materials Centers, 7 CFR 613) are to be used in accordance with the purpose and intent of the Executive order.

(5) SCS will not prepare a written finding (i.e., public notice) for assistance provided to land users on existing agricultural land when there is no change in land use.

(b) Responsibility. The SCS will provide technical and financial assistance through conservation districts, special purpose districts, and other State or local subdivisions of State government to land owners or operators, groups, and communities in such a way that the impacts on valuable natural flood-plain ecosystems and on human safety, health, and welfare are minimized and flood losses are not increased.

(1) SCS national office. The Administrator is to assign national office leadership to provide quality control in SCS Federal assistance programs to encourage the protection and preservation of existing natural and beneficial values served by flood plains and to minimize the impact on the human safety, health, and welfare of the Nation. The Administrator is to emphasize the need for environmental assessment of SCS-assisted actions to appropriately identify and evaluate proposed actions that might result in adverse effects and incompatible development in flood plains so that practicable alternatives are given consideration.

(2) *SCS technical service centers (TSC's).* Each TSC director is to designate a staff person who has broad knowledge of landforms, soils, hydrology, and related ecosystems to provide technical guidance to state conservationists to insure that SCS-assisted programs consider flood plain management and do not support flood-plain development if there is a practicable alternative.

(3) *SCS State offices.* Each SCS state conservationist is the responsible Federal official (RFO) in all assistance programs implemented within his State. He is also responsible for activities on lands owned and under control of SCS (plant materials centers). He is to designate a staff person who has basic knowledge of landforms, soils, hydrology, and related ecosystems to provide technical expertise in flood-plain management in planning and implementing actions carried out within the State. If an SCS-assisted action requires the preparation of an EIS as part of the normal EIS procedure, the RFO is to provide early notification that a proposed action is to be located in the base flood plain (Part 650, Subpart A).

(4) *SCS field offices.* District conservationists (DC) (Part 600.6) are responsible for providing technical and/or financial assistance primarily through conservation district programs, as well as through other programs that apply within field offices.

(c) *Coordination and implementation—non-Federal land.* (1) *SCS-assisted actions that do not have significant environmental impacts on the base flood plain.* Technical and financial assistance provided by SCS through conservation district programs to land users for the installation of conservation practices on base flood-plain lands currently used for agricultural production of food, fiber, and forest products are considered to be compatible development in base flood plains.

(2) *SCS assisted actions that may have a significant environmental impact on the base flood plain.* Environmental assessment (7 CFR 650.3(a) and 650.4) in the early stages of planning complex individual or group jobs or projects identifies the effects of proposed actions that will occur in a flood plain. The environmental assessment also identifies and evaluates practicable alternatives to avoid incompatible development in flood plain. If necessary, SCS is to prepare design modifications that minimize potential harm within the flood plain and restore and preserve valuable natural and beneficial values served by the flood plain, or is to withdraw assistance.

(i) *Proposed actions that do not require an EIS.* If the environmental assessment indicates that a proposed action is not a major Federal action significantly affecting the human environment but will occur in a base flood plain, the RFO is to determine if the proposed action is incompatible with existing natural and beneficial values of the flood plain. SCS may withdraw technical assistance, but if further SCS assistance is to be provided, the public is to be invited to comment. If the land user decides to carry out the proposed action in the base flood plain, the RFO in consultation with the land user is to arrange for appropriate public meetings and is to circulate a notice of finding commensurate with the significance of the effect of the proposed action. The Environmental Impact Appraisal (7 CFR 650.3(f)) for actions not requiring an EIS is to contain an explanation of why the proposed action is to be located in a flood plain. If the proposed action is located outside the flood plain, but may have effect within the base flood plain, the same procedure is to be followed.

(ii) *Proposed actions that require an EIS.* If the environmental assessment

indicates that a proposed action is a major Federal action significantly affecting the human environment, the usual procedures for preparing an EIS are to comply with the spirit and intent of E.O. 11988 (7 CFR 650). The early public review (7 CFR 650.6) for projects subject to the Office of Management and Budget Circular A-95 process is to be reflected in early drafts of the EIS. Alternative actions to avoid adverse effects on flood plains are to be considered (7 CFR 650.7). The Statement of Findings (7 CFR 650.3(e)) for actions requiring an EIS is to contain an explanation of why the action is proposed to be located in a flood plain.

(d) *Coordination and implementation—federally owned property.* For real property and facilities owned and operated by SCS, the agency is to take the following actions:

(1) Require new structures and facilities that are to occur on flood plains to be consistent with the intent of E.O. 11988.

(2) Apply accepted floodproofing and other flood protection measures as needed to new construction or facilities or to existing structures or facilities when rehabilitated. To achieve flood protection, SCS, whenever practicable, is to elevate structures above the base flood level rather than fill in land.

(3) If property in flood plains is proposed for lease, easement, right-of-way, or disposal to non-Federal public or private parties, SCS is to:

(i) Reference in the conveyance those uses that are restricted under identified Federal, State, or local flood-plain regulations.

(ii) Attach other appropriate restrictions to the uses of properties by the grantee or purchaser and any successors, except where prohibited by law, or

(iii) Withhold such property from conveyance.

[FR Doc. 78-15166 Filed 6-1-78; 8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

FLOODPLAINS AND WETLANDS EXECUTIVE ORDERS

Availability for Public Comment on Service Procedures for Implementation

AGENCY: United States Fish and Wildlife Service, Department of the Interior.

ACTION: Notice of availability for public comment on service procedures for implementation of the Floodplains and Wetlands Executive Orders.

SUMMARY: The Service is making available for public review and comment the procedures it will use to implement Executive Order 11988, Floodplain Management, and Executive Order 11990, Protection of Wetlands. Both orders required all Federal agencies to review their activities, procedures, and rules and regulations. The Department of the Interior's draft procedures for these orders specify that all subdivisions of the Department are to prepare procedures to guide their specific activities. Interim procedures, for implementation of the orders are now in use by Service personnel. After consideration of suggestions from the public and other Government agencies, the procedures will be finalized to aid in the Service's efforts to preserve our Nation's wetland resources and to preserve and restore the natural and beneficial fish and wildlife values in floodplains.

DATE: Comments must be received on or before July 3, 1978.

ADDRESS: All comments should be sent to U.S. Fish and Wildlife Service ES/EC, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Gene A. Whitaker, Branch of Environmental Coordination, U.S. Fish and Wildlife Service, Washington, D.C. 20240, phone 202-376-8111.

SUPPLEMENTARY INFORMATION: Executive Order 11988, Floodplain Management, affirmed that it is the policy to protect and enhance the natural and beneficial values of floodplains and to actively discourage non-compatible development. The Executive Order 11990, for Protection of Wetlands, recognized that our remaining wetlands are a valuable national resource. All Federal agencies are to do everything possible to avoid direct or indirect support on new construction in wetlands wherever there is a practical alternative.

The U.S. Water Resources Council's Floodplain Management Guidelines For Implementing E.O. 11980 (43 FR

6030, February 10, 1978) provides the basic implementation guidelines. The Service's draft procedures, based on the Department of the Interior's draft procedures, incorporate the Water Resources Council's guidelines and make them specific to the various FWS programs. The proposed Instructional memorandum described in this notice is to guide all Service employees in assuring that all their actions further the intent and purpose of both Presidential Executive orders.

The notice also contains draft changes to be made in existing Service manuals and other operational guidelines. The same concepts will be incorporated in specific instructional memoranda issued by Regional offices as necessary.

Service personnel are increasing their emphasis on identifying any apparent inconsistencies between the intents of the two Executive orders and proposed projects and other activities of other agencies. Service offices review and comment on the plans for most major activities being carried out by Federal agencies. It is hoped that their comments on proposed activities that might impact floodplains or wetlands will help improve Federal consistency with the intent and purposes of the orders.

FISH AND WILDLIFE SERVICE COMPLIANCE WITH EXECUTIVE ORDERS 11988 (FLOODPLAIN MANAGEMENT) AND 11990 (PROTECTION OF WETLANDS)

The Fish and Wildlife Service has examined its existing procedures, regulations and policies as required by Executive Orders 11988 and 11990. The following actions are being taken to assure that all FWS actions are in compliance with these orders.

1. A general memorandum will be issued by the Director and sent to all offices to replace interim implementation guidelines issued in September 1977. The instructional memorandum will require essentially similar treatment for proposed actions in floodplains or wetlands and will state that:

a. It is policy of the Fish and Wildlife Service to provide Federal leadership in preserving and restoring the natural and beneficial fish and wildlife values of floodplains and wetlands. Whenever there is a reasonable alternative, the Service will not undertake, support or permit activities under its authorities that would adversely impact the natural or beneficial fish and wildlife values of floodplains or wetlands. Service personnel are to be continually alert for opportunities to protect and restore fish and wildlife habitat as a natural and beneficial value of floodplains and wetlands as a part of all of their activities.

b. The planning concepts outlined in Part II—Decision-Making Process of the U.S. Water Resources Council's

Floodplain Management Guidelines (43 FR 6030, February 10, 1978) will be used in planning all FWS activities irrespective of their location.

c. Environmental Assessments (EA) are to be prepared for all proposed actions in floodplains or wetlands. The EA will state direct and indirect impacts of the action on floodplains and wetlands and the alternatives considered. The EA for any activity, or element of an activity, that will result in construction in a floodplain or wetland, or otherwise affect their natural or beneficial values, will state, in addition to presently required considerations, the degree of risk present to the public investment and human health and safety and whether or not an alternate location or alternative course of action could accomplish the objectives. It will also state where applicable what steps are being taken to minimize harm to the facilities and to the natural and beneficial fish and wildlife values of floodplains or wetlands.

d. Normal maintenance and rehabilitation of existing structures or facilities require that the opportunities to restore or enhance natural values be considered. The procedural requirements are not applicable to normal maintenance. Rehabilitation of inoperative structures and rehabilitation projects incorporating significant enlargement that will result in changes in presently existing natural values associated with the wetland or floodplain area require full consideration.

e. A notice of intent to conduct, support, or allow an action to be located in a floodplain or wetland must be prepared and circulated. The notice must: (1) Explain concisely, why the proposed action is to be located in the floodplain, (2) provide a list of expected environmental impacts of the action as part of a brief summary of the environmental assessments, (3) state that the action conforms to all applicable State and local floodplain protection standards and to the requirements of Executive Orders 11988 and 11990, and (4) provide a simple location map. It also must state whether an EIS or a Negative Declaration will be prepared for the project and where the environmental assessment and additional information on the project are available for inspection or can be obtained. The notice should not exceed three pages in length and may also serve as the notice for A-95 clearing-houses as required.

f. Both Executive Orders require that public comments be solicited for all projects stating that opportunity must be provided " . . . for early public review of any plans or proposals for actions . . . whose impact is not significant enough to require the preparation of an environmental impact statement" The similar public

involvement is necessary, of course, when an EIS is required. Fortright solicitation of suggestions and comments from the public is part of a sound public information program. Such efforts will enhance public knowledge of all Service activities.

In cases where proposed construction is in accordance with existing plans which have already undergone documented public review, the requirement may be considered to have been fulfilled although a good public information effort might still be worthwhile, especially for those plans where considerable time has elapsed since approval. It is usually more efficient and more understandable to the public to combine associated projects for this process (i.e., cover all projects contained in a refuge master plan or all those on a particular refuge proposed for funding under a single authorization).

As a minimum, a press release should be prepared for local dissemination briefly describing the proposed action and urging the public to provide the Service with their views. The press release should also be posted in local FWS installations with personal copies sent to nearby local governmental bodies, adjacent property owners, and concerned individuals and organizations. It is suggested that field stations develop a list of names and addresses for local distribution and that area and regional offices supplement it. The list should include the Division of National Wildlife Refuges' Branch of Planning and the Division of Ecological Services' Branch of Environmental Coordination in Washington. The list should also include other regionally active Federal agencies, conservation groups, farm and taxpayers organizations.

All notices, statements of findings, and NEPA documents on proposed activities in or potentially affecting floodplains or wetlands shall at a minimum be sent to the office of the following agencies nearest the site of the proposed action: Environmental Protection Agency (EPA); Federal Insurance Administration (FIA); U.S. Geological Survey (GS); Bureau of Reclamation (BR) (western States only); Corps of Engineers (COE); and Soil Conservation Service (SCS).

For projects where substantial citizen interest is expected a public meeting should be considered in order to allow a full discussion of the issues during an early planning stage. In all cases, the draft Environmental Assessment should be completed and available for the public meeting. A record of public information efforts and a summary of comments received should be maintained in the project files.

g. All requests for new authorizations or appropriations for proposals to be located in or potentially affect-

ing floodplains or wetlands will contain a statement that the proposal is in accord with and fully supports the intent of the Orders.

h. Step 7, Part II of the WRC Guidelines describes the post-decisional process for the statement of findings and explanation to the public of why a project will, after consideration of all alternatives, be located in a floodplain. Use of the planning process outlined in the WRC Guidelines will assure that consideration of the natural and beneficial values of floodplains and wetlands remains a pre-decisional activity. The final project documents will identify the action the FWS proposes to undertake. The Step 7 statement of findings can, therefore, be written in the final environmental impact statement or negative declaration so that it is available for public review concurrent with the required administrative waiting period.

i. To comply with Section 3(c) of the floodplains Executive Order all federally owned property managed by the Fish and Wildlife Service located in an identified flood hazard area will be conspicuously identified. Prior to May 1, 1979, signs identifying the approximate level of the highest recorded flood and the predicted level of the 100-year event will be posted where roads available for public use enter such property and at or near the entrance of all facilities available to the general public.

2. The Federal Aid Manual used by all organizations when applying for funds administered by the Fish and Wildlife Service will be amended at Section 11.25, to read:

All projects must comply with Executive Orders 11988, Floodplain Management and 11990, Protection of Wetlands, dated May 24, 1977, and with the U.S. Water Resources Council's Floodplain Management Guidelines for implementing E.O. 11980 (43 FR 6030, February 10, 1978). All projects which will alter the environment must state whether or not there will be an impact on floodplains or wetlands. Direct or indirect Federal support of floodplain development or of new construction in wetlands must be avoided where practicable alternatives exist. This also includes the rehabilitation of non-operative structures or significant enlargement of existing facilities. Normal maintenance and rehabilitation of functioning structures or facilities are not included.

When activities must be carried out in a floodplain or wetland, the work must be done in a manner which, to the extent possible, will reduce the risk of flood loss in a floodplain, minimize the destruction or degradation of wetlands, and preserve and enhance their natural and beneficial fish and wildlife values. The project documentation, preferably in the Environmental Assessment Report, must include:

- Alternative actions and locations considered;
- The extent of the direct and indirect impacts;
- Measures to be taken to minimize the impacts; and

d. Acknowledgement that all State and local floodplain and wetland regulations and standards are being met.

The general public must be given the opportunity for early review of the plans or proposals for actions affecting floodplains or wetlands, even if the actions are not significant enough to require preparation of an environmental impact statement. Local press releases inviting comments are considered minimal public notification. Additional means for public input should be provided where substantial public interest is expected.

Approval of proposed land acquisition projects to acquire floodplains or wetlands depends on the purpose for which the land is being acquired. If the purpose is not consistent with the intent of these Executive Orders, the acquisition is not approvable, even if all subsequent actions are to be funded without Federal assistance.

Executive Order 11988 requires that appropriate State and areawide A-95 clearinghouses receive certain information when an action is to be carried out in a floodplain. The grantee should include a copy of the Environmental Assessment along with a location map when submitting project information through the clearinghouse for approval.

3. The Realty Manual sections regarding disposition of lands will be amended as follows:

- Section 323.4, concerning selection of refuge lands available for exchange purposes, will be revised to read:

The Regional Director may recommend for exchange purposes any lands he deems unessential to the refuge or which in his opinion are best suited for exchange purposes. When such selections fall within approved purchase boundaries clearance must be obtained from the Director. Exchange agreements providing for the removal of products or the use of refuge lands must be in accordance with approved management plans. Exchange proposals should include a statement as to whether exchange lands (to be conveyed by the United States) fall within limitations contained in Executive Orders 11988, Floodplain Management and 11990, Protection of Wetlands. Conveyances of land identified as being restricted by either of these orders must contain appropriate restrictive language. Any restrictive language to be used in a deed must also be included in the exchange agreement. Further, the exchange agreement can not be accepted until the procedures for public notice have been completed.

- Section 610.4 b.2 concerning disposal of excess property will be revised to read:

Report the property to General Services Administration as excess for disposal by

GSA (excess property). A determination should be made as to whether the land falls under the limitations of Executive Orders 11988 Floodplain Management and/or 11990, Protection of Wetlands and GSA should be notified of the determination.

- Section 650.4 regarding right-of-way and use permits will be revised to read:

Prior to the granting of a permit or easement, a determination must be made as to whether the permit or easement area will fall within a floodplain or wetland or if the planned use may affect a floodplain or wetland area. If the area is within the floodplain or the planned use will affect the "floodplain" or a "wetland" area an appropriate notice must be published giving the nearest local jurisdictions, adjacent property owners, and the general public an opportunity to comment. An appropriate stipulation subjecting the grant to the requirements of Executive Orders 11988 and/or 11990 must also be added to the terms and conditions of the grant.

4. The Service's Engineering Handbook will be revised to require site surveys to include locations and elevations with respect to floodplains and wetlands. It will also specify that hydrological investigations include flood frequency and location with respect to floodplains.

The handbook will also state that the Office of Engineering will review all projects for compliance with orders, and discussion of location criteria (Sec. 303.2) will be revised to indicate:

Buildings should be located outside, or above, flood zones if at all practicable. When necessary to locate structures within the floodplain, the structures shall, whenever possible, be elevated above the base flood level rather than filling the land.

All other construction located in flood zones must include design features which will minimize or eliminate damages when exposed to or inundated by flood waters.

5. The Service's guidelines for the review and preparation of Environmental Impact Statements and general NEPA compliance are being updated. They will incorporate the instructions in item 1 of this notice in sections on the preparation of Environmental Assessments and Environmental Impact Statements.

The guidelines for review of environmental documents prepared by other agencies will state that potential impacts of proposed action on floodplains and wetlands should be carefully evaluated. Reviewers are to point out any unidentified impacts, suggest alternative project elements with less impact, and recommend steps that could be taken to restore or enhance natural floodplain or wetland values. If the recommended alternative or proposal does not appear to be in compliance with the orders it should be stated that such is the view of the U.S. Fish and Wildlife Service and recommendations should be made for modifying or abandoning the project.

6. Two FEDERAL REGISTER notices providing guidelines for the review of

permits and licenses issued by other agencies are now being amended. Subsection F is added to Section 1.2 of Review of Fish and Wildlife Aspects of Proposals in or Affecting Navigable Waters, FR 40 No. 231, Part IV, December 1, 1975, and Subsection E is added to Section 2.1 of Oil and Gas Exploration and Development Activities in Territorial and Inland Navigable Waters and Wetlands, FR 40 No. 231, Part II, December 1, 1975. The new subsections are to read as follows:

Executive Orders 11988, Floodplain Management and 11990, Protection of Wetlands.

As part of the required reviews of applications for Federal permit or license to be issued by other agencies, Fish and Wildlife Service personnel must consider the effects of proposed actions on the natural and beneficial values of floodplains and wetlands. Personnel are to review all proposed actions in light of Executive Orders 11988 and 11990, the Water Resources Council's guidelines for implementing the Floodplain Management Order and the approved implementation guidelines of the permitting agency. If in the view of the Fish and Wildlife Service the proposed action is not in compliance with the Orders, the comments will so state and appropriate recommendations will be made.

Dated: May 25, 1978.

ROBERT S. COOK,
Acting Director,
Fish and Wildlife Service.

(FR Doc. 78-15114 Filed 6-1-78; 8:45 am)

[8120-01]

TENNESSEE VALLEY AUTHORITY**IMPLEMENTATION OF EXECUTIVE ORDER NOS. 11988 AND 11990, FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS****Draft Procedures**

AGENCY: Tennessee Valley Authority (TVA)

ACTION: Draft procedures.

SUMMARY: The Tennessee Valley Authority proposes to adopt the following draft procedures to guide the development, coordination, and review of TVA activities. These procedures are intended to implement Executive Order Nos. 11988 and 11990, Floodplain Management and Protection of Wetlands.

DATE: Comments must be received on or before July 3, 1978.

ADDRESS: Comments should be sent to Herbert S. Sanger, Jr., General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, Knoxville, Tenn. 37902.

FOR FURTHER INFORMATION CONTACT:

Edward H. Lesesne, Director, Division of Water Management, Tennessee Valley Authority, 448 Evans Building, Knoxville, Tenn. 37902, 615-632-3788.

SUPPLEMENTARY INFORMATION: These draft procedures were prepared recognizing the admonition of the Water Resources Council guidelines for implementing Executive Order No. 11988, to the effect that it may be impossible to anticipate the full range of individual program situations affected by the order and that an agency is responsible for tailoring its procedures to meet its legislatively prescribed missions and the requirements of the order.

As a regional resource development agency, TVA has a unique role. Under the Tennessee Valley Authority Act of 1933, 48 Stat. 58, as amended, 16 U.S.C. 831-831dd (1976), TVA has the responsibility for the advancement of the national defense and the physical, social, and economic development of the region, including responsibility for providing for flood control on the Tennessee River and improving navigation. The wide diversity and variety of TVA programs under the TVA Act make it impossible to anticipate the full range of individual situations affected by both Executive orders. Therefore, the most effective approach for implementing the Executive orders is not to attempt to adopt highly detailed procedures for each, but rather to incorporate floodplain and wetlands considerations into

TVA's normal multi-disciplinary process for implementing the National Environmental Policy Act. This is consistent with the WRC guidelines, which provide that agencies should use existing processes established under CEQ's NEPA guidelines.

Under TVA's NEPA procedures, virtually every action undertaken by TVA is subjected to an interdisciplinary review utilizing all of TVA's in-house environmental expertise even where an environmental statement is not required. We feel, therefore, that the best implementation of the floodplain and wetlands Executive orders for TVA is to integrate those elements into these existing procedures. The draft procedures, coupled with our NEPA procedures, will assure that the intent of the Executive orders is achieved.

The draft procedures are as follows:

TVA CODE IX—FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS**PART I. PURPOSE**

This code provides guidance for compliance by TVA with Executive Order Nos. 11988, Floodplain Management, and 11990, Protection of Wetlands.

PART II. DEFINITIONS

A. "Floodplain" means the lowland and relatively flat areas adjoining inland waters, including at a minimum the 100-year floodplain, that area subject to a 1 percent or greater chance of flooding in a given year. The base floodplain is the 100-year floodplain. The critical action floodplain is the 500-year floodplain, that area subject to a 0.2 percent chance of flooding in a given year.

B. "Base Flood" means that flood with a 1 percent or greater chance of occurrence in any given year.

C. "Wetlands" means those areas inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats and natural ponds.

D. "New Construction" includes draining, dredging, channelizing, filling, diking, impounding, and related activities, and any structures or facilities begun after October 1, 1977.

E. "Critical Action" means any action for which even a slight chance of flooding would be too great.

PART III. POLICY

TVA provides leadership and takes action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains. To accomplish these objectives, TVA avoids, to the extent possible, the long- and short-term impacts associated with the occupancy and modification of floodplains, and, whenever there is a practicable alternative avoids the direct or

indirect support of floodplain development.

TVA provides leadership and takes action to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands. To accomplish these objectives, TVA avoids, to the extent possible, the long- and short-term adverse impacts associated with the destruction or modification of wetlands, and whenever there is a practicable alternative, avoids the direct or indirect support of new construction in wetlands.

In order to obtain the views of the public, timely public information is provided to the fullest extent practicable of TVA plans for actions in floodplains or new construction in wetlands.

PART IV. FLOODPLAIN EVALUATION

A. *Application.* This part shall apply to the following actions: (1) the acquisition, management, and disposition of TVA facilities and Federal lands under TVA's control; (2) construction and improvements undertaken, financed, or assisted by TVA; and (3) TVA activities and programs affecting land use, including but not limited to water and related land resources planning and approvals under § 26a of the TVA Act.

B. *Consideration of flood hazards and floodplain management.* Flood hazards and floodplain management shall be taken into account when formulating proposals for actions. The use of resources and the construction of TVA facilities and structures shall be consistent with the flood hazard involved, and unless inappropriate to the particular facility, the regulations promulgated under the National Flood Insurance Program. Nonopen space use of land in the floodplain will be avoided to the extent practicable. Where new structures or facilities are to be located in a floodplain, floodproofing, and other flood protection measures shall be applied. Raising of structures above the base flood levels, shall, when practicable, be preferred to filling.

When Federal property in a floodplain held by TVA is proposed for lease, granting of easements, and rights of way, or disposal: (1) The uses restricted under applicable floodplain regulations shall be referenced in the conveyance; (2) restrictions appropriate to the degree of hazard involved shall be attached; or (3) such properties shall be withheld from conveyance.

C. *Procedure.* For each action or class of actions described in this part, a floodplain evaluation will be performed. This evaluation will be made part of the environmental evaluation record and any ensuing environmental impact statement.

1. At the request of, and on the basis of information provided by the initiating office or division, the Division of Water Management will determine, in accordance with the Water Resource Council's "Guidance for Floodplain Management" (42 FR 52, 590-99 (1977)), or subsequent revisions, whether a proposed action, or any part of it, will occur in the base floodplain. For critical actions, the 500-year or greater floodplain will be used. Initiating offices and divisions shall seek flood hazard information at the earliest feasible stage of planning when alternative sites are being identified and evaluated.

2. The initiating office or division, the Division of Environmental Planning, and the Division of Law will determine the feasibility of providing early public review for particular actions or classes of action to be located in a floodplain for such proposals. The Division of Navigation Development

and Regional Studies will send a notice to state and area A-95 clearinghouses for the geographical area affected.

3. If it is determined that any part of a proposed action will occur in a floodplain, offices or divisions will, in accordance with their program interests and fields of expertise, recommend, and evaluate: (a) alternatives to avoid adverse effects and incompatible development in the floodplain, and (b) measures to minimize potential harm to or within the floodplain.

4. The initiating office or division will include in the EER a preliminary determination whether the only practicable alternative(s) consistent with the law and the policy of this code requires siting in a floodplain. This determination will be made by considering the project benefits and the following factors:

(a) The risk of flood hazard to humans and property;

(b) The effect of floodplain modification or occupancy on water quality, ground water recharge, living resources, cultural resources, and agricultural resources; and

(c) The feasibility and availability of non-floodplain sites.

5. If the Director of the Division of Environmental Planning, after consultation with the Division of Law, concurs in the determination, it is a final determination. If the Director of the Division of Environmental Planning does not concur, the initiating office or division may refer the matter to the General Manager for determination.

6. If a final determination is made that the only practicable alternative requires floodplain siting, a short notice will be prepared and circulated explaining why the action is proposed to be located in a floodplain. If the action is subject to Office of Management and Budget Circular A-95 procedures, the notice shall be sent to state and area-wide A-95 clearinghouses for the areas affected. For actions not subject to A-95 review, the notice will be made available in a reasonable manner to the areas affected. The notice shall include the reasons for locating in a floodplain, a statement whether the action conforms to applicable floodplain protection standards, and a list of alternatives studied. When feasible, a brief period for comment will be allowed before implementing the action, the period to be specified in the notice.

7. Requests for new appropriations submitted to the Office of Management and Budget will indicate, for actions proposed to be located in a floodplain, whether the action is in accord with Executive Order No. 11988.

8. When a class of routine or recurring actions exists and the considerations of

whether to locate in a floodplain are substantially similar, a floodplain evaluation of the class may be undertaken. If the evaluation results in a final determination that the only practicable alternative(s) consistent with the law and the policy of Executive Order No. 11988 requires siting in a floodplain, then subsequent actions in the class shall not normally require a floodplain evaluation.

PART V. PROTECTION OF WETLANDS

A. *Application.* Subject to the exceptions defined below, this part applies to: (1) the acquisition, management, and disposition of TVA facilities and Federal lands under TVA's control; (2) construction and improvements undertaken, financed, or assisted by TVA; and (3) TVA activities and programs affecting the land use, including but not limited to water and related land resources planning, regulating, and licensing activities. This part does not apply to the issuance of permits, licenses, or allocations to private parties for activities involving wetlands, e.g., such as 26a permits. This part also does not apply to projects or programs under construction or in operation on May 24, 1977, or for which all of the funds have been appropriated through fiscal year 1977, or for which a draft or final environmental impact statement was filed or the environmental review was completed prior to October 1, 1977.

B. *Procedure.* For each action or class of actions described in this part, a wetlands evaluation will be performed. This evaluation will be made a part of the environmental evaluation record and any ensuing environmental impact statement.

1. At the request of, and on the basis of information provided by the initiating office or division, the Division of Forestry, Fisheries, and Wildlife Development will determine, in accordance with the "Classification of Wetlands and Deep-Water Habitats of the United States" Cowardin (1977), whether a proposed action will undertake, or provide assistance for, new construction located in a wetlands.

2. The initiating office or division, the Division of Environmental Planning, and the Division of Law will determine the feasibility of providing early public review for particular actions or classes of action that will involve new construction in wetlands. For such proposals the Division of Navigation Development and Regional Studies will send a notice to state and area A-95 clearinghouses for the geographical area affected.

3. If a proposed action involves new construction in a wetlands, alternatives to such construction will be evaluated. Offices and divisions, in accordance with their program interests and fields of expertise, will recommend measures to minimize harm to the wetlands from the proposed action.

4. The initiating office or division should include in the EER a preliminary determination: (1) that there is no practicable alternative(s) consistent with the law to such construction; and (2) that the proposed action includes all practicable measures to minimize harm to wetlands. This determination will be made by considering the project benefits and the following factors: (a) living resources; (b) cultural resources; (c) water quality; (d) agricultural and forestry resources; and (e) feasibility and availability of alternative sites.

5. If the Director of the Division of Environmental Planning, after consultation with the Division of Law, concurs in the determination, it is a final determination. If the Director of the Division of Environmental Planning does not concur, the initiating office or division may refer the matter to the General Manager for determination.

6. When a class of routine or recurring actions exists and the impacts and considerations of siting new construction in a wetlands are substantially similar, a wetlands evaluation of the class may be undertaken. If the evaluation results in a final determination that: (1) for the actions within the class there is usually not a practicable alternative, consistent with the law and the policy of this code, to new construction in wetlands; and (2) all practicable measures to minimize harm to wetlands have been included, than subsequent actions in that class shall not normally require a wetlands evaluation.

7. Any requests for new appropriations submitted to the Office of Management and Budget shall indicate whether a proposed action to be located in wetlands is in accord with Executive Order No. 11990.

8. When federally owned wetlands under TVA's control are proposed for lease, granting of easements and rights of way, or disposal to non-Federal parties: (1) the conveyance shall reference uses restricted under applicable wetlands regulations; (2) restrictions consistent with the policy of this code will be attached as allowed by law; or (3) the property will be withheld from disposal.

Dated: May 23, 1978.

H. N. STROUD, JR.,
Acting General Manager.

[FR Doc. 78-15416 Filed 6-1-78; 8:45 am]

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FRIDAY, JUNE 2, 1978
PART V



DEPARTMENT OF
THE TREASURY
Bureau of Alcohol,
Tobacco and Firearms

Implementation of Statutory
Changes Made by Public Law
95-176

[4810-31]

Title 27—Alcohol, Tobacco Products and Firearms**CHAPTER I—BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, DEPARTMENT OF THE TREASURY**

(T.D. ATF-511)

IMPLEMENTATION OF STATUTORY CHANGES MADE BY PUBLIC LAW 95-176

AGENCY: Bureau of Alcohol, Tobacco and Firearms.

ACTION: Final rule.

SUMMARY: These regulations implement Pub. L. 95-176. This law provides a series of liberalizing amendments to the Internal Revenue Code relating to: (1) exportation of distilled spirits and wines; (2) mingling of distilled spirits; (3) use of distilled spirits for research, development or testing; (4) production of gin; and (5) return of bottled-in-bond spirits to bonded premises.

EFFECTIVE DATE: June 2, 1978.

FOR FURTHER INFORMATION CONTACT:

John A. Linthicum, Specialist, Procedures Branch, Regulations and Procedures Division (Regulatory Enforcement), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C., 20226, 202-566-7602.

SUPPLEMENTARY INFORMATION: Pub. L. 95-176 provides seven revisions in the Internal Revenue Code which: (1) extend to distilled spirits that are imported and then packaged or bottled in the United States for export the same tax drawback benefits given under present law to domestically produced spirits that are packaged or bottled for export; (2) allow distilled spirits to be returned to bonded premises of distilled spirits plants or to export storage facilities, with benefit of tax credit or refund, etc., for storage pending exportation and certain other preferred dispositions (e.g., use on vessels and aircraft or for transfer to foreign-trade zones); (3) allow refund or credit of tax on spirits bottled-in-bond after tax determination and returned to bonded premises pending further withdrawal; (4) allow distilled spirits bottled-in-bond, or returned to an export storage facility for export, to be transferred without payment of tax to customs bonded warehouses for storage pending exportation; (5) allow distilled spirits to be withdrawn from bonded premises without payment of tax for purposes of research, development or testing; (6) relax the conditions under which bonded distilled spirits may be mingled; and, (7) allow

RULES AND REGULATIONS

gin to be made with the extracted oils of juniper berries and other aromatics, as well as with the juniper berries or other aromatics themselves, without payment of the rectification tax.

EXPORT DRAWBACK ON IMPORTED DISTILLED SPIRITS AND WINES

Previous law authorized an allowance of drawback in the amount of the taxes paid or determined upon the exportation of distilled spirits or wines manufactured or produced in the United States. Export drawback was allowed on imported distilled spirits or wines only if they were used in the production of rectified products in the United States. The new statute extends this drawback privilege to include imported distilled spirits or wines if they are bottled or packaged in the United States.

The new statute also permits exportation with benefit of drawback for "other bulk containers" (5 wine gallons, or more) in addition to packages, casks, and bottles. A definition of "bulk container" is added to § 252.11. Conforming changes are made in sections in Parts 170, 201, 231 and 252 which refer to containers.

(§§ 170.137, 170.173, 201.469, 231.100, 252.30, 252.36, 252.37, 252.171, 252.192, 252.193, 252.211, 252.216, 252.263 amended; § 252.11, new definition added)

RETURN OF TAX-DETERMINED DISTILLED SPIRITS TO BONDED PREMISES

The new statute has expanded the types of transactions for which tax-determined distilled spirits may be returned to bonded premises with the benefit of abatement, remission, credit, or refund of tax on spirits returned. These various types of transactions are discussed below.

Under previous restrictions, distilled spirits could be returned to bonded premises for destruction, denaturation, redistillation, or certain types of mingling. Returning taxpaid or tax-determined distilled spirits to bonded premises for these purposes entitled the proprietor to abatement, remission or credit or refund (without interest) of distilled spirits excise tax. These provisions remain unchanged.

Return of spirits to bonded premises pending export. The new statute allows distilled spirits, which would be eligible for drawback upon exportation, to be returned to an export storage facility on the bonded premises of the distilled spirits plant where bottled or packaged for the purpose of storage pending withdrawal without payment of tax for exportation, use as supplies on certain vessels or aircraft, deposit in a foreign trade zone or transfer to a customs bonded warehouse (all of which are referred to hereafter as "exportation"). Similarly, distilled spirits may be returned to an export storage facility for withdrawal

free of tax for the use of the United States. For the purpose of storage pending export, any type of distilled spirits, including rectified and foreign products, may be returned to an export storage facility. Under these regulations the proprietor may submit a claim for credit or refund (without interest) of the internal revenue tax paid or determined on the distilled spirits returned. The amount of tax claimed is the same as would be allowed for drawback on the exportation of those distilled spirits.

Establishment of export storage facilities. Distilled spirits plant proprietors who wish to return spirits to bonded premises under this provision, shall make application on Form 2607, Registration of Distilled Spirits Plant, to establish an export storage facility. The construction and security requirements for bonded export storage facilities will be the same standards normally required for bonded premises where packages are stored. The export storage facilities shall be a separate area used solely for storage of spirits returned to bonded premises pending withdrawal without payment of tax for export, or free of tax for the use of the United States. The establishment of export storage facilities may also be allowed as alternating bonded and bottling premises under the provisions of 27 CFR 201.175. Alternated export storage facilities shall be a separate room or building which conforms to the same standards normally required for bonded premises where packages are stored.

Return of spirits bottled-in-bond after tax determination. The new statute also allows distilled spirits, which are bottled-in-bond for domestic consumption under Subpart Na of Part 201, to be returned to the bonded premises of the distilled spirits plant where bottled for storage. Withdrawal from bonded premises may be for any purpose for which distilled spirits bottled-in-bond under Subpart K of Part 201 are withdrawn from bonded premises.

Withdrawals upon tax determination become additions to controlled stock and the tax liability may be assumed on the tax return, Form 4077. The proprietor may submit a claim for credit or refund (without interest) of tax on the returned spirits.

ATF F 5110.17, Return of tax-determined spirits to bonded premises. Form 2612 is revised to provide for returning tax-determined spirits to bonded premises under the new statute. The form is redesignated as ATF F 5110.17 to conform with the Bureau's standard subject classification system. The form is modified to record disposition of spirits returned to bonded premises, in a manner similar to Form 1515, Distilled Spirits Bottled in Bond. Since ATF F 5110.17 will now

serve as a warehouse record for spirits returned to bonded premises, it will not be completed until disposition of all spirits recorded on the form. In order to expedite filing claims for taxes on spirits returned to bonded premises, the original ATF F 5110.17 recording the gauge of spirits returned, will be filed with the regional regulatory administrator immediately after recording the gauge of the spirits returned, and may be referenced as a supporting document for claims filed under § 201.44. The remaining copies will not be filed until disposition of all spirits recorded on the form.

Overprinting strip stamps. Section 201.541 now requires that strip stamps on bottles of spirits to be exported be overprinted with the words "Export" or "Drawback". Since spirits may now be returned to the export storage facility for storage pending exportation, § 201.541 is amended to require that strip stamps on bottles of these spirits be similarly overprinted with the word "Export".

(§§ 170.43, 201.44, 201.132, 201.149, 201.311, 201.541, Subpart S—Return of Spirits to Bonded Premises, 201.622, 201.628, 201.629, 252.61, 252.62, 252.91, 252.173 amended; §§ 201.116a, 201.241a, 252.91a added; §§ 201.11, 252.11, new definitions added.)

WITHDRAWALS TO CUSTOMS BONDED WAREHOUSES

Under previous law, distilled spirits could be withdrawn without payment of tax from the bonded premises of a distilled spirits plant for exportation. There was no comparable provision allowing withdrawal without payment of tax for transfer to a customs bonded warehouse for storage pending exportation. Spirits entered into a customs bonded warehouse could only be withdrawn for use in the United States by foreign embassies, legations and other specially qualified individuals. The new statute allows distilled spirits bottled-in-bond or returned to bonded export storage facilities to be transferred without payment of tax to a customs bonded warehouse for storage pending exportation.

(§§ 201.386, 252.26(a), 252.27 amended.)

SPIRITS WITHDRAWN FOR RESEARCH, DEVELOPMENT OR TESTING

Under previous law, samples of distilled spirits could be withdrawn free of tax from the bonded premises of a distilled spirits plant as samples for use only in tests or for laboratory analyses.

The new statute recognizes that previous limitations on these withdrawals were restrictive and in need of revision. The liberalized restrictions are now consistent with those purposes allowed for withdrawal without payment of tax for beer (26 U.S.C. 5053). The new statute provides that distilled

spirits may be withdrawn "without payment of tax by a proprietor of bonded premises for use in research, development, or testing (other than consumer testing or other market analysis) of processes, systems, materials or equipment, relating to distilled spirits or distillery operations..."

The new regulations divide withdrawal of spirits without payment of tax for research, development or testing into two categories: (1) withdrawal for testing or laboratory analysis to determine the quality or character of the finished product, discussed below as "quality control" testing; and (2) withdrawals for research, development or testing of processes, systems, materials or equipment relating to distilled spirits or plant operations, discussed below as "research and development" testing.

Quality control testing will be permitted with fewer restrictions. This testing must be conducted at the proprietor's laboratory located at the same distilled spirits plant or at a laboratory located at the distilled spirits plant of an affiliated or subsidiary corporation. The quantities withdrawn for quality control testing on a continuing basis will be subject to the approval of the assigned officer or area supervisor, and taxpayment will be required for quantities determined to be excessive. The proprietor will be required to extend the terms of the surety bond to cover the tax on spirits withdrawn without payment of tax for quality control testing.

Research and development testing will be regulated by requiring a letter application for each removal or each individual research, development or testing project. The laboratory receiving the spirits will be required to provide a written statement agreeing to keep records of receipt, use and disposition of the spirits and to permit inspection of those records and operations by ATF officers. This written statement will not be required when the testing is done at the proprietor's laboratory or the laboratory of a distilled spirits plant operated by an affiliated or subsidiary corporation. The proprietor will be required to extend the terms of the surety bond to cover the tax on spirits withdrawn without payment of tax for research and development testing.

Restrictions relating to withdrawal of samples of denatured spirits by dealers, users, applicants or prospective applicants for permits have been moved to § 201.393, which now covers all types of removals of denatured spirits from bonded premises.

ATF Form 1615, Report of Tax Due on Samples of Distilled Spirits, is now obsolete. Taxpayment of excessive quantities of spirits withdrawn for research, development or testing will be accomplished with ATF Form 179,

Withdrawal of Spirits Tax-Determined, as other taxpayment. Summary records, schedules of spirits withdrawn for testing or laboratory analysis and applications relating to spirits withdrawn for research, development or testing will record the information previously shown on ATF Form 1615.

Spirits withdrawn for research, development or testing and lost prior to being used will be eligible for remission of tax.

General sections relating to termination of tax liabilities and withdrawals without payment of tax are amended by making conforming changes.

(§§ 201.25, 201.43, 201.249, 201.386, 201.393, 201.626 amended; Subpart T—Samples, §§ 201.631(c)(1), 201.631a deleted; Subpart T—Spirits Withdrawn for Research, Development or Testing, added.)

MINGLING UNDER 26 U.S.C. 5234(a)(2)

Under previous law, distilled spirits mingled on bonded premises under 26 U.S.C. 5234(a)(2) were required to be returned to the same packages from which removed and the mingling was required to be for the purpose of further storage in bond.

The new statute and the regulations covering this type of mingling delete the requirements for further storage in bond and repackaging. Further storage in bond is now an option and not a requirement.

A conforming change is made in the § 201.29 relating to tax-exempt rectification. ATF Form 2546, Report of Spirits Mingled under 26 U.S.C. 5234(a)(2), is obsolete and the regulatory reference to it is deleted.

(§§ 201.29(t), 201.301, 201.310 amended; § 201.634(c) deleted)

USE OF EXTRACTED OILS IN PRODUCTION OF GIN

The previous law, 26 U.S.C. 5025(b) allowed exemption from rectification tax for production of gin on the bottling premises of a distilled spirits plant by redistillation of pure spirits over juniper berries and other natural aromatics.

The new statute allows tax-exempt rectification of gin by redistillation with the use of extracted oils of juniper berries and other natural aromatics. Gin may be produced without payment of rectification tax on either bottling premises or bonded premises.

There is no specific section of the Code which discusses production of gin on the bonded premises of a distilled spirits plant. However, based on congressional intent, § 201.29 (b) and (c) are amended to allow use of extracted oils on bonded production premises in gin production. Extracted oils of juniper berries and other natural aromatics for use in gin production are added to the list in § 201.262 of dis-

tilling materials which may be received on bonded production premises.

Proprietors who intend to produce gin on bonded premises using extracted oils of juniper berries and other natural aromatics shall file a statement of process on the plant registration, Form 2607, prior to using extracted oils. Proprietors who intend to produce gin on bottling premises using extracted oils of juniper berries and other natural aromatics shall obtain an approved formula, Form 27-B Supplemental, Formula and Process for Rectified Products, covering the use of extracted oils, prior to commencing this activity.

Conforming changes are made in § 201.29 (b) and (c) relating to tax exempt rectification of gin. Also, the word "natural" is added in § 201.441 before the word "aromatic" since it was inadvertently omitted when the section was originally written.

(§§ 201.29(b) and (c), 201.262, 201.267, 201.441, 201.619 amended)

MISCELLANEOUS AMENDMENTS

Where they appeared in amended sections, the terms "assistant regional commissioner" and "regional director" are replaced by the term "regional regulatory administrator". The terms "internal revenue officer" and "alcohol, tobacco and firearms officer" are replaced by the term "ATF officer". The terms "director of customs" and "collector of customs" are replaced by the term "district director of customs". Some sections were rewritten to clarify language. The statutory citations for amended sections are revised to conform with the style prescribed by the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of this document is John A. Linthicum, Specialist, Procedures Branch, Regulations and Procedures Division (Regulatory Enforcement), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226. However, other officials from the Bureau and from the Treasury Department participated in developing the Treasury decision, both on matters of substance and style.

COMPLIANCE WITH EXECUTIVE ORDER 12044

These regulations are necessary to implement Pub. L. 95-176 which was effective March 1, 1978. In order to expedite issuance of regulations under that statute and to provide immediate guidance to industry members, Richard J. Davis, Assistant Secretary of the Treasury (Enforcement and Operations) has determined that compliance with Executive Order 12044 is impractical.

EFFECTIVE DATE

Because this Treasury decision is both liberalizing and clarifying in nature, operates to the benefit of the regulated taxpayers, requires no public initiative, and because there is a need for immediate implementation of Pub. L. 95-176, it is found to be impracticable, unnecessary and contrary to the public interest to issue this Treasury decision with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d). Accordingly this Treasury decision becomes effective on June 2, 1978. Petitions to modify provisions of this decision will be considered on an expedited basis.

AUTHORITY AND ISSUANCE

These regulations are issued under authority of 26 U.S.C. 7805 (68A Stat. 917, as amended).

In view of the above, Title 27 of the Code of Federal Regulations is amended to read as follows:

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

§ 170.43 [Amended.]

PAR. 1. Spirits bottled-in-bond after tax determination and returned to bonded premises, as authorized by the new statute, may subsequently, upon tax-determination, become additions to controlled stock. In § 170.43, the definition of "controlled stock" is amended to reflect this change by deleting from paragraph (b) the words "(prior to tax determination)".

PAR. 2. Amend §§ 170.137 and 170.173 to allow Puerto Rican and Virgin Islands distilled spirits to be exported with benefit of drawback if bottled or packaged in the United States. Paragraphs (a) and (b) are retained unchanged in each section. As amended, these sections read as follows:

§ 170.137 Exportation with benefit of drawback.

Spirits from the Virgin Islands which are bottled in bottles packed in casks or other bulk containers in the United States, or which are used to produce a distilled spirits product in the United States are eligible for exportation with benefit of drawback. Export drawback claims involving those spirits shall show:

(Sec. 201, Pub. L. 85-859, 72 Stat. 1336, as amended (26 U.S.C. 5062).)

§ 170.173 Exportation with benefit of drawback.

Spirits from Puerto Rico which are bottled in bottles packed in containers, or which are packaged in casks or

other bulk containers in the United States, or which are used to produce a distilled spirits product in the United States, are eligible for exportation with benefit of drawback. Export drawback claims involving those spirits shall show:

(Sec. 201, Pub. L. 85-859, 72 Stat. 1336, as amended (26 U.S.C. 5062).)

PART 201—DISTILLED SPIRITS PLANTS

PAR. 3. Amend the Table of Contents to Part 201: (1) to reflect changes in titles of amended regulations; (2) to delete Subpart T—Samples, and §§ 201.587 and 201.631a; (3) to add titles of new sections and Subpart T—Spirits Withdrawn for Research, Development or Testing; and, (4) to redesignate §§ 201.584a, 201.585 and 201.586 as §§ 201.585, 201.586 and 201.587, respectively. As amended, the table of contents reads as follows:

Sec.	201.43	Claims on spirits lost or destroyed in bond.
	201.44	Claims on spirits returned to bonded premises.
	201.116a	Export storage facilities.
	201.241a	Export storage facilities.
	201.301	Mingling under 26 U.S.C. 5234(a)(2).
	201.583	Receipt and disposition of returned taxpaid spirits.
	201.584	Return of recovered denatured spirits and recovered articles.
	201.585	Articles and spirits residues received for redistillation.
	201.586	Return of recovered tax-free spirits, and spirits and denatured spirits withdrawn free of tax.
	201.587	Return of spirits withdrawn without payment of tax.
		Subpart T—Spirits Withdrawn for Research, Development or Testing
	201.601	Withdrawal of spirits without payment of tax.
	201.602	Schedule of spirits withdrawn for testing or laboratory analysis.
	201.603	Mechanical sampling devices.
	201.604	Taxable withdrawals.
	201.605	Labels.
	201.606	Withdrawals for testing or laboratory analysis.
	201.607	Withdrawals for research, development or testing.

Sec.

201.626 Record of withdrawals from bonded premises for research, development or testing.

201.631 Submission of transaction forms and reports.

201.633 Monthly reports.

PAR. 4. Amend § 201.11 by adding a definition of "export storage facilities". As amended, § 201.11 reads as follows:

§ 201.11 Meaning of terms.

Export storage facilities. The part of the bonded premises of a distilled spirits plant, established under 26 U.S.C. 5178(a)(3)(D), for the storage of distilled spirits returned under 26 U.S.C. 5215(b).

PAR. 5. Amend § 201.25 to reflect the withdrawal of spirits without payment of tax for research, development or testing. As amended this section reads as follows:

§ 201.25 Persons liable for tax.

(a) *Distilling.* 26 U.S.C. 5005 provides that the distiller of spirits is liable for the tax and that each proprietor or possessor of, and person in any manner interested in the use of any still, distilling apparatus, or distillery, shall be jointly and severally liable for the tax on distilled spirits produced. However, a person, not an officer or director of a corporate proprietor, owning or having the right of control of not more than 10 percent of any class of stock of that proprietor, is not liable by reason of the stock ownership or control. Persons transferring spirits in bond so liable for the tax are relieved of liability if (1) the proprietors of transferring and receiving premises are independent of each other and neither has a proprietary interest, directly or indirectly, in the business of the other, and (2) no person so liable for the tax on the spirits transferred retains any interest in the spirits. Persons withdrawing spirits on determination of tax under a withdrawal bond and liable for the tax are relieved of such liability if (1) the person withdrawing the spirits and the person or persons so liable for the tax are independent of each other and neither has a proprietary interest, directly or indirectly, in the business of the other, and (2) all persons liable for the tax have divested themselves of all interest in the spirits withdrawn.

(b) *Storage on bonded premises.* 26 U.S.C. 5005(c) provides that each person operating bonded premises shall be liable for the tax on all spirits

while the spirits are stored on the premises, and on all spirits which are in transit to the premises from the time of removal from the transferor's bonded premises, pursuant to an approved application. Liability for the tax continues until the spirits are transferred or withdrawn from bonded premises as authorized by law, or until the liability for tax is relieved under the provisions of 26 U.S.C. 5008(a). Claims for relief from liability for spirits lost are provided for in § 201.43. Voluntary destruction of spirits in bond is provided for in Subpart R of this part.

(c) *Withdrawals without payment of tax.* Under 26 U.S.C. 5005(e), any person who withdraws spirits from the bonded premises of a plant without payment of tax, as provided in 26 U.S.C. 5214, shall be liable for the tax on the spirits from the time of withdrawal. The person shall be relieved of any liability at the time the spirits are exported, deposited in a foreign-trade zone, used in production of wine, deposited in a customs bonded warehouse or a customs manufacturing bonded warehouse, laden as supplies upon or used in the maintenance or repair of certain vessels or aircraft, or used for certain research, development or testing, as provided by law.

(d) *Withdrawals free of tax.* Persons liable for tax under paragraph (a) of this section, are relieved of the liability on spirits withdrawn from bonded premises free of tax under this part, at the time the spirits are withdrawn.

(e) *Withdrawals on tax determination.* Under 26 U.S.C. 5005(c)(3), any person who gives a withdrawal bond, as provided in 26 U.S.C. 5174 shall be liable for the tax on spirits withdrawn on determination of tax from bonded premises under the bond from the time of withdrawal.

(f) *Withdrawal from customs custody without payment of tax.* 26 U.S.C. 5232(a) provides that when imported distilled spirits in bulk containers are withdrawn from customs custody and transferred to the bonded premises of a distilled spirits plant without payment of the internal revenue tax imposed on imported distilled spirits by 26 U.S.C. 5001, the person operating the bonded premises of the distilled spirits plant to which spirits are transferred shall become liable for the tax on the spirits upon their release from customs custody, and the importer shall thereupon be relieved of liability for the tax.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1318, as amended (26 U.S.C. 5005); Sec. 3, Pub. L. 90-630, 82 Stat. 1328, as amended (26 U.S.C. 5232); Sec. 3, Pub. L. 91-659, 84 Stat. 1965, as amended (26 U.S.C. 5066).)

PAR. 6. Amend section 201.29 to include the use of extracted oils in tax-exempt rectification of gin and to delete the term "for further storage in

bond" from tax-exempt mingling on bonded premises. As amended, § 201.29 reads as follows:

§ 201.29 Exemption from rectification tax.

(b) Gin produced on bonded premises in the course of original and continuous distillation over juniper berries and other natural aromatics, or the extracted oils of such;

(c) Gin produced on bottling premises by redistillation of pure spirits over juniper berries and other natural aromatics, or the extracted oils of such, in the manner authorized on bonded premises;

(t) Spirits mingled on bonded premises as provided in 26 U.S.C. 5234(a)(2), and § 201.301 of this part;

(Sec. 201, Pub. L. 85-859, 72 Stat. 1328, as amended, 1338, 1356, as amended, 1381 as amended (26 U.S.C. 5021, 5022, 5023, 5025, 5082, 5201, 5363).)

PAR. 7. Amend § 201.43 to provide for claims for spirits lost after withdrawal, but before being used for research, development or testing. A new paragraph (a)(7) is added to paragraph (a), and present paragraphs (a)(7) and (a)(8) are redesignated (a)(8) and (a)(9), respectively. Paragraph (c) is redesignated (c)(1) and a new paragraph (c)(2) is added. As amended, § 201.43 reads as follows:

§ 201.43 Claims on spirits lost or destroyed in bond.

(a) *Claims for remission.* All claims for remission of tax required by this part, relating to the destruction or loss of spirits (including denatured spirits) in bond, shall be filed with the regional regulatory administrator and shall set forth the following:

(7) The name and address of the consignee, in the case of spirits withdrawn without payment of tax which are lost before being used for research, development or testing;

(8) If lost by theft, facts establishing that the loss did not occur as the result of any negligence, connivance, collusion or fraud on the part of the proprietor of the plant, owner, consignor, consignee, bailee, or carrier, or the employees or agents of any of them;

(9) In the case of a loss, by theft, whether the claimant is indemnified or recompensed for the spirits lost and if so, the amount and nature of indemnity or recompense and the actual value of the spirits, less the tax.

(b) *Claims for abatement, credit, or refund.* Claims for abatement of an as-

assessment, or for credit or refund of tax which has been paid or determined, for spirits (including denatured spirits) lost or destroyed in bond shall be filed with the regional regulatory administrator. The claims shall set forth the information required under paragraph (a) of this section and, in addition, shall set forth (1) the date of assessment or payment (or of tax determination, if the tax has not been assessed or paid) of the tax for which abatement, credit, or refund is claimed, and (2) the name, plant number, and the address of the plant where the tax was determined, paid, or assessed (or name, address and capacity of any other person who paid or was assessed the tax, if the tax was not paid by or assessed against a proprietor).

(c) *Supporting document.* (1) Claims under paragraphs (a) and (b) of this section shall be supported (whenever possible) by affidavits of persons having personal knowledge of the loss or destruction. For claims on spirits (including denatured spirits) lost while being transferred by carrier, the claim shall be supported by a copy of the bill of lading.

(2) For claims pertaining to losses of spirits withdrawn without payment of tax and lost prior to being used for research, development or testing, the claim shall be supported by a copy of the proprietor's approved application or schedule prescribed in Subpart T of this part.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008).)

PAR. 8. Amend § 201.44 to provide for claims for credit or refund of tax on spirits returned to bonded premises. As amended, § 201.44 reads as follows:

§ 201.44 Claims on spirits returned to bonded premises.

Claims for credit or refund of tax on spirits which have been withdrawn from bonded premises on payment or determination of tax and which are returned under 26 U.S.C. 5215 shall be filed with the regional regulatory administrator and shall set forth the following:

(d) Except for spirits returned to an export storage facility, a statement that no alcoholic ingredients other than fully taxpaid eligible distilled spirits have been added to the product covered by the claim;

(e) The serial number of ATF F 5110.17 recording the gauge of spirits returned to bonded premises; and

(f) For spirits returned to export storage facilities, a statement of the export drawback rate applicable to the returned spirits. The rate shall be computed as provided in §§ 252.173 or 252.195a of this chapter, and shall be

supported, as appropriate, by a copy of each related dump and batch record, Form 2630, Form 2637, or approved substitute record, covering the dumping and bottling or packaging of the spirits. If the spirits contain Puerto Rican or Virgin Islands spirits, the claim shall show: (1) The precise quantity (in proof gallons) of the finished product derived from Puerto Rican or Virgin Islands spirits; and, (2) The amount of tax and the applicable rate of tax imposed by 26 U.S.C. 7652, determined at the time of withdrawal from internal revenue bond on the Puerto Rican or Virgin Islands spirits contained in the product.

Claims for credit or refund of tax shall be filed by the proprietor of the plant to which the spirits were returned within six months of the date of the return. If the claim is allowed, refund (without interest) will be made or credit (without interest) will be allowed.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended (26 U.S.C. 5008); Sec. 2, Pub. L. 95-176, 91 Stat. 1363 (26 U.S.C. 5215).)

PAR. 9. Add a new § 201.116a immediately following § 201.116, to provide for establishment of export storage facilities. As added, § 201.116a reads as follows:

§ 201.116a Export storage facilities.

A proprietor who has established facilities for the storage on bonded premises of distilled spirits under § 201.116 may establish a portion of the premises as an export storage facility for distilled spirits returned to bonded premises under § 201.581(b).

(Sec. 2, Pub. L. 95-176, 91 Stat. 1364; (26 U.S.C. 5178 (a)(3)(D)).)

PAR. 10. Amend § 201.132 to require a description of export storage facilities in the application for registration. As amended, § 201.132 reads as follows:

§ 201.132 Data for application for registration.

(j)
(2)

(ii) Description of the system of storage, including export storage facilities, and statement of storage capacity (bulk, packages and cases).

(5)

If any of the information required by paragraph (c) or paragraph (g) of this section is on file with the regional regulatory administrator, that information, if accurate and complete, may

by incorporation by reference, be made part of the application. The applicant shall, when required by the regional regulatory administrator, furnish as a part of the application for registration, additional information as may be necessary to determine whether the application for registration should be approved.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1349, as amended (26 U.S.C. 5171, 5172).)

PAR. 11. Amend § 201.149 to require a description of the export storage facilities on the bonded premises in the application for registration. As amended, § 201.149 reads as follows:

§ 201.149 Description of plant.

The application for registration shall include a description of each tract of land comprising the plant, clearly indicating the bonded premises, the bottling premises, and any other premises to be included as part of the plant. For a plant producing spirits, the premises subject to tax lien under 26 U.S.C. 5004(b) shall include the bonded premises, any building containing any part of bonded premises, and the tract of land on which any building containing any part of the bonded premises is situated. The application shall include a description of each tract of land subject to lien under 26 U.S.C. 5004(b). The description shall be by courses and distances, in feet and inches (or hundredths of feet), with the particularity required in conveyances of real estate. If any area (or areas) of the plant is to be alternated between bonded and bottling premises, as provided in § 201.175, each area shall be identified by number or letter. If any portion of the bonded premises is to be used as export storage facilities, as provided in § 201.116a, the facilities shall be described, and shall be identified by number or letter. The description of denaturing facilities (and equipment) shall show the manner of segregation of facilities from other facilities which would prevent a contamination of undenatured spirits. Each building and outside tank shall be described (location, size construction, arrangement, and means of protection and security), referring to each by its designated number or letter, and use. If a plant consists of a room or floor of a building, a description of the building in which the room or floor is situated and its location shall be given.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1349, as amended (26 U.S.C. 5172).)

PAR. 12. Add a new § 201.241a immediately following § 201.241. Section 201.241a reads as follows:

§ 201.241a Export storage facilities.

When authorized to return distilled spirits to bonded storage pending ex-

portation, the proprietor shall designate a specific room or building for that purpose. This room or building need not be used exclusively for the storage of returned spirits, but when used as an export storage facility the room or building may only be used for storage pending withdrawal without payment of tax under 26 U.S.C. 5214(a) (4), (7), (8) or (9), or free of tax under 26 U.S.C. 7510. The room or building shall be constructed as provided in § 201.231.

(Sec. 2, Pub. L. 95-176, 91 Stat. 1363, 1364 (26 U.S.C. 5215, 5178(a) (3) (D)).)

PAR. 13. Amend § 201.249 to reflect the fact that distilled spirits may be withdrawn by the proprietor for research, development or testing and to add a statutory authority. As amended, § 201.249 reads as follows:

§ 201.249 Sampling devices.

At each place in the production system where unfinished distilled spirits or denatured spirits are to be withdrawn for research, development or testing, the proprietor shall install a mechanical device which will: (a) Permit the spirits to be withdrawn without supervision; (b) accurately record or reflect the total quantities of spirits removed; and (c) prevent access to the closed system without detection. The regional regulatory administrator may approve the installation of sampling devices at other locations in the plant.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1395, as amended (26 U.S.C. 5552).)

PAR. 14. Amend § 201.262 to provide for receipt on bonded premises, of extracted oils of juniper berries and other natural aromatics for use in gin production. As amended, § 201.262 reads as follows:

§ 201.262 Receipt of materials.

The quantities of fermenting and distilling materials received on distillery premises shall be determined by the proprietor and reported as provided in Subpart U of this part. Distilling materials, as used in this section, means: spirits (including denatured spirits), articles and spirits residues, for redistillation, extracted oils of juniper berries and other natural aromatics to be used in the course of original and continuous distillation of gin and, non-potable chemical mixtures containing spirits produced in accordance with § 201.66. Fermented material (except apple cider exempt from tax under 26 U.S.C. 5042(a) (1)) to be used in the

(Sec. 201, Pub. L. 85-859, 72 Stat. 1356, as amended, 1365, as amended (26 U.S.C. 5201, 5222, 5223).)

PAR. 15. Amend § 201.267 to allow use of extracted oils of juniper berries and

other natural aromatics in gin production on bonded premises. As amended, § 201.267 reads as follows:

§ 201.267 Treatment during production.

Spirits may, in the production facilities in the course of original and continuous distillation or other original and continuous processing, be purified or refined through, or by use of, any material which will not remain incorporated in the finished product. Juniper berries and other natural aromatics, or the extracted oils of such, may be used in the distillation of gin. Spirits may be percolated

(Sec. 201, Pub. L. 85-859, 72 Stat. 1328, as amended, 1338, 1356 (26 U.S.C. 5025, 5082, 5201).)

PAR. 16. Amend § 201.301 to delete the requirement for repackaging and further storage of spirits mingled in bond. As amended, § 201.301 reads as follows:

§ 201.301 Mingling under 26 U.S.C. 5234(a)(2).

Within 20 years of the date of original entry for deposit, packages of spirits of the same kind, distilled by the same proprietor (under his own or any trade name), at the same distillery, and which have been stored in internal revenue bond in the same kind of cooperage for not less than 4 years (or 2 years in the case of rum or brandy) may be dumped and mingled in a tank in the storage facilities on bonded premises. The mingled spirits may be repackaged, for further storage in bond using the packages from which dumped, or using packages which last contained the same class and type of spirits. If spirits produced in different distilling seasons are mingled under this section, the mingled spirits shall consist of not less than 10 percent of spirits of each season. Spirits mingled under the provisions of this section may not again be mingled under these provisions until at least 1 year has elapsed since the last prior mingling.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1328, as amended, 1367, as amended (26 U.S.C. 5025, 5234).)

PAR. 17. Amend § 201.310 to replace the words "consolidation of packages" with the word "mingling" in paragraph (c). As amended, § 201.310 reads as follows:

§ 201.310 Taxable losses.

(c) *Applicability to packages filled after entry.* The provisions of this section apply to spirits (including denatured spirits) which are filled into casks or packages, as authorized by law, after entry and deposit in storage

in internal revenue bond, whether by recasking, filling from storage tanks, mingling, or otherwise. The quantity filled into those casks or packages is considered to be the original quantity for the purpose of this section in the case of loss from those casks or packages.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1320, as amended (26 U.S.C. 5006).)

§ 201.311 [Amended]

PAR. 18. Amend § 201.311 to: (1) Require monthly physical inventories of all spirits stored in bonded export storage facilities; (2) replace the words "regional director" with the words "regional regulatory administrator"; and (3) to correct the statutory citation. After the sentence "Losses of spirits (including denatured spirits) sustained from the tanks and bulk conveyances in bonded warehouses shall be determined by the proprietor each time a tank or bulk conveyance is emptied and on the basis of a physical inventory at the close of each month," the following new sentence is added: A complete physical inventory of the bonded export storage facilities shall be taken at the end of each month, and shortages found by this inventory shall be taxpaid, unless a claim for remission is filed in accordance with § 201.43, and is allowed by the regional regulatory administrator.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1323, as amended, 1356, as amended (26 U.S.C. 5008, 5201).)

§ 201.346 [Amended]

PAR. 19. Amend § 201.346 to change a regulatory reference from § 201.586 to § 201.587.

PAR. 20. Amend § 201.386 to include as authorized withdrawals without payment of tax, withdrawals for research, development or testing, and withdrawals to customs bonded warehouses for storage pending exportation. As amended, § 201.386 reads as follows:

§ 201.386 Authorized withdrawals without payment of tax.

Spirits may be withdrawn from bonded premises, without payment of tax for: (a) Export, as authorized under 26 U.S.C. 5214(a)(4); (b) Transfer to customs manufacturing bonded warehouses, as authorized under 26 U.S.C. 5522(a); (c) Transfer to foreign-trade zones, as authorized under 19 U.S.C. 81c; (d) Supplies for certain vessels and aircraft, as authorized under 19 U.S.C. 1309; (e) transfer to customs bonded warehouses, as authorized under 26 U.S.C. 5066 or 5214(a)(9); (f) Use in wine production, as authorized under 26 U.S.C. 5373; (g) Transfer to any university, college of learning, or

institution of scientific research for experimental or research use as authorized under 26 U.S.C. 5312(a); or (h) Research, development or testing, as authorized under 26 U.S.C. 5214(a)(10).

The withdrawal of spirits as provided in paragraphs (a) through (e) of this section shall be in accordance with the regulations in Part 252 of this chapter.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1362, as amended, 1375, as amended, 1382, as amended, 1393 (26 U.S.C. 5214, 5312, 5373, 5522); Sec. 3, Pub. L. 91-659, 84 Stat. 1965, as amended (26 U.S.C. 5066).)

Par. 21. Amend § 201.393 to provide for withdrawal of samples of denatured spirits. New paragraphs (c) and (d) are added incorporating the provisions of former §§ 201.602 and 201.607 as they related to denatured spirits. As amended, § 201.393 reads as follows:

§ 201.393 Removal of denatured spirits.

(c) *Samples of denatured spirits.* The proprietor may take samples of denatured spirits free of tax which may be necessary for the conduct of business. The proprietor may furnish samples of specially denatured spirits: (1) To dealers in, and users of, specially denatured spirits in advance of sales; and (2) to users and to applicants or prospective applicants for permits to use specially denatured spirits, for experimental purposes or for use in preparing samples of a finished product for submission to the Director. Samples for these purposes, in excess of 1 liter, shall be furnished only after a permit on Form 1512 is issued to the consignee. Form 1473 shall be prepared to cover shipment of samples of a size in excess of 1 liter. Form 1473 shall show the permit number of the Form 1512. The proprietor shall retain the Form 1512 on file as a part of the record of transaction.

(d) *Labels for samples of denatured spirits.* Each sample of denatured spirits withdrawn under the provisions of this paragraph shall have a label affixed showing the following information: (1) The word "Sample", and the words "Specially Denatured Alcohol", "Specially Denatured Spirits", or "Completely Denatured Alcohol", whichever is applicable; (2) The name, address, and plant number of the proprietor; (3) The formula number; and, (4) The name and address of the consignee.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1382, as amended (26 U.S.C. 5214).)

Par. 22. Amend § 201.441 to provide for use of extracted oils in the tax-exempt rectification by redistillation of gin and to reflect existing law. As amended, § 201.441 reads as follows:

§ 201.441 Gin.

Gin produced on bottling premises is exempt from the rectification tax (as provided in § 201.29(c)) only if produced by the redistillation over juniper berries and other natural aromatics, or the extracted oils of such, of spirits distilled at or above 190 degrees of proof, free from impurities, including spirits of such a nature recovered by redistillation of imperfect gin spirits. Gin produced by redistillation is subject to rectification tax if it is mixed with other spirits or treated by the addition or abstraction of any substance or material other than pure water after redistillation in a manner that would change its class and type designation. Gin produced by redistillation is subject to rectification tax if any substance or material other than juniper berries or other natural aromatics, or the extracted oils of such, or pure water is added to the spirits before or during redistillation in a manner that would change its class and type designation. The gin shall be collected in a receiving tank and shall be gauged by the proprietor. The gin may be drawn off in packages, bottled, or transferred by pipeline or bulk conveyance to other bottling premises as provided in § 201.465. Gin exempt from rectification tax may be filtered to remove materials held in suspension, but the use of filters or filter aids which remove essential oils or flavoring materials in solution which change the class and type designation will subject the product to rectification tax. The provisions of this section do not preclude the filtering and stabilizing of gin as provided in § 201.445.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1328, as amended (26 U.S.C. 5025).)

Par. 23. Amend § 201.469 to reflect the new definition of spirits eligible for export with benefit of drawback and to provide for export with benefit of drawback of spirits in other bulk containers. As amended, the section reads as follows:

§ 201.469 Spirits not originally intended for export.

Taxpaid spirits, manufactured, produced, bottled in bottles packed in containers, or which are packaged in casks or other bulk containers in the United States, originally intended for domestic use may be exported with benefit of drawback if:

(a) * * *

(b) Each case, package or other bulk container is marked as required by Part 252 of this chapter.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1336, as amended, 1358, as amended (26 U.S.C. 5062, 5205).)

Par. 24. Amend § 201.541 to require that red strip stamps be overprinted

with the word "Export" for use on bottles filled on bottling premises, but to be returned to an export storage facility. As amended, § 201.541 reads as follows:

§ 201.541 General.

(a) *Spirits bottled-in-bond.* Each bottle of spirits bottled-in-bond under Subpart Na or K of this part, except alcohol bottled under Subpart K, shall, when filled, be stamped by the proprietor with a strip stamp. Green strip stamps are prescribed for spirits bottled-in-bond for the domestic market, and blue strip stamps are prescribed for spirits bottled-in-bond for export. Blue export strip stamps, applied to bottles of spirits bottled-in-bond for export with benefit of drawback, shall be overprinted with the word "drawback".

(b) *Spirits bottled on bottling premises.* Each bottle or other container of less than 5 wine gallons of taxpaid spirits filled on bottling premises, except spirits bottled-in-bond under Subpart Na of this Part, shall be stamped when filled by the proprietor with a prescribed red strip stamp. If bottled spirits bearing red strip stamps are to be exported, the word "Export" shall be overprinted on the strip stamps.

(c) * * *

(d) *Overprinting.* The words "Export" or "Drawback", when required, shall be legibly overprinted on the strip stamp by printing, use of a rubber stamp or by another suitable method. Subject to approval by the Director, strip stamps may be similarly overprinted with the class and type of product or with an appropriate abbreviation or symbol, i.e. "Bbn" for bourbon whiskey.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1358, as amended, 1369 as amended, (26 U.S.C. 5205, 5235).)

Par. 25. Amend Subpart S to provide for returning spirits to bonded export storage facilities and returning spirits bottled-in-bond under Subpart Na to bonded premises. These amendments also provide for the expanded use of ATF F 5110.17 (formerly Form 2612) as a record of disposition of spirits returned to bonded premises. The procedural requirements contained in § 201.587 have been placed in specific sections to which they apply and § 201.587 is deleted, § 201.584a is redesignated § 201.585, § 201.585 is redesignated § 201.586, and § 201.586 is redesignated § 201.587. As amended, Subpart S reads as follows:

Subpart S—Return of Spirits to Bonded Premises

Sec.

201.581 Return of taxpaid spirits to bonded premises.

201.582 Application for return of taxpaid spirits.

Sec.

201.583 Receipt and disposition of returned taxpaid spirits.

201.584 Return of recovered denatured spirits and recovered articles.

201.585 Articles and spirits residues received for redistillation.

201.586 Return of recovered tax-free spirits, and spirits and denatured spirits withdrawn free of tax.

201.587 Return of spirits withdrawn without payment of tax.

201.588 Abandoned spirits.

Subpart S—Return of Spirits to Bonded Premises

§ 201.581 Return of taxpaid spirits to bonded premises.

(a) *Taxpaid spirits returned for destruction, denaturation, redistillation, or mingling.* Spirits withdrawn from bonded premises on payment or determination of tax (other than products to which any alcoholic ingredients other than such spirits have been added) may be returned to the bonded premises of a distilled spirits plant. Spirits returned under this paragraph, shall be: (1) Destroyed in accordance with § 201.562; (2) Denatured; (3) Redistilled; or (4) Mingled as follows:

(i) If distilled at 190 degrees or more of proof, with other spirits distilled at 190 degrees or more of proof;

(ii) If eligible for denaturation, with other spirits to be immediately denatured;

(iii) If eligible to be removed from bond for an authorized tax-free purpose, with other spirits eligible to be immediately so removed;

(iv) If eligible to be redistilled at the same or at another plant, with other spirits for immediate redistillation; or

(v) With heterogeneous spirits under the provision of § 201.298.

Prior to disposition as provided in paragraphs (1) through (4) of this paragraph, the returned spirits may be accumulated for short periods of time (but not longer than 6 months) so that the destruction, denaturation, redistillation, or mingling may be accomplished in quantities sufficiently large to make the operations economically worthwhile. Spirits so accumulated shall be kept separate and apart from other spirits and shall be identified.

(b) *Return to export storage of spirits eligible for drawback.* Spirits which would be eligible for allowance of drawback on exportation under the provisions of Part 252 of this chapter, may be returned by the bottler or packager of the distilled spirits to an export storage facility on the bonded premises of the distilled spirits plant where bottled or packaged, solely for the purpose of storage pending withdrawal without payment of tax under § 201.386 (a), (c), (d), or (e), or free of tax under § 201.389(c). Spirits returned under this paragraph shall be retained in the containers in which returned, and shall be kept separate from all other spirits on bonded premises until withdrawn, as provided above.

(c) *Return to bonded premises of distilled spirits bottled-in-bond under Subpart Na.* A proprietor of bonded premises who has bottled distilled spirits under Subpart Na of this part, which are stamped and labeled as bottled-in-bond for domestic consumption, may return the cases of the bottled distilled spirits to appropriate storage facilities on the bonded premises of the distilled spirits plant where bottled. Spirits so returned may be withdrawn for any purpose for which distilled spirits bottled-in-bond under Subpart K of this part may be withdrawn.

(d) *Restrictions.* The receipt and deposit of taxpaid spirits returned to bonded premises shall be under the direct supervision of an ATF officer. When containers of spirits are emptied, the proprietor shall comply with the applicable provisions of § 201.531. When containers of spirits removed for export are returned to bond pending subsequent removal for a purpose other than export, the export marks and the stamps, if any, shall be destroyed. When spirits bottled-in-bond after tax determination and spirits which would be eligible for drawback are returned to bonded premises, the spirits shall be properly marked and stamped for the intended use.

(e) *Applicability of Chapter 51, 26 U.S.C.* All provisions of Chapter 51, 26 U.S.C., and this part, applicable to spirits in internal revenue bond shall be applicable to spirits when returned to bonded premises under this section. The provisions of this subpart do not apply to taxpaid spirits returned to the bottling-in-bond facility for rebottling, relabeling, or restamping under the provisions of Subpart K.

(Sec. 2, Pub. L. 95-176, 91 Stat. 1363 (26 U.S.C. 5215).)

§ 201.582 Application for return of taxpaid spirits.

The proprietor of the bonded premises shall prepare an application on ATF F 5110.17 and submit it to the assigned officer, or if none is regularly assigned, the area supervisor, for approval of the return of spirits under the provisions of § 201.581. The proprietor shall furnish evidence of eligibility of the spirits for return to bonded premises as may be requested by the assigned officer or the area supervisor, as the case may be. On receipt of the approved application, the proprietor shall make arrangements for the shipment of the spirits to the bonded premises.

(Sec. 2, Pub. L. 95-176, 91 Stat. 1363 (26 U.S.C. 5215).)

§ 201.583 Receipt and disposition of returned taxpaid spirits.

On receipt of taxpaid spirits eligible for return to bonded premises, the

proprietor shall gauge the spirits under the direct supervision of the assigned officer. The proprietor shall execute a receipt for the spirits and report of gauge in wine gallons and proof gallons on all copies of the approved ATF F 5110.17. After recording the gauge of spirits returned to bonded premises, the proprietor shall file the original ATF F 5110.17 with the regional regulatory administrator and one copy with the ATF officer. The disposition of spirits returned to bonded premises shall be recorded in tax gallons on the remaining copies of the form. When all of the spirits covered by ATF F 5110.17 have been disposed of and the dispositions recorded, the remaining copies of the form shall be filed in accordance with instructions thereon.

(Sec. 2, Pub. L. 95-176, 91 Stat. 1363 (26 U.S.C. 5215).)

§ 201.584 Return of recovered denatured spirits and recovered articles.

Recovered denatured spirits and recovered articles may be returned for restoration or redenaturation to the bonded premises of any plant authorized to denature spirits, in accordance with the provisions of Part 211 of this chapter. The receipt and deposit of recovered denatured spirits and recovered articles shall be under the general supervision of the ATF officer. When containers are emptied, the proprietor shall comply with the applicable requirements of § 201.531. If restoration requires redistillation, the recovered denatured spirits or recovered articles may be returned for that purpose to bonded premises of a plant authorized to produce spirits. When recovered denatured spirits or recovered articles are received, the proprietor shall gauge the materials and report the gauge on Form 2629. Spirits recovered by the redistillation of recovered denatured spirits and recovered articles may not be withdrawn from bonded premises except for industrial use or after denaturation. All spirits redistilled under the provisions of this subpart shall be treated the same as if the spirits had been originally produced by the redistiller. These spirits and articles shall be kept apart from all other spirits (including denatured spirits and recovered articles) and shall be promptly redenatured and removed.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1365, as amended, 1372 as amended (26 U.S.C. 5223, 5273).)

§ 201.585 Articles and spirits residues received for redistillation.

Articles manufactured under Part 211 of this chapter, and spirits residues of manufacturing processes related thereto, may be received on the bonded premises of a distilled spirits

plant authorized to produce distilled spirits, for the recovery by redistillation of the distilled spirits contained in those materials. The articles and spirits residues may be so received pursuant to a letterhead application (in quadruplicate) filed with, and approved by, the regional regulatory administrator of the region in which the distilled spirits plant is located. This application shall include the name and address, and the permit number, if any, of the person from whom the articles or spirits residues will be received, and fully describe the materials to be received as to kind and quantity. On approval, the regional regulatory administrator will return two copies of the application to the proprietor of the distilled spirits plant, who will retain one copy on file and forward one copy to the person from whom the articles or spirits residues will be received. The receipt and deposit of articles and spirits residues shall be under the general supervision of the ATF officer. The proprietor shall gauge the materials when received and report the gauge on Form 2629. Spirits recovered by the redistillation of articles and spirits residues may not be withdrawn from bonded premises except for industrial use or after denaturation. All spirits redistilled under the provisions of this subpart shall be treated the same as if the spirits had been originally produced by the redistiller.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1365, as amended (26 U.S.C. 5223).)

§201.586 Return of recovered tax-free spirits, and spirits and denatured spirits withdrawn free of tax.

(a) *General.* Specially denatured spirits withdrawn free of tax under the applicable provisions of Part 252 of this chapter for exportation or for deposit in a foreign-trade zone, and spirits (including denatured spirits) withdrawn free of tax under the applicable provisions of Part 211 or 213 of this chapter, may be returned: (1) To bonded premises of any plant authorized to produce distilled spirits, for redistillation; or (2) to any bonded premises for storage pending subsequent lawful withdrawal free of tax. Recovered tax-free spirits may, as provided in Part 213 of this chapter, be returned for redistillation to bonded premises of any plant authorized to produce distilled spirits or to any bonded warehouse facility for restoration (not including redistillation). The return shall be made under the applicable provisions of this part and Part 211, 213, or 252 of this chapter, as appropriate.

(b) *Bonding requirements.* Before spirits (including denatured spirits) are returned to bonded premises for storage, without redistillation, the proprietor shall file a consent of surety

on Form 1533 to extend the terms of the bond, Form 2601, to cover the return and storage of spirits. The proprietor may, if desired, file one consent of surety on the bond to extend the terms thereof to cover all spirits which may be returned.

(c) *Procedure.* If the shipment was reported on a Form 1473, the proprietor shall execute the certificate of receipt on that form and forward the original to the regional regulatory administrator through the ATF officer. When recovered tax-free spirits, spirits or denatured spirits are received, they shall be gauged and the gauge shall be reported on Form 2629. However, a gauge report, Form 2629, will not be required if: (1) The spirits or denatured spirits are in the same sealed containers in which they were withdrawn from a distilled spirits plant; and (2) the proprietor intends to withdraw the spirits or denatured spirits in the same containers. When containers of spirits are emptied, the proprietor shall comply with the applicable provisions of §201.531. When containers of spirits removed for export are returned to bond pending subsequent removal for a purpose other than export, the export marks shall be destroyed. The receipt and deposit of denatured spirits, recovered tax-free spirits, and tax-free spirits shall be under the general supervision of the ATF officer.

(d) *Limitation.* Spirits recovered by the redistillation of denatured spirits may not be withdrawn from bonded premises except for industrial use or after denaturation. All spirits redistilled under the provisions of this subpart shall be treated the same as if the spirits had been originally produced by the redistiller.

(Sec. 3, Act of June 18, 1934, 48 Stat. 999, as amended (19 U.S.C. 81c); Sec. 201, Pub. L. 85-859, 72 Stat. 1365 as amended (26 U.S.C. 5223).)

§201.587 Return of spirits withdrawn without payment of tax.

(a) *Spirits withdrawn for export.* Spirits lawfully withdrawn without payment of tax under the provisions of Part 252 of this chapter for exportation, or for transfer to a customs bonded warehouse or a customs manufacturing bonded warehouse, or for deposit in a foreign-trade zone, or for use on vessels and aircraft, and not so exported, transferred, deposited, or used (or laden for use) on a vessel or aircraft, may be returned, under the applicable provisions of this part and Part 252 of this chapter: (1) To the bonded premises of any plant authorized to produce distilled spirits, for redistillation; or (2) to the bonded premises from which withdrawn, for storage pending subsequent removal for a lawful purpose.

(b) *Spirits withdrawn for use in wine production.* Wine spirits with-

drawn under §201.387 for use in wine production, and not so used, may be returned to the bonded premises of a plant. The consignee proprietor shall obtain approval, as provided in §201.366. The wine spirits shall be removed from the winery in accordance with the provisions of Part 240 of this chapter.

(c) *Spirits withdrawn for research, development or testing.* Spirits withdrawn without payment of tax, under the provisions of Subpart T of this part, for research, development or testing may be returned to the bonded premises of the distilled spirits plant from which withdrawn. The proprietor shall prepare a letterhead application, in duplicate, covering the return of these spirits and the application shall state the date of the schedule or application covering the withdrawal of the spirits, the quantity to be returned in tax gallons and date on which the spirits are to be returned. After returning these spirits to bonded premises, they shall be destroyed or returned to vessels in the distilling system containing similar spirits.

(d) *Procedure.* Receipt and deposit of spirits returned to bonded premises under this section shall be under the direct supervision of an ATF officer. When spirits are received, they shall be gauged by the proprietor and the gauge shall be reported on Form 2629. However, a gauge report, Form 2629, will not be required if: (1) The spirits are in the same sealed containers in which they were withdrawn from a distilled spirits plant; and (2) the proprietor intends to withdraw the spirits in the same containers. When containers of spirits are emptied, the proprietor shall comply with the applicable provisions of §201.531. When containers of spirits removed for export are returned to bond pending subsequent removal for a purpose other than export, the export marks and the stamps, if any, shall be destroyed.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1362, as amended, 1365, as amended, 1382, as amended (26 U.S.C. 5214, 5223, 5373); Sec. 3, Pub. L. 91-659, 84 Stat. 1965, as amended (26 U.S.C. 5066).)

§201.588 Abandoned spirits.

Spirits abandoned to the United States may be sold, without payment of the internal revenue tax, to a proprietor of a plant for denaturation, or for redistillation and denaturation, if the plant is authorized to denature or redistill and denature spirits. These spirits shall be kept apart from all other spirits (including denatured spirits) until denatured. The receipt, gauging, handling, and recordkeeping provisions of §201.584 are applicable to these spirits.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1370, as amended (26 U.S.C. 5243).)

Par. 26. Delete Subpart T—Samples, and add the following new Subpart

T—Spirits Withdrawn for Research, Development or Testing. As added, Subpart T reads as follows:

Subpart T—Spirits Withdrawn for Research, Development or Testing

§201.601 Withdrawal of spirits without payment of tax.

(a) *General.* Subject to the conditions prescribed in this subpart, spirits may be withdrawn from the bonded premises of a distilled spirits plant by the proprietor without payment of tax for testing or laboratory analysis, in accordance with §201.606, or for research, development or testing, in accordance with §201.607. Prior to withdrawal of spirits without payment of tax for either of these purposes, the proprietor shall meet the bonding requirements prescribed in paragraph (b), below.

(b) *Bonding requirements.* Withdrawal of spirits without payment of tax under this subpart shall not be permitted until the proprietor has obtained approval of:

(1) A superseding bond, Form 2601, to provide for the payment of tax, penalties and interest on spirits withdrawn under this subpart, when spirits are not used for the stated purpose, lawfully disposed of, or accounted for; or

(2) A Consent of Surety, Form 1533, extending the terms of the existing bond, Form 2601, unless the bond currently in force is so conditioned. The Consent of Surety, Form 1533, shall provide for the payment of tax, penalties and interest on spirits withdrawn under this subpart, when spirits are not used for the stated purpose, lawfully disposed of or accounted for.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1318, as amended, 1362, as amended (26 U.S.C. 5005, 5214).)

§201.602 Schedule of spirits withdrawn for testing or laboratory analysis.

(a) *Schedule of withdrawals for testing or laboratory analysis.* The proprietor shall furnish the assigned officer, or if none is regularly assigned, the area supervisor, a schedule of all spirits to be taken on bonded premises for testing or laboratory analysis. The schedule shall be prepared for the period of time the proprietor can accurately forecast the operations and shall be furnished at least 5 days in advance of withdrawal. When unanticipated spirits are needed, the schedule may be supplemented. The schedule shall provide: (1) The name of the proprietor and the plant number; (2) If the spirits are to be tested at a laboratory located at the distilled spirits plant of an affiliated or subsidiary corporation, as defined in §201.490, the name, address, and plant number of that plant; (3) If the spirits are for quality or character testing by a prospective purchaser, the name, address, and plant number of the prospective purchaser; (4) The place from which the spirits are to be removed, or, in the case of a package, the package identification number or serial number, as applicable, and the location of the package and the name and plant number of the packaging proprietor, if other than the one taking the spirits; (5) The kind of spirits and the quantity in tax gallons; and (6) The approximate time the spirits will be taken.

(b) *Record of disposition.* When spirits are removed, the proprietor shall indicate on the retained copy of the schedule, or on another record, the withdrawal of the spirits and the disposition.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1314 as amended, 1362 as amended, 1382 as amended (26 U.S.C. 5001, 5214, 5373).)

§201.603 Mechanical sampling devices.

Spirits taken from the closed distilling system shall be taken by means of mechanical sampling devices installed as provided in this part, unless it is shown that the installation of mechanical sampling devices is not justified and the necessary spirits can be taken at times that will not require increased supervision by ATF officers. Mechanical sampling devices may also be used for taking spirits from storage tanks. Spirits taken by means other than mechanical sampling devices shall be taken under the direct supervision of the ATF officer.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1362 as amended, 1345 as amended; (26 U.S.C. 5214, 5552).)

§201.604 Taxable withdrawals.

Spirits withdrawn from bonded premises for research, development or testing are taxable if the quantities are determined to be excessive, as provided in §§201.606 or 201.607. Prior to removal, the proprietor shall prepare Form 179 covering all taxable spirits withdrawn for research, development or testing. If the proprietor is qualified to defer payment of the tax, the tax due shall be included in the proprietor's tax return on Form 2522 for the period in which the spirits were withdrawn. If a proprietor is not qualified to defer the payment of tax, the tax on spirits shall be paid by return on Form 2521.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1314, as amended, 1318, as amended, 1362 as amended, 1382, as amended (26 U.S.C. 5001, 5005, 5214, 5373).)

§201.605 Labels.

On each container of spirits to be withdrawn under the provisions of §§201.606 or 201.607, the proprietor shall affix a label showing the following information: (a) The words "Re-

search", "Development", or "Testing", as appropriate; (b) The kind of spirits (and for imported spirits, the word "Imported"); (c) The place from which the spirits were removed, and the identity of the package, if applicable; (d) A statement of the nature of the research, development or testing to be done, identifying which process, system, material or equipment is being tested; (e) The size of the container and the proof of the spirits; (f) If the spirits are to be removed to other than the immediate or contiguous premises of the proprietor, the name, and address of the consignee; (g) The name of the proprietor and the plant number; (h) The signature of the person who removed the spirits; and (i) The date the spirits are removed.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1360, as amended, 1362 as amended, 1382 as amended, (26 U.S.C. 5206, 5214, 5373).)

§201.606 Withdrawals for testing or laboratory analysis.

(a) *General.* Subject to the conditions prescribed in this subpart, the proprietor may withdraw spirits without payment of tax, or wine spirits or brandy free of tax, from the bonded premises, for testing or laboratory analysis (other than consumer testing or other market analysis) to determine the quality or character of the finished product. A quantity of spirits not exceeding 1 liter may be furnished to a prospective purchaser for quality testing, if a bona fide written or oral purchase agreement exists which is contingent upon quality approval by a prospective purchaser of spirits or denatured spirits.

(b) *Bonding requirements.* The proprietor is required to meet the bonding requirements prescribed by §201.601(b), prior to withdrawal of spirits without payment of tax. The bonding requirements prescribed by §201.601(b) do not apply, if the proprietor intends to remove only wine spirits or brandy exclusively for testing or laboratory analysis (other than consumer testing or other market analysis) to determine the quality or character of the finished product.

(c) *Limitations.* Except for spirits furnished to a prospective customer, as provided in paragraph (a) of this section, spirits withdrawn for testing or laboratory analysis shall be removed to the proprietor's laboratory located at the same distilled spirits plant or to be laboratory located at the distilled spirits plant of an affiliated or subsidiary corporation, as defined in §201.490. These spirits shall be withdrawn in containers not exceeding 1 liter. Taxes shall be paid when the spirits are used for any purpose other than the purpose authorized under this section.

(d) *Prior to withdrawal.* Prior to withdrawal, the proprietor shall

submit the schedule prescribed in § 201.602. The ATF officer or area supervisor will advise the proprietor when the quantities to be withdrawn are in excess of the amount necessary for the conduct of the proprietor's business. When withdrawn from bonded premises, excessive quantities must be taxpaid in accordance with § 201.604.

(e) *After withdrawal.* The proprietor shall report the total quantity of spirits withdrawn on the monthly report, Form 2730 or 2731, as appropriate. When spirits are lost prior to being used for testing or laboratory analysis, the proprietor shall file a claim for remission of tax, prescribed by § 201.43. Remnants or residues of these spirits remaining after testing or laboratory analysis may not be accumulated beyond a reasonable period of time. Accumulated spirits shall be destroyed or returned to vessels in the distilling system containing similar spirits.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1318, as amended, 1362, as amended, 1382, as amended (26 U.S.C. 5005, 5214, 5373).)

§ 201.607 Withdrawals for research, development or testing.

(a) *General.* Subject to the conditions prescribed in this subpart, spirits may be withdrawn from the bonded premises of a distilled spirits plant without payment of tax for research, development or testing (other than consumer testing or other market analysis) of processes, systems, materials or equipment relating to distilled spirits or distilled spirits plant operations.

(b) *Application.* A proprietor who desires to remove spirits without payment of tax shall, for each removal or each individual research, development or testing project, submit a letter application, in triplicate (in quadruplicate if the consignee is in another region), to the ATF officer, or if none is regularly assigned, to the area supervisor of the area where the plant is located. The application shall specify: (1) The name, address, and plant number of the plant; (2) The name and address of the consignee; (3) The quantity in tax gallons and the kind of spirits; (4) The place from which the spirits will be removed, or, in the case of a package, the package identification or serial number, as applicable, and the location of the package and the name and plant number of the packaging proprietor, if other than the one withdrawing the spirits; (5) The nature of the research, development or testing to be conducted, identifying which processes, systems, materials, or equipment are being tested; (6) The approximate time the spirits will be withdrawn; (7) The approximate time the testing will be completed; and (8) The manner of disposing of the spirits after completion of the testing.

(c) *Limitations.* The ATF officer or area supervisor will advise the proprietor when the quantities to be withdrawn are in excess of the amount necessary for the conduct of the proprietor's business. When withdrawn from bonded premises, excessive quantities must be taxpaid in accordance with § 201.604. These spirits shall be used for the stated purpose within the time specified in the application. Quantities exceeding the stated needs shall be returned to the bonded premises or destroyed under government supervision. Taxes shall be paid when the spirits are used for any purpose other than the purpose authorized under this section.

(d) *Consignee's statement.* The proprietor shall submit a written statement, executed by the consignee under the penalties of perjury, agreeing that he will maintain records of the receipt, use, and disposition of all spirits received by him and that those records and operations will be available during regular business hours for inspection by ATF officers. However, a statement will not be required when the spirits are removed to the proprietor's laboratory located at the same plant, or to a laboratory located at the distilled spirits plant of an affiliated or subsidiary corporation, as defined in § 201.490.

(e) *Approval.* When the requirements of § 201.601(b) and paragraphs (b) and (d), above, have been met, the ATF officer or the area supervisor will approve the application and indicate the excessive quantity of spirits, if any, to be taxpaid, in accordance with § 201.604. The proprietor will receive two copies of the approved application. One copy will be forwarded by the proprietor to the consignee laboratory and one copy will be retained by the proprietor. The proprietor will report the total quantity of spirits removed for research, development or testing on the monthly report, Form 2730 or 2731, as appropriate, identifying the purpose of the research, development, or testing.

(f) *Losses.* When spirits are lost prior to being used for the authorized purpose, the proprietor shall file a claim for remission of tax, prescribed by § 201.43.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1318, as amended, 1362, as amended (26 U.S.C. 5005, 5214).)

Par. 27. Amend § 201.619: (1) by correcting the spelling of the word "gag" where it appears, to read "gauge"; (2) by redesignating paragraphs (c), (d), (e), (f), (g), (h), and (i) as (d), (e), (f), (g), (h), (i), and (j), respectively; (3) by adding a new paragraph (c) to read as follows:

§ 201.619 Daily production records.

"(c) The receipt and use of extracted oils of juniper berries and other natural aromatics received for use in gin production"; and (4) by correcting the statutory authority to read "(Sec. 201, Pub. L. 85-859, 72 Stat. 1361, as amended (26 U.S.C. 5207))".

Par. 28. Amend § 201.622 to require daily records of spirits returned to bonded storage. Paragraphs (a) (2), (3), and (4) are redesignated paragraphs (a) (3), (4), and (5), respectively, and a new paragraph (a)(2) is added. As amended, § 201.622 reads as follows:

§ 201.622 Daily bonded storage records.

(a) Daily summary.

(1)
(2) The spirits returned to bonded storage;

(Sec. 201, Pub. L. 85-859, 72 Stat. 1361, as amended (26 U.S.C. 5207).)

Par. 29. Revise § 201.626 to require records of spirits withdrawn without payment of tax for research, development or testing. As revised, the section reads as follows:

§ 201.626 Record of withdrawals from bonded premises for research, development or testing.

Proprietors shall maintain daily records of spirits withdrawn from bonded premises for research, development or testing to show: (a) The date withdrawn; (b) the kind of spirits (formula number in the case of denatured spirits); (c) the quantity in tax gallons, or, in the case of denatured spirits, in wine gallons, and, if applicable, the quantity which was taxpaid; (d) the date of the applicable application or schedule; (e) the regulatory authority under which the spirits were withdrawn; (f) the name and address of the consignee; and (g) the date on which the research, development or testing was completed.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1361, as amended, 1362, as amended (26 U.S.C. 5207, 5214).)

§ 201.628 [Amended]

Par. 30. Amend § 201.628 to require maintenance of records of spirits returned to bonded storage. In paragraph (a), after the sentence "For the purpose of records under this section spirits produced under trade names shall be treated as being produced under the real name of the proprietor.", the following sentence is added: Separate files shall also be maintained for spirits returned to bonded storage, and further separated to identify the brand and standard export drawback rates of spirits returned to export storage facilities.

§ 201.629 [Amended]

Par. 31. Amend § 201.629 to require summary accounts for spirits returned to bonded storage. In paragraph (b), after the sentence "Basic accounts of spirits in packages which have been mingled under the provisions of § 201.301 shall be separately maintained from basic accounts for spirits which have not been mingled.", the following sentence is added: Separate warehouse summary accounts shall also be maintained for spirits returned to bond, and further separated to identify the brand and standard export drawback rate of spirits returned to export storage facilities.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1361, as amended (26 U.S.C. 5207).)

§ 201.631 [Amended]

Par. 32. As stated above, ATF Forms 1615 and 2546 become obsolete. Delete § 201.631(c)(1) and redesignate § 201.631(c)(2) as § 201.631(c).

§ 201.631a [Deleted]

Delete § 201.631a.

§ 201.634 [Amended]

Delete § 201.634(c) and redesignate paragraph § 201.634(d) as § 201.634(c).

PART 231—TAXPAID WINE BOTTLING HOUSES

Par. 33. Amend § 231.100 to reflect the new definition of wines which may be exported with benefit of drawback. As amended, the section reads as follows:

§ 231.100 General.

Wine manufactured, produced, bottled in bottles packed in containers, or packaged in casks, or other bulk containers in the United States and on which the internal revenue tax has been determined or paid may be exported from a taxpaid wine bottling house. On exportation of the wine there may be allowed a drawback equal in amount to the tax found to have been paid.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1336, as amended 26 U.S.C. 5062).)

PART 252—EXPORTATION OF LIQUORS

Par. 34. Amend the Table of Contents to Part 252 to reflect the change in title of an amended section and to add the title of a new section. As amended, the Table of Contents reads as follows:

Sec. 252.91a Export storage facilities at distilled spirits plants.

Sec. 252.263 Duties of customs officer to be performed by an ATF officer.

Par. 34. Amend § 252.11 by adding definitions for "bulk container", and "export storage facilities." As amended, § 252.11 reads as follows:

§ 252.11 Meaning of terms.

Bulk container. Any approved container of 5 gallons or more.

Export storage facilities. The part of the bonded premises of a distilled spirits plant, established under 26 U.S.C. 5178(a)(3)(D), for the storage of distilled spirits returned under 26 U.S.C. 5215(b).

Par. 36. Amend §§ 252.26(a) and 252.27 amended to provide for withdrawal of spirits without payment of tax to customs bonded warehouses from which they may then be exported. As amended, the sections read as follows:

§ 252.26 Entry into customs bonded warehouses.

(a) *Distilled spirits withdrawn without payment of tax.*

(1) Distilled spirits bottled-in-bond for export, and bottled distilled spirits returned to bonded premises under the provisions of § 201.581(b) of this chapter, may, subject to this part, be withdrawn from bonded premises for transfer to customs bonded warehouses in which imported distilled spirits are permitted to be stored in bond for entry pending withdrawal as provided in § 252.27. Withdrawals from bonded premises under the provisions of this paragraph shall be treated as withdrawals for exportation under the provisions of 26 U.S.C. 5214(a)(4).

(2) Distilled spirits bottled-in-bond for export, and distilled spirits returned to bonded premises under the provisions of § 201.581(b) of this chapter may, subject to this part, be withdrawn from bonded premises for transfer (for the purpose of storage pending exportation) to any customs bonded warehouse from which distilled spirits may be exported. These withdrawals shall be treated as withdrawals for exportation under the provisions of 26 U.S.C. 5214(a)(9).

(Sec. 201, Pub. L. 85-859, 72 Stat. 1362, as amended (26 U.S.C. 5214); Sec. 3, Pub. L. 91-659, 84 Stat. 1965, as amended (26 U.S.C. 5066).)

§ 252.27 Withdrawal from customs bonded warehouses.

Distilled spirits entered into customs bonded warehouses as provided in § 252.26 (a) or (b) may, under the appropriate provisions of 19 CFR Chapter I, be withdrawn from the warehouses for consumption in the United States by and for the official or family use of foreign governments, organizations, and individuals who are entitled to withdraw imported distilled spirits from a warehouse free of tax. Distilled spirits entered into customs bonded warehouses under the provisions of § 252.26(a)(2), may be withdrawn for exportation, subject to the provisions of 19 CFR, Chapter I. Distilled spirits transferred to customs bonded warehouses as provided in § 252.26 shall be entered, stored, and accounted for in such warehouses under the appropriate provisions of 19 CFR Chapter I.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1362, as amended (26 U.S.C. 5214); Sec. 3, Pub. L. 91-659, 84 Stat. 1965, as amended (26 U.S.C. 5066).)

Par. 37. Amend § 252.30 to correct the description of liquors which may be deposited in a foreign-trade zone. As amended, § 252.30 reads as follows:

§ 252.30 Export status.

Distilled spirits and wines manufactured, produced, bottled in bottles packed in containers, or packaged in casks, or other bulk containers in the United States, and beer brewed or produced in the United States may be transferred to a foreign-trade zone for the sole purpose of exportation, or storage pending exportation. Liquors deposited in a foreign-trade zone under this part are considered exported. Export status is not acquired until application on Zone Form D for admission of the liquors into the zone has been approved by the district director of customs under the appropriate provisions of 19 CFR, Chapter I, and the required certification of deposit has been made on the ATF form prescribed in this part.

(Sec. 3, Act of June 18, 1934, 48 Stat. 999, as amended (19 U.S.C. 81c).)

§ 252.36 [Amended]

Par. 38. Amend § 252.36 (1) to delete the first sentence and replace it with the following "Liquors deposited in a foreign-trade zone from the United States which have become unmerchantable or unfit for export may be destroyed. The exporter shall prepare a letter application, in duplicate, and submit it to the regional regulatory administrator of the region in which the zone is located. The application shall identify the name and address of the exporter and contain the following information:" (2) to add, in paragraph (b) the words "bottler or packager" after the word "producer"; (3) to re-

place the term "assistant regional commissioner" with the term "regional regulatory administrator"; and (4) to replace the term "director of customs" with the term "district director of customs".

Par. 39. Amend § 252.37 to read as follows:

§ 252.37 Action by regional regulatory administrator.

The regional regulatory administrator shall carefully examine the application to see that all the required information has been furnished and shall cause an investigation to be made or require any additional evidence, including samples, to be submitted if necessary. If the regional regulatory administrator finds that the liquors were transported to and deposited in a foreign-trade zone in good faith for the purpose of exportation or storage pending exportation, and the liquors, after deposit in the zone, have become unmerchantable or unfit for export, he may approve the application and authorize the destruction of the liquor described therein under the supervision of the district director of customs. On approval or disapproval of the application, the regional regulatory administrator shall advise the district director of customs of his action.

Par. 40. Amend § 252.61 to correct a regulatory reference. As amended, § 252.61 reads as follows:

252.61 Bond, Form 2734.

If a specific lot of distilled spirits or wines is to be withdrawn without payment of tax, as authorized in § 252.91 (a)(1), (a)(2), (a)(3), (a)(5), or (b), or § 252.121 (a), (b), or (c), by a person other than the proprietor of the bonded premises, a specific bond on Form 2734 shall be filed by the exporter with the regional regulatory administrator, as provided in § 252.51. The penal sum of the bond shall be not less than the tax prescribed by law on the quantity of spirits or wines to be withdrawn. However, the maximum penal sum of the bond shall not exceed \$200,000 but in no case shall the penal sum be less than \$1,000.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1352, as amended, 1362, as amended, 1380, as amended (26 U.S.C. 5175, 5214, 5362); Sec. 3, Pub. L. 91-659, 84 Stat. 1964, as amended (26 U.S.C. 5066).)

Par. 41. Revise § 252.62: (1) To make a conforming change in a regulatory reference; (2) to delete the second proviso, as obsolete; and (3) to delete instructions that are incorporated in the bond Form 2735. As revised, § 252.62 reads as follows:

§ 252.62 Bond, Form 2735.

(a) *Requirement for bond.* If a person other than the proprietor of a bonded premises withdraws distilled

spirits or wines without payment of tax, as authorized by § 252.91 (a)(1), (a)(2), (a)(3), (a)(5), or (b), or § 252.121 (a), (b), or (c), the exporter shall file a continuing bond, Form 2735, with the regional regulatory administrator, as provided in § 252.51.

(b) *Penal sum of bond.* The penal sum of the bond shall be sufficient to cover the tax on the maximum quantity of distilled spirits and wines that may remain unaccounted for at any one time. However, the maximum penal sum of the bond shall not exceed \$200,000, but in no case shall the penal sum be less than \$1,000. Distilled spirits and wines withdrawn for exportation, use on vessels or aircraft, or transfer to a foreign-trade zone, or distilled spirits withdrawal for transfer to a customs bonded warehouse shall remain unaccounted for until the evidence of exportation, use, transfer, or loss in transit has been filed with the regional regulatory administrator.

(c) *Apportioning bonds.* If the bond, Form 2735, is in less than the maximum penal sum, the principal shall apportion the bond, in accordance with the requirements on the bond form. The exporter may reapportion the bond coverage, if changing conditions make this necessary, by filing a consent of surety, Form 1533, for approval by the regional regulatory administrator.

(d) *Filing applications for withdrawal.* If the bond, Form 2735, is in less than the maximum penal sum, the exporter shall designate, in the bond, one distilled spirits plant for filing all applications for withdrawal. If the bond, Form 2735, is in the maximum penal sum, the exporter may designate one distilled spirits plant for filing all applications for withdrawal. The ATF officer at the designated plant shall approve each application, if there is sufficient bond coverage, and forward all copies of the approved application to the plant from which the spirits are to be withdrawn.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1352, as amended, 1362, as amended, 1380 as amended (26 U.S.C. 5175, 5214, 5362); Sec. 3, Pub. L. 91-659, 84 Stat. 1964, as amended (26 U.S.C. 5066).)

Par. 42. Amend § 252.91 to provide for withdrawal without payment of tax of spirits which have been returned to bonded export storage facilities. As amended, the section reads as follows:

§ 252.91 General.

(a) Distilled spirits on which the internal revenue tax has not been paid or determined may, subject to this part, be withdrawn from the bonded premises of a distilled spirits plant without payment of tax for: (1) Exportation; (2) Use on the vessels or aircraft described in § 252.21; (3) Transfer to and deposit in a foreign-trade zone

for exportation or for storage pending exportation; (4) Transportation to and deposit in a manufacturing bonded warehouse; or (5) Transfer to and deposit in a customs bonded warehouse as provided for in § 252.28.

(b) Distilled spirits returned to bonded premises under the provisions of § 201.581(b) of this chapter, may be withdrawn from the bonded premises of a distilled spirits plant without payment of tax for the purposes described above in (a) (1), (2), (3), or (5).

(c) All withdrawals shall be made under the applicable bond prescribed in Subpart D of this part.

(Sec. 309, Tariff Act of 1930, 46 Stat. 690, as amended (19 U.S.C. 1309); Sec. 3, Act of June 18, 1934, 48 Stat. 999, as amended (19 U.S.C. 81c); Sec. 201, Pub. L. 85-859, 72 Stat. 1362, as amended, 1393 (26 U.S.C. 5214, 5522); Sec. 3, Pub. L. 91-659, 84 Stat. 1965, as amended (26 U.S.C. 5066).)

Par. 43. Add a new § 252.91a immediately after § 252.91, describing export storage facilities on bonded premises of distilled spirits plants. The new section reads as follows:

§ 252.91a Export storage facilities at distilled spirits plants.

If the proprietor of a distilled spirits plant intends to receive, store, and remove bottled or packaged distilled spirits which would be eligible for export with benefit of drawback upon exportation, but returned to bonded premises under the provisions of § 201.581(b) of this chapter, the proprietor shall provide for the storage of the spirits in the export storage facilities on the bonded premises of the distilled spirits plant. The export storage facility shall be a room or building which need not be used exclusively for the storage of distilled spirits, but when used as an export storage facility, the room or building may only be used for storage pending withdrawal without payment of tax under § 252.91(b), or free of tax under § 201.389(c) of this chapter. The records covering export storage transactions on the bonded premises provided under this section shall be maintained and reports shall be submitted in accordance with applicable provisions of Part 201 of this chapter.

(Sec. 2, Pub. L. 95-176, 91 Stat. 1364 (26 U.S.C. 5178(a)(3)(D)).)

Par. 44. Amend § 252.171 to reflect the new definition of spirits which are eligible for exportation with benefit of drawback and to make a conforming change in a regulatory reference. As amended, the section reads as follows:

§ 252.171 General.

Distilled spirits manufactured, produced, bottled in bottles packed in containers, or packaged in casks or other bulk containers in the United States on which an internal revenue

tax has been paid or determined, and which have been stamped and marked, or restamped and marked (if in cases), or marked (if in packages), under the provisions of Part 201 of this chapter and of this part, as applicable, especially for export with benefit of drawback may be:

(d) Transferred to and deposited in a customs bonded warehouse as provided for in § 252.26(b).

On receipt by the regional regulatory administrator of required evidence of exportation, lading for use, or transfer, there shall be allowed to the bottler (or packager) of the spirits, drawback equal in amount to the tax found to have been paid or determined on the spirits.

(Sec. 309, Tariff Act of 1930, 46 Stat. 690, as amended (19 U.S.C. 1309); Sec. 3, Act of June 18, 1934, 48 Stat. 999, as amended (19 U.S.C. 81c); Sec. 201, Pub. L. 85-859, 72 Stat. 1336, as amended (26 U.S.C. 5062); Sec. 3, Pub. L. 91-659, 84 Stat. 1965, as amended (26 U.S.C. 5066).)

§ 252.173 [Amended]

Par. 45. Amend § 252.173: (1) By replacing the term "assistant regional commissioner, alcohol, tobacco and firearms" with the term "regional regulatory administrator"; (2) by deleting from the first sentence, the words "fully taxpaid spirits, such as unrectified spirits and gin and vodka produced exempt from rectification tax," and inserting, in their place, the words "spirits taxpaid under 26 U.S.C. 5001 or 7652"; (3) by deleting from the second sentence, all of the words preceding the word "formulas" and inserting in their place, the words "Products which derive some of their alcoholic content from sources other than spirits taxpaid under 26 U.S.C. 5001 or 7652 and products which are subject to rectification tax may be subject to standard export drawback rates, if the rectifiers submit to the Director, Bureau of Alcohol, Tobacco, and Firearms"; and, (4) to add a statutory authority to read as follows:

(Sec. 201, Pub. L. 85-859, 72 Stat. 1336, as amended (26 U.S.C. 5062).)

Par. 46. Amend § 252.192 to permit the use of "other bulk containers" for exporting spirits with benefit of drawback. As amended, the section reads as follows:

§ 252.192 Packages of distilled spirits to be gauged.

Distilled spirits in packages or other bulk containers which are to be removed for export with benefit of drawback, shall be gauged by the distilled spirits plant proprietor prior to preparation of notice on Form 1582. How-

er, if an inspection discloses no evidence of loss and removal is made within 30 days from the time of packaging the distilled spirits, the filling gauge shall be considered the gauge at the time of removal. The ATF officer at the distilled spirits plant shall supervise the gauging of the distilled spirits by the proprietor. A report of gauge shall be made by the proprietor on Form 2630, in quadruplicate (appropriately modified), and a copy of the report of gauge shall be attached to each copy of Form 1582 and considered a part of the claim.

(Sec. 201, Pub. L. 85-859 72 Stat. 1336, as amended, (26 U.S.C. 5062).)

Par. 47. Amend § 252.193 to require export marks on "other bulk containers" of distilled spirits to be exported. As amended, the section reads as follows:

§ 252.193 Export marks.

In addition to the marks and brands required to be placed on packages or other bulk containers and cases at the time they are filled under the provisions of Part 201 of this chapter, the exporter shall place additional marks, as required by this section, on each container before removal for export, for use on vessels or aircraft, or for transfer to a foreign-trade zone or a customs bonded warehouse:

(Sec. 309, Tariff Act of 1930, 46 Stat. 690, as amended (19 U.S.C. 1309); Sec. 3, Act of June 18, 1934, 48 Stat. 999, as amended (19 U.S.C. 81c); Sec. 201, Pub. L. 85-859, 72 Stat. 1336, as amended (26 U.S.C. 5062); Sec. 3, Pub. L. 91-659, 84 Stat. 1965, as amended (26 U.S.C. 5066).)

Par. 48. Amend § 252.211 to reflect the new definition of wines which may be exported with benefit of drawback. As amended, the section reads as follows:

§ 252.211 General.

Wines manufactured, produced, bottled in bottles packed in containers, or packaged in casks or other bulk containers in the United States on which an internal revenue tax has been paid or determined, and which are filled on premises qualified under this chapter to package or bottle wines, may, subject to this part, be:

On receipt by the regional regulatory administrator of required evidence of exportation, lading for use, or transfer, there shall be allowed a drawback equal in amount to the tax found to have been paid or determined on the wines.

(Sec. 309, Tariff Act of 1930, 46 Stat. 690, as amended (19 U.S.C. 1309); Sec. 3, Act of

June 18, 1934, 48 Stat. 999, as amended (19 U.S.C. 81c); Sec. 201, Pub. L. 85-859, 72 Stat. 1336, as amended (26 U.S.C. 5062).)

Par. 49. Amend § 252.216 to require export marks on "other bulk containers" of wine to be exported. As amended, the section reads as follows:

§ 252.216 Marking of containers.

In addition to the marks and brands required to be placed on packages or other bulk containers and cases under the provisions of Parts 201, 231, or 240, of this chapter, each container removed under the provisions of this subpart shall be stenciled or otherwise marked, in durable and legible letters and figures of not less than three-fourths of an inch in height, additional information, as specified below:

(Sec. 309, Tariff Act of 1930, 46 Stat. 690, as amended (19 U.S.C. 1309); Sec. 3, Act of June 18, 1934, 48 Stat. 999, as amended (19 U.S.C. 81c); Sec. 201, Pub. L. 85-859, 72 Stat. 1336, as amended (26 U.S.C. 5062).)

Par. 50. Amend § 252.263 to permit exportation with benefit of drawback of distilled spirits in bulk containers and to replace the term "internal revenue officer" with the term "ATF officer". As amended, the section reads as follows:

§ 252.263 Duties of customs officer to be performed by an ATF officer.

If authorized by the district director of customs at the interior port of entry, in the case of paragraph (a) of this section, or at the port where the manufacturing bonded warehouse is located, in the case of paragraph (b) of this section, the ATF officer at a distilled spirits plant shall perform the duties required, by this subpart, to be performed by a customs officer, in the following instances:

(a) Where distilled spirits withdrawn without payment of tax, or where distilled spirits stamped and marked, or restamped and marked (if in cases) or marked (if in packages, or other bulk containers) especially for export with benefit of drawback, are laden at an interior port for exportation through another port; and

(b) . . .

(Sec. 201, Pub. L. 85-859, 72 Stat. 1336, as amended 1362, as amended, 1393, as amended (26 U.S.C. 5062, 5214, 5522).)

Signed: May 23, 1978.

REN D. DAVIS,
Director.

Approved: May 31, 1978.

RICHARD J. DAVIS,
Assistant Secretary of the
Treasury.

[FR Doc. 78-15499 Filed 6-1-78; 8:45 am]

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FRIDAY JUNE 2, 1978
PART VI



**ENVIRONMENTAL
PROTECTION
AGENCY**

**GRANTS FOR
CONSTRUCTION OF
WASTEWATER
TREATMENT WORKS**

Proposed Technical Amendments

[6560-01]

ENVIRONMENTAL PROTECTION
AGENCY

[40 CFR Part 35 Subpart E]

[FRL 894-21]

GRANTS FOR CONSTRUCTION OF
WASTEWATER TREATMENT WORKS

Proposed Technical Amendments

AGENCY: Environmental Protection
Agency.

ACTION: Proposed rule.

SUMMARY: This proposed rule is a series of amendments to the regulations governing grants for construction of treatment works. These amendments are necessary to incorporate in the regulations the miscellaneous technical, administrative, and programmatic changes which have taken place in the program since the bulk of the regulations were published in 1974. They are also intended to simplify the language of the regulations where it is possible to do so without making major changes. These changes, if adopted as final rulemaking, will make administration of the program and understanding of the requirements easier.

DATES: Comments must be received on or before July 17, 1978. Public meetings for the purpose of receiving comments will be held in June and July 1978. Notice of these meetings will be published in the *FEDERAL REGISTER*. Regional Conferences will be held on June 5, and June 9, June 12, and June 15 through the cooperation of several environmental and special interest groups and EPA. See the discussion of these conferences below.

ADDRESSES: Written comments should be submitted to Mr. Alexander J. Greene, Director, Grants Administration Division, Attention: PM-216-P Construction Technical, Environmental Protection Agency, Washington, D.C. 20460. Comments submitted may be inspected at the Public Information Reference Unit, EPA Headquarters, Room 2922, Waterside Mall, 401 M Street SW., Washington, D.C. between 8 a.m. and 4:30 p.m., business days. The public meetings will be held at all EPA regional offices. In addition, four regional conferences will be held (in Chicago, San Francisco, Dallas, and Philadelphia) through the cooperation of several environmental and special interest groups and EPA. See discussion of these conferences below.

FOR FURTHER INFORMATION
CONTACT:

Scott Berdine, Office of Water Program Operations (WH-546), Environmental Protection Agency, Washington, D.C. 20460, telephone 202-426-2517; or Belle Davis, Grants Ad-

ministration Division (PM-216), Environmental Protection Agency, Washington, D.C. 20460, telephone 202-755-0860.

SUPPLEMENTARY INFORMATION: Final regulations implementing the grant program for construction of wastewater treatment works authorized by Title II of the Federal Water Pollution Control Act Amendments of 1972 were promulgated on February 11, 1974 (40 CFR Part 35 Subpart E; 39 FR 5251). They were amended at various times after that, most notably December 17, 1975, September 23, 1976, and December 29, 1976. On December 27, 1977, the Clean Water Act of 1977 was enacted, further amending the Federal Water Pollution Control Act, as amended (hereafter the Clean Water Act), and requiring substantial amendments to the construction grant regulations in Subpart E. Those amendments were published in three parts on April 25, 1978. Certain of the amendments were published as proposed rulemaking (43 FR 17690); the large part of the amendments required by the new Act were published as interim final (43 FR 17697); and the State Management Assistance Grant program was implemented with the interim final publication of a new Subpart F (43 FR 17716). (See the April 25, 1978, issue of the *FEDERAL REGISTER* for more information about those regulations.) We intend to republish all the amendments as final rulemaking in September 1978, before the start of the new fiscal year, as part of a complete conformed version of the construction grant regulations. This means that at that time, the entire construction grant regulation, Subparts E and F, §§ 35.900 through 35.999 and 35.1000 through 35.1099, will be published in its entirety as one document, greatly facilitating ease of use by grantees, States, and the public. Therefore, it is appropriate to include in the September conformed version any other changes which appear to be necessary or desirable to ease administration of and participation in the program. The purpose of these proposed amendments is to solicit public comment on possible changes which are not related to the Clean Water Act.

The Preamble to the proposed regulations stemming from the Clean Water Act of 1977 (April 25, 1978), announced that this proposal would be made in early summer 1978. The changes being proposed are based, in part, on operating experience as reflected in Program Requirements Memoranda (PRM) issued for the construction grants program by the Office of Water Program Operations. They also reflect "deviations" which have been issued by the Director, Grants Administration Division, under the authority in 40 CFR Part 30 Subpart I. Other operational problems

have been brought to our attention by the regional employees of EPA, and by grantees, States, and others who work in this program. In trying to correct these problems, a few new changes are being proposed which we believe are administratively desirable and which will assist us to better implement the purposes of the Act. In addition, some changes are being proposed for the purpose of simplifying the language and readability of the regulations, although a major restructuring is not contemplated. Additional language simplification may be made in the final regulations in September.

Comments are especially invited on the extent to which current PRM's are or ought to be addressed in the final regulations. The Agency is attempting to reflect the salient policy, legal and administrative elements of program memoranda in this subpart while also minimizing the length of these regulations.

The specific changes which are being proposed are set forth below, followed by an explanation of each one. Asterisks in the proposed text are used by the *FEDERAL REGISTER* to represent regulations which would not be altered by the proposed change. Five asterisks in a row show that one or more paragraphs or an entire typographical unit are not being changed. Three asterisks in a row show that text within a paragraph is not being changed.

Comments are solicited on all of these proposed changes. We would also appreciate comments on any sections which have proven difficult to understand by the users, even if we have not yet proposed that those sections be rewritten. Specific suggestions for rewriting would be most helpful. Readers are also cautioned to evaluate these proposals in light of the interim final and proposed amendments promulgated on April 25, since some sections to which we are proposing changes were previously changed (or proposed to be changed) by the April 25 amendments.

One aspect of the regulations which is proposed to be changed deserves particular mention here. There are several proposed amendments (see particularly §§ 35.905-4, 35.917 and 35.925-18) which provide for the orderly transition of projects to be administered entirely under the requirements of the 1972 and later Acts. After certain dates, the current "grandfathering" practices would be discontinued. Comments on these proposed changes are particularly encouraged.

The public meetings in June and July in Regional offices are primarily for the purpose of receiving comments on the previously published interim and proposed Clean Water Act regulatory amendments. However, comments on these proposed technical amend-

ments which are offered at those meetings will be fully considered. Likewise, areawide conferences on the Clean Water Act amendments were scheduled through the cooperation of several environmental and special interest groups. One such conference has already taken place in Atlanta. While these conferences will also focus primarily on the Clean Water Act amendments, some time will be devoted to a short briefing on the technical amendments and EPA personnel knowledgeable about the technical amendments will be available to discuss them informally. The remaining four conferences are scheduled to be held as follows: June 5—Hyatt Regency O'Hare, Chicago, Ill.; June 9—Sheraton Palace Hotel, San Francisco, Calif.; June 12—Hyatt Regency at Reunion, Dallas, Tex.; and June 14—Philadelphia Sheraton, Philadelphia, Pa.

The comment period for these proposed changes has been limited to 45 days primarily because it necessary to accelerate the normal regulatory process in order to develop the final conformed regulation which can become effective for fiscal year 1979. The comment period on the Clean Water Act amendments published on April 25, 1978 will close on June 30, 1978. Following the close of the comment period on these regulations, these two efforts will be merged to develop the final conformed version of the construction grant regulations for publication in September.

The changes which we are proposing to make are as follows:

1. We are proposing to revise § 35.900 to read as follows:

§ 35.900 Purpose and applicability.

(a) This subpart supplements the EPA general grant regulations and procedures (Part 30 of this chapter) and establishes policies and procedures for grants to assist the construction of waste treatment works in compliance with the Clean Water Act.

(b) Provisions of this subpart which contained dates prior to [the effective date of the revision of this subpart] have been deleted. However, those provisions will remain applicable to grants awarded when those provisions were in effect. The transition provisions in previously published rules under §§ 35.905-4, 35.917, and 35.925-18 remain applicable to certain grants awarded through March 31, 1980.

EXPLANATION

In paragraph (a) we propose to replace "Federal Water Pollution Control Act" with "Clean Water Act" since, under the 1977 amendments, either name of the Act may be used. See also the proposed revision of § 35.905-1. Also, the words "publicly-owned" are proposed to be deleted

since, under the 1977 Act, in certain limited circumstances and with appropriate conditions, some privately-owned treatment systems may be eligible for assistance through the public body. (See new § 35.918 in the interim final amendments published on April 25, 1978.)

The addition of paragraph (b) advises the reader that provisions which contain dates prior to the effective date of these revisions have been deleted. This has been done in the interest of simplicity and brevity. However, the former rules are applicable to grants awarded when they were in effect. Also, new transition provisions are applicable for grantees. (Additional explanation is provided under the referenced sections).

2. We propose to amend § 35.903 by revising the first sentence of paragraph (j) and adding a new paragraph (p). As revised, these paragraphs would read as follows:

§ 35.903 Summary of construction grant program.

(j) Sections 35.937-10, 35.938-6 and 35.945 authorize prompt payment for project costs which have been incurred. The initial request for payment may cover unpaid allowable costs of work completed prior to award except as otherwise provided in § 35.925-18. All allowable costs incurred prior to initiation of project construction must be claimed in the application for grant assistance for that project prior to the award of the assistance or no subsequent claim for payment may be made for those costs. The estimated amount of any grant or grant amendment, including any prior costs, must be established in conjunction with determination of priority for the project. The Regional Administrator must determine that the project costs are reasonable and allowable, in accordance with § 35.940.

(p) Requirements regarding the award and administration of subagreements are set forth in §§ 35.935 through 35.939.

EXPLANATION

In paragraph (j), only the first sentence is proposed to be substantively revised. That sentence is currently incorrect, since the payment provisions in §§ 35.937-10, 35.938-6 and 35.945 were revised on December 17, 1975, and December 29, 1976. This revision would correct the summary to agree with the other sections.

The addition of paragraph (p) alerts the reader of the summary to the presence of procurement requirements elsewhere in the regulations, just as

other program requirements are referenced in the summary.

3. We are proposing to revise § 35.905-1 to read as follows:

§ 35.905-1 The Act.

The Clean Water Act (33 U.S.C. 1251 et seq.), as amended.

EXPLANATION

In Pub. L. 95-217, Congress has authorized the use of either "Federal Water Pollution Control Act" or "Clean Water Act." EPA proposes to use the latter title in this subpart because it is more descriptive of the Act's objectives, shorter, and parallel with the sister statute, the Clean Air Act.

4. We are proposing to revise § 35.905-4 to read as follows:

§ 35.905-4 Construction.

Any one or more of the following: Preliminary planning to determine the feasibility of treatment works, engineering, architectural, legal, fiscal, or economic investigations or studies, surveys, designs, plans, working drawings, specifications, procedures, or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement, or extension of treatment works, or the inspection or supervision of any of the foregoing items. The phrase "initiation of construction," as used in this subpart means with reference to a project for:

(a) *Step 1:* The approval of a plan of study;

(b) *Step 2:* The award of a Step 2 grant;

(c) *Step 3:* Issuance of a notice to proceed under a construction contract for any segment of Step 3 project work or, if notice to proceed is not required, execution of the construction contract.

EXPLANATION

This proposed amendment deletes from the definition of "initiation of construction" the different definitions which were applicable for work initiated prior to November 1, 1974. This amendment, and the related amendments of §§ 35.917 and 35.925-18, provide for two related, new transition rules.

First, there would be an orderly phasing out (in most instances, prior to April 1, 1979, and in some cases, prior to April 1, 1980) of projects previously allowed to proceed, subject to reimbursement through grant award at a later date. (See § 35.925-18.) under the present rule, most projects do not receive such reimbursement. The proposed rule would require those projects presently entitled to reimbursement to obtain the reimbursement through grant award by March 31, 1979, or March 31, 1980, or be barred

from subsequently obtaining the reimbursement. This change is based upon the major program change effected by the 1972 Amendments to the Act; while Section 8 of the prior Federal Water Pollution Control Act (FWPCA) permitted funding on either a reimbursable or a concurrent basis, the 1972 Amendments limited the Agency's reimbursement authority to that reimbursement authorized by Section 206 of the FWPCA.

Secondly, there would also be a phasing out of the "grandfather" provision for planning performed prior to the enactment of the new statutory requirements, and implementing administrative procedures, now applicable to facilities planning. (See § 35.917.) Under the present rule, facilities planning determined by the Regional Administrator to have been initiated prior to May 1, 1974, is required to comply with those facilities planning requirements determined appropriate by the Regional Administrator. The proposed rule would require compliance with all the facilities planning requirements for any Step 2 or Step 3 grant. There is an extension provided for projects initiated prior to May 1, 1974. At the time that the subpart first enunciated detailed facilities planning requirements, in 1974, the Agency did not wish to require substantial revision or abandonment of prior planning efforts, particularly since that would have entailed a dramatic slow-down in grants for apparently necessary projects and the possible loss of funds by States through the reallocation process. The Agency now desires all grantees to achieve compliance with the administrative requirements which assure attainment of the statutory objectives (such as an adequate analysis of alternatives, as required by the National Environmental Policy Act; the study of a land treatment alternative, consistent with Section 201 of the Act; and selection of cost effective alternatives in accordance with the cost effectiveness guidelines issued under Sections 212 and 217 of the Act). The fact that administrative requirements and procedures are now more thoroughly understood and streamlined should result in minimal delay to projects, particularly if States and municipalities take the necessary steps soon to assure funding for previously planned projects.

Of overriding importance in both regards is the need to bring in and complete any Step 1 work still underway, so that projects necessary to meet enforceable requirements of the Act can proceed through Steps 2 and 3 in a manner consistent with the requirements of Titles III and IV of the Act.

5. We are proposing to revise the definitions in §§ 35.905-5, 35.905-9 and 35.905-11 to read as follows:

§ 35.905-5 Excessive infiltration/inflow.

The quantities of infiltration/inflow which can be economically eliminated from a sewerage system by rehabilitation, as determined in a cost effectiveness analysis that compares the costs for correcting the infiltration/inflow conditions to the total costs for transportation and treatment of the infiltration/inflow subject to the provisions in § 35.927.

§ 35.905-9 Infiltration.

Water other than wastewater that enters a sewerage system (including sewer service connections) from the ground through such sources as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

§ 35.905-11 Inflow.

Water other than wastewater that enters a sewerage system (including sewer service connections) from such sources as roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

EXPLANATION

These revisions of the definitions are not intended to make substantive changes. They are linguistic changes which are intended to improve understanding of these terms. The changes to § 35.905-5, particularly, are very minor.

6. We are proposing to revise § 35.905-14 to read as follows:

§ 35.905-14 Municipality.

A city, town, borough, county, parish, district, association, or other public body (including an intermunicipal agency of two or more of the foregoing entities) created by or pursuant to State law, or an Indian tribe or an authorized Indian tribal organization, having jurisdiction over disposal of sewage, industrial wastes, or other waste, or a designated and approved management agency under Section 208 of the Act.

(a) This definition includes a special district created under State law such as a water district, sewer district, sanitary district, utility district, drainage district or similar entity or an integrated waste management facility, as defined in Section 201(e) of the Act, which has as one of its principal responsibilities the treatment, transport, or disposal of liquid wastes of the general public in a particular geographic area.

(b) This definition excludes the following:

(1) Any revenue producing entity which as its principal responsibility an activity other than providing wastewater treatment services to the general public, such as an airport, turnpike, port facility or other municipal utility.

(2) Any special district, such as a school district, which does not have as one of its principal responsibilities the treatment, transport, or disposal of liquid wastes.

(3) Any special district (such as a park district) which has the responsibility to provide wastewater treatment services in support of its principal activity at specific facilities, unless the special district has the responsibility under State law to provide wastewater treatment services to the community surrounding the special district's facility and no other municipality, with concurrent jurisdiction to serve the community, serves or intends to serve the special district's facility or the surrounding community.

EXPLANATION

The current definition of the term "municipality" has raised several questions in particular cases regarding the eligibility of special districts for funding under this program. This revision clarifies the Agency's position on this issue by expanding the description of the types of special districts which are and are not eligible.

§ 35.910-3 [Deleted]

§ 35.910-4 [Deleted]

7. We are proposing to delete §§ 35.910-3 and 35.910-4 and to designate those sections "Reserved."

EXPLANATION

These sections show the allotments of funds for fiscal years 1973, 1974, and 1975. These allotments were completely utilized by the States through grant awards and no reallocations were necessary. We do not feel that it is useful to continue reprinting the obsolete allotments in each new annual edition of the Code of Federal Regulations. They are available for reference in previous editions of the CFR. Therefore, these sections are proposed to be deleted.

8. We are proposing to add the following parenthetical sentence at the end of § 35.912:

§ 35.912 Delegation to State agencies.

... (See also Subpart F of this part.)

EXPLANATION

In the publication of amendments based on the Clean Water Act of 1977 on April 25, 1978, a new Subpart F was

established implementing the authority in Section 216 of the Clean Water Act for State Management Assistance Grants. Under this new authority, certain construction grant management functions may be delegated to States and funded from construction grant allotments to the States. It is important to insert a cross-reference to that new subpart here, so that users will be made aware of the other authority for delegating functions.

9. We are proposing to revise § 35.917 (b), (c), (d) and (e) to read as follows:

§ 35.917 Facilities planning (Step 1).

(b) Facilities planning consists of those necessary plans and studies which are directly related to the construction of treatment works necessary to comply with Sections 301 and 302 of the Act. Facilities planning will demonstrate the need for the proposed facilities and, by a systematic evaluation of feasible alternatives, will also demonstrate that the selected alternative is cost-effective, i.e., is the most economical means of meeting established effluent and water quality goals recognizing environmental and social considerations.

(c) Full compliance with the facilities planning provisions of this subpart is required prior to award of Step 2 or Step 3 grant assistance. (Facilities planning initiated prior to May 1, 1974, may be entitled to some flexibility under the prior regulations published on February 11, 1974. In this event, the Step 2 or Step 3 grant must be awarded prior to April 1, 1979.)

(d) Grant assistance for Step 2 or Step 3 may be awarded prior to approval of a facilities plan for the entire geographic area to be served by the complete waste treatment system of which the proposed treatment works will be an integral part if:

(1) The Regional Administrator determines that applicable statutory requirements have been met (see §§ 35.925-7 and 35.925-8); that the facilities planning relevant to the proposed Step 2 or Step 3 project has been substantially completed; and that the Step 2 or Step 3 project for which grant assistance is made will not be significantly affected by the completion of the facilities plan and will be a component part of the complete system; and

(2) The applicant agrees to complete the facilities plan on a schedule the State accepts (subject to approval by the Regional Administrator); the schedule shall be inserted as a special condition in the grant agreement.

(e) Written approval of a plan of study (see § 35.920-3(a)(1)) must be obtained prior to initiation of facilities planning. Facilities planning may not

be initiated prior to award of a Step 1 grant or approval of a plan of study accompanied by reservation of funds for a Step 1 grant (see §§ 35.925-18 and 35.905-4). After October 1, 1979, new facility planning may proceed in the absence of State water quality management outputs only if the Regional Administrator, at the request of the State, makes such a determination on a case-by-case basis.

EXPLANATION

There is a series of related changes being proposed to the § 35.917 series pertaining to the Agency's proposals for phasing out the transition of projects initiated prior to enactment of the Federal Water Pollution Control Act amendments of 1972 which are explained under § 35.905-4. Therefore, please read the explanation provided there. In these sections, the references related to facilities planning initiated prior to May 1, 1974, have been deleted or corrected to indicate that the transition period ends by March 31, 1979.

In § 35.917, in addition, two changes in language have been made for clarity. The first paragraph of the current paragraph (d) would now be revised and numbered (c), and the second paragraph of the current (d) would be revised to shorten the sentences and improve the structure, and would be designated (d).

Subsection (e) has been amended to reflect the fact that the State water quality management (WQM) program should serve as the basis for the management decision-making process for the State construction grant program. Facility planning efforts must be based on the following information contained in approved WQM plans:

(1) Facility planning area delineations.

(2) Load allocations and resultant NPDES permit effluent limitations/treatment levels for POTW's in the State.

(3) Population projection totals and disaggregations prepared in accordance with Appendix A of the Clean Water Act regulations.

(4) Identification of both local and areawide agencies responsible for doing facility plans and developing related POTW information in the coming year.

These outputs are to be available for use in construction grant decision-making as soon as possible prior to the start of fiscal year 1980. The proposed revision provides that after October 1, 1979, if the above State outputs are not contained in the approved WQM plans, new facility planning may proceed only if the Regional Administrator makes such a determination on a case-by-case basis.

These outputs are currently required in certified State WQM plans.

Therefore, no new planning requirements are added by this proposed revision. Where the approved WQM plan does not contain the above outputs, the process for annual revision of the WQM plans should provide the necessary outputs.

In connection with facilities planning, readers should be aware that the Agency is developing proposed changes to its public participation requirements, including those in § 35.917-5. They will be proposed in the FEDERAL REGISTER shortly.

10. We are proposing to revise the first paragraph of § 35.917-1, and paragraphs (d), (d)(2), (d)(5), and to add a new paragraph (l) to read as follows:

§ 35.917-1 Content of facilities plan.

Facilities planning must encompass the following to the extent deemed appropriate by the Regional Administrator.

(d) A cost-effectiveness analysis of alternatives for the treatment works and for the waste treatment system(s) of which the treatment works is a part. The selection of the system(s) and the choice of the treatment works for which construction drawings and specifications are to be prepared shall be based on the results of the cost-effectiveness analysis. (See Appendix A to this subpart.) This analysis shall include:

(2) An evaluation of alternative flow and waste reduction measures, including non-structural methods;

(5) An identification of, and provision for applying the best practicable waste treatment technology (BPWTT) as defined by the Administrator, based upon an evaluation of technologies included under each of the following waste treatment management techniques:

(i) Biological or physical-chemical treatment and discharge to receiving waters;

(ii) Treatment and reuse; and

(iii) Land application techniques. All Step 2, Step 3 or Step 2+3 projects shall be based upon application of BPWTT, as a minimum. Where application of BPWTT would not meet water quality standards, the facilities plan shall provide for attaining such standards. Such provision shall consider the alternative of treating combined sewer overflows.

(l) An estimate of total project costs and charges to customers, in accordance with guidance issued by the Administrator.

EXPLANATION

The revision to paragraph (d) is to clarify the language and to add a reference to Appendix A in which the cost-effectiveness guidelines are found.

The revision to paragraph (d)(2) adds mention of non-structural methods. (See discussion in appendix A, Cost Effectiveness Analysis Guidelines, published on April 25, 1978).

In paragraph (d)(5) we have deleted reference to publicly owned treatment works and to the transition date of June 30, 1974.

The new paragraph (l) incorporates in the regulations the requirement for inclusion of total project costs and estimated charges to customers in the facilities plan. This requirement was established in Program Requirements Memorandum 76-3 (August 16, 1976). Based on the current guidance, the costs which are required to be shown in the facilities plan are the following:

(1) Estimated total capital costs for the recommended treatment works, a breakdown of estimated eligible and ineligible costs, and the estimated Federal, State, local and industrial shares of the capital costs;

(2) The expected method of local financing and estimated annual debt service charges or taxes (based on the expected interest rate for municipal borrowing) on the total local capital cost of the recommended treatment works;

(3) Estimated annual operation and maintenance costs and the estimated industrial and local government's shares for the recommended treatment works; and

(4) The estimated monthly charge for operation and maintenance, the estimated monthly debt service charge, the estimated connection charge, and the total monthly charge to a typical residential customer.

New paragraphs (j) and (k) were included in the amendments published on April 25, 1978.

Also see the relevant explanation under §§ 35.917 and 35.905-4.

We are proposing to revise § 35.917-2(a) to read as follows:

§ 35.917-2 State responsibilities.

(a) *Facilities planning areas.* Facilities planning should focus upon the geographic area to be served by the waste treatment system(s) of which the proposed treatment works will be an integral part. The facilities plan should include that area deemed necessary to prepare an environmental assessment and to assure that the most cost-effective means of achieving the established water quality goals can be planned for and implemented. To assure that facilities planning will include the appropriate geographic areas, the State shall:

EXPLANATION

This revision deletes the transition dates. See explanation under §§ 35.917 and 35.905-4.

12. We are proposing to revise § 35.917-3 (a) and (b) to read as follows, to delete paragraph (c), and redesignate paragraph (d) as (c):

§ 35.917-3 Federal assistance.

(a) *General.* Facilities planning must be developed pursuant to a plan of study (see § 35.920-3(a)(1)) approved in accordance with the requirements of this subpart prior to initiation of the facilities planning. A preapplication conference may be held in accordance with § 35.920-2.

(b) *Eligibility.* Only an applicant which is eligible to receive grant assistance for subsequent phases of construction (Steps 2 and 3) and which has the legal authority to subsequently construct and manage the facility may apply for grant assistance for Step 1. If the area to be covered by the facilities plan includes more than one political jurisdiction, a grant may be awarded for a Step 1 project, as appropriate, to: (1) the joint authority representing such jurisdictions, if eligible; (2) one qualified (lead agency) applicant; or (3) two or more eligible jurisdictions. After a waste treatment management agency for an area has been designated in accordance with subsection 208(c) of the Act (see Parts 130 and 131 of this chapter) the Regional Administrator shall not make any grant for construction of treatment works within the area except to the designated agency.

(c) *Reports.* Where a grant has been awarded for facilities planning the completion of which is expected to require more than one year, the grantee must submit a brief progress report to the Regional Administrator at three-month intervals. The progress report is to contain a minimum of narrative description, and is to describe progress in completing the approved schedule of specific tasks for the project.

EXPLANATION

The revision to paragraph (a) deletes the transition dates; see the explanation under §§ 35.917 and 35.905-4. In paragraph (b), we have added the statutory requirement that, after a waste treatment management agency has been designated for an area, only the designated agency may receive grants. Further mention of this requirement is also in proposed § 35.925-2 and is currently in § 35.925-19.

Paragraph (c) included payment provisions which were in conflict with the revised payment provisions in §§ 35.917-10 and 35.945. Since inclusion

of payment provisions in both places is redundant, we are proposing to delete this paragraph.

13. We are proposing to amend § 35.920-2 by designating the existing text as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 35.920-2 Procedure.

(b) Grant applications (and, for subsequent related projects, amendments to them) are considered received by EPA only when complete and upon official receipt of the State priority certification document (EPA Form 5700-28) in the appropriate EPA Regional Office. In a State which has been delegated Federal application processing functions under § 35.912 or under Subpart F of this part, applications are considered received by EPA on the date of State certification. Preliminary or partial submittals may be made; EPA may conduct preliminary processing of these submittals.

EXPLANATION

There have been historical problems of establishing the date of application receipt in the Regional Office. Further, under the Clean Water Act of 1977, the Buy American provision is applicable to applications received after February 1, 1978. Therefore, it is important now to clarify any existing ambiguity as to the official date of receipt. Comments are especially invited as the appropriateness of the date selected in the case of States which have been delegated Federal application processing functions. A suggestion has been made that in those States, the date of receipt of a complete application in the State Office should be the official date of receipt.

14. We are proposing to revise § 35.920-3 (b) and (c) to read as follows:

§ 35.920-3 Contents of application.

(b) *Step 2.* Preparation of construction drawings and specifications. Prior to the award of a grant or grant amendment for a Step 2 project, the applicant must furnish the following:

(1) A facilities plan (including the environmental assessment portion in accordance with part 6 of this chapter) in accordance with §§ 35.917 through 35.917-9;

(2) A statement regarding availability of the proposed site, if relevant;

(3) Proposed subagreements or an explanation of the intended method of awarding subagreements for performance of any substantial portion of the project work;

(4) Required comments or approvals of relevant State, local and Federal

agencies, including clearinghouse requirements of Office of Management and Budget Circular A-95, as revised (see § 30.305 of this subchapter);

(5) A value engineering (VE) proposal in compliance with § 35.926(a) for all Step 2 grant applications for projects having a projected total Step 3 grant eligible construction cost of \$10 million or more excluding the cost for interceptor and collector sewers. For those projects requiring VE, the grantee may propose, subject to the Regional Administrator's approval, to exclude interceptor and collector sewers from the scope of the VE analysis;

(6) Proposed intermunicipal agreements necessary for the construction and operation of the proposed treatment works, for any treatment works serving two or more municipalities;

(7) A schedule for completion of the project work, including milestones; and

(8) Satisfactory evidence of compliance with:

(i) Sections 35.925-11, 35.929 et seq. and 35.935-13 regarding user charges;

(ii) Sections 35.925-12, 35.928 et seq. and 35.935-13, regarding industrial cost recovery, if applicable;

(iii) Section 35.925-16, regarding costs allocable to Federal facilities, if applicable;

(iv) Section 35.927-4 regarding a sewer use ordinance;

(v) Section 30.405-2 and part 4 of this chapter, regarding compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, if applicable; and,

(vi) Other applicable Federal statutory and regulatory requirements (see subpart C of part 30 of this chapter).

(c) *Step 3.* Building and erection of a treatment works. Prior to the award of a grant or grant amendment for a step 3 project, the applicant must furnish the following:

(1) Each of the items specified in paragraph (b) of this section (in compliance with paragraph (b)(6), the final intermunicipal agreements must be furnished);

(2) Construction drawings and specifications suitable for bidding purposes;

(3) A schedule for or evidence of compliance with §§ 35.925-10 and 35.935-12 concerning an operation and maintenance program, including a preliminary plan of operation; and

(4) After June 30, 1980, the items required by § 35.907 (c)(1) through (c)(9), as applicable, for grantees subject to pretreatment requirements under § 35.907(b).

EXPLANATION

Paragraph (b) has been rewritten, in part for style and to correct incorrect references, and in part to add references to the existing requirements for intermunicipal agreements, allocation of costs to Federal facilities, project

schedules and sewer use ordinances. Experience has shown that there are inordinate program delays unless intermunicipal agreements are obtained prior to the award of grant assistance. Project schedules are required by several program guidance documents. Inclusion of these references here will simplify compliance for grantees.

Paragraph (c) has been rewritten to delete the numerical requirement for two sets of construction drawings; the appropriate number of copies will be determined jointly by the grantee and the Regional Office depending on the circumstances of the particular project. The preliminary plan of operation requirement from Program Requirements Memorandum 77-3 (November 29, 1976), as evidence of satisfactory compliance with the operation and maintenance requirement, has been added to the regulations. The pretreatment requirement is included in the April 25, 1978, proposed Clean Water Act regulations. The entire paragraph is restructured in list form.

15. We are proposing to revise § 35.925-1 to read as follows:

§ 35.925-1 Facilities planning.

That if the award is for a Step 2, Step 3, or Step 2+3 grant, the facilities planning requirements set forth in §§ 35.917 through 35.917-9 have been met.

EXPLANATION

The addition of the references to Step 2 and Step 3 grants recognizes the fact that facilities planning requirements are inapplicable to the award of the Step 1 grant. The deletion of the second sentence is a correction to delete reference to sections which no longer exist.

16. We are proposing to revise § 35.925-2 to read as follows:

§ 35.925-2 Section 208 and 303(e): Agencies and plan.

That the project is consistent with any applicable water quality management plan approved under section 208 or section 303(e) of the act; and that the applicant is the wastewater management agency designated in any plan certified by the Governor and approved by the Regional Administrator.

EXPLANATION

By moving the substance of § 35.925-19 into § 35.925-2, we have included all the planning-related limitations in one section. Additionally, the phase water quality management plan has replaced "basin plan" in the previous § 35.925-2 in order to be consistent with current program language and policy.

17. We are proposing to revise § 35.925-5(b) to read as follows:

§ 35.925-5 Funding and other capabilities.

(b) The legal, institutional, managerial, and financial capability to insure adequate construction, operation, and maintenance of the treatment works throughout the applicant's jurisdiction. (Also see § 30.340-3 of this subchapter.)

EXPLANATION

We are proposing to add a cross-reference to the section in Part 30 (General Grant Regulations) which indicates that the applicant's application constitutes his assurance that he can meet the required standards for responsibility.

18. We are proposing to revise § 35.925-6 to read as follows:

§ 35.925-6 Permits.

That the applicant has, or has applied for, the permit or permits as required by the National Pollutant Discharge Elimination System with respect to existing discharges affected by the proposed project.

EXPLANATION

The revision eliminates the requirement that the grantee provide a copy of the permit, since EPA already has a copy. Also, at the time of the promulgation of the original construction grant regulations, permits had not been issued for all applicants with existing discharges, so the requirement was secondary to the grantee's identification of the effluent discharge limitations. Since this transition has passed, it is the permit which is now required.

19. We are proposing to revise § 35.925-7(c) to read as follows:

§ 35.925-7 Design.

(c) The sewer system evaluation and rehabilitation requirements of § 35.927 have been met;

EXPLANATION

The current statement in paragraph (c) references "infiltration/inflow" rather than sewer system evaluation and rehabilitation. The latter is the proper heading describing what is in § 35.927.

20. We are proposing to revise § 35.925-8 to read as follows:

§ 35.925-8 Environmental review.

(a) That, if the award is for Step 2, Step 3 or Step 2+3, the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) ap-

pllicable to the project step have been met. The grantee or grant applicant must prepare an adequate assessment of expected environmental impacts, consistent with the requirements of Part 6 of this chapter, as part of facilities planning, in accordance with § 35.917-1(d)(7). The Regional Administrator must ensure that an environmental impact statement or a negative declaration is prepared in accordance with Part 6 of this chapter (particularly §§ 6.108, 6.200, 6.212 and 6.504) in conjunction with EPA review of a facility plan and prior to any award of Step 2 or Step 3 grant assistance.

(b) The Regional Administrator may not award a Step 2 or Step 3 grant if the grantee has not made, or agreed to make, pertinent changes in the project, in accordance with determinations made in a negative declaration or environmental impact statement. He may condition a grant to ensure that the grantee will comply, or seek to obtain compliance, with such environmental review determinations. The conditions may address secondary impacts to the extent deemed appropriate by the Regional Administrator.

EXPLANATION

The revision to paragraph (a) is primarily linguistic. It deletes a reference to a date which has passed (see explanation under § 35.905-4) and references the appropriate sections of Part 6 of Title 40, published since the construction grant regulations.

The addition of paragraph (b) is intended to enforce decisions reached in the environmental review process, consistent with PRM 75-26 (formerly PG 50, June 6, 1975).

21. We are proposing to revise § 35.925-14 to read as follows:

§ 35.925-14 Compliance with environmental laws.

That the treatment works will comply with all pertinent requirements of applicable Federal, State and local environmental laws and regulations. (See § 30.101 and Subpart C of Part 30 of this chapter and the Clean Air Act.)

EXPLANATION

The reference to only one environmental law in the current version of this section seems inappropriate, in light of the large number of such statutes. Therefore, we are suggesting that references be made to the two sections which reference most of them, as well as to the one Act which makes specific reference to construction grants.

22. We are proposing to revise § 35.925-15 to read as follows:

§ 35.925-15 Treatment of industrial wastes.

That the allowable project costs do not include (1) costs of interceptor or

collector lines constructed exclusively, or almost exclusively, to serve industrial users or (2) costs allocable to the treatment for control or removal of pollutants in wastewater introduced into the treatment works by industrial users, unless the applicant is required to remove such pollutants introduced from non-industrial sources. The project must be included in a waste treatment system, a principal purpose of which project (as defined by the Regional Administrator; see §§ 35.903(d) and 35.905-16) and system is the treatment of domestic wastes of the entire community, area, region or district concerned. A "waste treatment system," for purposes of this section, means one or more treatment works which provide integrated but not necessarily interconnected waste disposal for the community, area, region or district. See the pretreatment regulations in Part 403 of this chapter and § 35.907 of this subchapter.

EXPLANATION

The proposed revision of the first sentence clarifies the current regulation by making clear that sewer projects which are solely for the purpose of handling industrial wastes are not eligible. This would affect, for example, a project to extend an interceptor solely to an industrial park, with no transport of domestic wastes along the way. We believe that this is consistent with Congressional policy to encourage joint treatment, since, in the absence of domestic waste there is no joint aspect to the project.

The insertion of the parenthetical statement in the second sentence is to refer the reader to the definition of "project" intended in this regulation.

The references to the pretreatment regulations in the final sentence have been corrected. Part 403 will be the Agency's new pretreatment regulation, which is now in the final stages of development and should be published in the FEDERAL REGISTER within a few weeks. (The pretreatment regulations are currently in Part 128.) Section 35.907 was proposed in the April 25, 1978, package of amendments. It includes the requirements for a pretreatment program which will be a condition of wastewater treatment construction grants.

23. We are proposing to revise § 35.925-16 to read as follows:

§ 35.925-16 Federal activities.

That the allowable step 2 or step 3 project costs do not include the proportional costs allocable to the treatment of wastes from major activities of the Federal Government. A "major activity" includes any Federal facility (other than District of Columbia Government facilities or those facilities of other political jurisdictions eligible for

EPA construction grant assistance and for which Federal funds are directly appropriated) which contributes either (a) 250,000 gallons or more per day or (b) 5 percent of the total design flow of waste treatment works, whichever is less.

EXPLANATION

The new second sentence of this section defines what EPA means by "major activity" in the first sentence. This definition was established in Program Requirements Memorandum 75-35 (formerly PG 62, December 29, 1975). The last sentence, which was guidance, has been deleted.

24. We are proposing to revise § 35.925-18 (a) and (b) to read as follows:

§ 35.925-18 Limitation upon project costs incurred prior to award.

That project construction has not been initiated prior to the approved date of initiation of construction (as defined in § 35.905-4), except as otherwise provided in this section.

(a) Step 1 or Step 2: No grant assistance is authorized for step 1 or step 2 project work performed prior to award of a step 1 or step 2 grant. However, payment is authorized, in conjunction with the first award of grant assistance, for all pregrant award allowable costs in the following cases:

(1) Step 1 work begun after the date of approval by the Regional Administrator of a plan of study, if the State requests and the Regional Administrator has reserved funds for the step 1 grant. However, the step 1 grant must be applied for and awarded within the allotment period of the reserved funds.

(2) Step 1 or Step 2 work begun after October 31, 1974, but before June 30, 1975, in accordance with an approved plan of study or an approved facilities plan, as appropriate, but only if a grant is awarded before April 1, 1980.

(3) Step 1 or Step 2 work begun before November 1, 1974, but only if a grant is awarded before April 1, 1979.

(b) Step 3: Except as otherwise provided in this subparagraph, no grant assistance for a Step 3 project may be awarded unless such award precedes initiation of the Step 3 construction. Preliminary Step 3 work, such as advance acquisition of major equipment items requiring long lead times, acquisition of an option for the purchase of eligible land, or advance construction of minor portions of treatment works, including associated engineering costs in emergencies or instances where delay could result in significant cost increases, may be approved by the Regional Administrator after completion of environmental review, but only (1) if the applicant submits a written and adequately substantiated request for

approval, and (2) if written approval by the Regional Administrator is obtained prior to initiation of the advance acquisition or advance construction.

EXPLANATION

For explanation of the deletion and revision of transition dates in paragraph (a), see the explanation under § 35.905-4.

Three changes have been made to paragraph (b). We have added reference to engineering costs associated with advance acquisition or advance construction to clarify that such costs are also allowable when proper approval has been obtained. We have added the cost of acquisition of an option for the purchase of eligible land to the advanced work which may be approved. We have clarified that the Regional Administrator may not approve such advance Step 3 work unless environmental review has been completed.

§ 35.925-19 [Deleted]

25. We are proposing to delete § 35.925-19 and designate that section "Reserved."

EXPLANATION

The substance of this section has been included in § 35.925-2. See the explanation under that section.

26. We are proposing to add a new § 35.925-23 to read as follows:

§ 35.925-23 Property.

That the applicant has demonstrated to the satisfaction of the Regional Administrator that it has met or will meet the property requirements of § 35.935-21.

EXPLANATION

The property requirements of the program are proposed to be summarized in a new § 35.935-21 (see below). This section would add reference to that new section in the series on limitations on award, consistent with the structure of the rest of the subpart.

27. We are proposing to revise §§ 35.927(b), 35.927-1 (a) and (c), 35.927-2(a), and 35.927-3 to read as follows:

§ 35.927 Sewer system evaluation and rehabilitation.

(b) The determination whether or not excessive infiltration/inflow exists will generally be accomplished through a sewer system evaluation consisting of: (1) certification by the State agency, as appropriate; and, when necessary, (2) an infiltration/

inflow analysis; and, if appropriate, (3) a sewer system evaluation survey and rehabilitation of the sewer system to eliminate excessive infiltration/inflow defined in the sewer system evaluation. Information submitted to the Regional Administrator for such determination should be the minimum necessary to enable a judgment to be made.

§ 35.927-1 Infiltration/inflow analysis.

(a) The infiltration/inflow analysis shall demonstrate the nonexistence or possible existence of excessive infiltration/inflow in the sewer system. The analysis should identify the presence, flow rate, and type of infiltration/inflow conditions, which exist in the sewer system.

(c) If the infiltration/inflow analysis demonstrates the existence or possible existence of excessive infiltration/inflow, a detailed plan for a sewer system evaluation survey shall be included in the analysis. The plan shall outline the tasks to be performed in the survey and their estimated costs.

§ 35.927-2 Sewer system evaluation survey.

(a) The sewer system evaluation survey shall determine the location, estimated flow rate, method of rehabilitation and cost of transportation and treatment for each defined source of infiltration/inflow.

§ 35.927-3 Rehabilitation.

(a) Subject to State concurrence, the Regional Administrator may authorize the grantee to perform minor rehabilitation concurrently with the sewer system evaluation survey under a Step 1 grant if there is adequate funding under the grant and there is no adverse environmental impact. However, such rehabilitation work which is not accomplished with force account labor under § 35.936-14, must be procured through formal advertising in compliance with all of the applicable requirements of §§ 35.938 through 35.938-9 and 35.939, the statutory requirements referenced in §§ 30.415 through 30.415-4 of this subchapter and other applicable provisions of part 30.

(b) The scope of each treatment works project defined within the facilities plan as being required for implementation of the plan, and for which Federal assistance will be requested, shall define: (1) any necessary new treatment works construction, and (2) any rehabilitation work determined by the sewer system evaluation to be necessary for the elimination of excessive infiltration/inflow. However, rehabili-

tation which should be a part of the applicant's normal operation and maintenance responsibilities shall not be included within the scope of a Step 3 treatment works project.

(c) Grant assistance for a Step 3 project segment consisting of rehabilitation work may be awarded concurrently with Step 2 work for the design of the new treatment works construction.

EXPLANATION

The deletion of the specific content of the infiltration/inflow (I-I) analysis is proposed because the material is included in guidance for I/I issued by the Agency. Even in its regulatory form, it was flexible: "should include, to the extent appropriate . . .". Circumstances of a particular project may dictate more or less evaluation.

Program Requirements Memorandum 78-10, issued on March 17, 1978, established some new options to the traditional method of I/I analysis in this program. The remainder of the changes proposed in these sections are designed to implement that PRM by providing more flexibility. Paragraph (a) of § 35.937-3 is new, and provides for minor rehabilitation work to be performed during the Step 1. The old paragraphs are redesignated (b) and (c).

28. We are proposing to revise § 35.935-1 to read as follows:

§ 35.935-1 Grantee responsibilities.

(a) Review or approval of project plans and specifications by or for EPA is for administrative purposes only and does not relieve the grantee of its responsibility to design, construct, operate, and maintain the treatment works described in the grant application and agreement.

(b) By its acceptance of the grant, the grantee agrees to complete the treatment works in accordance with the plans and specifications and related grant documents approved by the Regional Administrator, and to maintain and operate the treatment works to meet the enforceable requirements of the Act for the design life of the treatment works. The Regional Administrator is authorized to seek specific enforcement or recoupment of funds from the grantee, or to take other appropriate action (see § 35.965), if he determines that the grantee has failed to make good faith efforts to meet his obligations under the grant.

(c) The grantee agrees to pay, pursuant to section 204(a)(4) of the Act, the non-Federal costs of treatment works construction associated with the project and commits itself to complete the construction of the operable treatment works (see § 35.905-15) and complete waste treatment system (see § 35.905-3) of which the project is a part.

EXPLANATION

Paragraph (a) states EPA's position that EPA review and approve of project plans and specifications, under section 203 of the Act, does not relieve the grantee of its responsibilities for the design, construction, or use of the treatment works.

Paragraph (b) provides an explicit basis for seeking specific performance or recoupment of funds from the grantee, if the grantee fails to make good faith efforts to meet its obligations under the grant.

Paragraph (c) is the same as the current text of the section.

§ 35.935-3 [Deleted]

29. We are proposing to delete § 35.935-3 and designate that section "Reserved."

EXPLANATION

Bonding and insurance requirements, currently found in § 35.935-3 are proposed to be revised and are now to be included in § 35.936-22, in the procurement series. See the revision to that section.

30. We are proposing to revise § 35.935-9 to read as follows:

§ 35.935-9 Project initiation and completion.

(a) The grantee agrees to expeditiously initiate and complete the Step 1, 2, or 3 project, or cause it to be constructed and completed, in accordance with the grant agreement and application, including any project schedule, approved by the Regional Administrator. Failure of the grantee to promptly initiate Step 1, 2, or 3 project construction may result in annulment or termination of the grant.

(b) No date reflected in the grant agreement, or in the project completion schedule, or extension of any such date, shall be deemed to modify any compliance date established in an NPDES permit. It is the grantee's obligation to request any required modification of applicable permit terms or other enforceable requirements that may be affected by an extension.

(c) The invitation for bids for Step 3 project work is expected to be issued promptly after grant award. Generally this action should occur within 90 to 120 days after award unless compliance with State or local laws requires a longer period of time. The Regional Administrator shall annul or terminate the grant of initiation of Step 3 construction, including all significant elements of project work, has not occurred within 12 months of the award of Step 3 grant assistance (or approval of plans and specifications, in the case of a Step 2+3 grant). However, the Regional Administrator may defer (in writing) the annulment or termination for not more than 6 additional months if:

(1) The grantee has applied for and justified the extension in writing to the Regional Administrator;

(2) The grantee has given written notice of the request for extension to the NPDES permit authority;

(3) The Regional Administrator determines that there is good cause for the delay in initiation of project construction; and

(4) The State agency concurs in the extension.

EXPLANATION

The revision of this section is intended to clarify EPA requirements for prompt initiation of project work and to integrate the grant requirements more closely with the NPDES permit program. The text has been broken into three paragraphs for ease of use.

The revision of paragraph (a) clarifies that the term "project" means Step 1, 2, or 3. The new second sentence applies the same sanctions to all three steps.

Paragraph (b) explains the grantee's obligations under the NPDES permit program as they relate to actions the grantee takes under the grant program.

Paragraph (c) contains the same termination requirement as the current regulation, but includes the items which the Regional Administrator must consider in making his determination. State agency concurrence is required because the State could allocate the funds resulting from any termination to other higher priority projects. This paragraph also clarifies EPA's expectations as to the time by which invitations for bids should be issued.

31. We are proposing to revise paragraphs (b) and (c) of § 35.935-12 and to add new paragraphs (d) and (e) to read as follows:

§ 35.935-12 Operation and maintenance.

(b) As a minimum, the plan shall include provision for:

(1) An operation and maintenance manual for each facility;

(2) An emergency operating and response program;

(3) Properly trained management, operation, and maintenance personnel;

(4) Adequate budget for operation and maintenance;

(5) Operational reports; and

(6) Provisions for laboratory testing and monitoring adequate to determine influent and effluent characteristics and removal efficiencies as specified in the terms and conditions of the NPDES permit.

(c) Except as provided in paragraphs (d) and (e) of this section, the Regional Administrator shall not pay—

(1) More than 50 percent of the Federal share of any Step 3 project unless

the grantee has furnished a draft of the operation and maintenance manual for review, or adequate evidence of timely development of such a draft; or

(2) More than 90 percent of the Federal share unless the grantee has furnished a satisfactory final operation and maintenance manual.

(d) In projects where segmenting of an operable treatment works has occurred, the Regional Administrator shall not pay—

(1) More than 50 percent of the Federal share of the total of all Step 3 segments unless the grantee has furnished a draft of the operation and maintenance manual for review, or adequate evidence of timely development of such a draft; or

(2) More than 90 percent of the Federal share of the total of all Step 3 segments unless the grantee has furnished a satisfactory final operation and maintenance manual.

(e) In multiple facility projects where an element or elements of the treatment works have been completely constructed and placed in operation by the grantee, the Regional Administrator shall not make additional payment on a Step 3 grant unless the operation and maintenance manual (or those portions associated with the operating elements of the treatment works) submitted by the grantee has been approved by the Regional Administrator.

EXPLANATION

This section has been restructured in list form for clarity. Reference has been made to the NPDES permit program to indicate the relationship with that program. New paragraphs (d) and (e) implement in the regulation the class deviation which has been in effect since August 24, 1977, with respect to the operation and maintenance manual payment limitations as applied to segmented projects and multiple facility projects.

32. We are proposing to revise § 35.935-16 to read as follows:

§ 35.935-16 Sewer use ordinance and evaluation/rehabilitation program.

(a) The grantee must obtain the approval of the Regional Administrator of its sewer use ordinance, pursuant to § 35.927-4.

(b) Except as provided in paragraphs (c) and (d) of this section, the Regional Administrator shall not pay more than 80 percent of the Federal share of any Step 3 project unless he has approved the grantee's sewer use ordinance, and the grantee is complying with the sewer system evaluation and rehabilitation schedule incorporated in the grant agreement pursuant to § 35.927-5.

(c) In projects where segmenting of an operable treatment works has oc-

curred, the Regional Administrator shall not pay more than 80 percent of the Federal share of the total of all Step 3 segments unless he has approved the grantee's sewer use ordinance and the grantee is complying with the sewer system evaluation and rehabilitation schedule incorporated in the grant agreement pursuant to § 35.927-5.

(d) In multiple facility projects where an element or elements of the treatment works have been completely constructed and placed in operation by the grantee, the regional Administrator shall not make additional payment on a Step 3 grant unless he has approved the grantee's sewer use ordinance and the grantee is complying with the sewer system evaluation and rehabilitation schedule incorporated in the grant agreement pursuant to § 35.927-5.

EXPLANATION

The existing section, has been broken into two paragraphs and two new paragraphs have been added. Paragraphs (c) and (d) implement in the regulation the class deviation which has been in effect since August 24, 1977, with respect to the sewer use ordinance payment limitations as applied to segmented projects and multiple facility projects.

33. We are proposing to add a new § 35.935-21 to read as follows:

§ 35.935-21 Property.

(a) The grantee must comply with the property provisions of §§ 30.810 through 30.810-9 with respect to all property (real and personal) required with project funds.

(b) With respect to real property (including easements) acquired in connection with the project, whether such property is acquired with or in anticipation of EPA grant assistance or solely with funds furnished by the grantee or others:

(1) The acquisition must be conducted in accordance with Part 4 of this chapter;

(2) Any displacement of a person by or as a result of any acquisition of the real property shall be conducted under the applicable provisions of Part 4 of this chapter; and

(3) The grantee must obtain (prior to initiation of Step 3 construction), and must thereafter retain, a fee simple or such estate or interest in the site of a Step 3 project, and rights of access, as the Regional Administrator finds sufficient to assure undisturbed use and possession for the purpose of construction and operation for the estimated life of the project. In the case of Step 3 projects serving more than one municipality, the grantee must insure that the participating municipalities have, or will have prior to the

initiation of Step 3 construction, such interests or rights in land as the Regional Administrator finds sufficient to assure their undisturbed utilization of the project site for the estimated life of the project.

(c) With respect to real property acquired with EPA grant assistance, the grantee must defer acquisition of such property until approval of the Regional Administrator is obtained under § 35.940-3.

EXPLANATION

There has been some misunderstanding of the applicability of the real property acquisition regulations in Part 4 of Title 40 to this program. Questions have also been raised about other property requirements. The addition of this section does not add any new requirements; rather it clarifies those which have been in effect and summarizes them in one place. New real property acquisition provisions of the 1977 Act make this more important.

34. We are proposing to revise § 35.936-1(b) to read as follows:

§ 35.936-1 Definitions.

(b) *Subagreement*. A written agreement between an EPA grantee and another party (other than another public agency) and any tier of agreement thereunder for the furnishing of services, supplies, or equipment necessary to complete the project for which a grant was awarded, including contracts and subcontracts for personal and professional services, agreements with consultants, and purchase orders, but excluding employment agreements subject to state or local personnel systems. (See §§ 35.937-12 and 35.938-9 regarding subcontracts of any tier under prime contracts for architectural or engineering services or construction awarded by the grantee—generally applicable only to subcontracts in excess of \$10,000.)

EXPLANATION

The addition of the phrases "agreements with consultants" and "but excluding employment agreements subject to State or local personnel systems" clarifies EPA's policy as to the scope of the term "subagreements." No change in policy is implied. This revised definition already has been included in the Part 33 regulations, and the definition in Part 30 will be similarly revised.

35. We are proposing to revise § 35.936-2 to read as follows:

§ 35.936-2 Grantee procurement systems: State or local law.

(a) *Grantee procurement systems*. Grantees may use their own procurement systems and procedures which meet applicable requirements of State, territorial, or local laws and ordinances to the extent that such systems and procedures do not conflict with the minimum requirements set forth in this subchapter.

(b) *State or local law*. EPA will generally rely on a grantee's determination regarding the application of state or local law to issues which are primarily determined by such law, where the grantee furnishes a written legal opinion adequately addressing any such legal issues, if the Regional Administrator determines that there is a rational basis for the determination.

(c) *Preference*. State or local laws, ordinances, regulations or procedures which are designed to or operate to give local or in-State bidders or proposers preference over other bidders or proposers shall not be employed in evaluating bids or proposals for subagreements under a grant.

EXPLANATION

We are proposing to add a new paragraph (b) which explicitly states the circumstances under which EPA relies on the grantee's counsel's legal opinion as to the application of State or local law to grantee procurements. EPA will rely on grantee's counsel's opinion where the procurement issue in question is primarily determined by the State or local law. The statement regarding the Regional Administrator's judgment as to the "rational basis" for the determination incorporates in the regulation the "rational basis" test used by GAO and EPA in determination of bid protests. The current paragraph (b) is redesignated (c).

36. We are proposing to revise paragraph (b) and add a new paragraph (c) to § 35.936-14 to read as follows:

§ 35.936-14 Force account work.

(b) The Project Officer's approval shall be based on the grantee's demonstration that he possesses the necessary competence required to accomplish the work and (1) the work can be accomplished more economically by the use of the force account method, or (2) emergency circumstances so dictate.

(c) Use of the force account method for Step 3 construction shall generally be limited to minor portions of a project.

EXPLANATION

Section 35.935-2(a) of the regulations published on February 11, 1974, permitted the use of force account

work only for Step 1 or Step 2 infiltration/inflow work for which the Regional Administrator had given written approval and segments of Step 3 work, the cost of which was estimated to be less than \$25,000. EPA later determined that many grantees possessed the capability to perform by force account other work related to construction grant projects, including Step 3 work in excess of the \$25,000 limit.

On December 17, 1975, EPA amended the regulations and established the new § 35.936-14. The new provision allowed the use of force account for any Step 1, 2, or 3 work for which the Regional Administrator had given written approval based on the grantee's certification that he possessed the necessary competence and that the work could be accomplished more economically by the use of the force account method. (This policy had previously been enunciated in a class deviation from the prior regulation.) The intent of this change was to allow those municipal authorities with substantial engineering staffs to provide technical services for construction grant projects where there would be no substantial diversion from their normal duties, where the activity would not be used to support a staff larger than the municipality would ordinarily require or maintain without the construction grant project, and where use of force account would result in an overall reduction in project costs or substantial time savings.

Similarly, a limited amount of Step 3 construction work, such as sewer system rehabilitation, minor sewer replacement or construction of small pumping stations could be an allowable use of the force account method. It was not intended, however, that force account be employed for major Step 3 construction work. Such activities are specialized and require considerable experience and expertise which are not normally within the range of municipal capabilities. Additionally, without competitive bidding, it is doubtful whether the use of force account would, in fact, be more economical.

The revisions to paragraph (b) (substitution of the word "demonstration" for "certification") and the addition of paragraph (c) are intended to clarify this position.

37. We are proposing to revise § 35.936-20(c) to read as follows:

§ 35.936-20 Allowable costs.

(c) Reasonable costs of compliance with the procurement and project management requirements of these regulations are allowable costs of administration under the grant. Costs of announcement, selection, negotiation,

and cost review and analysis in connection with procurement of architectural or engineering services are allowable, even when conducted prior to award of the grant.

EXPLANATION

Questions have been raised as to the allowability of costs incurred by the grantee in complying with § 35.937-6, particularly when outside assistance is used, when those costs are incurred prior to grant award. This clarification makes explicit the fact that those costs are allowable.

38. We are proposing that § 35.936-21(a) be revised to read as follows:

§ 35.936-21 Delegation to State agencies; certification of procurement systems.

(a) In accordance with § 35.912 (Delegation to State agencies) and in accordance with Subpart F (State Management Assistance Grants) of this part, EPA may include in a written agreement with a State agency certification of the technical and administrative adequacy of procurement documentation required to be submitted to EPA pursuant to these sections.

EXPLANATION

This revision simply incorporates in paragraph (a) a reference to the new Subpart F. A cross-reference has also been proposed in § 35.912. Also see the interim final Subpart F promulgated April 25, 1978.

39. We are proposing to add a new § 35.936-22 to read as follows:

§ 35.936-22 Bonding and insurance.

(a) On contracts for the building and erection of treatment works (Step 3) exceeding \$100,000, each bidder must furnish a bid guarantee equivalent to 5 percent of the bid price. In addition, the contractor awarded a construction contract for Step 3 must furnish performance and payment bonds, each of which shall be in an amount not less than 100 percent of the contract price. Construction contracts less than \$100,000 shall be subject to State and local requirements relating to bid guarantees, performance and payments bonds. For contracts or subcontracts in excess of \$100,000 the Regional Administrator may authorize the grantee to use its own bonding policies and requirements if he determines, in writing, that the Government's interest is adequately protected.

(b) Contractors should obtain such construction insurance (e.g., fire and extended coverage, workmen's compensation, public liability and property damage, and "all-risk" builder's risk or installation floater coverage) as is

customary and appropriate. A contractor shall purchase flood insurance to cover his risk of loss under his contract pursuant to the Flood Disaster Protection Act of 1973 where the grantee has not purchased the insurance (see § 30.405-10 of this subchapter).

EXPLANATION

Bonding and insurance requirements are currently in § 35.935-3, which we are proposing to delete. Since the establishment of the procurement regulations in § 35.936, we feel that the bonding and insurance requirements are more appropriate in this section. The existing section is restructured into two paragraphs; the substance is proposed to be revised in four ways. First, the Office of Management and Budget has revised Attachment C to OMB Circular A-102 to permit Federal agencies to authorize grantees to use their own bonding policies for contracts over \$100,000 if the agency determines that the Government's interest is adequately protected. This revision authorizes the Regional Administrator to make that determination. Second, flood insurance purchase requirements, in accordance with the Flood Disaster Protection Act, already in Part 30, have been added to this section. Third, reference has been added to the "installation floater" type of insurance appropriate for sewer pipes. Fourth, reference to a design/construct contract has been deleted from paragraph (a).

40. We are proposing to revise § 35.937-2 to read as follows:

§ 35.937-2 Public notice.

(a) *Requirement.* Adequate public notice as provided in paragraphs (a)(1) or (a)(2) of this section must be given of the requirement for architectural or engineering services for all subagreements with an anticipated price in excess of \$25,000 except as provided in paragraph (b) of this section. In providing public notice pursuant to paragraphs (a)(1) and (a)(2) of this section, grantees must comply with the policies enunciated in §§ 35.936-2(b), 35.936-3, and 35.936-7.

(1) *Public announcement.* A notice of request for qualifications should be published in professional journals, newspapers, or publications of general circulation over a reasonable area and, in addition, if desired, through posted public notices or written notification directed to interested persons, firms, or professional organizations inviting the submission of statements of qualifications. The announcement must clearly state the deadline and place for submission of qualification statements.

(2) *Prequalified list.* As an alternative to publishing public notice as in

paragraph (b) of this section, the grantee may secure or maintain a list of qualified candidates. Such a list must:

(i) Be developed with public notice procedures as in paragraph (a)(1) of this section;

(ii) Provide for continuous updating; and,

(iii) Be maintained by the grantee or secured from the State or from a nearby political subdivision of the State.

(b) *Exceptions.* The public notice requirement of this section and the related requirements of §§ 35.937-3 and 35.937-4 are not applicable, but may be followed, in the cases described in paragraphs (b)(1) through (b)(3) of this section. All other appropriate provisions of these sections, including cost review and negotiation of price, apply.

(1) Where the population of the grantee municipality is 25,000 or less according to the latest U.S. census.

(2) For Step 2 or Step 3 of a grant, if:

(i) The grantee is satisfied with the qualifications and performance of an engineer who performed all or any part of the Step 1 or Step 2 work;

(ii) The engineer has the capacity to perform the subsequent steps; and

(iii) The grantee desires the same engineer to provide architectural or engineering services for the subsequent steps.

(3) For subsequent segments of design work under one grant if:

(i) A single treatment works is segmented into two or more Step 3 projects;

(ii) The Step 2 work is accordingly segmented so that the initial contract for preparation of construction drawings and specifications does not cover the entire treatment works to be built under one grant; and

(iii) The grantee desires to use the same engineering firm that was selected for the initial segment of Step 2 work for subsequent segments.

EXPLANATION

This section is proposed to be restructured for clarity and in accordance with FEDERAL REGISTER format. It clearly separates the requirement from the exceptions. No substantive change is made.

41. We are proposing to revise § 35.937-5(b) to read as follows:

§ 35.937-5 Negotiation.

(b) Negotiations shall be conducted in accordance with State or local procedures.

EXPLANATION

The Office of General Counsel has advised that the April 25, 1978, deci-

sion by the United States Supreme Court in *National Society of Professional Engineers v. United States* (see especially footnote 21) requires deletion of the reference to the "Brooks Bill" in § 35.937-5(b) of the present regulations. The basis for this conclusion is that the agency cannot authorize or require a grantee to observe a procedure barring price competition; only Congress can authorize an exception to the antitrust laws, as it has done for direct Federal procurement (only) in the case of the statute commonly referred to as the "Brooks Bill."

Deletion of the Brooks Bill reference from the present regulation would make negotiation with the three or more selected proposers subject only to State and local procedures.

42. We are proposing to revise § 35.937-12 to read as follows:

§ 35.937-12 Subcontracts under subagreements for architectural or engineering services.

(a) The award or execution of subcontracts under a prime contract for architectural or engineering services awarded to an engineer by a grantee, and the procurement and negotiation procedures used by the engineer in awarding such subcontracts are not required to comply with any of the provisions, selection procedures, policies or principles set forth in § 35.936 or § 35.937 except as provided in paragraphs (b), (c), and (d) of this section.

(b) The award or execution of subcontracts in excess of \$10,000 under a prime contract for architectural or engineering services and the procurement procedures used by the engineer in awarding such subcontracts must comply with the following:

(1) Section 35.936-2 (Grantee procurement systems; State or local law);

(2) Section 35.936-7 (Small and minority business);

(3) Section 35.936-15 (Limitations on subagreement award);

(4) Section 35.936-17 (Fraud and other unlawful or corrupt practices);

(5) Section 35.937-1 (Type of contract);

(6) Section 35.937-6 (Cost and price considerations); and

(7) Section 35.937-7 (Profit).

(c) The applicable provisions of this subpart shall apply to lower tier subagreements where an engineer acts as an agent for the grantee under a management subagreement (see § 35.936-5(b)).

(d) If an engineer procures items or services which are more appropriately procured by formal advertising or competitive negotiation procedures, the applicable procedures of § 35.938 or of Part 33 shall be observed.

EXPLANATION

The proposed revision of subparagraph (b)(3) and addition of (b)(5)

clarify requirements which the engineer must comply with in awarding subcontracts. The subsequent subparagraphs have also been renumbered in the numerical order of the referenced sections.

The proposed new paragraph (c) references the requirement of § 35.936-5(b), regarding the status of subcontractors when the engineer is acting for the grantee in the role of a construction manager. The proposed new paragraph (d) indicates that when an engineer procures items which are not covered by the provisions for architectural and engineering services procurements, the appropriate procedures of § 35.938 (formal advertising) or part 33 apply. Paragraph (a) is modified to reference new (c) and (d).

43. We are proposing to amend § 35.938-4(h) by revising subparagraph (2) and by adding a new subparagraph (5) and (6) to read as follows:

§ 35.938-4 Formal advertising.

(h) . . .

(2) The grantee may reserve the right to reject all bids. Unless all bids are rejected for good cause, awards shall be made to the low, responsive, responsible bidder.

(5) If an unresolved procurement review issue or a protest relates only to award of a subcontract or procurement of a subitem under the prime contract and resolution of that issue or protest is unduly delaying performance of the prime contract, award and performance of the prime contract may be authorized by the Regional Administrator, prior to resolution of the issue or protest, if the Regional Administrator determines that such action—

(i) Will not affect the placement of the prime contract bidders;

(ii) Is in the best interest of the Government;

(iii) Will not materially affect initial performance of the prime contract; and

(iv) Is not barred by State law.

(6) A bid shall not be rejected as nonresponsive for failure to list or otherwise indicate the selection of a subcontractor(s) or equipment, unless the grantee has unambiguously stated in the solicitation documents that such failure to list shall render a bid nonresponsive and shall cause automatic rejection of a bid. However, a grantee may not waive any Federally-required listing or selection requirement (e.g., minority business enterprise identification).

EXPLANATION

The addition of the phrase "for good cause" to paragraph (h)(2) is consist-

ent with Program Requirements Memorandum 78-8, February 13, 1978, (published in the *FEDERAL REGISTER*, April 7, 1978, 43 FR 14725).

The proposed new paragraph (h)(5) permits award of a prime contract when there are unresolved procurement issues or protests relating only to the award of a subcontract or procurement of a subitem. This rule has been developed in the protest process. Adoption of it in the regulations will make it legally possible to use this rule in situations not involving protests, will make it easier to enforce in the protest process, and will expedite the procurement process.

The proposed paragraph (h)(6) deals with a failure to list subcontractors or suppliers. This is a major area of current bid protests; adoption of this rule would eliminate many unnecessary and frivolous bid protest actions.

44. We are proposing to revise § 35.938-6(c) to read as follows:

§ 35.938-6 Progress payments to contractors.

(c) Protection of progress payments made for specifically manufactured equipment. The grantee will assure protection of the Federal interest in progress payments made for items or equipment referred to in paragraph (b)(3) of this section. This protection must be in a manner or form acceptable to the grantee and must take the form of:

(1) Securities negotiable without recourse, condition or restrictions, a progress payment bond, or an irrevocable letter of credit provided to the grantee through the prime contractor by the subcontractor or supplier; and,

(2) For items or equipment in excess of \$200,000 in value which are manufactured in a jurisdiction in which the Uniform Commercial Code is applicable, the creation and perfection of a security interest under the Uniform Commercial Code reasonably adequate to protect the interests of the grantee.

EXPLANATION

This proposed amendment is designed to deal with a problem which has been recently brought to our attention with regard to progress payments on specifically manufactured equipment. EPA's primary reason for encouraging progress payments to equipment manufacturers is to reduce the interest cost to the manufacturers, thereby reducing the bid price and the costs to the taxpayer.

An equipment supplier has complained about the additional labor, expense and paperwork needed to comply with the recordation require-

ment, and asserts that this diminishes the usefulness of progress payments to the companies and increases the cost to EPA. The primary arguments are that various components of the equipment are manufactured at different sites in different States, requiring repeated multiple recordation, and that recordation is generally not possible in foreign countries where some components are manufactured. They state that a cut-off point of \$200,000 would still require recordation for the principal items of equipment (compressors, cold boxes, aerators) but would relieve them of the burden for small components where the expense and paperwork make progress payments too difficult. If public comment leads us to conclude that elimination of the recordation requirement for items valued at less than \$200,000 is reasonable, we judge that considerable paperwork burden can be eliminated. Comment is particularly sought on the appropriateness of the \$200,000 level.

45. We are proposing to revise § 35.938-9(b) to read as follows:

§ 35.938-9 Subcontracts under construction contracts.

(b) The award or execution of subcontracts by a prime contractor under a formally advertised, competitively bid, fixed price construction contract awarded to the prime contractor by the grantee, and the procurement and negotiation procedures used by such prime contractors in awarding or executing such subcontracts must comply with the following:

- (1) Section 35.936-2 (Grantee procurement systems; State or local law);
- (2) Section 35.936-7 (Small and minority business);
- (3) Section 35.936-15 (Limitations on subagreement award);
- (4) Section 35.936-17 (Fraud and other unlawful or corrupt practices); and
- (5) Section 35.936-5(d) (Negotiation of contract amendments).

EXPLANATION

The proposed revision of subparagraph (b)(3) and addition of subparagraph (b)(5) clarify the existing regulations concerning two requirements applicable to subcontracts. Section 35.936-15 bars subagreement awards in certain cases, which are applicable to subcontracts. Section 35.938-5(d) requires cost/price review for negotiated change orders over \$100,000, including subcontracts.

46. We are proposing to amend § 35.940-1 by revising paragraph (q) and adding a new paragraph (r) to read as follows:

§ 35.940-1 Allowable project costs.

(q) Start-up services for new treatment works, in accordance with guidance issued by the Administrator.

(r) A Plan of Operation, in accordance with guidance issued by the Administrator.

EXPLANATION

The revision to paragraph (q) deletes the reference to allowability of State agency review costs in accordance with §§ 35.912 and 35.913 because of the new authority in Subpart F, and replaces it with the eligibility of start-up services. Paragraph (r) adds the eligibility for a Plan of Operation. Both these additions are in accordance with Program Requirements Memoranda issued on November 29, 1976 (PRM 77-2 and PRM 77-3).

§ 35.940-3 [Amended]

47. We are proposing to delete § 35.940-3(d) and to redesignate paragraph (e) as (d).

EXPLANATION

Paragraph (d) of § 35.940-3 is deleted as a clarification measure since in this form, its inclusion in the regulations has led some grantees to believe that construction grants could be used to purchase existing facilities for the purpose of restructuring municipal and/or private debt. We intend to continue reviewing proposals to acquire materials from, or portions of, existing treatment works on the basis of the following criteria:

- (1) The acquisition is consistent with established policy that highest priority is assigned to facilities which will reduce pollution from the existing population and municipal wastewater discharges will enhance water quality.
- (2) A facility planning-type analysis unquestionably supports acquisition as the cost-effective means of reducing pollution and meeting discharge requirements of the NPDES permit.
- (3) The acquisition does not merely result in a change of ownership or financial structure without additional pollution control benefits.

48. We are proposing to revise the first paragraph of § 35.945 to read as follows:

§ 35.945 Grant payments.

The grantee shall be paid the Federal share of allowable project costs incurred within the scope of an approved project and which are currently due and payable from the grantee (i.e., not including withheld or deferred amounts), subject to the limitations of §§ 35.925-18, 35.930-5, 35.930-6, and 35.965 (b) and (c), up to the grant amount set forth in the grant agreement and any amendments

thereto. Payments for engineering services for Step 1, 2 or 3 shall be made in accordance with § 35.937-10 and payments for Step 3 construction contracts shall be made in accordance with §§ 35.938-6 and 35.938-7. All allowable costs incurred prior to initiation of construction of the project must be claimed in the application for grant assistance for that project prior to the award of such assistance or no subsequent payment will be made for such costs.

EXPLANATION

The first sentence has been revised to clarify what we mean by "currently obligated to pay," as the current regulation reads. This policy, first issued in Program Requirements Memorandum 75-22 (formerly PG 43, November 18, 1974), has recently been misinterpreted by some grantees.

Appendix D [Amended]

49. We are proposing to add a new paragraph d to paragraph B5 of Appendix D to read as follows:

d. The limitations of paragraph B5 apply to all grants awarded under Subpart E except that—

(1) The limitations will not be applied to any project on which final payment had been made by the Regional Administrator prior to December 17, 1975; and

(2) For other projects on which construction for the building and erection of a treatment works was initiated prior to December 17, 1975, the limitations will not be applied to any request for engineering fee increases attributable to construction contract awards or change orders approved by the grantee prior to December 17, 1975.

EXPLANATION

The purpose of Appendix D, published in the *FEDERAL REGISTER* of December 17, 1975, was to provide for the orderly transition of existing grants and contracts to the new procurement regulations published on that date affecting consulting engineering agreements. While percentage-of-construction-cost (PCC) contracts were prohibited for work under new grant awards, existing PCC contracts were permitted to continue at the Step 3 stage, subject to certain limitations.

The intent of paragraph B5 of Appendix D is to limit windfall profits attributable to inflation under PCC contracts. Application of paragraph B5 to

situations where there is no grant or contract action on or after December 17, 1975 (the effective date of Appendix D) has not been found to be warranted. Experience in the application of paragraph B5 has resulted in inequities, been resource intensive and not cost effective. The proposed amendment to Appendix D would clarify the intent of that section by limiting its applicability to actions taken after December 17, 1975. The same exclusion would apply equally to Pub. L. 84-660 and Pub. L. 92-500 projects.

The regulations in 40 CFR Part 35 Subpart E and these amendments are issued under the authorities contained in sections 109(b), 201 through 205, 207, 208(d), 210 through 212, 215 through 217, 501, 502 and 511 of the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

NOTE.—The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Analysis Statement under Executive Order 11821 and OMB Circular A-107.

Dated: May 30, 1978.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc. 78-15530 Filed 6-1-78; 9:48 am]

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MONDAY, JUNE 5, 1978



highlights

SUNSHINE ACT MEETINGS 24404

MEDICARE PROGRAM

HEW/HCFR proposes reduction in grace period days where payment is made for certain nonreimbursable expenses; comments by 7-20-78 24332

RURAL HOUSING LOANS AND GRANTS

USDA/FmHA amends regulations to allow use of loan funds to finance certain common areas, playgrounds and tot lots; comments by 7-5-78 24264

FOSTER GRANDPARENT AND SENIOR COMPANION PROGRAM

ACTION revises schedule of income eligibility levels for individuals and families 24341

MANDATORY PETROLEUM PRICES

DOE/ERA amends regulations regarding resellers and retailers and blends of covered and new-petroleum-based products; effective 7-1-78 24265

AIRLINE OVERBOOKING

CAB adopts rules designed to minimize involuntary "bumping" of passengers holding confirmed reservations on oversold flights; effective 9-3-78 24277

TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

DOT/MTB proposes to revise the existing gas pipeline leak reporting forms; comments by 7-10-78 (Part IV of this issue). 24478

COPPER CONTROLLED MATERIALS

Commerce/ITA revises schedule establishing the amount of materials that the copper industry must reserve for national defense programs; effective 7-1-78 24308

COOPERATIVE RESEARCH OR DEMONSTRATION PROJECTS

HEW/HDS announces competition for new grants (Part III of this issue) 24472

PRODUCTS CONTAINING NITROBENZENE

CPSC issues general order for submission of information by 9-5-78 24325

U.S./FOREIGN TRADE

Office of Special Representative for Trade Negotiations publishes information on the Generalized System of Preferences as of 3-1-78 24438

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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Finding Aids	523-5227
Public Briefings: "How To Use the Federal Register."	523-3517
Code of Federal Regulations (CFR) ..	523-3419
	523-3517
Finding Aids	523-5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents	523-5235
Index	523-5235

PUBLIC LAWS:

Public Law dates and numbers	523-5266
	523-5282
Slip Laws	523-5266
	523-5282
U.S. Statutes at Large	523-5266
	523-5282
Index	523-5266
	523-5282

U.S. Government Manual	523-5230
Automation	523-3408
Special Projects	523-4534

HIGHLIGHTS—Continued

WATER POLLUTION

EPA amends rule under the Clean Water Act to control the discharge of hazardous substances; effective 6-5-78; comments by 7-20-78 24309

SOIL AND WATER RESOURCES CONSERVATION

USDA/SCS issues general guidelines; effective 6-1-78 24345

SURFACE MINING

Interior/SMRE propose policies and procedures regarding grants for mining and mineral resources research institutes and mineral research projects; comments by 7-5-78 24326

TRANSPORTATION OF HAZARDOUS MATERIALS

DOT/MTB proposes adoption of individual exemptions as rules of general applicability; comments by 7-5-78 24335

AUDITING REQUIREMENTS

SEC adopts amendments regarding the reporting of changes in registrant's independent accountants; effective 7-31-78 24287

BANKS AND BANKING

FDIC adopts amendments to its interest rate regulations; effective 6-1-78 24269

SAVINGS AND LOAN ASSOCIATIONS

FHLBB adopts amendments concerning certificate accounts; effective 6-1-78 24271

ENERGY EXTENSION SERVICE

DOE proposes to establish a regulation which would contain requirements for the comprehensive program; comments by 8-4-78; hearing on 7-19-78 24316

PESTICIDES

EPA extends to 8-4-78 the period for submission of rebuttal evidence and other comments on registration and continued registration of certain products containing 2, 4, 5-T 24379

BROMINE AND BROMINATED COMPOUNDS FROM ISRAEL

Treasury/Customs publishes preliminary countervailing duty determination; effective 6-5-78 24395

DIURON FROM ISRAEL

Treasury/Customs publishes preliminary countervailing duty determination; effective 6-5-78 24396

CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS FROM INDIA

CITA increases import restraint levels; effective 5-31-78 24352

HONEY

USDA/CCC sets forth 1978 Crop Honey Loan and Purchase Program; effective 6-5-78 24263

PRIVACY ACT

DOD/DIA deletes certain systems of records and amends other systems of records; comments by 7-5-78; effective 7-5-78 24352

MEETINGS—

Commerce/ITA: Exporters' Textile Advisory Committee; 6-20-78	24347
Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; 6-20-78	24347
NOAA: Gulf of Mexico Fishery Management Councils Shrimp and Stone Advisory Panel; 6-27 and 6-28-78 .	24348

HIGHLIGHTS—Continued

EPA: Principals of the Resource Conservation Committee; 6-7-78	24384	Research Advisory Committee; 7-18 and 7-19-78	24394
NFAH: Music Advisory Panel; 7-22-78	24386	SEPARATE PARTS OF THIS ISSUE	
National Council on the Arts; 6-16-78	24386	Part II, Office of the Special Representative for Trade Negotiations	24438
Special Projects Advisory Panel; 6-23 and 6-24-78	24386	Part III, HEW/HDSO	24472
State/AID: Board for International Food and Agricultural Development; 6-22-78	24394	Part IV, DOT/MTB	24478

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

HUD/GPD—Applications and criteria for discretionary grants, new communities . 19228; 5-4-78
USDA/AMS—Irish potatoes grown in the Southeastern States 21638; 5-19-78

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of PUBLIC LAWS.

[LAST LISTING: MAY 30, 1978]

contents

ACTION
Notices

Foster Grandparent and Senior Companion Programs; income eligibility levels 24341

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices

Meetings:
International Food and Agricultural Development Board 24394
Research Advisory Committee 24394

AGRICULTURE DEPARTMENT

See Commodity Credit Corporation; Farmers Home Administration; Soil Conservation Service.

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Notices

Meetings:
Arts National Council 24386
Music Advisory Panel 24386
Special Projects Advisory Panel 24386

CIVIL AERONAUTICS BOARD

Rules

Oversales; bumping and boarding policies 24277
Tariffs of air carriers and foreign air carriers; construction, publication, etc.:
Airline overlooking practices . 24277

Notices

Hearings, etc.:
Sterling Oil Co. of Oklahoma, Inc., et al 24346

COAST GUARD

Notices

Citizenship oath filing:
Bunge Corp. 24394

COMMERCE DEPARTMENT

See also Industry and Trade Administration; National Oceanic and Atmospheric Administration.

Notices

Organization and functions:
Communications and Information, Assistant Secretary 24349
National Telecommunications and Information Administration..... 24348

COMMODITY CREDIT CORPORATION

Rules

Loan and purchase programs:
Honey 24263

CONSUMER PRODUCT SAFETY COMMISSION

Proposed Rules

Nitrobenzene, products containing; information submission ... 24325

CUSTOMS SERVICE

Notices

Countervailing duty petitions and preliminary determinations:
Bromine and brominated compounds from Israel 24395
Diuron from Israel 24396

DEFENSE DEPARTMENT

See Defense Intelligence Agency.

DEFENSE INTELLIGENCE AGENCY

Notices

Privacy Act; systems of records 24352

DRUG ENFORCEMENT ADMINISTRATION

Notices

Schedules of controlled substances; production quotas: Schedules I and II, 1978 aggregate production quotas; correction 24386

ECONOMIC REGULATORY ADMINISTRATION

Rules

Petroleum price regulations, mandatory:
Resellers and retailers; blends of covered and synthetic products 24265

EDUCATION OFFICE

Proposed Rules

Library Services and Construction Act; implementation 24333

ENERGY DEPARTMENT

See also Economic Regulatory Administration.

Rules

Energy conservation program; appliances:
Air conditioners, central; correction 24268

Proposed Rules

Energy extension service, National 24316

ENVIRONMENTAL PROTECTION AGENCY

Rules

Water pollution control: Hazardous substances; determination of harmful quantities 24309

Proposed Rules

Air programs; fuels and fuel additives:
Refineries, small; extension of time 24331

Notices

Environmental statements; availability, etc.:
Agency statements, weekly receipts 24380
Agency statements, weekly receipts; change in publication date 24380

Meetings:

Resource Conservation Committee 24384
Pesticide registration applications; correction 24384
Pesticides; tolerances, registration, etc.:
2,4,5-Trichlorophenoxyacetic acid; extension of comment period 24379

Water pollution control; discharge of pollutants:
Iowa 24379

FARMERS HOME ADMINISTRATION
Rules

Loan and grant programs (individual):
Disaster assistance; replacement of form 24265
Rural housing loans and grants:
Loan funds to finance common areas, playgrounds and tot lots 24264

FEDERAL AVIATION ADMINISTRATION

Rules

Airworthiness directives:
Boeing 24273
McCauley (2 documents) 24272
Control zones 24275
Standard instrument approach procedures 24275
Transition areas (2 documents) 24274

Proposed Rules

Transition areas (2 documents) 24324

FEDERAL COMMUNICATIONS COMMISSION

Rules

Organization and functions:
Contracting Officer, appeals from decisions of; use of GSA Board of Contract Appeals 24310

Proposed Rules

FM broadcast stations; table of assignments:
Vermont; extension of time 24334

V
4
3
/
1
0
8

J
E
/
5

7
8

UMI

CONTENTS

Notices	
Hearings, etc.:	
WMOA, Inc	24384
FEDERAL DEPOSIT INSURANCE CORPORATION	
Rules	
Interest on deposits:	
Rates on time deposits, maximum	24269
FEDERAL HOME LOAN BANK BOARD	
Rules	
Federal home loan bank system and Federal savings and loan system:	
Accounts, certificate; establishment of new categories ..	24271
FEDERAL INSURANCE ADMINISTRATION	
Rules	
Flood elevation determinations:	
Illinois (2 documents)	24297
Kansas (2 documents) ..	24298, 24299
Minnesota (4 documents)	24296, 24299, 24300
New Hampshire	24301
New York (6 documents) ..	24301-24304
North Carolina	24305
Ohio (3 documents)	24306, 24307
Oregon	24298
Pennsylvania (4 documents)	24289-24291
South Dakota	24291
Tennessee	24292
Texas	24292
Virginia (4 documents) ..	24293-24295
Wyoming	24296
HEALTH, EDUCATION, AND WELFARE DEPARTMENT	
See Education Office; Health Care Financing Administration; Human Development Services Office.	
HEALTH CARE FINANCING ADMINISTRATION	
Proposed Rules	
Aged and disabled, health insurance for:	
Nonreimbursable expenses; reduction in grace period days for payment	24332
HOUSING, AND URBAN DEVELOPMENT DEPARTMENT	
See Federal Insurance Administration.	
HUMAN DEVELOPMENT SERVICES OFFICE	
Notices	
Applications and proposals, closing dates:	
Cooperative research or demonstration projects	24472

INDUSTRY AND TRADE ADMINISTRATION	
Rules	
Copper set-aside percentages and base period; schedule revision	24308
Notices:	
Meetings:	
Computer Systems Technical Advisory Committee et al	24347
Exporters' Textile Advisory Committee	24347
INTERIOR DEPARTMENT	
See Land Management Bureau; Surface Mining Reclamation and Enforcement Office.	
INTERSTATE COMMERCE COMMISSION	
Notices	
Hearing assignments (2 documents)	24397
Motor carriers:	
Temporary authority applications	24398
Petitions filing:	
Corrugated Carriers, Inc	24398
Railroad car service rules, mandatory; exemptions	24403
Railroad freight rates and charges; various States, etc.: Texas, coal to; capital incentive rate	24398
Rerouting of traffic:	
Atchison, Topeka & Santa Fe Railway Co. et al	24397
JUSTICE DEPARTMENT	
See Drug Enforcement Administration.	
LAND MANAGEMENT BUREAU	
Notices	
Applications, etc.:	
New Mexico (2 documents)	24385
Utah	24386
Motor vehicles, off-road, etc.; area closures:	
New Mexico	24385
Survey plat filings:	
Alaska	24385
MANAGEMENT AND BUDGET OFFICE	
Notices	
Clearance of reports; lists of requests (2 documents)	24392, 24393
MATERIALS TRANSPORTATION BUREAU	
Proposed Rules	
Exemptions, individual; adoption for general applicability	24335
Pipeline transportation of gas: Leak reporting requirements	24478

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION	
Rules	
Motor vehicle safety standards: Tires, new pneumatic, for passenger cars	24310
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION	
Notices	
Fishery conservation and management:	
Shrimp and stone crab fishery management plan; Gulf of Mexico Fishery Management Council; meeting	24348
NUCLEAR REGULATORY COMMISSION	
Notices	
Applications, etc.:	
Commonwealth Edison Co	24387
Ente Nazionale Per L'Energia Elettrica	24387
Florida Power & Light Co. (2 documents)	24387, 24388
Indiana & Michigan Electric Co. et al. (2 documents)	24388, 24389
Metropolitan Edison Co. et al	24389
Portland General Electric Co. et al	24391
Wisconsin Public Service Corp	24391
SECURITIES AND EXCHANGE COMMISSION	
Rules	
Securities Exchange Act: Accountants; reporting of changes by registrants	24287
SOIL CONSERVATION SERVICE	
Notices	
Environmental statements on watershed projects; availability, etc.:	
Bastian Elementary School Land Drainage RC&D Measure, Va	24341
Colorado County Roadside Erosion Control RC&D Measure, Tex	24342
College Farm Erosion Control RC&D Measure, Tex	24342
Four Corners Critical Area Treatment RC&D Measure, Colo	24342
Illiana Church Camp Critical Area Treatment RC&D Measure, Ind	24343
Just-Olson Critical Area Treatment RC&D Measure, Wis	24343
Little Crooked Creek Critical Area Treatment RC&D Measure, La	24344

CONTENTS

Lea County State Park Public Water-Based Recreation RC&D Measure, N. Mex	24343
Midwest Institute of Scandinavian Culture, Inc. Critical Area Treatment RC&D Measure, Wis	24344
Negreet High School Critical Area Treatment RC&D Measure, La	24344
South Central Dakota RC&D Area Critical Area Treatment RC&D Measures, N. Dak	24345
Sunman Park Land Drainage RC&D Measure, Ind	24346
Soil and water resources conservation; implementation activities; guidelines	24345
SURFACE MINING RECLAMATION AND ENFORCEMENT OFFICE	
Proposed Rules	
Grants; Mining and Mineral Resources Research Institutes and mineral research projects	24326
TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE	
Notices	
Cotton textiles:	
India	24352
Cotton, wool, and man-made textiles:	
India	24351
TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE	
Notices	
Generalized System of Preferences: Articles eligible for	24438
TRANSPORTATION DEPARTMENT	
See Coast Guard; Federal Aviation Administration; Materials Transportation Bureau; National Highway Traffic Safety Administration.	
TREASURY DEPARTMENT	
See Customs Service.	
STATE DEPARTMENT	
See Agency for International Development.	

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month. A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR		16 CFR		42 CFR	
1434	24263	PROPOSED RULES:		PROPOSED RULES:	
1822	24264	Ch. II	24325	405	24332
1904	24265			45 CFR	
10 CFR		17 CFR		PROPOSED RULES:	
212	24265	240	24287	130	24333
430	24268	249	24287	47 CFR	
PROPOSED RULES:		24 CFR		0	24310
465	24316	1917 (32 documents)	24289-24307	PROPOSED RULES:	
12 CFR		30 CFR		73	24334
329	24269	PROPOSED RULES:		49 CFR	
526	24271	880	24326	571	24310
545	24271	32A CFR		PROPOSED RULES:	
14 CFR		634	24308	171	24335
39 (3 documents)	24272, 24273	40 CFR		172	24335
71 (3 documents)	24274, 24275	118	24309	173	24335
97	24275	PROPOSED RULES:		175	24335
221	24277	80	24331	176	24335
250	24277			191	24478
PROPOSED RULES:					
71 (2 documents)	24324				

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

1 CFR		16 CFR—Continued		32A CFR	
Ch. I.....	23701	PROPOSED RULES:		634.....	24308
7 CFR		Ch. II.....	24325	40 CFR	
2.....	23983	13.....	24066	118.....	24309
246.....	23988	17 CFR		PROPOSED RULES:	
908.....	23701	32.....	23704	35.....	24071
910.....	23986	240.....	24287	52.....	24071
1434.....	24263	249.....	24287	80.....	24331
1800.....	23986	PROPOSED RULES:		41 CFR	
1822.....	24264	1.....	23729	101-38.....	24062
1904.....	24265	31.....	23729	101-39.....	24062
PROPOSED RULES:		19 CFR		101-40.....	24063
650.....	24222	10.....	23708	42 CFR	
917.....	23724	159.....	23709, 23710	PROPOSED RULES:	
1126.....	23725	171.....	23711	122.....	24072
1701.....	24064	PROPOSED RULES:		405.....	24332
9 CFR		4.....	23731	43 CFR	
78.....	23987	6.....	23731	PROPOSED RULES:	
PROPOSED RULES:		21 CFR		428.....	24072
11.....	24064	207.....	24008	44 CFR	
381.....	24064	540.....	24010	PROPOSED RULES:	
10 CFR		PROPOSED RULES:		5638.....	24063
205.....	23989	Ch. I.....	24066	45 CFR	
212.....	24265	182.....	24067	PROPOSED RULES:	
430.....	24268	186.....	24067	130.....	24333
PROPOSED RULES:		740.....	24070	46 CFR	
465.....	24316	24 CFR		PROPOSED RULES:	
12 CFR		203.....	23713	308.....	24075
9.....	23990	213.....	23713	502.....	24080
329.....	24269	234.....	23713	47 CFR	
526.....	24271	1914.....	24011, 24013	0.....	24310
545.....	24271	1915.....	24019, 24021, 24022	PROPOSED RULES:	
PROPOSED RULES:		1916.....	24049, 24050	67.....	23746
226.....	23726	1917.....	23713-	73.....	24334
545.....	23727	23722, 24051-24061, 24289-24307		49 CFR	
14 CFR		PROPOSED RULES:		571.....	24310
39.....	24272, 24273	1710.....	23936	1033.....	23722, 23723
71.....	24274, 24275	1715.....	23936	PROPOSED RULES:	
73.....	23703	1917.....	23732-23743, 24070	171.....	24335
75.....	23703	25 CFR		172.....	24335
97.....	24275	PROPOSED RULES:		173.....	24335
221.....	24277	54.....	23743	175.....	24335
250.....	24277	PROPOSED RULES:		176.....	24335
PROPOSED RULES:		27 CFR		191.....	24478
39.....	23727	170.....	24234	50 CFR	
71.....	24324	201.....	24234	PROPOSED RULES:	
15 CFR		231.....	24243	656.....	23747
315.....	23991	252.....	24243	661.....	23748
16 CFR		30 CFR			
13.....	23991	PROPOSED RULES:			
456.....	23992	880.....	24326		

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	Date
23701-23982.....	June 1
23983-24261.....	2
24263-24514.....	5

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-05]

Title 7—Agriculture

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER PURCHASE PROGRAM

PART—1434—HONEY

Subpart—1978 Crop Honey Loan and Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to set forth (1) the final loan and purchase availability dates, (2) maturity dates, (3) loan and purchase rates, and (4) premiums and discounts under which Commodity Credit Corporation will extend price support for 1978 crop honey. The need for this rule is to satisfy statutory requirements of section 201 of the Agricultural Act of 1949, which provides that price support shall be available on honey. This final rule will enable producers to obtain price support on 1978 crop honey.

EFFECTIVE DATE: June 5, 1978.

ADDRESS: Price Support and Loan Division, ASCS, U.S. Department of Agriculture, 3752 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Dalton Ustynik, ASCS, 202-447-6611.

SUPPLEMENTARY INFORMATION: On February 2, 1978, a notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 4437) regarding certain determinations for the 1978 crop honey. Such determinations included price support rates based on color, differentials, class, grade, and the program availability period. Five responses were received concerning the price support rates, and maturity dates. Three commentators requested that the price support level be established at 90 percent of parity (the Statutory maximum). One commentator requested that the rate be set at 75 percent of parity. One commentator stated that the level of 60 percent of parity would be appropriate.

After considering the responses, statutory considerations, and other factors, the price support rate is established at the legal statutory minimum of 60 percent of parity.

FINAL RULE

The Honey Price Support Regulations for the 1977 and Subsequent Crops which contain regulations of a general nature with respect to loan and purchase operations are supplemented for the 1978 crop of honey as stated herein. The title of the subpart and §§1434.40 through 1434.44 are revised to read as follows, effective as to 1978 crop honey. The material previously appearing in these sections remains in full force and effect as to the crops to which it was applicable.

Subpart—1978 Crop Honey Loan and Purchase Program

Sec.

1434.40 Purpose.
1434.41 Availability.
1434.42 Maturity of loans.
1434.43 Loan and purchase rates.
1434.44 Discounts.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, 1072, as amended, (15 U.S.C. 714 b and c); secs. 201, 401, 63 Stat. 1052, 1054 (7 U.S.C. 1446, 1421).

Subpart—1978 Crop Honey Loan and Purchase Program

§ 1434.40 Purpose.

This subpart contains program provisions which, together with (a) the Honey Price Support Regulations for 1977 and Subsequent Crops, (b) the Cooperative Marketing Association Eligibility Requirements for Price Support in Part 1425 of this chapter, and (c) any amendments to such regulations, set forth the requirements with respect to loans and purchases for 1978 crop honey.

§ 1434.41 Availability.

(a) *Loans.* Producers must request a loan on 1978 crop eligible honey on or before March 31, 1979.

(b) *Purchases.* Producers desiring to offer eligible honey not under loan for purchase must complete a purchase agreement (Form CCC-614) at the county ASCS office on or before June 30, 1979.

§ 1434.42 Maturity of loans.

Unless demand is made earlier, loans on honey will mature on June 30, 1979.

§ 1434.43 Loan and purchase rates.

(a) *Table and nontable honey.* The rate for the quantity of 1978 crop honey placed under loan or acquired under loan or purchase shall be the rate for the respective class and color set forth below:

Class and color	
Table honey:	
1. White and lighter.....	37.6
2. Extra light amber.....	36.6
3. Light amber.....	35.6
4. Other table honey.....	33.6
Nontable honey.....	33.6

(b) *Objectionable flavor, fermentation, or caramelization.* The settlement value for a lot of honey delivered under loan or for purchase which grades substandard on account of objectionable flavor, fermentation, or caramelization shall be the lower of its market value as determined by CCC or a value determined on the basis of the loan and purchase rate for nontable honey.

(c) *Grade not certified.* The settlement value for a lot of honey, delivered under loan or for purchase, on which the grade cannot be certified shall be the lower of its market value as determined by CCC or a value as determined on the basis of the loan and purchase rate for nontable honey.

(d) *Substandard.* The rate for a lot of honey delivered under a loan or for purchase which grades substandard on account of defects or moisture or a combination of defects and moisture shall be adjusted by the discounts in § 1434.44.

§ 1434.44 Discounts.

(a) *Defects.* The loan and purchase rate for a lot of honey delivered under a loan or for purchase which grades substandard on account of defects shall be adjusted by the following discount:

	<i>Discount (cents per pound)</i>
Substandard on account of defects.....	2

(b) *Moisture.* The loan and purchase rate for a lot of honey delivered under a loan or for purchase which contains moisture in excess of 18.5 percent shall be adjusted by the following discounts which shall be in addition to the discount for defects:

RULES AND REGULATIONS

Moisture (percent):	Discount (cents per pound)
18.5	0.0
19.0 .....	.5
19.5	1.0
20.0	1.5
20.5	2.0
21.0	2.5
21.5	3.0
22.0	3.5
22.5	4.0
23.0	4.5
23.5	5.0
24.0	5.5
24.5	6.0

(c) *Commingled storage.* The loan and purchase rate for a lot of honey tendered for loan or purchase by CCC while stored commingled in a warehouse, or delivered to a warehouse in bulk in satisfaction of a farm storage loan, shall be adjusted by the following discount:

Bulk commingled	Discount (cents per pound)
.....	1.5

Signed at Washington, D.C.

Dated: May 26, 1978.

STEWART N. SMITH,
Acting Executive
Vice President, CCC.

[FR Doc. 78-15518 Filed 6-2-78; 8:45 am]

[3410-07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 444.8]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart G—Rural Housing Site Loan Policies, Procedures and Authorizations

INTERIM RULE

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim rule.

SUMMARY: The Farmers Home Administration amends its regulations to allow the use of loan funds to finance common areas, playgrounds, and tot lots, when they are required by State, County, or local laws and ordinances as a condition for subdivision approval, provided such facilities are dedicated to and maintained by a public body. This action is taken because of an administrative decision to conform agency requirements to those of local political subdivisions. The intended effect of this action is to allow broader use of the Rural Housing Site loan (RHS) program, by relaxing a previous agency restriction which was often in conflict with State, county, or local planning and zoning requirements.

EFFECTIVE DATE: June 5, 1978. Comments must be received on or before July 5, 1978.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Mr. Paul R. Conn, Director, Multiple Family Housing Division, phone 202-447-7207.

SUPPLEMENTARY INFORMATION: Sections 1822.265(e), 1822.267(g), and 1822.271(b)(3)(v) are amended; and §§ 1822.271(a)(11) and (c)(5) are added to Subpart G of Part 1822 Chapter XVIII Title 7, Code of Federal Regulations (39 FR 44993). It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however are being published effective on an interim basis. This action is being taken to allow more potential applicants to be eligible for FmHA funds and at the same time permit public participation in the rulemaking process. Any delay in implementing this amendment would be contrary to the public interest because it would delay the availability of funds to certain applicants. Comments made pursuant to this notice will be considered in the development of the final rule.

Accordingly, sections 1822.265(e), 1822.267(b), 1822.267(g), 1822.271(b)(3)(v) are amended and 1822.271 (a)(11) and (c)(5) are added and read as follows:

1. As amended, § 1822.265(e) reads as follows:

§ 1822.265 Loan purposes.

(e) When legally required by proper local, county, and State Governmental bodies as a condition for subdivision approval, RHS loan funds may be used to provide common areas playgrounds and tot lots, provided such facilities are dedicated to, and maintained by, a public body.

2. As amended, § 1822.267(g) reads as follows:

§ 1822.267 Special conditions.

(g) *Compliance with local codes and regulations.* Planning and development of sites will comply with all

State, county, and local planning and zoning requirements, and will be for housing that will conform with any applicable laws, ordinances, codes, and regulations governing such matters as construction, heating, plumbing, electrical installation, fire prevention, health, and sanitation.

3. As amended, § 1822.271(b)(3)(v) reads as follows:

§ 1822.271 Processing applications.

(b) *County supervisor's review and evaluation of applications.* . . .
(3) *Determine that:* . . .
(v) Proposed subdivisions will comply with the local codes and ordinances and also meet the requirements of Subpart D of Part 1804.

4. As added, §§ 1822.271 (a)(11) and (c)(5) read as follows:

§ 1822.271 Processing applications.

(a) *Application.* . . .
(11) Written evidence of any State, county, or local planning, zoning, or other ordinances imposing additional restrictions or requirements upon the proposed sites.

(c) *Completion of the docket.* . . .
(5) Satisfactory evidence that the appropriate public bodies will accept and maintain all public facilities, including common areas, playgrounds, and tot lots, when dedicated to such bodies.

(42 U.S.C. 1480; delegation of authority by the Sec. of Agr., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

NOTE:—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-95.

Dated: May 25, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 78-15474 Filed 6-2-78; 8:45 am]

RULES AND REGULATIONS

[3410-07]

SUBCHAPTER I—LOAN AND GRANT PROGRAMS (INDIVIDUAL)

[FmHA Instruction 1904-C]

PART 1904—LOAN AND GRANT PROGRAMS (INDIVIDUAL)

Subpart C—Farmer Program Loans

EMERGENCY LOANS; MISCELLANEOUS AMENDMENTS

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration amends its regulations concerning disaster assistance. This amendment is issued because on the list of appropriate FmHA forms, Form FmHA 406-2, "Notice of Visit" has been replaced by revised Form FmHA 141-2, "Notice of Visit or Meeting". The intended effect of this action is to remove an obsolete form from the list of appropriate forms and place a current form on the list.

EFFECTIVE DATE: June 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Betty H. Baker, 202-447-4130.

Form No.	Name	EM	OL	FO	SW	RL
141-2	Notice of visit or meeting.....	X	.	.	.	.

(7 U.S.C. 1989; 5 U.S.C. 301; Sec. 10 Pub. L. 93-357, 88 Stat. 392; Delegation of Authority by the Sec. of Agr., 7 CFR 2.23; Delegation of Authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.)

NOTE:—The Farmers Home Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact State-

SUPPLEMENTARY INFORMATION: Paragraph B of Exhibit C, to Subpart C, Part 1904, Chapter XVIII, Title 7 in the Code of Federal Regulations is amended. The Farmers Home Administration has obsoleted Form FmHA 406-2 entitled, "Notice of Visit". In lieu of Form FmHA 406-2, a revised Form FmHA 141-2 "Notice of Visit or Meeting" is to be used. This amendment accomplishes this change in the list which is a part of Exhibit C. It is the policy of the Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemptions in 5 U.S.C. 553 with regard to such actions. This amendment is not published for proposed rulemaking however since the action concerns internal procedures and is administrative in nature. Accordingly, Paragraph B of Exhibit C to Subpart C, Part 1904 is amended to remove Form FmHA 406-2 and to add in its place Form FmHA 141-2 and as amended reads as follows:

EXHIBIT C PROCESSING GUIDE, INSURED FARMER PROGRAM (IFF) LOANS

B. Field visit

ment under Executive Order 11821 and OMB Circular A-107.

Dated: May 20, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.
[FR Doc. 78-15473 Filed 6-2-78; 8:45 am]

[3128-01]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION¹

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Resellers and Retailers—Blends of Covered and Non-Petroleum-Based Products

AGENCY: Economic Regulatory Administration, Department of Energy.

¹ Editorial Note: Chapter II will be renamed at a future date to reflect that it contains regulations administered by the Economic Regulatory Administration of the Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby amends its petroleum price regulations to permit resellers (and retailers) that blend non-petroleum-based products with regulated petroleum products to reflect in the selling prices of the resulting blend the costs associated with the non-petroleum-based portion of the blend. This rule is specifically intended to remove any regulatory impediments to the marketing by resellers of "Gasohol" and other similar blends of gasoline and non-petroleum-based products (such as ethyl alcohol) which may be used as motor fuel in the same manner as gasoline.

EFFECTIVE DATE: These amendments take effect on July 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank Kelly (Media Relations), Department of Energy, Room 6308E, 2000 M Street NW., Washington, D.C. 20461, 202-254-8690.

Chuck Boehl (Office of Regulations and Emergency Planning), Economic Regulatory Administration, Room 2304, 2000 M Street NW., Washington, D.C. 20461, 202-254-7200.

Lloyd Costley (Office of Regulations and Emergency Planning), Economic Regulatory Administration, Room 2314, 2000 M Street NW., Washington, D.C. 20461, 202-254-8034.

Judith Garfield (Office of General Counsel), Department of Energy, Room 7132, 12th & Pennsylvania Avenue NW., Washington, D.C. 20461, 202-566-2085.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Discussion of comments.
III. Amendments adopted.
IV. Additional matters.

I. BACKGROUND

On March 7, 1978, we issued a Notice of Proposed Rulemaking and Public Hearing (43 FR 10937, March 16, 1978) to amend certain provisions of the DOE's petroleum price regulations applicable to resellers for the purpose of removing any regulatory impediments to the marketing of "Gasohol" (a blend of gasoline and alcohol which may be used as motor fuel in the same manner as gasoline) and similar blends of covered and non-petroleum-based products.

Section 212.93 of the price regulations currently permits a reseller to sell covered products (i.e., refined petroleum products that are subject to price regulation) at a price not to exceed the lawful May 15, 1973, price to each class of purchaser, plus an amount which reflects, on a dollar-for-dollar basis, the reseller's increased product costs. Under § 212.92, "increased product costs" are defined as "the difference between the weighted average unit cost of a product in inventory and the weighted average unit cost of that product in inventory on May 15, 1973" Inasmuch as the term "product" in this definition is intended to mean only covered products and, within each particular category of covered products, each of the various grades or types of covered products that are distinguished by significant technical differences, resellers are precluded from passing through as increased product costs those costs associated with any non-covered product which is blended with a covered prod-

uct and sold by the reseller as a covered product.

In addition to allowing the pass through of increased product costs, §212.93 allows resellers to pass through increases in their non-product costs up to a specific amount. Such amounts vary depending upon the product sold and whether the sale is made at retail or at wholesale. For example, a retail dealer of gasoline may pass through increased non-product costs of up to three cents per gallon.

As discussed in our March 7 Notice, certain resellers have begun to blend and market covered products with various non-petroleum-based products that were never subject to price controls. For example, a number of resellers in certain midwestern states are marketing blends of unleaded gasoline and ethyl alcohol in a ratio of nine to one. The resulting blend (commonly known as "Gasohol," a registered trademark of the State of Nebraska) can be used as a motor fuel in the same manner as gasoline. Under the current regulations, however, the cost of the ethyl alcohol portion of the blend (approximately \$1.30 per gallon) may not be passed through as an increased product cost since ethyl alcohol is not a covered product, and it can be passed through as a non-product cost only to the extent that it can be accommodated within the dealer's May 15, 1973 margin plus the 3-cent-per-gallon non-product cost increase that has been allowed. At present there is limited marketing of Gasohol in Illinois, Iowa, and Wisconsin under a stay from the price regulations granted by the former ERA Office of Administrative Review (now the DOE Office of Hearings and Appeals) on February 3, 1978. Under the terms of the stay, sellers of Gasohol may in each month add to the lawful May 15, 1973, per-unit selling price for each grade and type of gasoline blended and sold as Gasohol to each class of purchaser the difference between the weighted average unit cost of ethyl alcohol in inventory and the weighted average unit cost of motor gasoline in inventory on May 15, 1973, multiplied by the percentage of ethyl alcohol contained in the blend, in addition to the product and non-product cost increases allowed under the regulations.

In our March 7 Notice we tentatively concluded that unless the cost of the ethyl alcohol portion of Gasohol were permitted to be reflected in the maximum allowable price of the blend (except to the extent that increased non-product cost allowances were available for that purpose) firms would not be able to recover fully their costs of the blend. Since the inability of firms to recover such a significant portion of their costs would appear to operate to discourage the marketing of Gasohol, which is still in

its experimental stages, we proposed removing this current impediment from the regulations.

Specifically, we proposed to amend the definition of "covered products" in §212.31 to provide that a blend of a covered and a non-petroleum-based product is considered to be a covered product if the covered product constitutes more than 10 percent of the blend. (The existing definition provides that blends of two or more covered products are considered to be that covered product which constitutes the "major" portion of the blend.)

We also proposed to amend the definition of "increased product costs" in §212.92 to provide that a reseller that blends covered and non-petroleum-based products may reflect in the price permitted to be charged for the blend the increased cost attributable to the non-petroleum-based portion of the blend. Inasmuch as the marketing of Gasohol and similar products has just recently begun, the proposed amendment would impute as a May 15, 1973 weighted average unit inventory cost for the non-petroleum-based product portion of the blend the weighted average unit cost in inventory on May 15, 1973 of the covered product portion of the blend. In addition, we proposed to amend §212.93 to provide that class of purchaser determinations which had been established for the covered product portion of the blend would remain in effect for determining maximum permissible prices for the blended product.

II. DISCUSSION OF COMMENTS

In response to our request in the March 7 Notice, we received 24 timely written comments addressed to the proposed amendments. Public hearings were held in Chicago, Ill., on April 6, 1978, at which seven persons testified, and in Washington, D.C., on April 10, 1978, at which ten persons testified.

The majority of the comments that we received favored removal of regulatory impediments to the marketing by resellers of Gasohol and similar products. A large number of commenters were enthusiastic in their support of such an action for a variety of reasons. The proponents of Gasohol submitted information indicating that the blend has been well received by consumers in the states where it is being marketed and that use of the product may result in increased octane, improved automobile mileage, and decreased air pollution emissions. Other commenters were less optimistic about the feasibility of using alcohol as general motor fuel, pointing to such factors as the current cost disparity between ethyl alcohol and gasoline, the energy expended in distilling alcohol, and certain technical problems pertaining to

blends of gasoline and alcohol. Most of these commenters, however, agreed that the marketing of Gasohol and other innovative products of this nature should not be deterred or prevented by our regulations.

As we stated in our March 7 Notice, we are not in a position at this time to endorse the energy saving and environmental claims of the Gasohol proponents, nor are we able to judge whether the use of such products would be an economically viable way to increase gasoline supplies. The record in this proceeding, however, clearly indicates that the use of Gasohol and similar blends of covered and non-petroleum-based products has the desirable potential to stretch our available gasoline supply by a significant percentage (10 percent in the case of the present Gasohol ratio). Moreover, we have no reason to believe at this time that our removal of regulatory impediments to the marketing of Gasohol and similar blends will have any consequences that would be inconsistent with the policies expressed in the Emergency Petroleum Allocation Act of 1973, as amended. Accordingly, we have concluded that the potential of Gasohol to reduce gasoline consumption, and the absence of any foreseeable adverse consequences, justify removing the current regulatory deterrents to the marketing of Gasohol by resellers.

III. AMENDMENTS ADOPTED

As indicated above, we have carefully considered the comments of all persons who participated in this rulemaking, as well as all other information available to us at this time, and we have concluded that we should adopt the amendments to the price regulations substantially as proposed in the March 7 Notice.

Under the amendment to the definition of "covered products" as adopted, a blend of covered and non-petroleum-based products will be considered to be a covered product if the covered product portion of the blend constitutes more than fifty percent of the blend, rather than ten percent of the blend as originally proposed. Several of the comments we received pointed out that the proposed definition would classify as covered products many more products than it is our intention to address in this rulemaking proceeding and that there appears to be no reason to cover blends composed predominantly of non-petroleum-based products. We agree that it is more consistent with the existing definition of "covered products" (under which a blend of two or more covered products is considered to be that covered product which constitutes the major portion of the blend), to classify as covered products only those blends of covered and non-petroleum-based

products in which the covered product portion is more than fifty percent of the blend. Furthermore, we have no reason to believe that the amendment adopted today will encourage firms to dilute petroleum products with substantial amounts of non-petroleum-based products in order to escape coverage by the regulations.

We are adopting substantially as proposed the amendment to the definition of "increased product costs" in §212.92 to provide that a firm that blends covered and non-petroleum-based products may reflect in maximum permissible prices of the blend the increased costs attributable to the non-petroleum-based product portion of the blend. Under this amendment, a reseller will determine for the blended product a current weighted average unit cost in inventory (which will reflect the relative proportionate costs in inventory of the covered product and the non-petroleum-based product portion of the blend) and will compare the inventory cost for the blended product with the weighted average unit cost in inventory of the covered product portion of the blend on May 15, 1973 to determine the "increased product costs" for the blended product. We are also adopting as proposed the amendment to §212.93 to provide that lawful May 15, 1973 prices charged and class of purchaser determinations established for the covered product portion of the blend will be used to determine maximum permissible prices for the blended product.

The following example illustrates the manner in which the price of Gasohol would be calculated where ethyl alcohol is blended with unleaded gasoline and sold to a particular class of purchaser under these amendments:

Assumptions:

May 15, 1973 lawful price of unleaded motor gasoline (or price imputed under §212.112)¹ sold to class of purchaser "A", \$0.35 per gallon.

May 15, 1973 weighted average cost of unleaded motor gasoline in inventory (or cost imputed under §212.112),² \$0.30 per gallon.

¹The Gasohol which is currently being marketed in the Midwest is a blend of ethyl alcohol and unleaded gasoline. For purposes of determining the increased product costs which may be passed through in the price of Gasohol, resellers that did not sell unleaded gasoline on May 15, 1973, or within the 30-day period prior thereto, must follow 10 CFR 212.112 and impute as the lawful May 15, 1973 price of unleaded gasoline the price at which leaded gasoline of the same or nearest octane number was lawfully priced by the reseller in transactions with the particular class of purchaser on May 15, 1973. Such resellers, pursuant to §212.112, must also impute as the weighted average unit cost of unleaded gasoline in inventory on May 15, 1973 the weighted average unit cost of leaded gasoline of the same or nearest octane number in inventory on that date.

Weighted average cost of unleaded motor gasoline in inventory, \$0.60 per gallon.
Weighted average cost of ethyl alcohol in inventory, \$1.30 per gallon.

Calculation of maximum allowable selling price assuming a blending ratio of 9 gallons of gasoline to 1 gallon of ethyl alcohol:

Increased product costs for the blended product:	
(0.1)(\$1.30).....	\$0.13
(0.9)(\$0.60).....	.54
Subtotal.....	.67
Less.....	.30
Total.....	.37

The maximum permissible selling price to that class of purchaser for Gasohol is the lawful May 15, 1973 price for unleaded gasoline to that class of purchaser plus increased product costs for the blended product, as determined above, (\$.35 plus \$.37=\$.72), plus any increased non-product costs which are otherwise available under §212.93.

We have determined that the regulations adopted today should take effect on July 1, 1978, inasmuch as there is no compelling need for an earlier effective date. Any individuals or firms that intended to offer Gasohol or other similar blends for sale prior to the effective date of the regulations and do not already have exception relief from the current regulations may file an Application for Stay of the regulations with the DOE Office of Hearings and Appeals pursuant to 10 CFR 205.120, et seq.

IV. ADDITIONAL MATTERS

In our March 7 Notice we also requested specific comments on a variety of issues related to the development and marketing of Gasohol and similar products.

In response to our question whether there are any other regulatory impediments to the marketing of blends of covered and non-petroleum-based products, we received several comments suggesting that similar amendments should be adopted with respect to the refiner price regulations to enable refiners to recover fully the costs attributable to the non-petroleum-based product portion of the blend. Under §212.83 of the refiner price regulations, a refiner may pass through increased costs attributable to additives, but these costs must be recovered, if at all, against the refiner's total slate of refined products rather than against the specific product into which the additive is blended. In other words, under the refiners' increased cost allocation formulae increased costs of additives are volumetrically allocated to all products refined by the refiner concerned, even though the entire increased cost of the particular additive is in fact attributable to a specific covered product. Some refiners stated that this restric-

tion on the passthrough of increased additive costs entirely in prices of the particular covered product to which they are attributable may discourage the marketing of Gasohol or similar blends by refiners because market considerations could preclude recovery of the costs of the non-petroleum-based product portion on unrelated products, such as middle distillates. It could also mean that consumers of unrelated products would be required to subsidize the higher costs of these blends.

One commenter suggested that the costs of the alcohol used in Gasohol may not be recoverable at all by refiners as an increased additive cost because under §212.83, "additive cost increase" refers to "the total dollar amount of costs incurred for materials and compounds, including catalyst and process chemicals which were not covered products as of May 31, 1976 and which are added to or blended with crude oil or covered products during the refining process" (emphasis supplied). While we recognize this ambiguity, we also believe that it is consistent with the goals sought to be achieved in this rulemaking to construe this language in §212.83 to permit the increased cost of ethyl alcohol which is blended with gasoline at the refinery to be available for passthrough as a non-product cost.

Inasmuch as refiners seem to have the greatest potential for moving alternative fuels into the marketplace, regulatory impediments to the marketing of alcohol blends by refiners would appear to be inconsistent with our general policy of encouraging the use of such fuels. Therefore, on the basis of the comments received on this issue we will analyze the refiner price regulations to determine whether they do in fact operate as a significant disincentive to the marketing of alcohol blends by refiners.

No specific data were received in response to our question whether there are any specialized costs involved in blending covered with non-petroleum-based products by resellers and, if so, whether special regulatory provisions are required for their passthrough. While resellers have advised us that a significant increase in the volumes of Gasohol being marketed would require the purchase of additional facilities and equipment, at the present time such costs are too speculative to warrant further changes in the regulations.

We also asked whether there are blends of covered and non-petroleum-based products for which the volume of the blend is either smaller or larger than the sum of the component volumes. Several comments indicated that a blend of alcohol and gasoline does have a larger volume than the sum of the component volumes, but

that the difference in volume is insignificant (approximately 0.2 percent) and does not appear to require any recognition in the regulations.

Finally, we raised the issue whether, in addition to removing obstacles to the passthrough of non-petroleum-based products costs, we should propose amendments to provide positive incentives for the blending of covered and non-petroleum-based products of domestic origin through, for instance, participation in the entitlements program. Subsequently, on May 12, 1978, in connection with a separate rulemaking proceeding, we adopted a final rule amending the entitlements program to permit refiners to earn entitlements for those volumes of a synthetic fuel obtained from oil shale used in their refineries as a feedstock, blending stock, or fuel (43 FR 21429, May 18, 1978). Under that rule entitlements may also be granted, on a case-by-case basis, for other petroleum substitutes of domestic origin, such as ethyl alcohol.

As we noted in the March 7 Notice, pursuant to section 7(a)(1) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, we submitted a copy of the proposal to the Administrator of the Environmental Protection Agency for his comments concerning the impact of the proposal on the quality of the environment. The Administrator responded that he had no comments on the proposal at that time but would continue to review the proposal and would provide any comments he might have during the comment period indicated in the Notice. We have received no further comments on the proposal from the Administrator.

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective July 1, 1978.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185; Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 FR 46267.)

Issued in Washington, D.C., May 30, 1978.

DAVID J. BARDIN,
Administrator, Economic
Regulatory Administration.

1. Section 212.31 is amended in the definition of "Covered products" to read as follows:

§ 212.31 Definitions.

"Covered products" means aviation fuel (kerosene-type), aviation gasoline,

butane, crude oil, gasoline, natural gas liquids, natural gasoline, and propane. A blend of two or more particular covered products is considered to be that particular covered product constituting the major proportion of the blend. A blend of one or more covered products with one or more non-petroleum-based products is a covered product if the covered product or products constitute more than 50 percent by volume of the blend, and is that covered product which is the most predominant by volume in the blend.

2. Section 212.92 is amended by revising the definition of "Increased product costs" to read as follows:

§ 212.92 Definitions

For purposes of this Subpart—
"Increased product costs" means the difference between the weighted average unit cost of a product in inventory and the weighted average unit cost of that product in inventory on May 15, 1973. If the product in inventory is a blend of one or more covered products and one or more non-petroleum-based products, "increased product costs" means either (a) the difference between the weighted average unit cost of the blended product in inventory and the weighted average unit cost of the blended product in inventory on May 15, 1973, or (b) for a blended product which was not in inventory on May 15, 1973, the difference between the weighted average unit cost of the blended product in inventory and the weighted average unit cost of the predominant covered product in inventory on May 15, 1973. (Decreases in the weighted average unit cost of a product in inventory in successive accounting periods are reflected in reductions in the amount of increased costs incurred in those accounting periods, in accordance with § 212.93(c).) If a particular product was not in inventory on May 15, 1973, the date for computing the cost is the most recent day preceding May 15, 1973, when the seller had the product in inventory.

3. Section 212.93(a) is amended to read as follows:

§ 212.93 Price rule.

(a) A seller may not charge a price for an item subject to this subpart which exceeds the weighted average price at which the item was lawfully priced by the seller in transactions with the class of purchaser concerned on May 15, 1973, plus an amount which reflects, on a dollar-for-dollar basis, the increased product costs concerned. Each seller shall maintain records sufficient to justify prices charged which reflect increased prod-

uct costs, including, if applicable, records which demonstrate that the seller qualified to determine increased product costs according to separate inventories. With respect to an item which is blended by the seller, and which was not sold by the seller on or before May 15, 1973, the "weighted average price at which the item was lawfully priced by the seller in transactions with the class of purchaser concerned on May 15, 1973" shall be imputed to be the lawful price charged by the seller for the predominant covered product in the blend in transactions with the class of purchaser concerned on May 15, 1973.

[FR Doc. 78-15515 Filed 6-2-78; 8:45 am]

[3128-01]

PART 430—ENERGY CONSERVATION
PROGRAM FOR APPLIANCES

Test Procedures for Central Air
Conditioners; Correction

AGENCY: Department of Energy.

ACTION: Final rule; correction.

SUMMARY: This document corrects errors made in the final rulemaking regarding test procedures for central air conditioners which appeared beginning at page 60150 of the November 25, 1977, FEDERAL REGISTER (FR Doc. 77-33968).

EFFECTIVE DATE: June 5, 1978.

FOR FURTHER INFORMATION
CONTACT:

James A. Smith (Office of Consumer Products), 12th and Pennsylvania Avenue NW., Room 307, Old Post Office Building, Washington, D.C. 20461, 202-566-4635.

SUPPLEMENTARY INFORMATION: A number of provisions of Appendix M contained in the final regulation beginning at page 60154 were incorrectly stated and are corrected as set forth below.

Appendix M, "Uniform Test Method for Measuring the Energy Consumption of Central Air Conditioners," is corrected to read as follows:

1. On page 60154, third column, section 1.5, change second and third line to read: "ratio of the total cooling done in a complete cycle of a specific period consisting of an".

2. On page 60154, third column, section 1.8, change second line to read: "at an indoor wet-bulb temperature and a dry-bulb".

3. On page 60154, third column, section 1.12, change second line to read:

"of cooling in Btu's performed by a unit over a period of".

4. On page 60155, first column, section 2.2, change sixth line to read: "shall be performed at the highest nameplate rated".

5. On page 60155, second column, section 2.5.2.9 (paragraphs d. and e.), change the words "power" to "energy" and "watts" to "watt-hours".

6. On page 60155, third column, add new section 2.8.3 to read: "2.8.3 The indoor and outdoor average dry-bulb temperature for the steady-state dry-coil test C shall both be within 1.0° F of the indoor and outdoor average dry-bulb temperature for the cyclic dry-coil test D."

7. On page 60156, first column, section 2.9, change first four lines to read: "2.9 Requirements for Units with Two-Speed Compressors, Two Compressors, or Cylinder Unloading. The test requirements for two-speed compressor units, units with two compressors, or units with cylinder unloading are the same".

8. On page 60156, first column, section 2.10, change line 14 to read: "dry-bulb temperature of 82° F. In lieu of conducting tests C and D, and assigned value of 0.25 may be used for the degradation coefficient, C_p, at each compressor speed. If an assigned degradation coefficient is used for one compressor speed it must also be used for the other compressor speed. If elected to".

9. On page 60156, first column, section 2.10, change first five lines to read: "2.10 Requirement for units with two-speed compressors, two compressors, or cylinder unloading capable of varying the sensible to total capacity (S/T) ratio. Where a unit employing a two-speed compressor, two compressors, or cylinder unloading provides a".

10. On page 60156, first column, section 2.11, delete the second sentence starting with "The section" and ending with "a matched pair."

11. On page 60156, second column, section 2.13, change last line in (1) to read:

"and Γ (hr. - °F), which is described by the equation:".

12. On page 60156, third column, section 3.3, change first two lines to read: "3.3 Method for calculating a SEER for units with two speed compressors, two compressors, or cylinder unloading. The calculation".

13. On page 60156, third column, section 3.3, change fourth line to read: "performance of test A and B at each of the compressor".

14. On page 60157, first column, section 3.3, change last sentence to read: "Cycling is determined as described in section 2.9 and 2.13."

15. On page 60157, first column, section 3.3.1, change description of the following terms to read:

$Q(T_j)$ = ratio of total cooling (Btu's) in temperature bin j to the number of temperature bin hours.
 n_j/N = the fractional number of hours in temperature bin j from 4.2.
 $E(T_j)$ = ratio of energy usage (watt-hours) in temperature bin j to the total number of temperature bin hours.

16. On page 60157, second column, change section 3.3.3, to read: "3.3.3 When a unit must cycle on and off at high compressor speed (k=2) in order to satisfy the building cooling load at a temperature T_j, evaluate the equations provided in section 3.3.1 replacing (k=1) data with the (k=2) data."

17. On page 60157, third column, section 3.4, change first three lines to read: "3.4 Method for calculating a SEER for units with two speed compressor, two compressors, or cylinder unloading capable of varying the sensible to total capacity (S/T) ratio." Multi-speed compressor and".

18. On page 60157, third column, add sections 4.1 and 4.2 to read:

4.1.—Test operating and test condition tolerance for cyclic dry-coil tests

Readings, remarks	Test condition tolerance (variation of average observed from specified test condition)	
	Test operating tolerance (total observed range)	Test condition tolerance (variation of average observed from specified test condition)
Outdoor dry-bulb air temperature, Fahrenheit: Entering.....	2.0	0.5
Indoor dry-bulb air temperature, Fahrenheit: Entering.....	2.0	.5
Indoor wet-bulb air temperature, Fahrenheit: Entering.....	(¹)	(¹)
After the 1st 30 s after compressor startup:		
External resistance to airflow, inches water.....	.05	.02
Nozzle pressure drops, percent of reading.....	2.0	
Electrical voltage inputs to the test unit, percent.	2.0	

¹Shall at no time exceed that value of the wet-bulb temperature which results in the production of condensate by the indoor coil at the dry-bulb temperatures existing for the air entering the indoor portion of the unit.

4.2.—Distribution of fractional hours in temperature bins to be used for calculation of the SEER for 2-speed compressor and 2-compressor units

Bin No., j:	Bin temperature range (degrees Fahrenheit)	Representative temperature bin for (degrees Fahrenheit)	Fraction of total temperature bin hours n _j /N
1.....	65 to 69.....	67	.214
2.....	70 to 74.....	72	.231
3.....	75 to 79.....	77	.216
4.....	80 to 84.....	82	.161
5.....	85 to 89.....	87	.104
6.....	90 to 94.....	92	.052
7.....	95 to 99.....	97	.018
8.....	100 to 104.....	102	.004

19. On page 60157, third column, section 4.3, add (underneath map):

Canal Zone—6,000 cooling load hours.
Guam—6,600 cooling load hours.
Samoa—6,600 cooling load hours.
Puerto Rico—6,000 cooling load hours.
Virgin Islands—6,000 cooling load hours.

In all other respects the final rulemaking remains as published on November 25, 1977.

(Energy Policy and Conservation Act, Pub. L. 94-163, as amended by Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended by Pub. L. 94-385; Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 FR 46267.)

Issued in Washington, D.C., May 31, 1978.

WILLIAM P. DAVIS,
Deputy Director
of Administration.

[FR Doc. 78-15492 Filed 6-2-78; 8:45 am]

[6714-01]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT
INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND
STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS
Maximum Rates of Interest Payable
on Time Deposits

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: On May 10, 1978, the FDIC adopted several amendments to its interest rate regulations. Among other things, the amendments permit insured nonmember commercial banks to pay interest on nonnegotiable, six-month time deposits of \$10,000 or more at rates equal to the rate on the most recently issued six-month U.S. Treasury bills. (Insured nonmember mutual savings banks are allowed to pay ¼ of 1 percent more than commer-

cial banks.) The present amendments are for three purposes: (1) To allow present holders of IRA and Keogh accounts to earn 8 percent on those accounts; (2) to make it clear that public units may invest their funds in non-negotiable, six-month time deposits of \$10,000 or more and receive interest on those funds at the same rates paid other depositors determined with reference to the rate on six-month U.S. Treasury bills; and (3) to make certain provisions regarding interest rate ceilings easier to read and understand.

EFFECTIVE DATE: June 1, 1978.
FOR FURTHER INFORMATION CONTACT:

F. Douglas Birdzell, Senior Attorney, Bank Regulation Section, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, D.C. 20429, 202-389-4324.

SUPPLEMENTARY INFORMATION: On May 10, 1978, the Board of Directors of FDIC adopted several amendments to FDIC's regulations governing the payment of interest or dividends on deposits in insured nonmember banks (12 CFR Part 329). These amendments became effective June 1, 1978 and appear in the May 18, 1978 issue of the *FEDERAL REGISTER* at pages 21436-21438. The Board acted to authorize two new categories of deposits for insured nonmember banks. The first of these is a non-negotiable, six-month time deposit which must be in an amount of \$10,000 or more upon which the depository bank may pay interest at a rate equal to the rate (discount basis) on the most recently issued six-month U.S. Treasury bills (auction average). (Mutual savings banks may pay 1/4 of 1 percent more than the rate.) The second is a \$1,000 minimum, eight-year time deposit on which the bank may pay as much as 7 3/4 percent per year (8 percent in the case of mutual savings banks). The May 10 amendments adopted by the Board of Directors had the effect of allowing those who open IRA or Keogh accounts with maturities of three years or more on or after June 1, 1978, to earn interest of up to 8 percent per year on those accounts. The Board of Directors has now decided to allow those who held IRA or Keogh accounts prior to June 1, 1978, to earn interest of up to 8 percent per year on those accounts. In order to qualify for the 8 percent rate, the account holder will have to agree to extend its maturity so that the account will have run for at least three years from the date it was initially opened (unless the original account had a maturity of three years or more). However, this may be done without payment of any premature withdrawal penalty.

FDIC's Board has decided to further amend the regulations pertaining to

interest rates to make it clear that public units, as defined in § 3(m) of the Federal Deposit Insurance Act, may invest their funds in non-negotiable, six-month deposits of \$10,000 or more and receive the same rates of interest as those afforded other depositors. Public units are already allowed to receive up to 8 percent per year on time deposits with maturities of as little as 30 days. However, it is possible that the rate on six-month U.S. Treasury bills may, during certain periods, exceed 8 percent per year. Where this happens, there is no reason to deny public units the opportunity to receive the higher rate of interest if they are prepared to commit their funds for a period of six months.

The remaining changes adopted by FDIC's Board of Directors are solely for the purpose of making certain provisions in the regulations easier to read and understand. They do not materially change the substance of those provisions.

Since the amendments adopted by FDIC's Board of Directors are solely for the purpose of clarifying existing provisions in FDIC's regulations and for enlarging the rights of current IRA and Keogh account holders as well as public unit depositors, FDIC's Board decided to dispense with the provisions regarding notice, public comment, and deferred effective date which appear in 5 U.S.C. § 553 (b) and (d). The amendments will be effective on June 1, 1978.

Pursuant to its authority under §§ 9 and 18 of the Federal Deposit Insurance Act (12 U.S.C. 1819 and 1828), §§ 329.6 and 329.7 of FDIC's regulations are amended as follows:

Section 329.6 is amended by revising paragraphs (b)(3), (b)(4) and the last line of paragraph (b)(2) to read as follows:

§ 329.6 Maximum rates of interest payable by insured nonmember banks other than insured nonmember mutual savings banks.¹³

- (b) Deposits of less than \$100,000. . . .
- (2) Deposits of \$1,000 or more with maturities of four years or more.^{13a}

eight years or more, 7 3/4 percent.

(3) Time deposits of public units. Except as provided in paragraphs (a) and (b)(5), no insured nonmember bank may pay interest on any time deposit of 30 days or more of a public unit (as defined in section 3(m) of the Federal Deposit Insurance Act) at a rate in excess of 8 percent per annum.

¹³ . . .
^{13a} . . .

(4) Individual Retirement Account and Keogh (H.R. 10) Plan deposits. Except as provided in paragraph (a), no insured nonmember bank may pay interest on any time deposit with a maturity of three years or more that consists of funds deposited to the credit of, or in which the entire beneficial interest is held by, an individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. § 408 or § 401, at a rate in excess of 8 percent per annum.^{13b}

Section 329.7 is amended by revising paragraphs (b)(5), (b)(6) and the last line of paragraph (b)(4) to read as follows:

§ 329.7 Maximum rates of interest on dividends payable on deposits of insured nonmember mutual savings banks.¹⁴

- (b) Maximum rates payable. . . .
- (4) Time deposits of \$1,000 or more with maturities of 4 years or more.^{14a}

8 years or more, 8 percent.

(5) Time deposits of public units. Except as provided in paragraphs (b)(2) and (b)(7), no insured nonmember mutual savings bank may pay interest or dividends on any time deposit of 30 days or more of a public unit (as defined in section 3(m) of the Federal Deposit Insurance Act) at a rate in excess of 8 percent per annum.

(6) Individual Retirement Account and Keogh (H.R. 10) Plan deposits. Except as provided in paragraph (b)(2), no insured nonmember mutual savings bank may pay interest on any time deposit with a maturity of three years or more that consists of funds deposited to the credit of, or in which the entire beneficial interest is held by, an individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. § 408 or § 401, at a rate in excess of 8 percent per annum.^{14c}

^{13b} Funds deposited in IRA or Keogh Plan accounts prior to June 1, 1978 will be eligible to earn up to 8 percent per annum so long as the deposit has a maturity of at least three years from the original date of deposit. The maturity of IRA and Keogh Plan deposits may be extended for this purpose without payment of the premature withdrawal penalty which would otherwise be required by § 329.4(e) of this Part.

¹⁴ . . .
^{14a} (Reserved)
^{14b} . . .
^{14c} Funds deposited in IRA or Keogh Plan accounts prior to June 1, 1978 will be eligible to earn up to 8 percent per annum so long as the deposit has a maturity of at least three years from the original date of deposit. The maturity of IRA and Keogh Plan deposits may be extended for this purpose without payment of the premature withdrawal penalty which would otherwise be required by § 329.4(e) of this Part.

^{14d} (Reserved)
^{14e} . . .
^{14f} Funds deposited in IRA or Keogh Plan accounts prior to June 1, 1978 will be eligible to earn up to 8 percent per annum so long as the deposit has a maturity of at least three years from the original date of deposit. The maturity of IRA and Keogh Plan deposits may be extended for this purpose without payment of the premature withdrawal penalty which would otherwise be required by § 329.4(e) of this Part.

By order of the Board of Directors.
Dated: May 28, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.
[FR Doc. 78-15488 Filed 6-2-78; 8:45 am]

[6720-01]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 78-335]

PART 526—LIMITATIONS ON RATE OF RETURN

SUBCHAPTER C—RULES AND REGULATIONS FOR THE FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

Certificate Accounts

MAY 31, 1978.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Bank Board recently amended its regulations to establish two new categories of certificate accounts which may be offered by member institutions of the Federal Home Loan Bank System: an 8-year, \$1,000-minimum certificate on which a return up to 8 percent per annum may be paid and a 6-month (26 weeks) \$10,000-minimum account on which a return may be paid up to 1/4 percent above the discount yield on six-month United States Treasury bills. In doing so, it inadvertently deleted language from the regulations which would permit payment of the new eight percent rate on IRA and Keogh Plan accounts with terms of three years or more. It also failed to note that the grace periods for deposits and withdrawals from other categories of accounts do not apply to the new six-month certificates. This amendment restores the deleted language concerning IRA and Keogh Plan accounts and excludes the new six-month accounts from the regulatory grace periods. It also permits payment of the eight percent rate beginning June 1, 1978, on existing IRA and Keogh Plan accounts opened before that date.

Footnotes continued from last page
least 3 years from the original date of deposit. The maturity of IRA and Keogh Plan deposits may be extended for this purpose without payment of the premature withdrawal penalty which would otherwise be required by § 329.4(e) of this part.

EFFECTIVE DATE: June 1, 1978.
FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552, 202-377-6440.

SUPPLEMENTARY INFORMATION: By Resolution No. 78-286 of May 10, 1978, the Bank Board amended § 526.5 of its Regulations for the Federal Home Loan Bank System (12 CFR 526.5) in part to permit member institutions to pay interest to savers at a maximum rate of eight percent on accounts of \$1,000 or more maturing in eight or more years. In doing so, it inadvertently deleted language from § 526.5(c) which permits payment of the highest rate permitted under § 526.5 (which by virtue of the May 10 amendment is eight percent effective June 1, 1978) on a certificate account which qualifies as a retirement account under section 401(d) or section 408(a) of the Internal Revenue Code of 1954, as amended, and has a fixed or minimum term of not less than 3 years. This amendment restores that language to § 528.5(c) and hence permits payment of the new eight percent rate on IRA and Keogh Plan accounts.

By Resolution No. 78-286 the Bank Board also established a second new account category to authorize member institutions to pay interest on non-negotiable certificate accounts of \$10,000 or more with maturities of six months (26 weeks) at a rate of return equal to one-quarter of one percent more than the discount yield on the most recently issued six-month United States Treasury bills (auction average). It is the intention of the Bank Board that there be no grace periods for deposit or withdrawal from these new six-month accounts, and this resolution therefore specifically excludes them from the grace periods provided for other categories of accounts by § 526.2(c). A conforming amendment is also made to § 545.1-1 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.1-1).

Consistent with action taken on May 26, 1978, by the Federal Deposit Insurance Corporation and the Board of Governors of the Federal Reserve, the Bank Board has also determined to permit member institutions, effective June 1, to increase to eight percent the rate of interest paid on existing IRA and Keogh Plan time deposit funds with original maturities of three years or more. The rate of interest paid on existing IRA and Keogh funds with maturities of less than three years may also be increased to eight percent, effective June 1, if the maturities of such obligations are extended to three years or more from the date of the increase in the rate of interest

paid. It is anticipated that this action will alleviate operational problems and will result in substantial public benefits by permitting existing retirement savers to obtain the most advantageous IRA and Keogh programs.

In order to facilitate achievement of these objectives as rapidly as possible, and because the Bank Board believes it is in the public interest that these amendments become effective without delay, the Bank Board hereby finds that notice and public procedure with respect to such amendments is contrary to the public interest and unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. § 553(b); and since publication of such amendments for the period of time specified in 12 CFR 508.14 and 5 U.S.C. § 553(d) prior to the effective date of such amendments would, in the opinion of the Bank board, likewise be unnecessary for the same reasons, the Bank Board hereby provides that such amendments shall become effective as stated below.

Accordingly, the Bank Board hereby amends § 526.5 by revising subparagraph (a)(7) and paragraph (c) thereof and § 545.1-1 by adding new paragraph (i) thereto, to read as set forth below, effective June 1, 1978.

1. Section 526.5 is amended by revising subparagraph (a)(7) and paragraph (c) thereof to read as follows:

§ 526.5 Maximum rates of return on certificate accounts of less than \$100,000.

(a) Maximum rates. Except as otherwise provided in this section or in § 526.5-1:

(7) Maximum rate on 6-month certificate. A member institution may pay a return, at a per annum rate not in excess of one-quarter of one percent above the rate established (auction average on a discount basis) for 6-month U.S. Treasury bills issued on or immediately prior to the date of deposit, on any certificate account of \$10,000 or more having a fixed or minimum term or qualifying period of 6 months (26 weeks). Rounding off such rate may be done only by rounding down. The provisions of § 526.2(c) of this Part do not apply to certificates authorized by this subparagraph (a)(7).

(c) Exception as to fixed or minimum term or qualifying period. A member institution may pay a return at a rate not in excess of the highest rate permitted under paragraph (a) of this section on any certificate account which is (i) a public unit account of \$1,000 or more having a fixed or minimum term or qualifying period of not less than 30 days (except that certificate accounts under subparagraph

(a)(7) must meet the minimum amount and maturity requirements set forth therein), or (ii) a certificate account which qualifies as a retirement account under section 401(d) or section 408(a) of the Internal Revenue Code of 1954, as amended, and has a fixed or minimum term of not less than 3 years.

2. Section 545.1-1 is amended by adding thereto a new paragraph (i) to read as follows:

§ 545.1-1 Distribution of earnings on bases, terms, and conditions other than those provided by charter.

(i) Paragraphs (d) and (e) of this § 545.1-1 do not apply to savings accounts authorized by § 526.5(a)(7) of this chapter.

(Sec. 4, 80 Stat. 824 and Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1425b and 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc. 78-15504 Filed 6-2-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

(Docket No. 77-GL-24; Amdt. 39-3232)

PART 39—AIRWORTHINESS DIRECTIVES

McCauley Propellers Three Bladed Constant Speed Models D3A34C401 and D3A34C402

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Amendment to final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to propellers installed on but not limited to the Cessna Model TU206G, T207A, and 210M aircraft by reducing the compliance time from 50 hours to before further flight. The amendment is needed because service experience indicates that some airplanes have not yet complied with the intent of the AD due to low utilization, and hydrogen embrittlement of the blade actuating pin screws has progressed to the point where immediate failure is probable.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert W. Alpiser, Engineering and

Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018, telephone 312-694-4500, extension 308.

SUPPLEMENTARY INFORMATION: This notice amends Amendment 39-3101 (42 FR 64109) AD 77-26-03 which currently requires replacement of the cadmium plated blade actuating pin screws with black oxide screws per McCauley Service Bulletin 129 within the next 50 hours time in service. After issuing Amendment 39-3101, the FAA has determined, based on service experience, that the compliance time should be reduced to before further flight.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are R. W. Alpiser, Flight Standards Division, Great Lakes Region, and C. Wilder, Officer of the Regional Counsel, Great Lakes Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by Amendment 39-3101 (42 FR 64109) AD 77-26-03 by: Compliance required before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a Federal Aviation Administration Certificated Propeller Repair Station.

This amendment becomes effective on June 7, 1978.

Issued in Des Plaines, Ill., on May 22, 1978.

JOHN M. CYROCKI,
Director, Great Lakes Region.
[FR Doc. 78-15338 Filed 6-2-78; 8:45 am]

[4910-13]

(Docket No. 78-GL-1; Amdt. 39-3233)

PART 39—AIRWORTHINESS DIRECTIVES

McCauley Propellers Three Bladed Full Feathering Constant Speed Model 3FF32C501

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Amendment to final rule.

SUMMARY: This amendment amends an existing airworthiness directive

(AD) applicable to propellers installed on but not limited to the Cessna Model 421C and 404 aircraft by reducing the compliance time from 50 hours to before further flight. The amendment is needed because service experience indicates that some airplanes have not yet complied with the intent of the AD due to low utilization, and hydrogen embrittlement of the blade actuating pin screws has progressed to the point where immediate failure is probable.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert W. Alpiser, Engineering and Manufacturing Branch, Flight Standards Division, AGL-214, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018, telephone 312-694-4500, extension 308.

SUPPLEMENTARY INFORMATION: This notice amends Amendment 39-3159 (43 FR 10904) AD 78-06-02 which currently requires replacement of the cadmium plated blade actuating pin screws with black oxide screws per McCauley Service Bulletin 131 within the next 50 hours time in service. After issuing Amendment 39-3159 the FAA has determined, based on service experience, that the compliance time should be reduced to before further flight.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are R. W. Alpiser, Flight Standards Division, Great Lakes Region, and C. Wilder, Office of the Regional Counsel, Great Lakes Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by Amendment 39-3159 (43 FR 10904) AD 78-06-02 by: Compliance required before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a Federal Aviation Administration Certificated Propeller Repair Station.

This amendment becomes effective on June 7, 1978.

Issued in Des Plaines, Ill., on May 22, 1978.

JOHN M. CYROCKI,
Director, Great Lakes Region.
[FR Doc. 78-15339 Filed 6-2-78; 8:45 am]

[4910-13]

(Docket No. 78-NW-12-AD; Amdt. 39-3228)

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplane

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This airworthiness directive requires inspections for cracks in the horizontal stabilizer jackscrew gimbal support fittings and jackscrew support arms on Boeing Model 727 series airplanes. The AD is required because cracks have been found that could result in loss of the forward attachment of the stabilizer to the jackscrew.

EFFECTIVE DATE: July 5, 1978.

ADDRESS: Boeing service bulletins specified in this directive may be obtained upon request to the Boeing Commercial Airplane Co., P.O. Box 3707, Seattle, Wash. 98124. Those documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108.

FOR FURTHER INFORMATION CONTACT:

Gerald R. Mack, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108, telephone 206-767-2516.

SUPPLEMENTARY INFORMATION: Cracks have been detected in several horizontal stabilizer jackscrew gimbal support fittings of Boeing Model 727 series airplanes. The cracks were located in the lugs which attach to the jackscrew support arms and emanated from the bolt holes; several fittings had multiple cracks. Cracking is attributed to stress corrosion of the 7079-T6 aluminum alloy material. Although no reports of cracking in the jackscrew support arms have been received to date, these parts are susceptible to stress corrosion since they are also made from 7079-T6 aluminum alloy. Since this condition is likely to exist or develop in other 727 airplanes, an airworthiness directive is being issued to require eddy current inspections of the 7079-T6 aluminum alloy horizontal stabilizer jackscrew gimbal support fittings and jackscrew support arms on Boeing Model 727 series airplanes.

The technical aspects of this rule were coordinated with the Boeing Commercial Airplane Company and the operators through the Air Transport Association (ATA) prior to issuance.

DRAFTING INFORMATION

The principal authors of this document are Gerald R. Mack, Engineering

and Manufacturing Branch, and Richard Salwen, Acting Regional Counsel, FAA Northwest Region.

The 750 flight hour compliance time for the initial inspection has been established by the agency on the basis of safety considerations and previous service experience with similar 7079-T6 aluminum alloy material parts. To prescribe the initial inspection required by this AD under the usual notice and public procedures followed by the agency within the time the agency has determined is required in the interest of safety, would necessarily result in a reduction of the compliance time for the initial inspection required by this AD. This could possible leave the operators insufficient time to schedule airplanes for compliance with the AD. Therefore, accomplishment of the 750 flight hour initial inspection required by this AD within the time the agency has determined is necessary makes strict compliance with the notice and public procedure provisions of the Administrative Procedure Act impracticable and this amendment becomes effective 30 days after publication in FEDERAL REGISTER.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

BOEING. Applies to Boeing Model 727 series airplanes, certificated in all categories, with horizontal stabilizer jackscrew gimbal support fittings, P/Ns 65-17435-3 and -4, and/or horizontal stabilizer jackscrew support arms, P/N 65-17449-1. Compliance required as indicated. To detect cracks in the horizontal stabilizer jackscrew gimbal support fittings and jackscrew support arms, accomplish the following:

A. Within the next 750 flight hours time-in-service after the effective date of this AD or prior to November 15, 1978, whichever occurs first, unless accomplished within the last 750 flight hours time-in-service or since January 15, 1978, inspect the horizontal stabilizer jackscrew gimbal support fittings and jackscrew support arms for cracking in accordance with paragraph B of this AD. Reinspect per paragraph C of this AD.

B. 1. Inspect the two (2) lugs of the horizontal stabilizer jackscrew gimbal support fittings, P/N 65-17435-3(LH) and -4(RH), (4 lugs total), which attach to the jackscrew support arms, and the forward and aft lugs of the jackscrew support arms, P/N 65-17449-1, left and right side, in accordance with one of the following:

a. Eddy current inspection, with the jackscrew support arms removed, as specified in Boeing Alert Service Bulletin No. 727-55-A73, or later FAA approved revisions, or

b. Low frequency eddy current inspection, with the jackscrew support arms installed, as specified in Boeing Alert Service Bulletin No. 727-55-A73, or later FAA approved revisions, or

c. A procedure approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

2. Visually inspect the remaining exposed portions of the fittings and arms not applicable to paragraph B.1 above.

C. Repeat the inspections per paragraph B of this AD at intervals of either 1 or 2 below, as applicable:

1. 1,500 flight hours time-in-service or nine (9) months from the last inspection whichever occurs first, or

2. 3,000 flight hours time-in-service or eighteen (18) months from the last inspection, whichever occurs first, if the fittings and arms have been reworked in accordance with Boeing Alert Service Bulletin No. 727-55-A73, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

D. Cracked parts are to be replaced or repaired prior to further flight in accordance with Boeing Alert Service Bulletin No. 727-55-A73, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

E. Terminating action of this AD consists of replacement of the horizontal stabilizer jackscrew gimbal support fittings (2) and jackscrew support arms (2) with 7075-T73 aluminum alloy material fittings and arms, Boeing P/N 65-17435-5/-6 and P/N 65-17449-7, respectively, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

F. Airplanes may be flown to a maintenance base for repairs or replacement in accordance with FAR 21.197, subject to prior approval by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

G. Requests for adjustments of the inspection threshold and intervals in this AD should be made directly to the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Such requests should contain substantiating data to justify the increase.

All persons affected by this directive who have not already received the service bulletin from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Co., P.O. Box 3707, Seattle, Wash. 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108. This amendment becomes effective July 5, 1978.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423) sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Seattle, Wash., on May 23, 1978.

C. B. WALK, Jr.,
Director, Northwest Region.
[FR Doc. 78-15345 Filed 6-2-78; 8:45 am]

[4910-13]

(Airspace Docket No. 78-EA-9)

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**Designation of Transition Area: Chambersburg, Pa.**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment designates a Chambersburg, Pa., Transition Area. This designation will provide protection for aircraft executing a new instrument approach which has been developed for the Chambersburg Municipal Airport. An instrument approach procedure requires the designation of controlled airspace to protect aircraft utilizing the instrument approach.

EFFECTIVE DATE: 0901 G.m.t. July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-3391.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate a new transition area. The rule resulted from the development of a new instrument approach for the airport. On page 9617 of the FEDERAL REGISTER for March 9, 1978, the FAA published a proposed amendment to designate the subject transition area. Interested parties were given time in which to submit comments. No objections were received.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Esq., Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t. July 13, 1978, as published.

(Sec. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(c)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.69).

NOTE:—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring

preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Jamaica, N.Y., on May 19, 1978.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

1. Amend §71.181 of Part 71 of the Federal Aviation Regulations by designating a Chambersburg, Pa. 700 feet floor transition area as follows:

CHAMBERSBURG, PA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 39°58'23" N., 77°38'37" W. of Chambersburg Municipal Airport, Chambersburg, Pa.; within an 8-mile radius of the center of the airport, extending clockwise from a 039° bearing from the airport to a 061° bearing from the airport; within a 15-mile radius of the center of the airport, extending clockwise from a 081° bearing from the airport to a 135° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 135° bearing from the airport to a 174° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 174° bearing from the airport to a 241° bearing from the airport; within 4 miles each side of the St. Thomas VORTAC 080° radial, extending from the 6.5-mile radius area to 29 miles east of the VORTAC.

[FR Doc. 78-15340 Filed 6-2-78; 8:45 am]

[4910-13]

(Airspace Docket No. 78-ASW-19)

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**Alteration of Transition Area: State of Louisiana**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is an alteration of the Louisiana transition area southern boundary. The intended effect of the action is to clearly delineate the boundary between the Louisiana transition area and the Gulf of Mexico control area for the benefit of the pilots that must transit these areas. The circumstances which created the need for this action were the designation of the Gulf of Mexico control area beginning three nautical miles offshore and parallel to the shoreline and the revocation of Control Areas 1215, 1216, 1226 and 1447.

EFFECTIVE DATE: September 7, 1978.

FOR FURTHER INFORMATION CONTACT:

John A. Jarrell, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: In Subpart G §71.181 (43 FR 440) of FAR Part 71, the description of the Louisiana transition area reflects the description of its southern boundary prior to the designation of the Gulf of Mexico control area and revocation of Control Areas 1215, 1216, 1226 and 1447. Designation of the Gulf of Mexico control area and revocation of Control Areas 1215, 1216, 1226 and 1447 has resulted in a need to alter the description of the Louisiana transition area southern boundary to reflect these changes.

We have elected to omit circularization of a notice of proposed rule making (MPRM) on this alteration since this action updates an obsolete description.

THE RULE

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the Louisiana transition area. This action clearly delineates the boundary between the Louisiana transition area and the Gulf of Mexico control area and deletes reference to revoked control areas.

DRAFTING INFORMATION

The principal authors of this document are John A. Jarrell, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) is amended, effective 0901 G.m.t., September 7, 1978 as follows:

In Subpart G, §71.181 (43 FR 440), the Louisiana transition area is altered as set forth below:

LOUISIANA

That airspace extending upward from 1,200 feet above the surface bounded on the west, north, and east by the Louisiana/Texas, Arkansas/Louisiana, and Louisiana/Mississippi State lines and bounded on the south by the Gulf of Mexico control area (three nautical miles offshore and parallel to the shoreline) beginning at the point of intersection of the Louisiana/Mississippi State line and the Gulf of Mexico control

area; thence west to the intersection of the Louisiana/Texas State line and the Gulf of Mexico control area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE:—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on May 23, 1978.

PAUL J. BAKER,
Acting Director, Southwest Region.
[FR Doc. 78-15341 Filed 6-2-78; 8:45 am]

[4910-13]

(Airspace Docket No. 78-NE-13)

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**Alteration of Control Zones**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action alters the wording in designated part-time control zone descriptions from "Airman's Information Manual" to "Airport/Facility Directory." The designated part-time control zones' effective dates and times will be carried in the "Airport/Facility Directory" instead of the "Airman's Information Manual."

EFFECTIVE DATE: June 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard G. Carlson, Operations Procedures and Airspace Branch, ANE-536, Air Traffic Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Mass. 01803, telephone 617-273-7285.

SUPPLEMENTARY INFORMATION:**HISTORY**

Part-time control zone descriptions contained in Subpart F, §71.171 (43 FR 355) of Federal Aviation Regulations Part 71 include the information that the effective date and time will thereafter be continuously published in the "Airman's Information Manual." On May 18, 1978, this information was transferred to the new "Airport/Facility Directory" and will no longer appear in the "Airman's Information Manual." This will necessitate deletion of the "Airman's Information Manual" and the substitution thereof of "Airport/Facility Directory" in the descriptions.

THE RULE

This amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) alters the description of designated part-time control zones by deleting the words "Airman's Information Manual" from the text and substituting therefor the words "Airport/Facility Directory."

Since these amendments are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

DRAFTING INFORMATION

The principal authors of this document are Richard Carlson, Air Traffic Division, New England Region, and George L. Thompson, Associate Regional Counsel, New England Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., June 18, 1978.

§71.171 [Amended]

In Subpart F of §71.171 (43 FR 355) the following control zone descriptions are altered by deleting the words "Airman's Information Manual" from the text and substituting therefor the words "Airport/Facility Directory."

Bedford, Mass.
Beverly, Mass.
Bridgeport, Conn.
Danbury, Conn.
Groton, Conn.
Hyannis, Mass.
Manchester, N.H.
Martha's Vineyard, Mass.
Nantucket, Mass.
New Bedford, Mass.
New Haven, Conn.
Norwood, Mass.
Portland, Maine.
Presque Isle, Maine.
South Weymouth, Mass.
Worcester, Mass.

(Secs. 307(a) Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE:—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Burlington, Mass., on May 18, 1978.

ROBERT E. WHITTINGTON,
Director,
New England Region.
[FR Doc. 78-15346 Filed 6-2-78; 8:45 am]

[4910-13]

(Docket No. 17931; Amdt. No. 1112)

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES****Miscellaneous Amendments**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESS: Availability of matters incorporated by reference in the amendment is as follows:

FOR EXAMINATION

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

FOR PURCHASE

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

BY SUBSCRIPTION

Copies of all SIAPs, mailed once every 2 weeks, may be ordered from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The annual subscription price is \$135.

FOR FURTHER INFORMATION CONTACT:

William L. Bersch, Flight Procedures and Airspace Branch (AFS-730), Aircraft Programs Division,

Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the FEDERAL REGISTER expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that

notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The principal authors of this document are Rudolph L. Fioretti, Flight Standards Service, and Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

*** effective September 21, 1978:

Salt Lake City, UT—Salt Lake City Int'l, VOR Rwy 16L (TAC), Amdt. 7.
Salt Lake City, UT—Salt Lake City Int'l, VOR Rwy 16R (TAC), Amdt. 18.
Salt Lake City, UT—Salt Lake City Int'l, VOR/DME or TACAN Rwy 34L, Amdt. 4.

*** effective July 27, 1978:

Prescott, AZ—Prescott Muni., VOR-A, Amdt. 3.
Hartford, CT—Hartford Brainard, VOR-A, Amdt. 4.
Wilmington, DE—Greater Wilmington, VOR Rwy 9, Amdt. 2.
Wilmington, DE—Greater Wilmington, VOR Rwy 32, Amdt. 2.
Macon, GA—Herbert Smart Downtown, VOR/DME-B, Orig.
Greenwood/Wonderlake, IL—Galt Field, VOR-A, Amdt. 4.
Lincoln, IL—Logan County, VOR Rwy 3, Amdt. 2.
Richmond, IN—Richmond Municipal, VOR Rwy 5, Amdt. 6.
Richmond, IN—Richmond Municipal, VOR Rwy 23, Amdt. 6.
Plymouth, MI—Metropolitan, VOR-A, Amdt. 4.
Manville, NJ—Kupper, VOR-A, Amdt. 2.
Readington, NJ—Solberg-Hunterdon, VOR-A, Amdt. 5.
Utica, NY—Oneida County, VOR/DME Rwy 33, Amdt. 2.
Hickory, NC—Hickory Muni., VOR Rwy 24, Amdt. 20.
Fayetteville, TN—Fayetteville Muni., VOR/DME Rwy 1, Amdt. 2.

*** effective July 13, 1978:

Gulkana, AK—Gulkana, VOR Rwy 14, Amdt. 5.
Gulkana, AK—Gulkana, VOR Rwy 32, Amdt. 5.
San Francisco, CA—San Francisco Int'l, VOR Rwy 19L, Amdt. 5.
Humboldt, NE—Humboldt Muni., VOR/DME-A, Amdt. 1.
Chambersburg, PA—Chambersburg Municipal, VOR-DME-A, Original.
Beeville, TX—Beeville Municipal, VOR/DME Rwy 12, Amdt. 2.
Jonestown, TX—Bar K Airpark, VOR/DME-A, Amdt. 1.
Junction, TX—Kinble County, VOR-A, Amdt. 9.
Kenedy, TX—Karnes County, VOR/DME-A, Amdt. 4.

Longview, TX—Gregg County, VOR Rwy 13 (TAC), Amdt. 14.
Longview, TX—Gregg County, VOR/DME or TACAN Rwy 31, Amdt. 1.
Longview, TX—Gregg County, VOR/DME or TACAN Rwy 35, Amdt. 1.
Mason, TX—Mason County, VOR/DME-A, Amdt. 1.
New Braunfels, TX—New Braunfels Municipal, VOR/DME-A, Amdt. 3.
Rocksprings, TX—Edwards County, VOR Rwy 14, Amdt. 1.
San Antonio, TX—San Antonio International, VOR-A, Amdt. 2.
San Antonio, TX—Stinson Municipal, VOR Rwy 32, Amdt. 10.
Waco, TX—James Connally, VOR-A, Amdt. 4.
Spanaway, WA—Spanaway, VOR/DME Rwy 34, Original.
Milwaukee, WI—Lawrence J. Timmerman, VOR Rwy 4L, Amdt. 3.
Milwaukee, WI—Lawrence J. Timmerman, VOR Rwy 15L, Amdt. 8.

The FAA published an amendment in Docket No. 17890, Amdt. No. 1110 to Part 97 of the Federal Aviation Regulations (Vol. 43 FR No. 87 Page 19214; dated May 4, 1978) under § 97.23 effective June 15, 1978, which is hereby amended as follows: McGregor, TX, McGregor Municipal VOR/DME Rwy 17 Amdt. 3 is cancelled. McGregor, TX, McGregor Municipal VOR Rwy 17 Amdt. 2 remains in effect.

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

*** effective July 27, 1978:

Tucson, AZ—Tucson Int'l, LOC BC Rwy 29R, Amdt. 2.
East St. Louis, IL—Bi-State Parks, LOC Rwy 30, Amdt. 3.
Glasgow, KY—Glasgow Muni., SDF Rwy 7, Amdt. 1.
Saginaw, MI—Tri City, LOC BC Rwy 23, Amdt. 6.

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

*** effective July 27, 1978:

Hartford, CT—Hartford-Brainard, NDB-B, Amdt. 4.
Davenport, IA—Davenport Muni., NDB Rwy 2, Amdt. 9.
Lincoln, IL—Logan County, NDB Rwy 21, Amdt. 1.
Glasgow, KY—Glasgow Muni., NDB Rwy 7, Amdt. 2.
Jackson, MN—Jackson Muni., NDB Rwy 13, Amdt. 4.
Clarksdale, MS—Fletcher Field, NDB Rwy 18, Amdt. 3.
Clarksdale, MS—Fletcher Field, NDB Rwy 36, Amdt. 3.
Nashua, NH—Boire Field, NDB-B, Amdt. 9.
Utica, NY—Oneida County, NDB Rwy 15, Amdt. 8.
Utica, NY—Oneida County, NDB Rwy 33, Amdt. 10.
Hickory, NC—Hickory Muni., NDB Rwy 24, Amdt. 1.
Florence, SC—Florence City-County, NDB Rwy 9, Amdt. 8.
Fayetteville, TN—Fayetteville Muni., NDB Rwy 1, Amdt. 3.
*** effective July 13, 1978:
Milford, IA—Fuller, NDB Rwy 18, Original.
Kerrville, TX—Kerrville Municipal/Louis Schreiner Field, NDB-A, Amdt. 4.

Longview, TX—Gregg County, NDB Rwy 13, Amdt. 8.
Pleasanton, TX—Pleasanton Municipal, NDB-A, Amdt. 3.
San Antonio, TX—San Antonio International, NDB Rwy 3R, Amdt. 34.
San Antonio, TX—San Antonio International, NDB Rwy 12R, Amdt. 18.
San Antonio, TX—San Antonio International, NDB Rwy 30L, Amdt. 7.
Sonora, TX—Sonora Municipal, NDB Rwy 18, Amdt. 1.
Waco, TX—James Connally, NDB Rwy 17L, Amdt. 3.
Waco, TX—James Connally, NDB Rwy 35R, Amdt. 4.
*** effective May 17, 1978:

Pensacola, FL—Pensacola Regional, NDB Rwy 16, Amdt. 20.

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

*** effective September 21, 1978:

Salt Lake City, UT—Salt Lake City Int'l, ILS Rwy 16L, Amdt. 5.
Salt Lake City, UT—Salt Lake City Int'l, ILS Rwy 34L, Amdt. 35.

*** effective July 27, 1978:

Oakland, CA—Metropolitan Oakland Int'l, ILS Rwy 29, Amdt. 18.
Calverton, NY—Peconic River Plant (Grumman) ILS Rwy 5, Amdt. 8.
Utica, NY—Oneida County, ILS Rwy 15, Amdt. 2.
Utica, NY—Oneida County, ILS Rwy 33, Amdt. 12.
Hickory, NC—Hickory Muni., ILS Rwy 24, Amdt. 2.
Florence, SC—Florence City-County, ILS Rwy 9, Amdt. 8.
*** effective July 13, 1978:

San Francisco, CA—San Francisco Int'l, ILS Rwy 19L, Amdt. 13.
Shreveport, LA—Shreveport Regional, ILS Rwy 13, Amdt. 18.
Longview, TX—Gregg County, ILS Rwy 13, Amdt. 4.
San Antonio, TX—San Antonio International, ILS Rwy 3R, Amdt. 11.
San Antonio, TX—San Antonio International, ILS Rwy 12R, Amdt. 7.
San Antonio, TX—San Antonio International, ILS Rwy 30L, Amdt. 3.
Waco, TX—James Connally, ILS Rwy 17L, Amdt. 4.
*** effective May 18, 1978:

Medford, OR—Medford-Jackson County, ILS Rwy 14, Amdt. 8.

*** effective May 17, 1978:

Pensacola, FL—Pensacola Regional, ILS Rwy 16, Amdt. 7.

5. By amending § 97.31 RADAR SIAPs identified as follows:

*** effective September 21, 1978:

Salt Lake City, UT—Salt Lake City Int'l, RADAR-1, Amdt. 14.

*** effective July 27, 1978:

Gulfport, MS—Gulfport Muni., RADAR-1, Amdt. 1.

*** effective July 13, 1978:

San Antonio, TX—San Antonio International, RADAR-1, Amdt. 21.

6. By amending § 97.33 RNAV SIAPs identified as follows:

*** effective July 27, 1978:

Prescott, AZ—Prescott Muni., RNAV Rwy 21, Original.
Wilmington, DE—Greater Wilmington, RNAV Rwy 9, Amdt. 2.

*** effective July 13, 1978:

Humboldt, NE—Humboldt Muni., RNAV B, Original.
San Antonio, TX—San Antonio International, RNAV Rwy 30L, Amdt. 6.

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1421, and 1510); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); delegation: 25 FR 6489 and paragraph 802 of Order FS P 1100.1, as amended March 9, 1973.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on May 26, 1978.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on May 12, 1969.

[FR Doc. 78-15342 Filed 6-2-78; 8:45 am]

[6320-01]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Docket No. 29139; Regulation ER-1051, Amdt. 43]

PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: For the reasons set forth in ER-1050, issued contemporaneously with this rule, the Board is deleting from 14 CFR Part 221 the requirements for public disclosure of airline overbooking practices. The requirements are instead being included in 14 CFR Part 250 so that the regulations relating to oversales can be consolidated.

DATES: Adopted: May 30, 1978. Effective: September 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert W. Kneisley, Attorney-Ad-

sor, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5035.

SUPPLEMENTARY INFORMATION: Accordingly, the Civil Aeronautics Board hereby amends 14 CFR Part 221 as set forth below:

1. The table of contents is revised by deleting § 221.177, *Notice of deliberate overbooking*.

§ 221.4 [Amended]

2. Section 221.4, *Definitions*, is amended by deleting the definition of "Deliberate overbooking."

§ 221.177 [Deleted]

3. Subpart N is amended by deleting § 221.177.

(Secs. 204, 403, 404, and 411, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, 760, and 769 (49 U.S.C. 1324, 1373, 1374, and 1381).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-15407 Filed 6-2-78; 8:45 am]

[6320-01]

[Docket No. 29139; Regulation ER-1050, Amdt. 9]

PART 250—OVERSALES

Comprehensive Amendment

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The Board is adopting new rules designed to minimize the involuntary "bumping" of airline passengers who hold confirmed reservations on oversold flights. The rules require airline personnel not to deny boarding to any passenger against his will until volunteers are first sought to give up their reservations willingly in exchange for a compensatory payment. Passengers bumped involuntarily will be entitled to substantially greater compensation than in the past, and eligibility for that compensation is expanded. Carriers are also encouraged to experiment with other reservations and boarding practices that will reduce involuntary bumping. Finally, the rules require greater public disclosure of boarding procedures and passengers' rights in the event of an oversold flight.

DATES: Adopted: May 30, 1978. Effective: September 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert W. Kneisley, Attorney-Ad-

sor, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5035.

SUPPLEMENTARY INFORMATION: The Civil Aeronautics Board is adopt-

ing a new policy to control what has become a persistent and serious problem for a growing number of airline travelers, the "bumping" of passengers—the failure of an air carrier to provide seats to confirmed reservation holders—because of overbooking of flight capacity. The new rules are designed to eliminate involuntary bumping, but without prohibiting deliberate overbooking or rigidly regulating other reservations practices of the airline industry. Carriers will, however, have to alter their current procedures to ensure that the passengers bumped are those who relinquish their reservations willingly, in return for compensation. In short, carriers are expected to reduce involuntary bumpings sharply below current levels, to the smallest practicable number.

The rules were proposed in September 1977 (Notice of Proposed Rulemaking EDR-334¹), in the first comprehensive reexamination of the oversale regulations in more than ten years. EDR-334 proposed a number of changes in the existing regulatory scheme: Before bumping any passenger against his will, carrier personnel would be required to request volunteers who would agree to give up their reservation in return for a payment of compensation; denied boarding compensation for passengers bumped involuntarily would be increased substantially; eligibility for denied boarding compensation would be broadened by eliminating some of the current exceptions to the compensation rule; finally, carriers were urged to experiment with other, perhaps novel, reservations and boarding procedures that would also ameliorate existing oversale practices.² In a related action several months earlier,³ the Board required air carriers and their agents to disclose to the public the possibility that confirmed reservations might not be honored due to deliberate overbooking of flights. Those notice rules, which required a display of counter signs and a distribution of disclosure notices with tickets, were adopted on an interim basis pending completion of this broader proceeding.

¹42 FR 48577, September 23, 1977. EDR-334 followed an analysis of public comments submitted pursuant to Advance Notice of Proposed Rulemaking EDR-296 (April 13, 1976, 41 FR 16478) in which the Board discussed the overbooking and no-show problems generally but proposed no specific rules.

²American Airlines has recently instituted an experimental procedure of soliciting volunteers from oversold flights by offering immediate cash payments (of \$25 in most cases) to anyone willing to give up their reserved seat. The experiment, which is limited to flights leaving from four cities, is described in American's application for waiver of Part 250 filed January 9, 1978.

³Regulation ER-987, 42 FR 12420, March 4, 1977.

EDR-334 did not propose to declare the practice of deliberate overbooking to be "unfair or deceptive" under § 411 of the Federal Aviation Act, but alluded to that possibility in the future if involuntary bumpings were not sharply reduced under new rules. Concomitantly, the Board declined to propose mandatory no-show controls, such as ticket refund penalties and advance payment requirements, because of the drastic effects they would have on the flexibility and convenience of the airlines reservations system.

Comments on the proposed rules were filed by U.S. and foreign air carriers, consumer organizations, government bodies, and private individuals.⁴ After considering these comments the Board has decided to make the proposed rules final, with some modifications discussed below.

1. GENERAL COMMENTS

The proposed rules were supported by consumer organizations, government agencies, and a number of private citizens. These persons and groups generally agreed that bumping was a serious consumer problem for which EDR-334 offered a reasonable remedy.

On the other hand, nearly all carriers opposed the policy and procedures set forth in EDR-334 as unnecessary and unwise, and argued that they should be moderated or made inapplicable to certain classes of carriers or types of operations. Basically, the carriers contended that EDR-334 was an

⁴In addition to many individual letters, formal comments on EDR-334 were filed by Aeromexico, Air BVI Limited, Air Jamaica, Air Midwest, Airline Passengers Association (APA), Allegheny Airlines, Aloha Airlines, American Airlines, American Society of Travel Agents (ASTA), Aviation Consumer Action Project (ACAP), Braniff Airways, Delta Air Lines, U.S. Department of Transportation, Eastern Air Lines, Frontier Airlines, Hawaiian Airlines, Hughes Airwest, International Air Transport Association (IATA), on behalf of 18 carriers (Aeromexico, Air France, Air New Zealand, Avianca, British Airways, British Caledonian Airways, El Al Israel Airlines Ltd., Iberia, Iran Air, Jugoslavenski Aerotransport, KLM Royal Dutch Airlines, Lufthansa, Olympic Airways, Qantas Airways, Scandinavian Airlines System, South African Airways, Swissair, and Trans World Airlines), Japan Air Lines Company Ltd., Stephan P. Kaufman, Richard M. Leonard, Lineas Aereas Costarricenses (LACSA), Compania Mexicana De Aviacion (Mexicana), National Airlines, North Central Airlines, Northwest Airlines, Congressman George O'Brien, Office of the Consumer Advocate of the Civil Aeronautics Board, Office of Consumer Affairs of the Department of Health, Education, and Welfare, Ozark Air Lines Pacific Western Airlines Ltd., Pan American World Airways, Piedmont Aviation, Harry Salis, Julian L. Simon, Southern Airways, Texas International Airlines, Trans World Airlines (TWA), Western Air Lines, Wien Air Alaska, and United Air Lines.

overreaction to a minor problem, since the vast majority of air travelers are accommodated on the flight of their choice without difficulty. It was also argued that the Board has an inadequate factual and legal basis for adopting more stringent rules for the payment of denied boarding compensation, and that an evidentiary hearing is required before issuance of these rules. Some carriers contended that bumping is not an industrywide problem but is only exaggerated by the substandard performance of a few carriers, and that the Board should take action against the ones with high bumping rates instead of imposing harsh rules uniformly on all of them. Others argued that Board action is unnecessary because natural competitive forces will induce carriers to devise the best methods for dealing with oversales.

We disagree with these arguments. The many comments filed in this proceeding of two years' duration, including hundreds of letters from individual citizens, along with oversales data and other information received by the Board, amply demonstrate that the carriers' existing overbooking and oversales practices too often result in inconvenience, distress, and even financial loss to unsuspecting passengers. Notwithstanding the Board's attempts to inform the public of the airline overbooking practices, it is understandable that many travelers are outraged when, through no fault of their own, and under circumstances entirely under the control of the carrier, their "confirmed reservations" are not honored. The number of passengers denied confirmed space has grown steadily in recent years and now is approximately 150,000 per year.⁵ While the incidence of oversales is small in relation to total number of passengers carried, in absolute terms it is significant. The rate of oversales has shown no signs of substantial amelioration in the last several years, nor have carriers taken any sustained initiative to alleviate the arbitrary and deceptive aspects of current bumping procedures. Under these circumstances regulatory action is not only warranted, but imperative. After all, the most common causes of oversales—whether intentional, e.g., deliberate overbooking, or inadvertent, e.g., "errors" of reservation personnel—are within the exclusive control of the carriers and their agents. It is therefore not unreasonable to require them to administer their reservations and boarding prac-

⁵In fiscal year 1977 the number of passengers denied confirmed space due to oversales on U.S. carriers was approximately 130,000 for domestic operations and 12,000 for international flights. In addition, oversales of foreign carriers are estimated to be at least 10,000 (see p. 13, *infra*). CAB Form 251.

tices in a manner which minimizes the hardship and inconvenience to their customers.

Nor do we find that an oral evidentiary hearing is required before these rules may be adopted. This action is clearly rulemaking with the meaning of § 553 of the Administrative Procedure Act. We are making basic policy choices in this proceeding, and the public, including air carriers, has been given an ample opportunity to be heard.

Several carriers argue that the Board should now expressly declare that the practice of deliberate overbooking is in the public interest. On the other hand, ACAP, ASTA, and several individuals urge us to outlaw that practice as unfair and deceptive. We believe it is unnecessary to do either. As we recognized in EDR-334, overbooking does provide important public benefits, by filling what would otherwise be empty seats and thereby reducing the pressure for fare increases, and by enabling more passengers to be accommodated on the flight of their choice. Yet overbooking is also a major contributor to oversales and the consequent inability of carriers to honor confirmed reservations. Under these circumstances, the Board has decided not to prohibit the practice of intentional overbooking, so long as the social harm it sometimes causes can be controlled by other means.

Carriers will therefore be free to use whatever reservations practices they find most effective, as long as involuntary denied boardings are eliminated or reduced to the smallest practicable number. In fact, carriers may find it in their interest to develop new methods of controlling oversales to augment or supplant the procedures contained in these rules. However, if involuntary bumping is not substantially reduced below current levels, we will reexamine our decision not to engage in detailed oversight of carriers' reservations practices, including deliberate overbooking.

2. SOLICITATION OF VOLUNTEERS

Most carriers argued that the requirement to seek volunteers would confuse passengers, undermine consumer confidence in the airlines reservations system, delay flights, and invite abuse by passengers. It was also argued that the procedure would be especially unsuitable in some situations, such as international flights (confusion and flight delay very likely because of many non-English-speaking passengers), and late-evening or low-frequency flights (few if any volunteers would come forward). The Board was therefore urged to drop the requirement altogether, to exclude international flights from its ambit, or at least to specify that volunteers need not be sought from inside the aircraft

or in other cases where flight delay might result.

Other carriers expressed some support for the volunteer proposal. Some stated that they have developed preliminary procedures to solicit volunteers (United's plan includes boarding the aircraft when there are too few volunteers among passengers waiting to board), and Eastern commented that its experience with Leisure Class (conditional) reservations indicates that the proposed volunteer system would benefit both carriers and consumers. It was pointed out, however, that if the compensation prescribed for volunteers is the same as for non-volunteers the carrier will have no economic incentive to seek volunteers. The Board was thus urged to specify compensation levels only for those involuntarily bumped and let the carrier offer lesser amounts in its search for volunteers. American, for example, claimed that an offer of \$25 will attract enough volunteers to eliminate the oversale problem almost entirely. Delta took an opposite position, arguing that compensation for volunteers should be higher than that for non-volunteers, in order to encourage volunteering.

All consumer and government commentators supported the volunteer proposal, at least in part, as a constructive and workable procedure. ACAP, however, would make the requirement more stringent and permit carriers to deny boarding only to volunteers.

We are adopting a requirement to seek volunteers but we are now persuaded that it is both unnecessary and economically inefficient to prescribe the level of compensation for them. This modification of the proposal will enable carriers to adjust their offerings to prospective volunteers in accordance with experience, and avoid needless and wasteful overpayments. Carriers will also have a greater incentive to seek volunteers—by offering attractive, yet lower, compensation than is prescribed for non-volunteers—and the Board's goal of eliminating involuntary bumping will therefore have a better chance of success. The likelihood of flight delay and passenger confusion will also be reduced, since carriers may offer volunteers a flat sum of money rather than having to explain the Board's rather complicated denied boarding compensation formula. This determination in no way excludes the possibility of carriers offering volunteers greater compensation than we prescribe here for non-volunteers, if they choose to do so. We conceive the possibility that a company may wish to, in order to avoid the necessity for bumping any passenger involuntarily, and we would obviously commend such a policy.

Our new rule does not specify the form, content, or method of broadcast

for the message used to solicit volunteers, since those matters are suitably left to the discretion of carrier management. However, in order for a passenger to make an informed decision whether to volunteer, in some cases he should be told of his chances of being bumped involuntarily and the amount of denied boarding compensation. For example, a passenger who is likely to be selected for involuntary bumping but volunteers instead may feel deceived upon discovering that he would have been better compensated by not volunteering. In other cases, though, where volunteers are sought from passengers not likely to be denied boarding involuntarily, information on compensation for nonvolunteers is extraneous to the prospective volunteer's decision, and would serve only to complicate and delay the volunteering process. Therefore, we are requiring that any passenger who is asked to volunteer, without being informed that he is in danger of being denied boarding involuntarily and the compensation payable in that event, may not later be involuntarily bumped.⁶ This condition requires carriers to "fully inform" in advance only those prospective volunteers who are in danger of being involuntarily bumped; others need not be given that information. Of course, nothing is to prevent a carrier from limiting its solicitation exclusively to a group of passengers not in danger of being bumped involuntarily, thereby obviating the need for any explanations about involuntary bumping procedures.^{6a}

3. COMPENSATION FOR PASSENGERS BUMPED INVOLUNTARILY

EDR-334 proposed several revisions in the current level of, and eligibility for, denied boarding compensation: (1) The basic DBC level would be increased to 200 percent of the bumped passenger's ticket value (\$50 minimum, \$400 maximum), connecting flight coupons would be included in the computation, and "value" would be redefined to include U.S. transportation taxes; (2) the existing exception for passengers given alternate transportation within 2 hours (4 hours internationally) would be eliminated, and those passengers would be entitled to one-half the DBC otherwise payable (\$25 minimum, \$200 maximum); and (3) the existing exception for bumpings caused by substitution of smaller aircraft would be narrowed to

⁶See § 250.2b(b).

^{6a}American Airlines is apparently conducting its experiment (see note 2) in that manner, by seeking volunteers only from early arrivals, who would not be subject to involuntary bumping since American follows a "first come, first served" boarding priority. See American's petition for reconsideration dated March 6, 1978.

apply only when the substitution were caused by weather affecting the flight in question.

Nearly all carriers opposed these changes on the ground that existing compensation levels are fully compensatory, and that the proposed increase would result in windfall payments to bumped passengers. It was contended that acceptance of DBC is supposed to be optional, and that any passenger whose damages exceed the proffered compensation may seek redress in the courts, though some carriers conceded that the current eligibility for compensation should be broadened or that passengers should be compensated for out-of-pocket expenses. Several local service carriers opposed the inclusion of connecting flight coupons in DBC on the grounds that it would discriminate against short-haul feeder carriers by imposing disproportionately high compensation costs in comparison to average flight length and would invite passengers to reserve space on long connecting flights they don't intend to use, in order to profit from being bumped. Some carriers argued that passengers given substitute transportation within the 2- and 4-hour limits "have not suffered compensable delay," and therefore should not be eligible for DBC; alternatively, it was asserted that all bumped passengers, whether or not re-routed, should be compensated at the same rate (100 percent of flight coupons).

Most consumer and government commenters supported the proposed changes as a constructive response to involuntary oversales and reasonable relief for bumped passengers. Others urged the Board to increase compensation levels even further, e.g., by setting DBC at 300 percent of ticket value, or by removing the \$400 maximum. It was also argued that the theoretical right to pursue common law remedies for bumping damages is illusory in practice, and that the vast majority of consumers will simply accept whatever compensation is offered.

We have decided to adopt the proposed revisions in the DBC computation, with one exception and a minor modification. We continue to believe, as we stated in EDR-334, that existing compensation levels are inadequate to redress the inconvenience and distress often resulting from involuntary bumping incidents. The increase will not only provide better compensation for passengers denied boarding against their will, but will give carriers greater incentive to refine their overbooking and boarding procedures so that involuntary oversales are minimized.⁷ Be-

⁷We are setting the minimum DBC payable at \$75, rather than the \$50 proposed. This increase will sharpen the important distinction between volunteers and non-volunteers, and will give carriers both greater

cause a bumping from one flight often causes the passenger to miss a connecting flight as well, all ticket coupons (up to the passenger's destination or a stopover of 4 or more hours) will be included in the computation. Since these new compensation levels will apply only to passengers bumped involuntarily, the impact upon the airline industry—including carriers with a high proportion of connecting traffic—need not be severe, since carriers can avoid the higher payments by seeking volunteers at lower levels of compensation, or by eliminating involuntary oversales in some other manner.

These rules will also, for the first time, require payment of compensation to passengers who are given alternate transportation to their destination or stopover within 2 hours domestically and 4 hours internationally. Many such passengers are substantially inconvenienced by such a delay and are therefore entitled to some compensation for the carrier's failure to deliver the service naturally expected by the consumer. Historically, about 50 percent of all passengers denied boarding have been ineligible for compensation because of the alternate-transportation exception. Compensation for re-routed passengers is set at one-half the level otherwise payable (minimum \$37.50, maximum \$200) so that carriers will still have an economic incentive to arrange substitute transportation for involuntarily bumped passengers.

However, we have decided not to adopt the proposed narrowing of the DBC exception for equipment substitutions. Carriers argued that the proposed limitation—that payment of DBC could be avoided only for substitutions caused by weather conditions affecting that flight—would virtually eliminate the exception altogether and would be injurious to consumers. They stated that the vast majority of equipment substitutions are due to mechanical malfunctions or other factors outside the carrier's control, and are rarely, if ever, caused directly by weather. Thus the proposal would assertedly require payment of compensation to all passengers denied boarding from substitute aircraft and, in some cases, would encourage carriers to cancel flights instead of arranging equipment substitutions, which do benefit the public. (Passengers are not entitled to compensation for cancelled flights.)

We are persuaded that adoption of the weather limitation would not be in the interest of the traveling public. The equipment-substitution exception is based on the belief that mechanical failures and safety problems are more

incentive and more bargaining room for securing volunteers on low-priced flights.

nearly beyond the carriers' control than other causes of oversales, and that carriers should not be expected to insure against their occurrence by withholding large numbers of seats from sale.⁸ Since this exception has apparently not been abused (less than 10 percent of all oversales are caused by equipment substitutions), and its elimination might well result in a lessening of the carrier's incentive to arrange for substitute aircraft, we are not now inclined to change the current rule.

4. BOARDING PRIORITIES

EDR-334 acknowledged that at times there will be an insufficient number of volunteers, and bumpings will be necessary on a basis other than the free will of the passenger. The Board proposed to allow carriers to select non-volunteers for denied boarding on the same basis as in the past, i.e., in accordance with non-discriminatory boarding priority rules. Currently, each carrier must file with the Bureau of Pricing and Domestic Aviation its boarding priority rules and relevant portions of the company manual instructing personnel in boarding procedures for oversold flights. There is some variety in the carriers' priority rules but the most common lowest boarding priorities are the last passenger to check in, the "least inconvenienced" passenger, or passengers using discount fares. EDR-334 tentatively proposed to continue to allow carriers flexibility in establishing their priorities, but comment was specifically solicited on the advisability of prescribing a uniform boarding priority for all carriers, such as chronological order of reservation or ticket purchase.

Carriers generally argued for continued flexibility in establishing and administering boarding priorities, contending that a Board-imposed system would be unduly rigid and an inadequate substitute for on-the-spot judgment of experienced boarding personnel. Other commenters contended that the Board should prescribe a uniform boarding priority based on chronological order of reservation, on the ground that consumers would regard such a system as more equitable than current procedures. ACAP and ASTA argued that whatever boarding priorities are established should be filed as tariffs, or at least be available for inspection upon request to the carrier. They contended that the existing informal filing system leads to both a lack of Board scrutiny and inadequate public notice of these rules, and allows carrier personnel to ignore them. APA would support allowing carriers to establish differing boarding priorities

⁸See Regulation ER-503, adopted August 3, 1967, 32 FR 11939.

only if each priority system were submitted for public comment before adoption.

We have decided to refrain from rigidly regulating this aspect of carrier boarding practices, and we will continue to allow the carriers to exercise some discretion in establishing boarding priorities. However, we are adopting more stringent requirements for clarity and public disclosure of the rules. Under current practice, the priority rules are insufficiently publicized and are sometimes so broadly drafted as to invite arbitrary action by boarding personnel. Passengers, who are understandably sensitive to the bumping selection process, are generally ignorant of the rules, and cannot take steps either to protect themselves from involuntary bumping or to verify that carriers have in fact acted in accordance with the stated priorities.

Therefore, we are requiring the carriers' boarding priority rules and practices to be filed as tariffs, in order to give the Board and the public a specific opportunity to pass upon them, and to make them more readily available to the public on a continuing basis. Relevant portions of company manuals instructing personnel on boarding priorities and bumping procedures shall be filed with the Tariffs Section of the Board and will be available for public inspection. In addition, the priority rules, or a summary thereof, must be included in the written statement that explains denied boarding compensation and the passenger's rights in the event of an oversold flight, and that statement (which we have revised in plain English) must be filed in the tariffs and made available to passengers at all airport ticket counters and boarding points being used by the carrier.⁹

A reference to boarding priority rules will also be included in the standard overbooking disclosure notice posted at ticket counters and distributed with tickets, to alert passengers to both the existence and availability of the rules. Finally, we are requiring that the priority rules be written in a sufficiently clear and specific manner to be meaningful to the average passenger, i.e., to enable the reader to ascertain the approximate likelihood of his being bumped, and to plan accordingly. Some of the carriers' current rules—e.g., those that would deny boarding to the "most logical passenger" or the "least inconvenienced passenger"—fall short of that standard, and invite arbitrary action by boarding personnel. While we do not intend to eliminate flexibility and judgment from the exercise of boarding procedures,¹⁰ which must necessarily be ad-

⁹See § 250.9.

¹⁰For example, priority rules could, as they often do now, include exceptions for

ministered quickly and with a minimum of inconvenience to the remaining passengers, we are simply requiring carriers to inform their patrons more fully and frankly of the chance that their confirmed reservations may not be honored.

5. APPLICABILITY OF THE NEW RULES.

Part 250 now applies to the scheduled operations of all certificated carriers and foreign carriers on flights "originating or terminating at, or serving" a U.S. point. EDR-334 proposed to retain this jurisdictional scope for new oversale rules.

Several foreign carriers, and some U.S. carriers operating internationally, argued that there is no basis for amending Part 250 with respect to foreign air transportation. They pointed out that the oversale rate for international operations has recently declined, and contended that the unique characteristics of international flights are not conducive to the rigid and harsh boarding regulations of any one nation. Not only would the volunteer requirement be unworkable on those flights, it was asserted, but the new U.S. rules would expose foreign carriers to conflicts of various nations' laws.

We adhere to our tentative conclusion that these new rules should be given the same extra-territorial application as our existing oversale regulations. Although oversales on international flights had declined slightly at the time EDR-334 was issued, the rate of oversales in international operations is in fact higher than that for domestic flights; in addition, more recent data show a significant increase in bumpings from international flights, in both absolute and relative terms.¹¹ Moreover, the arguments now raised in opposition to applying our oversale regulations to international operations are essentially the same as those raised and rejected when Part 250 was first given extraterritorial effect, in order to extend an umbrella of protection to U.S. travelers abroad.¹²

Three other requests were made regarding the applicability of Part 250. Air BVI, Ltd., requested that the regulations be extended to commuter carriers because "there is no reason to be-

persons traveling on emergency, unaccompanied minors, or elderly or infirm passengers.

¹¹In fiscal year 1977 U.S. flag carriers denied boarding to 11,580 passengers from international flights, for a ratio of 7.8 bumpings per 10,000 enplanements. These data represent an increase over calendar 1976 figures of 9,958 bumpings and a ratio of 7.4 (for domestic flights the denied boarding rate was 6.6 per 10,000 enplanements in fiscal 1977).

¹²See Regulation ER-800, adopted August 13, 1974, 39 FR 38087.

lieve that the bumping rate of commuters is less than the rest of the industry," and commuter passengers are assertedly entitled to the protections of Part 250. (Air BVI operates scheduled flights on a head-to-head basis with several commuters in the Caribbean.) Texas International requested an exemption from Part 250 in intra-Texas markets in which TXI competes with Southwest Airlines, an intrastate carrier that is not subject to any regulation similar to Part 250. TXI argued that the lack of comparable oversale regulations for Southwest would prevent TXI from competing effectively in those markets, which assertedly comprise only 5 percent of TXI's total system markets. Wien Air Alaska asked to be excluded from any increase in DBC levels, on the ground that Wien's existing boarding procedures already minimize involuntary bumping, and the Board has no basis for imposing stricter oversale regulations on Alaskan air carriers.

We are denying these requests. Among other considerations, grant of the relief sought would raise serious questions of line-drawing and administrative fairness. We are not at this time aware of any significant bumping problems on commuter airlines that would warrant the extension of Part 250 to that class of carriers, nor is it within the scope of this proceeding to reexamine the competitive relationship between certificated and non-certificated carriers, as Air BVI and TXI would have us do. In regard to Wien's request, if it is in fact true that Wien already minimizes involuntary bumping, then these amendments will impose no significant new obligations or hardship on that carrier. In any event, Wien has advanced no compelling reason why passengers on Alaskan flights should not be given the same protection against involuntary bumping afforded to other air travelers.

6. ALTERNATE RESERVATIONS PROCEDURES

We must emphasize that the boarding procedures contained in this rule should not be considered the only permissible method for controlling oversales. EDR-334 encouraged the use of conditional reservations—whereby the purchaser accepts an increased risk of being bumped in return for an economic inducement, such as a free flight if the reservation is not honored—to supplement or replace deliberate overbooking. We also suggested other means of capacity control, such as bidding systems—Where the passengers bumped would be those who submit the lowest bids for compensation—or the establishment of no-show control measures, such as advance payment requirements and ticket refund penalties. With a few excep-

tions," carriers' responses to these suggestions were negative. However, we continue to encourage experimentation with innovative reservations and boarding systems. Although carriers appear reluctant to deviate from current practices, they may find that new procedures are successful with the traveling public, at least in some markets.

As a technical matter, we have deleted the proposed § 250.11, "Alternate procedures for denied boarding," because it appears to be unnecessary. Any carrier that wishes to meet its obligation to minimize involuntary bumping by means other than those contained in Part 250 may do so upon the filing and approval of tariffs providing for the alternate procedures.

7. OTHER CHANGES

This rule makes a few other changes to existing regulations. First, we are modifying the interim requirements for disclosure of overbooking practices to reflect the new oversale policy. The requirements for posting and distributing the notices remain unchanged but the standard text has been expanded to include the following statements: "If a flight is overbooked, no one will be denied a seat until airline personnel first ask for volunteers willing to give up their reservation in exchange for a payment of the airline's choosing. If there are not enough volunteers the airline will deny boarding to other persons in accordance with its particular boarding priority." The additional language, along with minor editorial changes to the rest of the notice, is designed to alert passengers to their rights and carriers' obligations under the new rules.¹⁴

We are also updating and revising the reporting requirements of § 250.10 so that more useful data are collected. First, the requirement to report oversales by individual markets (on Form 250) is being suspended indefinitely. Those reports have not proved very useful to the Board in policy development or otherwise, and have not been published since 1975. Accordingly, we

¹⁴Eastern stated that the conditional reservation is popular with many customers, and IATA commented that the conditional reservation might be an "attractive option" in certain circumstances, depending on each carrier's particular traffic and route characteristics.

¹⁵As a technical matter, we are deleting these notice rules from 14 CFR § 221.177 and incorporating them into Part 250 instead, in order to consolidate the regulations relating to oversales. Accordingly, the current reference in section (a) of the regulation (previously § 221.177(a)) to "Each carrier subject to Part 250 of this chapter" is no longer necessary, and has been replaced simply by "every carrier" in § 250.11(a). In other respects, except for revisions in the text discussed above, the notice regulation is unchanged.

will not require the filing of Form 250 until further notice, and then only if there appears to be a regulatory need for that type of information. Second, the reporting of system-wide oversales (on Form 251) is being revised in a number of respects. Most importantly, the new Form 251 separately lists the number of volunteers and non-volunteers denied boarding, and the total compensation paid to each category. These data will enable the Board to monitor the compliance of the industry with its new policy, and to determine whether further regulatory action is necessary. Various editorial changes to Form 251 are being made as well, in order to simplify the reporting and publication of oversale statistics: (1) The reporting basis will be changed simply to include all flights to which Part 250 applies, i.e., all flights originating or terminating at, or serving, a U.S. point. In the past, carriers were given a choice of reporting Form 251 data on a systemwide basis, or limited to the carrier's top 15 stations or stations accounting for 67 percent of its total enplanements.¹⁵ This modification will eliminate the need for Board staff to convert less-than-system-wide data and, along with other simplifications of the report, should allow more timely publication of oversale statistics. (2) The elimination of a separate listing, in each reported category of denied boardings, for passengers whose reserved space was confirmed in a manner other than by notation on the passenger's ticket; the reported number of such passengers has been negligible, and there no longer appears to be a useful purpose served by collecting that information.¹⁶ (3) The addition of a listing for passengers who do not qualify for DBC because of failure to comply with the carrier's ticketing, check-in, or reconfirmation procedures or to be acceptable for transportation under the carrier's tariff. This information is being required so that the Board can evaluate the significance of this exception to the DBC rule, in light of the contention of some commenters that carriers should not be permitted to assert the "10-minute rule" to avoid the payment of denied boarding compensation to late-arriving passengers.

Finally, we are terminating the stay of the reporting requirements for foreign air carriers. When Part 250 was first made applicable to foreign carriers, an indefinite stay of the Form 251 reporting requirement was granted because of objections from some of those

¹⁵Currently, however, only five carriers are reporting Form 251 data on less than a systemwide basis.

¹⁶The separate listing for denied boardings based on reservations made by means other than ticket notation was first required by Regulation ER-804, adopted May 23, 1973, 38 FR 14822.

carriers to the disclosure of the total enplanement data for flights serving U.S. points.¹⁷ However, because of the importance of monitoring the compliance of foreign carriers with our new rules, we have decided to terminate the stay. The unavailability of oversale statistics for foreign carriers has greatly limited the Board's and the public's knowledge of foreign carriers' performance in regard to oversales, and has prevented comparisons among those carriers and with their U.S. competitors. It may be conservatively estimated that oversales from foreign carriers exceed 10,000 passengers per year,¹⁸ and the Board is concerned that these carriers, too, should substantially reduce their rate of involuntary bumping in the future. Release of the enplanement data from foreign carriers' Form 251 reports should not create any unfair competitive disadvantage, since comparable data for U.S. carriers operating internationally has routinely been published since 1971 without significant objection.

8. EFFECTIVE DATE

These new rules will require a number of changes in carriers' existing procedures, notices, and documents. Boarding priority rules, along with the explanatory statement given to bumped passengers, must be redrafted both for style and substance, and filed as tariffs; company boarding manuals must be rewritten and personnel instructed accordingly; and the overbooking disclosure notices must be revised, distributed to agents and posted. Moreover, both the Board and public will be reviewing the newly-filed boarding procedures, not only for compliance with the policy regarding involuntary bumping but also for non-discrimination and clarity.

Because of the importance of ensuring that our new bumping policy is fully and faithfully implemented, we are allowing 90 days before effectiveness of the rules. This period should provide sufficient time for carriers to develop thoughtful boarding procedures (45 days), and for the public and the Board to review them (the normal 45-day statutory period for tariff filings). Therefore, the new tariffs must be filed by July 20, 1978, for effectiveness September 3, 1978. The new Form 251 must be filed for the month of

¹⁷Regulation ER-897, January 27, 1975, 40 FR 4409.

¹⁸We have variously estimated denied boardings of foreign carriers to range from 10,000 to 27,000 per year in the period 1971-73. This estimate is based upon comparisons to oversale data of U.S. flag carriers' international operations and to the incidence of bumping complaints involving foreign carriers. See Notice of Proposed Rulemaking EDR-348 (38 FR 15083, June 8, 1973), and Regulation ER-880, supra note 12.

September 1978 and each month thereafter.¹⁹

We should also point out, however, that the delayed effectiveness of the rules will not prevent any carrier from preliminarily implementing voluntary bumping procedures in the interim period or experimenting with alternate reservations and boarding practices that will reduce involuntary denied boardings.

Accordingly, the Civil Aeronautics Board hereby amends 14 CFR Part 250 as set forth below.

1. The table of contents is amended by revising the title of Part 250; Revising the headings of §§ 250.3, 250.4, 250.5, and 250.9; revoking and reserving § 250.7; and adding new §§ 250.2a, 250.2b, and 250.11 as follows:

- Sec.
- 250.2a Policy regarding denied boarding.
- 250.2b Carriers to request volunteers for denied boarding.
- 250.3 Boarding priority rules.
- 250.4 Denied boarding compensation tariffs; liquidated damages.
- 250.5 Amount of denied boarding compensation for passengers denied boarding involuntarily.
- 250.6 ***
- 250.7 (Reserved)
- 250.8 ***
- 250.9 Written explanation of denied boarding compensation and boarding priorities.
- 250.10 ***
- 250.11 Public disclosure of deliberate overbooking and boarding procedures.

2. Section 250.1 is amended by adding the definition of "Deliberate overbooking," and by revoking the definition of "Value of the first remaining flight coupon" and substituting in its place a new definition as follows:

§ 250.1 Definitions.

For the purposes of this part:

* * *

"Confirmed reserved space" * * *
 "Deliberate overbooking" means the practice of knowingly confirming reserved space for a greater number of passengers than can be carried in the specific call of service on the flight and date for which confirmation is given.

"Stopover" * * *
 "Sum of the values of the remaining flight coupons" means the sum of the applicable one-way fares, including any surcharges and air transportation taxes, less any applicable discounts.

3. A new section 250.2a is added as follows:

§ 250.2a Policy regarding denied boarding.
 In the event of an oversold flight, every carrier shall ensure that the

¹⁹The 90-day period for effectiveness also allows adequate time for the Comptroller General's review of the revised oversale reporting requirements.

smallest practicable number of persons holding confirmed reserved space on that flight are denied boarding involuntarily.

4. A new § 250.2b is added as follows:

§ 250.2b Carriers to request volunteers for denied boarding.

(a) In the event of an oversold flight, every carrier shall request volunteers for denied boarding before using any other boarding priority. A "volunteer" is a person who responds to the carrier's request for volunteers and who willingly accepts the carrier's offer of compensation, in any amount, in exchange for relinquishing his confirmed reserved space. Any other passenger denied boarding is considered for purposes of this part to have been denied boarding involuntarily, even if he accepts denied boarding compensation.

(b) If an insufficient number of volunteers come forward, the carrier may deny boarding to other passengers in accordance with its boarding priority rules. However, the carrier may not deny boarding to any passenger involuntarily who was earlier asked to volunteer without having been informed that he was in danger of being denied boarding involuntarily and the amount of compensation to which he would have been entitled in that event.

5. Section 250.3 is revised to read as follows:

§ 250.3 Boarding priority rules.

(a) Every carrier shall establish priority rules and criteria for determining which passengers holding confirmed reserved space shall be denied boarding on an oversold flight in the event that an insufficient number of volunteers come forward. Such rules and criteria shall reflect the obligations of the carrier set forth in §§ 250.2a and 250.2b to minimize involuntary denied boarding and to request volunteers, and shall be written in such manner as to be understandable and meaningful to the average passenger. Such rules and criteria shall not make, give, or cause any undue or unreasonable preference or advantage to any particular person or subject any particular person to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

(b) Every carrier shall file in its tariff its boarding priority rules and criteria, including a copy of its written statement explaining denied boarding compensation and boarding procedures, as described in § 250.9.

(c) Every carrier shall file with the Chief, Tariffs Section, Bureau of Pricing and Domestic Aviation, that portion of its currently effective company manual instructing employees on boarding procedures and priorities in

the event of an oversold flight. Any revision of that portion of the manual must be filed within 15 days of its adoption by the carrier.

6. Section 250.4 is revised to read as follows:

§ 250.4 Denied boarding compensation tariffs; liquidated damages.

(a) Every carrier shall file tariffs providing compensation for passengers holding confirmed reserved space who are denied boarding involuntarily from an oversold flight that departs without those passengers. The tariffs shall incorporate the amount of compensation described in § 250.5 and the exceptions to eligibility for compensation described in § 250.6.

(b) The tariffs shall specify that the carrier will tender, on the day and place the involuntary denied boarding occurs, the appropriate compensation, which, if accepted by the passenger, shall constitute liquidated damages for all damages incurred by the passenger as a result of the carrier's failure to provide the passenger with confirmed reserve space.

7. Section 250.5 is revised to read as follows:

§ 250.5 Amount of denied boarding compensation for passengers denied boarding involuntarily.

Subject to the exceptions provided in § 250.6, the tariffs required by § 250.4(b) shall provide for compensation to be paid a passenger denied boarding involuntarily from an oversold flight at the rate of 200 percent of the sum of the values of the passenger's remaining flight coupons up to the passenger's next stopover, or if none, to his destination, with a \$75 minimum and a \$400 maximum. However, the compensation shall be one-half the amount described above, with a \$37.50 minimum and a \$200 maximum. If the carrier arranges for comparable air transportation or other transportation accepted (i.e., used) by the passenger, which, at the time either such arrangement is made, is planned to arrive at the airport of the passenger's next stopover, or if none, at the airport of the passenger's destination not later than 2 hours after the time the direct or connecting flight on which the confirmed space is held is planned to arrive, in the case of interstate and overseas air transportation, or 4 hours after such time in the case of foreign air transportation.

8. Section 250.6 is revised to read as follows:

§ 250.6 Exceptions to eligibility for denied boarding compensation.

A passenger denied boarding involuntarily from an oversold flight shall not be eligible for denied boarding compensation if:

(a) The passenger does not present himself for carriage at the appropriate time and place, having complied fully with the carrier's requirements as to ticketing, check-in, and reconfirmation procedures and being acceptable for transportation under the carrier's tariff; or

(b) The flight for which the passenger holds confirmed reserved space is unable to accommodate him because of: (1) Government requisition of space; or (2) substitution of equipment of lesser capacity when required by operational or safety reasons; or

(c) The passenger is offered accommodations or is seated in a section of the aircraft other than that specified on his ticket at no extra charge, except that a passenger seated in a section for which a lower fare is charged shall be entitled to an appropriate refund.

9. Section 250.7 is revoked and reserved as follows:

§ 250.7 [Reserved]

10. Section 250.9 is revised to read as follows:

§ 250.9 Written explanation of denied boarding compensation and boarding priorities.

(a) Every carrier shall furnish passengers who are denied boarding involuntarily from flights on which they hold confirmed reserved space, immediately after the denied boarding occurs, a written statement explaining the terms, conditions, and limitations of denied boarding compensation, and describing the carrier's boarding priority rules and criteria. The carrier shall also furnish the statement to any person upon request at all airport ticket selling positions which are in the charge of a person employed exclusively by the carrier, or by it jointly with another person or persons, and at all boarding locations being used by the carrier.

(b) Prior to furnishing such statement to any person, each carrier shall file a copy of the statement or any revision thereof in its tariff, as provided in § 250.3. The language of the statement or revision must have the prior approval of the Board unless its text is as prescribed below. (Applications for alternative wording of the statement shall be filed with the Director, Bureau of Pricing and Domestic Aviation.)

COMPENSATION FOR DENIED BOARDING

If you have been denied a reserved seat on [name of air carrier], you are probably entitled to monetary compensation. This notice explains the airline's obligations and the passenger's rights in the case of an oversold flight, in accordance with regulations of the U.S. Civil Aeronautics Board.

VOLUNTEERS AND BOARDING PRIORITIES

If a flight is oversold (more passengers hold confirmed reservations than there are seats available), no one may be denied boarding against his will until airline personnel first ask for volunteers who will give up their reservation willingly, in exchange for a payment of the airline's choosing. If there are not enough volunteers, other passengers may be denied boarding involuntarily, in accordance with the following boarding priority of [name of air carrier]: [In this space carrier inserts its boarding priority rules or a summary thereof, in a manner to be understandable to the average passenger.]

COMPENSATION FOR INVOLUNTARY DENIED BOARDING

If you are denied boarding involuntarily, you are entitled to a payment of "denied boarding compensation" from the airline unless: (1) you have not fully complied with the airline's ticketing, check-in, and reconfirmation requirements, or you are not acceptable for transportation under the airline's tariff filed with the CAB; or (2) you are denied boarding because the flight is canceled; or (3) you are denied boarding because of Government requisition of space or because a smaller capacity aircraft was substituted for safety or operational reasons; or (4) you are offered accommodations in a section of the aircraft other than that specified in your ticket, at no extra charge. (A passenger seated in a section for which a lower fare is charged must be given an appropriate refund.)

AMOUNT OF DENIED BOARDING COMPENSATION

Passengers who are eligible for denied boarding compensation must be offered a payment equal to the sum of the face values of their ticket coupons, with a \$37.50 minimum and \$200 maximum. However, if the airline cannot arrange 'alternate transportation' (see below) for the passenger, the compensation is doubled (\$75 minimum, \$400 maximum). The 'value' of a ticket coupon is the one-way fare for the flight shown on the coupon, including any surcharge and air transportation tax, minus any applicable discount. All flight coupons, including connecting flights, to the passenger's destination or first 4-hour stopover are used to compute the compensation.

'Alternate transportation' is air transportation (by an airline licensed by the C.A.B.) or other transportation used by the passenger which, at the time the arrangement is made, is planned to arrive at the passenger's next scheduled stopover (of 4 hours or longer) or destination no later than 2 hours (for flights within U.S. points, including territories and possessions) or 4 hours (for international flights)

after the passenger's originally scheduled arrival time.

METHOD OF PAYMENT

The airline must give each passenger who qualified for denied boarding compensation, a payment by check or draft for the amount specified above, on the day and place the involuntary denied boarding occurs. However, if the airline arranges alternate transportation for the passenger's convenience that departs before the payment can be made, the payment will be sent to the passenger within 24 hours.

PASSENGER'S OPTIONS

Acceptance of the compensation (by endorsing the check or draft within 30 days) relieves [name of air carrier] from any further liability to the passenger caused by its failure to honor the confirmed reservation. However, the passenger may decline the payment and seek to recover damages in a court of law or in some other manner.

11. Section 250.10 is revised to read as follows:

§ 250.10 Reports of unaccommodated passengers.

(a) Every carrier, except foreign air carriers, shall file reports, on Form 250 (Appendix A of this part), on the number of unaccommodated passengers. The markets for which such reports shall be filed are those for which ontime reporting is filed in accordance with part 234 of the Board's economic regulations and, in addition, New York-San Juan. Local service carriers shall file, in addition to reports which may be required by this section because required by part 234, such data for the five top-traffic markets of each. The reports shall cover the third month in each calendar quarter and shall be filed within 45 days after the month covered by the report.

(b) Every carrier shall file, on a monthly basis, the information specified in Form 251 (Appendix B of this part). The reporting basis shall be all flights originating or terminating at, or serving, a point within the United States or its territories or possessions. The reports are to be submitted within 30 days after the month covered by the report. Carriers with both domestic and international operations shall file separate reports for each.

12. A new § 250.11 is added as follows:

§ 250.11 Public disclosure of deliberate overbooking and boarding procedures.

(a) Every carrier shall cause to be displayed continuously in a conspicuous public place at each desk, station, and position in the United States which is in the charge of a person employed exclusively by it, or by it jointly with another person, or by any agent employed by such air carrier or

foreign air carrier, to sell tickets to passengers a sign, located so as to be clearly visible and clearly readable to the traveling public, which shall have printed thereon the following statement in bold-face type at least one-fourth of an inch high:

NOTICE—OVERBOOKING OF FLIGHTS

Airline flights may be overbooked, and there is a slight chance that a seat will not be available on a flight for which a person has a confirmed reservation. If the flight is overbooked, no one will be denied a seat until airline personnel first ask for volunteers willing to give up their reservation in exchange for a payment of the airline's choosing. If there are not enough volunteers the airline will deny boarding to other

persons in accordance with its particular boarding priority. With few exceptions persons denied boarding involuntarily are entitled to compensation. The complete rules for the payment of compensation and each airline's boarding priorities are available at all airport ticket counters and boarding locations.

(b) Every carrier shall include with each ticket sold in the United States the notice set forth in paragraph (a) of this section, printed in at least 12-point type in ink contrasting with the stock. The notice may be printed on a separate piece of paper, on the ticket stock, or on the ticket envelope.

(c) It shall be the responsibility of each carrier to ensure that travel

agents authorized to sell air transportation for that carrier comply with the notice provisions of paragraphs (a) and (b) of this section.

(d) Any carrier that wishes to use a disclosure notice of its own wording, but containing the substance of the language prescribed in paragraph (a) of this section, may substitute a notice of its own wording upon approval by the Board. Applications for such approval shall be filed with the Director, Bureau of Pricing and Domestic Aviation.

13. The facing page of Appendix B (Form 251) is revised to read as follows:

CAB Form 251 CIVIL AERONAUTICS BOARD Washington, D. C. 20548		Name of Air Carrier _____ QAG Carrier Code _____ Month of _____, 19____ Operations (Check one) <input type="checkbox"/> Domestic <input type="checkbox"/> International
REPORT OF PASSENGERS DENIED CONFIRMED SPACE (To be filed with the Bureau of Accounts and Statistics within 30 days after the end of each month) (See instructions on back)		
1.	Number of passengers denied boarding involuntarily who qualified for denied boarding compensation and:	
	(a) were given alternate transportation within the meaning of §250.5.	
	(b) were not given such alternate transportation.	
2.	Number of passengers denied boarding involuntarily who did not qualify for denied boarding compensation due to:	
	(a) government requisition of space.	
	(b) substitution of smaller capacity equipment.	
	(c) failure of passenger to comply with ticketing, check-in, and reconfirmation procedures or to be acceptable for transportation under carrier's tariff.	
3.	TOTAL NUMBER DENIED BOARDING INVOLUNTARILY	
4.	Number of passengers denied boarding involuntarily who actually received compensation.*	
5.	Number of passengers who volunteered to give up reserved space in exchange for a payment of the carrier's choosing.	
6.	Number of passengers accommodated in another section of the aircraft:	
	(a) Upgrades	
	(b) Downgrades	
7.	Number of passengers enplaned.	
8.	Amount of compensation paid to passengers who:	
	(a) were denied boarding involuntarily and received alternate transportation within meaning of §250.5. (See item 1(a) above).	
	(b) were denied boarding involuntarily and did not receive alternate transportation. (See item 1(b) above).	
	(c) volunteered for denied boarding. (See item 3 above).	
I, the undersigned, (Title) _____ of the above-named carrier certify that the above report has been examined by me and to the best of my knowledge and belief is a true, correct and complete report for the period stated. _____ (Date) _____ (Signature)		

14. The back page of Appendix B (Form 251) is revised to read as follows:

INSTRUCTIONS

(a) Reports shall be filed by all air carriers holding certificates under section 401(d) (1) and (2) of the Federal Aviation Act of 1958, and all foreign route air carriers holding section 402 permits, authorizing the transportation of persons. Reports shall be filed for all flights originating or terminating at, or serving, a point within the United States or its territories or possessions. See Part 250 of CAB Regulations (14 CFR Part 250) for further information.

(b) Separate reports shall be filed for domestic and international operations. Check the box opposite the appropriate heading. "Domestic" includes flight stages with both terminals within territory under U.S. jurisdiction (the 50 States, the District of Columbia, and U.S. territories and possessions). "International" includes flight stages with one or both terminals outside of territory under U.S. jurisdiction.

(c) With respect to item 1, "alternate transportation" for passengers denied boarding involuntarily means comparable air transportation accepted by the passenger which, at the time the arrangement is made, is planned to arrive at the passenger's destination or first stopover (of 4 or more hours) no later than 2 hours for domestic flights or 4 hours for international flights. See §250.5 of CAB regulations for further information.

(d) "Total number denied boarding involuntarily" should equal the sum of Items 1 and 2. If this is not so, attach notes explaining any discrepancy.

(e) With respect to Item 5, a passenger who "volunteers" is a person who responds to the carrier's request for volunteers pursuant to §250.2b of CAB regulations and willingly consents to exchange his confirmed reserved space for a payment of the carrier's choosing. Any passenger selected by the carrier for denied boarding in accordance with any boarding priority other than a request for volunteers is considered to have been denied boarding "involuntarily," whether or not the passenger accepts denied boarding compensation.

(f) With respect to Item 8, "compensation paid" includes all payments made to passengers, i.e. payments actually accepted by passengers, plus payments offered or mailed that are not rejected.

(g) Note on the report any abnormal conditions, such as strikes, having a bearing on the results.

(Secs. 204, 403, 404 and 411, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758, 760 and 769 (49 U.S.C. 1324, 1373, 1374 and 1381).)

NOTE.—The Civil Aeronautics Board is submitting this rule to the Comptroller General for such review as may be appropriate under the Federal Reports Act, 44 U.S.C. 3512. The effective date of this rule accordingly reflects the inclusion of the 45-day period which that statute allows for such review. 44 U.S.C. 3512(c)(2).

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-15415 Filed 6-2-78; 8:45 am]

[8010-01]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5934, 34-14808, 35-20562, IC-10259, AS-247]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Auditor Changes

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is adopting amendments to its rules regarding the reporting of changes in a registrant's independent accountants to require disclosure of whether the decision to change independent accountants was recommended or approved by the audit or similar committee of the Board of Directors. This increased disclosure should aid investors in better understanding and evaluating the registrant's relationship with its independent accountants.

DATE: Effective for all Forms 8-K and proxy materials filed with the Commission after July 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Gretta Powers, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-376-8018.

SUPPLEMENTARY INFORMATION: The Commission published Securities Act Release No. 5868 (42 FR 53633) on September 26, 1977 in which it proposed amendments to its Form 8-K (17 CFR 249.308) and Schedule 14A (17 CFR 240.14a-101) promulgated under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), regarding the reporting of changes in a registrant's independent accountants to require disclosure of (1) the reasons for such changes; and (2) whether the decision to change independent accountants was approved by the registrant's Board of Directors or its audit committee. The second of these proposals is substantially adopted in this release; the first is not. This release discusses the background for the proposed amendments, the comments received and the final rules as adopted.

BACKGROUND

Since 1971, the Commission has required specific disclosure in a timely

Form 8-K filing of any change in the principal independent accountants of the registrant, including disclosure of any disagreements between the registrant and its independent accountants on matters of accounting principles or practices, financial statement disclosure, or auditing scope or procedure. In 1974, in Accounting Series Release No. 165 (40 FR 1010), the Commission added a section to Schedule 14A to require additional disclosure of disagreements between registrants and independent accountants.

As stated in Accounting Series Release No. 165:

One of the underpinnings of the Commission's administration of the disclosure requirements of the federal securities laws is its reliance on the reports of independent public accountants on the financial statements of registrants. These reports provide the assurance of an outside expert's examination and opinion, thereby substantially increasing the reliability of financial statements.

Since that time, the role of the independent accountant as an outside expert has expanded. Auditors now perform limited reviews of interim financial information and, on occasion, report the results of such reviews in Form 10-Q. In addition, generally accepted auditing standards require auditors to report to their clients material weaknesses in internal accounting controls that come to their attention during an examination of financial statements in accordance with such standards.¹

The increased participation by the independent accountant in the financial reporting process makes it even more important that this relationship be fully understood and appreciated by investors and other users of financial information. To sustain confidence in financial statements by their users, the Commission and the accounting profession require that auditors remain independent, both in fact and appearance, of the companies they audit.

REASONS FOR CHANGE IN INDEPENDENT ACCOUNTANTS

The Commission has determined not to require at this time disclosure of the reasons for all changes in independent accountants. The Commission, however, encourages disclosure of these reasons on a voluntary basis.

Respondents to the request for comments were generally opposed to this proposed disclosure requirement. While those in favor stated it would be useful information for investors, few provided elaboration beyond an initial expression of support, and none dis-

¹Statement of Auditing Standards No. 20, "Required Communication of Material Weaknesses in Internal Accounting Control," AICPA, August 1977.

cussed solutions to the potential problems expressed by those who opposed the amendments.

Opposition commentators argued that the disclosure was probably not useful and, in their view, meaningful information would not be presented for a variety of reasons. Most often cited were that the disclosures would take the form of "boilerplate" (e.g. "audit rotation policy," "need a fresh look," etc.); that accountants would be unable to make meaningful comments on subjective reasons (e.g. "poor service," "high fees"); that disclosure of reasons for all changes might downgrade or obscure the disclosures of disagreements now required; that candid disclosures would not be made for fear of litigation involving libel or other allegations; and that disclosure might inhibit changes in accountants (i.e., that it might tend to lead to a continuation of unsatisfactory situations in an effort to avoid disclosure).

While the Commission does not endorse all of the arguments against the proposed disclosure, it nevertheless believes that a requirement for disclosure of reasons for all changes should not be adopted at this time. However, the Commission encourages registrants to include in the Form 8-K filing, on a voluntary basis, information beyond the minimum required concerning changes in accountants. Accountants are encouraged to include such additional information in the former accountant's letter which is required to be filed with Form 8-K.

It is particularly appropriate to include such additional information in filings with the Commission when such matters are discussed in a public forum, to assure the widest public dissemination of such information. For example, in a recent Form 8-K filing regarding a change in independent accountants the registrant indicated that there were no reportable disagreements with their former accountants and the departing accountants concurred. No additional disclosures relative to the change were made in the filing. Accounts in the financial press, however, reflected substantial additional information provided by the registrant and the accountant regarding the change. In the Commission's view, it would have been appropriate to include such information in filings with the Commission.

APPROVAL BY AUDIT COMMITTEE

To enhance the independence of the outside auditor, the Commission has

*The majority of commentators expressed support for the existing disclosure of disagreements between the registrant and the independent accountant on matters of accounting principles or practices, financial statement disclosure or auditing scope or procedure. In fact, no one objected.

encouraged the formation of audit committees. Such committees can serve as links between independent accountants and shareholders and give auditors a knowledgeable level of authority higher than management for the discussion of controversial matters. In furtherance of these objectives, the Commission believes that one of the principal responsibilities of an audit committee should be that of recommending or approving the engagement or discharge of the company's independent accountants.

The Commission's original proposal would have required disclosure of whether changes in accountants were considered, recommended or approved by the Board of Directors or an audit or similar committee thereof. These proposals received broad support from commentators, who stated that such disclosures would be useful to investors in better understanding and evaluating the company's relationship with its independent accountants. The Commission concurs.

The Commission has determined to adopt these amendments substantially as proposed except that, to focus attention on the role of the audit committee, registrants which have audit or similar committees will be required to state affirmatively whether the committee reviewed the change. The amendments include certain other language changes substantially as proposed by the Commission in conjunction with this new requirement. Among these changes is the requirement for proxy statement disclosure of disagreements required to be reported on Form 8-K, whether or not such reports were filed.

DISAGREEMENTS

The Commission is concerned that in recent Form 8-K filings the practice of reporting disagreements has deteriorated. Filings have been made in which the registrant has indicated no disagreements, while the former accountant's letter concludes that reportable disagreements did occur.

The Commission takes this opportunity to remind registrants and former accountants to consider very carefully the requirements regarding the disclosure of disagreements. As the Commission stated in adopting the disclosure of disagreements in ASR No. 165, the term "disagreements" should be interpreted broadly in responding to these requirements.

COMMISSION ACTION: The Commission hereby (1) amends § 240.14a-101 of 17 CFR Part 240 by revising paragraph (c) of Item 8 thereunder and adding new paragraph (f); and (2) amends § 249.308 of 17 CFR Part 249 by adding new paragraph (e) to Item 4 thereunder as given below. These amendments are effective for all Form

8-Ks and proxy statements filed with the Commission after July 31, 1978.

§ 240.14a-101 Schedule 14A. Information required in proxy statement.

Item 8. Relationship with independent public accountants.

(c) If a change or changes in accountants have taken place since the date of the proxy statement for the most recent annual meeting of shareholders, and if in connection with such change(s) a disagreement between the accountant and issuer has been reported or was required to be reported on Form 8-K or in the accountant's letter filed as an exhibit thereto, the disagreement shall be described. Prior to filing the preliminary proxy materials with the Commission which contains or amends such description, the issuer shall furnish the description of the disagreement to any accountant with whom a disagreement has been or was required to be reported. If that accountant believes that the description of the disagreement is incorrect or incomplete, he may include a brief statement, ordinarily expected not to exceed 200 words, in the proxy statement presenting his view of the disagreement. This statement shall be submitted to the issuer within ten business days of the date the accountant receives the issuer's description.

(f) If any change in accountants has taken place since the date of the proxy statement for the most recent annual meeting of shareholders, state whether such change was recommended or approved by:

- (1) Any audit or similar committee of the Board of Directors, if the issuer has such a committee; or
- (2) The Board of Directors, if the issuer has no such committee.

§ 249.308 Form 8-K, for current reports.

Item 4. Changes in Registrant's Certifying Accountant.

(e) State whether the decision to change accountants was recommended or approved by:

- (1) Any audit or similar committee of the Board of Directors, if the issuer has such a committee; or
- (2) The Board of Directors, if the issuer has no such committee.

These amendments have been adopted pursuant to the Securities Exchange Act of 1934, particularly Sections 12, 13, 14, 15(d), and 23(a) (15 U.S.C. 78l, 78m, 78n, 78o(d), 78w) thereof. The Commission considers that any burden on competition imposed by these amendments is neces-

sary and appropriate in furtherance of the purposes of the federal securities laws.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 26, 1978.
[FR Doc. 78-15444 Filed 6-2-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-4001]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Canyonville, Douglas County, Ore.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Canyonville, Douglas County, Ore. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Canyonville, Ore.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Canyonville, are available for review at City Hall, 124 South Main Street, Canyonville, Ore.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations

of flood elevations for the city of Canyonville, Ore.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
School Creek.....	Canyon Ave.....	737
	Main Ave.....	744
	Interstate Highway 5.....	767
	Leland Ave.....	780
Canyon Creek.....	Hill Dr.....	814
	Hamlin Dr.....	715
	Harrison St.....	726
	First St.....	731
	Main Ave.....	746

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14278 Filed 6-2-78; 8:45 am]

[4210-01]

[Docket No. FI-3885]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Moore, Northampton County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Moore, Northampton County, Pa.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Moore, Northampton County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Moore, Northampton County, Pa, are available for review at the Moore Township Municipal Building, R.D. No. 2, Bath, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Moore, Northampton County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hokendavqua Creek.	Downstream corporate limits.	491
	Pheasant Rd.....	496
	Dam No. 1.....	512
	Club Rd.....	515
	Dam No. 2.....	517
	Foot bridge.....	552
	West Walker Rd.....	564

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14279 Filed 6-2-78; 8:45 am]

[4210-01]

[Docket No. FI-3888]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Plumstead, Bucks County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Plumstead, Bucks County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Plumstead, Bucks County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Plumstead, Bucks County, Pa., are available for review at the home of the Plumstead Township Secretary, Ferry Road, Fountainville, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Plumstead, Bucks County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the

Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Delaware River.....	Corporate limits	97
	Lumberville Dam	99
	Confluence of Tohickon Creek	103
Tohickon Creek.....	Confluence with Delaware River	103
	T-405	103
	River Rd	103
Geddes Run	L.R. 09060 (upstream side)	370
	Private road, (abandoned)	373
	Meetinghouse Rd. (upstream side)	424
	Dam No. 1 (upstream side)	429
	Private road (upstream side)	436
	Dam No. 2	467
	Wisner Rd. (upstream side)	471
	Durham Rd. (Pa. Route 413) (upstream)	499
	Old Durham Rd.	501

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14280 Filed 6-2-78; 8:45 am]

[4210-01]

[Docket No. FI-2306]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Upper Makefield, Bucks County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Upper Makefield, Bucks County, Pa.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Upper Makefield, Bucks County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Upper Makefield, Bucks County, Pa., are available for review at the Township Building, Eagle Road, Newton, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Upper Makefield, Bucks County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Delaware River.....	Upstream corporate limit	61
	East Brownsburg Rd. (extended)	80
	Milyard Dr. (extended) ..	56
	Washington Crossing Rd.	52
	Downstream corporate limit	48

Source of flooding	Location	Elevation in feet, above mean sea level
Jericho Creek	Stony Brook Rd.	73
	Black Rd. (extended)	75

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14281 Filed 6-2-78; 8:45 am]

[4210-01]

[Docket No. FI-3892]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Warwick, Bucks County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Warwick, Bucks County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Warwick, Bucks County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Warwick, Bucks County, Pa., are available for review at the Warwick Township Building, 2045 Ginney Lane, Jamison, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

gives notice of his final determinations of flood elevations for the township of Warwick, Bucks County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Neshaminy Creek .	Downstream corporate limits	144
	Dark Hollow Rd.	151
	Confluence with Meetinghouse Tributary	168
	Mill Rd	174
	York Rd	179
	U.S. Route 283	179
	Confluence of Tributary D	184
	Upstream corporate limits	191
Little Neshaminy Creek.	Downstream corporate limits	137
	Grenoble Rd	153
	Upstream of Walton Rd	158
	Almshouse Rd	164
	Confluence of Tributary A	171
	York Rd	188
	Old York Rd	189
	Bristol Rd. (corporate limits)	193
Tributary D to Neshaminy Creek.	Valley Rd	184
	Almshouse Rd	273
	Private Driveway	301
Tributary A to Little Neshaminy Creek.	Confluence with Little Neshaminy Creek	171
	Creek Rd	176
	Driveway No. 1	183
	Mearns Rd	205
	Bristol Rd	223

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14282 Filed 6-2-78; 8:45 am]

[4210-01]

[Docket No. FI-3570]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Brookings, Brookings County, S. Dak.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Brookings, Brookings County, S. Dak. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Brookings, Brookings County, S. Dak.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Brookings, Brookings County, S. Dak., are available for review at the City Hall, Brookings, S. Dak.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Brookings, Brookings County, S. Dak.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Six Mile Creek	Chicago & Northwestern RR.	1,600
	U.S. Highway 14	1,603
	Intersection of Western Ave. and U.S. Highway 14 bypass	1,607
	U.S. Highway 77	1,612

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-14283 Filed 6-2-78; 8:45 am)

[4210-01]

(Docket No. FI-3895)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Manchester, Coffee County, Tenn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Manchester, Coffee County, Tenn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Manchester, Coffee County, Tenn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Manchester, Coffee County, Tenn., are available for review at the Manchester City Hall, 200 West Fort Street, Manchester, Tenn.

FOR FURTHER INFORMATION CONTACT:

RULES AND REGULATIONS

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Manchester, Coffee County, Tenn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Duck River	Downstream corporate limits.	999
	U.S. Highway 41	1,000
	Morton Dam	1,002
	(downstream).	
	Morton Dam (upstream)	1,010
	Upstream corporate limits.	1,013
Little Duck River	Downstream corporate limits.	975
	U.S. Highway 41	994
	State Route 53	995
	(downstream).	
	State Route 53 (upstream).	998
	L. & N. RR.	1,001
	(downstream).	
	L. & N. RR. (upstream)	1,002
	Madison St.	1,006
	(downstream).	
	Madison St. (upstream)	1,007
	State Route 55	1,011
	(downstream).	
	State Route 55 (upstream).	1,012
	Confluence with Wolf Creek.	1,012
	McKeller Dr.	1,023
	(downstream).	
	McKeller Dr. (upstream).	1,025
	Shelton Rd.	1,036
	(downstream).	
	Shelton Rd. (upstream)	1,039
	U.S. Highway 41	1,042
	(downstream).	
	U.S. Highway 41 (upstream).	1,043
	Doak Rd. (downstream).	1,046
	Doak Rd. (upstream)	1,047
	Confluence with Hunt Creek.	1,047

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wolf Creek	Confluence with Little Duck River.	1,012
	Interstate 24 (downstream).	1,030
	Interstate 24 (upstream)	1,031
	Upstream corporate limits.	1,042
Hunt Creek	Confluence with Little Duck River.	1,047
	Dogwood Dr.	1,049
	(downstream).	
	Dogwood Dr. (upstream)	1,050
	Upstream corporate limits.	1,057
Grindstone Creek	Oakdale St.	1,011
	(downstream).	
	Oakdale St. (upstream)	1,018
	Moore St.	1,019
	Spring St. (downstream)	1,022
	Spring St. (upstream)	1,028
	L. & N. RR.	1,030
	(downstream).	
	L. & N. RR. (upstream)	1,039
	S. Ramsey St.	1,039
	Madison St.	1,039
	Coffee St.	1,044
	(downstream).	
	Coffee St. (upstream)	1,045
	Madison St.	1,049
	(downstream).	
	Madison St. (upstream)	1,050
	Park St. (downstream)	1,052
	Park St. (upstream)	1,055
	Oak Dr.	1,055
	L. & N. RR.	1,056

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-14284 Filed 6-2-78; 8:45 am)

[4210-01]

(Docket No. FI-3897)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Hardin County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Hardin County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Hardin County, Tex.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Hardin County, Tex., are available for review at the Hardin County Courthouse at the intersection of Highways 328 and 69, Kountze, Tex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Hardin County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Mill Creek	State Highway 105	38
	Dirt road	46
	Farm to market Route 418.	50
Mill Creek tributary.	Dirt road crossing	45
Little Pine Island Bayou.	G. C. & S. F. RR.	47
	Dirt road crossing	27
	Woodway Blvd.	28
	Woodlake Dr. extended	29
Coon Marsh gully.	Dirt path crossing	28
	Pinewood Blvd.	31
	Pinetown Dr. extended	32
Goleman gully	Pinetown Dr.	29

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

RULES AND REGULATIONS

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-14285 Filed 6-2-78; 8:45 am)

[4210-01]

(Docket No. FI-3902)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Columbia, Fluvanna County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Columbia, Fluvanna County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Columbia, Fluvanna County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Columbia, Fluvanna County, Va., are available for review at the Columbia Town Hall, Washington Street, Columbia, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the town of Columbia, Fluvanna County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for

a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
James and Rivanna River.	Downstream corporate limits.	213
	Route 690	215
	Upstream corporate limits.	216
Cumberland Creek	Chesapeake and Ohio RR.	215
	St. James St.	215
	Payette St.	215
	Upstream corporate limits.	215

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-14286 Filed 6-2-78; 8:45 am)

[4210-01]

(Docket No. FI-3906)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the County of Greenville, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the county of Greenville, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the county of Greenville, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the county of Greenville, Va., are available for review at the County Administrator's Office, 301 South Main, Emporia, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the county of Greenville, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Meherrin River.....	City of Emporia, corporate limits.	97
	Approximately 4,000 ft downstream from the city of Emporia corporate limits.	94
Falling Run.....	Route 730.....	95
	Downstream from Seaboard Coast Line RR. bridge.	100
	Old Halifax Rd.....	114
	Route 301.....	114
	Interstate 95.....	114

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-14287 Filed 6-2-78; 8:45 am)

[4210-01]

(Docket No. FI-3907)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Roanoke County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Roanoke County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Roanoke County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Roanoke County, Va., are available for review at the County Courthouse, 305 East Main Street, Salem, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Roanoke County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Roanoke River.....	Confluence with Back Creek.	809
	Bedford County line.....	822
	Blue Ridge Parkway.....	842
	Niagara Dam (downstream).	847
	Niagara Dam (upstream).	895
	Roanoke City corporate limits.	904
	Salem City corporate limits.	1,038
	Duguids Lane.....	1,050
	Norfolk & Western RR. (downstream).	1,073
	Norfolk & Western RR. (upstream).	1,078
	Virginia Route 648.....	1,085
	Virginia Route 612 (upstream).	1,098
	Norfolk & Western RR. (upstream).	1,100
	Virginia Route 734.....	1,106
	Virginia Route 639.....	1,110
	Norfolk & Western RR. (upstream).	1,113
	Virginia Route 639.....	1,123
	Norfolk & Western RR. (upstream).	1,145
	Virginia Route 689.....	1,164
	Norfolk & Western RR. (upstream).	1,167
	Virginia Route 821.....	1,178
	Montgomery County line.	1,178
Back Creek.....	Virginia Route 615.....	1,078
	Virginia Route 613.....	1,119
	Dam.....	1,135
	Virginia Route 735.....	1,181
	Virginia Route 688.....	1,226
	Virginia Route 690.....	1,255
	Virginia Route 692.....	1,278
	Private road (1,900 ft upstream of Route 892).	1,307
Glade Creek.....	Roanoke City corporate limits.	940
	Norfolk & Western RR. (downstream).	962
	Norfolk & Western RR. (upstream).	965
	Virginia Route 606.....	980
	Virginia Route 636 (upstream).	993
Glade Creek tributary.	Botelourt County line.....	998
	Confluence with Glade Creek.	960
	Virginia Route 758 (upstream).	964
	U.S. Highway 460 (downstream).	1,000
	U.S. Highway 460 (upstream).	1,006
Cook Creek.....	Confluence with Glade Creek.	984
	Virginia Route 603 (upstream).	987
	U.S. Highway 460 (downstream).	991
	U.S. Highway 460 (upstream).	1,003
	Virginia Route 781.....	1,019
	Botelourt County line.....	1,024
Tinker Creek.....	Confluence with Carvin Creek.	983
	Virginia Route 115.....	988
	Dam (downstream).	992
	Dam (upstream).	1,002
	Clearwater Ave. (downstream).	1,044
	Clearwater Ave. (upstream).	1,052
	Ardmore Dr. (downstream).	1,060
	Ardmore Dr. (upstream).	1,069
	Virginia Route 648 (downstream).	1,098

42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-14288 Filed 6-2-78; 8:45 am)

[4210-01]

(Docket No. FI-3908)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Winchester, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Winchester, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Winchester, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Winchester, Va., are available for review at the Rouss City Hall, Winchester, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the city of Winchester, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	U.S. Highway 11 and 220 (downstream).	1,099
	U.S. Highway 11 and 220 (upstream).	1,101
Carvin Creek.....	Confluence with Tinker Creek.	983
	Hershberger Rd.....	986
	Virginia Route 623.....	988
	Orlando Ave. (downstream).	1,000
	Confluence of west fork Carvin Creek.	1,002
	Virginia Route 601 (downstream).	1,024
	Virginia Route 601 (upstream).	1,029
	Hugh Ave. (upstream)....	1,035
	U.S. Highway 11 and 220 (upstream).	1,040
	Footbridge to Hollins College (upstream).	1,044
	Service road (downstream).	1,054
	Interstate 81.....	1,056
West fork Carvin Creek.	Confluence with Carvin Creek.	1,002
	U.S. Highway 11 and 220 (downstream).	1,006
	Virginia Route 623.....	1,010
	Roanoke City corporate limits.	1,032
	Virginia Route 118 (downstream).	1,042
	Virginia Route 118 (upstream).	1,047
	Virginia Route 117 (upstream).	1,060
	Virginia Route 1832 (downstream).	1,079
	Virginia Route 1832 (upstream).	1,084
	Private road (3,300 ft upstream of Virginia Route 1832).	1,118
	Private road (5,100 ft upstream of Virginia Route 1832).	1,147
	Private road (5,950 ft upstream of Virginia Route 1832).	1,161
Ore Branch tributary.	Interstate 81 (upstream).	1,168
	Roanoke City corporate limits.	1,058
	Virginia Route 119.....	1,093
	Roanoke City corporate limits.	1,104
Murray Run.....	Ogden Rd.....	1,068
	5,000 ft upstream of Ogden Rd.	1,088
	9,000 ft upstream of Ogden Rd.	1,118
Mudlick Creek.....	Grandin Rd.....	1,003
	Garst Mill Rd.....	1,011
	City of Roanoke corporate limits.	1,022
	Halevan Rd. (upstream).	1,033
	Crest Hill Dr. (upstream).	1,049
	Virginia Route 419 (upstream).	1,066
	Cave Spring Lane (downstream).	1,084
	Cave Spring Lane (upstream).	1,087
Mudlick Creek tributary (lower).	Confluence with Mudlick Creek.	1,049
	Kirkwood Dr.....	1,050
	McVitty Rd. (downstream).	1,094
	McVitty Rd. (upstream).	1,098
Mudlick Creek tributary (upper).	Confluence with Mudlick Creek.	1,056
	Cave Springs Lane (downstream).	1,073
	Cave Springs Lane (upstream).	1,075

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended;

a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Abrams Creek.....	I-81 (north-bound lane) Confluence with Town Run.	848
	Entrance to Shenandoah College.	653
	Road to College Dr	657
	Routes 50 and 522	664
	Featherbed Lane	682
	Baltimore & Ohio RR	700
	South Loundon St.....	706
	O'Sullivan Corp. private road.	715
	Valley Ave.....	724
	Winchester & Western RR. (downstream crossing).	745
	Winchester & Western RR. (upstream crossing).	774
	Upstream corporate limits.	779
Buffalo Lick Run..	1,250 ft downstream I-81.	698
	I-81.....	704
	Downstream corporate limits.	711
	Paper Mill Rd. (extended).	726
	Baltimore & Ohio RR. (extended).	732
Town Run	Park entrance	653
	Pleasant Valley Rd	662
	Church parking lot	670
	Springcrest St	671
	Baltimore & Ohio RR	683
	Private road.....	686
	Pall Mall St	686
	Cork St. (upstream).....	707
	Kent St.....	707
	Stewart St.....	723
	Culvert	732
	Shopping center culvert.	734
	Private road.....	739
	Flood control basin outlet culvert.	760
	Wood Ave.....	765
	Myrtle Ave.....	774
	Fox Dr	780
	Linden Dr.....	791
	Upstream corporate limits.	819
Redbud Run tributary.	Pennsylvania Ave.....	726
	ConRail	732
	ConRail (100 ft upstream).	741
	ConRail (700 ft upstream).	741

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14289 Filed 6-2-78; 8:45 am]

[4210-01]

[Docket No. FI-3912]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Douglas, Converse County, Wyo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Douglas, Converse County, Wyo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Douglas, Wyo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Douglas, are available for review at Town Hall, Douglas, Wyo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Douglas, Wyo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been

provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Miller Draw.....	Burlington Northern RR.	4,817
	County road (near Burlington Northern RR.).	4,817
North Platte River.	State Highway 20 and 87.	4,790
Antelope Creek	Chicago North Western RR.	4,794
	Burlington Northern RR.	4,798
	2d St.....	4,799
East Antelope Creek.	State Highway 59	4,805
Unnamed drainage.	5th St.....	4,807
	Burlington Northern RR.	4,812

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14290 Filed 6-2-78; 8:45 am]

[4210-01]

[Docket No. FI-3956]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Kanabec County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Kanabec County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Kanabec County, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Kanabec County, are available for review at Kanabec County Courthouse, Mora, Minn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Kanabec County, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Snake River	Minnesota Highway 107.	951
	County Rd. 43	952
	County State Aid Highway 11.	958
	Minnesota Highway 65	983
	County State Aid Highway 19.	995
	County State Aid Highway 3.	1,020
Ann Lake	Along Lake Shore.....	962

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14259 Filed 6-2-78; 8:45 am]

[4210-01]

[Docket No. FI-4023]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Loves Park, Winnebago County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Loves Park, Winnebago County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Loves Park, Winnebago County, Ill.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Loves Park, Winnebago County, Ill., are available for review at the Loves Park City Hall, 540 Loves Park Drive, Loves Park, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Loves Park, Winnebago County, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rock River	Downstream corporate limits.	709
	Riverside Blvd.....	711
	Upstream corporate limits.	712
Main Drainage Ditch.	Upstream of Pearl Ave... Blvd.	718
	Upstream of Riverside Blvd.	724
	Upstream of Elm Ave	729
	Private factory road.....	731

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14260 Filed 6-2-78; 8:45 am]

[4210-01]

[Docket No. FI-3945]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Rolling Meadows, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Rolling Meadows, Cook County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Rolling Meadows, Cook County, Ill.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Rolling Meadows, Cook County, Ill., are avail-

able for review at the City Hall, 3600 Kirchhoff Road, Rolling Meadows, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Rolling Meadows, Cook County, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Salt Creek	Old Plum Grove Rd.	726
	Meacham Rd.	716
	Briarwood Lane	712
	State Route 53	706
	Central Rd.	705
Arlington Heights Branch of Salt Creek	Confluence of Arlington Heights Branch	702
	Algonquin Rd.	701
	Golf Rd.	691
	Euclid Ave.	709
	Campbell Rd.	707
	Kirchoff Rd.	706
	Central Rd. (upstream face).	704
	Confluence with Salt Creek.	702

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14261 Filed 6-2-78; 8:45 am]

[4210-01]

[Docket No. FI-3953]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Pratt, Pratt County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Pratt, Pratt County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Pratt, Pratt County, Kans.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the city of Pratt are available for review at the Municipal Building, Pratt, Kans.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Pratt, Pratt County, Kans.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
South Fork Minnescah River.	750 ft downstream of Country Club Rd.	1834
	At Country Club Rd.	1837
	Confluence with Valley View Ditch.	1838
	1050 ft downstream of Southeastern corporate limit.	1839
	Confluence with Big Ditch.	1843
	At Main St.	1850
	2100 ft upstream of Main St.	1851
	4600 ft. upstream of Main St.	1854
	2500 ft Downstream of West River Rd.	1881
	At West River Rd.	1868
Big Ditch	5800 ft upstream of West River Rd.	1879
	2.4 miles upstream of West River Rd.	1890
	150 ft downstream of Santa Fe RR.	1845
	Just upstream of Santa Fe RR.	1848
	100 ft downstream of Main St.	1853
	At Main St.	1855
	400 ft upstream of Jackson St.	1858
	At 8th St.	1858
	At 7th St.	1861
	At 6th St.	1862
Valley View Ditch.	At 4th St.	1865
	High School Track	1867
	Downstream of Blaine St.	1870
	50 ft downstream of Cleveland St.	1872
	At Cleveland St.	1873
	At 6th St.	1838
	600 ft upstream of 6th St.	1842
	50 ft downstream of 1st St.	1849
	50 ft downstream of 1st St.	1855
	1250 ft upstream of Eastern corporate limit.	1855

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14262 Filed 6-2-78; 8:45 am]

[4210-01]

[Docket No. FI-3187]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Shawnee, Johnson County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Shawnee, Johnson County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Shawnee, Johnson County, Kans.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Shawnee are available for review at the City Clerk's Office, City Hall, 1110 Johnson Drive, Shawnee, Kans.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Shawnee, Johnson County, Kans.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Mill Creek	0.75 mile above confluence with Mill Creek.	789
	Upstream of Warwick Ave.	794
	Upstream of Renner Rd.	849
	Lackman Rd.	877
Mill Creek	Southern corporate limits.	889
	Northern corporate limits.	772
	Atchison, Topeka and Santa Fe RR.	772
	State Highway No. 10	788
	Confluence of Little Mill Creek.	788
	2.85 miles above State Highway No. 10.	805

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14263 Filed 6-2-78; 8:45 am]

[4210-01]

[Docket No. FI-3767]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Elba, Winona County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Elba, Winona County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Elba, Minn.

ADDRESS: Maps and other information showing the detailed outlines of

the flood-prone areas and the final elevations for the city of Elba, are available for review at City Hall, Elba, Minn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Elba, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Whitewater River.	Winona County 26 bridge.	738

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14264 Filed 6-2-78; 8:45 am]

[4210-01]

[Docket No. FI-4034]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**Final Flood Elevation Determination for the City of New Prague, Scott County, Minn.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of New Prague, Scott County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the city of New Prague, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of New Prague, are available for review at City Hall, 118 Central Avenue North, New Prague, Minn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of New Prague, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

RULES AND REGULATIONS

flood-prone areas in accordance with 24 CFR Part 1910.
The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary to Raven Creek.	Minnesota Highway 21 ...	959
	7th St. NW	961
	Chicago & Northwestern RR. (750 ft downstream of 2nd St. NW).	966
	Main St.	971
North Branch of tributary to Raven Creek.	4th Ave. SW. (upstream side, 2,700 ft upstream of Main St.)	977
	County Rd. 144	988
South Branch of tributary to Raven Creek.	Columbus Ave. North	960
	7th St. NE	960
	Central Ave. South	984
	1st Ave. SE	988

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14285 Filed 6-2-78; 8:45 am]

[4210-01]

[Docket No. FI-3844]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**Final Flood Elevation Determination for the City of Watertown, Carver County, Minn.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Watertown, Carver County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Watertown, Minn.

ADDRESS: Maps and other information showing the detailed outlines of

the flood-prone areas and the final elevations for the city of Watertown, Carver County, Minn., are available for review at City Hall, Watertown, Minn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Watertown, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Fork Crow River.	County State Aid Highway 10 Bridge.	937
	Chicago & Northwestern RR.	929
Mapes Creek	Carver County Road No. 10 Bridge.	935
	Pedestrian bridge	935

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14266 Filed 6-2-78; 8:45 am]

[4210-01]

[Docket No. FI-3852]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**Final Flood Elevation Determination for the Town of Litchfield, Hillsborough County, N.H.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Litchfield, Hillsborough County, N.H. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Litchfield, Hillsborough County, N.H.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Litchfield, Hillsborough County, N.H., are available for review at the Town Hall Litchfield, N.H.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the town of Litchfield, Hillsborough County, N.H.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

RULES AND REGULATIONS

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Merrimack River	Corporate limits (1.46 mi south of confluence of Chase Brook).	115
	Confluence of Chase Brook.	116
	Confluence of Colby Brook.	122
Neseneag Brook	Approximately 100 ft upstream of State Route 3A.	130
	Western corporate limits.	173
Chase Brook	Approximately 100 ft upstream of State Route 3A.	136
	Approximately 100 ft downstream of North-South Road.	168
Tributary B	Just upstream of Cranberry Lane.	171
	Just upstream of Page Rd.	176

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14267 Filed 6-2-78; 8:45 am]

[4210-01]

[Docket No. FI-3966]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**Final Flood Elevation Determination for the Village of Ardsley, Westchester County, N.Y.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Ardsley, Westchester County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the village of Ardsley, Westchester County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Ardsley, Westchester County, N.Y. are available for review at the Ardsley Administrative Office, 505 Ashford Avenue, Ardsley, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the village of Ardsley, Westchester County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saw Mill River	Downstream corporate limit.	129
	Elm Street Bridge	130
	New York State Thruway.	130
Sprain Brook	Ashford Ave.	132
	Old Ashford Ave.	133
	Downstream corporate limit.	180
	Ashford Ave.	181
	Cross road	186
	Access road—Our Lady of Perpetual Help School.	193
	Upstream	193
	Downstream	187

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended

(42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-14268 Filed 6-2-78; 8:45 am)

[4210-01]

[Docket No. FI-3991]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Carlton, Orleans County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Carlton, Orleans County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Carlton, Orleans County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Carlton, Orleans County, N.Y., are available for review at the Town Hall, R.F.D. No. 4, Albion, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the town of Carlton, Orleans County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act

of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Ontario (wave run-up).	Yates-Carlton Town Line Rd.	251
	Harris Rd. (extended).....	251
	Hard Rd. (extended).....	251
	Wilson Rd. (extended).....	252
	Archibald Rd. (extended).....	251
	Point Breeze Rd. (extended).....	251
	Mouth of Oak Orchard Creek.	249
	Sawyer Rd. (extended).....	251
	Kent Rd. (extended).....	251
	Transit Rd. (extended).....	251
Johnson Creek	Confluence with Lake Ontario.	249
	Lake Shore Rd.....	252
	Route 18.....	258
	Dirt road.....	262
	Harris Rd.....	264
	Town Line Rd.....	269
	Confluence with Lake Ontario.	249
	Lake Ontario State Parkway.	250
	Marsh Creek Rd.....	251
	Route 18.....	252
Oak Orchard Creek.	Eagle Harbor-Waterport Rd.	332
	Confluence with Oak Orchard Creek.	252
	Confluence with Beardsley Creek.	257
	Sawyer Rd.....	275
	Bills Rd.....	288
	Kent Rd. (4,700 ft upstream of Bills Rd.).	307
	East Kent Rd. (700 ft downstream of New York Route 18).	313
	Route 18.....	316
	East Kent Rd. (2,100 ft upstream of New York Route 18).	323
	ConRail.....	336
Marsh Creek	Ford St.....	338
	East Kent Rd. (2,550 ft upstream of Ford St.).	339
	East Kent Rd. (2,000 ft downstream of Baker Rd.).	249
	Baker Rd.....	352
	Kent Rd. (1,700 ft upstream of Baker Rd.).	366
	Farm drive.....	369
	Corporate limits (upstream).	374
	Confluence with Oak Orchard Creek.	334
	Hanlon Rd.....	335
	Eagle Harbor-Waterport Rd.	338
Otter Creek	Confluence with Oak Orchard Creek.	334
	Hanlon Rd.....	335
	Eagle Harbor-Waterport Rd.	338
	Confluence with Oak Orchard Creek.	334
	Hanlon Rd.....	335
	Eagle Harbor-Waterport Rd.	338
	Confluence with Oak Orchard Creek.	334
	Hanlon Rd.....	335
	Eagle Harbor-Waterport Rd.	338
	Confluence with Oak Orchard Creek.	334

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-14269 Filed 6-2-78; 8:45 am)

[4210-01]

[Docket No. FI-3915]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Irvington, Westchester County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Irvington, Westchester County, N.Y.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Irvington, Westchester County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Irvington, Westchester County, N.Y. are available for review at the Irvington Village Clerk's Office, 85 Main Street, Irvington, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Irvington, Westchester County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L.

93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sawmill River	Woodlands Lake Dam.....	156
	Footbridge.....	158
	ConRail.....	163
	Corporate limits.....	163
Barney Brook	Footbridge off Woodbine Rd.	82
	Station Rd. (upstream side of Woodbine Rd.).	78
	Private way (upstream side of Station Rd.).	81
	Private way (downstream side of Croton aqueduct).	89
	Station Rd. (downstream side of Croton aqueduct).	90
	Croton aqueduct (upstream side).	95
	Private way (upstream side of Croton aqueduct).	89
	U.S. Route 9.....	114
	Private way (upstream of U.S. Route 9).	145
	Harriman Rd. (downstream side of Victor Dr.).	154
Sunnyside Brook	Footbridge (upstream side of Victor Dr.).	162
	Sycamore Lane.....	177
	Private way (upstream side of Sycamore Lane).	200
	Parkside Way (upstream side).	227
	Harriman Rd. (upstream side of Parkside Way).	229
	Park Rd.....	239
	Footbridge (upstream side of Park Rd.).	240
	Footbridge (upstream side of Hillside Terrace).	241
	Harriman Rd. (upstream side of Hillside Terrace).	241
	Meadow Way.....	242
Barney Brook tributary.	Private way (downstream side of Dunham Pl.).	245
	Private way (upstream side of Dunham Pl.).	245
	Daisy Lane (upstream side).	264
	Private way (upstream side of Daisy Lane).	267
	Footbridge (280 ft upstream of Daisy Lane).	272
	Footbridge (340 ft upstream of Daisy Lane).	273
	Footbridge (398 ft upstream of Daisy Lane).	273
	Private way (downstream of Irvington Reservoir).	287
	Private way (north side of Irvington Reservoir).	293
	Upstream limit of detailed study (9,413 ft above Buckhout St. Confluence with Barney Brook).	392
Sunnyside Brook	Station Rd.....	104
	Footbridge (290 ft upstream of Station Rd.).	119
	Footbridge (450 ft upstream of Station Rd.).	127
	Dows Lane.....	155
	U.S. Route 9.....	157
	Abbott Mews Rd.....	162
	East Clinton Ave.....	166
	Footbridge (1,200 ft upstream of East Clinton Ave).	212
	Footbridge (1,500 ft upstream of East Clinton Ave).	224
	Upstream limit of detailed study (3,948 ft above confluence with Barney Brook).	260
Sunnyside Brook	ConRail.....	8
	Footbridge (414 ft upstream of ConRail).	11
	Private Rd. (690 ft upstream of ConRail).	41
	Private Rd. (1,030 ft upstream of ConRail).	59
	Private Rd. (1,160 ft upstream of ConRail).	70
	Sunnyside Lane (downstream side of Old Croton aqueduct).	91
	Footbridge (592 ft upstream of Sunnyside Lane).	119
	Footbridge (652 ft upstream of Sunnyside Lane).	121
	Old Croton aqueduct (upstream side).	151
	Footbridge (upstream side of Old Croton aqueduct).	151
Sunnyside Brook	Sunnyside Lane (upstream side of Old Croton aqueduct).	193
	U.S. Route 9.....	209
	Private Rd. (328 ft upstream of U.S. Route 9).	220
	Private Rd. (770 ft upstream of U.S. Route 9).	252
	Private driveway (92 ft downstream of Hudson View Ave.).	260
	Private driveway (20 ft downstream of Hudson View Ave.).	262
	Hudson View Ave.....	265
	Footbridge (upstream of Hudson View Ave.).	282
	Upstream limit of detailed study (8,587 ft above beginning of detailed study).	284
	Footbridge (upstream of Hudson View Ave.).	284

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-14270 Filed 6-2-78; 8:45 am)

[4210-01]

[Docket No. FI-3990]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Manlius, Onondaga County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Manlius, Onondaga County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Manlius, Onondaga County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Manlius, Onondaga County, N.Y., are available for review at the Manlius Village Clerk's Office, 102 Washington Street, Manlius, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Manlius, Onondaga County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added sec-

tion 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Limestone Creek ...	Yeaworth Rd. extended, Confluence of Ledyard Canal.	501
	Pleasant St. extended	551
	State Route 173	562
	Upstream corporate limits.	578
West Branch Limestone Creek.	State Route 173	650
	Ravenswood Lane extended.	554
	Most upstream corporate limit.	579
Sweet Road Tributary.	Carriage House East Rd., downstream crossing.	582
	Glenciff Rd	576
	Glenciff Rd. extended, upstream location.	601
	Upstream corporate limit.	635

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14271 Filed 6-2-78; 8:45 am]

[4210-01]

[Docket No. FI-3917]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Mount Vernon, Westchester County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for se-

lected locations in the city of Mount Vernon, Westchester County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Mount Vernon, Westchester County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Mount Vernon, Westchester County, N.Y., are available for review at the Mount Vernon City Hall, Roosevelt Square, Mount Vernon, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Mount Vernon, Westchester County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hutchinson River.	South Fulton Ave	13
	East Third St	14
	East Lincoln Ave	30
	Upstream corporate limits.	62
Bronx River	Oak St	76

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	West Broad St.	81
	ConRail (upstream)	83

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 18, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14272 Filed 6-2-78; 8:45 am]

[4210-01]

[Docket No. FI-3461]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Rochester, Monroe County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Rochester, Monroe County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Rochester, Monroe County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Rochester, Monroe County, N.Y., are available for review at the lobby in the Rochester City Hall, 30 West Broad Street, Rochester, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

[4210-01]

[Docket No. FI-2888]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Fayetteville, Cumberland County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Fayetteville, Cumberland County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base flood elevations for the city of Fayetteville, Cumberland County, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Fayetteville, Cumberland County, N.C., are available for review at the City Inspection Office, City Hall, Fayetteville, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the city of Fayetteville, Cumberland County, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been

gives notice of the final determinations of flood elevations for the city of Rochester, Monroe County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Genesee River	Mouth	249
	Stutson St.	249
	State Route 104 (Ridge Rd.)	251
	Park Ave	256
	Lyell Ave	397
	Platt St.	403
	Andrews St	491
	Broad St	494
	I-490	512
	Clarissa St	514
Lake Ontario	Elmwood Ave	517
	Southern corporate limits.	520
	Lake Ave	251
	Corporate limits at east end of Durand-Eastman Park.	252
Red Creek	Confluence with Barge Canal.	518
	Hawthorne Dr	518
	East River Rd	519
	Confluence of west branch, Red Creek.	521
West branch, Red Creek.	Confluence with Red Creek.	521
	Crittenden Rd	522
Irondequoit Creek	Eastern corporate limits (Tryon Park Rd.) ..	256

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14273 Filed 6-2-78; 8:45 am]

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provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cape Fear River	Upstream corporate limits.	91
	Highway 301	84
	Downstream of Person St.	83
	Downstream corporate limits.	82
Locks Creek	Person St	83
	Interstate 95	83
Buzzards Branch...	Clinton Rd	83
Cross Creek	Highway 301	84
	Upstream of Anderson St.	91
	Upstream of Central Business Loop.	100
	Upstream of Langdon St..	117
	Upstream corporate limits.	133
Blounts Creek.....	Hawley Lane.....	84
	Upstream of Gillespie St..	93
	Upstream of Whitfield St.	112
	Downstream of Owen Dr.	146
Branson Creek.....	Upstream of Robeson St..	105
	Upstream of Raeford Rd.	129
	Upstream of Murray Hill Rd.	178
	Upstream of Cliffdale Rd.	186
Hybarts Branch ...	Upstream of Mirror Lake Dr.	144
	Upstream of Morganton Rd.	161
	Upstream of Skye Dr	188
Dark Branch	Upstream of Village Dr ..	150
Little Cross Creek.	Upstream of Jackson Ave.	102
	Downstream of Pamalee Rd.	133
Eutaw Creek	Upstream of McGougan Rd.	130
	Downstream of Stamper Rd.	158
Cool Spring Branch.	Upstream of Forest Hill Dr.	133
	Corporate limits	170
Country Club Branch.	Upstream of Rosehill Rd.	125
	Upstream Country Club Dr.	139
	Downstream of Hillard Dr.	147
Cedar Falls Creek.	Downstream of Raleigh Rd. (U.S. Highway 401).	108

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Upstream corporate limits.	145

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 18, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14274 Filed 6-2-78; 8:45 am]

[4210-01]

[Docket No. FI-3924]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Bellevue, Sandusky County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Bellevue, Sandusky County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Bellevue, Sandusky County, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Bellevue, Sandusky County, Ohio, are available for review at the Bellevue City Hall, 108 West Main Street, Bellevue, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of Flood elevations for the city of Bellevue, Sandusky County, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big ditch	Upstream corporate limits.	776
	Norfolk & Western RR..	760
	Main St.....	756
	Ner Rd	751

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14275 Filed 6-2-78; 8:45 am]

[4210-01]

[Docket No. FI-3996]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Pandora, Putnam County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Pandora, Putnam County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Pandora, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Pandora, are available for review at Village Hall, Main and Jefferson Streets, Pandora, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Pandora, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Riley Creek	Madison Ave.....	767
	Akron, Canton & Youngstown RR.	762
	State Road 12 (Washington St.).	759

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14276 Filed 6-2-78; 8:45 am]

[4210-01]

[Docket No. FI-3928]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Rocky River, Cuyahoga County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Rocky River, Cuyahoga County, Ohio.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Rocky River, Cuyahoga County, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Rocky River, Cuyahoga County, Ohio, are available for review at the Rocky River City Hall, 21012 Hillard Boulevard, Rocky River, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Rocky River, Cuyahoga County, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 1001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum.
Rocky River	Mouth of Rocky River	576
	Lake Rd.	576
	Norfolk and Western	578
Spencer Creek	Detroit Ave.	579
	Mouth of Spencer Creek	576
	Westlake Rd.	583
	Norfolk and Western	618
	I-90 (upstream)	629
	Detroit Ave. (upstream)	654
	Hillard Blvd. (upstream)	686
	Center Ridge Rd.	693

(National Flood Insurance Act of 1968 (title XIII Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 23, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 29, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-14277 Filed 6-2-78; 8:45 am)

[3510-25]

Title 32A—National Defense, Appendix

CHAPTER VI—INDUSTRY AND TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 634—COPPER AND COPPER-BASE ALLOYS (DMS ORDER 4)

Revision of Copper Set-aside Percentages and Base Period

AGENCY: Industry and Trade Administration, Bureau of Trade Regulation.

ACTION: Final rule.

SUMMARY: The Commerce Department is revising the schedule establishing the amount of copper controlled materials that the copper industry must reserve for use for national defense programs authorized by the Director of the Federal Preparedness Agency of GSA. Although the need for copper controlled materials under these programs has not changed much since this schedule was last revised, the percentage set-asides for one copper product is being reduced to reflect slightly lower defense requirements. The base period against which the percentage is applied to determine a company's maximum obligation is being changed to 1977.

EFFECTIVE DATE: This revised schedule becomes effective July 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Rodney A. Joseph, Priorities and Allocations Division, Office of Industrial Mobilization, Bureau of Trade Regulation, Industry and Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-3634.

SUPPLEMENTARY INFORMATION: The revision changes Schedule A of May 17, 1977 to DMS Order 4 by changing the base period from calendar year 1976 to calendar year 1977, and by changing the set-aside percentage from 4 to 3 percent on unalloyed rod, bar, shapes, and wire. The purpose of the changes is to more adequately reflect the current structure of the copper controlled materials industry and the current authorized national defense program requirements for copper controlled materials.

This amendment of Schedule A to DMS Order 4 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended (50 U.S.C. App. 2154). In the formulation of this order, there was consultation with industry representatives, including trade association rep-

resentatives and consideration was given to their recommendations. This regulation does not meet the criteria proposed in the Industry and Trade Administration's draft order, developed to implement Executive Order 12044, regarding the identification of significant regulations.

This amendment applies to authorized controlled material orders calling for delivery after June 30, 1978.

AUTHORITY: (Defense Production Act of 1950, as amended (64 Stat. 816; 50 U.S.C. App. 2061 et. seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9883, 11447, 3 CFR 1949-1953 Com., p. 962; Executive Order 11725, 38 FR 17175; DMO 3, 32A CFR 15; Department of Commerce Organization Order 10-3, 42 FR 64721; and Department of Commerce, Industry and Trade Administration Organization and Function Order 45-1, as amended 42 FR 64716, 43 FR 13599.)

Schedule A—Set-aside percentages appearing at the end of 32A CFR Part 634 is revised to read as follows:

SCHEDULE A TO DMS ORDER 4	
(See Sec. 6(f) of DMS Order 4)	
Base Period—January-December 1977	
(See Sec. 2(a) of DMS Order 4)	
Product	Set-aside percentage
Brass mill products:	
Unalloyed:	
Plate, sheet, strip, and rolls	2
Rod, bar, shapes, and wire	3
Seamless tube and pipe	2
Alloyed:	
Plate, sheet, strip, and rolls	2
Rod, bar, shapes, and wire	2
Seamless tube and pipe	6
Military ammunition cups and discs	(1)
Copper wire mill products:	
Copper wire and cable:	
Bare and tinned	2
Weatherproof	2
Magnet wire	2
Paper and lead power cable	2
Paper and lead telephone cable	2
Asbestos cable	2
Portable and flexible cord	2
Communications wire and cable	2
Shipboard cable	2
Automotive and aircraft wire cable	2
Insulated power cable	2
Signal and control cable	2
Coaxial cable	2
Copper-clad steel wire containing over 20 pct copper by weight regardless of end use	2
Copper foundry products	2
Unalloyed copper powder mill products	(1)
Copper-base alloy powder mill products	(1)

¹Effective after June 30, 1978.

(1) No reserve space required. Producers of these products are nevertheless required to accept authorized controlled material orders for such products in accordance with the provisions of DMS Regulation No. 1 and this order. However, Section 6(f) of DMS Order 4 does not apply to such authorized controlled material orders.

Dated: May 27, 1978.

STANLEY J. MARCUSS,
Deputy Assistant Secretary
for Trade Regulation.

(FR Doc. 78-15507 Filed 6-2-78; 8:45 am)

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D—WATER PROGRAMS

(FRL 905-5)

PART 118—DETERMINATION OF HARMFUL QUANTITIES FOR HAZARDOUS SUBSTANCES

Correction and Clarification of Provisions

AGENCY: Environmental Protection Agency.

ACTION: Amendments to final rule.

SUMMARY: On March 13, 1978, EPA published regulations under the Clean Water Act to control the discharge of hazardous substances. The regulations apply in some circumstances to discharges from facilities holding permits under the National Pollutant Discharge Elimination System (NPDES) of the Act. EPA has determined that regulatory provisions concerning applicability to NPDES-permitted discharges are in need of correction and clarification. Appropriate regulatory amendments are published below. EPA is also deferring for 60 days the regulations' effective date for discharges subject to NPDES permits.

DATES: The amendments are effective June 5, 1978. Written public comments will be accepted until July 20, 1978. The effective date for NPDES-permitted discharges is deferred from June 12, to August 11, 1978.

ADDRESS: Public comments will be available for inspection and copying at the EPA Library, Room 2922, 401 M Street SW., Washington, D.C. (A reasonable fee may be charged for copying under 40 CFR part 2.)

FOR FURTHER INFORMATION CONTACT:

Elizabeth F. Kroop (EN-338), EPA Office of Water Enforcement, Washington, D.C. 20460, phone 202-755-8731.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On March 13, 1978 (43 FR 10474), EPA published final regulations under section 311 of the Clean Water Act (Pub. L. 92-500 as amended by Pub. L. 95-217) which set forth a comprehen-

sive scheme to control the discharge of hazardous substances. Under these regulations, a person is subject to various requirements and penalties for discharging a "designated" hazardous substance in a "harmful quantity." In new 40 CFR part 116, EPA designated 271 substances as hazardous. In new 40 CFR part 118, EPA issued rules for determining harmful quantities of these 271 substances. Related regulations are codified at 40 CFR parts 117 and 119.

These regulations apply in some circumstances to discharges from facilities which are required to obtain National Pollutant Discharge Elimination System (NPDES) permits under section 402 of the Act. In an effort to provide consistency and coordination between sections 311 and 402, EPA stated in the regulations that a discharge would not be deemed a violation under section 311 if the source owner could show the discharge to be in "compliance with" a section 402 NPDES permit. 40 CFR 118.1 (last sentence), 43 FR 10493.

EPA has determined, based upon public inquiries and reexamination of the regulations, that it is necessary to amend the portion of the March 13 regulations which defines "compliance with" an NPDES permit. EPA has also determined that it is necessary to delay the effectiveness of these regulations for 60 days as they relate to point sources with NPDES permits.

PROBLEMS WITH MARCH 13 REGULATIONS AND NECESSARY CHANGES

In its March 13 regulations, EPA provided in section 118.1 that a source would be deemed in compliance with an NPDES permit for purposes of section 311 if its discharge of a substance during any 24-hour period does not exceed:

The maximum daily amount expressly allowed by the permit; or

Where the permit does not expressly limit the substance in question, the average daily discharge for the substance as disclosed in the permit application.

The problems which have arisen have centered around the provision dealing with discharges disclosed in a permit application. First, EPA's specification of "average" daily discharge was incorrect. The intent of this provision was to allow disclosed discharges to be considered "in compliance" unless and until the permitting authority issued a permit condition which expressly limited such a discharge. The "average" daily discharge terminology does not comport with EPA's intent, because a source theoretically exceeds its average daily discharge one-half of the time. EPA's intent was to specify "maximum" daily discharge. The appropriate change is made in new §118.1(b)(2) below.

Second, there has been confusion over the nature of the information to be disclosed in the permit application. For instance, some persons have noted that many of the 271 hazardous substances may be limited indirectly by permit conditions expressed in terms of pH ranges or ions. These persons have asked whether such "indirect" parameters included in an application (or permit) will suffice. The answer is no. EPA's intent is for the "NPDES compliance" exemption in section 118.1 to apply only when the permit limitation or application information is specific to the hazardous substance in question. Appropriate clarifying language is contained in new §118.1(b)(2) below.

Third, in response to recent questions, it should be made clear that once an NPDES permit is issued which contains a limitation for a specific hazardous substance, one cannot be deemed "in compliance" under §118.1 merely by filing a permit application asking for a higher number. A discharge level specified in a permit application can operate to establish "compliance" only where the discharger's currently issued permit does not contain a limitation for the specified substance. New §118.1(b)(2)(iii) is accordingly added below.

NEED FOR DELAY OF EFFECTIVE DATE FOR SOURCES SUBJECT TO NPDES

EPA recognizes that in many instances, existing NPDES permits and applications do not contain specific limits or discharge information for the newly designated hazardous substances. Because of this, and because there has been some understandable confusion over EPA's intent, EPA has concluded that it is necessary to provide a short period of time for dischargers to prepare permit applications where they wish to qualify for the "NPDES compliance" provisions of §118.1.

Accordingly, EPA is deferring for 60 days the effective date of its new section 311 regulations as they apply to point source discharges from facilities subject to the NPDES permit requirements. During this period, point source dischargers may file permit applications setting forth the necessary information on the designated hazardous substances. The appropriate NPDES permitting authority may then choose to amend the permit either to allow discharges at current levels or to further limit such discharges.

In response to concerns that some of the 271 hazardous substances cannot be detected in waste streams using conventional NPDES test methods, EPA will not require the use of such methods where they are not appropri-

¹From June 12 to Aug. 11, 1978.

ate. Permittees may use any reliable methods to estimate their discharges. For example, estimates could be established by calculating the amount of raw materials used in an industrial process, by determining the ions in the waste stream and then calculating with solubility constants the hazardous substance amount which would be present in an un-ionized state, or by stoichiometry.

IMMEDIATE EFFECTIVENESS AND REQUEST FOR PUBLIC COMMENT

Because the new regulations are to become generally effective on June 12, 1978,² EPA hereby finds for good cause that it would be impracticable both: (1) to propose these amendments for public comment, and (2) to delay their effectiveness. Although these changes are immediately effective, EPA requests written public comments as to whether further refinements are needed. All comments sent to Elizabeth F. Kroop at the address noted in the introduction by July 20, 1978, will be considered.

(Secs. 311, 501(a), Clean Water Act, as amended, 33 U.S.C. 1251 et seq.)

Dated: May 30, 1978.

DOUGLAS M. COSTLE,
Administrator.

40 CFR 118.1 is amended by designating the existing §118.1 as paragraph (a); by deleting the last sentence of that paragraph; and by adding new paragraphs (b) and (c) as follows:

§118.1 Applicability.

(b) For the purpose of this section, a discharge of a hazardous substance designated under 40 CFR part 116 shall be in compliance with an NPDES permit during any 24 hour period if:

(1) The discharge during that 24 hour period does not exceed an effective maximum, daily effluent limitation for such hazardous substance expressly allowed in a permit issued under 40 CFR 125.35(a) or by a State with an approved NPDES program; or

(2) (i) An NPDES permit application has been filed in which the maximum daily amount of the specific hazardous substance discharged is expressly disclosed; and

(ii) The discharge during that 24 hour period does not exceed the maximum daily amount expressly disclosed for such hazardous substance in the permit application; and

(iii) No determination on a proposed permit has yet been made under 40 CFR 125.35(a) which includes an effluent limitation expressly applicable to

²Except for vessels, for which the effective date is Sept. 11, 1978.

such hazardous substance and no permit has yet been issued to the source by a State with an approved NPDES program which includes an effluent limitation expressly applicable to such hazardous substance.

(c) Notwithstanding the provisions of paragraph (b) of this section, until August 11, 1978, any discharge from a point source subject to the NPDES permit program under section 402 of the Act shall be deemed in compliance with an NPDES permit for purposes of this section.

[FR Doc. 78-15517 Filed 6-2-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER 1—FEDERAL COMMUNICATIONS COMMISSION

PART O—COMMISSION ORGANIZATION

Amendment To Reflect the Use of the Board of Contract Appeals of the General Services Administration

AGENCY: Federal Communications Commission.

ACTION: Amendment of rules.

SUMMARY: This amendment changes the Commission's rules to reflect the use of the Board of Contract Appeals of the General Services Administration to hear appeals from the decisions of the Commission's Contracting Officer.

EFFECTIVE DATE: June 9, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Kenneth A. Gordon, Office of Executive Director, 632-6407.

Adopted: May 24, 1978.

Released: May 25, 1978.

In the matter of editorial amendment of Part O of the Commission's Rules to reflect use of the General Services Administration Board of Contract Appeals.

1. In 1975, the Commission entered into an agreement with the General Services Administration whereby the GSA Board of Contract Appeals would hear and decide appeals from decisions of the Commission's Contracting Officer.

2. Inclusion of this agreement in the Commission's Rules is necessary to clarify this agency's contract disputes procedure. Part O of the Rules and Regulations, which describes the organization of the Commission, is being amended to reflect this clarification.

3. The amendment adopted herein is editorial and pertains to agency procedure and practice. The prior notice procedure and effective date provisions of Section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are therefore inapplicable. Authority for the amendment adopted herein is contained in Section 5(d) of the Communications Act of 1934, as amended, 47 U.S.C. 155(d), and Section 0.231(d) of the Commission's Rules and Regulations, 47 C.F.R.

4. In view of the foregoing, it is ordered, effective June 9, 1978, that Part O of the Rules and Regulations is amended as set forth in the Appendix hereto.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

R. D. LICHTWARDT,
Executive Director.

Part O of Chapter 1 of Title 47 of the Code of Federal Regulations is hereby amended as indicated below.

Section 0.231(g) is amended by adding the following sentence:

§0.231 Authority delegated.

(g) * * * As Head of the Procurement Activity, the Executive Director will refer all appeals filed against final decisions regarding award of contracts to the Board of Contract Appeals of the General Services Administration for resolution. Appeals will be handled in accordance with the Rules of the Board of Contract Appeals.

[FR Doc. 78-15503 Filed 6-2-78; 8:45 am]

[4910-59]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

(Docket No. 78-04, Notice 2; Docket No. 78-03, Notice 4)

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires—Passenger Cars

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: This notice amends Federal Motor Vehicle Safety Standard No. 109, New Pneumatic Tires—Passenger Cars, by adding four new metric tire size designations to Appendix A of the standard and by establishing criteria for testing and labeling

higher inflation pressure tires. These amendments are made in response to petitions by the Goodyear Tire & Rubber Co. and the Rubber Manufacturers Association (RMA) in support of a Goodyear tire, and Michelin Tire Corp. The notice permits the introduction into interstate commerce of certain new metric-unit tires, one of which is a higher inflation tire enabling improved automobile fuel economy. The addition of the metric-unit tires accommodates the nation's conversion to the metric system, and the addition of the higher inflation tire also responds to the nation's need to conserve energy. This notice defers final action on proposals issued in response to petitions by the RMA and Michelin Tire Corp., to amend the standard by adding two other new metric tire size designations to Appendix A.

EFFECTIVE DATE: June 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Arturo Casanova, Crash Avoidance Division, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1715.

SUPPLEMENTARY INFORMATION: This notice establishes a final rule with respect to two separate rulemaking actions, one initiated pursuant to a petition by Michelin Tire Corp. (Michelin), and the other initiated pursuant to petitions by the Goodyear Tire & Rubber Co. (Goodyear) and the RMA.

In response to a petition by Michelin (October 17, 1977), the NHTSA published a final rule (February 6, 1978; 43 FR 4859) amending Appendix A of Standard No. 109 by adding five new metric tire size designations under an abbreviated rulemaking procedure for expediting routine amendments to Appendix A tire tables. Guidelines for this procedure (October 5, 1968, 33 FR 14963; as amended May 4, 1971, 36 FR 8298; July 22, 1971, 36 FR 13601; and August 31, 1974, 39 FR 28980) provide that such additions may be made without being preceded by a notice of proposed rulemaking. However, if objections to a final rule are received within the 30 day comment period provided, the rule does not become effective. In this case regular rulemaking procedures for issuing and amending motor vehicle safety standards are initiated.

Objections to the February 6, 1978, amendments were received. On April 3, 1978, the agency published a notice (43 FR 13903) proposing amendments of Standard No. 109 which would modify Appendix A by adding four new metric tire size designations and revise the table in Figure 1 of the standard by adding a new wheel size and its corresponding bead unseating

test dimension. The proposed revisions of the table in Figure 1 are necessary to enable performance of the bead unseating test (section 4.2.2.3) on one of the proposed tire sizes.

In response to petitions from Goodyear (November 3, 1977) and the RMA (November 17, 1977) in support of a Goodyear tire, and from the RMA (January 17, 1978) in support of a Dunlop tire, the NHTSA published a notice (March 2, 1978; 43 FR 8570) proposing amendments of Standard No. 109 which would modify Appendix A of the standard by adding two new metric tire size designations and modify the standard to allow a higher maximum inflation pressure and establish criteria for performance testing of higher inflation pressure tires.

All comments received on these notices have been considered and the most significant are discussed below.

For the reasons set forth below this notice (1) adopts the amendments proposed in the Michelin notice with respect to the addition to Appendix A of the new tire size designations 195/60R390, 180/65R390, and 190/65R390, requested by Michelin, (2) adopts the amendments proposed in the Goodyear-RMA notice with respect to the addition to Appendix A of the new tire size designation P215/65R390 requested by Goodyear and RMA in support of a Goodyear tire, and the modifications of the standard necessary to enable testing that tire, and (3) defers final action on (a) the amendments proposed in the Michelin notice to add the 180/65R365 tire size designation to Appendix A and to revise the table in Figure 1 of the standard to enable conducting the bead unseating test on this tire size, requested by Michelin, and (b) the amendment proposed in the Goodyear-RMA notice to add the P195/65R370 tire size designation to Appendix A, requested by RMA in support of a Dunlop tire.

Goodyear, Dunlop, and Michelin Tires: Intermix. The nation's gradual conversion from the English system of measurement to the metric system is reflected in the current proposals to add metric tire size designations to Appendix A tire tables. Some similarity in size between existing English-unit tires and new metric-unit tires requested seems inevitable during the conversion. However, the problems posed by conversion, if any, should be temporary, i.e., limited to the transition phase.

Comments objecting to the addition of each of the new metric tire size designations proposed in the Michelin and Goodyear-RMA notices alleged that "intermix" or "mismatch" problems could accidentally occur when replacing a tire in the course of vehicle use. Some commenters asserted that, because the nominal diameters of the proposed metric tires and correspond-

ing metric rims (365mm, 370mm, and 390mm) are very nearly the same as those of certain existing English-unit tire/rim diameters (14 inch, 15 inch, and 16 inch), it would be technically possible to mount an English-unit tire on a request metric unit rim, or conversely to mount a metric-unit tire on an existing English-unit rim. Some commenters alleged that serious safety problems, such as tire explosion during, or road failures shortly after tire mounting could occur as a result of such intermixing. General Motors (GM) and the Armstrong Rubber Company (Armstrong) directed such allegations to all of the requested tires in both notices, and the Department of California Highway Patrols directed this objection to the Michelin requests. Other commenters predicted that tire/rim mismatches could occur among certain combinations of the new metric tire and rim sizes proposed for amendment of Standard No. 109, should all proposed amendments be adopted. However, none of the objections summarized above were supported by data demonstrating the safety hazards alleged, or even demonstrating that a tire could actually be mounted on an inappropriate rim and hold air.

GM requested that the NHTSA defer action on all the proposed new tire sizes for one year to allow the tire and vehicle industries to work out a general solution to potential intermix problems raised by these and other metric tires requested later. Dunlop requested that the NHTSA take no final action on the tires proposed in both notices without considering the potential safety hazards involved. The Department of California Highway Patrol recommended that the trend of proliferation of tire sizes be eliminated from the passenger car tire market in view of potential safety problems suggested. Mercedes-Benz asserted that the differences among the proposed tires were sufficient to prevent intermix, but that the anticipated introduction of additional tire-rim combinations raised the possibility of mismatch problems. Mercedes stated that the anticipated proliferation of metric tire sizes raised the prospect that the spare parts industry might not expand quickly enough to meet after-market needs, in view of the fact that a vehicle owner would need to replace his tires with the same type tire originally mounted. Mercedes suggested that the NHTSA encourage the development of uniform and interchangeable tires and rims. Armstrong objected to the Michelin and Goodyear proposals because of alleged confusion to the public and tire service personnel arising from the slight dimensional differences in metric and English tire/rim combinations.

Other persons submitted that no intermix problems were posed by the

proposed tires. Chrysler Corp. stated that the P215/65R390 Goodyear tire raised no unique tire/rim intermix issues, but submitted no supporting data. Goodyear stated that its proposed metric tire and JM rim were designed with an objective of preventing misapplication with existing tires and rims. Goodyear submitted data on a series of automatic and hand tire-mounting trials conducted by the Tire and Rim Association (T&RA) on an earlier version of the 390 JM rim associated with this tire. The data, together with data submitted on the JM contour, demonstrated that the designated maximum well-depth of the 390 JM rim design precluded misapplication of 15 inch tires on it. Goodyear also submitted that while the Goodyear 390 mm tire (15.35 inches) can be mounted on a standard 15-inch rim, it will not hold air because flutes molded into the lower bead area of the tire bleed out air. No supporting data was provided. Ford submitted data on intermix tests conducted by Goodyear in conjunction with the T&RA on the precursor of the requested Goodyear tire and rim, and also data on tests conducted by Ford on the 390 mm tire requested by Goodyear and on the 390 mm TR rim requested by Michelin for use with its requested 390 mm tires. Test results were: (1) that a 15 inch tire could not be mounted on the precursor to the JM rim or on the TR rim, and (2) that the Goodyear tire could be mounted on a 15 inch rim, but that the molded flutes or "blow-by" feature of the Goodyear tire bead prevented the formation of an airtight seal. Based on test results, Ford supported approval of the 390 mm Goodyear and Michelin tires, but recommended that Standard No. 109 be amended to require this "blow-by" feature on metric tires to prevent misapplication with English-unit rims. Saab-Scania submitted that it had attempted to mount a 15 inch tire on the Michelin 390 mm TR rim and found it impossible; and that while its attempts to mount the 390 mm Michelin tire on a 15 inch JJ rim were successful, the tire could not be inflated.

The intermix concerns of several commenters would have been more appropriately raised in a petition for rulemaking that addressed any safety problems demonstrated as caused by intermixing inappropriate tires and rims. Alternatively, the concern could have been raised in a petition to commence an investigation to determine whether the size or configuration of the tires and rims constituted, in light of the alleged possibility of intermix and associated safety hazard, a safety related defect. On its own initiative, the agency is preparing to issue an advanced notice of proposed rulemaking on this subject. In view of its responsibility and broad authority under the

Act to deal with safety problems, the agency believed that the allegation of intermix problems with respect to the current proposals to add new metric tires to Standard No. 109 warranted immediate inquiry. Accordingly, the agency initiated a program to test the intermix potential of these tires and associated rims with existing English-unit tires and rims, i.e., to test whether the proposed tires can be mounted on existing rims, or existing tires mounted on the proposed rims, and if so, whether safety hazards are found during mounting or on-road use.

In response to a request by the NHTSA, Goodyear submitted the 390 mm P215/65R390 tire and 390 mm JM rim, and Michelin submitted one of its 390 mm tires, the 190/65R390 tire and the 390 mm TR rim. Dunlop and Michelin stated they would not be able to submit the 370 mm P195/65R370 and the 365 mm 180/65R365 tires, respectively, until a later date.

The NHTSA tests conducted at the agency's Safety Research Laboratory in Riverdale, Md., corroborated the test data submitted in support of the proposed 390 mm Goodyear and Michelin tires and rims, as summarized above. A standard 15 inch tire could not be intermixed with either the 390 mm JM or the 390 mm TR rim, because the well-depths established for these rims precluded mounting the tire. While the 390 mm Goodyear and Michelin tires submitted could be mounted on the existing 15 inch JJ contour rim, the special "flutes" incorporated on the bead seal area of each of these tires prevented the tire from holding air. Although comments alleged potential intermix problems relative to the requested 390 mm tires and rims and the 16 inch tire and 16 inch JJ rim, this allegation is academic since no 16 inch tires have ever been designed or produced for the 16 inch JJ rim. (Original equipment use of 16 inch passenger car tires included in Standard No. 109 tire tables was discontinued during the mid 1950's, and the JJ rim contour was not introduced until 1967).

The Michelin 195/60R390 and 180/65R390 tires with their associated 390 mm JM or TR rims were not submitted for testing. However, the results of the tests performed on the Michelin and the Goodyear tires submitted and on their associated rims are conclusive with respect to the intermix potential of these two proposed Michelin tires and rims. This is because all four tires and associated rims are the same with respect to the variables found to be critical in preventing inappropriate intermixing of the tested tires and rims. The critical variables are: the nominal diameter of the tire and rim, or 390 mm for all four tires and associate rims; rim contour, e.g. TR or JM, which determines well-depth; and tire

"flutes" molded into the tire bead. The nominal diameters of the tire and rim of the fourth Michelin tire requested, the 180/65R365 (365 mm), and of the requested Dunlop tire, the P195/65R370 (370 mm), are different from those tested. Another difference characterizing the Dunlop tire is the proposed DL rim contour. Therefore the NHTSA tests conducted to date are not conclusive as to whether either of these two tires and their associated rims can be intermixed with existing rims and tires, or intermixed one with the other, and if so, what any consequences of any such intermix might be.

The agency decided to proceed with final rulemaking action on all of the 390 mm tires proposed. The agency decided to defer final rulemaking on the 370 mm Dunlop tire and the 365 mm Michelin tire until agency intermix tests are performed on these tires.

The Michelin tires: Information submitted for inclusion in appendix A tire tables. The bases for accepting or denying requests to add new tire size designations to table I of appendix A of standard No. 109 are set forth in introductory guidelines to the appendix (October 5, 1968, 33 FR 14964, as amended May 4, 1971, 36 FR 8298; July 22, 1971, 36 FR 13601; August 13, 1974, 39 FR 28980). In sum, the tests are appropriateness of the values submitted for inclusion in the tire tables, and appropriateness of the requested location within the tables of the requested tires.

As discussed in the April 3 Michelin notice, GM objected to the absence of a prefix "P" for 4 of the 5 new tire sizes requested by Michelin published in the February 6 Michelin notice. GM urged that this prefix be made mandatory to distinguish International Standards Organization (ISO) metric tire size designations from other metric tire size designations. The ISO standard for "Passenger car tyres and rims (Future series) part 1: Tyres" states:

This symbol ("P") may be used where there may be ambiguity regarding the tyre type. Where the optional marking is used, it should be so positioned that confusion cannot result from its proximity to any other service condition marking.

GM's comments noted that according to the practice of the T&RA, the prefix "P" is required to distinguish ISO metric size designations from other metric designations, even though the ISO standard makes use of the prefix optional. The NHTSA is of course not bound by the standards or practice of either organization. Neither the ISO nor the T&RA submitted comments discussing long-range effects of mandating the use of the prefix. Neither GM nor anyone else elaborated a rationale for preferring the T&RA practice to the ISO stand-

ard. Further, Michelin's response to the GM comment asserted that the tires requested in the April 3 Michelin notice have been and are currently marketed in Europe, where they are not designated by the prefix "P". In the absence of any rationale for mandating nomenclature to distinguish ISO metric tire designations from other metric tire sizes, in the absence of any data on or discussion of any ambiguity resulting from the nomenclature as proposed, and in the interest of maintaining consistency between European and U.S. nomenclature for the tire, the agency concludes that the absence of the prefix "P" is not inappropriate. This conclusion is consistent with the fact that table I-Y in appendix A already lists a metric tire size designation which does not use the prefix "P". (195/60R350) Therefore, the agency accepts the tire size nomenclature requested by Michelin, as proposed.

Armstrong objected to the inclusion of the Michelin 195/60R390 and P205/60R390 tires as not being compatible with existing standard No. 109 tire tables and as not having been approved by any technical standardizing body. Michelin subsequently withdrew its request to add the P205/60R390 tire to the standard. Under appendix A guidelines, the test of compatibility is applicable to requests for addition of new tire sizes to existent tire tables. Where, as here, additional new tables for new tire construction are requested, the applicable test is "adequate justification" for the new tables. The NHTSA finds that there is adequate justification for the proposed new tables I-NN and I-PP precisely because the constructions of the new metric tires requested for inclusion in the new tables are distinguishable from those of tires in existing tables. Appendix A guidelines do not require approval of requested tire sizes by a recognized technical standardizing body, but only: "A statement as to whether the tire size designation has been coordinated with" the organizations listed (guideline No. 4). Michelin submitted such a statement with respect to its requested metric tire size designations.

In the April 3 Michelin notice, the NHTSA requested comments on the alternative use of JM and TR rim profiles in conjunction with any of the requested Michelin metric tires, as proposed in that notice. JM is a metric rim profile established by the T&RA (October 7, 1977, "Design Guide of Tire and Rim Association"). TR is a metric rim profile established by the European Tyre and Rim Technical Organization (ETRTO) (1978 ETRTO Data Book, p. RP.11). Armstrong commented that the concurrent existence of the JM and TR rims on the market would entail potential safety related

consequences. Armstrong asserted that the "snap-in" valve used for the JM rim, with its 8.9 mm (0.350 inch) diameter valve hole specification, could accidentally be fitted into the TR valve hole, with its 10.0 mm (0.394 inch) diameter specification. The result would be loss of inflation pressure. Michelin has subsequently informed the NHTSA that it will petition the ETRTO to adopt a 8.9 mm diameter valve hole dimension for the TR rim.

No commenter specifically addressed the issue of the alternative use of the JM and TR rim contours. NHTSA analysis of these contours indicates that, with the Michelin change to the 9 mm valve hole dimension, the remaining differences between the two rims are insignificant in terms of their equivalent appropriateness for use in mounting any of the metric size tires requested by Michelin.

Armstrong raised a number of points alleged to safety related weaknesses in the "snap-in" valve design of the JM rim. In comments on the February 6 Michelin notice, Armstrong had alleged that safety problems could also arise from the potential accidental installation of an English-unit valve in the TR valve hole, resulting in loss of inflation pressure. Such considerations of the potential consequences of the use of the rims requested in conjunction with the requested new tire size designations fall outside the permissible bases of agency denial of requests to amend appendix A tire tables. The appropriate course of action is to submit a petition for rulemaking to establish or amend a standard to address the issues. Accordingly, the alternative use of the JM and TR rims in conjunction with the proposed Michelin tires is adopted, as proposed.

The Goodyear tire: Fuel economy, vehicle ride and handling, and labeling. The amendment of standard No. 109 as proposed in the Goodyear-RMA notice would increase the maximum permissible inflation pressure permitted under the standard to 300 kPa (44 psi) and make conforming amendments throughout the standard to establish test criteria to enable conducting the standard's various performance tests on the proposed tire. The notice proposed that tire performance tests be established at the same load levels as prescribed for the 240 kPa (35 psi) tire, based on the agency's tentative conclusion that these load levels represent test conditions more severe than would result from utilization of a higher test inflation pressure, so that the safety of the tire is better assured. No comments were submitted addressing this point. Accordingly, the agency adopts these amendments as proposed.

The Goodyear new tire size designation P215/65R390 meets the criteria set forth in introductory guidelines to

appendix A for adding new tire sizes to appendix A tire tables. Accordingly, the proposed amendment of appendix A of standard No. 109 adding this new tire size is adopted, as proposed.

Comments and data were submitted on the issue of the potential of the proposed higher inflation pressure tires to enable improved fuel economy in vehicle use compared to the potential of existing tires to enable improved vehicle fuel economy when tested under higher inflation pressures. All commenters agreed that the higher inflation pressure design of the requested Goodyear tire provides lowered rolling resistance, which enables improved fuel economy in vehicle use. Other comments and data were submitted in regard to ride quality and handling characteristics of vehicles using the proposed higher inflation pressure tires. All of these comments relate to issues which fall outside the ambit of appendix A.

GM submitted that the addition of the Goodyear tire to standard No. 109 necessitated an amendment of the labeling requirements of S4.3 of the standard to specify pressure at maximum load rating, in order to distinguish this pressure from maximum permissible inflation pressure where these two values do not correspond. Standard No. 109 requires labeling of maximum load rating and of maximum permissible inflation pressure. With respect to existing tires, values for maximum load rating and for maximum permissible inflation pressure always correspond. With respect to the Goodyear tire, there may be several inflation pressures for the maximum load rating. However, the maximum permissible inflation pressure for the Goodyear tire is always an appropriate inflation pressure for the maximum load rating. The labeling requirements do not purport to cover all possible inflation pressures and load ratings, but only the most extreme (i.e. "maximum") conditions under which it is safe to operate a tire. Since the information on these maximum conditions for inflation pressure and load ratings must be labeled on the Goodyear tire, it is unnecessary to amend the labeling requirements as requested.

In accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) and Executive Order 12044, the NHTSA has reviewed the environmental and economic impacts of these amendments. There should be no negative environmental impacts. Further, since these are minor technical amendments of the standard which will permit the production of four new tire sizes, there should be no costs associated with their implementation. The agency has further concluded that this is not a significant regulation within the meaning of the Executive order.

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In consideration of the foregoing, title 49 of the Code of Federal Regulations, part 571.109 (standard No. 109, New Pneumatic Tires-Passenger Cars) is amended as follows:

§ 571.109 [Amended]

1. Section S4.2.1(b) is amended to read:

S4.2.1 GENERAL.

(b) Its maximum permissible inflation pressure shall be either 32, 36, 40, or 60 psi, or 240, 280, or 300 kPa.

2. Section S4.2.2(a)(2) is amended to read:

S4.2.2 PHYSICAL DIMENSIONS.

(a)(2) (For tires with a maximum permissible inflation pressure of 60 psi or 240, 280, or 300 kPa) 7 percent or 0.4 inches, whichever is larger; and

3. Section S4.3.4(a) is amended to read:

S4.3.4 If the maximum inflation pressure of a tire is 240, 280, or 300 kPa then:

(a) Each marking of that inflation pressure pursuant to S4.3(b) shall be followed in parenthesis by the equivalent inflation pressure in psi, rounded to the next higher whole number; and

4. The table in figure 1 is revised to read:

Wheel size	Dimension A for tires with maximum inflation pressure	
	Other than 60 lb/in ²	60 lb/in ²
17 in.....	12.0	.....
16 in.....	11.5	9.9
15 in.....	11.0	9.4
14 in.....	10.5	8.9
13 in.....	10.0	.....
12 in.....	9.5	.....
11 in.....	9.0	.....
10 in.....	8.5	.....
390 mm.....	11.0	.....

5. The table of loads immediately following S5.4.2.3 is amended to read:

Maximum permissible inflation pressure	Loads for—		
	4 hours	6 hours	24 hours
Loads from table I (listed in specified psi or kPa column)			
32 psi.....	24	28	32
36 psi.....	28	32	36
40 psi.....	32	36	40
240 kPa.....	180	220	240
280 kPa.....	220	260	280

Maximum permissible inflation pressure	Loads for—		
	4 hours	6 hours	24 hours
Load as specified percentage of maximum load rating marked on tire sidewall			
300 kPa.....	180	220	240
Load as specified percentage of maximum load rating marked on tire sidewall			
60 psi.....	85	92	100

6. The table in S5.5.1 is revised to read:

Maximum permissible inflation pressure A	Load from table I B
32 psi.....	24 psi col.
36 psi.....	28 psi col.
40 psi.....	32 psi col.
240 kPa.....	180 kPa col.
280 kPa.....	220 kPa col.
300 kPa.....	180 kPa col.
60 psi.....	85. ¹

¹Load as specified percentage of maximum load rating marked on tire sidewall.

7. Tables II-A, II-B, and II-C in appendix A are amended to read:

TABLE II—Minimum breaking energy values (inch-pounds)

Cord material	Maximum permissible inflation	
	A	B
300 kPa		

TABLE II-A—FOR BIAS PLY TIRES WITH DESIGNATED SECTION WIDTH OF 6 IN. AND ABOVE

Rayon.....	• • •	1,850 in-lb.
Nylon or polyester..	• • •	2,600 in-lb.

TABLE II-B—FOR BIAS PLY TIRES WITH DESIGNATED SECTION WIDTH BELOW 6 IN.

Rayon.....	• • •	1,000 in-lb.
Nylon or polyester..	• • •	1,950 in-lb.

Designated section width	Maximum permissible inflation pressure	
	A	B
300 kPa		

TABLE II-C—FOR RADIAL PLY TIRES

Below 160 mm.....	• • •	1,950 in-lb.
160 mm or above.....	• • •	2,600 in-lb.

8. Table III in appendix A is amended to read:

TABLE III—Test inflation pressures

Maximum permissible inflation pressure	• • •	300 kPa
Pressure to be used in tests for physical dimensions, bead unseating, tire strength, and tire endurance.	• • •	180 kPa
Pressure to be used in test for high speed performance.	• • •	220 kPa

9. Table I in appendix A is amended by the addition of new tables incorporating the following new tire size designations and corresponding values:

TABLE I-NN.—Tire load ratings, test rims, minimum size factors, and section width for all millimetric 60 series radial ply tires (TR or JM rim)

Tire size designation ¹	Maximum tire loads (pounds) at various cold inflation pressures (pounds per square inch)													Test rim width (mm)	Minimum size factor (mm)	Section width ² (mm)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
195/60R390.....	840	900	950	1,000	1,050	1,100	1,150	1,190	1,240	1,280	1,320	1,360	1,400	150	811	200

¹The letters H, S, or V may be included in any specified tire size designation adjacent to the R.
²Actual section width and overall width shall not exceed the specified section width by more than 7 pct.

TABLE I-PP.—Tire load ratings, test rims, minimum size factors, and section widths for all millimetric 65 series radial ply tires (TR or JM rim)

Tire size designation ¹	Maximum tire loads (pounds) at various cold inflation pressures (pounds per square inch)													Test rim width (mm)	Minimum size factor (mm)	Section width ² (mm)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
180/65R390.....	725	775	820	865	905	945	985	1,025	1,065	1,100	1,135	1,170	1,205	135	796	184
190/65R390.....	815	870	925	975	1,020	1,070	1,115	1,155	1,200	1,240	1,280	1,320	1,355	150	822	197

¹The letters H, S, or V may be included in any specified tire size designation adjacent to the R.
²Actual section width and overall width shall not exceed the specified section width by more than 7 pct.

TABLE I-RR.—Tire load rating, test rims, minimum size factors, and section width for P/65 ISO type tires for JM millimetric rims

Tire size designation ²	Maximum tire loads (kg) at various cold inflation pressures (kPa) ¹							Test rim width (mm)	Minimum size factor (mm)	Section ³ width (mm)
	120	140	160	180	200	220	240			
P215/65R390.....	495	535	570	605	635	670	700	150	870	215

¹The designated cold inflation pressures may be increased to a maximum of 300 kPa to meet special vehicle performance requirements with no increase in load.
²The letters D for diagonal and B for bias belted may be used in place of the R.
³Actual section width and overall width shall not exceed the specified section width by more than the amount specified in sec. 4.2.2.2.

The principal authors of this notice are Arturo Casanova of the Crash Avoidance Division, John Diehl of the Tire Performance Group, and Nancy Eager of the Office of Chief Counsel.

(Secs. 103, 119, 201, and 202, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1421, and 1422); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on May 30, 1978.

[FR Doc. 78-15414 Filed 5-30-78; 4:20 pm]

HOWARD DUGOFF,
Acting Administrator.

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3128-01]

DEPARTMENT OF ENERGY

[10 CFR Part 465]

PART 465—NATIONAL ENERGY EXTENSION SERVICE

Proposed Regulation for Comprehensive Program

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: The Department of Energy proposes to establish a regulation which would contain requirements for the comprehensive Energy Extension Service program. A major part of this program includes providing financial assistance for Energy Extension Service programs to all States, including the District of Columbia and six U.S. Territories. The regulation contains requirements for the preparation, submission, and review of State plans and annual applications. If a State plan and annual application meet the requirements of this part, the State will receive available grant funds allocated on a formula basis. The proposed regulations are necessary to implement recent legislation designed to provide direct, personalized information and assistance to small energy users in the area of energy conservation.

DATES: Comments must be received by August 4, 1978, 4:30 p.m., e.d.s.t.; requests to speak at the national hearing by July 6, 1978, 4:30 p.m., e.d.s.t. The proposed effective date of the regulation would be 30 days after publication of the final regulation. The national hearing shall be held on July 19, 1978, 9:30 a.m., e.d.s.t.

ADDRESSES: Send comments and requests to speak to the Public Hearing Management Office, Department of Energy, Box TN, Room 2313, 2000 M Street NW., Washington, D.C. 20461. National hearing: Room 2105, 2000 M Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Kathleen Reavis, Energy Extension Service, Department of Energy, 20 Massachusetts Avenue NW., Washington, D.C. 20545, 202-376-1966.

SUPPLEMENTARY INFORMATION:

I. INTRODUCTION

This regulation proposes to add a new part 465 to chapter II of title 10,

Code of Federal Regulations, as required by the National Energy Extension Service Act (Act), enacted as title V of the Energy Research and Development Administration Authorization Act of 1977, Pub. L. 95-39, 91 Stat. 192, 42 U.S.C. 7001 et seq.

When considering the legislation, the House Science and Technology Committee conducted substantial investigation and research and designed the comprehensive Energy Extension Service (EES) program to fill a gap identified in existing energy programs. Specifically, the Committee found that there was a need for an intensive effort to connect small-scale energy users with practical energy-saving opportunities.

The Committee believed that the critical factor in making this connection is to increase the capability of individuals to make informed energy decisions. Based on its investigations, the Committee concluded that generalized awareness programs alone are not adequate to build this capability. Therefore, the fundamental purpose of EES is to provide direct, personalized information and assistance to small energy users.

Small energy users are selected to be the target audience because there is a significant potential for energy savings by this group. Small energy users—such as homeowners and tenants, small businesses, agricultural and commercial establishments, State and local governments, and educational and health organizations—now consume about 40 percent of the Nation's energy. In addition, small energy users bear a heavy burden when fuel prices are increased. Traditionally, they have had little access to reliable and convenient sources of personalized assistance.

The comprehensive EES program also will provide information and assistance to groups that influence the energy consumption of small energy users. Examples include architects, bankers, and builders. These groups are included because their actions can play a major role in determining what energy saving opportunities are available to small energy users.

Services provided under the comprehensive EES program will be responsive to local needs. Identification of the needs and practical opportunities available to small energy users determines the selection of appropriate services. EES services will encourage increased use of conservation techniques

and technologies. These conservation techniques and technologies encompass a wide range of energy-saving measures, including switching from non-renewable fuels to alternative sources such as solar and wind power. Although the term "conservation" is used throughout the proposed regulation, it is broadly defined and not intended to be limiting. The comprehensive EES program is a cross-cutting program for small energy users which seeks to provide "one stop shopping" for energy saving opportunities. The comprehensive EES program will offer assistance regarding practical, available, and economically competitive energy alternatives. Information regarding these alternatives will be drawn from all appropriate sources.

In addition to providing information to small energy users, the program can best serve its purpose by acting as a link between small energy users and public or private organizations whose actions affect them. In the course of providing services, the program will identify barriers or problems perceived by small energy users which prevent or hinder them from adopting energy-saving opportunities. This information will be communicated to public and private organizations that can take actions to remove these barriers or problems.

Because of the emphasis on meeting local needs, the Department of Energy (DOE) has not designed a mandatory, nationwide EES system to be imposed on local communities. Rather, the services shall be individually tailored to community needs and be delivered by persons credible to small energy users. States have a vital role in the comprehensive EES program. DOE will provide financial assistance for implementation of State EES programs, which will be designed and managed by the States or their designees. Within principles of sound management and the intent of the Act, the proposed regulation gives States maximum flexibility to design programs appropriate to their needs.

EES cannot and should not operate in a vacuum. The comprehensive EES program will function with related programs existing or being considered at the Federal, State, and local levels, in a mutually reinforcing and non-duplicative manner. A key feature of the proposed regulation is the requirement to coordinate with and use, to the optimum extent, existing organizations to implement the State pro-

grams. In addition, the States are required to make available to small energy users information regarding other relevant programs.

II. THE PILOT PROGRAM

The program proposed to be established by this regulation is the second phase of the comprehensive EES program. As directed by the Act, DOE has established the EES pilot program which is now underway. Ten States were selected for participation on a competitive basis in August, 1977. The EES pilot States, which are geographically and programmatically diverse, are Alabama, Connecticut, Michigan, New Mexico, Pennsylvania, Tennessee, Texas, Washington, Wisconsin, and Wyoming. Each of the pilot States received a grant of approximately \$1.1 million to operate its EES pilot program for an 18-month period. The pilot program will end on March 31, 1979. From September 1977 to the end of that year, the pilot States were involved in preparing detailed State plans and start-up activities. Delivery of pilot program services began in 1978.

A primary objective of the pilot program is to learn lessons useful to the operation of EES on a nationwide basis. Accordingly, DOE has placed high emphasis on systematically evaluating the pilot program. The evaluation is geared to determining: (a) which types of programs work best for EES and the factors which contribute to success; (b) the critical factors involved in starting up a program; (c) effective methods for organizing the programs; and (d) the overall performance of EES. Information is being collected through monthly interviews with pilot program staffs, program activity and performance data, and a follow-up comparative survey of persons who did and did not receive selected services.

Most of the evaluation data collected to date concerns State planning and start-up activities. Relevant lessons learned are incorporated in the proposed regulation. These and other lessons also will be discussed in the State Program Planning Manual which will be completed at the time the final regulation is issued. Proceeding section-by-section through the regulation, the manual will contain detailed guidance regarding issues that need to be considered in preparing State plans and starting up programs. The manual will describe DOE management operations, including technical assistance to the States, and instructions for annual applications and State reports.

DOE is taking several steps to make the pilot experience useful to all States before publication of the final regulation. Grants of \$30,000 each were made available to all non-pilot

States in January 1978 to assist them in tracking the progress of the pilot program and preparing for participation in the comprehensive EES program. Each pilot State has assumed responsibility for meeting with a group of associate States in order to help them prepare and refer them to appropriate information sources. In April 1978, DOE conducted an EES meeting for all States. DOE will conduct, with the pilot States, regional meetings throughout the summer in anticipation of the nation-wide program. Special mailings also are made to keep non-pilot States abreast of the lessons being learned during the pilot programs.

A major DOE function in the pilot program is to facilitate provision of useful reference materials and responsive technical assistance to the participating States. In an effort to make optimum use of existing resources, DOE is concentrating on identifying and building awareness among the States of the network of technical assistance sources that can be used independently by them. The pilot States themselves are key members of this network, exchanging information and materials. DOE is making maximum effort to provide to the States high priority technical assistance, including specialized training, which is not otherwise available. DOE also attempts to serve the States by screening materials for pertinence to State program needs, and by assuring review of such materials for technical accuracy. This technical assistance will be continued to the fullest extent possible in the nationwide phase of the comprehensive EES program.

To assist in building the technical assistance network as well as assuring coordination at the policy level, DOE has established two EES working groups. The Interagency Working Group, with which DOE consults and cooperates, consists of representatives of a number of other Federal agencies, including the Department of Housing and Urban Development, the Department of Agriculture, the Environmental Protection Agency, the Department of Health, Education and Welfare, the Community Services Administration, the Department of Commerce, and the Small Business Administration. The Intra-DOE Coordinating Group has as members representatives of numerous related programs throughout the Department. Both groups meet periodically and have provided comments valuable to the preparation of the proposed regulation.

DOE also confers with the pilot States regarding program management issues. Regular meetings are held with the pilot State EES Directors to discuss current and upcoming issues as well as overall program direction. These meetings, as well as other

pilot State contacts, have developed a cooperative State-Federal working relationship which DOE plans to continue in the nationwide program.

III. THE PROPOSED REGULATION

The proposed regulation includes provisions for the conduct of a comprehensive EES program, the financial assistance to be provided to States, the submission, contents and review of annual State applications, and, in special cases, preparation and implementation of a State plan by the EES Director in DOE. Several issues concerning the proposed regulation should be noted.

The regulation provides for preparation of detailed State plans covering a three year period. Requirements for the content of State plans in proposed § 465.8 include a statement of objectives expressed in terms of the changes intended to result in the State. Other content requirements include a description of how the programs in the State plan together form a strategy for meeting the objectives; the services to be provided; the organizational structure for implementing the plan; and methods to insure coordination with other related programs in the State. These requirements are not intended to limit State flexibility but rather to insure that State plans are carefully and logically thought out and include all the elements necessary for implementation.

Experience in the pilot program has shown that this degree of plan specificity is needed to facilitate the State start-up process as well as program monitoring by DOE. In the pilot program, the ten States submitted both a proposal and a detailed implementation plan. To lessen the workload of the States, each State will be required to submit only a single State plan for the nationwide program.

The initial annual State application will contain a complete State plan, and the two subsequent annual applications will permit modifications to it if any are necessary. With the fourth annual application, the States again will submit complete State plans and the same two year modification cycle will follow thereafter. A milestone schedule and budget are required only for the calendar year covered by the annual application. The intent of this requirement is to reduce paperwork and to insure that State plans receive a zero-based review every three years.

An issue often raised by State representatives is the relationship between the comprehensive EES program and the State Energy Conservation Plan program (SECP) which also is administered by DOE. The issue is raised in two contexts: overlap between the programs and consistency of administrative requirements.

The SECP program, particularly the grants for supplemental plans, clearly

is related to EES. Both are directed toward providing public information and assistance regarding energy saving opportunities. There are, however, two key differences. First, the comprehensive EES program focuses specifically on meeting the needs of small energy users in contrast to SECP's broader audience. Second, SECP requires for a number of mandatory program measures, the only program-related requirements for implementation of State plans under the comprehensive program are that (a) information shall be disseminated to small businesses; and (b) energy audits not provided by other programs shall be made available to small energy users to the extent practicable. The States will select the types and numbers of these audits. DOE's intent in administering these two programs is that the State will meet the objectives of both, using them in a supportive and complementary manner without duplicating services. States may use funds received under this program to expand the activities of SECP or other programs as appropriate, as long as program accountability and separate bookkeeping are maintained. States also may use EES funds to develop new services if they are not already provided under an existing program in the State.

In preparing the proposed regulation, DOE closely coordinated the program with the SECP regarding procedural consistency. Every attempt is being made to reduce the administrative burden on States by adopting consistent requirements where possible. For example, financial assistance will be provided on a calendar year basis, as is that of SECP. The application date for subsequent annual applications has, however, been set at September 30 to allow for review and grant awards by January 1. State quarterly performance reporting for EES will be on the same schedule as that of SECP. For State EES reporting, DOE plans to use one of the forms in the grants management system that SECP has provided to the States as an alternative to SECP's standard reporting requirements.

Statutory provisions require that the initial State application be submitted, and revised if necessary, 180 days after publication of the final regulation on October 1, 1978, as provided in proposed § 465.7. The Act provides the States with 180 days to submit an application. However, if the time needed for any revisions exceeds this period, the State will need to request an extension from the EES Director. States should endeavor to submit the initial application within 90 days following the final regulation. Early submission will allow time for any necessary revisions to the State plans.

Also due to statutory restrictions, grantees may only be the Governor or

State agencies. DOE is fully aware that some States want to have other organizations, such as universities, implement their State plan. Although grants must be awarded to the State, States may subcontract with other organizations to implement a State plan as long as the organizational arrangement is specified in the State plan and the State remains ultimately responsible and accountable to DOE. The Governor's signature, or the signature of a State official designated by a letter of delegation from the Governor, is required on the application to insure that only one application is submitted for a State and that the plan contents have the Governor's approval.

Program evaluation will continue to remain a high priority in the comprehensive EES program. Evaluation will be a continuous activity, yielding information important to identifying any necessary adjustments in the program. The evaluation results will advance knowledge regarding effective outreach methods and associated costs both at the Federal and State levels.

Proposed § 465.8 provides that, in the State plans, the States will indicate the expected changes to result from their EES services. These changes shall be expressed in terms of target audience changes in attitudes, knowledge and action, or at the discretion of the States, estimated energy savings. These forecasts become the foundation for evaluating the effectiveness of services provided by EES.

Since detailed service evaluation data is quite costly to prepare, its collection and reporting will be limited to two services selected by the State. The Program Planning Manual will contain a range of services likely to be common among the States, from which the State may select two services for evaluation purposes. For these two services, the State shall submit, with the quarterly performance reports, summaries of detailed evaluation tracking data that is collected according to procedures prescribed in the State Program Planning Manual. For the remaining services, the State is required to submit with the quarterly performance report a more generalized summary of services requested and provided.

Periodically, DOE will aggregate the States' evaluation tracking data and report it, with appropriate analyses, back to the States for their use. DOE will also conduct periodic surveys of persons who did and did not receive EES services, for the purpose of assessing the impact of the services on target audiences. The survey samples of persons who received services under EES will be drawn from records retained by the States, according to procedures that will be specified in the Program Planning Manual. The States will receive the results of the surveys.

These surveys will be conducted by DOE since: (a) they are quite expensive, and it is not cost-effective to require all States to conduct independent surveys, and (b) standardized and centralized surveys are necessary to draw conclusions about the national impacts of the comprehensive EES program. As indicated in the proposed regulation, the States also may conduct their own additional evaluation activities which, if conducted, shall be specified in the State plan.

In proposed § 465.8, States are required in the State plans to describe the procedures that will be used to: (a) collect information regarding the barriers to energy saving measures perceived by small energy users and (b) communicate this information to organizations in the State that can act on them. In the pilot program, substantial effort has been devoted to developing and testing this feedback activity, and positive results are being obtained. Experience shows that this activity is necessary for two reasons. First, EES services cannot be optimally effective when institutional or other barriers prevent target audiences from adopting energy-saving measures. Second, small energy users rarely have a direct channel for making their concerns known to organizations that can act on them. The Program Planning Manual will provide guidance and an overview of pilot program experience to aid States in planning for this activity.

Proposed § 465.6 provides that the EES Director in DOE may reserve up to 10 percent of the total EES appropriation for special State projects. This provision gives flexibility to fund innovative or high risk ventures not included in a State plan. A special projects program now is being tested in the pilot program. The projects will be chosen competitively from those submitted by the pilot States, with the requirement that the project results must be applicable to more than the selected State. Special projects will not be funded for the first year of the nationwide program pending review of their usefulness.

In proposed § 465.12(a)(3), the use of EES funds for research and development activities geared toward developing or testing the feasibility of new energy technologies is specifically prohibited. Likewise, EES will not fund demonstrations of technologies which are not commercially available. EES is not intended to be an R&D program, but rather to connect small energy users with energy saving opportunities presently available. However, States will be permitted to modify existing buildings in order to demonstrate, for educational purposes, the use of existing energy-saving techniques and technologies. For all educational demonstrations involving building modifica-

tions, proposed § 465.7(c)(6) provides that the States will include in the State application a brief summary of any anticipated environmental impacts.

In the event a State does not submit an annual State application or if an application is not finally approved, the Director of EES in DOE is required by the Act to prepare a State plan for the State, as provided in proposed § 465.10. Before preparing a State plan, the Director of EES will consult with the Governor. After consulting with the Governor, the Director of EES will proceed to prepare the State plan and transmit it to the Governor. If the Governor does not object to the plan within a subsequent 90-day period, the Director will implement the plan. DOE does not intend to substitute itself for the State for purposes of EES, unless absolutely necessary.

The proposed regulation also permits, according to statutory provisions, establishment of State technical support institutes to assist in implementation of a State plan. Because of the program's emphasis on making full use of existing organizations, DOE will require full justification if such a new organization is proposed by a State, as set forth in proposed § 465.8. Experience in the pilot program has shown that such new institutes are rarely, if ever, necessary.

The Director of DOE's EES office will develop and carry out the comprehensive EES program. As indicated in proposed § 465.3, the comprehensive EES program consists of the State programs as well as other activities of the EES office. Key EES office functions, as stated in proposed § 465.3, include providing technical and financial assistance to the States; facilitating information sharing among States; communicating information regarding barriers to energy conservation identified by small energy users to appropriate national level organizations; taking steps necessary to minimize program conflict with the private sector; and consulting with the National Advisory Board.

The Act also requires annual preparation of a Comprehensive Program and Plan for Federal Energy Education, Extension and Information Activities (CPP). The primary purpose of the CPP is to plan for the improved coordination of all such Federal programs. DOE submitted the first CPP to Congress and the President in February, 1978. Space has been reserved in proposed § 465.4 for CPP provisions, pending the establishment of specific DOE administrative procedures.

The proposed regulation leaves all EES administrative functions to the DOE headquarters office in Washington, D.C. The Department intends, however, to decentralize substantial functions to the DOE Regional Repre-

sentatives. A study is now in progress to determine what these functions will include. Appropriate changes will be made either in the final regulation or by a separate delegation. In either case, the States will be fully informed of the final administrative structure.

IV. OPPORTUNITY FOR PUBLIC COMMENTS

A. *Written comments.* Interested persons are invited to submit written comments with respect to the proposed regulation to Box TN, Public Hearing Management Office, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on the documents submitted to DOE with the designation "National Energy Extension Service". Fifteen (15) copies should be submitted. All comments and related information should be received by DOE by August 4, 1978, in order to ensure consideration.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. Any material not accompanied by a statement of confidentiality will be considered to be non-confidential. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

B. *Public hearing—1. Participation procedures.* A public hearing on the proposed regulation will be held at 9:30 a.m., on July 19, 1978, in Room 2105, 2000 M Street NW., Washington, D.C., to receive oral presentations from interested persons.

Any person who has an interest in the proposed regulation or who is a representative of a group or class of persons which has an interest in it may make a written request for an opportunity to make an oral presentation. Such a request must be received by July 6, 1978, 4:30 p.m., e.d.s.t., and should be directed to the Public Hearing Management Office, Department of Energy, Box TN, Room 2313, 2000 M Street NW., Washington, D.C. 20461. The person making the request should describe his or her interest in the proceeding and provide a concise summary of the proposed oral presentation and a phone number where he or she may be reached. Each person who in DOE's judgement proposes to present relevant and material information shall be selected to be heard and shall be notified by DOE of his or her participation before 4:30 p.m. e.d.s.t., July 12, 1978, and shall submit 15 copies of his or her proposed statement to the Public Hearing Management Office, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461 on or before July 18, 1978.

2. *Conduct of Hearings.* DOE reserves the right to arrange the schedule of presentations to be heard and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated as presiding officer to chair the hearing. This will not be a judicial or evidentiary-type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements.

Any participant who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant and material, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

In accordance with DOE's obligations under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq., an evaluation of the potential environmental impacts of the proposed regulation has been prepared by DOE. Based on an environmental assessment of the proposed regulation, DOE has determined that this regulation will not constitute a major Federal action having a significant effect on the quality of the human environment. Accordingly, an environmental impact statement will not be prepared. However, the EES Director has an obligation to review programs proposed for funding under this regulation and determine whether a site-specific environmental review is required.

In accordance with DOE's proposed plan for implementation of Executive Order 12044, entitled "Improving Government Regulations", the Assistant Secretary for Intergovernmental and Institutional Relations has determined that this proposed regulation for the comprehensive energy Extension Service program is significant since it is expected to affect State programs substantially. The Assistant Secretary has further determined that a regulatory analysis is not required for the pro-

posed regulation. The program is not likely to impose gross economic costs of \$100 million or more a year; nor is it likely to cause a major increase in costs or prices for individual industries, levels of government, geographic regions or demographic groups. Services under the program will be supportive of the overall objectives of the National Energy Plan (NEP) as they relate to energy conservation and the use of renewable fuels. However, the program is not likely to have a substantial effect on any of the particular NEP goals related to achieving these objectives. The program involves providing information and technical assistance to small energy users to acquaint them with available energy saving opportunities that meet their needs.

In consideration of the foregoing, it is proposed to amend Chapter II of Title 10 of the Code of Federal Regulations by establishing Part 465 as set forth below.

Issued in Washington, D.C., May 30, 1978.

WILLIAM P. DAVIS,
Deputy Director
of Administration.

Subchapter D, Chapter II of Title 10, Code of Federal Regulations is amended by establishing Part 465 as follows:

- Sec.
465.1 Purpose and scope.
465.2 Definitions.
465.3 Comprehensive Energy Extension Service program.
465.4 Comprehensive Program and Plan for Federal Energy Education, Extension and Information Activities. [Reserved]
465.5 National Advisory Board.
465.6 Financial assistance.
465.7 Annual State applications.
465.8 Submission and contents of State plans.
465.9 Approval of annual State applications and State plans.
465.10 Development and implementation of a State plan by the Director.
465.11 Administrative review.
465.12 Prohibited expenditures.
465.13 Recordkeeping.
465.14 Reports.
465.15 Administration of financial assistance.

AUTHORITY: National Energy Extension Service Act, enacted as Title V of the Energy Research and Development Administration Authorization Act of 1977, Pub. L. 95-39, 91 Stat. 192, 42 U.S.C. 7001 et seq.; Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 965, 42 U.S.C. 7101 et seq.; Federal Grant and Cooperative Agreement Act of 1977, Pub. L. 95-224, 92 Stat. 3, 41 U.S.C. 501 et seq.; E.O. 12009, 42 FR 46267; E.O. 12044, 43 FR 12660.

§ 465.1 Purpose and scope.

This part contains the regulation adopted by DOE to establish a comprehensive Energy Extension Service program which shall—

(a) Establish a positive energy outreach program directed toward small businesses and individual energy users and the organizations that influence their energy consumption;

(b) Stimulate, provide for and supplement programs for the conduct of evaluation, planning and other technical assistance of energy conservation efforts, including energy outreach activities of States; and

(c) Provide financial and technical assistance to the States for State plans which contribute to the implementation of the comprehensive Energy Extension Service program.

§ 465.2 Definitions.

As used in this part—

"Act" means the National Energy Extension Service Act, Pub. L. 95-39, 42 U.S.C. 7001 et seq.

"Barriers to energy conservation" means problems or obstacles identified by small energy users which prevent or hinder them from adopting conservation techniques and technologies.

"Building" means any structure which includes provisions for a heating, cooling or hot water system, or which is used as a residential dwelling unit.

"Community Action Agency" means a private corporation or public agency established pursuant to the Economic Opportunity Act of 1964, Pub. L. 88-452, 42 U.S.C. 2701 et seq., which is authorized to administer funds received from Federal, State, local or private funding entities to assess, design, operate, finance and oversee antipoverty programs.

"Conservation techniques and technologies" means a modification likely to result in energy conservation.

"Director" means the Director of the EES office of DOE.

"DOE" means the Department of Energy.

"Energy audit" means a technique or method to measure the cost or consumption of energy in a building or industrial process or the modification, maintenance or operation of either a building or industrial process.

"EES" means Energy Extension Service.

"EES office" means the office of DOE established to develop and carry out the comprehensive EES program in accordance with the provisions of this part.

"Energy conservation" means energy conservation, efficient energy use or the utilization of renewable energy resources.

"Governor" means the chief executive officer of a State, including the Mayor of the District of Columbia, or a person duly designated in writing by the Governor to act upon his or her behalf.

"Grantee" means a State or other State entity named in the notice of grant award as the recipient.

"SECP" means the program for State Energy Conservation Plans established under Part C of Title III of the Energy Policy and Conservation Act, Pub. L. 94-163, 42 U.S.C. 6201 et seq. as amended by Part B of Title IV of the Energy Conservation and Production Act, Pub. L. 94-385, 42 U.S.C. 6321 et seq.

"Secretary" means the Secretary of the Department of Energy.

"Service" means technical assistance, instruction, information dissemination, energy audit, or a practical demonstration concerning one or more conservation techniques and technologies.

"Small business" means an independently owned concern which together with its affiliates is not dominant in its field and either does not have average annual receipts for the last three years of more than \$12 million or does not have more than 500 employees.

"Small energy users" mean residential consumers, individuals, and groups, such as small businesses and agricultural operations, State and local governments, and educational and health organizations.

"Special State project" means a unique or innovative activity which is likely to bring about energy conservation and which is not described in a State plan.

"State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territories of the Pacific.

"State program" means a set of related services which is used to implement a portion of a State plan.

"Target audience" means the persons intended to receive services provided under a State program.

"Technical assistance" means assistance, other than direct financial assistance, including instruction, expert advice, information dissemination, and practical demonstrations.

"Technical support" means specialized analyses, preparation of materials, training or other activities, provided by a State which are necessary effectively to implement a State plan.

§ 465.3 Comprehensive Energy Extension Service program.

(a) DOE has established the EES office, administered by a Director, to develop and carry out the comprehensive EES program established by this part.

(b) The comprehensive EES program shall identify, develop, and demonstrate in a practical manner, opportunities for energy conservation. This program shall be developed with particular regard for the needs of small energy users.

(c) The Director shall implement the comprehensive EES program by—

(1) Carrying out activities, through technical assistance where appropriate, for the identification, development, and practical demonstration of energy conservation;

(2) Collecting information and undertaking actions to eliminate barriers to energy conservation identified by small energy users;

(3) Providing financial assistance for the implementation of a State plan; and

(4) Providing technical assistance for the development, implementation, or modification of a State plan.

(d) The Director shall take such steps as he or she may determine to be necessary to minimize conflict between existing services in the private sector that are similar to the services provided under the comprehensive EES program. For this purpose, the Director shall not less frequently than once a year—

(1) Consult with the National Advisory Board, referred to in § 465.5; and

(2) Obtain written and oral comments on how to minimize conflicts from the public after publishing a notice of inquiry and public meeting in the FEDERAL REGISTER.

§ 465.4 Comprehensive program and plan for Federal energy education, extension and information activities. [Reserved]

§ 465.5 National Advisory Board.

(a) The Secretary shall appoint a National Advisory Board which shall consist of not less than 15 nor more than 20 members. The members shall include persons representative of the interests of State, county, and local governments, State universities, community colleges, community action agencies, energy users, small businesses, and agriculture.

(b) The Secretary shall designate one member of the Board to serve as Chairman and shall provide the Board with the services and facilities, as may be necessary to carry out its functions.

(c) The Board shall carry on a continuing review of the operation of the comprehensive EES program established by § 465.3 and the State plans approved by the Director according to § 465.9, for the purpose of evaluating their effectiveness in achieving the objectives of the Act and determining how their operation might be improved in order to further these objectives.

(d) The Board shall report annually to the Secretary, the Director, and the Congress on the status of the comprehensive EES program, including any recommendations the Board may have for administrative or legislative changes needed to improve operation of the comprehensive EES program.

(e) The Secretary shall reimburse Board members for the full amount of

expenses incurred in carrying out their responsibilities.

§ 465.6 Financial assistance.

(a) The Director shall provide financial assistance from funds available for any fiscal year to each State having an approved annual application according to § 465.9.

(b) Financial assistance shall be allocated among the States from funds available for any fiscal year based on the following formula—

(1) One-half shall be divided equally among all States; and

(2) One-half shall be divided on the basis of the State's population as reported by the Department of Commerce, Bureau of Census, in the most recent decennial census.

(c) If a State's allocation of financial assistance is not obligated by the Director during the fiscal year, the allocation shall be reallocated among the States for the next calendar year according to paragraph (b) of this section.

(d) Notwithstanding the provisions of paragraph (b) of this section, the Director may reserve from the funds appropriated for any fiscal year an amount to provide financial assistance to States for special State projects. This amount shall be determined by the Director, but in no event shall exceed ten percent of the appropriated funds.

§ 465.7 Annual State applications.

(a) The Director shall send a copy of the regulation to the Governor of each State and invite him or her to submit the first annual State application.

(b) To be eligible for financial assistance under this part, a State shall submit ten copies to the Director of an annual State application executed by the Governor. The first annual State application shall be submitted not later than 180 days from the date of issuance of this regulation. Subsequent annual State applications shall be submitted on or before September 30.

(c) An annual State application shall contain—

(1) The name and address of the grantee;

(2) The State plan or modifications of it, as required by § 465.8 (a) and (b) respectively;

(3) A budget and listing of milestones for the activities to be carried out in each of the State programs contained in the State plan by calendar quarters for the year in which financial assistance will be provided;

(4) A description of policies and procedures employed by the State which assure that financial assistance provided under this part does not supplant the expenditure of State or local funds for the same purposes, but

rather supplements Federal, State, or local funds, and increases the expenditure of the State or local funds to the maximum extent practicable;

(5) A written summary and chronology of the procedures which were used to provide organizations and individuals with opportunity to comment on the State plan prior to or during its development. The opportunity to comment shall be provided to representatives of energy users and producers, State, county, and local officials, State universities and community colleges, cooperative extension services, community action agencies and other public, private, or nonprofit organizations which are involved in active energy outreach activities. The written summary shall include—

(i) The name of the organizations afforded an opportunity to comment; and

(ii) How the comments received affected the contents of the State plan.

(6) A description of anticipated environmental impacts of any services which include the modification of buildings or structures to provide a practical demonstration of conservation techniques and technologies.

(d) The Governor may request an extension of the annual submission date by submitting a written request to the Director not less than 30 days prior to the date referred to in paragraph (b) of this section. The extension shall only be granted if, in the Director's judgment, acceptable and substantial justification is shown and the extension would further the objectives of the Act.

§ 465.8 Submission and contents of State plans.

(a) A State shall submit a State plan with—

(1) The first annual State application; and

(2) The annual State application submitted every three years thereafter.

(b) A State shall submit, with the annual State application, modifications to the State plan, if appropriate, for the years not referred to in paragraph (a) of this section.

(c) A State plan shall be developed for a three year period and contain—

(1) A description of the overall objectives to be achieved for the three year period by implementation of the State plan, which shall include—

(i) Why the objectives were selected, with particular reference to potential energy savings, increased use of renewable resources and the types and numbers of people affected;

(ii) How the State programs included in the State plan, and the emphasis and funding given to each, together represent a strategy to achieve these objectives;

(iii) How the State plan provides for information dissemination to small

businesses and addresses organizations which influence the energy consumption of small energy users;

(iv) How the State plan makes energy audits available to small energy users, within personnel and funding limitations;

(v) How implementation of the State plan shall supplement and be coordinated with other energy conservation programs being carried out in the State with Federal funds or under other Federal laws, with particular reference to university programs providing extension services and the State's SECP; and

(vi) How existing organizations, including State, local, university, or other organizations, will be used to the optimum extent to assist in the implementation of the State plan;

(2) A description for each State program in the State plan, which shall include—

(i) The target audience, why it was selected and the estimated number of persons which the State program expects to reach;

(ii) The services to be provided, including—

(A) How the services will meet the needs of the target audience;

(B) The conservation techniques and technologies to be used in each service; and

(C) The type and estimated number of any energy audits if any are included;

(iii) The geographic areas in which the services shall be delivered and why these areas were selected;

(iv) The estimated impact of each of the services on the target audience which shall be expressed in terms of changes in attitude, knowledge or action, or estimated increases in energy conservation;

(v) Any technical support which is necessary to provide the services, including the organization that will provide the technical support and why the organization was selected; and

(vi) The organization or organizations which shall administer the State program and those which shall provide each service to the target audience, why the selection was made and the approximate number of any new personnel to be employed to implement the program;

(3) A description of the methods and procedures which shall be used to—

(i) Identify barriers to energy conservation from responses which shall be obtained from target audiences;

(ii) Communicate information concerning the barriers to energy conservation to organizations within the State that have the capability or authority to remove or influence the barriers; and

(iii) Periodically report the results of such communication to the target audiences identified in subparagraph (c)(2)(i) of this section;

(4) A description of the administrative procedures to be used in the implementation of the State plan which shall include—

(i) The procedures to be used to respond to suggestions and inquiries from the public regarding energy conservation;

(ii) The procedures to be used to publicize and disseminate up-to-date and easily understood information on the services available to small energy users under the State plan and under other Federal programs and activities of the State regarding conservation techniques and technologies; and

(iii) The system to be used to review, for technical accuracy, any publication or other material which the State shall prepare or use in a State program;

(5) A description of the purpose, methods and procedures of the independent evaluation activities, if any, that the State shall undertake regarding the State programs or services;

(6) A description of the organization which shall administer the overall development and implementation of the State plan, which shall include—

(i) Why the administering organization was selected;

(ii) The provisions made for coordination between the administering organization and any other organizations assisting in the implementation of the State plan; and

(iii) The relationship between the administering organization and the grantee if the two are not the same;

(7) A description of any additional technical support not described in subparagraph (c)(2)(v) of this section which is required to facilitate implementation of the State plan. If existing organizations are not available to provide this additional technical support or the technical support identified in subparagraph (c)(2)(v), the State may propose to establish a technical support institute, at one or more colleges or universities designated by the Governor. The purpose of the technical support institute shall be to assist in the implementation of the State plan and to provide analyses and technical support which is required for effective implementation of the State plan. If such an institute is proposed, the State shall provide a detailed justification which shall describe—

(i) Why the institute is needed;

(ii) How the institute specifically relates to the implementation of the State plan; and

(iii) The purpose, location, size, and specific activities of the institute; and

(8) An assurance that the State will maintain or require other participating entities within the State to maintain, and make available upon request to the Director, such records as the Director may require, with respect to

the use and expenditures of financial assistance provided to the State, or to entities within the State, under this part.

§ 465.9 Approval of annual State applications and State plans.

(a) The Director shall review each timely State annual application and provide financial assistance if he or she determines that—

(1) The State plan meets the objectives of the Act;

(2) The annual State application and the State plan meet the requirements of § 465.7 and 465.8, respectively; and

(3) Implementation of the State plan by the State conforms to the requirements of this part.

(b) If the annual State application is not approved according to paragraph (a) of this section, the director shall return it to the State together with a written statement describing why the annual State application fails to meet the requirements of this part. The State shall have a reasonable time period, as determined by the Director, to amend its annual State application and submit it for reconsideration according to paragraph (a) of this section.

§ 465.10 Development and implementation of a State plan by the Director.

(a) The Director shall develop a State plan which meets the requirements of § 465.8, if—

(1) A State does not submit an annual State application in accordance with § 465.7; or

(2) The Director finally disapproves an annual State application according to § 465.11.

(b) Prior to developing a State plan under this section, the Director shall provide notice and an opportunity for comment to the Governor.

(c) A State plan developed by the Director shall be transmitted to the Governor of the State and shall not be implemented for ninety days after the date of transmittal. Notwithstanding any provisions of this section to the contrary, no State plan developed by the Director according to paragraph (a) of this section shall be implemented if the Governor, within the ninety-day period, notifies the Secretary in writing of his or her objection to the implementation of the State plan.

(d) In implementing a State plan developed according to this section, the Director shall make maximum use of regional, State or local organizations which deliver services which are appropriate for purposes of this part. The Director shall coordinate his or her activities in implementing the State plan with all other regional, State or local organizations which deliver services which are related to, but not directly involved in, the implementation of the State plan.

(e) A State plan developed by the Director for a State whose financial assistance has been terminated according to § 465.11, shall provide for the continuation of all activities under the State plan which meet the requirements of this part.

§ 465.11 Administrative review.

(a) If the Director intends to deny an annual State application resubmitted by the Governor according to § 465.9(b) or refuses to accept an annual State application resubmitted by the Governor after the time period referred to in § 465.9(b) has expired, the Director shall give notice to the Governor.

(b) If the Director determines that implementation of a State plan approved according to § 465.9 fails to meet the requirements of this part, the Secretary shall give notice to the Governor of his or her intent to terminate or suspend financial assistance to the grantee.

(c) The notice required by paragraphs (a) or (b) of this section shall be issued in writing by registered mail with return receipt requested and include—

(1) A statement of the reasons for the intended termination or suspension of financial assistance including an explanation of whether any amendments or other actions would result in compliance with this part;

(2) The date, place and time of a public hearing to be held by a review panel concerning the intended termination or suspension of financial assistance. The hearing shall be held within 15 working days after the date of receipt by the Governor of the notice; and

(3) The manner in which views may be presented.

(d) The Governor may submit written views with supporting data to the Director on or prior to the date of the public hearing and shall be offered an opportunity to make an oral presentation at the public hearing.

(e) No person who is a member of the EES office shall be a member of the review panel. The review panel shall be appointed by the Director and shall consist of—

(1) One person generally representative of State interests other than a person who represents the interests of the State whose application is being considered;

(2) One person representative of the interests of the Federal government; and

(3) One person representative of DOE.

(f) The review panel shall consider all relevant views and data submitted on or prior to the date of the public hearing. The review panel shall submit a written report containing its findings and recommendations to the Director

within 10 working days after the date of the public hearing.

(g) The Director shall submit the report, together with his or her recommendations, to the Secretary within 5 working days after receipt of the report.

(h) The Secretary shall issue a final determination, accompanied by a statement of the reasons for the actions taken, within 10 working days after receipt of the submission from the Director.

(i) Upon issuance of the notice referred to in paragraphs (a) or (b) of this section, the Director may suspend financial assistance to the grantee pending a final determination. If the Secretary makes a determination adverse to the grantee, the Secretary may terminate continued financial assistance to the grantee.

(j) If financial assistance to a grantee has been terminated by the Secretary, the Director may continue to provide financial assistance to persons other than the grantee to implement any acceptable provision of the State plan for the remainder of the calendar year.

§ 465.12 Prohibited expenditures.

(a) No financial assistance provided to a State under this part shall be used to—

(1) Purchase materials for or construct or repair a building or structure;

(2) Purchase land, a building or structure or any interest therein; or

(3) Conduct, or purchase equipment to conduct, research and development or demonstration of conservation techniques and technologies not commercially available.

(b) No more than 20 percent of the financial assistance awarded to a State under this part shall be used to purchase equipment, office supplies or library materials.

§ 465.13 Recordkeeping.

Each State or other entity within a State receiving financial assistance under this part shall make and retain records required by the Director, including records which fully disclose the amount and disposition of financial assistance received; the cost of administration; the total cost of all activities for which assistance is given or used; the source and amount of any funds not supplied by the Director; and any data and information which the Director determines are necessary to protect the interests of the United States and to facilitate an effective financial audit and performance evaluation. The Director, or any of his or her duly authorized representatives, shall have access, until three years after the completion of the activities involved, to any books, documents, records or receipts which the Director deter-

mines are related or pertinent, either directly or indirectly, to any financial assistance provided under this part.

§ 465.14 Reports.

Each State receiving financial assistance under this part shall submit to the Director a quarterly program performance report and a quarterly financial statement. The reports shall contain such information as the Director may prescribe in order to effectively monitor the implementation of the State plan. The reports shall be submitted to the Director within 30 days following the end of each calendar quarter.

§ 465.15 Administration of financial assistance.

Grants provided under this part shall comply with the requirements of—

(a) Federal Management Circular 73-2 (34 CFR 255), entitled "Audit on Federal Operations and Programs by Executive Branch Agencies;"

(b) Federal Management Circular 74-4 (34 CFR 255), entitled "Cost Principles Applicable to Grants and Contracts with State and Local Governments;"

(c) Office of Management and Budget Circular A-102, entitled "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments;"

(d) Office of Management and Budget Circular A-89, entitled "Catalog of Federal Domestic Assistance;"

(e) Office of Management and Budget Circular A-95, entitled "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects;"

(f) Office of Management and Budget Circular A-97, entitled "Rules and Regulations Permitting Federal Agencies to Provide Specialized or Technical Services to State and Local Units of Government under Title III of the Intergovernmental Coordination Act of 1968;"

(g) Treasury Circular 1082 Revised, entitled "Notification to States of Grant-in-Aid Information;"

(h) Treasury Circular 1075, entitled "Treasury Fiscal Requirements Manual"; and

(i) Other procedures which DOE or the Director may from time to time prescribe for the administration of financial assistance provided under this part.

[FR Doc. 78-15472 Filed 6-2-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 78-ASW-20]

TRANSITION AREA

Proposed designation: Sand Springs, Okla.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of the action being taken is to propose designation of a transition area at Sand Springs, Okla. The intended effect of the proposed action is to provide controlled airspace for aircraft executing instrument approach procedures to the William R. Pogue Municipal Airport. The circumstance which created the need for the action was a requirement to provide capability for flight under instrument weather conditions to the airport. Coincident with this action, the airport will be changed from visual flight rules (VFR) to instrument flight rules (IFR) status.

DATES: Comments must be received on or before July 5, 1978.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex. An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch, ASW-536, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G § 71.181 (43 FR 440) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of the transition area at Sand Springs, Okla., will necessitate an amendment to this subpart.

COMMENTS INVITED

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures

PROPOSED RULES

Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before July 5, 1978, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, or by calling 817-624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Sand Springs, Okla. The FAA believes this action will enhance IFR operations at the William R. Pogue Airport by providing controlled airspace for aircraft executing proposed instrument approach procedures using the Tulsa, Okla., VORTAC. Subpart G of Part 71 was republished in the FEDERAL REGISTER On January 3, 1978 (43 FR 440).

DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation Regulations (CFR Part 71) as republished (43 FR 440) by adding the Sand Springs, Okla., transition area as follows:

SAND SPRINGS, OKLA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the William R. Pogue Municipal Airport (latitude 36°10'25" N., longitude 96°08'55" W.) excluding that airspace that overlies the Tulsa, Okla., transition area.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE:—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on May 22, 1978.

PAUL J. BAKER,
Acting Director,
Southwest Region.

[FR Doc. 78-15343 Filed 6-2-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-EA-34]

PROPOSED DESIGNATION OF TRANSITION AREA

Chesapeake, Va.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to designate a Chesapeake, Va., transition area, over Chesapeake Municipal Airport, Chesapeake, Va. This designation will provide protection to aircraft executing the new VOR/DME 4 standard instrument approach which has been developed for the airport. An instrument approach procedure requires the designation of controlled airspace to protect instrument aircraft utilizing the instrument approach.

DATES: Comments must be received on or before August 3, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace & Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-3391.

COMMENTS INVITED

Interested parties may participate in the proposed rulemaking by submit-

ting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430. All communications received on or before August 3, 1978, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace & Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430, or by calling 212-995-3391.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to subpart G of part 71 of the Federal Aviation Regulations (14 CFR part 71) to designate a transition area over Chesapeake Municipal Airport. The area will be designated by establishing additional controlled airspace within a 6.5-mile radius arc of the airport from approximately 165' to 340'.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 71.181 of part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

1. Amend § 71.181 of part 71 of the Federal Aviation Regulations by designating a Chesapeake, Va., 700-foot floor transition area as follows:

CHESAPEAKE, VA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 36° 39' 48" N., 76° 19' 23" W., of Chesapeake Municipal Airport, Chesapeake, Va.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; (49 U.S.C. 1348(a); sec. 6(c),

PROPOSED RULES

Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.65.)

NOTE:—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 as amended by Executive Order 11949 and OMB Circular A-107.

Issued in Jamaica, N.Y., on May 22, 1978.

L. J. CARDINALI,
Acting Director, Eastern Region.
[FR Doc. 78-15344 Filed 6-2-78; 8:45 am]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Chapter II]

CONSUMER PRODUCTS CONTAINING NITROBENZENE

General Order for Submission of Information

AGENCY: Consumer Product Safety Commission.

ACTION: General order for submission of information.

SUMMARY: In this document, the Consumer Product Safety Commission orders manufacturers of consumer products containing nitrobenzene to furnish the Commission with information concerning the brand names of products containing nitrobenzene, the concentration of nitrobenzene in the product, the package sizes of consumer products containing nitrobenzene, the functions or purposes of nitrobenzene in the product and the functions of or uses for the product. Information available to the Commission shows that nitrobenzene is toxic whether ingested, absorbed through the skin, or inhaled. Although the Commission believes that nitrobenzene is presently being used in some products, the Commission is unaware of how many and what products in these or other categories actually contain nitrobenzene, the concentration of nitrobenzene in these products, the package sizes of the products, the functions or purposes of nitrobenzene in these products and the functions of or uses for the products. Information obtained as a result of this order should assist the Commission in determining whether regulatory action is appropriate for any consumer products containing nitrobenzene.

DATES: Manufacturers are required to furnish the information specified in this order on or before September 4, 1978, and are required to update the information (or report new uses of nitrobenzene in consumer products) for a one year period following publication of this order in the FEDERAL REGISTER. The order expires one year after it is published in the FEDERAL REGISTER.

ADDRESS: Information required by this order should be sent to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT:

Philip Bechtel, Office of the General Counsel, Washington, D.C. 20207, 202-634-7770 (for questions concerning applicability of this order to a particular product), or Dorothy Canter, Directorate for Engineering and Sciences, 301-492-6577 (for technical questions).

SUPPLEMENTARY INFORMATION:

PURPOSE OF THE ORDER

Information available to the Commission shows that nitrobenzene is toxic whether taken into the body by mouth, absorbed through the skin, or inhaled. The principal toxic effect in humans is the formation of methemoglobin, a form of hemoglobin incapable of carrying oxygen to the tissues. Canada has banned the use of nitrobenzene in consumer products at concentrations of 5 parts per million (ppm) or higher. The government of Switzerland has banned the use of nitrobenzene in soaps and cleansers and from use in floor maintenance products.

The Commission has recently considered a petition (HP 75-20) requesting the Commission to ban consumer products containing nitrobenzene. The Commission denied this petition since presently available information does not establish that consumer products containing nitrobenzene would necessarily be toxic or capable of causing substantial personal injury because of the presence of nitrobenzene. The Commission believes that nitrobenzene may be used in some shoe dyes, inks, floor and furniture polishes, shoe polishes, shoe paste wax, gun cleaners, chrome and glass cleaners, glues, cements, greases, and as an artificial flavor and scent in food and perfume. In addition, nitrobenzene is used as an intermediate in chemical synthesis. However, the Commission is unaware of how many and what products in these or other categories actually contain nitrobenzene, the concentration of nitrobenzene in these products, the package sizes of the products, the functions or purposes of nitrobenzene in these products and the functions of or uses for the products. Information obtained as a result of this order should assist the Commission in determining whether regulatory action is appropriate for any consumer products containing nitrobenzene.

B. TRADE SECRETS OR CONFIDENTIAL INFORMATION

If a manufacturer believes that information furnished in response to the

order is a trade secret or proprietary or confidential information, the manufacturer should request confidential treatment. Requests for confidential treatment will be handled in accordance with the Freedom of Information Act as amended (5 U.S.C. 552), the Commission's regulations under that Act, (16 CFR Part 1015, 42 FR 10490) and the provisions of section 6(a)(2) of the Consumer Product Safety Act (15 U.S.C. 2055(a)(2)).

C. ADDITIONAL INFORMATION

The reporting requirement contained in this order has been approved by the United States General Accounting Office under Number B-180232 (R0518) and expires on August 31, 1979. Failure to respond to this General Order, or the furnishing of false reports, may subject a manufacturer to civil or criminal penalties under sections 20 and 21 of the Consumer Product Safety Act, 15 U.S.C. 2069, 2070.

D. ORDER

This general order is issued pursuant to section 27(b)(1) and section 5 of the Consumer Product Safety Act (15 U.S.C. 2076(b)(1) and 15 U.S.C. 2054).

The Consumer Product Safety (CPSC) hereby orders manufacturers of consumer products containing nitrobenzene to furnish the Commission with the following information as set forth below:

(1) *Information to be Furnished*—(a) *Brand Names*. The brand names of the product(s) containing nitrobenzene, including private labels.

(b) *Concentration of Nitrobenzene*. The concentration of nitrobenzene in the product. (In order to allow the Commission to determine whether appropriate regulatory action is required for nitrobenzene, manufacturers of consumer products should report concentrations of nitrobenzene at levels of 10 ppm (50 mg/m³) and above.)

(c) *Package Sizes*. The package sizes of the consumer products containing nitrobenzene.

(d) *Functions or Purposes of Nitrobenzene*. The functions or purposes of nitrobenzene in the product, and available substitutes.

(e) *Functions of or Uses for the Product*. The functions of or uses for the products containing nitrobenzene.

If nitrobenzene is believed to be present as a contaminant in any consumer product, manufacturers should state the brand names of the products in which nitrobenzene is believed to be present, as well as the concentration of nitrobenzene in the product, if that information is available.

(2) *Time and Place for Submission of Information, Obligation to Keep Information Current, Obligation to Submit New Information*. The requested information shall be submitted so as to be received in the Office of the Secre-

tary, Consumer Product Safety Commission, Washington, D.C. 20207 no later than September 5, 1978.

Any changes in the above information shall be reported within 30 days of the event. The information submitted shall be kept current until the expiration of this order on June 5, 1979.

If new consumer products (or new formulations of existing consumer products) containing nitrobenzene are manufactured after the effective date of this order, but before the expiration of the order, then manufacturers of these products shall comply with this order. This order applies only to consumer products containing nitrobenzene manufactured on or after June 5, 1977. Manufacturers are not required to furnish information as to products otherwise within the terms of this order which have been manufactured before this date.

(3) *Scope of the Order*. This order applies only to manufacturers of consumer products that contain nitrobenzene. Under section 3(a) of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2052(a)), the term "consumer product" is defined as any article or component part, produced or distributed for sale to, or for personal use, consumption, or enjoyment of a consumer in or around a permanent or temporary household or residence, a school, in recreation, or otherwise. The act at section 3(a)(1) (A)-(I) excludes from the definition of consumer product the following:

(A) Articles that are not customarily produced or distributed for sale to, or use or consumption by, or enjoyment of, a consumer.

(B) Tobacco and tobacco products,

(C) Motor vehicles or motor vehicle equipment,

(D) Pesticides,

(E) Firearms, firearms ammunition, or components of firearms ammunition, including black powder or gun powder,

(F) Aircraft, aircraft engines, propellers or appliances,

(G) Boats, vessels and appurtenances to vessels, and equipment,

(H) Drugs, devices, or cosmetics, or

(I) Food.

Manufacturers of products containing nitrobenzene that are true industrial products, or that are otherwise excepted from the definition of consumer products listed above are not required to furnish the information specified in this order. This order applies only to consumer products containing nitrobenzene, also known as C.I. Solvent Black 5, essence of mirbane, essence of myrbane, mirbane oil, nigrosine, spirit soluble B, nitrobenzol, oil of mirbane, and oil of myrbane.

Importers of consumer products are included within the definition of manufacturer, under section 3(a)(4) of the act, and are subject to the require-

ments of this order. Effective date: June 5, 1978.

AUTHORITY.—15 U.S.C. 2076(b)(1)(15 U.S.C. 2054).

Dated: May 30, 1978.

SADYE DUNN,
Acting Secretary, Consumer
Product Safety Commission.
(FR Doc. 78-15418 Filed 6-2-78; 8:45 am)

[4310-05]

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and
Enforcement

[30 CFR Part 880]

GRANTS FOR MINING AND MINERAL RESOURCES, RESEARCH INSTITUTES AND MINERAL RESEARCH PROJECTS

Proposed Establishment and Financial
Assistance

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Proposed rules.

SUMMARY: The regulations in this chapter set out the policies and procedures that will be followed by the Department of the Interior in Administering Title III of the Surface Mining Control and Reclamation Act of 1977. That title provides for the establishment of, and financial assistance to, Mining and Mineral Resources Research Institutes in each State and for research grants to support mining and mineral research projects.

DATE: Comments must be received by July 5, 1978.

ADDRESS: Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

David Maneval, Assistant Director for Technical Services and Research, Office of Surface Mining Reclamation and Enforcement, 202-343-4264.

SUPPLEMENTARY INFORMATION: Title III of the Surface Mining Control and Reclamation Act of 1977 (the Act), Pub. L. No. 95-87, 30 U.S.C. 1221, et seq., requires the Secretary of the Interior to prescribe rules and regulations to implement the provisions of that title for grants and to assist State Mining and Mineral Resources and Research Institutes and to support mining and mineral research projects. The Act provides for annual allotments to one institute in each State for seven years and for research grants to each institute for mineral research projects. Title III specifies the categories of research to be conducted,

the funding criteria and the requirements for institutes to qualify for such funding.

These proposed regulations are based upon the requirements of Title III of the Act, as well as Office of Management and Budget (OMB) Circular Number A-110 concerning uniform administrative requirements for grants and agreements with higher education institutions.

The public is requested to comment on these proposed regulations. Full public participation will improve the quality of these regulations.

NOTE.—The Department of Interior has determined that these regulations do not constitute significant rules requiring preparation of a regulatory analysis under Executive Order 12044.

Dated: June 2, 1978.

WALTER N. HEINE,
Director, Office of Surface Mining,
Reclamation and Enforcement.

It is proposed to add Part 880 to Title 30, Chapter VII, to read as follows:

Part 880—Grants for Mining and Mineral Resources Research Institutes and Mineral Research Projects

- Sec.
- 880.1 Scope.
- 880.2 Objectives.
- 880.3 Authority.
- 880.4 Responsibility.
- 880.5 Definitions.
- 880.6 Eligibility for mineral institute grants.
- 880.7 Eligibility for research grants.
- 880.8 Eligibility for scholarships and fellowships.
- 880.9 Programs of institutes.
- 880.10 Application for initial allotments to institutes.
- 880.11 Application for allotments after the first fiscal year.
- 880.12 Special research project.
- 880.13 Approval of allotments and applications.
- 880.14 Other Federal requirements.
- 880.15 Progress and accomplishment reports.
- 880.16 Fiscal and accounting.
- 880.17 Audits and inspections.
- 880.18 Filing deadlines and amount of grants.
- 880.19 Grant agreement.
- 880.20 Grant amendments.
- 880.21 Grant reduction and termination.

AUTHORITY: Pub. L. 95-87; 30 U.S.C. 1221, et seq.

§ 880.1 Scope.

This part sets forth policies and procedures for grants to establish and assist Mining and Mineral Resources Research Institutes and to support mining and mineral research projects.

§ 880.2 Objectives.

The objectives of the assistance under this part are:

(a) To support research and training in mining and mineral resources problems related to the mission of the Department of the Interior.

(b) To contribute to a comprehensive nationwide program of mining and mineral research having due regard for the protection and conservation of the environment.

(c) To support specific mineral research and demonstration projects of industry-wide application.

(d) To assist the States in carrying on the work of competent and qualified mining and mineral resources research institutes.

(e) To provide scholarships, graduate fellowships and post-doctoral fellowships in mining and mineral resources, and allied fields such as mining engineering, civil engineering, soil conservation, hydrology, geology, chemistry, ecology, wildlife biology, land use planning and resources management.

§ 880.3 Authority.

(a) Section 301 of the Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95-87) authorizes the Secretary to make grants available to assist the States in carrying on the work of competent and qualified mining and mineral resources research institutes.

(b) Section 302(a) of the Act authorizes the Secretary to make grants available to institutes to meet the expenses of mineral research and demonstration projects and of research into any aspects of mining and mineral resources problems related to the mission of the Department of the Interior which may be deemed desirable and are not otherwise being studied.

(c) Section 302(c) of the Act authorizes the Secretary to provide scholarships, graduate fellowships and post-doctoral fellowships.

(d) Section 307 of the Act authorizes the Secretary to establish a center for cataloging scientific research in all fields of mining and mineral resources.

(e) Section 309 of the Act authorizes the Secretary to appoint an Advisory Committee on Mining and Mineral Resources Research and to designate the Chairman of the Advisory Committee.

§ 880.4 Responsibility.

(a) The Secretary of the Interior is responsible for administering the program authorized under Title III—State Mining and Mineral Resources and Research Institutes of the Act, and may delegate this authority for all sections, with the exception of Section 309 (a) and (b), for the administration of activities and operations established therein.

(b) The Director shall administer the programs for mining and mineral resources research institutes, for mineral research and demonstration projects and for scholarships, graduate fellowships and post-doctoral fellowships.

§ 880.5 Definitions.

As used in this chapter, the term—

(a) "Act" means the Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95-87),

(b) "Title" means Title III of the Act concerning State Mining and Mineral Resources and Research Institutes,

(c) "Secretary" means the Secretary of the Interior or his authorized representative,

(d) "Advisory Committee" means the Advisory Committee on Mining and Mineral Resources Research appointed by the Secretary,

(e) "Institute" means a competent and qualified mining and mineral resources research institute, center, or component of a college or university, established in accordance with the provisions of Title III of the Act,

(f) "Director" means the Director of the Office of Surface Mining Reclamation and Enforcement,

(g) "Scientists and Engineers" means individuals in any professional discipline in the life, physical, or social sciences,

(h) "Allotment" means the funds made available to an institute on a matching basis in a particular fiscal year pursuant to section 301 of the Act and the regulations in this chapter,

(i) "Office" means the Office of Surface Mining Reclamation and Enforcement, Department of the Interior, Washington, D.C. 20240,

(j) "Assistant Director" means the Assistant Director for Technical Services and Research of the Office,

(k) "Mineral resource research" means research, investigations, demonstrations, experiments, or training in: (1) mineral exploration, extraction, processing and development; (2) production of mineral resources; (3) mining and mineral technology; (4) mineral supply and demand; (5) conservation and best use of available supplies of minerals and other resources affected by mineral extraction; and (6) the economic, legal, social, engineering, recreational, biological, geographic, ecological, and land use aspects of mining, mineral resources, and mineral reclamation.

§ 880.6 Eligibility for mineral institute grants.

To be eligible for financial assistance under section 301(a) of the Act, a college or university must meet all of the following criteria:

(a) Be either (1) a public college or university or (2) a private college or university in a State which does not have an eligible public college or university, and meet all other requirements of this paragraph;

(b) Have had in existence on August 3, 1977, a school of mines, division or department conducting a program of substantial instruction and research in mining or mineral extraction, or have established a school of mines, division or department conducting a program

of substantial instruction and research in mining or mineral extraction subsequent to August 3, 1977, which has been in existence for at least two years prior to the date of application for financial assistance.

(c) Employ at least four full-time permanent faculty members in the school of mines, division or department conducting instruction and research in mining and mineral extraction;

(d) Determined to be eligible for assistance in accordance with section 301 of the Act and these regulations by the Advisory Committee and designated by the Director;

(e) Has moneys available to support the institute which match the Federal share with non-Federal funds on a dollar-to-dollar basis and are at least equal to the Federal share; and

(f) Designated by the Governor of the State if there is more than one eligible college or university in a State, provided there is no designation to the contrary by act of the State legislature.

§ 880.7 Eligibility for research grants.

(a) Under section 302(a) of the Act and subject to the availability of appropriations, additional funds may be made available to the institute for:

(1) Special research into any aspects of mining and mineral resources problems, including reclamation and enforcement, which are related to the mission of the Department of the Interior, may be deemed desirable and are not otherwise being studied;

(2) Specific mineral research and demonstration projects of industrywide application, which could not otherwise be undertaken; and

(3) Expenses of planning and coordinating regional mining and mineral resources projects by two or more institutes.

(b) The Assistant Director will assemble from the Office and other offices, bureaus, and agencies of the Department of the Interior a listing of mining and mineral resources problems, including reclamation and enforcement. After consulting with the Advisory Committee and obtaining approval of the Director, the Assistant Director will make available to the institutes a list of topics for research. In special cases, studies not included on this list may be considered and approved if justified and deemed desirable under paragraphs (a)(2) or (a)(3) of this section.

§ 880.8 Eligibility for scholarships and fellowships.

(a) Under section 302 (b) and (c) of the Act, additional funds may be made available to the institute to:

(1) Provide opportunity for training individuals as mineral scientists and engineers, and

(2) Provide undergraduate scholarships, graduate fellowships, and post-doctoral fellowships for mining and mineral engineering and closely allied fields.

(b) The institute may apply for a grant to provide undergraduate scholarships, graduate fellowships, and post-doctoral fellowships in mining and mineral engineering and closely allied fields. The institute shall prepare a plan for awarding this aid based on academic ability. The institute must assure full compliance with Title VI of the Civil Rights Act of 1964 as amended 42 U.S.C. 2000d, if a grant for fellowships and scholarships is sought in the annual application for funds under paragraphs 5100.10 and 5100.11 of this chapter.

(c) An annual report of financial assistance provided and persons aided shall be included in the annual institute status report required by § 880.13.

§ 880.9 Programs of institutes.

(a) It shall be the duty of each institute to plan and conduct or arrange for a component or components of the college or university with which it is affiliated to conduct:

(1) Competent research, investigations, demonstrations, and experiments of either a basic or practical nature, or both, in relation to mining and mineral resources; and

(2) Training of mining and mineral engineers and scientists through such research, investigations, demonstrations, and experiments.

(b) Such research, investigations, demonstrations, experiments, and training may include, without being limited to:

(1) The exploration, extraction, processing, development, and production of mineral resources;

(2) Mining and mineral technology;

(3) Supply and demand for minerals;

(4) Conservation and best use of available supplies of minerals; and,

(5) The economic, legal, social, engineering, recreational, biological, geographical, ecological, and other aspects of mining, mineral resources, and mineral reclamation.

§ 880.10 Application for initial allotments to institutes.

(a) In order to obtain an initial allotment under section 301, an institute must submit to the Assistant Director an application (in six copies).

(b) The institute shall use and follow the standard form for Federal assistance and other procedures specified by the Office of Management and Budget Circular Number A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations" (41 FR 32016). No preapplication is required.

(c) The institute shall include on Form 424 in Section IV of the standard application:

(1) Evidence that the institute conforms to each requirement or criteria listed in § 880.6;

(2) Evidence of the appointment by the governing authority of the institute of an officer to receive and account for all funds paid under the provisions of this title and to make annual reports to the Secretary on or before the first day of September of each year, on work accomplished and the status of projects underway, together with a detailed statement of the amounts received under any provisions of this title during the preceding fiscal year and of its disbursements on schedules prescribed by the Secretary;

(3) Evidence that the institute has plans and will conduct, or will arrange for a component or components of the college or university with which it is identified, to conduct:

(i) Competent research, investigations, demonstrations, and experiments of either a basic or practical nature, or both, in relation to mining and mineral resources research; and

(ii) Training of mining and mineral engineers and scientists through such research, investigations, demonstrations, and experiments;

(4) Evidence that the institute has, or may reasonably be expected to have, the capability of doing effective work in one or more of the various mining and mineral resources program specified in § 880.9 above, which evidence shall include:

(i) The proposed general plan of operation of the institute, showing its organization and a summary of the institute's program activities, by project or other appropriate headings, which includes information concerning the substantive character and the anticipated magnitude, in man-years, of proposed activities;

(ii) Description of the facilities to be utilized;

(iii) A list of staff personnel with specific details as to academic and professional training, research experience and other pertinent qualifications, and the time they will devote to research, training, or other activities of the institute; and

(iv) The sources of non-Federal funds; and

(5) Evidence that the institute is giving due regard to:

(i) Mining and mineral resources research projects being conducted (or supported) by agencies of the Federal and State governments and other institutes;

(ii) The interrelation on the natural environment;

(iii) The varying needs and conditions of the respective States;

(iv) The advice and assistance as provided by the Secretary pursuant to section 304(a) of this title, and

(v) A statement that the institute is willing to enter into an agreement, in a form approved by the secretary, that all information, uses, products, processes, patents, and other developments resulting from any scientific or technological research or development activity financed with funds supplied pursuant to this title will (with such exceptions and limitations as the Secretary may determine) be made freely and fully available to the general public.

§ 880.11 Application for allotments after the first fiscal year.

(a) After the first fiscal year, in order to obtain subsequent allotments, an institute should submit to the Assistant Director, a request for an annual allotment (in six copies) containing information and materials on Form 424 to supplement any previously submitted application as may be needed to make it currently applicable and to reaffirm eligibility. Such requests should be submitted four months prior to the end of the fiscal year and should include evidence that all reports due under this section have been submitted or are in preparation for submission.

(b) The request should include:

(1) Evidence that, if any monies received by the authorized receiving officer of any institute under the provisions of this title shall by any action or contingency have been found by the Secretary to have been improperly diminished, lost, or misapplied, they have been replaced by the State concerned and until so replaced no subsequent appropriation shall be allotted or paid to the institute;

(2) An outline explaining any changes in its program planned by the institute during the forthcoming fiscal year;

(3) A financial plan relating expenditures to scheduled activity and rate of effort to be expended and indicating the times at which there will be need for specified amounts of allotted Federal funds; and

(4) Evidence that the institute's program is effective, giving due regard to mining and mineral resources problems specified above.

(5) Evidence that the institute's program is effective, giving due regard to mining and mineral resources problems specified above.

(6) Evidence that the institute's program is effective, giving due regard to mining and mineral resources problems specified above.

§ 880.12 Special research projects.

(a) A separate application for a grant under section 302 of the Act shall be submitted in six copies to the Assistant Director, at least one of which shall contain the original signatures of the principal investigator, of the relevant department head, and of an official authorized to commit the institution in business and financial affairs.

(b) The institute shall use and follow the standard form for Federal assistance and other procedures specified by Office of Management and Budget

Circular Number A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations" (41 FR 32016). No preapplication is required.

(c) The institute shall include on Form 424 in Section IV of the standard application (1) evidence that the institute, conforms to each requirement or criteria listed in § 880.6.

(d) Such proposals must set forth for each project:

(1) The nature and scope of the project to be undertaken;

(2) The period during which it will be pursued;

(3) The names and qualifications of the senior professional personnel who will direct and conduct the project;

(4) The estimated costs of the project, with a breakdown of the costs per year;

(5) The importance of the project to the Nation, region, or State concerned, its relation to other known research projects theretofore pursued or being pursued and the anticipated applicability of the research results;

(6) The extent to which it will provide opportunity for the training of mining and mineral engineers and scientists;

(7) The extent of participation by nongovernmental sources in the project; and

(8) Assurance that no portion of any grant awarded under this Section shall be applied to the acquisition by purchase or lease of any land or interests therein or the rental, purchase, construction, preservation, or repair of any building.

§ 880.13 Approval of allotments and award of grants.

(a) Upon receipt of an application for an allotment grant, contact or other financial assistance to this title, the Assistant Director shall determine whether the submission conforms to the requirements of §§ 880.10, 880.11 or 880.12, as appropriate. Non-conforming submissions will be returned to the institutes with statements of the reasons thereof.

(b) The Director or his designated representative, may approve proposals submitted under these regulations after determining:

(1) That a reasonable relationship exists between the cost to the Government and the probable results to be achieved;

(2) That a college or university as the institute for the State meets all the requirements for eligibility prescribed in § 880.6, including the evidence of the availability of matching non-Federal funds; and

(3) That the applicant has expressed willingness and is legally authorized to enter into an agreement acceptable to the Secretary.

(c) The Director shall approve a research grant on the basis of its overall merits, including consideration of:

(1) The need for the knowledge it is expected to produce when completed;

(2) The opportunity it provides for the training of mining and mineral engineers and scientists;

(3) The probability that it will be pursued with competence and completed within a reasonable time;

(4) Freedom from unnecessary duplication of work being performed by others;

(5) Evidence that the proposed projects could not be undertaken without the aid of the proposed grant;

(6) Evidence that previous research projects have been performed in a satisfactory manner and completed on schedule;

(7) Evidence that the proposal for a research project award meets all the requirements set forth in paragraphs 5100.7 and 5100.12, and

(8) Evidence that the proposal for a research project was properly endorsed by duly authorized officials of the applicant institution as well as by the principal investigators involved.

§ 880.14 Other Federal requirements.

Each institute receiving assistance in accordance with these regulations must comply with the following provisions which are conditions to each grant.

(a) The requirements of Title VI of the Civil Rights Act of 1964 as amended (42 U.S.C. 2000d) which provides that no person in the United States shall, on the ground of race, color, religion, sex or national origin, be excluded from participation in, denied benefits of or subjected to discrimination under any program or activity receiving Federal financial assistance and the implementing regulations issued by the Secretary of the Interior with the approval of the President (43 CFR Part 17).

(b) The Hatch Act, 5 U.S.C. 1501 et seq. as amended, which relates to certain political activities of certain State and local employees. State and local government grantees must ensure compliance on the part of their employees who are covered by the Hatch Act. A State or local officer or employee is covered by the Hatch Act on political activity if his principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency. He is subject to the Act, if as a normal and foreseeable incident to his principal job or position, he performs duties in connection with an activity financed in whole or in part by Federal loans or grants. Specifically excluded is an individual who exercises no functions in connection with that activity; or an individual employed by an educational or re-

search institution, establishment, agency, or system which is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic, or cultural organization.

(c) Title IX of the Education Amendments of 1972, 20 U.S.C. 1681, et. seq., which provides that no person in the United States shall, on the basis of sex, be excluded from participation in, denied the benefits of or subjected to discrimination under any educational program or activity receiving Federal financial assistance.

(d) Executive Order dated September 24, 1965, as amended by Executive Order 11375, which requires that employees or applicants for employment not be discriminated against because of race, creed, color, sex or national origin.

(e) The Clean Air Act (42 U.S.C. 1857, et seq., as amended by Pub. L. 91-604 and 95-95) and the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq., as amended by Pub. L. 92-500), which provide for compliance with clean air and water standards at facilities used for the performance of projects supported with Federal funds.

(f) All uses, products, processes, patents and other developments resulting from any research, demonstration or experiment performed under grants awarded pursuant to this chapter of these regulations shall be made available promptly to the public, with such exception, or limitation, if any, as the Secretary may find necessary in the public interest. Nothing contained in this limitation shall deprive the owner of any background patent relating to any such activities of any rights which that owner may have under that patent. In carrying out this provision, the Office will make use of and adhere to the Statement of Government Patent Policy promulgated by the President (36 CFR 16887, August 26, 1971), as implemented by the Federal Procurement Regulations (41 CFR 1-9.107) and the Interior Procurement Regulations (Interior Procurement Bulletin No. 11, revised, dated March 2, 1976).

(g) No portion of any grant awarded under §§ 880.6 or 880.7 shall be applied to the acquisition by purchase or lease or any land or interests therein or to the rental, purchase, construction, preservation or repair of any buildings.

§ 880.15 Progress and accomplishment reports.

(a) *Annual institute status reports*—On or before the first day of October of each year, the officer of each institute who has been duly appointed by its governing authority to receive and account for all funds shall make an annual report to the Director on work

accomplished and the status of projects underway, together with a detailed statement of the amounts received under any provisions of this title during the preceding fiscal year, and of its disbursements on schedules prescribed by the Director.

(b) *Quarterly technical progress reports for institute projects*—It shall be the duty of each institute to make a brief quarterly technical report on the progress being made on the research, investigation, demonstrations, experiments and training that it conducts under the provisions of Section 301(b). In general, this report will be summary of the technical activities of the institute.

(c) *Reports for special research projects*—The grant agreement for each project funded under Section 302 of this title shall specify the kind, frequency and content of reports to be submitted on special research projects. In addition, each specific mineral research and demonstration project of industry-wide application and research into any aspect of mining and mineral resource problems shall submit a quarterly report of progress made to date in an annual report which shall include—

(1) A description of research accomplished and the findings, results, and conclusions relating thereto,

(2) Supplementary information suitable for project demonstration purposes,

(3) A listing of project-related publications or reports issued and papers presented (with copies of such publications being attached to each copy of the annual report), and

(4) Statements of project work remaining to be accomplished.

(d) *Final report*—Upon completion of a research study, there shall be prepared a cumulative final report including recommendations, conclusions and applicability of the findings to the Office of Surface Mining, the Department of the Interior, and the mining or mineral resource issues of the nation. The final report shall be prepared in accordance with ANSI Z39.18-1974, American National Standard Guidelines for Format and Production of Scientific and Technical Reports, and will be required for each project so that the Secretary may promptly disseminate the findings of these publicly supported projects. The technical project officer assigned to each grant will provide detailed guidance about the preparation, format and submission of required technical reports.

§ 880.16 Fiscal and accounting.

(a) Grant award under §§ 880.6 and 880.7 shall be subject to the uniform administrative requirements including the financial management systems and financial reporting requirements

of the current edition of Office of Management and Budget Circular Number A-110 and all attachments thereto.

(b) Advances will be made by the letter of credit method provided the grantee meets all of the requirements specified in Attachment I to the Office of Management and Budget Circular Number A-110. If the grantee meets all of the specified requirements, but the total grants amount is less than \$120,000, advance payments will be made by Treasury check. If the grantee does not meet the specified requirements, payment will be by reimbursement with Treasury check. Vouchers may be submitted monthly or any regular less frequent period such as quarterly, at the option of the grantee.

§ 880.17 Audits and inspections.

(a) In addition to the internal audits which the grantee will perform or have performed in accordance with specifications in Attachment F to the Office of Management and Budget Circular Number A-110, representatives of the Secretary of the Interior and of the Comptroller General of the United States may conduct onsite audits and inspections of grantees which have received Federal funds under this title.

(b) Audits conducted at the direction or on behalf of the Secretary of the Interior will extend to a determination and appropriate finding of fact concerning compliance with the provisions of the grant, the regularity and accuracy of financial transactions and recording, adequacy of property accountability and control and reliability of financial reporting.

(c) *Inspections*—In relation to the substantive scientific and administrative operations of grantees, the Secretary of the Interior may, with such personnel as he considers qualified and with such procedures as he determines to be suitable, perform inspections of activities authorized and financed pursuant to these regulations. Such inspections will cover acceptability of progress, consistency with approved plans and other factors he deems important to enable him to discharge his responsibilities for achievements consistent with purposes of this title.

§ 880.18 Filing deadlines and amount of grants.

(a) For the Federal fiscal year ending September 30, 1978, the deadline for filing applications for financial assistance under §§ 880.10 and 880.12 will be August 15, 1978. Grant applications should be limited to not more than \$110,000 for operational assistance under paragraph 5100.6, \$150,000 for research assistance under § 880.7 and \$10,000 for scholarships and fellowships under § 880.8. Grants may be

awarded by the Office based on the number of qualifying institutes and available funds.

(b) In all future years (beginning in fiscal year 1979) the deadline for filing applications for financial assistance under §§ 880.10 (new institutes), 880.11 (renewal applicants) and 880.12 will be March 31, 1979. The maximum amounts available for grant awards (by section of this chapter) will be announced by the Office on January 1 of each year.

§ 880.19 Grant agreement.

(a) If the Director approves an institute's grant application, the Office shall prepare a grant agreement which includes—

(1) The approved scope of the program to be covered by the grant;

(2) The approved budget, including the Federal share;

(3) Commencement and completion dates for the segment of the program covered by the grant and for major phases of the program to be completed during the grant period;

(b) The Assistant Director shall transmit four copies of the grant agreement by certified mail, return receipt requested, to the institute for signature. The institute shall execute the grant agreement and return all copies of it within 3 calendar weeks after receipt, or within an extension of such time that may be granted by the Assistant Director;

(c) The Director shall sign the grant upon its return from the institute and return one copy to the institute. The grant is effective and constitutes an obligation of Federal funds in the amount and for the purposes stated in the grant agreement at the time the Director signs the agreement;

(d) Neither the approval of a program nor the award of any grant will commit or obligate the United States to award any continuation grant or enter into any grant amendment, including grant increases to cover overruns.

§ 880.20 Grant amendments.

(a) A grant amendment is a written alteration in the grant amount, grant terms or conditions, budget or period or other administrative technical or financial agreement whether accomplished on the initiative of the institute or the Assistant Director, or by mutual action of the agency and the Director;

(b) The institute shall promptly notify the Assistant Director in writing by certified mail, return receipt requested, of events or proposed changes which may require a grant amendment, such as—

(1) Rebudgeting;

(2) Changes which may affect the approved scope or objective of a program; or

(3) Changes which may increase or substantially decrease the total cost of a program;

(c) The director shall approve or disapprove each proposed amendment within thirty days of receipt, or as soon thereafter as possible, and shall notify the institute in writing of the approval or disapproval of the amendment; and

(d) The grant amendment establishes the effective date of the action. If no date is specified in the grant amendment then the date the Director signs the amendment will be the effective date of the action.

§ 880.21 Grant reduction and termination.

(a) Conditions for reduction or termination.

(1) If an institute violates the terms of a grant agreement the Director may reduce or terminate the grant.

(2) If an institute fails to implement, enforce or maintain an approved program, or agreement, the Director shall terminate the institute's grant or any research grant.

(3) If an institute fails to implement or maintains only a part of the program, the Director shall reduce the grant to the amount of the program being operated by the institute.

(4) If an institute is not in compliance with the following nondiscrimination provisions, the Director shall terminate the grant—

(i) Title VI of the Civil Rights Act of 1964 (78 Stat. 252), Nondiscrimination in Federal Assisted Programs, which provides that no person in the United States shall on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial assistance, and the implementing regulations at 43 CFR 17;

(ii) Executive Order 11246, as amended by Executive Order 11375, Equal Employment Opportunity, requiring that employees or applicants for employment not be discriminated against because of race, creed, color, sex or national origin, and the implementing regulations at 41 CFR 60; and

(iii) Section 504 of the Rehabilitation Act of 1973, as amended by Executive Order 11914, Nondiscrimination With Respect to the Handicapped in Federally Assisted Programs.

(b) Grant reduction and termination procedures.

(1) The Director shall give at least 10 days written notice to the institute by certified mail, return receipt requested, of intent to reduce or terminate a grant. The Director shall include in the notice the reasons for the proposed action and the proposed effective date of the action.

(2) The Director shall afford the institute opportunity for consultation

and remedial action prior to reducing or terminating a grant.

(3) The director shall notify the institute of the termination or reduction of the grant in writing by certified mail, return receipt requested.

(4) Upon termination the institute shall refund or credit to the United States that portion of the grant money paid or owed to the institute and allocated to the terminated portion of the grant. However, any portion of the grant that is required to meet commitments made prior to the effective date of termination shall be retained by the institute.

(5) The institute shall reduce the amount of outstanding commitments insofar as possible and report to the Assistant Director the uncommitted balance of funds awarded under the grant.

(6) Upon notification of intent to terminate the institute shall not make any new commitments without the approval of the Director.

(7) The Director may allow termination costs as determined by applicable Federal cost principles listed in Federal Management Circular 74-4.

(c) *Appeals*. An institute may appeal the decision to reduce or terminate a grant to the Director within 30 days. An institute shall include in an appeal—

(1) The decision being appealed, and

(2) The facts which the institute believes justify a reversal or modification of the decision. The Director shall act upon appeals within 30 days of their receipt, or as soon thereafter as possible.

[FR Doc. 78-15501 Filed 6-2-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 80]

[FRL 905-6]

REGULATION OF FUELS AND FUEL ADDITIVES

Extension of Public Comment Period for Proposed Small Refinery Amendment

AGENCY: Environmental Protection Agency.

ACTION: Extension of public comment period.

SUMMARY: EPA published the proposed Small Refinery Amendment to the lead additive regulations in the FEDERAL REGISTER on April 26, 1978 (43 FR 17841-17843), with a comment period of thirty days. Several interested persons have requested additional time to prepare comments on this proposal. EPA agrees that these requests are reasonable and hereby extends the comment period thirty days.

DATE: The new deadline for submitting written comments is June 26, 1978.

ADDRESS: Comments should be submitted to the Office of Air Quality Planning and Standards, Mail Drop 11, Environmental Protection Agency, Research Triangle Park, N.C. 27711. Attention: Mr. Donald F. Walters.

Public comments received and other documents used in the development of the proposed standards comprise the docket required by Section 307(d) of the Clean Air Act, as amended in 1977. The docket, No. OAQPS-78-3, is available for public inspection and copying at: Public Information Reference Unit, room 2922, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Donald F. Walters, Environmental Protection Agency, Office of Air Quality Planning and Standards, Mail Drop 11, Research Triangle Park, N.C. 27711, telephone 919-541-5341.

Dated: May 26, 1978.

PAUL STOLPMAN,
Acting Assistant Administrator
for Air and Waste Management.

(FR Doc. 78-15469 Filed 6-2-78; 8:45 am)

[4110-35]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

[42 CFR Part 405]

MEDICARE PROGRAM

Reduction in Grace Period Days Where Payment is Made for Certain Nonreimbursable Expenses

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The proposed change would amend the present regulation governing Medicare payments authorized under section 1879 of the Social Security Act for certain otherwise nonreimbursable services. The present regulation permits payment for services determined to be not medically reasonable and necessary, or to constitute custodial care, to continue for up to 3 days after the beneficiary or provider of the services receives notice that the services in question are excluded from program coverage. As amended, the regulation would limit payment to only 1 day after notice in such cases, except that payment could be made for up to 2 additional days where it is determined by the fiscal intermediary that more time is needed to arrange for a beneficiary's postdischarge care. The proposal is intended to conform Medicare policy to Profes-

sional Standards Review policy with regard to grace period payments in cases in which certain services rendered to Medicare beneficiaries are found retroactively to be excluded from Medicare coverage.

DATES: Consideration will be given to written comments or suggestions received on or before July 20, 1978.

ADDRESSES: Address comments to: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013. In commenting, please refer to MAB-65 P. Comments will be available for public inspection beginning approximately 2 weeks after publication, in room 5225 of the Department's offices at 330 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m., 202-245-0950.

FOR FURTHER INFORMATION CONTACT:

Mendel J. Kaufman, Medicare Bureau, Room 127, East High Rise Building, Baltimore, Md. 21235, 301-594-9232.

SUPPLEMENTARY INFORMATION: Section 1879 of the Social Security Act, enacted October 30, 1972, authorizes Medicare to pay for items or services ordinarily not covered because they are found to be either not reasonable and necessary, or to constitute custodial care. Such payment can be made when neither the beneficiary nor the provider of the items or services knew, or could reasonably have been expected to know, that the items or services were not covered by Medicare.

Section 1879 further provides that when payment is made under its authority, such payment may be continued for a period of time the Secretary finds will carry out the objectives of the law. Present regulations (42 CFR 405.330(b)) permit such continued payment under this provision for up to 3 days after either the beneficiary or the provider received notice that the items or services in question were excluded from coverage.

The proposed amendment to 42 CFR 405.330(b) would limit the period for which the continued payment could be made to 1 day, except when the fiscal intermediary determines that more time is required to arrange postdischarge care, in which case payment may be made for up to 2 additional days. Generally such a determination would be made on the basis of information or a recommendation forwarded by the provider, an attending physician, the utilization review committee, or some other party familiar with the beneficiary's situation.

The change would result in reduced Medicare payments for non-covered

services, and should encourage Medicare providers to make prompt and timely arrangements to discharge beneficiaries who no longer need the skilled level of care covered by Medicare.

The change would also conform the implementation of section 1879 to the Professional Standards Review policy governing the comparable situation. Section 1158 of the Act, as amended by section 22 of Pub. L. 95-142 (the Medicare-Medicaid Anti-Fraud and Abuse Act of 1977) provides that Medicare payments for inpatient hospital or posthospital extended care services disapproved by a Professional Standards Review Organization (PSRO) may be made for only 1 day after the provider receives notice of the disapproval (unless the PSRO determines that more time is required to arrange postdischarge care, in which case payment may be made for up to 2 additional days). If we did not make the proposed change, Medicare beneficiaries receiving services from a provider subject to PSRO review could be entitled to fewer hospital or skilled nursing facility days, or home health visits, than beneficiaries receiving services from providers not under PSRO review.

Payment for "grace period" days under section 1814(a)(7) of the act would not be affected by this regulation. Section 1814(a)(7) permits payment for 3 days of institutional care (following the day upon which an institution receives a utilization review committee notice that further care is not medically necessary) if the patient remains in the institution. Unlike section 1879, it applies only when services rendered up to the time of the committee's finding are medically necessary. Also, unlike sections 1879 and 1158, section 1814(a)(7) does not expressly offer any discretion in the number of days for which such payments are to be made. Section 1879 leaves the length of the "grace period" to the discretion of the Secretary. Section 1158 mandates 1 day, but authorizes a PSRO to approve up to 2 additional days of payment (for a total of 3 days) if the patient requires more time to arrange for post discharge care.

Although payment for "grace period" days under section 1814(a)(7) will not be affected by this regulation, it should be noted that this section applies only to hospitals and skilled nursing facilities which are not under PSRO review. PSRO implementation in hospitals is already well along and the Department projects that PSRO review will be established in virtually all Medicare hospitals and a number of skilled nursing facilities by the end of 1978. Thus, the application of section 1814(a)(7) provisions is already quite limited and may be expected to disappear entirely as PSRO program implementation is completed.

42 CFR 405.330 is amended by revising paragraph (b) to read as follows:

§ 405.330 Payment for certain nonreimbursable expenses.

(b) Payment under this provision may be made for inpatient hospital services, post hospital extended care services, and home health services (as defined in §§ 405.116, 405.125, and 405.236 respectively) furnished on the first day after whichever of the following days is the earlier:

(1) The day on which the individual, to whom such items or services were furnished, has been determined, under § 405.332(a), to have knowledge, actual or imputed, that such items or services were excluded from coverage by reason of § 405.310(g) or § 405.310(k); or

(2) The day on which the provider of services, which furnished such items or services, has been determined, under § 405.332(b), to have knowledge, actual or imputed, that such items or services were excluded from coverage by reason of § 405.310(g) or § 405.310(k).

If it is determined by the fiscal intermediary that more time is required in order to arrange post discharge care, payment may be made for services furnished for up to 2 additional days.

The proposed amendment is to be issued under the authority contained in sections 1102, 1871, 1879; 49 Stat. 647, as amended, 79 Stat. 331, 86 Stat. 1385; 42 U.S.C. 1302, 1395hh., 1395pp.

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance; No. 13.774, Medicare—Supplementary Medical Insurance.)

Dated: April 3, 1978.

ROBERT A. DERZON,
Administrator, Health Care
Financing Administration.

Approved: May 26, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

(FR Doc. 78-15497 Filed 6-2-78; 8:45 am)

[4110-02]

Office of Education

[45 CFR Part 130]

LIBRARY SERVICES AND CONSTRUCTION ACT

Proposed Rulemaking

AGENCY: Office of Education, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commissioner of Education proposes a regulation to im-

plement the 1977 amendments to the Library Services and Construction Act. The document requires: (1) Federal funds spent for administration must now be matched with State or other non-Federal funds, (2) the base year for meeting maintenance of effort requirements for services for handicapped and institutionalized persons be changed from fiscal year 1971 to the second preceding fiscal year, and (3) additional emphasis be placed on strengthening major urban resource libraries.

DATE: Comments on or before July 3, 1978.

ADDRESS: Comments should be sent to: Mrs. Elizabeth H. Hughey, U.S. Office of Education, 400 Maryland Avenue SW. (ROB No. 3, Room 3022), Washington, D.C. 20202. Written comments received in response to this notice will be available for public inspection in Room 3022, ROB No. 3, 7th and D Streets SW., on Mondays through Fridays between 8:30 a.m. and 4 p.m. except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

Mrs. Elizabeth H. Hughey, Office of Libraries and Learning Resources, telephone 202-245-2813.

SUPPLEMENTARY INFORMATION: The following information may help readers to better understand the program and certain provisions of the proposed regulation.

LEGISLATIVE BACKGROUND

The Library Services and Construction Act (LSCA) provides assistance to the States to extend public library services to areas where they do not exist and to improve such services where they are inadequate.

Originally enacted as the Library Services Act in 1956, Pub. L. 84-597, the LSCA has been amended and extended through subsequent years. Pub. L. 95-123 extends the program through fiscal year 1982.

The Act has four titles:

- I Library Services.
- II Public Library Construction.
- III Interlibrary Cooperation.
- IV Older Readers Services. (No funds have been requested or appropriated for this title since it was enacted.)

Beginning with the extension in 1970, the emphases in Title I have been to:

- (1) Provide library services to disadvantaged persons in both rural and urban areas;
- (2) Extend library services to the State's institutionalized residents and to the physically handicapped, including the blind;
- (3) Strengthen metropolitan public libraries that serve as national or regional resource centers; and
- (4) Improve and strengthen the capacity of the State library administra-

tive agencies to meet the needs of all of the people of the States.

In 1975, another priority, library services to persons of limited English-speaking ability, was added as specified in the Education Amendments of 1974.

A new priority is added to Title I in the 1977 amendments and is implemented by this proposed regulation: to improve the capability of public libraries in densely populated areas to serve as major resource libraries which, because of the value of their collections to individual users and to other libraries, need special assistance to furnish services at a level required to meet the demands for such services. This amendment is applicable only when the annual appropriation for Title I exceeds \$60,000,000.

In addition, the amendments provide that any Federal funds expended for the administration of the Act must be equally matched by State or other non-Federal funds; and that funds available for expenditure for library services to the physically handicapped and the institutionalized in the current fiscal year shall be not less than the amount expended in the second preceding fiscal year.

LOCATION OF PROPOSED CHANGES IN THE REGULATION

The proposed rule makes the following changes to Title 45, Part 130:

Section 130.1—enlarges scope of Act to include "strengthening major urban resource libraries."

Section 130.3—adds definitions of "Administrative costs" and "Major urban resource libraries."

Section 130.4(b)—adds "(5) Strengthening major urban resource libraries" as one of the eligible activities under Title I.

Section 130.7(a)—adds a limitation on Federal dollars used for administration, which would be an amount equal to the non-Federal funds used for administration of the program by the State.

Section 130.17 is amended to add to the criteria for determining adequacy of public library services consideration of the special needs of "(f) Major urban resource libraries."

Section 130.19(b)(3)(iv) changes the maintenance of effort base year from 1971 to "the second preceding fiscal year" for library services for the physically handicapped and the State-supported institutions.

Section 130.40(c) is changed to read "second preceding fiscal year."

Section 130.40 (d) is changed to (e) and a new (d) requires assurance from the State that no defined urban resource library will receive less Federal funds than it received in the preceding year.

ADVISORY COMMISSION REVIEW

The Notice of Proposed Rulemaking will be sent to the Advisory Commis-

sion for Intergovernmental Relations for their review and comments.

These amendments are proposed under the authority of the 1977 Amendment to the Library Services and Construction Act, Pub. L. 95-123. (20 U.S.C. 351).

NOTE.—The U.S. Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance No. 13.464, Library Services—Grants for Public Libraries—Title I.)

Dated: March 8, 1978.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: May 26, 1978.

HALE CHAMPION,
Acting Secretary of Health,
Education, and Welfare.

It is proposed to amend Part 130 of 45 CFR Chapter I as follows:

Subpart A—Types of Assistance

§ 130.1 [Amended]

1. Section 130.1 *Purpose and scope* is amended by changing the phrase "and in promoting" to read as follows: "in promoting interlibrary cooperation among all types of libraries; and in strengthening major urban resource libraries".

(20 U.S.C. 351)

2. Section 130.3 *Definitions* is amended to add the following terms in alphabetical order:

§ 130.3 Definitions.

"Administrative costs" are those costs for support services which are required by the Act for compliance with terms and conditions of the State Plan for Library Services. Included are costs of managing, planning and evaluating the program activities carried on to implement the purposes of the Act.

(20 U.S.C. 351f)

"Major urban resource library" means any public library located in a city having a population of 100,000 or more individuals, as determined by the Commissioner, which—

(a) Because of the value of its collections to individual users and to other libraries, needs special assistance to furnish services at a level required to meet the demands made from such users and libraries; and

(b) Provides services to users throughout the regional area in which such library is located.

(20 U.S.C. 351a(14), 353 (a) (3), and (4))

3. Section 130.4(b) *Library services* is amended by deleting the "and" at the end of (3), the period at the end of (4), adding "; and" at the end of (4) and adding the following:

§ 130.4 Library Services.

(b) * * *

(5) Strengthening major urban resource libraries.

(20 U.S.C. 352, 353(a))

4. Section 130.7 *Activities of State library administrative agency* is amended by changing the "and" at the end of (a) to a "; and" and adding the following:

"* * * except that the amount of Federal funds expended by any State for administrative purposes shall be matched with State or other non-Federal funds;"

(20 U.S.C. 351f)

Subpart B—State Plan Provisions

§ 130.17 [Amended]

5. Section 130.17 *Criteria for determining adequacy of public library services* is amended by deleting the "and" at the end of (d), the period at the end of (e), adding "; and" at the end of (e) and adding the following:

§ 130.17 Criteria for determining adequacy of public library services.

"(f) Major urban resource libraries." (20 U.S.C. 351a(14), 353(a)(3), and (4))

§ 130.19 [Amended]

6. Section 130.19 *Long-range program* is amended by changing the phrase "fiscal year 1971" at the end of § 130.19(b)(3)(iv) to read "the second preceding fiscal year;"

(20 U.S.C. 354(3))

Subpart D—Payments and Reports

7. Section 130.40 *Conditions for payments to States* is amended:

a. by changing the phrase "fiscal year ending June 30, 1971; and" at the end of (c) to read "second preceding fiscal year; and";

(20 U.S.C. 354(3))

b. by changing (d) to (e) and adding a new (d) to read as follows:

§ 130.40 Conditions for payments to States.

(d) The State has given assurance to the Commissioner's satisfaction that it will not, in carrying out the provisions of clause (2) of Section 103 of the Act, reduce the amount of Federal funds paid to an urban resource library below the amount that such library received in the year preceding the year for which the determination is made under such clause (2)."

(20 U.S.C. 354)

[FR Doc. 78-15493 Filed 6-2-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 78-98; RM-2889]

FM BROADCAST STATIONS IN BURLINGTON AND NEWPORT, VT.

Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding concerning the proposed assignment of FM channels in Burlington and Newport, Vt. Petitioner, Vermont Public Radio, Inc., states that the additional time is needed so that it can prepare comments and an engineering report.

DATE: Reply comments must be received on or before June 12, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

Adopted: May 26, 1978.

Released: May 26, 1978 [43 FR 12346].

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Burlington and Newport, Vt.), BC Docket No. 78-98 RM-2889.

1. The Commission has before it a request for extension of time for filing reply comments regarding the Notice of Proposed Rule Making in the above-entitled proceeding, 43 FR 12346. The date for filing comments has expired and the date for filing reply comments is presently June 1, 1978.

2. The request was filed by counsel for Vermont Public Radio, Inc., in which it seeks an extension for filing reply comments to and including June 12, 1978.

3. Counsel states that the additional time is needed because he will be away from his office from May 20, to May 31, and the consulting engineer will not be able to complete his engineering report in time for filing by the present deadline date. Counsel states that the other parties in this proceed-

ing have advised him that they have no objection to grant of the extension request.

4. We are of the view that the public interest would be served by granting the additional time so that Vermont Public Radio, Inc. may file any information which may be helpful to the Commission in resolving the issues in this proceeding.

5. Accordingly, *It is ordered*, that the request for filing reply comments submitted by Vermont Public Radio, Inc. is granted to and including June 12, 1978.

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-15505 Filed 6-2-78; 8:45 am]

[4910-60]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 171, 172, 173, 175, 176]

[Docket No. HM-139; Notice No. 7]

TRANSPORTATION OF HAZARDOUS MATERIALS

Individual Exemptions, Conversion to Regulations of General Applicability

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau is considering amending the regulations governing the transportation of hazardous materials to incorporate therein a number of changes

based on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations. Adoption of these exemptions as rules of general applicability would provide wider access to the benefits of transportation innovations recognized as effective and safe.

DATES: Comments by July 5, 1978.

ADDRESS COMMENTS TO: Dockets Section, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590. It is requested that five copies be submitted.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau, 2100 Second Street SW., Washington, D.C. 20590, 202-426-0656.

SUPPLEMENTARY INFORMATION: Each of the proposed amendments described in the following table is founded upon either: (1) Actual shipping experience gained under an exemption, or (2) the data and analysis supplied in the application. In each case the resulting level of safety being afforded the public is considered at least equal to the level of safety provided by the current regulations. Primary drafters of this proposal are Darrell L. Raines, and John C. Allen, Office of Hazardous Materials Regulation, and Evan Braude, Office of the Chief Counsel, Research and Special Programs Administration. These proposals would not significantly affect the costs of regulatory enforcement, nor would additional costs be imposed on the private sector, consumers, or Federal, State or local governments, since these proposals would merely authorize the general use of shipping alternatives previously available to only a few users under exemptions. The safety

record of shipments under the identified exemptions demonstrates that significant environmental impacts would not result from any of the proposals. Adoption of an amendment derived from an existing exemption would obviate the need for that exemption and effectively terminate it. Upon such termination, the holder of the exemption and parties thereto would be individually notified. Adoption of an amendment derived from an application for exemption should provide the relief sought, in which event the exemption request would be denied and the applicant so notified. In the event the Bureau decides not to adopt any of these proposals each pertinent application would be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B. Consequently, persons commenting on proposed amendments may wish to address both the proposed amendment the exemption application. Consideration of comments of the merits of including within an amendment modes of transportation other than those for which the exemption application requested is anticipated. Each mode of transportation for which a particular exemption is authorized or requested is indicated in the "Nature of Exemption or Application" portion of the table below as follows: 1—Motor Vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. The status of the exemption action is indicated in the column titled Identification Number where prefix "E" means an exemption has been issued and Prefix "SP" means a special permit exists under previous authorities. The suffix "No" means no applications for exemptions are pending, but the Bureau is taking action by this proposal; the suffix "X" means a renewal application is pending; the suffix "P" means one or more party status applications are pending; and the suffix "N" means a new application for exemption is pending.

Proposed amendments of hazardous materials regulations to terminate special permits and exemptions

Identification No.	Applicant holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E 3353-No., E 4765-No.	Kerr-McGee Chemical Corp.; Pennwalt Corp.	173.163(a)	Authorizes shipment of sodium chlorate and potassium chlorate in DOT Specification 56 portable tanks (modes 1 and 2).	To add paragraph (9) to read: (9) Specification 56 (178.252 of this subchapter). Metal portable tank. Authorized only for sodium chlorate and potassium chlorate. Aluminum tanks not authorized for transportation by water.
E 3897-No.	Dow Chemical Co.	173.34(e)(10)	Authorizes shipments of ethylene imine, inhibited in DOT specification 4B240 and 4BW240 cylinders. Cylinders may be inspected in accordance with 49 CFR 173.34(e)(10) (modes 1 and 3). Cylinders made in compliance with DOT-4B240, DOT-4BW240. Used exclusively for ethylene imine, inhibited.	To revise the table in paragraph (e)(10) by adding:

Proposed amendments of hazardous materials regulations to terminate special permits and exemptions—Continued

Identification No.	Applicant holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment						
E 6260-No., E 7256-No., E 7588-No.	Amtrol Inc.; State Industries; Hoyt Corp.	172.101 173.306	Authorizes shipments of compressed air or nitrogen in non-DOT specification, single-trip steel tanks having a rated capacity of not over 87 gallons and charged to a pressure of not over 35 psig at 70° F (modes 1, 2 and 3).	To amend the table in §172.101 by adding water pump system tanks to read:						
(1)	(2)	(3)	(4)	(5)	(6)	(7)				
*/ W/ A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not excepted)	Packaging		Maximum net quantity in 1 package		Water shipments		
				(a)	(b)	(a)	(b)	(a)	(b)	(c)
				Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
	Water pump system tank charged with nonflammable compressed gases.	Nonflammable gas.	None	173.306	Forbidden	Forbidden		1, 2	1, 3	

Identification No.	Applicant holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E 6260-No., E 7256-No., E 7588-No.	Amtrol Inc.; State Industries; Hoyt Corp.	172.101 173.306	Authorizes shipments of compressed air or nitrogen in non-DOT specification, single-trip steel tanks having a rated capacity of not over 87 gallons and charged to a pressure of not over 35 psig at 70° F (modes 1, 2 and 3).	To add paragraph (g) to 173.306 to read: (g) Water pump system tank. Water pump system tanks charged with limited quantities of nonliquefied, nonflammable gases to not over 40 psig for single-trip shipment to installation sites are excepted from labeling (except when offered for transportation by water—transportation by air not authorized) and the specification packaging requirements of this subchapter when shipped under the following conditions. In addition, shipments are not subject to Subpart F of this subchapter, to Part 174 of this subchapter except § 174.24 and Part 177 except § 177.817. (1) The tank must be of steel, welded with heads concave to pressure, having a rated water capacity not exceeding 100 gallons and with outside diameter not exceeding 24 inches. Safety relief device not required. (2) The tank must be hydrostatically or pneumatically tested to 3 times the charged pressure at 70° F or 100 psig, whichever is greater. Test pressure must be permanently marked on the tank. (3) The stress at test pressure must not exceed 20,000 psi using the formula: $S = Pd/2t$ Where: S = Wall stress in pounds per square inch. P = Test pressure prescribed in subparagraph (2) above, in pounds per square inch. d = Inside diameter in inches. t = Minimum wall thickness, in inches. (4) The burst pressure must be at least 2 times the test pressure. (5) Each tank must be overpacked in a strong outside container in accordance with § 173.301(k). To amend the table in §172.101 by adding cyclotetramethylene tetranitramine, wet with not less than 10% water. See high explosives.
E 6885-No.	U.S. Department of Defense	172.101 173.65(e)(3)	Authorizes shipments of cyclotetramethylene tetranitramine (HMX), wet with not less than 10 pounds of water to each 90 pounds of dry material in DOT specification 21C fiber drums which do not contain an antifreeze to prevent freezing (mode 1).	

Proposed amendments of hazardous materials regulations to terminate special permits and exemptions—Continued

(1)	(2)	(3)	(4)	(5)		(6)		(7)		
*/ W/ A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not excepted)	Packaging		Maximum net quantity in 1 package		Water shipments		
				(a)	(b)	(a)	(b)	(a)	(b)	(c)
				Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
	Cyclotetramethylene Tetranitramine, wet with not less than 10 pct. water. See high explosive.									
Identification No.				Applicant holder	Regulation affected	Nature of exemption or application		Nature of proposed amendment		
E 6885-No				U.S. Department of Defense	172.101 173.65(e)(3)	Authorizes shipments of cyclotetramethylene tetranitramine (HMX), wet with not less than 10 pounds of water to each 90 pounds of dry material in DOT Specification 21C fiber drums which do not contain an antifreeze to prevent freezing (mode 1).		To revise paragraph 173.65(e)(3) to read as follows: (3) Specification 5B (§178.82 of this subchapter). Metal barrels or drums or Specification 21C (§178.224 of this subchapter) fiber drums. Authorized only for cyclotrimethylene-trinitramine or cyclotetramethylene-tetranitramine, each wet with not less than 10 pounds of water to each 90 pounds of dry material in inside containers which must be bags made of at least 10-ounce cotton duck, rubber, or rubberized cloth and securely closed. The dry weight of cyclotrimethylene-trinitramine or cyclotetramethylene-tetranitramine in one metal barrel or drum must not exceed 300 pounds and not more than 225 pounds in fiber drums. These bags containing the cyclotrimethylene-trinitramine or cyclotetramethylene-tetranitramine must then be placed in a rubber bag, rubberized cloth bag, or bag made of suitable water-tight material which must be securely closed and then placed in the drum. If shipment of cyclotrimethylene-tetranitramine or cyclotetramethylene-tetranitramine is to take place at time freezing weather is to be anticipated, it must be wet with a mixture of denatured ethyl alcohol or other suitable antifreeze and water of such proportions that freezing will not occur in transit.		
E 6843-No				Stauffer Chemical Co	173.245(a)	Authorizes shipments of certain corrosive liquids in DOT Specification 5K nickel drums. Shipments by cargo-only aircraft are limited to those commodities which were unregulated prior to Docket No. HM-57, in drums having a marked capacity not over 55 gallons (modes 1, 2, 3, and 4).		To revise paragraph (a)(5) to read: (5) Specification 5K (§178.88 of this subchapter). Nickel barrels or drums. Authorized only for commodities that will not react with nickel and result in container failure.		
E 7020-No				Kerr-McGee Chemical Co	173.154(a)	Authorizes shipments of dry sodium chlorate mixture and hydrated calcium hypochlorite in containers as prescribed in 49 CFR 173.163(a)(7) (modes 1 and 2).		To add paragraph (19) to read: (19) As prescribed in § 173.163(a)(7). Authorized only for sodium chlorate, dry and hydrated calcium hypochlorite.		
E 7094-No				Dow Chemical Co., Tennessee Eastman Co., Jefferson Chemical Co., Union Carbide Corp., Diamond Shamrock Corp.	172.101	Authorizes under deck stowage of corrosive liquids, n.o.s., and corrosive solids, n.o.s., which meet only the corrosion to skin criteria of 49 CFR 173.240(a)(1) and do not meet the corrosion to metal criteria of 49 CFR 173.240(a)(2) (mode 3).		To add the following in column (7)(c) for corrosive liquids, n.o.s. and corrosive solids, n.o.s.: For materials that meet only the corrosion to skin criteria of 49 CFR 173.240(a)(1) "under deck" stowage is also authorized if the description includes the additional entry specified by § 172.203(i)(3).		
					172.203(i)	do		Add paragraph (3) to read: The entry "Skin Corrosive Only" must be included in order to also authorize "under deck" stowage for corrosive liquid, n.o.s., and corrosive solid, n.o.s., that meet only the corrosion to skin criteria of § 173.240(a)(1).		
E 7686-No				Arthur E. Scholl	175.10	Authorizes smoke grenades and other pyrotechnic devices to be affixed to the wings and tail section of certain aircraft under specified conditions (mode 4).		To add paragraphs (a)(11) to § 175.10 to read: (11) Smoke grenades, flares, and pyrotechnic devices affixed to aircraft carrying no person other than a required flight crew member during any flight conducted at and as a part of a scheduled air show or exhibition of aeronautical skill. The affixed installation accommodating the smoke grenades, flares, or pyrotechnic devices on the aircraft must be approved by the FAA for its intended use.		

Proposed amendments of hazardous materials regulations to terminate special permits and exemptions—Continued

Identification No.	Applicant holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E 7724-No	Atmospherics Inc., Colorado River Municipal Water Division.	175.10	Authorizes carriage of certain hazardous materials aboard special aircraft used in weather modification, avalanche control or forest fire fighting under specified conditions.	To add paragraph (a)(12) to § 175.10 to read: (a)(12) Hazardous materials which are loaded and carried on or in cargo-only aircraft and which are to be dispensed or expended during flight for weather control, forest preservation and protection, or avalanche control purposes when the following requirements are met: (i) Operations may not be conducted over densely populated areas, in a congested airway, or near any airport where air carrier passenger operations are conducted. (ii) Each operator shall prepare and keep current a manual containing operational guidelines and handling procedures, for the use and guidance of flight, maintenance, and ground personnel concerned in the dispensing or expending of hazardous materials. The manual must be approved by the FAA district office having jurisdiction over the operator's certificate, if any, or the FAA regional office in the region where the operator is located. Each operation must be conducted in accordance with the manual. (iii) No person other than a required flight crewmember, FAA inspector, or person necessary for handling or dispensing the hazardous material may be carried on the aircraft. (iv) The operator of the aircraft must have advance permission from the owner of any airport to be used for the dispensing or expending operation. (v) When dynamite and blasting caps are carried for avalanche control flights, the explosives must be armed, dropped, and, at all times be, under the control of a blaster who is licensed under an authority approved by the FAA district office having jurisdiction over the operator's certificate, if any, or the FAA regional office in the region where the operator is located. To add the following definition in alphabetical sequence in § 171.8: "Empty tank car" means a tank car containing a hazardous material which does not exceed 3 percent of the weight of the last loaded movement.
E 7792-No	Dow Chemical	§ 171.8	Authorized the return of empty tank cars without shippers certification required by § 172.204. To establish the definition of "empty tank car," for clarification purposes, which is the same as that found in the Uniform Freight Classification, Rule 35, Section 7.	
E 7813-No	Lithium Corp. of America	173.245b(a)(5)	Authorizes shipment of lithium hydroxide monohydrate in DOT Specification 21C fiber drum having a capacity of 65 gallons and a maximum net weight of 550 pounds (modes 1, 2, and 3).	To revise paragraph (5) to read: (5) Fiber drum not exceeding 550 pounds net weight and not over 65-gallon capacity. When shipped by water, each drum must include a moisture barrier.
E 7837-No	Barber Steamship Lines	172.101	Authorizes shipments of cigarette lighters charged with a flammable gas in nonventilated freight container. The access doors of each nonventilated freight container must have the following warning sign. "WARNING—MAY CONTAIN EXPLOSIVE MIXTURES WITH AIR—KEEP IGNITION SOURCES AWAY WHEN OPENING." The warning sign must be on a contrasting background and must be readily legible from a distance of 25 feet (mode 3).	To amend column (7)(c) by deleting the requirement "Not permitted in nonventilated container" for the entries for "Cigarette lighter" (when classed as flammable gas) and "Motor vehicle."
		173.308	do	To add paragraph (c) to read: (c) For transportation by vessel in a closed transport vehicle or a closed freight container, the following warning must be affixed to the access doors "WARNING—MAY CONTAIN EXPLOSIVE MIXTURES WITH AIR—KEEP IGNITION SOURCES AWAY WHEN OPENING." The warning must be on a contrasting background and must be readily legible from a distance of 25 feet.
		178.906(k)	do	To revise paragraph (k) to read: (k) Motor vehicles with fuel in their tanks may be stowed in closed freight containers if the following warning is affixed to the access doors "WARNING—MAY CONTAIN EXPLOSIVE MIXTURES WITH AIR—KEEP IGNITION SOURCES AWAY WHEN OPENING." The warning must be on a contrasting background and must be readily legible from a distance of 25 feet.

Proposed amendments of hazardous materials regulations to terminate special permits and exemptions—Continued

Identification No.	Applicant holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E 7839-No	Texstar Chemical Corp.	173.297(a)	Authorizes shipments of titanium sulfate solution containing not more than 20 percent sulfuric acid in DOT Specification 21P fiber drum overpack with inside specification 2SL polyethylene container not over 55-gallon capacity or 2U polyethylene container not over 15-gallon capacity (mode 1).	To add paragraph (5) to read: (5) Specification 21P (§ 178.225 of this subchapter). Fiber drum overpack with inside specification 2U (§ 178.24 of this subchapter) polyethylene container not over 15-gallon capacity or specification 2SL (§ 178.35(a) of this subchapter) polyethylene container not over 55-gallon capacity. Authorized only for solutions containing not over 20 percent sulfuric acid.
E 7868-No	Virginia Chemicals	173.119(m)(10)	Authorizes shipment of various flammable liquids which are also corrosive in a DOT Specification MC 303 cargo tank (mode 1).	To revise paragraph (10) to read: (10) Specification MC 303 or MC 304: Tank motor vehicle meeting § 178.343-2(c) of this subchapter. If the cargo tank is constructed with bottom outlets, they must meet § 178.342-5(a) of this subchapter. Not authorized for flammable liquids which are also organic peroxides.
E 7932-No	Petroleum Equipment Suppliers' Association.	172.101 173.110(b)	Authorizes shipment of charged oil well jet perforating guns as Class C explosives for water shipments under limited conditions. These devices may be shipped in specialized motor vehicles or in offshore downhole tool pallets aboard private offshore oil well supply vessels. Such shipments were authorized under U.S. Coast Guard regulations (49 CFR 146.20-7(i)) prior to the consolidation of the hazardous materials regulations (Docket HM-112). Docket HM-112 failed to provide for these shipments. The devices are needed at offshore drilling rigs for oil exploration and exploitation purposes.	To revise the entry in § 172.101 for "charged oil well jet perforating gun" (Class C explosive) to read:

(1)	(2)	(3)	(4)	(5)		(6)		(7)		
*/ W/ A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not excepted)	Packaging		Maximum net quantity in 1 package		Water shipments		
				(a)	(b)	(a)	(b)	(a)	(b)	(c)
				Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements

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Proposed amendments of hazardous materials regulations to terminate special permits and exemptions—Continued

Identification No.	Applicant holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E 7932-No	Petroleum Equipment Suppliers' Association.	172.101 173.110(b)	Authorizes shipment of charged oil well jet perforating guns as Class C explosives for water shipments under limited conditions. These devices may be shipped in specialized motor vehicles or in offshore downhole tool pallets aboard private offshore oil well supply vessels. Such shipments were authorized under U.S. Coast Guard regulations (49 CFR 146.20-7(i)) prior to the consolidation of the hazardous materials regulations (Docket HM-112). Docket HM-112 failed to provide for these shipments. The devices are needed at offshore drilling rigs for oil exploration and exploitation purposes.	To revise the section heading in § 173.110 and to add paragraph (c) to read: § 173.110 <i>Charged oil well jet perforating guns, total explosive content in guns not exceeding 20 pounds per motor vehicle, pallet, or vessel.</i> (c) Charged oil well jet perforating guns may be offered for transportation and transported by private offshore oil well supply vessels only when carried in special motor vehicles as prescribed in § 173.80 or on offshore downhole tool pallets, and accompanied by personnel trained in the safe handling of these devices, provided that: (1) No blasting caps, electric blasting caps or other firing devices shall be affixed or installed in the guns. (3) Each shaped charge, if not completely enclosed in glass or metal, shall be fully protected by a metal cover after installation in the gun. (4) The total weight of the explosive contents of shaped charges assembled in guns being carried does not exceed 20 pounds per vehicle, pallet or vessel.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e) and paragraph (a)(4) of app. A to part 102.)

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107 nor an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.).

Issued in Washington, D.C., on May 26, 1978.

ALAN I. ROBERTS,
Associate Director for Hazardous Materials Regulation,
Materials Transportation Bureau.

[FR Doc 78-15263 Filed 6-2-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6050-01]

ACTION

FOSTER GRANDPARENT AND SENIOR COMPANION PROGRAMS

Income Eligibility Levels

This notice revises the schedule of income eligibility levels for individuals and families for the Foster Grandparent Program and the Senior Companion Program published in the FEDERAL REGISTER of January 19, 1978 (43 FR 2743). The revised schedule is based on the Community Services Administration (CSA) Income Poverty Guidelines effective May 5, 1978, increased by the amount which individual states have added to the Federal Supplemental Security Income (SSI) as published by the Social Security Administration September 12, 1977. Addition of the State supplement to the CSA Income Poverty Guidelines preserves eligibility of low-income applicants who might otherwise become ineligible because they receive the State supplement.

These ACTION programs are authorized by section 211 of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, 42 U.S.C. Para. 5002. Section 421(4) of Pub. L. 93-113 requires that income eligibility levels be established by applying the most recent Income Poverty Guidelines published by CSA in accordance with Section 625 of the Economic Opportunity Act of 1974, as amended (42 U.S.C. 2971 (a)). Section 421(4) also permits ACTION, in setting income eligibility levels, to take into consideration existing poverty guidelines as appropriate to local situations. ACTION has determined that the amounts by which some States supplement the Federal SSI are such local guidelines and has increased income eligibility guidelines for these States accordingly.

Section 625 permits the CSA poverty guideline to be adjusted for cost-of-living changes. The income eligibility levels will be reviewed at least once a year, and similar schedules will be prepared to reflect any changes required as a result of that review.

In accordance with Section 420 of Pub. L. 93-113, this policy will become effective on (1 month following date of issuance in the FEDERAL REGISTER).

ACTION schedule of income eligibility levels for foster grandparents or senior companions

State	Individuals	Family of 2	Family of 3
Alabama	\$3,140	\$4,586	\$5,805
Alaska	8,055	8,235	9,505
Arizona	3,140	4,180	5,180
Arkansas	3,140	4,180	5,180
California	4,580	7,645	8,665
Colorado	3,585	6,120	7,140
Connecticut	4,200	4,885	5,905
Delaware	3,140	4,180	5,180
District of Columbia	3,140	4,180	5,180
Florida	3,140	4,180	5,180
Georgia	3,140	4,180	5,180
Hawaii	3,805	5,080	6,250
Idaho	4,620	4,825	5,845
Illinois	3,225	4,180	5,180
Indiana	3,140	4,180	5,180
Iowa	3,140	4,180	5,180
Kansas	3,140	4,180	5,180
Kentucky	3,140	4,180	5,180
Louisiana	3,140	4,180	5,180
Maine	3,260	4,340	5,360
Maryland	3,140	4,180	5,180
Massachusetts	4,565	8,380	7,400
Michigan	3,450	4,620	5,640
Minnesota	3,540	4,690	5,710
Mississippi	3,140	4,180	5,180
Missouri	3,140	4,180	5,180
Montana	3,140	4,180	5,180
Nebraska	4,220	5,280	6,310
Nevada	3,620	5,095	6,105
New Hampshire	3,165	4,180	5,180
New Jersey	3,405	4,285	5,305
New Mexico	3,140	4,180	5,180
New York	3,870	5,085	6,090
North Carolina	3,140	4,180	5,180
North Dakota	3,140	4,180	5,180
Ohio	3,140	4,180	5,180
Oklahoma	3,585	4,990	6,010
Oregon	3,285	4,280	5,300
Pennsylvania	3,530	4,745	5,765
Rhode Island	3,520	4,870	5,890
South Carolina	3,140	4,180	5,180
South Dakota	3,140	4,180	5,180
Tennessee	3,140	4,180	5,180
Texas	3,140	4,180	5,180
Utah	3,140	4,180	5,180
Vermont			
Area 1	3,525	4,685	5,705
Area 2	3,525	4,920	5,940
Virginia	3,140	4,180	5,180
Washington			
Area 1	3,625	4,695	5,715
Area 2	3,415	4,305	5,325
West Virginia	3,140	4,180	5,180
Wisconsin	4,055	5,390	6,610
Wyoming	3,380	4,640	5,660
Guam	3,140	4,180	5,180
Puerto Rico	3,140	4,180	5,180
Virgin Islands	3,140	4,180	5,180

For families of more than three persons in the household, add the appropriate supplement for each member over three as follows:

In the 48 contiguous States—\$980 per person.
Alaska—\$1,200 per person.
Hawaii—\$1,100 per person.
District of Columbia and Territories—\$980 per person.

Revision based on Community Services Administration Income Poverty Guidelines effective May 5, 1978, increased by the DHEW Supplemental Security Income Summary dated September 12, 1977.

SAM BROWN,
Director.

[FR Doc: 78-15280 Filed 6-2-78; 8:45 am]

[3410-16]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

BASTIAN ELEMENTARY SCHOOL LAND DRAINAGE R.C. & D. MEASURE, VIRGINIA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Bastian Elementary School Land Drainage R.C. & D. Measure, Bland County, Va.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. David N. Grimwood, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for watershed protection and drainage. The planned works of improvement include land treatment and approximately 9 acres of surface and subsurface drainage.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. David N. Grimwood, State Conservationist, Soil Conservation Service, Room 9201, 400 North Eighth Street, Richmond, Va. 23240, 804-782-2455. An environmental impact appraisal has been prepared and sent to various Federal,

State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 5, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Pub. L. 87-703, 16 U.S.C. 590 a-f, q.)

Dated: May 19, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conservation Service.

[FR Doc. 78-15453 Filed 6-2-78; 8:45 am]

[3410-16]

COLLEGE FARM EROSION CONTROL R.C. & D. MEASURE, TEXAS

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the College Farm Erosion Control R.C. & D. Measure, Walker County, Tex.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for stabilizing an area of critical gully erosion on the College Farm of Sam Houston State University. The planned works of improvement include filling and shaping the existing gully; installing a waterway with a lined bottom gutter; two concrete drop structures for grade control; and establishing permanent vegetation on all disturbed areas. The treatment area will involve about 8 acres of land.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main, Temple, Tex. 76501, 817-774-1214. An

environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 5, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: May 19, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conservation Service.

[FR Doc. 78-15447 Filed 6-2-78; 8:45 am]

[3410-16]

COLORADO COUNTY ROADSIDE EROSION CONTROL R.C. & D. MEASURE, TEXAS

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Colorado County Roadside Erosion Control R.C. & D. Measure, Colorado County, Tex.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

A plan was jointly developed with the Colorado County Commissioners' Court and the Colorado Soil and Water Conservation District to help local people solve their resource problems and protect and improve the quality of the human environment.

The measure concerns a plan for stabilizing critical roadside erosion along 10 sections of county roads located in the north and west portions of Colorado County. Treatment will involve filling, grading, shaping, and establishing permanent vegetation on these areas. Three pipe drop grade stabilization structures will be installed on two of the road sections where slope and water velocities dictate this method of treatment. The treatment areas will involve about 32 acres of land. The in-

stallation is planned over a 1-year period.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. George C. Marks, State Conservationist, Soil Conservation Service, P.O. Box 648, 101 South Main Street, Temple, Tex. 76501, 817-774-1214. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 5, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program, Pub. L. 87-703, 16 U.S.C. 590 a-f, q.)

Dated: May 19, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conservation Service.

[FR Doc. 78-15446 Filed 6-2-78; 8:45 am]

[3410-16]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

FOUR CORNERS CRITICAL AREA TREATMENT R.C. & D. MEASURE, COLORADO

Notice of Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Four Corners Critical Area Treatment R.C. & D. Measure, Montezuma County, Colo.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert G. Halstead, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for control of streambank erosion along the Dolores River. The planned works of improvement include placing ap-

proximately 1,050 feet of rock riprap along the streambank to prevent erosion.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert G. Halstead, State Conservationist, Soil Conservation Service, 2490 West 26th Avenue, Denver, Colo. 80217, 303-837-5651. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 5, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590 a-f, q.)

Dated: May 19, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conservation Service.

[FR Doc. 78-15452 Filed 6-2-78; 8:45 am]

[3410-16]

ILLIANA CHURCH CAMP CRITICAL AREA TREATMENT R.C. & D. MEASURE, INDIANA

Notice of Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Illiana Church Camp Critical Area Treatment R.C. & D. Measure, Vigo County, Ind.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Buell M. Ferguson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include installation of two corrugated metal pipe structures, 0.2 acre of waterway, grass seeding, fertilizing, and mulching of all of the disturbed areas.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Buell M. Ferguson, State Conservationist, Soil Conservation Service, Atkinson Square-West, Suite 2200, 5610 Crawfordville Road, Indianapolis, Ind. 46224, 317-269-6515. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 5, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: May 19, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conservation Service.

[FR Doc. 78-15449 Filed 6-2-78; 8:45 am]

[3410-16]

JUST-OLSON CRITICAL AREA TREATMENT R.C. & D. MEASURE, WISCONSIN

Notice of Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Just-Olson Critical Area Treatment R.C. & D. Measure, Barron County, Wis.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Jerome C. Hytry, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include erosion control practices of critical area plant and a grade stabilization structure on a small tributary of the Yellow River.

The notice of intent not to prepare an environmental impact statement

has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Jerome C. Hytry, State Conservationist, Soil Conservation Service, 4601 Hammersley Road, Madison, Wis. 53711, 608-252-5341. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 5, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590 a-f, q.)

Dated: May 19, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conservation Service.

[FR Doc. 78-15451 Filed 6-2-78; 8:45 am]

[3410-16]

LEA COUNTY STATE PARK PUBLIC WATER-BASED RECREATION R.C. & D. MEASURE, NEW MEXICO

Notice of Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lea County State Park Public Water-Based Recreation R.C. & D. Measure, Lea County, N. Mex.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. A. W. Hamelstrom, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for the development of a new State park on the site of the former Hobbs, N. Mex. military air base. The planned works of improvement include the construction of three small fishing ponds totaling approximately 10 surface acres in size, picnic units, and recreational vehicle facilities.

The notice of intent not to prepare an environmental impact statement

has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. A. W. Hamelstrom, State Conservationist, Soil Conservation Service, 517 Gold Avenue SW., Albuquerque, N. Mex. 87103, 505-766-3277. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 5, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: May 19, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conservation Service.

[FR Doc. 78-15454 Filed 6-2-78; 8:45 am]

[3410-16]

LITTLE CROOKED CREEK CRITICAL AREA TREATMENT R.C. & D. MEASURE, LOUISIANA

Notice of Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Little Crooked Creek Critical Area Treatment R.C. & D. Measure, Webster Parish, La.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Alton Mangum, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include establishing vegetation on 5 acres and installing eight erosion control structures and diversions along banks of Little Crooked Creek in the town of Springhill to control erosion.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic

data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, P.O. Box 1630, Alexandria, La. 71301, 318-448-3421. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 5, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590 a-f, q.)

Dated: May 19, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conservation Service.

[FR Doc. 78-15455 Filed 6-2-78; 8:45 am]

[3410-16]

MIDWEST INSTITUTE OF SCANDINAVIAN CULTURE, INC. CRITICAL AREA TREATMENT R.C. & D. MEASURE, WISCONSIN

Notice of Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Midwest Institute of Scandinavian Culture, Inc. Critical Area Treatment R.C. & D. Measure, Dunn County, Wis.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Jerome C. Hytry, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include erosion control practices of critical area planting and rock riprap on about 1,300 feet of Elk Creek.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environ-

mental assessment are on file and may be reviewed by contacting Mr. Jerome C. Hytry, State Conservationist, Soil Conservation Service, 4601 Hammersley Road, Madison, Wis. 53711, 608-252-5341. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 5, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590 a-f, q.)

Dated: May 19, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conservation Service.

[FR Doc. 78-15450 Filed 6-2-78; 8:45 am]

[3410-16]

NEGREET HIGH SCHOOL CRITICAL AREA TREATMENT R.C. & D. MEASURE, LOUISIANA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Negreet High School Critical Area Treatment R.C. & D. Measure, Sabine Parish, La.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Alton Mangum, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for establishing vegetation on 15 acres at the Negreet High School site to control erosion.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, P.O. Box 1630, Alexandria, La. 71301, 318-448-3421. An envi-

ronmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 5, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590 a-f, q.)

Dated: May 19, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conservation Service.

[FR Doc. 78-15456 Filed 6-2-78; 8:45 am]

[3410-16]

Soil Conservation Service

SOIL AND WATER RESOURCES CONSERVATION ACT OF 1977

General Guidelines

AGENCY: U.S. Department of Agriculture, Soil Conservation Service.

SUMMARY: The Soil and Water Resources Conservation Act of 1977, Pub. L. 95-192, 91 Stat. 1407 (16 U.S.C. 2001) et seq. administered by the Soil Conservation Service, authorizes and directs the preparation of an Appraisal of soil, water, and related resources of the Nation and the development of a National Soil and Water Conservation Program for their protection and improvement. The Soil Conservation Service will carry out the work in cooperation with citizen groups, conservation districts, State soil and water conservation agencies, and other Federal, State, and local agencies. The Appraisal and Program will be completed by the end of 1979 and updated every 5 years.

DATE: Effective date—June 1, 1978.

FOR FURTHER INFORMATION OR TO ADDRESS COMMENTS FOR THE NATIONAL PROGRAM OR APPRAISAL CONTACT:

Richard L. Duesterhaus, Assistant Administrator for Planning and Evaluation, U.S. Department of Agriculture, Soil Conservation Service, P.O. Box 2890, Washington, D.C. 20013, 202-447-7705.

SUPPLEMENTARY INFORMATION: This notice describes Soil Conservation Service activities for implementation of the Soil and Water Resources Conservation Act of 1977, Pub. L. 95-192, 91 Stat. 1407 (16 U.S.C. 2001) et seq.

The Soil Conservation Service will (1) appraise the Nation's soil, water, and related resources on a continuing

basis; (2) develop and periodically update a National Soil and Water Conservation Program, to guide conservation efforts and evaluate the effectiveness of ongoing conservation programs, as well as the progress in achieving the objectives of the program; and (3) report the findings of the Appraisal and the Program with alternative methods to the Secretary of Agriculture for transmittal to the Congress and the public.

This Act also provides for a determination of the effectiveness of ongoing Soil and Water Conservation Programs in meeting the short- and long-term needs of the Nation. The arrangements by which the Soil Conservation Service cooperates with State soil and water conservation agencies, conservation districts, and other appropriate Federal and State natural resource agencies will be used to the fullest extent practicable.

The Soil Conservation Service State conservationists, State soil and water conservation agencies, and conservation districts will jointly provide for public involvement in this process. Meetings will be held and correspondence initiated to comprehensively inform individuals, groups, and interested institutions of the purpose of the Act and solicit their views. Interested parties can contribute to the Appraisal and Program by contacting the appropriate soil and water conservation district or Soil Conservation Service office which is listed in the telephone directory under U.S. Department of Agriculture.

Meetings are planned which will provide for suggestions from groups at the State and national level. In addition, the following is planned: Autumn 1978—The Soil Conservation Service will analyze Appraisal data and Program recommendations gathered from conservation districts and Soil Conservation Service State offices and begin drafting the national Appraisal and Program with alternative methods. A notice will be published in a May 1979 issue of the FEDERAL REGISTER that a draft Appraisal and draft Program are available for public comment, along with the location and availability of copies, how and to whom comments may be sent, and the deadline for comments. This is the start of the formal public review. Late 1979—The final Appraisal and Program reports will be developed by the U.S. Department of Agriculture.

The law provides that the President transmit the Appraisal and Program and a Statement of Policy to Congress on the first day Congress convenes in 1980.

Dated: May 26, 1978.

VICTOR H. BARRY, JR.,
Deputy Administrator
for Programs.

[FR Doc. 78-15509 Filed 6-2-78; 8:45 am]

[3410-16]

SOUTH CENTRAL DAKOTA RC&D AREA, CRITICAL AREA TREATMENT RC&D MEASURES, NORTH DAKOTA

Intent Not To Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the South Central Dakota RC&D Area Critical Area Treatment RC&D Measures in Barnes, Dickey, Foster, Griggs, La-Moure, Logan, McIntosh, Stutsman, and Wells Counties, N. Dak.

The environmental assessment of these federally assisted actions indicates that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Allen L. Fisk, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for this project.

These measures concern plans for critical area treatment. The planned works of improvement include small grade stabilization structures, diversions, critical area plantings, debris basins, fencing, grassed waterways, and terraces.

The notice of intent not to prepare environmental impact statements has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Allen L. Fisk, State Conservationist, Soil Conservation Service, Federal Building, Room 270, Rosser and 3d Street, Bismarck, N. Dak. 58501, 701-255-4011, extension 421. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 5, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590 a-f, q.)

Dated: May 19, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conservation Service.

[FR Doc. 78-15448 Filed 6-2-78; 8:45 am]

[3410-16]

**SUNMAN PARK LAND DRAINAGE RC&D
MEASURE, INDIANA**

**Intent Not To Prepare an Environmental Impact
Statement**

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Sunman Park Land Drainage RC&D Measure, Ripley County, Ind.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Buell M. Ferguson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for a system of surface drains which will safely remove the surface water from an existing park area. The planned works of improvement include 3,000 linear feet of surface drainage field ditch; 7 acres of recreation land grading and shaping; one water control structure; and 8 acres of recreation area improvement.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Buell M. Ferguson, State Conservationist, Soil Conservation Service, Atkinson Square-West, Suite 2200, 5610 Crawfordsville Road, Indianapolis, Ind. 46224, 317-269-6515. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 5, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590 a-f, q.)

Dated: May 19, 1978.

**EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conservation Service.**

[FR Doc. 78-15445 Filed 6-2-78; 8:45 am]

NOTICES

[6320-01]

CIVIL AERONAUTICS BOARD

[Dockets 32597, 32598; Order 78-5-183]

**STERLING OIL CO. OF OKLAHOMA, INC., ET
AL**

Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of May 1978.

Sterling Oil Co of Oklahoma, Inc. (Sterling), Great Western Airlines (Great Western) and Joseph R. Ross, in one application (Docket 32597), and Sterling, Mr. Ross and Ross Aviation, Inc. (Ross Aviation), in a second application (Docket 32598), have sought exemption under section 408(a)(5) of the Act of the acquisition of two air taxis, Great Western and Ross Aviation, by Sterling.

The applications state that Great Western and Ross Aviation are commercial air taxis operating under the exemption provided in part 298 of the Board's Regulations. Great Western also holds a section 418 all-cargo certificate. Great Western operates out of Tulsa, Okla.; Ross Aviation out of Albuquerque, N. Mex. Mr. Ross owns a 35.3 percent interest in Great Western and a 36.4 percent interest in Ross Aviation and is the only controlling interest in either firm. According to the applications, Sterling Oil is engaged primarily in oil and gas production, and is not engaged in any phase of aeronautics, nor is any officer, director, or 10 percent shareholder of Sterling an officer, director, or controlling shareholder of any other air carrier, common carrier, or person engaged in a phase of aeronautics. Sterling has a sole and wholly owned subsidiary, MFC Industries, Inc., also engaged in the oil business. The applicants claim that Trans America Industries, Inc., as owner of 25 percent of Sterling's outstanding stock, is the only controlling shareholder of Sterling. In turn, Trans America is 79 percent owned by James K. Freese and 21 percent by Glenn M. Solomon. Mr. Freese is the only individual who directly or indirectly holds a controlling interest in Sterling.

Sterling proposes to acquire Mr. Ross' interest, and the interests of each of his three daughters, in the two air taxis. Each of his daughters has approximately a 9 percent interest in each taxi.

In support of the request, the applicants assert that the transaction will not create a monopoly, restrain competition or jeopardize another air carrier; that at Tulsa's Riverside Municipal Airport, out of which Great Western operates, there are approximately 20 other air taxi operators; and that there are also several air taxi operators at Albuquerque, where Ross Aviation is based. The applicants have

also asked for expedited treatment of the request.¹

No one has submitted any comments on these applications.

We tentatively find that Sterling Oil's acquisition of Great Western, an air taxi and a holder of a section 418 all-cargo certificate, and Ross Aviation, an air taxi, is subject to section 408(a)(5) of the Act. We tentatively conclude, however, that the acquisition and resulting common control of the two operations will not result in the creation of a monopoly, restrain competition, or otherwise jeopardize any other air carrier; nor does it appear that the requirements of section 408 will otherwise be unfulfilled. We tentatively conclude, therefore, that the transactions should be approved under section 408(b). Great Western operates out of Riverside Municipal Airport, Tulsa, where there are approximately 20 air taxi operators. Ross Aviation conducts business out of Albuquerque, where it provides service between Albuquerque and Los Alamos. At neither Tulsa nor Albuquerque does the common control of the two taxis contain a significant anticompetitive potential. Nor do Sterling, or its officers or directors, have any aeronautical interests that might create any significant conflict of interest with the needs of the two air taxis. Moreover, we find that there do not appear to be any factual issues of such complexity as to require a full oral hearing, and that a more time consuming process could adversely affect the interest of the parties to the transactions.

We will therefore direct all interested persons to show cause why the tentative findings and conclusions and the proposed approvals should not be made final.² We expect such persons to state their objections with particularity; general, vague, or unsupported objections will not be entertained. If a full evidentiary hearing, complete with the opportunity for oral cross-examination, is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings.

Accordingly, it is ordered, That:

1. Interested persons are directed to show cause why the Board should not

¹Mr. Ross' deteriorating health has made time of the essence in the closing of this transaction. The applicants assert that if sec. 408 relief is not granted expeditiously, several bank approvals will have to be renegotiated and additional legal expenses incurred.

²See the Black & Decker Manufacturing Co., Order 73-11-5, Nov. 1, 1973, and IMM Acceptance Corp., International Metals & Machines, Inc., et al., Order 78-10-64, Oct. 15, 1978.

issue an order granting approval under section 408(b) of the Act of the proposed transactions described above;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and approvals set forth here shall, within 7 days after the date of service of this order, file with the Board a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;³

4. In the event no objections are filed within 7 days as prescribed in paragraph 2 above, all further procedural steps will be deemed to have been waived, and the Secretary shall enter an order which shall make final the Board's tentative findings, conclusions, and approvals set forth in this order;

5. Except to the extent granted here, all other requests in this application be dismissed; and

6. A copy of this order shall be served upon the Department of Justice, Antitrust Division.

This order shall be published in the FEDERAL REGISTER.⁴

**PHYLLIS T. KAYLOR,
Secretary.**

[FR Doc. 78-15513 Filed 6-2-78; 8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

EXPORTERS' TEXTILE ADVISORY COMMITTEE

Public Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended, 5, U.S.C. App. (1976) notice is hereby given that a meeting of the Exporters' Textile Advisory Committee will be held at 10 a.m., on June 20, 1978, in Room A located in the lobby of the Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Committee, which is comprised of 24 members involved in textile and apparel exporting, advises Department officials concerning ways of increasing U.S. exports of textile and apparel products.

The agenda for the meeting is as follows:

³All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

⁴All Members concurred except Member West who did not participate.

NOTICES

1. Review of Export Data.
2. Report on Conditions in the Export Market.
3. Recent Foreign Restrictions Affecting Textiles.
4. Other Business.

A limited number of seats will be available to the public on a first come basis. The public may file written statements with the Committee before or after the meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the ITA Freedom of Information Officer, Freedom of Information Control Desk, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5078.

Dated: March 31, 1978.

**ROBERT E. SHEPHERD,
Deputy Assistant Secretary for
Domestic Business Development.**

[FR Doc. 78-15500 Filed 6-2-78; 8:45 am]

[3510-25]

**LICENSING PROCEDURES SUBCOMMITTEE OF
THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE**

Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee will be held on Tuesday, June 20, 1978, at 1 p.m. in Room 5611, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974 and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee was initially established on February 4, 1974. On July 8, 1975, the Director, Office of Export Administration, approved the reestablishment of this Subcommittee, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Licensing Procedures Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

The Subcommittee meeting agenda has five parts:

- (1) Opening remarks by the Subcommittee Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Status report on action taken regarding Subcommittee's recommendations on Simplification of Export Administration Regulations.
- (4) Review and discussion of technical data regulations.
- (5) Discussion of the following:

- (a) Computer general license.
- (b) Licensing of spare parts and temporary exports.
- (c) Return of used or expired licenses.
- (d) Export license validity period.
- (e) Increase in value exemption for documentation.
- (f) Other licensing procedure items of interest to Committee members.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available upon written request addressed to the Freedom of Information Officer, Industry and Trade Administration, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

Dated: June 1, 1978.

**LAWRENCE J. BRADY,
Acting Director, Office of Export
Administration, Bureau of
Trade Regulation, U.S. Department of Commerce.**

[FR Doc. 78-15668 Filed 6-2-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

GULF OF MEXICO FISHERY MANAGEMENT COUNCIL'S SHRIMP ADVISORY PANEL AND STONE CRAB ADVISORY PANEL

Public Meeting

The Ad Hoc Subcommittee of the Shrimp and Stone Crab subpanels of the Advisory Panel of the Gulf of Mexico Fishery Management Council, established under section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) will meet June 27-28, 1978, in the Rex Room of the New Orleans Airport Quality Inn, 2610 Williams Boulevard, Kenner, La. The meeting will start at 10 a.m. on Tuesday, June 27, and adjourn at approximately 10:30 a.m. on Wednesday, June 28.

Proposed Agenda: (1) Review of aspects of fishery management plan; (2) gear conflicts; and (3) other fishery management business.

Meeting is open to the public. For more information on seating, changes to the agenda, and/or written comments, contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, Fla. 33609, telephone 813-228-2815.

Dated: May 30, 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.

[FR Doc. 78-15484 Filed 6-2-78; 8:45 am]

[3510-17]

Office of the Secretary

[Department Organization Order 10-10;
Transmittal 396]

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

Establishment and Delegation of Authority

This order effective May 9, 1978, supersedes the material appearing at 37 FR 15183 of July 28, 1972.

SECTION 1. Purpose.

.01 This order establishes the National Telecommunications and Information Administration (NTIA) and prescribes the scope of authority and the functions of the Assistant Secretary, NTIA. The organizational structure and the assignment of functions are prescribed in Department Organization Order 25-7.

.02 This order also shares an authority for the investigation of nonionizing radiation between NTIA and NBS (subparagraph 5.01c).

Sec. 2. Administrative Designation.

The position of Assistant Secretary of Commerce for Communications and Information (the "Assistant Secretary") was established by section 4 of Reorganization Plan No. 1 of 1977. The Assistant Secretary

is appointed by the President by and with the advice and consent of the Senate.

Sec. 3. Scope of Authority.
.01 The National Telecommunications and Information Administration is hereby established as an operating unit of the Department of Commerce.

.02 The Assistant Secretary shall head NTIA as the Administrator.

.03 The Deputy Assistant Secretary for Communications and Information, who shall also serve as the Deputy Administrator of NTIA, shall perform such functions as the Assistant Secretary shall from time to time assign or delegate, and shall act as Assistant Secretary during the absence or disability of the Assistant Secretary or in the event of a vacancy in the office of the Assistant Secretary.

Sec. 4. Transfer Of Functions.

Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, sections 4 and 5.B of Reorganization Plan No. 1 of 1977 and Executive Order No. 12046 of March 26, 1978:

a. The functions, personnel, funds, property, and records transferred to the Secretary of Commerce pursuant to Reorganization Plan No. 1 of 1977 are hereby transferred to the NTIA.

b. The functions, personnel, funds, property, and records of the Office of Telecommunications, Department of Commerce, are hereby transferred to the NTIA.

c. The effective date of such transfers shall be determined by the Assistant Secretary for Administration, in consultation with the Assistant Secretary.

Sec. 5. Delegation of Authority.

.01 Pursuant to the authority vested in the Secretary of Commerce by law, and subject to such policies and directives as the Secretary may prescribe, the Assistant Secretary is hereby delegated the authority vested in the Secretary of Commerce under:

a. Section 5.B of Reorganization Plan No. 1 of 1977, and by Executive Order No. 12046, including:

1. Subsection 201(a) of the Communications Satellite Act of 1962 (47 U.S.C. 701 et seq.) as amended to advise and assist the President in connection with the functions previously conferred upon the President as described more particularly in Part B, section 7 of Executive Order No. 12046.

2. Subsection 305(a) of the Communications Act of 1934 (47 U.S.C. §305(a)) to assign frequencies to, and amend, modify, and revoke frequency assignments for radio stations belonging to and operated by the United States, subject to the disposition of appeals by the Director, Office of Management and Budget (OMB), and make frequency allocations.

3. Subsection 305(d) of the Communications Act of 1934, as amended, (47 U.S.C. §305(d)), to authorize a foreign government to construct and operate a radio station at the seat of government. Authorization for the construction and operation of a radio station pursuant to this subsection and the assignment of a frequency for its use shall be made only upon recommendation of the Secretary of State and after consultation with the Attorney General and the Chairperson of the Federal Communications Commission.

b. 15 U.S.C. 272 (12) and (13), which relate to the investigation of the conditions which affect transmission of radio waves and to the compilation and distribution of information about such transmissions;

c. 15 U.S.C. 272 (9), the functions which relate to the investigation of nonionizing ra-

diation, its uses, and means of protection of persons from harmful effects, to the extent appropriate to coordination of research throughout the Executive Branch.

.02 The Assistant Secretary may exercise other authorities of the Secretary to the extent applicable to performing the functions assigned in this order. This includes the use of administrative and monetary authorities contained in 15 U.S.C. 271 et seq., as may be necessary or desirable to perform the NTIA functions; and the authority to foster, promote, and develop the foreign and domestic commerce of the United States in effecting, and as such commerce may be affected by, the development and implementation of telecommunications and information systems.

.03 The Assistant Secretary may redelegate any authority conferred by this order to any employee of the NTIA, and may authorize further redelegation by any such employee as appropriate, subject to such conditions as may be prescribed.

Sec. 6. General Functions and Objectives.

The Assistant Secretary shall:

.01 Serve as the President's principal advisor on telecommunications policies pertaining to the Nation's economic and technological advancement and to the regulation of the telecommunications industry.

.02 Advise the Director, OMB on the development of policies for procurement and management of Federal telecommunications systems.

.03 Conduct studies and evaluations concerning telecommunications research and development, the initiation, improvement, expansion, testing, operation, and use of Federal telecommunications systems and programs, and make recommendations concerning their scope and funding to appropriate agency officials and to the director, OMB.

.04 Develop and set forth, in coordination with the Secretary of State and other interested agencies, plans, policies, and programs which relate to international telecommunications issues, conferences, and negotiations. The Assistant Secretary shall coordinate economic, technical, operational, and related preparations for U.S. participation in international telecommunications conferences and negotiations; provide advice and assistance to the Secretary of State with respect to international telecommunications policies to strengthen the position and serve the best interests of the United States in the conduct of foreign affairs.

.05 Provide for the coordination of the telecommunications activities of the Executive Branch and assist in the formulation of policies and standards for the telecommunications activities of the Executive Branch including considerations of interoperability, privacy, security, spectrum use, and emergency readiness.

.06 Develop and set forth telecommunications policies pertaining to the Nation's economic and technological advancement and the regulation of the telecommunications industry.

.07 Ensure that the Executive Branch views on telecommunications matters are effectively presented to the Federal Communications Commission and, in coordination with the Director, OMB, to the Congress.

.08 Assign frequencies to, and amend, modify, and revoke frequency assignment for radio stations belonging to and operated by the United States, make frequency allocations, establish policies concerning spectrum assignment allocation and use, and

provide the various departments and agencies with guidance to assure that their conduct of telecommunications activities is consistent with these policies.

.09 Develop, in cooperation with the Federal Communications Commission, a comprehensive long-range plan for improved management of all electromagnetic spectrum resources, including jointly determining the National Table of Frequency Allocations.

.10 Conduct studies and develop, set forth or recommend policies concerning the impact of the convergence of computer and communications technology and the emerging economic and social implications of the greater ability to originate, manipulate and move information.

.11 Coordinate Federal telecommunications assistance to State and local governments; conduct studies to identify and provide assistance to remove barriers to telecommunications applications; conduct needs assessments to aid in the design of telecommunications services and provide experimental and pilot tests of telecommunications applications to fulfill national goals; and provide for the application of telecommunications technologies and services to avoid waste and achieve an efficient delivery of public services in the furtherance of national goals.

.12 Participate with and perform staff services for the National Security Council and the Director, Office of Science and Technology Policy in carrying out their functions under Executive Order No. 12046.

.13 Participate in evaluating the capability of telecommunications resources in recommending remedial actions and in developing policy options.

.14 Review and coordinate research into the side effects of non-ionizing electromagnetic radiation and coordinate, develop and set forth plans, policies, and programs therefor.

.15 Acquire, analyze, synthesize and disseminate data and perform research in general on the description and prediction of electromagnetic wave propagation and the conditions which affect propagation, on the nature of electromagnetic noise and interference, and on methods for the more efficient use of the electromagnetic spectrum for telecommunications purposes; and prepare and issue predictions of electromagnetic wave propagation conditions and warnings of disturbances in those conditions.

.16 To the extent it is deemed necessary to continue the Interdepartment Radio Advisory Committee (IRAC), that Committee shall serve in an advisory capacity to the Assistant Secretary.

.17 Perform analysis, engineering, and administrative functions, including the maintenance of necessary files and data bases, as necessary in the performance of assigned responsibilities for the management of electromagnetic spectrum.

.18 Conduct research and analysis of electromagnetic propagation, radio systems characteristics, and operating techniques affecting the utilization of the electromagnetic spectrum, in coordination with specialized, related research and analysis performed by other Federal agencies in their areas of responsibility.

.19 Conduct research and analysis in the general field of telecommunications sciences in support of assigned functions and in support of other Government agencies.

.20 Conduct and coordinate economic and technical analyses of telecommunica-

tions policies, activities, and opportunities in support of assigned responsibilities.

.21 Make grants, enter into cooperative agreements, or make proposals for contracts related to any aspect of assigned responsibilities, in accordance with Department rules.

.22 Issue such rules and regulations as may be necessary to carry out the functions delegated by this order.

.23 Conduct such other activities as are incident to the performance of telecommunications and information functions assigned in this order.

Sec. 7. Support Services.

The Assistant Secretary for Administration, in consultation with the Assistant Secretary, shall ensure that other organizations of the Department provide to NTIA, as appropriate, specified personnel and other administrative support services, and accounting and payroll services after consultation with the head of the operating unit concerned.

Sec. 8. Transitional Provisions.

All rules, regulations, orders, determinations, authorizations, contracts, grants, agreements, proceedings, hearings, investigations, or other actions issued, undertaken, pending, or entered into by or for OT, or OTP with respect to functions transferred to the Secretary by Section 5.B of Reorganization Plan No. 1 of 1977, shall continue and remain in full force and effect until they expire in due course or are revoked or amended by appropriate authority.

JUANITA M. KREPS,
Secretary of Commerce.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary
for Administration.

[FR Doc. 78-15489 Filed 6-2-78; 8:45 am]

[3510-17]

[Department Organization Order 25-7;
Transmittal 397]

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

Organization and Assignment of Functions

This order effective May 11, 1978 supersedes the materials appearing at 41 FR 9260 of March 3, 1976 and 41 FR 7830 of September 8, 1976.

SECTION 1. Purpose.

This order prescribes the organization and assignment of functions within the National Telecommunications and Information Administration (NTIA). The functions and scope of authority of NTIA are set forth in Department Organization Order 10-10.

Sec. 2. Organization and Structure.

The principal organization structure and line of authority shall be as depicted in the attached organization chart (Exhibit 1). A copy of the organization chart is on file with the original of this document in the Office of the Federal Register.

Sec. 3. Office of the Administrator.

.01 The Assistant Secretary for Communications and Information shall be the Administrator of NTIA (the "Administrator") and shall determine policy, direct programs, and be responsible for all activities of NTIA.

.02 The Deputy Assistant Secretary for Communications and Information shall be the Deputy Administrator of NTIA (the

"Deputy Administrator"), shall assist the Administrator in the formulation of policies and in the management and direction of NTIA, and shall perform the functions of the Administrator in the latter's absence or disability or in the event of a vacancy in that office.

Sec. 4. Special Staff Offices.

.01 The Office of Planning and Policy Coordination shall be headed by the Director of Planning and Policy Coordination and shall assist the Administrator and Deputy Administrator in performing their policy and management responsibilities. In performing these functions it shall:

a. As directed, represent the Administrator in the development and implementation of telecommunications and information policies and in all other program activities of NTIA.

b. Assist the Administrator and the Deputy Administrator in developing program priorities, goals and objectives, in the allocation of resources, and in the evaluation of NTIA telecommunications and information policies and those of other agencies.

c. Coordinate the activities and programs of the Associate Administrators and other offices in the performance of their missions and in interdepartmental activities.

d. Provide overall guidance, planning and policy direction on the management and organization of NTIA and on the performance of organizational and management studies, the development and promulgation of management procedures and the coordination on such matters with other Departmental offices.

e. Provide policy and program guidance on the formulation, preparation and presentation of NTIA budget and on the integration of policy goals and program plans into budget documents. Coordinate on such matters with the Departmental offices.

f. Develop, propose, and coordinate long and short-term program and policy directions; and program plans for NTIA and incorporate such considerations into the programmatic and administrative functions of NTIA.

g. Perform such other tasks as shall from time to time be assigned by the Administrator and Deputy Administrator.

.02 The Office of the Chief Counsel shall be headed by the Chief Counsel of NTIA who shall have full responsibility for the development and administration of the NTIA legal program. The Office shall:

a. Provide legal advice and general counseling to the Administrator and all components of NTIA with regard to the powers, duties, and responsibilities of NTIA and its relationship with other government departments and agencies (particularly, the Federal Communications Commission (FCC)), Congress, business, industry and private organizations; and the development and administration of NTIA policies and programs.

b. Prepare or review legislative proposals and statements concerning pending legislation or oversight to be made before committees of Congress, and prepare or review regulatory proposals and comments before regulatory agencies.

c. Carry out additional policy development functions with significant legal orientation as the Administrator shall from time to time direct.

These activities shall be carried out subject to the overall authority of the Department's General Counsel as provided in DOO 10-6.

.03 The Office of International Affairs shall be headed by the Director of International Affairs and shall provide the Administrator with broad overview and advice on international telecommunications and information affairs. To perform this function it shall:

a. Assist in the formulation and recommendation to the Administrator of policies and plans for U.S. participation in international telecommunications and information activities.

b. Coordinate NTIA and interdepartmental economic, technical, operational and related preparations for U.S. participation in international telecommunications conferences and negotiations.

c. Maintain liaison with government agencies and private organizations engaged in activities involving international telecommunications and information matters and maintain cognizance of activities of U.S. signatories to international telecommunications treaties, agreements and other instruments.

d. Provide for NTIA representation to international telecommunications and information meetings and to domestic activities preparatory to such meetings excepting for matters specifically assigned to other officers by the Administrator or Deputy Administrator.

e. Provide for NTIA advice and assistance to the Secretary of State with respect to international telecommunications policies to strengthen the position and serve the best interests of the United States in the conduct of negotiations with foreign nations.

These activities shall be carried out in close consultation with, and with the assistance of, the Associate Administrators.

.04 The Office of Administration shall be headed by the Director of Administration and shall provide administrative management and support services for all components of NTIA, except for field operations that are directed by the Administrator to provide such services for themselves, exercise functional supervision over such field administrative service operations, and provide regular reports to the Administrator on the utilization of NTIA resources. To perform these functions it shall:

a. Manage grants, contracts, cooperative agreements, property, and supplies, in accord with and as may be authorized by Department rules.

b. Provide systems analysis, reporting, administrative ADP services and programing support to NTIA's executive and administrative management functions.

c. Coordinate with the Departmental Office of Personnel to obtain the full range of personnel management services.

d. Provide for centralized financial accounting for all components of NTIA, and maintain a resource management reporting system.

e. Formulate, prepare, present and execute NTIA budgets under the overall policy and program guidance of the Office of Planning and Policy Coordination, and coordinate on such matters with other Departmental offices.

f. Conduct and implement management organization and systems analyses, coordinate activity under the Freedom of Information Act and the Privacy Act of 1974; and develop and maintain the internal administrative management control systems of NTIA.

.05 The Office of Congressional and Public Affairs shall be headed by the Director of Congressional and Public Affairs and

shall recommend objectives and policies relating to public affairs, plan and conduct information and educational programs to insure that the public and staff are properly informed of NTIA's activities, and in conjunction with the Department's Office of Congressional Affairs shall coordinate liaison with the Congress and develop plans and programs for, and assist in, the presentation of NTIA's views and policies to appropriate Congressional bodies. In carrying out these functions, the Director of Congressional and Public Affairs shall maintain liaison with the Departmental Offices of Congressional Affairs and Public Affairs, shall act consistently with the overall policy directives of those offices, and shall be responsible for their inquiries.

Sec. 5. Office of Telecommunications Applications.

The Office of Telecommunications Applications shall be headed by the Associate Administrator for Telecommunications Applications and shall, on behalf of the Administrator, conduct programs to assist public service agencies and other groups in more effectively using telecommunications technologies to better achieve public service and other national goals. To perform this function it shall:

a. Coordinate Federal telecommunications assistance to State and local governments.

b. Identify public service and other users' needs and develop methods of efficiently and effectively serving such needs through telecommunications services.

c. Develop policies for the continuing development of public broadcasting, including the use of new technologies.

d. Develop and maintain relationships with Federal agencies so as to assist them in determining ways in which innovative telecommunications technologies can contribute to the more effective delivery of public services; work with them in adapting such technologies to their own needs; and identify ways in which they can facilitate applications by others to meet public service and other national goals.

e. Conduct or coordinate interagency experimental and pilot testing of telecommunications uses.

f. In coordination with other Associate Administrators, work to remove barriers to the orderly introduction of innovative telecommunications technologies in the private sector, and provide for the application of such technologies to avoid waste and achieve an efficient delivery of public services in the furtherance of national goals.

Sec. 6. Office of Federal Systems and Spectrum Management.

The Office of Federal Systems and Spectrum Management shall be headed by the Associate Administrator for Federal Systems and Spectrum Management and shall:

a. On behalf of the Administrator, advise the Director of the Office of Management and Budget (OMB) on the development of policies for procurement and management of Federal telecommunications systems. Conduct studies and evaluations concerning telecommunications research and development, the initiation, improvement, expansion, testing, operation, and use of Federal telecommunications systems and programs, and make recommendation to appropriate agency officials and to the Director, OMB, concerning the scope and funding of such programs.

b. Provide for the coordination of the telecommunications activities of the Executive Branch and assist in the formulation of

policies and standards for the telecommunications activities of the Executive Branch including consideration of interoperability, privacy, security, and emergency preparedness.

c. Participate with, and perform staff services for, the National Security Council and the Director, Office of Science and Technology Policy, in carrying out their functions under Executive Order No. 12046.

d. Participate in evaluating the capability of telecommunications resources in recommending remedial action and in developing policy options.

e. Assign radio frequencies to, and amend, modify or revoke frequency assignments for radio stations belonging to and operated by the United States, make frequency allocations, and develop and maintain techniques, data bases, measurements, files and procedures necessary for such allocation.

f. Establish policies concerning spectrum assignment, allocation and use, and provide the various Departments and agencies with guidance to assure that their conduct of telecommunications activities is consistent with these policies.

g. Develop, in cooperation with the FCC, a comprehensive long-range plan for improved management of all electromagnetic spectrum resources including jointly determining the National Table of Frequency Allocations.

h. Provide a chairperson and secretariat functions for the Interdepartment Radio Advisory Committee.

i. Authorize, upon the recommendation of the Secretary of State and after consultation with the Attorney General and the Chairperson of the FCC, the construction and operation of radio stations by foreign governments at the seat of government, and assign frequencies for their use.

j. Advise and assist the Administrator on technical and policy issues surrounding the security of national telecommunications and systems and means to assure such security.

k. Provide advice and assistance to the Administrator and the Director of International Affairs in carrying out spectrum management related aspects of NTIA's international policy responsibilities and perform such other duties related to those responsibilities as the Administrator shall designate.

Sec. 7. Institute For Telecommunication Sciences.

The Institute for Telecommunication Sciences shall be headed by the Associate Administrator for Telecommunication Sciences and shall, on behalf of the Administrator, manage the telecommunications technology research programs of NTIA and provide technical research support to other elements of NTIA as well as other agencies on a reimbursable basis. To perform these functions it shall:

a. Conduct and coordinate technical analyses of telecommunications and information policy options.

b. Acquire, analyze, synthesize and disseminate data and perform research in general on the description and prediction of electromagnetic wave propagation and the conditions which affect propagation, on the nature of electromagnetic noise and interference, and on methods for the telecommunications purposes; prepare and issue predictions of electromagnetic wave propagation conditions and warnings of disturbances in those conditions; develop methods of measurement of system performance and standards of practice for telecommunications.

c. Conduct research and analysis of electromagnetic propagation, radio systems characteristics, and operating techniques affecting the utilization of electromagnetic spectrum, in coordination with specialized, related research and analysis performed by other Federal agencies in their areas of responsibility.

d. Conduct research and analysis in the general field of telecommunications sciences in support of assigned functions and in support of other Government agencies and State and local governments.

e. Provide scientific engineering and technical expertise, as the central Federal Government laboratories for research on transmission of radio waves.

f. Coordinate or undertake, on behalf of and at the direction of the Administrator, policy programs with major scientific or technical content.

g. In coordination with the Office of Federal Systems and Spectrum Management, provide advice and assistance to the Administrator and the Director of International Affairs in carrying out spectrum management related aspects of NTIA's international policy responsibilities and perform such other duties related to those responsibilities as the Administrator shall designate.

Sec. 8. Office Of Policy Analysis And Development.

The Office of Policy Analysis and Development shall be headed by the Associate Administrator for Policy Analysis and shall, on behalf of the Administrator, be responsible for the analysis, review, and formulation of domestic and international telecommunications and information policies and, at the direction of the Administrator, may present domestic and international policy before the FCC, the Congress and elsewhere. To perform these functions it shall:

a. Conduct or obtain analyses incorporating economic and other aspects of domestic and international telecommunications policy issues. For analyses involving legal and technical aspects of those issues draw upon and coordinate with the Office of the Chief Counsel and the Institute for Telecommunications Sciences. Integrate the results of these activities for the purposes of policy formulation.

b. Provide advice and assistance to the Administrator and the Director of International Affairs in carrying out NTIA's international telecommunications and information policy responsibilities and perform such other duties related to those responsibilities as the Administrator shall designate.

c. Provide other policy research, analysis and development in support of the policy research needs of other elements of NTIA.

HENRY GELLER,
Administrator, National Telecommunications and Information Administration.

Approved:

GUY W. CHAMBERLIN Jr.,
Acting Assistant Secretary
for Administration.

(FR Doc. 78-15490 Filed 6-2-78; 6:45 am)

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON APPAREL FROM INDIA

Additional Import Controls

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling cotton apparel in Categories 336, 338/339/340, 341, and 347/348 during the twelve-month period which began on January 1, 1978.

(A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421) and March 3, 1978 (43 FR 8828).)

SUMMARY: Under the terms of paragraphs 14 and 18 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India, the Government of the United States has decided to control imports of cotton apparel in Categories 336, 338/339/340, 341, and 347/348, produced or manufactured in India and exported to the United States during the twelve-month period which began on January 1, 1978, in addition to those categories previously designated (See 43 FR 4451). The newly-designated levels which will also apply to merchandise exported from India that is accompanied by an elephant-shaped certification, are based on the pattern of exports established during the 1975-1976 agreement year and are the following:

Category	12-mo level of restraint
336	168,190 doz.
338/339/340	919,351 doz.
341	2,012,117 doz.
347/348	106,148 doz.

The foregoing levels have not been adjusted to reflect any imports during the year which began on January 1, 1978.

EFFECTIVE DATE: June 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

SUPPLEMENTARY INFORMATION: On February 2, 1978, there was published in the FEDERAL REGISTER (43 FR 4451) a letter dated January 27, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool and man-made

fiber textile products, produced or manufactured in India, which may be entered into the United States for consumption or withdrawn from warehouse for consumption during the twelve-month period which began on January 1, 1978 and extends through December 31, 1978. In accordance with the terms of the bilateral agreement, the United States Government has decided also to control imports in Categories 336, 338/339/340, 341, and 347/348 for the agreement year which began on January 1, 1978. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that imports in these categories be limited to the designated levels of restraint. The levels of restraint in that letter have not been adjusted to reflect any imports during the period which began on January 1, 1978. Adjustments will be made to account for imports during the period that began on January 1, 1978 and extends through the effective date of this action.

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

MAY 31, 1978.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive issued to you on January 27, 1978 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in India.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on June 5, 1978 and for the twelve-month period beginning on January 1, 1978 and extending through December 31, 1978, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 336, 338/339/340, 341, and 347/348, produced or manufactured in India, in excess of the following levels of restraint. Merchandise accompanied by the elephant-shaped certification shall also be charged to these levels.

Category	12-mo level of restraint
336	168,190 doz.
338/339/340	919,351 doz.
341	2,012,117 doz.
347/348	106,148 doz.

Cotton textile products in the foregoing categories which have been released from

the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the *FEDERAL REGISTER* on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421) and March 3, 1978 (43 FR 8828).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of India and with respect to imports of cotton textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *FEDERAL REGISTER*.

Sincerely,

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements,
and Deputy Assistant Secretary for Domestic Business Development.

(FR Doc. 78-15491 Filed 6-2-78; 8:45 am)

[3510-25]

Certain Cotton, Wool and Man-Made Fiber
Textile Products from India

Increasing Import Restraint Levels

MAY 31, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Granting an increase for carryforward for apparel and made-up and miscellaneous textile products in Categories 330-369, 431-469, and 630-669, as a group.

(A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the *FEDERAL REGISTER* on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421) and March 3, 1978 (43 FR 8828).

SUMMARY: Paragraph 8(A)(II) of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India, provides for carryforward, i.e., the borrowing of a prescribed percentage of yardage from the succeeding agreement year's levels, with such amounts to be deducted from the affected levels in the succeeding year. Under the terms of paragraph 8(A)(II) of the bilateral agreement, as amended, and at the request of the Government of India, the import restraint level for Categories 330-369, 431-469 and 630-669, as a group, is being further increased to 41,067,480 square

yards equivalent for the agreement year which began on January 1, 1978 and extends through December 31, 1978.

EFFECTIVE DATE: May 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald F. Foote, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

SUPPLEMENTARY INFORMATION: On February 2, 1978, a letter of January 27, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the *FEDERAL REGISTER* (43 FR 4451), which established import restraint levels for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in India and exported to the United States during the twelve-month period which began on January 1, 1978. In the letter published below the Commissioner of Customs is directed by the Chairman of the Committee for the Implementation of Textile Agreements, in accordance with the provisions of the bilateral agreement, to increase the twelve-month level of restraint previously established for Categories 330-369, 431-469, and 630-669, as a group, to the designated amount.

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements,
and Deputy Assistant Secretary for Domestic Business Development.

MAY 31, 1978.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C.

DEAR MR. COMMISSIONER: On January 27, 1978, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption and withdrawal from warehouse for consumption during the twelve-month period beginning on January 1, 1978 and extending through December 31, 1978 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in India, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.

Under the terms of the Arrangement Regarding International Trade in Textile done at Geneva on December 20, 1973, as ex-

"The term 'adjustment' refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India which provide, in part, that, with the exception of apparel products in Categories 330-369 which are accompanied by the elephant-shaped certification, (1) within the aggregate, group limits may be exceeded by

tended on December 15, 1977; pursuant to paragraph 8 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India; and in accordance with the provisions of Executive Order 11851 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are further directed to amend, effective on May 31, 1978, the twelve-month level of restraint established in the directive of January 27, 1978 for Categories 330-369, 431-469 and 630-669, as a group, to the following:

Category	Amended 12-month level of restraint ¹
330-369, 431-469 and 630-669	41,067,480 yd ² equivalent.

¹The level of restraint has not been adjusted to reflect any imports after Dec. 31, 1977.

The actions taken with respect to the Government of India and with respect to imports of cotton, wool and man-made fiber textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *FEDERAL REGISTER*.

Sincerely,

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements,
and Deputy Assistant Secretary for Domestic Business Development.

(FR Doc. 78-15516 Filed 6-2-78; 8:45 am)

[3810-70]

DEPARTMENT OF DEFENSE

Defense Intelligence Agency

PRIVACY ACT OF 1974

Notice of Systems of Records: Deletions and Amendments

AGENCY: Defense Intelligence Agency (DIA).

ACTION: Notification of deletions and amendments to the Defense Intelligence Agency systems of records.

SUMMARY: The Defense Intelligence Agency (DIA) proposes to delete 98 and amend 18 systems of records subject to the Privacy Act of 1974. The 96 deleted systems and reasons for their deletions are specifically set forth under the "Deletions" heading below. The 18 systems being amended are set forth below under the "Amendments" heading.

DATES: These systems shall be deleted and amended as proposed without further notice on July 5, 1978,

designated percentages; (2) these same levels may be increased for carryover and carryforward; (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

unless comments are received on or before July 5, 1978, which could result in a contrary determination and requiring republication for further comments.

ADDRESS: Privacy Act Officer, Defense Intelligence Agency, the Pentagon, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT:

Mr. Anthony Feola, 202-692-2471.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency (DIA) annual systems of records inventory as prescribed by the Privacy Act of 1974, 5 U.S.C. 552a(e)(4) (Pub. L. 93-579) has been published in the *FEDERAL REGISTER* (FR Doc 77-28255) on September 28, 1977, at 42 FR 51117. DIA is submitting a proposed periodic updating of its systems of records inventory consisting of deletions and amendments. The proposed amendments are not within the purview of the provisions of the Office of Management and Budget (OMB) Circular A-108, Transmittal Memoranda No. 1 and No. 3, dated September 30, 1975 and May 17, 1976, respectively, which provide supplemental guidance to Federal agencies regarding the preparation and submission of reports of their intention to establish or alter systems of personal records as required by the Privacy Act. This OMB guidance was set forth in the *FEDERAL REGISTER* (40 FR 45877) on October 3, 1975. Under the "Amendments" heading, following the brief identification of the record systems and the specific changes made therein, the revised record systems, as amended, are published in their entirety.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

MAY 30, 1978.

DELETIONS

L DIA 0001

System name: Employee Performance Appraisals (42 FR 51118).

Reason: Records are now incorporated and covered in L DIA 0005 appearing in the amendment portion of this notice.

L DIA 0002

System name: Reserve Personnel Status (DIA Form 266) File (42 FR 51119).

Reason: Records are now incorporated and covered in L DIA 0005 appearing in the amendment portion of this notice.

L DIA 0003

System name: Agency Checkout File (42 FR 51119).

NOTICES

Reason: Records are now incorporated and covered in L DIA 0005 appearing in the amendment portion of this notice.

L DIA 0004

System name: Reemployment Rights File (42 FR 51119).

Reason: Records are now incorporated and covered in L DIA 0005 appearing in the amendment portion of this notice.

L DIA 0006

System name: DoD Priority Placement and Overseas Employment Programs (42 FR 51121).

Reason: Records are now incorporated and covered in L DIA 0005 appearing in the amendment portion of this notice.

L DIA 0007

System name: Reduction in Force (RIF) Case Files (42 FR 51121).

Reason: Records are now incorporated and covered in L DIA 0005 appearing in the amendment portion of this notice.

L DIA 0008

System name: Civilian Employee Compensation Records (42 FR 51122).

Reason: Records are now incorporated and covered in L DIA 0005 appearing in the amendment portion of this notice.

L DIA 0009

System name: Guest Lecturer File (42 FR 51122).

Reason: Records are now incorporated and covered in L DIA 0015 appearing in the amendment portion of this notice.

L DIA 0013

System name: Defense Intelligence Agency Personnel Roster (42 FR 51124).

Reason: This system of records was determined to be no longer necessary. All records contained therein have been destroyed.

L DIA 0014

System name: Field Personnel Folder (42 FR 51125).

Reason: This system of records was determined to be no longer necessary. All records contained therein have been destroyed.

L DIA 0016

System name: Rotary Card File (42 FR 51126).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0017

System name: Personnel Actions (Civilian) FR 51126).

Reason: Records are now incorporated and covered in L DIA 005 appearing in the amendment portion of this notice.

L DIA 0018

System name: Military Personnel Procurement, DIA Form 83 (42 FR 51127).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0019

System name: Emergency Alert and Recall Rosters (42 FR 51127).

Reason: Records are now incorporated and covered in L DIA 0012 appearing in the amendment portion of this notice.

L DIA 0020

System name: Joint Table of Distribution (42 FR 51128).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0021

System name: Training Locator Cards (42 FR 51128).

Reason: This system of records was determined to be no longer necessary. All records contained therein have been destroyed.

L DIA 0022

System name: Movement of Personnel (42 FR 51129).

Reason: This system of records was determined to be no longer necessary. All records contained therein have been destroyed.

L DIA 0100/04

System name: Personnel File Index (42 FR 51129).

Reason: This system of records was determined to be no longer necessary. All records contained therein have been destroyed.

L DIA 0100/14

System name: Office Administration-Dining Room Passes (42 FR 51130).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0103/01

System name: Personnel Security and Security Clearance Status Index (42 FR 51130).

Reason: Records are now incorporated and covered in L DIA 0660 appearing in the amendment portion of this notice.

L DIA 0103/02

System name: Personnel Security Case Records Retirement Retrieval Index (42 FR 51131).

NOTICES

Reason: Records are now incorporated and covered in L DIA 0660 appearing in the amendment portion of this notice.

L DIA 0107

System name: Board of Visitors File (BOV) (42 FR 51131).

Reason: Records are now incorporated and covered in L DIA 0015 appearing in the amendment portion of this notice.

L DIA 0108/01

System name: Health, Welfare and Charities (42 FR 51132).

Reason: This system of records was determined to be no longer necessary. All records contained therein have been destroyed.

L DIA 108/02

System name: Health, Welfare and Recreation (42 FR 51132).

Reason: This system of records was determined to be no longer necessary. All records contained therein have been destroyed.

L DIA 0116

System name: Telephone Records (42 FR 51133).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0121

System name: Locator Service/Postal Directory (42 FR 51133).

Reason: Records are now incorporated and covered in L DIA 0012 appearing in the amendment portion of this notice.

L DIA 0127

System name: Graphic Arts Management (GAMS) (42 FR 51134).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0136

System name: Movement of Personnel/Travel (42 FR 51134).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0137

System name: Transportation Officers Lists (42 FR 51135).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0138

System name: Local Transportation Records (42 FR 51135).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

System name: Vehicle Parking (42 FR 51136).

Reason: This system of records was determined to be no longer necessary. All records contained therein have been destroyed.

L DIA 0145

System name: Individual Identification Records (42 FR 51136).

Reason: Records are now incorporated and covered in L DIA 0660 appearing in the amendment portion of this notice.

L DIA 0230

System name: Organization Planning and Manpower (42 FR 51137).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0241

System name: Administrative Publications (42 FR 51138).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0272

System name: Complaint (42 FR 51139).

Reason: Records are now incorporated and covered in L DIA 0271 appearing in the amendment portion of this notice.

L DIA 0285

System name: Director's Correspondence File (42 FR 51139).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0400

System name: Production Control System (42 FR 51140).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0413

System name: Service Record Card (SF-7) File (42 FR 51141).

Reason: Records are now incorporated and covered in L DIA 0005 appearing in the amendment portion of this notice.

L DIA 0414

System name: Supervisor's Records of Employees (42 FR 51142).

Reason: Records are now incorporated and covered in L DIA 0005 appearing in the amendment portion of this notice.

L DIA 0416

System name: Civilian Personnel Administrative Records (42 FR 51142).

Reason: Records are now incorporated and covered in L DIA 0005 appearing in the amendment portion of this notice.

L DIA 0420/01

System name: Defense Special Career Automated System (42 FR 51143).

Reason: This system of records was determined to be no longer necessary. All records contained therein have been destroyed.

L DIA 0430

System name: Complaints/Investigations (42 FR 51143).

Reason: Records are now incorporated and covered in L DIA 0005 appearing in the amendment portion of this notice.

L DIA 0430/01

System name: Employee Grievances and Appeals (42 FR 51144).

Reason: Records are now incorporated and covered in L DIA 0005 appearing in the amendment portion of this notice.

L DIA 0436

System name: Incentive Awards (42 FR 51145).

Reason: This system of records was determined to be no longer necessary. All records contained therein have been destroyed.

L DIA 0436/01

System name: Classified Letters of Appreciation File (42 FR 51145).

Reason: Records are now incorporated and covered in L DIA 0005 appearing in the amendment portion of this notice.

L DIA 0440

System name: Requests for Reassignment (42 FR 51146).

Reason: Records are now incorporated and covered in L DIA 0005 appearing in the amendment portion of this notice.

L DIA 0440/01

System name: Qualifications, Placements and Promotions (42 FR 51146).

Reason: This system of records was determined to be no longer necessary. All records contained therein have been destroyed.

L DIA 0442

System name: Applicants for Employment (42 FR 51146).

Reason: Records are now incorporated and covered in L DIA 0005 appearing in the amendment portion of this notice.

L DIA 0443

System name: Job Opportunities (Selection of High Potential Employees) (42 FR 51147).

Reason: This system of records was determined to be no longer necessary. All records contained therein have been destroyed.

L DIA 0451

System name: Position Description (42 FR 51148).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0460/01

System name: DIA Form 209 (42 FR 51148).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0470

System name: Military Service Administrative Records (42 FR 51149).

Reason: Records are now incorporated and covered in L DIA 0005 appearing in the amendment portion of this notice.

L DIA 0490

System name: Military Personnel Procurement (42 FR 51150).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0530

System name: Intelligence Collection Records (42 FR 51151).

Reason: Records are now incorporated and covered in L DIA 0800 appearing in the amendment portion of this notice.

L DIA 0600

System name: Defense Intelligence Agency, Directorate for Information Systems Security Files (42 FR 51152).

Reason: This system of records was determined to be no longer necessary. All records contained therein have been destroyed.

L DIA 0600/02

System name: Request for Clearance (42 FR 51153).

Reason: This system of records was determined to be no longer necessary. All records contained therein have been destroyed.

L DIA 0620

System name: System Access Log and Directory (42 FR 51153).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

NOTICES

L DIA 0640/01

System name: Personnel Security Investigation Files (42 FR 51154).

Reason: Records are now incorporated and covered in L DIA 0660 appearing in the amendment portion of this notice.

L DIA 0640/02

System name: Visitor Accreditation File (42 FR 51155).

Reason: Records are now incorporated and covered in L DIA 0660 appearing in the amendment portion of this notice.

L DIA 0650/02

System name: Security Management Information System (SMIS) (42 FR 51155).

Reason: Records are now incorporated and covered in L DIA 0660 appearing in the amendment portion of this notice.

L DIA 0650/03

System name: Sensitive Compartmented Information (SCI) Access Files (42 FR 51156).

Reason: Records are now incorporated and covered in L DIA 0660 appearing in the amendment portion of this notice.

L DIA 0650/04

System name: Clearance Certification File (42 FR 51157).

Reason: Records are now incorporated and covered in L DIA 0660 appearing in the amendment portion of this notice.

L DIA 0660/01

System name: Security Violations (42 FR 51158).

Reason: Records are now incorporated and covered in L DIA 0660 appearing in the amendment portion of this notice.

L DIA 0700

System name: Supply, Space and Facilities, Policy and Planning (42 FR 51158).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0710

System name: Contract Correspondence (42 FR 51159).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0733

System name: Reports of Survey (42 FR 51159).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0802

System name: Project Files (42 FR 51161).

Reason: Records are now incorporated and covered in L DIA 0800 appearing in the amendment portion of this notice.

L DIA 0803

System name: Defense Attache Investigation File (42 FR 51161).

Reason: Records are now incorporated and covered in L DIA 0600 appearing in the amendment portion of this notice.

L DIA 0804

System name: Defense Attache Roster (42 FR 51162).

Reason: This system of records was determined to be no longer necessary. All records contained therein have been destroyed.

L DIA 0805

System name: Request for Irregular Overtime (42 FR 51162).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0806

System name: Security (42 FR 51163).

Reason: This system of records was determined to be no longer necessary. All records contained therein have been destroyed.

L DIA 0807

System name: Management Analysis (42 FR 51164).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0808

System name: Training Facilities Records (42 FR 51164).

Reason: This system of records was determined to be no longer necessary. All records contained therein have been destroyed.

L DIA 0808/01

System name: Request for Training (42 FR 51165).

Reason: Records are now incorporated and covered in L DIA 0005 appearing in the amendment portion of this notice.

L DIA 0809

System name: Off Duty Employment Report (42 FR 51165).

Reason: Records are now incorporated and covered in L DIA 0005 appearing in the amendment portion of this notice.

L DIA 0810

System name: Library Circulation File (42 FR 51166).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0811

System name: Intelligence Report Indexing System (IRISA) (42 FR 51166).

Reason: Records are now incorporated and covered in L DIA 0813 appearing in the amendment portion of this notice.

L DIA 0812

System name: ASDIA All Source Document Index (42 FR 51166).

Reason: Records are now incorporated and covered in L DIA 0813 appearing in the amendment portion of this notice.

L DIA 0814

System name: Timekeeper Station Listing (42 FR 51167).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0815

System name: Cost of Annual Leave Balance Report (42 FR 51168).

Reason: Records are now incorporated and covered in L DIA 0330 appearing in the amendment portion of this notice.

L DIA 0816

System name: DIA Employee Personal Services DA 2449 (42 FR 51168).

Reason: Records are now incorporated and covered in L DIA 0330 appearing in the amendment portion of this notice.

L DIA 0817

System name: DIA Employee Bond Issuance Schedule DD 1804C (42 FR 51169).

Reason: Records are now incorporated and covered in L DIA 0330 appearing in the amendment portion of this notice.

L DIA 0818

System name: DIA Employee Civilian Payroll Checks Listing (42 FR 51169).

Reason: Records are now incorporated and covered in L DIA 0330 appearing in the amendment portion of this notice.

L DIA 0820

System name: DIA Employee Payroll Authorization for Disposition of Salary Check, Bond DIA 945 (42 FR 51170).

Reason: Records are now incorporated and covered in L DIA 0330 appearing in the amendment portion of this notice.

ing in the amendment portion of this notice.

L DIA 0821

System name: DIA Travel Record DIA 766 (42 FR 51171).

Reason: Records are now incorporated and covered in L DIA 0330 appearing in the amendment portion of this notice.

L DIA 0822

System name: Signature Card DD 577, Individual Signature Cards (42 FR 51171).

Reason: This system has been determined not to be a system of records as defined in the Privacy Act of 1974.

L DIA 0823

System name: Requests for Waiver of Indebtedness Resulting from Erroneous Payments (42 FR 51172).

Reason: Records are now incorporated and covered in L DIA 0819 appearing in the amendment portion of this notice.

L DIA 0824

System name: Retirement Records SF 2806 (42 FR 51172).

Reason: Records are now incorporated and covered in L DIA 0330 appearing in the amendment portion of this notice.

L DIA 0825

System name: DIA 53 Payclerk/Supervisor Name Card (42 FR 51173).

Reason: Records are now incorporated and covered in L DIA 0330 appearing in the amendment portion of this notice.

L DIA 0826

System name: Request for DoD Management Education and Training Program Courses (42 FR 51173).

Reason: This system of records was determined to be no longer necessary. All records contained therein have been destroyed.

L DIA 0860

System name: Payroll Service Request Form (42 FR 51174).

Reason: Records are now incorporated and covered in L DIA 0330 appearing in the amendment portion of this notice.

L DIA 0879

System name: Cancellation of Allotment of Pay for Credit to Financial Institution (42 FR 51174).

Reason: Records are now incorporated and covered in L DIA 0330 appearing in the amendment portion of this notice.

L DIA 1164

System name: Claim for Reimbursement for Expenditures on Official Business (42 FR 51175).

Reason: Records are now incorporated and covered in L DIA 0330 appearing in the amendment portion of this notice.

L DIA 1198

System name: Request by Employee for Allotment of Pay for Credit to Savings Account (42 FR 51175).

Reason: Records are now incorporated and covered in L DIA 0330 appearing in the amendment portion of this notice.

L DIA 1351

System name: Travel Voucher or Subvoucher (42 FR 51176).

Reason: Records are now incorporated and covered in L DIA 0330 appearing in the amendment portion of this notice.

L DIA 1727

System name: Application, Change, Cancellation for U.S. Savings Class A Pay Reservation (42 FR 51176).

Reason: Records are now incorporated and covered in L DIA 0330 appearing in the amendment portion of this notice.

AMENDMENTS

Following the brief identification of the record systems and the specific changes made therein, the complete revised record system notices, as amended, are published in their entirety. Amendments are as follows:

L DIA 0005

System name: Personnel Management Information System (PMIS) (42 FR 51120).

Changes:
System location: Delete entry. Substitute "Defense Intelligence Agency, Washington, D.C. 20301."

Categories of individuals covered by the system: Delete entry. Substitute "Current and former military and civilian employees of DIA."

Categories of records in the system: Delete entry. Substitute "This system consists of a variety of personnel, security, education, training and financial employment related records."

Authority for maintenance of the system: Delete entry. Substitute "Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and

herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete entry. Substitute "Records are used by staff, administrative and operating officials to: prepare individual administrative transactions; make decisions on the rights, benefits, entitlements and the utilization of individuals; and provide a data source for the production of reports, statistical surveys, rosters, documentation and studies required for the orderly personnel administration within DIA. Information will be disclosed to such other federal agencies, state and local governments, as may have a legitimate use for such information and which agrees to apply appropriate safeguards to protect data so provided and which is consistent with the conditions or reasonable expectations of use and disclosure under which the information was provided, collected or obtained."

Storage: Delete entry. Substitute "Automated, maintained on magnetic tape and manual, in paper files and microfilm."

Retrievability: Delete entry. Substitute "By name or social security account number."

Safeguards: Delete entry. Substitute "Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information."

Retention and disposal: Delete entry. Substitute "Paper files are destroyed when employment with the Agency ceases. Microfilm records are destroyed when replaced with an updated film and magnetic tape files are retained indefinitely as a permanent record."

System manager(s) and address: Delete entry. Substitute "Assistant Deputy Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301."

Notification procedure: Delete entry. Substitute "To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record access procedures: Delete entry. Substitute "All requests for copies of records pertaining to your-

self must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Contesting record procedures: Delete entry. Substitute "An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington D.C."

Record source categories: Delete entry. Substitute "Agency officials, employees, educational institutions and other government agencies."

L DIA 0010

System name: Freedom of Information Act (FOIA) Files (42 FR 51123).

Changes:
System name: Delete entry. Substitute "Requests for Information."

System location: Delete entry. Substitute "Defense Intelligence Agency, Washington, D.C. 20301."

Categories of individuals covered by the system: Delete entry. Substitute "Individuals who make requests to DIA for information."

Categories of records in the system: Delete entry. Substitute "Correspondence from requester, and documents related to the receipt, processing and final disposition of the request."

Authority for maintenance of the system: Delete entry. Substitute "Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete entry. Substitute "To provide

information for compiling reports required by public disclosure statutes and to assist the Department of Justice in preparation of the Agency's defense in any law suit arising under these statutes."

Storage: Delete entry. Substitute "Manual, in paper files."

Retrievability: Delete entry. Substitute "By name."

Safeguards: Delete entry. Substitute "Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information."

Retention and disposal: Delete entry. Substitute "Granted access: destroy 2 years after date of Agency reply. Denied access, but no appeals by requester: destroy 5 years after date of Agency reply. Contested records: destroy 4 years after final denial by Agency, or 3 years after final adjudications by courts, whichever is later."

System manager(s) and address: Delete entry. Substitute "Assistant Deputy Director for Support and Services, Defense Intelligence Agency, Washington, D.C. 20301."

Notification procedure: Delete entry. Substitute "To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record access procedures: Delete entry. Substitute "All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Contesting record procedures: Delete entry. Substitute "An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial

determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record source categories: Delete entry. Substitute "Individual requester and Agency officials."

L DIA 0011

System name: Student Information Files (42 FR 51123).

Changes:

System location: Delete entry. Substitute "Defense Intelligence Agency, Washington, D.C. 20301."

Categories of individuals covered by the system: Delete entry. Substitute "Current and former students at the Defense Intelligence School."

Categories of records in the system: Delete entry. Substitute "Student's biographic data and administrative/academic documents related to the student's enrollment."

Authority for maintenance of the system: Delete entry. Substitute "Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records."

Routine uses of records maintained in the system, including categories of users and the purpose of such uses: Delete entry. Substitute "Information is used to document, monitor, manage, and administer the student's performance at the school and to provide verification of training accomplished to federal agencies, military departments and educational institutions when requested."

Storage: Delete entry. Substitute "Manual in paper files and automated on magnetic disc and tape."

Retrievability: Delete entry. Substitute "By name."

Safeguards: Delete entry. Substitute "Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information."

Retention and disposal: Delete entry. Substitute "Registration cards are held 5 years and then retired to the Washington National Record Center."

System manager(s) and addresses: Delete entry. Substitute "Comman-

dant, Defense Intelligence School, Washington, D.C. 20301."

Notification procedure: Delete entry. Substitute "To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record access procedures: Delete entry. Substitute "All requests for copies of records pertaining to yourself must be in writing. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Contesting record procedures: Delete entry. Substitute "An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record sources categories: Add "other federal agencies."

L DIA 0012

System name: Locator Cards/Rosters (42 FR 51124).

Changes:

System name: Delete entry. Substitute "Directory Service."

System location: Delete entry. Substitute "Defense Intelligence Agency, Washington, D.C. 20301."

Categories of individuals covered by the system: Delete entry. Substitute "Current and former military and civilian employees of DIA."

Categories of records in the system: Delete entry. Substitute "Files contain information related to the individual's work assignment, home phone and address, emergency notification data and mail forwarding address."

Authority for maintenance of the system: Delete entry. Substitute "Pur-

suant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for maintenance of necessary and appropriate records."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete entry. Substitute "Information is used to provide postal and locator service. To prepare recall and special rosters required for day-to-day operations and emergencies. To identify next-of-kin for emergency notification and as a source document for management information. At overseas locations information may be provided to host country and the Department of State, Department of Treasury, and the Central Intelligence Agency."

Storage: Delete entry. Substitute "Automated, maintain on magnetic tape and disc, microfilm, and manual, in paper files."

Retrievability: Delete entry. Substitute "By name."

Safeguards: Delete entry. Substitute "Records are maintained in a building protected by security guards and are stored in vaults, safes, or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared, and trained in the protection of privacy information."

Retention and disposal: Delete entry. Substitute "Record is destroyed 1 year after the individual departs Agency."

Systems manager(s) and address: Delete entry. Substitute "Assistant Deputy Director for Support and Services, Defense Intelligence Agency, Washington, D.C. 20301."

Notification procedure: Delete entry. Substitute "To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number, and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record access procedures: Delete entry. Substitute "All requests for copies of records pertaining to yourself must be in writing. You must include in your request: your full name, current address, telephone number, and social security account number or

date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Contesting record procedures: Delete entry. Substitute "An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record source categories: Delete entry. Substitute "By the individual and Agency officials."

L DIA 0015

System name: Biographical Sketch (Military and Civilian) (42 FR 51125).

Changes:

System name: Delete entry. Substitute "Biographic Sketch."

System location: Delete entry. Substitute "Defense Intelligence Agency, Washington, D.C. 20301."

Categories of individuals covered by the system: Delete entry. Substitute "Individuals who interface with the DIA on a fee or non-fee basis."

Categories of records in the system: Delete entry. Substitute "Contains biographic data to include name, date and place of birth, educational background, lists of published works or notable achievements in the intelligence scientific or academic community, intelligence experience, etc."

Authority for maintenance of the system: Delete entry. Substitute "Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete entry. Substitute "To establish an individual's bona fide as a noted authority in a specialized area for the

purposes of utilizing that expertise to fill a gap in the Defense Intelligence Agency's resources. Information will be disclosed to such other Federal agencies, State and local governments, as may have a legitimate use for such information and which agrees to apply appropriate safeguards to protect data so provided and which is consistent with the conditions or reasonable expectations of use and disclosure under which the information was provided, collected or obtained."

Storage: Delete entry. Substitute "Manual in paper files."

Retrievability: Delete entry. Substitute "By name."

Safeguards: Delete entry. Substitute "Records are maintained in a building protected by security guards and are stored in vaults, safes, or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared, and trained in the protection of privacy information."

Retention and disposal: Delete entry. Substitute "Permanent records are retired to the Washington National Record Center and other material destroyed when no longer required."

System manager(s) and address: Delete entry. Substitute "Assistant Deputy Director for Support and Services, Defense Intelligence Agency, Washington, D.C. 20301."

Notification procedure: Delete entry. Substitute "To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number, and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record access procedures: Delete entry. Substitute "All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number, and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Contesting record procedures: Delete entry. Substitute "An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination.

The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record source categories: Delete entry. Substitute "Individual, academic institutions, or the individual's employer."

L DIA 0140

System name: Passports and Visas (42 FR 51136).

Changes:

System location: Delete entry. Substitute "Defense Intelligence Agency, Washington, D.C. 20301."

Authority for maintenance of the system: Delete entry. Substitute "Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete entry. Substitute "To obtain and safekeep official passports until needed for travel and to obtain necessary visas for appropriate Embassies. Notify individuals to reapply when passports expire and to return passports to the Department of State upon departure of the individual from DIA."

Storage: Delete entry. Substitute "Manual in paper files."

Retrievability: Delete entry. Substitute "By name."

Safeguards: Delete entry. Substitute "Records are maintained in a building protected by security guards and are stored in vaults, safes, or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared, and trained in the protection of privacy information."

System manager(s) and address: Delete entry. Substitute "Assistant Deputy Director for Support and Services, Defense Intelligence Agency, Washington, D.C. 20301."

Notification procedure: Delete entry. Substitute "To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C."

20301. You must include in your request: your full name, current address, telephone number, and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record access procedures: Delete entry. Substitute "All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number, and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Contesting record procedures: Delete entry. Substitute "An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

L DIA 0209

System name: Legal Opinions and Related Documentation (42 FR 51137).

Changes:

System name: Delete entry. Substitute "Litigation and Disposition Documentation."

System location: Delete entry. Substitute "Defense Intelligence Agency, Washington, D.C. 20301."

Categories of individuals covered by the system: Delete entry. Substitute "Files involving legal and administrative matters involving individuals."

Categories of records in the system: Delete entry. Substitute "Correspondence or legal documentation relating to individuals."

Authority for maintenance of the system: Delete entry. Substitute "Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director

with the responsibility for the maintenance of necessary and appropriate records."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete entry. Substitute "Used in connection with litigation by, disciplinary and administrative action against or in the disposition of claims and benefits of individuals both civilian and military. Will be provided to the Department of Justice, the Civil Service Commission and the various branches of the military services as may be necessary or required in the disposition of an individual case."

Storage: Delete entry. Substitute "Manual in paper files."

Retrievability: Delete entry. Substitute "By name."

Safeguards: Delete entry. Substitute "Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information."

Retention and disposal: Delete entry. Substitute "Records are destroyed when no longer needed."

System manager(s) and address: Delete entry. Substitute "Office of the General Counsel, Defense Intelligence Agency, Washington, D.C. 20301."

Notification procedure: Delete entry. Substitute "To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record access procedures: Delete entry. Substitute "All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Contesting record procedures: Delete entry. Substitute "An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of no-

tification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record source categories: Delete entry. Substitute "Other offices within the Defense Intelligence Agency and the Department of Defense, the individual involved and other departments and agencies of the Executive Branch."

L DIA 0271

System name: Investigations (42 FR 51138).

Changes:

System name: Delete entry. Substitute "Investigations and Complaints."

System location: Delete entry. Substitute "Defense Intelligence Agency, Washington, D.C. 20301."

Categories of individuals covered by the system: Delete entry. Substitute "Current and former civilian and military personnel who filed a complaint acted upon by the Inspector General, DIA, or who were the subject of an Inspector General, DIA, investigation or inquiry."

Categories of records in the system: Delete entry. Substitute "Documents relating to the organization, planning and execution of internal/external investigations and records created as a result of investigations conducted by the Office of the Inspector General, including reports of investigations, records of action taken and supporting papers. These files include investigations of both organizational elements and individuals."

Authority for maintenance of the system: Delete entry. Substitute "Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records. Executive Order 12036, "United States Intelligence Activities," January 24, 1978. Executive Order 11652, "Classification and Declassification of National Security Information and Material, March 8, 1972."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete entry. Substitute "Records are used as a basis for recommending ac-

tions to the Command Element and other DIA elements. Depending upon the nature of the information it may be passed to appropriate elements within the Department of Defense, the Department of State, Department of Justice, Central Intelligence Agency and to other appropriate government agencies."

Storage: Delete entry. Substitute "Manual in paper files."

Retrievability: Delete entry. Substitute "By name."

Safeguards: Delete entry. Substitute "Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information."

Retention and disposal: Delete entry. Substitute "Records are held in current files for 5 years after completion and adjudicated of all actions. Retire to the Washington National Record Center and destroyed after 10 years."

System manager(s) and address: Delete entry. Substitute "Inspector General's Office, Defense Intelligence Agency, Washington, D.C. 20301."

Notification procedure: Delete entry. Substitute "To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record access procedures: Delete entry. Substitute "All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Contesting record procedures: Delete entry. Substitute "An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial

determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Systems exempted from certain provisions of the act: Delete entry. Substitute "Parts of this system may be exempt under Title 5, U.S.C., 552a, subsections k(2), k(5), or k(7). For additional information see agency rules contained in (32 CFR Part 292a)."

L DIA 0330

System name: Civilian Payroll/Earnings and Leave Statement (42 FR 51140).

Changes:

System name: Delete entry. Substitute "Civilian Payroll, Leave and Travel Disbursement."

System location: Delete entry. Substitute "Defense Intelligence Agency, Washington, D.C. 20301."

Categories of individuals by the system: Delete entry. Substitute "Current and former civilian personnel of the DIA."

Categories of records in the system: Delete entry. Substitute "This system consists of records which document and support employee related transactions in the area of pay compensation, claims for reimbursement, leave entitlement, statutory and administrative deductions, settlement of debts and documents designating certifying officials."

Authority for maintenance of the system: Delete entry. Substitute "Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete entry. Substitute "Records are used by the Agency personnel and the U.S. Army Military District of Washington, Finance and Accounting Office to: Compute, make and record individual employee's payment transactions; determine leave entitlements; record and remit deductions for the Civil Service Commission Retirement System and the Social Security fund; determine entitlement for reimbursement of travel and other expenses for official business; report tax information to federal, state and local taxing authorities as required by statute and

to remit and record such transactions; record and remit deductions for life and health insurance and such other deductions as required or authorized by the individual; be used as a basis for the settlement of pay or debt disputes; and provide such verification as required by statute or administrative directive."

Storage: Delete entry. Substitute "Manual in paper files."

Retrievability: Delete entry. Substitute "By name."

Safeguards: Delete entry. Substitute "Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information."

Retention and disposal: Delete entry. Substitute "Permanent records are cut off each fiscal year and held for 2 years and then retired to the Washington National Record Center. Temporary records are destroyed in 4 years or 2 years after general accountant office audit."

System manager(s) and address: Delete entry. Substitute "Deputy Comptroller, Defense Intelligence Agency, Washington, D.C. 20301."

Notification procedure: Delete entry. Substitute "To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record access procedures: Delete entry. Substitute "All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Contesting record procedures: Delete entry. Substitute "An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his

or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record source categories: Delete entry. Substitute "Data is supplied from a number of sources including the individual concerned, MDW Army Finance Office and agency officials."

L DIA 0435

System name: DIA Awards Files (42 FR 51144).

Changes:

System location: Delete entry. Substitute "Defense Intelligence Agency, Washington, D.C. 20301."

Categories of individuals covered by the system: Delete entry. Substitute "Military personnel recommended for an award while assigned to DIA."

Categories of records in the system: Delete entry. Substitute "This file contains supporting documents for the award nomination and the results of actions or recommendations of endorsing and approving officials."

Authority for maintenance of the system: Delete entry. Substitute "Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records."

Routine uses of records maintained in the system including categories of users and the purposes of such uses: Delete entry. Substitute "Records are used to obtain the approval for the awarding of the decoration and for the compilation of required statistical data and may be provided to the Military Departments when appropriate."

Storage: Delete entry. Substitute "Manual in paper files."

Retrievability: Delete entry. Substitute "By name."

Safeguards: Delete entry. Substitute "Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information."

Retention and disposal: Delete entry. Substitute "They are maintained for approximately 2 years within the Agency and then retired to the Washington National Record Center."

System manager(s) and address: Delete entry. Substitute "Assistant Deputy Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301."

Notification procedure: Delete entry. Substitute "To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record access procedures: Delete entry. Substitute "All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Contesting record procedures: Delete entry. Substitute "An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record source categories: Delete entry. Substitute "Agency's officials, parent service and personnel records."

L DIA 0480

System name: Reserve Training Records (42 FR 51150).

Changes:

System location: Delete entry. Substitute "Defense Intelligence Agency, Washington, D.C. 20301."

Categories of records in the system: Delete entry. Substitute "File contains correspondence with the reservist and documentation related to the reservist periods of active duty with DIA."

Authority for maintenance of the system: Delete entry. Substitute "Pursuant to the authority contained in the National Security Act of 1974, 10

U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete entry. Substitute "Records are used by Agency officials for the administration, control, and utilization of reservists and may be provided to the Military Departments when appropriate."

Storage: Delete entry. Substitute "Manual in paper files."

Retrievability: Delete entry. Substitute "By name."

Safeguards: Delete entry. Substitute "Records are maintained in a building protected by security guards and are stored in vaults, safes, or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared, and trained in the protection of privacy information."

Retention and disposal: Delete entry. Substitute "Records are destroyed 1 year after reservists become inactive."

System manager(s) and address: Delete entry. Substitute "Assistant Deputy Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301."

Notification procedure: Delete entry. Substitute "To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record access procedures: Delete entry. Substitute "All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Contesting record procedures: Delete entry. Substitute "An individual who

disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record source categories: Delete entry. Substitute "Individual reservists requesting assignment and or active duty training, agency officials, and parent service of reservists."

L DIA 0590

System name: Defense Intelligence Special Career Automated System (DISCAS) (42 FR 51151).

Changes:

System location: Delete entry. Substitute "Defense Intelligence Agency, Washington, D.C. 20301."

Categories of individuals covered by the system: Delete entry. Substitute "DOD civilian positions and employee grades GS-05 and above in the GS-0132 intelligence series, scientific and technical series, and other related professional series which are assigned to an organizational component performing and intelligence functions. Cryptologic personnel and those enrolled in the National Security Agency (NSA) career system are excluded."

Categories of records in the system: Delete entry. Substitute "Data on employment history, qualification and skills and performance appraisals."

Authority for maintenance of the system: Delete entry. Substitute "Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records."

Storage: Delete entry. Substitute "Automated, maintained on magnetic tape and manual, in paper files."

Retrievability: Delete entry. Substitute "By name or social security account number."

Safeguards: Delete entry. Substitute "Records are maintained in a building protected by security guards and are stored in vaults, safes, or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared, and trained in the protection of privacy information."

ized personnel who are properly screened, cleared, and trained in the protection of privacy information."

Retention and disposal: Delete "an inactive file for an indefinite period of time" and substitute "1 year and then destroyed."

System manager(s) and address: Delete entry. Substitute "Assistant Deputy Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301."

Notification procedure: Delete entry. Substitute "To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record access procedures: Delete entry. Substitute "All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Contesting record procedures: Delete entry. Substitute "An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record source categories: Delete entry. Substitute "Source data for DISCASA is provided by the employees, the employee's supervisor and the servicing civilian personnel offices."

L DIA 0660

System name: Security Violations Files (42 FR 51157).

Changes:

System name: Delete entry. Substitute "Security Files."

System location: Delete entry. Substitute "Defense Intelligence Agency, Washington, D.C. 20301."

Categories of individuals covered by the system: Delete entry. Substitute "Military/civilian applicants and nominees to DIA; current and former DIA and Defense Attache System personnel; and other DoD-affiliated personnel under the security cognizance of DIA."

Categories of records in the system: Delete entry. Substitute "Records associated with personnel security functions: nomination notices, statement of personal history, indoctrination/debriefing statements, secrecy agreements, certificates of clearance, adjudication memoranda and supporting documentation and in-house investigations, security violations, identification badge records, retrieval indices, clearance status records, and access control records."

Authority for maintenance of the system: Delete entry. Substitute "Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete entry. Substitute "To perform all administrative functions necessary to determine initial and continued eligibility for and control of access to classified information in DIA facilities and those elements mandated to the Director, DIA, for Sensitive Compartmented Information access. Information will be disclosed to such other Federal agencies, State and local governments, as may have a legitimate use for such information and which agrees to apply appropriate safeguards to protect data so provided and which is consistent with the conditions or reasonable expectations of use and disclosure under which the information was provided, collected, or obtained."

Storage: Delete entry. Substitute "Automated on magnetic tape and manual in paper files."

Retrievability: Delete entry. Substitute "By name."

Safeguards: Delete entry. Substitute "Records are maintained in a building protected by security guards and are stored in vaults, safes, or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared, and trained in the protection of privacy information."

Retention and disposal: Delete entry. Substitute "Files on military and civilian applicants who are not as-

signed or hired by DIA are maintained up to 1 year and are then destroyed. Personnel security dossiers are retained until the individual's association with DIA or access to SI/SAO information ceases and are then destroyed."

System manager(s) and address: Delete entry. Substitute "Assistant Deputy Director for Security Services, Defense Intelligence Agency, Washington, D.C. 20301."

Notification procedure: Delete entry. Substitute "To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number, and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record access procedures: Delete entry. Substitute "All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number, and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Contesting record procedures: Delete entry. Substitute "An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record source categories: Delete entry. Substitute "By the individual, other federal agencies, firms contracted to the DoD and agency officials."

Systems exempted from certain provisions of the act: Delete entry. Substitute "Parts of this system may be exempt under Title 5 U.S.C., 552a, subsections k(2) and k(5). For additional information see agency rules contained in (32 CFR Part 292a)."

L DIA 0800

System name: Project Files (42 FR 51160).

Changes:
System name: Delete entry. Substitute "Operation Record System."

System location: Delete entry. Substitute "Defense Intelligence Agency, Washington, D.C. 20301."

Categories of individuals covered by the system: Delete entry. Substitute "Individuals involved in foreign intelligence and/or training activities conducted by the Department of Defense; who are of interest either because of their actual, apparent, or potential use."

Categories of records in the system: Delete entry. Substitute "Categories of records include operational, biographic, policy, management, training, and administrative matters related to the foreign intelligence activities of the Department of Defense."

Authority for maintenance of the system: Delete entry. Substitute "Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records. Executive Order 12036, "United States Intelligence Activities," January 24, 1978."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete entry. Substitute "To provide information within the Department of Defense and other Federal agencies for the conduct of foreign intelligence operations and to provide staff management over foreign intelligence training conducted by the Department of Defense."

Storage: Delete entry. Substitute "Automated on magnetic tapes and discs, microfilm and aperture cards and manual in paper files."

Retrievability: Delete entry. Substitute "By name."

Safeguards: Delete entry. Substitute "Records are maintained in a building protected by security guards and are stored in vaults, safes, or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared, and trained in the protection of privacy information."

Retention and disposal: Delete entry. Substitute "Permanent records are retired to the Washington National Record Center upon completion of the project and temporary records are destroyed."

System manager(s) and address: Delete entry. Substitute "Deputy Director for Collection Operations, Defense Intelligence Agency, Washington, D.C. 20301."

Notification procedure: Delete entry. Substitute "To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number, and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record access procedures: Delete entry. Substitute "All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number, and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Contesting record procedures: Delete entry. Substitute "An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record source categories: Delete entry. Substitute "Other Department of Defense components, federal agencies, foreign sources, overt publication, and private citizens."

Systems exempted from certain provisions of the act: Delete entry. Substitute "None."

L DIA 0801

System name: Attaches and Human Resources Personnel Information Files (42 FR 51160).

Changes:

System name: Delete entry. Substitute "Defense Attache System Personnel Information File."

System location: Delete entry. Substitute "Defense Intelligence Agency, Washington, D.C. 20301."

Categories of individuals covered by the system: Delete entry. Substitute "Military and civilian personnel and their dependents, nominated for assignment to the Defense Attache System."

Categories of records in the system: Delete entry. Substitute "This system consists of a variety of personnel and directory data, security access, education, training, financial and health information related to the individual assignment with the Defense Attache System."

Authority for maintenance of the system: Delete entry. Substitute "Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete entry. Substitute "Records are used by staff, administrative and operating officials to: prepare individual administrative transactions; make decisions on the rights, benefits, entitlements and the utilization of individuals; provide a data source for the production of reports, statistical surveys, rosters, documentation and studies required for the orderly personnel administration within Defense Attache System. Information may be provided to host country, Department of State, Central Intelligence Agency, Department of Justice, and the Department of Treasury."

Storage: Delete entry. Substitute "Automated on magnetic tape and manual in paper files and cards."

Retrievability: Delete entry. Substitute "By name."

Safeguards: Delete entry. Substitute "Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information."

Retention and disposal: Delete entry. Substitute "Records are maintained for 1 year beyond the individual's tour completion date and then destroyed."

System manager(s) and address: Delete entry. Substitute "Assistant Deputy Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301."

Notification procedure: Delete entry. Substitute "To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

quest: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record access procedures: Delete entry. Substitute "All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Contesting record procedures: Delete entry. Substitute "An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record source categories: Delete entry. Substitute "Parent service of individual, immediate supervisor on station, agency officials and Ambassadors."

L DIA 0813

System name: Automated Bibliographic Data Files, ASDIA, IRISA, IRFLA (42 FR 51167).

Changes:

System name: Delete entry. Substitute "Bibliographic Data Index System"

System location: Delete entry. Substitute "Defense Intelligence Agency, Washington, D.C. 20301."

Categories of individuals covered by the system: Delete entry. Substitute "Individuals who have published works of general interest of the Agency, and individuals involved in foreign intelligence activities."

Categories of records in the system: Delete entry. Substitute "An index of names of authors, title of published works, subject matter of writing and the location of source documents of open source literature and Intelligence Reports."

Authority for maintenance of the system: Delete entry. Substitute "Pursuant to the authority contained in

the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete entry. Substitute "Serves as a traditional library reference service for open source literature and Intelligence reports. Information is used by agency officials, other federal agencies and contract personnel to do research on intelligence subjects related to foreign intelligence activities."

Storage: Delete entry. Substitute "Automated on magnetic tape and disc."

Retrievability: Delete entry. Substitute "By name."

Safeguards: Delete entry. Substitute "Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information."

Retention and disposal: Delete entry. Substitute "Open source literature destroyed once material is outdated. Intelligence Reports are retained for 2 years and retired to the Washington National Record Center for permanent retention."

System manager(s) and address: Delete entry. Substitute "Assistant Deputy Director for Support and Services, Defense Intelligence Agency, Washington, D.C. 20301."

Notification procedure: Delete entry. Substitute "To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record access procedures: Delete entry. Substitute "All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

ceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Contesting record procedures: Delete entry. Substitute "An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record source categories: Delete entry. Substitute "DoD, other intelligence agencies, educational institutions, federal agencies, research institutions, foreign governments and open source literature."

L DIA 0819

System name: Collection of Indebtedness due U.S. Government (42 FR 51170).

Changes:

System name: Delete entry. Substitute "DIA Financial Management."

System location: Delete entry. Substitute "Defense Intelligence Agency, Washington, D.C. 20301."

Categories of individuals covered by the system: Delete entry. Substitute "Current and former civilian and military employees of DIA."

Categories of records in the system: Delete entry. Substitute "Claims for reimbursement for expenses on official business. Documents supporting claims of indebtedness to the United States Government. Applications for the waiver of erroneous payment or for remission of indebtedness. Correspondence from civilian employees related to financial transaction."

Authority for maintenance of the system: Delete entry. Substitute "Pursuant to the authority contained in the National Security Act of 1974, 10 U.S.C. 133 d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records."

Routine uses of records maintained in the system, including categories of

users and the purposes of such uses: Delete entry. Substitute "Information is used to determine eligibility for waiver of erroneous payment and remission of indebtedness. To support claims of the United States Government for the collection of erroneous payments made. Use to determine entitlements for reimbursements of expenditures on official business and to support payment. To process employee's claims of payroll problems and to forward checks and bonds to former employees. Information will be disclosed to the Department of Justice, General Accounting Office, and the Department of Treasury."

Storage: Delete entry. Substitute "Manual in paper files and cards."

Retrievability: Delete entry. Substitute "By name."

Safeguards: Delete entry. Substitute "Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information."

Retention and disposal: Delete entry. Substitute "Permanent records are cut off each fiscal year and held for 2 years and then retired to the Washington National Record Center. Temporary records are destroyed in 4 years or 2 years after a General Accounting Office Audit."

System manager(s) and address: Delete entry. Substitute "Deputy Comptroller, Defense Intelligence Agency, Washington, D.C. 20301."

Notification procedure: Delete entry. Substitute "To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record access procedures: Delete entry. Substitute "All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E268, Pentagon, Washington, D.C."

Contesting record procedures: Delete entry. Substitute "An individual who disagrees with the Agency's initial de-

termination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record source categories: Delete entry. Substitute "Data is supplied from a number of sources including the individual concerned, the U.S. Army Finance Office, and agency officials."

L DIA 1728

System name: DIA Prisoner of War Intelligence Analysis and Debriefing Files (42 FR 51177).

Changes:

System location: Delete entry. Substitute "Defense Intelligence Agency, Washington, D.C. 20301."

Categories of records in the system: Delete entry. Substitute "Narrative of loss incident; identification data; casualty report; intelligence reports possibly identifying subjects; portions of official debriefings; and/or debriefing summaries."

Authority for maintenance of the system: Delete entry. Substitute "Pursuant to the authority contained in the National Security Act of 1974, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Delete entry. Substitute "As background for analytical purposes, the evaluation of intelligence reports pertaining to U.S. personnel PW/MIA; in preparation of special studies and appraisals; to provide responses to queries for PW intelligence from the JCS, OASD (ISA), the Department of State, Central Intelligence Agency, the Military Service, and other federal agencies with a need-to-know; to assist the military service intelligence and casualty offices in the determination of status of their personnel; to provide guidance to the Joint Casualty Resolution Center to assist in planning for the recovery of remains of U.S. personnel not accounted for."

System name:

Personnel Management Information System (PMIS).

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Current and former military and civilian employees of DIA.

Categories of records in the system:

This system consists of a variety of personnel, security, education, training and financial employment related records.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used by staff, administrative and operating officials to: prepare individual administrative transactions; make decisions on the rights, benefits, entitlements and the utilization of individuals; provide a data source for the productions of reports, statistical surveys, rosters, documentation and studies required for the orderly personnel administration within DIA. Information will be disclosed to such other federal agencies, state and local governments, as may have a legitimate use for such information and which agrees to apply appropriate safeguards to protect data so provided and which is consistent with the conditions or reasonable expectations of use and disclosure under which the information was provided, collected or obtained.

Contesting record procedures: Delete entry. Substitute "An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated, maintained on magnetic tape and manual in paper files and microfilms.

Retrievability:

By name or social security account number.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Paper files are destroyed when employment with the Agency ceases. Microfilm records are destroyed when replaced with an updated film and magnetic tape files are retained indefinitely as a permanent record.

System manager(s) and address:

Assistant Deputy Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedures:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C."

Record source categories:

Agency officials, employees, educational institutions and other government agencies.

Systems exempted from certain provisions of the act:

None.

L DIA 0010**System name:**

Requests for Information

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Individuals who make requests to DIA for information.

Categories of records in the system:

Correspondence from requester, and documents related to the receipt, processing and final disposition of the request.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961 superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide information for compiling reports required by public disclosure statutes and to assist the Department of Justice in preparation of the Agency's defense in any law suit arising under these statutes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Granted access: destroy 2 years after date of agency reply. Denied access, but no appeals by requester: destroy 5 years after date of agency reply. Contested records: destroy 4 years after final denial by agency, or 3 years after final adjudications by courts, whichever is later.

System manager(s) and address:

Assistant Deputy Director for Support and Services, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Individual requesters and agency officials.

Systems exempted from certain provisions of the act:

None.

L DIA 0011**System name:**

Student Information Files.

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Current and former students of the Defense Intelligence School.

Categories of records in the system:

Student's biographic data and administrative/academic documents related to the student's enrollment.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is used to document, monitor, manage, and administer the student's performance at the School and to provide verification of training accomplished to federal agencies, military departments and educational institutions when requested.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Automated on magnetic disc and tape and manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Registration cards are held 5 years and then retired to the Washington National Record Center.

System manager(s) and address:

Commandant, Defense Intelligence School, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Individual, parent service, educational institutions, previous employees and other federal agencies.

Systems exempted from certain provisions of the act:

None.

L DIA 0012**System name:**

Directory Service.

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Current and former military and civilian employees of DIA.

Categories of records in the system:

Files contain information related to the individual's work assignment, home phone and address, emergency notification data and mail forwarding address.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is used to provide postal and locator service. To prepare recall and special rosters required for day-to-day operations and emergencies. To identify next-of-kin for emergency notification and as a source document for management information. At overseas locations information may be provided to host country, Department of State, Department of Treasury and the Central Intelligence Agency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Automated, maintain on magnetic tape and disc, microfilm and manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Record is destroyed 1 year after the individual departs Agency.

System manager(s) and address:

Assistant Deputy Director for Support and Services, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedures:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency,

Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301 or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

By the individual and agency officials.

Systems exempted from certain provisions of the act:

None.

L DIA 0015**System name:**

Biographic Sketch.

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Individuals who interface with the DIA on a fee or non-fee basis.

Categories of records in the system:

Contains biographic data to include name, date and place of birth, educational background, lists of published works or notable achievements in the intelligence, scientific or academic community, intelligence experience, etc.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To establish an individual's bona fide as a noted authority in a specialized area for the purposes of utilizing that expertise to fill a gap in the Defense Intelligence Agency's resources. Information will be disclosed to such other Federal agencies, State and local governments, as may have a legitimate use for such information and which agrees to apply appropriate safeguards to protect data so provided and which is consistent with the conditions or reasonable expectations of use and disclosure under which the information was provided, collected or obtained."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Permanent records are retired to the Washington National Record Center and other material destroyed when no longer required.

System manager(s) and address:

Assistant Deputy Director for Support and Services, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number

and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Individual, academic institutions or the individual's employer.

Systems exempted from certain provisions of the act:

None.

L DIA 0140

System name:

Passports and Visas.

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

All DIA personnel requiring passports.

Categories of records in the system:

Files containing passports and related correspondence.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, su-

perseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To obtain and safekeep official passports until needed for travel and to obtain necessary visas from appropriate Embassies. Notify individuals to reapply when passports expire and to the return passports to the Department of State upon departure of the individual from DIA.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Passports are returned to Department of State upon departure of the individual from DIA.

System manager(s) and address:

Assistant Deputy Director for Support and Services, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that

whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Individual applicant and Department of State, Passport Office.

Systems exempted from certain provisions of the act:

None.

L DIA 0209

System name:

Litigation and Disposition Documentation.

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Files involving legal and administrative matters involving individuals.

Categories of records in the system:

Correspondence or legal documentation relating to individuals.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Used in connection with litigation by, disciplinary and administrative

action against or in the disposition of claims and benefits of individuals both civilian and military. Will be provided to the Department of Justice, the Civil Service Commission and various branches of the military services as may be necessary or required in the disposition of an individual case.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Records are destroyed when no longer needed.

System manager(s) and address:

Office of the General Counsel, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be

in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories: Other offices within the Defense Intelligence Agency and the Department of Defense, the individual involved and other departments and agencies of the Executive Branch.

System exempted from certain provisions of the act:

None.

System name:

Investigations and Complaints.

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Current and former civilian and military personnel who filed a complaint acted upon by the Inspector General, DIA, or who were the subject of an Inspector General, DIA, investigation or inquiry.

Categories of records in the system:

Documents relating to the organization, planning and execution of internal/external investigations and records created as a result of investigations conducted by the Office of the Inspector General, including reports of investigations, records of action taken and supporting papers. These files include investigations of both organizational elements and individuals.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5101.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records. Executive Order 12036, "United States Intelligence Activities," January 24, 1978. Executive Order 11652, "Classification and Declassification of National Security Information and Material," March 8, 1972.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used as a basis for recommending actions to the Command Element and other DIA elements. Depending upon the nature of the information it may be passed to appropriate elements within the Department of Defense, the Department of State, Department of Justice, Central Intelligence Agency and to other appropriate government agencies.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Records are held in current files for 5 years after completion and adjudicated of all actions. Retired to the Washington National Record Center and destroyed after 10 years.

System manager(s) and address:

Inspector General's Office, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Individual interviewed in connection with an investigation.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under Title 5 U.S.C., 552a, subsections k(2), k(5) or k(7). For additional information see agency rules contained in (32 CFR Part 292a).

L DIA 0330

System name:

Civilian Payroll, Leave and Travel Disbursement.

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Current and former civilian personnel of the DIA.

Categories of records in the system:

This system consists of records which document and support employee related transactions in the area of pay compensation, claims for reimbursement, leave entitlement, statutory and administrative deductions, settlement of debts and documents designating certifying officials.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used by Agency personnel and the U.S. Army Military District of Washington Finance and Accounting Office to: compute, make and record individual employee's payment transactions; determine leave entitlements; record and remit deductions for the Civil Service Commission Retirement System and the Social Security Fund; determine entitlements for reimbursement of travel and other expenses for official business; report tax information to federal, state and local taxing authorities as required by statute and to remit and record such transactions; record and remit deductions for life and health insurance and such other deductions as required or authorized by the individual; be used as a basis for the settlement of pay or debt disputes; provide such verification as required by statute or administrative directive.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Permanent records are cut off each fiscal year and held for 2 years and then retired to the Washington National Record Center. Temporary records are destroyed in 4 years or 2 years after a General Account Office audit.

System manager(s) and address:

Deputy Comptroller, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Data is supplied from a number of sources including the individual concerned, MDW Army Finance Office and agency officials.

Systems exempted from certain provisions of the act:

None.

L DIA 0435

System name:

DIA Awards Files.

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Military personnel recommended for an award while assigned to DIA.

Categories of records in the system:

This file contains supporting documents for the awards nomination and the results of actions or recommendations of endorsing and approving officials.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, cre-

ating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used to obtain the approval for the awarding of the decoration and for the compilation of required statistical data and may be provided to the Military Departments when appropriate.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

They are maintained for approximately 2 years with the Agency and then retired to the Washington National Record Center.

System manager(s) and address:

Assistant Deputy Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat,

Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Agency officials, parent service and personnel records.

Systems exempted from certain provisions of the act:

None.

L DIA 0480

System name:

Reserve Training Records.

System location: Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Military Reserve personnel who have performed active duty training with the DIA or corresponded with the DIA regarding reserve matters.

Categories of records in the system:

Files contains correspondence with the reservist and documentation related to the reservist periods of active duty with DIA.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used by agency officials for the administrative, control and uti-

lization of reservists and may be provided to the Military Departments when appropriate.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes, or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared, and trained in the protection of privacy information.

Retention and disposal:

Records are destroyed 1 year after reservists becomes inactive.

System manager(s) and address:

Assistant Deputy Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement

with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Individual reservists requesting assignment and or active duty training agency officials and parent service of reservists.

System exempted from certain provisions of the act:

None.

L DIA 0590

System:

Defense Intelligence Special Career Automated System (DISCAS).

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

DOD civilian positions and employee grades GS-05 and above in the GS-0132 intelligence series, scientific and technical series, and other related professional series which are assigned to an organizational component performing an intelligence functions. Cryptologic personnel and those enrolled in the National Security Agency (NSA) career system are excluded.

Categories of records in the system:

Data on employment history, qualification and skills and performance appraisals.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The Defense Intelligence Special Career Automated System Activity (DISCASA) forwards inquiries to employees regarding their availability for specific position vacancies when requested by the DOD component. DISCASA furnishes referral listings of DOD eligibles to appropriate officials

and managers for particular vacancy selection. DISCASA periodically furnishes copies of individual employee records for review and update by employees or servicing civilian personnel offices. DISCASA will maintain files and records for historical or user research purposes such as annual reports for DOD components or management information furnished to appropriate DOD users.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated, maintained on magnetic tape and manual in paper files.

Retrievability:

By name or social security account number.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes, or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared, and trained in the protection of privacy information.

Retention and disposal:

Records are temporary. They are retained until the employee concludes his DOD intelligence career at which time they are retired to an inactive file for 1 year and then destroyed.

System managers(s) and address:

Assistant Deputy Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Source data for DISCASA is provided by the employees, the employee's supervisor and the servicing civilian personnel office.

Systems exempted from certain provisions of the act:

None.

L DIA 0660

System name:

Security Files.

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Military/civilian applicants and nominees to DIA; current and former DIA and Defense Attaché System personnel; and other DOD-affiliated personnel under the security cognizance of DIA.

Categories of records in the system:

Records associated with personnel security functions; nomination notices, statement of personal history, indoctrination/debriefing statements, secrecy agreements, certificates of clearance, adjudication memoranda and supporting documentation and in-house investigations, security violations, identification badge records, retrieval indices, clearance status records, and access control records.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the

maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To perform all administrative functions necessary to determine initial and continued eligibility for and control of access to classified information in DIA facilities and those elements mandated to the Director, DIA, for Sensitive Compartmented Information access. Information will be disclosed to such other Federal agencies, state and local governments, as may have a legitimate use for such information and which agrees to apply appropriate safeguards to protect data so provided and which is consistent with the conditions or reasonable expectations of use and disclosure under which the information was provided, collected or obtained."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated on magnetic tape and manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes, or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared, and trained in the protection of privacy information.

Retention and disposal:

Files on military and civilian applicants who are not assigned or hired by DIA are maintained up to 1 year and then destroyed. Personnel security dossiers are retained until the individual's association with DIA or access to SI/SAO information ceases and are then destroyed.

System manager(s) and address:

Assistant Deputy Director for Security Services, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

By the individual, other Federal agencies, firms contracted to the DoD and agency officials.

Systems exempted from certain provisions of the act:

Parts of this system may be exempt under Title 5, U.S.C., 552a, subsections k(2) and k(5). For additional information see agency rules contained in (32 CFR Part 292a).

L DIA 0800

System name:

Operation Record System.

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Individuals involved in foreign intelligence and/or training activities conducted by the Department of Defense; who are of interest either because of their actual, apparent, or potential use.

Categories of records in the system:

Categories of records include operational, biographic, policy, management, training, and administrative matters related to the foreign intelligence activities of the Department of Defense.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records. Executive Order 12036, "United States Intelligence Activities," January 24, 1978.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

To provide information within the Department of Defense and other Federal agencies for the conduct of foreign intelligence operations and to provide staff management over foreign intelligence training conducted by the Department of Defense.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Automated on magnetic tapes and discs, microfilm and aperture cards and manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes, or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared, and trained in the protection of privacy information.

Retention and disposal:

Permanent records are retired to the Washington National Record Center upon completion of the project and temporary records are destroyed.

System manager(s) and address:

Deputy Director for Collection Operations, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number, and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number, and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Other Department of Defense components, federal agencies, foreign sources, overt publication, and private citizens.

Systems exempted from certain provisions of the act:

None

L DIA 0801

System name:

Defense Attache System Personnel Information File.

System location:

Defense Intelligence Agency, Washington, D.C. 20301

Categories of individuals covered by the system:

Military and civilian personnel and their dependents, nominated for assignment to the Defense Attache System.

Categories of records in the system:

This system consists of a variety of personnel and directory data, security access, education, training, financial and health information related to the individual's assignment with the Defense Attache System.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947,

10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are used by staff, administrative and operating officials to: prepare individual administrative transactions; make decisions on the rights, benefits entitlements, and the utilization of individuals; provide a data source for the production of reports, statistical surveys, rosters, documentation, and studies required for the orderly personnel administration within the Defense Attache System. Information may be provided to host country, Department of State, Central Intelligence Agency, Department of Justice, and the Department of Treasury.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Automated on magnetic tape and manual in paper files and cards.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes, or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared, and trained in the protection of privacy information.

Retention and disposal:

Records are maintained for 1 year beyond the individual's tour completion date and then destroyed.

System manager(s) and address:

Assistant Deputy Director for Personnel, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number, and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

ly delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your requests: your full name, current address, telephone number, and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Parent service of individual, immediate supervisor on station, agency officials and Ambassadors.

Systems exempted from certain provisions of the act:

None.

L DIA 0813

System name:

Bibliographic Data Index System.

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Individuals who have published works of general interest to the Agency, and individuals involved in foreign intelligence activities.

Categories of records in the system:

An index of names of authors, title of published works, subject matter of writing and the location of source documents of open source literature and intelligence reports.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947,

10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Serves as a traditional library reference service for open source literature and intelligence reports. Information is used by agency officials, other Federal agencies and contract personnel to do research on intelligence subjects related to foreign intelligence activities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:**Storage:**

Automated on magnetic tape and disc.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes, or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared, and trained in the protection of privacy information.

Retention and disposal:

Open source literature is destroyed once material is out dated. Intelligence reports are retained for 2 years and retired to the Washington National Record Center for permanent retention.

System manager(s) and address:

Assistant Deputy Director for Support and Services, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing.

You must include in your requests: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a settlement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

DOD, other intelligence agencies, educational institutions, federal agencies, research institutions, foreign governments and open source literature.

Systems exempted from certain provisions of the act:

None.

L DIA 0819

System name:

DIA Financial Management.

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

Current and former civilian and military employees of DIA.

Categories of records in the system:

Claims for reimbursement for expenses on official business. Documents supporting claims of indebtedness to the United States Government. Applications for the waiver of erroneous payment or for remission of indebtedness. Correspondence from civilian employees related to financial transactions.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, su-

perseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information is used to determine eligibility for waiver of erroneous payment and remission of indebtedness. To support claims of the United States Government for the collection of erroneous payments made. Use to determine entitlements for reimbursements of expenditures on official business and to support payment. To process employee's claims of payroll problems and to forward checks and bonds to former employees. Information will be disclosed to the Department of Justice, General Accounting Office, and the Department of Treasury.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual in paper files and cards.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Permanent records are cut off each fiscal year and held for 2 years and then retired to the Washington National Record Center. Temporary records are destroyed in 4 years or 2 years after a General Accounting Office audit.

System manager(s) and address:

Deputy Comptroller, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains information pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally

ly delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Data is supplied from a number of sources including the individual concerned, the U.S. Army Finance Office and agency officials.

Systems exempted from certain provisions of the act:

None.

L DIA 1728

System name:

DIA Prisoner of War Intelligence Analysis and Debriefing Files.

System location:

Defense Intelligence Agency, Washington, D.C. 20301.

Categories of individuals covered by the system:

All U.S. personnel previously held prisoner of war (PW) or detained in Southeast Asia from 1961 to date and returned to U.S. control; and U.S. personnel released from detention in The People's Republic of China since 1970. All U.S. personnel considered missing in action (MIA) or killed in action (KIA) and bodies not recovered.

Categories of records in the system:

Narrative of loss incident, identification data, casualty report; intelligence

reports possibly identifying subjects; portions of official debriefing; and/or debriefing summaries.

Authority for maintenance of the system:

Pursuant to the authority contained in the National Security Act of 1947, 10 U.S.C. 133d, the Secretary of Defense issued Department of Defense Directive 5105.21 of August 1, 1961, superseded by Department of Defense Directive 5105.21 of May 19, 1977, creating the Defense Intelligence Agency as a separate Agency of the Department of Defense under his direction and herein charged the Agency's Director with the responsibility for the maintenance of necessary and appropriate records.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

As background for analytical purposes, the evaluation of intelligence reports pertaining to U.S. personnel PW/MIA; in preparation of special studies and appraisals; to provide responses to queries for PW intelligence from the JCS, OASD (ISA), the Department of State, Central Intelligence Agency, the Military Service, and other Federal agencies with a need-to-know; to assist the military service intelligence and casualty offices in the determination of status of their personnel; to provide guidance to the Joint Casualty Resolution Center to assist in planning for the recovery of remains of U.S. personnel not accounted for.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Automated on magnetic tapes and manual in paper files.

Retrievability:

By name.

Safeguards:

Records are maintained in a building protected by security guards and are stored in vaults, safes or locked cabinets and are accessible only to authorized personnel who are properly screened, cleared and trained in the protection of privacy information.

Retention and disposal:

Records will be retired to the Washington National Record Center upon disposition of call cases and will be destroyed 15 years subsequent.

System manager(s) and address:

Deputy Director for Intelligence Research, Defense Intelligence Agency, Washington, D.C. 20301.

Notification procedure:

To obtain information as to whether this system of records contains infor-

mation pertaining to yourself, you must submit a written request to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Requests can be mailed to address indicated above or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record access procedures:

All requests for copies of records pertaining to yourself must be in writing. You must include in your request: your full name, current address, telephone number and social security account number or date of birth. Also, you should state that whatever cost is involved is acceptable or acceptable up to a specified limit. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Contesting record procedures:

An individual who disagrees with the Agency's initial determination, with respect to his or her request, may file a request for administrative review of that determination. Requests are to be in writing and made within 30 days of the date of notification of the initial determination. The requester shall provide a statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional material to support his or her appeal. Requests can be mailed to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301, or personally delivered to room 3E215, Pentagon, Washington, D.C.

Record source categories:

Parent military services; intelligence reports prepared by elements of the Defense Intelligence Agency, the military services and the Central Intelligence Agency; the Department of State; Foreign Broadcast Information Service reports; newspapers; magazines; television and radio.

Systems exempted from certain provisions of the act:

None.

[FR Doc. 78-15487 Filed 6-2-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 905-2]

CONTROL OF DISCHARGES TO NAVIGABLE WATERS

Request for State Program Approval

The State of Iowa has submitted a request for approval of its State pro-

gram for control of discharges of pollutants to navigable waters under section 402 of the Clean Water Act, as amended, 33 U.S.C. §§ 1251 et seq.

A public hearing to consider this request will be held on June 28, 1978, in the auditorium of the Henry A. Wallace Building, 900 East Grand Avenue, Des Moines, Iowa, starting at 1 p.m. The hearing panel will consist of the Environmental Protection Agency (EPA) Administrator or his representative, who will serve as the Presiding Officer, the Executive Director of the Iowa Department of Environmental Quality or his representative, and the EPA Regional Administrator, Region VII or her representative.

Section 402 of the Clean Water Act provides that the State's program submission should show that the State has adequate authority under its laws to issue permits for discharge of pollutants upon conditions which comply with all pertinent requirements of the act, to abate violations of the permits (including civil and criminal penalties), to insure that the Administrator of the U.S. Environmental Protection Agency, the public, and other affected State, and other affected agencies are given notice of each permit application and are given the opportunity for a public hearing before the permit is issued. The complete description of the State program elements necessary for State participation in this program, designated "National Pollutant Discharge Elimination System," was published in Volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR 124), beginning at page 28390 and was amended at 38 FR 18002 on July 5, 1973; 38 FR 19895 on July 24, 1973; 41 FR 11460 on March 18, 1976; 41 FR 24711 on June 18, 1976; and 41 FR 28496 on July 12, 1976.

The State of Iowa proposes that the Iowa Department of Environmental Quality, Henry A. Wallace Building, 900 East Grand Avenue, Des Moines, Iowa 50319, area code 515-281-8854, operate this program for control of discharges into navigable waters of the State in compliance with the Clean Water Act. Chief officials are Larry E. Crane, Executive Director, Iowa Department of Environmental Quality, and Robert R. Buckmaster, Chairman, Iowa Water Quality Commission.

This request and program description may be inspected by the public by contacting Ms. Gall Heyn, at the Iowa Department of Environmental Quality, or at the Regional Library, U.S. Environmental Protection Agency, Region VII, 1735 Baltimore, Kansas City, Mo. 64108, 816-374-5828.

All interested persons wishing to comment upon the State's request or its program submission are invited to appear at the public hearing to present their views. Written comments may be presented at the hearing or

submitted by July 5, 1978, either in person or by mail, to the Regional Office of the Environmental Protection Agency, Region VII, at the above address.

Oral statements will be received and considered, but for accuracy of the record, all commentators are encouraged to submit testimony in writing. Statements should summarize extensive written material so that there will be time for all interested persons to be heard. Persons submitting written statements are encouraged to furnish additional copies for the use of the hearing panel and other interested persons.

All comments received by July 5, 1978, or presented at the public hearing will be considered by the EPA Regional Administrator in making her recommendations to the Administrator regarding Iowa's request for State program approval.

Please bring the foregoing to the attention of persons you know who would be interested in this matter.

Dated: May 23, 1978.

DAVID ALEXANDER
Acting Regional Administrator,
Region VII.

[FR Doc. 78-15470 Filed 6-2-78; 8:45 am]

[6560-01]

[OPP-30000/26B]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Certain Pesticide Products Containing 2,4,5-T; Extension of Period for Submission of Rebuttal Evidence and Comments

On April 11, 1978, the Environmental Protection Agency (EPA) issued a notice of presumption against registration and continued registration of pesticide products containing the ingredient 2,4,5-T. This notice was published in the FEDERAL REGISTER on April 21, 1978 (43 FR 17116). The regulations governing rebuttable presumptions provide that the applicant or registrant of such pesticide products shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumption. However, for good cause shown, an additional sixty (60) days may be granted in which such evidence may be submitted (40 CFR 162.11(a)(1)(i)).

A request for an additional 60 days in which to present evidence to the Agency has been received from a major producer who was affected by the notice of presumption. The requester has specified a need for additional time to respond to the risk presumptions and to address the addition-

al potential adverse effects identified in the notice, and to assess properly the environmental fate and benefits of 2,4,5-T.

The Agency agrees that additional time would be beneficial for the submission of complete and accurate responses to this notice of presumption. Therefore, because good cause has been shown, all registrants, applicants for registration, and other interested persons shall have until August 4, 1978, to submit rebuttal evidence and other comments or information. Such evidence, comments, or other information relevant to the presumption against registration and continued registration should be submitted to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and of others interested in inspecting them. All comments should bear the identifying notation "OPP-30000/26B".

Comments and information received on or before August 4, 1978, shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 136(a)(c)(6) or 7 U.S.C. 136(d)(b)(1). Comments received after August 4, 1978, shall be considered only to the extent feasible consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section at the above address from 8:30 a.m. to 4 p.m. on normal business days. The file supporting the Agency's presumption against this pesticide is available for public inspection in the Office of Special Pesticide Reviews, Room 447, East Tower, during the same time period.

Dated: June 1, 1978.

EDWIN L. JOHNSON,
Deputy Assistant
Administrator
for Pesticide Programs.

(FR Doc. 78-15690 Filed 6-2-78; 9:38 am)

[6560-01]

(FRL 905-3)

RECEIPT OF ENVIRONMENTAL IMPACT STATEMENTS

Availability; Change in Publication Date

Pursuant to the President's Reorganization Plan No. 1 and subsequent Memorandum of Argument entered into between the Council on Environmental Quality and the Environmental Protection Agency (EPA), EPA is the official recipient for environmen-

tal impact statements (EIS's) and is required to publish on a weekly basis the availability of each EIS received. This Notice has normally been published on Friday.

However, this week the Notice which is scheduled for Friday June 2, 1978 will not be published until Monday, June 5, 1978. This schedule is a result of the Memorial Day holiday. The Notice will include all EIS's received during the week of May 22 thru 26, 1978 and the review period for these EIS's will not be altered as a result of the holiday publication schedule. We apologize for any inconvenience this delay may cause.

Dated: May 30, 1978.

JOSEPH M. McCABE,
Acting Director
Office of Federal Activities.
(FR Doc. 78-15468 Filed 6-2-78; 8:45 am)

[6560-01]

(FRL 906-6)

RECEIPT OF ENVIRONMENTAL IMPACT STATEMENTS

Pursuant to the President's Reorganization Plan No. 1, the Environmental Protection Agency is the official recipient for environmental impact statements (EIS's) and is required to publish the availability of each EIS received weekly. The following is a list of environmental impact statements received by the Environmental Protection Agency from May 22, 1978 through May 26, 1978. The date of receipt for each statement is noted in the statement summary. Under the Guidelines of the Council on Environmental Quality the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days; the date of submission of comments is July 17, 1978. The thirty (30) day period for each final statement begins the day the statement is made available to the Environmental Protection Agency and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: June 1, 1978.

PETER L. COOK,
Acting Director,
Office of Federal Activities.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Plamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 359A, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Final

Cooperative Western Spruce Budworm, Whatcom, Kittitas, and Okanogan Counties, Wash., May 26: Proposed is the management of Western Spruce Budworm on 1.2 million acres of forest in North-Central Washington. The EIS covers all affected lands, regardless of ownership or land management objectives, including lands administered by the USDA Forest Service, USDI National Park Service, State and private lands in Whatcom, Okanogan, and Kittitas Counties, Wash. (USDA-FS-R6-FES (ADM)-78-6.) Comments made by: EPA, HUD, COE, DOE, USDA, State and local agencies, groups and individuals. (ELR order No. 80576.)

Chequamegon N. F. Timber Plan, Several Counties of Wisconsin, May 23: This statement outlines a timber management plan for the Chequamegon National Forest for the period October 1, 1976 to September 30, 1986. The plan develops a potential yield of 29,540 c units of large round wood and 90,820 c units of products annually. The initial programmed allowable sell will be 80 percent of the annual potential yield. Proposed also are silvicultural prescriptions, reforestation, timber stand improvement, and transportation development. Harvest activities will cause erosion, changes in wildlife habitat, and temporary degradation of air (USDA-FS-R9-FES-ADM-77-01.) Comments made by: EPA, DOI, COE, USDA, SBA, State and local agencies, individuals and businesses. (ELR order No. 80551.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Stanton Generating Station, 60 MW Steam Generator, North Dakota, May 25: The proposed action concerns the use of REA guaranteed loan funds to finance the proposed supplemental steam generator, 60 MW, coal-fired steam electric generating unit for the existing Stanton generating station. The Stanton station is located in Mercer County, N.D. Make-up and cooling water will come from the Missouri River. The primary fuel will come from the existing nearby Indian Head Mine in Mercer county which is the present source of fuel (USDA-REA (ADM) 78-3-D). (ELR Order No. 80568.)

SOIL CONSERVATION SERVICE

Draft

Douglas Watershed Plan, Converse County, Wyo., May 23: The proposed action concerns a watershed protection plan for 37,160 acres of the watershed area in Converse County, Wyo. The planned project includes conservation land treatment and structural and nonstructural measures. Conservation land treatment will involve pasture seeding, stock water developments, fencing, brush management and grazing systems. Non-structural measures will consist of flood plain management regulations. Structural measures considered are a flood-water retarding dam and reservoir, two excavated flood water retarding reservoirs, two floodway systems, and a small dike (USDA-SCS-EIS-WS-(ADM)-78-1-D-WY). (ELR Order No. 80546.)

Final

Neck River Watershed, New Haven County, Conn., May 25: Proposed are land treatment measures and a floodwater diversion structure consisting of three measures: A diversion dam with accompanying diver-

sion channel and dike, to be implemented on 912 acres in New Haven County, Conn. Adverse effects are anticipated to be negligible. (USDA-SCS-EIS-WS-(ADM)-77-1-D-CT.) Comments made by: SDA2, State agencies, individuals, (ELR Order No. 80557.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

Draft

Boat Key Harbor Navigation and Safety Improvement, Monroe County, Fla., May 25: The project described in this statement concerns improvements to the Boat Key Harbor, located in the city of Marathon, Monroe County, Fla. The purpose of these actions are to provide safe navigation and reduce periodic boat damages by deepening the channel to 12 feet, widening it to 100 feet, and providing a turning basin 200 x 500 feet. The dredged material will be removed by barges to transfer points and piped into borrow pits at Ohio Key Bahia Honda Bridge. The Spanish harbor key borrow pit will also be used (Jacksonville district). (ELR Order No. 80566.)

Lake Front Steel Mill, Conneaut, Permit, Ohio, Pennsylvania, May 23: This statement deals with a request by the U.S. Steel Corp. for a permit to perform work in an along the southern shore of Lake Erie and its tributaries extending 1 mile east of Conneaut, Ashtabula County, Ohio to Springfield Township, Erie County, Pa. The actions involved include, in part: Construction of a water intake and discharge system, and unloading dock, and an erosion control structure; installation of a raw materials handling system; dredging and; filling and diversion of portions of Turkey Creek. The proposed action is part of an overall plan to develop a steel manufacturing complex on a 2,800 acre site between Conneaut, and West Springfield (Buffalo district). (ELR Order No. 80553.)

Final

Kekaha Beach erosion control, Kauai, Hawaii, May 23: Proposed is the Kekaha Beach erosion control project, designed to reduce or eliminate erosion of shoreline and damage to the Kaunali Highway. The alternatives proposed include protective beach and shoreline revetment. The protective beach plan would provide a beach with berm width of 50 feet and a length of 5,200 feet, and would require using 480,000 cubic yards of sand. The shoreline revetment plan would use 21,500 cubic yards of rock to build a permanent 5,800-foot-long revetment. Either alternative would create temporary water turbidity, and traffic and noise inconveniences. (Honolulu District.) Comments made by: AHP, USAF, USA, DOC, HUD, DOI, USN, DOT, State and local agencies, groups and individuals and businesses. (ELR Order No. 80544.)

Bolles Harbor, Mich., maintenance operations, Michigan, May 25: The proposed Federal action includes maintenance dredging of the Bolles Harbor navigation channels and maintaining the Federal structures, including revetments and jetty. Maintenance dredging would be required approximately every 2 to 3 years to insure continuance of adequate depths for recreational and commercial fishing vessels using the Laplaine Creek. Materials dredged from

the unpolluted portion of the navigation channel will be placed at the 2600 ft. x 2600 ft. open water disposal site located in Lake Erie, approximately 4 1/4 miles from the entrance light at the creek mouth. No long-term effects are expected. (Detroit district.) Comments made by: AHP, FERC, USDA, DOC, DOT, EPA, and State agencies. (ELR Order No. 80565.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Assistant Secretary for Environmental Affairs, Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-377-4335.

Draft

Fishery Management Plan, Atlantic Herring Fishery, May 26: The proposed action is to adopt and implement a Fishery Management Plan (FMP) for the adult Sea Herring Fishery of the Northwest Atlantic under the provisions of the Fishery Conservation and Management Act of 1976. The Herring Management Plan developed is based upon the migration and intermixing of three stocks of herring in the fishery conservation zone of the United States. Those stocks are known as the Southwest Nova Scotia, Western Gulf of Maine, and Georges Bank-Southern New England Stock. The main objective of the Herring Management Plan is to rebuild the smallest stock of the three, the Western Gulf of Maine stock which is at critically low levels. (ELR Order No. 80573.)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Final

Atlantic mackerel fishery, FMP, May 26: Proposed is a Fishery Management Plan for the Atlantic Mackerel prepared by the Mid-Atlantic Fishery Management Council in consultation with the New England and south Atlantic Fishery Management Councils in accordance with Pub. L. 94-265. The objectives of the plan include: Maintenance of spawning stock size above the point where optimum sustained yield of the fishery is assured; direction of the commercial fishery to maximize yield per recruit; and achievement of efficient allocation of capital and labor in the mackerel fishery. No adverse effects are anticipated. Comments made by: EPA, STAT, DOI, DOC, USCG, State agency. (ELR Order No. 80572.)

DEPARTMENT OF ENERGY

Contact: Mr. Robert Stern, Department of Energy, 1200 Pennsylvania Avenue NW., Room 7119, Washington, D.C. 20461, 202-566-9760.

Final

High Flux Neutron Source Facility, Several Counties in Washington, May 25: Proposed is an experimental neutron irradiation facility for providing a neutron environment similar to that anticipated in a fusion power reactor. The deuterium-lithium high flux neutron source (HFNS) facility will be located in the 300 area of the 559-square mile, federally owned Hanford Reservation. The facility will consist of a test building and an acceleration building with interconnecting transport tunnel for the deuterium beam. The 300 area is about 0.3 mile from the Columbia River, the water source for the project. Adverse effects are potential releases of small amounts of radio-

active gases and unavoidable impacts on land use. (DOE/EIS-0017.) Comments made by: USDA, HEW, DOI, EPA, FPC, AHP, NSF, NRC, State and local agencies, and individuals. (ELR Order No. 80556.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Wallace Stickney, EIS Coordinator, Environmental Protection Agency, Region I, JFK Federal Building, Boston, Mass. 02203, 617-223-4635.

Draft

Water Quality Management for Cape Cod, 208 Plan, Barnstable County, Mass., May 25: The proposed action is to provide a comprehensive view of the water quality problems and develop alternative means of solving these problems to protect the water resources of the Cape Cod region located in Barnstable County, Mass. The proposal discusses the technical and management alternatives considered for a 20-year period. (ELR Order No. 80562.)

Contact: Mr. Mark Zuckerman, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105, 556-3458.

Supplement

Greater Globe Wastewater Treatment Project, Gila County, Ariz., May 25: This statement supplements a final EIS filed in April 1976 concerning a wastewater treatment project located in the cities of Globe and Miami, Gila County, Ariz. The final EIS recommended discharge of effluents through aerated lagoon treatment and percolation pond systems. There are issues concerning the Globe site which are, at present, unresolved. Therefore, four new alternatives are being considered which are: (1) Direct discharge into Pinal Creek (2) land disposal by spraying (3) conveyance to Miami wash and percolation near the Miami plant, and (4) reuse by copper mining companies. (ELR Order No. 80560.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director, Environmental Affairs Division, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202-566-0405.

Draft

Federal Office Building, Providence, Providence County, R.I., May 26: This action proposes the lease construction of a Federal office building in Providence, Rhode Island. The new Federal office building will provide modern, efficient, consolidated housing for the Veterans Administration Regional Office, the Department of the Treasury, and Health, Education, and Welfare, and several other agencies now housed at various scattered locations in the Providence area. The new building will provide approximately 129,000 square feet of agency office space, to house approximately 580 employees. Additionally, parking will be provided for 40 Government-owned vehicles. (ERI 78 001; (ELR Order No. 80575.)

Federal building and parking facility, El Paso, El Paso County, Tex., May 25: The proposed action concerns the construction of a new Federal building and parking facilities in El Paso County, Texas. The building will provide approximately 132,600 square feet of space and will house most Federal agency personnel now located in other leased space throughout the city. The proposal will also include approximately

126,000 square feet of parking space for an estimated 360 vehicles. Current plans are for the construction of a multi-story building of reinforced concrete and/or structural steel framing. (ETX 78001); (ELR Order No. 80564.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director, Environmental Affairs Division, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202-566-0405.

Draft

Federal Office Building, Providence County, R.I., May 26: This action proposes the lease construction of a Federal office building in Providence, R.I. The new Federal office building will provide modern, efficient, consolidated housing for the Veterans Administration Regional Office, the Department of the Treasury, and Health, Education, and Welfare, and several other agencies now housed at various scattered locations in the Providence area. The new building will provide approximately 129,000 square feet of agency office space, to house approximately 530 employees. Additionally, parking will be provided for 40 Government-owned vehicles. (ERI 78001.) (ELR Order No. 80575.)

Federal Building and Parking Facility, El Paso County, Tex., May 25: The proposed action concerns the construction of a new Federal building and parking facilities in El Paso County, Tex. The building will provide approximately 132,600 square feet of space and will house most Federal agency personnel now located in other leased space throughout the city. The proposal will also include approximately 126,000 square feet of parking space for an estimated 360 vehicles. Current plans are for the construction of a multistory building of reinforced concrete and/or structural steel framing. (ETX 78001.) (ELR Order No. 80564.)

Final

D.C. Post Office Building Improvement, District of Columbia, May 26: The General Services Administration proposes to improve and restore the Old Post Office Building located at 12th and Pennsylvania Avenue NW., Washington, D.C. The proposed plan covers the demolition and removal of modifications to the architectural features of the building; the removal of outdated or inefficient service systems, both electrical and mechanical; and the subsequent upgrading of life safety systems to comply with Federal and applicable building codes. Adverse impacts are those associated with the actual construction. (EDC 78003.) Comments made by: EPA, DOI, FPC, COE, HUD, DOC, AHP, and State and local agencies. (ELR Order No. 80571.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Atascocita North, Houston, Harris County, Tex., May 23: The proposed action is acceptance of an application for home mortgage insurance for the Atascocita North Project located in the city of Houston, Converse County, Tex. This project will involve development of approximately 1,550

units of primarily single-family dwellings. The entire site will encompass an estimated 388 acres of which 34 lie in the Houston City Limits. The application was submitted by Homecraft Profit Participation Number One, Inc. (HUD-R06-EIS-78-23D.) (ELR Order No. 80545.)

Northcliffe Subdivision, Houston, Harris County, Tex., May 23: The proposed action is the approval by HUD of home mortgage insurance for the proposed Northcliffe Subdivision. The project site will be located on 228 acres with approximately 4 units per acre in the city of Houston, Harris County, Tex. The units will be composed of single-family homes and some commercial reserves and provide accommodations for approximately 3,000 people in 888 dwelling units. The proposal was submitted by Homecraft Land Development, Inc. (ELR Order No. 80552.)

LaSalle Crossing Subdivision, Montgomery County, Tex., May 25: The proposed action concerns approval of home mortgage insurance for the proposed LaSalle Crossing Subdivision located partly within the extra-territorial jurisdiction of the city of Conroe, Montgomery County, Tex. The project involves the development of 769 single-family residential lots with an extensive recreational amenity site which incorporates two existing man-made lakes. The remainder of the 212 acre site will incorporate street right-of-way, a water well site and a sewage treatment facility. The application was submitted by the TMC Management, Inc. (HUD-R06-EIS-24D.) (ELR Order No. 80558.)

The following are community block grant statements prepared and circulated directly by applicants pursuant to section 104(H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

Draft

Non-Metro Discretionary Fund, fiscal year 1977, Macon County, Ala., May 25: The proposed action is a request by Macon County, Ala., for community development block grant funds. This statement discusses a proposed project to provide a safe and reliable source of potable water to existing residents along a segment of U.S. Highway 80. The project which is located southwest of the city of Tuskegee, Macon County, Ala., will involve the installation of 22,280 feet of 8-inch water main piping along the highway. The piping will carry water purchased from Tuskegee City and will be placed along the southern side of the highway within the public right-of-way. (ELR Order No. 80561.)

Church Street and Huntersville II Redevelopment Project, Chesapeake County, Va., May 25: Proposed is request by the city of Norfolk for community development block grant funds from HUD. This statement describes two projects which are segments of the urban ring project for redevelopment and conservation of the urban core of the city of Norfolk, Chesapeake County, Va. The two projects described and considered are the Church Street and Huntersville II Project. The actions involved include acquisition of property; relocation of business, individuals and families, clearance of deteriorated structures; upgrading, of certain public improvements; and rehabilitation of privately owned buildings. Cleared land would be available for redevelopment or public use within the scope of the (ELR Order No. 80563.)

Final

North Brinkley Sewer Collection System Improvement, Monroe County, Ark., May 26: This project will relieve overloaded conditions found in the North Brinkley Sewer Collection System. A large trunk sewer line will be constructed north from the main pumping station which is located at the west city limits line. The trunk line will extend north to a point even with 4th Street. The sewer line will then extend to the east to the existing 4th Street pumping station. In addition, a relief sewer line will be constructed in a draw east across Main Street and the St. Louis Southwestern Railroad track to the existing pump station on Grand Avenue. Both of the pumping stations on 4th Street and Grand Avenue will be eliminated. Comments made by: COE, EPA, State and local agencies. (ELR Order No. 80577.)

City of San Jose, three-year plan, Santa Clara County, Calif., May 26: This document describes and assesses the environmental impact of a three-year housing and community development plan for the city of San Jose. The plan has been developed for local implementation with Federal funding pursuant to the Housing and Community Development Act of 1977. The neighborhood projects generally consists of: (1) Loans and grants for housing rehabilitation, (2) improvements or additions to existing public parks and community facilities, (3) construction of new parks or community centers, and (4) street and sewer improvements. Comments made by: State and local agencies and individuals. (ELR Order No. 80574.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256 Interior Building, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF INDIAN AFFAIRS

Final

Vekol Hills Project, Papago Reservation, Pinal County, Ariz., May 24: The proposed action is the approval by the Secretary of the Interior of: (A) A mining lease on Indian lands, and (B) a business lease (water well sites) on lands within the Papago Indian Reservation, Ariz. The lessee of both leases will be the Vekol Copper Mining Co., a wholly owned subsidiary of the Newmont Mining Co., the lessor will be the Papago Tribe of Arizona. The leases will be for the purpose of mining and producing copper, molybdenum, gold, and silver by conventional open pit methods. Approximately 2,030 acres of natural desert and foothill terrain will be affected. (FES78-10.) Comments made by: DOI, USDA, HEW, EPA, AHP, State and local agencies, groups, individuals and businesses. (ELR Order No. 80555.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Sheldon Meyers, Director, Division of Fuel Cycle and Material Safety, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Mail 396-SS, 301-427-4152.

Draft

Highland Uranium Solution Mining Project, Converse County, Wyo. The proposed action concerns the issuance of amendments to source material license SUA-1139 to Exxon Minerals Co., USA, which was issued

in October of 1972, authorizing operation of the Highland Uranium Mill located in Converse County, Wyo. Exxon proposes to expand the Highland operation by including solution mining. The action will involve the construction and operation of a uranium recovery plant and use of 70 acres of well fields. (NUREG-0407) (Docket No. 40-8102) (ELR Order No. 80539.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

FAP 51, Hanamaulu to Ahukini, Cutoff Road, Kauai County, Hawaii, May 22: The proposed project involves construction of a cutoff highway in the Lihue area on the Island of Kauai, Kauai County, Hawaii. The Hanamaulu-Ahukini Cutoff Road will extend Kapule Highway, FAP 51, northward from its present terminus at Ahukini Road, to Kulo Highway just north of Hanamaulu. The cutoff road will be constructed in two stages, with a two-lane roadway and a single two-lane bridge constructed in the first stage. During the second stage the cutoff road will be expanded to four lanes and a second two-lane bridge added. (FHWA-HI-EIS-78-03-D.) (ELR Order No. 80542.)

U.S. 50, White River, Washington City bypass, Daviess and Knox Counties, Ind., May 25: Proposed is the upgrading of a portion of U.S. 50 extending from 5 miles east of the city of Vincennes, Knox County, 27 miles to the east line of Daviess County, Ind. The improvements to this section will include the transition to a four-lane divided highway with controlled access right-of-way. The alignment will be basically the same in the rural areas but relocated to bypass the city of Washington and for location of structures over the White River. (FHWA-IND-EIS-78-04-D.) (ELR Order No. 80567.)

Fort Robinson East, U.S. 20 relocation, Sioux and Dawes Counties, Nebr., May 23: The proposed action involves improvement of U.S. Highway 20 by removing it from the developed area of Fort Robinson and relocating it south of the existing roadway. The project is located in the counties of Sioux and Dawes, Nebr. The cross section proposed is Nebraska DR-4, major arterial and will consist of two 12-foot wide driving lanes of high-type surfacing with 10-foot wide shoulders. Drainage structures, seeding or sodding, lighting and signing as needed will be incorporated. (FHWA-NEBR-EIS-78-02-D.) (ELR Order No. 80550.)

Final

Interstate Spur, I-59 to 12th Street, Tuscaloosa County, Ala., May 23: The proposed action is the construction of the Tuscaloosa spur located in Tuscaloosa County, Ala. The spur is the key project discussed in the proposal, however five other projects are discussed which support major improvements that will facilitate traffic in their respective locations and complement the spur facility. The spur is an interstate facility in the city of Tuscaloosa beginning at I-59 and extending northerly to downtown at 12th Street. (FHWA-ALA-EIS-71-39F.) Comments made by: DOI, DOT, DOC, USDA, COE, JSN, USA, HUD, EPA, and State and local agencies. (ELR Order No. 80543.)

isting bridge which will be removed. (FHWA-MI-EIS-72-10-FS.) (ELR Order No. 80554.)

U.S. COAST GUARD

Draft

U.S. 90, relocation and upgrading, Morgan City to LA, St. Mary's, Assumption, and Terrebonne Parishes, La., May 28: The Louisiana Office of Highways proposes to relocate and upgrade approximately 30 miles of U.S. 90 in south-central Louisiana between Morgan City and LA-311. The proposed route begins in St. Mary's Parish at the junction of LA-70 and U.S. 90 on the west, crosses the southern tip of Assumption Parish and terminates on the east in Terrebonne Parish at the LA-311 interchange. The purpose of the proposed project is to provide a safer and more efficient highway than presently exists. Project design calls for the construction of 30 miles of four-lane controlled access highway on a new alignment north of existing U.S. 90. (ELR Order No. 80570.)

INFORMATION REPORT

The EPA has received the following reports which provide supplemental information on proposals which have fulfilled the NEPA process. Copies of the reports are available from the originating agency upon request.

U.S. Army, Corps of Engineers, Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20310, 202-693-6795.

ELR No.	Date received	Title
80547 1978.	May 26.	Fire Island Inlet to Montauk Point, N.Y., beach erosion control and hurricane protection project. Final EIS filed Jan. 28, 1978.
80548 1978.	Feb. 23.	Supplemental environmental information report, Willapa River and harbor navigation project, Washington. Final EIS filed Feb. 27, 1978.
80549 1978.	May 23.	Clarification FEIS Two Harbors, harbor operation and maintenance activities, Two Harbors, Minnesota Lake Superior.
80569 1978.	May 26.	Supplement to FEIS filed Jan. 9, 1976, southern branch of Elizabeth River, Chesapeake, Va.

OFFICIAL CORRECTION

In the FEDERAL REGISTER dated May 26, 1978, EPA announced the availability of a draft EIS prepared by the Animal and Plant Health Inspection Service, U.S. Department of Agriculture regarding the Japanese beetle regulatory program. Since that time, it has come to EPA's attention that the EIS was a preliminary draft and the official draft EIS is scheduled for release around June 15, 1978.

OFFICIAL NOTICE OF RETRACTION

The final EIS prepared by the Soil Conservation Service, USDA, for south branch Little Nemaha Watershed, Johnson, Lancaster, and Otoe Counties, Nebr., was received for filing by EPA on May 3, 1978, and notice of availability was published in the FEDERAL REGISTER dated May 15, 1978. Since that time it has come to EPA's attention that the final EIS is not available for public distribution. Therefore, EPA officially recinds the availability date of this EIS. When EPA is notified by the Soil Conservation Service that the EIS has been distributed, EPA will republish its availability.

[FR Doc. 78-15584 Filed 6-2-78; 8:45 am]

[1505-01]

[FRL 897-8; OPP-30148]

REGISTRATION OF PESTICIDE PRODUCTS
CONTAINING NEW ACTIVE INGREDIENTS

Receipt of Applications

Correction

In FR Doc. 78-13550 appearing at page 21505 in the issue for Thursday, May 18, 1978, the word "Registry" in the headings should be changed to "Registration" (as set forth above).

[6560-01]

[FRL 905-4]

RESOURCE CONSERVATION COMMITTEE

Open Meeting

There will be a meeting of the Principals of the Resource Conservation Committee on June 7, 1978 from 10:30 a.m. until 12:00 in the second floor conference room of the New Executive Office Building at 17th and H Streets NW., Washington, D.C. The public is invited to observe. The purpose of this meeting is to discuss the content of the next report of the Committee to the President and Congress, to review the status of the study on solid waste disposal charges, and to discuss future plans for the Committee.

The Resource Conservation Committee is the interagency committee set up under Section 8002(j) of the Resource Conservation and Recovery Act (Pub. L. 94-580). The Committee is chaired by EPA Administrator Douglas Costle and includes the Secretaries of Commerce, Labor, Interior, and Treasury, Council on Environmental Quality, Office of Management and Budget, Council of Economic Advisors, and Department of Energy. The Committee will make recommendations to

NOTICES

the President and the Congress later this year on the desirability and possible design of policy options including solid waste disposal charges, resource conservation subsidies, direct product regulation, local solid waste user fees, and other policy proposals.

Dated: May 30, 1978.

BARBARA BLUM,
Deputy Administrator,
Environmental Protection Agency.
[FR Doc. 78-15471 Filed 6-2-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS
COMMISSION

[BC Docket No. 78-157, 78-158; File No. BR-2017, BRH 2091]

WMOA, INC.

Memorandum Opinion and Order

Adopted: May 18, 1978.

Released: May 31, 1978.

By the Commission: Commissioner Lee absent.

1. The Commission has before it for consideration the above-captioned license renewal applications and its inquiries into the operation of Stations WMOA and WMOA-FM, Marietta, Ohio.

2. Information before the Commission raises serious questions as to whether the applicant possesses the qualifications to remain a licensee of the captioned stations. In view of these questions, the Commission is unable to find that a grant of the renewal applications would serve the public interest, convenience, and necessity, and must, therefore, designate the applications for hearing.

3. Accordingly, *It is ordered*, That the Captioned Applications are designated for hearing in a consolidated proceeding pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place to be specified in a subsequent Order, upon the following issues:

(a) To determine whether, and if so the extent to which, the licensee exceeded the amount of commercial time per hour it had represented to the Commission that it would broadcast as part of its 1973 license renewal applications.

(b) To determine whether, and if so the extent to which, the licensee made misrepresentations to the Commission and/or was lacking in candor in letters to the Commission dated September 29, 1976 and January 20, 1978.

(1) Regarding the actual amount of commercial time that exceeded 18 minutes per hour during the month of March 1976; and

(2) Regarding the circumstances underlying its failure to conform to its

commercial time representations during March 1976.

(c) To determine whether the licensee's financial balance sheet submitted with its 1976 renewal applications for WMOA and WMOA-FM correctly reflected the corporation's financial status; and, if not, whether the licensee made misrepresentations and/or was lacking in candor to the Commission by filing those documents.

(d) To determine whether the licensee correctly stated the amount of trade-out revenue it received during the years 1973, 1974, and 1975 as set out in FCC Form 324 (annual financial report) filed by the licensee for each of those years; and, if not, whether the licensee made misrepresentations and/or was lacking in candor to the Commission by filing those documents.

(e) To determine whether, in light of all the evidence adduced under the preceding issues, the licensee of WMOA and WMOA-FM possesses the requisite qualifications to remain a licensee of the Commission and whether a grant of the captioned applications would serve the public interest, convenience, and necessity.

4. *It is further ordered*, That the Chief of the Broadcast Bureau is directed to serve upon the captioned applicant within thirty (30) days of the release of this Order, a Bill of Particulars with respect to issues (a) through (d) inclusive.

5. *It is further ordered*, That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (a) through (d) and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to remain a licensee and that a grant of the applications would serve the public interest, convenience and necessity.

6. *It is further ordered*, That to avail itself of the opportunity to be heard, the applicant, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. *It is further ordered*, That the applicant herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by section 1.594(g) of the rules.

8. *It is further ordered*, That the Chief Administrative Law Judge assign the same Administrative Law

Judge to conduct this hearing who is assigned to conduct the renewal hearing ordered this day to determine whether the licensee of Station WACB, Kittanning, Pa., possesses the requisite qualifications to be and remain a licensee of the Commission, and that the said Administrative Law Judge shall take cognizance, with respect to each proceeding, of any findings of fact in the other proceeding which bear upon the qualifications of the licensee in that proceeding.

9. *It is further ordered*, That the Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested to WMOA, Inc., licensee of Radio Stations WMOA and WMOA-FM, Marietta, Ohio.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM TRICARICO,
Secretary.

[FR Doc. 78-15502 Filed 6-2-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Filing of Plat of Survey

MAY 19, 1978.

1. Plat of survey of the lands described below will be officially filed in the Alaska State Office, Anchorage, Alaska, effective at 10 a.m., July 10, 1978.

SEWARD MERIDIAN, ALASKA

T. 16 N., R. 1 E.
Sec. 26: SW 1/4 SW 1/4
Containing 40.00 acres.

2. This parcel of surveyed land is situated along the Eklutna Lake road, the timber ranges from first to second growth birch, aspen, cottonwood, and spruce with alder and willow underbrush, the soil is a sandy loam with rock outcrops.

3. The public lands affected by this order are open to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 5418, filed March 28, 1974, and the requirements of applicable law, rules, and regulations.

4. Inquiries concerning the lands should be addressed to the State Director, Alaska State Office, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

Dated: May 25, 1978.

IRVING ZIRPEL, Jr.,
Chief, Division of
Cadastral Survey.

[FR Doc. 78-15462 Filed 6-2-78; 8:45 am]

NOTICES

[4310-84]

[NM 33448 and 33467]

NEW MEXICO

Applications

MAY 24, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for two 4 1/2-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW
MEXICO

T. 28 N., R. 7 W.,
Sec. 23, NE 1/4 SW 1/4.
T. 30 N., R. 10 W.,
Sec. 4, lots 8 and 9.

These pipelines will convey natural gas across 0.263 of a mile of public lands in Rio Arriba and San Juan Counties, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of
Lands and Minerals Operations.
[FR Doc. 78-15460 Filed 6-2-78; 8:45 am]

[4310-84]

[NM 33468]

NEW MEXICO

Application

MAY 24, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4 1/2-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW
MEXICO

T. 19 S., R. 33 E.,
Sec. 18, lots 2 and 3.

This pipeline will convey natural gas across 0.231 of a mile of public lands in Lea County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of
Lands and Minerals Operations.
[FR Doc. 78-15461 Filed 6-2-78; 8:45 am]

[4310-84]

NEW MEXICO

Closure of Lands to Motorized Vehicles and
Collection of Petrified Wood

Notice is hereby given that in furtherance of the purpose of Executive Order 11644 (37 FR 2877, February 9, 1972), as amended, relating to the use of off-road vehicles on public lands and by authority contained in regulations of 43 CFR 6010.4, the following described lands under administration of the Bureau of Land Management are designated as closed to off-road motorized vehicles and motorized vehicles use excepting emergency, law enforcement and Federal or other Government vehicles while being used for official or emergency purposes.

Pursuant to the provisions of 43 CFR 3622.3, the following described public lands are also closed to the collection of petrified wood as provided for in Section 2 of the Act of September 28, 1962 (76 Stat. 652).

The areas affected by this designation and closure notice are located in San Juan County, N. Mex. The areas are more specifically described as:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 N., R. 13 W.,
Sec. 4: N 1/2 NE 1/4.
T. 24 N., R. 13 W.,
Sec. 28: S 1/4.
Sec. 33: N 1/2, SE 1/4.
Sec. 34: W 1/2, SE 1/4.

This area is known as the Bisti Badlands in Hunter's Wash, and covers approximately 1,360 acres.

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 N., R. 12 W.,
Sec. 13: W 1/2.
Sec. 14: All.
Sec. 23: All.
Sec. 24: NW 1/4.

This area is known as the Fossil Forest and covers approximately 1,760 acres.

Surveys taken by the University of New Mexico under contract with the Bureau of Land Management and surveys conducted by Western Coal have documented the occurrence of rare and unique fossils.

Because of conflicts between existing coal leases and scenic and paleontological values, the area has received much publicity. This publicity has precipitated a broad interest in these fos-

sils, which has created a radical increase in visitor use, vandalism and unauthorized removal of fossil materials.

All Federal lands administered by the Bureau of Land Management within the above-described areas are restricted from the date of this notice. A map of the restricted areas is posted in the Albuquerque District Office located at 3550 Pan American Freeway NE., Albuquerque, N. Mex. 87107.

Cooperation of all will be sincerely appreciated.

ARTHUR W. ZIMMERMAN,
State Director.

[FR Doc. 78-15464 Filed 6-2-78; 8:45 am]

[4310-84]

[U-40123]

UTAH

Notice of Application

MAY 26, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corp. has applied for a 4½-inch natural gas pipeline right-of-way across the following lands:

SALT LAKE MERIDIAN, UTAH

T. 20 S., R. 21 E.,
Sec. 25.
T. 20 S., R. 22 E.,
Secs. 30 and 31.

The needed right-of-way is a portion of applicant's gas gathering system located in Grand County, Utah.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Moab District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532.

PAUL L. HOWARD,
State Director.

[FR Doc. 78-15463 Filed 6-2-78; 8:45 am]

[1505-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Final 1978 Revised Aggregate Production Quotas and Establishment of an Interim 1978 Aggregate Production Quota for Amphetamine

Correction

In FR Doc. 78-12945, appearing on page 20565 in the issue for Friday, May 12, 1978, make the following corrections:

(1) In the second paragraph of the document, in the 13th line, "Pharmacuti-" should be spelled "Pharmaceuti-".

(2) In the fourth paragraph, in the 6th line, "from" should read "form".

(3) In the table, "Aphaprodine" should be spelled "Alphaprodine".

(4) In the table, "Diphenaxylate" should be spelled "Diphenoxylate".

(5) In the table, "Phermetrazine" should be spelled "Phenmetrazine".

[7537-01]

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

MUSIC ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Folk Section) to the National Council on the Arts will be held June 22, 1978, from 9:30 a.m. to 6 p.m., in Room 1426 of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and 9(B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

JOHN H. CLARK,
Director, Office of Council and Panel Operation, National Endowment for the Arts.

[FR Doc. 78-15457 Filed 6-2-78; 8:45 am]

[7537-01]

NATIONAL COUNCIL ON THE ARTS

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the National Council on the Arts will be held on June 16, 1978, from 9 a.m. to 5:30 p.m.; and June 17, 1978, from 9 a.m. to 1 p.m., in the 14th Floor Conference Rooms of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on June 17, 1978, from 10:30 a.m. to 1 p.m. The topics of discussion will be long-term Endowment goals and policy; guidelines for assistance to contemporary music ensembles.

The remaining sessions of this meeting on June 16, 1978, from 9 a.m. to 5:30 p.m.; and June 17, 1978, from 9 a.m. to 10:30 a.m., are for the purpose of Council review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions may be closed to the public pursuant to subsections (c) (4), (6), and 9(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 78-15458 Filed 6-2-78; 8:45 am]

[7537-01]

SPECIAL PROJECTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Special Projects Advisory Panel (Folk Arts) to the National Council on the Arts will be held June 23, 1978, from 9:30 a.m. to 5 p.m.; June 24, 1978, 9:30 a.m. to 5 p.m.; and June 25, 1978, from 9:30 a.m. to 1 p.m. in Room 1422, of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on June 24, 1978, from 9:30 a.m. to 1 p.m. The topic of discussion will be policy issues.

The remaining sessions of this meeting on June 23, 1978, from 9:30 a.m. to 5 p.m.; June 24, 1978, from 1 p.m. to 5 p.m.; and June 25, 1978, from 9:30 a.m. to 1 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman

published in the Federal Register March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

JOHN H. CLARK,
Director, Office of Council and Panel Operation, National Endowment for the Arts.

[FR Doc. 78-15459 Filed 6-2-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 38 and 35 to Facility Operating License Nos. DPR-39 and DPR-48 issued to Commonwealth Edison Co. (the licensee) which revised Technical Specifications for operation of the Zion Station Unit Nos. 1 and 2, located in Zion, Ill. The amendments are effective as of the date of issuance.

These amendments revise the Environmental Technical Specifications (ETS) contained in Appendix B to the licenses to delete the thermal discharge limits of Specifications 1.1A.1 and 1.1A.2 and associated alarms of 2.1A.1 and 2.1A.2 and substitute the requirement that Zion Station Unit Nos. 1 and 2 be limited to the present capability in terms of maximum heat rejection and water usage. These new limits are in accordance with the U.S. Environmental Protection Agency's 316(a) determination and resultant removal of all temperature limits from the NPDES permit for Zion Station.

The application for these amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has prepared an Environmental Impact Appraisal for the revised Technical Specifications and has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action.

For further details with respect to this action, see (1) the application for amendments dated December 13, 1977, as supplemented March 17, 1978, (2) Amendment Nos. 38 and 35 to License Nos. DPR-39 and DPR-48, and (3) the Commission's related Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and at the Zion Benton Public Library District, 2600 Emmaus Avenue, Zion, Ill. 60099. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 25th day of April 1978.

Name of applicant, date of application, date received, and application number	Material in kilograms or reactor type and power level	Enrichment	End-use	Country of destination
Ente Nazionale Per L'Energia Elettrica (ENEL) May 19, 1978, May 19, 1978 XSNM01318.	8.1 Plutonium.....	.....	Fuel—Creys-Malville fast reactor.	France.

[FR Doc. 78-15475 Filed 6-2-78; 8:45 am]

[7590-01]

[Docket Nos. 50-250 and 50-251]

FLORIDA POWER AND LIGHT CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 35 and 29 to Facility Operating License Nos. DPR-31 and DPR-41, respectively, issued to Florida Power and Light Co. which revised Technical Specifications for operation of the Turkey Point Nuclear Generating Unit Nos. 3 and 4, located in Dade County, Fla. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to establish specifications for safety-related shock suppressors (snubbers).

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate

findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated November 6, 1974, as supplemented by letters dated March 22 and May 10, 1976, (2) Amendment Nos. 35 and 29 to License Nos. DPR-31 and DPR-41 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H

Dated May 26, 1978, at Bethesda, Md.

For the Nuclear Regulatory Commission.

JAMES R. SHEA,
Director, Office of International Programs.

Street NW., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Fla. 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md. this 19th day of May 1978.

For the Nuclear Regulatory Commission.

MARSHALL GROTHENHUIS,
Acting Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-15480 Filed 6-2-78; 8:45 am]

[7590-01]

[Docket No. 50-335]

FLORIDA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Facility Operating License No. DPR-67, issued to Florida Power and Light Co. (the licensee), which revised the license and its appended Technical Specifications for operation of the St. Lucie Plant Unit No. 1 (the facility) located in St. Lucie County, Fla. The amendment is effective as of its date of issuance.

This amendment deletes license condition I.1, Enclosure 1 to the license and revises the Technical Specifications to reflect the installation of the NaOH containment spray additive system as required by condition I.1. This amendment also adds license condition Q to Enclosure 1 to the license to require the submission of proposed Technical Specifications related to flow path verification testing on the NaOH containment spray additive system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in con-

nection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 5, 1978, as revised by letter dated May 19, 1978, (2) Amendment No. 26 to License No. DPR-67, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Fla. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 23rd day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-15476 Filed 6-2-78; 8:45 am]

[7590-01]

[Docket No. 50-315]

INDIANA & MICHIGAN ELECTRIC CO. AND INDIANA & MICHIGAN POWER CO. (DONALD C. COOK NUCLEAR PLANT, UNIT NO. 1)

Exemption

I

The Indiana & Michigan Electric Co. and Indiana & Michigan Power Co. (the licensees), are the holders of Facility Operating License No. DPR-58 which authorizes the operation of the nuclear power reactor known as Donald C. Cook Nuclear Plant, Unit No. 1 (the facility) at steady reactor power levels not in excess of 3,250 megawatts thermal (rated power). The facility consists of a Westinghouse Electric Corp. designed pressurized water reactor (PWR) located at the licensees' site in Berrien County, Mich.

II

In accordance with the requirements of the Commission's ECCS Acceptance Criteria 10 CFR 50.46, the licensees submitted on December 7, 1976 an ECCS evaluation for Unit No. 1 for proposed operation using 15 x 15 fuel manufactured by the Westinghouse Electric Corp. This evaluation included limits on the peaking factor. The ECCS performance evaluation submitted by the licensees were based upon an ECCS evaluation developed by the Westinghouse Electric Corp. (Westinghouse), the designer of the Nuclear Steam Supply System for this facility. The Westinghouse ECCS Evaluation

Model had been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR 50.46 and Appendix K. The evaluation indicated that with the peaking factor limited as set forth in the evaluation, and with other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long-term cooling.

On March 23, 1978 Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants, could result in calculated temperatures in excess of 2,200° F unless the allowable peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants, and a number of others were plant specific. As outlined in the attached Safety Evaluation Report (SER), the staff determined that some of these modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The attached SER sets forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and incorporating the modifications described in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved Westinghouse model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facility are submitted using the revised and corrected model, they will demonstrate that with the peaking factors set forth in the SER operation will conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facility as soon as possible.

Operation of the facility would nevertheless be technically in non-conformance with the requirements of § 50.46, in that specific computer runs for the particular facility employing revised models with the Westinghouse metal-water error corrected and with the proposed model changes considered, as a complete entity will not be complete for some time. However, operation as proposed in the licensees' submittal of April 6, 1978 and at the peaking factor limit specified in this Exemption will assure that the ECCS system will conform to the performance criteria of § 50.46. Accordingly, while the actual computer runs for the specific facility are carried out to achieve full compliance with 10 CFR § 50.46, operation of the facility will not endanger life or property or the common defense and security.

In the absence of any safety problem associated with operation of the facility during the period until the computer computations are completed, there appears to be no public interest consideration favoring restriction of the operation of the captioned facility. Accordingly, the Commission has determined that an exemption in accordance with 10 CFR § 50.12 is appropriate. The specific exemption is limited to the period of time necessary to complete computer calculations.

Copies of the Safety Evaluation and the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the Maude Preston Palenske Memorial Library, 500, Market Street, St. Joseph, Mich. 48975.

(1) Letter from Westinghouse to NRC dated April 7, 1978.

(2) Letter from Indiana & Michigan Power Co., to Mr. Edson G. Case, Office of Nuclear Reactor regulation, dated April 6, 1978.

(3) This Exemption in the Matter of D. C. Cook Nuclear Plant Unit No. 1.

Wherefore, in accordance with the Commission's regulations as set forth in 10 CFR Part 50, the licensees are hereby granted an exemption from the requirements of 10 CFR § 50.46 (a)(1) that ECCS performance be calculated in accordance with an acceptable calculational model which conforms to the provisions in Appendix K, without errors discussed herein. This exemption is conditioned as follows:

As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC staff and corrected for the errors described herein.

(2) Until further authorization by the Commission, the Technical Specification limit for total nuclear peaking

factor (F_0) for the D. C. Cook Nuclear Plant Unit No. 1 shall be limited to 1.90.

Dated at Bethesda, Md. this 18th day of May 1978.

For the Nuclear Regulatory Commission.

VICTOR STELLO, Jr.,
Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 78-15483 Filed 6-2-78; 8:45 am]

[7590-01]

[Docket No. 50-316]

INDIANA & MICHIGAN ELECTRIC CO. AND INDIANA & MICHIGAN POWER CO., D. C. COOK NUCLEAR PLANT UNIT 2

Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the Indiana & Michigan Power Co. and Indiana & Michigan Electric Co. (the licensees). The relief relates to the inservice inspection (testing) program for the D. C. Cook Nuclear Plant, Unit 2 (the facility) located in Berrien County, Mich. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

Relief is granted, on an interim basis, pending completion of a more detailed review, from compliance with certain inservice inspection and testing requirements determined to be impractical for the facility because compliance would result in hardships and unusual difficulties without a compensating increase in the level of quality or safety.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see (1) the request for

relief dated September 29, 1977, and (2) the Commission's letter to the licensee dated May 25, 1978.

These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Mich. 49085. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Md., this 25th day of May 1978.

For the Nuclear Regulatory Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch No. 2, Division of Project Management.

[FR Doc. 78-15477 Filed 6-2-78; 8:45 am]

[7590-01]

[Docket No. 50-320]

METROPOLITAN EDISON CO., ET AL. (THREE MILE ISLAND NUCLEAR STATION, UNIT 2) Order for Modification of License

I

The Metropolitan Edison Co., et al. (the licensee or Met Ed), is the holder of Facility Operating License No. DPR-73 which authorizes the operation of the nuclear power reactor known as Three Mile Island Nuclear Station, Unit 2 (the facility or TMI-2), at reactor core power levels not in excess of 2,772 megawatts thermal (rated power). The facility, using a Babcock & Wilcox Co. designed pressurized water reactor (PWR), is located at the licensee's site in Dauphin County, Pa.

II

In accordance with the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50.46, the licensee submitted on March 31, 1976, an ECCS evaluation for the facility. The ECCS evaluation submitted by the licensee was based upon an ECCS Evaluation Model developed by the Babcock & Wilcox Co. (B&W), the designer of the nuclear steam supply system for this facility. The B&W ECCS Evaluation Model has been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR 50.46 and Appendix K. The evaluation indicated that with the limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long-term cooling.

On April 12, 1978, B&W informed the NRC that it had determined that in the event of a small break loss-of-coolant accident (LOCA) on the discharge side of a reactor coolant pump, high pressure injection (HPI) flow to the core could be reduced somewhat. Subsequent calculations indicated that in such a case the calculated peak clad temperature might exceed 2200° F.

Previous small break analyses for B&W 177 fuel assembly (FA) lowered loop plants had identified the limiting small break to be in the suction line of the reactor coolant pump. Recent analyses have shown that the discharge line break is more limiting than the suction line break.

The Three Mile Island Nuclear Station, Unit 2, has an ECCS configuration which consists of two high pressure injection trains. Each train has an HPI pump and the train injects into two of the four reactor coolant system (RCS) cold legs on the discharge side of the RCS pump. (There is also a third HPI pump installed.) The two parallel HPI trains are connected but are kept isolated by manual valves (known as the cross-connect valves) that are normally closed. Upon receiving a safety injection signal the HPI pumps are started and valves in the four injection lines are opened. Assuming loss of offsite power and the worst single failure (failure of diesel to start) only one HPI pump would be available and two of the four injection valves would fail to open.

If a small break is postulated to occur in the RCS piping between the RCS pump discharge and the reactor vessel, the high pressure injection flow injected into this line (about half of the output of one high pressure injection pump) could flow out the break. Therefore, for the worst combination of break location and single failure, only one-half of the flow rate of a single high pressure injection pump would contribute to maintaining the coolant inventory in the reactor vessel. This situation had not been previously analyzed and B&W had indicated that the limits specified in 10 CFR 50.46 may be exceeded.

B&W has stated that they have analyzed a spectrum of small breaks in the pump discharge line and have determined that to meet the limits of 10 CFR 50.46, operator action is required to open the two manually-operated cross-connect valves and to manually open the two motor-driven isolation valves which had failed open and align all four isolation valves.

This would allow the flow from the one HPI pump to feed all four reactor coolant legs. B&W has assumed that 30 percent of the flow would be lost through the break and 70 percent would contribute to recovering the core.

B&W has prepared a summary entitled "Analysis of Small Breaks in the

Reactor Coolant Pump Discharge Piping for the B&W Lowered Loop 177 FA Plants," May 1, 1978 (the B&W Summary), which describes the methods used and the results obtained in the above analysis. The analysis models operator action by assuming a step increase in flow to the reactor vessel (with balanced flow in the three intact loops) ten minutes after the LOCA reactor protection system trip signal occurs.

By letter dated May 5, 1978, Met Ed submitted a copy of the B&W Summary for our review. In their submittal Met Ed stated that they had reviewed the B&W Summary and determined that the results were applicable to TMI-2 and that operation of TMI-2 up to 2568 megawatts thermal would be in full conference with 10 CFR 50.46.

They also stated that additional analyses will be available to the Commission for power levels up to 100 percent power (2,772 megawatts thermal) by June 1, 1978.

In their submittal of May 5, 1978, Met Ed also stated that they had modified certain plant procedures to provide the necessary operator actions on a time scale consistent with that assumed in the analysis, and that they had conducted drills to verify that the assumed operator response time was achievable. The Commission's Office of Inspection and Enforcement has confirmed that appropriate procedures are in place and that drills were performed which verified operator response time. Met Ed also committed to submit as soon as possible a request for amendment of the TMI-2 Technical Specifications as appropriate to reflect adoption of these procedures, and committed to submit a proposal for a permanent solution to this problem by August 5, 1978.

In their letter of May 11, 1978, Met Ed provided additional information clarifying aspects of the proposed manual action.

In the event of a small break and a limiting single failure, manual action will be taken to begin opening the crossconnect valves and the isolation valves within 5 minutes and have them opened and an adequate flow split obtained within 10 minutes. To facilitate this operation the licensee has committed to maintain one of the series-connected, manually-operated cross-connect valves normally open. The analysis performed by B&W assumed that the flow split was established at 650 seconds by operator action. We conclude that the analyses are a reasonable approximation of the operator action that actually will be taken, since specific procedures have been prepared and drills performed to verify the adequacy of the procedures and to train the plant operators.

In their analysis, B&W states that a 0.13 ft² discharge line break, with the

forementioned operator action, is the most limiting case. To arrive at this conclusion, B&W has performed analysis at break sizes of 0.04, 0.07, 0.1, 0.13, 0.15, 0.17, 0.2, and 0.3 ft². The results, which were obtained using an approved Appendix K model for blow-down, indicate core uncover for about 300 seconds for the 0.13 ft² break.

For this break size B&W has conservatively calculated the peak clad temperature to be approximately 1551° F, well below the limits of 10 CFR 50.46(b), for a power level of 2,568 megawatts thermal.

Based on review of the B&W Summary we find that the calculation support the conclusion that a 0.13 ft² discharge line break is the most limiting case. However, the B&W Summary does not demonstrate that the assumptions employed in supplying heat inputs to the FOAM portion of the calculations were conservative. We are also reviewing whether use of simplified input in the FOAM calculations satisfies the requirement for calculation using an approved model. Accordingly, we cannot conclude at this time that operations of TMI-2 at 2,568 megawatts thermal would be fully in conference with 10 CFR 50.46. On the other hand, the range of calculations now available shows that for operation of this facility at power levels up to 2,568 megawatts thermal, ECCS performance calculations for the limiting small break indicate that this break has a very substantial margin on peak clad temperature below the limits of 10 CFR 50.46(b) if appropriate operator action is properly taken (as described above). Therefore, until we have had the opportunity to fully assess the B&W calculations, the staff cannot determine that operation of TMI-2 at full power under the conditions of the revised calculations by B&W applicable to this facility conforms fully to the requirements of 10 CFR 50.46.

However, operation of TMI-2 at power levels up to 2,568 megawatts thermal and in accordance with appropriate operating procedures will ensure that the ECCS will conform to the performance criteria of 10 CFR Part 50.46. Therefore, until B&W calculations applicable to this facility are completed to assure full compliance with 10 CFR 50.46, the peak clad temperature margins provide reasonable assurance that operation of the facility at power levels up to 2,568 megawatts thermal with appropriate operating procedures specified herein will not endanger life or property or the common defense and security.

With the procedures described in the licensee's letters of May 5 and 11, 1978, the staff believes that the licensee's actions are appropriate and that these actions should be confirmed by NRC Order.

In the course of our review of this matter, a related issue arose: the need to apply greater uncertainties to the measured values of neutron flux in each quadrant of the reactor core.

B&W recently reported to Met Ed that on the basis of operational experience and a reevaluation of measurement error statistics and error propagation, greater uncertainties should be applied to the measured values of quadrant flux tilt. This greater uncertainty was necessary to assure that the actual flux tilt did not exceed the limiting value assumed in the evaluation of postulated accidents including a LOCA. A description of the reevaluation and recommended reduced limits on allowable measured flux tilt were presented in a B&W report submitted to the staff on May 11, 1978. By letter dated May 10, 1978, Met Ed requested amendment of the TMI-2 Technical Specifications to reflect the more conservative limits. We have reviewed the B&W report and the Met Ed request relative to this matter and have concluded that the limits requested for TMI-2 are acceptable. Use of these limits is being authorized by Amendment No. 4 to the TMI-2 Operating License No. DPR-73, issued on May 19, 1978.

III

Copies of the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555, and are being placed in the Commission's local public document room at the State Library of Pennsylvania, Commonwealth and Walnut Streets, Harrisburg, Pa., 17126:

1. Letter from J. G. Herbein to S. A. Varga, Chief, Light Water Reactors Branch No. 4, dated May 5, 1978.
2. Letter from J. G. Herbein to S. A. Varga, Chief, Light Water Reactors Branch No. 4, dated May 11, 1978.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, it is ordered, That Facility Operating License No. DPR-73 is hereby conditioned by adding the following new provisions:

(1) As soon as possible, the licensee shall submit a reevaluation (wholly in conformance with 10 CFR 50.46) of ECCS cooling performance calculated in accordance with the B&W Evaluation Model for operation with operating procedures described in its letter of May 5, 1978.

(2) Until further authorization by the Commission, the power level shall not exceed 2,568 megawatts thermal, and

(3) Until further authorization by the Commission, the licensee shall operate in accordance with the procedures described in its letters of May 5 and May 11, 1978.

NOTICES

Dated at Bethesda, Md., this 26th day of May 1978.

For the Nuclear Regulatory Commission.

ROGER S. BOYD,
Director, Division of Project
Management, Office of Nuclear
Reactor Regulation.
[FR Doc. 78-15478 Filed 6-2-78; 8:45 am]

[7590-01]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO. ET AL.
Issuance of Amendment to Facility Operating
License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 29 to Facility Operating License No. NPF-1 issued to Portland General Electric Co., the city of Eugene, Oreg., and Pacific Power & Light Co. for operation of the Trojan Nuclear Plant (the facility), located in Columbia County, Oreg. The amendment is effective as of its date of issuance.

The amendment approves the use of a modified biological shielding design in the vicinity of the reactor vessel head.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 22, 1977, as supplemented and amended on September 22 and 23, 1977, December 22, 1977, January 4 and 24, 1978, March 20 and April 4, 1978, (2) Amendment No. 29 to License No. NPF-1, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oreg. 97051. A copy

of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 15th day of May 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-15479 Filed 6-2-78; 8:45 am]

[7590-01]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP.

Exemption

I

The Wisconsin Public Service Corp. (the licensee), is the holder of Facility Operating License No. DPR-43 which authorizes the operation of the nuclear power reactor known as the Kewaunee Nuclear Power Plant, (the facility) at steady reactor power levels not in excess of 1,650 megawatts thermal (rated power). The facility consists of a Westinghouse Electric Corp. designed pressurized water reactor (PWR) located at the licensee's site in Kewaunee County, Wis.

II

In accordance with the requirements of the Commission's ECCS Acceptance Criteria 10 CFR 50.46, the licensee submitted on December 10, 1976, and ECCS evaluation for proposed operation using 14 x 14 fuel manufactured by the Westinghouse Electric Corp. This evaluation included limits on the peaking factor. The ECCS performance evaluation submitted by the licensee was based upon an ECCS evaluation developed by the Westinghouse Electric Corp. (Westinghouse), the designer of the Nuclear Steam Supply System for this facility. The Westinghouse ECCS Evaluation Model had been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR 50.46 and Appendix K. The evaluation indicated that with the peaking factor limited as set forth in the evaluation, and with other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long-term cooling.

On March 23, 1978 Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been

discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants, could result in calculated temperatures in excess of 2,200° F unless the allowable peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants, and a number of others were plant specific. As outlined in the attached Safety Evaluation Report (SER), the staff determined that some of these modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The attached SER sets forth the value for each modification applicable to each facility.

Revised computer calculations, correcting the error, noted above, and incorporating the modifications described in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved Westinghouse model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facility are submitted using the revised and corrected model, they will demonstrate that with the peaking factors set forth in the SER operation will conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facility as soon as possible.

Operation of the facility would nevertheless be technically in nonconformance with the requirements of § 50.46, in that specific computer runs for the particular facility employing revised models with the Westinghouse metal-water error corrected and with the proposed model changes considered as a complete entity will not be complete for some time. However, operation as proposed in the licensee's submittal of April 10, 1978 and May 12, 1978, at the peaking factor limit specified in this Exemption will assure that the ECCS system will conform to the performance criteria of § 50.46. Accordingly, while the actual computer runs for the specific facility are car-

ried out to achieve full compliance with 10 CFR § 50.46, operation of the facility will not endanger life or property or the common defense and security.

In the absence of any safety problem associated with operation of the facility during the period until the computer computations are completed, there appears to be no public interest consideration favoring restriction of the operation of the captioned facility. Accordingly, the Commission has determined that an exemption in accordance with 10 CFR § 50.12 is appropriate. The specific exemption is limited to the period of time necessary to complete computer calculations.

IV

Copies of the Safety Evaluation and the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wis. 54216.

(1) Letter from Westinghouse to NRC dated April 7, 1978.

(2) Letters from Wisconsin Public Service Corp., to Mr. Victor Stello, Operating Reactors Branch No. 1, dated April 10, 1978 and May 12, 1978.

(3) This Exemption in the matter of Kewaunee Nuclear Power Plant.

Wherefore, in accordance with the Commission's regulations as set forth in 10 CFR Part 50, the licensee is hereby granted an exemption from the requirements of 10 CFR § 50.46(a)(1) that ECCS performance be calculated in accordance with an acceptable calculational model which conforms to the provisions in Appendix K, without errors discussed herein. This exemption is conditioned as follows:

(1) As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC staff and corrected for the errors described herein.

(2) Until further authorization by the Commission, the Technical Specification limit for total nuclear peaking factor (F_p) for the facility shall be limited to 2.16.

Dated at Bethesda, Md., this 17th day of May 1978.

For the Nuclear Regulatory Commission.

VICTOR STELLO, Jr.,
Director, Division of Operating
Reactors, Office of Nuclear Re-
actor Regulation.

[FR Doc. 78-15482 Filed 6-2-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND
BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 22, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the Agency sponsoring the proposed collection of information; the Agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

National Fire Prevention and Control Administration, National Fire Academy Student Registration Form, other (see SF-83), 6,000 State and local fire organizations, Collins, L., 395-3214.

ENVIRONMENTAL PROTECTION AGENCY

Request for Crushed Stone Product Samples for Purpose of Determining Abestos Content, single time, 1,200 crushed stone plants in belts of ultramafic rock, Ellett, C., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND
WELFARE

Alcohol, Drug Abuse, and Mental Health Administration, Division of Resource Development Product Utilization Survey, single time, Drug Abuse Personnel, Clearance Office, 395-3772.

INTERNATIONAL TRADE COMMISSION

Purchasers questionnaire Inv. 408-2, 3, 4, clothespins, single time, 35 purchasers of clothespins, Kincannon, C. L. 395-3211. Importers (clothes-questionnaire for inv. Nos. TA-406, 2, 3, 4, pins), single time, 35 importers of clothespins, Kincannon, C. L., 395-3211.

REVISIONS

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation, Water User Census, 7-332, Annually, Water Users on Federal

Reclamation Projects, 50,000 Responses, 23,000 hours, Ellett, C., 395-6132.

DEPARTMENT OF LABOR

Employment Training Administration, CETA Monthly PSE Report, ETA-8, Annually, State and local agencies, 2,700 responses, 900 hours, Strasser, A., 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND
WELFARE

Alcohol, Drug Abuse, and Mental Health Administration, PCP Investigation, Single time, Drug Treatment Program and Staff: CMHC's, etc., 486 responses, 243 hours, El-singer, R., 395-3214.

VETERANS ADMINISTRATION

Request for Volume of Purchases, VAFL 10-195, Annually, manufacturers, 600 responses, 150 hours, Caywood, D., 395-3443.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Refund for Overpayment of Food Coupon Issuance, FNS-293, on occasion, State or Local Food Stamps Agencies, 200,000 responses, 50,000 hours, Human Resources Division, 395-3532.

Rural Electrification and Administration, Analysis of General Funds—Electric (REA Borrowers), REA 740A, on occasion, 2575 responses, 2575 hours, Ellett, C., 395-6132. Economics, Statistics, and Cooperatives Service, Nonfat Dry Milk Price Survey, Monthly, 264 responses, 22 hours, Clearance Office, 395-3772.

DEPARTMENT OF COMMERCE

Bureau of Census, Applications for Excepted Appointment in the Field Service, Notice of Short-Term Employment, and Appointment Affidavits, BC50A, on occasion, 800 responses, 400 hours, Caywood, D., 395-3443.

Maritime Administration, Application for Transfer of Vessels, MA-29, 29A, 29B, on occasion, 1,000 responses, 650 hours, Strasser, A. 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND
WELFARE

Center for Disease Control, Epidemic Investigations-Individual Investigations, HSM 4.287, on occasion 19,500 responses, 3,510 hours, Clearance Office, 395-3772.

DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT

Housing Production and Mortgage Credit, Request for Approval of Advance of Escrow Funds, FHA-2464, on occasions, 12,000 responses, 12,000 hours, Caywood, D., 395-3443.

Housing Management, Single Family Default Monitoring System (Initial Case Data Report), HUD-92088A, monthly, 144,000 responses, 20,000 hours, Caywood, D., 395-3443.

DEPARTMENT OF LABOR

Employment Standards Administration, Application for Authorization to Employ a Student-Learner, etc., WH-205, on occasion, 7,000 responses, 3,500 hours, Strasser, A., 395-6132.

Employment and Training Administration, Domestic Agricultural In-Season Wage Report, ES-232, on occasion, 6,200 re-

sponses, 3,800 hours, Strasser, A., 395-6132.

DAVID R. LEUTHOLD,
Budget and Management Officer,
[FR Doc. 78-15679 Filed 6-2-78; 8:45 am]

[3110-01]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 24, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service, Payment Limitation—Review of Farm Operating Plan, ASCS-561, on occasion, 2,000 farm producers, Clearance Office, 395-3772.

DEPARTMENT OF COMMERCE

Bureau of Census, Census of Horticultural Specialties, 77-A19(T1), single time, 1,000 Sample of wholesale and retail producers of horticultural, Clearance Office, 395-3772.

DEPARTMENT OF DEFENSE

Departmental and other:

Certification of Dependent Status, Champus 348, on occasion, 40,000 Champus beneficiaries, Marsha Traynham, and Richard El-singer, 395-3773.

Prior Authorization Benefit Forms, Champus 190, 345,200,88, 141,296, on occasion, 22,000 Champus Beneficiaries/Providers, Marsha Traynham, and Richard El-singer, 395-3773.

Claim Forms, DA 1883-1, 3, 4, 5, Champus 198, on occasion, 2,000,000 Champus Beneficiaries/Providers, Marsha Traynham, and Richard El-singer, 395-3773. Champus/Champva Claim Form, Champus 500, on occasion, 4,000,000 Champus Beneficiaries/Providers, Marsha Traynham, and Richard El-singer, 395-3773.

DEPARTMENT OF HEALTH, EDUCATION, AND
WELFARE

Office of Education, Collection of Technical Information on BEH-Funded Products, DE-620, single time, 2,800 developers of BEH-Funded products, Laverne V. Collins, 395-3214.

Alcohol, Drug Abuse and Mental Health Administration:

Study of Evaluation in Treatment Programs, single time, management personnel, Human Resources Division, Richard El-singer, 395-3532.

Study of Drug Treatment in Prisons, single time, State government employees, Richard El-singer, 395-3214.

Health Care Financing Administration (Medicaid), Fraud and Abuse Report Forms, HCFA-50, through 54, on occasion, 16511 Medicaid State Agencies, Richard El-singer, 395-3214.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration, Criminal Justice Information Sources Survey Response, LEAA-1431, annually, 255 Criminal Justice, Clearance Office, 395-3772.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of Census:

Survey of Local Government Finances—School Building, Agency, F-42, single time, 300 School Building Agencies, 1,200 responses, 1,200 hours, Office of Federal Statistical Policy and Standard, 673-7959.

Census Employment Inquiry for 1980 Census Dress Rehearsal, D-263(XN), single time, Job Applicants, 5,000 Responses, 1,667 hours, Clearance Office, 395-3772.

Survey of Local Government Finances—Special District, F-35, single time, Small Special Districts, 16,300 Responses, 16,625 hours, Office of Federal Statistical Policy and Standard, 673-7959.

DEPARTMENT OF HEALTH, EDUCATION, AND
WELFARE

Public Health Service, 1978 HIS Immunization and Smoking Supplements, other (See SF-83), Sample of Households Representing The Civilian Noninstitutional Population of United States, 40,000 responses, 26,800 hours, Office of Federal Statistical Policy and Standard, 673-7959.

DEPARTMENT OF LABOR

Employment and Training Administration: Monthly Youth Program Status Report, ETA-11, monthly, State and local agencies, 1,620 responses, 810 hours, Strasser, A., 395-6132.

Minnesota Work Equity, Project Evaluation, MT-289 BC, Other (See SF-83), Residents in Project Areas, 17,500 responses, 16,559 hours, Strasser, A., 395-6132.

EXTENSIONS

RAILROAD RETIREMENT BOARD

Statement Showing Whether Widow or Widower was Living with Employee (at time of Death), G-288, on occasion 600 responses, 150 hours, Human Resources Division, 395-3532.

Disability Annuitants Report to RRB (on earnings which may affect his annuity),

G-176B, on occasion, 3,000 responses, 250 hours, Human Resources Division, 395-3532.

Certification in Support of Employer Service for Which no Records are Available, G-86, on occasion, 2,500 responses, 833 hours, Human Resources Division, 395-3532.

Employer's Supplemental Report of Service and Compensation, Shment of Rights—Employers * * * Report of Service * * * G-88, G-88A, G-88A.1, on occasion 30,000 responses, 3,000 hours, Human Resources Division, 395-3532.

Employee Representatives Status Report, DC-2A, on occasion, 100 responses, 25 hours, Human Resources Division, 395-3532.

Application and Statement of Sickness—Pregnancy, Miscarriage, or Childbirth, SI-2, on occasion, 2,000 responses, 1,000 hours, Human Resources Division, 395-3532.

Waiver of Annuity or Pension Under the RR Act, G-129, on occasion, 400 responses, 33 hours, Human Resources Division, 395-3532.

Letter to Non-Railroad Employers (Employment and Earnings of a Claimant), ID-51, on occasion, 10,000 responses, 833 hours, Human Resources Division, 395-3532.

Character Statement for Person Being Recommended To Act in Behalf of * * * Annuitant, G-381, on occasion, 2,000 responses, 167 hours, Human Resources Division, 395-3532.

Agreement of Relative Concerning Acceptability of Person Being Recommended to Receive Benefits in Behalf of * * * Annuitant, G-380, on occasion, 750 responses, 63 hours, Human Resources Division, 395-3532.

DEPARTMENT OF COMMERCE

Bureau of Census, General Revenue Sharing, RS-5A, annually, 53 responses, 106 hours, Office of Federal Statistical Policy and Standard, 673-7959.

DEPARTMENT OF DEFENSE

Departmental and Other Application for Membership in Military Affiliate Radio System, DD-630, on occasion, 40,000 responses, 20,000 hours, Marsha Traynham, 395-3773.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Statement Regarding Contributions (Evidence of Claimants Dependency), SSA-783, on occasion, 30,000 responses, 7,500 hours, Human Resources Division, 395-3532.

National Institutes of Health, Search Report (Toxicology Information), NIH-1849, on occasion 600 responses, 150 hours, Clearance Office, 395-3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit: Application for Approval of Loan Correspondent, FHA-2001-D, on occasion, 30 responses, 15 hours, Housing, Veterans and Labor Division, 395-3532.

Application for Approval of Branch Office, FHA 2001-F, on occasion, 1,200 responses, 1,800 hours, Housing, Veterans and Labor Division, 395-3532.

Application for Approval as a Mortgagee, FHA 2001-E, on occasion, 40 responses, 60 hours, Housing, Veterans and Labor Division, 395-3532.

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration, Application for Cancellation of Debt on Ground of Permanent and Total Disability, LEEP-18, on occasion, 200 responses, 100 hours, Laverne V. Collins, 395-3214.

DAVID R. LEUTHOLD,
Budget and Management Officer.
[FR Doc. 78-15680 Filed 6-2-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the twentieth meeting of the Board for International Food and Agricultural Development on June 22, 1978.

The purpose of the meeting is to receive and discuss progress reports of the Joint Research Committee and the Joint Committee on Agricultural Development; review Board staff paper on the proposed Science and Technology Foundation; discuss long range BIFAD policy issues; discuss contract and grant procedures as they relate to Title XII; discuss cost sharing as it relates to Collaborative Research Support Programs; and receive report of the Joint Working Group on Education and Training.

The meeting will begin at 9 a.m., adjourn at 4:30 p.m., and will be held in Room 6320, State Department Building, 21st and C Streets NW., Washington, D.C. The meeting is open to the public. Any interested person may attend, may file written statement with the Board before or after the meeting, or may present oral statements in accordance with procedures established by the Board, and to the extent the time available for the meeting permits.

Dr. Erven J. Long, Director, Office of Title XII Coordination, Development Support Bureau, AID, is designated as AID Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-2243.

Dated: May 26, 1978.

ERVEN J. LONG,
AID Advisory Committee Representative, Board for International Food and Agricultural Development.

[FR Doc. 78-15443 Filed 6-2-78; 8:45 am]

[4710-02]

Agency for International Development

RESEARCH ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a)(2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the AID Research Advisory Committee meeting on July 18-19, 1978, at the Pan American Health Organization Building, 23rd Street and Virginia Avenue NW., Conference Room "B" to review, appraise and make recommendations to the Administrator, Agency for International Development, concerning projects proposed for AID central research funding in the field of food and nutrition, education and health and population. The meeting will begin at 9 a.m. and adjourn at 5:30 p.m. each day. The meeting is open to the public. Caroline D. McGraw, Executive Director, Bureau for Development Support, is designated as the AID representative at the meeting. It is suggested that those desiring more specific information contact Ms. McGraw, 1601 North Kent Street, Arlington, Va. 22209 or call area code 202-235-8956.

Dated: May 22, 1978.

CAROLINE D. MCGRAW,
Agency for International Development Representative, Research Advisory Committee.

[FR Doc. 78-15465 Filed 6-2-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 78-065]

BUNGE CORP.

Qualification as a Citizen of the United States

Notice is given that pursuant to 46 CFR 67.23-7, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), Bunge Corp. of One Chase Manhattan Plaza, New York, N.Y. 10005, incorporated under the laws of the State of New York, did on April 26, 1978, file with the Commandant, United States Coast Guard, in duplicate, an oath for qualification of the corporation as a citizen of the United States following the forms of oath prescribed in Form CG-1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States;

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations, on May 15, 1978, issued to Bunge Corp. a certificate of compliance on Form CG-1262, as provided for in 46 CFR 67.23-7. The certificate and any authorization granted thereunder will expire three years from May 30, 1978, unless there first occurs a change in the corporate status requiring a report under 46 CFR 67.23-7.

Dated: May 26, 1978.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 78-15510 Filed 6-2-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

BROMINE AND BROMINATED COMPOUNDS FROM ISRAEL

Preliminary Countervailing Duty Determination

AGENCY: Customs Service, Treasury Department.

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of Israel has given benefits on the manufacture or exportation of bromine and brominated compounds which are considered to be bounties or grants under the Countervailing Duty Law. A final determination will be made by July 11, 1978. Interested persons are invited to comment on this action.

EFFECTIVE DATE: June 5, 1978.

FOR FURTHER INFORMATION CONTACT:

David R. Chapman, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On October 6, 1977, a "Notice of Re-

ceipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (42 FR 54488). The notice stated that a petition in proper form was received on July 11, 1977, alleging that payments or bestowals conferred by the Government of Israel upon the manufacture, production or exportation of bromine and brominated compounds constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

Bromine is a chemical element of the halogen family used in production of a great variety of chemical products. Bromine is provided for in the Tariff Schedules of the United States under item 415.05. Brominated compounds are classified under various item numbers including items 429.28, 420.82 and 403.60.

On the basis of an investigation conducted pursuant to section 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), it has been preliminarily determined that benefits are available to Israeli manufacturers/exporters of bromine and brominated compounds which may constitute bounties or grants within the meaning of the Act. These benefits include:

1. Rebate of property taxes when companies achieve a required level of exportation of their manufactured articles.

2. Refund of a portion of export insurance premiums for one firm who utilized this program.

3. Subsidization of research and development expenses on export-related products for one firm which utilized this program.

4. Regional development assistance including:

(A) Grants and loans for approved firms.

(B) Reduced rents and preferential mortgage rates on buildings and equipment.

(C) Tax concessions and accelerated depreciation for approved firms.

(D) Exemption from payment of Customs duties and purchase taxes on imported machinery and equipment.

Treasury has in the past considered regional development subsidies as bounties or grants if a preponderance of the production of the merchandise is for export and the net ad valorem benefits received are significant. Additional information is necessary before a determination with regard to the ad valorem benefits received by the producers in this case can be made. However, it is undeniable that the vast preponderance of the production of both bromine and brominated compounds covered by this investigation is exported.

In calculating the benefits associated with regional development pro-

grams, Treasury recognizes that to the extent that these programs serve only to offset or reduce any net additional costs incurred by a firm in locating in a less commercially advantageous part of a country (dislocation costs), the "net amount" of the bounty or grant bestowed would be eliminated or reduced.

The Government of Israel has submitted that payments and bestowals made under the various regional development programs enumerated above are significantly less than the net increased costs actually incurred in establishing and maintaining facilities in the areas eligible for such benefits by the firms making the merchandise under investigation. The net ad valorem benefit from these programs would therefore be zero and no bounty or grant would be deemed to exist despite the preponderance of production for export. However, further information is necessary to determine the basis on which the dislocation costs were computed so that the precise net ad valorem benefit, if any, can be verified. Pending such information the Treasury will preliminarily consider these regional development programs as bounties or grants.

Programs which have tentatively been determined to be not applicable or not utilized include:

1. Subsidization of certain export promotion expenses for small businesses.

2. Rebate upon export of a travel tax. This program has been abolished.

3. Rebate of indirect taxes on export including an amount for export promotion expenses. This program also has been abolished.

4. Government training grants for employees of approved firms.

5. Subsidization of transportation costs on shipments through the port of Eilat.

Programs which have tentatively been determined to not be a bounty or grant include:

1. The non-excessive rebate of customs duties and compulsory duties upon export.

2. Preferential export financing. Interest rates charged for loans on export appear to be more than for loans of a similar nature for domestic undertakings.

3. Exemption from inventory taxes when companies achieve a required level of exportation of their manufactured items. Such taxes are directly related to the value of the product and therefore not a bounty or grant.

The rebate of the Israeli value added and purchase taxes upon export was also cited as an additional program which allegedly confers "bounties or grants" upon Israeli bromine and brominated compounds' manufacturers. The Department has consistently held that the non-excessive rebate or remis-

sion of indirect taxes, directly related to an exported product, does not constitute a bounty or grant within the meaning of the law. There is no evidence before the Department that the value added tax or purchase tax rebates operate to confer bounties of grants on exports of the merchandise in question from Israel. Consistent with the guidelines set out by the U.S. Court of Customs and Patent Appeals in its decision in the *Zenith* case, Treasury will investigate whether the rebate or remission of the turnover tax exceeds the rate of tax. *United States v. Zenith Radio Corporation*, 562 F.2d 1209 (CCPA 1977), cert. granted, 46 USLW 13511 (U.S. February 21, 1978).

Before a final determination is made, consideration will be given to any relevant data, views, or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office on or before July 5, 1978.

This preliminary determination is published pursuant to section 303(a), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 (Revision 15), March 16, 1978, and the provisions of the Treasury Department Order No. 165, Revised, November 2, 1954, and section 159.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to the issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

Dated: May 30, 1978.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.
[FR Doc. 78-15496 Filed 6-2-78; 8:45 am]

[4810-22]

DIURON FROM ISRAEL

Preliminary Countervailing Duty Determination
AGENCY: Customs Service, Treasury Department.

ACTION: Preliminary Countervailing Duty Determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of Israel has given benefits which are considered to be bounties or grants on the manufacture or exportation of diuron. A final determination will be made by June 13, 1978. Interested persons are invited to comment on this action.

EFFECTIVE DATE: June 5, 1978.

FOR FURTHER INFORMATION CONTACT:

David R. Chapman, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On August 10, 1977, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the *FEDERAL REGISTER* (42 FR 40504). The notice stated that a petition in proper form was received on June 13, 1977, alleging that payments or bestowals conferred by the Government of Israel upon the manufacture, production or exportation of diuron constitute the payment or bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

Diuron, a herbicide, is provided for in the Tariff Schedules of the United States under item number 405.15. The chemical name for diuron is 3-(3,4-dichlorophenyl)-1,1-dimethylurea. Presently, diuron from Israel is eligible for duty-free entry under the Generalized System of Preferences.

On the basis of an investigation conducted under section 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), it preliminarily has been determined that benefits are available to the sole Israeli manufacturer of diuron which may constitute bounties or grants within the meaning of the Act. These benefits include:

1. Rebate of property taxes when the company achieves a required level of exportation of their manufactured articles.

2. Regional development assistance including:

a. Cash grants received for the purchase of machinery and the construction of buildings.

b. Exemption from Customs duties on imported machinery.

While the company producing diuron, Agan, ceased to have status as a qualifying enterprise eligible for regional benefits at the end of 1977, there are possible residual subsidies stemming from the fact that the assistance goes to items with an amortized life that goes into future years.

Treasury has considered in the past regional development subsidies as bounties or grants if a preponderance of production of the merchandise is for export and the net ad valorem benefits received are significant. Additional information is necessary before a determination with regard to the ad valorem benefits received can be made. However, it is denied that the vast preponderance of the production of diuron is exported.

Programs which are determined preliminarily to be not applicable or not utilized include:

1. Exemption of travel tax in overseas marketing. The program was abolished in 1977.

2. Subsidized export insurance. Exports to the U.S. were not insured under this program.

3. Subsidized transportation costs to Port of Eilat. No diuron shipments to the U.S. went through Eilat.

4. Export promotion subsidies for small enterprises. Agan exceeds the maximum limit and is not eligible.

5. Regional assistance including:

a. Income tax reductions. Agan lost its status as a recipient enterprise in 1977. Any benefits through income tax savings are allocated in the year received thus leaving no further benefits to the company under this program.

b. Accelerated depreciation, which Agan never used.

c. Research assistance. Agan received none since diuron is not a new product.

The following programs preliminarily have been determined on their face not to constitute a bounty or grant:

1. The non-excessive rebate of Customs duties and compulsory import surcharges on raw materials that are exported.

2. Preferential export financing. Interest rates charged for loans on export appear to be more than for loans of a similar nature for domestic undertakings.

3. Exemption from inventory taxes when companies achieve a required level of exportation of their manufactured items. Such taxes are directly related to the value of the product and therefore not a bounty or grant.

The rebate of the Israeli value added and purchase taxes upon export was also cited as an additional program which allegedly confers "bounties or grants" upon Israeli diuron and Israeli diuron exports. The Department has consistently held that the non-excessive rebate or remission of indirect taxes, directly related to an exported product, does not constitute a bounty or grant within the meaning of the law. There is no evidence before the Department that the value added tax or purchase tax rebates operate to confer bounties or grants on exports of the merchandise in question from Israel. Consistent with the guidelines set out by the U.S. Court of Customs and Patent Appeals in its decision in the *Zenith* case, Treasury will investigate whether the rebate or remission of the turnover tax exceeds the rate of tax. (*United States v. Zenith Radio Corporation*, 562 F. 2d 1209 (C.C.P.A. 1977), cert. granted, 46 U.S.L.W. 13511 (U.S. February 21, 1978).)

Before a final determination is made, consideration will be given to any relevant data, views, or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the

Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office on or before June 12, 1978.

This preliminary determination is published pursuant to section 303(a), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190 (Revision 15), March 16, 1978, and the provisions of the Treasury Department Order No. 165, Revised, November 2, 1954, and section 159.47 of the Customs Regulations (19 CFR 159.47), insofar as they pertain to the issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

Dated: May 30, 1978.

ROBERT H. MUNDHEIM,
General Counsel
of the Treasury.

[FR Doc. 78-15495 Filed 6-2-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 675]

ASSIGNMENT OF HEARINGS

MAY 31, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC 77972 (Sub-No. 30), Merchants Truck Line, Inc.; No. MC 97310 (Sub-No. 25), Sharron Motor Lines, Inc.; No. MC 99610 (Sub-No. 27), Ross Neely Express, Inc. and No. MC 116110 (Sub-No. 18), P. C. White Truck Line, Inc., are now assigned for further prehearing conference October 4, 1978, at the offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 32882 (Sub-No. 84), Mitchell Bros. Truck Lines, is now assigned for hearing July 11, 1978 (1 day), at Salt Lake City, Utah, in a hearing room to be later designated.

No. MC 124947 (Sub-No. 64), Machinery Transports, Inc., is now assigned for hearing July 12, 1978 (3 days), at Salt Lake City, Utah, at a location to be later designated.

No. MC 124947 (Sub-No. 79), Machinery Transports, Inc., is now assigned for hearing July 17, 1978 (1 week), at Phoenix, Ariz., at a location to be later designated.

No. MC-F-13327, Tri-State Motor Transit Co.—Purchase (Portion)—Dealers Transit, Inc. and MC 109397 (Sub-No. 367), Tri-State Motor Transit Co., are now assigned for hearing July 24, 1978 (1 week), at Phoenix, Ariz., at a location to be later designated.

No. MC 114211 (Sub-No. 344F), Warren Transport, Inc., now assigned June 8, 1978, at Columbus, Ohio, is postponed indefinitely.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15526 Filed 6-2-78; 8:45 am]

[7035-01]

[Notice No. 676]

ASSIGNMENT OF HEARINGS

MAY 31, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION

No. MC 103926 (Sub-No. 8M1), W. T. Mayfield Sons Trucking Co., now assigned June 8, 1978, at Atlanta, GA will be held in Room 305, 1252 West Peachtree Street NW.

H. G. HOMME, Jr.,
Acting Secretary.
[FR Doc. 78-15528 Filed 6-2-78; 8:45 am]

[7035-01]

[I.C.C. Order No. P-8]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. AND MISSOURI PACIFIC RAILROAD CO.

Passenger Train Operation

It appearing, That the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between Chicago, Ill. and Laredo, Tex.; that the operation of these trains requires the use of the tracks and other facilities of the Missouri-Kansas-Texas Railroad Co. (MKT) between Taylor, Tex., and Temple, Tex.; that these tracks of the MKT are temporarily out of service because of a derailment; that an alternate route between these points is available via the Missouri Pacific Railroad Co. between Taylor and Milano,

This notice corrects hearing date from June 8, 1978 to June 8, 1978.

Tex., thence via The Atchison, Topeka and Santa Fe Railway Co. between Milano and Temple; that the use of such alternate route is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That: (a) Pursuant to the authority vested in me by order of the Commission served December 10, 1976, and of the authority vested in the Commission by section 402(c) of the Rail Passenger Service Act of 1970 (45 U.S.C. § 562(c)), the Missouri Pacific Railroad Co. is directed to permit use of its tracks and facilities for the movement of trains of the National Railroad Passenger Corporation between Taylor, Tex., and Milano, Tex., and The Atchison, Topeka and Santa Fe Railway Co. is directed to permit use of its tracks between Milano and Temple, Tex., by trains of the National Railroad Passenger Corporation.

(b) In executing the provisions of this order, the common carriers involved shall proceed even though no agreements or arrangements now exist between them with reference to the compensation terms and conditions applicable to said transportation. The compensation terms and conditions shall be, during the time this order remains in force, those which are voluntarily agreed upon by and between said carriers; or upon failure of the carriers to agree, the compensation terms and conditions shall be as hereafter fixed by the Commission upon petition of any or all of the said carriers in accordance with pertinent authority conferred upon it by the Interstate Commerce Act and by the Rail Passenger Service Act of 1970, as amended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(d) *Effective date.* This order shall become effective at 7 a.m., May 7, 1978.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 7, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

It is further ordered, That this order shall be served upon The Atchison, Topeka and Santa Fe Railway Co., upon the Missouri Pacific Railroad and upon the National Railroad Passenger Corporation and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 7, 1978.

INTERSTATE COMMERCE COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-15525 Filed 6-2-78; 8:45 am]

[7035-01]

(No. MC-142899 (Sub-No. 2))

CORRUGATED CARRIERS, INC.

Extension—Omaha, Nebr. (Council Bluffs, IA)

By an appropriately filed application, Corrugated Carriers, Inc. sought authority to conduct common carrier operations transporting paper and paper products, from Omaha, Nebr. to points in Colorado, Iowa, Kansas, Missouri, and South Dakota and points in the commercial zones of these States.

The Administrative Law Judge granted the application as sought. By order of December 23, 1977, Review Board Number 3, however, found that the authorization to serve commercial zones of the named destination States was superfluous and deleted this language.

In its petition for reconsideration, to which no replies have been filed, applicant argues that the evidence presented demonstrates a need for service to municipal commercial zones which extend beyond the borders of the named destination States. The deleted language is, therefore, not superfluous.

On reviewing the record in this proceeding, the initial decision of the Administrative Law Judge, the decision and order of the review board, and applicant's petition, we conclude that the proceeding should be reopened for consideration on the present record.

Shipper requires service to points outside the boundaries of the five named destination States, but which lie within the commercial zones of cities located within the destination States. The service authorization recommended by the Administrative Law Judge is, however, technically incorrect. Accordingly, the authority sought will be granted but rephrased.

Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the appendix to this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate will be withheld for a period of 30 days from the date of publication during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

We find on reconsideration: The present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, performing the service described in the appendix to this order. Applicant is fit, willing, and able properly to perform the

service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. An appropriate certificate should be granted, and the application in all other respects should be denied.

It is ordered: The prior order entered in this proceeding on December 23, 1977, to the extent inconsistent with this decision is vacated and set aside. The application and petition are granted.

If applicant does not comply with the appropriate requirements set forth in the Code of Federal Regulations (49 CFR 1043, 1044, and 1307) within 90 days after the date of service of this decision, the grant of authority will be void, and the application will stand denied.

This decision will be effective 15 days from its date of service.

Decided: May 10, 1978.

By the Commission, Division 2, Acting as an Appellate Division, Commissioners Stafford, Murphy, and Clapp.

H. G. HOMME, Jr.,
Acting Secretary.

APPENDIX

Service Authorized: To transport paper and paper products, from Omaha, Nebr. to points in Colorado, Iowa, Kansas, Missouri, South Dakota, and serving those portions of the commercial zones of points in the States indicated above which extend into adjacent States, subject to prior publication in the FEDERAL REGISTER of a notice of the authority actually granted in this decision.

[FR Doc. 78-15524 Filed 6-2-78; 8:45 am]

[7035-01]

[No. 36936]

INCENTIVE RATE ON COAL—HAYDEN, COLO., TO KINGS MILL, TEX.

Notice of Intention

AGENCY: Interstate Commerce Commission.

ACTION: Notice of intention to file a schedule stating a capital incentive rate on coal from Hayden, Colo., to Kings Mill, Tex., pursuant to Ex Parte No. 327.

SUMMARY: The filing of the notice of intention initiates the 180-day period during which the Commission must determine the lawfulness of a proposed capital incentive rate schedule, as provided by Ex Parte No. 327, decided May 23, 1977. Any interested person seeking a hearing on the proposed rate must notify the Commission on or before June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak or Harvey Gobetz, Section of Rates, Interstate Commerce Commission, Washington, D.C. 20423.

SUPPLEMENTARY INFORMATION: The Atchison, Topeka and Santa Fe Railway Co. and The Denver and Rio Grande Western Railroad Co., propose to establish a new rate of \$10.56 per ton for the transportation of coal in unit trains from Hayden, Colo., to Kings Mill, Tex. The new rate is alleged to require a total capital investment in new equipment and improved tracks by the named carriers in excess of \$5.3 million. The proposed rate is subject to ex parte general rate increases, and will remain in duration for a minimum of 5 years. The named carrier state that Celanese Chemical Co. is the only shipper eligible to utilize the proposed capital incentive rate.

Inquiries and requests for documents relating to the proposal should be addressed to the following carrier representative: Samuel R. Freeman, P.O. Box 5482, Denver, Colo. 80217; Milton E. Nelson, Jr., 80 East Jackson Boulevard, Chicago, Ill. 60604.

Copies of the proposed tariffs are available for public inspection in the Public Tariff File, Room 6217, Interstate Commerce Commission, Washington, D.C. 20423.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15420 Filed 6-2-78; 8:45 am]

[7035-01]

[Notice No. 85]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 26, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in

connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1328 (Sub-No. 28TA), filed April 19, 1978. Applicant: MGS TRANSPORTATION, INC., 401 Park Avenue, P.O. Box 270, Alexandria, IN 46001. Applicant's representative: Charles M. Garrett, 401 Park Avenue, Alexandria, IN 46001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Insulation board and the materials and accessories necessary to the installation thereof*, from Alexandria, IN, to AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, NE, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VA, WV, and WI, for 180 days. Supporting shipper(s): Johns-Manville Sales Corp., 2222 Kensington Court, Oak Brook, IL 60521. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802. Under a continuing contract or contracts with Johns-Manville Sales Corp., 2222 Kensington Court, Oak Brook, IL 60521.

No. MC 96925 (Sub-No. 8TA), filed April 12, 1978. Applicant: CROWN MOTOR LINES, INC., 2225 Broadway Avenue, Jacksonville, FL 32205. Applicant's representative: Norman J. Bolinger, 1729 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Melbourne and Florida City, FL, from Melbourne to Florida City over U.S. Hwy 1, and return over the same route, serving all intermediate points; (2) between Tampa and Miami, FL, from Tampa over State Road 60 to Lake Wales, then over U.S. Hwys 27 and 27A to Miami, and return over the same route, serving all intermediate points; (3) between Melbourne and Miami, FL over Interstate Hwy 95 and the Sunshine State Parkway as an alternate

route for operating convenience only; (4) between Orlando and Miami, FL over Interstate Hwy 4 and the Sunshine State Parkway as an alternate route for operating convenience only; and (5) all other points in FL on or south of a line beginning at the western terminus of FL Hwy 60, then along FL Hwy 60 to its junction with Interstate Hwy 4, then along Interstate Hwy 4 to its junction with FL Hwy 50, then easterly along FL Hwy 50 to its junction with FL Hwy 405, then north-easterly along FL Hwy 405 to its junction with FL Hwy 402, and then along FL Hwy 402 to its eastern terminus (except those points in Dade and Monroe Counties south of Florida City, FL) as off-route points in connection with the regular routes above specified, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately 33 supporting shippers attached to the application which may be examined at the field office in Washington, DC or copies may be obtained at field office below. Send protests to: District Supervisor, G. H. Fauss, Jr., Interstate Commerce Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL.

No. MC 98864 (Sub-No. 4TA), filed April 7, 1978. Applicant: EDWARD SITAR TRUCKING CO., INC., 3251 Old Lee Hwy, Suite 400, Fairfax, VA 22030. Applicant's representative: H. Neil Garson, 3251 Old Lee Hwy, Fairfax, VA 22030. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel sheets and steel plates pickled and oiled* used in the manufacture of battery trays and battery parts, from the facilities of The Robinson Steel Co. at East Chicago, IL to the facilities of Westinghouse Electric Corp., KW Battery Division at London, KY; *battery trays and battery parts*, from the facilities of The Westinghouse Electric Corp. KW Battery Division at London, KY to the facilities of The Westinghouse Electric Corp. KW Battery Division at Skokie, IL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): KW Battery, Div., Westinghouse Electric Corp., Lawrence B. Sharpley, Traffic Manager, 3555 Howard Street, Skokie IL 60076. Send protests to: Transportation Assistant, Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386 Chicago, IL 60604.

No. MC 102885 (Sub-No. 7TA), filed May 2, 1978. Applicant: LEONARD MAKOWSKI, d.b.a. MAKOWSKI HAULING, New Concord Road, Box

147, Concordville, PA 19331. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in dump vehicles, from Delaware City, DE, to Manahawkin, NJ, for 180 days. Supporting shipper: Delaware Contracting Co., Inc., 601 Christiana Avenue, Wilmington, DE 19899. Send protest to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 114608 (Sub-No. 34TA), filed May 2, 1978. Applicant: CAPITAL EXPRESS, INC., 5635 Clay Street SW., Grand Rapids, MI 49508. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial and household appliances and home equipment* from Danville, KY, Athens, Chattanooga and Nashville, TN, Webster City and Jefferson City, IA, St. Cloud and Minneapolis, MN, Marion, Columbus and Mansfield, OH, Manitowoc, WI, and Grand Rapids, Greenville, Belding, Muskegon, Holland, Wyoming and Kentwood, MI, to all points in OH, IL, IN, MI, MN, TN, PA, NY, WV, KY, WI, MD, VA, MO, IA, NJ and KS; and *materials, equipment and supplies* used in the manufacture, sale or distribution thereof from all points in MN, TN, PA, NY, WV, KY, WI, MD, VA, MO, IA, NJ, and KS, to Grand Rapids, Kentwood, Wyoming, Greenville and Belding, MI under continuing contracts with Kelvinator, Inc. and Gibson Products Corp., for 180 days. Supporting shippers: Kelvinator, Inc., 1545 Clyde Park Avenue SW., Grand Rapids, MI 49509; Gibson Products Corp., Gibson Appliance Center, Greenville, MI 48838. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, MI 48933.

No. MC 115311 (Sub-No. 281TA), filed April 13, 1978. Applicant: J. & M. TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Applicant's representative: Kim G. Myer, 235 Peachtree Street NW., Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising matter*, from Pabst, Houston County, GA to points in IL, IN, IA and WI; and (2) *empty malt beverage containers, malt beverage pallets, dunnage, damaged, refused, and rejected shipments of malt beverages*, from IL, IN, IA and WI to Pabst, Houston County, GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

ty. Supporting shipper(s): Pabst Brewing Co., 917 West Juneau Avenue, Milwaukee, WI 53201. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, GA 30309.

No. MC 115730 (Sub-No. 51TA), filed May 5, 1978. Applicant: THE MICKOW CORP., P.O. Box 1774, Des Moines, IA 50306. Applicant's representative: Cecil L. Goettsch, 110 Des Moines Building, Des Moines, IA 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems and parts, equipment, materials, and supplies used in irrigation systems, their shipment or their installation except commodities in bulk* from Lindsay, Columbus, and Newman Grove, NE and Amarillo, TX to points in the United States except AK and HI; (2) *return shipments of irrigation systems and parts and materials, equipment, and supplies used in the manufacturing and assembling of the commodities in Part (1)* from points in the United States except AK and HI, to Lindsay, Columbus and Newman Grove, NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lindsay Manufacturing Co., Lindsay, NE. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, ICC, 518 Federal Building, Des Moines, IA 50309.

No. MC 119493 (Sub-No. 200TA), filed May 2, 1978. Applicant: MONKEM CO., INC., P.O. Box 1196, West 20th Street Road, Joplin, MO 64801. Applicant's representative: Lawrence F. Kloeppel (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture* from facilities of La-Z-Boy Midwest Co., at or near Neosho, MO and La-Z-Boy Arkansas Co. at or near Siloam Springs, AR, to points in AR, FL, LA, KS, LA, MS, NE, NM, OK, TN and TX; and *materials and supplies* used in the manufacturing and distribution of new furniture (except in bulk), from points in AR, FL, IA, KS, LA, MS, NE, NM, OK, TN and TX, to facilities of La-Z-Boy Midwest Co. at or near Neosho, MO and La-Z-Boy Arkansas Co. at or near Siloam Springs, AR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: La-Z-Boy Arkansas Co., Siloam Springs, AR 72761. Send protests to: District Supervisor, John V. Barry, ICC, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 123389 (Sub-No. 46TA), filed April 7, 1978. Applicant: CROUSE

CARTAGE CO., P.O. Box 586, Hwy 30 West, Carroll, IA 51401. Applicant's representative: William S. Rosen, 620 Osborn Building, St. Paul, MN 55102. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between St. Louis, MO, and all points in its commercial zone and the plantsite, warehouses, and storage facilities of the Bunn-O-Matic Corp. at or near Creston, IA: (1) From St. Louis over U.S. Hwy 61 to its junction with Interstate Hwy 70; then over Interstate Hwy 70 to its junction with U.S. Hwy 63; then over U.S. Hwy 63 to its junction with U.S. Hwy 36; then over U.S. Hwy 36 to its junction with Interstate Hwy 35; then over Interstate Hwy 35 to its junction with U.S. Hwy 34; then over U.S. Hwy 34 to Creston, IA, and return over the same route, serving no intermediate points; (2) from St. Louis over Interstate Hwy 70 to its junction with U.S. Hwy 63; then over U.S. Hwy 63 to its junction with U.S. Hwy 36; then over U.S. Hwy 36 to its junction with Interstate Hwy 35; then over Interstate Hwy 35 to its junction with U.S. Hwy 34; then over U.S. Hwy 34 to Creston, IA, and return over the same route, serving no intermediate points; (3) from St. Louis over Interstate Hwy 70 to its junction with Interstate Hwy 35; then over Interstate Hwy 35 to its junction with U.S. Hwy 34; then over U.S. Hwy 34 to Creston, IA, and return over the same route, serving no intermediate points; (4) from St. Louis over Interstate Hwy 70 to its junction with U.S. Hwy 65; then over U.S. Hwy 65 to its junction with U.S. Hwy 34; then over U.S. Hwy 34 to Creston, IA, and return over the same route, serving no intermediate points, for 180 days. Carrier intends to interline with other carriers at Des Moines, Davenport, Carroll, and Sioux City, IA, Omaha, NE, St. Joseph, and Kansas City, MO. Carrier intends to tack the above authority with authority held by it in MC 123389 and subs thereunder. Supporting shipper(s): Jacob Bunn, Plant Manager, Bunn-O-Matic Corp., Creston, IA. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street M, Omaha, NE 68102.

No. MC 124813 (Sub-No. 182TA), filed April 4, 1978. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, P.O. Box 166, Eagle Grove, IA 50533. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from Battle Creek,

MI, to points in CO, IL, IA, and KS, for 180 days. Supporting shipper(s): Cereal Byproducts Co., 601 West Golf Road, Mt. Prospect, IL 60056. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 127900 (Sub-No. 3TA), filed April 17, 1978. Applicant: GROOME TRANSPORTATION, INC., Byrd International Airport, P.O. Box A-23, Richmond, VA 23231. Applicant's representative: Goff, 915 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), having an immediately prior or subsequent movement by air, in containers or on pallets, and empty containers on return. Between John F. Kennedy International Airport, Jamaica, NY, on the one hand, and, on the other, Norfolk Naval Air Station, Norfolk, VA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): William H. Mallgraf, Regional Manager, Military/Government Traffic, American Airlines, Inc., Washington National Airport, Washington, DC 20001. Send protest to: District Supervisor, Paul D. Collins, Bureau of Operations, Room 10, 502 Federal Building, 400 North 8th Street, Richmond, VA 23240.

No. MC 128313 (Sub-No. 8TA), filed May 5, 1978. Applicant: TEMPO TRUCKING, INC., R.F.D. No. 5, Washington Courthouse, OH 43160. Applicant's representative: David A. Turano, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Fresh and processed pork and porkskins*, from the plantsites of Sugar Creek Packing Co., Inc., located at or near Dayton, OH, and Bloomington, IL, to points in the United States (except AK, AZ, HI, ID, ME, MT, NV, NH, ND, SD, VT, WY, and DC) and (2) *meats, meat products, and meat by-products*, as described in section A of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, 766 (except commodities in bulk), from points in IA, IL, IN, KS, KY, MD, MI, MO, PA, VA, and WV to the plantsites of Sugar Creek Packing Co., Inc., at or near Dayton, OH, and Bloomington, IL, under a continuing contract or contracts, with Sugar Creek Packing Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operat-

ing authority. Supporting shipper: Sugar Creek Packing Co., Inc., 2101 Kenskill, Washington Courthouse, OH 43160. Send protest to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 128504 (Sub-No. 5TA), filed May 3, 1978. Applicant: JAMES M. BARNETT AND MRS. JAMES BARNETT, d.b.a. BARNETT'S MOVING & STORAGE, Route 4, P.O. Box 726, 507 West Adams Street, Kosciusko, MS 39090. Applicant's representative: Mrs. James M. Barnett (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture, uncrated, in less than truckloads and/or truckload quantities*, from the facilities of Ace Manufacturing Co. at or near Lexington, MS, to points in AL, AR, AZ, CN, DE, FL, GA, IL, NC, OH, OK, PA, SC, TN, TX, VA, WV, and WI; and materials and supplies used in the manufacture of new furniture from points in the States set forth above to the facilities of Ace Manufacturing Co. at or near Lexington, MS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ace Manufacturing Co., Lexington, MS 39095. Send protests to: Alan C. Tarrant, District Supervisor, ICC, Room 212, 145 East Amite Building, Jackson, MS 39201.

No. MC 135170 (Sub-No. 26TA), filed April 5, 1978. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, MD 21632. Applicant's representative: James C. Hardman, Esq., 33 North La Salle Street, Chicago, IL 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Containers, container ends and accessories, and materials, equipment, and supplies* used in the manufacture, sale, and distribution of containers and container ends and accessories (except commodities in bulk and those which because of size or weight, require the use of special equipment), from Fredericksburg, VA to points in SC, NC, MD, DE, PA, NJ, NY, WV, OH, and DC, for 90 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mr. D. F. Kuster, General Manager, Traffic, The Continental Group, Inc., 5745 East River Road, Chicago, IL 60631. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, MD 21201.

No. MC 136818 (Sub-No. 25TA), filed May 4, 1978. Applicant: SWIFT TRANSPORTATION CO., INC., 335 West Elwood Road, Phoenix, AZ

85030. Applicant's representative: Donald Fernaays, 4040 East McDowell Road, Phoenix, AZ 85008. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gypsum wall-board and gypsum plaster*, from Clark County, NV, to points in San Diego, Orange, Riverside, Los Angeles, Ventura, San Bernardino, Santa Barbara, Kern, San Luis Obispo, Imperial Counties, CA, and points in UT and ID, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Flintkote Co., Box 2312, Terminal Annex, Los Angeles, CA 90051. Send protests to: Andrew V. Baylor, District Supervisor, ICC, Room 2020, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 138991 (Sub-No. 24TA), filed April 17, 1978. Applicant: K. J. TRANSPORTATION, INC., 1000 Jefferson Road, Rochester, NY 14623. Applicant's representative: S. Michael Richards, 44 North Avenue, P.O. Box 225, Webster, NY 14580. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Hamlin and Williamson, NY, to Eldorado, Milan, and Chicago, IL, to the commercial zone of Chicago, IL, Yorktown, IN, Ft. Wayne, IN, and the commercial zone of Ft. Wayne, IN, and Indianapolis, IN, and the commercial zone of Indianapolis, IN, Bowling Green and Louisville, KY, and the commercial zone of Louisville, KY, Detroit, MI, and the commercial zone of Detroit, MI, and Milwaukee, WI, and the commercial zone of Milwaukee, WI, under a continuing contract with Duffy Mott Corp., for 180 days. Supporting shipper(s): Duffy Mott Corp., 370 Lexington Avenue, New York, NY 10017. Send protests to: Interstate Commerce Commission, U.S. Courthouse and Federal Building, 100 South Clinton Street, Room 1259, Syracuse, NY 13260. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

No. MC 139006 (Sub-No. 2TA), filed May 4, 1978. Applicant: RAPIER SMITH, R.R. 5, Loretto Road, Bardstown, KY 40004. Applicant's representative: Robert H. Kinker, P.O. Box 484, Frankfort, KY 40602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Vinyl or plastic siding; extruded; clapboard siding; accessories and supplies used in connection with the described commodities* from Bardstown, KY, and commercial zone to points in the United States in and east of IA, KS, MN, NE, OK, and TX except KY; (2) *materials, equipment, and supplies used in connection with and used in the manufac-*

ture of vinyl or plastic siding, extruded; clapboard siding; plastic articles; paper articles; building materials; and accessories and supplies used in connection with the described commodities from points in the United States in and east of IA, KS, MN, NE, OK, and TX except KY, to Bardstown, KY, and commercial zone, for 180 days. Supporting shipper: Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666. Send protests to: Linda H. Sypher, District Supervisor, ICC, 426 P.O. Building, Louisville, KY 40202.

No. MC 140484 (Sub-No. 32TA), filed April 28, 1978. Applicant: LESTER COGGINS TRUCKING, INC., P.O. Box 69, 2671 East Edison Avenue, Fort Myers, FL 33901. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street NW., Washington, DC 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses* as defined in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Swift & Co., at Rochelle, St. Charles, and Bradley, IL, to OH and points in NY and PA located on and west of I-80, for 180 days. There is no environmental impact involved in this application. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Swift & Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, BOp, Monterey Building, Suite 101, 8410 North West 53d Terrace, Miami, FL 33166.

No. MC 140768 (Sub-No. 15TA), filed April 5, 1978. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Applicant's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paperboard*, (1) from Demopolis, AL to Downingtown, PA, and (2) from Downingtown, PA, to points in the New York, NY commercial zone for 180 days. Applicant has also filed an underlying emergency temporary authority application seeking up to 90 days of operating authority. Supporting shipper: Sonoco Products Co., 300 South Brandywine Avenue, Downingtown, PA 19335. Send protests to: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

No. MC 141033 (Sub-No. 38TA), filed April 13, 1978. Applicant: CONTINENTAL CONTRACT CARRIER CORP., 15045 East Salt Lake Avenue, P.O. Box

1257, City of Industry, CA 91749. Applicant's representative: James I. Mendenhall (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wiring devices and electrical and lighting equipment* (except commodities which by reason of size or weight require the use of special equipment), from the facilities of Union Insulating Co., Inc., located at or near Parkersburg, WV, to points in that part of the United States in and west of MN, IA, MO, AR, and LA (except AK and HI), for 180 days. Supporting shipper(s): Union Insulating Co., Inc., 3401 Camden Avenue, P.O. Box B, Parkersburg, WV 26101. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 142516 (Sub-No. 9TA), filed April 12, 1978. Applicant: ACE TRUCKING CO., INC., 1 Hackensack Avenue, Kearny, NJ 07032. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, over irregular routes, transporting: *Plastic articles, and materials, equipment, and supplies* used in the manufacture and sale of plastic articles (except commodities in bulk), from Farmingdale, NY to Points in IL, OH, IA, IN, FL, MI and WI, under a continuing contract or contracts with Polymer Materials, Inc., Farmingdale, NY for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Polymer Materials, Inc., Farmingdale, NY 11735. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

No. MC 142888 (Sub-No. 3TA), filed April 27, 1978. Applicant: COX TRANSFER, INC., P.O. Box 168, Eureka, IL 61530. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers, and container accessories*, from Plainfield, IL to St. Louis, MO and Milwaukee, WI. (Restricted to traffic originating at the facilities of Kerr Glass Manufacturing Corp. at Plainfield, IL), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kerr Glass Manufacturing Corp., Larry W. Wilson, Assistant General Traffic Manager, P.O. Box 97, Sand Springs, OK 74063. Send protests to: Transportation Consumer Specialist Patricia A. Roscoe, Interstate Commerce Commission, Everett

McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 143775 (Sub-No. 3TA), filed April 25, 1978. Applicant: PAUL YATES, INC., 6601 Orangewood West, Glendale, AZ 85301. Applicant's representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Para-dichlorobenzene* (except in bulk, in tank vehicles), in machanical temperature controlled equipment. From Delaware City, DE and Natrium, WV, and their respective commercial zones, to Houston, TX and its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sarandos Deodorant Co., Inc., 8209 Dunlap, Houston, TX 77074. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 144564 TA, March 29, 1978. Applicant: VERN OTTEN ENTERPRISES, INC., 2902 West Second Street, P.O. Box 1511, Sioux Falls, SD 57101. Applicant's representative: Mark Menard, S.D. Transport Services, Inc., 307 West 14th Street, P.O. Box 480, Sioux Falls, SD 57101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt, roofing materials, insulating materials, cement-asbestos pipe, steel toilet partitions, plastic pipe, and prefabricated chimneys*, from Sioux Falls, SD, Minneapolis and St. Paul, MN to all points in NE, points in IA on and north of Hwy 80 and on and west of Hwy I-35, points in MN on and west of Hwy I-35, points in MT on and east of Hwy I-15, all points in ND, all points in SD, points in WY on and east of Hwy 120 and 131. (2) *Asphalt roofing materials* from Phillipsburg, KS to points in SD, MN, IA, and NE. (3) *Plastic pipe* from Ulysses, KS to points in SD, MN, and IA. Under a continuing contract with Mac Arthur Co., Inc., for 180 days. Supporting shipper: MacArthur Co., Inc., 1416 B Avenue P.O. Box 1547, Sioux Falls, SD 57104. James H. Nelson, Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.

No. MC 144622 (Sub-No. 1TA), filed April 21, 1978. Applicant: GLENN BROS. MEAT CO., INC., P.O. Box 9343, Little Rock, AR 72209. Applicant's representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, classes A and B explosives, commodities of unusual value, household goods, foodstuffs, and articles which because of size and weight require special equipment), from Berlin, CT to LaMirada and Oakland, CA, restricted to shipments moving on bills of lading of the Charter Oak Shippers Cooperative Association, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Charter Oak Shippers Cooperative Association, Inc., 1 Parkland Drive, Darien, CT 06820. Send protests to: District Supervisor, William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 144750 TA, filed May 5, 1978. Applicant: MOAB TRUCK CENTER, INC., a corporation, 90 North Second East, P.O. Box 116, Moab, UT 84532. Applicant's representative: Thompson and Kelley, 450 Capitol Life Center, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Uranium, vanadium, and copper bearing ores* in bulk; (2) *coal, sand, gravel and road building materials* in bulk, in dump vehicles; (3) *equipment, supplies, and building materials* (except commodities which because of size or weight require the use of special equipment) used or to be used in mines or ore mills; (4) *self-propelled vehicles and heavy road building machinery and equipment* used or to be used in mining and road building and which because of their size or weight require the use of special equipment, between points in AZ on and north of I-40, in NM on and north of I-40 and on and west of I-25, in CO west of the Continental Divide and in UT on and south of I-80 and on and east of I-15, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: S & S Mining, P.O. Box 414, Moab, UT 84532; Boulden Contracting Co., P.O. Box 584, Moab, UT 84543; Energy Fuels Nuclear, Inc., P.O. Box 787, Blanding, UT 84511; Earl Hotz, Castle Valley Route, Moab, UT 84532. Send protests to: District Supervisor, Lyle D. Helfer, ICC, 5301 Federal Building, 125 South State Street, Salt Lake City, UT 84138.

No. MC 144715 TA, filed May 3, 1978. Applicant: ANDERSON &

Office Building, Charlotte, NC 28205.
By the Commission.

H. G. HOMME, Jr.,
Acting secretary.
[FR Doc. 78-15527 Filed 6-2-78; 8:45 am]

[7035-01]

[ExParte No. 241; Rule 19; Exemption No. 150]

WESTERN MARYLAND RAILWAY CO.

Exemption Under Mandatory Car Service Rules

It appearing, That there is an emergency movement of military supplies from Culbertson, Pa., to Bayonne, N.J.; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownerships having suitable dimensions are available on the lines of the originating carrier and on its connections and that compliance with Car Service Rules 1 and 2 would prevent the timely assembly and use of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Car Service Division of the Association of American Railroads is authorized to direct the movement to the Western Maryland Railway Co. (WM), the railroads designated by the Car Service Division are authorized to move to, and the WM is authorized to accept, assemble, and load not to exceed 75 empty plain flat cars with military supplies from Culbertson, Pa., to Bayonne, N.J., regardless of the provisions of Car Service Rules 1 and 2.

It is further ordered, That this exemption shall constitute a modification of the provisions of Section (a)(2)(ii) of Revised Service Order No. 1309.

Effective: May 10, 1978.

Expires: May 31, 1978.

Issued at Washington, D.C., May 10, 1978.

INTERSTATE COMMERCE
COMMISSION,
JOEL E. BURNS,
Agent.

[FR Doc. 78-15523 Filed 6-2-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 91-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Item	POWER AGENDA—123RD MEETING, JUNE 7, 1978, REGULAR MEETING
Federal Energy Regulatory Commission	1	CAP-1.—Docket Nos. ER78-368, 370, and 387, Northern States Power Co. (Minnesota).
Interstate Commerce Commission	2, 3	CAP-2.—Docket No. ES78-29, Iowa Public Service Co.
National Transportation Safety Board	4	CAP-3.—Project No. 271, Arkansas Power & Light Co.
Nuclear Regulatory Commission	5	CAP-4.—Project No. 2426, Department of Water Resources of the State of California and city of Los Angeles Department of Water and Power.
Postal Service (Board of Governors)	6	MISCELLANEOUS AGENDA—123RD MEETING, JUNE 7, 1978, REGULAR MEETING
Securities and Exchange Commission	7	M-1.—Contract Provisions Under Section 154.93.

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., June 7, 1978.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information.

POWER AGENDA—123RD MEETING, JUNE 7, 1978, REGULAR MEETING

I. ELECTRIC RATE MATTERS

- ER-1.—Docket Nos. ER78-282, et al., Florida Power & Light Co.
- ER-2.—Docket No. E-8851, Alabama Power Co.
- ER-3.—Docket Nos. ER78-70 and ER78-71, Pennsylvania Power & Light Co.

II. LICENSED PROJECT MATTERS

- P-1.—Project No. 2645, Niagara Mohawk Power Corp.
- P-2.—Project Nos. 2364, 2365, 2613, and 2615, Kennebec River Pulp & Paper Co., Inc., Maine Guarantee Authority and Madison Paper Corp.
- P-3.—Project No. 2188, The Montana Power Co.

POWER AGENDA—123RD MEETING, JUNE 7, 1978, REGULAR MEETING

- CAP-1.—Docket Nos. ER78-368, 370, and 387, Northern States Power Co. (Minnesota).
- CAP-2.—Docket No. ES78-29, Iowa Public Service Co.
- CAP-3.—Project No. 271, Arkansas Power & Light Co.
- CAP-4.—Project No. 2426, Department of Water Resources of the State of California and city of Los Angeles Department of Water and Power.

MISCELLANEOUS AGENDA—123RD MEETING, JUNE 7, 1978, REGULAR MEETING

- M-1.—Contract Provisions Under Section 154.93.
- M-2.—Rulemaking on Rules Relating to Investigations.

MISCELLANEOUS AGENDA—123RD MEETING, JUNE 7, 1978, REGULAR MEETING

- CAM-1.—Oklahoma Gas & Electric Co.
- CAM-2.—Oklahoma Natural Gas Gathering Co.
- CAM-3.—Zenith Natural Gas Co.

GAS AGENDA—123RD MEETING, JUNE 7, 1978, REGULAR MEETING

I. PIPELINE RATE MATTERS

A. Pipeline rates

- RP-1.—Docket No. RP74-61 (PGA77-5), RP76-10 (PGA77-5), RP77-54, and RP77-55, Arkansas Louisiana Gas Co.

II. PRODUCER MATTERS

A. Producer Certificates

- CI-1.—Docket Nos. CI75-45, et al., Tenneco Oil Co., et al.
- CI-2.—Docket No. CI78-767, et al., Pennsoil Louisiana & Texas Offshore, Inc.
- CI-3.—Docket No. CI77-412, Phillips Petroleum Co.

III. PIPELINE CERTIFICATES

A. Pipeline Certificates

- CP-1.—Docket No. CP78-171, Southern Natural Gas Co., Texas Gas Transmission Corp., and United Gas Pipe Line Co.
- CP-2.—Docket No. CP77-585, Texas Eastern Transmission Corp., Consolidated Gas Supply Corp.
- CP-3.—Docket No. CP78-181, Natural Gas Pipeline Co. of America.
- CP-4.—Docket No. CP78-207, Equitable Gas Co., v. I. L. Morris, et al.
- CP-5.—Docket No. CP75-104, High Island Offshore System. Docket No. CP76-118, U-T Offshore System.
- CP-6.—Docket No. CP77-627, Tennessee Gas Pipeline Co. and Columbia Gulf Transmission Co.
- CP-7.—Reserved.
- CP-8.—Reserved.
- CP-9.—Reserved.
- B. Order No. 2 Authorizations
- CP-10.—Docket No. CP77-194, Tennessee Gas Pipeline Co., a division of Tenneco

Inc. Docket No. CP77-208, Florida Gas Transmission Co.

- CP-11.—Reserved.
- CP-12.—Reserved.
- C. LNG

- CP-13.—Docket No. CP77-448, NPG-LNG, Inc. Docket No. CP77-449, Natural Gas Pipeline Co. of America.
- CP-14.—Reserved.
- CP-15.—Reserved.
- D. Curtailment

- CP-16.—Docket No. RP71-29, et al., (Phase II and Phase III), United Gas Pipe Line Co.
- CP-17.—Docket No. RP78-5, City of Des Arc, Arkansas, Complainant V. Mississippi River Transmission Corp., Respondent.

GAS AGENDA—123RD MEETING, JUNE 7, 1978, REGULAR MEETING

- CAG-1.—Docket No. RP74-100 (PGA No. 78-4), National Fuel Gas Supply Corp.
- CAG-2.—Docket No. RP75-46 (DCA No. 78-2), Eastern Shore Natural Gas Co.
- CAG-3.—Docket No. CI77-828, Union Oil Co. of California. Docket No. CI78-66, Exxon Corp. Docket No. CI78-68, Exxon Corp. Docket No. CI78-158, Louisiana Land Offshore Exploration Co., Inc. Docket No. CI78-167, Enserch Exploration, Inc. Docket No. CI78-303, Shell Oil Co. Docket No. CI78-305, Shell Oil Co. Docket No. CI78-314, Enserch Exploration, Inc. Docket Nos. CI78-385 and CI78-386, Texas Gas Exploration Corp. Docket No. CI78-438, Ocean Production Co., et al.
- CAG-4.—Docket No. CI78-539, Sun Oil Co.
- CAG-5.—Docket Nos. CI78-252, et al., The Superior Oil Co., et al.
- CAG-6.—Docket Nos. CI78-426, et al., Continental Oil Co., et al.
- CAG-7.—Docket No. CI74-530, Texas Eastern Exploration Co.
- CAG-8.—Docket Nos. CI77-469 and CI78-12, Mobil Oil Corp.
- CAG-9.—Docket Nos. G-3108, et al., Exxon Corp., et al.
- CAG-10.—Docket No. CP77-439, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
- CAG-11.—Docket No. CP78-250, Michigan Gas Storage Co.
- CAG-12.—U-T Offshore System v. FERC, 5th Cir. No. 78-1983.

KENNETH F. PLUMB,
Secretary.

[S-1157-78 Filed 6-1-78; 11:24 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 10 a.m., Monday, June 5, 1978.

PLACE: hearing Room "B", Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Oral argument.

MATTER TO BE CONSIDERED: Ex Parte No. 349, Increased Freight Rates and Charges, 1978, Nationwide.

CONTACT PERSON FOR MORE INFORMATION:

Douglas Baldwin, Director, Office of Communications, telephone 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S-1160-78 Filed 6-1-78; 3:40 pm]

[7035-01]

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 2:30 p.m., Monday, June 5, 1978.

PLACE: Hearing Room "C", Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Short Notice—Open Special Conference.

MATTER TO BE CONSIDERED: Ex Parte No. 349, Increased Freight Rates and Charges, 1978, Nationwide.

CONTACT PERSON FOR MORE INFORMATION:

Douglas Baldwin, Director, Office of Communications, telephone 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

[S-1161-78 Filed 6-1-78; 3:40 pm]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 23843, June 1, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: Thursday, June 8, 1978, 9:30 a.m. [NM-78-24].

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below. The time of the meeting has been advanced to 9:00 a.m.

STATUS: Open.

MATTERS TO BE CONSIDERED:

- 1. Marine Accident Report—Capsizing and sinking of the self-elevation mobile offshore

SUNSHINE ACT MEETINGS

drilling unit Ocean Express on April 15, 1978.

2. Railroad/Highway Accident Report—Collision of a Louisiana & Arkansas freight train and an L. V. Rhymes tractor-semi-trailer at Goldonna, La., December 28, 1977.

3. Recommendation to National Highway Traffic Safety Administration re requirements for incorporating automatic brake adjustment devices and cab placards in certain commercial vehicles.

4. Recommendation Closeout—Aviation A-72-179; A-74-30, 31, 32, 33, and 34; A-77-70, 71; and A-76-85.

5. Discussion of pipeline and marine modal objectives and goals.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming, 202-472-6022

[S-1162-78 Filed 6-1-78; 3:40 pm]

[7590-01]

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Weeks of May 29 and June 5, 1978 (Changes).

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

WEDNESDAY, MAY 31, 11 A.M.
(APPROXIMATELY)

Discussion of OIA/OGC Inquiry in Testimony of the Executive Director for Operations (Approx 1 hr) (Closed—Exemption 1) Postponed to a later date.

4 P.M. (APPROXIMATELY)

Discussion of Petitions to Review ALAB-471 (Seabrook) (Approx 1 hr) (Closed—Exemption 10). Continuation of a.m. meeting.

THURSDAY, JUNE 1, 3:30 P.M.
(APPROXIMATELY)

Affirmation of Recommendation on Proposed Amendments of 10 CFR Part 35 to Require Reporting of Misadministrations of Byproduct Material. Postponed to a later date.

WEDNESDAY, JUNE 7, 9:30 A.M.

- 1. Briefing by Representatives of DOE/Argonne National Laboratory on Research Reactors (Approx 1 hr) (Public Meeting) (Tentative).
- 2. Briefing on Safeguards Upgrade Rule (Approx 1 hr) (Public Meeting).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee; 202-634-1410.
ROGER M. TWEED,
Office of the Secretary.

MAY 31, 1978.
[1505-01]

POSTAL SERVICE (BOARD OF GOVERNORS).

EDITORIAL NOTE.—This notice was published inadvertently in the Notices Section

of the FEDERAL REGISTER for June 1, 1978. It should have appeared in the Sunshine Act Meetings Section and is republished below for the convenience of the reader.

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 9 a.m. on Tuesday, June 6, 1978, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza SW., Washington, D.C. 20260. Except as indicated in the following paragraphs, the meeting is open to the public. The Board expects to discuss the matters stated in the Agenda which is set forth below. Requests for information about the meeting should be addressed to the Secretary of the Board, Louis A. Cox, at 202-245-4632.

On May 2, 1978, the Board of Governors of the United States Postal Service unanimously voted to close to public observation a portion of the June 6, 1978, meeting. Each of the members of the Board voted in favor of partially closing the meeting, which is expected to be attended by the following persons: Governors Wright, Holding, Ching, Coddling, Hardesty, and Robertson; Postmaster General Bolger; Deputy Postmaster General Conway; and Secretary to the Board Cox.

The portion of the meeting to be closed will consist of a discussion of the Postal Service's possible strategies and positions in current collective bargaining negotiations involving parties to the 1975 National Agreement between the Postal Service and the labor organizations representing certain postal employees, which is scheduled to expire in July of 1978.

Agenda

- 1. Minutes of the Previous Meeting.
- 2. Remarks of the Postmaster General. (In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)
- 3. Report of the Regional Postmaster General. (Mr. Doran, Regional Postmaster General, will report on postal conditions in the Central Region.)
- 4. Report of the Chief Postal Inspector. (Chief Postal Inspector Benson will report on the Postal Inspection Service.)
- 5. Report on Capital Investment Plans. (Pursuant to a request by one of the members at the Board's meeting of May 2, 1978, Mr. Biglin, Senior Assistant Postmaster General, Finance Group, will present a report which will bring the members up to date on the Postal Service's plans for capital investments.)

SUNSHINE ACT MEETINGS

6. Report on International Electronic Message Service Demonstration. (Mr. William J. Miller, Director, International EMSS Program, will brief the members on the current status of the planned demonstration of an international electronic message service system.)

7. Report on Employee and Labor Relations. (The Board will discuss possible strategies and positions in current collective bargaining negotiations for a new Labor Agreement. As stated above in the Notice of Meeting, the part of the meeting that will be devoted to this matter will be closed to the public.)

LOUIS A. COX,
Secretary.

[S-1158-78 Filed 5-31-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE
COMMISSION.

STATUS: Closed meeting.

DATE AND TIME: Thursday, June 1,
1978, following 10 a.m. open meeting.

PLACE: Room 825, 500 North Capitol
Street, Washington, D.C.

The following items will be considered by the Commission at a closed meeting scheduled for Thursday, June 1, 1978, immediately following the open meeting, scheduled for 10 a.m.: Institution of injunctive action; Freedom of Information Act appeal.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (8), (9)(i), and (10).

Commissioners Loomis, Pollock, Evans, and Karmel determined that Commission business required consideration of these matters and that no earlier notice thereof was possible.

MAY 31, 1978.

[S-1156-78 Filed 6-1-78; 11:24 am]

MONDAY, JUNE 5, 1978
PART II



OFFICE OF THE
SPECIAL
REPRESENTATIVE
FOR TRADE
NEGOTIATIONS

GENERALIZED SYSTEM OF
PREFERENCES (GSP)

Registered
Federal Paper

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[3190-01]

OFFICE OF THE SPECIAL
REPRESENTATIVE FOR TRADE
NEGOTIATIONS

GENERALIZED SYSTEM OF PREFERENCES (GSP)

This publication sets forth the following information about the GSP as of March 1, 1978:

(1) Beneficiary countries and territories, page 2;

(2) Descriptive list of eligible articles, page 3;

(3) Eligible articles for which products of certain beneficiary countries will not receive duty-free treatment by virtue of the provisions of section 504(c) of the Trade Act of 1974, the competitive-need limitations, page 54;

(4) Descriptive list of articles not produced in the United States on January 3, 1975, for which the competitive-need limitation specified in section 504(c)(1)(B) of the Trade Act of 1974 is not applicable, page 58; and

(5) Historical summary of changes in the GSP, page 61.

This publication does not have legal effect. Its purpose is to facilitate public understanding of the GSP and to supplement the information contained in the basic implementing documents.

Executive Order No. 11888, dated November 24, 1975, modified the Tariff Schedules of the United States to implement the Generalized System of Preferences (GSP) authorized by title V of the Trade Act of 1974. The Executive order designated beneficiary countries and eligible articles for the GSP. Since the GSP was implemented, it has been modified by Executive Orders Nos. 11906 (effective February 29, 1976); 11934 (effective in major part, October 1, 1976); 11974 (effective March 1, 1977); 12032 (effective January 1, 1978); and 12041 (effective March 1, 1978).¹ Products which are eligible articles and meet the conditions stipulated in title V of the Trade Act are duty free if imported into the

¹Executive Order No. 11960, issued January 19, 1977, with an effective date of March 1, 1977, was revoked by Executive Order No. 11974, which incorporated the substance of the amendments originally contained in the earlier order. FEDERAL REGISTER references for all Executive orders which have been issued on the GSP are as follows:

E.O. 11888: 40 FR 55275, November 26, 1975
E.O. 11906: 41 FR 8757, February 27, 1976
E.O. 11934: 41 FR 37084, September 1, 1976
E.O. 11960: 42 FR 4317, January 24, 1977
E.O. 11974: 42 FR 11230A, February 28, 1977
E.O. 12032: 42 FR 64851, December 27, 1977
E.O. 12041: 43 FR 8099, February 25, 1978

United States directly from a beneficiary country on or after January 1, 1976.

Section 504(c) of the Trade Act provides that eligible articles will not receive duty-free treatment, however, if they are (1) the product of a beneficiary country which in the preceding calendar year accounted for 50 percent of more of total U.S. imports of the article (unless the President has determined that the article was not produced in the United States on January 3, 1975) or (2) the product of a beneficiary country which supplied imports valued at \$25 million or more in the preceding year.² (This provision is referred to as the "competitive-need limitation" on GSP.) The list of beneficiary country exceptions to eligibility for particular products resulting from the provisions of section 504(c) must be updated within 60 days after the end of each calendar year.

²The figure of \$25 million is to be adjusted annually by a percentage which will depend upon the percent of change in the gross national product of the United States compared with the gross national product in 1974. The figure for 1977 used to determine competitive-need limitations which became effective March 1, 1978, was \$33,441,834.

DESCRIPTIVE LIST OF ELIGIBLE ARTICLES IN THE
U.S. GENERALIZED SYSTEM OF PREFERENCES

BENEFICIARY COUNTRIES IN THE U.S. GENERALIZED SYSTEM OF PREFERENCES

Independent Countries	
Afghanistan	Guinea
Angola	Guinea Bissau
Argentina	Guyana
Bahamas	Haiti
Bahrain	Honduras
Bangladesh	India
Barbados	Israel
Benin	Ivory Coast
Bhutan	Jamaica
Bolivia	Jordan
Botswana	Kenya
Brazil	Korea, Republic of
Burma	Lebanon
Burundi	Lesotho
Cameroon	Liberia
Cape Verde	Malagasy Republic
Central African Republic	Malawi
Chad	Malaysia
Chile	Maldives Islands
Colombia	Mali
Congo (Brazzaville)	Malta
Costa Rica	Mauritania
Cyprus	Mauritius
Dominican Republic	Mexico
Egypt	Morocco
El Salvador	Mozambique
Equatorial Guinea	Nauru
Fiji	Nepal
Gambia	Nicaragua
Ghana	Niger
Grenada	Oman
Guatemala	Pakistan
	Panama
Non-Independent Countries and Territories	
Afars and Issas, French Territory of the	Falkland Islands (Malvinas)
Antigua	Portuguese Timor
Belize	Saint Christopher-Nevis-Anguilla
Bermuda	Saint Helena
British Indian Ocean Territory	Saint Lucia
British Solomon Islands Territory	Saint Vincent
Brunai	Seychelles
Cayman Islands	Spanish Sahara
Christmas Island (Australia)	Tokelau Islands
Cocos (Keeling) Islands	Trust Territory of the Pacific Islands
Cook Islands	Tuvalu
Dominica	Turks and Caicos Islands
	Virgin Islands, British
	Wallis and Futuna Islands

This descriptive list shows for all articles designated as eligible for duty-free treatment under the U.S. Generalized System of Preferences the five-digit TSUS item number, an abbreviated description of articles covered by the item and the column 1 rate of duty as of January 1, 1978.

FEDERAL REGISTER, VOL. 43, NO. 108—MONDAY, JUNE 5, 1978

1/ A like or directly competitive article was not produced in the United States on January 3, 1975, and therefore this item is not subject to that part of the competitive need limitation specified in subsection 504(c)(1)(B) of the Trade Act of 1974.

ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

1/ 1/ A like or directly competitive article was not produced in the United States on January 3, 1975, and therefore this item is not subject to that part of the competitive need limitation specified in subsection 4(c)(1)(B) of the Trade Act of 1974.

2/ Duty temporarily suspended (903.70, 903.80).

1/ A like or directly competitive article was not produced in the United States on January 3, 1975, and therefore this item is not subject to that part of the competitive need limitation specified in subsection 304(c)(1)(B) of the Trade Act of 1974.

24443

ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

1/ A like or directly competitive article was not produced in the United States on January 3, 1975, and therefore this item is not subject to that part of the competitive need limitation specified in subsection 304(c)(1)(B) of the Trade Act of 1974.

1/ A like or directly competitive article was not produced in the United States on January 3, 1975, and therefore this item is not subject to that part of the competitive need limitation specified in subsection 304(c)(1)(B) of the Trade Act of 1974.

NOTICES

[illegible]

1/ A like or directly competitive article was not produced in the United States on January 3, 1975, and therefore this item is not subject to that part of the competitive need limitation specified in subsection 504(c)(1)(8) of the Trade Act of 1974.

ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS TITLE	DESCRIPTION	TSUS CONTAINS 1 RATE OF DUTY
41892	MANGANESE SULFATE	5% AD VAL.
41893	MANGANESE COMPOUNDS NSFP	7% AD VAL.
41894	MERCAPTAN CHLORIDE OR CORROSIVE SULFIMATE	9% PER LB. + 8% AD VAL.
41910	MERCAPTAN CHLORIDE OR CALUMEL	9% PER LB. + 8% AD VAL.
41931	MERCAPTAN CHLORIDE OR CALUMEL	10% LB. WITH BENZENE CONTENT -
41940	MOLYBDENUM COMPOUNDS	3% AD VAL.
41970	NICKEL CHLORIDE	5% AD VAL.
41971	NICKEL SULFATE	5% AD VAL.
41972	NICKEL SULFATE NSFP	5% AD VAL.
41980	PHOSPHORUS OXYCHLORIDE	1.5% PER LB.
41981	PHOSPHORUS TRICHLORIDE	3% PER LB.
41984	PHOSPHORUS COMPOUNDS NSFP	5% AD VAL.
41990	PLATINUM COMPOUNDS	5% AD VAL.
42000	POTASSIUM CARBONATE	0.5% PER LB.
42002	POTASSIUM BROMIDE	2% PER LB.
42004	POTASSIUM CARBONATE	0.3% PER LB.
42006	POTASSIUM CHLORIDE AND DICHLORIDE	0.75% PER LB.
42008	POTASSIUM CHLORIDE	0.75% PER LB.
42014	POTASSIUM FERRICANTIDOTE	1.5% PER LB.
42016	POTASSIUM FERRICANTIDOTE	1.5% PER LB.
42018	POTASSIUM FERRICANTIDOTE	0.8% PER LB.
42019	POTASSIUM HYDROXIDE OR CAUSTIC POTASH	0.15% PER LB.
42020	POTASSIUM IODIDE	1% PER LB. WITH BENZENE CONTENT -
42022	POTASSIUM NITRATE	3% AD VAL.
42024	POTASSIUM NITRATE	0.42% PER LB.
42026	POTASSIUM PERCHLORATE	0.7% PER LB.
42028	POTASSIUM PERMANGANATE	4% AD VAL.
42030	POTASSIUM PERMANGANATE	4% AD VAL.
42034	POTASSIUM VANADATE	1% AD VAL.
42036	POTASSIUM COMPOUNDS NSFP	4% AD VAL.
42040	IODINE COMPOUNDS	5% AD VAL.
42042	IODINE COMPOUNDS	5% AD VAL.
42044	IODINE COMPOUNDS	5% AD VAL.
42046	IODINE COMPOUNDS	5% AD VAL.
42048	IODINE COMPOUNDS	5% AD VAL.
42050	IODINE COMPOUNDS	5% AD VAL.
42052	IODINE COMPOUNDS	5% AD VAL.
42054	IODINE COMPOUNDS	5% AD VAL.
42056	IODINE COMPOUNDS	5% AD VAL.
42058	IODINE COMPOUNDS	5% AD VAL.
42060	IODINE COMPOUNDS	5% AD VAL.
42062	IODINE COMPOUNDS	5% AD VAL.
42064	IODINE COMPOUNDS	5% AD VAL.
42066	IODINE COMPOUNDS	5% AD VAL.
42068	IODINE COMPOUNDS	5% AD VAL.
42070	IODINE COMPOUNDS	5% AD VAL.
42072	IODINE COMPOUNDS	5% AD VAL.
42074	IODINE COMPOUNDS	5% AD VAL.
42076	IODINE COMPOUNDS	5% AD VAL.
42078	IODINE COMPOUNDS	5% AD VAL.
42080	IODINE COMPOUNDS	5% AD VAL.
42082	IODINE COMPOUNDS	5% AD VAL.
42084	IODINE COMPOUNDS	5% AD VAL.
42086	IODINE COMPOUNDS	5% AD VAL.
42088	IODINE COMPOUNDS	5% AD VAL.
42090	IODINE COMPOUNDS	5% AD VAL.
42092	IODINE COMPOUNDS	5% AD VAL.
42094	IODINE COMPOUNDS	5% AD VAL.
42096	IODINE COMPOUNDS	5% AD VAL.
42098	IODINE COMPOUNDS	5% AD VAL.
42100	IODINE COMPOUNDS	5% AD VAL.
42102	IODINE COMPOUNDS	5% AD VAL.
42104	IODINE COMPOUNDS	5% AD VAL.
42106	IODINE COMPOUNDS	5% AD VAL.
42108	IODINE COMPOUNDS	5% AD VAL.
42110	IODINE COMPOUNDS	5% AD VAL.
42112	IODINE COMPOUNDS	5% AD VAL.
42114	IODINE COMPOUNDS	5% AD VAL.
42116	IODINE COMPOUNDS	5% AD VAL.
42118	IODINE COMPOUNDS	5% AD VAL.
42120	IODINE COMPOUNDS	5% AD VAL.
42122	IODINE COMPOUNDS	5% AD VAL.
42124	IODINE COMPOUNDS	5% AD VAL.
42126	IODINE COMPOUNDS	5% AD VAL.
42128	IODINE COMPOUNDS	5% AD VAL.
42130	IODINE COMPOUNDS	5% AD VAL.
42132	IODINE COMPOUNDS	5% AD VAL.
42134	IODINE COMPOUNDS	5% AD VAL.
42136	IODINE COMPOUNDS	5% AD VAL.
42138	IODINE COMPOUNDS	5% AD VAL.
42140	IODINE COMPOUNDS	5% AD VAL.
42142	IODINE COMPOUNDS	5% AD VAL.
42144	IODINE COMPOUNDS	5% AD VAL.
42146	IODINE COMPOUNDS	5% AD VAL.
42148	IODINE COMPOUNDS	5% AD VAL.
42150	IODINE COMPOUNDS	5% AD VAL.
42152	IODINE COMPOUNDS	5% AD VAL.
42154	IODINE COMPOUNDS	5% AD VAL.
42156	IODINE COMPOUNDS	5% AD VAL.
42158	IODINE COMPOUNDS	5% AD VAL.
42160	IODINE COMPOUNDS	5% AD VAL.
42162	IODINE COMPOUNDS	5% AD VAL.

NOTICES

TSUS ITEM	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
42374	CITRIC ACID—	6.25 PER LB.
42375	FUMIC ACID—	1.25 PER LB.
42376	GLUCONIC ACID—	3c PER LB.
42382	LACTIC ACID—	85 AD VAL.
42384	NAPHTHETIC ACIDS—	55 AD VAL.
42386	OSALIC ACID—	65 AD VAL.
42387	PROPIONIC ACID AND ISOBUTYRIC ACID—	65 AD VAL.
42394	TARTARIC ACID—	9c PER LB.
42398	LACTIC ANTIOXIDES—	3c PER LB.
42600	ORGANIC ACID ANTIMONY HEPT—	0.75c PER LB.
42604	ORGANIC ACID ANTIMONY HEPT—	45 AD VAL.
42606	ORGANIC ACID ANTIMONY HEPT—	0.2c PER LB.
42608	ORGANIC ACID ANTIMONY HEPT—	1.7c PER LB.
42610	ORGANIC ACID ANTIMONY HEPT—	3.2c PER LB.
42612	CALCIUM CITRATE OR LIME CITRATE—	3.2c PER LB.
42614	CALCIUM CITRATE—	135 AD VAL.
42618	ORGANIC CALCIUM SALTS HEPT—	65 AD VAL.
42620	ORGANIC CALCIUM SALTS HEPT—	85 AD VAL.
42622	OTHER CORALIT SALTS RES—	0.25c LB. OR COVERED CONTENT
42628	COPPER ACTATE AND HYDROACTATE—	0.45c PER LB. - 55 AD VAL.
42632	COPPER NAPHTHENATE—	0.45c PER LB. - 55 AD VAL.
42634	ORGANIC COPPER SALTS HEPT—	1c PER LB.
42636	LEAD ACTATE—	1.25c PER LB.
42642	LEAD RESINATE—	55 AD VAL.
42644	ORGANIC LEAD SALTS HEPT—	55 AD VAL.
42646	ORGANIC LITHIUM SALTS—	75 AD VAL.
42648	ORGANIC MAGNESIUM SALTS HEPT—	9c PER LB. - 85 AD VAL.
42654	ORGANIC MERCAPTAL SALTS—	55 AD VAL.
42658	STICKEL ACTATE—	55 AD VAL.
42662	STICKEL FORMATE—	55 AD VAL.
42664	STICKEL FORMATE—	55 AD VAL.
42666	STICKEL FORMATE—	55 AD VAL.
42668	STICKEL FORMATE—	55 AD VAL.
42670	STICKEL FORMATE—	55 AD VAL.
42672	STICKEL FORMATE—	55 AD VAL.
42674	STICKEL FORMATE—	55 AD VAL.
42676	STICKEL FORMATE—	55 AD VAL.
42678	STICKEL FORMATE—	55 AD VAL.
42680	STICKEL FORMATE—	55 AD VAL.
42682	STICKEL FORMATE—	55 AD VAL.
42684	STICKEL FORMATE—	55 AD VAL.
42686	STICKEL FORMATE—	55 AD VAL.
42688	STICKEL FORMATE—	55 AD VAL.
42690	STICKEL FORMATE—	55 AD VAL.
42692	STICKEL FORMATE—	55 AD VAL.
42694	STICKEL FORMATE—	55 AD VAL.
42696	STICKEL FORMATE—	55 AD VAL.
42698	STICKEL FORMATE—	55 AD VAL.
42700	STICKEL FORMATE—	55 AD VAL.
42702	STICKEL FORMATE—	55 AD VAL.
42704	STICKEL FORMATE—	55 AD VAL.
42706	STICKEL FORMATE—	55 AD VAL.
42708	STICKEL FORMATE—	55 AD VAL.
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42796	STICKEL FORMATE—	55 AD VAL.
42798	STICKEL FORMATE—	55 AD VAL.
42800	STICKEL FORMATE—	55 AD VAL.
42802	STICKEL FORMATE—	55 AD VAL.
42804	STICKEL FORMATE—	55 AD VAL.
42806	STICKEL FORMATE—	55 AD VAL.
42808	STICKEL FORMATE—	55 AD VAL.
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42978	STICKEL FORMATE—	55 AD VAL.
42980	STICKEL FORMATE—	55 AD VAL.
42982	STICKEL FORMATE—	55 AD VAL.
42984	STICKEL FORMATE—	55 AD VAL.
42986	STICKEL FORMATE—	55 AD VAL.
42988	STICKEL FORMATE—	55 AD VAL.
42990	STICKEL FORMATE—	55 AD VAL.
42992	STICKEL FORMATE—	55 AD VAL.
42994	STICKEL FORMATE—	55 AD VAL.
42996	STICKEL FORMATE—	55 AD VAL.
42998	STICKEL FORMATE—	55 AD VAL.
43000	STICKEL FORMATE—	55 AD VAL.

1/ A like or directly competitive article was not produced in the United States on January 3, 1975, and therefore this item is not subject to that part of the competitive need limitation specified in subsection 504(c)(1)(B) of the Trade Act of 1974.

ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

[illegible]

- 1/ Duty temporarily suspended (911.01).
- 2/ Duty on silk content temporarily suspended (911.02).
- 3/ Duty temporarily suspended on synthetic rivets (911.23) and synthetic centralium/columbus concentrate (911.27).
- 4/ A like or directly competitive article was not produced in the United States on January 3, 1975, and therefore this item is not subject to that part of the competitive need limitation specified in subsection 304(c)(1)(B) of the Trade Act of 1974.
- 5/ Duty temporarily suspended (911.12).

NOTICES

TSUS ITEM	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
61271	STEEL SILVER VENE METAL COATED OR PLATED	0.84 PER LB. ON CORT. + 0.052 LB. • VAL. PER LB. ON COPPER
61272	TYPE OF COPPER, PER FT METAL COATED OR PLATED	0.84 PER LB. ON COPPER CONTENT + 65 AD VAL.
61273	COPPER VENE COATED OR PLATED WITH METAL, RES	0.84 LB. LB. ON CORT. + 0.052 LB. • 135 AD VAL
61280	ANGLE RAFTS SECTIONS VED COPPER BOAL, ST-BILLY A COTPO-ST	0.84 PER LB. • 115 AD VAL.
61281	RAAS ANGLES AND CHANNELS	0.84 PER LB. ON COPPER 0.84 PER LB. • 115 AD VAL.
61282	ANGLE RAFTS AND SECTIONS COPPER ALLOY RES, WOODEN	0.84 PER LB. • 115 AD VAL.
61302	COPPER TUBES, TUBING, SEAMLESS NOT ALLOYED	0.84 PER LB. • 115 AD VAL.
61304	COPPER TUBES, TUBING AND BLANKS TO ALLOY RES	0.84 PER LB. • 115 AD VAL.
61306	STEEL SILVER FIBER TUBES AND BLANKS THEREFOR	0.84 PER LB. • 115 AD VAL.
61308	COTPO-STICK FIBER TUBES AND BLANKS THEREFOR	0.84 PER LB. ON COPPER CONTENT + 10 PER LB.
61310	FIBER TUBES A BLANKS ALLOY COPPER AND SEAMLESS	0.84 PER LB. ON COPPER CONTENT + 10 PER LB.
61311	FIBER TUBES A BLANKS ALLOY COPPER RES WALDED	0.84 PER LB. ON COPPER CONTENT + 10 PER LB.
61312	FIBER TUBES AND BLANKS THEREFOR COPPER ALLOY RES	0.84 PER LB. • 115 AD VAL.
61313	COPPER, NICKEL-TITANIUM AND COTPO-STICK FIBER FITTINGS	0.84 PER LB. • 115 AD VAL.
61314	FIBER AND FIBER OF COPPER ALLOY RES	0.84 PER LB. • 115 AD VAL.
61316	ALUMINUM WARE A CUPAL	0.76 PER LB. (TEMP SUPERHEATED 911.1220)
61815	WOODEN BOOM OF ALUMINUM	24 PER LB.
61817	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
61820	ALUMINUM VENE NOT PLATED OR COATED	0.57 AD VAL.
61822	ALUMINUM THE COATED AND STRIP OF ALUMINUM, NOT CLAD	0.57 AD VAL.
61824	WAGS, PLATES, SHEETS AND STRIP OF ALUMINUM, CLAD	0.57 AD VAL.
61829	WOODEN ALUMINUM WARE SHEETS ETC CLAD RES	24 PER LB.
61840	ALUMINUM POWERS	122 AD VAL.
61842	ALUMINUM FIBER TUBES AND BLANKS THEREFOR ETC RES	24 PER LB.
61847	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62010	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62011	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62012	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62013	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62014	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62015	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62016	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62017	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62018	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62019	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62020	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62021	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62022	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62023	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62024	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62025	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62026	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62027	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62028	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62029	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62030	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62031	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62032	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
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62042	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
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62051	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
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62057	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
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62059	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62060	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62061	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62062	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62063	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62064	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62065	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62066	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62067	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62068	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62069	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB.
62070	WOODEN ALUMINUM ANGLES, SLABS AND SECTIONS	24 PER LB

ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCESARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCESFEDERAL REGISTER, VOL. 43, NO. 108—MONDAY, JUNE 5, 1978

ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

1/ A like or directly competitive article was not produced in the United States on January 3, 1975, and therefore this item is not subject to that part of the competitive need limitation specified in subsection 206(c)(1)(B) of the Trade Act of 1974.

2/ Due to nonoffer licensing fees for bracelets temporarily suspended (\$12.05).

FEDERAL REGISTER, VOL. 43, NO. 108—MONDAY, JUNE 5, 1978

NOTICES

ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

1/ A like or directly competitive article was not produced in the United States on January 3, 1973, and therefore this item is not subject to that part of the competitive need limitation specified in subsection 504(c)(1)(B) of the Trade Act of 1974.

1/ A like or directly competitive article was not produced in the United States on January 3, 1973, and therefore this item is not subject to that part of the competitive need limitation specified in subsection 504(c)(1)(B) of the Trade Act of 1974.

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ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

[illegible]

1/ Duty temporarily suspended on certain prosthetic devices (912.07).

NOTICES

ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
72292	MOTION-PICTURE CAMERAS VALUED UNDER \$50 EACH	132 AD VAL.
72293	MOTION-PICTURE CAMERAS VALUED \$50 OR MORE EACH	62 AD VAL.
72294	CAMERAS, STILL AND ENLARGERS WITH LESS CHEEP VALUE OF EACH	12.35 AD VAL.
72295	PHOTOGRAPHIC CAMERAS, OTHER THAN FIXED-POUCH, P/O \$10 EACH	17.55 AD VAL.
72296	PHOTOGRAPHIC CAMERAS, OTHER THAN FIXED-POUCH, OVER \$10 EACH	17.55 AD VAL.
72297	PHOTOGRAPHIC CAMERAS, OTHER THAN FIXED-POUCH, OVER \$10 EACH	7.55 AD VAL.
72298	ENLARGERS AND CAMERAS-ENLARGERS, LESS NOT CHEEP VALUE	18.35 AD VAL.
72299	CAMERA AND ENLARGER PARTS NOT WITH LESS IN CHEEP VALUE	18.35 AD VAL.
72300	MOTION PICTURE CAMERA PARTS NOT WITH LESS IN CHEEP VALUE	7.55 AD VAL.
72301	SLIDES AND STILL-PICTURE PROJECTORS, ENLARGERS, REEF	10.55 AD VAL.
72302	SLIDES AND STILL-PICTURE PROJECTORS, ENLARGERS, REEF	13.55 AD VAL.
72303	MOTION PICTURE PROJECTORS FOR SOUND PICTURES ONLY	5.55 AD VAL.
72304	MOTION PICTURE PROJECTORS	17.35 AD VAL.
72305	COMBINATION CAMERA-PROJECTORS	17.35 AD VAL.
72306	PARTS OF PROJECTORS OR CAMERA-PROJECTORS	17.35 AD VAL.
72307	PHOTOGRAPHIC FILM STRIPS, ETC. UNDER A LESS AND PARTS OF	25.35 AD VAL.
72308	PHOTOGRAPHIC FILM STRIPS, ETC. UNDER A LESS AND PARTS OF	75 AD VAL.
72309	PHOTOGRAPHIC FILMS, EDITIONS, PRINTS, AND PARTS THEREOF	9.55 AD VAL.
72310	LESS ADP, BROWN AND GRAYED FILMS FOR CAMERA ATTACHMENTS	102 AD VAL.
72311	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	102 AD VAL.
72312	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	6.35 AD VAL.
72313	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	15.35 AD VAL.
72314	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	9.55 AD VAL.
72315	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	9.55 AD VAL.
72316	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	48 AD VAL.
72317	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	5.35 AD VAL.
72318	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	104 PER LB. + 8.35 AD VAL.
72319	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	8.55 AD VAL.
72320	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	9.55 AD VAL.
72321	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	35 AD VAL.
72322	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	35 AD VAL.
72323	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	35 AD VAL.
72324	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	0.054 PER 16.5 SQ. IN.
72325	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	58 AD VAL.
72326	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	7.55 AD VAL.
72327	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	7.55 AD VAL.
72328	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	48 AD VAL.
72329	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	48 AD VAL.
72330	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	3.55 AD VAL.
72331	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	0.444 PER LB. PT.
72332	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	0.44 PER LB. PT.
72333	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	5.55 PER LB. PT.
72334	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	5.55 PER LB. PT.
72335	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	14 PER 80. PT OF RECORDING
72336	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	62 AD VAL.
72337	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	175 AD VAL.
72338	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	175 AD VAL.
72339	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	35 AD VAL.
72340	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	8.35 AD VAL.
72341	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	72 AD VAL.
72342	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	75 AD VAL.
72343	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	303 AD VAL.
72344	PHOTOGRAPHIC FILMS FOR CAMERAS, ENLARGERS OF PHOTOGRAPHIC	103 AD VAL.

1/ Duty temporarily suspended on rubber latex mattress blinks (\$12.06).

ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
72534	WOOD-WIND INSTRUMENTS	7-35 AD VAL.
72535	CHAMALS	7-35 AD VAL.
72536	CRIMES	8-35 AD VAL.
72537	CRIMES	8-35 AD VAL.
72538	CRIMES	8-35 AD VAL.
72539	CRIMES	8-35 AD VAL.
72540	CRIMES	8-35 AD VAL.
72541	CRIMES	8-35 AD VAL.
72542	CRIMES	8-35 AD VAL.
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72544	CRIMES	8-35 AD VAL.
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72602	CRIMES	8-35 AD VAL.
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72641	CRIMES	8-35 AD VAL.
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72800	CRIMES	8-35 AD VAL.
72801	CRIMES	8-35 AD VAL.
72802	CRIMES	8-35 AD VAL.
72803	CRIMES	8-35 AD VAL.
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72903	CRIMES	8-35 AD VAL.
72904	CRIMES	8-35 AD VAL.
72905	CRIMES	8-35 AD VAL.
72906	CRIMES	8-35 AD VAL.
72907	CRIMES	8-35 AD VAL.

ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

11/ DUCY temporarily suspended (\$12.10).

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FEDERAL REGISTER, VOL. 43, NO. 108—MONDAY, JUNE 5, 1978

ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

1 Data commercially amended on certain foam rubber sheets (912-17)-

24463

ARTICLES ELIGIBLE FOR THE U.S. GENERALIZED SYSTEM OF PREFERENCES

TSUS ITEM	DESCRIPTION	TSUS COLUMN 1 RATE OF DUTY
79154	STAMPS AND STAMPS OF LEATHER	75 AD VAL.
79160	HEATS AND NUCKLES, LEATHER, TO BE WORN ON THE PERSON	3.35 AD VAL.
79161	BAGS, MARKETS, MONES, AND CASES HEFF, OF LEATHER	8.35 AD VAL.
79185	WEARING APPAREL HEFF, OF BUTTLE LEATHER	105 AD VAL.
79176	WEARING APPAREL HEFF, OF BUTTLE LEATHER, EXCEPT BUTTLE	75 AD VAL.
79178	WEARING APPAREL HEFF, OF BUTTLE LEATHER, EXCEPT BUTTLE	105 AD VAL.
79190	LEATHER ARTICLES HEFF EXCEPT OF BUTTLE LEATHER	155 AD VAL.
79210	ARTICLES OF GELATINE, GLUE, AND COMBINATIONS THEREOF HEFF	65 AD VAL.
79222	ARTICLES OF GUT HEFF	65 AD VAL.
79230	ARTICLES OF HORN, BONE, REIN, ROOF WHALEBONE AND QUILL, HEFF	105 AD VAL.
79240	ARTICLES OF HORN, BONE, REIN, ROOF WHALEBONE AND QUILL, HEFF	35 AD VAL.
79260	ARTICLES OF TIGER HEFF	8.35 AD VAL.
79270	ARTICLES OF NATURAL SPONGE HEFF	65 AD VAL.
79280	ARTICLES OF NATURAL SPONGE HEFF	65 AD VAL.
79900	ART ARTICLES, NOT PROVIDED FOR ELSEWHERE	155 AD VAL.

NOTICES

TSUS item No.	Country or territory	TSUS item No.	Country or territory
186.40	Mexico	335.04	Mexico
188.34	Mexico	360.35	India
190.68	Mexico	366.84	Philippine Republic
192.83	Mexico	370.17	Portugal
202.40	Philippine Republic	389.61	Hong Kong
202.62	Mexico	403.40	Mexico
203.20	Republic of China	403.58	Israel
206.45	Philippine Republic	403.79	Mexico
206.47	Republic of China	405.45	Romania
206.60	Mexico	407.12	Romania
206.98	Republic of China	408.75	Romania
220.10	Portugal	416.05	Mexico
220.15	Portugal	416.20	Guyana
220.20	Portugal	419.00	Republic of Korea
220.25	Portugal	420.02	Israel
220.35	Portugal	420.82	Israel
220.37	Portugal	422.76	Mexico
220.41	Portugal	425.84	Netherlands Antilles
220.48	Portugal	426.12	Republic of China
222.10	Hong Kong	427.60	Mexico
222.44	Philippine Republic	437.16	India
222.62	Philippine Republic	437.64	Brazil
240.02	Philippine Republic	445.20	Colombia
240.16	Honduras	446.10	Malaysia
240.19	Republic of China	460.35	Republic of China
240.38	Philippine Republic	460.70	Brazil
240.40	Republic of Korea	461.15	Bermuda
240.58	Republic of China	465.70	Argentina
254.63	Mexico	466.05	Singapore
256.60	Republic of Korea	470.15	Israel
256.85	Mexico	470.15	Mexico
304.04	Philippine Republic	473.52	Mexico
304.44	Brazil	473.56	Mexico
304.48	Haiti	473.62	Mexico
305.22	India	473.78	Mexico
305.28	India	473.82	Republic of Korea
305.30	India	490.30	Republic of China
305.36	Thailand	493.21	Republic of China
306.32	Peru	494.40	Cayman Islands
306.53	Peru	511.31	Mexico
306.71	Mexico	514.11	Dominican Republic
308.30	Brazil	514.44	Republic of China
308.50	Republic of Korea	515.54	Mexico
308.51	Republic of Korea	515.54	Mexico
308.80	Republic of Korea	516.24	India
319.01	India	516.71	India
319.03	India	516.73	India
319.05	India	516.74	India
319.07	India	516.76	India
335.50	India	517.21	Sri Lanka
347.30	India	517.24	Malagasy Republic

1/ This list is revised annually not later than March 1 of each year.

TSUS item No.	Country or territory	TSUS item No.	Country or territory
518.41	Mexico	726.70	Mexico
520.35	Thailand	727.31	Republic of Korea
520.39	Hong Kong	728.20	Portugal
533.26	Romania	730.25	Turkey
535.31	Mexico	730.27	Philippine Republic
540.47	Mexico	730.29	Brazil
543.35	Republic of China	730.41	Brazil
543.37	Republic of China	730.77	Brazil
545.53	Mexico	734.10	Republic of China
545.65	Mexico	734.25	Hong Kong
545.81	Republic of China	734.34	Hong Kong
545.85	Republic of China	734.40	Hong Kong
546.23	Republic of China	734.42	Republic of China
547.41	Hong Kong	734.51	Republic of China
602.30	Philippine Republic	734.54	Republic of Korea
603.50	Botswana	734.56	Mali
612.02	Chile	734.60	Republic of China
612.03	(Chile)	734.75	Republic of Korea
612.06	(Zambia)	735.11	Republic of China
612.15	Mexico	735.20	Hong Kong
612.60	Chile	737.25	Republic of Korea
612.63	Yugoslavia	737.30	Republic of Korea
613.15	Peru	737.50	Hong Kong
622.25	Brazil	737.80	Hong Kong
624.40	Mexico	737.95	Hong Kong
624.42	Mexico	740.10	Hong Kong
624.50	Yugoslavia	740.12	Hong Kong
626.72	Mexico	740.38	Hong Kong
628.40	Mexico	741.20	Hong Kong
628.50	Peru	741.50	Hong Kong
629.26	Israel	745.08	Hong Kong
644.28	Portugal	748.12	India
646.04	Hong Kong	748.20	Hong Kong
646.86	Republic of China	750.05	Hong Kong
646.88	Republic of China	750.32	Republic of China
648.89	Mexico	750.35	Republic of China
649.71	Republic of China	751.05	Republic of China
649.75	Republic of China	751.10	India
649.89	Republic of China	751.20	Republic of China
650.31	Hong Kong	760.65	Republic of China
650.79	Hong Kong	771.45	Republic of China
650.87	Hong Kong		
651.01	Hong Kong		
651.33	Hong Kong		
651.49	Republic of Korea		
652.84	Mexico		
652.93	Republic of China		
653.02	Mexico		

1/ TSUS item No. 685.28 has been deleted from GSP effective April 7, 1978 and has been superseded by item No. 685.29 which has no competitive-need exclusions.

ARTICLES NOT PRODUCED IN THE UNITED STATES ON JANUARY 3, 1975

Section 304(c) of the Trade Act of 1974 (60 Stat. 2070, 19 U.S.C. 2464) imposes certain limits upon the extension of duty-free preferential treatment to eligible imported articles from beneficiary developing countries under the Generalized System of Preferences.

One of these limits, section 304(c)(1)(B), disqualifies from such duty-free treatment imports of an eligible article from a designated beneficiary country which supplied 50 percent or more of the value of United States imports of such article from all countries during the preceding 12-month period. The United States has determined that the following articles, produced in the SPS(c)(1)(B) and eligible articles if a like or directly competitive article was not produced in the United States on January 3, 1975, the date of enactment of the Trade Act.

In implementing the Generalized System of Preferences, the Trade Policy Staff Committee considers the following eligible articles as not being produced in the United States on January 3, 1975.

TSUS item No.	Brief Description 1/
114.55	Oyster juice in airtight containers
117.65	Cheese made from sheep's milk in original leaves and suitable for grating
117.67	Pecorino cheese, made from sheep's milk in original leaves and not suitable for grating
135.70	Chickpeas or garbanzos, fresh, chilled, or frozen (but not reduced in size nor otherwise prepared or preserved)
136.50	Lentils, fresh, chilled or frozen
141.79	Palm hearts (whether or not reduced in size), otherwise prepared or preserved (except packed in salt, in brine, or pickled)
145.34	Pickled, immature vegetables
146.80	Cashew apples, unripe, colorless, seedless, and sweet, fresh or prepared or preserved
147.21	Lemons, prepared or preserved
152.60	Tamarind paste and pulp
161.43	Mace, Bombay or wild, not ground
161.45	Mace, Bombay or wild, ground
161.94	Sage, not ground
167.25	Size wine or sake
168.48	Tequila in containers each holding over 1 gallon
176.01	Castor oil valued not over 20 cents per pound
176.14	Castor oil valued over 20 cents per pound, having Lovibond color value greater than 6 yellow and 0.6 red
176.49	Sesame oil unfit for use as food
177.16	Shark oil

1/ For a complete and accurate description of products in this list, see the article description for the corresponding item in the Tariff Schedules of the United States (Annotated).

Brief Description 1/

TSUS item No.	Brief Description 1/
177.40	Marine-animal oils other than fish, seal, and whale (including sperm) oils
186.10	Ostrich feathers and down, whether or not on the skin, crude, sorted (including feathers simply sorted for convenience in handling or transportation), treated, or both sorted and treated but not otherwise processed
188.30	Admiral and admiral, natural, whether crude or subjected to refining processes
192.70	Isle, processed
193.10	Tonka beans
200.45	Brickbat, in the rough or not further advanced than cut into blocks
220.31	Pitting covers, large and pipe coverings of compressed cork
220.34	Tapered stoppers, wholly of cork, not hollow or perforated, with maximum diameter not over 0.75 inch
220.39	Tapered stoppers, wholly of cork, not hollow or perforated, with maximum diameter over 0.75 inch
220.47	Stoppers wholly of cork, not tapered
304.10	Plan, raw
304.20	Ramp, raw, waste, and advanced waste
315.75	Cordage, of color, of stranded construction
335.70	Woven fabrics of (but not wholly of) jute, weighing not over 4 ounces per square yard
335.85	Woven fabrics of (but not wholly of) jute, weighing over 4 ounces per square yard
335.42	Fish netting and fishing nets (including sections thereof), of vegetable fibers (except of cotton, and except of those for use in otter-trawl fishing)
385.95	Pile netting and pile mats, of color (not including floor covering)
422.10	Thorium nitrate
427.12	Tellurium sesquioxide
427.14	Thorium sesquioxide
427.22	Vanadium sesquioxide
427.82	Cetonyl alcohol
435.70	Opium
437.00	Brucine and its compounds
437.36	Barbituric acid
452.24	Eucalyptus oil
452.48	Orris oil
455.06	Isinglass

1/ For a complete and accurate description of products in this list, see the article description for the corresponding item in the Tariff Schedules of the United States (Annotated).

TSU9

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4351.67	517.27	603.27	607.18	608.30	608.32	632.06	632.55	6370.18	6370.22	6370.23	6370.64	6370.66	6385.26	715.20	7370.80	7370.92	7371.10	7372.35	Y For for the
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17/10

NOTICES

D.—Changes in the designations of beneficiary developing countries and non-independent countries and territories

non-independent countries and territories	Change	Effective date
1. Laos was deleted from the list of designated beneficiary countries		10/1/76
2. Portugal was designated as a beneficiary country		Do.
3. The name of Taiwan was changed to "Republic of China"		Do.
4. The name of Vietnam was changed to "North Vietnam"		Do.
5. Gilbert and Ellice Islands were redesignated separately as "Gilbert Islands" and "Tuvalu"		Do.

WILLIAM B. KELLY, Jr.,
Chairman,
Trade Policy Staff Committee.
 [FR Doc. 78-15173 Filed 6-2-78; 8:45 am]

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[FR Doc. 78-15173 Filed 6-2-78; 8:45 am]

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MONDAY, JUNE 5, 1978
PART III



**DEPARTMENT OF
HEALTH,
EDUCATION,
AND WELFARE**

**Human Development
Services Office**



**COOPERATIVE RESEARCH
OR DEMONSTRATION
PROJECTS**

**Announcement for Grants,
Fiscal Year 1978**

[4110-92]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Office of Human Development Services

[Program Announcement No. 13647-781]

**COOPERATIVE RESEARCH OR
DEMONSTRATION PROJECTS****Announcement of Grants for Fiscal Year 1978**

The Office of Human Development Services (OHDS), Office of Planning, Research, and Evaluation (OPRE) announces that competing applications will be accepted for new research and demonstration grants authorized by Sections 1110 and 1115 in Title XI of the Social Security Act, as amended.

These grants will implement the new research and demonstration program which was established in October 1977 through the issuance of the HDS Research, Demonstration, and Evaluation Guidance for FY 1978. This Guidance provided the HDS Administrations (Aging, Children, Youth, and Families; Rehabilitation Services; Native Americans and Public Services) with substantive and procedural guidance for the submittal, review, and approval of their individual Program Administration R.D. & E. Plans, and set-aside new R. & D. money for implementing research and demonstrations of a cross program nature.

The closing dates for receipt of applications are: July 21, July 28, and October 31, 1978.

**SCOPE OF THIS PROGRAM
ANNOUNCEMENT**

This program announcement discusses domestic and international research and demonstration funding priorities for FY 1978 and the first quarter of FY 1979 which support HDS long-range goals and which crosscut HDS Administrations' (Aging, Children, Youth, and Families; Rehabilitation Services; Native Americans and Public Services) activities and target populations. There will be at least one further OPRE program announcement identifying additional funding priorities for FY 1979.

There will be additional program announcements in FY 1978 authorized under Sections 1110 and 1115 of the Social Security Act by the following HEW agencies: Office of Human Development Services; Administration for Public Services; Health Care Financing Administration; and the Social Security Administration.

A. PROGRAM PURPOSE

Grants funded by OPRE under Sections 1110 and 1115 of the Social Security Act are for domestic and international research or demonstration projects which crosscut HDS program administrations. These grants aid in ef-

fecting coordination of planning between private and public service agencies or help improve administration and effectiveness of programs carried on or assisted under the Social Security Act and programs related thereto such as programs for the aged, developmentally disabled, children, youth, and families, Native Americans, and rehabilitation of the handicapped.

The thrust of the crosscutting research and demonstration program is to fund projects whose objectives are related to more than one HDS target population and/or which approach problems related to the following long-range HDS goals:

Goal 1. To identify unmet and future needs of HDS target groups, and to assess service mix, levels, resources and appropriate roles for the public and private sector in meeting needs.

Goal 2. To improve design and operation of human service delivery systems to better meet needs of the client, giving particular consideration to changes which reinforce natural helping systems within the family and community.

Goal 3. To ensure that services are at a level of quality appropriate to goals and objectives they are designed to achieve.

In order to achieve these goals HDS is in need of knowledge and an information base on several critical service issues. The following research and demonstration program strategies are intended to assist HDS in obtaining this information:

(1) To expand efforts already undertaken by individual HDS program administrations to develop point projects within and outside of HEW;

(2) To assist State and local governments (including their Departments of Human Resources) and nonprofit organizations to devise comprehensive projects for a neighborhood, region, the youth, the aged, and other target groups that crosscut HDS program administrations.

(3) To explore administrative initiatives, problems, and policy issues affecting more than one HDS program;

(4) To facilitate effective administration at the Federal level by bringing together funds, procedures, and administrative requirements of related HDS programs to support a particular project or group of projects for which multiple sources of Federal financial assistance is being sought, without changing the goals of individual HDS programs; and

(5) To fund international projects involving issues of domestic significance.

Research and demonstration projects developed from these strategies may impact on local, State, and/or Federal concerns, and evolve through recognition among agencies confronting similar problems in administering

competing, interrelated or duplicative programs.

**B. PROGRAM GOALS AND PRIORITIES FOR
FUNDING**

Applications are solicited for projects which address major long-range HDS goals. In this regard, HDS has identified certain specific priority projects which reflect these goals and which are described in more detail in the Application Kit. The priority projects are identified by a number in parenthesis after each project. The appropriate number must be used on all applications and correspondence which relate to the project.

Applicants may also submit a proposal for a project not identified in this program announcement but which is relevant to the HDS goals. These applications will be designated as nonpriority but will also be subject to the panel review process.

One major thrust of the R. & D. effort focuses on the relationship between jobs and support services (CC-78-1, 3, 11). These projects address the lack of knowledge of the ramifications of employment requirements of the better jobs and income program on human services agencies. These concerns relate to the demand for social services that the new welfare reform bill may create, how social service delivery systems may need to be altered, and how States will provide the needed services.

The second set of critical issues revolve around the planning, coordination, delivery, quality, and administration of human services at the State and local level (CC-78-4, 6, 7, 8, 9, 10, 12, 13). Available service dollars are a known constraint across all HDS programs. Therefore, in order for HDS to maximize the use of its scarce dollars, information must be obtained on the application of technology to service delivery, the elimination of duplication in the provision of services at the local level and a current knowledge of how State and local agencies make allocation decisions.

The third major focus of the crosscutting research and demonstration projects is the health/services interface issue (CC-78-2, 5). A major reason for the vulnerability of HDS target groups is their lack of independence. Poor health creates a financial, physical, and emotional drain on these individuals which deprives them of any hope for self-sufficiency, self-support, and independent living.

In terms of the HDS long-range goals, priority projects identified under Goal 1 have been designed to interface with other existing traditional and established support systems (i.e., health, income maintenance, etc.).

Priority projects

Assessment of individual readiness for employment (CC-78-1). The pur-

pose of this project is to design and test criteria and measures of functional level of individuals in relation to physical and psycho-social requirements of employment.

Coordination of systems for delivering health and human services (CC-78-2). The purpose of this project is to develop a means for coordinating health and human services which address needs common to members of the target populations of the several HDS administrations. This project is expected to address situations in which various government programs are believed to be at cross purposes, determine if that is the case, and develop a way to harmonize those programs. In keeping with a holistic view of the person, this project is to consider the members of the HDS target populations as individuals whose needs are interrelated, and to treat them as such. It is expected that the results of this project will indicate more appropriate coordination and utilization of health care and human services. This might be manifest in a reduced amount of inappropriate institutionalization, and enhanced physical and emotional health in the target populations.

Support services and employment, with emphasis on low income and minority women in employment training or job readiness (CC-78-3). The purpose of this project is to facilitate the successful implementation of the Better Jobs and Income Program and the present functioning of the WIN/CETA programs by developing supportive human service programs which increase client achievement of the self-support goal.

Research of self-help practices and institutions at the family and community level (CC-78-4). The purpose of this project is to identify ways in which the self-help practices and institutions at the family and community level can be both reinforced by, and help to reform, public human services agency programs.

Design, demonstration, and evaluation of a social/health maintenance organization (CC-78-5). The purpose of this project is to develop, implement, and evaluate a model for organizing and coordinating health care and human services systems to meet the needs of vulnerable HDS target populations.

Priority projects identified under Goal 2 have been designed to promote improved administration and delivery of human services.

Priority projects

Improved systems support for human service programs using exemplary human service information systems as prototypes (CC-78-6). This project will deal with the development or transfer of systems that focus on the following discrete functions across human service programs.

Intake/eligibility
Case/management
Service delivery
Reporting-services cost, State plans
Vendor payments
Information and referral
Planning and forecasting

or the development of systems specifications would address as a minimum:

Child abuse & neglect
Delinquent youth
Protection services
Institutional care
Community services
Child health
EPSDT
Foster care
Adoptions
Day care
Interface with juvenile justice

Applicants are encouraged to transfer develop systems specifications in other related areas that crosscut HDS programs as well. Direct linkages would also be made to fiscal and planning systems related to the above functions and operated by States and localities.

Elimination of Unnecessary Duplication in the Provision of Services—at the Community Level—for Disabled Children and Youth (CC-78-7). The purpose of this project is to develop a model in a community for planning and coordinating services provided at the community level for disabled children and youth with special emphasis on how patterns of service delivery must change with the development of the individual from infancy to childhood, adolescence, and young adulthood.

R&D to improve services access, program effectiveness and efficiency of administration (CC-78-8). The purpose of the access projects is to reduce barriers to service access, identify underserved needy populations in urban centers, the reasons they do not use services and what methods best offer them access to services. The purpose of more comprehensive projects is to improve a state or communities human services system in terms of meeting needs of all subpopulation, the costs of delivering services, and the impact of the services on the problems experienced by persons served by programs.

Priority projects identified under Goal 3 have been designed to seek answers to questions regarding problems of assuring quality of services.

Priority projects

Conceptualization of quality of human services (CC-78-9).

The purpose of this project is to develop a conceptual framework for the design and testing of alternative measures of the quality of human services.

Adolescent community services (CC-78-10). The purpose of this project is to develop a comprehensive, efficient and effective approach to youth ser-

vices based on a holistic approach of treating the total range of problems—social, emotional, physical, and mental—facing young people as they grow.

Support services in youth employment projects (CC-78-11). The purpose of this project is to determine if the provision of supportive services in conjunction with employment services increases the effectiveness of Tier Two Entitlement Projects (CETA Title III-C: Subpart 1).

Priority projects identified under Goals 1, 2, and 3 have been related to the political, economic, and legal dimensions of the services environment.

Priority projects

An Examination of State Multiservice Planning and Resource Allocation Activities and Capabilities in Response to Increased Fiscal Constraints (CC-78-12).

The purpose of this project is to examine what policy management techniques and approaches and capabilities exist, are under development, and are needed by States for rational resource allocation, how these factors influence allocation, and based on existing experiences and literature, what are the major hindrances to this activity.

Development and Pilot Test of a Strategy for Transferring Advanced Human Services Technology—Relevant to Priority Concerns (Youth, Family Violence, Access)—from One Locality to Another Within the United States and also from European Nations to the United States (CC-78-13).

The purpose of this project is to: (1) develop a strategy for the systematic transfer of human services technology—service delivery models, needs assessment techniques, methods for improving service quality, etc.—from those European nations and localities within the United States where the state-of-the-art in those aspects of human services is most advanced; (2) pilot test the transfer of selected technologies to appropriate sites within the United States; (3) evaluate the transfer process and the impact(s) of the new technology. This does not address administrative technologies such as use of computers in case management. It does address technical methods which, for example, improve and influence the type of services to alcoholics or addicts or abusing parents or autistic children. Some technology on human service intervention might be based on behavioral modification or other psychological theories, some on concepts of fiscal incentives and education, others on group methods. Some might use hard technology such as two-way cable T.V. for the handicapped.

C. ELIGIBLE APPLICANTS

Section 1110 grants. Any State, public or other nonprofit organization

or agency may apply for a Section 1110 grant under this announcement.

Section 1115 grants. Under Section 1115, applications for grants may be made only by a State agency designated as the single State agency for a Social Security Act program.

Applications jointly developed by State and local community multiprogram human service agencies, foundations, and universities are encouraged to promote a comprehensive approach to complex issues involved in developing and administering human service programs.

D. AVAILABLE FUNDS

The Office of Planning, Research, and Evaluation expects to award up to \$2,750,000 in FY 1978 and up to \$350,000 in the first quarter of FY 1979 for new grants funded under Section 1110 and Section 1115 of the Social Security Act. A new grant is the initial grant made in support of a project requested on an application.

It is expected that approximately 20 domestic grants will be awarded pursuant to this announcement. A maximum of five such grants may have international components. The size of each grant is expected to range from \$75,000 to \$300,000 with the average award expected to be \$150,000. Actual figures may vary widely from those given due to uncertainties in the set-aside process. Generally, projects will be supported for periods from one to three years, although some projects will be supported up to five years depending on the complexity and goals of the project. Project startup dates will vary from August 1978 through December 1978. The funds provided in the initial grant will sustain the budget for the first year of the project. Support for any additional time remaining in the project period depends on funds available and the grantee's satisfactory performance on the project for which the grant was awarded.

This is the first year in which applications for competing crosscutting project initiatives have been requested for review and consideration by OPRE.

E. GRANTEE SHARE OF PROJECT

Section 1110. Grantees receiving financial assistance to conduct projects are expected to contribute some portion of the project costs for each year for which funding is requested. Generally, five (5) percent is considered acceptable. No Section 1110 grant will cover 100 percent of project costs.

Section 1115. Special Federal project grant funds received under Section 1115 are available to be used as the single State agency matching funds to obtain regular Federal share funds in order that the entire cost of the demonstration project may be covered by

Federal funds. It should be noted that except for training components of a project the regular Federal share funds under Title XX of the Social Security Act must come from the State agency's allotment.

F. THE APPLICATION PROCESS

1. Availability of application forms. Application kits which contain the prescribed application forms and supplemental descriptive project information are available from:

Division of Program Development, Office of Planning, Research, and Evaluation, Office of Human Development Services, Room 3643, HEW North Building, 330 Independence Avenue SW., Washington, D.C. 20201 (Attention 13647-781), telephone 202-472-7241.

2. Application submission. In order to be considered for a Section 1110 or Section 1115 grant, all applications must be submitted on Standard Forms provided for this purpose by OPRE. The application shall be executed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of the grant award. One signed application and two copies including all cover letters and attachments, are required.

As part of the project title (application form 424-101, item 7) the applicant must clearly indicate whether the application submitted is in response to a priority project identified in this announcement, and must reference the unique project identifier (CC-78-1, CC-78-2, etc.) for which the application is to compete. Applications lacking such a designation will be considered as nonpriority and will compete accordingly.

3. Application consideration. The Director, OPRE determines the final action to be taken with respect to each grant application. Applications which do not conform to this announcement or are not complete will not be accepted and applicants will be notified accordingly. Applications for priority projects which are received after the respective closing dates (see Section H) will be considered as nonpriority applications and will compete accordingly. Nonpriority projects may be submitted at any time and those received after one closing date will be held for the next competitive review. Otherwise, all accepted applications will be considered for funding.

All accepted grant applications are subjected to a competitive review and evaluation conducted by a panel of qualified persons independent of the Office of Planning, Research, and Evaluation. The results of the competitive review supplement and assist the Director's consideration of the competing applications. Comments on the applications may also be requested from appropriate specialists and con-

sultants inside and outside of the Government.

After the Director has reached a decision either to fund a competing grant application or to disapprove it, the applicant will be notified of that decision.

4. Grant awards. The Director, Office of Planning, Research, and Evaluation makes grant awards consistent with the purposes of the Social Security Act and the program announcements within limits of Federal funds available. The official grant award document is the Notice of Grant Awarded. The Notice of Grant Awarded sets forth in writing to the grantee the amount of funds granted, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given, the total project period for which support is contemplated, and the total grantee participation, if any.

G. CRITERIA FOR REVIEW AND EVALUATION OF APPLICATIONS

Competing grant applications will be reviewed and evaluated against the criteria stated below. Weightings for the criteria vary for each priority project and are included in the application kit as part of the supplemental descriptive project information.

1. The project objectives are related to specific HDS goals and priorities defined in this program announcement. Project objectives are explicitly described and measurable. *Impacted HDS target groups are individually identified and quantitatively estimated.*

2. The concept to be researched is reflected in a clear statement of purpose. A literature review indicates the concept is innovative and not duplicative of other efforts.

3. A well-defined and carefully worked out methodology (hypotheses to be tested, research design, identification of variables, analytical methodologies, evaluation methods) is included. The knowledge, methods, or technology developed is such that an impact can be expected on human service programs and target groups.

4. Tasks and milestones are clearly described and scheduled. The proposed time schedule is reasonable considering the nature of the project. In cases where a specific staff is not proposed in the project, sufficient startup time has been allowed to recruit staff.

5. The knowledge, methods, or technology developed in experimental, developmental, or other demonstration projects will be replicable in whole or in part and potentially applicable in areas other than the test sites.

6. A brief and focused record of the applicant organization in conducting related activities is provided. The project lists qualifications of the (existing

and anticipated) project personnel and identifies how those qualifications enable those people to perform their assigned tasks in the project in a competent manner. The applicant organization has adequate facilities and resources to carry out the project.

7. The budget is given in detail with justifications and explanations. Estimated costs are reasonable considering anticipated results.

8. The project has an evaluation component which describes data collection and analysis procedures geared to assessment of the degree to which intended objectives are achieved using quantitative measures to the maximum extent feasible. The evaluation is clearly distinguished from activities designed primarily for giving project staff feedback on their progress toward meeting project objectives.

9. Plans for utilization of a research or a demonstration project's results and appropriate dissemination procedures are included.

10. The contribution of any collaborative agencies or organizations are assured in writing and included with the application.

H. CLOSING DATES FOR RECEIPT OF APPLICATIONS

The closing dates for receipt of applications for the priority projects CC-78-1 through CC-78-13 identified in this program announcement is July 21, 1978. The closing dates for receipt of applications for nonpriority projects are July 28, 1978 and October 31, 1978.

Applications may be mailed or hand delivered to:

Receivig Office, Division of Grants and Contracts Management, Office of Human Development Services—HEW, Room 1427, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201, attention: 13647-781.

Applications must be received at the above address by the respective closing dates. Hand delivered applications are accepted during normal working hours of 9 a.m. to 5 p.m., Monday through Friday. An application will be considered to be received on time if:

a. The application was sent by registered or certified mail not later than the respective closing date, as evi-

denced by the U.S. Postal Service postmark, or on the original receipt from the U.S. Postal Service; or

b. The application is received on or before the respective closing date by the Department of Health, Education, and Welfare in Washington, D.C. (In establishing the date of receipt, consideration will be given to the time date stamp of the mailroom or other documentary evidence of receipt maintained by HEW.)

(Catalog of Federal Domestic Assistance Number: 13647 Cooperative Research or Demonstration Projects.)

Dated: May 26, 1978.

DAVID W. FAIRWEATHER,
Acting Director, Office of Planning, Research, and Evaluation.

Approved: May 31, 1978.

ARABELLA MARTINEZ,
Assistant Secretary for Human Development Services.

[FR Doc. 78-15521 Filed 6-2-78; 8:42 am]

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MONDAY, JUNE 5, 1978
PART IV



DEPARTMENT OF
TRANSPORTATION
Materials Transportation
Bureau

TRANSPORTATION OF
NATURAL AND OTHER
GAS BY PIPELINE
Leak Reporting Requirements

[4910-60]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Part 191]

[Docket No. OPS-49; Notice 11]

TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE; REPORTS OF LEAKS

Leak Reporting Requirements

AGENCY: Materials Transportation Bureau (MTB).

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice proposes to revise the existing gas pipeline leak reporting forms: Form DOT-F-7100.1-1, Annual Report—Distribution System (§ 191.11); Form DOT-F-7100.2-1, Annual Report—Transmission and Gathering Systems (§ 191.17); Form DOT-F-7100.1, Leak Report—Distribution System (Sec. 191.9); and Form DOT-F-7100.2, Leak Report—Transmission and Gathering Systems (§ 191.15). The revised forms would facilitate data processing, provide more appropriate data or data needed to administer new or amended statutes, and be easier to understand. In addition, the scope of Part 191 would be revised to (1) clarify and define the applicability of Part 191 to offshore pipelines and (2) revoke the present exception for gathering lines in rural areas. Also, the present exception for small petroleum gas systems from the annual reporting requirements of § 191.11 applicable to distribution systems would be revoked. At the same time, under the proposed new annual report for distribution systems, the information requested for systems that have less than 2,500 services would be significantly less than for larger systems.

DATE: Comments must be received by July 10, 1978. Late filed comments will be considered so far as practicable.

ADDRESS: Comments should identify the docket and notice numbers and be submitted in triplicate to the Docket Section, Materials Transportation Bureau, 2100 Second Street SW., Washington, D.C. 20590. Comments are available at MTB's Docket Room 6500.

FOR FURTHER INFORMATION CONTACT:

A. O. Garcia, 202-426-2082.

SUPPLEMENTARY INFORMATION:

BACKGROUND FOR FORM REVISION

The objective of the proposed revised leak reporting forms is to provide the pipeline safety data that is now considered necessary for the analysis and evaluation of safety problems and the solutions to these problems by both this Department and industry.

The submission of the Individual Leak Report forms is currently required in accordance with 49 CFR 191.9 and 191.15. The Annual Report forms are submitted annually on or before February 15 for the previous calendar year in accordance with 49 CFR 191.11 and 191.17.

The Federal gas pipeline safety standards (49 CFR Part 192) and the reporting requirements of Part 191 were issued in 1970. The safety standards have been amended as needed to assure public safety and reflect new technology and changes in industry practices. Of significance is the recent amendment to Part 192, making the standards applicable to certain offshore gathering lines (41 FR 34805, August 16, 1976). While these changes were made, information collected via the existing leak reporting forms has not been changed. Furthermore, since the adoption of the existing forms, this Department has received from State regulatory agencies, Federal agencies, such as the National Transportation Safety Board (NTSB), pipeline industry organizations, and other professional and interested associations, suggestions for the revision of these forms.

The Department awarded a contract study (DOT-OS-30110) in 1973 to the University of Oklahoma (UO), Office of Research Administration, to continue operation of the existing Automated Leak Test Failure Reporting System and to analyze data which was then available in the system as well as data which would be reported during the course of the contract. The final report for this contractual effort was completed in October 1974 and one of the outcomes of this study was recognition of the need to redesign the four gas pipeline data collection forms used by the Department. This study recognized the following problems:

a. The data being obtained was not in all cases complete enough to permit a comprehensive evaluation of problems identified or in some cases to identify the problem and in other cases the data was of little value.

b. The reading comprehension level of the forms was considered to be too difficult. Therefore, some of the nomenclature used in the various sections of the forms needs to be clarified so that it could be more readily understood by operators completing the report.

c. The forms were not well designed with respect to the subsequent processing of the information by electronic data processing methods.

d. Some of the laws enacted by Congress relating to operations of the Department required changes in the design of the form, particularly as related to Federal lands with pipelines passing through these lands.

In order to gain further information on a proper revision of the existing

forms, in 1976 MTB solicited and received suggestions from various State agencies and pipeline industry associations. Also, in 1976, another contract (DOT-PS-70075) was issued to the UO Office of Research Administration to review MTB's draft revision of the existing forms. MTB worked closely with the UO in order to develop, among other things, the reading and comprehension level of the forms, and also the computerized format which reflects the present and future needs of both the pipeline industry and MTB. Further suggestions for revising the forms were solicited from the Technical Pipeline Safety Standards Committee, American Gas Association, and American Society of Mechanical Engineers' Pipeline Standards Committee. All suggestions have been evaluated and appropriate ones are incorporated into the proposed revised forms shown in this notice.

BACKGROUND FOR AMENDING TEXT OF RULES

NTSB has recommended that this Department promulgate Federal pipeline safety standards under the Hazardous Materials Transportation Act (49 U.S.C. 1804) for gas gathering lines located in rural onshore areas, similar to the action taken when 49 CFR Part 192 was applied to gas gathering lines offshore. In its response, the Department stated that more data was needed to identify the number and kinds of safety problems in rural gas gathering lines. MTB expects that the number and kinds of problems in these lines may have been increasing due to the increase in gas production activity since the advent of the energy shortage. Therefore, MTB is proposing to extend the applicability of the reporting requirements in Part 191 including the telephonic notice requirements of § 191.5, to include rural gas gathering lines located onshore. The information to be obtained is also needed to meet the requirements of subsections 28(w) (3) and (4) of the Mineral Leasing Act of 1920 regarding the reporting of certain safety problems on pipelines on Federal lands.

At the same time, the scope of Part 191 would be amended to make it clear that the reporting requirements apply to offshore pipelines, including gathering lines which are now subject to Part 192.

The hazards of liquefied petroleum gas have received a great deal of public attention and have been the subject of Congressional inquiries as a result of accidents causing deaths and injuries. To better assess the extent of any potential problems on small petroleum gas distribution systems, MTB is proposing that the current exception for these systems from the annual leak reporting requirements of § 191.11 be revoked. Similarly to rural gather-

ing lines, information is also needed on these systems to help fulfill the Mineral Leasing Act requirements mentioned above.

SIGNIFICANT CHANGES IN FORMS

An attempt has not been made in preparing this preamble to describe and discuss in detail every proposed change in the forms. Rather, it was decided that the following general description and discussion of proposed changes, together with publication of the proposed revised forms, would be sufficient to call attention to the various issues involved. This approach was adopted because a detailed listing of all the changes would be unnecessarily voluminous and also a much more tedious way to review the changes than simply comparing the proposed and present forms directly. Although the proposed revised forms are printed in this Notice, additional copies can be obtained from the Materials Transportation Bureau, 2100 Second Street SW., Washington, D.C. 20590.

The titles of the existing leak reporting forms are proposed to be changed as follows:

"Leak Report—Distribution System," DOT F 7100.1, is proposed to be entitled "Individual Leak Report—Gas Pipeline Distribution System," Form RSPA-1.

"Leak or Test Failure Report—Transmission and Gathering Systems," DOT F 7100.2, is proposed to be entitled "Individual Leak Report—Gas Pipeline Transmission and Gathering Systems," Form RSPA-2.

"Annual Report for Calendar Year 19—Distribution System," DOT F 7100.1-1, is proposed to be entitled "Annual Report for Calendar Year 19—Gas Pipeline Distribution System," Form RSPA-3.

"Annual Report for Calendar Year 19—Gas Transmission and Gathering Systems," DOT F 7100.2-1, is proposed to be entitled "Annual Report for Calendar Year 19—Gas Pipeline Transmission and Gathering Systems," RSPA-4.

Two types of substantive changes are being proposed for the forms. One is applicable to all four forms while the other is specific to each type of form. These two types of changes are described in the sections which follow:

A. Changes made to all four forms.

(1) In order to provide a better basis for insuring accurate data processing of the information contained in the forms, Roman numerals, letters, and small numerals are proposed to be assigned to each data entry where data is to be entered. The processing of the data can then be keyed to these letters or numerals for each data filed and thus facilitate accurate processing of the data, especially in performing various edits of such data.

(2) The reading comprehension level of the information categories of the forms is proposed to be lowered through a deliberate choice of words requiring a lower reading comprehension level.

The proposed level would not require more than a high school education.

B. Changes made to each form.

(1) The following are changes included in the proposed Forms RSPA-1 and RSPA-2:

(a) In Part V of proposed Form RSPA-1 and proposed Form RSPA-2, additional information is requested in order to clarify the reason for submission of an Individual Leak Report. The criteria for submitting these reports are in 49 CFR Part 191, Section 191.5. This change should provide MTB a quick reference regarding the various reasons for the submission of a report and also guide the operators in properly completing the subject forms. Part V would also require operators to identify if a reported leak occurred on Federal lands. This information is needed in order to comply with the Mineral Leasing Act of 1920, as amended November 16, 1973 (Pub. L. 93-153, 30 U.S.C. 185).

(b) In Parts VIII, IX, and XI of proposed Form RSPA-1 and Parts VIII, X, and XII of proposed Form RSPA-2, additional information about leaks on plastic pipe is requested. Statistics resulting from the analysis performed by UO on data collected by this Department for the calendar years 1970-1973 have indicated that plastic pipe has a higher leak rate than pipe made of other materials. The additional information will permit a better understanding of the parts of the system constructed of plastic which leak or fail as well as the type of plastic used.

(c) Part 10 of the existing data collections forms is proposed to be revised in Part XIV of Form RSPA-1 and Part XIII of Form RSPA-2 in order to clarify the information related to personal injuries resulting from the escape of gas. This information, which is to be revised to more readily identify the party killed or injured, will permit a better analysis of data.

(d) Part B of the existing forms is proposed to be revised extensively in Part XVI-B of Form RSPA-1 and Part XVII-B of Form RSPA-2. The additional requested data will provide better information for analysis regarding the types of outside force leaks and the type of damage which results from outside forces. The analysis of pipeline safety data indicated that about half of the Individual Leak Reports are due to damage by outside forces.

(e) Part C of the existing forms is proposed to be revised in Part XVI-C of Form RSPA-1 and Part XVII-C of Form RSPA-2 to include additional construction defect or material failure information that MTB has determined to be pertinent to an adequate analysis of pipeline safety. Many data entries, which MTB has found to be of no use, have been deleted from Part C of the

existing form with the result that less information would be required to complete Part C of the proposed form.

(2) The following are changes included in the proposed Forms RSPA-3 and RSPA-4:

(a) The current requirement that distribution operators fill out the entire annual report form is proposed to be changed. Operators with less than 2,500 services would be required to complete approximately 10 percent of the information requested by RSPA-3. These operators comprise approximately 80 percent of the distribution operators which filed annual reports with MTB in 1977. This proposed relaxation of the reporting requirement for small operators will not appreciably affect the statistics relating to leaks reported to MTB because these operators still will be required to submit telephonic leak reports and because they provide gas service only to approximately 0.15 percent of the gas consumers in the country. The information requested from the small operators would be printed in blue for easy identification.

NOTE.—The proposed forms shown in this notice are printed in black and white, and, to aid interested persons in identifying which parts will be blue on the final form, solid vertical bars have been added to the left margin of Form RSPA-3. Also, for this Notice, the forms are divided into four pages each; however, the final forms will be printed one page each, 21 inches long. It is important to note that besides distribution companies, liquefied petroleum gas system operators and master meter system operators with less than 2,500 services would be able to take advantage of this proposed change.

(b) In Part I of RSPA-3, a new section relating to liquefied petroleum gas systems and master meter systems is proposed to be added. This information is needed in order for MTB to keep a current record of the leaks occurring in these systems. The existing requirement (Section 191.11(b)) which excludes petroleum gas systems serving less than 100 customers from a single source would be revoked.

(c) In order to assess the changes in pipelines in this country and Puerto Rico, Part III relating to the miles of mains and number of services, for proposed Form RSPA-3, and miles of transmission onshore/offshore, for proposed Form RSPA-4, would be revised to identify the type and location of the lines and to identify whether lines were added, retired, or replaced.

(d) In Part IV of proposed forms RSPA-3 and RSPA-4, the nomenclature would be changed regarding the description of pipe in order to make a better analysis of coated, bare, cathodically and noncathodically protected pipelines. This information is needed in order to have a better understanding of the sizes of various operators' systems and also to relate this request-

ed information to the average leaks for protected and nonprotected pipelines, and to compare the behavior among metallic and plastic pipe. In addition, these proposed changes will facilitate the completion of the proposed forms by the operators.

(e) Part V of RSPA-3 and RSPA-4 relates the cause of the leak to the specific location or type of component that leaked. The type of causes of leaks is proposed to be substantially expanded to more appropriately cover most of the causes of leaks. It is also being proposed in Part V of both forms to request additional information about leaks on plastic pipe and related components. Statistics resulting from the analysis performed by UO on data collected by this Department for the calendar years 1970-1973 have indicated that plastic pipe has a higher leak rate than pipe made of other materials. The additional information will permit a better understanding of the parts of the system constructed of plastic which leak or fail as well as the type of plastic used.

The proposed changes to Part V would also result in additional information regarding outside force damage. The UO analysis indicated that a majority of all serious leaks resulted from outside force damage, especially to lines of distribution operators. In order to develop a more comprehensive understanding of the cause of outside force damage, it is proposed that this category be divided to include "construction equipment and blasting" and "natural causes" with the respective definitions included as part of the specific instructions for the completion of the subject forms.

(f) Part VI of both forms proposes to require the operators to identify in RSPA-3 the number of leaks in mains and in services, and in RSPA-4 the number of leaks in transmission lines and in gathering lines during the year by cause and by decade of installation. This information is needed to identify the major causes of leaks and to relate these causes to age of the facility. This information can be used to determine if the cause of leaks is related to age of the pipe and to design preventive maintenance programs. Parts VI of both forms would also require the operators to identify, from the System Total, the number of leaks which occurred in Federal lands by Cause of Leak. This information is needed to comply with the Mineral Leasing Act of 1920, as amended November 16, 1973 (Pub. L. 93153, 30 U.S.C. 185).

(g) Parts VII and VIII in RSPA-3 would require the operators to identify the miles of mains and the number of services in their system at end of the year by material and by nominal size, and Part VII in RSPA-4 would require the operators to identify the miles of transmission and gathering

lines in their system at end of year by nominal size and by material. This information is needed to give the Department a comparison of the make of different systems in order to provide a relationship of the problems between different systems as well as a statistical base for analyzing the relative frequency on a per unit basis of leaks on each specific material. Such data can be used to identify problems associated with each specific material on a local or national basis and can be used as a guide for determining need for regulatory action. It can also be used by operators to design preventive maintenance programs.

(h) Information previously requested from distribution and transmission operators related to frequency of inspection for cathodically protected mains, services, transmission, and gathering lines has been deleted because the past management of the data showed that such information was not needed. Similarly, information previously requested about leak surveys has been deleted from the proposed forms. This also should reduce the workload of the pipeline operators in completing the forms.

(i) Parts Q and N of the existing forms are proposed to be revised in Part XI of Form RSPA-3 and Part IX of Form RSPA-4 in order to clarify the information related to personal injuries resulting from the escape of gas. This information, which would be revised to more readily identify the party killed or injured, would permit a better analysis of data.

(3) The specific instructions for completing the Annual Report Forms are proposed to be renumbered Forms RSPA-3A and RSPA-4A, respectively. These instructions would also be revised to improve their readability by using a concise and direct style of writing which will clarify some terms needed for the appropriate completion of the forms. As the instructions undergo change in future reporting periods, modified layouts and revised instructions will be prepared by the Department and mailed to the operators, together with appropriate documentation, if necessary, that describes the authorization and the details of all such changes, additions, or deletions. The instructions for the proposed revised Individual Leak Report forms have been entered directly into the forms. These forms have been designed to minimize the need for additional specific instructions.

ANTICIPATED BENEFITS

The anticipated benefits that would be derived from the use of the proposed revised leak reporting forms are as follows:

1. Collect additional or revised useful statistical information necessary to assemble facts that will enable

the Department to better define safety problems and devise regulatory solutions.

2. Provide additional information necessary to comply with additional statutory responsibilities assigned to MTB.

3. Delete information which has been determined unnecessary after 8 years of data collection experience.

4. Facilitate the extraction of data from the forms in order to provide this information for reports and replies to correspondence from Congress, the industry, and the general public.

5. Provide easier and more accurate transfer of data from the forms into data processing storage devices.

6. Make it easier for operators to submit requested information since the reporting burden is substantially reduced by reporting with the proposed forms.

7. Provide improved and easier to understand instructions and clarification of terms needed for the appropriate completion of the forms.

MTB has determined that this document does not contain a major proposal requiring preparation of a Regulatory Analysis under Department procedures for "Improving Government Regulations" implementing Executive Order 12044.

Effective Date: The revised Individual Leak Report forms (Forms RSPA-1 and RSPA-2) are proposed to become effective January 1, 1979, with Annual Report forms (Forms RSPA-3 and RSPA-4) for calendar year 1979 to be submitted to MTB on or before February 15, 1980.

In consideration of the foregoing, MTB proposes that Part 191 of Title 49 of the Code of Federal Regulations be amended as follows:

1. By revising § 191.1 to read as follows:

§ 191.1 Scope.

(a) This Part prescribes requirements for the reporting of gas leaks requiring immediate or scheduled repair and of test failures on pipeline facilities used in the transportation of gas, including pipeline facilities used in the transportation of gas within the limits of the Outer Continental Shelf as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331), by persons engaged in the transportation of gas.

(b) This Part does not apply to—

(1) Gas leaks intended by persons engaged in the transportation of gas; or

(2) Offshore gathering of gas upstream from the outlet flange of each facility on the Outer Continental Shelf where hydrocarbons are produced or where produced hydrocarbons are first separated, dehydrated, or otherwise processed, whichever facility is farther downstream.

§§ 191.9, 191.11, 191.15, and 191.17
[Amended]

2. By changing the Department of Transportation report form identification numbers in §§ 191.9(a), 191.11(a), 191.15(a), and 191.17(a) from "DOT-F-7100.1," "DOT-F-7100.1-1," "DOT-F-7100.2," and "DOT-F-7100.2-1" to "RSPA-1," "RSPA-3," "RSPA-2," and "RSPA-4," respectively.

3. By revoking paragraph (b) of § 191.11.

4. By establishing new leak reporting forms and pertinent instructions as set forth below.

(Sec. 3, Pub. L. 90-481, 82 Stat. 721 (49 USC 1672); for offshore gathering lines, Sec. 105, Pub. L. 93-633, 88 Stat. 2157 (49 USC 1804); 49 CFR App. A of Part 1 and App. A of Part 102.)

Issued in Washington, D.C., on May 31, 1978.

CESAR DE LEON,
Acting Director, Office of
Pipeline Safety Operations.

Form RSPA-1 (4-78)
REPLACES FORM DOT F 7100.1

NOTICE: This report is required by 49 CFR Part 191. Failure to report can result in a civil penalty not to exceed \$1,000 for each violation for each day that such violation persists, except that the maximum civil penalty shall not exceed \$200,000 as provided in 49 U.S.C. 1678.

"X" one ☐ INITIAL REPORT
☐ SUPPLEMENTAL REPORT

Form Approved: OMB No. 04-RXXX

PART I		REPORT DATE		DEPARTMENT OF TRANSPORTATION RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION	
MONTH	DAY	YEAR	INDIVIDUAL LEAK REPORT		
1	2	3	GAS PIPELINE DISTRIBUTION SYSTEM		

PART II		INSTRUCTIONS (Please read before completing form)					
A. 1. Submit one complete copy of this form for each leak with all applicable parts (Parts I through XVII) completed and report signed.							
2. "X" appropriate box below for specific cause of leak and complete pertinent part(s) of Part XVI on reverse side.							
1. <input type="checkbox"/> CORROSION - PART XVII 2. <input type="checkbox"/> DAMAGE BY OUTSIDE FORCE - PART XVII 3. <input type="checkbox"/> CONSTRUCTION DEFECT OR MATERIAL FAILURE - PART XVII 4. <input type="checkbox"/> OTHER (Describe the incident in detail in Part XVII)							
B. To answer questions with answer boxes, choose the appropriate number(s) of the listed answer(s) and enter in the box(es) provided in the lower right corner of the item.							
C. Enter numbers in boxes on the right, inserting zeroes as necessary to fill all boxes. EXAMPLE <table border="1"><tr><td>0</td><td>0</td><td>3</td><td>8</td></tr></table>				0	0	3	8
0	0	3	8				
D. If an item does not apply, enter "NA" in all appropriate box(es) or space(s).							
E. If requested information is unknown, enter "UNK" in appropriate box(es) or space(s). A supplemental report should be submitted as soon as unknown information is obtained.							
F. If additional information is needed to complete this form telephone the Department of Transportation, Materials Transportation Bureau, Area Code 202, 426-3046, Monday through Friday, 8:30 A.M. to 5:00 P.M., Eastern Time.							
G. This leak must be reported within 20 days after detection.							

PART III		OPERATOR INFORMATION (Show Principal Company Office)	
A. NAME OF OPERATOR		B. OPERATOR CODE	
DRAFT		1 2 3 4 5	
C. NUMBER & STREET		E. COUNTY	
D. CITY		F. STATE	
G. ZIP CODE			

PART IV		FOR MATERIALS TRANSPORTATION BUREAU USE ONLY	
A. LOCATION		B. M.T.B. CODE	
STATE CITY COUNTY		1 2 3 4 5 6 7 8 9	
CODE 1 2 3 4 5 6 7 8		C. OPERATOR CLASSIFICATION	
		1 2 3 4	

PART V		REPORT DATA	
A. REASON FOR REPORT		B. PREVIOUSLY REPORTED BY TELEPHONE	
1. <input type="checkbox"/> FATALITY OR INJURY REQUIRING HOSPITALIZATION		1. <input type="checkbox"/> YES	
2. <input type="checkbox"/> IGNITION OF GAS		2. <input type="checkbox"/> NO	
3. <input type="checkbox"/> PROPERTY DAMAGE \$5,000 OR MORE			
4. <input type="checkbox"/> WHEN TAKING SEGMENT OF PIPELINE OUT OF SERVICE			
5. <input type="checkbox"/> OPERATOR JUDGEMENT			
6. <input type="checkbox"/> LEAK REQUIRING EMERGENCY ACTION			
C. LEAK ON FEDERAL LANDS			
1. <input type="checkbox"/> "X" IF LEAK OCCURRED ON FEDERAL LANDS ("Federal Lands" means all lands owned by the United States except, lands in the National Park System, lands held in trust for an Indian or Indian Tribe, and lands on the Outer Continental Shelf.)			
2. NAME FEDERAL AGENCY(IES) THAT GRANTED PIPELINE RIGHT-OF-WAY:			

PART VI		LOCATION AND TIME OF LEAK	
A. NUMBER & STREET		B. CITY	
C. COUNTY		D. STATE	
E. ZIP CODE			

F. TIME OF DETECTION (For Hour use 24-hour clock)		G. ESTIMATED PRESSURE AT POINT AT TIME OF LEAK	
MONTH DAY HOUR		PSIG	
1 2 3 4 5 6 7 8		1 2 3 4	
H. TIME BETWEEN DETECTION AND WHEN AREA WAS MADE SAFE (i.e., under control)		I. MAXIMUM ALLOWABLE OPERATING PRESSURE	
HOURS MINUTES		PSIG	
1 2 3 4		1 2 3 4	

RSPA-1

PART VII		LEAK DETECTION METHOD AND REPORTING	
A. DETECTED BY		3. OTHER OPERATOR ACTION (Specify)	
1. ROUTINE LEAK SURVEY			
2. OUTSIDE PARTY			
B. REPORTED BY		4. PUBLIC	
1. OPERATOR PERSONNEL		5. OTHER (Specify)	
2. PARTY CAUSING DAMAGE			
3. POLICE OR FIREMAN			

PART VIII		ORIGIN OF LEAK	
A. PIPE		DRAFT	
1. BODY			
B. SEAM			
2. SPIRAL OR LONGITUDINAL			
C. JOINT		7. BELL & SPIGOT	
3. GAS GIRTH WELD		8. THREADED	
4. ARC GIRTH WELD		9. OTHER (Specify)	
5. PLASTIC-FUSION, ADHESIVE, OR SOLVENT			
6. MECHANICAL			
D. COMPONENT			
10. FITTING (includes nipples, manifolds, sleeves, elbows, tees, etc.)		15. OTHER (Specify)	
11. VALVE			
12. TAP FITTING			
13. REGULATOR			
14. METER			
E. YEAR OF INSTALLATION (Enter last two figures of year)			

PART IX		PIPE DATA	
A. DESCRIPTION			
1. NOMINAL DIAMETER IN INCHES (Round off to two figures, rounded off to next whole lower figure)			
2. NOMINAL WALL THICKNESS IN INCHES (Round off to three figures to right of decimal point)			
3. SPECIFICATIONS			
4. GRADE OR SMYS			

B. METHOD OF MANUFACTURE			
1. STEEL		4. BUTT WELDED (includes Electric-Fusion)	
1. SEAMLESS		5. FURNACE-LAP WELDED	
2. ELECTRIC-RESISTANCE WELDED		6. ELECTRIC FLASH WELDED	
3. SUBMERGED ARC WELDED			
2. CAST IRON			
1. CENTRIFUGALLY CAST		2. PIT CAST	
3. PLASTIC		4. OTHER (Specify)	
1. POLYETHYLENE			
2. POLYVINYL CHLORIDE (PVC)			
3. THERMOSETTING			
4. OTHER PIPE MATERIAL (Specify)			

PART X		WHERE LEAK OCCURRED	
A. PART OF SYSTEM		3. OTHER (Specify)	
1. MAIN			
2. SERVICE			

Please Continue on Reverse

PAGE 2

PART XI		MATERIAL OF PART WHICH LEAKED	
A. TYPE		6. POLYVINYL CHLORIDE (PVC)	
1. STEEL		7. THERMOSETTING PLASTIC	
2. COPPER		8. SEALANT OR GASKET	
3. CAST IRON		9. OTHER (Specify)	
4. DUCTILE IRON			
5. POLYETHYLENE			
B. WAS MATERIAL OF THE LEAKED OR FAILED PART THE SAME AS THAT OF THE ADJOINING PART?		1. YES 2. NO	
C. IS A METALLURGICAL ANALYSIS PLANNED?		1. YES 2. NO	

PART XII		TYPE OF REPAIR	
A. PIPE		5. OTHER REPAIR OR DISPOSITION (Specify)	
1. WELD OVER SLEEVE			
2. PATCH WELDED			
3. CLAMP			
4. REPLACE PIPE			
B. COMPONENT		2. OTHER (Specify)	
1. REPLACED			
2. RECONDITIONED			

PART XIII		EXTENT OF DAMAGE FROM ESCAPE OF GAS	
A. EXPLOSION OCCURRED?		1. YES 2. NO	
B. GAS IGNITED?		1. YES 2. NO	
C. INCIDENT INDUCED ADDITIONAL EXPLOSIONS OR FIRES?		1. YES 2. NO	

D. TOTAL ESTIMATED COST TO THE OPERATOR FOR REPAIR OR REPLACEMENT OF THE SEGMENT OF THE SYSTEM THAT FAILED (include material, equipment, gas lost, labor, supervision and overhead.)		\$	
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PART XIV		PERSONAL INJURIES RESULTING FROM ESCAPE OF GAS	
2. INJURED means non-fatal injuries requiring hospitalization.		NUMBER OF PERSONS INJURED	
A. EMPLOYEE(S) OF OPERATOR		1. 2.	
B. EMPLOYEE(S) OF OPERATOR'S CONTRACTOR		1. 2.	
C. EMPLOYEE(S) OF OR OUTSIDE PARTY CAUSING DAMAGES		1. 2.	
D. MEMBER(S) OF THE PUBLIC		1. 2.	

PART XV		ENVIRONMENTAL DESCRIPTION	
A. PREDOMINANT TYPE OF AREA		1. COMMERCIAL 3. RESIDENTIAL	
2. INDUSTRIAL 4. RURAL			
B. CLASS LOCATION AT TIME OF CONSTRUCTION CLASS: 1, 2, 3, 4		C. CLASS LOCATION AT TIME OF INCIDENT CLASS: 1, 2, 3, 4	
* See Sec. 192.5, 49 CFR, Part 192 for definition.			
D. DEPTH OF COVER (Number of feet measured below normal grade of natural bottom, if under water)			
1. 1 to 12 3. 19 to 24 5. 37 to 48			
2. 13 to 18 4. 25 to 36 6. OVER 48			

E. GROUND COMPOSITION AT PIPE DEPTH			
1. SOIL 3. OTHER (Specify)			
2. ROCK			
F. ESTIMATED SOIL TEMPERATURE AT POINT OF LEAK...		°F	

Form RSPA-1

Page 3

PART XVI CAUSE OF LEAK	
A. CORROSION	
1. GENERAL CORROSION INFORMATION	4. CATHODIC PROTECTION INFORMATION
2. TYPE CORROSION (1) INTERNAL (2) EXTERNAL	2. PROTECTED? (1) YES (2) NO
3. DESCRIPTION (1) PITTING (2) GENERAL (3) BOTH	3. YEAR PROTECTION STARTED (Enter last two figures of year)
4. CAUSE (1) GALVANIC (2) BACTERIAL (3) STRAY CURRENT (4) OTHER (Specify)	5. TYPE (1) IMPRESSED (2) GALVANIC (3) OTHER (Specify)
2. EXTERNAL PIPE COATING INFORMATION	6. pH OF UNDISTURBED SOIL NEAREST THE LEAK, IF NOT UNDERWATER (See deciml)
2. COATING (1) BARE (2) COATED AND/OR WRAPPED	5. SOIL RESISTIVITY
3. YEAR COATING INSTALLED (Enter last two figures of year)	2. LATEST SOIL RESISTIVITY MEASUREMENT IN AREA OF LEAK (ohm-cm)
4. SITE OF COATING APPLICATION (1) MILL (2) YARD (3) FIELD (4) UNKNOWN	3. DATE OF MEASUREMENT MONTH DAY YEAR
5. MATERIAL (1) COAL TAR (2) ASPHALT (3) WAX (4) PREFABRICATED FILM (5) THIN FILM (6) OTHER (Specify)	4. DISTANCE FROM LEAK (Feet)
3. COATING FAILURE INFORMATION	6. PIPE-TO-SOIL POTENTIAL
2. CAUSE (1) DAMAGE (2) DEFECTIVE MATERIAL (3) DEFECTIVE APPLICATION (4) DECOMPOSITION (5) OTHER (Specify)	2. LATEST PIPE-TO-SOIL POTENTIAL MEASUREMENT IN UNDISTURBED SOIL AT NEAREST POINTS ON EACH SIDE OF THE LEAK WITHIN THE SAME ELECTRICALLY CONDUCTIVE SEGMENT.
	3. DISTANCE FROM LEAK TO EACH MEASUREMENT POINT
	4. DATE OF MEASUREMENT MONTH DAY YEAR
B. DAMAGE CAUSED BY OUTSIDE FORCES	
1. LEAK	
2. PRIMARY CAUSE (1) CONSTRUCTION EQUIPMENT AND BLASTING BY DIRECT CONTACT OR BY EARTH MOVEMENT INDUCED BY ACTION OF MAN. (2) OTHER EQUIPMENT OR VEHICLE(S) (Includes hand tools, trucks, automobiles, motor cycles, snowmobiles, etc.) (3) NATURAL CAUSES (Includes landslides, subsidence, earthquake, flood, lightning, etc.) (4) WILLFUL (Includes vandalism, sabotage, etc.) (5) HOUSE FIRE RESULTING IN GAS FIRE	
2. DAMAGE BY EQUIPMENT OF OUTSIDE PARTY	
A. WAS OUTSIDE FORCE DAMAGE CAUSED BY DIRECT CONTACT OF EQUIPMENT OR BLASTING? (1) YES (2) NO	3. WHAT TYPE OF MARKING OR IDENTIFICATION WAS USED TO ADVISE OUTSIDE PARTY OF LOCATION OF PIPE? (1) PERMANENT MARKERS (2) MAP FURNISHED (3) TEMPORARY STAKES (4) PAINT (5) EXCAVATION (6) VERBAL INSTRUCTIONS
B. WAS OUTSIDE FORCE DAMAGE INDUCED BY EARTH MOVEMENT? (1) YES (2) NO	4. DID OUTSIDE PARTY EXPOSE PIPELINE BY HAND PRIOR TO DAMAGE? (1) YES (2) NO
C. DID OPERATOR GET PRIOR NOTIFICATION THAT THE EQUIPMENT WOULD BE USED IN THE AREA? (1) YES (2) NO	5. DOES STATE STATUTE OR LOCAL ORDINANCE REQUIRE THE OUTSIDE PARTY TO NOTIFY THE OPERATOR? (1) YES (2) NO
D. DATE OF PRIOR NOTIFICATION IF RECEIVED BY OPERATOR. MONTH DAY YEAR	
E. WAS THE PIPELINE MARKED OR IDENTIFIED? (1) YES (2) NO	
F. NUMBER OF HOURS IN WHICH NOTIFICATION WAS RECEIVED PRIOR TO START OF EXCAVATION. (1) 0-12 (2) 13-24 (3) 25-48 (4) OVER 48	
3. DAMAGE BY NATURAL CAUSES	
2. PRIMARY CAUSE (1) SUBSIDENCE (2) EARTHQUAKE (3) LANDSLIDE (4) FLOOD (5) LIGHTNING (6) OTHER (Specify)	

Form RSPA-1

Page 4

C. CONSTRUCTION DEFECT OR MATERIAL FAILURE	
1. LEAK	
2. PRIMARY CAUSE (1) CONSTRUCTION DEFECT (2) MATERIAL FAILURE (3) IMPROPER INSTALLATION (4) INAPPROPRIATE COMPONENT	
2. MATERIAL INFORMATION	
2. NAME OF MANUFACTURER	3. NOMINAL SIZE
4. YEAR MANUFACTURED (Enter last two figures of year)	5. MANUFACTURER'S CODE OR SPECIFICATIONS
6. MANUFACTURER'S PRESSURE RATING PSIG	
3. MOST RECENT TEST DATA PRIOR TO LEAK	
2. TEST DATA FOR (1) INITIAL POST-CONSTRUCTION TEST (2) SUBSEQUENT TEST (3) NOT TESTED (4) UNKNOWN	3. TEST MEDIUM (1) AIR (2) WATER (3) GAS (4) OTHER (Specify)
4. MINIMUM TEST PRESSURE PSIG	5. TIME HELD AT TEST PRESSURE HOURS
6. ESTIMATED TEST PRESSURE AT POINT OF LEAK PSIG	7. QUALIFIED MAOP OF FACILITY PSIG
8. IF NOT TESTED, DESCRIBE BASIS FOR MAOP QUALIFICATION	
D. OTHER	
9. DESCRIPTION OF INCIDENT WHEN BOX 4, PART II A 2 IS "X'ed" (If more space is needed, continue on a separate sheet, identify with name of operator, and attach to this sheet.)	
DRAFT	
PART XVII ADDITIONAL DATA	
A. FOR CONTINUATION OF EXPLANATION OF ITEMS ABOVE (If more space is needed, continue on a separate sheet, identify with name of operator, and attach to this sheet.)	
REPORTING OFFICIAL	
B. CERTIFICATION: I certify that all the statements and answers given on this form and all attachments hereto are complete, correct, and true to the best of my knowledge.	
TYPED OR PRINTED NAME AND TITLE	SIGNATURE
	TELEPHONE NUMBER (Include Area Code)

Form RSPA-2 (4-78)
SUPERSEDES FORM DOT F 7100-2

NOTICE: This report is required by 49 CFR Part 191. Failure to report can result in a civil penalty not to exceed \$1,000 for each violation for each day that such violation persists, except that the maximum civil penalty shall not exceed \$200,000 as provided in 49 U.S.C. 1678.

"X" one ☐ INITIAL REPORT
☐ SUPPLEMENTAL REPORT
Form Approved: OMB No. 04-RXXX

DEPARTMENT OF TRANSPORTATION RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION			
INDIVIDUAL LEAK REPORT - GAS PIPELINE TRANSMISSION & GATHERING SYSTEMS			
PART I REPORT DATE AND TYPE			
A. DATE MONTH DAY YEAR 1 2 3 4 5 6		B. TYPE 1. <input type="checkbox"/> OPERATIONAL 2. <input type="checkbox"/> TEST → C. TEST ON 1. <input type="checkbox"/> NEW CONSTRUCTION 2. <input type="checkbox"/> EXISTING FACILITY	
PART II INSTRUCTIONS (Please read before completing form)			
A. 1. Submit one complete copy of this form for each leak with all applicable parts (Parts I through XVIII) completed and report signed. 2. Mark appropriate box below for specific cause of leak and complete pertinent part(s) of Part XVI on reverse side: 1. <input type="checkbox"/> CORROSION - PART XVII 2. <input type="checkbox"/> DAMAGE BY OUTSIDE FORCE - PART XVIIIB 3. <input type="checkbox"/> CONSTRUCTION DEFECT OR MATERIAL FAILURE - PART XVIIIC 4. <input type="checkbox"/> OTHER (Describe the incident in detail in Part XVIIID)			
B. To answer questions with answer boxes, choose the appropriate number(s) of the listed answer(s) and enter in the box(es) provided in the lower right corner of the item. C. Enter numbers in boxes on the right, inserting zeroes as necessary to fill all boxes. EXAMPLE 0028 D. If an item does not apply, enter "NA" in all appropriate box(es) or space(s). E. If requested information is unknown, enter "UNK" in appropriate box(es) or space(s). A supplemental report should be submitted as soon as unknown information is obtained. F. If additional information is needed to complete this form telephone the Department of Transportation, Materials Transportation Bureau, Area Code 202, 426-3046, Monday through Friday, 8:30 A.M. to 5:00 P.M., Eastern Time. G. This leak must be reported within 20 days after detection.			
PART III OPERATOR INFORMATION (Show Principal Company Office)			
A. NAME OF OPERATOR DRAFT		B. OPERATOR CODE 1 2 3 4 5	
C. NUMBER & STREET		D. CITY	
E. COUNTY		F. STATE	
G. ZIP CODE			
PART IV FOR MATERIALS TRANSPORTATION BUREAU USE ONLY			
A. LOCATION CODE STATE CITY COUNTY 1 2 3 4 5 6 7 8		B. MTB CODE 1 2 3 4 5 6 7 8 9	
PART V REPORT DATA			
A. REASON FOR REPORT 1. <input type="checkbox"/> FATALITY OR INJURY REQUIRING HOSPITALIZATION 2. <input type="checkbox"/> IGNITION OF GAS 3. <input type="checkbox"/> PROPERTY DAMAGE \$5,000 OR MORE 4. <input type="checkbox"/> WHEN TAKING SEGMENT OF PIPELINE OUT OF SERVICE 5. <input type="checkbox"/> OPERATOR JUDGEMENT 6. <input type="checkbox"/> LEAK REQUIRING EMERGENCY ACTION		B. PREVIOUSLY REPORTED BY TELEPHONE 1. <input type="checkbox"/> YES 2. <input type="checkbox"/> NO	
C. LEAK ON FEDERAL LANDS 1. <input type="checkbox"/> "X" IF LEAK OCCURRED ON FEDERAL LANDS ("Federal Lands" means all lands owned by the United States except, lands in the National Park System, lands held in trust for an Indian or Indian Tribe, and lands on the Outer Continental Shelf.) 2. NAME FEDERAL AGENCY (IES) THAT GRANTED PIPELINE RIGHT-OF-WAY:			
PART VI LOCATION AND TIME OF LEAK			
A. ONSHORE 1. NUMBER & STREET 2. CITY 3. COUNTY 4. STATE 5. ZIP CODE		B. OFFSHORE 1. BLOCK 2. AREA DESIGNATION 3. STATS OF (Type - last of observation) 4. MILE POST OR SURVEY STATION NUMBER	

Form RSPA-2

Page 2

C. TIME		D. PRESSURE	
1. TIME OF DETECTION (For Hour use 24-hour clock) MONTH DAY HOUR 1 2 3 4 5 6 7 8		1. ESTIMATED PRESSURE AT POINT AT TIME OF LEAK PSIG 1 2 3 4	
2. TIME BETWEEN DETECTION AND WHEN AREA WAS MADE SAFE (i.e., under control) HOURS MINUTES 1 2 3 4		2. MAXIMUM ALLOWABLE OPERATING PRESSURE PSIG 1 2 3 4	
PART VII WHERE LEAK OCCURRED		PART XII PIPE DATA	
A. SYSTEM 1. TRANSMISSION 3. TRANSMISSION LINE OF DISTRIBUTION SYSTEM 2. GATHERING		A. DESCRIPTION 1. NOMINAL DIAMETER IN INCHES (Round off to two figures, rounded off to next whole lower figure) 2. NOMINAL WALL THICKNESS IN INCHES (Round off to three figures to right of decimal point) 3. SPECIFICATIONS 4. GRADE OR SMYS	
PART VIII MATERIAL OF PART WHICH LEAKED		B. METHOD OF MANUFACTURE	
A. TYPE 1. STEEL 2. COPPER 3. CAST IRON 4. DUCTILE IRON 5. POLYETHYLENE 6. POLYVINYL CHLORIDE (PVC) 7. THERMOSETTING PLASTIC 8. SEALANT OR GASKET 9. OTHER (Specify)		1. STEEL 1. SEAMLESS 2. ELECTRIC-RESISTANCE WELDED 3. SUBMERGED ARC WELDED 4. BUTT WELDED (Includes Electric-Fusion) 5. FURNACE-LAP WELDED 6. ELECTRIC FLASH WELDED 2. CAST IRON 1. CENTRIFUGALLY CAST 2. PIT CAST 3. PLASTIC 1. POLYETHYLENE 2. POLYVINYL CHLORIDE (PVC) 3. THERMOSETTING 4. OTHER (Specify) 4. OTHER PIPE MATERIAL (Specify)	
PART IX EXTENT OF DAMAGE FROM ESCAPE OF GAS		PART XIII PERSONAL INJURIES RESULTING FROM ESCAPE OF GAS	
A. EXPLOSION OCCURRED? 1. YES 2. NO B. GAS IGNITED? 1. YES 2. NO C. INCIDENT INDUCED ADDITIONAL EXPLOSIONS OR FIRES? 1. YES 2. NO D. TOTAL ESTIMATED COST TO THE OPERATOR FOR REPAIR OR REPLACEMENT OF THE SEGMENT OF THE SYSTEM THAT FAILED (Include material, equipment, gas lost, labor, supervision, and overhead.) → \$		* Injured means non-fatal injuries requiring hospitalization. NUMBER OF FATALITIES NUMBER OF PERSONS INJURED * A. EMPLOYEE(S) OF OPERATOR 1. 2. B. EMPLOYEE(S) OF OPERATOR'S CONTRACTOR 1. 2. C. EMPLOYEE(S) OR/ON OUTSIDE PARTY CARRYING DAMAGES 1. 2. D. MEMBER(S) OF THE PUBLIC 1. 2.	
PART X ORIGIN OF LEAK		PART XIV LEAK WITH RUPTURE	
A. PIPE 1. BODY 2. SPIRAL OR LONGITUDINAL C. JOINT 3. GAS GIRTH WELD 4. ARC GIRTH WELD 5. PLASTIC-FUSION, ADHESIVE, OR SOLVENT 6. MECHANICAL D. COMPONENT 10. FITTING (Includes nipples, manifolds, sleeves, elbows, tees, etc.) 11. VALVE 12. TAP FITTING 13. REGULATOR 14. METER 15. OTHER (Specify) E. YEAR OF INSTALLATION (Enter last two figures of year)		A. SHEAR FRACTURE IN FEET B. CLEAVAGE FRACTURE IN FEET C. IS A METALLURGICAL ANALYSIS PLANNED? 1. YES 2. NO	
PART XI PART OF SYSTEM WHICH LEAKED		PART XV TYPE OF REPAIR	
A. PART 1. PIPELINE 2. COMPRESSOR STATION 3. DEHYDRATION PLANT 4. REGULATOR STATION 5. METER STATION 6. OTHER (Specify) B. YEAR OF INSTALLATION (Enter last two figures of year)		A. PIPE 1. WELD OVER SLEEVE 2. PATCH WELDED 3. CLAMP 4. REPLACE PIPE 5. OTHER REPAIR OR DISPOSITION (Specify) B. COMPONENT 1. REPLACED 2. RECONDITIONED 3. OTHER (Specify)	

Form RSPA-2

Page 3

PART XVI ENVIRONMENTAL DESCRIPTION	
A. PREDOMINANT TYPE OF AREA 1. COMMERCIAL 3. RESIDENTIAL 2. INDUSTRIAL 4. RURAL	
B. CLASS LOCATION * AT TIME OF CONSTRUCTION CLASS: 1, 2, 3, 4	
C. CLASS LOCATION * AT TIME OF INCIDENT CLASS: 1, 2, 3, 4	
* See Sec. 192.5, 49 CFR, Part 192 for definition.	
D. DEPTH OF COVER (Number of feet measured below normal grade of natural bottom, if underwater.) 1. 1 to 12 3. 19 to 24 5. 37 to 48 2. 13 to 18 4. 25 to 36 6. OVER 48	
E. GROUND COMPOSITION AT PIPE DEPTH 1. SOIL 3. OTHER (Specify)	
F. ESTIMATED SOIL TEMPERATURE AT POINT OF LEAK °F	

PART XVII CAUSE OF LEAK	
A. CORROSION	
1. GENERAL CORROSION INFORMATION	
2. TYPE CORROSION (1) INTERNAL (2) EXTERNAL	
b. DESCRIPTION (1) PITTING (2) GENERAL (3) BOTH	
c. CAUSE (1) GALVANIC (4) OTHER (Specify) (2) BACTERIAL (3) STRAY CURRENT	
2. EXTERNAL PIPE COATING INFORMATION	
a. COATING (1) BARE (2) COATED AND/OR WRAPPED	
b. YEAR COATING INSTALLED (Enter last two figures of year)	
c. SITE OF COATING APPLICATION (1) MILL (2) YARD (3) FIELD (4) UNKNOWN	
d. MATERIAL (1) COAL TAR (6) OTHER (Specify) (2) ASPHALT (3) WAX (4) PREFABRICATED FILM (5) THIN FILM	
3. COATING FAILURE INFORMATION	
a. CAUSE (1) DAMAGE (5) OTHER (Specify) (2) DEFECTIVE MATERIAL (3) DEFECTIVE APPLICATION (4) DECOMPOSITION	
4. CATHODIC PROTECTION INFORMATION	
a. PROTECTED? (1) YES (2) NO	
b. YEAR PROTECTION STARTED (Enter last two figures of year)	
c. TYPE (1) IMPRESSED (3) OTHER (Specify) (2) GALVANIC	
d. pH OF UNDISTURBED SOIL NEAREST THE LEAK, IF NOT UNDERWATER (One decimal)	
5. SOIL RESISTIVITY	
a. LATEST SOIL RESISTIVITY MEASUREMENT IN AREA OF LEAK (ohm-cm)	
b. DATE OF MEASUREMENT MONTH DAY YEAR	
c. DISTANCE FROM LEAK (feet)	
6. PIPE-TO-SOIL POTENTIAL	
a. LATEST PIPE-TO-SOIL POTENTIAL MEASUREMENT IN UNDISTURBED SOIL AT NEAREST POINTS ON EACH SIDE OF THE LEAK WITHIN THE SAME ELECTRICALLY CONDUCTIVE SEGMENT. (millivolts) AND (millivolts)	
b. DISTANCE FROM LEAK TO EACH MEASUREMENT POINT (feet) AND (feet)	
c. DATE OF MEASUREMENT MONTH DAY YEAR	

B. DAMAGE CAUSED BY OUTSIDE FORCES	
1. LEAK	
a. PRIMARY CAUSE (1) CONSTRUCTION EQUIPMENT AND BLASTING BY DIRECT CONTACT OR BY EARTH MOVEMENT INDUCED BY ACTION OF MAN. (2) OTHER EQUIPMENT OR VEHICLE (Includes hand tools, trucks, automobiles, motorcycles, snowmobiles, etc.) (3) NATURAL CAUSES (Includes landslides, subsidence, earthquake, lightning, etc.) (4) WILLFUL (Includes vandalism, sabotage, etc.) (5) HOUSE FIRE RESULTING IN GAS FIRE	
2. DAMAGE BY EQUIPMENT OF OUTSIDE PARTY	
a. WAS OUTSIDE FORCE DAMAGE CAUSED BY DIRECT CONTACT OF EQUIPMENT OR BLASTING? (1) YES (2) NO	
b. WAS OUTSIDE FORCE DAMAGE INDUCED BY EARTH MOVEMENT? (1) YES (2) NO	
c. DID OPERATOR GET PRIOR NOTIFICATION THAT THE EQUIPMENT WOULD BE USED IN THE AREA? (1) YES (2) NO	
d. DATE OF PRIOR NOTIFICATION IF RECEIVED BY OPERATOR MONTH DAY YEAR	
e. WHAT TYPE OF MARKING OR IDENTIFICATION WAS USED TO ADVISE OUTSIDE PARTY OF LOCATION OF PIPE? (1) PERMANENT MARKERS (7) ON SITE OBSERVATION (2) MAP FURNISHED (8) OTHER (Specify) (3) TEMPORARY STAKES (4) PAINT (5) EXCAVATION (6) VERBAL INSTRUCTIONS	

Form RSPA-2

Page 4

B. WAS PIPELINE MARKED OR IDENTIFIED? (1) YES (2) NO	
4. NUMBER OF HOURS IN WHICH NOTIFICATION WAS RECEIVED PRIOR TO START OF EXCAVATION. (1) 0-12 (3) 25-48 (2) 13-24 (4) OVER 48	
b. DID OUTSIDE PARTY EXPOSE PIPELINE BY HAND PRIOR TO DAMAGE? (1) YES (2) NO	
i. DOES STATE STATUTE OR LOCAL ORDINANCE REQUIRE THE OUTSIDE PARTY TO NOTIFY THE OPERATOR? (1) YES (2) NO	
3. DAMAGE BY NATURAL CAUSES	
a. PRIMARY CAUSE (1) SUBSIDENCE (3) LANDSLIDE (6) OTHER (Specify) (2) EARTHQUAKE (4) FLOOD (5) LIGHTING	
C. CONSTRUCTION DEFECT OR MATERIAL FAILURE	
1. LEAK	
a. PRIMARY CAUSE (1) CONSTRUCTION DEFECT (2) MATERIAL FAILURE (3) IMPROPER INSTALLATION (4) INAPPROPRIATE COMPONENT	
2. MATERIAL INFORMATION	
a. NAME OF MANUFACTURER	
b. NOMINAL SIZE	
c. YEAR MANUFACTURED (Enter last two figures of year)	
d. MANUFACTURER'S PRESSURE RATING PSIG	
e. MANUFACTURER'S CODE OR SPECIFICATIONS	
3. MOST RECENT TEST DATA PRIOR TO LEAK	
a. TEST DATA FOR (1) INITIAL POST-CONSTRUCTION TEST (2) SUBSEQUENT TEST (3) NOT TESTED (4) UNKNOWN	
b. TEST MEDIUM (1) AIR (4) OTHER (Specify) (2) WATER (3) GAS	
c. DATE OF TEST MONTH DAY YEAR	
d. MINIMUM TEST PRESSURE PSIG	
e. TIME HELD AT TEST PRESSURE HOURS	
f. ESTIMATED TEST PRESSURE AT POINT OF LEAK PSIG	
g. QUALIFIED MAOP OF FACILITY	
h. IF NOT TESTED, DESCRIBE BASIS FOR MAOP QUALIFICATION	
D. OTHER	
DESCRIPTION OF INCIDENT WHEN BOX 4, PART IIA2 IS "X'd". (If more space is needed, continue on a separate sheet, identify with name of operator, and attach to this sheet.)	
DRAFT	
PART XVIII ADDITIONAL DATA	
A. FOR CONTINUATION OF EXPLANATION OF ITEMS ABOVE (If more space is needed, continue on a separate sheet, identify with name of operator, and attach to this sheet.)	
REPORTING OFFICIAL	
B. CERTIFICATION: I certify that all the statements and answers given on this form and all attachments hereto are complete, correct, and true to the best of my knowledge.	
TYPED OR PRINTED NAME AND TITLE	
SIGNATURE	
TELEPHONE NUMBER (Include Area Code)	

Form RSPA-3 (11-74)

SUPERSEDES FORM DOT F 7100.1-1

NOTICE: This report is required by 49 CFR Part 191. Failure to report can result in a civil penalty not to exceed \$1,000 for each day that such violation persists, except that the maximum civil penalty shall not exceed \$200,000 as provided in 49 U.S.C. 1678.

Form Approved: OMB No. 34-RXXX

DEPARTMENT OF TRANSPORTATION
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION
ANNUAL REPORT FOR CALENDAR YEAR 19__
GAS PIPELINE DISTRIBUTION SYSTEM

GENERAL INSTRUCTIONS (Please read before completing form)

1. Submit one completed copy of this form for the preceding calendar year to the addressee given in 49 CFR, Part 191, Section 191.7 so that it is received by the Materials Transportation Bureau not later than February 15th. Be sure that all applicable parts (Parts I through XII) are completed and report is signed. Operators with 2,500 services or more should complete all parts. Operators with less than 2,500 services should complete ONLY the items printed in BLUE INK.
2. Each operator may submit either a separate report for each State in which its pipeline facilities are located or a consolidated multi-State report. The address of the operator should be that address where information regarding THIS REPORT can be obtained.
3. When necessary data are not available estimates may be reported and so noted (Est.). Describe the method used to determine estimates in Item A, Part XII. Avoid use of "Unknown".
4. If a part does not apply, enter "N/A". Each item in an applicable part should be completed. All figures are to be reported as whole numbers. DO NOT USE DECIMALS OR FRACTIONS. Decimals or fractions should be rounded to the nearest whole number. If a given entry figure contains more digits than indicated by the number of spaces, place the numbers in the block regardless of the number of spaces.
5. Specific instructions for completing this form are contained in Form RSPA-3A.
6. If additional information is needed to complete this form telephone the Department of Transportation, Materials Transportation Bureau, Area Code 202, 426-3046, Monday through Friday, 8:30 A.M. to 5:00 P.M., Eastern Time.

PART I OPERATOR INFORMATION (Show Principal Company Office)			
A. NAME OF OPERATOR	B. OPERATOR CODE	C. NUMBER & STREET	
DRA	1 2 3 4 5		
D. CITY	E. COUNTY	F. STATE	G. ZIP CODE
H. LIST STATES IN WHICH SYSTEM IS LOCATED (Two-letter abbreviation)	I. IF DISTRIBUTION SYSTEM IS LPG OR MASTER METER SYSTEM (Check one box)		
	1 <input type="checkbox"/> LIQUID PETROLEUM GAS SYSTEM		
	2 <input type="checkbox"/> MASTER METER SYSTEM		

PART II FOR MATERIALS TRANSPORTATION BUREAU USE ONLY																					
A. LOCATION CODE		STATE		CITY		COUNTY		B. M.T.B. CODE		C. OPERATOR CLASSIFICATION											
1	2	3	4	5	6	7	8	9	1	2	3	4	5	6	7	8	9	1	2	3	4

PART III MAINS AND SERVICES ADDED, RETIRED, OR REPLACED DURING YEAR						
A. DESCRIPTION OF SYSTEM	ADDED			RETIRED (Not replaced)	REPLACED	D. ESTIMATE AVERAGE LENGTH OF A SERVICE LINE ↓ FEET
	NEW INSTALLATION (a)	ACQUISITION (b)	REINSTATEMENT (c)			
1. MILES OF MAINS						
2. NUMBER OF SERVICES						

PART IV MILES OF MAINS AND NUMBER OF SERVICES IN SYSTEM AT END OF YEAR BY DECADE							
PIPE	DECADE						SYSTEM TOTAL (f)
	PRIOR TO 1930 (a)	1930 THRU 1939 (b)	1940 THRU 1949 (c)	1950 THRU 1959 (d)	1960 THRU 1969 (e)	1970 TO 12/31 OF REPORTING YEAR (f)	
A. TOTAL INSTALLED BY ORIGINAL INSTALLATION DATE	1. MAINS						
	2. SERVICES						
B. COATED AND NOT CATHODICALLY PROTECTED METALLIC PIPE BY COATING DATE	1. MAINS						
	2. SERVICES						

RSPA-3

PAGE 2

C. BARE AND NOT CATHODICALLY PROTECTED METALLIC PIPE BY INSTALLATION DATE	1. MAINS								
	2. SERVICES								
D. COATED AND CATHODICALLY PROTECTED METALLIC PIPE BY CATHODIC PROTECTION DATE	1. MAINS								
	2. SERVICES								
E. BARE AND CATHODICALLY PROTECTED METALLIC PIPE BY CATHODIC PROTECTION DATE	1. MAINS								
	2. SERVICES								
F. PLASTIC PIPE BY ORIGINAL INSTALLATION DATE	1. MAINS								
	2. SERVICES								

PART V NUMBER OF LEAKS REPAIRED IN MAINS AND SERVICES DURING YEAR BY PART AND BY CAUSE									
PART WHICH LEAKED		CAUSE OF LEAK						SYSTEM TOTAL (8)	
		CORROSION (1)	OUTSIDE FORCE DAMAGE (2)	NATURAL CAUSES (3)	CONSTRUCTION DEFECT (4)	MATERIAL FAILURE (5)	OTHER (7)		
A. BODY OF PIPE	1. STEEL	a. MAINS							
		b. SERVICES							
	2. COPPER	a. MAINS							
		b. SERVICES							
	3. CAST IRON	a. MAINS							
		b. SERVICES							
	4. DUCTILE IRON	a. MAINS							
		b. SERVICES							
	5. POLYETHYLENE	a. MAINS							
B. SEAM	6. POLYVINYL CHLORIDE (PVC)	a. MAINS							
		b. SERVICES							
	7. THERMOSETTING PLASTIC	a. MAINS							
		b. SERVICES							
	8. OTHER PLASTIC (Specify)	a. MAINS							
		b. SERVICES							
	9. OTHER MATERIAL (Specify)	a. MAINS							
		b. SERVICES							
	1. SPIRAL OR LONGITUDINAL	a. MAINS							
C. JOINT		b. SERVICES							
	1. GAS GIRTH WELD	a. MAINS							
		b. SERVICES							
	2. ARC GIRTH WELD	a. MAINS							
		b. SERVICES							
	3. PLASTIC FUSION, ADHESIVE OR SOLVENT	a. MAINS							
		b. SERVICES							
	4. MECHANICAL JOINT	a. MAINS							
		b. SERVICES							
5. BELL AND SPIGOT	a. MAINS								
D. COMPONENT		b. SERVICES							
	6. THREADED JOINT	a. MAINS							
		b. SERVICES							
	1. FITTING	a. MAINS							
		b. SERVICES							
	2. VALVE	a. MAINS							
		b. SERVICES							
	3. TAP FITTING	a. MAINS							
		b. SERVICES							
4. REGULATOR	a. MAINS								
E. SYSTEM TOTAL		b. SERVICES							
	5. METER	a. MAINS							
		b. SERVICES							
	6. OTHER (Specify)	a. MAINS							
		b. SERVICES							
	1. FITTING	a. MAINS							
		b. SERVICES							
	2. VALVE	a. MAINS							
		b. SERVICES							

RSPA-3

Page 3

PART VI		NUMBER OF LEAKS REPAIRED IN MAINS AND SERVICES DURING YEAR BY CAUSE AND DECADE OF INSTALLATION							TOTAL NO. OF LEAKS LISTED WHICH OCCURRED ON FEDERAL LANDS (h)
CAUSE OF LEAK	1. MAINS 2. SERVICES	DECADE							
		PRIOR TO 1930 (a)	1930 THRU 1939 (b)	1940 THRU 1949 (c)	1950 THRU 1959 (d)	1960 THRU 1969 (e)	1/1/70 TO 12/31 OF REPORTING YEAR (f)	SYSTEM TOTAL (g)	
A. CORROSION	1. M 2. S								
B. CONSTRUCTION EQUIPMENT & BLASTING (Outside Force Damage)	1. M 2. S								
C. NATURAL CAUSES (Outside Force Damage)	1. M 2. S								
D. CONSTRUCTION DEFECT	1. M 2. S								
E. MATERIAL FAILURE	1. M 2. S								
F. COMPONENT WEAR/DETERIORATION	1. M 2. S								
G. OTHER (Specify)	1. M 2. S								
H. SYSTEM TOTAL	1. M 2. S								
I. GRAND TOTAL NUMBER OF LEAKS ON FEDERAL LANDS		1. MAINS 2. SERVICES							

PART VII		MILES OF MAINS IN SYSTEM AT END OF YEAR BY MATERIAL AND NOMINAL SIZE						
MATERIAL		NOMINAL DIAMETER						SYSTEM TOTAL (7)
		1" OR LESS (1)	OVER 1" THRU 2" (2)	OVER 2" THRU 4" (3)	OVER 4" THRU 6" (4)	6" (5)	OVER 8" (6)	
A. STEEL								
B. COPPER								
C. CAST IRON								
D. DUCTILE IRON								
E. POLYETHYLENE								
F. POLYVINYL CHLORIDE (PVC)								
G. THERMOSETTING PLASTIC								
H. OTHER PLASTIC (Specify)								
I. OTHER MATERIAL (Specify)								
J. SYSTEM TOTAL								

PART VIII		NUMBER OF SERVICES IN SYSTEM AT END OF YEAR BY MATERIAL AND NOMINAL SIZE				
MATERIAL		NOMINAL DIAMETER				SYSTEM TOTAL (5)
		1/2" OR LESS (1)	OVER 1/2" THRU 1" (2)	OVER 1" THRU 2" (3)	OVER 2" (4)	
A. STEEL						
B. COPPER						
C. CAST IRON						
D. DUCTILE IRON						

Form RSPA-3

Page 4

E. POLYETHYLENE					
F. POLYVINYL CHLORIDE (PVC)					
G. THERMOSETTING PLASTIC					
H. OTHER PLASTIC (Specify)					
I. OTHER MATERIAL (Specify)					
J. SYSTEM TOTAL					

PART IX	SYSTEM LEAKS SCHEDULED FOR REPAIR	PART X	PERCENT OF UNACCOUNTED FOR GAS
TOTAL NUMBER OF KNOWN SYSTEM LEAKS AT END OF YEAR SCHEDULED FOR REPAIR. (As indicated from a surface exam).		UNACCOUNTED FOR GAS AS A PERCENT OF TOTAL INPUT FOR YEAR ENDING JUNE 30 OF REPORTING YEAR.	

PART XI				TOTAL PERSONAL INJURIES OR PROPERTY DAMAGE RESULTING FROM ESCAPE OF GAS DURING YEAR	
* Injured means non-fatal injuries requiring hospitalization.	NUMBER OF FATALITIES	NUMBER OF PERSONS INJURED *	E. NUMBER OF FIRES AND EXPLOSIONS		
			1. FIRES CAUSED DIRECTLY OR INDIRECTLY BY LEAKS	NO.	
A. EMPLOYEE(S) OF OPERATOR	1.	2.	2. EXPLOSIONS CAUSED DIRECTLY OR INDIRECTLY BY LEAKS	NO.	
B. EMPLOYER(S) OF OPERATOR'S CONTRACTOR	1.	2.	F. SYSTEM DAMAGE AND REPAIR COSTS		
C. EMPLOYEE(S) OF/OR OUTSIDE PARTY CAUSING DAMAGE	1.	2.	1. ESTIMATED COST FOR PROPERTY DAMAGE AND REPAIR OF LEAKS TO OPERATOR	\$	
D. MEMBER(S) OF THE PUBLIC	1.	2.	2. COST OF SETTLEMENT FOR ALL CLAIMS DURING YEAR FOR PROPERTY DAMAGE AND PERSONAL INJURIES	\$	

PART XII	ADDITIONAL DATA
A. FOR CONTINUATION OF EXPLANATION OF ITEMS ABOVE. (If more space is needed, continue on a separate sheet, identify with name of operator, and attach to this sheet.)	
DRAFT	

REPORTING OFFICIAL			
B. CERTIFICATION: I certify that all the statements and answers given on this form and all attachments hereto are complete, correct, and true to the best of my knowledge.			
TYPED OR PRINTED NAME AND TITLE	SIGNATURE	TELEPHONE NUMBER (Include Area Code)	REPORTING DATE

PROPOSED RULES
FORM RSPA-3A

INSTRUCTIONS FOR COMPLETING FORM RSPA-3
ANNUAL REPORT FOR GAS PIPELINE DISTRIBUTION SYSTEM

GENERAL

Who Must Report. Each operator of a gas pipeline distribution system must complete an annual report Form RSPA-3, covering all operations. Each operator that is an independent subsidiary of another operator must file a separate report.

Reporting Period and Filing Date. Form RSPA-3 must be filed annually by February 15 for operations conducted during the preceding calendar year (January 1 - December 31).

Where to File Report. In those States where the regulations of a State agency with jurisdiction over the operator require the filing of an annual report and provide for transmittal of the report to the Materials Transportation Bureau not later than February 15, operators may file Form RSPA-3 with the State agency. In all other cases, reports must be submitted by February 15 to the Director, Materials Transportation Bureau, 2100 Second Street, S.W., Washington, D.C. 20590.

Data Entries. Fill in each blank with the requested information. Operators with less than 2,500 services should fill in only the blanks printed in BLUE INK. Record figures by rounding off to the nearest whole number (never less than 1). DO NOT RECORD DECIMALS OR FRACTIONS. If requested information is not available, give a best estimate.

Definitions. Definitions of some of the terms used in this form or Form RSPA-3, such as "system," "main," "service line," "pipe," etc., are in Section 191.3 or Section 192.3 of Title 49 of the Code of Federal Regulations. For Further Information. If you need further information, write or call the Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590, telephone number (202) 426-3046. (NOTE: The number (202) 426-0700 is assigned solely for receiving telephonic notice of leaks required by 49 CFR 191.5.)

SPECIFIC INSTRUCTIONS

PART I - OPERATOR INFORMATION

The address of the operator should be that address where information regarding this report can be obtained. The operator code is a number assigned by MTB to every operator filing an annual report. The same number should be used by operators for the filing of all subsequent annual reports.

This part also pertains to liquefied petroleum gas and master meter systems. "Liquefied Petroleum Gas Systems" are distribution systems that store and transport highly volatile hydrocarbons such as butane, propane, etc. The hydrocarbon is stored in a liquid state at normal ambient

temperatures by pressurization and delivered by pipeline to the ultimate consumer by controlled vaporization.

"Master Meter Systems" are gas distribution systems in a project where the owner of the project is sold gas by a public utility through a "master meter" and the gas is distributed through mains and services to the ultimate consumer of the gas who may or may not be individually metered.

PART II - FOR MATERIALS TRANSPORTATION BUREAU USE ONLY

Do not make any data entries in this part.

PART III - MAINS AND SERVICES ADDED, RETIRED, OR REPLACED DURING YEAR

(a) New Installation - includes only additional pipelines installed. Does not include replacement of existing pipelines.

(b) Acquisition - includes existing pipelines that are purchased from other pipeline operators or converted from other pipeline service.

(c) Reinstatement - means the mileage of pipe in mains or the number of services which had been retired or abandoned prior to the reporting year and put back in use in the reporting year.

(d) Retired (not replaced) - means the mileage of pipe in mains or number of services which were removed from operation during the reporting year.

(e) Replaced - includes the total number of services or miles of pipe in mains replacing retired

facilities either by direct burial or by insertion.

PART IV - MILES OF MAINS AND NUMBER OF SERVICES IN SYSTEM AT END OF YEAR BY DECADE

Part IV pertains to the mileage of mains or number of services in operation at the end of the reporting year by the decade in which the mains or services were installed. The first two blanks in Column (g) corresponding to the line titled "Total Installed by Original Installation Date" should give totals of lines B, C, D, E, and F of this part. Bare and not cathodically protected metallic pipe and plastic pipe should be listed by the decade in which they were installed. Coated and not cathodically protected metallic pipe should be listed by the decade in which they were coated. Coated and bare cathodically protected metallic pipe should be listed by the decade in which they were cathodically protected. Plastic pipe should not be included in the coated and/or cathodic protected miles of mains or number of services; however, it should be included on the last row of this part for "Plastic Pipe by Original Installation Date." When the decade in which the pipe was installed, coated, or cathodically protected is not known, estimate the most likely decade.

"Coated" pipes are metallic pipes coated with any hot or cold applied coating or wrapper that substantially reduces deterioration of the pipe because of corrosion to less than it would be if the line were bare. "Bare" pipes are metallic pipes without any type of hot or cold applied coating or wrapper or with a coating or wrapper that is so ineffective that it does not appreciably reduce the deterioration of the pipe because of corrosion.

PART V - NUMBER OF LEAKS REPAIRED IN MAINS AND SERVICES
DURING YEAR BY PART AND BY CAUSE

Data entries for Part V should include all those leaks repaired during the reporting year.

Cause of leaks are classified as follows:

- (1) A "Corrosion" leak is a leak resulting from the deterioration of a pipeline caused by galvanic, bacterial, or stray current action.
- (2) A "Construction Equipment & Blasting" leak is a leak resulting from contact or other force on the pipeline facility from earth-moving equipment, damage by blasting, or earth movement induced by human actions.
- (3) A "Natural Causes" leak is a leak caused by forces of nature acting upon the pipeline, such as landslide, subsidence, earthquake, floods, lightning, etc.

(4) A "Construction Defect" leak is a leak caused by failure of original sound material due to an outside force being applied during the construction of the pipeline which caused a dent, gouge, excessive stress, or other defect which resulted in subsequent failure. This category also includes wrinkle bends and faulty field welds.

(5) A "Material Failure" leak is a leak caused by a defect within the material of the pipe or component or within a weld made at the time of manufacture of the pipe or component.

(6) A "Component Wear/Deterioration" leak is a leak on facility parts caused by wear or deterioration, because of age, use, etc.

(7) An "Other" leak is a leak resulting from any other cause of leak, such as pipeline operating malfunction, or operator error, than the causes listed above. "Other" also includes leaks resulting from damage by vehicles, such as trucks, automobiles, motorcycles, snowmobiles, and willful damage caused deliberately or intentionally, such as vandalism, sabotage, etc.

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The "Other Plastic" or "Other Material" rows include all other types of materials which are not listed in this form. In order to specify in detail the "Other Plastic" or "Other Material," write in Part XII, "Additional Data," the material type which has the greatest number of leaks repaired during year, identifying that such information is a continuation of Part V.

PART VI - NUMBER OF LEAKS REPAIRED IN MAINS AND IN SERVICES DURING YEAR BY CAUSE AND BY DECADE OF INSTALLATION

Data entries for Part VI include all those repaired leaks indicated in Part V but grouped according to the decade of the original installation of the pipeline involved. The sum of the column totals must equal the sum of the row totals. Notice that the last column (h) and the last row (I) of this Part, which requests, by Cause of Leak, information about the number of leaks on Federal lands, are independent from the rest of Part VI. The data entries requested under column (h) should be taken from the information listed in column (g).

PARTS VII & VIII - MILES OF MAINS AND NUMBER OF SERVICES IN SYSTEM AT END OF YEAR BY MATERIAL AND BY NOMINAL SIZE

The Other Plastic and Other Material rows include all other types of plastic or material which are not named

in this form. In order to specify in detail the Other Plastic or Other Material, write in Part XII, "Additional Data" the material type which has the greatest mileage of mains or number of services of all other plastics or materials, identifying that such information is the continuation of Part VII or Part VIII.

PART IX - SYSTEM LEAKS SCHEDULED FOR REPAIR

Data entries for Part IX are the total number of known system leaks indicated by a ground surface or underwater examination of the pipeline system and which are scheduled for repair (but not yet repaired) at the end of the reporting year.

PART X - UNACCOUNTED FOR GAS

"Unaccounted for Gas" is expressed as a percent of the total input as follows:

Percent Unaccounted for Gas =

$$\frac{(\text{Total Gas Input}) - (\text{output}) \times 100}{\text{Input}}$$

All gas volumes must be stated in 1,000's of cubic feet (MCF).

PART XI - TOTAL PERSONAL INJURIES OR PROPERTY DAMAGE RESULTING FROM ESCAPE OF GAS DURING YEAR

"Injuries" mean nonfatal injuries requiring hospitalization. "Members of the Public" are persons who are not employees.

Estimated cost for property damage and repair of leaks to operator include all "out-of-pocket" costs incurred in repairing the leak or damage, such as direct labor costs, material costs, and charges for equipment uses, gas lost, supervision, overhead, etc.

PART XII - ADDITIONAL DATA AND REPORTING OFFICIAL

Explain in "Additional Data" any large decrease or increase in the data reported previously such as the purchase or sale of facilities. State the name and title of the pipeline reporting official responsible for compiling and filing the annual report along with the telephone number, including the Area Code, at which this official can be reached, and the date the annual report is completed.

Form RSPA-4 (X-76)
SUPERSEDES FORM DOT F 7100.2-1

NOTICE: This report is required by 49 CFR Part 191. Failure to report can result in a civil penalty not to exceed \$1,000 for each violation for each day that such violation persists, except that the maximum civil penalty shall not exceed \$200,000 as provided in 49 U.S.C. 1678

Form Approved: OMB No. 04-RXXX

DEPARTMENT OF TRANSPORTATION
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION
ANNUAL REPORT FOR CALENDAR YEAR 19____
GAS PIPELINE TRANSMISSION & GATHERING SYSTEMS

GENERAL INSTRUCTIONS (Please read before completing form)

1. Submit one completed copy of this form for the preceding calendar year to the addressee given in 49 CFR, Part 191, Section 191.7 so that it is received by the Materials Transportation Bureau not later than February 15th. Be sure that all applicable parts (Parts I through X) are completed and report is signed.
2. a. Each operator of a gathering system in a nonrural area and each operator of a transmission system may submit either a separate report for each state in which its pipeline facilities are located or a consolidated multi-State report.
b. Each operator having offshore operations shall submit a separate report for the Outer Continental Shelf (OCS).
c. The address of the operator should be that address where information regarding THIS REPORT can be obtained.
3. When necessary data are not available estimates may be reported and so noted (Est.). Describe the method used to determine estimates in Item A, Part X. Avoid use of "Unknown" if possible.
4. If a part does not apply, enter "N/A". Each item in an applicable part should be completed. All figures are to be reported as whole numbers. DO NOT USE DECIMALS OR FRACTIONS. Decimals or fractions should be rounded to the nearest whole number. If a given entry figure contains more digits than indicated by the number of spaces, place the numbers in the block regardless of the number of spaces.
5. Specific instructions for completing this form are contained in Form RSPA-4A.
6. If additional information is needed to complete this form telephone the Department of Transportation, Materials Transportation Bureau (MTB), Area Code 202, 426-3046, Monday through Friday, 8:30 A.M. to 5:00 P.M., Eastern Time.

PART I		OPERATOR INFORMATION (Show Principal Company Office)	
A. NAME OF OPERATOR		B. OPERATOR CODE	C. NUMBER & STREET
D. CITY		1 2 3 4 5	
		E. COUNTY	F. STATE
			G. ZIP CODE
H. LIST STATES IN WHICH SYSTEM IS LOCATED (Two-letter abbreviation)			

PART II		FOR MATERIALS TRANSPORTATION BUREAU USE ONLY	
A. LOCATION CODE		B. MTB CODE	
STATE	CITY	COUNTY	
1 2 3 4 5	6 7 8	9 10 11 12	13 14 15 16 17 18 19

PART III		TRANSMISSION/GATHERING SYSTEMS ADDED, RETIRED, OR REPLACED DURING YEAR					
DESCRIPTION OF SYSTEM		ADDED			RETIRED (Not replaced) (d)	REPLACED (e)	
		NEW INSTALLATION (a)	ACQUISITION (b)	REINSTATEMENT (c)			
A. MILES OF TRANSMISSION	1. ONSHORE						
	2. OFFSHORE						
B. MILES OF GATHERING	1. ONSHORE						
	2. OFFSHORE						

PART IV		MILES OF PIPELINE IN SYSTEM AT END OF YEAR BY DECADE				
PIPE		DECADE				SYSTEM TOTAL (e)
		FROM TO 1959 (a)	1960 THRU 1969 (b)	1970 THRU 1979 (c)	1/1/79 TO 12/31/79 OF REPORT- ING YEAR (d)	
A. TOTAL INSTALLED BY ORIGINAL INSTALLATION DATE	1. TRANSMISSION					
	2. GATHERING					
B. COATED AND NOT CATHODICALLY PROTECTED METALLIC PIPE BY COATING DATE	1. TRANSMISSION					
	2. GATHERING					
C. COATED AND NOT CATHODICALLY PROTECTED METALLIC PIPE BY INSTALLATION DATE	1. TRANSMISSION					
	2. GATHERING					

Form RSPA-4

Page 2

D. COATED AND CATHODICALLY PROTECTED METALLIC PIPE BY CATHODIC PROTECTION DATE	1. TRANSMISSION								
	2. GATHERING								
E. BARE AND CATHODICALLY PROTECTED METALLIC PIPE BY CATHODIC PROTECTION DATE	1. TRANSMISSION								
	2. GATHERING								
F. PLASTIC PIPE BY ORIGINAL INSTALLATION DATE	1. TRANSMISSION								
	2. GATHERING								

PART V		NUMBER OF LEAKS REPAIRED IN TRANSMISSION AND GATHERING LINES DURING YEAR BY PART AND BY CAUSE								
PART WHICH LEAKED		3. TRANSMISSION b. GATHERING	CAUSE OF LEAK						SYSTEM TOTAL	
			CORROSION	OUTSIDE FORCE DAMAGE		CONSTRUCTION DEFECT	MATERIAL FAILURE	COMPONENT WEAR/DETERIORATION		OTHER
				CONSTRUCTING EQUIPMENT & BLASTING	NATURAL CAUSES					
			(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
A. BODY OF PIPE	1. STEEL	a. T b. G								
	2. CAST IRON	a. T b. G								
	3. DUCTILE IRON	a. T b. G								
	4. POLYETHYLENE	a. T b. G								
	5. POLYVINYL CHLORIDE (PVC)	a. T b. G								
	6. THERMOSETTING PLASTIC	a. T b. G								
	7. OTHER PLASTIC (Specify)	a. T b. G								
	8. OTHER MATERIAL (Specify)	a. T b. G								
B. SEAM	1. SPIRAL OR LONGITUDINAL	a. T b. G								
C. JOINT	1. GAS GIRTH WELD	a. T b. G								
	2. ARC GIRTH WELD	a. T b. G								
	3. PLASTIC FUSION, ADHESIVE OR SOLVENT	a. T b. G								
	4. MECHANICAL JOINT	a. T b. G								
	5. BELL AND SPIGOT	a. T b. G								
	6. THREADED JOINT	a. T b. G								
D. COMPONENT	1. FITTING	a. T b. G								
	2. VALVE	a. T b. G								
	3. TAP FITTING	a. T b. G								
	4. REGULATOR	a. T b. G								
	5. COMPRESSOR	a. T b. G								
	6. METER	a. T b. G								
	7. OTHER (Specify)	a. T b. G								
E. SYSTEM TOTAL		a. T b. G								

RSPA-4

PAGE 3

PAGE 2

PART VI		NUMBER OF LEAKS REPAIRED DURING YEAR BY CAUSE AND DECADE OF INSTALLATION						TOTAL NO OF LEAKS LISTED WHICH OCCURRED ON FEDERAL LANDS (f)
CAUSE OF LEAK		DECADE						
		PRIOR TO 1950	1950 THRU 1959	1960 THRU 1969	1/1/70 TO 12/31 OF REPORT- ING YEAR	SYSTEM TOTAL		
		(a)	(b)	(c)	(d)	(e)		
A. CORROSION	1. TRANSMISSION							
	2. GATHERING							
B. CONSTRUCTION EQUIPMENT & BLASTING (Outside Force Damage)	1. TRANSMISSION							
	2. GATHERING							
C. NATURAL CAUSES (Outside Force Damage)	1. TRANSMISSION							
	2. GATHERING							
D. CONSTRUCTION DEFECT	1. TRANSMISSION							
	2. GATHERING							
E. MATERIAL FAILURE	1. TRANSMISSION							
	2. GATHERING							
F. COMPONENT WEAR/ DETERIORATION	1. TRANSMISSION							
	2. GATHERING							
G. OTHER (Specify)	1. TRANSMISSION							
	2. GATHERING							
H. SYSTEM TOTAL	1. TRANSMISSION							
	2. GATHERING							
I. GRAND TOTAL NUMBER OF LEAKS ON FEDERAL LANDS								
1. TRANSMISSION								→
2. GATHERING								→

PART VII MILES OF TRANSMISSION AND GATHERING LINES IN SYSTEM AT END OF YEAR BY NOMINAL SIZE AND MATERIAL									
NOMINAL DIAMETER		MATERIAL							
		STEEL (a)	CAST IRON (b)	DUCTILE IRON (c)	POLYETHYLENE (d)	POLYVINYL CHLORIDE (e)	THERMOSETTING PLASTIC (f)	OTHER PLASTIC (Specify) (g)	OTHER MATERIAL (Specify) (h)
A. 1" OR LESS	1. TRANSMISSION								
	2. GATHERING								
B. OVER 1" THRU 2"	1. TRANSMISSION								
	2. GATHERING								
C. OVER 2" THRU 4"	1. TRANSMISSION								
	2. GATHERING								
D. OVER 4" THRU 6"	1. TRANSMISSION								
	2. GATHERING								
E. 8" AND 10"	1. TRANSMISSION								
	2. GATHERING								
F. 12" AND 14"	1. TRANSMISSION								
	2. GATHERING								
G. 16" AND 18"	1. TRANSMISSION								
	2. GATHERING								
H. 20" AND 22"	1. TRANSMISSION								
	2. GATHERING								
I. 24" AND 26"	1. TRANSMISSION								
	2. GATHERING								
J. 28" AND 30"	1. TRANSMISSION								
	2. GATHERING								
K. 32" AND 34"	1. TRANSMISSION								
	2. GATHERING								
L. 36" AND 38"	1. TRANSMISSION								
	2. GATHERING								
M. 40" AND 42"	1. TRANSMISSION								
	2. GATHERING								
N. 44" AND 48"	1. TRANSMISSION								
	2. GATHERING								
O. 50" AND 52"	1. TRANSMISSION								
	2. GATHERING								
P. 54" AND 58"	1. TRANSMISSION								
	2. GATHERING								

Definitions. Definitions of some of the terms used in this form or Form RSPA-4, such as "system," "transmission line," "pipeline," etc., are in Section 191.3 or Section 192.3 of Title 49 of the Code of Federal Regulations.

For Further Information. If you need further information, write or call the Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590, telephone number (202) 426-3046. (NOTE: The number (202) 426-0700 is assigned solely for receiving telephonic notice of leaks required by 49 CFR 191.5.)

SPECIFIC INSTRUCTIONS

PART I - OPERATOR INFORMATION

The address of the operator should be that address where information regarding this report can be obtained. The operator code is a number assigned by MTB to every operator filing an annual report. The same number should be used by operators for the filing of all subsequent annual reports.

PART II - FOR MATERIALS TRANSPORTATION BUREAU USE ONLY

Do not make any data entries in this part.

PART III - TRANSMISSION/GATHERING SYSTEM ADDED, RETIRED, OR REPLACED DURING YEAR

- (a) New Installation - includes only additional pipelines installed. Does not include replacement of existing pipelines.
- (b) Acquisition - includes existing pipelines that are purchased from other pipeline operators or converted from other pipeline service.
- (c) Reinstatement - means the mileage of pipe in the transmission or gathering systems which had been retired or abandoned prior to the reporting year and put back in use in the reporting year.
- (d) Retired (not replaced) - means the mileage of pipe in the transmission or gathering systems which were removed from operation during the reporting year.
- (e) Replaced - includes the total miles of pipe in transmission or gathering systems replacing retired facilities either by direct burial or by insertion.

PART IV - MILES OF PIPELINE IN SYSTEM AT END OF YEAR BY DECADE

Part IV pertains to the mileage of transmission or gathering lines in operation at the end of the reporting year by the decade in which transmission or gathering lines

were installed. The first two blanks in column (e) corresponding to the line titled "Total Installed by Original Installation Date" should give totals of lines B, C, D, E, and F of this part. Bare and not cathodically protected metallic pipe and plastic pipe should be listed by the decade in which they were installed. Coated and not cathodically protected metallic pipe should be listed by the decade in which they were coated. Coated and bare cathodically protected metallic pipe should be listed by the decade in which they were cathodically protected. Plastic pipe should not be included in the coated and/or cathodic protected miles of transmission or gathering lines; however, should be included on the last row of this part for "Plastic Pipe by Original Installation Date." When the decade in which the pipe was installed, coated, or cathodically protected is not known, estimate the most likely decade.

"Coated" pipes are metallic pipes coated with any hot or cold applied coating or wrapper that substantially reduces deterioration of the pipe because of corrosion to less than it would be if the line were bare. "Bare" pipes are metallic pipes without any type of hot or cold applied coating or wrapper or with a coating or wrapper that is so ineffective that it does not appreciably reduce the deterioration of the pipe because of corrosion.

PART V - NUMBER OF LEAKS REPAIRED IN TRANSMISSION AND GATHERING LINES DURING YEAR BY PART AND BY CAUSE

Data entries for Part V should include all those leaks repaired during the reporting year.

Cause of leaks are classified as follows:

- (1) A "Corrosion" leak is a leak resulting from the deterioration of a pipeline caused by galvanic, bacterial, or stray current action.
- (2) A "Construction Equipment & Blasting" leak is a leak resulting from contact or other force on the pipeline facility from earth-moving equipment, damage by blasting, or earth movement induced by human actions.
- (3) A "Natural Causes" leak is a leak caused by forces of nature acting upon the pipeline, such as landslide, subsidence, earthquake, floods, lightning, etc.
- (4) A "Construction Defect" leak is a leak caused by failure of original sound material due to an outside force being applied during the construction of the pipeline which caused a dent, gouge, excessive stress, or other defect which resulted in subsequent failure. This category also includes wrinkle bends and faulty field welds.

(5) A "Material Failure" leak is a leak caused by a defect within the material of the pipe or component or within a weld made at the time of manufacture of the pipe or component.

(6) A "Component Wear/Deterioration" leak is a leak on facility parts caused by wear or deterioration because of age, use, etc.

(7) An "Other" leak is a leak resulting from any other cause of leak, such as pipeline operating malfunction or operator error, than the cause listed above. "Other" also includes leaks resulting from damage by vehicles, such as trucks, automobiles, motorcycles, snowmobiles, and willful damage caused deliberately or intentionally, such as vandalism, sabotage, etc. The "Other Plastic" or "Other Material" rows include all other type of materials which are not listed in this form. In order to specify in detail the Other Plastic or Other Material, write in Part X, "Additional Data," the material type which has the greatest number of leaks repaired during year, identifying that such information is a continuation of Part V.

PART VI - NUMBER OF LEAKS REPAIRED DURING YEAR BY CAUSE
AND BY DECADE OF INSTALLATION

Data entries for Part VI include all those repaired leaks indicated in Part V but grouped according to the decade of

the original installation of the pipeline involved. The sum of the column totals must equal the sum of the row totals. Notice that the last column (f) and the last row (I) of this Part, which requests, by Cause of Leak, information about the number of leaks on Federal lands, are independent from the rest of Part VI. The data entries requested under column (f) should be taken from the information listed in column (e).

PART VII - MILES OF TRANSMISSION AND GATHERING LINES IN
SYSTEM AT END OF YEAR BY NOMINAL SIZE AND BY MATERIAL

Data entries for Part VII should include "Other Plastic" and "Other Material." The Other Plastic and Other Material columns include all other types of plastic or material which are not named in this form. In order to specify in detail the Other Plastic or Other Material, write in Part X, "Additional Data" the material type which has the greatest mileage of transmission or gathering lines of all other plastics or materials, identifying that such information is the continuation of Part VII.

PART VIII - TOTAL NUMBER OF KNOWN SYSTEM LEAKS INDICATED
AT END OF YEAR SCHEDULED FOR REPAIR

Data entries for Part VIII are the total number of known leaks indicated by a ground surface or underwater

examination of the pipeline system and which are scheduled for repair (but not yet repaired) at the end of the reporting year.

PART IX - TOTAL PERSONAL INJURIES OR PROPERTY DAMAGE RESULTING FROM ESCAPE OF GAS DURING YEAR

"Injuries" means nonfatal injuries requiring hospitalization. "Members of the Public" are persons who are not employees.

Estimated cost for property damage and repair of leaks to operator include all "out-of-pocket" costs incurred in repairing the leak or damage, such as direct labor costs, material costs, and charges for equipment uses, gas lost, supervision, overhead, etc.

PART X - ADDITIONAL DATA AND REPORTING OFFICIAL

Explain in "Additional Data" any large decrease or increase in the data reported previously such as the purchase or sale of facilities. The operator shall state the name and title of the pipeline reporting official responsible for compiling and filing the annual report along with the telephone number, including the Area Code, at which this official can be reached, and the date the annual report is completed.

[FR Doc. 78-15532 Filed 6-2-78; 8:45 am]

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For an advance "look" at the
FEDERAL REGISTER, try our
new information service. A
recording will give you selections
from our highlights listing of
documents to be published in the
next day's issue of the FEDERAL
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TUESDAY, JUNE 6, 1978



highlights

SUNSHINE ACT MEETINGS 24653

FY 1978 ALCOHOL FORMULA GRANT ALLOTMENTS

HEW/ADAMHA provides information to States for alcohol abuse and alcoholism programs 24596

INTERESTS ON DEPOSITS

FRS adopts amendments that permit member banks to offer depositors two new categories of time deposits and provides interest payment on IRA or Keogh Plan time deposits under \$100,000; effective 6-1-78 24516

CATEGORICAL GRANTS PROGRAMS

HUD/CPD issues interim rules stating requirements for funding the financial settlement and completion of projects assisted under the programs; effective 6-6-78 (Part II of this issue) 24656

IMMIGRANT VISAS

State withdraws proposed amendment regarding processing of visas for aliens relying on assurances of financial support by others to establish eligibility 24547

HOME HEATING OIL

DOE issues final rules of procedure to be followed by Office of Hearings and Appeals in connection with evidentiary hearing regarding home heating oil; effective 5-31-78 24588

TREASURY NOTES

Treasury announces interest rate of 8¼ percent per annum on Notes of Series H-1982 24642

CLEAN WATER ACT

EPA extends comments to 8-2-78 on technical guidelines that set forth a methodology for deriving water quality criteria 24593

COST OF LIVING ALLOWANCES

CSC extends comments to 7-11-78 on interpretation regarding deductions from COLA for commissary privileges and housing benefits 24565

FOOD LABELING

HEW/FDA issues regulations that permits all ingredients that act as leavening agents, yeast nutrients, and dough conditioners in a food to be listed together in the ingredient statement by their common or usual names in parentheses following the appropriate collective name; effective 6-6-78 24518

ADMINISTRATIVE LAW JUDGE PROGRAM

CSC proposes to modify experience requirements for eligibility; comments by 8-7-78 24565

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

Phone 523-5240
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FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978

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Washington, D.C.	202-523-5022
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Corrections	523-5237
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Finding Aids	523-5227
Public Briefings: "How To Use the Federal Register."	523-3517
Code of Federal Regulations (CFR) ..	523-3419
	523-3517
Finding Aids	523-5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents	523-5235
Index	523-5235
PUBLIC LAWS:	
Public Law dates and numbers	523-5266
	523-5282
Slip Laws	523-5266
	523-5282
U.S. Statutes at Large	523-5266
	523-5282
Index	523-5266
	523-5282
U.S. Government Manual	523-5230
Automation	523-3408
Special Projects	523-4534

HIGHLIGHTS—Continued

ADVANCE BOOKING CHARTERS

CAB announces oral argument for 6-30-78 on proposal to simplify charter forms

24542

BLACK LUNG BENEFITS

HEW/SSA proposes rules that will aid in the review of denied and pending claims under the Black Lung Benefits Reform Act of 1977; comments by 7-6-78

24542

WATCHES AND WATCH MOVEMENTS

Commerce and Interior invite public to comment on proposed production incentives for 1979 allocation of duty-free watch quotas among producers located in Virgin Islands and Guam; comments by 7-15-78

24566

SHOTGUN EXPORT LICENSING

Commerce/ITA revises regulations to permit temporary export for certain purposes of non-automatic firearms without export license; effective 6-6-78

24517

LEMON JUICE

HEW/FDA extends comments to 8-7-78 on proposal to establish standards of identity and fill of container

24547

OLIVES

HEW/FDA announces availability of administrative guideline on action level for defects

24603

CABLE TELEVISION ROYALTY FEES

Copyright Royalty Tribunal adopts rule prescribing requirements for the filing of claims; effective 6-30-78

24528

SELLING OF BROADCAST STATIONS

FCC terminates inquiry that would require station owners to give 45 days notice of sale

24560

CANCER CAUSE AND PREVENTION

HEW/NIH makes available report on in vitro carcinogenesis

24607

NATIONAL REGISTER OF HISTORIC PLACES

Interior/HCRS issues notification of pending nominations and additions, deletions, and corrections to previously published list (2 documents)

24614-24620

INVENTORY AND PLANNING

Interior/BLM extends comments to 7-3-78 on proposed rule.

24559

MEETINGS—

DOD: DOD Advisory Group on Electron Devices, Working Group B, 6-29-78	24568
Air Force: USAF Scientific Advisory Board Air Defense Subgroup of the Joint Scientific Advisory Board/Army Science Board Summer Study on Battlefield Systems Integration, 6-15 and 6-16-78	24568
DOE: Regional Solar Energy Policy Forums, various dates, 6-78	24569
HEW/HRA: National Advisory Council on Nurse Training, 6-26 through 6-29-78	24606
NIH: Pharmacology-Toxicology Research Program Committee, 6-22 and 6-23-78	24607
Research Manpower Review Committee, 7-10 and 7-11-78	24607
National Cancer Institute advisory committees, 7-78	24607
Board of Scientific Counselors, 7-12 through 7-14-78 ..	24606
OE: National Advisory Council on Bilingual Education, 6-22 and 6-23-78	24608
National Advisory Council on Extension and Continuing Education, 6-21 through 6-23-78	24608
National Commission for the Review of Antitrust Laws and Procedures, 6-21-78	24635

HIGHLIGHTS—Continued

NRC: Advisory Committee on Reactor Safeguards Subcommittee on the Diablo Canyon Nuclear Power Station, 6-21 and 6-22-78 24635

USDA/APHIS: Secretary's Advisory Committee on Foreign Animal Diseases, 6-27-78..... 24564

VA: Central Office Education and Training Review Panel, 6-28-78 24642

HEARINGS—

National Commission on Employment and Unemployment Statistics, 7-11-78 24635

CHANGED MEETING—

DOE/OET: Lignite Subcommittee, Fossil Energy Advisory Committee, 6-15-78 meeting rescheduled for 7-6-78..... 24588

SEPARATE PARTS OF THIS ISSUE

Part II, HUD/CPD 24656

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

NRC—Licensed nuclear materials and facilities; licensee safeguards contingency plans 11962; 3-23-78

Licensee safeguards contingency plans 14007; 4-4-78

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of PUBLIC LAWS.

contents

AGRICULTURAL MARKETING SERVICE	Noncareer executive assignments:	ENVIRONMENTAL PROTECTION AGENCY
Rules	Agriculture Department et al 24565	Rules
Milk marketing orders:	Army Department et al 24566	Water quality standards; State programs: Nebraska 24529
Iowa 24515		
Proposed Rules	COMMERCE DEPARTMENT	Notices
Milk marketing orders:	See also Industry and Trade Administration.	Experimental use permit, receipt of amendment; solicitation of public views 24593
St. Louis-Ozarks 24540	Notices	Meetings:
Notices	Watches and watch movements; allocation of quotas: Guam and Virgin Islands 24566	Administrator's Toxic Substances Advisory Committee; correction 24593
Packers and stockyards, posting and depositing of stockyards: Barrett Livestock Market, Inc., Ala., et al 24564	COPYRIGHT ROYALTY TRIBUNAL	Water quality, criteria; inquiry; extension of time 24593
	Rules	
AGRICULTURE DEPARTMENT	Cable systems; royalty fee claims filing 24528	FEDERAL COMMUNICATIONS COMMISSION
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Forest Service.	DEFENSE DEPARTMENT	Rules
AIR FORCE DEPARTMENT	See also Air Force Department.	FM broadcast stations; table of assignments: Idaho 24534
Notices	Notices	Television broadcast stations; table of assignments: Alabama 24533
Meetings:	Meetings:	Georgia 24534
Scientific Advisory Board 24568	Electron Devices Advisory Group 24568	Proposed Rules
ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION	ECONOMIC REGULATORY ADMINISTRATION	Radio broadcast services: Public notice of intent to sell broadcast station; withdrawn 24560
Notices	Notices	
Alcohol grant allotments formula; FY 1978 24596	Electric utilities; petitions filed under section 202(c) 24570	FEDERAL ENERGY REGULATORY COMMISSION
ANIMAL AND PLANT HEALTH INSPECTION SERVICE	Power rates and charges: Sam Rayburn Project, Southwestern Power Administration 24570	Notices
Notices	EDUCATION OFFICE	Hearings, etc.:
Meetings:	Notices	Alaska Natural Gas Transportation System 24573
Foreign Animal Diseases Advisory Committee 24564	Meetings:	American Electric Power Service Corp 24572
ANTITRUST LAWS AND PROCEDURES, NATIONAL COMMISSION FOR REVIEW OF	Bilingual Education National Advisory Council 24608	Arkansas Power & Light Co ... 24573
Notices	Extension and Continuing Education National Advisory Council 24608	Bailey, Walter E 24586
Meeting 24635	EMPLOYMENT AND UNEMPLOYMENT STATISTICS, NATIONAL COMMISSION	Boston Edison, Co 24574
CENTRAL INTELLIGENCE AGENCY	Notices	Columbia Gas Transmission Corp. (2 documents) .. 24575, 24576
Rules	Hearings 24635	Columbia Gulf Transmission Co 24576
Freedom of information 24527	ENERGY DEPARTMENT	Connecticut Light & Power Co 24576
CIVIL AERONAUTICS BOARD	See also Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office.	Davis, Paul R., et al 24583
Proposed Rules	Notices	Exxon Pipeline Co. of Calif ... 24577
Charters:	Financial or other interests in energy concerns:	Gulf States Utilities Co 24577
Advance booking; liberalization of rules; hearing 24542	Waivers granted; designation of certain employees 24568	Interstate Power Co 24577
Notices	Meetings:	Jackson Purchase Electric Co-operative Corp. et al 24577
Hearings, etc.:	Lignite Subcommittee, Fossil Energy Advisory Committee, date change 24588	Missouri Power & Light Co ... 24578
St. Louis/Kansas City-San Diego route proceedings 24565	Regional Solar Energy Policy Forums 24569	MRT Exploration Co. et al 24578
CIVIL SERVICE COMMISSION		New England Power Pool 24578
Notices		New York Power Pool 24579
Administrative law judges; qualifications; inquiry 24565		Northern Illinois Gas Co 24580
Cost of living allowance; non-foreign areas; inquiry; extension of time 24565		Northern Natural Gas Co 24581

CONTENTS

Public Service Co. of N.H.	24584
Sierra Pacific Power Co.	24585
United Gas Pipe Line Co.	24586
Wisconsin Public Service Corp.	24588
FEDERAL INSURANCE ADMINISTRATION	
Rules	
Flood elevation determinations:	
Florida	24520
Illinois	24522
Minnesota	24522
Missouri	24521
New York	24520
Ohio	24525
Pennsylvania (3 documents) ..	24519, 24524, 24525
South Carolina	24523
Vermont	24526
Virginia	24523
Proposed Rules	
Flood elevation determinations:	
Kansas	24548
Massachusetts (3 documents) ..	24548-24550
Missouri	24550
New Hampshire (2 documents) ..	24551, 24552
Ohio	24553
Oregon (8 documents)	24553-24557
Tennessee	24557
Texas	24558
Utah	24558
FEDERAL MARITIME COMMISSION	
Proposed Rules	
Collective bargaining agreements; exemption; advance notice; extension of time denied	24559
Notices	
Agreements filed, etc.	24593
Freight forwarder licenses; Cosdel International Co. et al	24594
FEDERAL RESERVE SYSTEM	
Rules	
Interest on deposits: Rates, maximum	24516
Notices	
Applications, etc.: Balch Springs Bancshares, Inc.	24595
Citizens Bankshares, Inc.	24595
First State Bancorporation	24595
Jackson Hole Banking Corp. ...	24595
Security Bancorp, Inc.	24595
FISH AND WILDLIFE SERVICE	
Notices	
Endangered and threatened species permits; applications (3 documents)	24614
FOOD AND DRUG ADMINISTRATION	
Rules	
Food labeling: Bakery products; ingredient labeling exemptions	24518

Proposed Rules	
Lemon juice; canned; identity standards and fill of container requirements; extension of time	24547
Notices	
Medical devices: Cholyglycine RIA (PEG) diagnostic kit; reclassification petition recommendation	24600
Galactose-1-Phosphate Uridyl Transferase (Gal-PUT) Procedure No. 195; reclassification petition recommendation	24605
Hip prosthesis, ceramic; reclassification petition recommendation	24601
Olives, pitted; level of defects; guideline availability	24603
X-ray systems; approvals of variance: Siemens Corp.; intraoral source dental system	24604
FOREIGN-TRADE ZONES BOARD	
Notices	
Foreign-trade zone applications: New Jersey	24586
FOREST SERVICE	
Proposed Rules	
Procurement; debarred, suspended, and ineligible bidders	24559
GENERAL ACCOUNTING OFFICE	
Notices	
Regulatory reports review; proposals, approvals, etc. (FTC) (2 documents)	24595, 24596
GENERAL SERVICES ADMINISTRATION	
Rules	
Property management; Federal: Supply schedules, Federal, and GSA Supply Catalog	24533
HEALTH, EDUCATION, AND WELFARE DEPARTMENT	
See Alcohol, Drug Abuse, and Mental Health Administration; Education Office; Food and Drug Administration; Health Resources Administration; National Institutes of Health; Social Security Administration.	
HEALTH RESOURCES ADMINISTRATION	
Notices	
Meetings: Advisory Committees; June	24606
HEARINGS AND APPEALS OFFICE, ENERGY DEPARTMENT	
Notices	
Applications for exception, etc.; cases filed	24571

Notices	
Home heating oil No. 2; allocation and pricing regulations; hearing procedure rules	24588
HERITAGE CONSERVATION AND RECREATION SERVICE	
Notices	
Historic Places National Register; additions, deletions, etc.: Alabama, et al. (2 documents)	24614, 24620
HOUSING AND URBAN DEVELOPMENT DEPARTMENT	
See also Federal Insurance Administration.	
Rules	
Community development block grants: Categorical program settlement grants, completion of projects assisted under	24856
INDUSTRY AND TRADE ADMINISTRATION	
Rules	
Export licensing: Coal tar, organic; organic medicinal chemicals, etc.	24517
Shotguns, limitation on use of general licenses for	24517
INTERIOR DEPARTMENT	
See also Fish and Wildlife Service; Heritage Conservation and Recreation Service; Land Management Bureau.	
Notices	
Watches and watch movements; allocation of quotas: Guam and Virgin Islands	24566
INTERSTATE COMMERCE COMMISSION	
Rules	
Railroad car service orders: Freight cars, demurrage and free time on	24539
Freight cars, movement	24536
Grain shipments, multiple car	24538
Trailers, insulated; return	24537
Railroad car service orders; various companies: Chicago & North Western Transportation Co. (2 documents)	24535, 24539
Notices	
Fourth section applications for relief	24642
Hearing assignments	24642
Motor carriers: Operating rights applications, etc.	24646
Temporary authority applications (2 documents)	24642, 24646

CONTENTS

LABOR DEPARTMENT	
Notices	
Adjustment assistance: Allen Shoe Co., Inc.	24621
Alstate Lawn Products, et al. ...	24634
Armco Steel Corp.	24622
ASARCO, Inc., et al.	24633
Bethlehem Steel Corp.	24622
Bunker Hill Co. (2 documents)	24623
Cedarock Co., Inc.	24624
Cities Service Co.	24624
Consolidated Rail Corp.	24625
Irvin, E. T., Works	24625
General Electric Co.	24626
Irwin, Harry, Inc.	24626
Beans, James H., Foundry Co.	24627
Jones & Laughlin Steel Corp. ...	24627
Mayflower Coat Co.	24627
Normal Shoe Co., Inc., et al. ...	24628
F/V Memco	24629
Onondaga Silk Co., Inc.	24628
Ponce Pearl, Inc.	24629
Precision Ball Bearing Co.	24630
Proximity Print Works	24630
Pullman Berry Co.	24630
Republic Steel Corp. (4 documents)	24631, 24632
Sea-Land Service, Inc. (2 documents)	24632
U.S. Steel Corp.	24633
Webster Enterprises, Inc.	24633
LAND MANAGEMENT BUREAU	
Proposed Rules	
Inventory and planning; procedures development; inquiry; extension of time	24559
Notices	
Alaska native selections; applications, etc.: Nu-Nachk Pit, Inc., et al.	24609

MANAGEMENT AND BUDGET OFFICE	
Notices	
Clearance of reports; list of requests	24639
NATIONAL INSTITUTES OF HEALTH	
Notices	
Carcinogenesis bioassay reports; availability: In vitro carcinogenesis	24607
Meetings: Cancer Institute, National; advisory committees	24607
Pharmacology-Toxicology Research Program Committee.	24607
Research Manpower Review Committee	24607
Scientific Counselors Board	24606
NUCLEAR REGULATORY COMMISSION	
Notices	
Meetings: Reactor Safeguards Advisory Committee	24635
Regulatory guides; issuance and availability	24638
Applications, etc.: Consolidated Edison Co. of New York, Inc.	24636
Metropolitan Edison Co.	24636
Northern States Power Co.	24637
Portland General Electric Co.	24637
Virginia Electric & Power Co. ...	24638
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION	
Rules	
Relocation assistance and land acquisition; correction	24528

SECURITIES AND EXCHANGE COMMISSION	
Notices	
Self-regulatory organizations; proposed rule changes: Pacific Clearing Corp.	24639
Pacific Securities Depository Trust Co. (2 documents)	24640
SMALL BUSINESS ADMINISTRATION	
Notices	
Disaster areas: Hawaii	24641
Mississippi	24641
Texas	24641
SOCIAL SECURITY ADMINISTRATION	
Proposed Rules	
Black lung benefits: Claims, pending and denied; review	24542
STATE DEPARTMENT	
Proposed Rules	
Visas: Immigrant; aliens ineligible; withdrawn	24547
TREASURY DEPARTMENT	
Notices	
Financial recordkeeping and reporting of currency and foreign transactions	24527
Notes, Treasury: H-1982 series	24642
VETERANS ADMINISTRATION	
Rules	
Procurement	24531
Notices	
Meetings: Central Office Education and Training Review Panel	24642

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows, beginning with the second issue of the month.
A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR	22 CFR	41 CFR
1079..... 24515	PROPOSED RULES:	8-3..... 24531
PROPOSED RULES:	42..... 24547	8-52..... 24531
1062..... 24540	24 CFR	8-74..... 24531
12 CFR	570..... 24656	101-26..... 24533
217..... 24516	1917 (12 documents)..... 24519-24526	101-30..... 24533
14 CFR	PROPOSED RULES:	PROPOSED RULES:
PROPOSED RULES:	1917 (19 documents).... 24548-24558	4..... 24559
371..... 24542	31 CFR	43 CFR
15 CFR	103..... 24527	PROPOSED RULES:
371..... 24517	32 CFR	1600..... 24559
399..... 24517	1900..... 24527	46 CFR
20 CFR	36 CFR	PROPOSED RULES:
PROPOSED RULES:	904..... 24528	Ch. IV..... 24559
410..... 24542	37 CFR	47 CFR
21 CFR	302..... 24528	73 (3 documents)..... 24533, 24534
101..... 24518	40 CFR	PROPOSED RULES:
PROPOSED RULES:	120..... 24529	73..... 24560
146..... 24547		49 CFR
		1033 (6 documents)..... 24535-24539

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

1 CFR	16 CFR	27 CFR
Ch. I..... 23701	13..... 23991	170..... 24234
7 CFR	456..... 23992	201..... 24234
2..... 23983	PROPOSED RULES:	231..... 24243
246..... 23986	Ch. II..... 24325	252..... 24243
908..... 23701	13..... 24066	30 CFR
910..... 23986	17 CFR	PROPOSED RULES:
1079..... 24515	32..... 23704	880..... 24326
1434..... 24263	240..... 24287	31 CFR
1800..... 23986	249..... 24287	103..... 24527
1822..... 24264	PROPOSED RULES:	32 CFR
1904..... 24265	1..... 23729	1900..... 24527
PROPOSED RULES:	31..... 23729	32A CFR
650..... 24222	19 CFR	634..... 24308
917..... 23724	10..... 23708	36 CFR
1062..... 24515	159..... 23709, 23710	904..... 24528
1126..... 23725	171..... 23711	37 CFR
1701..... 24064	PROPOSED RULES:	302..... 24528
9 CFR	4..... 23731	40 CFR
78..... 23987	6..... 23731	118..... 24309
PROPOSED RULES:	20 CFR	120..... 24529
11..... 24064	PROPOSED RULES:	PROPOSED RULES:
381..... 24064	410..... 24542	35..... 24071
10 CFR	21 CFR	52..... 24071
205..... 23989	101..... 24518	80..... 24331
212..... 24265	207..... 24008	41 CFR
430..... 24268	540..... 24010	8-3..... 24531
PROPOSED RULES:	PROPOSED RULES:	8-52..... 24531
465..... 24316	Ch. I..... 24066	8-74..... 24531
12 CFR	146..... 24547	101-26..... 24533
9..... 23990	182..... 24067	101-30..... 24533
217..... 24516	186..... 24067	101-38..... 24062
329..... 24269	740..... 24070	101-39..... 24062
526..... 24271	22 CFR	101-40..... 24063
545..... 24271	PROPOSED RULES:	PROPOSED RULES:
PROPOSED RULES:	42..... 24547	4..... 24559
226..... 23726	24 CFR	42 CFR
545..... 23727	203..... 23713	PROPOSED RULES:
14 CFR	213..... 23713	122..... 24072
39..... 24272, 24273	234..... 23713	405..... 24332
71..... 24274, 24275	570..... 24656	43 CFR
73..... 23703	1914..... 24011, 24013	PROPOSED RULES:
75..... 23703	1915..... 24019, 24021, 24022	428..... 24072
97..... 24275	1916..... 24049, 24050	1600..... 24559
221..... 24277	1917..... 23713-	PUBLIC LAND ORDERS:
250..... 24277	23722, 24051-24061, 24289-24307, 24519-24526	5638..... 24063
PROPOSED RULES:	PROPOSED RULES:	45 CFR
39..... 23727	1710..... 23936	PROPOSED RULES:
71..... 24324	1715..... 23936	130..... 24333
371..... 24542	1917..... 23732-	
15 CFR	23743, 24070, 24548-24558	
315..... 23991	25 CFR	
371..... 24517	PROPOSED RULES:	
399..... 24517	54..... 23743	

V
4
3
/
1
0
9

J
E
/
6

7
8

U
M
I

FEDERAL REGISTER

46 CFR	49 CFR	49 CFR—Continued
PROPOSED RULES:		PROPOSED RULES—Continued
Ch. IV	571	24310
308	1033	23722, 23723, 24535-24539
502		191
47 CFR	PROPOSED RULES:	50 CFR
0	171	24335
73	172	24335
PROPOSED RULES:	173	24335
67	175	24335
73		656
		661

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	Date
23701-23982	June 1
23983-24261	2
24263-24514	5
24515-24658	6

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-02]

Title 7—Agriculture

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK) DEPARTMENT OF AGRICULTURE

[Milk Order No. 79]

PART 1079—MILK IN THE IOWA MARKETING AREA

Order Suspending Certain Provisions

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Suspension of rule.

SUMMARY: This order suspends an order provision affecting the regulatory status of milk supply plants. The suspension will allow a cooperative association's direct delivery of milk from producers' farms to its own pool distributing plant to be included as a qualifying shipment for pooling the cooperative association's supply plant. The suspension is for the months of May 1978 through April 1979.

DATE: Effective June 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Martin J. Dunn, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-7311.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of proposed suspension—issued May 10, 1978, published May 15, 1978 (43 FR 20817).

Correction notice—published May 22, 1978 (43 FR 21915).

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Iowa marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 20817) concerning a proposed suspension of certain provisions of the order. Interested persons had an opportunity to comment on the proposed suspension in writing. Two cooperative associations filed comments support-

ing the suspension. A proprietary handler and two cooperative associations commented in opposition to the suspension.

After considering all relevant material, including the proposal in the notice, the comments received and other available information, it is found and determined that for the months of May 1978 through April 1979 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1079.7(b)(1) the words "pursuant to § 1079.9(c)".

STATEMENT OF CONSIDERATION

The suspension will make inoperative for 1 year some pool supply plant provisions that prevent a cooperative association from earning pool supply plant shipping credit for milk which it causes to be delivered directly from producers' farms to its own pool distributing plant. Presently, only direct deliveries of milk by a cooperative association to the pool distributing plant of another handler are fully creditable as qualifying shipments for the cooperative's supply plant.

The suspension was requested by Land O'Lakes, Inc., Mid-America Dairymen, Inc., and Mississippi Valley Milk Producers Association, Inc. These cooperative associations represent a majority of the producers supplying the Iowa market. The cooperatives claimed that uneconomic shipments of milk are required to maintain pool status for supply plants they operate. This results because direct deliveries from farms to their pool distributing plants do not earn credit toward qualifying the supply plants.

Since the notice of proposed suspension was issued, Land O'Lakes sold its pool distributing plant at Cedar Rapids, Iowa, to Mississippi Valley Milk Producers Association. In its comments, Mississippi Valley stated that the acquisition intensifies the need for suspension because there is sufficient direct shipped milk available for the Cedar Rapids plant. The suspension will assure that unnecessary and costly shipments from the cooperative's supply plant at Dubuque to the Cedar Rapids distributing plant solely to assure pooling for the supply plant will not be needed.

Mississippi Valley Milk Producers Association also operates pool distributing plants at Rock Island, Ill., and

Waterloo, Iowa. At times, in order to make room at the Rock Island distributing plant for qualifying shipments of milk from its supply plant, the cooperative must reload the milk that is normally picked up on farms near Rock Island for direct delivery to pool distributing plants and ship it to another market. These procedures, to assure pooling for the supply plant, entail a substantial amount of uneconomic hauling, and the maintenance of costly reloading facilities.

Mid-America Dairymen operates a pool distributing plant at Iowa City, Iowa, and pool supply plants at Twin Lakes, Minn., and Des Moines and Sully, Iowa. Although it supplies other distributing plants regulated under the Iowa order, the Iowa City distributing plant is the largest single fluid outlet for its member producer milk under the order. If sales to the other fluid outlets decreased, the present order provisions could require shipments from its supply plants to distributing plants for the sole purpose of meeting the supply plant pooling provisions of the order.

The suspension is necessary because it will remove the necessity of supplying milk through a supply plant simply to keep the plant qualified for pooling when milk can be more economically supplied direct from producers' farms. The suspension will provide cooperatives with the flexibility needed to supply milk to all regulated distributing plants in the market and still keep their supply plants that have been regularly associated with the market pooled under the order.

A proprietary handler and two cooperative associations that supply milk to the handler opposed the suspension. They maintained that the suspension would change the pooling provisions of the order in such a way that increased quantities of milk will be associated with the market. In their view, this would decrease the proportion of milk used in class I, and lower blend prices, which would be detrimental to producers supplying the market.

The suspension does not change the performance requirements for pooling supply plants. It would not provide the means of associating greater quantities of milk with the market.

The suspension will relieve cooperative associations that operate distributing plants and supply plants from

having to make unnecessary and costly shipments of milk from their supply plants when milk from producers' farms can be delivered more conveniently and economically direct from the farms to the cooperative's distributing plants.

Proprietary handlers, in similar situations, presently may count direct deliveries of milk from farms to their distributing plants as qualifying shipments from their supply plants. The suspension merely extends this treatment to cooperative associations.

The proprietary handler objected to the suspension without an opportunity for hearing and to the relatively short 7-day period for filing comments. As indicated in the notice of proposed suspension, a longer period of time would not have provided the time needed to complete the required procedures and include the month of May in the period of suspension if the Department found that the suspension was appropriate. Also, it is anticipated that during the period of suspension a general hearing may be held at which proposed amendments to the supply plant provisions may be considered.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that the suspension does not require of persons affected substantial or extensive preparation prior to the effective date. Notice of proposed rule-making was given interested parties, and they were afforded an opportunity to file written comments concerning this suspension.

Therefore, good cause exists for making this order effective June 6.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of May 1978 through April 1979.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Effective date: June 6, 1978.

Signed at Washington, D.C., on June 1, 1978.

P. R. "BOBBY" SMITH,
Assistant Secretary.

[FR Doc. 78-15675 Filed 6-5-78; 8:45 am]

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0166; Reg. Q]

PART 217—INTEREST ON DEPOSITS

Maximum Rates of Interest Payable

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: In its Order dated May 11, 1978 (43 FR 21435, May 18, 1978), the Board announced an amendment to Regulation Q, effective June 1, 1978, that permits member banks to offer to depositors two new categories of time deposits and provided that member banks may pay interest on Individual Retirement Account (IRA) or Keogh (H.R. 10) Plan time deposits under \$100,000 at a rate not in excess of 8 percent. The Board stated that the 8-percent rate could be paid only on new time deposits or additional funds deposited to existing accounts on or after June 1 and that rates paid by member banks on funds currently on deposit in IRA/Keogh time deposits could not be increased prior to the maturity of such funds. After consideration of the operational problems member banks would face as a result of this decision, the Board has determined to permit member banks to pay the new 8 percent rate, effective June 1, 1978, on any outstanding time deposits held in IRA or Keogh Plan accounts.

EFFECTIVE DATE: June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Gilbert T. Schwartz, Senior Attorney, 202-452-3623, or Anthony F. Cole, Attorney, 202-452-3711, Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Effective June 1, 1978, the Board amended § 217.7 of Regulation Q (12 CFR 217.7) to establish two new categories of time deposits. Under the provisions of the first new deposit category, member banks are permitted to pay interest to depositors at a maximum rate of 7½ percent on deposits of \$1,000 or more maturing in 8 years or more. The second new deposit category established by the Board authorizes member banks to pay interest on non-negotiable time deposits of \$10,000 or more with maturities of 26 weeks at a maximum rate equal to the discount rate (auction average) on the most recently issued 6-month U.S. Treasury bills.

In addition, the Board amended, effective June 1, 1978, the existing provisions of Regulation Q that provide that member banks may pay interest on Individual Retirement Account and Keogh (H.R. 10) Plan time deposits of less than \$100,000 with maturities of 3 years or more (12 CFR 217.7(e)) at a rate not in excess of the highest of any of the permissible rates that can be paid on time deposits under \$100,000 by any federally insured commercial bank, mutual savings bank or savings and loan association. The provision was amended to provide that the rate paid on such time deposits shall be at a rate not in excess of the highest of any of the permissible rates that can be paid on time deposits under \$100,000 with maturities in excess of 6 months (26 weeks) by any federally insured commercial bank, mutual savings bank or savings and loan association.

In this connection, the Board stated that since the Federal Home Loan Bank Board and the Federal Deposit Insurance Corporation were taking action, effective June 1, to establish a new category of time deposit with a maturity of 8 or more years for federally insured savings and loan associations and mutual savings banks at a ceiling rate of 8 percent, member banks may pay 8 percent on IRA/Keogh time deposits with maturities of 3 or more years. The Board further stated, however, that the new 8-percent rate may be paid only on new time deposits or additional funds deposited to existing accounts, and that rates paid by member banks on funds currently on deposit in IRA/Keogh time deposits may not be increased prior to the maturity of such funds.

The Board has now determined to permit member banks, effective June 1, to increase the rate of interest paid on existing IRA and Keogh Plan time deposit funds with original maturities of 3 years or more. The rate of interest paid on existing IRA and Keogh funds with maturities of less than 3 years may also be increased to 8 percent, effective June 1, if the maturities of such obligations are extended to 3 years or more from the date of the increase in the rate of interest paid.

The Board is taking this action on the basis of comments received which indicate that the Board's earlier determination not to permit an increase in the rates of interest paid on outstanding IRA and Keogh funds would cause substantial and costly operational problems with no offsetting benefit to either banks or consumers. The Board stated, however, that its action should not be regarded as establishing a precedent and that should ceiling rates of interest be changed in the future, the Board may not necessarily permit the ceiling rate of interest payable on existing retirement savings to change.

It is anticipated that this action will alleviate operational problems and will result in substantial public benefits by permitting existing retirement savers to obtain the most advantageous IRA and Keogh programs. In order to facilitate the achievement of these objectives and since this action relieves an existing regulatory restriction, the Board finds that application of the notice and public participation provisions of 5 U.S.C. § 553 to this action would be contrary to the public interest and that good cause exists for making this action effective in less than 30 days. The Board's action is taken at this time, after consultation with the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board, pursuant to its authority under section 19(j) of the Federal Reserve Act (12 U.S.C. § 371b).

By order of the Board of Governors, May 26, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-15573 Filed 6-5-78; 8:45 am]

[3510-25]

Title 15—Commerce and Foreign Trade

CHAPTER III—INDUSTRY AND TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 371—GENERAL LICENSES

Limitation on Use of Certain General Licenses for the Export of Shotguns

AGENCY: Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: The Office of Munitions Control (OMC), Department of State, has export licensing jurisdiction over military arms and ammunition, including shotguns with a barrel length of less than 18 inches. The Office of Export Administration, Department of Commerce, has licensing jurisdiction over shotguns with a barrel length of 18 inches or over and shotgun shells. The OMC has modified its International Traffic in Arms Regulations (ITAR) to permit the temporary export, for certain purposes, of not more than three non-automatic firearms and not more than 1,000 cartridges therefor without an export license. This revision of the Export Administration Regulations conforms to the change in the ITAR by permitting, under certain conditions, the export under General Licenses Baggage and Crew of not more than three shotguns with a barrel length of 18 inches or over and not more than 1,000 shotgun shells.

EFFECTIVE DATE OF ACTION: June 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4196.

Accordingly, the Export Administration Regulations (15 CFR Part 371), are revised as follows:

1. Section 371.6 (c) is relettered (d) and a new § 371.6(c) is added to read as follows:

§ 371.6 General license baggage.

(c) *Special provisions—Shotguns and shotgun shells.* (1) A United States citizen or a permanent resident alien leaving the United States may take (export) shotguns with a barrel length of 18 inches or over and shotgun shells under General License Baggage, subject to the following limitations:

(i) Not more than three shotguns and not more than 1,000 shotgun shells may be taken on any one trip;

(ii) The shotguns and shotgun shells must be with the person's baggage, whether accompanied or unaccompanied, but they may not be mailed;

(iii) The shotguns and shotgun shells must be for the person's exclusive use for legitimate hunting or lawful sporting purposes, scientific purposes, or personal protection, and not for resale or other transfer of ownership or control. (Accordingly, shotguns may not be exported permanently under this General License Baggage. All shotguns and unused shotgun shells must be returned to the United States.)

(2) A nonresident alien leaving the United States may take (reexport) under General License Baggage only such shotguns and shotgun shells as he brought into the United States under the provisions of Department of Treasury Regulations (27 CFR 178.115(d)).¹

¹ 27 CFR 178.115(d) provides for the following:

(d) Firearms and ammunition are not imported into the United States, and the provisions of this subpart shall not apply, when such firearms and ammunition are brought into the United States by:

(1) A nonresident of the United States for legitimate hunting or lawful sporting purposes, and such firearms and such ammunition as remains following such shooting activity are to be taken back out of the territorial limits of the United States by such person upon conclusion of the shooting activity;

(2) Foreign military personnel on official assignment to the United States who bring such firearms or ammunition into the United States for their exclusive use while on official duty in the United States;

(3) Official representatives of foreign governments who are accredited to the U.S.

2. Section 371.11(a)(1) is revised to read as follows:

§ 371.11 General license crew.

(a) * * *

(1) *Personal effects.* Usual and reasonable kinds and quantities of wearing apparel, articles of personal adornment, toilet articles, medicinal supplies, food, souvenirs, games, and other personal effects and their containers. Shotguns of a barrel length of 18 inches or over and shotgun shells as limited by § 371.6(c)(1) may be exported by a U.S. citizen or a permanent resident alien under this General License Crew, but all shotguns and unused shotgun shells must be returned to the United States on each return trip. Crew members who are nonresident aliens may export shotguns and ammunition subject to the provisions of § 371.6(c)(2).

(Sec. 4, Pub. L. 91-184, 83 Stat. 842 (50 U.S.C. App. 2403), as amended; E.O. 12002, 42 FR 35623 (1977); Department Organization Order 10-3, dated December 4, 1977, 42 FR 64721 (1977); and Industry and Trade Administration Organization and Function Order 45-1, dated December 4, 1977, 42 FR 64716 (1977).)

Dated: May 27, 1978.

STANLEY J. MARCUSS,
Deputy Assistant Secretary
for Trade Regulation.

[FR Doc. 78-15681 Filed 6-5-78; 8:45 am]

[3510-25]

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

Revision of Commodity Control List

AGENCY: Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: The Office of Export Administration (OEA) has determined that the chemicals listed below do not meet the criteria for validated export licensing controls for shipment to Country Groups Q, W, and Y.¹ Previously, before exporting the chemicals to these destinations, a firm was required to submit an application to OEA and receive specific written au-

Government or are enroute to or from other countries to which accredited;

(4) Officials of foreign governments and distinguished foreign visitors who have been so designated by the Department of State; and

(5) Foreign law enforcement officers of friendly foreign governments entering the United States on official law enforcement business.

¹ See Supplement No. 1 to Part 370 for countries included in each Country Group.

thorization to make the shipment. This revision removes that requirement and permits shipments to be made under General License G-DEST (See § 371.3).

EFFECTIVE DATE: June 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles C. Swanson, director,

Operations Division, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4196.

Accordingly, the Commodity Control List, incorporated by reference in 15 CFR Part 399, is revised to add the following commodities to interpretation 24, § 399.2:

Export Control Commodity Number and Commodity Description	Unit	Processing Code	Validated License Required	CLV & Value Limits		
				T	V	Q
6799G Chemicals, as follows: -- -- -- -- MG -- SZ -- -- -- -- Organic coal tar and other cyclic chemical intermediates, as follows:						
N-Allyl-morpholine; PTH (PTC-S-Aminoethyl) cysteine; 3-(2-Aminoethyl) indole hydrochloride; N, N-Bis(trimethylsilyl) acetamide; 1-Cyclohexyl-3-(2-morpholinoethyl)-carbodiimide metho-p-toluenesulfonate; Diisopropylbenzene hydroperoxide; Dimethyl adipimide dihydrochloride; and P-[p-Ethoxybenzylidene]-amino] benzonitrile.						
Synthetic organic medicinal chemicals, in bulk, except mixtures and compounds, as follows:						
P-Nitrophenyl-B-D-glucuronide.						
Organic chemical plasticizers, as follows:						
Methyl caproate (methyl hexanoate); Monoglycerides; Triglycerides; and 2,2,4-Trimethyl-1,3-pentanediol di-isobutyrate.						
Miscellaneous organic industrial and other organic chemicals, excluding cyclic, as follows:						
Bis(2-ethylhexyl) peroxydicarbonate; di(sec-Butyl) peroxydicarbonate; 1,4-Bis-2-(5-phenyloxazoly) benzene; Diethylene glycol adipate; Diethylene glycol succinate; Dimethyl aluminum chloride; N,N-Dimethylbenzylamine; 1-Ethyl-2-[3 (1-ethylnaphtho [1,2d] -thiazolin-2-ylidene)-2-methyl-propeny] naphtho [1,2d] thiazolium bromide; Glycocholic acid (cholyglycine); and Tri-n-octylaluminum.						
Other inorganic chemicals n.e.s., as follows:						
Antimony pentafluoride; Barium fluoride; and Potassium fluoride.						

(Sec. 4, Pub. L. 91-184, 83 Stat. 842 (50 U.S.C. App. 2403), as amended; E.O. 12002, 42 FR 35623 (1977); Department Organization Order 10-3, dated December 4, 1977, 42 FR 64721 (1977); and Industry and Trade Administration Organization and Function Order 45-1, dated December 4, 1977, 42 FR 64716 (1977).)

Dated: May 27, 1978.

STANLEY J. MARCUSS,
Deputy Assistant Secretary
for Trade Regulation.

[FR Doc. 78-15682 Filed 6-5-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Docket Nos. 77P-0016 and 77P-0017]

PART 101—FOOD LABELING

Ingredient Labeling Exemptions

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document permits all ingredients that act as leavening agents, yeast nutrients, and dough conditioners in a food to be listed together in the ingredient statement by their specific common or usual names in parentheses following the appropriate collective name. It also permits individual ingredients that act as dough conditioners, yeast nutrients, and leavening agents to be listed in parentheses in other than descending order of predominance; and it provides for the label declaration of dough conditioners, yeast nutrients, and leavening

agents used intermittently in the manufacture of a food even though they may not always be present in the food bearing such labeling. This document follows from a previous proposal. This rule provides a more flexible ingredient labeling format while retaining complete ingredient disclosure to consumers.

EFFECTIVE DATE: June 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Howard N. Pippin, Bureau of Foods (HFF-312), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-245-3092.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of August 26, 1977 (42 FR 43095), the Food and Drug Administration issued a proposal to allow ingredients used as "leavening agents," "yeast nutrients," and "dough conditioners" to be listed parenthetically following the appropriate class name. It was also proposed to allow these ingredients to be listed in other than descending order of predominance and to be listed if they are used intermittently even though they may not always be present in the food bearing the labeling.

Four comments were received in response to the proposal. One comment was from the American Bakers Association (ABA); two comments were from industry (one in Canada); and one comment was from the Government of Quebec.

All the comments agreed with the regulation as proposed. But one comment expressed concern about "information overload" on the label, maintaining that it might be frightening or confusing.

The Commissioner is aware of the increase in the length of ingredient lists that this regulation will permit. But the Commissioner believes that the listing of the specific common or usual names of the ingredients used as dough conditioners, leavening agents, and yeast nutrients in the ingredient statement as allowed by this regulation will supply consumers with additional information and thereby serve to educate them as to the function of some of the "chemicals" used in foods for specific purposes.

The Commissioner believes that this ingredient declaration alternative will provide needed flexibility to manufacturers of bakery goods while maintaining complete ingredient disclosure for consumers. Further, the information that is included in this type of labeling—a declaration of function as well as the common or usual name of the ingredients—is valuable to consumers and may serve as an educational tool for them. Also, the Commissioner is aware that without such flexibility of

labeling available to the baking industry, the cost of maintaining a label inventory necessary to properly label all products produced would be unnecessarily high, and the increase in cost would be passed on to the consumer and might force some small bakers out of business. Therefore, although the permitted ingredient declaration does increase the length of the label statement, the Commissioner has determined that such declaration is in the best interest of both the consumer and the manufacturer.

These labeling provisions apply to all foods using the functional ingredients "leavening," "yeast nutrients," and "dough conditioners." The collective name used is meant to apply to all food ingredients or combination of ingredients incorporated in the food to serve its respective function. If the ingredient has been added for a function other than that of a leavening agent, yeast nutrient, or dough conditioner, it must be listed separately in the ingredient statement.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 1040-1042 as amended, 1047-1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 101 is amended in § 101.4 by adding new paragraph (b) (16), (17), and (18) to read as follows:

§ 101.4 Food; designation of ingredients.

(b) * * *

(16) Ingredients that act as leavening agents in food may be declared in the ingredient statement by stating the specific common or usual name of each individual leavening agent in parentheses following the collective name "leavening", e.g., "leavening (baking soda, monocalcium phosphate, and calcium carbonate)". The listing of the common or usual name of each individual leavening agent in parentheses shall be in descending order of predominance: *Except*, That if the manufacturer is unable to adhere to a constant pattern of leavening agents in the product, the listing of individual leavening agents need not be in descending order of predominance. Leavening agents not present in the product may be listed if they are sometimes used in the product. Such ingredients shall be identified by words indicating that they may not be present, such as "or", "and/or", "contains one or more of the following:"

(17) Ingredients that act as yeast nutrients in foods may be declared in the ingredient statement by stating the specific common or usual name of each individual yeast nutrient in parentheses following the collective name "yeast nutrients", e.g., "yeast nutrients (calcium sulfate and ammo-

nium phosphate)". The listing of the common or usual name of each individual yeast nutrient in parentheses shall be in descending order of predominance: *Except*, That if the manufacturer is unable to adhere to a constant pattern of yeast nutrients in the product, the listing of the common or usual names of individual yeast nutrients need not be in descending order of predominance. Yeast nutrients not present in the product may be listed if they are sometimes used in the product. Such ingredients shall be identified by words indicating that they may not be present, such as "or", "and/or", or "contains one or more of the following:"

(18) Ingredients that act as dough conditioners may be declared in the ingredient statement by stating the specific common or usual name of each individual dough conditioner in parentheses following the collective name "dough conditioner", e.g., "dough conditioners (L-cysteine, ammonium sulfate)". The listing of the common or usual name of each dough conditioner in parentheses shall be in descending order of predominance: *Except*, That if the manufacturer is unable to adhere to a constant pattern of dough conditioners in the product, the listing of the common or usual names of individual dough conditioners need not be in descending order of predominance. Dough conditioners not present in the product may be listed if they are sometimes used in the product. Such ingredients shall be identified by words indicating that they may not be present, such as "or", "and/or", or "contains one or more of the following:"

Effective date: This regulation shall become effective June 6, 1978.

(Secs. 201, 403, 701(a), 52 Stat. 1040-1042 as amended, 1047-1048 as amended, 1055 (21 U.S.C. 321, 343, 371(a))).

Dated: May 30, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-15572 Filed 6-5-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-3429]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Walker, Juniata County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Walker, Juniata County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Walker, Juniata County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Walker, Juniata County, Pa., are available for review at the Township Building, R.D. No. 1, Thompsontown, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the township of Walker, Juniata County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968

(Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Juniata River.....	Confluence tributary No. 7.....	423
	Confluence of Doe Run.....	432
	State Route 75/LR45.....	438
Locust Run.....	Johnstown Rd./LR34035.....	452
	Route 322/22/LR31.....	474
	Church Rd.....	498
	Farmer's Rd., downstream.....	544
	Locust Rd.....	629
Tributary No. 7.....	Confluence with Juniata River.....	423
	Amish Rd.....	427
	U.S. Route 22/U.S. 322.....	468
	U.S. 22.....	480
	Township Rd./LR34023.....	530
Doe Run.....	Confluence with Juniata River.....	432
	Farmer's Rd.....	443
	Helltown Rd./LR34006.....	457
Cedar Spring Run.....	Confluence with Doe Run.....	432
	Confluence with tributary No. 1.....	435
	Route 22 and U.S. 322.....	442
	Church Rd.....	444
	Cedar Grove Rd./T-386.....	446
Tributary No. 1.....	Confluence with Cedar Spring Run.....	435
	U.S. Routes 22 and 322.....	435
	Swamp Rd./LR34030.....	445
	U.S. Routes 22 and 322 upstream.....	472

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14397 Filed 6-5-78; 8:45 am]

[4210-01]

[Docket No. FI-3484]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Juno Beach, Palm Beach County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Juno Beach, Palm Beach County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Juno Beach, Fla.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Juno Beach, are available for review at Town Hall, 841 Ocean Drive, Juno Beach, Fla.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Juno Beach, Fla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 41001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Atlantic Ocean.....	Shoreline from northern corporate limit to southern corporate limit. Celestial Way to Galaxy Pl.	7

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 27, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14389 Filed 6-5-78; 8:45 am]

[4210-01]

[Docket No. FI-3590]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Bolivar, Alleghany County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Bolivar, Alleghany County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Bolivar, Alleghany County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Bolivar, Alleghany County, N.Y., are available for review at the Bolivar Village Hall, 176 North Main Street, Bolivar, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Bolivar, Alleghany County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Sources of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Genesee Creek.....	Downstream corporate limits.....	1.585
	Pleasant St.....	1.591
	Salt Rising.....	1.596
	Deans Flats Rd.....	1.615
Root Creek.....	Downstream study limits.....	1.620
	Upstream corporate limits.....	1.637

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 18, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14393 Filed 6-5-78; 8:45 am]

[4210-01]

[Docket No. FI-3617]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Clay County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Clay County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for Clay County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Clay County, are available for review at Annex Building, 616 East Mill, Liberty, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Clay County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Clear Creek.....	County road.....	809
	Highway 92.....	785
	Confluence with Fishing River.....	770
Holt Creek.....	Clay County line.....	857
	County road, located approximately 16,000 ft upstream of I-35.....	845
	I-35.....	812
	County road, located approximately 3,500 ft downstream of I-35.....	808
	Confluence with Clear Creek.....	786
Dry Fork.....	County road.....	903
	Upstream corporate limits, Excelsior Springs.....	790
Fishing River.....	Highway C.....	845
	County road.....	820
	I-35.....	792
	Burlington Northern RR.....	787
	Highway 33.....	784
	Mosby corporate limits (upstream).....	770
	Confluence with east fork, Fishing River.....	744
East fork, Fishing River.....	Highway N.....	735
Williams Creek.....	County road.....	748
	do.....	823
Brushy Creek.....	Highway 92.....	807
	Highway 69.....	1,002
	Atchison, Topeka & Santa Fe RR.....	1,008
Brushy Creek, tributary I.....	Clay County line.....	983
	Highway 69.....	1,025
	Confluence with Brushy Creek.....	1,012
Brushy Creek, tributary II.....	County road.....	1,047
	Highway D.....	1,013
	Chicago, Milwaukee, St. Paul & Pacific RR.....	1,009
1st and 2d creeks.....	County road.....	850
	Highway 92.....	836
	Upstream Smithville corporate limits.....	816
Owens Branch.....	County road (station location 18,200').....	920
	County road (station location 12,250').....	858
	Highway 169.....	822
Wilkerson Creek.....	County road.....	862
	Highway 92.....	840
	Upstream Smithville corporate limits.....	818
Rocky Branch.....	County road.....	865
	Confluence with Wilkerson Creek.....	847
Crockett Creek.....	County road (upstream study limits).....	810
	County road.....	783
	Upstream Mosby corporate limits.....	764
Holmes Creek.....	County road.....	770
	Highway 69.....	767
	Chicago, Minneapolis and St. Paul RR.....	765
Williams Creek.....	County road.....	775
	Highway 69.....	781
Williams Creek, tributary.....	County road.....	835
Little Platte River.....	Clay County line (downstream limit).....	811
	Upstream Smithville corporate limits.....	815
Missouri River.....	Confluence with Sheal Creek.....	729
	Clay County line.....	718

*Station location is stream distance in feet above the mouth.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14392 Filed 6-5-78; 8:45 am]

[4210-01]

[Docket No. FI-3651]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Itasca County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Itasca County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Itasca County, Minn.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Itasca County, are available for review at Itasca County Courthouse, Grand Rapids, Minn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8827. Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Itasca County, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River...	County State aid Highway 63 bridge.	1269
	Burlington Northern RR bridge.	1278
	County State aid Highway 62 bridge.	1278
	Shoreline areas.....	1278
Pokegama Reservoir.		

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14391 Filed 6-5-78; 8:45 am]

[4210-01]

[Docket No. FI-3808]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of East Chicago Heights, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of East Chicago Heights, Cook County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map

for the Village of East Chicago Heights, Cook County, Ill.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of East Chicago Heights, Cook County, Illinois, are available for review at the Village Hall, 1327 Ellis Avenue, East Chicago Heights, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Village of East Chicago Heights, Cook County, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Deer Creek	East Chicago Heights corporate limits upstream.	641
	Lincoln Highway	636
	East Chicago Heights corporate limits downstream.	629

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[4210-01]

[Docket No. FI-3894]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Mauldin, Greenville County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Mauldin, Greenville County, S.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Mauldin, Greenville County, S.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Mauldin, Greenville County, S.C., are available for review at City Hall, city of Mauldin, S.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the city of Mauldin, Greenville County, S.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gilder Creek	Just upstream Butler Rd.	821
	Just upstream Barrett St.	845
	Approximately 100 ft upstream of Cox St. (Miller Rd).	873
Gilder Creek, tributary No. 1.	Just upstream Bethel Rd.	852
Gilder Creek, tributary No. 2.	Approximately 400 ft upstream of Bethel Rd.	838
Gilder Creek, tributary No. 3.	Capewood Ct. (extended).	825
Gilder Creek, tributary No. 3A.	Just upstream Corn St...	834

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128), and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14398 Filed 6-5-78; 8:45 am]

[4210-01]

[Docket No. FI-3900]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Campbell County (Unincorporated Areas), Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Campbell County (unincorporated areas), Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Campbell County (unincorporated areas), Va.

of the flood-prone areas and the final elevations for Campbell County (unincorporated areas), Va., are available for review at Walter J. Haberer Boulevard, Courthouse Square, Rustburg, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C., 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Campbell County (unincorporated areas), Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
James River	Downstream county boundary.	481
	Chessie System (upstream face).	492
	Norfolk & Western RR ..	500
	Confluence with Opossum Creek.	505
	Upstream county boundary.	508
Archer Creek	Confluence with James River.	500
	State Route 726 (upstream face).	502
	Norfolk & Western RR. (1st crossing) downstream face.	510
	Norfolk & Western RR. (1st crossing) upstream face.	526
	State Route 609	550
	Private Drive, 2,700 feet upstream of State Route 609.	578
	Norfolk & Western RR. (2d crossing) downstream face.	649
	Norfolk & Western RR. (2d crossing) upstream	679

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Abandoned Railroad, upstream face.	784		Confluence with Bishop Creek.	543
	Abandoned Highway.....	784		Confluence with Goose Creek.	552
Beaver Creek	Confluence with James River.	501		Leesville Dam, downstream side.	560
	State Route 460, upstream face.	506		Leesville Dam, upstream side.	615
	Apelline Crossing.....	549		Upstream county boundary.	616
	Norfolk & Western RR. (1st crossing).	570	Falling River.....	Downstream county boundary.	384
	State Route 660, upstream face.	576		State Route 40	393
	Confluence with Carters Creek.	615		Confluence with south Fork, Falling River.	457
	State Route 501, downstream face.	636		State Route 604.....	494
	State Route 501, upstream face.	647		Upstream county boundary.	514
	Confluence with Tussocky Creek.	648	Big Otter River	Confluence with Roanoke River.	528
	Norfolk & Western RR. (2d crossing), downstream face.	649		State Route 712.....	528
	Norfolk & Western RR. (2d crossing), upstream face.	660		U.S. Route 29, northbound.	538
	State Route 669.....	723		Confluence with Troublesome Creek.	554
Tussocky Creek	Confluence with Beaver Creek.	648		Confluence with Flat Creek.	563
	State Route 680, upstream face.	675		Southern Ry.....	568
	Norfolk & Western RR..	681		State Route 682.....	571
	Confluence with Tussocky Creek.	681		Confluence with Buffalo Creek.	582
	Norfolk & Western RR..	505		County boundary	583
Opossum Creek	River.	505		Confluence with Big Otter River.	554
	Chessie System, downstream face.	505		State Route 696.....	606
	Chessie System, upstream face.	512		State Route 692.....	657
	State Route 560.....	512		downstream face.	666
	State Route 665.....	592		State Route 692, upstream face.	666
	Norfolk & Western RR. (1st crossing), upstream face.	598		Confluence with Big Otter River.	563
	State Route 501.....	638		State Route 696, upstream face.	568
	Norfolk & Western RR. (2d crossing).	647		State Route 24, upstream face.	595
	State Route 669, upstream face.	861		Private Road, downstream of Confluence with Yellow Branch.	674
	State Route 667.....	759		Confluence with Smith Branch.	687
Tomahawk Creek..	County boundary (Lynchburg city limits).	763		State Route 622, upstream face.	729
	State Route 1557, upstream face.	787		U.S. Route 29, upstream face.	789
	Jefferson Rd., downstream face.	816		State Route 738.....	811
	Jefferson Rd., upstream face.	831		Confluence with Big Otter River.	582
Dreaming Creek....	County boundary (Lynchburg city limits).	832		State Route 811.....	612
	State Route 1544.....	849		State Route 684.....	639
Roanoke River.....	Downstream county boundary.	384		State Route 623, downstream face.	694
	Norfolk & Western RR..	385		State Route 623, upstream face.	698
	Confluence with Whipping Creek.	403		State Route 623, (2d crossing).	714
	Confluence with Hill Creek.	452		State Route 858, downstream face.	773
	State Route 761.....	463		State Route 858, upstream face.	778
	Confluence with Seneca Creek.	474		U.S. Route 460.....	778
	Confluence with Hollow Branch.	509		State Route 623 (3d crossing), downstream face.	784
	Confluence with Cheese Creek.	520		State Route 623 (3d crossing), upstream face.	788
	State Route 640.....	526	Halls Branch.....	Confluence with Roanoke River.	532
	Confluence with Big Otter River.	528		Norfolk & Western RR., downstream face.	532
	Confluence with Halls Branch.	532		Norfolk & Western RR., upstream face.	537
	U.S. Route 29 (southbound).	540		U.S. Route 29, downstream face.	537
				U.S. Route 29, upstream face.	544

ministrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Sharon, Mercer County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 5, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-14400 Filed 6-5-78; 8:45 am)

[4210-01]

[Docket No. FI-3997]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**Final Flood Elevation Determination for the City of Sharon, Mercer County, Pa.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Sharon, Mercer County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Sharon, Mercer County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Sharon, Mercer County, Pa., are available for review at Sharon Boulevard, 50 Chestnut Street, Sharon, Pa. 16146.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

Issued: May 5, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-14396 Filed 6-5-78; 8:45 am)

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 5, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-14396 Filed 6-5-78; 8:45 am)

[4210-01]

[Docket No. FI-3998]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**Final Flood Elevation Determination for the City of Greensburg, Westmoreland County, Pa.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Greensburg, Westmoreland County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Greensburg, Westmoreland County, Pa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Greensburg, Westmoreland County, Pa., are available for review at the Greensburg City Hall, 416 South Main Street, Greensburg, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Greensburg, Westmoreland County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Jack's Run.....	Mount Pleasant St.....	1.002
	Coulter St.....	1.002
	Brewery St.....	1.004
	Laird St.....	1.004
	East Pittsburgh St.....	1.009
	Corporate limits at 34.17-mi mark.	1.009
	Corporate limits at 35.21-mi mark.	1.017
	Private foot bridge.....	1.018
	Confluence of tributary No. 5.	1.018
	Corporate limits at 36.80-mi mark.	1.018
Zeller's Run	West Newton St.....	1.030
	U.S. Highway 30 by-pass and West Newton St. off ramp.	1.037
	Upstream U.S. Highway 30 by-pass and West Newton St. on ramp.	1.041
	Shearer St.....	1.044
	Adams St.....	1.049
	Corporate limits at 7.72-mi mark.	1.068
	Ludwig St.....	1.073
	Corporate limits at 8.44-mi mark.	1.074
Tributary No. 5	Confluence of Jack's Run.	1.018
	U.S. Highway 119.....	1.018
	Union Cemetery Rd.....	1.018
	Private foot bridge.....	1.018
	Sheffield Dr.....	1.026
	Corporate limits at 2.62-mi mark.	1.027
	Pennsylvania Route 819.	1.065
	Prestwick Dr.....	1.069
	Limit of detailed study at 8.08-mi mark.	1.108

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 5, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-14395 Filed 6-5-78; 8:45 am)

[4210-01]

[Docket No. FI-4003]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**Final Flood Elevation Determination for The County of Ottawa, Ohio**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the county of Ottawa, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the county of Ottawa, Ohio.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the county of Ottawa, Ohio, are available for review at the Bulletin Board in the County Office, County Commissioner's Office, Port Clinton, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the county of Ottawa, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dry Creek.....	Confluence with Cedar Creek.	594
	Postoria Rd.....	599
Cedar Creek.....	Curtis Rd.....	588

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Billman Rd.....	594
	Postoria Rd.....	598
Ayers Creek.....	Confluence with Crane Creek.	597
	Billman Rd.....	598
	Postoria Rd.....	602
Crane Creek.....	Norfolk & Western RR..	593
	State Route 579.....	597
	Walbridge East Rd.....	602
	Billman Rd.....	605
	Postoria Rd.....	610
Little Crane Creek	Confluence with Crane Creek.	608
	State Route 51.....	610
	Martin Rd.....	615
	Postoria Rd.....	618
Crane Creek tributary.	Confluence with Crane Creek.	599
	Billman Rd.....	601
	ConRail.....	596
South branch Turtle Creek.	Genoa Rd.....	603
	Reiman Rd.....	608
	State Route 51.....	611
South branch Turtle Creek tributary.	Confluence with South branch Turtle Creek.	597
	Genoa Rd.....	606
	Hellwig Rd.....	608
	State Route 51.....	618
Toussaint Creek.....	Lickert Harbor Rd.....	581
	State Route 590.....	585
	Stange Rd.....	587
	Graytown Rd.....	590
	Elliston Trowbridge Rd..	593
	State Route 163.....	600
	Pulkert Rd.....	602
	Martin Williston Rd.....	608
Toussaint Creek tributary.	Confluence with Toussaint Creek.	600
	Deno Rd.....	604
	State Route 51.....	606
	Opfer Lentz Rd.....	609
	ConRail.....	615
	Martin-Williston Rd.....	618
Portage River.....	State Route 19.....	579
	State Route 590.....	587
	ConRail.....	599
	Ohio Turnpike.....	604
Little Portage River.	Muddy Creek North Rd.	578
	Woodrick Rd.....	582
	State Route 19.....	586
	Norfolk & Western RR..	588
Indian Creek.....	Portage River Rd.....	592
	Harris Salem Rd.....	593
	Slemmer Rd.....	597
	State Route 590.....	604
Nine Mile Creek....	Portage River Rd.....	592
	Harris Salem Rd.....	594
	Schenider Rd.....	597

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 5, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14394 Filed 6-5-78; 8:45 am]

[4210-01]

[Docket No. FI-4081]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Proctor, Rutland County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Proctor, Rutland County, Vt. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Proctor, Rutland County, Vt.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Proctor are available for review at the Town Clerk's Office, Town Hall, Main Street, Proctor, Vt.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the town of Proctor, Rutland County, Vt.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Otter Creek.....	North corporate limits ...	368
	Just downstream of Rutland Dam.	369
	Just upstream of Rutland Dam.	479
	Just downstream of Main St.	481
	Just upstream of Main St.	485
	Just upstream of Vermont Ry. bridge.	487
	South corporate limits ...	488

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 8, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14399 Filed 6-5-78; 8:45 am]

[4810-25]

Title 31—Money and Finance: Treasury

CHAPTER 1—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 103—FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN TRANSACTIONS

Recordkeeping Required

AGENCY: Department of the Treasury.

ACTION: Change in date for enforcement of final rule.

SUMMARY: The Treasury Department announced today that the enforcement of those provisions in the May 9, 1978, amendment to 31 CFR 103.34, which require a financial institution selling or redeeming certificates of deposit to maintain additional records of the transactions beginning June 1, 1978, will not be enforced with respect to transactions completed prior to June 19.

This policy announcement was made in response to requests made on behalf of a number of banks which have indicated that the publication of the amendment in the May 19 FEDERAL REGISTER did not allow them enough time to make necessary procedural changes before June 1. The delay is intended to provide relief for those fi-

nancial institutions, as well as others that have been unable to meet the June 1 effective date.

DATE: The amendments to 31 CFR 103.34 as published in the FEDERAL REGISTER of May 19, 1977 (43 FR 21671) will not be enforced with respect to transactions completed prior to June 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert J. Stankey, Assistant to the Director, Office of Law Enforcement, U.S. Department of the Treasury, Room 1462, Washington, D.C. 20220, 202-566-5630.

Dated: June 1, 1978.

BETTE B. ANDERSON,
Under Secretary of the Treasury.
[FR Doc. 78-15770 Filed 6-2-78; 8:45 am]

[6310-02]

Title 32—National Defense

CHAPTER XIX—CENTRAL INTELLIGENCE AGENCY

PART 1900—PUBLIC ACCESS TO DOCUMENTS AND RECORDS AND DECLASSIFICATION REQUESTS

National Foreign Assessment Center Deputy Director; CIA Information Review Committee Membership

AGENCY: Central Intelligence Agency.

ACTION: Final rule.

SUMMARY: A merger of the Directorate of Intelligence with the office of the Deputy to the Director of Central Intelligence for National Intelligence Officers has resulted in the establishment of the National Foreign Assessment Center. The Central Intelligence Agency hereby names the Deputy Director of the National Foreign Assessment Center to the Central Intelligence Agency Information Review Committee. The amendment is necessary to reflect procedural changes resulting from the merger.

DATE: This amendment becomes effective upon promulgation in the FEDERAL REGISTER, (June 6, 1978).

FOR FURTHER INFORMATION CONTACT:

Gene F. Wilson, Chief, Information and Privacy Staff, Central Intelligence Agency, Washington, D.C. 20505; phone: 703-351-7486.

SUPPLEMENTARY INFORMATION: The Central Intelligence Agency Information Review Committee was established pursuant to the Freedom of Information Act and section 7(B)(2) of

Executive Order 11652. The Committee is composed of senior officers and is headed by a Chairman who is appointed by the Director of Central Intelligence. The Committee may, by majority vote, delegate to one or more of its members the authority to act on any appeal and may authorize the Chairman to delegate such authority. With the merger of the Directorate of Intelligence with the office of the Deputy to the Director of Central Intelligence for National Intelligence Officers, there was established the National Foreign Assessment Center. The public was informed of the proposed rule amendment through the FEDERAL REGISTER on December 28, 1977, at vol. 42, No. 249, pg. 64710. From this date of publication to the present, no comments from the general public have been received. Therefore, it is hereby established that the Deputy Director of the National Foreign Assessment Center is a member of the Central Intelligence Agency Information Review Committee; also, representation on the Central Intelligence Agency Information Review Committee by the Deputy Director for Intelligence and the Deputy to the Director of Central Intelligence for National Intelligence Officers is discontinued.

In consideration of the foregoing, 32 CFR part 1900, is amended as follows:

§ 1900.51 [Amended]

In § 1900.51, paragraph (a) is amended by revising the second sentence to read as follows: "The Committee shall be composed of the Deputy Director for Administration, the Deputy Director for Operations, the Deputy Director for Science and Technology, the Deputy to the Director of Central Intelligence for the Intelligence Community and the Deputy Director of the National Foreign Assessment Center."

This amendment is established under the authority of section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403a et seq.), Executive Order 11652, as amended (3 CFR revised as of January 1, 1974, p. 339), the Freedom of Information Act, as amended (5 U.S.C. 552), and the Federal Records Management Amendment of 1976 (sec. 4, Pub. L. 94-575, 90 Stat. 2723).

JOHN F. BLAKE,
Deputy Director for Administration.
[FR Doc. 78-15616 Filed 6-5-78; 8:45 am]

[1505-01]

Title 36—Parks, Forests, and Public Property**CHAPTER IX—PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION****PART 904—RELOCATION ASSISTANCE AND LAND ACQUISITION UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970****Correction**

In FR Doc. 78-14803 appearing at page 22707 in the issue of Friday, May 26, 1978, the following changes should be made:

(1) On page 22709, first column, sixth line of § 904.2(a)(2) the word "no" should read, "not".

(2) On page 22712, third column, in the ninth line of § 904.25(d)(3) the word, "of" should read, "or" and in the twelfth line the word "of" should read, "to".

[1410-01]

Title 37—Patents, Trademarks, and Copyrights**CHAPTER III—COPYRIGHT ROYALTY TRIBUNAL****PART 302—FILING OF CLAIMS TO CABLE ROYALTY FEES****Final Rule with Respect to Filing of Claims to Cable Royalty Fees**

AGENCY: Copyright Royalty Tribunal.

ACTION: Final rule.

SUMMARY: The Copyright Royalty Tribunal adopts rule prescribing requirements whereby persons claiming to be entitled to compulsory license copyright fees for secondary transmissions by cable systems shall file claims with the Tribunal. The rule prescribes the content and time of filing of such claims. The rule is necessary to implement provisions of the Act for General Revision of the Copyright Law enacted in 1976.

EFFECTIVE DATE: The rule is effective June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Thomas C. Brennan, Chairman, Copyright Royalty Tribunal, 202-653-5175.

SUPPLEMENTARY INFORMATION:

BACKGROUND

In the FEDERAL REGISTER of February 14, 1978, (43 FR 6263) the Copyright Royalty Tribunal published an advance notice of proposed rulemaking concerning the filing of claims to royalty fees for secondary transmissions by cable systems pursuant to 17 U.S.C. 111(d)(5)(A). The comments and reply comments received in response to the advance notice were summarized in the FEDERAL REGISTER of May 5, 1978 (43 FR 19423) together with the text of a proposed rule.

THE PROPOSED RULE

The proposed rule requires all copyright owners who wish to share in the distribution of royalty fees for secondary transmissions by cable systems during the first 6 months of 1978 to file claims with the Copyright Royalty Tribunal during the month of July 1978. A failure to file a claim during the month of July would bar a copyright owner from sharing in the distribution of royalty fees for uses during the first 6 months of 1978. The proposed rule requires only a minimal filing of a claim in July 1978, with a requirement that the filing be supplemented in July 1979, after copyright owners have had an opportunity to examine the statements of account filed by cable operators in the Copyright Office. Adoption of the proposed rule would thus preclude any distribution of royalty fees by the Copyright Royalty Tribunal prior to August 1979.

COMMENTS ON THE PROPOSAL

The proposal of May 5, 1978, invited interested persons to submit written comments on or before May 22, 1978. A total of seven comments were received.

The comments filed noted that the proposed rule incorporated a number of suggestions made in response to the advance notice of proposed rulemaking. The comments submitted did not raise any significant issues not presented in the earlier comments pursuant to the advance notice. No comment objected to the adoption of the proposed rule, and each comment generally supported the text of the proposed rule.

The only specific amendments to the proposed rule were advanced by the National Basketball Association and the National Hockey League. Both organizations proposed that the rule be modified to require that a copyright owner claimant be required to identify at least one secondary transmission by a cable system of a copyrighted work of the claimant, which transmission would establish a right to share in the royalty fees paid by cable operators. The leagues submit that the proposed requirement would preclude the participation in Tribunal distribution pro-

ceedings of persons having no legitimate claim.

The leagues also propose that the provision of the proposed rule authorizing claimants to file a joint claim be modified to require that any such joint claim shall include a statement of the authority for the joint filing. The leagues maintain that the proposed amendment is necessary to prevent the filing of "frivolous" joint claims.

TRIBUNAL'S RESPONSE

The Tribunal has reviewed the arguments advanced in behalf of the proposed amendments. The Tribunal has no objection to the amendments, and accordingly sections 302.2 and 303.3 of the proposed rule have been revised to incorporate the recommended changes.

Therefore, under 17 U.S.C. 111(d)(5)(A), 37 CFR chapter III is amended as follows:

By adding a new part 302, to read as follows:

Sec.**302.1 General.**

302.2 Filing of claims to cable royalty fees for secondary transmissions during the period January 1 through June 30, 1978.

302.3 Content of claims.**302.4 Forms.****302.5 Supplemental filing.**

302.6 Filing of claims to cable royalty fees for secondary transmissions during the period July 1 through December 31, 1978.

302.7 Filing of claims to cable royalty fees for secondary transmissions during calendar year 1979 and subsequent calendar years.

302.8 Compliance with statutory dates.

AUTHORITY: 17 U.S.C. 111(d)(5)(A).

§ 302.1 General.

This regulation prescribes procedures pursuant to 17 U.S.C. 111(d)(5)(A), whereby persons claiming to be entitled to compulsory license fees for secondary transmissions by cable systems shall file claims with the Copyright Royalty Tribunal (CRT).

§ 302.2 Filing of claims to cable royalty fees for secondary transmissions during the period January 1 through June 30, 1978.

Every person claiming to be entitled to compulsory license fees for secondary transmissions by cable systems during the period January 1 through June 30, 1978, shall file in the office of the Copyright Royalty Tribunal a claim to such fees during the calendar month of July 1978. No royalty fees shall be distributed to copyright owners for secondary transmissions during the period January 1 through June 30, 1978, unless such owner has filed a claim to such fees during the calendar month of July 1978. For purposes of this clause claimants may file

claims jointly or as a single claim. A joint claim shall include a concise statement of the authorization for the filing of the joint claim.

§ 302.3 Content of claims.

The claims filed pursuant to § 302.2 shall include the following information:

(a) The full legal name of the person or entity claiming compulsory license fees.

(b) The full address, including a specific number and street name or rural route, of the place of business of the person or entity.

(c) A general statement of the nature of the copyrighted works, whose secondary transmission provides the basis of the claim.

(d) Identification of at least one secondary transmission establishing a basis for the claim.

§ 302.4 Forms.

The Copyright Royalty Tribunal does not provide printed forms for the filing of claims.

§ 302.5 Supplemental filing.

During the month of July 1979 those persons who filed claims pursuant to § 302.2 for secondary transmissions during the period January 1 through June 30, 1978, shall make a supplemental filing, which shall include such information as the Copyright Royalty Tribunal may require.

§ 302.6 Filing of claims to cable royalty fees for secondary transmissions during the period July 1 through December 31, 1978.

During the month of July 1979, every person claiming to be entitled to compulsory license fees for secondary transmission during the period July 1 through December 31, 1978, shall file in the offices of the Copyright Royalty Tribunal a claim to such fees. No royalty fees shall be distributed to copyright owners for secondary transmissions during the period July 1 through December 31, 1978, unless such owner has filed a claim to such fees during the calendar month of July 1979. For purposes of this clause claimants may file claims jointly or as a single claim. Such filing shall include such information as the Copyright Royalty Tribunal may require.

§ 302.7 Filing of claims to cable royalty fees for secondary transmissions during calendar year 1979 and subsequent calendar years.

During the month of July 1980, and in July of each succeeding year, every person claiming to be entitled to compulsory license fees for secondary transmissions during the preceding calendar year shall file a claim to such fees in the office of the Copyright Royalty Tribunal. No royalty fees

shall be distributed to copyright owners for secondary transmissions during the specified period unless such owner has filed a claim to such fees during the following calendar month of July. For purposes of this clause claimants may file claims jointly or as a single claim. Such filing shall include such information as the Copyright Royalty Tribunal may require.

§ 302.8 Compliance with statutory dates.

For purposes of 17 U.S.C. (d)(5)(A), claims required to be filed with the Copyright Royalty Tribunal during the month of July shall be considered as timely filed if: (a) they are addressed to the Copyright Royalty Tribunal, 1111 20th Street NW., Washington, D.C. 20036, and deposited with the U.S. Postal Service with sufficient postage as first class mail prior to the expiration of the statutory period, and (b) they are accompanied by a certificate stating the date of deposit. The persons signing the certificate should have reasonable basis to expect that the correspondence would be mailed on or before the date indicated.

Issued: May 31, 1978.

THOMAS C. BRENNAN,
Chairman,
Copyright Royalty Tribunal.
(FR Doc. 78-15665 Filed 6-5-78; 8:45 am)

[6560-01]

Title 40—Protection of the Environment**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY**

[FRL-890-1]

PART 120—WATER QUALITY STANDARDS**Navigable Waters of the State of Nebraska**

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On September 9, 1977 the Environmental Protection Agency proposed a rule that would redesignate the beneficial uses for 35 navigable waters in the State of Nebraska (42 FR 45339). In the interim since that proposal, the Nebraska Environmental Control Council has deleted 5 of the navigable waters from the disapproved portion of the standards because of duplication with other portions of the standards and redesignated 12 navigable waters to their previous classification of full body contact recreation. EPA approves of these actions and therefore does not adopt the proposal for those navigable waters. The Ne-

braska Environmental Control Council submitted justifications for downgrading the designated use for 18 navigable waters. EPA has reviewed those justifications and accepts such justifications for 7 water segments. The EPA herein promulgates a rule which redesignates 8 of the remaining 11 water segments for full body contact recreation and the remaining 3 of the navigable waters for partial body contact recreation and the protection of fish and wildlife.

DATES: This rule become effective (30 days after publication).

FOR FURTHER INFORMATION CONTACT:

Dale B. Parke, Head, Water Quality Standards, Water Division, EPA Region VII, 1735 Baltimore Street, Kansas City, Mo. 64108, telephone 816-374-6391.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On March 31, 1977, the Acting Regional Administrator, Region VII, EPA, disapproved the Nebraska water quality standards revisions for the 35 navigable waters which were downgraded from full body contact recreational uses to partial body contact recreational uses, or which were completely eliminated by the September 10, 1976, revision of Rule 7 of the Nebraska Water Quality Standards. (Note: The Nebraska standards use terminology different than that used herein. Those standards require that Nebraska waters be suitable for, "full body contact," "partial body contact," and be "fish and wildlife protective." The Nebraska terminology will be used in the promulgated standards to afford consistency. EPA will use the more comprehensive terminology used above in this preamble for the sake of clarity.)

In a March 31, 1977 letter, the Acting Regional Administrator indicated to the Governor of Nebraska that the transcript of the public hearing at which Rule 7 (which downgraded the uses for the 35 water segments at issue herein) was adopted did not satisfy the requirements of 40 CFR 130.17(c)(3). The letter pointed out that the justification for downgrading had not been made on a case-by-case basis. In addition, to satisfy the requirements of 40 CFR 130.17(c)(3), pertinent data should have accompanied the public hearing transcript which would have demonstrated the unattainability of the previously designated beneficial uses and which formed the basis for the rule adopted by the Nebraska Environmental Control Council (hereinafter referred to as the "Council"). Thus, the Acting Regional Administrator disapproved Rule 7 of the revised Nebraska Water Quality Standards.

On September 9, 1977, EPA proposed an amendment to 40 CFR Part 120 that would designate the use of the 35 navigable waters at issue to be, in each case, full body contact recreation, partial body contact recreation and the protection of fish and wildlife (42 FR 45339) (see above note on terminology). To avoid the promulgation of the proposed rule by EPA, Nebraska would have to have met the requirements established by the Regional Administrator in his disapproval letter. That is, Nebraska would have to either designate the water uses to be as they were prior to the 1976 Nebraska amendments, or in the alternative, provide a sufficient justification on a case-by-case basis for the downgraded uses in accordance with 40 CFR 130.17(c)(3).

On September 16, 1977, the Council held a public meeting to consider the designated uses of these 35 navigable waters. Following that meeting the Council re-designated 12 of the water segments for full body contact recreation, partial body contact recreation, and the protection of fish and other aquatic life; and deleted 5 navigable waters from the disapproved section of the standards because of duplication with use designations in other parts of the standard. The Council submitted additional information to EPA in the way of justification for the downgraded uses for the remaining 18 navigable waters. The information submitted consisted principally of verbatim transcripts of the September 16, 1977 public meeting in which each water was discussed by the Council and brief summaries of the physical condition existing in each water segment.

PUBLIC COMMENT ON PROPOSED RULEMAKING

As noted in the September 9, 1977 proposed rulemaking, EPA invited public comment for a 45 day period. No public comments were received.

EPA'S DECISION ON THE NEBRASKA ENVIRONMENTAL CONTROL COUNCIL ACTION AND ACCOMPANYING JUSTIFICATIONS

For the twelve navigable waters that the Nebraska Environmental Control Council redesignated for full body contact recreation the Agency does not adopt that part of the proposal. These segments are:

1. Arnold SUA.
2. Blue Hole East SUA.
3. Bufflehead SUA.
4. Carter P. Johnson Lake.
5. Coots Shallows SUA.
6. Dead Timber SUA.
7. Stagecoach No. 9 SUA.
8. Union Pacific SWA.
9. Verdon SUA.
10. Walgren Lake SUA.
11. War Axe SWA.
12. Wilson Creek SUA.

Notes:

- (1) SUA is an abbreviation for Special Use Area.
- (2) SRA is an abbreviation for State Recreational Area.
- (3) SWA is an abbreviation for State Wayside Area.

Five navigable waters were identified by the Council as being duplicative of another section of the standards (Rule 6) and thereby being justifiably deleted from the disapproved portion of the standards. EPA approves of this action and therefore does not adopt that part of the proposal for these water segments. These water segments are:

1. Blue Bluff SUA.
2. Champion SRA.
3. Milburn Dam SUA.
4. Ponderosa SUA.
5. Pressy SUA.

For another seven navigable waters, EPA approved of the downgrading of the designated use from full body contact recreation to partial body contact recreation. EPA hereby does not adopt that part of the proposal for these navigable waters.

These waters are:

1. American Game Marsh SUA.
2. Ballards Marsh SUA.
3. Box Elder Canyon SUA.
4. Hansen Memorial Reserve SUA.
5. Sacramento-Wilcox Game Management Area SUA.
6. Teal No. 22A SUA.
7. Wood Duck SUA.

For eight of the remaining eleven navigable waters for which justifications were submitted, EPA has determined that the justifications were insufficient and therefore promulgates as proposed in 42 FR 45339, the designated uses for these waters of full body contact recreation, partial body contact recreation and for the protection of fish and wildlife. These are:

1. Bowman Lake SRA.
2. Crystal Lake SRA.
3. Diamond Lake SUA.
4. Memphis Lake SRA.
5. Pibel Lake SRA.
6. Plattsmouth SUA.
7. Ravenna SRA.
8. Victoria Spring SRA.

For the remaining 3 water segments, the Agency promulgates the designated uses of partial body contact recreation and the protection of fish and wildlife. The designated uses of these navigable waters were proposed so as to include full body contact recreation. For the reasons provided subsequently, the proposal for full body contact recreation is not adopted by EPA. The Agency herein promulgates the designated beneficial uses of partial body contact recreation and the protection of fish and wildlife. These waters are:

1. Pawnee Prairie SUA.
2. Yellowbanks SUA.
3. Limestone Bluffs SUA.

STATEMENT OF BASIS AND PURPOSE

The Agency's regulations governing the requirements for State water quality standards are codified as 40 CFR 130.17. Use downgradings are contained in subsection (c) of that section.

Paragraph (1) of subsection (c) requires a State to establish water quality standards which will achieve the water quality goals established in section 101(a)(2) of the Federal Water Pollution Control Act (FWPCA), wherever attainable. In judging attainability the States may consider environmental, technological, social, economic, and institutional factors.

Paragraph (2) requires the States to maintain those water uses which are currently being attained. Where the existing water quality will support designated uses requiring more stringent standards, States are required to upgrade their standards to reflect uses actually being attained.

Paragraph (3) specifically requires that as a minimum, "... the State shall maintain those water uses which are currently designated in water quality standards * * *." The State may designate less restrictive uses than those in the existing water quality standards, "... only where the State can demonstrate that:

"(i) The existing designated use is not attainable because of natural background;

"(ii) The existing designated use is not attainable because of irretrievable man-induced conditions; or

"(iii) Application of effluent limitations for existing sources more stringent than those required pursuant to section 301(b)(2) (A) and (B) of the Act * * * would result in substantial and wide-spread adverse economic and social impact."

In addition to subsection (c) of section 130.17, subsection (e) contains the Agency's requirements for a State's anti-degradation policy. Within paragraph (2) of subsection (e) is the requirement that, "... no degradation shall be allowed in high quality waters which constitute an outstanding National resource, such as waters of National and State parks and wildlife refuges and waters of exceptional recreational or ecological significance * * *."

In interpreting the above cited regulations the Agency's position has been that 40 CFR 130.17(c)(3) does not allow actual degradation of water quality to occur. Where, at the time of promulgation of the regulations, the water quality in a segment would not support the then existing designated use(s), and the reason for the degraded condition was affirmatively demonstrated by the State to be within one or more of the three listed justifications, then a less restrictive use could be established. Thus, the degraded condition of water quality must have

occurred first and the changed use designation proposed as a consequence thereof but only for one or more of the reasons provided in the regulations.

Nebraska in its justifications has raised the issue of interpreting 40 CFR 130.17(c)(3)(i) to include a downgraded use designation predominantly on the basis of physical factors and not solely on the basis of water quality. The argument can be made that the term "natural background" in EPA's regulations would include such non-water quality factors as intermittent flow or presence of water, shallowness of the water, or excessive water velocity. Any of these factors may cause a local regulatory authority to prohibit swimming in fact even though the water quality per se would be satisfactory for total body contact recreation. The gravamen of the above stated argument therefore is that a water use designation in a water quality sense should bear a reasonable relationship to actual water use.

The Agency agrees with parts of this argument. However that argument must be placed in the proper context. It should be remembered that in the navigable waters at issue between the Agency and Nebraska, no point source discharges are involved. With only one exception, each area also constitutes a State-designated special use area, special recreational area, or State wayside area. Such designations connote suitability for recreation. Furthermore, the Agency is constrained by the goals of the FWPCA which are to achieve fishable and swimmable waters, wherever attainable. This Congressional directive is interpreted in the sense that the achievement of fishable and swimmable waters shall not be precluded because of the provision of insufficient waste treatment. The Agency believes that the fishable-swimmable goals were not meant by the Congress to be achieved in only small areas whose uses are specifically so-designated by State authorities. Rather it was intended that all waters achieve and maintain a quality to sustain fish and aquatic life and support full body contact recreation. However, the Agency realizes that some flexibility must exist to classify the uses of water based on factors other than solely water quality. The Agency therefore accepted the downgraded use designation where the State's justification demonstrated that full body contact recreation was not reasonably attainable because of either insufficient water depth or where the absence of water during the recreation season frequently occurred. However, the Agency does not expect that water quality will be degraded in these waters because of Nebraska's anti-degradation policy and because of the absence of waste discharges into these

waters in the proximity of the use areas.

For the three navigable waters for which the State withdrew all designated water uses, the Agency promulgates the uses of partial body contact recreation and fish and wildlife protection. The Agency proposed to include the use of full body contact recreation for these waters in its September 9, 1977 proposed rulemaking. The Agency's judgment in these cases is based on the insufficiency of the State's justification to demonstrate that no beneficial use exists in these State-designated special use areas so as to justify the deletion of any designated use. The State's justification is premised on the intermittent occurrence of water in these areas. While such a justification has been accepted by EPA as partial support for the non-designation of these waters for full body contact recreation, it is insufficient to justify the non-designation of the areas for the uses of partial body contact recreation and the protection of fish and wildlife. These uses, which require less stringent water quality than full body contact recreation, can be exercised even when insufficient water depth for full body contact recreational use is present during the recreation season.

ECONOMIC IMPACT

EPA is not aware of any substantial economic impact associated with the promulgation of those water quality standards. There currently are no discharges subject to regulation under the National Pollutant Discharge Elimination System permit program to any of the water segments for which standards are promulgated herein. Therefore no additional capital or operating costs will accrue to point source waste discharges.

Furthermore, none of the information presented by the Nebraska Environmental Control Council provided any basis for estimating costs which might accrue from any best management practice that might be required to control non-point pollution loads. EPA has concluded therefore that the preparation of an inflation impact statement is not required.

(Sec. 303(c) of the Federal Water Pollution Control Act, as amended, Pub. L. 92-500 (33 U.S.C. 1313(c)).

Dated: May 30, 1978.

DOUGLAS M. COSTLE,
Administrator.

Part 120 Chapter I, Title 40 of the Code of Federal Regulations is amended by adding a new section 120.37 to read as follows:

Section 120.37 Nebraska.

(a) The water quality standards applicable to the surface waters of the State of Nebraska, adopted by the Nebraska Environmental Control Council

on May 14, 1976, with subsequent revisions adopted on September 10, 1976, and December 10, 1976, are amended as follows:

(1) The designated beneficial uses adopted in Rule 7 by the State of Nebraska on September 10, 1976, for the following navigable waters are amended, in each case, to be: full body contact, partial body contact, and fish and wildlife protective. The criteria necessary to support the designated beneficial uses for these water segments are those in Rule 2 and Rule 7 of the Nebraska Water Quality Standards:

- (i) Bowman Lake State Recreational Area.
- (ii) Crystal Lake State Recreational Area.
- (iii) Diamond Lake Special Use Area.
- (iv) Memphis Lake State Recreational Area.
- (v) Pibel Lake State Recreational Area.
- (vi) Plattsmouth Special Use Area.
- (vii) Ravenna State Recreational Area.
- (viii) Victoria Spring State Recreational Area.

(2) The designated uses deleted from Rule 7 by the State of Nebraska on September 10, 1976, for the following navigable waters are redesignated, in each case, to be: partial body contact and fish and wildlife protective. The criteria necessary to support the designated beneficial uses for these water segments are those in Rule 2 and Rule 7 of the Nebraska Water Quality Standards:

- (i) Pawnee Prairie Special Use Area.
- (ii) Yellowbanks Special Use Area.
- (iii) Limestone Bluffs Special Use Area.

[FR Doc. 78-15683 Filed 6-5-78; 8:45 am]

[8320-01]

Title 41—Public Contracts and Property Management

CHAPTER 8—VETERANS ADMINISTRATION

PART 8-3—PROCUREMENT BY NEGOTIATION

PART 8-52—CONTRACT ADMINISTRATION

PART 8-74—SPECIAL PROCUREMENT CONTROLS

Miscellaneous Changes

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The proposed revisions are intended to require the contracting officer's title to appear on certain contract documents; to authorize spec-

ified contracting officers to negotiate certain contracts; to clarify the duration of a prescribed designation; and to update the name of a publication. The revisions will increase administrative and technical efficiency.

EFFECTIVE DATE: June 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Chris A. Figg, Policy and Inter-agency Staff, Supply Service, Veterans Administration, Washington, D.C. 20420, 202-389-2334.

SUPPLEMENTARY INFORMATION: Section 8-3.207 is revised in several respects. First, a requirement is added that the contracting officer's title will be referenced on contract documents and correspondence with the contractors. This requirement will allow the contractor or other interested parties to verify that the contracting officer has the necessary authority to negotiate contracts pursuant to this section. Secondly, the Chief, Marketing Division for Medical-Dental-Scientific Supplies is designated authority to negotiate contracts in excess of \$10,000. This designation is considered necessary for administrative efficiency and to bring the position to parity with the other VA Marketing Center Division Chiefs.

Finally, those contracting officers authorized to negotiate multiple award VA decentralized contract schedules are specified. Section 8-52.106 has been construed to require a separate designation for each inspection. This was not intended. Consequently, the section is revised to specify that the designation is to remain in effect unless revoked or pending the termination or reassignment of either the designator or the designee. Section 8-74.112-6 is revised to update the title of a Department of Commerce publication. "Guide to Federally Inspected Fishery Products" has been changed to "Approved List of Sanitarily Inspected Fish Establishments."

Since the proposed changes revise internal administrative procedures and make editorial modifications, compliance with the provisions of 38 CFR 1.12 relating to regulatory development is considered unnecessary.

Approved: May 26, 1978.

By direction of the Administrator,
RUFUS H. WILSON,
Deputy Administrator.

1. Section 8-3.207 is revised to read as follows:

§ 8-3.207 Medicines or medical supplies.

(a) (1) Except as provided in this § 8-3.207 or when specific prior approval has been granted by the Director, Supply Service, to a field station contracting officer, no Veterans Administration contracting officer shall enter into a contract by negotiation under

authority of FPR 1-3.207, when the estimated cost of the item(s) required, singly or collectively, is in excess of \$10,000 for a single transaction.

(2) When an individual is designated to act in the capacity of one of the positions specified in this § 8-3.207, that individual is authorized to consummate contracts in excess of \$10,000 in the same manner as the incumbent of the position. The contracting officer's title will be indicated on the contract documents and official correspondence with the contractor, and on the applicable determinations and findings. This will verify to the contractor that the contracting officer possesses the necessary contracting authority.

(b) Except as specified in paragraph (c) of this section, the following contracting officers are authorized to negotiate contracts in excess of \$10,000 for medicines or medical items:

- (1) Director, supply service.
- (2) Chief, procurement division.
- (3) Director, Veterans Administration marketing center.
- (4) Chief of each of the following marketing divisions:

- (i) Medical-dental scientific supplies;
- (ii) Medical equipment;
- (iii) Administrative medical supplies and equipment (limited to prosthetic appliances defined as wheelchairs, hearing aids and batteries, artificial limbs, canes, and stump socks);
- (iv) Drugs and chemicals;
- (v) Radiological and nuclear equipment and supplies.

(5) One senior contracting officer for each marketing division when so designated by the marketing division chief.

(c) The following contracting officers are authorized to negotiate multiple award Veterans Administration decentralized contract schedules in excess of \$10,000:

- (1) Director, supply service.
- (2) Chief, procurement division.
- (3) Director, Veterans Administration marketing center.

2. In § 8-52.106, paragraph (e) is revised to read as follows:

§ 8-52.106 Representatives of contracting officers; receipt of equipment, supplies, and nonpersonal services.

(e) The chief of each service and reclamation division may designate one or more employees of his/her division to represent him/her and authority is hereby delegated to such designees to perform the inspection functions set forth in paragraph (d) of this section. (Designations shall be in writing with a copy furnished to the Director, Veterans Administration Marketing Center, Hines, Ill. Designations will remain in effect unless revoked. The

reassignment or termination of either the designee or the chief, service and reclamation division, issuing the designation will serve as an automatic rescission of the designation.)

3. Section 8-52.108 is revised to read as follows:

§ 8-52.108 Contract provision.

Whenever it is considered necessary to authorize a representative under § 8-52.105(b) (i.e., research and development, in process manufacturing), the clause incorporated in § 8-7.150-10 will be observed.

4. In § 8-74.112-6, paragraph (b) is revised to read as follows:

§ 8-74.112-6 Frozen processed food products.

(b) All frozen processed food products procured, which contain fish or fish products, will be processed or prepared in plants operated under the supervision of the USDC (U.S. Department of Commerce). The products listed in USDC publication titled "Approved List of Sanitarily Inspected Fish Establishments" are processed in plants under Federal inspection of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce. The inspected products packed under various labels bearing the brand names are produced in accordance with current U.S. Grade Standards or official product specifications, packed under optimum hygienic conditions, and must meet Federal, State and city sanitation and health regulations. Such brand label or USDC seal, affixed to a container, indicating compliance with USDC regulations will be accepted as evidence of compliance. In lieu thereof, the shipment may be lot inspected by the USDC and containers stamped to indicate acceptance or a certification of inspection issued to accompany the shipment. The product must bear a label complying with the Federal Food, Drug, and Cosmetic Act which requires that all ingredients be listed according to the order of their predominance.

[FR Doc. 78-15615 Filed 6-5-78; 8:45 am]

[6820-24]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amendment E-222]

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

PART 101-30—FEDERAL CATALOG SYSTEM

Federal Supply Schedules and GSA Supply Catalog

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation provides changes in references to reflect deletion of Federal Supply Schedule information from the GSA Supply Catalog and issuance of the GSA publication entitled "Federal Supply Schedule Program Guide"; illustrates the May 1977 edition of GSA Form 2891, Instructions to Users of Federal Supply Schedules; and lists the titles of the five volumes of the new GSA Supply Catalog. This regulation is intended to provide updated information for users of Federal Supply Schedules and the GSA Supply Catalog.

EFFECTIVE DATE: June 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait, Director, Regulations and Management Control Division, Office of the Executive Director, Federal Supply Service, General Services Administration, Washington, D.C. 20406, 703-557-1914.

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

The table of contents for Part 101-26 is amended to add the following section:

Sec.
101-26.4902-2891 GSA Form 2891, Instructions to Users of Federal Supply Schedules.

Subpart 101-26.4—Purchase of Items From Federal Supply Schedule Contracts

1. Section 101-26.401 is amended to revise paragraph (b) and delete paragraph (c) as follows:

§ 101-26.401 Applicability.

(b) The GSA publication entitled "Federal Supply Schedule Program Guide" is a comprehensive source of information on Federal Supply Schedules.

(c) [Deleted.]

2. Section 101-26.402-4 is revised as follows:

§ 101-26.402-4 Schedule identification.

The GSA publication entitled "Federal Supply Schedule Program Guide" includes a listing of schedules and information pertinent thereto with the distribution code number for each schedule and related catalog. Accordingly, agency offices should consult the latest edition of the "Federal Supply Schedule Program Guide" before submitting requests for schedules and catalogs as provided in § 101-26.402-3.

3. Section 101-26.402-5(b) is revised as follows:

§ 101-26.402-5 Contract provisions.

(b) Standard Form 32, General Provisions (Supply Contract) (illustrated at § 1-16.901-32), and GSA Form 1424, GSA Supplemental Provisions (illustrated at § 101-26.4902-1424), are incorporated by reference in Federal Supply Schedule contracts. GSA Form 2891, Instructions to Users of Federal Supply Schedules (illustrated at § 101-26.4902-2891), is incorporated by reference in Federal Supply Schedules and summarizes certain contract provisions and provides ordering information. Special provisions pertinent to a particular schedule and any necessary exceptions to the general provisions are printed in the schedule.

Subpart 101-26.49—Illustrations of Forms

Section 101-26.4902-2891 is added as follows:

Sec.
101-26.4902-2891 GSA Form 2891, Instructions to Users of Federal Supply Schedules.

Subpart 101-30.6—GSA Section of the Federal Supply Catalog

1. Section 101-30.603 is revised as follows:

§ 101-30.603 GSA Supply Catalog.

(a) The GSA Supply Catalog is an illustrated series of publications which serve as the primary source for identifying items and services available from GSA supply sources.

(b) The GSA Supply Catalog is organized by commodity and is composed of the following five volumes:

- (1) Furniture;
 - (2) Industrial Products;
 - (3) Office Products;
 - (4) Tools; and
 - (5) GSA Supply Catalog Guide.
- (c) Changes to the GSA Supply Catalog are effected by periodical publications.

The publications serve as the media for notifying agencies of additions, deletions, prices, and other pertinent changes.

(d) Special notices will be issued on a nonscheduled basis to inform agencies of program changes; general information; or additions, deletions, and other pertinent changes to the GSA Supply Catalog.

2. Section 101-30.604 is revised as follows:

§ 101-30.604 Availability.

Agencies that require current copies of and desire to be placed on distribution lists to receive Federal supply catalogs and related publications shall complete GSA Form 457, FSS Publications Mailing List Application (illustrated at § 101-26.4902-457), and forward the completed GSA Form 457 to General Services Administration (8FFS), Centralized Mailing Lists Services, Building 41, Denver Federal Center, Denver, CO 80225. Copies of GSA Form 457 may also be obtained from the above address. From time to time, Centralized Mailing Lists Services will request information from agency offices for use in maintaining up-to-date distribution lists.

NOTE.—The form illustrated in § 101-26.4902-2891 is filed as part of the original document and does not appear in the FEDERAL REGISTER.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

Dated: May 25, 1978.

JAY SOLOMON,
Administrator of
General Services.

[FR Doc. 78-15543 Filed 6-5-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 78-18; RM-2928]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Station in Opelika, Ala.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a first UHF television channel to Opelika, Ala. The channel assignment would provide for a station which could render a first local television service to the community.

EFFECTIVE DATE: July 11, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 26, 1978.

Released: May 31, 1978.

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Opelika, Ala.) (BC Docket 78-18; RM-2928) Report and order (proceeding terminated).

1. The Commission has before it the Notice of Proposed Rule Making, adopted January 13, 1978, 43 FR 3402, in response to a petition filed by Wardean, Inc. ("petitioner"), requesting the assignment of television Channel 66 to Opelika, Ala. Supporting comments were filed by petitioner in which it reaffirmed its intention to file an application for the proposed channel, if assigned. No oppositions to the proposal were received.

2. Opelika (pop. 19,207) seat of Lee County (pop. 66,100),¹ is located in the central eastern part of Alabama, approximately 24 kilometers (15 miles) west of the border between Alabama and Georgia.

3. The Notice indicated that the proposed assignment meets the distance separation requirements and other technical criteria and could be assigned without affecting any existing assignments in the Table. In support of its proposal, petitioner submitted information with respect to Opelika and its need for a first television channel assignment.

4. In view of the foregoing, we conclude that it would be in the public interest to make the requested assignment so as to provide for a first local television service to Opelika.

5. Accordingly, it is ordered, That effective July 11, 1978, the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended with regard to the city listed below:

City and Channel No.

Opelika, Ala., 66.

6. Authority for the action taken herein is found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-15624 Filed 6-5-78; 8:45 am]

¹Population figures are taken from the 1970 U.S. Census.

[6712-01]

[BC Docket No. 78-54; RM-2981]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Rexburg, Idaho; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken herein assigns a class A FM channel to Rexburg, Idaho, as that community's second FM assignment. The assigned channel will provide a third full-time commercial local aural broadcast service to Rexburg.

EFFECTIVE DATE: July 10, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Rexburg, Idaho) (BC Docket No. 78-54, RM-2981) Report and order (proceeding terminated).

Adopted: May 25, 1978.

Released: May 31, 1978.

By the Chief, Broadcast Bureau:

1. On February 10, 1978, the Commission adopted a Notice of Proposed Rule Making, 43 FR 7329, proposing the assignment of Channel 252A to Rexburg, Idaho, as its second Class A FM assignment. The petition was filed on behalf of Don Ellis ("petitioner"), licensee of full-time AM Station KRXX, Rexburg, Idaho. Petitioner filed supporting comments in which he reaffirmed his intention to promptly apply for a permit to build an FM station if the channel is assigned. No oppositions to the proposal were received.

2. Rexburg (pop. 8,272), seat of Madison County (pop. 13,452),¹ is located approximately 116 kilometers (72 miles) northeast of Pocatello, Idaho. Rexburg presently receives local service from full-time AM Station KRXX which is licensed to petitioner, and from Station KADQ (Channel 232A).

3. Petitioner states that although the 1970 U.S. Census lists the Rexburg population at 8,272, it is presently estimated at 9,200. He asserts that Ricks

¹Population figures are taken from the 1970 U.S. Census.

College, which is located in the community, has approximately 6,000 students in residence for more than eight months of the year. Petitioner claims that during the summer, retired couples occupy the student apartments with nearly 1,000 couples anticipated in 1978.

4. Preclusion would occur on Channels 249A, 252A, 253 and 254. Five communities,² with populations greater than 2,000, are located in the precluded areas. Of the five communities, two (Idaho Falls and Jackson) have an AM and FM station. One (St. Anthony) has an AM station and the remaining two communities (Shelby and Rigby) have no local aural broadcast service. Petitioner shows that alternate FM channels are available for assignment to the latter two communities in the precluded areas.

5. We have given careful consideration to the proposal in this proceeding and believe Channel 252A should be assigned to Rexburg, Idaho. Under our population criteria, Rexburg qualifies for a second FM assignment. A demand has been shown for its use, and it would provide Rexburg with an opportunity to develop a second local FM broadcast service.

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

7. In view of the foregoing, it is ordered, That effective July 10, 1978, Section 73.202(b) of the Commission's Rules, the FM Table of Assignments is amended as it pertains to the community listed below:

City and Channel No.: Rexburg, Idaho; 232A, 252A.

8. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-15625 Filed 6-5-78; 8:45 am]

[6712-01]

[BC Docket No. 78-19; RM-2953]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Station in Savannah, Ga.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

¹Idaho: St. Anthony (pop. 2,877), Shelby (2,614), Rigby (2,293), Idaho Falls (35,776) and Jackson (2,101).

ACTION: Report and order.

SUMMARY: Action taken herein assigns a fourth commercial television channel to Savannah, Ga. The proposed assignment would provide for a station which could render a first local independent (non-network) television program service to Savannah.

EFFECTIVE DATE: July 10, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations. (Savannah, Ga.) (BC Docket No. 78-19, RM-2953) Report and order (proceeding terminated).

Adopted: May 25, 1978.

Released: May 31, 1978.

By the Chief, Broadcast Bureau:

1. The Commission herein considers the Notice of Proposed rulemaking, adopted January 13, 1978, 43 FR 3597, inviting comments on a petition filed by WALH, Inc. ("petitioner"), proposing the assignment of UHF television Channel 28 to Savannah, Georgia, for commercial use. The only comments received were from the petitioner in support of its proposal.

2. Savannah (pop. 118,349), in Chatham County (pop. 187,816),¹ is located in eastern Georgia where the Savannah River, the boundary between Georgia and South Carolina, flows into the Atlantic Ocean. Savannah has three commercial television stations (WSAV-TV, Channel 3; WTOG-TV, Channel 11; and WJCL, Channel 22). It also has assigned to it Channel *9, which is used by Station WVAN-TV, an educational station.

3. Petitioner states that Savannah has experienced strong economic growth since 1970. We are told that the most important factor in the Savannah area's economy is the city's port which is among the largest on the eastern coast of the United States. It has submitted statistics collected by the Savannah area Chamber of Commerce indicating that the volume of trade at the port has increased substantially in recent years and that port facilities are presently being expanded. Petitioner claims that its study of the area, its economy, and the television viewing patterns in the market indicate that an independent television station could become a viable economic entity within a short time after commencement of operation.

¹Population figures are taken from the 1970 U.S. Census.

ation. It asserts that the proposed station would provide the Savannah area with its first such independent television program service in competition with the programming now provided by the three network affiliated stations in the market.

4. We believe the public interest would be served by assigning television Channel 28 to Savannah. The station on the proposed channel would provide the Savannah area with a fourth commercial television service and first non-network local service.

5. Authority for the adoption of the amendment contained herein appears in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

6. Accordingly, it is ordered, That effective July 10, 1978, the Television Table of Assignments (Section 73.606(b) of the Commission's Rules) is amended as follows for the community listed below:

City and Channel No.: Savannah, Ga.; 3, *9, 11, 22, 28-

7. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-15626 Filed 6-5-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Amdt. No. 1 to Service Order No. 1285]

PART 1033—CAR SERVICE

Chicago & North Western Transportation Co., Authorized to Operate Over Tracks of Chicago, Milwaukee, St. Paul & Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (amendment No. 1 to service order No. 1285).

SUMMARY: To facilitate highway reconstruction and to avoid the necessity of building a duplicate railroad bridge over an intersecting highway the Chicago & North Western and the Chicago, Milwaukee, St. Paul & Pacific R.R. have agreed to joint use of the 1.35 miles of the latter company's line between Rothschild, Wisconsin, and Schofield, Wis. Service order No. 1285

authorizes the Chicago & North Western to operate over these line of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. Service order No. 1285 is printed in full in FEDERAL REGISTER, volume 42, at page 59278. Amendment No. 1 extends this order for an additional 6-month period.

DATES: Effective 11:59 p.m., May 31, 1978. Expires 11:59 p.m., November 30, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423. Telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The order is printed in full below.

Upon further consideration of service order No. 1285 (42 FR 59278), and good cause appearing therefor:

It is ordered,

§ 1033.1285 Chicago & North Western Transportation Co. authorized to operate over tracks of Chicago, Milwaukee, St. Paul & Pacific Railroad Co.

Service order No. 1285 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) Expiration date. The provisions of this order shall expire at 11:59 p.m., November 30, 1978 unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1978.

(49 U.S.C. 1(10-17).)

A copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as the agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a summary with the Director, Office of the Federal Register.

Decided May 30, 1978.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15549 Filed 6-5-78; 8:45 am]

[7035-01]

[Second Revised Service Order No. 1309]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

AGENCY: Interstate Commerce Commission.

ACTION: Emergency order (second revised service order No. 1309).

SUMMARY: Second revised service order No. 1309 requires railroads to place, remove, forward, clean, weigh, and give light repairs to certain cars within 24 hours. The order has been amended to apply to empty system cars except as to forwarding. Empty system cars for which there is no immediate need may be stored after any needed weighing, cleaning or light repairs have been completed.

DATES: Effective 12:01 a.m., June 1, 1978. Expires 11:59 p.m., July 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423. Telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The order is printed in full below.

There are acute shortages of freight cars throughout the country resulting in failures of carriers to furnish an adequate supply of freight cars to shippers located on their lines. These shortages of freight cars are impeding both the domestic and export movements of agricultural, mineral, forest, and manufactured products, and other commodities. The existing car service rules, regulations, and practices of the railroads are ineffective with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars to meet the requirements of shippers. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered,

§ 1033.1309 Railroad operating regulations for freight car movement.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Application:* (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all freight cars which are listed in the Official Railway Equipment Register, I.C.C.-R.E.R. No. 407, issued by W. J. Trezise, or successive issues thereof, as having one of the mechanical designations shown on pages 1167-1169 under the headings: "Class 'X'—Box Car Type," "Class 'G'—Gondola Car Type," "Class 'H'—Hopper Car Type," "Class 'F'—Flat Car Type," and those special type cars described under the heading "Class 'L'—Special Car Type" which bear mechanical designations "LC"—Boxcar with roof hatches, "LO"—Covered Hopper Car, and "LU"—Boxcar with doors running substantially the length of the car, including cars bearing mechanical designations modified in the manner described in the various notes thereto.

(iii) *Exception:* Empty cars owned by The Alaska Railroad, while held in the State of Washington, pursuant to instructions of the car owner, are exempt from the provisions of this order.

(iv) *Exception:* Empty cars of private ownership reported and awaiting instructions from the car owner, are exempt from the provisions of this order.

(v) *Exception:* To alleviate hardships or inequities, including, but not limited to those caused by extreme weather disruptions, exceptions to this order may be authorized to the carrier by the Railroad Service Board, Interstate Commerce Commission, Washington, D.C. Requests for such exceptions may be made only by carriers and shall be sent to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for recording and submission to the Railroad Service Board, Interstate Commerce Commission, for consideration.

(vi) Actual placement means placing a car in an accessible position for loading or unloading, or placing on an industrial interchange track serving the consignor or consignee. If such placing is prevented by any cause attributable to consignor or consignee and car is placed on the private or other-than-public-delivery tracks serving the consignor or consignee, it shall be considered constructively placed without notice.

(vii) Holidays shall be those listed in item 525 of Agent D. M. Rogers' Tariff 4-K, ICC H-74, General Car Demurrage Rules and Charges, supplements thereto, or successive issues thereof.

(viii) *Definitions:* System cars are cars bearing the registered reporting marks of the railroad holding the cars.

*Revision. Order now applies to empty system cars.

Foreign cars are cars bearing the registered reporting marks of a railroad other than the one holding the car. Private cars are cars bearing the registered reporting marks of a company or person other than a railroad.

(2) *Placing of cars:* (i) Loaded cars shall be actually or constructively placed within 24 hours, exclusive of Saturdays, Sundays, and holidays, following arrival at destination, or after arrival at the yard from which cars are dispatched for actual placement.

(ii) Empty foreign and private cars which after placement will be subject to demurrage, storage, or detention rules applicable to cars for loading, or which are subject to storage rules and charges applicable to assigned cars held empty awaiting placement for loading by the assignee, shall be actually placed or appropriate notice as required by applicable tariffs issued within 48 hours, exclusive of Saturdays, Sundays, and holidays, after arrival at the point where held.

(iii) When delivery of a car, either empty or loaded, consigned or ordered to an industrial interchange track or to an other-than-public-delivery track, cannot be made because of any condition attributable to consignor or consignee, such car shall be held at destination or, if it cannot reasonably be accommodated there, at an available hold point; and constructive placement notice shall be sent or given the consignor or consignee within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or hold point.

(iv) Proper notice for cars placed on public delivery tracks shall be sent or given within 24 hours after placement, exclusive of Saturdays, Sundays, and holidays.

(v) Cars held at destination for accessorial terminal services described in the applicable tariffs, such as holding for orders or inspection, shall be placed on unloading, hold, or inspection tracks; and proper notice shall be given within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or at hold point. Time and charges shall be computed following such notice and demurrage or detention charges assessed in accordance with provisions of governing tariffs.

(3) *Removal of cars:* (i) Empty cars must be removed from point of unloading or interchange tracks of industrial plants within 24 hours, exclusive of Saturdays and holidays, following unloading or release by consignee or shipper, unless such empty cars are ordered or appropriated by the shipper for reloading within such 24-hour period. Empty foreign or private cars not ordered for loading at point where

*Revision. Order now applies to empty system cars.

made empty must be forwarded or set aside to be cleaned, repaired, or weighed, if to be weighed at that point, within 24 hours following removal of empty cars. Empty system cars not required for loading may be held on carrier tracks at any point on the lines of the car owner, after completion of any light repairs, cleaning, or weighing that may be required. (See part (5) of this section.)

(ii) Outbound loaded freight cars must be removed from point of loading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays and holidays, following acceptance by carrier of the shipper instructions covering the cars. Such cars must be forwarded, weighed, if to be weighed at that point, or set aside for repairs within 24 hours following release and removal.

(iii) Cars subject to parts (i) and (ii) of this section, not made accessible to the carrier, shall be subject to demurrage until such time as they become, and remain, accessible to the carrier.

(iv) Cars shall not be removed from point of unloading or from industrial interchange tracks, nor released from demurrage or detention status, until all bracing, blocking, dunnage, paper, residue of lading, debris, and other foreign matter directly related to the inbound load have been removed from the car in accordance with the requirements of rules 14 and 27 of the Uniform Freight Classification, ICC 8, issued by J. D. Sherson, supplements thereto, or reissues thereof.

Exception: Dunnage being returned to shipper under provisions of the applicable tariffs may be left in cars released as empty, provided that proper shipper instructions are received by the carrier prior to 5 p.m., of the first day, which is not a Saturday, Sunday, or holiday, immediately following release of the car.

(4) *Forwarding of cars:* (i) Loaded cars and empty foreign or private cars shall be forwarded within 24 hours, except cars described in parts (ii), (iii), or (iv) of this section, or cars described in part (ii) of section (2).

(ii) *Exception:* Loaded cars held subject to instructions of consignee, consignor, or other qualified owner of the freight contained therein, while subject to applicable tariffs.

(iii) *Exception:* Cars held for repairs, weighing, or cleaning. (See section (5).)

(iv) *Exception:* Cars held because no train or switch engine service is available between hold point and destination.

(5) *Cars held for repairs, weighing, or cleaning:* (i) Cars of system, foreign, or private ownership which are held for light repairs or cleaning shall be placed on repair or cleaning tracks not later than the first 7 a.m., exclusive of Sundays and holidays, after placement on repair or cleaning tracks; except

that when necessary to order material from car owner to make the repairs to foreign or private cars held awaiting such material, repairs shall be completed within 24 hours, exclusive of Sundays and holidays, after receipt of such material at the station at which the repair point is located.

(ii) Light repairs are defined as repairs requiring less than 20 man-hours by repair track forces to complete.

(iii) Cars which must be weighed shall be weighed and restencilled, if required, within 24 hours, exclusive of Sundays and holidays, after arrival at the point at which weighing is to be accomplished, or after request for weight is received, if weights are requested by shipper or by car owner.

(iv) Cars which have been repaired, cleaned or weighed shall become subject to Sections 2, 3, or 4, as applicable, from the date such repairs, cleaning, or weighing have been accomplished.

(6) *Movement of freight cars:* (i) No common carrier by railroad subject to the Interstate Commerce Act shall delay the movement of cars by holding such cars in yards, terminals, or sidings for the purpose of increasing the time in transit of such cars.

(ii) Cars shall not be set out between terminals except in cases of emergency.

(iii) Back-hauling cars for the purpose of increasing the time in transit is prohibited.

(iv) Through cars shall not be handled on local or way freight trains for the purpose of increasing the time in transit of such cars.

(v) The use by any common carrier by railroad, or the acceptance of instructions from the shipper, for the movement of cars over its line via any route other than its shortest available route or its usual and customary fast freight route from point of receipt of the car from consignor, or connecting line, to point of delivery to consignee, or to next connecting line, except for the purpose of according a lawfully established transit privilege (not including a diversion or reconsignment privilege) is hereby prohibited.

(7) *Force majeure defence protected.* Nothing in this order shall deny any carrier its defence of force majeure as construed by the courts.

(b) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.* This order shall become effective at 12:01 a.m., June 1, 1978.

(d) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

(49 U.S.C. 1 (10-17).)

A copy of this order shall be served upon the Association of American

Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Decided May 30, 1978.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15550 Filed 6-5-78; 8:45 am]

[7035-01]

[Service Order No. 1328]

PART 1033—CAR SERVICE

Regulations for Return of Trailers

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1328).

SUMMARY: Because of heavy seasonal demands there is a shortage of insulated-ventilated trailers for shipments of watermelons, potatoes and other perishable freight originating at stations on the Seaboard Coast Line Railroad in Florida for movement in trailer-on-flat-car service. Service Order No. 1328 requires the return to the Seaboard Coast Line of all such trailers owned or leased by that line or by its affiliates the Clinchfield, Georgia, and Louisville & Nashville Railroads.

DATES: Effective 12:01 a.m., June 1, 1978. Expires 11:59 p.m., June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below. An acute shortage of insulated trailers equipped with ventilating devices exists on certain railroads in the southeast for transporting melons, potatoes, and other perishable products requiring protection from heat. Shippers are being deprived of the insulated and ventilated trailers required to transport such perishable freight, thus creating spoilage of produce and great economic loss. Many insulated, ventilated trailers, after being unloaded are being retained and appropriated for

other services which do not result in their return to the major origin areas for perishable freight. Present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of insulated, ventilated trailers are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1328 Regulations for return of trailers.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Remove from general distribution and deliver by rail, on flat cars, insulated trailers described in paragraph (i) herein to any of the following railroads:

Louisville & Nashville Railroad Co. (L&N).
Richmond, Fredericksburg & Potomac Railroad Co. (RFP).
Seaboard Coast Line Railroad Co. (SCL).

(i) Insulated trailers subject to this order are identified as follows:

Reporting Marks: RCLZ, RCRZ, RGRZ, RLNZ, RSBZ or RSCC 200417-200451, 700000-709999 and 786250-791024; and SBD, SBDZ or SCLZ 2002-2024, 30104-30901, and 702002-703150.

(2) Trailers described in part (1) of this section, located on railroads other than the L&N, RFP, or SCL, may be loaded with freight requiring protection from heat to any destination to which loading is authorized by Rule 2 of the Code of Trailer Service Rules, published on page 195 of the Official Intermodal Equipment Register, ICC-OIER No. 33, issued by W. J. Trezise, or reissues thereof; or, such trailers may be loaded with any type of freight to any station on the lines of the L&N, RFP, or SCL.

(3) Trailers described in part (1) of this section located on the L&N or RFP for which no suitable loading, as defined in part (4) of this section is available, shall be delivered empty, on cars, to the SCL.

(4) Trailers described in part (1) of this section, located on the L&N, RFP, or SCL, may be used only for transporting traffic requiring protection from heat.

(b) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may

be authorized by the Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423.

(c) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded trailer, described in this order contrary to the provisions of the directive.

(d) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(e) *Effective date.* This order shall become effective 12:01 a.m., June 1, 1978.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1978, unless otherwise modified, changed or suspended by order of this Commission.

(49 U.S.C. 1(10-17).)

A copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Decided May 31, 1978.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15551 Filed 6-5-78; 8:45 am]

[7035-01]

[Amdt. No. 1 to Service Order No. 1310]

PART 1033—CAR SERVICE

Certain Railroads Authorized to Transport Multiple-Car Grain Shipments of 270 Net Tons

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 1 to Service Order No. 1310).

SUMMARY: Because of a severe shortage of jumbo covered hopper cars, eleven midwestern railroads are unable to supply at one time sufficient such cars to enable shippers to fulfill minimum weight requirements of 1,000 net tons of grain or soybeans reshipped from storage-in-transit points. Service Order No. 1310 authorizes reshipment from these points subject to minimum weight of 270 tons requiring the use at one time of only three cars. Amendment No. 1 to Service Order

No. 1310 extends this order for an additional period of one month. Service Order No. 1310 is printed in full at 43 FR 13063, March 29, 1978.

DATES: Effective 11:59 p.m., May 31, 1978. Expires 11:59 p.m., June 30, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The order is printed in full below. Upon further consideration of Service Order No. 1310 (43 FR 13063), and good cause appearing therefor:

It is ordered, Revised Service Order No. 1310 is amended by substituting the following paragraph (g) for paragraph (g) thereof:

§ 1033.1310 Certain railroads authorized to transport multiple-car grain shipments of 270 net tons.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1978

(49 U.S.C. 1(10-17).)

A copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a summary with the Director, Office of the Federal Register.

Decided May 31, 1978.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15552 Filed 6-5-78; 8:45 am]

[7035-01]

[Amdt. No. 1 to Service Order No. 1288]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co. Authorized to Operate Over Tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Co. at De Kalb, Ill.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 1 to Service Order No. 1288).

SUMMARY: The line of the Chicago, Milwaukee, St. Paul and Pacific Railroad (MILW) serving De Kalb, Ill., is unserviceable because of deteriorated track, leaving numerous shippers served by this railroad at De Kalb without essential railroad service. Service Order No. 1288 authorizes the Chicago and North Western Transportation Co. (CNW) to operate over tracks of the MILW in De Kalb for the purpose of providing continued rail service to those shippers. Amendment No. 1 extends this order for an additional six-month period. Service Order No. 1288 is printed in full in volume 42 of the FEDERAL REGISTER at page 62925.

DATES: Effective 11:59 p.m., May 31, 1978; expires 11:59 p.m., November 30, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

Upon further consideration of Service Order No. 1288 (42 FR 62925), and good cause appearing therefor:

It is ordered, Service Order No. 1288 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1288 Chicago and North Western Transportation Co. authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Co. at De Kalb, Ill.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m.,

November 30, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1978.

(49 U.S.C. 1(10-17).)

A copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a summary with the Director, Office of the Federal Register.

Decided: May 31, 1978.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15553 Filed 6-5-78; 8:45 am]

[7035-01]

[Amdt. No. 1 to Revised Service Order No. 1315]

PART 1033—CAR SERVICE

Demurrage and Free Time on Freight Cars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 1 to Revised Service Order No. 1315).

SUMMARY: Revised Service Order No. 1315 establishes minimum periods for the detention of cars by shippers and receivers free of demurrage and increases demurrage charges for cars held beyond the free time. The order is printed in full in the FEDERAL REGISTER dated May 3, 1978, at page 19050. Amendment No. 1 extends this order

for an additional period of two months.

DATES: Effective 6:59 a.m., June 1, 1978; expires 6:59 a.m., August 1, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, Telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

Upon further consideration of revised Service Order No. 1315 (43 FR 19050), and good cause appearing therefor:

It is ordered, Revised Service Order No. 1315 is amended by substituting the following paragraph (e) for paragraph (e) thereof:

§ 1033.1315 Demurrage and free time on freight cars.

(e) *Expiration date.* The provisions of this order shall expire at 6:59 a.m., August 1, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 6:59 a.m., June 1, 1978.

(49 U.S.C. 1(10-17).)

A copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Decided: May 26, 1978.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15554 Filed 6-5-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1062]

[Docket No. AO-10-A53]

MILK IN THE ST. LOUIS-OZARKS MARKETING AREA

Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing on proposed rulemaking.

SUMMARY: This hearing is being held to consider changes in the order that have been proposed by a milk distributor and a dairy farmer cooperative. The proposals would modify the performance requirements for pool plants, tie the funding rate for the advertising and promotion program to the level of producers' pay prices, revise the diversion limitations on producer milk, change the pricing points on milk diverted to certain nonpool plants, and increase the maximum allowable rate for administrative expense assessments. Proponents contend that the requested order changes are needed to reflect changed marketing conditions and to insure orderly marketing in the area.

DATE: June 21, 1978.

ADDRESS: Holiday Inn (St. Louis-West), I-270 at St. Charles Rock Road, Bridgeton, Mo. 63044.

FOR FURTHER INFORMATION CONTACT:

Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-4831.

SUPPLEMENTARY INFORMATION: Notice is hereby given of a public hearing to be held at the Holiday Inn (St. Louis-West), I-270 at St. Charles Rock Road, Bridgeton, Mo., beginning at 9:30 a.m. on June 21, 1978, with respect to proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the St. Louis-Ozarks marketing area.

The hearing is called pursuant to the provisions of the Agricultural Mar-

keting Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY MID-AMERICA DAIRYMEN, INC.

PROPOSAL NO. 1

Revise §1062.7(a)(1) by adding the following proviso at the end of the paragraph:

Provided, that if a distributing plant qualifies for pooling under this and one or more other orders, and it was a pool plant under this order in each of the past 12 months, it shall continue to be pooled under this order unless it has had over 50 percent of its route disposition of fluid milk products in another order for three consecutive months.

PROPOSAL NO. 2

Modify the funding rate for the advertising and promotion program by changing the current 5-cent funding rate to a rate determined yearly by multiplying the average of the "weighted average prices" for the last quarter of the calendar year by .75 percent. The specific order changes to accomplish this are described below.

(1) In §1062.61, delete paragraph (d) and revise paragraphs (f) and (g) as follows:

§1062.61 Computation of uniform price (including weighted average price).

(f)(1) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "weighted average price."

(2) Subtract from the total resulting after paragraph (c) of this section, an amount calculated by multiplying the total hundredweight of producer milk by the rate determined in §1062.121(e).

(3) Divide the remaining amount by the total hundredweight of producer milk and the total hundredweight for

which a value is computed pursuant to §1062.60(f) and (g). The result shall be the "uniform price" for milk received from producers except for the months specified below.

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (c) and (f)(2) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price.

(2) In §§1062.71(a)(2)(ii) and 1062.75(b), delete the words "plus 5 cents."

(3) In §1062.121 revise paragraphs (b)(2) and (b)(3) and add two new paragraphs (e) and (f) to read as follows:

§1062.121 Duties of the market administrator.

(b)***

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State Law applicable to such producers, but not in amounts that exceed the withholding rate in effect during the period in question on the volume of milk pooled by any such producer for which deductions were made pursuant to §1062.61(f)(2).

(3) After the end of each calendar quarter, make a refund to each producer who had made application for such refund pursuant to §1061.120. Such refund shall be computed at the same rate as the deduction computed per §1062.121(e) on each hundredweight of such producer's milk pooled for which deductions were made pursuant to §1062.61(f)(2) for such calendar quarter; less the amount of any refund otherwise made to the producer pursuant to paragraph (b)(2) of this section.

(e) Compute the rate of withholding each January by multiplying the simple average "weighted average price" of the last quarter of the preceding calendar year by 0.75 percent. This rate, rounded to the nearest whole cent, will become effective on

April 1 and will remain in effect for the following year when the above procedure shall be repeated.

(f) Notify all producers currently on the market, plus any new producers that may enter the market, of the withholding rate. This notification must be repeated yearly when the rate is calculated.

PROPOSED BY KRAFT, INC.

PROPOSAL NO. 3

Amend §1062.7(b) by:

(i) Adding a subparagraph (b)(1), as follows:

(b)(1) A cooperative association that operates a supply plant may include as qualifying shipments its deliveries to pool distributing plants directly from farms of producers pursuant to Section 1062.9(c):

(ii) Adding a subparagraph (b)(2), as follows:

(b)(2) A proprietary handler may include as qualifying shipments milk diverted pursuant to Section 1062.13(a)(2) to pool distributing plants:

PROPOSAL NO. 4

Amend §1062.13 by striking the present language therein and replacing it with the following:

§1062.13 Producer milk.

"Producer milk" means milk produced by producers which is received and accounted for as follows:

(a) By the operator of a pool plant (including a cooperative association) with respect to milk:

(1) Received at the pool plant from producers or from a handler described in §1062.9(c); and

(2) Diverted by the operator of the pool plant, subject to the conditions of paragraph (c) of this section;

(b) By a cooperative association with respect to milk:

(1) Which it received from producers as a handler described in §1062.9(b), subject to the conditions of paragraph (c) of this section; and

(2) Which it received from producers as a handler described in §1062.9(c) and which:

(i) Is delivered to a pool plant of another handler; or

(ii) Is not so delivered and constitutes shrinkage pursuant to §1062.41(c) or Class I shrinkage; and

(c) Diverted from the pool plant of a proprietary handler for the account of

the handler operating such plant to another pool plant or diverted from a pool plant to a nonpool plant (other than a producer-handler plant) for the account of the handler operating such pool plant or for the account of a handler described in §1062.9(b), subject to the following conditions:

(1) Milk of a dairy farmer shall not be eligible for diversion under this section unless during the month at least one day's production of milk of such dairy farmer is physically received as producer milk at a pool plant;

(2) The total quantity of milk diverted by a cooperative association during the month may not exceed 50 percent in the months of September through February, of the producer milk that the cooperative association causes to be delivered to or diverted from pool plants during the month;

(3) The operator of a pool plant (other than a cooperative association) may divert for his account any milk that is not under the control of a cooperative association that diverts milk during the month pursuant to paragraph (c)(2) of this section. The total quantity so diverted during the month may not exceed 50 percent in the months of September through February, of the milk received at or diverted from such pool plant during the month that is eligible to be diverted by the plant operator;

(4) Any milk diverted in excess of the limits prescribed in paragraph (c) (2) and (3) of this section shall not be producer milk. The diverting handler may designate the dairy farmers whose diverted milk will not be producer milk, otherwise the milk last diverted—in lots of an entire day's production—shall be excluded first in determining which milk should not be producer milk; and

(5) (i) For pricing purposes, milk diverted pursuant to paragraph (c)(2) of this section to a plant located more than 120 miles from the city hall in St. Louis or the city hall in Springfield, Mo., whichever is nearer (by the shortest highway distance as determined by the market administrator using the most current issue of the Household Carriers Guide), or milk diverted pursuant to paragraph (c)(1) of this section shall be deemed to be received by the diverting handler at the location of the plant to which diverted.

(ii) For pricing purposes, milk diverted pursuant to paragraph (c) (2) or (3) of this section to a plant located 120 miles or less from the city hall in St. Louis or the city hall in Springfield, Mo., whichever is nearer (by the shortest highway distance as determined by the market administrator using the most current issue of the Household Carriers Guide), shall be deemed to be received at the location of the plant from which diverted.

Provided, that milk diverted to a nonpool plant located within the mar-

keting area will be priced at the Zone price for the Zone in which such plant is located, and that milk diverted to a nonpool plant located within Carroll County, Ark., will be priced at the location of said plant under section 75."

PROPOSAL NO. 5

Amend §1062.52 by redesignating paragraph (e) as (f), paragraph (f) as (g), and paragraph (g) as (h), and by adding a new paragraph (e) as follows:

(e) In Carroll county, Ark., shall be the Zone III price.

PROPOSAL NO. 6

Amend the resulting paragraph (f) by replacing the present phrase "outside the marketing area" with the phrase "outside the marketing area and outside Carroll County, Ark."

PROPOSAL NO. 7

Amend the present §1062.52(g) by replacing the phrase therein, "(a) through (e)," with the phrase "(a) through (f)."

PROPOSAL NO. 8

Amend §1062.75(a) by striking the present words "and (e)" and replacing with the words "(e) and (f)."

Amend §1062.75(b) by replacing the present phrase "Section 1062.52 (b), (c), and (e)," with the phrase "Section 1062.52 (b), (c), (e), and (f)."

PROPOSED BY THE DAIRY DIVISION, AGRICULTURAL MARKETING SERVICE

PROPOSAL NO. 9

Increase the maximum assessment for order administration contained in §1062.85 from 2½ cents per hundredweight to 4 cents per hundredweight.

PROPOSAL NO. 10

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, P.O. Box 1485, Maryland Heights, MO. 63043 or from the Hearing Clerk, Room 1077-S, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

From the time that a hearing notice is issued and until the issuance of a final decision in a proceeding, Department employees involved in the decisional process are prohibited from discussing the merits of the hearing issues on an ex parte basis with any person having an interest in the proceeding. For this particular proceeding the prohibition applies to employees in the following organizational units:

Office of the Secretary of Agriculture.
Office of the Administrator, Agricultural
Marketing Service.
Office of the General Counsel.
Dairy Division, Agricultural Marketing
Service (Washington office only).
Office of the Market Administrator, St.
Louis-Ozarks Marketing Area.

Procedural matters are not subject
to the above prohibition and may be
discussed at any time.

Signed at Washington, D.C., on May
31, 1978.

WILLIAM T. MANLEY,
Deputy Administrator,
Marketing Program Operations.
[FR Doc. 78-15674 Filed 6-5-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 371]

[Docket No. 32242]

Oral Argument

MAY 24, 1978.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Oral Argument.

SUMMARY: On March 17, 1978, the
Board issued a Notice (EDR-348,
SPDR-64, 43 FR 11215) proposing to
replace most of the existing charter
forms with a simplified form known as
a "Public Charter." Comments were
requested by April 26, 1978, with re-
plying comments due May 16, 1978.
Because of the scope of the proposed
changes and their importance to the
air transportation industry, the Board
decided to hold an oral argument on
the issues set forth in that proposal.

DATES: Oral argument is tentatively
scheduled for June 30, 1978. A final
notice will be issued at least 14 days
before the argument.

FOR FURTHER INFORMATION
CONTACT:

Richard B. Dyson, Civil Aeronautics
Board, Office of the General Coun-
sel, 1825 Connecticut Avenue NW.,
Washington, D.C. 20428; 202-673-
5444.

SUPPLEMENTARY INFORMATION:
The argument will be structured to fa-
cilitate give and take among the par-
ticipants, and between participants
and Board Members. Participants will
be organized into panels, so that after
presentation of brief opening state-
ments they will be conveniently situ-
ated to ask and answer questions.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-15529 Filed 6-5-78; 8:45 am]

PROPOSED RULES

[4110-07]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 410]

[Regulations No. 10]

FEDERAL COAL MINE HEALTH AND SAFETY
ACT OF 1969, TITLE IV, BLACK LUNG BENE-
FITS

Review of Denied and Pending Claims Under
the Black Lung Benefits Reform Act 1977

AGENCY: Social Security Administra-
tion, HEW.

ACTION: Proposed rule.

SUMMARY: This proposed rule imple-
ments recent legislation which (1)
broadens the definitions of "miner"
and "pneumoconiosis" for purposes of
establishing entitlement to black lung
benefits, (2) modifies the evidentiary
requirements necessary to establish
entitlement to Black Lung benefits, (3)
requires that each claimant whose
claim has been denied or is pending at
the time of enactment be given the op-
portunity to have the claim reviewed
under the revised evidentiary require-
ments; and (4) makes certain other
substantive changes in the Federal
Coal Mine Health and Safety Act of
1969, as amended. These rules explain
the revised statutory and evidentiary
provisions of the law and the role of
the Social Security Administration
(SSA) in the review of the denied and
pending Part B claims.

DATES: Comments must be received
on or before July 6, 1978.

ADDRESSES: Send comments to the
Commissioner of Social Security, De-
partment of Health, Education, and
Welfare, P.O. Box 1585, Baltimore,
Md. 21203. Copies of all comments re-
ceived in response to these regulations
will be available for public inspection
during regular business hours at the
Washington Inquires Section, Office
of Information, Social Security Ad-
ministration, Department of Health,
Education, and Welfare, North Build-
ing, Room 5131, 330 Independence
Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION
CONTACT:

Philip Berge, Legal Assistant, Social
Security Administration, 6401 Secu-
rity Boulevard, Baltimore, Md.
21235, telephone 301-594-7452.

SUPPLEMENTARY INFORMATION:
The Black Lung Benefits Reform Act
(BLBRA) of 1977 (1) broadens the
definition of "miner" and "pneumo-
coniosis" for purposes of establishing
entitlement to black lung benefits, (2)
modifies the standards used to deter-
mine whether a miner is or was totally
disabled due to pneumoconiosis or

whether the miner's death was due to
pneumoconiosis, (3) requires that each
claimant whose claim has been denied
or is pending be given the opportunity
to have the claim reviewed under the
revised statutory and evidentiary re-
quirements; and (4) makes certain
other substantive changes in the Fed-
eral Coal Mine Health and Safety Act
of 1969, as amended. The Department
of Health, Education, and Welfare,
Social Security Administration, and
the Department of Labor (DOL),
Office of Workers' Compensation Pro-
grams (OWCP) are responsible for the
review of pending and denied claims
under the new law. The Social Secu-
rity Administration may consider only
the evidence on file as of March 1,
1978. Evidence on file is evidence actu-
ally in the black lung claims file and
includes the individual's earnings re-
cord. The OWCP may accept the evi-
dence in the claims file, and any ad-
ditional evidence if the evidence on
file is not sufficient for approval of
the claim.

The Social Security Administration
will notify each claimant, whose Part
B claim has been denied by or is pend-
ing in SSA or the courts that upon re-
quest the claim will be reviewed under
the new law, but only at the request of
the claimant. The claimant will be
given the opportunity to select either
SSA or OWCP to review the claim. If
entitlement to benefits can be estab-
lished under the new law, benefits
may be paid back to January 1, 1974.

Part B claims pending before the
Social Security Administration or the
courts will continue to be processed
under the old law at the same time
that the claims are being reviewed by
the Social Security Administration, at
the claimant's request, under the
BLBRA of 1977. Claimants would then
have two separate and independent
claims pending for benefits. Where
claims for benefits are reviewed, upon
request, under the BLBRA of 1977 and
are approved as establishing entitle-
ment to benefits under the new law,
benefits may be paid back to January
1, 1974.

Where pending Part B claims contin-
ue to be processed under the old law,
and it is determined that the claimant
is entitled to black lung benefits under
the old law, then benefits may be paid
for periods prior to January 1, 1974.
Election by claimants to have their
pending claims reviewed by the Social
Security Administration under the
BLBRA of 1977 for payment of bene-
fits back to January 1, 1974, will not
affect the processing of their pending
Part B claims under the old law for
payment of benefits prior to January
1, 1974.

Claimants selecting review by SSA
will be notified by SSA of the initial
decision. If SSA can approve the
claim, the claim will be forwarded to

OWCP. The OWCP will be responsible
for assigning liability for payment of
benefits. If the claimant disagrees
with any part of SSA's initial decision
of approval and wishes to have it re-
viewed, the claimant must request
review by OWCP. If SSA cannot ap-
prove the claim, the claim will auto-
matically be forwarded to OWCP.
OWCP will review the claim, and will
provide opportunity for the claimant
to submit additional evidence if the
evidence is insufficient to approve the
claim.

The proposed regulations:

1. Explain the role and procedure of
the SSA in the claims review process.
2. Provide that: the claimant will
have six months from the date of noti-
fication to exercise the option for
review unless good reason can be es-
tablished for not responding within
this time period.

3. Redefine the term "miner" to in-
clude self-employed miners and cer-
tain persons engaged in the processing
and transportation of coal and in coal
mine construction.

4. Redefine pneumoconiosis to in-
clude its sequelae, including pulmon-
ary and respiratory impairments.

5. Prohibit the rereading of an X-ray
submitted by the claimant provided
such X-ray was taken by a radiologist
or qualified technician and interpreted
by a board certified or board eligible
radiologist, and there is other evidence
of a pulmonary or respiratory impair-
ment unless there is evidence of fraud
or the X-ray is not of good enough
quality to demonstrate the presence of
pneumoconiosis.

6. Provide that autopsy reports shall
be accepted for the purpose of deter-
mining pneumoconiosis unless there is
evidence of fraud or inaccuracy in the
report.

7. Provide that, in the case of a de-
ceased miner where there is no medi-
cal or other relevant evidence, affida-
vits will suffice to establish total dis-
ability or death due to pneumoconio-
sis.

8. Provide that coal mine employ-
ment at the time of death of a de-
ceased miner shall not be used as con-
clusive evidence that the miner was
not totally disabled.

9. Provide that if the work condi-
tions of a living miner indicate a re-
duced ability to do the miner's usual
work, his or her coal mine employ-
ment shall not be used as conclusive
evidence that the miner is not totally
disabled.

10. Provide that no miner who is en-
gaged in coal mine employment
(except those with complicated pneu-
moconiosis) shall be entitled to any
benefits while so employed. Any miner
who has been determined to be eligible
for benefits because of a claim filed
while such miner was engaged in coal
mine employment shall be entitled to

such benefits if his or her employment
terminates within one year after the
date the determination becomes final.

11. Provide that State workmen's
compensation payments will be cause
for reducing a miner's black lung ben-
efits only where the State payments
are payable based on pneumoconiosis.

12. Provide that survivors of miners
who died on or before March 1, 1978,
can receive benefits if the miner had
25 years or more of employment in a
coal mine prior to June 30, 1971,
unless it can be proved that the miner
was not partially or totally disabled
due to pneumoconiosis at the time of
death.

13. Provide that the Social Security
Act (title II) procedures for permitting
survivors to negotiate jointly payable
checks may be used in the Black Lung
Benefits program.

14. Provide penalties for fraud.

15. Provide that Part B claims pend-
ing before SSA or the courts may con-
tinue to be processed under the old
law for payment of benefits prior to
January 1, 1974, at the same time the
claims are being reviewed by SSA, at
the claimant's request, under the
BLBRA of 1977 for payment of bene-
fits back to January 1, 1974.

16. Provide that all previously
denied and pending Part B claims re-
viewed by SSA become the responsibil-
ity of the DOL for purposes of appeal-
ing SSA's determination.

17. Provide that SSA will notify
miners entitled to benefits under Part
B of title IV of the Federal Coal Mine
Health and Safety Act of 1969, as
amended, of their potential eligibility
to medical services and supplies under
Part C of title IV of the Federal Coal
Mine Health and Safety Act of 1969,
as amended.

The DOL will also be issuing final
regulations implementing the Black
Lung Benefits Reform Act of 1977.
The DOL issued a Notice of Proposed
Rule Making at 43 FR 17722-17773,
April 25, 1978. Claimants who have
Part B claims which are pending or
have been denied and who request
review of these claims under the
BLBRA of 1977 may need to refer to
both SSA and DOL regulations. For
their convenience, final SSA regula-
tions will refer, whenever possible, to
the specific DOL regulations which
may have some bearing on the re-
viewed Part B claims. However, it is
not possible to refer to specific sec-
tions of the DOL regulations at this
time.

The Federal Coal Mine Health and
Safety Act of 1969, as amended, re-
quires that final regulations be pub-
lished in the FEDERAL REGISTER by the
end of the fourth month following the
date of enactment of the amendments.
The BLBRA of 1977 was enacted on
March 1, 1978. Accordingly, final regu-
lations must be published by July 31,

1978. In order to comply with this re-
quirement of the law, we are request-
ing that comments on this Notice of
Proposed Rule Making be submitted
on or before July 6, 1978.

AUTHORITY: The proposed amendments
are to be issued under the authority of sec-
tion 411, 83 Stat. 793, and 30 U.S.C. 902.

(Catalog of Federal Domestic Assistance
Program No. 13.806—Special Benefits for
Disabled Coal Miners.)

NOTE.—The Social Security Administra-
tion has determined that this document
does not contain a major proposal requiring
preparation of an Economic Impact State-
ment under Executive Order 11821 and
OMB Circular A-107.

Dated: May 5, 1978.

DON WORTMAN,
Acting Commissioner
of Social Security.

Approved: May 26, 1978.

JOSEPH A. CALIFANO, JR.,
Secretary of Health, Education,
and Welfare.

Part 410 of Chapter III of title 20 is
amended as follows:

1. Section 410.505 is revised to read
as follows:

§ 410.505 Payees.

(a) *General.* Benefits may be paid as
appropriate, to a beneficiary (see § 410.
110(r)), to a qualified dependent (see
§ 410.511), or to a representative payee
on behalf of a beneficiary or depend-
ent (see § 410.581ff). Also where an
amount is payable under Part B of
title IV of the Act for any month to
two or more individuals who are mem-
bers of the same family, the Social Se-
curity Administration may, in its dis-
cretion, certify to any two or more of
such individuals joint payment of the
total benefits payable to them for
such month.

(b) *Joint payee dies before cashing
check.* Where a check has been issued
for joint payment to an individual and
spouse residing in the same household
and one of them dies before the check
is cashed, the Social Security Adminis-
tration may give the survivor permis-
sion to cash the check. The permission
is carried out by stamping the face of
the check. An official of the Social Se-
curity Administration or the Treasury
Disbursing Office must sign and name
the survivor as the payee of the check
(see 31 CFR 360.8). Where the un-
cashed check is for benefits for a
month after the month of death, au-
thority to cash the check will not be
given to the surviving payee unless the
funds are needed to meet the ordi-
nary and necessary living expenses of
the surviving payee.

(c) *Adjustment or recovery of over-
payment.* Where a check representing
payment of benefits to an individual
and spouse residing in the same house-
hold is negotiated by the surviving

payee in accordance with the authorization in paragraph (b) of this section and where the amount of the check exceeds the amount to which the surviving payee is entitled, appropriate adjustment or recovery with respect to such excess amount shall be made in accordance with section 204(a) of the Act (see Subpart F of part 404).

2. In § 410.515 paragraph (a)(3) is revised to read as follows:

§ 410.515 Modification of benefit amounts. General.

(a) * * * (3) The receipt by a beneficiary of payments made because of the disability of the miner due to pneumoconiosis under State laws relating to workmen's compensation (including compensation for occupational disease), unemployment compensation, or disability insurance (see § 410.520).

3. In § 410.520 paragraph (a) is revised to read as follows:

§ 410.520 Reductions; receipt of State benefit.

(a) As used in this section, the term "State benefit" means a payment to a beneficiary made because of the disability of the miner due to pneumoconiosis under State laws relating to workmen's compensation (including compensation for occupational disease), unemployment compensation, or disability insurance.

4. A new § 410.591 is added to read as follows:

§ 410.591 Eligibility for services and supplies under Part C of title IV of the Act.

The Social Security Administration will notify each miner entitled to benefits on the basis of a claim filed under Part B of title IV of the Act of his or her possible eligibility for medical services and supplies under Part C of title IV of the Act. The DOL regulations covering the time period in which the miner must file with DOL for these benefits are published at — FR — date.

5. A new section, 410.699a is added to read follows:

§ 410.699a Penalties for fraud.

The penalty for any person found guilty of willfully making any false or misleading statement or representation for the purpose of obtaining any benefit or statement or payment under this Part shall be:

- (1) A fine of up to \$1,000, or
- (2) Imprisonment for not more than 1 year, or

(3) Both (1) and (2).

6. Subpart G is added to read as follows:

Subpart G—Rules for the Review of Denied and Pending Claims Under the Black Lung Benefits Reform Act (BLBRA) of 1977

Sec.

410.700 Background.

410.701 Jurisdiction for determining entitlement under Part B.

410.702 Definitions and terms.

410.703 Adjudicatory rules for determining entitlement to benefits.

410.704 Review procedures.

410.705 Duplicate claims.

410.706 Effect of SSA determination of entitlement.

410.707 Hearings and appeals.

AUTHORITY: (Sec. 411, Stat. 793, and 30 U.S.C. 902).

Subpart G—Rules for the Review of Denied and Pending Claims Under the Black Lung Benefits Reform Act (BLBRA) of 1977

§ 410.700 Background.

(a) The Black Lung Benefits Reform Act of 1977 broadens the definitions of "miner" and "pneumoconiosis" and modifies the evidentiary requirements necessary to establish entitlement to black lung benefits. Section 435 of the Black Lung Benefits Reform Act of 1977 requires that each claimant whose claim has been denied or is pending be given the opportunity to have the claim reviewed under this Act. The purpose of this Subpart G is to explain the changes and the procedures, and rules which are applicable with regard to the Social Security Administration's review of Part B claims in light of the BLBRA of 1977.

(b) Two government agencies are responsible for the review of claims. The Department of Health, Education and Welfare, Social Security Administration, upon the request of the claimant, is responsible for the review of claims filed with the Social Security Administration under Part B of title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, except those claims filed under section 415 of the Act. The Department of Labor, Office of Workers' Compensation Programs is responsible for the review of the following claims:

(1) Claims filed under Part C of title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended;

(2) Part B claims filed under section 415 of the Act; and

(3) Those Part B claims for which the claimant elects review by DOL. The Department of Labor regulations explaining the review procedures for these claims are published at — FR — date.

§ 410.701 Jurisdiction for determining entitlement under Part B.

In order for the Social Security Administration to approve a claim under

this Subpart G, the evidence on file must show, in a living miner's claim, that the miner was totally disabled due to pneumoconiosis prior to July 1, 1973, and in a survivor's claim, that the deceased miner was either totally disabled due to pneumoconiosis at the time of death, or that death was due to pneumoconiosis, and that death occurred prior to January 1, 1974.

§ 410.702 Definitions and terms.

The following definitions shall apply with regard to review under this Subpart G.

(a) **"Denied Claim" defined.** Denied claim means: (1) Any claim that was filed with the Social Security Administration under Part B of title IV of the Act; and

(2) Entitlement to benefits was not established; and

(3) The time limit for any further appeal has expired.

(b) **"Pending Claim" defined.** Pending claim means: (1) Any claim that was filed with the Social Security Administration under Part B of title IV of the Act; and

(2) Entitlement to benefits has not been established; and

(3) The time limit for any appeal has not expired or action is still pending on an appeal which was requested timely, or on which an extension of time to request appeal has been granted.

(c) **"Withdrawn Claim" defined.** Withdrawn claim means: Any claim that was filed with the Social Security Administration under Part B of title IV of the Act which has been previously withdrawn at the request of the claimant. This claim shall not be considered a pending or denied claim.

(d) **"Pneumoconiosis" defined.** In addition to the definition of pneumoconiosis contained in §§ 410.110(o) and 410.401(b), pneumoconiosis means a chronic dust disease of the lung and its sequelae, including respiratory and pulmonary impairments, arising out of coal mine employment.

(e) **"Evidence on File" defined.** Evidence on file is evidence in the black lung claims file as of March 1, 1978, and includes the individual's earnings record.

(f) **"Determining total disability—the working miner." A miner shall be considered totally disabled when pneumoconiosis prevents the miner from engaging in gainful employment requiring the skills and abilities comparable to those of any employment in a mine or mines in which he or she previously engaged with some regularity and over a substantial period of time.**

(1) In the case of a living miner if there are changed circumstances of employment indicative of reduced ability to perform the miner's usual coal mine work, such miner's employment in a mine shall not be used as conclu-

sive evidence that the miner is not totally disabled.

(2) A deceased miner's employment in a mine at the time of death shall not be used as conclusive evidence that the miner was not totally disabled.

(3) Any miner not totally disabled by complicated pneumoconiosis who has been determined to be eligible for benefits as a result of a claim filed while the miner is engaged in coal mine employment shall be entitled to such benefits if his or her employment terminates within one year after the date the determination becomes final.

(g) **Survivor entitlement for deceased miner—25 years or more coal mine employment.** If a miner died on or before March 1, 1978, and had worked for 25 years or more in one or more coal mines before June 30, 1971, the eligible survivors of the miner shall be entitled to the payment of benefits at the same rate as that under section 412(a)(2) of the Act, unless it is established that at the time of the miner's death the miner was not partially or totally disabled due to pneumoconiosis.

(h) **"Miner" defined.** A miner is any person who works or has worked in or around coal mine or coal preparation facility in the extraction, preparation or transportation of coal, and any person who works or has worked in coal mine construction or maintenance in or around a coal mine or coal preparation facility. A coal mine construction or transportation worker shall be considered a miner to the extent such individual is or was exposed to coal just as a result of his or her employment in or around a coal mine or preparation facility. In the case of an individual employed in coal transportation or coal mine construction, there shall be a rebuttable presumption that such individual was exposed to coal dust during all periods of such employment occurring in or around a coal mine or coal preparation facility for purposes of determining whether such individual is or was a miner. The presumption may be rebutted by evidence which demonstrates that the individual was not regularly exposed to coal dust during his or her employment in or around a coal mine or preparation facility or that the individual was not regularly employed in or around a coal mine or coal preparation facility. An individual employed by a coal mine operator, regardless of the nature of such individual's employment, shall be considered a miner unless such individual was not employed in or around a coal mine or coal preparation facility. A person who is or was a self-employed miner, independent contractor, or coal mine worker, as described in this paragraph, shall be considered a miner for the purposes of this subpart.

(i) **X-ray rereading prohibition.** Where there is other evidence, such as

the kind in § 410.414(c), that a miner has a pulmonary or respiratory impairment, a board certified or board eligible radiologist's interpretation of a chest X-ray taken by a radiologist or qualified technician will be accepted if: (1) it is of a quality sufficient to demonstrate the presence of pneumoconiosis (2) it was submitted in support of a claim unless it is established that the claim has been fraudulently represented.

(j) **Acceptance of autopsy reports.** Unless there is reason to believe that an autopsy report is not accurate, or that the condition of the miner is being fraudulently misrepresented, an autopsy report concerning the presence of pneumoconiosis and the stage of advancement of the disease will be accepted if its is already on file.

(k) **Acceptance of affidavits—miner deceased.** Where there is no medical evidence or other relevant evidence (see § 410.454) to establish total disability or death due to pneumoconiosis of a deceased miner, affidavits from the spouse and other individuals having knowledge of the deceased miner's physical condition will be sufficient to establish total disability or death due to pneumoconiosis if they are already on file.

§ 410.703 Adjudicatory rules for determining entitlement to benefits.

(a) **General.** Section 402(f)(2) of the Act provides that the criteria and standards to be applied to a claim reviewed under Section 435 of the Act, for determining whether a miner is or was totally disabled due to pneumoconiosis or died due to pneumoconiosis, shall be no more restrictive than the criteria applicable to a claim filed with the Social Security Administration on or before June 30, 1973, under Part B of title IV of the Act. In keeping with this provision, the interim evidentiary rules and disability criteria contained in § 410.490 will be applicable for this review.

(b) **Payment provisions.** The DOL has sole responsibility for assigning liability for payment purposes. The DOL regulations relating to the amount of benefits payable, the manner of payment and all other provisions published at FR — date, shall be applicable to a claim approved under this subpart.

(c) **Date from which benefits are payable.** Benefits for claims reviewed under this Subpart G for which entitlement to benefits is established under the BLBRA of 1977 are payable on a retroactive basis for a period which begins no earlier than January 1, 1974.

§ 410.704 Review procedures.

(a) **Notification.** Each claimant who has filed a claim for benefits under Part B of title IV of the Act, and

whose claim is either pending before the Social Security Administration or the courts or has been denied on or before March 1, 1978, will be mailed a notice advising that, upon the request of the claimant, the claim shall be:

(1) Reviewed by the DHEW, the Social Security Administration or DOL, Office of Workers' Compensation Programs to see whether entitlement to benefits may be established under the BLBRA of 1977; and

(2) If review by the Social Security Administration is requested, the review will be made on the basis of the evidence on file as of March 1, 1978; and

(3) If review by the Office of Workers' Compensation Programs is requested, the Office of Workers' Compensation Programs will provide an opportunity for additional evidence to be submitted for consideration prior to a determination.

(b) **Effect of review of a pending Part B claim under the BLBRA of 1977 on the pending claim.** Part B claims pending before the Social Security Administration or the courts will continue to be processed under the old law at the same time that these claims are being reviewed by the Social Security Administration, at the claimant's request, under the BLBRA of 1977. Claimants would then have two separate and independent claims for benefits pending. Where claims for benefits are reviewed, upon request, under this Subpart G and it is determined that entitlement to benefits is established under the BLBRA of 1977, benefits may be paid back to January 1, 1974. Where pending Part B claims continue to be processed under the old law and it is determined that the claimant is entitled to black lung benefits under the old law, benefits may be paid for periods prior to January 1, 1974. Election by claimants to have their pending claims reviewed under the BLBRA of 1977 for payment of benefits back to January 1, 1974, will not affect the processing of their pending Part B claims under the old law for payment of benefits prior to January 1, 1974.

(c) **Response to notification.** A request for review by the Social Security Administration or the Office of Workers' Compensation Programs, must be received by the Social Security Administration within 6 months from the date on which the notice is mailed. Upon receipt, the request will be dated and made a part of the claims file. If a request for review by the Social Security Administration or the Office of Workers' Compensation Program is not received by the Social Security Administration with 6 months from the date the notice is mailed, the claimant shall be considered to have waived the right of review afforded by this Subpart G unless "good cause" can be established for not responding within

this time period. "Good cause" may be established in the following situations:

(1) Circumstances beyond the individual's control, such as extended illness, mental or physical incapacity, or communication difficulties; or

(2) Incorrect or incomplete information furnished the individual by the Social Security Administration; or

(3) Unusual or unavoidable circumstances, the nature of which demonstrate that the individual could not reasonably be expected to have been aware of the need to respond within this time period.

"Good cause" for failure to respond timely does not exist when there is evidence of record that the individual was informed that he or she should respond timely and the individual failed to do so because of negligence or intent not to respond.

(d) *Changing election.* After a claimant has elected review by the Social Security Administrator, he or she may change the election any time prior to the date an initial determination is made. If a claimant has elected review by the Office of Workers' Compensation Programs, the claimant may change the election if the Social Security Administration has not yet forwarded the file to the Office of Workers' Compensation Programs. Once the file is forwarded to the Office of Workers' Compensation Programs, a claimant's right to change the election from the Office of Workers' Compensation Programs to the Social Security Administration is governed by the regulations of DOL.

(e) *Social Security Administration review elected.* (1) If review by the Social Security Administration is requested, a complete review of the evidence on file will be made to see if the file establishes entitlement to benefits under the BLBRA of 1977. Evidence on file is evidence in the black lung claims file as of March 1, 1978, and includes the individual's earnings record. In the case of a pending claim which is being appealed, this review will not be delayed because of the pending claim. If it is determined that eligibility to benefits can be established, the claims file, including all evidence and other pertinent material in the claims file, will be transferred to the Office of Workers' Compensation Programs for processing and assignment of liability in accordance with regulations published by DOL at FR date.

The decision of the Social Security Administration approving the claim will be binding upon the Office of Workers' Compensation Programs as an initial determination of the claim. The Social Security Administration will notify the claimant of its approval. If the claimant disagrees with any part of the Social Security Administration's determination of approval, the claimant may request review of this

determination by the Office of Workers' Compensation Programs. The Social Security Administration has no authority under BLBRA of 1977 to process an appeal of any determination made by it in reviewing these denied and pending Part B claims.

(2) If it is determined that the evidence on file is insufficient to support an award of benefits, the claims file, including all pertinent evidence in the claims file, will be transferred to the Office of Workers' Compensation Programs for further review in accordance with regulations published at FR date. The Social Security Administration will notify the claimant of this action.

(f) *DOL, Office of Workers' Compensation Programs review elected.* If review by the Office of Workers' Compensation Programs is requested, the claims file and all pertinent material will be forwarded to the Office of Workers' Compensation Programs, without review by the Social Security Administration, for processing by the Office of Workers' Compensation Programs in accordance with regulations published at FR date.

§ 410.705 Duplicate claims.

(a) *Approved by the Social Security Administration—denied or pending with the Office of Workers' Compensation Programs.* A person whose Part B claim for benefits was approved by the Social Security Administration and who also filed a Part C claim with the Office of Workers' Compensation Programs which is pending or has been denied shall be entitled to a review of the Part C claim by the Office of Workers' Compensation Programs.

(b) *Denied or pending with the Social Security Administration—approved by the Office of Workers' Compensation Programs.* A person who has filed a Part B claim with the Social Security Administration which is pending or has been denied and who has also filed a Part C claim with the Office of Workers' Compensation Programs, which has been approved, shall be entitled, upon request, to a review of the pending or denied Part B claim in light of the BLBRA of 1977 by either the Social Security Administration or the Office of Workers' Compensation Programs, in accordance with this subpart.

(c) *Pending or denied by the Social Security Administration and the Office of Workers' Compensation Programs.* A person who has filed a claim both with the Social Security Administration and the Office of Workers' Compensation Programs and whose claims are either pending with or have been denied by both agencies shall have the claim reviewed under the BLBRA of 1977 by the Social Security Administration if such review is requested by the claimant. If the claim

is not approved by the Social Security Administration it shall be forwarded to the Office of Workers' Compensation Programs for further review as provided in § 410.704(d)(2). During the pendency of review proceedings by the Social Security Administration, if any, no action shall be taken by the Secretary of Labor with respect to the Part C claim which is pending or has been denied by DOL. If the claimant does not respond to notification of his or her right to review by the Social Security Administration within 6 months of the notice (see 410.704(d)) unless the period is enlarged for good cause shown, the Office of Workers' Compensation Programs shall proceed under part of DOL's regulations to review the claim originally filed with the Secretary of Labor. If the claimant, upon notification by the Social Security Administration of his or her right to review (see § 410.704(a)) requests that the claim originally filed with the Social Security Administration be forwarded to the Office of Workers' Compensation Programs for review, or if more than one claim has been filed with the Secretary of Labor by the same claimant, such claims shall be merged and processed with the first claim filed with the Office of Workers' Compensation Programs.

§ 410.706 Effect of the Social Security Administration determination of entitlement.

Under section 435 of the BLBRA of 1977 a determination of entitlement made by the Social Security Administration under this Subpart G is binding on the Office of Workers' Compensation Programs as an initial determination of eligibility.

§ 410.707 Hearings and appeals.

The review of any determination made by the Social Security Administration of a claim under this subpart will be made by the Office of Workers' Compensation Programs. If the Social Security Administration does not approve the claim following its review under this subpart, the claim will be referred to the Office of Workers' Compensation Programs, and the Office of Workers' Compensation Programs will automatically review the claim. The Office of Workers' Compensation Programs will provide an opportunity for the claimant to submit additional evidence if it is needed to approve the claim. See 410.704(d)(2) of this subpart. If the Social Security Administration approves the claim but the claimant disagrees with part of the Social Security Administration's determination, he or she may request the Office of Workers' Compensation Programs to review the Social Security Administration's determination. See 410.704(d)(1) of this subpart.

[FR Doc. 78-15393 Filed 6-5-78; 8:45 am]

[4110-03]

Food and Drug Administration

[21 CFR Part 146]

[Docket No. 78N-0039]

LEMON JUICE; STANDARDS OF IDENTITY AND FILL OF CONTAINER

Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: This document extends the comment period for establishment of standards of identity and fill of container for lemon juice. The extension is based on a request from the industry in order to provide additional time to submit information and comments.

DATE: Comments by August 7, 1978.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Benjamin M. Gutterman, Bureau of Foods (HFF-402), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-245-1231.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration, in the FEDERAL REGISTER of April 7, 1978 (43 FR 14678), issued proposed standards of identity and fill of container for lemon juice. The proposed standards of identity would: (1) Provide for the use of concentrated lemon juice, with appropriate labeling, as a source of juice ingredient; (2) allow for the use of safe and suitable preservatives as a method of preservation, in addition to physical methods of preservation including heat sterilization, freezing, and refrigeration; (3) standardize "lemon juice from concentrate" at a minimum soluble solids content of 6 percent by weight and a minimum acidity of 4.5 percent by weight, calculated as anhydrous citric acid; (4) permit the addition of lemon oil and lemon essence derived from lemons in accordance with good manufacturing practice; (5) establish a standard of fill of container based upon a minimum of 90 percent of the total capacity of the container; and (6) employ a statistical sampling plan for determining compliance with fill of container requirements. Comments were to be submitted by June 6, 1978.

The Commissioner of Food and Drugs has received a letter from Borden, Inc. (on file with the Hearing Clerk, address given above), requesting an extension of the comment period.

In its letter, Borden states that additional time is necessary to assemble and summarize data and requests a 60-day extension of time until August 7, 1978.

The Commissioner finds this request reasonable and extends the comment period to August 7, 1978.

Interested persons may, on or before August 7, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above-named office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 1, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-15692 Filed 6-2-78; 9:48 am]

[4710-06]

DEPARTMENT OF STATE

Office of the Secretary

[22 CFR Part 42]

[Docket No. SD-122; Public Notice 611]

INELIGIBLE CLASSES OF IMMIGRANTS

Withdrawal OF Proposed Rulemaking

AGENCY: Department of State.

ACTION: Withdrawal of proposed rule-making notice (Docket No. SD-122; 41 FR 37591, September 7, 1976).

SUMMARY: This notice withdraws a proposed amendment to the public charge regulations (§ 42.91(a)(15)(v)) applicable to aliens applying for immigrant visas. It has been determined that the proposal should be withdrawn because of the pending recommendation of the General Accounting Office that the Congress enact legislation making the affidavit of support legally binding on the sponsor.

FOR FURTHER INFORMATION CONTACT:

Gerald M. Brown, Bureau of Consular Affairs, Visa Office, Department of State, 515 22nd Street NW., Washington, D.C. 20520, phone 202-632-1983.

SUPPLEMENTARY INFORMATION: On September 7, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 37591) proposing an amendment to the regulations relative to the processing of immigrant visas for aliens relying on as-

surances of financial support by others to establish their eligibility for a visa under section 212(a)(15) of the Immigration and Nationality Act of 1952, as amended. It was essentially proposed that an alien in these circumstances would need to obtain sponsorship by a person who had signed a contractual agreement which would legally bind the sponsor to repay to any Federal, State, or local governmental agency any governmental assistance money provided to the sponsored alien, other than payments made to the alien under a program supplementary in nature, within five years after the alien's entry into the United States as an immigrant. The original closing date for comments was October 15, 1976, but in response to several requests, a Notice published on October 15, 1976 (41 FR 45571) extended the closing date for comments to December 1, 1976.

All comments received relative to this docket are available for public inspection in Room 819 of the Visa Office, SA-2, 515 22nd Street NW., Washington, D.C. Of the 67 comments received, 15 were in support of the proposal.

The comments in opposition to the proposal can be grouped into three main categories: First, twenty-seven persons responding in opposition to the proposal expressed the view that its adoption would have a severe adverse impact on the family reunification concepts inherent in the immigration laws because only families of substantial wealth would be able to sponsor an alien member of the family in such an open-ended manner; Second, eighteen writers commented that the proposal was objectionable because it would impose unlimited obligations on a sponsor in some situations involving unforeseen circumstances developing after the alien's arrival in the United States; and, Third, nine letters in opposition to the proposal contained assertions that the Department had no statutory authority to require such contractually binding agreements of a sponsor as a condition precedent to the issuance of an immigrant visa. Several of the writers within this third category urged that the limit of the legislative intent in this area was expressed through the enactment of section 213 of the Immigration and Nationality Act which provides that an alien excludable because he is likely to become a public charge may nevertheless be admitted in the discretion of the Attorney General upon the giving of a suitable and proper bond or undertaking.

A modification of the proposal might have been possible with regard to the objections within the first two categories. A recent reevaluation has been made of the objections within the third category in the light of a

General Accounting Office Final Report: "Number of Newly Arrived Aliens Who Receive Supplemental Security Income Needs to be Reduced" HRD-78-50, dated February 22, 1978. Included within that Report is a recommendation to the Congress that legislation be enacted to make the affidavit of support, now used to sponsor an alien for immigration, legally binding on the sponsor. This recommendation is consistent with the arguments made by opponents of the proposal within the third category, i.e., that the Department has not authority to impose contractual requirements on sponsors of immigrating aliens by regulation.

For the reasons stated, the September 7, 1976 notice of proposed rule-making is withdrawn.
(Sec. 104 of the Act of June 27, 1952, as amended (66 Stat. 174, 8 U.S.C. 1104).)

Dated: May 3, 1978.

For the Secretary of State.

BARBARA M. WATSON,
Assistant Secretary for
Consular Affairs.

[FR Doc. 78-15627 Filed 6-5-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-4183]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the City of Solomon, Dickinson County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Solomon, Dickinson County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Of-

fices, Solomon, Kans. Send comments to: The Hon. Cris Ladner, Mayor, city of Solomon, City Offices, Solomon, Kans. 67480.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Solomon, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Smoky Hill River ..	At southeastern corner of corporate limit.	1.167
	At County Highway	1.188
Solomon River	At intersection of Poplar and 1st Sts. near southern corporate limits.	1.171
Solomon River tributary.	At confluence of Solomon River.	1.171
	200 ft downstream of Union Pacific RR. bridge.	1.171
	Upstream side of Union Pacific RR. bridge.	1.174
	275 ft upstream of 6th St.	1.175
	7th St. and northern corporate limit.	1.177

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's

delegation of authority to Federal Insurance Administrator, 43 FR 7719).

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14370 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4184]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the Town of Norton, Bristol County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Norton, Bristol County, Mass. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Offices, Norton, Mass. Send comments to: Mr. Paul G. Rich, Chairman, Board of Selectmen, Town Offices, 10 Taunton Avenue, Norton, Mass. 02766.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Norton, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a).

These elevations, together with the flood plain management measures re-

quired by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wading River	At confluence with Rumfold River.	81
	350 ft upstream of Route 140.	68
	1,200 ft upstream of Route 140.	70
	3,850 ft upstream of Route 140.	72
	3,350 ft downstream of Barrows St.	82
	Just upstream of Barrows St.	86
	Just upstream of Dam No. 1 (650 ft upstream of Barrows St.).	92
	2,200 ft downstream of West Main St.	93
	Just upstream of West Main St.	97
	Just upstream of Walker St.	104
	2,100 ft downstream of Richardson St.	105
	Just upstream of Richardson St.	110
Rumfold River	2,900 ft upstream of confluence with Wading River.	63
	2,250 ft downstream of Pine St.	67
	Just upstream of Pine St.	73
	Just upstream of Route 123.	74
	Just upstream of Cross St.	84
	Just upstream of dam (250 ft upstream of Cross St.).	89
	Downstream of Reservoir Ave.	93
Canoe River	900 ft upstream of Winnecunnet Pond.	87
	At Plain St.	69
	3,500 ft upstream of Plain St.	70
	Just upstream of Route 123.	77
	3,000 ft upstream of Route 123.	83
	7,500 ft upstream of Route 123.	85

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14371 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4185]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the Town of West Newbury, Essex County,
Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of West Newbury, Essex County, Mass. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comments will be ninety (90) days following the second publication of this proposed rule in newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Selectmen's Office, West Newbury Town Hall, 419 Main Street, West Newbury, Mass. Send comments to: Mr. Stephen Burke, Chairman, Board of Selectmen, Town of West Newbury, Town Hall, 419 Main Street, West Newbury, Mass. 01985.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-425-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of West Newbury, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Artichoke River Reservoir.	Confluence with Merrimack River.	13
	Rogers St.	14
North Tributary Brook.	At confluence with Artichoke River Reservoir.	14
	Upstream of Pikes' Bridge Rd.	21
	30 ft upstream of Garden St.	38
	270 ft upstream of Garden St.	43
	3,225 ft upstream of Garden St.	50
	5,865 ft upstream of Garden St.	50
Beaver Brook	At Middle St.	70
	Confluence with Beaver Brook Tributary.	70
	Upstream of Georgetown Rd.	79
	3,220 ft upstream of Tewksbury Rd.	87
	4,250 ft upstream of Tewksbury Rd.	94
Merrimack River	Confluence with Artichoke River.	13
	At Rocks Bridge	16
	At south corporate limit of upstream end.	18

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128) and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14372 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4186]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Wilbraham, Hampden County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Wilbraham, Hampden County, Mass. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, Wilbraham, Mass. Send comments to: Mr. William E. Leonard, Chairman, Board of Selectmen, Town of Wilbraham, Town Hall, 240 Springfield Street, Wilbraham, Mass. 01905.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Wilbraham, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more

stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Chicopee River.....	Just downstream of Western Massachusetts Electric Co. Dam.	194
	Just upstream of Western Massachusetts Electric Co. Dam.	214
	Penn Central RR. bridge.	216
	Greene Town Bridge.....	225
	Route 1-90.....	235
	Red Bridge Rd.....	241
	Just downstream of Red Bridge Dam.	244
	Just upstream of Red Bridge Dam.	284
North Branch Mill River.	Western corporate limits.	223
	Springfield St. Bridge.....	231
	Stony Hill Rd. Bridge.....	238
	Springfield St. Culvert....	248
	0.25 mile downstream of North Main St. Culvert.	260
South Branch Mill River.	North Main St. Culvert..	277
	Footbridge, 600 ft downstream of Stony Hill Rd.	229
Sawmill Brook.....	Stony Hill Rd. Bridge.....	231
	Oakland St. Bridge.....	234
	1500 ft upstream of confluence with South Branch Mill River.	233
Tributary A.....	Soule Rd. Culvert.....	246
	Penn Central RR. Culvert.	224
	Route 20 Culvert.....	235
Ninemile Pond.....	Entire length.....	246
Tributary C.....	Confluence with North Branch Mill River.	239
	2600 ft upstream of confluence with North Branch Mill River.	252
	At Culvert 0.9 mile upstream of confluence with North Branch Mill River.	269
	At footbridge, 1.4 mile upstream of confluence with North Branch Mill River.	275

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14373 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI 4187]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Cardwell, Dunklin County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Cardwell, Dunklin County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Cardwell, Mo. Send comments to: Mr. Gover Stewart, Building Inspector, City of Cardwell, Box 101, Cardwell, Mo. 63829.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Cardwell, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

These elevations, together with the flood plain management measures required by 1910.3 of the program regu-

lations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevations in feet, national geodetic vertical datum
Kinnemore Slough Ditch.	65 ft North of Route 25..	245
	Just North of Pool St.....	245
	Just North of St. Louis Southwestern Ry.	246
	At northern corporate limits.	246

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14388 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI 4188]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Bedford, Hillsborough County, N.H.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Bedford, Hillsborough County, N.H. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the

second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Building Inspector's Office, Bedford, N.H. Send comments to: Mr. Aubrey Robinson, Chairman, Board of Selectmen, Town Office, Bedford, N.H. 03842.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Bedford, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Merrimack River...	At south corporate limits with Merrimack.	125
	Just upstream of Boston & Maine RR.	127
	Confluence of Bowman Brook.	129
	Just downstream of north corporate limit with Manchester.	133
Baboosic Brook.....	Just upstream of Parkhurst and Woodward Rd.	218
	1,625 ft upstream of Parkhurst and Woodward Rd.	219

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	At south corporate limit with Merrimack.	223
	At corporate limit with Merrimack (just upstream of dam).	233
	475 ft upstream of Pulpit Brook.	233
	750 ft upstream of Pulpit Brook.	234
	At corporate limit with Amherst.	235
Pointer Club Brook.	Confluence with Merrimack River.	125
	240 ft upstream of Boston & Maine RR.	125
	1,140 ft upstream of Boston & Maine RR.	142
	Just downstream of South river Rd.	150
	Just upstream of South River Rd.	155
	Just downstream of U.S. Route 3.	156
	Just upstream of U.S. Route 3.	161
	740 ft upstream of U.S. Route 3.	161
	1,270 ft upstream of U.S. Route 3.	169
	2,620 ft upstream of U.S. Route 3.	187
	1,110 ft downstream of Back River Rd.	200
	100 ft downstream of Back River Rd.	206
	Just downstream of Back River Rd.	214
Tloga River.....	At confluence with Merrimack River.	128
	200 ft upstream of the confluence with Merrimack River.	128
	570 ft upstream of the confluence with Merrimack River.	145
	1,690 ft upstream of the confluence with Merrimack River.	148
	2,133 ft upstream of the confluence with Merrimack River.	156
	Just downstream of dirt road (500 ft downstream of Everett Turnpike).	159
	Just downstream of Everett Turnpike.	161
	Just upstream of Everett Turnpike.	169
	1,055 ft downstream of State Route 3 bridge.	177
	105 ft upstream of State Route 3 bridge.	196
	1,055 ft upstream of State Route 3 bridge.	196
	Just upstream of the foot bridge at golf course (1,370 ft downstream from Patten Rd.).	203
	Just upstream of a dirt road (765 ft downstream from Patten Rd.).	206
	Just downstream of Patten Rd.	211
	Just upstream of Patten Rd.	211
	Just downstream of John Goffe Rd.	211
	Just upstream of John Goffe Rd.	216
Bowman Brook.....	At confluence with Merrimack River.	129
	475 ft upstream of Everett Turnpike.	129

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Just downstream of dam, 440 ft upstream of covered footbridge.	135
	Just downstream of Sheraton Wayfarer Bldg.	145
	Just upstream of South River Rd.	150
	Just upstream of dam, upstream of South River Rd.	157
	Just downstream of State Route 101 (south crossing).	163
	1,325 ft upstream of State Route 101 (south crossing).	175
	Just downstream of State Route 101 and Boynton St. Culvert.	195
	Just upstream of St 101 and Boynton St. Culvert.	207
	Just downstream of Old Bedford Rd.	219
	Just upstream of Old Bedford Rd.	230
	900 ft upstream of Old Bedford Rd.	230
	105 ft downstream of Donald St.	235
	Just upstream of Donald St.	248
	Just downstream of State Route 114.	249
	Just upstream of State Route 114.	250
Riddle Brook	At south corporate limit with Merrimack.	178
	Just downstream of Meadow Rd.	183
	Just upstream of abandoned railroad bridge (downstream of Nashua Rd.).	184
	1,637 ft downstream of Nashua Rd.	185
	Just downstream of Nashua Rd.	202
	Just upstream of Nashua Rd.	211
	2,900 ft upstream of Nashua Rd.	214
	Just downstream of county road west.	226
	130 ft upstream of county road west.	229
	Just upstream of Bedford Center Rd.	235
	Just upstream of Wallace Rd.	251
	Just upstream of Amherst Rd.	264
	2,000 ft upstream of Amherst Rd.	266
McQuade Brook	At south corporate limit with Merrimack.	179
	800 ft downstream of Jenkins Rd.	182
	700 ft downstream of Jenkins Rd.	187
	340 ft downstream of Jenkins Rd.	189
	Just upstream of Jenkins Rd.	217
	4,860 ft upstream of Jenkins Rd.	217
	1,450 ft downstream of Beal Rd.	223
	975 ft downstream of Beal Rd.	241
	Just downstream of Beal Rd.	255
	Just upstream of Beal Rd.	258
	80 ft downstream of State Route 101.	271

FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978

more, Chairman, Board of Selectmen, P.O. Box 402, Hollis, N.H. 03049.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Hollis, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4 (a)).

These elevations, together with the flood plain management measures required by §1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Nashua River	At eastern corporate limit.	167
	Just downstream of Runnels Rd.	173
	Just upstream of Runnels Rd.	175
	At southern corporate limit.	177
Nissitissit River	do.	209
	Just downstream of Brookline Rd.	215
	At western corporate limit.	219
Witches Brook	At corporate limit with Merrimack.	191
	Just downstream of South Merrimack Rd.	191
	Just upstream of South Merrimack Rd.	192
	3,390 ft upstream of South Merrimack Rd.	193
	2,429 ft downstream of Ames Rd.	200
	At New Hampshire Route 122.	215

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14374 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI 4189]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Town of Hollis, Hillsborough County, N.H.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Hollis, Hillsborough County, N. H. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Board of Selectmen's Office, Hollis, N.H. Send comments to: Mr. Frank Whitte-

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14375 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4190]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Village of Lordstown, Trumbull County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the village of Lordstown, Trumbull County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Village Administration Office, Village of Lordstown, 1455 Salt Springs Road SW., Warren, Ohio 44481. Send comments to: Mayor Carl Underwood, Village Administration Office, Village of Lordstown, 1455 Salt Springs Road SW., Warren, Ohio 44481.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

gives notice of the proposed determinations of base (100-year) flood elevations for the village of Lordstown, Trumbull County, Ohio, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and CFR 1917.4(a).

These elevations, together with the flood plain management measures required by §1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Duck Creek	Just upstream of Hewitt-Gifford Rd.	896
Mud Creek	Just upstream eastern corporate limit.	873
	Just upstream Carson-Salt Spring Rd.	880
	Just upstream Sootown Rd.	919
	Just downstream State Road 45.	958

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14376 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4191]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Aumsville, Marion County, Ore.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Aumsville, Marion County, Ore. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Aumsville, Ore. Send comments to: Mayor Joel F. Mathias, City of Aumsville, City Hall, P.O. Box 227, Aumsville, Ore. 97325.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Aumsville, Ore., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by §1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

FEDERAL REGISTER, VOL. 43, NO. 109—TUESDAY, JUNE 6, 1978

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Beaver Creek	Southern Pacific RR	351
Mill Creek	Mill Creek Rd.	347
	South 8th St (upstream side).	356
	Southern Pacific RR	362

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14377 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4192]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Idanha, Marion County, Ore.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Idanha, Marion County, Ore. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Idanha, Ore. Send comments to: Mayor Dallas Benton, City of Idanha, City Hall, P.O. Box 396, Idanha, Ore. 97350.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Idanha, Ore. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Santiam River.	Blowout St. (downstream side).	1,584
	Blowout St. (upstream side).	1,588
	Church St.	1,703

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14378 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4193]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Jefferson, Marion County, Ore.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the pro-

posed base (100-year) flood elevations listed below for selected locations in the city of Jefferson, Marion County, Ore. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Jefferson, Ore. Send comments to: Mr. Leonard Cardwell, City Manager, City of Jefferson, City Hall, P.O. Box 83, Jefferson, Ore. 97352.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Jefferson, Ore., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Santiam River.	Southern Pacific RR. (upstream side).	223
	Jefferson Highway (downstream side).	220

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14379 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4194]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Mill City, Marion County, Ore.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Mill City, Marion County, Ore. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Mill City, Ore. Send comments to: Mayor Clyde Bates, City of Mill City, City Hall, P.O. Box 256, Mill City, Ore. 97360.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

gives notice of the proposed determinations of base (100-year) flood elevations for the city of Mill City, Ore., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Santiam River.	Southern Pacific RR. (downstream side).	802
	1st Avenue Bridge (upstream side).	805

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14380 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4195]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Scotts Mills, Marion County, Ore.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in

the city of Scotts Mills, Marion County, Ore. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Scotts Mills, Ore. Send comments to: Mayor Virgil Hicks, City of Scotts Mills, City Hall, Scotts Mills, Ore. 97375.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Scotts Mills, Ore., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Butte Creek	3d St.....	409

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14381 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4196]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the city of Silverton, Marion County, Ore.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or
comments are solicited on the pro-
posed base (100-year) flood elevations
listed below for selected locations in
the City of Silverton, Marion County,
Ore. These base (100-year) flood ele-
vations are the basis for the flood
plain management measures that the
community is required to either adopt
or show evidence of being already in
effect in order to qualify or remain
qualified for participation in the Na-
tional Flood Insurance Program (NFIP).

DATES: The period for comment will
be ninety (90) days following the
second publication of this proposed
rule in a newspaper of local circulation
in the above-named community.

ADDRESS: Maps and other informa-
tion showing the detailed outlines of
the flood-prone areas and the pro-
posed base (100-year) flood elevations
are available for review at City Hall,
306 South Water Street, Silverton,
Ore. Send comments to: Mr. Douglas
K. Robinson, City Manager, City of
Silverton, City Hall, 306 South Water
Street, Silverton, Ore. 97381.

FOR FURTHER INFORMATION
CONTACT:

Mr. Richard Krimm, Assistant Ad-
ministrator, Office of Flood Insur-
ance, Room 5270, 451 Seventh
Street, SW., Washington, D.C. 20410,
202-755-5581 or toll-free line 800-
424-8872.

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator

gives notice of the proposed determi-
nations of base (100-year) flood ele-
vations for the City of Silverton, Ore.,
in accordance with section 110 of the
Flood Disaster Protection Act of 1973
(Pub. L. 93-234), 87 Stat. 980, which
added section 1363 to the National
Flood Insurance Act of 1968 (Title
XIII of the Housing and Urban Devel-
opment Act of 1968 (Pub. L. 90-448)),
42 U.S.C. 4001-4128, and 24 CFR
1917.4(a).

These elevations, together with the
flood plain management measures re-
quired by § 1910.3 of the program reg-
ulations, are the minimum that are re-
quired. They should not be construed
to mean the community must change
any existing ordinances that are more
stringent in their flood plain manage-
ment requirements. The community
may at any time enact stricter require-
ments on its own, or pursuant to poli-
cies established by other Federal,
State, or regional entities. These pro-
posed elevations will also be used to
calculate the appropriate flood insur-
ance premium rates for new buildings
and their contents and for the second
layer of insurance on existing build-
ings and their contents.

The proposed base (100-year) flood
elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Silver Creek	South James St.*	228
	Westfield St.	231
	Main St.*	239
	Central Street.**	264
	.....do.*	267
	Private drive	301

*Upstream side.
**Downstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14382 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4197]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the City of Stayton, Marion County, Ore.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or
comments are solicited on the pro-
posed base (100-year) flood elevations
listed below for selected locations in
the city of Stayton, Marion County,
Ore. These base (100-year) flood ele-
vations are the basis for the flood
plain management measures that the
community is required to either adopt
or show evidence of being already in
effect in order to qualify or remain
qualified for participation in the Na-
tional Flood Insurance Program (NFIP).

DATES: The period for comment will
be ninety (90) days following the
second publication of this proposed
rule in a newspaper of local circulation
in the above-named community.

ADDRESSES: Maps and other infor-
mation showing the detailed outlines
of the flood-prone areas and the pro-
posed base (100-year) flood elevations
are available for review at City Hall,
362 North 3rd Avenue, Stayton, Ore.
Send comments to: Mayor Wayne L.
Lierman, City of Stayton, City Hall,
362 North 3rd Avenue, Stayton, Ore.
97383.

FOR FURTHER INFORMATION
CONTACT:

Mr. Richard Krimm, Assistant Ad-
ministrator, Office of Flood Insur-
ance, Room 5270, 451 Seventh Street
SW., Washington, D.C. 20410, 202-
755-5581 or toll-free line 800-424-
8872.

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator
gives notice of the proposed determi-
nations of base (100-year) flood ele-
vations for the city of Stayton, Ore., in
accordance with section 110 of the
Flood Disaster Protection Act of 1973
(Pub. L. 93-234), 87 Stat. 980, which
added section 1363 to the National
Flood Insurance Act of 1968 (Title
XIII of the Housing and Urban Devel-
opment Act of 1968 (Pub. L. 90-448)),
42 U.S.C. 4001-4128, and 24 CFR
1917.4(a).

These elevations, together with the
flood plain management measures re-
quired by § 1910.3 of the program reg-
ulations, are the minimum that are re-
quired. They should not be construed
to mean the community must change
any existing ordinances that are more
stringent in their flood plain manage-
ment requirements. The community
may at any time enact stricter require-
ments on its own, or pursuant to poli-
cies established by other Federal,
State, or regional entities. These pro-
posed elevations will also be used to
calculate the appropriate flood insur-
ance premium rates for new buildings
and their contents and for the second
layer of insurance on existing build-
ings and their contents.

The proposed base (100-year) flood
elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Santiam River	1st Ave. (upstream side)	440
Mill Creek	Corporate limits (downstream crossing)	435
	Corporate limits (upstream crossing)	438

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14383 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4198]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
City of Woodburn, Marion County, Ore.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or
comments are solicited on the pro-
posed base (100-year) flood elevations
listed below for selected locations in
the city of Woodburn, Marion County,
Ore. These base (100-year) flood ele-
vations are the basis for the flood
plain management measures that the
community is required to either adopt
or show evidence of being already in
effect in order to qualify or remain
qualified for participation in the Na-
tional Flood Insurance Program (NFIP).

DATES: The period for comment will
be ninety (90) days following the
second publication of this proposed
rule in a newspaper of local circulation
in the above-named community.

ADDRESSES: Maps and other infor-
mation showing the detailed outlines
of the flood-prone areas and the pro-
posed base (100-year) flood elevations
are available for review at City Hall,
270 Montgomery Street, Woodburn,
Ore. Send comments to: Mr. Max L.
Pope, City Administrator, City of
Woodburn, City Hall, 270 Montgomery
Street, Woodburn, Ore. 97071.

FOR FURTHER INFORMATION
CONTACT:

Mr. Richard Krimm, Assistant Ad-
ministrator, Office of Flood Insur-
ance, Room 5270, 451 Seventh Street
SW., Washington, D.C. 20410, 202-

755-5581 or toll-free line 800-424-
8872.

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator
gives notice of the proposed determi-
nations of base (100-year) flood ele-
vations for the city of Woodburn, Ore.,
in accordance with section 110 of the
Flood Disaster Protection Act of 1973
(Pub. L. 93-234), 87 Stat. 980, which
added section 1363 to the National
Flood Insurance Act of 1968 (Title
XIII of the Housing and Urban Devel-
opment Act of 1968 (Pub. L. 90-448)),
42 U.S.C. 4001-4128, and 24 CFR
1917.4(a).

These elevations, together with the
flood plain management measures re-
quired by § 1910.3 of the program reg-
ulations, are the minimum that are re-
quired. They should not be construed
to mean the community must change
any existing ordinances that are more
stringent in their flood plain manage-
ment requirements. The community
may at any time enact stricter require-
ments on its own, or pursuant to poli-
cies established by other Federal,
State, or regional entities. These pro-
posed elevations will also be used to
calculate the appropriate flood insur-
ance premium rates for new buildings
and their contents and for the second
layer of insurance on existing build-
ings and their contents.

The proposed base (100-year) flood
elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Senecal Creek	Antioch Rd.*	167
Mill Creek	Silverton Highway	154
	Hardcastle Ave.**	156
	Hardcastle Ave.*	166
	Lincoln St.**	166
	Young St.**	168
	Stark St.*	169
	Wilson St.**	169
	Wilson St.*	171

*Upstream side.
**Downstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14384 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4199]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the City of Tullahoma, Coffee County, Tenn.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or
comments are solicited on the pro-
posed base (100-year) flood elevations
listed below for selected locations in
the city of Tullahoma, Coffee County,
Tenn. These base (100-year) flood ele-
vations are the basis for the flood
plain management measures that the
community is required to either adopt
or show evidence of being already in
effect in order to qualify or remain
qualified for participation in the Na-
tional Flood Insurance Program (NFIP).

DATE: The period for comment will
be ninety (90) days following the
second publication of this proposed
rule in a newspaper of local circulation
in the above-named community.

ADDRESS: Maps and other informa-
tion showing the detailed outlines of
the flood-prone areas and the pro-
posed base (100-year) flood elevations
are available for review at the City
Hall, Tullahoma, Tenn. Send com-
ments to: Hon. George Vibbert, Jr.,
Mayor of Tullahoma, P.O. Box 807,
Tullahoma, Tenn.

FOR FURTHER INFORMATION
CONTACT:

Mr. Richard Krimm, Assistant Ad-
ministrator, Office of Flood Insur-
ance, Room 5270, 451 Seventh Street
SW., Washington, D.C. 20410, 202-
755-5581 or toll-free line 800-424-
8872.

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator
gives notice of the proposed determi-
nations of base (100-year) flood ele-
vations for the city of Tullahoma, Coffee
County, Tenn. in accordance with sec-
tion 110 of the Flood Disaster Protec-
tion Act of 1973 (Pub. L. 93-234), 87
Stat. 980, which added section 1363 to
the National Flood Insurance Act of
1968 (Title XIII of the Housing and
Urban Development Act of 1968 (Pub.
L. 90-448)), 42 U.S.C. 4001-4128, and
24 CFR 1917.4(a).

These elevations, together with the
flood plain management measures re-
quired by § 1910.3 of the program reg-
ulations, are the minimum that are re-
quired. They should not be construed
to mean the community must change
any existing ordinances that are more
stringent in their flood plain manage-
ment requirements. The community

may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rock Creek	Rock Creek Rd.	999
	Clement Dr.	1,019
	Warren St.	1,023
	Lincoln St.	1,029
	Grundy St.	1,030
	Wilson Ave.	1,037
	Confluence with west and north fork of Rock Creek.	1,038
West Fork Rock Creek.	Confluence with Rock Creek.	1,038
	Ledford Mill Rd.	1,039
	Corporate limits	1,049
North Fork Rock Creek.	Confluence with Rock Creek.	1,038
	Old railroad fill.	1,052
	Old Airport Rd.	1,052
	Dike at 1.22 mi above mouth.	1,059
	Corporate limits	1,065
Bobo Creek	Confluence with east and west forks, Bobo Creek.	1,022
West Fork Bobo Creek.	Confluence with Bobo Creek.	1,022
	Lincoln St.	1,035
	Anderson St.	1,042
	Main St.	1,043
	Carroll St., Highway 55.	1,047
	Confluence of prong of West Bobo Creek.	1,052
East Fork Bobo Creek.	East Lincoln St.	1,032
	East Carroll St., Highway 55.	1,038
Prong of West Fork Bobo Creek.	L & N RR.	1,057

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14385 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-42001]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Sunset Valley, Travis County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Sunset Valley, Travis County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Clerk's Office, Sunset Valley City Hall, Austin, Tex. 78764. Send comments to: Mayor Underwood, P.O. Box 3316, Austin, Tex. 78764.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Sunset Valley, Travis County, Tex. In accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sunset Valley Branch.	Just upstream of Pillow Rd.	666
	Just upstream of Lone Oak Trail.	668
Williamson Creek.	Reese Rd. (extended).....	670
	Western corporate limits.	706
Dry fork branch of Williamson Creek.	Oakdale Dr. (extended).....	680

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc 78-14386 Filed 6-5-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4201]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Price, Carbon County, Utah

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Price, Carbon County, Utah. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Price, Utah. Send comments to: Mayor Walt Axlegard, City of Price, City Hall, Price, Utah 84501. Attention: Gary Tomsic, City Manager.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance,

Room 5270, 451 Seventh Street SW., Washington, D.C. 20210, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Price, Utah, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Price River	3d West St.	5,506
Meads Wash	Denver & Rio Grande Western RR.*	5,497
	4th South St.*	5,529
	1st North St.**	5,560
	.....do.*	5,563
	8th North St.*	5,637
	.....do.*	5,648

*Upstream side.
**Downstream side.

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4000-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14387 Filed 6-5-78; 8:45 am]

[3410-11]

DEPARTMENT OF AGRICULTURE
FOREST SERVICE

[41 CFR Part 4]

PUBLIC CONTRACTS, PROPERTY MANAGEMENT DEBARRED, SUSPENDED, AND INELIGIBLE BIDDERS

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: This is a proposal to revise the authority citation for 41 CFR subpart 4-1.6 and to revise 41 CFR 4-1.601-(a)(1) to amend the statutory cite for National Forest timber sales. The proposal makes no substantive change in the regulation, but revises the wording so that the regulation applies to timber sales made subsequent to the passage of the National Forest Management Act of 1976.

DATES: Comments must be received by July 6, 1978.

ADDRESS: Submit comments to: Chief John R. McGuire, Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013. All written submissions made pursuant to this notice will be available for public inspection in the Timber Management Staff, South Agriculture Building, Room 3207, Washington, D.C., during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Peter J. Wagner, Timber Management Staff, Forest Service, USDA, P.O. Box 2417, Washington, D.C. 20013, 202-447-4051.

SUPPLEMENTARY INFORMATION: This is a proposal to update the authority for appointing debarring officers for timber sales. When Congress passed the National Forest Management Act of 1976, it repealed existing authority for National Forest timber sales and substituted new authority. Thus, the statutory cite in the debarment regulation does not cover timber sales made subsequent to the passage of the above Act. The proposed wording corrects that deficiency. It is proposed to revise 41 CFR 4-1.601-1(a)(1) to read:

(1) Timber sales pursuant to 16 U.S.C. 476 and 16 U.S.C. 472a. It is proposed to add at the end of 41 CFR Subpart 4-1.6:

AUTHORITY: 16 U.S.C. 476, 16 U.S.C. 551, 16 U.S.C. 472(a).

M. RUPERT CUTLER,
Assistant Secretary for Conservation, Research, and Education.

JUNE 1, 1978.

[FR Doc. 78-15676 Filed 6-5-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 1600]

INVENTORY AND PLANNING

Intent to Propose Rulemaking, Extension of Comment Period

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to propose rulemaking, extension of comment period.

SUMMARY: By notice in the FEDERAL REGISTER of March 3, 1978 (43 FR 8814), the Department of the Interior published a notice of intent to propose rulemaking regarding inventory and planning procedures. Comments were requested through May 15, 1978. In order to give interested parties additional time to analyze and comment on the discussion paper, the comment period is hereby extended to July 3, 1978. Comments received by that date will be considered before any final action is taken on a proposed rulemaking on inventory and planning.

DATES: Written comments by July 3, 1978.

ADDRESS: Send comments to: Director (210), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240. Comments will be available for public review in Room 5555 of the above address from 7:45 a.m. to 4:15 p.m. on regular work days.

FOR FURTHER INFORMATION CONTACT:

Robert A. Jones, 202-343-5682.

Dated: June 1, 1978.

FRANK GREGG,
Director.

[FR Doc. 78-15546 Filed 6-5-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[Docket No. 78-111]

[46 CFR Chapter IV]

EXEMPTION OF CERTAIN COLLECTIVE BARGAINING AGREEMENTS

AGENCY: Federal Maritime Commission.

ACTION: Denial of request for enlargement of time.

SUMMARY: Request of counsel for Marine Engineers Beneficial Association for enlargement of time to file comments in response to the advance notice of proposed rulemaking in this proceeding (43 FR 17845; April 26, 1978) is denied. Impact of this proceeding on a wide range of collective

bargaining agreements requires early publication of proposed rules. Accordingly, no additional time for advance comments will be provided. Affected parties will be able to comment when proposed rule is published.

ADDRESSES: For further information contact:

Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, 202-523-5725.

SUPPLEMENTARY INFORMATION: None.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

(FR Doc 78-15669 Filed 6-5-78; 8:45 am)

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21352; FCC 78-323]

PUBLIC NOTICE OF INTENT TO SELL BROADCAST STATION

Report and Order

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: The FCC terminated an Inquiry into whether it would be desirable, as a means to increase minority ownership of broadcast stations, to require a station owner to give notice that its station is for sale at least 45 days before signing a contract to sell it. The Commission concluded that such a rule would be ineffective and could impose a serious burden on station owners.

EFFECTIVE DATE: Non-Applicable.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Carol P. Foelak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 17, 1978.

Released: May 26, 1978.

By the Commission:

1. We have before us our *Notice of Inquiry and Memorandum Opinion and Order*, 42 FR 41141 (August 15, 1977) concerning the above-captioned proceeding and the comments and reply comments filed in response to it. The parties which filed comments and reply comments are listed in the Appendix.

¹See also 42 FR 54435, October 6, 1977.

2. *Background.* The *Notice* was issued on the Commission's motion in response to concerns expressed at our Minority Ownership Conference, held April 25 and 26, 1977. Minority broadcasters and investors had complained that they do not learn that desirable broadcast properties are for sale until it is too late to offer to buy them. They stated that agreements for the sale of desirable stations are made privately, in a process in which they are unlikely to participate since minority investors are likely not to be socially or professionally close to those who already own broadcast stations. As a possible remedy to this problem we decided to consider the desirability of requiring a licensee to give notice that its station is for sale at least 45 days before signing a contract to sell it, so that those who are not part of the existing "establishment" could learn of opportunities to acquire stations. The thought was that such a notice requirement might enhance minority ownership opportunities without imposing a serious burden on sellers.

3. We suggested that any 45-day notice requirement to be adopted would need to be straightforward with uncomplicated exceptions.² In paragraphs 8 and 9 of the *Notice*, we set forth our assumptions and the questions we thought needed to be answered. Among other things, we asked comment on whether the burden on broadcasters would be greater than had earlier been contemplated and whether the additional waiting period resulting from the notice procedure would cause substantial economic or other difficulties in completing station sales. We also asked whether such a notice would actually reach minority investors, through the trade press or otherwise. Assuming that more minority investors learned of stations for sale from the notices, we asked whether this actually would lead to a greater number of minority purchases.

²We suggested a 45-day period, noting that too long a period would harm broadcasters since a station would be operating in an uncertain status for a long period. This could lead to lowered employee morale, the departure of employees and a decline in revenue. On the other hand, too short a period would mean that minority buyers would not have enough time to investigate the market and assemble the needed capital.

³We stated that the notice requirement would apply only to actual sales of stations and not apply in certain limited situations where the station was not really for sale—where a station was being transferred by gift, intestacy, or pursuant to the terms of a will or divorce or separation agreement or by exercise of an option not involving outsiders to purchase a controlling interest. It also would not apply to *pro forma* assignments and transfers, whether involuntary (due to death, bankruptcy, etc.) or voluntary (a transfer from one entity to another with the same or similar ownership).

4. Finally we noted that our involvement in any transactions subject to any notice requirement would be limited to ensuring that the seller published and filed proof of publication of the notice with its transfer or assignment application. In part this is because of the restriction contained in Section 310(d) of the Communications Act, 47 U.S.C. Section 310(d), which provides in pertinent part that in acting on a transfer or assignment application "the Commission may not consider whether the public interest . . . might be served by the transfer, assignment, or disposal of the permit or license to a person other than the proposed transferee or assignee."

5. *Comments favoring a notice requirement.* Several comments and letters were filed in support of the proposal. They all reiterated the view that a notice requirement would not be burdensome to broadcasters and might well do some good. Some offered suggestions which they thought would help make a notice requirement more effective. Howard University, licensee of WHUR-FM, urged the Commission and other government agencies to take other steps to encourage minority ownership. Consumer Protection Institute suggested that notice would be more likely to reach minority investors if published in a trade magazine of national circulation or in an FCC publication and suggested that a bidder be required to prove his good

⁴Congress added this language to Section 310 in 1952, because it wished to make sure that the Commission did not reinstate its former "Avco" rule. The Commission had announced the Avco rule in *Pozel Crosley, Jr.*, 11 FCC 1 (1945), stating that when a transfer or assignment application was filed, the Commission would give public notice and require the applicant to give public notice locally of the proposed sale and to invite others to apply for the facilities on the same contract terms. The Commission would hold the application for 60 days to allow competing applications to be filed. If no one filed another application, the original application would be considered on its merits. If others filed, all would be considered to determine which was the best qualified. If a competing applicant were preferred, the original transfer application would be denied and consent would be given to transfer to the preferred applicant if the parties made a contract and filed a new application within thirty days. The Commission followed this procedure, granting waivers in some instances, for a few years but abandoned it in 1949. Congress amended Section 310 to add the quoted language to make sure that the Commission did not reinstate the procedure. See S. Rept. No. 142, 82nd Cong. 1st Sess., 8-9 (1951). Several parties argued that even a notice requirement would violate the spirit if not the letter of section 310(d). However, we do not believe that such a violation would occur since our enforcement would be limited to ensuring that a seller published and filed proof of publication with its application.

faith by making a large deposit. The Kentucky State NAACP suggested that notifying NAACP branches, Urban League affiliates and OMBE offices of intended sales would help actually to get notice to minority buyers.

6. Unlike most stations which argued that notice could be harmful, Station KEZY, Anaheim, Calif., argued that it is impossible to keep a sale a secret, so public notice would do no harm. It stated that most stations are small so everyone knows what everyone else is doing and the employees know when a station is up for sale even if management does not think they do. It also stated that advertisers are concerned with a change in format or with audience loss, not with who owns the station. The proposal might even help station owners, it believes, since notice would reach totally new groups of investors, including minorities, and would likely result in higher prices for stations being sold.

7. *General comments opposed to a notice requirement.* Almost all of the opposition comments were filed by broadcasters, broadcasters' associations, and station brokers, and virtually all of these, including the few minority broadcasters who commented (except for WHUR-TV) challenged our basic assumptions. They argued that we were under a fundamental misapprehension as to how agreements for the sale of stations are made and were incorrect in assuming that the proposal would place only a minimal burden on broadcasters. They contended that a notice requirement would not lead to any increase in minority purchases, as in their view, the real problem is a lack of money, not a lack of notice. In addition, many had alternative suggestions both as to the problem of finances and as to informing minorities about station sales without imposing a burden on broadcasters. According to the filings, most station sales are arranged through brokers rather than through social or professional associates. Two brokers, Cecil L. Richards and Richard A. Shaheen, argued in effect that there is an inducement for brokers to find a minority buyer who, they believe, will receive surer and faster FCC approval.

8. Many parties noted that there are over 60 brokers listed in *Broadcasting Yearbook* and suggested that the best procedure for minority investors interested in broadcasting was to contact brokers. They also noted that some stations are advertised for sale in the trade press. Even though the station is described only in general terms, this does not prevent the prospective buyer from seeking more information if he is interested. Many parties noted that they had never heard of allegations of specific cases of racial discrimination by brokers, and two parties wondered whether the belief that this might be

true stemmed from experience in connection with the sale of residential real estate. They asserted that the situation is not analogous as, unlike housing, the seller of a station is not under pressure from neighbors or peers not to sell to a minority group. The owner's concern and that of the broker is merely to get the best deal. The point also was made that it is more difficult for minority buyers to finance station sales because there is no standard method, like the home mortgage, of financing these sales through banks and other institutions. In the case of stations, cash sales are infrequent (Chapman estimates that 80% of sales are financed by the seller's taking back a note), and whether the sale is financed by the seller or someone else, the key problem is one of adequate security for the loan arrangement. Since the typical sale price far exceeds the value of the physical assets, the creditor's security is how well the buyer can run the station.

9. We were also urged not to follow the approach taken in the equal employment opportunity field. There, we were told, it is appropriate, even helpful, to require that vacancies be posted as employers often hire someone recommended by a friend, associate, or employee or already known to him. Sales of stations are said to work quite differently with an emphasis on secrecy rather than contact with one's associates.

10. Finally, we are told, on many occasions the seller does not think of selling until approached with an offer too good to resist. One party reasoned that since almost anything is for sale at a high enough price, the letter, if not the spirit of a notice requirement would be met if all licensees periodically announced that their stations were for sale. This of course, would add to no one's knowledge of the availability of stations.

11. *Burden on sellers.* The parties argued that a notice requirement would create a burden on stations by causing a significant delay in the time it presently takes to sell a station. These parties contend that when a station is for sale, even where there is a mere rumor that it is for sale, the employees fear for their jobs. Those who can find jobs leave. Those who stay wonder if they will be fired by the new owner. Consequently, the parties assert, employee morale and performance suffer. In addition, they say that it would be almost impossible for the seller to replace those who leave, since the job would likely be temporary. Also, they argue that the fact a station is for sale can be used against the station by its competitors in their approaches to advertisers. Also, they believe that concern about the pending sale may make advertisers unwilling to agree to long-term contracts or per-

haps be unwilling to advertise on the station at all. In fact, several parties commented specifically on their loss of revenue during the period when their stations were being sold. One said his revenues dropped by half. Moreover, some sales contracts are said to contain provisions which enable buyers to back out if the station's performance falls off too badly. The parties argue that some of the same problems may already exist under present conditions but that these problems would be worsened if the sale cannot be kept secret until a contract has been signed. If confidentiality is maintained, then the buyer can meet with employees at once and explain his plans. Advertisers can also be reassured with specific information, not vague plans.

12. *Confidential financial information.* Broadcasters were very much concerned that they would be required to give out confidential financial information in negotiating with buyers, including such things as gross billings, accounts receivable, accounts payable, the salary of each employee, sales commissions, advertisers' lists, contracts, trade outs, taxes, bad debts, depreciation, and profits. Since any buyer can assert a need to this information in order to analyze the station and make a reasonable offer, they argue that the seller would be hard pressed to distinguish a bona fide buyer from someone acting on behalf of one of his competitors. These opponents contend that if the seller gives this information out to everyone who inquires, it will surely fall into the hands of his competitors, who can use it to their advantage and the seller's disadvantage. If the seller does not, he can be accused of acting in bad faith and would risk complaints to the FCC.

13. *Delay.* Some parties suggested that if another bid were made, the actual delay would exceed 45 days, as more time would be needed to negotiate with the new bidder. Even if no bid were made and the station was to be sold to the original bidder, that buyer would not want to waste money by conducting its ascertainment survey until the 45 day waiting period were over. Dow, Lohnes and Albertson commented that if the seller contemplated a sale by means of stock transfer, public notice of this might require a registration statement to be filed with the SEC and might run afoul of various state security laws.

14. *Would notice increase minority purchases?* Many parties insisted that a notice requirement would not increase minority purchases. They said that the real barrier to minority ownership is a lack of money and an inability to obtain loans due to lack of experience in broadcasting. They pointed out that the financial problem was given greater attention at the Minority Ownership Conference than

was lack of notice of station sales. Several parties argued that if notice did have any effect, it might result in bidding contests, which would raise the price of the station being sold and thus work to the disadvantage of minority purchasers. The notice requirement, they believe, would leave the real problem untouched. If a buyer does not have money, then notice would not do any good. If a buyer has money, then he would be sophisticated enough to use brokers and other means to find stations to purchase.

15. Many also questioned whether the notice would reach minority investors. They argued that local notice would be unlikely to reach anyone except the station's competitors. We indicated in our Notice, that we thought it likely that the local notice would be picked up by the trade press and given national circulation that way. However, the National Association of Broadcasters contacted *Broadcasting* magazine and other trade publications and found that they lack the facilities and the interest to publish news of station sale announcements. In any event, it was argued, notice would be more likely to reach those already in broadcasting than those wishing to enter it.

16. *Alternative methods suggested by parties.* Some parties suggested alternative methods for circulating information about stations for sale to minority buyers which would not involve a compulsory public announcement. The Colorado Broadcasters Association and Greater Media, Inc. suggested variously that trade associations, brokers, the FCC, or a group of minority broadcasters could maintain a list of minority potential buyers together with their price ranges, areas of interest, etc. and circulate this list among licensees to make known that it is available. Smith and Pepper suggested that the FCC should draw up a primer to be made available to minority organizations which would contain the names of brokers and other information concerning station acquisitions which would be useful to minority buyers.⁴

17. Some parties also made suggestions directed at the problem of financing minority purchases. These in-

⁴Spanish International Communications Corporation, which commented that it had rarely been approached by station brokers offering stations for sale and imagined that Black broadcasters would have had the same experience, stated that the burdens imposed by a 45 day notice requirement would be too great. It also suggested that minority groups be given a period of 30 days in which to make a better offer from the time an application had been accepted by the FCC. The minority buyer would then be given an additional 15 days to conclude a contract to the seller's satisfaction. However, such a procedure would be prohibited by section 310(b).

cluded financing through the Small Business Administration, a tax certificate proposal offered in a petition by the NAB, or a loan insurance program financed by the FCC. In the latter case, the argument was that if the risk were removed by the insurance, banks would not hesitate to grant loans to minority buyers.

18. *Conclusion.* After reviewing all of the comments and reexamining of our original proposal, we have decided not to adopt a rule requiring advance notice of sale. We believe that imposing a notice requirement would create problems without offering a meaningful remedy for prospective minority buyers. Although it is true that station sales are arranged with as much secrecy as possible, they are not arranged among social and professional associates of the seller but mainly through brokers and other means open to all buyers. The record supports the view that it is the financing, not notice, that is the most important barrier to minority ownership. Even if it could be found that a notice requirement would offer some benefit, we believe that it would come at the cost of imposing a significant burden on sellers. Inevitably it would introduce a significant delay, it could create problems through the necessity of giving confidential financial information to those who inquired about purchase and through the impact on station operation during the pre-sale period. The Commission supports the proposition that it is important to facilitate the growth in minority ownership, but the means chosen must be those which would be effective and would not be unduly burdensome. Unfortunately, this proposal does not meet either test, and it must therefore be denied.

19. We shall continue to examine other proposals which offer the promise of an effective response to this problem. For one thing, we believe that our EEO rules will result in an increase in the number of minority management level employees in broadcasting whose experience will qualify them for loans in the eyes of lenders.

20. Also, we have just commissioned a study of minority ownership of broadcast facilities which is directed at the problem of financing station acquisitions. It will include a survey of 20 institutions which lend to broadcasters to find out what they look for in granting or denying loans and, based on this, will develop a model financial proposal containing all the elements which the financial institutions want to know in deciding on a loan request. This model proposal would be useful to the minority investor wanting to make the best possible presentation in a loan request. The contract will also include an examination of the accuracy of the Arbitron and Pulse surveys of minority listening patterns.

This has a direct bearing on financing, since a financing proposal will usually include an estimate of the audience which the buyer expects to obtain. The final report by the contractor, C.C.G., Inc. of Cambridge, Mass., is due about September 1, 1978.

21. Finally, our Consumer Assistance Office and Industry Equal Employment Opportunity Unit will help minority buyers by maintaining a list of such prospective purchasers for anyone who inquires. We invite those who wish to be listed to furnish us with names, addresses, and phone numbers where any interested party can contact them.

22. Therefore it is ordered, That the above-captioned proposal is denied and the proceeding is terminated.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

APPENDIX

- Greater Media, Inc.
- Eastern Broadcasting Corp.
- Mallyck & Bernton on behalf of Harrison Corp.; Broadcast Management Corp.; and Broadcast Management of Florida, Ltd.
- Tri Cities Broadcasting; WFDF Corp.; Winnebago Television Corp.; WKRG-TV, Inc.; Argonaut Broadcasting Co.; Booneville Broadcasting Co.; Connecticut Television, Inc.; Central California Broadcasters, Inc.; E.O. Roden & Associates; Forward Communications Corp.; Futura Titanium Corp.; Group One Broadcasting Co. (and affiliates); Guaranty Broadcasting Corp.; Hercules Broadcasting Co.; John H. Phipps Broadcasting Stations, Inc.; KYAK, Inc.; Klamath Broadcasting Co.; Lee Broadcasting Corp.; May Broadcasting Co.; Plains Television Corp.; Retlaw Enterprises, Inc.; Southern Television Corp.; Summit Radio Corp.
- Thousand Islands Corp.
- Storer Broadcasting Co.
- National Radio Broadcasters Association.
- Smith & Pepper.
- Gilliam Communications, Inc.
- Michigan Association of Broadcasters.
- Consumer Protection Institute.
- TUNG Broadcasting Co.
- Chapman Associates.
- WSPY-FM, Plano, Ill.
- WILS-AM-FM, Lansing, Mich.
- KFFA, Greeley, Colo.
- Metroplex Communications, Inc.
- KPCR-AM-FM, Bowling Green, Mo.
- WLKE and WGGQ-FM, Waupun, Wis.
- Colorado Broadcasters Association.
- Sunbelt Communications.
- WGFT-AM, Youngstown, Ohio.
- Magruder Media Associates.
- Spanish International Communications Corp.
- Sanford Schafitz, licensee of WFAR-AM-FM; Farrell-Sharon and Sharpsville, Pa.
- North Carolina Association of Broadcasters.
- WVLC and WLOM-FM, Orleans, Mass.
- Herbert W. Hobler, Nassau Broadcasting Co., Princeton, N.J.
- Shreveport Broadcasting Co.
- Natural Broadcasting System.

- Howard University.
- Franklin Broadcasting Corp.
- WOXO-FM, Norway, Maine, WXIV, South Paris, Maine.
- KRBI-AM-FM, St. Peter-Le Sueur, Minn.
- KWPC; KFMH-FM, Muscatine, Iowa.
- Smith Communications, licensee of WFDC, Elizabethtown, Pa.
- Weitzman and Houser.
- WQRK, Norfolk and WOKT, Newport News, Va.
- Universal Broadcasting Corp.
- PrairieLand Broadcasting Co.
- WJER Radio, Inc.
- Missouri Broadcasters Association.
- Pennsylvania Association of Broadcasters.
- Nebraska Broadcasters Association.
- Cecil L. Richards.
- Summers Broadcasting, Inc. and William W. Summers, III.
- Richard A. Shaheen.
- National Association of Broadcasters (also filed reply comments).
- Leake TV, Inc.; Independent Music Broadcasters, Inc.; McCormick Communications, Inc.; and WJAG, Inc.
- American Broadcasting Cos.
- McCoy Broadcasting Co.
- Texas Coast Broadcasters.
- Haley, Bader & Potts.
- Felix H. Morales.
- Maryland-District of Columbia-Delaware Broadcasters Association, Inc.
- WBIA, Augusta, Ga.
- Mississippi Broadcasters Association.
- Rocky Mountain Broadcasters Association.
- Combined Communications Corp.; The Evening News Association; Gaylord Broadcasting Co.; Lee Enterprises, Inc.; RKO General, Inc.; Starr Broadcasting Group, Inc.; and WQOK, Inc.
- Heart O'Wisconsin Broadcasters and Mid America Audio-Video, Inc.
- Joseph Gamble Stations, Inc.; North Alabama Broadcasters, Inc.; Strafford Broadcasting Corp.; KEZY Radio, Inc.; Nationwide Communications Inc.; The Baltimore Radio Show, Inc.; and Sponderling Broadcasting Corp.
- Broad Street Communications Corp.; Brown County Broadcasting Co.; Clinch Valley Broadcasting Corp.; Cox Broadcasting Corp.; Daily Telegraph Printing Co.; Evening Post Publishing Co.; Gannett Co., Inc.; Gazette Printing Co.; Guy

Gannett Broadcasting Services; McClatchy Newspapers; Multimedia, Inc.; Newhouse Broadcasting Corp.; Palmer Broadcasting Co.; Plough Broadcasting Co., Inc.; Providence Journal Co.; Quincy Broadcasting Co.; Rusk Corp.; Southwestern Sales Corp.; Springfield Great Empire Broadcasting, Inc.; Stainless Broadcasting Co.; State Telecasting Co., Inc.; Truth Publishing Co., Inc.; Turner Broadcasting Corp.; United Television, Inc.; WHEC, Inc.; Wichita Great Empire Broadcasting, Inc.; WJAC, Inc. (these parties also filed reply comments).

- KOWH.
- Larry Mims.
- KEZY, Anaheim, Calif.
- Blackburn & Co.
- New Jersey Coalition for Fair Broadcasting.
- Kentucky State NAACP Conference of Branches.

Informal comments were filed by approximately 120 additional parties.

[FR Doc 78-15623 Filed 6-5-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-02]

DEPARTMENT OF AGRICULTURE

Agriculture Marketing Service

BARRETT LIVESTOCK MARKET, INC.
WETUMPKA, Alabama, et al.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards, Agriculture Marketing Service, United States Department of Agriculture, has information that the live-stock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

AL-162 Barrett Livestock Market, Inc., Wetumpka, Ala.
GA-185 South Georgia Horse Auction, Inc., Quitman, Ga.
IA-254 Producers Livestock Marketing Assn., Feeder Pigs, Creston, Iowa.
NY-157 Bast's Livestock Exchange, Watertown, N.Y.
WI-135 Laverne Hall and Sons Sale Barn Westby, Wis.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards, Agriculture Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, by June 21, 1978.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 31st day of May 1978.

EDWARD L. THOMPSON,
Chief Registrations, Bonds, and
Reports Branch Livestock
Marketing Division.

[FR Doc. 78-15564 Filed 6-5-78; 8:45 am]

[3410-34]

Animal and Plant Health Inspection Service

ADVISORY COMMITTEE ON FOREIGN ANIMAL DISEASES

Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of a meeting of the Secretary's Advisory Committee on Foreign Animal Diseases.

SUMMARY: The purpose of this document is to give notice of a meeting of the Secretary's Advisory Committee on Foreign Animal Diseases to review actions taken on recommendations made at the previous meeting of the Committee, to review foot-and-mouth disease (FMD) prevention, control, and eradication activities in Central and South America, and to discuss contingency plans for obtaining FMD vaccines in the event they are needed in the United States.

PLACE, DATE AND TIME OF MEETING: Rotary Room, Mitchell's Restaurant, 115 Front Street, Greenport, N.Y., June 27, 1978, at 8:15 a.m. to 4:45 p.m.

SUPPLEMENTARY INFORMATION: The purpose of the committee is to advise the Secretary of Agriculture regarding the program operations or measures to prevent, suppress, control, or eradicate an outbreak of FMD or other destructive foreign animal and poultry disease in the event such disease should enter this country.

The purpose of this meeting is to review actions taken on recommendations made at the previous meeting of the Committee, to review FMD prevention, control and eradication activities in Central and South America, and to discuss contingency plans for obtaining FMD vaccines in the event they are needed in the United States.

The meeting is open to the public. Written statements may be filed with the committee before or after the meeting. Any member of the public who wishes to file a statement or who has further questions may contact Dr. F. J. Mulhern, Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, Room 316 E, Washington, D.C. 20250, telephone number 202-447-3668.

Following the above meeting, members of the Secretary's Advisory Com-

mittee on Foreign Animal Diseases and the consultants to the Plum Island Animal Disease Center will visit the Center in connection with technical operations at that Center.

Because the Plum Island Animal Disease Center is engaged in work with diseases that are exotic to the livestock and poultry industries of the United States, for example, foot-and-mouth disease, rinderpest, African swine fever, African horsesickness, fowl plague, etc., only those people who are directly connected with the work performed at the Center and have a technical reason to go there will be permitted entry to the Plum Island Animal Disease Center. It is the full intent of the United States Department of Agriculture to prevent any possible spread of such diseases to the mainland of the United States. In this connection, strict biological safety measures are enforced, among which is the limitation of visitors to the island except for specific technical reasons. Except for members of the Advisory Committee and consultants, as specified, special arrangements to visit the island, following the subject meeting, must be made with Dr. J. J. Callis, Director, Plum Island Animal Disease Center, P.O. Box 848, Greenport, N.Y. 11944. Anyone who expects to visit the island, with special arrangements, must provide Dr. Callis with detailed technical reason(s) in writing justifying their need to visit Plum Island Animal Disease Center. All visitors to the island are required to sign an affidavit which states, in part, that they will not come in contact with domestic livestock, poultry, or susceptible wild animals, as well as areas where such animals are held, such as barns, stables, pastures, zoos, circuses, or any other areas inhabited by the above-mentioned animals for a minimum period of 3 days. For those who enter the laboratories this period is extended to 7 days.

Dated: May 31, 1978.

SAUL T. WILSON, Jr.,
Executive Secretary.

[FR Doc. 78-15514 Filed 6-5-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket No. 32061]

ST. LOUIS/KANSAS CITY-SAN DIEGO ROUTE PROCEEDING

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 11, 1978, at 10 a.m. (local time), in Room 1003, Hearing Room D, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report served on April 3, 1978, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 31, 1978.

HENRY M. SWITKAY,
Administrative Law Judge.

[FR Doc. 15634 Filed 6-5-78; 8:45 am]

[6325-01]

CIVIL SERVICE COMMISSION

ADMINISTRATIVE LAW JUDGE PROGRAM

AGENCY: Civil Service Commission.

ACTION: Proposal to modify the experience requirements for eligibility for the position of Administrative Law Judge, GS-935-15/16, established pursuant to 5 U.S.C. 3105.

SUMMARY: The purpose of this document is to give notice and to solicit the views of the public on proposals to broaden the recruiting base for the position of Administrative Law Judge.

COMMENT DATE: Any interested party may submit written comments regarding the proposals. To be considered, comments must be received on or before August 7, 1978.

ADDRESS: Address comments to the Director, Office of Administrative Law Judges, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415. Comments received will be available for public inspection at the above address between the hours of 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles J. Dullea, Office of Administrative Law Judges, 202-632-4604.

SUPPLEMENTARY INFORMATION:
BACKGROUND

Under current standards, as published in Examination Announcement

318, each applicant must be licensed to practice as an attorney and must have obtained legal experience of a certain length, type and level. At least seven years of qualifying experience are required. This experience may have been acquired in certain judicial positions, by involvement in formal hearings coming before governmental regulatory bodies, by preparing and trying (or hearing) cases in courts of original and unlimited jurisdiction, or any combination of the foregoing. The standards also require that a certain amount of experience satisfy a recency provision, i.e., at least two years of qualifying experience must have been acquired within seven years of the date of application. Further, a number of occupations are listed in the Announcement in which qualifying experience is not obtained (exempt).

RECENT STUDIES

In recent years a number of studies has been conducted of various phases of the Administrative Law Judge program. On the basis of these studies the Commission's staff has proposed certain changes in the examining program; the Commission's Advisory Committee has also suggested certain changes in the experience requirements for the position. Recommendations developed by the staff and those proposed by the Advisory Committee are as follows:

(a) reduce the length of qualifying experience required for eligibility at GS-15 from seven years to five years.

(b) broaden the definition of and accept as qualifying experience in certain occupations which are currently on the exempt list: (1) adjudicator; (2) arbitrator; (3) mediator; (4) teacher or professor; (5) hearing officer in informal proceedings; and (6) legal consultant, provided that such experience is fully comparable to significant aspects of trial, judicial or administrative experience of a high and exceptional quality level;

(c) broaden the definition of qualifying experience to include that of counsel representing the prosecution and the defense in general courts martial cases; and

(d) extend the recency period within which two years of qualifying experience must be obtained from seven years to ten years for eligibility at GS-16.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 78-15671 Filed 6-5-78; 8:45 am]

[6325-01]

ALLOWANCES AND DIFFERENTIALS

Cost of Living Allowance (COLA)-Nonforeign Areas Requirements of 205(b)(2) of E.O. 10,000

AGENCY: Civil Service Commission.

PURPOSE: Extension of time period for submitting comments on Civil Service Commission interpretation of requirements of Executive Order 10,000, as amended (3 CFR 792 (1943-48 Comp.)). Notice is hereby given that the Civil Service Commission has extended the time period for submitting comments from all interested parties on the interpretation it has given to the requirements of sec. 205(b)(2) of E.O. 10,000 regarding deductions from COLA because of access to commissary and exchange facilities or receipt of governmental housing benefits.

DATE: The deadline for receiving comments has been changed to July 11, 1978. This is a thirty day extension of the original deadline, as published in the FEDERAL REGISTER, May 12, 1978, Page 20524.

ADDRESS: Submit comments to: Office of Allowances and Special Rates, Pay Policy Division, Bureau of Policies and Standards, Room 3353, 1900 E Street NW., Washington, D.C. 20415.

UNITED STATES CIVIL SERVICE COMMISSION
JAMES C. SPRY,
Executive Assistant to,
the Commissioners.

[FR Doc. 78-15670 Filed 6-5-78; 8:45 am]

[6325-01]

DEPARTMENT OF AGRICULTURE, COMMUNITY SERVICES ADMINISTRATION, EXECUTIVE OFFICE OF THE PRESIDENT

Revocation of Authority to Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Departments below to fill by noncareer executive assignment in the excepted service the following positions:

Department of Agriculture—(1) Associate Administrator, Extension Service, Office of the Administrator, (2) Deputy Administrator, Rural Electrification Administration, Office of the Administrator.

Community Services Administration—General Counsel, Office of the General Counsel.

Executive Office of the President—Executive Director, Right of Privacy

Support Group, Office of Telecommunications Policy.

UNITED STATES CIVIL SERVICE COMMISSION.
JAMES C. SPRY,
Executive Assistant,
to the Commissioners.

[FR Doc. 78-15672 Filed 6-5-78; 8:45 am]

[6325-01]

DEPARTMENTS OF THE ARMY, COMMERCE, STATE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Revocation of Authority to Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Departments below to fill by noncareer executive assignment in the excepted service the following positions:

Department of the Army—Principal Deputy Assistant Secretary of the Army (Installations and Logistics), Office, Assistant Secretary of the Army (Installations and Logistics), Office, Secretary of the Army.

Department of Commerce—Deputy Assistant Secretary for Resources and Trade Assistance, Domestic and International Business Administration.

Department of State—Special Assistant to the Secretary, Office of the Secretary.

Equal Employment Opportunity Commission—(1) Executive Assistant to the Chair (Program and Policy), Office of the Chair. (2) Executive Assistant to the Chair (Legal), Office of the Chair.

UNITED STATES CIVIL SERVICE COMMISSION.
JAMES C. SPRY,
Executive Assistant,
to the Commissioners.

[FR Doc. 78-15673 Filed 6-5-78; 8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 7-78]

FOREIGN-TRADE ZONE AND TEMPORARY SUBZONE STATE OF NEW JERSEY

Application and Public Hearing

Notice is hereby given that the Department of Labor and Industry of the State of New Jersey, a public agency of the State, through its Office of International Trade, had submitted an application in two parts, requesting a grant of authority to establish a general-purpose foreign-trade zone in the township of Mt. Olive, Morris County, N.J., and a temporary subzone site in the township of Woodbridge, Middlesex County, N.J., both sites being adjacent to the Newark Customs port of

entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81), and the regulations of the Board (15 CFR part 400). It was formally filed on May 26, 1978. The applicant is authorized to make this proposal under section 12.13-1 of the New Jersey Statutes Annotated.

The general-purpose zone would cover 77 acres within the 650-acre Lakeland Industrial Park in the township of Mt. Olive, Morris County, which is owned and operated by the Lakeland Industrial Park, Inc. Initially, a 100,000 square foot warehouse facility will be constructed to serve zone tenants. The site is served by highway, with access to the Newark and Elizabeth seaports and the Newark International Airport.

The subzone portion of the application requests that a 50,000 square foot warehouse area at the Ronson, Inc., facility in the township of Woodbridge, Middlesex County, be designated as a temporary foreign-trade subzone for a period of 2 years. This facility has been requested so that Ronson can utilize zone procedures while a permanent facility is being constructed for Ronson within the general-purpose zone. It will be used for the testing, cleaning, and repackaging of imported lighters and parts for domestic and foreign sales.

The application contains economic data and information concerning the need for zone services in the Morris County area. Several firms have indicated their intention to use the zone for storage, processing, assembly, exhibition, and distribution activities. Among the initial zone users are firms involved in a variety of products, including: pharmaceuticals, electronic items, watches, lighters, textiles, farm machinery, and building materials.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report to the Board. The Committee consists of Hugh J. Dolan (Chairman), Office of the Secretary, U.S. Department of Commerce, 14th and E Streets NW., Washington, D.C. 20230; John Clinton, Chief (Inspection and Control Division), U.S. Customs Service, Newark Area, Airport International Plaza, Newark, N.J. 07114; and Colonel Clark H. Benn, District Engineer, U.S. Army Engineer, District New York, 26 Federal Plaza, New York, N.Y. 10007.

As part of its investigation of the proposal, the Examiners Committee will hold a public hearing on June 28, beginning at 9 a.m., in the Freeholders Meeting Room, 1st Floor, Morris County Administration Building, Ann Street, Morristown, N.J. The purpose of the hearing is to help inform interested persons about the proposal, to provide them with an opportunity for

comment, and to obtain information useful to the Examiners Committee.

Interested persons or their representatives are invited to present their views at the hearing. Such persons should, by June 21, notify the Board's Executive Secretary of their desire to be heard either in writing at the address below or by phoning 202-377-2862. In lieu of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the Examiners Committee, care of the Executive Secretary, at any time from the date of this notice through July 28, 1978. The submission of evidence is not desired during the port-hearing period unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented before or during the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Office of the Director, U.S. Department of Commerce District Office, Gateway I Building, Suite 402, Market Street and Penn Plaza, Newark, N.J. 07102.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886-B, 14th and E Streets NW., Washington, D.C. 20230.

Dated: May 31, 1978.

JOHN J. DA PONTE, Jr.,
Executive Secretary.

[FR Doc. 78-15617 Filed 6-5-78; 8:45 am]

[3510-25] [4310-10]

Office of the Secretary

DEPARTMENT OF THE INTERIOR

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Proposed Production Incentives Applicable to Calendar Year 1979 Allocation of Duty-Free Watch Quotas Among Producers Located in the Virgin Islands and Guam

AGENCY: Bureau of Trade Regulation, Industry and Trade Administration; Office of Territorial Affairs.

ACTION: Invitation for comments by interested parties on proposed production incentives applicable to calendar year 1979 allocations of duty-free watch quotas among producers located in the Virgin Islands and Guam.

SUMMARY: Pursuant to Pub. L. 89-805, the Departments of the Interior and Commerce (the Departments) share responsibility for the allocation of watch quotas among watch assembly firms in the insular possessions. For the 1979 allocations of quota in Guam and the Virgin Islands, the De-

partments are proposing to revise the allocation formula and to reserve a portion of the quotas in the two territories for allocation among firms making economic contributions above specified minimum levels as an additional incentive for all firms to engage in more meaningful watch and watch movement assembly operations in the insular possessions.

DATE: Written comments must be received not later than July 15, 1978. Comments should be filed in duplicate and addressed to: Statutory Import Programs Staff, Bureau of Trade Regulation, Room 6895, U.S. Department of Commerce, Washington, D.C. 20230. Following their evaluation of comments received, the Departments propose to publish the revised formula and the production incentive as early as possible but not later than August 31, 1978, in order to afford all producers ample opportunity to adjust their assembly operations to take advantage of the production incentives. The formula and production incentives will ultimately be incorporated in the 1979 watch quota allocation rules.

FOR ADDITIONAL INFORMATION CONTACT:

Mr. Richard M. Seppa, who can be reached by telephone on 202-377-2925.

SUPPLEMENTARY INFORMATION: In assigning the Departments joint responsibility for allocating the quotas on a fair and equitable basis, Pub. L. 89-805 authorized them "to issue such regulations as they determine necessary to carry out their duties." The legislative history of the Act contained in S. Rep. No. 1679, 79th Cong., 2d Sess. 8 (1966) suggests that the cost of labor involved in the assembly of a watch be taken into account by the Departments in allocating quota because the labor factor "is a measure of the economic contribution being made by the assembly process, and also is an indication of the degree of assembly work being performed in the islands." The Senate report further indicated that in administering the quota law the Departments "may also take into account whatever additional factors they find are warranted."

In enacting the quota the Congress explicitly intended to prevent the duty-free privilege from becoming "little more than a convenient device for funneling foreign watches into this country."

In adhering to the intent of the Congress and the purposes of General Headnote 3(a), Tariff Schedules of the United States (stimulation of the development of light industry), the Departments have since 1967 made quota allocations under formulae which have progressively emphasized labor contributions and, in recent years, corporate income tax payments to the territorial economies.

The Departments' commitment to maximizing the economic contributions to the territories through the exercise of their allocation authorities was reflected in the initial 1967 allocation (32 FR 11294 (1967)). Labor cost was characterized as "a single common denominator consisting of several factors which together reflect a meaningful contribution to the economy of the insular possessions. Furthermore, in making allocations in future years we expect to place increasing emphasis on those factors which foster greater economic contributions to the economies of the insular possessions."

The Senate Report noted that in 1966 "a major share" of the watch parts were already assembled at the time of import into the territories. By 1975, however, most quota firms were doing complete or near-complete assembly within the insular possessions. Between 1967 and 1975 wages per unit assembled in the insular watch industry rose 60 percent; however, since 1975 wages per unit assembled have fallen almost 16 percent. In 1973 the Virgin Islands watch assembly industry provided employment to almost 1,200 workers in the assembly of 4.7 million units; in 1977 the assembly of virtually the same number of units provided employment to 900 workers. The main reason for this reduction in the labor force and corresponding wage benefits to the territories has been the increased reliance since 1975 on largely preassembled movements requiring little local labor to complete.

The Departments accordingly are proposing to place a greater emphasis on the importance of engaging in increased assembly operations by reserving a portion of the 1979 quotas in Guam and the Virgin Islands for allocation to firms satisfying specified minimum standards pertaining to assembly and economic contribution. For similar reasons the Departments are proposing under the 1979 allocation formula to increase the weight given the wage factor and to reduce the weight given the shipments factor. In calculating the 1979 quotas the Departments propose also to give producers credit for the net gross receipts tax and excise tax payments to the territorial governments, because these taxes constitute direct benefits to the economies.

It is the Departments' judgment that these proposals will have the effect of encouraging more complete assembly while offering necessary operational flexibility to the territorial producers.

Commenting parties are encouraged to provide detailed reasons supporting their views.

TEXT OF THE PROPOSED PRODUCTION INCENTIVE

(a) That portion of the 1979 Virgin Islands quota equal to the ratio of gen-

eral headnote 3(a) shipments of watches and watch movements from the territory during 1978 to the total 1978 Virgin Islands quota will be allocated on the basis of: (1) The dollar amount of wages, up to a maximum of \$14,000 per person, paid by each producer during calendar year 1978 and attributable to each producer's headnote 3(a) watch and watch movement assembly operations; (2) the calendar year 1978 dollar amount, attributable to its headnote 3(a) watch and watch movement assembly operations, of (i) income taxes paid by each producer (excluding penalty payments and less income tax refunds and subsidies paid by the territorial government during calendar year 1978), and (ii) net gross receipts taxes and excise taxes paid to the territorial government; and (3) the number of units of watches and watch movements assembled in the territory and entered by such producer duty-free into the customs territory of the United States during calendar year 1978.

In making allocations under this formula, a weight of 20 percent will be assigned to the shipment factor, a weight of 20 percent will be assigned to the tax factor, and a weight of 60 percent will be assigned to the wage factor.

(b) The remaining portion of the 1979 Virgin Islands quota will be reserved for firms satisfying the minimum assembly and economic contribution standards set forth below. Eligible firms will be allocated quota from the "incentive reserve" in accordance with the same factors and weights governing allocations under section (a). Allocations will be made from the incentive reserve to firms which:

(1) Assembled at least 50 percent of all movements shipped during calendar year 1978 from unassembled movements having at least 26 discrete components; and

(2) Make direct economic contributions to the territory equalling either:

(i) \$0.75 in wages per unit shipped into the customs territory of the United States during 1978; or

(ii) \$1 or more in wages and net corporate income tax payments per unit shipped into the customs territory of the United States during 1978, provided that \$0.60 or more is attributable to wages.

(c) That portion of the 1979 Guam quota equal to 75 percent of the ratio of calendar year 1978 general headnote 3(a) shipments of watches and watch movements from the territory to the total 1978 Guam quota will be allocated to firms on the basis of the factors and weights set forth in section (a) above. Except as noted in section (d) below, the remaining portion of the 1979 Guam quota will be reserved for and allocated among firms satisfying the section (b) standards in

accordance with the section (a) quota factors and weights.

(d) Quota set aside for new entrants and quota allocable under section 303.5(a)(4) of the Watch Quota Rules (15 CFR 303; 42 FR 62907 (1977)) to any new firms selected in 1978 shall be subtracted from the total quota available for allocation in the two territories before allocations are made under sections (a) and (c) above.

(e) As used in this proposal. (1) "Wages per unit shipped" means wages paid during calendar year 1978 to permanent residents of the territories employed in the firm's headnote 3(a) watch and watch movement assembly operations, up to a maximum of \$14,000 per person, divided by the firms 1978 shipments of headnote 3(a) watches and watch movements. Excluded are wages paid to: (i) accountants, lawyers, or other professional personnel who may render special services to the firm; (ii) persons assembling nonheadnote 3(a) watch movements; (iii) persons casing headnote 3(a) movements in those instances in which the cases do not qualify for duty-free entry under headnote 3(a); and (iv) persons engaged in the repair of nonheadnote 3(a) watches or watch movements.

(2) "Discrete components" means screws, parts, components, and subassemblies not assembled onto the mainplate, a bridge or subassembly not assembled together with another part or component at the time of importation into the territory. (A mainplate containing set jewels or shock devices, together with any parts, components, or subassemblies fixed to it at the time of importation, would under this definition be considered a single component). Excluded, however, are dials; dial screws; dial washers; hour wheels; hands; automatic mechanisms and related parts; day-date or special feature devices and related parts; and jewels.

(f) Firms are required to develop and maintain accurate and sufficient records in the territories to permit the Departments to verify eligibility under the provisions set forth above. The provision of incorrect information to the Departments may, in addition to applicable criminal penalties, because for quota reduction or cancellation.

Dated: June 1, 1978.

STANLEY J. MARCUSS,
Deputy Assistant Secretary for
Trade Regulation, U.S. Department of Commerce.

RUTH G. VAN CLEVE,
Director, Office of Territorial Affairs,
U.S. Department of the Interior.

[FR Doc. 78-15684 Filed 6-5-78; 8:45 am]

[3910-01]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

MAY 25, 1978.

The meeting dates of the USAF Scientific Advisory Board Air Defense Subgroup of the Joint Scientific Advisory Board/Army Science Board Summer Study on Battlefield Systems Integration as published in the FEDERAL REGISTER, volume 43, No. 92, May 11, 1978, have been changed to June 15-16, 1978. All other information remains the same.

For further information contact the Scientific Advisory Board Secretariat at 202-697-8404.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc. 78-15548 Filed 6-5-78; 8:45 am]

[3810-70]

Office of the Secretary

DOD ADVISORY GROUP ON ELECTRON DEVICES

Advisory Committee Meeting

Working Group B (Mainly Low Power Devices) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session at SAMSO, 2400 East El Segundo Boulevard, Los Angeles, Calif. 90009 on June 29, 1978.

The purpose of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with tactical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include details of classified programs throughout.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Advisory Group meeting concerns matters listed in Section 552(b)(3) of Title 5 of the United States Code, specifically Subparagraph (1) thereof,

and that accordingly this meeting will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Office, Department of Defense.

JUNE 1, 1978.

[FR Doc. 78-15622 Filed 6-5-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

CONDUCT OF EMPLOYEES

Waiver Pursuant to Subsection 602(c) of the Department of Energy Organization Act (Pub. L. 95-91)

Subsection 602(c) of the Department of Energy Organization Act (Pub. L. 95-91, hereinafter referred to as the "Act") authorizes the Secretary of Energy to grant waivers from the divestiture requirements of subsection 602(a) of the Act to "supervisory employees" (as defined in subsection 601(a) of the Act) of the Department of Energy who have vested pension interests in "energy concerns" (as defined in subsection 601(b) of the Act).

It has been established to the Secretary's satisfaction that the vested pension interests of the individual "supervisory employees" of the Department of Energy whose names are listed below satisfy the requirements of subsection 602(c) of the Act. The Secretary of Energy has granted them waivers from the divestiture provisions of subsection 602(a) of the Act for the duration of their employment with the Department of Energy.

Name and Energy Concern

Beckjord, Eric S.—Westinghouse Electric Corp.
Bingham, Carleton D.—Rockwell International Corp.
Blake, F. Gilman—Standard Oil Co. of Calif.
Clarke, John F.—Union Carbide Corp.
Cunningham, George W.—Battelle Memorial Institute
D'Zmura, Andrew P.—Westinghouse Electric Corp.
Erb, Donald E.—Battelle Memorial Institute
Fields, Raymond H.—Westinghouse Electric Corp.
Pink, Lester H.—Philadelphia Electric Corp.
Flugum, Robert W.—Westinghouse Electric Corp.
Grace, J. Nelson—Westinghouse Electric Corp.
Guthrie, Hugh D.—Shell Oil Co.
Halpine, Paul A.—Westinghouse Electric Corp.
Hunter, James R.—Westinghouse Electric Corp.
Ingberman, Arthur K.—Union Carbide Corp.
Katz, Maurice J.—University of California
Klein, Kenneth W.—Cleveland Electric Illuminating Co.
Kuhlman, Carl W.—Douglas-United Nuclear Corp. (Now United Nuclear Industries)
Marvin, Henry H.—General Electric Co.

PROPOSED AGENDA

8:00 to 9:00 a.m.	Registration
9:00 a.m.	Opening remarks.
	MC: Regional Representative/DOE, the Governor, the Mayor, Secretary Schlesinger (or Solar Energy Policy Committee Member).
9:30 to 10:30 a.m.	Solar Energy Producers' Panel.
10:30 to 11:00 a.m.	Comments from floor.
11:00 to 12:00 p.m.	Consumers' Panel.
12:00 to 12:30 p.m.	Comments from floor.
12:30 to 1:30 p.m.	Lunch break.
1:30 to 3:30 p.m.	Scheduled testimony from key solar experts.
3:30 to 5:30 p.m.	Scheduled testimony from individual citizens.
5:30 to 7:30 p.m.	Dinner break.
7:30 to 8:30 p.m.	Scheduled testimony from key solar experts.
8:30 to 10:30 p.m.	Unscheduled testimony.

The public meetings will be held at the dates and places listed below. Each meeting will begin at 9 a.m. and end at 10:30 p.m. Meetings will terminate earlier if unscheduled testimony is completed before 10:30 p.m.

REGION I—JUNE 26—BOSTON

Faneuil Hall, Faneuil Hall Square, Boston, Mass. Contact: Roberta Walsh, 617-223-5257; 223-0504.

REGION II—JUNE 24—NEW YORK

Nichols Hall, New York University, 100 Trinity Place, New York, N.Y. Contact: Jane Delgado, 212-264-0129.

REGION III—JUNE 19—PHILADELPHIA

Mandell Theater, Drexel University, 3220 Chestnut St., Philadelphia, Pa. Contact: Curtis Morris, 215-597-3880; 3882; 3883.

REGION IV—JUNE 21—ATLANTA

Civic Center, 395 Piedmont Ave., NE, Atlanta, Ga. Contact: Roy Pettit, 404-881-2837.

REGION V—JUNE 26—CHICAGO

Illinois Institute of Technology, Hermann Hall, 3300 South Federal St., Chicago, Ill. Contact: Alan E. Smith, 312-972-2190.

REGION VI—JUNE 29—DALLAS

Baker Hotel, 1400 Commerce St., Dallas, Tex. Contact: Charles Pfeiffer, 214-749-7621.

REGION VIII—JUNE 28—KANSAS CITY

Granada Royale Homotel, 220 West 43rd Street, Kansas City, Mo. Contact: June Heard, 816-374-2061.

REGION VIII—JUNE 27—DENVER

Auraria Student Center, Room 330, 9th Street between Lawrence and Larimer, Denver, Colo. Contact: Glenn Blankenship, 303-234-2420.

REGION IX—JUNE 15 AND 16—LOS ANGELES

Los Angeles Convention Center, 1201 Figueroa Street, Los Angeles, Calif. 90015. CONTACT: BOB LAFFEL 415-556-7130.

REGION X—JUNE 12—SEATTLE

New Federal Building, Main Auditorium, 915 SECOND AVENUE, SEATTLE, WASH. CONTACT: JANET MARCAN, 206-442-7285.

All of the above meetings will begin at 9 a.m. and end at 10 p.m.

Mills, G. Alex—Air Products and Chemicals Corp.
Myers, Dale D.—Rockwell International Corp.
Neuwirth, Martin B.—Continental Oil Co.
Passman, Richard A.—General Electric Co.
Riley, Donald R.—General Electric Co.
Rossmessl, John R.—General Electric Co.
Scarborough, James M.—Rockwell International Corp.
Schriever, Richard L.—University of California
Weber, Clifford E.—General Electric Co.
Yaffee, Barry M.—TRW, Inc.
Yevick, John G.—Potomac Electric Power Co.

Each supervisory employee named above will be directed not to participate personally and substantially, as a Government employee, in any particular matter the outcome of which could have a direct and predictable effect on the energy concern in which he has a financial interest, unless the employee's supervisor and the counselor agree that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of the employee.

Dated: June 1, 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration.

[FR Doc. 78-15580 Filed 6-5-78; 8:45 am]

[3128-01]

SOLAR ENERGY POLICY

Regional Forums

AGENCY: Department of Energy.

ACTION: Notice of Public Meetings on Solar Energy Policy.

SUMMARY: The Department of Energy will hold a series of public meetings across the nation in response to the President's order of a domestic policy review on national solar strategy. The meetings will be held in the various DOE regions during the month of June.

FOR FURTHER INFORMATION CONTACT:

Karl Conrad, Office of Consumer Affairs, Department of Energy, 12th and Pennsylvania Ave., NW., Washington, D.C. 20461, 202-566-9029.

SUPPLEMENTARY INFORMATION: The President has ordered Cabinet departments and agencies to begin work on a Solar Policy Review in development of a national solar strategy. This review will be headed by the Secretary of Energy.

The overall purpose of the Solar Policy Review is to provide:

(1) A sound analysis of the contribution which solar energy can make to U.S. and international energy demand, both in the short and in the longer term;

(2) A thorough review of the current Federal solar programs to determine whether they, taken as a whole, represent an optimal program for bringing solar technologies into widespread commercial use on an accelerated timetable; and

(3) Recommendations for an overall solar strategy to pull together Federal, State, and private efforts to accelerate the use of solar technologies.

The specific areas to be included in the Solar Policy Review are:

(1) An examination of each of the major areas of solar energy use (industry, building, agriculture and transportation) and each solar technology (heating and cooling, thermal electric, intermediate temperature systems, photovoltaics, biomass, wind, hydropower and ocean thermal) to determine technical or scientific needs relating to their commercial use, both short and long term;

(2) A review of current Federal research, development and demonstration programs for solar technologies to determine whether they are structured appropriately to address the priorities and needs identified in area (1);

(3) Identification of the institutional, economic, and environmental factors relating to the introduction and use of solar technologies and development of Federal policy options and strategies for dealing with barriers or problems identified;

(4) An evaluation of the appropriate Federal role in the commercialization of solar energy, including the particular contributions which the various Federal agencies can make to the commercialization process;

(5) An examination of the potential for the impacts of using solar technologies abroad; and

(6) A review of issues relating to—
(i) The regional diversity of solar resources,
(ii) The matching of solar equipment to end use requirements, and
(iii) The integration of solar technology with the existing energy supply system.

To ensure that the Domestic Policy Review is responsive to the growing national interest in solar energy, the Department of Energy is sponsoring a series of eleven public meetings in June to receive comment from a broad spectrum of citizens, ranging from solar energy equipment manufacturers to State and local government officials to energy consumers. All interested persons are invited to present their views in writing and in person on the issues listed above. These views will be reported promptly to the Solar Energy Policy Committee, a specially constituted Cabinet-level committee, which is responsible for conducting the Solar Policy Review. Each person participating will receive a summary of the opinions expressed at the regional meetings.

WRITTEN COMMENT PROCEDURES

Interested persons are invited to participate in the public meetings by submitting data, views or arguments with respect to the subjects set forth in this notice to the appropriate regional address above.

Comments should be identified on the outside of the envelope and on documents submitted to the DOE Region with the designation "Solar Policy Review." If possible, fifteen copies should be submitted by close of business on the day following the regional meeting.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

PUBLIC MEETINGS

Any person who has an interest in this proceeding or who is a representative of a group of persons that has an interest may make a written request for an opportunity to make an oral presentation. Such a request should be directed to the address given above for the appropriate Region and in accordance with the request procedures set forth below. Requests must be received three days before the appropriate regional meeting. Persons requesting an opportunity to make an oral presentation will submit their written requests to the appropriate address for the Region to which they wish to appear. A request should be labeled both on the document and on the envelope "Solar Policy Review".

The person making the request should briefly describe the interest concerned; if appropriate, state why she or he is a proper representative of the group of persons that has such an interest; and give a phone number where she or he may be contacted.

DOE reserves the right to select the persons to be heard at these meetings, to schedule their respective presentations and to establish the procedures governing the conduct of the meetings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

A DOE official will be designated to preside at the meetings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings, except during those periods when comments are requested from the floor. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he or she desires, to make a supplemental statement which will be given in the order in which the initial statements were made and will be subject to time limitations.

Any person attending the meeting who wishes to ask a question at the meetings may submit the question, in writing, to the presiding officer. The presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

Transcripts of the meetings will be made and the entire record of the meetings, including the transcript, will be retained by DOE and made available for inspection at the Freedom of Information Office, Room 3116, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C. on June 2, 1978.

WILLIAM P. DAVIS,
Deputy Director
of Administration.

(FR Doc. 78-15794 Filed 6-5-78; 8:45 am)

[3128-01]

Economic Regulatory Administration
RENSSELAER, INDIANA

Petition Filed Pursuant to Section 202(c) of the
Federal Power Act

The purpose of this Notice is to advise the public that the below listed petition, requesting that the Economic Regulatory Administration exercise its authorities to order an emergency electrical interconnection under section 202(c) of the Federal Power Act, 16 U.S.C. section 824(c), has been filed: EC 78-5—Petition of the city of Rensselaer, Ind.

ERA has this application under consideration and may exercise its statutory responsibilities with or without further hearing but invites comments thereon. Copies of the above listed petition and responses, if any, thereto are available for inspection at the following location: Public Information Reading Room—Box SG, Department of Energy, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Additional Information may be obtained from: James M. Brown, Jr., Chief, System Reliability and Emergency Response Branch, Economic Regulatory Administration, 1111 20th Street NW., Vanguard Building, room 4070, Washington, D.C. 20461.

Written Comments may be filed with: Public Hearing Management, Economic Regulatory Administration, Box SG, room 2313, 2000 M Street NW., Washington, D.C. 20461.

Issued in Washington, D.C. May 30th, 1978.

DOUGLAS C. BAUER,
Assistant Administrator, Utility
Systems Economic Regulatory
Administration Department of
Energy.

(FR Doc. 78-15581 Filed 6-5-78; 8:45 am)

[3128-01]

SAM RAYBURN PROJECT, SOUTHWESTERN
POWER ADMINISTRATION

Order Disapproving Proposed Rate and
Extending Confirmation and Approval of the
Existing Rate

Notice is hereby given that the Assistant Administrator for Utility Systems, Economic Regulatory Administration has issued the Order published below disapproving a proposed rate increase for the Sam Rayburn Project, Southwestern Power Administration, and extending confirmation and approval of the existing rate.

(ERA Docket No. SWPA 78-11)

SAM RAYBURN PROJECT SOUTHWESTERN
POWER ADMINISTRATION, EX REL. RE-
SOURCE APPLICATIONS

ORDER DISAPPROVING PROPOSED RATE AND
EXTENDING CONFIRMATION AND AP-
PROVAL OF EXISTING RATE

Pursuant to section 301(b) of the Department of Energy Organization Act (the Act), Pub. L. 95-91, the function to confirm and approve rates in accordance with section 5 of the Flood Control Act of 1944, 16 USC 825s for power marketed by the Sam Rayburn Project, Southwestern Power Administration was transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-4, effective October 1, 1977, 42 FR 60726 (November 29, 1977), The Secretary of Energy delegated his confirmation and approval authority to the Administrator of the Economic Regulatory Administration (ERA or the Administrator). The Administrator has delegated his authority to the Assistant Administrator for Utility Systems, Economic Regulatory Administration.

BACKGROUND

On October 4, 1976, the Department of the Interior filed a letter with the Federal Power Commission (FPC) requesting confirmation and approval of new rates for the sale of the entire available output of the Sam Rayburn Project to the Sam Rayburn Electric Cooperative, Inc. (Cooperative) for the period October 1, 1976 through September 30, 1981 (FPC Docket No. E-7201). Interior's request, made on behalf of the Southwestern Power Administration (SWPA), proposed that the rate for the sale of power and energy of the project be increased

from the \$1,030,000 annual rate approved by the FPC in 1971 to an annual rate of \$1,152,900.

The annual rate currently being charged (\$1,030,000) was originally confirmed and approved by the FPC in an order issued March 5, 1971, for the sale of the entire output of the Sam Rayburn Project to the Cooperative for a period ending not later than December 31, 1975. Interior requested and was granted two extensions of this rate. The second extension expired September 30, 1976, but the project has continued to charge the same rate.

In a letter dated December 27, 1976, addressed to the Under Secretary of the Interior, the staff of the FPC noted several deficiencies in the accounting procedures used in the repayment study which accompanied the rate filing and requested that Interior calculate the effect of correcting such deficiencies on annual revenue requirements. A reply to the FPC letter was received February 3, 1977, and the accompanying repayment study showed annual revenues would have to be \$1,186,400 or \$33,500 more than the proposed rate would collect. At an informal conference on May 16, 1977, representatives from the FPC and the Cooperative raised additional questions relative to the accounting procedures and replacement estimates used in the repayment study. Pursuant to the DOE Act and the authorities cited above, responsibility to confirm and approve the rate adjustment vested in ERA on October 1, 1977.

On December 19, 1977, the Acting Assistant Secretary for Resource Applications sent a letter to ERA with answers to the outstanding inquiries posed by the staff of the FPC regarding future replacement estimates for the Sam Rayburn Project. A repayment study accompanied the letter in which the new, higher total estimate for replacement was included. The study projects that annual revenues of \$1,160,900 will be required to recover allocable project costs.

DISCUSSION

The current rate level for the Sam Rayburn Project, approved by the FPC on March 5, 1971, is in ERA's opinion clearly inadequate to repay project costs over a 50 year period. However, the deficiencies in the rate proposal filed by Interior on behalf of SWPA on October 4, 1976 prevent ERA from being able to confirm and approve this rate level as a final rate. In reply to inquiries of the FPC, SWPA submitted two revised repayment studies which show that the proposed rate would not generate sufficient revenues to repay the investment in power facilities at the Sam Rayburn Project over a 50 year period. In addition, the computational procedures used in the two revised repayment studies failed to include all the neces-

sary changes which would correct the deficiencies in the October 1976 repayment study that were noted in the FPC letter of December 27, 1976.

ERA concludes that annual revenues will have to be higher than the \$1,152,900 proposed by SWPA if the Sam Rayburn Project is to recover the cost of producing and transmitting electric energy within a reasonable number of years. Therefore, ERA is not approving SWPA's request for new rates as filed on October 4, 1976.

Because additional time is necessary to permit the Assistant Secretary to file a request for confirmation and approval of new rates and for interested persons to offer comments relevant to such request, ERA is extending the existing rates as confirmed and approved by the FPC on March 5, 1971, until December 31, 1978 or to such earlier date as new rates are confirmed and approved.

ORDER

The Assistant Administrator for Utility Systems, Economic Regulatory Administration, pursuant to the authority delegated to him, orders:

1. The proposed rate filed by the Department of the Interior with the Federal Power Commission on October 4, 1976, requesting an annual rate of \$1,152,900 is hereby disapproved on the ground that such rate is inadequate to recover the cost of producing and transmitting the energy and power sold by the Sam Rayburn Project over a reasonable period of years;

2. The confirmation and approval of SWPA's rates and charges for the sale of electric power and energy from the Sam Rayburn Project, as set forth in the Federal Power Commission's order issued March 5, 1971, are hereby extended through December 31, 1978, or to such earlier date as the Department of Energy confirms and approves new rates for the project;

3. The Assistant Secretary for Resource Applications shall cause a copy of this Order to be distributed to all parties on the service list.

Issued in Washington, D.C., this 26th day of May, 1978.

DOUGLAS C. BAUER,
Assistant Administrator for Util-
ity Systems, Economic Regula-
tory Administration, Depart-
ment of Energy.

(FR Doc. 78-15582 Filed 6-5-78; 8:45 am)

[3128-01]

ISSUANCE OF PROPOSED DECISIONS AND
ORDERS BY THE OFFICE OF HEARINGS AND
APPEALS

May 15 through May 19, 1978

Notice is hereby given that during the period May 15 through May 19, 1978, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings

and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR Part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (September 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of a Proposed Decision and Order in final form may file a written Notice of Objection within ten days of service. For purposes of the new procedures, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by any aggrieved person of actual notice, whichever occurs first. The new procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.d.t., except federal holidays.

Dated: May 26, 1978.

MELVIN GOLDSTEIN,
Director,
Office of Hearings and Appeals.

PROPOSED DECISIONS AND ORDERS

Aspen Park Gas Co., Inc., Conifer, Colo.,
FEE-4455, propane

Aspen Park Gas Co., Inc., filed an Application for Exception from the provisions of 10 CFR 210.62(a). The exception request, if granted, would permit Aspen to alter the credit terms of a discount for early payment which the firm offered to certain of its customers on May 15, 1973. On May 19, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request be denied.

Cities Service Co., Tulsa, Okla., DEE-0353,
crude oil

Cities Service Co. filed an Application for Exception from the provisions of 10 CFR, part 212, subpart D. The exception request, if granted, would permit Cities Service to sell the crude oil which it produces from the

Corff "A" lease at prices which exceed the lower tier ceiling prices specified in 10 CFR 212.73. On May 17, 1978, the DOE issued a Proposed Decision and Order which determined that Cities should be permitted to sell 81.72 percent of the crude oil produced from the lease at market prices.

Gulf Oil Corp., Houston, Tex., DEE-0985, crude oil

Gulf Oil Corp. filed an Application for Exception from the provisions of 10 CFR, part 212, subpart D. The exception request, if granted, would permit Gulf to sell the crude oil produced from the Sidney A. Smith lease, located in Liberty County, Tex., at upper tier ceiling prices. On May 15, 1978,

the DOE issued a Proposed Decision and Order which determined that the exception request should be granted in part.

Western Petroleum Co., Minneapolis, Minn., No. 1 and No. 2 heating oil

On September 21, 1977, the Western Petroleum Co. filed an Application for Exception from the provisions of 10 CFR 211.67 (the Old Oil Entitlements Program). The Western exception request, if granted, would permit the firm to earn entitlements on the volumes of No. 1 and No. 2 heating oil which it obtains from Gulf Coast terminals and markets in the mid-continent area. On May 15, 1978, the Department of Energy issued a Proposed Decision and Order to

Western in which it determined that the firm's request should be denied.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Hearings and Appeals of the Department of Energy has issued proposed decisions and orders granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processors listed below. The proposed exception relief permits the firms involved to increase the prices of the production of the gas plants listed below to reflect certain nonproduct cost increases:

Company	Case No.	Plant	County/State location	Amount of price increase (dollars per gallon)
Associated Programs, Inc.	DEE-0622	Yenter	Logan, Colo.	\$0.0386
Atlantic Richfield Co.	DEE-0667	Putnam Oswego	Dewey, Okla.	.0262
Coastal States Gas Corp.	DXE-1072	Hidalgo	Hidalgo, Tex.	.0515
Getty Oil Co.	DEE-0805	E. Vealmoor	Howard, Tex.	(¹)
	DEE-0806	Grand Chenier	Cameron Parish, La.	(¹)
	DEE-0807	Katy	Harris, Tex.	.0061
	DEE-0808	North Cowden	Ector, Tex.	.0061
	DEE-0809	Red Fish Bay	San Patricio, Tex.	(¹)
	DEE-0810	Yscloskey	St. Bernard Parish, La.	(¹)
Gulf Oil Corp.	DEE-0837	Elmwood	Beaver, Okla.	.0070
	DEE-0838	Fuller	Scurvy, Okla.	.0113
	DEE-0839	Houma	Terrebonne Parish, La.	.0205
	DEE-0840	Johnsons Bayou	Cameron Parish, La.	(¹)
	DEE-0841	Venice	Plaquemines Parish, La.	.0252
International Telephone & Telegraph Co.	DEE-0922	Ames	Major, Okla.	.0214
	DEE-0923	Beaver	Beaver, Okla.	.0317
	DEE-0924	Dubach	Lincoln Parish, La.	.0124
	DEE-0925	Elmwood	Beaver, Okla.	.0329
	DEE-0926	Gillette	Campbell, Wyo.	.0414
	DEE-0927	Lacasane	Cameron Parish, La.	.0455
	DEE-0928	Okeene	Blaine, Okla.	.0142
	DEE-0929	Thomas	Dewey, Okla.	.0089
MAPCO, Inc.	DEE-0559	Westpan	Hutchinson, Tex.	.0091
Mobil Oil Corp.	DEE-0698	Aurelius	Ingham, Mich.	.0302
	DEE-0699	Grand Chenier	Cameron Parish, La.	.0134
	DEE-0700	Waha	Pecos, Tex.	.0149
Sid Richardson Carbon & Gasoline Co.	DXE-1064	Keystone	Winkler, Tex.	.0235
Standard Oil Co. (Indiana)	DXE-0643	Kinsler	Grant, Kans.	.00879
	DXE-0838	Indian Basin	Eddy, N. Mex.	.00790
Tenneco Oil Co.	DEE-0868	Ames	Major, Okla.	.0130
	DEE-0869	Altonah	Duchesne, Utah.	.0665
	DEE-0870	Heyser	Calhoun, Tex.	.2784
	DEE-0871	Hobart Ranch	Hemphill, Tex.	.0054
	DEE-0872	Red Fish Bay	San Patricio, Tex.	.0130
	DEE-0873	Yscloskey	St. Bernard Parish, La.	.0129
Texas Pacific Oil Co., Inc.	DEE-0910	Enville	Love, Okla.	\$0.074

¹Denied.

[FR Doc. 78-15583 Filed 6-5-78; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. E-9408]

AMERICAN ELECTRIC POWER SERVICE CORP.

Order Granting Late Intervention

MAY 25, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009,

42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of Section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted.

All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by Section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary of the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided

that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On May 5, 1978, the Michigan Public Service Commission (MPSC) filed a motion pursuant to Section 1.8(d) of the Commission's rules and regulations requesting that the Commission authorize the late filing of its Notice of Intervention. A Notice of Intervention accompanied that motion.

MPSC states that it is a statutory body having jurisdiction under the laws of the State of Michigan to regulate rates, charges, and conditions of service for the sale of electric energy within that state. As grounds for its motion, the MPSC states that at the time this proceeding began in April of 1975 it did not have outside counsel. However, within the past year counsel has been retained and the MPSC is still in the process of developing lawful procedures for counsel's use. Due to these circumstances, the MPSC submits that it only recently became aware of the contentions of the various parties and the potential effect this case may have upon Michigan ratepayers, at which time it authorized counsel to file this motion and petition to intervene.

In support of its Notice of Intervention, the MPSC submits that it has a direct interest in this proceeding and as such it may intervene as a matter of right pursuant to Section 1.8(a)(1) and Section 1.37(f) of the Commission's rules and regulations. In particular, the MPSC states that it regulates the rates, charges and conditions of service to more than 70,000 customers served by the Indiana and Michigan Electric Co. (I. & M.), a subsidiary of the American Electric Power System (AEPSC) and an affiliate of the American Electric Power Service Corp. (AEPSC). Therefore, the MPSC submits that the modification to the interconnection agreement at issue in this proceeding will have a substantial effect on the purchased power costs of I. & M., which, in turn, may effect I. & M.'s tariffs on file with the MPSC.

Further, MPSC states that it is seeking a limited form of intervention which would allow it to present to the Commission a complete picture of the consequences of the modifications to the interconnection agreement among the Ohio Power Co., the Appalachian Power Co., the Kentucky Power Co., I. & M. and AEPSC. In this regard, the MPSC requests that it be allowed to file briefs on or opposing exceptions to the decision of the Administrative Law Judge, if it deems such are necessary, to participate in oral argument before the Commission if any is allowed, and

¹The initial decision of the Administrative Law Judge was filed on February 23, 1978.

to participate fully as a party in any further proceedings. Due to the limited form of intervention sought, the MPSC further submits that no party will be prejudiced by granting the requested intervention, nor will any delay in the proceeding be caused thereby.

No answers or objections to the requested intervention have been filed with the Commission.

We find that the MPSC has shown good cause pursuant to Section 1.8(d) of our Regulations to authorize and grant the untimely notice of intervention. However, the intervention of the MPSC in this proceeding will be specifically limited in the manner set forth in the Notice of Intervention.

The Commission finds: Good cause exists to authorize and grant the untimely Notice of Intervention of the Michigan Public Service Commission.

The Commission orders: (A) The Michigan Public Service Commission is hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: Provided, however, that the participation of such intervenor shall be specifically limited in the manner set forth in the Notice of Intervention; and Provided, further, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any orders of the Commission entered in this proceeding.

(B) The late intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15586 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. RM78-12]

ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Incentive Rate of Return; Extension of Time

MAY 26, 1978.

On May 25, 1978, a motion for extension of time was filed by Tennessee Gas Pipeline Co. (Tennessee), in the above-designated proceeding.

Tennessee states that a thirty-day extension should aid each participant in preparing sufficiently detailed comments to which other participants will be responding.

Upon consideration, notice is hereby given that the date for filing initial comments is extended to and including

June 14, 1978 and the date for filing reply comments is extended to and including June 23, 1978.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15587 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-385]

ARKANSAS POWER AND LIGHT CO.

Proposed Changes in FERC Rate Schedules

MAY 26, 1978.

Take notice that on May 19, 1978, Arkansas Power & Light Co. (Company) tendered for filing proposed changes in the Agreement for Electric Service with the Arkansas Electric Cooperative Corp. (AECC).

The Company states that the changes in the Agreement for Electric Service include the addition of three points of delivery, and an increase in capacity at six points of delivery. The Company indicates that some of the changes are not proposed to take effect until November 1, 1978. For these reasons, the Company requests waiver of the Commission's 90-day rule on filings. The Company states that due to a difficulty in making accurate estimates on the billing effects of these changes, no billing data was filed. The Company states that there will be no changes in rates or provisions in the Agreement other than those noted above.

A copy of the filing has been mailed to AECC, according to the Company.

Any person desiring to be heard or to protest this filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15592 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-304]

BOSTON EDISON CO.

Order Accepting Rate Schedule for Filing, Granting Waiver, Granting Intervention, Denying Motions to Reject and for Summary Disposition, and Establishing Hearing and Procedures

MAY 30, 1978.

On April 10, 1978, Boston Edison Co. (Edison) tendered for filing a rate schedule containing a proposed service agreement, rate, and terms and conditions for partial requirements (P/R) service. Edison states that the filing is made in compliance with ordering paragraph (B) of the Commission's Opinion No. 809-A issued December 9, 1977, in Docket Nos. E-7738 and E-7784.¹

The Company further states that no wholesale customer of Edison is currently taking partial requirements service or requesting partial requirements service. Edison therefore requests waiver of Section 35.3 of the Commission's regulations prohibiting the filing of a rate more than ninety days prior to the date on which the electric service is to commence, since Edison does not know when, if ever, service under the P/R rate might commence. The Company states that it will inform the Commission of any date on which the rate schedule is to become operable as soon as it is known. Further, the Company states that the partial requirements rate is based on the cost of service analysis presented with the Company's Rate S-4 in Docket No. ER76-90, which is Edison's current all requirements rate.

Notice of the filing was issued April 17, 1978, with comments and petitions to intervene due on or before May 1, 1978. On May 1, 1978, the Towns of Concord, Norwood and Wellesley, Mass. (Towns) filed a motion to reject Edison's filing, or alternatively, a motion to suspend the filing for 5 months and summarily dispose of certain portions of the filing, as well as a

¹In Opinion No. 809-A at page 21, we found that the record in Docket No. E-7784 did not establish the reasonableness of either Edison's proffered P/R rate tariff filed in that proceeding in November of 1972 or the Towns' proposal to use the S-2 all requirements rates as partial requirements rates. We noted that no service had been rendered under the filed P/R rate, and that the Towns wished to have a definitive partial requirements tariff on file which would apply to them so they might test, on an economic basis, whether or not to purchase portions of their requirements under separate contracts. Finding the 1972 rate to be outdated, we required in ordering paragraph (B) of Opinion 809-A that: "Edison shall file a definitive, cost justified partial requirements rate tariff within four months of the issuance of this order".

petition to intervene. Edison filed an answer to the Towns' motions on May 12, 1978.

The Towns contend that a definite, simple and cost justified partial requirement rate is basic to their use of bulk power sources other than Edison's providing flexibility the Towns contend is required to enable them to provide the most economical and reliable electric service to their customers. They further argue that Edison's alleged continued failure to offer a proper P/R rate at reasonable cost levels and under proper terms and conditions is both discriminatory and anticompetitive, and that the Towns have been seeking a proper P/R rate for 7 years. Specifically, the Towns allege, inter alia, that Edison's P/R rate proposal herein is not cost justified since the S-4 rate level on which it is based is excessive; that the rate has a complicated and unnecessary stratified rate form; that the differences between the stratified rates is not cost supported; that the rate is ambiguous and indefinite and it is therefore impossible for the Towns to determine in advance what their costs under the rate would be in order to weigh the economic benefits of switching to partial requirements service. For these and related reasons, the Towns urge rejection of the filing. Alternatively, the Towns request a 5 month suspension of the effectiveness of the rate and summary disposition of the power factor and tax adjustment clauses.

We find good cause to grant the petition to intervene, but shall deny the other requested relief. The Town's objections to Edison's stratified rate form, the allegations of discrimination and anticompetitive conduct, and other objections to the P/R rate are appropriate matters to consider at a hearing but are not grounds for rejection of Edison's filing. Regarding the stratified rate form, we specifically stated in Opinion No. 809-A, supra, at page 22:

As we have indicated herein, we shall not reject the concept of stratifying partial requirements service into base, intermediate, peaking and reserve components as being per se defective. However, if it continues to advance stratified P/R rates, we expect Edison to fully and definitively support such stratification by providing information including, but not limited to, load duration curves and design, operating and cost characteristics of each of its generating units.

We find that Edison has substantially complied with the filing requirements set forth above, and we do not find good cause to reject the filing.

Similarly, the Towns' objections to the inclusion of a power factor clause is a proper subject for hearing, but not grounds for summary disposition of this proposal. As noted by Edison in its answer, this Commission has in the

past approved a number of power factor clauses. The burden remains on Edison to cost justify the clause. As to the tax adjustment clause, Edison is advised that it is against the Commission's regulatory policy to allow tax clauses to serve as a basis for automatic changes in rates. Any adjustments which Edison may contemplate pursuant to its tax adjustment clause will have to be filed as a change in rate pursuant to section 35.13 of the Commission's Rules and Regulations. Upon receipt of such a proposed rate filing, we will review it in a manner similar to any proposed rate change filing under section 205 of the Federal Power Act. It is therefore not necessary to summarily dispose of this provision. We shall therefore deny the motions to reject and for summary disposition.

Our review of the filing indicates that the terms and conditions of the proposed rate have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, we shall accept the proposed rate schedule for filing and set the reasonableness of the terms and conditions for hearing.

As Edison notes in its answer, the Towns' request for a 5 month suspension of the P/R rate filing is premature since Edison has requested no effective date for the P/R rate but will seek one when service is requested and the rate is to become operable. We shall therefore defer the assignment of an effective date per section 35.3(a) of our Rules and Regulations. The rate level to be determined herein should be based on the cost of service determination to be made in the ongoing full requirements rate proceeding in Docket No. ER76-90. At such time as any customer intends to take service under the P/R tariff, Edison shall file timely notice and appropriate service agreements, and we shall then determine whether and how long a suspension is appropriate and permit the rate schedule to become effective, subject to refund.² We shall grant the request for waiver of section 35.3 of our filing regulations in the event that service is requested more than 90 days from the date of filing.

The Commission finds: (1) Good cause exist to accept for filing Edison's proposed partial requirements rate schedule, pending hearing and decision as to the lawfulness of the terms and conditions of service as set forth therein. The proposed rate level shall be the subject of the outcome of the determination of Edison's cost of service in Docket No. ER76-90.

²As Edison's answer notes, this is a procedure followed in the order accepting Boston Edison's Contract Demand filing in Docket No. ER76-854, "Order Accepting Rate Schedule For Filing, Granting Waiver, Permitting Intervention, and Establishing Procedures", issued September 22, 1976.

[6740-02]

[Docket No. CP78-329]

COLUMBIA GAS TRANSMISSION CORP.

Application

MAY 30, 1978.

Take notice that on May 12, 1978, Columbia Gas Transmission Corp. (Applicant), 1700 MacCorkle Avenue SE., Charleston, W. Va. 25314, filed in Docket No. CP78-329 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of volumes of natural gas to be injected and withdrawn from storage for Columbia Gas of Ohio, Inc. (COH), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that COH has entered into an agreement with Michigan Consolidated Gas Co. (Consolidated) providing for the rendition of a gas storage service by Consolidated for COH for a period of 6 years (1978-84) or, if COH so elects, for a period of 13 years (1978-91). It is indicated that pursuant to the subject agreement between Consolidated and COH, during the 1978 and ensuing summer periods (March 1 through October 31) COH would cause up to 2,750,000 Mcf of gas to be delivered to Consolidated for storage, and that during the 1978-79 and ensuing winter periods (November 1 through March 31), Consolidated would redeliver an equivalent volume of gas to COH. COH may elect to defer redelivery from one winter period to the next of all or any part of the volumes stored, it is said.

It is indicated that in order to effectuate the transportation of the storage injection and storage withdrawal volumes, COH has entered into transportation arrangements with Applicant, Panhandle Eastern Pipe Line Co. (Panhandle) and Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin). Applicant proposes to accomplish its transportation of the storage injection volumes by delivering, during the period March 1 through October 31 of each year during the term of this agreement, a portion of COH's gas entitlement under Applicant's CDS Rate Schedule to Panhandle, for COH's account, at existing points of interconnection between the pipeline facilities of Applicant and Panhandle: Maumee (Lucas County), Cecil (Paulding County), and Hollansburg (Drake County), Ohio. Panhandle would deliver the subject volumes to Michigan Wisconsin for redelivery to Consolidated, it is said. Applicant states that such deliveries would be made at daily rates mutually agreed upon by the dispatchers of COH, Applicant and Panhandle, but not to exceed 50,000 Mcf per day plus an allowance of up to 2 percent of 50,000 Mcf for compressor

fuel to be retained by other transporters.

Applicant indicates that during each winter period, November 1 through March 31, that occurs during the term of this agreement, Applicant would accept delivery of natural gas from Panhandle for COH's account at the existing points of interconnection between the pipeline facilities of Applicant and Panhandle. Storage withdrawal volumes would be delivered by Consolidated to Michigan Wisconsin, which in turn would deliver the volumes to Panhandle for redelivery to Applicant. Deliveries to Applicant for COH's account would be at daily rates mutually agreed upon by the dispatcher of COH, Applicant and Panhandle, but not to exceed 50,000 Mcf per day plus additional volumes required by Applicant for company-use and unaccounted-for gas, it is said. It is stated that the volumes received from Panhandle would be transported and redelivered to COH at Applicant's existing points of delivery to COH in Ohio.

The application states that COH would pay Applicant a transportation charge reflecting Applicant's average system-wide unit storage and transmission costs, exclusive of company-use and unaccounted-for gas, this being 23.05 cents per Mcf. The subject transportation charge would be subject to adjustment to reflect revised average system-wide storage and transmission costs, exclusive of company-use and unaccounted-for gas, contained in future Commission rate filings by Applicant, it is said. Applicant indicates that it would also retain for company-use and unaccounted-for gas a percentage of the total volume of gas delivered into its system by Panhandle for COH's account, which percentage is 2.51 percent.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the

(2) Good cause exist to grant waiver of section 35.3 of the Commission's Regulations.

(3) Good cause exists to permit the Towns of Concord, Norwood, and Wellesley, Mass., to intervene in this proceeding.

(4) Good cause does not exist to grant the Towns' motions to reject and for summary disposition.

(5) We shall defer the assignment of an effective date for the P/R rate filed herein per section 35.3(a) of our Regulations as conditioned below.

The Commission orders: (A) Pending hearing and decision as to the lawfulness of terms and conditions contained therein, Boston Edison's rate schedule filed in the instant proceeding is accepted for filing. The level of the rate shall be subject to the outcome of Edison's rate increase proceeding in Docket No. ER76-90.

(B) At such time as any customer intends to take service under the proposed rate schedule, Edison shall file notice and appropriate Service Agreements in order to make the rate schedule effective.

(C) Waiver of section 35.3 of the Commission's Regulations is hereby granted.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall convene a pre-hearing conference for the purpose of establishing such further procedural schedule as may be necessary. Said Presiding Administrative Law Judge shall preside at the hearing ordered herein and is hereby authorized to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided in the Rules of Practice and Procedure.

(E) The above-named petitioners are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission. *Provided, however,* That participation of such intervenors shall be limited to the matters affecting asserted rights and interests specifically set forth in the petition to intervene; and *Provided further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any orders entered in this proceeding.

(F) The Towns' motions to reject and for summary disposition are hereby denied.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15593 Filed 6-5-78; 8:45 am]

Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein. If the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15594 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. RP78-20]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in FERC Gas Tariff

MAY 26, 1978.

Take notice that Columbia Gas Transmission Corp. (Columbia) on May 1, 1978, tendered for filing the following revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1, to become effective June 1, 1978:

Forty-fourth revised Sheet No. 16
First revised Sheet No. 16A

Columbia states that Forty-fourth Revised Sheet No. 16 is necessary in order to place the proper rate into effect on June 1, 1978, end of suspension period. The rates contained in the subject tariff sheet have been revised from the original filing of November 30, 1977, as more fully described in Columbia's filing, which is on file and subject to inspection in the Commission's Office of Public Information.

In addition, First Revised Sheet No. 16A has been revised to reflect the transportation rate and percentage of company use and unaccounted for gas being based upon the costs and volumes contained in the instant filing in the above-captioned proceeding.

Copies of this filing were served upon the Company's jurisdictional customers, interested state commissions and to each of the parties set forth on the official service list in this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commis-

sion's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 6, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15595 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. RP78-19]

COLUMBIA GULF TRANSMISSION CO.

Proposed Changes in FERC Gas Tariff

MAY 26, 1978.

Take notice that Columbia Gulf Transmission Co. (Columbia Gulf) on May 1, 1978 tendered for filing the following revised tariff sheets to its FERC Gas Tariff to become effective June 1, 1978:

Original Volume No. 1
Substitute Twenty-Fourth Revised Sheet No. 7

Original Volume No. 2
Substitute Fifth Revised Sheet No. 72
Substitute Fifth Revised Sheet No. 73
Substitute Second Revised Sheet No. 92
Substitute Second Revised Sheet No. 93
Substitute Second Revised Sheet No. 126
Substitute Third Revised Sheet No. 145
Substitute Third Revised Sheet No. 146
Substitute Second Revised Sheet No. 256
Substitute Second Revised Sheet No. 263
Substitute First Revised Sheet No. 278
Substitute First Revised Sheet No. 320
Substitute First Revised Sheet No. 337
Substitute First Revised Sheet No. 338
Substitute First Revised Sheet No. 388
Substitute First Revised Sheet No. 387
Substitute First Revised Sheet No. 417
Substitute First Revised Sheet No. 440
Substitute First Revised Sheet No. 493

Columbia Gulf states that such tariff sheets are necessary to place its rates suspended by Commission Order issued December 30, 1977 in this proceeding into effect at the end of the prescribed suspension period and to consolidate proceedings herein with proceedings in Docket No. RP78-20. The rates contained in the subject tariff sheets have been revised to give effect to the elimination from its cost of service those facilities included in its November 30, 1977, filing which were not certificated and in service as of the end of the test period.

Copies of this filing were served upon all of Columbia Gulf's jurisdictional customers.

Any person desiring to be heard or to protest said filing should file a peti-

tion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 6, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15596 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-389]

CONNECTICUT LIGHT & POWER CO.

Transmission Agreement

MAY 30, 1978

Take notice that on May 22, 1978, the Connecticut Light & Power Co. (CL&P) tendered for filing a proposed rate schedule with respect to Transmission Agreement dated April 21, 1978 between (1) CL&P, The Hartford Electric Light Co. (HELCO) and Western Massachusetts Electric Co. (WMECO) and (2) Danvers Electric Department (DED).

CL&P states that the Transmission Agreement provides for a transmission service to DED during the period from May 1, 1978 to October 31, 1978.

CL&P further states that the transmission charge rate is a monthly rate equal to one-twelfth of the annual average cost of transmission service on the NU system determined in accordance with section 13.9 (Determination of Amount of Pool Transmission Facilities (PTF) Costs) of the New England Power Pool (NEPOOL) Agreement and the uniform rules adopted by the NEPOOL Executive Committee, multiplied by the number of kilowatts which DED is entitled to receive.

CLP requests an effective date of May 1, 1978, for the Transmission Agreement, and therefore requests waiver of the Commission's notice requirements.

According to CL&P copies of this rate schedule have been mailed or delivered to HELCO, WMECO, and DED.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance

with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15810 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. CP74-35]

EXXON PIPELINE CO. OF CALIFORNIA

Inspection

MAY 26, 1978.

Notice is hereby given that on June 3, 1978, Commissioner George R. Hall and certain members of the staff of the Federal Energy Regulatory Commission will inspect the offshore drilling platform from which natural gas would be produced and transported through the pipeline certificated in Docket No. CP74-35. The platform is operated by Exxon Co., U.S.A., and is the world's tallest platform, standing in 850 feet of water.

Representatives of the parties to the said proceeding may participate in the inspection. Such persons shall arrange their own transportation and be prepared to depart at 8:30 a.m. on June 3, 1978, from the helicopter area of the airport near Santa Barbara, Calif.

This notice shall be published in the FEDERAL REGISTER and transmitted to all parties as their names and addresses appear on the service list of the said proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15597 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. ES78-36]

GULF STATES UTILITIES CO.

Application

MAY 30, 1978.

On May 18, 1978, the Gulf States Utilities Co. (Applicant) filed an application with the Commission pursuant to section 204 of the Federal Power Act seeking authority to commence negotiations for a proposed exchange of a new series of preferred stock for an older series of preferred stock.

Applicant is incorporated under the laws of Texas with the principal business office at Beaumont, Tex., and is

engaged in the electric utility business in portions of Louisiana and Texas. Natural gas is purchased at wholesale and distributed at retail in the city of Baton Rouge, La., and vicinity.

The Applicant states that it has received an unsolicited proposal dealing with a preferred stock recapitalization plan from the investment banking firm of E. F. Hutton & Co., Inc. The Applicant opines that the transaction involves an exchange offer of preferred stock at current market dividend rates for outstanding preferred stock with a much lower dividend rate. The net result of the exchange is that the preferred stock account is decreased and the capital surplus account is increased by the same amount. A small dividend premium is considered necessary to facilitate the exchange.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 9, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15598 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-391]

INTERSTATE POWER CO.

MAY 30, 1978.

Take notice that Interstate Power Co. (Company) on May 22, 1978, tendered for filing a letter agreement dated March 28, 1978, ancillary to FERC Electric Service Rate Schedule No. 114 with the City of Springfield, Minn. (City). The Company proposes that the letter agreement extend transmission service to City so that City may from time to time avail itself of Western Area Power Administration power and energy.

The Company proposes an effective date of May 20, 1978, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the

Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15599 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. EL78-22]

JACKSON PURCHASE ELECTRIC COOPERATIVE CORP. AND BIG RIVERS ELECTRIC CORP. V. KENTUCKY UTILITIES CO.

Application for an Order Directing the Establishment of an Additional Physical Connection of Facilities

MAY 30, 1978.

Take notice that, on May 12, 1978, Jackson Purchase Electric Cooperative Corp. and Big Rivers Electric Corp. (Applicants) tendered for filing an application for an order directing the establishment of an additional physical connection of facilities pursuant to section 202(b) of the Federal Power Act. Applicants allege that this application results from a refusal by Kentucky Utilities Co. to give permission to the Applicants to tap KU's transmission line for the purpose of supplying a new substation in the Applicants' service area for the purpose of redistribution of load and normal growth.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 13, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15602 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-388]

MISSOURI POWER & LIGHT CO.

Proposed Tariff and Rate Schedule Changes

MAY 26, 1978.

Take notice that Missouri Power & Light Co. (Company) on May 19, 1978, tendered for filing a new increased FERC Electric Service Tariff to replace its current Electric Service Tariffs IS, MESWR Original and 1st Revised MESWR. The Company indicates that the proposed changes would increase revenues from its Wholesale Municipal Customers by approximately \$287,000 based on the 12-month period ended December 31, 1977.

Missouri Power & Light Co. indicates that its proposed increase in rates is due primarily to wholesale power cost increases which have already been incurred by the Company.

Copies of the filing are being served upon each wholesale municipality, according to the Company.

An effective date of June 15 is proposed and waiver of the Commission's notice requirements is therefore requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1978. Protests will be

considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15600 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket Nos. CI77-286, et al.]

MRT EXPLORATION CO. ET AL.

Applications for Certificates, Abandonment of Service and Petitions to Amend Certificates¹

MAY 30, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said ap-

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

plication should on or before June 7, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
CI77-286, C. Feb. 10, 1978.....	MRT Exploration Co., 9900 Clayton Rd., St. Louis, Mo. 63124.	Mississippi River Transmission Corp., Little Washita field, Grady County, Okla.	(¹)	15.025
CI77-286, C. Dec. 27, 1977.....	MRT Exploration Co.	do	(¹)	15.025
CI77-327, C. Oct. 31, 1977.....	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	El Paso Natural Gas Co., various fields, Eddy County, N. Mex.	(²)	15.025
CI77-327, C. Nov. 3, 1977.....	Cities Service Co.	El Paso Natural Gas Co., Winchester field, Eddy County, N. Mex.	(¹)	15.025

¹Applicant is willing to accept a certification at the applicable national uniform rate, pursuant to opinion No. 770, as amended. Applicant also proposes to add the McNeill No. 1-8 unit.

²Applicant is willing to accept the applicable national rate, pursuant to opinion No. 770, as amended. Applicant also proposes to add the Brock No. 1-A unit.

³Applicant is willing to accept the applicable national rate, pursuant to opinion No. 770, as amended. Applicant also proposes to add 4 wells to its basic contract.

⁴Applicant is willing to accept the national rate, pursuant to opinion No. 770, as amended. Applicant also proposes to add 1 well to its basic contract.

Filing code: A—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Succession. F—Partial succession.

[FR Doc 78-15061 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-335]

NEW ENGLAND POWER POOL

Order Accepting for Filing, Suspending Proposed Rate Schedule, and Waiving Notice and Filing Requirements

MAY 26, 1978.

On April 27, 1978, the New England Power Pool (NEPOOL) submitted for

filing the Conservation Energy Agreement which amends and supplements the Interconnection Agreement between the NEPOOL and the New York Power Pool (NYPP), dated February 15, 1978.

The service to be furnished under the Conservation Energy Agreement is the supply of electric energy for emergency purposes over periods extending

for one or more weeks. Energy is to be supplied under the Conservation Energy Agreement only for the purpose of meeting an energy shortage caused by curtailments of energy sources as a result of fuel unavailability, governmental actions, or widespread disasters making it necessary for the deficient pool to conserve energy resources over an extended period of time.

According to the filing, the Conservation Energy Agreement is intended to supplement the NEPOOL-NYPP Interconnection Agreement and does not take the place of any existing rate schedule or increase any prior rates. The Agreement provides that, for the purpose of conserving energy resources, either NEPOOL or NYPP may make arrangements to obtain from the other conservation energy service when, in other pool's judgment, it has the capability and fuel resources to provide the same. Such arrangements are to be scheduled for periods of one or more weeks. These prescheduling arrangements, including the number of megawatts per hour to be supplied, the period of supply, the source and destination, and the estimated costs, as well as modifications thereto, are subject to mutual agreement by NEPOOL and NYPP in advance of supply. The Conservation Energy Agreement provides the method for determining payments for such service. The Agreement also provides for each of the pools to facilitate purchase and sale transactions regarding similar emergency service which one pool may have with remote systems and with which the other pool is interconnected.

The filing indicates that the recent coal miners' strike adversely affected the supply of fuel to various electric utilities, including utilities interconnected with NYPP, and made apparent the relative uncertainty of electric utilities' fuel supplies. The NYPP group and the NEPOOL participating systems have prepared and entered into the Conservation Energy Agreement.

The proposed rates under the Agreement are as follows: 110 percent of the out-of-pocket replacement cost of generating the energy, plus a generation service charge of 3.75 mills/kWh or, for third party transactions, the purchase cost to the supplier, plus 2.00 mills/kWh for transmission.

Notice of NEPOOL's filing was issued on May 5, 1978, with protests or petitions to intervene on or before May 15, 1978. No such comments, protests, or petitions were filed. Certificates of Concurrence were submitted on behalf of the systems participating in NYPP.¹

In view of the fact that during the immediate period it could become necessary to initiate service under the proposed Agreement, waiver of the

Commission's notice requirements is requested so that a May 1, 1978, effective date may be assigned. Accordingly, we shall waive the 18 CFR 35.3 notice requirements and accept the Agreement for filing in order to assign it the early effective date, as hereinafter ordered and conditioned.

The filed cost support and proposed charges are similar to those filed in the PJM-NYPP Conservation Energy Agreement (Docket No. ER78-108). On December 13, 1977, with respect to cost support in that earlier docket, Staff's request for additional data, necessary to properly evaluate the charges, is currently outstanding. It appears that cost support accompanying the filing in ER78-335 is similarly deficient. In that regard, the Commission will accept for filing the Conservation Energy Agreement, and require NYPP to submit the cost support data required under 18 CFR § 35.13.

The proposed conservation schedule tendered for filing on April 27, 1978, has not been shown to be just and reasonable and therefore may be unjust, unreasonable, and unduly discriminatory, preferential, or otherwise unlawful.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act to accept for filing the proposed rate schedule modification filed by NEPOOL in Docket No. ER78-335 and that such proposed schedule be suspended and the use deferred, all as hereinafter ordered.

(2) Good cause exists to waive the Commission's notice and filing requirements set out in the Commission's rules and regulations.

(3) Good cause exists to afford Applicants additional time to submit the cost support data as required under 18 CFR § 35.13.

The Commission orders: (A) The proposed Conservation and Energy Agreement filed by NEPOOL on April 27, 1978, is hereby accepted for filing as of May 1, 1978, suspended for one day, and the use thereof deferred until May 2, 1978, when it shall become effective subject to refund.

(B) NEPOOL and NYPP are hereby directed to file the cost support data required by our regulations.

(C) Upon the filing of the cost support data described in paragraph (B), above, the Commission shall further evaluate the filing and shall set a date for a public hearing, should such procedure be appropriate.

(D) 18 CFR § 35.3 notice requirements are hereby waived. 18 CFR § 35.13 filing requirements not yet complied with are hereby waived to permit the Agreement to become ef-

fective as set forth in Ordering Paragraph (A) above.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15588 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket Nos. ER78-311 and ER77-511]

NEW YORK POWER POOL

Order Accepting Filing, Suspending Proposed Rate Increase, Consolidating Proceedings and Waiving Filing Requirements

MAY 31, 1978.

On April 14, 1978, the New York Power Pool (NYPP) tendered for filing a Revised Schedule C-2 proposing to increase charges associated with economy energy transactions with the following NYPP members: Central Hudson Gas & Electric Corp., Consolidated Edison Co. of New York, Inc., Long Island Lighting Co., New York State Electric & Gas Corp., Niagara Mohawk Power Corp., Orange and Rockland Utilities, Inc., Rochester Gas and Electric Corp. and Power Authority of the State of New York. NYPP proposed that this Revised Schedule C-2 be allowed to become effective June 1, 1978. The proposed Revised Schedule C-2 supersedes the rates set forth in Schedule C-2 which were filed in Docket No. ER77-511, accepted for filing and suspended for one day, and allowed to become effective as of April 5, 1977, pursuant to the Commission order dated August 1, 1977, by order issued January 18, 1978, the Commission set procedural dates in Docket No. ER77-511 for the submission of NYPP's case-in-chief and the prehearing conference.

Notice of the filing of the Revised Schedule C-2 was issued on April 20, 1978, with protests or petitions to intervene due on or before May 1, 1978. No protests or petitions to intervene were filed.

Our review indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Therefore, the Commission will accept the submittal for filing and suspend the rates and services for one day from the effective date, after which the rates and services will go into effect as of June 2, 1978, subject to refund.

The instant proceeding and the proceeding in Docket No. ER77-511 contain common questions of law and

fact. Therefore, it is appropriate to consolidate the two proceedings for purposes of hearing and decision.

NYPP requests waiver of the requirement to submit cost support Statements A through O. The request should be granted, since Staff in the Docket No. ER77-511 proceeding requested cost data that is applicable in this docket. However, we should require NYPP to submit direct testimony in support of its proposed transmission rate level and rate design.

The Commission finds: (1) Good cause exists to accept for filing the proposed rates and to suspend the use thereof for one day from the proposed effective date, after which they may become effective subject to refund.

(2) Good cause exists to consolidate this docket (ER78-311) with Docket No. ER77-511.

The commission orders: (A) NYPP's proposed rates are hereby accepted for filing and suspended for one day from the proposed effective date of June 1, 1978, and shall become effective subject to refund as of June 2, 1978.

(B) The proceeding in Docket No. ER78-311 is hereby consolidated with the proceeding in Docket No. ER77-511 for purposes of hearing and decision.

(C) NYPP on or before June 23, 1978, shall submit its case-in-chief in support of its proposed rates in this Docket No. ER78-311.

(D) the filing requirements of 18 CFR § 35.13 are hereby waived except for the requirement to file case-in-chief direct testimony as provided for in § 35.13(b)(5)(i).

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15603 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. G-10632]

NORTHERN ILLINOIS GAS CO.

Application for Continuing Exemption

MAY 31, 1978.

Take notice that on May 12, 1978, Northern Illinois Gas Co. (Applicant), P.O. Box 190, Aurora, Ill. 60507, filed in Docket No. G-10632¹ an application for continuing exemption under section 1(c) of the Natural Gas Act, all as more fully set forth in the filing in this proceeding.

Applicant states that it is an intrastate gas distribution utility engaged

¹The filing is styled "Application of Northern Illinois Gas Co. for continuing ex-

in the business of selling and distributing gas to more than 1,360,000 customers in the State of Illinois, which includes most of the Chicago area. Applicant also states that it is a public utility subject to the jurisdiction of the Illinois Commerce Commission under the Illinois Public Utilities Act, and by order of July 26, 1956 issued in Docket No. G-10632, Applicant was granted exemption from the provisions of the Natural Gas Act under section 1(c) thereof. All of Applicant's operations are conducted within the State of Illinois, it is said.

It is indicated that in Docket No. CP78-327, Mid-Continent Gas Storage Co. (Mid-Continent) filed an application pursuant to section 7(c) of the Natural Gas Act requesting authorization to render up to 15,000,000 Mcf of natural gas storage service for a limited term to Southern Natural Gas Co. (Southern).

Applicant states that the application sets forth the following:

Under the terms of a Limited Term Storage Agreement (the Storage Agreement) dated as of March 23, 1978, between Mid-Continent and Southern, during the initial 1978 Injection Period (April 1 through November 30) and during each subsequent Injection Period (April 1 through November 30), Southern may deliver or cause to be delivered to Mid-Continent an injection volume of natural gas of up to 15,000,000 Mcf of gas (Injection Period Volume), subject to certain conditions set forth in the provisions of a Limited Term Storage Leasing Agreement entered into as of March 23, 1978, by and between Applicant and Mid-Continent (the Lease).

The Storage Agreement further provides that during the Withdrawal Periods (November 1 through March 31) Mid-Continent would make available or cause to be made available to Southern an aggregate storage withdrawal volume (Withdrawal Period Volume) of gas thermally equivalent on a Btu basis to the volume of gas injected during the immediately-preceding Injection Period, subject to the conditions that 1) Mid-Continent would make available a daily withdrawal volume of gas of up to 125 percent of 1/150th of the Withdrawal Period Volume, 2) the obligation to make gas available is on a best efforts basis subject to the provisions of the Lease, and 3) if Southern elects to withdraw up to 15,000,000 Mcf of gas during a Withdrawal Period when it does not, for any reason, have in storage 15,000,000 Mcf of gas, it would deliver or cause to be delivered during the next Injection Period in addition to any other injections, an aggregate make-up injection volume of natural gas thermally equivalent on a Btu basis to the volume

Southern agrees to delivery injection gas and accept withdrawal gas at already-existing interconnections of Applicant's existing pipeline suppliers (hereinafter collectively called Delivery Point). Southern would be responsible for all transportation and exchange arrangements necessary to deliver or receive gas at the Delivery Point.

The Storage Agreement terminates on November 30, 1981.

Mid-Continent has leased an undivided interest in Applicant's extensive intrastate storage and related transportation system. Mid-Continent would accept all gas storage deliveries at the already-existing interconnections of intrastate facilities with those of one or more of existing pipeline suppliers.

During each Withdrawal Period (November 1 through March 31) Applicant has agreed in the Lease to make available or cause to be made available to Mid-Continent an aggregate storage withdrawal volume thermally equivalent on a Btu basis to the Injection Period Volume for the immediately-preceding Injection Period, subject to certain conditions.

Applicant states that the Lease between it and Mid-Continent is for a term ending November 30, 1981, and is intended only as a temporary arrangement. Applicant further states that this transaction is merely an arrangement by which it is leasing storage space to Mid-Continent, which is providing storage service to Southern, and that by leasing storage capacity it would not be transporting or selling natural gas in interstate commerce. Consequently, Applicant requests that the Commission issue an order in the instant proceeding stating that its existing exemption under section 1(c) of the Natural Gas Act is not affected by its participation in the Lease described above.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

LOIS D. CASHELL,

[6740-02]

[Docket No. RP78-56]

NORTHERN NATURAL GAS CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Initiating Hearing and Granting Interventions

MAY 26, 1978.

On April 21, 1978, Northern Natural Gas Co. (Northern) filed in Docket No. RP78-56 revised tariff sheets¹ which would increase jurisdictional revenues by \$104,381,044 annually based on costs and sales volumes for the twelve months ended December 31, 1977, as adjusted. Northern requests an effective date of May 27, 1978. For the reasons stated below, the Commission shall accept the revised tariff sheets for filing, suspend them for five months and set the matter for hearing.

Public notice of Northern's filing was issued on April 26, 1978, providing for the filing of protests or petitions to intervene on or before May 17, 1978. Petitions to intervene and notices of intervention were filed by the parties listed in the Appendix to this order. The Commission finds that all listed petitioners have demonstrated an interest in this proceeding which warrants their participation. Inasmuch as no delay will result, good cause exists to grant late-filed petitions. All petitions to intervene shall therefore be granted.

Northern states that its rate increase is required because of increased costs of obtaining gas supplies from the offshore Gulf Coast, increased costs associated with new storage capacity, increased operation and maintenance expenses and increased depreciation costs stemming from the use of the unit-of-production method on certain facilities. Northern also claims an overall rate of return of 11.375 percent which is designed to yield a 14.723 percent return on common equity.

Based on a review of Northern's filing, the Commission finds that the proposed rate increase has not been shown to be just and reasonable and may be unjust, unreasonable and unduly discriminatory or otherwise unlawful. Accordingly, the Commission shall accept Northern's revised tariff sheets for filing, suspend their use for five months to become effective on October 27, 1978, subject to refund, and shall set the matter for hearing, as hereinafter conditioned.

Northern's supporting cost of service includes costs associated with approximately \$83 million in projects which are not yet certificated and in service but which are expected to be so at the

end of the nine-month test period. The Commission shall grant waiver of Section 154.63(e)(2)(ii) of the Regulations in that it shall accept for filing Northern's revised tariff sheets reflecting the costs of these uncompleted projects. Northern shall be required, however, to file prior to October 27, 1978, substitute tariff sheets to reflect elimination of all costs from its cost of service related to facilities not placed in service by the end of the test period, September 30, 1978.

A review of Northern's filing discloses that Northern's claimed advance payment balance in Account No. 166 at the end of the test period is not adjusted for all repayments which may be forthcoming during the test period. The Commission finds that in this respect Northern's filing is not in compliance with Section 154.63(e)(2)(i) of the Regulations which requires test period adjustments for known and measurable changes in costs and revenues. Accordingly, as a further condition of this order, Northern shall be required to file, prior to October 27, 1978, substitute tariff sheets which reflect actual advance payment balances in Account No. 166 as of September 30, 1978.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates proposed by Northern and that the proposed increased rates be accepted for filing and suspended as ordered below.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15, and the Commission's regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Northern.

(B) Pending hearing and decision, and subject to the conditions of this order, Northern's proposed rate increase is accepted for filing and suspended for five months, until October 27, 1978, when it shall be permitted to become effective, subject to refund, upon motion filed in accordance with the provisions of the Natural Gas Act.

(C) Prior to October 27, 1978, Northern shall file substitute tariff sheets and supporting cost and revenue data, in accordance with the Commission's rules and regulations, to reflect (1) the elimination of all costs associated with facilities not placed in service by September 30, 1978, and (2) the actual balance of advance payments in Account No. 166 as of September 30, 1978.

(D) Waiver of section 154.63(e)(2)(ii) of the Regulations is granted subject to the condition set forth in Paragraph (C) above.

proceeding subject to the Commission's rules and regulations; *Provided, however,* That the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

(F) The Commission Staff shall prepare and serve top sheets on all parties on or before September 1, 1978.

(G) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)) shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary and to rule on all motions (except motions to sever, consolidate or dismiss) as provided for in the rules of practice and procedure.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX

The following parties have filed petitions to intervene:

Iowa Power & Light Co.
Northwestern Public Service Co.
Michigan Wisconsin Pipe Line Co.
CF Industries, Inc.
The Cleveland-Cliffs Iron Co.
Farmland Industries, Inc.
Great Plains Natural Gas Co.
Interstate Power Co.
Iowa-Illinois Gas & Electric Co.
Iowa Public Service Co.
Kansas-Nebraska Natural Gas Co., Inc.
Michigan Power Co.
Minnesota Gas Co.
Nebraska Natural Gas Co.
North Central Public Service Co., Division of Donovan Companies, Inc.
North Central Public Service Corp.
Northern Illinois Gas Co.
Northern Municipal Defense Group and Minnesota Municipal Utilities Association
Northern States Power Co. (Minnesota)
Northern States Power Co. (Wisconsin)
Suburban Rate Authority
Terra Chemicals International, Inc.
Wisconsin Gas Co.
Wisconsin Power & Light Co.
Iowa Southern Utilities Co.
Notices of Intervention were filed by:
Public Utilities Commission of the State of South Dakota
Michigan Public Service Commission
The Public Service Commission of Wisconsin

[6740-02]

[Docket No. ER78-387]

NORTHERN STATES POWER CO. (WISCONSIN)
Proposed Interconnection and Interchange Agreement

MAY 26, 1978.

Take notice that Northern States Power Co. (Wisconsin) on May 19, 1978, tendered for filing an Interconnection and Interchange Agreement dated May 5, 1978, with Dairyland Power Cooperative.

The Company states that the Agreement provides for fifty-nine interconnections in the State of Wisconsin between the parties as designated on Exhibit A.

An effective date of June 15 is proposed and waiver of the Commission's notice requirements is therefore requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before June 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15605 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket Nos. ER78-292 and ER78-313]

OHIO POWER CO. AND INDIANA & MICHIGAN ELECTRIC CO.

Order Accepting for Filing, Suspending Rate Increase, Waiving Regulations and Consolidating Proceeding

MAY 26, 1978.

On April 7, 1978, American Electric Power Service Corp. (AEPSCO) on behalf of its affiliates, Indiana & Michigan Electric Co. (I&M) and Ohio Power Co. (OPCO), tendered for filing modification No. 5, dated March 15, 1978, to the Interconnection Agreement, dated December 12, 1949, among I&M, OPCO, and the Cincinnati Gas & Electric Co. (Cincinnati) designated I&M Rate Schedule FPC No. 16 and OPCO Rate Schedule FPC No. 21. Also tendered for filing on April 7 were Cincinnati's Certificate of Con-

currence and certain cost support data.

On April 17, 1978, AEPSCO on behalf of OPCO tendered for filing modification No. 7, dated April 15, 1978, to the Facilities and Operating Agreement dated September 6, 1962, between OPCO and Duquesne Light Co. (Duquesne), designated as OPCO Rate Schedule FPC No. 33. Also tendered on April 17 were Duquesne's Certificate of Concurrence and certain cost support data.

Both the April 7 and April 17 filings by AEPSCO contain proposed new service schedules amending the aforementioned Interconnection Agreements and providing for the sale and delivery of conservation energy during an energy emergency among the parties to the subject agreements and further providing for flexibility to permit such transactions with interconnected third party utilities. AEPSCO states that the filings were made because of the recent coal miners strike which adversely affected the supply of fuel to OPCO, I&M, Cincinnati, Duquesne and neighboring utilities.

Public notice of AEPSCO's April 7, 1978, filing was issued on April 13, 1978, with comments, protests or petitions to intervene due on or before April 24, 1978. Public notice of AEPSCO's April 17, 1978, filing was issued on April 22, 1978, with comments, protests or petitions to intervene due on or before May 8, 1978. No such comments, protests or petitions were filed.

AEPSCO states that possible energy shortages resulting from the recent coal miners strike and other events beyond the control of the parties, may necessitate near-term use of the proposed schedules. Accordingly, pursuant to 18 CFR 35.11, AEPSCO submits that good cause exists for waiver of notice requirements and requests that the Commission waive its notice requirements and order the proposed Conservation Schedules to be effective as soon as possible. Proposed Schedule E will terminate on February 28, 1979 and proposed Schedule G will terminate on April 5, 1979, unless extended by mutual agreement. Neither schedule will take the place of existing schedules.

The proposed conservation schedules provide that parties to the proposed rate schedule modifications may arrange to obtain conservation energy when, in the judgment of the supplying party, such party has the capability and fuel resources to provide the same. The proposed schedules also provide for delivery of conservation energy for periods of one or more weeks, with the parties determining the number of megawatts per hour to

¹Conservation Service Schedule E (Docket No. ER78-292) and Conservation Service Schedule G (Docket No. ER78-313).

be supplied, the period of supply, the source and destination of the energy, and the estimated cost of the energy.

AEPSCO asserts that the terms and conditions of the service proposed by its filings are substantially the same as modification No. 10 to the Interconnection Agreement dated November 27, 1961 between I&M and Illinois Power Co. (I&M Rate Schedule FPC No. 23), which was filed on February 24, 1978 (Docket No. ER78-229) and similar to the agreement between the Allegheny Power Service Corp.—Pennsylvania, New Jersey, Maryland Group recently filed (Docket Nos. ER78-107, 108, and 109).

To comply with 18 CFR 35.13(b), AEPSCO states that section 2.1 of proposed schedules E and G provide that the charge for conservation energy is 110% of the out-of-pocket replacement cost of generating the energy, plus 5 mills per kilowatt-hour. Section 2.3 of proposed schedules E and G defines the replacement cost of generating the energy as the out-of-pocket cost of generating said energy, plus or minus an adjustment to reflect increases or decreases in the cost of fuel on a Btu basis between the month in which the energy is delivered and the second month after such month of delivery.

AEPSCO states that proposed Schedule E provides for transmission service charges excluding transmission losses of 1.1 mills per kilowatt-hour (deliveries to OPCO and I&M) and 1.7 mills per kilowatt-hour (deliveries to Cincinnati) and that proposed Schedule G provides for similar charges of 1.4 mills per kilowatt-hour (deliveries to OPCO) and 1.7 mills per kilowatt-hour (deliveries to Duquesne).

To comply with 13 CFR 35.13(b), AEPSCO states that "because of the uncertainty of events which might determine the need for conservation energy transfers and because of variable operating restrictions in the event transfers are required, estimates of the transactions and revenues under" the proposed conservation schedules have not been made. Accordingly, AEPSCO requests that, to the extent 18 CFR 35.13(b) is deemed applicable to the April 7 and April 17 filings, the Commission waive the requirements of such regulation.

AEPSCO's filings of April 7 and April 17 indicate that the recent coal miners strike may have resulted in a weakened ability of the electric utilities, to which the filings relate, to respond to fuel curtailments or similar emergency conditions until fuel stocks are restored to pre-strike levels. Transactions to conserve fuel supplies and to avoid threats to reliability of electric service could require the use of the proposed conservation service schedules on relatively short notice. Accordingly, we shall waive 18 CFR 35.11 notice requirements and accept

AEPSCO's submittals for filing in order to assign them early effective dates, as hereinafter ordered and conditioned.

On May 5, 1978, the Commission Secretary advised AEPSCO that its April 7, 1978, filing was deficient regarding the provision of cost support data. Similarly, on May 17, 1978, the Commission Secretary advised AEPSCO that its April 17, 1978, filing was likewise deficient.² Notwithstanding, the Commission will waive the filing requirements not yet complied with in order to accept the proposed revised rate schedules for filing. However, we shall require AEPSCO to submit the cost support data required by our regulations.

The proposed conservation schedules tendered for filing on April 7, 1978 in Docket No. ER78-292 and on April 17, 1978 in Docket No. ER78-313 have not been shown to be just and reasonable and therefore may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds good cause exists to consolidate Docket Nos. ER78-292 and ER78-313. Due to common issues of law and fact, the consolidation of these dockets will save time and expense for all parties.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission accept for filing the proposed rate schedule modifications filed on April 7, 1978 in Docket No. ER78-292 and on April 17, 1978 in Docket No. ER78-313 by AEPSCO and that such proposed schedules be suspended and their use deferred, all as hereinafter ordered.

(2) Good cause exists to waive the Commission's notice and filing requirements set out in the Commission's Rules and Regulations.

(3) Good cause exists to consolidate Docket Nos. ER78-292 and ER78-313.

The Commission orders: (A) Proposed Modification No. 5 filed by AEPSCO on behalf of I&M and OPCO on April 7, 1978, in Docket No. ER78-292, is hereby accepted for filing as of April 7, 1978, suspended, and the use thereof deferred until April 8, 1978, when it shall become effective subject to refund.

(B) Proposed modification No. 7 filed by AEPSCO on behalf of OPCO on April 17, 1978 in Docket No. ER78-

²The cost support data submitted by AEPSCO in its April 7 and April 17 filings is similar to that filed in Docket No. ER78-229. Staff is currently reviewing AEPSCO's response to a Staff Data Request in this docket. The cost support data submitted herein on behalf of Cincinnati and Duquesne is incomplete with respect to 18 CFR 35.13. A Staff Data Request with respect to the April 7 filing is currently outstanding.

313, is hereby accepted for filing as of April 17, 1978, suspended and the use thereof deferred until April 18, 1978, when it shall become effective subject to refund.

(C) AEPSCO is hereby directed to file the cost support data required by our regulations.

(D) Docket Nos. ER78-292 and ER78-313 are hereby consolidated.

(E) Upon the filing of the cost support data described in paragraph (C) above, the Commission shall further evaluate the filings and shall set a date for a public hearing, should such procedure be appropriate.

(F) Pursuant to the provisions of 18 CFR 35.11, the notice requirements of 18 CFR 35.3 are hereby waived. 18 CFR 35.13 filing requirements not yet complied with are hereby waived.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15590 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-392]

PACIFIC POWER & LIGHT

Rate Filing

MAY 30, 1978

Take notice that Pacific Power & Light Co. (Pacific) on May 22, 1978, tendered for filing, in accordance with section 35.12 of the Commission's Regulations, a rate schedule for power sales to Portland General Electric Co. (Portland General) from Pacific's distribution system in Portland, Oregon.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective May 1, 1977, which it claims is the date of commencement of service.

Copies of the filing were supplied to Portland General, according to Pacific.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file

with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15606 Filed 6-5-78 8:45 am]

[6740-02]

[Docket No. CI75-541]

PAUL R. DAVIS, ET. AL.

Settlement Proposal

MAY 31, 1978.

Take notice that on April 26, 1978, the Presiding Administrative Law Judge certified a proposed settlement in the docketed proceedings to the Commission for its consideration.

The settlement, proposed by Paul R. Davis, Lester B. Wood, and Dorchester Gas Producing Co. (Respondents in the captioned show-cause proceeding), was received into evidence as Exhibit No. 35 (transcript p. 218) at a hearing session held April 25, 1978 before the presiding Judge.

Respondents, by a Commission order issued July 1, 1977, were ordered to show cause why they should not be found to have violated the Natural Gas Act, and particularly section 7(b) and 7(c) thereof. The proposed settlement would resolve all the issues in the proceeding generally along the following grounds. Davis, Wood, and Dorchester will collectively pay to the purchasing pipeline Texas Eastern Transmission Co. (TETCO) \$25,000 to be flowed through to the customers to TETCO, for the gas which it has been contended, has been illegally diverted from the interstate market since 1974. In return, the Commission will grant the application for abandonment of the subject gas sales, filed by Davis and Wood in 1975, and the Commission will dismiss the instant show cause proceedings as it relates to Davis, Wood, and Dorchester.

Davis and Wood received a certificate covering the subject sale of gas to TETCO in 1955 in Docket No. G-9036. Sales continued until November, 1974 when Dorchester informed Davis and Wood that continued sales were uneconomic. Deliveries to TETCO terminated in November, 1974 and have not recommenced. Subsequent deliveries of gas from the committed acreage and wells have been made to the intrastate market since December, 1974.

Comments with respect to the proposed settlement may be filed with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before June 20, 1978. Such comments will be considered in determining appropriate action, but those filing comments will

not be as a result of such action become parties to this proceeding.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-15607 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-339]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

Order Accepting Rates for Filing, Suspending Rate Increase, Rejecting Motions, Establishing Procedures and Allowing Interventions

May 26, 1978.

On April 28, 1978, the Public Service Co. of New Hampshire (PSNH) tendered for filing increased rates for six of its wholesale for resale customers. The rate schedule designations of the contracts of these customers are set out in the Appendix of this order. The proposed increase to the six customers is \$2,439,174 (7.46 percent). PSNH requests that the increase become effective May 29, 1978. As in the existing rates, the proposed rates utilize the same rate for all classes of customers—municipals, private utilities, and cooperatives.

On March 23, 1978, in Docket No. EL78-15, PSNH filed with the Commission a Petition for a Declaratory Order authorizing inclusion of construction work in progress (CWIP) in rate base. This filing has not been ruled upon by the Commission. It is under consideration.

The rates proposed in the instant filing are based upon a cost of service for calendar year 1978 (Period II) which does not reflect inclusion of any CWIP in the rate base. However, enclosed as an informational filing are rates with supporting data which do reflect the Period II cost of service with CWIP in the rate base.

PSNH urges that the rates proposed in the instant filing, which are not based on CWIP, be suspended for only one day in view of the purportedly severe financial difficulty that the Company faces because of its large construction program. PSNH states that its construction program will require expenditures of more than a billion dollars over the period 1978-1984, principally for construction of the two units of the Seabrook Plant scheduled for service in 1982 and 1984.

Public notice of the filing was issued on May 5, 1978, with comments protests or petitions to intervene due on or before May 15, 1978.

On April 24, 1978, Granite State Alliance, a non-profit, education and consumer action organization incorporated under the laws of the State of New Hampshire filed a petition to intervene in this proceeding and requested to appear *pro se*. In support of its petition, Granite State indicates that "vir-

tually all of its members are either directly or indirectly customers of PSNH". The petitioners may appear *pro se* pursuant to section 1.4(a)(1) of the Commission's Rules of Practice and Procedure.

On May 12, 1978, Concord Electric Co. filed a petition to intervene in this proceeding. Concord is a corporation organized and existing under the laws of the State of New Hampshire which purchases all of its electric energy at wholesale from PSNH and resells it to consumers within New Hampshire. In support of its petition Concord states that any material increase in the wholesale rates of PSNH will increase the rates Concord charges its customers. Concord further states that it will not be adequately represented by the existing parties in this proceeding and that it may be adversely affected or bound without adequate opportunity to present its position unless permitted to participate fully.

On May 12, 1978, Exeter & Hampton Electric Co. filed a petition to intervene in this proceeding. Exeter & Hampton is a corporation organized and existing under the laws of the State of New Hampshire which purchases electric energy at wholesale from PSNH and resells it to consumers within New Hampshire. In support of its petition Exeter & Hampton states that any material increase in the wholesale rates of PSNH will increase the rates Exeter & Hampton charges its customers. Exeter & Hampton further states that it will not be adequately represented by existing parties in this proceeding and that it may be adversely affected or bound without adequate opportunity to present its position unless permitted to participate fully.

On May 5, 1978, the Legislative Utility Consumers' Council of New Hampshire filed a petition to intervene in this proceeding. The petition states that the Council was established pursuant to New Hampshire Revised Statutes Annotated (RSA 363-2) and was empowered to petition for, initiate, appear, or intervene in any proceeding before any board, commission, agency, court, or regulatory body in which the interests of utility consumers are involved and to represent the interests of such consumers. In support of its petition the Council states that it represents the interests of the ultimate retail customers of the companies involved in this proceeding, and that such customers will be affected by this proceeding and will be bound by the result. The Council further states that the interests of these customers will not be adequately represented by any other party in this proceeding.

On May 15, 1978, the New Hampshire Electric Cooperative, the Towns of Ashland and Wolfboro, N.H. and the Village Precinct of New Hampton

(the Public Systems) timely filed their "Protest, Petition to Intervene, Motions For Summary Judgement and For Immediate Refunds", a "Motion to Reject CWIP-Based Rates", and a "Motion to Consolidate" in the Docket No. ER78-339 proceeding. The Public Systems raise several issues in support of their filing. They request that a full five month suspension be ordered based on their preliminary review that the proposed rates are 50 percent in excess of a justified increase. They move that PSNH immediately comply with the Commission's order of July 20, 1977, in *Yankee Atomic Electric Company and Public Service Company of New Hampshire*, Docket Nos. E-9420 and E-9421 by making certain refunds pursuant to that order.¹ They also raise questions concerning the improper treatment of deferred taxes; tax normalization; and the utilization of CWIP in the rate base. The Public Systems request that the instant Docket No. ER78-339 be consolidated with PSNH's filing of the Petition for Declaratory Order in Docket No. EL78-15 concerning CWIP in the rate base. Finally, they allude to the possibility that a *price squeeze* issue exists and also name what they consider to be an anti-competitive practice on the part of PSNH.

Our review indicated that the rates filed by PSNH have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. The petitions of Concord Electric Co. and Exeter & Hampton Electric Co. question whether the proposed rates are cost based and properly designed. The petition of the Legislative Utility Consumers' Council of New Hampshire objects to PSNH's rate of return, cost of service, rate base both with and without CWIP, and all other relevant matters.² We believe the aforementioned questions raised by the petitions merit consideration.

The issues raised by the Public Systems have also raised questions, which in the circumstances, merit suspension and hearing. As for the Public Systems' plea for consolidation of the instant docket with the Motion filed by PSNH in Docket No. EL78-15 concerning the utilization of CWIP in the rate

¹The July 20, 1977, Commission order concerns approval of a settlement in Docket Nos. E-9420 and E-9421 wherein PSNH was a party. Petitioners contend that refunds are due pursuant to the July 20 order and have not been made. They seek in this instant pleading in Docket No. ER78-339 to have the Commission enforce compliance of the refunds as a condition of acceptance of this rate filing.

²PSNH filed an answer to the petitions on May 22, 1978, contending that the "preliminary" analysis of its filing contained major errors and raised issues that can only be properly decided after hearing.

base, we note that our review of the issues in Docket No. EL78-15 has not yet been completed. It may well be that consolidation will be appropriate. However, until disposition of that docket can be made, we will proceed to suspend the proposed filing in Docket No. ER78-339 and provide for hearing for the reasons given.

The proposed rate filing in Docket No. ER78-339 contains CWIP in the rate only for informational purposes. The question on CWIP in PSNH's rate base is the key issue in Docket No. EL78-15 which is still under consideration. Petitioners' motion on this issue relates to Docket No. EL78-15, and not the instant rate filing. Therefore, its Motion To Reject CWIP Based Rates should be rejected without prejudice. It is outside the scope of the instant filing in Docket No. ER78-339.

Concerning the Public System's plea that certain refunds by PSNH be made pursuant to the Commission's order of July 20, 1977, in Docket Nos. E-9420 and E-9421 as a condition to acceptance of the instant rate filing, it is not appropriate to make a Summary Judgment and require refunds as requested. The question of refunds by PSNH as a result of our order in Docket Nos. E-9420 and E-9421 is a matter distinct and separate from the issue of whether PSNH's instant filing is a "substantive nullity" under our Regulations which would require rejection of the filing. The circumstances warrant that the question of refunds would be better addressed in Docket Nos. E-9420 and E-9421. The proceeding in Docket No. ER78-339 should not be encumbered by this refund question. Accordingly, the Motions for Summary Judgment and Refunds shall be rejected without prejudice.

The Public Systems state that they have been unable to identify whether a *price squeeze* issue could result from the proposed rate increase. They did identify what they consider to be an anti-competitive practice. This anti-competitive issue shall be an issue in the proceeding. In Order No. 563 issued March 12, 1977 (57 FPC —), the Commission stated that where allegations of *price squeeze* are made in petitions to intervene, certain actions must be taken by the Presiding Administrative Law Judge in addition to the burdens of a *prima facie* showing by the Petitioner. The Public Systems have not identified a *price squeeze* issue and therefore, the threshold allegation of "price squeeze", within the context of Order No. 563 has not been met. Accordingly, "price squeeze" is not an issue in this proceeding at this time. The Public Systems have indicated that, in the event that "price squeeze" can be identified in their later study, they will file additional pleadings to conform with Order No. 563 procedures.

Accordingly, the proposed rates shall be accepted for filing and suspended for two months to become effective July 29, 1978, subject to refund, and a hearing shall be held.

The Commission finds: (1) It is necessary and proper and in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission conditionally accept for filing the schedules tendered by PSNH on April 28, 1978, that they be suspended and be permitted to become effective subject to refund, all as hereinafter ordered.

(2) Participation by petitioners in this proceeding may be in the public interest.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205, 206, 301, 307, 308, and 309 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rates proposed by the Public Service Co. of New Hampshire in their proceeding.

(B) The proposed rates filed by the Public Service Company of New Hampshire on April 28, 1978, and identified above are hereby accepted for filing and suspended for two months until July 29, 1978, when they shall become effective, subject to refund.

(C) The petitioners, Granite State Alliance, Concord Electric Co., Exeter & Hampton Electric Co., the Legislative Utility Consumers' Council of New Hampshire, and the New Hampshire Electric Cooperative, the Towns of Ashland and Wolfboro, and the Village Precinct of New Hampton are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however*, That participation by such intervenors shall be limited to matters set forth in their respective petitions to intervene; and *Provided further*, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(D) The Staff shall prepare and serve top sheets on all parties on or before August 7, 1978.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see, Delegation of Authority, 18 CFR 3.5(d)), shall convene a conference in this proceeding to be held within ten (10) days after the serving of top sheets in a hearing room of the Federal Energy Regulatory Commis-

sion, 825 North Capitol Street, Northeast, Washington, D.C. 20426. Said Law Judge is authorized to establish all procedural dates and to rule upon all motions (except petitions to intervene, motions to consolidate and sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(F) The Motions For Summary Judgement and For Immediate Refunds and the Motion to Reject CWIP-Based Rates are hereby rejected without prejudice. The Motion to Consolidate the instant proceeding with Docket No. EL78-15 is rejected at this time.

(G) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to section 1.18 of the Commission's Rules of Practice and Procedure.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

Company	FERC rate schedule no.
Concord Electric Co.	24
Town of Ashland, N.H.	28
The New Hampton (N.H.) Village Precinct	29
Exeter & Hampton Electric Co.	35
New Hampshire Electric Cooperative, Inc.	50 and 71
Town of Wolfboro, N.H.	72

[FR Doc 78-15608 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. EL78-231]

SIERRA PACIFIC POWER CO.

Petition for Declaratory Order

May 30, 1978.

Take notice that Sierra Pacific Power Co. on May 12, 1978, tendered for filing a petition for a declaratory order declaring that: (1) The sales for resale by Utah Power and Light Co. to the Petitioner under the Amendatory Agreement between the parties dated August 10, 1972, and formalized in a document dated September 12, 1977, are subject to the Commission's exclusive jurisdiction under the Federal Power Act, (2) an order of the Utah Public Service Commission issued March 6, 1978 in the Case No. 77-035-19, purporting to assert and exercise jurisdiction over the sales and rates under the Amendatory Agreement is a nullity as an unlawful interference with the Commission's exclusive jurisdiction and is to be disregarded by Utah Power, and (3) Utah Power comply in all respects with the re-

quirements of the Amendatory Agreement governing the interstate sales for resale of electric power and energy by Utah Power to the Petitioner, the rates therefor and the requirements of the Federal Power Act and the Commission's Rules and Regulations applicable thereto.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 14, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15609 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. CP78-335]

UNITED GAS PIPE LINE CO.

Application

MAY 30, 1978.

Take notice that on May 16, 1978, United Gas Pipe Line Co. (applicant), P.O. Box 1478, Houston, Tex. 77001, filed in Docket No. CP78-335 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the installation of an additional delivery point for the delivery of natural gas to Reserve Public Utilities Corp. (Reserve), a distributor of natural gas in the town of Reserve, La., and the environs, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant indicates that it presently delivers gas to Reserve pursuant to a service agreement between the parties dated June 7, 1971. The application indicates that Reserve intends to divide its system into two parts to improve service to its retail customers, and that it has asked Applicant to seek appropriate Commission authorization to provide Reserve with an additional delivery point for a portion of Reserve's system and to shift a portion of the authorized reserve maximum daily quantity (MDQ) to such new delivery point.

Consequently, Applicant proposes to install the new delivery point (Reserve

City Gate No. 2), and to install a metering and regulating facility. Applicant states that it would install and own the subject metering and regulating facility at an estimated cost of \$14,378 and that upon construction of the proposed City Gate No. 2, it would shift delivery of 725 Mcf of gas per day of existing MDQ from Reserve's present delivery point, City Gate No. 1, to the new delivery point. The MDQ at the currently existing delivery point would be reduced accordingly, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15612 Filed; 6-5-78 8:45 am]

[6740-02]

[Docket No. RI77-121]

WALTER E. BAILEY

Order Granting Petition for Special Relief

MAY 30, 1978.

On October 1, 1977, pursuant to the provisions of the Department of

Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On August 29, 1977, Walter E. Bailey (Bailey) filed a petition for special relief pursuant to 18 CFR 2.76. Bailey requested a total rate of \$1.50/Mcf at 14.65 psia for the sale of gas from his 100-percent working interest in the McKeever Unit, North Award Pool of Woods County, Okla., to Cities Service Gas Co. (Cities).

This petition was noticed on September 29, 1977. Cities filed a timely petition to intervene in support of Bailey's petition for special relief on October 19, 1977. No party has opposed Bailey's petition.

Bailey succeeded to Sun Oil Co.'s interest in the unit, effective July 1, 1977, and proposes to make his sales pursuant to his small producer certificate issued in Docket No. CS77-792. The presently effective contract rate is 31¢/Mcf subject to adjustments, pursuant to a June 26, 1967, contract. Cities has agreed to pay Bailey the just and reasonable rate as established by the Commission.

The well has been shut-in since May 26, 1977. Applicant proposes to install well pumping equipment, a compressor, a high pressure vertical separator, and to repair the salt water disposal well at a total cost of \$55,000, so that he can recover the additional 115,120 Mcf of reserves over the estimated 6.3 years of the well's remaining productive life.

Bailey has a remaining net book value of \$15,330 in the lease and equipment. Staff has accepted as reasonable the estimate of \$55,000 for well reconditioning, together with Bailey's estimate of \$20,000 salvage value of the equipment at the end of the 6.3 years of remaining production from the well. Allowing for an annual inflation factor of 5 percent Staff has estimated Bailey will incur operating expenses of \$60,352 over the next 6.3 years. Using the traditional costing methodology Staff has computed a rate of \$1.5844/Mcf for Bailey (see Attachment A).

Upon consideration of the data submitted and Staff's analysis thereof, the Commission concludes that Bailey's petition for a rate of \$1.50/Mcf should be granted.

The Commission finds: The petition for special relief filed by Bailey in Docket No. RI77-121 meets the criteria set forth in section 2.76 of the Commission's General Policy and Interpretations.

The Commission orders: (A) For the above stated reasons, the petition for special relief filed by Bailey in Docket No. RI77-121 is hereby granted. Bailey is authorized to collect from Cities a total rate of \$1.50/Mcf at 14.65 psia effective upon the date that the proposed work is completed or the date of this Commission order, whichever is later, subject to the conditions set forth in paragraphs (B) and (C) below.

(B) Bailey must file with the Commission, a statement signed by Cities that the proposed well pumping equipment, compressor, high pressure vertical separator, and repair of the salt water disposal well have been installed and completed, within 30 days of the date all such work is completed.

(C) Bailey must file with the Commission an executed contract amendment providing for the payment of the authorized rate set herein, and Bailey must file a notice of independent producer rate change within 30 days of the issuance date of this order.

(D) The assignment dated August 16, 1977, whereby Bailey acquired his interest in the unit from Sun Oil Co., is accepted as Supplement No. 9 to Sun's FERC Gas Rate Schedule No. 569 to be effective as of July 1, 1977, the effective date of the transfer of the properties, and such acreage is hereby deleted from the related certificate authorization issued in Docket No. CI75-268.

(E) The provisions of 18 CFR 157.40(c) are hereby waived to the extent necessary to permit the sale to be made under the small producer certificate issued in Docket No. CS77-792, subject to rate limitations applicable to large producers or otherwise appli-

cable as provided in Ordering Paragraph (A) above.

(F) Cities Service Gas Co. is permitted to intervene in these proceedings, subject to the rules and regulations of the Commission; *Provided, however*, that the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further*, that the admission of such intervenor shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

WALTER E. BAILEY—DOCKET NO. RI77-121

[Unit cost of gas]

Line No.	Item (a)	Amount (b)
1.	Net working interest volumes:	
2.	Gas—Mcf at 14.65 Psia ¹	100,730
3.	Liquids—Bbls.....	0
4.	Cost of Production:	
5.	Return on rate base at 15 percent ²	\$37,643
6.	D. D. & A. ³	50,330
7.	Production expense ⁴	160,352
8.	Regulatory expense ⁵	101
9.	Total cost of production.....	\$148,426

[Docket No. RI77-121]

WALTER E. BAILEY—Average investment and annual rate base

Line No. and year	Annual N.W.I. Production	Beginning of year investment	Depreciation ¹	End of year investment	Average investment ²
(a)	(b)	(c)	(d)	(e)	(f)
1.	Average investment:				
2.	1.....	29,004	70,330	14,492	55,838
3.	2.....	22,163	55,838	11,074	44,764
4.	3.....	16,965	44,764	8,477	36,287
5.	4.....	12,977	36,287	6,484	29,803
6.	5.....	9,889	29,803	4,941	24,862
7.	6.....	7,583	24,862	3,789	21,073
8.	7 (4 mo.).....	2,149	21,073	1,073	20,000
9.	Totals.....	100,730	50,330		243,418
10.	Average annual investment ³				38,638
11.	Annual rate base:				
12.	Average annual investment.....				38,638
13.	Average annual working capital allowance ⁴				1,197
14.	Total annual rate base.....				39,835

¹Col. (b) × line 7 of schedule 2.

²Col. (c) + col. (e) ÷ 2.

³Col. (f) of line 9 ÷ 6.3 yr productive life.

⁴12.5 percent × line 7 of schedule 1 + 6.3 yr productive life.

⁵Weighted.

[FR Doc. 78-15591 Filed 6-5-78; 8:45 am]

WALTER E. BAILEY—DOCKET NO. RI77-121—Con

Line No.	Item (a)	Amount (b)
10.	Unit cost of gas (cents/Mcf):	
11.	Cost of production ¹	147.35
12.	Production tax ²	11.09
13.	Total unit cost.....	158.44

¹115,120 Mcf times 87.5 percent N.W.I.
²Line 14 of schedule 3 times 15 percent times 6.3 year production life.
³From line 6 of schedule 2.
⁴Estimated by applicant.
⁵Line 2 times 0.1 cent/Mcf per Opinion No. 749.
⁶Line 9 divided by line 2.
⁷7 percent of line 13.

WALTER E. BAILEY—DOCKET NO. RI77-121
(Investment)

Line No.	Item (a)	Amount (b)
1.	Investment:	
2.	Remaining net book value, July 1, 1977.....	\$15,330
3.	New lease equipment and repair of well.....	55,000
4.	Total investment.....	70,330
5.	Less—salvage value ¹	20,000
6.	Depreciable investment.....	50,330
7.	Depreciation per unit of production ²	\$0.499653

¹Estimated by applicant.
²Line 6 divided by 100,730 Mcf.

[Docket No. RI77-121]

WALTER E. BAILEY—Average investment and annual rate base

Line No. and year	Annual N.W.I. Production	Beginning of year investment	Depreciation ¹	End of year investment	Average investment ²
(a)	(b)	(c)	(d)	(e)	(f)
1.	Average investment:				
2.	1.....	29,004	70,330	14,492	55,838
3.	2.....	22,163	55,838	11,074	44,764
4.	3.....	16,965	44,764	8,477	36,287
5.	4.....	12,977	36,287	6,484	29,803
6.	5.....	9,889	29,803	4,941	24,862
7.	6.....	7,583	24,862	3,789	21,073
8.	7 (4 mo.).....	2,149	21,073	1,073	20,000
9.	Totals.....	100,730	50,330		243,418
10.	Average annual investment ³				38,638
11.	Annual rate base:				
12.	Average annual investment.....				38,638
13.	Average annual working capital allowance ⁴				1,197
14.	Total annual rate base.....				39,835

¹Col. (b) × line 7 of schedule 2.

²Col. (c) + col. (e) ÷ 2.

³Col. (f) of line 9 ÷ 6.3 yr productive life.

⁴12.5 percent × line 7 of schedule 1 + 6.3 yr productive life.

⁵Weighted.

[FR Doc. 78-15591 Filed 6-5-78; 8:45 am]

[6740-02]

[Docket No. ER78-386]

WISCONSIN PUBLIC SERVICE CORP.

Filing of Amendment of Service Contract

MAY 26, 1978.

Take notice that Wisconsin Public Service Corp. ("Company") on May 18, 1978, tendered for filing an Amendment dated May 12, 1978, to a resale service agreement, dated March 18, 1977, with Alger-Delta Electric Association, or Gladstone, Mich., which is on file as the Company's rate schedule FPC No. 36, and which provides for wholesale electric service to be furnished by the Company to Alger-Delta Electric Association under the Company's standard W-1 rate schedule.

The Company states that the contract amendment adds a clause which is part of the Company's wholesale service agreements with all of its other W-1 customers and which clause was inadvertently omitted from the original agreement with this customer.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions of protests should be filed on or before June 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15613 Filed: 6-5-78 8:45 am]

[3128-01]

Office of Energy Technology

LIGNITE SUBCOMMITTEE, FOSSIL ENERGY
ADVISORY COMMITTEE

Change in Meeting Date

This notice is given to advise of a change in date of the meeting of the Lignite Subcommittee of the Fossil Energy Advisory Committee. The Subcommittee will meet Thursday, July 6, 1978, at 9 a.m. in room 125 at the Grand Forks Energy Research Center, 15 North 23rd Street, Grand Forks, N. Dak., rather than Thursday, June 15, 1978, as previously announced. A Notice of Meeting was published in the issue of May 26, 1978 (43 FR 22771).

Issued at Washington, D.C. on June 2, 1978.

WILLIAM P. DAVIS,
Deputy Director
of Administration.

[FR Doc. 78-15787 Filed 6-5-78; 8:45 am]

[3128-01]

Office of Hearings and Appeals

NO. 2 (HOME) HEATING OIL

Final Rules of Procedure To Be Followed by the
Office of Hearings and Appeals in Connection with an Evidentiary Hearing

AGENCY: Department of Energy, Office of Hearings and Appeals.

ACTION: Notice of final rules of procedure.

SUMMARY: On April 18, 1978, the Office of Hearings and Appeals of the Department of Energy announced the adoption of certain interim rules of procedure, 43 FR 17393 (April 24, 1978). The rules of procedure were established to govern the conduct of an evidentiary hearing which the Office of Hearings and Appeals plans to hold in August 1978. The purpose of the hearing will be to evaluate the performance of all levels of distribution of the heating oil industry and the need for further regulatory action with regard to the pricing and allocation of No. 2 (home) heating oil. Written comments were invited with regard to the interim rules of procedure. The date for filing those comments, initially established as May 8, 1978, was extended on May 5, 1978 to May 15, 1978, 43 FR 20276 (May 11, 1978). After considering the comments received, the Office of Hearings and Appeals has issued final rules of procedure to be used in connection with the evidentiary hearing. The final rules are set forth in Part III of this Notice.

EFFECTIVE DATE: May 31, 1978.

FOR FURTHER INFORMATION CONTACT:

George B. Breznay, Deputy Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street NW., Room 8014, Washington, D.C. 20461, Telephone number 202-254-9681.

CONTENTS: I. Background. II. Discussion of Comments. III. Final Rules of Procedure.

I. BACKGROUND

On January 13, 1978, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announced that it had adopted a program designed to monitor the prices of No. 2 (home) heating oil during the 1977-78 heating season, 43 FR 2917 (January 20, 1978). At that time, the

ERA described a number of different approaches which it and the Energy Information Administration (EIA) planned to undertake in order to monitor and evaluate the performance of refiners, wholesalers, and retailers with regard to the marketing of No. 2 heating oil. The ERA also stated that it would publish a summary of its findings with respect to home heating oil prices during the 1977-78 heating season. Finally, the ERA indicated that a hearing would be held before the Office of Administrative Review in August 1978 concerning the prices of No. 2 heating oil. The ERA noted that the hearing would be an evidentiary hearing, open to the public, and that its purpose would be to evaluate the performance of all levels of distribution of the heating oil industry and the need for further regulatory action with regard to No. 2 heating oil in light of the information which had been collected as a result of the monitoring program and any other information which was submitted to the DOE in connection with the hearing. On March 30, 1978, the Office of Hearings and Appeals of the DOE was created, and that Office has assumed the responsibilities which previously had been exercised by the Office of Administrative Review. Consequently, the Office of Hearings and Appeals will be responsible for conducting the August 1978 evidentiary hearing.

On April 24, 1978, the Office of Hearings and Appeals announced the adoption on an interim basis of certain rules of procedure for the evidentiary hearing and invited interested persons to comment on those rules. Comments were received from seventeen persons who represent private and state governmental interests. After considering the written comments which were submitted, the Office of Hearings and Appeals has set forth in this Notice the final procedures which will be used to govern the conduct of the evidentiary hearing.

II. DISCUSSION OF COMMENTS

A. Many of the commenters expressed concern that the rules of procedure set forth in the April 24, 1978, Notice might have been issued in violation of the provisions of section 501 of the Department of Energy Organization Act (DOE Act). Both section 501(a), which incorporates by reference the notice requirements of the Administrative Procedure Act (APA), and section 501(b) of the DOE Act specify that the DOE shall provide a minimum of 30 days for the receipt of comments prior to the promulgation of certain rules, regulations, and orders, 553 U.S.C. 551 et seq. (1971). However, neither of these provisions applies to this proceeding. The notice requirements contained in section 553 of the APA do not apply to rules of a

procedural nature, 5 U.S.C. 553(b)(A) (1971). Moreover, the notice requirements set forth in section 501(b) of the DOE Act do not apply to these interim procedures since they are not a "rule, regulation, or order" as defined in section 501(a).

Section 501 is intended to apply to rules of general applicability. Instead, these interim procedures have a very limited purpose and are intended to govern only the conduct of the present inquiry into the need for further regulatory action with respect to home heating oil. These rules do not govern any other proceedings which the DOE may conduct.

Moreover, as the DOE indicated in the April 24 Notice, the evidentiary hearing will not have any immediate adverse impact on any firm. Following the conclusion of the evidentiary hearing and the submission of final comments, the Office of Hearings and Appeals will submit a recommendation in this matter to the Administrator of the ERA in the form of a Decision. Any subsequent regulatory action with regard to home heating oil will be taken by the Administrator of the ERA, and will be subject to any applicable rulemaking requirements. Thus, the evidentiary hearing for which these procedures have been published is only a preliminary matter. It is intended to enable the DOE to gather information in order to determine whether further regulatory action should be initiated with regard to No. 2 heating oil. In view of these factors, we have concluded that the concern which some commenters expressed is unfounded and that the formal notice requirements which govern general rulemaking proceedings do not apply to this matter.

B. Many of the comments received objected to Rule 3 of the interim procedures. That Rule would permit the Office of Hearings and Appeals to group two or more petitioners who have similar interests and to designate one petitioner to represent that class. Several of the commenters argued that this Rule would not afford particular petitioners an adequate opportunity to express their own views with regard to all of the issues to be addressed at the hearing. In addition, certain commenters feared that the consolidation of petitioners into individual classes might result in the exchange of sensitive price and cost data in violation of the antitrust laws.

We do not believe that these objections are well-founded. The Office of Hearings and Appeals does not intend to create a class if it appears that the presentation of a petitioner's views will be adversely affected. Indeed, the Office of Hearings and Appeals is planning to conduct a conference in order to determine whether particular petitioners should be permitted to in-

tervene as parties or whether they should be consolidated with others into a class. At this conference, each petitioner concerned will be permitted to present its views on the potential effect which consolidation would have on both the petitioner and the usefulness of the evidentiary hearing. Furthermore, in order to minimize any adverse effects resulting from consolidation, Rule 3 has been amended. Rule 3 now includes a provision which states that the Office of Hearings and Appeals will consider various factors relating to the effects of consolidation on the petitioner and the hearing generally in making a determination as to whether to direct consolidation in particular cases.

Obviously, the consolidation of petitioners into classes will necessitate some restrictions on the evidentiary presentations of individual firms and other entities, but we believe that the efficiency and usefulness of the evidentiary hearing will be significantly advanced in many cases if consolidation is permitted. The issues to be considered at the August hearing have a nationwide scope, and the Office of Hearings and Appeals has received petitions requesting permission to intervene from eleven organizations and state governmental entities which represent consumers of home heating oil as well as firms which operate at every level of the home heating oil industry. The use of a consolidated presentation has distinct advantages in cases where factual material can be summarized by the class representative, or where that representative can provide a presentation which includes the spectrum of opinion and factual data submitted to it by the members of the class. We also believe that the consolidation of petitioners into a class for purposes of facilitating the conduct of the hearing will not raise difficulties under the antitrust laws. Various methods as to the manner in which sensitive proprietary data is assembled and presented at the hearing may be used by members of a particular class to minimize the possibility of antitrust violations. For example, the exchange of proprietary price and cost data among members of a class could be avoided completely if that information were collected and presented by a neutral representative of the class, such as a law firm or accounting firm retained for the purpose of making the evidentiary submission at the August hearing. In addition, the presiding officer of the hearing has the authority to take appropriate action to ensure that sensitive competitive information submitted to the DOE is held in confidence.

We have, however, adopted the suggestion offered by several of the commenters that interested persons who have not been designated parties to the proceeding should nevertheless be

permitted to submit written comments on the issues considered in the proceeding. The adoption of a rule of this nature will enable certain persons who wish to present confidential information to do so, and it will ensure that persons who cannot participate as parties in the proceeding will be able to submit their views as well.

Accordingly, the final procedures which are set forth in Part III of this Notice include a Rule which provides that all interested persons may submit written comments in connection with the evidentiary hearing. It should be noted that since written comments of this type will not be subject to cross examination and further inquiry at the evidentiary hearing, the Office of Hearings and Appeals will not rely on factual assertions which are presented in these comments. Rather, the Decision which the Office of Hearings and Appeals will issue with regard to the need for further regulatory action involving home heating oil will be based solely on the findings of fact elicited at the hearing itself. However, we believe that written comments submitted by non-parties will be useful since they may lead to the introduction of additional relevant evidence at the evidentiary hearing and will provide the Office of Hearings and Appeals with a fuller background in which to consider the evidence presented at the hearing.

C. Some of the commenters maintained that parties should not be required to submit a Statement of Factual Position until the Office of Fuels Regulation has issued its June report. According to the interim procedures, the Office of Fuels Regulation is required to issue its report on the same date by which Statements of Factual Position must be submitted. These commenters felt that the Statements of Factual Position should be in the nature of a response to the Office of Fuels Regulation's evaluation of the performance of the home heating oil industry during the past heating season.

We do not believe that the approach suggested by the commenters would further a full consideration of issues at the evidentiary hearing. Comments which merely respond to findings of fact and conclusions made in the June report would, in our opinion, be too narrowly focused to be of general use in determining whether further regulatory action is appropriate with regard to home heating oil. Although the report issued by the Office of Fuels Regulation will be a major subject for consideration at the evidentiary hearing, it should not be the only focal point of the hearing. Rather, all the parties involved in the proceeding are encouraged to advance their own particular positions regarding further regulatory action and to submit independent factual evidence

in support of their positions. Moreover, the rules of procedure afford each party an ample opportunity to respond to the June report of the Office of Fuels Regulation as well as the statements submitted by other parties. (See Rule 7). In view of these considerations, we do not believe that the Rules should be amended in such a way as to alter the sequence in which parties are required to submit their initial submissions on substantive matters.

D. One commenter suggested that the Office of Hearings and Appeals modify Rule 6 of the interim rules of procedure so that the parties involved in the evidentiary hearing would not be required to file a response to the June report of the Office of Fuels Regulation and to each of the Statements of Factual Position which are submitted by other parties. In this regard, the commenter felt that it would be burdensome for a participant to be required to make a complete response to the June report and to each particular Statement of Factual Position if it did not disagree with any of the factual findings presented in either the report or the Statement.

We have decided to adopt this suggestion. The purpose of this requirement in Rule 6 of the interim rules was to ensure that the Office of Hearings and Appeals would be in a position to identify all disputed issues of fact prior to the evidentiary hearing. It does not appear, however, that the modification suggested above is inconsistent with the attainment of this objective. Therefore, in order to eliminate any unnecessary burdens on the parties involved in the proceeding, Rule 6 (Rule 7 of the final rules) has been modified in the following manner. No party shall be required to respond to the June report of the Office of Fuels Regulation or to any of the Statements of Factual Position which are submitted in this proceeding. However, if a party does not respond to all or part of the June report or a particular Statement of Factual Position, it will be deemed to have stipulated to the accuracy of the factual representation to which it did not respond.

E. Some commenters maintained that the interim rules of procedure indicate that the Office of Hearings and Appeals intends to conduct an inordinately complex proceeding which will involve a substantial expense to the participants. Several of the commenters expressed concern that under these circumstances small businesses and individual consumers will be discouraged or precluded from fully participating in the evidentiary hearing.

The procedural rules are intended to provide a format which will not only enable the parties to present their findings and conclusions, but also will

provide the proper procedural framework which will permit parties with opposing positions to challenge the validity of the data presented. A diligent attempt has been made to keep the rules as simple as possible while permitting those objectives to be attained. We think that a proceeding of an adjudicatory nature provides the most efficient and equitable means of identifying and resolving disputed issues of fact. In addition, since the parties which will participate in the hearing have not yet been designated by the Office of Hearings and Appeals, the concern expressed by certain commenters that small businesses and consumers will be deterred from presenting their views is speculative at the present time.

It should be noted that consumer interests are already assured of being represented as a result of the approval of financial assistance to the Energy Policy Task Force of the Consumer Federation of America (CFA) for the purpose of participating in the present proceeding. Consumer Federation of America, 1 DOE Par. — (April 27, 1978); 1 DOE Par. — (May 5, 1978). That organization represents more than 50 consumer and consumer-related organizations throughout the country. CFA has expressed a willingness to represent the views of any other consumer interest group that wishes to advance a position at the hearing. With respect to small businesses, if they find it impossible to submit views on an individual basis, they may present their positions at the evidentiary hearing through representative trade associations or larger business concerns that hold similar interests.

It is also important to point out that the interim procedures have been amended to permit interested persons to submit written comments, and this method can be used by small businesses and individuals to express their views without being designated as parties to the proceeding. Consequently, we do not believe that the rules of procedure will unfairly prevent interested persons from participating in the evidentiary hearing. The Office of Hearings and Appeals may, however, adopt supplemental procedures if it appears that persons with a fundamental interest in the issues involved would otherwise be denied an adequate opportunity to present their views.

III. RULES OF PROCEDURE

RULE 1—PRELIMINARY DATA TO BE MADE AVAILABLE BY THE OFFICE OF FUELS REGULATION

(a) *Requests for Data.* After May 1, 1978, the Office of Fuels Regulation of the Economic Regulatory Administration shall furnish the information described in Paragraph (b) of this Rule to any person that so requests. Re-

quests for this material should be in writing and addressed to Barton R. House, Assistant Administrator for Fuels Regulation, Office of Fuels Regulation, Department of Energy, 2000 M Street NW., Washington, D.C. 20461. The Office of Fuels Regulation shall also place a copy of the information on file in the Public Docket Room of the Office of Hearings and Appeals.

(b) *Nature of the Data.* the material which the Office of Fuels Regulation is required to provide under Paragraph (a) of this Rule shall consist of the data which the Energy Information Administration (EIA) has collected on a national and regional basis with regard to monthly average sales prices and average gross margins of refiners, wholesalers, and retailers of No. 2 heating oil during the period November 1977 through February 1978. Data indicating the average monthly prices charged to residential users in sales of No. 2 heating oil during the period November 1977 through February 1978 for selected States shall also be made available.

RULE 2—PETITION TO INTERVENE

(a) *Filing Requirement.* Any person who wishes to be designated a party to this proceeding shall file a Petition to Intervene no later than May 25, 1978.

(b) *Contents of Petition to Intervene.* Each Petition shall contain (i) a detailed description of the interests which the petitioner represents; (ii) the specific reasons why the petitioner's involvement in the proceeding will substantially contribute to a complete and equitable resolution of the issues to be considered in the proceeding; (iii) a statement of the position which the petitioner intends to assert at the hearing; (iv) a specific identification of the witnesses and type of evidence which the petitioner proposes to introduce in support of its position; if the identities of the witnesses are not yet known, provide a description of the types of witnesses to be presented; (v) a description of the nature and scope of the factual or legal information which the petitioner plans to present; and (vi) a description of the relevancy of this information and the reasons why the testimony of the witnesses is necessary to establish the asserted position.

RULE 3—DECISION WITH RESPECT TO PETITION TO INTERVENE

(a) The Office of Hearings and Appeals may in its discretion conduct conferences for the purpose of determining whether a petition to intervene should be granted and may convene a hearing pursuant to the provisions of 10 CFR 205.172 in order to hear oral argument with respect to the petition.

(b) After considering all of the petitions which it has received, supporting documents and any other relevant in-

formation received or obtained during the proceeding, the Office of Hearings and Appeals shall enter an Order identifying the petitioners who will be accorded status as parties to the evidentiary hearing. To the greatest extent possible, an attempt will be made to ensure that all of the various interests involved will be adequately represented at the hearing. The Office of Hearings and Appeals may, however, aggregate two or more petitioners into a class on the basis of the similarity of the interests which they represent or the views they intend to advance at the hearing and designate one petitioner to represent all of the petitioners in a particular class.

(c) In determining whether a particular petitioner should be consolidated into a class for the purpose of the hearing, the Office of Hearings and Appeals will give consideration to the following factors:

(i) The number of persons who have petitioned to intervene in the evidentiary hearing;

(ii) The number of petitioners who share common interests with the petitioner and intend to present similar views;

(iii) The extent to which the petitioner's ability to express its views will be impeded if it is consolidated into a class;

(iv) The willingness of the petitioner to be consolidated with other petitioners; and

(v) The extent to which the petitioner may encounter special difficulties in complying with the provisions of the antitrust laws if it is consolidated into a class with other petitioners.

(d) The Order of the Office of Hearings and Appeals with respect to a Petition to Intervene shall not be subject to further administrative review or appeal. The Office of Hearings and Appeals intends to issue a determination with respect to Petitions to Intervene no later than June 9, 1978.

RULE 4—NONPARTY PARTICIPATION

The Office of Hearings and Appeals will receive written comments which are submitted by persons who wish to participate in this proceeding but who have not been designated as parties. Persons who intend to submit written comments may submit their comments in writing to the Office of Hearings and Appeals at any time during this proceeding but no later than fifteen (15) days following the date on which the evidentiary hearing is completed.

RULE 5—STATEMENT OF FACTUAL POSITION

(a) *Filing Requirement.* A Statement of Factual Position shall be filed by each party no later than June 30, 1978.

(b) *Contents of Statement of Factual Position.* The Statement of Factual

Position shall contain a full and detailed discussion of the factual positions which the party intends to establish at the hearing with respect to each of the issues to be addressed at the hearing. The Statement shall also contain a description of the witnesses and the type of information which the party intends to present at the hearing in order to prove the factual representations which it maintains are correct and to dispute or support the factual representations which appear in the preliminary data provided by the Office of Fuels Regulation.

RULE 6—REPORT OF THE OFFICE OF FUELS REGULATION

No later than June 30, 1978, the Office of Fuels Regulation shall publish a detailed report which sets forth its analysis of the data which the EIA has gathered in connection with the current program to monitor the prices of home heating oil. This report shall contain specific findings of fact and conclusions which the Office of Fuels Regulation has reached regarding its study of home heating oil prices during the 1977-78 heating season. A copy of the report shall be mailed or otherwise made available to each party involved in the evidentiary hearing no later than June 30, 1978.

RULE 7—RESPONSE TO STATEMENTS OF FACTUAL POSITION AND REPORT OF THE OFFICE OF FUELS REGULATION

The Office of Fuels Regulation and any person which has been designated a party to the evidentiary hearing may file comments in response to each Statement of Factual Position which has been submitted by another party within fifteen (15) days of the date of filing of that Statement. All parties may also file comments with regard to the June report of the Office of Fuels Regulation within fifteen (15) days of the date of issuance of that document. The comments filed pursuant to this Rule shall identify:

(i) The particular factual representations which the party considers to be correct;

(ii) The particular factual representations which the party asserts are incorrect; and

(iii) The particular factual representations whose validity the party is not in a position to either accept or deny.

If a party does not file a timely response to a factual representation contained in the report of the Office of Fuels Regulation or in a Statement of Factual Position which has been submitted by another party, it will be deemed to have agreed with that factual representation.

RULE 8—DECISION AND ORDER WITH RESPECT TO STATEMENTS OF FACTUAL POSITION AND RELATED DOCUMENTS

(a) After receiving the submissions of the parties with respect to the

Statements of Factual Position, the June report prepared by the Office of Fuels Regulation, and any responses filed by the parties to these documents, the Office of Hearings and Appeals may in its discretion conduct conferences with parties for the purpose of resolving any differences of view.

(b) After considering the Statements of Factual Position, the June report of the Office of Fuels Regulation, Responses filed pursuant to Rule 7 and any other relevant information received or obtained during the proceeding, the Office of Hearings and Appeals shall issue an Order specifying the particular issues of fact which will be considered at the evidentiary hearing. In addition, the Order shall specify the particular factual representations whose validity has not been challenged by either the Office of Fuels Regulation or any party and which as a result will be denominated as stipulated facts which will not be subject to examination at the evidentiary hearing.

(c) The Order of the Office of Hearings and Appeals shall also describe the format to be used for the evidentiary hearing and the conclusions of the Office with respect to the following specific procedural matters:

(i) Burden of proof;

(ii) Standard of proof; and

(iii) The rules which will be applied to the introduction of written and oral testimony and other evidence.

(d) The Order of the Office of Hearings and Appeals with respect to the Statements of Factual Position and related documents shall not be subject to further administrative review or appeal.

RULE 9—EVIDENTIARY HEARING

(a) The evidentiary hearing shall be conducted by the Director of the Office of Hearings and Appeals or by his designee.

(b) The presiding officer of the hearing shall arrange for a transcript to be taken of the proceedings. A copy of the transcript, with such modification as is necessary to insure the confidentiality of information protected from disclosure under the provisions of 18 U.S.C. 1905 and 5 U.S.C. 552, will be placed on file in the Public Docket Room as described in 10 CFR 205.15 within a reasonable time following the conclusion of the evidentiary hearing.

(c) The hearing will be open to the public. However, the presiding officer may direct that any party or member of the public be excluded from attending those portions of the hearing that involve a discussion of proprietary financial data which is protected from disclosure under the provisions of 18 U.S.C. 1905 and 5 U.S.C. 552.

(d) The presiding officer of the evidentiary hearing shall afford the par-

ties and opportunity to present evidence which:

(i) directly relates to a particular issue of fact which has been set forth for hearing; and

(ii) Is material and relevant in establishing the validity of the position which the party asserts the DOE should adopt in this matter.

(e) The presiding officer may take reasonable measures to exclude repetitive material from the hearing. The presiding officer may also require that evidence be submitted through affidavits or other written form if he concludes that the presentation of evidence through the direct testimony of witnesses will unduly delay the orderly progress of the hearing and would add little substantive value in resolving the issues involved in the hearing.

(f) In all instances in which a party presents evidence through the testimony of a witness, the presiding officer of the hearing shall insure that reasonable opportunity is provided to the other parties for cross examination.

(g) The presiding officer of the hearing may administer oaths and affirmations, rule on objections and dispose of procedural requests, determine the format of the hearing, direct that written motions or briefs be provided with respect to issues raised during the course of the hearing and otherwise regulate the course of the hearing.

(h) The provisions of 10 CFR 205.8 which relate to the authority of the presiding officer with respect to subpoenas and witness fees shall apply to the evidentiary hearing.

(i) Following the presentation of all evidence the presiding officer shall afford the parties an opportunity to present oral argument as to the Decision which the Office of Hearings and Appeals should issue with respect to the matter. The presiding officer may direct that written memoranda, briefs or other documentary material be submitted in support of any position which a party advances or with respect to any issue otherwise specified by the presiding officer.

RULE 10—FINAL COMMENTS

Within fifteen (15) days following the date on which the evidentiary hearing is adjourned, each of the parties shall submit final comments, in the form of a summation brief, to the Office of Hearings and Appeals. The summation brief shall include the findings of fact and conclusions of law which the party requests be adopted by the Office of Hearings and Appeals. In addition, it shall include a recommendation as to the regulatory action, if any, which the DOE should take with regard to the pricing and allocation of No. 2 heating oil and a detailed discussion of the manner in which the

record in the proceeding supports the position advanced.

RULE 11—ISSUANCE OF DECISION WITH RESPECT TO EVIDENTIARY HEARING

(a) After considering the submissions of the parties and the DOE, the transcript of the hearing, and any other relevant information received or obtained in connection with the evidentiary hearing, the Director of the Office of Hearings and Appeals or his designee shall issue an appropriate Decision. The determination shall include a written statement setting forth the relevant facts supporting the Decision. The Decision shall not be subject to appeal.

(b) The Office of Hearings and Appeals shall transmit a copy of the Decision to the Administrator of the Economic Regulatory Administration of the Department of Energy and shall serve a copy of the Decision upon each person who was designated a party to the evidentiary hearing. In addition, a copy of the Decision shall be placed on file in the Public Docket Room of the Office of Hearings and Appeals and shall be published in the FEDERAL REGISTER. The Office of Hearings and Appeals shall delete from the copies made available to the public those portions of the Decision which contain confidential information which is protected from disclosure under 18 U.S.C. 1905 and 5 U.S.C. 552.

RULE 12—EX PARTE COMMUNICATIONS

(a) No person who is not employed or otherwise supervised by the Office of Hearings and Appeals shall submit an ex parte communication to the Director or any person employed or otherwise supervised by the Office with respect to any matter involved in the evidentiary hearing. This Rule shall be effective during the period from the date on which the evidentiary hearing is convened through the date of issuance of the Decision by the Office of Hearings and Appeals with respect to the matters considered at the evidentiary hearing.

(b) Ex parte communication includes any ex parte oral or written communication with respect to the matters involved in the evidentiary hearing. The term shall not, however, include requests for status reports, inquiries as to procedures, or the submission of statistical or technical data or reports containing proprietary or confidential information requested after notice to all parties by a person employed or otherwise supervised by the Office of Hearings and Appeals.

(c) If a communication occurs that violates the provisions of this Rule, the Office of Hearings and Appeals shall take appropriate action to mitigate the adverse impact to any party of the ex parte contact.

RULE 13—EXTENSION OF TIME, INTERIM AND ANCILLARY ORDERS

The Director of the Office of Hearings and Appeals or his designee may in his discretion permit a document referred to in these Rules to be filed at a time which is different from the time period specified in a particular provision of these Rules. The Director or his designee may also issue any interim or ancillary Orders or make any ruling or determination which he deems necessary to ensure that the proceedings specified in these Rules are conducted in an appropriate manner and that the resolution of the issues presented in the proceeding are not unduly delayed.

RULE 14—GENERAL FILING REQUIREMENTS

(a) The Petition to Intervene, the Statement of Factual Position, comments in response to the Statement of another party, other written comments and any other motions or documents filed in connection with the evidentiary hearing shall be filed with the National Office of Hearings and Appeals, Department of Energy, 2000 M Street NW., Washington, D.C. 20461.

(1) Any document referred to in this Rule shall be filed in triplicate.

(2) If a person claims that any portion of a document referred to in this Rule contains confidential information, such information should be deleted from two (2) of the copies which are filed. One copy from which confidential information has been deleted will be placed in the Public Docket Room of the Office of Hearings and Appeals.

(b) Parties shall serve a copy of each document which they file during the course of this proceeding upon the Office of Fuels Regulation and upon each person who has been designated a party by the Office of Hearings and Appeals.

(c) Any filing made under these Rules shall include a certification of compliance with the provisions of these Rules, the names and addresses of each person served, and the date and manner of service.

Issued in Washington, D.C., May 31, 1978.

MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals,
Department of Energy.

[FR Doc. 78-15585 Filed 6-5-78; 8:45 am]

[1505-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 903-4]

ADMINISTRATOR'S TOXIC SUBSTANCES ADVISORY COMMITTEE

Open Meeting

Correction

In FR Doc. 78-14955 appearing at page 23648 in the issue for Wednesday, May 31, 1978, in the third line under the summary paragraph the meeting times should read, "from 7 p.m. to 9:30 p.m. on Sunday, June 25".

[6560-01]

[FRL 900-2; OPP-50331A]

MISSISSIPPI AUTHORITY FOR CONTROL OF FIRE ANTS

Receipt of Amendment to an Experimental Use Permit and Solicitation of Public Views

The Environmental Protection Agency (EPA) has received from the Mississippi Authority for Control of Fire Ants (hereafter referred to as "Mississippi") a request for an amendment to an experimental use permit (No. 38962-EUP-2) issued to it by EPA on September 29, 1977. This permit, which was published on October 5, 1977 (42 FR 54331), allowed the use of approximately 11 pounds of the insecticide dodecachlorooctahydro-1,2,4-metheno-2H-cyclobuta (cd) pentalene (Ferriamicide Bait) on 5,500 acres of nonagricultural land in Mississippi and Florida, effective until October 1, 1978.

Mississippi has requested authorization:

1. To increase the total acreage from 5,500 to 9,500 acres of nonagricultural land to include 500 acres each in North Carolina, South Carolina, Georgia, Louisiana, Arkansas, and Texas and 1,000 acres in Alabama. Mississippi is allowed 5,000 acres and Florida 500 acres under the current permit; no change in these is proposed;

2. To treat 20,000 acres in a single block with ferriamicide for environmental residue monitoring studies. Pasture lands will be major targets in any control program and so this type of land will be emphasized in this test. Heavily forested areas will not be treated. This test area will probably be in Mississippi;

3. In the event that item 2 above is not granted, to treat 1,000 acres of pasture or hay acreage and 200 acres of grain crop land with ferriamicide is requested for monitoring residue data in beef, milk, soy beans, corn and other grain crops;

4. To use fixed wing aircraft in addition to helicopters for application; and
5. To use application rates other than 1 pound/acre for efficacy tests and field degradation tests, to allow application rates on up to 200 acres per State to be increased or decreased (increase may be up to five times normal application for efficacy tests), allow application of up to 500 times the normal application rate on plots not to exceed one acre for field degradation studies (in these latter studies 10/5, and 0.5 percent ferriamicide baits will be employed at rates of 4 times the label strength).

According to Mississippi, the purposes for amending the permit are threefold. The first is to gather additional efficacy data from a wide range of environmental conditions, including various types of ecological conditions as well as seasonal data. Application would be made aerially or broadcast from ground equipment at various application rates to both nonagricultural and agricultural lands. The second is to monitor various birds, mammals, insects, and aquatic insects as well as vegetation, soil, and water. The third purpose is to carry out field degradation studies. The experimental use permit remains effective until October 1, 1978.

According to the section 5 regulations of the amended Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Administrator of the EPA shall publish notice in the FEDERAL REGISTER of receipt of an application for an experimental use permit upon finding that issuance of the permit may be of regional or national significance; the determination has been made that this amendment may also be of wide significance. Therefore, all interested parties are invited to submit written comments pertinent to the proposed amended program submitted in connection with this experimental use permit. Comments should be forwarded to the Federal Register Section, (WH-569), Room E-401, Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. Copies of the comments should be submitted to facilitate the work of the agency and others interested in inspecting the submissions. The comments must be received on or before July 7, 1978 and should bear the identifying notation OPP-50331A. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. during normal work days.

This document does not indicate a decision by this Agency on the application. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, Room E-315, located

at the Headquarters address mentioned above.

(Sec. 5, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; (7 U.S.C. 136(a) et seq.).)

Dated: June 2, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-15814 Filed 6-5-78; 9:10 am]

[6560-01]

[FRL 906-7]

WATER QUALITY CRITERIA

Extension of Public Comment Period on Technical Guidelines

AGENCY: Environmental Protection Agency.

ACTION: Extension of public comment period.

SUMMARY: In the FEDERAL REGISTER of May 18, 1978 (43 FR 21506), EPA published technical guidelines which set forth a methodology for deriving water quality criteria under the Clean Water Act. EPA asked that written public comments be submitted by July 3, 1978. EPA has determined that additional time should be allowed.

DATE: The deadline for submitting written public comments is hereby extended to August 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Kenneth M. Mackenthun, Director, Criteria and Standards Division (WH-585), Office of Water Planning and Standards, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, telephone 202-755-0100.

Dated: June 1, 1978.

THOMAS C. JORLING,
Assistant Administrator for
Water and Hazardous Materials.

[FR Doc. 78-15694 Filed 6-5-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10218; or

may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., Chicago, Ill., and San Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after the date of the FEDERAL REGISTER in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 8240-13.
Filing party: Mr. Wade S. Hooker, Jr., Burlingham Underwood & Lord, One Battery Park Plaza, New York, N.Y. 10004.

Summary: Agreement No. 8240-13, entered into by the member lines of the Atlantic and Gulf-Singapore, Malaya and Thailand Conference, amends the basic agreement by adding a new Article 11 which provides that the member lines of the conference may, by a two-thirds vote, appoint demurrage collection agents at destination ports within the conference trade area. Any proceeds collected by any such agent will be allocated, after deduction of the costs of collection, to the members to whom the charges are owed.

Agreement No. 9984-12.
Filing Party: Howard A. Levy, Esq., Suite 727, 17 Battery Place, New York, N.Y. 10004.

Summary: Agreement No. 9984-12, among the members of the South Atlantic-North Europe Rate Agreement (SANE), modifies the basic agreement by placing a limitation on the scope of SANE's intermodal authority that it shall not extend to any joint rail-water or joint motor-water service from or to rail or motor carrier terminals located in coastal port cities outside the Hatteras/Key West range or areas proximate to such cities operated by any member line under tariffs filed with the Federal Maritime and Interstate Commerce Commissions.

Agreement No. T-2750-1.
Filing Party: Leslie E. Still, Jr., Deputy, City Attorney of Long Beach, 333 West Ocean Boulevard, Long Beach, Calif. 90802.
Summary: Agreement No. T-2750-1, between the City of Long Beach (Port) and United States Lines, Inc. (U.S.L.), modifies the parties' basic agreement providing for the Port's preferential assignment to U.S.L. of a marine container terminal at Berth 230, Pier G, and water area adjacent thereto at the Port of Long Beach, Calif. The purpose of the modification is to extend the term of the agreement to December 31, 1978, and to amend the area of the leased premises by deleting 100 feet of wharf space.

Agreement No. T-2750-B-1.
Filing Party: Leslie E. Still, Jr., Deputy, City Attorney of Long Beach, 333 West Ocean Boulevard, Long Beach, Calif. 90802.
Summary: Agreement No. T-2750-B-1, between the City of Long Beach (Port) and United States Lines, Inc. (U.S.L.), modifies the parties' basic agreement providing the Port's assignment to U.S.L. for the use of two container cranes for the handling of cargo containers at premises to be assigned to U.S.L. pursuant to the wharf assignment container in Agreement No. T-2750. The purpose of the modification is to extend the term of the agreement to December 31, 1978.

Agreement No. T-3616-1.
Filing Party: Thomas A. Johnson, Esq., Galland, Kharasch, Calkins & Short, Canal Square, 1054 Thirty-First Street NW., Washington, D.C. 20007.

Summary: Agreement No. T-3616-1, between the Puerto Rico Ports Authority (Port) and Fred Imbert, Inc. (Imbert), modifies the parties' basic agreement providing for the Port's lease to Imbert of certain premises at Pier 13, San Juan, P.R., which includes the right of preference in the use of a berthing and open storage area and cargo sheds A and B, as well as the exclusive use of an office building, Gear Shed and additional open space. The purpose of the modification is to make adjustments to the term of the agreement, providing for a three-year term, with a two-year renewal option.

By Order of the Federal Maritime Commission.

Dated: May 31, 1978.

FRANCIS C. HURNEY
Secretary.

[FR Doc. 15666 Filed 6-5-78; 8:45 am]

[6730-01]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916, (Stat. 422 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Cosdel International Co. (Cosmo S. Antista, d.b.a.), 655 Powell Street, San Francisco, Calif. 94111.

Edward J. Esposito, 90 West Street, Room 1104, New York, N.Y. 10006.

Interamerican Customs Broker Corp., 8339 Hindry Avenue, Los Angeles, Calif. 90045. Officers: W. P. Daetwyler, chairman, W. Guy Fox, Exec. Vice President, Len Guyt, Senior Vice President, Werner Schmid, Treasurer, Frank Stapleton, Secretary.

Aduana International (Francisco Alberto Perez, d.b.a.), 1946 Southwest 18th Avenue, Miami, Fla. 33145.

Swift International Forwarders (Microtron Industries, Inc., d.b.a.), 600 North Beltline Road, Irving, Tex. 75061. Officers: Robert G. Dawe, President, W. Newton Barnes, Secretary, Wilma Rhoades, Treasurer, D. C. Morrow, Vice President, J. W. Zadik, Director, Kenneth D. Reynolds, Director, Scottie Ashley, Director, J. A. Bozeman, Director, Michael R. Lewis, Director, Louis B. Iotspeich, Director.

William R. Garcia, 702 East Gage Avenue, Suite 5-F, Los Angeles, Calif. 90001.
Hermilo Mendoza, 4139 George Street, Schiller Park, Ill. 60176.

Inter-Port, Inc., Route 3, Box 617, M. Palm Harbor, Fla. 33563. Officers: John M. Norton, President, Barbara L. Norton, Secretary/Treasurer.

Globe Forwarders Inc., 5000 Southwest 69th Avenue, Miami, Fla. 33155. Officer: Jose Sust, President.

Path International, 900 West Florence Avenue, Inglewood, Calif. 90301. Officers: John P. Hall, President, Paul T. Horli, Vice President, Alex F. Hall, Secretary.
Cleveland Freight Services International, Inc., 6864 Engle Road, Middleburg Heights, Ohio 44130. Officers: Ismail K. Renno, President, Rafael Swift, Executive Vice President, Dennis M. Costin, Executive Vice President, Lester E. Kean, Secretary/Treasurer.

Oceanair Freight International, Inc., 833 Mahler Road, Burlingame, Calif. 94010. Officers: R. D. Sellentin, President/Director, Fred N. Chattey, Vice President/General Manager/Director, Jerome E. Rojas, Vice President, Beverley S. Sellentin, Secretary/Treasurer/Director.

Bresnan Shipping Co., Inc., 17 Battery Place, Suite 2229, New York, N.Y. 10004. Officers: Donald C. Bresnan, President, Carol L. Bresnan, Secretary, William S. Bresnan, Vice President/Treasurer.

Compass Forwarding Co., Inc., c/o Mr. Richard Shelala, 124 Battery Avenue, Brooklyn, N.Y. 11218. Officers: Richard Shelala, President/Treasurer, Lee Farnsworth, Vice President/Secretary.

Lasco Shipping Corp., 55-07 39th Avenue, Woodside, N.Y. 11377. Officers: Frank Salamone, President/Secretary, Alma Alvarez, Treasurer, William J. Horan, Director.

General Transportation Services Inc., 550 Division Street, Elizabeth, N.J. 07201. Officer: George Chatah, President.
J. D. MacDonald Jr., Custom House Broker, 239 Prescott Street, No. 317, East Boston, Mass. 02128.

Transintra International Forwarding Co., Inc., 351 Pacific Avenue, Staten Island, N.Y. 10312. Officer: Richard Healy, President/Vice President/Secretary/Treasurer.
A. P. Champagne & Co., (A. P. Champagne, Jr., d.b.a.), P.O. Box 2348, 344 Camp Street, Suite 511, New Orleans, La. 70176.
A. F. International (Andres Fleites, d.b.a.), 122 Calabria, No. 2, Coral Gables, Fla. 33134.

Cargo Transport Corp., 10806 Hempstead Highway, Suite 118-A, Houston, Tex. 77092. Officers: Ray C. B. Carlisle, President, Jacqueline M. Carlisle, Secretary, Fletcher L. Amidon, Vice President, Valeria Capparelli, Treasurer.

By the Federal Maritime Commission.

Dated: June 1, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-15667 Filed 6-5-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

BALCH SPRINGS BANCSHARES, INC.

Formation of Bank Holding Company

Balch Springs Bancshares, Inc., Balch Springs, Tex., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 99.95 percent or more (less directors' qualifying shares) of the voting shares of First Bank, Balch Springs, Tex. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 22, 1978.

Board of Governors of the Federal Reserve System, May 25, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-15576 Filed 6-5-78; 8:45 am]

[6210-01]

CITIZENS BANKSHARES, INC.

Formation of Bank Holding Company

Citizens Bankshares, Inc., Louisville, Ky., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 87 percent or more of the voting shares of Citizens Deposit Bank, Calhoun, Ky. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 29, 1978.

Board of Governors of the Federal Reserve System, May 30, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-15575 Filed 6-5-78; 8:45 am]

[6210-01]

FIRST STATE BANCORPORATION

Formation of Bank Holding Company

First State Bancorporation, Fredericksburg, Iowa, has applied for the

Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 83.7 percent or more of the voting shares of First State Bank, Fredericksburg, Iowa. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than June 29, 1978.

Board of Governors of the Federal Reserve System, May 30, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-15574 Filed 6-5-78; 8:45 am]

[6210-01]

JACKSON HOLE BANKING CORP.

Formation of Bank Holding Company

Jackson Hole Banking Corp., Jackson, Wyo., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring at least 80 percent of the common and of the preferred shares of The Jackson State Bank, Jackson, Wyo. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 30, 1978.

Board of Governors of the Federal Reserve System, May 31, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-15579 Filed 6-5-78; 8:45 am]

[6210-01]

SECURITY BANCORP, INC.

Acquisition of Bank

Security Bancorp, Inc., Southgate, Mich., has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by consolidation to The Newport State Bank, Newport, Mich. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 26, 1978.

Board of Governors of the Federal Reserve System, May 31, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-15578 Filed 6-5-78; 8:45 am]

[1610-01]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Expiration of FTC Reporting Requirement

Notice is hereby given that the clearance for a Federal Trade Commission (FTC) reporting requirement has expired and that extended approval has not been requested in accordance with the Federal Reports Act, 44 U.S.C. 3512 (Supp. V, 1975), and GAO's clearance review regulations, 4 CFR 10.5(e).

It has been brought to GAO's attention that FTC's Special Report on Mergers and Acquisitions in the Food Distribution Industries, dated February 14, 1973, may still be in use. This reporting requirement was last reviewed and approved by the Office of Management and Budget (OMB) on March 14, 1973. At that time, OMB assigned a clearance number 56-R0021 and stated that this reporting requirement's clearance would expire in December 1977. Since that expiration date, FTC has not requested that GAO renew the clearance of this reporting requirement.

To implement its Federal Reports Act responsibilities, GAO adopted clearance review regulations which became effective on July 2, 1974. Section 10.5(e) of these regulations, found in title 4, Code of Federal Regulations, provides:

Agencies may continue to use plans and report forms approved by OMB prior to November 16, 1973, until the OMB clearance expires. However, no plan or report form previously cleared by OMB may be used after its expiration date or materially revised for use prior to its expiration date without submission to and clearance by GAO.

Accordingly, since January 1, 1978, FTC's Special Report on Mergers and Acquisitions in the Food Distribution Industries has not had an effective clearance as required by GAO's regulations and the Federal Reports Act.

NORMAN F. HEYL,
Regulatory Reports
Review Officer.
[FR Doc. 78-15677 Filed 6-5-78; 8:45 am]

[1610-01]

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on May 30, 1978. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the *FEDERAL REGISTER* is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FTC request are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before June 26, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

FEDERAL TRADE COMMISSION

The FTC requests clearance of a new, single-time, voluntary Idea Promotion Survey questionnaire to be sent to the offices of the attorneys general in the 50 states. The questionnaire, part of a major project currently being conducted, requests information and material concerning the level of business activity of idea promotion, invention promotion, or patent development and marketing firms in the United States. The overall purpose of the Federal Trade Commission's major project is to determine the net effect, if any, of Federal Trade Commission enforcement activity and various state regulations on the idea promotion industry. The FTC estimates respondents to be the 50 state attorneys general and reporting time to average 3 hours per response.

NORMAN F. HEYL,
Regulatory Reports
Review Officer.

[FR Doc. 78-15678 Filed 6-5-78; 8:45 am]

NOTICES

[4110-88]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFAREAlcohol, Drug Abuse, and Mental Health
AdministrationALCOHOL ABUSE AND ALCOHOLISM
PROGRAMS

FY 1978 Alcohol Formula Grant Allotments

This notice provides information regarding the amounts allotted to the States in fiscal year 1978 for alcohol abuse and alcoholism programs.

On November 25, 1977, the Secretary of Health, Education, and Welfare promulgated final regulations setting forth a new formula for allotting to the States funds for alcohol abuse and alcoholism prevention, treatment, and rehabilitation appropriated pursuant to section 301 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 as amended (see *FEDERAL REGISTER*, volume 42, No. 227, page 60398). As required by section 302(a)(1) of the Act, this formula provided for allotment of funds among the States "on the basis of the relative population, financial need, and need for more effective prevention, treatment, and rehabilitation of alcohol abuse and alcoholism." Consistent with the requirements of section 302(a)(1), the regulations defined State need for more effective prevention, treatment, and rehabilitation as "an estimate of the level of alcohol abuse based on multivariate statistical analysis of survey data on alcohol abuse, the results of which are applied to data on the demographic characteristics of each State."

In proposing this formula (see *FEDERAL REGISTER*, volume 42, No. 21, page 6066), the Secretary stated that, if the formula were adopted, he planned to use two equally weighted indices of problem drinking as the measure of relative State need for more effective prevention, treatment, and rehabilitation in computing 1977 allotments to the States. These indices were "frequent heavy drinking" (defined as the number of times per week that a person drinks five or more drinks on one occasion) and "current tangible consequences" (an additive score concerning problems with spouse, relatives, friends, job, police, finances, and health). Frequent heavy drinking (FHD) was to be based on a national sample survey conducted in 1971. Current tangible consequences (CTC) was to be based on a national sample survey conducted in 1967.

Several persons commenting on the proposed formula suggested that the survey data on alcohol abuse which the Secretary planned to use in applying the formula in fiscal year 1977 were too old to yield reliable estimates

of current State need. Setting forth the final regulations, the Secretary acknowledged the importance of these concerns. He explained that only data from 1967 and 1971 surveys were actually available for use in calculating State allotments for 1977 but committed the Department to analyzing data from several more recent surveys to determine their value in computing fiscal year 1978 allotments.

The results of this analysis are now complete and are explained in some detail below. Briefly stated, however, a 1975 survey by Opinion Research Corp., proved to yield an estimate of frequent heavy drinking (FHD) not only more current but preferable in several other ways to the estimate of FHD (based on 1971 data) used in calculating 1977 allotments.

ANALYSIS OF SURVEYS

Carrying out the Secretary's commitment to analyze more recent survey data on alcohol abuse for possible use in estimating State need and calculating fiscal year 1978 allotments, the National Institute on Alcohol Abuse and Alcoholism (NIAAA) reviewed the following national sample surveys.

Health Interview Survey, 1977. National Center for Health Statistics, U.S. Department of Health, Education, and Welfare.

Health and Nutrition Examination Survey, 1971-74. National Center for Health Statistics, U.S. Department of Health, Education, and Welfare.

Public Awareness of the NIAAA Advertising Campaign and Public Attitudes Toward Drinking and Alcohol Abuse. Louis Harris and Associates, Inc., February 1974.

The Public evaluates the NIAAA Public Education Campaign. Opinion Research Corp., July 1975.

These surveys were analyzed to determine if the data they contain could be used to develop indices of frequent heavy drinking or current tangible consequences and, thus, to estimate State need for more effective prevention, treatment, and rehabilitation as required by section 302(a)(1) of the act and the implementing regulations published in November 1977. Three of the surveys proved unsuitable for this purpose.

The health interview survey is inappropriate for two reasons. First, it does not reflect the makeup of the population of all the States and is therefore unsuitable for the kind of estimation processes required by the regulations. Second, the alcohol-related data are insufficient to permit computation of either an FHD scale encompassing all types of alcoholic beverages or a CTC scale of the sort used for computing the 1977 allotments.

The health and nutrition examination survey cannot be used because the respondents were asked only about the alcoholic beverage they consumed

most frequently. No questions were asked about other alcoholic beverages consumed, thus precluding the construction of an FHD scale of the sort used for computing the 1977 allotments.

Data from the 1974 Harris survey can be used to calculate FHD scores. However, the results of the calculation appear inconsistent with similar data collected both before and after 1974 both by Harris and others. Of course, samples taken in any survey involve random processes and degrees of chance, and it is always possible that one survey can yield inexplicably different results for reasons which cannot be readily identified. But doubts about the representativeness or accuracy of the 1974 Harris data on alcohol consumption raised by its inconsistency with other surveys argued against using it to compute 1978 allotments to the States.

The 1975 survey by Opinion Research Corp. (ORC), proved more useful. Statistical analysis of the ORC data identified 16 demographic subgroups based on their relative risk of frequent heavy drinking. Table 1 below lists these subgroups (which, together, comprise the entire population covered by the survey) and the mean FHD score identified for each subgroup.

This updated estimate of frequent heavy drinking in various demographic subgroups has several advantages over the FHD index used in calculating 1977 allotments.

(1) It is based on the most recent national sample survey containing the data on quantity and frequency of alcohol consumption necessary to construct an FHD scale including all types of alcoholic beverages.

(2) The survey on which it is based used a statistically refined weighting scheme to adjust the makeup of the actual sample surveyed to approximate an "ideal" sample.

(3) It is more elaborated, distinguishing far more demographic subgroups (16 rather than 10).

(4) It is more sensitive to geographic region as a variable in drinking behavior.

(5) Used in the formula for calculating allotments, it helps reveal a wider range of relative need among the States (even though the technique of statistical analysis used is quite conservative, tending to draw extremely high and extremely low estimates of need closer to the mean). As can be seen in table 3, the 1978 values of relative State need for more effective prevention, treatment, and rehabilitation (based in part on FHD scores derived from the 1975 ORC data) ranged from 0.5110 to 1.5646. The 1977 values of relative State need (based in part on FHD scores derived from 1971 data) ranged only from 0.7275 to 1.3640.

NOTICES

24597

None of the recent surveys reviewed by NIAAA contained data which could be used to construct a scale of the social consequences of problem drinking similar to the CTC index (based on 1967 data) which was used in calculating 1977 allotments. Nevertheless, it remains desirable that estimates of relative State need for more effective prevention, treatment, and rehabilitation of alcohol abuse and alcoholism continue to address the prevalence of problems with family, employment, police, and finances such as those captured by the CTC index.

TABLE 1.—Average frequent heavy drinking (FHD) score by demographic subgroup*

	Mean FHD score
1. Male, living in south Atlantic/east south central regions, earning \$15,000 or more.....	0.005
2. Male, living in east north central region, earning \$15,000 or more, 18 to 49 yr old..	.718
3. Male, living in east north central region, earning \$15,000 or more, 50 yr or older....	.240
4. Male, living in south Atlantic/east south central/east north central regions, earning less than \$15,000.....	.040
5. Male, living in mountain/Pacific regions, married.....	.007
6. Male, living in west south central/west north central/mid-Atlantic/New England regions, 21 to 49 yr old, less than high school education, married.....	1.044
7. Male, living in west north central/mid-Atlantic/New England regions, 21 to 34 yr old, high school education or more, earning more than \$5,000 but less than \$15,000, married.....	.025
8. Male, living in west north central/mid-Atlantic/New England regions, 21 to 34 yr old, high school education or more, earning \$15,000 or more, married.....	.987
9. Male, living in west north central/mid-Atlantic/New England regions, 35 to 49 yr old, high school education or more, married.....	.003
10. Male, living in west south central region, 21 to 49 yr old, high school education or more, married.....	.824
11. Male, living in west south central/west north central/mid-Atlantic/New England regions, over 50 yr of age, earning less than \$15,000, married.....	.105
12. Male, living in west south central/west north central/mid-Atlantic/New England regions, over 50 yr of age, earning \$15,000 or more, married.....	.514
13. Male, living in mountain/Pacific/west south central/west north central/mid-Atlantic/New England regions, greater than a high school education, single or formerly married.....	.185
14. Male, living in west south central/west north central/New England, high school education or less, single or formerly married.....	.873
15. Male, living in mid-Atlantic/mountain/Pacific regions, high school education or less, single or formerly married....	2.350
16. Female.....	.030

*Based on 1975 survey by Opinion Research Corp.

Thus, in estimating relative State "need for more effective prevention, treatment, and rehabilitation" for the purpose of calculating 1978 allotments to the States, the FHD index will be based on ORC's 1975 survey and the CTC index remain identical to that used in calculating 1977 allotments.

MIGRANT WORKERS

In promulgating final regulations on the new allotment formula in Novem-

ber 1977, the Secretary also took note of public comments objecting that the new formula did not take into account seasonal populations—for example, migrants and tourists—which local alcohol abuse and alcoholism programs must serve.

Responding to this concern, the Secretary pointed out that, if appropriate data are available, it is possible to take into account seasonal increases and decreases in State population without modifying the allocation formula. He further stated that NIAAA would explore the possibility of taking migrants into account in calculating allotments for fiscal year 1978.

TABLE 2.—Influx of migrants, by State*

	Mean FHD score
Alabama.....	1.065
Alaska.....	0
Arizona.....	11.467
Arkansas.....	1.033
California.....	122.047
Colorado.....	10.218
Connecticut.....	951
Delaware.....	3,060
District of Columbia.....	0
Florida.....	94.725
Georgia.....	4,355
Hawaii.....	0
Idaho.....	10,852
Illinois.....	13,291
Indiana.....	4,166
Iowa.....	517
Kansas.....	(**)
Kentucky.....	206
Louisiana.....	861
Maine.....	(**)
Maryland.....	2,913
Massachusetts.....	611
Michigan.....	22,738
Minnesota.....	7,812
Mississippi.....	(**)
Missouri.....	292
Montana.....	4,542
Nebraska.....	1,058
Nevada.....	(**)
New Hampshire.....	86
New Jersey.....	7,410
New Mexico.....	1,565
New York.....	8,774
North Carolina.....	6,715
North Dakota.....	4,093
Ohio.....	12,685
Oklahoma.....	1,687
Oregon.....	15,184
Pennsylvania.....	2,503
Rhode Island.....	(**)
South Carolina.....	3,457
South Dakota.....	(**)
Tennessee.....	394
Texas.....	82,124
Utah.....	1,206
Vermont.....	31
Virginia.....	3,494
Washington.....	27,062
West Virginia.....	347
Wisconsin.....	4,552
Wyoming.....	904
All others.....	(**)

*Based on report prepared for Legal Services Corp., May 1977.

**No data available.

The 1978 allotments to the States shown in Table 3 reflect the impact of migrants in two ways:

(1) The population figures used in calculating allotments (see Column 1 of Table 3) include the figures on migrant population shown in Table 2.

(2) The population-weighted mean FHD score for the United States, which is used to convert the mean FHD score of each State into a rela-

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NOTICES

tive index, includes the migrant populations shown in Table 2.
This adjustment of population figures is considered appropriate in view of the fact that migrant workers and their families must be served both in their home States and the States in which they temporarily live and work.

ALLOTMENTS FOR 1978

Table 3 below lists, by State, the value of each factor used in calculating fiscal year 1978 allotments in keeping with the requirements of section 302(a) of the Act and implementing regulations. It also lists the 1978 allotment for each State, the allotment per capita for each State, and the rank order of this per capita allotment.

NOTICES

TABLE 3
Values of Factors Used to Allot Alcohol Grants to States
for Fiscal Year 1978 (by State)
and Fiscal Year 1978 Allotment, Total and Per Capita (by State)

	Population		Financial Need 2/		Need for More Effective Prevention, Treatment, Rehabilitation 3/		FY 1978 Allotment 5/		Change from FY 1977	
	No. Persons 1/	Rank Order	Index	Rank Order	Index 4/	Rank Order	Total	Per Capita Dollars Rank Order	Percent	Dollars
Alabama	3,691,065	21	1.2667	3	0.6364	43	1,085,850	0.294	9	---
Alaska	407,000	50	0.6555	51-	1.5646	1	200,000	0.491	2	---
Arizona	2,307,467	32	1.0869	19	1.0387	17	566,373	0.245	41	---
Arkansas	2,145,033	33	1.2892	2	1.2840	9	633,060	0.295	8	---
California	22,018,048	1	0.8969	44	1.2856	8	5,284,360	0.240	46	-1.33
Colorado	2,629,216	28	0.9893	35	1.0350	18	627,287	0.239	47	-71,101
Connecticut	3,108,951	24	0.8604	49	1.0210	20	695,294	0.224	51	---
Delaware	585,060	48	0.9027	42	0.5805	48	200,000	0.342	4	---
District of Columbia	690,000	44	0.7962	50	0.9780	23	200,000	0.290	13	---
Florida	8,546,725	8	1.0476	24	0.5675	49	2,074,445	0.243	45	---
Georgia	5,052,355	14	1.1546	15	0.6610	41	1,353,533	0.268	21	---
Hawaii	895,000	40	0.8890	46	1.5086	2	235,963	0.264	23	+5.95
Idaho	867,852	41	1.1171	17	0.9702	24	226,395	0.261	27	+13,252
Illinois	11,258,291	5	0.8696	47	0.7585	36	2,573,966	0.229	50	---
Indiana	5,334,166	12	1.0393	25	0.6812	39	1,368,101	0.256	30	---
Iowa	2,879,517	25	1.0136	30	0.8816	33	730,919	0.254	33	---
Kansas	2,326,000	31	0.9862	36	0.9108	31	567,692	0.244	42	---
Kentucky	3,458,206	23	1.1977	10	0.5316	50	987,606	0.286	14	---
Louisiana	3,921,861	20	1.2092	6	1.4492	3	1,146,455	0.292	11	+2.19
Maine	1,085,000	38	1.2089	7	0.9597	26	305,067	0.281	17	+24,595
Maryland	4,141,913	18	0.9244	41	0.6164	46	971,608	0.235	49	---
Massachusetts	5,782,611	10	0.9665	37	0.9613	25	1,403,761	0.243	44	---
Michigan	9,151,738	7	0.9608	39	0.7722	35	2,168,016	0.237	48	---
Minnesota	3,982,812	19	1.0180	29	0.9241	30	1,000,471	0.251	35	---
Mississippi	2,389,000	30	1.4308	1	0.6832	38	755,548	0.316	5	---
Missouri	4,801,292	15	1.0754	20	0.9922	21	1,241,105	0.258	28	---
Montana	765,542	43	1.1016	18	1.0687	14	200,000	0.261	26	---
Nebraska	1,562,058	35	1.0309	26	0.8952	32	390,391	0.250	38	---
Nevada	633,000	47	0.8918	45	1.2529	12	200,000	0.316	6	---
New Hampshire	849,086	42	1.0738	21	0.9498	28	212,211	0.250	37	---
New Jersey	7,336,410	9	0.8642	48	1.4124	5	1,836,663	0.250	36	-0.20
New Mexico	1,191,565	37	1.2210	5	1.0664	15	338,273	0.284	16	-3,769
New York	17,932,768	2	0.8998	43	1.4160	4	4,566,607	0.255	32	+0.44
North Carolina	5,539,715	11	1.1787	14	0.6338	44	1,517,529	0.274	19	+20,214
North Dakota	657,093	46	1.0005	33	0.9788	22	200,000	0.304	7	---
Ohio	10,713,685	6	1.0033	32	0.7117	37	2,693,046	0.251	34	---
Oklahoma	2,812,687	27	1.1207	16	1.2687	10	761,376	0.271	20	---
Oregon	2,391,164	29	1.0238	27	1.1687	13	589,023	0.246	40	-0.44
Pennsylvania	11,787,503	4	0.9981	34	1.3895	6	3,094,870	0.263	25	-2,611
Rhode Island	935,000	39	1.0189	28	1.0346	19	238,710	0.255	31	-15,633
South Carolina	2,879,457	26	1.2455	4	0.6714	40	842,797	0.293	10	---
South Dakota	689,000	45	1.1876	12	0.9347	29	200,000	0.290	12	---
Tennessee	4,299,394	17	1.2000	9	0.5848	47	1,200,642	0.279	18	---
Texas	12,912,124	3	1.0503	22	1.3446	7	3,400,400	0.263	24	+4.30
Utah	1,269,206	36	1.2063	8	0.8680	34	339,428	0.267	22	+140,322
Vermont	483,031	49	1.1871	13	0.9575	27	200,000	0.414	3	---
Virginia	5,138,494	13	1.0123	31	0.6168	45	1,268,648	0.247	39	---
Washington	3,685,062	22	0.9440	40	1.2667	11	895,847	0.243	43	-1.86
West Virginia	1,859,347	34	1.1947	11	0.5110	51	530,308	0.285	15	-17,008
Wisconsin	4,655,552	16	1.0471	23	0.6490	42	1,195,419	0.257	29	---
Wyoming	406,904	51	0.9632	38	1.0439	16	200,000	0.492	1	---
American Samoa	29,000	0	1.4308	0	1.5646	0	9,129	0.315	0	-7.63
Guam	99,000	0	1.4308	0	1.5646	0	32,271	0.326	0	-7.64
Northern Mariana Islands	14,715	0	1.4308	0	1.5646	0	4,632	0.315	0	-4.34
Puerto Rico	3,096,000	0	1.4308	0	1.5646	0	974,494	0.315	0	-7.62
Trust Territory Pacific	103,285	0	1.4308	0	1.5646	0	32,510	0.315	0	-382 2/
Virgin Islands	95,000	0	1.4308	0	1.5646	0	29,902	0.315	0	-7.63
TOTAL	220,278,026						56,800,000	0.258 6/		-2,470 2/

1/ Resident population of States plus influx of migrants
2/ Per capita income of U.S. (3-year average)
Per capita income of State (3-year average)
3/ Need in State
Need in U.S.
4/ Relative FND score + relative CTC score
5/ Based on requirement of section 302(a) of the Act that allotments to States not be less than allotments in fiscal year 1976
6/ Average
7/ Change from pro-rated share of actual 1977 allotment to the Trust Territory of Pacific

Data on population were obtained from the following sources:

State population. July 1, 1977, Provisional Estimates. "Current Population Reports", Population Estimates and Projections, Series P25 (in press, Spring 1978). Bureau of the Census, U.S. Department of Commerce.

Territorial population. In general, these data are drawn from the Territories' own census data, gathered approximately in 1975, and are identical to the population data used to calculate the 1977 allotments. The population data used to calculate the 1977 allotment for the Trust Territory of the Pacific were pro-rated, for the 1978 calculation, between the Trust Territory of the Pacific (87.53 percent) and the new Commonwealth of the Northern Mariana Islands (12.47 percent), based on data contained in "Territorial Populations for the Trust Territory of the Pacific Islands", Office of Territorial Affairs, U.S. Department of the Interior, 1976.

Migrant workers. "An Estimate of the Number of Migrant and Seasonal Farmworkers in the U.S. and the Commonwealth of Puerto Rico," a report prepared for the Legal Services Corporation, May 1977. Supplied by the Subcommittee on Migratory Labor, Committee on Human Resources, U.S. Senate. The data used are on pages 69-72 of the report, for person-months of migrant influx, by State.

The index of financial need was calculated from the following data:

Per capita income, by State, for 1974, 1975, 1976. Unpublished data (revised August 1977) supplied by the Regional Economic Measurement Division, Bureau of Economic Analysis, Department of Commerce.

The index of State need for more effective prevention, treatment, and rehabilitation is based, in equal part, on relative FHD scores derived from ORC's 1975 survey and relative CTC scores derived from the Social Research Group's 1967 survey.

The allotments listed also reflect the statutory requirement that in any year for which the total appropriation for alcohol formula grants is equal to or greater than it was in fiscal year 1976, no State will receive an allotment less than the greater of \$200,000 or its allotment in fiscal year 1976.

Based on these data, four States receive a larger allotment in 1978 than they received in 1977. Five States and all the island jurisdictions receive a smaller allotment than they did in 1977.

These changes may be explained by the interaction of four factors.

(1) The appropriation for alcohol grants to States in fiscal year 1978 is the same as it was in 1977 (\$56.8 million). However, the population of the U.S. has increased (even without the addition of data on migrants). Therefore, the overall allotment per capita has decreased. This means that any State or other jurisdiction whose population has remained the same or whose rate of population growth has

been lower than the national average rate of growth receives a decreased proportion of the total funds available.

(2) As explained earlier, the 1978 values of relative State need for more effective prevention, treatment, and rehabilitation reflect a wider range of need among the States than they did in 1977, due in part to a greater sensitivity to regional differences in the data used in calculating the 1978 values. This means that State allotments calculated solely on the basis of the formula—without making adjustments to meet the statutory requirement that no allotment to any State (except the territorial jurisdictions) be less than the greater of \$200,000 or its allotment in fiscal year 1976—also display a wider range. Many States whose 1977 allotments based solely on the formula would have fallen below the statutory floor would have fallen even further below this floor in 1978 because of the wider range in the 1978 values of relative State need. To provide the statutory minimum for these States, it was necessary to reduce the amounts to States which solely on the basis of the formula would have received sums above the minimum.¹ In fact, States whose allotment increased most from 1976 to 1977 provided the greatest source of funds for this purpose. As a result, some of these States received less in 1978 than they did in 1977.

(3) Counter to the first two factors, some States increased in population at rates greater than the national average, and thus benefited.

(4) Finally, the impact of the influx of migrants served to accentuate this trend. For example, as shown in Table 3, the State of California will receive \$71,101 less in 1978 than it did in 1977. However, it would have lost an additional \$14,068 if migrants had not been added to its population.

More briefly, the 1978 allocation for each State shown in Table 3 is attributable to the complex interaction of several factors: new population data, new income data, new need data, and the inclusion of migrants. This responsiveness has been moderated in its potential decremental effects by the statutory floor on allotments, but that floor itself is responsible for changes in the allotments to other States, since the total funds available remain the same as in 1977.

¹This reduction was carried out in accord with the regulations published in November 1977. These regulations provide that if, after determining the allotment to each State in accord with the formula, any State would receive less than \$200,000, the shares of States which would receive more than \$200,000 be reduced by an equal percentage as required to assure that every State will receive at least \$200,000. A similar procedure is applied to assure that no State will receive less than it received in 1976.

It should be noted, however, that even if population and financial need had been the only factors changed in calculating 1978 allotments, several States would have received different allotments than they did in 1977.

FUTURE YEARS

In the future (as in the past), estimates of population and financial need used in calculating allotments to the States will be updated annually. Surveys containing data on alcohol abuse will be examined, as they become available, for possible use in estimating the third factor in the allotment formula: State need for more effective prevention, treatment, and rehabilitation of alcohol abuse and alcoholism.

For example, NIAAA has already initiated a major new national survey of alcohol use and abuse. If it proves feasible, the results of this study will be used (among other purposes) to estimate State need for the purpose of calculating 1979 allotments to the States.

Dated: May 16, 1978.

DAVID F. KEFAUVER,
Acting Deputy Administrator.
(FR Doc. 78-15371 Filed 6-5-78; 8:45 am)

[4110-03]

Food and Drug Administration

[Docket No. 78P-0058]

ABBOTT LABORATORIES

Panel Recommendation on Petition for
Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency is issuing for public comment the recommendation of the Clinical Chemistry Device Classification Panel that the Cholyglycine RIA (PEG) Diagnostic Kit be reclassified from class III (premarket approval) into class II (performance standards). This recommendation was made after review of a reclassification petition filed by Abbott Laboratories, North Chicago, Ill. 60064, under section 513(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)). After reviewing the panel recommendation and any public comments received, the agency will approve or deny the reclassification by order in the form of a letter to the petitioner. The agency's decision on this reclassification petition will be announced in the FEDERAL REGISTER.

DATE: Comments by July 6, 1978.

ADDRESS: Written comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

ministration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Kaiser Aziz, Bureau of Medical Devices (HFK-440), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION:

On December 23, 1977, Abbott Laboratories, North Chicago, Ill. 60064, submitted to the Food and Drug Administration (FDA) a premarket notification under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)) stating that it intended to market a radioimmunoassay procedure for the quantitative measurement of total circulating serum cholyglycine, a device the manufacturer calls the "Cholyglycine RIA (PEG) Diagnostic Kit." After reviewing the information in the premarket notification, the Commissioner of Food and Drugs determined that the device is not substantially equivalent to any device in commercial distribution before May 28, 1976; nor is the device substantially equivalent to a device that has been placed in commercial distribution since that date and subsequently reclassified. Upon this determination, the device is automatically classified into class III under section 513(f)(1) (21 U.S.C. 360c(f)(1)) of the act.

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III under section 513(f)(1) of the act can be marketed, it must either be reclassified under section 513(f)(2) of the act or have an approval of an application for premarket approval under section 515 of the act, unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

On February 14, 1978, Abbott Laboratories submitted to FDA a reclassification petition for the device under section 513(f)(2) of the act. On March 13, 1978, the Clinical Chemistry Device Classification panel (the panel) reviewed the petition and recommended that the device be reclassified into class II.

To determine the proper classification of the device, the panel considered the criteria in section 513(a)(1) of the act.

For the purpose of classification, the panel assigned to this generic type of device the name: "radioimmunoassay for cholyglycine" and described this type of device as one that quantitatively determines the total circulating serum cholyglycine. Cholyglycine is a bile acid that promotes dietary fat digestion. Elevated serum bile acid levels are an indication of liver dysfunction.

The device is used as an adjunct in the diagnosis of liver disorders such as cirrhosis or obstructive liver disease.

SUMMARY OF THE REASONS FOR THE RECOMMENDATION

The Panel made the following determinations in support of its recommendation:

1. The device neither life-supporting nor life-sustaining and is not an implant. General controls are not sufficient to provide reasonable assurance of the safety and effectiveness of the device, but sufficient scientific and medical data exist to establish a performance standard to provide such assurance.

2. Hazards to life or good health may result from the use of information derived from the device if it does not perform properly.

3. Safe and effective performance of the device depends upon user's awareness of limitations on the value of information derived from the device, as discussed in the "Risks to Health" section of this notice.

SUMMARY OF DATA ON WHICH THE RECOMMENDATION IS BASED

The safety and effectiveness of the device were determined on the basis of data presented on the performance characteristics of the product.

The precision of the test was evaluated by testing 4 serum pools with the device ten times each on 3 consecutive occasions. The panel believes that these tests adequately show the ability of the device to produce similar results within separate test runs of the same pool and within the same test run.

Four serum pools were tested in similar fashion across five lots of the device to show that different lots of the device would produce similar results. Coefficients of variation ranged from 2.5 to 6.9 percent.

The ability of the device to distinguish cholyglycine from 21 related steroids also was tested. Cross-reactivity with the cholyglycine antiserum in all but three cases was less than 4.0 percent.

The performance of the kit was tested in interference studies on over 40 common drugs. None was found to interfere. Additional studies determined that hemolysis (the dissolution of red cells allowing hemoglobin to appear in the plasma) and lipemia (an excess of fat or lipid in the blood) showed no interference.

In collaboration with other investigators, data were obtained for clinical evaluation of the device as an adjunct in the diagnosis of such liver disorders as cirrhosis and extra-hepatic obstructions. Two hundred and ten subjects clinically classified as normal were tested to establish expected values. These studies suggested the value of 60 micrograms per 100 milliliters (60

µg/100 ml) of cholyglycine as the approximate upper normal limit. In 43 patients clinically classified as having no liver disease, only 2 had values outside the suggested normal limit. In 26 patients clinically classified as having cirrhosis of the liver, 2 values were less than 60 µg/100 ml. The mean value was 924 µg/100 ml. In 10 patients clinically classified as having extra-hepatic obstruction, only 1 value was less than 60 µg/100 ml. The mean value was 834 µg/100 ml. The data suggest correlation with the assessed clinical status of the subjects with respect to liver function.

RISKS TO HEALTH

The panel noted that the risk of inaccurate results from use of the device may lead to misdiagnosis of liver diseases, such as cirrhosis and obstructive liver disease. Inaccurate results may occur because of the device's low specificity and sensitivity values. The panel recommended that the device be classified into class II and that the development of a standard that addresses the specificity, sensitivity, and lot-to-lot variability of the device be a medium priority.

Also, the panel noted that the labeling should direct that serum, instead of samples with anticoagulants, should be used.

The position and the transcript of the panel meeting are on file in the office of the Hearing Clerk, address noted above.

Dated: May 30, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.
(FR Doc. 78-15440 Filed 6-5-78; 8:45 am)

[4110-03]

[Docket No. 78P-0001]

DEPUY

Panel Recommendation on Petition for
Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency is publishing for public comment the recommendation of the Orthopedic Device Classification Panel that the M. E. Mueller ceramic hip prosthesis be reclassified from class III (premarket approval) into class II (performance standards). This recommendation was made after review of a reclassification petition filed by DePuy, Warsaw, Ind. 46580, under section 513(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)). The Commissioner has reviewed the Panel recommendation and concludes that reclassification into class II is inappropriate. There-

fore, the Commission intends to deny the petition for reclassification unless new information is submitted during the comment period to justify the reclassification. After reviewing the public comments received, the agency will approve or deny the reclassification by order in the form of a letter to the petitioner. The agency's decision on this reclassification petition will be announced in the **FEDERAL REGISTER**.

DATE: Comments by August 7, 1978.

ADDRESS: Written comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

James G. Dillon, Bureau of Medical Devices (HFC-410), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

SUPPLEMENTARY INFORMATION: On June 16, 1977, DePuy, Warsaw, Ind. 46580, submitted to the Food and Drug Administration (FDA) a premarket notification under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)) stating that it intended to market a device the manufacturer calls the M. E. Mueller ceramic hip prosthesis. After reviewing the information in the premarket notification, the Commissioner of Food and Drugs determined that the device is not substantially equivalent to any device in commercial distribution before May 28, 1976, nor is the device substantially equivalent to a device that has been placed in commercial distribution since that date and subsequently reclassified. Upon this determination the device is automatically classified into class III under section 513(f)(1) of the act (21 U.S.C. 360c(f)(1)).

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III because of section 513(f)(1) of the act can be marketed, it must either be reclassified under section 513(f)(2) of the act or have an approval of an application for premarket approval under section 515 of the act, unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

On December 2, 1977, DePuy submitted a reclassification petition for the device. Section 513(f)(2) of the act requires FDA to refer a reclassification petition to the appropriate classification panel and to receive a recommendation on whether to approve or deny the petition within 90 days after referral. The act also requires FDA to provide an opportunity for interested persons to submit data and views to the

Panel. The Food and Drug Administration ordinarily meets the latter requirement by scheduling an open panel meeting on the petition, but could not do so in this case, because the next meeting of the Orthopedic Device Classification Panel was tentatively scheduled for a date that was later than 90 days after referral. As a result, FDA obtained the Panel's recommendation on this petition by mailing it to voting Panel members. The agency also published in the **FEDERAL REGISTER** of February 24, 1978 (43 FR 7709) a notice inviting interested persons to submit data, information, and views for consideration by the Panel. This notice stated that any data, information, and views submitted by March 27, 1978, would be mailed to the Panel members for their consideration before recommendations were made. No data, information, and views were submitted. The recommendations of the Panel members were received by the agency by March 27, 1978. The Panel recommended that the device be reclassified into class II.

To determine the proper classification of the device, the Panel considered the criteria in section 513(a)(1) of the act.

For the purpose of classification, the Panel assigned to the device the name "prosthesis, hip, metal femoral component, ceramic self-locking femoral ball, polyethylene acetabular component." The device is an implant that is designed to replace the articulating (connecting) surfaces of the bones of the hip joint. The product uses an aluminum oxide ceramic ball held in position by a locking cone configuration on a metallic stem composed of multiphase alloy having the trade name Protosul 10™. The Panel recommended that all devices meeting this description, and those substantially equivalent, be classified into class II.

SUMMARY OF THE REASONS FOR THE RECOMMENDATION

The Panel made the following determinations in support of its recommendation:

1. The device is an implant. Although general controls are not sufficient to provide reasonable assurance of the safety and effectiveness of the device, sufficient scientific and medical data exist to establish a performance standard to provide such assurance.
2. Federal regulations applicable to the device will effectively avoid any known hazards, limitations, or shortcomings of the device.
3. The device has performance characteristics which should be maintained at a generally accepted satisfactory level.

SUMMARY OF DATA ON WHICH THE RECOMMENDATION IS BASED

The Panel recommended approval of the petition for reclassification. Their

recommendation was based on oral presentations before the Orthopedic Device Classification Panel on April 15, 1977. In three oral presentations about the properties of the ceramic material presentations, speakers stated that there were no complications due to the ceramic (aluminum oxide) material. They reported that their tests indicated that the ceramic material was a suitable implant material.

The Panel also heard an oral presentation regarding 44 implantations of a ceramic femoral component in conjunction with a ceramic screw-socket acetabular component. These presentations, on which the Panel based its evaluation of the device, are summarized below.

Two investigators who had evaluated the mechanical properties of the ceramic material reported that their studies show that high-purity, high-density aluminum oxide is strong enough to withstand the loads imposed on it in the body. One of these investigators, Dr. Erhard Dorre, studied the wear and friction behavior of the ceramic material and reported that wear rates of polyethylene acetabular components decreased from 10 to 1 when metal femoral components were replaced with ceramic femoral components. Dr. Dorre noted that 750 ceramic femoral components had been implanted since 1974; 200 of these were implanted in conjunction with a polyethylene acetabular component. He stated that no complications due to the ceramic material had been observed in any of the implant patients.

Dr. Jurgen Harm had evaluated the biocompatibility of the ceramic material and concluded that a microscopic evaluation of the structure of tissue obtained from laboratory animals and 15 implant patients showed that, to a great extent, the ceramic material is biologically inert and is not rejected by the patient's tissue.

Dr. Peter Griss presented his clinical data on 44 of his patients who had been implanted with a ceramic femoral component and a ceramic acetabular component. He reported that when these patients were evaluated for pain, mobility, and gait before the device was implanted, only 15.9 percent were evaluated as sufficient. After the device was implanted, 93 percent were sufficient or better. There were six postoperative complications: two hematomas (blood clots), one trochanteric pseudoarthrosis (development of a false joint at the end of the femur), one periarticular calcification (deposit of calcium salts around the joint), one deep vein thrombosis, and one dislocation. There have been no reoperations, infections, or instances of the components loosening.

RISKS TO HEALTH

The Panel noted that the following risks to health may be presented by this device:

1. Loss of limb function: Mechanical failure of the device, or of the surrounding bone or bone cement supporting the device, may result in pain and loss of limb function.
2. Infection: There is an increased risk of infection associated with the presence of an implant.
3. Toxic reactions: The material or substances produced by the material, such as corrosion or wear products, could produce an adverse reaction in the tissue surrounding the device.

RESTRICTIONS

The Panel recommended that the device be restricted to sale by, or on the order of, a physician and be labeled accordingly.

COMMISSIONER'S STATEMENT OF DISAGREEMENT

The Commissioner has reviewed the Panel's recommendation and the reasons and supporting data submitted by the petitioner. The Commissioner does not agree with the Panel's recommendation and intends to deny the petition to reclassify the device into class II because he has determined that the petitioner has not presented sufficient data to show that a performance standard can be developed to provide reasonable assurance of the safety and effectiveness of the device. Section 513(f)(2)(C) of the act (21 U.S.C. 360c(f)(2)(C)) requires the Commissioner to deny a petition to reclassify an implant into class I or class II, unless the Commissioner determines that the classification of the device into class III is not necessary to provide reasonable assurance of its safety and effectiveness. The Commissioner cannot make the required determination in this case.

The Commissioner observes that the clinical data submitted by the petitioner were not obtained using the M. E. Mueller ceramic hip prosthesis and that the clinical data which were provided were obtained by one surgeon, Dr. Peter Griss, from a test involving 44 patients who had received the Lindenhof prosthesis. The petitioner did not establish that the femoral and acetabular components of the M. E. Mueller hip prosthesis are equivalent to those of the Lindenhof prosthesis. The Commissioner observes that the acetabular component of the Lindenhof prosthesis is made of aluminum oxide, while the acetabular component of the M. E. Mueller hip prosthesis is made of polyethylene. The design of the two acetabular components is also different in that the acetabular component of the Lindenhof prosthesis is threaded and is designed to be insert-

ed into the bone without bone cement, while the acetabular component of the M. E. Mueller hip prosthesis does not contain threads and is designed to be cemented into place. Similarly, insufficient information was provided for a comparison of the femoral component of the two prostheses. The Commissioner concludes that the clinical data obtained using the Lindenhof prosthesis are insufficient to demonstrate the safety and effectiveness of the M. E. Mueller hip prosthesis. The Commissioner also believes that it is desirable to evaluate the safety and effectiveness of the device based on clinical results from more than one surgeon, as is generally required by section 513(a)(3) of the act.

The Commissioner notes that while Dr. Dorre stated that 200 femoral components of the Lindenhof prosthesis had been implanted with a polyethylene acetabular component without complication due to the ceramic material, the petitioner did not present the clinical results obtained in these 200 cases. The Commissioner concludes that the oral presentation concerning the implantation of these devices, without the submission to FDA of these clinical results, is insufficient to demonstrate the safety and effectiveness of the M. E. Mueller hip prosthesis.

The Commissioner also finds that some of the data submitted by the petitioner lacks sufficient detail to permit scientific evaluation. For example, the petitioner did not submit those experimental results which led the investigators to conclude that the ceramic material (aluminum oxide) "... is, to a great extent, biologically inert and provides no rejection reaction ..." or that the wear rates decrease by a factor of 10 when ceramic rather than metal articulates with polyethylene.

Based on the legislative history of the medical device amendments, the Commissioner has stated in proposed § 860.7 (21 CFR 860.7) of the regulations on procedures for classification of medical devices, published in the **FEDERAL REGISTER** of September 13, 1977 (42 FR 46028), that it is the responsibility of each manufacturer and importer of a device to assure that adequate information exists to provide reasonable assurance that the device is safe and effective for its intended uses and conditions of use. Although any form of evidence may be submitted to show whether a device is safe and effective, the agency relies only on valid scientific evidence to determine that there is reasonable assurance that a device is safe and effective. Valid scientific evidence, is evidence that includes sufficient detail to permit scientific evaluation.

The Commissioner has noted that the petitioner failed to address data

which is unfavorable to the petitioner's position as provided in § 860.123 (21 CFR 860.123) of the proposed classification regulation. The Commissioner is aware that several investigators mentioned in the petition have stated that the brittleness of the ceramic material could be a negative factor and could pose a hazard to a patient if the material is subjected to sudden impact, e.g., if the patient falls. The Commissioner concludes that such data which is unfavorable to the petitioner's petition are necessary to determine the safety and effectiveness of the M. E. Mueller hip prosthesis.

The Commissioner requests that scientific evidence, e.g., data from which it can fairly and responsibly be concluded that there is reasonable assurance of the safety and effectiveness of this device under its conditions of use, be submitted in the form of comments. The Commissioner has therefore allowed 60 days for comment instead of the 30 days usually allowed for comments on notices concerning reclassification petitions.

The petition and a transcript of the April 15, 1977 panel meeting are on file in the office of the hearing clerk, address noted above, and may be reviewed by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 30, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

(FR Doc. 78-15441 Filed 6-5-78; 8:45 am)

[4110-03]

(Docket No. 78D-0121)

PITS IN OLIVES

Availability of Guideline

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Commissioner of Food and Drugs announces the availability of an administrative guideline representing the maximum level for natural or unavoidable defects for whole pitted olives and various styles of salad olives produced under good manufacturing and/or processing practices.

ADDRESS: For single copies of the guideline write: Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Howard N. Pippin, Bureau of Foods (HFF-312), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street

SW., Washington, D.C. 20204, 202-245-3092.

SUPPLEMENTARY INFORMATION: The administrative guideline for olives was revised to include whole pits, as well as pit fragments, in determining the 1.3 percent reject defect action level for pitted whole olives. It was also revised to clarify that the term "salad" includes broken pieces, halved, quartered, sliced, and chopped or minced olives.

As field inspection activities identify changing problems, and as relevant technology changes, this guideline may be updated to reflect current policy as it relates to olives.

Copies of the administrative guideline and other pertinent information are available for public examination in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. Requests for single copies of this guideline may be made in writing to that office.

Interested persons may submit to the Hearing Clerk, Food and Drug Administration, written comments (preferably four copies identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this defect action level. Received comments may be seen in the above-named office, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 30, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

(FR Doc. 78-15438 Filed 6-5-78; 8:45 am)

[4110-03]

(Docket No. 78P-0011)

SIEMENS CORP.

Approval for Variance for Intraoral Source
Dental X-Ray System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency announces the approval of a variance from the performance standard for diagnostic X-ray systems and their major components for the Status X intraoral source dental X-ray system manufactured by Siemens Corp., 186 Wood Avenue, South, Iselin, N.J. 08830. The Director of the Bureau of Radiological Health has determined that the field limitation and alignment provisions of the standard may be inappropriate for such X-ray systems and that the Status X system provides alternate means of radiation protection equal to or greater than products meeting all requirements of the standard.

DATES: Effective July 6, 1978, objections by July 6, 1978.

NOTICES

ADDRESS: Written objections to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Harvey Rudolph, Bureau of Radiological Health (HFK-460), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1960.

SUPPLEMENTAL INFORMATION: Section 1020.31(f)(4) (21 CFR 1020.31(f)(4)) of the performance standard for diagnostic X-ray systems and their major components contains field limitation and alignment requirements for special purpose diagnostic X-ray systems not specifically covered by other portions of the standard. Such X-ray systems are required to provide means to limit the X-ray field in the plane of the image receptor so that the field does not exceed each dimension of the image receptor by more than 2 percent of the source-to-image receptor distance (SID) when the X-ray beam axis is perpendicular to the image receptor plane. In addition, means are required to be provided to align the center of the X-ray field with the center of the image receptor to within 2 percent of the SID. These provisions of the standard help minimize exposure to X-rays that are not used to form an image.

The Status X intraoral source dental X-ray system is a dedicated system designed for panoramic radiographs of the upper and lower jaw and for the right or left maxillary and mandibular views. The system uses as the source of X-rays a small hollow anode X-ray tube that is inserted into the patient's mouth. A beam-limiting device covering the X-ray tube is indexed for rotational positioning for the chosen exposure. The system is designed to be used with film placed in flexible cassettes containing X-ray intensifying screens.

The petitioner maintains that to provide an optimum quality radiograph, the image receptor must be placed in intimate contact with the facial tissue of the patient. The petitioner further maintains that this need in combination with the necessary X-ray tube design has thus far precluded the development of a film holder that would satisfy the requirement of § 1020.31(f)(4).

As an alternative means of radiation protection, the petitioner has proposed to provide markings on the flexible cassettes, to aid in proper positioning, and on the beam-limiting devices to measure the proper depth of insertion. In addition, the petitioner would provide explicit instructions to users regarding proper film placement, X-ray tube angulation, and orientation

of the patient's dental arch or occlusal plane so that a maximum fraction of the useful X-ray beam will reach the image receptor. The petitioner has provided data demonstrating that the dose a patient receives during an upper and lower jaw examination or a left and right lateral examination, when the image receptor is properly positioned, is less than the dose to the patient resulting from a full mouth series of conventional dental X-rays. The petitioner has noted that for conventional dental X-ray systems, the field limitation requirements of § 1020.31(f)(1) apply and that for such systems the standard allows a significant fraction of the incident X-ray beam to miss the image receptor.

The Director of the Bureau of Radiological Health has considered the X-ray field alignment requirement of § 1020.31(f)(4) as it relates to the Status X intraoral source dental X-ray system. The SID for this system is typically less than 10 centimeters, while the alignment requirement of § 1020.31(f)(4) was intended for X-ray systems that typically have SID's 10 times as large. Thus, the standard now requires that the Status X system must provide a means for aligning the center of the X-ray field and the image receptor that is approximately 10 times more accurate than other X-ray systems that must meet this requirement. The Director has determined that the accuracy implied by the standard is not necessary for this type of X-ray system and that the markings proposed by the petitioner for the flexible cassettes and for the beam-limiting device combined with the instructions to users will provide adequate alternate means for aligning the X-ray field and image receptor, thereby satisfying the intent of the standard.

The Director has also considered the field limitation requirements of § 1020.31(f)(4) as it relates to the Status X system and to the arguments given by the petitioner. Although the dosimetry data provided by the petitioner are not strictly comparable to that available in the literature for currently marketed dental X-ray systems, qualitative comparisons are possible. The Director has determined to be valid the petitioner's claim that the radiation dose delivered to the patient during an examination with the Status X system is less than from a conventional full mouth series. This results from two factors—the use of X-ray intensifying screens and greater percentage overlap of the beam area with the film area. In addition, the Director notes that the dose from the Status X system appears to be less than or comparable to the dose from other X-ray systems designed to provide panoramic radiographs of the dental arch.

For these reasons, the Director has determined that the Siemens Status X

intraoral source dental X-ray system would provide alternate means of radiation protection equal to or greater than systems designed to meet all the requirements of § 1020.31(f)(4). Therefore, he has approved the request for variance from § 1020.31(f)(4), provided that X-ray systems marketed under the variance be provided with markings and instructions to users as described in the petition. As requested by the petitioner, the variance is granted for a period of 1 year and for a maximum of 100 units.

The applicant has been directed to modify, in accordance with § 1010.4(d) (21 CFR 1010.4(d)), the tags, labels, or other certification required by § 1010.2 (21 CFR 1010.2), which are permanently affixed to or inscribed upon products marketed under this variance, to state the following: "This product complies with Variance No. 78002, effective on July 6, 1978."

The Commissioner of Food and Drugs has reviewed the potential environmental impact of this variance and has concluded that the action will not significantly affect the quality of the human environment and that an environmental impact statement is not required. A copy of the environmental impact analysis report is on file in the office of the Hearing Clerk, Food and Drug Administration.

Variance No. 78002 shall become effective on July 6, 1978, shall terminate on July 6, 1979, and shall be effective for the manufacture of a maximum of 100 product units, unless written objections and supporting documentation are filed with the Hearing Clerk, Food and Drug Administration, on or before July 6, 1978, requesting that the variance be modified or not granted. Upon receipt of such objections and supporting documentation, the effective date of the variance will be stayed until the Director, Bureau of Radiological Health, rules on them. Pursuant to § 1010.4(c)(3), the applicant shall be notified by certified mail, and a notice of the stay shall be published in the FEDERAL REGISTER. The ruling on the objections shall be made within 60 days, shall be published in the FEDERAL REGISTER, and shall constitute final agency action subject to judicial review under section 358(d) of the Public Health Service Act (42 U.S.C. 263f(d)), as amended by the Radiation Control for Health and Safety Act of 1968.

The application for this variance and all related correspondence, except information covered by the confidentiality provisions of section 360A(e) of the Act (42 U.S.C. 263i(e)), have been placed on public display in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and may be seen Monday through Friday from 9 a.m. to 4 p.m., except on Federal legal holidays.

NOTICES

Dated: May 30, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.
(FR Doc. 78-15439 Filed 6-5-78; 8:45 am)

[4110-03]

(Docket No. 78P-0003)

SIGMA CHEMICAL CO.

Panel Recommendation on Petition for
Reclassification

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agency is publishing for public comment the recommendation of the Clinical Chemistry Device Classification Panel that Sigma Procedure No. 195 for Galactose-1-Phosphate Uridyl Transferase be reclassified from class III (Premarket Approval) into class II (Performance Standards). This recommendation was made after review of a reclassification petition filed by Sigma Chemical Co., St. Louis, Mo. under section 513(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)). After reviewing the Panel recommendation and any public comments received, the agency will approve or deny the reclassification by order in the form of a letter to the petitioner. The agency's decision on this reclassification petition will be announced in the FEDERAL REGISTER.

DATE: Comments by July 6, 1978.

ADDRESS: Written comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Kaiser Aziz, Bureau of Medical Devices (HFK-440), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION: On March 28, 1977, Sigma Chemical Co., St. Louis, Mo., submitted to the Food and Drug Administration (FDA) a premarket notification under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)) stating that it intended to market a reagent system for the qualitative screening of Galactose-1-Phosphate Uridyl Transferase in blood, a device the manufacturer calls the "Galactose-1-Phosphate Uridyl Transferase (Gal-PUT) Procedure No. 195." After reviewing the information in the premarket notification, the Commissioner of Food and Drugs determined that the device is not substantially equivalent to any device that was in commercial distribution before May 28, 1976; nor is the device substantially equivalent to a device that has been placed in commercial distribution since that date and subsequently reclassified. Upon this determination, the device is automatically classified into class III under section 513(f)(1) of the act.

Under section 515(a)(2) of the act (21 U.S.C. 360e(a)(2)), before a device that is in class III under section 513(f)(1) of the act can be marketed, it must either be reclassified under section 513(f)(2) of the act or have an approval of an application for premarket approval under section 515 of the act, unless there is in effect for the device an investigational device exemption under section 520(g) of the act (21 U.S.C. 360j(g)).

On December 9, 1977, Sigma Chemical Co. submitted to FDA a reclassification petition for the device under section 513(f)(2) of the act. On March 13, 1978, the Clinical Chemistry Device Classification Panel (the Panel) reviewed the petition and recommended that the device be reclassified into class II.

To determine the proper classification of the device, the Panel considered the criteria in section 513(a)(1) of the act.

For the purpose of classification, the Panel assigned to this generic type of device the name "qualitative fluorescent procedure for galactose-1-phosphate uridyl transferase" and described this type of device as a qualitative screening procedure for the detection of galactose-1-phosphate uridyl transferase (Gal-PUT) deficiency in blood. Gal-PUT is an enzyme occurring in normal blood. This qualitative determination of Gal-PUT deficiency may indicate galactosemia, a hereditary disorder characterized by enlargement of the liver, cataracts, and mental retardation.

SUMMARY OF THE REASONS FOR THE RECOMMENDATION

The Panel made the following determinations in support of its recommendation:

1. The device is neither life-supporting nor life-sustaining, and is not an implant. General controls are not sufficient to provide reasonable assurance of the safety and effectiveness of the device, but sufficient scientific and medical data exist to establish a performance standard to provide such assurance.

2. Hazards to life or good health may result from the use of information derived from the device when it does not perform properly.

3. Safe and effective performance of the device should be maintained by the following precautions discussed in the "Risks to Health" and "Restrictions" sections of this document.

SUMMARY OF DATA ON WHICH THE RECOMMENDATION IS BASED

The safety and effectiveness of the device was determined on the basis of data presented on the performance characteristics of the product.

Effectiveness was evaluated on 31 normal subjects and 10 Gal-PUT-deficient subjects. Blind studies were employed so that the technologist had no knowledge of the clinical status of the study subjects. Test samples from 30 of the normal subjects exhibited bright fluorescence, indicating the presence of Gal-PUT. Test samples from eight of the deficient subjects showed no fluorescence, and two showed trace fluorescence, indicating Gal-PUT deficiency.

Additional studies were conducted to determine the reproducibility, stability, and recovery aspects of the device.

The Panel believes that reproducibility was adequately demonstrated at each level. Samples applied to filter papers and stored at refrigerator temperature for 4 days were assayed on 10 occasions. These replicate assays were performed on one normal and one deficient subject as well as on a subject suspected of being a heterozygote (a person who has inherited the defect from only one parent) for the defect.

Stability of the reconstituted Gal-PUT screening substrate (substance acted upon) was evaluated by repeated testing for a period of 7 days. Half of the substrate was kept refrigerated; the other half was kept frozen. The frozen material, which was thawed and refrozen each day, yielded essentially the same fluorescent response during the 7-day period as did the freshly prepared material. The substrate stored at refrigerator temperature yielded the same results for 4 days, as did the freshly prepared material. After more than 4 days storage, it gave about 10 to 20 percent less fluorescence with the normal test specimen than did freshly prepared material.

A recovery study was performed to demonstrate that the addition of pure enzyme (Gal-PUT) to negative blood specimens at levels expected in normal blood will yield positive results. Pure enzyme added to blood samples in which the enzyme present had been inactivated by heat produced a fluorescent response when assayed by the device.

The Panel believes that the data presented comparing this qualitative procedure to a quantitative test relating degree of fluorescence to quantitative values are acceptable. The Panel also believes that the data compiled to show that elevated plasma bilirubin levels have no effect on the fluorescence response are acceptable.

RISKS TO HEALTH

The Panel noted that there is a risk of inaccurate results from the use of

the device which may lead to misdiagnosis or improper treatment. Inaccurate results may occur because of the device's low specificity and sensitivity values. Failure to detect and treat galactosemia may lead to liver damage, cataracts, or mental retardation.

The Panel recommended that the device be classified into class II and that the development of a standard directed to the specificity and sensitivity of the device be a medium priority. A method for the development of a performance standard may be found in "A Simple Spot Screening Test for Galactosemia," by Beutler and Baluda, *Journal of Laboratory and Clinical Medicine* 68:137, 1966.

RESTRICTIONS

The Panel noted that the following warnings, precautions, or restrictions should be made clear:

1. If the results of this test suggest that a patient might be Gal-PUT deficient, a quantitative test should be performed;

2. The device should not be used in detection of heterozygotes;

3. A vast number of commonly used drugs are fluorescent and may interfere with the test results.

The petition, the transcript of the Panel meeting, and the article by Beutler and Baluda discussed above are on file in the office of the Hearing Clerk, address noted above.

Dated: May 30, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner
for Regulatory Affairs.*

(FR Doc. 78-15442 Filed 6-5-78; 8:45 am)

[4110-83]

Health Resources Administration

ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of June 1978:

NATIONAL ADVISORY COUNCIL ON NURSE TRAINING

Date and time: June 26-29, 1978, 10:30 a.m.
Place: Conference Room 7-32, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782.

Type of meeting: Open June 26, 1978, 10:30 a.m. to 12:15 p.m. Closed remainder of meeting.

Purpose: The Council advises the Secretary and Administrator, Health Resources Administration, concerning general regulations and policy matters arising in the administration of the Nurse Training Act of 1975. The Council also performs final review of grant applications for Federal assistance, and makes recommendations to the Administrator, HRA.

Agenda: Agenda items for the open portion of the meeting include announcements; consideration of minutes of previous meetings; discussion of future meeting dates; and administrative and staff reports. The remainder of the meeting will be devoted to the review of grant applications for Federal assistance, and will therefore be closed to the public in accordance with provisions set forth in section 552b(c)(6), title 5 U.S. Code, and the Determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Dr. Mary S. Hill, Bureau of Health Manpower, Room 3-50, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, telephone 301-436-6681.

Agenda items are subject to change as priorities dictate.

Date: May 30, 1978.

MONTE B. NICHOL,
*Acting Associate Administrator
for Operations and Management.*

(FR Doc. 78-15486 Filed 6-5-78; 8:45 am)

[4110-08]

National Institutes of Health

BOARD OF SCIENTIFIC COUNSELORS, NIEHS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Environmental Health Sciences, July 12, 13, and 14, 1978, Building 18 Conference Room National Institute of Environmental Health Sciences, Research Triangle Park, N.C.

This meeting will be open to the public from 9 a.m. to 4 p.m. on July 12 and 13, for the purpose of discussing recent developments in the Institute's budget, personnel, permanent facilities, contracts, scientific programs, and plans of the Laboratory of Pharmacokinetics, Environmental Mutagenesis Test Development Program (Laboratory of Environmental Mutagenesis), and the Chemistry Section (Environmental Biology and Chemistry Branch). Attendance by the Public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6) Title 5 U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 9 a.m. to adjournment on July 14 for the evaluation of the program of the Laboratory of Pharmacokinetics, Environmental Mutagenesis Test Development Program (LEM), and the Chemistry Section (EBCB) including the consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of

which would constitute a clearly unwarranted invasion of personal privacy.

The Acting Executive Secretary, Dr. David G. Hoel, Acting Scientific Director, National Institute of Environmental Health Sciences, Research Triangle Park, N.C. 27709, telephone 919-541-3205, will furnish summaries of the meeting, rosters of committee members, and substantive program information.

Dated: May 24, 1978.

SUSANNE L. FREMEAUX,
*Committee Management Officer,
National Institutes of Health.*

(FR Doc. 78-15539 Filed 6-5-78; 8:45 am)

[4110-08]

PHARMACOLOGY-TOXICOLOGY RESEARCH PROGRAM COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Pharmacology-Toxicology Research Program Committee, National Institute of General Medical Sciences, June 22-23, 1978, National Institutes of Health, Building 31C, Conference Room 6, Bethesda, Md.

This meeting will be open to the public on June 22 from 9 a.m. to 10 a.m. for opening remarks and general administrative business. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(4) and 552b(c)(6), the meeting will be closed to the public on June 22 from 10 a.m. to 5 p.m. and on June 23 from 9 a.m. to 5 p.m. or adjournment for the review, discussion and evaluation of individual grant applications. These applications could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, Room 9A05, Bethesda, Md. 20014, telephone: 301-496-7301, will provide a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. John C. Dalton, Director, Review Unit, Westwood Building, Room 949, Bethesda, Md., telephone: 301-496-7061.

(Catalog of Federal Domestic Assistance Program 13-859, Pharmacology-Toxicology Program, National Institute of General Medical Sciences, National Institutes of Health).

Dated: May 30, 1978.

SUSANNE L. FREMEAUX,
*Committee Management Officer,
National Institutes of Health.*

(FR Doc. 78-15534 Filed 6-5-78; 8:45 am)

[4110-08]

REPORT ON IN VITRO CARCINOGENESIS

Availability

A report on in vitro carcinogenesis has been prepared as one of the series of Technical Reports from the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute. The report is available to the public.

The report provides an extensive bibliography on the subject of neoplastic transformation of cells in culture by chemical and physical agents, with brief papers serving as a guide to the literature on different topics. Selected papers give more extensive reports of previously unpublished new advances. In addition, a section is devoted to detailed laboratory procedures which are not available in the current literature.

The publication is based on presentations made at the "Seminar and Workshop on In Vitro Carcinogenesis," held at the Given Institute of Pathobiology, Aspen, Colo., from July 18 to 23, 1976.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research.)

Dated: May 30, 1978.

DONALD S. FREDRICKSON,
*Director,
National Institutes of Health.*

(FR Doc. 78-15531 Filed 6-5-78; 8:45 am)

[4110-08]

RESEARCH MANPOWER REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Research Manpower Review Committee, National Heart, Lung, and Blood Institute, July 10, 11, 1978, Conference Room 6, Building 31, National Institutes of Health, Bethesda, Md.

This meeting will be open to the public on July 10, 1978 from 8:30 a.m. to approximately 9:30 a.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on July 10, 1978 from 9:30 a.m. until adjournment on July 11, 1978 for the review, discussion and

evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 5A03, Building 31, Bethesda, Md. 20014, phone 301-496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Charles L. Turbyfill, Executive Secretary, NHLBI, NIH, Room 553, Westwood Building, Bethesda, Md. 20014, phone 301-496-7351, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.838, National Institutes of Health).

Dated: May 30, 1978.

SUSANNE L. FREMEAUX,
*Committee Management Officer,
National Institutes of Health.*

(FR Doc. 78-15537 Filed 6-5-78; 8:45 am)

[4110-08]

REVIEW OF CONTRACT PROPOSALS AND GRANT APPLICATIONS

Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be open to the public to discuss administrative details or other issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available.

These meetings will be closed to the public as indicated below in accordance with provisions set forth in Sections 552b(c)(4) and 552b(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, for the review, discussion, and evaluation of individual contract proposals and grant applications, as indicated. These proposals and applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the proposals and applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708 will furnish summaries of the meetings and rosters of committee members, upon request. Other information pertaining to the meeting can be obtained from the Executive Secretary indicated. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014, unless otherwise stated.

Name of Committee: Cancer and Nutrition Scientific Review Committee.

Sec. 30, lots 1, 2, 4, 5, 6, 7, 9, N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 31, lots 10, and 11, lot 15, that portion within PLO 1634, lot 16, that portion within PLO 1634, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ SE $\frac{1}{4}$, that portion within PLO 1634;
 Sec. 32, lots 1, and 6, lot 7, that portion within PLO 1634, lot 8, that portion within PLO 1634, SE $\frac{1}{4}$ NW $\frac{1}{4}$, that portion within PLO 1634, S $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, that portion within PLO 1634, SE $\frac{1}{4}$.
 Containing approximately 921 acres.

Unsurveyed

T. 30 S., R. 29 W.,
 Sec. 5 (fractional), excluding U.S. Survey 2586;
 Sec. 6, all;
 Sec. 7, excluding Native allotment AA-7448 parcel A;
 Secs. 8 and 17 (fractional), all;
 Secs. 18 and 19, all;
 Sec. 20 (fractional), excluding Native allotment AA-7123, parcel A;
 Secs. 28, 33, and 34 (fractional), all.
 Containing approximately 3,504 acres.
 Aggregating approximately 4,432 acres within PLO 1634.

The State-selected lands herein aggregate approximately 5,558 acres, of which approximately 847 acres were properly selected by the State outside the Kodiak National Wildlife Refuge and outside an area one mile square surrounding the village of Larsen Bay prior to the lands' being withdrawn by the Alaska Native Claims Settlement Act. Further action on the subject State selection application, as to those lands not rejected herein, will be taken at a later date.

II. Lands Proper for Village Selection.
 Approved for Interim Conveyance or Patent.

On September 24, 1974, Nu-Nachk Pit, Inc., filed village selection application AA-6677-A, as amended, under the provisions of Section 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(a) (Supp. V, 1975)), for lands located near the village of Larsen Bay, including lands within the above-referenced State selection and within the Kodiak National Wildlife Refuge (Public Land Order 1634). The application was amended on December 18, 1974, to give a new description to the lands to be selected and to supersede the previously filed application.

Section 12(a)(1) of the Alaska Native Claims Settlement Act provides that village selections shall be made from lands withdrawn by Section 11(a). Section 11(a)(2) withdrew for possible selection by the Native corporation those lands that have been selected by, or tentatively approved to, but not yet patented to, the State under the Alaska Statehood Act. Section 12(a)(1) further provides that no village may select more than 69,120 acres from lands withdrawn by Section 11(a)(2) and not more than 69,120 acres from the National Wildlife Refuge System.

As to the lands described below, the application, as amended, submitted by Nu-Nachk Pit, Inc., is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with Federal laws leading to acquisition of title.

This decision approves approximately 64,252 acres of National Wildlife Refuge System lands for conveyance to Nu-Nachk Pit, Inc., for a cumulative total of approximately 64,252 acres, and approximately 847 acres of land that has been properly selected by the State, for a cumulative total of 847 acres. Neither of these exceed the 69,120 acres permitted under Section 12(a)(1).

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Section 12(a) and aggregating approximately 72,145 acres, is considered proper for acquisition by Nu-Nachk Pit, Inc., and is hereby approved for conveyance pursuant to Section 14(a) of the Alaska Native Claims Settlement Act:

LANDS OUTSIDE THE KODIAK NATIONAL WILDLIFE REFUGE (PLO 1634)

SEWARD MERIDIAN, ALASKA

Surveyed

That portion of lot 3 of Block 1, Tract A, outside PLO 1634 and Block 11, Tract A, U.S. Survey No. 4872, Alaska.

Containing approximately 5 acres.

T. 30 S., R. 28 W.,
 Sec. 30, lot 1;
 Sec. 31, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
 Containing 284.57 acres.

T. 31 S., R. 28 W.,
 Sec. 6, lots 1, 2, 3, 4, 8, 9, 10, 11, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 7, lots 1, 2, 3, 4, 5, 6, 7, 8, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 18, lots 1, 2, 3, 4, 5, 6, 7, 8, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 19, lots 1, 2, 3, 4, 5, 6, 7, 8, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 30, lots 1, 2, 3, 4, 5, 6, 7, 8, E $\frac{1}{2}$ W $\frac{1}{2}$;
 Sec. 31, lots 1, 2, 3, 4, 5, 6, 7, 8, E $\frac{1}{2}$ W $\frac{1}{2}$.
 Containing 2,822.81 acres.

T. 32 S., R. 28 W.,
 Sec. 6, lots 1, 2, 3, 4, 5, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 7, lots 1 and 3;
 Sec. 18, lots 1, 3, 4.
 Containing 217.75 acres.

T. 30 S., R. 29 W.,
 Sec. 29, lots 1 and 2;
 Sec. 31, lots 12, 13, 14, lot 15, that portion outside PLO 1634, lot 16, that portion outside PLO 1634, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{4}$ SE $\frac{1}{4}$, that portion outside PLO 1634;
 Sec. 32, lot 7, that portion outside PLO 1634, lot 8, that portion outside PLO 1634, lots 9, 10, 11, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, that portion outside PLO 1634, SW $\frac{1}{4}$, that portion outside PLO 1634.

Containing approximately 281 acres.

T. 32 S., R. 29 W.,
 Sec. 1, lot 1.

Containing 6.76 acres.

Unsurveyed

T. 31 S., R. 28 W.,
 Sec. 20 (fractional), that portion outside PLO 1634 and excluding U.S. Survey No. 3971.

Containing approximately 5 acres.

T. 32 S., R. 28 W.,
 Sec. 18 (fractional), that portion outside PLO 1634 and excluding Native allotment AA-7448, parcel C and Lots 1, 2, 3, and 4;
 Sec. 19 (fractional), that portion outside PLO 1634 and excluding U.S. Survey No. 1866 and Native allotment AA-7448, parcel C;
 Sec. 20 (fractional), that portion outside PLO 1634 and excluding Native allotment AA-7448, parcel C.

Containing approximately 55 acres.

T. 30 S., R. 29 W.,
 Sec. 25 (fractional), all;
 Sec. 36 (fractional), all.
 Containing approximately 840 acres.

T. 31 S., R. 29 W.,
 Secs. 1 and 2 (fractional), all;
 Secs. 11 and 12 (fractional), excluding Native allotment AA-7396, parcel B;
 Sec. 13, excluding Native allotment AA-7449;
 Sec. 14 (fractional), excluding Native allotment AA-7449;
 Secs. 23, 24, 25, and 26 (fractional), all;
 Secs. 35 and 36 (fractional), all.
 Containing approximately 3,375 acres.
 Aggregating approximately 7,893 acres outside PLO 1634.

LANDS WITHIN THE KODIAK NATIONAL WILDLIFE REFUGE (PLO 1634)

SEWARD MERIDIAN, ALASKA

Surveyed

That portion of lot 3 of Block 1, Tract A within PLO 1634, and Tract D, U.S. Survey No. 4872, Alaska.

Containing approximately 8 acres.

T. 30 S., R. 29 W.,
 Sec. 29, lot 3, excluding Native allotment AA-7396, parcel A, lots 4, 5, Lot 6, excluding Native allotment AA-7396, parcel A, lot 7;
 Sec. 30, lots 1, 2, 4, 5, 6, 7, 9, N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 31, lots 10, 11, lot 15, that portion within PLO 1634, lot 16, that portion within PLO 1634, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{4}$ SE $\frac{1}{4}$, that portion within PLO 1634;
 Sec. 32, lots 1, 8, lot 7, that portion within PLO 1634, lot 8, that portion within PLO 1634, SE $\frac{1}{4}$ NW $\frac{1}{4}$, that portion within PLO 1634, SW $\frac{1}{4}$, that portion within PLO 1634, S $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$.
 Containing approximately 921 acres.

T. 30 S., R. 30 W.,
 Sec. 33, lot 6, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, excluding Native allotment AA-7462.
 Containing 212.30 acres.

Unsurveyed

T. 30 S., R. 28 W.,
 Secs. 18, 19, and 20 (fractional), all;
 Sec. 28 (fractional), all;

Sec. 29, all;
 Secs. 30, 31, and 32 (fractional), those portions within PLO 1634.

Containing approximately 2,764 acres.

T. 31 S., R. 28 W.,
 Sec. 5 (fractional), excluding Native allotment AA-7318;
 Sec. 8 (fractional), all;
 Sec. 9, all;
 Secs. 14, 15, and 16, all;
 Sec. 17 (fractional), all;
 Sec. 20 (fractional), that portion within PLO 1634 and excluding U.S. Survey 3971;
 Secs. 22, 23, and 24, all;
 Secs. 29 and 32 (fractional), all.
 Containing approximately 7,135 acres.

T. 32 S., R. 28 W.,
 Sec. 18 (fractional), that portion within PLO 1634;
 Sec. 19 (fractional), that portion within PLO 1634 and excluding U.S. Survey 1866;
 Sec. 20 (fractional), that portion within PLO 1634;
 Sec. 21 (fractional), all;
 Secs. 28, 29, and 30 (fractional), all;
 Secs. 32, 33, and 34 (fractional), all.
 Containing approximately 2,420 acres.

T. 30 S., R. 29 W.,
 Sec. 5 (fractional), excluding U.S. Survey 2586;
 Sec. 6, all;
 Sec. 7, excluding Native allotment AA-7446, parcel A;
 Secs. 8 and 17 (fractional), all;
 Secs. 18 and 19, all;
 Sec. 20 (fractional), excluding Native allotment AA-7123, parcel A;
 Secs. 28, 33, and 34 (fractional), all.
 Containing approximately 3,504 acres.

T. 31 S., R. 29 W.,
 Sec. 3 (fractional), excluding U.S. Survey 1829;
 Secs. 5, 6, 7, and 8, all;
 Secs. 10 and 15 (fractional), all;
 Secs. 22 and 27 (fractional), all;
 Sec. 34 (fractional), all.
 Containing approximately 5,019 acres.

T. 32 S., R. 29 W.,
 Sec. 2 (fractional), excluding U.S. Survey 2208;
 Sec. 3, all;
 Secs. 11 and 12 (fractional), excluding Native allotment AA-7395;
 Sec. 13 (fractional), excluding Native allotments AA-7395 and AA-7448, parcel B;
 Sec. 24 (fractional), excluding Native allotment AA-7448, parcel B;
 Secs. 30, 31 and 32, all.
 Containing approximately 3,942 acres.

T. 30 S., R. 30 W.,
 Secs. 1 to 4, inclusive, all;
 Secs. 9 to 13, inclusive, all;
 Secs. 15 to 18, inclusive, all;
 Sec. 24, all;
 Secs. 25 and 26 (fractional), excluding Native allotment AA-7460;
 Sec. 29, all;
 Sec. 31, excluding Native allotment AA-7458;
 Sec. 32, all;
 Sec. 34 (fractional), all;
 Sec. 35 (fractional), excluding Native allotment AA-7457;
 Sec. 38 (fractional), all.
 Containing approximately 12,343 acres.

T. 31 S., R. 30 W.,

Sec. 2, excluding Native allotment AA-7457;
 Secs. 3 and 4 (fractional), all;
 Secs. 5 to 9, inclusive, all;
 Secs. 16 to 21, inclusive, all;
 Secs. 27 to 34, inclusive, all.
 Containing approximately 13,869 acres.

T. 32 S., R. 30 W.,
 Secs. 2, 3, and 4, all;
 Secs. 9, 10, and 11, all;
 Secs. 13 to 16, inclusive, all;
 Secs. 22, 23, and 24, all;
 Sec. 25, excluding Alaska Native Claims Settlement Act, Sec. 3(e) application AA-12697;
 Secs. 26 and 27, all;
 Secs. 34 and 35, all;
 Sec. 36, excluding Alaska Native Claims Settlement Act, Sec. 3(e) application AA-12697.
 Containing approximately 12,115 acres.
 Aggregating approximately 64,252 acres within PLO 1634.
 Total aggregated acreage approximately 72,145 acres.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975)).

2. Pursuant to Section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps in case file AA-6677-EE, are reserved to the United States and subject to further regulation thereby:

a. (EIN 6 D9, L) An easement for a proposed access trail twenty-five (25) feet in width beginning in Sec. 8, T. 30 S., R. 29 W., Seward Meridian on the shore of Uyak Bay and extending westerly along the left bank of an unnamed creek to Salmon Creek Lake, thence along the shore of the lake, and then southwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

b. (EIN 7 D9) An easement for a proposed access trail twenty-five (25) feet in width from the mean high tide line of Uyak Bay in Sec. 32, T. 30 S., R. 29 W., Seward Meridian, southeasterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

c. (EIN 8 D9) An easement for a proposed access trail twenty-five (25) feet in width from the mean high tide line of Larsen Bay in Sec. 35, T. 30 S., R. 30 W., Seward Meridian, southeasterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

d. (EIN 9 D9) An easement for a proposed access trail twenty-five (25) feet

in width from the mean high tide line of Larsen Bay in Sec. 33, T. 30 S., R. 30 W., Seward Meridian, at site EIN 10 D9, L southeasterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

e. (EIN 10 D9, L) A two and one-half (2½) acre site easement upland of the mean high tide line in Sec. 33, T. 30 S., R. 30 W., Seward Meridian, on the shore of Larsen Bay. The site is for camping, staging, and vehicle use.

f. (EIN 11 D9) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 10 D9, L in Sec. 33, T. 30 S., R. 30 W., Seward Meridian northerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

g. (EIN 12 C6, D9, L) An easement for an existing access trail twenty-five (25) feet in width from site EIN 10 D9, L in Sec. 33, T. 30 S., R. 30 W., Seward Meridian, on the shore of Larsen Bay westerly to site EIN 13a C6, D9, L on the bank of the Karluk River. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

h. (EIN 13a C6, D9, L) A site easement upland of the ordinary high water mark in Secs. 30 and 31, T. 30 S., R. 30 W., Seward Meridian, on the right bank of the Karluk River at the portage area. The site is ten (10) acres in size with an additional 25 foot wide easement on the bed of the river along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

i. (EIN 13b C6, D9, L) A site easement upland of the ordinary high water mark in Sec. 31, T. 30 S., R. 30 W., Seward Meridian on the left bank of the Karluk River in the portage area. The site is two and one-half (2½) acres in size with an additional 25 foot wide easement on the bed of the river along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

j. (EIN 16 C1, C6, D9, L) A stream-side easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks and an easement on the entire bed of the Karluk River from the outlet of Karluk Lake to the northern border of Sec. 31, T. 30 S., R. 30 W., Seward Meridian. Purpose is to provide for public use of waters having highly significant present recreational use.

k. (EIN 17 D9 C6) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 13a C6, D9, L on the Karluk River in Sec. 31, T. 30 S., R. 30 W., Seward Meridian, southerly to site EIN 21 C1, C6, D9, L at the outlet of Karluk Lake in Sec. 30, T. 31 S., R. 30 W., Seward Meridian. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

l. (EIN 18 C6, L) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 20 C1, C6, D9, L at the outlet of Karluk Lake in Sec. 33, T. 31 S., R. 30 W., Seward Meridian, southwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

m. (EIN 20 C1, C6, D9, L) A fishery management and public use easement upland of the ordinary high water mark in Sec. 33, T. 31 S., R. 30 W., Seward Meridian on the northwest shore of Karluk Lake and the left bank of the Karluk River. The easement is five (5) acres in size with an additional twenty-five (25) foot wide extension on the bed of the river and lake along the entire waterfront of the easement. The easement is used for camping, staging, vehicle use, and for fishery management purposes.

n. (EIN 21 C1, C6, D9, L) A site easement upland of the ordinary high water mark in Sec. 33, T. 31 S., R. 30 W., Seward Meridian on the North-west shore of Karluk Lake and the right bank of the Karluk River. The site is fifteen (15) acres in size with an additional twenty-five (25) foot wide easement on the bed of the river and lake along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

o. (EIN 22 C6, D9, L) An easement for a proposed access trail twenty-five (25) feet in width from the mean high tide line of Uyak Bay beginning in Sec. 15, T. 31 S., R. 29 W., Seward Meridian, southwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

p. (EIN 23 C5, D9) A continuous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as beaching of watercraft or aircraft, travel along the shore, recreation, and other similar uses. Deviations from the waterline are permitted when specific conditions so require, e.g., impassable topography or waterfront obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is to be obstructed, the owner of the servient estate will be obligated to convey to the United States an acceptable alternate access route, at no cost to the United States, prior to the creation of such obstruction.

q. (EIN 24 D9) An easement for a proposed access trail twenty-five (25) feet in width from the mouth of

Brown's Lagoon northeasterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

r. (EIN 25 C6) A streamside easement twenty-five (25) feet in width on both banks and the entire bed of Brown's Lagoon (a river) from the mouth of the lagoon to the southern border of Sec. 24, T. 31 S., R. 28 W., Seward Meridian. Purpose is to provide for public use of waters having highly significant present recreational use.

s. (EIN 27 D9) An easement for a proposed access trail twenty-five (25) feet in width from the mean high tide line of Amook Bay in Sec. 20, T. 31 S., R. 28 W., Seward Meridian, easterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

t. (EIN 29 D9) An easement for a proposed access trail twenty-five (25) feet in width from the mean high tide line of Uyak Bay in Sec. 28, T. 32 S., R. 28 W., Seward Meridian, easterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

u. (EIN 30a D9) A one (1) acre site easement upland of the mean high tide line in Sec. 32, T. 32 S., R. 28 W., Seward Meridian on the shore of Uyak Bay. The site is for camping, staging, and vehicle use.

v. (EIN 30b D9) An easement for a proposed access trail twenty-five (25) feet in width from the mean high tide line of Uyak Bay at site EIN 30a D9 in Sec. 32, T. 32 S., R. 28 W., Seward Meridian, westerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

w. (EIN 32 C6, L) An easement for a proposed access trail twenty-five (25) feet in width from Uyak Bay westerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

x. (EIN 33b C6, L) A streamside easement twenty-five (25) feet in width on both banks and the entire bed of the Thumb River from its mouth to the outlet on Thumb Lake. Purpose is to provide for public use of waters having highly significant present recreational use.

y. (EIN 34 C6, L) A site easement upland of the ordinary high water mark in Sec. 31, T. 32 S., R. 29 W., Seward Meridian, on the right bank of the Thumb River at the confluence with Karluk Lake. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the river and lake along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

z. (EIN 36 D9) An easement for a proposed access trail twenty-five (25)

feet in width from the shore of Karluk Lake in Sec. 14, T. 32 S., R. 30 W., Seward Meridian easterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

aa. (EIN 37 D9) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 39 C4 in Sec. 3, T. 32 S., R. 30 W., Seward Meridian, northeasterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

ab. (EIN 38 D9) An easement for a proposed access trail twenty-five (25) feet in width from the shore of Karluk Lake in Sec. 27, T. 32 S., R. 30 W., Seward Meridian southwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

ac. (EIN 39 C4) A site easement upland of the ordinary high water mark in Sec. 3, T. 32 S., R. 30 W., Seward Meridian, on the shore of Karluk Lake at the mouth of Moraine Creek. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

ad. (EIN 40 C4) An easement for a proposed access trail twenty-five (25) feet in width along the north shore of Karluk Lake from site EIN 21 C1, C6, D9, L at the outlet of Karluk Lake in Sec. 33, T. 31 S., R. 30 W., Seward Meridian to site EIN 39 C4 in Sec. 3, T. 32 S., R. 30 W., Seward Meridian at the mouth of Moraine Creek. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

ae. (EIN 41a C4) A site easement upland of the ordinary high water mark in Sec. 23, T. 31 S., R. 28 W., Seward Meridian, on the shore of a small unnamed lake at the head of Brown's Lagoon. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

af. (EIN 41b C4) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 41a C4 in Sec. 23, T. 31 S., R. 28 W., Seward Meridian, southeasterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

ag. (EIN 43 C4, C6) An easement for a proposed access trail twenty-five (25) feet in width from the shore of the Karluk River in Sec. 18, T. 31 S., R. 30 W., Seward Meridian, southwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

ah. (EIN 44 C) The right of the United States to enter upon the lands

herein granted for cadastral, geodetic, or other survey purposes is reserved together with the right to do all things necessary in connection therewith.

ai. (EIN 47 C4) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 13b C6, D9, L in Sec. 31, T. 30 S., R. 30 W., Seward Meridian, southwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

These reservations have not been conformed to the Departmental easement policy announced March 3, 1978. Conformance is contingent upon resolution of the litigation *Calista, et al. v. Andrus* and implementation of the Secretary's new easement policy. The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights, therein, if any, including but not limited to those created by any lease (including a lease issued under sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. ch. 2, sec. 6(g) (1970))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him;

3. Those rights for water pipeline purposes as have been granted to Alaska Packers Association, its successors or assigns, by right-of-way A-017337, located in Sec. 31, T. 30 S., R. 29 W., Seward Meridian, under the act of February 15, 1901 (31 Stat. 790; 43 U.S.C. 959);

4. Public airport lease AA-9087, containing approximately 100.06 acres, located in Secs. 31 and 32 of T. 30 S., R. 29 W., Seward Meridian, issued to the State of Alaska, Department of Public Works, Division of Aviation, under provisions of the act of May 24, 1928 (45 Stat. 728-729; 49 U.S.C. 211-214 (1970));

5. The following third-party interests created and identified by the U.S. Fish and Wildlife Service as provided by sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(g) (supp. V, 1975)):

a. Free use permit to State of Alaska, Department of Public Works, Division of Aviation, for the purpose of removing 6,000 cubic yards of borrow materials from lands in Sec. 32, T. 30 S., R. 29 W., Seward Meridian.

b. Permit M-1 for airport right-of-way to State of Alaska, Department of Public Works, Division of Aviation, for the purpose of establishing, operating, and maintaining the Larsen Bay Air-

port on lands in Sec. 32, T. 30 S., R. 29 W., Seward Meridian.

6. Requirements of sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 714; 43 U.S.C. 1601, 1621(g) (supp. V, 1975)), that: (a) The above-described lands which are within the boundaries of the Kodiak National Wildlife Refuge on December 18, 1971, remain subject to the laws and regulations governing use and development of such refuge, and that (b) the right of first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States;

7. Requirements of sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (supp. V, 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section; and

8. The terms and conditions of the agreement dated November 12, 1976, between the Secretary of the Interior, Koniag, Inc., Nu-Nachk Pit, Inc., and other Koniag village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for Nu-Nachk Pit, Inc., serialized AA-6677-EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Nu-Nachk Pit, Inc., is entitled to conveyance of 115,200 acres of land selected pursuant to sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 72,145 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 43,055 acres will be conveyed at a later date.

Conveyance to the subsurface estate of the lands described above, excluding those lands which have been withdrawn by PLO 1634 and which are reserved thereby as a national wildlife refuge, shall be granted to Koniag, Inc., when conveyance is granted to Nu-Nachk Pit, Inc., for the surface estate, and shall be subject to the same conditions as the surface conveyance. Sec. 12(a)(1) provides that when a village corporation selects the surface estate of lands within the national wildlife refuge system, the regional corporation may make selections of the subsurface estate, in an equal acreage, from other lands withdrawn by sec. 11(a) within the region.

There are no inland water bodies considered to be navigable within the lands described.

In accordance with departmental regulation 43 CFR 2650.7(d), notice of

this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the Anchorage Times and in the Kodiak Times. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501; also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until July 6, 1978, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

4. If Nu-Nachk Pit, Inc., or Koniag, Inc., objects to any easement which is identified herein for reservation in the conveyance, which is subject to the discretion of the State Director and not reserved pursuant to an express Secretarial directive, a request for reconsideration must be filed within 30 days from receipt of service with the State Director, Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510. A copy of the request should be served upon the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. If a request for reconsideration is not filed, it will be deemed that the right to contest any such easement has been waived.

If an appeal is taken, the adverse parties to be served with a copy of the notice of appeal are:

Nu-Nachk Pit, Inc., Larsen Bay, Alaska 99624.
Koniag, Inc., P.O. Box 746, Kodiak, Alaska 99615.
State of Alaska, Division of Lands, 323 East Fourth Avenue, Anchorage, Alaska 99501.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of, and requirements for, filing an appeal may be obtained from the Bureau of Land Management, 555

Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

ROBERT E. SORENSON,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-15545 Filed 6-5-78; 8:45 am]

[4310-55]

Fish and Wildlife Service

THREATENED SPECIES PERMIT

Receipt of Application

Applicant: The Albany Medical College, International Center of Environmental Safety, P.O. Box 1027, Holoman AFB, N. Mex. 88330.

The applicant is applying for a permit authorizing the importation of 30 chimpanzees (*Pan troglodytes*) per year for 5 years. The reason for the request is to acquire animals for research programs and to increase the size of the breeding colony at Holoman so that the annual birthrate can be eventually increased from approximately 25 to 70 per year. Chimpanzees from this colony are used for scientific research. The colony is expected to eventually be able to supply all the research animals needed with no need for additional imports.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-1673. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: May 25, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch
Federal Wildlife Permit Office.

[FR Doc. 78-15542 Filed 6-5-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

The applicants listed below wish to apply for Captive Self-Sustaining Population permits authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR 17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

These applications and supporting documents are available to the public during normal business hours in room

NOTICES

534, 1717 H Street NW., Washington, D.C. or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240. Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address.

Applicant: Mrs. Cecelia Kalaukoa, 401 B. Kawaiul Street, Kailua, Hawaii 96734, PRT 2-2534.

Applicant: John F. Kaufman, 380 North Gulling Street, P.O. Box 457 Portola, Calif. 96122, PRT 2-2532.

Applicant: Alfred L. Cumming, Box 358, Watkinsville, Ga. 30677, PRT 2-2491.

Please refer to the individual applicant and the appropriately assigned PRT 2-file number when submitting comments.

Dated: June 1, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-15541 Filed 6-5-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

The applicants listed below wish to apply for Captive Self-Sustaining Population permits authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants and mammals listed in 50 CFR 17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

These applications and supporting documents are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C. or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240. Interested persons may comment on these applications on or before July 6, 1978 by submitting written data, views, or arguments to the Director at the above address.

Applicant: Gerald G. Miller, Potter Park Zoo, 1301 S. Pennsylvania Avenue, Lansing, Mich. 48933, PRT 2-2525.

Applicant: Zoological Society of Cincinnati, 3400 Vine Street, Cincinnati, Ohio 54220, PRT 2-2527.

Please refer to the individual applicant and the appropriately assigned PRT 2-file number when submitting comments.

Dated: June 1, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-15540 Filed 6-5-78; 8:45 am]

[4310-03]

Heritage Conservation and Recreation Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 7, 1978, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

ROBERT B. RETTIG,
Acting Keeper of the
National Register.

The following list of properties has been added to the National Register of Historic Places since notice was last given in the February 7, 1978, Federal Register. National Historic Landmarks are designated by NHL; properties recorded by the Historic American Buildings Survey are designated by HABS; properties recorded by the Historic American Engineering Record are designated by HAER; properties receiving grants-in-aid for historic preservation are designated by G.

ALABAMA

Dallas County

Selma, *Old Town Historic District*, roughly bounded by the Alabama River, Jefferson Davis Ave., Pettus, Broad, and Franklin Sts., (5-3-78).

ALASKA

Fairbanks Division

Fairbanks, *Harding Railroad Car*, Alaska-land, (4-6-78).

Juneau Division

Taku Harbor vicinity, *Fort Durham Site*, N of Taku Harbor, (5-5-78).

Wrangell-Petersburg Division

Wrangell, *Wrangell Public School*, 2nd and Bevier Sts., (5-16-78).

ARIZONA

Navajo County

Keams Canyon vicinity, *Inscription Rock*, E of Keams Canyon off AZ 264, (4-6-78).

ARKANSAS

Columbia County

Magnolia, *Columbia County Courthouse*, Court Sq., (4-15-78).

NOTICES

Conway County

Morrilton, *Conway County Library*, 101 W. Church St., (4-15-78).

Greene County

Paragould vicinity, *Old Bethel Methodist Church*, W of Paragould off AR 141, (4-19-78).

Logan County

Booneville, *Bank of Booneville Building*, 1 W. Main St., (4-26-78).

Marion County

Yellville, *Layton Building*, 1110 Mill St., (4-26-78).

Pulaski County

Little Rock, *Ward, Zeb, Building*, 1001-1003 W. Markham St., (4-19-78).

CALIFORNIA

Alameda County

Berkeley, *Studio Building*, 2045 Shattuck Ave., (4-6-78).

Livermore, *Murphy, D. J., House*, 291 McLeod St., (4-6-78).

Piedmont, *Wetmore House*, 342 Bonita Ave., (4-14-78).

Del Norte County

Klamath vicinity, *Radar Station B-71*, W of Klamath, (4-19-78).

Humboldt County

Eureka, *Odd Fellows Hall (French Empire Mansard Building)*, 12 F St., (5-3-78).

Los Angeles County

Monrovia, *Oaks, The*, 250 N. Primrose Ave., (4-6-78).

Pomona, *La Casa Alvarado*, 1459 Old Settlers Lane, (4-19-78).

Mariposa County

El Portal vicinity, *Glacier Point Trailside Museum*, E of El Portal in Yosemite National Park, (4-4-78).

Mendocino County

Branscomb vicinity, *Lovejoy Homestead*, N of Branscomb, (4-26-78).

Monterey County

Pebble Beach, *Olivia Penas*, 1061 Majella Rd., (4-3-78).

Napa County

Yountville, *French Laundry*, 6640 Washington St., (4-19-78).

Plumas County

Chester vicinity, *Warner Valley Ranger Station*, N of Chester in Lassen Volcanic National Park, (4-3-78).

San Francisco County

San Francisco, *Calvary Presbyterian Church*, 2501-2515 Fillmore St., (5-3-78).

San Joaquin County

Stockton, *Rogers, Moses, House*, 921 S. San Joaquin St., (4-26-78).

San Mateo County

Burlingame, *Burlingame Railroad Station*, Burlingame Ave. and California Dr., (4-19-78) HABS.

Santa Barbara County

Lompoc, *Mission de la Purissima Concepcion de Maria Santisima Site*, bounded by Locust Ave., city limits, E and G Sts., (5-5-78).

Santa Clara County

Saratoga, *Villa Montalvo*, 14800 Montalvo Rd., (5-1-78).

Santa Cruz County

Felton, *Felton Presbyterian Church*, 6299 Gushee St., (4-6-78).

Shasta County

Chester vicinity, *Horseshoe Lake Ranger Station*, N of Chester in Lassen Volcanic National Park, (5-5-78).

Mineral vicinity, *Summit Lake Ranger Station*, NE of Mineral in Lassen Volcanic National Park, (4-3-78).

Stanislaus County

Modesto, *McHenry Mansion*, 906 15th St., (4-4-78).

Tulare County

Mineral King vicinity, *Pear Lake Ski Hut*, N of Mineral King in Sequoia National Park, (5-5-78).

Silver City vicinity, *Hockett Meadow Ranger Station*, S of Silver City in Sequoia National Park, (4-27-78).

Three Rivers vicinity, *Ash Mountain Entrance Sign*, N of Three Rivers in Sequoia National Park, (4-27-78).

Three Rivers vicinity, *Giant Forest Lodge Historic District*, NE of Three Rivers in Sequoia National Park, (5-5-78).

Wilsonia vicinity, *Cabin Creek Ranger Residence and Dormitory*, SE of Wilsonia on Generals Hwy. in Sequoia National Park, (4-27-78).

CONNECTICUT

Hartford County

Bristol, *Forestville Passenger Station*, 171 Central St., (4-19-78).

DELAWARE

New Castle County

Middletown, *Reading, Philip, Tannery*, 201 E. Main St., (4-26-78).

Sussex County

Bridgeville vicinity, *Trinity Methodist Episcopal Church*, NW of Bridgeville on DE 31, (5-5-78).

Seaford, *Burton Hardware Store*, High St. and Spring Alley, (4-20-78).

DISTRICT OF COLUMBIA

Washington

Auditor's Building Complex, 14th St. and Independence Ave., (4-27-78).

FLORIDA

Duval County

Jacksonville, *Bethel Baptist Institutional Church*, 1058 Hogan St., (4-6-78).

Putnam County

Melrose, *Melrose Woman's Club*, Pine St., (4-6-78).

GEORGIA

Baldwin County

Milledgeville vicinity, *Rockwell, Samuel, House*, 165 Allen Memorial Dr., (4-19-78) HABS.

Rockdale County

Conyers vicinity, *Dial Mill*, NE of Conyers off GA 138, (4-6-78).

Whitfield County

Dalton, *Western and Atlantic Depot*, Depot St., W end of King St., (4-6-78).

Dalton vicinity, *Prater's Mill*, N of Dalton on GA 2, (4-25-78).

HAWAII

Kauai County

Waimea, *Gulick-Rowell House*, Missionary Row, (4-15-78).

IDAHO

Adams County

New Meadows, *Pacific and Idaho Northern Railroad Depot*, U.S. 95, (4-19-78).

Bear Lake County

Montpelier, *Montpelier Odd Fellows Hall*, 843 Washington St., (4-15-78).

Elmore County

Atlanta, *Atlanta Historic District*, Quartz Creek, Pine and Main Sts., (4-6-78).

Payette County

Payette, *St. James Episcopal Church*, 1st Ave. N. and 10th St., (4-20-78).

Payette, *Woodward Building*, 23 8th St., (4-26-78).

ILLINOIS

De Kalb County

Sycamore, *Sycamore Historic District*, irregular pattern along Main and Somonauk Sts., (5-2-78).

Hamilton County

McLeansboro, *Cloud, Aaron G., House*, 164 S. Washington St., (4-15-78).

Lake County

Waukegan, *Near North Historic District*, roughly bounded by Ash St., RR. tracks, Glen Flora Ave. and City Hall, (5-3-78).

Livingston County

Pontiac, *Jones House*, 314 E. Madison St., (5-5-78).

McLean County

Normal, *Fell, Jesse, House*, 502 S. Fell St., (4-19-78) NABS.

Madison County

Alton, *Upper Alton Historic District*, Seminary St., College, Leverett, and Evergreen Aves., (5-2-78).

Marion County

Centralia, *Sentinel Building*, 232 E. Broadway, (4-15-78).

Rock Island County

Moline, *Huntoon, Joseph, Homestead*, 821 16th St., (5-5-78).

NOTICES

Winnebago County

Rockton, *Rockton Historic District*, roughly bounded by River, Warren, Cherry, and West Sts., (5-2-78).

INDIANA

Hamilton County

Noblesville, *Hamilton County Courthouse Square*, bounded by Logan, 8th, 9th, and Conner Sts., (5-10-78).

IOWA

Appanoose County

Centerville, *Vermilion Estate*, Valley Dr., (4-26-78).

Johnson County

Iowa City, *Oakes-Wood House*, 1142 E. Court St., (4-14-78).

KENTUCKY

Franklin County

Frankfort vicinity, *Giltner-Holt House*, 5 mi. (8 km) N of Frankfort, (5-5-78).

McCracken County

Paducah, *Paducah Market House District*, 2nd St. between Broadway and Kentucky Ave., (4-3-78).

LOUISIANA

East Baton Rouge Parish

Baton Rouge, *St. James Episcopal Church*, 208 N. 4th St., (5-5-78).

MAINE

Androscoggin County

Auburn, *Engine House*, Court and Spring Sts., (5-22-78).

Cumberland County

Gorham, *Gorham Campus Historic District*, College Ave., (5-5-78).

Oxford County

Lovell, *Knight's Country Store*, ME 5A, (4-14-78).

Piscataquis County

Sebec, *Burgess House*, off ME 11, (5-3-78).

MARYLAND

Baltimore (independent city)

Chizuk Amuno Synagogue, 27-35 Lloyd St., (4-19-78).
Lloyd Street Synagogue, 11 Lloyd St., (4-19-78).

Baltimore County

Monkton and vicinity, *My Lady's Manor*, MD 138, (4-15-78), (also in Hartford County).

Caroline County

Denton, *Schoolhouse*, 104 S. 2nd St., (4-19-78).

Hartford County

My Lady's Manor, Reference-see Baltimore County.

Prince Georges County

Upper Marlboro, *Buck House*, off MD 4, (4-20-78) HABS.

Washington County

Hagerstown vicinity, *Dorsey-Palmer House*, N of Hagerstown on MD 60, (4-15-78).

MASSACHUSETTS

Franklin County

New Salem, *New Salem Common Historic District*, S. Main St., (4-12-78).

Middlesex County

Cambridge, *Carpenter Center for the Visual Arts*, 19 Prescott St., (4-20-78).

Plymouth County

Brockton, *Dean, Dr. Edgar Everett, House*, 81 Green St., (5-5-78).

Worcester County

Fitchburg, *Monument Park Historic District*, Monument Park and environs N of Main St., (5-16-78).

MINNESOTA

Hennepin County

Minneapolis, *Hewitt, Edwin H., House*, 126 E. Franklin Ave., (4-6-78)
Minneapolis, *Martin, Charles J., House*, 1300 Mount Curve Ave., (4-26-78).

Ramsey County

St. Paul, *Woodland Park District*, roughly bounded by Marshall and Selby Aves., Arundel and Dale Sts., (5-12-78).

Rice County

Northfield, *Sciver Block Building*, Bridge Sq. and Division St., (5-5-78).

St. Louis County

Duluth, *Duluth Public Library*, 101 W. 2nd St., (5-5-78).

Stearns County

Fairhaven, *Fairhaven Flour Mill*. Reference-see Wright County.
St. Cloud, *Foley-Brouer-Bohmer House*, 385 3rd Ave. S., (5-5-78).
St. Cloud, *Majerus, Michael, House*, 404 9th Ave. S., (5-5-78).

Wright County

Fairhaven, *Fairhaven Flour Mill*, off MN 55 on Clearwater River, (4-14-78) (also in Stearns County).

MISSISSIPPI

Adams County

Natchez, *Dubs, Dr. Charles H., Townhouse*, 311 N. Pearl St., (5-5-78).
Washington, *Assembly Hall*, Assembly and Main Sts., (4-19-78).

Amite County

Rosetta vicinity, *Sturdivant Fishweir*, E of Rosetta, (4-14-78).

Rankin County

Brandon, *Stevens-Buchanan House*, 505 College St., (5-5-78).
Brandon vicinity, *Hebron Academy*, S of Brandon on MS 18, (5-5-78).

MISSOURI

Jackson County

Grandview, *Young, Solomon, Farm (Truman Farm)*, 12121 and 12301 Blue Ridge Extension, (5-5-78).

Kansas City, *Scarritt, Rev. Nathan, House*, 4038 Central St., (5-8-78).

St. Louis County

Frontenac, *Des Peres Presbyterian Church*, Geyer Rd., (4-14-78).

NEBRASKA

Lancaster County

Lincoln, *Tyler, William H. House*, 808 D St., (4-6-78).

Sarpy County

Bellevue vicinity, *Blacksmith Shop*, S of Bellevue on Offutt Air Force Base, (5-12-78).

NEVADA

Storey County

Sparks vicinity, *Derby Diversion Dam*, 19 mi. (30.4 km) E of Sparks on I-80, (4-26-78). (also in Washoe County).

Washoe County

Derby Diversion Dam. Reference-see Storey County.

NEW JERSEY

Bergen County

Paramus, *Midland School*, 239 W. Midland Ave., (4-7-78).

Burlington County

Burlington, *Pearson-How, Cooper, and Lawrence Houses*, 453-459 High St., (4-26-78).

Essex County

Bloomfield, *Bloomfield Green Historic District*, bounded by Belleville Ave., Montgomery, Spruce, State, Liberty, and Franklin Sts., (4-20-78).

Monmouth County

Holmdel vicinity, *Holmes-Hendrickson House*, N of Holmdel, (4-26-78).

NEW MEXICO

Bernalillo County

Albuquerque, *Vigil, Antonio, House*, 413 Romero St., (5-5-78).

Catron County

Red Hill vicinity, *Mogollon Pueblo*, N of Red Hill, (5-5-78).

Rio Arriba County

Abiquiu vicinity, *Santa Rosa de Lima de Abiquiu*, E of Abiquiu on U.S. 84, (4-14-78).

San Juan County

Fruitland vicinity, *Site No. OCA-CGP-54-1*, SW of Fruitland, (4-19-78).

NEW YORK

Columbia County

Germantown vicinity, *Stone Jug*, S of Germantown at NY 9G and Jug Rd., (4-20-78).

Jefferson County

Alexandria Bay vicinity, *Boldt, George C., Yacht House*, NW of Alexandria Bay on Wellesley Island, (4-28-78).

NOTICES

Lewis County

Jons Falls, *Gould Mansion Complex*, Main St., (4-19-78).

New York County

New York, *Radio City Music Hall*, 1260 Avenue of the Americas, (5-8-78).

NORTH CAROLINA

Allegheny County

Amelia vicinity, *Hash, Bays, Site*, N of Amelia, (4-19-78).

Wake County

Raleigh, *Capitol Area Historic District*, state capitol building and environs, (4-15-78).

OHIO

Athens County

Athens vicinity, *Athens State Hospital Cow Barn*, SW of Athens off U.S. 33/50, (4-25-78).

Clinton County

Lumberton vicinity, *Hurley Mound*, W of Lumberton, (5-5-78).

Cuyahoga County

Chagrin Falls, *March, George, House*, 126 E. Washington St., (4-20-78).
Cleveland, *Stager-Beckwith House*, 3813 Euclid Ave., (4-20-78).

Erie County

Birmingham, *Starr-Truscott House*, OH 133, (4-20-78).

Fairfield County

Baltimore vicinity, *Musser, Henry, House*, SE of Baltimore at 7079 Millersport Rd., (5-5-78).

Franklin County

Columbus, *Drake, Elam, House*, 2738 Ole Country Lane, (4-6-78).

Lorain County

Avon, *Cahoon, Wilbur, House*, 2940 Stoney Ridge Rd., (4-6-78).

Lucas County

Maumee, *Eckenrode and Breisach Houses*, 202 and 204 E. Dudley St., (4-6-78).
Maumee, *Reed, Henry Jr., House*, 511-513 White St., (4-20-78).

Montgomery County

Dayton, *Kuhns, Benjamin F., Building*, 43 S. Main St. (4-24-78).
Vandalia vicinity, *Beard, John, Farm*, S of Vandalia on Mulberry Lane, (5-5-78).

Muskingum County

New Concord, *Harper, William Rainey, Log House*, E. Main St., (4-6-78).
Zanesville vicinity, *Headley Inn, Smith House and Farm*, 5255 West Pike, (4-26-78).

Pickaway County

Circleville, *Circleville Historic District*, Main and Court Sts., (5-16-78).

Seneca County

Tiffin, *Downtown Tiffin Historic District*, roughly bounded by Riverside Dr., Jeffer-

son, Monroe, Sycamore and Coe Sts., (5-2-78).

Stark County

Canton, *Third Street Bridge*, 3rd St., SE., (5-5-78).

Summit County

Akron vicinity, *Barker Village Site*, N of Akron, (4-19-78).

OKLAHOMA

Atoka County

Wapanucka vicinity, *McAlister, Bo, Site*, E of Wapanucka, (4-21-78).

Comanche County

Fort Sill, *Chiefs Knoll*, Macomb and Burrill Rds., (5-16-78).

Oklahoma County

Oklahoma City, *Union Depot*, 300 SW. 7th St., (5-16-78).

OREGON

Columbia County

Rainier, *Moeck, George F., House*, 713 B St., W., (4-14-78).

Wheeler County

Fossil, *Hoover, Thomas Benton, House*, 1st St. between Adams and Washington Sts., (4-14-78).

PENNSYLVANIA

Allegheny County

Glenshaw, *Lightner, Isaac, House*, 2407 Mt. Royal Blvd., (4-20-78).

Bucks County

New Hope vicinity, *Eagle Tavern*, S of New Hope, (4-20-78).

Centre County

Centre Hall vicinity, *Penn's Cave and Hotel*, 5 mi. (8 km) E of Centre Hall off PA 192, (4-14-78).

Chester County

Kennett Square vicinity, *Harvey, Peter, House and Barn*, E of Kennett Sq. on Hillendale Rd., (4-20-78).
Phoenixville vicinity, *Charlestown Village Historic District*, SW of Phoenixville on Charlestown Rd., (5-16-78).

Greene County

Waynesburg, *Miller Hall*, 51 W. College St., (4-14-78).

Lancaster County

Safe Harbor vicinity, *Big and Little Indian Rock Petroglyphs*, S of Safe Harbor, (4-3-78).

Monroe County

Shawnee-on-the-Delaware, *Worthington Hall*, Worthington Ave., (4-14-78).

Perry County

Newport vicinity, *Little Buffalo Historic District*, SW of Newport off PA 34, (4-3-78).

Philadelphia County

Philadelphia, *Chateau Crillon Apartment House*, 222 S. 19th St., (4-25-78).

Venango County

Franklin, *Plumer Block*, 1205 Liberty St., (4-20-78).

Washington County

Marianna vicinity, *Ulery Mill*, SE of Marianna, (4-20-78).

PUERTO RICO

Ponce vicinity, *Centro Ceremonial Indigena*, N of Ponce off SR 503, (4-14-78).

RHODE ISLAND

Newport County

Newport vicinity, *Paradise School*, E of Newport at Paradise and Prospect Aves., (5-5-78).

Providence County

Central Falls, *Valley Falls Mill*, 1363 Broad St., (4-26-78).

Johnston vicinity, *Ochee Spring Quarry*, E of Johnston, (5-5-78).

Washington County

Carolina vicinity, *Hoxsie, John, House*, N of Carolina, (5-5-78).
West Kingston, *Kingston Railroad Station*, Kingston Rd., (4-26-78).

SOUTH CAROLINA

Charleston County

Charleston, *Kahal Kadosh Beth Elohim Synagogue*, 90 Hasell St., (4-4-78) HABS.

Dorchester County

Ridgeville vicinity, *Cypress Methodist Camp Ground*, E of Ridgeville on SC 182, (4-26-78).

Georgetown County

Georgetown vicinity, *Brookgreen Gardens*, 18 mi. (28.8 km) NE of Georgetown on U.S. 17, (4-15-78).

Kershaw County

Boykin vicinity, *Midfield Plantation*, NE of Boykin on SR 23, (4-20-78).

Marlboro County

Bennettsville, *Bennettsville Historic District*, irregular pattern along Main St. from Everett to Lindsey and from Parsonage to Murchison, (4-20-78).

SOUTH DAKOTA

Brookings County

Bruce, *Walters, Solomon, House*, off U.S. 77, (4-26-78).

Grant County

Milbank, *First Congregational Church of Milbank*, E. 3rd Ave., (4-19-78).
Milbank, *First National Bank of Milbank*, 225 S. Main St., (4-19-78).

Hughes County

Pierre, *Brink-Wagner House*, 110 E. 4th St., (4-26-78).

Hyde County

Highmore, *Old Hyde County Courthouse*, 110 Commercial St., SE., (4-19-78).

Jerauld County

Wessington Springs, *Vessey, Robert S., House*, 118 College Ave., (4-26-78).

Minnesota County

Sioux Falls, *South Dakota State Penitentiary Historic Buildings*, 1600 North Dr., (4-20-78).

TENNESSEE**Grundy County**

Pelham vicinity, *Elkhead Stone Arch Bridge*, N of Pelham, (4-19-78).

Loudon County

Greenback vicinity, *McCullum Farm*, SW of Greenback on Morganton Rd., (4-15-78).

Sumner County

Gallatin, *Rosemont*, 810 S. Water St., (4-26-78).

TEXAS**Bastrop County**

Bastrop, *Crocheron-McDowall House*, 1502 Wilson St., (4-20-78) HABS.

Crockett County

Iraan vicinity, *Archeological Site 41-CX-110*, E of Iraan, (5-5-78)

Galveston County

Galveston, *Beissner, Henry, House*, 2818 Ball Ave., (4-3-78).

Houston County

Crockett, *Downes-Aldrich House*, 206 N. 7th St., (4-19-78).

Jefferson County

Beaumont, *Beaumont Commercial District*, roughly bounded by Orleans, Bowie, Neches, Crockett, Laurel, Willow, Broadway, Pearl, Main, and Gilbert Sts., (4-14-78).

Reagan County

Stiles, *Old Reagan County Courthouse*, off TX 137, (5-5-78).

Robertson County

Calvert, *Calvert Historic District*, roughly bounded by Main, Garritt, Pin Oak, Maple, and Barton Sts., (4-3-78).

Tom Green County

San Angelo, *San Angelo National Bank, Johnson and Taylor, and Schwartz and Raas Buildings*, 20-22, 24, 26 E. Concho Ave., (4-7-78).

Travis County

Austin, *Smith, B. J., House*, 700 W. 6th St., (4-19-78).

Wilson County

Floresville, *Wilson County Courthouse and Jail*, Public Sq., (5-5-78).

UTAH**Salt Lake County**

Salt Lake City, *Converse Hall*, 1840 S. 13th East, (4-20-78).
Salt Lake City, *University of Utah Circle*, University of Utah campus, (4-20-78).

Washington County

Washington, *Covington, Robert D., House*, 200 N. 200 East, (4-20-78).

NOTICES**VIRGINIA****Botetourt County**

Springwood, *Springwood Truss Bridge*, VA 630 over James River, (4-15-78).

Brunswick County

Lawrenceville vicinity, *Gholson Bridge*, S of Lawrenceville on VA 715 at Meherrin River, (5-5-78).

Campbell County

Mansion vicinity, *Mansion Truss Bridge*, VA 640 over Staunton River, (4-15-78).

Fairfax County

Vienna, *Moorefield*, Moorefield Hill Pl., (4-19-78).

Nelson County

Shipman vicinity, *Oak Ridge Railroad Overpass*, SW of Shipman on VA 653, (4-15-78).

Prince William County

Nokesville vicinity, *Nokesville Truss Bridge*, NE of Nokesville on VA 646, (4-15-78).

Rockbridge County

Goshen vicinity, *Goshen Land Company Bridge*, E of Goshen on VA 746, (5-15-78).

Rockingham County

Broadway vicinity, *Linville Creek Bridge*, S of Broadway on SR 1421, (4-15-78).

South Boston (Independent city)

Reedy Creek Site, (4-26-78).

WASHINGTON**Island County**

Port Townsend vicinity, *Smith Island Light Station*, N of Port Townsend, (4-6-78).

Pacific County

Tokeland, *Tokeland Hotel*, Kindred Ave. and Hotel Rd., (4-11-78).

Spokane County

Spokane, *First Congregational Church of Spokane*, W. 311-329 4th Ave., (4-26-78).

WEST VIRGINIA**Kanawha County**

Charleston, *East End Historic District*, roughly bounded by the Kanawha River, Bradford, Quarrier, and Greenbrier Sts., (4-20-78).

Lewis County

Weston, *Weston State Hospital*, River St., (4-19-78).

WISCONSIN**Lincoln County**

Merrill, *Lincoln County Courthouse*, 1110 E. Main St., (4-19-78).

Racine County

Racine, *Shoop Building (Dr. Shoop Family Medicine Building)*, 215 State St., (4-26-78).

Determinations of eligibility are made in accordance with the provisions of 36 CFR 63, procedures for requesting determinations of eligibility, under the authorities in section 2(b) and 1(3) of Executive Order 11593 and section 106 of the National Historic Preservation Act of 1966, as amended, as implemented by the Advisory Council on Historic Preservation's procedures, 36 CFR Part 800. Properties determined to be eligible under section 63.3 of the procedures for requesting determinations of eligibility are designated by 63.3.

Properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accordance with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on an eligible property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

The following list of additions, deletions, and corrections to the list of properties determined eligible for inclusion in the National Register is intended to supplement the cumulative version of that list published in February of each year.

ALABAMA**Limestone County**

Athens, *Founders' Hall*, Athens College campus (63.3).

ARIZONA**Navajo County**

Fort Apache Indian Reservation vicinity, *Amos Ranch at Big Spring*, near Faught Ridge Rd. and AZ 73 (63.3).

Fort Apache Indian Reservation vicinity, *Archeological Sites AZ P:16:3, 12, 13 (ASU) and AZ Q:13:1, 4, 5, 9, 12, 16 (ASU)*, near Faught Ridge Rd. and AZ 73 (63.3).

Fort Apache Indian Reservation vicinity, *Archeological Sites AZ P:16:5, 8, 9, 10, 11, 16 (ASU)*, near Indian Rte. 65 and U.S. 60 (63.3).

CALIFORNIA**Alameda County**

Oakland, *Oakland Hotel*, 260 13th St.

Contra Costa County

Richmond, *Winehaven*, Point Molate, Fuel Depot, NSCO.

Humboldt County

Redwood Creek vicinity, *Noledin Village Site*, Redwood National Park.

San Francisco County

San Francisco, *Aronson Historic District*, 87 3rd St., 693 and 710 Mission St.
San Francisco, *Jessie Hotel*, 179-181 Jessie St.

San Francisco, *Mercantile Building*, 710 Mission St.
San Francisco, *Salvation Army Building*, 360 4th St.
San Francisco, *St. Patrick Church*, 748 Mission St.

Santa Barbara County

Santa Barbara, *501 Chapala St.* (63.3).
Santa Barbara, *409 State St.* (63.3).
Santa Barbara, *435 Chapala St.* (63.3).
Santa Barbara, *412 W. Montecito St.* (63.3).
Santa Barbara, *111 Gutierrez St.* (63.3).
Santa Barbara, *S. P. Railroad Depot*, W of State St. (63.3).

Santa Barbara, *Santa Barbara Turn of the Century Architectural District*, roughly bounded by Canon Perdido, Hwy. 101, and Cota and Bath Sts. (63.3).

Santa Barbara, *17 W. Haley St.* (63.3).
Santa Barbara, *315 Castillo St.* (63.3).

Santa Barbara, *315 State St.* (63.3).
Santa Barbara, *317 Chapala St.* (63.3).

Santa Barbara, *333 Anacapa St.* (63.3).
Santa Barbara, *324-330 State St.* (63.3).

Santa Barbara, *23 W. Haley St.* (63.3).
Santa Barbara, *208 Palm St.* (63.3).

Santa Barbara, *217 State St.* (63.3).
Santa Barbara, *212 Palm St.* (63.3).

Santa Barbara vicinity, *Archeological Site CA-SBa-822*, Los Padres National Forest (63.3).

Santa Barbara vicinity, *Archeological Site CA-SBa-1437*, Los Padres National Forest (63.3).

Santa Barbara vicinity, *Archeological Site CA-SBa-1444*, Los Padres National Forest (63.3).

COLORADO**Denver County**

Denver, *31st Street Overflow Structure*, 31st St. and Atkins Ct. (63.3).

CONNECTICUT**Fairfield County**

Bridgeport, *Pixlee Tavern*, 590 Boston Ave. (63.3).

New Haven County

East Haven, *Old Stone Church*, NE corner of Main and High Sts.

New Haven, *Post Office and Courthouse*, Church and Court Sts.

FLORIDA**Duval County**

Jacksonville, *Fairfield School No. 3*, 525 Florida Ave.

GEORGIA**Dougherty County**

Oakfield vicinity, *Archeological Site 9Dt13* (63.3).

Fulton County

Atlanta, *All Saints Episcopal Church*, 634 W. Peachtree St. (63.3).

Atlanta, *Crum and Forster Building*, 771 Spring St. (63.3).

Atlanta, *Fire Station No. 11*, 30 North Ave. (63.3).

Atlanta, *Wincoff Hotel*, 178 Peachtree St. (63.3).

NOTICES**INDIANA****Marion County**

Indianapolis, *Hannah, Alexander Moore, House*, 3801 S. Madison Ave. (63.3).
Indianapolis vicinity, *Parker Covered Bridge*, SR 700 S., spans county line (also in Putnam County) (63.3).

IOWA**Black Hawk County**

Waterloo, *Chicago, Rock Island, and Pacific RR.: Waterloo Station*, W. 4th and Bluff Sts. (63.3).

LOUISIANA**Orleans Parish**

New Orleans, *Algiers Courthouse*, 225 Morgan St. (63.3).

New Orleans, *Columbia Steam Fire Company*, 830 Julia St. (63.3).

MASSACHUSETTS**Essex County**

Lawrence, *South Canal and Associated Gatehouse Structure*, Roughly between Duck and O'Leary Bridges (63.3).

MICHIGAN**Shiawakee County**

Shafterburg, *Van Riper House*, 12370 Shafterburg Rd. (63.3).

MISSOURI**Jasper County**

Joplin, *Joplin Carnegie Library*, 9th and Wall Sts.

Macon County

Macon, *Long Branch Lake Archeological District*, (63.3).

NEW JERSEY**Passaic County**

Clifton, *Animal Quarantine Facility*, bounded by Clifton and Van Houten Aves., and the Erie RR.

NEW YORK**Ulster County**

Saugerties, *Upper Dock Site*, Esopus Creek (63.3).

OREGON**Clackamas County**

Government Camp vicinity, *Laurel Hill Segment*, Barlow Road Historic District, Off U.S. 26.

PENNSYLVANIA**Adams County**

Irishtown, *Lilly's Mill Covered Bridge*.

Allegheny County

Pittsburgh, *Heinz, Sarah, House*, Bounded by E. Ohio, Heinz, and N. Canal Sts.

Pittsburgh, *1134 E. Ohio St.*

Pittsburgh, *1144 E. Ohio St.*

Pittsburgh, *1148 E. Ohio St.*

Pittsburgh, *St. Mary's Church*, Lockhart and Pressley Sts.

Sewickley Borough vicinity, *Sewickley Bridge*, spans the Ohio River.

Susquehanna County

Montrose, *Montrose Inn*, Church and Chestnut Sts.

RHODE ISLAND**Providence County**

Lincoln, *Milk Can*, Louisisset Pike (63.3).
Pawtucket, *Art's Auto*, 5-7 Lonsdale Ave. (63.3).

SOUTH CAROLINA**Berkeley County**

Lake Marion, *Spiers Landing Site* (38 BK 160) (63.3).

VIRGINIA**Bath County**

Warm Springs vicinity, *McClintic House* (63.3).

WISCONSIN**Brown County**

Green Bay, *Archeological Site 47 BR-115* (63.3).

La Crosse County

La Crosse, *Healey's Block*, Main at 2nd St., SE. (63.3).

La Crosse, *Michel Building*, 111 S. 2nd St. (63.3).

La Crosse, *Pamperin Cigar Company*, 113 S. 2nd St. (63.3).

La Crosse, *Schwarz Building*, 205, 207, 209 Pearl St. (63.3).

La Crosse, *201 Pearl Street Building*, 201 Pearl St. at 2nd, NE. (63.3).

La Crosse, *Voegle Block*, 211, 213, 215 Pearl St. (63.3).

Milwaukee County

Greenfield, *Furlong Lime Kiln (Welsh Kiln)*, N side of W. Grange Ave. between 84th and 92nd Sts. (63.3).

Greenfield, *Trimborn Farm*, S side of W. Grange Ave. between 84th and 92nd Sts. (63.3).

Milwaukee, *Engelmann Hall*, 20-33 E. Hartford Ave.

WYOMING**Lincoln County**

Reliance, *Comberland (Camp Muddy)* (63.3).

Sweetwater County

Cedar Canyon vicinity, *Cedar Canyon Petroglyphs* (63.3).

Point of Rocks vicinity, *Black Buttes Stage Station*, Black Butte Mine Project (63.3).

Point of Rocks vicinity, *Gibraltar Townsite and Mine* (63.3).

Point of Rocks vicinity, *Hallville Townsite and Mine* (63.3).

The following properties have been either demolished or placed on the National Register and are therefore removed from the Determinations of Eligibility listing.

CALIFORNIA**Shasta County**

Mineral vicinity, *Summit Lake Ranger Station*, NE of Mineral in Lassen Volcanic

NOTICES

National Park) placed on National Register 4-3-78.

NEVADA

Storey County

Sparks vicinity, *Derby Diverson Dam*, 19 mi. (30.4 km) E of Sparks on I 80 (placed on National Register 4-26-78).

OKLAHOMA

Atoka County

Fort Sill, *Chief's Knoll*, Macomb and Burrill Rds. (placed on National Register 5-16-78).

[FR Doc. 78-15165 Filed 6-5-78; 8:45 am]

[4310-03]

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before May 26, 1978. Pursuant to section 60.13(a) of 36 part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted on or before June 16, 1978.

ROBERT B. RETTIG,
Acting Keeper of the
National Register.

ALABAMA

Lauderdale County

Florence, *Wilson Park Complex*, 209, 217, and 223 E. Tuscaloosa St.

ALASKA

Anchorage Division

Anchorage, *Federal Building*, 601 W. 4th Ave.

Fairbanks Division

Fairbanks, *Federal Building*, Cushman St. and 3rd Ave.

ARIZONA

Maricopa County

Phoenix, *St. Mary's Church*, 231 N. 3rd St.

CONNECTICUT

Fairfield County

Shelton, *Plum Memorial Library*, 47 Wooster St.

Hartford County

Kensington, *Hooker, Henry, House*, 111 High Rd.

MIDDLESEX COUNTY

Old Saybrook, *Bushnell, Elisha, House*, 1445 Boston Post Rd.
Old Saybrook vicinity, *Parker House*, 680 Middlesex Tpke.

New London County

Norwich vicinity, *Taftville*, N of Norwich at CT 93 and CT 97.

DELAWARE

New Castle County

St. Georges vicinity, *Biddle House*, S of St. Georges on U.S. 13.

GEORGIA

Troupe County

LaGrange, *McFarland-Render House*, 612 Hines St.

INDIANA

Marion County

Indianapolis, *Hannah-Oehler-Elder House*, 3801 Madison Ave.

KENTUCKY

Bourbon County

Paris, *Paris Cemetery Gatehouse*, U.S. 68.

Harrison County

Berry vicinity, *Stoney Castle*, W of Berry on Lafferty Pike.

Henderson County

Henderson, *St. Paul's Episcopal Church*, 338 Center St.

Jefferson County

Louisville, *College Street Presbyterian Church*, 113 W. College St.
Louisville, *Knights of Pythias Temple*, 928-932 W. Chestnut St.

Livingston County

Grand Rivers, *Lawson, Thomas, House*, Wabash Ave.

McCracken County

Paducah, *Hotel Irvin Cobb*, Broadway and 6th St.

Mason County

Maysville vicinity, *Woodlawn*, S of Maysville on KY 11.

Pulaski County

Somerset, *Somerset City School and Carnegie Library*, 300 College St.

Warren County

Bowling Green, *Rauscher House*, 818 Adams St.

Woodford County

Midway, *Midway Historic District*, U.S. 62.

MARYLAND

Cecil County

Perryville vicinity, *Woodlands*, E of Perryville on MD 7.

Frederick County

Emmitsburg vicinity, *Fourpoints Bridge*, SE of Emmitsburg.

Middletown vicinity, *Poffenberger Road Bridge*, S of Middletown over Catoclin Creek.

Prince Georges County

Clinton vicinity, *Wyoming*, S of Clinton on Thrift Rd.

Washington County

Williamsport vicinity, *Tammany*, NE of Williamsport off U.S. 11.

MASSACHUSETTS

Essex County

Lawrence, *Mechanics Block Historic District*, 107-139 Garden St., 6-38 Orchard St., 38-52 Union St. (boundary increase).

MISSISSIPPI

Adams County

Natchez vicinity, *Bedford Plantation*, NE of Natchez off U.S. 61.

MISSOURI

Buchanan County

St. Joseph, *German-American Bank Building*, 624 Felix St.

Franklin County

Washington, *Schwarzer, Franz, House*, 2 Walnut St.

Jackson County

Kansas City, *Gumbel Building*, 801 Walnut St.
Kansas City, *Henderson, Dr. Generous, House*, 1016 The Paseo.
Kansas City, *Mutual Musician's Foundation Building*, 1823 Highland Ave.
Kansas City, *Sacred Heart Church, School, and Rectory*, 2540-2544 Madison Ave., and 910 W. 26th St.

Lafayette County

Lexington, *Cumberland Presbyterian Church*, 112 S. 13th St. HABS.

Macon County

LaPlata, *Gilbreath-McLorn House*, 225 N. Owenby St.
Macon, *Macon County Courthouse and Annex*, Courthouse Sq.

St. Charles County

St. Charles, *Stumberg, Dr. John H., House*, 100 S. 3rd St.

NEW HAMPSHIRE

Hillsborough County

Merrimack vicinity, *Signer's House and Matthew Thornton Cemetery*, S of Merrimack on U.S. 3.

Sullivan County

Newport, *Reed, Isaac, House*, 30-34 Main St.

NORTH CAROLINA

Vance County

Williamsboro vicinity, *Pool Rock Plantation*, NE of Williamsboro on SR 1380.

Wilkes County

Traphill vicinity, *Holbrook Farm*, W of Traphill on SR 1743.

NORTH DAKOTA

Ramsey County

Devils Lake, *U.S. Post Office and Courthouse*, 502 4th St.

Ohio

Brown County

Ripley vicinity, *Burgett House and Barn*, W of Ripley on White Rd.

Coshocton County

Coshocton vicinity, *Rodrick Bridge*, SE of Coshocton on SR 144.
West Lafayette vicinity, *Ferguson, Andrew, House*, E of West Lafayette on OH 751.

Crawford County

Crestline, *Calvary Reformed Church*, Thoman and John Sts.
Crestline, *Haffman House (Crestline Shunk Museum)*, 211 Thoman St.
Crestline, *Methodist Episcopal Church*, Thoman and Union Sts.

Cuyahoga County

East Cleveland, *First Church of Christ in Euclid*, 16200 Euclid Ave.

Guernsey County

Pleasant City vicinity, *Bethel Methodist Episcopal Church*, W of Pleasant City on OH 146.

Hamilton County

Cincinnati, *Prospect Hill Historic District*, roughly bounded by Liberty, Highland, Pueblo, Channing, and Sycamore Sts.

Holmes County

Fredericksburg vicinity, *Armstrong, Joseph, Farm*, SE of Fredericksburg.

Licking County

Newark, *Shield's Block*, 23-29 S. Park Pl.

Lorain County

Avon, *Williams, Henry Harrison, House*, 37392 Detroit Rd.
Elyria, *Starr, Horace C., House and Carriage Barns*, 276 Washington Ave.
Grafton vicinity, *Breckenridge, Justin, House*, 37174 SE, Main St.
Oberlin, *Oberlin College Historic Resources*, irregular pattern along Professor, Main, and College Sts.

Lucas County

Toledo, *First Church of Christ, Scientist*, 2705 Monroe St.

Toledo, *St. Paul's United Methodist Church*, Madison and 13th St.

Toledo, *Toledo Club*, 14th St. and Madison Ave.

Medina County

Westfield Center, *Universalist Church of Westfield Center*, LeRoy and Greenwich Rds.

Pickaway County

Williamsport vicinity, *Bazore Mill*, S of Williamsport on OH 138 at Deer Creek.

Putnam County

Letpsic, *Edwards, John, House*, 305 W. Main St.

NOTICES

Sandusky County

Woodville, *Cronenwett, Georg, House*, 606 W. Main St.

Shelby County

Botkins, *Shelby House*, 403 W. State St.

Van Wert County

Van Wert, *Brumback Library*, 215 W. Main St.

TENNESSEE

Davidson County

Nashville, *Woodlawn*, 127 Woodmont Blvd.

Franklin County

Cowan, *Cowan Depot*, Front St.

Monroe County

Vonore vicinity, *Citico Site*, E of Vonore at Little Tennessee River.
Vonore vicinity, *Toqua Site*, SE of Vonore at Little Tennessee River.
Vonore vicinity, *Tuskegee Site*, E of Vonore at Little Tennessee River.

Obion County

Trimble vicinity, *Parks Covered Bridge*, N of Trimble off U.S. 51.

TEXAS

Bexar County

Live Oak vicinity, *Live Oak Park Site*, SE of Live Oak on Saltrillo Creek.

Brazoria County

Brazoria vicinity, *Ellerslie Plantation*, SE of Brazoria off TX 36.

Jasper County

Jasper vicinity, *Hen House Ridge Site*, SW of Jasper off U.S. 190.

UTAH

Salt Lake County

Riverton, *Dansie, George Henry, Farmstead*, 12494 S. 1700 West.
Salt Lake City, *Tracy Loan and Trust Company Building*, 151 S. Main St.

VIRGIN ISLANDS

St. Thomas Island

Charlotte Amalie, *Hamburg-America Shipping Line Administrative Offices*, 48B Tolbod Gade.

WISCONSIN

Dane County

Paoli, *Paoli Mills*, 6890 Sun Valley Pkwy.

[FR Doc. 78-15419 Filed 6-5-78; 8:45 am]

[4510-28]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-3092]

ALLEN SHOE CO., INC., HAVERHILL, MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department

of Labor herein presents the results of TA-W-3092: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 9, 1978, in response to a worker petition received on January 30, 1978, which was filed on behalf of workers and former workers producing women's shoes at the Allen Shoe Co., Inc., Haverhill, Mass.

The notice of investigation was published in the FEDERAL REGISTER on February 24, 1978 (43 FR 7743). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Allen Shoe Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of women's nonrubber footwear, except athletic, increased, in absolute terms, from 1975 to 1976 and declined in 1977 compared to 1976. The ratios of imports to domestic production and consumption declined in 1976 compared to 1975 and increased in 1977 compared to 1976.

The International Trade Commission recently found that certain footwear articles, including women's nonrubber shoes, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to domestic producers. In the women's nonrubber footwear industry, the ratio of imports to domestic production has been greater than 99 percent in each of the past 5 years, reaching a peak level of 122.8 percent in 1977.

A survey of customers revealed that respondents decreased purchases from Allen Shoe Co. and increased purchases of imported women's shoes.

CONCLUSION

After careful review of the facts obtained in the investigation, I concluded that increases of imports like or directly competitive with women's shoes produced at the Allen Shoe Co., Inc., Haverhill, Mass., contributed importantly to the decline in sales or production and to the total or partial separation of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at the Allen Shoe Co., Inc., Haverhill, Mass., who became totally or partially separated from employment on or after January 25, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

(FR Doc. 78-15638 Filed 6-5-78; 8:45 am)

[4510-28]

[TA-W-2839]

ARMCO STEEL CORP., ASHLAND, KY.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2839: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 4, 1978 in response to a worker petition received on December 19, 1977, which was filed by the United Steelworkers Union on behalf of workers and former workers producing basic carbon sheet and coil, blooms, and coated sheet and coil at the Ashland, Kentucky Works of the Armco Steel Corp. During the course of the investigation it was revealed that the plant also produces carbon steel plates. It was also established that steel coil is a form of steel sheet and is thus included under the sheet and strip category.

On May 19, 1977 the Department denied the workers of the Ashland Works of Armco Steel Corp. eligibility to apply for adjustment assistance under the Trade Act of 1974 (TA-W-1465).

The notice of investigation was published in the FEDERAL REGISTER on January 27, 1978 (43 FR 3777). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Ashland, Kentucky Works of Armco Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met with respect to workers engaged in employment related to the production of coated steel sheet and strip and blooms:

That sales or production, or both, of such firm or subdivision have decreased absolutely.

The Department's investigation revealed that sales and production of

coated steel sheet and strip increased in terms of quantity and value in 1977 compared to 1976. Sales and production of blooms increased in terms of quantity and value in 1977 compared to 1976.

With respect to workers producing uncoated steel sheet and strip and carbon steel plate, all of the group eligibility requirements of section 222 of the Act have been met.

Imports of uncoated hot and cold rolled steel sheet and strip increased from 3620.0 thousand tons in 1975 to 4052.2 thousand tons in 1976, a gain of 11.9 percent. Imports further increased from 2747.8 thousand tons in the first three quarters of 1976 to 4017.7 thousand tons in the first three quarters of 1977, a rise of 46.2 percent. The ratio of imports to domestic shipments decreased from 14.5 percent in 1975 to 11.8 percent in 1976, but increased from 10.3 percent in the first three quarters of 1976 to 16.0 percent in the same period of 1977.

Imports of carbon steel plate increased from 1353.0 thousand tons in 1975 to 1555.4 thousand tons in 1976, a gain of 15.0 percent. Imports further increased from 1083.2 thousand tons in the first three quarters of 1976 to 1355.9 thousand tons in the first three quarters of 1977, a rise of 25.2 percent.

Customers of uncoated sheet and strip, accounting for a significant proportion of the Ashland Works' sales of this product, indicated that they increased purchases of imported uncoated sheet and strip and decreased purchases of this product from the subject firm in 1975 compared to 1976 and in 1977 compared to 1976.

Customers of the carbon steel plates produced at the subject plant indicated that they increased purchases of imported plates and decreased purchase of this product from the subject firm in 1976 compared to 1975 and in 1977 compared to 1976. On October 3, 1977, the U.S. Department of Treasury issued a finding of dumping of carbon steel plates.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with uncoated hot and cold rolled steel sheet and strip and with carbon steel plate produced at the Ashland, Kentucky Works of Armco Steel Corp., contributed importantly to the decrease in sales and production and to the separation of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Ashland, Kentucky Works of Armco Steel Corp. engaged in employment related to the production of uncoated hot and cold rolled steel sheet and strip, and carbon steel plate who became totally or partially separated from employ-

ment on or after July 2, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further conclude that workers engaged in employment related to the production of coated hot and cold rolled steel sheet and strip, and blooms of the Ashland, Kentucky Works of Armco Steel Corp. are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 25th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

(FR Doc. 78-15637 Filed 6-5-78; 8:45 am)

[4510-28]

[TA-W-3093]

BETHLEHEM STEEL CORP. REINFORCING BAR
FABRICATING SHOP, ELIZABETH, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3093: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 9, 1978, in response to a worker petition received on January 25, 1978, which was filed by the United Steelworkers of America on behalf of workers and former workers producing fabricated reinforcing bars at the Reinforcing Bar Fabricating Shop, Elizabeth, N.J., of Bethlehem Steel Corp.

The Notice of Investigation was published in the FEDERAL REGISTER on February 24, 1978 (43 FR 7743). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bethlehem Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

U.S. imports of concrete reinforcing bars decreased both absolutely and relative to domestic shipments in 1977 compared to 1976.

A survey of customers of reinforcing bars produced by the Elizabeth, N.J., plant of Bethlehem Steel Corp. indicated that they reduced purchases from the Elizabeth plant and increased purchases from other domestic manufacturers. The customers did not purchase imported reinforcing bars.

CONCLUSION

After careful review I conclude that all workers at the Reinforcing Bar Fabricating Shop, Elizabeth, N.J., of Bethlehem Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

(FR Doc. 78-15638 Filed 6-5-78; 8:45 am)

[4510-28]

[TA-W-3271]

THE BUNKER HILL CO. PEND OREILLE MINE
AND MILL, METALINE FALLS, WASH.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3271: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 1, 1978, in response to a worker petition received on February 7, 1978, which was filed by the United Steelworkers of America on behalf of workers and former workers producing zinc and zinc concentrate at the Bunker Hill Co. Pend Oreille Mine and Mill, Metaline Falls, Wash. The Notice of Investigation cited Kellogg, Idaho rather than Metaline Falls, Wash., as the petitioning workers location.

The notice of investigation was published in the FEDERAL REGISTER on March 19, 1978 (43 FR 10649). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Bunker Hill Co., Metals Week, Metal Bulletin, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

The Bunker Hill Co. Pend Oreille Mine and Mill producers zinc concen-

trate from ores mined at the Pend Oreille Mine. These concentrates are shipped to Bunker Hill's zinc refinery in Kellogg, Idaho, where they are refined into zinc metal for sale by Bunker Hill.

The ratio of imports of slab zinc to domestic production increased from 76.7 percent in 1975 to 127.0 percent in 1976 and 127.9 percent in 1977.

Industry sources maintain that domestic suppliers of zinc can remain competitive with foreign suppliers as long as the domestic price is within five cents per pound of the London Metal Exchange price. Except for brief periods in the spring and summer of 1976 and 1977, the price differential between U.S. producers and the LME has exceeded five cents per pound. The average U.S. production price for zinc was 7.6 cents per pound higher than the average LME zinc price in 1977, well above the five cent limit at which domestic suppliers can remain competitive.

Evidence developed during the course of the investigation indicates that imports of refined zinc metal have been an important factor affecting domestic sales of zinc and depressing the price of zinc. The depressed price of zinc has brought about a reduction in the domestic production of refined zinc and has resulted in cutbacks and shutdowns at many mines and concentrators producing zinc concentrate, including the Bunker Hill Co. Pend Oreille Mine and Mill, at Metaline Falls, Wash.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with zinc concentrate produced by the Bunker Hill Co. Pend Oreille Mine and Mill, Metaline Falls, Wash., contributed importantly to the total or partial separations of workers at that mine and mill. In accordance with the provisions of the Act, I make the following certification:

All workers at the Bunker Hill Co. Pend Oreille Mine and Mill, Metaline Falls, Wash., who became totally or partially separated from employment on or after January 10, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
(FR Doc. 78-15639 Filed 6-5-78; 8:45 am)

[4510-28]

[TA-W-3485]

THE BUNKER HILL CO.

PAN AMERICAN MINE AND CASELTON
CONCENTRATOR PIOCHE, NEV.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3485: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 30, 1978 in response to a worker petition received on March 27, 1978 which was filed on behalf of workers and former workers producing zinc concentrate at the Bunker Hill Co. Pan American Mine and Caselton Concentrator, Pioche, Nev.

The Notice of Investigation was published in the FEDERAL REGISTER on May 2, 1978, (43 FR 18791-2). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from The Bunker Hill Co., Metals Week, Metal Bulletin, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certificate of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

The Bunker Hill Co. Pan American Mine and Caselton Concentrator produces zinc concentrate from ores mined at the Pan American Mine. These concentrates are shipped to Bunker Hill's zinc refinery in Kellogg, Idaho where they are refined into zinc metal for sale by Bunker Hill.

The ratio of imports of slab zinc to domestic production increased from 76.7 percent in 1975 to 127.0 percent in 1976 and 127.9 percent in 1977.

Industry sources maintain that domestic suppliers of zinc can remain competitive with foreign suppliers as long as the domestic price is within 5 cents per pound of the London Metal Exchange price. Except for brief periods in the spring and summer of 1976 and 1977, the price differential between U.S. producers and the LME has exceeded 5 cents per pound. The average U.S. production price for zinc was 7.6 cents per pound higher than the average LME zinc price in 1977, well above the 5 cent limit at which domestic suppliers can remain competitive.

Evidence developed during the course of the investigation indicates

that imports of refined zinc metal have been an important factor affecting domestic sales of zinc and depressing the price of zinc. The depressed price of zinc has brought about a reduction in the domestic production of refined zinc and has resulted in cutbacks and shutdowns at many mines and concentrators producing zinc concentrate, including the Bunker Hill Co. Pan American Mine and Caselton Concentrator at Pioche, Nev.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with zinc concentrate produced by the Bunker Hill Co. Pan American Mine and Caselton Concentrator, Pioche, Nev., contributed importantly to the total or partial separation of workers at those facilities. In accordance with the provisions of the Act, I make the following certification:

All workers at the Bunker Hill Co. Pan American Mine and Caselton Concentrator, Pioche, Nev. who became totally or partially separated from employment on or after March 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-15640 Filed: 6-5-78 8:45 am]

[4510-28]

[TA-W-2760]

CEDAROCK COMPANY, INC., PONCE, P.R.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2760: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 12, 1977, in response to a worker petition received on December 5, 1977, which was filed by former workers at the Cedarock Co., Inc. producing costume jewelry.

The Notice of Investigation was published in the FEDERAL REGISTER on December 30, 1977 (42 FR 65306). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cedarock Co., Inc., the Royal Bead Novelty Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

Imports of costume jewelry increased absolutely in each year from 1973 to 1977. The ratio of imports to domestic production of costume jewelry remained unchanged from 1976 to 1977, at 9.3 percent.

The Department conducted a survey of some of the firms that purchased costume jewelry from the marketing affiliate of the Royal Bead Novelty Co. Royal Bead Novelty Co. is the parent firm of the Cedarock Co., Inc. Several of the customers responding to the survey revealed that they reduced their purchases of costume jewelry made by Royal Bead in 1977 compared to 1976 and increased their purchases of that product from foreign sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the costume jewelry produced by the Cedarock Co., Inc. in Ponce, contributed importantly to the decline in production and total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Cedarock Co., Inc., Ponce, P.R., who became totally or partially separated from employment on or after November 23, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-15641 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-3129]

CITIES SERVICE CO., COPPER CITIES OPERATIONS, MIAMI, ARIZ.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3129: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 15, 1978, in response to a worker petition received on February 2, 1978, which was filed on behalf of workers and former workers performing copper mining and milling operations at the Copper Cities Operations of the Cities Service Co., Miami, Ariz.

The notice of investigation was published in the FEDERAL REGISTER on February 28, 1978 (43 FR 8209). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Cities Service Co. and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The Department's investigation revealed that there have been no involuntary separations at the Copper Cities mine since October 25, 1975.

Pit reserves at Copper Cities were exhausted by the end of April 1975. Milling operations on stockpile continued until September 1975 when all operations except leaching were terminated. By the end of 1975, most of the equipment and buildings housing milling operations were sold. The bulk of employees involved in mining, milling and support groups were laid off on September 15, 1975, with a few employees retained for clean-up. On October 25, 1975, the last of these employees retained for clean-up were laid off. Thereafter, the employees were involved in leaching, a low-cost form of extracting copper.

The petitioning group of workers are seeking adjustment assistance benefits for unemployment experienced subsequent to the shutdown of the Copper Cities operations of the Cities Service Co. in 1975. Section 223 (b) of the Act states that a certification shall not apply to any worker whose last total or partial separation from employment occurred more than one year prior to the date of the petition. The petition is dated January 28, 1978.

CONCLUSION

After careful review I conclude that all workers at the Copper Cities Operations of Cities Service Co., Miami, Ariz. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
[FR Doc. 78-15642 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2953]

THE CONSOLIDATED RAIL CORP., MINGO JUNCTION SUBDIVISION, MINGO JUNCTION, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2953: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 25, 1978 in response to a worker petition received on January 4, 1978, which was filed on behalf of workers and former workers engaged in transport operations at the Mingo Junction Subdivision of Consolidated Rail Corp., Mingo Junction, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7068). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Consolidated Rail Corp. and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. The Department has determined that services are not "articles" within the meaning of section 222 of the Act, and that independent firms for which the subject firm provides services cannot be considered to be the "workers' firm".

The Mingo Junction Subdivision of Consolidated Rail Corp. was founded April 1, 1976, and incorporated in the State of Pennsylvania. The Mingo Junction Subdivision is solely and directly controlled by Consolidated Rail Corp.

Consolidated Rail provides rail transportation in 15 States. The railroad owns, leases, and operates various buildings, warehouses, offices, yards, and equipment.

Consolidated Rail Corp., including all regions, divisions, and subdivisions thereof, is licensed and regulated by the Interstate Commerce Commission as a rail common carrier. Consolidated Rail transports all commodities in accordance with the published tariffs on file with the Interstate Commerce Commission.

Consolidated Rail Corp. including all regions, divisions, and subdivisions thereof, has no capital or financial investment in any of its customers.

All workers engaged in the provision of transport services by the Consoli-

dated Rail Corp., Mingo Junction, Ohio, are employed by that firm. All personnel action and payroll transactions are controlled by Consolidated Rail Corp. company personnel. All employment benefits are provided and maintained by the Consolidated Rail Corp. Workers are not at any time under employment or supervision by any customer of the Consolidated Rail Corp. Thus, Consolidated Rail Corp. must be considered the "workers' firm."

CONCLUSION

After careful review, I determine that all workers at the Consolidated Rail Corp., Mingo Junction, Ohio, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-15643 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2785 and TA-W-2786]

E.T. IRVIN WORKS, U.S. STEEL CORP., DRAVOSBURG AND BRADDOCK, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2785 and TA-W-2786: investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 14, 1977, in response to worker petitions received on December 9, 1977, which were filed by the United Steelworkers of America on behalf of all workers engaged in the production of carbon steel products at the Dravosburg (TA-W-2785) and Braddock (TA-W-2786), Pennsylvania plants of the E.T. Irvin Works of the U.S. Steel Corp. The investigation revealed that the Braddock plant produces semi-finished steel products, in the form of carbon steel slabs, all of which are shipped to the Dravosburg plant where carbon steel hot and cold rolled strip and sheet, coated sheet and tin plated steel are the only products produced.

The Notices of Investigation were published in the FEDERAL REGISTER on January 10, 1978 (43 FR 1556). No public hearing was requested and none was held.

The information upon which the determination was made was obtained

principally from officials of the U.S. Steel Corp. and its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. With respect to workers producing cold rolled strip and sheet and coated sheet, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of such firm or subdivision have decreased absolutely.

Plant sales of both cold rolled strip and sheet and of coated sheet increased in the first 11 months of 1977 compared to the like period in the previous year. Plant sales approximate plant production.

Furthermore, with respect to workers engaged in the production of hot rolled strip and sheet and tin plated steel at the Dravosburg plant and with the respect to workers engaged in the production of slabs at the Braddock plant, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or an appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

Most of the customers of hot rolled strip and sheet of the Dravosburg plant who responded to a survey conducted by the Department reported that imports of hot rolled strip and sheet weren't adversely affecting the market served by the Dravosburg plant. Domestic auto producers consume large quantities of this product and domestic auto production increased approximately 10 percent in 1977 compared to 1976. The Dravosburg plant's sales of hot rolled strip and sheet followed the trend for domestic auto production and increased in the January through November period of 1977 compared to the like 1976 period.

A survey of some of the customers of tin plated steel of the Dravosburg plant was conducted by the Department. None of the respondents reported a reduction in purchases of tin plated steel from the Dravosburg plant and an increase of purchases of imported tin-plated steel in 1977 compared to 1976. Most of the respondents reported that imports of tin plated steel have not adversely affected the domestic production of tin plated steel. Their reports are consistent with

the finding that total domestic production of tin plated steel declined less than 2 percent in 1977 compared to 1976. This decline is partially due to the fact that most of the tin plated steel is used in the production of steel cans. The production of steel cans declined in both 1975 and 1976 compared to the respective preceding years.

Evidence developed during the Department's investigation revealed that the work performed at the Braddock plant is an earlier stage of production in the processing of the steel products produced at the Dravosburg plant. Because it has been determined that production at the Dravosburg plant has not been adversely affected by imports, it is further concluded that the earlier stages of production at the Braddock plant have not been adversely affected by imports.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that all workers of the Braddock and Dravosburg, Pa., plants of the E.T. Irwin Works of the U.S. Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-15644 Filed 6-5-78; 8:45 am]

[4510-28]

(TA-W-2581)

GENERAL ELECTRIC CO. LARGE TRANSFORMER BUSINESS DIVISION, PITTSFIELD, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2581: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 9, 1977 in response to a worker petition received on October 27, 1977 which was filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers and former workers engaged in employment related to the production of power transformers at the Power Transformer Department and the Relations and Utilities Operation of General Electric's Large Transformer Business Division, Pittsfield, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59565). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the General Electric Co., the National Electrical Manufacturers Association, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

General Electric's Large Transformer Business Division has its division headquarters and operates the Power Transformer Department and the Relations and Utilities Operation at Pittsfield, Mass. The Power Transformer Department produces power transformers, ranging in size from 230 to 1100 MVA (million volt-amperes), and distribution transformers, ranging in size from 50 to 500 KVA (thousand volt-amperes). Workers in the Relations and Utilities Operation perform maintenance, repair, and tooling support services for the production of power transformers.

The evidence developed in the Department's investigation revealed that imports of distribution transformers (1-500 KVA) are negligible. Industry analysts indicate that imports of power transformers (over 10,000 KVA) accounted for a constant, 5 to 6 percent share of the U.S. market during the 1972-1977 period. Furthermore, industry analysts estimate that imports of power transformers decreased in quantity from 126 units in 1975 to 78 units in 1976 and remained unchanged in level from 66 units in January-October 1976 to 66 units in January-October 1977.

Domestic demand for power transformers depends primarily on the maintenance and expansion programs of electric utility companies. Since 1973 there has been a decline in the long-term growth rate of electricity use in the U.S., caused partly by higher energy costs and partly by a decrease in new construction of residential and office buildings. In addition, the large number of equipment orders made when electricity use was high has created overcapacity in the utility industry since the 1974-1975 recession. In 1976 and 1977, therefore, electric utility companies reduced capital spending on new and replacement equipment, causing demand for power transformers to decline.

CONCLUSION

After careful review of the facts obtained in the investigation, I determine that workers at the Power Transformer Department and the Relations and Utilities Operation of General Electric's Large Transformer Business Division, Pittsfield, Mass. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-15645 Filed 6-5-78; 8:45 am]

[4510-28]

(TA-W-3194)

HARRY IRWIN, INC., NEW YORK CITY, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3194: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 6, 1978, in response to a worker petition received on February 22, 1978, which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers producing sportcoats, suitcoats and overcoats at Harry Irwin, Inc., New York City, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on March 3, 1978 (43 FR 8863). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Harry Irwin, Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

A certification applicable to the petitioning group of workers was issued on January 29, 1976 (TA-W-308) and expired on January 29, 1978.

The Department's investigation revealed that average employment of all workers at Harry Irwin, Inc., New York City, N.Y., increased 6.7 percent from 1976 to 1977 and 8.0 percent in the first quarter of 1978 compared to the same period in 1977. Average hours worked declined only slightly in the first quarter of 1978 compared to the same period in 1977.

CONCLUSION

After careful review I conclude that all workers at Harry Irwin, Inc., New York City, N.Y. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
[FR Doc. 78-15646 Filed 6-5-78; 8:45 am]

[4510-28]

(TA-W-3261)

JAMES H. BEANS FOUNDRY CO., MARTINS FERRY, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3261: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 27, 1978, in response to a worker petition received on February 13, 1978, which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel castings at James H. Beans Foundry Co., Martins Ferry, Ohio. The investigation revealed that grey iron castings are produced at the plant.

The Notice of Investigation was published in the FEDERAL REGISTER on March 14, 1978 (43 FR 10648). No public hearing was requested and one was held.

The information upon which the determination was made was obtained principally from officials of James H. Beans Foundry Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles pro-

duced by the firm or appropriate subdivision have contributed importantly to the separation, or threat thereof, and to the absolute decline in sales or production.

The James H. Beans Foundry Co. produces grey iron cast ingot molds which are used principally by ferro-alloy producers. Imports of these molds have been negligible from 1973 through 1977.

CONCLUSION

After careful review I conclude that all workers of James H. Beans Foundry Co., Martins Ferry, Ohio are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
[FR Doc. 78-15647 Filed 6-5-78; 8:45 am]

[4510-28]

(TA-W-2855)

JONES & LAUGHLIN STEEL CORP., HAMMOND, IND.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2855: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 5, 1978, in response to a worker petition received on December 19, 1977, which was filed by the United Steelworkers of America on behalf of workers producing steel reinforcing bars at the Hammond, Ind., plant of Jones & Laughlin Steel Corp. The investigation revealed that the Hammond plant produces cold finished bars.

The notice of investigation was published in the FEDERAL REGISTER on January 20, 1978 (43 FR 2952). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Jones & Laughlin Steel Corp., the U.S. Department of Commerce, U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, or such firm or subdivision have decreased absolutely.

Sales of cold finished bars by the Hammond plant increased 23 percent in quantity from 1975 to 1976, increased 10 percent from 1976 to 1977, and increased 25 percent during the first 2 months of 1978 compared to the first 2 months of 1977.

Production of cold finished bars by the Hammond plant increased 15 percent from 1975 to 1976, increased 11 percent from 1976 to 1977, and increased 31 percent during the first 2 months of 1978 compared to the same period in 1977.

CONCLUSION

After careful review of the facts obtained in the investigation I determine that workers of the Hammond, Ind., plant of Jones & Laughlin Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-15648 Filed 6-5-78; 8:45 am]

[4510-28]

(TA-W-2338)

MAYFLOWER COAT CO., PATERSON, N.J.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2338: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 13, 1977 in response to a worker petition received on September 7, 1977 which was filed on behalf of workers and former workers producing women's and children's coats at the Mayflower Coat Co., Paterson, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on October 4, 1977 (42 FR 54031). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Mayflower Coat Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. The investigation has re-

vealed that all of the criteria have been met.

Imports of women's, misses' and children's coats and jackets increased from 1.5 million dozen in 1975 to 2.2 million dozen in 1976 and increased to 2.7 million dozen in 1977. Imports increased relative to domestic production from 38.9 percent in 1975 to 57.5 percent in 1976.

A manufacturer for which Mayflower produced under contract, reduced orders with Mayflower and increased orders with foreign contractors. A customer of Mayflower's major manufacturer increased purchases of imports while reducing purchases from that manufacturer.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's and children's coats produced by Mayflower Coat Co., Paterson, N.J., contributed importantly to the decline in production and the separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Mayflower Coat Co., Paterson, N.J., who became totally or partially separated from employment on or after September 2, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
[FR Doc. 78-15649 Filed 6-5-78; 8:45]

[4510-28]

[TA-W-2967; 2969]

NORMAL SHOE CO., INC., AUBURN, N.Y., AND SCHMANKE SHOE CO., INC., ROCHESTER, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2967 and 2969: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 26, 1978, in response to a worker petition received on January 11, 1978, which was filed on behalf of workers and former workers engaged in the selling of shoes at Normal Shoe Co., Inc., Auburn, N.Y. (TA-W-2967) and Schmanke Shoe Co., Inc., Rochester, N.Y. (TA-W-2969). The investigation

owned and operated by Normal Shoe Co.

The notice of investigation was published in the **FEDERAL REGISTER** on February 17, 1978 (43 FR 7070). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Normal Shoe Co., Inc., and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

Evidence developed during the Department's investigation revealed that Normal Shoe Co., Inc., was a chain of retail shoe stores headquartered in Auburn, N.Y. Normal Shoe Co. was founded and incorporated on June 12, 1930. Normal Shoe Co., Inc., is a wholly owned subsidiary of Dunn & McCarthy, Inc., a shoe manufacturer headquartered in Auburn, N.Y. By March 1978 all but one of the retail stores of Normal Shoe Co., Inc., had been closed.

Normal Shoe Co., Inc., sells shoes which are manufactured by Dunn & McCarthy, Inc., by other domestic shoe manufacturers and, to a small extent, by foreign manufacturers. Normal Shoe Co. has no contractual agreement to purchase shoes manufactured by Dunn & McCarthy, Inc., and is free to purchase shoes from any source including foreign manufacturers. Total purchases by all of the retail stores of the Normal Shoe Co. from Dunn & McCarthy constituted only 2 percent of total Dunn & McCarthy sales in 1975 and 1976. In addition, in the 1975-77 period the predominant volume of Normal's shoe purchases were from domestic manufacturers other than Dunn & McCarthy.

Employees of Normal's retail stores were engaged in the retail sales of shoes purchased predominantly from domestic source other than Dunn & McCarthy, and to some extent from foreign manufacturers. Since only a small percentage of Dunn & McCarthy's sales were to Normal Shoe and since Normal's retail stores handled shoes purchased predominantly from sources other than Dunn & McCarthy, it has been determined that Normal is not an "appropriate subdivision" of Dunn & McCarthy within the meaning of section 222 of the Trade Act of 1974. Furthermore, the retail stores of Normal Shoe did not produce any articles and the Department of labor has previously determined that the performance of services is not included within the term "articles" as used in section 222(3) of the Act.

CONCLUSION

that Normal Shoe Co., Inc., Auburn, N.Y., and Schmanke Shoe Co., Inc., Rochester, N.Y., are not "appropriate subdivisions" of Dunn & McCarthy within the meaning of section 222 of the Trade Act of 1974. Moreover, the services provided by Normal Shoe Co.'s retail stores are not articles within the meaning of section 222(3) of the Trade Act.

Signed at Washington, D.C., this 30th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-15650 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2767]

ONONDAGA SILK CO., INC., NEW YORK, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2767: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 12, 1977, in response to a worker petition received on December 1, 1977, which was filed by the Distributive Workers of America (Ind.) on behalf of workers and former workers producing natural and synthetic fabric and also treating and printing grey goods at Onondaga Silk Co., Inc., New York, N.Y. The investigation revealed that the workers produced folded, finished fabric.

The Notice of Investigation was published in the **FEDERAL REGISTER** on December 30, 1977 (42 FR 65306). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Onondaga Silk Co., Inc., its customers, the American Textile Manufacturers Institute, the National Cotton Council of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivisions of the firm.

U.S. imports of finished fabric decreased absolutely in 1977 compared to 1976. The ratio of imports to domestic production has been less than two percent during the 1974 through 1976 period.

Customers of Onondaga Silk Co. are manufacturers of designer apparel. A survey of customers revealed that most respondents did not purchase imported finished fabric. The respondents that increased purchases of imported fabric also increased purchases from Onondaga Silk Co., and/or other domestic firms.

CONCLUSION

After careful review, I conclude that all workers of Onondaga Silk Co., New York, N.Y. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc 76-15651 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2768]

PONCE PEARL, INC., PONCE, P.R.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2768: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 12, 1977, in response to a worker petition received on December 5, 1977, which was filed by former workers at the Ponce Pearl, Inc. producing costume jewelry.

The Notice of Investigation was published in the **FEDERAL REGISTER** on December 30, 1977 (42 FR 65306). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ponce Pearl, Inc., the Royal Bead Novelty Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements

Imports of costume jewelry increased absolutely in each year from 1973 to 1977. The ratio of imports to domestic production of costume jewelry remained unchanged from 1976 to 1977, at 9.3 percent.

The Department conducted a survey of some of the firms that purchased costume jewelry from the marketing affiliate of the Royal Bead Novelty Co. Royal Bead Novelty Co. is the parent firm of the Ponce Pearl, Inc. Several of the customers responding to the survey revealed that they reduced their purchases of costume jewelry made by Royal Bead in 1977 compared to 1976 and increased their purchases of that product from foreign sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the costume jewelry produced by the Ponce Pearl, Inc. in Ponce, P.R., contributed importantly to the decline in production and total or partial separation of workers of the that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Ponce Pearl, Inc., Ponce, P.R., who became totally or partially separated from employment on or after November 23, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978:

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 15652 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2983]

PRECISION BALL BEARING CO., STONE PARK, ILL.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 30, 1978, in response to a worker petition received January 12, 1978, which was filed on behalf of workers and former workers producing ball and roller bearings at Precision Ball Bearing Company, Stone Park, Ill.

The Notice of Investigation was published in the **FEDERAL REGISTER** on February 17, 1978 (43 FR 7096). No public hearing was requested and none was held.

Precision Ball Bearing Co. acted as a selling agent for bearings purchased from Western Bearings Corp. Precision

Precision Ball Bearing Co. were purchased for an annual fee from Western Bearings Corp. In essence employees of Precision and Western were identical. Only the names of the firms were different. These workers are covered by another petition, Western Bearings Corp. (TA-W-2993). The investigation has therefore been terminated.

Signed at Washington, D.C., this 24th day of May 1978.

HAROLD A. BRATT,
Acting Director, Office of
Trade Adjustment Assistance.
[FR Doc. 78-15653 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2431]

F/V "MEMCO," PROVINCETOWN, MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2431: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 6, 1977, in response to a worker petition received on September 30, 1977, which was filed on behalf of fishermen and former fishermen catching scallops and fish for the F/V Memco, Provincetown, Mass.

The Notice of Investigation was published in the **FEDERAL REGISTER** on October 25, 1977 (42 FR 56375). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the owner of the F/V Memco, his customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

During the 1973 to 1976 period the average annual level of imports of fresh and frozen groundfish and flatfish: whole; blocks and slabs; and fillets was 654,706 thousand pounds. Imports in 1977 were 696,261 thousand pounds. Imports as a percentage of production increased from 173.4 percent in 1975 to 197.8 percent in 1976 and declined to 187.8 percent in 1977.

Imports of scallop meat increased from 19,737 thousand pounds in 1975 to 25,253 thousand pounds in 1976. Im-

NOTICES

23,001 thousand pounds in the first 9 months of 1977. Imports of scallop meat as a percentage of production decreased from 150.9 percent in 1975 to 104.2 percent in 1976.

Cod represented the largest percentage of total Provincetown landings in 1977. Imports of fresh and frozen cod increased from 256,962 thousand pounds in 1975 to 331,044 thousand pounds in 1977. Imports as a percentage of production increased from 379.4 percent in 1975 to 446.5 percent in 1976 and increased to 463.9 percent in 1977.

Imports of edible fish products from Canada increased from 438,206 thousand pounds in 1975 to 474,015 thousand pounds in 1976 to 478,470 thousand pounds in 1977.

A survey of fish wholesalers served by the Provincetown area indicated that many had decreased purchases of fish from Provincetown. A number of these wholesalers purchased imported Canadian groundfish, flatfish, and scallops either directly or indirectly in 1977.

The wholesalers also indicated that decreasing purchases from Provincetown were in large measure due to the increased purchases of fresh and frozen Canadian fish and scallops by their customers—fishmarkets, supermarkets, and restaurants. The Department's investigation revealed that many fish distributors and wholesalers use the imports of Canadian groundfish, flatfish, and scallops as leverage in bidding down the ex-vessel prices paid to domestic fishermen for the same species of groundfish, flatfish, and scallops.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with scallops, groundfish, and flatfish caught by the F/V *Memco*, Provincetown, Mass., contributed importantly to the decline in sales and employment related to the catching of fish aboard that vessel. In accordance with the provisions of the Act, I make the following certification:

All workers of the F/V *Memco*, Provincetown, Mass., who became totally or partially separated from employment on or after September 20, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-15654 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2173]

PROXIMITY PRINT WORKS

CONE MILLS CORP., GREENSBORO, N.C.

Negative Determination on Reconsideration

On January 17, 1978, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of Proximity Print Works of Greensboro, N.C. This determination was published in the FEDERAL REGISTER on January 24, 1978, (43 FR 3322).

The petitioner in this case raised two issues of substance. The first was that since the beginning of the Trade Act program or worker adjustment assistance on April 3, 1975, workers of a number of other print shops have been certified as eligible to apply for adjustment assistance. The petitioner claims that its workers are in basically the same situation as workers in those other print shops.

Each petition must be considered on its own merits. The circumstances of each trade adjustment assistance case, including the relevant time period, may differ substantially between individual cases.

The second issue raised by the petitioner appears to be that the Department of Labor should have limited its evaluation of increased imports of "like or directly competitive articles" to imports of cotton broad woven print cloth and man-made woven printed fabric, rather than the broader classification of finished fabric (which included, in addition to print cloth and printed fabric, cotton and man-made dyed and flocked fabric.)

Proximity performed both dyeing and printing on cotton and cotton synthetic fabrics for use in a variety of clothing as well as in home furnishings. The Department does not agree with the petitioner's apparent contention that the category of "like or directly competitive" imported articles was too broad. In the reconsideration, however, it deleted the specialized import category of flocked fabric and made corrections in other categories. Imports under the revised overall category, "finished fabric," were down in the first half of 1977 compared to the same period in 1976 and were lower the whole year, 1977, than in 1976.

In its reconsideration, the Department conducted another customer survey. In this survey, customers of those converters (which were direct customers of Proximity) whose overall sales declined were contacted. Little or no displacement of the converters' sales by imported fabric was noted.

CONCLUSION

After reconsideration, I reaffirm the original denial of eligibility to apply

for adjustment assistance to workers and former workers at the Greensboro, N.C., plant of Proximity Print Works.

Signed at Washington, D.C., this 25th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-15655 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2583]

PULLMAN BERRY CO., HARMONY, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2583: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 9, 1977, in response to a worker petition received on November 2, 1977, which was filed by the Berry Metal Employees' Association on behalf of workers and former workers producing oxygen lances at the Harmony, Pa., plant of the Pullman Berry Co.

The notice of investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59565). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Pullman Berry Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Pullman Berry Co. manufacturers and repairs oxygen lances that are used in steelmaking furnaces.

A Department survey of steel manufacturers revealed that they reply almost exclusively on domestically produced oxygen lances. Imports declined from 1976 to 1977. Imports of steel are not "like or directly competitive" with oxygen lances within the meaning of section 222(3) of the Trade Act of 1974.

CONCLUSION

After careful review I conclude that all workers at the Harmony, Pa., plant of the Pullman Berry Co. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
[FR Doc. 78-15656 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2713]

REPUBLIC STEEL CORP., STEEL AND TUBES DIVISION, CLEVELAND, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2713: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 5, 1977, in response to a worker petition received on November 23, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the Cleveland, Ohio, plant in the Steel and Tubes Division of Republic Steel Corp. The investigation revealed that welded carbon and alloy steel pipe and tubing are produced.

In a determination signed on July 12, 1976, workers at the Cleveland, Ohio, plant were denied eligibility to apply for adjustment assistance (see TA-W-749).

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63487). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Republic Steel Corp., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Production and shipments increased in the last quarter of 1976 compared

NOTICES

to the same quarter in 1975 and increased from 1976 to 1977. Production and shipments increased in each quarter of 1977 compared to the respective quarter of 1976.

CONCLUSION

After careful review, I conclude that all workers at the Cleveland, Ohio, plant in the Steel and Tubes Division of Republic Steel Corp., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
[FR Doc. 78-15657 Filed 6-5-78; 8:45 am]

[4510-28]

[TA-W-2714]

REPUBLIC STEEL CORP., STEEL AND TUBES DIVISION, DETROIT, MICH.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2714: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 5, 1977, in response to a worker petition received on November 23, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the Detroit, Mich. plant in the Steel and Tubes Division of Republic Steel Corp. The investigation revealed that welded carbon steel pipe and tubing are produced.

In a determination signed on June 9, 1976, workers at the Detroit (Ferdale) plant were denied eligibility to apply for adjustment assistance (see TA-W-750).

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63487). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Republic Steel Corp., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have

been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Production and shipments increased in the last quarter of 1976 compared to the same quarter in 1975 and increased from 1976 to 1977. Production and shipments increased in each quarter of 1977 compared to the respective quarter of 1976.

CONCLUSION

After careful review, I conclude that all workers at the Detroit, Mich. plant in the Steel and Tubes Division of Republic Steel Corp., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
[FR Doc. 78-15658 Filed 6-5-78; 8:45 am]

4510-28]

[TA-W-2718]

REPUBLIC STEEL CORP., UNION DRAWN DIVISION, PLANT NO. 1, MASSILLON, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2718: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 5, 1977 in response to a worker petition received on November 23, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the Massillon, Ohio plant in the Union Drawn Division of Republic Steel Corp. The petition covers workers producing cold finished carbon and alloy steel bars and bar shapes in plant No. 1 in Massillon.

In a determination signed on July 27, 1976, workers engaged in employment related to the production of stainless and speciality steel products at plant No. 2 in Massillon were certified as eligible to apply for adjustment assistance (see TA-W-833).

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63487). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Republic

Steel, Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Production and shipments increased in the last quarter of 1976 compared to the same quarter in 1975 and increased from 1976 to 1977.

CONCLUSION

After careful review, I conclude that all workers engaged in employment related to the production of carbon and alloy steel products at plant No. 1 in Massillon, Ohio, in the Union Drawn Division of Republic Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. Workers producing stainless and specialty steel products at plant No. 2 in Massillon continue to be covered under the existing certification (TA-W-833).

Signed at Washington, D.C., this 25th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
(FR Doc. 15659 Filed 6-5-78; 8:45 am)

[4510-28]

(TA-W-2720)

REPUBLIC STEEL CORP., UNION DRAWN DIVISION, BEAVER FALLS, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2720: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 5, 1977, in response to a worker petition received on November 23, 1977, which was filed by the United Steel Workers of America on behalf of workers and former workers producing various steel products at the Beaver Falls, Pa. plant in the Union Drawn Division of Republic Steel Corp. The investigation revealed that cold finished carbon and alloy steel bars and bar shapes are produced.

The notice of investigation was published in the FEDERAL REGISTER on De-

cember 16, 1977 (42 FR 83487). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Republic Steel Corp., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Production and shipments increased in the last quarter of 1976 compared to the same quarter in 1975 and increased from 1976 to 1977. Production and shipments increased in each quarter of 1977 compared to the respective quarter of 1976.

CONCLUSION

After careful review, I conclude that all workers at the Beaver Falls, Pa., plant in the Union Drawn Division of Republic Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
(FR Doc. 78-15660 Filed 6-5-78; 8:45 am)

[4510-28]

(TA-W-3187)

SEA-LAND SERVICE, INC., SOUTH KEARNEY, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3187: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 21, 1978 in response to a worker petition received on February 6, 1978, which was filed on behalf of workers formerly engaged in transport operations at Sea-Land Service, Inc., South Kearney, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on March 3, 1978 (43 FR 8864). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sea-Land Service, Inc., and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. The Department has determined that services are not "articles" within the meaning of section 222 of the Act.

The Department's investigation revealed that Sea-Land Service, Inc., is a common carrier of containerized ocean-going cargo.

The South Kearney, N.J. facility was a trucking terminal which provided transport services to and from the corresponding port facilities of Sea-Land. Each trucking terminal of Sea-Land was located near a port facility. Workers at the firm are engaged in transport operations and perform no production functions.

CONCLUSION

After careful review, I conclude that workers at the South Kearney, N.J. facility of Sea-Land Service, Inc. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
(FR Doc. 78-15661 Filed 6-5-78; 8:45)

[4510-28]

(TA-W-3188)

SEA-LAND SERVICE, INC., LINDEN, N.J.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3188: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 21, 1978 in response to a worker petition received on February 6, 1978, which was filed on behalf of workers formerly engaged in transport operations at Sea-Land Service, Inc., Linden, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on March 3, 1978 (43 FR 8864). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sea-Land Service, Inc., and Department files.

In order to make an affirmative determination and issue a certification of

eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. The Department has determined that services are not "articles" within the meaning of section 222 of the Act.

The Department's investigation revealed that Sea-Land Service, Inc., is a common carrier of containerized ocean-going cargo.

The Linden, N.J., facility was a trucking terminal which provided transport services to and from the corresponding port facilities of Sea-Land. Each trucking terminal of Sea-Land was located near a port facility. Workers at the firm are engaged in transport operations and perform no production functions.

CONCLUSION

After careful review, I conclude that workers at the Linden, N.J. facility of Sea-Land Service, Inc., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
(FR Doc. 78-15662 Filed 6-5-78; 8:45 am)

[4510-28]

(TA-W-2680)

U.S. STEEL CORP., HOMESTEAD PLANT, HOMESTEAD, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2680: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 29, 1977, in response to a worker petition received on November 17, 1977, which was filed by the United Steelworkers of America on behalf of all workers and former workers producing railroad wheels and axles and carbon steel at the Homestead Works of U.S. Steel Corp., in Homestead, Pa. The investigation revealed that the following carbon steel products are produced at the Homestead plant: structurals, plate, pilings, and forgings. Workers engaged in the production of plate, structurals, and pilings were previously certified eligible for adjustment assistance on September 22, 1977 (see TA-W-1439). Workers engaged in the production of forgings have not previously been considered.

The investigation further revealed that railroad wheels and axles are pro-

duced at the Wheel and Axle Division of the Homestead Works of U.S. Steel Corp. The Wheel and Axle Division is located in McKees Rocks, Pa. A separate investigation has been instituted under the same petition on behalf of workers at the McKees Rocks plant (see TA-W-3417).

The Notice of Investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63486). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of U.S. Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Sales and production of forgings at the Homestead plant increased in the last quarter of 1976 compared to the last quarter of 1975 and increased in 1977 compared to 1976.

CONCLUSION

After careful review I conclude that all workers at the Homestead, Pa., plant of U.S. Steel Corp., engaged in employment related to the production of steel forgings are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 25th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
(FR Doc. 15663 Filed 6-5-78; 8:45 am)

[4510-28]

(TA-W-1989)

WEBSTER ENTERPRISES, INC., CLEVELAND, OHIO

Revised Certification of Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor issued a certification of eligibility to apply for adjustment assistance on August 15, 1977, applicable to workers and former workers at Webster Enterprises, Inc., Cleveland, Ohio. The Notice of Certification was published in the FEDERAL REGISTER on August 23, 1977 (42 FR 42411).

At the request of the Employment and Training Administration, a further investigation was made by the Director of the Office of Trade Adjustment Assistance. A review of the case revealed that some layoffs of corporate officers who were completing the shutdown of the plant occurred as late as January 1977. These layoffs were not covered by the original certification period of April 12, 1976, through October 1, 1976.

The intent of the Certification is to cover all workers at Webster Enterprises, Inc., who were affected by the decline in production of squeeze toys related to import competition. The certification, therefore, is revised providing a new termination date of February 15, 1977.

The revised certification applicable to TA-W-1989 is hereby issued as follows:

All workers at Webster Enterprises, Inc., Cleveland, Ohio, who became totally or partially separated from employment on or after April 12, 1976, and before February 15, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 25th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
(FR Doc. 78-15664 Filed 6-5-78; 8:45 am)

[4510-28]

RELATIVE INCREASES OF IMPORTS

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance

under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such

request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 16, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 16, 1978.

The petitions filed in this case are available for inspection at the Office

of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 23rd day of May 1978.

HAROLD A. BRATT,
*Acting Director, Office of
Trade Adjustment Assistance.*

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
ASARCO, Inc. (USWA)	East Helena, Mont.	May 19, 1978	May 1, 1978	TA-W-3,742	Converts slag to zinc.
Big Yank Corp. (ACTWU)	Tyrone, Pa.	May 15, 1978	May 11, 1978	TA-W-3,743	Men's shirts and work pants.
Brown Shoe Co. (workers)	Piedmont, Mo.	May 18, 1978	May 15, 1978	TA-W-3,744	Shoe components.
Butte Knitting Mills (workers)	Walnut Ridge, Ariz.	May 18, 1978	May 4, 1978	TA-W-3,745	Ladies' sportswear and dresses.
Cornelius Weiss Co., Inc. (ACTWU)	Brooklyn, N.Y.	May 15, 1978	May 11, 1978	TA-W-3,746	Contractor of ladies' slacks.
Crescent Wire & Cable Co. Division of T.R.W. (IAM)	Trenton, N.J.	May 18, 1978	May 16, 1978	TA-W-3,747	Building wire.
E & W of Ilmo, Inc. (ACTWU)	Ilmo, Mo.	May 15, 1978	May 11, 1978	TA-W-3,748	Boys' and men's blue jeans.
Femia Fashions, Inc. (Blouse, Skirt & Sportswear Workers' Union)	Brooklyn, N.Y.	May 18, 1978	May 15, 1978	TA-W-3,749	Ladies' sportswear.
McGregor Doniger, Inc. (ACTWU)	Berwick, Pa.	May 15, 1978	May 11, 1978	TA-W-3,750	Distribution of men's winter coats and lightweight spring jackets shipped to the customers.
Miami-Inspiration Hospital, Inc. (USWA)	Miami, Ariz.	May 8, 1978	May 1, 1978	TA-W-3,751	Hospital, medical, and surgical needs for City Services Mine Co.
Pisces Fashions (workers)	Deer Park, N.Y.	May 5, 1978	May 2, 1978	TA-W-3,752	Ladies' coats.
Rochester Button Co. (ACTWU)	Rochester, N.Y.	May 15, 1978	May 11, 1978	TA-W-3,753	Buttons.
W & W Electronics (workers)	Boston, Mass.	Apr. 14, 1978	Mar. 14, 1978	TA-W-3,754	Electronic assembly.
Werthan Industries, Inc. (workers)	North Nashville, Tenn.	May 18, 1978	May 16, 1978	TA-W-3,755	Printing and finishing of materials.
Western Publishing Co., Inc. (workers)	St. Louis, Mo.	do	May 15, 1978	TA-W-3,756	Commercial printing.
M. Wile & Co., Inc. (ACTWU)	Buffalo, N.Y., Elmwood Ave	May 15, 1978	May 11, 1978	TA-W-3,757	Men's tailored clothing.
Do	Dunkirk, N.Y.	do	do	TA-W-3,758	Do.
Do	Buffalo, N.Y., Goodell St.	do	do	TA-W-3,759	Do.

[FR Doc. 78-15519 Filed 6-5-78; 8:45 am]

[4510-28]

RELATIVE INCREASE OF IMPORTS

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers'

firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such

request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 16, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 16, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 24th day of May 1978.

MARVIN M. FOOKS,
*Director, Office of
Trade Adjustment Assistance.*

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Alstate Lawn Products (workers)	Duluth, Minn.	Apr. 25, 1978	Apr. 17, 1978	TA-W-3,760	Women's and children's raincoats.
Ancur Textile Printing Corp.	East Newark, N.J.	May 22, 1978	May 19, 1978	TA-W-3,761	Printing textile screens.
ASARCO, Inc. (USWA)	Perth Amboy, N.J.	Feb. 7, 1978	Jan. 15, 1978	TA-W-3,762	Copper rod and tubes and atomic shielding.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Atrax Cemented Carbide (USWA)	West Mifflin, Pa.	May 19, 1978	May 18, 1978	TA-W-3,763	Cemented tungsten carbide.
Fur Modes, Inc. (ILGWU)	Jersey City, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,764	Contractor of ladies; manmade fur coats.
Kennecott Copper Co. Corp., Ray Mines Division (USWA)	Hayden, Ariz.	May 19, 1978	May 18, 1978	TA-W-3,765	Mines copper bearing ores and produces copper anodes and cathodes.
Do	Ray, Ariz.	do	do	TA-W-3,766	Do.
Koppers Co., Inc., Corrugated Box Machinery Operation (workers)	Cranford, N.J.	May 22, 1978	May 15, 1978	TA-W-3,767	Auxiliary products for the production of corrugated boxes.
Philadelphia Bethlehem & New England RR. Co. (USWA)	Bethlehem, Pa.	May 18, 1978	May 16, 1978	TA-W-3,768	Transports raw materials and finished products within the Bethlehem, Pa., plant of Bethlehem Steel Corp., and to the customers.
River St. Sportswear Corp. (workers)	Lowell, Mass.	May 22, 1978	May 5, 1978	TA-W-3,769	Women's dresses and sportswear.
Victoria Fashion (workers)	Springfield, Mass.	May 16, 1978	May 11, 1978	TA-W-3,770	Women's apparel.
Weyerhaeuser Co. (workers)	Ridgway, Pa.	May 23, 1978	May 15, 1978	TA-W-3,771	Sliced veneer.

[FR Doc. 78-15520 Filed 6-5-78; 8:45 am]

[4510-23]

NATIONAL COMMISSION ON EMPLOYMENT AND UNEMPLOYMENT STATISTICS

Public Hearing

Notice is hereby given that the National Commission on Employment and Unemployment Statistics will hold a public hearing on July 11, 1978, in Room 276, 1375 Peachtree Street NE., Atlanta, Ga. 30309.

The National Commission on Employment and Unemployment Statistics was established under section 13 of the Emergency Jobs Program Extension Act of 1976, Pub. L. 94-444. Its purpose is to advise the President and the Congress on reliable and comprehensive measurements of employment and unemployment by examining the procedures, concepts, and methodology involved in employment and unemployment statistics, and suggesting ways and means of improving them.

Both producers and users of employment and unemployment statistics are invited to testify regarding the adequacy of current concepts and methods involved in producing these statistics for the Nation, regions, States, and local areas. Testimony is invited on the usefulness of current statistics to policymaking and the specific needs of users.

The hearing will begin at 9:30 a.m. The public is invited to attend. Persons desiring to testify should submit a written request at least seven days before the hearing date. Written statements should be provided 24 hours in advance of the scheduled appearance. These materials and additional questions regarding the hearings or the National Commission on Employment and Unemployment Statistics may be addressed to: Marc Rosenblum, Staff

Economist, National Commission on Employment and Unemployment Statistics, 2000 K Street NW., Suite 550, Washington, D.C. 20006.

Signed at Washington, D.C. this 1st day of June, 1978.

SAR A. LEVITAN,
Chairman.

[FR Doc. 78-15547 Filed 6-5-78; 8:45 am]

[4410-01]

NATIONAL COMMISSION FOR THE REVIEW OF ANTITRUST LAWS AND PROCEDURES

Organizational Meeting

Notice is hereby given that the National Commission for the Review of Antitrust Laws and Procedures (hereinafter "the Commission") in accordance with Executive Order 12022 and section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770) will meet on Wednesday, June 21, 1978, starting at 2 p.m. in Room 2141 of the Rayburn House Office Building, Independence and South Capitol Street SW., Washington, D.C.

The main purposes of this organizational meeting are as follows:

- (1) To discuss the objectives of the Commission;
- (2) To receive a report on staff organization and activities to date;
- (3) To adopt rules of procedure;
- (4) To consider an initial work plan, including a proposal for public hearings on July 11-13, 1978, on complex litigation issues and for 2 days during the week of July 24, 1978, on antitrust immunities;
- (5) To consider currently proposed research projects, including an empirical review of complex antitrust cases; and

(6) To discuss and consider such other matters relating to the organization and scope of the Commission as may be raised by the Chairman or members of the Commission.

The meeting will be open to the public. Members of the public and other interested parties are invited throughout the duration of the Commission to make written submissions relating to its work. Such submissions may be sent to the National Commission for the Review of Antitrust Laws and Procedures, Department of Justice Building, 10th Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. The main telephone number of the Commission office is 202-739-2900. It is suggested that any submissions over fifty pages in length (double-spaced) be accompanied by a summary of no more than ten double-spaced pages.

Further information on proposed public hearings of the Commission will be published after the organizational meeting.

Dated: June 1, 1978.

JOHN H. SHENEFIELD,
Chairman.

[FR Doc. 78-15693 Filed 6-5-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON THE DIABLO CANYON NUCLEAR POWER STATION

Meeting

The ACRS Subcommittee on the Diablo Canyon Nuclear Power Station will hold a meeting on June 21-22, 1978, in Room 1046, 1717 H Street NW., Washington, D.C. 20555, to continue its review of the Pacific Gas and

Electric Co.'s applications for operating licenses for Units 1 and 2 of this Station.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: Wednesday, June 21 and Thursday, June 22, 1978; 8 a.m. until the conclusion of business each day.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the Pacific Gas and Electric Co., the NRC Staff, and their consultants, pertinent to this review.

The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. John C. McKinley, telephone 202-634-1371, between 8:15 a.m. and 5 p.m., e.d.t.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H

Street NW., Washington, D.C. 20555, and at the San Luis Obispo Free Library, San Luis Obispo, Calif. 93406.

Dated: June 1, 1978.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 78-15565 Filed 6-5-78; 8:45 am]

[7590-01]

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 40 to Facility Operating License No. DPR-26, issued to the Consolidated Edison Co. of New York, Inc. (the licensee), for operation of the Indian Point Nuclear Generating Unit No. 2 (the facility), located in Buchanan, Westchester County, N.Y. The amendment is effective as of its date of issuance.

The amendment requires an inspection of steam generators on or before December 1, 1979. The Technical Specifications for the facility has also been revised to establish new steam generator leakage limits.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's submittal dated March 24, 1978, as supplemented by letter dated May 4, 1978, (2) Amendment No. 40 to License No. DPR-26 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the White Plains Public Library, 100 Martine Avenue, White Plains, N.Y. 10601. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 12th day of May 1978.

For The Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-15567 Filed 6-5-78; 8:45 am]

[7590-01]

[Docket No. 50-289]

METROPOLITAN EDISON CO., JERSEY CENTRAL POWER AND LIGHT CO., AND PENNSYLVANIA ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Co., Jersey Central Power and Light Co. and Pennsylvania Electric Co. (the licensees), which revised Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pa. The amendment is effective as of its date of issuance.

This amendment revises the Technical Specifications to add surveillance requirements and limiting conditions for operations with respect to the average air temperature inside the containment.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR §51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 22, 1977, (2) Amendment No. 41 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Govern-

ment Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pa. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 24th day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-15568 Filed 6-5-78; 8:45 am]

[7590-01]

[Docket Nos. 50-282 and 50-306]

NORTHERN STATES POWER CO.

Order for Modification of License

I

The Northern States Power Co. (the licensee), is the holder of Facility Operating License Nos. DPR-42 and DPR-60 which authorizes the operation of the nuclear power reactors known as Prairie Island Nuclear Generating Plant Unit Nos. 1 and 2 (the facilities) at steady reactor power levels not in excess of 1,650 megawatts thermal (rated power). The facilities consist of Westinghouse Electric Corp. designed pressurized water reactors (PWR) located at the licensee's site in Goodhue County, Minn.

II

In accordance with the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR 50.46, the licensees submitted on January 20, 1977 an ECCS evaluation for proposed operation using 14 x 14 fuel manufactured by the Westinghouse Electric Corp. This evaluation included limits on the peaking factor. The ECCS performance evaluation submitted by the licensee was based upon an ECCS evaluation developed by the Westinghouse Electric Corp. (Westinghouse), the designer of the Nuclear Steam Supply System for these facilities. The Westinghouse ECCS Evaluation Model had been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50.46 and Appendix K. The evaluation indicated that with the peaking factor limited as set forth in the evaluation, and with other limits set forth in the facilities' Technical Specifications, the ECCS cooling performance for the facilities would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum hydro-

gen generation, coolable geometry and long-term cooling.

On March 23, 1978, Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants, could result in calculated temperatures in excess of 2,200° F unless the allowable peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants, and a number of others were plant specific. As outlined in the attached SER, the staff concurs that some of these modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The attached SER sets forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and incorporating the modifications described in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facilities are submitted using the revised and corrected model, they will demonstrate that with the peaking factors set forth in the SER operation will conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facilities as soon as possible.

As discussed in this Order and in the SER, operation of the Prairie Island facilities at the peaking factor limit specified in this Order, will assure that the ECCS will conform to the performance requirements of 10 CFR 50.46(b). Accordingly, such limits provide reasonable assurance that the public health and safety will not be endangered. Upon notification by the NRC staff, the licensee committed to provide a reevaluation of ECCS performance as promptly as practicable and to limit operation to achieve a

peaking factor not exceeding the value specified herein. These commitments were confirmed by the licensee's letter of April 10, 1978. The staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order.

IV

Copies of the Safety Evaluation and the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the Environmental Conservation Library, Minneapolis Public Library, 300 Nicollet Mall, Minneapolis, Minn. 55401.

(1) Letter from Westinghouse to NRC dated April 7, 1978.

(2) Letter from Northern States Power Co., to the Director, Nuclear Reactor Regulation, dated April 10, 1978.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, it is ordered that Facility Operating License Nos. DPR-42 and DPR-60 are hereby amended by adding the following new provisions:

(1) As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC staff and corrected for the errors described herein.

(2) Until further authorization by the Commission, the Technical Specification limit for total nuclear peaking factor (F_0) for these facilities shall be limited to maximum allowable 2.24 if the accumulator conditions are modified as specified in the licensee's letter dated April 10, 1978, or to 2.21 if the accumulator conditions are not so modified.

Dated at Bethesda, Md., this 18th day of May 1978.

For the Nuclear Regulatory Commission.

VICTOR STELLO, Jr.,
Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 78-15569 Filed 6-5-78; 8:45 am]

[7590-01]

[Docket No. 50-344]

PORTLAND GENERAL ELECTRIC CO., THE CITY OF EUGENE, OREGON, PACIFIC POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued

amendment No. 28 to facility operating license No. NPF-1 issued to Portland General Electric Co., the city of Eugene, Oreg., and Pacific Power & Light Co. which revised technical specifications for operation of the Trojan nuclear plant (the facility), located in Columbia County, Oreg. The amendment is effective as of its date of issuance.

The amendment modifies the operability testing frequency for containment isolation check valves.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) the application for amendment dated April 29, 1977, (2) amendment No. 28 to license No. NPF-1, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Columbia County Courthouse, Law Library, Circuit Court Room, St. Helens, Oreg. 97051. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 4th day of May 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-15570 Filed 6-5-78; 8:45 am]

[7590-01]

REGULATORY GUIDE Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regula-

tory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.139, "Guidance for Residual Heat Removal," describes a method acceptable to the NRC staff for complying with the Commission's regulations with regard to the removal of decay heat and sensible heat after shutdown of a nuclear power reactor.

Comments and suggestions in connection with: (1) items for inclusion in guides currently being developed, or (2) improvements in all published guides are encouraged at any time. Public comments on regulatory guide 1.139 will, however, be particularly useful in evaluating the need for an early revision if received by August 4, 1978.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 30th day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of
Standards Development.

[FR Doc. 78-15566 Filed 6-5-78; 8:45 am]

[7590-01]

[Docket Nos. 50-280 and 50-281]

VIRGINIA ELECTRIC & POWER CO.

Notice of Issuance of Amendments to Facility
Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued

amendment Nos. 41 and 40 to facility operating license Nos. DPR-32 and DPR-37, issued to Virginia Electric & Power Co. (the licensee), which revised technical specifications for operation of the Surry power station, unit Nos. 1 and 2 (the facility) located at Surry County, Va. The amendments are effective within 30 days of the date of issuance.

The amendments revise the technical specifications to provide limiting conditions for operation and surveillance requirements for emergency diesel generators and batteries.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see: (1) the application for amendments dated January 13, 1978, (2) amendment Nos. 41 and 40 to license Nos. DPR-32 and DPR-37, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Swem Library, College of William and Mary, Williamsburg, Va. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 10th day of May 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-15571 Filed 6-5-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 31, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; and indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, Office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

VETERANS ADMINISTRATION

Evaluation of Specially Adapted Housing Program, single time, 950 disabled veterans, Clearance Office, 395-3772.

U.S. CIVIL SERVICE COMMISSION

Supervisory Compensation Practice Pilot Study, CSC 1342, single time, 200 business firms, Office of Federal Statistical Policy and Standard, 673-7959.

DEPARTMENT OF STATE (EXCLUDING AID AND ACTION)

Skills Catalogue, DSP-92, on occasion, 4,000 foreign service spouses, Marsha Traynham, 395-3773.

DEPARTMENT OF ENERGY

Energy Activities in Two-Year Education Institutions, other (See SF-83), 750 Two-Year Education Institutions, Clearance Office, 395-3772.

Field Evaluation of Room Air Conditioners, EIA-65, single time, 520 residents in local area, C. Louis Kincannon, 395-3211.

DEPARTMENT OF AGRICULTURE

Economics, Statistics, and Cooperatives Service, Operational and Financial Guidelines for Rural Cooperatives, single time, 35 farmer Co-operatives Managers or Controllers, Office of Federal Statistical Policy and Standard, 673-7959.

FOREST SERVICE

Visitor Reactions to Visitor Information Programs and Facilities of Summit Dis-

trict, Stanislaus National Forest, Calif., single time, 1,000 visitors using summit district visitor facilities, Clearance Office, 395-3772.

DEPARTMENT OF COMMERCE

Bureau of Census, Census Reinterview Study, 1978 Census of Richmond, Va.; 1980 Census Dress Rehearsal, D-804(X), single time, 2,000 households, Clearance Office, 395-3772.

Bureau of Economic Analysis, Annual Survey of Foreign Direct Investment in the U.S., 1977, BE-15, Annually, 1,500 Foreign Owned U.S. Business Enterprises, Office of Federal Statistical Policy and Standard, 673-7959.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service, Reference Request (Commissioned Corps) PHS1813, on occasion, 20,224 individuals, Richard Eisinger, 395-3214.

National Institutes of Health, Survey of Laboratory Animal Facilities and Resources, single time, 1,750 laboratory animal facilities, Richard Eisinger, 395-3214.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development, Community Development Block Grant Entitlement Grants, application package, other (See SF-83), 9,099 States and Units of Local Government Housing, Veterans and Labor Division, Budget Review Division, 395-3532.

Office of the Secretary, Survey of Developmental Needs of Small Cities, single time, 2,000 chief executive, cities below 50,000, Office of Federal Statistical Policy and Standard, 673-7959.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service, Household Survey of Immigration Attitudes, single time, 1,200 adult residents in Texas, Raynsford, R., 395-3814.

DEPARTMENT OF TRANSPORTATION

Departmental and other survey of Trucking Service to Small Communities, single time, 600 shippers and receivers in rural communities, clearance office, 395-3772.

Federal Railroad Administration, Survey of Alcohol Use on Railroads, single time, 7,800 employees of private railroads, Office of Federal Statistical Policy and Standard, 673-7959.

REVISIONS

SMALL BUSINESS ADMINISTRATION

Evaluation Technology Assistance Program, SBA 941, on occasion, small businesses, 2,500 responses, 625 hours, Clearance Office, 395-3772.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration, Statement of Compliance: Importation of Motor Vehicle, HS-336A, HS-336B, HS-411A, HS-411B, single time, importers of nonconforming motorcycles, 1,000 responses, 1,000 hours, Strasser, A., 395-6132.

EXTENSIONS

U.S. CIVIL SERVICE COMMISSION

Application for Contribution Toward the Cost of Part B (Medical Insurance of Medicare), SF2814-A, on occasion, annuants eligible under RFEHB program, 151,500 responses, 7,750 hours, Richard Eisinger, 395-3214.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics, Adult/Continuing Education: Noncredit Activities in Institutions of Higher Education, 1975-76, NCES2300-8, single time, 479 responses, 1,431 hours, Office of Federal Statistical Policy and Standard, 673-7959.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit: Application for Approval as Mortgagee (Supervised by a Government Agency), FHA-2001, on occasion, supervised mortgagees, 1,400 responses, 2,100 hours, Caywood, D. P., 395-3443.

Application for Approval as Investing Mortgagee, 2001-G, on occasion, 25 responses, 6 hours, Caywood, D. P., 395-3443.

Community Planning and Development, Report on Budgetary Status and Project Balance Sheet, HUD-6250, semiannually, urban renewal agencies, 872 responses, 2,616 hours, Housing, Veterans and Labor Division, Caywood, D. P., 395-3532.

Housing management, Report of Construction Status of Advance Planning Project, HUD-4435, annually, local public bodies, 3,800 responses, 3,800 hours, Caywood, D. P., 395-3443.

DAVID R. LEUTHOLD,
Budget and Management Office.

[FR Doc. 78-15773 Filed 6-5-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-14815; File No. SR-PCC-78-11]

PACIFIC CLEARING CORP.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 15, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change is an Interregional Interface Agreement and an Interregional Interface Participants Agreement between Pacific Clearing Corp. ("PCC") and Stock Clearing Corp. of Philadelphia

("SCCP"). These agreements, which are very similar to existing interregional interface agreements between clearing corporations, allow participants in one clearing corporation to clear and settle, through an interface, transactions with participants in another clearing corporation.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The agreements which are the subject of this filing are designed to provide a framework for an interregional interface between PCC and SCCP. In the past there has been little demand for such an interface, but there is expected to be greater demand in the future when the Pacific Stock Exchange commences participation in the intermarket trading system.

The proposed rule change, by aiding in the completion of interregional interfaces among all registered clearing agencies, fosters cooperation and coordination with persons engaged in the clearance and settlement of securities transactions and contributes to the removal of impediments to and perfection of the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

Comments from PCC members or participants were neither solicited nor received.

PCC believes that the proposed rule change will not impose any burden on competition.

PCC requested that the Securities and Exchange Commission approve the proposed rule change prior to the thirtieth day after notice has been published in the FEDERAL REGISTER.

On or before July 11, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal

office of the above-mentioned self-regulatory organizations. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 27, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 30, 1978.

(FR Doc. 78-15555 Filed 6-5-78; 8:45 am)

[8010-01]

(Release No. 34-14813; File No. SR-PSD-78-1)

PACIFIC SECURITIES DEPOSITORY TRUST CO. Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 12, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The proposed rule change involves implementation of a third party delivery service in the interface between Pacific Securities Depository Trust Co. (PSDTC) and Depository Trust Co. (DTC). The proposed rule change is contained in Exhibit 2 to PSDTC's filing on Form 19b-4A, File No. SR-PSD-78-1.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change are as follows:

The purpose of the proposed rule change is to implement a third party delivery service in the interface between PSDTC and DTC. The third party delivery capability will permit a participant in one depository to deliver securities to, or receive securities from, a participant in the other depository "free" (without money settlement). Previously, only a participant affiliated with both depositories could use the interface and then only to move positions between its accounts in PSDTC and DTC.

The proposed rule change would carry out the purposes of section 17A of the Securities Exchange Act of 1934 by facilitating the prompt and accurate clearance and settlement of securities transactions for which PSDTC is responsible in that the proposed rule change (i) eliminates the need for dual participants in PSDTC and DTC to

initiate multiple book-entry movements with attendant charges to effect inter-depository movements and (ii) enables sole participants of one depository to effect book-entry deliveries to sole participants of the other depository, which would otherwise necessitate physical deliveries by inter-city securities shipments.

PSDTC announced in its Newsletter of November 1976 and March 1977 the progress of the interface with DTC. The third-party delivery service was announced to all participants by PSDTC Member Information notice dated February 17, 1978. No comments have been received.

PSDTC perceives no burden on competition by reason of the proposed rule change.

On or before July 11, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the public reference room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 27, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 30, 1978.

(FR Doc. 78-15556 Filed 6-5-78; 8:45 am)

[8010-01]

(Release No. 34-14814; File No. SR-PSD-78-2)

PACIFIC SECURITIES DEPOSITORY TRUST CO. Self-Regulatory Organization Proposed Rule Change

Pursuant to section 19 (b)(1) of the Securities Exchange Act of 1934, 15

U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 1, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

TEXT OF PROPOSED RULE CHANGE

The proposed rule change seeks to revise fees to Pacific Securities Depository Trust Co. (PSDTC) participants. The following schedule presents the revised fees (italics indicate new material and brackets indicate deletions):

Service and Fee

- A. Deposits—[\$.40] *\$0.20* per deposit.
- B. Physical withdrawals—[\$.75] *\$2* per withdrawal plus *\$0.10* per 100 shares of stock or *\$0.10* per \$1,000 value of bonds (maximum of [\$2.50] *\$4* per withdrawal).
- C. Allocations, releases, internal movements, third party movements (non-valued)—[\$.40] *\$0.50* per item.
- D. Custody—\$0.02 per line item per day plus *\$0.005* per 100 shares up to 25 million shares. *[\$.0025] \$0.0013* per 100 shares, 25 million to 200 million shares. *[\$.0013] \$0.00065* per 100 shares, 200 million to *[500] 300* million shares. *[\$.00065] no charge* above 300 million shares.
- E. Stock loan—\$0.08 per \$1,000 loan value per day *increased (decreased) by \$0.001 for every ¼ percent increase (decrease) in the broker call rate between 6 percent and 9 percent.*
- F. Reorganization—\$5 per reorganization item.
- G. Legal deposits—\$10 per legal deposit.
- H. Tape output of position listings—\$20 per tape plus *\$2* per 1,000 entries.
- I. Research—According to nature of research.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change is intended to associate service charges more appropriately with the cost of performing the services provided to participants. The change in the stock loan fee is intended to relate the fee to the economic value of the stock loan program. The proposed rule change also is intended to increase revenue in order to keep PSDTC slightly above a breakeven level of income over expenses.

The proposed rule change relates to the equitable allocation of dues, fees and other charges among participants. Comments on the proposed rule change have not been solicited.

PSDTC believes that the proposed rule change would not impose any burden on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate

[8025-01]

(Declaration of Disaster Loan Area No. 14821)

MISSISSIPPI

Declaration of Disaster Loan Area

Pearl River County and adjacent counties within the State of Mississippi constitute a disaster area as a result of damage caused by rainfall, flooding and rising water which occurred on May 3-4, 1978. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 31, 1978, and for economic injury until the close of business on February 28, 1979, at:

Small Business Administration, District Office, Providence Capitol Building, Room 690, 200 E. Pascagoula Street, Jackson, Miss. 39201.

Small Business Administration, Branch Office, Gulf National Life Insurance Building, 2nd Floor, 111 Fred Haise Boulevard, Biloxi, Miss. 39530.

Or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 30, 1978.

A. VERNON WEAVER,
Administrator.

(FR Doc. 78-15619 Filed 6-5-78; 8:45 am)

[8025-01]

(Declaration of Disaster Loan Area No. 1457; Amdt. No. 2)

TEXAS

Declaration of Disaster Loan Area

The above number Declaration (see 43 FR 16584) and Amendment No. 1 (see 43 FR 20070) are amended by adding the following counties:

County, Natural Disaster, and Date

Kerr, Drought, June 15, 1977-April 21, 1978.
Kimble, Drought, July 1, 1977-April 18, 1978.
Mason, Drought, May 1, 1977-April 5, 1978.
Mason, Hail, September 15, 1977.
Starr, Drought, March 1, 1977-April 10, 1978.

And adjacent counties within the State of Texas as a result of natural disaster as indicated. All other information remains the same; i.e., the termination date for filing applications for physical damage is close of business October 11, 1978, and for economic injury until the close of business on December 11, 1978.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 30, 1978.

A. VERNON WEAVER,
Administrator.

(FR Doc. 78-15620 Filed 6-5-78; 8:45 am)

in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number reference in the caption above and should be submitted on or before June 27, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 30, 1978.

(FR Doc. 78-15563 Filed 6-5-78; 8:45 am)

[8025-01]

SMALL BUSINESS ADMINISTRATION

(Declaration of Disaster Loan Area No. 14811)

HAWAII

Declaration of Disaster Loan Area

The listing below of the three counties and adjacent counties within the State of Hawaii constitutes a disaster area as a result of natural disaster as indicated:

County, Natural Disaster, and Date

Hawaii, Drought, July 1, 1977-March 15, 1978.
Kauai, Drought, May 1, 1977-March 15, 1978.
Maui, Drought, June 1, 1977-March 15, 1978.

Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on November 27, 1978, and for economic injury, until the close of business on February 26, 1979, at: Small Business Administration, District Office, 300 Ala Moana, P.O. Box 50207, Honolulu, Hawaii 96850, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 26, 1978.

A. VERNON WEAVER,
Administrator.

(FR Doc. 78-15618 Filed 6-5-78; 8:45 am)

[4810-40]

DEPARTMENT OF TREASURY

Office of the Secretary

[Public Debt Series No. 13-78]

SERIES H-1982 NOTES

Announcement of Interest Rates

JUNE 1, 1978.

The Secretary of the Treasury announced on May 31, 1978, that the interest rate on the notes designated series H-1982, described in Department circular—public debt series—No. 13-78, dated May 23, 1978, will be 8 1/4 percent. Interest on the notes will be payable at the rate of 8 1/4 percent per annum.

PAUL H. TAYLOR,
Acting Fiscal
Assistant Secretary.

[FR Doc. 15577 Filed 6-5-78; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

CENTRAL OFFICE EDUCATION AND TRAINING
REVIEW PANEL

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Central Office Education and Training Review Panel, authorized by section 1790(b), Title 38, United States Code, will be held in Room A53, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C. on June 28, 1978, at 10 a.m. The meeting will be held for the purpose of reviewing the decision of the Director, Veterans Administration Regional Office, Nashville, Tenn., that terminated educational benefits to all veterans and eligible persons presently enrolled and discontinued new enrollments at the International Barber College, 539 Broadway, Nashville, Tenn., effective February 15, 1978.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. Bernard D. Duber, Chief, Field Operations, Education and Rehabilitation Service, Veterans Administration Central Office, phone 202-389-2850, prior to June 19, 1978.

Dated: May 30, 1978.

By direction of the Administrator,

RUFUS H. WILSON,
Deputy Administrator.

[FR Doc. 78-15621 Filed 6-5-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE
COMMISSION

[Notice No. 877]

ASSIGNMENT OF HEARINGS

JUNE 1, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC 123407 (Sub-No. 429), Sawyer Transport Co. and No. MC 124947 (Sub-No. 78), Machinery Transports, Inc., now assigned June 12, 1978, at Atlanta, Ga. will be held at the Peachtree Plaza Hotel, International Boulevard and Peachtree Street, instead of Room 305, 1252 W. Peachtree Street NW.

No. MC 109397 (Sub-No. 404F), Tri-State Motor Transit Co. and No. MC 83539 (Sub-No. 490), C & H Transportation Co., Inc., now assigned June 12, 1978, at Atlanta, Ga. will be held at the Peachtree Plaza Hotel, International Boulevard and Peachtree Street.

MC-C 9761, Carolina Coach Co., et al. v. Mandrell Motor Coach, Inc., now assigned June 7, 1978 at Dover, Del. is cancelled and reassigned to Easton, Md. at Circuit Court, Grand Jury Room, Talbot County.

No. MC 140389 (Sub-No. 17), Osborn Transportation, Inc., is assigned for hearing July 11, 1978 at San Francisco, Calif., and will be held at Room 510, 211 Main St.

No. MC 114211 (Sub-No. 330), Warren Transport, Inc., is assigned for hearing July 17, 1978 at San Francisco, Calif., and will be held at Room 510, 211 Main St.

No. MC 33641 (Sub-No. 96 M1), IML Freight, Inc., is assigned for hearing July 11, 1978 at San Francisco, Calif., and will be held at Court Room 2, Sixth Floor, 211 Main St.

No. 36817, paper articles, between points in official territory and No. 36817 Sub-No. 1, sanitary paper and related articles, east, midwest and south, now assigned June 5, 1978, at Washington, D.C., is postponed to June 6, 1978, at the Offices of the Interstate Commerce Commission, Washington, D.C., hearing for presentation of respondents rebuttal testimony and closing of the record will be held on June 27, 1978, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 36747, Armco Steel Corporation v. The Atchison, Topeka and Santa Fe Railway Company, et al., is now assigned for continued hearing on June 20, 1978 at the offices of the Interstate Commerce Commission, Washington, D.C.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15632 Filed 6-5-78; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 1, 1978.

These applications for long-and-short-haul relief have been filed with the ICC

Protests are due at the ICC within 15 days from the date of publication of this notice.

FSA No. 43555, Karlander (Australia) PTY. Ltd., No. 2, on intermodal rates on general commodities, from rail carrier's terminals at U.S. Atlantic and Gulf coast ports to ports in Australia, published in its Tariff No. 2, ICC No. 2, effective June 25, 1978. Grounds for relief—water competition.

FSA No. 43556, Southwestern Freight Bureau, Agent, No. B-742, rates on lime, from Marble City, Okla., to stations in Eastern, Southern, and Southwestern territories, published in Tariff SW/S-231-F, ICC No. 4997, effective July 4, 1978. Grounds for relief—market competition.

FSA No. 43557, French Line, No. 1, rates on general commodities, between rail carrier's terminals on the U.S. Pacific coast and ports in Continental Europe, Eire, and the United Kingdom, published in North Europe-United States Pacific Freight Conference Westbound Pacific Coast Joint Container Tariff ICC No. 4, and Eastbound Pacific Coast European Joint Container Freight Tariff ICC No. 1, effective June 25, 1978. Grounds for relief—water competition.

FSA No. 43558, Traffic Executive Association—Eastern Railroads, Agent, No. 3070, rates on fly ash, between stations in New England, Central, Trunk Line and Southern rail territories, and stations in Illinois, Iowa, Kentucky, Michigan, Missouri, Wisconsin, published in its Tariff E-2009-I, ICC C-1008, effective July 1, 1978. Grounds for relief—maintain class rate routes/present tariff routes.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15633 Filed 6-5-78; 8:45 am]

[7035-01]

[Notice No. 86]

MOTOR CARRIER TEMPORARY AUTHORITY
APPLICATIONS

MAY 31, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar

day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 90870 (Sub-No. 6TA), filed April 12, 1978, and published in the FEDERAL REGISTER issue of May 17, 1978, and republished as corrected this issue. Applicant: GLEN R. RIECHMANN, d.b.a. RIECHMANN TRUCK SERVICE, Route 2, Box 137, Alhambra, IL 62001. Applicant's representative: Cecil L. Goettsch, Attorney, 1100 Des Moines Building, Des Moines, IA 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles, from the plant-site of Inland Steel Co., East Chicago, IN, to points in IL and south of U.S. Hwy 24 and points in MO on and east of U.S. Hwy 65, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): W. A. Jerndt, Assistant, General Traffic Manager, Inland Steel Co., 30 West Monroe, Chicago, IL 60603. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701. The purpose of this republication is to correct the territorial description.

No. MC 96770 (Sub-No. 12TA), filed April 17, 1978, and published in the FEDERAL REGISTER issue of May 22, 1978, and republished as corrected this issue. Applicant: FLORIDA TERMINALS & TRUCKING ROAD CO., 1014 East Land Street, Orlando, FL

32809. Applicant's representative: John A. Sutton, P.O. Box 367, Orlando, FL 32802. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual value, classes A and B explosives, heavy and bulky commodities, cement, commodities requiring refrigeration, and household goods as defined by the Commission), having a prior movement in interstate commerce by common, or motor contract carriers, between all points and places within the State of FL south of State Road 50 (running east-west from Brooksville, FL, on the west to Titusville, FL, on the east), over irregular routes, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Robertson Warehouse Co., 2600 Shader Road, Orlando, FL 32804. (2) USF Warehouse, Inc., 7575 Chancellor Drive, Orlando FL. (3) United Coatings, Inc., 3050 North Rockwell, Chicago, IL 60618. (4) Ames A. McDonough Co., Box 1774, Parkersburg, WV 26101. (5) ABC-Trans National Transport, Inc., 201 11th Avenue, New York, NY 10001. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL 32202. The purpose of this republication is to correct the territorial description.

No. MC 106603 (Sub-No. 175TA), filed March 24, 1978. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., P.O. Box 8008, Grand Rapids, MI 49508. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Roofing, building materials, and materials, equipment, and supplies used in the manufacture and installation of such commodities (except commodities in bulk). From the facilities of Georgia-Pacific Corp. at Franklin, OH, to points in DE, IL, IN, IA, KY, MD, MI, MS, MO, NJ, NY, PA, TN, WV, and WI, for 180 days. Supporting shipper(s): Georgia-Pacific Corp., 1062 Lancaster Avenue, Rosemont, PA 19010. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, 225 Federal Building, Lansing, MI 48933.

No. MC 117786 (Sub-No. 20TA), filed April 4, 1978. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. Applicant's representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting:

Charcoal; charcoal briquettes, fire-place logs (compressed sawdust, wax impregnated); charcoal lighter fluid, in cans in carton, hickory chips (not charred), and vermiculite, other than crude, from Belle, MO, to points in AZ, CA, CO, NV, NM, OR, UT, and WA, for 180 days. Supporting shipper: The Kingsford Co., 940 Commonwealth Building, P.O. Box 1033, Louisville, KY 40201. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 119792 (Sub-No. 70TA), filed May 8, 1978. Applicant: CHICAGO SOUTHERN TRANSPORTATION CO., 3600 South Western Avenue, Chicago, IL 60609. Applicant's representative: Allan C. Zuckerman, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs (except commodities in bulk), from facilities of Rich Products Corp., at or near Murfreesboro, TN, to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MN, MS, MO, NC, OH, OK, SC, TN, TX, VA, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Rich Products Corp., 1145 Niagara Street, Buffalo, NY 14213. Send protests to: Transportation Consumer Specialist, Patricia A. Roscoe, ICC, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 121107 (Sub-No. 17TA), filed May 9, 1978. Applicant: PITT COUNTY TRANSPORTATION CO., INC., P.O. Box 207, Farmville, NC 27828. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber and landscape timber from the facilities of Weyerhaeuser Co., at or near New Bern, Lewiston, Jacksonville, and Plymouth, NC, to points in VA, MD, PA, NY, NJ, CT, MA, RI, NH, and ME, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Weyerhaeuser Co., Plymouth NC 27962. Send protests to: Archie W. Andrews, District Supervisor, ICC, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

No. MC 123383 (Sub-No. 83TA), filed April 11, 1978. Applicant: BOYLE BROS., INC., R.D. 2, Box 329C, Medford, NJ 08055. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as

a common carrier, by motor vehicle, over irregular routes, transporting: *Composition board, plywood, furniture stock panels, and wood dimension stock*, from Chicago and Calumet, IL, and Burns, Harbor, IN, to points in ND, SD, NE, KS, OK, TX, MN, IA, MO, AR, WI, IL, IN, MI, OH, KY, TN, PA, NY, NJ, NC, VA, CT, RI, VT, and NH, for 180 days. Supporting shipper(s): Allied International, Inc., 490 Rear Rutherford Avenue, P.O. Box 56, Charleston, MA 02129. Send protests to: District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 134349 (Sub-No. 24TA), filed April 3, 1978. Applicant: B.L.T. CORP., 405 Third Avenue, Brooklyn, NY 11215. Applicant's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Drugs, medicines, cosmetics, toilet articles, and advertising and promotional materials* related thereto, from the facilities of Lanvin-Charles of the Ritz, Inc., at or near Holmdel, NJ, points in the New York, NY Commercial Zone, Glenn Gardner, Totowa, and Rahway, NJ, to Birmingham, Huntsville, Mobile, Montgomery, and Tuscaloosa, AL, Phoenix and Tucson, AZ, Fort Smith and Little Rock, AR, La Mirada, Los Angeles, and San Francisco, CA, Denver, CO, Ft. Lauderdale, Jacksonville, Miami, Orlando, Tampa, and West Palm Beach, FL, Atlanta, Augusta, Macon, and Monroe, GA, Addison, Chicago, Country Side, Des Plaines, and La Grange, IL, Lake Charles and New Orleans, LA, Charlotte, Greensboro, Kannapolis, Lenoir, and Roanoke Rapids, NC, Greenville, Greer, and Lynchburg, SC, Memphis and Nashville, TN, and Dallas, Houston, El Paso, San Antonio, and Waco, TX, and (2) returned and rejected *drugs, medicines, cosmetics, toilet articles and equipment, materials, and supplies* used in the manufacture, packaging, and distribution of commodities named in (1) above and from the destinations specified in (1) above to the facilities of Lanvin-Charles of the Ritz, Inc., at or near Holmdel, NJ, under a continuing contract or contracts with Lanvin-Charles of the Ritz, Inc., of Holmdel, NJ for 180 days. Applicant has filed underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Lanvin-Charles of the Ritz, Route 35 Holmdel, NJ 07733. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, Room 1807, New York, NY 10007.

No. MC 136983 (Sub-No. 4TA), filed April 11, 1978. Applicant: ARIZONA

WESTERN TRANSPORT, INC., P.O. Box F (Gaudalope Road), Chandler, AZ 85224. Applicant's representative: A. Michael Bernstein, 1441 East Thomas Road, Phoenix, AZ 85014. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Soil conditioners or amendments*, from the mine site of the Duval Corp. near Sahuarite, AZ, to points in AZ, CA, CO, KS, NM, ID, NV, OR, TX, UT, and WA, under a continuing contract or contracts with The Rinchem Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Rinchem Co., Inc., 2402 South 15th Avenue, Phoenix, AZ 85007. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 142059 (Sub-No. 37TA), filed May 9, 1978. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, P.O. Box 911, Joliet, IL 60436. Applicant's representative: Jack Riley (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Plant media mix, vermiculite, vermiculite products, and perlite* (except in bulk), from De Kalb, IL, to points in the States of IN, IA, KS, MI, MN, MO (points on and north of Hwy I-44), ND, OH, PA (points on and west of Hwy U.S. 219), SD, WV, and WI (except counties of Dane, Green, Jefferson, Kenosha, Milwaukee, Racine, Rock, Walworth, and Waukesha), for 180 days. Supporting shipper: Mica Pellets, Inc., 1008 Oak Street, De Kalb, IL. Send protests to: Transportation Assistant, ICC, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 142059 (Sub-No. 38TA), filed May 9, 1978. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, P.O. Box 911, Joliet, IL 60436. Applicant's representative: Jack Riley (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Swimming pools, knocked down and parts thereof*, from Carlstadt, NJ, to Akron, Columbus and Cincinnati, OH, Indianapolis, IN, Chicago, IL, Detroit, MI, Dallas, TX, Los Angeles, CA, Knoxville, TN, Springfield, IL, and Tulsa and Oklahoma City, OK, for 180 days. Supporting shipper: Kero Metal Products, Inc., 99 Kero Road, Carlstadt, NJ 07072. Send protests to: Transportation Assistant, ICC, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 142059 (Sub-No. 39TA), filed May 8, 1978. Applicant: CARDINAL

TRANSPORT, INC., 1830 Mound Road, P.O. Box 911, Joliet, IL 60436. Applicant's representative: Jack Riley (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wrought iron pipe*, from Chicago, Blue Island, Evanston, IL, to Fort Wayne, Evansville, Muncie and Logansport, IN; and points in IA, KS, NE, MO, OK and TX, for 180 days. Supporting shipper: Unarco-Leavitt Division of Unarco Industries, Inc., 1717 West 115th Street, Chicago, IL 60643. Send protests to: Transportation Consumer Specialist, Patricia A. Roscoe, ICC, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386 Chicago, IL 60604.

No. MC 142062 (Sub-No. 11TA), filed April 4, 1978. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box 62, Sellersburg, IN 47172. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Liquid plastic materials* (except in bulk), and such other commodities as are manufactured, distributed, or dealt in by a manufacturer of liquid plastic materials (except in bulk). From the facilities of Celanese Polymer Specialties Co., Inc. at Louisville, KY, to points in CA, OR, WA, and AZ. (2) *Materials, equipment, and supplies* (except in bulk) used in the manufacture or distribution of commodities named in (1) above. From points in CA, OR, WA, and AZ to the facilities of Celanese Polymer Specialties Co., Inc., at Louisville, KY. Restriction: Restricted to the transportation of shipments under a continuing contract or contracts with Celanese Polymer Specialties Co., Inc., for 180 days. Supporting shipper(s): Celanese Polymer Specialties Co., Inc., P.O. Box 32190, Louisville, KY 40232. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 142672 (Sub-No. 20TA), filed April 11, 1978. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Applicant's representative: Don Garrison, 324 North Second Street, Rogers, AR 72756. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Electric motors, grinders, buffers, dental lathes, dust collectors and pedestals, and parts, accessories and attachments thereof, and materials, equipment and supplies* used in the manufacture and distribution thereof (except commodities in

bulk), between Fort Smith, AR on the one hand and, on the other, points in the United States (except AK, AZ, CA, CO, HI, ID, KS, MT, ND, NE, NM, NV, OK, OR, SD, TX, UT, WA, and WY). Restricted to the transportation of traffic originating at or destined to the facilities of Baldor Electric Co., at or near Fort Smith, AR., for 180 days. Supporting shipper: Baldor Electric Co., 5711 South Seventh Street, Fort Smith, AR 72901. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 142941 (Sub-No. 16TA), filed April 7, 1978. Applicant: SCARBOROUGH TRUCK LINES, 1313 North 25th Avenue, Phoenix, AZ 85009. Applicant's representative: Lewis P. Ames, 10th Floor, 111 West Monroe, Phoenix, AZ 85003. Authority sought to operate as common carrier, by motor vehicle, over irregular routes, transporting: *Candy and confectioneries* in vehicles equipped with mechanical refrigeration (except in bulk), (1) from the facilities of E. J. Brach & Sons Inc. Division, American Home Products Corp., at Carol Stream, Chicago and Sullivan, IL, to points in AZ, CA, and NV, and (2) from Reno, NV, to points in AZ and CA, for 180 days. Supporting shipper: E. J. Brach & Sons Division, American Home Products Corp., 4656 West Kinzie Street, Chicago, IL 60644. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 143995 (Sub-No. 3TA), filed April 19, 1978. Applicant: SLOAN TRANSPORTATION, INC., 6522 West River Drive, Davenport, IA 52802. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages* from the facilities of Anheuser-Busch, Inc., at Columbus, OH, to Rock Island, IL, and Davenport, IA, under a continuing contract, or contracts, with A. D. Huesing Corp. of Rock Island, IL, and Jack's Distributing Co. of Davenport, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): A. D. Huesing Corp., 527 37th Avenue, Rock Island, IL 61201, Jack's Distributing Co., 8717 Northwest Boulevard, Davenport, IA 52806. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 144480TA, filed March 21, 1978, and published in the FEDERAL REGISTER issue of May 16, 1978, and re-

published as corrected this issue. Applicant: UNITED SUPPLIERS, INC., P.O. Box 538, Eldora, IA 50627. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Livestock confinement systems and buildings, and materials, equipment, and supplies* used in the manufacture, construction, operation, and distribution of livestock confinement systems and buildings (except commodities in bulk); (1) between Eldora, IA, on the one hand and, on the other, points in CO, IL, IN, KS, KY, MI, MN, MT, MO, NE, ND, OH, PA, SD, WI, and WY; and (2) between points in IA, CO, IL, IN, KS, KY, MI, MN, MT, MO, NE, ND, OH, PA, SD, WI, and WY. Restriction: Restricted in Part (2) above to shipments moving in mixed loads with shipments originating at or destined to Eldora, IA, and further restricted in Parts (1) and (2) above to transportation performed under continuing contract or contracts with Confinement Livestock Systems, Inc., of Eldora, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Confinement Livestock Systems, Inc., P.O. Box 497, Eldora, IA 50627. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309. The purpose of this republication is to insert OH in the territorial description.

No. MC 144564TA, filed March 29, 1978. Applicant: VERN OTTEN ENTERPRISES, INC., 2902 West 2nd Street, P.O. Box 1511, Sioux Falls, SD 57101. Applicant's representative: Mark Menard, S.D. Transport Service, Inc., 307 West 14th Street, P.O. Box 480, Sioux Falls, SD 57101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Asphalt, roofing materials, insulating materials, cement-asbestos pipe, steel toilet partitions, plastic pipe, and prefabricated chimneys*, from Sioux Falls, SD, Minneapolis and St. Paul, MN, to all points in NE, points in IA on and North of Hwy 80 and on and West of Hwy I-35, points in MN on and West of Hwy I-35, points in MT on and East of Hwy I-15, all points in ND, all points in SD and points in WY on and East of Hwy 120 and 131. (2) *Asphalt*, from Cody, WY, to all points in ME, points in IA on and North of Hwy 80 and on and West of Hwy I-35, points in MN on and West of Hwy I-35, points in MT on and East of Hwy I-15, all points in ND, all points in SD, points in WY on and East of Hwy 120 and 131. (3) *Asphalt roofing materials*, from Phillipsburg, KS, to points in

SD, MN, IA, and NE. (4) *Plastic pipe*, from Ulysses, KS, to points in SD, MN, and IA, under a continuing contract or contracts with MacArthur Co., Inc., for 180 days. Supporting shipper(s): MacArthur Co., Inc., 1416 B Avenue, P.O. Box 1547, Sioux Falls, SD 57104, James H. Nelson, Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.

No. MC 144595TA, filed April 11, 1978. Applicant: ROBERT D. ANTHOLZ d.b.a. PAWNEE GRAIN CO., Route 3, Box 42, Pawnee City, NE 68420. Applicant's representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products, particleboard, plywood, wooden products, and wooden doors*, from points in AR, CA, ID, LA, MT, OK, OR, SD, TX, and WA, to points in KS, IA, and NE. Restricted to traffic moving under a continuing contract or contracts with Braun, Ray Bros. & Finley Co. of Omaha, NE, for 180 days. Supporting shipper: Robert A. Braun, President, Braun, Ray Bros. & Finley Co., 400 Executive Building, Omaha, NE 68102. Send protests to: Max H. Johnston, Interstate Commerce Commission, 285 Federal Building, 100 Centennial Mall North, Lincoln, NE 68508. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

No. MC 144724TA, filed May 3, 1978. Applicant: WALTER J. SHEETS & SON, INC., 100 Bittle Cove, Lewisburg, WV 24901. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. Authority sought to operate as a contract carrier, by motor vehicle over irregular routes, transporting: (A)(1) *Bark, sawdust and wood chips, in bulk*; (2) *sawdust and wood chips, in bulk*; (3) *lumber*; (4) *building block and brick*; (5) *lumber and plywood*; (B)(1) those commodities named in (1) above from Ronceverte, WV to Covington, VA; (2) those commodities named in (2) above from Richwood, WV to Covington, VA; (3) those commodities named in (3) above between the plant site of J. P. Hamer Lumber Co. at Burnside and Monticello, KY; Appalachia, VA and Ronceverte, WV, on the one hand, and, on the other points in GA, IL, IN, KY, NY, NC, OH, PA, SC, TN, VA, and WV; (4) those commodities named in (4) above from Roanoke, VA to S. J. Neathawk Lumber, Inc., Lewisburg, WV; (5) those commodities named in (5) above from points in GA, NC, SC, and VA to S. J. Neathawk Lumber, Inc., Lewisburg, WV, under a continuing contract or contracts with S. J.

NOTICES

Neathawk Lumber Inc. and J. P. Hamer Lumber Co., for 180 days. Supporting shippers: J. P. Hamer Lumber Co., Div. of The Celotex Corp., P.O. Box 418, Kenova, WV 25530; S. J. Neathawk Lumber, Inc., Box 903, Lewisburg, WV 24901. Send protests to: Frances A. Ciccarello, Interstate Commerce Commission, 3109 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 144749TA, filed May 9, 1978. Applicant: VIRGIL ARNOLD CANFIELD, 799 SW, 11th Avenue, Forest Lake, MN 55025. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Carpet, carpet pads, and such commodities as are used in the installation of floor coverings from points in GA to points in the states of MN, ND, SD, MT, and WY, for 180 days. Supporting shipper: D & M Carpet Sales, P.O. Box 678, Devils Lake, ND 58301. Send protests to: Delores A. Poe, Transportation Assistant, ICC, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 144751TA, filed May 8, 1978. Applicant: RONALD D. WILSON AND RHONDA WILSON d.b.a. CARRIAGE MOBILE HOMES SALES, 2821 West Third, Elk City, OK 73644. Applicant's representative: Ronald D. Wilson, Westwood Mobile Home Park No. 69, Elk City, OK 73644. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: Mobile homes and portable buildings, supplies, equipment, materials; incidental to, or used in (A) setting up mobile homes and portable buildings and (B) the preparation of mobile homes and portable buildings for transportation, between points in OK and TX, for 180 days. Supporting shippers: El Paso Natural Gas Co., P.O. Box 987, Elk City, OK 73644; Woodward-Mobile Home Service, 28th and Oklahoma Avenue, Woodward, OK 73801; Triple AAA Rental, Box 94121, Oklahoma City, OK 73109; Falcon Engineering Co., Inc., P.O. Box 1036, Elk City, OK 73544; General Electric Credit Corp., Elk City, OK; Parker Drlg. Co., Box 94040, Oklahoma City, OK 73109. Send protests to: Haskell E. Ballard, District Supervisor, ICC, Bureau of Operations, Box F-13206 Federal Bldg., Amarillo, TX 79101.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15630 Filed 6-5-78; 8:45 am]

[7035-01]

[Notice No. 89]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 1, 1978.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. W-976 (Sub-No. 3TA). By order entered May 31, 1978, the Motor Carrier Board granted Lykes Bros. Steamship Co., Inc., New Orleans, LA, 90-day temporary authority to engage in the business of transportation by water vessel, in interstate commerce, in the transportation of nuclear reactor components, from the port of New Orleans, LA to the port of Portland, OR, via the Panama Canal. A. F. Babin, Lykes Bros. Steamship Co., Inc., 300 Poydras Street, New Orleans, LA 07130, for applicant. Any interested person may file a petition for reconsideration within 20 days of the date of this publication. Within 20 days after the filing of such petition with the Commission, any interested person may file and serve a reply thereto.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15631 Filed 6-5-78; 8:45 am]

[7035-01]

[Decisions Volume No. 4]

RULES OF PRACTICE

Order-Notice

The following applications are governed by special rule 247 of the Commission's rules of practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the FEDERAL REGISTER. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with rule 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, order, or letter which will be served on each party of record. Broadening amendments will not be accepted after June 6, 1978.

We find preliminarily that, with the exception of those applications involving duly noted problems to authorize

tion, each applicant has demonstrated that its proposed service should be authorized. This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

It is ordered:

In the absence of legally sufficient protests, filed on or before July 6, 1978 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant upon compliance with certain requirements which will be set forth in a notification of effectiveness of this order-notice. Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplicating authority shall be construed as a single operating right. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Dated: May 26, 1978.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones (Review Board Member Jones not participating).

H. G. HOMME, Jr.,
Acting Secretary.

No. MC 30844 (Sub-No. 606F), filed May 1, 1978. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Furniture, furniture parts, and materials, equipment and supplies used in the manufacture of furniture, from Archbold and Stryker, OH, to points in AL, AR, CO, CT, DE, GA, IA, KS, KY, LA, MA, MD, ME, MO, MS, NC, NE, NH, NJ, NY, OK, PA, RI, SC, TN, VA, VT, WV, and DC. (Hearing site: Chicago, IL.)

No. MC 48956 (Sub-No. 14F), filed April 23, 1978. Applicant: JAMES FLEMING TRUCKING, INC., 761 East St., Suffield, CT 06078. Representative: S. Michael Richards, P.O. Box 225, 44 North Avenue, Webster, NY 14580. Authority granted to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Canned baby food, and dry cereal, from Canajoharie, NY, to points in CT, ME, MA, NH, RI, and VT, under a continuing contract, or contracts, with Beech-Nut Foods Corp., a division of Life-Savers, Inc., of New York, NY. (Hearing site: New York, NY.)

No. MC 50493 (Sub-No. 61F), filed May 10, 1978. Applicant: P.C.M. TRUCKING, INC., 1063 Main Street, Orefield, PA 18069. Representative:

Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Fish meal, from the facilities of Zapata Haynie Corp. at Reedville, VA, to points in IN and IL. (Hearing site: Washington, DC.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its contract carrier authority in No. MC 115859.

No. MC 52704 (Sub-No. 168F), filed April 28, 1978. Applicant: GLENN MCCLENDON TRUCKING CO., INC., P.O. Drawer "H", Layfayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Glass containers and closures therefor, from Warner Robins, GA, to points in Bedford, Campbell, Carroll, Floyd, Franklin, Halifax, Henry, Montgomery, Patrick, Pittsylvania, Pulaski, and Roanoke Counties, VA; and (2) materials, equipment and supplies used in the manufacture and distribution of glass containers and closures therefor, in the reverse direction. (Hearing site: Atlanta, GA.)

No. MC 69322 (Sub-No. 8F), filed May 8, 1978. Applicant: DOBSON CARTAGE AND STORAGE CO., a corporation, 1006 East Indiana Street, Bay City, MI 48707. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Expanded plastic products (except in bulk), from the facilities of The Dow Chemical Co., at or near Midland, MI, Magnolia, AR, Pevely, MO, Hanging Rock, OH, and Channahon, IL, to points in the United States on and east of U.S. Hwy 85. (Hearing site: Washington, DC, or Chicago, IL.)

No. MC 73165 (Sub-No. 447F), filed May 8, 1978. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, AL 35202. Representative: R. Cameron Rollins (same as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Aluminum and aluminum articles, from the facilities of Revere Copper & Brass, Inc., at our near Scottsboro, AL, to points in PA, MD, DC, NY, NJ, DE, CT, RI, NH, MA, VT, and ME. (Hearing site: New Orleans, LA, or Birmingham, AL.)

No. MC 73165 (Sub-No. 448F), filed May 8, 1978. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, AL 35202. Representative: R. Cameron Rollins (same as applicant's). Authority granted to

operate as a common carrier, by motor vehicle, over irregular routes, transporting: Aluminum articles, from the facilities of Kaiser Aluminum & Chemical Corp., at or near Ravenswood, WV, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VT, VA, WI, and DC. (Hearing site: Pittsburgh, PA, or Columbus, OH.)

No. MC 73165 (Sub-No. 449F), filed May 8, 1978. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, Birmingham, AL 35202. Representative: R. Cameron Rollins (same as applicant's). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel articles, from the facilities of Wheeling-Pittsburgh Steel Corp., at or near Canfield, Yorkville, Martins Ferry, Steubenville, and Mingo Junction, OH, to points in AL, AR, GA, FL, KY, LA, MS, OK, TX, NC, SC, VA, and WV. (Hearing site: Pittsburgh, PA, or Columbus, OH.)

No. MC 85718 (Sub-No. 7F), filed April 28, 1978. Applicant: SEWARD MOTOR FREIGHT, INC., 1041 Elm Street, P.O. Box 128, Seward, NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Sodium bicarbonate, sodium carbonate, and cleaning, scouring, and washing compounds (except soda ash and commodities in bulk), from points in Sweetwater County, WY, to points in IL, IA, KS, MN, MO, NE, SD, and WI. (Hearing site: New York City, NY, or Washington, DC.)

No. MC 88594 (Sub-No. 32F), filed May 1, 1978. Applicant: CARLETON G. WHITAKER, INC., Route 17, Exit 84, Deposit, NY 13754. Representative: Martin Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs and materials and supplies used in the production and distribution of foodstuffs (except in bulk), in vehicles equipped with mechanical refrigeration, between Watertown, NY, on the one hand, and, on the other, points in DE, MD, ME, MI, NH, OH, PA, VT, and DC. (Hearing site: New York, NY, or Albany, NY.)

No. MC 94350 (Sub-No. 407F), filed May 2, 1978. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Greenville, SC 29602. Representative: Mitchell King, Jr. (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Buildings, in sections, mounted on wheeled undercarriers, from points in

Box Elder County, UT, to points in AZ, CA, CO, ID, MT, NV, NM, OR, WA, and WY. (Hearing site: Salt Lake City, UT.)

NOTE.—The carrier must satisfy the Commission that its common control possibilities are either approved by the Commission and consummated or do not require Commission approval.

No. MC 106398 (Sub-No. 803F), filed May 1, 1978. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, OK 74103. Representative: Irvin Tull, 525 South Main, Tulsa, OK 74103. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Expanded plastic products* (except in bulk), from the facilities of the Dow Chemical Co., at or near Midland, MI, Channahon, IL, Magnolia, AR, Pevely, MO, and Hanging Rock, OH, to points in the United States, on and east of U.S. Hwy 85. (Hearing site: Washington, DC.)

NOTE.—The certificate in this proceeding will be limited to a period expiring 3 years from the effective date thereof unless, not less than 2.5 years nor more than 2.75 years from the date of issuance of the certificate, applicant files a petition for the extension of said certificate and demonstrates that it has been conducting operations in full compliance with the terms and conditions of its certificate and with the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

No. MC 107002 (Sub-No. 530F), filed May 1, 1978. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry synthetic plastics*, in bulk, in tank vehicles, from Aberdeen, MS, to points in KY, OH, OK, TN, TX, AR, MO, AL, VA, and WV. (Hearing site: Memphis, TN, or Jackson, MS.)

No. MC 107515 (Sub-No. 1145F), filed May 4, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 30050. Representative: Richard M. Tettelbaum, Fifth Floor, Lenox South, 3390 Peachtree Road NE., Atlanta, GA 30326. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Medical diagnostic chemicals and kits* (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Coulter Diagnostics, Division of Coulter Electronics, at Hialeah, FL, to Elk Grove Village, IL, Detroit, MI, Minneapolis, MN, Kansas City and St. Louis, MO, and Cincinnati, OH. (Hearing site: Atlanta, GA.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC-126436 (Sub-No. 2) and other subs.

No. MC 107818 (Sub-No. 92F), filed April 23, 1978. Applicant: GREENSTEIN TRUCKING CO., 280 NW, 12th Avenue, P.O. Box 608, Pompano Beach, FL 33061. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk), from Hammondsport and Westfield, NY, and Latrobe and Philadelphia, PA, to Gainesville, Jacksonville, and St. Augustine, FL. (Hearing site: Jacksonville, FL.)

No. MC 108460 (Sub-No. 65F) filed May 2, 1978. Applicant: PETROLEUM CARRIERS CO., a corporation, P.O. Box 764, Sioux Falls, SD 57101. Representative: Gary Mundhenke (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation pipe, fittings and parts*, used in the construction and assembling of irrigation systems, between Elk Point, SD, on the one hand, and, on the other, points in AR, CO, IL, IN, IA, KS, MN, MO, NE, ND, and WI. (Hearing site: Sioux Falls, SD, or Sioux City, IA.)

NOTE.—The carrier must satisfy the Commission that its common control possibilities are either approved by the Commission and consummated or do not require Commission approval.

No. MC 109124 (Sub-No. 45F), filed May 2, 1978. Applicant: SENTLE TRUCKING CORP., P.O. Box 7850, Toledo, OH 43619. Applicant's representative: James M. Burtch, 100 East Broad Street, Suite 1800, Columbus, OH 43215. Authority granted to operate as a *common carrier*, over irregular routes, transporting: (1) *Insulation board and materials and supplies* used in the installation of insulation board, from Alexandria, IN, to points in IL, OH, PA, and WV; and (2) *plastic pipe and pipe fittings* used in the installation of plastic pipe, from Wilton, IA, to points in OH, PA, and WV. (Hearing site: Chicago, IL.)

No. MC 110525, (Sub-No. 1239F), filed May 1, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Representative: Thomas J. O'Brien (Same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicles, over irregular routes transporting: *Agricultural pesticides*, in bulk, in tank vehicles, from the facilities of Shell Chemical Co., Div. of Shell Oil Co., at or near El Paso, IL, to points in the United States (except AK, HI, and IL). (Hearing site: Houston, TX.)

No. MC 110525, (Sub-No. 1240F), filed May 1, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downing-

town, PA 19335. Representative: Thomas J. O'Brien (Same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Plastic granules, flakes, and powder*, in bulk, in tank vehicles, from Allyn's Point, CT, to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada (except points in MA, PA, NY, NJ, IN, MI, OH, and WI). (Hearing site: Cleveland, OH.)

No. MC 111812 (Sub-No. 570F), filed May 4, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Ralph H. Jinks (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from: Kansas City, MO, to points in KY, TN, MS, AL, GA, FL, NC, SC, VA, and WV, restricted to the transportation of shipments originating at the named origin. (Hearing site: Kansas City, MO.)

No. MC 112223 (Sub-No. 111F), filed April 26, 1978. Applicant: QUICKIE TRANSPORT CO., a corporation, 1700 New Brighton Boulevard, Minneapolis, MN 55413. Representative: Earl Hacking, 1700 New Brighton, Boulevard, Minneapolis, MN 55413. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and Fertilizer ingredients*, dry, in bulk, from Grand Forks, ND, to points in MN, and ND. (Hearing Site: Minneapolis or St. Paul, MN.)

No. MC 112617 (Sub-No. 389F), filed April 25, 1978. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank trucks, from Burns Harbor, IN, to points in MI, IN, IL, and OH. (Hearing site: Louisville, KY, or Washington, DC.)

No. MC 114552 (Sub-No. 159F), filed May 5, 1978. Applicant: SENN TRUCKING CO., a corporation, P.O. Drawer 220, Newberry, SC 29108. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority granted to operate as a *common carrier*, by motor vehicle,

over irregular routes, transporting: *Composition board*, from Burns Harbor, IN, to points in MN, WI, IA, IL, MO, AR, LA, MS, AL, FL, GA, SC, TN, NC, VA, KY, WV, PA, OH, MI, KS, OK, TX, and NE. (Hearing site: Boston, MA, or Washington, DC.)

No. MC 114725 (Sub-No. 87F), filed May 3, 1978. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 North 11th Street, Omaha, NE 68110. Representative: Leonard A. Jackiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Farmland Industries, Inc., at or near Hoag, NE, to points in IA, KS, and MO. (Hearing site: Omaha, NE.)

No. MC 115311 (Sub-No. 282F), filed April 19, 1978. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulation and insulating materials* (except in bulk), from the facilities of Callaway Insulation Co., in Clayton County, Ga., to points in AR, AL, FL, LA, SC, NC, VA, KY, TN, and MS; and (2) *Materials, supplies and equipment* used in the manufacture of insulation and insulating materials (except in bulk), from points in AR, AL, CA, FL, LA, SC, NC, VA, KY, TN, and MS, to the facilities of Callaway Insulation Co., in Clayton County, GA. (Hearing site: Atlanta, GA.)

No. MC 115826 (Sub-No. 310F), filed May 9, 1978. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Representative: Howard Gore (address same as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, chain grocery and food business houses*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), (1) from the facilities of Kraft, Inc., at Pocatello, ID, to points in WA, OR, CA, MT, NV, WY, UT, CO, NM, AZ, ND, SD, NE, KS, OK, MO, TX, IA, MN, WI, and IL, and (2) from points in WA, CA, MT, UT, AZ, ND, SD, NE, KS, MO, MN, WI, and IL, to the facilities of Kraft, Inc., at Pocatello, ID, restricted to the transportation of shipments originating at the named origin points and destined to the indicated destination points. (Hearing site: Boise, ID, or Salt Lake City, UT.)

No. MC 116446 (Sub-No. 6F), filed April 27, 1978. Applicant: J & R SCHUGEL TRUCKING, INC., 301

North Water Street, New Ulm, MN 56073. Representative: Robert S. Lee 1000 First National Bank Building, Minneapolis, MN 55402. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from New Prague, MN to points in IA, under a continuing contract, or contracts, with International Multifoods Corp. of Minneapolis, MN. (Hearing site: St. Paul, MN.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 125894.

No. MC 117823 (Sub-No. 55F), filed May 8, 1978. Applicant: DUNKLEY REFRIGERATED TRANSPORT, INC., 1915 South 900 West, Salt Lake City, UT 84104. Representative: John F. DeCock, 5565 East 52nd Avenue, Commerce City, CO 80022. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles) (1) from the facilities of Kraft, Inc., at Pocatello, ID, to points in CA, NV, OR, UT, and WA, and (2) from points in AZ, CA, UT, and WA, to the facilities of Kraft, Inc., at Pocatello, ID, restricted to the transportation of shipments originating at the named origin points and destined to the indicated destination. (Hearing site: Boise, ID, or Salt Lake City, UT.)

NOTE.—The carrier must satisfy the Commission that its common control possibilities are either approved by the Commission and consummated, or do not require Commission approval.

No. MC 118142 (Sub-No. 176F), filed May 8, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrolyte battery fluid*, from the facilities of Scholle Corp., Raytown, MO, to the facilities of General Battery Corp., Salina, KS. (Hearing site: Wichita, KS, or Kansas City, MO.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 124172 (Sub-No. 1).

No. MC 119789 (Sub-No. 459F), filed April 27, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: Lewis Coffey, P.O. Box 226188, Dallas, TX 75266. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*

(except in bulk), from the facilities of American Home Foods, Inc., at or near La Porte, IN, to points in MS. (Hearing site: New York, NY.)

NOTE.—The carrier must satisfy the Commission that its common control possibilities are either approved by the Commission, and consummated, or do not require Commission approval.

No. MC 119917 (Sub-No. 49F), filed May 3, 1978. Applicant: DUDLEY TRUCKING CO., INC., 247 Memorial Drive, SE., Atlanta, GA 30316. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, between the facilities of Midland Glass Co., at our near Cliffwood, NJ, on the one hand, and, on the other, Williamsburg, VA, and the facilities of Midland Glass Co., at or near Newport News and Suffolk, VA. (Hearing site: Atlanta, GA.)

No. MC 119988 (Sub-No. 142F), filed May 1, 1978. Applicant: GREAT WESTERN TRUCKING CO., INC., Hwy 103 E, P.O. Box 1384, Lufkin, TX 75901. Representative: Clayte Binlon, 1108 Continental Life Bldg., Fort Worth, TX 76102. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cooling towers and fluid coolers, and parts, attachments, and accessories* for cooling-towers and fluid coolers, from the facilities of The Marley Co., at Olathe, KS, to points in the United States (except AK, HI, and KS); and (2) *machinery, equipment, materials, and supplies* used in the construction, maintenance, production, manufacture, and distribution of the commodities named in (1) above, in the reverse direction. (Hearing site: Kansas City, KS, or Washington, DC.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 140271.

No. MC 124251 (Sub-No. 49F), filed April 20, 1978. Applicant: JACK JORDAN, INC., Hwy 41 South, P.O. Box 689, Dalton, GA 30720. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Whitfield County, GA, to points in LA and TX, and those in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi river to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the United States and Canada. (Hearing site: Atlanta, GA.)

No. MC 124821 (Sub-No. 35F), filed May 1, 1978. Applicant: WILLIAM GILCHRIST, 509 Susquehanna Avenue, Old Forge, PA 18518. Representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Authority granted as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting: *Foodstuffs*, from the facilities of C. F. Mueller Co., Jersey City, NJ, to points in MI. (Hearing site: Harrisburg, PA.)

No. MC 127579 (Sub-No. 10F), filed April 10, 1978. Applicant: HAUL-MARK TRANSFER, INC., P.O. Box 343, Cockeysville, MD 21030. Representative: Glenn M. Heagerty (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Catalogues, fliers, and such merchandise* as is dealt in by retail stores (except commodities in bulk), (1) between the facilities of Best Products Co., Inc., at Ashland, VA on the one hand and, on the other, points in MD, NJ, and PA; and (2) from the facilities of Brown Printing Co., at East Greenville, PA, to points in MD, NJ, NC, PA, VA, and DC. (Hearing site: Washington, DC.)

No. MC 129572 (Sub-No. 4F), filed April 27, 1978. Applicant: ANDICO, INC., 4291 West 3500 South Street, Granger, UT 84120. Representative: Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. Authority granted to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Pipe and pipe valves and fittings, tubing, beams, bar stock, sheet and plate metals* (except oil field and pipeline commodities as defined in *Mercer Extension—Oil Field Commodities*, 74 MCC 459), and equipment, materials and supplies used in the machining or installation of the above described commodities, between points in UT, ID, WY, MT, CO, AZ, NM, NV, CA, OR, and WA, under a continuing contract, or contracts, with Pipe & Tube, Inc., of Granger, VT. (Hearing site: Salt Lake City, UT.)

No. MC 133095 (Sub-No. 186F), filed May 1, 1978. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Rocky Moore, P.O. Box 434, Euless, TX 76039. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packing houses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, (except hides, and commodities in bulk), from the facilities of John Morrell & Co., at or near El Paso, TX, to points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI,

VT, VA, and WV, restricted to the transportation of shipments originating at the named origin and destined to the indicated destinations. (Hearing site: Dallas, TX, or Chicago, IL.)

No. MC 133095 (Sub-No. 188F), filed May 1, 1978. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Rocky Moore, P.O. Box 434, Euless, TX 76039. Authority granted to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as defined in sections A and C of Appendix I to the report in Description in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Wilson Foods Corp., at Oklahoma City, OK, to points in CA, restricted to the transportation of shipments originating at the named origin and destined to the indicated destinations. (Hearing site: Dallas, TX.)

No. MC 134501 (Sub-No. 27F), filed May 1, 1978. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK 73112. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New household appliances and equipment* (except new kitchen equipment) from Louisville, KY, to points in the United States (except AK and HI). (Hearing site: Louisville, KY, or Washington, DC.)

No. MC 134922 (Sub-No. 263F), filed April 27, 1978. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Representative: Bob McAdams (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Small arms ammunition*, between Bridgeport, CT, on the one hand, and, on the other, points in AR, MS, and LA. (Hearing site: Washington, DC.)

NOTE.—Certificate shall be limited, in point of time, to a period expiring 5 years from the date of issuance of the certificate.

No. MC 134978 (Sub-No. 16F), filed May 2, 1978. Applicant: C. P. BELUE d.b.a. BELUE'S TRUCKING, Route 6, Spartanburg, SC 29303. Representative: Mitchell King, Jr., P.O. Box 1628, Greenville, SC 29602. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials* (except commodities in bulk in tank vehicles), from points in Greene County, TN, to points in GA, NC, SC, and VA. (Hearing site: Charlotte, NC.)

No. MC 135213 (Sub-No. 13F), filed April 8, 1978. Applicant: JOE GOOD,

d.b.a. GOOD TRANSPORTATION, P.O. Box 335, Lovell, WY 82431. Representative: John T. Wirth, 2310 Colorado State Bank Building, 1800 Broadway, Denver, CO 80202. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Gypsum wall-board*, from the facilities of Dry Wall Supply, Inc., at Rosario, NM, to points in CO, under a continuing contract, or contracts, with Dry Wall Supply, Inc., of Denver, CO. (Hearing site: Denver, CO.)

No. MC 135234 (Sub-No. 12F), filed April 28, 1978. Applicant: TRENCO, INC., 2109 Marydale Avenue, P.O. Box 697, Williamsport, PA 17701. Representative: E. Stephen Heasley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Electrical cable and aluminum rod*, from the facilities of Alcan Aluminum Corp., at Williamsport, PA, to points in the United States (except AK and HI), and (2) *materials and supplies* used in the manufacture or distribution of electrical cable and aluminum rod (except in bulk), from points in the United States (except AK and HI), to Williamsport, PA, under a continuing contract, or contracts, with Alcan Aluminum Corp., of Cleveland, OH. (Hearing site: Washington, DC.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under No. MC 133085.

No. MC 138157 (Sub-No. 68F), filed May 2, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. Southwest Motor Freight, 2931 South Market Street, Chattanooga, TN 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TN 37412. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Adhesives, adhesive cement, fabricated and shaped metal articles, building materials, polyurethane, plastic and fiberglass articles, and materials, equipment, and supplies* used in the manufacture, distribution, production, and installation of the above-named commodities (except commodities in bulk, in tank vehicles, and those which require the use of special equipment), between the facilities of Kinkead Industries, Inc., at or near Garden Grove, CA, Kewanee and McCook, IL, Johnson Creek and Oconomowoc, WI, and Union City, TN, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of shipments originating at or destined to the named facilities. (Hearing site: Chicago, IL.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in

objectionable dual operations because of its authority under MC 134150 (Sub-Nos. 2, 3, 6, and 8). The carrier must further satisfy the Commission that its common control possibilities are either approved by the Commission, and consummated, or do not require Commission approval.

No. MC 138627 (Sub-No. 32F), filed May 1, 1978. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Russell J. Hilken (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Portage, IN, to points in IA, NE, MO, and those in IL on and south of U.S. Hwy 36. (Hearing site: Chicago, IL, or Omaha, NE.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 66955.

No. MC 138882 (Sub-No. 73F), filed May 4, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, (1) from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at Pittsburgh, PA, and Fremont and Toledo, OH, to points in AL, FL, GA, LA, MS, NC, SC, and TN; and (2) from the facilities of Heinz U.S.A., Division of H. J. Heinz Co., at Pittsburgh, PA, to points in KY, restricted to the transportation of shipments originating at the named origins and destined to the indicated destinations. (Hearing site: Washington, DC.)

No. MC 140024 (Sub-No. 106F), filed May 2, 1978. Applicant: J. B. MONTGOMERY, INC., 5565 East 52d Avenue, Commerce City, CO 80022. Representative: John F. DeCock (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Confectionery* (except in bulk), (a) from Philadelphia, PA, to points in CA, CO, IL, MI, OH, and TX, and (b) from Chicago, IL, to points in CA, CO, MI, OH, and TX. (Hearing site: New York, NY.)

No. MC 140024 (Sub-No. 111F), filed May 4, 1978. Applicant: J. B. MONTGOMERY, INC., 5565 East 52d Avenue, Commerce City, CO 80022. Representative: John F. DeCock (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Jersey City, NJ, to points in IL, IN, MI, and OH. (Hearing site: New York, NY.)

No. MC 140024 (Sub-No. 112F), filed May 5, 1978. Applicant: J. B. MONT-

GOMERY, INC., 5565 East 52d Avenue, Commerce City, CO 80022. Representative: John F. DeCock (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs* in vehicles equipped with mechanical refrigeration, from Philadelphia, PA, to points in CA, CO, IL, IN, KS, LA, MI, MN, MO, NE, OH, OR, TX, and WA. (Hearing site: Philadelphia, PA.)

No. MC 141932 (Sub-No. 2F), filed May 8, 1978. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, MA 02339. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from the facilities of McCain Foods, Inc., at Washburn, Easton, and Portland, ME, to points in AL, DE, FL, GA, KY, MD, NJ, NY, NC, PA, SC, TN, VA, and DC, and (2) from the facilities of Potato Service, Inc., at Bangor, Portland, and points in Aroostook County, ME, to points in AL, DE, DC, FL, GA, KY, LA, MD, NJ, NY, NC, NM, PA, SC, TN, TX, VA, and WV. (Hearing Site: Portland, ME, or Boston, MA.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 129600 and sub-numbers thereunder.

No. MC 142508 (Sub-No. 19F), filed May 3, 1978. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68137. Representative: Joseph Winter, 33 North LaSalle, Suite 2108, Chicago, IL 60602. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from the facilities of Joseph Schlitz Brewing Co., at Milwaukee, WI, to Omaha, NE, and Council Bluffs, IA. (Hearing site: Omaha, NE, or Lincoln, NE.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 134734 and subs thereunder.

No. MC 142831 (Sub-No. 7F), filed April 28, 1978. Applicant: HAMRIC TRANSPORTATION, 3318 East Jefferson, P.O. Box 1124, Grand Prairie, TX 75050. Representative: Lawrence A. Winkle, Suite 1125 Exchange Park, P.O. Box 45538, Dallas TX 75245. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from facilities of Merco Manufacturing, Inc., (1) at Dallas and Houston, TX, to points in AR, LA, OK, NM, KS, CO, MO, and MS, and (2) at Little Rock, AR, to points in OK, TX, and LA. (Hearing site: Dallas, TX.)

No. MC 142999 (Sub-No. 5F), filed May 1, 1978. Applicant: TRANSPORT MANAGEMENT SERVICE CORP., Route 332 and Terry Drive, Newtown, PA 18940. Representative: Ronald N. Cobert, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority granted to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), from Mapleton and Peoria, IL, Gary, IN, and Ashton, RI, to Canoga Park, Hayward, and Oakland, CA, under a continuing contract, or contracts, with Lonza, Inc., of Fairlawn, NJ. (Hearing site: Washington, DC.)

No. MC 144207 (Sub-No. 1F), filed April 24, 1978. Applicant: SOUTHWEST TRANSPORT, INC., Hwy 8 East, P.O. Box 806, Mena, AR 71953. Representative: Troy R. Douglas, 15 Court Street, Fort Smith, AR 72901. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, equipment, and supplies* used in the construction, erection, and installation thereof, and building materials (except commodities in bulk), from the facilities of Arkansas Log Homes, Inc., at or near Mena, AR, to points in the United States (except AK and HI). (Hearing site: Mena, AR.)

No. MC 144676 F, filed April 28, 1978. Applicant: M & S TRANSPORT LINES, INC., P.O. Box 417, Sultana, CA 93666. Representative: Dwight L. Koerber, Jr., Suite 805, 666 11th Street NW., Washington, DC 20001. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wheelchair lifts, and equipment for the handicapped*, from the facilities of Environmental Equipment Corp., at San Leandro, CA, to points in the United States (except AK and HI), restricted to the transportation of shipments originating at the named origin. (Hearing site: San Francisco, CA, or Washington, DC.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 14316.

No. MC 144693F, filed April 27, 1978. Applicant: GLENN'S TRUCK SERVICE, INC., No. 1 Produce Row, St. Louis, MO 63102. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the facilities of Sunmark, Inc., at St. Louis, MO, and Itasca, IL, to points in AZ, NM, CO, UT, ID, WA, OR, CA, NV, and KS, restricted to the transportation of shipments originating at the named origins. (Hearing site: St. Louis, MO.)

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NOTICES

No. MC 144694F, filed May 1, 1978.
Applicant: RIVERSIDE TRUCKING, INC., P.O. Box 544, Pell City, AL 35125. Representative: Ronald L. Stichweh, 727 Frank Nelson Building, Birmingham, AL 35203. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *clay, clay products, refractories, refractory products*, and (b) *equipment and supplies* used in the installation of the commodities in (1)(a) from the facilities of Riverside Clay Co., at or near Pell City, AL, to points in the United States (except AK and HI); and (2) *machinery, materials, and supplies* used in the manufacture of the commodities named in (1) above, in the reverse direction, under a continuing contract, or contracts, with Riverside Clay Co., of Pell City, AL. (Hearing site: Birmingham, AL, or Washington, DC.)

[FR Doc. 78-15522 Filed 6-5-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

Commodity Credit Corporation.	Items 1
Commodity Futures Trading Commission	2
Equal Employment Opportunity Commission.....	3
Federal Energy Regulatory Commission	4
Federal Reserve System	5
National Science Board	6
Renegotiation Board	7

[3410-05]

COMMODITY CREDIT CORPORATION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 23084, May 30, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., June 6, 1978, Room 2-W, Administration Building, U.S. Department of Agriculture, Washington, D.C.

STATUS: Opened and closed.

CHANGES IN THE MEETING:

1. Additional agenda item (number 8).
2. Closure of a portion of the meeting.
3. Revision of the presentation order previously announced as follows:

1. Minutes of CCC Board meeting on March 18, 1978, and adjourned meeting on March 27, 1978.
2. Report re Implementation of section 1420 of the Food and Agriculture Act of 1977 (hydrocarbons).
3. Docket TCP 105 re 1978-crop soybean loan and purchase program.
4. Docket TCP 72a, Amendment re 1978-cotton loan and payment program (upland).
5. Docket TCP 31a re 1978-crop peanut loan and purchase program.
6. Docket TCP 40a re 1978 tobacco loan program.
7. Docket TCO 33a re Research on the storage of rough rice.
8. Memorandum re Changes to the Pub. L. 480 Docket CCC Resolution No. 15, CZ-266.

CLOSED PORTION OF MEETING:

9. Docket TCP 137a re 1978-crop barley, corn, oats, rye, sorghum and wheat loan, purchase, payments, set-aside and land diversion programs.
10. Docket TCP 33a re 1978-crop rice loan, purchase and payment program.
11. Docket TCP 110a, 1978-crop flaxseed purchase agreement program.
12. Docket TCS 313 re Purchase of wheat.

CONTACT PERSON FOR MORE INFORMATION:

Bill Cherry, Secretary, Commodity Credit Corporation, Room 202-W, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20013, telephone 202-447-7583.

SUPPLEMENTARY INFORMATION:

The following members of the Board have determined that Board business requires the closure of a portion of the meeting and that no earlier announcement of the change was possible:

1. Bob Bergland, Secretary of Agriculture, Chairman.
2. P. R. Smith, Member.
3. Ray Fitzgerald, Member.
4. M. Rupert Cutler, Member.
5. Dale E. Hathaway, Member.

[S-1166-78 Filed 6-2-78; 11:50 am]

[6351-01]

COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 24168.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., June 6, 1978.

CHANGES IN THE MEETING:

- Additions to the open session:
- Petition for general exemption from the provisions of Regulation Section 32.11 from Rosenthal & Co. and Dowdex Corp. Petition/Mocatta Metals Corp. and Mocatta Quality Corp.
- Leverage Contracts/Legislative Alternatives.

[S-1163 Filed 6-2-78; 11:50 am]

[6570-06]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 11 a.m. (eastern time), Tuesday, June 6, 1978.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

1. Report on the development of a program in district offices to investigate and conciliate Commissioners' charges of systemic discrimination.
2. Litigation authorization; General Counsel recommendations; Matters closed to the public under section 1612.13(a) of the Commission's regulations (42 FR 13830, March 14, 1977).

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This notice issued May 30, 1978.

[S-1167 Filed 6-2-78; 3:32 pm]

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published June 5, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., June 7, 1978.

CHANGE IN THE MEETING: The following items have been added:

- Item No., Docket No., and Company
- P-4.—DA-222—Washington, Bureau of Land Management.
- M-3.—Inflated Rate Increase Filings.
- CP-7.—CP78-123, et al., Northwest Alaskan Pipeline Co.

KENNETH F. PLUMB,
Secretary.

[S-1169-78 Filed 6-2-78; 3:32 pm]

[6210-01]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 11 a.m., Friday, June 9, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposal for improving internal security.
2. Any agenda items carried forward from a previously announced meeting.

Registered

24654

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: June 1, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[S-1165-78 Filed 6-2-78; 11:50 am]

[7555-01]

6

NATIONAL SCIENCE BOARD.

DATE and TIME: June 15, 1978; open session 8:30 to 10 a.m. and 4:30 to 6:30 p.m. June 16, 1978; open session 8:30 to 11 a.m., closed session 11 a.m. to 12:30 p.m.

PLACE: National Center for Atmospheric Research, Boulder, Colo.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED AT THE OPEN SESSION:

1. Minutes—Twenty-eighth Annual (198th) Meeting.
2. Chairman's Report.
3. Director's Report:
 - (a) Report on grant and contract activity—May 17-June 13;
 - (b) Organizational and staff changes;
 - (c) Congressional and legislative matters;
 - (d) NSF budget for fiscal year 1979; and
 - (e) Other items.
4. Board Committees—Reports on meetings:
 - (a) Executive Committee;
 - (b) Committee on Twelfth NSB Report; and
 - (c) Ad Hoc Committee on Audit and Oversight.
5. NSF advisory groups and annual review—Report on meeting and board representation at future meetings.
6. Other business.
7. Next meetings.
 - a. National Science Board—August 17-18;
 - b. NSB committees; and
 - c. Program review.
8. Introduction to planning environment review.
9. Interim reports of task forces.
10. Final reports of task forces.

SUNSHINE ACT MEETINGS

MATTERS TO BE CONSIDERED AT THE CLOSED SESSION:

- A. Minutes—Closed session—Twenty-eighth Annual (198th) Meeting.
- B. NSF budgets for fiscal year 1980 and subsequent years.
- C. NSB annual reports.
- D. Report on NSB nominees.

CONTACT PERSON FOR MORE INFORMATION:

Miss Vernice Anderson, Executive Secretary, 202-632-5840.

[S-1168-78 Filed 6-2-78; 3:32 pm]

[7916-01]

7

THE RENEGOTIATION BOARD.

DATE and TIME: Thursday, May 25, 1978; 2 p.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20046.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Special Board Meeting concerning: Court of Claims case: Galion Amco, Inc., fiscal years 1967, 1968 and 1969.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: June 1, 1978.

GOODWIN CHASE,
Chairman.

[S-1164-78 Filed 6-2-78; 11:50 am]

[7590-01]

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of June 5, 1978.

PLACE: Commissioner's conference room, 1717 H Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

WEDNESDAY, JUNE 7

- 2 p.m.—Discussion of petitions to review ALAB-471 (Seabrook) (approx. 1 hr.) (Closed—Exemption 10.)

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

MAY 31, 1978.

[S-1173-78 Filed 6-5-78; 11:18 am]

[7590-01]

9

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of June 5, 1978.

PLACE: Commissioners' conference room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

THURSDAY, JUNE 8

- 2 p.m.—Discussion of draft testimony on waste management legislation (approx. 2 hrs.). (Public meeting.) (Tentative.)

NOTE.—Corrections to previous announcements.

TUESDAY, JUNE 8

- 2 p.m.—Item 1 will be held closed—exemption 1 (had previously been announced as open, portions may be closed).

WEDNESDAY, JUNE 7

- 2 p.m.—Correct meeting title is: Discussion of stay motion in Seabrook (ALAB-471) (had previously been announced as discussion of draft opinion in ALAB-471 (Seabrook)).

CONTACT PERSON FOR MORE INFORMATION:

Roger Tweed, 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

JUNE 1, 1978.

[S-1174-78 Filed 6-5-78; 11:18 am]

TUESDAY, JUNE 6, 1978
PART II



DEPARTMENT OF
HOUSING AND
URBAN
DEVELOPMENT

Office of Assistant
Secretary for Community
Planning and
Development

COMMUNITY
DEVELOPMENT BLOCK
GRANTS

Categorical Program
Settlement Grants

[4210-01]

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(Docket No. R-78-540)

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Categorical Program Settlement Grants

AGENCY: Department of Housing and Urban Development.

ACTION: Interim rule.

SUMMARY: The rule contains requirements for funding the financial settlement and, to the extent feasible, the completion of projects assisted under the categorical grant programs terminated by Congress in 1974. Primarily involved are renewal projects assisted under the Housing Act of 1949. The purpose of the rule is to implement Title I of the Housing and Community Development Act of 1977, Section 103(d)(2).

DATES: Effective date: June 6, 1978; comments due: July 6, 1978.

ADDRESS: Interested persons should file written comments on or before due date with the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 5218, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Thomas Terrell, Urban Renewal Closeout Task Force, HUD/Community Planning and Development, Room 7186, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-1871.

SUPPLEMENTARY INFORMATION: This Subpart H is being promulgated as interim rule effective upon publication to enable applicants to maintain the progress schedules adopted locally for achievement of categorical projects and to enable the Department to meet its responsibility for reviewing and approving fiscal year 1978 applications in a timely manner. The Department recognizes that the inability to maintain such progress schedules would adversely affect the local and Federal interest in the projects. Accordingly, the Assistant Secretary for Community Planning and Development has determined that it is impracticable to follow a notice of proposed rulemaking procedure and that good cause exists for making these rules effective upon publication. However, interested persons

are invited to participate in the making of the final rule by providing written comments. All comments received by July 6, 1978, will be considered in the development of the final rule. Such comments should be filed with the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 5218, 451 Seventh Street SW., Washington, D.C. 20410. Copies of comments received will be available for inspection and copying at that address.

The Department has determined that an environmental impact statement is not required with respect to this rule. A copy of the Finding of Inapplicability is available for inspection in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

The major issues in the proposed rule are covered in the following discussion.

EXCLUSION OF MODEL CITIES AND PUBLIC FACILITY LOAN PROJECTS

The purpose of the grants is to provide supplemental assistance for the financial settlement and, to the extent feasible, the completion of categorical projects and programs terminated by Section 116(a) of the Housing and Community Development Act of 1974, primarily urban renewal projects. The Model Cities and Public Facility Loans programs were included in those terminated by the 1974 Act; however, HUD has determined projects related to these programs to be adequately funded and will not consider applications for supplemental assistance for such projects.

ELIGIBLE APPLICANTS

Subject to the requirements set forth in § 570.482, eligible applicants include units of general local government that have incomplete, financially settled urban renewal projects, as well as those with projects operating under the HUD categorical program contract.

BLOCK GRANT CONTRIBUTIONS

Section 570.483(b)(2) indicates that applicants with block grant entitlements are expected to provide, as a minimum, the equivalent of 20 percent of entitlements to be received for the program years 1978-1980, to meet project funding needs. The percentage equates with that portion of entitlement grants which the Secretary is authorized to apply, without the request of the applicant, to settle outstanding loans for urban renewal projects which cannot be completed without additional grants, pursuant to Section 112(a) of the 1974 Act. Since the categorical program settlement grants are

being provided for funding projects which cannot be financially settled or completed without supplemental assistance, the 20 percent contribution requirement is an equitable and reasonable standard for all applicants.

FUNDING CONSIDERATION

Section 570.485(b) establishes a priority for funding consideration which is consistent with the language of the statute which stresses financial settlement, then completion, primarily for urban renewal projects.

REPAYMENT OF GRANTS

Section 570.486 provides for repayment to HUD of categorical program settlement grants in certain circumstances. HUD recognizes that some applicants incur additional costs, primarily interest costs, due to the inability to market project land and retire loan obligations on a timely basis. To the extent that grants represent future land proceeds, applicants are required to repay such grants after marketing project land.

Accordingly, 24 CFR Part 570 is amended to add a new Subpart H to read as follows:

Subpart H—Categorical Program Settlement Fund

Sec.
570.480 Purpose.
570.481 Definitions.
570.482 Eligible applicants.
570.483 Applicants.
570.484 Submission of applications.
570.485 Funding considerations.
570.486 Repayment of categorical program settlement grant.
570.487 General provisions.

Subpart H—Categorical Program Settlement Grants

§ 570.480 Purpose.

The purpose of categorical program settlement grants is to provide supplemental assistance for the financial settlement and, to the extent feasible, the completion of projects assisted under certain categorical programs terminated by section 116(a) of the Housing and Community Development Act of 1974, primarily urban renewal projects. These programs are those assisted under title I of the Housing Act of 1949, as amended (urban renewal and neighborhood development), section 702 and section 703 of the Housing and Urban Development Act of 1965 (water and sewer, neighborhood facilities), and title VII of the Housing Act of 1961 (open space).

§ 570.481 Definitions.

The following definitions apply only to this subpart:

(a) "Completion of project" means the completion of the activities approved for the project in the HUD funding contract for assistance under

the categorical program, and with respect to urban renewal projects, includes the repayment of project temporary loans and the sale of project land.

(b) "Financial settlement" means the financial settlement of urban renewal projects according to the provisions of Subpart N, § 570.803.

§ 570.482 Eligible applicants.

(a) Eligible applicants are units of general local government, in which projects assisted under one of the terminated categorical programs are located, which cannot financially settle or complete such projects without supplemental financial assistance.

(b) Units of general local government that financially settled an urban renewal project under the provisions of Subpart N of this Part may be considered eligible provided the following additional requirements are met:

(1) The project is still in the execution phase under state and local law;

(2) The applicant has not received an urgent needs grant under § 570.401 for the project;

(3) The grant requested will not be substituted for any surplus funds which were available for completion of the project at financial settlement and all such surplus funds, or an equivalent amount of other block grant funds, have been or will be applied to the completion of the project;

(4) The applicant is in compliance with any remaining requirements under a closeout agreement, including any housing requirements, executed pursuant to a financial settlement under subpart N.

§ 570.483 Applications.

Applications shall be transmitted to the appropriate HUD Area Office and shall include the following:

(a) A completed standard form 424, Application for Federal Assistance (short form). Section IV of form 424, Remarks, shall include a statement which indicates whether the supplemental funding assistance will enable applicant to accomplish financial settlement or completion and the proposed settlement or completion date.

(b) A summary of the funding assistance required, shown as the difference between funding needs and funding resources.

(1) *Project funding needs.* Applicants shall list amounts for direct Federal loans, Federally-guaranteed loans, other loans or incurred obligations payable, project activities to be funded, and miscellaneous funding needs. If project activities are included, a separate schedule shall be prepared which shows detailed descriptions and the respective cost estimates and anticipated completion dates. In general, only those activities which were authorized for assistance in the

HUD-approved funding contract under the categorical programs will be eligible for consideration. However, project activities in a conventional urban renewal plan which was converted to a Neighborhood Development Program (NDP) are eligible for consideration to the extent they positively affect the viability of the project, whether or not they were previously authorized for assistance in such funding contracts. Project funding needs may not include costs for noncash local grant-in-aid activities.

(2) *Project funding resources.* Applicants shall list amounts for accounts receivable, cash on hand, unpaid Federal grants, any unpaid cash local share for the project and any other funding resources to be made available. Applications for the completion of urban renewal projects shall also list anticipated land proceeds for each year through fiscal year 1980; and applications for financial settlements shall list anticipated land proceeds to the date of settlement. The equivalent of 20 percent of an applicant's block grant entitlement from 1978-1980 shall be or shall have been provided to meet funding needs.

(c) A schedule showing, for applications for the completion of urban renewal projects, estimated land proceeds after FY 1980 through the completion of the project; and, for applications for financial settlement, all estimated land proceeds after the settlement.

(d) A statement indicating action taken to minimize the need for supplemental assistance. Program alternatives which were rejected shall be reported along with the reasons for the rejection.

(e) Certifications required pursuant to § 570.307 concerning the legal authority of the applicant; action by the local governing body; A-95; NEPA; FMC 74-4 and OMB Circular A-102; labor standards; HUD requirements; flood hazards; equal opportunity; opportunities for training, employment and contracts for residents of the project area; real property acquisition; relocation; standards of conduct; Hatch Act; access to books and records; EPA's list of violating facilities; flood insurance purchase requirements; and historic preservation.

(f) A statement showing the status of environmental review of the project. If the environmental review for the project has not been completed, the status of any required environmental actions pursuant to 24 CFR part 58 shall be shown for each activity listed in the schedule of activities submitted pursuant to § 570.483(b)(1).

§ 570.484 Submission of applications.

(a) Applications will be accepted in the appropriate area office on or after the effective date of this rule and may

be submitted at any time during the fiscal year. Funding selections will be made twice annually for fiscal years 1979 and 1980. The final rule will include information on submission deadlines for those years.

(b) Funding selections for fiscal year 1978 will be made by May 31 and August 31. Urgent needs applications will be considered for funding by May 31. Applications submitted pursuant to these regulations will be considered for funding by August 31 provided they are received by July 14. Applicants will be notified as to the status of their requests promptly after funding selections are made.

§ 570.485 Funding considerations.

(a) *General criterion.* The general criterion for funding consideration is that financial settlement or completion of a project cannot be accomplished without grant assistance under this subpart if the project funding needs are in excess of the funding resources, as listed under § 570.483(b). The Secretary may approve a grant in an amount less than the funding assistance established pursuant to § 570.483(b), taking into account the funding priority needs of other applicants and the availability of funds under this Subpart; the feasibility of a reduction in the scope of any proposed activities; the land disposition proceeds listed pursuant to § 570.483(c); and any other appropriate considerations consistent with the objectives of this subpart.

(b) *Purpose of grant.* Priority for funding consideration will be determined by the purpose for which the grant will be used. In this context, all grants will be considered to be for either or both of two purposes.

(1) To achieve financial settlement.

(2) To complete project activities necessary to achieve the applicant's desired level of project completion.

(c) *Funding priority.* Applicants will be given consideration for funding in the following order of priority:

(1) Non-entitlement applicants with renewal projects requiring funds for the purpose stated in paragraph (b)(1).

(2) Applicants with entitlements that phase out in 1980 with renewal projects that require funds for the purpose stated in paragraph (b)(1).

(3) Entitlement applicants with renewal projects requiring funds for the purpose stated in paragraph (b)(1).

(4) Applicants with renewal projects that require funds for the purpose stated in paragraph (b)(2).

(5) Applicants with projects other than renewal projects that require funds for the purpose stated in paragraph (b)(2).

(d) *Combined purpose funding.* A request for funds to be used for both purposes stated in paragraph (b) will

RULES AND REGULATIONS

be considered as though separate applications had been made for each purpose and the proposed activities will be given the appropriate priority consideration.

§ 570.486 Repayment of categorical program settlement grant.

An applicant receiving a grant under this Subpart shall be required to make repayments up to the amount of the grant from the land proceeds described in § 570.483(c) which are realized, provided that any reasonable expenses incurred in the disposition of such land may be deducted from the proceeds. The repayments shall be made annually from proceeds received by the grant recipient. With respect to grants for financial settlements, the repayment obligation shall be included in the terms of the closeout agreement notwithstanding the provisions of § 570.804(b)(7)(i) of subpart N; and, with respect to grants made for proj-

ect completions, in the funding agreement.

§ 570.487 General provisions.

(a) The Secretary reserves the right to impose such other conditions in approving categorical program settlement grants as are deemed appropriate in furthering the objectives of this subpart.

(b) Any settlement grants which are found to be in excess of actual needs on financial settlement or completion of the project shall be returned to HUD.

(c) The failure to comply substantially with requirements applicable to this Subpart, or the schedule of activities listed under § 570.483(b)(1), may result in the termination of the grant and the recapture of any remaining funds which have not been obligated by the recipient for the purposes, and in accordance with the requirements, with respect to which the grant was provided.

(d) Any activities for which environmental review actions are shown as incomplete under § 570.483(f) shall be conditionally approved, and the utilization of funds for such activities shall be restricted subject to the requirements for the release of funds pursuant to 24 CFR part 58.

(e) The provision of a grant under this subpart shall not serve to increase the local share requirements of the project.

(f) The provisions of Subparts J, K, N, and O apply to this subpart, except to the extent they are specifically modified or augmented by the provisions of this subpart.

(Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535 (d).)

Issued at Washington, D.C., May 31, 1978.

ROBERT C. EMBRY, Jr.,
Assistant Secretary for Community Planning and Development.

[FR Doc. 78-15629 Filed 6-5-78; 8:45 am]

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WEDNESDAY, JUNE 7, 1978



highlights

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

For workshops in Washington, D.C. and out of town, see notice on inside front cover.

SUNSHINE ACT MEETINGS 24789

U.S. TAX COURT NOMINATING COMMISSION

Executive order establishing 24661

U.S. COURT OF MILITARY APPEALS NOMINATING COMMISSION

Executive order establishing 24659

PESTICIDES

EPA establishes exemptions from tolerance for residues of sodium chlorate on corn grain, fodder, and forage and safflower seed; effective 6-7-78 24692

INSECTICIDES

EPA proposes to revoke interim tolerance for residues of parathion or its methyl homolog on rye grain; comments by 7-7-78 24714

OUTER CONTINENTAL SHELF OIL, GAS, AND SULPHUR OPERATIONS

Interior/GS proposes a State Consultation List; comments by 6-30-78 24710

POLYCHLORINATED BIPHENYLS (PCBs)

EPA proposes to prohibit manufacturing, processing, distribution, and use; comments by 8-7-78; hearing 8-21-78 (Part III of this issue) 24802

POLYCHLORINATED BIPHENYLS AND FULLY HALOGENATED CHLOROFLUOROALKANES

EPA provides preliminary guidance for exporters; effective 6-7-78 (Part III of this issue) 24818

OLD AGE, DISABILITY, DEPENDENT'S OR SURVIVORS' BENEFITS

HEW/SSA simplifies eligibility rules; effective 6-7-78 (Part II of this issue) 24794

ACCOUNTING AND AUDITING SERVICES

SBA defines a small business for the purpose of Government procurements; comments by 7-7-78 24697

FEDERAL RESERVE BANKS

FRS amends rules on actions and responsibilities of reserve bank directors; effective 5-31-78 24667

CONTINUED INSIDE

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for June are being accepted for the free Friday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L Street NW., Washington, D.C. in room 9409 from 9 to 11:30 a.m.

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(Each session identical).

WHERE: Room 269, U.S. Post Office Building, 1823 Stout Street, Denver.

RESERVATIONS: Call Liz Stout, Area Code 303-837-3602.

FRANKFORT, KENTUCKY

WHEN: June 16, 1978 at 9 a.m.
(Each session identical).

WHERE: Capitol Plaza Tower Auditorium.

RESERVATIONS: Office for Policy and Management, Commonwealth of Kentucky, Area Code 502-564-7300.

LOS ANGELES, CALIFORNIA

WHEN: June 21, 22, and 23, 1978, at 9 a.m.
(Each session identical)

WHERE: Room 8544, Federal Bldg., 300 N. Los Angeles St.

RESERVATIONS: Call Evelyn Tirre, 213-688-3800.

SAN FRANCISCO, CALIFORNIA

WHEN: June 21, 22, and 23, 1978, at 9 a.m.
(Each session identical)

WHERE: Conference Rooms C and D, Environmental Protection Agency, 215 Fremont Street.

RESERVATIONS: Call Area Code 415-556-6600.

SEATTLE, WASHINGTON

WHEN: June 16, 1978, at 9 a.m.

WHERE: South Auditorium, 4th Floor, Federal Building, 915 2nd Avenue, Seattle.

RESERVATIONS: Call Patrick Brito or Susan Fuller, Area Code 206-442-4905.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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FEDERAL REGISTER, VOL. 43, NO. 110—WEDNESDAY, JUNE 7, 1978

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Public Inspection Desk	523-5215
Finding Aids	523-5227
Public Briefings: "How To Use the Federal Register."	523-3517
Code of Federal Regulations (CFR) ..	523-3419
	523-3517
Finding Aids	523-5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents	523-5235
Index	523-5235

PUBLIC LAWS:

Public Law dates and numbers	523-5266
	523-5282
Slip Laws	523-5266
	523-5282
U.S. Statutes at Large	523-5266
	523-5282
Index	523-5266
	523-5282

U.S. Government Manual	523-5230
Automation	523-3408
Special Projects	523-4534

HIGHLIGHTS—Continued

FUEL ADDITIVES

EPA announces hearing on use of methyl cyclopentadienyl manganese tricarbonyl (MMT); hearing 6-27 through 6-30-78. 24742

ONE-CENT COINS

Treasury revokes prohibition on exportation, melting or treating; effective 6-7-78. 24691

SPECIAL TONNAGE TAX AND LIGHT MONEY

Treasury/Customs adds the Republic of Surinam and Qatar to the list of exempt nations; effective 11-25-75 Surinam; effective 3-4-76 Qatar. 24670

SBA APPROVED LOANS

SBA announces maximum interest rates; effective 6-5-78. 24761

PRIVACY ACT OF 1974

DOD/DIA proposed to update its policies and procedures; comments by 7-7-78. 24711
Interior modifies a system of records. 24748

CARGO ANTI-THEFT SECURITY

DOT adopts standard on handling of high-value or sensitive cargoes; effective 6-7-78. 24692

TV TOWERS

FCC begins inquiry on shared use by VHF-TV and UHF-TV stations; comments by 7-3-78; reply comments by 7-24-78. 24717

RAIL SERVICES

ICC considers certain exemptions from its regulations; comments by 7-17-78. 24718

GENERAL RAILROAD CAR DEMURRAGE RULES AND CHARGES

ICC makes a change in the tariff format; effective 5-26-78. 24694

POWER LAWN MOWERS

CPSC extends the time it must issue or withdraw final safety standards; comments by 12-29-78. 24697

1978 CROP SUGARBEETS AND SUGARCANE

USDA/CCC sets forth terms and conditions of price supports; effective 6-7-78. 24663

MEETINGS—

CRC: Florida Advisory Committee, 8-4-78	24721
Idaho Advisory Committee, 6-24-78	24721
Maryland Advisory Committee, 6-24-78	24721
Michigan Advisory Committee, 6-28-78	24721
New Hampshire Advisory Committee, 6-27-78	24722
Pennsylvania Advisory Committee, 6-23-78	24722
Commerce/ITA: Computer Systems Technical Advisory Committee, Hardware Subcommittee, 6-20 and 6-21-78	24723
EPA: Grants for construction for municipal wastewater treatment works, 6-78	24713
FCC: Private Land Mobile Advisory Committee, 6-26-78	24747
1979 World Administrative Radio Conference Satellite Broadcasting Service Group, 6-22-78	24747
National Advisory Committee on Oceans and Atmosphere, 6-22 and 6-23-78	24750
Special Representative for Trade Negotiations Office: Advisory Committee for Trade Negotiations, 6-26 and 6-27-78 (2 documents)	24750, 24751
Oceans Affairs Advisory Committee, Antarctic Section, 7-6-78	24762

SEPARATE PARTS OF THIS ISSUE

Part II, HEW/SSA	24794
Part III, EPA	24802

FEDERAL REGISTER, VOL. 43, NO. 110—WEDNESDAY, JUNE 7, 1978

iii

contents

THE PRESIDENT

Executive Orders	
Military Appeals Nominating Commission, U.S. Court of; establishment	24659
Tax Court Nominating Commission, U.S.; establishment	24661

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE

Rules	
Lemons grown in Ariz. and Calif.	24663

AGRICULTURE DEPARTMENT

<i>See also</i> Agricultural Marketing Service; Commodity Credit Corporation.	
---	--

Notices	
Feed grain donations: Hopi Indian Tribe, Ariz.	24721

CENSUS BUREAU

Notices	
Population censuses, special; results	24722

CIVIL RIGHTS COMMISSION

Notices	
Meetings, State advisory committees:	
Florida	24721
Idaho	24721
Maryland	24721
Michigan	24721
New Hampshire	24722
Pennsylvania	24722

COMMERCE DEPARTMENT

<i>See</i> Census Bureau; Economic Development Administration; Foreign-Trade Zones Board; Industry and Trade Administration; Maritime Administration; National Oceanic and Atmospheric Administration; National Technical Information Service.	
--	--

COMMODITY CREDIT CORPORATION

Rules	
Loan and purchase programs: Sugar	24663

CONSUMER PRODUCT SAFETY COMMISSION

Proposed Rules	
Lawn mowers, power; safety standards; extension of time... ..	24697
Poison prevention packaging: Child-resistant packaging; economic poisons (pesticides) standards, withdrawn	24698

CUSTOMS SERVICE

Rules

Vessels in foreign and domestic trade:	
Surinam Republic and Qatar, suspension of tonnage tax and light money	24670

DEFENSE DEPARTMENT

<i>See</i> Defense Intelligence Agency.	
---	--

DEFENSE INTELLIGENCE AGENCY

Proposed Rules

Privacy Act; implementation	24711
----------------------------------	-------

DRUG ENFORCEMENT ADMINISTRATION

Notices

Registration applications, etc.; controlled substances: Stephan Chemical Co. (2 documents)	24749, 24750
--	--------------

ECONOMIC DEVELOPMENT ADMINISTRATION

Notices

Import determination petitions: Thom Brown Shoes, Inc., et al	24722
---	-------

ECONOMIC REGULATORY ADMINISTRATION

Notices

Consent orders:	
Blue Ridge Fuel Co. (Iandoli)..	24727
Howard Oil Co.	24727

ENERGY DEPARTMENT

<i>See also</i> Economic Regulatory Administration; Federal Energy Regulatory Commission.	
---	--

Rules

Seal and flag; correction	24666
---------------------------------	-------

Notices

Committees; establishment, renewals, terminations, etc.: National Energy Extension Service Advisory Board	24726
---	-------

ENVIRONMENTAL PROTECTION AGENCY

Rules

Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions; etc.:	
Sodium chlorate	24692

Proposed Rules

Grants, State and local assistance:	
Treatment works construction; meeting	24713
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions; etc.:	
Parathion or its methyl homolog	24714

Toxic substances:

Polychlorinated biphenyls (PCBs); manufacturing, processing, distribution, and use ban	24802
--	-------

Notices

Air programs; fuels and fuel additives:	
Methyl cyclopentadienyl manganese tricarbonyl (MMT); waiver; hearing	24742

Pesticides; tolerances, registration, etc.:

Benomyl	24739
Paraquat	24737
Pydrin (2 documents)	24738, 24739
Terramycin	24740
2,4,5-Trichlorophenoxyacetic acid; correction	24743
Toxic and hazardous substances control:	
Polychlorinated biphenyls and fully halogenated chlorofluorocarbons; preliminary exportation guidelines	24818

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rules

Television broadcast stations: TV towers; common use of	24717
Television broadcast stations; table of assignments:	
Delaware	24715

Notices

Domestic public radio services; applications accepted for filing	24743
Meetings:	
Private Land Mobile Advisory Committee	24747
Mexican standard broadcast stations; notification list	24726
World Administrative Radio Conference	24747

FEDERAL ENERGY REGULATORY COMMISSION

Notices

Land withdrawals:	
California, vacated	24732
Hearings, etc.:	
Arkansas-Missouri Power Co.	24730
Columbia Gulf Transmission Co.	24730
East Tennessee Natural Gas Co.	24731
El Paso Natural Gas Co.	24731
Iowa-Illinois Gas & Electric Co.	24731
Kansas Gas & Electric Co.	24732
McKelvy Oil Co.	24732
Michigan Wisconsin Pipe Line Co.	24733
National Fuel Gas Supply Corp.	24733
Northern States Power Co.	24733

Panhandle Eastern Pipe Line Co.	24734
Sea Robin Pipeline Co.	24735
South Texas Natural Gas Gathering Co.	24727
Southern Natural Gas Co. (2 documents)	24735
Tennessee Gas Pipeline Co.	24729
Texas Gas Transmission Corp.	24730
Union Texas Petroleum	24736

FEDERAL HOUSING COMMISSIONER—OFFICE OF ASSISTANT SECRETARY FOR HOUSING

Rules

Low-income housing:	
Fair market rents; new construction and substantial rehabilitation; Guam and New Jersey	24672

FEDERAL INSURANCE ADMINISTRATION

Rules

Flood insurance; special hazard areas; map corrections:	
Alabama	24675
Colorado (2 documents)	24675
Connecticut (3 documents)	24676, 24677
Florida (2 documents)	24677, 24678
Minnesota (2 documents)	24678, 24679
Missouri	24679
New Jersey (3 documents)	24679, 24680
North Carolina	24681
Oklahoma (2 documents)	24681, 24682
Pennsylvania (2 documents) ..	24682, 24683
Rhode Island	24683
Texas (12 documents)	24684-24689
Virginia (4 documents)	24689, 24690
Wisconsin	24691

Proposed Rules

Flood elevation determinations:	
Alabama; correction	24699
California; correction	24699
Florida	24699
Illinois	24700
Kansas	24700
Michigan; correction	24701
Minnesota	24701
Missouri	24702
Nevada	24703
New Jersey (4 documents)	24704, 24705
New York (3 documents)	24706, 24707
Ohio	24707
South Carolina	24708
Utah (3 documents)	24708-24710

FEDERAL RESERVE SYSTEM

Rules

Reserve bank directors:	
Financial interest conflict	24667

CONTENTS

FISCAL SERVICE

Notices

Surety companies acceptable on Federal bonds:	
Aetna Reinsurance Co.	24762

FISH AND WILDLIFE SERVICE

Rules

Hunting:	
Kirwin National Wildlife Refuge, Kans.	24696

FOREIGN-TRADE ZONES BOARD

Notices

Foreign-trade zone applications: Suffolk County, N.Y.	24723
--	-------

GENERAL SERVICES ADMINISTRATION

Notices

Administrative Services Reorganization Project; reports; availability	24747
---	-------

GEOLOGICAL SURVEY

Proposed Rules

Outer Continental Shelf; oil, gas, and sulphur operations: Exploration, development and production activities, and oil and gas information program; list of affected States	24710
---	-------

Notices

Coal leasing areas:	
Montana	24748
North Dakota	24748

HEALTH CARE FINANCING ADMINISTRATION

Proposed Rules

Medicaid and medicare programs:	
Utilization review; withdrawn	24715

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

<i>See</i> Health Care Financing Administration; Social Security Administration.	
--	--

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

<i>See also</i> Federal Housing Commissioner—Office of Assistant Secretary for Housing; Federal Insurance Administration.	
---	--

Rules

Community development block grants:	
Editorial changes	24671

INDUSTRY AND TRADE ADMINISTRATION

Notices

Meetings:	
Computer Systems Technical Advisory Committee	24723

INTERIOR DEPARTMENT

<i>See also</i> Fish and Wildlife Service; Geological Survey; Reclamation Bureau.	
---	--

Notices

Privacy Act; systems of records	24748
---------------------------------------	-------

INTERNATIONAL TRADE COMMISSION

Notices

Import investigations:	
Copper rod, apparatus for continuous production of; preliminary conference	24749

INTERSTATE COMMERCE COMMISSION

Rules

Railroad car service orders:	
Freight cars; ownership, utilization, distribution, etc.	24694
Hopper cars; unit-grain-trains of less than number of cars required by tariffs	24695
Railroad car service orders; various companies:	
Burlington Northern Inc.	24694
Norfolk & Western Railway Co. et al	24695

Proposed Rules

Rail carriers:	
Exemption authority, general	24718

Notices

Agreements under section 5a and b, applications for approval, etc.:	
Central & Southern Motor Carriers	24767
Motor carriers:	
Irregular route property carriers; gateway elimination (2 documents)	24767, 24778
Temporary authority applications (2 documents) ...	24762, 24766
Transfer proceedings (2 documents)	24767

JUSTICE DEPARTMENT

<i>See</i> Drug Enforcement Administration.	
---	--

MARITIME ADMINISTRATION

Notices

<i>Applications, etc.:</i>	
Farrell Lines Inc. (2 documents)	24723, 24724
Lykes Bros. Steamship Co., Inc.	24724

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Coastal zone management programs; environmental statements, hearings, etc.:	
Maryland	24725

CONTENTS

NATIONAL TECHNICAL INFORMATION SERVICE			
Notices			
Inventions, Government-owned; availability for licensing	24725		
NUCLEAR REGULATORY COMMISSION			
Notices			
Applications, etc.: Tennessee Valley Authority ...	24750		
OCEANS AND ATMOSPHERE, NATIONAL ADVISORY COMMITTEE			
Notices			
Meeting	24750		
RECLAMATION BUREAU			
Proposed Rules			
Water conservation measures, Colorado River; implementation with Lower Basin contractors and others	24715		
SECURITIES AND EXCHANGE COMMISSION			
Notices			
Self-regulatory organizations; proposed rule changes: Chicago Board Options Exchange, Inc.	24751		
Midwest Stock Exchange, Inc.	24757		
National Association of Securities Dealers, Inc.	24758		
Hearings, etc.:			
Appalachian Power Co.	24758		
Columbia Gas of Ohio, Inc., et al.	24751		
Laventhol & Horwath Pension Plan	24759		
Media Investment Co. et al.	24752		
Monongahela Power Co. et al.	24755		
National Industries, Inc.	24756		
Northwest Production Corp.	24756		
Whiting Corp.	24757		
SMALL BUSINESS ADMINISTRATION			
Proposed Rules			
Small business size standards: Accounting and auditing services	24697		
Notices			
Applications, etc.: Great Eastern Financial Corp.	24761		
Disaster areas: Virginia	24761		
Loans and revolving line credit; maximum interest rates	24761		
SOCIAL SECURITY ADMINISTRATION			
Rules			
Old-age, survivors, and disability insurance: Evidence for proof of eligibility	24794		
STATE DEPARTMENT			
Notices			
Meetings: Ocean Affairs Advisory Committee	24762		
TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE			
Notices			
Meetings: Trade Negotiations Advisory Committee (2 documents)	24750, 24751		
TRANSPORTATION DEPARTMENT			
Rules			
Cargo security advisory standards; pilferable high-value or sensitive cargo transit procedures	24692		
TREASURY DEPARTMENT			
See also Customs Service; Fiscal Service.			
Rules			
Coin regulations, CFR Part revoked	24691		
Notices			
Authority delegations: Secret Service, Director	24762		

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month. A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR		24 CFR		40 CFR—Continued	
EXECUTIVE ORDERS:				PROPOSED RULES—Continued	
12063	24659	570	24671	180	24714
12064	24661	888	24672	761	24802
7 CFR		1920 (37 documents)	24675-24691		
910	24663	PROPOSED RULES:		42 CFR	
1435	24663	1917 (22 documents) ...	24699-24710	PROPOSED RULES:	
10 CFR				405	24715
1002	24666	30 CFR		450	24715
12 CFR		250	24710	43 CFR	
264a	24667	252	24710	PROPOSED RULES:	
13 CFR		31 CFR		417	24715
PROPOSED RULES:		94	24691	47 CFR	
121	24697	32 CFR		PROPOSED RULES:	
16 CFR		PROPOSED RULES:		73 (2 documents)	24715, 24717
PROPOSED RULES:		292a	24711	49 CFR	
1205	24697	40 CFR		85	24692
1700	24698	180	24692	1033 (4 documents)	24694, 24695
19 CFR		PROPOSED RULES:		PROPOSED RULES:	
4	24670	35	24713	Ch. X	24718
20 CFR				50 CFR	
404	24794			33	24696

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

1 CFR		14 CFR—Continued		24 CFR—Continued	
Ch. I	23701	PROPOSED RULES:		1916	24049, 24050
3 CFR		39	23727	1917	23713-
EXECUTIVE ORDERS:		71	24324	23722, 24051-24061, 24289-24307,	
12063	24659	371	24542	24519-24526	
12064	24661	15 CFR		1920	24675-24691
7 CFR		315	23991	PROPOSED RULES:	
2	23983	371	24517	1710	23936
246	23986	399	24517	1715	23936
908	23701	16 CFR		1917	23732,
910	23986, 24663	13	23991	23743, 24070, 24548-24558,	
1079	24515	456	23992	24699-24710	
1434	24263	PROPOSED RULES:		25 CFR	
1435	24663	Ch. II	24325	PROPOSED RULES:	
1800	23986	13	24066	54	23743
1822	24264	1205	24697	27 CFR	
1904	24265	1700	24698	170	24234
PROPOSED RULES:		17 CFR		201	24234
650	24222	32	23704	231	24243
917	23724	240	24287	252	24243
1062	24515	PROPOSED RULES:		30 CFR	
1126	23725	1	23729	PROPOSED RULES:	
1701	24064	31	23729	250	24710
9 CFR		19 CFR		252	24710
78	23987	4	24670	880	24326
PROPOSED RULES:		10	23708	31 CFR	
11	24064	159	23709, 23710	94	24691
381	24064	171	23711	103	24527
10 CFR		PROPOSED RULES:		32 CFR	
205	23989	4	23731	1900	24527
212	24265	6	23731	PROPOSED RULES:	
430	24268	20 CFR		292a	24711
1002	24666	404	24794	32A CFR	
PROPOSED RULES:		PROPOSED RULES:		634	24308
465	24316	410	24542	36 CFR	
12 CFR		21 CFR		904	24528
9	23990	101	24518	37 CFR	
217	24516	207	24008	302	24528
264a	24667	540	24010	40 CFR	
329	24269	PROPOSED RULES:		118	24309
526	24271	Ch. I	24066	120	24529
545	24271	146	24547	180	24692
PROPOSED RULES:		182	24067	PROPOSED RULES:	
226	23726	186	24067	35	24071, 24713
545	23727	740	24070	52	24071
13 CFR		22 CFR		80	24331
PROPOSED RULES:		PROPOSED RULES:		180	24714
121	24697	42	24547	761	24802
14 CFR		24 CFR		41 CFR	
39	24272, 24273	203	23713	8-3	24531
71	24274, 24275	213	23713	8-52	24531
73	23703	234	23713	8-74	24531
75	23703	570	24656, 24671	101-26	24533
97	24275	888	24672	101-30	24533
221	24277	1914	24011, 24013	101-38	24062
250	24277	1915	24019, 24021, 24022	101-39	24062
				101-40	24063

FEDERAL REGISTER

41 CFR—Continued

PROPOSED RULES:

4 24559

42 CFR

PROPOSED RULES:

122 24072

405 24332, 24715

450 24715

43 CFR

PROPOSED RULES:

417 24715

428 24072

1600 24559

PUBLIC LAND ORDERS:

5638 24063

45 CFR

PROPOSED RULES:

130 24333

46 CFR

PROPOSED RULES:

Ch. IV 24559

308 24075

502 24080

47 CFR

0 24310

73 24533, 24534

PROPOSED RULES:

67 23746

73 24334, 24560, 24715, 24717

49 CFR

PROPOSED RULES:

85 24692

571 24310

1033 23722,

23723, 24535-24539, 24694, 24695

PROPOSED RULES:

Ch. X 24718

171 24335

172 24335

173 24335

175 24335

176 24335

191 24478

50 CFR

33 24696

PROPOSED RULES:

656 23747

661 23748

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	Date
23701-23982	June 1
23983-24261	2
24263-24514	5
24515-24658	6
24659-24818	7

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—
Raisins from grapes grown in Calif.; increase in payment for handler services on reserve tonnage; comments by 6-15-78 22727; 5-26-78
Animal and Plant Health Inspection Service—
Viruses, serums, toxins, and analogous products; miscellaneous amendments; comments by 6-13-78 15719; 4-14-78
Commodity Credit Corporation—
Industrial hydrocarbons and alcohols; pilot projects; comments by 6-12-78 20774; 5-12-78

Farmers Home Administration—
Community domestic water and waste disposal systems; development grants; comments by 6-12-78 20221; 5-11-78
Food and Nutrition Service—
Food Stamp Act of 1977; tightening eligibility criteria; reduce program fraud and abuse; comments by 6-16-78 18874; 5-2-78
Office of the Secretary—
Licensing entry of sugar exempt from fees; comments by 6-14-78 20813; 5-15-78
Nondiscrimination on basis of sex in Federally assisted education programs and activities; comments by 6-15-78 20012; 5-10-78
Rural Electrification Administration—
Rural Telephone Program (3 documents); comments by 6-15-78 21004-5; 5-16-78

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Handicap; nondiscrimination in Federal financial assistance from National Endowment for the Humanities; comments by 6-12-78 15737; 4-14-78

CIVIL AERONAUTICS BOARD

Exemption of air carriers from filing tariffs for interstate and overseas charters; comments by 6-12-78 20520; 5-12-78
Indirect cargo carriers; liberalized regulations; reply comments by 6-12-78 15720; 4-14-78
Split all-cargo charters and split passenger-cargo charters; comments by 6-15-78 20240; 5-11-78
[Originally published at 43 FR 14519, 4-6-78]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

Compensation for damage caused by foreign vessels in the Fishery Conservation Zone; comments by 6-12-78 20255; 5-11-78

COMMODITY FUTURES TRADING COMMISSION

Futures commission merchants; minimum financial requirements; comments by 6-15-78 15072; 4-10-78—23729; 6-1-78

COMMUNITY SERVICES ADMINISTRATION

Community Food and Nutrition Program; character and scope of specific programs; comments by 6-12-78 21016; 5-16-78—21904; 5-22-78

ENERGY DEPARTMENT

Procurement regulations; comments by 6-13-78 15853; 4-14-78
Economic Regulatory Administration—
International Oil Allocation Program; comments by 6-12-78 12333; 3-24-78

ENVIRONMENTAL PROTECTION AGENCY

Implementation plans; approval and promulgation:
Massachusetts; comments by 6-12-78 20514; 5-12-78
New York; comments by 6-12-78 20515; 5-12-78
Motorcycle replacement exhaust systems; noise emission standards; comments by 6-16-78 10822; 3-15-78—12047; 3-23-78
National Pollutant Discharge Elimination System; comments by 7-17-78 21266; 5-16-78
Solid waste disposal facilities, criteria for classification; comments by 6-12-78 4942; 2-6-78—17374; 4-24-78
State and Federal administrative enforcement of implementation plan requirements after statutory deadlines, proposed delayed compliance order for E. I. Du Pont de Nemours and Co.; comments by 6-12-78 15339; 4-12-78
Tolerances for the pesticide chemical terbacil; comments by 6-12-78 20246; 5-11-78

FEDERAL COMMUNICATIONS COMMISSION

FM broadcast stations; table of assignments: Spring Grove, Minn.; reply comments by 6-15-78 14977; 4-10-78
Permitting ship radiotelegraph stations to communicate with amateur stations; comments by 6-12-78 20249; 5-11-78
Public coast stations; requirement for applicants to meet certain financial qualifications; comments by 6-12-78 20026; 5-10-78
Relative phase tolerance for directional AM stations; extension of comments period to 6-14-78 9509; 3-8-78
Table of assignments, FM broadcast stations:
Ocean City, N.J.; comments by 6-17-78 17981; 4-27-78

Television broadcast stations; table of assignments:
Salisbury, Md., and Rocky Mount, N.C.; reply comments by 6-15-78 14694; 4-7-78

FEDERAL RESERVE SYSTEM

Nonconvertible corporate debt securities; proposal to permit a broker or dealer to extend and maintain credit not listed on a national securities exchange; comments by 6-15-78 21008; 5-16-78

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Child Support Enforcement Office—
Establishing paternity and securing child support; State plan requirements when applicant has good cause not to cooperate; comments by 6-15-78 2178; 1-16-78
Education Office—
Basic educational opportunity grant program; comments by 6-14-78 20922; 5-15-78

Food and Drug Administration—
Ionizing Radiation Therapy for Benign Diseases; comments by 6-14-78 6245; 2-14-78
Cefadroxil capsules; certification; comments by 6-15-78 20978; 5-16-78
Enforcement policy; opportunity for presentation of views before report of criminal violation; comments by 6-12-78 20508; 5-12-78

Social Security Administration—
Coverage of employees of State and local governments; Social Security deposit requirements, frequency with which States shall deposit contributions; comments by 6-14-78 13397; 3-30-78
Establishing paternity and securing child support; good cause for refusing to cooperate; comments by 6-15-78 2170; 1-16-78
Supplemental security income for the aged, blind, and disabled; evaluating resources on basis of equity value; comments by 6-16-78 18698; 5-2-78
Supplemental security income for the aged, blind, and disabled; increasing the reasonable value of household goods and personal effects and automobile; comments by 6-12-78 18206; 4-28-78

Supplemental security income for the aged, blind, and disabled; increasing the reasonable value of household goods and personal effects and automobile; comments by 6-12-78 18206; 4-28-78

INTERIOR DEPARTMENT

Fish and Wildlife Service—
Endangered species list; removal of the Mexican duck; comments from State governors by 6-16-78 13592; 3-31-78
Review of status of Bangladesh population of Rhesus Macaque; comments by 6-13-78 15463; 4-13-78

INTERSTATE COMMERCE COMMISSION

Related rail abandonment applications; identification and handling; comments by 6-16-78 22751; 5-26-78
[First published at 43 FR 15754; 4-14-78]

LABOR DEPARTMENT

Office of the Secretary—
Centralized data processing facilities; comments by 6-15-78 21014; 5-16-78

NUCLEAR REGULATORY COMMISSION

Petitions for rulemaking; comments by 6-12-78 18195; 4-28-78

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration—
Five year plan for motor vehicle safety and fuel economy rulemaking and invitation for applications for financial assistance; comments by 6-14-78 11100; 3-16-78
Procurement; contract appeals procedures; comments by 6-12-78 17974; 4-27-78

TREASURY DEPARTMENT

Internal Revenue Service—
Certain armed forces survivor annuities; amendments to conform regulations to changes in "ERISA"; comments by 6-17-78 21465; 5-18-78
Revenue Sharing Office—
Handicap; nondiscrimination; comments by 6-13-78 15735; 4-14-78

Next Week's Meetings

AGRICULTURE DEPARTMENT

Science and Education Administration—
Committee of Nine, Washington, D.C. (open), 6-14 and 6-15-78 21027; 5-16-78

ARTS AND HUMANITIES NATIONAL FOUNDATION

Humanities Panel, Washington, D.C. (closed), 6-12, 6-13, 6-15 and 6-16-78 (2 documents) 21382, 21383; 5-17-78
Humanities Panel, Washington, D.C. (closed), 6-12 and 6-13-78 21382; 5-17-78
Media Arts Advisory Panel, Washington, D.C. (closed), 6-14-78 22795; 5-26-78
Museum Advisory Panel, Washington, D.C. (partially open), 6-13 and 6-14-78 22796; 5-26-78

CIVIL RIGHTS COMMISSION

State advisory committees:
California, Los Angeles, Calif. (open), 6-14 thru 6-16-78 (2 documents) 20523; 5-12-78
Idaho, Boise, Idaho (open), 6-17-78 22430; 5-25-78
Indiana Advisory Committee, Lafayette, Ind. (open), 6-11-78 .. 20259; 5-11-78
West Virginia, Charleston, W. Va. (open), 6-15-78 21921; 5-22-78

COMMERCE DEPARTMENT

Industry and Trade Administration—
Management-Labor Textile Advisory Committee, Washington, D.C. (open), 6-14-78 22231; 5-24-78
National Oceanic and Atmospheric Administration—
Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee, Claymont, Del. (open), 6-12-78 22770; 5-26-78

REMINDERS—Continued

Patent and Trademark Office—
Trademark Affairs Public Advisory Committee, Washington, D.C. (open), 6-15-78 17523; 4-25-78

CONSUMER PRODUCT SAFETY COMMISSION

Product Safety Advisory Council, Washington, D.C. (open), 6-12 and 6-14-78 23011; 5-30-78

DEFENSE DEPARTMENT

Air Force Department—
USAF Scientific Advisory Board, Washington, D.C. (closed), 6-15 and 6-16-78 22435; 5-25-78
USAF Scientific Advisory Board Workshop on Strategic Issues and the ICBM, Offutt AFB, Nebr. (closed), 6-13 and 6-14-78 21925; 5-22-78
Army Department—
Military Personnel Property Claims Symposium, Falls Church, Va. (open), 6-15-78 22067; 5-23-78
Office of the Secretary—
Defense Board Task Force on Soviet Missile Defense, Arlington, Va. (closed), 6-14 and 6-15-78 21714; 5-19-78
Defense Intelligence Agency Scientific Advisory Committee, Rosslyn, Va. (closed), 6-14 through 6-16-78 20533; 5-12-78
Wage Committee, Washington, D.C. (closed), 6-13-78 15179; 4-11-78

ENERGY DEPARTMENT

Energy Technology Office—
Lignite Subcommittee of the Fossil Energy Advisory Committee, Grand Forks, N. Dak. (open), 6-15-78 22771; 5-26-78

ENVIRONMENTAL PROTECTION AGENCY

Federal Insecticide, Fungicide, and Rodenticide Act Scientific Advisory Panel, Arlington, Va. (open), 6-14 and 6-15-78 22775; 5-26-78
Science Advisory Board, Ecology Committee, Washington, D.C. (open), 6-15 and 6-16-78 23012; 5-30-78

FEDERAL COMMUNICATIONS COMMISSION

Common Carrier Domestic Land Mobile Radio Advisory Committee, 1979 World Administrative Radio Conference, Washington, D.C. (open), 6-13-78 21937; 5-22-78
Radio Astronomy Service Working Group for 1979 ITU World Administrative Radio Conference, Washington, D.C. (open), 6-16-78 22779; 5-26-78
WARC 1979 International Broadcasting Service Group, Washington, D.C. (open), 6-14-78 21944; 5-22-78

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—
Alcohol Research Review Committee, Bethesda, Md. (partially open), 6-14 through 6-16-78 18252; 4-28-78
Drug Abuse Research Review Committee, Rockville, Md. (partially open), 6-13 through 6-16-78 18252; 4-28-78
Epidemiologic Studies Review Committee, Iowa City, Iowa (partially open), 6-12 and 6-13-78 18769; 5-2-78

Experimental Psychology Research Review Committee, Washington, D.C. (partially open), 6-14 through 6-16-78 18252; 4-28-78
Mental Health Small Grant Committee, Washington, D.C. (partially open), 6-15 through 6-17-78 18252; 4-28-78
Metropolitan Mental Health Problems Review Committee, Washington, D.C. (partially open), 6-14 through 6-16-78 18252; 4-28-78
Preclinical Psychopharmacology Research Review Committee, Washington, D.C. (partially open), 6-12 and 6-13-78 18252; 4-28-78
Psychiatry Education Review Committee, Rockville, Md. (open), 6-12 and 6-13-78 18768; 5-2-78
Education Office—
Adult Education National Advisory Council, Seattle, Wash. (open), 6-15 through 6-17-78 23016; 5-30-78
Black Higher Education and Black Colleges and Universities National Advisory Committee, Washington, D.C. (open), 6-12- and 6-13-78 21050; 5-16-78
Women's Educational Programs National Advisory Council, Washington, D.C. (open), 6-15-78 18265; 4-28-78
Food and Drug Administration—
Ophthalmic Device Classification Panel, Washington, D.C. (open), 6-12 and 6-13-78 21052; 5-16-78
Panel on Review of Miscellaneous External Drug Products, Rockville, Md. (open), 6-11 and 6-12-78 21052; 5-16-78
Peripheral and Central Nervous System Drugs Advisory Committee, Rockville, Md. (open), 6-12 and 6-13-78 21052; 5-16-78

National Institutes of Health—

Allergy and Clinical Immunobiology Research Committee, Bethesda, Md. (partially open), 6-15 and 6-16-78 16415; 4-18-78
Bioanalytical and Metallobiochemistry Study Section, Atlanta, Ga. (partially open), 6-9 through 6-11-78 18260; 4-28-78
Biochemistry Study Section, Atlanta, Ga. (partially open), 6-8 through 6-11-78 18260; 4-28-78
Board of Scientific Counselors, National Institute of Allergy and Infectious Diseases, Bethesda, Md. (partially open), 6-13 and 6-14-78 19465; 5-5-78
Cancer Control Grant Review Committee, Bethesda, Md. (partially open), 6-12 and 6-13-78 19464; 5-5-78
Cancer Immunotherapy Committee, Bethesda, Md. (partially open), 6-15-78 19464; 5-5-78
Cancer Immunotherapy Committee, Bethesda, Md. (partially open), 6-12 and 6-13-78 19464; 5-5-78
Cancer Special Program Advisory Committee, Bethesda, Md. (partially open), 6-12 and 6-13-78 19464; 5-5-78
Carcinogenesis Program Scientific Review Committee, Bethesda, Md. (open), 6-14-78 21735; 5-19-78
Cardiovascular and Pulmonary Study Section, Washington, D.C. (partially open), 6-13 through 6-17-78 18260; 4-28-78

Cardiovascular and Pulmonary Study Section, Washington, D.C. (open), 6-14 through 6-17-78 21737; 5-19-78
Communicative Sciences Study Section, Bethesda, Md. (open), 6-13 through 6-16-78 21736; 5-19-78
Communicative Sciences Study Section, Bethesda, Md. (partially open), 6-14 through 6-16-78 18260; 4-28-78
General Research Support Program Advisory Committee, Bethesda, Md. (open), 6-13 and 6-14-78 21735; 5-19-78
Human Embryology and Development Study Section, San Francisco, Calif. (partially open), 6-15 through 6-17-78 18260; 4-28-78
Microbial Chemistry Study Section, Atlanta, Ga. (partially open), 6-11-78 18260; 4-28-78
Neurological Disorders Program—Project Review A Committee, Silver Spring, Md. (partially open), 6-15 through 6-17-78 18263; 4-28-78
Project Review B Committee, Silver Spring, Md. (partially open), 6-15 through 6-17-78 18263; 4-28-78
Pathobiological Chemistry, Bethesda, Md. (partially open), 6-14 through 6-17-78 18260; 4-28-78
Periodontal Diseases Advisory Committee, Bethesda, Md. (open), 6-15 and 6-16-78 19465; 5-5-78
Pharmacology Study Section, Bethesda, Md. (partially open), 6-13 through 6-15-78 18260; 4-28-78
Physiology Study Section, Bethesda, Md. (partially open), 6-15 through 6-17-78 18260; 4-28-78
President's Cancer Panel, Bethesda, Md. (open), 6-12-78 18262; 4-28-78
Radiation Study Section, Bethesda, Md. (partially open), 6-11 through 6-13-78 18260; 4-28-78
Radiation Study Section, Bethesda, Md. (open), 6-14 and 6-15-78 17060; 4-21-78
Reproductive Biology Study Section, Miami Beach, Fla. (partially open), 6-11 through 6-13-78 18260; 4-28-78
Social Sciences and Population Study Section, Bethesda, Md. (partially open), 6-12 through 6-14-78 18260; 4-28-78
Surgery and Bioengineering Study Section, Arlington, Va. (partially open), 6-12 and 6-13-78 18260; 4-28-78
Toxicology Study Section, Bethesda, Md. (partially open), 6-15 through 6-17-78 18260; 4-28-78
Tropical Medicine and Parasitology Study Section, Bethesda, Md. (partially open), 6-15 through 6-17-78 18260; 4-28-78
Virology Study Section, Bethesda, Md. (partially open), 6-15 through 6-17-78 18260; 4-28-78
Office of the Secretary—
Health Services Developmental Grants Study Section, Washington, D.C. (partially open), 6-12 and 6-13-78 22076; 5-23-78

REMINDERS—Continued

Health Services Research Study Section, Washington, D.C. (partially open), 6-14 and 6-15-78 22076; 5-23-78

INTERIOR DEPARTMENT

Fish and Wildlife Service—
Endangered and threatened species; captive wildlife regulation; comments by 6-13-78 16144; 4-14-78
Land Management Bureau—
Geothermal Streamlining Task Force, Los Angeles, Calif. (open), 6-16-78 22247; 5-24-78
Geothermal Streamlining Task Force, Albuquerque, N. Mex. (open), 6-13-78 22247; 5-24-78
Rock Springs District Grazing Advisory Board, Rock Springs, Wyo. (open), 6-16-78 21740; 5-19-78
National Park Service—
Appalachian National Scenic Trail Advisory Council, Washington, D.C. (open), 6-14-78 22459; 5-25-78
Occupational Safety and Health Administration—
Advisory Committee on Construction Safety and Health, Washington, D.C. (open), 6-13 and 6-14-78 23022; 5-30-78

NATIONAL CAPITAL MEMORIAL ADVISORY COMMITTEE

Washington, D.C. (open), 6-13-78 ... 20062; 5-10-78

NATIONAL CREDIT UNION ADMINISTRATION

National Credit Union Board, Washington, D.C. (open), 6-13 and 6-14-78 20262; 5-11-78

NATIONAL SCIENCE FOUNDATION

Advisory Committee on Science and Society, Subcommittee on Ethics and Values in Science and Technology (partially open), 6-16-78 22251; 5-24-78
DOE/NSF Nuclear Science Advisory Committee, Boulder, Colo. (partially open), 6-11 and 6-12-78 22796; 5-26-78
Advisory Committee on Reactor Safeguards, Indian Point Nuclear Generating Station, Unit No. 3, and Seismic Activity Subcommittees, Washington, D.C. (open), 6-16-78 23768; 6-1-78
Region III Liaison Officers, Argonne, Ill., 6-14-78 20879; 5-15-78
Siting Evaluation Subcommittee, Washington, D.C., 6-16-78 18365; 4-28-78

RENEGOTIATION BOARD

Meeting, Washington, D.C. (open), 6-14-78 19105; 5-3-78

STATE DEPARTMENT

Agency for International Development—
Joint Committee for Agricultural Development of the Board for International Food and Agricultural Development (open) Rosslyn, Va. 6-12-78; Arlington, Va. 6-13-78 22261; 5-24-78

Joint Research Committee of the Board for International Food and Agricultural Development, Auburn, Ala. (open), 6-13 and 6-14-78 22261; 5-24-78

TRANSPORTATION DEPARTMENT

Coast Guard—
Notification of tank vessel ownership information, names and country of registry; comments by 6-12-78 15586; 4-13-78
Reporting of casualties and accidents; numbering of vessels; comments by 6-12-78 15583; 4-13-78
Federal Aviation Administration—
Radio Technical Commission for Aeronautics, Special Committee 129—Future Aviation Frequency Spectrum Requirements, Washington, D.C. (open), 6-14 and 6-15-78 21962; 5-22-78
Federal Highway Administration—
Uniform Traffic Control Devices National Advisory Committee, Scottsdale, Ariz. (open), 6-14 through 6-16-78 .. 22797; 5-26-78
Federal Railroad Administration—
General safety inquiry; request for public information to assist in evaluating and improving the effectiveness of its safety regulatory program, Washington, D.C., 6-14 and 6-15-78 19696; 5-8-78

VETERANS ADMINISTRATION

Central Office Education and Training Review Panel, Washington, D.C. (open), 6-14-78 23070; 5-30-78
Veterans Administration Wage Committee, Washington, D.C. (closed), 6-15-78 10664; 3-14-78

Next Week's Public Hearings

ENERGY DEPARTMENT

Economic Regulatory Administration—
International Oil Allocation Program; Washington, D.C., 6-13-78 12333; 3-24-78

LABOR DEPARTMENT

Employment Standards Administration—
Standards for determining Coal Miner's total disability or death due to Pneumoconiosis, Washington, D.C., 6-14-78 17722; 4-25-78

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of PUBLIC LAWS.

[LAST LISTING: MAY 30, 1978]

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[3195-01]

Title 3—The President

Executive Order 12063

June 5, 1978

United States Court of Military Appeals Nominating Commission

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to create in accordance with the Federal Advisory Committee Act (5 U.S.C. App. I) an advisory commission on the membership of the United States Court of Military Appeals, it is hereby ordered as follows:

1-1. *Establishment of the Commission.*

1-101. There is established the United States Court of Military Appeals Nominating Commission. The Commission shall be comprised of six members appointed by the President.

1-102. Not more than three members shall be officials of the Federal government. The Federal members shall include the General Counsel of the Department of Defense, who shall chair the Commission. The private members shall be selected from among those in the legal profession.

1-2. *Functions of the Commission.*

1-201. When notified by the President that he desires its assistance in filling a vacancy on the United States Court of Military Appeals, the Commission shall conduct inquiries to identify persons who may be qualified to serve in the position and shall conduct further inquiries to determine those persons' qualifications.

1-202. In conducting its inquiries the Commission shall follow any procedures or criteria established by the President in his letter of notification or by the Secretary of Defense acting on behalf of the President.

1-203. The Commission shall submit a report to the President and to the Secretary of Defense within 60 days from the date it is notified by the President that he desires its assistance. The report shall list the names of no more than five persons whom the Commission considers well qualified to serve in the position.

1-204. The Commission shall conduct such additional inquiries and submit such additional reports as may be requested by the President.

1-205. The Commission shall perform no function except when requested by the President to assist him in filling a vacancy.

1-3. *Administrative Provisions.*

1-301. The Commission is authorized to request from any Executive agency such information or assistance as the Commission deems necessary to carry out its functions under this Order. Each agency shall, to the extent permitted by law, furnish such information or assistance to the Commission.

1-302. The Commission is authorized to request from any State agency such information and assistance as the Commission deems necessary. It is authorized to obtain such information and assistance to the extent permitted by State law.

1-303. Members of the Commission shall serve without compensation. While engaged in the work of the Commission, members may receive travel

expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5702 and 5703).

1-304. The Secretary of Defense shall furnish to the Commission necessary administrative support.

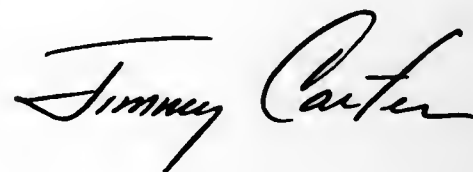
1-305. All necessary expenses incurred in connection with the work of the Commission, to the extent permitted by law, shall be paid from funds available to the Secretary of Defense.

1-4. *General Provisions.*

1-401. No member of the Commission shall, while serving on the Commission or for a period of one year thereafter, be eligible to be nominated to fill a position as a judge on the Court of Military Appeals.

1-402. Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act (5 U.S.C. App. I), except that of reporting annually to the Congress, which are applicable to the Commission, shall be performed by the Secretary of Defense in accordance with the guidelines and procedures established by the Administrator of General Services.

1-403. The Commission shall terminate on December 31, 1978, unless sooner extended.



THE WHITE HOUSE,
June 5, 1978.

[FR Doc. 78-15961 Filed 6-6-78; 10:18 am]

[3195-01]

Executive Order 12064

June 5, 1978

United States Tax Court Nominating Commission

By the authority vested in me as President by the Constitution and statutes of the United States of America, and in order to create in accordance with the Federal Advisory Committee Act (5 U.S.C. App. I) an advisory commission on the membership of the United States Tax Court, it is hereby ordered as follows:

1-1. *Establishment of the Commission.*

1-101. There is established the United States Tax Court Nominating Commission. The Commission shall be comprised of six members appointed by the President.

1-102. Not more than three members shall be officials of the Federal government. The Federal members shall include the General Counsel of the Department of the Treasury, who shall chair the Commission. The private members shall have special expertise in the field of Federal taxation.

1-2. *Functions of the Commission.*

1-201. When notified by the President that he desires its assistance in filling a vacancy on the United States Tax Court, the Commission shall conduct inquiries to identify persons who may be qualified to serve in the position and shall conduct further inquiries to determine those persons' qualifications.

1-202. In conducting its inquiries the Commission shall follow any procedures or criteria established by the President in his letter of notification or by the Secretary of the Treasury acting on behalf of the President.

1-203. The Commission shall submit a report to the President and to the Secretary of the Treasury within 60 days from the date it is notified by the President that he desires its assistance. The report shall list the names of no more than five persons whom the Commission considers well qualified to serve in the position.

1-204. The Commission shall conduct such additional inquiries and submit such additional reports as may be requested by the President.

1-205. The Commission shall perform no function except when requested by the President to assist him in filling a vacancy.

1-3. *Administrative Provisions.*

1-301. The Commission is authorized to request from any Executive agency such information or assistance as the Commission deems necessary to carry out its functions under this Order. Each agency shall, to the extent permitted by law, furnish such information or assistance to the Commission.

1-302. The Commission is authorized to request from any State agency such information and assistance as the Commission deems necessary. It is authorized to obtain such information and assistance to the extent permitted by State law.

1-303. Members of the Commission shall serve without compensation. While engaged in the work of the Commission, members may receive travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5702 and 5703).

1-304. The Secretary of the Treasury shall furnish to the Commission necessary administrative support.

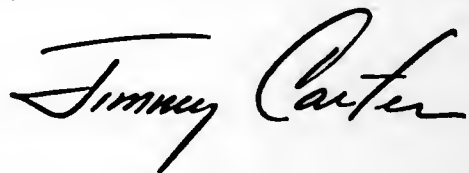
1-305. All necessary expenses incurred in connection with the work of the Commission, to the extent permitted by law, shall be paid from funds available to the Secretary of the Treasury.

1-4. General Provisions.

1-401. No member of the Commission shall, while serving on the Commission or for a period of one year thereafter, be eligible to be nominated to fill a position as a judge on the Tax Court.

1-402. Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act (5 U.S.C. App. I), except that of reporting annually to the Congress, which are applicable to the Commission, shall be performed by the Secretary of the Treasury in accordance with the guidelines and procedures established by the Administrator of General Services.

1-403. The Commission shall terminate on December 31, 1978, unless sooner extended.



THE WHITE HOUSE,
June 5, 1978.

[FR Doc. 78-15962 Filed 6-6-78; 10:19 am]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-02]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

(Lemon Regulation 147, Amendment 1)

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action increases the quantity of California-Arizona lemons that may be shipped to the fresh market during the period May 28-June 3, 1978. Such action is needed to provide for orderly marketing of fresh lemons for the period specified due to the marketing situation confronting the lemon industry.

DATES: The amendment is effective for the period May 28-June 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of lemons, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on June 1, 1978, to consider supply and market conditions and other factors affecting the need for regulation, and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports inadequate allotment to fill current orders. It is further found that it is impracticable and contrary to the public in-

terest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act. This amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

Paragraph (a) of § 910.447 Lemon Regulation 147 (43 FR 22670) is amended to read as follows:

§ 910.447 Lemon Regulation 147.

(a) The quantity of lemons grown in California and Arizona which may be handled during the period May 28, 1978, through June 3, 1978, is established at 320,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: June 2, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-15757 Filed 6-6-78; 8:45 am]

[3410-05]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1435—SUGAR

Subpart—Price Support Loan Program for 1978 Crop Sugarbeets and Sugarcane

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This rule sets forth the terms and conditions under which prices to domestic producers of 1978 crop sugarbeets and sugarcane will be supported. Support prices for sugar-

beets and sugarcane are established at average levels equivalent to 52.5 percent of the estimated July 1978 parity prices for the commodities. Those established prices for sugarbeets and sugarcane will be supported through loans made by the Commodity Credit Corporation (CCC) to sugar processors. Loans will be made at the basic rate of 16.90 cents per pound of refined beet sugar and at the basic rate of 14.65 cents per pound of cane sugar, raw value. Discounts for location will be applied to the basic loan rates for sugar produced and stored in Hawaii or Puerto Rico. Sugar eligible for loan is limited to that processed from sugarbeets and sugarcane grown by producers who agree to pay their agricultural employees engaged in sugar production no less than the minimum wage rates established by the Secretary of Agriculture for the 1978 crop of sugarbeets and sugarcane. Processors will be eligible for loans upon the condition that they pay producers no less than the applicable support price for the unprocessed commodity and agree to store the processed commodity during the loan period and after maturity of the loan until disposition of the commodity by CCC. Locational differentials have been established in this rule for sugar produced and stored in offshore domestic areas. The Department of Agriculture is also giving consideration to establishing locational differentials with respect to the loan rates for sugar produced on the mainland. Information and recommendations are invited on this matter which is more fully described below in Supplementary Information. Consideration will also be given to any comments made with regard to the provisions of this rule.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert R. Stansberry, Jr., ASCS,
P.O. Box 2415, Washington, D.C.
20013, 202-447-7561 or 202-447-3517.

SUPPLEMENTARY INFORMATION: Section 902 of the Food and Agriculture Act of 1977 (Pub. L. 95-113, 91 Stat. 949, effective October 1, 1977) amended Section 201 of the Agricultural Act of 1949 to provide that the price of the 1977 and 1978 crops of sugarbeets and sugarcane shall be supported through loans or purchases

with respect to the processed products thereof. Section 201 also directs the Secretary of Agriculture, in carrying out the program, to establish minimum wage rates for agricultural employees engaged in the production of sugar crops.

On November 11, 1977, a final rule was published in the *FEDERAL REGISTER* (42 FR 58734) implementing a program effective as of November 8, 1977, to support prices in the marketplace for producers of 1977 crop sugarbeets and sugarcane through loans made to sugar processors. An amendment to the 1977 crop loan program was published in the *FEDERAL REGISTER* of May 17, 1978 (43 FR 21317). On January 10, 1978, a final rule was published in the *FEDERAL REGISTER* (43 FR 1476) establishing minimum wage rates for fieldworkers engaged on and after November 8, 1977, in the production, cultivation, and harvesting of both the 1977 and 1978 crops of sugarbeets and sugarcane.

This rule implements the loan program for the 1978 crop of sugarbeets and sugarcane. Section 201 of the Agricultural Act of 1949, as amended, provides that the price for sugarbeets and sugarcane shall be supported at a level not in excess of 65 percent nor less than 52.5 percent of the parity price. The 1978 program, like the 1977 program, provides support at 52.5 percent of parity. Provisions of the 1978 program differ from those of the 1977 program only with respect to (1) the support prices established for sugarbeets and sugarcane; (2) the loan rates provided for refined beet sugar and raw cane sugar; and (3) the addition of discounts to be applied to the loan rate on sugar stored in offshore locations. The support prices per ton of sugarbeets and sugarcane are based on the estimated parity prices as of July 1978. The loan rates on sugar are established at levels necessary to yield producers at least 52.5 percent of parity. The discounts for location to be applied to sugar stored in Hawaii or Puerto Rico are based on the estimated ocean freight and shore risk, marine and war risk insurance charges from Hawaii or Puerto Rico to the processor's normal market outlet on the mainland.

Producers of sugarbeets and sugarcane in Hawaii and Puerto Rico are presently involved in harvesting the 1978 crop. Processors in both areas have applied for loans. If a price support program is to be carried out for this crop of sugar as mandated by Section 201 of the Agricultural Act of 1949, as amended, it is essential that it be implemented as soon as possible. In view of this situation, it is hereby determined that compliance with the notice of proposed rulemaking, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest.

In accordance with Executive Order 12044, dated March 23, 1978, a regulatory impact analysis has been prepared. Descriptions of alternatives and their impact are included in the analysis. Copies of the regulatory analysis are available by contacting the Office of the Director of Economics, Policy Analysis and Budget, Room 102, Administration Building, USDA, Washington, D.C. 20250.

The Department is giving consideration to, and invites comments and recommendations on, establishing locational differentials with respect to the loan rates for both raw cane sugar and refined beet sugar. The Department believes that such differentials should be based on historic differences in the market prices of sugar at producing and processing locations. Data to document historic differentials are being sought. Producers and processors are encouraged to submit such data.

Accordingly, Chapter XIV of Title 7 of the Code of Federal Regulations is amended by adding a new Subpart—Price Support Loan Program for 1978 Crop Sugarbeets and Sugarcane—to Part 1435 which reads as follows:

Subpart—Price Support Loan Program for 1978 Crop Sugarbeets and Sugarcane

- Sec.
1435.34 General statement.
1435.35 Administration.
1435.36 Definitions.
1435.37 Level and method of support and loan rates.
1435.38 Eligibility requirements.
1435.39 Availability, disbursement, and maturity of loan.
1435.40 Quantity for loan.
1435.41 Loan maintenance and liquidation.
1435.42 Processor storage agreement.
1435.43 Miscellaneous provisions.
1435.44 Applicable forms.

AUTHORITY: Secs. 201 and 401 et seq. of the Agricultural Act of 1949, as amended (7 U.S.C. 1446, 1421 et seq.).

§ 1435.34 General statement.

This subpart contains the regulations which set forth the requirements with respect to price support for the 1978 crop of sugarbeets and sugarcane. The Commodity Credit Corporation (CCC) will offer to eligible processors nonrecourse loans which must be evidenced by notes and security agreements and secured by the pledge of eligible sugar in eligible storage.

§ 1435.35 Administration.

(a) The Procurement and Sales Division, Agricultural Stabilization and Conservation Service (referred to as "ASCS"), will administer this subpart under the general direction and supervision of the Deputy Administrator, Commodity Operations.

(b) In the field, this subpart will be administered by the Kansas City Com-

modity Office and the Management Field Office (referred to as KCCO and MFO respectively) and designated Agricultural Stabilization and Conservation State and county committees (referred to as State and county committees).

§ 1435.36 Definitions.

(a) "1978 crop" means domestic sugarbeets and sugarcane, the substantial portion of which is harvested in the areas indicated below during the following periods:

SUGAR PRODUCING AREA AND HARVESTING PERIOD

Sugarbeets:

All States, excluding California and Arizona, September through November, 1978.
California, excluding southern area, July 1978 through June 1979.
Southern California, March through August 1979.
Arizona—lowland area, April through August 1979.
Arizona—upland area, September 1978 through January 1979.

Sugarcane:

Florida, October 1978 through May 1979.
Louisiana, October 1978 through January 1979.
Texas, October 1978 through May 1979.
Hawaii, calendar year 1978.
Puerto Rico, calendar year 1978.

(b) "Producer" means the owner of a portion or all of the sugarbeets or sugarcane, including share rent landowners, at the time of harvest and delivery to the processor.

(c) "Eligible producer" means a producer who pays and certifies to his processor that he has paid or will pay, to his agricultural employees engaged in the production of sugar, wage rates in accordance with wage rate regulations published in the *FEDERAL REGISTER* of January 10, 1978 (43 FR 1476).

(d) "Sugar" means refined beet sugar or raw cane sugar, cane syrup or edible molasses which is not contaminated and does not contain chemicals or other substances poisonous to man or animals.

(e) "Processor" means a person who commercially processes sugarbeets into refined sugar or sugarcane into raw sugar, cane syrup or edible molasses.

(f) "Raw value" of any quantity of sugar means its equivalent in terms of ordinary commercial raw sugar testing ninety-six degrees by the polariscope.

(g) "Sugarbeets of average quality" means sugarbeets containing 15.46 percent sucrose.

(h) "Sugarcane of average quality" means (1) for Florida, sugarcane containing 13.99 percent sucrose in normal juice; and (2) for Louisiana,

¹Southern California includes the counties of Imperial, San Diego, Riverside, Orange, San Bernardino, and that part of Los Angeles lying south of the San Gabriel Mountains.

sugarcane containing 12.58 percent sucrose in normal juice of 78.24 percent purity.

(i) "Secretary" means the Secretary of Agriculture or an official who has been designated to act on his behalf.

§ 1435.37 Level and method of support and loan rates.

(a) **Level of support.** Prices to domestic producers of 1978 crop sugarbeets and sugarcane will be supported at average levels estimated to be equivalent to 52.5 percent of the parity prices for sugarbeets and sugarcane as of July 1978. The general support prices for sugarbeets and sugarcane are as specified in § 1435.38(b).

(b) **Method of support.** The support to domestic producers of 1978 crop sugarbeets and sugarcane will be made available through nonrecourse loans to eligible processors.

(c) **Loan rates.** The basic loan rates for the 1978 crop shall be 16.90 cents per pound for refined beet sugar and 14.65 cents per pound for cane sugar, raw value, including the cane sugar, raw value, equivalent contained in cane syrup and edible molasses: *Provided*, That in the case of refined or specialty sugar made from raw cane sugar which would otherwise be eligible for loan except that it is no longer in its raw form, the loan rate shall be 14.65 cents per pound of the cane sugar, raw value, equivalent of the refined or specialty sugar. Such sugar must have been manufactured by a cane sugar refining facility that is cooperatively owned by its raw cane sugar processors or by a processor of sugarcane who is also a refiner.

(d) **Locational differentials.** For sugar produced in the offshore producing areas of Hawaii and Puerto Rico, a discount for location shall be applied to the basic loan rate specified in paragraph (c) of this section equal to the estimated ocean freight and shore risk, marine and war risk insurance charges from Hawaii or Puerto Rico to the processor's normal market outlet on the mainland. The discount in the loan value for Hawaiian sugar shall be .46 cent per pound. The discount in the loan value for Puerto Rican sugar shall be 1.29 cents per pound. *Provided, however*, That if such sugar has been transported to and stored on the mainland, no discount for location shall be applied.

§ 1435.38 Eligibility requirements.

(a) Eligible sugar must be processed from that part of the 1978 crop grown by eligible producers. Such sugar must be owned by the eligible processor (or jointly owned by eligible processor and eligible producer) tendering the sugar as collateral for loan, and must be in eligible storage.

(b) Eligible processors for the 1978 crop are those who pay to all eligible

producers who deliver to them for processing sugarbeets and sugarcane of average quality, not less than:

(1) For sugarbeets, \$24.36 per net ton;

(2) For producers of sugarcane in Florida, \$19.94 per net ton;

(3) For producers of sugarcane in Louisiana, \$17.07 per net ton;

(4) For producers of sugarcane in Texas, the amount determined by multiplying 8.79 cents times the average pounds of cane sugar, raw value, recovered per ton from the sugarcane delivered to the processor by all producers, as adjusted by the processor to reflect the quality of the juice (normal juice sucrose and normal juice purity) extracted from the individual producer's sugarcane;

(5) For producers of sugarcane in Hawaii, where the delivery point is at the mill, the amount determined by multiplying 9.669 cents times the total pounds of cane sugar, raw value, recovered per ton from the sugarcane delivered to the processor by the individual producer; and

(6) For producers of sugarcane in Puerto Rico, that price determined in accordance with the provisions of Puerto Rico Law No. 426—also known as the Puerto Rico Sugar Law—and the rules issued thereunder by the Sugar Board of Puerto Rico: *Provided, however*, That for any producing area where the specified support price is based on sugarbeets or sugarcane of average quality, that price may be adjusted for sugarbeets or sugarcane of non-average quality on the method agreed upon by the producer and processor, subject to prior approval of the Executive Vice President, CCC, or his designee.

(c) Nothing in paragraph (b) of this section shall be construed as prohibiting normal and traditional customs or practices agreed upon between the producer and processor with respect to the marketing of sugarbeets and sugarcane or the products processed therefrom. Any such custom or practice which would cause any reduction in the specified support price must be reported in writing by the processor to, and approved by, the Executive Vice President, CCC.

(d) Eligible storage shall consist of a storage structure or space which is determined by the State committee to be committed to the storage of such quantity of the processor's eligible sugar as is offered for loan or maintained under loan and which is safe for storage of the product.

§ 1435.39 Availability, disbursement, and maturity of loan.

(a) **Obtaining price support.** To obtain price support on eligible sugar, an eligible processor must file a request for a loan with the State committee of the State where he is head-

quartered; and must execute a note, security agreement, and storage agreement as prescribed by CCC. Such request must be filed by a processor no later than 90 calendar days after he completes processing the 1978 crop.

(b) **Redeemed loan collateral.** A processor may not reoffer as security or repledge to CCC as collateral any sugar that has been redeemed from CCC loan.

(c) **Disbursement of loans.** Disbursement will be made by means of sight drafts drawn on CCC.

(d) **Maturity of loans.** Loans will mature on the last day of the eleventh calendar month following the month in which the loan was disbursed. Whenever the final date falls on a weekend or Federal holiday, the date shall be extended to the next workday.

§ 1435.40 Quantity for loan.

Loans shall not be made on more than the quantity which an eligible processor certifies is eligible, available, properly stored and for which processor's weight and polarization records, or such other records satisfactory to CCC, are furnished. Sugar pledged as collateral for a loan is not required to be stored identity preserved; however, a processor's outstanding loan quantity may not exceed his total storage capacity less ineligible sugar in storage.

§ 1435.41 Loan maintenance and liquidation.

(a) **Maintenance of the commodity under loan.** A processor shall maintain in eligible storage a quantity of eligible sugar sufficient to cover his loan.

(b) **Loan liquidation.** (1) CCC may at any time accelerate the time for repayment of price support loan indebtedness. In the event of any such acceleration, CCC will give the processor notice of such acceleration at least 10 days in advance of the accelerated loan maturity date. Upon maturity of the loan, the processor is required to pay off his loan or deliver to CCC a quantity of eligible sugar equivalent to that pledged as collateral for loan, title to which shall, without a sale thereof, immediately vest in CCC. If the processor wishes to deliver the commodity to CCC he must, on or before maturity, give the State committee notice in writing of his intention to do so. Notwithstanding any of the provisions of this section, the State committee may on request of the processor authorize delivery prior to maturity if the processor loses control of the storage structure or if there is insect infestation that cannot be controlled, danger of flood, damage to the storage structure, or deterioration of the quality of the stored commodity beyond the control of the processor, or for any other reason deemed sufficient by the Deputy Administrator, Commodity Operations.

(2) At his option, a processor may, at any time prior to maturity, redeem all or any part of his loan.

(3) The CCC interest rate for price support loans in effect at the time of the loan disbursement will be the interest rate for such loan until its maturity.

(c) *Storage costs.* Storage costs through the loan maturity date shall be borne by the borrower.

(d) *Processor incorrect certification or unauthorized removal.* If CCC determines, by actual measurement or otherwise, that the actual quantity serving as collateral for loan is less than the loan quantity, then CCC may call the loan. If CCC feels the seriousness of the matter so justifies it, CCC may call other outstanding loans of the processor and may deny further loans for one year or more.

(e) *Loss or damage.* The processor is responsible for any loss in quantity or quality of sugar under loan, except that CCC will bear its pro rata share of any loss in the case of sugar stored on a commingled basis, less any insurance proceeds and salvage value of the sugar to which CCC may be entitled, if the processor establishes to the satisfaction of CCC each of the following conditions: (1) The loss or damage occurred without fault or negligence on the part of the processor; (2) the loss resulted solely from an external cause (other than insect infestation, vermin, or animals) such as theft, fire, lightning, explosion, windstorm, cyclone, tornado, flood, or other act of God; (3) the processor gave the State committee immediate notice of such loss or damage; and (4) the processor made no fraudulent representation in the loan documents or in obtaining the loan.

(f) *Settlement of loan.* If the loan rate value of the sugar delivered to CCC, plus loss assumed by CCC according to paragraph (e) of this section, is equal to or greater than the outstanding loan balance, the loan shall be considered as fully satisfied. The loan rate value of the collateral delivered to CCC in excess of that required to satisfy the loan will be paid to the processor.

(g) *Foreclosure.* If the loan indebtedness is not satisfied in accordance with provisions of this section, CCC may, upon notice, with or without removing the collateral from storage, sell it at either a public or private sale. CCC may become the purchaser. If the net proceeds are less than the amount due on the loan the borrower shall pay the difference to CCC.

§ 1435.42 Processor storage agreement.

(a) The borrower shall (1) maintain the loan collateral in eligible storage while it is under loan and, as deemed necessary by CCC, after maturity of the unredeemed loan, and (2) remove and physically deliver loan collateral

in accordance with written instructions issued by CCC.

(b) CCC shall make monthly storage payments to the processor for the time he stores the commodity for CCC after the maturity date of the unredeemed loan. The storage payment rate shall not exceed \$.000833 per pound, per month.

§ 1435.43 Miscellaneous provisions.

(a) *Insurance.* CCC will not require the processor to insure the sugar pledged as collateral; however, if the processor insures such sugar and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the processor's equity in the sugar involved in the loss.

(b) *Subterfuge.* The processor shall not reduce returns to the producer below those determined in accordance with the requirements of this subpart through any subterfuge or device whatsoever.

(c) *Processor indebtedness.* The regulations issued by the Secretary governing setoffs and withholding, Part 13 of this title, shall be applicable to the program.

(d) *Liens.* Waivers of liens or encumbrances on the sugar tendered as collateral for loans must be obtained which will fully protect the interest of CCC. A lienholder in lieu of waiving his prior lien on sugar tendered as collateral for a loan, may execute a Lienholder's Subordination Agreement (Form CCC-864) with CCC in which he subordinates his security interest to the rights of CCC. No liens or encumbrances shall be placed on the sugar pledged as collateral after the loan is approved.

(e) *Appeals.* A producer or processor may obtain reconsideration and review of determinations made under this subpart in accordance with the regulations in Part 780 of this title.

(f) *Records and inspection thereof.* ASCS shall reserve the right to have access to the premises of the processor, in order to inspect, examine, and make copies of the books, records, accounts, and other written data used in furnishing reports required by this subpart. Such books, records, accounts and other written data shall be retained by the processor for not less than 3 years.

(g) *False certifications.* Any false certifications, which is made for the purpose of enabling a processor to obtain any loan to which he is not entitled, will subject the person making such certification to liability under applicable Federal, civil and criminal statutes.

(h) *Handling payments and collections not exceeding three dollars.* In order to avoid administrative costs of making small payments and handling small accounts, amounts of \$3 or less

which are due the processor will be paid only upon his request. Deficiencies of \$3 or less, including interest, may be disregarded unless demand for payment is made by CCC.

(i) *Death, incompetency, or disappearance.* In case of the death, incompetency, or disappearance of any processor who is entitled to the payment of any sum in settlement of a loan, payment shall, upon proper application to the State committee, be made to the persons who would be entitled to such processor's payment under the regulations contained in Part 707 of this title—Payment Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent.

§ 1435.44 Applicable forms.

The CCC forms for use in connection with this program will be made available by the State committee.

NOTE.—The ASCS, to meet the requirements of the National Environmental Policy Act (Pub. L. 91-190, 42 U.S.C. 4321 et seq.), has developed an environmental assessment on the program and has determined that the proposed action would not constitute a major Federal action significantly affecting the human environment.

NOTE.—It is hereby certified that a regulatory analysis of this action has been prepared in accordance with Executive Order 12044.

Signed at Washington, D.C. on June 2, 1978.

BOB BERGLAND,
Secretary.

[FR Doc. 78-15728 Filed 6-6-78; 8:45 am]

[3128-01]

Title 10—Energy

CHAPTER II—DEPARTMENT OF ENERGY

PART 1002—OFFICIAL SEAL AND DISTINGUISHING FLAG

Description and Use; Correction

AGENCY: Department of Energy (DOE).

ACTION: Final rulemaking; correction.

SUMMARY: In the FEDERAL REGISTER document published on Monday, May 15, 1978 at page 20782, the signature on page 20783 reading "William P. Davis" should read "William P. Davis".

FOR FURTHER INFORMATION CONTACT:

George W. Barrow, 202-376-4400.

Dated: June 1, 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration

[FR Doc. 78-15695 Filed 6-6-78; 8:45 am]

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0144]

PART 264a RESERVE BANK DIRECTORS—ACTIONS AND RESPONSIBILITIES

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors has adopted amendments to its regulation entitled Federal Reserve Bank Directors—Actions and Responsibilities. This regulation was published in the FEDERAL REGISTER on February 24, 1978, (43 FR 7610) and followed upon enactment of the Federal Reserve Reform Act of 1977 in which provisions of the United States Code relating to acts affecting a personal financial interest were amended to apply to directors of Federal Reserve Banks.

The regulation contains prohibitions against director participation in particular matters, sets forth proposed procedures under which a director may obtain an ad hoc exemption from such prohibitions, and identifies certain financial interests of directors that the Board of Governors has exempted from coverage by the statute as being too remote or too inconsequential to affect the integrity of directors' services. The substantive amendments principally involve (1) further identification of financial interests, the knowledge and existence of which will preclude a director from voting on extensions of credit, advances, or discounts to banks determined to be in hazardous financial condition and (2) identification of additional financial interests that the Board of Governors has determined to be too remote or too inconsequential to affect the integrity of directors' services.

EFFECTIVE DATE: May 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Thomas J. O'Connell, Counsel to the Chairman, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2791.

SUPPLEMENTARY INFORMATION: The Federal Reserve Act contemplates that Reserve Bank directors will be gainfully employed in several designated areas of endeavor, but will devote a portion of their time to Federal Reserve Bank functions. The

amended 18 U.S.C. 208 makes applicable to Reserve Bank directors a standard of conduct formulated principally for application to individuals serving the Federal Government full time and generally with no other substantial occupation or calling. While it was the judgment of the Board of Governors that the ethical standards historically adhered to by the boards of directors of Federal Reserve Banks have been in accord with the spirit of 18 U.S.C. 208, the unique position of Federal Reserve Bank directors was felt to warrant formulation by the Board of Governors of a regulation intended to resolve potential conflicts in a manner consistent with the interests of the public, the Federal Reserve System, and the directors involved.

Pursuant to 5 U.S.C. 553(b)(B), the regulation was published on February 24, 1978, as a final rule, without prior notice of proposed rulemaking but with opportunity for comment and subsequent amendments, as determined necessary or desirable. No comments were received from the public but suggestions were made by the Reserve Banks, reflecting their study of the regulation and operations under it. After a study of these suggestions, the Board has concluded that adoption of certain substantive and technical amendments would further the intended purpose of the regulation.

The amendments that have been adopted are as follows:

(1) Section 264a.2 is amended to add a new paragraph (g) defining the term "discussions," as used in section 264a.5(d). This amendment is intended to make clear that the term "discussions" includes votes taken or other forms of decisional action.

(2) Section 264a.3(b)(1)(iii) identifies those circumstances in which a director may not participate in deliberations of his board concerning extensions of credit to a bank in hazardous financial condition when the director, his spouse, or minor child owns stock of the borrowing bank. This section has been amended to include ownership of stock of the registered parent holding company of the borrowing bank.

(3) Section 264a.3(b)(2)(i) has been deleted and a new section 264a.3(b)(1)(iv) has been added to provide that a director may not participate in deliberations concerning extensions of credit to a bank in hazardous financial condition when the director, his spouse, or minor child is employed in a policymaking position with or serves as a director of the borrowing bank or the registered parent holding company of the borrowing bank. Previously, the regulation prohibits such participation only in circumstances in which the director was the officer or director of the borrowing bank.

(4) Section 264a.3(b)(2)(iii)(A), previously numbered 264a.3(b)(2)(iv)(A),

identifies circumstances in which a director is precluded from participating in deliberations concerning extensions of credit to a bank in hazardous financial condition when a business with which the director serves as a principal officer is known by the director to have outstanding or to be negotiating a direct extension of credit or line of credit from the borrowing bank. The Board of Governors has noted that large corporations often initiate such credit arrangements for a variety of business purposes and in various amounts at numerous institutions throughout a Reserve Bank district. Rather than require that the mere existence of any such extensions or lines of credit preclude director participation, the section has been amended to provide that only direct and substantial extensions or lines of credit will bar director participation.

(5) Section 264a.5(b)(1) of the regulation reflects a Board determination that financial interests of directors in deliberations concerning and ratification of ordinary and routine extensions of credit to a member bank that have previously been made by Reserve Bank officials under established procedures of the Federal Reserve System are too remote or too inconsequential to affect the integrity of directors' services and that, accordingly, the prohibitions of 18 U.S.C. 208 shall not apply to director participation in such matters. This contrasts with hazardous banking situations addressed by section 264a.3(b) in which numerous financial interests are identified that will preclude director participation. Experience under the regulation has shown that the exemption fails to address other situations that may arise in which credit extensions, advances, or discounts are the subject of Reserve Bank board deliberations. Upon study of such circumstances, the exemption has been amended to refer to deliberations concerning or ratification of extensions of credit, advances, or discounts to any bank that has not been determined to be in hazardous financial condition. These would include, for example, short-term advance credit, seasonal credit and emergency credit to member banks; advances to member banks; discounts to member banks and Federal intermediate credit banks, and indirect credit non-member banks, provided the credit extensions, advances, or discounts are in accordance with System policy and procedures.

(6) Sections 264a.5(b)(2) and 264a.5(b)(3) of the regulation identify financial interests which the Board of Governors has determined are too remote or too inconsequential to justify barring director participation in deliberations concerning financial institutions. The phrase "concerning or affecting a financial institution" in each

of these sections has been changed to "concerning or affecting any financial institution" to make clear that the exemptions apply regardless of the condition of the financial institution involved.

(7) A new § 264a.5(b)(4) has been added to reflect a Board determination that financial interests that a director or certain other persons may have in deliberations affecting a financial institution as a result of holdings in a diversified and widely held mutual fund, investment company, pension or retirement plan are too remote or too inconsequential to affect the integrity of directors' services, and that, accordingly, directors are not prohibited from participating in such deliberations, provided the director does not contribute to investment decisions of the fund, company, or plan.

(8) Section 264a.5(d) identifies topics that may be the subject of discussion by Reserve Bank boards and that are believed by the Board of Governors not to be particular matters of the type described by 18 U.S.C. 208. The section also reflects the judgment that even if the statute were held to be applicable, the financial interests of directors or certain other persons in such matters are too remote or too inconsequential to affect the integrity of directors' services and that, accordingly, the prohibitions of 18 U.S.C. 208 shall not apply to director participation in such matters. This section has been amended to include matters intended to have generally uniform application to banks within the Reserve Bank district.

(9) Technical or conforming amendments have also been made to sections 264a.2(c), 264a.3(b), 264a.3(c), 264a.5(c), 264a.5(c)(1) and 264a.5(c)(2).

Accordingly, 12 CFR Part 264a is revised to read as follows:

- Sec.
264a.1 Purpose.
264a.2 Definitions.
264a.3 Prohibition against Director participation in particular matters.
264a.4 Granting of ad hoc exemptions.
264a.5 Exemption of remote or inconsequential financial interests.

AUTHORITY.—18 U.S.C. 208, as amended by the Federal Reserve Reform Act of 1977, Pub. L. No. 95-188, sec. 205, 91 Stat. 1387; 12 U.S.C. 248, 301.

§ 264a.1 Purpose.

Directors of Federal Reserve Banks are charged by law with the responsibility of supervising and controlling the operations of the Reserve Banks, under the general supervision of the Board of Governors, and for assuring that the affairs of the Banks are administered fairly and impartially. The Federal Reserve Act provides that Reserve bank directors will be selected with due consideration to the interests of various segments of the population

and the economy, thus assuring that the Federal Reserve System will receive the benefit of the experienced judgment of individuals from a broad spectrum of the communities that will be affected by actions of the System. For example, the provisions of section 4 of the Federal Reserve Act, as amended by the Federal Reserve Reform Act of 1977, provide that both class B and C directors shall be chosen to represent the public and with "due but not exclusive consideration to the interests of agriculture, commerce, industry, services, labor, and consumers." Section 4 further provides that class A directors "shall be chosen by and be representative of the stockholding banks" of the Federal Reserve System. Recognizing that Reserve Bank directors may have, in their private capacities, business, consumer, or other interests to which legitimate attention is to be given; but recognizing also that these same individuals have fiduciary responsibilities as directors of Reserve Banks, this regulation is promulgated for the purpose of assuring preservation of and adherence to the intent of both the Federal Reserve Act and section 208 of Title 18, United States Code.

§ 264a.2 Definitions.

For purposes of this part, the following definitions shall apply:

(a) The term "director," unless otherwise indicated, means a head office or branch director of a Federal Reserve Bank.

(b) The term "Board of Governors" means the Board of Governors of the Federal Reserve System.

(c) The term "board" means the board of directors of a Federal Reserve Bank or branch of a Federal Reserve Bank.

(d) The term "related person" means (1) a partner of a director, (2) any organization in which the director is serving as an officer, director, trustee, partner or employee, or (3) any person or organization with whom the director is negotiating or has any arrangement concerning prospective employment.

(e) The term "participate" means to act through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or as is otherwise within the meaning of the provisions of 18 U.S.C. § 208.

(f) The term "particular matter" means a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other subject within the meaning of the provisions of 18 U.S.C. § 208.

(g) The term "discussions" means the consideration of a matter by a board and may include, depending upon the board's statutory authority, votes taken or other decisional action.

§ 264a.3 Prohibition against director participation in particular matters.

(a) Pursuant to the provisions of 18 U.S.C. § 208(a), no director may participate personally and substantially in a particular matter in which, to the director's knowledge, the director, the director's spouse or minor child, or related persons have a financial interest unless such action is otherwise permitted by 18 U.S.C. § 208(b) and §§ 264a.4 or 264a.5 of this part.

(b) Except as provided by 18 U.S.C. § 208(b) and sections 264a.4 or 264a.5 of this part, no director shall participate in deliberations or decisions of a Reserve Bank board when the question presented is whether the board should approve or ratify an extension of credit, advance, or discount by a Reserve Bank to a bank which is, in the opinion of the President of the Reserve Bank, in a hazardous financial condition, and

(1) Where the director has knowledge that he, his spouse, or minor child has a financial interest in the proposed transaction as a result of:

(i) Being a borrower or applicant for credit from the borrowing bank, other than consumer credit as defined in Regulation Z (12 CFR 226.2(p));

(ii) Maintaining a depository relationship with the borrowing bank in an amount exceeding that covered by Federal deposit insurance;

(iii) Owning stock, stock options, bonds, notes or other forms of indebtedness issued by the borrowing bank, or its registered parent holding company, the market value of which exceeds \$100,000 or represents more than 1 percent of the value of that class of stock, stock option, bond, note, or other form of indebtedness issued by the borrowing bank or its registered parent holding company; or

(iv) Employment in a policy making position or service as a director with the borrowing bank or the registered parent holding company of the borrowing bank.

(2) Where the director has a financial interest in the proposed transaction as a result of:

(i) Service by the director as an officer or director of another bank that is known by the director to be located in the same geographic market for local banking services as the borrowing bank and is known by the director to be in direct and substantial competition with the borrowing bank;

(ii) Service by the director as an officer or director of another bank that is known by the director:

(A) To have outstanding or to be negotiating an extension of credit from, or to, the borrowing bank, other than Federal funds or foreign exchange transactions; or

(B) To maintain a correspondent or depository relationship with the borrowing bank in an amount exceeding

that covered by Federal deposit insurance; or

(iii) Service by the director as one of the principal officers of any business enterprise that constitutes the director's primary business or professional occupation where such business enterprise is known by the director:

(A) To have outstanding or to be negotiating a direct and substantial extension of credit or line of credit from the borrowing bank;

(B) To maintain a principal depository relationship with the borrowing bank in an amount exceeding that covered by Federal deposit insurance; or

(C) To own stock, stock options, bonds, notes or other forms of indebtedness issued by the borrowing bank, the market value of which exceeds \$100,000 or represents more than 1 percent of the value of that class of stock, stock options, bonds, notes or other form of indebtedness issued.

(3) Where the director has knowledge that a partner of the director has a financial interest in the proposed transaction; or

(4) Where the director has a financial interest in the proposed transaction as a result of the director's participation in current negotiations or arrangements concerning prospective employment with the borrowing bank.

(c) It is recognized that a Reserve Bank board can, within the spirit and letter of its responsibilities, delegate to appropriate officials of the Reserve Bank authority to act with respect to extensions of credit to individual banks determined to be in hazardous financial condition, thus avoiding both ratification by the board and applicability to the directors of the prohibitions of this section. Such delegation would not preclude continued advice to the board of appropriate information regarding bank conditions in the district so as to enable the board to perform fully its general oversight responsibilities.

§ 264a.4 Granting of ad hoc exemptions.

(a) The prohibitions of 18 U.S.C. § 208 and section 264a.3 of this part shall not apply if the director first advises the Board of Governors of the nature and circumstances of the particular matter before the board and makes full disclosure of the financial interest involved and receives in advance a written determination made by the Board of Governors, or its designee, pursuant to 18 U.S.C. § 208(b)(1), that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Federal Reserve System may expect from such director.

(b) Telegraphic communications from the President, First Vice President, Secretary or General Counsel of a Reserve Bank to the Board of Governors on behalf of a director and set-

ting forth the precise nature of both the particular matter before the board and the financial interest involved shall be considered to meet the director's duty of full disclosure set forth in paragraph 264a.4(a). Telegraphic response to the same identified officials of the Reserve Bank by the Board of Governors, or its designee, shall be deemed to meet the requirement of a written determination by the Board of Governors set forth in paragraph 264a.4.

264a.5 Exemption of remote or inconsequential financial interests.

(a) Pursuant to the provisions of 18 U.S.C. § 208(b)(2), certain actions of directors of Federal Reserve Banks may be exempted from the prohibitions of 18 U.S.C. § 208(a) and section 264a.3 of this part, if by general rule or regulation published in the FEDERAL REGISTER, the financial interest involved has been determined to be too remote or too inconsequential to affect the integrity of directors' services. Financial interests will be viewed as too remote or too inconsequential:

(1) In circumstances in which a director's action on a matter will not directly, substantially, and predictably affect the financial interest; or

(2) In circumstances in which a director's independence of judgment will not be affected by the financial interest.

(b) The Board of Governors has determined that the financial interests of a director, the director's spouse or minor child, or related persons in the following matters are too remote or too inconsequential to affect the integrity of directors' services and, accordingly, the prohibitions of 18 U.S.C. § 208(a) and section 264a.3 of this part shall not apply to a director's participation in such matters:

(1) Deliberations concerning or ratification of extensions of credit, advances, or discounts to any bank that has not been determined to be in hazardous financial condition by the President of the Reserve Bank, provided such credit extensions, advances, or discounts are made under appropriate provisions of the Federal Reserve Act, regulations and policies of the Board of Governors and the Federal Reserve Banks, and the established operating procedures at the financial Reserve Bank;

(2) Deliberations concerning or affecting any financial institution, to the extent the financial interest in such matters results from:

(i) Maintenance at the financial institution of a checking or other deposit account covered by Federal Insurance;

(ii) A fiduciary relationship involving the utilization of the financial institution's trust or investment advisory services;

(iii) The receipt from the financial institution of consumer credit, as that term is defined in Regulation Z (12 CFR 226.2(p)); or

(iv) Participation in Federal funds or foreign exchange transactions with the financial institution;

(3) Deliberations concerning or affecting any financial institution or other enterprise to the extent the financial interest results from ownership of stock, stock options, bonds, notes, or other forms of indebtedness, the market value of which is less than \$100,000 and represents less than 1 percent of the value of that class of stock, stock option, bond, note or other form of indebtedness issued by the financial institution or other enterprise.

(4) Deliberations concerning or affecting any financial institution or other enterprise to the extent the financial interest results from holdings in a diversified and widely held mutual fund, investment company, pension or retirement plan that, in turn, may have invested in the financial institution, provided that the director does not contribute to investment decisions of the fund, company, or plan.

(c) Section 264a.3(b) of this part specifically identifies certain financial interests, the existence and knowledge of which will preclude a director from participating in deliberations or decisions of a Reserve Bank board (except through recourse to the procedures set forth in § 264a.4) when the question presented is whether the board should approve or ratify an extension of credit, advance, or discount by a Reserve Bank to a bank which is, in the opinion of the President of the Reserve Bank, in hazardous financial condition. Financial interests identified in § 264a.3(b) are viewed by the Board as offering a clear potential for conflict. The Board has determined that any other financial interest that a director, the director's spouse or minor child, or related persons may have in such extensions of credit, advances, or discounts to banks in hazardous condition are too remote or too inconsequential to affect the integrity of directors' services and, accordingly, the prohibitions of 18 U.S.C. § 208(a) and § 264a.3 of this part shall not apply to a director's participation in such matters. These would include, for example, financial interests that might result from:

(1) A Director's ownership of stock of a bank or business, other than a registered parent holding company of the borrowing bank, that may have an interest in the condition of the borrowing bank; or

(2) A director's service as a director or trustee of a business or other organization, other than a bank or the registered parent holding company of the borrowing bank, that may, itself or

through a subsidiary, have an interest in the condition of the borrowing bank.

(d) The functions of directors often include their participation in discussions concerning (1) international, national, and regional economic and financial conditions, (2) monetary policy, (3) general conditions, trends or issues with respect to bank credit, (4) establishment of rates to be charged for all advances and discounts by Federal Reserve Banks, subject to review and determination of the Board of Governors pursuant to the Federal Reserve Act, (5) matters intended to have generally uniform application to banks within the Reserve Bank district, and (6) statutes and proposed or pending legislation in which the Federal Reserve System has a legitimate interest. The foregoing matters are not particular matters of the type described in 18 U.S.C. § 208 and, therefore, that statute is not applicable to participation in such matters. However, even if the statute were held to be applicable to participation in such matters, the Board of Governors has determined that the financial interests of a director, the director's spouse or minor child, or related persons in such matters are too remote or too inconsequential to affect the integrity of directors' services and, accordingly, the prohibitions of 18 U.S.C. § 208(a) and § 264a.3 of this part shall not apply to a director's participation in such matters.

(e) Nothing in this section shall preclude a director from refraining, to the extent consistent with responsibilities imposed upon the directors by the Federal Reserve Act, from participation in a particular matter. The Board hereby gives notice of its intention to undertake a continuing review of the experience of Reserve Bank boards under this regulation with a view to assuring preservation of and adherence to the intent of both the Federal Reserve Act and 18 U.S.C. § 208, as amended. In the course of such review, particular attention will be given to the provisions of this section.

Board of Governors of the Federal Reserve System, May 31, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-15751 Filed 6-6-78; 8:45 am]

[4810-22]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 78-157]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Republic of Surinam and Qatar; Exemption From Payment of Higher Tonnage Duties

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by adding the Republic of Surinam and Qatar to the list of nations whose vessels are exempted from the payment of higher tonnage duties than are applicable to vessels of the United States and from the payment of light money. Satisfactory evidence has been obtained by the Department of State that no discriminatory duties of tonnage or impost are imposed in ports of the Republic of Surinam and Qatar upon vessels belonging to citizens of the United States or on their cargo.

EFFECTIVE DATE: The exemption became effective for the Republic of Surinam on November 25, 1975, and for Qatar on March 4, 1976.

FOR FURTHER INFORMATION CONTACT:

Patrick J. Casey, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5706.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Generally, the United States imposes regular and special tonnage taxes, and a duty of a specified amount per ton, known as "light money," on all foreign vessels which enter United States ports (46 U.S.C. 121, 128). However, vessels of a foreign nation may be exempted from the payment of special tonnage taxes and light money upon presentation of proof satisfactory to the President that no discriminatory duties of tonnage or imposts are imposed by that foreign nation on United States vessels or their cargo (46 U.S.C. 141). The President has delegated the authority to grant this exemption to the Secretary of the Treasury. Section 4.22 of the Customs Regulations (19 CFR 4.22) lists those nations whose vessels have been exempted from the payment of higher tonnage duties than

are applicable to vessels of the United States and from the payment of light money.

On February 8, 1978, and April 12, 1978, the Department of State advised the Department of the Treasury that the Governments of the Republic of Surinam and Qatar, respectively, have supplied satisfactory evidence that no discriminating duties of tonnage or impost are imposed or levied in ports of those nations upon vessels wholly belonging to citizens of the United States or upon the produce, manufactures, or merchandise imported into the Republic of Surinam or Qatar in those vessels.

The Department of State advised that no discriminating duties of tonnage or impost have been imposed or levied upon United States vessels, or upon the cargo imported in those vessels, in ports of the Republic of Surinam since November 25, 1975, and in ports of Qatar since March 4, 1976.

The November 25, 1975, date, in respect to the Republic of Surinam, is based upon that nation's succession, upon independence on November 25, 1975, to the rights and obligations of the 1956 Treaty of Friendship, Commerce and Navigation, with protocol and exchange of notes, between the United States and the Netherlands (8 UST 2043; TIAS 3942), which is in force between the United States and the Republic of Surinam.

The March 4, 1976, date, in respect to Qatar, is based upon that nation's assurances, in a note dated March 4, 1978, that it has not levied discrimination duties of tonnage or impost upon United States vessels, or upon the cargo imported in those vessels, in Qatar ports, in the two years preceding the date of the note.

DECLARATION

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960, (3 CFR, 1959-1963 Comp., Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 15 (43 FR 11884), I declare that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, in respect to vessels of the Republic of Surinam and Qatar, and the produce, manufactures, or merchandise imported into the United States in such vessels from the Republic of Surinam and Qatar, or from any other foreign country.

This suspension and discontinuance shall take effect from November 25, 1975, in respect to vessels of the Republic of Surinam, and from March 4,

1976, in respect to vessels of Qatar, and shall continue for so long as the reciprocal exemptions of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

AMENDMENT TO THE REGULATIONS

In accordance with this declaration, § 4.22, Customs Regulations (19 CFR 4.22), is amended by inserting "Surinam, Republic of" and "Qatar" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(R.S. 251, as amended, 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624, 46 U.S.C. 3, 121, 128, 141).)

Because this amendment merely implements a statutory requirement, notice and public procedure thereon are found to be unnecessary and good cause exists for dispensing with the delayed effective date provisions of 5 U.S.C. 553.

DRAFTING INFORMATION

The principal author of this document was Mark Jenkins, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service and the Department of State participated in its development.

Dated: May 23, 1978.

RICHARD J. DAVIS,
Assistant Secretary
of the Treasury.
[FR Doc. 78-15781 Filed 6-6-78; 8:45am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF THE ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-78-541]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Recodification

AGENCY: Department of Housing and Urban Development.

ACTION: Final rulemaking.

SUMMARY: HUD has recently adopted a series of amendments to part 570 to implement new activities and policy

changes which result from the implementation of amendments contained in title I, Housing and Community Development Act of 1977 to the community development block grant program. HUD is republishing the table of contents to part 570 for clarity and to enable the users of these rules to have an updated table of contents to the part.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

William R. Hammer, Program Standards Division, Office of Community Planning and Development, Department of Housing and Urban Development, Washington, D.C. 20410, 202-755-6304.

SUPPLEMENTARY INFORMATION:

The table of contents contained in 24 CFR part 570 is being republished. This republication was necessitated by incorporation of a series of amendments to part 570 resulting from title I, Housing and Community Development Act of 1977 (Pub. L. 95-128). Further, this republication is for the convenience of users of part 570 in referring to the rules for the community development block grant program authorized by title I, Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.), as they are now set forth, and for the ease in incorporating future amendments.

This republication reflects amendments published in the FEDERAL REGISTER to part 570 for subpart A and B on February 1, 1978 (43 FR 4382), subparts C, D, and F on March 1, 1978 (43 FR 8434), subpart G on January 10, 1978 (43 FR 1602) and on March 29, 1978 (43 FR 13340), and subpart M on January 18, 1978 (43 FR 2714).

For the convenience of the user, the following table shows the relationship of the old subpart designations to the new subpart designations.

Old	New
Subpart F (570.500-570.512)	Subpart J (570.500-570.512)
Subpart G (570.600-570.610)	Subpart K (570.600-570.613)
Subpart H (570.700-570.705)	Subpart M (570.700-570.705)
Subpart I (570.800-570.804)	Subpart N (570.800-570.804)
Subpart J (570.900-570.913)	Subpart O (570.900-570.913)

AUTHORITY: Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); Title I, Housing and Community Development Act of 1977 (Pub. L. 95-128); and sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Accordingly, the table of contents to 24 CFR part 570 is republished as follows:

Subpart A—General Provisions

- Sec.
- 570.1 Applicability and Scope.
- 570.2 Objective and Purpose of Program.
- 570.3 Definitions.
- 570.4 Waivers.

Subpart B—Allocation and Distribution of Funds

- 570.100 General.
- 570.101 Allocation Between Metropolitan and Nonmetropolitan Areas.
- 570.102 Basic Grant Amounts.
- 570.103 Hold-Harmless Grants.
- 570.104 Funds for Discretionary Grants.
- 570.105 Qualification as Urban County.
- 570.106 Qualification and Submission Dates.
- 570.107 Reallocation of Funds.

Subpart C—Eligible Activities

- 570.200 General Policies.
- 570.201 Basic Eligible Activities.
- 570.202 Eligible Rehabilitation and Preservation Activities.
- 570.203 Eligible Economic Development Activities.
- 570.204 Eligible Activities by Private Nonprofit Entities, Neighborhood-Based Nonprofit Organizations, Local Development Corporations, and Small Business Investment Companies.
- 570.205 Eligible Planning and Urban Design Costs.
- 570.206 Eligible Administrative Costs.
- 570.207 Ineligible Activities.

Subpart D—Entitlement Grants

- 570.300 Outline of Application Requirements.
- 570.301 Planning Considerations.
- 570.302 Program Benefit to Low- and Moderate-Income Persons.
- 570.303 Citizen Participation Requirements.
- 570.304 Community Development and Housing Plan.
- 570.305 Annual Community Development Program.
- 570.306 Housing Assistance Program.
- 570.307 Certificates.
- 570.308 Timing of Application Submission.
- 570.309 Public Availability of and Objections to Application [Reserved].
- 570.310 A-95 Clearinghouse Review and Comment.
- 570.311 HUD Review and Approval of Application.
- 570.312 Amendments.

Subpart E—Secretary's Fund

- 570.400 General.
- 570.401 Urgent Needs Fund.
- 570.402 Technical Assistance Grants and Contracts [Reserved].
- 570.403 New Communities.
- 570.404 Area-wide Programs.
- 570.405 Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.
- 570.406 Innovative Projects.
- 570.407 Federally Recognized Disasters.
- 570.408 Inequities Funds.
- 570.409 Reallocated Funds.

Subpart F—Small Cities Program

- 570.420 General.
- 570.421 Applications by States and Counties; Joint Applications.

- Sec.
- 570.422 State Participation [Reserved].
- 570.423 Comprehensive Program General Requirements.
- 570.424 Selection System for Comprehensive Grants.
- 570.425 Preapplications for Comprehensive Grants.
- 570.426 Applications for Comprehensive Grants.
- 570.427 Single Purpose Program General Requirements.
- 570.428 Selection System for Single Purpose Grants.
- 570.429 Preapplications for Single Purpose Grants.
- 570.430 Application for Single Purpose Grants.
- 570.431 Citizen Participation Requirements for Single Purpose Grants.
- 570.432 Single Purpose Grants for Imminent Threat to Public Health or Safety.
- 570.433 HUD Review and Actions on Full Applications for Single Purpose and Comprehensive Grants.
- 570.434 Program Amendments for Single Purpose Comprehensive Grants.
- 570.435 Modified OMB Circular No. A-95 Procedures for the Small Cities Program.

Subpart G—Urban Development Action Grants

- 570.450 Purpose.
- 570.451 Definitions.
- 570.452 Eligible Applicants.
- 570.453 Eligible Activities.
- 570.454 Ineligible Activities and Limitations on Eligible Activities.
- 570.455 Actions Which Must Be Taken Prior to Submission of an Application.
- 570.456 Applications.
- 570.457 Criteria for Selection.
- 570.458 HUD Review and Action on Applications.
- 570.459 Post-Approval Requirements.
- 570.460 Program Amendments.
- 570.461 Allocation to Small Cities.
- 570.462 Applicability of Rules and Regulations.

Subpart H—Financial Settlement Fund [Reserved]**Subpart I—[Reserved]****Subpart J—Grant Administration**

- 570.500 Designation of Public Agency.
- 570.501 Grant Agreement.
- 570.502 Method of Payment.
- 570.503 Cash Withdrawals.
- 570.504 Restrictions on Fund Commitment and Expenditures.
- 570.505 Financial Management Systems.
- 570.506 Program Income.
- 570.507 Procurement Standards.
- 570.508 Bonding and Insurance.
- 570.509 Audit.
- 570.510 Retention of Records.
- 570.511 HUD Administrative Services for Rehabilitation Loans and Grants [Reserved].
- 570.512 Discretionary Grants Closeout.
- 570.513 Lump Sum Drawdown for Property Rehabilitation Financing [Reserved].

Subpart K—Other Program Requirements

Sec.

- 570.600 Limitations on Local Option Activities and Contingency Accounts.
- 570.601 Nondiscrimination.
- 570.602 Relocation and Acquisition.
- 570.603 Environment.
- 570.604 Historic Preservation.
- 570.605 Labor Standards.
- 570.606 Architectural Barriers Act of 1968.
- 570.607 Activities for Which Other Federal Funds Must Be Sought.
- 570.608 Hatch Act.
- 570.609 National Flood Insurance Program.
- 570.610 Clean Air Act and Federal Water Pollution Control Act.
- 570.611 Lead-Based Paint Poisoning Prevention Act.
- 570.612 Activities Conducted by Nonprofit Entities, Small Business Investment Companies, and Local Development Corporations [Reserved].
- 570.613 Disposition [Reserved].

Subpart L—[Reserved]**Subpart M—Loan Guarantees**

- 570.700 Eligible Applicants.
- 570.701 Eligible Activities.
- 570.702 Application Requirements.
- 570.703 Loan Requirements.
- 570.704 Federal Guarantee.
- 570.705 Applicability of Rules and Regulations.

Subpart N—Urban Renewal Provisions

- 570.800 General.
- 570.801 Payment of the Cost of Completing Project.
- 570.802 Repayment of Temporary Loans.
- 570.803 Financial Settlement of Project.
- 570.804 Application for Approval of Financial Settlement.

Subpart O—Program Management

- 570.900 Performance Standards.
- 570.901 To 570.904 [Reserved].
- 570.905 Reports to Be Submitted by Recipients.
- 570.906 Performance Report.
- 570.907 Records to Be Maintained by Recipients.
- 570.908 Evaluation by HUD.
- 570.909 Secretarial Review of Recipient's Performance.
- 570.910 Corrective and Remedial Actions.
- 570.911 Reduction of Annual Grant.
- 570.912 Nondiscrimination Compliance.
- 570.913 Other Remedies for Noncompliance.

Issued at Washington, D.C., May 25, 1978.

ROBERT C. EMBRY, Jr.,
Assistant Secretary for Community Planning and Development.

[FR Doc. 78-15771 Filed 6-6-78; 8:45 am]

[4210-01]

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(Docket No. R-78-505)

PART 888—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—FAIR MARKET RENTS AND CONTRACT RENT AUTOMATIC ANNUAL ADJUSTMENT FACTORS

Fair Market Rents for New Construction and Substantial Rehabilitation: Guam Market Area; and Newark, Asbury Park, North Bergen, and Freehold, N.J., Market Areas

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This final rule amends the section 8 Fair Market Rents for the Guam market area and Newark, Asbury Park, North Bergen, and Freehold, N.J., market areas.

EFFECTIVE DATE: July 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Henry F. P. Cassagne, Chief Appraiser, Office of Technical Support, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-472-4810.

SUPPLEMENTARY INFORMATION: Notice was given on February 15, 1978, at 43 FR 6631 and 6632 that the Department of Housing and Urban Development (HUD) was proposing to amend Title 24 of the Code of Federal Regulations by revising Part 888, Schedule A, "Fair Market Rents for New Construction and Substantial Rehabilitation (including Housing Finance and Development Agencies Program)" for the Guam market area and for the Newark, Asbury Park, North Bergen, and Freehold, N.J., market areas.

HUD has received no comments in response to the February 15, 1978, publication; therefore, the Fair Market Rents as proposed are adopted without change.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of

Issued on May 26, 1978.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing—Federal Housing Commissioner.

SCHEDULE A—FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION (INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM)

These Fair Market Rents have been trended ahead two years to allow time for pro-

cessing and construction of proposed new construction and substantial rehabilitation rental projects.

NOTE.—The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size units, not to exceed 2-bedroom, multiplied by 1.05 rounded to the next higher whole dollar, (2) congregate housing dwelling units are the same as for non-congregate units and (3) single room occupancy dwelling units are those for 0-bedroom units of the same type.

AREA OFFICE NEWARK, N. J. REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS					
		0	1	2	3	4	5
NEWARK	DETACHED	---	---	595	694	732	832
	SEMI-DETACHED/ROW	---	---	402	491	580	632
	WALKUP	348	378	464	550	598	657
	ELEVATOR-2-4 Sty 5 + Sty	437	476	606	---	---	---
ASSURRY PARK	DETACHED	---	---	427	536	647	760
	SEMI-DETACHED/ROW	346	385	465	552	611	657
	WALKUP	319	359	437	522	579	638
	ELEVATOR-2-4 Sty 5 + Sty	398	457	565	---	---	---
NORTH BERGEN	DETACHED	---	---	600	705	738	838
	SEMI-DETACHED/ROW	---	---	429	545	622	770
	WALKUP	352	395	509	595	636	695
	ELEVATOR-2-4 Sty 5 + Sty	444	506	665	---	---	---
FREEHOLD	DETACHED	---	---	427	564	675	788
	SEMI-DETACHED/ROW	346	385	493	580	639	685
	WALKUP	319	359	465	550	607	666
	ELEVATOR-2-4 Sty 5 + Sty	398	457	591	---	---	---

AREA OFFICE HONOLULU, HAWAII REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
GUAM	DETACHED	---	---	444	515	556
	SEMI-DETACHED/ROW	---	364	403	474	515
	WALKUP	234	293	381	446	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

[FR Doc. 78-15628 Filed 6-6-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 110—WEDNESDAY, JUNE 7, 1978

[4210-01]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Mobile County, Ala.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Mobile County, Ala., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year; *Provided*, That no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurance Program (NFIP) through the agent or broker who sold the policy.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 015008B Panel 61, published on June 29, 1977, in 43 FR 33204, indicates that Lot 54, Creekwood, Mobile County, Fla., as recorded in Map Book 27, Page 43, in the office of the Judge of the Probate Court of Mobile County, Ala., is within the Special Flood Hazard Area.

Map No. H&I 015008B Panel 61 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on December 17, 1976. The structure is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued October 3, 1977.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14421 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Pueblo, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Pueblo, Colo., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 7th Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year; *Provided*, That no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 085077A Panel 04, published on June 29, 1977, in 42 FR 33206, indicates that the Dill-Hahn Co. Subdivision, Pueblo, Colo., as recorded in Book 1824, Page 243, in the office of the Recorder of Pueblo County, Colo., is within the Special Flood Hazard Area.

Map No. H&I 085077A Panel 04 is hereby corrected to reflect that the above property is in Zone C and is not within the Special Flood Hazard Area identified on August 24, 1973.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14422 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the city of Arvada, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Arvada, Colo., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION**Letter of Map Amendment for the City of Danbury, Conn.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Danbury, Conn. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Danbury, Conn., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b): Map No. H&I 090004A Panel 01, published on June 29, 1977, in 42 FR 33206, indicates that parcels A, B, and C, Danbury, Conn., as described in the deed and recorded in volume 461, page

235, in the Office of the Town Clerk of Danbury, Conn., are within the Special Flood Hazard Area.

Map No. H&I 090004A Panel 01 is hereby corrected to reflect that the above structure on the above properties is not within the Special Flood Hazard Area identified on May 2, 1977. The structure is in zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14424 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION**Letter of Map Amendment for the City of West Hartford, Conn.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of West Hartford, Conn. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of West Hartford, Conn., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or

acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 095082 Panel 08, published on June 29, 1977, in 42 FR 33206, indicates that lot 160, West Hartford Manor, West Hartford, Conn., also being known as 375 South Main Street, as recorded in plat volume 601, page 31, in the Office of the Town Clerk of West Hartford, Conn., is within the Special Flood Hazard Area.

Map No. H&I 095082 Panel 08 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on September 25, 1971. The property is in zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14425 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION**Letter of Map Amendment for the City of West Hartford, Conn.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of West Hartford, Conn. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of West

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION**Letter of Map Amendment for Dade County, Fla.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included Dade County, Fla. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for Dade County, Fla., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 7th Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

The National Flood Insurance Program, P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b): Map No. H&I 125098 B Panel 32, published on June 29, 1977, in 42 FR 33208, indicates that Lot 4, Block 4,

Hartford, Conn., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 095082 Panel 05, published on June 29, 1977, in 42 FR 33206, indicates that lot 10, section 1, Brookside Knolls, West Hartford, Conn., also known as 145 Cliffmore Road, as recorded in deed volume 577, page 161, in the Office of the Town Clerk of West Hartford, Conn., is within the Special Flood Hazard Area.

Map No. H&I 095082 Panel 05 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on September 25, 1971. The structure is in zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: April 13, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14426 Filed 6-6-78; 8:45 am]

Cutler Hammock (located at 7540 SW. 175th Street), Miami, as recorded in Plat Book 95, Page 71, in the office of the Clerk of the Circuit Court of Dade County, Fla., is within the Special Flood Hazard Area.

Map No. H&I 125098 B Panel 32 is hereby corrected to reflect that the existing structure on the above property is not within the Special Flood Hazard Area identified on September 30, 1972. The structure is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, February 27, 1969), as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14427 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Jacksonville, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Jacksonville, Fla. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Jacksonville, Fla., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to

purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 120077B Panel 09, published on June 29, 1977, in 42 FR 33210, indicates that Huntington Forest, Unit 2, Jacksonville, Fla., recorded as Ordinance 74-338-187, May 28, 1974, city of Jacksonville, Fla., is within the Special Flood Hazard Area.

Map No. H&I 120077B Panel 09 is hereby corrected to reflect the above property is in Zone C and is not within the Special Flood Hazard Area identified on December 1, 1977.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14428 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-2134]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Rochester, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Rochester, Minn. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of

Rochester, Minn., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 275246A panel 03, published on June 29, 1977, in 42 FR 33217, indicates that lots 1 through 8 and 11, Viking Village Subdivision, Rochester, Minn., as recorded on Instrument No. 350640, in the office of the Register of Deeds of Olmsted County, Minn., are within the Special Flood Hazard Area.

Map No. H&I 275246A panel 03 is hereby corrected to reflect that the existing structures on the above mentioned property are within Zone B and not within the Special Flood Hazard Area identified on March 27, 1971.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14429 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-2600]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Rochester, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final Rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Rochester, Minn. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Rochester, Minn., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurance Program (NFIP) through the agent or broker who sold the policy.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 275246A panel 08, published on June 29, 1977, in 42 FR 33217, indicates that lot 4, Maple Lane, located at 1500 6th Avenue SW., Rochester, Minn., as recorded under Document No. 247487 in the office of the County Recorder of Olmsted

County, Minn., is within the Special Flood Hazard Area.

Map No. H&I 275246A panel 08 is hereby corrected to reflect the existing structure on the above property is in Zone B and is not within the Special Flood Hazard Area identified on March 27, 1971.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14430 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Ladue, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Ladue, Mo. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Ladue, Mo., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender

now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034.

The map amendments listed below are in accordance with § 1920.7(b): Map No. H&I 290363B, Panel 04, published on June 29, 1977, in 42 FR 33225, indicates that Lot 17 of Overbrook Estates in the city of Ladue, Mo., as recorded in Plat Book 27, Page 36, in the office of the Recorder of Deeds of St. Louis County, Mo., is within the Special Flood Hazard Area.

Map No. H&I 290363B, Panel 04, is hereby corrected to reflect the existing structure on the above property is not within the Special Flood Hazard Area identified on March 16, 1976. The structure is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14431 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the Borough of Oakland, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the borough of Oakland, N.J. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the borough of Oakland, N.J., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area,

removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or Federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 345309A Panel 02, published on June 29, 1977, in 42 FR 33223, indicates that Lot 6B, Block 2102, at 74 Long Hill Road, Oakland, N.J., as shown on the "Final Subdivision Map, Bass Pond Estates", filed in the Bergen County Clerk's office on December 3, 1962, as Map No. 5933, is within the Special Flood Hazard Area. This property is recorded in Book 6078, Pages 337 through 339, in the office of the Clerk of Bergen County, N.J.

Map No. H&I 345309A Panel 02 is hereby corrected to reflect that the structure on the above mentioned property is in Zone B and is not within the Special Flood Hazard Area identified on July 23, 1976.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14432 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION**Letter of Map Amendment for the Township of Wayne, N.J.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the township of Wayne, N.J. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the township of Wayne, N.J., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase Flood insurance for that property as a condition of Federal or Federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or Federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, Phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b): Map No. H&I 345327A, Panels 01 and 02, published on June 29, 1977, in 42 FR 33224, indicates that Lots 1, 2B, and 3, Block 660; Lots 7, 9, 10, 11, 13,

Block 662; the westernmost 245 feet of Lot 9B bordering on Balsam Road, and the westernmost 45 feet of Lot 11C bordering on Lot 11B, and Lot 20B, Block 663, Wayne, N.J. all as shown on the Wayne Township Assessment Map Number 43, last revised on July 15, 1976;

Lots 2A, 3A, and 3B, Block 649, as shown on the Wayne Township assessment Map Number 44, last revised on October 3, 1975; Lots 27, 28, and 29, Block 657, as shown on the Wayne Township Assessment Map Number 45, last revised on October 13, 1975; and

Lots 1 through 4, Block 676 and Lots 1 through 7, Block 677, all as shown on the Wayne Tax Assessment Map Number 47, last revised on February 16, 1977; all lots mentioned being recorded in the Office of the Passaic County Registrar, are within the Special Flood Hazard Area.

Map No. H&I 345327A, Panels 01 and 02 are hereby corrected to reflect that: Lots 27 through 29, Block 657; Lots 1, 2B, and 3B, Block 660; Lot 7, Block 662; the westernmost 245 feet of Lot 9B bordering on Balsam Road, and the westernmost 45 feet of Lot 11C bordering on Lot 11B, Block 663; Lots 1 through 4, Block 676; and Lots 1 through 7, Block 677, are not within the Special Flood Hazard Areas identified on November 16 and 19, 1976. The properties are in Zone C.

Also, Map No. 345327A, Panel 02 is hereby corrected to reflect that the existing structures on: Lots 2A, 3A, and 3B, Block 649; Lots 9 through 11 and 13, Block 662; and Lot 20B, Block 663, are not within the Special Flood Hazard Areas identified on November 16 and 19, 1976. The structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14433 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION**Letter of Map Amendment for the Township of Wyckoff, N.J.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On June 29, 1977, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the township of Wyckoff, N.J. It has been determined by FIA, after further technical review of the Flood Insurance Rate Map for the township of Wyckoff, N.J., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the existing structure on the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: Date of this notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or Federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurance Program (NFIP) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of Letter of Map Amendment.

Map No. H&I 340084A Panel 0001, published on June 29, 1977, in 42 FR 33224, indicates that Lot 33, Block 346, at 432 George Place, Wyckoff, N.J., as shown on the Township Tax Map, is within the Special Flood Hazard Area. This property is recorded as Lot 20, Block 74-F, in Book 5664, Pages 142 through 144, in the office of the Clerk of Bergen County, N.J.

Map No. H&I 340084A Panel 0001 is hereby corrected to reflect the existing structure on the above property is in Zone B and is not within the Special Flood Hazard Area identified on August 1, 1977.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14434 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION**Letter of Map Amendment for the City of Winston-Salem, N.C.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On June 29, 1977, the Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Winston-Salem, N.C. It has been determined by FIA, after further technical review of the Flood Hazard Boundary Map for the city of Winston-Salem, N.C., in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or Federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Pro-*

vided, That no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurance Program (NFIP) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of Letter of Map Amendment.

Map No. H&I 375360D Panel 17, published on June 29, 1977 in 42 FR 33221, indicates that Lot 1, British Woods, Section 2, Winston-Salem, N.C., as recorded in Plat Book 23, Page 180, in the office of the Clerk of Forsyth County, N.C., is within the Special Flood Hazard Area.

Map No. H&I 375360D Panel 17 is hereby corrected to reflect that the existing structure on the above property is within Zone C and is not within the Special Flood Hazard Area identified on August 31, 1972.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14435 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION**Letter of Map Amendment for the City of Tulsa, Okla.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Tulsa, Okla. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Tulsa, Okla., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or Federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 7th Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from the National Flood Insurance Program (NFIP) through the agent or broker who sold the policy.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 405381C Panel 84, published on June 29, 1977, in 42 FR 33226, indicates that Lot 1, and the Reserve Lot, Block 1, Irving Acres, Tulsa, Okla., as recorded in Plat No. 2177, in the office of the Recorder of Tulsa County, Okla., are within the Special Flood Hazard Area.

Map No. H&I 405381C Panel 84 is hereby corrected to reflect the above property is in Zone C and is not within the Special Flood Hazard Area identified on August 17, 1971.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, February 27, 1969), as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-14436 Filed 6-6-78; 8:45 am)

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Tulsa, Okla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of com-

munities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Tulsa, Okla. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Tulsa, Okla., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

The National Flood Insurance Program, P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H & I 405381B Panel 142, published on June 29, 1977, in 42 FR 33226, indicates that Lot 10, Block 1, Kirkdale, Tulsa, as recorded in Book 3989, Page 128, in the office of the County Clerk of Tulsa County, Okla., is within the Special Flood Hazard Area.

Map No. H & I 405381B Panel 142 is hereby corrected to reflect the above property is not within the Special Flood Hazard Area identified on July 30, 1978. The property is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-14437 Filed 6-6-78; 8:45 am)

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the Borough of Norristown, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the Borough of Norristown, Pa. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the Borough of Norristown, Pa., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b): Map Number H & I 425386A Panels 01 and 02, published on June 29, 1977, in 42 FR 33230, indicate that a parcel of land located on Fomance Street, Norristown, Pennsylvania, approximately 330 feet west of the intersection of Fomance Street and Treemont Avenue, being recorded as Tract Number 2 in Deed Book 3778, Page 127, in the Office of the Recorder of Deeds, Montgomery County, Pa., is within the Special Flood Hazard Area. Map No. H & I 425386A Panels 01 and 02 are hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on December 5, 1975. The property is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-14401 Filed 6-6-78; 8:45 am)

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the Township of Solebury, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the township of Solebury, Pa. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the township of Solebury, Pa., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b): Map No. H&I 420202B Panel 03, published on June 29, 1977, in 42 FR 33230, indicates that 20.37 acres of land located in Solebury, Pa., as recorded in Deed Book 2233, Pages 30 and 34, in the Office of the Recorder of Bucks County, Pa., are within the Special Flood Hazard Area.

Map No. H&I 420202B Panel 03 is hereby corrected to reflect that the portion of the above property located in the northern section of the property, and situated approximately midway between the east and west property lines, which is at or above an elevation of 81.5 feet N.G.V.D., is not within the Special Flood Hazard Area identified on April 15, 1977. The property is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-14402 Filed 6-6-78; 8:45 am)

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Newport, R.I.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Newport, R.I. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Newport, R.I., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 7th Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 445403B Panel 03, published on June 29, 1977 in 42 FR 33231, indicates that Lot No. 180 as shown on Tax Assessor's Plat No. 9 and, as recorded in Volume 255, Page 220, in the office of the City Clerk of the city of Newport, R.I., is within the Special Flood Hazard Area.

Map No. H&I 445403B Panel 03 is hereby corrected to reflect the above property is not within the Special Flood Hazard Area identified on November 21, 1975. The property is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended

(42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, February 27, 1969), as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14403 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for City of Arlington, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Arlington, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Arlington, Tex., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

RULES AND REGULATIONS

P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 485454A Panel 18, published on June 29, 1977, in 42 FR 33233, indicates that Lots 11 through 17, Block 5, Harvest Hills, Section III, Arlington, Tex., as recorded in Plat Volume 388-112, Page 37, in the Office of Records of Tarrant County, Tex., are within the Special Flood Hazard Area.

Map No. H&I 485454A Panel 18 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on March 5, 1976. The property is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14404 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the County of Harris, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the county of Harris, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the county of Harris, Tex., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant

Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map Number H&I 480287B Panel 78, published on June 29, 1977, in 42 FR 33233, indicates that a property located in Harris County, Tex., and shown on the plan entitled Phase I, Park West Townhouses, prepared by McCoy/CID, Inc., and dated October 25, 1977, being a portion of the property shown on the Plat recorded in Volume 1, Page 23, in the Office of the Clerk of the Court of Harris County, Tex., is within the Special Flood Hazard Area.

Map No. H&I 480287B Panel 78 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on July 30, 1976. The property is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14405 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the City of Arlington, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Arlington, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Arlington, Tex., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 485454A Panel 11, published on June 29, 1977, in 42 FR 33233, indicates that Lots 14 through 31, Block 1 and Lots 14 through 20, Lots 24 through 26, Block 2, Shady Valley North, Arlington, Tex., as recorded in Plat Volume 388-117, Page 98, in the Office of Plat Records of Tarrant County, Tex., are within the Special Flood Hazard Area.

Map No. H&I 485454A Panel 11 is hereby corrected to reflect that the above properties, with the exception of the portions of Lots 15 through 31, Block 1, and Lots 14 through 20, Block 2, which are located below the elevation of 498 feet National Geodetic Ver-

RULES AND REGULATIONS

tical Datum (N.G.V.D.), are not within the Special Flood Hazard Area identified on July 23, 1971. The properties are in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14406 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the County of Harris, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the county of Harris, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the county of Harris, Tex., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may

obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 480287B Panels 77 and 78, published on June 29, 1977, in 42 FR 33233, indicate that Lots 13 through 40, Block 1; Lots 1 through 3, Lots 40 through 47, Lots 61 through 84, Lots 98 through 100, Block 2; Lots 1 through 35, Block 3; and Lots 1 through 4, Lots 6 through 29, Block 4; Section One, West Park Subdivision, Harris County, Tex., as recorded in Plat Volume 253, Page 93, in the Office of the Clerk of the Court of Harris County, Tex., are within the Special Flood Hazard Area.

Map No. H&I 480287B Panels 77 and 78 are hereby corrected to reflect that the above properties are not within the Special Flood Hazard Area identified on July 30, 1976. The properties are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14407 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the County of Harris, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the county of Harris, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the county of Harris, Tex., that certain property is not within the

Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 7th Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 480287B Panel 50, published on June 29, 1977 in 42 FR 33233, indicates that Lots 9 through 15, Lots 30 through 39, Lots 55 through 59, Block 1; Lot 10, Block 2; Lots 8 through 10, Block 3; Lots 1 through 43, Block 4; Lots 32 and 33, Block 5; Lots 16 through 19, and Lot 26, Block 6; Lot 65, Block 7, Section 1, and Unrestricted Reserve A, Autumn Run, Harris County, Tex., as recorded in Plat Volume 252, Page 13, in the office of the Clerk of the Court for Harris County, Tex., are within the Special Flood Hazard Area.

Map No. H&I 480287B Panel 50 is hereby corrected to reflect that the above properties are not within the Special Flood Hazard Area identified on July 30, 1976. The properties are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, February 27, 1969), as amended (39 FR 2787, January 24, 1974).)

RULES AND REGULATIONS

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14408 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the County of Harris, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the county of Harris, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the county of Harris, Tex., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 7th Street SW., Washington, D.C., 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 480287B Panel 77, published on June 29, 1977 in 42 FR 33233, indicates that Tracts A through H in the Rebecca Brown Survey, Abstract No. 148, Harris County, Tex., as recorded in Deed File Nos. 177-07-0074 through 177-07-0085, in the office of the Clerk of Harris County, Tex., is within the Special Flood Hazard Area.

Map No. H&I 480287B Panel 77 is hereby corrected to reflect that the portion of the above-mentioned property out of Harris County Flood Control District Easement, C.C. File No. D731593, is not within the Special Flood Hazard Area identified on July 30, 1976. The portion is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: April 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14409 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the County of Harris, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the county of Harris, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the county of Harris, Tex., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

RULES AND REGULATIONS

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 480287B panel 52, published on June 29, 1977, in 42 FR 33233, indicates that lots 324 through 328, lots 331 through 334, lots 351, 352, and 356, block 8; and lots 357 through 363, block 9, section 2, Woodland Oaks, Harris County, Tex., as recorded in plat volume 262, page 136, in the office of the Clerk of the County Court of Harris County, Tex., are within the Special Flood Hazard Area.

Map No. H&I 480287B panel 52 is hereby corrected to reflect that lots 324 through 328, block 8, and the portions of lots 331 through 334, lots 351, 352, and 356, block 8, located east of the recorded building setback line, and the portions of lots 357 through 363, block 9, located between the recorded building setback lines of the above property are not within the Special Flood Hazard Area identified on July 30, 1976. The properties are in zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14410 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the County of Harris, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the county of Harris, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the county of Harris, Tex., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map Number H&I 480287B Panel 42, published on June 29, 1977, in 42 FR 33233, indicates that 225.2986 acres of land from the F. Hargrave Survey, A-1335, Harris County, Tex., now being known as Cullen Green Subdivision, as recorded in the Deed, Film Code No. 174-24-1138, in the office of the Clerk of Harris County, Tex., are within the Special Flood Hazard Area.

Map No. H&I 480287B Panel 42, is hereby corrected to reflect that the portion of the above-mentioned property located outside the Harris County Flood Control Easement is not within the Special Flood Hazard Area identified on July 30, 1976. The portion is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-14411 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the County of Harris, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the county of Harris, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the county of Harris, Tex., that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold

the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map Number H&I 480287B Panel 42, published on June 29, 1977, in 42 FR 33233, indicates that the 1,588.64 acre Lincoln Green Tract, Harris County, Tex., as recorded in the Deeds, C. C. File Nos. D464723, D833055, and D318398, in the office of the Clerk of Harris County, Tex., is within the Special Flood Hazard Area.

Map No. H&I 480287B Panel 42, is hereby corrected to reflect that the area of the above property outside the improved channel is not within the Special Flood Hazard Area identified on July 30, 1976. The property is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 7, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14412 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the County of Harris, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the county of Harris, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the county of Harris, Tex. that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant

Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map Number H & I 480287B Panel 51, published on June 29, 1977, in 42 FR 33233, indicates that Woodland Trails West Section 3, Harris County, Tex., as recorded in Plat Volume 250, Page 95, in the office of the Clerk of the Court of Harris County, Tex., is within the Special Flood Hazard Area.

Map No. H & I 480287B Panel 51 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on July 30, 1976. The property is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 7, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14413 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the County of Harris, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance

Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the county of Harris, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the county of Harris, Tex., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 480287B Panel 42, published on June 29, 1977, in 42 FR 33233, indicates that Inwood North, section 4, Harris County, Tex., as recorded in plat volume 260, page 15; in the Office of the Clerk of the County court of Harris County, Tex., is within the Special Flood Hazard Area.

Map No. H&I 480287B Panel 52 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on July 30, 1978. The property is in zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14414 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the County of Nueces, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the county of Nueces, Tex. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the county of Nueces, Tex., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 485494B Panel 11, published on June 29, 1977, in 42 FR 33234, indicates that proposed lots 3 through 14, block 4, unit 4, Quail Valley, Nueces County, Tex., being a part of the east one-half (½) of section 5, Wade Riverside Subdivision, said east one-half being recorded in deed volume 19, page 407, in the Office of Deed Records of Nueces County, Tex., are within the Special Flood Hazard Area.

Map No. H&I 485494B Panel 11 is hereby corrected to reflect that the portions of the above properties situated at or above an elevation of 18.5 feet National Geodetic Vertical Datum (N.G.V.D.) are not within the Special Flood Hazard Area identified on September 3, 1976. The portions are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 18, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14415 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the County of Fairfax, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the county of Fairfax, Va. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the county of Fairfax, Va. that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant

Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 515525C Panel 25, published on June 29, 1977, in 42 FR 33235, indicates that Lot 88, Section 2, Olde Belhaven Towne, Fairfax County, Va., being 1529 Belle Haven Road, as shown on the County Tax Map No. 83-4 as Lot 88, Double Circle 4, in the Office of the Real Estate Tax Assessor of Fairfax County, Va. is within the Special Flood Hazard Area.

Map No. H&I 515525C Panel 25 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area identified on May 14, 1976. The property is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-14416 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the County of Fairfax, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the county of Fairfax, Va. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the county of Fairfax, Va. that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 515525C Panel 09, published on June 29, 1977, in 42 FR 33235, indicates that Lot 10, Section 7, Salona Village, Fairfax County, Va., also known as 1452 Waggaman Circle, as recorded in the Plat, Deed Book 1448, Page 9, in the office of the Clerk of the Circuit Court of Fairfax County, Va. is within the Special Flood Hazard Area.

Map No. H&I 515525C Panel 09 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on May 7, 1976. The structure is in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 13, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-14417 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for Fairfax County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: On June 29, 1977, The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the Fairfax County, Va. It has been determined by FIA, after further technical review of the Flood Insurance Rate map for the county of Fairfax, in light of additional, recently acquired flood information, that certain property (described below) is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: Date of this notice.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained from

the National Flood Insurers Association (NFIA) through the agent or broker who sold the policy.

The text reads as follows:

§ 1920.7 Notice of Letter of Map Amendment.

Map No. H&I 515525C Panel 14, published on June 29, 1977, in 42 FR 33235, indicates that Lots 1, 2, and 3, Block A, Section 1, Pimmit Hills, Fairfax County, Va., as recorded in Deed Book 4371, Page 612; Deed Book 4371, Page 618; and Deed Book 4587, Page 702, respectively, in the Office of the Clerk of the Circuit Court of Fairfax County, Va., are within the Special Flood Hazard Area.

Map No. H&I 515525C Panel 14 is hereby corrected to reflect that the existing structures on the above property are not within the Special Flood Hazard Area identified on May 7, 1976. The structures are in Zone C.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-14416 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE OF MAP AMENDMENT CORRECTION

Letter of Map Amendment for the City of Newport News, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the city of Newport News, Va. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the city of Newport News, Va. that certain property is not within the Special Flood Hazard Area. This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 510103A Panel 16, published on June 29, 1977, in 42 FR 33235, indicates that a property belonging to the Cooke Brothers Funeral Chapel, Inc., and located in Newport News, Va., being Lots 1 through 6, Block 43; Lots 7 and 8, Block 44; and a portion of Sycamore Avenue (vacated), being a part of the property recorded in Deed Book 912, Page 123, in the Office of the Clerk of the Circuit Court for the city of Newport News, Va., is within the Special Flood Hazard Area.

Map No. H&I 510103A Panel 16 is hereby corrected to reflect that the structure on the above property is not within the Special Flood Hazard Area identified on May 22, 1977. The structure is in Zone B.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-14419 Filed 6-6-78; 8:45 am]

[4210-01]

[Docket No. FI-3012]

PART 1920—PROCEDURE FOR MAP CORRECTION

Letter of Map Amendment for the City of Oshkosh, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: The Federal Insurance Administrator published a list of communities for which the Federal Insurance Administration (FIA) published maps identifying Special Flood Hazard Areas. This list included the City of Oshkosh, Wis. It has been determined by FIA, after acquiring additional flood information and after further technical review of the Flood Insurance Rate Map for the City of Oshkosh, Wis., that certain property is not within the Special Flood Hazard Area.

This map amendment, by establishing that the subject property is not within the Special Flood Hazard Area, removes the requirement to purchase flood insurance for that property as a condition of Federal or federally-related financial assistance for construction or acquisition purposes.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: If a property owner was required to purchase flood insurance as a condition of Federal or federally-related financial assistance for construction or acquisition purposes, and the lender now agrees to waive the property owner from maintaining flood insurance coverage on the basis of this map amendment, the property owner may obtain a full refund of the premium paid for the current policy year: *Provided*, That no claim is pending or has been paid on the policy in question during the same policy year. The premium refund may be obtained through the insurance agent or broker who sold the policy, or from the National Flood Insurance Program (NFIP) at:

P.O. Box 34294, Bethesda, Md. 20034, phone: 800-638-6620.

The map amendments listed below are in accordance with § 1920.7(b):

Map No. H&I 550511B Panel 01, published on June 29, 1977, in 42 FR 33238, indicates that Lots 2 through 11, 12, and 27 through 30, Foreign

Flair Estates, Oshkosh, Wis., as recorded in File 1 of Plats, Pages 75 and 75A, in the Office of the Clerk of Winnebago County, Wis., are within the Special Flood Hazard Area.

Map No. H&I 550511B Panel 01 is hereby corrected to reflect the above property is within Zone C and is not within the Special Flood Hazard Area identified on May 16, 1977.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-14420 Filed 6-6-78; 8:45 am]

[4810-25]

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 94—COIN REGULATIONS

Revocation of Part

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: To protect the coinage of the United States, the Secretary of the Treasury issued regulations effective April 18, 1974, prohibiting under criminal and civil penalties the exportation, melting or treating of one-cent coins. Because of changed economic conditions and other factors, including the large inventory of cents maintained by the Government, the prohibitions are no longer necessary. Accordingly, the prohibitions on the melting, treating or exporting from the United States of one-cent coins are revoked. This revocation will not be retroactive and, therefore, will not operate to authorize any melting, treating or exporting of one-cent coins which took place in violation of part 94.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Miklos L. Lonkay, Legal Counsel, Bureau of the Mint, Department of the Treasury, Washington, D.C. 20220, telephone No. 202-376-0564.

SUPPLEMENTARY INFORMATION: Pursuant to 5 U.S.C. 553 the Department finds that notice and public procedures are unnecessary as this revocation relieves existing restrictions.

Accordingly, Part 94, Chapter I of Title 31 of the Code of Federal Regulations, is revoked.

Dated: May 31, 1978.

BETTE B. ANDERSON,
Under Secretary of the Treasury.
[FR Doc. 78-15788 Filed 6-6-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[PP 7E1972 & 7E1975/R151; FRL 906-1]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Sodium Chlorate

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of sodium chlorate on corn grain, fodder, and forage and safflower seed. The amendment to the regulation was proposed by the Interregional Research Project No. 4. This rule will allow the use of the subject material in pesticide formulations.

EFFECTIVE DATE: Effective on June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460, 202-755-2516.

SUPPLEMENTARY INFORMATION: On March 16, 1978, the EPA published a notice of proposed rulemaking in the *FEDERAL REGISTER* (43 FR 10943) in response to the pesticide petitions (PP 7E1972 and 7E1975) submitted to the Agency by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, N.J. 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of California, Illinois, Mississippi, and Texas. PP 7E1972 submitted on behalf of the Agricultural Experiment Stations of Illinois, Mississippi, and Texas proposed that 40 CFR 180.1020 be amended by the establishment of an exemption from the requirement of a tolerance

for residues of the pesticide chemical sodium chlorate in or on the raw agricultural commodities corn grain, corn fodder, and corn forage when used as a desiccant in accordance with good agricultural practice.

PP 7E1975 submitted on behalf of the Agricultural Experiment Station of California also proposed that 40 CFR 180.1020 be amended by the establishment of an exemption from the requirement of a tolerance for residues of sodium chlorate in or on the raw agricultural commodity safflower seed when used as a desiccant in accordance with good agricultural practice. No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.1020 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before July 7, 1978, file written objections with the Hearing Clerk, EPA, Room M-3708, 401 M Street, SW., Washington, D.C. 20460. Such objections should be submitted and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on June 7, 1978, Part 180, Subpart D, § 180.1020 is revised as set forth below.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).

Dated: May 30, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

Part 180, Subpart C, § 180.1020 is revised by combining paragraphs (a) and (b) in one paragraph to exempt residues of sodium chlorate in or on corn grain, fodder, and forage and safflower seed from the requirement of a tolerance to read as follows:

§ 180.1020 Sodium Chlorate; exemption from the requirement of a tolerance.

Sodium chlorate is exempted from the requirement of a tolerance for residues in or on chili peppers, corn fodder, corn forage, corn grain, cottonseed, grain sorghum, rice, rice straw, safflower seed, sorghum fodder, sorghum forage, soybeans, and sunflower seeds, when used as a defoliant, desiccant, or fungicide in accordance with good agricultural practice in the production of chili peppers, corn, cotton, rice, safflower seed, sorghum, soybeans, and sunflower seeds.

[FR Doc. 78-15738 filed 6-6-78; 8:45 am]

[4910-62]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[RSP Docket No. 1]

PART 85—CARGO SECURITY ADVISORY STANDARDS¹

Pilferable High-Value or Sensitive Cargo Transit Procedures; Advisory Standard Setting

AGENCY: Office of Transportation Security, Research and Special Programs Administration, Department of Transportation.

ACTION: Adoption of advisory standard; final rule.

SUMMARY: This final action adds a new cargo security advisory standard to those which have previously been developed and published by the Department of Transportation. This advisory standard provides guidance to shippers, carriers, and others with respect to the handling of high-value or sensitive cargoes in transportation, and it is intended to bring about a reduction of cargo theft-related losses.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

James P. Fernan, Acting Director, Office of Transportation Security, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1688.

SUPPLEMENTARY INFORMATION: The persons responsible for the drafting of this document are James Fernan and Lloyd Milburn, both of the Office of Transportation Security, William J. Driscoll, Office of the Chief Counsel, Research and Special Programs Administration, is responsible for its legal sufficiency.

A notice of proposed advisory standard setting was published in the *FEDERAL REGISTER* on September 12, 1977 (42 FR 45803), which invited public comment on the proposed standard which recommended a variety of security procedures designed to reduce the risk of theft and pilferage with respect to the transportation of high-value or sensitive cargo.

Among the variety of problems related to theft prevention which face the transportation industry, the particular considerations respecting high-value and sensitive cargo are especially prominent.

¹These regulations will be transferred to a new chapter VII—Research and Special Programs Administration when that chapter is established by the Department of Transportation.

Claims data which have been analyzed by the Office of Transportation Security disclose that a relatively small number of commodities are involved in the majority of theft-related losses. Moreover, these commodities comprise a small percentage of the volume carried.

Accordingly, Notice 77-11 described a series of practices and techniques, applicable to all modes of transportation, which can lead to a reduction in the loss or theft of items which, by their nature, demand special transit procedures.

Five substantive comments in response to the notice were received. Those comments, for the most part, suggested useful improvements in the advisory standard and, therefore, they have been adopted and are reflected in this final advisory standard.

The Military Traffic Management Command (MTMC) of the Department of Defense (DOD) suggested that the advisory standard be entitled "Pilferable High-Value or Sensitive Cargo Transit Procedures." In view of the fact that the DOT is a very large shipper, and because pilferable items constitute a major loss category for the DOD, it was felt that this change in title would highlight an area of particular application of the standard.

The September 12, 1977, notice contained a statement of the problem which the standard is designed to address. The American Institute of Merchant Shipping (AIMS) proposed that the "problem statement" be amended so that the standard would address not simply high-value merchandise but also merchandise which is highly salable, attractive and pilferable. AIMS believes that certain types of merchandise described in the notice, such as clothing, jewelry, alcoholic beverages and certain food items are good examples of such cargo. The point here is that the term "high value" alone does not adequately describe the kind of cargo to which the standard is directed. Accordingly, this concept is being included in the definition of "high-value cargo."

In another comment, MTMC pointed out that the definition of "sensitive cargo" included a reference to the risk to national security, should such cargo be lost or stolen. We accept the MTMC view that only the loss of nuclear weapons would constitute a risk to national security and an appropriate change has been made.

Paragraph 85-5.13(c) of the notice recommended that "unattended trailers, containers, or rail cars should be locked and protective devices activated." In response to a recommendation of MTMC, the word "unattended" has been deleted. The security measures mentioned in that subparagraph, based upon the experience of MTMC, have been shown to be useful even when there is a driver in the cab.

Finally, the Fort Worth region of the Federal Highway Administration recommended additional provisions in the standard pursuant to which a company's operating procedures for transporting high-value and sensitive shipments would be published and maintained in each vehicle and loading terminal, readily accessible to drivers, shippers, consignees and dispatchers, so that the widest possible dissemination of sound security practices might be obtained. This material has been added at paragraph 85-5.21(d).

In consideration of the foregoing, Part 85 of Title 49 of the Code of Federal Regulations is amended by adding Part 85-5 of the Appendix thereto. Since this additional standard is advisory in nature and since it does not prescribe a specific date for compliance, there is no necessity for a delay in the effective date. Accordingly, this advisory standard, which reads as follows, is effective on the date of publication:

APPENDIX—CARGO SECURITY ADVISORY STANDARDS

PART 85-5—PILFERABLE HIGH-VALUE OR SENSITIVE CARGO TRANSIT PROCEDURES

SUBPART A—GENERAL

Sec.
85-5.1 Purpose.
85-5.3 Application.
85-5.5 Definitions.

SUBPART B—ROUTING AND COMMUNICATION

85-5.11 General.
85-5.13 Communications.
85-5.15 Routes.
85-5.17 Escorts.

SUBPART C—OPERATING PROCEDURES

85-5.21 General.
85-5.23 Delivery.
85-5.25 Seals.
85-5.27 Physical security.
85-5.29 Terminal security.
85-5.31 Security crib.
85-5.33 Supervisor responsibilities.

SUBPART A—GENERAL

Sec. 85-5.1 Purpose. (a) The purpose of this part is to set forth special transit procedures designed to protect high-value or sensitive cargo against theft and pilferage.

(b) The provisions herein are general and each may not apply to every transportation mode.

Sec. 85-5.3 Application. The guidelines presented herein apply equally to high-value or sensitive cargo in full load trailers/containers/rail cars moving in line haul and in less than full load shipments. Compliance with this advisory standard is voluntary and not mandatory. This standard does not repeal or modify any statutory requirement or regulatory authority vested in any Federal, State or local governmental body.

Sec. 85-5.5 Definitions. As used in this part—
"High-value cargo" means cargo which because of its monetary value, utility, desir-

ability, or history of frequent theft requires greater protection than other commodities normally handled in the transportation facility. In addition, it includes commodities which are attractive, pilferable and highly salable, such as clothing, jewelry, and alcoholic beverages.

"Sensitive cargo" means cargo which because of its strategic value or potentially hazardous nature warrants greater security protection and care than other commodities normally handled in the transportation facility. Such sensitive cargo, if lost, could constitute a threat to law and order or to the safety and tranquility of the general public.

SUBPART B—ROUTING AND COMMUNICATION

Sec. 85-5.11 General. Routing and communications should be carefully planned for high-value or sensitive shipments. Written instructions to drivers would eliminate the possibility of a breakdown in personal communications or misunderstandings.

Sec. 85-5.13 Routes. (a) Whenever possible, travel should be restricted to limited access highways, turnpikes, freeways, etc.

(b) Unnecessary stops should be avoided. The shipment is most vulnerable when stopped.

(c) Trailers, containers or rail cars should be locked and protective devices activated.

(d) Estimated arrival times and delays should be expeditiously communicated to destination stations.

Sec. 85-5.15 Communication. (a) Where radios are available on local delivery vehicles, the route should be designated, and scheduled radio contact between the dispatcher and the vehicle should be maintained.

(b) For pickup or delivery vehicles without radio, the driver should telephone the dispatcher when leaving the shipper or arriving at the consignee, as appropriate. The dispatcher should notify the police if the driver does not contact him within the scheduled or reasonable time.

Sec. 85-5.17 Escorts. In cases where extremely high-value or sensitive cargo is transported, an escort should be used especially in areas which are high-risk or shipment is highly vulnerable. The escort should have radio communication with a central station. Any use of armed escorts must be in conformity with laws governing the use of firearms and armed escorts.

SUBPART C—OPERATING PROCEDURES

Sec. 85-5.21 General. The general details for high-value or sensitive cargo shipments should be standard operating procedures.

(a) To facilitate planning of necessary or special procedures, details of quantity, value, destination, etc., should be ascertained when initial pickup is arranged.

(b) High security padlocks should be provided on all pickup and delivery trucks.

(c) The dispatcher should know the identity of the shipper and consignee of each high-value or sensitive cargo and coordinate pickup and delivery with each.

(d) The company's operating procedures for transporting high-value or sensitive shipments should be published and maintained in each vehicle and at all loading terminals. The procedures should be readily accessible for use by drivers, shippers, consignees and dispatchers.

Sec. 85-5.23 Delivery. Every attempt should be made to have the load arrive at the local terminal for same-day delivery. This is extremely important in high-crime

areas where cargo may be vulnerable in terminals or railyards.

Sec. 85-5.25 *Seals*. (a) Seal Accountability and Procedures are covered in Part 85-1 of this Appendix.

(b) The use of security type seals is highly recommended. As a minimum, use security wire twist in conjunction with nonsecurity type seals.

(c) The serial number of a seal applied at the shipper's facility or the terminal should be recorded on the bill of lading and the manifest.

(d) The condition of the seal and its serial number should be checked upon entering and leaving each terminal or facility. The seal should also be checked by the driver after any other stops, and by railroad personnel on interchange of rail cars.

Sec. 85-5.27 *Physical security*. (a) Trailers, containers and rail car door hasps should be secured with a lock, wire or cable to deter the casual pilferer and delay more persistent thieves. Cable or wire twisted and secured through the safety latch, to be cut at destination, has proven to be an effective preventive measure.

(b) Door bolts, especially those on the locking bar and latch, should be peened or welded.

(c) Motion alarms are available commercially. These can be attached to trailers, containers and rail cars when parked to signal attempts at access or movement.

Sec. 85-5.29 *Terminal security*. (a) High-value or sensitive cargo temporarily placed on the dock or spotted in a railyard should be located in a special area which affords good visibility from the terminal office and should be checked frequently.

(b) Kingpin-locked trailers can be parked door-to-door to block access to other high-value or sensitive cargo. In the absence of kingpin locks, security can be achieved by hooking the tractor to the trailer, removing the ignition key and locking the tractor.

(c) Unauthorized persons should not be allowed entry into the terminal area.

(d) When company identification badges are used, they should be worn at all times by employees.

(e) Procedures should be established to have the count certified by drivers and loaders. Any exceptions should be reported immediately to the supervisor.

Sec. 85-4.31 *Security crib*. (a) High-value or sensitive cargo which cannot be outloaded immediately should be placed in a security crib or cage, in accordance with Part 85-2 of this Appendix, "High-Value Commodity Storage."

(b) The following should be recorded:

- (1) The count and the name of the person doing the counting;
- (2) The condition of the shipment; and
- (3) The fact that the shipment was intact when placed in the crib.

(c) Cargo should only be removed from the crib when scheduled for immediate placement in a delivery or line unit. The count and condition should be certified by a supervisor.

Sec. 85-5.33 *Supervisor responsibilities*. (a) An effective loss control program requires participation by all supervisory personnel.

(b) A supervisor should inspect all bills of lading from incoming pickups promptly to identify high-value or sensitive items and provide necessary security.

(c) A supervisor should verify the count and condition when cargo is stripped from pickup or interline unit and direct the

movement into the line trailer, container or rail car.

(d) Any overages, shortages or damages should be reported in accordance with Part 85-4 of this Appendix, "Cargo Loss Reporting System and Procedures."

(e) High-value or sensitive cargo should be loaded in the front end of the trailer, container or rail car. The supervisor should monitor the loading to ensure that the commodity is "buried" and to provide necessary documentation for accountability. Adherence to safe loading procedures is necessary to avoid overloading the front end or creation of unsafe conditions.

NOTE.—OST Docket No. 32, containing all previous cargo security advisory standards and pertinent comments thereto, has been transferred from the Office of the Secretary to the Research and Special Programs Administration and is now available to the public in the Office of the Chief Counsel, Research and Special Programs Administration, Room 6222, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590. All future advisory standards will be published under RSP Docket No. 1.

(Sec. 9(c)(1), Department of Transportation Act (80 Stat. 944, 49 U.S.C. 1657(e)(1)), Executive Order 11836 (3A CFR 123, Comp. (1975)), and Sec. 85.3 of the Regulations of the Office of the Secretary of Transportation (49 CFR 85-3)).

Issued in Washington, D.C., on May 12, 1978.

JAMES P. FERNAN,
Acting Director of
Transportation Security.

[FR Doc. 78-15687 Filed 6-6-78; 8:45 am]

[7035-01]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 241]

PART 1033—CAR SERVICE

Investigation of Adequacy of Railroad Freight Car Ownership, Car Utilization, Distribution, Rules and Practices (Modification of Car Service Rule 7)

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission made an editorial amendment to the involved rule to reflect a change in the tariff format of the published General Car Demurrage Rules and Charges. The reference to "Rule 3, Section F" of the General Car Demurrage Rules and Charges is changed to "Item 620" of the above demurrage rule.

EFFECTIVE DATE: May 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Janice M. Rosenak, Deputy director, Section of Rates, Interstate Commerce Commission, Washington, D.C. 20423, phone No. 202-275-7693.

It is ordered: (1) That paragraph (d)(2) of Car Service Rule 7, 49 CFR 1033.7 is further modified to read as follows effective immediately and that all other sections of Car Service Rule 7 remain unchanged:

§ 1033.7 Interchange of cars [Rule 7].

(d) In event cars are placed on interchange tracks without necessary data for forwarding, receiving carrier will give written or telegraphic notification² to delivering carrier of the lack of such forwarding data and:

(2) When cars are held by receiving carrier awaiting disposition or necessary forwarding data from delivering carrier, a charge of five (\$5) dollars per car will be assessed by the receiving carrier against the delivering carrier¹ for each day or fraction thereof car is held from the first 12:01 a.m. following written or telegraphic notification² until disposition is finished by the delivering carrier. This provision does not apply when the forwarding data are awaited from a shipper served by the delivering carrier, in which case the cars would be subject to demurrage charges under the provisions of Item 620, of the published General Car Demurrage Rules and Charges."

(2) That notice of this order shall be given to the general public by depositing a copy of this order in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register and the proceeding is discontinued.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15772 Filed 6-6-78; 8:45 am]

[7035-01]

[Amdt. No. 1 to Service Order No. 1289]

PART 1033—CAR SERVICE

Burlington Northern, Inc. Authorized to Operate Over Tracks of Union Pacific Railroad Company at Sterling, Colo.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 1 to Service Order No. 1289).

SUMMARY: The Burlington Northern (BN) between Bridgeport, Neb., and Brush, Colo., formerly a light density line, has become a major north-south route traversed by numerous daily coal trains. Between Sterling, Colo., and Union, Colo., trains over this line operate over tracks of the Union Pacific (UP). The connection between the BN and the UP at Sterling includes a 13 degree curve which imposes severe speed restrictions, reduced train size, excessive fuel consumption and excessive rail and tie wear on the BN. The UP and the BN have agreed to move the point of entry of BN trains to a point on the UP 2892 feet east of the existing point, thereby enabling BN trains to avoid excessive curvature on the existing route. Service Order No. 1289 authorizes the BN to operate over the additional UP trackage pending disposing of its application seeking permanent authority. Service Order No. 1289 is printed in full in volume 42 of the FEDERAL REGISTER at page 63423. Amendment No. 1 extends Service Order No. 1289 for an additional period of six months.

DATES: Effective 11:59 p.m., May 31, 1978. Expires 11:59 p.m., November 30, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The Amendment is printed in full below.

Upon further consideration of Service Order No. 1289 (42 FR 63423), and good cause appearing therefor:

It is ordered, Service Order No. 1289, § 1033.1289 Burlington Northern Inc. Authorized to operate over tracks of Union Pacific Railroad Company at Sterling, Colorado, is amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date*. The provisions of this order shall expire at 11:59 p.m., November 30, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1978.

(49 U.S.C. 1(10-17).)

A copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the

Office of the Secretary of the Commission at Washington, D.C., and by filing a summary with the Director, Office of the Federal Register.

Decided May 26, 1978.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15422 Filed 6-6-78; 8:45 am]

[7035-01]

[Amdt. No. 1 to Service Order No. 1287]

PART 1033—CAR SERVICE

Norfolk and Western Railway Company and the Baltimore and Ohio Railroad Company Authorized to Operate Over Tracks Constructed by the Commonwealth of Pennsylvania in Vicinity of Mount Pleasant, Pa.; Norfolk and Western Railway Company Authorized to Operate Over Tracks of the Baltimore and Ohio Railroad Company Between Connellsville, Pa. and Mount Pleasant

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 1 to Service Order No. 1287).

SUMMARY: Service Order No. 1287 authorizes the Norfolk and Western Railway to operate over tracks of The Baltimore and Ohio Railroad between Connellsville, Pa., and Mount Pleasant, Pa., and authorizes both lines to operate over newly constructed tracks between Mount Pleasant and a newly established automobile assembly plant in the vicinity of Mount Pleasant in order to provide essential railroad service to that plant. Amendment No. 1 to Service Order No. 1287 extends these authorities for an additional 6-months period. Service Order No. 1287 is printed in full in volume 42 of the FEDERAL REGISTER at page 63126.

DATES: Effective 11:59 p.m., May 31, 1978. Expires 11:59 p.m., November 30, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The Amendment is printed in full below.

Upon further consideration of Service Order No. 1287 (42 FR 63176), and good cause appearing therefor:

It is ordered, Service Order No. 1287 § 1033.1287, *Norfolk and Western Railway Company and the Baltimore and Ohio Railroad Company authorized to operate over tracks constructed by the Commonwealth of Pennsylvania in vicinity of Mount Pleasant, Pa.; Norfolk and Western Railway Company authorized to operate over tracks of the Baltimore and Ohio Railroad Company between Connellsville, Pa., and Mt. Pleasant*, is amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date*. The provisions of this order shall expire at 11:59 p.m., November 30, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1978.

(49 U.S.C. 1(10-17).)

A copy of this amendment shall be served upon the Association of American Railroads, Car Service Division as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a summary with the Director, Office of the Federal Register.

Decided May 26, 1978.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15423 Filed 6-6-78; 8:45 am]

[7035-01]

[Amdt. No. 1 to Service Order No. 1312]

PART 1033—CAR SERVICE

Railroads Authorized to Transport Unit-Grain-Trains of Less Than Number of Cars Required by Tariffs

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Amendment No. 1 to Service Order No. 1312).

SUMMARY: Because of a severe shortage of covered hopper cars railroads are unable promptly to substitute other cars for cars which must be removed from unit-grain-trains because of mechanical defects resulting in delays to the remainder of the cars used in the unit-grain-trains awaiting the reassembly of sufficient cars to fulfill traffic requirements. Service Order No. 1312 authorizes the carriers

to transport unit-grain-trains with fewer cars than the number required by the applicable tariffs, subject to specified restrictions. Service Order No. 1312 is published in full in volume 43 of the FEDERAL REGISTER at page 13064. Amendment No. 1 extends this order for two months.

DATES: Effective 11:59 p.m., May 31, 1978. Expires 11:59 p.m., July 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION:

The Amendment is printed in full below.

Upon further consideration of Service Order No. 1312 (43 FR 13064), and good cause appearing therefor:

It is ordered, Service Order No. 1312, § 1033.1312, Railroads authorized to transport unit-grain-trains of less than number of cars required by tariffs, is amended by substituting the following paragraph (i) for paragraph (i) thereof:

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1978, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1978.

(49 U.S.C. 1(10-17).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car

service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Decided May 25, 1978.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member Joel E. Burns not participating.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15424 Filed 6-6-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Opening of Kirwin National Wildlife Refuge, Kansas, to Hunting of Deer with Bow and Arrow

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to archery hunting for deer on Kirwin National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: October 1, 1978, through November 30, 1978, inclusive, and December 16, 1978, through December 31, 1978, inclusive.

FOR FURTHER INFORMATION CONTACT:

Keith S. Hansen, Kirwin, Kans. 67644, telephone: 913-646-2373.

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; big game; for individual refuge areas.

Public hunting of deer with bow and arrow on the Kirwin National Wildlife Refuge, Kansas, is permitted on the areas designated by signs as "open to hunting." These areas comprising 3,700 acres are delineated on maps available at the refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, Suite 106, Rockcreek Office Building, 2701 Rockcreek Parkway, North Kansas City, Mo. 64116.

Hunting shall be in accordance with all applicable State regulations governing the archery hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1978. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: May 19, 1978.

KEITH S. HANSEN,
Refuge Manager.

[FR Doc. 78-15727 Filed 6-6-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[8025-01]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for the Purpose of Government Procurements for Accounting and Auditing Services

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: This rule specifically defines a small business for the purpose of Government procurements for accounting and auditing services. This change is necessary because of the increasing demands for this type of service by the Federal Government, and the increasing dominance of the field by the very large firms. The effect of the proposal will be an increase in the number of firms eligible to bid on set-aside procurements.

DATE: Comments must be received by July 7, 1978.

ADDRESS: Send comments to: Director, Size Standards Division, Small Business Administration, 1441 L Street NW., Washington, D.C. 20418.

FOR FURTHER INFORMATION CONTACT:

John D. Whitmore, 202-653-6373.

SUPPLEMENTARY INFORMATION: This proposal was prompted by comments received from procuring officials and members of the industry. The market share of those firms currently defined as small business for purposes of bidding on accounting service contracts is relatively small compared to other service industries. Presently those accounting firms within the current size standard of \$2 million account for only 30 percent of the market share.

The demand for accounting and auditing services has had rapid growth in the past few years. The biggest precipitator of this growth has been the increase in Federal rules and regulations requiring more accountability.

Although this problem of the applicability of the present size standard has just recently been highlighted by the marked increase in Government procurement of this service, it has long been known as an industry dominated by the very large firms.

Increasing the size standard to \$5 million will increase small business

market share to approximately 38 percent and make it comparable with that share accounted for by other service industries.

In order to reflect the characteristics of this industry and the definition of small business applicable thereto, it is proposed to amend Section 121.3-8 of Part 121, Chapter I, Title 13, of the Code of Federal Regulations, by adding a new § 121.3-8(e)(18) to read as follows:

§ 121.3-8 Definition of small business for Government procurement.

...
(e) * * *
(18) Any concern bidding on a contract for accounting or auditing services is classified as small if its average annual receipts for its preceding 3 fiscal years do not exceed \$5 million.

Dated: June 1, 1978.

A. VERNON WEAVER,
Administrator.
[FR Doc. 78-15750 Filed 6-6-78; 8:45 am]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1205]

POWER LAWN MOWERS

Extension of Time for Issuance of Safety Standard or Withdrawal of Proposed Standard

AGENCY: Consumer Product Safety Commission.

ACTION: Extension of time.

SUMMARY: The Consumer Product Safety Commission extends until December 29, 1978, the time during which it must either issue a final safety standard for power lawn mowers or withdraw those portions of the proposed standard that address blade-contact injuries involving walk-behind mowers. For the other portions of the proposed safety standard, including those which address thrown object injuries involving walk-behind mowers, the Commission extends until December 31, 1979, the time by which it must issue a final safety standard or withdraw the proposal. The present deadline is June 3, 1978. The Commission is making these extensions so that it may adequately address the numerous and complex issues raised in this proceeding.

FOR FURTHER INFORMATION CONTACT:

William F. Kitzes, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6557.

SUPPLEMENTARY INFORMATION: On May 5, 1977, the Consumer Product Safety Commission proposed a safety standard for walk-behind and riding power lawn mowers (16 CFR Part 1205, 42 FR 23052). The period for submitting comments closed on July 5, 1977, and an informal hearing to receive oral presentations of data, views, or arguments was held on June 13, 1977.

Section 9(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2058 (a)(1)) requires that within 60 days after the publication of a proposed consumer product safety rule, the Commission shall either (1) promulgate a rule respecting the risk of injury associated with such product or (2) withdraw the applicable notice of proceeding, unless the Commission extends the 60-day period for good cause shown and publishes its reasons in the FEDERAL REGISTER.

Because the Commission provided 60 days for commenting on the proposed standard and decided it would need additional time to analyze those comments, it also, in the May 5, 1977, FEDERAL REGISTER notice proposing the standard, extended the time for issuance of a safety standard or withdrawal of the proposal to October 3, 1977.

The Commission in the FEDERAL REGISTER of July 7, 1977 (42 FR 34892) further extended the comment period until September 6, 1977. By notice in the FEDERAL REGISTER of October 7, 1977 (42 FR 54573), the Commission, for the reasons stated in that notice, further extended, until June 3, 1978, the time within which it was required to issue a standard or withdraw the proposal.

The Commission has received more than 100 comments on the proposed standard. The comments raise numerous and complex issues. In order to resolve these issues and to issue a safety standard for lawn mowers in a more efficient manner, the Commission has decided to first issue requirements for walk-behind mowers and then to issue requirements for riding mowers. A standard for riding mowers involves issues and technological problems different from those for walk-behind mowers. By first establishing require-

ments for walk-behind mowers, the Commission can more quickly address injuries associated with walk-behind mowers, which are significantly more numerous than those associated with riding mowers, without awaiting resolution of issues involved in a standard for riding mowers.

The Commission anticipates that it will be able to issue a standard for walk-behind mowers that addresses injuries associated with contact with the rotating mower blade by the end of 1978; and requirements that address thrown object injuries by the end of 1979.

Since the Commission expects earlier resolution for blade-contact related issues than for thrown objects related issues, and since industry comments and Commission study have indicated that manufacturers may need considerable lead time if they take a brake-clutch approach to meet certain blade-contact requirements, the Commission believes it is desirable to issue blade-contact related requirements as soon as possible in order to provide the power mower industry and its suppliers with maximum time for complying with this aspect of the standard.

Although the Commission expects to issue the blade-contact requirements before the thrown-objects requirements, it recognizes that manufacturers might be confronted with some design interrelationships when designing mowers to meet both blade-contact and thrown-objects requirements. However, manufacturers should have ample time to make any necessary design changes since the Commission expects that both blade-contact and thrown-objects requirements, though issued at separate times, will have adequate lead times before the standard takes effect and both parts are expected to become effective simultaneously.

Since the Commission intends to issue requirements for riding mowers after it issues requirements for walk-behind mowers, provisions applicable to riding mowers will in all likelihood be issued after 1979. For purposes of this notice, however, the period within which the Commission will issue a standard for riding mowers is extended until the end of 1979 at which time the Commission will have a more precise estimate of when it expects to issue a standard for riding mowers. It is anticipated that a further extension of time may be necessary in order to address injuries associated with riding mowers.

In view of the need for providing ample lead time for the lawn mower industry and its suppliers to meet the requirements of the safety standard, the need to resolve complex issues and to provide all interested parties sufficient opportunity to comment on all data considered by the Commission in resolving issues arising from the stand-

ard, the Commission finds good cause, as required by section 9(a) of the Consumer Product Safety Act, to extend to the dates noted below the time by which the Commission must issue a safety standard or withdraw the proposal.

Therefore, the Commission extends the period within which it must issue a final standard or withdraw the proposal until December 29, 1978, for requirements for blade-contact with walk-behind mowers (proposed 16 CFR 1205.3, 1205.5, and 1205.12). It extends the period within which it must issue a standard or withdraw the proposal as it applies to other provisions of the standard, (proposed 16 CFR 1205.4, 1205.6, 1205.7, 1205.8, 1205.9, 1205.10, and 1205.11) including requirements such as those for thrown objects, and riding mowers, until December 31, 1979.

Dated: June 2, 1978.

SADYE DUNN,
Acting Secretary, Consumer Product Safety Commission.
[FR Doc. 78-15797 Filed 6-6-78; 8:45 am]

[6355-01]

[16 CFR Part 1700]

CHILD PROTECTION PACKAGING STANDARDS
FOR ECONOMIC POISONS

Withdrawal of Proposed Rule

AGENCY: Consumer Product Safety Commission.

ACTION: Withdrawal of proposed rule.

SUMMARY: In this document the Commission announces that it is withdrawing a proposed rule to require child resistant packaging for household substances that are economic poisons (pesticides), since the Commission no longer has the authority to require child resistant packaging for pesticides. The Environmental Protection Agency, which now has the authority to require child resistant packaging for pesticides, proposed such a regulation on October 14, 1977.

DATE: Effective June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Philip Bechtel, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, 202-634-7770.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of September 14, 1972 (37 FR 18629), the Food and Drug Administration (FDA) proposed a rule under the Poison Prevention Packaging Act of 1970 (PPPA) (15

U.S.C. 1471 et seq.) that would require child resistant packaging for household substances that are economic poisons under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 135 et seq.). (The 1972 amendments to FIFRA in the Federal Environmental Pesticides Control Act of 1972 (Pub. L. 92-518, 86 Stat. 973, October 21, 1972) substituted the term "pesticide" for "economic poison".)

On May 14, 1973 the functions of the Secretary of Health, Education, and Welfare under the PPPA were transferred to the Consumer Product Safety Commission (Commission) by section 30(a) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2079. The proposed rule issued by the FDA under the PPPA of 1970, is thus subject to further action by the Commission. (This proposal was published as 21 CFR part 295. However, on August 7, 1973 (38 FR 21247) the Commission revised and transferred the FDA regulations to 16 CFR part 1700.)

After the functions of HEW under the PPPA of 1970 were transferred to the Commission, the Commission staff and EPA staff met several times to discuss application of the PPPA to pesticides subject to FIFRA. As a result of those meetings, the EPA and Commission subsequently agreed that EPA would issue special packaging regulations for pesticide products consistent with those established by CPSC under the PPPA. Therefore, the Commission did not take any action on the proposed rule that had been issued by FDA.

On October 14, 1977 EPA proposed a regulation that would require the special packaging of certain pesticides and would set forth guidelines concerning the testing protocols to be followed in evaluating the packaging (42 FR 55235). The EPA proposal would require special packaging for pesticide products approved for residential application that fall within specified criteria.

The 1976 amendments to the PPPA, Pub. L. 94-284, May 11, 1976, excluded pesticides from the Commission's jurisdiction under the PPPA of 1970. As a result, the Commission no longer has the authority to issue child resistant packaging regulations for pesticides under the PPPA of 1970.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, secs. 2, 3, 5, 84 Stat. 1670-72; 15 U.S.C. 1471, 1472, 1474) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92-573, sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a), the Commission is withdrawing the regulation proposed in the FEDERAL REGISTER on September 14, 1972 (37 FR 18629) that would require child resistant packaging for household substances that are pesticides.

Dated: June 2, 1978.

SADYE DUNN,
Acting Secretary, Consumer Product Safety Commission.
[FR Doc. 78-15756 Filed 6-6-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3678]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the City of Tuscaloosa, Tuscaloosa County,
Ala.; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 61806 of the FEDERAL REGISTER of December 6, 1977.

EFFECTIVE DATE: December 6, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

Due to a clerical error in the notice of Proposed Base Flood Elevations previously published, the following elevations should be corrected to read:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Cribbs Mill Creek	Kauloosa Ave.*	158
Cribbs Mill Creek tributary No. 2	McFarland Blvd.*	250
Moody Swamp tributary No. 3	Moody Swamp Rd.*	140

*Upstream side.

The following elevations should be deleted: -

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Hurricane Creek	Holt-Peterson Rd	167
	Old Birmingham Highway	196
Tater Hill Creek tributary No. 2	U.S. 82	169

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-15198 Filed 6-6-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4046]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the City of Saratoga, Santa Clara County,
Calif.; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 16750 of the FEDERAL REGISTER of April 20, 1978.

EFFECTIVE DATE: April 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

The following correction should be made:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Calabazas Creek	Southern Pacific RR	320

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-15199 Filed 6-6-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4203]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the City of Green Cove Springs, Clay
County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Green Cove Springs, Clay County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Manager's Office, City Hall, Green Cove Springs, Fla. Send comments to: Mayor Joe Love, 229 Walnut Street, Green Cove Springs, Fla. 32043.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Green Cove Springs, Clay County, Fla., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by §1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain manage-

PROPOSED RULES

ment requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Governors Creek...	Just upstream of Magnolia Ave.	8
	Just upstream of Idlewild Ave. (State Highway 16).	9
	Southern corporate limits.	15
St. Johns River.....	Southern corporate limits.	6

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-15200 Filed 6-6-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4202]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Naperville, Du Page County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Naperville, Du Page County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the entrance of the Council Chamber, Naperville, Ill. Send comments to: Hon. Chester Rybicki, Mayor of Naperville, 175 West Jackson Street, Naperville, Ill. 60540.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Naperville, Du Page County, Ill., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1978 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West branch, Du Page River.	Joliet-Naperville Rd. (upstream).	643
	Ballley Rd.	854
	75th St. (upstream).....	857
	Hobson Rd.	857
	(downstream).	
	Gartner Rd.	663
	(downstream).	
	Hillside Rd. (upstream)...	669
	Washington St.	671
	(downstream).	
	Main St. (downstream)...	672
	Eagle St. (downstream)...	673
	Jefferson Ave.	678
	(upstream).	
	Burlington Northern R.R. (upstream).	680

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Ogden Ave. (downstream).	681
	Downstream of Farrell Dam.	682
	Upstream of Farrell Dam.	691
East branch, Du Page River.	Downstream corporate limits.	639
	Upstream corporate limits.	641
Cress Creek	Auora Rd. (upstream)....	680
	Ogden Ave. (downstream).	687
	Burning Tree Lane (downstream).	690
	Golf Course Bridge (downstream).	692
Spring Brook	West St. (downstream)...	693
	Corporate limit at stream distance 7.9 mi above mouth.	684
Unnamed Creek, south of Foxcroft Rd.	Oswego Rd.	687
	Downstream of private drive.	646
	Washington St. (upstream).	647
	Dike (downstream).....	649
Unnamed Creek, south of 87th St.	87th St. (downstream)....	652
	Downstream corporate limit.	647
Winding Creek	Gravel Rd. (upstream)...	651
	Storm sewer	662
	Chat Ct. (upstream).....	664
	Clyde Dr. (upstream)....	665
	Verdin Dr. (upstream)...	668
	Modaff Rd. (upstream)...	685

(National Flood Insurance Act of 1968 (Title XIII of House and Urban Development Act of 1968, effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-15201 Filed 6-6-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4026]

NATIONAL FLOOD INSURANCE PROGRAM

Revision of Proposed Flood Elevation Determinations for City of Newton, Harvey County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in city of Newton, Harvey County, Kans. Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 43 FR 11932 on March 22, 1978, and in the Newton Kansan published on November 16, and 17, 1978, and hence su-

persedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood base (100-year) elevations are available for review at the City Hall, Newton, Kans. Send comments to: The Hon. Gilbert Buller, Mayor, City of Newton, City Hall, Newton, Kans.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard W. Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations, city of Newton, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sand Creek.....	0.9 mi downstream of Atchison, Topeka & Santa Fe R.R. (extraterritorial).	1,403
	Atchison, Topeka & Santa Fe R.R. (extraterritorial).	1,408
	Southwest 14th St. (extraterritorial).	1,412
	At Atchison, Topeka & Santa Fe R.R., 850 ft upstream of confluence with Slate Creek (extraterritorial).	1,416

PROPOSED RULES

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Downstream side of dam at downstream corporate limit.	1,417
	Upstream side of dam at downstream corporate limit.	1,417
	West 10th St.....	1,422
	Missouri Pacific RR. (extraterritorial).	1,425
Slate Creek	Confluence with Sand Creek.	1,414
	Upstream of Atchison, Topeka & Santa Fe RR.	1,417
	South Plum St.....	1,422
	Upstream of Washington St.	1,432
	South Walnut St.....	1,434
	Southeast 4th St.....	1,437
	Kansas St.....	1,439
	East 1st St.....	1,444
	East 4th St.....	1,451
	Interstate 35 West.....	1,467
	Spencer Rd.....	1,473
	Confluence with Slate Creek.	1,443
South branch, Slate Creek.	Kansas St.....	1,433
	Missouri Pacific RR.....	1,450
	Rolling Hills Dr.....	1,454
	Interstate 35 West.....	1,463
	Spencer Rd.....	1,468
	Confluence with south branch, Slate Creek.	1,444
	Downstream side of dam, 0.42 mi upstream of confluence with south branch, Slate Creek.	1,444
	Upstream side of dam, 0.42 mi upstream of confluence with south branch, Slate Creek.	1,451
Mud Creek	U.S. Route 50 (extraterritorial).	1,420
	West 1st St. (extraterritorial).	1,431
	West 12th St.....	1,440
	West 24th St.....	1,450
	U.S. Route 81 (extraterritorial).	1,455

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Dated: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-15202 Filed 6-6-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4069]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Township of Fort Gratiot, St. Clair County, Mich.; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 16762 of the FEDERAL REGISTER of April 20, 1978.

EFFECTIVE DATE: April 20, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

The following correction is made: The heading that reads, Elevation, feet, National Geodetic Vertical Datum should be Elevation, feet, U.S. Lake Survey Datum of 1935.

The following elevation should be changed to read:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Black River	8.9 mi above mouth *	596

* Upstream corporate limit.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Dated: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-15203 Filed 6-6-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4204]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Township of Masonville, Delta County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the township of Masonville, Delta County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

PROPOSED RULES

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Rapid River Fire Hall, Main Street, Rapid River, Mich. Send comments to: Mr. Harry F. Person, Township Supervisor, Township of Masonville, Route 1, Box 1553, Rapid River, Mich. 49878.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the township of Masonville, Mich. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rapid River.....	U.S. Highway 2.....	592
	County road I-26.....	598
	County road I-18.....	621
	(upstream side).	
	County road I-14.....	652
	Soo Line RR.....	658

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-15204 Filed 6-6-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4205]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Farmington, Dakota County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Farmington, Dakota County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at city clerk's office, city hall, Farmington, Minn. Send comments to: Mayor Patrick Ekin, City Hall, 325 Oak Street, Farmington, Minn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Farmington, Dakota County, Minn., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing

and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Vermillion River ...	Approximately 1,160 ft upstream of Elm Street Bridge.	905
	Just downstream of 270th St. (county road 74).	912

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-15205 Filed 6-6-78; 8:45 am]

[4210-01]

[24 CFR 1917]

[Docket No. FI-4206]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Village of Birmingham, Clay County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Birmingham, Clay County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or

remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Baptist Church (Ground Floor), Fifth and Spratley, Birmingham, Mo. Second comments to: Mr. Harold Carr, Chairman, Board of Trustees, Village of Birmingham, Route 13, Kansas City, Mo. 64161.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Birmingham, Missouri, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Depth in feet above ground
Shallow flooding ...	Intersection of Fifth and Milwaukee St.	1
	Intersection of Hardwick St. and the southern corporate limits.	1

PROPOSED RULES

Source of flooding	Location	Depth in feet above ground	Elevation, in feet, national geodetic vertical datum
	Intersection of Fourth and Atlantic St.	1	
	Intersection of Birmingham Rd. and eastern corporate limits.	1	
Ponding	Area bounded by Burlington Northern RR on the northwest side, Chicago, Milwaukee, St. Paul and Pacific RR on the southeast and Atlantic St. on the southwest. Area bounded by Burlington Northern RR on the west, Chicago, Milwaukee, St. Paul and Pacific RR on the east and the northern corporate limits on the north.	737	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-15206 Filed 6-6-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4207]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Douglas County, Nev.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Douglas County, Nev. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Public Works Department, Valley Professional Building, Minden, Nev. Send comments to: Mr. Robert Gardner, Director of Public Works, Douglas County, Valley Professional Building, Minden, Nev. 89423.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Douglas County, Nev., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Carson River.....	Muller Lane.....	4,679
	Genoa Lane.....	4,673
	Highway 395.....	4,654
East Carson River.	Washoe Bridge (upstream).	4,920
	Washoe Bridge (downstream).	4,914
	River View Drive.....	4,821
	Highway 56.....	4,763
	Highway 88.....	4,713
West Carson River	Dresslerville Lane.....	4,790
	Highway 88.....	4,741
	Centerville Lane.....	4,712
	Waterloo Lane.....	4,697
Pine Nut Creek.....	Myers Drive.....	5,084
	Jo Lane.....	4,987

PROPOSED RULES

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rocky Slough.....	Highway 56.....	4,770
	Highway 88.....	4,723
Martin Slough.....	Highway 395 (at Gardnerville).	4,751
	Highway 395 (north of Minden) (upstream).	4,701

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-15207 Filed 6-6-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4208]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Borough of Allenhurst, Monmouth County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Allenhurst, Monmouth County, N.J.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Bulletin Board in the Borough Hall, Allenhurst, N.J. Send comments to: Mr. Richard J. Gibbons, Business Administrator of Allenhurst, 125 Corlies Avenue, Allenhurst, N.J. 07711.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Allenhurst, Monmouth County, N.J. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Atlantic Ocean	Entire shoreline.....	9
Deal Lake .....	.....do.....	11

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-15208 Filed 6-6-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4209]

National Flood Insurance Program

Proposed Flood Elevation Determinations for the City of Asbury Park, Monmouth County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Asbury Park, Monmouth County, N.J.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Asbury Park, N.J.

Send comments to: Hon. Ray Kramer, Mayor of Asbury Park, 710 Bangs Avenue, Asbury Park, N.J. 07712.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Asbury Park, Monmouth County, N.J. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change

PROPOSED RULES

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4211]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Village of Loch Arbour, Monmouth County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the village of Loch Arbour, Monmouth County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Office Building, Loch Arbour, N.J. Send comments to: Ms. Myrtle P. Robertson, President of the Board of Trustees of Loch Arbour, 550 Main St., Loch Arbour, N.J. 07712.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the village of Loch Arbour, Monmouth County, N.J. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more

of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the lobby of the Municipal Building, Avon-by-the-Sea, N.J. Send comments to: Hon. William Smith, Mayor of Avon-by-the-Sea, 301 Main St., Avon-by-the-Sea, N.J. 07717.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SE., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the borough of Avon-by-the-Sea, Monmouth County, N.J. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Atlantic Ocean	Entire shoreline.....	9

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-15210 Filed 6-6-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4210]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Borough of Avon-by-the-Sea, Monmouth County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the borough of Avon-by-the-Sea, Monmouth County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines

PROPOSED RULES

stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Atlantic Ocean	Entire shoreline	9
Deal Lake .....	.....do.....	11

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-15211 Filed 6-6-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4212]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Village of Dobbs Ferry, Westchester County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Dobbs Ferry, Westchester County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the pro-

posed base (100-year) flood elevations are available for review at the Village Clerk's Office, Dobbs Ferry, N.Y. Send comments to: Honorable John Nanna, Mayor of Dobbs Ferry 112 Main Street, Dobbs Ferry, N.Y. 10522.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the village of Dobbs Ferry, Westchester County, N.Y. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saw Mill River.....	Downstream corporate limits (ConRail tracks).	124
	Saw Mill River Parkway	127
	Upstream corporate limits (ConRail bridge).	128
Wickers Creek	Confluence with the Hudson River ConRail bridge.	10

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-15212 Filed 6-6-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4213]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Village of Pleasantville, Westchester County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Pleasantville, Westchester County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Clerk's Office, Pleasantville, N.Y. Send Comments to: Honorable John B. Farrington, Mayor of Pleasantville, Village Hall, 48 Wheeler Avenue, Pleasantville, N.Y. 10570.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the village of Pleasantville, Westchester County, N.Y. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures re-

quired by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sawmill River.....	Corporate limits downstream.	254
	Bedford Rd. downstream.	258
	Bedford Rd. upstream....	262
	Grant St. downstream....	270
	Grant St. upstream.....	272
	Sawmill River Parkway downstream.	291
	Upstream of Conrail bridge—west of Hillview Ave.	299
	Downstream of Conrail bridge—west of Irving Place.	307
	Corporate limits upstream.	308
Nanny Hagen Brook.	Downstream corporate limit.	285
	Broadway downstream...	296
	Broadway upstream.....	300
	Approximately 840 ft upstream of the confluence with tributary No. 2*.	338

*Designated name for Tributary in this study—see map.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-15213 Filed 6-6-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4214]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Village of Tuckahoe, Westchester County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

PROPOSED RULES

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Tuckahoe, Westchester County, N.Y.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Clerk's Office, Tuckahoe, N.Y. Send comments to: Honorable Philip A. White, Mayor of Tuckahoe, Box 132, Village Hall, Tuckahoe, N.Y. 10707.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the village of Tuckahoe, Westchester County, N.Y. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed based (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bronx River	Corporate limits (downstream).	94
	Bronx River Parkway Access Rd.	96
	Main St.....	104
	Thompson St.....	107
	Corporate limits (upstream).	108

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-15214 Filed 6-6-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4215]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for City of Mason, Warren County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in city of Mason, Warren County, Ohio.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Mason, Ohio.

SEND COMMENTS TO: Mr. Robert Chace, City Manager, City of Mason, 202 W. Main Street, Mason, Ohio 45040.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for city of Mason, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Muddy Creek	0.02 miles upstream of Hanover Rd.	739
	0.01 miles upstream of Mason Montgomery Rd.	772
	Just upstream of U.S. 42	807
	0.54 miles upstream of U.S. 42	826
	0.015 miles upstream of Donna Jean.	853
	Just upstream of Broadview Court.	863
	Western corporate limit.	869
Pine Run	Just upstream of Kings Mills Rd.	764
	0.25 miles upstream of Kings Mills Rd.	773
	Just upstream of dam.....	808
	0.39 miles upstream of Dam Service Rd.	810
	Southern corporate limit.	828
Davis Run	0.06 miles upstream from confluence with Muddy Creek.	802
	0.58 miles from confluence with Muddy Creek.	820
Muddy Creek Branch No. 1.	0.01 miles upstream of U.S. 42.	745
	Box culvert (.27 miles upstream from U.S. 42).	759
	0.01 miles upstream of Mason Montgomery Rd.	780

PROPOSED RULES

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Muddy Creek Branch No. 2.	At western corporate limits.	820
	Just upstream of U.S. Route 42.	801
	0.01 miles upstream of ConRail.	808
	At western corporate limits.	827

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-15215 Filed 6-6-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4216]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Briarcliffe Acres, Horry County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Briarcliffe Acres, Horry County, S.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Office, Highway 17, Briarcliffe Acres, S.C. Send comments to: Honorable Allen L. Emptage, Mayor of Briarcliffe Acres, P.O. Box 3032, Myrtle Beach, S.C. 29577.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Briarcliffe Acres, Horry County, S.C. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Atlantic Ocean	Northern corporate limit.	13
	Southern corporate limit.	13

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-15216 Filed 6-6-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4217]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Carbon County, Utah

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Carbon County, Utah. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Carbon County Courthouse, Price, Utah. Send comments to: Mr. Jim Simone, County Commissioner, Carbon County, Carbon County Courthouse, Price, Utah 84501.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Carbon County, Utah, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED RULES

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Price River	3rd West St.*	5,506
	Bridge (near trailer park)**	5,551
	.....do.*	5,687
	U.S. Routes 6 and 50	5,965
	Denver Rio Grande Western RR.**	5,978
	.....do.*	5,482
Cardinal Wash	U.S. Highway 6 and 50	5,482
	Airport Road Bridge	5,512
Meads Wash	Fourth South St.**	5,529
	.....do.*	5,780
Spring Glen Wash	Main Street Bridge*	5,922
Spring Canyon	Corporate limits of Helper, Utah (downstream crossing).	5,958
	Corporate limits of Helper, Utah (upstream crossing).	

*Upstream side.
**Downstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-15217 Filed 6-6-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4218]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Helper, Carbon County, Utah

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Helper, Carbon County, Utah. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall,

73 South Main Street, Helper, Utah. Send comments to: Honorable Chuck Ghiradelli, Mayor, City of Helper, City Hall, 73 South Main Street, Helper, Utah 84526.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Helper, Utah, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Price River	Poplar St.	5,804
	Ivy St. (downstream side).	5,805
	Ivy St.*	5,813
	Bridge (near Third North St.).	5,877
Spring Canyon Wash.	Main St.*	5,880
	Hill St.*	5,907

*Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-15218 Filed 6-6-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4219]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for
the City of Orangeville, Emery County, Utah

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Orangeville, Emery County, Utah. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Orangeville, Utah. Send comments to: Mayor Michael Smith, City of Orangeville, City Hall, Orangeville, Utah 84537. Attention: Edira Smith, City Recorder.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh St. SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Orangeville, Utah, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures re-

PROPOSED RULES

quired by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Cottonwood Creek	Main Street Bridge (upstream).	5.752
	200 West St.	5.766

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 17, 1978.

GLORIA M. JIMENEZ
Federal Insurance Administrator.
[FR Doc. 78-15219 Filed 6-6-78; 8:45 am]

[4310-31]

DEPARTMENT OF THE INTERIOR

Geological Survey

[30 CFR Parts 250, 252]

OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF AND OUTER CONTINENTAL SHELF (OCS) OIL AND GAS INFORMATION PROGRAM

Proposed Identification of Affected States

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of proposed identification of affected States.

SUMMARY: Interior Department regulations concerning plans for exploration development and production on the Outer Continental Shelf require that certain documents be provided to representatives of affected States. This document presents a proposed listing of those States which the Interior Department views as affected States for the consultation purposes provided by the regulations.

DATES: Interested persons are invited to submit written comments, recom-

mendations, or objections with respect to the U.S. Geological Survey's tentative identification of OCS areas and the affected States for each. Written comments, recommendations, or objections should be submitted on or before June 30, 1978.

ADDRESS: Responses should identify the subject matter and be directed to the Acting Chief, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 620, Reston, Va. 22092, 703-860-7524.

FOR FURTHER INFORMATION CONTACT:

Richard B. Krah, Chief, Branch of Marine Oil and Gas Operations, Conservation Division, U.S. Geological Survey, at the above address. Telephone 703-860-7533.

Authors: The primary authors of this notice are: Gerald D. Rhodes and Gerald J. Richard, Conservation Division, U.S. Geological Survey, telephone 703-860-7531.

SUPPLEMENTARY INFORMATION: On January 27, 1978, the Department of the Interior published as final rule-making in the FEDERAL REGISTER 30 CFR 250.34, "Exploration, Development, and Production Plans," and 30 CFR 252, "Outer Continental Shelf (OCS) Oil and Gas Information Program" (43 FR 3880). The above regulations require the Director and the Oil and Gas Supervisors to consult with and furnish certain information to affected States and other interested parties.

Pursuant to 30 CFR 250.34 (43 FR 3880), all Governors of the States listed below, or their designees, will receive copies of Exploration Plans and the supporting Environmental Reports submitted under §§ 250.34-1 and 250.34-3(a) for leases in the OCS Areas indicated; e.g., Environmental Reports and Exploration Plans submitted for leases in the South Atlantic Area (Sale No. 43) will be referred to Florida, Georgia, North Carolina, and South Carolina in accordance with 30 CFR 250.34-1 (b) and (c). Similarly, Development and Production Plans submitted pursuant to 30 CFR 250.34-2 and Environmental Reports submitted under 20 CFR 250.34-3(b) for leases in one of the below identified OCS areas will be provided to the Governor, or his designee, of each State listed as an affected State for that area.

Pursuant to 30 CFR 252.4, Summary Reports relating to one of the OCS areas listed below will be provided to the Governor, or his designee, of each State listed as an affected State for that area. Prior to the preparation of the initial Summary Report for an OCS area, the Director, U.S. Geological Survey, or his designee, will consult with representatives of the below

identified affected States and other interested parties to define the nature, scope, content, and timing of the initial and subsequent Summary Reports to be published pursuant to 30 CFR 252.4.

W. A. RADLINSKI,
Acting Director.

NOTICE OF IDENTIFICATION OF AFFECTED STATES, 30 CFR 250.34 AND 30 CFR PART 252

For the purpose of ensuring that affected States are properly notified and/or consulted in accordance with the requirements of 30 CFR 250.34 and 30 CFR Part 252, the U.S. Geological Survey has tentatively identified the following States as affected States for the areas indicated:

North Atlantic. Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey.

South Atlantic. North Carolina, South Carolina, Georgia, Florida.

Mid-Atlantic. Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, North Carolina.

Pacific OCS (Southern California). California.

Pacific OCS (Northern California, Washington, and Oregon). Washington, Oregon, California.

Alaska OCS. Alaska.

Gulf of Mexico Region:

Florida—All areas east of 88° west longitude.

Alabama—All areas within 87° west longitude and 89° west longitude.

Mississippi—All areas within 88° west longitude and 89°20' west longitude.

Louisiana—All areas within 88° west longitude and 94°30' west longitude and 94°30' west longitude.

Texas—All areas west of 93° west longitude.

[FR Doc. 78-15800 Filed 6-6-78; 8:45 am]

[3810-70]

DEPARTMENT OF DEFENSE

Defense Intelligence Agency

[32 CFR Part 292a]

[DIA Reg 12-12]

PRIVACY ACT OF 1974

Revision of Agency Rules

AGENCY: Defense Intelligence Agency (DIA).

ACTION: Proposed rule.

SUMMARY: This proposed rule updates the Defense Intelligence Agency's policies and procedures governing the public's exercise of their rights under the Privacy Act of 1974 with respect to records maintained by the Agency. These revisions reflect the experience gained by the Agency through its administration of applicable provisions of the act since its implementation. The intended effect of this action is to provide public notice which offers a clear, simple explanation

PROPOSED RULES

tion of the procedures to be used by the public to exercise their rights under the act.

DATES: All material received on or before July 7, 1978 will be considered.

ADDRESS: Privacy Act Officer, Defense Intelligence Agency, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT:

Mr. Anthony Feola, 202-692-6671.

SUPPLEMENTARY INFORMATION: On September 28, 1975 a final rule adoption was published in the FEDERAL REGISTER at 40 FR 44489 effective September 27, 1975, which provided procedures on how public rights could be exercised under the Privacy Act of 1974 with respect to records maintained by the Defense Intelligence Agency (DIA). The rule was later amended on January 24, 1978 at 43 FR 3274. The agency now proposes to revise the entire rule so as to provide the public a more clear and simple explanation of the procedures whereby the public may avail itself to the rights provided them by the Privacy Act. When this proposed rule is finally adopted, it will supersede the existing agency rule cited. This rule is proposed under the authority of the Privacy Act of 1974 (Pub. L. 93-579, section 3(f) of 5 U.S.C. 552a).

MAURICE W. ROCHE,
Director, Correspondence and
Directives, Washington Headquarters Services, Department
of Defense.

JUNE 2, 1978.

Accordingly, it is proposed to amend 32 CFR Chapter I by a revision of Part 292a reading as follows:

- Sec.
292a.1 Authority.
292a.2 Purpose.
292a.3 Scope.
292a.4 Definitions.
292a.5 Procedures for requests pertaining to individual records in a record system.
292a.6 Times, places, and requirements for identification of individuals making requests.
292a.7 Disclosure of requested information to individuals.
292a.8 Special procedures: Medical records.
292a.9 Request for correction or amendment to record.
292a.10 Agency review of request for correction or amendment of record.
292a.11 Appeal of initial adverse Agency determination for access, correction or amendment.
292a.12 Disclosure of record to person other than the individual to whom it pertains.
292a.13 Fees.
292a.14 General exemptions (Reserved).
292a.15 Specific exemptions.

AUTHORITY: Privacy Act of 1974 (Pub. L. 93-579, Sec. 3(f) of 5 U.S.C. 552a).

§ 292a.1 Authority.

Pursuant to the requirements of section 533 of Title 5 of the United States Code, the Defense Intelligence Agency promulgates its rules for the implementation of the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a (f) and (k).

§ 292a.2 Purpose.

(a) To promulgate rules providing procedures by which individuals may exercise their rights granted by the act to: (1) Determine whether a Defense Intelligence Agency system of records contains a record pertaining to themselves; (2) be granted access to all or portions thereof; (3) request administrative correction or amendment of such records; (4) request an accounting of disclosures from such records; and (5) appeal any adverse determination for access or correction/amendment of records.

(b) To set forth Agency policy and fee schedule for cost of duplication.

(c) To identify records subject to the provisions of these rules.

(d) To specify those system of records for which the Director, Defense Intelligence Agency, claims an exemption.

§ 292a.3 Scope.

(a) Any individual who is a citizen of the United States or an alien lawfully admitted for permanent residence in the United States may submit an inquiry to the Defense Intelligence Agency.

(b) These rules apply to those system of records: (1) Maintained by the Defense Intelligence Agency; (2) for which the Defense Intelligence Agency prescribes the content and disposition pursuant to statute or executive order of the President, which may be in the physical custody of another Federal agency; (3) not exempted from certain provisions of the act by the Director, Defense Intelligence Agency.

(c) The Defense Intelligence Agency may have physical custody of the official records of another Federal agency which exercises dominion and control over the records, their content, and access thereto. In such cases, the Defense Intelligence Agency maintenance of the records is considered subject to the rules of the other Federal agency. Except for a request for a determination of the existence of the record, when the Defense Intelligence Agency receives requests related to these records, the DIA will immediately refer the request to the controlling Agency for all decisions regarding the request and will notify the individual making the request of the referral.

(d) Records subject to provisions of the Act which are transferred to the Washington National Records Center for storage shall be considered to be maintained by the Defense Intelli-

PROPOSED RULES

gence Agency. Disclosure from such records—to other than an element of the Defense Intelligence Agency—can only be made with the prior approval of the Defense Intelligence Agency.

(e) Records subject to provisions of the act which are transferred to the National Archives shall be considered to be maintained by the National Archives and are no longer records of the Agency.

§ 292a.4 Definitions.

(a) All terms used in this part which are defined in 5 U.S.C. 552a shall have the same meaning herein.

(b) As used in this part:

(1) The term "act" means the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a.

(2) The term "Agency" means the Defense Intelligence Agency.

§ 292a.5 Procedures for requests pertaining to individual records in a record system.

(a) An individual seeking notification of whether a system of records, maintained by the Defense Intelligence Agency, contains a record pertaining to himself/herself and who desires to review, have copies made of such records, or to be provided an accounting of disclosures from such records, shall submit his or her request in writing by mail or in person under § 292a.6. Requesters are encouraged to review the systems of records notices published by the Agency so as to specifically identify the particular record system(s) of interest to be accessed.

(b) In addition to meeting the requirements set forth in § 292a.6, the individual seeking notification, review or copies, and an accounting of disclosures will provide in writing his or her full name, address, social security account number or date of birth and a telephone number where the requester can be contacted should questions arise concerning his or her request. It is further recommended that individuals indicate any present or past relationship or affiliations, if any, with the Agency and the appropriate dates in order to facilitate a more thorough search of the record system specified and any other system which may contain information concerning the individual.

(c) An individual who wishes to be accompanied by another individual when reviewing his or her records, must provide the Agency with written consent authorizing the Agency to disclose or discuss such records in the presence of the accompanying individual.

(d) An authorized representative or designee will be permitted access pursuant to requirements set forth in § 292a.6 and 292a.12.

(e) A request for medical records must be submitted as set forth in § 292a.8.

292a.6 Times, places, and requirements for identification of individuals making requests.

(a) Individuals wishing to personally deliver their written request can do so at the Secretariat, Room 3E215 the Pentagon, Washington, D.C. 20301, during regular business hours, 8 a.m. to 4:30 p.m. This office is closed on Saturday and Sunday and on the following holidays: New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Veterans' Day, Thanksgiving, and Christmas Day.

(b) Individuals wishing to mail their written request should address it to: Secretariat, Defense Intelligence Agency, Washington, D.C. 20301 and indicate on the outer envelope "Privacy Act Request."

(c) An individual seeking access to or notification of the existence of records about him or herself shall provide in the letter or request his or her full name, address, and date of birth. This information will be used to verify the identity of the requester. In those instances where the information provided is not adequate to identify the requester, the requester will be asked to provide a signed notarized statement verifying the requester's identity.

(d) An individual who makes a request on behalf of a minor or legal incompetent shall provide a signed notarized statement affirming the relationship.

(e) When an individual wishes to authorize another person access to his or her records, the individual shall provide a signed notarized statement authorizing and consenting to access by the designated person.

(f) Any person who knowingly and willfully requests or obtains any record concerning an individual from this Agency under false pretenses shall be guilty of a misdemeanor and fined not more than \$5,000.

§ 292a.7 Disclosure of requested information to individuals.

The Defense Intelligence Agency, upon receiving a request for notification of the existence of a record or for access to a record, shall: (a) determine whether such record exists; (b) determine whether access is available under the Privacy Act; (c) notify the requester of those determinations within 10 days (excluding Saturday, Sunday, and legal public holidays) and; (d) provide access to information pertaining to that person which has been determined to be available.

§ 292a.8 Special procedures: Medical records.

Medical records, requested pursuant to § 292a.5 of this part, will be disclosed to the requester unless the disclosure of such records directly to the

requester could, in the judgment of a physician, have an adverse effect on the physical or mental health or safety and welfare of the requester or other persons with whom he may have contact. In such an instance, the information will be transmitted to a physician named by the requester or to a person qualified to make a psychiatric or medical determination.

§ 292a.9 Request for correction or amendment to record.

(a) An individual may request that the Defense Intelligence Agency correct, amend, or expunge any record, or portions thereof, pertaining to the requester that he believes to be inaccurate, irrelevant, untimely or incomplete.

(b) Such requests shall be in writing and may be delivered or mailed to the Secretariat, as indicated in § 292a.6.

(c) The requester shall provide sufficient information to identify the record and furnish material to substantiate the reasons for requesting corrections, amendments or expurgation.

§ 292a.10 Agency review of request for correction or amendment of record.

(a) The Agency will acknowledge a request for correction or amendment of a record within 10 days (excluding Saturday, Sunday, and legal public holidays) of receipt. The acknowledgment will be in writing and will indicate the date by which the Agency expects to make its initial determination.

(b) The Agency shall complete its consideration of requests to correct or amend records within 30 days (excluding Saturday, Sunday, and legal holidays) and inform the requester of its initial determination.

(c) If it is determined that a record should be corrected or amended in whole or in part, the Agency shall advise the requester in writing of its determination and correct or amend the record accordingly. The Agency shall then advise prior recipients of the record of the fact that a correction or amendment was made and provide the substance of the change.

(d) If the Agency determines that a record should not be corrected or amended, in whole or in part, as requested by the individual, the Agency shall advise the requester in writing of its refusal to correct or amend the record and the reasons therefor. The notification will inform the requester that the refusal may be appealed administratively and will advise the individual of the procedures for such appeals.

§ 292a.11 Appeal of initial adverse Agency determination for access, correction or amendment.

(a) An individual who disagrees with the denial or partial denial of his or

PROPOSED RULES

ID-L DIA 0660

Sysname—Security Files

Exemption—Selected documents in this system are exempted from the following provisions of Title 5, U.S.C.; section 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H) and (e)(4)(I).

Authority—5 U.S.C. 552a: (k)(2), (k)(5). Reason—The reasons for asserting these exemptions are to insure the integrity of the adjudication process used by the Agency to determine the suitability, eligibility or qualification for Federal service with the Agency and to make determinations concerning the questions of access to classified materials and activities. The proper execution of this function requires that the Agency have the ability to obtain candid and necessary information in order to fully develop or resolve pertinent information developed in the process. Potential sources, out of fear of retaliation, exposure or other action, may be unwilling to provide needed information or may not be sufficiently frank to be a value in personnel screening, thereby seriously interfering with the proper conduct and adjudication of such matters.

(FR Doc. 78-15793 Filed 6-6-78; 8:45 am)

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 35]

[FRL 906-41]

GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

Public Meetings

AGENCY: Environmental Protection Agency.

ACTION: Notice of public meetings.

SUMMARY: The Environmental Protection Agency (EPA) is announcing public meetings in each EPA region for the purpose of receiving public comment on proposed and interim final regulations governing grants for construction of municipal wastewater treatment works.

DATES: See below.

ADDRESSES: See below.

FOR FURTHER INFORMATION CONTACT: See below.

SUPPLEMENTARY INFORMATION: On April 25, 1978, proposed and interim final regulations implementing provisions of the Clean Water Act of 1977 (Pub. L. 95-217) which apply to the municipal wastewater treatment facility construction grants program were published in the FEDERAL REGISTER (43 FR 17690, 17697). The preamble to the proposed and interim final regulations indicated that written comments would be accepted by EPA through June 30, 1978 and that meetings to re-

her request for access, correction, or amendment of Agency records pertaining to himself/herself, may file a request for administrative review of such refusal within 30 days after the date of notification of the denial or partial denial.

(b) Such requests should be in writing and may be delivered or mailed to Secretariat, as indicated in § 292a.6.

(c) The requester shall provide a brief and succinct written statement setting forth the reasons for his or her disagreement with the initial determination and provide such additional supporting material as the individual feels necessary to justify his or her appeal.

(d) Within 30 days (excluding Saturday, Sunday, and legal public holidays) of the receipt of request for review, the Agency shall advise the individual of the final disposition of his or her request.

(e) In those cases where the initial determination is reversed, the individual will be so informed and the Agency will take appropriate action.

(f) In those cases where the initial determinations are sustained, the individual shall be advised:

(1) In the case of a request for access to a record, of the individual's right to seek judicial review of the Agency refusal for access.

(2) In the case of a request to correct or amend the record: (i) Of the individual's right to file with record in question a concise statement of his or her reasons for disagreeing with the Agency's decision, (ii) of the procedures for filing a statement of disagreement, and (iii) of the individual's right to seek judicial review of the Agency's refusal to correct or amend a record.

§ 292a.12 Disclosure of record to person other than the individual to whom it pertains.

Except as provided by section 552a(b) of the act, 5 U.S.C. 552a(b), the written request or prior written consent of the individual to whom a record pertains shall be required before such record is disclosed to any person or to another agency outside the Department of Defense.

§ 292a.13 Fees.

(a) Copies of records requested pursuant to § 292a.5 will be provided at a cost of \$.10 per day for photocopying or at a cost not to exceed the direct cost of printing, typing or otherwise preparing copies.

(b) Documents may be furnished without charge where total charges are less than \$5.00.

(c) Current employees of the Agency will not be charged for the first copy of a record provided by the Agency.

(d) In the absence of an agreement to pay required anticipated costs, the

time for responding to a request begins on resolution of this agreement to pay.

(e) The fees prescribed in this subpart may be paid by check, draft or postal money order payable to the Treasury of the United States. Remittance will be forwarded to the office designated in § 292a.6(b).

§ 292a.14 General exemptions [Reserved].

§ 292a.15 Specific exemptions.

(a) All systems of records maintained by the Defense Intelligence Agency shall be exempt from the requirements of 5 U.S.C. 552a(d) pursuant to 5 U.S.C. 552a(k)(1) to the extent that the system contains any information properly classified under Executive Order 11652 "Classification and Declassification of National Security Information and Material," dated March 8, 1972 (37 FR 10053, May 19, 1972), and which is required by Executive Order to be kept secret in the interest of national defense or foreign policy. This exemption, which may be applicable to parts of all systems of records, is necessary because certain record systems not specifically designated for exemption may contain isolated information which has been properly classified.

(b) The Director, Defense Intelligence Agency, designates the systems of records listed below for exemptions under the specified provisions of the Privacy Act of 1974 (Pub. L. 93-579).

EXEMPTED RECORD SYSTEMS

ID-L DIA 0271

Sysname—Investigations and Complaints

Exemption—Selected documents in this system are exempted from the following provisions of Title 5, U.S.C.; section 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H) and (e)(4)(I).

Authority—5 U.S.C. 552a: (k)(2), (k)(5), (k)(7).

Reason—The reasons for asserting these exemptions are to insure the integrity of the Inspector General process within the Agency. The execution of this function requires that information be provided in a free and open manner without fear of retribution or harassment in order to facilitate a just, thorough and timely resolution of the complaint or inquiry. Disclosures from this system can enable individuals to conceal their wrongdoings or mislead the course of the investigation by concealing, destroying or fabricating evidence or documents. Also, disclosures can subject sources and witnesses to harassment or intimidation which may cause individuals not to seek redress for wrongs through Inspector General channels for fear of retribution or harassment.

ceive public comment would be announced at a later date. Notice is hereby given that meetings to receive public comment have now been scheduled for each EPA region. Meeting dates, at least partial information on locations, and a contact in each region for additional information are as follows:

REGION I

June 28, EPA Regional Office, John F. Kennedy Federal Building, 20th Floor Conference Room, Boston, 9 a.m. Contact: Bruce Rosinoff, Water Division, EPA, John F. Kennedy Federal Building, Boston, Mass. 02203, 617-223-5633.

REGION II

June 26, Federal Building, Room 402, 100 State Street, Rochester, N.Y., 3 to 7 p.m.

June 28, Department of Environmental Conservation, 50 Wolf Road, Albany, N.Y., 4:30 to 8 p.m.

June 30, EPA Regional Office, Room 305, 26 Federal Plaza, New York City, 1 to 6 p.m.

(These meetings will be held in conjunction with meetings concerning development of an agreement between EPA and the State of New York for the coordination of environmental programs.) Contact: Margret Davis, Public Awareness Division, EPA, 26 Federal Plaza, New York, N.Y. 10017, 212-264-4535.

REGION III

June 22, EPA Regional Office, Curtis Building, Room 213, 6th and Walnut Streets, Philadelphia, Pa., 10 a.m. Contact: Fred Grant, Water Division, EPA, Curtis Building, 6th and Walnut Street, Philadelphia, Pa. 19106, 215-579-9412.

REGION IV

June 28, Civic Center, Room 201, 395 Piedmont Avenue, Atlanta, Ga., 9 a.m. to 3 p.m. Contact: Office of Public Awareness, EPA, 345 Courtland Street, Atlanta, Ga., Jean Harris, 404-881-3004.

REGION V

June 26, Pick Congress Hotel, Chicago, 8:30 a.m. Registration, 9:30 Meeting opens. Contact: Kathryn Brown, Office of Public Affairs, EPA, 230 South Dearborn Street, Chicago, Ill., 312-353-2072.

REGION VI

June 28, 29th Floor Conference Room, First International Building, 1201 Elm Street, Dallas, 9 a.m. Contact: Peyton Davis, Office of Public Awareness, EPA, 1201 Elm Street, Dallas, Tex. 75270, 214-767-2630.

REGION VII

June 28, Hilton Airport Plaza Inn, 881 NW. 112th Street, Kansas City, Mo., 9 a.m. to 4 p.m. and 7 p.m. to 10 p.m. Contact: Carl Blomgren, Director, Water Division, EPA, 1735 Baltimore Street, Kansas City, Mo. 64108, 816-374-5616.

REGION VIII

June 29, Denver. Contact: Vince Schlvely, Office of Public Awareness and Intergovernmental Relations, EPA, 1860 Lincoln Street, Denver, Colo. 80203, 303-837-3878.

REGION IX

June 28, EPA Regional Office, 215 Fremont Street, San Francisco, 10 a.m. and 7:30

PROPOSED RULES

p.m. Contact: Rick Hoffman, Office of External Relations, EPA, 215 Fremont Street, San Francisco, Calif. 94105, 415-556-8695.

REGION X

June 29, EPA Regional Office, Room 12A, 1200 6th Avenue, Seattle, 1:30 p.m. and 7 p.m. Contact: Don Bliss, Director, Office of Public Awareness, EPA, 1200 6th Street, Seattle, Wash. 98101, 206-442-1014.

As indicated above, the proposed and interim final regulations upon which comments will be received were published in the FEDERAL REGISTER on April 25, 1978. A limited number of copies of a fact sheet on the regulations and of the full text of the regulations are available from EPA regional offices.

Dated: June 1, 1978.

THOMAS C. JORLING,
Assistant Administrator for
Water and Hazardous Materials.
[FR Doc. 78-15737 Filed 6-6-78; 8:45 am]

[6560-01]

[40 CFR 180]

[FRL 906-3; OPP-260029]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Parathion or Its Methyl Homolog; Interim Tolerance Deletion

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that the insecticide parathion be deleted from 40 CFR 180.319. The proposal is made on the initiative of the Administrator. This amendment to the regulations would revoke the interim tolerance for residues of parathion on rye grain.

DATE: Comments must be received on or before July 7, 1978.

ADDRESS COMMENTS TO: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Frank Sanders, Product Manager (PM) 12, Registration Division (WH-567), Office of Pesticide Programs, EPA, 202-426-9425.

SUPPLEMENTAL INFORMATION: A petition (PP 1F1091) was filed May 6, 1971 (36 FR 6465), by the National Agricultural Chemical Association, 1155 15th Street NW., Washington, D.C. 20005, on behalf of the NACA Industry task force for parathion (O,O-

diethyl - O - p - nitrophenylthiophosphate) and methyl parathion, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) proposing establishment of a tolerance for residues of the insecticide parathion or its methyl homolog in or on the raw agricultural commodity rye grain at 0.5 part per million (ppm) as well as tolerances on other raw agricultural commodities. Although the other tolerances were established November 12, 1974 (39 FR 39878), the tolerance on rye grain was not because the petitioner had amended the petition by deleting this proposed tolerance.

An interim tolerance was established (40 CFR 180.319) August 30, 1972 (37 FR 17554), for residues of parathion or its methyl homolog on rye grain at 0.5 ppm until such time as final action could be completed. Since the petitioner has deleted the proposed 0.5 ppm tolerance on rye grain from PP 1 F1091, it is proposed that 40 CFR 180.319 be amended by deleting the item parathion or its methyl homolog from the list of interim tolerances as set forth below.

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before July 7, 1978, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "OPP260029". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the Federal Register from 8:30 a.m. to 4 p.m. Monday through Friday.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).

Dated: May 30, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

It is proposed that Part 180, Subpart C, section 180.319 be amended by deleting the item "Parathion * * *" from the list of items in the table as follows:

§ 180.319 [Amended]

Section 180.319 is amended by deleting the item "Parathion (O,O-diethyl-O-p-nitrophenylthiophosphate) or its methyl homolog * * *" from the list of items in the table.

[FR Doc. 78-15735 Filed 6-6-78; 8:45 am]

[4110-35]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

[42 CFR Parts 405, 450]

ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS AND FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Utilization Review

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This notice withdraws proposed regulations published on March 30, 1976 (41 FR 13452). That proposal would have revised utilization review procedures for hospital participation in the Medicaid and Medicare programs. Legislation enacted shortly before that Notice has been interpreted to require substantial policy changes. New proposed regulations will be published within the next several months. The final regulations published on November 29, 1974 (39 FR 41604), as amended by the Notice of September 10, 1975 (40 FR 42006), continue in effect.

DATE: Effective June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Paul Murphy, phone 301-443-6690

SUPPLEMENTARY INFORMATION: Final regulations relating to utilization review procedures were published on November 29, 1974, but the effective date of certain portions of these regulations was delayed as the result of a court injunction obtained by the American Medical Association. A notice of September 10, 1975 postponed the effective date of the provisions dealing with review of admissions and, for Medicare participating hospitals, general performance standards, until new final regulations can be published. The preamble to the March 30, 1976 proposed utilization review regulations referred to recent statutory amendments that had a bearing on the regulations. Comments were invited on what changes, if any, were needed in the proposed regulations to reflect the changes in the law. After reviewing the comments, and upon further study of the amendment by the Office of General Counsel, the Department has determined that the proposed rules are inconsistent with the statutory requirements. Therefore, the proposed regulations of March 30, 1976, are withdrawn.

Dated: May 2, 1978.

WILLIAM D. FULLERTON,
Acting Administrator, Health
Care Financing Administration.

PROPOSED RULES

Approved: May 31, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-15764 Filed 6-6-78; 8:45 am]

[4310-09]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[43 CFR Part 417]

PROCEDURAL METHODS FOR IMPLEMENTING COLORADO RIVER WATER CONSERVATION MEASURES WITH LOWER BASIN CONTRACTORS AND OTHERS

General Regulations

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent to propose rulemaking.

SUMMARY: The Secretary of Interior is requesting public comments and suggestions for development of a plan for the termination of the unauthorized use of water in the Lower Colorado River Basin, in order to comply with the provisions of the Boulder Canyon Project Act of 1929, and the 1964 court decree.

DATE: Comments must be received on or before September 5, 1978.

ADDRESS: Suggestions and recommendations on how the Secretary may best pursue the termination of non-contract uses of Colorado River water should be sent to Mr. Eugene Hinds, Director, O. & M. Policy Staff, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

Robert Mason, Regional Supervisor of Water and Land Operations, Lower Colorado Region, Bureau of Reclamation, Department of the Interior, P.O. Box 427, Boulder City, Nev. 89005, 702-293-2161.

SUPPLEMENTARY INFORMATION: The Bureau of Reclamation, Department of the Interior, is considering amending § 417.6 of the Code of Federal Regulations. Pursuant to the Boulder Canyon Project Act, 45 Stat. 1057, and the decree in *Arizona v. California*, 378 U.S. 341, entered March 19, 1964, the Secretary is prohibited from delivering water in the Colorado River below Hoover Dam for irrigation or domestic use in the States of Arizona, California, or Nevada, unless the recipient of that water has a Federal right as set forth in the decree or has a contract for delivery of water. The Department of the Interior has accepted the recommendations of the joint State-Federal Task Force report dated November 19, 1975, entitled *Water for Bureau of Land Manage-*

ment and Other Noncontract Users in Lower Colorado River Basin. Pursuant thereto, the Secretary proposes to develop a plan for the termination of noncontract or unauthorized water uses in the Lower Colorado River Basin. Since this activity will impact a number of individuals and may be considered controversial, it appears to be the type of question on which public comment, suggestions, and recommendations for consideration in the development of a termination program are particularly appropriate. Letters will be sent to unauthorized water users to notify them of the proposed termination of such illegal diversions, and to advise them to contact appropriate State agencies to determine the availability of water for contracting purposes.

PRIMARY AUTHOR OF THIS DOCUMENT

George Blake, Bureau of Reclamation, P.O. Box 427, Boulder City, Nev. 89005.

The Bureau of Reclamation has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Orders 11821 and 11949 and OMB Circular A-107.

It has been determined that this proposed regulation is not a major Federal action significantly affecting the quality of the human environment and that no environmental impact statement pursuant to section 102(2)(c) of the National Environmental Policy Act, 42 U.S.C. section 4332(c) is required.

Dated: May 30, 1978.

DANIEL P. BEARD,
Acting Assistant Secretary
of the Interior.

[FR Doc. 78-15784 Filed 6-6-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 78-159; RM-3050]

TELEVISION BROADCAST STATION IN SEAFORD, DEL.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment and reservation of Channel 64 for noncommercial educational use and deletion of the reservation of Channel 38 at Seaford, Del. The proposal would provide for a first commercial television station in the

State of Delaware, and a first local television service to the residents of Seaford.

DATE: Comments must be received on or before July 24, 1978, and reply comments on or before August 14, 1978.

ADDRESS: Send comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 25, 1978.

Released: May 31, 1978.

"In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations (Seaford, Del.).

1. The Commission has before it for consideration a petition for rulemaking filed by John R. Powley ("petitioner"). The petition seeks amendment of section 73.606(b) of the Commission's rules, the Television Table of Assignments, by removing the reservation on Channel *38 at Seaford, Del., which limits the channel to noncommercial educational use only. Supporting comments were filed by the Citizens Committee for Expansion of Commercial Television to the State of Delaware ("CCETD"). A Partial Opposition to the proposal was filed by the Public Broadcasting Service ("PBS").

2. Seaford (pop. 5,537), in Sussex County (pop. 80,356),¹ is located in western Delaware, approximately 32 kilometers (20 miles) north of Salisbury, Md., approximately 129 kilometers (80 miles) east of Washington, D.C. Seaford is currently assigned UHF Channel 38 which is reserved for noncommercial educational use. The channel is vacant and no applications for it have been filed. Petitioner states that if Channel 38 is made available for commercial use he will file an application to build a station on it.

3. Petitioner asserts that at present no commercial television station is operating in Delaware and only one commercial channel has been assigned (Channel 61, Wilmington). Petitioner claims that after reviewing the proposal with educational groups, the Secretary and State Superintendent of the Department of Public Instruction, he was informed that the State Board of Education had no objection to the removal of the educational reservation on channel 38 at Seaford.

4. In support of the proposal, CCETD states that Delaware is the only State in the United States with-

out a commercial television station and without local television service from within the State. It alleges that a commercial television operation in Seaford would start the development of local television service to residents of Delaware and would provide the people of Sussex County with an alternative to the Maryland dominated news service provided to Delaware residents by Maryland based broadcasters. CCETD claims that commercial television in Seaford would afford the people of Lower Delaware as well as the Eastern Shore of Maryland and Virginia some diversity and bring much needed competition to the entire market. CCETD alleges that the State Board of Education of Delaware has no plans to use the frequency for PBS broadcasting, nor has any other party ever expressed an interest to do so.

5. In its partial opposition, PBS contends that the deletion of the reservation would be inconsistent with the rationale underlying the concept of noncommercial educational reservations and would jeopardize the long-term growth of the nation's public television system. It asserts that Channel 38 is the only public television assignment available for the establishment of in-state service to the southern part of Delaware on the Eastern Shore. PBS argues that the fact that the Delaware State Board of Education has no present plans to establish a public television station on Channel 38 at Seaford, does not obviate the need to preserve the reserved status of the assignment. It contends that the proposal should be denied unless a channel other than Channel *38 can be found to meet petitioner's needs.

6. We believe that an examination of the possible commercial use of channel 38 is warranted since the State of Delaware is without any local commercial television. The proposed use of Channel 38 would also provide for a station which could render a first local television service to the residents of Seaford.

7. The commission recognizes the need to retain a noncommercial educational channel in Seaford. However, a Staff study indicates that an additional channel could be assigned to that community. Since Channel 64 is available for noncommercial educational use if an interest is expressed, we are proposing to assign that channel to Seaford for that purpose.

8. In view of the foregoing, the Commission proposes to amend the Television Table of Assignments (section 73.606(b) of the Commission's rules) with regard to the city listed below:

City	Channel No.		
		Present	Proposed
Seaford, Del.....	*38	38	*64

¹Public Notice of the petition was given on February 7, 1978, Report No. 1099.

²Population figures are taken from the 1970 U.S. Census.

9. Authority to institute rulemaking proceedings, showings required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the appendix before a channel will be assigned.

10. Interested parties may file comments on or before July 24, 1978, and reply comments on or before August 14, 1978.

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and section 0.281(b)(6) of the Commission's rules, it is proposed to amend the TV Table of Assignments, section 73.606(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rulemaking to which this appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rulemaking to which this appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only re-submits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in sections 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rulemaking to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of section 1.420 of the Com-

mission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-15767 Filed 6-6-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[BC Docket No. 78-155; RM-2809; FCC 78-351]

INQUIRY CONCERNING COMMON USE OF TV TOWERS

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: FCC commences inquiry into whether it would be desirable to require VHF-TV stations to allow UHF-TV stations to place their antennas on the VHS stations' towers, as a means of enabling UHF stations to improve their facilities at a reasonable cost or to require shared use of towers in some other way.

DATES: Comments must be received on or before July 3, 1978, and reply comments on or before July 24, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Carol P. Foelak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 18, 1978.

Released: May 31, 1978.

In the matter of common use of TV Towers.

1. The Commission has before it a petition for rulemaking, filed by Triangle Telecasters, Inc. ("Triangle"), to amend section 73.635 of the Rules¹ to require that grants of construction permits for new or changed facilities for VHS television stations which involve construction or modification of a tower, be conditioned to permit UHF-TV stations, upon request and at their own expense, to place their antennas on the towers. Public Notice was given January 3, 1977 (Report No. 1024). No comments have been received.

2. Section 73.635 of the Commission's Rules and Regulations presently provides:

§ 73.635 Use of common antenna site.

No television license or renewal of a television license will be granted to

¹47 CFR section 73.635.

any person who owns, leases, or controls a particular site which is peculiarly suitable for television broadcasting in a particular area and (a) this site is not available for use by other television licensees; and (b) no other comparable site is available in the area; and (c) where the exclusive use of such site by the applicant or licensee would unduly limit the number of television stations that can be authorized in a particular area or would unduly restrict competition among television stations.

3. Petitioner asks that specific language be added to the rule, requiring a condition to be placed on grants of construction permits for new or changed facilities of a VHF television station which involve construction or modification of a tower to permit any UHF television station, upon request, to place its antenna on the tower. The proposal specifies that the UHF station must pay for any alteration of the tower necessary to support its antenna through rental fees or a contribution to the construction costs.

4. Triangle, which has been a UHF-TV licensee in the past and hopes to acquire additional UHF stations in the future, believes that its proposal will bring UHF and VHF more nearly into parity in accord with Commission policy. It alleges that the customary cost of a 1,500 to 2,000 foot tower for a UHF-TV antenna exceeds one million dollars, so that its proposal could substantially lower the cost of improving the facilities of a UHF-TV station and might even have the effect of activating unused UHF-TV assignments. It suggests that another public interest benefit would be a reduction in the number of UHF impact hearings, since if UHF-TV stations had better opportunity to upgrade their facilities at a cost they could reasonably afford, they would be much less likely to be aggrieved by substantial improvements in competing VHF facilities. Additionally, it urges that there would be environmental and other benefits, fewer towers to clutter up the landscape and possibly constitute air hazard problems. All these benefits, it is said, would be obtained at no cost to the VHF stations involved.

5. In view of the history of UHF-TV development, Triangle's proposal appears to warrant further investigation. Thus, although we are not fully persuaded that the petitioner has made a case for incorporating it in specific language in the rules, we are adopting this Notice of Inquiry to explore the proposal further. We seek comments on a number of specific questions which have occurred to us, as well as on any other aspect of Triangle's proposal on which parties may wish to focus.

6. Is any change in the rule really necessary? We have not been present-

ed with any instances in which UHF stations have requested that VHF stations accommodate them on their towers and were refused. Indeed, section 73.635, which sets out the precise conditions under which access to use of a common antenna site cannot be denied, has been interpreted to cover towers as well as land for antenna sites. *Chronicle Publishing Co.*, 4 R.R. 2d 579 (1965), recon. den., 5 R.R. 2d 635 (1965), aff'd., 366 F. 2d 632 (D.C. Cir. 1966). Thus, it could be argued that much of what petitioner seeks is already covered by the present rule. Perhaps a policy statement pointing this out and encouraging joint use of towers might be appropriate, as well as sufficient to meet Triangle's purpose.

7. If we were to propose a specific rule, is there any reason to impose a condition which is limited so as to benefit UHF-TV stations only or should the condition be so drawn that it would encompass other broadcast uses? Compare, for example, the *Chronicle* case referred to above in which the Commission conditioned the grant of a TV application in order to insure the availability of the proposed tower for use "by present and future permittees and licensees of broadcast facilities" in the area on a "fair and equitable basis," 4 R.R. 2d 588. A television tower cannot only accommodate both UHF and VHF television antennas but also FM antennas as well. As a result it could be argued on various economic and/or technological grounds that UHF permittees should also be called upon to share their antenna towers with other broadcast permittees.

8. If there is a change in the rule, should we restrict it to applications for new or changed facilities, or would it be appropriate also to grant license renewals on the condition that VHF stations would have to accommodate those who request space on their towers so long as they are willing to pay all costs of modifying the tower and perhaps pay rent as well? Should we impose time limits on any requirement to make tower space available? We are concerned about the effect on the VHF licensee of an unending but never utilized obligation to make space available. Should we impose other limits or bounds other than those relating to time?

9. If there were a rule, would all stations in a market demand to mount their antennas on the tallest tower? Since one tower cannot accommodate an unlimited number of antennas, might this not necessitate a choice between the proposed users? Absent Commission guidelines, could this raise a risk that the VHF station would choose to accommodate the UHF station which posed the least competitive threat? In this connection, we invite comments on the question of

to what degree the high cost of constructing towers is a cause for UHF's alleged difficulties or whether other factors are more important.

10. Are the owner of the tower and the UHF licensee likely to be able to agree on how much the UHF licensee should pay for mounting its antenna on the tower or, indeed, on other necessary terms of agreement. If not, would it be necessary or appropriate for the FCC to have to take a part in this process?

11. There are also a number of technical questions which concerns us. For example, considering normal tower design parameters, what are the practical consequences of requiring a modification of towers to accommodate one or more additional antennas? Also, there is a question about the impact any such requirement could have on the use of the tower to mount other antennas including microwave receiving antennas used for a studio-transmitter link or a television pickup station. We need to know if other problems might be encountered besides those involving structural changes in the tower, as these too could complicate application of any such requirement. For example, there could be intermodulation problems between the signals being transmitted or difficulties could arise in arranging the additional electrical or other service for the UHF operation, or in the VHF station's being able to arrange for use of land around the tower for transmitter buildings. Indeed, there may be other problems as well, and we seek all information regarding any such problems and how to deal with them.

12. *Conclusion:* The Commission hereby expresses its willingness to consider the proposition and if the record in the Inquiry supports consideration of a rule, specific proposals will be examined in a subsequent rulemaking proceeding.

13. The Commission's authority to institute this proceeding is contained in section 403 of the Communications Act of 1934, as amended.

14. Pursuant to applicable procedures set forth in section 1.415² of the Commission's Rules, interested parties may file comments on or before July 3, 1978, and reply comments on or before July 24, 1978. All relevant and timely comments will be considered by the Commission before final action is taken. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

15. In accordance with the provisions of section 1.419 of the Rules, an origi-

²Pursuant to section 1.430 of the Commission's Rules, the various procedural requirements applicable to rulemaking proceedings apply to proceedings on a Notice of Inquiry.

nal and five copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street NW.).

FEDERAL COMMUNICATIONS
COMMISSION,³

WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-15766 Filed 6-6-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[49 CFR Chapter X]

[Ex Parte No. 346]

RAIL GENERAL EXEMPTION AUTHORITY

Advanced Notice of Proposed Rulemaking

AGENCY: Interstate Commerce Commission.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: Section 12(a)(b) of the Interstate Commerce Act provides that the Commission may exempt railroad services from regulation upon a finding that continued regulation of those services would be unduly burdensome, would serve little or no useful public purpose, and is not necessary to effectuate the National Transportation Policy. The Commission is considering adoption of rules or of a policy statement which would establish procedures for implementing section 12(1)(b) or set standards for applying its provisions. In addition, the Commission proposes to consider whether its general exemption authority should be exercised in order to exempt from regulation, either in whole or in part, the transportation by rail of unmanufactured agricultural commodities as requested by the Southern Pacific in a petition filed on March 6, 1978. The Commission also seeks comments on other possible uses of the exemption authority.

DATES: Comments by interested persons are invited, and must be filed with the Secretary of the Commission on or before July 17, 1978.

ADDRESS: Interested persons should file an original and 12 copies of their comments with: Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION
CONTACT:

Janice M. Rosenak or Harvey

³Commissioner Lee absent.

Gobetz, Section of Rates, 202-275-7693 or 275-7656.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 207 of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210, amended section 12(1) of the Interstate Commerce Act (the Act) by adding a new subdivision (b) which provides that the Commission, upon petition or on its own initiative, may exempt from regulation any person, class of person, services, or transactions relating to transportation by railroad if it finds that regulation is not necessary to effectuate the national transportation policy, would be an undue burden on the persons or class of persons involved or on interstate and foreign commerce, and would serve little or no useful public purpose. Section 12(1)(b), as amended, reads as follows:

(b) Whenever the Commission determines, upon petition by the Secretary or an interested party or upon its own initiative, in matters relating to a common carrier by railroad subject to this part, after notice and reasonable opportunity for a hearing, that the application of the provisions of this part (i) to any person or class of persons, or (ii) to any services or transactions by reason of the limited scope of such services or transactions, is not necessary to effectuate the national transportation policy declared in this Act, would be an undue burden on such person or class of persons or on interstate and foreign commerce, and would serve little or no useful public purpose, it shall, by order, exempt such persons, class of persons, services, or transactions from such provisions to the extent and for such period of time as may be specified in such order. The Commission may, by order, revoke any such exemption whenever it finds, after notice and reasonable opportunity for a hearing, that the application of the provisions of this part to the exemption person, class of persons, services, or transactions to the extent specified in such order, is necessary to effectuate the national transportation policy declared in this Act and to achieve effective regulation by the Commission, and would serve a useful public purpose.

THE TRANSPORTATION OF EXEMPT AGRICULTURAL COMMODITIES

Motor carrier transportation in vehicles used in carrying ordinary livestock, fish (including shellfish), and agricultural commodities (not including manufactured products thereof) is exempt from the Commission's regulation under section 203(b)(6) of the Act, 49 U.S.C. 303 (b)(6). The transportation of these commodities by rail, however, is subject to full economic regulation. The railroads, therefore, must compete for this traffic with motor carriers which are free to set rates for individual movements at any level which the market will bear and which are not required to fulfill any of the

common carrier obligations—such as the provision of service upon reasonable request and at reasonable and non-discriminatory rates—to which regulated common carriers are subject. The railroad industry's share of the available agricultural commodity traffic, and especially its share of the available fresh fruit and vegetable traffic, has been steadily declining for many years.

On March 6, 1978, the Southern Pacific Transportation Co. and several affiliated railroads (the SP) petitioned that the Commission exempt from regulation the on-line transportation of all commodities whose transportation by motor carrier would be exempt under section 203(b)(6) of the Act. That petition has been docketed as No. 36868. It raised broad issues of first impression, the resolution of which will have a substantial impact upon the transportation industry, the users of transportation service, and consumers generally.

The exemption of all or certain types of agricultural commodities from economic regulation could be a step toward reversing the steady trend of declining railroad participation in this traffic. Thus, it could contribute to the generation of revenues needed by the railroad industry if it is to continue to provide essential transportation services. See Ex Parte No. 338, Standards and Procedures for the Establishment of Adequate Railroad Revenue Levels, decided January 21, 1978.

The Commission's Bureau of Investigations and Enforcement, on April 3, 1978, petitioned for leave to intervene in No. 36868, and expressed its opposition to the SP's petition in its present form. On May 12, 1978, the Office of Rail Public Counsel, while not presently taking a position on the petition, requested an oral hearing on the issues raised. The need for an oral hearing will be determined after public comments have been received in this Ex Parte rulemaking proceeding.

This proceeding embraces all the issues raised in the SP's petition. The proceeding in No. 36868 is, therefore, discontinued concurrently with the service of this notice.

PARTICIPATION

The purpose of this advance notice is to obtain the views of all interested persons on the issues involved before the Commission formulates proposed rules or standards governing the scope of the exemption and before it determines how to proceed with an exploration of the issues raised in the SP's petition. It also seeks comments on other possible uses of the Commission's exemption authority. Copies of this notice will be served on all railroads, on the Secretaries of Agriculture and Transportation, on the Assistant At-

torney General for the Antitrust Division, on the Chairman of the Federal Trade Commission, and on the Rail Public Counsel. Also, the Bureau of Investigations and Enforcement of the Interstate Commerce Commission is authorized and directed to intervene and participate in this proceeding. Shippers and consumers, and organizations of shippers and consumers, are invited to participate.

Following the receipt of public comments, the Commission may elect to separate the question of what procedures and standards might be adopted for handling proceedings arising under section 12(1)(b) from the question of whether the rail transportation of agricultural commodities should be exempted from economic regulation. If sufficient comments are received on any other potential exemptions, these may also be handled separately. If this is done, those responding to this notice will be treated as parties to all proceedings, unless they indicate that their interest is limited.

ISSUES

Interested persons are requested to address their comments to any issue which they perceive as relevant to the section 12(1)(b) exemption and to the SP's proposal to exempt from regulation the rail transportation of unmanufactured agricultural commodities. In particular, the Commission seeks comments on the following issues:

1. The permissible scope of the section 12(1)(b) exemption.

2. Whether special procedures for handling proceedings to consider exemption from regulation are needed and should be adopted by the Commission.

3. Whether, in exempting certain services from regulation, the Commission should extend the force of the exemption to all common carrier obligations associated with the exempted service or should, as a general rule, grant only partial exemptions and continue to require railroads—

To provide service at non-discriminatory rates.

To transport freight with reasonable dispatch.

To continue to assume liability for loss and damage to lading.

To comply with the Commission's data reporting requirements and accounting rules.

To comply with car service regulations and orders.

4. Whether the Commission, as a prerequisite to accepting petitions for an exemption under section 12(1)(b) should require the submission of specific information on such subjects as—

The specific operations contemplated under the exemption, including information on the type of service to be provided, the anticipated demand for that service, plans for pricing the serv-

ice, and the anticipated stability of any exempted rates.

The specific relief from regulatory requirements which the petitioner seeks in order to achieve the planned operations.

The industry wide ramifications of granting the exemption, including its anticipated effects on joint rates, rate divisions, rate relationships, intermodal and intramodal competition, the quality of service, and the continued ability of the railroad involved to provide adequate service to shippers and to the general public.

The share of the total transportation market on a national and regional basis, for the services sought to be exempted, which is currently held by the railroad industry as a whole and by the particular railroads involved in the exemption proposal.

Whether any alternatives to exemption might make the planned operations viable.

5. Whether as a general policy the Commission should grant exemptions applicable only to specified railroads or whether the section 12(1)(b) authority should normally be exercised only on a regional or industry wide basis.

6. The desirability of exercising the section 12(1)(b) exemption authority to exempt some or all unmanufactured agricultural commodities from some or all aspects of economic regulation. In particular, comments are sought on the following issues.

What commodities should or should not be made subject to the exemption? Comments are particularly requested as to the ramifications of exempting the transportation of grain and grain products, fresh fruits, and fresh vegetables.

Whether it would be in the public interest to exempt this transportation from all aspects of economic regulation, or whether the ends which the petitioner seeks to accomplish could be achieved by a partial exemption or by the Commission's granting authority to the carriers to file tariffs providing for the execution of long-term, volume-tender contract rates.

The anticipated effects which granting the exemption authority sought would have on the ability of the railroads to obtain traffic and upon rail revenue levels.

The impact upon other railroads of granting exemption authority solely to the SP and its affiliates.

The impact of granting the exemption authority sought upon competing modes of transportation.

7. Whether any exemption granted should be limited to a particular period of time and the conditions under which an exemption should be revoked.

After receiving comments, the Commission will publish a Notice of Pro-

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posed Rulemaking setting forth such proposed rules as appear necessary. Interested parties will then have the opportunity to comment further.

Dated May 22, 1978.

By the Commission, Commissioner Stafford dissenting in part, and Commissioner Murphy dissenting.

H. G. HOMME, Jr.,
Acting Secretary.

COMMISSIONER STAFFORD (DISSENTING IN PART)

I agree with the need for rulemaking to

establish procedures for handling of matters arising under section 12(1)(b).

However, the scope of the SP request is so clearly beyond the limited exemption envisioned by section 207 of the 4-R Act (now section 12(1)(b) of the Interstate Commerce Act) that it does not warrant further consideration. Rather than dismiss it, I would deny this petition on the merits, and eliminate all reference to it from the rulemaking proceeding.

COMMISSIONER MURPHY (DISSENTING)

The advance notice is so broad as to encompass virtually all transportation or services by rail throughout this Nation. Obviously, the cost to the Commission and the parties to process this or any subnumbered proceeding may be very high. There is no

indication that a cost/benefit analysis was undertaken at this initial stage.

There is no warrant in embarking on this proceeding either from a standpoint of emergency, a specific need therefor, or a requirement of the 4-R Act, Pub. L. 94-210, section 207. Unlike section 201 and 202 of the 4-R Act which required the establishment of procedures within specified periods, section 207 includes no such requirements. The proposal herein envisions a broad deregulation of rail industry. That is a matter best left for the Congress.

Accordingly, I would not institute this proceeding at this time and I respectfully dissent from the majority's decision. I would further deny the petition of the Southern Pacific in No. 36868.

[FR Doc. 78-15688 Filed 6-6-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-05]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FEED GRAIN DONATIONS FOR THE HOPI INDIAN TRIBE IN ARIZONA

Reservation for Grazing Purposes

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Hopi Indian Tribe in Arizona has been materially increased and become acute because of severe and prolonged drought creating a serious shortage of livestock feeds. This reservation is designated for Indian use and is utilized by members of the Indian tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace nor interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservation and grazing lands of this tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestock producers who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through June 30, 1978, or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C., on May 26, 1978.

CAROL TUCKER FOREMAN,
Acting Secretary.

[FR Doc. 78-15752 Filed 6-6-78; 8:45 am]

[6335-01]

CIVIL RIGHTS COMMISSION

FLORIDA ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on

Civil Rights, that a planning meeting of the Florida Advisory Committee (SAC) of the Commission will convene at 7:30 p.m. on August 4, 1978 and will reconvene again on August 5, 1978 at 9 a.m. and will end at 1 p.m., El Toro Room, Sheraton Hotel, 224 East Gordon Street, Pensacola, Fla. 32501.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, 75 Piedmont Avenue NE., Atlanta, Ga. 30303.

The purpose of this meeting is to obtain information for possible inclusion of Pensacola into National Police Study, review proceedings of Regional SAC Conference, discuss role of SACs in Commission organization, outline Commission programming for fiscal year 1979, 1980; plan SAC activity for balance of fiscal year 1978.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 1, 1978.

JOHN I. BINKLEY,
*Advisory Committee
Management Officer.*

[FR Doc. 15774 Filed 6-6-78; 8:45 am]

[6335-01]

IDAHO ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Idaho Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 5 p.m. on June 24, 1978, Sheraton Downtown, 1901 Main Street, Boise, Idaho 83701.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Wash. 98174.

The purpose of this meeting is to plan for hearing for Idaho migrant and seasonal farmworker housing.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 1, 1978.

JOHN I. BINKLEY,
*Advisory Committee
Management Officer.*

[FR Doc. 78-15775 Filed 6-6-78; 8:45 am]

[6335-01]

MARYLAND ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland Advisory Committee (SAC) of the Commission will convene at 10 a.m. and will end at 4 p.m. on June 24, 1978, at 2402 Ken Oak Road, Baltimore, Md.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is for the Advisory Committee to discuss program plans. The progress toward developing the project on Managed Growth will be reported.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 1, 1978.

JOHN I. BINKLEY,
*Advisory Committee
Management Officer.*

[FR Doc. 78-15776 Filed 6-6-78; 8:45 am]

[6335-01]

MICHIGAN ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan Advisory Committee (SAC) of the Commission will convene at 11 a.m. and will end at 4 p.m. on June 28, 1978, Anti-Defamation League, 163 Madison Avenue, Detroit, Mich. 48226.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Ill. 60604.

The purpose of this meeting is to discuss: (1) Status of school desegregation; (2) Follow-up on Sault Ste. Marie Report; (3) Request from Coalition for Block Grant Compliance.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 1, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc. 78-15777 Filed 6-6-78; 8:45 am]

[6335-01]

NEW HAMPSHIRE ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Hampshire Advisory Committee (SAC) of the Commission will convene at 12 noon and will end at 2 p.m. on June 27, 1978, Federal Building, Room 304, 55 Pleasant Street, Concord, N.H.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northeastern Regional Office of the Commission, 26 Federal Plaza, Room 1639, New York, N.Y. 10007.

The purpose of this meeting is to discuss programs for the coming year. This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., June 1, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc. 78-15778 Filed 6-6-78; 8:45 am]

[6335-01]

PENNSYLVANIA ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Pennsylvania Advisory Committee (SAC) of the Commission will convene at 11 a.m. and will end at 2 p.m. on June 23, 1978, Airport Howard Johnson's Motor Lodge, 1500 Beers School Road, Coraopolis, Pa. 15108.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss program planning, including studies of higher education and state and local Human Relations Commissions, and follow-up to Mushroom Workers report.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

NOTICES

Dated at Washington, D.C., June 1, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc. 78-15779 Filed 6-6-78; 8:45 am]

[3510-07]

DEPARTMENT OF COMMERCE

Bureau of the Census

SPECIAL CENSUSES

Summary Results

The Bureau of the Census conducts a program whereby a local or State government can contract with the Bureau to conduct a special census of population. The content of a special census is ordinarily limited to questions on household relationship, age, race, and sex, although additional

items may be included at the request and expense of the sponsor. The enumeration in a special census is conducted under the same concepts which govern the decennial census.

Summary results of special censuses are published semiannually in the Current Population Reports—Series P-28, prepared by the Bureau of the Census. For each area which has a special census population of 50,000 or more, a separate publication showing data for that area by age, race, and sex is prepared. If the area has census tracts, these data are shown by tracts.

The data shown in the following table are the results of special censuses conducted since December 31, 1977, for which tabulations were completed between May 1, 1978 and May 31, 1978.

Dated: June 2, 1978.

MANUEL D. PLOTKIN,
Director,
Bureau of the Census.

State/place or special area	County	Date of census	Population
Arkansas: Murfreesboro, city	Pike	Mar. 14, 1978	1,520
Florida: Groveland, city	Lake	Apr. 4, 1978	2,141
Idaho: Preston, city	Franklin	Apr. 3, 1978	3,669
Illinois:			
Gurnee, village	Lake	Mar. 29, 1978	5,389
Oakwood Hills, village	McHenry	do.	1,090
Indiana: Princeton	Gibson	Mar. 23, 1978	8,789
New Jersey: Pemberton, township	Burlington	Mar. 6, 1978	27,803
Vermont: Hartford, town (part)	Windsor	Apr. 5, 1978	5,444
Washington: Pasco, city	Franklin	Jan. 18, 1978	15,599
Wisconsin:			
Brooklyn, town	Green Lake	Mar. 8, 1978	1,452
Janesville, city	Rock	Jan. 24, 1978	50,165
Wales, village	Waukesha	Apr. 17, 1978	1,750
West Milwaukee, city	Milwaukee	Apr. 8, 1978	3,506
Winchester, town	Vilas	May 1, 1978	469

[FR Doc. 78-15732 Filed 6-6-78; 8:45 am]

[3510-24]

Economic Development Administration

THOM BROWN SHOES, INC., ET AL.

Petitions for Determinations of Eligibility to Apply for Trade Adjustment Assistance

Petitions were accepted for filing from three firms: (1) Thom Brown Shoes, Inc., 80 Mal Drive, Lindenhurst, N.Y. 11757, a producer of women's shoes (accepted May 24, 1978); (2) Curlee Clothing Co., 1001 Washington Avenue, St. Louis, Mo. 63101, a producer of men's suits, sportcoats, and slacks (accepted May 25, 1978); and (3) Parry Footwear, Inc., 58 Charles Street, Cambridge, Mass. 02141, a producer of footwear for men (accepted May 30, 1978). The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and section 315.23 of the Ad-

justment Assistance Regulations for Firms and Communities (13 CFR part 315).

Consequently, the U.S. Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of

the 10th calendar day following the publication of this notice.

JACK W. OSBURN, Jr.,
Chief, Trade Act Certification
Division, Office of Planning
and Program Support.

[FR Doc. 78-15789 Filed 6-6-78; 8:45 am]

[3510-25]

Foreign-Trade Zones Board

[Docket No. 8-78]

FOREIGN-TRADE ZONE—COUNTY OF SUFFOLK, N.Y.

Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the County of Suffolk, N.Y., requesting authority to establish a foreign-trade zone in the town of Southampton within the County, adjacent to the New York City Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on June 2, 1978. The county is authorized to make this proposal under chapter 584 of the New York Laws of 1975, effective August 1, 1975.

The proposal calls for the establishment of a 57-acre general-purpose zone within a planned 301-acre industrial park complex, adjacent to the Suffolk County Airport, for which the Suffolk County Industrial Development Agency has approved an industrial bond sale by Suffolk Industrial Overseas World Trade Park, Inc., the private developer. An operating contract concerning the zone will be made between the county and the operator. According to the applicant, the project will conform with the 1970 Nassau/Suffolk Regional Association's master plan. A 98,000 square foot warehouse and 5,000 square foot administrative building will be the zone's first facilities. Transportation services involving all modes are available at the site, which is some 100 miles from the New York Seaport by way of the Long Island Expressway (495). Kennedy Airport is about 85 miles distant and the Long Island Ry. provides the area with freight service.

The application contains economic data and information concerning the need for providing zone services for firms in the Suffolk County area. Several firms have indicated their intention to use the zone for warehousing, assembly, light manufacturing, testing, and distribution activities. The initial zone users are involved with electronic equipment, pharmaceuticals, alcoholic beverages, agricultural equipment, cosmetics, cameras, wearing apparel, and motorized vehicles.

NOTICES

Industry and Trade Administration

HARDWARE SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Partially Closed Meeting

The meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee scheduled for Tuesday, June 20, 1978, has been rescheduled for Wednesday, June 21, 1978, at 1:30 p.m. in Room 3708, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. The agenda and other information relating to the Subcommittee meeting, as published in the FEDERAL REGISTER (43 FR 22432) on Thursday, May 25, 1978, remain unchanged.

Dated: June 2, 1978.

LAWRENCE J. BRADY,
Acting Director, Office of Export
Administration Bureau of
Trade Regulation U.S. Department
of Commerce.

[FR Doc. 78-15696 Filed 6-6-78; 8:45 am]

[3510-03]

Maritime Administration

[Docket No. S-610]

FARRELL LINES INC.

Application

Notice is hereby given that Farrell Lines Inc. (Farrell), One Whitehall Street, New York, N.Y. 10004, has filed an application, dated May 18, 1978, with the Maritime Subsidy Board pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (the Act), for a twenty-year operating-differential subsidy agreement (ODSA) to provide service on Trade Routes (TRs) 5-7-8-9, 10 and 12.

If this application is approved, the twenty-year agreement would succeed and become effective upon termination of the applicant's present ODSA, Contract No. FMB-87, which will expire on December 31, 1979, or any renewal thereof.

Farrell does not propose any change to the maximum sailings for the services requested, as now authorized under ODSA, Contract No. FMB-87. The only change proposed in the present service descriptions is to amend the present description of the TR 12 service to permit calls in the required described area via either the Panama Canal or the Suez Canal (the required service being provided either as a direct service or as an extension of the TR 18 service).

County Executive's Office, County of Suffolk, Intergovernmental Relations Division, Building 158, Hauppauge County Center, Hauppauge, N.Y. 11787.
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886-B, 14th and E Streets N.W., Washington, D.C. 20230.

Dated: June 2, 1978.

JOHN J. DA PONTE, Jr.,
Executive Secretary.

[FR Doc. 78-15790 Filed 6-6-78; 8:45 am]

The proposed services may be described briefly as follows:

Service	Sailing maximum
Line I, TR 5-7-8-9 (U.S. North Atlantic/Western Europe).....	55
Line B, TR 10 (U.S. Atlantic/Mediterranean and Black Seas).....	95
Line D, TR 12 (U.S. Atlantic/Far East via Panama or Suez Canals).....	30

Farrell proposes to provide the services applied for in this application, together with the service renewal previously applied for on TR 18 (Docket S-547), with the 24 vessels currently assigned to Contract No. FMB-87. These are fifteen C3 and C4 type breakbulk vessels, five C5 containerhips and four Ro/Ro vessels. Request has been made to withdraw three C4 breakbulk vessels against the delivery of two C5 containerhip replacement vessels, which will reduce the number of vessels to 23. Farrell has certain interchange and transfer privileges of vessels assigned to Contract No. FMB-87, has interchange (substitution) rights for breakbulk vessels between Contract No. FMB-87 and its other ODSA, MA/MSB-352, and has requested certain transfer rights for breakbulk, vessels, C5 containerhips, Ro/Ro vessels and C6 containerhips between services in those contracts.

Interested persons may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Room 3099B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20230.

Any person having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Secretary, Maritime Study Board, Washington, D.C. 20230, by the close of business on June 19, 1978.

The Maritime Subsidy Board will consider these views and comments, and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS).)

Dated: June 1, 1978.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc 78-15685 Filed 6-6-78; 8:45 am]

[3510-03]

[Docket No. S-611]

FARRELL LINES INC.

Application

Notice is hereby given that Farrell Lines Inc. (Farrell), One Whitehall Street, New York, N.Y. 10004, has filed an application dated May 18,

1978 with the Maritime Subsidy Board, pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (the Act) for a one-year operating-differential agreement (ODSA) to provide the same service on Trade Routes (TRs) 5-7-8-9, 10, 12 and 18 that Farrell is presently providing or as may be modified pursuant to Docket S-544. If the application is granted, the short-term contract would begin upon the termination of Farrell's present ODSA, Contract No. FMB-87, presently due to expire on December 31, 1979, and run until the earlier of (1) December 31, 1980, including voyages in progress on that date, or (2) completion of the administrative processing of Farrell's applications for a twenty-year contract to replace Contract No. FMB-87 insofar as (A) the TR 18 service (Docket No. S-547) and (B) the TR 5-7-8-9, 10 and 12 services (Docket No. S-610).

The number of vessels, service descriptions and sailing maxima under the proposed one-year contract will be the same as in Farrell's present Contract No. FMB-87, as follows:

Service	Sailing maximum
Line I, TR 5-7-8-9 (U.S. North Atlantic/Western Europe).....	55
Line B, TR 10 (U.S. Atlantic/Mediterranean and Black Seas).....	95
Line D, TR 12 (U.S. Atlantic/Far East).....	30
Line E, TR 18 (U.S. Atlantic/India).....	25

Farrell proposed to provide the services applied for in this application with the 24 vessels currently assigned to Contract No. FMB-87. These are fifteen C3 and C4 type breakbulk vessels, five C5 containerhips and four Ro/Ro vessels. Request has been made to withdraw three C4 breakbulk vessels against the delivery of two C5 containerhip replacement vessels, which will reduce the number of vessels to 23. Farrell has certain interchange and transfer privileges of vessels assigned to Contract No. FMB-87, has interchange (substitution) rights for breakbulk vessels, between Contract No. FMB-87 and its other ODSA, MA/MSB-352, and has requested certain transfer rights for breakbulk vessels, C5 containerhips, Ro/Ro vessels and C6 containerhips between services in those contracts.

If the proposed short-term contract is granted, it should be assumed that Farrell would be granted the same transfer and interchange (substitution) privileges existing at the time such contract is granted.

Interested parties may inspect this application in the Office of the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce, 14th and E Streets NW., Washington, D.C. 20230.

Any person having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Subsidy

Board should submit them in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20230, by the close of business on June 19, 1978.

The Maritime Subsidy Board will consider these views and comments, and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS).)

Dated: June 1, 1978.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-15686 Filed 6-6-78; 8:45 am]

[3510-03]

[Docket No. 8-612]

LYKES BROS. STEAMSHIP CO., INC.

Notice of Application

Notice is hereby given that Lykes Bros. Steamship Co., Inc. has applied for permission to deviate the SS *Fredrick Lykes*, or substitute, operating outbound on its Line D (Trade Route No. 22) service, to Portland, Oreg., to discharge approximately 3,725 measurement tons (300 long tons) of nuclear reactor components on or about June 24, 1978, which are scheduled for loading at New Orleans, La., on approximately June 10, 1978. In order to carry cargo in the domestic trade, Lykes must first obtain written permission from the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended.

Interested parties may inspect the foregoing application in the Office of the Secretary, Maritime Administration, Room No. 3099B, Department of Commerce Building, Fourteenth and E Streets, NW., Washington, D.C. 20230.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on June 8, 1978, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are re-

ceived from parties with standing to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

By Order of the Assistant Secretary for Maritime Affairs.

Date: June 5, 1978.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-15945 Filed 6-6-78; 11:10 am]

[3510-08]

National Oceanic and Atmospheric Administration

DRAFT ENVIRONMENTAL IMPACT STATEMENT; MARYLAND COASTAL MANAGEMENT PROGRAM

Hearings

Notice is hereby given that the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, will hold public hearings for the purpose of receiving comments on the Draft Environmental Impact Statement for the Coastal Management Program of the State of Maryland.

The hearings will be held on July 5, 1978, from 3 p.m. to 5 p.m. and 7 p.m. to 9 p.m. in the Dorchester County Library, Meeting Room, 303 Gay Street, Cambridge, Md. and on July 6, 1978, from 3 p.m. to 5 p.m. and 7 p.m. to 9 p.m. in the Anne Arundel County Public School Administration Building, First Floor Board Room, 2644 Riva Road, Annapolis, Md.

The views of interested persons and organizations are solicited. These may be expressed orally or in written statements.

Presentations will be scheduled on a first-come, first-serve basis, but may be limited to a maximum of 10 minutes or as otherwise appropriate. Priority will be given to those with written statements. Time will be available at the end of the meeting for persons without statements to present their views orally. The Office of Coastal Zone Management staff may question any speaker following presentation of his/her statement. No verbatim transcript of the hearing will be maintained; but staff present will record the general thrust of the remarks.

Persons or organizations wishing to be heard on this matter should con-

tact the Office of Coastal Zone Management as soon as possible so that an appearance schedule may be drawn up and definite times established for presentations. Please contact:

June Cradick, Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235, phone 202-632-5232.

Written comments may also be submitted by mail to the Office of Coastal Zone Management. Such comments should be received before July 24, 1978, to assure adequate consideration for inclusion in the Final Environmental Impact Statement.

Copies of the Draft Environmental Impact Statement may be obtained by contacting the Office of Coastal Zone Management or:

John Phillips, South Atlantic Regional Manager, Office of Coastal Zone Management, 3300 Whitehaven Street NW., Washington, D.C. 20235, phone 202-254-7494.

Comments may address the adequacy of the impact statement and/or the nature of the Maryland Coastal Management Program.

Following consideration of the comments received at these hearings, as well as written comments submitted, the Office of Coastal Zone Management will prepare the final environmental impact statement pursuant to the National Environmental Policy Act of 1969 and implementing guidelines.

Dated: June 1, 1978.

T. P. GLEITER,
Assistant Administrator
for Administration.

[FR Doc. 78-15754 Filed 6-6-78; 8:45]

[3510-04]

National Technical Information Service
GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for \$0.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161 for \$4 (\$8 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL

number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, 1900 Half Street SW., Washington, D.C. 20324.

Patent application 871,067: Adding Frequency Agility to Fire-Control Radars; filed January 20, 1978.

Patent application 871,866: Improved Febr-Perot Diplexer; filed January 24, 1978.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research Code 302, Arlington, Va. 22217.

Patent application 840,939: Fluidic Combustion of a Solid Fuel Ramjet; filed October 11, 1977.

Patent application 843,905: Two-Axis Motion Compensation for AMTI; filed October 20, 1976.

Patent application 852,646: Parabolic Optical Waveguide Horns and Design Thereof; filed November 18, 1977.

Patent application 858,873: Wide Field-of-View Michelson Filter; filed December 8, 1977.

Patent application 860,814: Apparatus for Determining Projectile Position and Barrel Pressure Characteristics; filed December 15, 1977.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 839,963: Mixed Diamines for Lower Maltin Addition Polyimide Preparation and Utilization; filed October 6, 1977.

Patent application 858,763: Psuedo Continuous Wave Acoustic Instrument; filed December 8, 1977.

Patent application 860,404: A Speed Control Device for a Heavy Duty Shaft; filed December 13, 1977.

Patent 3,387,218: Apparatus for Handling Micron Size Range Particulate Material; filed May 6, 1964; patented June 4, 1968; not available NTIS.

Patent 3,492,858: Microbalance; filed May 8, 1967; patented February 3, 1970; not available NTIS.

Patent 3,538,053: Nuclear Alkylated Pyridine Aldehyde Polymers and Conductive Compositions Thereof; filed September 11, 1968; patented November 3, 1970; not available NTIS.

Patent 3,600,599: Shunt Regulation Electric Power System; filed October 3, 1968; patented August 17, 1971; not available NTIS.

Patent 3,777,811: Heat Pipe with Dual Working Fluids; filed June 1, 1970; patented December 11, 1973; not available NTIS.

Patent 4,063,814: Optical Scanner; filed April 6, 1976; patented December 20, 1977; not available NTIS.

Patent 4,064,692: Variable Cycle Gas Turbine Engines; filed June 2, 1975; patented December 27, 1977; not available NTIS.

Patent 4,066,039: Adjustable Securing Base; filed September 7, 1976; patented January 3, 1978; not available NTIS.

Patent 4,067,653: Differential Optoacoustic Absorption Detector; filed August 27, 1976; patented January 10, 1978; not available NTIS.

Patent 4,068,495: Closed Loop Spray Cooling Apparatus; filed March 31, 1976; patented January 17, 1978; not available NTIS.

[FR Doc. 78-15702 Filed 6-6-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

SERVICE ACT—OPERATION OF THE NATIONAL ENERGY EXTENSION SERVICE ADVISORY BOARD

Notice of Implementation of the National Energy Extension

The National Energy Extension Service Act (Pub. L. 95-39, Title V) established a National Energy Extension Service Advisory Board. In carrying out his responsibilities under this Act, the Secretary of Energy has determined that the Committee must be structured and operated and its members must be appointed in accordance with the provisions of this Act, the Department of Energy Organization Act (Pub. L. 95-91), the Federal Advisory Committee Act (Pub. L. 92-463), the OMB Circular A-63 (Revised) and other implementing regulations and

directives. This committee is described below.

1. *Name of Advisory Board.* National Energy Extension Service Advisory Board.

2. *Purpose.* The Advisory Board will advise the Director of the Energy Extension Service, the Secretary of the Department of Energy, and Congress on the effectiveness of national energy extension service program and the approved energy extension service plans of the Governors of each State, as they are implemented to achieve the objectives of the National Energy Extension Service Act.

3. *Membership.* The membership shall be selected from among persons representative of State, county, and local governments, State universities, community colleges, community service action agencies, consumers, small business, and agriculture, and the selection shall comply with section 624 of the Department of Energy Organization Act (Pub. L. 95-91). The members will be recommended for appointment to the Secretary of Energy by the Assistant Secretary for Intergovernmental and Institutional Relations, in consultation with the Department of Energy Advisory Committee Management Officer and such other DOE officials as are deemed appropriate. The Advisory Board will consist of not less than 15, nor more than 20 members, as required by the National Energy Extension Service Act. There will be no discrimination based on race, color, creed, national origin, religion, age, or sex.

4. *Operation.* The National Energy Extension Service Advisory Board will operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), OMB Circular A-63 (Revised) and other directives and instructions issued in accordance with implementation of this Act, the National Energy Extension Service Act, section 624 of the Department of Energy Organization Act, and DOE policy and procedures. Advisory Board meetings will be held approximately three times a year. An agenda for each meeting will be developed cooperatively between the Advisory Board Chairman and DOE. The Assistant Secretary for Intergovernmental and Institutional Relations will be responsible for effective Advisory Board operations, which will include providing on a continuous basis all information on DOE policies, procedures, programs, priorities, and issues reasonably required by the Advisory Board to perform its function. Staff support will be provided to the Board by the Office of Intergovernmental and Institutional Relations, Department of Energy.

5. *Objectivity.* The advice and recommendations of the Advisory Board will not be inappropriately influenced by the appointing authority or by any special interest, but will instead be the result of the Advisory Board's independent judgment.

Dated: May 31, 1978.

JOHN F. O'LEARY,
Deputy Secretary of Energy.

[FR Doc. 78-15691 Filed 6-6-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

MEXICAN STANDARD BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Mexican List No. 277 (Correction)

Call letters	Location	watts	Antenna radiation mv/ m/kW	Schedule	Class	Antenna height (feet)	Ground system No. radials	Length (feet)	Proposed date of change or commencement of operation
(New)	Tuxpan, Ver., N. 20°57'18", W. 97°23'59" (correction from 10 kW)	1	ND-190.....	920 kHz D	III	267	120	267	

PCC NOTE.—This correction to the notification in Mexican Change List No. 277, dated Nov. 30, 1976, was provided by letter dated Apr. 7, 1978.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc. 78-15614 Filed 6-6-78; 8:45 am]

[3128-01]

Economic Regulatory Administration

HOWARD OIL CO.

Action Taken on Consent Order

Pursuant to 10 CFR 205.199J, the Economic Regulatory Administration of the Department of Energy (ERA) hereby gives notice of final action taken on a Consent Order. On February 27, 1978, the ERA published notice of a Consent Order which was executed between Howard Oil Co. (Howard) and the ERA (43 FR 8004, February 27, 1978). With that notice, and in accordance with 10 CFR 205.199J(c), the ERA invited interested persons to comment on the Consent Order. A press release in conformity with 10 CFR 205.199J(c) was issued simultaneously.

No comments were received with respect to the Consent Order. However, information not previously available was brought to the attention of the ERA which required the withdrawal of its preliminary agreement to the Consent Order. Therefore, in accordance with 10 CFR 205.199J(c), the ERA's preliminary agreement to the Consent Order was withdrawn.

Issued in Washington, D.C., May 30, 1978.

RICHARD B. HERZOG,
Assistant Administrator for Enforcement, Economic Regulatory Administration, Department of Energy.

[FR Doc. 78-15785 Filed 6-6-78; 8:45 am]

[3128-01]

LEWIS E. IANDOLI

Nature of Proposed Consent Order

I. INTRODUCTION

Pursuant to 10 CFR Section 205.199J, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice of a Consent Order which was executed between Lewis E. Iandoli, dba. Blue Ridge Fuel Company (Iandoli) and the ERA on April 17, 1978. In accordance with that section, ERA will receive comments with respect to this Consent Order. Although this Consent Order has been signed and tentatively accepted by ERA, the ERA may, after consideration of comments received, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

II. THE CONSENT ORDER

Blue Ridge, prior to ceasing business, was located in Bronx, N.Y. and was a firm engaged in the purchase and resale of petroleum products and,

therefore, subject to ERA's price regulations.

As a result of an audit conducted by DOE's predecessor, the Federal Energy Administration (FEA), of Blue Ridge's pricing practices for the period November 1, 1973 through July 31, 1974, FEA advised Iandoli that Blue Ridge had apparently charged one customer of No. 6 residual fuel oil, New York City Housing Authority (Housing), prices in excess of those permitted under the Cost of Living Council price rule in 6 CFR Section 150.359 and the FEA price rule in 10 CFR Section 212.93. FEA contended that those overcharges were the result of Blue Ridge's misinterpretation of FEA regulations when computing its May 15, 1973 weighted average selling price of No. 6 residual fuel oil sales to Housing.

In an effort to conclude this compliance proceeding and to resolve the issues raised by the audit results, ERA and Iandoli entered into a Consent Order, the significant terms of which are:

(1) Iandoli shall refund, and has already refunded, to Housing all amounts charged in excess of maximum lawful prices together with appropriate interest. ERA computed the total overcharge at \$458,658 and the total interest charge at \$128,641.

(2) Iandoli shall calculate his maximum lawful selling prices, if any, consistent with ERA's rules and regulations.

(3) The provisions of 10 CFR Section 205.199J, including the publication of this Notice, are applicable to the Consent Order.

III. SUBMISSION OF WRITTEN COMMENTS

Interested persons are invited to comment on this Consent Order by submitting such comments in writing to Mr. Nicholas M. Zachea, Director of Enforcement, Region II, Department of Energy, 26 Federal Plaza, Room 3400, New York, N.Y. 10007. Copies of this Consent Order may be received free of charge by written request at this same address or by calling 212-264-1896.

Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on Lewis E. Iandoli Consent Order." All comments received by 4:30 p.m. e.s.t. on the 30th calendar day following publication of this notice in the FEDERAL REGISTER, will be considered by the ERA in evaluating the Consent Order. Any information or data which, in the opinion of the person furnishing it, is confidential must be identified as such and submitted in accordance with the procedures outlined in 10 CFR Section 205.9(f).

Issued in Washington, D.C. on this 30th day of May, 1978.

RICHARD B. HERZOG,
Assistant Administrator for Enforcement, Economic Regulatory Administration, Department of Energy.

[FR Doc. 78-15786 Filed 6-6-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

SOUTH TEXAS NATURAL GAS GATHERING CO.

[Docket Nos. RP77-59 and RP78-58]

Order Accepting for Filing and Suspending Proposed Rate Increase, Rejecting PGA Clause Without Prejudice, Granting Interventions, Granting Motions to Initiate Section 5(a) Investigations, Initiating Hearing, Establishing Procedures, and Consolidating Certain Proceedings

MAY 31, 1978.

DOCKET NO. RP78-58, SECTION 4 RATE INCREASE FILING

On April 28, 1978, in Docket No. RP78-58, South Texas Natural Gas Gathering Co. (South Texas) filed supplements to Rate Schedules Nos. 1 and 2 to be effective June 1, 1978. South Texas proposes to increase its gathering charge of 27.24¢ per Mcf, which is being collected subject to refund in Docket No. RP77-59, to 27.71¢ per Mcf, resulting in an annual Revenue increase of \$98,128. South Texas' presently approved gathering charge of 14.19¢ per Mcf was authorized by Commission Order issued September 24, 1975, in Docket Nos. RP76-53 and RP75-50.

South Texas also proposed revisions to its PGA clause. South Texas proposed to change the Adjustment Base Period to include twelve (12) months, ending at the effective date of the rate adjustment, which will require the use of three (3) months of estimated data. Additionally, South Texas proposed to include a provision which would charge interest on the PGA balances at a rate equal to the rate of return established in their last rate proceeding.

Public notice of South Texas' filing was issued on May 9, 1978, providing for protests or petitions to intervene to be filed on or before May 22, 1978. Timely petitions to intervene were filed by Natural Gas Pipeline Co. of America, Shell Oil Co., Transcontinental Gas Pipe Line Corp. and Continental Oil Co.

South Texas' proposed increase in rates is based on claimed increased taxes, an increase in depreciation rate and increased operating expenses. South Texas also claims an overall rate of return of 12.5 percent which is designed to yield a 16.97 percent return on equity capital.

Based on a review of South Texas' filing, the Commission finds that the proposed increased rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept South Texas' proposed rate increase for filing, suspend its use for five months or until November 1, 1978, when it shall be permitted to become effective, subject to refund, and shall set the matter for hearing, as hereinafter conditioned.

Upon review of the proposed changes in South Texas' PGA clause, we find that the changes do not conform with Section 154.38(d)(4) of the Commission's Regulations. Accordingly, we shall reject the proposed PGA clause. However, we shall provide that the question of the justness and reasonableness of the proposed PGA clause shall be an issue in the hearing ordered herein and any changes in South Texas' PGA clause which may be found to be appropriate shall be prospective from the date of the Commission order deciding this issue.

**PETITIONS FOR SECTION 5(A) INVESTIGATIONS
IN DOCKET NO. RP77-59 AND RP78-58**

Concurrent with its filing, South Texas filed a petition to investigate its transportation rates pursuant to section 5(a) to determine whether the present contract rates are just, reasonable, and nondiscriminatory, and if not, to fix a lawful rate for natural Gas Pipeline Co. of America (Natural) and for several producers. This petition is identical to the petition filed in Docket No. RP77-59 on December 7, 1977.

The proceeding in Docket No. RP77-59 involves proposed rate increases filed by South Texas on April 29, 1977. In that filing, South Texas proposed to increase certain charges under its FPC Gas Rate Schedules Nos. 1 and 2, but it did not propose changes in the rates it charges for transportation of natural gas. By order issued May 27, 1977, the Commission accepted the proposed rate increase for filing, suspended its operation for five months (subject to refund) and set the matter for hearing. The Commission based this action on the determination that the proposed rate increase had not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

In these petitions, South Texas states that the current transportation rates are established under separate contracts with Natural, Coastal States Gas Producing Co. (Coastal), and a group of producers in the McAllen Ranch and Smith fields, including Shell Oil Co. (Shell), Tenneco Oil Co. (Tenneco), and Continental Oil Co. (Conoco). South Texas further states

that these contracts provide that the transportation rates may only be adjusted prospectively after a Commission determination of the just and reasonable rate level. South Texas claims that historically, revenues from transportation services were credited against its cost of service, but that in Docket No. RP77-59 the Commission Staff has recommended that these transportation services should be allocated a portion of South Texas' cost of service. Since this would result in a substantial increase in these transportation rates, South Texas claims that section 5(a) investigation should be instituted to permit such rate increase if they are ultimately found to be appropriate.

Natural filed an answer to South Texas' petition in Docket No. RP77-59 on January 24, 1978, opposing expansion of the pending proceeding to include a Section 5(a) investigation of South Texas' transportation rate on the ground that such action is legally and factually unjustified. Natural contends, inter alia, that crediting transportation revenues in the determination of South Texas' cost of service is a "perfectly sound and proper regulatory mechanism, and there is no showing that the public interest would be served by changing this approach at this late date." Coastal, Shell, Tenneco, and Conoco filed petitions for intervention.

First we note that South Texas is correct in asserting that under each of the contracts in question, South Texas is not entitled to file unilaterally, under section 4(d) of the Natural Gas Act, to increase its transportation rates. South Texas' contract with Natural provides as follows:

It is recognized that the prices provided in this contract are presently subject to the Federal Power Commission regulations. In the event the Commission shall at any time order a change in the contract prices herein, then Pipeline agrees that Seller may subsequently, in light of economic conditions then prevailing, invoke the contract provisions of Article Ninth herein and agrees to the filing by Seller with the Commission of the appropriate contract price as agreed to by Pipeline.¹

While this language does not provide for unilateral filing of rate changes, it does permit applications pursuant to Section 5 of Natural Gas Act to set the just and reasonable rate prospectively after the Commission has ordered such change in rate.²

The applicable language in South Texas' contracts with Shell, Tenneco, and Conoco is as follows:

¹Article Twelve of South Texas' FPC Gas Rate Schedule No. 1, dated November 1, 1958.

²By order issued February 26, 1976 in South Texas Natural Gas Gathering Co., Docket Nos. RP76-53 and RP76-50, the Commission construed this same contractual language to provide for prospective rather than unilateral rate changes.

Buyer (South Texas) and Seller have considered the question of the appropriate charge to be made by Buyer for the transportation of the liquids and liquefiable hydrocarbons and other substances extracted at Seller's Plant, from the Point of Delivery to Seller's Plant. Buyer's facilities to transport such substances are already in place, and no additional facilities will be required and no additional costs incurred by Buyer by reason of the transportation of such substances. Therefore, no charge for such transportation is provided herein. Should any governmental agency having jurisdiction require Buyer to impose a charge for such transportation, Seller shall pay to Buyer for the transportation of such substances the charge required to be paid by said governmental agency.³

The language has the same effect as that found in the Natural contract as it clearly evidences the parties' intent to permit rate changes to take effect prospectively after a Commission order setting new rates for the transportation service.

Finally, we have reviewed South Texas' contract with Coastal for transportation of gas which provides in pertinent part as follows:

In consideration for the transportation service to be performed hereunder by South Texas, Coastal States will pay South Texas a sum calculated by the following formula:

Input Volume \times \$.01 \times miles transported/100 miles

However, for the exchange service to be performed hereunder by South Texas, as that term is defined in the third paragraph, and in exchange for the forward realized by South Texas, there will be no consideration due or owing either party.⁴

We agree with South Texas that the Coastal contract does not contain a provision for changing the rate for that service. Accordingly, under the *Mobil-Sierra*⁵ doctrine, the rate for this service may be changed prospectively only upon a showing that the existing rate is so low as to adversely affect the public interest.

Having determined that South Texas' transportation rates can only be changed prospectively after a section 5 investigation, we find it appropriate to institute such investigations as requested by South Texas.⁶

³Contractual amendments dated May 15, 1974, to the May 8, 1963 Gas Purchase Contract of Shell, Tenneco and Conoco, and October 1, 1963 Gas Purchase Contract of Shell on file with the Commission as Shell's FPC Gas Rate Schedule Nos. 297 and 298, Tenneco's FPC Gas Rate Schedule No. 166 and Conoco's FPC Gas Rate Schedule No. 282.

⁴The Coastal contract, as amended September 18, 1967, was filed and subsequently approved by the Commission in *South Texas Gas Gathering Company, et al.*, Docket No. CP74-258.

⁵*United Gas Pipe Line Co. v. Mobil Gas Service Corp.*, 350 U.S. 332 (1956) and *F.P.C. v. Sierra Pacific Power Company*, 350 U.S. 348 (1956).

⁶Even though it appears that South Texas has not specifically requested a section 5(a) investigation, we believe it appropriate nonetheless to establish a section 5(a) investigation.

As noted by South Texas in its petitions Commission Staff has recommended in Docket No. RP77-59 substantial increases in South Texas' transportation rates and corresponding reductions in the rates for sales. Thus, South Texas may find itself in the position of possibly having rates established for transportation exceeding its contract rates and rates covering sales to its customers (Natural and Transco) less than those for which it had filed. Accordingly, we shall institute section 5(a) proceedings as requested by South Texas in its petitions filed in Docket Nos. RP77-59 and RP78-58, and institute section 5(a) investigations concerning the rate charged to Coastal for transportation service. Furthermore, we shall consolidate these investigations with the rate increase proceedings pending in these respective dockets. Finally, in accordance with the above discussion, the standards for determining whether the transportation rates should be changed in each of these investigations are that the currently effective contract rate must be found to be unjust and unreasonable regarding the Natural, Shell, Tenneco and Conoco contracts and that the currently effective contract rate must be found to be so low as to adversely affect the public interest regarding the Coastal contract. Upon making any of the findings discussed above in any of the respective proceedings, the Commission would then prescribe the just and reasonable rate to be charged thereafter.

The Commission finds: (1) It is necessary and proper in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the increased rates and charges proposed by South Texas, and the same be accepted for filing and suspended as hereinafter ordered.

(2) Good cause exists to grant South Texas' petitions for the institution of section 5(a) investigations regarding its transportation rates and to institute section 5(a) investigation into South Texas' transportation rate to Coastal, as hereinafter provided.

The Commission orders: (A) South Texas' proposed rate schedules, referenced herein, are accepted for filing and suspended for five (5) months until November 1, 1978, at which time such schedules shall be permitted to become effective, subject to refund, upon motion filed by South Texas in accordance with the provisions of the Natural Gas Act.

(B) South Texas' proposed PGA clause revisions are hereby rejected

without prejudice to South Texas' right to show in the hearing ordered below that such changes are appropriate. Any changes found to be appropriate be prospective of the date of the Commission order approving such changes.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, 15 and 16, and the Commission's rules and regulations, a hearing shall be held in Docket No. RP78-58 to determine the lawfulness of the proposed rate increase, the currently effective transportation rates, and the proposed PGA clause revisions.

(D) South Texas shall serve any additional direct evidence in Docket No. RP78-58 on or before July 17, 1978.

(E) The Commission Staff shall prepare and serve top sheets in Docket No. RP78-58 on all parties on or before October 16, 1978.

(F) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge pursuant to 18 CFR 3.5(d), shall convene a pre-hearing conference in this proceeding within 10 days after the service of top sheets by the Staff, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, for the purposes of establishing procedures for the investigation and hearing to be held pursuant to this order. The Presiding Judge shall be authorized to modify all procedural dates and to establish further procedures as may in his judgment be required for purposes of the investigation and hearing pursuant to this order. The Presiding Judge shall also be authorized to rule upon all motions except motions to consolidate, sever, or dismiss, as provided for in the rules of practice and procedure.

(G) The petitions filed by South Texas requesting the institution of section 5(a) investigations into transportation rates are hereby granted. In addition, section 5(a) investigations are instituted in the respective dockets to determine whether the transportation rate to Coastal is so low as to adversely affect the public interest. These proceedings are hereby consolidated with South Texas' pending rate proceedings in Docket No. RP77-59 and RP78-58, respectively and are subject to the respective evidentiary standards set forth in the body of this order.

(H) The above-noted petitioners to intervene are permitted to intervene in these proceedings subject to the Commission's Rules and Regulations; *Provided, however*, that the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *Provided, further*, that the admission of such intervenors shall not be con-

Footnotes continued from last page
tion 5(a) investigation of the fixed-rate, fixed term Coastal contract, we believe it appropriate nonetheless to establish a section 5(a) investigation.

strued as recognition that they might be aggrieved by any order entered in these proceedings.

(I) South Texas shall file supplemental evidence in Docket No. RP77-59 concerning the lawfulness of the transportation rates in these proceedings within 45 days of issuance of this order. The Commission staff shall file supplemental top sheets, if any, within 45 days of the date South Texas' supplemental evidence is filed.

(J) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-15706 Filed 6-6-78; 8:45 am]

[6740-02]

[Docket Nos. RP73-114, RP 74-24, and RP74-73]

TENNESSEE GAS PIPELINE CO.

**Proposed Rate Change Under Tariff Rate
Adjustment Provisions**

MAY 31, 1978.

Take notice that on May 19, 1978, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), tendered for filing Twenty-Second Revised Sheet Nos. 12A and 12B to Ninth Revised Volume No. 1 of its FERC Gas Tariff to be effective on July 1, 1978.

Tennessee states that the purpose of the revised tariff sheets is to adjust Tennessee's rates pursuant to Articles XXIII, XXIV, and XXV of the General Terms and Conditions of its FERC Gas Tariff, consisting of a PGA rate adjustment, a rate adjustment to reflect curtailment demand charge credits and an R&D rate adjustment.

Tennessee further states that the Current Purchased Gas Cost Rate Adjustment reflected on these tariff sheets reflects purchases at South Marsh Island Block 61C (SMI 61C) which will commence in July 1978. In the event the Commission does not permit the inclusion of those purchases, Tennessee also tendered for filing Alternate Twenty-Second Revised Sheet Nos. 12A and 12B. Tennessee states that these latter tariff sheets are identical to Twenty-Second Revised Sheet Nos. 12A and 12B, except that purchases at SMI 61C have been excluded from the Current Purchased Gas Cost Rate Adjustment reflected thereon.

Tennessee states that copies of the filing have been mailed to all its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE.,

Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-15707 Filed 6-6-78; 8:45 am]

[6740-02]

[Docket No. CP78-331]

TEXAS GAS TRANSMISSION CORP.

Application

MAY 31, 1978.

Take notice that on May 12, 1978, Texas Gas Transmission Corp. (Applicant), P.O. Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP78-331 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 50,000 Mcf of natural gas per day, on a best-efforts interruptible basis, for Consolidated Gas Supply Corp. (Consolidated), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport up to 50,000 Mcf of natural gas per day for Consolidated pursuant to a transportation agreement dated March 20, 1978, between the two companies. It is indicated that the subject gas proposed to be transported would be produced from various offshore blocks located in the Gulf of Mexico, and would be purchased by Consolidated from its affiliate, CNG Producing Co. and from other producers. Such gas would be delivered to Applicant for the account of Consolidated by Columbia Gulf Transmission Co. (Columbia Gulf) at the interconnection of the facilities of Applicant and Columbia Gulf on Applicant's Eunice-Esterwood 20-inch line in Acadia Parish, La., it is said. Applicant states that it would redeliver the volumes so received to Consolidated at the existing interconnection of the facilities of Applicant and Consolidated near Lebanon, Ohio.

Applicant indicates that it would retain 9.37 percent of the volumes of gas received from Columbia Gulf for Consolidated's account as makeup for

compressor fuel and line loss, which percentage was calculated on an incremental basis for pipeline throughput to and within the rate zone in which the delivery by Applicant would be made; i.e., Zone 4, (at 14.73 psia) for all quantities of natural gas transported and delivered to Consolidated.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc 78-15708 Filed 6-6-78; 8:45 am]

[6740-02]

[Docket No. ER78-394]

ARKANSAS-MISSOURI POWER CO.

Filing

MAY 31, 1978.

Take notice that Arkansas-Missouri Power Co. (Ark-Mo), on May 23, 1978, tendered for filing an executed Agreement between Arkansas Electric Cooperative Corp. (Arkco) and Ark-Mo to provide transmission service. Ark-Mo states that under the Agreement, Ark-Mo will transmit power and energy provided by Arkco in an amount suffi-

cient to supply Arkco's member cooperatives' requirements on an hour-by-hour basis. This agreement supersedes an existing transmission service agreement dated February 15, 1963 (Rate Schedule FPC No. 31), but does not result in any increase in rates or charges, according to Ark-Mo.

Ark-Mo proposes an effective date of June 1, 1978, and therefore requests waiver of the Commission's notice requirements. Ark-Mo indicates that a copy of the filing was served on Arkco.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-15709 Filed 6-6-78; 8:45 am]

[6740-02]

[Docket Nos. RP78-94 and RP78-138]

COLUMBIA GULF TRANSMISSION CO.

Refund Report

MAY 31, 1978.

Take notice that on May 23, 1978, Columbia Gulf Transmission Co. (Columbia Gulf) filed a report of refunds in the captioned dockets. Columbia Gulf states that on May 10, 1978, it made refunds to its customers served under FERC Gas Tariff, Original Volume No. 2 totalling \$791,689.43. The report of refunds, it is stated, shows the computation of each such customer's refund.

Any person desiring to be heard or to protest Columbia Gulf's refund report should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 on or before June 20, 1978. Copies of the report are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

FR Doc. 78-15710 Filed 6-6-78; 8:45 am]

[6740-02]

[Docket Nos. RP71-15 and RP75-28]

EAST TENNESSEE NATURAL GAS CO.

Rate Filing Pursuant Tariff Rate Adjustment Provisions

MAY 31, 1978.

Take notice that on May 19, 1978, East Tennessee Natural Gas Co. (East Tennessee) tendered for filing Twenty-Seventh Revised Sheet No. 4 to Sixth Revised Volume No. 1 of its FERC Gas Tariff to be effective July 1, 1978.

East Tennessee states that the sole purpose of this revised tariff sheet is: (1) to adjust East Tennessee's rates pursuant to the PGA provision in section 22 of the General Terms and Conditions to reflect increased purchased gas costs resulting from a rate increase filed May 19, 1978, by its sole long-term supplier, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee); (2) to adjust East Tennessee's rates for Amortizing the Unrecovered Purchased Gas Cost Account determined in accord with section 22.3 of the General Terms and Conditions; and (3) to adjust East Tennessee's rates pursuant to section 24.8 of the General Terms and Conditions to recover curtailment credits given its customers.

East Tennessee also states that Tennessee's May 19, 1978 filing included an alternate rate increase which Tennessee filed in the event that the Commission determined that the inclusion of certain purchases in Tennessee's primary filing was inappropriate. Accordingly, in the event the Commission accepts Tennessee's alternate filing, East Tennessee also tendered Alternate Twenty-Seventh Revised Sheet No. 4. East Tennessee states that this latter tariff sheet is identical to Twenty-Seventh Revised Sheet No. 4, except that it reflects the smaller PGA rate adjustment flowing from Tennessee's alternate filing.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who

has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-15711 Filed 6-6-78; 8:45 am]

[6740-02]

[Docket Nos. CP77-40 and RP77-97]

EL PASO NATURAL GAS CO.

Tariff Filing

MAY 31, 1978.

Take notice that on May 1, 1978, El Paso Natural Gas Co. ("El Paso") filed, pursuant to Part 154 of the Commission's Regulations Under the Natural Gas Act, Fourth Revised Sheet No. 1-D.2 to its FERC Gas Tariff, Third Revised Volume No. 2, to become effective June 2, 1978.

El Paso states by letter order issued April 20, 1978, in the captioned proceedings, the Commission accepted and approved El Paso's Stipulation and Agreement ("Agreement") dated and filed with the Commission on November 7, 1977. Such Agreement provides, *inter alia*, for the settlement of the transportation services rate design issue in the referenced dockets. Such settlement transportation rates are reflected on the *pro forma* tariff sheet attached to the Agreement.

El Paso states that in compliance with the Commission's directive and in accordance with Article III of the Agreement, it tendered said Fourth Revised Sheet No. 1-D.2 to its Volume No. 2 tariff setting forth the settlement transportation services rates¹ which are applicable to those effective special transportation rate schedules contained in El Paso's Volume No. 2 tariff, wherein reference is made to Sheet No. 1-D.2 for the rates to be charged thereunder.

El Paso further states that with regard to the retroactive effective date of June 2, 1977, as provided by the approved Agreement, the Commission's order also requires a report of the refunds made to Energy Resources Board of the State of New Mexico, including interest computed at 9% per annum, to be filed by El Paso within sixty (60) days of the date of the order. Additional refunds will also be required to be made by El Paso for

¹The derivation of the approved settlement transportation services rates is set forth in Article II of the Agreement. The methodology underlying the calculations of the transportation rate levels reflected on the *pro forma* tariff sheet attached to the Agreement has been deemed acceptable by the Commission as indicated by the April 20, 1978, letter order.

those transportation services conducted since June 2, 1977, at transportation rates which were subject to the ultimate disposition of the proceedings at Docket No. RP77-97.²

El Paso states that copies of the instant tender have been served upon all parties of record in Docket Nos. CP77-40 and RP77-97 and, otherwise, upon all affected customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said tariff tender should, on or before June 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-15712 Filed 6-6-78; 8:45 am]

[6740-02]

[Docket No. ER78-390]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

Filing

MAY 31, 1978.

Take notice that Iowa-Illinois Gas and Electric Co., Davenport, Iowa (Company) on May 22, 1978, tendered for filing a Transmission Service Agreement with Eastern Iowa Light and Power Cooperative, Wilton, Iowa (Cooperative), dated February 27, 1978.

The Company indicates that the Agreement proposes utilization by Cooperative of 24 MW of capacity in Company's existing 345 Kv transmission system from Hills Substation near Hills, Johnson County, Iowa, to Substation 56 near Davenport, Scott County, Iowa. The Agreement facilitates transmission of Cooperative's share of the capacity of Council Bluffs Generating Unit No. 3. The Company proposes an effective date of August 1, 1978.

²Such additional transportation services rendered and for which refunds will be applicable are special Rate Schedules T-5 and T-8 contained in El Paso's FERC Gas Tariff, Third Revised Volume No. 2.

The Company states that the purpose of the proposed rates and charges is to recover reflected costs of the facilities to be provided as the scheduling path, for associated operation and maintenance, and for the transmission and transformation losses for which compensation in kind is provided.

According to the Company copies of the filing have been mailed to the Cooperative, to the Iowa State Commerce Commission, and to the Illinois Commerce Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-15713 Filed 6-6-78; 8:45 am]

[6740-02]

[Docket No. ER78-393]

KANSAS GAS AND ELECTRIC CO.

Proposed Tariff Change

MAY 31, 1978.

Take notice that Kansas Gas and Electric Co. (KG&E) on May 23, 1978, tendered for filing proposed changes in its FPC Electric Service Tariff No. 74. KG&E indicates that the proposed Amendment extends the term for maximum and minimum amounts of power at delivery point No. 2 for the Segan Electric Cooperative Association, Inc.

KG&E states that the Amendment is necessary because the present extension expired April 30, 1978.

KG&E requests an effective date of May 1, 1978, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon the Segan Electric Cooperative Association, Inc., according to KG&E.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

dure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-15714 Filed 6-6-78; 8:45 am]

[6740-02]

[Docket No. DA-1129-Calif., U.S. Forest Service]

LANDS WITHDRAWN IN PROJECT NO. 2124

Order Partially Vacating Land Withdrawal Under Section 24 of the Federal Power Act

MAY 31, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Public Law 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. On December 23, 1977, the Secretary issued an order amending DOE delegation Order No. 0204-1 further delegating to the FERC the authority to take action in this proceeding.

In order to effectuate a proposed land exchange, the Forest Service, United States Department of Agriculture, has requested that the land withdrawal for Project No. 2124 be vacated insofar as it pertains to the following described lands:

MOUNT DIABLO MERIDIAN, CALIF. (PLUMAS NATIONAL FOREST)

T. 21 N., R. 7 E.,
sec. 24, Lots 2 and 5.
(approximately 29.16 acres)

The requested action requires Federal Energy Regulatory Commission consideration under Section 24 of the Federal Power Act, as amended.

These lands are located along the Fall River, a tributary of the Middle Fork Feather River, and were withdrawn pursuant to the filing on January 9, 1953, of an application for preliminary permit for Project No. 2124. The lands lie within the boundary of the suggested Lumpkin reservoir site on the Fall River, as shown on Exhibit I, Sheet 2 of 4 (FPC No. 2124-2), filed

January 9, 1953, with the application for Project No. 2124. The average flow of the Fall River at the Lumpkin dam site, in sec. 36, T. 21 N., R. 7 E., is estimated to be about 50 cfs. This small reservoir site was not included in the primary plan for Project No. 2124, but was designated as an alternate site. In the primary plan, the applicant for Project No. 2124 contemplated the development of three downstream dam sites on the Fall River as part of an extensive plan of development for the Middle Fork Feather River Basin. The Federal Power Commission denied the application for Project No. 2124, by order issued February 11, 1957 (17 FPC 268), upon issuance of a preliminary permit for competing Project No. 2136 which did not affect the subject lands.

Development of the Lumpkin site appears unlikely. In any event, the subject lands lie at the upper limit of the reservoir site and would not be inundated by the development of the site as suggested in the application for Project No. 2124. The lands are not included in any other known hydroelectric plan.

The U.S. Geological Survey has recommended that the land withdrawal for Project No. 2124 be partially vacated, in accordance with the Forest Service's request here.

The Commission orders: The land withdrawal for Project No. 2124 insofar as it pertains to the subject lands is vacated.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15715 Filed 6-6-78; 8:45 am]

[6740-02]

[Docket No. RI78-46]

McKELVY OIL CO.

Petition for Special Relief

MAY 31, 1978.

Take notice that on April 3, 1978, McKelvy Oil Co. (Petitioner), 48 Lloyd Drive, Atherton, Calif. 94025 filed a petition for special relief in Docket No. RI78-46.

Petitioner seeks authorization to charge the net rate of \$1.50 per Mcf for the sale of gas to Cities Service Gas Company from the Harms No. 6, Biernacki No. 6, and the Spiles No. 29, all located in the Hugoton Field, Finney County, Kansas. Currently, Petitioner sells gas from Harms No. 6, Biernacki No. 6 and Spiles No. 29 units at the respective rates of \$0.26385 per Mcf, \$0.23802 per Mcf and \$0.25931 per Mcf. Petitioner plans to rework the wells and install necessary equipment to return them to optimum production levels in the furtherance of recovering the remaining gas reserves.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-15716 Filed 6-6-78 8:45 am]

[6740-02]

[Docket No. CP78-431]

MICHIGAN WISCONSIN PIPE LINE CO.

Application

JUNE 1, 1978.

Take notice that on May 22, 1978, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP78-341 an application pursuant to section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing July 13, 1978, and operation of facilities, to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers and other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

The application states that the total cost of the proposed facilities would not exceed \$12,000,000, with the cost of no single offshore project exceeding \$2,500,000 and the cost of no single onshore project exceeding \$1,500,000, which cost would be financed with cash on hand.

Any person desiring to be heard or to make any protest with reference to

said application should on or before June 23, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in the subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc 78-15717 Filed 6-6-78; 8:45 am]

[6740-02]

[Docket No. RP74-100 et al]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed PGA Rate Adjustment

MAY 31, 1978.

Take notice that on May 8, 1978, National Fuel Gas Supply Corp. (National) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Substitute Seventeenth Revised Sheet No. 4, proposed to be effective June 1, 1978.

National states that the sole purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provisions in Section 17 of the General Terms and Conditions. National further states that such tariff sheet reflects an adjustment in National's rates of .08¢ per Mcf on Substitute Seventeenth Revised Sheet No. 4.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected State regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 7, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants party to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-15718 Filed 6-6-78; 8:45 am]

[6740-02]

[Docket No. ER78-291]

NORTHERN STATES POWER CO. (MINNESOTA)

Granting Intervention

MAY 31, 1978.

On April 7, 1978, Northern States Power Co. (NSP) tendered for filing proposed revisions to its full requirement agreements with 16 municipal customers, and to its partial requirement agreements with 9 municipal customers.

Public notice of the filing was issued on April 13, 1978, with comments due on or before April 24, 1978. On April 21, 1978, the cities of Anoka, Arlington, Brownston, Buffalo, Chaska, Granite Falls, Kassoda, Kasson, Lake City, North St. Paul, St. Peter, Shakopee, Waseka, and Winthrop, Minnesota (hereinafter referred to as Municipal Intervenor) filed a petition to intervene.

In their petition to intervene, Municipal Intervenor states that based on the fact that they are full requirement customers of NSP, they will be directly and adversely affected by the rates proposed in the above-captioned proceeding. Furthermore, Municipal Intervenor states that they will not be adequately represented by any other person or party in this proceeding.

The petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however*, that participation of these petitioners shall be limited to matters affecting asserted rights and interests as specifically set forth in their petition to intervene; and *Provided, further*, that the admission of these petitioners shall not be construed as recognition

by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-15719 Filed 6-6-78; 8:45 am]

[6740-02]

[Docket No. RP78-62]

PANHANDLE EASTERN PIPE LINE CO.

Order Accepting for Filing and Suspending Proposed Rate Increase, Rejecting Proposed Tariff Sheet, Initiating Hearing, Granting Interventions and Establishing Procedures

MAY 31, 1978.

On May 1, 1978, Panhandle Eastern Pipe Line Co. (Panhandle) tendered for filing in the captioned docket proposed changes to its FERC Gas Tariff.¹ The proposed changes would increase Panhandle's jurisdictional revenues by approximately \$73.6 million based on costs and sales volumes for the 12 months ended January 31, 1978 as adjusted for known and measurable changes through October 31, 1978. Panhandle requests that the proposed increase be permitted to become effective on June 1, 1978. For the reasons stated below, the Commission shall accept the proposed rate increase for filing, suspend it for five months, and set the matter for hearing.

Public notice of Panhandle's filing was issued on May 9, 1978, providing for protests or petitions to intervene to be filed on or before May 23, 1978.

Timely petitions to intervene were filed by Northern Indiana Public Service Co., Illinois Power Co., Colorado Interstate Gas Co., Missouri Power & Light Co., Missouri Edison Co., Kokomo Gas and Fuel Co., Michigan Consolidated Gas Co., Citizens Gas & Coke Utility, Michigan Gas Utilities Co., The Toledo Edison Co., Central Illinois Public Service Co., Missouri Utilities Co., Ohio Gas Co., Citizens Gas Fuel Co., Associated Natural Gas Co., Richmond Gas Corp., Municipal Distributors Group, The East Ohio Gas Co., Michigan Gas Storage Co., The Gas Service Co., Kansas-Nebraska Gas Co., Inc., Indiana Gas Co., Inc. The Commission finds that these petitioners have demonstrated an interest in this proceeding warranting their participation, and the petitions shall therefore be granted.

Panhandle states that the principal reasons for its proposed rate increase are the increased costs which it has experienced for capital, plant additions, operations, and federal and state taxes. Panhandle specifically asserts that it is incurring increased transmis-

¹The proposed revised tariff sheets are identified in Appendix "A" to this order.

sion costs and has added \$100 million worth of new facilities in connection with its efforts to expand its storage capability, extend the productive life of its older wells, and to attach new gas supplies in Colorado and Wyoming. Panhandle claims, in its filing, an overall rate of return of 10.52 percent on net investment rate base, including a rate of return of 15.0 percent on common equity.

Based on a review of Panhandle's filing herein, the Commission finds that the proposed higher rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission shall accept Panhandle's proposed rate increase for filing, suspend its use for five months or until November 1, 1978, when it shall be permitted to become effective, subject to refund, and shall set the matter for hearing, as hereinafter conditioned.

Panhandle's filed tariff sheets also propose revisions to its Purchased Gas Adjustment Clause (PGA).² Not only would the proposed PGA revisions implement a revised base cost of gas and other current allocation factors, they would also modify the operation of the PGA clause. As modified, the PGA clause would include the current commodity cost and volumes from pipeline suppliers in determining Panhandle's base cost of gas, yet maintain a separate rate increase or decrease provision for changes in the rate level of pipeline suppliers' demand costs. Upon review of the proposed changes in the operation of Panhandle's PGA clause, we find that the proposed changes do not conform with section 154.38(d)(4) of the Commission's Regulations. Accordingly, we shall reject the proposed revisions to the PGA clause and direct Panhandle to file revised tariff sheets reflecting the base cost of gas calculated in accordance with Panhandle's currently effective PGA procedures. However, we shall provide that the question of the justness and reasonableness of the proposed PGA clause revisions shall be an issue in the hearing ordered herein, and any changes in Panhandle's PGA clause which may be found to be appropriate shall be prospective from the date of the Commission order deciding this issue.

Panhandle has included in its filing costs associated with certain facilities which have not been placed in service at this time. Consequently, Panhandle shall be required to file revised rates and supporting materials reflecting the elimination of costs associated with facilities not placed in service by November 1, 1978, the effective date of the rates suspended by this order.

²Fourth Revised Sheet No. 43-2, and Fifth Revised Sheet No. 43-3 to FERC Gas Tariff, Original Volume No. 1.

Panhandle's filing also includes a 0.12¢/Mcf surcharge to fund its participation in the research and development program of the Gas Research Institute. Panhandle has filed an RD&D adjustment provision in Docket No. RM77-14; however, action on the tariff filing proposing that adjustment provision is still pending. Accordingly, Panhandle's proposed rate increase in this proceeding shall be accepted and suspended subject to the disposition of matters in Docket No. RM77-14.

A review of Panhandle's filing discloses that Panhandle's claimed advance payment balance in Account No. 166 at the end of the test period is not adjusted for all repayments which may be forthcoming during the test period. The Commission finds that in this respect Panhandle's filing is not in compliance with section 154.83(e)(2)(i) of the Regulations which requires test period adjustments for known and measurable changes in costs and revenues. Accordingly, as a further condition of this order, Panhandle shall be required to file, prior to November 1, 1978, substitute tariff sheets which reflect actual advance payment balances in Account No. 166 as of October 31, 1978.

The Commission finds: It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates proposed by Panhandle and that the same be accepted for filing and suspended as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a public hearing shall be held concerning the lawfulness of the increased rates proposed by Panhandle.

(B) Pending hearing and decision, and subject to action taken on related matters in Docket No. RM77-14, Panhandle's proposed rate increase is accepted for filing and suspended until November 1, 1978, when it shall be permitted to become effective, subject to refund, upon motion filed by Panhandle in accordance with the provisions of the National Gas Act.

(C) Panhandle's proposed PGA clause revisions are rejected without prejudice to Panhandle's right show in the hearing ordered above that such changes are appropriate. Any changes found to be appropriate shall be effective prospectively from the date of the Commission order approving such changes.

(D) Panhandle shall file revised tariff sheets on or before November 1, 1978, reflecting the elimination of costs included in the proposed rates associated with facilities which have not been placed in service by Novem-

ber 1, 1978. Panhandle shall also submit supplemental cost and revenue data reflecting the elimination of such costs from its cost of service. These revised tariff sheets shall also reflect actual advance payment balances in Account No. 166 as of October 31, 1978, and a restatement of Panhandle's base cost of gas computed in accordance with its currently effective PGA procedures.

(E) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however*, that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and, *Provided, further*, that the admission of said intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

(F) The Commission Staff shall prepare and serve top sheets on all parties on or before October 2, 1978.

(G) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (18 CFR 3.5(d)), shall convene a settlement conference in this proceeding to be held within 10 days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The Presiding Administrative Law Judge is authorized to establish such further procedural dates as may be necessary, and to rule upon all motion (except motions to consolidate, sever, or dismiss), as provided for in the rules of practice and procedure.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

The following proposed tariff sheets were filed by Panhandle Eastern Pipe Line Co. on May 1, 1978:

FERC Gas Tariff, Original Volume No. 1

Twenty-fourth Revised Sheet No. 3-A.
First Revised Sheet No. 3-B.
Second Revised Sheet No. 43-1.
Fourth Revised Sheet No. 43-2.
Fifth Revised Sheet No. 43-3.
Sixth Revised Sheet No. 43-4.

FERC Gas Tariff, Original Volume No. 2

Second Revised Sheet No. 93.
Second Revised Sheet No. 135.
Second Revised Sheet No. 211.
Third Revised Sheet No. 375.
First Revised Sheet No. 439.
First Revised Sheet No. 462.
First Revised Sheet No. 463.

[6740-02]

[Docket No. RP77-31]

SOUTHERN NATURAL GAS CO.

Certification of Proposed Settlement

MAY 31, 1978.

Take notice that on May 18, 1978, Presiding Administrative Law Judge William L. Ellis certified to the Commission a proposed settlement in Docket No. RP77-31 together with the record in the proceeding. If approved, the settlement will resolve all issues in the case.

Any person desiring to be heard or to protest the proposed settlement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before June 19, 1978. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the agreement are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-15722 Filed 6-6-78; 8:45 am]

[6740-02]

[Docket No. RP78-36]

SOUTHERN NATURAL GAS CO.

Filing of Revised Tariff Sheets

MAY 31, 1978.

Take notice that on May 18, 1978, Southern Natural Gas Co. (Southern), P.O. Box 2563, Birmingham, Ala. 35202, filed proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1. The proposed revised tariff sheets would, if accepted by the Commission, substitute for the revised tariff sheets which were filed by Southern on January 30, 1978, and suspended, by order issued February 28, 1978, until April 1, 1978. The revised sheets reduce jurisdictional revenues by \$164,148.

Southern states that the revised tariff sheets are filed to implement a provision of a Stipulation and Agreement resolving all issues in Southern Natural Gas Co., Docket No. RP77-31. This provision provides that the Administrative and General costs assigned to the transportation function and the costs in Account 858—Transmission and Compression of Gas by Others shall be allocated without any mileage effect based upon annualized test period sales.

Copies of the filing have been served upon Southern's jurisdictional customers and interested state public service commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the

First Revised Sheet No. 484.
First Revised Sheet No. 556.
First Revised Sheet No. 611.
First Revised Sheet No. 640.
First Revised Sheet No. 641.
Second Revised Sheet No. 694.
Second Revised Sheet No. 695.
First Revised Sheet No. 724.
First Revised Sheet No. 725.
Second Revised Sheet No. 784.
Second Revised Sheet No. 801.
First Revised Sheet No. 811.
First Revised Sheet No. 812.
First Revised Sheet No. 848.
First Revised Sheet No. 849.
Second Revised Sheet No. 875.
Second Revised Sheet No. 876.
First Revised Sheet No. 963.
First Revised Sheet No. 964.

[FR Doc. 78-15720 Filed 6-6-78; 8:45 am]

[6740-02]

[Docket No. RP73-89]

SEA ROBIN PIPELINE CO.

Filing of Revised Tariff Sheet

MAY 31, 1978.

Take notice that on May 19, 1978, Sea Robin Pipeline Co. tendered for filing Sixteenth Revised Sheet No. 4 to its FERC Gas Tariff, Original Volume No. 1. This tariff sheet and supporting information are being filed 30 days before the effective date of July 1, 1978, pursuant to the Purchased Gas Costs Adjustment provisions set out in section 1 of Sea Robin's tariff.

Copies of the revised tariff sheet and supporting data are being mailed to Sea Robin's jurisdictional customers and interested State commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 18, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc 78-15721 Filed 6-6-78; 8:45 am]

Federal Energy Regulatory Commission (Commission), 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not

serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-15723 Filed 6-6-78; 8:45 am]

[6740-02]

[Docket Nos. G-3636, et al.]

UNION TEXAS PETROLEUM, A DIVISION OF ALLIED CHEMICAL CORP.

Applications for Certificates, Abandonment of Service, and Petitions to Amend Certificates¹

MAY 31, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authori-

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

zation to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties

to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
G-3636, C, May 15, 1978.....	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	Texas Gas Transmission Corp., Mallet No. 3 well, located in the Lake Arthur field, Jefferson Davis Parish, La.	(¹)	15.025
G-9873, D, April 3, 1978.....	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	Natural Gas Pipeline Co. of America, Light Field (McFarland Unit), Beaver County, Okla.	Leases expired by their own terms and reverted to lessors.	
C165-529, D, May 11, 1978.....	Petroleum, Inc. (Operator), et al., R. H. Garvey Building, 300 West Douglas, Wichita, Kans. 67202.	Northern Natural Gas Co., carrier unit, all sec. 2-4N-27Ecm, Beaver County, Okla.	Depleted, plugged, and abandoned.	
C176-119, C, April 21, 1978....	Union Texas Petroleum, a division of Allied Chemical Corp.	El Paso Natural Gas Co., Parkway west unit No. 5 well, Parkway Morrow field, Eddy County, N. Mex.	(¹)	14.85
C176-257, C, May 12, 1978.....	Arkla Exploration Co., P.O. Box 21734, Shreveport, La. 71151.	Arkansas Louisiana Gas Co., Williamette No. 1 well, sec. 8, T17N, R1E, Calhoun field, Quachita Parish, La.	(¹)	15.025
C177-303, C, April 24, 1978....	Transeo Exploration Co., P.O. Box 1396, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., McMoran-State lease 6489 No. 1 well located in the Loisel field, Iberia Parish, La.	(¹)	15.025
C178-748, A, May 2, 1978.....	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79105.	El Paso Natural Gas Co., undesignated Cisco field, Eddy County, N. Mex.	(¹)	14.73
C178-749 (C169-835), B, May 8, 1978.	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Diamond Shamrock Corp., Farnsworth field, Ochiltree County, Tex.	Lease expired by its own terms after well was plugged on June 18, 1977.	
C178-750, A, May 9, 1978.....	Aminoil Development, Inc., Golden Center One, 2800 North Loop West, Houston, Tex. 77018.	Natural Gas Pipeline Co. of America, Block A-349 field, High Island area, offshore, Tex.	(¹)	14.85
C178-751, A, May 9, 1978.....	Aminoil Development, Inc.	Natural Gas Pipeline Co. of America, block #12, West Cameron area, offshore, La.	(¹)	14.85
C178-752, A, May 9, 1978.....	do	Natural Gas Pipeline Co. of America, block A-330 field, High Island area, offshore, Tex.	(¹)	14.85
C178-753, A, May 10, 1978.....	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Southern Union Gathering Co., AXI Apache D-4 and D-5 wells, (limited to Ballard Pictured Cliffs formation), Rio Arriba County, N. Mex.	(¹)	14.85
C178-754, P, May 2, 1978.....	Placid Oil Co., (Successor in partial interest to Mr. Emory M. Spencer), 1600 First National Bank Bldg. Dallas, Tex. 75202.	Natural Gas pipeline Co. of America, Fulton Beach field, Aransas County, Tex.	(¹)	14.85
C178-755 (C166-1272), B, May 8, 1978.	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Texas Gas Transmission Corp., West Arcadia field, Bineville Parish, La.	(¹)	
C178-756, A, May 11, 1978.....	Union Oil Co. of California, Union Oil Center, room 901, P.O. Box 7800, Los Angeles, Calif. 90051.	Mississippi River Transmission Corp., Little Washita field (NE Chickasha), Grady County, Okla.	(¹)	14.85

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
C178-757, A, May 11, 1978.....	Monsanto Co., 1300 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77056.	El Paso Natural Gas Co., Morrow formation underlying the Baumgartner Federal Commission No. 1, well located in section 26, T21S, R27E, in Eddy County, N. Mex.	(¹)	14.65
C178-758, A, May 11, 1978.....	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., West Cameron block 608 field, offshore La.	(¹)	14.73
C178-759, A, May 11, 1978.....	Exxon Corporation.....	Northern Natural Gas Co., West Cameron Block 608 field offshore, La.	(¹)	14.73
C178-760, A, May 12, 1978.....	Oxy Petroleum, Inc., 5000 Stockdale Highway, Bakersfield, Calif. 93309.	Northern Natural Gas Co., Galveston area, block 144, offshore, Tex.	(¹)	14.73
C178-761, A, May 12, 1978.....	Odessa Natural Corp., (operator), et al., P.O. Box 3908, Odessa, Tex. 79760.	El Paso Natural Gas Co., Jicarilla joint venture KD Nos. 4, 5, and 6 wells, in NW/4, sec. 4-T23N-R3W, SE/4, sec. 10-T23N-R3W and SE/4 sec. 3-T23N-R3W, Dakota formation, Rio Arriba County, N. Mex.	(¹)	14.65
C178-762 (G-18301), B, May 11, 1978.	Phillips Petroleum Co., 5C4 Phillips Bldg., Bartlesville, Okla. 74004.	Texas Gas Transmission Corp., Red Rock-North Shongaloo area, Webster Parish, La.	(¹)	
C178-764, A, May 11, 1978.....	Helmerich & Payne, Inc., 1579 East 21st St., Tulsa, Okla. 74114.	El Paso Natural Gas Co., unnamed field, Roger Mills County, Okla.	(¹)	14.73
C178-765 (C162-1096) B, May 11, 1978.	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., Aztec (Pictured Cliffs) field, San Juan County, N. Mex.	Lease expired due to lack of production..	
C178-766, F, May 12, 1978.....	Cotton Petroleum Corp., (partial Successor in interest to Wewoka Exploration Co.), Tulsa, Okla. 74103.	United Gas Pipe Line Co., Boise Southern No. 1 well, West fields area, Beauregard Parish, La.	(¹⁰)	15.025
C178-768 (C169-700), B, May 15, 1978.	Phillips Petroleum Co., 5 C4 Phillips Bldg., Bartlesville, Okla. 74004.	Texas Gas Transmission Corp., Red Rock-North Shongaloo area, Webster Parish, La.	(¹¹)	
C178-769 (C170-128), B, May 16, 1978.	Coastal States Gas Producing Co., 5 Greenway Plaza East, Houston, Tex. 77048.	Trunkline Gas Co., Tigre Lagoon field area, Vermilion Parish, La.	(¹²)	
C178-770, B, May 16, 1978.....	Houston Oil & Minerals Corp., 242 The Main Bldg., 1212 Main St., Houston, Tex. 77002..	United Gas Pipe Line Co., Sardis Church field, Caldwell Parish, La.	Ceased production, plugged and abandoned and leasehold interest expired and reserves depleted..	
C178-771, A, May 17, 1978.....	Cotton Petroleum Corp., 4200 One Williams Center, Tulsa, Okla. 74103.	Natural Gas Pipeline Co. of America Mary Scott N. 1 well sec. 7, block L. J. M. Lindsey survey, Wheeler County, Tex., limited to the Hunton formation.	(¹)	14.65-

¹Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.

²Applicant is filing under gas sale contract dated Oct. 7, 1975, amended by amendment dated April 14, 1978.

³Applicant is filing under gas purchase and sales agreement dated Mar. 21, 1978.

⁴Applicant is requesting to continue a sale of natural gas which was previously made by Mr. Emory M. Spencer. On Mar. 29, 1978, Mr. Emory M. Spencer assigned to William Herbert Hunt Trust Estate, Placid Oil Co. and George W. Graham all of his rights in and to the gas which has heretofore been sold to Natural Gas Pipeline Co. of America.

⁵There are no economical recoverable reserves underlying leases and applicant owns no additional leases or interest in leases subject to this contract, and plugged and abandoned.

⁶Applicant is filing under Contract dated Mar. 15, 1978.

⁷Applicant is filing under and pursuant to that certain addendum No. 2 to gas purchase contract dated Apr. 11, 1978.

⁸Contract expired Jan. 1, 1968, last deliveries were in 1976, and indications are there will be no more excess gas available.

⁹Applicant is filing under gas purchase contract dated Feb. 17, 1978.

¹⁰Applicant is requesting to continue the service previously rendered by Wewoka, effective Sept. 1, 1977. Wewoka was merged into Cotton Petroleum Corp. on Sept. 1, 1977.

¹¹Contract expired on Jan. 1, 1968, last deliveries were in 1974, and indications are there will be no more excess gas available.

¹²Ceased production, plugged and abandoned, leases expired by their own terms and reverted to the mineral owners and gas sales contract has been cancelled.

Filing code: A—Initial service, B—Abandonment, C—Amendment to add acreage, D—Amendment to delete acreage, E—Succession, F—Partial succession.

[FR Doc. 78-15611 Filed 6-6-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 907-7; OPP-180196]

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

Issuance of Specific Exemption to Use Paraquat to Control Wild Oats on Onions in California

The Environmental Protection Agency (EPA) has granted a specific exemption to the California Department of Food and Agriculture (hereafter known as the "Applicant") to use a maximum of 2,400 pounds of the active ingredient in Paraquat CL on 2,500 acres of onion fields in two counties in California to control wild oats. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 N Street SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, the major weed problem in onion fields located in Siskiyou and Modoc Counties is wild oats. Herbicides such as Trifluralin, Dacthal, Randox, Tenoran, CIPC, dinitro, Sinox plus, furloe, weed oil, TOK, Ronstar, and Probe have averaged less than 20 percent control; paraquat consistently provides 80 percent or better wild oat control, the Applicant stated. The Applicant further claimed that wild oats reduce onion yield in excess of 35 percent; using an average yield of 450 cwt/acre, this represents a monetary loss of \$1.1 million, according to the Applicant.

The Applicant proposed to use one application of Paraquat CL to be applied by ground rig using not less than 20 gallons of water per acre and at a dosage rate of 1 to 2 quarts product (0.5 to 1.0 a.i.) per acre. This application would be made prior to, during, or after planting, but before emergence of the crop (April, May, June). There would be a pre-harvest interval of not less than 90 days. The California Department of Fish and Game will monitor this program.

EPA has determined that residue levels of paraquat are not likely to

exceed 0.05 ppm in either green or dry bulb onions and that this level is a safe one. A petition has been submitted for the establishment of a 0.05 ppm tolerance for paraquat in or on green or dry bulb onions and is currently under review. It should be noted that a rebuttal presumption against registration of pesticide products containing paraquat is under consideration; however, no action has been taken yet by EPA.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of wild oats has occurred; (b) there is no pesticide presently registered and available for use to control wild oats in California; (c) there are no alternative means of control taking into account the efficacy and hazard; (d) significant economic problems may result if the wild oats are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until June 30, 1978, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The Ortho product Paraquat CL (EPA Reg. No. 239-2186) is authorized at a dosage rate of 1 to 2 quarts of product (0.5 to 1.0 pound a.i.) per acre;
2. One application per acre is authorized. Either growers or commercial applicators may apply this pesticide. Applications are to be made with ground rigs using not less than 20 gallons of water per acre;
3. Applications may be made prior to, during, or after planting, but before emergence of the onion crop;
4. The Applicant must notify the California Department of Fish and Game before applications of paraquat are made so that a monitoring program can be set up;
5. Green and dry bulb onions with residues of paraquat not exceeding 0.05 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;
6. There is to be a pre-harvest interval of not less than 90 days;
7. A permit must be obtained from the Siskiyou or Modoc County agricultural Commissioner to use paraquat and the Agricultural Commissioner will supervise the use of this herbicide;
8. All applicable label directions, precautions and restrictions must be adhered to;
9. The EPA shall be immediately informed of any adverse effects resulting from the use of paraquat in connection with this exemption; and
10. A full report on the results of this program must be submitted to the EPA by the end of December 1978.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

Dated: June 1, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

(FR Doc. 78-15743 Filed 6-6-78; 8:45 am)

[6560-01]

(FRL 907-6; OPP-180186)

IDAHO DEPARTMENT OF AGRICULTURE

Issuance of Specific Exemption to Use Pydrin to Control Pear Psylla in Idaho

The Environmental Protection Agency (EPA) has granted a specific exemption to the Idaho Department of Agriculture (hereafter referred to as the "Applicant") to use Pydrin as a dormant or pre-bloom treatment to control Pear Psylla (*Psylla pyricola*) on 350 acres of pears. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

According to Applicant, pear psylla is a very serious and difficult pest to control. The insect has three distinct developmental forms: the egg, the nymph, and the adult. In addition to a spring generation, there are three summer generations of this pest in Idaho. Adults of the final summer generation are referred to as the overwintering adults; they survive the winter in cracks and crevices of the bark and buds of pear and other trees. Although adults may be found on many different hosts, development of the immature insect occurs only on pears.

Pear psylla causes serious damage, such as pear decline, decreased tree vitality, leaf blackening and leaf drop, tree death, fruit russetting, and reduced fruit size. An estimated 350 acres of pears in Idaho will require treatment.

According to the Applicant, chemical control of pear psylla begins well before the growing season. In most orchards both a dormant and delayed-dormant (pre-bloom) spray of superior oil plus an insecticide(s) are applied to kill overwintering adult psylla before they lay their eggs. Because there is little dispersal of pear psylla during

the summer months, an effective dormant treatment is extremely important to reduce future summer populations. During the last ten years, perthane and endosulfan have been used in the pre-bloom program to reduce adult psylla populations; however, the Applicant stated that these chemicals have lost their effectiveness in controlling overwintering adults. For example, endosulfan seems to be effective only during the early nymphal stages; pear psylla have also developed resistance to organophosphates. Therefore, according to the Applicant, the current problem is the unavailability of an efficacious pesticide to control the pest during the summer growing season. The problem has been intensified by the withdrawal of chlordimeform from the market; this pesticide had previously been effective in providing control during this season. Although chlordimeform is still registered for the proposed use, it was not available to pear growers last year and will be unavailable again this year.

Idaho proposed to use Pydrin, (Cyano (3-phenoxyphenyl) methyl-4-chloro-alpha (1-methylethyl) benzenesulfonate). Applications will be made by air and ground; it is anticipated that most applications will be made from the ground because the insects are found on the underside of the leaves and would be difficult to contact by air. It is anticipated that if an effective pesticide is not applied during the pre-bloom stage, economic losses resulting from the downgrading and culling of fruit, from the losses due to pear decline, and from increased chemical costs, will run high. Idaho is tenth in the nation in pear production, producing 1,650 tons of pears worth \$318,000, according to 1975 statistics.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of pear psylla is likely to occur; (b) there is no pesticide presently registered and available for use to control the pear psylla in Idaho; (c) there are no alternative means of control taking into account the efficacy and hazard; (d) significant economic problems may result if the pear psylla is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until May 30, 1978, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Pydrin may be applied at a rate of up to 0.4 pound active ingredient per acre per application at the dormant to pre-bloom crop stage;
2. A maximum of two (2) applications may be made;

3. Applications will be made with ground or air equipment;

4. Spray mixture volumes of 3-20 gallons will be applied by aircraft or 25-400 gallons by ground equipment;

5. A maximum of 350 acres of pears in Idaho may be treated;

6. All applications are limited to the commercial pear-growing regions in Canyon, Gem, Payette, Washington, and Twin Falls counties;

7. All applications will be made by qualified growers or commercial applicators;

8. Application instructions will be supplied by the University of Idaho Extension Service;

9. The orchard floor will not be grazed by livestock;

10. Pydrin is toxic to fish and aquatic invertebrates. Care will be used when applying it in areas adjacent to any body of water. There will be no applications when weather conditions favor drift from target area. Pydrin will be kept out of lakes, streams, and ponds. Contamination of water caused by cleaning of equipment or disposal of wastes is to be avoided;

11. Pydrin is highly toxic to bees exposed to direct treatment or residues on crops or weeds. It may not be applied, or allowed to drift, to weeds in bloom or on which an economically significant number of bees are actively foraging. The University of Idaho Cooperative Agricultural Extension Service will provide information on protection of bees;

12. Pears with residue levels of Pydrin not exceeding 0.01 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

13. All applicable directions, restrictions, and precautions on the product label will be followed;

14. The Applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the results of this program by November 30, 1978; and

15. The EPA shall be immediately informed of any adverse effects resulting from the use of Pydrin in connection with this exemption.

(Sec. 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 et seq.).

Dated: June 1, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

(FR Doc. 78-15742 Filed 6-6-78; 8:45 am)

[6560-01]

(FRL 908-1; OPP-180187)

IDAHO, OREGON AND WASHINGTON STATE

Issuance of Specific Exemptions To Use Benomyl To Control "Cercospora" Foot Rot of Wheat

The Environmental Protection Agency (EPA) has granted specific exemptions to the Idaho, Oregon, and Washington State Departments of Agriculture (hereafter referred to as "Idaho", "Oregon", and "Washington") to use benomyl (Methyl 1-(butylcarbamoyl)-2-benzimidazolacarbamate) on 10,000 acres in Idaho, 10,000 acres in Oregon, and 50,000 acres in Washington to control *Cercospora* foot rot of wheat. These exemptions were granted in accordance with, and are subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the applications on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

According to the three States, *Cercospora* foot rot, caused by the fungal pathogen *Cercospora herpotrichoides*, is a serious disease of cereal grains and is most damaging to early fall-seeded wheat crops. The severity of the infection is dependent upon optimum climatic conditions, such as temperature and humidity. Because of the extreme drought conditions, only 170 acres of wheat were treated last year under a specific exemption granted to Oregon; however, in 1976, 12,000 acres were treated under another specific exemption. Because of heavy rains and a relatively mild winter this year, conditions are conducive for the development of *Cercospora* foot rot inoculum.

There are no other pesticidal methods for controlling this disease and wheat strains resistant to this pathogen are not available. As mentioned above, specific exemptions for the use of benomyl to control this wheat disease have been issued annually since 1976 to Idaho, Oregon, and Washington. The three States estimated economic losses ranging from 10 percent up to 30 percent of the crop yield, if an effective pesticide is not used. These figures are based on an average acre of wheat yielding 50 bushels and a current price of \$3.00 per bushel; the percent losses claimed were then used to project the dollar loss/acre.

It should be noted that a rebuttable presumption against registration of pesticide products containing benomyl

was published in the FEDERAL REGISTER on December 6, 1977 (42 FR 61788); however, no decision has yet been made by EPA as to appropriate regulatory action in this matter.

It was proposed to make a single application of Benlate 50W, containing the active ingredient benomyl, at a dosage rate of 1.0 pound of product (0.5 pound a.i.) per acre either with aerial equipment (5-10 gallons of water) or with ground equipment (20-30 gallons of water). An incremental exposure study performed by EPA indicated that, if the emergency exemptions were approved, the overall acreage treated with benomyl would be increased by 1.7 percent, and the number of additional personnel exposed to benomyl would be increased by a maximum of 0.455 percent. Further, a comparison of the 70,000 acres of winter wheat proposed to be treated with the total acres of winter wheat planted in the entire United States indicated that only 0.001 percent of the total of U.S. winter wheat acreage would be treated with benomyl if the treatments were approved.

After reviewing the applications and other available information, EPA has determined that (a) pest outbreaks of *Cercospora* foot rot have occurred or are about to occur; (b) there is no pesticide presently registered and available for use to control *Cercospora* foot rot in Idaho, Oregon and Washington; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the foot rot is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, Idaho, Oregon, and Washington State have been granted specific exemptions to use the pesticide noted above until May 15, 1978, to the extent and in the manner set forth in the applications. The specific exemptions are also subject to the following conditions:

1. The DuPont product Benlate 50W, EPA Reg. No. 352-354, containing the active ingredient benomyl, is authorized at a dosage rate of 1.0 pound of product (0.5 lb. a.i.) per acre in either 5 to 10 gallons of water (if applied aerially) or in 20 to 30 gallons of water (if applied by ground equipment). Only one application per acre is authorized;

2. Treatment areas are as follows. Idaho: Benewah, Clearwater, Idaho, Kootenai, Latah, Lewis, and Nez Perce counties. Oregon: Baker, Gilliam, Morrow, Sherman, Umatilla, Union, Walla, and Wasco counties. Washington: All counties east of the crest of the Cascade Mountains;

3. In Idaho, applications may be made by State-licensed commercial applicators. In Oregon and Washington,

applications may be made by either growers or State-licensed commercial applicators;

4. The presence of *Cercospora* foot rot must be verified by qualified extension agents of Idaho University, Oregon University, or Washington State University in a given area before any treatment with benomyl is made;

5. Wheat grain with residues of benomyl not exceeding 0.2 ppm and wheat straw with residues of benomyl not exceeding 15ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

6. All applicable label use directions, precautions, and restrictions must be adhered to;

7. The EPA shall be immediately informed of any adverse effects resulting from the use of benomyl in connection with these exemptions;

8. All applicators involved in the preparation of spray suspension must wear protective gloves and masks;

9. All clothing worn during the preparation of spray suspension must be removed and cleaned after each day of use;

10. All employees must wash immediately upon dermal contact with benomyl or the spray suspension; and

11. Full reports on the results of these specific exemptions must be submitted to EPA by January 31, 1979.

(Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 et seq.))

Dated: June 1, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.
(FR Doc. 78-15740 Filed 6-6-78; 8:45 am)

[6560-01]

[FRL 907-5; OPP-180182]

MICHIGAN DEPARTMENT OF AGRICULTURE

Issuance of Specific Exemption To Use Terramycin To Control Bacterial Spot on Peaches and Apricots

The Environmental Protection Agency (EPA) has granted a specific exemption to the Michigan Department of Agriculture (hereafter referred to as the "applicant") to use a maximum of 75,000 pounds of terramycin formulation to control bacterial spot on peaches and apricots located in 10 counties in Michigan. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regu-

lation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

Applicant requested approval to use Myco Shield Agricultural Terramycin (containing calcium complex of oxytetracycline) on 5,100 acres of peach crop and 400 acres of apricot crop to control bacterial spot which is caused by the bacterial plant pathogen *Xanthomonas pruni*. *Xanthomonas pruni* infects leaves, fruit, and tender growing shoots. Severely infected leaves turn yellow and drop. On sensitive fruit varieties, a few lesions result in severe defoliation; on tolerant varieties, however, many more lesions are required for severe defoliation. Fruit size reduction and tree weakening result from heavy defoliation. Infected fruit develop cracks or checks, lesions, or a mottled appearance—features that render the fruit unacceptable to the fresh fruit market.

Infections of the current season's growth result in two types of cankers: Summer cankers are lesions apparent during the year of infection and are located between nodes; spring cankers are lesions that result from fall infections but are unapparent until the following spring and are found at the buds of nodes. Overwintering occurs in spring cankers. When canker development is resumed in the spring, however, bacteria ooze from the lesions and are carried on water droplets for further infection of young leaves, fruit, or shoots. It appears that moisture such as in fog or dew is important in the dissemination process; hard driving rains are more effective than gentle rains in initiating new infections. Secondary spread continues whenever these environmental conditions are present. The disease may become severe if moist weather conditions persist through June and July; disease spread and development are reduced in extended periods of hot, dry weather as was experienced during the 1977 growing season.

The applicant stated that in the past, a bordeaux mix and a dodine-captan tank mix have been used as treatment alternatives. The bordeaux mix is applied during dormancy and reduces the amount of primary inoculum; it provides a temporary initial suppression, but fails to control the disease and supportive summer treatment must be supplied. The dodine-captan mix also only provides a suppressive effect. Furthermore, the applicant feels that the phytotoxic effects of dodine-captan during hot weather are as injurious as defoliation from the disease. In addition, the dodine-captan mix is not EPA-registered for use on apricots and has not

been used on that crop. According to the applicant, many growers have abandoned efforts to suppress the disease with these techniques. Currently, the primary control used is to plant resistant fruit tree varieties; it will be several years, however, before all susceptible varieties are replaced. Resistant varieties of apricots are unavailable and production and development have been seriously curtailed because of the disease.

The disease has seriously affected 3,000 acres of susceptible peach varieties and an additional 2,800 acres of moderately susceptible varieties. In addition, there have been 400 acres of very susceptible apricots affected. The total production of peaches in 1976 was 20,000 tons on 14,300 acres, valued at \$5,640,000. The production of apricots is estimated to yield 800 tons on about 400 acres valued at about \$160,000. According to the applicant, if weather conditions are favorable for development of the disease, losses of up to 65 percent could be experienced at a cost of approximately \$1,411,000. If the terramycin treatment is approved, an economic loss of about \$400,000 may still be incurred. Consequently, the net economic gain from the terramycin use could be approximately \$1,011,000.

After reviewing the application and other available information, EPA has determined that: (a) A pest outbreak of bacterial spot has occurred or is about to occur; (b) there is no pesticide presently registered and available for use to control bacterial spot in Michigan; (c) there are not alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if bacterial spot is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the applicant has been granted specific exemption to use the pesticide noted above until August 15, 1978, to the extent and in the manner set forth in the application. The specific exemption will be conducted in accordance with the following program:

1. Myco Shield Agricultural Terramycin (calcium complex of oxytetracycline), manufactured by Pfizer Chemical Division, is authorized;

2. Application may be made by ground spray at a rate of 450 ppm active ingredient/300 gallons water/acre (¼ pound terramycin formulation/100 gallons water yields 150 ppm);

3. A maximum of 75,000 pounds terramycin formulation may be applied;

4. Applications shall begin at shuck split in early to mid-June and be continued every seven (7) days until three (3) weeks prior to harvest. There may be about six (6) applications on early

varieties and as many as eight (8) applications on late varieties;

5. Applications shall be made by growers with ground equipment on 5,100 acres of peach crop and 400 acres of apricot crop located in Berrien, Van Buren, Ottawa, Allegan, Kent, Oceana, Mason, Lapeer, Oakland, and Macomb Counties in Michigan;

6. The applicant shall notify the distributor of this material that records of the sale shall be kept and made available to that Department. These records shall include the name and address of the purchaser, and the quantity of material purchased;

7. County agricultural agents and Michigan State University personnel shall make all recommendations of terramycin application based on past history of disease incidence in a locality, weather conditions, and personal observation of disease symptoms. They will also inform growers about dosages, application techniques, and other program criteria;

8. There shall be a 21-day preharvest interval;

9. Workers shall not enter orchards after terramycin application until foliage has dried;

10. A residue level of oxytetracycline not exceeding 0.1 has been deemed adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

11. All label precautions shall be followed;

12. A final report summarizing the results of this program shall be submitted by December 31, 1978;

13. The EPA shall be informed immediately of any adverse effects to man or the environment resulting from this program; and

14. The applicant shall be responsible for insuring that all the provisions of this specific exemption are followed.

(Sec. 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.))

Dated: June 1, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

(FR Doc. 78-15741 Filed 6-6-78; 8:45 am)

[6560-01]

[FRL 908-2; OPP-180186]

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Issuance of Specific Exemption To Use Pydrin To Control Pear Psylla

The Environmental Protection Agency (EPA) has granted a specific

exemption to the New York Department of Environmental Conservation (hereafter referred to as the "applicant") to use a maximum of 2,569.2 pounds active ingredient Pydrin (Cyano (3-phenoxyphenyl)methyl-4-chloro-alpha(1-methylethyl)benzeneacetate) for control of pear psylla on 4,262 acres of pears in New York State. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

The applicant requested the use of both Pydrin and Pounce (3-Phenoxyphenyl) methyl-1-cis-trans-3-(2,2-dichloroethyl)-2,2-dimethyl cyclopropane carboxylate) as dormant to pre-bloom treatment to control pear psylla on 4,282 acres of pears. However, chemistry residue data reflecting application of Pounce to pears are currently not available; this data must be provided for an assessment of possible adverse effects of residues that are likely to occur in or on the treated crop. Therefore, the request for the use of Pounce to control pear psylla was denied.

According to the applicant, pear psylla is the primary pest of pears and outbreaks occur yearly. If uncontrolled, pear psylla populations build up and reduce tree productivity by their excessive feeding and cause psylla or honeydew scorch to the foliage. The honeydew drips onto the fruit and causes a fruit russet that makes the fruit unsightly and unfit for fresh fruit sales.

There are no registered alternative pesticides or other control measures available to mitigate damage to this year's crop. The applicant stated that failure to control the pear psylla could result in significant economic loss; the value of pears produced in New York State in 1975 was estimated at \$2,500,000. The applicant proposed to use Pydrin, applying it to the crop from the dormant through the white bud stage of development. Applications would be made by growers using their own equipment or by commercial applicators.

After reviewing the application and other available information, EPA has determined that: (a) A pest outbreak of pear psylla is likely to occur; (b) there is no pesticide presently registered and available for use to control the pear psylla in New York State; (c) there are no alternative means of con-

trol, taking into account the efficacy and hazard; (d) significant economic problems may result if the pear psylla are not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the applicant has been granted a specific exemption to use the pesticide noted above until May 30, 1978, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Pydrin E.C. may be applied at a rate of up to 0.3 pound active ingredient per acre per application during the dormant or prebloom stage;

2. A maximum of two applications may be made;

3. Applications will be made using ground equipment with spray mixture volumes of 25 to 400 gallons per acre;

4. A maximum of 2,569.2 pounds active ingredient may be applied to 4,282 acres of pears;

5. All applications are limited to the commercial pear-growing regions in New York State;

6. Applications will be made by qualified growers using their own equipment or by commercial applicators;

7. Application instructions will be furnished by the New York State or county extension agents;

8. The orchard floor will not be grazed. Treated fruit will not be fed to livestock;

9. Pydrin is toxic to fish and aquatic invertebrates. Applicant is to use product with care when applying in areas adjacent to any body of water. Product is to be kept out of lakes, streams, and ponds. Applicant is to avoid contamination of water by cleaning of equipment or disposal of wastes;

10. Product is not to be applied when weather conditions favor drift from target area;

11. Pydrin is highly toxic to bees exposed to direct treatment or residues on crops or weeds. Pydrin is not to be applied, or allowed to drift, to weeds in bloom on which an economically significant number of bees are actively foraging. Protective information may be obtained from the Cooperative Agricultural Extension Service;

12. Pears with residue levels of Pydrin not exceeding 0.01 ppm may enter interstate commerce. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

13. All applicable directions, restrictions, and precautions on the product label must be followed;

14. The applicant is responsible for assuring that all of the provisions of this specific exemption are met and must submit a report summarizing the results of this program by November 30, 1978; and

15. The EPA shall be immediately informed of any adverse effects resulting from the use of Pydrin in connection with this exemption.

(Sec. 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 et seq.).)

Dated: June 1, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 78-15744 Filed 6-6-78; 8:45 am]

[6560-01]

[FRL 906-8]

MMT WAIVER REQUEST

Public Hearing

AGENCY: Environmental Protection Agency.

ACTION: Notice of Hearing.

SUMMARY: Section 211(f) of the Clean Air Act establishes prohibitions and limitations on the use of the fuel additive methyl cyclopentadienyl manganese tricarbonyl (MMT). Section 211(f)(4) provides for the granting of waivers to any section 211(f) prohibition or limitation upon a showing by an applicant for a waiver that the statutory burden of proof has been met. Guidelines for the submission of MMT waiver requests have been previously published in the FEDERAL REGISTER, 43 FR 11258, March 17, 1978. EPA has received requests for waiver for the fuel additive MMT from the Ethyl Corp. and others. The purpose of this notice is to announce a public hearing to give interested persons an opportunity to participate in the proceeding by the presentation of data, views, arguments, or other pertinent information concerning the Administrator's determination whether to grant or deny a waiver. While EPA regards some of the applications as containing insufficient data to commence the 180 day statutory time period for decision, the Ethyl application is sufficient to do so, all interested persons including the other applicants may participate in the hearing, and the waiver decision will be applicable to all manufacturers of MMT or fuel containing MMT. Participation by automobile manufacturers and other parties who have studied the potential emission effects of MMT is specifically encouraged. Notice of intent to make comments or submit material should be made by June 19, 1978. Five copies of the proposed testimony and supporting materials should be submitted by this date. Send notice of intent to make comments or submit material to: Director, Mobile Source Enforcement Division (EN-340), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

George Y. Sugiyama, Attorney-Advisor, Mobile Source Enforcement Division (EN-340), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-755-2848.

SUPPLEMENTARY INFORMATION: Section 211(f)(4) of the Clean Air Act provides for a waiver of any prohibition of the use of any fuel additive which is controlled by section 211(f). The Administrator may grant a waiver if he determines that the applicant has established that the fuel additive or a specified concentration thereof and the emission products of the fuel additive or a specified concentration thereof will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards with respect to which it had been certified pursuant to section 206 of the Clean Air Act.

Notice is hereby given that: (i) A request for a waiver for the fuel additive MMT was received from the Ethyl Corporation (Ethyl) and others and a decision on the Ethyl application must be made on or before September 12, 1978, or the waiver will be granted by operation of section 211(f).

(ii) A public hearing on the Ethyl request for a waiver will be convened at the General Services Administration auditorium, 18th and F Streets NW., Washington, D.C., on June 27, 1978, at 9 a.m. The hearing will continue through June 30, 1978, should additional time be necessary.

The Presiding Officer will have the responsibility for maintaining order, excluding irrelevant or repetitious material, scheduling presentations, and to the extent possible notifying participants of the time at which they may appear. Any person desiring to make a statement at the hearing or to submit material for the hearing record should file notice of such intent along with five copies of his or her proposed testimony (and other relevant material) by June 19, 1978, with the Director, Mobile Source Enforcement Division (EN-340), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. In addition, if feasible, additional copies of such statement or material should be made available to the public at the time of the hearing.

VEHICLE MANUFACTURER PARTICIPATION

Vehicle manufacturers are specifically invited to participate in this hearing. Due to the impact that MMT may have on a vehicle manufacturer's ability to meet emission standards it is anticipated that such participation will

be conducive to a fully informed decision by the Administrator. It is recommended that vehicle manufacturers be prepared to discuss in detail the technical merits and deficiencies of the data presented to EPA in support of a waiver request.

STANDARD FOR REVIEW

In making a determination as to whether a waiver should be granted or denied the Administrator is required to apply the statutory standard. EPA will review any application in order to determine whether the applicant has established that MMT or a specified concentration thereof, and the emission products of MMT or a specified concentration thereof, will not cause or contribute to a failure of any emission control device or system (over the useful life of any vehicle in which such device or system is used) to achieve compliance by the vehicle with the emission standards with respect to which it has been certified pursuant to section 206 of the Act. The applicant must conclusively establish such lack of effect. Any data analysis supporting an application must clearly present the analytical and/or statistical techniques utilized in the analysis.

PROCEDURES

Since the public hearing is designed to give interested parties an opportunity to participate in the proceeding by the presentation of data, views, arguments, or other pertinent information concerning the Administrator's determination to grant or deny the MMT waiver request, there are no adversary parties as such. Statements by the participants will not be subject to cross-examination.

Presentations by the participants should address the following considerations:

(1) Whether the data submitted in support of a request for a waiver meets the statutory standard as established in section 211(f)(4);

(2) the fleet sizing and choice of vehicles by the applicant in meeting the statutory standard; and

(3) any additional comments on the submitted data and analysis where relevant to a determination of whether a waiver for MMT should be granted.

In order to assure a full opportunity for the presentation of data, views, and arguments by the participants, the Presiding Officer will upon request of the participants, allow 30 days after the close of the hearing for the submission of written data, views, arguments, or other pertinent information to be included in the hearing record. All relevant information presented at the hearing and within 30 days thereafter will be considered by the Administrator in reaching a decision regarding the waiver request.

However the Administrator is not required to make his determination on this matter solely on the record of this hearing.

A verbatim record of the proceedings will be made, and a copy of the transcript will be made available at the expense of the person so requesting. A copy of the request for a waiver for MMT is available for public inspection during normal working hours (8 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

Dated: June 1, 1978.

MARVIN B. DURNING,
Assistant Administrator for
Enforcement.

[FR Doc. 78-15739 Filed 6-6-78; 8:45 am]

[6560-01]

[FRL 907-4; OPP-30000/26C]

PESTICIDE PROGRAMS

Rebuttable Presumption Against Registration and Continued Registration of Certain Pesticide Products Containing 2,4,5-T; Correction

In FR Doc. 78-10340 appearing at page 17116 in the issue of April 21, 1978, these corrections should be made.

1. Page 17120, top of column 3, lines 21 and 22: "(parts per thousand (ppt) quantities)" should read "[parts per trillion (ppt) quantities]". (Readers should note that "ppt" throughout the rest of the document consistently means "parts per trillion.")

2. Page 17122, top of column 3, lines 8 and 9: "Sugarland (Tex., Mo., and Okla.," should read "Sugarland (Texas), Missouri, and Oklahoma."

3. Page 17126, Column 1, 2nd Paragraph, line 1: "(10±4 g/day)" should read "(10±4 g/day)."

4. Page 17127, top of column 2, line 5: "0.001 u/kg" should read "0.001 ug/kg."

5. Page 17127, Column 2, 1st paragraph, line 18: "3.95V10" should read "3.95×10."

6. Page 17127, Column 2, 1st paragraph, line 19: "o," should read "0."

7. Page 17133, Column 1, 2nd paragraph, last line: "(236)." should read "(126)."

8. Page 17135, top of column 3, line 5: "00.05" should read "00.05".

9. Page 17136, Column 1, 2nd paragraph, line 1: "postnasal" should read "postnatal".

10. Page 17137, Column 3, 4th paragraph, line 4: "effects." should read "affects."

11. Page 17141, Column 3, 2nd paragraph, line 5: "27, 29, and 31)" should read "27, 29, 31, and 33)."

12. Page 17141, Column 3, 3rd paragraph, next-to-last line: "2,4,5-T pur-

suant" should read "2,4,5-T and/or TCDD pursuant".

In addition, the April 21, 1978 FEDERAL REGISTER notice stated that any omissions in the computerized listings presented (beginning on page 17148) would be corrected via further publication. Omissions have been discovered; additions to the list are presented below.

Registrant, name and address	Product number and name
829, Southern Agricultural Insecticides, Inc., P.O. Box 218, Palmetto, Fla. 33561.	212, SA-50 Brand Brush Killer.
1421, Dettelbach Chemicals Corp., 4181 Peachtree Rd. NE, Atlanta, Ga. 30319.	107, Brush Killer-EH-10.
7173, Chempar Chemical Co., 380 Madison Ave., New York, N.Y. 10016.	50, 2,4,5-T Amine 4EC.
7969, BASF Wyandotte Corp., P.O. Box 181, Parsippany, N.J. 07054.	16, U-46 DT-LV Brush Killer.
931, Hanco Manufacturing Co., Inc., P.O. Box 4476, 1301 Helston Pl., Memphis, Tenn. 38104.	6, Hanco WS-22 Brush Killer.
10371, Cape Chemical Co., 33 North Frederick, Cape Girardeau, Mo. 63701.	7492, 3 Way Weed Killer.

Dated: June 1, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 78-15736 Filed 6-6-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 912]

COMMON CARRIER SERVICES INFORMATION

MAY 30, 1978.

Applications Accepted for Filing

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (See § 309 (c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's

Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cutoff date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cutoff rule. [See § 1.227(b) (3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION

WILLIAM J. TRICARICO,
Secretary.

Applications Accepted for Filing:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21575-CD-P-78 Bennett Communications System, Inc. (KOP326), C.P. for additional facilities to operate on 454.075 MHz at Loc. No. 2: G-3064 Miller Road, Flint, Mich.

21476-CD-P-78 New England Telephone and Telegraph Co. (KCC262), C.P. to replace test transmitter operating on 157.83 MHz at 41 Limerock Street, Rockland, Maine.

21477-CD-P-78 Same as above (KCC268), C.P. for additional test facilities to operate on 157.98 MHz: 24 Federal Street, Pittsfield, Mass.

21478-CD-P-78 Same as above (KCC470), C.P. to replace transmitter operating on 157.83 MHz (test): 30 Second Street, Presque Isle, Maine.

21479-CD-P-78 Same as above (KCC269), C.P. to replace test transmitter operating on 157.89 MHz: 35 Court Street, Houlton, Maine.

21480-CD-P-78 Same as above (KCC261), C.P. to replace test transmitter operating on 157.89 MHz: 59 Park Street, Bangor, Maine.

21481-CD-P-78 Same as above (KCB899), C.P. to replace transmitter operating on 158.07 MHz (test): 139 State Street, Augusta, Maine.

21482-CD-P-78 Same as above (KCB898), C.P. to replace test transmitter operating on 157.83 MHz: 66 Ash Street, Lewiston, Maine.

21483-CD-P-78 Same as above (KCB897), C.P. to replace transmitter operating on 157.89 MHz (test): 45 Forest Ave., Portland, Maine.

21484-CD-P-78 Same as above (KCC267), C.P. for additional test facilities to operate on 157.89 MHz to be located 25 Concord Street, Manchester, N.H..

21485-CD-P-78 Same as above (KCC473), C.P. for additional facilities to operate on

157.83 MHz (test) to be located 266 Maine street, Burlington, Vt.
21486-CD-P-78 Same as above (KCC472), C.P. for additional test facilities to operate on 157.95 MHz to be located at 57 St. Thomas Street, Dover, N.H.
21487-CD-TC-(2)-78 General Telephone Co. of Upstate New York, Inc., Consent to Transfer of Control from General Telephone & Electronics Corp., transferor to Continental Telephone International Finance Corp., transferee. Stations: KEA635, Fonda & Gloversville; KEK288, Mount Hope, N.Y.

21502-CD-P-78 Tel-Page Corporation (New) C.P. for a new 1-way station to operate on 459.675 MHz: 1 Lincoln First Square, Rochester, N.Y.
21503-CD-P-78 Tel-Page Corporation of Wisconsin (New) C.P. for a new 1-way station to operate on 459.675 MHz: First Wisconsin Center, Milwaukee, Wis.
21504-CD-P-78 Radio Paging, Inc. (New) C.P. for a new 1-way station to operate on 459.675 MHz: 1 Shell Plaza, Houston, Tex.
21505-CD-P-78 Massachusetts-Connecticut Mobile, Henry M. Zachs d.b.a. (KQZ747), C.P. for additional facilities to operate on

Calhoun City Telephone Co. Inc., KUS373, Mississippi.
Cascade Utilities, Inc. KOP324, Oregon.
Cincinnati Bell, Inc., K1Y773, Kentucky.
Cincinnati Bell, Inc., KUC927, Ohio.
Cincinnati Bell, Inc., KQA482, Ohio.
Comanche County Telephone Co., Inc., KWU303, Texas.
Concord Telephone Exchange, Inc., KWU286, Tennessee.
The Farmers Telephone Company, KDS392, Wisconsin.
Five Area Telephone Cooperative, Inc., KLB765, Texas.

Lincoln Telephone and Telegraph Co., KFL878, Nebraska.
Lincoln Telephone and Telegraph Co., KFL884, Nebraska.
Lincoln Telephone and Telegraph Co., KFL888, Nebraska.
Lincoln Telephone and Telegraph Co., KFL889, Nebraska.
Lincoln Telephone and Telegraph Co., KLF603, Nebraska.
Lincoln Telephone and Telegraph Co., KQZ736, Nebraska.
Lincoln Telephone and Telegraph Co., KQZ736, Nebraska.

New York Telephone Co., KEC931, New York.
New York Telephone Co., KEC934, New York.
New York Telephone Co., KEC950, New York.
New York Telephone Co., KED354, New York.
New York Telephone Co., KED355, New York.
New York Telephone Co., KED356, New York.
New York Telephone Co., KED358, New York.

Pacific Northwest Bell Telephone Co., KOF900, Oregon.
Pacific Northwest Bell Telephone Co., KOF915, Oregon.
Pacific Northwest Bell Telephone Co., KOF917, Oregon.
Pacific Northwest Bell Telephone Co., KOK417, Oregon.
Pacific Northwest Bell Telephone Co., KOK420, Oregon.
Pacific Northwest Bell Telephone Co., KOK421, Washington.
Pacific Northwest Bell Telephone Co., KOK421, Washington.

- 157.83 MHz (test) to be located 266 Maine street, Burlington, Vt.
- 21486-CD-P-78 Same as above (KCC472), C.P. for additional test facilities to operate on 157.95 MHz to be located at 57 St. Thomas Street, Dover, N.H.
- 21487-CD-TC-(2)-78 General Telephone Co. of Upstate New York, Inc., Consent to Transfer of Control from General Telephone & Electronics Corp., transferor to Continental Telephone International Finance Corp., transferee. Stations: KEA635, Ponda & Gloversville; KEK288, Mount Hope, N.Y.
- 21488-CD-P-78 Wisconsin Telephone Co. (KLF646), C.P. to change antenna system operating on 152.84 MHz: 205 South Jefferson Street, Green Bay, Wis.
- 21489-CD-P-(2)-78 Miami Valley Radiotelephone (KLF577), C.P. for additional facilities to operate on 35.22 MHz at two new site described as Loc. No. 13: 630 Eaton Avenue, Hamilton; Loc. No. 14: Mack Rd. at Mercy Hospital, Fairfield, Ohio.
- 21490-CD-P-78 New England Telephone and Telegraph Co. (KCC787), C.P. for additional test facilities to operate on 157.95 MHz to be located 50 Ocean Street, Hyannis, Mass.
- 21491-CD-P-78 Same as above (KCC800), C.P. for additional test facilities to operate on 157.98 MHz to be located 65 Crescent St., Brockton, Mass.
- 21492-CD-P-78 Same as above (KCC801), C.P. for additional test facilities to operate on 157.83 MHz to be located at 390 Acushnet Avenue, New Bedford, Mass.
- 21493-CD-P-78 Same as above (KCA207), C.P. for additional test facilities to operate on 157.83 MHz to be located 2 Hampshire Street, Lawrence, Mass.
- 21494-CD-P-78 Same as above (KCA669), C.P. for additional facilities to operate on 157.95 MHz (test) to be located 15 Chestnut Street, Worcester, Mass.
- 21495-CD-P-78 Same as above (KCA670), C.P. for additional test facilities to operate on 157.83 MHz to be located 351 Bridge Street, Springfield, Mass.
- 21496-CD-P-78 Same as above (KCA671), C.P. for additional test facilities to operate on 157.77, 157.80, 157.86, 157.92, 158.04 MHz to be located 6 Bowdoin Square, Boston, Mass.
- 21497-CD-P-(3)-78 Savannah Radio Mobile Telephone, Inc., (KIY588), C.P. for additional facilities to operate on 454.050, 454.100, 454.200 MHz to be located at 4701 Montgomery Street, Savannah, Ga.
- 21498-CD-P-78 Waco Communications, Inc. (KLB498), C.P. to change antenna system operating on 152.08 MHz at Loc. No. 3: 817 South First Street, Temple, Tex.
- 21499-CD-P-78 Southwestern Communications Service (New) C.P. for a new 2-way station to operate on 152.21 MHz: Approx. 2 1/4 miles NE of Eagle Pass, Tex.
- 21500-CD-P-78 RadioCall, Inc., (KUA215), C.P. for additional facilities to operate on 152.12 MHz at a new site described as Loc. No. 6: 1519 Nuuanu Avenue, Honolulu, Hawaii.
- 21501-CD-P-(8)-78 Digital Paging System of New York, Inc. (New) C.P. for a new 2-way station to operate on 454.300 & 454.025 MHz at four location, Loc. No. 1: 740 Werner Rd. (Approx), Attica; Loc. No. 2: 5300 Lewiston Road, Mt. St. Mary's Hospital, Lewiston; Loc. No. 3: Hinman Road, Lockport; Loc. No. 4: 1 M & T Plaza Building, Buffalo, N.Y.
- 21502-CD-P-78 Tel-Page Corporation (New) C.P. for a new 1-way station to operate on 459.675 MHz: 1 Lincoln First Square, Rochester, N.Y.
- 21503-CD-P-78 Tel-Page Corporation of Wisconsin (New) C.P. for a new 1-way station to operate on 459.675 MHz: First Wisconsin Center, Milwaukee, Wis.
- 21504-CD-P-78 Radio Paging, Inc. (New) C.P. for a new 1-way station to operate on 459.675 MHz: 1 Shell Plaza, Houston, Tex.
- 21505-CD-P-78 Massachusetts-Connecticut Mobile, Henry M. Zachs d.b.a. (KQZ747), C.P. for additional facilities to operate on 75.78 MHz at Loc. No. 9 to be located WATR FM Tower Site, Meriden, Conn.
- 21506-CD-P-78 Digital Paging Systems of Pittsburgh, Inc. (KWB370), C.P. to change antenna system operating on 152.24 MHz at Loc. No. 2: Duquesne Reservoir, West Mifflin Boro, Pa.
- 21507-CD-P-78 L & L Service, Inc. d.b.a. Metro Communications Services (KUC906), C.P. for additional facilities to operate on 454.025 MHz at a new site described as Loc. No. 2: 703 Bank Street NW., Decatur, Ala.
- 21508-CD-P-78 Radio Communications, Inc. (KUC653), C.P. to relocate facilities operating on 158.70 MHz to be located 0.5 mile East of junction Rt. 2 and South River Club Road, approx. 3.8 miles NE of Harwood, Md.
- 21509-CD-P-(15)-78 Southwestern Bell Telephone Company (KKA282), C.P. to change antenna system and relocate facilities operating on: 152.51, 152.54, 152.63, 152.72, 152.75, 152.78, 152.81, 454.375, 454.400, 454.425, 454.475, 454.500, 454.600, 454.650 MHz, and additional facilities to operate on 152.66 MHz to be located at 121 N.W. Third Street, Oklahoma City, Okla.
- 21510-CD-P-78 Tel-Page Corp. (New) C.P. for a new 1-way Developmental station to operate on 459.675 MHz: 14 Lafayette Square, Buffalo, N.Y.
- 21511-CD-P-(2)-78 Airstar International of Philadelphia Pennsylvania, Inc. (KGC223), C.P. for additional facilities to operate on 43.22 MHz at two new sites; Loc. No. 10: S.E. Corner of Rt. 611 and Stump Road, Plumsteadville; Loc. No. 11: Rt. 340, 1.6 miles East of Compass, Pa.

CORRECTIONS

- 21194-CD-P-78 Carolina Telephone & Telegraph Co. (KDS725), File number should read 21194-CD-MP-78. All other particulars to remain as reported on PN No. 911 dated May 22, 1978.
- 21370-CD-P-(3)-78 The Ohio Bell Telephone Co. (New) Correct frequency to read 152.84 MHz. All other particulars to remain as reported on PN No. 910 dated May 15, 1978.
- 21435-CD-AP/AL-(2)-78 Albert M. Steiner d.b.a. Long Island Telephone Co. File number should read 21436-CD-AP/AL-(2)-78. All other particulars to remain as reported on PN No. 911 dated May 22, 1978.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

Renewal of License expiring July 1, 1978.
TERM: July 1, 1978 to July 1, 1983

- Bell Telephone Co. of Nevada, KFL892, Nevada.
- Bell Telephone Co. of Nevada, KFL897, Nevada.
- Bell Telephone Co. of Nevada, KOA610, Nevada.

- Calhoun City Telephone Co. Inc., KUS373, Mississippi.
- Cascade Utilities, Inc. KOP324, Oregon.
- Cincinnati Bell, Inc., KIY773, Kentucky.
- Cincinnati Bell, Inc., KUC927, Ohio.
- Cincinnati Bell, Inc., KQA482, Ohio.
- Comanche County Telephone Co., Inc., KWU303, Texas.
- Concord Telephone Exchange, Inc., KWU288, Tennessee.
- The Farmers Telephone Company, KDS392, Wisconsin.
- Five Area Telephone Cooperative, Inc., KLB765, Texas.
- Five Area Telephone Cooperative, Inc., KLB778, Texas.
- Gulf States-United Telephone Co., KFL863, Texas.
- Gulf States-United Telephone Co., KFL894, Texas.
- Gulf States-United Telephone Co., KQZ700, Texas.
- Gulf States-United Telephone Co., KFQ939, Texas.
- Gulf States-United Telephone Co., KFL901, Texas.
- Illinois Bell Telephone Co., KSA748, Illinois.
- Illinois Bell Telephone Co., KSA749, Illinois.
- Illinois Bell Telephone Co., KSA750, Illinois.
- Illinois Bell Telephone Co., KSA751, Illinois.
- Illinois Bell Telephone Co., KSA752, Illinois.
- Illinois Bell Telephone Co., KSA755, Illinois.
- Illinois Bell Telephone Co., KSA802, Illinois.
- Illinois Bell Telephone Co., KSA803, Illinois.
- Illinois Bell Telephone Co., KSA808, Illinois.
- Illinois Bell Telephone Co., KSA810, Illinois.
- Illinois Bell Telephone Co., KSB660, Illinois.
- Illinois Bell Telephone Co., KSC371, Illinois.
- Illinois Bell Telephone Co., KSC878, Illinois.
- Illinois Bell Telephone Co., KSD328, Illinois.
- Illinois Bell Telephone Co., KSD675, Illinois.
- Illinois Bell Telephone Co., KSD676, Illinois.
- Illinois Bell Telephone Co., KSD677, Illinois.
- Illinois Bell Telephone Co., KSJ772, Illinois.
- Illinois Bell Telephone Co., KSJ773, Illinois.
- Illinois Bell Telephone Co., KSJ774, Illinois.
- Illinois Bell Telephone Co., KSJ812, Illinois.
- Illinois Bell Telephone Co., KSJ813, Illinois.
- Illinois Bell Telephone Co., KTS203, Illinois.
- Indiana Telephone Corp., KSJ797, Indiana.
- Indiana Telephone Corp., KSJ775, Indiana.
- Indiana Telephone Corp., KSJ798, Indiana.
- Indiana Telephone Corp., KSJ799, Indiana.
- Indiana Telephone Corp., KUS303, Indiana.
- Lincoln Telephone and Telegraph Co., KAA689, Nebraska.
- Lincoln Telephone and Telegraph Co., KAI933, Nebraska.
- Lincoln Telephone and Telegraph Co., KAK647, Nebraska.
- Lincoln Telephone and Telegraph Co., KBM531, Nebraska.
- Lincoln Telephone and Telegraph Co., KBM532, Nebraska.
- Lincoln Telephone and Telegraph Co., KFL867, Nebraska.

- Lincoln Telephone and Telegraph Co., KFL878, Nebraska.
- Lincoln Telephone and Telegraph Co., KFL884, Nebraska.
- Lincoln Telephone and Telegraph Co., KFL888, Nebraska.
- Lincoln Telephone and Telegraph Co., KFL889, Nebraska.
- Lincoln Telephone and Telegraph Co., KLF603, Nebraska.
- Lincoln Telephone and Telegraph Co., KQZ736, Nebraska.
- Lincoln Telephone and Telegraph Co., KUS403, Nebraska.
- Lincoln Telephone and Telegraph Co., KWT887, Nebraska.
- Lincoln Telephone and Telegraph Co., KWU312, Nebraska.
- Mid-Rivers Telephone Cooperative, Inc., KOK415, Montana.
- Mid-Rivers Telephone Cooperative, Inc., KOH282, Montana.
- Mid-State Telephone Co., KWU343, North Dakota.
- New England Telephone and Telegraph Co., KCA207, Massachusetts.
- New England Telephone and Telegraph Co., KCA669, Massachusetts.
- New England Telephone and Telegraph Co., KCA670, Massachusetts.
- New England Telephone and Telegraph Co., KCA671, Massachusetts.
- New England Telephone and Telegraph Co., KCB897, Maine.
- New England Telephone and Telegraph Co., KCB898, Maine.
- New England Telephone and Telegraph Co., KCB899, Maine.
- New England Telephone and Telegraph Co., KCC281, Maine.
- New England Telephone and Telegraph Co., KCC262, Maine.
- New England Telephone and Telegraph Co., KCC267, New Hampshire.
- New England Telephone and Telegraph Co., KCC269, Maine.
- New England Telephone and Telegraph Co., KCC470, Maine.
- New England Telephone and Telegraph Co., KCC472, New Hampshire.
- New England Telephone and Telegraph Co., KCC487, Massachusetts.
- New England Telephone and Telegraph Co., KCC787, Massachusetts.
- New England Telephone and Telegraph Co., KCC800, Massachusetts.
- New England Telephone and Telegraph Co., KCC801, Massachusetts.
- New England Telephone and Telegraph Co., KCA228, Rhode Island.
- New England Telephone and Telegraph Co., KCC268, Massachusetts.
- New England Telephone and Telegraph Co., KCC473, Vermont.
- Navajo Communications Company, Inc., KUO583, Arizona.
- New York Telephone Co., KEA763, New York.
- New York Telephone Co., KEA770, New York.
- New York Telephone Co., KEC938, New York.
- New York Telephone Co., KAD510, New York.
- New York Telephone Co., KEA769, New York.
- New York Telephone Co., KEA771, New York.
- New York Telephone Co., KEA772, New York.
- New York Telephone Co., KEA773, New York.
- New York Telephone Co., KEA774, New York.
- New York Telephone Co., KEC931, New York.
- New York Telephone Co., KEC934, New York.
- New York Telephone Co., KEC950, New York.
- New York Telephone Co., KED354, New York.
- New York Telephone Co., KED355, New York.
- New York Telephone Co., KED356, New York.
- New York Telephone Co., KED358, New York.
- New York Telephone Co., KED359, New York.
- New York Telephone Co., KED361, New York.
- New York Telephone Co., KRH629, New York.
- New York Telephone Co., KTS237, New York.
- New York Telephone Co., KUO586, New York.
- Nemont Telephone Cooperative, Inc., KLF474, Montana.
- Nemont Telephone Cooperative, Inc., KLF544, Montana.
- Nemont Telephone Cooperative, Inc., KDS760, Montana.
- Nemont Telephone Cooperative, Inc., KDS759, Montana.
- Pacific Northwest Bell Telephone Co., KOF326, Washington.
- Pacific Northwest Bell Telephone Co., KOF331, Oregon.
- Pacific Northwest Bell Telephone Co., KOF340, Idaho.
- Pacific Northwest Bell Telephone Co., KOF904, Oregon.
- Pacific Northwest Bell Telephone Co., KON923, Oregon.
- Pacific Northwest Bell Telephone Co., KUA288, Oregon.
- Pacific Northwest Bell Telephone Co., KOF324, Washington.
- Pacific Northwest Bell Telephone Co., KLF506, Washington.
- Pacific Northwest Bell Telephone Co., KLF510, Washington.
- Pacific Northwest Bell Telephone Co., KOA226, Washington.
- Pacific Northwest Bell Telephone Co., KOA246, Oregon.
- Pacific Northwest Bell Telephone Co., KOA612, Oregon.
- Pacific Northwest Bell Telephone Co., KOA731, Oregon.
- Pacific Northwest Bell Telephone Co., KOA732, Washington.
- Pacific Northwest Bell Telephone Co., KOA738, Oregon.
- Pacific Northwest Bell Telephone Co., KOE256, Oregon.
- Pacific Northwest Bell Telephone Co., KOE519, Washington.
- Pacific Northwest Bell Telephone Co., KOE520, Washington.
- Pacific Northwest Bell Telephone Co., KOF325, Washington.
- Pacific Northwest Bell Telephone Co., KOF330, Oregon.
- Pacific Northwest Bell Telephone Co., KOF332, Washington.
- Pacific Northwest Bell Telephone Co., KOF333, Washington.
- Pacific Northwest Bell Telephone Co., KOF334, Washington.
- Pacific Northwest Bell Telephone Co., KOF335, Washington.
- Pacific Northwest Bell Telephone Co., KOF336, Washington.
- Pacific Northwest Bell Telephone Co., KOF342, Oregon.
- Pacific Northwest Bell Telephone Co., KOF900, Oregon.
- Pacific Northwest Bell Telephone Co., KOF915, Oregon.
- Pacific Northwest Bell Telephone Co., KOF917, Oregon.
- Pacific Northwest Bell Telephone Co., KOK417, Oregon.
- Pacific Northwest Bell Telephone Co., KOK420, Oregon.
- Pacific Northwest Bell Telephone Co., KOK421, Washington.
- Pacific Northwest Bell Telephone Co., KON911, Washington.
- Pacific Northwest Bell Telephone Co., KON922, Oregon.
- Pacific Northwest Bell Telephone Co., KOP300, Oregon.
- Pacific Northwest Bell Telephone Co., KRS648, Oregon.
- Pacific Northwest Bell Telephone Co., KRS680, Washington.
- Pacific Northwest Bell Telephone Co., KSV968, Oregon.
- Pacific Northwest Bell Telephone Co., KSV970, Washington.
- Pacific Northwest Bell Telephone Co., KSV971, Washington.
- Pacific Northwest Bell Telephone Co., KTS258, Washington.
- Pacific Northwest Bell Telephone Co., KUC957, Washington.
- Pacific Northwest Bell Telephone Co., KWU314, Oregon.
- Peoples Telephone Co., Inc., KUS361, Alabama.
- Public Telephone Corp., KSJ803, Indiana.
- Public Telephone Corp., KSJ804, Indiana.
- Santa Rosa Telephone Coop., Inc., KLB327, Texas.
- Somerset Telephone Co., KCC488, Maine.
- Somerset Telephone Co., KCC804, Maine.
- Somerset Telephone Co., KCI293, Maine.
- Somerset Telephone Co., KCC805, Maine.
- Southeast Nebraska Telephone Co., KSV944, Nebraska.
- Stanton Cooperative Telephone Co., KWU299, Oregon.
- 3-Rivers Telephone Cooperative Inc., KUA275, Montana.
- Triangle Telephone Cooperative Association, Inc., KSV908, Montana.
- Triangle Telephone Cooperative Association, Inc., KLF521, Montana.
- Triangle Telephone Cooperative Association, Inc., KLF522, Montana.
- Triangle Telephone Cooperative Association, Inc., KON910, Montana.
- Union Telephone Co., KON918, Wyoming.
- West Carolina Rural Telephone Coop., Inc., KWU333, South Carolina.
- West River Mutual Aid Telephone Corp., KDN406, North Dakota.
- West Texas Rural Telephone Cooperative Inc., KUA223, Texas.
- West Texas Rural Telephone Cooperative Inc., KSV906, Texas.
- West Wisconsin Telephone Coop., Inc., KUS236, Wisconsin.

RURAL RADIO

- 60245-CR-P-78 Big Bend Telephone Co. (New) C.P. for a new Central Office to operate on 152.51 152.54 152.57 & 152.72 MHz 7.5 miles SW of Sheffield, TX.
- 60246-CR-P-78 Same as above, (New) C.P. for a new Fixed Rural Subscriber to operate on 157.77 157.80 157.83 157.98 MHz: Seven U Ranch, 12 miles SW of Sheffield, TX.
- 60247-CR-P-78 Same as above, (New) C.P. for a new Rural Subscriber-fixed station to operate on 157.77 157.80 157.83 &

157.98 MHz: Allison Ranch, 9.5 miles S. of Sheffield, TX.
 60249-CR-P-78 Same as above, (New) C.P. for a new Rural Subscriber-Fixed station to operate on 157.77 157.80 157.83 & 157.98 MHz: Bob Johnson Residence, 14 mile West of Sheffield, TX.
 60251-CR-P-78 Same as above, (New) C.P. for a new Rural Subscriber-Fixed station to operate on 157.77 157.80 157.83 & 157.98 MHz: Jack Mills Residence, 7 miles SW of Sheffield, TX.
 60252-CR-P-78 Same as above, (New) C.P. for a new Rural Subscriber-Fixed station to operate on 157.77 157.80 157.83 & 157.98 MHz: Allen Keller Const. Site, 6 miles ESE of Sheffield, TX.
 60253-CR-P-78 Same as above, (New) C.P. for a new Rural Subscriber-Fixed station to operate on 157.77 157.80 157.83 & 157.98 MHz: Jerry Daveport Residence, 7 miles SW of Sheffield, TX.
 60254-CR-P-78 Same as above, (New) C.P. for a new Rural Subscriber-Fixed station to operate on 157.77 157.80 157.83 & 157.98 MHz: Ft. Lancaster State Park, 8 miles ESE of Sheffield, TX.
 60255-CR-P-78 Same as above, (New) C.P. for a new Rural Subscriber-Fixed station to operate on 157.77 157.80 157.83 & 157.98 MHz: David Slaughter Residence, 8 miles west of Sheffield, TX.
 60256-CR-P-78 Same as above, (New) C.P. for a new Rural Subscriber-Fixed station to operate on 157.77 157.80 157.83 & 157.98 MHz: Millsbaugh River Ranch, 4 miles ESE of Sheffield, TX.
 60257-CR-P/L-78 Same as above, (New) C.P. for a new Rural Subscriber-Temp Fixed station to operate on 157.77 157.80 157.83 & 157.98 MHz: Within franchised service area of the Sheffield exchange, Nr. Sheffield, TX.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

Informatives: It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations, by reasons of potential electrical interference.

California

Central Radio Telephone, Inc. (KMM599), 20774-CD-P-(2)-78.
 Mobile Radio System of San Jose, Inc. (KMA741), 21187-CD-P-78.

Radio Telephone Communications, Inc. (KUO563), 20835-CD-P-78.

The above referenced application for construction permit, as listed on PN No. 898 dated February 21, 1978, has been determined to be a "Major Action" as defined by section 1.1305 of the Commission's Rules.

The proposed construction has been determined to be a Major Action as defined by Section 1.1305 of the Commission's Rules.
 210010-CD-P-(3)-78 Radio Telephone Communications, Inc. (KIR200) C.P. to replace transmitter operating on 152.09 MHz,

change antenna system and relocate facilities operating on 152.06, 152.09 & 152.18 MHz to be located 0.4 mile North of I-10, 0.6 mile West of Old Bainbridge Road, Tallahassee, Fla.

POINT TO POINT MICROWAVE RADIO SERVICE

MT-2350-CF-P-78 Mountain States Telephone & Telegraph Co. (KPS77) Helena Jct. 13 Miles W of Helena, (Lewis & Clark) Montana. Lat. 46°35'41" N. Long. 112°17'54" W. CP to change location and add a new point of communication on frequency 2118.4H MHz on azimuth 268.1 degrees toward Avon passive reflector, Montana and from passive to Avon, Mont.
 GA-2352-CF-R-78 Southern Bell Telephone & Telegraph Co. (KJA75) in territory of grantee, application for renewal of radio station license (developmental) expiring June 14, 1978, term: June 14, 1978 to June 14, 1979.
 TX-2353-CF-P-78 Mid-Texas Telephone Co. (New) Harker Hts. 1300 Dogwood Killen, (Bell) Texas. Lat. 31°05'30" N. Long. 97°41'20" W. CP for a new station on frequencies 11385V and 11625V MHz on azimuth 101.1 degrees toward Nolanville, Tex.
 TX-2354-CF-P-78 Same (New) 102 North Main Nolanville, (Bell) Texas. Lat. 31°04'39" N. Long. 97°38'18" W. CP for a new station on frequencies 10775V, 11015V MHz on azimuth 281.1 degrees toward Harker Heights, Tex. and 6063.8H MHz on azimuth 84.7 degrees toward Temple, Tex.
 TX-2355-CF-P-78 Continental Telephone Co. of Texas. (KRR34) 116 West 7th Street, Dumas, (Moore) Texas. Lat. 35°51'33" N. Long. 101°58'26" W. CP to change frequencies 6019.3H and 6137.9H MHz to 2124H MHz toward Pritch, Tex. replace transmitters and antennas.
 TX-2356-CF-P-78 Same (KRR35) Telephone Office Fritch, (Hutchinson) Texas. Lat. 35°38'26" N. Long. 101°36'04" W. CP to increase structure height, replace transmitter and antennas, change frequencies 6271.3H and 6389.9H MHz to 2174H MHz toward Dumas, Tex.
 GA-2369-CF-P-78 American Telephone & Telegraph Co. (KJM74) 122 Remington Ave., Thomasville, (Thomas) Georgia. Lat. 30°50'11" N. Long. 83°58'42" W. CP to increase structure height, move and replace antennas on frequency 3710V MHz toward Monticello, Ga.
 NM-2382-CF-P-78 Mountain States Telephone & Telegraph Co. (KLU43) 610 South First Street Tucumcari, (Quay) New Mexico. Lat. 35°10'24" N. Long. 103°43'27" W. CP to add a new point of communication on frequency 10795V MHz on azimuth 178.8 degrees toward Ragland, N. Mex.
 NM-2383-CF-P-78 Same (New) 2.1 Miles NE of Ragland, (Quay) New Mexico. Lat. 34°50'33" N. Long. 103°42'57" W. CP for a new station frequency 11245V MHz on azimuth 358.8 degrees toward Tucumcari, N. Mex. and on azimuth 147.7 degrees toward Field, N. Mex.
 NM-2384-CF-P-78 Mountain States Telephone & Telegraph Co. (New) 0.7 Miles NE of Field, (Curry) New Mexico. Lat. 34°38'04" N. Long. 103°33'25" W. CP for a new station on frequencies 10795V MHz on azimuth 327.8 degrees toward Ragland, N. Mex., and 10795V MHz on azimuth 135.7 degrees toward St. Vrain, N. Mex.
 NM-2385-CF-P-78 Same (New) 7.5 Miles NW of St. Vrain, (Curry) New Mexico.

Lat. 34°30'29" N. Long. 103°24'29" W. CP for a new station on frequencies 11565V, 11245V MHz on azimuth 315.8 degrees toward Field, N. Mex. and 11565V, 11245V MHz on azimuth 121.3 degrees toward Clovis, N. Mex.
 NM-2386-CF-P-78 Same (KLR44) 701 Pile Street Clovis, (Curry) New Mexico. Lat. 34°24'17" N. Long. 103°12'11" W. CP to add a new point of communication on frequencies 10795V and 11115V MHz on azimuth 301.4 degrees toward St. Vrain, N. Mex.
 PA-2387-CF-P-78 Bell Telephone Co. of Pennsylvania. (New) 401 Washington St. Reading, (Berks) Pennsylvania. Lat. 40°20'14" N. Long. 75°55'46" W. CP for a new station on frequencies 10835V, 10995V and 10955H MHz on azimuth 57.1 degrees toward Mount Penn, Pa.
 PA-2388-CF-P-78 Same (New) Mount Penn 1.75 Miles N.E. of Reading, (Berks) Pennsylvania. Lat. 40°21'06" N. Long. 75°54'01" W. CP for a new station on frequencies 11485V, 11645V, 11525H MHz on azimuth 149.8 degrees Geigertown, Pa. and 11485V, 11645V 11525H MHz on azimuth 237.1 degrees toward Reading, Pa.
 PA-2389-CF-P-78 Same (New) 2.9 Miles NE of Geigertown, (Berks) Pennsylvania. Lat. 40°13'45" N. Long. 75°48'23" W. CP for a new station on frequencies 10835V, 1099V, 10955H MHz on azimuth 150.7 degrees toward E Nantmeal, Pa. and 10835V, 10995V, 10955H MHz on azimuth 329.9 degrees toward Mount Penn, Pa.
 PA-2390-CF-P-78 Same (New) E Nantmeal 1.8 Miles West of Ludwigs Corner, (Chester) Pennsylvania. Lat. 40°07'17" N. Long. 75°43'41" W. CP for a new station on frequencies 11485V, 11645V, 11525H, MHz on azimuth 127.9 degrees toward Lionville, Pa. and 11485V, 11645V, 11525H MHz on azimuth 330.8 degrees toward Geigertown, Pa.
 PA-2391-CF-P-78 Same (New) 195 W. Valley Hill Road Lionville, (Chester) Pennsylvania. Lat. 40°03'06" N. Long. 75°36'40" W. CP for a new station on frequencies 10835V, 10995V, 10955H MHz on azimuth 92.0 degrees toward Wayne, Pa. and 10835V, 10995V, 10955H MHz on azimuth 308.0 degrees toward East Nantmeal, Pa.
 CA-2370-CF-P-78 Western Tele-Communications, Inc. (KFB91) 7th and Los Angeles Street, Los Angeles, Calif. (Lat. 34°02'36" N. Long. 118°14'47" W.) construction permit to add 6226.9V MHz towards Dominguez Hill on azimuth 180.3°.
 CA-2371-CF-P-78 Same (WCU420) Victoria and Central Avenue, Dominguez, Calif. (Lat. 33°52'08" N. Long. 118°14'51" W.) construction permit to add 5974.8 MHz towards Los Angeles No. 2 on azimuth 00.3° and 5074.8V MHz towards Signal Peak, Calif. on azimuth 125.7°.
 CA-2372-CF-P-78 Same (WCU421) 4.6 miles East of Corona Del Mar, Calif. (Lat. 33°36'19" N. Long. 117°48'38" W.) construction permit to add 6228.9V MHz towards Dominguez Hill, Calif. on azimuth 306.0° and 6197.2H MHz towards Elsinore Peak, Calif. on azimuth 90.3°.
 CA-2373-CF-P-78 Same (WOI57) 4.5 miles South of Elsinore, Calif. (Lat. 33°36'19" N. Long. 117°20'33" W.) construction permit to add 5945.2H MHz towards Signal Peak, Calif. on azimuth 270.5° and 6708.0H MHz towards Toro Peak, Calif. on azimuth 95.7°.
 CA-2374-CF-P-78 Same (WOI58) 14.1 miles SSW. of Palm Desert, Calif. (Lat.

33°31'22" N., Long. 116°25'30" E.) construction permit to add 6301.0H MHz towards Elsinore Peak, Calif. on azimuth 278.2° and 3770.0H MHz towards El Centro, Calif. on azimuth 134.6°.
 CA-2375-CF-P-78 Same (WOI52) 449 Broadway, El Centro, Calif. (Lat. 32°47'36" N., Long. 115°33'13" W.) construction permit to add 3890.0H MHz toward Toro Peak, Calif. on azimuth 134.6°, 3970.0V and 3730.0V MHz towards Midway Well on azimuth 101.3°.
 CA-2376-CF-P-78 Same (WOI53) 19 miles SE. of Holtville, Calif. (Lat. 32°42'35" N., Long. 115°03'53" W.) construction permit to add 3770.0V and 3850.0V MHz towards El Centro, Calif. on azimuth 281.6° and 3930.0V and 3770.0V MHz towards Telegraph, Ariz. on azimuth 93.2°.
 AZ-2377-CF-P-78 Same (WOI54) 16.5 miles ESE. of Yuma, Ariz. (Lat. 32°40'11" N., Long. 114°20'05" W.) construction permit to add 4130.0V and 3810.0V MHz towards Midway Well, Calif. and 3730.0H MHz towards Oatman Mountain, Ariz. on azimuth 273.9° and 69.0° respectively.
 AZ-2378-CF-P-78 Same (WOI81) 25.3 miles NE. of Gila Bend, Ariz. (Lat. 33°03'06" N., Long. 113°08'06" W.) construction permit to add 4070.0V MHz towards Telegraph Pass, Ariz. on azimuth 249.7° and 3750.0V MHz towards White Tank, Ariz. on azimuth 42.9°.
 PA-2392-CF-P-78 Bell Telephone Co. of Pennsylvania (new) 60 West Avenue Wayne, (Delaware) Pa. Lat. 40°02'44" N., Long. 75°23'30" W. C.P. for a new station on frequencies 11485V, 11645V and 11525H MHz on azimuth 272.2° toward Lionville, Pa.
 HI-2333-CF-P-78 Hawaiian Telephone Co. (WDD39) Bishop 1177 Bishop Street Honolulu, (Honolulu) Hawaii. Lat. 21°18'47" N., Long. 157°51'43" W. C.P. to add a new point of communication on frequency 6041.6H MHz on azimuth 292.1° toward Maunakapu S, Hawaii.
 HI-2334-CF-P-78 Same (KUQ76) Maunakapu S. 2.8 miles NE. of Nanakuli, (Honolulu) Hawaii. Lat. 21°24'14" N., Long. 158°06'04" W. C.P. to add a new point of communication on frequencies 6293.6H MHz on azimuth 112.0 toward Bishop, Hawaii and 6293.6V, 6412.2V MHz on azimuth 291.2° toward Kukuiohono, Hawaii.
 HI-2335-CF-P-78 Same (KKR51) Kukuiohono 0.9 miles South of Kalaheo, (Kauai) Hawaii. Lat. 21°54'54" N., Long. 159°31'51" W. C.P. to add a new point of communication on frequencies 6041.6V and 6160.2V MHz on azimuth 110.7° toward Maunakapu, S, Hawaii.
 TX-2365-CF-P-78 Southwestern Bell Telephone Co. (KVD97) 117 North First Street Temple, (Bell) Tex. Lat. 31°05'54" N., Long. 97°20'28" W. C.P. add a new point of communication on frequency 6315.9H MHz on azimuth 264.8° toward Nolanville, Tex.
 AZ-2379-CF-P-78 Western Tele-Communications, Inc. (WOI82) 10.5 miles NNW. of Perryville, Ariz. (Lat. 33°34'10" N., Long. 112°33'33" W.) construction permit to add 3890.0H MHz towards Oatman Mountain, Calif. on azimuth 223.2° and 3730.0H MHz towards Phoenix, Calif. on azimuth 102.8°.
 AZ-2380-CF-P-78 Same (WOI83) 2960 Grand Avenue, Phoenix, Ariz. (Lat. 33°29'08" N., Long. 112°07'20" W.) construction permit to add 4070.0V MHz towards White Tank, Ariz. on azimuth 282.0° and 6212.0H MHz towards Pinal Peak, Ariz. on azimuth 100.2°.

AZ-2381-CF-P-78 Same (WOI84) 8.5 miles SSW. of Globe, Ariz. (Lat. 33°16'56" N., Long. 110°49'14" W.) construction permit to add 5960.0H MHz towards Phoenix, Ariz. on azimuth 280.9°.
 MN-2342-CF-MP-78 Triple-C Inc. (WOH23) Foshay Tower Building, Minneapolis, Minn. (Lat. 44°58'28" N., Long. 93°18'18" W.) construction permit to change polarization on 114.0H towards St. Paul, Minn. from H to V.
 MN-2343-CF-MP-78 Same (WCU253) 4th and Minnesota Streets, St. Paul, Minn. (Lat. 44°56'48" N., Long. 93°05'26" W.) construction permit to change 10735.0H to 10895.0H towards Minneapolis, Minn. on azimuth 282.3°.
 PA-2321-CF-P-78 Eastern Microwave, Inc. (KZA86) Hoover Road 6 miles NW. of Tyrone, Pa. (Lat. 40°43'56" N., Long. 78°19'33" W.) construction permit to add 5989.7H & 6049.0H MHz toward Altoona, Pa. via power split, on azimuth 217.1°.
 MA-2357-CF-P-78 Eastern Microwave, Inc. (KCK70) Mount Greylock 1.2 miles NW. of Adams, Mass. (Lat. 42°38'07" N., Long. 73°09'57" W.) construction permit to add 6078.8V MHz toward Pittsfield, Mass., via power split, on azimuth 204.1°.
 WA-2393-CF-P-78 American Television & Communications Corp. (KPR33) Mission Ridge, 11 miles SSW. of Wenatchee, Wash. (Lat. 47°16'27" N., Long. 120°24'18" W.) construction permit to add 6226.9H and 6404.8H MHz toward Chelan Bt., Washington, via power split, on azimuth 25.1°.

CORRECTIONS

AR-2216-CF-P-78 Boone County Telephone Co. (new) 1.2 miles SE. of Harrison, (Boone) Ark. Correct state name for transmit and receive station names to read Arkansas. All other particulars remain the same as reported on public notice No. 910 dated May 15, 1978.

[FR Doc. 78-15761 Filed 6-6-78; 8:45 am]

[6712-01]

SATELLITE BROADCASTING SERVICE GROUP; 1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Meeting

JUNE 1, 1978.

Pursuant to Pub. L. 92-463, notice is hereby given of the following meeting.

WARC-79 SATELLITE BROADCASTING SERVICE GROUP

Thursday, June 22, 1978—9:30 a.m. to 4 p.m., Room A-110, 1229 20th Street NW., Washington, D.C. Chairman: Edward E. Reinhart; liaison: Charles H. Breig.

The Agenda will be as follows:

1. Call to order and approval of Agenda.
2. Approval of Minutes.
3. Announcements.
4. Review of draft comments on 8th NOI (Doc. 20271).
5. Discussion of proposals of the Fixed Satellite Service Working Group.
6. Report of TF Chairman.
7. Other business.
8. Adjournment.

The above meeting is open to broadcast industry representatives and interested members of general public.

FEDERAL COMMUNICATIONS COMMISSION,
 WILLIAM J. TRICARICO,
 Secretary.

[FR Doc. 78-15762 Filed 6-6-78; 8:45 am]

[6712-01]

PRIVATE LAND MOBILE ADVISORY COMMITTEE

Notice of Meeting

In preparation for the 1979 World Administrative Radio Conference (WARC), the Private Land Mobile Advisory Committee, headed by Neal Pike, will hold its next meeting on June 26, 1978, in Washington, D.C. The meeting will be held in Conference Room A-110, Federal Communications Commission, 1229 20th Street NW., at 9 a.m. The purpose of the meeting is to consider comments in Docket 20271, Sixth, Seventh and Eighth Notices of Inquiry for a General World Administrative Conference in 1979. The meeting is open to the public and will be conducted in accordance with the following agenda:

1. Call of the agenda.
2. Opening remarks of the Chairman.
3. Consideration of comments in Sixth, Seventh and Eighth Notices of Inquiry, Docket 20271.
4. Further business.
5. Adjournment.

FEDERAL COMMUNICATIONS COMMISSION,
 WILLIAM J. TRICARICO,
 Secretary.

[FR Doc. 78-15884 Filed 6-6-78; 8:45 am]

[6820-34]

GENERAL SERVICES ADMINISTRATION

ADMINISTRATIVE SERVICES REORGANIZATION PROJECT

The Administrative Services Reorganization Project, a part of the President's Reorganization Project, has conducted an extensive review of the delivery of administrative services within the Federal Government. Separate task forces were established to review service delivery related to real property, supply and support services, telecommunications, and archives and records. Copies of the draft report on findings and alternatives of the real property task force are available for public inspection. Additional task force reports on supply and support services, telecommunications, and archives and records also will be available for public inspection on or about June 15, 1978. Interested parties are

invited to inspect any or all of the aforementioned reports through July 15, 1978, in Room 400, Magazine Building, 1815 N. Lynn Street, Rosslyn, Va. Written comments also will be accepted through July 15, 1978, and may be delivered in person to the project offices, or mailed to the Executive Director, Administrative Services Reorganization Project, GS Building, 18th and F Streets NW., Washington, D.C. 20405.

Dated: June 1, 1978.

JAY SOLOMON,
Administrator of General Services.
[FR Doc. 78-15768 Filed 6-6-78; 8:45 am]

[4310-31]

DEPARTMENT OF THE INTERIOR

Geological Survey

GIRARD, MONT.

Known Recoverable Coal Resource Area

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Department Manual 2, Secretary's Order No. 2948, and section 8A of the Mineral Leasing Act of February 25, 1920, as added by section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94-377, August 4, 1976), Federal lands within the State of Montana have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(26) MONTANA

Girard (Mont.) known recoverable coal resource area; October 1, 1977; 391,194 acres.

A diagram showing the boundaries of the area classified for leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, MS 609, Box 25046, Federal Center, Denver, Colo. 80225.

Dated: May 25, 1978.

W. A. RADLINSKI,
Acting Director.
[FR Doc 78-15703 Filed 6-6-78; 8:45 am]

[4310-31]

KNIFE RIVER, N. DAK.

Known Recoverable Resource Area (Coal)

REVISION

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C.

31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), 220 Departmental Manual 2, Secretary's Order No. 2948, and section 8A of the Mineral Leasing Act of February 25, 1920, as added by section 7 of the Federal Coal Leasing Amendments Act of 1975 (Pub. L. 94-377, August 4, 1976), Federal lands within the State of North Dakota have been classified as subject to the coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(34) NORTH DAKOTA

Knife River (North Dakota) Known Recoverable Coal Resource Area (KRCRA); July 7, 1977; 1,185,563 acres were previously within the KRCRA, and 166,091 acres were added. Total area now classified is 1,351,654 acres.

A diagram showing the revised boundary and acreage has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and land description may be obtained from the Conservation Manager, Central Region, U.S. Geological Survey, Stop 609, Box 25046, Federal Center, Denver, Colo. 80225.

Dated: May 25, 1978.

W. A. RADLINSKI,
Acting Director.
[FR Doc. 78-15704 Filed 6-6-78; 8:45 am]

[4310-10]

Office of the Secretary

PRIVACY ACT OF 1974

Modification of System Notice

Notice is hereby given that the Department of the Interior has under consideration the adoption of a modification of the system notice describing a records system which it maintains which is subject to section 3 of the Privacy Act of 1974, 5 U.S.C. 552a.

By notice published in the FEDERAL REGISTER on April 11, 1977 (42 FR 19015-19016), the Department adopted a system notice describing the Financial Interest Statements and Ethics Counselor Decisions (Interior, Office of the Secretary—3).

The Department now proposes to modify the system to include a new reporting form, DI-212A, for all Departmental personnel assigned duties or functions under the Surface Mining Control and Reclamation Act of 1977. The new DI-212A form requires the listing of employment and creditor interests of spouses, minor children and resident relatives. This information has not been required before.

The system notice as modified, is set out below. The modified portions of the notice are indicated in italics.

Comments on the proposed modification may be submitted to the Departmental Privacy Act Officer, Office of Administration and Management Policy, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240. Copies of any comments received may be inspected in Room 5316 at the above address.

The Department has requested a waiver from the Office of Management and Budget of the 60 day advance notice requirement for significantly modified record systems in accordance with OMB Circular A-108. Provided no comments are received which justify a contrary determination, upon the waiver being granted, the modified record system will be effective except for the "Routine Use" paragraph. The Privacy Act requires that the public be allowed 30 days advance notice on the "Routine Use" paragraph of system notices.

RICHARD R. HITE,
Deputy Assistant Secretary,
Policy, Budget and Administration.
MAY 31, 1978.

System name:

Financial Interest Statements and Ethics Counselor Decisions—Interior, Office of the Secretary—3.

System location:

(1) Office of Audit and Investigation, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240. (2) Bureau and Office Ethics Counselors, Deputy Ethics Counselors and Assistant Ethics Counselors. (A list may be obtained from the Department Ethics Counselor, Office of Audit and Investigation.)

Categories of individuals covered by the system:

Current or past Interior Department employees required to file a Statement of Employment and Financial Interests by regulations contained in 43 CFR 20.735-18, 19, 20, 22 and 43, or in 30 CFR 706-11.

Categories of records in the system:

Contains Confidential Statements of Employment and Financial Interests (forms DI-212, DI-212A or DI-213) for present or past Interior Department employees required to file such statements by 43 CFR 735-22(a), 30 CFR 706-11, and 43 CFR 20.735-43(a). Contains Public Disclosure Statements of Known Financial Interests (forms DI-211, DI-211A and DI-211B) for present or past incumbents in positions required to file such statements by 43 CFR 20.735-18, 19 and 20. Also contains records of conflict of interest decisions and appeals, analysis of financial holdings, employee statements, Solicitor's comments, head or bureau

or office comments, and supervisor comments on present or past employees as requested by the bureau or office counselors or as needed by the Departmental counselor.

Authority for maintenance of the system:

(1) 5 U.S.C. 7301. (2) 43 U.S.C. 11. (3) 30 U.S.C. 6. (4) 43 U.S.C. 31. (5) 18 U.S.C. 201-209. (6) 25 U.S.C. 68. (7) E.O. 11222. (8) Pub. L. 94-579. (9) Pub. L. 94-429. (10) Pub. L. 94-163. (11) Pub. L. 95-87.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The primary uses of the records are (a) to review employee financial interests and determine employee compliance or non-compliance with applicable conflict of interest statutes and regulations; (b) to record the fact that the employee has been made aware of specifically directed legislation or regulations covering his organization and that he or she is in compliance with such specific legislation or regulations; and (c) to provide an adequate system of records for Interior auditors performing compliance audits within the Interior Department. Disclosures outside the Department of the Interior may be made: (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or, (3) to a Congressional office from the record of an individual in response to an inquiry made at the request of that individual, (4) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license grant or other benefit, (5) to the Civil Service Commission to perform oversight reviews, (6) to the public for only those records covered by 43 CFR 20.735-18, 19 and 20.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

For Confidential Statements of Employment and Financial Interests: (1) Storage—maintained in file folders; (2) Retrieval—filed alphabetically by position or employee name; (3) Safeguards—maintained in locked file cabinet in locked office; (4) Disposal schedule—disposal will be made two years after an employee leaves a position requiring the filing of the Statement. For Public Disclosure Statements of known financial interest: (1) Storage—maintained in file folders; (2) Retrieval—filed by Bureau, form number, and alphabetically by em-

ployee name at the Department Library; (3) Accessing—maintained by Bureau or Office Ethics Counselors designated in 43 CFR 20.735-22(c) and maintained centrally at the main Department Library.

System manager and address:

Department Ethics Counselor, Office of Audit and Investigation, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240.

Notification procedure:

Inquiries may be addressed to the System manager, as indicated above, or to the Bureau or Office Ethics Counselor as listed in 43 CFR 20.735-22(c). (See 43 CFR 2.60 for details on inquiries.)

Record access procedures:

A request for access may be addressed to the System Manager (for information regarding the entire system) or to the Bureau or Office Ethics Counselor as listed in 43 CFR 20.735-22(c) (for information regarding the specific bureau or office system). The request must be in writing and be signed by the requester. The request must meet the content requirement of 43 CFR 2.63. With respect to the public disclosure statements, persons wishing to invoke the Privacy Act may do so in accordance with the foregoing procedures. However, such persons are advised that the public disclosure statements are available for direct access from Bureau or Office Ethics Counselors designated in 43 CFR 20.735-22(c) and at the main Department Library.

Contesting record procedures:

A petition for amendment shall be addressed to the System Manager or to the appropriate Bureau or Office Ethics Counselor as listed in 43 CFR 20.735-22(c) and must meet the requirements of 43 CFR 2.71.

Record source categories:

Present or past Interior employees required to file financial interest statements, Ethics Counselors, employee's supervisors, or the Solicitor.

[FR Doc. 78-15701 Filed 6-6-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-52]

CERTAIN APPARATUS FOR THE CONTINUOUS PRODUCTION OF COPPER ROD

Preliminary Conference

Notice is hereby given that a Preliminary Conference will be held in

connection with Investigation No. 337-TA-52, Certain Apparatus For The Continuous Production Of Copper Rod, at 10 a.m. on Thursday, June 22, 1978, in the ALJ Hearing Room, Room 610, Bicentennial Building, 600 E Street N.W., Washington, D.C. Notice of this investigation was published in the FEDERAL REGISTER on May 22, 1978 (43 FR 21951-2). The purposes of this preliminary conference are to review outstanding discovery and objections thereto, to establish a discovery schedule, to discuss the procedures to be followed in pursuing such discovery, to set the dates for the Prehearing Conference and Temporary Relief Hearing, and to resolve any other matters necessary to the conduct of this investigation.

If any questions should arise not covered by these instructions, the parties or their counsel shall call the chambers of the undersigned Presiding Officer.

The Secretary shall serve a copy of this Notice upon all parties of record and shall publish it in the FEDERAL REGISTER.

Issued: May 31, 1978.

JUDGE DONALD K. DOVALL,
Presiding Officer.
[FR Doc. 78-15697 Filed 6-6-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

IMPORTER OF CONTROLLED SUBSTANCES

Registration

By Notice dated April 3, 1978, and published in the FEDERAL REGISTER on April 10, 1978; (43 FR 15019), Stepan Chemical Co., Natural Products Dept., 100 West Hunter Avenue, Maywood, N.J. 07607, made application to the Drug Enforcement Administration to be registered as an importer of Coca Leaf, a basic class of controlled substance listed in schedule II.

No comments or objections having been received, and, pursuant to Section 1008(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and in accordance with Title 21, Code of Federal Regulations, Section 1311.42, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: May 30, 1978.

PETER B. BENSINGER,
Administrator,
Drug Enforcement
Administration.

[FR Doc. 78-15796 Filed 6-6-78; 8:45 am]

[4410-01]

MANUFACTURE OF CONTROLLED SUBSTANCES

Registration

By Notice dated April 3, 1978, and published in the FEDERAL REGISTER on April 10, 1978; (43 FR 15019), Stepan Chemical Co., Natural Products, 100 West Hunter Avenue, Maywood, N.J. 07607, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances listed below:

DRUG AND SCHEDULE

Cocaine, II.
Ecgonine, II.

No comments or objections having been received, and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, Section 1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substances listed above is granted.

Dated: May 30, 1978.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.
[FR Doc. 78-15795 Filed 6-6-78; 8:45 am]

[3510-12]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

NOTICE OF PARTIALLY CLOSED MEETING

Pursuant to Sec. 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1976), as amended, notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting Thursday and Friday, June 22 and 23, 1978. The portion of the Friday afternoon session between 2:00 p.m. and adjournment at approximately 4:00 p.m. will be closed to the public under authorization of the Assistant Secretary of Commerce for Administration in the determination dated June 1978 and cosigned by the Assistant General Counsel for Administration. Closure is necessitated by discussions by NACOA members and staff of the Committee's internal personnel rules and practices as they relate to methods of operation, Committee organization, and member and staff utilization. Because these discussions will be concerned with matters listed in 5 U.S.C. 552b (c)(2) and (6), the session will be closed to protect and insure free discussion of those matters. All other sessions will be open to the public.

The Committee, consisting of 18 non-Federal members appointed by the President from State and local governments, industry, science and other appropriate areas, was established by Congress by Pub. L. 95-63, on July 5, 1977. Its duties are to (1) undertake a continuing review, on a selective basis, of national ocean policy, coastal zone management, and the status of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the programs administered by the National Oceanic and Atmospheric Administration; and (3) submit an annual report to the President and to the Congress setting forth an assessment, on a selective basis, of the status of the Nation's marine and atmospheric activities, and submit such other reports as may from time to time be requested by the President or the Congress.

A general agenda contains the following topics:

JUNE 22, 1978

Morning—Open
Room 416, Page Building #1
0900 Opening Remarks
Law of the Sea
Annual Report Final Review
Afternoon—Open
1300 Panel Sessions
Ocean Use Panel—Room 416
Discussion of Coastal Zone Management
Organization Panel—Room 401, Page 2
Plans for Workshop
1700 Adjournment

JUNE 23, 1978

Morning—Open
0900 Panel Sessions (continued)
Afternoon
1300 Open—Annual Report Final Review (continued)
1400 Closed—Discussions of NACOA's internal personnel rules and practices as they relate to methods of operation, Committee organization, and member and staff utilization.
Adjournment at approximately 4:00 p.m.

The public is welcome at the open sessions and will be admitted to the extent of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

A copy of the determination to close a portion of this meeting is available for public inspection and copying.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Room 434, Page Building No. 1, 3300 White-

haven Street NW., Washington, D.C. 20235.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc. 78-15948 Filed 6-6-78; 9:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

(Docket Nos. STN 50-566; STN 50-567)

TENNESSEE VALLEY AUTHORITY (Yellow Creek Nuclear Plant Units 1 and 2)

Order and Notice of Reconvening of Evidentiary Hearing

Before the Atomic Safety and Licensing Board.

The evidentiary hearing on the application for a construction permit for Nuclear Generating Units 1 and 2, Yellow Creek Nuclear Plant, will reconvene at 9:00 a.m., July 6, 1978, at the Tishomingo Courthouse, Highway 25 South, Iuka, Miss. 38852. Evidence will be received with respect to radiological health and safety matters. The public is invited to attend.

It is so ordered.

Dated at Bethesda, Md. this 5th day of June, 1978.

For the Atomic Safety and Licensing Board.

IVAN W. SMITH,
Chairman

[FR Doc. 78-15950 Filed 6-6-78; 10:13 am]

[3190-01]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

ADVISORY COMMITTEE FOR TRADE NEGOTIATIONS

Determination of Closing of Meeting

The meeting of the Advisory Committee for Trade Negotiations (the Advisory Committee) to be held Monday and Tuesday, June 26 and 27, 1978, from 10 a.m. to 5:30 p.m. at the U.S. Delegation to the Multilateral Trade Negotiations Office, Geneva, Switzerland, will involve a review and discussion of the status of, and United States strategy and objectives for, the multilateral trade negotiations currently underway in Geneva. Such review and discussion will deal with information properly classified pursuant to Executive Order 11652 and specifically required by such order to be kept secret in the interests of national security (i.e., the conduct of foreign relations) of the United States. All members of the Advisory Committee have appropriate security clearances. Accordingly, I hereby determine that

this meeting of the Advisory Committee will be concerned with matters listed in section 552b(c)(1) of Title 5 of the United States Code.

ROBERT S. STRAUSS,
Special Representative for
Trade Negotiations.

[FR Doc. 78-15782 Filed 6-6-78; 8:45 am]

[3190-01]

ADVISORY COMMITTEE FOR TRADE NEGOTIATIONS

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. (the Act), notice is hereby given that a meeting of the Advisory Committee for Trade Negotiations will be held Monday and Tuesday, June 26 and 27, 1978, from 10 a.m. to 5:30 p.m. at the United States Delegation to the Multilateral Trade Negotiations Office, Geneva, Switzerland.

The purpose of this meeting will be to review and discuss the status of, and the United States strategy and objectives for, the multilateral trade negotiations currently underway in Geneva.

In accordance with section 10(d) of the Act, the meeting will not be open to the public because information falling within the purview of 5 U.S.C. 552b(c)(1) (the exception to the Government in the Sunshine Act for matters specifically required by Executive order to be kept secret in the interest of foreign policy) will be reviewed and discussed.

More detailed information can be obtained by contacting Phyllis O. Bonanno, Executive Director, Advisory Committee for Trade Negotiations, Office of the Special Representative for Trade Negotiations, 1800 G Street, Room 725, Washington, D.C. 20506.

PHYLLIS O. BONANNO,
Executive Director, Advisory
Committee for Trade Negotiations

[FR Doc. 78-15783 Filed 6-6-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 14807; SR-CBOE-78-9 and 10]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Extending Comment Period on Proposed Rule Changes

MAY 26, 1978.

On April 4, 1978, the Chicago Board Options Exchange, Inc., LaSalle at Jackson, Chicago, Ill., filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the

"Act") and Rule 19b-4 thereunder, copies of two proposed rule changes which, together, would implement a system for the appointment of board brokers pursuant to a competitive bidding procedure.

Notice of the proposed rule changes together with the terms of substance of the proposed rule changes was given by publication of Commission Releases (Securities Exchange Act Release Nos. 34-14688 and 14687, April 20, 1978) and by publication in the FEDERAL REGISTER (43 FR 18373-74, April 28, 1978). The original period for the submission by interested persons of written data, views and arguments concerning the submissions expired on May 19, 1978. Pursuant to the request of the American Stock Exchange, Inc. and the Board Brokers Association of the CBOE, the Commission hereby extends the period for the submission of written data, views and arguments concerning the foregoing proposals until May 31, 1978.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-15428 Filed 6-6-78; 8:45 am]

[8010-01]

[Release No. 20561; 70-6027]

COLUMBIA GAS OF OHIO, INC., ET AL.

Supplemental Notice of Amendment of Proposal by Gas Utility Company to Initiate Program to Finance Home Insulation Installation by Consumers

MAY 26, 1978.

Notice is hereby given, That Columbia Gas of Ohio, Inc. ("Columbia of Ohio"), 99 North Front Street, Columbus, Ohio 43215, a wholly-owned subsidiary of The Columbia Gas System, Inc., a registered holding company, has amended an application previously filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating Sections 9(a) and 10 of the Act and Rule 40 promulgated thereunder as applicable to the proposed transaction.

All interested persons are referred to the amended application for a complete statement of the proposed transaction. On July 19, 1977, the Commission gave notice (HCAR No. 20115) of the filing of a proposal by Columbia of Ohio and six of its affiliated gas utility subsidiary companies of The Columbia Gas System, Inc., Columbia Gas of West Virginia, Inc., Columbia Gas of Kentucky, Inc., Columbia Gas of Virginia, Inc., Columbia Gas of Pennsylvania, Inc., Columbia Gas of New York, Inc., Columbia Gas of Maryland, Inc., whereby those utilities would make loans to residential heating customers for the purpose of financing the installation of home ceiling insulation ("Program"). In September 1977 the applicants decided that implementation of the Program would be deferred in light of pending Federal legislation having substantial potential impact on the Program.

Such Federal legislation is still pending. However, the State of Ohio has enacted a law requiring gas and electric utilities in Ohio to offer loans to customers to finance residential insulation under certain circumstances. Columbia of Ohio is a gas utility in Ohio subject to the terms of the new law. Accordingly, it is proposed that Columbia of Ohio be excluded from the proposed system-wide program which will remain pending with respect to the other system gas utility companies and that Columbia of Ohio engage in a separate program ("Columbia of Ohio Program") following the requirements of State law.

Columbia of Ohio purposes to conduct, in accordance with the law of the State of Ohio and subject to the provisions thereof, a residential insulation financing program whereby Columbia of Ohio will lend amounts up to \$750 to each of its qualified residential gas space heating customers for insulation of such customer's owner-occupied one- or two-family residence and to enter into an installment loan sales agreement containing a promissory note with such customer.

On November 29, 1977, Amended Substitute Senate Bill No. 127 took effect as the law of the State of Ohio codified as Section 4933.021 of the Ohio Revised Code. The new law is intended to promote conservation of fuel in dwellings. In essence, the new law requires public utilities in the State of Ohio to:

1. Make available to each of the aforementioned home heating customers, upon request, a list of contractors who install dwelling insulation and are approved by the company or Better Business Bureau, together with a list of financial institutions that will finance such installations and their terms, and

2. If a listed institution denies a loan to a home heating customer, then the utility must make available a loan of up to \$750 per residential dwelling owner who is a home heating customer of the utility and who meets specific credit requirements established by the company. Columbia of Ohio is requiring that to qualify for a loan, a customer: (1) must show that he attempted without success to obtain a loan from a lending institution, and (2) must have used service with a Columbia Gas distribution company for at least one year during which a prompt payment record was maintained.

Under Section 4933.021 of the Ohio Revised Code, the interest charged on

the loans may not exceed an actuarial annual percentage rate equal to four percentage points in excess of the discount rate on 90-day commercial paper in effect at the Federal Reserve Bank, Fourth Federal Reserve District, at the time the loan is executed. At the end of the first year during which loans have been made, the company shall set the actuarial annual percentage rate of interest charged so that the revenues recovered from the interest will be equal to the costs of administering the loan program. If costs exceed the aforesaid four percent over the commercial paper discount rate, the excess must be assumed by the company. When costs are less than the revenue recovered from interest charges, customers, who had loans outstanding during that year, shall be credited in an amount in proportion to their respective loans and interest payments during that year. The credit will be applied against the customer's unpaid balance or his bill the next year.

Under the law, loans are to be paid in equal monthly installments and shall not extend more than 60 months. Columbia of Ohio proposes to limit the term of loans to 36 months, require no down payment nor collateral and treat repayments within 90 days as cash incurring no interest charge. Section 4933.021 of the Ohio Revised Code provides that such promissory note shall not have an acceleration clause or provide for additional service charges on default. Losses on the notes are recoverable through rates as a cost of rendering service.

Columbia of Ohio is also required by Section 4933.021 of the Ohio Revised Code to ascertain if the customer borrower has obtained a certification by the contractor who installed the insulation that such insulation meets the standards adopted by the Ohio Board of Building Standards. "Do-it-yourself" purchases and installation of insulation are not included in the Columbia of Ohio Program.

The Columbia of Ohio Program is designed to function on a break-even basis and is not expected to require the addition of any personnel. Financing for the Columbia of Ohio Program will be derived from internally generated funds.

The availability of the Columbia of Ohio Program will be publicized and promoted through Columbia of Ohio's operating areas through the use of funds previously allocated to advertising and promotion of conservation. The maximum amount of the loans to be made by Columbia of Ohio are not expected to exceed \$1,000,000.

It is stated that no State commission and no Federal commission, other than this Commission, must authorize the proposed Columbia of Ohio Program.

Notice is further given that any interested person may, not later than June 19, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-15429 Filed 6-6-78; 8:45 am]

[8010-01]

[Release No. 10258; 812-4276]

THE MEDIA INVESTMENT CO. AND THE E. W. SCRIPPS CO.

Filing of Application for an Order: (1) Exempting Proposed Transaction, and (2) Permitting Participation in Such Transaction

MAY 26, 1978.

Notice is hereby given, That the Media Investment Co. ("Media"), 1100 Central Trust Tower, Cincinnati, Ohio 45202, a closed-end, non-diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), and the E. W. Scripps Co. ("EWSCO"), 1100 Central Trust Tower, Cincinnati, Ohio 45202 a privately-held company which owns 10% of Media's outstanding voting securities (Media and EWSCO herein-after referred to collectively as "Applicants"), filed an application on March 3, 1978, and an amendment thereto on May 26, 1978, pursuant to sections 17(b) and 17(d) of the Act and rule 17d-1 thereunder, for an order of the Commission: (1) exempting from the

provisions of section 17(a) of the Act a proposed statutory merger of Media into EWSCO, and (2) permitting participation in such merger by certain officers and directors of Media. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Media has outstanding 583,268 shares of common stock, its only class of securities outstanding, which are held of record by approximately 1,750 holders and traded on the over-the-counter market. According to the application, no sales charge has ever been imposed by Media on its shares.

Organized on April 10, 1941, under the laws of Ohio as "The Scripps-Howard Investment Co.", Media adopted its present corporate name in 1976. Media's principal place of business is in Cincinnati, Ohio. Media was organized to consolidate seven investment companies affiliated with various of the newspaper publishing and news-gathering corporations comprising the Scripps-Howard newspaper group. Those predecessor companies were formed, according to the application, primarily to encourage employee interests in the Scripps-Howard enterprises; their stocks were offered only to employees, former employees, and members of the families of employees and former employees of those enterprises.

Applicants represent that on February 1, 1977, the Board of Directors of Media consisted of Messrs. John J. Duggan, John J. Green, Matt Meyer, Donald I. Rogers, Henry Senber, Bernard Townsend and Lee B. Wood. By letter dated February 4, 1977, EWSCO informed Media that EWSCO had under study proposals to acquire Media for cash.

Mr. Townsend, a Director of EWSCO and, until January 1, 1975, Financial Vice President of EWSCO, resigned from the Media Board of Directors effective on February 17, 1977, at the first meeting of the Media directors to be held after EWSCO's letter of February 4, 1977, had been received.

Applicants represent that Messrs. Duggan, Rogers, and Senber do not have, nor has any one of them ever had, a material business relationship with EWSCO or its affiliated companies (other than Media), nor has any of them ever owned securities of such companies (other than Media). Applicants have provided the following representations regarding Mr. Green, Mr. Meyer, and Mr. Wood.

Mr. Green is Chairman of the Executive Committee, and a member of the Board of Directors, of the Scripps-Howard Supply Co. (the "Supply Company"), a wholly-owned subsidiary of EWSCO, but has retired from daily administration of the Supply Compa-

ny. In 1977, pursuant to a consulting arrangement agreed upon prior to his retirement in 1976, Green was paid a consulting fee. The arrangement continues through 1978, and Green will be paid another fee by the Supply Company by the year-end. Mr. Green does not own securities of the EWSCO or affiliated companies (other than Media).

Mr. Meyer retired from his career with EWSCO on August 30, 1969. He has received a lump-sum payment in satisfaction of his pension rights, and continues to receive other payments under certain supplemental retirement benefit, deferred compensation, and deferred bonus plans. Mr. Meyer does not own securities of EWSCO or affiliated companies (other than Media).

Mr. Wood retired from his career with EWSCO July 1, 1965. He is paid a retirement benefit annually by EWSCO. He does not own securities of EWSCO or affiliated companies (other than Media), except for 500 shares of common stock of Scripps-Howard Broadcasting Company, a publicly traded security.

EWSCO, a corporation organized and existing under the laws of Ohio, is a privately-held company having fewer than 100 shareholders, plus approximately twenty debentureholders. EWSCO is engaged, directly and through subsidiaries, in a number of communication businesses, including newspapers, wire and feature services, and broadcast stations. EWSCO is the holder of record and beneficially of 58,327 shares of Media (10 percent of Media's outstanding voting securities).

The Scripps-Howard Foundation (the "Foundation") an Ohio private nonprofit foundation and an exempt organization for federal tax purposes, owns both Class "A" common stock and Series A cumulative preferred stock issued by EWSCO (less than 1 percent of each such class), and also is the holder of record and beneficially of approximately 4 percent of Media's outstanding voting securities. Applicants assert that EWSCO and the Foundation are not under common control for purposes of the Act, and that EWSCO does not, in fact, control the Foundation.

Applicants state that certain employees, officers, directors and other persons or entities affiliated with EWSCO or related companies own of record approximately 9 percent of Media's outstanding securities. EWSCO disclaims both beneficial ownership of any such securities and the existence of any power to control the manner in which such shares are voted.

According to the application, as of December 31, 1976, Media's gross assets, taken at fair value as determined by the Board of Directors of Media, amounted to \$30,157,521, de-

scribed in summary as follows: (a) minority interests in seven privately-held companies publishing Scripps-Howard newspapers in which EWSCO holds majority interests; (b) a debenture issued by EWSCO in exchange for cumulative preferred stock of EWSCO; (c) shares of common stock of Scripps-Howard Broadcasting Company, a company whose securities are publicly traded and of which EWSCO owns approximately 69 percent of the voting common stock (collectively (a), (b), and (c) total \$23,629,040); (d) common stock of The Vindicator Printing Company, a privately-held publishing company, and successor by merger to a company which formerly published a Scripps-Howard newspaper in Youngstown, Ohio (\$1,885,000); (e) investments in a diverse portfolio of publicly-traded common stocks, convertible preferred stocks and corporate preferred stocks (\$4,310,251); and (f) cash investments in United States Government securities, and other assets (\$333,230). As set forth in its financial statements, the net assets of Media, as at December 31, 1976, were \$23,525,774 (equivalent to \$40.33 per share). That net asset figure reflects a liability of \$6,577,000 for "deferred federal income taxes."

Applicants have provided the following information regarding market quotations (as reported by the National Quotation Bureau, Inc.) for Media common stock: in 1975, prices ranged from an "ask" price of 25 to a "bid" price of 16; in 1976, prices ranged from an "ask" price of 28 to a "bid" price of 16; and in 1977, until April 3 (The last full day of trading before April 4, 1977, when a press release announced the initial merger proposal), prices ranged from an "ask" price of 29 to a "bid" price of 25.

THE PROPOSED MERGER

By letter dated March 25, 1977, from its President to the President of Media, EWSCO proposed a merger of Media with and into EWSCO for cash amounting to \$55 per outstanding share of Media.

Media states that, after initial consideration of the EWSCO proposal, its Board of Directors engaged Smith Barney, Harris Upham & Co. Inc. ("Smith Barney") to undertake a study of the proposed transaction for the purpose of ascertaining the fair values of the various assets of Media and the fair value of Media as an entity in order to determine whether the offer or any amended offer submitted to the Media Board by EWSCO was fair and equitable from a financial viewpoint, and to deliver a written opinion to the Media Board of Directors of such determination.

According to the application, Smith Barney studied financial information with respect to (1) Media and its in-

vestment portfolio (furnished to it by Media); (2) the Scripps-Howard newspapers (furnished to it by EWSCO); and (3) Vindicator. In addition, Smith Barney discussed the respective businesses, operations, market environments and prospects of the Scripps-Howard newspapers with certain of their officers and representatives, and visited certain facilities of those newspapers. It also analyzed published information of other media-related companies, compared those newspapers from a financial viewpoint with such other companies, studied publicly available financial information and market price data with respect to the publicly-traded portion of Media's investment portfolio and made other analyses and examinations it deemed necessary or appropriate. In its analysis of the Scripps-Howard newspapers, Smith Barney took into account financial information for the 1976 fiscal year (and prior years), interim results for the first five months of 1977 and projected growth rates developed by Smith Barney.

During the course of the Smith Barney study, the Board of Directors of Media and the Valuation Committee of the Board each met with representatives of Smith Barney on several occasions, and each reviewed certain of the information obtained by Smith Barney and the conclusions reached by that firm. Applicants assert that after completing its study, Smith Barney concluded that the range of fair value per share of each of the newspaper properties held in the Media portfolio was:

Birmingham Post Co.	\$85-100
Evansville Press Co.	70-80
Herald Post Publishing Co.	160-170
Knoxville News-Sentinel Co.	185-200
Memphis Publishing Co.	110-125
New Mexico State Tribune Co.	65-75
Pittsburgh Press Co.	
Common stock	95-100
Preference stock	80
The Vindicator Printing Co.	275-300

and that the fair value of the net assets of Media and of Media as an entity was \$58 to \$64 per Media share.

Media states that, in considering the EWSCO offer, it recognized (as did Smith Barney) that the liability for deferred federal income tax shown on Media's statement of assets and liabilities for the fiscal year ended December 31, 1976 (and for prior years) would not be incurred in the proposed transaction with EWSCO. On the assumption the merger transaction can be consummated in the ordinary course by June 30, 1978, Media estimates its expenses to be approximately \$410,000 and EWSCO estimates its expenses to be approximately \$222,000.

The application, in summary, contains the following assertions regarding the negotiations leading to the proposed merger terms. Smith Barney,

as the representative of Media, initiated negotiations at a meeting with representatives of EWSCO held on July 21, 1977. The First Boston Corporation ("First Boston") was also present at that meeting in its capacity as the investment banking firm engaged by EWSCO to advise it as to a fair valuation of Media. Smith Barney, on behalf of Media, made a counter-offer of \$65 per Media share.

By letter dated August 10, 1977, Media reported to EWSCO its decision not to recommend acceptance of the \$55 per share offer to shareholders, stated that \$55 per Media share was less than the then estimated net asset value per share (as adjusted to eliminate the deferred tax liability item) and requested that EWSCO consider amending its offering price.

At the request of the Media Board, made to EWSCO, representatives of First Boston met with the Media Board on September 6, 1977, to discuss First Boston's analysis of the fair value of Media. Subsequently, and at the same meeting of the Board, Smith Barney reviewed its prior analysis of Media and reiterated its view that the fair value of Media was \$58 to \$64 per Media Share.

First Boston stated that in early August, 1977, it had advised the EWSCO Board of Directors that \$50.50 to \$52.50 per Media share was a fair price.

EWSCO representatives were present at a special meeting of the Media Board of Directors held on September 7, 1977, at which the Chairman of the Valuation Committee of the Board stated that the range of fair value as determined by Smith Barney was \$58-\$64 per Media share, and that it was the Board's view that it could recommend to shareholders acceptance of an offer of \$61 per Media share. Intensive negotiations ensued, as a result of which EWSCO amended its offer by increasing the purchase price to \$58 per outstanding share of Media. The Media Valuation Committee then consulted Smith Barney, which expressed its oral opinion that such amended offer was fair and equitable from a financial viewpoint to the holders of Media shares. This opinion was later confirmed by letter. The Valuation Committee unanimously recommended to the Media Board of Directors acceptance of the amended offer. The Board unanimously approved the offer and expressed its willingness to recommend to the shareholders of Media that the EWSCO offer be accepted.

According to the application, the Media Board concluded that the proposed merger with EWSCO was more desirable than the continued operation of Media for the following reasons: (1) the merger would afford shareholders of Media an opportunity to liquidate their relatively illiquid in-

vestment at a favorable price; (2) the merger provides Media an opportunity to dispose of its illiquid portfolio investments at a more favorable price than otherwise could be realized; and (3) if Media continued in existence it would continue to carry on its books the liability for deferred federal income tax, which would necessarily continue to affect negatively the value of Media as an entity and to have an impact on the market price of its shares.

Applicants state that no efforts were made by the Media Board to obtain offers from third parties because it was felt that no one would bid more than EWSCO for unmarketable minority interests in companies controlled by EWSCO.

The application contains certain agreements (the "Agreements") which govern the mechanisms of the merger. In essence, they provide that, upon consummation of the merger, Media will be merged with and into EWSCO. Each outstanding share of Media (including those owned by EWSCO but not including those shares as to which dissenters' rights are perfected) will be converted into the right to receive \$58 in cash. Shares held in Media's treasury will be cancelled. On the effective date of the merger, EWSCO will deposit with the First National Bank of Cincinnati, as liquidating trustee for the benefit of the Media shareholders, an amount equal to the product of \$58 multiplied by the number of shares with respect to which no written notice of dissent to the merger has been filed. Upon surrender of his shares, each non-dissenting shareholder of Media will receive \$58 per share plus his proportionate share of any net earnings on the amount held by the liquidating trustee. EWSCO will be liable to any shareholder dissenting from the merger, and who has perfected such dissent under applicable Ohio law, for the "fair cash value", as that phrase is construed under Ohio law, of such shareholder's shares.

At the termination of the twelve-month period beginning on the date of approval by the Media shareholders of a plan of liquidation, if no agreement or judicial determination of the fair cash value of the dissenters' shares has been reached, EWSCO will transfer to The First National Bank of Cincinnati, as escrow agent, an amount estimated to be sufficient to pay any outstanding dissenters' claims. This amount will not be less than \$58 multiplied by the number of shares with respect to dissenters' rights have been perfected and not theretofore satisfied. In addition, EWSCO will be obligated to pay to any dissenting shareholder the amount per share by which the fair cash value of such shareholder's shares, as finally determined by a court of competent jurisdiction, exceeds \$58.

EWSCO will be the surviving corporation of the merger and by operation of law, will acquire all of the assets of, and will assume all of the liabilities of, Media. The former shareholders of Media, other than EWSCO, will no longer have any interest in Media and will have no interest in EWSCO. The directors and officers of EWSCO in office immediately prior to the merger will be the directors and officers of the surviving corporation. The Agreements contain certain conditions precedent to the merger, including (1) the favorable vote of the holders of a majority of the outstanding shares of Media; (2) the receipt by Media and EWSCO of a ruling of the Internal Revenue Service as to certain federal tax effects (described below) of the merger; (3) the receipt by Media and EWSCO of the order of the Commission sought herein; and (4) the assertion of dissenters' rights by the holders of not more than 18 percent of the Media shares.

Media represents that there are six specific reasons which led its Board of Directors to accept the revised EWSCO offer: (1) there is no realistic possibility that the minority newspaper interests held by Media could be sold collectively or individually to a purchaser other than EWSCO; (2) sales of individual newspaper interests would result in the realization by Media of substantial capital gains at the corporate level, to the ultimate detriment of Media shareholders; (3) it is becoming increasingly difficult for Media to obtain the services of competent persons willing to serve as directors or as executives of Media; (4) a merger with another registered investment company is remote because of Media's illiquid portfolio; (5) the merger provides shareholders of Media an opportunity to liquidate a non-redeemable and limited market investment; and (6) the price, \$58 per share, is fair and reasonable.

EWSCO represents that there are three principal reasons why it wishes to consummate a merger transaction with Media. Stated briefly, they are: (1) to receive benefits of filing consolidated federal income tax returns with respect to three Media portfolio companies and to enhance EWSCO's chances of acquiring 80 percent ownership for two other Media portfolio companies, which would permit similar consolidations; (2) to prevent further dispersion of minority interests in companies which it controls; (3) to be free to acquire and dispose of businesses without the burden of providing, to the extent necessary, for the protection of a registered investment company.

A ruling has been requested by Applicants from the Internal Revenue Service to the effect that the proposed transaction will have the following

federal income tax effects to Media and its shareholders: (1) no gain or loss will be recognized by Media in the merger transaction, and (2) each former shareholder of Media, in whose hands shares were capital assets, will recognize capital gain or loss measured by the difference between the amount of money received (reduced by any net earnings on the amount held by the liquidating trustee included therein) and the basis of his Media shares.

Section 17(a) of the Act provides, in part, that it is unlawful for any affiliated person of a registered investment company knowingly to purchase from such registered investment company any security or other property. Pursuant to section 17(b) of the Act, the Commission, upon application, shall grant an exemption from such prohibition if evidence establishes that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants submit that the proposed merger of Media with and into EWSCO, and affiliated person of Media by reason of its ownership of 10% of Media's outstanding voting securities, is subject to section 17(a) of the Act. Accordingly, Applicants seek an order of the Commission, pursuant to section 17(b) of the Act, exempting the proposed merger from the provisions of section 17(a).

Section 17(d) of the Act, and rule 17d-1 thereunder, taken together, provide, in part, that it is unlawful for an affiliated person of a registered investment company, acting as principal, to effect any transaction in which such investment company is a joint participant, without the permission of the Commission. Rule 17d-1 provides, in part, that in passing upon applications for orders granting such permission, the Commission will consider (1) whether the participation of the investment company in such transaction, on the basis proposed, is consistent with the provisions, policies, and purposes of the Act, and (2) the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Applicants state that the proposed transaction also appears to be subject to section 17(d) of the Act and Rule 17d-1 thereunder because the directors and two officers of Media, who are affiliated persons of Media within the meaning of section 2(a)(3) of the Act, have an economic interest in the transaction to the extent of their ownership of shares of Media. Thus, Applicants state such directors and officers could be said to have a joint or joint and several participation with Media,

and thereby are subject to the provisions of section 17(d) of the Act and Rule 17d-1 thereunder. Applicants assert that each director and certain officers owning shares will participate in the transaction on the same economic basis as all other shareholders of Media, even though such participation is different from that of Media itself, because of the necessary interposition of Media as the corporate party to the merger transaction. Applicants assert that this difference in participation is one of form and activity rather than of economic substance, since it does not in any way result in pecuniary advantage to those directors or officers, or in disadvantage to Media.

Applicants submit that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned. They assert that the \$58 per share price was determined on the basis of arms' length negotiation and represents an increase over the amount that EWSCO initially offered. Applicants represent that the proposed transaction is consistent with the general purposes of the Act because it is in the best interest of investors in Media and is designed to obtain an investment result which Media does not believe it could achieve in a different type of transaction.

According to the application, as amended, the Media Board of Directors met on May 25, 1978, with Smith Barney to review the fairness of the proposed merger. On that date, Smith Barney reported that it had reviewed certain interim operating results of the newspaper properties in the Media portfolio, and the current market prices of publicly traded securities in the portfolio. Smith Barney compared the foregoing with its determinations made at the time of its initial valuation, prior to September 7, 1977, of the net assets of Media, and it confirmed to the Media Board its prior opinion of the fairness of the cash merger price of \$58 per Media share. Media states that among the considerations taken into account by its Board in the May 25, 1978, review were: (1) the aggregate increase in the market prices of the publicly traded securities in the Media portfolio from the time of the initial Smith Barney valuation to May 24, 1978, represented not more than \$.66 per Media share, and (2) such increase was the net result of an increase in the value of the Scripps-Howard Broadcasting shares by approximately \$639,000 and a decrease in the value of the remainder of the publicly traded portfolio of approximately \$254,000. According to the application, the Media Board considers such increase not to be material, and has unanimously reaffirmed its prior determination that the proposed price of \$58 per Media share is fair and equitable.

Notice is further given That any interested person may, not later than June 20, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the addresses stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-15430 Filed 6-6-78; 8:45 am]

[8010-01]

[Release No. 20560; 70-5657]

MONONGAHELA POWER CO. ET AL

Post-Effective Amendment Regarding Proposed Transaction Related to Sublease of Leasehold Interest in Railroad Cars

MAY 26, 1978.

Notice is hereby given, That Monongahela Power Co. ("Monongahela"), 1310 Fairmont Avenue, Fairmont, W. Va. 26554, The Potomac Edison Co. ("Potomac"), Downsville Pike, Hagerstown, Md. 21740, and West Penn Power Co. ("West Penn"), 800 Cabin Hill Drive, Greensburg, Pa. 15601, electric utility subsidiary companies of Allegheny Power System, Inc., a registered holding company, have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to section 9(a) of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transaction. All interested persons are referred to said application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Pursuant to prior authorization in this proceeding (HCAR No. 19090), West Penn and Continental Illinois National Bank and Trust Co. of Chicago entered into a certain lease ("Master Lease") dated March 31, 1975, for 212 coal cars to be used for transportation of low sulfur coal to the Harrison Generating Station at Shinnston, W. Va. The low sulfur coal was to be blended to meet than applicable sulfur emission standards. West Penn owns a 50 percent interest in the Harrison Station and Monongahela and West Penn each own a 25 percent interest. To ensure, among other things, division of leasing costs among the companies on the basis of their ownership interest in the Harrison Station, Monongahela and Potomac have each subleased an individual 25 percent interest in the cars from West Penn.

Applicant-declarants state that the applicable sulfur emission standards for the Harrison Station are in a state of transition and that it now appears that 106 coal cars ("Gondola Cars") will not be required. In order to offset the cost of railcars not required to meet their needs, Monongahela, Potomac, and West Penn, (collectively "the Companies") propose to sublease their respective interests in the Gondola Cars pursuant to an Agreement of Sublease ("Sublease") with Sunoco Energy Development Co. ("Sunedco"). The term of the Sublease is until June 17, 1990, the termination date of the Master Lease. The Sublease may be terminated prior thereto by either party at any time after 12 months from acceptance of the Gondola Cars by Sunedco by giving six months notice.

The Master Lease is, with some minor exceptions, incorporated into the Sublease. Daily rentals, exclusive of maintenance, repair and other similar expenses, average \$8.68 per car for the life of the Master Lease. The Master Lease provides for graduated semi-annual rental payments comprised of rental charges of approximately \$4.97 per car per day, \$8.03 per car per day and \$13.04 per car per day for the first 10 semi-annual payments, the second 10 semi-annual payments and the last 10 semi-annual payments, respectively. It is stated that revenues from the Sublease to the extent received will be accounted for by West Penn, Monongahela and Potomac as a credit to FPC Account 151, Fuel Stock, in an amount equal to the payments under the Master Lease charged this account and will be reflected in any West Penn, Monongahela and Potomac fuel adjustment clause. Any revenue received under the Sublease in excess of payments under the Master Lease will be credited to FPC Account 253, Other Deferred Credits, and will be credited back to said FPC Account

151 when payments under the Master Lease exceed revenues from the Sublease or otherwise.

The fees and expenses to be paid or incurred in connection with the transactions proposed in the post-effective amendment will be filed by amendment. The West Virginia Public Service Commission has jurisdiction over the sublease by Potomac Edison and Monongahela of their respective interests in the Gondola Cars. No other state commission or federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given, That any interested person, may not later than June 19, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-15431 Filed 6-6-78; 8:45 am]

[8010-01]

[File No. 81-350; Administrative Proceeding
File No. 3-5442]

NATIONAL INDUSTRIES, INC.

Application and Opportunity for Hearing

MAY 26, 1978.

Notice is hereby given, That National Industries, Inc. ("National") has filed an application pursuant to sec-

tion 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act") for an order exempting it from the periodic reporting requirements under sections 13(a) and 15(d) of the 1934 Act.

National's application discloses in part:

(1) On January 3, 1978, National was merged with Fuqua Industries, Inc. ("Fuqua") and as a result, National became a wholly-owned subsidiary of Fuqua. Accordingly, there are no longer any securities of National being publicly traded; and

(2) National's financial results will be included in the consolidated financial statements of Fuqua.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given, That any interested person no later than June 20, 1978, may submit to the Commission in writing his view or any substantial facts bearing on this application or the desirability of a hearing thereon. Any communications or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-15432 Filed 6-6-78; 8:45 am]

[8010-01]

[File No. 81-342; Administrative Proceeding
File No. 3-5443]

NORTHWEST PRODUCTION CORP.

Application and Opportunity for Hearing

MAY 26, 1978.

Notice is hereby given, That Northwest Production Corp. (the "Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), for an order granting Applicant an exemption from the provisions of section 15(d) of the 1934 Act.

Applicant states, that as the result of a merger on September 6, 1977, it became a wholly-owned subsidiary of

El Paso Natural Gas Co. Applicant no longer has any publicly held common stock. Accordingly, Applicant believes that the granting of an exemption would not be inconsistent with the public interest or the protection of investors.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street, Washington, D.C.

Notice is further given, That any interested person not later than June 20, 1978, may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-15343 Filed 6-6-78; 8:45 am]

[8010-01]

[File No. 81-353; Administrative Proceeding
File No. 3-5446]

WHITING CORP.

Application and Opportunity for Hearing

MAY 26, 1978.

Notice is hereby given That Whiting Corp. ("Applicant") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the "1934 Act"), seeking an exemption from the requirement to file reports pursuant to sections 13 and 15(d) of the 1934 Act.

The Applicant states in part:

1. The Applicant was a publicly held company with a class of securities registered pursuant to section 12(b) of the 1934 Act, and was thus subject to the reporting provisions of section 13 of the 1934 Act.

2. On April 10, 1978, the Applicant was merged with a wholly-owned subsidiary of Wheelabrator-Frye, Inc. pursuant to an Agreement and Plan of Merger and Plan of Reorganization dated December 19, 1977.

3. As a result of the merger, all the issued and outstanding shares of

common stock of the Applicant are now owned by Wheelabrator-Frye, Inc.

4. After termination of its section 12(b) registration on May 9, 1978, Applicant is subject to the reporting provisions of sections 13 and 15(d) of the 1934 Act for the remainder of its fiscal year ended April 30, 1978.

The Applicant contends that no useful purpose would be served in filing the required reports because Wheelabrator-Frye, Inc. now owns all of the Applicant's common stock, and its common stock is no longer publicly traded.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given That any interested person not later than June 20, 1978, may submit to the Commission in writing his views or any substantial facts bearing on the application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert.

Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

Service list: Glen Lewy, Esquire, Deboise, Plimpton, Lyons & Gates, 299 Park Avenue, New York, N.Y. 10017.

[FR Doc. 78-15438 Filed 6-6-78; 8:45]

[8010-01]

[Release No. 34-14805; File No. SR-MSE-78-12]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 12, 1978, the above-mentioned self-regulatory

organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Additions *Italicized*—[Deletions Bracketed]

Article XIV, Rules 1, 2, and 7 are hereby amended as follows:

ARTICLE XIV

FISCAL POLICIES

FIXING AND PAYING DUES

Rule 1. The [Board of Governors] *Exchange* shall fix the dues payable by a member or member organization in such amount as the [Board] *Exchange* deems necessary. Dues shall be payable quarterly on the first days of January, April, July and October of each year. If in any fiscal year the [Board of Governors] *Exchange* shall find that the dues fixed for such fiscal year are either more or less than sufficient to meet the current expense of such fiscal year, the dues payable for the last quarter may be proportionately reduced or increased. (by a majority vote of the Board of Governors)

TRANSACTION FEE

Rule 2. The [Board of Governors] *Exchange* may from time to time impose a transaction fee upon members and member organizations, measured by their respective agency transactions effected on the Floor of the Exchange. The rate of such fee shall be fixed by the [Board of Governors] *Exchange* before the close of each fiscal year at the time of fixing dues for the ensuing year.

OTHER CHARGES

Rule 7. (a) In addition to the dues and transaction fee, the *Exchange* [Board of Governors] may from time to time fix and impose other charges or fees to be paid to the Exchange by members and member organizations for the use of equipment or facilities or for services of privileges granted.

(b) A member organization filing monthly reports pursuant to Rule 3(c) of Article XI or restricted as to its operations, business or expansion pursuant to Rule 3(e) or Rule 10 of Article XI shall pay to the Exchange such charges of fees as the *Exchange* [Board of Governors] may from time to time fix and impose to cover the reasonable cost of such extraordinary review and examination of the reports and operations of such member organizations as the Exchange determines to be necessary or appropriate for the protection of investors, other members and member organization and the Exchange.

* * * Interpretations and Policies:

.01 For field examinations during any calendar year in addition to the regular annual examination—

\$85 per day for professional fees.
\$35 per day (maximum) for living expenses.

Actual cost of travel expenses.

For review of reports filed pursuant to Rule 3(c) of Article XI—

\$18 per report for professional fees.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The Board of Governors has delegated its authority to the Exchange staff to set the various Exchange fees. This rule change places this delegation of authority into the Exchange rules.

Section 6(b)(4) of the Act provides for the rules of the Exchange to provide for the equitable allocation of reasonable dues, fees and other charges among its members, issuers, and other persons using its facilities.

The Midwest Stock Exchange, Inc. has neither solicited nor received any comments.

The Midwest Stock Exchange, Inc. believes that no burdens have been placed on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 28, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 26, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

(FR Doc. 78-15426 Filed 6-6-78; 8:45 am)

[8010-01]

(Release 34-14804; File No. SR-NASD-77-23)

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") as amended by Pub. L. No. 94-29, section 16 (June 4, 1975), notice is hereby given that on May 17, 1978, the National Association of Securities Dealers, Inc. ("NASD") submitted an amendment (the "Amendment") to its proposed rule change to regulate its members' activities relating to certain options transactions (the "Proposal"). Notice of the Proposal and its terms of substance was given by publication of a Commission Release, Securities Exchange Act Release No. 14307 (December 23, 1977), and by publication in the FEDERAL REGISTER 43 FR 53 (January 3, 1978).

The Amendment would, among other things, clarify the applicability of the proposed rules to specific types of option transactions by NASD members. Pursuant to the Amendment, the provisions of proposed new Appendix E to Section 33 of the NASD's Rules of Fair Practice would be applicable to (1) the conduct of accounts, the execution of transactions, and the handling of orders in exchange-listed options by NASD members who are not members of an exchange on which the option executed is listed (so-called "access firms"); (2) the conduct of accounts, the execution of transactions, and the handling of orders in conventional options by any NASD member; and (3) other matters related to options trading. Pursuant to the Proposal, a conventional option is defined to include any option contract not issued or subject to issuance by the Options Clearing Corporation where the underlying security of such contract is a common stock. In addition to the above change, the Amendment modifies certain other sections of the Proposal to conform such, where appropriate, with the rules presently in effect governing trading in exchange-listed options.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the filing with respect to the foregoing, all subsequent amendments, all written statements with respect to the Proposal which are filed with Commission, and of all written communications relating to the Proposal between the Commis-

sion and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the NASD. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 27, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 26, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

(FR Doc. 78-15427 Filed 6-6-78; 8:45 am)

[8010-01]

(Rel. No. 20567; 70-61711)

APPALACHIAN POWER CO.

Proposed Agreement Concerning the Financing of Pollution Control Facilities

MAY 31, 1978.

Notice is hereby given that Appalachian Power Co. ("Appalachian"), 40 Franklin Road, Roanoke, Va. 24009, an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed with this Commission an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a), 10, and 12(d) of the Act and Rule 44(b)(3) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Appalachian states that in order to comply with Federal and West Virginia environmental control requirements with respect to air and water quality it has under construction certain air and water pollution abatement or control and related facilities ("Facilities") at units 1 and 3 of the Philip Sporn Plant (which units are owned and operated by Appalachian) and at its Mountaineer Plant, all of which are located in Mason County, W. Va. (collectively referred to hereinafter as "Projects"). It is estimated that the Projects will cost approximately \$120,000,000. By resolutions adopted on June 17, 1974, and October 12, 1976, Mason County, W. Va. ("County") determined that it would authorize and issue one or more series of its pollution control revenue bonds ("Revenue Bonds"), in a maximum amount of \$80,000,000 with respect to the Mountaineer portion of the Projects and a maximum amount of \$40,000,000 with respect to the

Sporn portion of the Projects, to finance the acquisition, construction and installation of the Projects.

Appalachian proposes to enter into an agreement of sale ("Agreement") with the County whereby the County will construct and install the facilities comprising the Projects. To finance the Projects, the County will issue Bonds in an initial principal amount of \$40,000,000 ("Series A Bonds") and additional Revenue Bonds in principal amounts presently estimated not to exceed \$80,000,000, sufficient to cover construction cost of the Projects. The proceeds from the sale of the Series A Bonds will be deposited by the County with a bank or trust company as trustee ("Trustee") under an indenture to be entered into between the County and the Trustee (the "Indenture") pursuant to which the Series A Bonds are to be issued and secured. Such proceeds will be applied to payment of the cost of construction of the Projects. The Agreement will also provide for the sale of the Projects to Appalachian, the payment by Appalachian of the purchase price in semi-annual installments over a term of years, and the assignment and pledge to the Trustee of the County's interest in, and of the monies receivable by the County under, the Agreement.

The Agreement will provide that each installment of the purchase price for the Projects payable by Appalachian will be in such an amount (together with other monies held by the Trustee under the Indenture for that purpose) as will enable the County to pay, when due, (i) the interest on the Series A Bonds, any additional Bonds and any refunding Bonds, (ii) the principal amount of the Series A Bonds, any additional Bonds and any refunding Bonds payable at the time of their respective stated maturities, and (iii) amounts, including any accrued interest, payable in connection with any mandatory redemption of the Series A Bonds, any additional Bonds or any refunding Bonds. The Agreement will also obligate Appalachian to pay the fees and charges of the Trustee, as well as certain administrative expenses of the County. The Agreement will further provide that Appalachian may prepay the purchase price of the Projects in whole (i) upon the occurrence of certain events by paying amounts sufficient to redeem all Bonds then outstanding, the fees and expenses of the Trustee, and all other amounts payable under the Indenture, or (ii) at any time by depositing monies in the Bond Fund (as defined in the Indenture) or delivering to the Trustee governmental obligations sufficient in either case to provide for the release of the Indenture in accordance with its terms. Upon prepayment of the entire purchase price of the Projects, Appalachian may terminate the

NOTICES

Agreement. Appalachian may also prepay the purchase price in part, such payments to be paid to the Trustee for deposit in the Bond Fund, credited against the purchase price, and used for the redemption of outstanding Bonds in the manner and to the extent the outstanding Bonds are redeemable or subject to purchase as provided in the Indenture.

Appalachian proposes to convey the facilities at the Sporn and Mountaineer Plants, to the extent that they have already been constructed and are in place at the plantsites (the "Existing Facilities"), subject to its first mortgage lien, to the County, and Appalachian will be entitled under the Agreement to be reimbursed from the proceeds of the Bonds for its costs of construction. The Existing Facilities will thereupon become part of the Projects which Appalachian will purchase from the County as provided in the Agreement. The amounts to be received by Appalachian in reimbursement of its costs of construction are expected to be applied to the payment of unsecured short-term indebtedness and for construction. Appalachian's short-term debt was \$102,380,000 as of May 17, 1978, and is expected to be not less than \$125,000,000 at the time of issuance and sale of the Series A Bonds. Appalachian's construction program for 1978 is estimated at \$360,000,000.

It is contemplated that the Series A Bonds will be sold by the County pursuant to arrangements with a group of underwriters represented by Goldman, Sachs & Co. and the interest rate will be fixed by agreement among the underwriters and the County Commission of the County. Although Appalachian will not be a party to the underwriting arrangements for the Series A Bonds, Appalachian will not enter into the Agreement unless the terms of the Series A Bonds and their sale by the County are satisfactory to it.

Appalachian has been advised that the annual interest rates on obligations, the interest on which is tax exempt, historically have been and can be expected at the time of issue of the Series A Bonds to be 1½ percent to 2½ percent lower than the rates on obligations of like tenor and comparable quality, the interest on which is fully subject to Federal income tax.

The Series A Bonds will be dated on or about the first day of the month in which they are issued, will bear interest semiannually and will mature at a date or dates not more than 30 years from the date of their issuance. It is expected that the Series A Bonds will not be redeemable at the option of the County within 10 years from their issue date except under certain circumstances. Series A Bonds will be subject to mandatory redemption under the circumstances and terms specified in the Indenture.

The fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment. It is stated that the Virginia State Corporation Commission and the West Virginia Public Service Commission have jurisdiction over the proposed transactions. No other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 26, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notice and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

(FR Doc. 78-15798 Filed 6-6-78; 8:45 am)

[8010-01]

(Rel. No. 5936; 18-161)

LAVENTHOL & HORWATH PENSION PLAN FOR CLERICAL EMPLOYEES AND PROFITSHARING PLAN FOR PARTNERS AND PROFESSIONAL STAFF

Filing of Application For an Order Exempting From Provisions of The Act Interests or Participations in Pension Plan

MAY 31, 1978.

Notice is hereby given that Lavenhol & Horwath ("Applicant"), 1845 Walnut Street, Philadelphia, Pa. 19103, an accounting firm organized as a partnership under the laws of Penn-

sylvania, has, on March 30, 1978, filed an application for exemption from the registration requirements of the Securities Act of 1933 (the "Act") for participations or interests issued in connection with Applicant's pension plan for clerical employees (the "Clerical Plan") and Applicant's profitsharing plan for partners and professional staff (the "Professional Plan"). All interested persons are referred to these documents, which are on file with the Commission, for the facts and representations contained therein, which are summarized below. The Clerical Plan and the Professional Plan are sometimes hereafter referred to as the "Plans".

I. INTRODUCTION

The Plans are qualified under section 401(a) of the Internal Revenue Code of 1954 ("Code"), as amended, and are also subject to the requirements of the Employees' Retirement Income Security Act of 1974 ("ERISA") including the fiduciary, disclosure, and reporting requirements thereof. Since the Plans cover partners and principals of Applicant who are deemed to be "employees" within the meaning of section 401(c)(1) of the Code, the Plans are exempted from the exemption provided by section 3(a)(2) of the Act for interests or participations in employee benefit plans of corporate employers. Section 3(a)(2) of the Act provides, however, that the Commission may exempt from the provisions of section 5 of the Act any interest or participation issued in connection with a pension or profitsharing plan which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of the Code, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

II. DESCRIPTION AND ADMINISTRATION OF THE CLERICAL PLAN

The Clerical Plan was established by the Partnership effective July 1, 1975, to supercede an earlier pension plan for clerical employees, and covers clerical employees of Applicant who are not engaged in the active practice of accountancy. As of January 31, 1978, there were 235 participants in the Clerical Plan, one of whom was a principal of Applicant (an "employee" within the meaning of section 401(c)(1) of the Code) and the balance of whom were clerical personnel.

Applicant contributes to the Clerical Plan, for each plan year, a specified percentage of the total compensation of all participants. In addition, each participant may make voluntary contributions to the Plan of up to 10 per-

cent of his/her compensation for the entire period during which he/she has been a participant, subject to certain limitations.

Applicant states that under the Clerical Plan, all contributions are paid to a trust fund which holds the assets of the Plan. The trustee is Girard Bank of Philadelphia, Pa. Applicant states that all accounts of participants who have not reached the age of 65 are invested by the trustee as part of a single trust fund, except voluntary contributions received before January 31 which were deposited in an interest bearing savings account until invested in the trust fund on January 31. The trustee has full investment discretion with respect to the trust fund and current contributions are invested largely through the common income and common equity funds maintained by the trustee. At October 31, 1977, approximately 87 percent of the assets of the trust were invested in cash or fixed income securities and approximately 13 percent were invested in common stock or convertible securities.

The rights of a participant to voluntary contributions made by him vest immediately. The rights of a participant to benefits based upon contributions made by Applicant vest in accordance with a schedule which is based upon his years of service with Applicant. The Plan provides for payment of vested benefits to participants upon termination of their employment. Upon retirement, a participant may elect to receive his benefits in the form of a qualified joint and survivor annuity, or in other forms contemplated by the Code.

The Clerical Plan is administered by a Pension Plan Committee which presently consists of three partners, one principal, and two clerical employees of Applicant.

III. DESCRIPTION AND ADMINISTRATION OF THE PROFESSIONAL PLAN

The Professional Plan is a profit sharing plan established on December 13, 1970, and amended on February 1, 1972, November 18, 1975, January 29, 1976, April 29, 1976, and June 9, 1976. It covers partners, principals, and staff employees of Applicant engaged in the active practice of accountancy. As of January 31, 1978, there were a total of 611 active participants in the Professional Plan, of whom 172 were partners and 439 were principals and professional staff.

Applicant states that it may, but is not required to, make contributions to the Professional Plan in each year based upon compensation or earned income of each participant in excess of \$14,100, up to a maximum of \$100,000. The amount of the contribution to be made with respect to each year is fixed in the Professional Plan but may

be varied by determination of the National Council of Applicant, which is the governing body of Applicant.

In addition, each participant may make voluntary contributions to the Plan of up to 10 percent of his total compensation or earned income for the period during which he was a participant, subject to certain limitations.

All contributions are paid to a trust fund which holds the assets of the Plan. The Trustee is Philadelphia National Bank of Philadelphia, Pa. The Professional Plan is administered by a profitsharing plan committee ("Committee") which presently consists of five partners and one principal of Applicant. The Professional Plan retains a professional investment adviser, but all investment decisions are made by the Committee. At January 31, 1978, approximately 65 percent of the assets of the trust were invested in cash or fixed income securities and approximately 35 percent were invested in common stock or convertible securities.

The vesting rights of participants and provisions for payment of benefits are similar to those provided for participants in the Clerical Plan.

IV. DISCUSSION

Applicant states that if its business were organized in corporate form, interests and participations in the Plans would be exempt from registration pursuant to section 3(a)(2) of the Act. It is only because of the participation of partners and principals, who are "employees" within the meaning of section 401(c)(1) of the Code, that the exemption is not available. Applicant submits that the intent of Congress in drafting this exclusion to section 3(a)(2) of the Act was to prevent the sale, without registration, of interests in pre-packaged plans offered by financial institutions to self-employed persons who would require the protection of the Act in order to appraise these investments intelligently. Applicant submits that the Plans provided by Applicant to its personnel are similar to the kinds of plans which Congress determined could be offered to officers, directors and employees of corporations without the need for registration under the Act.

Accordingly, Applicant concludes that the granting of an exemption under section 3(a)(2) for interests or participations issued in connection with the Laventhol & Horwath Plans is appropriate in the public interest and consistent with the protection of investors and the purposes intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 26, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application, ac-

companied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed to: George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Laventhol & Horwath, 1845 Walnut Street, Philadelphia, Pa. 19103.

Proof of such service (by affidavit or, in the case of any attorney-at-law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application will be issued as of course following June 26, 1978, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-15799 Filed 6-6-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[License No. 04/04-0136]

GREAT EASTERN FINANCIAL CORP.

Application for a License To Operate as a
Small Business Investment Company (SBIC)

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to § 107.102 of the regulations (13 CFR 107.102 (1977)), under the name of Great Eastern Financial Corp., 1010 East Adams Street, Jacksonville, Fla. 32202, for a license to operate in the State of Florida as an SBIC under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The applicant's initial capital will be obtained from the sale of 10,050 shares of common stock to the estate of William Radford Lovett.

The proposed officers and major stockholders are as follows:

William D. Lovett, Chairman of the Board, 3945 Ortega Boulevard, Jacksonville, Fla. 32210.
Radford D. Lovett, President, Director, 100 Prospect Hill Avenue, Summit, N.J. 07901.
D. Leroy Johnson, Vice President, Treasurer, 2321 Cedar Shores Circle, Jacksonville, Fla. 32210.

Dated: May 30, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-15730 Filed 6-6-78; 8:45 am]

[8025-01]

MAXIMUM INTEREST RATES

Notice is given that the Small Business Administration ("SBA") has established the maximum rates of interest that lending institutions participating with SBA may charge on loans approved by SBA on and after June 5, 1978, under section 7 of the Small Business Act, as amended, and Section 502 of the Small Business Investment Act, as amended.

Effective June 5, 1978, the maximum rate of interest acceptable to SBA on a guaranteed loan or a guaranteed revolving line of credit shall be ten and one-half percent (10½ percent) per year, and the maximum rate on an immediate participation loan shall be nine and one-half percent (9½ percent) per year. These maximum interest rates are one-half percent (½ percent) higher than the rates published in the FEDERAL REGISTER and shall remain in effect until notification of a change is issued by SBA.

In recognition of the substantially different characteristics of the economy of Alaska, including a substantially higher level of loan interest rates, as compared with the "lower 49 States", an interest rate differential of three fourths percent (¾ percent) above the maximum allowable interest rate otherwise applicable for SBA loans is permitted for SBA loans made to borrowers in Alaska by lenders located in Alaska. This action is taken in light of the relatively limited availability of loan funds, and the higher costs experienced by lenders in Alaska. The action is consistent with the fact that SBA, in recognition of the State's economy, has published a size standard differential for Alaskan small businesses, and further recognition of existing differentials to wage scales and cost of living allowances as applicable to Alaska.

This Notice is issued under 13 CFR 120.3(b)(2)(iv). Catalog of Federal Domestic Assistance Programs: No. 59.002 Economic Injury Disaster Loans (E,F), No. 59.012 Small Business Loans (E,F), No. 59.013 State and Local Development Company Loans (E,F), No. 59.014 Coal Mine Health and Safety Loans (E,F), No. 59.017 Meat and Poultry Inspection Loans (E,F), No. 59.018 Occupational Safety Health Loans (E,F), No. 59.001 Displaced Business Loans (E,F), No. 59.003 Economic Opportunity Loans for Small Businesses (E,F), No. 59.010 Product Disaster Loans (E), No. 59.020 Base Closing Economic

Marie Sefton, Secretary, Director, 1426 Dancy Street, Jacksonville, Fla. 32210.
Robert R. Kreis, Director, 901 Ocean Boulevard, Atlantic Beach, Fla. 32233.

Upon the distribution of the estate the stock of the applicant will be held by Messrs. William D. Lawrence D., and Radford D. Lovett, equally.

The applicant will begin operations with a capitalization of \$1,005,000 which will be a source of long-term loans for qualified small business concerns with particular emphasis to the retail grocery industry. In addition to financial assistance, the applicant will provide consulting services to its clients.

The applicant will conduct its operations principally in the State of Florida.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, including adequate profitability and financial soundness in accordance with the Act and Regulations.

Notice is further given that any person may, not later than June 22, 1978, submit written comments on the proposed company to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of the notice shall be published in a newspaper of general circulation in Jacksonville, Fla.

(Catalog of Federal Domestic Assistance Program, No. 59.011, Small Business Investment Companies.)

Dated: May 31, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator
for Investment.

[FR Doc. 78-15729 Filed 6-6-78; 8:45 am]

[8025-01]

(Declaration of Disaster Loan Area No.
1467; Amdt. 2)

VIRGINIA

Declaration of Disaster Loan Area

The above numbered Declaration (see 43 FR 20070) and Amendment No. 1 (see 43 FR 21962), are amended by adding the adjacent independent cities to the independent cities of Hampton and Norfolk, Va. All other information remains the same; i.e., the termination date for filling applications for physical damage is close of business on July 14, 1978, and for economic injury until the close of business on February 14, 1979.

(Catalog of Federal Domestic Assistance, Program Nos. 59.002 and 59.008.)

Injury Loans (E,F), No. 59.021 Handicapped Assistance Loans (E,F), No. 59.022 Emergency Energy Shortage Economic Injury Loans (E,F), No. 59.023 Strategic Arms Economic Injury Loans (E,F), No. 59.024 Water Pollution Control Loans (E,F), No. 59.025 Air Pollution Control Loans (E,F).

Dated: June 2, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-15839 Filed 6-6-78; 8:45 am]

[4710-01]

DEPARTMENT OF STATE

(Public Notice CM-8165)

OCEANS AFFAIRS ADVISORY COMMITTEE

Meeting

The Ocean Affairs Advisory Committee, Antarctic Section will meet at 2 p.m. on July 6, 1978, in conference room 1408 of the Department of State, Washington, D.C.

The Committee will discuss key issues and problems involving the Antarctic in the context of current domestic and international developments. This session will be open to the public. The public will be admitted to the session to the limits of seating capacity and will be given the opportunity to participate in discussions according to the instructions of the Chairperson.

The Ocean Affairs Advisory Committee will continue its work on July 7, at 10 a.m., in a session which will not be open to the public since the discussions will be devoted to matters exempt from public disclosure under 5 U.S.C. 552(b)(1) and the public interest requires that such discussions be withheld from disclosure. The purpose of these discussions will be to elicit views concerning the forthcoming negotiations at Buenos Aires on Antarctic marine living resources and to review other matters and issues relating to the Antarctic which will be considered at the 10th Antarctic Treaty consultative meeting, with particular emphasis upon the mineral resource question. This portion of the meeting will include classified briefings and examination and discussion of classified documents pursuant to Executive Order 11652.

Requests for further information on the meeting should be directed to Lisle Rose, OES/OFA/OCA, Room 5216, Department of State. He may be reached by telephone on 202-632-3262.

Dated June 2, 1978.

Benoit Brookens II,
Special Assistant to the Deputy
Assistant Secretary for Oceans
and Fisheries Affairs.

[FR Doc. 78-15816 Filed 6-6-78; 8:45 am]

[4810-35]

DEPARTMENT OF THE TREASURY

Fiscal Service

(Dept. Circ. 570, 1977 Rev., Supp. No. 24)

SURETY COMPANIES ACCEPTABLE ON
FEDERAL BONDS

Certificate of Authority

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of \$1,505,000 has been established for the company.

Name of Company, Business Address,
and State in Which Incorporated

Aetna Reinsurance Company

55 Elm Street

Hartford, Connecticut 06115

Delaware

Certificates of authority expire on June 30 each year, unless sooner revoked, and new certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

DATED: May 31, 1978.

D. A. PAGLIAI,
Commissioner, Bureau of
Government Financial Operations.
[FR Doc. 78-15763 Filed 6-6-78; 8:45 am]

[4810-25]

Office of the Secretary

(T.D. Order No. 173-6)

MITIGATION OF FORFEITURE OF COUNTERFEIT
GOLD COINS

Delegation of Authority to the Director, U.S.
Secret Service

Pursuant to the authority vested in the Secretary of the Treasury by Title 18, U.S. Code, section 492, and vested in me by Treasury Department Order 190 (Revision 15), dated March 16, 1978, there is delegated to the Director, U.S. Secret Service, the authority to perform the functions of the Assistant Secretary for Enforcement and Operations with respect to the mitigation of forfeiture of counterfeit gold

coins of the United States, including the authority to take final action on petitions filed pursuant to Part 101 of Title 31, Code of Federal Regulations. The Director may redelegate this authority to the Deputy Director or any Assistant Director.

Dated: May 30, 1978.

RICHARD J. DAVIS,
Assistant Secretary
(Enforcement and Operations).
[FR Doc. 78-15769 Filed 6-6-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE
COMMISSION

(Notice No. 87)

MOTOR CARRIER TEMPORARY AUTHORITY
APPLICATIONS

JUNE 1, 1978.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information. Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 11207 (Sub-No. 428TA), filed April 19, 1978. Applicant: DEATON, INC., P.O. Box 938, 317 Avenue West, Birmingham, AL 35201. Applicant's

representative: Kim D. Mann, 7101 Wisconsin Avenue, Suite 1010, Washington, DC 20014. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk), from the facilities of Bird & Son, Inc., at Charleston, SC, to Ft. Lauderdale, Miami, Orlando, Sanford, Tampa, and Winter Haven, FL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bird & Son, Inc., Washington Street, East Walpole, MA 02022. Send protests to: Mabel E. Holston Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 26396 (Sub-No. 175TA), filed April 18, 1978. Applicant: POPELKA TRUCKING CO., d.b.a. THE WAGONERS, P.O. Box 990, Livingston, MT 59047. Applicant's representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wrought iron pipe*, from the facilities of Unarco-Leavitt located at Chicago, Blue Island, and Evanston, IL, to destinations in GA, CO, IA, KS, MO, MT, NE, OR, OK, TX, UT, WA, and WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Donald E. Werner Traffic Manager, Unarco-Leavitt Division of Unarco Industries, Inc., 1717 West 115th Street, Chicago, IL 60643. Send protests to: Paul J. Labane District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 55896 (Sub-No. 75TA), filed April 28, 1978. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Applicant's representative: George E. Batty, 20225 Goddard Road, Taylor, MI 48180. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Automobile parts and materials, supplies, equipment and related articles* (except commodities in bulk or tank vehicles), used in the manufacture, production and assembly of motor vehicles, from points in the Lower Peninsula of MI, IN, and OH to Janesville, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): General Motors Corp. Logistics Operations, 30007 Van Dyke Avenue, Warren, MI 48090. (E.R. Wiseman Director Transportation Economics.) Send protests to: Timothy S. Quinn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226.

No. MC 61396 (Sub-No. 349TA), filed April 19, 1978. Applicant: HERMAN BROS., INC., 2565 St. Mary's Avenue, P.O. Box 189, Omaha, NE 68101. Applicant's representative: John E. Smith II (Same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Crushed dolomitic limestone*, from the facilities of Piedmont Mining Corp., in Scott County, VA to Fordtown, TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): A. H. Woody Vice-President, Piedmont Mining Corp., P.O. Box 876, Kingsport, TN 37662. Send protests to: Carroll Russell District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 61445 (Sub-No. 8TA), filed April 19, 1978. Applicant: CONTRACTORS TRANSPORT CORP., 5800 Farrington Avenue, Alexandria, VA 22304. Applicant's representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, contractors equipment, materials and supplies* (except commodities in tank vehicles), between points in MD, VA, WV, and Washington, DC, (except on iron and steel articles, from Roanoke and Troutville, VA), for 180 days. Supporting shipper(s): Daniel A. Spencer Co., 8751 Cather Avenue, Manassas, VA 22110. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th & Constitution Avenue NW., Room 1413, Washington, DC 20423.

No. MC 65019 (Sub-No. 9TA), filed April 19, 1978. Applicant: BEATRICE MOTOR FREIGHT, INC., 123 Court Street, Beatrice, NE 68310. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Store fixtures, crated and uncrated*, from the facilities of Store Kraft Manufacturing Co. located at or near Beatrice, NE, to points in OK and TX, for 180 days. Supporting shipper(s): Jack Crawford, traffic manager, Store Kraft Manufacturing Co., P.O. Box 807, Beatrice, NE 68310. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 99969 (Sub-No. 2TA), filed April 18, 1978. Applicant: HUNTLEY TRUCKING CO., Route 1, New Plymouth, OH 45654. Applicant's representative: David A. Turano, George, Greek, King, McMahon & McConaughy, 100 East Broad Street, Columbus, OH 43215. Authority sought

to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coal* (in bulk, in dump vehicles), from Waterloo Township, Athens County; Starr Township, Hocking County; Reading Township, Perry County; and Brown Township, Vinton County, OH, to West Columbia, Mason County, WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Valley Coal Corp., P.O. Box 148, Union Furnace, OH 43518. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 105984 (Sub-No. 19TA), filed April 19, 1978. Applicant: JOHN B. BARBOUR TRUCKING CO., P.O. Box 577, Iowa Park, TX 76367. Applicant's representative: John Barbour, 402 East Highway, Iowa Park, TX 76367. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Steel racks for inventory control and storage*, (no bulk trailers will be used), from plantsite of Ken-Way, Inc., Wichita Falls, TX, to plantsite of Goodyear Tire & Rubber Co., Inc., at or near Lawton, OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ken-Way, Inc., Commerce Drive, Wichita Falls, TX. Send protests to: Robert J. Kirspeil, District Supervisor, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 106920 (Sub-No. 73TA), filed April 20, 1978. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, West Monroe Street, New Bremen, OH 45869. Applicant's representative: Betty Kominsk, P.O. Box 26, New Bremen, OH 45869. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods and food products*, in mechanically refrigerated equipment (except in bulk), from Livonia, MI, to points in OH, PA, NY, NJ, MD, VA, DE, CT, RI, MA, ME, VT, NH, and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Awrey Bakeries, Inc., 12301 Farmington Road, Livonia, MI 48150. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 115162 (Sub-No. 415TA), filed April 19, 1978. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate, P.O. Drawer 500, Evergreen, AL 36401. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, fittings, valves, fire hydrants, castings and materials and supplies* used in the installation thereof, from Birmingham and Bessemer, AL, to Mobile, AL, in interstate or foreign commerce, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) United States Pipe & Foundry Co., 3300 First Avenue North, Birmingham, AL 35202. (2) McWane Case Iron Pipe Co., 1201 Vanderbilt Road, Birmingham, AL 35234. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 115162 (Sub-No. 416TA), filed April 19, 1978. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate, P.O. Drawer 500, Evergreen, AL 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, fittings, valves, fire hydrants, castings and materials and supplies* used in the installation thereof, from Birmingham and Bessemer, AL, to points in AR, IA, OK, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): United States Pipe and Foundry Co., 3300 First Avenue North, Birmingham, AL 35202. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 116273 (Sub-No. 213TA), filed April 19, 1978. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL 60650. Applicant's representative: William R. Lavery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Indolene (test gasoline/white gas)* (in bulk, in tank vehicles), from Detroit, MI, to St. Louis and Claycomo, MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Amoco Oil Co., (James D. Christen, traffic analyst, 200 East Randolph Drive, Chicago, IL 60601. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 117344 (Sub-No. 273TA), filed April 20, 1978. Applicant: THE MAXWELL CO., 10380 Evendale Drive, P.O. Box 15010, Cincinnati, OH 45215. Applicant's representative:

John C. Spencer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron oxide* (in bulk, in tank or hopper type vehicles), from Ashland, KY to Norfolk, NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Support shipper(s): Minnesota Mining and Manufacturing Co., F. M. Wilcox, Transportation Logistics and Regulations Manager, 3M Center, St. Paul, MN 55101. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 118989 (Sub-No. 191TA), filed April 19, 1978. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, WI 53221. Applicant's representative: Rolland K. Draves (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles or jars, or both*, from the facilities of Metropack Containers Corp. at or near Dolton, IL, to Louisville, KY; Crosswell, Detroit, Flint, Grand Rapids, Lansing, and Muskegon, MI, and Milwaukee, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Metropack Containers Corp., 1099 Wall Street West, Lyndhurst, NJ 07071 (G. J. Elline). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 121060 (Sub-No. 60TA), filed April 19, 1978. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, 1220 West 3d Street, Birmingham, AL 35207. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles*, from the facilities of Kaiser Aluminum & Chemical Corp. located at or near Ravenwood, WV, to points in MO, MI, MS, IN, AR, GA, IL, AL, NC, SC, TN, and Louisville and Lafayette, LA, and LaCrosse, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kaiser Aluminum & Chemical Corp., P.O. Box 98, Ravenswood, WV 26164. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room

1616, 2121 Building, Birmingham, AL 35203.

No. MC 121060 (Sub-No. 81TA), filed April 20, 1978. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, 1220 West 3d Street, Birmingham, AL 35207. Applicant's representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Steel plate, sheet, and coil*, from the facilities of Republic Steel Corp. located at or near Gadsden, AL, to points in GA, FL, NC, SC, VA, WV, TN, KY, MS, and LA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Republic Steel Corp., Alabama City Station, Gadsden, AL 35901. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 121168 (Sub-No. 5TA), filed April 20, 1978. Applicant: BOOTH TRANSFER, INC., 7800 K Street, Omaha, NE 68127. Applicant's representative: M. M. McMahon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Omaha, NE, and its commercial zone to the facilities of Nissen Co. at or near Webster City, IA, restricted to traffic originating at the above-named origin and destined to the above-named destination, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bill March, Vice-President, Nissen Co., P.O. Box 368, Webster City, IA 50595. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 124078 (Sub-No. 796TA), filed April 19, 1978. Applicant: SCHWERMANN TRUCKING CO., 611 South 28 Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement* (in bulk), from the plant site of Alpha Portland Cement Co. at Cementon, Green County, NY, to points in CT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Alpha Portland

Cement Co., Alpha Building, P.O. Box 191, Easton, PA 18042 (Jay A. Young). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 126118 (Sub-No. 76TA), filed April 18, 1978. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, NE 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages and wine*, from KY, Evansville and Lawrenceburg, IN, Cartage, OH; Peoria, IL; and Allen Park and Detroit, MI, and their commercial zones to Union City, Eureka, Redding, Fresno, and Sacramento, CA, and Reno and Las Vegas, NV, and their commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): James A. Rowen, Traffic Manager, Foremost McKesson, Inc., One Post Street, San Francisco, CA 94104. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Courthouse, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 126555 (Sub-No. 58TA), filed April 17, 1978. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 3000, Rapid City, SD 57709. Applicant's representative: Barry C. Burnette, P.O. Box 3000, Rapid City, SD 57709. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite* (in bulk), from Casper, WY, to the plant site of Industrial Mineral Ventures, Inc., at or near Lathrop Wells, NV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Procter & Gamble Manufacturing Co., P.O. Box 599, Cincinnati, OH 45201. (William J. Payne Analyst/Bulk Motor.) Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 455, Federal Building, Pierre, SD 57501.

No. MC 127579 (Sub-No. 9TA), filed April 5, 1978. Applicant: HAULMARK TRANSFER, INC., P.O. Box 343, Cockeysville, MD 21030. Applicant's representative: Glenn M. Heagerty (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail stores (except commodities in bulk)* (1) between the facilities of Best Products Co., Inc. at Ashland, VA on the one hand and, on the other,

points in MD, NJ, and PA; (2) from the facilities of Brown Printing Co. at East Greenville, PA to points in MD, NJ, NC, PA, VA, and DC, for 180 days. Supporting shipper(s): Wayne Acors, Traffic Manager, Best Products Co., Inc., P.O. Box 26303, Richmond, VA 23260. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, MD 21201.

No. MC 133330 (Sub-No. 14TA), filed April 20, 1978. Applicant: HALVOR LINES, INC., P.O. Box 6227, Duluth, MN 55806. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and materials and supplies* utilized in the distribution of foodstuffs, from Duluth, MN to WA, OR, ID, MT and UT, under a continuing contract or contracts with Jeno's, Inc., for 180 days. Supporting shipper(s): Jeno's, Inc., 525 Lake Avenue South, Duluth, MN 55802. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 133330 (Sub-No. 15TA), filed April 20, 1978. Applicant: HALVOR LINES, INC., 4609 West First, P.O. Box 6227, Duluth, MN 55806. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and materials and supplies*, utilized in the distribution of foodstuffs, from Sodas, MI to AZ, CA, WA, OR, ID, MT, and UT, under a continuing contract or contracts with Jeno's, Inc., for 180 days. Supporting shipper(s): Jeno's, Inc., 525 Lake Avenue South, Duluth, MN 55802. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 133796 (Sub-No. 51TA), filed April 20, 1978. Applicant: GEORGE APPEL, INC., 249 Carverton road, Trucksville, PA 18708. Applicant's representative: Joseph F. Hoary, 121 S. Main Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint, protective coatings, or corrosion inhibitors*, from Norristown, PA to TX and CA, and from Baltimore, MD to Anaheim, CA, for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Krylon Depart-

ment, Division of Borden Chemical, Borden, Inc. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, PA 18503.

No. MC 135797 (Sub-No. 115TA), filed April 19, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell, AR 72745. Applicant's representative: Paul A. Maestri, P.O. Box 200, Lowell, AR 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products, concentrates and beverages* (except in bulk), from the plant site of Adams Packing Association, Inc., Auburndale, FL, to points in AZ, CA, CO, ID, MT, OR, UT, and WA, for 180 days. Supporting shipper(s): Adams Packing Association, Inc., P.O. Box 37, Auburndale, FL 33823. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 138627 (Sub-No. 31TA), filed April 19, 1978. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Route 4, Fort Dodge, IA 50501. Applicant's representative: Russell G. Hilken, P.O. Box 404, Fort Dodge, IA 50501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Sterling, IL and its commercial zone, to points in IA, MO and NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Northwestern Steel and Wire Co., 121 Wallace Street, Sterling, IL 61081. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 138882 (Sub-No. 44TA), filed February 23, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Applicant's representative: George A. Olsen, Traffic Consultant, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings, valves, and accessories therefor*, from the facilities of Dav-Tite PVC Pipe Plant, Division of Davis Water and Waste Industries, located at Thomasville, GA, to points in AL, MS, LA, FL, TN, AR, KY, SC, NC, and VA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Dav-Tite PVC Pipe Plant, P.O. Box 1419, Thomasville, GA 31792. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, I.C.C., Room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 138882 (Sub-No. 65TA), filed April 19, 1978. Applicant: WILEY SANDERS, INC., P.O. Drawer 707, Troy, AL 36081. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from the facilities of Mississippi Chemical Corp., located at or near Yazoo City and Pascagoula, MS; to the facilities and customers of the Pike Farmer's Cooperative, Inc., located in Pike County, AL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pike Farmer's Cooperative, Inc., Box 343, Troy, AL 36081. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Bldg., Birmingham, AL 35203.

No. MC 138882 (Sub-No. 67TA), filed April 19, 1978. Applicant: WILEY SANDERS, INC., P.O. Drawer 707, Troy, AL 36081. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum articles: viz., sheet, plate, blanks, foil, or lineal shapes, not, from the facilities of Kaiser Aluminum & Chemical Corp. at or near Ravenswood, WV, to AL, AR, CT, FL, GA, IL, IN, MA, MI, MS, MO, NJ, NC, PA, SC, TN, and VA, and the following specific cities/States: DE—Farnhurst, KY—Louisville, Richmond, LA—New Orleans, Lafayette, ME—Westbrook, MD—Baltimore, MN—Minneapolis, St. Paul, TX—Houston, Grand Prairie, Tyler, WI—La Crosse, and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kaiser Aluminum & Chemical Corp., P.O. Box 98, Ravenswood, WV 26164. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.*

No. MC 140033 (Sub-No. 49TA), filed April 17, 1978. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Applicant's representative: Lawrence A. Winkle, Winkle & Wells, Suite 1125, Exchange Park, P.O. Box 45538, Dallas, TX 75245. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Floor coverings and materials and supplies used in the installation of floor coverings*, from Trenton, Salem, NJ, Norwood, MA, Vailgate, NY, and Whitehall (Lehigh County), Landisville, Lancaster, Mar-

letta, and Marcus Hook, PA, to points in TX, Denver, CO, and Kansas City, KS-MO, for 180 days. Supporting shipper(s): There are approximately (9) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

No. MC 140635 (Sub-No. 12 TA), filed April 6, 1978. Applicant: ADAMS LINES, INC., P.O. Box 415, 601 32d Avenue, Council Bluffs, IA 51501. Applicant's representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by products, and articles distributed by meat packinghouses as described in sections A and C of appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk)*, from the facilities of Union Packing Co. at or near Omaha, NE, to points in AL, CT, DE, FL, GA, IL, IN, ME, MD, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, WV, and DC, for 180 days. Restricted to traffic originating at named facilities and destined to named destination States, except traffic moving in foreign commerce. Supporting shipper(s): David A. Kousgaard, Traffic Manager, Union Packing Co., Inc., 4501 South 36th Street, Omaha, NE 68107. Send protests to: Carroll Russell, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 141914 (Sub-No. 39TA), filed April 6, 1978. Applicant: FRANKS & SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Applicant's representative: Katharena J. Franks (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Molded pulp, peat or expanded or foam plastic (polystyrene) products such as flora pots, seedling blocks, trays, egg cartons, packing partitions, and such articles and material as are used in the manufacture and packaging of such articles*, from: (1) the facilities and warehouse of Keyes Fibre Co. at or near Hammond and Gary, IN, to points in NH, NY, MA, WI, MI, IL, IN, OH, PA, KY, GA, MO, AR, AL, MS, MN, IA, WV, OK, TN, TX, and LA; (2) from the facilities of Keyes Fibre Co. at or near New Iberia, LA, to points in and west of OH, KY, TN, AL, TX, LA, IL, OK, AR, MS, IN, FL, PA, IA, WI, WV, MO, MN, and MI; (3) from the facilities of Keyes Fibre Co. at or near Florin and Fullerton, CA, to points in

and west of TX, OK, MO, IA, and MN; and (4) from the facilities of Keyes Fibre Co. at or near Troy, OH, to points in CO, KS, OK, MO, IL, IN, WI, PA, NY, MA, and TN, for 180 days. Supporting shipper(s): Keyes Fibre Co., Waterville, ME 04901. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Courthouse Building, 215 Northwest 3d, Oklahoma City, OK 73102.

No. MC 143053 (Sub-No. 2TA), filed April 6, 1978. Applicant: B&B TRANSPORT, INC., 20433 Northeast 133d, Woodinville, WA 98072. Applicant's representative: Henry C. Winters, 235 Evergreen Building, Renton, WA 98055. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Porcelain-steel enamelware, vitreous china earthenware toilet seats, garbage disposals, plastic lavatories and tubs, glass lined water heaters, shower doors, metal bi-fold doors, and plastic tubing*, from Aurora, IL, Conyers, GA, Sheboygan Falls, WI, Somerset, PA, Lapeer, MI, Perrysville, OH, Racine, WI, Atlanta, GA, and Union City, TN, to the facilities of Son Sales Ltd., at Portland, OR, and the facilities of Pacific Western Pipe & Supply at Tigard, Portland, and Eugene, OR, and to the ports of entry on the U.S.-Canadian border at or near Oroville, WA, Sweetgrass, MT, and Eastport, ID, under a continuing contract or contracts with Son Sales Ltd., of Portland, OR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Son Sales Ltd., 554 North Columbia Boulevard, P.O. Box 17198, Portland, OR 97217. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15808 Filed 6-6-78; 8:45 am]

[7035-01]

[Notice No. 91]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 5, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the

filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information. Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 97526 (Sub-No. 4TA), by decision entered May 18, 1978, the Motor Carrier Board granted Nevada Freight Lines, Inc., Reno, NV, 180-day temporary authority to transport *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over irregular routes, between Reno, NV and its commercial zone, on the one hand, and, on the other, points in NV. Applicant is authorized to interline at Sparks, Wells, McDermitt, and Las Vegas, NV. The purpose of this republication is to show applicant sought authority to interline. Michael J. O'Neill, 8201 Edgewater Drive, Oakland, CA 94621 and Marvin Handler, 100 Pine St. Suite 2550, San Francisco, CA 94111, representatives for applicant. Any interested person may file a petition for reconsideration on or before June 27, 1978.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15809 Filed 6-6-78; 8:45 am]

[7035-01]

[Notice No. 60]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 7, 1978.

Application filed for temporary authority under section 210a(b) in con-

nection with transfer application under section 212(b) and Transfer Rules, 49 CFR part 1132:

No. MC FC 77693. By application filed May 30, 1978, CROWN TRANSPORTATION, INC., 549 East Cucharas, P.O. Box 1056, Colorado Springs, CO 80901, seeks temporary authority to transfer the operating rights of ART WALKER, an individual, d.b.a. COLORADO SPRINGS—LIMON TRANSPORTATION CO., 1619 Kodiak Drive, Colorado Springs, CO 80901, under section 210a(b). The transfer to Crown Transportation, Inc., of the operating rights of Art Walker, an individual, d.b.a. Colorado Springs—Limon Transportation Co., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15806 Filed 6-6-78; 8:45 am]

[7035-01]

[Notice No. 61]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 17, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR part 1132:

No. MC FC 77694. By application filed May 26, 1978, C & C DISTRIBUTORS, Box 102, Jordon, MT 59337, seeks temporary authority to transfer the operating rights of Dennis Jimison Construction Co., Inc., Box 1154, Glendive, MT 59330, under section 210a(b). The transfer to C & C Distributors, of the operating rights of Dennis Jimison Construction Co., Inc., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15807 Filed 6-6-78; 8:45 am]

[7035-01]

[Section 5a Application 49; Amdt. No. 11]

CENTRAL AND SOUTHERN MOTOR CARRIERS—AGREEMENT

Amendment No. 11

MAY 31, 1978.

The Commission is in receipt of an application in the above proceeding for approval of amendments to the approved agreement.

Filed May 11, 1978 by: John M. Womack, Attorney-in-Fact, Central and Southern Motor Carriers, 2722 Crittenden Drive, Louisville, Ky. 40209. Norman R. Powell, General Counsel and Attorney, Central and

Southern Motor Carriers, 2722 Crittenden Drive, Louisville, Ky. 40209.

The amendments involve: Changes to comply with Ex Parte No. 297, 349 ICC 811, and 351 ICC 437.

The complete application may be inspected at the Office of the Commission, in Washington, D.C.

Any interested person desiring to protest and participate in this proceeding shall notify the Commission in writing on or before June 27, 1978. As provided by the General Rules of Practice of the Commission, persons other than applicants should fully disclose their interest, and the position they intend to take with respect to the application. Otherwise, the Commission, in its discretion, may proceed to investigate and determine the matters involved without public hearing.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15808 Filed 6-6-78; 8:45 am]

[7035-01]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

JUNE 2, 1978.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's gateway elimination rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 19, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a common carrier, by motor vehicles, over irregular routes.

No. MC 2900 (Sub-No. E37), filed July 9, 1974. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Applicant's representative: S. E. Somers, Jr. (same as above). *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities re-

quiring special equipment, between points in IL on and north of U.S. Hwy 40 (except Effingham), St. Louis, MO, on the one hand, and, on the other, those points in OH beginning at the OH-KY State line, and extending along U.S. Hwy 62 to junction U.S. Hwy 50, then along U.S. Hwy 50 to junction Alternate U.S. Hwy 50, then along Alternate U.S. Hwy 50 to junction the OH-WV State line, then along the OH State line to the point of origin. Restriction: No shipment may be (a) originated at, destined to, or interchanged with a connecting carrier, at a point in the St. Louis Commercial Zone as defined by the Commission if either the origin or destination of the shipment is a point in IL (b) transported from an origin point in IL to a destination point in IL, (c) picked up, delivered, or interchanged with a connecting carrier at any point in MI on the above-described routes if it originates at, is destined to, or will be interchanged with a connecting carrier at a point in Toledo or its commercial zone as defined by the Commission; (d) picked up, delivered or interchanged with a connecting carrier at any point in MI on the above-described routes or in Toledo or its Commercial zone if it originates at, is destined to, or will be interchanged with a connecting carrier at Louisville, KY, Anderson, South Bend, Elkhart, Indianapolis, Richmond, Seymour, Fort Wayne, Kokomo, Columbus, Jeffersonville, Clarksville, or Muncie, IN, including their respective commercial zones as defined by the Commission, or a point in OH; or (e) picked up from a consignor or delivered to a consignee within the St. Louis Commercial zone as defined by the Commission if either the origin or destination of the shipment is located within the commercial zone of Louisville or Cincinnati, OH, as defined by the Commission. The purpose of this filing is to eliminate the gateway of Clarksville, IN.

No. MC 2900 (Sub-No. E38), filed July 9, 1974. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Applicant's representative: S. E. Somers, Jr. (same as above). *General Commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, between points in IL on and north of U.S. Hwy 40 (except Effingham), beginning at the IL-MO State line at St. Louis, MO, and extending along U.S. Hwy 40 to junction IL Hwy 33, then west and south along IL Hwy 33 to junction IL Hwy 128, then along IL Hwy 128 to junction IL Hwy 16, then along IL Hwy 16 to junction IL Hwy 29, then along IL Hwy 29 to junction IL Hwy 125, then along IL Hwy 125 to junction U.S. Hwy 67, then along IL Hwy

67 to junction U.S. Hwy 136, then along U.S. Hwy 136 to the IL-IA State line on the one hand and, on the other, those points in OH on and south and east of a line beginning at the OH-KY State line, and extending along U.S. Hwy 22, then along U.S. Hwy 22 to junction OH Hwy 9, then along OH Hwy 9 to junction OH Hwy 45 then along OH Hwy 45 to Lake Erie. Restriction: No shipment may be (a) originated at, destined to, or interchanged with a connecting carrier, at a point in the St. Louis Commercial Zone as defined by the Commission if either the origin or destination of the shipment is a point in IL (b) transported from an origin point in IL to a destination point in IL, (c) picked up, delivered, or interchanged with a connecting carrier at any point in MI on the above-described routes if it originates at, is destined to, or will be interchanged with a connecting carrier at a point in Toledo or its commercial zone as defined by the Commission; (d) picked up, delivered or interchanged with a connecting carrier at any point in MI on the above-described routes or in Toledo or its Commercial zone if it originates at, is destined to, or will be interchanged with a connecting carrier at Louisville, KY, Anderson, South Bend, Elkhart, Indianapolis, Richmond, Seymour, Ft. Wayne, Kokomo, Columbus, Jeffersonville, Clarksville, or Muncie, IN, including their respective commercial zones as defined by the Commission, or a point in OH; or (e) picked up from a consignor or delivered to a consignee within the St. Louis Commercial zone as defined by the Commission if either the origin or destination of the shipment is located within the commercial zone of Louisville or Cincinnati, OH, as defined by the Commission. The purpose of this filing is to eliminate the gateway of Clarksville, IN.

No. MC 2900 (Sub-No. E39), filed July 9, 1974. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Applicant's representative: S. E. Somers, Jr. (same as above). *General Commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, between points in IL on and north of U.S. Hwy 40 (except Effingham), St. Louis, MO, and on and west and south of a line beginning at the junction U.S. Hwy 40 and IL Hwy 4, and extending along IL Hwy 4 to junction IL Hwy 16, then along IL Hwy 16 to the IL-MO State line on the one hand and, on the other, those points in OH on, south and east of a line beginning at the OH-KY State line, and extending along Interstate Hwy 75, to junction U.S. Hwy 40, then along U.S. Hwy 40 to junction U.S. Hwy 68, then along

U.S. Hwy 68 to junction U.S. Hwy 36, then along U.S. Hwy 36 to junction OH Hwy 4, then along OH Hwy 4 to Lake Erie. Restriction: No shipment may be (a) originated at, destined to, or interchanged with a connecting carrier, at a point in the St. Louis Commercial Zone as defined by the Commission if either the origin or destination of the shipment is a point in IL (b) transported from an origin point in IL to a destination point in IL, (c) picked up, delivered, or interchanged with a connecting carrier at any point in MI on the above-described routes if it originates at, is destined to, or will be interchanged with a connecting carrier at a point in Toledo or its commercial zone as defined by the Commission; (d) picked up, delivered or interchanged with a connecting carrier at any point in MI on the above-described routes or in Toledo or its Commercial zone if it originates at, is destined to, or will be interchanged with a connecting carrier at Louisville, KY, Anderson, South Bend, Elkhart, Indianapolis, Richmond, Seymour, Ft. Wayne, Kokomo, Columbus, Jeffersonville, Clarksville, or Muncie, IN, including their respective commercial zones as defined by the Commission, or a point in OH; or (e) picked up from a consignor or delivered to a consignee within the St. Louis Commercial zone as defined by the Commission if either the origin or destination of the shipment is located within the commercial zone of Louisville or Cincinnati, OH, as defined by the Commission. The purpose of this filing is to eliminate the gateway of Clarksville, IN.

No. MC 2900 (Sub-No. E40), filed July 9, 1974. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Applicant's representative: S. E. Somers, Jr. (same as above). *General Commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, between Chicago, IL and points in its commercial zone on the one hand and, on the other, points in OH. Restriction: No shipment may be (a) originated at, destined to, or interchanged with a connecting carrier, at a point in the St. Louis Commercial Zone as defined by the Commission if either the origin or destination of the shipment is a point in IL; (b) transported from an origin point in IL to a destination point in IL; (c) picked up, delivered, or interchanged with a connecting carrier at any point in MI on the above-described routes if it originates at, is destined to, or will be interchanged with a connecting carrier at a point in Toledo or its commercial zone as defined by the Commission; (d) picked up, delivered or interchanged with a connecting carrier at any point in MI on the above-

described routes or in Toledo or its Commercial zone if it originates at, is destined to, or will be interchanged with a connecting carrier at Louisville, KY, Anderson, South Bend, Elkhart, Indianapolis, Richmond, Seymour, Ft. Wayne, Kokomo, Columbus, Jeffersonville, Clarksville, or Muncie, IN, including their respective commercial zones as defined by the Commission, or a point in OH; or (e) picked up from a consignor or delivered to a consignee within the St. Louis Commercial zone as defined by the Commission if either the origin or destination of the shipment is located within the commercial zone of Louisville or Cincinnati, OH, as defined by the Commission. The purpose of this filing is to eliminate the gateway of points in IN in the Chicago, IL commercial zone.

No. MC 2900 (Sub-No. E41), filed July 9, 1974. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Applicant's representative: S. E. Somers, Jr. (same as above). *General Commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, from points in IL on and north of U.S. Hwy 40 (except Effingham) and points on and south of a line beginning at the IL-IN State line, and extending along U.S. Hwy 36 to junction IL Hwy 125, then along IL Hwy 125 to the junction of U.S. Hwy 67, then along U.S. Hwy 67 to junction U.S. Hwy 34, then along U.S. Hwy 34 to the IL-IA State line, to those points in PA on and east of a line beginning at the PA-MD State line, and extending north along U.S. Hwy 15 to Harrisburg, PA, then along U.S. Hwy 22 to Easton, PA, then along U.S. Hwy 22 to the NJ-PA State line, and return to the point of origin. Restriction: No shipment may be (a) originated at, destined to, or interchanged with a connecting carrier, at a point in the St. Louis commercial zone as defined by the Commission if either the origin or destination of the shipment is a point in IL, (b) transported from an origin point in IL to a destination point in IL, (c) picked up, delivered, or interchanged with a connecting carrier at any point in MI on the above-described routes if it originates at, is destined to, or will be interchanged with a connection at a point in Toledo or its commercial zone as defined by the Commission, (d) picked up, delivered, or interchanged with a connecting carrier at any point in MI on the above-described routes or in Toledo or its commercial zone if it originates at, is destined to, or will be interchanged with a connecting carrier at Louisville, KY, Anderson, South Bend, Elkhart, Indianapolis, Richmond, Seymour, Fort Wayne, Kokomo, Columbus, Jeffersonville, Clarksville, or Muncie, IN, including their respective commercial zones as defined by the Commission, or a point in OH, or (e) picked up from a consignor or delivered to a consignee within the St. Louis commercial zone as defined by the Commission if either the origin or destination of the ship-

Kokomo, Columbus, Jeffersonville, Clarksville, or Muncie, IN, including their respective commercial Zones as defined by the Commission, or a point in OH, or (e) picked up from a consignor or delivered to a consignee within the St. Louis commercial zone as defined by the Commission if either the origin or destination of the shipment is located within the commercial zone of Louisville, Ky, or Cincinnati, OH, as defined by the Commission. The purpose of this filing is to eliminate the gateways of Clarksville, IN, and points in OH within 50 miles of Cleveland, OH.

No. MC 2900 (Sub-No. E42), filed July 9, 1974. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Applicant's representative: S. E. Somers, Jr. (same address as applicant). *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, from points in IL on and north of U.S. Hwy 40 (except Effingham), and on and south of a line beginning at the IL-IN State line, and extending along U.S. Hwy 36 to junction IL Hwy 125, then along IL Hwy 125 to junction U.S. Hwy 67 then along U.S. Hwy 67 to junction U.S. Hwy 34, then along U.S. Hwy 34 to the IL-IA State line, to points in Bergen, Hudson, Passaic, Essex, Morris, Union, Somerset, Hunterdon, Sussex, Warren, Middlesex, Monmouth, and Mercer Counties, NJ. Restriction: No shipment may be (a) originated at, destined to, or interchanged with a connecting carrier, at a point in the St. Louis commercial zone as defined by the Commission if either the origin or destination of the shipment is a point in IL, (b) transported from an origin point in IL to a destination point in IL, (c) picked up, delivered, or interchanged with a connecting carrier at any point in MI on the above-described routes if it originates at, is destined to, or will be interchanged with a connecting carrier at a point in Toledo or its commercial zone as defined by the Commission, (d) picked up, delivered, or interchanged with a connecting carrier at any point in MI on the above-described routes or in Toledo or its commercial zone if it originates at, is destined to, or will be interchanged with a connecting carrier at Louisville, KY, Anderson, South Bend, Elkhart, Indianapolis, Richmond, Seymour, Fort Wayne, Kokomo, Columbus, Jeffersonville, Clarksville, or Muncie, IN, including their respective commercial zones as defined by the Commission, or a point in OH, or (e) picked up from a consignor or delivered to a consignee within the St. Louis commercial zone as defined by the Commission if either the origin or destination of the shipment is located within the commercial zone of Louisville, KY, or Cincinnati, OH, as defined by the Commission. The purpose of this filing is to eliminate the gateways of Clarksville, IN, points in OH within 50 miles of Cleveland, OH, points in PA on and south of a line beginning at the OH-PA State line, and extending along U.S.

ment is located within the commercial zone of Louisville, KY, or Cincinnati, OH, as defined by the Commission. The purpose of this filing is to eliminate the gateways of Clarksville, IN, points on OH within 50 miles of Cleveland, OH, points in PA on and south of a line beginning at the OH-PA State line, and extending along U.S. Hwy 62 to Franklin, PA, then along U.S. Hwy 322 to Lewistown, PA, then along U.S. Hwy 22 to Easton, PA, Doylestown, PA used as gateway for Asbury Park and Trenton, NJ only.

No. MC 2900 (Sub-No. E43), filed July 9, 1974. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Applicant's representative: S. E. Somers, Jr. (same as above). *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, from points in IL on and north of U.S. Hwy 40 (except Effingham), and on and south of IL Hwy 74 to points in Bergen, Hudson, Passaic, Essex, Morris, Union, Somerset, Hunterdon, Warren, Middlesex, and Monmouth Counties, NJ. Restriction: No shipment may be (a) originated at, destined to, or interchanged with a connecting carrier, at a point in the St. Louis commercial zone as defined by the Commission if either the origin or destination of the shipment is a point in IL, (b) transported from an origin point in IL to a destination point in IL, (c) picked up, delivered, or interchanged with a connecting carrier at any point in MI on the above-described routes if it originates at, is destined to, or will be interchanged with a connecting carrier at a point in Toledo or its commercial zone as defined by the Commission, (d) picked up, delivered, or interchanged with a connecting carrier at any point in MI on the above-described routes or in Toledo or its commercial zone if it originates at, is destined to, or will be interchanged with a connecting carrier at Louisville, KY, Anderson, South Bend, Elkhart, Indianapolis, Richmond, Seymour, Fort Wayne, Kokomo, Columbus, Jeffersonville, Clarksville, or Muncie, IN, including their respective commercial zones as defined by the Commission, or a point in OH, or (e) picked up from a consignor or delivered to a consignee within the St. Louis commercial zone as defined by the Commission if either the origin or destination of the shipment is located within the commercial zone of Louisville, KY, or Cincinnati, OH, as defined by the Commission. The purpose of this filing is to eliminate the gateways of Clarksville, IN, points in OH within 50 miles of Cleveland, OH, points in PA on and south of a line beginning at the OH-PA State line, and extending along U.S.

Hwy 62 to Franklin, PA, then along U.S. Hwy 322 to Lewiston, PA, then along U.S. Hwy 22 to Easton, PA, Doylestown, PA used as gateway for Asbury Park and Trenton, NJ only.

No. MC 2900 (Sub-No. E44), filed July 9, 1974. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Applicant's representative: S. E. Somers, Jr. (same as above). *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, from points in IL on and north of U.S. Hwy 40 (except Effingham), and on and south of IL Hwy 74 to points in Essex, Bergen, Hunterdon, Union, and Passaic Counties, NJ, and New York, NY. Restriction: No shipment may be (a) originated at, destined to, or interchanged with a connecting carrier, at a point in the St. Louis commercial zone as defined by the Commission if either the origin or destination of the shipment is a point in IL, (b) transported from an origin point in IL to a destination point in IL, (c) picked up, delivered, or interchanged with a connecting carrier at any point in MI on the above-described routes if it originates at, is destined to, or will be interchanged with a connecting carrier at a point in Toledo or its commercial zone as defined by the Commission, (d) picked up, delivered, or interchanged with a connecting carrier at any point in MI on the above-described routes or in Toledo or its commercial zone if it originates at, is destined to, or will be interchanged with a connecting carrier at Louisville, KY, Anderson, South Bend, Elkhart, Indianapolis, Richmond, Seymour, Fort Wayne, Kokomo, Columbus, Jeffersonville, Clarksville, or Muncie, IN, including their respective commercial zones as defined by the Commission, or a point in OH, or (e) picked up from a consignor or delivered to a consignee within the St. Louis commercial zone as defined by the Commission if either the origin or destination of the shipment is located within the commercial zone of Louisville, KY, or Cincinnati, OH, as defined by the Commission. The purpose of this filing is to eliminate the gateways of Clarksville, IN, points in OH within 50 miles of Cleveland, OH, points in PA on and south of a line beginning at the OH-PA State line, and extending along U.S. Hwy 62 to Franklin, PA, then along U.S. Hwy 322 to Lewiston, PA, then along U.S. Hwy 22 to Easton, PA, Doylestown, PA used as gateway for Asbury Park and Trenton, NJ only.

No. MC 2900 (Sub-No. E45), filed July 9, 1974. Applicant: RYDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Applicant's

representative: S. E. Somers, Jr. (same as above). *General commodities*, except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk and commodities requiring special equipment, and nursery stock, seeds, bulbs, plants and accessories and supplies used or useful in the planting or exhibition of such plants, from points in IL on and north of U.S. Hwy 40 (except Effingham), and on and south of a line beginning at the IL-IA State line, and extending along U.S. Hwy 150 to junction IL Hwy 97, then along IL Hwy 97 to junction IL Hwy 9, then along IL Hwy 9 to junction IL Hwy 121, then along IL Hwy 121 to junction IL Hwy 32, then along IL Hwy 32 to junction IL Hwy 33, then along IL Hwy 33 to junction U.S. Hwy 40, then along U.S. Hwy 40 to points within 20 miles of City Hall, Philadelphia, PA. Restriction: No shipment may be (a) originated at, destined to, or interchanged with a connecting carrier, at a point in the St. Louis commercial zone as defined by the Commission if either the origin or destination of the shipment is a point in IL, (b) transported from an origin point in IL to a destination point in IL, (c) picked up, delivered, or interchanged with a connecting carrier at any point in MI on the above-described routes if it originates at, is destined to, or will be interchanged with a connecting carrier at a point in Toledo or its commercial zone as defined by the Commission, (d) picked up, delivered, or interchanged with a connecting carrier at any point in MI on the above-described routes or in Toledo or its commercial zone if it originates at, is destined to, or will be interchanged with a connecting carrier at Louisville, KY, Anderson, South Bend, Elkhart, Indianapolis, Richmond, Seymour, Fort Wayne, Kokomo, Columbus, Jeffersonville, Clarksville, or Muncie, IN, including their respective commercial zones as defined by the Commission, or a point in OH, or (e) picked up from a consignor or delivered to a consignee within the St. Louis commercial zone as defined by the Commission if either the origin or destination of the shipment is located within the commercial zone of Louisville, KY, or Cincinnati, OH, as defined by the Commission. The purpose of this filing is to eliminate the gateways of Clarksville, IN, points in OH within 50 miles of Cleveland, OH, and Philadelphia, PA.

No. MC 31462 (Sub-No. E450), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission between points in TX, on the one hand, and, on the other, points in PA. The purpose of this filing is to eliminate the gateways of

points in Kiowa County, OK and points within 50 miles thereof, points in Tillman County, OK and points within 50 miles thereof, points in Bradley County, AR, Kansas City, MO, and points within 30 miles thereof, Fort Wayne, IN, and points in IN within 40 miles of Fort Wayne and Cairo, IL and points within 25 miles thereof.

No. MC 31462 (Sub-No. E451), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission between points in TX, on the one hand, and, on the other, points in MD on and north of a line beginning at Naticoke, MD, extending along MD Hwy 349 to junction U.S. Hwy 50, then along U.S. Hwy 50 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of points in Kiowa County, OK and points within 50 miles thereof, points in Tillman County, OK and points within 50 miles thereof, points in Bradley County, AR, Fort Wayne, IN and points in IN within 40 miles thereof, and points in Cairo, IL and points within 25 miles thereof, and points in Okmulgee County, OK.

No. MC 31462 (Sub-No. E452), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission between points in TX, on the one hand, and, on the other, points in WV on and north of a line commencing on the OH-WV State line on WV Hwy 47, then east along WV Hwy 47 to junction U.S. Hwy 33, then east along U.S. Hwy 33 to junction WV Hwy 4, then east along WV Hwy 4 to junction U.S. Hwy 220, then along U.S. Hwy 220 to junction WV Hwy 55, then east along WV Hwy 55 to the WV-VA State line. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Bradley County, AR, Fort Wayne, IN, and points within 40 miles thereof, and Cairo, IL, and points within 25 miles thereof.

No. MC 31462 (Sub-No. E453), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission between points in TX, on the one hand, and, on the other, points in NJ. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Tillman County, OK, and points within 50 miles thereof, Bradley County, AR, Cairo, IL, and points

within 25 miles thereof, and Ft. Wayne, IN, and points in IN within 40 miles thereof.

No. MC 31462 (Sub-No. E454), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission between points in TX, on the one hand, and, on the other, points in NY. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Tillman County, OK, and points within 50 miles thereof, points in Bradley County, AR, Ft. Wayne, IN, and points in IN within 40 miles thereof, and Cairo, IL, and points within 25 miles thereof.

No. MC 31462 (Sub-No. E455), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission between points in TX, on the one hand, and, on the other, points in CT. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Tillman County, OK, and points within 50 miles thereof, points in Bradley County, AR, Ft. Wayne, IN, and points in IN within 40 miles thereof, and Cairo, IL, and points within 25 miles thereof.

No. MC 31462 (Sub-No. E456), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission between points in TX, on the one hand, and, on the other, points in MA. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Tillman County, OK, and points within 50 miles thereof, points in Bradley County, AR, Ft. Wayne, IN, and points in IN within 40 miles thereof, and Cairo, IL, and points within 24 miles thereof.

No. MC 31462 (Sub-No. E457), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission between points in TX, on the one hand, and, on the other, points in VT. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Tillman County, OK, and points within 50 miles thereof, points in Bradley County, AR, Hoosick Falls,

NY, Ft. Wayne, IN, and points in IN within 40 miles thereof, and Cairo, IL, and points within 25 miles thereof.

No. MC 31462 (Sub-No. E458), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission between points in TX, on the one hand, and, on the other, points in NH. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Tillman County, OK, and points within 50 miles thereof, points in Bradley County, AR, Hoosick Falls, NY, Ft. Wayne, IN, and points in IN within 40 miles thereof and Cairo, IL, and points within 25 miles thereof.

No. MC 31462 (Sub-No. E459), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in TX, on the one hand, and, on the other, points in ME. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Tillman County, OK, and points within 50 miles thereof, points in Bradley County, AR, Hoosick Falls, NY, Ft. Wayne, IN, and points in IN within 40 miles thereof, and Cairo, IL, and points within 25 miles thereof.

No. MC 31462 (Sub-No. E460), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in KS, on the one hand, and, on the other, points in TX on and south of a line commencing at the OK-TX State line on TX Hwy 283, then along TX Hwy 283 to junction U.S. Hwy 287, then west along U.S. Hwy 287 to junction U.S. Hwy 83, then south along U.S. Hwy 83 to junction U.S. Hwy 380, then west along U.S. Hwy 380 to junction TX Hwy 208, then south along TX Hwy 208 to junction TX Hwy 350, then along TX Hwy 350 to junction U.S. Hwy 80/Interstate Hwy 20, then south along U.S. Hwy 80/Interstate Hwy 20 to junction TX Hwy 17, then south along TX Hwy 17 to junction U.S. Hwy 65, then south along U.S. Hwy 65 to the TX-MX border. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Tillman County, OK, and points within 50 miles thereof, points in Okmulgee County, OK.

No. MC 31462 (Sub-No. E461), filed April 5, 1976. Applicant: PARA-

MOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in KS, on the one hand, and, on the other, points in LA. The purpose of this filing is to eliminate the gateways of points in Tillman County, OK, and points within 50 miles thereof, points in Delta, Fannin, Lamar, and Red River Counties, TX, points in Bradley County, AR, and points in Okmulgee County, OK.

No. MC 31462 (Sub-No. E462), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission between points in LA, on the one hand, and, on the other, points in NE on and north of a line commencing at the KS-NE State line on U.S. Hwy 281, then north along U.S. Hwy 281 to junction U.S. Hwy 34, then west along U.S. Hwy 34 to junction NE Hwy 10, then north along NE Hwy 10 to junction U.S. Interstate Hwy 80, then west along U.S. Interstate Hwy 80 to the NE-CO State line. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, and Omaha, NE, and points in NE within 100 miles of Omaha.

No. MC 31462 (Sub-No. E463), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission between points in NE, on the one hand, and, on the other, points in LA on and east and south of a line commencing at the AR-LA State line on U.S. Hwy 167, then south along U.S. Hwy 167 to junction LA Hwy 8, then west along LA Hwy 8 to the LA-TX State line. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, and Omaha, NE, and points in NE within 100 miles thereof.

No. MC 31462 (Sub-No. E464), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission between points in SD, on the one hand, and, on the other, points in LA on and east of a line commencing at the MS-LA State line on U.S. Hwy 84, then west along U.S. Hwy 84 to junction LA Hwy 28, then south along LA Hwy 28 to junction LA Hwy 115, then south along LA Hwy 115 to junction U.S. Hwy 71, then south along U.S. Hwy 71 to junction LA Hwy 10, then south along LA Hwy 182, then along LA Hwy 182 to junction U.S. Hwy 167, then along U.S.

Hwy 167 to its termination. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, Kansas City, MO, and points within 30 miles thereof Alden, MN, and points in MN within 35 miles thereof.

No. MC 31462 (Sub-No. E465), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in LA on the one hand, and, on the other, points in ND. The purpose of this filing is to eliminate the gateway of points in Bradley County, AR, Kansas City, MO, and points within 35 miles thereof, and Alden, MN, and points in MN within 35 miles thereof.

No. MC 31462 (Sub-No. E466), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in LA, on the one hand, and, on the other, points in MT on and east of a line commencing at the WY-MT State line on U.S. Hwy 287, then north along U.S. Hwy 287 to junction U.S. Hwy 10, then west along U.S. Hwy 10 to junction U.S. Hwy 91, then north along U.S. Hwy 91 to junction U.S. Hwy 287, then north along U.S. Hwy 287 to junction U.S. Hwy 89, then north along U.S. Hwy 89 to junction U.S. Hwy 2, then east along U.S. Hwy 2 to junction County Road 444, then north along County Road 444 to junction County Road 483, then north along County Road 483 to the MT-Canada border. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, Kansas City, MO, and points within 35 miles thereof, Alden, MN, and points in MN within 35 miles thereof, and points in ND within 200 miles of Williston, ND.

No. MC 31462 (Sub-No. E467), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in LA, on the one hand, and, on the other, points in AR bounded on the south by Bradley County, AR, then from Bradley County north along AR Hwy 160 to junction AR Hwy 4, then west along AR Hwy 4 to junction U.S. Hwy 167, then north along U.S. Hwy 167 to junction AR Hwy 15, then north along AR Hwy 15 to junction AR Hwy 130, then east along AR Hwy 130 to junction AR Hwy 31, then along AR Hwy 31 to junction U.S. Hwy 167, then north along U.S. Hwy 167 to junction AR Hwy 157, then north along AR Hwy 157 to junction U.S. Hwy 167,

then north along U.S. Hwy 167 to junction U.S. Hwy 62, then north along U.S. Hwy 62 to junction AR Hwy 9, then along AR Hwy 9 to the AR-MO State line, then east along the AR State line to AR Hwy 93, then south along AR Hwy 93 to junction AR Hwy 90, then south along AR Hwy 90 to junction U.S. Hwy 67, then south along U.S. Hwy 67 to junction AR Hwy 91, then south along AR Hwy 91 to junction U.S. Hwy 63, then south along U.S. Hwy 63 to junction AR Hwy 39, then south along AR Hwy 39 to the junction AR Hwy 17 then along AR Hwy 17 to junction U.S. Hwy 79, then south along U.S. Hwy 79 to junction AR Hwy 15, then south along AR Hwy 15 to Bradley County, AR. The purpose of this filing is to eliminate the gateway of points in Bradley County, AR.

No. MC 31462 (Sub-No. E468), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in LA, on the one hand, and, on the other, points in MO on and north of a line commencing at the Mississippi River near New Madrid, MO, then west from New Madrid along US Hwy 62 to the MO-AR State line, then west along the MO-AR State line to junction MO Hwy 125, then north along MO Hwy 125 to junction U.S. Hwy 60, then west along U.S. Hwy 60 to Springfield, MO, then north from Springfield, MO along MO Hwy 13 to junction MO Hwy 7, then north along MO Hwy 7 to junction U.S. Hwy 71, then north along U.S. Hwy 71 to junction MO Hwy 58, then west along MO Hwy 58 to the MO-KS State line. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR.

No. MC 31462 (Sub-No. E469), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in MO, on the one hand, and, on the other, points in LA on and south of a line commencing at the TX-LA State line on LA Hwy 6, then east along LA Hwy 6 to junction U.S. Hwy 84, then east along U.S. Hwy 84 to junction U.S. Hwy 167, then north along U.S. Hwy 167 to junction U.S. Hwy 80, then east along U.S. Hwy 80 to junction U.S. Hwy 65, then south along U.S. Hwy 65 to junction LA Hwy 128, then east along LA Hwy 128 to the Mississippi River near St. Joseph, LA. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR.

No. MC 31462 (Sub-No. E470), filed April 5, 1976. Applicant: PARA-

MOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission between points in LA, on the one hand, and, on the other, points in IA. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, Kansas City, MO and points within 30 miles thereof, and St. Louis, MO and East St. Louis, IL and points within 50 miles thereof.

No. MC 31462 (Sub-No. E471), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission between points in MN, on the one hand, and, on the other, points in LA on and south of a line commencing at the TX-LA State line on U.S. Hwy 80, then east along U.S. Hwy 80 to junction U.S. Hwy 167, then north along LA-AR State line. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, and Burlington, IA and points within 50 miles thereof.

No. MC 31462 (Sub-No. E472), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in LA, on the one hand, and, on the other, points in MN on and north and east of a line commencing at the IA-MN State line on MN Hwy 15, then north along MN Hwy 15 to junction MN U.S. Hwy 12, then west along MN U.S. Hwy 12 to junction MN Hwy 9, then north along MN Hwy 9 to junction MN Hwy 28, then west along MN Hwy 28 to the MN-SD State line. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, Burlington, IA, and points within 50 miles thereof.

No. MC 31462 (Sub-No. E473), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in WI, on the one hand, and, on the other, points in LA on and south of a line commencing at the LA-AR State line on LA Hwy 33, then south along LA Hwy 33 to junction LA Hwy 143, then south along LA Hwy 143 to junction LA U.S. Hwy 80, then along LA U.S. Hwy 80 to junction LA U.S. Hwy 165, then south along LA U.S. Hwy 165 to junction LA U.S. Hwy 84, then east along LA U.S. Hwy 84 to the LA-MS State line. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, Burlington, IA, and points within 50 miles

thereof, Gulfport, MS, and points within 35 miles thereof, and Cairo, IL, and points within 25 miles thereof.

No. MC 31462 (Sub-No. E474), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission between points in LA, on the one hand, and, on the other, points in IL on and north of a line commencing on the Mississippi River near Chester, IL, then north Chester along IL Hwy 150 to junction IL Hwy 154, then east along IL Hwy 154 to junction IL Hwy 127, then north along IL Hwy 127 to junction IL Hwy 161, then along IL Hwy 161 to junction IL Hwy 37, then north along IL Hwy 37 to junction U.S. Hwy 40, then east along U.S. Hwy 40 to the IL-IN State line. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, Gulfport, MS, and points within 35 miles thereof, Cairo, IL, and points within 25 miles thereof, and St. Louis, MO, and points within 50 miles thereof.

No. MC 31462 (Sub-No. E475), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission between points in LA on, south and west of a line commencing at the AR-LA State line on LA Hwy 33, then south along LA Hwy 33 to junction LA Hwy 143, then along LA Hwy 143 to junction LA Hwy 2, then east along LA Hwy 2 to junction U.S. Hwy 165, then south along U.S. Hwy 165 to junction LA Hwy 126, then south along LA Hwy 126 to junction LA Hwy 124, then south along LA Hwy 124 to junction U.S. Hwy 84, then east along U.S. Hwy 84 to the Mississippi River, on the one hand, and, on the other, points in IN. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, Cairo, IL, and points within 25 miles thereof, Gulfport, MS, and points within 35 miles thereof.

No. MC 31462 (Sub-No. E476), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission between points in LA, on the one hand, and, on the other, points in IN on and north of a line commencing at the Ohio River near Madison, IN, then west from Madison along IN Hwy 256 to junction IN Hwy 39, then along IN Hwy 39 to junction U.S. Hwy 50, then west along U.S. Hwy 50 to Vincennes, IN. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, Cairo, IL, and points within 25 miles

thereof, Gulfport, MS and points within 35 miles thereof.

No. MC 31462 (Sub-No. E477), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission between points in LA, on the one hand, and, on the other, points in MI. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, Gulfport, MS and points within 35 miles thereof, Cairo, IL and points within 25 miles thereof, Burlington, IA and points within 50 miles thereof, Fort Wayne, IN and points in Indiana within 40 miles of Fort Wayne.

No. MC 31462 (Sub-No. E478), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in LA on and west of a line commencing at the LA-MS State line on LA Hwy 19, then south along LA Hwy 19 to junction U.S. Hwy 61, then south along U.S. Hwy 61 to junction LA Hwy 22, then south along LA Hwy 22 to junction LA Hwy 1, then south along LA Hwy 1 to junction LA Hwy 70, then south along LA Hwy 70 to Morgan City, LA, on the one hand, and, on the other, points in OH. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, and Cairo, IL, and points within 25 miles thereof.

No. MC 31462 (Sub-No. E479), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in PA, on the one hand, and, on the other points in LA on and west of a line commencing at the Mississippi River near Black Hawk, LA, then south from Black Hawk along LA Hwy 15 to junction LA Hwy 1, then west along LA Hwy 1 to junction LA Hwy 105, then south along LA Hwy 105 to junction LA Hwy 360, then south along LA Hwy 360 to junction LA Hwy 10, then west along LA Hwy 10 to junction U.S. Hwy 71, then south along U.S. Hwy 71 to junction LA Hwy 96, then south along LA Hwy 96 to junction LA Hwy 31, then south along LA Hwy 31 to junction U.S. Hwy 90, then south along U.S. Hwy 90 to New Iberia, LA, then south from New Iberia along LA Hwy 83 to Vermilion Bay near Weeks, LA. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, Cairo, IL, and points within 25 miles thereof, Ft. Wayne, IN, and points in IN within 40 miles of Ft. Wayne.

Wayne, IN, and points in IN within 40 miles of Fort Wayne.

No. MC 31462 (Sub-No. E480), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission between points in NY on the one hand, and, on the other, points in LA on and west of a line commencing at the LA-MS State line on LA Hwy 19, then south along LA Hwy 19 to junction U.S. Hwy 61, then south along U.S. Hwy 61 to junction LA Hwy 22, then south along LA Hwy 22 to junction LA Hwy 1, then south along LA Hwy 1 to junction LA Hwy 70, then south along LA Hwy 70 to Morgan City, LA. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, Cairo, IL, and points within 25 miles thereof, Ft. Wayne, IN, and points in IN within 40 miles of Ft. Wayne.

No. MC 31462 (Sub-No. E481), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission between points in NJ on the one hand and, on the other, points in LA on and west of a line commencing at the Mississippi River near Black Hawk, LA, then south from Black Hawk along LA Hwy 15 to junction LA Hwy 1, then west along LA Hwy 1 to junction LA Hwy 105, then south along LA Hwy 105 to junction LA Hwy 360, then south along LA Hwy 360 to junction LA Hwy 10, then west along LA Hwy 10 to junction U.S. Hwy 71, then south along U.S. Hwy 71 to junction U.S. Hwy 190, then west along U.S. Hwy 190 to junction LA Hwy 96, then south along LA Hwy 96 to junction LA Hwy 31, then south along LA Hwy 31 to junction U.S. Hwy 90, then south along U.S. Hwy 90 to New Iberia, LA, then south from New Iberia along LA Hwy 83 to Vermilion Bay near Weeks, LA. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, Cairo, IL, and points within 25 miles thereof, Ft. Wayne, IN, and points in IN within 40 miles of Ft. Wayne.

No. MC 31462 (Sub-No. E489), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission between points in NE on the one hand and, on the other, points in LA. The purpose of this filing is to eliminate the gateways of Omaha, NE and points in NE within 100 miles of Omaha, points in Okmulgee County, OK, points in Bradley County, AR.

No. MC 31462 (Sub-No. E491), filed April 5, 1976. Applicant: PARA-

MOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission, between points in CO, on the one hand, and, on the other, points in AL on and south of a line commencing at the MS-AL State line on U.S. Hwy 80, then east along U.S. Hwy 80 to junction Interstate Hwy 85, then east along Interstate Hwy 85 to the AL-GA State line. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK and points within 50 miles thereof, points in Bradley County, AR, and Gulfport, MS and points within 35 miles of Gulfport.

No. MC 31462 (Sub-No. E492), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission, between points in CO on the one hand, and, on the other, points in FL. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Bradley County, AR, and Gulfport, MS and points within 35 miles of Gulfport.

No. MC 31462 (Sub-No. E494), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission between points in MO, on the one hand, and, on the other, points in FL east of a line commencing at the GA-FL State line on U.S. Hwy 27, then south along U.S. Hwy 27 to junction U.S. Hwy 319, then south along U.S. Hwy 319 to junction U.S. Hwy 98, then south along U.S. Hwy 98 to the Gulf of Mexico at Ochlockonee Bay, FL. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, Cairo, IL and points within 25 miles of Cairo, and Gulfport, MS and points within 35 miles of Gulfport.

No. MC 31462 (Sub-No. E495), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission between points in MS, on and south of U.S. Hwy 82, on the one hand, and, on the other, points in MO on and north of a line commencing at the Mississippi River on U.S. Hwy 60, then west along U.S. Hwy 60 to junction U.S. Hwy 160, then west along U.S. Hwy 160 to junction MO Hwy 21, then south along MO Hwy 21 to the AR-MO State line. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, and Cairo, IL, and points within 25 miles of Cairo.

No. MC 31462 (Sub-No. E496), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission between points in AR, on the one hand, and, on the other, points in CO. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles of Kiowa County.

No. MC 31462 (Sub-No. E502), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission between points in OK, on the one hand, and, on the other, points in MS on and south of a line commencing at the Mississippi River on U.S. Hwy 82, then east along U.S. Hwy 82 to junction Natchez Trace Parkway, MS, then north along the Natchez Trace Parkway to junction U.S. Hwy 278, then east along U.S. Hwy 278 to the MS-AL State line. The purpose of this filing is to eliminate the gateway points in Bradley County, AR.

No. MC 31462 (Sub-No. E505), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission between points in OK, on the one hand, and, on the other, points in GA on and south of a line commencing at the AL-GA State line on U.S. Hwy 82, then east along U.S. Hwy 82 to junction GA Hwy 55, then north along GA Hwy 55 to junction U.S. Hwy 280, then east along U.S. Hwy 280 to Savannah, GA. The purpose of this filing is to eliminate the gateway of points in Bradley County, AR, and Gulfport, MS and points within 35 miles of Gulfport.

No. MC 31462 (Sub-No. E507), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission between points in OK, on the one hand, and, on the other, points in FL, on and east of a line commencing at the GA-FL State line on FL Hwy 267, then south along FL Hwy 267 to junction FL Hwy 20, then east along FL Hwy 20 to junction FL Hwy 375, then south along FL Hwy 375 to junction U.S. Hwy 319, then south along U.S. Hwy 319 to junction U.S. Hwy 98 at the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of points in Bradley County, AR, and Gulfport, MS and points within 35 miles of Gulfport.

No. MC 31462 (Sub-No. E510), filed April 5, 1976. Applicant: PARA-

MOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission between points in LA, on the one hand, and, on the other, points in OK on and west of a line commencing at the TX-OK State line on U.S. Hwy 81, then north along U.S. Hwy 81 to junction H. E. Bailey Turnpike, then north along the Turnpike to Oklahoma City, OK, then north from Oklahoma City along U.S. Hwy 35 to the OK-KS State line. The purpose of this filing is to eliminate the gateways of points in Lamar County, TX, points in Bradley County, AR, and points in Tillman County, OK, and points within 50 miles thereof.

No. MC 31462 (Sub-No. E511), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Interstate Commission between points in AR, on and north of Interstate Hwy 40, on the one hand, and, on the other, points in TX on and west of a line commencing at U.S. Hwy 281 beginning at the OK-TX State line at Burkburnett, TX, then southward along U.S. Hwy 281 to San Antonio, TX, then southward from San Antonio along U.S. Hwy 81/ Interstate Hwy 35 to the TX-MX border. The purpose of this filing is to eliminate the gateway points in Tillman County, OK, and points within 50 miles thereof and points in Kiowa County, OK, and points within 50 miles thereof.

No. MC 31462 (Sub-No. E512), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission between points in CO, on the one hand, and, on the other, points in LA. The purpose of this filing is to eliminate the gateway points in Kiowa County, OK, and points within 50 miles thereof, and points in Delta, Fannin, Lamar, and Red River Counties, TX.

No. MC 31462 (Sub-No. E513), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission between points in CO, on the one hand, and, on the other, points in MS. The purpose of this filing is to eliminate the gateway points in Kiowa County, OK and points within 50 miles thereof, points in Delta, Fannin, Lamar, and Red River Counties, TX, and points in Bradley County, AR.

No. MC 31462 (Sub-No. E514), filed April 5, 1976. Applicant: PARA-

MOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods* as defined by the Commission between points in CO, on the one hand, and, on the other, points in TX on and east of a line commencing at the OK-TX State line on U.S. Hwy 62, then west along U.S. Hwy 62 to junction U.S. Hwy 83, then south along U.S. Hwy 83 to the TX-MX border near Laredo, TX. The purpose of this filing is to eliminate the gateway points in Kiowa County, OK and points within 50 miles thereof.

No. MC 107002 (Sub-No. E21) (partial correction), filed May 20, 1974, published in the FEDERAL REGISTER issue of May 12, 1978, and republished, as corrected, this issue. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Applicant's representatives: Harold D. Miller, Jr., P.O. Box 22567, Jackson, MS 39205, and John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, MS 39204. *Petroleum and petroleum products*, as described in appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, in bulk, in tank vehicles, * * * (H) From Helena, AR, to points in IN on and south of U.S. Hwy 50 (points in the Memphis, TN commercial zone which extends into MS) * * * The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

NOTE.—The purpose of this partial correction is to state the correct territorial description. The remainder of this letter notice remains as previously published.

No. MC 107012 (Sub-No. E346) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER issue of May 12, 1978, and republished, as corrected, this issue. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Applicant's representative: David D. Bishop and Gary M. Crist (same as above). *New furniture, uncrated*, (1) from points in Bernadillo, Guadalupe, Los Alamos, Sandoval, San Miguel, Santa Fe, Torrance, Valencia, Chaves, Curry, DeBaca, Eddy, Lea, Lincoln, Quay, Roosevelt, Catron, Dona Ana, Grant, Hidalgo, Luna, Otero, Sierra, and Socorro Counties, NM, to points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, and Washington Counties, IA (points in IL within the Burlington, IA commercial zone); Allen, Anderson, Bourbon, Butler, Chautauqua, Cherokee,

Coffey, Cowley, Crawford, Elk, Greenwood, Labette, Linn, Lyon, Montgomery, Neosho, Wilson, and Woodson Counties, KS (points in AR); Aitkin, Carlton, Cook, Lake, Saint Louis, Tascas, Beltrami, Clearwater, Kittson, Koochiching, Lake of the Woods, Mahanomen, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona, and Wright Counties, MN (points in IL within the Burlington, IA commercial zone); (2) from points in McKinley, Rio Arriba, and San Juan Counties, NM, to points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Wright, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, and Washington Counties, IA (points in the IA within the Burlington, IA commercial zone); Anoka, Blue Earth, Carver, Chisago, Dakota, Dodge, Faribault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Kanabec, LeSueur, McLeod, Mille Lacs, Mower, Nicollet, Olmstead, Pine, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Wasela, Washington, Winona, and Wright Counties, MN (points in IL within the Burlington, IA commercial zone); (3) from points in Colfax, Harding, Mora, Taos, and Union Counties, NM, to points in Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cerro Gordo, Chickasaw, Clayton, Delaware, Fayette, Floyd, Franklin, Hancock, Howard, Mitchell, Winnebago, Winneshiek, Worth, Wright, Benton, Cedar, Clinton, Davis, Des Moines, Dubuque, Henry, Iowa, Jackson, Jefferson, Johnson, Jones, Keokuk, Lee, Linn, Louisa, Muscatine, Scott, Van Buren, Wapello, and Washington Counties, IA (points in IL within the Burlington, IA commercial zone). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

NOTE.—The purpose of this correction is to incorporate the second half of the letter notice which was omitted in the prior publication.

No. MC 108341 (Sub-No. E15) (clarification), filed November 9, 1977, published in the FEDERAL REGISTER of May 3, 1978, and republished, as clarified, this issue. Applicant: MOSS TRUCKING CO., INC., P.O. Box 8409, Charlotte, NC 28208. Applicant's representative: Jack F. Counts, (same as above).

Source, special nuclear, and by-product materials, radioactive materials, related radioactive equipment, component parts and associated materials, restricted to the transportation of commodities which because of size or weight require the use of special equipment and commodities which because of size or weight do not require the use of special equipment, when transported as part of the same shipment with commodities which because of size or weight require the use of special equipment * * *. The purpose of this filing is to eliminate the gateway of points in GA.

NOTE.—The purpose of this correction is to clarify the commodity restriction. The territorial description remains as previously published.

No. MC 113855 (Sub-No. E423), filed August 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, MN 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, ND 58102. *Metal and metal articles*. (A) between points in IA on and north of a line beginning at the IA-IL State line, and extending along U.S. Hwy 6 to junction unnumbered highway (formerly portion of U.S. Hwy 6), then along unnumbered highway through Victor and Brooklyn, IA to junction U.S. Hwy 6, then along U.S. Hwy 6 to junction IA Hwy 90 (formerly portion of U.S. Hwy 6), then along IA Hwy 90 through Colfax, IA to Des Moines, IA, and on and east of U.S. Hwy 65 from Des Moines, to the IA-MN State line, on the one hand, and, on the other, points in OH, WV, DE, NJ, MA, CT, RI, Scranton, Reading, Allentown, Harrisburg, Lancaster and Hazleton, PA, and mines in that portion of PA south and west of a line beginning at the PA-OH State line, and extending along U.S. Hwy 224 to junction U.S. Hwy 422, then along U.S. Hwy 422 to junction U.S. Hwy 19 near Rose Point, PA, then along U.S. Hwy 19 to junction unnumbered highway near Portersville, PA, then along unnumbered highway via Prospect, PA, to junction U.S. Hwy 422, then along U.S. Hwy 422 to Ebensburg, PA, then along U.S. Hwy 22 to junction U.S. Hwy 522, then along U.S. Hwy 522 to junction PA Hwy 641 (formerly PA Hwy 433), then along PA Hwy 641 to junction PA Hwy 997, and then along PA Hwy 997 to the PA-MD State line, including points on the indicated portions of the highways specified, points in that portion of PA on and east of a line beginning at the MD-PA State line, and extending along unnumbered highway (formerly portion U.S. Hwy 15) to junction Business U.S. Hwy 15 near Fairplay, PA, then along Business U.S. Hwy 15 through Gettysburg, PA, to junction U.S. Hwy 15, then along U.S. Hwy 15 to junction unnumbered high-

way (formerly portion of U.S. Hwy 15), then along unnumbered highway through Clear Spring, PA, to junction U.S. Hwy 15, then along U.S. Hwy 15 to the PA-NY State line (except points in Berks, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, PA, and points in PA on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon and Lancaster Counties, PA, and points in PA on and east of U.S. Hwy 15 and north of the East Branch of the Susquehanna River in Eliga, Bradford, Lycoming, Sullivan, Union, Snyder, Montour, Northumberland and Columbia Counties, PA), the District of Columbia, points in NY in and east of Tioga, Tompkins and Cayuga Counties, points in MD on and east of a line beginning at the MD-PA state line, then along U.S. Hwy 140 to junction MD Hwy 97, then along MD Hwy 97 to the District of Columbia, points in VA in and east of Southampton, Sussex, Prince George, Charles City, New Kent, King William, King and Queen, Essex and King George Counties, and Hyde, Washington, Tyrrell, Dare, Chowan, Gates, Perquimans, Pasquotank, Camden and Currituck Counties, NC, (B) between points in IA on, east and north of a line beginning at the IA-MN State line, and extending along U.S. Hwy 65, then along U.S. Hwy 65 to junction U.S. Hwy 30, then along U.S. Hwy 30 to the IA-IL State line, on the one hand, and, on the other, points in IN, (C) between points in IA within an area bounded on the north by U.S. Hwy 30, on the west by U.S. Hwy 65, on the south by a line beginning at the IA-IL State line, and extending along U.S. Hwy 6 to junction unnumbered highway (formerly a portion of U.S. Hwy 6), then along unnumbered highway through Victor and Brooklyn, IA to junction U.S. Hwy 6 to junction U.S. Hwy 90 (formerly portion of U.S. Hwy 6), then along IA Hwy 90 through Colfax, IA to Des Moines, IA, including points on the indicated highways (except points on U.S. Hwy 30) on the one hand, and, on the other, points in KY on and east of a line beginning at Louisville, KY, then along Interstate Hwy 65 to junction KY Hwy 90, then along KY Hwy 90 to junction U.S. Hwy 31E, then along U.S. Hwy 31E to the KY-TN State line, (G) between points in IA on and west of U.S. Hwy 61 on and north of a line beginning at the IA-IL State line, and extending along U.S. Hwy 6 to junction unnumbered highway (formerly portion of U.S. Hwy 6), then along unnumbered highway through Victor and Brooklyn, IA to junction U.S. Hwy 6, then along U.S. Hwy 6 to junction IA Hwy 90 (formerly portion of U.S. Hwy 6), then along IA Hwy 90 through Colfax, IA to Des Moines, IA, and on and east of U.S. Hwy 65 from Des Moines, IA to the IA-MN State line, on the one hand, and, on the other, points in IL south of U.S. Hwy 6 and within an area bounded by a line beginning at the junction of U.S. Hwy 6 and IL Hwy 78 then along IL Hwy 78 to junction IL Hwy 104, then along IL Hwy 104 to junction U.S. Hwy 66, then north along U.S. Hwy 66 to junction IL Hwy 53 (formerly Alternate U.S. Hwy 66) at or near Gardner, IL, then along IL Hwy 53 to junction U.S. Hwy 66 at a point approximately 10 miles northeast of Plainfield, IL and then along U.S. Hwy 66 to Chicago, IL, (H) between points in IA east of U.S. Hwy 61, on the one hand, and, on the other, points in IL within a territory bounded by a line beginning at the IA-IL State line along Interstate Hwy 74, then along Interstate Hwy 74 to junction U.S. Hwy 66, then along U.S. Hwy 66 to junction IL Hwy 104, then along IL Hwy 104 to the IL-MO State line at or near Quincy, IL. The purpose of this filing is to eliminate the gateways of (1) Davenport, IA and (2) Elgin, IL.

No. MC 113855 (Sub-No. E430), filed August 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marian Road SE., Rochester MN 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, ND 58102. Metal and metal articles which because of unusual size or weight require

special handling and the use of special equipment (except boats and iron and steel articles) (a) between points in MN, on the one hand, and, on the other, points in IA on and north of a line beginning at the IA-IL State line, and extending along U.S. Hwy 6 to junction unnumbered highway (formerly portion of U.S. Hwy 6), then along unnumbered highway through Victor and Brooklyn, IA to junction U.S. Hwy 6, then along U.S. Hwy 6 to junction IA Hwy 90 (formerly portion of U.S. Hwy 6), then along IA Hwy 90 through Colfax, IA to Des Moines, IA, and on and east of U.S. Hwy 65 from Des Moines, to the IA-MN State line. The purpose of this filing is to eliminate the gateways of points in MN within 25 miles of the MN-WI State line or within 25 miles of the MN-IA State line. (b) between points in MN, on the one hand, and, on the other, points in that part of IL on, north and west of a line beginning at Quincy, IL, and extending along IL Hwy 104 to junction U.S. Hwy 66, then north along U.S. Hwy 66 to junction IL Hwy 53 (formerly Alternate U.S. Hwy 66), at or near Gardner, IL, then along IL Hwy 53 to junction U.S. Hwy 66 at a point approximately 10 miles northeast of Plainfield, IL, and then along U.S. Hwy 66 to Chicago, IL. The purpose of this filing is to eliminate the gateways of points within 25 miles of the MN-WI State line or the MN-IA State line, and Davenport, IA. (c) between points in MN, on the one hand, and, on the other, points in IN, OH, KY, WV, DE, NJ, MA, CT, RI, DC, points in NY in and east of Tioga, Tompkins and Cayuga Counties, points in MD on and east of a line beginning at the MD-PA State line, then along U.S. Hwy 140 to junction MD Hwy 97, then along MD Hwy 97 to the DC, points in VA in and east of Southampton, Sussex, Prince George, Charles City, New Kent, King William, King and Queen, Essex, and King George Counties, points in Hyde, Washington, Tyrrell, Dare, Chowan, Gates, Perquimans, Pasquotank, Camden and Currituck Counties, NC, and points in the following described portions of PA: Scranton, Reading, Allentown, Harrisburg, Lancaster and Hazleton, PA, and mines in that part of PA south and west of a line beginning at the PA-OH State line, and extending along U.S. Hwy 224 to junction U.S. Hwy 422, then along U.S. Hwy 422 to junction U.S. Hwy 19, near Rose Point, PA, then along U.S. Hwy 19 to junction unnumbered highway near Portersville, PA, then along unnumbered highway via Prospect, PA, to junction U.S. Hwy 422, then along U.S. Hwy 422 to Ebensburg, PA, then along U.S. Hwy 22 to junction U.S. Hwy 522, then along U.S. Hwy 522 to junction PA Hwy 641 (formerly PA Hwy 433), then along PA Hwy 641 to

junction PA Hwy 997, then along PA Hwy 997 to the PA-MD State line, including points on the indicated portions of specified, points in PA on and east of a line beginning at the MD-PA State line, and extending along unnumbered highway (formerly portion U.S. Hwy 15) to junction Business U.S. Hwy 15 near Fairplay, PA, then along Business U.S. Hwy 15 through Gettysburg, PA, to junction U.S. Hwy 15, then along U.S. Hwy 15 to junction unnumbered highway (formerly portion of U.S. Hwy 15), then along unnumbered highway through Clear Spring, PA, to junction U.S. Hwy 15, then along U.S. Hwy 15 to the PA-NY State line (except points in Berks, Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, PA, and points in PA on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon and Lancaster Counties, PA, and points in PA on and east of U.S. Hwy 15 and north of the East Branch of the Susquehanna River in Eliga, Bradford, Lycoming, Sullivan, Union, Snyder, Montour, Northumberland, and Columbia Counties, PA. The purpose of this filing is to eliminate the gateways of points within 25 miles of the MN-WI State line or the MN-IA State line, and Elgin, IL.

No. MC 117574 (Sub-No. E57), filed June 6, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same as above). *Dredges, component parts of dredges, and dredging equipment*, which is also industrial machinery and attachments, accessories and parts of such industrial machinery, between points in Chemung, Schuylers, and Tompkins Counties, NY, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, ID, KS, LA, ME, MD, MA, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OK, OR, PA, RI, SC, SD, TN, TX, UT, VA, VT, WA, and WY, and points in the following described states: points in IL south and west of a line commencing at the IL-IA State line, and extending along U.S. Hwy 34, then along U.S. Hwy 34 to junction IL Hwy 116, then along IL Hwy 116 to junction U.S. Hwy 67, then along U.S. Hwy 67 to junction U.S. Hwy 136, then along U.S. Hwy 136 to junction IL Hwy 10, then along IL Hwy 10 to junction U.S. Hwy 45, then along U.S. Hwy 45 to junction Interstate Hwy 57, then along Interstate Hwy 57 to junction IL Hwy 133, then along IL Hwy 133 to the IL-IN State line; points in IN south of a line commencing at the IL-IN State line on IN Hwy 133, then along IN Hwy 133 to junction U.S. Hwy 40, then along U.S. Hwy 40 to junction IN Hwy 43, then along IN Hwy 46 to junction IN Hwy 7, then along IN Hwy 7 to the IN-KY State line; points in IA west of a line

commencing at the IA-WI State line on U.S. Hwy 18/52, then along U.S. Hwy 18/52 to junction IA Hwy 13, then along IA Hwy 13 to junction U.S. Hwy 151, then along U.S. Hwy 151 to junction U.S. Hwy 218, then along U.S. Hwy 218 to junction U.S. Hwy 34, then along U.S. Hwy 34 to the IA-IL State line; points in KY south of a line commencing at the KY-IN State line on KY Hwy 36, then along KY Hwy 36 to junction KY Hwy 22, then along KY Hwy 22 to the KY-OH State line; points in MI west of a line commencing at Marquette along U.S. Hwy 41 to the WI-MI State line; points in OH except Portsmouth and Gallipolis; points in WV south and east of a line commencing at the WV State line on WV Hwy 2, then along WV Hwy 2 to U.S. Hwy 33, then along U.S. Hwy 33 to junction U.S. Hwy 19, then along U.S. Hwy 19 to junction U.S. Hwy 119, then along U.S. Hwy 119 to the WV-PA State line; points in WI west and north of a line commencing at the WI-MI State line along U.S. Hwy 41 to junction WI Hwy 22, then along WI Hwy 22 to junction WI Hwy 66, then along WI Hwy 66 to junction U.S. Hwy 51, then along U.S. Hwy 51 to junction WI Hwy 54, then along WI Hwy 54 to junction WI Hwy 173, then along WI Hwy 173 to junction U.S. Hwy 12/16, then along U.S. Hwy 12/16 to junction WI Hwy 27, then along WI Hwy 27 to the WI-IA State line. Between points in Cayuga, Chemung, Livingston, Monroe, Ontario, Schuylers, Tompkins, Wayne, and Yates Counties, NY, on the one hand, and, on the other, points in AL, AZ, CA, CO, FL, GA, ID, LA, MS, MT, NV, NM, NC, OR, SC, TX, UT, WA, and WY and in those points in the following described states: points in AR south of a line commencing at the OK-AR State line along Interstate Hwy 40 to the TN-AR State line; points in DE south of a line commencing at DE-PA State line along DE Road 48, then along DE Road 48 to junction Interstate Hwy 95, then along Interstate Hwy 95 to junction Interstate Hwy 295, then along Interstate Hwy 295 to the NJ-DE State line; points in KS west of a line commencing at NE-KS State line along U.S. Hwy 77 to junction U.S. Hwy 24, then along U.S. Hwy 24 to junction U.S. Hwy 75, then along U.S. Hwy 75 to the KS-OK State line; points in KY south and east of a line commencing at KY-TN State line along U.S. Hwy 119 to junction KY-VA State line; points in MD east of a line commencing at the MD-WV State line along Interstate Hwy 81, then along Interstate Hwy 81 to the MD-PA State line; points in NE west of a line commencing at the SD-NE State line along U.S. Hwy 83, then along U.S. Hwy 83 to junction Interstate Hwy 80, then along Interstate Hwy 80 to junction U.S. Hwy 77, then along

U.S. Hwy 77 to the KS-NE State line; points south of a line commencing at the DE-NJ State line along Interstate Hwy 295, then along Interstate Hwy 295 to junction U.S. Hwy 4, then along U.S. Hwy 4 to the Atlantic Ocean; points in ND west of a line commencing at the ND-CD Border along Interstate Hwy 29, then along Interstate Hwy 29 to junction Interstate Hwy 94, then along Interstate Hwy 94 to junction ND Road 3, then along ND Road 3 to junction ND Road 11, then along ND Road 11 to junction U.S. Hwy 83, then along U.S. Hwy 83 to SD-ND State Line; points in OK north and south of a line commencing at the OK-KS State line along U.S. Hwy 75, then along U.S. Hwy 75 to junction with Muskogee Turnpike, to junction Interstate Hwy 40, then along Interstate Hwy 40 to OK-AR State line; points in PA south and east of a line commencing at the MD-PA State line along Interstate Hwy 81, then along Interstate Hwy 81 to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction PA Road 41, then along PA Road 41 to the DE-PA State line; points in SD west of a line commencing at the SD-ND State line along U.S. Hwy 83, then along U.S. Hwy 83 to the SD-NE State line; points in TN south of a line commencing at the TN-AR State line along U.S. Hwy 64, then along U.S. Hwy 64 to junction TN Road 50, then along TN Road 50 to junction TN Road 55, then along TN Road 55 to junction U.S. Hwy 70, then along U.S. Hwy 70 to junction TN Road 61, then along TN Road 61 to junction TN Road 116, then along TN Road 116 to junction TN Road 63, then along TN Road 63 to the KY-TN State line; points in VA south and east of a line commencing at the KY-VA State line along U.S. Hwy 23, then along U.S. Hwy 23 to junction U.S. Hwy 58, then along U.S. Hwy 58 to junction Interstate Hwy 81, then along Interstate Hwy 81 to the WV-VA State line; points in WV east of a line commencing at the WV-VA State line along Interstate Hwy 81, then along Interstate Hwy 81 to the WV-MD State line. The purpose of this filing is to eliminate the gateway of Carlisle, PA.

No. MC 118831 (Sub-No. E145), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, High Point, NC 27263. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW, Washington, DC 20001. *Liquid petrochemicals*, in bulk, from points in SC on and east of a line beginning at the GA-SC State line extending along U.S. Hwy 301 to Allendale, then over SC Hwy 125 to U.S. Hwy 1, then along U.S. Hwy 1 to junction SC Hwy 126, then along U.S. Hwy 126 to Belvedere, then along U.S. Hwy 25 to Greenville, then along U.S. Hwy 29 to junction SC Hwy

357, then along SC Hwy 357 to Campobello, SC, then along SC Hwy 11 to Interstate Hwy 26, then along Interstate Hwy 26 to the NC-SC State line, to St. Louis, MO and East St. Louis, IL. The purpose of this filing is to eliminate the gateway of Charlotte, NC; points in Robertson County, IN.

No. MC 118831 (Sub-No. E146), filed April 19, 1976. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5388, High Point, NC 27263. Applicant's representative: E. Stephen Heisley, Suite 805, 666 Eleventh Street NW., Washington, DC 20001. *Liquid petrochemicals*, in bulk, in tank vehicles, from points in SC on and east of a line beginning at the NC-SC State line on U.S. Hwy 21, and proceeding southward to Columbia, SC, then Interstate Hwy 26 to Charleston, SC, to points in AR on and west of a line beginning at Memphis, TN, and proceeding southward on U.S. Hwy 79 to Mariana, AR, then AR Hwy 1 to junction with U.S. Hwy 49, then along U.S. Hwy 49 to junction U.S. Hwy 79, then along U.S. Hwy 79 to Fordyce, AR, then along U.S. Hwy 167 through El Dorado to the AR-LA State line. The purpose of this filing is to eliminate the gateway of Charlotte, NC, and points in Robertson County, TN.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15805 Filed 6-6-78; 8:45 am]

[7035-01]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

MAY 19, 1978.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before June 19, 1978. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successfully filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

The following applicants seek to operate as a common carrier, by motor vehicles, over irregular routes.

No. MC 31462 (Sub-No. E421), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in TX on and south of U.S. Hwy 40 on the one hand and, on the other, points in KS on and east of U.S. Hwy 183. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, except points on and east of U.S. Hwy 281; points in Tillman County, OK, and points within 50 miles thereof; and points in Okmulgee County, OK.

No. MC 31462 (Sub-No. E422), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in TX on the one hand and, on the other, points in IA, on and east of a line commencing on the MT State line on U.S. Hwy 169, then north along U.S. Hwy 169 to junction U.S. Hwy 34, then west along U.S. Hwy 34 to junction IA Hwy 25, then along IA Hwy 25 to junction IA Hwy 141, then west along IA Hwy 141 to junction U.S. Hwy 71, then north along U.S. Hwy 71 to junction IA Hwy 196, then north along IA Hwy 196 to junction U.S. Hwy 20, then east along U.S. Hwy 20 to junction IA Hwy 314, then north along IA Hwy 314 to junction U.S. Hwy 18, then east along U.S. Hwy 18 to junction IA Hwy 4, then north along IA Hwy 4 to the IA-MN State line. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, Kansas City, MO, and points within 30 miles thereof, and points in Okmulgee County, OK.

No. MC 31462 (Sub-No. E423), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in TX on and south of U.S. Hwy 66, on the one hand, and, on the other, points in MN on and east of a line commencing at the MN-IA State line on U.S. Hwy 69, then north along U.S. Hwy 69 to Albert Lea, MN, then north from Albert Lea along U.S. Hwy 65 to Minneapolis, MN, then north from Minneapolis along MN Hwy 65 to junction U.S. Hwy 169, then east along U.S. Hwy 169 to junction MN Hwy 73, then north along MN Hwy 73 to U.S. Hwy 53, then north along U.S. Hwy 53 to International Falls, MN.

The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK; and points within 50 miles thereof, Burlington, IA; and points within 50 miles thereof; and points in Okmulgee County, OK.

No. MC 31462 (Sub-No. E424), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in OK on and south of a line commencing at the MO-OK State line on Interstate Hwy 44, then southward along Interstate Hwy 44 to junction U.S. Hwy 60, then west along U.S. Hwy 60 to Bartlesville, OK, then from Bartlesville southward along OK Hwy 123 to junction OK Hwy 11, then west along OK Hwy 11 to junction OK Hwy 99, then south along OK Hwy 99 to junction U.S. Hwy 64, then west along U.S. Hwy 64 to junction U.S. Hwy 177, then south along U.S. Hwy 177 to junction OK Hwy 33, then west along OK Hwy 33 to junction OK Hwy 30, then south along OK Hwy 30 to junction OK Hwy 47, then west along OK Hwy 47 to the OK-TX State line, on the one hand, and, on the other, points in TX on and west of a line commencing at the OK-TX State line on U.S. Hwy 81, then south along U.S. Hwy 81 to junction FM Road 1806, then west along FM Road 1806 to junction FM Road 1288, then south along FM Road 1288 to junction TX Hwy 59, then south along TX Hwy 59 to junction U.S. Hwy 380, then west along U.S. Hwy 380 to junction TX Hwy 67, then south along TX Hwy 67 to junction U.S. Hwy 180, then west along U.S. Hwy 180 to junction U.S. Hwy 183, then south along U.S. Hwy 183 to Cisco, TX, then south from Cisco along TX Hwy 206 to junction U.S. Hwy 283, then south along U.S. Hwy 283 to Brady, TX, then west from Brady along FM Road 42 to junction U.S. Hwy 83, then south along U.S. Hwy 83 to junction U.S. Hwy 377, then southward along U.S. Hwy 377 to the TX-MX border at Del Rio, TX.

The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK; and points within 50 miles thereof; and points in Tillman County, OK; and points within 50 miles thereof.

No. MC 31462 (Sub-No. E425), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in AR, on the one hand, and, on the other, points in TX on west of a line commencing at the OK-TX State line on U.S. Hwy 81, then south along U.S. Hwy 81 to junction FM Road 1806, then west along FM Road 1806 to junction FM Road 1288, then south

along FM Road 1288 to junction FM Road 174, then west along FM Road 174 to junction FM Road 148, then south along FM Road 148 to junction FM Road 175, then south along FM Road 175 to junction FM Road 1191, then south along FM Road 1191 to junction TX Hwy 199, then west along TX Hwy 199 to junction TX Hwy 16, then south along TX Hwy 16 to junction U.S. Hwy 380, then west along U.S. Hwy 380 to junction U.S. Hwy 277, then south along U.S. Hwy 277 to junction TX Hwy 92, then west along TX Hwy 92 to Hamlin, TX, then south from Hamlin along FM Road 57 to junction TX Hwy 70, then south along TX Hwy 70 to Sweetwater, TX, then west from Sweetwater along Interstate Hwy 20 to junction TX Hwy 163, then south along TX Hwy 163 to junction U.S. Hwy 67, then west along U.S. Hwy 67 to junction U.S. Hwy 385, then south along U.S. Hwy 385 to its termination in Big Bend National Park, TX. The purpose of this filing is to eliminate the gateways of points in Tillman County, OK; and points within 50 miles thereof; and points in Kiowa County, OK; and points within 50 miles thereof.

No. MC 31462 (Sub-No. E426), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in TX on and west of a line commencing at the OK-TX State line on U.S. Hwy 81 to junction FM Road 1806, then west along FM Road 1806 to junction FM Road 1288, then south along FM Road 1288 to junction FM Road 174, then west along FM Road 174 to junction TX Hwy 148, then south along TX Hwy 148 to junction FM Road 175, then south along FM Road 175 to junction FM Road 1191, then south along FM Road 1191 to junction U.S. Hwy 380, then west along U.S. Hwy 380 to junction U.S. Hwy 283, then south along U.S. Hwy 283 to junction U.S. Hwy 180, then west along U.S. Hwy 180 to junction TX Hwy 351, then along TX Hwy 351 to Abilene, TX, then from Abilene south along U.S. Hwy 277 to junction U.S. Hwy 67, then south along U.S. Hwy 67 to junction TX Hwy 163, then south along TX Hwy 163 to junction U.S. Hwy 290, then west along U.S. Hwy 290 to junction TX Hwy 349, then south on a projected line from the termination of TX Hwy 349 to the TX-MX border, on the one hand, and, on the other, points in AR on and north of a line commencing at the OK-AR State line on U.S. Hwy 70, then east along U.S. Hwy 70 to junction U.S. Hwy 59/71, then south along U.S. Hwy 59/71 to junction AR Hwy 24, then east along AR Hwy 24 to Camden, AR, then south from

Camden along AR Hwy 7 to junction U.S. Hwy 167, then south along U.S. Hwy 167 to junction U.S. Hwy 82, then east along U.S. Hwy 82 to the AR-MS State line. The purpose of this filing is to eliminate the gateways of points in Tillman County, OK, and points within 50 miles thereof, and points in Kiowa County, OK, and points within 50 miles thereof.

No. MC 31462 (Sub-No. E427), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in LA, on the one hand, and, on the other, points in TX on and west of a line commencing at the OK-TX State line on U.S. Hwy 81, then south along U.S. Hwy 81 to junction FM Road 1806, then west along FM Road 1806 to junction FM Road 1288, then south along FM Road 1288 to junction FM Road 174, then west along FM Road 174 to junction TX Hwy 148, then south along TX Hwy 148 to junction FM Road 175, then south along FM Road 175 to junction U.S. Hwy 281, then north along U.S. Hwy 281 to junction TX Hwy 16, then south along TX Hwy 16 to junction U.S. Hwy 380, then west along U.S. Hwy 380 to junction TX Hwy 208, then south along TX Hwy 208 to junction TX Hwy 350, then southwest along TX Hwy 350 to junction U.S. Hwy 80, then west along U.S. Hwy 80 to El Paso, TX.

The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Tillman County, OK, and points within 50 miles thereof, points in Delta, Fannin, Lamar and Red River Counties, TX, Houston, TX, and points within 50 miles, not including Galveston, TX.

No. MC 31462 (Sub-No. E428), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in TX, on the one hand, and, on the other, points in AR on and east of a line commencing at the LA-AR State line on AR Hwy 275, then north along AR Hwy 275 to junction AR Hwy 15, then north along AR Hwy 15 to junction U.S. Hwy 79, then north along U.S. Hwy 79 to junction U.S. Hwy 49, then north along U.S. Hwy 49 to junction AR Hwy 39, then north along AR Hwy 39 to junction AR Hwy 1, then north along AR Hwy 1 to the AR-MO State line. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, and points in Bradley County, AR.

No. MC 31462 (Sub-No. E429), filed April 5, 1976. Applicant: PARA-

MOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in MS, on the one hand, and, on the other, points in TX on and west of a line commencing at the TX-OK State line on U.S. Hwy 81, then south along U.S. Hwy 81 to junction TX Hwy 59, then south along TX Hwy 59 to junction U.S. Hwy 380, then west along U.S. Hwy 380 to junction U.S. Hwy 283, then south along U.S. Hwy 283 to junction U.S. Hwy 80-Interstate Hwy 20, then west along U.S. Hwy 80-Interstate Hwy 20 to junction U.S. Hwy 83, then south along U.S. Hwy 83 to junction U.S. Hwy 67, then west along U.S. Hwy 67 to junction TX Hwy 163, then south along TX Hwy 163 to junction U.S. Hwy 290, then west along U.S. Hwy 290 to junction TX Hwy 349, then south along TX Hwy 349 and a line extended from TX Hwy 349 to the United States-Mexico border. The purpose of this filing is to eliminate the gateways of points in Tillman County, OK, and points within 50 miles thereof, and points in Kiowa County, OK, and points within 50 miles thereof, and points in Bradley County, AR.

No. MC 31462 (Sub-No. E430), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in MS on and north of Interstate Hwy 20, on the one hand, and, on the other, points in TX on and west of a line commencing at the OK-TX State line on U.S. Hwy 81, then south along U.S. Hwy 81 to junction TX Hwy 59, then south along TX Hwy 59 to junction U.S. Hwy 380, then west along U.S. Hwy 380 to junction U.S. Hwy 283, then south along U.S. Hwy 283 to junction U.S. Hwy 80, then west along U.S. Hwy 80 to junction U.S. Hwy 83, then south along U.S. Hwy 83 to junction U.S. Hwy 67, then south along U.S. Hwy 67 to junction U.S. Hwy 277/377, then south along U.S. Hwy 277/377 to the United States-Mexico border at Del Rio, TX. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Tillman County, OK, and points within 50 miles thereof, and points in Bradley County, AR.

No. MC 31462 (Sub-No. E431), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in TX on and west of a line commencing at the TX-OK State line on U.S. Hwy 81 then south along U.S. Hwy 81 to junction TX Hwy 59, then south along TX

Hwy 59 to junction U.S. Hwy 380, then west along U.S. Hwy 380 to junction U.S. Hwy 283, then south along U.S. Hwy 283 to junction U.S. Hwy 80/Interstate Hwy 20, then west along U.S. Hwy 80/Interstate Hwy 20 to junction U.S. Hwy 83, then south along U.S. Hwy 83 to junction U.S. Hwy 67, then west along U.S. Hwy 67 to junction TX Hwy 163, then south along TX Hwy 163 to junction U.S. Hwy 290, then west along U.S. Hwy 290 to junction TX Hwy 349, then south along TX Hwy 349 and a line extended from TX Hwy 349 to the United States-Mexico border on the one hand, and, on the other, points in AL on and south of a line commencing at the MS/AL State line on U.S. Hwy 98, then east along U.S. Hwy 98 to junction U.S. Hwy 43, then north along U.S. Hwy 43 to junction U.S. Hwy 84, then east along U.S. Hwy 84 to junction Interstate Hwy 65, then north along Interstate Hwy 65 to junction AL Hwy 10, then east along AL Hwy 10 to junction U.S. Hwy 29, then east along U.S. Hwy 29 to junction AL County Hwy 8, then east along AL County Hwy 8 to junction AL Hwy 239, then east along AL Hwy 239 to junction AL Hwy 30, then east along AL Hwy 30 to junction U.S. Hwy 431, then north along U.S. Hwy 431 to junction U.S. Hwy 82, then east along U.S. Hwy 82 to the AL-GA State line. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Tillman County, OK, and points within 50 miles thereof, points in Bradley County, AR, and Gulfport, MS, and points within 35 miles thereof.

No. MC 31462 (Sub-No. E432), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in FL, on the one hand, and, on the other, points in TX on and west of a line commencing at the TX-OK State line on U.S. Hwy 81, then south along U.S. Hwy 81 to junction TX Hwy 59, then south along TX Hwy 59 to junction U.S. Hwy 380, then west along U.S. Hwy 380 to junction U.S. Hwy 283, then south along U.S. Hwy 283 to junction U.S. Hwy 80/Interstate Hwy 20, then west along U.S. Hwy 80/Interstate Hwy 20 to junction U.S. Hwy 83, then south along U.S. Hwy 83 to junction U.S. Hwy 67, then west along U.S. Hwy 67 to junction TX Hwy 163, then south along TX Hwy 163 to junction U.S. Hwy 290, then west along U.S. Hwy 290 to junction TX Hwy 349, then south along TX Hwy 349 and a line extended from TX Hwy 349 to the United States-Mexico border. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles there-

of, points in Tillman County, OK, and points within 50 miles thereof, Bradley County, AR, Gulfport, MS, and points within 35 miles of Gulfport, MS.

No. MC 31462 (Sub-No. E433), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in TX in an area bounded by NM on the west and on the north by a line commencing at the NM-TX State line on U.S. Hwy 60, then north along U.S. Hwy 60 to junction TX Hwy 86, then east along TX Hwy 86 to junction U.S. Hwy 287, then north along U.S. Hwy 287 to junction U.S. Hwy 62, then east along U.S. Hwy 62 to the TX-OK State line, then south along the Red River to U.S. Hwy 81, then south along U.S. Hwy 81 to junction U.S. Hwy 82, then west along U.S. Hwy 82 to junction TX Hwy 148, then south along TX Hwy 148 to junction TX Hwy 174, then west along TX Hwy 174 to junction U.S. Hwy 281, then south along U.S. Hwy 281 to junction TX Hwy 16, then south along TX Hwy 16, to junction U.S. Hwy 380, then west along U.S. Hwy 380 to junction TX Hwy 208, then south along TX Hwy 208 to junction TX Hwy 350, then south along TX Hwy 350 to junction U.S. Hwy 80/Interstate Hwy 20, then west along U.S. Hwy 80/Interstate Hwy 20 to junction TX Hwy 17, then south along TX Hwy 17 to junction U.S. Hwy 67, then south along U.S. Hwy 67 to the Texas-Mexican border, on the one hand, and, on the other, points in GA. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Tillman County, OK, and points within 50 miles thereof, Bradley County, AR, Gulfport, MS, and points within 35 miles thereof Gulfport, MS.

No. MC 31462 (Sub-No. E434), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in TX on and north of a line commencing at the AL-GA State line on U.S. Hwy 80, then east along U.S. Hwy 80 to junction GA Hwy 96, then east along GA Hwy 96 to junction GA Hwy 358, then along GA Hwy 358 to junction Interstate Hwy 16, then east along Interstate Hwy 16 and proposed Interstate Hwy 16 to the Atlantic Ocean at Savannah, GA, on the one hand, and, on the other, points in TX on and north of a line commencing at the OK-TX State line on U.S. Hwy 81, then south along U.S. Hwy 81 to junction Farm-Market Road 1806, then west along FM Road 1806 to junction FM Road

1288, then along FM Road 1288 to junction FM Road 174, then west along FM Road 174 to junction TX Hwy 16, then south along TX Hwy 16 to junction U.S. Hwy 380, then west along U.S. Hwy 380 to junction U.S. Hwy 283, then south along U.S. Hwy 283 to junction U.S. Hwy 180, then west along U.S. Hwy 180 to junction TX Hwy 351, then south along TX Hwy 351 to junction U.S. Hwy 80/Interstate Hwy 20, then west along U.S. Hwy 80/Interstate Hwy 20 to junction TX Hwy 18, then south along TX Hwy 18 to junction U.S. Hwy 67, then south along U.S. Hwy 67 to the Texas-Mexican border. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Tillman County, OK, and points within 50 miles thereof, and points in Bradley County, AR.

No. MC 31462 (Sub-No. E435), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in SC, on the one hand, and, on the other, points in TX on and west of a line commencing at the OK-TX State line on U.S. Hwy 81, then south along U.S. Hwy 81 to junction TX Hwy 59, then south along TX Hwy 59 to junction TX Hwy 67, then south along TX Hwy 67 to junction U.S. Hwy 183, then south along U.S. Hwy 183 to junction U.S. Hwy 377, then south along U.S. Hwy 377 to the Texas-Mexican border at Del Rio, TX. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Tillman County, OK, and points within 50 miles thereof, points in Bradley County, AR, St. Louis, MO, and East St. Louis, IL, and points within 50 miles thereof, Cairo, IL, and points within 25 miles thereof.

No. MC 41462 (Sub-No. E436), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in TX on and west of a line commencing at the OK-TX State line on Interstate Hwy 35, then south along Interstate Hwy 35 to junction Interstate Hwy 35W, then south along Interstate Hwy 35W to junction TX Hwy 174, then south along TX Hwy 174 to junction U.S. Hwy 67, then west along U.S. Hwy 67 to junction U.S. Hwy 377, then south along U.S. Hwy 377 to the United States-Mexico border at Del Rio, TX on the one hand and, on the other, points in SC on and east of a line commencing at the NC-SC State line on SC Hwy 151, then south along SC Hwy 151 to junction U.S. Hwy 1,

then west along U.S. Hwy 1 to junction SC Hwy 341, then south along SC Hwy 341 to junction U.S. Hwy 15, then south along U.S. Hwy 15 to junction Interstate Hwy 95, then south along Interstate Hwy 95 and proposed Interstate Hwy 95 to junction U.S. Hwy 21, then south along U.S. Hwy 21 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Tillman County, OK, and points within 50 miles thereof, and points in Bradley County, AR.

No. MC 31462 (Sub-No. E437), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in NC on the one hand and, on the other, points in TX on and west of a line commencing at Texarkana, TX on U.S. Hwy 59, then south along U.S. Hwy 59 to junction TX Hwy 315, then west along TX Hwy 315 to junction U.S. Hwy 259, then south along U.S. Hwy 259 to junction TX Hwy 94, then south along TX Hwy 94 to junction TX Hwy 19, then south along TX Hwy 19 to junction TX Hwy 30, then south along TX Hwy 30 to junction TX Hwy 90, then south along TX Hwy 90 to junction FM Road 109, then south along FM Road 109 to Interstate Hwy 10, then west along Interstate Hwy 10 to junction U.S. Hwy 77, then south along U.S. Hwy 77 to Victoria, TX, then south from Victoria, TX along TX Hwy 185 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of points in Kiowa County, OK, and points within 50 miles thereof, points in Bradley County, AR, Cairo, IL, and points within 25 miles thereof.

No. MC 31462 (Sub-No. E438), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in VA on the one hand and, on the other, points in TX on and west of a line commencing at the OK-TX State line on TX Hwy 37, then south along TX Hwy 37 to junction U.S. Hwy 271, then south along U.S. Hwy 271 to junction TX Hwy 300, then south along TX Hwy 300 to junction TX Hwy 149, then south along TX Hwy 149 to junction TX Hwy 322, then south along TX Hwy 322 to junction U.S. Hwy 259, then south along U.S. Hwy 259 to junction U.S. Hwy 59, then south along U.S. Hwy 59 to Houston, TX, then from Houston south along TX Hwy 288 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of points in Bradley

County, AR, points in Kiowa County, OK, and points within 50 miles thereof, Cairo, IL, and points within 25 miles thereof.

No. MC 31462 (Sub-No. E439), filed April 5, 1976. Applicant: PARAMOUNT MOVERS, INC., P.O. Box 309, Lancaster, TX 75146. Applicant's representative: Jo Martin (same as above). *Household goods*, as defined by the Commission, between points in TX on the one hand and, on the other, points in VA on and east of U.S. Hwy 52. The purpose of this filing is to eliminate the gateways of points in Tillman County, OK and points within 50 miles thereof, points in Bradley County, AR and Cairo, IL and points within 25 miles thereof.

No. MC 40215 (Sub-No. E38) (correction), filed May 17, 1974, published in the FEDERAL REGISTER issue of May 3, 1978 and republished, as corrected, this issue. Applicant: RICHARDSON TRANSFER & STORAGE CO., INC., 246 North 5th Ave., Saline, KS 67401. Applicant's representative: James Flint, Suite 600, 1250 Connecticut Ave. NW., Washington, DC 20036. *Household goods*, as defined by the Commission, (1) from points in MN to point in AR on and north of a line beginning at the OK-AR State line at Siloam Springs, AR, and extending along AR Hwy 16 to junction AR Hwy 23 near St. Paul, then southeast along AR Hwy 23 to junction Interstate Hwy 40, then along Interstate Hwy 40 to the AR-TN State line (Galena or Arkansas City, AR); (2) from points in NM to those points in KS on and north of a line beginning at the KS-MO State line, and extending along U.S. Hwy 24 to Topeka, KS, then along KS Hwy 4 to Eskridge, KS, then along KS Hwy 99 to Emporia, KS, then along U.S. Hwy 50 (formerly U.S. Hwy 50S) to Garden City, KS, and then along U.S. Hwy 50 to junction KS-CO State line (points in KS*); (3) from those points in NM on and north of a line beginning at the NM-CO State line near Raton, and extending along Interstate Hwy 25 to junction Interstate Hwy 40 near Albuquerque, then west along Interstate Hwy to the CO-AZ State line, to those points in OK on and west of a line beginning at the KS-OK State line, and extending south on U.S. Hwy 54 to the OK-TX State line (Liberal, KS*). The purpose of this filing is to eliminate the gateways as indicated by asterisks above.

NOTE.—The purpose of this republication is to reflect the correct E number, erroneously published on May 3, 1978 as E35.

No. MC 96324 (gateway letter-notices) (Correction). Applicant: GENERAL DELIVERY INC., P.O. Box 1816, Fairmont, WV. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph St., Alexandria, VA 22314. The purpose of this correction

is to define the correct "E" numbers and publication dates for gateway elimination as set forth below. E1, E2, E3, E4, E5 published 8/2/74 are correct. E6 and E7 published 7/31/74 are correct. E8, E9, E10 published 8/2/74 are correct. E12 published 8/27/74 is correct. E13, E15, E16 published 8/2/74 are correct. E17, E18 published 8/27/74 are correct. E19, E20, E21, E22 published 8/2/74 are correct. E23 published 9/18/74 is correct. E24, E25 published 8/2/74 are correct. E26 published 8/27/74 is correct. E1 published 5/3/78 should be E27. E4, E5, E6 published 5/3/74 should be E30, E31, E32 respectively. E10, E11 published 5/3/78 should be E36, E37 respectively. E13, E14 published 5/3/78 should be E39, E40 respectively. E17 published 5/3/78 should be E43. E20, E21, E22 published 5/3/78 should be E46, E47, E48 respectively. E24 published 5/3/78 should be E50. E27 published 5/3/78 should be E53.

No. MC 99427 (Sub-No. E1) (Partial correction), filed June 3, 1974, published in the FEDERAL REGISTER issues of March 17, 1975 and September 18, 1975, and republished, as corrected, this issue. Applicant: ARIZONA TANK LINES, INC., P.O. Box 6910, Phoenix, AZ 85005. Applicant's representative: William J. Lippman (same as above) (20) *Petroleum products* (except asphalt, residual fuel oil, and liquefied petroleum gases), as described in appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, and *sulphuric acid*, derived from petroleum, in bulk, in tank vehicles, from points in San Juan, McKinley, Valencia, Catron, Bernalillo, Sandoval, and Rio Arriba Counties, NM; Montezuma, La Plata, Archuleta, Rio Grande, and Conejos Counties, CO, to points in Imperial, San Diego, Riverside, San Bernardino, Orange, and Los Angeles Counties, CA (points in Apache, Greenlee, Maricopa, and Pima Counties, AZ*). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

NOTE.—The purpose of this partial correction is to state the correct territorial description. The remainder of this letter notice remains as previously published.

No. MC 107515 (Sub-No. E209) (Partial correction), filed May 29, 1974, published in the FEDERAL REGISTER issue of February 6, 1975, and republished, as corrected, this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, GA 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road, NE., Atlanta, GA 30326. (3) *Meats, meat products, and meat byproducts and articles*, distributed by meat packinghouses, as described in sections A and C of appendix I to the report in Descriptions

in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), . . . (b) from Amarillo, TX, to points in PA, OH, WV, VA, the Lower peninsula of MI (except St. Joseph, MI), and that part of IN on and east of a line beginning at the IL-IN State line, then along IN Hwy 64 to junction IN Hwy 57, then along IN Hwy 57 to junction IN Hwy 67, then along IN Hwy 67 to junction U.S. Hwy 231, then along U.S. Hwy 231 to junction IN Hwy 25, then along IN Hwy 25 to junction U.S. Hwy 35, then along U.S. Hwy 35 to junction U.S. Hwy 20, then along U.S. Hwy 20 to Lake MI . . . The purpose of this filing is to eliminate the gateway of Odom's Sausage Co., at Madison, TN.

NOTE.—The purpose of this partial correction is to state the correct territorial description. The remainder of this letter-notice remains as previously published.

No. MC 113855 (Sub-No. E429), filed August 2, 1976. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, MN 55901. Applicant's representative: Michael E. Miller, 502 First Nat'l Bank Bldg., Fargo, ND 58102. *Metal and metal articles*, the transportation of which, because of size or weight, requires the use of special equipment, (1)(a) between points in CO on the one hand and, on the other, points in IN south and west of Interstate Hwy 74 and on, north, and east of a line beginning at the IL-IN State line, and extending along U.S. Hwy 36 to the junction of U.S. Hwy 231, then along U.S. Hwy 231 to junction IN Hwy 46, then along IN Hwy 46 to the junction of IN Hwy 37, then along IN Hwy 37 to junction U.S. Hwy 150, then along U.S. Hwy 150 to the IN-KY State line, (b) between points in CO on and north of a line beginning at U.S. Hwy 6 along the UT-CO State line, then along U.S. Hwy 6 to junction CO Hwy 93 at or near Golden, CO, then along CO Hwy 93 to Boulder, CO, then along CO Hwy 7 to junction U.S. Hwy 6, then along U.S. Hwy 6 to the CO-NE State line on the one hand and, on the other, points in IN south and west of the line described in (A) above. The purpose of this filing is to eliminate the gateways of Elgin, IL, Davenport, IA and SD. (2) Between points in WI on the one hand and, on the other, points in CO. The purpose of this filing is to eliminate the gateways of Davenport, IA and SD. (3)(a) Between points in CO on the one hand and, on the other, points in KY on and east of a line beginning at the KY-TN State line, and extending along U.S. Hwy 27 to junction U.S. Hwy 421 at Lexington, KY, then along U.S. Hwy 421 to the KY-IN State line (except points in and east of Mason, Fleming, Bath, Menifee, Wolfe, Breathitt, Knott, and Letcher Counties, KY), (b) between points in KY on

and east of KY Hwy 61 and west of a line beginning at the KY-TN State line, and extending north along U.S. Hwy 27 to junction U.S. Hwy 421 at Lexington, KY, then along U.S. Hwy 421 to the KY-IN State line on the one hand and, on the other, points in CO, west and south of a line beginning at the UT-CO State line, extending along U.S. Hwy 6 to junction U.S. Hwy 285 at or near Denver, CO, then along U.S. Hwy 285 to the CO-NM border (including points on U.S. Hwy 285 but excluding points on U.S. Hwy 6). The purpose of this filing is to eliminate the gateways of Elgin, IL, Davenport, IA and SD.

No. MC 114552 (Sub-No. E150) (Correction), filed August 25, 1975, published in the FEDERAL REGISTER issues of March 15, 1978, and April 19, 1978, and republished, as corrected, this issue. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry SC 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1267, Arlington, VA 22210. *Composition board*, except commodities in bulk, from points in NC on and east of a line beginning at the Atlantic Ocean, then extending along U.S. Hwy 64 to junction U.S. Hwy 401, then along U.S. Hwy 401 to junction U.S. Hwy 301, then extending along U.S. Hwy 301 to the NC-SC State line, to points in WI, to those points in IA on and west of a line beginning at the IA-MO State line, then extending along U.S. Hwy 63 to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction U.S. Hwy 69, then along U.S. Hwy 69 to the IA-MN State line, those points in MN, on and west of a line beginning at the MN-IA State line, then extending along U.S. Hwy 69 to junction U.S. Hwy 65, then along U.S. Hwy 65 to junction MN Hwy 60, then along MN Hwy 60 to the MN-WI State line, those points in MO on and west of a line beginning at the MO-AR State line then extending along MO Hwy 5 to junction U.S. Hwy 54, then along U.S. Hwy 54 to junction U.S. Hwy 63, then along U.S. Hwy 63 to the MO-IA State line. The purpose of this filing is to eliminate the gateway of points in Wayne County, NC, and Greenwood, SC.

NOTE.—The purpose of this republication is to state the correct territorial description.

No. MC 114552 (Sub-No. E240) (Correction), filed September 22, 1975, published in the FEDERAL REGISTER issue of March 5, 1978, and republished, as corrected, this issue. Applicant: SENN TRUCKING CO., P.O. Drawer 220, Newberry, SC 29108. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Arlington, VA 22210. *Such composition boards as are also materials, supplies and accessories used in the manufacture and installation of*

composition boards, except commodities in bulk, from points in PA on and north of a line beginning at the PA-OH State line, then extending along U.S. Hwy 422 to junction PA Hwy 85, then along PA Hwy 85 to junction U.S. Hwy 119, then along U.S. Hwy 119 to junction U.S. Hwy 822, then along U.S. Hwy 322 to junction U.S. Hwy 220, then along U.S. Hwy 220 to junction Interstate Hwy 80, then along Interstate Hwy 80 to junction PA Hwy 147, then along PA Hwy 147 to junction U.S. Hwy 220, then along U.S. Hwy 220 to the PA-NY State line, to points in FL on and south of FL Hwy 40. The purpose of this filing is to eliminate the gateway of Roaring River, NC, and points in Wayne County, NC.

NOTE.—The purpose of this correction is to state the correct "E" number E240 instead of E239.

No. MC 114897 (Sub-No. E1) (partial correction), filed May 15, 1974, published in the FEDERAL REGISTER issue of September 5, 1975, and republished, as corrected, this issue. Applicant: WHITEFIELD TANK LINES, INC., P.O. Drawer 9897, El Paso, TX 79989. Applicant's representative: J. E. Gallejos, 215 Lincoln Avenue, Santa Fe, NM 87501. (1) *Petroleum and petroleum products*, as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, in bulk, in tank vehicles; (b)(1) from points in CO, except points in Baca County, CO, to points in that area of TX on, south and west of a line beginning at the NM-TX State line, and extending along TX Hwy 116, to junction U.S. Hwy 385, then along U.S. Hwy 385 to junction TX Hwy 137, then along TX Hwy 137 to junction U.S. Hwy 180, then along U.S. Hwy 180 to junction U.S. Hwy 84, then along U.S. Hwy 84 to junction Interstate Hwy 20, then along Interstate Hwy 20 to junction U.S. Hwy 277, then along U.S. Hwy 277 to Eagle Pass, TX, excepting service to points in El Paso and Hudspeth Counties, TX; and (2) from points in CO in, north and east of Baca, Bent, Kiowa, Lincoln, Elbert, Douglas, Jefferson, Arapahoe, Denver, Boulder and Larimer Counties, CO, to points in El Paso and Hudspeth Counties, TX. The purpose of this filing is to eliminate the gateway of Milnesand, NM.

NOTE.—The purpose of this partial correction is to correct territorial description. The remainder of this letter remains as previously published.

No. MC 117574 (Sub-No. E52), filed June 6, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same as above). *Dredges, component parts of dredges, and dredging equipment, which is also industrial machinery and attachments, accessories, and parts of such*

industrial machinery, (1) between Erie, Genesee, Niagara, Orleans, and Wyoming Counties, NY, on the one hand, and, on the other, points in AZ, CA, DE, FL, GA, ID, LA, NE, NV, NC, OR, SC, UT, WA and WY, and points in the following described States: Points in AL south of a line beginning at MS-AL State line, extending along AL Hwy 18 to junction AL Hwy 17, then along AL Hwy 17 to junction U.S. Hwy 278, then along U.S. Hwy 278 to junction Interstate Hwy 65, then along Interstate Hwy 65 to junction AL Hwy 20, then along AL Hwy 20 to junction U.S. Hwy 231, then along U.S. Hwy 231 to the TN-AL State line; points in AR south of a line beginning at the AR-TX State line, extending along U.S. Hwy 82 to the AR-MS State line; points in CO west of a line beginning at the CO-WY State line, extending along U.S. Hwy 287 to junction U.S. Hwy 160, then along U.S. Hwy 160 to the CO-KS State line; points in KS southwest of a line beginning at the KS-CO State line, extending along U.S. Hwy 160 to junction U.S. Hwy 270, then along U.S. Hwy 270 to the OK-KS State line; points in MD east and south of a line beginning at the WV-MD State line, extending along Interstate Hwy 81 to junction MD Hwy 64/77, then along MD Hwy 64/77 to junction U.S. Hwy 15, then along U.S. Hwy 15 to the PA-MD State line; points in MS south of a line beginning at the MS-AR State line, extending along U.S. Hwy 82 to junction MS Hwy 12, then along MS Hwy 12 to the MS-AL State line; points in MT north and west of a line beginning at the ND-MT State line, extending along MT Hwy 200 to junction MT Hwy 18, then along MT Hwy 16 to the junction of U.S. Hwy 10, then along U.S. Hwy 10, to the junction of U.S. Hwy 312, then along U.S. Hwy 312 to junction MT Hwy 59, then along MY Hwy 59 to the WY-MT State line; points in NJ south of a line beginning at the NJ-PA State line, extending along NJ Hwy 33 to termination at the Atlantic Ocean; points in ND west of a line beginning at the ND-CD International Boundary line, extending along U.S. Hwy 85 to junction ND Hwy 200, then along ND Hwy 200 to junction MT-ND State line; points in OK west of a line beginning at the OK-KS State line, extending along U.S. Hwy 83 to junction U.S. Hwy 270, then along U.S. Hwy 270 to the junction of U.S. Hwy 183, then along U.S. Hwy 183 to the OK-TX State line; points in PA east and south of a line beginning at the MD-PA State line, extending along U.S. Hwy 15 to junction U.S. Hwy 30, then along U.S. Hwy 30 to U.S. Hwy 202, then along U.S. Hwy 202 to junction Interstate Hwy 276, then along Interstate Hwy 276 to junction U.S. Hwy 1, then along U.S. Hwy 1 to the NJ-PA State line; points

in TN east and south of a line beginning at the TN-AL State line, extending along U.S. Hwy 231 to junction U.S. Hwy 64, then along U.S. Hwy 64 to junction U.S. Hwy 41, then along U.S. Hwy 41 to junction U.S. Hwy 11, then along U.S. Hwy 11 to the VA-TN State line; points in TX south and west of a line beginning at the TX-OK State line, extending along U.S. Hwy 183 to junction U.S. Hwy 287, then along U.S. Hwy 287 to junction U.S. Hwy 82, then along U.S. Hwy 82 to the AR-TX State line; points in VA east and south of a line beginning at the VA-TN State line, extending along Interstate Hwy 81 to the WV-VA State line; points in WV east of a line beginning at the VA-WV State line, extending along Interstate Hwy 81 to the MD-WV State line; points in WY west of a line beginning at the WY-MT State line, extending along WY Hwy 59 to junction Interstate Hwy 25, then along Interstate Hwy 25 to junction WY Hwy 220, then along WY Hwy 220 to junction WY Hwy 487, then along WY Hwy 487 to junction WY Hwy 428, then along WY Hwy 428 to junction U.S. Hwy 287, then along U.S. Hwy 287 to the CO-WY State line. (2) Between points in Cameron, Centre, Clinton, Juniata, Lycoming, Mifflin, Patten, and Tioga Counties, PA, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, KS, LA, MN, MS, MT, NE, NV, NM, NC, ND, OK, OR, SC, SD, TX, UT, WA, WY; and points in MI north of a line beginning at the Lake Superior, and extending along U.S. Hwy 41 to the MI-WI State line; points in DE south of a line beginning at the MD-DE State line, and extending along DE Hwy 8 to the termination at the Delaware River; points in IA west of a line beginning at the WI-IA State line, extending along IA Hwy 9 to junction IA Hwy 150, then along IA Hwy 150 to junction U.S. Hwy 20, then along U.S. Hwy 20 to junction U.S. Hwy 63, then along U.S. Hwy 63 to the IA-MO State line; points in KY south and east of a line beginning at the TN-KY State line, extending along Interstate Hwy 75 to junction U.S. Hwy 119, then along U.S. Hwy 119 to the KY-WV State line, points in MD south and east of a line beginning at the VA-MD State line, extending along U.S. Hwy 15, to junction Interstate Hwy 70, then along Interstate Hwy 70 to Interstate Hwy 695, then along Interstate Hwy 695 to junction U.S. Hwy 40, then along U.S. Hwy 40 to the MD-DE State line; points in MO west and south of a line beginning at the IA-MO State line, extending along U.S. Hwy 63 to junction U.S. Hwy 60, then along U.S. Hwy 60 to junction MO Hwy 53, then along MO Hwy 53 to junction MO Hwy 25, then along MO Hwy 25 to junction MO Hwy 164, then along MO Hwy 164 to the MO-TN

State line; points in TN south and east of a line beginning at the MO-TN State line, extending along TN Hwy 20 to junction Interstate Hwy 40, then along Interstate Hwy 40 to junction Interstate Hwy 75, then along Interstate Hwy 75 to the TN-KY State line; points in VA south and east of a line beginning at the WV-VA State line, extending along Interstate Hwy 64 to junction Interstate Hwy 81, then along Interstate Hwy 81 to junction U.S. Hwy 50, then along U.S. Hwy 50 to junction U.S. Hwy 15, then along U.S. Hwy 15 to the VA-MD State line; points in WV south and east of a line beginning at the VA-WV State line, extending along U.S. Hwy 52 to junction WV Hwy 16, then along WV Hwy 16 to junction U.S. Hwy 19, then along U.S. Hwy 19, to junction WV Hwy 41, then along WV Hwy 41 to junction U.S. Hwy 60, then along U.S. Hwy 60 to the WV-VA State line; points in WI north and west of a line beginning at the MN-WI State line, extending along U.S. Hwy 8 to junction WI Hwy 27, then along WI Hwy 27 to junction U.S. Hwy 53, then along U.S. Hwy 53 to junction WI Hwy 35, then along WI Hwy 35 to the WI-IA State line. The purpose of this filing is to eliminate the gateway of Carlisle, PA.

No. MC 117574 (Sub-No. E53), filed June 6, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same as above). *Dredges, component parts of dredges, and dredging equipment, which is also industrial machinery and attachments, accessories and parts of such industrial machinery*, (1) between points in CT, ME, MA, NH, RI and VT, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MO, MT, NE, NV, ND, OK, OR, SC, SD, TN, TX, UT, WA, WV, WI, and WY and points in MD south and west of a line beginning at the PA-MD State line, extending along U.S. Hwy 15 to junction Interstate Hwy 270, then along Interstate Hwy 270 to junction Interstate Hwy 495, then along Interstate Hwy 495 to the MD-VA State line; points in NC south and west of a line beginning at the VA-NC State line, extending along U.S. Hwy 258 to junction U.S. Hwy 264, then along U.S. Hwy 264 to its termination at the Atlantic Ocean; points in OH south and west of a line beginning at the OH-MI State line, extending along Interstate Hwy 75 to junction U.S. Hwy 224, then along U.S. Hwy 224 to the OH-PA State line; points in PA south and west of a line beginning at the PA-OH State line, extending along U.S. Hwy 422 to junction U.S. Hwy 22, then along U.S. Hwy 22 to junction U.S. Hwy 15, then along U.S. Hwy 15 to the PA-MD State line; points in VA south and west of a line

beginning at the VA-MD State line, extending along Interstate Hwy 495 to junction Interstate Hwy 95, then along Interstate Hwy 95 to junction VA Hwy 35, then along VA Hwy 35 to the VA-NC State line, (2) between points in Chester and Delaware Counties, PA, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO,

state Hwy 81 to junction Interstate Hwy 70, then east along Interstate Hwy 70 to junction Interstate Hwy 695, then north and east along Interstate Hwy 695 to junction Interstate Hwy 95, then east along Interstate 95 to the MD-DE State line; in MS south and east of a line commencing at U.S. Hwy 80 at the AR-MS State line, then

to junction IA-NE State line; points in KY south of a line commencing at the KY-IL State line, and proceeding in an easterly direction along KY Hwy 56 to junction Alternate U.S. Hwy 41, then south along Alternate U.S. Hwy 41, to junction U.S. Hwy 4, then south along U.S. Hwy 4 to junction U.S. Hwy 68, then east along U.S. Hwy 68 to

Hwy 83 to junction Interstate Hwy 76, then along Interstate Hwy 76 to junction U.S. Hwy 220, then along U.S. Hwy 220 to junction U.S. Hwy 422, then along U.S. Hwy 422 to the OH-PA State line; VA, all points except those in Accomack and Northampton Counties, PA. (4) between points in Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and

the MD-WV State line; MD, points west of a line commencing at the WV-MD State line and extending along U.S. Hwy 220 to the PA-MD State line; PA, points west of a line commencing at the MD-PA State line, and extending along U.S. Hwy 220 to Interstate 76, then along Interstate Hwy 76 to junction U.S. Hwy 522, then along U.S. Hwy 522 to junction U.S. Hwy 15,

junction U.S. Hwy 59, then along U.S. Hwy 59 to the KS-MO State line; points in MO on and west of a line commencing at the KS-MO State line, and proceeding along U.S. Hwy 36 to junction U.S. Hwy 69, then along U.S. Hwy 69 to junction U.S. Hwy 136, then along U.S. Hwy 136 to junction U.S. Hwy 63, then along U.S. Hwy 63 to the IA-MO State line; points in NM at

beginning at the VA-MD State line, extending along Interstate Hwy 495 to junction Interstate Hwy 95, then along Interstate Hwy 95 to junction VA Hwy 35, then along VA Hwy 35 to the VA-NC State line, (2) between points in Chester and Delaware Counties, PA, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, ID, IL, IN, IA, KS, KY, LA, MI, MN, MO, MT, NE, NV, NH, NM, ND, OH, OK, OR, SD, TX, UT, WA, WI, and WY and points in GA south and west of a line beginning at the Atlantic Ocean, extending along U.S. Hwy 341 to junction U.S. Hwy 23, then along U.S. Hwy 23 to junction Interstate Hwy 75, then along Interstate Hwy 75 to junction Interstate Hwy 85, then along Interstate Hwy 85 to junction U.S. Hwy 23, then along U.S. Hwy 23 to the GA-NC State line; points in NY west of U.S. Hwy 62; points in NC west of U.S. Hwy 23; points in PA west of a line beginning at the PA-WV State line, extending along Interstate Hwy 79 to junction U.S. Hwy 62, then along U.S. Hwy 62 to the PA-NY State line; points in TN west of a line beginning at the NC-TN State line, extending along U.S. Hwy 23 to junction U.S. Hwy 11E, then along U.S. Hwy 11E to the TN-VA State line; points in VA west of U.S. Hwy 19; points in WV north and west of U.S. Hwy 19.

The purpose of this filing is to eliminate the gateway of Carlisle, PA.

No. MC 117574 (Sub-No. E 54), filed June 6, 1975. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same as above). *Dredges, component parts of dredges, and dredging equipment, which is also industrial machinery and attachments, accessories and parts of such industrial machinery.* (1) between points in Allegany, Cattaraugus and Chautauque Counties, NY, on the one hand, and, on the other, points in AZ, CA, FL, GA, ID, NV, NM, NC, OR, SC, UT, WA and points in the following described states: In AL south of U.S. Hwy 82 commencing at the AL-MS State line, and extending along same Hwy to junction U.S. Hwy 11, and extending north along U.S. Hwy 11 to the AL-TN State line; in CO south and west of a line commencing at the CO-WY State line, and extending south along CO Hwy 789 to junction U.S. Hwy 24, then east along U.S. Hwy 24 to junction U.S. Hwy 285, then south along U.S. Hwy 285 to junction U.S. Hwy 160, then east along U.S. Hwy 160 to junction U.S. Hwy 385, then south along U.S. Hwy 385 to the CO-OK State line; in LA south of U.S. Hwy 80 commencing at the LA-TX State line, then east along U.S. Hwy 80 to the LA-MS State line; in MD east and south of a line commencing at the MD-WV State line on Interstate Hwy 81, then north along Inter-

state Hwy 81 to junction Interstate Hwy 70, then east along Interstate Hwy 70 to junction Interstate Hwy 695, then north and east along Interstate Hwy 695 to junction Interstate Hwy 95, then east along Interstate 95 to the MD-DE State line; in MS south and east of a line commencing at U.S. Hwy 80 at the AR-MS State line, then east along U.S. Hwy 80 to junction U.S. Hwy 51, then north along U.S. Hwy 51 to junction U.S. Hwy 82, then east along U.S. Hwy 82 to the AL-MS State line; in MT south and west of a line commencing at the MT-CD border, then south along MT Hwy 238 to junction U.S. Hwy 87, then south along U.S. Hwy 87 to junction U.S. Hwy 89, then along U.S. Hwy 89 to junction Interstate Hwy 90, then along Interstate Hwy 90 to junction U.S. Hwy 310, then along U.S. Hwy 310 to the MT-WY State line; in OK west of U.S. Hwy 287; in TN south and east of U.S. Hwy 11; in TX south and west of a line commencing at the OK-TX State line, and extending along U.S. Hwy 287 to junction Interstate Hwy 20, then along Interstate Hwy 20 to the LA-TX State line; in VA south and east of Interstate Hwy 81; in WY west of a line commencing at the MT-WY State line, and extending along WY Hwy 120 to junction WY Hwy 172, then along WY Hwy 172 to junction WY Hwy 789, then along WY Hwy 789 to junction WY Hwy 28, then along WY Hwy 28 to junction U.S. Hwy 187, then along U.S. Hwy 187 to junction Interstate Hwy 80, then along Interstate Hwy 80 to junction WY Hwy 789, then along WY Hwy 789 to the CO-WY State line. (2) between points in Steuben County, NY, on the one hand, and, on the other points in AL, AZ, AR, CA, CO, CT, FL, GA, ID, KS, LA, ME, MD, MA, MS, MT, NV, NH, NJ, NY, NM, NC, ND, OK, OR, RI, SC, SD, TN, TX, UT, VT, WA, WY and points in the following described states: points in DE south of a line commencing at the DE-MD State line, extending along Interstate Hwy 95 to the DE-NJ State line; points in IL south of a line commencing at the IL-MO State line, and extending along IL Hwy 13 to the IL-KY State line; points in IA west of a line commencing at the IA-MN State line, and extending along IA Hwy 15 to junction IA Hwy 9, then east along IA Hwy 9 to junction U.S. Hwy 169, then south along U.S. Hwy 169 to junction U.S. Hwy 20, then west along U.S. Hwy 20 to junction IA Hwy 4, then along IA Hwy 4 to junction IA Hwy 25, then south along IA Hwy 25 to junction U.S. Hwy 6, then south along U.S. Hwy 6 to junction U.S. Hwy 71, then south along U.S. Hwy 71 to junction U.S. Hwy 34, then west along U.S. Hwy 34 to junction U.S. Hwy 59, then south along U.S. Hwy 59 to junction IA Hwy 2, then west along IA Hwy 2

to junction IA-NE State line; points in KY south of a line commencing at the KY-IL State line, and proceeding in an easterly direction along KY Hwy 56 to junction Alternate U.S. Hwy 41, then south along Alternate U.S. Hwy 41, to junction U.S. Hwy 4, then south along U.S. Hwy 4 to junction U.S. Hwy 68, then east along U.S. Hwy 68 to junction KY Hwy 90, then southeast along KY Hwy 90 to junction KY Hwy 92, then east along KY Hwy 92 to junction U.S. Hwy 119, then northeast along U.S. Hwy 119 to the KY-WV State line; points in MN west of a line commencing at the MN-CD border, and proceeding south along U.S. Hwy 53 to junction Interstate Hwy 35, then south along Interstate Hwy 35 to junction MN Hwy 23, then southwest along MN Hwy 23 to junction U.S. Hwy 71, then south along U.S. Hwy 71 to junction U.S. Hwy 16, then east along U.S. Hwy 16 to junction MN Hwy 15, then along MN Hwy 15 to the MN-IA State line; points in MO south of a line commencing at the MO-NE State line, and proceeding along Interstate Hwy 29 to junction U.S. Hwy 36, then east along U.S. Hwy 36 to junction MO Hwy 13, then south along MO Hwy 13 to junction Interstate Hwy 70, then east along Interstate Hwy 70 to junction MO-IL State line; points in NE west of a line commencing at the NE-IA State line, and proceeding along U.S. Hwy 73 to junction U.S. Hwy 138, then east along U.S. Hwy 138 to the NE-MO State line; points in VA south of a line commencing at the VA-WV State line, and proceeding along U.S. Hwy 33 to junction U.S. Hwy 29, then northeast along U.S. Hwy 29 to junction Interstate Hwy 95, then northeast along U.S. Interstate Hwy 95 to the VA-MD State line; points in WV south of a line commencing at the WV-KY State line, and proceeding east along U.S. Hwy 52 to junction WV Hwy 16, then east along WV Hwy 16 to junction WV Hwy 3/63, then east along WV Hwy 3/63, to junction U.S. Hwy 219, then north along U.S. Hwy 219 to junction U.S. Hwy 33, then east along U.S. Hwy 33 to the WV-VA State line. (3) between points in Albany, Fulton, Montgomery, Otsego, Rensselaer, Saratoga, Schoharie, Warren and Washington, Counties, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, TX, UT, WA, WV, WI, WY and points in the following described states: MD, south and west of MD Hwy 24; OH, points south and west of a line commencing at Lake Erie extending along U.S. Hwy 250 to junction U.S. Hwy 422, then along U.S. Hwy 422 to the OH-PA State line; PA points south and west of a line commencing at the MD-PA State line, extending along Interstate

Hwy 83 to junction Interstate Hwy 76, then along Interstate Hwy 76 to junction U.S. Hwy 220, then along U.S. Hwy 220 to junction U.S. Hwy 422, then along U.S. Hwy 422 to the OH-PA State line; VA, all points except those in Accomack and Northampton Counties, PA, (4) between points in Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry and York Counties, PA, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, LA, MI, MN, MS, MO, MT, NE, NV, NM, ND, OK, OR, SC, SD, TX, UT, WA, WI, WY and points in the following described states: PA, points north and west of a line commencing at Erie, PA, and extending along U.S. Hwy 99 to junction Interstate Hwy 90, then along Interstate Hwy 90 to the PA-OH State line; OH, points north and west of a line commencing at the PA-OH State line, and extending along Interstate Hwy 90 to junction U.S. Hwy 20, then along U.S. Hwy 20 to junction OH Hwy 4, then along OH Hwy 4 to junction OH Hwy 72, then along OH Hwy 72 to junction U.S. Hwy 62, then along U.S. Hwy 62 to the OH-KY State line; KY, points west of a line commencing at the OH-KY State line, and extending along U.S. Hwy 62 to junction KY Hwy 11, then along KY Hwy 11 to junction U.S. Hwy 25E, then along U.S. Hwy 25E to the KY-TN State line; TN, points south and west of a line commencing at the KY-TN State line, and extending along U.S. Hwy 25E to junction Interstate Hwy 40, then along Interstate Hwy 40 to the TN-NC State line; NC, points south of a line commencing at the TN-NC State line, and extending along Interstate Hwy 40 to junction U.S. Hwy 74, then along U.S. Hwy 74 to junction U.S. Hwy 17, then along U.S. Hwy 17 to junction U.S. Hwy 70, then along U.S. Hwy 70 to its termination at the Atlantic Ocean. (5) between points in Bucks and Montgomery Counties, PA, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, KY, LA, MA, MI, MN, MS, MO, MT, NE, NM, ND, OH, OK, OR, SC, SD, TN, TX, UT, WA, WI, WY and points in the following described states: NC, points west of a line commencing at Cherry Point on the Atlantic Ocean, and extending along U.S. Hwy 70 to junction U.S. Hwy 501, then along U.S. Hwy 501 to the VA-NC State line; VA, points west of a line commencing at the NC-VA State line, and extending along U.S. Hwy 501 to junction Interstate Hwy 81, then along Interstate Hwy 81 to junction U.S. Hwy 250, then along U.S. Hwy 250 to junction U.S. Hwy 220, then along U.S. Hwy 220 to the WV-VA State line; WV, points west of a line commencing at the VA-WV State line, and extending along U.S. Hwy 220 to

the MD-WV State line; MD, points west of a line commencing at the WV-MD State line and extending along U.S. Hwy 220 to the PA-MD State line; PA, points west of a line commencing at the MD-PA State line, and extending along U.S. Hwy 220 to Interstate 76, then along Interstate Hwy 76 to junction U.S. Hwy 522, then along U.S. Hwy 522 to junction U.S. Hwy 15, then along U.S. Hwy 15 to the PA-NY State line; NY, points west of a line commencing at the PA-NY State line, and extending along NY Hwy 36 to junction NY Hwy 63, then along NY Hwy 63 to its terminum at Lake Ontario.

The purpose of this filing is to eliminate the gateway of Carlisle, PA.

No. MC 117574 (Sub-No. E73) (Partial Correction), filed July 16, 1975, published in the FEDERAL REGISTER issue of March 15, 1978, and republished, as corrected, this issue. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same as above). (1) *Agricultural implements, agricultural machinery, tractors (other than truck tractors), incidental machinery, attachments and parts when moving with such implements, machinery or tractors (except commodities requiring special equipment)* (2)(a) *sewage, water and refuse treatment systems*, the transportation of which because of size or weight requires the use of special equipment, which is also industrial or processing machinery and (b) *tools, materials and supplies* used in connection with the erection and construction of sewage, water and refuse systems (except commodities in bulk), which are also attachments, accessories and parts of industrial or processing machinery . . .

(G) between points in Pittsylvania County, VA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MI, MN, MT, NE, NV, ND, OR, SD, UT, WA, WI and WY, points in IL on and north of a line commencing at the IA-IL State line, and proceeding along IL Hwy 92 to junction U.S. Hwy 51, then along U.S. Hwy 51 to junction U.S. Hwy 52, then along U.S. Hwy 52 to junction Interstate Hwy 80, then along Interstate Hwy 80 to junction Interstate Hwy 57, then along Interstate Hwy 57 to Chicago, IL; points in IN on and north of a line commencing at the IL-IN State line, and proceeding along U.S. Hwy 20 to junction Interstate Hwy 80 to the IN-OH State line; points in IA on and west of a line commencing at the IA-MO State line, and proceeding along U.S. Hwy 63 to junction IA Hwy 92, then along IA Hwy 92 to the IA-IL State line; points in KS on and west of a line commencing at the OK-KS State line, and proceeding along Interstate Hwy 35 to junction KS Hwy 4, then along KS Hwy 4 to

junction U.S. Hwy 59, then along U.S. Hwy 59 to the KS-MO State line; points in MO on and west of a line commencing at the KS-MO State line, and proceeding along U.S. Hwy 36 to junction U.S. Hwy 69, then along U.S. Hwy 69 to junction U.S. 136, then along U.S. Hwy 136 to junction U.S. Hwy 63, then along U.S. Hwy 63 to the IA-MO State line; points in NM on and west of a line commencing at the TX-NM State line, and proceeding along U.S. Hwy 54 to junction U.S. Hwy 82, then along U.S. Hwy 82 to the NM-TX State line; points in OH south and west of a line commencing at the IN-OH State line, and proceeding along U.S. Hwy 8 to junction U.S. Hwy 20, then along U.S. Hwy 20 to junction U.S. Hwy 250, then along U.S. Hwy 250 to junction OH Hwy 151, then along OH Hwy 151 to the OH-WV State line; points in OK on and west of a line commencing at the TX-OK State line, and proceeding along U.S. Hwy 60 to junction U.S. Hwy 28, then along U.S. Hwy 28 to junction U.S. Hwy 60, then along U.S. Hwy 60 to junction Interstate Hwy 35, then along Interstate Hwy 35 to the OK-KS State line; points in TX south and east of a line commencing at the TX-NM State line, and proceeding along U.S. Hwy 54 to the TX State line, then along the TX State line to Interstate Hwy 40, then along Interstate Hwy 40 to junction U.S. Hwy 60, then along U.S. Hwy 60 to the TX-OK State line; points in WV south and east of WV Hwy 27. The purpose of this filing is to eliminate the gateways of Carlisle, Shadygrove and Waynesboro.

NOTE.—The purpose of this partial correction is to state the correct highway description. The remainder of this letter-notice remains as previously published.

No. MC 117574 (Sub-No. E74) (Partial Correction), filed July 16, 1975, published in the FEDERAL REGISTER issue of March 15, 1978, and republished, as corrected, this issue. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same as above). (1) *Agricultural implements, agricultural machinery, tractors (other than truck tractors), incidental machinery, attachments and parts when moving with such implements, machinery or tractors, (except commodities requiring special equipment)*, (2) (a) *sewage, water and refuse treatment systems*, the transportation of which because of size or weight requires the use of special equipment, which is also industrial or processing machinery, and (2)(b) *tools, materials and supplies* used in connection with the erection and construction of sewage, water and refuse systems (except commodities in bulk), which are also attachments, accessories and parts of industrial or processing machinery . . . (C) Between points in Southampton,

Sussex, Surry and Prince George Counties, VA, on the one hand, and, on the other, points in AZ, CA, CO, ID, IA, KS, MI, MN, MT, NE, NV, NM, ND, OK, OR, SD, UT, WA, WI and WY, and points in AR west and north of a line commencing at the AR-TX State line, and proceeding along State Hwy 41 to junction U.S. Hwy 71, then along U.S. Hwy 71 to junction State Hwy 45, then along State Hwy 45 to junction U.S. Hwy 62, then along U.S. Hwy 62 to junction U.S. Hwy 65, then to the AR-MO State line; points in IL north of a line commencing at the IL-MO State line, and proceeding along U.S. Hwy 146 to Interstate Hwy 57, then along Interstate Hwy 57 to junction U.S. Hwy 13, then along U.S. Hwy 13 to junction U.S. Hwy 45, then along U.S. Hwy 45 to junction U.S. Hwy 1, then along U.S. Hwy 1 to junction U.S. Hwy 460, then along U.S. Hwy 460 to junction State Hwy 57, then along State Hwy 57 to junction U.S. Hwy 50, then along U.S. Hwy 50 to the OH-IN State line; points in MO west and north of a line commencing at the MO-AR State line, and proceeding along U.S. Hwy 65, then along U.S. Hwy 65 to junction State Hwy 86, then along State Hwy 86 to junction U.S. Hwy 160, then along U.S. Hwy 160 to junction State Hwy 17, then along State Hwy 17 to junction U.S. Hwy 60, then along U.S. Hwy 60 to junction State Hwy 49, then along State Hwy 49 to junction U.S. Hwy 25, then along U.S. Hwy 25 to junction U.S. Hwy 60, then along U.S. Hwy 60 to junction Interstate Hwy 57, then to the IL-MO State line; points in OH north of a line commencing at the OH-IN State line, and proceeding along U.S. Hwy 50 to junction Alternate U.S. Hwy 50, then to the OH-WV State line; points in TX west of a line commencing at the Gulf of Mexico at Corpus Christi, and proceeding along U.S. Hwy 181, to its junction U.S. Hwy 77, then along U.S. Hwy 77 to junction Interstate Hwy 35, then along Interstate Hwy 35 to junction Interstate Hwy 30, then along Interstate Hwy 30 to junction State Hwy 50, then along State Hwy 50 to junction State Hwy 24, then along State Hwy 24 to junction U.S. Hwy 82, then along U.S. Hwy 82 to junction State Hwy 8, then along State Hwy 8 to the TX-AR State line; points in WV north of a line commencing at the OH-WV State line, and proceeding along U.S. Hwy 50 to junction U.S. Hwy 19, then along U.S. Hwy 19 to junction State Hwy 73, then along State Hwy 73 to junction State Hwy 26, then along State Hwy 26 to the WV-PA State line. . . . The purpose of this filing is to eliminate the gateways of Carlisle, Shadygrove and Waynesboro, PA.

NOTE.—The purpose of this partial correction is to state the correct highway description. The remainder of this letter-notice remains as previously published.

No. MC 117574 (Sub-No. E75) (Partial Correction), filed July 16, 1975, published in the FEDERAL REGISTER issue of March 29, 1978, and republished, as corrected, this issue. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same as above). (1) *Agricultural implements, agricultural machinery, tractors* (other than truck tractors), *incidental machinery, attachments and parts* when moving with such implements, machinery or tractors (except commodities requiring special equipment), (2)(a) *sewage, water and refuse treatment systems*, the transportation of which because of size or weight requires the use of special equipment, which is also industrial or processing machinery (b) *tools, materials and supplies* used in connection with the erection and construction sewage, water and refuse systems (except commodities in bulk), which are also attachments, accessories and parts of industrial or processing machinery. . . . (C) between points in Page, Rockingham, Shenandoah and Warren Counties, VA, on the one hand, and, on the other, points in AL, AZ, CA, CO, GA, ID, IA, KS, KY, LA, MI, MN, MS, MT, NE, NV, MX, ND, OR, PA, SD, UT, WA, WI, WY, Key West, FL, and points in AR west of a line commencing at the OK-AR State line, and proceeding along Interstate Hwy 40 to junction AR Hwy 23, then along AR Hwy 23 to junction AR Hwy 68, then along AR Hwy 68 to junction AR Hwy 21, then along AR Hwy 21 to the AR-MO State line; points in IL west of a line commencing at the MO-IL State line, and proceeding along U.S. Hwy 66 to junction IL Hwy 48, then along IL Hwy 48 to junction IL Hwy 47, then along IL Hwy 47 to junction U.S. Hwy 150, then along U.S. Hwy 150 to junction U.S. Hwy 136, then along U.S. Hwy 136, to the IL-IN State line; points in IN, north of a line commencing at the IL-IN State line, and proceeding along U.S. Hwy 136 to junction U.S. Hwy 41, then along U.S. Hwy 41 to junction IN Hwy 28, then along IN Hwy 28 to junction IN Hwy 25, then along IN Hwy 25 to junction IN Hwy 18, then along IN Hwy 18, to junction IN Hwy 67, then along IN Hwy 67 to the IN-OH State line; points in MD, north of U.S. Hwy 40; points in MO, west of a line commencing at the AR-MO State line, and proceeding along MO Hwy 13 to junction MO Hwy 86, then along MO Hwy 86 to junction U.S. Hwy 65, then along U.S. Hwy 65, to junction MO Hwy 14, then along MO Hwy 14 to junction MO Hwy 5, then along MO Hwy 5 to junction MO Hwy 76, then along MO Hwy 76 to junction U.S. Hwy 60, then along U.S. Hwy 60 to junction MO Hwy 19, then along MO Hwy 19 to junction U.S. Hwy 66, then along U.S. Hwy 66

to the MO-IL State line; points in OH north of a line commencing at the IN-OH State line, and proceeding along OH Hwy 29 to junction OH Hwy 66, then along OH Hwy 66 to junction U.S. Hwy 30N, then along U.S. Hwy 30N to junction OH Hwy 67, then along OH Hwy 67 to junction U.S. Hwy 224, then along U.S. Hwy 224 to junction Interstate Hwy 77, then along Interstate Hwy 77 to junction U.S. Hwy 30, then along U.S. Hwy 30 to junction OH Hwy 172, then along OH Hwy 172 to junction OH Hwy 9, then along OH Hwy 9 to junction OH Hwy 14A, then along OH Hwy 14A to junction OH Hwy 14, then along OH Hwy 14 to the OH-PA State line; points in OK, west of a line commencing at the TX-OK State line, and proceeding along U.S. Hwy 75 to junction U.S. Hwy 69, then along U.S. Hwy 69 to junction Interstate Hwy 40, then along Interstate Hwy 40 to the OK-AR State line; points in TX, west of a line commencing at Galveston, and proceeding along U.S. Hwy 75 in a northwesterly direction to the TX-OK State line. . . . (I) between points in Buchanan, Dickenson, Russell and Washington Counties, VA, on the one hand, and, on the other, points in ID, OR, WA, and points in CA on and north of a line commencing at the Pacific Ocean, and proceeding along U.S. Hwy 101 to junction CA Hwy 152, then along CA Hwy 152 to junction GA Hwy 99, then along CA Hwy 99 to junction CA Hwy 168, then along CA Hwy 168 to junction U.S. Hwy 395, then along U.S. Hwy 395 to junction CA Hwy 136, then along CA Hwy 136 to junction CA Hwy 190, then along CA Hwy 190 to the CA-NV State line; points in MT west of a line commencing at the MT-WY State line, and proceeding along MT Hwy 59 to junction U.S. Hwy 312, then along U.S. Hwy 312 to junction Interstate Hwy 94, then along Interstate Hwy 94 to junction MT Hwy 16, then along MT Hwy 16 to junction MT Hwy 200, then along MT Hwy 200 to the MT-ND State line; points in NV on and west of a line commencing at the CA-NV State line, and proceeding along NV Hwy 68 to junction U.S. Hwy 95, then along U.S. Hwy 95 to junction U.S. Hwy 6, then along U.S. Hwy 6 to junction NV Hwy 25, then along NV Hwy 25 to junction U.S. Hwy 93, then along U.S. Hwy 93 to junction U.S. Alternate Hwy 50, then along U.S. Alternate Hwy 50 to the NV-UT State line; points in ND on and west of a line commencing at the MT-ND State line, and proceeding along ND Hwy 200 to junction U.S. Hwy 85, then along U.S. Hwy 85 to junction U.S. Hwy 2, then along U.S. Hwy 2 to junction ND Hwy 8, then along ND Hwy 8 to the ND-CD International border; points in UT on and west of a line commencing at the NV-UT State line,

and proceeding along Interstate Hwy 80 to the WY-MT State line; points in WY on and west of a line commencing at the UT-WY State line, and proceeding along Interstate Hwy 80 to junction U.S. Hwy 187, then along U.S. Hwy 187 to junction WY Hwy 28, then along WY Hwy 28 to junction WY Hwy 789, then along WY Hwy 789 to junction U.S. Hwy 16, then along U.S. Hwy 16 to junction WY Hwy 59, then along WY Hwy 59 to the MT-WY State line. . . .

The purpose of this filing is to eliminate the gateway of Carlisle, Shady Grove and Waynesboro, PA.

NOTE.—The purpose of this partial correction is to state the correct territorial description. The remainder of this letter-notice remains as previously published.

No. MC 117574 (Sub-No. E 81) (Partial correction), filed July 16, 1975, published in the FEDERAL REGISTER issue of March 15, 1978, and republished, as corrected, this issue. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same as above). *Agricultural implements and machinery, tractors* (other than truck tractors), *incidental machinery, attachments and parts* when moving with such implements, machinery or tractors, except commodities requiring special equipment, . . . (6) between points in Greene, Pitt, Wayne and Wilson Counties, NC, on the one hand, and, on the other, points in AZ, CA, CO, ID, IA, MI, MN, MT, NE, NV, ND, OR, SD, UT, WA, WI, WY, points in that portion of IL on and north of a line beginning at the MO-IL State line, and extending along IL Hwy. 16 to junction U.S. Hwy 150, then along U.S. Hwy 150 to the IL-IN State line, points in that portion of IN on and north of a line beginning at the IL-IN State line, and extending along U.S. Hwy 150 to junction Interstate Hwy 70, then along Interstate Hwy 70 to the IN-OH State line, points in that portion of KS on and north of a line beginning at the OK-KS State line, and extending along U.S. Hwy 59 to junction KS Hwy 96, then along KS Hwy 96 to the KS-MO State line, points in that portion of MO on and west of a line beginning at the KS-MO State line, and extending along MO Hwy 96 to junction U.S. Hwy 71, then along U.S. Hwy 71 to junction U.S. Hwy 54, then along U.S. Hwy 54 to junction MO Hwy 32, then along MO Hwy 32 to junction MO Hwy 5, then along MO Hwy 5 to junction U.S. Hwy 54, then along U.S. Hwy 54 to junction U.S. Hwy 40, then along U.S. Hwy 40 to junction MO Hwy 47, then along MO Hwy 47 to the MO-IL State line, points in OH on the north of a line beginning at the IN-OH State line, and extending along IN Hwy 70 to junction OH Hwy 800, then along OH Hwy 800 to the OH-WV State line, then along

the OH-WV State line to junction WV Hwy 20, points in that portion of OK on and west of a line beginning at the TX-OK State line, and extending along U.S. Hwy 62 to junction U.S. Hwy 283, then along U.S. Hwy 283 to junction OK Hwy 44, then along OK Hwy 44 to junction U.S. Hwy 66, then along U.S. Hwy 66 to junction U.S. Hwy 183, then along U.S. Hwy 183 to junction OK Hwy 33, then along OK Hwy 33 to junction OK Hwy 99, then along OK Hwy 99 to junction U.S. Hwy 99, then along OK Hwy 99 to junction U.S. Hwy 60, then along U.S. Hwy 60 to junction OK Hwy 2, then along OK Hwy 2 to the OK-KS State line, points in that portion of NM on and north of a line beginning at the TX-NM State line, and extending along U.S. Hwy 54 to junction U.S. Hwy 82, then along U.S. Hwy 82 to the NM-TX State line, points in that portion of TX on and west of a line beginning at El Paso, and extending along U.S. Hwy 54 to the TX-NM State line, and points on and north of a line beginning at the NM-TX State line, and extending along U.S. Hwy 82 to junction U.S. Hwy 62, then along U.S. Hwy 62 to the TX-OK State line, points in that portion of WV on and north of a line beginning at the OH-WV State line, and extending along WV Hwy 20 to junction U.S. Hwy 19, then along U.S. Hwy 19 to junction U.S. Hwy 250, then along U.S. Hwy 250 to junction U.S. Hwy 50, then along U.S. Hwy 50 to the WV-MD State line.

The purpose of this filing is to eliminate the gateway of Shady Grove, Carlisle, and Waynesboro, PA.

NOTE.—The purpose of this partial correction is to state the correct highway description. The remainder of this letter-notice remains as previously published.

No. MC 117574 (Sub-No. E84) (partial correction), filed June 29, 1975, published in the FEDERAL REGISTER issue of March 15, 1978, and republished, as corrected, this issue. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Applicant's representative: E. S. Moore, Jr. (same as above). (a) *Sewage, water and refuse treatment systems*, the transportation of which because of size or weight requires the use of special equipment, which is also industrial or processing machinery, and (b) *tools, materials and supplies* used in connection with the erection and construction of sewage, water and refuse systems (except commodities in bulk), which are also attachments, accessories and parts of industrial or processing machinery; (3) between points in Cuyahoga, Holmes and Wayne Counties, OH, on the one hand, and, on the other, points in that portion of AZ on and west of a line beginning at the AZ-NV State line, and extending along U.S. Hwy 93 to junction Interstate Hwy 40, then along Interstate Hwy 40

to junction AZ Hwy 95, then along AZ Hwy 95 to the AZ-NM State line, points in that portion of CA on and west of a line beginning at the CA-OR State line, and extending along U.S. Hwy 395 to the CA-NV State line, beginning again at the NV-CA State line, and extending along U.S. Hwy 395 to junction CA Hwy 120, then along CA Hwy 120 to junction U.S. Hwy 6, then along U.S. Hwy 6 to the CA-NV State line, points in that portion of FL on and south of a line beginning at Chiefland, and extending along FL Hwy 24 to junction Interstate Hwy 301, then along Interstate Hwy 301 to junction Interstate Hwy 10, then along Interstate Hwy 10 to termination at the Atlantic Ocean, points in that portion of MD on and east of a line beginning at the MD-WV State line, and extending along Interstate Hwy 81 to the MD-PA State line, points in that portion of NV on and west of a line beginning at the NV-CA State line, and extending along U.S. Hwy 95 to junction U.S. Hwy 93, then along U.S. Hwy 93 to the NV-AZ State line, beginning again at the CA-NV State line, and extending along U.S. Hwy 395 to the NV-CA State line, points in that portion of NC on and east of a line beginning at the NC-SC State line, and extending along U.S. Hwy 220 to junction U.S. Hwy 29, then along U.S. Hwy 29 to the NC-VA State line, points in that portion of OR on and west of a line beginning at the OR-WA State line, and extending along U.S. Hwy 730 to junction U.S. Hwy 395, then along U.S. Hwy 395 to junction U.S. Hwy 20, then along U.S. Hwy 20 to junction U.S. Hwy 395, then along U.S. Hwy 395 to the OR-CA State line, points in that portion of SC on and east of a line beginning at Charleston on the Atlantic Ocean, and extending along U.S. Hwy 52 to the SC-NC State line, points in that portion of VA on and east of a line beginning at the VA-NC State line, and extending along U.S. Hwy 29 to junction U.S. Hwy 522, then along U.S. Hwy 522 to junction Interstate Hwy 81, then along Interstate Hwy 81 to the VA-WV State line, points in that portion of WA on and west of a line beginning at the US-CD International Boundary line, and extending along WA Hwy 25 to junction WA Hwy 28, then along WA Hwy 28 to junction WA Hwy 261, then along WA Hwy 261 to junction WA Hwy 260, then along WA Hwy 260 to junction WA Hwy 21, then along WA Hwy 21 to junction WA Hwy 730, then along WA Hwy 730 to the WA-OR State line, points in that portion of WV on and east of a line beginning at the VA-WV State line, and extending along Interstate Hwy 81 to the MD-WV State line (4) between points in the Ashtabula and Trumbull Counties, OH, on the one hand, and, on the other, points in AZ, CA, DE, FL, NC, OR, SC, WA, DC,

points in that portion of AL on and south of a line beginning at Mobile, and extending along Interstate Hwy 65 to junction U.S. Hwy 84, then along U.S. Hwy 84 to the junction of U.S. Hwy 29, then along U.S. Hwy 29 to the AL-GA State line, points in that portion of ID on and west of a line beginning at the MT-ID State line, and extending along Interstate Hwy 85 to the GA-SC State line, points in that portion of ID on and west of a line beginning at the MT-ID State line, and extending along U.S. Hwy 93 to the ID-NV State line; points in that portion of MD on and east of a line beginning at the VA-MD State line, and extending along Interstate Hwy 81 to the MD-PA State line, points in that portion of MT on and west of a line beginning at the US-CD International Boundary line, and extending along U.S. Hwy 93 to the MT-ID State line, points in that portion of NV on and west of a line beginning at the ID-NV State line, and extending along U.S. Hwy 93 to junction NV Hwy 25, then along NV Hwy 25 to the NV-UT State line, points in that portion of NC on and east of a line beginning at the SC-NC State line, and extending along Interstate Hwy 26, to junction U.S. Hwy 221, then along U.S. Hwy 221 to the NC-VA State line, points in that portion of NM on and west of a line beginning at the UT-NM State line, and extending along NM Hwy 504 to junction U.S. Hwy 666, then along U.S. Hwy 666 to junction U.S. Hwy 66, then along U.S. Hwy 66 to junction Interstate Hwy 25, then along Interstate Hwy 25 to the NM-TX State line, points in that portion of SC on and south of a line beginning at the GA-SC State line, and extending along Interstate Hwy 85 to junction Interstate Hwy 26, then along Interstate Hwy 26 to the SC-NC State line, points in that

portion of TX on and south of a line beginning at the NM-TX State line, and extending along Interstate Hwy 10 to junction U.S. Hwy 181 to Corpus Christi, points in that portion of UT on and west of a line beginning at the NV-UT State line, and extending along UT Hwy 56 to junction Interstate Hwy 15, then along Interstate Hwy 15 to junction UT Hwy 4, then along UT Hwy 4 to junction U.S. Hwy 89, then along U.S. Hwy 89 to junction Interstate Hwy 70, then along Interstate Hwy 70 to junction U.S. Hwy 163, then along U.S. Hwy 163 to the UT-NM State line, points in that portion of VA on and east of a line beginning at the NC-VA State line, and extending along Interstate Hwy 81 to the VA-MD State line, points in that portion of WV on and east of Interstate Hwy 81. . . .

The purpose of this filing is to eliminate the gateway of Carlisle, Shady Grove and Waynesboro, PA.

NOTE.—The purpose of this partial correction is to state the correct spelling of a county (Cuyahoga) in part (3) and territorial description in part (4). The remainder of this letter-notice remains as previously published.

No. MC 117574 (Sub-No. E146) (partial correction), filed January 20, 1976, published in the FEDERAL REGISTER issue of March 15, 1978, and republished, as corrected, this issue. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, PA 17013. Applicant's representative: William A. Chesnutt, P.O. Box 1166, Harrisburg, PA 17108. (1) *Commodities*, the transportation of which because of size or weight, require the use of special equipment, and *related materials, supplies and parts* of such commodities when their transportation is incidental thereto, and (2) *self-propelled articles* each

weighing 15,000 pounds or more, and *related machinery, tools, parts and supplies* moving in connection therewith, restricted to the transportation of self-propelled articles on trailers, . . . (9) between points in Jackson and Lenawee Counties, MI, on the one hand, and, on the other, points in KY, PA, WV and those points in MI on and west of a line beginning at the MI-WI State line, and extending along U.S. Hwy 141 to junction U.S. Hwy 41, then along U.S. Hwy 41 to Lake Superior, those points in IN on and south of a line beginning at the IL-IN State line, and extending along U.S. Hwy 136 to junction IN Hwy 32, then along IN Hwy 32 to the IN-OH State line The purpose of this filing is to eliminate the gateway of Columbus, OH, and points within 80 miles thereof.

NOTE.—The purpose of this partial correction is to state the correct territorial description in Part (9). The remainder of this letter-notice remains as previously published.

No. MC 129631 (Sub-No. E22), filed August 1, 1976. Applicant: PACK TRANSPORT, INC., 3975 South 300 West, Salt Lake City, UT 84107. Applicant's representative: Gwyn D. Davidson (same as above). *Iron and steel articles*, as described in Appendix V to the report of the Commission in Ex Parte No. 45 *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between Baker, OR, on the one hand, and, on the other, points in Cache County, UT.

The purpose of this filing is to eliminate the gateways of Oneida and Franklin Counties, ID.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

(FR Doc. 78-15699 Filed 6-6-78; 8:45 am)

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Item
Civil Rights Commission	1
Federal Communications Commission	2, 3, 4
Federal Deposit Insurance Corporation	5, 6
Indian Claims Commission	7
Nuclear Regulatory Commission	9
Securities and Exchange Commission	8

[6335-01]

U.S. COMMISSION ON CIVIL RIGHTS.

DATE AND TIME: Monday, June 12, 1978, 9 a.m. to 12 noon; 1:30 p.m. to 4:30 p.m. Tuesday, June 13, 9 a.m. to 12 noon.

PLACE: Room 512, 1121 Vermont Avenue NW., Washington, D.C.

STATUS: Both days open to the public.

MATTERS TO BE CONSIDERED:

MONDAY, JUNE 12, 1978

- I. Approval of agenda.
- II. Approval of minutes from last meeting.
- III. Staff Director's report.
 - A. Status of funds.
 - B. Personnel report.
 - C. Correspondence:
 1. Letter from Suzanne Woolsey, OMB, re age and handicap budget.
 2. Letter from Howard Glickstein re comments on Options Paper.
 3. Letters re Hispanic Unemployment Data report from: (a) Jack H. Watson, Jr., The White House; (b) G. William Miller, Federal Reserve Board; (c) Harriet G. Jenkins, NASA; (d) John H. Fanning, NLRB; and (e) Paul Sedillo, Jr., National Conference of Catholic Bishops.
 4. Letter from Stuart Eizenstat re Puerto Rican followup.
 - D. Office Directors' reports.
- IV. Report on Civil Rights Developments in the Midwest Region.
- V. Approval of Interim Appointments to the New Hampshire Advisory Committee.
- VI. Discussion of redevelopment in Atlantic City, N.J.
- VII. Review of the Central States Affirmative Action Study.
- VIII. Review Minnesota Advisory Committee Report on Bridging the Gap: A Reassessment.
- IX. Approval of South Dakota Indian Hearing.
- X. Approval of Proposal for Post-Bakke Consultation.
- XI. Discussion of National Policy Study.

XII. Discussion of Followup to Woodstock Symposium Report.

TUESDAY, JUNE 13, 1978

I. Review of Media Update.

FOR FURTHER INFORMATION CONTACT:

Loretta Ward, Publication Office, 254-6697.

(S-1175-78 Filed 6-5-78; 3:24 pm)

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 2 p.m., Wednesday, June 7, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

- Broadcast—1—Amendment of the rules governing eligibility of educational FM and TV licenses.
- Broadcast—2—Proposed adoption of new rules concerning the noncommercial nature of educational broadcast stations (Docket No. 21136).
- Broadcast—3—5—Changes in the rules relating to noncommercial educational FM broadcast stations (Docket No. 20735).
- Broadcast—6—Amendment of the Multiple Ownership Rule to include educational FM and TV stations.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Office, telephone 202-632-7260.

Issued: May 31, 1978.

(S-1176-78 Filed 6-5-78; 3:24 pm)

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, June 8, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special open Commission meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

- General—1—Ex parte communications in informal rule making proceedings.
- Common Carrier—1—Instructions to the staff on processing of Section 214 applications.
- Common Carrier—2—Report of the Comptroller General on coordination of governmental agencies in the development of international telecommunications policy.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Office, telephone 202-632-7260.

Issued: June 1, 1978.

(S-1177-78 Filed 6-5-78; 3:24 pm)

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: Follows 9:30 a.m., Special open Commission meeting, Thursday, June 8, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Closed Commission meeting.

MATTER TO BE CONSIDERED:

Agenda, Item No., and Subject

- General—1—Goldwater-Vanik Legislation amending section 302 of the Communications Act to authorize the Commission to prescribe regulations with respect to the interference susceptibility of certain electronic equipment.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Office, telephone 202-632-7260.

Issued: June 1, 1978.

(S-1178-78 Filed 6-5-78; 3:24 pm)

[6714-01]

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 10:30 a.m., June 9, 1978.

PLACE: Room 6135, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Application for consent to establish a branch:

Chemical Bank of Rochester, Hilton, N. Y., for consent to establish a branch within the Jefferson Valley Regional Market, 900 Jefferson Road, Henrietta, N.Y.

Application for consent to establish a branch and a detached night depository: Southern Bank & Trust Co., Greenville, S.C. for consent to establish a branch and a detached night depository in Woodhill Mall, 6098 Garners Ferry Road, Columbia, S.C.

Request pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of a person convicted of an offense involving dishonesty or a breach of trust as a director, officer, or employee of an insured bank:

Name of person and of bank authorized to be exempt from disclosure pursuant to the provisions of subsection (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6)).

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,517-L—First State Bank of Northern California, San Leandro, Calif.

Case No. 43,529-L—Franklin National Bank, New York, N.Y.

Case No. 43,530-L—Franklin National Bank, New York, N.Y.

Case No. 43,531-L—International City Bank & Trust Co., New Orleans, La.

Case No. 43,532-L—American City Bank & Trust Co., National Association, Milwaukee, Wis.

Case No. 43,536-SR—American Bank & Trust Co., New York, N.Y.

Case No. 43,538-L—American City Bank & Trust Co., National Association, Milwaukee, Wis.

Case No. 43,539-SR—Franklin Bank, Houston, Tex.

Case No. 43,540-L—Algoma Bank, Algoma, Wis.

Memorandum and resolution proposing the approval of an "Insider Disclosure Agreement" in connection with the Corporation's assistance to Bank of the Commonwealth, Detroit, Mich.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

SUNSHINE ACT MEETINGS

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

CONTACT FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-1170-78 Filed 6-5-78; 9:23 am]

[6714-01]

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 11 a.m. June 9, 1978.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings. Applications for Federal deposit insurance:

The Lauderdale County Bank, a proposed new bank to be located at 305 South Church Street, Halls, Tenn., for Federal deposit insurance.

First Security State Bank of Twelfth Street, a proposed new bank to be located 200 12th Street, Ogden, Utah, for Federal deposit insurance.

Citizens Bank of Elma, a proposed new bank to be located at 309 Waldrup Street, Elma, Wash., for Federal deposit insurance.

Request for consent to the modification of a capital condition previously imposed in connection with the approval of an application for Federal deposit insurance:

American International Bank, Los Angeles, Calif., for modification of the capital condition previously imposed in connection with approval of the bank's application for Federal deposit insurance.

Application for consent to establish a branch:

The McLean Bank, McLean, Va., for consent to establish a branch at the intersection of Walker Road and Columbine Street, Great Falls, Va.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Bronson, Bronson & McKinnon, San Francisco, Calif., in connection with the receivership of United States National Bank, San Diego, Calif.

Schall, Boudrea & Gore, San Diego, Calif., in connection with the receivership of United States National Bank, San Diego, Calif.

Morgan, Lewis & Bockius, Philadelphia, Pa., in connection with the liquidation of assets acquired by the Corporation from Farmers Bank of the State of Delaware, Dover, Del.

Pitney, Hardin & Kipp, Morristown, N.J., in connection with the liquidation of assets acquired by the Corporation from

Farmers Bank of the State of Delaware, Dover, Del.

Potter, Anderson & Corroon, Wilmington, Del., in connection with the liquidation of assets acquired by the Corporation from Farmers Bank of the State of Delaware, Dover, Del.

Hull, Towill, Norman, Barrett & Johnson, Augusta, Ga., in connection with the liquidation of First Augusta Bank & Trust Co., Augusta, Ga.

Chapman & Cutler, Chicago, Ill., in connection with the liquidation of State Bank of Clearing, Chicago, Ill.

Sidley & Austin, Chicago, Ill., in connection with the liquidation of State Bank of Clearing, Chicago, Ill.

Mize, Thompson & Blass, Gulfport, Miss., in connection with the liquidation of International City Bank & Trust Co., New Orleans, La.

Lemle, Kelleher, Kohlmeier & Matthews, New Orleans, La., in connection with the liquidation of Republic National Bank of Louisiana, New Orleans, La.

Kaye, Scholer, Fierman, Hays & Handler, New York, N.Y., in connection with the liquidation of Bank of Bloomfield, Bloomfield, N.J.

Parsons, Canzona, Blair & Warren, Red Bank, N.J., in connection with the liquidation of Bank of Bloomfield, Bloomfield, N.J.

Kaye, Scholer, Fierman, Hays & Handler, New York, N.Y., in connection with the receivership of American Bank & Trust Co., New York, N.Y.

Atkinson, Mueller & Dean, New York, N.Y., in connection with the liquidation of Franklin National Bank, New York, N.Y.

Schneider, Smeltz, Huston & Bissell, Cleveland, Ohio, in connection with the liquidation of Northern Ohio Bank, Cleveland, Ohio.

J. Randolph Pelzer, P. A., North Charleston, S.C., in connection with the liquidation of American Bank & Trust, Orangeburg, S.C.

Hansell, Post, Brandon & Dorsey, Atlanta, Ga., in connection with the liquidation of the Hamilton National Bank of Chattanooga, Chattanooga, Tenn.

Memorandum and resolution proposing the publication for comment of proposed "Equal Credit Opportunity Enforcement Guidelines."

Memorandum and resolution proposing the adoption of an interagency "Statement of Policy Concerning EDP Scheduling and Report Distribution."

Memorandum proposing the payment of a seventh dividend of 10 percent on proved claims of the receivership of Sharpstown State Bank, Houston, Texas.

Memorandum proposing the acquisition of space located at 1776 F Street, NW., Washington, D.C., for the expansion of the Washington headquarters office.

Resolution amending the Corporation's bylaws to redefine the duties, functions, and responsibilities of the Office of Corporate Audits and adopting a policy statement on Corporate Audit Activities.

Memorandum requesting an amendment to the Budget of Administrative Expenses for Budget Year 1978 to provide additional funds to finance the development of an advance course in bank analysis for examiners.

Resolution amending the Budget Year 1978 Manning Table for the Division of Bank Supervision to provide for the addition of one Assistant Director (Registration and

Securities) and one Secretary for the Assistant Director (Registration and Securities).

Resolution amending the Budget Year 1978 Manning Table for the Division of Bank Supervision to provide for the addition of one Secretary to the Chief Review Examiner, Richmond Region.

Memorandums requesting the appointment of agents for service of process in the States of Colorado, Kentucky, and New York.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Report of the Executive Secretary regarding his transmittal of "no significant effect" competitive factor reports.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of security transactions authorized by the Chairman.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-1171-78 Filed 6-5-78; 9:23 am]

[7030-01]

7

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., June 14, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public.

Docket 15-P, et al., *Potawatomi*
Docket 73-A, *Seminole*
Docket 295-A, *Mojave*
Docket 301, *Oneida*, Petition to Intervene
Docket 332-C, *Yankton Sioux*
Docket 352 and 369, *Aleut***FOR MORE INFORMATION:**

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, telephone 202-653-6174.

[S-1172-78 Filed 6-5-78; 10:44 am]

SUNSHINE ACT MEMBERS

[8010-01]

8

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meetings during the week of June 12, 1978, in Room 825, 500 North Capitol Street, Washington, D.C.

Closed meetings will be held on Tuesday, June 13, 1978, at 10 a.m. and immediately following the open meeting scheduled for Wednesday, June 14, 1978. An open meeting will be held on Wednesday, June 14, 1978, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meetings. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b (c) (4) (8) (9) (A) and (10) and 17 CFR 200.402 (a) (8) (9) (i) and (10).

Chairman Williams, Commissioners Loomis, Evans, Pollack, and Karmel determined to hold the aforesaid meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, June 13, 1978, at 10 a.m., will be:

Regulatory matters bearing enforcement implications.

The subject matter of the open meeting scheduled for Wednesday, June 14, 1978, at 10 a.m., will be:

Proposed amendment to Rule 6(b) of the Commission's Rules of Practice, which would set Washington, D.C. as the preferred location for hearings in regulatory proceedings and establish specific criteria to be evaluated in determining whether to hold such a hearing outside of Washington, D.C. (Previously scheduled for April 18, 1978).

The subject matter of the closed meeting scheduled for Wednesday, June 14, 1978, immediately following the open meeting at 10 a.m., will be:

Formal orders of investigation.
Settlement of administrative proceedings of an enforcement nature.
Settlement of injunctive actions.
Referral of investigative files to Federal, State or Self-Regulatory authorities.
Chapter X proceeding.
Regulatory matter bearing enforcement implications.
Freedom of Information Act appeal.**FOR FURTHER INFORMATION, PLEASE CONTACT:**

Michael P. Rogan at 202-755-1638.

JUNE 5, 1978.

[S-1179-78 Filed 6-5-78; 3:44 pm]

9

NUCLEAR REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

PREVIOUSLY ANNOUNCED TIME AND DATE: Wednesday, June 7, 1978.

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Open (Changes).

CHANGES IN THE MEETING: 1. The Discussion of the Safeguards Upgrade Rule (PUBLIC MEETING) scheduled for approximately 10:30 a.m. has been rescheduled to the Week of June 26.

CONTACT PERSON FOR MORE INFORMATION:

Roger Tweed, 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

JUNE 5, 1978.

[S-1187-78 Filed 6-6-78; 9:52 am]

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WEDNESDAY, JUNE 7, 1978
PART II



DEPARTMENT OF
HEALTH,
EDUCATION,
AND WELFARE

Social Security
Administration



FEDERAL OLD-AGE,
SURVIVORS AND
DISABILITY INSURANCE

Evidence

[4110-07]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE

Subpart H—Evidence

AGENCY: Social Security Administration, HEW.

ACTION: Final rule.

SUMMARY: These amendments recodify the rules on what evidence is needed to prove that a person is eligible for old-age, disability, dependents', or survivors' benefits under the Social Security Act. No significant changes in the previous rules have been made. These rules have been rewritten though, using simpler, briefer language. We have added a rule we have been following for some time; this explains what evidence is needed to prove school attendance for a child claiming benefits as a student. Also included are the guidelines we follow in deciding what is convincing evidence of a fact that must be proven to qualify for benefits.

EFFECTIVE DATE: These amendments are effective June 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Ray Worley, Office of Policy and Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, 301-594-5744.

SUPPLEMENTARY INFORMATION: The Social Security Act does not define what evidence a person needs to prove his or her eligibility for regular social security benefits. Subpart H serves the public's need to know what evidence will be required to obtain these benefits.

These rules were set out in a notice of proposed rulemaking published on December 29, 1977, in the *FEDERAL REGISTER* (42 FR 64910-64914). The public was given the opportunity to comment on the proposed rules up through February 13, 1977.

Four suggested changes were received from the public. One from a State agency recommended additional wording for one of the tests we use in judging the value of evidence offered to us. The test is that we consider if there was any reason to give false information to create the evidence. It was suggested that we also consider whether there was a good reason why correct information would have been

given when the evidence was created. We have not adopted this suggestion because we assume that the evidence given to us is reliable, unless there is a good reason for thinking otherwise. The tests we use for determining the value of evidence are stated in the regulations. They have been used for many years and we believe this additional test is not needed. Another State agency suggested that we discuss the difficulty of getting evidence of death for parents who have abandoned an institutionalized child. Actually, our records usually will show that an insured worker has died. The real problem is in getting enough information from the institution's records to identify the worker. We have written to the agency explaining how this problem can be met under current procedures and we believe no regulatory change would really help.

Two changes were suggested by a legal aid group. One of these would have us presume that a person's last marriage is always valid. It was suggested that this presumption could be used whenever a person was unable to obtain any information to show that an earlier marriage of the worker had ended before his or her marriage to the claimant. This suggestion has not been included in the final rule because we are required under section 216(h)(1) of the Social Security Act to follow State law in deciding whether a marriage is valid. We have no authority to create a Federal presumption that would apply in these situations. The other suggested change would have us make individual determinations of when a person needed help to prove his or her eligibility, the extent of help he or she needed, and the amount and type of help we would provide. This suggestion, we believe, cannot be adopted without further study and we have therefore not amended the final rule at this time to establish a procedure such as the one proposed. When our study is completed we will respond directly to the suggestion.

We have made a few editorial changes in the evidence rules to enhance clarity and readability. These include breaking several long sections into smaller sections, providing subheadings and adding a few words or phrases of explanation. None of these changes are substantive. The final rule with these editorial changes is hereby adopted as set out below.

(Secs. 205 and 1102 of the Social Security Act, 53 Stat. 1368; 49 Stat. 647; 42 U.S.C. 405 and 1302.)

(Catalog of Federal Domestic Assistance Program Nos. 13.803, Social Security-Retirement Insurance; 13804, Social Security-Special Benefits for Persons Aged 72 and Over; 13805, Social Security-Survivors' Insurance.)

NOTE.—The Social Security Administration has decided that this document does not need an economic impact statement under Executive Order 11821 (November 27, 1974),

as amended by Executive order 11949 (December 31, 1976), and OMB Circular A-107.

Dated: May 5, 1978.

DON WORTMAN,
Acting Commissioner
of Social Security.

Approved: May 31, 1978.

JOSEPH A. CALIFANO, JR.,
Secretary of Health,
Education, and Welfare.

Subpart H of Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is revised to read as follows:

Subpart H—Evidence
GENERAL

- Sec.
404.701 Introduction.
404.702 Definitions.
404.703 When evidence is needed.
404.704 Your responsibility for giving evidence.
404.705 Failure to give requested evidence.
404.706 Where to give evidence.
404.707 Original records or copies as evidence.
404.708 How we decide what is enough evidence.
404.709 Preferred evidence and other evidence.

EVIDENCE OF AGE, MARRIAGE, AND DEATH

- 404.715 When evidence of age is needed.
404.716 Type of evidence of age to be given.
404.720 Evidence of a person's death.
404.721 Evidence to presume a person is dead.
404.723 When evidence of marriage is required.
404.725 Evidence of a valid ceremonial marriage.
404.726 Evidence of common-law marriage.
404.727 Evidence of a deemed valid marriage.
404.728 Evidence a marriage has ended.

EVIDENCE FOR CHILD'S AND PARENT'S BENEFITS

- 404.730 When evidence of a parent or child relationship is needed.
404.731 Evidence you are a natural parent or child.
404.732 Evidence you are a stepparent or stepchild.
404.733 Evidence you are the legally adopting parent or legally adopted child.
404.734 Evidence you are an equitably adopted child.
404.735 Evidence you are the grandchild or stepgrandchild.
404.736 Evidence of a child's dependency.
404.745 Evidence of school attendance for child age 18 or older.
404.750 Evidence of a parent's support.

OTHER EVIDENCE REQUIREMENTS

- 404.760 Evidence of living in the same household with insured person.
404.762 Evidence of having a child in your care.
404.765 Evidence of responsibility for or payment of burial expenses.
404.770 Evidence of where the insured person had a permanent home.
404.780 Evidence of "good cause" for exceeding time limits on accepting proof of support or application for a lump-sum death payment.

Subpart H—Evidence

GENERAL

§ 404.701 Introduction.

This subpart contains the Social Security Administration's basic rules about what evidence is needed when a person claims old-age, disability, dependents' and survivors' insurance benefits as described in Subpart D. In addition, there are special evidence requirements for disability benefits. These are contained in Subpart P. Evidence of a person's earnings under social security is described in Subpart I. Evidence needed to obtain a social security number card is described in Part 422. Evidence requirements for the supplemental security income program are contained in Part 416.

§ 404.702 Definitions.

As used in this subpart:

"Apply" means to sign a form or statement that the Social Security Administration accepts as an application for benefits under the rules set out in Subpart G.

"Benefits" means any old-age, disability, dependents' and survivors' insurance benefits described in Subpart D, including a period of disability.

"Convincing evidence" means one or more pieces of evidence that prove you meet a requirement for eligibility. See § 404.708 for the guides we use in deciding whether evidence is convincing.

"Eligible" means that a person would meet all the requirements for entitlement to benefits for a period of time but has not yet applied.

"Entitled" means that a person has applied and has proven his or her right to benefits for a period of time.

"Evidence" means any record, document, or signed statement that helps to show whether you are eligible for benefits or whether you are still entitled to benefits.

"Insured person" means someone who has enough earnings under social security to permit the payment of benefits on his or her earnings record. He or she is "fully insured," "transitionally insured," "currently insured," or "insured for disability" as defined in Subpart B.

"We" or "Us" refers to the Social Security Administration.

"You" refers to the person who has applied for benefits, or the person for whom someone else has applied.

§ 404.703 When evidence is needed.

When you apply for benefits, we will ask for evidence that you are eligible for them. After you become entitled to benefits, we may ask for evidence showing whether you continue to be entitled to benefits; or evidence showing whether your benefit payments

should be reduced or stopped. See § 404.401 for a list showing when benefit payments must be reduced or stopped.

§ 404.704 Your responsibility for giving evidence.

When evidence is needed to prove your eligibility or your right to continue to receive benefit payments, you will be responsible for obtaining and giving the evidence to us. We will be glad to advise you what is needed and how to get it and we will consider any evidence you give us. If your evidence is a foreign-language record or document, we can have it translated for you. Evidence given to us will be kept confidential and not disclosed to anyone but you except under the rules set out in Part 401. You should also be aware that Section 208 of the Social Security Act provides criminal penalties for misrepresenting the facts or for making false statements to obtain social security benefits for yourself or someone else.

§ 404.705 Failure to give requested evidence.

Generally, you will be asked to give us by a certain date specific kinds of evidence or information to prove you are eligible for benefits. If we do not receive the evidence or information by that date, we may decide you are not eligible for benefits. If you are already receiving benefits, you may be asked to give us by a certain date information needed to decide whether you continue to be entitled to benefits or whether your benefits should be stopped or reduced. If you do not give us the requested information by the date given, we may decide that you are no longer entitled to benefits or that your benefits should be stopped or reduced. You should let us know if you are unable to give us the requested evidence within the specified time and explain why there will be a delay. If this delay is due to illness, failure to receive timely evidence you have asked for from another source, or a similar circumstance, you will be given additional time to give us the evidence.

§ 404.706 Where to give evidence.

Evidence should be given to the people at a Social Security Administration office. In the Philippines evidence should be given to the people at the Veterans Administration-Regional Office. Elsewhere outside the United States, evidence should be given to the people at a United States Foreign Service Office.

§ 404.707 Original records or copies as evidence.

(a) *General.* To prove your eligibility or continuing entitlement to benefits, you may be asked to show us an original document or record. These original

records or documents will be returned to you after we have photocopied them. We will also accept copies of original records that are properly certified and some uncertified birth notifications. These types of records are described below in this section.

(b) *Certified copies of original records.* You may give us copies of original records or extracts from records if they are certified as true and exact copies by—

(1) The official custodian of the record;

(2) A Social Security Administration employee authorized to certify copies;

(3) A Veterans Administration employee if the evidence was given to that agency to obtain veteran's benefits;

(4) A U.S. Consular Officer or employee of the Department of State authorized to certify evidence received outside the United States; or

(5) An employee of a State Agency or State Welfare Office authorized to certify copies of original records in the agency's or office's files.

(c) *Uncertified copies of original records.* You may give us an uncertified photocopy of a birth registration notification as evidence where it is the practice of the local birth registrar to issue them in this way.

§ 404.708 How we decide what is enough evidence.

When you give us evidence, we examine it to see if it is convincing evidence. If it is, no other evidence is needed. In deciding if evidence is convincing, we consider whether—

(a) Information contained in the evidence was given by a person in a position to know the facts;

(b) There was any reason to give false information when the evidence was created;

(c) Information contained in the evidence was given under oath, or with witnesses present, or with the knowledge there was a penalty for giving false information;

(d) The evidence was created at the time the event took place or shortly thereafter;

(e) The evidence has been altered or has any erasures on it; and

(f) Information contained in the evidence agrees with other available evidence, including our records.

§ 404.709 Preferred evidence and other evidence.

If you give us the type of evidence we have shown as "preferred" in the following sections of this subpart, we will generally find it is convincing evidence. This means that unless we have information in our records that raises a doubt about the evidence, other evidence of the same fact will not be needed. If preferred evidence is not available, we will consider any other

evidence you give us. If this other evidence is several different records or documents which all show the same information, we may decide it is convincing evidence even though it is not "preferred" evidence. If the other evidence is not convincing by itself, we will ask for additional evidence. If this additional evidence shows the same information, all the evidence considered together may be convincing. When we have convincing evidence of the facts that must be proven or it is clear that the evidence provided does not prove the necessary facts, we will make a formal decision about your benefit rights.

EVIDENCE OF AGE, MARRIAGE, DEATH

§ 404.715 When evidence of age is needed.

(a) If you apply for benefits, we will ask for evidence of age which shows your date of birth unless you are applying for—

- (1) A lump-sum death payment;
- (2) A wife's benefit and you have the insured person's child in your care;
- (3) A mother's or father's benefit; or
- (4) A disability benefit (or for a period of disability) and neither your eligibility nor benefit amount depends upon your age.

(b) If you apply for wife's benefits while under age 62 or if you apply for a mother's or father's benefit, you will be asked for evidence of the date of birth of the insured person's children in your care.

(c) If you apply for benefits on the earnings record of a deceased person, you may be asked for evidence of his or her age if this is needed to decide whether he or she was insured at the time of death or what benefit amount is payable to you.

§ 404.716 Type of evidence of age to be given.

(a) *Preferred evidence.* The best evidence of your age, if you can obtain it, is either: a birth certificate or hospital birth record recorded before age 5; or a religious record which shows your date of birth and was recorded before age 5.

(b) *Other evidence of age.* If you cannot obtain the preferred evidence of your age, you will be asked for other convincing evidence that shows your date of birth or age at a certain time such as: an original family bible or family record; school records; census records; a statement signed by the physician or midwife who was present at your birth; insurance policies; a marriage record; a passport; an employment record; a delayed birth certificate; your child's birth certificate; or an immigration or naturalization record.

§ 404.720 Evidence of a person's death.

(a) *When evidence of death is required.* If you apply for benefits on

the record of a deceased person, we will ask for evidence of the date and place of his or her death. We may also ask for evidence of another person's death if this is needed to prove you are eligible for benefits.

(b) *Preferred evidence of death.* The best evidence of a person's death is—

(1) A certified copy or extract from the public record of death, coroner's report of death, or verdict of a coroner's jury; or a certificate by the custodian of the public record of death;

(2) A statement of the funeral director, attending physician, intern of the institution where death occurred;

(3) A certified copy of, or extract from an official report or finding of death made by an agency or department of the United States; or

(4) If death occurred outside the United States, an official report of death by a United States Consul or other employee of the State Department; or a copy of the public record of death in the foreign country.

(c) *Other evidence of death.* If you cannot obtain the preferred evidence of a person's death, you will be asked to explain why and to give us other convincing evidence such as: the signed statements of two or more people with personal knowledge of the death, giving the place, date, and cause of death.

§ 404.721 Evidence to presume a person is dead.

If you cannot prove the person is dead but evidence of death is needed, we will presume he or she died at a certain time if you give us the following evidence:

(a) A certified copy of, or extract from, an official report or finding by an agency or department of the United States that a missing person is "presumed to be" dead as set out in Federal law (5 U.S.C. 5565). Unless we have other evidence showing an actual date of death, we will use the date he or she was reported missing as the date of death.

(b) Signed statements by those in a position to know and other records which show that the person has been absent from his or her residence for no apparent reason, and has not been heard from, for at least 7 years. If there is no evidence available that he or she is still alive, we will use as the person's date of death either the date he or she left home, the date ending the 7 year period, or some other date depending upon what the evidence shows is the most likely date of death.

(c) If you are applying for benefits as the insured person's grandchild or stepgrandchild but the evidence does not identify a parent, we will presume the parent died in the first month in which the insured person became entitled to benefits.

§ 404.723 When evidence of marriage is required.

If you apply for benefits as the insured person's husband or wife, widow or widower, or divorced wife, we will ask for evidence of the marriage and where and when it took place. We may also ask for this evidence if you apply for child's benefits or for the lump-sum death payment as the widow or widower. If you are a widow, widower, or divorced wife who remarried after your marriage to the insured person ended, we may also ask for evidence of the remarriage. You may be asked for evidence of someone else's marriage if this is necessary to prove your marriage to the insured person was valid. In deciding whether the marriage to the insured person is valid or not, we will follow the law of the State where the insured person had his or her permanent home when you applied or, if earlier, when he or she died—see § 404.770. What evidence we will ask for depends upon whether the insured person's marriage was a ceremonial marriage, a common-law marriage, or a marriage we will deem to be valid.

§ 404.725 Evidence of a valid ceremonial marriage.

(a) *General.* A valid "ceremonial marriage" is one that follows procedures set by law in the State or foreign country where it takes place. These procedures cover who may perform the marriage ceremony, what licenses or witnesses are needed, and similar rules. A ceremonial marriage can be one that follows certain tribal Indian custom, Chinese custom, or similar traditional procedures. We will ask for the evidence described in this section.

(b) *Preferred evidence.* Preferred evidence of a ceremonial marriage is—

(1) If you are applying for wife's or husband's benefits, signed statements from you and the insured about when and where the marriage took place. If you are applying for the lump-sum death payment as the widow or widower, your signed statement about when and where the marriage took place; or

(2) If you are applying for any other benefits or there is evidence causing some doubt about whether there was a ceremonial marriage: a copy of the public record of marriage or a certified statement as to the marriage; a copy of the religious record of marriage or a certified statement as to what the record shows; or the original marriage certificate.

(c) *Other evidence of a ceremonial marriage.* If preferred evidence of a ceremonial marriage cannot be obtained, we will ask you to explain why and to give us a signed statement of the clergyman or official who held the marriage ceremony, or other convincing evidence of the marriage.

§ 404.726 Evidence of common-law marriage.

(a) *General.* A "common-law marriage" is one considered valid under certain State laws even though there was no formal ceremony. It is a marriage between two persons free to marry, who consider themselves married, live together as man and wife, and, in some States, meet certain other requirements. We will ask for the evidence described in this section.

(b) *Preferred evidence.* Preferred evidence of a common-law marriage is—

(1) If both the husband and wife are alive, their signed statements and those of two blood relatives;

(2) If either the husband or wife is dead, the signed statements of the one who is alive and those of two blood relatives of the deceased person; or

(3) If both the husband and wife are dead, the signed statements of one blood relative of each;

Note.—All signed statements should show why the signer believes there was a marriage between the two persons. If a written statement cannot be gotten from a blood relative, one from another person can be used instead.

(c) *Other evidence of common-law marriage.* If you cannot get preferred evidence of a common-law marriage, we will ask you to explain why and to give us other convincing evidence of the marriage. We may not ask you for statements from a blood relative or other person if we believe other evidence presented to us proves the common-law marriage.

§ 404.727 Evidence of a deemed valid marriage.

(a) *General.* A "deemed valid marriage" is a ceremonial marriage we consider valid even though the correct procedures set by State law were not strictly followed or a former marriage had not yet ended. We will ask for the evidence described in this section.

(b) *Preferred evidence.* Preferred evidence of a deemed valid marriage is—

(1) Evidence of the ceremonial marriage as described in § 404.725(b)(2);

(2) If the insured person is alive, his or her signed statement that the other party to the marriage went through the ceremony in good faith and his or her reasons for believing the marriage was valid or believing the other party thought it was valid;

(3) The other party's signed statement that he or she went through the marriage ceremony in good faith and his or her reasons for believing it was valid;

(4) If needed to remove a reasonable doubt, the signed statements of others who might have information about what the other party knew about any previous marriage or other facts showing whether he or she went through the marriage in good faith; and

(5) Evidence the parties to the marriage were living in the same house-

hold when you applied for benefits or, if earlier, when the insured person died (see § 404.760).

(c) *Other evidence of a deemed valid marriage.* If you cannot obtain preferred evidence of a deemed valid marriage, we will ask you to explain why and to give us other convincing evidence of the marriage.

§ 404.728 Evidence a marriage has ended.

(a) *When evidence is needed that a marriage has ended.* If you apply for benefits as the insured person's divorced wife, you will be asked for evidence of your divorce. If you are the insured person's widow or divorced wife who had remarried but that husband died, we will ask you for evidence of his death. We may ask for evidence that a previous marriage you or the insured person had was ended before you married each other if this is needed to show the latter marriage was valid. If you apply for benefits as an unmarried person and you had a marriage which was annulled, we will ask for evidence of the annulment. We will ask for the evidence described in this section.

(b) *Preferred evidence.* Preferred evidence a marriage has ended is—

(1) A certified copy of the decree of divorce or annulment; or

(2) Evidence the person you married has died (see § 404.720).

(c) *Other evidence a marriage has ended.* If you cannot obtain preferred evidence the marriage has ended, we will ask you to explain why and to give us other convincing evidence the marriage has ended.

EVIDENCE FOR CHILD'S AND PARENT'S BENEFITS

§ 404.730 When evidence of a parent or child relationship is needed.

If you apply for parent's or child's benefits, we will ask for evidence showing your relationship to the insured person. What evidence we will ask for depends on whether you are the insured person's natural parent or child; or whether you are the stepparent, stepchild, grandchild, stepgrandchild, adopting parent or adopted child.

§ 404.731 Evidence you are a natural parent or child.

If you are the natural parent of the insured person, we will ask for a copy of his or her public or religious birth record made before age 5. If you are the natural child of the insured person, we will ask for a copy of your public or religious birth record made before age 5. In either case, if this record shows the same last name for the insured and the parent or child, we will accept it as convincing evidence of the relationship. However, if other evidence raises some doubt about this record or if the record

cannot be gotten, we will ask for other evidence of the relationship. We may also ask for evidence of marriage of the insured person or of his or her parent if this is needed to remove any reasonable doubt about the relationship. To show you are the child of the insured person, you may be asked for evidence you would be able to inherit his or her personal property under State law where he or she had a permanent home (see § 404.770). In addition, we may ask for the insured person's signed statement that you are his or her natural child, or for a copy of any court order showing the insured has been declared to be your natural parent or any court order requiring the insured to contribute to your support because you are his or her son or daughter.

§ 404.732 Evidence you are a stepparent or stepchild.

If you are the stepparent or stepchild of the insured person, we will ask for the evidence described in § 404.731 or § 404.733 that which shows your natural or adoptive relationship to the insured person's husband, wife, widow, or widower. We will also ask for evidence of the husband's, wife's, widow's, or widower's marriage to the insured person—see § 404.725.

§ 404.733 Evidence you are the legally adopting parent or legally adopted child.

If you are the adopting parent or adopted child, we will ask for the following evidence:

(a) A copy of the birth certificate made following the adoption; or if this cannot be gotten, other evidence of the adoption; and, if needed, evidence of the date of adoption;

(b) If the widow or widower adopted the child after the insured person died, the evidence described in paragraph (a) of this section; your written statement whether the insured person was living in the same household with the child when he or she died (see § 404.760); what support the child was getting from any other person or organization; and if the widow or widower had a deemed valid marriage with the insured person, evidence of that marriage—see § 404.727;

(c) If you are the insured's stepchild, grandchild, or stepgrandchild as well as his or her adopted child, we may also ask you for evidence to show how you were related to the insured before the adoption.

§ 404.734 Evidence you are an equitably adopted child.

In many States, the law will treat someone as a child of another if he or she agreed to adopt the child, the natural parents or the person caring for the child were parties to the agreement, he or she and the child then

lived together as parent and child, and certain other requirements are met. If you are a child who had this kind of relationship to the insured person (or to the insured person's wife, widow, or husband), we will ask for evidence of the agreement if it is in writing. If it is not in writing or cannot be gotten, other evidence may be accepted. Also, the following evidence will be asked for: Written statements of your natural parents and the adopting parents and other evidence of the child's relationship to the adopting parents.

§ 404.735 Evidence you are the grandchild or stepgrandchild.

If you are the grandchild or stepgrandchild of the insured person, we will ask you for the kind of evidence described in §§ 404.731-404.733 that shows your relationship to your parent and your parent's relationship to the insured.

§ 404.736 Evidence of a child's dependency.

(a) *When evidence of a child's dependency is needed.* If you apply for child's benefit's we may ask for evidence you were the insured person's dependent at a specific time—usually the time you applied or the time the insured died or became disabled. What evidence we ask for depends upon how you are related to the insured person.

(b) *Natural or adopted child.* If you are the insured person's natural or adopted child, we may ask for the following evidence:

(1) A signed statement by someone who knows the facts that confirms this relationship and which shows whether you were legally adopted by someone other than the insured. If you were adopted by someone else while the insured person was alive, but the adoption was annulled, we may ask for a certified copy of the annulment decree or other convincing evidence of the annulment.

(2) A signed statement by someone in a position to know showing when and where you lived with the insured and when and why you may have lived apart; and showing what contributions the insured made to your support and when and how they were made.

(c) *Stepchild.* If you are the insured person's stepchild, we will ask for the following evidence:

(1) A signed statement by someone in a position to know—showing when and where you lived with the insured and when and why you may have lived apart.

(2) A signed statement by someone in a position to know showing you received at least one-half of your support from the insured for the one-year period ending at one of the times mentioned in paragraph (a) of this section; and the income and support you had in this period from any other source.

(d) *Grandchild or stepgrandchild.* If you are the insured person's grandchild or stepgrandchild, we will ask for evidence described in paragraph (c) of this section showing that you were living together with the insured and receiving one-half of your support from him or her for the year before the insured became entitled to benefits or to a period of disability, or died. We will also ask for evidence of your parent's death or disability.

§ 404.745 Evidence of school attendance for child age 18 or older.

If you apply for child's benefits as a student age 18 or over, we may ask for evidence you are attending school. We may also ask for evidence from the school you attend showing your status at the school. We will ask for the following evidence:

(a) Your signed statement that you are attending school full-time and are not being paid by an employer to attend school.

(b) If you apply before the school year has started and the school is not a high school, a letter of acceptance from the school, receipted bill, or other evidence showing you have enrolled or been accepted at that school.

§ 404.750 Evidence of a parent's support.

If you apply for parent's benefits, we will ask you for evidence to show that you received at least one-half of your support from the insured person in the one-year period before he or she died or became disabled. We may also ask others who know the facts for a signed statement about your sources of support. We will ask you for the following evidence:

(a) The parent's signed statement showing his or her income, any other sources of support, and the amount from each source over the one-year period.

(b) If the statement described in paragraph (a) of this section cannot be obtained, other convincing evidence that the parent received one-half of his or her support from the insured person.

OTHER EVIDENCE REQUIREMENTS

§ 404.760 Evidence of living in the same household with insured person.

If you apply for the lump-sum death payment as the insured person's widow or widower, or for wife's, husband's, widow's, or widower's benefits based upon a deemed valid marriage as described in § 404.727, we will ask for evidence you and the insured were living together in the same household when he or she died; or if the insured is alive, when you applied for benefits. We will ask for the following as evidence of this:

(a) If the insured person is living, his or her signed statement and yours

showing whether you were living together when you applied for benefits.

(b) If the insured person is dead, your signed statement showing whether you were living together when he or she died.

(c) If you and the insured person were temporarily living apart, a signed statement explaining where each was living, how long the separation lasted, and why you were separated. If needed to remove any reasonable doubts about this, we may ask for the signed statements of others in a position to know, or for other convincing evidence you and the insured were living together in the same household.

§ 404.762 Evidence of having a child in your care.

If you are under age 65 and apply for wife's benefits based upon caring for a child, or for mother's benefits as a widow or divorced wife, or for father's benefits as a widower, we will ask for evidence that you have the insured person's child in your care. What evidence we will ask for depends upon whether the child is living with you or with someone else. You will be asked to give the following evidence:

(a) If the child is living with you, your signed statement showing that the child is living with you.

(b) If the child is living with someone else—

(1) Your signed statement showing with whom he or she is living and why he or she is living with someone else. We will also ask when he or she last lived with you and how long this separation will last, and what care and contributions you provide for the child;

(2) The signed statement of the one with whom the child is living showing what care you provide and the sources and amounts of support received for the child. If the child is in an institution, an official there should sign the statement. These statements are preferred evidence. If there is a court order or written agreement showing who has custody of the child, you may be asked to give us a copy; and

(3) If you cannot get the preferred evidence described in paragraph (b)(2) of this section, we will ask for other convincing evidence that the child is in your care.

§ 404.765 Evidence of responsibility for or payment of burial expenses.

(a) *When evidence of burial expenses is needed.* If you apply for the lump-sum death payment because you are responsible for paying the funeral home or burial expenses of the insured or because you have paid some or all of these expenses, we will ask for evidence of this.

(b) *What evidence is needed.* We will ask for the following evidence:

(1) Your signed statement showing—
(i) You accepted responsibility for the funeral home expenses or paid

some or all of these expenses or other burial expenses; your relationship to the insured person; and, if you are not related by blood or marriage, why you accepted responsibility for, or paid, these expenses;

(ii) Total funeral home expenses and, if necessary, the total of other burial expenses; and if someone else paid part of the expenses, the person's name, address, relationship to the insured person, and amount he or she paid;

(iii) The amount of cash or property you expect to receive as repayment for any burial expenses you paid; and whether anyone has applied for or will apply for any burial allowance from the Veterans Administration or other Federal agency for these expenses; and

(iv) If you are applying as an owner or official of a funeral home, a signed statement from anyone, other than an employee of the home, who helped make the burial arrangements showing whether he or she accepted responsibility for paying the burial expenses; and

(2) Unless you are applying as an owner or official of a funeral home, a signed statement from the owner or official and, if necessary, from those who supplied other burial goods or services which shows—

(i) The name, address, and relationship to the insured person of everyone

who accepted responsibility for, or paid any part of, the burial expenses; and

(ii) Information the owner or official of the funeral home and, if necessary, the supplier has about the expenses and payments mentioned in paragraphs (b)(1)(ii) and (b)(1)(iii) of this section.

§ 404.770 Evidence of where the insured person had a permanent home.

(a) *When evidence of the insured's permanent home is needed.* We may ask for evidence of where the insured person's permanent home was at the time you applied or, if earlier, the time he or she died if—

(1) You apply for benefits as the insured's wife, husband, widow, widower, parent or child; and

(2) Your relationship to the insured depends upon the State law that would be followed in the place where the insured had his or her permanent home when you applied for benefits or when he or she died.

(b) *What evidence is needed.* We will ask for the following evidence of the insured person's permanent home:

(1) Your signed statement showing where the insured considered his permanent home to be.

(2) If the statement in paragraph (b)(1) of this section or other evidence we have raises a reasonable doubt

about where the insured's permanent home was, evidence of where he or she paid personal, property, or income taxes, or voted; or other convincing evidence of where his or her permanent home was.

§ 404.780 Evidence of "good cause" for exceeding time limits on accepting proof of support or application for a lump-sum death payment.

(a) *When evidence of "good cause" is needed.* We may ask for evidence you had "good cause" for delay as defined in § 404.617 if—

(1) You are the insured person's parent giving us proof of support more than 2 years after he or she died, or became disabled; or

(2) You are applying for the lump-sum death payment more than 2 years after the insured died.

(b) *What evidence of "good cause" is needed.* We will ask for the following evidence of good cause:

(1) Your signed statement explaining why you did not give us the proof of support or the application for lump-sum death payment within the specified 2 year period.

(2) If the statement in paragraph (b)(1) of the section or other evidence raises a reasonable doubt whether there was good cause, other convincing evidence of this.

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WEDNESDAY, JUNE 7, 1978
PART III



**ENVIRONMENTAL
PROTECTION
AGENCY**

■

**POLYCHLORINATED
BIPHENYLS
(PCBs)**

**Manufacturing, Processing,
Distribution in Commerce,
and Use Bans**

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

(FRL 886-6)

[40 CFR Part 761]

POLYCHLORINATED BIPHENYLS (PCB's)

Manufacturing, Processing, Distribution in Commerce, and Use Bans

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; notice of informal hearing.

SUMMARY: This proposed rule is designed to implement provisions of the Toxic Substances Control Act (TSCA) prohibiting the manufacture, processing, distribution in commerce, and use of polychlorinated biphenyls (PCB's), and to provide several limited exceptions to these general prohibitions for activities which will not present an unreasonable risk of injury to health or the environment.

DATES: Written comments preferably in triplicate must be received prior to the close of business August 7, 1978. Hearing date and time: August 21, 1978 at 10 a.m. Requests to participate in the hearing must be received prior to close of business on July 31, 1978. For persons meeting certain requirements, compensation for participation in these proceedings is available. See Supplementary Information below.

ADDRESSES: Send comments to: Office of Toxic Substances (TS-794), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Attention: Joni T. Repasch. Hearing will be held at EPA Headquarters, Room 2117 (address above). Address requests to participate to Joni T. Repasch (address above).

FOR FURTHER INFORMATION CONTACT:

Peter P. Principe, Office of Toxic Substances (TS-794), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-755-0920.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency proposes this rule pursuant to the authority of § 6(e) of the Toxic Substances Control Act (Pub. L. 94-469; 90 Stat. 2003; 15 U.S.C. 2601 et seq., hereinafter referred to as TSCA). The procedures for rulemaking under § 6 of TSCA (40 CFR Part 750), 42 FR 61269 (December 2, 1977), will be followed. The official record of rulemaking is located in Room 520, East Tower, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-755-1188. It will be available for viewing and copying from 9 a.m. to 4 p.m., Monday through Friday, exclud-

PROPOSED RULES

ing holidays. Hearing transcripts and other hearing materials will be added to the record as they become available.

Compensation for participation. For persons meeting certain requirements, compensation for participation in these proceedings is available. EPA's temporary rule regarding compensation can be found in 42 FR 60911, November 30, 1977. Copies of this rule are available from the Industry Assistance Office, Office of Toxic Substances (TS-793), Environmental Protection Agency, Washington, D.C. 20460. Copies may also be requested by calling EPA's toll free number, 800-424-9065 (in Washington, D.C., 554-1404). Persons who have questions about this program (other than requests for copies of the rule) may call or write William F. Pedersen, Jr., Office of General Counsel (A-130), Environmental Protection Agency, Washington, D.C. 20460, 202-426-0508.

A Support Document/Voluntary Draft Environmental Impact Statement contains background information on PCB's, information on the risks which PCB's present to health and the environment, analyses of the economic impact of the rule, support for the regulatory actions proposed, discussion of the alternatives considered, and the list of documents contained in the official record of rulemaking. This Support Document can be obtained from the Industry Assistance Office, Office of Toxic Substances (TS-793), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 800-424-9065 (in Washington, D.C., 554-1404).

EPA held meetings July 15, 1977, in Washington, D.C., and July 19, 1977, in Chicago. The public was invited to provide information and comment relevant to this rulemaking. A notice of these meetings, including a discussion of some issues for consideration, was published in the FEDERAL REGISTER on June 27, 1977 (42 FR 32555).

I. SUMMARY OF APPLICABLE PROVISIONS OF TSCA

Section 6(e)(2) of TSCA bans the manufacture, processing, distribution in commerce, and use of PCB's in any manner which is not a "totally enclosed manner" after January 1, 1978. The term "totally enclosed manner" is defined in section 6(e)(2)(C) as "any manner which will ensure that any exposure of human beings or the environment to a polychlorinated biphenyl will be insignificant as determined by the Administrator by rule." The Administrator therefore must decide what constitutes an insignificant exposure to PCB's so that he can distinguish between totally enclosed and nontotally enclosed activities. The Administrator may authorize nontotally enclosed manufacturing, processing, distribution in commerce or use if he

finds that it will not present an unreasonable risk of injury to health or the environment (sec. 6(e)(2)(B)). If he makes such a finding, the Administrator may authorize the activity to continue until January 1, 1979, for manufacturing, or until July 1, 1979, for processing and distribution in commerce. A nontotally enclosed use may be authorized for whatever period the Administrator finds appropriate.

Section 6(e)(3) of TSCA bans any manufacture of PCB's after January 1, 1979, and any processing and distribution in commerce of PCB's after July 1, 1979, even if authorizations for these activities had been previously promulgated. However, the ban on distribution in commerce does not apply to PCB's sold before July 1, 1979, for purposes other than resale. Upon petition, the Administrator may grant exemptions which would allow specific activities otherwise banned by section 6(e)(3) to continue if he finds, in each case, that there will not be an unreasonable risk associated with continuing the activity and that good faith efforts have been made to develop a substitute for PCB which itself does not present an unreasonable risk. These exemptions are granted for only one year at a time and may be conditioned by requirements the Administrator finds necessary.

The term "authorization" is used throughout this rulemaking whenever reference is made to exceptions to the "totally enclosed manner" requirements (section 6(e)(2)), while the term "exemption" is used only in reference to exceptions to the 1979 bans (section 6(e)(3)). These are the terms used in TSCA, and their use here reflects the statutory differences between these two types of exceptions.

Section 3(7) of TSCA defines "manufacture" to include importation. Thus, nontotally enclosed importation is banned after the effective date of this regulation, unless authorized by EPA, and any importation is banned after January 1, 1979, unless EPA grants an exemption.

Section 12(a)(1) of TSCA states that if a substance, mixture, or article is manufactured, processed, or distributed in commerce for export, and is so labeled, it is not subject to other sections of TSCA unless the Administrator finds that it "will present an unreasonable risk of injury to health within the United States or to the environment of the United States." In other words, in the absence of such a finding by the Administrator under section 12(a)(2), PCB's could be manufactured, processed, or distributed in commerce for export. However, a finding of unreasonable risk has been made by the Administrator so that the manufacture, processing, and distribution in commerce of PCB's for export will be prohibited (see Section VII of this Preamble).

II. RELATION OF THE PROPOSED BAN RULE TO THE DISPOSAL AND MARKING RULE

This proposed rule is the second issued under section 6(e) of TSCA. Section 6(e)(1) requires EPA to promulgate rules governing the disposal and arking of PCB's. This rule was published on February 17, 1978 (43 FR 7150), as Part 761 of Title 40 of the Code of Federal Regulations. This proposed ban rule would implement section 6(e)(2) and section 6(e)(3) of TSCA. When promulgated, this rule will be added to Part 761. An effort has been made to avoid needless repetition of provisions of the Disposal and Marking rule. Definitions used in this proposal that have already been promulgated are not repeated here. Where a change in the Disposal and Marking rule is proposed, the entire paragraph affected by this change appears here. The changes to the Disposal and Marking requirements reflect the proposed change to the definition of "PCB Mixture" which, if adopted, would extend these requirements to certain materials not currently covered. A notice containing corrections and clarifications of the final PCB Disposal and Marking rule will be published in the FEDERAL REGISTER shortly.

III. SUMMARY OF THE RULE

This section provides an overview of the arrangement and contents of the rule. Individual parts of the rule are discussed in more detail in section IV of this Preamble.

§ 761.1—Applicability. This section reflects the proposed addition of the section 6(e)(2) and (e)(3) prohibitions to Part 761. The only substantial change proposed in this section from the present regulation is the exclusion of the manufacture, processing, distribution in commerce, and use of small quantities of PCBs for research and development from the requirements and prohibitions contained in § 761.30.

§ 761.2—Definitions. The existing definitions of "PCB(s)" and "PCB Mixture" have been modified. EPA proposes to decrease the lower limit of the definition of a "PCB Mixture" from 500 ppm to 50 ppm PCB and to add the term "PCB Sealant, Coating, or Dust Control Agent" (which is a newly defined term) to the existing definition of "PCB(s)". Nine new definitions have been added.

§ 761.10—Disposal requirements. In response to the proposed change in the definition of PCB mixture, a method is proposed for the disposal of transformers that contain dielectric fluid with less than 500 ppm but greater than or equal to 50 ppm PCB.

§ 761.20—Marking requirements. PCB transformers in which the dielectric fluid contains less than 500 ppm are not required to be marked.

PROPOSED RULES

§ 761.30—Prohibitions. This section restates the manufacturing, processing, distribution in commerce, and use bans contained in § 6(e) as described above. It also includes the Administrator's findings that: (1) the manufacture, processing, and distribution in commerce for export of PCB's pose an unreasonable risk; and (2) that the distribution in commerce and use of certain transformers and capacitors is totally enclosed.

§ 761.31—Authorizations. The following authorizations for continuation of nontotally enclosed activities are proposed: servicing of transformers, processing and distribution in commerce of PCB dielectric fluid for transformer servicing, use of railroad transformers, use of mining machinery, processing and distribution in commerce of PCB fluid for rebuilding continuous miner motors, use of hydraulic die casting systems and use of PCB carbonless copy paper (See Figure 1.). The term "Transformer" refers to transformers not used on railroad locomotives and self-propelled cars. Transformers used on locomotives and self-propelled cars are referred to as "Railroad Transformers." The use authorizations expired five years after the effective date of the rule. The need for some authorizations will have ended by that time and others may require modification to reflect new circumstances. At that time, EPA will reevaluate the need for the authorizations.

FIGURE 1

SUMMARY OF PROPOSED AUTHORIZATIONS

Authorization and Expiration Date

- Transformers-Use (Servicing),¹ 5 years after the effective date of the rule.
- Transformer Dielectric Fluid-Processing and Distribution in Commerce,¹ July 1, 1979; yearly exemption required thereafter.
- Railroad Transformer-Use,¹ 5 years after the effective date of the rule.
- Mining Equipment-Use,¹ December 31, 1981, for both continuous miners and loaders except that 12 months after the effective date of the rule there can be no rebuilding of miner motors.
- Mining Equipment-Processing and Distribution in Commerce,¹ July 1, 1979; yearly exemption required thereafter.
- Hydraulic Die Casting System-Use, 5 years after the effective date of the rule.
- Carbonless Copy Paper-Use, 5 years after the effective date of the rule.

Since intact, nonleaking transformers and capacitors are considered totally enclosed, authorizations are not needed for the distribution in commerce and use (except servicing) of intact, nonleaking transformers (except those used on railroad locomotives and self-propelled cars) and intact, nonleaking capacitors.

¹These authorizations permit non-totally enclosed servicing. However, companies who service articles owned by others must meet the exemption requirements explained in section IV-F of this Preamble.

ANNEX VII

§ 761.46—Contingency Plans for PCB Exposures and Spills. This section proposes requirements for the content, availability, and use of a contingency plan for the prevention and control of PCB exposures and spills. Plans would be required for those activities which are granted authorizations.

IV. DISCUSSION OF THE PROPOSED RULE

A. APPLICABILITY

The proposed rule would apply to any person who manufactures, processes, distributes in commerce, or uses PCB's. The term "PCB(s)" includes the chemical substances themselves; any mixture containing 50 ppm or more of a PCB chemical substance; articles whose interior surfaces are in contact with PCB substances or PCB mixtures necessary to the function of the article (e.g., small capacitors); and any container which holds PCB chemical substances, mixtures or articles and whose interior surfaces are in contact with PCB chemical substances or mixtures not necessary to the function of the article or container (e.g., pipes and drums). This rule would not apply to "PCB Article Containers".

Most PCB's currently in service are used in electrical transformers and capacitors. Therefore, this rule would apply to persons who manufacture, sell, transport, use, service, or repair electrical transformers and capacitors. Electric utilities and other businesses which own or operate large electrical transformers or capacitors (e.g., in buildings and in railroad equipment) would be subject to the rule. Persons who manufacture or distribute equipment containing PCB capacitors such as televisions, microwave ovens, lighting equipment, and air conditioners also would be subject to the rule. Accordingly, new PCB equipment cannot be sold after July 1, 1979, unless an exemption is granted by EPA after receiving a petition (see section IV-F of this Preamble). Once equipment containing totally-enclosed PCB's has been sold to the ultimate consumer for personal use, there can be subsequent sale of the equipment as a used item to anyone by anyone. EPA invites comment on this matter. Manufacturers, owners, operators, and servicers of hydraulic and heat transfer systems containing PCB's (e.g., die casting machines and mining equipment) also would be affected by this rule. Although most hydraulic and heat transfer systems are no longer refilled with PCB's, many are still contaminated with residual concentrations of PCB's.

PCB's also have been widely used as plasticizers, specifically as additives to products such as paints, inks, adhesives, sealants, textile coatings, and certain plastic products. Although most domestic sales of PCB's for these

uses were discontinued in 1971, many of the PCB's so used in the past will continue to exist in commerce as a result of recycling and the long life of sealants, paints, and the other products containing PCB's. Therefore, this rule may affect persons who recycle, process, or otherwise use products such as waste oil, sludges, contaminated rags, soil, pipes, and any items coated with PCB-impregnated substances.

Similarly, this rule would apply to certain activities involving the operation of equipment which previously held PCB's and which still contains PCB concentrations of 50 ppm or greater, such as refilled transformers, and refilled hydraulic systems and heat transfer systems.

This rule would apply to owners of electromagnets containing PCB's. EPA requests comments and data on the number of such magnets and the amount of PCB exposure to humans and the environment that results from their use and maintenance. Compressors used in natural gas pipelines would also be covered by this regulation. Comments are requested on the number of such compressors, the amount of human and environmental exposure that results from their use and maintenance, and the economic impact of not authorizing their use.

The proposed rule would not apply to sewage sludges, dredge spoils, and spill materials which contain less than 50 ppm PCB. These mixtures are regulated under other statutes administered by EPA. The omission of these mixtures from this regulation does not mean that EPA believes that control of such mixtures with less than 50 ppm PCB is unnecessary.

The manufacture, processing, distribution in commerce, use, and disposal of small quantities of PCB's used for research and development would be excluded from the requirements and prohibitions of § 761.30. This exclusion is proposed so that laboratory quantities of PCB's needed for health research and analytical purposes, can be available. The proposed quantity restriction discussed in section B, below, is intended to provide an adequate safeguard against the abuse of this provision.

NOTE.—If a person other than the owner of a television set, computer, or other PCB equipment replaces a PCB capacitor with another PCB capacitor while repairing the equipment and charges the owner for that capacitor, this transaction is considered distribution in commerce of PCB's. Since the replacement capacitor is considered by EPA to be totally enclosed, this distribution in commerce does not need an authorization to continue through July 1, 1979. However, since all distribution in commerce (except that covered by section 6(e)(3)(C)) is banned

after July 1, 1979, unless an exemption is granted by EPA, persons who service or repair PCB equipment for others by installing replacement PCB capacitors must petition EPA for an exemption, as explained in section IV-F of this Preamble. Since the replacement of PCB capacitors should be a relatively infrequent repair and since non-PCB capacitors may be able to replace PCB capacitors when they do fail, the TSCA requirement that EPA grant exemptions for the continuation of this activity may not be as burdensome as it may initially appear.

B. DEFINITIONS

With the exception of "PCB(s)" and "PCB Mixture", the definitions of the Disposal and Marketing rule are applicable without change to this proposed rule.

"PCB(s)". The existing definition of "PCB(s)" includes "PCB Chemical Substance", "PCB Mixture", "PCB Article", "PCB Equipment", and "PCB Container". EPA proposes to add the term "PCB Sealant, Coating, or Dust Control Agent" to this definition. This is a newly defined term discussed in detail below. The effect of this addition would be to require that PCB sealants, coatings, and dust control agents be disposed of in accordance with § 761.10, be marked in accordance in the § 761.20, and be used only as permitted by § 761.30 and § 761.31.

"PCB Mixture". EPA proposes to define PCB mixture as any mixture containing 50 ppm or more of PCB chemical substance. This would have the effect of banning manufacture, processing, distribution in commerce, and use of all mixtures containing 50 ppm or greater of PCB chemical substance in a nontotally enclosed manner unless authorized. In addition, EPA proposes to extend the marking and disposal requirements in Subparts B and C now applicable only to mixtures containing more than 500 ppm of PCB to mixtures containing 50 ppm or greater of PCB. The prohibitions of § 761.30 would also apply to all mixtures containing 50 ppm or greater of PCB. The proposal to regulate only those mixtures containing 50 ppm or more of PCB was selected for the following reasons:

(1) A cutoff of 50 ppm or greater of PCB will exclude from the rule municipal sludges and other mixtures containing low (less than 50 ppm) levels of PCB's whose presence is due to ambient levels of PCB present in the air or water. The PCB's contained in such mixtures are affected by ambient levels and cannot be attributed to any discrete source of contamination, and thus are less amenable to preventive measures.

(2) Certain organic compounds may contain trace amounts of PCB's despite the use of carefully controlled

manufacturing processes. With careful manufacture, such compounds will contain less than 50 ppm of PCB.

(3) All of the diffuse and extremely numerous PCB sources of concentrations below 50 ppm cannot practically be dealt with by EPA. A cutoff of 50 ppm has the advantage of limiting EPA administration and enforcement to a manageable number of PCB sources, thus ensuring the maximum effectiveness of the regulation.

(4) Other statutes are available for regulation of mixtures containing less than 50 ppm of PCB, particularly for such sources as municipal sludge and dredge spoils. The proposed regulation under TSCA would not preempt action by EPA or other Federal agencies to control such mixtures under these statutes.

The proposed definition, therefore, is designed to focus Agency attention under TSCA upon the most significant and controllable sources of PCB exposure. EPA recognizes the difficulty of selecting a cutoff level for regulation of PCB's and will revise the level either upward or downward from 50 ppm, if appropriate, based on information supplied during the rulemaking on this rule. Other higher and lower levels have already been suggested, including concentrations of 10 ppm and 1 ppm. These and other suggested alternatives will be carefully evaluated.

PCB's are ubiquitous in the environment. As a result of manufacturing, processing, use, and disposal activities during the past 50 years, PCB's have been introduced into many commercial products, into byproducts and waste materials, and into environmental media including air, water, and soil. EPA believes that it can feasibly regulate the introduction of PCB's into the environment at the 50 ppm PCB level. EPA also believes that the regulation of materials containing less than 50 ppm PCB would, in many instances, constitute an effort to regulate PCB's which have already been introduced into the environment. Even in those cases where material containing less than 50 ppm PCB enters the environment as "new" PCB's, EPA does not believe it is feasible to control the diverse number of items with such low concentrations of PCB's. However, waste oil used as a sealant, coating, or dust control agent with a PCB concentration lower than 50 ppm will be subject to regulation.

In the PCB Disposal and Marking rule, EPA proposed a concentration of 500 ppm PCB. After the rule had been proposed, however, EPA learned that many materials, including some generated in large amounts, may contain PCB's at levels well above general environmental levels but below 500 ppm. For example, while carefully manufactured organic chemicals may contain as much as 25 ppm PCB, process

upsets may result in production of batches that contain concentrations higher than 50 ppm. Municipal sewage sludge may contain relatively high concentrations of PCB's if a quantity of PCB's has been introduced into the sewer system. Dredge spoils from some rivers may contain more than 50 ppm PCB. Where PCB spills occur, both soil and clean-up materials may be contaminated with PCB's. Taking such considerations into account, EPA is now proposing 50 ppm PCB be set as the lower limit of its definition of PCB mixtures. EPA specifically invites comments and data on the extent to which this proposal (or a lower limit for the definition of PCB mixture) will affect persons involved in manufacture, processing, distribution, use, and disposal of PCB's, and whether this is the appropriate concentration at which to make the distinction described above. As stated above, if written comments or testimony at the public hearing indicate that either a higher or lower concentration is more appropriate, that concentration will be adopted in the final rule.

EPA wants to emphasize that the rule proposed today does not preempt more stringent requirements that may be placed in dredging permits and in any other regulatory tools employed by EPA in controlling the release of PCB's. In particular, if there is a risk that materials such as dredge spoils or sewage sludge will be deposited in water or where they can be carried into water, stricter controls than specified in these regulations may be appropriate. Water has been the most significant pathway for PCB contamination, and serious environmental damage can be expected to result from the deposit in or near water or material containing PCB's even in low concentrations. This is particularly true for dredge spoils and sewage sludge, given the huge quantities of these materials that may be generated.

EPA Regional Offices making decisions on permits for dredge and fill disposal under § 404 of the Federal Water Pollution Control Act (FWPCA), discharge permits under the FWPCA, dumping permits under the Marine Protection, Research and Sanctuaries Act of 1972, or exercising any other relevant authority, will be expected to take such factors into account and to regulate PCB's at levels below 50 ppm under that other authority, wherever appropriate.

"Manufacture and Process for Commercial Purposes". The proposed rule applies to manufacturing (including importation) and processing which is performed for commercial purposes. "Commercial Purposes" means for distribution in commerce, including for test marketing purposes, and for use by the manufacturer, including for use as a chemical precursor. By restricting

the scope of the definitions of "manufacture" and "processing" found in TSCA to apply to only those activities that are considered "for commercial purposes", EPA would not regulate certain activities such as the manufacture of a chemical that results in an unintentional PCB impurity. However, because the proposed rule prohibits the distribution in commerce of PCB mixtures, the product would have to be processed to reduce the PCB concentration to below 50 ppm before distribution in commerce. The proposal would also permit the processing of products and plant wastes to concentrate PCB's if the purpose is to dispose of the PCB's and reduce PCB concentrations in the final product.

"PCB Sealant, Coating, and Dust Control Agent". Sealants, coatings, and dust control agents made from waste oil are often contaminated with PCB's and, because of their particular uses, these PCB's are quickly introduced directly into the environment. For example, waste oil is frequently used as a coating for roads, which have well-drained surfaces whose run-off frequently goes to municipal treatment plants or rivers and streams. In addition, although the PCB concentration is low, the large volume of oil that is used results in a large quantity of PCB entering the environment. Because the PCB's in waste oil can so easily find their way into the environment through these uses, the EPA is proposing that waste oil containing any amount of PCB contamination shall not be used as a sealant, coating, or dust control agent. Waste oil containing less than 50 ppm may still be used as a fuel, as a feedstock for re-refining, or any other use except as a sealant, coating, or dust control agent.

EPA is concerned about the use of waste oil for space heating since ambient emissions of PCB's are likely to result. Comments are requested on whether EPA should include waste oil containing less than 50 ppm PCB within this definition, thereby forbidding this use. Comments are also requested on the economic impact of such an action.

"Sale for Purposes Other than Resale". The law exempts any PCB sold for purposes other than resale before July 1, 1979, from the total prohibition on any distribution in commerce. "Sale for Purposes Other than Resale" is defined as sale for purposes of disposal, for purposes of research and development, and for purposes of use by the purchaser. In addition, PCB equipment which is leased before July 1, 1979 for a period of no less than one year will be considered sold for purposes other than resale. The sale will be considered to have occurred as of the date of the signing of the lease. This "sale for purposes other than resale" provision does not

apply to sales to or by retailers or persons who service and repair PCB articles and PCB equipment owned by others. These persons clearly purchase PCB's with the intent of reselling them.

The use, finished product, or equipment, would be subject to applicable regulations. This provision of TSCA allows the continued distribution in commerce and use of PCB's in a totally-enclosed manner (or in accordance with an authorization or exemption), rather than forcing them into immediate disposal, causing possible adverse economic consequences. For example, a person (including dealers) may resell a used television instead of throwing it away. Furthermore, this provision would permit the sale for disposal, provided other applicable requirements of the rule are not violated.

"Significant Exposure" and "Totally Enclosed Manner". TSCA prohibits the manufacture, processing, distribution in commerce, or use of any PCB on or after January 1, 1978, in other than a totally-enclosed manner. TSCA defines "totally-enclosed manner" as any manner which will ensure that any exposure of human beings or the environment to PCB's will be insignificant. TSCA section 6(e)(2)(C) requires the Administrator to determine by rule what constitutes insignificant exposure. EPA proposes to define "insignificant exposure" as no exposure; i.e., any exposure of human beings or the environment to PCB chemical substances or PCB mixtures is significant.

EPA considered a finite concentration as the demarcation between "significant" and "insignificant exposure". The chief reason for not taking this approach, however, is that there simply is no rational basis for selecting any particular exposure level above zero for the purposes of this regulation. PCB's are extremely persistent and ubiquitous in the environment, bioconcentrate and bioaccumulate within many organisms, induce a variety of adverse effects in humans and laboratory mammals, and possess no known "no effect" level for some of these effects. Based on the existing information on the environmental risks associated with exposure to PCB's (summarized in the Support Document), it is apparent that there is no finite level at which continuing releases into the environment could be regarded as insignificant. Accordingly, the Administrator has determined that any exposure to PCB's is significant and shall not be permitted unless explicitly authorized or exempted.

This determination should not be construed as an expression of EPA policy regarding acceptable or allowable exposure to all toxic substances; rather, it is intended to provide, for EPA and persons who would be affected by this rule, a clear distinction be-

tween activities that will and will not be considered "totally enclosed". It is not a determination that any exposure to PCB's presents an unreasonable risk. EPA's determinations of which non-totally enclosed activities will be allowed to continue will be based on judgments of whether they pose unreasonable risks to health and the environment, taking into account the factors enumerated in section 6(c)(1). Thus, the finding that any exposure to PCB's is significant serves simply to define any activity that emits or discharges PCB's as not "totally enclosed." In turn, any PCB activity that is not "totally enclosed" is banned unless the risk associated with that activity is determined to be reasonable. If EPA finds that a PCB activity does not present an unreasonable risk, EPA may authorize or exempt that activity.

This determination is not, as it may seem, inconsistent with the fact that the Agency has proposed a finite concentration of PCB's (50 ppm) in the definition of PCB mixture. Although any exposure to PCB's is significant, it would be impossible to impose regulations applicable to the use of air, water, soil, and everything else that may contain low levels of PCB's. Exposure of human beings or the environment to PCB's will be assumed to exist if any PCB's are detected by any scientifically acceptable analytical method. However, a person covered by this proposed regulation would not be held responsible for exposures to background levels of PCB's, which, although they may be detected, are not the result of that person's involvement with PCB's. That is, if PCB's are detected in the vicinity of a PCB activity, but the concentration detected is no higher than the ambient level which would normally be expected in the absence of this activity, such PCB's will not be considered the result of the activity. Because the highest ambient levels of PCB's measured to date are well below the levels normally associated with the manufacture, processing, distribution, and use of PCB's, there should be little difficulty in distinguishing ambient background levels from those associated with specific activities.

"Small Quantities for Purposes of Research and Development". The phrase "small quantities for purposes of research and development" is defined as those quantities of PCB substances or PCB mixtures contained in hermetically sealed five milliliter containers which are manufactured or processed only for purposes of scientific experimentation or analysis. This regulation would permit the production of small quantities of PCB chemical substances or PCB mixtures to be used for research, development, or analysis. Such PCB's can be manufactured in small quantities and handled under controlled conditions by technically qualified individuals.

There is no limit on the number of containers that a person may manufacture or use. This is to permit the operation of supply houses which may make or stock a large number of such containers of PCB at one time and sell from this inventory to individual research firms. The five milliliter volume limit should ensure that any PCB's made will be used only for research and development. Five milliliters should provide an adequate amount for these purposes. For example, a PCB sample of this size is adequate for use in gas chromatograph tests. These small quantities would still be subject to the disposal and marking requirements of § 761.20.

C. DISPOSAL REQUIREMENTS

The proposed rule revises the requirements of § 761.10 with respect to the disposal of transformers in which the dielectric fluid has a PCB concentration less than 500 ppm, but greater than, or equal to, 50 ppm. Disposal of such transformers by incineration or in a chemical waste landfill would not be required by this rule provided that the dielectric fluid contained in these transformers is first drained and disposed of in accordance with the requirements of § 761.10(b). Therefore, these transformer carcasses could be disposed of in a municipal landfill or sold for salvage.

EPA has not proposed restrictions on the salvaging of PCB transformer carcasses which originally contained dielectric fluid with a PCB concentration less than 500 ppm because: (1) There should be little human and environmental exposure to PCB's; and, (2) valuable copper and steel could be salvaged for recycling. However, EPA recognizes that it may be necessary to establish specific procedures applicable to the salvage of these transformer carcasses in order to prevent any undue exposure to PCB's. In this regard, EPA requests comments and data on: (1) the procedures used by salvage operators in handling these transformers; (2) the need for regulatory controls on salvage of PCB transformers; (3) the salvage value of transformers; (4) the potential for, and extent of, human and environmental exposure to PCB's which may occur as a result of salvage operations; (5) the number of transformers which are salvaged on an annual basis; (6) the number of salvage companies which can salvage PCB transformers; and (7) other methods of disposing of the PCB transformer carcasses.

The proposed rule would require that the dielectric fluid from any transformer which is manufactured before January 1, 1979, and which is filled primarily with non-PCB dielectric fluid (e.g., mineral oil) be disposed of in one of two ways: (1) in a high-temperature incinerator (Annex I)

without any testing for PCB; or (2) in any other manner if a test for PCB shows that the concentration is less than 50 ppm. EPA is aware that there may be a very large volume of this fluid that will require special disposal and this disposal requirement may be expensive. Further, high temperature incineration of the mineral oil will not utilize the oil as fuel because of the overabundance of high Btu hydrocarbon wastes. The incremental cost of this disposal requirement may be as high as \$25,000 per pound of PCB. The total cost of this disposal requirement, over approximately 30 to 40 years, is \$612-\$769 million. In view of the low level of PCB contamination in this fluid, disposal alternatives may be available which would substantially reduce disposal costs while still resulting in high levels of PCB destruction. Utility power generation units and cement kilns may be able to achieve very high destruction efficiencies even though they may not meet the requirements of Annex I. In addition, these alternatives may utilize the mineral oil as fuel. However, EPA has little or no data available to characterize the performance of these alternatives. EPA therefore requests comments on alternative methods of disposal of these dielectric fluids. Comments are requested on the estimated volume of dielectric fluid that would require such disposal annually, what restrictions would be necessary to ensure an acceptable level of destruction efficiency, and the cost of disposing of the fluid by means of high-temperature incineration versus the cost of alternative disposal methods. Comments are requested concerning the estimates of the marginal costs as stated above and whether such costs (if correct) are justified in view of the additional environmental PCB contamination that would result from not requiring this method of disposal. EPA is considering requiring labeling of all transformers manufactured either before or after January 1, 1979. This labeling would make recognition of those transformers subject to this disposal requirement much easier. Comments are requested on the feasibility of such a requirement and the costs and benefits that would result.

D. MARKING REQUIREMENTS

This proposed regulation would amend the existing marking requirements for PCB's contained in § 761.20. Those PCB transformers which contain dielectric fluid with a PCB concentration less than 500 ppm would not be required to be labeled.

E. PROHIBITIONS

Section 761.30 would implement section 6(e)(2) and (e)(3) of TSCA, setting out the specific prohibitions of PCB activities. These were described in Sec-

tion I of this Preamble. In addition, two findings of the Administrator are stated in § 761.30. The first is the Administrator's finding, pursuant to section 12(a)(2) of TSCA, that the manufacture, processing, and distribution in commerce of PCB's for export presents an unreasonable risk of injury to health within the United States and to the environment of the United States. This finding is more fully discussed in Section VIII of this Preamble. The second is that the distribution in commerce and use of intact, non-leaking transformers, other than those used on locomotives and self-propelled railroad cars, and capacitors is considered distribution in commerce and use in a totally enclosed manner.

According to section 6(e) of TSCA, disposal is an activity separate from processing and distribution in commerce. Any preparation or processing for disposal is considered to be disposal and not distribution in commerce or processing. Therefore, any such activity, if in the course of compliance with pertinent disposal requirements, is not subject either to the January 1, 1978, totally enclosed manner requirements or to the July 1, 1979, bans.

F. AUTHORIZATIONS AND EXEMPTIONS

In enacting section 6(e), Congress recognized that the statutory bans could significantly disrupt certain activities involving PCB's, particularly those for which viable substitutes are not available. TSCA authorizes EPA to grant by rule two types of exceptions to the prohibitions of such activities. First, the Administrator may authorize the continued manufacture, processing, distribution in commerce, or use of PCB's in a non-totally enclosed manner after January 1, 1978, if he finds that the activity will not present an unreasonable risk of injury to health or the environment. The criteria for determining reasonable risks is described in the Support Document. Second, the Administrator may grant exemptions upon petition, for periods of no more than one year at a time, from the 1979 bans on manufacturing, processing, and distribution in commerce of PCB's, if he finds that the activity does not present an unreasonable risk and that good faith efforts have been made to develop substitutes for the PCB's used in that activity.

Section 6(e)(3) does not impose a final ban on the use of PCB's but it does ban all manufacturing, processing, and distribution in commerce. As a result, EPA may authorize a non-totally enclosed use of PCB's for whatever time period it feels is appropriate under section 6(e)(2). However, authorizations for non-totally enclosed manufacturing must end on January 1, 1979, since that is when the total ban on manufacturing begins. An exemption is required to continue any

type of PCB manufacturing after that date. For the same reason, authorizations for non-totally enclosed processing and distribution in commerce must end on July 1, 1979.

NOTE.—The term "distribution in commerce" is used to refer to the sale of a PCB. However, it also means the delivery of a PCB in conjunction with a sale or the holding of a PCB after sale for purposes of resale. An example of the latter is a distributor who buys from the manufacturer and then resells to retailers; while the PCB's are in his inventory, they are being held for further distribution in commerce. However, distribution in commerce does not include the holding of PCB's for purposes solely of use by the holder. For the purposes of TSCA, "processing" is limited to that processing which takes place after manufacture of the PCB in preparation for distribution in commerce. "Processing" does not include processing performed by the owner of the PCB subsequent to distribution in commerce for his own use.

The servicing of a PCB transformer is an example of how all of these concepts fit together. If a PCB transformer is removed from service and returned to the owner's own service shop where PCB dielectric fluid is added to it, the servicing could be covered by a use authorization. However, if that same transformer was sent to a transformer service company that added PCB's to the transformer, the servicing would be both processing and distribution in commerce since the PCB dielectric fluid would be sold by the service company to the transformer owner (thus the title to the PCB's would have passed from one owner to another). To continue this activity, the transformer service company would need authorizations for both processing and distribution in commerce. In addition, the service company would have to petition for, and receive, an exemption each year to continue this activity after June 30, 1979. Even though the actions performed in both shops are the same, the transformer service company is subject to much more rigorous requirements than the transformer owner.

As in the transformer servicing example above, a person servicing a computer who does not own that computer is considered to be processing and distributing in commerce if he installs a PCB capacitor in the computer. To continue that practice after July 1, 1979, an exemption will be required. Finally, a person who leases a computer may not sell that computer after July 1, 1979, unless the computer has been leased for no less than one year. A person could apply for an exemption so that he could sell a computer which has been leased for less than one year.

1978 authorizations. Section 6(e)(2)(B) of TSCA permits EPA to authorize by rule the manufacturing, processing, distribution in commerce, and use of PCB's in a non-totally en-

closed manner if these activities will not present an unreasonable risk of injury to health or the environment. EPA has determined that certain non-totally enclosed PCB use activities will not present an unreasonable risk and proposes to authorize these use activities for a period of 5 years after the effective date of the final rule. At that time, EPA will examine the need for continuing these authorizations. In making this determination, EPA weighed the effects of PCB's on health and the environment, the magnitude of exposure, and the reasonably ascertainable economic consequences of the rule. This determination is fully discussed in the support document/voluntary draft environmental impact statement.

1979 exemptions. Exemptions from the manufacturing, processing, and distribution in commerce bans required by § 6(e)(3)(A) of TSCA may be granted for no more than 1 year at a time and must be granted by rulemaking each year. In general, persons must petition for exemptions which will be granted on an individual basis. For the purpose of petitioning for an exemption, "person" may include a trade association or any other entity representing a number of users. In some instances, EPA may also consider accepting petitions from and granting exemptions to a class rather than solely to an individual. Persons may petition for an exemption only after the effective date of this rule. The final rule will describe the requirements for filing petitions and for the information to be provided in the petitions.

Based upon the authorizations proposed, EPA anticipates petitions for continuous minor motor rebuilding and for transformer servicing. EPA also anticipates petitions for exemptions for distribution in commerce, after July 1, 1979, of PCB consumer equipment such as air conditioners, televisions, and microwave ovens remaining in the inventories of small wholesale and retail businesses. EPA is concerned about the potential for undue hardship on such small businesses that might be created by the July 1, 1979, ban on sale of PCB equipment. EPA also is aware that the marginal impact on environmental PCB concentrations from the sale of these inventories of PCB consumer equipment may be small.

In order to minimize any problems which wholesalers and retailers might have in complying with the ban, EPA encourages manufacturers of PCB equipment to inform all participants in the distribution in commerce chain (e.g., wholesalers, jobbers, retailers) of the identity of all PCB equipment manufactured after July 1, 1978. Participants in the distribution in commerce chain should be made aware of

the consequences of not selling this equipment by July 1, 1979, and should be able to receive help, as needed, to segregate PCB equipment from non-PCB equipment. If voluntary efforts to inform the distribution chain do not work, EPA may consider adopting regulatory requirements that manufacturers adequately inform the distribution chain. Comments are requested on the need for mandatory notification requirements, the information that should be distributed, and the costs that would be involved in such an information dispersal system.

In evaluating any petitions for exemptions from the 1979 bans, it should be noted that an important criterion for granting an exemption from the July 1, 1979, ban will be good faith efforts to develop PCB substitutes. Certainly small businesses and retailers would not be expected to develop substitutes, but their efforts to eliminate PCB equipment from their inventories certainly could be evaluated. In addition, any efforts of firms to overload the distribution system with PCB equipment by manufacturing or buying more equipment than would be normally distributed in the given time frame would be considered a negative factor in evaluating an exemption petition.

Transformers. Many PCB transformers other than those used on railroad locomotives and self-propelled cars are routinely serviced and sometimes rebuilt. The use of these transformers generally involves no release of PCB's and thus constitutes a totally enclosed activity permitted by TSCA. However, servicing procedures often result in exposure of the environment to PCB's. There are two categories of servicing: rebuilding and routine servicing.

When a transformer fails, it is usually disposed of. Sometimes, however, it is rebuilt in a relatively open operation which involves draining the liquid, removing and disposing of the old liquid, rewinding new coils, and refilling the transformer with new liquid. This practice can result in substantial exposure of both humans and the environment to PCB's. EPA has determined that it is unreasonable to allow the exposure which occurs during rebuilding of transformers containing fluids with PCB concentrations of 500 ppm and greater, but proposes to permit rebuilding of transformers containing fluids with PCB concentrations less than 500 ppm.

During routine servicing, such as testing the liquid or repairing a gasket, some amount of liquid is drained, possibly filtered, and returned to the transformer. Some environmental contamination occurs. Routine servicing, however, causes far less exposure to PCB's than rebuilding and reduces the substantial costs of frequent transformer replacement, as well as the

hazard of catastrophic transformer failure. Therefore, the proposed authorization allows routine servicing of transformers containing dielectric fluid with 50 ppm and greater PCB. In addition, an authorization is proposed for processing and distributing in commerce PCB fluid only for servicing transformers. Persons subject to the latter authorization must keep certain records and provide one report to EPA. As explained above, this authorization will be needed by service companies which service PCB transformers. This authorization will expire on July 1, 1979, while the use authorization will expire 5 years after the effective date of the rule. During this 5-year period, EPA will be examining the use of substitutes in older transformers to determine the feasibility of phasing out all use of PCB's.

The proposed rule authorizes the refilling of transformers with PCB fluid. However, the proposed rule does not permit the rebuilding of PCB transformers which contain dielectric fluid with a PCB concentration of 500 ppm or greater. EPA is considering the following alternative for transformers containing dielectric fluid with a PCB concentration of 500 ppm or greater: (1) Such transformers could be topped-off only with non-PCB fluid; (2) such transformers would be required to be refilled with non-PCB fluid if they are ever completely drained for servicing; and (3) such transformers could be rebuilt provided that they are refilled with non-PCB fluid. Refilling under such an authorization would be subject to specified flushing procedures. EPA invites comments on this alternative, particularly with respect to the technical feasibility and economic consequences of adopting this alternative.

The vast majority of transformers are filled with mineral oil dielectric fluid. Although mineral oil should be free of PCB's, there may be instances where PCB contamination has inadvertently occurred. Where the concentration of PCB's in a mineral oil transformer equals or exceeds 50 ppm, that transformer would be considered a PCB transformer under the definitions of this rule. The proposed rule provides a less costly method of disposal for any transformer whose dielectric fluid contains less than 500 ppm but greater than, or equal to, 50 ppm PCB. Also, because of the decreased risk associated with lower concentrations of PCB's in dielectric fluid, the servicing of transformers containing dielectric fluid with less than 500 ppm is not restricted.

The number of mineral oil transformers contaminated with PCB is unknown to EPA at this time. EPA is interested in receiving the following data: (1) the percentage of mineral oil transformers contaminated with

PCB's; (2) the PCB concentrations in such transformers; (3) the frequency of failure of mineral oil transformers; (4) the percentage of failed mineral oil transformers which are rebuilt; (5) present methods of disposal of mineral oil; (6) the anticipated impact if the rebuilding of PCB contaminated mineral oil transformers is not permitted; and (7) and the anticipated costs of disposing of these transformers and their mineral oil contents. All data on mineral oil transformers should distinguish between pole transformers and other mineral oil transformers.

There are recordkeeping requirements and a reporting requirement for persons who service transformers owned by others with PCB fluid. These requirements relate to the person's inventory of PCB fluid and the dates and nature of servicing performed with PCB's. The information will enable these persons and EPA to accurately account for PCB's used as a result of this authorization. Comments are invited on the impact of these requirements and if any additions or deletions are appropriate.

Transformers in railroad locomotives and self-propelled cars. Transformers in approximately 1,000 electric railroad locomotives and self-powered cars operated in the northeastern United States by Amtrak, Con-Rail, and five intracity transit authorities contain PCB fluid.

The use and servicing of these transformers cannot be considered totally enclosed. Frequent environmental exposure to PCB mixtures spilled onto the roadbed occurs when transformers overheating causes fluid overflow and when rocks and debris damage the transformers while they are in service. PCB's are also lost due to volatilization and in servicing operations. These problems are made more severe by the fact that railroad transformers are often underdesigned because of space limitations.

It is logistically and economically infeasible for these railroad transformers to be replaced in the immediate future. Thus, the absence of an authorization for the continued use and servicing of this equipment in a nontotally enclosed manner could result in extensive curtailment of railroad service and adverse economic and social consequences. EPA therefore proposes to authorize the use of railroad transformers, including servicing, subject to certain conditions designed to reduce the PCB concentration of these transformers' dielectric fluid and thereby reduce the exposure of humans and the environment to PCB's.

The proposed rule would authorize unrestricted use and servicing of railroad transformers for 15 months after the effective date of the regulation, except that no authorization would be provided to allow transformer service

companies to process or distribute in commerce PCB dielectric fluid for the purposes of servicing of PCB railroad transformers. At the end of 15 months, the PCB concentration of the railroad transformers' dielectric fluid must be no more than 40,000 ppm (4 percent). EPA's intent is to allow either the replacement of the PCB railroad transformers with non-PCB units or the refilling of the transformers with non-PCB dielectric fluid so that the concentration of PCB's in the fluid is no more than 40,000 ppm. The rebuilding of railroad transformers and subsequent refilling with PCB's would not be permitted.

Furthermore, the authorization requires that the PCB concentration in the railroad transformers' dielectric fluid be reduced to no more than 1,000 ppm 3 years after the effective date of the regulation. This reduction will greatly reduce human and environmental exposure and is believed attainable through the application of activated carbon filtration. Since this technology has not yet been applied in relation to railroad transformers, some uncertainty does exist. For this reason, EPA may make appropriate changes in this 1,000 ppm requirement, including raising the level or lowering it, as more and better information becomes available about the use of activated carbon filtration and other available technology. This authorization would expire 5 years after the effective date of the regulation, when EPA would reevaluate the need for continuing the authorization.

The rule would require testing to determine the PCB levels in the transformers. The results of this testing, as well as the time at which other servicing activities are performed in accordance with the rule, would have to be recorded. Based on the information available to the Agency at this time, the proposed refilling of railroad transformers and carbon filtration of the dielectric fluid should permit the elimination of the use of PCB's without undue economic and social dislocations or undue health or environmental danger.

There are recordkeeping requirements and a reporting requirement for persons who own railroad transformers. These requirements relate to the person's inventory of transformers and refilling progress. This information will enable EPA to assess a person's compliance with the requirements of the authorization. Comments are invited on the impact of these requirements and if any additions or deletions are appropriate.

Mining equipment. There are two types of mining machinery which use PCB fluids as a motor coolant: loaders and continuous miners. Although production of this equipment has ceased, many are still in use. Approximately

652 motors containing PCBs used on loaders are currently operable; and there are about 18 continuous miners for which there are about 46 PCB motors either in use or kept as spares. The operation of this machinery results in the loss of PCB fluids from leaks and overflows into the environment. Servicing procedures, performed either in the shop or in the field, result in additional environmental exposure to PCBs. To require replacement of these motors by the effective date of this rule would be technically and economically infeasible. To avoid the adverse consequences caused by an immediate use ban, EPA is proposing a phase out of these PCB motors which will coincide with the servicing schedule applicable to these motors. Loaders and continuous miners are given different compliance schedules since they pose different problems.

Because of the cutting head design, the motors on continuous miners cannot be rebuilt as non-PCB motors. Furthermore, the cost of replacing the cutting head motors is prohibitive in light of the limited remaining expected lifetime of the continuous miners. The only feasible alternative is replacement of the entire continuous miner unit. Because of the lead time necessary to order and produce this type of equipment, the replacement of continuous miners cannot begin for some time after the effective date of this rule. Therefore, EPA proposes to permit the rebuilding of continuous miner motors without conversion into non-PCB motors for 12 months after the effective date of the rule and to permit the use of these units until December 31, 1981. Since the rebuilding of these miner motors involves the use of PCB fluid, such rebuilding when done by companies who service other persons' motors constitutes processing and distribution in commerce of PCBs. Therefore, an authorization for service companies to process and distribute in commerce PCB fluid is proposed so that the continuous miner motors can be rebuilt. These service companies will have to petition EPA for an exemption to rebuild continuous miner motors after June 30, 1979. Due to the frequent need for service shop work on continuous miners, EPA believes that few continuous miners will be able to remain in use until December 31, 1981.

The PCB motors on loaders can be replaced with, or rebuilt as, non-PCB air-cooled motors. EPA is proposing that these motors be replaced or rebuilt as air-cooled motors when they are returned to service shops for maintenance. This process of rebuilding or replacement would take three years provided that normal maintenance patterns are followed. Therefore, use of these loaders is authorized until December 31, 1981. After this date, the proposal would not permit the use of

any loaders or continuous miners containing PCB motors. Topping-off the motor fluid levels in the field is considered a use.

There are recordkeeping requirements and a reporting requirement for persons who own and service PCB mining equipment. These requirements relate to the person's inventory of PCB fluid and the dates of rebuilding mining equipment motors. This information will enable these persons and EPA to accurately account for PCBs used as a result of these authorizations and will permit EPA to assess a person's compliance with the requirements of these authorizations. Comments are invited on the impact of these requirements and if any additions or deletions are appropriate.

Hydraulic die casting systems. A large number of die casting systems are in use, some of which have been filled with PCB hydraulic fluid at some point in the past. Although this use of PCB's has been discontinued, the equipment is still in service. Some systems have been topped-off with non-PCB fluids, and others have since been drained and flushed in an attempt to reduce PCB contamination. However, systems may still be contaminated with residual PCB's which are gradually released from rubber surfaces and with PCB's that remain after flushing. Therefore, hydraulic die casting systems can contain concentrations of PCB ranging from a few to thousands of parts per million. These systems leak considerably, even when properly maintained. In addition, some of the fluid volatilizes at the high operating temperatures. These losses result in water effluents as well as air emissions, both of which have contributed to existing levels of PCB contamination in the environment.

Mandatory removal of these systems from service would result in widespread economic disruption in industries using die castings. On the other hand, the continued uncontrolled use of these systems would result in releases of substantial amounts of PCB's into the environment. EPA is proposing to authorize the continued servicing and use of PCB-contaminated hydraulic fluid in those systems which now contain hydraulic fluid whose PCB concentration is greater than, or equal to, 50 ppm subject to certain conditions. These conditions would be that the concentration of PCB must be reduced to no more than 50 ppm at the end of the first year after the effective date of this rule and that this concentration must be maintained or reduced through periodic fluid replacement or servicing. Testing and necessary servicing or replacement to achieve and maintain a concentration of 50 ppm or less PCB would have to be performed at least every six months.

EPA has learned that one company which periodically services the hydraulic fluid has reduced PCB concentrations to undetectable levels. This company's experience indicates that routine servicing can eventually eliminate the need for continued flushing. As a result, the semi-annual check and processing should substantially reduce total environmental exposure to PCB's. Note that the drained PCB fluid would be subject to applicable disposal regulations.

The full extent of PCB contamination of hydraulic die casting machines is unknown. Except in a few instances, the extent and types of efforts to reduce PCB concentration are also unknown. Comments and data are invited on: (1) the number of PCB contaminated die casting systems in existence; (2) the average liquid volume of the systems; (3) the range of system liquid volumes; (4) the amount of fluid required to routinely top-off these systems and at what time intervals; (5) whether systems are routinely drained or topped-off; (6) the effect of routine servicing on the level of PCB contamination; (7) what specific efforts have been made to reduce PCB contamination and the success of these efforts; (8) how the hydraulic fluid can be serviced to remove PCB's; (9) the present level of PCB contamination in systems; (10) the cost of new systems; (11) the cost of processing fluid; and (12) the cost of draining and refilling systems. Recent efforts have been made to develop methods such as carbon filtration and distillation for removal of PCB's from dielectric fluid. Comments are requested on the possible use of these methods to reduce PCB contamination in these hydraulic fluids.

EPA also realizes that this requirement could be extremely costly unless carbon filtration and distillation are feasible for the removal of residual PCB's from hydraulic fluid. If this technology does not prove feasible, the incremental cost of this requirement could be as high as \$26,000 per pound of PCB removed. Comments are requested concerning the estimates of the marginal costs as stated above and whether such costs (if correct) are justified in light of the additional environmental PCB contamination that would result from not requiring this method of disposal.

There are recordkeeping requirements and a reporting requirement for persons who own PCB hydraulic die casting systems. These requirements relate to an inventory of contaminated systems, the dates of servicing, and the PCB concentrations, if measured. This information will enable these persons and EPA to assess the progress toward reducing the PCB concentrations in these systems. Comments are invited on the impact of

these requirements and if any additions or deletions are appropriate.

Carbonless copy paper. Prior to 1971, carbonless copy paper distributed by NCR Corp. was made with ink containing PCB's. There does not appear to be a way of distinguishing PCB carbonless copy paper from non-PCB carbonless copy paper, with the possible exception of dates or other indications in unused inventories. A large portion of the PCB carbonless copy paper that has not been destroyed is probably in files. The proposed regulation contains an authorization for the use of PCB carbonless copy paper for the following reasons: (1) the inability to readily distinguish between PCB and non-PCB carbonless copy paper; (2) the enormous undertaking that would be required of both business and government to purge files of PCB carbonless copy paper, even if a way to distinguish it from non-PCB carbonless copy paper were devised; and (3) the small amount of PCB on each piece of carbonless copy paper. In addition, paper recyclers have for some time been careful not to accept any carbonless copy paper for recycling.

G. ANNEX VII

A new annex is proposed for Part 761. This annex specifies the format for a PCB Exposure and Contamination Control Plan (ECCP). The purpose of the ECCP is to help insure that risks associated with activities either authorized by or exempted from the requirements of § 761.31 are minimal. The plan would require delineation of all steps and processes involved in an authorized or exempted activity, and would include requirements for notification of proper authorities and basic steps for response to releases, such as spills, of PCB's. Each person authorized (or at some later date exempted) to process, distribute in commerce, or use PCB chemical substances or PCBV mixtures would be required to develop and implement an ECCP.

There are two major parts of the ECCP. The first is a written operations plan that describes step-by-step procedures to be followed in the performance of an authorized PCB activity. The second is a response and control plan that describes step-by-step procedures to be followed when a release of PCB's occurs at a PCB use or servicing operation. The plan would include procedures for incidents that range from releases of PCB's that are captured in drip pans to much greater releases such as the loss of the entire contents of a PCB transformer with some or all of the loss escaping the controls established in the operations plan. Copies of the ECCP would be kept: (1) With the Spill Prevention Control and Countermeasure (SPCC) Plan if the person is required to keep

an SPCC plan; (2) in the office of the facility where the activity is being performed and with other PCB files at the principal office of the organization; and (3) with each group of employees as they perform activities that may result in an exposure or contamination incident. Finally, the plan would be certified by a Registered Professional Engineer (P.E.). The P.E. would certify that the plan has been prepared in accordance with good engineering practice and that it complies with the requirements of Annex VII. This certification is not determinative of the plan's adequacy. EPA, at its discretion, may review the plan. If EPA finds that the plan is inadequate or that a person is not implementing any provision of the plan, EPA may take one of the following actions: (1) Require that a plan acceptable to EPA be written and implemented; (2) Suspend a person's authorization until a plan acceptable to EPA is written and implemented; or (3) require that a person cease the PCB activity.

Requirements for plans to prevent the discharge of PCB's shall be required by rules to be issued by EPA pursuant to § 311 of the Federal Water Pollution Control Act at a later date.

V. BROADENING OF DISPOSAL REQUIREMENTS

By changing the definition of PCB Mixture from a mixture containing 500 ppm or more PCB to one containing 50 ppm or more PCB, more PCB-contaminated articles and mixtures will require disposal in accordance with § 761.10. Among the materials that will be affected by the change are spill materials, dredge spoils, and municipal sludges with PCB concentrations between 50 ppm and 500 ppm. Liquid mixtures in this range would have to be incinerated. PCB articles also would have to be incinerated unless the appropriate EPA Regional Administrator determines that it is infeasible to do so. If there are mineral oil transformers contaminated with greater than 50 ppm PCB (as discussed above in Section IV-C of this Preamble), the mineral oil would have to be incinerated.

VI. PCB ACTIVITIES NOT AUTHORIZED BY THIS RULE

A. MANUFACTURE OF CAPACITORS

PCB's have been used as the dielectric fluid in almost all alternating current capacitors manufactured in the United States since the mid-1930's. The manufacture of capacitors is an activity which cannot be considered totally enclosed and is a major source of PCB releases into the environment.

An authorization for the continued manufacture of capacitors is not proposed, primarily due to the availability of substitutes and the negligible eco-

nomic impact resulting from the ban on this manufacturing activity. In addition, by the time this rule is promulgated, companies are expected to have depleted their PCB inventories and completed the conversion to use of non-PCB dielectric fluids in the manufacture of capacitors. The extent of adverse economic consequences, if any, probably will be limited to small inventory losses of PCB chemical substances.

B. ACTIVITIES INVOLVING DYES AND PIGMENTS

By changing the definition of PCB mixture from 500 ppm to 50 ppm, the proposed rule may now affect certain companies and products in the dye and pigment industry. Based on a very small number of tests, industry representatives have suggested that there may be a problem with PCB contamination of some pigments. However, the EPA has insufficient data to reach any conclusions in this regard. Comments and data are requested on: (1) The technical and economic effects of the rule on this industry; (2) the specific processes and products that would be affected; (3) methods for reducing PCB levels in the affected products; (4) quantity of contaminated waste that will have to be disposed of; (5) plans and lead times for implementing new technology; and (6) the economic costs of possible alternatives to the present proposal. Should it be determined, in the course of the rulemaking, that the dye and pigment industry would need an authorization to continue its operations and it is also determined that granting such an authorization would not present an unreasonable risk to health or the environment, such an authorization may be granted in the final rule.

VII. MANUFACTURING, PROCESSING, OR DISTRIBUTION IN COMMERCE OR PCB'S FOR EXPORT

Section 12(a) of TSCA states that no part of TSCA shall apply to the manufacture, processing, or distribution in commerce of a chemical intended solely for export from the United States. However, if the Administrator finds that the manufacture, processing, or distribution in commerce of a chemical for export presents an unreasonable risk to health or the environment in the United States, those activities may be regulated as well.

It is the clear intent of TSCA to minimize the addition of PCBs to the environment of the United States. The extreme persistence of this chemical can lead to long term, long distance transport, and there is existing evidence of PCB contamination far from any source of PCB's. EPA has determined that the manufacture, processing, or distribution in commerce of PCB's for export constitutes an unrea-

sonable risk to health and the environment in the United States. Therefore, EPA is proposing to prohibit: (1) The non-totally enclosed manufacture, processing, and distribution in commerce of PCB's for export as of the effective date of this rule; (2) any manufacture of PCB's for export after January 1, 1979; and (3) any processing or distribution in commerce of PCB's for export after July 1, 1979. EPA knows of no non-totally enclosed activities for export which could be deemed to pose reasonable risks to health and the environment of the United States and, therefore, has proposed no exceptions to this finding.

Section 12(b)(2) of TSCA requires any person who exports or intends to export a chemical substance or mixture for which a rule has been proposed under § 6 to notify the Administrator of such export or intent to export. Guidelines with respect to this requirement for such persons can be found in another part of this issue of the FEDERAL REGISTER.

VIII. SUMMARY OF ECONOMIC CONSEQUENCES

Section 6(e) of TSCA bans the manufacture, processing, distribution and use of PCB's except as authorized or exempted by the Administrator of EPA. These authorizations and exemptions, however, are discretionary and can be granted only upon a finding that a particular PCB activity does not pose an unreasonable risk to health or the environment.

The impacts of both the statute and the regulation have been assessed and are discussed below. Additional information on these impacts is contained in *Microeconomic Impacts of the PCB Ban Regulation* (EPA 560/6-77-0351) which can be obtained from the Industry Assistance Office of the Office of Toxic Substances upon request (see the beginning of this Preamble for the address and telephone number).

A. IMPACT OF THE STATUTE

EPA believes it was the clear intent of Congress, as expressed in the legislative history, that the manufacture of PCB chemical substance should cease. Since no more PCB chemical substance will be made, it follows that there can be no future manufacturing of PCB transformers or capacitors. Consequently, the costs attributed to the cessation of the manufacture of PCB chemical substance, PCB transformers, and PCB capacitors are considered impacts of the statute, not of the regulation.

These costs include \$15-\$20 million per year in increased capacitor costs that will be borne by utility and industrial users. This results from an across-the-board increase in capacitor prices of 10-20 percent due to the higher costs of PCB substitutes. This

cost will continue indefinitely, unless the cost of these substitutes falls due to some unforeseen reason.

Purchasers of non-PCB transformers will incur increased costs of up to \$10 million per year, depending on the particular substitute dielectric fluid selected. This cost will also continue indefinitely.

These increased costs of transformers and capacitors will be passed on through a minimal increase in the cost of electricity to consumer and industrial users.

B. IMPACT OF THE RULE

The greater portion of the cost of the rule will be incurred by owners of mineral oil transformers which are contaminated with PCB concentrations of 50 ppm to 500 ppm. EPA estimates that testing these transformers for PCB contamination levels and disposing of the contaminated PCB fluid will cost between \$612 and \$769 million over the next 30 to 40 years, or approximately \$23 million per year. These costs are based upon the required disposal of the contaminated mineral oil by high temperature incineration. However, they could be substantially reduced if EPA should decide, based on public comments, to permit a less costly disposal alternative to high temperature incineration.

The ban on rebuilding transformers which contain dielectric fluid with a 500 ppm or greater PCB concentration will cost the owners of these transformers approximately \$15 million annually. This cost will continue over a period of 30 years until the transformers are technologically or economically obsolete. About two thirds of these transformers are owned by commercial and industrial firms and the remainder by utilities. The impact of this rule with respect to transformers is expected to have a negligible effect on the cost of electricity, and no significant impact on non-utility owners.

Railroad and transit companies which are affected by this rule will incur total additional operating costs of about \$12.4 million over the next three years. These companies are in financial trouble. However, funding may be available through Federal subsidies.

The increased costs associated with the phase out of PCB mining equipment will total \$3 million over the next three years. These costs are not expected to significantly affect the equipment owners. Also, the phase out of this equipment over the next three years is expected to cause no disruption of coal production.

Since very little is known about several uses of PCB's, an estimate of the total cost of complying with the proposed rule is difficult to make with respect to these uses. For example, the number of hydraulic die casting machines in operation, the volume of

PCB hydraulic fluid contained in these machines, and the extent of PCB contamination of this fluid is currently unknown. The initial cost of the regulation will be about \$10 per gallon of capacity for each die casting machine. This would imply a cost of about \$10,000 for a 1,000 gallon machine. Costs in later years would be significantly lower depending upon the contamination present in each machine, and the type of processing chosen to lower the contamination. An EPA contractor estimates that there may be several thousand contaminated machines in use. Thus, total costs in the few first years are estimated to be at least \$10 million. Comments and data are requested on the economic impact of the proposed rule and of any suggested alternatives to the proposal. There are additional heat transfer systems and non-die-casting hydraulic systems that may be contaminated with PCB's. This rule would not authorize the use of such systems contaminated above 50 ppm. The number and location of such systems is unknown. Comments and data are requested on the number of such systems contaminated above 50 ppm, and the economic impact both of the existing prohibition and of complying with the proposed authorization for hydraulic systems if it were to be extended to these systems.

The presence of PCB's (in excess of 50 ppm) in certain blue and yellow pigments has been detected, but little is known concerning PCB concentration in these pigments or the extent of that contamination. Process refinements costing the industry about \$500,000 are expected to be sufficient to control PCB contamination in blue pigments. It is not currently known, however, whether similar steps can be taken to reduce PCB contamination in the yellow pigments, of which annual sales are around \$52 million. If this problem cannot be solved and the rule is not altered, there may be a significant impact on this industry. Comments and data are requested on the extent of PCB contamination, the economic impact of the proposed rule and of any suggested alternatives to the proposal.

The effect of the regulation on users of waste oil for road oiling may be substantial, although it is difficult to quantify. It is estimated that 300,000,000 gallons of waste oil are applied to roads every year. The high cost of testing this oil may mean that it will be economically infeasible under this rule to use waste oil for road oiling in the future. The use of possible substitute dust control agents, such as virgin oil or synthetic substitutes, could cost users as much as \$100 million per year. However, this cost assumes that the substitute is applied at the same rate as is waste oil to achieve

the same benefit. It is likely that this substantially overstates the cost because many people will cut back or eliminate road oiling as a result of the higher cost of substitutes. The cost of the rule will be borne in two ways: (1) Higher prices paid for road oil products; and (2) benefit forgone by those who will no longer oil roads as a result of higher costs. Comments and data are requested on the economic impact of the proposed rule and of any suggested alternatives to the proposal.

Approximately 200 electromagnets containing PCB's may currently be in use. This regulation would not authorize the use of these electromagnets. The absence of such an authorization may cost owners of these electromagnets about \$4 million to replace them.

Most of the costs discussed above result from requirements that are part of the proposed authorizations to permit continued use of mixtures, articles and equipment containing PCB's in a manner protective of health and environment. If these proposed authorizations are not promulgated, the cost and economic impact on the affected industries could be considerably greater than the costs discussed above.

IX. EFFECTIVE DATE

It is the intent of EPA to make the final version of this proposed rule effective thirty days after the date of publication in the FEDERAL REGISTER. Promulgation of this regulation is not expected before October 1, 1978.

Dated: May 30, 1978.

DOUGLAS M. COSTLE,
Administrator.

OFFICIAL RECORD OF RULEMAKING— PROPOSED PCB "BAN" REGULATIONS²

Section 19(a)(3) of TSCA defines the term "rulemaking record" for purposes of judicial review as follows:

"(A) The rule being reviewed under this section;

(B) In the case of a rule under section 4(a), the finding required by such section, in the case of a rule under section 5(b)(4), the finding required by such section, in the case of a rule under section 6(a) the finding required by section 5(f) or 6(a), as the case may be, in the case of a rule under section 6(a), the statement required by section 6(c)(1), and in the case of a rule under section 6(e), the findings required by paragraph 2(B) or 3(B) of such section, as the case may be;

(C) Any transcript required to be made of oral presentations made in proceedings for the promulgation of such rule;

(D) Any written submission of interested parties respecting the promulgation of such rule; and

(E) Any other information which the Administrator considers to be relevant to such

²Polychlorinated Biphenyls Marking and Disposal Official Record of Rulemaking is considered as part of the record of this rulemaking.

rule and which the Administrator identified, on or before the date of the promulgation of such rule, in a notice published in the FEDERAL REGISTER."

In accordance with the requirements of section 19(a)(3)(E) quoted above, EPA is publishing the following list of documents constituting the record of this proposed rulemaking. A supplementary list or lists may be published any time on or before the date the final rule is issued. However, no such list will include public comments, the transcript of the rulemaking hearing, or submissions made at the rulemaking hearing or in connection with it. These documents are exempt from FEDERAL REGISTER listing under section 19(a)(3). A full list of these materials will be available on request from the Record and Hearing Clerk.

SUPPORT DOCUMENTS

USEPA, OTS, PCB Manufacturing, Processing, Distribution in Commerce and Use—Ban Regulation—Proposed Action—Support Document.

Public comments, date of comments

Air Conditioning and Refrigeration Institute, July 18, 1977.
Australia, Department of Environment, Housing and Community Development, October 20, 1977.
Brown Co., July 13, 1977.
Cattell, Holly, September 21, 1977.
DePaul University, October 13, 1977.
Dry Color Manufacturers' Association, October 21, 1977.
General Electric Co., May 25, 1977.
General Motors Corp., July 18, 1977.
Schain, Anita, September 23, 1977.
Tennessee Valley Authority (TVA), July 15, 1977.
Tennessee Valley Authority (TVA), July 25, 1977.
W.S. Water & Waste Water Systems, July 28, 1977.

PUBLICLY ANNOUNCED MEETINGS OR HEARINGS

PUBLIC PARTICIPATION MEETING JULY 15, 1977
42 FR 32555, June 27, 1977. "Open Public Meeting: Solicitation of Comments." For July 15, 1977, Washington, D.C. and July 19, 1977 in Chicago, Ill.
USEPA, Transcript of Proceedings Public Meeting on the Ban of Polychlorinated Biphenyls, Washington, D.C., July 15, 1977.
USEPA, Transcript of Proceedings in the Special Meeting of U.S. Environmental Protection Agency, Region V-Chicago, Ill., July 19, 1978.

DOCUMENTS SUBMITTED AT THE JULY 19, 1977 MEETING

Statement on Retrofilling Made at Public Meeting on the Implementation of the Environmental Protection Agency's Proposed PCB Ban, July 19, 1977. Dow Corning Corp. Presentation to Environmental Protection Agency, Public Meeting—July 19, 1977. Joy Manufacturers.
List of Speakers.
List of EPA Panel Members for PCB Meeting.

OTHER INFORMATION

OTHER "FEDERAL REGISTER" NOTICES

42 FR 65264, December 30, 1977. "Policy for Implementation of Section 6(e)(2) of the

Toxic Substances Control Act (TSCA) for Polychlorinated Biphenyls (PCBs)."

NON-FEDERAL REGISTER EPA STATEMENTS

USEPA, Region IV. News release re: Fishing in Lake Hartwell and Twelve Mile Creek in Pickens Co., South Carolina. September 10, 1978.

USEPA. Statements of the Honorable Russell E. Train, Admin., EPA Before the Subcommittee on Fisheries and Wildlife Conservation and the Environment Committee on Merchant Marine and Fisheries, House of Representatives, January 28, 1976.

USEPA. Remarks by the Honorable Russell E. Train, Admin., U.S.E.P.A. Prepared for Delivery at the National Conference on PCB's, Chicago, Ill., Wednesday, November 19, 1975. 10 a.m. EST Environmental Protection. RX for Public Health. Undated.

USEPA. News Release. September 14, 1978.

COMMUNICATIONS

Intragovernmental memoranda, letters, and other correspondence.
Other letters.

REPORTS

Bionomics Aquatic Toxicology Laboratory. Fathead Minnow Egg and Fry Study, Summary Only. August 26, 1977.
Dow Corning Corp. Removal of PCB From Dow Corning 561 Silicone Transformer Liquid by Charcoal Filtration. Undated.
General Electric Co. Silicone in Transformers Presented to the Environmental Protection Agency, September 8, 1977.
McGraw Hill. "PCB's spread by waste-oil use?" Chemical Week. January 25, 1978, p. 15.

Monsanto. "Monsanto to Shutdown PCB Unit, Exit Business by October 31, 1977." News. Undated.

National Electric Manufacturers Association. Transformer Dielectric Fluid Study Working Group. October 18, 1977.
National Swedish Environmental Protection Board. PCB Conference II Stockholm, December 14, 1972.

Peakall, D. B. "PCB's and Their Environmental Effects." CRC, Critical Reviews in Environmental Control. September 1976.
University of Wisconsin Sea Grant College. "ABC's of PCB's." Public Information Report. WIS SG 76-125.
University of Wisconsin Sea Grant College Program. Institute for Environmental Studies. "PCB's and the FDA." Earthwatch/Wisconsin. Part I, May 6, 1977. Part II, May 13, 1977.

USDHEW. Final Report of the Subcommittee on the Health Effects of Polychlorinated Biphenyls. July 1976.

US-DOC, Maritime Administration Chemical Waste Incinerator Ship Project. Final Environmental Impact Statement. Volume 1 of 2.

USDOT, Transportation Systems Center. Evaluation of Silicone Fluid for Replacement of PCB Coolants in Railway Industry. Westinghouse Electric Corp. July 1977.

USEPA. Environmental Research Laboratory. Office of Research & Development. Polychlorobiphenyls in Precipitation in the Lake Michigan Basin. Draft. Undated.

USEPA, OPM. Microeconomic Impacts of the Draft PCB "Ban" Regulation. April 1978. Versar.

USEPA, OTS. Development of a Study Plan for Definition of PCB's Usage, Wastes, and Potential Substitution in the Investment Casting Industry. Task III. January 1976. Versar. EPA 560/6-76-007.

USEPA, Transcript of Proceedings. USA Environmental Protection Agency. In the matter of: Toxic Pollutant Effluent Standards Docket No. 1. Arlington, Va. May, 8, 1974.

USEPA, Transcript of Proceedings. USA Environmental Protection Agency. In the matter of: Toxic Pollutant Effluent Standards. Docket No. 1 FWPCA (307). Arlington, Va., Thursday, May 9, 1974.

USEPA, Transcript of Proceedings USA Environmental Protection Agency. In the matter of: Toxic Pollutant Effluent Standards. Docket No. 1. FWPCA (307). Arlington, Va., Monday, May 20, 1974.

Westinghouse Electric Corp. Proposal to: The Department of Transportation Retrofilling of Railway Transformers. December 21, 1977.

Witco Chemical, Golden Bear Division. Coherez Dust Retardant Agent.

World Health Organization. Environmental Health Criteria 2. Polychlorinated Biphenyls and Terphenyls. Geneva, 1976.

In addition, all reports and articles referenced in the USEPA OTS Support Document Voluntary Draft EIS are included in the Official Record. The record for the section 307 Water Effluent Standards for PCB's may be examined by the public at the Office of Hearing Clerk, Room 3708A, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Pursuant to the Toxic Substances Control Act (secs. 6, 8 and 12, (15 U.S.C. 2605, 2607, 2611)), the following amendments to 40 CFR Chapter I, Part 761 are proposed.

Subpart A—General

1. Section 761.1 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 761.1 Applicability

(a) This part establishes prohibitions of, and requirements for, the manufacture for commercial purposes, processing for commercial purposes, distribution in commerce, use, disposal, storage, and marking of polychlorinated biphenyls (PCBs).

(b) This part applies to all persons who manufacture, process, distribute in commerce, use, or dispose of PCBs. Persons who manufacture, process, distribute in commerce, or use small quantities of PCBs solely for purposes of research and development are exempted from the requirements of Subpart D.

(c) The basic requirements applicable to disposal and marking of PCBs are set forth in Subpart B—Disposal of PCBs and Subpart C—Marking of PCBs. Prohibitions applicable to PCB activities are set forth in Subpart D—Manufacture, Processing, Distribution in Commerce, and Use of PCBs. Subpart D also includes authorizations from the prohibitions. The Annexes in Subpart E set out the specific requirements for disposal and marking of PCBs pursuant to § 761.10 and § 761.20 and for the contingency plan for PCB

spills pursuant to § 761.31. Definitions of terms used in all of these sections are in Subpart A.

2. In § 761.2 paragraphs (q) and (w) are revised, and paragraphs (bb) through (ii) are added as follows:

§ 761.2 Definitions.

(q) "PCB" and "PCBs" mean the following: "PCB Chemical Substance", "PCB Mixture", "PCB Article", "PCB Sealant, Coating, or Dust Control Agent", "PCB Equipment", and "PCB Container".

(w) "PCB Mixture" means any combination of chemical substances which contains 50 ppm (0.0050 percent on a dry weight basis) or greater of a PCB chemical substance and any combination of chemical substances which contains less than 50 ppm PCB chemical substance because of any dilution of a mixture containing 50 ppm or greater PCB chemical substance. This definition includes, but is not limited to, dielectric fluid and contaminated solvents, oils, waste oils, heat transfer fluids, other chemicals, rags, soil, paints, debris, sludge, slurries, dredge spoils, and materials contaminated as a result of spills.

(bb) "Manufacture for Commercial Purposes" means to manufacture:

(1) For distribution in commerce, including for test marketing purposes, or
(2) For use by the manufacturer, including for use as a chemical precursor.

(cc) "PCB Sealant, Coating, or Dust Control Agent" means any sealant, coating, of dust control agent that is made from any waste oil that contains any detectable amount of a PCB chemical substance less than 50 ppm (0.0050 percent on a dry weight basis). Any sealant, coating, or dust control agent that contains 50 ppm or greater of PCB is considered a PCB mixture.

(dd) "Process for Commercial Purposes" means to process:

(1) For distribution in commerce, including for test marketing purposes, or
(2) For use as a chemical precursor.

(ee) "Sale for Purposes Other than Resale" means sale of PCBs for purposes of research and development, for purposes of disposal, and for purposes of use. PCB equipment which is leased before July 1, 1979, for a period of no less than one year will be considered sold for purposes of resale. The sale will be considered to have occurred as of the date of the signing of the lease. Sale for purposes of use does not include sale for distribution in commerce. Sale for any other purpose is not sale for purposes other than resale.

(ff) "Significant Exposure" means any exposure of human beings or the environment to PCB chemical substance or PCB mixture as measured or detected by any scientifically acceptable analytical method.

(gg) "Small Quantities for Research and Development" means any quantity of PCB chemical substance or PCB mixture which is originally packaged in one or more hermetically sealed containers of a volume of no more than five (5.0) milliliters and which is manufactured or processed only for purposes of scientific experimentation or analysis or chemical research on, or analysis of, PCBs, including research or analysis for the development of a product.

(hh) "Totally Enclosed Manner" means any manner that will ensure that any exposure of human beings or the environment to PCB chemical substance or PCB mixtures will be insignificant; that is, not measurable or detectable by any analytical method.

(ii) "Waste Oil" means waste products primarily derived from petroleum, which include, but are not limited to, fuel oils, motor oils, gear oils, cutting oils, transmission fluids, hydraulic fluids, and dielectric fluids.

Subpart B—Disposal of PCBs

3. Section 761.10(c)(1) is revised to read as follows:

§ 761.10 Disposal requirements.

(c) * * *

(1) PCB Transformers. (i) Any PCB transformers which contain dielectric fluid whose PCB concentration is 500 ppm or greater shall be disposed of in accordance with either of the following:

(A) in an incinerator which complies with Annex I; or

(B) in a chemical waste landfill which complies with Annex II: Provided, the transformer is first drained of all free flowing liquid, filled with solvent, allowed to stand for at least 18 hours, and then drained thoroughly. PCB mixtures which are removed shall be disposed of in accordance with paragraphs (a) and (b) of this section.

(ii) Any PCB transformer which contains dielectric fluid whose PCB concentration is less than 500 ppm but equal to or greater than 50 ppm PCB shall be disposed of in any manner, provided:

(A) the transformer is first drained of all free flowing liquid; and

(B) any dielectric fluid, except that disposed of in accordance with paragraph (b) of this section, shall be tested for PCB concentration and that information and data kept as a part of the records required by Annex VI. Dielectric fluid which contains 50 ppm or

greater PCB shall be disposed of in accordance with paragraph (b) of this section. This paragraph (c)(1)(ii) does not apply to any transformer manufactured after January 1, 1979.

Subpart C—Marking of PCBs

4. Section 761.20(a)(1)(ii) and (a)(3)(i) are revised to read as follows:

§ 761.20 Marking requirements.

(a) * * *

(1) * * *

(ii) PCB transformers at the time of manufacture, at the time of distribution in commerce if not already labeled, and at the time of removal from use if not already labeled. PCB transformers containing dielectric fluid with a PCB chemical substance concentration less than 500 ppm but greater than or equal to 50 ppm (on a dry weight basis) are not required to be labeled.

(3) * * *

(i) all transformers not marked under paragraph (a)(1) of this section except for those PCB transformers that contain dielectric fluid with a PCB concentration less than 500 ppm PCB chemical substance (0.05 percent on a dry weight basis) are not required to be marked.

5. Subpart D is added as follows:

Subpart D—Manufacture, Processing, Distribution in Commerce, and Use of PCBs

761.30 Prohibitions.

761.31 Authorizations.

761.32 Exemptions [Reserved].

AUTHORITY.—Secs. 6, 8 and 12, Toxic Substances Control Act, 15 U.S.C. 2605, 2607, 2611.

Subpart D—Manufacture, Processing, Distribution in Commerce, and Use of PCB's

§ 761.30 Prohibitions.

Except as provided in § 761.10 or as authorized in § 761.31, the activities listed in paragraphs (a), (b), and (c) of this section are prohibited pursuant to § 6(e) of TSCA. In addition, the Administrator hereby finds, under the authority of section 12(a) of TSCA, that the manufacture, processing, and distribution in commerce of PCB's for export from the United States presents an unreasonable risk of injury to health within the United States and to the environment of the United States. This finding is based upon the well documented human health and environmental hazard of PCB exposure, the high probability of human and environmental exposure from PCB manufacturing, processing, or distributing in commerce, the potential hazard of PCB exposure posed by the transportation of PCBs within the United States, and the evidence that PCB's contaminate the environment far from where they are used. In addition, the distribution in commerce and use (except servicing) of any intact, non-leaking PCB transformer (except those used in railroad locomotives or self-propelled cars) or capacitor is considered to be distribution in commerce and use in a totally enclosed manner.

(a) No person may manufacture for commercial purposes, process for commercial purposes, distribute in commerce, or use any PCB in any manner other than in a totally enclosed manner within the United States or manufacture, process, or distribute in commerce any PCB in any manner other than in a totally enclosed manner for export from the United States.

(b) Effective January 1, 1979, no person may manufacture for commercial purposes any PCB for use within the United States or for export from the United States.

(c) Effective July 1, 1979, no person may process for commercial purposes or distribute in commerce any PCB for use within the United States or for export from the United States, with the following exceptions:

(1) PCB's sold before July 1, 1979, for purposes other than resale may be distributed in commerce only in a totally enclosed manner after that date.

(2) PCB's sold after July 1, 1979, for purposes of disposal in accordance with the requirements of § 761.10 may be processed for commercial purposes for disposal and distributed in commerce for disposal.

(3) PCB's sold after July 1, 1979, for purposes of disposal in accordance with the requirements of § 761.10 may be processed for commercial purposes for disposal and distributed in commerce for disposal.

§ 761.31 Authorizations.

The following nontotally enclosed PCB activities are authorized pursuant to sec. 6(e)(2)(B) of TSCA:

(a) Transformers—Use (servicing). PCB transformers not used in railroad locomotives or self-propelled cars may be serviced and the associated dielectric fluid may be serviced in a manner other than a totally enclosed manner until five years after the effective date of this rule subject to the following conditions:

(1) Servicing may be performed except servicing which requires that the transformer coil be removed from the transformer casing. The coils may be removed from those PCB transformers whose dielectric fluid contains less than 500 ppm PCB chemical substance (0.05 percent on a dry weight basis).

(2) Each person who services a PCB transformer shall develop and implement a plan for the control of PCB exposures and contamination in accordance with Annex VII. Any PCB chemical substance or PCB mixture which is used to service or repair a PCB transformer shall be stored in accordance

with the storage for disposal requirements of Annex III.

(b) Transformers—Distribution in Commerce and Processing. Persons who service PCB transformers owned by others may distribute in commerce and process PCB dielectric fluid in a manner other than a totally enclosed manner only for the purpose of servicing existing PCB transformers until July 1, 1979, subject to the following conditions:

(1) Ninety days after the effective date of this rule, each persons who services PCB transformers owned by others with PCB dielectric fluid shall report to EPA his business address and the person to whom inquiries should be directed. This report shall be sent to the Pesticides and Toxic Substances Enforcement Division (EN-342), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Each person who services PCB transformers owned by others with PCB dielectric fluid shall keep a current record of his inventory of PCB dielectric fluid, the serial number and owner of each PCB transformer serviced with PCB's, the date each PCB transformer is serviced with PCB's, and the nature of the servicing performed with PCB's.

(2) Each report submitted to EPA shall contain the following certification:

I understand that I may assert a claim of business confidentiality by marking any part of all of this information as "TSCA Confidential Business Information" and that information so marked will not be disclosed except in accordance with the procedures set forth in 40 CFR Part 2. I further understand that if I do not mark this information as confidential, EPA may disclose it publicly without providing me notice of an opportunity to object.

I certify that to the best of my knowledge the contents of this report are accurate and complete.

Date _____
Signed _____
Position Title _____

The statement and certification above must be signed by the chief executive officer of the reporting organization or his designee.

(3) Each person who services PCB transformers owned by others with PCB dielectric fluid shall develop and implement a plan for the control of PCB exposures and contamination in accordance with Annex VII. Any PCB chemical substance or PCB mixture which is used to service or repair a PCB transformer shall be stored in accordance with the storage for disposal requirements of Annex III.

NOTE.—Persons who own and who service their own PCB transformers

with PCB dielectric fluids are considered to be using the PCB dielectric fluid and are therefore covered under the authorization in paragraph (a). Persons who service PCB transformers owned by others with PCB dielectric fluid are considered to be distributing that fluid in commerce since they are selling that dielectric fluid to the transformer owner and therefore are subject to paragraph (b). Such persons must petition yearly for an exemption. If servicing of a PCB transformer by a nonowner involved the use of a non-PCB dielectric fluid (e.g., topping-off with a non-PCB fluid), that servicing is a use covered under paragraph (a).

(c) Railroad Transformers—Use. (1) Transformers containing PCB mixtures may be used in a manner other than a totally enclosed manner in railroad locomotives and self-propelled cars (referred to as "railroad transformers") until five years after the effective date of this rule subject to the following conditions:

(i) Fifteen months after the effective date of this rule, no railroad transformer may contain dielectric fluid whose concentration of PCB chemical substance exceeds 40,000 ppm (four percent on a dry weight basis).

(ii) Three years after the effective date of this rule no railroad transformer may contain dielectric fluid whose concentration of PCB chemical substance exceeds 1,000 ppm (0.10 percent on a dry weight basis).

(iii) The concentration of PCB's in the dielectric fluid contained in railroad transformers shall be measured:

(A) Immediately upon completion of any authorized servicing of a PCB transformer intended to reduce the PCB concentration in the dielectric fluid in the transformer, and

(B) Between 12 and 24 months after each servicing conducted in accordance with paragraph (c)(iii)(A) of this section.

(iv) Ninety days after the effective date of this rule each person who owns a railroad transformer shall report to EPA, and retain records of, the number of PCB railroad transformers which he owns and the liquid volume of each railroad transformer. This report shall be sent to the Pesticides and Toxic Substances Enforcement Division (EN-342), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Each person shall also keep a current record of the dates and nature of each servicing of each PCB transformer and the measured concentration of PCB in each transformer as required by paragraph (c)(1)(iii) of this section. At its discretion, EPA may require a person who owns a railroad transformer to submit a copy of his current record.

(v) Ninety days after the effective date of this rule each person who services PCB transformers owned by

others with PCB dielectric fluid shall report to EPA his business address and the person to whom inquiries should be directed. This report shall be sent to the Pesticides and Toxic Substances Enforcement Division (EN-342), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Each person who services PCB transformers owned by others with PCB dielectric fluid shall keep a current record of his inventory of PCB dielectric fluid, the serial number and owner of each PCB transformer serviced with PCB's, the date each PCB transformer is serviced with PCB's, and the nature of the servicing performed with PCB's. At its discretion, EPA may require a person who services PCB transformers owned by others with PCB dielectric fluid to submit a copy of his current record.

(vi) Each report submitted to EPA under paragraphs (c)(1)(iv) and (v) of this section shall contain the certification found in § 761.31(b)(2).

(vii) Each person who uses or services a PCB railroad transformer shall develop and implement a plan for the control of PCB exposures and contamination in accordance with Annex VII. Any PCB chemical substance or PCB mixture which is used to service or repair a PCB railroad transformer shall be stored in accordance with the storage for disposal requirements of Annex III.

(2) Railroad transformers containing PCB mixtures may be serviced and beginning 15 months after the effective date of this rule shall be serviced subject to the conditions of paragraph (c)(1) of this section, in the following manner:

(i) If a railroad transformer is drained, flushed, or refilled, non-PCB dielectric fluid shall be used for refilling unless the original fluid has been processed in accordance with paragraph (c)(1)(ii) of this section after its removal from the transformer. PCB fluids shall be disposed of in accordance with the requirements of § 761.10.

(ii) Filtration through activated carbon or any other method may be used for the purpose of reducing residual PCB concentrations in railroad transformer dielectric fluid.

(iii) Railroad transformers may be rebuilt or serviced using only non-PCB dielectric fluid.

(d) Mining equipment—use. Continuous miner-type and loader-type mining equipment containing PCB motors may be used and these motors topped-off with PCB fluid in the field in a nontotally enclosed manner until December 31, 1981, subject to the following conditions:

(1) PCB motors in loader-type equipment shall be rebuilt as air-cooled motors or replaced with non-PCB motors at the time the motor is returned to a service shop for servicing.

The rebuilt motors may not contain any PCBs.

(2) PCB motors in continuous miner-type equipment may not be rebuilt as PCB motors after 12 months after the effective date of this rule.

(3) Ninety days after the effective date of this rule each person who owns PCB mining equipment shall report to EPA, and retain records of, the type and quantity of equipment owned containing PCB motors, the serial number of each PCB motor, the number of PCB motors in his inventory, and the amount of PCB heat transfer fluid in his inventory. This report shall be sent to the Pesticides and Toxic Substances Enforcement Division (EN-342), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Each person who owns PCB mining equipment shall also keep a current record of the date that each PCB motor is rebuilt as an air-cooled motor. If any of the PCB mining equipment is sold, the transaction and the parties thereto shall be reported to EPA by the seller. At its discretion, EPA may require a person who owns PCB mining equipment to submit a copy of his current record.

(4) Each report submitted to EPA under paragraph (d)(3) of this section shall contain the certification found in § 761.31(b)(2).

(5) Each person who uses or services PCB mining equipment shall develop and implement a plan for the control of PCB exposures and contamination in accordance with annex VII. Any PCB chemical substance or PCB mixture which is used to service or repair PCB mining equipment shall be stored in accordance with the storage for disposal requirements of annex III.

(e) Mining equipment—Distribution in commerce and processing. Persons who service continuous miners motors owned by others which contain PCB fluid may distribute in commerce and process PCB fluid in a manner other than a totally enclosed manner only for the purpose of servicing these continuous miner motors until July 1, 1979, subject to the following conditions:

(1) Ninety days after the effective date of this rule each person who services continuous miner motors owned by others with PCB fluid shall report to EPA his business address and the person to whom inquiries should be directed. This report shall be sent to the Pesticides and Toxic Substances Enforcement Division (EN-342), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Each person who services continuous miner motors owned by others with PCB fluid shall keep a current record of his inventory of PCB fluid, the serial number and owner of each continuous miner motor serviced, the date

each continuous miner motor is serviced, and the nature of the servicing performed. At its discretion, EPA may require a person who services continuous miner motors owned by others with PCB fluid to submit a copy of his current record.

(2) Each report submitted to EPA under paragraph (e)(1) of this section shall contain the certification found in § 761.31(b)(2).

(3) Each person who services continuous miner motors owned by others with PCB fluid shall develop and implement a plan for the control of PCB exposures and contamination in accordance with annex VII. Any PCB chemical substance or PCB mixture which is used to service or repair continuous miner motors shall be stored in accordance with the storage for disposal requirements of annex III.

NOTE.—Persons who service continuous miner motors owned by others with PCB fluid are considered to be distributing that fluid in commerce since they are selling that fluid to the continuous miner owner and therefore are subject to paragraph (e). Such persons must petition for an exemption to continue this activity after June 30, 1979.

(f) Hydraulic die casting systems—use. (1) Hydraulic die casting systems containing PCB mixtures may be used and serviced in a manner other than a totally enclosed manner until five years after the effective date of this rule subject to the following conditions:

(i) Each person who owns a hydraulic die casting system which ever contained PCB hydraulic fluid shall test for the concentration of PCB's in the hydraulic fluid no later than 90 days after the effective date of this rule and at 6-month intervals or less beginning 1 year after the effective date of this rule. If a system's fluid contains greater than 50 ppm PCB chemical substance (0.0050 percent on a dry weight basis), the system shall be drained of the PCB mixture and refilled with non-PCB fluid or with fluid containing less than 50 ppm PCB within 1 year of the effective date of this rule and within 10 days after any subsequent test of the PCB concentration of the fluid which shows the PCB concentration equals or exceeds 50 ppm. PCB mixtures shall be disposed of in accordance with the requirements of § 761.10.

(ii) The requirements of paragraph (f)(1)(i) may be discontinued for a particular system after two consecutive tests of samples taken no less than 3 months apart show that the PCB concentration in that system is less than 50 ppm. If it is subsequently determined that the PCB concentration in such a system exceeds 50 ppm, that system shall then be subject to the requirements of paragraph (f)(1)(i) of this section until the PCB concentration is reduced to below 50 ppm for two consecutive tests of samples taken no less than three months apart.

(iii) Ninety days after the effective date of this rule each person who owns a hydraulic die casting system that ever contained a PCB mixture shall report to EPA, and retain records of, the number of systems he owns containing PCB mixtures, the type of each system, and the PCB concentration of the hydraulic fluid contained in each system. This report shall be sent to the Pesticides and Toxic Substances Enforcement Division (EN-342), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Each person who owns a hydraulic die casting system that contains a PCB mixture shall also keep a current record of the dates of each draining or refilling and the measured PCB concentration of the hydraulic fluid in the refilled system on those dates for each system. If any system is sold, the transaction and the parties thereto shall be reported to EPA by the seller. At its discretion, EPA may require the submission of a copy of a person's current record.

(iv) Each report submitted to EPA under paragraph (f)(1)(iii) of this section shall contain the certification found in § 761.31(b)(2).

(v) Each person who owns a hydraulic die casting system that contains a PCB mixture or who services systems or fluid that contain PCBs shall develop and implement a plan for the control of PCB exposure and contamination in accordance with annex VII. Any PCB chemical substance or PCB mixture which is stored for use or servicing shall be stored in accordance with the storage for disposal requirements of annex III.

(2) Hydraulic die casting systems that contain PCB mixtures may be used and serviced subject to the conditions in paragraph (f)(1) of this section in the following manner:

(i) Hydraulic fluid containing PCB chemical substance concentrations equal to, or greater than, 50 ppm in die casting systems may be drained from the system for the purpose of reducing the PCB concentration or for disposal. PCB mixtures shall be disposed of in accordance with the requirements of § 761.10.

(ii) Hydraulic die casting systems may be flushed and refilled with any fluid that contains less than 50 ppm PCB chemical substance.

(iii) Hydraulic fluid removed from hydraulic die casting systems that contains 50 ppm PCB chemical substance, or greater, may be filtered, distilled, or otherwise serviced to reduce the PCB chemical substance concentration below 50 ppm.

(g) Carbonless copy paper—use. Carbonless copy paper containing PCBs may be used in a manner other than a totally enclosed manner until 5 years after the effective date of this rule.

Subpart E—List of Annexes

6. Subpart E is amended by adding annex No. VII consisting of § 761.46 as follows:

ANNEX VII

§ 761.46 PCB exposure and contamination control plans.

(a) The purpose of a PCB exposure and contamination control plan (PCB ECCP) is to help insure that risks associated with activities either authorized by or exempted from requirements of this regulation are minimal. The plan will require delineation of all steps and processes involved in an authorized or exempted activity and will include requirements for notification of proper authorities and basic steps for response to releases, such as spills, of PCB's. Specifically, each PCB ECC plan shall contain the following information:

(1) A written operations plan that describes step-by-step procedures to be followed in the performance of an authorized PCB activity. The plan shall be designed in an appropriate style and format to inform and instruct the person expected to be performing the PCB activity. Elements to be included in the operations plan are:

(i) Procedures for assembling and testing equipment and apparatus such as piping, hoses, pumps, valves, fittings, etc., in a manner that will prevent failures, leaks, spills, or other incidents that could result in the release of PCB's from the apparatus.

(ii) Procedures for operating any equipment or apparatus or process in a manner that will prevent failures, leaks, spills, or other incidents that could result in the release of PCB's. These procedures shall include the use of catch or drip pans and any other devices that will prevent the loss of any PCB's during the operations including such operations as removing pipes or hoses or operating valves or filling containers. Procedures minimizing worker exposure to PCB's during all phases of the operation shall be included.

(iii) Procedures for preventing any releases of PCB's that occur from failures not prevented by paragraphs (a)(1)(i) or (ii) of this section from leaving the immediate work area. These procedures shall include such steps as controlling drainage systems so that PCB's cannot escape from the drainage controls in the event of a PCB release during the servicing operation. These drainage system controls could include provisions such as temporarily plugging roof drains during PCB servicing operations on tops of buildings or curbing or diking PCB work areas to provide containment of PCB's. In developing these procedures, an analysis shall be made of the routes that a PCB release could follow and the potential environmental risks that

PCB contamination of these routes pose. PCB releases that go directly to surface or ground water pose the greatest risk, followed by imminent threats to surface or ground water, land contamination in areas where humans or significant animal populations could be exposed, croplands, land and areas that could contribute to significant airborne movements of PCB's. The operations plan should be especially directed to those situations where the above analysis shows the highest risk.

(2) A response and control plan that described step-by-step procedures to be followed when a release of PCB's occurs at a PCB use or servicing operation. The plan shall include procedures for incidents that range from releases of PCB's that are captured in drip pans to much greater releases, such as loss of the entire contents of a PCB transformer with some or all of the loss escaping the controls established in the operations plan. Elements to be included in the response plan are:

(i) Procedures for notifying appropriate individuals and organizations of a release of PCB's. These procedures shall include the following:

(A) The name of the person(s) responsible for coordinating responses to PCB incidents (designated by the servicing and/or using organization).

(B) Communication systems established on a 24-hour per day basis to permit expeditious notifications.

(C) The U.S. Coast Guard National Response Center, telephone No. 800-424-8802.

(D) The Regional EPA Emergency Response Center in the region in which the release occurs.

(E) State and local government pollution control authorities and any appropriate emergency response centers.

(F) Persons indicated in paragraph (a)(1)(i)(A) of this section shall be notified and shall retain records at all releases of PCB's. All releases or discharges that escape from the immediate work area shall be reported to all persons and organizations in paragraphs (a)(1)(i)(A)-(E) of this section. In addition, all reporting requirements of 40 CFR 118, the TSCA § 8(e) policy statement for reporting of toxics incidents (43 FR 11110, March 16, 1978), and any other Federal, State, or local reporting requirements must be met.

(ii) Procedures for controlling, mitigating, and cleaning up any releases of PCB's. Such procedures shall include the following:

(A) The location and the proper use of PCB containers for any collected residues of PCB chemical substances, mixtures, debris, sorbents, rags, etc.

(B) The location of tools, apparatus, and supplies for containing pumping and transferring, and/or sorbing any PCB's released from any PCB servicing operations. Such tools, apparatus,

and supplies must be immediately available at the PCB servicing site. Such apparatus must be sufficient to transfer the liquid contents of a damaged article, such as a transformer, or a damaged container so that a discharge or release can be stopped or the imminent risk of a discharge or release can be prevented by such a transfer. Transfers shall be made in appropriate containers.

(C) Prearranged plans for transporting and disposing of any PCB wastes or residues at approved PCB disposal sites.

(D) Procedures for removing, containing, transporting, and disposing of large quantities of soil contaminated by a PCB release or discharge.

(E) Written instructions and a program of direct training on at least a semi-annual basis for all procedures, equipment, apparatus, tools, or supplies that could be expected to be used in a PCB exposure and contamination control plan.

(b) A copy of the ECC plan shall be available in each of the following locations:

(1) With the spill prevention, control, and countermeasure (SPCC) plan as required by 40 CFR 111.

(2) In the office for the facility where the servicing is being performed and with other PCB files at the principal office of the servicing organization.

(3) With each group of employees as they perform the activities that may result in an exposure or a contamination incident.

(c) No PCB activity authorized by this rule is permitted unless the PCB ECC plan has been reviewed and certified by a registered professional engineer. The engineer shall attest that the PCB contingency plan has been prepared in accordance with good engineering practice and that the plan complies with the provisions of paragraphs (a) and (b) of this section. However, this certification is not determinative of the plan's adequacy. At its discretion, EPA may review the plan or require a person to demonstrate that his plan meets the requirements of paragraphs (a) and (b) of this section. If EPA finds that a plan does not conform to good engineering practice, or if EPA finds that a person is not implementing any provision of the plan, EPA may take any of the following actions:

(1) EPA may require that a plan acceptable to EPA be written and implemented.

(2) EPA may suspend a person's PCB authorization until a plan acceptable to EPA is written and implemented.

(3) EPA may enjoin future conduct which may present an unreasonable risk of a PCB exposure or contamination incident.

[FR Doc. 78-15837 Filed 6-6-78; 8:45 am]

[6560-01]

**ENVIRONMENTAL PROTECTION
AGENCY**

[890-2]

TOXIC SUBSTANCES CONTROL ACT**Notification of Export of Polychlorinated
Biphenyls and Fully Halogenated Chlorofluoro-
alkanes Under Section 12(b)**AGENCY: Environmental Protection
Agency.

ACTION: Interim procedures.

SUMMARY: This policy statement provides preliminary guidance for exporters of polychlorinated biphenyls (PCB's) and fully halogenated chlorofluoroalkanes (chlorofluorocarbons) on how to comply with section 12(b)(2) of the Toxic Substances Control Act, 15 U.S.C. 2611. Section 12(b)(2) states, in part, that any person who exports or intends to export to a foreign country a chemical substance or mixture for which a rule has been proposed or promulgated under section 6 shall notify the Administrator of such exportation or intent to export, and directs the Administrator to furnish the government of that country notice of such rule.

DATE: This policy is in effect as of June 7, 1978.

**FOR FURTHER INFORMATION
CONTACT:**

Margaret E. Brown, Chemical Information Division, Office of Toxic Substances (TS-793), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, 202-426-4790.

NOTICES

SUPPLEMENTAL INFORMATION: Rules under section 6 of the Toxic Substances Control Act have been promulgated for chlorofluorocarbons (40 CFR 762; 43 FR 11324, March 17, 1978), and for marking and disposal of PCB's (40 CFR 761; 43 FR 7150, February 17, 1978). A section 6 rule is being proposed to ban PCBs in today's **FEDERAL REGISTER**. The procedures described herein provide interim guidance for complying with section 12(b)(2), and apply only to submission of section 12(b)(2) notices for PCB's and chlorofluorocarbons.

Final guidance, which will supersede these procedures, is currently being drafted. Public comments will be formally solicited prior to a revision of these procedures.

This notice is procedural guidance and hence is exempt from the notice and public comment provisions of the Administrative Procedure Act, 5 U.S.C. 553.

Dated: May 22, 1978.

DOUGLAS M. COSTLE,
Administrator.

**I. REQUIREMENT FOR SUBMISSION OF
NOTICE OF EXPORT**

Notice is required for the export of all chlorofluorocarbon substances and mixtures and for all PCB's (as defined at 40 CFR 761.2) except for PCB equipment. Because of the special scope of the PCB rule required by TSCA section 6(e), EPA believes that PCB substances, mixtures, articles, containers, equipment, article containers, and PCB coatings, sealants and dust control agents (as defined at 40 CFR 761.2 and in today's **FEDERAL REGISTER**) are all subject to section

12(b)(2). However, because of the extremely small amounts of PCBs present in individual equipment (such as television sets) EPA has concluded notification of exports of PCB equipment would be excessively burdensome. Hence, such notification is not required under these interim procedures.

II. CONTENTS OF NOTICE

This notice must contain (1) A statement that it is being submitted pursuant to section 12(b)(2) and 40 CFR part 762 or section 12(b)(2) and proposed 40 CFR part 761.2 as appropriate, (2) the name and address of the exporter, (3) the dates of each shipment or intended shipment, and (4) the country to which the fully halogenated chlorofluoroalkanes or PCB's are being exported.

III. SUBMISSION OF NOTICE

The notice is to be submitted to the Document Control Officer, Chemical Information Division, Office of Toxic Substances (TS-793), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

IV. CONFIDENTIALITY

Persons submitting the information specified in Part II may assert a claim of business confidentiality by marking this information as "TSCA Confidential Business Information." Information so marked will not be disclosed except in accordance with the procedures set forth in 40 CFR Part 2. If such claim is not asserted, EPA may disclose the information without providing notice of disclosure or an opportunity to object.

[FR Doc. 78-15838 Filed 6-6-78; 8:45 am]

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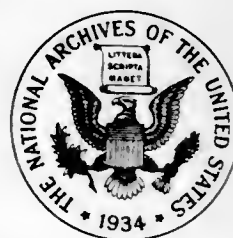
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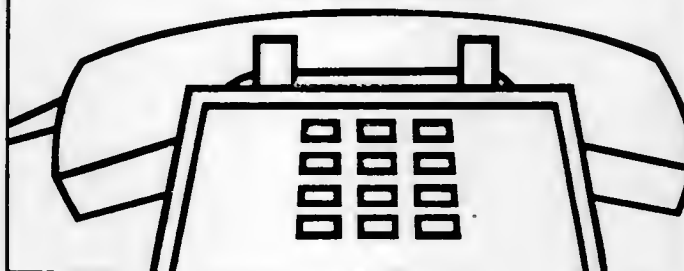
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SUNSHINE ACT MEETINGS 24953

MANDATORY PETROLEUM PRICING

DOE issues final rules showing adjustments to lower and upper tier crude oil price ceilings; effective 6-1-78 24822

CRUDE OIL PRICE CONTROLS

DOE/ERA extends comments to 6-16-78 on proposed simplification of program 24847

MEDICARE AND MEDICAID PROGRAMS

HEW/HCFR proposes to suspend from participation any physician or individual practitioner convicted of program offense after 10-25-77; comments by 8-7-78 (Part II of this issue) 24988

DISCRIMINATION OF HANDICAPPED

DOT proposes to require employers who receive Federal financial assistance to provide certain services to handicapped job applicants and employees; comments by 9-6-78 (Part V of this issue) 25016

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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FEDERAL REGISTER, VOL. 43, NO. 111—THURSDAY, JUNE 8, 1978

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

FEDERAL REGISTER, Daily Issue:

Subscription orders (GPO)	202-783-3238
Subscription problems (GPO)	202-275-3050
"Dial - a - Reg" (recorded summary of highlighted documents appearing in next day's issue).	
Washington, D.C.	202-523-5022
Chicago, Ill.	312-663-0884
Scheduling of documents for publication.	202-523-3187
Photo copies of documents appearing in the Federal Register.	523-5240
Corrections	523-5237
Public Inspection Desk	523-5215
Finding Aids	523-5227
Public Briefings: "How To Use the Federal Register."	523-3517
Code of Federal Regulations (CFR) ..	523-3419
	523-3517
Finding Aids	523-5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents	523-5235
Index	523-5235

PUBLIC LAWS:

Public Law dates and numbers	523-5266
	523-5282
Slip Laws	523-5266
	523-5282
U.S. Statutes at Large	523-5266
	523-5282
Index	523-5266
	523-5282

U.S. Government Manual

Automation	523-5230
Special Projects	523-3408
	523-4534

HIGHLIGHTS—Continued

TREATMENT WORKS CONSTRUCTION GRANTS

EPA revises proposed policy for utilization of minority construction contractors; comments by 7-24-78 24908

SKILLED NURSING AND INTERMEDIATE CARE FACILITIES

HEW/HCFR announces public meetings for proposed new directions on standards for facilities; meetings on 6-27 and 6-28; 7-11 through 7-13, 7-18 through 7-20, 7-25 through 7-27, and 8-1 through 8-3 24873

PESTICIDE PROGRAMS

EPA issues rule on Federal certification of pesticide applicators in States or on Indian Reservations where there is no approved State or Tribal certification plan in effect; effective 6-8-78 24834

GREAT LAKES PILOTAGE RATES

DOT/CG issues regulations to increase rates to provide funds for training program, operating costs, and compensation; effective 4-1-78 (Part III of this issue) 24996

GREAT LAKES VESSELS

DOT/CG proposes to add specification for exposure suits to be part of life saving equipment; comments by 7-20-78 (Part IV of this issue) 25000

AIR BRAKE SYSTEMS

DOT/NHTSA extends comments indefinitely on proposal to suspend the "no-lockup" safety braking performance requirement 24871

PRESSURE TANK CAR TANKS

DOT/MTB proposes issuing an amendment to owners to provide the Bureau with a list of cars bearing owner's reporting mark and plans of retrofitting them with safety devices; comments by 7-10-78 24865

AIRCRAFT SECURITY

DOT/FAA extends regulations to cover charter flights; effective 7-25-78 24827

NONCOMMERCIAL BROADCASTING OF COPYRIGHTED WORKS

CRT adopts rule establishing terms and rates of royalty payments; effective 6-8-78 (Part VI of this issue) 25068

EXCHANGING REAL PROPERTY

USDA/FS issues rules which set forth general guidelines that a non-Federal landowner must follow; effective 6-8-78 24830

FEDERAL PROCUREMENT

State/AID issues miscellaneous revisions to their regulations; effective 5-25-78 24838

State/AID establishes policies and procedures for processing unsolicited proposals; effective 5-25-78 24840

DISCRETE ADDRESS BEACON SYSTEM

DOT/FAA reopens comments on proposed Standard and includes omitted text from previous notice; comments by 7-26-78 24930

STEEL WIRE ROPE FROM KOREA

Treasury extends investigation on sales at less than fair value; effective 6-8-78 24934

FEDERAL REGISTER, VOL. 43, NO. 111—THURSDAY, JUNE 8, 1978

iii

HIGHLIGHTS—Continued

CARBON STEEL SHEETS

Treasury extends investigation on sales at less than fair value of cold rolled and galvanized carbon steel sheet from certain countries; effective 6-8-78 24933

FUEL ECONOMY STANDARDS

DOT/NHTSA proposes to grant exemption from standards to Checker Motors Corp.; comments by 7-10-78 24871

LIQUEFIED PETROLEUM GAS

DOT/MTB asks public to comment by 7-21-78 on Railroad Commission of Texas' application for inconsistency ruling 24930

FUNDING OF CSA GRANTEES

CSA issues final rule governing its program account structure; effective 6-8-78 24841

PILOTS COMMUNICATION

FCC proposes to make one frequency available for exclusive use for communications to and from pilots; comments by 6-22-78; reply comments by 6-29-78 24863

ACCIDENT REPORTS

NTSB issues report and safety recommendations and responses 24916

ROADLESS AREA REVIEW AND EVALUATION

USDA/FS issues amendment to the inventory list 24876

MEETINGS—

Commerce/NOAA: North Atlantic Fishery Management Council and Scientific and Statistical Committee and Advisory Panel, 7-26 through 7-28-78 24886

Western Pacific Fishery Management Council's Scientific and Statistical Committee, 6-27 and 6-28-78 24886

DOT/CG: Chemical Transportation Advisory Committee's Subcommittee on Chemical Vessels, 7-11-78 24929

FAA: Radio Technical Commission for Aeronautics Executive Committee, 6-29-78 24930

NHTSA: National Highway Safety Advisory Committee's State-Federal Relations Subcommittee, field trip to Oklahoma on 6-28 and 6-29-78 24932

Interior/BLM: Roswell District Grazing Advisory Board, 7-13-78 24914

State: Advisory Committee on the Law of the Sea, 6-26 and 6-27-78 24928

VA: Veterans Administration Wage Committee, 7-13, 7-27, 8-10, 8-24, 9-7, and 9-21-78 24934

CHANGED MEETINGS—

Interior/BLM: Interagency Geothermal Streamlining Task Force, 6-23-78 now meeting on 6-28-78 24914

HEARINGS—

Commerce/NOAA: Atlantic Sea Herring Fishery Management Plan, Draft Environmental Impact Statement, 6-27-78 24885

ITC: Clothespins from China, Poland, and Romania, 6-22-78 24915

Steel Wire Strand for Prestressed Concrete from India, 7-18-78 24915

SEPARATE PARTS OF THIS ISSUE

Part II, HEW/HCFA 24988

Part III, DOT/CG 24996

Part IV, DOT/CG 25000

Part V, DOT 25016

Part VI, Copyright Royalty Tribunal 25068

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

HEW/FDA—Food additives and substances generally recognized as safe caprylic acid 19842; 5-9-78

HUD/FHC—Establishing date from which a mortgagee may charge interest prior to date of amortization 19845; 5-9-78

Treasury/ATFB—Fill of wine standards 19846; 5-9-78

CS—Ports of entry; field organization changes 19832; 5-9-78

List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

[Last Listing: June 2, 1978]

H.R. 9005 Pub. L. 95-288
District of Columbia Appropriation Act, 1978.
(June 5, 1978; 92 Stat. 281) Price: \$.60.

S. 2370 Pub. L. 95-289
To remove the limitation on the amount authorized to be appropriated under the Volunteers in the National Forests Act of 1972. (June 5, 1978; 92 Stat. 289.) Price: \$.50.

FEDERAL REGISTER, VOL. 43, NO. 111—THURSDAY, JUNE 8, 1978

contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Rules

Procurement:

Unauthorized commitments, Federal Reserve letters of credit, etc 24838

Unsolicited proposals, procedures for processing 24840

Notices

Authority delegations:

Latin America et al., Principle AID Officers, operational programs grants 24927

AGRICULTURAL MARKETING SERVICE

Rules

Olives grown in Calif 24822

Oranges, grapefruit, tangerines and tangelos grown in Fla 24821

Oranges (Valencia) grown in Ariz. and Calif 24822

Proposed Rules

Potatoes (Irish) grown in Colo .. 24846

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Farmers Home Administration; Forest Service.

ALCOHOL, TOBACCO AND FIREARMS BUREAU

Notices

Authority delegations:

Assistant Director (Regulatory Enforcement); importation of distilled spirits, wines, and beer 24932

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:

Alaska Airlines, Inc 24881

Braniff Airways, Inc 24882

Compagnie Nationale Air France 24885

International Air Transport Association 24884

Pacific Common fares investigation 24885

COAST GUARD

Rules

Drawbridge operations:

New York 24829

Great Lakes pilotage:

Rate increase 24996

Proposed Rules

Exposure suits for vessels operating on Great Lakes 25000

Notices

Bridges, highway; proposed construction:

Jacksonville, Fla.; hearing 24929

Meetings:

Chemical Transportation Advisory Committee; Chemical Vessels Subcommittee 24929

Proposed relocation:

Morgan City, La.; hearing 24928

COMMERCE DEPARTMENT

See National Oceanic and Atmospheric Administration; National Technical Information Service.

COMMUNITY SERVICES ADMINISTRATION

Rules

Grantees, funding:

Program account structure; procedures and description.. 24841

COPYRIGHT ROYALTY TRIBUNAL

Rules

Terms and rates of royalty payments for use of certain works by public broadcasting entities 25068

COST ACCOUNTING STANDARDS BOARD

Rules

Cost accounting standards:

Applicability, exemptions and waivers, and compensation deferral costs 24819

ECONOMIC REGULATORY ADMINISTRATION

Rules

Petroleum price regulations,

mandatory: Crude oil price ceilings, lower and upper tier; adjustments to reflect inflation impact.... 24822

Proposed Rules

Petroleum allocation and price

regulations, mandatory: Crude oil price controls; inquiry, extension of time 24847

ENERGY DEPARTMENT

See also Economic Regulatory Administration; Federal Energy Regulatory Commission.

Notices

Consent orders:

Texaco Inc. 24902

ENVIRONMENTAL PROTECTION AGENCY

Rules

Pesticide applicators in States or on Indian reservations, Federal certification 24834

Proposed Rules

Air quality implementation

plans; approval and promulgation; various States, etc.: Massachusetts 24857

Virginia 24858

Air quality implementation

plans; enforcement by State

and Federal governments after statutory deadlines: Ohio 24858

Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions, etc.: Methomyl; correction 24861

Notices

Grants, State and local assistance: Minority construction contractors utilization 24908

Pesticides; tolerances, registration, etc.: Goal 2E (RH-2915) 24905

Terramycin (4 documents) 24903-24906

Toxic and hazardous substances control: TSCA Interagency Testing Committee report to EPA; priority consideration chemicals for testing; extension of time 24907

FARMERS HOME ADMINISTRATION

Notices: Disaster and emergency areas: Kentucky 24876

South Dakota 24876

Texas 24876

FEDERAL AVIATION ADMINISTRATION

Rules: Air carriers certification and operations: Charter flights, aircraft, and airport security for 24827

Airworthiness directives: British Aircraft 24824

McDonnell Douglas 24825

Scottish Aviation 24826

Short Brothers 24827

Proposed Rules: Airworthiness directives: Agusta (2 documents) 24849, 24850

Avions Marcel Dassault-Breguet 24849

Hiller 24848

Societe Nationale Industrielle Aerospatiale 24847

Control zones and transition areas 24851

Jet routes 24856

Restricted areas (2 documents) 24854, 24855

Transition areas (4 documents) 24851-24854

Notices: Committees; establishment, renewals, terminations, etc.: Special Aviation Fire and Explosion Reduction Advisory Committee 24929

Discrete Address Beacon System (DABS); proposed National Aviation Standard; inquiry; extension of time 24920

CONTENTS

Meetings:	Notices	Railroad services abandonment:
Aeronautics Radio Technical Commission	Roadless Area Review and Evaluation (RARE II), inventory list	Baltimore & Ohio Railroad Co
24930	24876	24946
FEDERAL COMMUNICATIONS COMMISSION	GENERAL ACCOUNTING OFFICE	Rerouting of traffic:
Proposed Rules	Notices	Chicago & North Western Transportation Co
FM broadcast stations; table of assignments:	Regulatory reports review; proposals, approvals, etc. (CAB) ..	24946
California	24913	Western Maryland Railway Co
24862	GEOLOGICAL SURVEY	24947
Maritime services, land and shipboard stations:	Notices	LAND MANAGEMENT BUREAU
Frequency 156.875 MHz available of exclusive use for pilot communications	Outer Continental Shelf: Production platform operators; safety device failure and inventory reporting system (FIRS)	Notices
24863	24915	Applications, etc.: Wyoming (3 documents)
Telephone companies:	HEALTH, EDUCATION, AND WELFARE DEPARTMENT	24914
Domestic public message services by entities other than Western Union; inquiry, extension of time	See Health Care Financing Administration.	Authority delegations:
24861	HEALTH CARE FINANCING ADMINISTRATION	California State Office, Records and Data Management Branch Chief
Television broadcast stations; table of assignments:	Proposed Rules	24914
District of Columbia et al.; extension of time	Aged and disabled, health insurance for; medical assistance programs:	Meetings:
24863	Medicare and Medicaid programs; suspension of physicians and other individual practitioners	Interagency Geothermal Streamlining Task Force
Notices	24988	24914
Rulemaking proceedings filed, granted, denied; petitions by various companies (2 documents)	New direction for skilled nursing and intermediate care facilities	Roswell District Grazing Advisory Board
24912	24873	24914
Hearings, etc.: Davis, David L	INTERIOR DEPARTMENT	MANAGEMENT AND BUDGET OFFICE
24910	See Geological Survey; Land Management Bureau.	Notices
FEDERAL ENERGY REGULATORY COMMISSION	INTERNATIONAL TRADE COMMISSION	Clearance of reports; list of requests
Notices	Notices	24920
Hearings, etc.: Alabama-Tennessee Natural Gas Co. et al	Import investigations: Clothespins from Republic of China et al	MATERIALS TRANSPORTATION BUREAU
24838	24915	Rules
Central Maine Power Co	Steel wire strand for prestressed concrete from India	Hazardous materials table and communications regulations: Placards; extension for anhydrous ammonia in nurse tanks
24890	24915	24845
Columbia Gulf Transmission Co. et al	INTERSTATE COMMERCE COMMISSION	Hazardous materials transportation; information, definitions, etc.: International Maritime Dangerous Goods Code; incorporation by reference
24891	Notices	24845
Dixel Resources Inc	Car service rules, mandatory; exemptions	Proposed Rules
24892	24952	Pipeline transportation of gas: Leak reporting requirements; correction
Florida Power & Light Co	Hearing assignments	24866
24893	24947	Tank car specifications: Compliance reporting
Illinois Power Co	Motor carrier, broker, water carrier, and freight forwarder applications	24865
24895	24945	Notices
Mosinee Paper Corp	Motor carrier, broker, water carrier, and freight forwarder applications; correction	Inconsistency rulings; applications, etc.: Associated Universities, Inc
24895	24945	24932
National Fuel Gas Supply Corp	Motor carriers: Temporary authority applications	24930
24895	24947	NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
Public Utility District No. 1 of Chelan County, Wash	Transfer proceedings	Proposed Rules
24897	24945	Fuel economy standards, average: Passenger automobile; exemption
Tennessee Gas Pipeline Co	Petitions, applications, finance matters (including temporary authorities), railroad abandonments, alternate route deviations, and intrastate applications	24871
24901	24934	Motor vehicle safety standards: Air brake system; "No-lockup" requirements for trailers; extension of time
Texas Gas Transmission Corp. (3 documents)	Railroad car service orders: Hopper cars, covered; replacement	24871
24898, 24899	24947	Notices
Transcontinental Gas Pipe Line Corp		Field trip to Oklahoma City; National Highway Safety Advisory Committee's; State-Federal Relations Subcommittee ..
24900		24932
United Gas Pipeline Co. et al. Valley Gas Transmission, Inc		
24901		
FEDERAL RESERVE SYSTEM		
Notices		
Applications, etc.: BankAmerica Corp		
24912		
Moline Manufacturing Co		
24913		
River Oaks Bancorp, Inc		
24913		
FOREST SERVICE		
Rules		
Landownership; land exchanges		
24830		

CONTENTS

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION	Notices	TRANSPORTATION DEPARTMENT
Notices	Rates and fees, 1978 changes; nonstandard mail surcharge; petitions for intervention; hearing, etc	See also Coast Guard; Federal Aviation Administration; Materials Transportation Bureau; National Highway Traffic Safety Administration.
Fishery conservation and management:	24921	Proposed Rules
Billfish, lobster, and spiny fishery management plans; Western Pacific Fishery Management Council, meeting	24886	Nondiscrimination: Handicapped in federally-assisted programs and activities
24886		25016
Herring, Atlantic sea; New England Fishery Management Council, hearing	24885	TREASURY DEPARTMENT
24885		See also Alcohol, Tobacco and Firearms Bureau.
Meetings:	SECURITIES AND EXCHANGE COMMISSION	Notices
North Pacific Fishery Management Council	Notices	Antidumping: Steel sheets, carbon, from United Kingdom, West Germany, France, Italy, Netherlands and Belgium; extension of investigatory period
24886	Applications, etc.: Great American Capital Investors, Inc	24933
NATIONAL TECHNICAL INFORMATION SERVICE	24927	Steel wire rope from Korea; extension of investigatory period
Notices	Jermyn Venture Capital Corp	24934
Inventions, Government-owned; availability for licensing	24927	Securities Exchange Act; designation of exemption securities
24886	STATE DEPARTMENT	24933
NATIONAL TRANSPORTATION SAFETY BOARD	See also Agency for International Development.	
Notices	Notices	VETERANS ADMINISTRATION
Safety recommendations and accident reports; availability, responses, etc	Meetings: Law of the Sea Advisory Committee	Notices
24916	24928	Meetings: Wage Committee
POSTAL RATE COMMISSION	TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE	24934
Rules	Notices	
Practice rules: Reports filing, periodic; financial forms	Specialty steel quotas, reallocation	
24832	24921	

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month. A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

4 CFR		14 CFR—Continued		45 CFR	
331.....	24819	PROPOSED RULES:		1067.....	24841
401.....	24820	39 (5 documents).....	24847-24850	46 CFR	
402.....	24820	71 (5 documents).....	24851-24854	401.....	24996
403.....	24820	73 (2 documents).....	24854, 24855	PROPOSED RULES:	
404.....	24820	75.....	24856	33.....	25000
405.....	24820	33 CFR		35.....	25000
406.....	24820	117.....	24829	71.....	25000
407.....	24820	36 CFR		75.....	25000
408.....	24820	254.....	24830	78.....	25000
409.....	24820	37 CFR		91.....	25000
410.....	24821	304.....	25068	94.....	25000
415.....	24821	39 CFR		97.....	25000
7 CFR		3001.....	24832	160.....	25000
905.....	24821	40 CFR		189.....	25000
908.....	24822	171.....	24834	192.....	25000
932.....	24822	PROPOSED RULES:		196.....	25000
PROPOSED RULES:		52 (2 documents).....	24857, 24858	47 CFR	
948.....	24846	65.....	24858	63.....	24861
980.....	24846	180.....	24861	64.....	24861
10 CFR		41 CFR		73 (2 documents).....	24862, 24863
212.....	24822	7-1.....	24839	81.....	24863
PROPOSED RULES:		7-3 (2 documents).....	24839, 24840	83.....	24863
211.....	24847	7-4.....	24840	49 CFR	
212.....	24847	7-16.....	24840	171.....	24844
14 CFR		7-30.....	24840	172.....	24845
39 (4 documents).....	24824-24827	42 CFR		PROPOSED RULES:	
121.....	24827	PROPOSED RULES:		27.....	25018
129.....	24827	405 (2 documents).....	24873, 24988	179.....	24865
		449.....	24873	191.....	24866
		450.....	24988	393.....	24871
				531.....	24871

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

1 CFR		14 CFR		24 CFR	
Ch. I.....	23701	39.....	24272, 24273, 24824-24827	203.....	23713
4 CFR		71.....	24274, 24275	213.....	23713
331.....	24819	73.....	23703	234.....	23713
401.....	24820	75.....	23703	570.....	24656
402.....	24820	97.....	24275	1914.....	24011, 24013
403.....	24820	121.....	24827	1915.....	24019, 24021, 24022
404.....	24820	129.....	24827	1916.....	24049, 24050
405.....	24820	221.....	24277	1917.....	23713-
406.....	24820	250.....	24277		23722, 24051-24061, 24289-24307, 24519-24526
407.....	24820	PROPOSED RULES:		PROPOSED RULES:	
408.....	24820	39.....	23727, 24847-24850	1710.....	23936
409.....	24820	71.....	24324, 24851-24854	1715.....	23936
410.....	24821	73.....	24854, 24855	1917.....	23732-
415.....	24821	75.....	24856		23743, 24070, 24548-24558
7 CFR		371.....	24542	25 CFR	
2.....	23983	15 CFR		PROPOSED RULES:	
246.....	23986	315.....	23991	54.....	23743
905.....	24821	371.....	24517	27 CFR	
908.....	23701, 24822	399.....	24517	170.....	24234
910.....	23986	16 CFR		201.....	24234
932.....	24822	13.....	23991	231.....	24243
1079.....	24515	456.....	23992	252.....	24243
1434.....	24263	PROPOSED RULES:		30 CFR	
1800.....	23986	Ch. II.....	24325	PROPOSED RULES:	
1822.....	24264	13.....	24066	880.....	24326
1904.....	24265	17 CFR		31 CFR	
PROPOSED RULES:		32.....	23704	103.....	24527
650.....	24222	240.....	24287	32 CFR	
917.....	23724	249.....	24287	1900.....	24527
948.....	24846	PROPOSED RULES:		32A CFR	
980.....	24846	1.....	23729	634.....	24308
1062.....	24515	31.....	23729	33 CFR	
1126.....	23725	19 CFR		117.....	24829
1701.....	24064	10.....	23708	36 CFR	
9 CFR		159.....	23709, 23710	254.....	24830
78.....	23987	171.....	23711	904.....	24528
PROPOSED RULES:		PROPOSED RULES:		37 CFR	
11.....	24064	4.....	23731	302.....	24528
381.....	24064	6.....	23731	304.....	25068
10 CFR		20 CFR		39 CFR	
205.....	23989	PROPOSED RULES:		3001.....	24832
212.....	24265, 24822	410.....	24542	40 CFR	
430.....	24268	21 CFR		118.....	24309
PROPOSED RULES:		101.....	24518	120.....	24529
211.....	24847	207.....	24008	171.....	24834
212.....	24847	540.....	24010	180.....	24692
465.....	24316	PROPOSED RULES:		PROPOSED RULES:	
12 CFR		Ch. I.....	24066	35.....	24071
9.....	23990	146.....	24547	52.....	24071, 24857, 24858
217.....	24516	182.....	24067	65.....	24858
329.....	24269	186.....	24067	80.....	24331
526.....	24271	740.....	24070	180.....	24714, 24861
545.....	24271	22 CFR			
PROPOSED RULES:		PROPOSED RULES:			
226.....	23726	42.....	24547		
545.....	23727				

V
4
3
/
1
1
1
/
J
E
/
8
/
7
8
/
U
M
I

FEDERAL REGISTER

41 CFR		45 CFR		47 CFR—Continued	
7-1	24839	1067	24841	PROPOSED RULES—Continued	
7-3	24839, 24840	PROPOSED RULES:		67	23746
7-4	24840	130	24333	73	24334, 24560, 24862, 24863
7-16	24840	46 CFR		81	24863
7-30	24840	401	24996	83	24863
8-3	24531	PROPOSED RULES:		49 CFR	
8-52	24531	Ch. IV	24559	171	24844
8-74	24531	33	25000	172	24845
101-26	24533	35	25000	571	24310
101-30	24533	71	25000	1033	23722, 23723, 24535-24539
101-38	24062	75	25000	PROPOSED RULES:	
101-39	24062	78	25000	27	25016
101-40	24063	91	25000	171	24335
PROPOSED RULES:		94	25000	172	24335
4	24559	97	25000	173	24335
42 CFR		160	25000	175	24335
PROPOSED RULES:		189	25000	176	24335
122	24072	192	25000	179	24865
405	24332, 24873, 24988	196	25000	191	24478, 24866
449	24873	308	24075	393	24871
450	24988	502	24080	531	24871
43 CFR		47 CFR		50 CFR	
PROPOSED RULES:		0	24310	PROPOSED RULES:	
428	24072	73	24533, 24534	656	23747
1600	24559	PROPOSED RULES:		661	23748
PUBLIC LAND ORDERS:		63	24861		
5638	24063	64	24861		

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	Date
23701-23982	June 1
23983-24261	2
24263-24514	5
24515-24658	6
24659-24818	7
24819-25073	8

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[1620-01]

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

CONTRACT COVERAGE AND COST ACCOUNTING STANDARDS

Final Rules and Correction

AGENCY: Cost Accounting Standards Board.

ACTION: Final rules and correction.

SUMMARY: This document adopts as a final rule two proposed rules. The first will exempt completely most educational institutions which receive negotiated national defense contracts and which are subject to Federal Management Circular 73-8. The second amends section .10, General Applicability, of Standards 401 through 409. An omission in § 415.80 is being corrected. These actions are in response to request that the Board review and revise the applicability of its standards, rules and regulations.

EFFECTIVE DATE: August 1, 1978.

FOR FURTHER INFORMATION CONTACT:

J. Jett McCormick, Associate General Counsel, Cost Accounting Standards Board, 441 G Street NW., Washington, D.C. 20548, 202-275-5940.

SUPPLEMENTARY INFORMATION: The Cost Accounting Standards Board is authorized by Pub. L. 91-379 to prescribe rules and regulations exempting from its requirements such classes or categories of defense contractors or subcontractors under contracts negotiated in connection with national defense procurements as it determines on the basis of the size of the contracts involved or otherwise, are appropriate and consistent with the purposes sought to be achieved by the Act.

The Cost Accounting Standards Board has been requested by several Federal agencies and by representatives of educational institutions to consider the extent to which its standards, rules, and regulations should apply to educational institutions that are subject to Federal Management Circular 73-8 or OMB Circular A-21

and to consider whether an exemption for such institutions from Board promulgations is appropriate. The Board had provided exemptions for them in certain specific standards where the application would not be appropriate.

On March 15, 1978, the Board published for comment in the FEDERAL REGISTER (43 FR 10699) a proposal to exempt most educational institutions. The exemption would not apply to contracts with federally funded research and development centers operated by such educational institutions. Forty-seven comments have been received, all of which favored the proposed action by the Board although some respondents requested minor changes and clarifications.

A few commentators expressed concern that an educational institution receiving a contract from the Government could apportion the contract effort between the university and the FFRDC to take advantage of differences in cost accounting required under CAS and under FMC 73-8. If this becomes a problem, the procuring agencies are able to take the necessary corrective action.

Several commentators noted that there could be some misunderstanding concerning the applicability of CAS 403 to the university which is functioning as a "home office" for an FFRDC. The Board intends that CAS 403 not be applicable to the university in this situation and minor changes have been made to the language to clarify its intent.

One commentator indicated that the definition of FFRDC is not meaningful and suggested that the Board list the criteria by which NSF designates an FFRDC. Since coverage is intended only for those organizations designated as FFRDC's by the NSF based on whatever criteria they deemed appropriate, inclusion of their current criteria would not be useful. Accordingly, no changes have been made in the definition included in § 331.30(b)(3).

One commentator noted that the removal of current exemptions from CAS 403, 408, and 410 for FFRDC's will require a transitional period. It is considered that the provisions of §§ 403.70(a), 408.80, and 410.80 will furnish sufficient time for compliance by the FFRDC's with those standards. Section 403.70(a) provides that a contractor, if not exempt, shall be required to comply at the start of his

first cost accounting period following receipt of the award of a negotiated national defense contract making the standard applicable. A contract awarded after August 1, 1978, will make the standard applicable to a FFRDC. Consequently, a FFRDC must comply with CAS 403 as of the start of its next cost accounting period after receipt of a contract after August 1. Standards 408 and 410 apply in the same way. It is recognized that all FFRDC's do not necessarily receive a new contract each year and that annual funding may be by means of an amendment to an existing contract. Applicability would be at the start of a cost accounting period after receipt of a new contract or after receipt of the annual extension of an existing contract.

The Board having found the exemption appropriate and consistent with purposes sought to be achieved by Pub. L. 91-379, is modifying its regulations as set forth below.

In the FEDERAL REGISTER of February 16, 1977 (42 FR 9391), the Board proposed to amend section .10, General Applicability, of standards 401 through 409 to conform these sections to the general applicability section as it appears in standard 410 et seq. No comments were received on this proposed amendment. The Board considers this change to be appropriate and is amending standards 401 through 409 as set forth below.

FR Doc. 77-10513, appearing in the FEDERAL REGISTER on April 11, 1977 (42 FR 18857), established the effective date for cost accounting standard 415 by amending § 415.80. In restating § 415.80, § 415.80(b) was omitted. This correction republishes § 415.80 in its entirety.

The rules, regulations, and Standards of the Cost Accounting Standards Board are hereby amended as follows:

PART 331—CONTRACT COVERAGE

Section 331.30 is amended by adding paragraph (b)(3):

§ 331.30 Applicability, exemption, and waiver.

• • • • •

(b) * * *
(3) Any contract made with an educational institution whose cost principles are subject to Federal Management Circular 73-8 except contracts

that are to be performed by a federally funded research and development center (FFRDC) operated by such an institution. A FFRDC is a laboratory or similar operation which is designated as such by the National Science Foundation. If a contract or any part of a contract awarded to an exempt educational institution is to be performed by a FFRDC, the contract shall contain the clause set forth in § 331.50 or § 332.50, as appropriate, and the requirements of that clause shall be applicable to that part of the contract effort, and the costs thereof, which are performed by the FFRDC. Costs incurred by the institution which may be allocated to the FFRDC are specifically exempted by this provision as is the requirement to prepare part VIII of the disclosure statement (CASB-DS-1 or CASB-DS-2).

PART 401—COST ACCOUNTING STANDARD CONSISTENCY IN ESTIMATING, ACCUMULATING, AND REPORTING COSTS

Section 401.10 is revised to read as follows:

§ 401.10 General applicability.

General applicability of this cost accounting standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the cost accounting standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

PART 402—COST ACCOUNTING STANDARD CONSISTENCY IN ALLOCATING COSTS INCURRED FOR THE SAME PURPOSE

Section 402.10 is revised to read as follows:

§ 402.10 General applicability.

General applicability of this cost accounting standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the cost accounting standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

PART 403—COST ACCOUNTING STANDARD ALLOCATION OF HOME OFFICE EXPENSES TO SEGMENTS

Section 403.10 is revised to read as follows:

§ 403.10 General applicability.

General applicability of this cost accounting standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the cost accounting standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

In § 403.70 paragraph (b) is revised to read as follows:

§ 403.70 Exemptions.

(b) This standard shall not apply to contractors who are subject to the provisions of Federal Management Circular 74-4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments).

PART 404—COST ACCOUNTING STANDARD CAPITALIZATION OF TANGIBLE ASSETS

Section 404.10 is revised to read as follows:

§ 404.10 General applicability.

General applicability of this cost accounting standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the cost accounting standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

PART 405—COST ACCOUNTING STANDARD ACCOUNTING FOR UNALLOWABLE COSTS

Section 405.10 is revised to read as follows:

§ 405.10 General applicability.

General applicability of this cost accounting standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the cost accounting standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

PART 406—COST ACCOUNTING STANDARD COST ACCOUNTING PERIOD

Section 406.10 is revised to read as follows:

§ 406.10 General applicability.

General applicability of this cost accounting standard is established by

§ 331.30 of the Board's regulations on applicability, exemption and waiver of the requirement to include the cost accounting standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

PART 407—COST ACCOUNTING STANDARD USE OF STANDARD COSTS FOR DIRECT LABOR AND DIRECT MATERIAL

Section 407.10 is revised to read as follows:

§ 407.10 General applicability.

General applicability of this cost accounting standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the cost accounting standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

PART 408—COST ACCOUNTING STANDARD ACCOUNTING FOR COSTS OF COMPENSATED PERSONAL ABSENCE

Section 408.10 is revised to read as follows:

§ 408.10 General applicability.

General applicability of this cost accounting standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the cost accounting standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

Revise § 408.70 to read as follows:

§ 408.70 Exemption.

This standard shall not apply to contractors who are subject to the provisions of Federal Management Circular 74-4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments).

PART 409—COST ACCOUNTING STANDARD DEPRECIATION OF TANGIBLE CAPITAL ASSETS

Section 409.10 is revised to read as follows:

§ 409.10 General applicability.

General applicability of this cost accounting standard is established by § 331.30 of the Board's regulations on applicability, exemption, and waiver of the requirement to include the cost ac-

counting standards contract clause in negotiated defense prime contracts and subcontracts (§ 331.30 of this chapter).

PART 410—COST ACCOUNTING STANDARD ALLOCATION OF BUSINESS UNIT GENERAL AND ADMINISTRATIVE EXPENSES TO FINAL COST OBJECTIVES

Section 410.70 is revised to read as follows:

§ 410.70 Exemption.

This standard shall not apply to contractors who are subject to the provisions of Federal Management Circular 74-4 (Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments).

PART 415—COST ACCOUNTING STANDARD ACCOUNTING FOR THE COSTS OF DEFERRED COMPENSATION

Section 415.80 is revised to read as follows:

§ 415.80 Effective date.

(a) The effective date of this standard is July 10, 1977.

(b) This standard shall be followed by each contractor for awards of deferred compensation made on or after the start of his next cost accounting period beginning after the receipt of a contract to which the cost accounting standard is applicable.

Effective date of the foregoing amendments is August 1, 1978.

(34 Stat. sec. 103 (50 U.S.C. app. 2168).)

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc. 78-15890 Filed 6-7-78; 8:45 am]

[3410-02]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

(Orange, Grapefruit, Tangerine, and Tangelo Reg. 1, Amdt. 13)

PART 905—ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

Amendment of Grade Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment lowers the minimum grade requirements on domestic and export shipments of Florida seedless grapefruit from Improved No. 2. For all seedless grapefruit, except pinks, the minimum grade is lowered to U.S. No. 2 for the period June 5-18, 1978, and to U.S. No. 2 Russet for the period June 19-August 27, 1978. For pink seedless grapefruit the minimum grade is lowered to U.S. No. 2 Russet for the period June 5-August 27, 1978. Specification of minimum grade requirements for Florida grapefruit is necessary because of current and prospective supply and demand for the fruit, and to maintain orderly marketing conditions in the interest of producers and consumers.

DATES: The amendment is effective June 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Findings. (1) Pursuant to the marketing agreement and Order No. 905, both as amended (7 CFR Part 905; 42 FR 59367; 61853), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committee established under the marketing agreement and order, and upon other

information, it is found that the regulation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The amendment reflects the Department's appraisal of the current and prospective supply and market demand conditions for Florida grapefruit. Less restrictive grade requirements for such fruit are consistent with the character of much of the fruit available for fresh shipment.

(3) It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act; and this amendment relieves restrictions on the handling of seedless grapefruit.

Accordingly, it is found that the provisions of § 905.301 (42 FR 57947; 59367; 59955; 60918; 61590; 62470; 63635; 63881; 43 FR 2820; 5497; 10910; 17797; 20475) should be and hereby are amended by revising in Table I (applicable to domestic shipments of the specified fruit) and in Table II (applicable to export shipments of the specified fruit) the minimum grade applicable to seedless grapefruit as follows:

§ 905.301 Orange, Grapefruit, Tangerine, and Tangelo Regulation 1.

(a) * * *

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Grapefruit:			
Seedless, except pink	June 5 through June 18, 1978	U.S. No. 2	3 1/2
Do	June 19 through Aug. 27, 1978	U.S. No. 2 Russet	3 1/2
Do	Aug. 28 through Sept. 24, 1978	Improved No. 2	3 1/2
Seedless, pink	June 5 through Aug. 27, 1978	U.S. No. 2 Russet	3 1/2
Do	Aug. 28 through Sept. 24, 1978	Improved No. 2	3 1/2

(b) * * *

TABLE II

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
Grapefruit:			
Seedless, except pink	June 5 through June 18, 1978	U.S. No. 2	3 1/2
Do	June 19 through Aug. 27, 1978	U.S. No. 2 Russet	3 1/2
Do	Aug. 28 through Sept. 24, 1978	Improved No. 2	3 1/2
Seedless, pink	June 5 through Aug. 27, 1978	U.S. No. 2 Russet	3 1/2
Do	Aug. 28 through Sept. 24, 1978	Improved No. 2	3 1/2

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674).)

Dated: June 2, 1978, to become effective June 5, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

(FR Doc. 78-15868 Filed 6-7-78; 8:45 am)

[3410-02]

(Valencia Orange Reg. 592)

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California Arizona Valencia oranges that may be shipped to market during the period June 9-15, 1978. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: June 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Findings. Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of Valencia oranges, as hereafter provided, will tend to effectuate the declared policy of the act. The committee met on June 6, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of Valencia oranges deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges showed strength early in the week, but weakened toward the end.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Therefore, the amount specified in paragraph (a) of § 932.211 (41 FR 42181) is changed from "\$891,000" to "\$895,404".

It is found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that this increase in the amount of expenses authorized is a necessary administrative adjustment applicable only to a fiscal year which ended August 31, 1977.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674).)

Dated: June 5, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

(FR Doc. 78-15867 Filed 6-7-78; 8:45 am)

[3128-01]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION¹

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Adjustments to Lower and Upper Tier Crude Oil Price Ceilings To Reflect Impact of Inflation

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Final rule.

SUMMARY: The Economic Regulatory Administration (ERA), of the Department of Energy (DOE), by this action issues Crude Oil Price Schedule No. 11, effective June 1, 1978, for the months of June, July, and August 1978. The Schedule provides monthly crude oil price increases to take into account the impact of inflation, as permitted under the Emergency Petroleum Allocation Act of 1973, as amended (EPAA, Pub. L. 93-159). Beginning in June 1978, inflation adjustments

¹ Editorial note: Chapter II will be renamed at a future date to reflect that it contains regulations administered by the Economic Regulatory Administration of the Department of Energy.

§ 908.892 Valencia Orange Regulation 592.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period June 9, 1978, through June 15, 1978, are established as follows:

(1) District 1: 336,000 cartons;

(2) District 2: 464,000 cartons;

(3) District 3: Unlimited;

(b) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" mean the same as defined in the marketing order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 7, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

(FR Doc. 78-16157 Filed 6-7-78; 12:00 pm)

[3410-02]

PART 932—OLIVES GROWN IN CALIFORNIA

Amendment of Expenses for 1976-77 Fiscal

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This amendment increases the previously approved expenses for the 1976-77 fiscal year of the Olive Administrative Committee which locally administers the Federal marketing orders covering California olives.

DATES: Effective September 1, 1976, through August 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Findings. Pursuant to Marketing Order No. 932, as amended (7 CFR

B. CRUDE OIL PRICE SCHEDULE No. 11

This price schedule continues the policy as described in the Notice which accompanied Crude Oil Price Schedule No. 8. Accordingly, under Crude Oil Price Schedule No. 11, effective June 1, 1978, the May 1978 lower tier ceiling price (the May 15, 1973 posted price plus \$1.72 per barrel, resulting in an average first sale price of approximately \$5.41 per barrel), and the May 1978 upper tier price (the September 30, 1975 posted price less \$.59, resulting in an average first sale price of approximately \$12.08 per barrel), are adjusted for inflation for June, July, and August 1978, based on the first revision of the GNP deflator published on May 18, 1978 which reflects an annual rate of inflation of 7.1 percent.

1. Lower Tier Ceiling Prices. Adjustments to ceiling prices for lower tier crude oil and the approximate average first sale prices pursuant to those ceiling prices in June, July, and August 1978, are determined pursuant to the following methodology:

A. ERA has computed a monthly adjustment factor of .00573 which when applied over a twelve-month period yields an effective annual rate of adjustment of 7.1 percent.

B. June adjustment (\$5.41) (.00573) per barrel equal \$.031 per barrel rounded to \$.03 per barrel.

C. July adjustment (\$5.41+.03) (.00573) per barrel equal \$.031 per barrel rounded to \$.03 per barrel.

D. August adjustment (\$5.41+.03+.03) (.00573) per barrel equal \$.031 per barrel rounded to \$.03 per barrel.

Based upon the monthly adjustments computed above, average lower tier ceiling prices for the months of June, July, and August 1978 are, computed as follows:

June, \$5.41 + \$.03 = \$5.44.
July, \$5.44 + \$.03 = \$5.47.
August, \$5.47 + \$.03 = \$5.50.

Using an average highest posted field price on May 15, 1973 of \$3.69 per barrel and the monthly adjustments as computed above, lower tier prices for the next three months have been determined as follows:

Month	Lower tier price	Upper tier price	Statutory composite price	Actual composite price ¹	Cumulative excess receipts (millions)
1978					
February	\$5.05	\$11.48	\$7.66	\$7.87	\$49
March	5.07	11.39	7.72	7.79	67
April	5.07	11.52	7.78	7.86	86
May	5.13	11.55	7.84	7.89	97
June	5.15	11.60	7.88	7.99	123
July	5.19	11.60	7.93	8.04	152
August	5.18	11.62	7.98	8.03	164
September	5.17	11.65	8.04	8.19	198
October	5.15	11.82	8.11	8.23	228
November	5.17	11.62	8.17	8.40	282
December	5.17	11.64	8.24	8.40	332

Month	Ceiling price	Estimated average first sale price
June	May 15, 1973, highest posted field price plus \$1.75	\$5.44
July	May 15, 1973, highest posted field price plus \$1.78	5.47
August	May 15, 1973, highest posted field price plus \$1.81	5.50

2. Upper Tier Ceiling Prices. Adjustments to ceiling prices for upper tier crude oil and the approximate average first sale prices pursuant to those ceiling prices in June, July, and August 1978 are determined pursuant to the following methodology:

A. Adjustment factor (explained above) equals .00573.

B. June adjustment (\$12.08) (.00573) per barrel equals \$0.069 per barrel rounded to \$.07 per barrel.

C. July adjustment (\$12.08+.07) (.00573) per barrel equals \$0.07 per barrel.

D. August adjustment (\$12.08+.07) (.00573) per barrel equals \$0.07 per barrel.

Based upon the monthly adjustments computed above, average upper tier ceiling prices for the months of June, July, and August 1978 are computed as follows:

June, \$12.08 + \$0.07 = \$12.15.
July, \$12.15 + \$0.07 = \$12.22.
August, \$12.22 + \$0.07 = \$12.29.

Using an average highest posted field price on September 30, 1975 of \$12.67 per barrel and the monthly adjustment as computed above, upper tier prices for the next three months have been determined as follows:

Month	Ceiling price	Estimated average first sale price
June	Sept. 30, 1975, highest posted field price less \$0.52	\$12.15
July	Sept. 30, 1975, highest posted field price less \$0.45	12.22
August	Sept. 30, 1975, highest posted field price less \$0.38	12.29

On or before September 1, 1978, the ERA will issue Crude Oil Price Schedule No. 12, setting forth lower tier and upper tier ceiling prices for the months of September, October, and November 1978.

The following table summarizes first sale price data for the months February 1976 through August 1978.

Month	Lower tier price	Upper tier price	Statutory composite price	Actual composite price ¹	Cumulative excess receipts (millions)
1977					
January	5.17	11.44	8.30	8.29	316
February	5.18	11.39	8.37	8.33	308
March	5.15	11.03	8.44	8.19	246
April	5.15	10.97	8.50	8.14	161
May	5.18	10.96	8.57	8.23	76
June	5.16	10.92	8.64	8.17	-38
July	5.18	10.99	8.71	8.21	-159
August	5.18	10.93	8.78	8.25	-295
September	5.20	11.21	8.85	8.26	-446
October	5.23	11.42	8.92	8.36	-595
November	5.24	11.63	8.99	8.35	-761
December	5.25	11.76	9.06	8.40	-937
1978					
January	5.28	11.78	9.13	8.34	-1137
February	5.29	11.81	9.21	8.48	-1306
March	5.34	11.87	9.28	8.37	-1552
April	5.38	12.02	9.35		
May	5.41	12.08	9.43		
June	5.44	12.15	9.50		
July	5.47	12.22	9.58		
August	5.50	12.29	9.66		

¹Beginning with the month of September 1978, includes prices for stripper well crude oil production at values imputed in accordance with sec. 121 of the ECPA. Effects of Alaska North Slope crude production, which commenced June 20, 1977, are included.

²Preliminary.

³Projected on the basis of Crude Oil Price Schedule Nos. 10 and 11.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended, Pub. L. 93-511, Pub. L. 94-99, Pub. L. 94-133, Pub. L. 94-163, and Pub. L. 94-385; Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, Pub. L. 94-385; Energy Policy and Conservation Act, Pub. L. 94-163, as amended, Pub. L. 94-385; E.O. 11790, 39 FR 23185; Department of Energy Organization Act, Pub. L. 95-91; E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, Part 212 of Chapter II of Title 10 of the Code of Federal Regulations is amended as set forth below, effective June 1, 1978.

Issued in Washington, D.C., June 1, 1978.

DAVID J. BARDIN,
Administrator, Economic
Regulatory Administration.

Section 212.77 is amended in the Appendix to add Schedule No. 11 of Monthly Price Adjustments, as follows:

§ 212.77 Adjustments to ceiling prices.

APPENDIX

SCHEDULE NO. 11 OF MONTHLY PRICE ADJUSTMENTS (Effective June 1, 1978)

Month	Lower tier, May 15, 1973, posted price (plus)	Upper tier, Sept. 30, 1975, posted price ¹ (less)
1978:		
February	\$1.35	\$1.32
March	1.38	1.25
April	1.41	1.18
May	1.45	1.11
June	1.48	1.05
July	1.48	1.05
August	1.48	1.05

¹The price referred to in 10 CFR 212.73(b)(1) or in 212.73(c)(1), 212.73(c)(3), and 212.73(c)(4).

²The price referred to in 10 CFR 212.74(b)(1).

This schedule of monthly price adjustments was issued by the Economic Regulatory Administration on June 1, 1978 pursuant to 10 CFR 212.77. It restates without change the lower and upper tier price ceilings applicable to crude oil produced and sold in the months of February 1978 through May 1978, as determined under 10 CFR 212.73, 212.74, and 212.77. Both lower tier and upper tier ceiling prices, which were increased under Schedule No. 10 effective March 1, 1978, are further increased as indicated in this schedule, effective June 1, 1978.

This schedule is effective only through August 31, 1978. Price ceilings for subsequent months will be provided by Schedule No. 12, to be issued on or about September 1, 1978. This schedule may, however, be superseded prior to September 1, 1978 by early issuance of Schedule No. 12 to reflect further ceiling price adjustments based on presently unanticipated trends in actual composite price levels.

[FR Doc. 78-15791 Filed 6-7-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 17522; Amdt. 39-3231]

PART 39—AIRWORTHINESS DIRECTIVES

British Aircraft Corp., BAC 1-11 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which supersedes AD 68-26-04 applicable to British Aircraft Corp., BAC 1-11 400 Series airplanes to require inspection for cracks and replacement as necessary of certain nose landing gear sustaining rams. The AD is needed to detect cracking which could result in failure of the landing gear.

DATES: Effective July 10, 1978. Compliance required as indicated.

ADDRESSES: The applicable service bulletin may be obtained from: British Aircraft Corp., Dulles International Airport, P.O. Box 17414, Washington, D.C. 20041. A copy of the service bulletin is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, Telephone: 513.38.30.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring inspection for cracks and replacement as necessary of certain nose landing gear sustaining rams on British Aircraft Corp., BAC 1-11 400 Series airplanes, was published in the FEDERAL REGISTER at 43 FR 13 on January 3, 1978. The proposal was prompted by the FAA determination

that the modified sustaining rams which AD 68-26-04 lists as replacement parts also have experienced cracking in the same area as the original part. Therefore, the FAA is superseding Amendment 39-697, 33 FR 18695, December 18, 1968 (AD 68-26-04) with a new AD which requires repetitive inspections of both the original part and the replacement part and provides for a modification which, when embodied, would terminate the repetitive inspections.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received. However, upon further review, the FAA has made minor clarifying changes.

DRAFTING INFORMATION

The principal authors of this document are F. J. Karnowski, Europe, Africa, and Middle East Region, F. Kelley, Flight Standards Service, and P. Lynch, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

BRITISH AIRCRAFT CORP.

Applies to Model BAC 1-11 400 Series airplanes, certificated in all categories.

Compliance is required as indicated.

To detect cracks in the nose landing gear sustaining ram P/N AK44 A103 or P/N AK44 A853, as applicable, accomplish the following:

(a) For airplanes on which nose landing gear sustaining ram P/N AK44 A103 is installed, prior to accumulating 4500 landings on the ram or within 500 landings after the effective date of this AD, whichever occurs later, unless accomplished within the last 500 landings, and thereafter at intervals not to exceed 1000 landings from the last inspection, inspect in accordance with paragraph (c) of this AD.

(b) For airplanes on which nose landing gear sustaining ram P/N AK44 A853 is installed, prior to accumulating 4500 landings or within 500 landings after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 1000 landings from the last inspection, inspect in accordance with paragraph (c) of this AD.

(c) Inspect nose landing gear sustaining ram, P/N AK44 A103 or AK44 A853, as applicable, for cracks using a permanent magnet and detection ink in accordance with the procedure outlined in sections 2.1.1 and 4.1 of British Aircraft Corporation Alert Service Bulletin No. 32-A-PM3509, issue 5, dated March 23, 1977 (service bulletin) or an FAA-approved equivalent.

(d) If during the inspection required by paragraph (c) of this AD, cracks are found which exceed 2 1/4 inches in length around the circumference of the ram, before further flight, replace the ram P/N AK44 A103 or AK44 A853 with a serviceable part of the same part number, or with P/N AK44 A987 in accordance with Modification PM5227 referred to in the service bulletin. If P/N

AK44 A103 or AK44 A853 rams are used as replacements, inspect the replacement rams in accordance with paragraph (c) prior to accumulating 4500 landings on the part and thereafter at intervals not to exceed 1000 landings from the last inspection.

(e) If, during the inspection required by paragraph (c) of this AD, cracks are found which do not exceed 2 1/4 inches in length around the circumference of the ram, such cracks may be blended out in accordance with and within the limitations of section 2.1.4 of the service bulletin or an FAA-approved equivalent. Sustaining rams reworked in this matter must be shot peened and reprotected in accordance with section 2.1.5 of the service bulletin or an FAA-approved equivalent, and the ram must continue to be inspected in accordance with paragraph (c) of this AD at intervals not to exceed 1000 landings. If the cracks cannot be blended out within the specified material limitations, the ram must be replaced before further flight in accordance with paragraph (d) of this AD.

(f) The repetitive inspections of the nose landing gear sustaining ram as specified in this AD may be terminated upon embodiment of BAC Modification PM5227 which introduces ram P/N AK44 A987 or an FAA-approved equivalent.

(g) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, where the number of landings has not been recorded for the parts affected by this AD, the number of landings may be determined by dividing the number of flight hours time in service since installation of the part by the operator's fleet average time from takeoff to landing for the airplane type.

This supersedes Amendment 39-697 (33 FR 18695), AD-68-26-04.

This amendment becomes effective July 10, 1978.

[Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89]

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on May 26, 1978.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc. 78-15859 Filed 6-7-78; 8:45 am]

[4910-13]

[Docket No. 75-WE-12-AD; Amdt. 39-3227]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas DC-10 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment amends an existing airworthiness directive (AD) applicable to McDonnell Douglas DC-10 series airplanes by increasing the repetitive inspection intervals specified in the AD. The amendment is needed because the FAA has determined that the compliance time for repetitive inspection of the forward passenger door mechanism cables and rigging may be safely extended, thus relieving a burden. Extension of the rigging inspection interval involves successful accomplishment of door operational checks.

DATES: Effective—July 6, 1978. Compliance schedule—As prescribed in body of AD.

ADDRESSES: Persons affected by this AD may obtain copies of the applicable service bulletin by writing to: McDonnell Douglas Corp., 3855 Lakewood Boulevard, Long Beach, Calif. 90846. Attention: L. A. Eisenberg, CI-750, 54-60. Also, a copy of the service bulletins may be reviewed at, or copies obtained from: Rules Docket in Room 916, FAA, 800 Independence Avenue SW., Washington, D.C. 20591, or Rules Docket in Room 6W14, FAA Western Region, 15000 Aviation Boulevard, Hawthorne, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Jerry J. Presba, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. Telephone: 213-536-6351.

SUPPLEMENTARY INFORMATION: This notice further amends Amendment 39-2126 (40 FR 11549), AD 75-06-07, as amended by Amendment 39-2605 (41 FR 19619), which currently requires inspection and rigging of the forward passenger doors on McDonnell Douglas DC-10 Series airplanes to insure proper functioning during emergency operation. After issuing Amendment 39-2605, the FAA has determined that, based upon service experience and additional data submitted by three petitioners, the compliance time for repetitive inspections required by the AD may be extended. Therefore, the FAA is further amending Amendment 39-2126, as amended, by increasing the repetitive inspection intervals specified in the AD, on McDonnell Douglas Model DC-10 Series airplanes.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and good cause exists for making the amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are Gilbert L. Thompson, Air-

craft Engineering Division, Mark T. McDermott, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by further amending amendment 39-2126 (40 FR 11549), AD 75-06-07, as amended by amendment 39-2605 (41 FR 19619) by revising paragraphs (b) and (c) of the amendment to read in pertinent part as follows:

(b) . . . and thereafter at intervals not to exceed 2,250 hours time in service from the last inspection.

(3) The repetitive 2,250-hour inspections required by paragraph (b) . . .

(c)(4) The repetitive 5,000-hour inspection required by paragraph (c) may be replaced by satisfactory accomplishment, at 6,000-hour intervals of both electrical and pneumatic door operational checks at applicable doors per Douglas Service Bulletin No. 52-132, Revision 1, dated February 21, 1975, or later FAA approved revisions, provided that all service bulletins except SB 52-152, required by any one of the combination of service bulletins in paragraph (c)(3) have been accomplished.

This amendment becomes effective July 6, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, Calif., on May 22, 1978.

ROBERT H. STANTON,
Director,
FAA Western Region.

(FR Doc. 78-15760 Filed 6-7-78; 8:45 am)

[4910-13]

(Docket No. 17934; Amdt. 39-3230)

PART 39—AIRWORTHINESS DIRECTIVES

Scottish Aviation Model B-206 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) which requires repetitive inspections of the bellows portions of the Scottish Aviation Ltd. "Beagle" B-206 series II exhaust system for cracks, corrosion, and deterioration and replacement of

defective bellows found during an inspection. The AD is needed to prevent the escape of hot exhaust gases when an engine exhaust system bellows assembly fails. The escaping hot gases can sever the engine tachometer electrical wiring or impinge on other components located in the engine compartment and might result in fire.

DATES: Effective June 22, 1978.

Compliance schedule—As prescribed in the body of AD.

ADDRESSES: The applicable service bulletin may be obtained from Product Support Department, Scottish Aviation Ltd., Prestwick Airport, Prestwick, Scotland KA92RW.

A copy of the service bulletin is contained in the rules docket for this amendment in Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, care of American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: There have been reports of overheated or scorched fuel lines and separated tachometer leads as the result of hot exhaust gases escaping from fractured bellows located in the Scottish Aviation Ltd. "Beagle" Model B-206 series II engine exhaust system. Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires visual repetitive inspections and replacement, as necessary, of the exhaust system bellows on the Scottish Aviation Ltd. "Beagle" Model B-206 series II airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are M. F. Rammelsberg, Europe, Africa, and Middle East Region and S. Podberesky, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

SCOTTISH AVIATION LTD. Applies to "Beagle" Model B-206 series II airplanes, certifi-

cated in all categories, which have exhaust system bellows assembly, P/N CE20901 or P/N CE20806, installed.

Compliance required as indicated, unless already accomplished.

To minimize the possibility of hot exhaust gases escaping from a fractured exhaust bellows assembly and impinging on the tachometer electrical leads and other engine compartment components, accomplish the following:

(a) Within the next 25 hours' time in service after the effective date of this AD, inspect the exhaust system bellows assemblies, Part No. CE 20901 and Part No. CE 20806, for cracks, corrosion, and deterioration in accordance with paragraph 3(a) of Scottish Aviation Ltd. Service Bulletin No. B-206/55 issue 2, dated January 5, 1976, or an FAA approved equivalent (hereinafter referred to as the Service Bulletin).

(b) If a crack, corrosion, or deterioration is not found during the inspection required by paragraph (a) of this AD—

(1) Within 50 hours' time in service after the inspection required by paragraph (a) of this AD and, thereafter, at intervals not to exceed 50 hours' time in service, inspect the bellows assemblies in accordance with paragraph 3(b) of the Service Bulletin; and

(2) Within 100 hours' time in service, or 3 months after the inspection required by paragraph (a), whichever occurs sooner, and, thereafter, at intervals not to exceed 100 hours' time in service or 3 months, whichever occurs sooner, inspect the bellows assemblies in accordance with paragraph 3(a) of the Service Bulletin.

(c) If a crack, corrosion, or deterioration is found during any inspection required by this AD, replace the affected bellows assembly with a serviceable part of the same part number.

(d) For bellows assemblies installed as replacements—

(1) Within 50 hours' time in service after installation and, thereafter, at intervals not to exceed 50 hours' time in service, inspect the bellows assemblies in accordance with paragraph 3(b) of the Service Bulletin;

(2) Within 200 hours' time in service, or 6 months, after installation, whichever occurs sooner, and, thereafter, at intervals not to exceed 100 hours' time in service or 3 months, whichever occurs sooner, inspect the bellows assemblies in accordance with paragraph 3(a) of the Service Bulletin.

This amendment becomes effective June 22, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C. on May 26, 1978.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.
(FR Doc. 78-15568 Filed 6-7-78; 8:45 am)

[4910-13]

(Docket No. 17933; Amdt. 39-3229)

PART 39—AIRWORTHINESS DIRECTIVES

Short Brothers Ltd. Model SD3-30 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive which requires replacement of an existing fuel system purge valve with a modified purge valve of new part number. This AD, which affects certain serial number Short Brothers Ltd. Model SD3-30 airplanes, is necessary because failures of the existing purge valve have occurred in service and as a result fuel vapors were detected in the cabin. The presence of fuel or fuel vapors in this area of the airplane is a potential fire hazard.

DATES: Effective June 22, 1978.

Compliance schedule—As prescribed in the body of AD.

ADDRESSES: The applicable service bulletin may be obtained from Product Support Department, Short Brothers Ltd., P.O. Box 241, Airport Road, Belfast BT39DZ, Northern Ireland.

A copy of the service bulletin is contained in the rules docket for this amendment in room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, care of American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: There have been reports of fuel leakage and fuel vapors in the cabin area of certain Shorts Model SD3-30 airplanes attributable to the incorrect seating (sealing) of an O-ring type seal incorporated in the fuel system purge valve, P/N 3706190, which can result in fuel leakage when normal fuel system pressure is applied to the purge valve.

Since this condition is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being issued which requires

replacement of the purge valve with a modified design, new part number, purge valve on certain Shorts SD3-30 airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are M. F. Rammelsberg, Europe, Africa, and Middle East Region, and S. Podberesky, Office of the Chief Counsel.

ADOPTION OF AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

SHORT BROTHERS LTD. Applies to Model SD3-30 Airplanes Serial Nos. SH3003 to SH 3014 inclusive, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

To prevent fuel system purge valve leakage and associated fuel leakage or fuel vapors entering the cabin accomplish the following:

(a) Within the next 30 hours' time in service after the effective date of this AD, remove purge valves, Part No. 3706190, and replace them with modified purge valves, Part No. 3706235, in accordance with Shorts Service Bulletin SD3-28-08 dated March 8, 1978, or an FAA-approved equivalent.

(b) If fuel leakage or vapors are detected in the cabin prior to compliance with paragraph (a) of this AD but after the effective date of this AD, comply with paragraph (a) before further flight.

(c) Equivalent methods of compliance with paragraph (a) of this AD may be approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, APO New York 09667, if the request is submitted through an FAA Maintenance Inspector and contains substantiating data to justify the method of compliance for that operator.

This amendment becomes effective June 22, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C. on May 26, 1978.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.
(FR Doc. 78-15557 Filed 6-7-78; 8:45 am)

[4910-13]

(Docket No. 17676; Amdt. Nos. 121-145 and 129-9)

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

PART 129—OPERATIONS OF FOREIGN AIR CARRIERS

Aircraft Security; Charter Flights

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment extends the regulations governing aircraft security to cover: (1) Public charter flights conducted by domestic, flag, supplemental and foreign air carriers, and (2) all intrastate public charter flights conducted in large aircraft by a commercial operator engaging in intrastate common carriage operations with a frequency specified in the regulations. In addition, this amendment requires that these flights be provided with appropriate law enforcement support by airport operators or certificate holders to support passenger screening operations. The FAA considers these security requirements to be necessary due to the increased threat of criminal violence and air piracy and the recent liberalization of charter requirements by the Civil Aeronautics Board.

DATE: Effective date: July 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert P. Jones, Air Operations Security Division, Civil Aviation Security Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-8409.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

In Notice No. 78-4 (43 FR 9160, March 6, 1978), the FAA proposed to amend Parts 121 and 129 of the Federal Aviation Regulations and extend the rules pertaining to aircraft security to cover charter flights conducted by domestic, flag, supplemental and foreign air carriers, and all intrastate charter operations conducted by a commercial operator engaging in common carriage operations governed

by § 121.7. In addition, it was proposed to require the aircraft operators to provide law enforcement support for charter operations conducted at airports not governed by Part 107 of the regulations.

In response to requests of several organizations that petitioned the agency for additional time to study the proposal prior to submitting their comments, the FAA issued a notice on March 30, 1978, which extended for 15 days the period for submitting comments in response to Notice No. 78-4.

II. DISCUSSION OF COMMENTS

The FAA received more than 100 comments from members of the general public, individual air carriers and airport operators, and organizations representing air carriers, foreign air carriers, airport operators, pilots and flight attendants.

Expressions of general support for the proposal were received from most members of the general public who commented, the National Air Carrier Association, the Air Line Pilots Association, and the Association of Flight Attendants.

Comments received from representatives of foreign air carriers were about equally divided in their expressions of approval and disapproval of the proposals.

The Air Transport Association of America (ATA), which represents most of the U.S. scheduled air carriers, and the Airport Operators Council International (AOCI) acknowledged that recent changes and proposed changes in the regulations of the Civil Aeronautics Board (CAB) governing charter flights will remove certain security safeguards which have served to protect charter flights without the use of security procedures prescribed by regulation in the interest of safety. However, these organizations and certain individual air carriers pointed out that although the changes made in CAB regulations may eliminate security safeguards for "public charters", they will not have such an effect upon single entity charters and military charters. They recommend, therefore, that single entity and military charters be excluded from coverage of the proposal for screening passengers and providing law enforcement support.

After further study of the situation, the FAA agrees that this recommendation has merit. Accordingly, the proposal has been changed in this amendment to limit coverage of the regulation to "public charters" and exclude "private charters." The "private charter" excluded from coverage of the regulation is defined as a charter for which the charterer engages the total capacity of an aircraft for the carriage of only passengers in civil or military air movements conducted for

the United States or foreign Governments; or for the carriage only of passengers invited by a charterer who bears the entire cost of the charter, none of it being borne directly or indirectly by the individual passengers.

Comments on behalf of air carriers, foreign air carriers, and airport operators expressed concern about the added costs which the proposal will impose upon carriers and airport operators required to provide law enforcement support at Part 107 and non-Part 107 airports.

Initially, it should be noted that costs which the proposal would have imposed on carriers and airport operators have been reduced under this amendment by virtue of the exclusion of "private charters" from coverage of the requirements for screening and law enforcement support.

The FAA recognizes that the adoption of the proposal requiring law enforcement support for the screening of passengers boarding public charter flights will probably result in additional costs for carriers and airport operators. However, the FAA is convinced there is adequate justification in the interest of safety in air transportation and air commerce to adopt the proposed security measures for public charters. The protection such security measures will afford passengers on those charters will, in the opinion of the agency, justify any unavoidable costs they impose on carriers and airport operators. However, judging from comments received from individuals in response to Notice No. 78-4, most people appear to be willing to pay these additional costs.

Certain comments contained objections to the proposal making the carriers responsible for law enforcement support at non-Part 107 airports. They contend that law enforcement support should be the responsibility of the operator of those airports rather than the air carrier. The FAA does not agree with that contention. Considering that airport selection normally rests with the carrier and that charter flights are unscheduled, we believe it is more practicable to impose the responsibility for providing law enforcement support on the carrier at non-Part 107 airports. Under the circumstances, the FAA has determined that such comments do not justify supplemental rulemaking action, as requested, to make non-Part 107 airport operators responsible for providing law enforcement support rather than the carriers. Accordingly, the petition for such action is denied.

As previously mentioned, the amendment adopted herein excludes "private charters" from the screening and law enforcement support requirements. Furthermore, FAA review of information on file with the Civil Aeronautics Board regarding world-wide charter

operations for the period July 1976 through June 1977, indicates that non-Part 107 airports handle a very small portion of the total number of charter flights conducted. Accordingly, the FAA believes the adoption of this amendment is likely to have a minimal economic impact on carriers and airport operators.

Certain comments contained objections to the fact that the proposal does not apply the security regulation to air taxi operators certificated under FAR Part 135. The agency cannot extend coverage of the regulation to air taxi operators by this amendment because such action would go beyond the scope of Notice No. 78-4. However, the need for extending security requirements to air taxi operations will be re-evaluated. At the present time approximately 28 air taxi operators have elected to screen their passengers under an FAA-approved program set forth in their operations specifications.

In response to comments from representatives of the State of Alaska, it should be pointed out that exemptions currently in effect for operators in that State will be extended, as appropriate, and made applicable to certain of the requirements prescribed in this amendment.

It should also be noted that the security regulations prescribed in § 121.538 currently apply to only large aircraft operations. Small aircraft operations are excluded from coverage of the security regulation by virtue of § 121.9 which requires Part 121 certificate holders to comply with the operating rules in FAR Part 135 in lieu of those in FAR Part 121.

III. DRAFTING INFORMATION

The principal authors of this document are Robert P. Jones, Civil Aviation Security Service and R. G. Leary, Office of the Chief Counsel.

IV. EFFECTIVE DATE

In order to provide adequately for the safety and security of public charter flights during the approaching Summer charter season, this amendment must be made effective at the earliest practicable time. Accordingly, this amendment becomes effective on July 25, 1978. However, the FAA urges each Part 121 certificate holder to submit its public charter screening program for FAA approval by June 25, 1978, if it can reasonably do so. The FAA will endeavor to approve security programs within 15 days after submission.

THE AMENDMENT

In consideration of the foregoing, Parts 121 and 129 of the Federal Aviation Regulations (14 CFR Parts 121 and 129) are amended, effective July 25, 1978, as follows:

1. By amending paragraphs (a) and (d) of § 121.538 and by adding a new paragraph (1) to that section to read as follows:

§ 121.538 Aircraft security.

(a) For the purposes of this section: (1) "Certificate holder" means a domestic, flag, or supplemental air carrier, when it engages with large aircraft in scheduled or public charter operations; and means a commercial operator engaging in a frequency of operations governed by § 121.7 when it engages with large aircraft in those operations or in any public charter operations under this part. The term does not include an air carrier when it engages in all-cargo operations under a certificate issued by the Civil Aeronautics Board pursuant to Section 418 of the Federal Aviation Act of 1958, or an air taxi operator of large aircraft governed by § 135.2 of this chapter.

(2) "Public charter" means any charter that is not a private charter. A "private charter" is a charter for which the charterer engages the total capacity of an aircraft for the carriage only of:

(i) Passengers in civil or military air movements conducted under contract with the Government of the United States or the Government of any foreign country; or

(ii) Passengers invited by the charterer, the cost of which is borne entirely by the charterer and not directly or indirectly by the individual passengers.

(d) Each certificate holder shall submit its security program to the Administrator. Each certificate holder holding certificate authority under this part on June 25, 1978, shall submit a security program for its public charter operations no later than July 25, 1978. Each certificate holder issued a certificate under this part after June 25, 1978, shall submit its entire security program at least 60 days before the date of intended operations.

(1) Unless otherwise authorized by the Administrator, each certificate holder engaging in operations from airports within the United States not governed by Part 107 of this chapter shall, as part of its security program, provide for law enforcement support, as specified in Part 107, to support passenger screening operations required by this section for flights at those airports.

2. By amending paragraph (a) of § 129.25 and by adding new paragraphs (f) and (g) to the same section to read as follows:

RULES AND REGULATIONS

§ 129.25 Aircraft security.

(a) Each foreign air carrier landing or taking off a large aircraft in the United States shall:

(1) In scheduled operations; and (2) After July 25, 1978, in public charter operations;

use a security program in the conduct of those operations that requires all passengers and all property to be carried in the aircraft cabin to be screened by weapon-detecting procedures or facilities prior to boarding and that meets the requirements prescribed in paragraph (b) of this section.

(f) Unless otherwise authorized by the Administrator, each foreign air carrier engaging in the operation of large aircraft from airports within the United States not governed by Part 107 of this chapter shall, as part of its security program, provide for law enforcement support, as specified in Part 107, to support passenger screening operations required by this section for public charter flights at those airports.

(g) For the purposes of this section, "public charter" means any charter that is not a private charter. A "private charter" is a charter for which the charterer engages the total capacity of an aircraft for the carriage only of:

(1) Passengers in civil or military air movements conducted under a contract with the Government of the United States or the Government of any foreign country; or

(2) Passengers invited by the charterer, the cost of which is borne entirely by the charterer and not directly or indirectly by the individual passengers.

§ 129.25 [Amended]

3. By deleting the word "scheduled" from the introductory clause in paragraph (d) of § 129.25.

(Secs. 313(a), 315, 316, and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1356, 1357, and 1421), Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 6, 1978.

LANGHORNE BOND,
Administrator.

[FR Doc. 78-15958 Filed 6-7-78; 8:45 am]

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-184]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Jamaica Bay, N.Y.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment changes the operation regulations for the Marine Parkway drawbridge across Jamaica Bay, mile 3.0, to require that the draw open on signal from 8 a.m. to 4 p.m., Monday through Friday. At all other times the draw shall open on signal if at least 8 hours' notice is given. This amendment is the result of a request by the Triborough Bridge and Tunnel Authority to man the drawbridge only during the day, Monday through Friday. This request was made because of a significant decrease in requests for openings of the draw from vessels during the evening and weekend periods. Public comment was solicited and the only two responses received either had no objection or no comment concerning the proposal. This change will relieve the bridge owner of the obligation of opening the draw at all times.

EFFECTIVE DATE: This amendment is effective on July 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: On February 16, 1978, the Coast Guard published a proposed rule (43 FR 6815) concerning this amendment. The Commander, Third Coast Guard District, also published these proposals as a public notice dated March 15, 1978. Interested persons were given until March 20, 1978, and April 17, 1978, to submit comments.

DRAFTING INFORMATION: The principal persons involved in drafting this rule are Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Stephen H. Barber, Project Attorney, Office of the Chief Counsel.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations, is amended by adding a new paragraph (d) to § 117.175 to read as follows:

§ 117.175 Jamaica Bay and Connecting Waterways, N.Y.

(d) Marine Parkway Drawbridge. The draw shall open on signal from 8 a.m. to 4 p.m., Monday through Friday. At all other times, the draw shall open on signal if at least 8 hours' notice is given, except the draw shall open for the U.S. Navy and National Oceanic and Atmospheric Administration vessels, in the event of an emergency, if a 1-hour notice is given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: May 31, 1978.

J. B. HAYES,
Admiral,

U.S. Coast Guard Commandant.
(FR Doc. 78-15929 Filed 6-7-78; 8:45 am)

[3410-11]

Title 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 254—LANDOWNERSHIP

Implementation of Procedures

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes the procedures that a non-Federal landowner must follow in exchanging real property with the Forest Service. It also shows the actions the Forest Service will take in processing exchanges. This rule implements the provisions of the National Forest Management Act of 1976, the Federal Land Policy and Management Act of 1976 and exchange laws available to the Forest Service.

EFFECTIVE DATE: June 8, 1978.

FOR FURTHER INFORMATION CONTACT:

William E. Johnson, Lands Staff, Forest Service, Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013, 703-235-8686.

SUPPLEMENTARY INFORMATION: On December 19, 1977, the Secretary of Agriculture published a proposed rule (42 FR 63649) which would set forth general guidelines for a non-Federal

entity to follow in effecting exchanges of real property within the National Forest System. This document proposed establishing subpart A to a new part 254 in chapter II of title 36 of the Code of Federal Regulations. Its purpose was to set forth regulations to implement the provisions of the National Forest Management Act of 1976, the Federal Land Policy and Management Act of 1976 and exchange laws available to the Forest Service.

After consideration of the comments received, the proposed rule is revised in both content and organization. The changes are as follows:

SECTION 254.1 SCOPE AND APPLICATION

This title was not used in the proposed rule. Subsections (b) and (c) were in § 254.1, Requirements. Subsections (a) and (e) were in § 254.3 Authority. Subsection (d) was added and (e) was expanded in response to comments received. The mineral interests in (d) are under the jurisdiction of the Bureau of Land Management and not subject to exchange under laws available to the Forest Service.

SECTION 254.2 DEFINITIONS

This section was renumbered. The definitions that are now at (c), (d), and (e) were changed. The definition for a land exchange agreement is not needed here since it is explained fully in § 254.11. There is no need to define an equal value exchange or the term "cash equalization." The rules in § 254.3 Requirements provide the needed clarification.

The final rules do not contain any examples of interests in lands. Examples are not used because of the concern expressed in a comment that it may be construed that the examples are the only interests that may be exchanged. It was questioned whether a grazing privilege should be considered an interest in land that could be exchanged. A grazing privilege is generally treated as personal property and, therefore, is not an interest in land, as defined in paragraph (e), § 254.2, which can be exchanged. The acts of March 1, 1911, as amended (16 U.S.C. 516) and March 20, 1922, as amended (16 U.S.C. 485) authorize the exchange of timber. Timber is a part of the real property and is not personal property. Therefore rights to timber are interests in lands.

SECTION 254.3 REQUIREMENTS

Comments were made on the criteria for determining when an exchange proposal was in the public interest. This section has been expanded to better define the public interest and to provide for the retention of those interests needed for the public. The explanation of the specific requirements in the exchange laws has been expanded.

SECTION 254.5 INITIATING AN EXCHANGE

It was recommended that exchanges be negotiated with principals only and that exchanges with non-principal third parties be declared unlawful. Many desirable exchanges have been accomplished through third parties at substantial savings to the United States. Continued use of this method of ownership adjustment is desirable so long as the public interest is fully protected.

It was recommended that these rules include a reference to request the Bureau of Land Management to segregate, pursuant to 43 CFR 2202.5, those National Forest lands considered for exchange to prevent filing of claims on those lands. Segregation under the Federal Land Policy and Management Act of 1976 will be subject to the Department of the Interior's regulations for segregations and withdrawals.

The rules now provide that all exchange offers be made to the District Ranger of the District where the non-Federal land is located. This requirement is in the interest of uniformity in the exchange process.

SECTION 254.7 APPRAISAL

It was recommended that the rules provide for appraisal procedures that are not set forth in the "Uniform Appraisal Standards for Federal Land Acquisition." The Standards include those appraisal procedures that are commonly accepted as sound methods for determining fair market value. It would not be in the public interest to use other procedures.

SECTION 254.8 PUBLICATION OF PROPOSED EXCHANGE

This section has been revised to provide for early advertisement of lands considered in an exchange proposal and not require readvertisement of the final exchange agreement.

SECTION 254.9 CONDITIONS IMPOSED BY OTHER REGULATIONS AND EXECUTIVE ORDERS

The examples of the regulations and Executive Orders have been deleted. The Forest Service is bound to follow all the applicable regulations and orders that deal with the acquisition and disposal of lands. These regulations and orders are found elsewhere in the Code of Federal Regulations and in the FEDERAL REGISTER. There is no need to repeat or make specific reference to them in these rules.

SECTION 254.10 APPROVAL

It was recommended that a maximum period be specified for the Forest Service to determine if it will concur with an exchange proposal. Since all exchanges are not alike the establishment of a firm time frame is not appropriate. The time when the Forest

Service may approve the exchange has been identified.

SECTION 254.11 EXCHANGE AGREEMENT

This section has been revised to define the general content of an exchange agreement. The point in the process when the agreement may be signed has been identified as requested by a comment received. A provision has been added that neither exchange party has any contractual obligations if an agreement is not executed.

SECTION 254.12 CONVEYANCE DOCUMENTS AND SEC. 254.13 TITLE EVIDENCE

Comments were made that the rules should provide for different standards in both conveyance documents and forms of title evidence other than those required by the Department of Justice. That Department's standards are applicable to all Federal land acquisitions and should be followed.

The changes in the proposed rules do not create any more environmental impacts than originally assessed. Therefore the Department of Agriculture affirms its position that a detailed statement pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)) is not required. The Department has also determined that there is no need to prepare an Economic Impact Statement to meet the requirements of OMB Circular A-107.

Having considered the proposed rules (42 FR 63649), the written responses to the proposal, and other relevant material, a new subpart is added to title 36, chapter II, part 254 as follows:

PART 254—LANDOWNERSHIP

Subpart A—Land Exchanges

Sec.	
254.1	Scope and application.
254.2	Definitions.
254.3	Requirements.
254.4	Procedures.
254.5	Initiating an exchange.
254.6	Legal description of properties.
254.7	Appraisal.
254.8	Publication of proposed exchange.
254.9	Conditions imposed by other regulations and Executive orders.
254.10	Approval.
254.11	Exchange agreement.
254.12	Conveyance documents.
254.13	Title evidence.
254.14	Title approval.
254.15	Taxes, liens, and encumbrances.

AUTHORITY: Act of March 20, 1922, as amended (16 U.S.C. 485, 486); Act of March 1, 1911, as amended (16 U.S.C. 516); Act of July 22, 1937, as amended (7 U.S.C. 1011); Act of October 23, 1962 (16 U.S.C. 555a); Act of October 21, 1976 (43 U.S.C. 1715, 1716); and other applicable laws.

§ 254.1 Scope and application.

(a) There are many laws that authorize the exchange of National Forest

System real property to meet management objectives within the System. The particular law that may be used for an exchange depends on the status of the National Forest System property and the purpose for which the exchange is to be made.

(b) Land exchanges are discretionary, voluntary real estate transactions between the Secretary of Agriculture acting by and through the Forest Service and private owners, States, or other non-Federal entities. These transactions may involve the exchange of lands or interests therein. The Forest Service is not required to exchange any part of the National Forest System.

(c) These rules are applicable to all National Forest System exchanges, except exchanges under the authority of the Alaska Native Claims Settlement Act, as amended (89 Stat. 1156) and as otherwise noted. Each exchange authority has specific, as well as general, requirements which must be met.

(d) These rules are not applicable to mineral interests which have been retained by the United States in prior conveyances.

(e) There is no authority for the Forest Service to exchange lands that are withdrawn from the public domain for use by the Forest Service as administrative sites where the withdrawn lands are not a part of a National Forest.

§ 254.2 Definitions.

(a) National Forest System is defined in the Act of August 17, 1974 (88 Stat. 480, 16 U.S.C. 1609), as including all national forest lands reserved or withdrawn from the public domain of the United States, all national forest lands acquired through purchase, exchange, donation, or other means, the national grasslands and land utilization projects administered under Title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525, 7 U.S.C. 1010-1012), and other lands, waters, or interests therein which are administered by the Forest Service or are designated for administration through the Forest Service as a part of the System. The National Forest System will be referred to in these rules as NFS.

(b) Status is the condition of landownership within the NFS and is determined by the method that the land became part of the NFS.

(c) A reservation is a right created by the grantor in a clause in an instrument of conveyance by which the grantor reserves some right, interest, or profit in the estate granted.

(d) An outstanding interest is a right or interest in property owned by a person other than the present landowner.

(e) An interest is a partial or undivided right in real property that is less than the complete fee or estate.

(f) Lands means any land or interests therein.

§ 254.3 Requirements.

(a) There are general and specific requirements that must be met in effecting an exchange.

(1) *General requirements.* (i) Lands can only be exchanged to a person who is a citizen of the United States, a corporation that is subject to the laws of any State or the United States or to a non-Federal Governmental entity.

(ii) The exchange must be in the public interest. When considering public interests the Forest Service shall give full consideration to better Federal land management and the needs of State and local people, including needs for lands for the economy, community expansion, recreation areas, food, fiber, minerals, and fish and wildlife. There must be a finding that the exchange will not result in a decrease in public values or the ability to meet NFS management objectives.

(iii) An exchange of lands must be equal in fair market value. A payment of money not to exceed 25 percent of the market value of the NFS lands may be paid by either party to equalize the transaction. The parties will try to minimize the amount of cash equalization. The amount of the payment is not limited in exchanges pursuant to the Exchange for Schools Act of December 14, 1967 (81 Stat. 531). Differences in the size of the exchange properties will not disqualify the exchange if the value requirements are met and the proposal is in the public interest.

(iv) The Forest Service will exchange only lands that are suitable for elimination from the NFS and will reserve rights or retain the interests that are needed for the public interest.

(v) The lands conveyed to the United States cannot be encumbered by reservations or outstanding interests that would unduly interfere with their use and management as part of the NFS.

(vi) Reservations by the non-Federal owner must be subject to the appropriate rules and regulations of the Secretary of Agriculture for such reserved rights, except upon special finding by the Chief, Forest Service in case of States. (36 CFR 251.15 to 251.19.)

(2) *Specific requirements.* (i) The exchange must accomplish the specific requirements and objectives contained in each exchange act. The status of the NFS lands determines the exchange act that may be used except in special cases.

(ii) Most of the exchange laws require that the exchange lands be in the same State. Major exceptions are Title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011); the Act of August 3, 1956 (7 U.S.C. 428a(a)) and the Act of October 23, 1962 (16 U.S.C. 555a).

(iii) Exchanges under the authority of the Act of March 1, 1911, as amended (16 U.S.C. 516) must be submitted to the Secretary of Agriculture for approval. The Secretary must submit transactions of \$25,000 or more in value to the Congress for oversight.

§ 254.4 Procedures.

Formal procedures for exchanges are outlined in these rules. Specific details are contained in Title 5400 of the Forest Service Manual.

§ 254.5 Initiating an exchange.

(a) Exchanges may be initiated by a private landowner, a non-Federal public agency, or the Forest Service. When an exchange proposal is made to the Forest Service, it should be made directly to the district ranger of the district where the non-Federal land is located.

(b) The party initiating an exchange should set forth the proposal in writing, including a statement of ownership or other right to make such an exchange. Permission should be clearly granted by each party to examine the lands of the other.

§ 254.6 Legal description of properties.

The lands proposed for exchange must be properly described and locatable under the survey laws and standards of the United States and the State. The lands may be described as part of a surveyed section or by metes and bounds survey. Any survey required is the responsibility of each owner unless otherwise negotiated.

§ 254.7 Appraisal.

The United States follows appraisal principles set forth in the Department of Justice publication titled "Uniform Appraisal Standards for Federal Land Acquisitions."

§ 254.8 Publication of proposed exchange.

(a) An exchange notice will be published for all exchanges once a week for four consecutive weeks in a newspaper(s) of general circulation in the area in which the lands proposed for exchange are located.

(b) The purpose of this notice is to advise the public of the exchange proposal. This will allow anyone having a claim to the lands to notify the appropriate Forest Service officer and present evidence supporting their claim. It also affords opportunity for objections to be submitted to the Forest Service. All claims and objections must be in writing and postmarked or delivered within 15 days of the final publication.

(c) The notice may be published when the lands that may be included in the exchange have been identified. The notice may describe lands which may not be a part of the exchange agreement (254.11). It will not be necessary to republish the final land de-

scriptions providing the lands were identified in a prior notice.

§ 254.9 Conditions imposed by other regulations and Executive orders.

A land exchange proposal must comply with all laws, regulations, and Executive orders.

§ 254.10 Approval.

(a) After preliminary negotiations which result in concurrence on an exchange proposal, the Forest Service will determine whether an environmental impact statement should be filed as provided in section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 853). Objections received in response to the exchange notice in § 254.8 will be considered in making this determination.

(b) When an environmental impact statement need not be filed, the Forest Service will notify the exchange party and anyone who filed written objections of the decision whether or not the Forest Service will proceed with the exchange.

(c) When an environmental impact statement is filed, objections received in response to the exchange notice will be considered in the environmental statement. The decision on the exchange proposal will be sent to the objectors and the exchange party.

(d) Rights of appeal pursuant to the Secretary of Agriculture Appeal Regulations (36 CFR 211.19, 36 CFR 292.15(1)(1)) are applicable to the decisions.

(e) The authorized Forest Service officer may approve the exchange after the requirements (§§ 254.3, 254.10) have been met.

§ 254.11 Exchange agreement.

(a) An exchange agreement may be entered into between the Forest Service and the exchange party. The agreement will identify the estates to be exchanged, all reservations and outstanding interests, any necessary cash equalization and all other terms and conditions which each party agrees to perform. The agreement may be executed after the Forest Service has approved the exchange. The agreement will be binding on both parties providing (1) acceptable title can be conveyed (§§ 254.14, 254.15); (2) no loss or damage occurs to either property from any cause and; (3) the decision to complete the exchange is upheld in accordance with 36 CFR 211.19, 36 CFR 292.15(1)(1).

(b) If an exchange agreement is not executed, no action taken by the parties to the exchange shall create or establish any contractual or other obligations or rights against either exchange party prior to the issuance of the patent, deed or other consideration by the United States.

§ 254.12 Conveyance documents.

(a) The deed to the United States must be in a form that complies with the Department of Justice "Standards for the Preparation of Title Evidence in Land Acquisition by the United States."

(b) Conveyances from the United States will be either a quitclaim deed from the Department of Agriculture or a patent issued by the Department of the Interior. The type of document will depend on the status of the NFS land.

§ 254.13 Title evidence.

(a) Evidence of title of land or interests being conveyed to the United States must be in a form acceptable to the Department of Justice, as described in the "Standards for the Preparation of Title Evidence in Land Acquisition by the United States."

(b) The non-Federal landowner initiating an exchange proposal will usually bear the cost of the required title evidence. The Forest Service may pay the cost of title evidence when it is in the interest of the United States and provided for in the exchange agreement.

(c) The United States does not furnish formal title evidence to its land.

§ 254.14 Title approval.

Title to lands being conveyed to the United States will be approved by the Office of the General Counsel of the Department of Agriculture.

§ 254.15 Taxes, liens, and encumbrances.

Taxes, liens, and other encumbrances such as mortgages, deeds of trust and judgments must be eliminated or released in accordance with the requirements of the title opinion of the Office of the General Counsel.

DAVID G. UNGER,

Deputy Assistant Secretary for Conservation, Research, and Education.

JUNE 2, 1978.

[FR Doc. 78-15810 Filed 6-7-78; 8:45 am]

[7715-01]

Title 39—Postal Service

CHAPTER III—POSTAL RATE COMMISSION

[Docket No. RM76-5; Order No. 203]

PART 3001—RULES OF PRACTICE AND PROCEDURE

Filing of Periodic Reports by the United States Postal Service; Order Modifying Rules Establishing Periodic Data Reporting System

JUNE 2, 1978.

AGENCY: Postal Rate Commission.

ACTION: Final rule.

SUMMARY: This rule amends certain financial forms which the Postal Service submits periodically to the Postal Rate Commission. The Cash Flow Statement is amended to bring its format into conformity with current Postal Service data processing systems. The Investment Income Statement is amended so as not to require the Postal Service to divulge confidential data.

EFFECTIVE DATE: July 1, 1978.

FOR FURTHER INFORMATION CONTACT:

David F. Harris, Chief Administrative Officer, U.S. Postal Rate Commission, 2000 L Street NW., Suite 500, Washington, D.C. 20268, 202-254-3880.

SUPPLEMENTARY INFORMATION:

By Order No. 141, issued October 21, 1976 (3 PRC 96), we adopted rules establishing a periodic data reporting system requiring the Postal Service to regularly provide the Commission with certain data. (See Subpart G of the Commission's rules of practice, 39 CFR 3001.101 and 3001.102.) It was anticipated that the adoption of those rules would enable the Commission to obtain data from the Postal Service which the Commission determined necessary for it to perform its regulatory functions.

Thereafter, the Postal Service informed the Commission that it had encountered certain problems in providing data for the Cash Flow Statement, PRC 102 and the Investment Income Statement, PRC 103, in the required format and, by letter dated May 2, 1977, proposed modification of those two reports. The Service asserted that modifications were necessary in the Cash Flow Statement because the data systems of the Service do not generate information in the form prescribed. It also stated that the existing format of the Investment Income Statement would require the Service to divulge confidential data.

The Service's letter was treated as a request for modification of the rules and public notice thereof was given by the Commission, together with an invitation for the submission of comments. See 42 FR 32809 (June 28, 1977). The only response came from the Officer of the Commission (OOC), who objected to a number of the proposed changes. We consider these objections *seriatim*. Preliminarily, however, we direct attention to certain procedural comments by the OOC.

The OOC has complained of a series of four communications between the technical staff of the Commission and Postal Service personnel purportedly directed toward assisting the latter in overcoming technical problems in filing PRC forms 102 and 103. The

OOC claims that these off-the-record exchanges were unwarranted since technical conference procedures, open to all parties, had been established at an early stage of the proceeding. We agree that it would have been preferable, under these circumstances, if all discussions, including those involving questions of the Postal Service's ability to satisfy the requirement of PRC forms 102 and 103, had been conducted via the technical conferences. We do not agree, however, that the breach is of so serious a nature as to indicate a need for (let alone necessitate) the sanctions proposed by the OOC, e.g., the placing of comments in a separate file and the removal of all employees involved from the decisional process. To the contrary, the efforts appear to have been directed solely toward ascertaining the Service's ability, within the limits of its accounting processes, to furnish as much as possible of the data initially called for and to explain possible accommodations. Accordingly, we deny the OOC's procedural objections, while directing our staff to assure maximum utilization of the technical conference procedure in all matters relating to this rulemaking proceeding.

We move on to consider the validity of the substantive modifications proposed by the Postal Service. These modifications were set out in detail in the June 1977 Notice and need not be repeated herein.

CASH FLOW STATEMENT

The OOC argues that the proposed cash flow statement is more limited in the amount of information provided, does not identify items which "balloon" into single payments and does not segregate cash disbursements for labor from other operating expenses.

In our opinion, the modifications proposed will continue to provide an acceptable amount of useful information without requiring the establishment by the Postal Service of a separate accounting system. Two of the changes primarily involve the relocation of certain information on the form and a third would change the "labor" entry from a cash basis to an accrual basis. This change should occasion only a minor and relatively insignificant difference in the information made available. Consequently the proposed modifications will be accepted. Revised form PRC 102 is included as Attachment A hereto.

INVESTMENT INCOME STATEMENT

The Postal Service's proposed modifications in the format of PRC form 103 are set out in the June 1977 Notice, as supplemented by a July 20, 1977 filing in which further changes were suggested. Appendix B represents a composite of the revised Investment Income Statement thus proposed. The

Service requests that the rule which requires the Investment Income Statement to be filed for each accounting period to be modified so as to provide for quarterly filings beginning with the first quarter of Postal Fiscal Year 1978, the earliest time at which the accounting systems necessary to generate the data will be operational.

The OOC contends that the changes in PRC 103 will undermine its ability to determine the magnitude of individual transactions. It asserts that the several figures required by the original form would be more helpful in determining the Service's financial status and in identifying the types of transactions being conducted. The OOC also claims that the proposal to have the book value adjustments made to the net figure, instead of being reported separately, will preclude its evaluation of the figure.

We have reviewed the changes to PRC form 103 proposed by the Postal Service and the several bases advanced in support of those modifications. We conclude that while the utility of the form may be somewhat diminished thereby, the changes are reasonable when weighed against the inordinate burden which would result from requiring compliance with the original format. We do not agree that the combination of the separate additions to the beginning book value will result in a "..." single, meaningless figure" or that the final figure will be incapable of evaluation. Accordingly, we accept the changes proposed and deny the objections posed by the OOC.

In consideration of the foregoing, the following amendments to Part 3001 of the rules of the Postal Rate Commission (39 CFR Part 3001) are hereby adopted:

§ 3001.102 [Amended]

(1) A new subparagraph (4) is added to 39 CFR 3001.102(b) to read as follows:

(b) . . .
(4) Investment Income Statements (30 days after close of the postal quarter).

(2) 39 CFR 3001.102(c)(2) is deleted; subparagraphs (3) and (4) are renumbered as (2) and (3), respectively.

(3) The format for existing form PRC 102 is deleted and a revised form PRC 102 is added as set forth in Attachment A.

(4) The format for existing form PRC 103 is deleted and a revised form PRC 103 is added as set forth in Attachment B.

(5) Revised form PRC 103 shall be filed by the Postal Service commencing with the first quarter of postal fiscal year 1978.

Effective date. These amendments shall become effective on July 1, 1978.

(Secs. 3603, 3622, and 3623 of the Postal Reorganization Act; (39 U.S.C. 3603, 3622, 3623), 84 Stat. 759-61; (5 U.S.C. 553), 80 Stat. 383.)

By the Commission.

DAVID F. HARRIS,
Secretary.

ATTACHMENT A

Revised PRC 102

U.S. POSTAL SERVICE CASH FLOW STATEMENT ACCOUNTING PERIOD — FISCAL YEAR 19 — [Millions]

	Current accounting period	Year-to-date period
Beginning balance:		
Cash		
Investments		
Total		
Receipts:		
Postal revenues		
Government		
appropriations		
Borrowing proceeds—		
operating		
Borrowing proceeds—		
capital		
Total		
Disbursements—operations:		
Labor, material, and		
services—Civil		
Service Retirement		
Fund deficit		
Workers'		
compensation		
Interest		
Capital investment		
Debt repayment—		
operating		
Debt repayment—		
capital		
POD liability		
Total		
Net increase (decrease)		
in outstanding money		
orders and trust funds		
Ending balance:		
Cash		
Investments		
Total		
Supplemental data (accrual basis):		
Investment income		
Proceeds from sale of		
assets		
Salaries and wages—		
gross pay		

ATTACHMENT B

Revised PRC 103

U.S. POSTAL SERVICE INVESTMENT INCOME STATEMENT FISCAL YEAR — QUARTER —

Beginning book value	
Net adjustments ¹	
Net profit/loss	
Ending book value	
Net income ²	
Average investment	
balance ³	
Composite yield	
(percent) ⁴	

¹ Purchases at cost, disposals at consideration, and changes in book value.

² Net of accrued income, profit or loss, and other income from lending collateral and expense from amortization of premium.

³ Book value weighted by calendar days.

⁴ Net income (annualized) divided by average investment balance.

[FR Doc. 78-15865 Filed 6-7-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER 1—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

(FRL 881-7; OPP-40004B)

PART 171—FEDERAL CERTIFICATION OF PESTICIDE APPLICATORS IN STATES OR ON INDIAN RESERVATIONS WHERE THERE IS NO APPROVED STATE OR TRIBAL CERTIFICATION PLAN IN EFFECT

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency is amending Part 171 of Title 40 of the Code of Federal Regulations by adding a Section 171.11 to enable EPA to conduct a Federal program for the certification of applicators of restricted use pesticides in those States and on those Indian Reservations where there is no approved State or Tribal certification plan in effect. This rule specifies the requirements which will apply to applicators of restricted use pesticides under a Federal certification program.

EFFECTIVE DATE: June 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Lois W. French, Acting Chief, Regional Support Branch, Operations Division (WH-570), Office of Pesticide Programs, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, telephone 202-755-0356.

SUPPLEMENTARY INFORMATION: On June 30, 1977, an Advance Notice of Proposed Rulemaking (42 FR 33352) was published in the FEDERAL REGISTER stating EPA's intent to develop regulations to provide for the Federal certification of applicators of restricted use pesticides in those States and on those Indian Reservations which lack their own approved certification plans. The decision to develop a Federal certification program was predicated upon the conclusion that not all States and Indian Reservations would be able, or intended, to develop plans to which the Agency could grant approval. The decision was further based upon the determination that Congress intended EPA to carry out a certification program under such circumstances.

Subsequently, following review and consideration of public comments submitted pursuant to the Advance

Notice, the Agency, on December 7, 1977, published in the FEDERAL REGISTER for further public comment a proposed rule (42 FR 61873) specifying the requirements which would apply under a Federal certification program. Comments were received from twenty-three individuals and organizations. Certain changes made in response to these comments have been incorporated into this final rule. Other minor revisions have also been made in the final rule; for example, the major paragraphs have been renumbered to facilitate entry into the Code of Federal Regulations. Significant comments and modifications to the rule are discussed below.

Several commenters suggested that certified commercial applicators be permitted to renew their certification by completing an approved training course rather than by passing written examinations. The Agency agrees that recertification by completion of training may, in some instances, be a superior means of assuring the continued competence of certified commercial applicators. Therefore, §171.11(c)(6) of the final rule gives the Administrator discretion to allow certified commercial applicators to become recertified by completion of approved training in lieu of recertification by written examination. However, the Agency itself is not now in a position to provide recertification training. Therefore, the availability of the training option will be dependent upon the willingness and capability of public or private institutions within a State to develop recertification training programs which can be approved for that purpose by the Administrator.

In addition to the previously described changes in commercial applicator recertification methods, the final rule has been modified by adding provisions, at §§171.11(c)(6) and 171.11(d)(3), which require certified commercial and private applicators to complete recertification procedures during the twelve month period preceding the certificate expiration date. These minor changes correct inadvertent omissions in the proposed version of this rule and were made at the suggestion of the EPA Working Group on Federal Certification. The purpose of these additions is to ensure that recertification procedures are not completed so far in advance of certificate expiration as to be non-indicative of the applicator's competency at the time his or her certification is renewed.

Eleven commenters suggested that commercial applicators should be required to be recertified every four years, rather than every two years as provided in the proposed regulations. A lesser number of commenters also suggested that private applicators should be required to be recertified less frequently than proposed. These

suggestions were generally based on the opinion that recertification should not be required more frequently than under an average approved State plan. Similar comments were submitted in response to the Advance Notice, and the Agency's reasons for rejecting these suggestions were published in the FEDERAL REGISTER in the preamble to the proposed rule. Further, inasmuch as several States require applicators to be recertified as frequently as provided in the proposed regulations, and in some instances more frequently, the Agency can find no compelling reason to accede to the suggested changes. Therefore, the final rule retains the two year and three year requirement, respectively, for commercial and private applicators.

Four commenters objected to the proposed recordkeeping requirements for certified commercial applicators, claiming that the required record contents would exceed those established by existing regulations (40 CFR 171.7(b)(1)(iii)(E)) as the minimum required under State plans. EPA believes that the recordkeeping requirements established for commercial applicators certified by this Agency are reasonable and necessary for efficient enforcement of FIFRA and this rule. In addition, it should be noted that States submitting plans of their own have the power to require more extensive records than those described in the State plan regulations, and numerous States have done so.

EPA agrees, however, with those commenters who pointed out that proposed §171.11(b)(7)(i)(I), which would have required commercial applicator records to contain "[o]ther information as the Administrator . . . deem[ed] appropriate," was vague and confusing. Accordingly, subdivision (I) has been deleted. In addition, subdivision (c)(7)(i)(G) of this rule clarifies what is required regarding records of amounts of restricted use pesticides used.

Four commenters suggested that procedures and rights to which individuals may be entitled during proceedings to deny, suspend, modify, or revoke a certificate should be expressly stated in this rule. EPA agrees that such a statement would be of benefit. Accordingly, paragraph (f) of this rule specifies in more detail the procedures which EPA will follow in denial, suspension, modification, and revocation actions, and the rights, including the right to a hearing in certain cases, to which an affected individual is entitled.

In addition, paragraph (f) establishes procedures for suspension of certificates which differ in some respects from the procedures established for denial, revocation, and modification actions. These suspension procedures provide for immediate action by

the Administrator to protect the public health, interest, or welfare in situations where the more deliberate procedures for revocation or modification would unreasonably delay protective actions. An individual whose certificate is suspended under paragraph (f) will, however, be immediately notified that the Administrator intends to revoke or modify the certificate, whichever is appropriate. The affected individual will thereafter be entitled to the procedural and substantive rights described in subdivisions (f) (2)-(4) of the rule, as well as any other rights provided by Federal law.

Two commenters again raised the issue of whether EPA should amend this rule to provide for issuance of single purchase/single use or emergency certificates to uncertified private applicators. This issue has been carefully considered by EPA and was previously addressed in the preamble to the proposed rule. EPA has again concluded that its resources are not adequate to provide this option to private applicators.

One commenter suggested that if EPA does not provide a single purchase/single use certification option for private applicators, it should prepare an Environmental Impact Statement (EIS) describing the effect such a decision would have. The Agency considered whether any of its activities under this rule would require an EIS, under the National Environmental Policy Act of 1969 and rules thereunder, before publication of the proposed version of this rule, and concluded that they do not. This conclusion still represents the position of the Agency in this matter.

One commenter suggested that finite time periods be established for suspensions or modifications of certificates. EPA cannot agree with this comment since the appropriate length of any suspension or modification will depend on the specific facts of each individual case, and must therefore be determined on a case-by-case basis.

Another commenter suggested that EPA establish a time period of 30 days after receipt of a certification application in which to provide the applicant with the appropriate certification opportunity. Although EPA intends to respond to each application expeditiously, it cannot bind itself to any arbitrary time period for such a response. Certification opportunities will be provided by the appropriate EPA Regional Offices at times and places which are as efficient and convenient as possible.

Two commenters raised the question of whether public hearings should be held before promulgation of this rule. This issue was fully discussed in the introduction to the proposed version of this rule, where the Agency concluded that, under the circumstances, such hearings were not warranted.

One commenter suggested that a specific passing grade be established for individuals taking the commercial applicator written examinations. However, as this matter is one of the technical details involved in implementing a Federal plan in a particular State, passing grades will be specified in each Federal plan and not in this rule. Federal plans will, as a matter of course, be made available for public review and comment prior to implementation.

The same commenter suggested that some kind of "statute of limitations" be imposed on the Administrator's authority under this rule to deny, suspend, revoke, or modify a certificate on the grounds that the individual concerned was subject to a final criminal or civil penalty action under Section 14 of FIFRA, as amended. It is the opinion of the Agency that such an express limitation is unnecessary. The Administrator will, of course, take into consideration the length of time between a prior action under Section 14 and any present administrative actions in deciding what weight, if any, to accord the prior proceeding. Since past actions may, however, have a direct bearing on an individual's current qualifications to use restricted use pesticides safely, it would be unwise for EPA to set an arbitrary time limit on the Administrator's power to consider such actions.

Several commenters suggested changes in this rule's provisions for recognition of other certificates in a State where a Federal plan is in effect. Some commenters requested that EPA designate in this rule those States with which EPA and other States can establish reciprocity of certification. Others suggested that certificates should automatically be recognized as valid in all States within the EPA Region where the certificate is first issued, while others suggested that EPA should be required to accept all certificates issued by States with approved plans. EPA cannot agree with these comments. Reciprocal recognition of certification, between States or between EPA and the States, is a matter which must be resolved by the involved government bodies. Issues of State and Federal jurisdiction, sovereignty, and comparability of certification standards are too complex to be treated in a rule of general applicability. EPA believes that paragraph (e) of this rule is as specific and informative on this subject as it possible at this time, and that the Administrator should retain discretion, within the bounds set by that paragraph, to decide whether to recognize certificates issued by other jurisdictions.

Two commenters suggested limiting the provision making misuse (i.e., use inconsistent with the labeling) of any pesticide grounds for denial, suspension, revocation, or modification of a

certificate. These two commenters would limit this authority to cases of "knowing" or "willful" misuse, on the theory that otherwise EPA could, and would be obliged to, impose sanctions for every misuse, no matter how minor, inadvertent, or harmless. EPA considers that these fears are groundless. The Administrator is not required by the language of subdivision (f)(1)(i) of this rule to prosecute every pesticide misuse, and the Administrator is free to exercise his or her inherent prosecutorial discretion by not enforcing this provision to the fullest in those cases where the circumstances warrant leniency or excuse of the violation. Furthermore, to limit the misuse provision to "knowing" violations would effectively prevent EPA from imposing reasonable administrative sanctions on individuals negligently, carelessly, or otherwise unknowingly misusing pesticides in such a way as to substantially harm or threaten the environment. For similar reasons, EPA must reject a suggestion for limiting actions under subdivision (f)(1)(vi) to "knowing" violations of FIFRA or rules thereunder.

On a related matter, EPA has voluntarily modified paragraph (b) of this rule to further clarify that a certified applicator is not permitted to use restricted use pesticides for any purpose or in any manner not authorized by his or her certification. Private applicator certification will authorize only those uses described in 40 CFR 171.2(t). Commercial applicator certification will authorize only those uses included within the categories or subcategories, described in 40 CFR 171.3(b) or an applicable Federal plan, in which the applicator is certified. Any other uses would be unauthorized and in violation not only of paragraph (b), but also of FIFRA Section 12(a)(2)(G), which prohibits use of any pesticide in a manner inconsistent with its labeling, since restricted use pesticide labeling will limit an applicator's use of the product to only "those uses covered by the certified applicator's certification" (40 CFR 162.10(j)(2)(i)(B)).

One commenter suggested that provisions pertaining to approval by the Administrator of certification examinations administered by other persons might not authorize him or her to approve examinations given prior to the effective date of this rule. After consideration of this comment, the Agency has concluded that these provisions, now found in subdivisions (c)(4) and (d)(1)(ii), do authorize the Administrator to approve such certification examinations.

One commenter suggested that the language of the proposed rule was not clear as to whether a certificate issued under this rule is valid on Indian reservations in the State where issued.

EPA believes that the language in question, now found in subdivisions (c)(4) and (d)(2), does allow, for purposes of Federal law, a certified applicator to use restricted use pesticides anywhere within the "State . . . named on the certificate," including on any Indian reservation within the State. Use on Indian reservations may, however, be subject to other, non-federal, requirements imposed under tribal law.

Two commenters suggested that the provision allowing extension of the 45 day period for notifying individuals of their commercial applicator examination results if " . . . special circumstances justify a longer time period . . . " would cause unnecessary inconvenience to applicants. EPA does not believe that the time period, now described in subdivision (c)(4), is unreasonably long. Furthermore, every effort will be made by EPA to report examination results well before the expiration of the time allowed by this rule. EPA also rejects the suggestion that it should issue emergency certificates to applicants who desire to use restricted use pesticides while awaiting notification of test results. Such "emergency" certification would be directly contrary to one of the primary purposes of the amended FIFRA and these rules, that of making certain that only qualified individuals use restricted use pesticides.

Another commenter suggested that, if special circumstances force a delay in the notification period for applicants for certification, EPA should provide notification of the delay and the reasons therefor. Although subdivision (c)(4) does not expressly require this additional notification, it is expected that the EPA Regional Office administering the examination would issue an appropriate explanation to the affected individuals within the original 45 day time period.

One commenter requested that a formal Economic Impact Analysis be prepared prior to promulgation of this rule. EPA addressed this issue in the FEDERAL REGISTER notice of the proposed version of this rule, stating that this rule does not require such an analysis under the terms of Executive Orders 11821 and 11949 and OMB circular A-107. This determination was not made arbitrarily as the commenter apparently believes. Rather, it was the result of a detailed informal economic analysis by EPA's Office of Pesticide Programs, Criteria and Evaluation Division, concluded in October 1977. No new facts have arisen to challenge the findings of the report. Copies of the report may be obtained through the person identified in this preamble as the contact for further information.

Several other comments were received which offer valuable insights into the administration of Federal

plans in Colorado and Nebraska. As these comments are not relevant to the promulgation of this rule, they will not be addressed here. However, EPA will carefully consider these comments in regard to the implementation of this rule.

Pursuant to section 25(a)(3) of FIFRA, as amended, a copy of this rule was forwarded to the Committee on Agriculture of the House of Representatives and to the Committee on Agriculture and Forestry of the Senate. This rule was also submitted for review to the Scientific Advisory Panel as required by section 25(d). The Panel " . . . determined that the document was procedural in nature and " . . . further review and comment by the Panel is not warranted."

A copy of this rule was also provided to the Secretary of Agriculture for comment in accordance with section 25(a)(2)(B). The Department of Agriculture stated in response that it had no comments to offer on this final version of the rule. The Department also stated that there was no need to publish its response in the FEDERAL REGISTER.

Pursuant to section 4(d) of the Administrative Procedure Act, 5 U.S.C. 553(d), the effective date of a regulation must be at least 30 days after its publication, unless "good cause" is specified for establishing an earlier date. In this case, good cause exists for making this rule effective upon publication. In order to comply with the intent of FIFRA, it is important to facilitate the certification of applicators of restricted use pesticides in States which have not submitted approval State plans. Any delay in the effectiveness of this rule could substantially impede the efficient implementation of Federal plans developed by the Agency. Furthermore, since the final rule is substantially the same as the proposed rule, which was published more than 30 days ago, the public notice purpose of the 30 day requirement of section 4(d) of the Administrative Procedure Act has already been achieved. Accordingly, § 171.11 will be effective on June 8, 1978.

NOTE.—The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Analysis under Executive Orders 11821 and 11949 and OMB Circular A-107.

AUTHORITY: Secs. 4 and 25 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (88 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 et seq.).

Dated: May 30, 1978.

DOUGLAS M. COSTLE,
Administrator.

40 CFR 171 is amended by adding § 171.11 to read as follows:

§ 171.11 Federal certification of pesticide applicators in States or on Indian Reservations where there is no approved State or Tribal certification plan in effect.

(a) **Applicability.** This section applies to persons in any State and on any Indian Reservation where, because there is no approved State or Tribal certification plan in effect, the Administrator implements an EPA plan for the Federal certification of applicators of restricted use pesticides.

(b) **Certification requirement.** In any State or on any Indian Reservation where this section is applicable, any person who uses or supervises the use of any pesticide classified for restricted use must be certified in accordance with this section. However, a competent person who is not certified may use a restricted use pesticide under the direct supervision of a certified applicator for uses authorized by the certified applicator's certification. Private applicator certification shall authorize only those uses, or the supervision of those uses, included within the specific category(ies) or subcategory(ies), described in section 171.3(b) or an applicable Federal plan, in which the applicator is certified.

(c) **Certification of commercial applicators.**—(1) **Categories for Commercial Applicators.** Categories referred to in this section are the same as those listed in § 171.3(b). Determination of competency in each category shall conform to the requirements of § 171.4(a).

(2) **Subcategories.** The Administrator may adopt subcategories as he or she deems necessary, consonant with the needs of the individual State or Reservation.

(3) **Standards for certification.** The standards of competency for certification of commercial applicators under this section are the same as those listed in § 171.4 (b) and (c) and § 171.6.

(4) **Certification procedure.** An individual who desires to be certified or recertified under this paragraph shall complete the EPA certification form and submit the form to the appropriate EPA Regional Office. In order to be initially certified as a commercial applicator under this paragraph, an individual must take and pass written examinations approved by the Administrator and administered by the Administrator or any other party approved by him or her. A general examination will be given, based on the general standards found in § 171.4(b) and the standards for supervision found in § 171.6. In addition, specific category and subcategory examinations will be given, based on the appropriate category or subcategory standards found

in § 171.4(c) and the applicable Federal plan. The Administrator will notify the individual in writing of the results of the examinations within 45 days unless special circumstances justify a longer time period. The Administrator will issue to each person who has passed a general examination and one or more category or subcategory examinations a commercial applicator certificate covering each category and subcategory in which he or she has qualified. A commercial applicator certificate is valid for a period of two years from the date of issuance, unless earlier suspended or revoked by the Administrator, and is valid within the State or Indian Reservation named on the certificate.

(5) **Re-examination.** Individuals failing to pass the required certification examination(s) may be re-examined after notification of failure. An individual seeking re-examination need take only the examination(s) which he or she originally failed.

(6) **Renewal of commercial applicator certification.** A certified commercial applicator may qualify for recertification by taking and passing written examinations as specified in paragraph (c)(4) of this section, or by successfully completing any available training program approved for this purpose by the Administrator. Recertification procedures must be completed by the certified commercial applicator during the twelve month period preceding the expiration date of his or her certificate.

(7) **Record keeping requirements.** (i) Each certified commercial applicator shall keep and maintain true and accurate records of the use of restricted use pesticides, providing the following information:

(A) name and address of the person for whom the pesticide was applied;

(B) location of the pesticide application;

(C) target pest(s);

(D) specific crop or commodity, as appropriate, and site, to which the pesticide was applied;

(E) year, month, day, and time of application;

(F) trade name and EPA registration number of the pesticide applied;

(G) amount of the pesticide applied and percentage of active ingredient per unit of the pesticide used; and

(H) type and amount of the pesticide disposed of, method of disposal, date(s) of disposal, and location of the disposal site.

(i) **Availability of required records.** Each certified commercial applicator shall keep all records required under this paragraph current and shall make such records available for inspection and copying by representatives of EPA for a period of at least two years from the date of use of the pesticide.

(d) **Certification of private applicators.**—(1) **Certification procedures.** An

individual who desires to be certified or recertified under this paragraph shall complete the EPA certification form and submit the form to the appropriate EPA Regional Office. In order to be certified or recertified as a private applicator to use restricted use pesticides, an individual must be determined competent with respect to the use and handling of pesticide. Standards for such determination are the same as those listed in §§ 171.5 and 171.6. The Administrator will offer one or more of the following certification options, including at least one option which does not require the applicator to take an examination—

(i) **Approved training course.** The individual may successfully complete an approved training course. Approved training courses may include courses sponsored by EPA, State cooperative extension services, State vocational agricultural courses, or private educational groups. Each training course for certification must be approved for that purpose by the Administrator and include, at a minimum, coverage of the private applicator standards listed in §§ 171.5 and 171.6, and a demonstration that the individual has successfully completed the training course. Subject to the approval of the Administrator, this demonstration may be accomplished by completion of a no pass/no fail written questionnaire or a workbook, receipt of a passing grade in an approved course offered by an educational institution, or any other equivalent procedure.

(ii) **Written examination.** The individual may pass a written examination approved by the Administrator and administered by the Administrator or any other party approved by him or her.

(iii) **Self-study program.** The individual may successfully complete a self-study learning program approved by the Administrator and administered by the Administrator or any other party approved by him or her.

(iv) **Non-reader certification.** Non-readers may be certified for specific use(s) of a single product by successfully completing an approved training course as specified in (i) above, or by passing an oral examination approved by the Administrator and administered by the Administrator or any other party approved by him or her. Such training or testing shall incorporate a specific procedure relating to label comprehension, as described in § 171.5(b)(1).

(2) **Issuance of certificates.** The Administrator will issue a private applicator certificate to each individual who successfully completes any available certification option. A private applicator certificate is valid for a period of three years from the date of issuance, unless earlier suspended or revoked by the Administrator, and is valid within

the State or Indian Reservation named on the certificate. Individuals who, for any reason, fail to successfully complete a certification option may attempt to complete the same option or, if available, an alternative option.

(3) *Renewal of private applicator certification.* A certified private applicator may qualify for recertification by successfully completing any available certification option during the twelve month period preceding the expiration date of his or her certificate.

(e) *Recognition of other certificates.* The Administrator may issue a certificate to an individual possessing any other valid Federal, State or Tribal certificate without further demonstration of competency. The individual shall submit the EPA certification form and written evidence of valid certification to the appropriate EPA Regional Office. The Administrator may deny issuance of such certificate if the standards of competency for each category or subcategory identified in the other Federal, State or Tribal certificate are not sufficiently comparable to justify waiving further demonstration of competency. The Administrator may revoke, suspend, or modify such certificate if the Federal, State or Tribal certificate upon which it is based is revoked, suspended, or modified. Unless suspended or revoked, a certificate issued under this paragraph is valid for two years for commercial applicators and three years for private applicators, or until the expiration date of the original Federal, State or Tribal certificate, whichever occurs first.

(f) *Denial, suspension, modification or revocation of a certificate.* (1) The Administrator may suspend all or part of a certificate issued pursuant to this section, or, after opportunity for a hearing, may deny issuance of, or revoke or modify, a certificate issued pursuant to this section, if he or she finds that the applicant or certificate holder has been convicted under section 14(b) of the amended FIFRA, has been subject to a final order imposing a civil penalty under section 14(a) of the amended FIFRA, or has committed any of the following acts:

(i) Used any registered pesticide in a manner inconsistent with its labeling;

(ii) Made available for use, or used, any registered pesticide classified for restricted use other than in accordance with section 3(d) of the amended FIFRA and any regulations promulgated thereunder;

(iii) Refused to keep and maintain any records required pursuant to this section;

(iv) Made false or fraudulent records, invoices or reports;

(v) Failed to comply with any limitations or restrictions on or in a duly issued certificate; or,

(vi) Violated any provision of the amended FIFRA and the regulations promulgated thereunder.

(2) If the Administrator decides to deny, revoke, or modify a certificate, he or she will:

(i) Notify the applicant or certificate holder of:

(A) The ground(s) upon which the denial, revocation or modification is based;

(B) The time period during which the denial, revocation or modification is effective, whether permanent or otherwise;

(C) The conditions, if any, under which the individual may become certified or recertified; and,

(D) Any additional conditions the Administrator may impose.

(ii) Provide the applicant or certificate holder an opportunity to request a hearing prior to final Agency action to deny, revoke or modify the certificate.

(3) If a hearing is requested by an applicant or certificate holder pursuant to paragraph (f)(2)(ii) of this section, the Administrator will:

(i) Notify the affected applicant or certificate holder of those assertions of law and fact upon which the action to deny, revoke or modify the certificate is based;

(ii) Provide the affected applicant or certificate holder an opportunity to offer written statements of facts, explanations, comments, and arguments relevant to the proposed action;

(iii) Provide the affected applicant or certificate holder such other procedural opportunities as the Administrator may deem appropriate to ensure a fair and impartial hearing; and

(iv) Appoint an attorney in the Agency as Presiding Officer to conduct the hearing. No person shall serve as Presiding Officer if he or she has had any prior connection with the specific case.

(4) The Presiding Officer appointed pursuant to paragraph (f)(3)(iv) of this section shall:

(i) Conduct a fair, orderly, and impartial hearing, without unnecessary delay;

(ii) Consider all relevant evidence, explanation, comment, and argument submitted pursuant to paragraphs (f)(3)(ii) and (iii) of this section; and,

(iii) Promptly notify the affected applicant or certificate holder of his or her decision and order. Such an order is a final Agency action subject to judicial review in accordance with Section 16 of the amended FIFRA.

(5) If the Administrator decides to suspend all or part of a certificate, he or she will:

(i) First determine that the public health, interest or welfare warrants immediate action to suspend the certificate;

(ii) Notify the certificate holder of the ground(s) upon which the suspension action is based;

(iii) Notify the certificate holder of the time period during which the suspension is effective; and,

(iv) Notify the certificate holder of his or her intent to revoke or modify the certificate, as appropriate, in accord with paragraph (f)(2) of this section. If such revocation or modification notice has not previously been issued, it will be issued at the same time the suspension notice is issued.

(6) In cases where the act constituting grounds for suspension, revocation, or modification of a certificate is neither willful nor contrary to the public interest, health, or safety, the affected certificate holder may have additional procedural rights under 5 U.S.C. 558(c).

(7) Any notice, decision, or order issued by the Administrator under paragraph (f) of this section, and any documents filed by an applicant or certificate holder in a hearing under paragraph (f) of this section, shall be available to the public except as otherwise provided by section 10 of the amended FIFRA or by part 2 of this title. Any such hearing at which oral testimony is presented shall be open to the public, except that the Presiding Officer may exclude the public to the extent necessary to allow presentation of information which may be entitled to confidentiality under section 10 of the amended FIFRA or under part 2 of this title.

[FR Doc. 78-15966 Filed 6-7-78; 8:45 am]

[4710-02]

Title 41—Public Contracts and Property Management

CHAPTER 7—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[AIDPR Notice 78-51]

MISCELLANEOUS REVISIONS TO THE AID PROCUREMENT REGULATIONS

AGENCY: Agency for International Development.

ACTION: Final rule.

SUMMARY: This document amends the Agency for International Development procurement regulations (AIDPR) by specifying the authority for ratification of unauthorized commitments; specifying the review and approval process for noncompetitively negotiated procurements; reflecting new minimum levels for the issuance of Federal Reserve Letters of Credit; removing illustrations of forms and removing AIDPR appendices from the Code of Federal Regulations. The amendments are procedural and technical in nature and are necessary to update the present regulations.

EFFECTIVE DATE: May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

James M. Kelly, CM/SD/POL.

Agency for International Development, Washington, D.C. 20523, 703-235-9107.

SUPPLEMENTARY INFORMATION:

AIDPR Notice 78-51 is being revised to:

(1) Provide the public with a list of AIDPR Appendices, and inform them where they can obtain copies of AIDPR Appendices;

(2) Add a new § 7-1.405 to specify where in AID authority lies for ratification of unauthorized commitments, and to cross reference Agency regulations governing such ratification, as established in Part 7-50 of the AIDPR;

(3) Revise § 7-3.101-50 concerning noncompetitive negotiation, to specify the review and approval process for noncompetitively negotiated procurements;

(4) Revise Part 7-16, procurement forms, to delete the illustration of forms subpart, since forms are not reproduced in the Code of Federal Regulations (CFR) edition of the AIDPR. In place of the illustration of forms, the public is informed where copies of the forms referenced in Part 7-16 may be obtained;

(5) Revise § 7-30.4500 and 7-30.4502, concerning Federal Reserve Letters of Credit (FRLC) to reflect the new minimum level for issuance of FRLC's, and the new minimum and maximum allowable drawdowns against an FRLC, as established by Treasury regulations; and

(6) Remove AIDPR Appendices from the CFR edition of the AIDPR. This is being done because the Appendices are primarily internal Agency instructions and procedures, and as such are not required to be published, and the Agency can minimize administrative funds expenditures by not publishing them in the CFR or FEDERAL REGISTER. As previously mentioned, copies of Appendices may be obtained by the public from the Agency directly.

PART 7-1—GENERAL

Subpart 7-1.1—Introduction

1. Section 7-1.105-5, "Appendices," is revised as follows:

§ 7-1.105-5 Appendices.

Procurement policies and procedures which are essentially Agency internal instructions may be issued as AIDPR Appendices. These Appendices are identified by letter and subject title (e.g., Appendix A, (title)). Appendices are indexed and filed in AID Handbook 14, Procurement Regulations. Copies of Appendices are available from either SER/MO/PAV (Room B-926, New State) or SER/CM/SD/SUP (Room 709 PP), Department of State AID, Washington, D.C. 20523. Current AIDPR Appendices are:

Appendix A. Respective Roles of Contracting and Other Personnel in the AID Procurement Process.

Appendix B. AID Contract Formats.
Appendix C. Contractor Performance Evaluation Report.
Appendix D. Notice to Cost-Reimbursement Type Contractors of Changes in Applicable Standardized Government Regulations.
Appendix E. Logistic Support Overseas to AID-Direct Contractors.
Appendix F. Direct AID Contracts with U.S. Citizens for Personal Services Abroad.
Appendix G. Contract Closeout Procedures.
Appendix H. Use of Collaborative Assistance Method for AID-Direct Contracts for Technical Assistance.
Appendix I. Approval and Reporting Procedures for Contractor Proposed Salaries that Exceed the FSR-1 Level.
Appendix J. Resolution of Costs Questioned in Audit Reports.

Subpart 7-1.4—Procurement Responsibility and Authority

2. A new § 7-1.405 is added as follows:

§ 7-1.405 Ratification of unauthorized contract awards.

Within AID, amendments without consideration, correction of mistakes, and ratification of informal commitments are governed by Part 7-50 of the AIDPR. Full authority to approve such actions is vested only in the Administrator and Deputy administrator; limited authority has been redelegated only to the Assistant Administrator for Program and Management Services; the Deputy Assistant Administrator for Program Support, Bureau for Program and Management Services; and the Director, Office of Contract Management, Bureau for Program and Management Services.

PART 7-3—PROCUREMENT BY NEGOTIATION

Subpart 8-3.1—Use of Negotiation

§ 7-3.101 [Deleted]

3. Section 7-3.101, "General requirements for negotiation," is deleted.

4. Section 7-3.101-50, "Exceptions to normal negotiation procedures," is retitled and revised as follows:

§ 7-3.101-50 Justification for noncompetitive negotiation.

(a) AID is authorized to negotiate contracts under the authority of section 633 (a) of the Foreign Assistance Act of 1961, as amended and Executive Order 11223. It is Agency policy that negotiated contracts will be awarded on a competitive basis whenever possible.

(b) There are limited circumstances where noncompetitive negotiation may be permissible; these are listed below. In each of these cases, however, consideration of as many sources as is practicable, including informal solicitation to the maximum extent practicable, is required. In each case the

contract file will include appropriate explanation and support.

(1) Contracts to be performed by the contractor in person.

(2) Contracts by overseas procuring activities (AID Missions) where the estimated cost of a single contract is less than \$50,000 for professional or technical services, or less than \$25,000 (landed cost) for equipment and materials.

(3) Contracts for which one source is considered to have exclusive or predominant capability by reason of experience, specialized facilities or technical competence to perform the work within the time required and at reasonable prices.

(4) Contracts for which it is determined that the required property or services are available from only one source.

(5) Amendments to contracts which provide for continuation of activities designed to meet the same goal originally established in the contract (such amendments may not extend the contract beyond the life of the project as established in the Project Paper).

(6) Contracts based on unsolicited proposals awarded pursuant to AIDPR 7-4.9.

(7) Contracts or contract amendments for which the Assistant Administrator responsible for the project or program makes a formal written determination with supporting findings, that procurement from any other source would impair foreign assistance objectives, and would be inconsistent with fulfillment of the foreign assistance program.

(c) Use of the circumstances specified in § 7-3.101-50(b) require specific justification and approval; details of required justification and documentation are set forth in § 7-3.101-50(d). The dollar thresholds for approval of procurements pursuant to § 7-3.101-50(b)(1) through (6) are specified below.

NOTE—Procurements pursuant to § 7-3.101-50(b)(7) may be approved only by the Assistant Administrator responsible for the project or program, regardless of dollar value:

(1) For actions up to and including \$10,000, the contracting officer;

(2) From \$10,000 to \$99,999, the appropriate SER/CM Division Chief, or, in the case of Mission procurement, the contracting officer's immediate superior up to the limit of his or her delegated direct contracting authority;

(3) From \$100,000, the Noncompetitive Review Board, or, in the case of Mission procurements, the Mission Director up to the limit of his or her delegated direct contracting authority.

(d) Justifications and documentation in support of the circumstances specified in § 7-3.1-1-50(b) must be approved by the cognizant approving authority specified in § 7-3.101-50(c), and included in the contract file. In the

case of Mission procurements, copies of noncompetitive justifications pursuant to § 7-3.101-50(b)(1) through (6) must be sent to AID/W, SER/CM/SD/SUP. The minimum documentation for each procurement will be a negotiation memorandum supported by:

(1) For contracts pursuant to § 7-3.101-50(b)(1), a certification that the procurement meets the criteria of, and is being awarded pursuant to § 7-3.101-50(b)(1), signed by the appropriate approving authority specified in § 7-3.101-50(c) supported by a selection memorandum from the requesting project office specifying the requirements of the procurement, what individuals were considered, and why the proposed individual was recommended.

(2) For contracts pursuant to § 7-3.101-50(b)(2), a certification that the procurement meets the criteria of, and is being awarded pursuant to § 7-3.101-50(b)(2), signed by the appropriate approving authority specified in § 7-3.101-50(c).

(3) For contracts pursuant to § 7-3.101-50(b)(3), the requesting project office shall prepare a written request for approval of an exclusive or predominant capability noncompetitive procurement. This request will include the following information, as appropriate.

(i) What sources were considered and what were the evaluation criteria used;

(ii) Basis for the decision that only one source is suitable or available, including as appropriate:

(A) What capability does the proposed contractor have which is necessary to the specific effort and makes the contractor clearly more suitable than another in the same general field?

(B) What prior experience of a highly specialized nature does the contractor possess which is vital to the proposed effort?

(C) What facilities or equipment does the contractor have which are specialized and vital to the effort?

(D) Does the contractor have a substantial investment of some kind which would have to be duplicated at Government expense by another source entering the field?

(E) If time schedules are involved, why are they critical and why can the proposed contractor best meet them?

(F) Does the proposed contractor have personnel considered predominant experts in the particular field?

(iii) A certification with supporting documentation that the special capabilities of the recommended source are necessary for the project, and not merely desirable. The request shall be submitted to the contracting officer, who will obtain the approval of the appropriate approving authority specified in § 7-3.101-50(c).

(4) For contracts pursuant to § 7-3.101-50(b)(4), a certification with sup-

porting documentation by the requesting project office that the required property or services are available from only one source. This certification must be approved by the appropriate approving authority specified in § 7-3.101-50(c).

(5) For procurements pursuant to § 7-3.101-50(b)(5), a certification signed by the contracting officer that the procurement meets the criteria of, and is being awarded pursuant to § 7-3.101-50(b)(5), and evidence of approval by the appropriate approving authority specified in § 7-3.101-50(c).

(6) For procurements pursuant to § 7-3.101-50(b)(6), a copy of the determination and findings issued by the cognizant Assistant Administrator together with the project officer's certification as required by § 7-4.910; a certification signed by the contracting officer that the procurement is being issued pursuant to § 7-3.101-50(b)(6); and evidence of approval by the approving authority specified in § 7-3.101-50(c).

(7) For procurements pursuant to § 7-3.101-50(b)(7), a copy of the findings and determination issued by the Assistant Administrator responsible for the project or program will be placed in the contract file. No further documentation or approval related to noncompetitive procurement will be required for procurements pursuant to § 7-3.101-50(b)(7).

PART 7-16—PROCUREMENT FORMS

Subpart 7-16.5—Forms for Advertised and Negotiated Nonpersonnel Services Contracts (Other than Construction)

8. Delete all parenthetical references to Subpart 7-16.9 wherever they appear in Subpart 7-16.5.

9. Section 7-16.500, "Scope of Subpart," is revised as follows:

§ 7-16.500 Scope of subpart.

This subpart prescribes forms for use in advertised or negotiated nonpersonnel services contracts, other than construction contracts. Copies of all forms prescribed in this subpart are available from either SER/MP/PAV (Room B-926, New State), or SER/CM/SD/SUP (Room 709 PP), Department of State AID, Washington, D.C. 20523.

Subpart 7-16.8—Miscellaneous Forms

10. Delete all parenthetical references to Subpart 7-16.9 wherever they appear in Subpart 7-16.8.

11. Section 7-16.800, "Scope of Subpart," is revised as follows:

§ 7-16.800 Scope of subpart.

This subpart prescribes miscellaneous forms, other than procurement

contract forms, for use in connection with AID Procurements. Copies of all forms prescribed in this subpart are available from either SER/MP/PAV (Room B-926, New State), or SER/CM/SD/SUP (Room 709 PP), Department of State AID, Washington, D.C. 20523.

Subpart 7-16.9—Illustration of Forms

§ 7-16.900-7-16.964 (Subpart 7-16.9) [Deleted]

12. This subpart is deleted in its entirety.

PART 7-30—CONTRACT FINANCING

Subpart 7-30.45—Federal Reserve Letter of Credit Method of Disbursing Advances to Nonprofit Institutions

§ 7-30.4500 [Amended]

13. Paragraph (b) of § 7-30.4500, "Scope and Applicability," is amended by deleting the figure "\$250,000" and in its place inserting "\$120,000."

14. Paragraph (c) of § 7-30.4500, "Scope and Applicability" is amended by deleting the figures "\$10,000" and "\$1,000,000," and inserting in their places the figures "\$5,000," and "\$5,000,000" respectively.

§ 7-30.4502 [Amended]

15. Paragraph (a) of § 7-30.4502, "Contract Clause—Federal Reserve Letter of Credit" is amended by deleting the figures "\$10,000" and "\$1,000,000" and in their places inserting the figures "\$5,000" and "\$5,000,000" respectively.

Appendices

Appendices A-J [Deleted]

16. Appendices A-J following Part 7-60 are deleted.

This AIDPR Notice is issued pursuant to 41 CFR 7-1.104.4.

Dated: May 25, 1978.

JOHN F. OWENS,
Deputy Assistant Administrator
for Program and Management
Services.

[FR Doc. 78-15915 Filed 6-7-78; 8:45 am]

[4710-01]

[AIDPR Notice 78-41]

PART 7-3—PROCUREMENT BY NEGOTIATION

PART 7-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 7-4.9—Unsolicited Proposals

AGENCY: Agency for International Development, State.

ACTION: Final rule.

SUMMARY: The Federal Procurement Regulations have been amended to establish a new Subpart 1-4.9, setting forth policies and procedures for processing unsolicited proposals. This FPR amendment required executive agencies to implement the new Subpart in their own procurement regulations, establishing procedures for receipt and disposition of unsolicited proposals, and providing free, written information on agency policies regarding unsolicited proposals to potential offerors. In response to this requirement, the AIDPR is being amended.

DATE: This rule is effective as of May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

James M. Kelly, CM/SD/POL,
Agency for International Development,
Washington, D.C. 20523, 703-
235-9107.

SUPPLEMENTARY INFORMATION: As required, the AIDPR are being amended to delete Subpart 7-4.53 (which provided AID policies and procedures for unsolicited proposals for research and development), these policies and procedures having been superseded by the new FPR Subpart 1-4.9. In addition, a new Subpart 7-4.9 is being added; the new Subpart incorporates the FPR coverage of unsolicited proposals by reference, tells what information is available to potential offerors and where it may be obtained, and tells potential offerors where to direct initial inquiries and subsequent unsolicited proposals. AIDPR 7-3.101-50 is also revised to reference the new Subpart 7-4.9 in place of Subpart 7-4.53.

Subpart 7-3.1—Use of Negotiation

1. In § 7-3.101-50, paragraph (c)(1) is revised as follows:

§ 7-3.101-50 Exceptions to Normal Negotiation Procedures.

• • • • •
(c) • • •

(1) Contracts based on unsolicited proposals, where the contract is being awarded pursuant to AIDPR 7-4.910.

• • • • •

2. A new Subpart 7-4.9—Unsolicited Proposals is established as follows:

Subpart 7-4.9—Unsolicited Proposals

Sec.

7-4.903 Agency program direction and operation.

7-4.905 Advance guidance.

7-4.908 Agency point of contact.

7-4.909 Receipt, review, and evaluation.

7-4.910 Method of Procurement.

AUTHORITY.—41 CFR 7-1.104.4.

Subpart 7-4.9—Unsolicited Proposals

§ 7-4.903 Agency program direction and operation.

(a) AID encourages the submission of unsolicited proposals which contribute new ideas consistent with and contributing to the accomplishment of the Agency's objectives. However, the requirements for contractor resources are normally quite program specific, and thus widely varied, and must be responsive to host country needs. Further, AID's projects are usually designed in collaboration with the cooperating country. These factors can limit both the need for, and AID's ability to use unsolicited proposals. Therefore, prospective offerors are encouraged to contact AID to determine the Agency's technical and geographical requirements as related to the offeror's interests before preparing and submitting a formal unsolicited proposal.

(b) AID's basic policies and procedures regarding unsolicited proposals are those established in FPR 1-4.9 and this Subpart.

(c) For detailed information on unsolicited proposals, see AIDPR 7-4.905; for initial contact point within AID, see AIDPR 7-4.908.

§ 7-4.905 Advance guidance.

(a) Free information concerning AID's policies and procedures for unsolicited proposals is available from the Department of State, Agency for International Development, Washington, D.C. 20523, to the attention of either SER/CM/SD, Room 601 PP or DS/RES, Room 813 RPC.

(b) The information available concerns:

- (1) Contact points within AID;
- (2) Definitions;
- (3) Characteristics of a suitable proposal;
- (4) Determination of contractor responsibility;
- (5) Organizational conflicts of interest;
- (6) Cost sharing; and
- (7) Procedures for submission and evaluation of proposals.

§ 7-4.908 Agency point of contact.

Initial inquiries and subsequent formal unsolicited proposals (other than research) should be submitted to the Department of State, AID, Washington, D.C. 20523, Attention: SER/CM/SD, Room 601 PP. Formal unsolicited proposals for research should be submitted to the Department of State, AID, Washington, D.C. 20523, Attention: DS/RES, Room 813 RPC.

§ 7-4.909 Receipt, review, and evaluation.

AID follows the policies and procedures established in FPR 1-4.9, particularly 1-4.909 and 1-4.910.

§ 7-4.910 Method of procurement.

The justification for noncompetitive procurement based on an unsolicited proposal required by FPR 1-4.910(b) must be approved by the Assistant Administrator primarily responsible for the activity; in addition, each such justification will include a certification from the project officer that neither he/she, nor, to the best of his/her knowledge and belief, any other AID employee solicited the proposal from the offeror or had other prior contact with the offeror regarding the subject matter of the proposal other than to convey to the offeror an understanding of AID's mission and needs relative to the type of effort contemplated in the offer.

Subpart 7-4.53—Procurement Under AID Research and Analysis Programs

§§ 7-4.5300 and 7-4.5301 (Subpart 7-4.53) [Deleted]

3. Subpart 7-4.53 is deleted in its entirety.

This AIDPR Notice is issued pursuant to 41 CFR 7-1.104.4.

Dated: May 25, 1978.

JOHN F. OWENS,
Deputy Assistant Administrator for
Program and Management Services.
[FR Doc. 78-15927 Filed 6-7-78; 8:45 am]

[6315-01]

Title 45—Public Welfare

CHAPTER X—COMMUNITY SERVICES ADMINISTRATION

[CSA Instruction 6100-1b]

PART 1067—FUNDING OF CSA GRANTEES

Subpart—Program Account Structure

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration (CSA) is filing its final rule governing its program account structure. These revisions provide a more detailed and meaningful breakdown of the purposes for which CSA is using its grant funds.

DATES: This rule is effective June 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Frank Beier, 202-254-5730.

SUPPLEMENTARY INFORMATION: On December 13, 1977, the Community Services Administration published a proposed rule in the *FEDERAL REGISTER* (42 FR 62506) which proposed revising

and expanding its current program account structure. Comments received prior to January 12, 1978 were to be considered in drafting the final rule.

Eleven letters of comment were received from Community Action Agencies, two from State Economic Opportunity Offices, two from CAP Directors Associations, two from Limited Purpose Agencies, three from CSA regional offices and one from a Community Development Corporation.

Of the 21 letters, five suggested a further expansion of the program account system. Concerns raised by the other 16 letters dealt primarily with: (1) The extra administrative burden being placed upon the grantees which could require additional staff, reports, audits, etc.; (2) the difficulty small grantees will have in breaking out a person's time between various program accounts; and (3) the inappropriateness of using a cost category (personnel/non-personnel) breakout for the SOS program and the Youth programs.

In response to the requests for expansion we have added two program accounts to cover special program requirements. Account number 80 has been added for use by the one-time Emergency Energy Assistance Program. Also, account number 84 has been added to cover demonstrations which are not identified separately within one of the categorical program accounts.

In addressing the effect of these revised program accounts on administrative burden, we want to emphasize that additional work is not our intent. As indicated in the supplementary comments to the proposed rule, this change is not intended to reduce a grantees funding flexibility. Also, as the CSA Form 314, Statement of CSA Grant, and the Standard Form 269, Quarterly Financial Status Report both permit the inclusion of many program accounts on each form, we do not believe that this change will result in a significant increase in staff time, reports or audits.

We recognize the difficulty smaller grantees have with our present program account system in splitting the time of a limited number of staff. Estimated allocations have been acceptable in the past and will continue to be acceptable in the future. It must be remembered that even though one program (i.e. community nutrition) has been broken into many program accounts, it is highly unlikely that a single grantee will be operating programs covering all or even a majority of the ten nutrition program accounts. Also, for smaller grantees who cover many different areas within one program, it is acceptable to fund under the predominant program area rather than break out the effort into many small program areas.

The decision to use separate program accounts to identify personnel costs in the Senior Opportunities and Services program and the Youth programs was prompted by a concern that these programs are labor intensive programs which perform many difficult functions for the clients they serve which cannot easily be categorized into specific program impact areas as was done in the other categorical programs. As a result we believe that determining the amount of personnel costs as compared to other costs will contribute to our knowledge of the programs. Also, it is permissible to show both personnel and non-personnel costs on the same CSA Form 419, Summary of Work Program and Budget and CSA Form 440, Program Progress Review Report.

CSA thanks all those who took the time to respond to the proposed regulations.

GRACIELA (GRACE) OLIVAREZ,
Director.

45 CFR Part 1067 is amended by adding a new subpart—Program Account Structure comprising §§ 1067.41-1 through 1067.41-3 to read as follows:

Subpart—Program Account Structure

Sec.
1067.41-1 Applicability.
1067.41-2 Procedures.
1067.41-3 Description of Program Accounts.

AUTHORITY: Sec. 602, 78 Stat. 530; (42 U.S.C. 2942).

Subpart—Program Account Structure

§ 1067.41-1 Applicability.

This rule applies to all grantees financially assisted under Titles I, II, III, VII, and IX of the Economic Opportunity Act of 1964, as amended, when the assistance is administered by the Community Services Administration.

§ 1067.41-2 Procedures.

The Program Accounts listed in Appendices A and B to this subpart will be used on all funding documents (CSA Form 314), work programs (CSA Form 419) and related Forms (CSA Form 440) beginning with fiscal year 1978. Within the Senior Opportunities and Services program and the Youth programs, dollars must be reflected separately by program account on the above forms; however, the narrative project goals may address the personnel and non-personnel accounts in total. Furthermore, flexibility to shift funds between program accounts is not being restricted by this rule. CSA Instruction 6710-1, Change 11 will be revised to reflect this continuing flexibility. Any fiscal year 1978 grant which does not reflect these revised program accounts because it was

funded prior to the effective date of this Instruction may, by request of the CSA administering office, be modified using CAP Form 325b "Justification for Program Account Amendment." This document will, with the concurrence of the grantee, serve as the basis for amending the CSA Form 314 to reflect these revised program accounts.

§ 1067.41-3 Description of Program Accounts.

Appendix A to this subpart lists all program accounts by type of program. Appendix B to this subpart includes a brief description of each program account, including the section of the Economic Opportunity Act the account implements.

APPENDIX A

PROGRAM ACCOUNT CODES

- 01 Local Initiative/CAA Administration.
- 05 Local Initiative Program.
- 02 Youth Sports—Summer Personnel.
- 03 Youth Sports—Summer Other.
- 04 Youth Sports—Winter Program.
- 60 Summer Recreation—Personnel.
- 10 Summer Recreation—Other.
- 06 SOS—Personnel.
- 07 SOS—Other.
- 08 SEOO—Training.
- 09 SEOO—Other.
- 12 Nutrition—Advocacy/Monitoring.
- 13 Nutrition—Self-Help.
- 14 Nutrition—Supplementary Programs.
- 16 Nutrition—Crisis Relief.
- 29 Nutrition—Research.
- 39 Nutrition—Demonstrations.
- 42 Nutrition—T&TA—Seminars.
- 43 Nutrition—T&TA—On-Site Assistance.
- 44 Nutrition—T&TA—Other.
- 48 Nutrition—Evaluation.
- 18 Migrants and Seasonal Farmworkers.
- 21 Energy—Weatherization.
- 22 Energy—Crisis Intervention.
- 23 Energy—Consumer Information, Education, Legal Assistance.
- 24 Energy—Transportation.
- 25 Energy—Alternate Energy Sources.
- 80 Energy—Emergency Energy Assistance.
- 50 Energy—Research.
- 53 Energy—Demonstration.
- 54 Energy—T&TA—Seminars.
- 56 Energy—T&TA—On-Site Assistance.
- 57 Energy—T&TA—Other.
- 58 Energy—Evaluation.
- 19 Technical Assistance—Grantee Administration.
- 27 Technical Assistance—Grantee Program.
- 28 Technical Assistance—Other.
- 31 Rural Housing—Community Development.
- 32 Rural Housing—Management Services.
- 33 Rural Housing—Training & Technical Assistance.
- 36 Rural Housing—New Home Manufacture.
- 37 Rural Housing—Repair/Rehabilitation.
- 38 Rural Housing—Housing Subsidies.
- 64 Special Assistance.
- 63 Economic Development—Special Impact.
- 49 Economic Development—Rural Programs.
- 51 Economic Development—Rural Development Finance.
- 52 Economic Development—Community Development Finance.

- 61 Economic Development—Training & Technical Assistance.
- 66 Economic Development—Demonstration.
- 67 Economic Development—Research.
- 68 Economic Development—Evaluation.
- 69 Economic Development—Planning Grants.
- 71 Evaluation—Type I.
- 73 Evaluation—Type II.
- 75 Evaluation—Type III.
- 78 Evaluation—Other.
- 82 Research.
- 84 Demonstration.
- 98 Program Administration.

APPENDIX B—DESCRIPTIONS OF ACTIVITIES WHICH MAY BE CONDUCTED, SINGLY OR IN COMBINATION UNDER EACH PROGRAM ACCOUNT

01. *Local Initiative/CAA Administration* (221). Includes support for general administration and management of central staff, facilities, and equipment of the community action agency. Coordination, mobilization of resources, general management, information collection and use, as well as planning, program development, and evaluation activities undertaken by CAA's as part of their overall administrative and management responsibilities are included in this account. Support of the CAA board's functioning should also be included. Administrative overhead costs for delegate agencies or general support functions performed by the CAA for such delegate agencies where these costs are not related to specific programs may be included as appropriate. However, this activity does not include administration or management directly linked to specific program activities such as community nutrition activities, etc. Such administrative overhead should be reported under the account designated for that program.

02. *Youth Sports—Summer Personnel* (227). Includes the personnel costs to operate the national youth sports program during the summer months, June through late August or mid-September. This program provides disadvantaged youths the opportunity for sports skills instruction, sports competition, learning good health practices, and career and educational opportunities. Stipends should not be included in this account.

03. *Youth Sports—Summer Other* (227). Includes the nonpersonnel costs to operate the national youth sports program during the summer months, June through late August or mid-September.

04. *Youth Sports—Winter Program* (227). Includes all costs, both personnel and non-personnel to operate the national youth sports program during the winter months, September through May.

05. *Local Initiative Program* (221). The basic purpose of community action programs as stated in the Economic Opportunity Act is "to stimulate a better focusing of all available local, State, private, and Federal resources upon the goal of enabling low-income families, and low-income individuals of all ages, in rural and urban areas, to attain the skills, knowledge, and motivations and secure the opportunities needed for them to become fully self-sufficient." This purpose may be accomplished by programs designed and/or selected at the local level to meet specific community needs. They may deal with particular concerns in such areas as housing, manpower, education, health, day care, consumer affairs, economic development, general social services,

etc. They may focus on particular target groups such as youth. They may employ some type of neighborhood center(s) as a means of reaching persons and delivering services.

06. *Senior Opportunities and Services—Personnel* (222)(a)(7). Includes the personnel costs to identify and meet the needs of older poor persons above the age of 60, in projects which serve or employ older persons as the predominant or exclusive beneficiary or employee group. Among other things, such projects may seek to develop and provide new employment and volunteer services; effective referral to existing health, welfare, employment, housing, legal, consumer, transportation, education, recreational, and other services; stimulation and creation of additional services and programs to remedy gaps and deficiencies in presently existing services and programs; modification of existing procedures, eligibility requirements and program structures to facilitate the greater use of, and participation in, public services by the older poor; development of all-season recreation and service centers controlled by older persons themselves; and such other activities and services as are necessary or specially appropriate to meet the needs of the older poor and to assure them greater self-sufficiency.

07. *Senior Opportunities and Services—Other* (222)(a)(7). Includes the nonpersonnel costs associated with the program described in Program Account 06, above.

08. *SEOO—Training* (231). Includes all costs directly associated with providing training and technical assistance by the SEOO's to communities, State and local agencies and to community action agencies in carrying out the programs under the EOA.

09. *SEOO—Other* (231). Includes other costs incurred by the SEOO's not included as training and technical assistance under account 08.

10. *Summer Recreation—Other* (222)(a)(13). Includes nonpersonnel costs associated with the summer recreation program which is aimed at expanding and improving recreational services and activities for the economically disadvantaged youths. (Personnel costs associated with this program are shown under Program Account 60.)

12. *Nutrition—Advocacy/Monitoring* (222)(a)(5). Includes operating program costs associated with the monitoring or analyzing of existing Federal food and nutrition programs, the development of methods to improve participation in and accessibility to these programs, the dissemination of food and nutrition information including the conducting of educational programs, or the representation of the interests of the poor in public proceedings involving nutrition policy.

13. *Nutrition—Self-Help* (222)(a)(5). Includes operating program costs associated with projects designed to foster self-sufficiency through the mobilization of financial and community resources. Examples include buying clubs, community gardens, food raising co-ops, community canneries, farmer-to-consumer sales and greenhouse food production.

14. *Nutrition—Supplementary Program* (222)(a)(5). Includes operating program costs associated with projects which extend, supplement, broaden or improve other feeding projects. Examples include transportation to feeding sites, distribution of surplus commodities, or supplementing a school breakfast or lunch program.

16. *Nutrition—Crisis Relief* (222)(a)(5). Includes operating program costs associated with the provision of food vouchers, food-stuffs or funds to purchase food stamps on a temporary or crisis basis. (For additional program accounts dealing with nutrition see Nos. 29, 39, 42, 43, 44, and 48.)

18. *Migrants and Seasonal Farmworkers* (Title III-B). Includes costs associated with the provision of services to migrant and seasonal farmworkers such as weatherization, transportation, housing, training, technical assistance, etc.

19. *Training and Technical Assistance—Grantee Administration* (230). Includes costs associated with providing training and technical assistance to improve and maintain the administrative and managerial capacity of CSA-funded grantees, such as accounting, personnel, property or Board training. (For additional program accounts dealing with Technical Assistance see Nos. 27 and 28.)

21. *Energy—Weatherization* (222)(a)(12). Includes costs associated with home repairs and energy saving improvements to minimize heat transfer and improve thermal efficiency of dwellings.

22. *Energy—Crisis Intervention* (222)(a)(12). Includes costs associated with the intervention to prevent hardship or danger to health due to utility shutoff or lack of fuel.

23. *Energy—Consumer Information, Education and Legal Assistance* (222)(a)(12). Includes costs associated with the dissemination of energy conservation information, conduct of energy conservation educational activities, and the representation of the interests of the poor in public proceedings, for example, energy policy and utility rate structure.

24. *Energy—Transportation* (222)(a)(12). Includes costs associated with efforts to offset the increased costs to the poor of transportation needed for access to essential services and employment.

25. *Energy—Alternate Energy Sources* (222)(a)(12). Includes costs associated with the development and application to energy needs of the poor those technologies that capitalize on nonfossil fuels and renewable energy resources, or make conventional fuels available to the poor at substantially decreased costs and/or at increased energy efficiency. (For additional program accounts dealing with Energy see Nos. 50, 53, 54, 56, 57, and 58.)

27. *Training and Technical Assistance—Grantee Program* (230). Includes costs associated with the providing of training and technical assistance in specific program areas such as housing, mobilization of resources, etc.

28. *Training and Technical Assistance—Other* (230). Includes costs associated with training and technical assistance which does not relate specifically to grantee administration or grantee program areas.

29. *Nutrition—Research* (222)(a)(5). Includes costs associated with the development of new knowledge about hunger and malnutrition among the poor and/or ways to deal with their problems approved under the authority of section 222(a)(5) of the EOA.

31. *Rural Housing—Community Development* (222)(a)(11); (232). Includes costs associated with providing assistance to effect infrastructure development (e.g. water, sewer, zoning and housing projects).

32. *Rural Housing—Management Services* (222)(a)(11); (232). Includes costs associated

with providing management services to assist grantees in the acquisition and maintenance of default housing. Also, includes costs associated with providing housing assistance (such as homeownership and default counseling, homesteading, advocacy and legal services) to individuals and tenant organizations.

33. *Rural Housing—Training and Technical Assistance* (222)(a)(11); (232). Includes costs associated with area and statewide housing development corporations designed to provide technical assistance, seed money, training and advocacy support in the housing area. Also includes costs associated with developing innovative and effective packaging techniques to obtain loan subsidies for self-help, home repair, rehabilitation, and construction projects.

36. *Rural Housing—New Home Manufacture* (222)(a)(11); (232). Includes costs associated with the development of housing factory delivery systems for building low cost housing.

37. *Rural Housing—Repair/Rehabilitation* (222)(a)(11); (232). Includes costs associated with the repair and rehabilitation of housing for low-income families. Also includes costs associated with removing architectural barriers from the homes of low-income disabled individuals.

38. *Rural Housing—Housing Subsidies* (222)(a)(11); (232). Includes costs associated with the development of alternative financing mechanisms for low cost housing production.

39. *Nutrition—Demonstrations* (222)(a)(5). Includes costs associated with experimental, pilot or demonstration projects which test new or improved approaches to combatting the problems of hunger and malnutrition.

42. *Nutrition—T. & T.A. Seminars* (222)(a)(5). Includes costs associated with holding nutrition related T. & T.A. seminars for persons from two or more agencies. Such seminars should help grantees plan, conduct and/or evaluate nutrition programs.

43. *Nutrition—T. & T.A. On-Site Assistance* (222)(a)(5). Includes the cost of providing nutrition related T. & T.A. services to specific grantee personnel at the grantee's location. Such services should help a specific grantee plan, conduct and/or evaluate nutrition programs.

44. *Nutrition—T. & T.A. Other* (222)(a)(5). Includes any costs of a T. & T.A. nature related to nutrition which is not classified as seminar or on-site assistance in program accounts 42 and 43.

48. *Nutrition—Evaluation* (222)(a)(5). Includes costs associated with evaluation of nutrition projects approved under the authority of section 222(a)(5) of the EOA. Does not include cost for grantees self evaluations.

49. *Economic Development—Rural Programs* (Title VII). Includes costs associated with meeting the special economic needs of rural communities and areas pursuant to title VII, part B of the EOA.

50. *Energy—Research* (222)(a)(12). Includes costs of research related to energy type projects approved under the authority of section 222(a)(12) of the EOA.

51. *Economic Development—Rural Development Finance* (Title VII, Part C). Includes costs associated with the development, testing and operation of rural financial support mechanisms in conjunction with loans from the Rural Development Loan Fund.

52. *Economic Development—Community Development Finance* (Title VII, Part C). Includes costs associated with the develop-

ment, testing and operation of community financial support mechanisms in conjunction with loans from the Community Development Loan Fund.

53. *Energy—Demonstrations* (222)(a)(12). Includes costs associated with experimental, pilot, or demonstration projects which test new or approved approaches to solving the energy problems of the poor.

54. *Energy—T. & T.A. Seminars* (222)(a)(12). Includes costs associated with holding energy related T. & T.A. seminars for persons from two or more grantees. Such seminars should help grantees plan, conduct, and/or evaluate energy programs.

58. *Energy—T. & T.A. On-Site Assistance* (222)(a)(12). Includes the cost of providing energy related T. & T.A. services to specific grantee personnel at the grantees' location. Such services should help a specific grantee plan, conduct, and/or assess energy projects.

57. *Energy—T. & T.A. Other* (222)(a)(12). Includes any costs of a T. & T.A. nature related to energy which is not classified as services or on-site assistance in program accounts 54 and 56.

58. *Energy—Evaluation* (222)(a)(12). Includes costs associated with evaluation of energy projects approved under the authority of section 222(a)(12) of the EOA.

60. *Summer Recreation—Personnel* (222)(a)(13). Includes all personnel costs associated with the summer recreation program which is aimed at expanding and improving recreational services and activities for the economically disadvantaged youths. (Nonpersonnel costs associated with this program are shown under Program Account 10.)

61. *Economic Development—Training and Technical Assistance* (Title VII, Part D). Includes training and technical assistance costs related to economic development projects approved under the authority of title VII, part D of the EOA.

63. *Economic Development—Special Impact* (Title VII, Part A). Includes costs associated with community development corporation projects approved under the authority of title VII, part A of the EOA.

64. *Special Assistance* (234). Includes costs associated with projects serving groups of low income individuals who are not being effectively served by other title II programs.

66. *Economic Development—Demonstration* (Title VII, Part D). Includes costs associated with pilot and demonstration activities approved under the authority of title VII, part D of the EOA.

67. *Economic Development—Research* (Title VII, Part D). Includes costs associated with research activities approved under the authority of title VII, part D of the EOA.

68. *Economic Development—Evaluation* (Title VII, Part D). Includes costs associated with evaluation activities approved under the authority of title VII, part D of the EOA.

69. *Economic Development—Planning Grants* (Title VII, Part D). Includes costs associated with economic development planning grants approved under the authority of title VII, part D of the EOA.

71. *Evaluation—Type I* (Title IX). Includes costs associated with national impact evaluation strategies approved under the authority of title IX.

73. *Evaluation—Type II* (Title IX). Includes costs associated with determining the relative effects of different program strategies, intervention techniques and administrative processes employed to implement a

national program approved under the authority of Title IX.

75. *Evaluation—Type III* (Title IX). Includes costs associated with assessing the effectiveness and efficiency of individual grantees and projects.

78. *Evaluation—Other* (Title IX). Includes costs associated with assessment projects not included under program accounts 71, 73, and 75. Examples might include short-term studies that respond to policy-relevant questions.

80. *Energy—Emergency Energy Assistance* (222)(a)(12). Includes costs associated with a special one-time assistance program to provide immediate assistance in those crisis situations which endanger the health and survival of eligible low-income household members.

82. *Research* (Title I); (232). Includes costs associated with basic research and related evaluation conducted to provide meaningful information for formulating new programs and policies affecting the poverty population in program areas not included elsewhere. Specifically excluded are nutrition (29, 39, and 48) energy (50, 53, and 58) rural housing (31, 32, 33, 36, 37, and 38) economic development (87 and 88) and title IX (71, 73, 75, and 78).

84. *Demonstration* (232). Includes costs associated with pilot or demonstration projects designed to test or assist in the development of new approaches or methods which will aid CSA's poverty population.

98. *Program Administration*. Includes costs incurred by Federal employees for the overall direction, management, coordination and support of all CSA programs and related antipoverty programs of other Federal, State, and local agencies.

[FR Doc. 78-15818 Filed 6-7-78; 8:45 am]

[4910-60]

Title 49—Transportation

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

(Docket No. HM-22; amdt. 171-391)

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

Matter Incorporated by Reference

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Final rule.

SUMMARY: The purpose of this amendment to the hazardous materials regulations is to update the reference in 49 CFR 171.7 to the International Maritime Dangerous Goods Code (IMCO Code) in order to recognize the 1977 Edition of the Code.

DATE: The effective date is September 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Director, Office of Hazardous Materials Regulation,

2100 Second Street SW., Washington, D.C. 20590, phone 202-426-0656.

SUPPLEMENTARY INFORMATION: The Materials Transportation Bureau finds it necessary in the public interest to amend the regulations in 49 CFR 171.7 to recognize the most recently published edition of the IMCO Code. The new edition, which has been expanded to four volumes, includes the material previously contained in the 1972 edition and all supplements published between 1972 and 1976 as well as several heretofore unpublished amendments. Since this rule does not impose additional requirements, notice and public procedure thereon are unnecessary. Primary drafters of this document are A. Louise Mills, Information Services Division, Office of Program Support and Edward A. Altomos, International Standards Coordinator, Office of Hazardous Materials Regulation.

In consideration of the foregoing, Title 49 of the Code of Federal Regulations is amended as follows:

In § 171.7 paragraph (d)(17) is revised to read as follows:

§ 171.7 Matter incorporated by reference.

(d) * * *

(17) "International Maritime Dangerous Goods Code," volumes I, II, III, and IV, 1977 edition.

(49 U.S.C. 1803 and 1804; 49 CFR 1.53(e).)

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring the preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107 nor an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.).

Issued in Washington, D.C., on June 1, 1978.

L. D. SANTMAN,
Acting Director,
Materials Transportation Bureau.

[FR Doc. 78-15870 Filed 6-7-78; 8:45 am]

[4910-60]

(Docket No. HM-103/112; Amdt. No. 172-43)

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REQUIREMENTS

Placarding Extension for Nurse Tanks

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Final rule.

SUMMARY: This action provides a 30-day placarding extension for highway carriage of agricultural anhydrous ammonia in nurse tanks. The extension is due to a late corn planting season resulting from unusually wet soil. The extension is intended to avoid the necessity of removing nurse tanks from agricultural service for replacarding before fertilizing operations are essentially completed.

EFFECTIVE DATE: This amendment is effective on June 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau, 2100 Second Street SW., Washington, D.C. 20590, 202-426-0656.

SUPPLEMENTARY INFORMATION: By letter of May 22, 1978, the Fertilizer Institute, a national association representing about 90 percent of the fertilizer producers as well as certain associated interests, asked the Office of Hazardous Materials Regulation for a 30-day delay in the July 1, 1978 mandatory placarding compliance date (49 CFR 172.506(c), see HM-103/112, 42 FR 58522, November 10, 1977). The Institute states that a late planting season for corn, dictated by weather conditions, is likely to require the continued use of fertilizer nurse tanks into July, with the result that a July 1, 1978, compliance date will necessitate removal and replacarding of the tanks when they are needed in service. The Institute states that anhydrous ammonia distributors generally serve an area within a 15-mile radius of bulk storage facilities and that the low

speeds, limited distances, sparse rural populations and overall safety record associated with the highway transport of anhydrous ammonia nurse tanks indicate that a limited extension will not prejudice safety.

By letter dated May 25, 1978, the Acting Secretary of Agriculture also expressed similar concerns with probable conflict between the mandatory placarding compliance date and fertilizer needs resulting from late planting, urging that a delay until August 1, 1978, be considered.

The MTB has concluded that such an extension is in the public interest. Because of the limited time remaining before the new placarding requirements become effective, and since this extension is a relaxation of an existing requirement, public notice has not been provided and this amendment is effective without delay. The amendment will not result in any significant environmental or economic impact.

In consideration of the foregoing, Part 172 of Title 49, code of Federal Regulations, is amended as follows:

In § 172.506, a new paragraph (d) is added to read as follows:

§ 172.506 Providing and affixing placards: Highway.

(d) Until August 1, 1978, the provisions of paragraph (c) of this section continue to apply to any cargo tank (commonly known as a nurse tank and considered an implement of husbandry) transporting anhydrous ammonia, and operated by a private carrier exclusively for agricultural purposes.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e).)

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring the preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107 nor an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.).

Issued in Washington, D.C., on June 5, 1978.

L. D. SANTMAN,
Acting Director,
Materials Transportation Bureau.

[FR Doc. 78-15932 Filed 6-7-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 948, 980]

IRISH POTATOES GROWN IN COLORADO— AREA NO. 3, VEGETABLES: IMPORT REGU- LATIONS

Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed regulation would require fresh market shipments of potatoes grown in Colorado—Area No. 3 to be inspected and meet minimum grade, size and maturity requirements. The regulation should promote orderly marketing of such potatoes and keep less desirable qualities and sizes from being shipped to consumers.

DATE: Comments due June 23, 1978.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-6393.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 97 and Order No. 948, both as amended, regulate the handling of potatoes grown in designated counties of Colorado Area No. 3. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Colorado Area No. 3 Potato Committee, established under the order, is responsible for its local administration.

This notice is based upon recommendations made by the committee at its public meeting in Greeley, Colo., on May 17, 1978.

The grade, size, maturity and inspection requirements recommended herein are similar to those which have been issued during past seasons. They are necessary to prevent potatoes of

poor quality or undesirable sizes from being distributed to fresh market outlets. The specific proposals, hereinafter set forth, would benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments would be permitted to certain special purpose outlets without regard to the grade, size, maturity and inspection requirements, provided that safeguards were met to prevent such potatoes from reaching unauthorized outlets. Certified seed would be exempt because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed would likewise be exempt. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments would be exempt. Also potatoes for most processing uses are exempt under the legislative authority for this part.

Potatoes for prepeeling would be handled without regard to maturity requirements since skinning of such potatoes would be of no consequence. Also, this year the maturity requirements terminate on December 31 because at that stage of the marketing season potatoes are generally mature with skins firmly set.

The proposal is as follows:

§ 940.379 Handling regulation.

During the period July 1, 1978, through June 30, 1979, no person shall handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the requirements of paragraphs (a), (b), and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d) and (e), or (f) of this section.

(a) *Grade and size requirements—All varieties.* U.S. No. 2 or better grade, 1½ inches minimum diameter of 4 ounces minimum weight. However, Size B may be handled if U.S. No. 1 or better grade.

(b) *Maturity (skinning) requirements—All varieties.* Through December 31, 1978, for U.S. No. 2 grade, not more than "moderately skinned," and for all other grades, not more than "slightly skinned"; thereafter no maturity requirements.

(c) *Inspection.* (1) No handler shall handle any potatoes for which inspec-

tion is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purpose of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed five days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(d) *Special purpose shipments.* (1) The grade, size, maturity and inspection requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of potatoes for:

(i) Livestock feed;
(ii) Charity;
(iii) Canning, freezing, and "other processing" as hereinafter defined; and
(iv) Certified seed potatoes (§ 948.6).

(2) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for prepeeling.

(e) *Safeguards.* Each handler making shipments of potatoes pursuant to paragraph (d) of this section shall:

(1) Prior to shipment, apply for and obtain a Certificate of Privilege from the committee;

(2) Furnish the committee such reports and documents as required, including certification by the buyer or receiver on the use of such potatoes; and

(3) Bill each shipment directly to the applicable buyer or receiver.

(f) *Minimum quantity.* For purposes of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes per day without regard to the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any shipment of over 1,000 pounds of potatoes.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "moderately skinned" and "slightly skinned," shall have the same meaning as when used in the United States Standards for Grades of Potatoes (7 CFR 2851.1540-2851.1568) including the tolerances set

forth therein. The term "prepeeling" means the commercial preparation in a prepeeling plant of clean, sound, fresh potatoes by washing, peeling or otherwise removing the outer skin, trimming, sorting, and properly treating to prevent discoloration preparatory to sale in one or more of the styles of peeled potatoes described in § 2852.2422 United States Standards for Grades of Peeled Potatoes (7 CFR 2852.2421-2852.2433). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(h) *Applicability to imports.* Pursuant to § 8e of the act and § 980.1, "Import regulations" (7 CFR 980.1), round white varieties of Irish potatoes, except certified seed potatoes, imported into the United States during the period August 1, 1978, through June 4, 1979, shall meet the minimum grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

Dated: June 2, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-15886 Filed 6-7-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Parts 211, 212]

SIMPLIFICATION OF CRUDE OIL PRICE CONTROLS

Extension of Comment Period

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of extension of comment period.

SUMMARY: The Economic Regulatory Administration of the Department of Energy hereby gives notice that the time for submission of written comments in response to the advance notice of proposed rulemaking and public hearing concerning simplification of crude oil price controls (43 FR 15158, April 11, 1978) is extended

PROPOSED RULES

from May 28, 1978, to June 18, 1978, to permit more detailed evaluation of the issues set forth in the notice. Although the extension is being granted primarily to receive comments on the legality of suspending or abolishing ceiling prices, interested parties are invited to comment in further detail on any of the issues which were raised during the hearings, or on any additional information of value to the subject of the Inquiry. Public hearings on the proposal were held in Houston, Tex., on May 22, 1978, and in Washington, D.C., on May 24-25, 1978.

DATE: June 16, 1978.

ADDRESS: Department of Energy, Public Hearing Management, Room 2310, 2000 M Street NW., Box SR, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Robert G. Gillette (Public Hearing Management), Economic Regulatory Administration, 2000 M Street NW., Room 2214B, Washington, D.C. 20461, 202-254-5201.

Stephen W. Hall (Office of Regulations and Emergency Planning), Economic Regulatory Administration, 2000 M Street NW., Room 8222, Washington, D.C. 20461, 202-632-8494.

Samuel M. Bradley (Office of General Counsel), Department of Energy, 12th and Pennsylvania Avenue NW., Room 5134, Washington, D.C., 20461, 202-586-9565.

Issued in Washington, D.C., June 2, 1978.

DOUGLAS G. ROBINSON,
Assistant Administrator, Regulations and Emergency Planning, Economic Regulatory Administration.

[FR Doc. 78-15891 Filed 6-7-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 17932]

AIRWORTHINESS DIRECTIVES

Societe Nationale Industrielle Aerospatiale
Model SA 330 Puma Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to add an airworthiness directive (AD) that would require inspection and replacement or modification, as appropriate, of the yaw control lever bellcrank on certain Societe Nationale In-

dustrielle Aerospatiale (SNIA) Model SA 330 Puma Helicopters. The AD is needed to prevent cracking of the bellcrank which could result in loss of control of the helicopter.

DATES: Comments must be received on or before: August 8, 1978.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24) Docket No. 17932, 800 Independence Avenue SW., Washington, D.C. 20591.

The applicable service bulletins may be obtained from: Societe Nationale Industrielle Aerospatiale, Division Helicopteres, Service Technique Apres-Vente, Boite Postale 13, 13722 Marignane, France.

Copies of the service bulletins are contained in the Rules Docket, Rm. 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the date specified above, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

It has been determined that the support bellcrank, P/N 330A.77.4011.01, of SNIA Model SA 330 Puma helicopters is susceptible to cracking in the area of attachment to the yaw control lever. If uncorrected, such cracking could result in failure of the bellcrank and loss of yaw control. Since this condition is likely to exist or develop on other helicopters of the same type design, the proposed AD would require inspection and replacement or modification, as appropriate, of the bellcrank on SNIA Model SA 330 Puma helicopters.

DRAFTING INFORMATION

The principal authors of this document are M. E. Gaydos, Europe,

Africa, and Middle East Region, and S. Podberesky, Office of the Chief Counsel.

PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE (SNIAS). Applies to Model SA 330 Puma helicopters, S/N 1504 and below, certificated in all categories, having yaw control bellcranks P/N 330A.77.4011.01 that have been modified in accordance with SNIAS Modification AMS 07.10.226 but not modified in accordance with AMS 07.11.890.

Compliance is required as indicated, unless already accomplished.

To prevent possible failure of the yaw control bellcrank, P/N 330A.77.4011.01, accomplish the following:

(a) Within the next 25 hours time in service after the effective date of this AD, or prior to the accumulation of 1,200 hours total time in service, whichever occurs later, inspect the tubular section of the yaw control bellcrank, P/N 330A.77.4011.01, for cracks in accordance with Puma SA 330 Service Bulletin No. 05.50, dated March 22, 1977, or an FAA-approved equivalent.

(b) If during any inspection required by this AD, a cracked bellcrank is found, replace the bellcrank with a serviceable part of the same part number.

(c) After the initial inspection required by paragraph (a) of this AD, continue to inspect all yaw control bellcranks, and all replacements that have accumulated 1,200 or more hours total time in service, in accordance with paragraph (a) of this AD after the last flight of each day in which the helicopter is operated.

(d) The repetitive inspections required by paragraph (c) of this AD may be discontinued upon the incorporation of a serviceable bellcrank, P/N 330A.77.4011.01, that has been modified in accordance with Puma SA 330 Service Bulletin No. 67.10, dated March 22, 1977, or an FAA-approved equivalent.

NOTE.—The modification covered in Service Bulletin No. 67.10 corresponds to Puma Modification AMS 07.11.890.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, and 1423); Sec. 8(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C. on May 26, 1978.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

[FR Doc. 78-15561 Filed 6-7-78; 8:45 am]

PROPOSED RULES

[4910-13]

[14 CFR Part 39]

[Docket No. 78-NW-13-AD]

AIRWORTHINESS DIRECTIVES

Hiller Aviation Model UH-12D and UH-12E Helicopters as Modified by Soloy Conversions, Limited STC Nos. SH177WE and SH178WE Respectively

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require inspection and replacement, if necessary, of P/N 560-2408 drive shaft assemblies installed in the Soloy/Hiller UH-12D/E helicopters. The proposed AD is necessary to require removal from service those drive shafts which were installed without having been internally cadmium plated. Internal corrosion of these unplated shafts could lead to shaft failure with resultant helicopter structural and control system damage.

DATES: Comments must be received on or before August 1, 1978.

ADDRESS: Send comments on the proposal in duplicate to: Federal Aviation Administration, Northwest Region, Office of Regional Counsel, Attention: Airworthiness Rules Docket, Docket No. 78-NW-13-AD, 9010 East Marginal Way South, Seattle, Wash. 98108.

FOR FURTHER INFORMATION, CONTACT:

Daniel I. Cheney, Propulsion Section, ANW-214, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Wash. 98108, 206-767-2520.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the rules docket.

The FAA has determined that corrosion of the P/N 560-2408 engine-to-

transmission drive shafts, which were installed without having been internally cadmium plated, could lead to shaft failure and resultant extensive helicopter structural and control system damage. Since this condition is likely to exist or develop on drive shafts of the same type design, the proposed AD would require inspection, modification and replacement as appropriate of all P/N 560-2408 drive shafts installed on Soloy/Hiller UH-12D and UH-12E helicopters.

DRAFTING INFORMATION

The principle authors of the document are Daniel I. Cheney, Engineering and Manufacturing Branch, Northwest Region, and Jonathan Howe, Regional Counsel, Northwest Region.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new Airworthiness Directive:

HILLER AVIATION: Applies to Model UH-12D and UH-12E helicopters which have been converted to turbine power in accordance with Soloy Conversions, Limited, STC Nos. SH177WE and SH178WE respectively, certificated in all categories. Compliance required as indicated unless already accomplished.

To reduce the possibility of drive shaft failure due to internal corrosion and subsequent helicopter structural and control system damage, accomplish the following:

A. Within the next 600 hours time in service, or 6 months calendar time, whichever occurs first after the effective date of this AD, perform the inspection and modification and/or replacement, as appropriate, of the Soloy P/N 560-2408 shaft in accordance with Soloy Conversions, Limited Service Bulletin 05-560 dated May 19, 1978, or later FAA approved revisions.

B. Equivalent methods of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 8(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.85.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Seattle, Wash., on May 26, 1978.

C. B. WALK, Jr.,
Director,
Northwest Region.

[FR Doc. 78-15562 Filed 6-7-78; 8:45 am]

[4910-13]

[14 CFR Part 39]

[Docket No. 17937]

AIRWORTHINESS DIRECTIVES

Agusta Model A109A Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to add an airworthiness directive (AD) that would require the installation of nuts of improved design on the tailboom attachment bolts of Costruzioni Aeronautiche Giovanni Agusta Model A109A helicopters. The AD is prompted by the reported failure of a nut, which possibly could result in excessive deflection of the tailboom and in-flight contact with the main rotor blades.

DATE: Comments must be received on or before August 8, 1978.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-24) Docket No. 17937, 800 Independence Avenue SW., Washington, D.C. 20591.

The applicable service bulletin may be obtained from: Costruzioni Aeronautiche Giovanni Agusta, Cascina Costa (Gallarate), Italy.

A copy of the service bulletin is contained in the Rule Docket, Rm. 916,800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the date specified above, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons. A report summarizing each FAA-public

PROPOSED RULES

contact, concerned with the substance of the proposed AD, will be filed in the rules docket.

There has been a report of the failure of a tailboom attachment nut, MS 21042-L6, that is installed on Agusta Model A109A helicopters. The failure of these nuts could result in excessive deflection of the tailboom and possible in-flight contact with the main rotor blades. Since this condition is likely to exist or develop on other Agusta Model A109A helicopters, the proposed AD would require replacement of the nut with an improved nut, 42-FLW-624.

DRAFTING INFORMATION

The principal authors of this document are M. E. Gaydos, Europe, Africa, and Middle East Region, and S. Podberesky, Office of the Chief Counsel.

PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

CONSTRUZIONI AERONAUTICHE GIOVANI AGUSTA. Applies to Model A109A helicopters, certificated in all categories, serial No. 7135 and below.

Compliance is required within the next 50 hours time in service after the effective date of this AD, unless already accomplished.

To prevent possible failure of the tailboom attachment provisions, remove the nut, MS 21042-L6, the bolt, NAS 626-20, and washers, MS 20002-C6 and AN960-616, and replace with a new nut, 42-FLW-624, bolt, NAS 626-20, washer, MS 20002-C6, and, as needed, one or more washers, AN960-616 and AN960-616L, in accordance with Agusta Bollettino Tecnico No. 109-8, dated February 6, 1978, or an FAA-approved equivalent.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 8(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on May 31, 1978.

JAMES M. VINES,
Acting Director,
Flight Standards Service.
[FR Doc. 78-15874 Filed 6-7-78; 8:45 am]

[4910-13]

[14 CFR Part 39]

[Docket No. 17938]

AIRWORTHINESS DIRECTIVES

Avions Marcel Dassault—Breguet Aviation Falcon 10 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to add an airworthiness directive (AD) that would require modification of the Freon air conditioning system electrical starting circuit on certain Avions Marcel Dassault-Breguet Aviation Falcon 10 airplanes. This AD is needed to prevent overheating of the Freon system compressor motor starting resistor. An overheated starting resistor could be an ignition source to flammable fluids or vapors which could be present in the vicinity of the resistor.

DATE: Comments must be received on or before August 8, 1978.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-24) Docket No. 17938, 800 Independence Avenue SW., Washington, D.C. 20591. The applicable service bulletin may be obtained from: Falcon Jet Corp., 90 Moonachie Avenue, Moonachie, N.J. 07074.

A copy of the service bulletin is contained in the rules docket, room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the date specified above, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance

of the proposed AD, will be filed in the rules docket.

There have been reports of a significant number of Falcon 10 Freon system compressor motor starting resistors overheating and failing in service due to the demanding duty cycle of the compressor motor under certain conditions. The Freon system starting resistor is located in the airplane aft accessory compartment and under an overheat condition could provide an ignition source to flammable fluid or vapors in the event of a flammable fluid line or fitting leak. Since this resistor overheating condition is likely to exist or develop on other airplanes of the same type design, the proposed AD would require modification of the compressor motor starting circuit to automatically prevent overheat of the starting resistor.

DRAFTING INFORMATION

The principal authors of this document are P. A. Cormack, Europe, Africa, and Middle East Region, and S. Podberesky, Office of the Chief Counsel.

PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

AVIONS MARCEL DASSAULT-BREGUET AVIATION (AMD-BA). Applies to Falcon 10 airplanes, certificated in all categories, serial Nos. 1 through 111, except serial Nos. 22, 33, and 35.

Compliance is required within the next 200 hours time in service after the effective date of this AD, unless already accomplished.

To reduce the possibility of a fire caused by the Freon air conditioning compressor motor starting resistor overheating, modify the compressor motor starting circuit in accordance with AMD-BA Service Bulletin F10-0162, dated December 6, 1977, and Rev. 1, dated March 20, 1978, or equivalent approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Region.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on May 31, 1978.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

(FR Doc. 78-15875 Filed 6-7-78; 8:45am)

PROPOSED RULES

[4910-13]

[14 CFR Part 39]

[Docket No. 17939]

AIRWORTHINESS DIRECTIVES

Agusta Model A109 and A109A Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to add an airworthiness directive (AD) that would require inspections and replacement of the tail rotor drive shaft hanger bearing support bracket on Costruzioni Aeronautiche Giovanni Agusta Model A109 and A109A helicopters. The AD is needed because the affected bracket is subject to cracking which could result in the failure of the tail rotor.

DATE: Comments must be received on or before August 8, 1978.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-24) Docket No. 17939, 800 Independence Avenue SW., Washington, D.C. 20591.

The applicable service bulletin may be obtained from: Costruzioni Aeronautiche Giovanni Agusta, Cascina Costa (Gallarate), Italy.

A copy of the service bulletin is contained in the rules docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

D. C. Jacobsen, Chief, Aircraft Certification Staff, AEU-100, Europe, Africa, and Middle East Region, Federal Aviation Administration, c/o American Embassy, Brussels, Belgium, telephone 513.38.30.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the address specified above. All communications received on or before the date specified above, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the rules docket.

It has been determined that the tail rotor drive shaft hanger bearing support, P/N 109-0370-02-1, on Agusta Model A109 and A109A helicopters is subject to cracking which could result in the failure of the tail rotor. Since this condition is likely to exist or develop on other helicopters of the same type design, the proposed AD would require repetitive inspections and replacement of the affected bracket on Agusta Model A109 and A109A helicopters.

DRAFTING INFORMATION

The principal authors of this document are M. E. Gaydos, Europe, Africa, and Middle East Region, and S. Podberesky, Office of the Chief Counsel.

PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

Costruzioni Aeronautiche Giovanni Agusta. Applies to Model A109 and A109A helicopters, serial No. 7109 and below, certificated in all categories, incorporating tail rotor drive shaft hanger bearing support P/N 109-0370-02-1.

Compliance is required as indicated, unless already accomplished.

To prevent a possible tail rotor failure, accomplish the following:

(a) Within the next 10 hours time in service after the effective date of this AD, and thereafter after the last flight of each day in which the helicopter is operated, inspect the tail rotor drive shaft hanger bearing support bracket, P/N 109-0370-02-1, for cracks in accordance with part I of the "Accomplishment" paragraph of Agusta Bollettino Tecnico No. 109-2, dated April 14, 1978, including Rev. A dated May 11, 1978, or an FAA-approved equivalent (hereinafter referred to as Service Bulletin).

(b) If a crack is found during an inspection required by paragraph (a) of this AD, before further flight, except as provided in paragraph (d) of this AD, replace the affected bracket with—

(1) A serviceable bracket of the same part number, and continue to inspect in accordance with paragraph (a) of this AD after the last flight of each day in which the helicopter is operated; or

(2) A new support bracket, P/N 109-0370-12-1, in accordance with Part II of the "Accomplishment" paragraph of the Service Bulletin.

(c) Within the next 100 hours time in service after the effective date of this AD, replace support bracket, P/N 109-0370-02-1 with a new bracket, P/N 109-0370-12-1, in accordance with part II of the "Accomplishment" paragraph of the Service Bulletin. The repetitive inspections required by paragraphs (a) and (b)(1) of this AD may be discontinued upon the installation of a support bracket, P/N 109-0370-12-1, in accordance with this AD.

(d) Helicopters may be flown in accordance with FAR 21.197 and 21.199 to a base where the required work can be performed.

(Secs. 313(a) 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a) 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on May 31, 1978.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

(FR Doc. 78-15876 Filed 6-7-78; 8:45 am)

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-EA-30]

CONTROL ZONE AND TRANSITION AREA: WILMINGTON, DEL.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed rulemaking.

SUMMARY: This notice proposes to alter the Wilmington, Del., Control Zone and Transition Area, over Greater Wilmington Airport and Summit Airpark, Wilmington, Del. These alterations are necessary due to a revision to VOR RWY 9 instrument approach to Greater Wilmington Airport and other prescribed approach procedures for both airports. The change to the instrument approach procedures require the alteration of the controlled airspace to protect instrument aircraft utilizing the instrument approaches.

DATES: Comments must be received on or before July 10, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430. The docket may be examined at the following location: FAA, Office of Regional Counsel, AEA-7, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430.

FOR FURTHER INFORMATION CONTACT:

Frank Trent, Airspace and Procedures Branch, AEA-530, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430, telephone 212-995-3391.

COMMENTS INVITED

Interested parties may participate in the proposed rulemaking by submit-

PROPOSED RULES

24851

ting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, J.F.K. International Airport, Jamaica, N.Y. 11430. All communications received on or before July 10, 1978, will be considered before action is taken on the proposed amendment. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, AEA-530, Eastern Region, Federal Aviation Administration, Federal Building, Jamaica, N.Y. 11430, or by calling 212-995-3391.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart F and G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Wilmington, Del., Control Zone and Transition Area. The control zone will be altered by eliminating the presently designated easterly and westerly control zone extensions. The transition area alteration will result in an increase in the length of the westerly extension by 6 miles and an increase in the width of the extension from a total width of 7 miles to 10 miles. The easterly extension will be increased from 7 miles to 10 miles in total width.

DRAFTING INFORMATION

The principal authors of this document are Frank Trent, Air Traffic Division, and Thomas C. Halloran, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Wilmington, Del., Control Zone and by inserting the following in lieu thereof:

Within a 6-mile radius of the center 39°40'42" N., 75°36'27" W. of Greater Wilmington Airport, Wilmington, Del.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Wilmington, Del., 700-foot floor transition area and by inserting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center 39°40'42" N., 75°36'27" W. of Greater Wilmington Airport, Wilmington, Del., extending clockwise from a 270° bearing to a 030° bearing from the airport; within a 10-mile radius of the center of Greater Wilmington Airport, extending clockwise from a 030° bearing to a 270° bearing from the airport; within 5 miles each side of the New Castle, Del., VORTAC 281° radial, extending from the VORTAC to 16.5 miles west of the VORTAC; within 5 miles each side of the New Castle, Del., VORTAC 111° radial, extending from the VORTAC to 11 miles east of the VORTAC; within a 5-mile radius of the center 39°31'17" N., 75°43'17" W. of Summit Airpark Airport, Middletown, Del., within 2.5 miles each side of a line bearing 345° from a point 39°23'36" N., 75°40'38" W., extending from said point to the 5-mile radius area centered on Summit Airpark Airport and within 3 miles each side of a 234° bearing from the Greater Wilmington Airport ILS RWY 1 LOM, extending from the Summit Airpark Airport 5-mile radius area to 13 miles southwest of the LOM.

(Sec. 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 as amended by Executive Order 11949 and OMB Circular A-107.

Issued in Jamaica, New York, on May 15, 1978.

LOUIS J. CARDINALI,
Acting Director,
Eastern Region.

(FR Doc. 78-15745 Filed 6-7-78; 8:45 am)

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-ASW-22]

TRANSITION AREA: LAKE CHARLES, LA.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this action is a proposal to alter the Lake Charles, La. transition area. The intended effect of this action is to provide additional controlled airspace for aircraft executing an instrument approach

PROPOSED RULES

procedure to the McFillen Airpark, Lake Charles, La. The circumstance which created the need for this action was the development of a very high frequency omnidirectional range station (VOR) standard instrument approach procedure to the McFillen Airpark. Coincident with the alteration of the transition area, the airport status will be changed from VFR to IFR.

DATE: Comments must be received on or before July 10, 1978.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

John A. Jarrell, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: In Subpart G 71.181 (43 FR 440) of FAR Part 71, the description of Lake Charles, La., transition area reflects the controlled airspace designed for aircraft executing instrument approach procedures to the Lake Charles and East Lake Charles Airports. The VOR instrument approach procedure to the McFillen Airpark will require alteration of the transition area to provide the necessary additional controlled airspace for aircraft executing this approach procedure.

COMMENTS INVITED

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before July 10, 1978 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such confer-

ences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, or by calling 817-624-4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the Lake Charles, La., transition area. The FAA believes this action will enhance IFR operations at the McFillen Airpark by providing additional controlled airspace for aircraft executing the instrument approach procedure established for the airpark. Subpart G of Part 71 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 440).

DRAFTING INFORMATION

The principal authors of this document are John A. Jarrell, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) altering the Lake Charles, La., transition area with the addition of the following wording at the end of the transition area description:

... and within a 4-mile radius of McFillen Airpark (latitude 30°08'10" N., longitude 93°10'58" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

(The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.)

Issued in Fort Worth, Tex., on May 25, 1978.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc. 78-15747 Filed 6-7-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-RM-15]

TRANSITION AREA, OGALLALA, NEBR.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice (NPRM) proposes to alter the Ogallala, Nebr. 1,200 foot transition area within the state of Colorado to provide controlled airspace for aircraft executing the new VOR standard instrument approach developed for the Searle Airport, Ogallala, Nebr.

DATE: Comments must be received on or before July 10, 1978.

ADDRESS: Send comments on the proposal to: Chief, Air Traffic Division, Attn: ARM-500, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph T. Taber, Airspace Specialist, Operations, Procedures and Airspace Branch (ARM-537), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colo. 80010; telephone 303-837-3937.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010. All communications received will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or argu-

PROPOSED RULES

Issued in Aurora, Colo. on May 23, 1978.

M. M. MARTIN,
Director,
Rocky Mountain Region.

[FR Doc. 78-15748 Filed 6-7-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-ASW-21]

TRANSITION AREA, BOISE CITY, OKLA.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a transition area at Boise City, Okla., to provide controlled airspace for aircraft executing a proposed instrument approach procedure to the Boise City Airport using the Thorp, Okla., navigational aid (NDB) to be located south of the airport.

DATES: Comments must be received on or before July 10, 1978.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Tex.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

David Gonzalez, Airspace and Procedures Branch, (ASW-536), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G 71.181 (43 FR 440) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of the transition area at Boise City, Okla., will necessitate an amendment to this subpart.

COMMENTS INVITED

Interested parties may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief Airspace and Procedures

Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before July 10, 1978 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, or by calling 817-624-4911, extension 302.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

THE PROPOSAL

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Boise City, Okla. The FAA believes this action will enhance IFR operations at the Boise City Airport by providing controlled airspace for aircraft executing a proposed instrument approach procedure using the Thorp NDB to be located south of the airport. Subpart G of Part 71 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 440).

DRAFTING INFORMATION

The principal authors of this document are David Gonzalez, Airspace and Procedures Branch, and Robert C. Nelson, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (43 FR 440) by adding the Boise City, Okla., transition area as follows:

BOISE CITY, OKLA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Boise City Airport, Boise City, Okla.; within 3.5 miles each side of a 225° bearing from the Thorp NDB (latitude 36°45'19" N., longitude 102°32'04" W.) extending from the 6-mile radius to 11.5 miles southwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); and Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on May 25, 1978.

HENRY L. NEWMAN,
Director, Southwest Region.

(FR Doc. 78-15746 Filed 6-7-78; 8:45 am)

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-GL-11]

SAGINAW, MICH.

Proposed Designation of Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate additional controlled airspace near Saginaw, Mich., to accommodate a new VOR/DME instrument approach procedure into the Browne Airport on the basis of a request from the Harry W. Browne Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to ensure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions.

DATE: Comments must be received on or before July 14, 1978.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 78-GL-11, 2300 East Devon Avenue, Des Plaines, Ill. 60018.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region,

PROPOSED RULES

2300 East Devon Avenue, Des Plaines, Ill. 60018, telephone 312-694-4500, extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1,200' above ground to 700' above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to ensure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 78-GL-11, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018. All communications received on or before June 26, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart C of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Saginaw, Mich. Subpart C of Part 71 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 440).

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace

and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, the FAA proposes to amend Subsection 71.181 of Part 71 of the Federal Aviation Regulations as follows:

In section 71.181 (43 FR 440) the following addition should be made to the existing Saginaw, Mich. transition area:

SAGINAW, MICH.

That airspace extending upward from 700' above the surface within a 5.5 mile radius of the Harry W. Browne Airport (latitude 43°25'58" N longitude 83°51'43" N), excluding that portion presently designated for the Clements Airport and the Tri-City Airport.

This amendment is proposed under the authority of Section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Section 11.81 of the Federal Aviation Regulations (14 CFR 11.81).

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Des Plaines, Ill., on May 25, 1978.

JOHN M. CYROCKI,
Director, Great Lakes Region.
(FR Doc. 78-15873 Filed 6-7-78; 8:45 am)

[4910-13]

[14 CFR Part 73]

[Airspace Docket No. 78-WE-7]

OCEANSIDE, CALIF.

Proposed Alteration of Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The notice proposes to alter Restricted Area R-2533 by subdividing the area as R-2533A and R-2533B. The redesignation of R-2533 would permit better utilization of the airspace near Oceanside, Calif., Airport and allow the use of lower altitudes on V-208 and V-458.

DATES: Comments must be received on or before July 5, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 78-WE-7, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket may be examined at the following location: FAA Office

PROPOSED RULES

of the Chief Counsel, Rules Docket (AGC-24), Room 918, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Mr. Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8525.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before July 5, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) that would alter Restricted Area R-2533. This alteration would subdivide R-2533 into R-2533A and R-2533B and the present boundary dimensions of R-2533 would remain the same. The redesignation of the Restricted Area would permit the use of 2,000 feet MSL as the initial approach altitude to Oceanside Airport and permit en

route aircraft to use 3,000 feet MSL on V-208 and V-458. Subpart B of Part 73 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 659).

DRAFTING INFORMATION

The principal authors of this document are Mr. Lewis W. Still, Air Traffic Service, and Mr. Richard W. Danforth, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 73.25 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (43 FR 667) as follows:

R-2533 Oceanside, Calif., would be redescribed as follows:

R-2533A OCEANSIDE, CALIF.

Boundaries. Beginning at Lat. 33°20'00" N., Long. 117°30'00" W.; to Lat. 33°18'20" N., Long. 117°21'28" W.; to Lat. 33°17'30" N., Long. 117°16'40" W.; to Lat. 33°13'20" N., Long. 117°29'00" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 33°19'20" N., Long. 117°35'05" W.; thence to point of beginning.

Designated altitudes. Surface up to but not including 2000 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, El Toro RATCF. Using agency. Commanding General, Marine Corps Base (MCB), Camp Pendleton, Calif.

R-2533B Oceanside, Calif.

Boundaries. Beginning at Lat. 33°27'48" N., Long. 117°33'15" W.; to Lat. 33°18'20" N., Long. 117°21'48" W.; to Lat. 33°20'00" N., Long. 117°30'00" W.; to Lat. 33°19'20" N., Long. 117°35'05" W.; thence 3 nautical miles from and parallel to the shoreline to Lat. 33°22'30" N., Long. 117°39'45" W.; thence to point of beginning.

Designated altitudes. Surface to 2,000 feet MSL.

Time of designation. Continuous.

Controlling agency. FAA, El Toro RATCF. Using agency. Commanding General, Marine Corps Base (MCB), Camp Pendleton, Calif.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on May 30, 1978.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

(FR Doc. 78-15560 Filed 6-7-78; 8:45 am)

[4910-13]

[14 CFR Part 73]

[Airspace Docket No. 78-SO-20]

MANTEO, N.C.

Proposed Alteration of Restricted Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to relocate Restricted Area R-5302 northward approximately 4 miles. This action would return airspace for public use and would widen the access corridor to the Manteo, N.C. Airport, thereby improving flight safety.

DATE: Comments must be received on or before July 10, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Southern Region, Attention: Chief, Air Traffic Division, Docket No. 78-SO-20, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320.

Send comments on environmental aspects to: Captain D. C. Coleman, C. O. FACSFAC VACAPES, NAS Oceana, Va. 23460, telephone 804-435-2852.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-24), room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Mr. Lewis W. Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-8525.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga., 30320. All communications received on or before July 10, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available,

PROPOSED RULES

both before and after the closing date for comments, in the Rules Docket for examination by interested person.

AVAILABILITY OF NPRM

Any person may obtain a copy of the notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Part 73 of the Federal Aviation Regulations (14 CFR Part 73) that would relocate Restricted Area R-5302 northward approximately four miles. This action would return to public use airspace west of Manteo, NC, Airport. The additional airspace would provide more maneuvering area for general aviation aircraft transitioning to/from the Manteo Airport. Currently, these aircraft must maneuver through a two-mile wide corridor between R-5302 and R-5314. The proposed action would increase this corridor width to six miles. The using agency (Fleet Area Control and Surveillance Facility (FACSFAC) will serve as lead agency for purposes of compliance with the National Environmental Policy Act. Comments on any land use problem can be addressed to Capatin D. C. Coleman, C. O. FACSFAC VACAPES, NAS Oceana, Va. 23460. Subpart B of Part 73 was republished in the FEDERAL REGISTER on January 3, 1978 (43 FR 659).

DRAFTING INFORMATION

The principal authors of this document are Mr. Lewis W. Still, Air Traffic Service, and Mr. Richard W. Danforth, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 73.53 of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (43 FR 697) as follows:

R-5302, Albemarle Sound, N.C., would be redescribed as follows:

R-5302 HARVEY POINT, N.C.

Boundaries. Beginning at Lat. 36°06'30" N., Long. 76°20'00" W.; to Lat. 36°05'25" N., Long. 76°17'00" W.; to Lat. 36°03'30" N., Long. 76°05'30" W.; to Lat. 36°00'00" N., Long. 76°05'30" W.; to Lat. 36°00'00" N., Long. 76°15'00" W.; to Lat. 36°00'30" N., Long. 76°20'00" W.;

thence clockwise via a 3 NM arc centered at Lat. 36°03'30" N., Long. 76°20'00" W.; to point of beginning, excluding the airspace within R-5301A, B, or C, when either or all of these areas are activated.

Designated altitudes. Surface to 14,000 feet MSL.

Time of designation. 1300Z to 0400Z. Controlling agency. Federal Aviation Administration, Washington ARTC Center, Leesburg, Va.

Using agency. Fleet Area Control and Surveillance Facility (FACSFAC), NAS, Oceana, Va.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on May 31, 1978.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

(FR Doc. 78-15758 Filed 6-7-78; 8:45 am)

[4910-13]

[14 CFR Part 75]

[Airspace Docket No. 78-RM-3]

BOULDER CITY, NEV.—FARMINGTON, N. MEX.

Proposed Alteration of Jet Route

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to realign a segment of Jet Route No. 110 from Boulder City, Nev., direct to Farmington, N. Mex., rather than via Tuba City, Ariz. This new route is presently used as a vector route for aircraft landing at Las Vegas, Nev. The present routing of J-110 would remain as J-64 from Farmington to Tuba City, and as J-76 from Tuba City to Boulder City. By designating the current vector route as J-110, the coordination and communication time required for its use would be reduced.

DATES: Comments must be received on or before July 10, 1978.

ADDRESSES: Send comments on the proposal in triplicate to: Director, FAA Rocky Mountain Region, Attention: Chief, Air Traffic Division, Docket No. 78-RM-3, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket, (AGC-24), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Mr. Everett L. McKisson, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-426-3715.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Rocky Mountain Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010. All communications received on or before July 10, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Part 75 of the Federal Aviation Regulations (14 CFR Part 75) that would designate a new jet route segment by realigning J-110 from Boulder City direct to Farmington. This route is used as a vector route to help reduce traffic congestion caused by the combination of en route and terminal traffic in the Las Vegas, Nev., area. J-110 currently has dual designation with J-76 from Boulder City to Tuba City and with J-64 from Tuba City to Farmington. J-64 and J-76 would remain in their present positions in this area. The proposed action would reduce the time required for

communication and coordination required to use the direct route.

DRAFTING INFORMATION

The principal authors of this document are Mr. Everett L. McKisson, Air Traffic Service, and Mr. Richard W. Danforth, Office of the Chief Counsel.

THE PROPOSED AMENDMENT

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (43 FR 714) as follows:

Under Jet Route No. 110, "Tuba City, Ariz.," is deleted.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on May 31, 1978.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

(FR Doc. 78-15759 Filed 6-7-78; 8:45 am)

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 909-3]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS—MASSACHUSETTS

Revisions to Regulation 7, Open Burning, and Regulation 9, Dust and Odor

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing approval of revisions to Regulations 7 and 9 of the Massachusetts State Implementation Plan (SIP). Regulation 7, Open Burning, is revised to permit open burning of brush, cane, driftwood, and forestry debris under certain conditions for two months of the year. The presently approved SIP does not permit open burning of these materials. Regulation 9, Dust and Odor, is revised by adding a requirement that mechanized street sweeping equipment be equipped and operated with a suitable dust collection or suppression system.

DATES: Comments must be received on or before July 10, 1978.

PROPOSED RULES

ADDRESSES: Copies of the Massachusetts submittal are available for public inspection during normal business hours at the Environmental Protection Agency, Region I, Room 2113, J.F.K. Federal Building, Boston, Mass. 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460; and the Department of Environmental Quality Engineering, Air and Hazardous Materials Division, Room 320, 600 Washington Street, Boston, Mass. 02111. Comments should be submitted to the Regional Administrator, Region I, Environmental Protection Agency, Room 2203, J.F.K. Federal Building, Boston, Mass. 02203.

FOR FURTHER INFORMATION CONTACT:

Deborah Ikehara, Air Branch, EPA Region I, Room 2113, J.F.K. Federal Building, Boston, Mass. 02203, 617-223-5609.

SUPPLEMENTARY INFORMATION: On December 9, 1977, the Commissioner of the Massachusetts Department of Environmental Quality Engineering (the Massachusetts Department) submitted revisions to Regulations 7 and 9 of the State Implementation Plan (SIP). The proposed revisions are applicable to all Air Pollution Control Districts (APCD's) in the state.

Regulation 7, Open Burning, of the presently approved SIP prohibits open burning of any combustible material, except for certain purposes and under specific conditions. Permissible open burning includes that conducted for cooking purposes, for training or research in fire protection or prevention, and for combating or backfiring an existing fire; open burning associated with the normal pursuit of agriculture, with agricultural land clearing, and with disposal of fungus-infested elm wood; open burning related to the operation of blowtorches and welding torches; and that necessary for the disposal of combustible material for which no suitable alternative method of disposal is available. Any such burning is not to be conducted during periods of adverse meteorological conditions. Where applicable, smoke minimizing starters must be used, and a properly executed permit must be obtained under the provisions of section 13, Chapter 48 of Massachusetts General Laws. Creation of nuisance conditions is prohibited.

The revision adds as another permitted activity to open burning of brush, cane, driftwood, and forestry debris. Such burning is limited to the period from March 1 to May 1 of each year in the Berkshire APCD and from January 15 to March 15 of each year in the other APCD's. Open burning of grass, hay, leaves, and stumps, however, is specifically prohibited by this provi-

sion, and no open burning of brush, cane, driftwood, and forestry debris will be permitted in the cities and towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Chicopee, Everett, Fall River, Fitchburg, Holyoke, Lawrence, Lowell, Malden, Medford, New Bedford, Newton, Pittsfield, Somerville, Springfield, Waltham, Watertown, West Springfield, and Worcester. The conditions applicable to presently permitted open burning activities will also apply to the new activity. In addition, open burning of the proposed materials must be conducted on land proximate to the place of generation, 75 feet from any dwelling, and between 10 a.m. and 4 p.m.

Finally, the revision adds a specific prohibition against conducting open burning at any refuse disposal facility. This provision is consistent with Regulation 13 of the Regulations for the Disposal of Solid Waste by Sanitary Landfill, effective April 21, 1971, as well as with recently proposed revision to the sanitary landfill regulations.

The conditions under which the proposed open burning must be conducted were developed by the Massachusetts Department as safeguards to minimize the impact of open burning on total suspended particulate (TSP) Levels. Since open burning of the proposed materials is prohibited in those areas with violations of the National Ambient Air Quality Standards (NAAQS) for TSP, the violations will not be exacerbated. The other conditions specified in the regulation are included to ensure adequate dispersion of particulate emissions and to prevent fire hazards and nuisance conditions.

Regulation 9, Dust and Odor, of the presently approved SIP prohibits air pollution resulting from dust and odor generating operations and from handling, transportation, or storage of materials. Reasonable measures are required to prevent airborne particulate matter from construction, use, repair, or demolition of buildings, roads, driveways or open areas.

The regulation is revised by adding a requirement that mechanized street sweeping equipment be equipped and operated with a suitable dust collection or suppression system. The proposed regulation specifies that the system be maintained in good operating condition.

The Massachusetts Department is proposing the revision to Regulation 9 on the basis of observations and special studies which show that street sweeping operations can have a significant adverse impact on local air quality. Although street sweeping is considered a potential control measure for reducing high TSP levels resulting from reentrained road dust, it can in fact contribute to high TSP levels and cause local nuisance conditions when

the dust control system with which virtually all of the mechanized street sweepers in the state are equipped, is not operated.

The Regional Administrator believes that the proposed revisions to Regulations 7 and 9 will not interfere with the attainment and maintenance of the NAAQS for TSP, and proposes that these revisions be approved as part of the Massachusetts SIP.

The Administrator's decision to approve or disapprove the plan revision will be based on whether it meets the requirements of sections 110(a)(2) (A)-(H) and 110(a)(3)(A) of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51. This revision is being proposed pursuant to sections 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601).

Dated: May 26, 1978.

WILLIAM R. ADAMS, Jr.,
Regional Administrator,
Region I.

[FR Doc. 15944 Filed 6-7-78; 8:45 am]

[6560-01]

[40 CFR Part 52]

[FRL 906-51]

VIRGINIA STATE IMPLEMENTATION PLAN

Proposed Revision

AGENCY: Environmental Protection Agency

ACTION: Proposed rule.

SUMMARY: The Commonwealth of Virginia submitted amendments to the Virginia Regulations for the Control and Abatement of Air Pollution. The Commonwealth requested that these amendments be reviewed and processed as a revision of the Virginia State Implementation Plan (SIP). The amendments consist of changes to Part II, Part V and Part VI of the Virginia Regulations for the Control and Abatement of Air Pollution.

DATE: Public comments must be received on or before July 10, 1978.

ADDRESSES: Copies of the proposed revision and accompanying support material are available for public inspection during normal business hours at the following locations: United States Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pa. 19106, Attention: Mr. Harold Frankford, phone 215-597-8392; Virginia State Air Pollution Control Board, Room 1106—Ninth Street Office Building, Richmond, Va. 23219, Attention: Mr. John Daniel, Jr. P.E.; and Public Information Reference Unit, United States Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

All comments should be addressed to: Mr. Howard R. Heim, Chief, Air Programs Branch (3AH10), U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pa. 19106, Attention: AH013VA.

FOR FURTHER INFORMATION CONTACT:

Mr. George Bonina (3AH12), Air Programs Branch, U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pa. 19106, phone 215-597-8173.

SUPPLEMENTARY INFORMATION: On August 31, 1977, the Commonwealth of Virginia submitted to the Administrator of the Environmental Protection Agency amendments to the Virginia air pollution control regulations and requested that they be reviewed and processed as a revision of the Virginia State Implementation Plan (SIP). The amendments consist of the following changes:

1. *Amendments to Part II (Permits—Stationary and Indirect Sources), Section 2.33.* The Commonwealth of Virginia requests that paragraph (h) of this section, previously proposed as a revision of the Virginia SIP (42 FR 16442), be further revised to allow permits to construct or modify stationary sources or indirect sources of air pollution to become invalid if: (1) Construction of a permitted source has not commenced within twenty-four (24) months of the permit's issuance, or (2) construction or modification is discontinued for a period of twelve (12) or more months. An additional provision to Section 2.33(h) proposed as a revision to the Virginia SIP would allow the Virginia State Air Pollution Control Board to extend a permit beyond 24 months upon a satisfactory showing that an extension is justified. The approved Virginia SIP contains no provisions under which a permit would be revoked or declared invalid.

In response to comments from the July 18, 1977 public hearing, as well as EPA comments, the Commonwealth has also submitted parameters for a "control strategy demonstration." These differ from the usual air quality analysis performed for regulatory SIP revisions. Rather, the "demonstration" consists of an assurance that for each permit request subject to the provisions of Section 2.33(h), the Commonwealth will require an air quality analysis according to certain stated criteria prior to the issuance or renewal of a permit. This procedure will ensure that construction or modification of a source will not interfere with attainment and maintenance of National Ambient Air Quality Standards.

2. *Amendments to Part V (New and Modified Sources), Section 5.31 (Designated Standards of Performance)* has

been amended to adopt, by reference, EPA revisions of the current New Source Performance Standard for fossil-fuel fired steam generators (40 CFR Part 60), as well as EPA Performance Specifications Nos. 1 and 2 for monitoring emissions.

3. *Amendments to Part VI (Hazardous Air Pollutant Sources), Section 6.11 (Designated Emission Standards)* has been amended to adopt by reference an EPA revision (40 CFR Part 61) of the current hazardous air pollutant standard for asbestos.

The Commonwealth submitted proof that hearings regarding these amendments as required by 40 CFR 51.4 were held simultaneously on July 18, 1977 in Richmond, Abingdon, Radford, Lynchburg, Fredericksburg, Virginia Beach and Falls Church.

The Region III office of EPA has received fifty-two letters of opposition to the proposed amended change to Part II from citizens in the Hampton Roads Intrastate Air Quality Control Region. EPA is soliciting additional public comments on whether the amendments to the Virginia Regulations for the Control and Abatement of Air Pollution should be approved or disapproved as revisions of the Virginia SIP. All comments received on or before July 10, 1978 will be considered.

The Administrator's decision to approve or disapprove this proposed plan revision will further be based on whether these amendments meet the requirements of section 110 of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

All comments should be addressed to: Mr. Howard R. Heim, Chief, Air Programs Branch (3AH10), U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pa. 19106, Attention: AH013VA.

AUTHORITY: 42 U.S.C. 7401 et seq.

Dated: May 25, 1978.

JACK J. SCHRAMM,
Regional Administrator.

[FR Doc. 78-15967 Filed 6-7-78; 8:45 am]

[6560-01]

[40 CFR Part 65]

[FRL 908-8]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Delayed Compliance Order for
Massillon State Hospital in Massillon, Ohio

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: United States Environmental Protection Agency (U.S. EPA) proposes to issue an administrative order to Massillon State Hospital. The order requires the hospital, a facility of the Ohio Department of Mental Health and Mental Retardation, to bring air emissions from its boiler house (the source) at Massillon, Ohio, into compliance with certain regulations contained in the federally approved Ohio implementation plan. Because the hospital is unable to comply with these regulations at this time, the proposed order would establish an expeditious schedule requiring final compliance by July 1, 1979. Source compliance with the order would preclude suits under the federal enforcement and citizen suit provisions of the Clean Air Act for violation of the SIP regulations covered by the order. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on EPA's proposed issuance of the order.

DATES: Written comments and requests for a public hearing must be received on or before July 10, 1978.

ADDRESSES: Comments and requests for a public hearing should be submitted to Mr. James O. McDonald, Director, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Ill. 60604. Material supporting the order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Michael G. Smith, Enforcement Attorney, at the above address or phone 312-353-2082.

SUPPLEMENTARY INFORMATION: The Massillon State Hospital, a facility of the Ohio Department of Mental Health and Mental Retardation, operates coal-fired boilers in a powerplant located at Massillon, Ohio.

The source is subject to the Ohio implementation plan regulation AP-3-11. This regulation governs the emission of particulate matter and is part of the federally approved State implementation plan. The order requires final compliance with this regulation by July 1, 1979, and the source has consented to the terms of the order.

This Agency believes that the proposed order satisfies the applicable requirements of section 113(d) of the Act. If the order is issued, source compliance with its terms would preclude further U.S. EPA enforcement against this source for violation of the regulation covered by the order while the order is in effect. Enforcement against the source under the citizen suit provisions of the Act (section 304) would be similarly precluded.

FINDINGS

Comments received on or before July 10, 1978, will be considered in determining whether U.S. EPA should issue the order. Testimony given at any public hearing concerning the order will also be considered. Final action on the order will be published in the FEDERAL REGISTER.

After the public comment period, and after EPA has reviewed any comments received in response to this notice, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the order in 40 CFR Part 65.

The provisions of 40 CFR Part 65 will be promulgated by EPA soon, and will contain the procedures for EPA's issuance, approval, or disapproval of an order under section 113(d) of the Act. In addition, Part 65 will contain sections listing or including orders issued, approved, or disapproved by EPA.

A prior notice proposing regulations for Part 65, published at 40 FR 14876 (April 2, 1975), will be withdrawn, and replaced by a notice promulgating these new regulations.

All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after thirty days prior notice of the time and place of the hearing has been given in the FEDERAL REGISTER.

(Statutory authority: Sec. 113(d) (1), (2) and (4), of (42 U.S.C. 7413).)

Dated May 3, 1978.

GEORGE R. ALEXANDER, JR.,
Regional Administrator, U.S.
Environmental Protection
Agency, Region V.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter I, as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding section 65.400 to read as follows:

§ 65.400 Federal delayed compliance orders issued under section 113(d) (1), (2), and (4) of the Act.

[Order No. —]

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: Massillon State Hospital, Massillon, Ohio, Order No. —.

This order is issued this date pursuant to section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7401 et seq. (the Act). This order contains a schedule for compliance, interim control requirements, and monitoring and reporting requirements. Public notice, opportunity for a public hearing, and 30 days notice to the State of Ohio has been provided pursuant to section 113(d)(1) of the Act.

1. Massillon State Hospital ("MSH") is a mental health facility located in Massillon, Stark County, Ohio, which is operated by the Ohio Department of Mental Health and Mental Retardation.

2. MSH owns and operates three (3) coal-fired boilers which provide all of the steam and heating requirements of the hospital. Such boilers are labelled as follows:

EPA source No.	MSH source identification No.	Rated maximum capacity
B001	Boiler No. 3	33 × 10 ⁶ Btu (22,000 lbs steam/hr).
B002	Boiler No. 4	Do.
B003	Boiler No. 5	47 × 10 ⁶ Btu (28,000 lbs steam/hr).

3. On November 15, 1976, the United States Environmental Protection Agency ("U.S. EPA") issued notice of violation EPA-5-77-A-10, pursuant to section 113(a)(1) of the Act, to MSH upon a finding that the sources were in violation of Ohio implementation plan regulation AP-3-11, which regulation is a part of the applicable Ohio implementation plan as defined in section 110(d) of the Act. This finding was based upon emission calculations derived from data submitted to U.S. EPA by the subject facility, and confirmed by data submitted to Ohio Environmental Protection Agency ("Ohio EPA") and its local agency, the Air Pollution Control Division of the Canton City Health Department ("Canton"), which data was made available to U.S. EPA.

4. Said violation has extended beyond the 30th day after issuance to MSH of the November 15, 1976, notice of violation, and said sources are not now in compliance with Ohio implementation plan regulation AP-3-11.

5. Data available to U.S. EPA discloses further that the sources listed in finding two (2), supra, have been and currently are in violation of Ohio implementation plan regulation AP-3-07.

6. Ohio implementation plan regulation AP-3-11(A)(3) requires that the sources designated in finding two (2), supra, be aggregated together for purposes of determining the maximum allowable amount of particulate matter which may be emitted at any time from any one of the sources individually. That maximum allowable amount of particulate matter emissions from said sources is 0.19 lbs. per million Btu heat input.

7. Sources B001, B002, and B003 are the only currently available means by which MSH can meet its stem requirements. The sources are unable to immediately comply with AP-3-07 and AP-3-11.

8. The peak steam load requirement of MSH, which usually occurs during the winter heating season, is 50,000 pounds of steam per hour.

9. MSH has instituted a compliance program under which it will install particulate removal devices on sources B001, B002, and B003. In addition, MSH plans to upgrade or rebuild the stokers, forced draft fans, fire boxes, over-fire air systems, combustion control systems, and other items, of each source.

10. The compliance program described in paragraph 9 can be completed by or prior to July 1, 1979.

11. The compliance provisions specified in the following order are technically feasible and economically reasonable.

12. MSH has expressed its intent to utilize coal of a sufficiently low sulfur content to maintain its compliance with the federally promulgated sulfur dioxide regulations.

13. In satisfaction of section 113(a)(4) of the Act, opportunity to confer with the Administrator's delegate was given to the hospital, and on April 20, 1977, an enforcement conference was held.

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this order is as expeditious as practicable, and that the terms of this order comply with section 113(d) of the Act. Therefore, *It is hereby ordered:*

ORDER

1. That Massillon State Hospital ("MSH") shall comply with the Ohio implementation plan regulations by abating particulate emissions from the sources in accordance with the following schedule and compliance provisions on or before the date specified herein:

A. The maximum steam load shall be 50,000 lbs./hr. and shall be provided by the simultaneous operation of no more than two of the three sources.

B. Compliance with Ohio implementation plan regulations AP-3-07 and AP-3-11 shall be achieved by the installation of particulate removal devices on all three sources. The particulate removal devices shall be designed to attain and maintain compliance at all times regardless of the combination of sources utilized, and during all steam load conditions.

C. The emission restrictions for particulate matter from each of the sources listed in paragraph two (2) of the findings, supra, shall be based on the aggregated capacities of all three boilers and, pursuant to AP-3-11(A)(3), shall be 0.19 lbs./10⁶ Btu heat input, which shall be met by each operating source at all times. MSH shall not operate any combination of sources in excess of 50,000 lbs./hr. steam production and shall report any violation of this limit, for whatever reason, within 72 hours of the occurrence to both the U.S. EPA and the Air Pollution Control Division of the Canton City Health Department, and shall provide the information requested relative to the violation.

D. The consulting engineer to MSH shall define in all bid specifications the coal analysis for all sources which will enable the sources to achieve and maintain compliance with all applicable regulations at all times and under all conditions.

E. Each source shall be provided as soon as possible with opacity monitors and recorders to provide continuous documentation of visible emission status, which documentation shall be provided by U.S. EPA and Canton monthly during the effective period of this order. This provision shall be complied with as soon as possible and is not contingent upon completion of, or compliance with any other provision of this order.

F. Each source shall be provided as soon as possible with oxygen monitors and recorders to provide the means to determine excess air and source efficiency. Once installed, the information therefrom shall be provided to U.S. EPA and Canton monthly during the effective period of this order. This provision shall be complied with as soon as possible and is not contingent upon

completion of, or compliance with any other provisions of this order.

2. That each source shall be upgraded and rebuilt to provide at least the following:

A. Rebuilding of stokers, forced draft fans, and fire boxes.

B. Rebuilding over-fire air systems to provide optimum combustion.

C. Rebuilding combustion control systems by authorized manufacturer's service engineers to provide optimum combustion control.

3. That sources B001, B002, and B003, for all steam load requirements, shall be operated at levels and in combination that will not result in violations of AP-3-07. Compliance shall, where possible, be accomplished by using turndown ratios compatible with source design limits and sulfur dioxide dew points.

4. That compliance with AP-3-07, AP-3-11, and all other applicable laws and regulations shall be achieved as soon as is practicable in accordance with the following schedule and in no event later than the milestone deadline:

Milestone and Deadline

A. Complete engineering, completed.

B. Award bids, completed.

C. Submit detail plans and supporting data to U.S. EPA and Canton, completed.

D. Modify detail plans and supporting data and submit to U.S. EPA and Canton, as modified, as required.

E. Start construction, May 1, 1978.

F. Complete construction and testing, June 1, 1979.

G. Achieve final compliance, July 1, 1979.

The final compliance deadline of July 1, 1979, shall be complied with by MSH regardless of the type of control strategy or particulate removal device or devices MSH elects to install, and regardless of the sequence of installation.

5. That the detail drawings and supporting data required to be submitted by order No. 4 shall contain as a minimum, and by way of example and not by way of exclusion, the following data:

A. *Boiler performance.* Thermal efficiency, gas flows, and steam demand (as recorded on available steam meter disks) which have occurred throughout the immediately preceding year, and other similar types and kinds of data;

B. *Exit gas Characteristics.* Temperature, volume of gas flowing, and size and concentration of particulates, and other similar types and kinds of data;

C. *Fuel quality.* Size, type, and quality of coal to be purchased and used, and other similar types and kinds of data. The analysis of the coal shall include but not be limited to the following data: 1. Sulfur content; 2. Btu content; 3. ash content; 4. moisture content; 5. size; 6. type; 7. where purchased from;

D. *Miscellaneous.* Location of I.D. fans, size and layout of breeching, and other similar types and kinds of data.

6. That MSH shall, in addition to any other requirements of this order, comply with the following emission monitoring and reporting requirements on or before the dates specified:

A. *Emission monitoring.* (1) MSH shall install and utilize boiler operation monitoring equipment and continuous in-stack monitoring devices for each boiler and stack.

B. *Reporting requirements.* (1) No later than 5 days after any date for achievement of an incremental step or final compliance

specified in this order, MSH shall notify U.S. EPA and Canton in writing of its compliance, or noncompliance and reasons therefor. Notification to U.S. EPA and Canton of any anticipated delay does not excuse the delay.

(2) On a quarterly basis, MSH shall report any excursions above the 20 percent opacity limitation set out in AP-3-07 to U.S. EPA and Canton. MSH shall keep on file all stack monitoring opacity data for a minimum of 3 years.

(3) All submittals and notifications to U.S. EPA pursuant to this order shall be made to James O. McDonald, Director, Enforcement Division, U.S. EPA, 230 South Dearborn Street, Chicago, Ill. 60604.

7. That MSH shall comply with the following interim requirements which are determined to be reasonable and the best practicable interim system of emission reduction (taking into account the requirement for which compliance is ordered in paragraph one (1) of the order), and are necessary to avoid an imminent and substantial endangerment to the health of persons;

A. MSH shall immediately institute an operation and maintenance procedure which will result in the minimization of particulate matter emissions from the sources on a day-to-day basis during the interim period preceding final compliance.

8. That nothing herein shall affect the responsibility of MSH to comply with any other State, local, or Federal regulations.

9. That MSH is hereby notified that its failure to achieve final compliance by July 1, 1979, will result in a requirement to pay a noncompliance penalty under section 120 of the Act. In the event of such failure, MSH will be formally notified, pursuant to section 120(b)(3) of the Act and any regulations promulgated thereunder, of its noncompliance. The giving of this notice shall not be construed as authorizing noncompliance with the deadlines in order No. 4.

10. That this order shall be terminated in accordance with section 113(d)(8) of the Act if the Administrator or his delegate determines on the record, after notice and hearing, that an inability to comply with Ohio implementation plan regulation AP-3-11 no longer exists.

11. That violation of any requirement of this order shall result in one or more of the following actions:

A. Enforcement of such requirement pursuant to sections 113 (a), (b), or (c) of the Act, including possible judicial action for an injunction and/or penalties and in appropriate cases, criminal prosecution.

B. Revocation of this order, after notice and opportunity for a public hearing, and subsequent enforcement of Ohio implementation plan regulations AP-3-07 and AP-3-11 in accordance with the preceding paragraph.

C. If such violation occurs on or after July 1, 1979, notice of noncompliance and subsequent action pursuant to section 120 of the Act.

12. That MSH shall comply with the requirements of the Ohio implementation plan, and particularly regulations AP-3-07 and AP-3-11, during the term of this order insofar as it is able to do so (as determined by the Administrator).

13. If MSH desires to operate the sources at a steam load of greater than 50,000 pounds of steam per hour MSH shall apply for and obtain prior to doing so a permit to install from the Ohio Environmental Protection Agency in accordance with Ohio im-

plementation plan regulation OAC 3745-31-02. Included in such application shall be the results of a stack test demonstrating that the sources operated at the increased load level are in compliance with Ohio implementation plan regulations AP-3-07 and AP-3-11 (a particulate emission rate of 0.19 pounds per million Btu heat input).

14. A stack test shall be required to demonstrate compliance of the boilers with all applicable emission requirements. The design of the system shall include the installation of sampling ports at locations approved by U.S. EPA and by the Air Pollution Control Division of the Canton City Health Department. It shall be the responsibility of MSH to provide safe access and sampling platforms at the sampling ports for all stack emission tests. It shall also be the responsibility of MSH to request and schedule with Canton and "intent-to-test" conference at least 30 days prior to testing to confirm applicable testing procedures and to establish the location and dimensions of the sampling platform.

15. That MSH shall at all times take appropriate and reasonable steps, including good operating and maintenance practice, to maintain compliance with these findings and orders and to minimize any adverse impact of the sources on the ambient air, to the extent possible, until final, full compliance can be achieved. Regular, scheduled maintenance shall be made on all boilers during the interim period of noncompliance as well as after compliance has been achieved.

16. That during the period for which these orders are in effect MSH shall use the best practicable system or systems of emission reduction available including modifications to operating procedures, use of turn down ratios to achieve compliance with AP-3-07, and regular, scheduled maintenance of the sources to maximize efficiency.

17. That this order shall terminate on July 1, 1979, or on the date before or thereafter, as the case may be, upon which the sources achieve full compliance with AP-3-07 and AP-3-11 and all provisions of this order. MSH shall apply for and receive from Ohio EPA a permit to operate for each source and the operation of the sources after the termination of this order shall be in accordance with permits to operate issued by the Director of Ohio EPA pursuant to section 3704.03(G), Ohio Revised Code, and applicable regulations.

18. That this order is effective upon promulgation in the FEDERAL REGISTER.

Dated: _____

Deputy Administrator,
U.S. Environmental Protection
Agency.

WAIVER OF RIGHTS TO CHALLENGE ORDER

Massillon State Hospital hereby waives notification and opportunity to confer, pursuant to section 113 of the Clean Air Act, as to violation of Ohio implementation plan regulation AP-3-07. Additionally, Massillon State Hospital, by the duly authorized undersigned, hereby consents to the provisions of this order and waives any and all rights under any provision of law to challenge this order.

PROPOSED RULES

Dated: _____

(Signature of authorized
representative of Massillon State
Hospital.)

(Printed name of MSH
authorized representative.)

[FR Doc. 78-15972 Filed 6-7-78; 8:45 am]

[1505-01]

[40 CFR Part 180]

[FRL 897-7; PP 8E2030/P77]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Tolerances for the Pesticide Chemical
Methomyl

Correction

In FR Doc 78-13633 appearing on page 21700 in the issue of Friday, May 19, 1978, in column three, § 180.253 *Methomyl; tolerances for residues*, in the table, in the entry for "Vegetables . . ." the part per million now reading "0.2(M)" should read "0.2(N)."

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 63, 64]

[ICC Docket Nos. 78-95 and 78-96]

REGULATORY POLICIES CONCERNING PROVISION OF DOMESTIC PUBLIC MESSAGE SERVICES BY ENTITIES OTHER THAN THE WESTERN UNION TELEGRAPH CO.

Order Extending Time for Filing Comments and
Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action here extends the time for filing comments and reply comments in a proceeding addressing regulatory policies concerning provision of public message telegraph services by entities other than the Western Union Telegraph Co.

DATES: Comments may now be filed on or before June 15, 1978, and reply comments may now be filed on or before July 17, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Michael S. Slomin, Common Carrier Bureau, 202-632-9342.

OPINION AND ORDER

Adopted: May 25, 1978.

Released: May 31, 1978.

In the matter of Graphnet Systems, Inc., application to participate in the hinterland delivery of international communications messages, CC Docket No. 78-95, File No. W-P-C-1430; regulatory policies concerning the provision of domestic public message services by entities other than the Western Union Telegraph Co. and proposed amendments to Parts 63 and 64 of the Commission's rules, CC Docket No. 78-96; 43 FR 14080, April 4, 1978.

1. Comments in this proceeding are due June 1, 1978, with replies to be filed by July 3, 1978. By motion filed May 3, 1978, the Western Union Telegraph Co. requested that these dates be extended, respectively, to July 17 and August 18, 1978 (approximately 45 days).

2. In support of its request, Western Union states that it has engaged an economic consultant to provide the analyses invited in this proceeding, and this expert, a professor of economics, must fit such effort into existing end-of-term commitments. In addition, Western Union refers to its pending application for review of the Common Carrier Bureau's acceptance (under delegated authority) of Graphnet's tariffs for outbound handling of international communications, and asks that this proceeding be delayed pending the Commission's action on the application. In essence, Western Union believes that the scope of this proceeding will be controlled by action on the application for review.¹

3. By opposition filed May 15, 1978, Graphnet Systems, Inc., opposes Western Union's request. Graphnet notes that certain of the matters at issue in this proceeding (those in Docket No. CC 78-95) have been pending before the Commission in one form or another for nearly 2 years, to Graphnet's detriment, and that further delay will increase the financial burdens on Graphnet. Moreover, Graphnet claims that Western Union, in essence, is only trying to delay this proceeding by claiming to prepare new economic analyses, but since Western Union's earlier filings on the issues herein "purported to represent Western Union's in-house analysis of the impact and consequences of granting the authorization Graphnet has requested," formulation of new comments on such issues does not require extensive new analysis and reflection. Finally, Graphnet responds to Western Union's suggestion that this proceeding be delayed pending Commission action on the application for review by noting that the application

¹ Western Union appears to assume that a ruling on its application for review will occur during the 45-day extension requested herein. It does not ask for an open-ended extension of time pending disposition.

itself does not change the Bureau's ruling, unless and until it is acted on by the Commission, and that until such time there is no legal uncertainty about the scope of this proceeding.

4. In reply, filed May 16, 1978, Western Union argues that while Graphnet would claim that Western Union's previously submitted economic analyses were adequate, and that not much time is required to resubmit them in this proceeding, the fact of the Commission's initiation of the comprehensive inquiry herein obviously demonstrates that such analyses were not sufficient for informed decisionmaking. In addition, Western Union again states its belief that this proceeding should be delayed pending action on its application for review, and it responds to Graphnet by noting that action under delegated authority is not the equivalent of a Commission decision for all purposes.²

5. This proceeding was initiated by Graphnet's application for authority to participate with the international record carriers in the hinterland delivery of international communications by transmitting such communications outside the international carriers' gateways. In setting the issues of this proceeding, the Commission has inquired into the appropriate public record message structure and has solicited comments on fundamental questions relating to the appropriate scope, if any, of a continued monopoly on domestic public message telegraph service, an area which only indirectly was addressed in previous submissions on Graphnet's application. Thus, it cannot fairly be argued that Western Union has already submitted or prepared the type of analyses now requested.

6. Our consideration of the pleadings leads us to conclude that some accommodation of Western Union is warranted. However, in view of the significance of the proceeding and its history, a lengthy 45-day extension cannot be granted. We believe that a 2-week extension of time should allow Western Union reasonable time to avail itself of its university-based economic consultant without undue prejudice to Graphnet.

7. Accordingly, pursuant to authority delegated under § 0.303(c) of the Commission's rules, 47 CFR 0.303(c), Western Union's motion for extension of time is granted: *And it is hereby ordered*, That the dates specified in the "Memorandum Opinion and Order and Notice of Inquiry and Proposed Rulemaking" in this consolidated proceeding, FCC 78-184, released March 28, 1978, are hereby extended as follows:

²In this regard, Western Union cites § 1.115(k) of the Commission's rules, which restates the statutory requirement of such an application as a condition precedent to judicial review.

lows: Comments may be filed on or before June 15, 1978, and reply comments may be filed on or before July 17, 1978.³

WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.
(FR Doc. 78-15882 Filed 6-7-78; 8:45 am)

[6712-01]

[47 CFR Part 73]

(BC Docket No. 78-162; RM-3080)

FM BROADCAST STATION IN TEHACHAPI, CALIF.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a class A FM channel to Tehachapi, Calif. Petitioner, Dorothy Collings, states that the proposed assignment could bring a first full-time local aural broadcast service to Tehachapi.

DATES: Comments must be received on or before July 31, 1978, and reply comments on or before August 21, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: June 1, 1978.

Released: June 5, 1978.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations, (Tehachapi, Calif.).

1. *Petitioner, proposal, comments.* (a) Notice of proposed rulemaking is given concerning amendment of the FM table of assignments (sec. 73.202(b) of the Commission's rules) as concerns Tehachapi, Calif.

(b) Petition for rulemaking¹ was filed on behalf of Dorothy Collings ("petitioner"), seeking the assignment of FM channel 276A to Tehachapi, Calif. No responses to the petition were filed.

(c) Petitioner states that she will file an application for authority to con-

¹The motion is therefore granted solely on the first of Western Union's stated grounds, and Western Union's alternative basis—pendency of its application for review—is rejected. We fail to see how Commission action on the application would change the issues of this proceeding, except possibly to expand them, in which case additional comments might be solicited.

²Public notice of the petition was given on March 29, 1978, report No. 1111.

struct an FM Broadcast station in Tehachapi, if the channel is assigned.

2. *Community data.* (a) *Location.* Tehachapi is located in Kern County, approximately 121 kilometers (75 miles) north of Los Angeles and 58 kilometers (36 miles) southeast of Bakersfield, Calif.

(b) *Population.* Tehachapi—4,211; Kern County—329,162.³

(c) *Local aural broadcast service.* There is no local aural broadcast service in Tehachapi.

(d) *Economic data.* Petitioner states that the estimated population of Tehachapi in 1977 was 4,700 with a tentative master plan for Tehachapi calling for a planned population of 17,000 by 1995. We are told that Tehachapi is an attraction for tourists and a community for people who desire living in a high mountain area. Petitioner notes that the major employers in the Tehachapi area include the Monolith Portland Cement Co., California Portland Cement Co., Nunes Turfgrass, Inc., and the California State Correctional Institution. In support of her petition, petitioner submitted information with respect to the form of government, education, churches, medical and recreational facilities, and transportation.

3. Channel 276A may be assigned to Tehachapi, Calif., in compliance with the minimum mileage separation requirements. However, before the channel assignment could be adopted, the Mexican Government must give its concurrence because the community is located within 320 kilometers (199 miles) of the United States-Mexican border.

4. In light of the above information and the fact that the proposed FM channel assignment would provide Tehachapi with its first local aural broadcast service, the Commission believes it appropriate to propose the amendment of the FM table of assignments, sec. 73.202(b) of the rules, as follows:

City and Channel No.

Tehachapi, Calif., present: —; proposed: 276A.

5. Authority to institute rulemaking proceedings; showings required; cutoff procedures; and filing requirements are contained in the attached appendix and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 31, 1978, and reply comments on or before August 21, 1978.

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

³Population figures are taken from the 1970 U.S. Census.

APPENDIX

1. Pursuant to authority found in sec. 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and sec. 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM table of assignments, sec. 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking to which this appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking to which this appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cutoff procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in sec. 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rule making to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

(FR Doc. 78-15881 Filed 6-7-78 8:45 am)

[6712-01]

[47 CFR Part 73]

(BC Docket No. 78-52; RM-2808)

TELEVISION BROADCAST STATIONS IN WASHINGTON, D.C., WALDORF, MD., FAIRFAX AND FRONT ROYAL, VA.

Order Extending Time for Filing Reply
Comments

AGENCY: Federal Communications Commission.

ACTION: Order extending time.

SUMMARY: Action taken herein extends the time for filing reply comments in a proceeding concerning changes in television assignments in Washington, D.C., Waldorf, Md., Fairfax and Front Royal, Va. Petitioner, Central Virginia Educational Television Corp., states the additional time is needed in order to prepare a reply to the filed comments.

DATE: Reply comments must be received on or before June 12, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 30, 1978.

Released: June 1, 1978.

In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations (Washington, D.C., Waldorf, Md., Fairfax and Front Royal, Va.) (43 FR 17508, April 25, 1978).

1. On February 8, 1978, the Commission adopted a notice of proposed rulemaking, 43 FR 7330, concerning the above-entitled proceeding. The present date for filing comments has expired and the date for filing reply comments is presently May 30, 1978.

2. On May 19, 1978, Central Virginia Educational Television Corp. ("CVETC") filed a timely request

seeking an extension of time for filing reply comments to and including June 12, 1978. CVETC states that in view of the number of parties who filed comments and the length of their submissions, additional time is needed in which to prepare a reply.

3. We are of the view that the public interest would be served by this extension so that the Central Virginia Education Television Corp. may file any information which might be helpful to the Commission in reaching a decision in this proceeding.

4. Accordingly, *It is ordered*, That the date for filing reply comments in BC Docket No. 78-52 is extended to and including June 12, 1978.

5. This action is taken pursuant to authority found in secs. 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and sec. 0.281 of the Commission's rules.

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

(FR Doc. 78-15880 Filed 6-7-78; 8:45 am)

[6712-01]

[47 CFR Parts 81 and 83]

(SS Docket No. 78-153; FCC 78-327)

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Making Frequency 156.875 MHz Available for Exclusive Use for Communications to and From Pilots

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commission is proposing to make the frequency 156.875 MHz available for exclusive use for communications to and from pilots. We are taking this action because of the numerous complaints by pilots concerning the problem that exist with interference during critical communications between pilots on vessels and other support personnel. This rulemaking, if adopted, will provide a frequency exclusively for communications by and to pilots and, as a result, substantially improve the reliability of communications during the movement and docking of vessels.

DATES: Comments must be received on or before June 22, 1978, and reply comments on or before June 29, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Kemp J. Beaty, Safety and Special

Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

Adopted: May 18, 1978.

Released: May 30, 1978.

By the Commission:

1. Notice of Proposed Rulemaking is hereby given in the above-captioned matter.

2. In this rulemaking the Commission is proposing to make the frequency 156.875 MHz available exclusively to pilots for communications relating to the movement and docking of vessels. In addition the authorized power on this frequency for a coast station will be restricted to 1 watt under normal conditions and not to exceed 10 watts under any circumstances. Vessels will be permitted the use of more than 1 watt power only in an emergency.

3. The Commission is proposing this rulemaking because of the severe problems that exist in major port areas for communications between pilots on vessels and tugboats or other support personnel involved in the guidance of deep draft vessels into their docks. The severity of this problem has been brought to the attention of the Commission by letters and visits to the Commission's field offices from pilots looking for a solution to this problem. Their concern is that a 900 foot supertanker can take as much as six miles to stop, and obliterated communications could involve a disastrous collision with other vessels or docking facilities. Information received indicates that several "near misses" have occurred and if a collision should occur there would be, at a minimum, wide-spread oil pollution, property damage and loss of life. These communications concerning docking maneuvers are conducted primarily by VHF "walkie-talkies" from the bridge of the vessel to various tugs assisting the vessel. Because of the low power of these transmitters, a high powered transmitter being used some distance away can, and often does, cause harmful interference to communications between pilots and other support personnel.

4. We propose to amend sections 81.356, 83.351 and 83.359 of the Commission's rules to make the frequency 156.875 MHz available for pilots, for communications relating exclusively to the movement and docking of vessels.

5. The proposed amendments to the Commission's rules as set forth in the attached Appendix, are issued pursuant to the authority contained in sections 4(i) and 303 (c) and (r) of the Communications Act of 1934, as amended.

6. Because of the nature of this matter and its direct relationship to the safety of life and property the

Commission has determined that it is in the public interest to allow a shortened time of 20 days for comments and 7 days for reply comments. Therefore, pursuant to the applicable procedures set forth in section 1.415 of the Commission's rules, interested persons may file comments on or before June 22, 1978, and reply comments on or before June 29, 1978. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions of section 1.419 of the Commission's rules, an original and 5 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this Notice of Proposed Rulemaking, will be available for public inspection in the Docket Reference Room in the Commission's Offices in Washington, D.C.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended to read as follows:

1. In § 81.7, paragraph (e) is added to read as follows:

§ 81.7 Operational.

(e) *Pilots.* Federal pilots required by 46 U.S.C. 364, state pilots required by individual states under the authority of 46 U.S.C. 211 and Registered pilots required by 46 U.S.C. 216 shall be considered pilots for the purposes of this part.

2. In § 81.356, paragraph (a) table under "Port Operations" is amended, and (b)(3) is added to read as follows:

§ 81.356 Assignable frequencies in the band 156-162 MHz.

(a) ***

Port Operations				
Channel designator	Frequency (MHz)	Ship	Coast	Points of Communication
7a	156.725	Do	Do	3
77	156.875	Do	Do	Do

(b) ***

(3) Use of this frequency is limited exclusively for communications to and from pilots, as defined in section 81.7 of this chapter, concerning the movement and docking of vessels. Primarily,

ship to ship. On a secondary basis, available for coast to ship for communications to and from pilots. Under normal operating conditions a power not to exceed 1 watt shall be used and under no circumstances may the power exceed 10 watts.

3. In § 83.6, paragraph (h) is added to read as follows:

§ 83.6 Operational.

(h) *Pilots.* Federal pilots required by 46 U.S.C. 364, state pilots required by individual states under the authority of 46 U.S.C. 211 and Registered pilots required by 46 U.S.C. 216 shall be considered pilots for the purposes of this part.

4. In § 83.351, paragraph (a) table is amended and (b)(64) is added to read as follows:

§ 83.351 Frequencies available.

(a) ***

Carrier frequency (kHz)	Conditions of Use	
	Section	Limitations
156.850	83.359	40, 41, 48, 57
156.875	83.359	40, 41, 45, 64

(b) ***

(64) Use of this frequency is limited exclusively for communications to and from pilots, as defined in section 83.6 of this chapter, concerning the movement and docking of vessels. Primarily, ship to ship. On a secondary basis, available for ship to coast for communications to and from pilots. Power used on this frequency shall not exceed 1 watt except under emergency conditions.

5. In § 83.359, table under "Port Operations" and under "Commercial" is amended to read as follows:

§ 83.359 Frequencies in the band 156-162 MHz available for assignment.

Channel designator	Frequency (MHz)		Points of Communication
	Ship	Coast	
Port Operations			
0 0 0	0 0 0	0 0 0	
74	156.725	156.725	Do
77	156.875	156.875	Do
0 0 0	0 0 0	0 0 0	

Commercial			
0 0 0	0 0 0	0 0 0	
11	156.550	156.550	Do
18	156.900	156.900	Do
0 0 0	0 0 0	0 0 0	

[FR Doc.78-15765 Filed 6-7-78; 8:45 am]

[4910-60]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Part 179]

[Docket No. HM-144; Notice No. 78-8]

SPECIFICATION FOR PRESSURE TANK CAR TANKS: COMPLIANCE REPORTING

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Materials Transportation Bureau (the Bureau) proposes to issue an amendment to the Department's Hazardous Materials Regulations requiring owners of DOT Specification 112 and 114 pressure tank cars to provide to the Bureau a listing of those cars bearing the owner's reporting mark and the plans of the owner to retrofit them with safety devices. In addition, the rule would require quarterly reporting concerning the efforts of the owner to meet established compliance deadlines and provide a definition of the term "tank car owner." The purpose of the proposed rule is to monitor the compliance of tank car owners with regulatory deadlines.

DATE: Comment by July 10, 1978.

ADDRESS: Comments to: Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 202590. It is requested that five copies of all comments be submitted.

FOR FURTHER INFORMATION CONTACT:

William F. Black, Office of Safety, Federal Railroad Administration, Washington, D.C. 20590, 202-426-2748.

SUPPLEMENTARY INFORMATION: The Materials Transportation Bureau published on September 15, 1977, a final rule establishing additional safety requirements for DOT Specification 112 and 114 tank cars (42 FR 46306). The requirements included improved couplers, tank head protection and thermal protection. Tank car owners were afforded a 4-year period to complete the application of required protective systems to cars built prior to January 1, 1978. On May 11, 1978, the Bureau published a notice of proposed rulemaking (NPRM) to shorten the period allowed for retrofit of these cars. 43 FR 20250. This rulemaking is proposed as a means of facilitating the implementation of the proposed retrofit program.

Information received at a Federal Railroad Administration (FRA) special

safety inquiry of April 7, 1978, indicated that a substantial shortening of the retrofit period was possible but would intensify both logistical and car availability problems. The "logistical" problems described by witnesses at the safety inquiry relate to the diversion of cars from their normal service in a controlled, incremental fashion to assure the full utilization of retrofit plant capacity. Problems of car availability will be directly impacted by the success of the tank car companies and private car shops in scheduling a phased retrofit of the fleet.

The Bureau is hopeful that tank car owners will take adequate measures to assure the phased completion of the retrofit without creating short-term critical shortages of 112 and 114 cars. The tank cars constitute a substantial portion of existing pressure tank car capacity for the transportation of certain essential fuels, fertilizers, and industrial chemicals. Due to the high demand for such equipment for use in transportation and as temporary storage, it is expected that tank car owners will have to make careful plans to assure completion of the program by the proposed regulatory deadlines.

Neglect by a tank car owner or owners to establish an adequate pace of retrofit could result in a failure to meet regulatory deadlines. Since it is the policy of the Bureau not to grant exemptions from the regulatory deadlines, it is possible that serious shortages of cars could exist on one or more of the regulatory deadlines as a result of an accumulation of unequipped cars which would be prohibited from use in transportation. It will, therefore, be necessary for the FRA, which is responsible for enforcing the tank car regulations, to monitor closely the manner in which tank owners comply with the regulatory deadlines. In the event it appears that any tank car owner has failed to establish a program leading to the timely completion of the retrofit tasks, FRA may find it necessary to institute compliance order proceedings under 49 CFR Part 209 (42 FR 56742; October 28, 1977) or take other, appropriate legal action.

The reporting rule proposed in this notice will provide the FRA with the information necessary to carry out its enforcement mission. In the judgment of the Bureau, the information requested does not go beyond the basic kind of data which tank car owners would have to develop in the normal course of business to facilitate compliance with the substantive regulations. Any cost directly attributable to the reporting requirement would, therefore, be limited to preparation of correspondence.

The proposed rule would not require the use of any standard form. Reporting requirements would lapse after completion of the retrofit process and submission of a final report.

FRA has estimated that fewer than 100 tank car owners would be required to submit reports under the rule. A separate amendment to the regulations would define tank car owner to mean a person whose reporting mark appears on the car. The definition will assure that the individual or business which is responsible for the control and maintenance of the car is also responsible for seeing that the car is equipped with the required safety devices.

Section 179.105-9. The Bureau proposes to establish basic reporting requirements under a new section 179.105-9. The section would require four basic kinds of reports.

Initial report. Paragraph (a) would require each tank car owner to make an initial report to FRA not later than September 30, 1978, providing specific information concerning the type of retrofit package which will be employed, and describing the progress already made to comply with the retrofit schedule.

Quarterly report. Paragraph (b) would require each tank car owner to provide a quarterly update of the progress made in applying head protection, thermal protection, and improved couplers.

Final report. Paragraph (c) would require each tank car owner to certify in a final compliance report, the completion of the retrofit program.

Report on change in status. Paragraph (d) would require the reporting, in connection with the quarterly submission, of any material event bearing on the responsibility of any person with respect to the accomplishment of the retrofit tasks. The purpose of this provision is to assure that responsibility for compliance can be fixed on the appropriate person and to provide an explanation for any irregularities caused by the transfer or destruction of any cars.

Section 179.105-1(d). The Bureau proposes to define "tank car owner," as that term is used in connection with requirements for specification 112 and 114 tank cars, to mean any person whose assigned reporting mark appears on the tank car. The reporting mark system is used in the railroad industry as a basis for identifying effective responsibility for and control of rolling stock. For practical compliance purposes, then, the "tank car owner" described by the proposed definition is also the person who "marks, main-

tains, reconditions, repairs, or tests" a tank car within the meaning of section 105 of the Hazardous Materials Transportation Act (49 U.S.C. 1804).

Primary drafters of this document are William F. Black, Office of Safety, and Grady Cothen, Jr., Office of Chief Counsel, Federal Railroad Administration.

In consideration of the foregoing, Part 179 of Title 49, Code of Federal Regulations would be amended as follows:

In § 179.105, paragraph (d) would be added in § 179.105-1 and a new § 179.105-9 would be added to read as follows:

§ 179.105 Special requirements for specifications 112 and 114 tank cars.

§ 179.105-1 General.

(d) As used in this section 179.105, "tank car owner" means a person whose reporting mark appears on any specification 112 or 114 tank car.

§ 179.105-9 Compliance reporting.

(a) By September 30, 1978, but not earlier than September 1, 1978, each tank car owner shall report to the Associate Administrator for Safety, FRA (Attention: RRS-25), the following information concerning specification 112 and 114 pressure tank cars bearing the owner's reporting mark:

(1) The total number of such cars and a list of applicable reporting marks (by consecutive series, where appropriate);

(2) A declaration of intent concerning the number of cars scheduled to be equipped to each of the respective specifications subject to this section (i.e., 112A/114A, 112S/114S, 112T/114T, 112J/114J and the disposition of any remaining 112/114 cars;

(3) A description of steps being taken to comply with § 179.105-3 (previously built cars), including—

(i) The number of cars scheduled to be equipped to specifications 112S/114S and 112T/114T, respectively, which (1) have been equipped with a tank head puncture resistance system meeting the requirements of § 179.105-5; and (2) remain to be equipped with a tank head puncture resistance system;

(ii) The number of cars scheduled to be equipped to specification 112T/

114T which (1) have been equipped with a thermal protection system that meets the requirements of § 179.105-4; and (2) remain to be equipped with a thermal protection system;

(iii) The number of cars scheduled to be equipped to specification 112J/114J which (1) have been equipped with the thermal protection system and tank head protection system required by §§ 179.105-4 and 179.105-5; and (2) remain to be equipped to specification 112J/114J.

(iv) The number of cars which have been equipped with a coupler restraint system meeting the requirements of § 179.105-6 and remain to be equipped with such a system.

(b) By the last day of the calendar month following the end of each quarter, each tank car owner shall submit to the Associate Administrator for Safety, Federal Railroad Administration (Attention: RRS-25), a progress report updating the information required to be submitted by paragraphs (a)(2) and (a)(3) of this section. The first report shall be submitted by January 31, 1979.

(c) When a tank car owner has equipped all 112 and 114 cars built prior to January 1, 1978, with the devices required by § 179.105 for the type of service in which the cars are to be utilized, the tank car owner shall certify in a final compliance report to the Associate Administrator for Safety, Federal Railroad Administration (Attention: RRS-25), that all 112 and 114 tank cars are properly equipped. Following the submission of that certificate, no further reports shall be required under paragraph (b) of this section, unless the tank car owner subsequently acquires additional cars requiring the application of devices required by § 179.105.

(d) Each tank car owner, including any person attaining to such status at any time prior to the last date on which protective devices are required to be applied by § 179.105-3, shall include in the quarterly report required by paragraph (b) of this section a listing by reporting mark of all 112 and 114 tank cars acquired, transferred, or

destroyed during the quarter, specifying the action taken with respect to each car. In the case of cars newly acquired, the quarterly report shall also provide the information required by paragraph (a) (2), (3) of this section.

(45 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e).)

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring the preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107 nor an environmental impact statement under the National Environmental Policy Act.

(49 U.S.C. 4321 et seq.)

Issued in Washington, D.C., on June 2, 1978.

ALAN I. ROBERTS,
Director, Office of
Hazardous Materials Operations.

[FR Doc.78-15871 Filed 6-7-78; 8:45 am]

[1505-01]

[49 CFR Part 191]

[Docket No. OPS-49; Notice 11]

TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: REPORTS OF LEAKS

Leak Reporting Requirements

Correction

In FR Doc. 78-15532, appearing at page 24478 in the issue of Monday, June 5, 1978, pages 24490 through 24493 should have appeared as reprinted below in accordance with the following note from page 24479:

NOTE.—The proposed forms shown in this notice are printed in black and white, and, to aid interested persons in identifying which part will be blue on the final form, solid vertical bars have been added to the left margin of Form RSPA-3. Also, for this Notice, the forms are divided into four pages each; however, the final forms will be printed one page each, 21 inches long. It is important to note that besides distribution companies, liquefied petroleum gas system operators and master meter system operators with less than 2,500 services would be able to take advantage of this proposed change.

Form RSPA-3 (Rev. 7-6) SUPERSEDES FORM DOT F 7190.1-1

NOTICE: This report is required by 49 CFR Part 191. Failure to report can result in a civil penalty not to exceed \$1,000 for each violation for each day that such violation persists, except that the maximum civil penalty shall not exceed \$200,000 as provided in 49 U.S.C. 1678.

Form Approved: OMB No. 34-RX11X

DEPARTMENT OF TRANSPORTATION RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION ANNUAL REPORT FOR CALENDAR YEAR 19____ GAS PIPELINE DISTRIBUTION SYSTEM

GENERAL INSTRUCTIONS (Please read before completing form)

1. Submit one completed copy of this form for the preceding calendar year to the addressee given in 49 CFR, Part 191, Section 191.7 so that it is received by the Materials Transportation Bureau not later than February 15th. Be sure that all applicable parts (Parts I through XII) are completed and report is signed. Operators with 2,500 services or more should complete all parts. Operators with less than 2,500 services should complete ONLY the items printed in BLUE INK.
2. Each operator may submit either a separate report for each State in which its pipeline facilities are located or a consolidated multi-State report. The address of the operator should be that address where information regarding THIS REPORT can be obtained.
3. When necessary data are not available estimates may be reported and so noted (Est.). Describe the method used to determine estimates in Item A, Part XII. Avoid use of "Unknown".
4. If a part does not apply, enter "N/A". Each item in an applicable part should be completed. All figures are to be reported as whole numbers. DO NOT USE DECIMALS OR FRACTIONS. Decimals or fractions should be rounded to the nearest whole number. If a given entry figure contains more digits than indicated by the number of spaces, place the numbers in the block regardless of the number of spaces.
5. Specific instructions for completing this form are contained in Form RSPA-3A.
6. If additional information is needed to complete this form telephone the Department of Transportation, Materials Transportation Bureau, Area Code 202, 426-3046, Monday through Friday, 8:30 A.M. to 5:00 P.M., Eastern Time.

PART I		OPERATOR INFORMATION (Show Principal Company Office)	
A. NAME OF OPERATOR	B. OPERATOR CODE 1 2 3 4 5	C. NUMBER & STREET	
D. CITY	E. COUNTY	F. STATE	G. ZIP CODE
H. LIST STATES IN WHICH SYSTEM IS LOCATED (Two-letter abbreviation)		I. IF DISTRIBUTION SYSTEM IS LPG OR MASTER METER SYSTEM (check one box) 1 <input type="checkbox"/> LIQUEFIED PETROLEUM GAS SYSTEM 2 <input type="checkbox"/> MASTER METER SYSTEM	

PART II		FOR MATERIALS TRANSPORTATION BUREAU USE ONLY	
A. LOCATION CODE	STATE CITY COUNTY	B. MTB CODE	C. OPERATOR CLASSIFICATION
1 2 3 4 5 6 7 8	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9	1 2 3 4

PART III		MAINS AND SERVICES ADDED, RETIRED, OR REPLACED DURING YEAR				
A. DESCRIPTION OF SYSTEM	ADDED			RETIRED (Not replaced) (d)	REPLACED (e)	B. ESTIMATE AVERAGE LENGTH OF A SERVICE LINE ↓ FEET
	NEW INSTALLATION (a)	ACQUISITION (b)	REINSTATEMENT (c)			
1. MILES OF MAINS						
2. NUMBER OF SERVICES						

PART IV		MILES OF MAINS AND NUMBER OF SERVICES IN SYSTEM AT END OF YEAR BY DECADE					
PIPE	PRIOR TO 1930 (a)	1930 THRU 1939 (b)	1940 THRU 1949 (c)	1950 THRU 1959 (d)	1960 THRU 1969 (e)	1970 TO 12/31 OF REPORTING YEAR (f)	SYSTEM TOTAL (g)
A. TOTAL INSTALLED BY ORIGINAL INSTALLATION DATE	1. MAINS						
	2. SERVICES						

Form RSPA-3

Page 2

C. BARE AND NOT CATHODICALLY PROTECTED METALLIC PIPE BY INSTALLATION DATE	1. MAINS								
	2. SERVICES								
D. COATED AND CATHODICALLY PROTECTED METALLIC PIPE BY CATHODIC PROTECTION DATE	1. MAINS								
	2. SERVICES								
E. BARE AND CATHODICALLY PROTECTED METALLIC PIPE BY CATHODIC PROTECTION DATE	1. MAINS								
	2. SERVICES								
F. PLASTIC PIPE BY ORIGINAL INSTALLATION DATE	1. MAINS								
	2. SERVICES								

PART V		NUMBER OF LEAKS REPAIRED IN MAINS AND SERVICES DURING YEAR BY PART AND BY CAUSE							
PART WHICH LEAKED		CAUSE OF LEAK							SYSTEM TOTAL (8)
		CORROSION (1)	OUTSIDE FORCE DAMAGE (2)	NATURAL CAUSES (3)	CONSTRUCTION DEFECT (4)	MATERIAL FAILURE (5)	OTHER (7)		
A. BODY OF PIPE	1. STEEL	1. MAINS							
		2. SERVICES							
	2. COPPER	1. MAINS							
		2. SERVICES							
	3. CAST IRON	1. MAINS							
		2. SERVICES							
	4. DUCTILE IRON	1. MAINS							
		2. SERVICES							
	5. POLYETHYLENE	1. MAINS							
		2. SERVICES							
	6. POLYVINYL CHLORIDE (PVC)	1. MAINS							
		2. SERVICES							
	7. THERMOSETTING PLASTIC	1. MAINS							
		2. SERVICES							
	8. OTHER PLASTIC (Specify)	1. MAINS							
		2. SERVICES							
	9. OTHER MATERIAL (Specify)	1. MAINS							
		2. SERVICES							
B. SEAM	1. SPIRAL OR LONGITUDINAL	1. MAINS							
		2. SERVICES							
	1. GAS GIRTH WELD	1. MAINS							
		2. SERVICES							
	2. ARC GIRTH WELD	1. MAINS							
		2. SERVICES							
C. JOINT	3. PLASTIC FUSION, ADHESIVE OR SOLVENT	1. MAINS							
		2. SERVICES							
	4. MECHANICAL JOINT	1. MAINS							
		2. SERVICES							
	5. BELL AND SPIGOT	1. MAINS							
		2. SERVICES							
D. COMPONENT	6. THREADED JOINT	1. MAINS							
		2. SERVICES							
	1. FITTING	1. MAINS							
		2. SERVICES							
	2. VALVE	1. MAINS							
		2. SERVICES							
	3. TAP FITTING	1. MAINS							
		2. SERVICES							
	4. REGULATOR	1. MAINS							
		2. SERVICES							
	5. METER	1. MAINS							
		2. SERVICES							
E. SYSTEM TOTAL	1. MAINS								
	2. SERVICES								

Please Continue on Reverse

FEDERAL REGISTER, VOL. 43, NO. 111—THURSDAY, JUNE 8, 1978

Form RSPA-3

Page 3

PART VI		NUMBER OF LEAKS REPAIRED IN MAINS AND SERVICES DURING YEAR BY CAUSE AND DECADE OF INSTALLATION								TOTAL NO. OF LEAKS LISTED WHICH OCCURRED ON FEDERAL LANDS (H)
CAUSE OF LEAK	1. MAINS 2. SERVICES	DECADE								
		PRIOR TO 1930 (a)	1930 THRU 1939 (b)	1940 THRU 1949 (c)	1950 THRU 1959 (d)	1960 THRU 1969 (e)	1970 TO 12/31 OF REPORTING YEAR (f)	SYSTEM TOTAL (g)		
A. CORROSION	1. M									
	2. S									
B. CONSTRUCTION EQUIPMENT & BLASTING (Outside Force Damage)	1. M									
	2. S									
C. NATURAL CAUSES (Outside Force Damage)	1. M									
	2. S									
D. CONSTRUCTION DEFECT	1. M									
	2. S									
E. MATERIAL FAILURE	1. M									
	2. S									
F. COMPONENT WEAR/DETERIORATION	1. M									
	2. S									
G. OTHER (Specify)	1. M									
	2. S									
H. SYSTEM TOTAL	1. M									
	2. S									
I. GRAND TOTAL NUMBER OF LEAKS ON FEDERAL LANDS { 1. MAINS — 2. SERVICES — }										

PART VII		MILES OF MAINS IN SYSTEM AT END OF YEAR BY MATERIAL AND NOMINAL SIZE						
MATERIAL		NOMINAL DIAMETER						SYSTEM TOTAL (7)
		1" OR LESS (1)	OVER 1" THRU 2" (2)	OVER 2" THRU 4" (3)	OVER 4" THRU 6" (4)	6" (5)	OVER 8" (6)	
A. STEEL								
B. COPPER								
C. CAST IRON								
D. DUCTILE IRON								
E. POLYETHYLENE								
F. POLYVINYL CHLORIDE (PVC)								
G. THERMOSETTING PLASTIC								
H. OTHER PLASTIC (Specify)								
I. OTHER MATERIAL (Specify)								
J. SYSTEM TOTAL								

PART VIII		NUMBER OF SERVICES IN SYSTEM AT END OF YEAR BY MATERIAL AND NOMINAL SIZE				
MATERIAL		NOMINAL DIAMETER				SYSTEM TOTAL (5)
		1/2" OR LESS (1)	OVER 1/2" THRU 1" (2)	OVER 1" THRU 2" (3)	OVER 2" (4)	
A. STEEL						
B. COPPER						
C. CAST IRON						
D. DUCTILE IRON						

FEDERAL REGISTER, VOL. 43, NO. 111—THURSDAY, JUNE 8, 1978

Form RSPA-3

Page 4

E. POLYETHYLENE					
F. POLYVINYL CHLORIDE (PVC)					
G. THERMOSETTING PLASTIC					
H. OTHER PLASTIC (Specify)					
I. OTHER MATERIAL (Specify)					
J. SYSTEM TOTAL					

PART IX	SYSTEM LEAKS SCHEDULED FOR REPAIR	PART X	PERCENT OF UNACCOUNTED FOR GAS
TOTAL NUMBER OF KNOWN SYSTEM LEAKS AT END OF YEAR SCHEDULED FOR REPAIR. (As indicated from a surface leak test).		UNACCOUNTED FOR GAS AS A PERCENT OF TOTAL INPUT FOR YEAR ENDING JUNE 30 OF REPORTING YEAR.	

PART XI				TOTAL PERSONAL INJURIES OR PROPERTY DAMAGE RESULTING FROM ESCAPE OF GAS DURING YEAR	
* Injured means non-fatal injuries requiring hospitalization.		NUMBER OF FATALITIES	NUMBER OF PERSONS INJURED *	E. NUMBER OF FIRES AND EXPLOSIONS	
A. EMPLOYEE(S) OF OPERATOR		1.	2.	1. FIRES CAUSED DIRECTLY OR INDIRECTLY BY LEAKS	NO.
B. EMPLOYEE(S) OF OPERATOR'S CONTRACTOR		1.	2.	2. EXPLOSIONS CAUSED DIRECTLY OR INDIRECTLY BY LEAKS	NO.
C. EMPLOYEE(S) OF/OR OUTSIDE PARTY CAUSING DAMAGE		1.	2.	F. SYSTEM DAMAGE AND REPAIR COSTS	
D. MEMBER(S) OF THE PUBLIC		1.	2.	1. ESTIMATED COST FOR PROPERTY DAMAGE AND REPAIR OF LEAKS TO OPERATOR	\$
				2. COST OF SETTLEMENT FOR ALL CLAIMS DURING YEAR FOR PROPERTY DAMAGE AND PERSONAL INJURIES	\$

PART XII	ADDITIONAL DATA
A. FOR CONTINUATION OF EXPLANATION OF ITEMS ABOVE. (If more space is needed, continue on a separate sheet. Identify with name of operator, and attach to this sheet.)	
DRAFT	

REPORTING OFFICIAL			
B. CERTIFICATION: I certify that all the statements and answers given on this form and all attachments hereto are complete, correct, and true to the best of my knowledge.			
TYPED OR PRINTED NAME AND TITLE	SIGNATURE	TELEPHONE NUMBER (Include Area Code)	REPORTING DATE

[4910-59]

National Highway Traffic Safety Administration

[49 CFR Part 393]

AIR BRAKE SYSTEMS—STANDARD NO. 121

[Docket No. 75-16; Notice 20]

Trailer "No Lockup" Proposal—Extended Comment Period

AGENCY: National Highway Traffic Safety Administration (NHTSA).

ACTION: Notice of extension of comment period.

SUMMARY: This notice announces extension of the period for comment on an outstanding NHTSA proposal to suspend the "no lockup" safety braking performance requirement contained in Standard No. 121, Air Brake Systems, as it applies to trailers. After publication of the proposal March 9, 1978 (43 FR 9626), the U. S. Court of Appeals for the Ninth Circuit remanded portions of the standard to NHTSA for further proceedings. Following this, the public hearing on the NHTSA proposal was canceled so that the court's order could be studied. The order has been stayed and is still under study. For this reason, NHTSA hereby extends indefinitely the June 7, 1978 comment period originally established for the outstanding proposal. When study of the issues raised by the court's decision is completed, NHTSA will take appropriate action on the proposal.

It is noted that three petitions for extension of this comment period were received by NHTSA and placed in the appropriate rulemaking docket, but they do not form the basis for the extended comment period.

FOR FURTHER INFORMATION CONTACT:

Mr. Duane Perrin, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-2153.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on June 2, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator
for Rulemaking.

[FR Doc. 78-15869 Filed 6-7-78; 8:45 am]

[4910-59]

[49 CFR Part 531]

[Docket No. LVM 77-03; Notice 2]

PASSENGER AUTOMOBILE AVERAGE FUEL ECONOMY STANDARDS

Proposed Decision To Grant Exemption

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Proposed decision to grant exemption from average fuel economy standards.

SUMMARY: This notice is being issued in response to a petition by Checker Motors Corp. (Checker) requesting that it be exempted from the generally applicable average fuel economy standard of 18 miles per gallon (mpg) for 1978 model year passenger automobiles and that a lower, alternative standard be established for it. This notice proposes that the requested exemption be granted and that an alternative standard of 17.6 mpg be established for Checker.

DATE: Comment closing date: July 10, 1978.

ADDRESS: Comments on this notice must refer to Docket LVM 77-03 and should be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Douglas Pritchard, Office of Automotive Fuel Economy Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-755-9384.

SUPPLEMENTARY INFORMATION: Section 502(c) of the Motor Vehicle Information and Cost Savings Act, as amended (the Act), provides that a low volume manufacturer of passenger automobiles may be exempted from the generally applicable average fuel economy standards for passenger automobiles if those standards are more stringent than the maximum feasible average fuel economy for that manufacturer and if the National Highway Traffic Safety Administration (NHTSA) establishes an alternative standard for the manufacturer at its maximum feasible level. Under the Act, a low volume manufacturer is one which manufactures less than 10,000 passenger automobiles worldwide in the model year for which the exemption is sought ("the affected model year") and which manufactured less than 10,000 passenger automobiles worldwide in the second model year

before the affected model year. In determining maximum feasible average fuel economy the agency is required by section 502(e) of the Act to consider:

- (1) Technological feasibility;
- (2) Economic practicability;
- (3) The effect of other Federal Motor Vehicle standards on fuel economy; and
- (4) The need of the Nation to conserve energy.

To implement section 502(c), NHTSA issued Part 525, exemptions from average fuel economy standards (42 FR 38374; July 28, 1977). Part 525 prescribes the contents of exemption petitions and sets forth the procedures for processing those petitions. After receipt of a complete petition, the agency publishes a notice of receipt which summarizes the petition and invites comments on it. Subsequently, the agency publishes a proposed decision to grant or deny the petition and provides a further opportunity for comment. Finally, the agency publishes a final decision to grant or deny the petition.

Checker originally filed a petition in August 1977 for exemption from the generally applicable standards for 1978 model year passenger automobiles, and a petition for exemption from the generally applicable standards for the 1979 and 1980 model years in September 1977. By letter of September 30, 1977, the agency informed Checker that its petition was incomplete and identified the additional information needed by the agency. Checker submitted further information in a letter dated October 13, 1977. This letter essentially completed Checker's petition for exemption.

Accordingly, NHTSA issued a notice announcing the receipt of a petition for exemption. (42 FR 64169; December 22, 1977). That notice summarized the Checker petition and invited public comment on it.

Only one comment on the notice of receipt was submitted. The commenter urged that Checker be exempted "in the name of common sense."

This proposed decision relates only to Checker's request for exemption in the 1978 model year. The analysis of Checker's maximum feasible average fuel economy for the 1978 model year is relatively simple compared to the analyses for the 1979 and the 1980 model years. The agency finds that it is in the public interest to issue a proposed decision for model year 1978 so that a final decision can be made on that model year alone, without considering the more complex question of the 1979 and 1980 model years.

Requested alternative standard. Checker requested that its alternative standard for 1978 be set at 16.8 mpg, the same level of average fuel economy as it achieved in the 1977 model

year. Checker's request was premised on the assumption that its four base levels would have the same fuel economy as they had in 1977. A base level is a classification of automobiles produced by the same manufacturer with the same inertia weight and which are equipped with the same engine and transmission type (e.g., manual, automatic, or semiautomatic). This description of a base level is a simplification of the Environmental Protection Agency's definition of the term, which can be found at 40 CFR 600.002-77(a)(23). Since there were no technical changes to these base levels, Checker planned to carry over its emissions certification from the 1977 model year. When a certification is carried over from one year to the next, no further testing is conducted, and the fuel economy values are identical to the previous model year's.

During the period since the agency issued its notice of receipt, it has learned that Checker's original assumption was invalid. The Environmental Protection Agency (EPA) instituted, beginning in this model year, a new test procedure (known as the SHED test) for hydrocarbon emissions from sources other than the exhaust. Accordingly, that agency required manufacturers to retest and recertify their vehicles for the 1978 model year. When the Checker vehicles were retested, the following results were obtained:

COMBINED FUEL ECONOMY LEVEL

Base level	1977	1978
6 cylinder (49 States).....	18.2	18.5
6 cylinder (California).....	15.1	16.9
8 cylinder (49 States).....	15.4	17.3
8 cylinder (California).....	13.9	12.8

The result of these changes has been to raise Checker's 1978 average fuel economy 0.8 mpg to a level of 17.6 mpg. This analysis uses 17.6 mpg as a basis for determining Checker's maximum feasible average fuel economy for model year 1978.

Technological feasibility and economic practicability. In considering whether Checker could improve its average fuel economy for model year 1978, the agency examined the same methods for improving average fuel economy that it examined in establishing average fuel economy standards for model year 1981-1984 passenger automobiles (42 FR 33534; June 30, 1977) and for model year 1980-1981 light trucks (43 FR 11995; March 23, 1978). These methods were weight reduction, aerodynamic improvements, engine efficiency improvements, engine accessory efficiency improvements, alternative engines, turbochargers, automatic transmission improvements, improved lubricants, reduced rolling resistance, engine dis-

placement or drive ratio reductions, and mix shifts.

NHTSA's examination of these methods in this proceeding was significantly less detailed than in those earlier proceedings since there is almost no leadtime now for making running changes to the model year 1978 Checkers. There will be even less leadtime when the final decision on the exemption petition is issued.

To use most of these methods, Checker would have to discard components it has already made or purchased (Checker purchases its engines, transmissions, and emission control systems from General Motors) and obtain new ones. NHTSA has no information regarding Checker's ability to produce or purchase and incorporate the new components before the end of the model year. Even if these problems could be surmounted, Checker would be potentially faced with probably having to write off completely the discarded components and raise the prices on its cars to recover the loss. The price increases could be of sufficient magnitude to place the Checker at a significant disadvantage in the marketplace.

In addition to these substantial uncertainties and the very short leadtime, there is the possibility that changes to the Checker's components to improve fuel economy could create a need to certify the Checkers for compliance with the model year 1978 emissions standards again. Depending on the type and magnitude of change, the recertification could entail rerunning the 50,000-mile durability test and the 4,000-mile test. Certification testing is ordinarily done for Checker by General Motors as a part of selling Checker its drivetrain. If Checker were able to persuade General Motors to retest the automobile, there could still be serious problems of time and cost for Checker. It would take at least 60 days to complete the testing if both tests were necessary. Until the automobiles were recertified, Checker would have to choose between: (1) producing its automobiles with the changes and running the risk that the automobiles would not be certified and therefore could not be sold, (2) not producing any automobiles until certification was granted, thus potentially causing serious financial problems for Checker, or (3) continuing to produce Checkers as currently certified. Regardless of which course was selected, only a small portion of the entire Checker fleet would have the changes and thus have improved fuel economy. The first and second course would involve a high degree of financial risk for a small company like Checker. Both could lead to serious disruptions of its cash flow. The third course would not involve that type of financial risk, but also would produce the

least fuel economy benefits. Indeed, none of the courses would produce much of a fuel economy benefit since only a small portion of the entire Checker fleet would have the changes and thus have improved fuel economy.

Finally, mix shifts were considered. Most of Checker's 1978 production has been either built or ordered at this point, so the potential fuel economy improvements that would be achieved are slight. The base levels with 8-cylinder engines comprise about 15 percent of Checker's total production for the 1978 model year. Further, Checker already produces and sells as many 6-cylinder versions of its automobiles as the market demands. Therefore, any decrease in the production of 8-cylinder Checker automobiles could probably not be offset by an increase in the production and role of 6-cylinder models. This measure would decrease Checker's cash flow and profits and yield only marginal fuel economy benefits. Thus, it is judged not to be economically practicable.

Based on the foregoing considerations, the NHTSA concludes that running changes to improve the fuel economy of Checker's 1978 model year passenger automobiles are not technologically feasible and economically practicable.

The effect of other Federal motor vehicle standards. Checker stated that it did not believe that there would be any significant fuel economy effects on its 1978 automobiles from applicable motor vehicle standards. Accordingly, this proposed decision assumes that there will be no fuel economy penalty caused by the other Federal standards.

The need of the Nation to conserve energy. The daily extra U.S. demand for petroleum that will result from Checker achieving an average fuel economy level of 17.6 mpg rather than the generally applicable level of 18 mpg is estimated to average 17.8 barrels per day over the life of the model year 1978 Checkers. To give a perspective on this number, the fuel consumed by passenger automobiles in the United States is about 5 million barrels each day. For all purposes, the United States currently consumes about 17 million barrels of petroleum each day. The 17.8 extra barrels per day are tentatively judged to have a negligible effect on the Nation's energy needs.

Selection of the type of alternative standard. The Act permits NHTSA to establish an alternative average fuel economy standard applicable to exempted manufacturers in one of three ways: (1) A separate standard may be established for each exempted manufacturer; (2) classes, based on design, size, price, or other factors, may be established for the automobiles of exempted manufacturers,

with a separate average fuel economy standard applicable to each class; or (3) a single standard may be established for all exempted manufacturers.

The NHTSA believes that it is appropriate to establish a separate standard for Checker. The analyses of the petitions submitted by other low volume manufacturers has not been completed, so the agency cannot practicably use the second or third approaches described in the preceding paragraph.

Proposed alternative standard. Based on its tentative conclusions that it is not technologically feasible and economically practicable for Checker to improve the fuel economy of the model year 1978 automobiles remaining to be produced, that other Federal vehicle standards have not adversely affected achievable fuel economy, that the national effort to conserve energy will be negligibly affected by the granting of requested exemption and alternative standard, the agency has tentatively decided that the maximum feasible average fuel economy for Checker for model year 1978 is 17.6 mpg. Therefore, the agency proposes to exempt Checker from the generally applicable standard of 18 mpg and to establish an alternative standard of 17.6 mpg for Checker for model year 1978.

In consideration of the foregoing, it is proposed that 49 CFR Part 531 be amended by adding § 531.5(b)(3) to read as follows:

§ 531.5 Fuel economy standards.

(b) The following manufacturers shall comply with the standards indicated below for the specified model years:

- (1)
- (2)
- (3) Checker Motors Corp.:

Average fuel economy
standard (miles per
gallon)

Model year:
1978 17.6

Persons are invited to submit comments on this proposed decision. Comments must be limited so as not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

All comments received before the close of business on the comment closing date indicated at the beginning of this proposal will be considered, and will be available for public inspection in the docket both before and after the comment closing date. To the extent possible, comments filed after the comment closing date will also be

considered. The agency will continue to file relevant material in the docket as it becomes available after the comment closing date, and it is recommended that interested persons continue to examine the docket for new material.

(Sec. 9, Pub. L. 89-670, 80 Stat. 981 (49 U.S.C. 1657); sec. 301, Pub. L. 94-163, 89 Stat. 901 (15 U.S.C. 2002); delegation of authority at 41 FR 25015, June 22, 1976, and 43 FR 8525, March 2, 1978.)

The program official and attorney principally responsible for the development of this proposed regulation are Douglas Pritchard and Stephen Kratzke, respectively.

Issued on June 2, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator
for Rulemaking.

[FR Doc. 78-15811 Filed 6-7-78; 8:45 am]

[4110-35]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Health Care Financing Administration

[42 CFR Part 405 and 449]

**NEW DIRECTIONS FOR SKILLED NURSING AND
INTERMEDIATE CARE FACILITIES**

Notice of Public Meetings

AGENCY: Health Care Financing Administration, HEW.

ACTION: Notice of public meetings.

SUMMARY: Current regulations specify in detail the standards a facility must meet to participate in the Medicare and Medicaid programs. These regulations have been in effect for over 4 years. There is a need to simplify regulations to focus on patient care, to control the cost of care, and to achieve more effective compliance with the standards. This Notice announces a series of public meetings to discuss new directions on standards for, and survey and certification of, skilled nursing facilities (SNF's) and intermediate care facilities (ICF's). We need widespread participation of interested and knowledgeable individuals, public and private groups and organizations, and State and local government agencies in these meetings.

DATES: See supplementary information below for dates and locations.

ADDRESS: Submit written comments to: Janice M. Caldwell, Dr. P.H., Division of Long Term Care, Room 12A52, Health Standards and Quality Bureau, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Janice M. Caldwell, 301-443-3346.

SUPPLEMENTARY INFORMATION: With respect to standards, there are several options under consideration. One is to retain present standards but make minor modifications to provide a more significant focus on patient care. Another is major revision to place more emphasis on the quality of care and services provided to patients and less emphasis on the facility's policies, procedures, capacity and capability. A third option would be to develop a single set of standards pertaining to administration, life safety, physical environment, disaster planning, licensure, health care services, staffing, policies, records, and related requirements for both SNF's and ICF's. Standards applicable only to a SNF or to an ICF would be specifically identified.

In regard to survey and certification of SNF's and ICF's, two options are under consideration. One is to retain current survey and certification procedures with little change, but seek statutory authority to extend the duration of provider agreements from the present 12 months to 24 months or longer. The other option is to revise the present survey procedures to require the facility to perform a self-survey and to submit a plan of correction. The State survey agency would conduct a survey to verify the self-survey submitted by the facility.

We would like to consider other options proposed by the public. Your participation at this early stage, particularly if you would be affected by the proposed changes, will help us (1) determine whether we are on the right track; (2) determine the most effective combination of available options; and (3) identify specific problem areas.

We are especially interested in your comments and suggestions on the following issues:

1. What minimum qualifications should be established for professional personnel who work in or with a certified skilled nursing or intermediate care facility?

It is our view that such individuals should be registered, licensed, or certified by the State, as applicable, and should be graduates of a State-approved program or of an institution of higher learning in a program approved by a recognized national accrediting body.

2. Should medications be administered by unlicensed and untrained personnel (often called medication aides)? Should medication aides be required to satisfactorily complete a State-approved training program? If trained medication aides are to be permitted, which agency or body in the State should approve the training program and provide overall supervision?

We believe that only State licensed personnel should be permitted to administer medications. The Nurse Prac-

tice Acts of States that do not prohibit the use of medication aides are silent as to their qualifications.

3. Does the Medical Direction requirement ensure that patients receive adequate and appropriate medical and other services on a timely basis? If not, how can the requirement be improved to be made more effective?

It is our view that the Medical Director, in performing his responsibilities, should personally visit patient care floors and make regular reviews of patients and their records.

4. In order to obtain adequate physician supervision of SNF patients, should we continue to require physicians to visit their patients every 30 days for the first 90 days and no less often than every 60 days thereafter?

We think it would be sufficient if patients are seen at least quarterly and more often when warranted by their condition.

5. Should physician extenders (including both nurse practitioners and physicians' assistants) be utilized in SNF's and/or ICF's?

In our view, there is a role for the physician extender in these facilities.

6. Should SNF's and/or ICF's be required to provide or make arrangements for Respiratory Services for the provision of inhalation therapy?

If this requirement were imposed, what controls would be necessary to assure, for instance, that services are appropriate to the needs of the patient; that the therapists are trained and qualified; and that the equipment is clean and in proper operating condition? If you do not favor imposing this requirement, give your reasons.

7. Should the facility be permitted to use nursing staff manpower pools?

If you favor use of pools, please express your opinion on the circumstances under which the facility should be permitted to use the pools; the controls needed, if any, to prevent the facility from over-use of the pools; and the level of permanent nursing staff the facility should be required to maintain. If you do not favor use of pools, please explain why.

8. Should the Secretary seek statutory authority to specify which edition of the Life Safety Code issued by the National Fire Protection Association should apply to currently certified SNF's and to SNF's initially applying for participation in Medicare or Medicaid?

Congress has mandated that the 23rd edition of the Life Safety Code be applied. As new editions are issued, which edition should be applied in order to assure proper safeguards against hazardous conditions in nursing homes without having to wait for Congress to amend the statute?

You can participate by (1) requesting copies of the proposed options and other related materials; (2) testifying

at the public meetings; and/or (3) submitting written comments.

SCHEDULE OF MEETINGS

Date: Tuesday, June 27 and 28. Time: 9 a.m.—Speaker registration; 10 a.m.—meeting begins. Place: Parklawn Building, Conference Room E, 5600 Fishers Lane, Rockville, Md. 20857.

Date: Tuesday, July 11, 12, and 13. Time: 9 a.m.—Speaker registration; 10 a.m.—meeting begins. Place: Federal Building, 219 South Dearborn, Chicago, Ill.

Date: Tuesday, July 18, 19, and 20. Time: 9 a.m.—Speaker registration; 10 a.m.—meeting begins. Place: HEW-North Building, Auditorium, 300 Independence Avenue SW., Washington, D.C.

Date: Tuesday, July 25, 26, and 27. Time: 9 a.m.—Speaker registration; 10 a.m.—meeting begins. Place: Atlanta, Ga. Contact: Mr. Isom Herron, DHEW, Marietta Tower, Suite 502A, 404-221-2115.

Date: Tuesday, August 1, 2, and 3. Time: 9 a.m.—Speaker registration; 10 a.m.—meeting begins. Place: San Francisco Department of Health, Room 300, 101 Grove Street, San Francisco, Calif.

AGENDA FOR MEETINGS

The first 2 days are scheduled for discussion of health standards and certification. The second day will begin at 9 a.m. with participants who could not be scheduled for the first day.

The third day is solely for discussion of Life Safety Code and related areas with participants scheduled to begin at 10 a.m. The hour from 9 to 10 a.m. is reserved for registration of individuals electing to attend only the third day.

If you wish to speak, please submit your comments, in writing, and register prior to the meeting by calling the

Division of Long Term Care at 301-443-2420 in Rockville, Md. We will give priority to those who register in advance, but you may also register on the first day of the meeting between 9 and 10 a.m.

Participants will be limited to 15 minutes for oral presentation but additional information may be included in the written comments.

An organization will be permitted to make an oral presentation at only one of the five meetings.

You may request a list of specific issues and options from Janice M. Caldwell, Dr. P.H., at the address indicated above.

Notice of the place for the meeting will be included in your packet of materials, but you may also call the HEW Regional Office a few days before the scheduled day.

We will consider all written comments received up to 30 days after the date of the last public meeting in developing new directions. Since we must carefully review and assess them, we would appreciate having three copies. However, a lesser number of copies will in no way affect the consideration we give them.

Comments will be available for public inspection at the Division of Long Term Care at the address given above, on week days during regular business hours after the public meetings.

Dated: June 6, 1978.

ROBERT A. DERZON,
Administrator, Health Care
Financing Administration.

[FR Doc. 78-16077 Filed 6-7-78; 12:27 pm]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-07]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

(Notice of Designation No. A615)

KENTUCKY

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Kentucky Counties as a result of tornadoes May 12, 1978, with related storm damage, including flooding:

Christian and Trigg.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR Part 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Governor Julian M. Carroll that such designation be made.

Applications for emergency loans must be received by this Department no later than November 22, 1978, for physical losses and May 29, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 1st day of June 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.
[FR Doc. 78-15860 Filed 6-7-78; 8:45 am]

[3410-07]

(Notice of Designation No. A616)

SOUTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Harding County, S. Dak., as a result of snowstorms and extreme unseasonably cold weather

November 15, 1977, through March 28, 1978.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR Part 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Governor Richard F. Kneip that such designation be made.

Applications for emergency loans must be received by this Department no later than November 22, 1978, for physical losses and May 29, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 1st day of June 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.
[FR Doc. 78-15861 Filed 6-7-78; 8:45 am]

[3410-07]

(Notice of Designation No. A618)

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Texas Counties as a result of drought June 15, 1977, through April 21, 1978, in Kerr County; drought June 1, 1977, through May 1, 1978, in Webb County; and drought September 30, 1977, through May 1, 1978, in Winkler County.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR Part 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for emergency loans must be received by this Department

no later than November 22, 1978, for physical losses and May 29, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 1st day of June, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.
[FR Doc. 78-15862 Filed 6-7-78; 8:45 am]

[3410-11]

Forest Service

ROADLESS AREA REVIEW AND EVALUATION (RARE II)

Amendment to the Inventory List

Notice is hereby given of amendment to the inventory of roadless and undeveloped areas within the National Forests and Grasslands, as published in the FEDERAL REGISTER, Friday, November 18, 1977, pages 59690-59715, and amended Tuesday, February 14, 1978, pages 6291-6292.

The inventory is subject to adjustments from time to time as corrected data becomes available, as areas are modified or areas are added or deleted from the list. The amendments are listed by State and National Forest in the same order as the original list.

State: Alaska

Chugach NF:

Delete 10002, Kenai Lake, 263,000 acres.
Add 10002, Boston Bar, 54,000 acres and 10004, Kenai Lake, 209,000 acres.
(The two added areas had previously been combined into one area, but will be considered as discrete units.)
Change 10007, Harriman Flord, to 86,000 acres.
Change 10008, Golden, to 135,000 acres.
Change 10010, Columbia Glacier, to 17,000 acres.
Change 10011, Nellie Juan, to 33,500 acres.
(These four areas' acreages changed to reflect the Administration position endorsing the Nellie Juan and College Flord Wildernesses.)

Tongass NF:

Delete 10022, stikine Roadless Area, 2,008,851.
Delete 10023, Chatham Roadless Area, 6,181,861.

NOTICES

Delete 10024, Ketchikan Roadless Area, 5,309,888.
Add the following:

Number	Name	Acreage
2.0	Denver Glacier.....	20000
3.0	Skagway.....	4337
4.0	Kasidaya Creek.....	13244
5.0	Taiya.....	7728
6.0	Wishbone Glacier.....	25347
7.0	Mount Bagot.....	23922
8.0	Dayebas Creek.....	11630
9.0	Meade Glacier.....	52756
10.0	Yeldagala Creek.....	23299
11.0	Sinclair Mountain.....	26177
12.0	Berners River.....	40308
13.0	Lace River.....	73932
14.0	Antler River.....	13000
15.0	Gilkey River.....	32552
16.0	Berners Bay.....	17893
17.0	Sawmill Creek.....	5379
18.0	West Sinclair.....	9858
19.0	Kakuhun.....	9014
20.0	Comet.....	9662
21.0	Gilkey Glacier.....	11150
22.0	Taku Glacier.....	215471
23.0	Canyon Creek.....	19086
24.0	Cowee Creek.....	6137
25.0	Herbert-Eagle.....	29990
26.0	Montana Creek.....	9854
27.0	Mendenhall.....	3648
28.0	Nugget Creek.....	10420
29.0	Ptarmigan Glacier.....	14722
30.0	Inner Point.....	4030
31.0	McDonough Peak.....	4911
32.0	Rhine Creek.....	3814
33.0	Carlson Creek.....	16701
34.0	Annex Lake.....	4243
35.0	Taku Inlet.....	32565
36.0	Lake Dorothy.....	10878
37.0	Turner Lake.....	32869
38.0	Davidson Creek.....	21776
39.0	Glory Lake.....	6830
40.0	Taku River.....	103173
41.0	Mount Swineford.....	41257
42.0	Wright Glacier.....	25571
43.0	Boundary Creek.....	23114
44.0	Long Lake.....	19600
45.0	Slocum Inlet.....	15087
46.0	Limestone Inlet.....	10275
47.0	Port Snettisham.....	22572
48.0	Meigs Peak.....	12294
49.0	Gilbert Bay.....	29145
50.0	Speel Arm.....	17172
51.0	Lower Speel River.....	19999
52.0	Upper Speel River.....	92514
53.0	Whiting River.....	141999
54.0	Tracy Arm.....	238583
55.0	Sand Spit.....	12280
56.0	Williams Cove.....	9270
57.0	Sundum Glacier.....	41001
58.0	Sanford Cove.....	14175
59.0	Endicott Arm.....	167291
60.0	Sand Bay.....	8154
61.0	Dry Bay.....	12498
62.0	Pt. Windham.....	8675
63.0	Windham Bay.....	17208
64.0	Windham Creek.....	7233
65.0	Sunset Island.....	4801
66.0	Libby Creek.....	8662
67.0	Hobart Bay.....	21210
68.0	Chuck River.....	43559
69.0	Hobart Creek.....	23150
70.0	Houghton Lakes.....	47408
71.0	Salt Chuck.....	42688
72.0	Alice Lake.....	6957
73.0	Pt. Hot.....	5079
74.0	Negro Creek.....	12212
75.0	Port Houghton.....	10383
76.0	Sandborn Canal.....	17024
77.0	Five Fingers.....	6435
78.0	Panshaw.....	8440
79.0	Cat.....	14521
80.0	Tangent.....	3667
81.0	Bay Point.....	17344
82.0	Paragut.....	26300
83.0	Glory.....	34597
84.0	Gray.....	31754
85.0	Sullivan Island.....	3985
86.0	Sullivan Mountain.....	8843
87.0	S. Davidson Glacier.....	8375
88.0	West Sullivan.....	6447

Number	Name	Acreage	Number	Name	Acreage
98.0	Sullivan Delta.....	25469	195.0	Pt. Adolphus.....	4498
99.0	Pt. Can.....	13374	196.0	Chicken Creek.....	15564
100.0	North Endicott.....	8218	197.0	Eagle Point.....	3004
101.0	Mount Young.....	6613	198.0	Flynn Cove.....	4323
102.0	Upper Endicott River.....	36361	199.0	Humpback Creek.....	11076
103.0	103 Creek.....	9210	200.0	Port Frederick.....	8324
104.0	South Endicott.....	19041	201.0	Seagull Creek.....	10946
105.0	Lower Endicott River.....	23409	202.0	Game Creek.....	24570
106.0	Upper St. James.....	19874	203.0	Gartina Creek.....	10754
107.0	William Henry Bay.....	7418	204.0	Spaski Creek.....	12058
108.0	Pt. Danger.....	3359	205.0	First No. 2.....	6413
109.0	Boat Harbor.....	1882	206.0	Suntaheen Creek.....	13196
110.0	St. James Bay.....	21010	207.0	False Bay.....	12610
111.0	Nun Mountain.....	21989	208.0	Pt. Augusta.....	4688
112.0	Lynn Sisters.....	16241	209.0	Gypsum Creek.....	13330
113.0	No Name Basin.....	21514	210.0	Iyolikeen Peninsula.....	3821
114.0	North Station.....	9036	211.0	Seal Creek.....	6853
115.0	Couverden Lake.....	8319	212.0	Freshwater Bay.....	23143
116.0	Couverden Island.....	9934	213.0	Sand Station.....	4115
117.0	Analey Creek.....	13393	214.0	Tenakee Inlet.....	26658
118.0	Humpy Creek.....	22485	215.0	Little Goose Flats.....	18244
119.0	Porpoise Island.....	11745	216.0	Goose Flats.....	23798
120.0	Excursion Inlet.....	9481	217.0	Hub Station.....	2854
121.0	Shelter Island.....	6162	218.0	Long Bay.....	18659
122.0	Barlow Cove.....	13723	219.0	Seal Bay.....	18584
123.0	Punter Bay.....	8413	220.0	Saltery Bay.....	13877
124.0	Calm Station.....	4967	221.0	Crab Bay.....	5738
125.0	Hawk Inlet.....	14319	222.0	South Crab Bay.....	2628
126.0	Lone Mountain.....	10530	223.0	Kadashan River.....	23641
127.0	Horse Island.....	4388	224.0	Trap Bay.....	6446
128.0	Fowler Creek.....	5876	225.0	South Passage.....	9946
129.0	Young Bay.....	6495	226.0	Little Basket Bay.....	9390
130.0	Eagle Peak.....	18173	227.0	Broad Island.....	17145
131.0	Slink Creek.....	6387	228.0	Finger Mountain.....	15918
132.0	Oliver Inlet.....	5017	229.0	916 Lake.....	9700
133.0	Doty Cove.....	11158	230.0	Lisianski River.....	19521
134.0	South Island.....	10955	231.0	Phonograph Creek.....	11589
135.0	Washburn Peak.....	25445	232.0	Pelican.....	6751
136.0	Pt. Hugh.....	14717	233.0	Tarn Mountain.....	9124
137.0	Dorn Island.....	9485	234.0	Mite Cove.....	10350
138.0	Winning Cove.....	12816	235.0	Surge Bay.....	17588
139.0	Pool Inlet.....	16967	236.0	Takanis Bay.....	14156
140.0	King Salmon Bay.....	27903	237.0	Tankanis Lake.....	2257
141.0	Green Creek.....	17225	238.0	Bohemia Basin.....	3980
142.0	North Wheeler.....	22849	239.0	Lisianski Strait.....	11944
143.0	Wheeler Creek.....	18629	240.0	Stag Bay.....	14859
144.0	Pt. Hepburn.....	4174	241.0	Apex-El Nido.....	8673
145.0	Lake Kathleen.....	15302	242.0	Steelhead River.....	9728
146.0	Ward Creek.....	29001	243.0	Lisianski Ridge.....	8844
147.0	Lake Florence.....	21984	244.0	Goulding Lakes.....	14328
148.0	Windfall Harbor.....	19042	245.0	Goon Dip Mountain.....	11480
149.0	Swan Cove.....	40823	246.0	Goulding Harbor.....	10998
150.0	Tiedeman Island.....	10398	247.0	Lake Elfindahl.....	7604
151.0	White Tiedeman.....	9277	248.0	White Sulphur Springs.....	2124
152.0	Buck Island.....	14479	249.0	Middle Island.....	4114
153.0	Mole Harbor.....	24420	250.0	Myriad Islands.....	11645
154.0	Hasselborg Lake.....	62344	251.0	Khas Peninsula.....	19507
155.0	Fishery Creek.....	39827	252.0	Kimshan Cove.....	16745
156.0	Marble Bluffs.....	8899	253.0	Black Bay.....	18961
157.0	Parker Point.....	12063	254.0	Rust Lake.....	7108
158.0	Thayer Creek.....	13064	255.0	Ford Arm.....	19007
159.0	Thayer Lake.....	25374	256.0	Cobol.....	14618
160.0	Mitchell Bay.....	7402	257.0	Flat Creek.....	8352
161.0	Kootznahoo Head.....	1452	258.0	Golof Island.....	5638
162.0	Angoon.....	10836	259.0	Sulola Bay.....	9847
163.0	Kanaku Bay.....	15294	260.0	Rapids Point.....	7637
164.0	Yellow Bear Mountain.....	13611	261.0	Deep Bay.....	17612
165.0	Pleasant Bay.....	10339	262.0	shk Bay.....	16628
166.0	Seymour Entrance.....	6855	263.0	Fick Cove.....	7820
167.0	Gambier Bay.....	69076	264.0	Patterson Bay.....	23016
168.0	Hood Bay.....	27000	265.0	Granite Creek.....	11823
169.0	Chalk Bay.....	22815	266.0	South Arm.....	5035
170.0	Whitewater Bay.....	19524	267.0	Moser Island.....	5847
171.0	Pt. Caution.....	3566	268.0	Fish Bay.....	31156
172.0	Wilson Cove.....	22688	269.0	Range Creek.....	6964
173.0	Pt. Gardner.....	9303	270.0	Nixon Shoal.....	7754
174.0	Tyee.....	13942	271.0	Cozian Reef.....	2899
175.0	Carrol Island.....	2546	272.0	Saook Bay.....	17883
176.0	Herring Bay.....	12980	273.0	Lake Eva.....	12100
177.0	Eliza Harbor.....	37634	274.0	Portage Arm.....	4034
178.0	Little Pybus Bay.....	11436	275.0	Catherine Island.....	7155
179.0	Pybus Bay.....	41513	276.0	Middle Arm.....	21277
180.0	Square Point.....	9713	277.0	Annahootz Mountain.....	13926
181.0	The Brothers.....	1711	278.0	Neva Strait.....	21367
182.0	Pleasant Island.....	8804	279.0	Sinitin Bay.....	3285
183.0	Lemesurier Island.....	6723	280.0	Seallon Cove.....	9317
184.0	Elfin Cove.....	10697	281.0	Gilmer Bay.....	6962
185.0	Mount Althrop.....	8040	282.0	Mount Edgembe.....	82832
186.0	Port Althrop.....	15161	283.0	Krestof Sound.....	2258
187.0	Idaho Inlet.....	53395	284.0	Gavanski Island.....	6112
188.0	Gull Cove.....	6132	285.0	Katlian River.....	3007
189.0	Goose Island.....	12836	286.0	Glacial River.....	34938
190.0	Loon Lakes.....	8935	287.0	Kelp Bay.....	5366

NOTICES

Number	Name	Acreage	Number	Name	Acreage	Number	Name	Acreage
316.0	Kasnyku Bay	12560	418.0	Lagoon	10766	548.0	Holbrook Mtn	4826
317.0	Takatz Bay	14161	422.0	Turn	15239	549.0	Sarheen	11960
318.0	Blue Lake	19034	424.0	Bohemla	57132	553.0	Mable Creek	7474
320.0	Aleutkina Bay	7611	425.0	Cathedral	13916	554.0	Sarkar	32438
322.0	Deep Inlet	7619	426.0	Hamilton	31646	562.0	Cone Bay	5304
323.0	Salmon Lake	7545	427.0	Big John	32743	563.0	Derrumba	4531
324.0	Oreen Lake	18445	428.0	Rocky Pass	49555	564.0	Coronation Island	19122
325.0	Bear Cove	3761	429.0	Irish	53531	565.0	Warren Island	11353
326.0	Warm Springs Bay	27652	430.0	Lovelace	14544	566.0	Maurelle	4424
327.0	Cascade Bay	22298	431.0	Barrie	22238	567.0	Noyes	24651
328.0	Nelson Bay	19907	432.0	Totem	43213	568.0	Lulu	18517
329.0	Red Bluff Bay	31728	433.0	Douglas	14091	569.0	Baker	31946
330.0	Falls Lake	6124	434.0	Kah Sheets	22484	582.0	Baird Peak	4110
331.0	Hoggatt Bay	9884	435.0	Castle Island	32814	591.0	Nossuk	8662
332.0	Gut Bay	23157	436.0	Castle River	21031	592.0	St. Phillip	14454
333.0	Brentwood Lake	17048	438.0	Indian	27620	593.0	Sombrero	18590
334.0	Deep Cove	11075	440.0	Towers	25965	594.0	Shinaku	22652
336.0	Port Herbert	10969	441.0	Salt Chuck	22684	595.0	Steelhead	15076
337.0	Port Walter	11964	442.0	Portage	4507	596.0	Control	3183
338.0	Port Lucy	9465	445.0	Petersburg	27277	597.0	Goose Creek	6231
339.0	Port Alexander	13297	446.0	Sokol	11208	600.0	Windfall HBR	186
340.0	Puffin Bay	7370	448.0	Woewodski	20944	601.0	Kasaan	338
341.0	Branch Bay	22860	449.0	Frederick	6835	602.0	Streets Island	4691
342.0	Redfish Bay	13199	450.0	Vank	4218	603.0	Grindall	744
343.0	Plotnikof Lake	11454	451.0	Chicago	16915	604.0	Cliffs	2863
344.0	Sandy Bay	30574	453.0	Kunk	10215	605.0	North Creek	5544
345.0	Plotnikof Lake	18847	454.0	Anita	18847	606.0	Anderson	12133
346.0	Whale Bay	70352	455.0	Quite	9245	607.0	Salmon Lake	14850
347.0	Necker Bay	40359	456.0	Steamer	17323	608.0	McGillivray	6144
348.0	Crawfish Inlet	56580	457.0	Mosman	25573	609.0	Klawock Mtn	7090
349.0	Big Bay	9037	458.0	Burnett	22406	613.0	Old Frank's	17175
350.0	Redoubt Lake	22732	459.0	Olivia	6015	614.0	Saltery Cove	7261
351.0	Biorka Island	8442	470.0	Zimovia	9859	615.0	Trolliers Cove	9638
352.0	Orange Glacier	50070	471.0	Menefee	19049	616.0	Clover Lake	5992
353.0	Nunatak Flord	39045	472.0	McHenry	23333	617.0	Clover Bay	13997
354.0	Hidden Glacier	30330	473.0	Onslow	29022	618.0	McKenzie	17249
355.0	Black Tit	30731	474.0	Canoe	20020	619.0	Polk	9620
356.0	Russell Flord	57344	475.0	Wrangell	4558	620.0	Dog Salmon	23068
357.0	Calahonda Creek	16241	476.0	Eastern	7689	623.0	St. Nicholas	8713
358.0	Aquadulce Creek	6190	477.0	Nemo	3112	625.0	Trocadero	15028
359.0	Logan Bluffs	9025	479.0	Thomas	21141	626.0	Palisade	6488
360.0	Logan Beach	14260	481.0	Baird	12249	627.0	Pt. Polocano	6487
361.0	Chicago Harbor	10513	482.0	Dena	14214	628.0	Pt. Amagura	10514
362.0	Dank Forest	1430	483.0	Jefferson	10829	630.0	Port Estrella	2739
364.0	Old Situk	4632	484.0	Spurt	11782	631.0	Shelkof	16721
365.0	Lower Russell Flord	9666	485.0	Scenery	17928	632.0	Soda Bay	38268
366.0	Situk River	6238	486.0	Swan	14099	633.0	Cabras	3445
368.0	Khantaak Island	1388	487.0	Thomas	10113	634.0	Santa Cruz	11824
372.0	Arhnklin River	63338	488.0	Patterson	17593	635.0	Port Refugio	9118
373.0	Dark Forest	7016	489.0	Muddy	19715	636.0	Arena Cove	8616
374.0	Moser Creek	19637	490.0	Horn	9815	637.0	Meares	6110
375.0	Miller Creek	7742	491.0	Le Conte	55315	638.0	Tevak	2834
376.0	Pike Lakes	1907	492.0	Wilkes	23052	639.0	Bob's Bay	6758
377.0	Dangerous River	7074	493.0	Stikine	26403	640.0	Diver Bay	4827
378.0	Harlequin Lake	2750	494.0	Shakes	22985	641.0	Poul Bay	3232
379.0	Itallo River	40655	495.0	Ketill	49896	642.0	Manhattan	5411
380.0	Itallo Beach	5051	496.0	Farm	11563	643.0	Sakie	3031
381.0	Akwe Beach	5051	497.0	Cottonwood	15066	644.0	Fisherman Cove	1766
382.0	Triangle Lake	27391	498.0	Andrew	28293	645.0	Coco Harbor	4194
383.0	Cliff Mountain	4166	499.0	Goat	10938	646.0	Devil Lake	4337
384.0	Itallo Lake	8890	500.0	Kikane	21159	647.0	Welcome	3193
385.0	Akwe Lake	18229	501.0	Garnet	25608	648.0	Waterfall Bay	7734
386.0	Ustay Flats	7352	502.0	Virginia	29601	649.0	High Point	366
387.0	Ustay River	12800	503.0	Berg	46005	650.0	Rose Inlet	715
388.0	Cannery Creek	6901	504.0	Madan	14128	651.0	Gold Harbor	5197
389.0	Tanls Mesa	26667	505.0	Blake	26021	653.0	Goosenek	4859
390.0	Rodman Pass	5138	506.0	Aaron	20496	654.0	Grace Harbor	223
391.0	Tanls Lake	17735	507.0	Cone	128736	655.0	Ritter Point	1286
392.0	Upper Alsek River	13664	508.0	Oerns	13110	656.0	Pat Bazan	4345
393.0	Canyon Glacier	10771	509.0	Marten	14830	659.0	Essowah	11175
394.0	Brabazon Gate	10460	510.0	Campbell	26918	660.0	Pond Bay	3796
395.0	Alsek Rapids	5515	511.0	Harding	45303	661.0	Security Cove	2654
396.0	Bear Island	14948	512.0	White	31786	662.0	Kalgani	3342
397.0	Doame Beach	2399	513.0	North Fork	40171	663.0	Datzkoo	3954
398.0	Keku	11061	514.0	Bradfield	15031	664.0	Liscome Bay	3293
400.0	Security	14020	515.0	Cloud	42494	665.0	Wolk	2589
401.0	Washington	13863	516.0	Glacier	55743	666.0	McLead Bay	3459
402.0	Rowan	7848	517.0	East Fork	11741	667.0	Cape Muzon	1476
403.0	Pillar	28227	518.0	Tye	15087	670.0	Jackson	18478
404.0	Pile Driver	8805	519.0	Eagle	43763	671.0	Dunbar	14026
405.0	Elena	23027	520.0	Hoya	18417	672.0	Hydaburg	9987
406.0	Explorer	7232	521.0	Canal	7514	673.0	Hetta	5394
407.0	Tebenkof	25464	522.0	Anan	37331	677.0	Dora Bay	4608
408.0	Malmsevy	18170	523.0	Ward	5389	680.0	Windy Point	6776
409.0	Bear	18231	524.0	Frosty	18165	681.0	Dolomi	13106
410.0	Table	12829	525.0	Sunny	17909	682.0	North Moira	17083
411.0	Kell	15315	526.0	Mt. Calder	4616	683.0	Myrtle	7776
412.0	McArthur	8906	529.0	Alder	7725	684.0	Dickman Bay	23858
413.0	Affleck	8891	530.0	Buster	5217	685.0	Nutkwa	17134
414.0	Amelius	16191	533.0	Red Lake	9948	686.0	Nutkwa Creek	16853
415.0	Beauchlerc	24251	534.0	Salmon Bay	17726	687.0	Klakas	31033
416.0	Alvin	17989	541.0	Shipley	12213	688.0	Hassiah	6731
417.0	No Name	12535	547.0	Davidson Inlet	6350	689.0	Kassa	10917

NOTICES

Number	Name	Acreage	Number	Name	Acreage
690.0	Ruth Bay	3233	796.0	Upper Chickamin	99868
691.0	West Moira	9670	797.0	South Fork Chickamin	64554
692.0	Bokan	23471	798.0	Walker Lake	53798
693.0	Egg	5106	799.0	Walker Cove	35447
694.0	Ingraham	6244	800.0	Manzoni	16817
695.0	Hidden Bay	4797	801.0	Nooya	13985
696.0	Hunter Bay	15866	802.0	Rudyard	32507
697.0	Tah Bay	5212	803.0	Punchbowl	17113
698.0	Hessa Lake	13395	804.0	Texas Creek	12568
699.0	Kendrick	14657	805.0	Thumb	19335
700.0	Short Arm	4154	806.0	Hyder	16547
701.0	McClellan	10379	807.0	Soule	48925
702.0	Stone Rock	9322	808.0	Mt. Hayford	53279
703.0	Cape Chacon	2060	809.0	Adam	28777
704.0	Nichols Bay	17338	810.0	Slab Pt.	16217
705.0	Brownson	8400	811.0	Halleck	32643
706.0	Hessa Inlet	17892	812.0	Steep Point	13390
707.0	Barrier Islands	2002	813.0	Rousseau	25319
708.0	Meyers Chuck	5080	814.0	Turn Point	10923
709.0	Union Bay	14061	815.0	Blossom River	42957
710.0	Cannery Creek	5735	816.0	Upper Wilson	28382
711.0	No Name	1389	817.0	Wilson Lake	33368
712.0	Rainbow	5811	818.0	Lower Wilson	13856
713.0	Caamano	9106	819.0	Wilson Arm	9051
714.0	Bond	5650	820.0	Checats	12652
715.0	Smugglers	13669	821.0	Winstanely	14104
716.0	Helm Bay	16127	822.0	Pt. Trollop	11900
717.0	Granite Creek	10397	823.0	Bart Creek	7270
718.0	Viken Lake	12176	824.0	Carp	15992
719.0	Port Stewart	21502	825.0	Smeaton	12844
720.0	Viken Inlet	23990	826.0	Bakewell	27422
721.0	Emerald	7879	827.0	Badger Lake	5045
722.0	Spacious Bay	31491	828.0	Badger Bay	8767
723.0	Ves Bay	42566	829.0	N. Quadra Mtn.	18820
724.0	Snipe	6927	830.0	Behm Mtn.	11669
725.0	Bailey	15381	831.0	Sykes	17255
726.0	Reflection	9736	832.0	State	5559
727.0	Short Bay	14419	833.0	Viken	18679
728.0	Anchor Pass	6973	834.0	Mink Bay	10527
729.0	Hag	11954	835.0	Humpback	21101
730.0	Bell	19202	836.0	Hugh Smith	11717
731.0	Orchard	32341	837.0	Martin Arm	37344
732.0	Hassler	5029	838.0	Marten River	62425
733.0	Traitors	9702	839.0	Peabody	28717
734.0	Francis Cove	3297	840.0	Quadra	34693
735.0	Loring	3679	841.0	Lower Keta	10872
736.0	Naha	31926	842.0	Upper Keta	49391
737.0	Moser	10934	843.0	Tombstone	27796
738.0	Swan	22150	844.0	Camp Point	10922
739.0	Salt Lagoon	13233	845.0	Halibut Creek	12005
740.0	George Inlet	19502	846.0	Halibut Bay	22975
741.0	Ketchikan Lakes	6631	847.0	Pools Point	9601
742.0	Fish Creek	20699	848.0	Reef Lake	10511
743.0	Gokachin	13364	849.0	Dome	9086
744.0	Thorne Arm	11147	850.0	Hidden Inlet	21403
745.0	Carroll Point	11903	851.0	Gap Mtn.	7117
746.0	Moth Bay	7718	852.0	Hidden Lake	6300
747.0	Lucky	12453	853.0	Fillmore	18631
748.0	Vallenar	5110	854.0	Getukti	7048
749.0	Dall Ridge	8944	855.0	Loaf	23018
750.0	Bostwick	13960	856.0	Cone Mtn	14215
751.0	Blank Inlet	3666	857.0	Willard	16820
752.0	Dall Road	4803	858.0	Nakat	30089
753.0	Percy	2285	859.0	Very Inlet	33739
754.0	Duke Island	39914	860.0	Kah Shakes	12009
755.0	Mary Island	5111	861.0	Cape Fox	22266
756.0	Alava	13582	862.0	Harry	16630
757.0	Narrow Pass	11443	863.0	Sitkan	4617
758.0	Princess	15845	864.0	Clover Pass	5477</

Change 2163, North Elk, to 20,150 acres.
 Change 2168, Grizzly Creek, to 42,900 acres.
 Change 2180, Elk Mountains-Collegiate, to 141,580 acres.
 Change 2334, Big Beaver Basin, to 7,020 acres.
 Change 2162, Skinny Fish, to 2,260 acres.
 (To reflect recalculation of acreages.)
 Delete 2178, Hunter-Fryingpan, 67,000 acres.
 (Congress designated this wilderness.)
 State: Georgia
 Chattahoochee-Oconee NF:
 Change 8027, Blood Mountain, to 11,125 acres.
 Change 8145, Board Camp, to 3,880 acres.
 (To remove developed private lands and interspersed NF lands, which were inventoried in error.)
 State: Idaho
 Challis NF:
 Change 4066, Sulphur, to 338,955 acres.
 Change 4201, Pioneer Mountains, to 58,368 acres.
 (To reflect recalculation of acreages.)
 Clearwater NF:
 Change 1307, N. Lochsa Slope, to 35,900 acres.
 Change 1841, Rackcliff Gedney, to 33,600 acres.
 (To reflect allocation of land to nonwilderness uses by completed land management plan.)
 Nezperce NF:
 Change 1921, Gospel Hump, to 2,260 acres.
 (To reflect recalculation of acreages.)
 State: Illinois
 Shawnee NF:
 Change 9098, Panther Den, to 1,204 acres.
 Change 9099, Burke Branch, to 7,335 acres.
 Change 9100, Garden of the Gods, to 4,781 acres.
 Change 9101, Ripple Hollow, to 4,357 acres.
 Change 9102, Murray Bluff, to 5,124 acres.
 Change 9103, Burden Falls, to 3,658 acres.
 (Reflects recalculation of acreages.)
 State: Indiana
 Hoosier NF:
 Add 9340, Grubb Ridge, 6,380 acres.
 Add 9341, Cope Hollow, 3,529 acres.
 Add 9342, Mogan Ridge Wild Turkey Management Area, 7,000 acres.
 (Includes areas found to meet inventory criteria.)
 State: Kentucky
 Daniel Boone NF:
 Change 8038, Troublesome to 2,943 acres.
 (Eliminates acreage outside NF boundary.)
 State: Louisiana
 Kisatchie NF:
 Add 8121, Saline Bayou, 6,479 acres.
 (Includes area found to meet inventory criteria.)
 State: Michigan
 Hiawatha NF:
 Change 9198, Round Island, to 378 acres.
 (Reflects recalculation of acreage.)
 State: Minnesota
 Superior NF:
 Change 9132, Little Indian Sioux, to 1,029 acres.

Change 9133, Moose Portage III, to 1,018 acres.
 (Reflects recalculation of acreages.)
 State: Missouri
 Mark Twain NF:
 Change 9220, Devils Backbone, to 6,950 acres.
 State: Montana
 Beaverhead NF:
 Delete 1003, Beaver Lake, 29,800 acres.
 Delete 1004, Saginaw Creek, 26,200 acres.
 Delete 1005, Tash Peak, 71,900 acres.
 Delete 1009, Call Mountain, 9,200 acres.
 Delete 1010, Cattle Gulch, 19,700 acres.
 Delete 1011, Fleeceer, 16,800 acres.
 Delete 1012, Granulated Mountain, 14,700 acres.
 Delete 1015, Bear Creek, 8,900 acres.
 Delete 1016, McKenzie Canyon, 34,500 acres.
 Delete 1017, Sourdough Peak, 14,800 acres.
 Delete 1018, Timber Butte, 5,400 acres.
 Delete 1019, Dixon Mountain, 3,700 acres.
 Delete 1020, Four Eyes Canyon, 7,500 acres.
 Delete 1021, Sheep Mountain, 31,700 acres.
 Delete 1022, Crockett Lake, 6,700 acres.
 Delete 1023, Cherry Lakes, 14,700 acres.
 Delete 1024, Vigilante, 16,300 acres.
 Delete 1025, Snowcrest Mountain, 99,800 acres.
 Delete 1026, Black Butte, 38,600 acres.
 Delete 1027, Bighorn Mountain, 51,300 acres.
 Delete 1028, Lone Butte, 13,900 acres.
 Delete 1029, Freezeout Mountain, 99,100 acres.
 Delete 1942, Anderson Mountain, 30,600 acres.
 Delete 1944, Goat Mountain, 11,800 acres.
 (To drop areas allocated to nonwilderness uses by the Beaverhead Land Management Plan.)
 Change 1001, North Big Hole, to 42,100 acres.
 Change 1006, West Pioneer, to 148,150 acres.
 Change 1008, East Pioneer, to 94,091 acres.
 Change 1943, West Big Hole, to 111,286 acres.
 Change 1945, Italian Peak, to 40,136 acres.
 (To drop from the inventory portions of the areas allocated to nonwilderness by the Beaverhead Land Management Plan.)
 Custer NF:
 Change 1363, Red Lodge-Hellroaring, to 28,280 acres.
 Change 1368, Fishtail-Saddleback, to 20,360 acres.
 Change 1371, North Absoraka, to 21,420 acres.
 Change 1913, Rock Creek, to 400 acres.
 (Reflects modification caused by designation of parts of the areas as Beartooth Wilderness.)
 Deerlodge NF:
 Delete 1011, Fleeceer, 21,020 acres.
 (Drops area allocated to nonwilderness by Beaverhead Land Management Plan.)
 Change 1421, Sapphires, to 56,715 acres.
 Delete 1423, Emerine, 17,000 acres.
 Delete 1425, North Carp, 8,320 acres.
 Delete 1426, Upper East Fork, 7,750 acres.
 (Reflects adjustments due to area allocations for nonwilderness by the Upper Rock Creek Land Management Plan.)
 Kootenai NF:

Delete 1687, Richards Mountain, 14,215 acres.
 Delete 1679, Boundary Mountain, 3,072 acres.
 Delete 1680, Warex, 2,304 acres.
 (Areas dropped from inventory because they have been allocated to nonwilderness by a completed land management plan.)
 Change 1670, Cabinet Face West, to 11,816 acres.
 (Due to recalculation of acreage.)
 Lolo NF:
 Delete 1786, Teepee-Spring Creek, 30,300 acres.
 (Area dropped from inventory because it is allocated to nonwilderness by a completed land management plan.)
 State: New Hampshire
 White Mountain NF:
 Change 9062, Carr Mountain, to 17,200 acres.
 Change 9064, Wild River, to 46,262 acres.
 Change 9066, Pemigewasset, to 74,610 acres.
 Change 9067, Sandwich Ridge, to 34,084 acres.
 Change 9068, Great Gulf Ext., to 15,383 acres.
 Change 9069, Presidential-Dry R. Ext., to 21,011 acres.
 Change 9072, Kinsman Mountain, to 8,420 acres.
 Change 9073, Cherry Mountain, to 9,272 acres.
 Change 9074, Dartmouth Range, to 10,142 acres.
 Change 9075, Mt. Wolf-Gordon Pond, to 12,379 acres.
 Change 9076, Jobildunk, to 4,920 acres.
 Change 9077, Kersarge, to 4,374 acres.
 (Reflects recalculation of acreages.)
 State: New Mexico
 Carson NF:
 Change 3999, Osier Mesa, to 6,300 acres.
 (Includes area found to meet inventory criteria.)
 Cibola NF:
 Change 3006, Scott Mesa, to 39,300 acres.
 (Includes area found to meet inventory criteria.)
 Gila NF:
 Change 3162, Cont. to Black and Aldo Wld., to 130,325 acres.
 (To include several areas found to meet inventory criteria.)
 Santa Fe NF:
 Add 3009, Canadian River, 4,025 acres.
 (Includes area found to meet inventory criteria.)
 State: North Carolina
 NF in North Carolina:
 Add 8028, Overflow, 3,200 acres.
 (Includes area found to meet inventory criteria.)
 State: South Dakota
 Nebraska NF:
 Change 2011, Cheyenne River, to 8,090 acres.
 (Reflects recalculation of acreage.)
 State: Tennessee
 Cherokee NF:
 Change 8036, Jennings Creek, to 14,700 acres.
 (Includes area found to meet inventory criteria.)
 State: Utah

Fishlake NF:
 Change 4305, Hilgard Mountain, to 33,700 acres.
 (Reflects recalculation of acreage.)
 State: West Virginia
 Monogahela NF:
 Add 9332, McGowan Mountain, 11,392 acres.
 Add 9333, Dry Fork, 845 acres.
 Add 9334, Gladly Fork, 2,995 Acres.
 (Includes area found to meet inventory criteria.)
 State: Wisconsin
 Chequamegon NF:
 Change 9012, Round Lake Study Area, to 3,720 acres.
 Change 9154, St. Peters Dome, to 4,422 acres.
 Change 9157, Chase Creek, to 6,730 acres.
 Change 9159, Thornapple, to 9,664 acres.
 Change 9161, Gates Lake, to 5,309 acres.
 Change 9162, Moose, to 6,843 acres.
 Change 9164, Tea Lake, to 5,972 acres.
 Change 9166, East Torch, to 5,220 acres.
 (Reflects recalculation of acreages.)
 State: Wyoming
 Shoshone NF:
 Change 2058, DuNoir, to 28,800 acres.
 (Adds area to conform with preliminary land management plan provisions.)
 Delete 2912, Beartooth, 43,300 acres.
 (Area has been endorsed by the Administration as wilderness.)
 The supplemental list on page 59716 of the November 18, 1977, FEDERAL REGISTER, is further amended as follows:
 Change Kentucky, 039, Clifty, to 13,700 acres.
 (Excludes area found to not meet inventory criteria.)
 Change Montana, YAG, Allan Mountain, to 111,300 acres.
 (Reflects recalculation of acreage.)
 Change Montana, LAQ, McGregor-Thompson, Lolo National Forest, to 76,000 acres.
 (Corrects typographical error.)
 Add Oregon—Salmon-Huckleberry, 60,600 acres.
 (Includes area found to meet inventory criteria.)

REXFORD A. RESLER,
 Associate Chief.

[FR Doc. 78-15753 Filed 6-7-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Order 78-6-9; Docket 32423]

ALASKA AIRLINES, INC.

Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of June 1978.
 On April 13, 1978, Alaska Airlines applied to modify its certificate of public convenience and necessity for route 124, to change the two-stop restriction in the Fairbanks-Juneau

market to one-stop.¹ It also filed a petition for an order to show cause why its certificate for that route should not be so amended.

On April 19, 1978, Alaska amended its application to request that we similarly modify its certificate of public convenience and necessity for route 138, to permit one-stop service in the Fairbanks-Juneau market.² Alaska also filed an amended petition for an order to show cause. Currently Alaska operates its Fairbanks-Juneau service by means of a connecting flight at Anchorage.

In support of its application, Alaska states that it carries over 95 percent of the traffic in the market³ by operating a one-stop connecting service via Anchorage. Alaska further contends that authorization of one-stop single plane service via Anchorage would benefit the traveling public by ridding it of the necessity of changing planes and transferring baggage at Anchorage; it would save an estimated \$4 per passenger in handling and reservations expenses; and there will be no measurable competitive impact on Wien, the carrier for whose benefit the two-stop restriction was imposed.

Wien Air Alaska filed an answer in general opposition to the petition, contending that Alaska has failed to demonstrate that any substantial number of Fairbanks-Juneau passengers would be accommodated by the proposed certificate amendment, and that Alaska's estimated net savings are speculative.

Wien proposes a compromise under which it supports the issuance of a temporary exemption order authorizing Alaska to provide one-stop single plane Fairbanks-Juneau service until 60 days after final Board decision in the *West Coast-Alaska Investigation*, Docket 30170, and the *Southeast Alaska Service Investigation*, Docket 31570. In support of this proposal, Wien asserts that it provides one-stop Fairbanks-Juneau service via Whitehorse and is seeking an extension of its system from Juneau to Ketchikan and Seattle in the *Southeast Investigation*. It further asserts that, if awarded the authority it seeks, it may provide more frequent service and attract more Fairbanks-Juneau traffic; if

these events occur, Wien argues, Alaska's proposal will significantly harm its operations.

On April 21, 1978, Alaska moved to file an otherwise unauthorized reply to Wien's answer, contending that Wien's line of reasoning is purely speculative.

We tentatively conclude, on the basis of the tentative findings below, that the public convenience and necessity require our alteration of Alaska's certificates for routes 124 and 138 from two-stop restrictions in the Fairbanks-Juneau market to one-stop; that the application presents no questions of fact or law requiring an oral evidentiary hearing; and that all interested persons should be directed to show cause why the Board's tentative findings and conclusions should not be made final.⁴ Since Alaska has indicated that its proposal will not result in any substantial increase in air carrier operations, we also tentatively find and conclude that the proposed action will not constitute a major Federal action significantly affecting the quality of the environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

The proposed amendments to Routes 124 and 138 are consistent with our policy of eliminating or modifying certificate restrictions in the absence of an affirmative showing that their continuance is required.⁵ The authority requested involves no new stations or equipment for Alaska, will permit it more scheduling and operating flexibility, and will improve service and economic performance. Further, by eliminating the necessity of changing planes and transferring baggage, the new authority will benefit the traveling public. Under these circumstances, the modification of the two-stop restriction is presumptively in the public interest and is required by the public convenience and necessity.

Wien has not demonstrated that this modification will impair adequacy of service to any point or have a substantial adverse impact on it or any other carrier. Indeed, Wien admits in its answer that the competitive implications of the Alaska proposals are not now significant. Although Wien currently holds nonstop Fairbanks-Juneau authority, its inability to garner sufficient back-up traffic has forced it to provide a one-stop service via Whitehorse. With this service, Wien carries an insignificant portion

¹ We further find that Alaska Airlines is a citizen of the United States within the meaning of the Federal Aviation Act of 1958, as amended, and is fit, willing, and able properly to perform the transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

² Order 78-3-42, March 9, 1978.

of the total Fairbanks-Juneau traveling public.

Wien's argument that it might gain new authority which might enable it to become a significant competitor in the Fairbanks-Juneau market, which in turn might create a situation under which modification of Alaska's restriction would so harm it as to lead us to decline to make the change, is clearly too speculative to warrant a grant of only a temporary exemption to Alaska. Wien has failed to persuade us that we should not propose to grant the full relief Alaska seeks.

Accordingly, it is ordered, That: 1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amend the certificates of public convenience and necessity of Alaska Airlines, Inc., for routes 124 and 138 to change its two-stop restrictions to one-stop restrictions in the Fairbanks-Juneau market;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions or certificate amendments set forth in this order shall, within 30 days of the date of service of this order, file with the Board and serve upon all persons referred to in paragraph 6 a statement of objections together with a summary of testimony, statistical data and other evidence expected to be relied upon to support the stated objections; answers to such objections shall be filed 10 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections, together with any answers timely filed, before action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth in this order;

5. The motion of Alaska Airlines for leave to file an otherwise unauthorized document be granted; and

6. This order shall be served on all persons listed in the service list attached to the petition of Alaska Airlines, Inc., for an order to show cause.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.⁷

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-15939 Filed 6-7-78; 8:45 am]

⁷Since provision is made for filing of objections, no petitions for reconsideration of this order will be entertained.

⁸All Members concurred.

[6320-01]

[Order 78-5-186; Docket 30815]

BRANIFF AIRWAYS, INC.

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 31st day of May 1978.

On April 28, 1977, Braniff Airways, Inc., filed an application in docket 30815 to amend its certificate for route 153 to add Manaus, Brazil, as an additional terminal point beyond the intermediate point Bogota, Colombia.¹ On February 23, 1978, Braniff filed a petition requesting the Board to issue an order to show cause why its certificate for route 153 should not be amended as requested.²

The route schedule of the air transport agreement between the United States and Brazil authorizes U.S.-flag service at Manaus via points in Middle America and in countries on the North and East Coasts of South America. While both Braniff and Pan American are certificated to serve Brazil via routes authorized under the agreement, neither has been certificated to serve Manaus. The Brazilian flag carrier, Varig, provides once a week single-plane service between Manaus and Miami and Los Angeles.³

In support of its application, Braniff states that the proposed amendment will not result in increased operations to the United States since it only seeks to extend part of its present route 153 beyond Bogota, Colombia, to a new terminal point in Brazil. Braniff initially proposes to extend its twice-weekly Miami-Bogota flights to Manaus and would thus provide New York with its first single-plane service to Manaus. The proposal would also provide San Francisco with its first single-carrier service to Manaus. Braniff forecasts it will carry 30,800 Manaus passengers in the year ending June 30, 1979, resulting in passenger revenues of \$3.1 million (exhibits BI-304 and 302).⁴ On a fully allocated

¹Route 153 is divided into three segments which consist of coterminous points in the United States with authority to South America over various routings via the intermediate point Bogota, Colombia.

²Concurrently filed with the petition was an amendment to the application which incorporated Braniff's most recent change to route 153. Order 77-9-63 added Dallas/Fort Worth as a coterminous point on segment 1 of route 153.

³Varig serves Los Angeles via Sao Paulo-Rio de Janeiro-Manaus-Panama City; and Miami via Sao Paulo-Rio de Janeiro-Brasilia-Manaus-Caracas. (OAG, March 1978.)

⁴Braniff bases its traffic forecast on its own historical experience in South America and on the on-board data provided by Varig to the International Civil Aviation Organization (ICAO). Exhibits BI-306 through BI-309.

basis the carrier estimates an operating profit of \$642,000 and a profit after return and taxes of \$338,000 (exhibit BI-401).

Answers in support of Braniff's petition were filed by Dade County, Fla., and the Greater Miami Traffic Association; the city of New Orleans and the Chamber of Commerce of the New Orleans Area; and the State of Louisiana. There have been no answers filed in opposition to Braniff's petition.

In view of the foregoing and all facts of record, we have decided to issue an order to show cause why Braniff's certificate for route 153 should not be amended to add Manaus, Brazil, as a terminal point beyond the intermediate point Bogota, Colombia. The air transport agreement between the United States and Brazil authorizes the services of United States carriers at Manaus via points in Middle America and in countries on the north and east coasts of South America. The only current service between the United States and Manaus is operated by the Brazilian-flag carrier, Varig, and we see no reason why Braniff's request to compete in this market should not be granted. While the carrier's methodology in estimating the traffic potential at Manaus is based on the sparsest of data, which the carrier recognizes, we do not believe this should be a basis for preempting Braniff's judgment in proposing to enter and develop a new market. Finally, no party has objected to Braniff's petition.

Therefore, we tentatively find and conclude that it is in the public interest to amend the certificate of public convenience and necessity of Braniff Airways, Inc., for route 153 to engage in overseas and foreign air transportation with respect to persons, property, and mail contained in the specimen form of certificate attached, and:

1. That the public interest requires that the exercise of the privileges granted by such amended certificate shall be subject to the terms, conditions, and limitations contained in the specimen form of certificate attached to this order and to such other reasonable terms, conditions, and limitations required by the public interest as from time to time may be prescribed by the Board;

2. That Braniff Airways, Inc., is fit, willing, and able properly to perform the above-described overseas and foreign air transportation, and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board;

3. That the amendment of the certificate of Braniff Airways, Inc., for route 153 is not a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(c) of the National Environmental Policy Act of

1969, and will not constitute a "major regulatory action" under the Energy Policy and Conservation Act of 1975 (EPACA), as defined in § 313.4(a)(1) of the Board's regulations;

4. That an oral hearing is not required in the public interest;

5. That the authority to serve Manaus, Brazil, on segments 1, 2, and 3 shall be permissive; and

6. That, except to the extent granted, the application of Braniff Airways, Inc., in docket 30815 should be denied.

It is therefore ordered, that: 1. All interested persons are directed to show cause why the Board should not make final its tentative findings and conclusions, and why an amended certificate of public convenience and necessity in the form of the attached specimen certificate should not, subject to the approval of the President pursuant to section 801 of the Act, be issued to Braniff Airways, Inc.;

2. Any interested person having objections to the issuance of an order making final the Board's tentative findings and conclusions and issuing the certificate shall, within 15 days after service of this order, file with the Board and serve upon the persons named in paragraph 5, a statement of objections specifying the part or parts of the tentative findings and conclusions objected to, together with a summary of testimony, statistical data, and such evidence expected to be relied upon in support of the statement of objections. If an oral hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be given the matters and issues raised by the objector before further action is taken by the Board. The Board may proceed to enter an order in accordance with its tentative findings and conclusions set forth in the order, if it determines that there are no factual issues present that warrant the holding of an oral hearing;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Secretary shall enter an order

⁵Our conclusions are based on the proposed amendment not resulting in any change in the level of service at any U.S. point. Thus, our action will not constitute a major Federal action within the meaning of the National Environmental Policy Act of 1969. Moreover, the implementation of the proposed authority will not result in the near-term consumption of 10 million gallons of fuel.

⁶Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

which: (1) shall make final the Board's tentative findings and conclusions set forth in this order; and (2) subject to the approval of the President, shall issue an amended certificate to the applicant in the specimen form attached; and

5. This order shall be served upon Pan American World Airways, Inc.; the Office of Aviation of the Louisiana Department of Transportation; the Greater Miami, Fla., Traffic Association; and the Chamber of Commerce of New Orleans, La., and the New Orleans Aviation Board.

This order will be published in the FEDERAL REGISTER and will be transmitted to the President.

By the Civil Aeronautics Board.⁷

PHYLLIS T. KAYLOR,
Secretary.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY (AS AMENDED) FOR ROUTE 153

BRANIFF AIRWAYS, INC.

is authorized subject to the provisions set forth in Title IV of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued under it to engage in overseas and foreign air transportation with respect to persons, property and mail, as follows:

1. Between the coterminous points Dallas/Fort Worth and Houston, Tex., and New Orleans, La., the intermediate points Havana, Cuba; Balboa, Canal Zone-Panama City, Panama; Bogota, Colombia; and

(a) Beyond Bogota, the terminal point Manaus, Brazil.

(b) Beyond Bogota, the intermediate points Cali, Colombia; Quito; and Guayaquil, Ecuador; Lima, Peru; and La Paz, Bolivia; and

(1) Beyond La Paz, the intermediate point Asuncion, Paraguay; and (1) beyond Asuncion, the intermediate point Sao Paulo, Brazil, and the terminal point Rio de Janeiro, Brazil; and (2) beyond Asuncion, the terminal point Buenos Aires, Argentina.

(1) Beyond La Paz, the intermediate point Santiago, Chile, and the terminal point Buenos Aires, Argentina.

2. Between the coterminous points New York, N.Y.-Newark, N.J.; Washington, D.C. (to be served through Dulles International Airport); and Miami, Fla., the intermediate points Balboa, Canal Zone-Panama City, Panama; Bogota, Colombia; and

(a) Beyond Bogota, the terminal point Manaus, Brazil.

(b) Beyond Bogota, the intermediate points Cali, Colombia; Quito and Guayaquil, Ecuador; Lima, Peru; and La Paz, Bolivia, and beyond La Paz, as described in 1(b)(1) and 1(b)(2) above.

3. Between the coterminous points San Francisco and Los Angeles, Calif., the intermediate point Bogota, Colombia; and

(a) Beyond Bogota, the terminal point Manaus, Brazil.

(b) Beyond Bogota, the intermediate points Cali, Colombia; Quito and Guayaquil, Ecuador; Lima, Peru; and La Paz, Bolivia, and beyond La Paz, as described in 1(b)(1) and 1(b)(2) above.

The service authorized is subject to the following terms, conditions, and limitations:

⁷All members concurred.

(1) The holder shall conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate shall be subject to compliance with such treaties and agreements and to any orders of the Board for the purpose of requiring compliance with them.

(2) The holder shall render service to the points named, except as provided, or as temporary suspensions of service may be authorized by the Board; and may begin or terminate or begin and terminate, trips at points short of terminal points.

(3) The holder may continue to serve regularly any point named through the airport last regularly used to serve such point prior to the effective date of this certificate. Upon compliance with such procedures as the Board may prescribe, the holder may in addition regularly serve the points named through any convenient airport and may operate nonstop service between any two points not consecutively named.

(4) The exercise of the authority granted shall be subject to the carrier first obtaining from the appropriate foreign government such operating rights as may be necessary.

(5) Flights scheduled to serve Havana, Cuba, shall originate at a point in the United States and terminate at a point in South America, or originate at a point in South America and terminate at a point in the United States.

(6) The holder shall not serve Havana, Cuba, on flights serving New Orleans, La.

(7) Flights serving Rio de Janeiro or Sao Paulo, Brazil, shall also serve an intermediate point south of Panama.

(8) The holder may grant stopover privileges at any coterminous point in the United States to passengers moving between any of these points, on the one hand, and any overseas or foreign point named here, on the other.

(9) The authority to serve Dallas/Fort Worth on segment 1 shall be permissive.

(10) The authority to serve Manaus, Brazil, on segments 1, 2, and 3 shall be permissive.

The exercise of the privileges granted by this certificate shall be subject to the conditions set forth in appendix A to orders 75-10-65/66, and any amendments or revisions that the Board may find required by the public convenience and necessity.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This certificate shall be effective on _____. The continuing effectiveness of the authority to serve Manaus, Brazil, as described shall be subject to timely payment by the holder of such license fee as may be appropriate under rules to be prescribed by the Board.

The Civil Aeronautics Board has directed its Secretary to execute this certificate, and to affix the Board's Seal, on the ____ day of _____.

Secretary.

Issuance of this certificate to the holder approved _____ by the President of the United States on _____ in Order _____.

[FR Doc. 78-15934 Filed 6-7-78; 8:45 am]

[6320-01]

[Order 78-6-15, Docket 25280, Agreement CAB 24967 R-4, Docket 30332, Agreement CAB 27149 R-1 through R-3]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Free and Reduced Fares for Cargo Sales Agents; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of June, 1978.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various U.S. and foreign member air carriers of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at the Ninth Meeting of the IATA Cargo Agency Committee held in Singapore, November 8-11, 1977, and has been designated Agreement CAB 27149.

This agreement amends two resolutions governing reduced fares for U.S.- and non-U.S.-based cargo agents and revalidates, with one amendment, a third resolution permitting a 75-percent discount for IATA cargo agents attending IATA/FIATA meetings on joint training programs.¹ The first two resolutions are amended to clarify the reduced-fare eligibility requirements for agents who change jobs from one IATA cargo agency to another. The agreement also updates the descriptions, set forth in these two resolutions, of the various surcharges that apply in the computation of the reduced fare price to include "weekend," "stopover" and "peak" surcharges. The third resolution is changed to place in the hands of the IATA Agency Administrator the responsibility for certifying that individuals attending joint IATA/FIATA meetings are official FIATA representatives.

¹Federation Internationale des Associations de Transitaires et Assimiles (International Federation of Forwarding Agents).

1. It is not found that the following resolutions are adverse to the public interest or in violation of the Act, provided that approval is subject to conditions previously imposed by the Board:

Agreement CAB 27149	IATA No.	Title	Application
R-1.....	203a.....	Reduced Fares for Cargo Agents (U.S.A. Only) (Amending).	1;2;3;1/2;2/3;3/1;1/2/3
R-2.....	203c.....	do.....	1;2;3;1/2;2/3;3/1;1/2/3

2. It is not found that the following resolution is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions stated below which supersede those placed on Resolution 203i by the Board in Order 76-3-180, dated March 25, 1976:

Agreement CAB 27149	IATA No.	Title	Application
R-3.....	203i.....	Reduced Fares for IATA Cargo Agents Attending Official IATA/FIATA Meetings on Joint Training Program (Revalidating and Amending).	1;2;3;1/2;2/3;3/1;1/2/3

We will approve the agreement. The amendments to the first two resolutions match those made to corresponding resolutions governing reduced fares for passenger agents which we approved by Order 77-6-150, June 29, 1977. The amendment to the third appears to reflect sound administrative practice, and it will be approved.

In the past, we have accorded more liberal free and reduced-fare transportation privileges to U.S.-based IATA passenger agents than we have to cargo agents. This difference in treatment was premised on the need of passenger agents to be familiar with airline services, tourist attractions, accommodations, and other services at foreign destinations in order to enhance their ability to market air transportation. The Board's historical position has been that cargo agents, on the other hand, do not have such a need in order to promote and market cargo air transportation effectively. For that reason, we have disapproved several IATA Resolutions which offered free and reduced-fare transportation for U.S.-based IATA cargo agents for the purpose of attending carrier-sponsored educational and training courses and meetings on joint training programs.² Reduced fare travel for these agents has been limited to two 75-percent discount tickets per agent per year plus additional 75-percent discount tickets up to a maximum of 40 under a productivity feature providing 4 extra tickets to agents for each 100 percent or fraction thereof by which their commissionable international sales exceed the average for their country.

We do not deny that reduced-rate travel to educational courses and meetings on joint training programs may be warranted to the extent they

²Because foreign-based IATA cargo agents operate under different laws which make their activities more the concern of their respective governments, and, to a lesser extent, because of the practical difficulties of enforcement of any disapproval in connection with these agents, we have approved participation in these programs by foreign-based cargo agents.

improve customer service and enhance sales of cargo air transportation. In the past we have felt that travel for these purposes could be accommodated within the existing 75-percent discount allowance. We have reviewed that policy and have decided to extend the policy of leaving free or reduced-fare transportation issues to the carriers in the first instance, which we adopted in Order 76-8-118, August 20, 1976, with respect to passenger agents. We believe that carriers are in the best position to make the judgments whether particular educational, training, or other free or reduced-fare transportation programs are warranted and they should be responsible for those judgments. Accordingly, we will approve inclusion of U.S.-based cargo agents in Resolution 203i, which provides 75-percent discount tickets to IATA cargo agents attending IATA/FIATA meetings on joint training programs, and Resolution 203e, incorporated in Agreement CAB 24967, R-4, which deals with free transportation for educational and training programs. Our approval of these two resolutions should not be taken as a lessening of our interest in the volume of free or reduced-fare transportation accorded agents and our approval will be subject to the same conditions and reporting requirements imposed on the passenger agent resolutions.³

The Board, pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

³In the case of free or reduced-fare transportation to attend group educational or training courses, these conditions stipulate that approval is neither an exemption from the tariff provisions under section 403 of the Act, nor a determination as to whether a violation of section 404 of the Act would result, and require an application for approval to be made under section 223.8 of the Board's Economic Regulations. In the case of reduced fare transportation to attend joint meetings these conditions require submission of reports giving date, location, and purpose of the meeting, a list of those in attendance and the national organization they represent, and routings and carriers used by all U.S.-based agents in attendance.

The U.S. carrier members of IATA shall, within 30 days after the completion of any joint IATA/FIATA meeting contemplated by Resolution 203i, file with the Board's Docket Section two copies of a report of such meeting containing the following information:

1. Dates and location of meeting;
2. Purpose of the meeting;
3. List of agents in attendance and the national association which they represent; and
4. Routings and carriers utilized by all United States-based agents in attendance, together with dates of travel, from actual origin to destination and return.

3. It is not found that Resolution 203e, incorporated in Agreement CAB 24967, R-4, is adverse to the public interest or in violation of the Act insofar as it applies to U.S.-based cargo agents, provided that approval is subject to conditions imposed by the Board on that Resolution's application to foreign-based cargo agents.

Accordingly, it is ordered that:

1. Those portions of Agreement CAB 27149 set forth in finding paragraph one above be approved, subject to conditions previously imposed by the Board;
2. That portion of Agreement CAB 27149 set forth in finding paragraph two above be approved, subject to the conditions imposed therein; and
3. Resolution 203e, incorporated in Agreement CAB 24967, R-4, be approved insofar as it applies to U.S.-based cargo agents, subject to the same conditions imposed by the Board on that Resolution's application to foreign-based cargo agents.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.⁴

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-15935 Filed 6-7-78; 8:45 am]

[6320-01]

[Order 78-6-17; Docket 32715]

COMPAGNIE NATIONALE AIR FRANCE

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of June, 1978.

By tariff revisions¹ filed for effect

¹All members concurred.
²Revisions to Tariff CAB No. 44, issued by Air Tariffs Corp., Agent.

June 1, 1978, Compagnie Nationale Air France (Air France) proposes to extend availability of its special "mid-week" fares, currently in effect between New York and Paris, from Chicago, Houston and Los Angeles to Paris (See appendix). Like the New York-Paris midweek fare, the proposed fares would be available only on flights departing the United States and France during specified periods on certain days of the week, are priced about 50 percent below the normal economy fare, and are subject to a 14/45-day minimum/maximum stay validity, a \$50 cancellation penalty, and a maximum capacity limitation of 40 percent of economy-class seats on each flight. Unlike the current midweek fare, however, the proposed fares would be applicable only to U.S.-originating travel.

Pan American World Airways, Inc. (Pan American), has filed a complaint requesting suspension and investigation of the fares. It argues that: the Government of France has denied Pan American approval to resume its suspended service to France from the U.S. west coast via London, with a change of gauge at London; the Board, by Order 78-5-45, May 9, 1978, has concluded that the French action is contrary to the U.S.-France bilateral agreement; France is denying Pan American the right to compete fairly in the marketplace; the U.S. authorities should encourage France to honor its bilateral commitment by not allowing Air France to gain an unfair competitive advantage (i.e., by the instant filing) until the dispute is settled; while the Board may be reluctant to suspend low fares because they benefit consumers, suspension of the instant filing will, in fact, produce such benefits by pressuring France to allow Pan American to again offer its currently suspended operations to the public, and the Board suspended a similar low-fare filing in comparable circumstances, Order 78-5-52.

In answer to the complaint, Air France states that: there are neither statutory nor regulatory grounds for suspension or investigation; the sole reason for such action is "retaliation for a perceived wrong"; Air France's filing is completely different from the case cited by Pan American; the mid-week fares are not remotely connected with the change of gauge issue; and "escalation of the . . . bilateral problem, suggested here by Pan American, is beyond reason."

The Board has decided to dismiss the complaint.

Pan American has not taken issue with the merits of the fares and the dispute over Pan American's operating rights can best be settled at the governmental level. Suspending Air France's filing would only needlessly broaden the scope of the present dispute while depriving the public of the immediate benefits of these new low fares.

Accordingly, it is ordered that:

The complaint of Pan American World Airways, Inc., in Docket 32715 is dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.²

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-15936 Filed 6-7-78; 8:45 am]

[6320-01]

[Docket 30938]

PACIFIC COMMON FARES INVESTIGATION

Notice of Hearing

Notice is hereby given that a hearing in the above-entitled proceeding shall take place on July 18, 1978, at 10 a.m. (local time), in Hearing Room 1003 A, Universal North Building, 1875 Connecticut Avenue, Washington, D.C., before the undersigned.

Dated at Washington, D.C., June 2, 1978.

BURTON S. KOLKO,
Administrative Law Judge.

[FR Doc. 78-15937 Filed 6-7-78; 8:45 am]

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

ATLANTIC SEA HERRING

Public Hearing

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Public Hearing.

SUMMARY: The New England Fishery Management Council announces a public hearing on the Draft Environmental Impact Statement for the Atlantic Sea Herring Fishery Management Plan.

DATE: The hearing will be held on June 27, 1978, at 7 p.m.

²All Members concurred.

ADDRESS: The hearing will be held at the Holiday Inn, junction of Routes 1 and 128, Peabody, Mass.

FOR FURTHER INFORMATION CONTACT:

Mr. Spencer Apollonio, Executive Director, New England Fishery Management Council, Peabody, Mass. 01960, telephone: 617-535-5450.

SUPPLEMENTARY INFORMATION: The New England Fishery Management Council is preparing a fishery management plan on the Atlantic sea herring (*Clupea harengus*) fishery. Hearings are being held to receive public comments on the plan and the suggested management measures relating to the herring fishery in the fishery conservation zone established under the Fishery Conservation and Management Act of 1976. An additional hearing will be held at the time and place noted above.

Signed at Washington, D.C. this 2d day of June 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.
(FR Doc. 15813 Filed 6-7-78; 8:45 am)

[3510-22]

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL AND SCIENTIFIC AND STATISTICAL COMMITTEE AND ADVISORY PANEL

Public Meeting With Partially Closed Session

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix, as amended, notice is hereby given of (1) a joint meeting of the North Pacific Fishery Management Council, established by section 302(a) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and its Scientific and Statistical Committee (SSC), and Advisory Panel (AP), both established under section 302(g) of the Act; and (2) separate meetings of the SSC and AP.

The SSC and AP will meet separately on July 26, 1978. The SSC will meet in the Council offices, Suite 32, 333 West 4th Avenue, Post Office Mall Building, Anchorage, Alaska, beginning at 9 a.m., to discuss and review their report to the Council. The AP will meet in the Easter Island Room of the Captain Cook Hotel, 5th and K Streets, Anchorage, Alaska, beginning at 9 a.m., to discuss and prepare their report to the Council.

The Council and its SSC and AP will meet jointly on Thursday and Friday, July 27-28, 1978, in the Foredeck Room of the Captain Cook Hotel, 5th and K Streets, Anchorage, Alaska. The meeting will convene at 8:30 a.m., and adjourn at approximately 5 p.m.

NOTICES

The meetings may be extended or shortened depending upon progress on the agenda. The proposed agenda is as follows:

JULY 27

Proposed Agenda: (1) Executive Director's Report and other Council administrative business; (2) Reports from Scientific and Statistical Committee and Advisory Panel; (3) Progress Report and update from the Council's Drafting Management Planning Teams; (4) Closed 2-hour session (1:30 p.m. to 3:30 p.m.) to discuss properly classified material on the status of international negotiations affecting fishery stocks in the North Pacific Ocean; (5) Period for public comment; (6) Review of foreign fishing activities.

JULY 28

(1) Discussion of management plans: Commercial Troll Fisheries Off the Coast of Alaska; Bering Sea Clam Fishery; King Crab; Bering Sea Groundfish Fishery; Tanner Crab Off Alaska 1978; Gulf of Alaska Groundfish Fishery During 1978; and (2) Other Council business.

The SSC and AP meetings will be open to the public, as will all but the early afternoon of the first day of the Council meeting. For information on seating arrangements, changes to the agenda, and/or written comments, contact: Mr. Jim H. Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510; telephone 907-274-4563.

A closed session of the Council is planned for the early afternoon of the first day, July 27, 1978, from 1:30 p.m. to 3:30 p.m. to hear and discuss Department of State security classified material on international negotiations affecting fishery stocks in the North Pacific Ocean. Only those Council members and staff having security clearances will be allowed to attend this closed session.

The Assistant Secretary for Administration of the Department of Commerce, with the concurrence of its General Counsel, formally determined on May 25, 1978, pursuant to section 10(d) of the Federal Advisory Committee Act, that agenda items covered in the closed session may be exempt from the provisions of the Act relating to open meetings and public participation therein because these items will be concerned with matters that are within the purview of 5 U.S.C. 552b(c)(1) as information which is properly classified pursuant to Executive Order 11652. (A copy of the determination is available for public inspection and copying in the Public Reading Room, Central Reference and Record Inspection Facility, Room 5317, Department of Commerce.)

Dated: June 2, 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.

(FR Doc. 78-15878 Filed 6-7-78; 8:45 am)

[3510-22]

WESTERN PACIFIC FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Public Meeting

The Scientific and Statistical Committee of the Western Pacific Fishery Management Council, established by section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet on June 27 and 28, 1978, at the King Kamehameha Hotel in Kailua-Kona, Hawaii. The meeting starts at 9 a.m., on June 27, and will adjourn about 4 p.m., on June 28.

Proposed Agenda: (1) Review of first draft of a billfish management plan; (2) Review of final drafts of spiny lobster and precious coral management plans; (3) Report of contractor on survey of regional fishery data needs; and (4) Other fishery management business.

Meeting is open to the public. For more information on seating, changes to the agenda, and/or written comments, contact Wilvan G. Van Campen, Executive Director, Western Pacific Fishery Council, Room 1506, 1164 Bishop Street, Honolulu, Hawaii 96813, telephone 808-523-1368.

Dated: June 2, 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.

(FR Doc. 78-15877 Filed 6-7-78; 8:45 am)

[3510-04]

National Technical Information Service GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for \$0.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161 for \$4 (\$8 outside North American Continent). Requests for copies of patent applications must include the patent applica-

tion number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Informa-
tion Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, 1900 Half Street SW., Washington, D.C. 20324

Patent application 861,083: Improved Tapered Hole Capacitive Probe; filed Dec. 15, 1977.

Patent application 865,270: Roll Attitude Feedback Selector for Use with Aircraft Control Augmentation Systems; filed Dec. 28, 1977.

Patent application 871,066: High Power Pre-TR Switch; filed Jan. 29, 1978.

Patent application 871,069: Bimetallic Lightweight Platelet Injector; filed Jan. 20, 1978.

Patent application 872,193: All-Aluminum Transverse Platelet Injector; filed Jan. 25, 1978.

Patent application 872,203: Wideband Waveguide Lens; filed Jan. 25, 1978.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Branch, General Services Division, Federal Building, Agricultural Research Service, Hyattsville, Md. 20782

Patent application 873,466: High Shear Strength Adhesive for Bonding Nylon to Nylon; filed Jan. 30, 1978.

Patent application 873,572: Preparation of Highly Active Copper-Silica Catalysts; filed Jan. 30, 1978.

Patent application 873,747: Regeneration of Spent Activated Carbon with Formaldehyde; filed Dec. 13, 1976; patented Feb. 14, 1978; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, NATIONAL INSTITUTES OF HEALTH, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20014

Patent application 853,490: Synthesis and Antitumor Activity of 2,4,5-Tri-Substituted-Pyrrolo(2,3-d)-Pyrimidine Nucleosides; filed Nov. 21, 1977.

Patent application 855,018: Esters of Aromatic Sulfonic Acids; filed Nov. 22, 1977.

Patent application 855,384: Fiber Optic pH Probe; filed Nov. 28, 1977.

Patent application 855,397: Dye Fixation by Copolymerization; filed Nov. 28, 1977.

Patent application 856,172: Flow-Through Coil Planet Centrifuges with Adjustable Rotation/Revolution of Column; filed Nov. 30, 1977.

Patent application 858,410: Process of Preparing 1,3-Bis(2-Chloroethyl)-1-Nitrosourea; filed Nov. 13, 1974, patented June 7, 1977; not available NTIS.

Patent application 858,602: Synthesis, Structure, and Antitumor Activity of 5,6-Dihydro-5-Azacytidine, filed Aug. 9, 1976, patented Nov. 15, 1977; not available NTIS.

NOTICES

Patent 4,067,070: Prosthetic Joint Lock and Cable Mechanism; filed Nov. 3, 1978, patented Jan. 10, 1978; not available NTIS.

Patent 4,068,310: Display Enhancement Technique for Video Moving Trace Display; filed July 22, 1978, patented Jan. 10, 1978; not available NTIS.

Patent 4,071,768: X-Ray Apparatus with Rotationally Symmetric Gaussian-Like Focal Spot; filed June 23, 1977, patented Jan. 31, 1978; not available NTIS.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 789,393: Blip Scan Analyzer; filed Apr. 21, 1977.

Patent application 818,180: Digital Sidelobe Canceller; filed July 22, 1977.

Patent application 828,710: Flexible Housing, In-Line Electronic; filed Aug. 29, 1977.

Patent application 844,563: Millimeter Wave MIC Diplexer; filed Oct. 25, 1977.

Patent application 844,688: Endothermic Approach for Desensitizing Explosive Ordinance; filed Oct. 25, 1977.

Patent application 850,313: Remote Target Hit Monitoring System; filed Nov. 10, 1977.

Patent application 852,186: Solid State Data Recorder; filed Nov. 18, 1977.

Patent application 854,446: Multiple Memory Adaptive MTI; filed Nov. 23, 1977.

Patent application 854,455: Analog-to-Digital Converter; filed Nov. 23, 1977.

Patent application 855,099: Adjustable Dynamic Face Seal; filed Nov. 25, 1977.

Patent application 857,951: Method of Inhibiting Nitrocellulose Rocket Propellants; filed Dec. 6, 1977.

Patent application 858,771: Electronically Controlled Surface-Acoustic-Phase Shifter; filed Dec. 8, 1977.

Patent application 858,779: Electronic Thermostat; filed Dec. 5, 1977.

Patent application 862,311: Picosecond Pulse Generator Utilizing a Josephson Junction; filed Dec. 20, 1977.

Patent application 863,638: Multiplex-Data Bus Modulator/Demodulator; filed Dec. 22, 1977.

Patent application 865,752: A Specific Gravity Equalizer System; filed Dec. 29, 1977.

Patent application 867,550: Drugless Eye Examination System; filed Jan. 6, 1978.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546

Patent application 856,460: Electrochemical Data Signal Process and Display; filed Nov. 30, 1977.

Patent application 858,762: Filtering technique Based on High-Frequency Plant Modeling for High-Gain Control; filed Dec. 8, 1977.

Patent application 861,390: High Performance Ammonium Nitrate Propellant; filed Dec. 16, 1977.

Patent application 861,396: A Versatile LDV Burst Simulator; filed Dec. 16, 1977.

Patent application 862,880: Alkali-Metal Silicate Binders and Methods of Manufacture; filed Dec. 21, 1977.

Patent application 863,024: System for Near Real-Time Crustal Deformation Monitoring; filed Dec. 21, 1977.

Patent application 868,249: Voltage Feed Through Apparatus Having Reduced Partial Discharge; filed Jan. 10, 1978.

Patent 3,229,905: Ruler for Making Navigational Computations; filed Dec. 18, 1961,

patented Jan. 18, 1966; not available NTIS.

Patent 3,306,134: Wobble Gear Drive Mechanism; filed Apr. 24, 1964, patented Feb. 28, 1967; not available NTIS.

Patent 3,423,627: Particle Parameter Analyzing System; filed Jan. 28, 1968, patented Jan. 21, 1969; not available NTIS.

Patent 3,475,675: Transformer Regulated Self-Stabilizing Chopper; filed Sept. 22, 1967, patented Oct. 28, 1969; not available NTIS.

Patent 3,543,839: Multi-Chamber Controllable Heat Pipe; filed May 14, 1969, patented Dec. 1, 1970; not available NTIS.

Patent 3,573,504: Temperature Compensated Current Source; filed Jan. 16, 1968, patented Apr. 6, 1971; not available NTIS.

Patent 3,641,470: Pressure Transducer; filed Sept. 18, 1969, patented Feb. 8, 1972; not available NTIS.

Patent 3,769,544: Purging Means and Method for Xenon Arc Lamps; filed June 19, 1972, patented Oct. 30, 1973; not available NTIS.

Patent 3,882,417: Gas Ion Laser Construction for Electrically Isolating the Pressure Gauge Thereof; filed Sept. 10, 1973, patented May 6, 1975; not available NTIS.

Patent 4,063,981: Method of Making a Composite Sandwich Lattice Structure; filed May 20, 1977, patented Dec. 20, 1977; not available NTIS.

Patent 4,064,566: Method of Adhering Bone to a Rigid Substrate Using a Graphite Fiber Reinforced Bone Cement; filed Apr. 6, 1976, patented Dec. 27, 1977; not available NTIS.

Patent 4,064,642: Walking Boot Assembly; filed Dec. 23, 1976, patented Dec. 27, 1977; not available NTIS.

Patent 4,065,202: Projection System for Display of Parallax and Perspective; filed Nov. 6, 1975, patented Dec. 27, 1977; not available NTIS.

Patent 4,065,340: Composite Lamination Method; filed Apr. 28, 1977, patented Dec. 27, 1977; not available NTIS.

Patent 4,065,345: Polyimide Adhesives; filed Oct. 22, 1976, patented Dec. 27, 1977; not available NTIS.

Patent 4,067,015: System and Method for Tracking a Signal Source; filed July 11, 1975, patented Jan. 3, 1978; not available NTIS.

Patent 4,067,043: Optical Conversion Method; filed Jan. 21, 1976, patented Jan. 3, 1978; not available NTIS.

Patent 4,067,742: Thermal Shock and Erosion Resistant Tantalum Carbide Ceramic Material; filed Apr. 1, 1976, patented Jan. 10, 1978; not available NTIS.

Patent 4,068,469: Variable Thrust Nozzle for Quiet Turbofan Engine and Method of Operating Same; filed May 29, 1975, patented Jan. 17, 1978; not available NTIS.

Patent 4,068,470: Gas Turbine Engine with Convertible Accessories; filed Nov. 8, 1974, patented Jan. 17, 1978; not available NTIS.

Patent 4,069,028: Magnetic Heat Pumping; filed Nov. 30, 1966, patented Jan. 17, 1978; not available NTIS.

Patent 4,069,212: Flame Retardant Spandex Type Polyurethanes; filed Feb. 13, 1976, patented Jan. 17, 1978; not available NTIS.

Patent 4,069,478: Binary to Binary Coded Decimal Converter; filed Nov. 12, 1975, patented Jan. 17, 1978; not available NTIS.

(FR Doc. 78-15846 Filed 6-7-78; 8:45 am)

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

ALABAMA-TENNESSEE NATURAL GAS CO. ET AL.

Order Instituting Proceedings, Establishing Procedures and Providing for Hearings to Evaluate the Impact of Natural Gas Shortages of Interstate Pipeline Companies

MAY 31, 1978.

In the matter of Alabama-Tennessee Natural Gas Co., Algonquin Gas Transmission Co., Arkansas-Louisiana Gas Co., Cities Service Gas Co., Colorado Interstate Gas Co., Columbia Gas Transmission Corp., Consolidated Gas Supply Corp., East Tennessee Natural Gas Co., Eastern Shore Natural Gas Co., El Paso Natural Gas Co., Equitable Gas Co., Florida Gas Transmission Co., Michigan-Wisconsin Pipe Line Co., Midwestern Gas Transmission Co., Mississippi River Transmission Co., National Fuel Gas Supply Corp., Natural Gas Pipeline Co. of America, Northern Natural Gas Co., Northwest Pipeline Corp., Panhandle Eastern Pipe Line Co., Southern Natural Gas Co., Tennessee Gas Pipeline Co., Tennessee Natural Gas Lines, Inc., Texas Eastern Transmission Corp., Texas Gas Transmission Corp., Transcontinental Gas Pipe Line Corp., Transwestern Pipeline Co., Trunkline Gas Co., United Gas Pipe Line Co., Docket Nos. TC78-5, TC78-6, TC78-7, TC78-8, TC78-9, TC78-10, TC78-11, TC78-12, TC78-13, TC78-14, TC78-15, TC78-16, TC78-17, TC78-18, TC78-19, TC78-20, TC78-21, TC78-22, TC78-23, TC78-24, TC78-25, TC78-26, TC78-27, TC78-28, TC78-29, TC78-30, TC78-31, TC78-32, TC78-33.

The purpose of this order is to initiate proceedings to accumulate factual information which will provide the Commission, the natural gas industry and the general public with an overview of the projected impact of curtailment by natural gas pipelines during the 1978-79 winter season. Data will be required in the form of testimony and exhibits from the pipelines listed in the above-styled proceedings relating to anticipated gas supply, storage operation and inventory, emergency purchases, requirements, levels of curtailment and impact of curtailment on ultimate consumers. These proceedings will be similar to the impact hearings held prior to past winter seasons by the Federal Power Commission.¹ The hearings are necessary to insure that the Commission receives the best information

¹See Commission orders in *Alabama-Tennessee Natural Gas Co.* in Docket No. RP78-116 issued on July 20, 1976, and *Alabama-Tennessee Natural Gas Co.* in Docket No. RP77-65 issued on May 11, 1977.

available on gas supplies and potential adverse curtailment impacts prior to the 1978-79 winter season in order to be able to exercise its mandate under the Natural Gas Act to insure adequate natural gas service.

The Commission will require that each respondent pipeline named in this order present written testimony through a responsible company official relative to its FERC Form No. 16 filed in April 1978, and other matters noted herein. This testimony should contain a detailed description of the Form No. 16 filing and should specifically provide the following information:

(1) Total gas supply projections with: (a) A detailed breakdown of deliveries from the major sources of supply that are projected to decrease from the actual level of last year on a monthly basis for the period between April 1, 1978, through March 31, 1979, and of the deliveries from the major sources of supply that are projected to increase from the actual level of last year; (b) all pertinent facts and assumptions with respect to an anticipated new supply by month (April 1, 1978, through March 31, 1979) including reasons for stated date of attachment; (c) projected emergency purchases or transportation of emergency supplies by month for the latter period. Indicate pipeline company policy of making such purchases, i.e., for system supply or direct assignment, to specific customers; (d) status of ongoing storage injections; (e) projected, total, working gas inventory anticipated in storage at beginning of heating season (November 1, 1978), and maximum working gas capacity; (f) method of making supply projections and any contingency factors in such projections;

(2) Scheduled storage withdrawals: (a) During the months of November 1978 through March 1979: (i) under normal weather conditions, (ii) under uniform temperature conditions of 10 percent colder than normal for each month November 1978 through March 1979, and (iii) under a hypothetical winter with temperature conditions of 10 percent colder than normal during November 1978 and March 1979, and 20 percent colder than normal for December 1978 and January and February 1979² broken down by pipeline

²The colder than normal basis should be computed on the assumption of an increase in average monthly degree-day deficiency of the suggested percent in excess of historical normal as computed by the Department of Commerce. While the extreme conditions of a 20 percent colder than normal winter may not occur during the coming winter season, it is important that we develop a contingency plan in the event it might happen; such conditions were encountered during the months of December, January, and February of the past 2 years.

system withdrawals and customer withdrawals when necessary, and (b) provide appropriate systemwide anticipated storage withdrawal curves v. temperature, and a description of the pipelines storage operation plan governing storage gas withdrawal and injections, (c) provide a detailed description for each month (November-March) of scheduled storage operations including a description of how early winter withdrawals affect later deliverability from storage; and a description of the pipeline's contingency plans for meeting colder-than-normal winter weather later in the season: (i) describe how additional curtailment of sales is used each month to control storage withdrawals or plans to make 60-day emergency purchases.

(3) (a) The derivation of requirements used in the form No. 16 and a full explanation of any change in requirements from the 1977 form 16; (b) a statement of requirements for each month of the 1978-79 winter heating season (November 1978 through March 1979) assuming colder than normal temperatures as specified in (2)(a) (ii) and (iii) above.

(4) An explanation of the computation of curtailments and a study showing for each month of the 1978-79 winter heating season assuming normal weather and assuming colder than normal temperatures as specified in (2)(a) (ii) and (iii) above: (a) the systemwide aggregate curtailment; (b) systemwide curtailment as a percent of priority of service and (c) system wide curtailment as a percent of total requirements.

(5) A discussion of problem situations which occurred during the 1977-78 winter and a description of what steps have been taken to avoid such problems in the impending winter season. Also compare such winter with possible occurrences during the type of winter as specified in (2)(a) (ii) and (iii) above.

The Commission will further require that the captioned pipelines make parties to the above-styled proceedings distribute copies of this order to their distribution company customers and direct industrial customers.³ Concurrently therewith, the pipelines are to request that these customers provide to them a list of their customers that may be forced to shut down this winter because they lack either a supply of alternate fuel or alternate fuel equipment to off-set projected natural gas curtailments on a normal and "colder than normal winter period" as specified in (2)(a) (ii) and (iii) above.

The following data shall be supplied where industrial shut down is indicated:

³Respondent pipelines that are the customers of other pipelines named as respondents herein need file this data only in their own docket if one exists.

(1) The amount of additional gas supply needed for each distributor or direct industrial customers to avoid plant shutdown during each month of the 1978-79 winter period, including appropriate supporting data from distributors based on the needs of each commercial or industrial consumer that may be forced to shut down due to curtailment this winter. Indicate the approximate number of days of shutdown for each consumer on the basis of colder than normal weather as described above.

(2) For each distributor and consumer faced with the prospect of plant shutdown, list all self-help measures which have been undertaken to date, and other self-help measures which are planned to avoid shutdown, including actions by State authorities.

(3) List for each pipeline and distributor with projected shutdown problems, all existing and proposed contingency plans to mitigate effects of plant shutdown next winter.

The distribution customers that must be called upon to provide the information requested herein should file this data with their respective jurisdictional pipeline suppliers on or before June 30, 1978. The Commission will require that the pipelines file their reports, predicated upon this information and the testimony related thereto with the Commission by July 14, 1978. The reports submitted by the respondent pipelines are to both analyze and collate the data referred to and should be more than a mere accumulation of the mass data collected. If the filings by the pipelines are fashioned as requested, the task of assessing and providing an appropriate overview of the curtailment impact this winter by the Commission will be expedited. In the event that a distributor fails to provide the requested information, the Commission may be required to conclude that commercial and industrial customers served by such distributor will not have fuel deficiency problems that may force them to shut down during the impending winter months. The respondent pipelines to these proceedings shall provide the corresponding information requested from the distributors for their own direct industrial customers.

In the event that hearings are convened with respect to particular pipelines, it is the purpose of this Commission to assure that the reports and other data presented at the hearing that we have required in this order are properly incorporated into the formal hearing record. This will facilitate the task of the Commission staff who in turn will be charged with the task of making and tendering its own report predicated upon the data obtained subsequent to the conclusion of the last hearing that may be conducted in these proceedings. No useful purpose will be served by requiring that strict evidentiary and procedural rules be followed that might tend to either delay the proceedings or preclude the introduction of the data called for

herein by the Commission into the hearing record. It would also not serve the purposes of the Commission to permit any hearing that may be conducted in conjunction with these proceedings to linger needlessly, or encompass issues contained within ongoing curtailment dockets.

The Commission recognizes that the possibility of convening of hearings within a short time period is an undertaking which will cause our Staff and other parties scheduling difficulties. We shall therefore provide that any hearings that are to be conducted with respect to the respondent pipelines are to be held during July and early August 1978 and we shall direct that any hearings required to be held with respect to these proceedings be scheduled by the Chief Administrative Law Judge during those months. In order to provide that scheduling flexibility be assured with a minimization of effort we shall provide that the Secretary may by notice reschedule any proceeding set for hearing in the event that any difficulties with data or pipeline reports submitted can be eliminated between the submission date and hearing date.

Since the focus of these hearings is directed toward the accumulation of data which is wholly factual by nature, we shall forego the filing of briefs normally contemplated by the Commission. Instead we shall call upon our staff and the other parties to file with the Commission by September 18, 1978, summary memoranda in which the data presented in these proceedings is analyzed and in which any party may be free to tender any comments that he feels warranted in light of the facts and data developed in such hearing.

In light of the fact that there may exist certain common elements of interest between the above-styled proceedings and the curtailment proceedings that are currently in various stages of determination relative to the aforementioned pipelines, we shall automatically permit any party permitted to intervene in such proceedings the right to intervene and to have all the rights of a party in the corresponding pipeline proceeding instituted herein.⁴ Appropriate provision will

⁴The curtailment proceedings relating to the 29 pipelines named in the caption of this order are as follows:

Alabama-Tennessee Natural Gas Co., Docket No. RP74-42.

Arkansas-Louisiana Gas Co., Docket No. RP71-122.

Cities Service Gas Co., Docket No. RP75-62.

Columbia Gas Transmission Corp., Docket No. RP72-89.

East Tennessee Natural Gas Co., Docket No. RP75-28.

Eastern Shore Natural Gas Co., Docket Nos. RP71-121, and RP72-21.

be made for other persons interested or desiring to intervene in the above-styled proceedings.

The Economic Regulatory Administration (ERA) and the Energy Information Administration (EIA)⁵ are invited to fully participate and are requested to provide for the record in these proceedings State and regional information relative to alternate fuel availability for the forthcoming winter-heating season. State energy agencies and State public service commissions are also requested to participate and to provide information relating to: (1) the lack of alternate fuel capabilities of end-users in areas subject to their jurisdiction, and; (2) local conservation measures that are either di-

El Paso Natural Gas Co., Docket No. RP72-6.

Northwest Pipeline Corp., Docket No. RP74-49.

Panhandle Eastern Pipe Line Co., Docket No. RP71-119.

Tennessee Natural Gas Lines, Inc., Docket No. RP74-54.

Texas Eastern Transmission Corp., Docket Nos. RP71-130, RP72-58.

Texas Gas Transmission Corp., Docket No. RP72-64.

Transcontinental Gas Pipe Line Corp., Docket No. RP72-99.

Transwestern Pipeline Co., Docket No. RP73-101.

Trunkline Gas Co., Docket No. RP71-100.

United Gas Pipe Line Co., Docket Nos. RP71-29, RP71-120.

Algonquin Gas Transmission Co., Docket Nos. RP71-131 et al.

Equitable Gas Co., Docket No. (none assigned).

Colorado Interstate Gas Co., Docket No. RP72-122.

Consolidated Gas Supply Corp., Docket No. RP77-29.

Florida Gas Transmission Co., Docket Nos. RP71-128, RP75-79.

Michigan Wisconsin Pipe Line Co., Docket No. RP76-50.

Midwestern Gas Transmission Co., Docket Nos. RP74-29, RP74-69.

Mississippi River Commission Corp., Docket No. RP73-6.

National Fuel Gas Supply Corp., Docket No. RP74-100.

Natural Gas Pipeline Co. of America, Docket No. RP70-42.

Northern Natural Gas Co., Docket Nos. RP74-102, and RP76-52.

Southern Natural Gas Co., Docket Nos. RP72-74, and RP74-6.

Tennessee Gas Pipeline Co., Docket No. RP74-24.

⁵Economic Regulatory Administration and Energy Information Administration of the Department of Energy (the Department of Energy Organization Act, Pub. L. 95-91, 91 Stat. 565 (August 4, 1977)). Even though the convening of these proceedings is for the purpose of providing a vehicle to enable the Commission to acquire the data it needs to fulfill its obligation under the Natural Gas Act to assure adequate gas service, it will also utilize data not called for herein, available from components of the DOE, thereby avoiding any duplication of efforts in collecting information required to analyze adverse curtailment impact projected for the forthcoming winter.

rected or coordinated by them to offset the impact of the natural gas shortage; (3) problem situations of which they are aware. All others, including interested Federal and State agencies are also invited to participate in these proceedings.

The Commission finds: (1) It is in the public interest and consistent with the purposes of the Natural Gas Act to schedule hearings in certain of the proceedings hereinabove named, for the purpose of determining the impact of projected curtailments of natural gas deliveries over the 1978-79 winter-heating season.

(2) It is in the public interest to allow all persons permitted to intervene in the corresponding pipeline curtailment proceedings set forth in the text of this order permission to intervene in the corresponding proceeding instituted by this order.

The Commission orders: (A) Pursuant to the authority conferred upon the Commission under the Natural Gas Act, particularly secs. 4, 5, 7, 14, and 15 hearings shall be scheduled to be held as provided in ordering paragraph (B) hereof in the above-styled proceedings in order to determine the impact of projected curtailment for the 1978-1979 winter heating season.

(B) The hearing provided for in ordering paragraph (A) shall be convened at such times and places as provided for in a notice to be issued by the Secretary after receipt of a recommendation made by the General Counsel and the Director of the Office of Pipeline and Producer Regulation after consultation on this matter with the Chief Administrative Law Judge. The Commission contemplates that in a number of instances, formal hearings may not be necessary and the Secretary shall be so advised by the General Counsel after consultation with OPR, and in such event, no hearing will be convened by the Secretary. In formulating the hearing schedule to be undertaken by the General Counsel and the Director of the Office of Pipeline and Producer Regulation, manpower resources and work schedule demands of the Office of Administrative Law Judges will be given full consideration.

(C) An administrative Law Judge to be designated by the Chief Administrative Law Judge shall preside over the hearings that will be scheduled in the above-styled proceedings noted above in ordering paragraphs (A) and (B) and shall prescribe relevant procedural matters not herein provided and assure the development of an adequate record with the incorporation therein of the information sought and requested by the Commission in the text of this order.

(D) Each of the respondent pipelines designated in this order shall provide on a best efforts basis, the information

called for in the body of this order no later than July 14, 1978. All parties to the instant proceedings are hereby requested and all customers of the respective pipeline companies are hereby urged to provide their pipeline suppliers with the necessary information by June 30, 1978, to enable the pipelines to comply with this order. Copies of the aforementioned data shall be served, upon the appropriate state regulatory bodies.

(E) An analysis in memorandum form of the information obtained in these proceedings shall be presented to the Commission by the Commission staff and other interested parties desiring to submit such memorandum or comments to the Commission by September 18, 1978.

(F) All parties previously granted intervention in the curtailment proceedings set forth in the text of this order are permitted to intervene in and participate in the corresponding pipeline proceeding that has been instituted by this order subject to the rules and regulations of the Commission; *Provided, however*, That the participation of such interveners shall be limited to matters affecting rights and interests specifically set forth in their petitions to intervene in the aforementioned curtailment proceedings, and *provided, further*, That the admission of such interveners shall not be construed by the Commission that subject interveners might be aggrieved because of any order or orders issued by the Commission in these proceedings.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-15821 Filed 6-7-78; 8:45 am]

[6740-02]

(Project Nos. 2284 and 2834)

CENTRAL MAINE POWER CO.

Application for New License for Constructed Project and Amendment of License

JUNE 2, 1978.

Take notice that applications were filed with the Federal Energy Regulatory Commission by the Central Maine Power Co. (correspondence to: Charles E. Monty, Senior Vice President, Engineering and Production, Central Maine Power Co., Edison Drive, Augusta, Maine 04336; and copy to: Seward B. Brewster, General Counsel, same address): (1) on January 11, 1978, for the proposed Brunswick hydroelectric project, FERC No. 2834, and (2) on May 8, 1978, for amendment to the license for the existing Brunswick-Topsham project No. 2284, on the Androscoggin River in the towns of Brunswick (Cumberland County) and Topsham (Sagadahoc County), Maine. The proposed Brun-

wick project No. 2834 would be built at the site of the existing licensed 2.3 MW Brunswick-Topsham project, FERC No. 2284. In view of the extensive redevelopment proposed, applicant is requesting a new 50-year license for project No. 2834.

Project No. 2284 consists of: *Brunswick*—A lower dam comprised of two timber crib overflow sections and a short concrete masonry nonoverflow section connecting to the powerhouse on the right bank; a reservoir, with an area of about 12 acres and normal water surface at elevation 17.4 feet (USGS) contained within the river banks; a powerhouse containing four 483-horsepower turbines connected to three 375-kilowatt generators and one 348-kilowatt generator; step-up transformers; and appurtenant facilities;

Topsham—An upper dam comprised of two concrete and one timber crib sections; two intake sections, one on each shore; a reservoir, with an area of about 300 acres and normal water surface at elevation 39 feet (USGS), extending upstream about 4 1/4 miles; an enclosed concrete flume extending from the left bank intake to a powerhouse containing three 400-horsepower turbines each connected to a 300-kilowatt generator; an overhead circuit to a nonproject substation; semiautomatic control equipment; step-up transformer; and appurtenant facilities.

Applicant requests that the license for project No. 2284 be amended by changing the expiration date of the license from December 31, 1993, to five (5) months after issuance of the new license for project No. 2834 to allow continued operation of the existing project during initial construction stages of project No. 2834.

Project No. 2284 would also be subject to Federal takeover under sections 14 and 15 of the Federal Power Act.

The applicant has calculated that the estimated net investment would amount to \$496,576 as of December 31, 1977. The applicant estimated severance damages as of December 31, 1977, would amount to \$175,000. The taxes paid by the applicant for 1977 amounted to \$38,190.48.

Existing project facilities licensed under project No. 2284 to be retained in the redevelopment for project No. 2834 consist of: (1) the wood crib dam located between Shad Island and Topsham (the wood crib dam is to be reduced in height to 14.2 feet msl and used as a fish barrier. The remaining portion of the lower dam extending between Shad Island and Brunswick and the integral powerhouse are to be removed); and (2) an existing 3-foot high, 20-foot long concrete fish barrier weir across Granny Hole stream.

New project facilities to be constructed as part of project No. 2834 would consist of: (1) a concrete dam 35

feet high and 605 feet long in the same location as, and replacing, the existing upper dam and powerhouse; (2) a reservoir having a surface area of 300 acres at a normal water surface elevation of 39.4 feet msl and extending 4.5 miles upstream; (3) a powerhouse and intake structure integral with the dam, located adjacent to the Brunswick shoreline, containing a single turbine and generator having an installed capacity of 12 MW; (4) a fishway adjacent to the new powerhouse; (5) a 21-foot high fish barrier wall between the new dam and Shad Island; and (6) appurtenant facilities. The total cost of the project is estimated at \$13,500,000.

The applicant proposed to designate lands in the project area for future recreational use when esthetic and water quality conditions improve. Some fishing by boat will continue to be practical from an existing municipal boat launching ramp located 0.4 mile below the U.S. Highway 201 Bridge.

Applicant intends to use all of the power developed at the project in the applicant's distribution system for sale to its customers.

Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before July 31, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15819 Filed 6-7-78; 8:45 am]

[6740-02]

[Docket Nos. RP78-19, RP78-20]

COLUMBIA GULF TRANSMISSION CO. AND
COLUMBIA GAS TRANSMISSION CORP.

Order Accepting for Filing and Permitting To Become Effective Revised Tariff Sheets and Rejecting Revised Tariff Sheets Without Prejudice

MAY 31, 1978.

On May 1, 1978, Columbia Gulf Transmission Co. (Columbia Gulf) in Docket No. RP78-19 and Columbia

Gas Transmission Corp. (Columbia) in Docket No. RP78-20 tendered for filing certain revised tariff sheets shown in the Appendix to this order and moved that these be made effective subject to refund on June 1, 1978 in substitution for the tariff sheets reflecting general rate increases that were previously accepted for filing and suspended for five months until June 1, 1978. For the reasons discussed below, Columbia Gulf's proposed tariff sheets will be accepted for filing and permitted to become effective on June 1, 1978. Columbia's proposed tariff sheets will be rejected without prejudice to the submission of further revised tariff sheets, in compliance with the terms of this order, to be effective on June 1, 1978.

The original tariff sheets were tendered in these dockets on November 30, 1977. They reflect general rate increases of approximately \$94.0 million for Columbia and \$9.1 million for Columbia Gulf, above the rates in settlement agreements in Docket Nos. RP76-94 and RP76-95 that were approved by letter order issued March 16, 1978. By order issued December 30, 1977, in Docket Nos. RP78-19 and RP78-20, these dockets were consolidated and the proposed rate increases were suspended for five months, until June 1, 1978, subject to certain conditions concerning the anticipated commencement of deliveries of revaporized LNG to Columbia by Columbia LNG Corp. Pursuant to that order, on March 30, 1978, Columbia filed "interim rates" to be effective from commencement of LNG deliveries through May 31, 1978. By letter order of April 28, 1978, these rates were accepted and permitted to become effective, subject to refund and several conditions including a requirement that the originally suspended rates in Docket Nos. RP78-19 and RP78-20 be adjusted to exclude the costs of any facilities not certificated and placed in service by the end of the test period, April 30, 1978.

In compliance with that condition, Columbia Gulf has tendered revised tariff sheets reflecting the exclusion of costs attributable to facilities that were not in service by April 30, 1978. There are no other adjustments. Accordingly, Columbia Gulf's revised tariff sheets will be accepted for filing and permitted to become effective, subject to refund, on June 1, 1978.

The revised tariff sheets tendered on Columbia on May 1, 1978, also reflect the exclusion of costs attributable to facilities that were not in service on April 30, 1978. There are a number of other adjustments in the filing affecting the rates now under suspension.

The Commission has been advised that deliveries of regasified LNG to Columbia began on May 20, 1978.

These include: (1) decreases in gas purchase and transportation costs attributable to transportation arrangements that were not in effect by the end of the test period; (2) elimination of costs attributable to Columbia's Crawford Storage Field, approximately \$5.5 million, that were included in the originally proposed rates but will now be recovered under a separate rate schedule permitted by the order issued April 10, 1978, in Docket No. CP77-636 and included in the revised tariff sheets tendered on May 1, 1978 (First Revised Sheet No. 16A); (3) a reduction of the advance payments included in rate base by \$21.0 million to reflect the estimated balance at the end of the test period; and (4) a reduction in the "new gas" cost of service of approximately \$1.4 million that reflects the exclusion of facilities not in service during the test period and a reallocation of indirect costs based on the overall adjustments to the cost of service.

Columbia has also revised the suspended rates to include the rate increases under its Purchased Gas Adjustment (PGA) provision that have been accepted during the current suspension period and are now being collected subject to refund in Docket No. RP73-65 (PGA78-1, et seq.), as well as a surcharge of 0.12 cents per Mcf for research, development and demonstration (RD&D) Funding to the Gas Research Institute (GRI) resulting from Opinion No. 11 issued March 31, 1978 in Docket No. RP77-14. Most important, Columbia has reduced by 50 Bcf the test period sales level used in designing the proposed rates, from 1007 Bcf to 957 Bcf. Through this reduction to the sales level in its filing of May 1, 1978, Columbia proposes an increase over the original filing of approximately 0.18 cents per Mcf in the average unit cost of all sales.

Columbia's revised tariff sheets will be rejected and its motion to make those sheets effective will be denied. Section 154.66(b) of the Regulations provides that changes in tariffs under suspension may not be made except by "special permission" of the Commission for "good cause shown". We decline to grant Columbia special permission to decrease the original sales level and thus increase the suspended rates as expressed on an average unit cost basis. Columbia claims that the proposed reduction in estimated sales is directly associated with the failure to place certain facilities in service and to finalize certain gas transportation arrangements by the end of the test period. However, Columbia has not demonstrated that this asserted deficiency will not be offset by the substitution of supplies from other sources.

Unlike the other proposed adjustments, which are revisions of the costs of service and can be ascertained with

some precision at the particular date on which the nine month test period ends, the appropriate sales volume level should reflect the best single estimate of total deliveries from all sources of supply over the twelve months following the end of the test period. We note that Columbia's most recent Form No. 16 report, filed on May 1, 1978, shows the availability of significant additional supplies that were not included in Columbia's sales estimates used in the design of the originally proposed or currently revised rates.

Our rejection of these tariff sheets is without prejudice to the resubmission of revised tariff sheets, to be effective June 1, 1978, which are based on the cost of service as revised in the filing of May 1, 1978, and on the sales volume level included in Columbia's original filing of November 30, 1977. These revised tariff sheets may reflect the several PGA rate increases that become effective during this suspension period and the GRI funding surcharge, upon condition that Columbia comply with the terms of any future orders concerning the applicable PGA rate increases and the GRI surcharge. Finally, we reiterate that Columbia shall comply with the conditions already stated in the letter order of April 28, 1978 in these dockets, that the suspended rates in Docket No. RP78-20 be revised to exclude all costs related to revaporized LNG supply, if by June 1, 1978, deliveries of LNG by Columbia LNG do not commence and continue on a regularly scheduled basis.

The Commission finds: (1) Good cause has been shown to grant special permission to Columbia Gulf to revise the tariff sheets that it filed in these dockets on November 30, 1978, and to permit the revised tariff sheets filed by Columbia Gulf on May 1, 1978, to become effective, subject to refund, on June 1, 1978.

(2) It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act and the Commission's regulations that the revised tariff sheets filed by Columbia in these dockets on May 1, 1978, be rejected without prejudice to the resubmission of revised tariff sheets in compliance with the orders in these dockets.

The Commission orders: (A) The revised tariff sheets filed by Columbia Gulf in these dockets on May 1, 1978, are hereby accepted for filing in substitution for the tariff sheets originally filed by Columbia Gulf on November 30, 1978, and are hereby permitted to become effective, subject to refund, on June 1, 1978.

(B) The revised tariff sheets filed by Columbia on May 1, 1978, are hereby rejected and Columbia's motion to make effective is hereby denied.

(C) Rejection of Columbia's revised tariff sheet is without prejudice to the resubmission of revised tariff sheets, to become effective, subject to refund, on June 1, 1978, that are based on the cost of service in the revised filing of May 1, 1978, and on the sales level in the original filing of November 30, 1977, and that comply with the conditions stated in the orders in these dockets.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

APPENDIX—TARIFF SHEETS FILED MAY 1, 1978

BY COLUMBIA GULF—DOCKET NO. RP78-19

Original Volume No. 1

Substitute Twenty-Fourth Revised Sheet No. 7.

Original Volume No. 2

Substitute Fifth Revised Sheet No. 72.
Substitute Fifth Revised Sheet No. 73.
Substitute Second Revised Sheet No. 92.
Substitute Second Revised Sheet No. 93.
Substitute Second Revised Sheet No. 126.
Substitute Third Revised Sheet No. 145.
Substitute Third Revised Sheet No. 146.
Substitute Second Revised Sheet No. 256.
Substitute Second Revised Sheet No. 263.
Substitute First Revised Sheet No. 278.
Substitute First Revised Sheet No. 320.
Substitute First Revised Sheet No. 337.
Substitute First Revised Sheet No. 338.
Substitute First Revised Sheet No. 386.
Substitute First Revised Sheet No. 387.
Substitute First Revised Sheet No. 417.
Substitute First Revised Sheet No. 440.
Substitute First Revised Sheet No. 493.

BY COLUMBIA—DOCKET NO. RP78-20

Original Volume No. 1

Forty-Fourth Revised No. 16.
First Revised Sheet No. 16A.

[FR Doc. 78-15820 Filed 6-7-78; 8:45 am]

[6740-02]

(Docket No. CI78-621)

DIXEL RESOURCES INC.

Petition for Declaratory Order or Alternative Relief

MAY 31, 1978.

On April 6, 1978, Dixel Resources Inc. (Dixel) filed a petition pursuant to Section 1.7(c) of the Commission's Rules of Practice and Procedure requesting issuance of an order by the Commission declaring that Dixel is free from Commission jurisdiction and is able to sell natural gas from certain acreage in Jackson County, Tex. in the intrastate market without fear of possible violation of the Natural Gas Act.

Dixel stated that in 1952, the Atlantic Refining Co. (Atlantic) leased from H. E. Neuhaus, et al., approximately

4,692 acres in the Lavaca and Jackson Counties, Tex. for the purpose of exploring for and developing the oil and natural gas reserves thereunder. From 1952 until 1975, Atlantic completed only one well on the subject acreage from which natural gas was sold to Texas Eastern Transmission Corp. (Texas Eastern) by contract dated March 1, 1956. A certificate of public convenience and necessity was issued by the Federal Power Commission (FPC) in Docket No. G-10739, authorizing Atlantic to sell such gas in interstate commerce under its FPC Gas Rate Schedule No. 160. The single well which Atlantic was able to complete produced from the Wilcox formation at a depth of approximately 9,000 feet on a portion of the lease in Lavaca County. No other wells were completed on the remaining acreage.

Dixel further states that in 1973, W. H. Borchers, et al., succeeded to the interests of H. E. Neuhaus, et al., in the subject acreage and sought to have the Atlantic Ritchfield Co. (ARCO), Atlantic's successor-in-interest, develop the previously nonproducing acreage or to release that portion of the 4,692 acres on which ARCO had failed to discover and develop any gas reserves. On May 21, 1975, Atlantic released its leasehold interest in 4,052 acres. Thereafter, on February 2, 1976, Texas Eastern executed with ARCO an amendment to their gas purchase contract to reflect the release of the unproductive 4,052 acres. On September 10, 1978, upon expiration of the 20-year gas purchase contract with Texas Eastern, ARCO entered into a renewal contract covering its interest in the retained 640 acre tract.

Finally, Dixel stated that on August 21, 1975, Dixel leased from W. H. Borchers, et al. 640 acres in Jackson County, Tex., which was part of the 4,052 acres released by ARCO on May 21, 1975. Dixel proposes to sell natural gas from three wells drilled into previously undiscovered reservoirs at depth of approximately 4,500 feet. In reliance upon the decision rendered by the United States Court of Appeals for the Tenth Circuit in *Billy J. McCombs, et al. v. FERC*, No. 75-1829, issued February 9, 1978, and the decision rendered by the United States Court of Appeals for the Fifth Circuit in *Southland Royalty Co., et al. v. FPC*, Nos. 75-3373, et al., issued December 13, 1976, Dixel now proposes to sell the gas from the released 640 acre tract to LoVaca Gathering Co. However, Dixel seeks Commission assurances that it will not be in violation of Section 7(b) of the Natural Gas Act by making such a sale in the intrastate market. In the alternative, Dixel asks that the Commission permit the sale in the intrastate market, subject to payback of volumes by Dixel, pending a final decision by the United States Supreme

Court in either the *McCombs* or *Southland* cases. A second suggested alternative would be for the Commission to order the sale of gas to Texas Eastern, subject to payback by Texas Eastern if either the *McCombs* or *Southland* decisions is upheld.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-15822 Filed 6-7-78; 8:45 am]

[6740-02]

(Docket Nos. ER78-19 and ER78-81 (Phase I))

FLORIDA POWER & LIGHT CO.

Order Providing Status Report on Expedited Proceeding and Giving Notice of Intention To Act

JUNE 1, 1978.

By order of December 30, 1977, the Commission, inter alia, accepted for filing, suspended for the full five months statutory period, and set for expedited and consolidated hearing and decision (1) in docket No. ER78-19 the availability clauses of Florida Power & Light Co.'s (FP&L) full (SR-2) and partial (PR) requirements wholesale rates first filed by FP&L on October 14, 1977, and (2) in docket No. ER78-81 FP&L's December 1, 1977, notice of cancellation of firm partial requirements service to the city of Homestead, Fla. In ordering paragraph (L) of that order, the Commission provided that a "decision on these issues should be rendered prior to the expiration of the suspensions," that being by June 1, 1978. The Commission set this expedited course "due to the potential anticompetitive impact of FP&L's purportedly restrictive availability provisions." (Id., at 6.)

The Presiding Administrative Law Judge and the parties thereafter embarked upon an expedited schedule which entailed the following procedural steps: hearings from March 15 through 28, 1978; initial briefs on April 7, 1978; reply briefs on April 12, 1978; initial decision on April 21, 1978;

briefs on exceptions on May 8, 1978; and briefs opposing exceptions on May 12, 1978.

The magnitude of the record certified to the Commission is beyond the Commission's contemplation as of its December 30, 1977, hearing order, supra, and makes it difficult, if not impossible, for the Commission to render a comprehensive and well-reasoned decision by June 1, 1978. In light of the seriousness of the allegations of anticompetitive impact raised by Staff and FP&L's wholesale customers, the public interest would not be well served by a decision truncated to meet the previously set June 1, 1978, date. This is especially true because at the moment it does not appear that irreparable harm would result from our final order not being issued by June 1, 1978. Nevertheless, we herein state our intention to complete our deliberation in this consolidated proceeding as soon as possible and to issue a final decision in the very near future.

Serious allegations of anticompetitive intent and effect have been raised on this record. Without ruling on the merits at this time, we do urge FP&L to refrain from implementing the availability provisions of the SR-2 and PR tariffs pending a final Commission decision. Since we are committed to giving this case precedence in order to render a decision very soon after June 1, 1978, FP&L would not be prejudiced by such a voluntary act which would avoid the need for remedial action if the Commission were ultimately to rule that the availability provisions are unjust, unreasonable or unduly discriminatory. This same Commission request for restraint on the part of FP&L also applies to the related notice of cancellation of service to Homestead. Even though it presently appears that Homestead's existing generation capacity and other sources of bulk power supply would obviate the possibility of actual service interruption to Homestead's retail customers in the event FP&L exercised cancellation on June 1, 1978, the Commission would stand ready to immediately seek from the Department of Energy the exercise of the emergency interconnection authority under section 202(c) of the Federal Power Act if service interruption becomes even a possibility. Such an eventuality could best be avoided if FP&L voluntarily refrains from cancelling PR service to Homestead on June 1.

The Commission finds and orders: The previously stated schedule for a final Commission decision by June 1, 1978, is no longer feasible, but it is the Commission's intention to issue a final decision as soon after June 1, 1978, as is possible, consistent with the tenets of reasoned decisionmaking.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15823 Filed 6-7-78; 8:45 am]

[6740-02]

(Docket No. ER77-531)

ILLINOIS POWER CO.

Order Granting Rehearing

JUNE 2, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary of the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

On February 28, 1978, the Illinois Power Co. (hereinafter referred to as IP or Company) filed with the Commission a document entitled Motion for an Order Granting Leave To Collect a Rate Level Different From That Provided in a Filed Rate Schedule. In support thereof, IP indicated that on July 29, 1977, it tendered for filing a proposed rate increase applicable to the village of Ladd, the city of Oglesby, and the Cedar Point Light & Water Co. By order issued September 23, 1977, the Commission accepted the proposed rates for filing and suspended their effectiveness for 5 months, until March 1, 1978.

The Company stated that after a settlement conference held on Febru-

ary 8, 1978, it forwarded an offer of settlement to the customers involved in this proceeding "to resolve the differences that exist between the parties." IP proposed to charge the customers the amount that it would recover under its settlement offer pending a resolution of the issues by settlement or decision by the Commission. The settlement rate reduced the Company's filed rate increase from \$176,479 to \$83,864.

By order issued March 30, 1978, the Commission granted IP's motion. The Commission stated, "Allowing IP's requested rates to become effective subject to refund will significantly reduce the magnitude of the proposed increase to apply to the customers in this proceeding." However, the Commission's acceptance of IP's motion was predicated on its construction of the motion as one for authority to substitute IP's proposed settlement rates for the rates it initially filed on July 29, 1977 (\$176,479). The Commission accepted the \$83,864 rate for filing and suspended it for one day to become effective March 1, 1978, subject to refund. IP was directed to file with the Commission within 15 days of the issuance of the order, a revised rate schedule reflecting the reduction in the proposed increase.

On April 14, 1978, the Company filed its petition for rehearing of the Commission's March 30, 1978, order alleging that:

- (1) The Commission misconstrued Illinois Power's filing as a motion for authority to substitute its proposed electric rate schedules containing a lower rate for the rate schedules it initially filed, and
- (2) The Commission misconstrued Illinois Power's filing as a unilateral reduction of its requested rate increase.

IP argues that its motion was not intended to nor in fact requested authority to substitute a new rate schedule for its originally filed rate schedule. It maintains that its motion was narrowly drawn to request only that authority contemplated by § 35.1(e) which provides:

No public utility shall, directly or indirectly, demand, charge, collect or receive any rate, charge or compensation for or in connection with electric service subject to the jurisdiction of the Commission, or impose any classification, practice, rule, regulation or contract with respect thereto, which is different from that provided in a rate schedule required to be on file with the Commission unless otherwise specifically provided by order of the Commission for good cause shown. (Emphasis added by IP.)

The Company avers that its motion was intended to encourage settlement, not to unilaterally reduce the rate increase originally requested. It states that it did not believe that it was desirable to require the customers to pay more than the settlement rate, only to refund the excess, with interest, after

settlement was reached. IP maintains that a unilateral filing of a reduced rate request would remove the customers' incentive to settle; they would have nothing to lose by continued litigation.

IP requests that the Commission modify its Order of March 30, 1978, in one of the following ways:

- (1) Withdraw the order to file a new rate schedule, reinstate Illinois Power's original rate increase request, and grant only the limited authority to collect a rate different from that provided in a filed rate schedule pursuant to § 35.1(e);
- (2) If the request for an order pursuant to § 35.1(e) is denied and the order to file a new rate schedule is allowed to stand, Illinois Power requests that its original rate increase request be reinstated, and that the Commission affirm that its Order does not require the waiver of any issues or the filing of a new direct case; or
- (3) If the Commission denies the relief requested in paragraphs (1) and (2), Illinois Power requests that its motion be treated as withdrawn with the effect that the rates filed July 29, 1977, would be effective on and after March 1, 1978.

On May 12, 1978, the Commission issued an order granting rehearing for further consideration to afford additional time for consideration of the issues raised in IP's filing.

As a general proposition, the party drafting a document has the burden of making its intentions known by clear and unambiguous language. For instance, with respect to contracts, a noted authority states:

Since one who speaks or writes can by exactness of expression more easily prevent mistakes in meaning, than one with whom he is dealing, doubts arising from ambiguity of language are resolved in favor of the latter. Williston On Contracts, Third Edition, Section 621, 1961 edition.

While the Company has filed a motion for Commission approval rather than a contract, that principle applies with equal force here. The Company has the burden of expressing itself clearly in order for the Commission to afford the contemplated relief.

In its motion filed on February 28, 1978, the Company requested that the Commission allow it to collect a rate lower than the rate level filed in this proceeding pending a resolution of this case either by Commission approved settlement or by final order ruling upon the issues. While one may assume that the Company implicitly reserved the right to argue for the full \$176,479 if a settlement is not realized, IP's motion does not specifically make such reservation. Furthermore, it is clear that IP's motion contemplates its reduced rates remaining in effect even if a settlement does not eventuate. The rates are to be effective pending a resolution of this case either by Commission approved settlement or by final order ruling upon the issues. In

the context of an adjudicated rate proceeding at this Commission, a final order does not issue until the Commission has had an opportunity to review the Presiding Administrative Law Judge's initial decision.

The Company states that if its proposed settlement rate becomes a new upper limit to its rate increase request, the municipalities will have nothing to lose by continued litigation. It is not clear that the Commission's actions remove the incentive for the municipal customers to settle. They would still be faced with the decision of weighing the litigation costs of proceeding to hearing on the merits against the acceptance of the proffered substitute (settlement) rates.

However, the Commission's action with respect to IP's motion is not premised on any misconception of language or misapprehension of intent. On the contrary, it evinces a Commission policy that refuses to endorse a procedure that invites abuse of Commission process. Companies would be encouraged to file inordinantly high rate increases, seek Commission authority to collect a lesser amount, and retain the ability to argue for the full amount if a settlement does not eventuate. Approval of such a procedure would generate coercive pressure for customers to settle.¹

In order to remove the specter of coercion, the Commission granted IP's motion but required it to file a revised rate schedule to reflect the reduction in rates and held that the lesser amount would constitute the Company's requested rate increase in this docket. If IP's motion had clearly and unequivocally reserved (for it) the right to seek the full \$176,479, the Commission would have denied it.

The Company, the moving party, had an adequate opportunity to clearly and cogently articulate its position. Apparently IP determined that it could reasonably satisfy its revenue requirements with respect to the customers affected herein, with a rate increase of \$83,864, based on estimated usage of the customers for the twelve months ending September 30, 1978 (Period II). Otherwise, it is unlikely that it would have requested Commission authority to collect that amount in lieu of the \$176,479 it could legally collect.

On the basis of what was before it, the Commission, acting reasonably and in good faith, granted the relief that it could afford consonant with its authority under the Federal Power Act and its outstanding obligation to the public interest.

¹This does not constitute Commission prejudgment of IP's initially filed rate increase, it merely illustrates the precedential effect of Commission approval of such a procedure.

The Commission, based on IP's allegation that its intent was not to file a substitute rate, will grant rehearing in this proceeding and deem the Company's motion withdrawn. The Company's statement of intent contained in its petition for rehearing removes any ambiguity that may have existed with respect to the contemplated effect of its motion. Consequently, the rates initially filed by IP on July 29, 1977, are effective as of March 1, 1978, subject to refund.

The Commission finds: Good cause exists to grant IP's petition for rehearing.

The Commission orders: (A) IP's petition for rehearing is hereby granted.

(B) IP's rates submitted for filing on July 29, 1977, are hereby deemed effective as of March 1, 1978, subject to refund.

(C) IP's motion is hereby deemed withdrawn.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission. Chairman Curtis, dissenting, filed a separate statement appended hereto.

KENNETH F. PLUMB,
Secretary.

Curtis, Chairman, dissenting:

JUNE 2, 1978.

Whether the applicant was unclear in its original motion filed February 28, 1978, or whether the Commission, in its March 30, 1978 order, misconstrued that motion, is largely irrelevant to the unhappy result reached by the Commission today in requiring the applicant to reinstate its originally filed rate. With applicant's wishes clearly stated in its instant petition, it seems to me that the Commission missed an opportunity to benefit everyone involved, from the ultimate ratepayer to the applicant.

By denying applicant its requested authority to collect a rate lower than that filed, the commission requires the customers of applicant to pay for services rendered at a rate more than twice what was proposed.

Although the Commission's action today is directed at a problem of serious interest to all of us, that is, the risk that regulated companies subject to our jurisdiction may be encouraged to file rate increase requests far in excess of reasonableness, I believe there probably are much better avenues open to us for dealing with that problem.

The rate that applicant proposes to collect is, apparently, the same rate applicant has proposed to its customers in a settlement agreement. The Commission majority, by its order today, raises the specter that to permit this is to aid the applicant in somehow coercing customers to accept a settlement with the threat that, if the proposed settlement is not accepted, applicant will request reinstatement of the originally-requested rate to which they are entitled in any event. In light of our statutory inhibitions from preventing the applicant from collecting what may be an unreasonable rate, I fail to understand how this Commission performs its mission to protect the public interest by refusing to permit them to collect a lower rate. It seems to me that

the Commission majority reaches a result just the opposite of what it intends.

By requiring applicant to collect more than twice the rate it wishes to collect, the Commission places on applicant's customers, and the ultimate ratepayers, a coercive burden of paying what may be unjust and unreasonable rates albeit rates that are subject to refund at interest. It is significant, at least to me, in this regard that, despite notice of applicant's petition for rehearing or modification, there have been no protests or interventions filed by applicant's customers who are presumably observing the proceedings in this docket.

It should be mentioned, too, that, in addition to requiring the ultimate ratepayers to pay at a rate more than twice what applicant now proposes, the majority prohibits applicant from removing whatever cloud may be hanging, during the pendency of this docket, over the revenues which are subject to return to the customers with interest. To the extent that cloud may affect applicant's ability to finance, the majority's order creates a further unhappy result.

I agree with the majority's decision to grant applicant's petition for rehearing but would have modified our March 30, 1978 order, by permitting applicant to reinstate their original rate request and granting to it only limited authority to collect a rate different from that provided in a filed rate schedule pursuant to section 35.1(e).

CHARLES B. CURTIS,
Chairman.

[FR Doc. 78-15824 Filed 6-7-78; 8:45 am]

[6740-02]

[Project No. 2207]

MOSINEE PAPER CORP.

Application for Use of Project Lands and Waters

JUNE 2, 1978.

Public notice is hereby given that an application was filed on January 30, 1978, under the Federal Power Act, 16 U.S.C. 791a-825r, by the Mosinee Paper Corp. (licensee) (correspondence to: James L. Kimerling, Vice President-General Manager, Mosinee Paper Corp., Pulp and Paper Division, Mosinee, Wis. 54455; Lon E. Roberts, Ruder, Ware, Michler & Forester, S.C., P.O. Box 1244, Wausau, Wis. 54401) for use of project lands and water at project No. 2207 known as the Mosinee project. The project is located on the Wisconsin River in Marathon County, Wis.

The licensee seeks Commission approval of use of project lands and waters by Wisconsin Public Service Corp. (WPSC) for the construction and operation of a 300-MW steam electric generating facility to be known as the Weston generating station unit 3. The facility would be constructed adjacent to an existing two-unit coal-fired plant with a capacity of 210 MW.

WPSC proposes to buy in fee simple 96.84 acres of land over which the licensee has flowage easements and are

within the project boundary. These lands are described as government lots 4 and 5, sec. 3, T. 27 N., R. 7 E, town of Kronewetter, Marathon County, Wis.

WPSC proposes to withdraw water from the Wisconsin river to provide makeup water for the facility's closed cycle condenser cooling system. The blowdown water would be returned to the river. The estimated maximum monthly consumptive use of water from the river would be 5.3 cfs. A storm sewer and overflow from the secondary ash settling ponds would also discharge into the river.

The intake structure would be a conventional surface intake about 31 feet wide and 64 feet long with two pumpwells about 37 feet deep. Total capacity of the structure would be 20,000 gpm. A rockfilled ice break extending about 16 feet into the river would be placed on the upstream side of the intake structure.

The river discharge facilities would include: (1) one 30-inch storm sewer; (2) one 8-inch blowdown pipe; and (3) two 30-inch secondary settling pond overflow pipes. Each pipe would be submerged and extend between 14 and 19 feet into the river and would discharge perpendicular to river flow. The estimated discharge from the blowdown pipe would be about 345 gpm and the average outflow from the secondary ash basin would be about 18,000 gpm.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 13, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15825 Filed 6-7-78; 8:45 am]

[6740-02]

[Docket No. CP78-334]

NATIONAL FUEL GAS SUPPLY CORP.

Application

MAY 31, 1978.

Take notice that on May 15, 1978, National Fuel Gas Supply Corp. (ap-

plicant), 10 Lafayette Square, Buffalo, N.Y. 14203, filed in Docket No. CP78-334 and application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities and pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing applicant to acquire certain other facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon through transferring by sale to National Fuel Gas Distribution Corp. (Distribution) certain jurisdictional pipeline segments and associated regulator, measuring and dispatching stations, a building, and certain land rights, which actually serve distribution functions rather than supply functions, it is said. The name and location of each jurisdictional facility proposed to be abandoned is included in the appendix attached hereto.

Applicant states that the consideration to be received by it for properties abandoned by transfer to Distribution would be equal in value to the original cost of such properties net of applicable accumulated reserves and deferred taxes at the date of transfer and would consist of (a) property to be acquired by applicant from Distribution, (b) assumption by Distribution of indebtedness of applicant to the parent company, National Fuel Gas Co., equal to the net book value of property transferred to Distribution less the net book value of property acquired by applicant, in each case reduced by applicable deferred taxes. It is said that on the basis of September 30, 1977, data, such net book value of property to be

acquired by Applicant would be \$481,967.25, and indebtedness assumed by Distribution would be \$2,475,773.37.

In addition, applicant proposes to abandon in place jurisdictional facilities consisting of a booster station and two pipeline segments because the facilities have insignificant salvage value, and their removal could cause adverse environmental impacts; abandonment of the booster station would be effectuated by dismantling and disposing of it as scrap, it is said.

Furthermore, applicant proposes to acquire and operate certain pipeline segments and associated regulator and measuring stations now owned by Distribution which actually serve supply functions rather than distribution functions, it is indicated. Applicant states that the consideration for the property to be acquired by it from Distribution would be a portion of the property to be abandoned and transferred by applicant to Distribution, each valued at original cost net of applicable accumulated reserves and deferred taxes at the date of transfer.

Applicant states that the abandonments and acquisitions proposed herein are necessary to effectuate further the realignment approved by the Federal Power Commission on May 10 and July 10, 1974, in Docket Nos. CP73-294 and CP74-211, and that most of the properties to be abandoned and acquired by applicant serve functions inconsistent with their present ownership.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1978, file with the Federal Energy Regulatory Commission,

Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

APPENDIX

Facility*	Proposed transfer			Reason for transfer	
	Distribution corporation to supply corporation	Supply corporation to distribution corporation	Supply corporation to abandon	Oversight at reorganization	Change of use
1.....		X			X
2.....		X			X
3.....	X				
4.....	X				
5.....		X			
6.....		X			
7.....	X				
8.....		X			
9.....		X			
10.....		X			
11.....		X			
12.....		X			
13.....		X			
14.....	X				
15.....	X				
16.....	X				
17.....	X				
18.....	X				
19.....	X				
20.....	X				
21.....	X				
22.....	X				
23.....	X				
24.....	X				
25.....		X			
26.....		X			

APPENDIX —Continued

Facility*	Proposed transfer			Reason for transfer	
	Distribution corporation to supply corporation	Supply corporation to distribution corporation	Supply corporation to abandon	Oversight at reorganization	Change of use
27.....			X		X
28.....		X			
29.....		X			
30.....			X		
31.....		X			
32.....		X			
33.....		X			
34.....		X			
35.....		X			
36.....		X		X	

*See facility name and location in appendix.

FACILITY NAME AND LOCATION

- (1) Arcade warehouse, garage, office building with land rights, Peter Boldt Road and Route 98, Arcade, N.Y.
- (2) Ensminger booster station, Ensminger Road, town of Tonawanda, N.Y., on line YM-7 between Semet-Solvay and Vicksburg station.
- (3) Various short sections of pipe at Mineral Springs works, 365 Mineral Spring Road, town of West Seneca, N.Y.
- (4) Line YM-3, Seneca Street and Southside Parkway to Mineral Spring works, Buffalo, N.Y.
- (5) Line H, line I, line R, line U, regulator stations RS 4 CG, RS 6 CG, CRS 27T, MS 894 CG, RS 8 CG, RS 9 CG—town of Klanton, RS IT—town of Clymer, RS 2 CG, RS 6 CG, RS 7 CG, RS 3 CG, RS 4 CG, RS 5 CG—town of Busti, RS 5T, MS 898 CG, MS 899 CG—town of Elliott; the part of lines H, I, R, and U located in New York State. Various regulator stations off of these lines in New York State.
- (6) Line KM-4, Mineral Spring works to Bailey and Elk Streets, town of West Seneca and city of Buffalo, N.Y.
- (7) Part of line G, line K to regulator station MN RM IT, town of Mansfield, N.Y.
- (8) Line BM-55 (part), regulator station MN RM 3T to valve No. 10, town of Mansfield, N.Y.
- (9) Line 12-3 (part), all that part of line 12-3 located in the town of Wirt, N.Y., from town of Clarksville to end of line.
- (10) Line YM-7, Semet-Solvay to Vicksburg dispatching station, town of Tonawanda, N.Y.
- (11) District regulator station WS RM 11D, Flohr Avenue, town of West Seneca, N.Y.
- (12) Vicksburg dispatching station, 2295 Sheridan Drive, town of Tonawanda, N.Y.
- (13) Line UM-2 and regulator station TN RM 41X, line UM-2 from Ashland refinery to Vicksburg dispatching station, regulator station TN RM 41X at the Ashland end of line UM-2.
- (14) Line Q, various townships, Warren and Forest Counties; runs from Queens station, Hickory Township, Forest County, to station T No. 1145, Brokenstraw Township, Warren County, Pa.
- (15) Distribution line from Q-M96 to line 2, Brokenstraw Township, Warren County, Pa.; Distribution Corp. line running from line Q to line Q M96.
- (16) Line Q-M96, Brokenstraw Township, Warren County, Pa.; runs from lines D and L to a Distribution Corp. line that is being transferred to Supply Corp.
- (17) 8-inch and 10-inch Distribution line (formerly part of line S) Mercer County, Pa., running from the present Western terminus of NFG Supply Co. line S and Supply

- Co. station T-654 westerly to a valve setting near Supply Co. line NM-50 and then ties into an 8-inch Distribution Corp. line.
- (18) Portion of line Q (former Pennsylvania Gas Co.), Union Township, Erie County, Pa., runs from TGP line to RMPS-1-CG, which is a measuring and control station for gas purchase from TGP at Union City connection.
- (19) Distribution line from station 18 to building housing water well No. 2, Eldred Township, Pa., Jefferson County, Distribution Corp. line running from station 18 to service building housing water well No. 2, Supply Corp.
- (20) Station T-426, Wayne Township, Crawford County, Pa., regulator station tied into TGP line and feeding as to H-M-2.
- (21) Station T-573, Cranberry Township, Venango County, Pa., station running from TGP Co. line to S-M77.
- (22) Line T-M211, Paint Township, Clarion County, Pa., runs from a dead end to Supply Corp. line T-3 and an emergency connection to Distribution Corp. line T-M2.
- (23) Line P-1, Northeast Township, Erie County, Pa.; runs from well lines of local producer to line P, Supply Corp.
- (24) Line C (part) plus various measuring and regulating stations assigned to this line; portion of line to be transferred starts at outlet of station T-No. 263 in Lewis Run Boro, Pa., and proceeds in northerly direction to end of line at Maloney Farm in Bradford, Pa.
- (25) Line H-202, begins at tie with line H-M 190 in Beaver, Pa., ends at station T-No. 698 in Conneaut Township, Pa.
- (26) Line H-M 175 (part), at the Pennsylvania-Ohio State line and extends in southwesterly direction to valve No. 3900 on the east side of Ohio Route 7 in Hartford, Ohio.
- (27) Line H-M 175 (part), west side of valve No. 3900, and extends westerly to end of line all in Hartford, Ohio.
- (28) Miola compressor station, Paint Township, Clarion County, Pa.
- (29) Line R (part), plus various measuring and regulating stations assigned to this line, borough of Ridgway and extends westerly to valve No. 3312 near the Ridgway water works in Ridgway Township, Elk County, Pa.
- (30) Line R (part), west side of valve No. 3312 in Ridgway Township and extends in a westerly direction to tie with station T-No. 442 in Spring Creek Township, Elk County, Pa.
- (31) Line R-M 18, plus measuring and regulating station assigned to line, begins at southern end of NFG Supply Corp. line R-13 in Ridgway, Pa., and proceeds in southerly direction to tie directly into 3-inch distribution line in Horton, Pa.
- (32) Line R-W 5157, begins at Supply Corp. well 5157 in Horton, Pa., and proceeds

- in an easterly direction to its tie with line R-M 18 in Ridgway, Pa.
 - (33) Line T-M 214, plus various measuring and regulating stations assigned to line begins at Ohio-Pennsylvania State line and proceeds in north-westerly direction through Williamsfield and Andover, Ohio, to the end of line south of village of Andover, Ohio.
 - (34) Line Z-44, plus various measuring stations assigned to this line beginning at connection with Kewanee Oil Co. and proceeds in northerly direction to end of line at station T-No. 917, all within the State of Pennsylvania.
 - (35) Line Z-65, plus various measuring stations assigned to this line, begins at purchase point with Felmont Oil Corp. in Sandy, Pa., and proceeds in easterly direction to its connection with line Z-44.
 - (36) Various well and gathering lines, measuring stations, and measuring station structures, western portion of Erie County, Pa.
- [FR Doc. 78-15705 Filed 6-7-78; 8:45 am]
- [6740-02]
- [Project No. 2844]
- PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASH.
- Application for Preliminary Permit
- JUNE 2, 1978.
- Public notice is hereby given that an application for preliminary permit was filed on March 28, 1978, under the Federal Power Act, 16 U.S.C. 791a-825r, by Public Utility District No. 1 of Chelan County, Wash. (applicant) (correspondence to: Mr. Howard C. Elmore, Manager, P.U.D. No. 1 of Chelan County, 327 North Wenatchee Avenue, Wenatchee, Wash. 98801), for the proposed Tumwater hydroelectric project designated as project No. 2844. The project would be located on the Wenatchee River in Chelan County near Leavenworth, Wash.
- The proposed project would consist of the existing Tumwater Dam to be used as a diversion structure, the existing intake structure at the dam, a new steel penstock about 1,400 feet long, a new powerhouse with an installed capacity of 4,000 kW, and a new tailrace channel extending about 400 feet downstream from the powerhouse. A new bridge across the Wenatchee River would provide access to the powerhouse. This development was previously licensed as project No. 572. The power from the project would be used by the applicant to meet its future load requirements.

A preliminary permit does not authorize construction. A permit, if issued, gives the permittee, during the term of the permit, the right of priority of application for license while the permittee undertakes the necessary studies and examinations to determine the engineering and economic feasibility of the proposed project, market for the power, and all other necessary information for inclusion in an application for license.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR 1.8 or 1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

(FR Doc. 78-15826 Filed 6-7-78; 8:45 am)

[6740-02]

[Docket No. CP76-521]

TEXAS GAS TRANSMISSION CORP.

Petition To Amend

MAY 31, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The func-

tions which are the subject of this proceeding were specifically transferred to the FERC by section 402 (a)(1) of the DOE Act.

The joint regulations adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on May 18, 1978, Texas Gas Transmission Corp. (Petitioner), P.O. Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP76-521 a petition to amend the order of December 22, 1976 (56 FPC —) issued by the Federal Power Commission (FPC) in the instant docket pursuant to section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) so as to provide for the transportation of natural gas for The Anaconda Co., Aluminum Division (Anaconda), for an additional two-year period, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that pursuant to the FPC order of December 22, 1976, Petitioner was authorized to transport, on an interruptible basis, and deliver volumes of natural gas to Louisville Gas and Electric Co. (Louisville), for ultimate delivery by Louisville to the Mill Products, Rolling Plant of Anaconda, which plant is located in Louisville, Ky. Petitioner indicates that the natural gas which it presently transports for Anaconda is produced from certain leasehold interests presently owned or controlled by Par Oil Corp. (Par) in the Athens Field, Claiborne Parish, La. Anaconda's gas purchase contract expires by its own terms on June 30, 1978, it is said.

Pursuant to a transportation service agreement dated April 13, 1978 between Petitioner and Anaconda, Petitioner proposes to transport gas for Anaconda for an extended two-year term, commencing July 1, 1978, which gas would be supplied by the American Producing Division of Atlantic Richfield Co. (Atlantic Richfield) under an intercompany-transfer arrangement. It is indicated that Anaconda is a wholly-owned subsidiary of Atlantic Richfield Co. It is stated that the subject gas would be produced from the Katy Field, located in Waller, Harris and Fort Bend Counties, Tex.

It is indicated that such volumes of gas would be delivered to Petitioner for the account of Anaconda by Transcontinental Gas Pipe Line Corp. (Transco) at an existing point of exchange between Petitioner and Transco, located near Mamou, Evangeline Parish, La., or at other mutually

agreeable existing points of exchange between Petitioner and Transco. Petitioner states that it would simultaneously redeliver the volumes of natural gas received from Transco up to 240 Mcf per day to its existing point or points of delivery with Louisville, for ultimate delivery by Louisville to Anaconda's Louisville, Ky., plant. In no event would Petitioner be obligated to deliver on any day an aggregate amount of more than 239,706 Mcf of natural gas at 14 psia through all points of delivery of Petitioner to Louisville.

Petitioner indicates that it would retain 10.34 percent of the volumes received for transportation as makeup for compressor fuel and line loss, which percentage was calculated on an incremental basis for pipeline throughput to and within the rate zone in which the delivery by Petitioner would be made, i.e., Zone 4. Petitioner states that it would also collect an initial charge of 30.36 cents per Mcf for all volumes of natural gas delivered to Louisville for Anaconda's account.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

(FR Doc. 78-15827 Filed 6-7-78; 8:45 am)

[6740-02]

[Docket No. CP76-522]

TEXAS GAS TRANSMISSION CORP.

Petition To Amend

MAY 31, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission

(FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of Section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulations adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on May 17, 1978, Texas Gas Transmission Corp. (Petitioner), P.O. Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP76-522 a petition to amend the order of December 22, 1976 (56 FPC —) issued by the Federal Power Commission (FPC) in the instant docket pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) so as to provide for the transportation of natural gas for The Anaconda Co., Aluminum Division (Anaconda) for an additional two-year period, all as more fully set forth in the petition on file with the Commission and open to public inspection.

It is indicated that pursuant to the FPC order of December 22, 1976 (56 FPC —), Petitioner was authorized to transport, on an interruptible basis, and deliver volumes of natural gas to Louisville Gas and Electric Co. (Louisville), for ultimate delivery by Louisville to the Packaging, Laminating Plant of Anaconda, which plant is located in Louisville, Ky. It is stated that the gas which Petitioner is presently transporting for Anaconda is produced from certain leasehold interest presently owned or controlled by Par Oil Corp. (Par) in the Athens Field, Claiborne Parish, La. Anaconda's Gas Purchase Contract with Par expires by its own terms on June 30, 1978, it is said.

Pursuant to an agreement dated April 13, 1978, between Petitioner and Anaconda, Petitioner proposes to continue to transport gas for Anaconda for an additional 2-year term, commencing July 1, 1978, which gas would be supplied by the American Produc-

ing Division of Atlantic Richfield Co. (Atlantic Richfield) under an intercompany transfer arrangement. Anaconda is a wholly-owned subsidiary of Atlantic Richfield. The subject gas would be produced from the Katy Field, located in Waller, Harris and Fort Bend Counties, Tex.

It is stated that the gas would be delivered to Petitioner for Anaconda's account by Transcontinental Gas Pipe Line Corp. (Transco) at an existing point of exchange between Petitioner and Transco, located near Mamou, Evangeline Parish, La., or at other mutually agreeable existing points of exchange between Petitioner and Transco. Petitioner states that it would simultaneously redeliver the gas received from Transco up to 155 Mcf per day to its existing point or points of delivery with Louisville, for ultimate delivery by Louisville to Anaconda's Louisville, Ky., plant. In no event would Petitioner be obligated to deliver on any day an aggregate amount of more than 239,706 Mcf of natural gas at 14.73 psia through all points of delivery of Petitioner to Louisville.

Petitioner states that it would retain 10.34 percent of the volumes received for transportation as makeup for compressor fuel and line loss, which percentage was calculated on an incremental basis for pipeline throughput to and within the rate zone in which the delivery by Petitioner would be made, i.e., Zone 4. Petitioner further states that it would collect an initial charge of 30.36 cents per Mcf for all volumes of natural gas delivered to Louisville for the account of Anaconda.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

(FR Doc. 78-15828 Filed 6-7-78; 8:45 am)

[6740-02]

[Docket No. CP76-257]

TEXAS GAS TRANSMISSION CORP.

Petition To Amend

MAY 31, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

Take notice that on May 17, 1978, Texas Gas Transmission Corp. (Petitioner), P.O. Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP76-257 a petition to amend the order of May 24, 1976 (55 FPC —) issued by the Federal Power Commission (FPC) in the instant docket pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) so as to provide for the transportation of natural gas for the Anaconda Co., Aluminum Division (Anaconda), for an additional 2-year period, all as more fully set forth in the petition on file with the Commission and open to public inspection.

It is indicated that pursuant to the FPC order of May 24, 1976, Petitioner was authorized to transport, on an interruptible basis, and deliver a volume of natural gas up to 3,840 Mcf per day to Terre Haute Gas Corp. (Terre Haute), for the account of Anaconda, for 2 years, which transportation service commenced July 1, 1976. The proposed volumes which Petitioner is presently transporting for Anaconda are produced from certain leasehold interest presently owned or controlled by Par Oil Corp. in the Athens Field, Claiborne Parish, La., it is stated.

By this petition, Petitioner requests authorization to extend the existing transportation authorization for an additional 2-year period, pursuant to a transportation service agreement dated April 13, 1978, between Petitioner and Anaconda. The volumes of gas proposed to be transported for the additional term would be supplied by the American Producing Division of Atlantic Richfield Co. (Atlantic Richfield) under an intercompany-transfer arrangement, which volumes of gas would be produced from the Katy Field, located in Waller, Harris, and Ft. Bend Counties, Tex., it is stated.

Anaconda is a wholly owned subsidiary of Atlantic Richfield.

It is indicated that the subject gas would be delivered to Petitioner for Anaconda's account by Transcontinental Gas Pipe Line Corp. (Transco) at an existing point of exchange between Texas Gas and Transco, located near Mamou, Evangeline Parish, La., or at other mutually agreeable existing points of exchange between Petitioner and Transco. Petitioner states that it would simultaneously redeliver the volumes of natural gas received from Transco up to 3,840 Mcf per day at 14.73 psia to its existing point or points of delivery with Terre Haute, for ultimate delivery by Terre Haute to Anaconda's Terre Haute, Ind., plant.

Petitioner indicates that it would retain 8.68 percent of the volumes received for transportation as makeup for compressor fuel and line loss, which percentage was calculated on an incremental basis for pipeline throughput to and within the rate zone in which the delivery by Petitioner would be made, i.e., Zone 3. Petitioner states that it would also collect an initial charge of 27.63 cents per Mcf for all volumes of natural gas delivered to Terre Haute for the account of Anaconda.

Any person desiring to be heard or to make any protests with reference to said petition to amend should on or before June 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 of 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

(FR Doc. 78-15829 Filed 6-7-78; 8:45 am)

[6740-02]

(Docket No. CP76-122)

TRANSCONTINENTAL GAS PIPE LINE CORP.

Petition To Amend

MAY 31, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the

Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder, the functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulations adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above-mentioned authorities.

Take notice that on May 19, 1978, transcontinental Gas Pipe Line Corp. (Petitioner), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP76-122 a petition to amend the order of January 13, 1977 (57 FPC —) issued by the Federal Power Commission (FPC) in the instant docket pursuant to section 7(c) of the Natural Gas Act so as to provide for an additional delivery point for the delivery of gas to United Gas Pipe Line Co. (United), all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that pursuant to the order of January 13, 1977, Petitioner was authorized to transport pursuant to a transportation agreement dated February 15, 1976, between the two companies up to 196,640 Mcf of natural gas per day for United from a point of receipt on Petitioner's TG Line (a segment of its Southwest Louisiana Gathering System) near Johnson's Bayou, Cameron Parish, La., to a point of redelivery on the TG line, near Starks, Calcasieu Parish, La., where Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), interconnects with Petitioner's facilities, and to construct and operate the necessary side tap and piping manifolds at the points of receipt and redelivery.

The petition states that in related certificates, Petitioner was authorized in Docket No. CP76-471 to construct and operate compression and metering

facilities at the Starks redelivery point to Tennessee, and that Tennessee was authorized in Docket No. CP77-108 to transport and redeliver gas received at Starks at several interconnections between the two systems in Louisiana and Mississippi. The subject gas which would be transported for United under the foregoing authorizations would be produced in the High Island Area, offshore Texas, and West Cameron Area, offshore Louisiana, and initially transported for United's account through the facilities of the High Island Offshore System (HIOS) and the U-T Offshore System (U-TOS) to the point of receipt on Petitioner's TG Line at Johnson's Bayou, where U-TOS connects with Petitioner's system, it is said. It is indicated that deliveries of United's gas through HIOS and U-TOS to Petitioner's TG Line are expected to begin around May 22, 1978. Petitioner states that United has advised that the initial deliveries of gas which Petitioner would receive at Johnson's Bayou for transportation cannot be delivered efficiently to Tennessee at the Starks connection because the compression facilities which United has installed at the redelivery connection pursuant to the authorization granted in Docket No. CP76-471 have been designed to handle higher rates of flow than the projected level of initial deliveries.

Petitioner indicates that it and United have amended their transportation agreement dated February 15, 1976, by an amendment dated April 27, 1978, in order to provide for the additional delivery point in Victoria County, Tex., at an existing interconnection between the two systems for the redelivery of United's gas on a best efforts basis by Petitioner. It is stated that the additional delivery point can be utilized in rendering the transportation service in the future in the event that United's compression facilities at the primary delivery point at Starks should require repairs or overhaul.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to inter-

vene in accordance with the Commission's Rules.

LOIS D. CASHELL,
Acting Secretary.

(FR Doc. 78-15830 Filed 6-7-78; 8:45 am)

[6740-02]

(Docket Nos. CP78-317, CP78-94)

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Pipeline Application

MAY 23, 1978.

Take notice that on May 5, 1978, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Tex. 77001, filed in Docket No. CP78-317 an application pursuant to section 7(c) of the Natural Gas Act, as amended, for a certificate of public convenience and necessity authorizing the construction and operations of 0.85 miles of 6" pipeline extending from a platform in Vermilion 218 to a point on the existing Blue Water System. Alternatively, Tennessee requests in Docket No. CP78-94 waiver of § 157.7(b)(1)(i).

Tennessee states that granting of the requested certificate will enable Tennessee to receive additional deliverability from previously committed reserves. Tennessee also states that granting Tennessee's alternate request for waiver will relieve Tennessee of the time and expense of preparing several other relatively minor certificate applications and will also relieve the Commission and its staff of the burden of processing Tennessee's request for a certificate for these facilities at Vermilion 218 as well as such other minor applications.

Further, Tennessee says that the proposed construction for the facilities at Vermilion 218 is expected to cost about \$930,000.

Any person desiring to be heard or to make any protest with reference to said application, on or before June 14, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and sub-

ject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

(FR Doc. 78-15832 Filed 6-7-78; 8:45 am)

APPENDIX

Date filed	Docket No.	Company	Type filing
Sept. 26, 1977	G-9547, et al.	United Gas Pipeline Co.	Plan.
Dec. 6, 1977	RP75-106	Natural Gas Pipeline Co. of America	Report.
Do	RP76-106	do	Do.
May 12, 1978	AR70-1	West Texas Gathering Co.	Plan.
May 15, 1978	RP72-157	Consolidated Gas Supply Corp.	Do.
May 19, 1978	RP76-15	Algonquin Gas Transmission Co.	Report.
Do	RP73-112, et al.	do	Do.
May 24, 1978	AR70-1	El Paso Natural Gas Co.	Do.

(FR Doc. 78-15835 Filed 6-7-78; 8:45 am)

[6740-02]

VALLEY GAS TRANSMISSION, INC.

(Docket No. CP78-344)

Notice of Application

JUNE 1, 1978.

Take notice that on May 22, 1978, Valley Gas Transmission, Inc. (Applicant), 3430 Entex Building, Houston, Tex. 77002, filed in Docket No. CP78-344 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing June 1, 1978, and operation of facilities, to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers and other similar sellers thereof, all as more fully set forth in the application on file with the

[6740-02]

(Docket Nos. G-9547, et al.)

UNITED GAS PIPELINE CO., ET AL.

Filing of Pipeline Refund Reports and Refund Plans

MAY 31, 1978.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before June 16, 1978. Copies of the respective filing are on file with the Commission and available for public inspection.

LOIS D. CASHELL,
Acting Secretary.

§ 157.7(b) of the Commission's Regulation. Consequently, pursuant to subparagraph (2) of § 157.7(b) of the Commission's Regulations, Applicant requests waiver of the provision of subparagraph (1) so as to allow for the total cost in excess of the amounts specified in subparagraph (1). Applicant further states that such waiver should be granted due to the small size of Applicant's gas plant. A limitation of budget authority to 2 percent of gas plant would effectively deny Applicant an opportunity to connect new gas supplies except on an individual certificate basis. It is asserted. Applicant indicates that such waiver is necessary due to the essential gathering nature of Applicant's operations and the necessity for Applicant to be able to attach reserves without extensive delays.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 23, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15831 Filed 6-7-78; 8:45 am]

[3128-01]

Office of Special Counsel for Compliance
[Case No. 63DR00111]

TEXACO INC.
Consent Order

I. INTRODUCTION

Pursuant to 10 CFR Section 205.199J, the Office of Special Counsel of the Department of Energy (DOE) hereby gives Notice of a Consent Order which was executed between Texaco Inc. (Texaco) and the DOE on May 30, 1978. In accordance with that Section, DOE will receive comments with respect to this Consent Order. Although DOE has signed and tentatively accepted this Consent Order, DOE may, after consideration of comments received, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

II. THE CONSENT ORDER

Texaco Inc. produces, refines, and markets crude oil and petroleum products subject to DOE regulations. In its sales of motor gasoline and distillates to Ryder Systems, Inc., Texaco consistently treated Ryder as a separate class of purchaser at each location from which it purchased product and calculated its May 15, 1973, prices charged in transactions with that class by using prices quoted in a June 26, 1973 quotation, rather than employing prices charged in transactions with Ryder on or before May 15, 1973. The Special Counsel has determined that Texaco's use of prices charged by it to Ryder insofar as they were calculated on the basis of the June 26, 1973 quotation and not on the basis of prices charged to Ryder in transactions on or before May 15, 1973, resulted in Texaco's receiving revenues in excess of those permitted by applicable CLC, FEA, and DOE regulations.

In resolution of the issue raised, DOE and Texaco executed a Consent Order on May 30, 1978, the significant terms of which are as follows:

(1) Effective January 17, 1977, Texaco began using prices actually charged Ryder in transactions on or before May 15, 1973 to determine current maximum lawful selling prices to Ryder Truck Rental, Inc. and Complete Auto Transit, the subsidiaries of Ryder Systems, Inc. directly affected by this Order.

(2) Texaco shall, within the 24 month period following the effective date of this Consent Order, refund to Ryder Truck Rental, Inc. and Complete Auto Transit, the sum of \$2,101,584.26 plus interest, for excess revenues received during the period September 8, 1973 through January 16, 1977. Interest will be computed at a rate of 6 percent from September 8,

1973 through June 30, 1975; 9 percent from July 1, 1975 through January 31, 1976; 7 percent from February 1, 1976 through January 31, 1978; and 6 percent from February 1, 1978 through the date of the refund by Texaco.

(3) Texaco shall have the option of making any monthly payment to Ryder Truck Rental, Inc. and Complete Auto Transit either by check or by credit memorandum, however, if in any month the amount of Ryder Truck Rental's or Complete Auto Transit's purchases are less than the credit given by Texaco in that month, Texaco shall, within 25 days after the close of such month, make a cash payment equal to the amount of credit not used.

(4) Each refund, whether by check or by credit memorandum, shall be accompanied by a statement which (a) discloses the principal amount of overcharge and the amount of the interest included in the payment; (b) states that the refund is made pursuant to a Consent Order; and (c) states that with respect to each particular product, Ryder is required under 10 CFR Part 212, Subpart F, to treat as a reduction in its product costs that portion of the payment which equals the portion of that product purchased from Texaco between September 8, 1973 and January 16, 1977, that Ryder sold to customers the connection with vehicle rentals, where the vehicle rental fees included the price of fuel actually used by the customer as a distinct item.

(5) The provisions of 10 CFR Section 205.199J including the publication of this Notice, are applicable to the Consent Order.

III. SUBMISSION OF WRITTEN COMMENTS

Interested persons are invited to comment in writing to Mr. Bill Eaton, Branch Manager, Southwest District, Office of Special Counsel, Department of Energy, One Allen Center, Suite 660, 500 Dallas Avenue, Houston, Tex. 77002. Copies of this Consent Order may be received free of charge by written request to this same address or by calling 713-226-5421.

Comments should be identified on the outside of the envelope and on documents submitted with the designation, "Comments on Texaco Consent Order." All comments received by 4:30 p.m. c.d.t., on or before July 8, 1978 will be considered by the DOE in evaluating the Consent Order.

Any information or data which, in the opinion of the person furnishing it, is confidential must be identified as such and submitted in accordance with the procedures outlined in 10 CFR Section 205.9(f).

Issued in Washington, D.C. June 5, 1978.

PAUL L. BLOOM,
Special Counsel for Compliance.
[FR Doc. 78-15889 Filed 6-7-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 908-3, OPP-180192]

CLEMSON UNIVERSITY AND INDIANA STATE CHEMIST AND SEED COMMISSIONER

Issuance of Specific Exemptions To Use Terramycin To Control Bacterial spot on Peaches

The Environmental Protection Agency (EPA) has granted specific exemptions to the Office of Indiana State Chemist and Seed Commissioner and the Division of Regulatory and Public Service Programs, College of Agricultural Sciences, Clemson University (hereafter referred to as "Indiana" and "South Carolina") to use terramycin to control bacterial spot. A maximum of 18,300 pounds of terramycin formulation will be applied on 1,200 acres of peaches in Indiana and 144,720 pounds of terramycin formulation will be applied on 10,720 acres of peaches in South Carolina. These exemptions were granted in accordance with, and are subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the applications on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

Both South Carolina and Indiana requested approval to use Myco Shield Agricultural Terramycin (containing calcium complex of oxytetracycline) on bacterial spot which is caused by the bacterial plant pathogen *Xanthomonas pruni*. *X. pruni* infects leaves, fruit, and tender growing shoots. Severely infected leaves turn yellow and drop. On sensitive fruit varieties, a few lesions result in severe defoliation; on tolerant varieties, however, many more lesions are required for severe defoliation. Fruit size reduction and tree weakening result from heavy defoliation. Infected fruit develop cracks or checks, lesions, or a mottled appearance—features that render the fruit unacceptable to the fruit market.

Infections of the current season's growth result in two types of cankers: summer cankers are lesions apparent during the year of infection and are located between nodes; spring cankers are lesions that result from fall infections but are unapparent until the following spring and are found at the buds of nodes. Overwintering occurs in spring cankers. When canker development is resumed in the spring, however, bacteria ooze from the lesions and

are carried on water droplets for further infection of young leaves, fruit, or shoots. It appears that moisture such as in fog or dew is important in the dissemination process; hard driving rains are more effective than gentle rains in initiating new infections. Secondary spread continues whenever these environmental conditions are present. The disease becomes severe if moist weather conditions persist through June and July; disease spread and development are reduced in extended periods of hot, dry weather as was experienced during the 1977 growing season.

Indiana stated that in the past, a bordeaux mix and a dodine-captan tank mix have been used as treatment alternatives. The bordeaux mix is applied during dormancy and reduces the amount of primary inoculum; it provides a temporary initial suppression, but fails to control the disease and supportive summer treatment must be supplied. The dodine-captan mix also only provides a suppressive effect. Furthermore, Indiana feels that the phytotoxic effects of dodine-captan during hot weather are as injurious as defoliation from the disease. According to Indiana, many growers have abandoned efforts to suppress the disease with these techniques. Currently, the primary control used is to plant resistant fruit tree varieties; however, it will be several years before all susceptible varieties are replaced.

South Carolina stated that the currently registered fungicides—copper hydroxide, dodine, and basic zinc sulfate—are ineffective for adequate control of bacterial spot. Zinc sulfate, for instance, has been used commercially for more than 30 years, but has provided poor protection under severe disease conditions; in addition, this product is incompatible with benomyl, which is commonly applied to peaches for control of other diseases such as brown rot, scab, and powdery mildew. Copper hydroxide is not recommended for use in South Carolina because it causes phytotoxicity under southeastern environmental conditions.

Indiana and South Carolina each proposed to use the product Myco Shield Agricultural Terramycin, manufactured by Pfizer Chemical Division, at the rate of 11.33 ounces of formulation per 100 gallons water by ground spray application. A maximum of 8-9 applications will be made by growers in each State.

In Indiana, there are about 1,200 acres of commercial peach crop. During previous years, 15 percent to 30 percent of the fruit from varieties susceptible to bacterial spot was discarded because it was unacceptable to the fresh fruit market. The use of terramycin may prevent losses of about \$100,000 from reduced fruit crop yield and an estimated \$1,500,000 from long-term effects resulting from tree loss.

In South Carolina, there are about 26,528 acres of peach crop valued at 35-40 million dollars. It is estimated that bacteria spot could cause about 5-8 million dollars loss. The use of terramycin to prevent bacterial spot may reduce losses to \$500,000.

After reviewing the applications and other available information, EPA has determined that (a) a pest outbreak of bacterial spot has occurred or is about to occur; (b) there is no pesticide presently registered and available for use to control bacterial spot in Indiana and South Carolina; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if bacterial spot is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, Indiana has been granted a specific exemption to use the pesticide noted above until August 15, 1978; South Carolina has been granted a specific exemption to use the same pesticide until August 31, 1978, to the extent and in the manner set forth in the applications. The specific exemptions will be conducted in accordance with the following conditions:

1. Myco Shield Agricultural Terramycin (calcium complex of oxytetracycline), manufactured by Pfizer Chemical Division, is authorized;

2. Applications may be made weekly, depending on weather conditions, at a rate of 150 ppm active ingredient (calcium complex of oxytetracycline) per 100 gallons water (11.33 ounces terramycin) per 100 gallons water yields 150 ppm a.i.). Spray solution may be applied to point of run-off of approximately three (3) gallons per fully grown tree on a basis of 80 trees per acre. Dilute spray shall not exceed 500 gallons per acre;

3. In Indiana, a maximum of 18,300 pounds of terramycin formulation may be applied. In South Carolina, a maximum of 144,720 pounds of terramycin may be applied;

4. Applications shall begin at shuck split and continue until August 15, 1978 in Indiana and until August 31, 1978 in South Carolina; a maximum of 8-9 applications may be made;

5. Applications shall be made by growers with ground spray equipment on 1,200 acres of commercial peach crop located throughout Indiana, but primarily in the Wabash Valley and the northern lake areas; applications shall also be made by growers with ground spray equipment on 10,720 acres of peach crop located throughout South Carolina;

6. Indiana and South Carolina shall notify the distributors of this material that records of the sale shall be kept and made available; these records shall include the name and address of

the purchaser, and the quantity of material purchased;

7. Indiana and South Carolina personnel shall make all recommendations of terramycin applications in their respective States based on past history of disease incidence in a locality, weather conditions, and observation of disease symptoms in an area; they shall also inform growers about dosages, application techniques, and other program criteria;

8. There shall be a 21-day pre-harvest interval;

9. Workers shall not enter orchards after terramycin application until foliage has dried;

10. A residue level of oxytetracycline not exceeding 0.1 ppm has been evaluated as adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been notified of this action.

11. All label precautions shall be followed;

12. A final report summarizing the results of this program shall be submitted to EPA by December 31, 1978;

13. EPA shall be informed immediately of any adverse effects to man or the environment resulting from this program; and

14. Indiana and South Carolina shall be responsible for insuring that all the provisions of these specific exemptions are followed.

STATUTORY AUTHORITY: Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

Dated: June 1, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

(FR Doc. 78-15833 Filed 6-7-78; 8:45 am)

[6560-01]

[FRL 908-6; OPP-180183]

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE

Issuance of Specific Exemption To Use Terramycin To Control Fire Blight on Pears

The Environmental Protection Agency (EPA) has granted a specific exemption to the California Department of Food and Agriculture (hereafter referred to as the "applicant") to use terramycin (calcium complex of oxytetracycline) on up to 37,000 acres of pear crop to control fire blight, which is caused by the bacterial plant pathogen *Erwinia amylovora*. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regu-

lation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

According to the applicant, initial infections of fire blight usually occur during the bloom period; however, postharvest infections through wounds frequently occur. Applicant stated that the severe and prolonged rainstorms that occurred in California this winter are a sharp contrast to the drought that prevailed in California for the previous 2 years, and as a result, conditions are favorable to the development of earlier and more intense outbreaks of fire blight than occurred in 1977. Once fire blight has developed in a pear orchard, several years may be required for the orchard to regain a productive status; according to the applicant, large sections of established trees may be lost from production and, in many cases, whole trees are lost. Applicant stated that during the 1977 pear season, a year during which weather conditions were unfavorable for disease development, pear growers incurred a loss of \$800,000 in pear value because of rusting that resulted from copper spray and rendered the fruit unacceptable to the fresh fruit market; \$600,000 loss from increased labor costs that resulted from blight cutting; and \$500,000 loss of trees killed and limbs lost to fire blight.

According to the applicant, for the last few years, streptomycin has been used to control fire blight; however, some strains of *Erwinia amylovora*, the causative agent, have developed streptomycin resistance in many areas of California. Growers have resorted to copper sprays as an alternative but results have been erratic. Other alternatives used by growers are to cut out infected tree limbs and to replace entire trees that have died; both these processes are time consuming and expensive. Therefore, the applicant proposed to use a maximum of 120,000 pounds of terramycin (calcium complex of oxytetracycline).

After reviewing the application and other available information, EPA has determined that: (a) A pest outbreak of fire blight on pears has occurred or is about to occur; (b) there is no pesticide presently registered and available for use to control fire blight in California; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the fire blight is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the applicant has been granted a specific exemption to

use the pesticide noted above until September 1, 1978, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Myco Shield Agricultural Terramycin (containing the calcium complex of oxytetracycline), manufactured by Pfizer Chemical Division, is authorized;

2. Application shall be made at a rate of 200 ppm active ingredient in 50-100 gallons water/acre/application (½ pounds terramycin formulation in 50 gallons of water yields 200 ppm active ingredient);

3. All applications of terramycin shall be made by ground equipment;

4. A maximum of 12 applications of terramycin shall be made from prebloom to September 1, 1978, by commercial pest control applicators or by growers;

5. A maximum of 37,000 acres of pear crop may be treated;

6. A permit from the county agricultural agent shall be required prior to application;

7. County Agricultural Commissioners or personnel under their supervision shall make all recommendations of terramycin application based on past history of disease in a particular area, weather conditions favorable to disease development, and personal observations of disease in pear orchards;

8. There shall be a 60-day preharvest interval;

9. There may be a maximum of 120,000 pounds of terramycin applied;

10. Workers shall not enter orchards after terramycin application until the foliage is dry, and shall wear protective clothing while making applications;

11. A residue level of the calcium complex of oxytetracycline not exceeding 0.1 ppm in or on pears has been deemed adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

12. The California Department of Agriculture shall notify the distributors of this material that records of the sale shall be kept and made available to that Department. These records shall include the name and address of the purchaser, and the quantity of material purchased;

13. All label precautions shall be followed;

14. A final report shall be submitted to EPA by December 31, 1978, summarizing the results of this program;

15. The EPA shall be informed immediately of any adverse effects to man or the environment resulting from this program;

16. The applicant shall be responsible for insuring that all provisions of this specific exemption are followed; and

17. The applicant will coordinate an epidemiological study with the California Department of Health to determine any possible adverse effects to agricultural workers.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.).

Dated: June 1, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

(FR Doc. 78-15858 Filed 6-7-78; 8:45 am)

[6560-01]

[FRL 908-7; OPP-180193]

DEPARTMENT OF AGRICULTURE

Issuance of Specific Exemption To Use Goal (RH-2915) To Control Witchweed in North Carolina and South Carolina

The Environmental Protection Agency (EPA) has granted a specific exemption to the Animal and Plant Health Inspection Service, U.S. Department of Agriculture (hereafter referred to as "USDA") to use Goal 2E (RH-2915) on 10,000 acres of corn in a witchweed eradication program in 30 counties in North Carolina and South Carolina. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

According to the USDA, witchweed is an annual chlorophyll-producing, seed-bearing, semiparasitic plant that affects corn, sorghum, sugarcane, and more than 60 other species of the grass family in this country. A single witchweed plant may produce up to 500,000 microscopic seeds. The pest was initially identified in 1956 in North and South Carolina, and threatens corn, sorghum, and sugarcane crops having an estimated annual value of more than \$16 billion in the United States.

Experience has demonstrated that if heavy infestations of witchweed are uncontrolled, complete corn crop failure can result. If witchweed were allowed to spread, research data indicate that annual corn crop losses would approach 50 percent. According to USDA, the spread of witchweed in the United States could cost farmers about \$675 million in annual cost plus an estimated 10 percent yield loss.

According to the applicant, paraquat and 2,4-D are registered for witchweed control in corn; however, although these herbicides are effective when applied postemergence, they fail to provide residual control. Because Goal 2E (RH-2915) (2-Chloro-1-(3-ethoxy-4-nitrophenyl)-4-(trifluoromethyl)benzene) provides preemergence control of witchweed, the first application can be made in May or June, postemergent to the corn but preemergent to the witchweed. A second application, if necessary, would be made in July or August. The applicant has stated that two applications of Goal will control the pest throughout the season and that continuous seasonal control is essential for eradication. Eradication efforts of previous years may be lost if viable seeds reinfest the area.

The applicant proposed to use a maximum of 15,000 pounds active ingredient on a maximum of 10,000 acres of corn located in 30 contiguous counties in North Carolina and South Carolina. The total amount applied will not exceed 2 pounds a.i./acre/year.

After reviewing the application and other available information, EPA has determined that: (a) A pest outbreak of witchweed has occurred or is about to occur; (b) there is no pesticide presently registered and available for use to control witchweed in North and South Carolina; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the witchweed is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the applicant has been granted a specific exemption to use the pesticide noted above until August 31, 1978, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The product Goal 2E (RH-2915), manufactured by Rohmn & Haas, is authorized;

2. A maximum of two applications may be made as a directed ground spray (pressure not to exceed 25 lbs/sq. inch). The first application shall be made in May or June, postemergence for corn and preemergence for witchweed, at a rate of ¼ to 1 pound a.i./20 gallons water/acre. The second application may be made in July or August at a rate of ¼ to 1 pound a.i./20 gallons water/acre. The total quantity applied shall not exceed 2 pounds a.i./acre/year;

3. A maximum of 15,000 pounds active ingredient may be applied;

4. A maximum of 10,000 acres of corn located in 30 contiguous counties in North and South Carolina may be treated;

5. Treatments shall be made by personnel of the USDA plant protection

and quarantine programs (PPQ) or by State-certified commercial applicators under the supervision of qualified PPQ officers. Monitoring will be conducted under the direction of PPQ personnel in accordance with plans to determine the environmental impact of the program and to obtain crop residue data. The results of the monitoring program shall be submitted to EPA;

6. A residue level of RH-2915 not exceeding 0.05 ppm in or on corn has been evaluated as adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

7. Treated corn containing RH-2915 residues in excess of 0.05 ppm, as indicated by the monitoring program, shall not be marketed;

8. A label restriction shall prohibit the feeding or grazing of treated corn forage or fodder to livestock;

9. All label restrictions and precautions shall be observed;

10. The EPA shall be informed immediately of any adverse effects to man or the environment resulting from this program; and

11. A final report summarizing the results of this program shall be submitted to EPA by December 31, 1978.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136 et seq.).

Dated: June 1, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

(FR Doc. 78-15856 Filed 6-7-78; 8:45 am)

[6560-01]

[FRL 908-4; OPP-180191]

MARYLAND DEPARTMENT OF AGRICULTURE

Issuance of Specific Exemption To Use Terramycin To Control Bacterial Spot on Peaches, Nectarines, and Plums

The Environmental Protection Agency (EPA) has granted a specific exemption to the Maryland Department of Agriculture (hereafter known as the "Applicant") to use a maximum of 10,500 pounds of Terramycin formulation to control bacterial spot on peaches, nectarines, and plums involving approximately 1,000 acres in Maryland. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166 which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application

on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, bacterial spot is caused by the bacterium *X. pruni*; bacterial spot affects leaves, fruit, and tender growing shoots. Wet weather conditions, especially hard driving rains, encourage further development of the initial inoculum. According to the Applicant, growers consider bacterial spot a very destructive disease. If infection occurs early in the season, constant defoliation causes the trees to lose vigor and the result is reduced crop yield and smaller fruit. Infected fruit develop cracks and a mottled appearance; both of these render the fruit unmarketable. The Applicant also stated that crop yields from infected orchards tend to be smaller during the subsequent years. If defoliation occurs early in the fall, the trees may resume growth and succumb to winter injury. The Applicant stated that bacterial spot symptoms usually appear early in June in Maryland.

According to the Applicant, registered pesticides have been ineffective in controlling bacterial spot in Maryland. Cyprex-captan mixes were not efficacious; copper hydroxide demonstrated phytotoxicity; zinc sulfate was incompatible with other pesticides and only partially effective when used alone.

The Applicant stated that the annual peach, nectarine, and plum crop yield in Maryland is approximately 500,000 bushels. One-fifth (1/5) of this crop is of the susceptible varieties. The Applicant estimated that damage to susceptible varieties by bacterial spot may be approximately 5 to 25 percent; the economic loss for peaches valued at \$6 per bushel would range from \$30,000 to \$150,000 annually.

The Applicant proposed to use the product Myco Shield Agricultural Terramycin (calcium complex of oxytetracycline), manufactured by Pfizer Chemical Division, at the rate of one-half (1/2) pound Terramycin formulation per 100 gallons of water per application by ground spray with a maximum of 300 gallons of spray per acre. There will be a maximum of 7 applications which will be made by growers.

EPA has determined that, under heavy inoculum pressure, Terramycin would be needed to prevent large scale losses of peaches, nectarines, and plums infected with bacterial spot. The use of this pesticide for this exemption is not expected to have any adverse effects on either man or the environment. A residue level not exceeding 0.1 ppm has been determined by EPA to be adequate to protect the public health.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of

bacterial spot on peaches, nectarines, and plums has occurred or is about to occur; (b) there is no pesticide presently registered and available for use to control the bacterial spot in Maryland; (c) there are no alternative means of control, taking into account the efficacy and hazards; (d) significant economic problems may result if the bacterial spot is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until August 15, 1978, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. Myco Shield Agricultural Terramycin (containing the calcium complex of oxytetracycline), manufactured by Pfizer Chemical Division, is authorized;

2. Application shall be by ground spray at a rate of one-half (1/2) pound Terramycin formulation per 100 gallons water with a maximum of 300 gallons spray per acre. (1/2 pound Terramycin formulation per 100 gallons water yields 100 ppm active ingredient);

3. A maximum of seven (7) applications of Terramycin may be made;

4. The duration of the application period will be from June 1, until August 15, 1978;

5. A maximum of 1,000 acres of peach, nectarine, and plum crop may be treated in Maryland;

6. Application of Terramycin shall be made by growers;

7. Workers shall not enter orchards after Terramycin application until the foliage is dry;

8. There shall be a 21-day preharvest interval;

9. A maximum of 10,500 pounds of Terramycin formulation may be applied;

10. An Extension Plant Pathologist, Cooperative Extension Service, University of Maryland, and personnel under his supervision shall make all initial recommendations of Terramycin application based on past history of disease in the locality, observation of disease symptoms in the orchard, and weather conditions. County agricultural agents shall assist in monitoring the program. A newsletter and agricultural bulletin shall be promulgated informing growers about program criteria;

11. The Applicant shall be responsible for insuring that all the provisions of this exemption are followed. He shall notify the distributor that records of the sale of this material shall be kept and made available. These records shall include the name and address of the purchaser and the quantity of material purchased;

12. A residue level of the calcium complex of oxytetracycline not exceeding 0.1 ppm in or on peaches, nectarines, and plums has been evaluated as adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

13. All label precautions shall be followed;

14. A final report shall be submitted to EPA by December 31, 1978, summarizing the results of this program; and

15. The EPA shall be informed immediately of any adverse effects to man or the environment resulting from this program.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.))

Dated: June 1, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

(FR Doc. 78-15857 Filed 6-7-78; 8:45 am)

[6560-01]

(FRL 908-5; OPP-180184)

WASHINGTON STATE DEPARTMENT OF AGRICULTURE

Issuance of Specific Exemption To Use Terramycin To Control Fire Blight on Pears

The Environmental Protection Agency (EPA) has granted a specific exemption to the Washington State Department of Agriculture (hereafter referred to as the "Applicant") to use terramycin (calcium complex of oxytetracycline) on up to 9,000 acres of pear crop in the areas east of the crest of the Cascade Mountains in the State of Washington to control fire blight. This exemption was granted in accordance with, and is subject to, the provisions of 40 CFR Part 166, which prescribes requirements for exemption of Federal and State agencies for use of pesticides under emergency conditions.

This notice contains a summary of certain information required by regulation to be included in the notice. For more detailed information, interested parties are referred to the application on file with the Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Room E-315, Washington, D.C. 20460.

According to the Applicant, initial infections of fire blight generally occur during the blossom period. This problem can be exacerbated, however, because some varieties of pears may bloom several times per season. Moreover, post-harvest infections, probably through wounds, frequently occur. Consequently, spring and post-harvest treatments are sometimes necessary to control the disease.

The Applicant stated that, depending on weather conditions, fire blight may occur on only a small portion or on almost the entire 20,000 acres of pear crop. Streptomycin has been used to control fire blight. Since 1973, however, streptomycin-resistant bacteria have developed in the State of Washington; currently about 30 percent of the State's pear crop is known to be infected by streptomycin-resistant bacteria. Epidemic proportions were reached in 1977 on this acreage and there is a high probability of a severe outbreak in 1978, according to the Applicant.

Because of the development of streptomycin resistance in the causative bacterial plant pathogen, *Erwinia amylovora*, growers have resorted to copper sprays as an alternative but results have been erratic; under certain weather conditions copper may russet the fruit and make it unacceptable for the fresh fruit market. Another alternative that has been used is cutting out the infected portions of the trees. This method is expensive not only because of the labor cost involved in the cutting process, but also because of the severe reductions in fruit yield that may occur for several subsequent years. Therefore, the Applicant proposed to use a maximum of 72,000 pounds of a terramycin formulation.

During the 1977 pear season, the Applicant reported, growers incurred losses valued at \$600,000 as a result of fire blight on about 6,000 acres of pear crop. The Applicant anticipated that failure to control the disease will extend the loss to subsequent years because of the infectious nature of the disease, and that the economic loss will be even greater due to the cost of replacing dead or dying trees and cutting out infected wood.

After reviewing the application and other available information, EPA has determined that (a) a pest outbreak of fire blight on pears has occurred or is about to occur; (b) there is no pesticide presently registered and available for use to control fire blight in Washington; (c) there are no alternative means of control, taking into account the efficacy and hazard; (d) significant economic problems may result if the fire blight is not controlled; and (e) the time available for action to mitigate the problems posed is insufficient for a pesticide to be registered for this use. Accordingly, the Applicant has been granted a specific exemption to use the pesticide noted above until October 15, 1978, to the extent and in the manner set forth in the application. The specific exemption is also subject to the following conditions:

1. The product Hyco Shield Agricultural Terramycin (containing the calcium complex of oxytetracycline), manufactured by Pfizer Chemical Division, is authorized;

2. Application shall be made by ground spray at a rate of 200 ppm active ingredient (calcium complex of oxytetracycline) in 50-100 gallons water/acre/application (1 pound terramycin formulation in 100 gallons water yields a concentration of 200 ppm);

3. Depending on weather conditions and "rat-tail" bloom, 0-5 pre-harvest applications and 1-3 post harvest applications may be made;

4. Applications of terramycin shall be made in those areas east of the Cascade Mountains where streptomycin resistance is known to have occurred as determined by Washington State University plant pathologists. The application area shall not exceed 9,000 acres;

5. Applications may be made from blossom time until 60 days prior to harvest. Whenever necessary, post-harvest applications may be made following final picking until October 15, 1978, depending on the first frost;

6. Licensed commercial or State-certified private applicators shall make all terramycin applications;

7. A Plant Pathologist at the Washington State University Fruit Research Center and personnel under his supervision shall make all recommendations of terramycin application based on past history of disease in a locality, development of streptomycin resistance, and weather conditions conducive to fire blight development;

8. There may be a maximum of 72,000 pounds of terramycin formulation applied;

9. There shall be a 60-day pre-harvest interval;

10. Workers shall not enter orchards after terramycin application until foliage is dry;

11. A residue level on or in pears of the calcium complex of oxytetracycline not exceeding 0.1 ppm has been deemed adequate to protect the public health. The Food and Drug Administration, U.S. Department of Health, Education, and Welfare, has been advised of this action;

12. The Applicant shall notify the distributor of this material that records of the sale of this material shall be kept and made available to that Department. These records shall include the name and address of the purchaser, and the quantity of material purchased;

13. All label precautions shall be followed;

14. The EPA shall be informed immediately of any adverse effects to man and the environment resulting from this program;

15. The Applicant shall be responsible for insuring that all provisions of this specific exemption are followed; and

16. A final report summarizing the results of this program shall be submitted to EPA by December 31, 1978.

(Sec. 18, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 136(a) et seq.))

Dated: June 1, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.
(FR Doc. 78-15859 Filed 6-7-78; 8:45 am)

[6560-01]

(FRL 909-11)

TOXIC SUBSTANCES CONTROL

Second Report by TSCA Interagency Testing Committee; Extension of Comment Period; Availability of Documents

AGENCY: Environmental Protection Agency.

ACTION: This Notice extends the comment period from July 21, 1978 to October 1, 1978, and announces the availability by August 1, 1978 of the dossiers.

SUMMARY: On April 19, 1978, EPA published a notice in the FEDERAL REGISTER inviting all interested persons to submit comments no later than July 21, 1978 on the Second Report by the Toxic Substances Control Act (TSCA) Interagency Testing Committee (ITC).

Also in the April 19, 1978 FEDERAL REGISTER notice EPA announced that dossiers for specific chemicals used in developing the Second Report should be transmitted to EPA within a few weeks.

The TSCA Interagency Testing Committee has informed EPA that the dossiers on the eight newly designated entries to the Section 4(e) Priority List are still being reviewed and will not be transmitted to EPA for an additional few weeks. Accordingly, this notice extends the deadline for comments on the Second ITC report from July 21 to October 1, 1978. Written comments shall bear the identifying notation OTS 04004 and should be submitted to the U.S. Environmental Protection Agency, Office of Toxic Substances (TS-793), 401 M Street SW., Washington, D.C. 20460, Attention: Joan Urquhart. All written comments will be available for public inspection in Room 623 East Tower, at the same address, between 8:30 a.m. and 4:30 p.m., weekdays.

EPA expects the dossiers to be available before August 1, 1978. Single copies of the volume containing the eight dossiers may be obtained from the Industry Assistance Office, OTS (TS-793), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, or by telephoning the toll free number 800-424-9065. In Washington, D.C., call 554-1404. Additional copies will be available from the National Technical Information Serv-

ice (NTIS), Springfield, Va. 22161. The NTIS document reference number will be available from the toll-free number.

Dated: June 2, 1978.

STEVEN D. JELLINEK,
Assistant Administrator
for Toxic Substances.

[FR Doc. 78-15855 Filed 6-7-78; 8:45 am]

[6560-01]

[FRL 906-2]

GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

Proposed Policy for Utilization of Minority Construction Contractors

On November 2, 1977, 42 FR 57339, the Environmental Protection Agency's (EPA) plan to institute a policy for using minority construction contractors in award of subagreements and contracts awarded under EPA grants for construction of treatment works was announced in the FEDERAL REGISTER. The notice invited comments on the proposed policy and advised that all comments would be carefully considered before issuing a final policy. Following the notice, EPA convened an intra-agency task force to review and analyze all comments received. After a thorough study of all materials, the task force concluded that a more extensive minority business enterprise effort was needed. As a result, a number of changes, including establishment of a program providing for goals for minority business participation in contracting under EPA grants, were recommended by the task force.

On March 27, 1978, the President announced two important initiatives to increase the role of minority businesses in our economy. The first instructed that direct and indirect Federal purchases from minority firms be tripled by the end of fiscal year 1979. The second asked all Federal agencies to include goals for minority business participation in their contract and grant-in-aid programs.

On April 13, 1978, the Administrator and Deputy Administrator of the Environmental Protection Agency adopted the recommendations of the intra-agency task force and the directed revision of the previously published proposed policy for utilization of minority construction contractors to reflect the recommendations of the task force and the directions of the President. Accordingly, the proposed policy for utilization of minority construction contractors published on November 2, 1977, has been rewritten to provide for a more expansive program and notice is hereby given that the Environmental Protection Agency proposes to institute the following revised policy for use of minority construction contrac-

tors. Agency requirements will be incorporated in Appendix C-2 to Part 35, Subpart E to Title 40, Code of Federal Regulations. Appropriate amendment will be made to § 35.936-7 of Title 40, Code of Federal Regulations.

INTRODUCTION

In implementing 40 CFR 35.936-7, the Environmental Protection Agency plans to institute a policy in cooperation with construction contractor associations to increase the opportunity for minority business enterprises to participate for the award of subagreements and contracts awarded under EPA grants for construction treatment works. The policy is intended to implement, in part, Agency and Federal Government policy requiring positive efforts, including goals and timetables for participation, by recipients of Federal grant assistance to utilize minority-owned business sources of supplies and services, allowing these minority sources the maximum feasible opportunity to compete for contracts and subagreements to be performed utilizing Federal grant funds.

MINORITY BUSINESS

SCOPE

The following policies, procedures, and contract clauses apply to the participation of minority business in the award of subagreements and contracts awarded under EPA grants for construction of treatment works.

DEFINITIONS

Minority business enterprise. A business at least 50 percent of which is owned and controlled by minority group members, or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned and controlled by minority group members.

Minority group members. Black Americans, Hispanic Americans, Asian Americans, American Indians, American Eskimos, and American Aleuts.

STATEMENT OF POLICY

The purpose of this policy is to increase the opportunity for minority business enterprises such as construction and supply firms to obtain subagreements and contracts awarded under EPA grants for construction of publicly owned treatment works. Notwithstanding the fact that a bidder may have the capability to complete the total project with its own work force and without the use of subcontractors, each bidder will still be required to take positive efforts to subcontract to minority firms a share of the work consistent with these goals. On all step 3 construction grant projects, all applicants/grantees, prime contractors, and any other entity receiving Federal funds which involve

the project are expected to promote this purpose. Applicants/grantees, and prime contractors will be required, when deemed necessary, to demonstrate to EPA Regional Office of Civil Rights the steps taken to satisfy the purpose of this policy.

RESPONSIBILITIES OF PARTICIPANTS

ENVIRONMENTAL PROTECTION AGENCY—HEADQUARTERS

1. The Director of the Office of Civil Rights shall be the agency Director for Minority Business Enterprise for Grants.
2. A minority business enterprise program for grants shall be established in the Office of Civil Rights and shall work in coordination with the Office of Water Program Operations to implement the Agency program.
3. The Director of the Office of Civil Rights shall designate a special assistant to serve as Minority Business Enterprise Officer for Grants.
4. The Minority Business Enterprise Officer for Grants, working in conjunction with the Office of Water Program Operations, shall develop and promulgate procedures and guidance in implementation of this policy and shall provide technical assistance and direction to Regional Minority Business Enterprise Officers for Grants in implementation of the program.

ENVIRONMENTAL PROTECTION AGENCY—REGIONS

1. The Regional Directors of Civil Rights shall be the Regional Minority Business Enterprise Officers for Grants.
2. Each Regional Director of Civil Rights shall establish a minority business enterprise program for grants in the Civil Rights Office, and shall work in coordination with the Water Division Director to implement the Agency program.
3. The Regional Director of Civil Rights in cooperation with the Water Division Director shall be responsible for administering the regional minority business enterprise program for grants in the regions.

ELEMENTS OF THE MINORITY BUSINESS ENTERPRISE PROGRAM FOR GRANTS

The program, at a minimum, shall provide for the following:

1. For internal administrative purposes, each region shall set an overall regional goal at least annually for minority business enterprise participation in contracts and subcontracts under the construction grant program it administers. This regional goal, expressed as a percent of the total dollar amount of all contracts approved, shall reflect the region's estimate of overall minority business enterprise participation attainable in the region as a whole, given the available and po-

tentially available minority business enterprise resources. As the program progresses and more experience is gained under it, the number of available and potentially available minority business enterprises will probably increase. To the extent that this occurs, regional goals shall be increased, but not more frequently than once in any twelve month period.

2. Each Regional Director of Civil Rights with the Regional Water Division Director shall prepare a plan for attaining the regional goal and submit it for approval and adoption by the Regional Administrator.

3. Upon approval and adoption of a regional plan for attaining a regional goal for minority business enterprise participation for a particular year, the Regional Administrator shall promulgate the plan in the region with specific directions to affected programs for its accomplishment.

4. The regional plan shall specify and assign program responsibilities and include timetables for accomplishment and internal periodic reporting requirements to ensure conformance with the timetables. The details of each regional plan shall be discretionary with each region, tailored to the particular circumstances of the region.

5. Each Regional Director of Civil Rights, in coordination with the Regional Water Division Director shall develop minority business enterprise participation goals for regional construction grant projects. The goals shall be furnished to construction grantees for use in connection with construction contracts and subcontracts awarded under the grants. The goals should reflect known circumstances and conditions at the time of the solicitation for bids, as an attempt to match project work with available, qualified minority business enterprises, but also should be high enough to encourage the purposes of this policy.

6. Each Regional Director of Civil Rights should encourage applicants/grantees to set their own goals for minority business enterprise participation, and these goals should be accepted in lieu of regional goals where consistent with the purpose of this policy. If an applicant/grantee fails to set goals for the work to be done on the EPA-assisted project, or sets goals which are unreasonably low in the opinion of the Regional Director of Civil Rights, the Regional Director of Civil Rights shall set goals which shall be used on the project.

7. Each region shall monitor applicant/grantees and contractors performance under this policy. In this connection, the region shall: (a) Notify States and grantees by letter of EPA's minority business enterprise requirements for Step 3 construction grants; (b) make sure that applicants/gran-

tees include the appropriate Use of Minority Business Enterprise Clause, with goals percentages included, where required, in all solicitations for bids for construction contracts under their grants; (c) make sure that the appropriate Use of Minority Business Enterprise Clause is included in all construction contracts proposed for award by applicants/grantees and, as applicable, that the goal percentage has been included and agreed to by the prospective contractor; (d) review all proposed contract awards to evaluate the sufficiency of the positive efforts taken or proposed to be taken by the prospective contractor to satisfy the requirements of the appropriate Use of Minority Business Enterprise Clause; (e) where the preaward evaluation of a prospective contractor's positive efforts to satisfy the appropriate Use of Minority Business Enterprise Clause discloses the efforts to be insufficient, the Regional Civil Rights Director shall inform the grantee of this fact, citing what actions must be taken by the prospective contractor to correct the deficiency, and also advising the grantee that approval of the proposed contract award shall be withheld until corrective action satisfactory to the Regional Civil Rights Director has been taken; (f) review and determine the adequacy of the positive efforts of a contractor within the framework of the contractor's undertakings on award of the contract. Where such review discloses failure on the part of the contractor to take the required positive efforts, the Regional Civil Rights Director shall inform the grantee as to what actions must be taken to correct the deficiency, that failure on the part of the contractor to take the requisite corrective action, or explain to the satisfaction of the Regional Civil Rights Director why the corrective action cannot be taken, could lead to initiating of proceedings for imposition of sanctions which, among other things, could include withholding of grant payments; and, (g) report to Headquarters quarterly on the status of the regional program, including contracts awarded to minority firms.

ROLE OF GRANTEES AND OTHERS IN THE MBE PROGRAM

APPLICANT/GRAZTEE

Applicants/grantees will be expected to take positive steps to afford fair opportunities for minority prime and subcontractors to participate in the award of contracts and subagreements awarded under EPA grants for construction of treatment works, such as: (a) Making available plans and specifications to minority contractors in sufficient time for review; (b) allowing sufficient bidding time so as to facilitate the participation of minority con-

struction contractors; (c) notifying the minority construction contractors' associations within the general bidding area of the specific nature of the contracts about to be bid and the location of the bid opening; (d) including the information set out in the model Use of Minority Business Enterprise Clause in all bid specifications, making certain that the correct percentage goal figure, where required, is included in all specifications and requests for bids; (e) making available, upon request, a list of the plan holders of record for EPA construction grant projects; (f) upon request of the plan holders of record, provide a source list of minority construction contractors and suppliers; (g) informing all prospective bidders of the EPA policy concerning the utilization of minority firms during any prebid conferences; (h) show to EPA Regional Civil Rights Offices, when requested, procedures which will be adopted to comply with this policy; and, (i) keep EPA Regional Offices informed of all contract awards or changes in plans for award of approved proposed contracts.

PRIME CONTRACTORS

All prime contractors on EPA construction grant projects are expected to make the following efforts to promote the use of minority-owned firms to the maximum extent practical on the project: (a) Extend opportunities for joint arrangements or subcontracting and purchasing to minority-owned firms; (b) implement the Use of Minority Business Enterprise Clause; and, (c) take affirmative steps to ensure compliance with the EPA regulations. These steps will include, but are not limited to: (1) Compiling and submitting to the grantee and regional office a list of minority construction contractors to be utilized through joint arrangement or subcontracting; (2) preparing a list of minority contractors contacted, awards made to minority-owned firms, and setting forth specific efforts made to identify and award contracts to such firms; and, (3) if minority-owned firms will not be used, furnishing the grantee and the EPA Regional Civil Rights Director reasons why; (d) require subcontractors under the contract to comply with the provisions of the contract and the affirmative steps included in (c); (e) maintain records showing procedures which have been adopted to comply with EPA policy; and, (f) keep EPA regional offices informed of all subcontracts awarded or changes in plans to award previously reported proposed subcontracts.

CONSTRUCTION CONTRACTOR ASSOCIATIONS

As their part in this program, the participating construction contractor associations are expected to: (a) An-

nounce and publicize the policy to their memberships; (b) encourage subcontracting and joint arrangements with minority construction contractors; (c) compile, update, and provide to their members and EPA a register of minority construction contractors; (d) notify their membership of the specific nature of the contracts about to be bid; and, (e) maintain liaison with the nearest EPA Regional Civil Rights Office.

MINORITY-OWNED FIRMS

Minority-owned firms are expected to: (a) Become involved in the State and local project bid process; (b) register with minority and/or other construction contractors' associations; (c) be responsive to solicitations for bids; and, (d) maintain liaison with the nearest EPA Regional Civil Rights Office.

MINORITY BUSINESS SUBCONTRACTING PROGRAM

Contracts between \$10,000 and \$300,000. The following clause is intended as an example for inclusion in invitations for bids and resultant contracts between \$10,000 and \$300,000.

USE OF MINORITY BUSINESS ENTERPRISE CLAUSE

1. It is the policy of the Government that minority business shall have the maximum practicable opportunity to participate in the performance of contracts performed under Federal grant-in-aid programs.

2. The contractor agrees to use its best efforts to carry out this policy through award of subcontracts to minority business enterprises to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "minority business" means a business at least 50 percent of which is owned and controlled by minority group members, or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned and controlled by minority group members. For the purposes of this definition, minority group members are Black Americans, Hispanic Americans, Asian Americans, American Indians, American Eskimos, and American Aleuts.

Contractors may rely on written representations by a subcontractor regarding its status as a minority business, in lieu of an independent investigation.

3. The contractor shall cooperate with the EPA Regional Civil Rights Director in any studies and surveys of the contractor's minority business procedures and practices that the EPA Regional Civil Rights Director may from time-to-time conduct.

4. The contractor shall maintain records showing: (a) awards to minority

businesses; and, (b) specific efforts to identify and award contracts to minority businesses.

5. The contractor shall submit periodic reports of subcontracting to known minority businesses in such form and manner and at such time (not more often than quarterly) as the EPA Regional Civil Rights Director may prescribe.

Contracts over \$300,000. The following clause is intended as an example for inclusion in invitations for bids and resultant contracts over \$300,000.

USE OF MINORITY BUSINESS ENTERPRISE CLAUSE

1. It is the policy of the Government that minority businesses shall have the maximum practicable opportunity to participate in the performance of contracts performed under Federal grant-in-aid programs.

2. The contractor agrees to use its best efforts to carry out this policy through award of subcontracts to minority business enterprises to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "minority business" means a business at least 50 percent of which is owned and controlled by minority group members, or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned and controlled by minority group members. For the purpose of this definition, minority group members are Black Americans, Hispanic Americans, Asian Americans, American Indians, American Eskimos, and American Aleuts.

Contractors may rely on written representations by a subcontractor regarding its status as a minority business, in lieu of an independent investigation.

3. The contractor agrees that it will make good faith efforts to subcontract at least—(to be filled in by each region) percent of the total value of this contract to minority businesses. Failure to reach this percentage and to demonstrate good faith efforts to attain this percentage may lead to rejection of bids on the withholding of grant payments. For the purposes of this program, the term "subcontract" includes all construction, modification, supplies and materials, and service work contracted for by the prime contractor in the prosecution of the work under this contract. Although it is not made a requirement herein for EPA approval of a contract that a bidder in fact meet or exceed these goals in its contracting, it is a requirement for contract approval that a bidder objectively demonstrate to the grantee and to the EPA Regional Civil Rights Director that it has exerted positive efforts to meet these goals. Notwithstanding the fact that a bidder may have the capability to complete the

total project with its own workforce and without the use of subcontractors, each bidder will still be required to take positive efforts to subcontract to minority firms a share of the work consistent with the goals. These requirements are also applicable to bidders who are themselves minority-owned enterprises.

4. The contractor shall appoint a liaison officer who will administer the contractor's minority business enterprise program.

5. The contractor shall cooperate with the EPA Regional Civil Rights Director in any studies and surveys of the contractor's minority business procedures and practices that the EPA Regional Civil Rights Director may from time-to-time conduct.

6. The contractor shall maintain records showing: (a) awards to minority businesses; and, (b) specific efforts to identify and award subcontracts to minority businesses.

7. The contractor shall submit periodic reports of subcontracting to known minority businesses in such form and manner and at such time (not more often than quarterly) as the EPA Regional Civil Rights Director may prescribe.

COMMENTS

Interested persons are invited to comment on this proposed policy.

All comments received will be carefully considered prior to the issuance of a final policy. Comments must be submitted in triplicate on or before July 24, 1978, to the Director, Office of Civil Rights (A-105), Environmental Protection Agency, Washington, D.C. 20460.

Comments will be retained on file at the Public Information Reference Unit, EPA Headquarters, Room 2922, Waterside Mall, 401 M Street SW., Washington, D.C., and may be inspected weekdays between 8 a.m. and 4:30 p.m., at that location.

For further information contact: Mr. Edgar J. Jenkins, Office of Civil Rights (A-105), Washington, D.C. 20460, 202-755-0540.

Dated: May 31, 1978.

DOUGLAS M. COSTLE,
Administrator.

(FR Doc. 78-15887 Filed 6-7-78; 8:45 am)

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[SS Docket Nos. 78-150, 78-151]

DAVID L. DAVIS

Designating Application for Hearing on Stated Issues; Designation Order and Order To Show Cause

Adopted: May 12, 1978.

Released: May 19, 1978.

In the matter of revocation of license of David L. Davis, 6025 East 6th Street, Anchorage, Alaska 99504, SS Docket No. 78-150, licensee of Station KRJ-7555 in the Citizens Band Radio Service; application for Amateur Radio Novice Class License of David L. Davis, 6025 East 6th Street, Anchorage, Alaska 99504, SS Docket No. 78-151.

The Chief, Safety and Special Radio Services Bureau, has under consideration the license for Citizens Band radio station KRJ-7555. Also under consideration is the above-captioned application for an Amateur Radio Novice Class License, filed by David L. Davis on December 21, 1977.

David L. Davis is the licensee of Citizens Band radio station KRJ-7555, granted on July 9, 1976, for a five year term.

It appears, That on September 8, 1977, Davis' station transmitted radio communications on the frequency 27.585 MHz, which is not authorized for use in the Citizens Band but is in the band of frequencies allocated to the United States Government, in wilful violation of § 95.455(a) of the Commission's rules.

It further appears, That the radio transmissions on September 8, 1977, were not identified by Commission assigned call sign at the beginning and end of each transmission or series of transmissions, in wilful violation of § 95.471(c) of the Commission's rules.

It further appears, That on September 10, 1977, David L. Davis, the licensee of Citizens Band radio station KRJ-7555, failed to make his radio station available for inspection upon the request of authorized Commission personnel, in wilful violation of § 95.521 of the Commission's rules.

The alleged violations on September 8 and 10, 1977, were the subject of an Official Notice of Violation (Form 793) mailed to Davis on October 12, 1977.

It further appears, That Davis' conduct described herein raises substantial questions regarding his qualifications to remain a licensee of the Commission and is grounds for revocation of his Citizens Band station license.

It further appears, That, in view of Davis' conduct, the Commission cannot make the determination required by Section 307(a) of the Communications Act that grant of his Amateur Novice Class application would serve the public interest, and that a hearing is necessary.

Accordingly, it is ordered, Pursuant to section 312(a)(4) and (c) of the Communications Act of 1934, as amended, and § 0.331 of the Commission's rules, that David L. Davis show cause why the license for Citizens Band radio station KRJ-7555 should not be revoked, and appear and give evidence in respect thereto at a hearing to be held at a time and place before an Administrative Law Judge, to be specified by a subsequent order.

It is further ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, and §§ 1.973(b) and 0.331 of the Commission's rules, that Davis' application for Amateur Radio Novice Class License is designated for hearing, at a time and place to be specified by subsequent Order upon the following issues:

(1) To determine whether David L. Davis operated radio transmitting equipment in violation of §§ 95.455(a), 95.471(c) and/or § 95.521 of the Commission's rules.

(2) To determine whether David L. Davis refused to allow inspection of his station in wilful violation of § 95.521 of the Commission's rules.

(3) To determine, in light of the facts adduced under issue (1) whether Davis possesses the requisite qualifications to be a licensee of the Commission.

(4) To determine, in light of the foregoing issues, whether the public interest, convenience and necessity would be served by a grant of the Amateur Radio Novice Class application of David L. Davis.

It is further ordered, That, in order to obtain a hearing on the revocation matter and/or on his application, Davis, in person or by attorney, shall within thirty days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intent to appear on a date fixed for hearing to present evidence on the issues specified in the foregoing paragraph. Failure to file a written appearance within the time specified will result in the dismissal of the application with prejudice.

It is further ordered, Pursuant to the provisions of § 1.227 of the Commission's rules, that the proceedings on the above-stated matters are consolidated for hearing.

It is further ordered, That a copy of this Order shall be sent by Certified Mail—Return Receipt Requested and by Regular Mail to the licensee at his address of record as shown in the caption.

Chief, Safety and Special Radio Services Bureau.

GERALD M. ZUCKERMAN,
Chief, Legal, Advisory and
Enforcement Division.

SECRETARY,
Federal Communications Commission,
Washington, D.C. 20554.

In the matter of revocation of license of David L. Davis, 6025 East 6th Street, Anchorage, Alaska 99504, SS Docket No. 78-150, licensee of Station KRJ-7555 in the Citizens Band Radio Service; application for Amateur Radio Novice Class License of

The twenty day time period specified in Section 1.221(c) of the Rules is waived.

David L. Davis, 6025 East 6th Street, Anchorage, Alaska 99504, SS Docket No. 78-151.

RESPONDENT'S REPLY TO ORDER TO SHOW CAUSE WHY CITIZENS BAND RADIO STATION LICENSE KRJ-7555 SHOULD NOT BE REVOKED

In response to the above-mentioned Order to Show Cause, Respondent hereby informs the Commission, by the placing of a check mark in the appropriate block below, which course of action he will take in the above-entitled matter:

See Page 2

- ☐ 1. Respondent will appear and present evidence at the hearing.
- ☐ 2. Respondent waives his right to a hearing in the above-entitled matter and does not submit a written statement.
- ☐ 3. Respondent waives his right to a hearing in the above-entitled matter and submits the attached written statement.*

Respectfully submitted,

Date: ————1978.

DAVID L. DAVIS,
Respondent.

Section 1.91 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard in a hearing presided over by an Administrative Law Judge, shall file with the Commission, within 30 days after service of the Order to Show Cause, a written statement that he will appear at the hearing and present evidence on the matter specified in the Order. If Respondent is unable to appear at a hearing held in Washington, D.C., he may request that the hearing be held at a location near his residence. Any such request should contain whatever facts Respondent feels necessary in support of his request.

The right to a hearing is waived if the licensee (1) fails to file a timely written appearance, or (2) files with the Commission, within the time specified for a written appearance, a written statement expressly waiving the right to a hearing. When hearing is waived, the licensee, within the time specified for a written appearance, may submit to the Commission a written statement denying or seeking to mitigate or justify the circumstances or conduct complained of in the Order to Show Cause. When a hearing is waived, the Chief Administrative Law Judge will issue an order certifying the case to the Commission. Thereupon, the matter normally will be handled by the Chief, Safety and Special Radio Services Bureau, under applicable delegations of authority, who will make a determination, on the basis of all information available, including statements filed by the respondent, respondent's past violation record, etc., whether a revocation order should be issued or whether the matter should be dismissed.

SECRETARY,
Federal Communications Commission,
Washington, D.C. 20554.

*If this statement is intended to be in mitigation, it should include information as to (1) the corrective action, if any, that has been taken in connection with each of the related violations; (2) the reasons, if any, why you believe that your radio station license should not be revoked.

In the matter of revocation of license of David L. Davis, 6025 East 6th Street, Anchorage, Alaska 99504, SS Docket No. 78-150, License of Station KRJ-7555 in the Citizens Band Radio Service; application for Amateur Radio Novice Class License of David L. Davis, 6025 East 6th Street, Anchorage, Alaska 99504, SS Docket No. 78-151.

RESPONDENT'S REPLY TO THE ORDER DESIGNATING AMATEUR RADIO NOVICE CLASS APPLICATION FOR HEARING

In response to the above-mentioned order, Respondent hereby informs the Commission, by the placing of a check mark in the appropriate block below, which course of

action he will take in the above-entitled matter:

- ☐ 1. Respondent will appear on the date fixed for the hearing and present evidence on the issues specified in the order of designation.

- ☐ 2. Respondent will not present evidence on the issues specified in the order of designation and understands that, as a result, his application will be dismissed with prejudice.

Respectfully submitted,

Date: _____ 1978.

DAVID L. DAVIS,
Respondent.

[FR Doc. 78-15879 Filed 6-7-78; 8:45 am]

[6712-01]

[Report No. 1124]

PETITIONS FOR RECONSIDERATION OF ACTIONS IN RULEMAKING PROCEEDINGS FILED

MAY 31, 1978.

Docket or RM No.	Rule No.	Subject	Date received
19528.....		Proposals for new or revised classes of interstate and foreign message toll telephone service (MTS) and wide area telephone service (WATS). Filed by Vincent Gallogly, attorney for GTE Service Corp. and its affiliated domestic telephone operating companies. Filed by Donald J. Mulvihill and R. Bruce Dickson, attorneys for Continental Telephone Corp. Filed by Donald E. Guinn, assistant vice president and Edward L. Friedman, Robert M. Ralls, and J. Richard Teel, attorneys for the Bell System companies. Filed by Theodore D. Frank, Richard R. Standel, and Paul de Jongh, attorneys for Northern Telecom, Inc.	May 19, 1978. Do. Do. Do. Do.
21182.....	Part 68.....	Amendment of pt. 68 of the Commission's rules (Telephone Equipment Registration) to specify standards for and means of connection of telephone equipment to lamp and/or annunciator functions of systems. Filed by Victor J. Toth and Terry G. Mahn, attorneys for Teltronics Division of Brand-Rex Co. Filed by Donald E. Guinn, assistant vice president and Edward L. Friedman, Robert M. Ralls, and J. Richard Teel, attorneys for American Telephone & Telegraph Co. Filed by Tedson J. Meyers and Michael W. Faber, attorneys for Bunker Ramo Corp.	Do. Do. Do. Do.
21135.....		The simplification of the licensing and call sign assignment systems for stations in the amateur radio service. Filed by Stephen A. Ballo (KN3TFM).....	May 18, 1978.

NOTE.—Oppositions to petitions for reconsideration must be filed on or before June 23, 1978. Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-15883 Filed 6-7-78; 8:45 am]

[6712-01]

OPPOSITIONS TO PETITIONS FOR RECONSIDERATION IN DOCKET NO. 19528

JUNE 5, 1978.

Public notice was given of three petitions for reconsideration of the Third Report and Order in Docket No. 19528

on May 23, 1978, and this notice was repeated in 43 FR 23759, June 1, 1978.

Public notice was given of five additional petitions for reconsideration of the Third Report and Order in Docket No. 19528 on May 31, 1978, and it is anticipated that this notice will appear in the FEDERAL REGISTER on June 8, 1978.

Since § 1.429(f) of the Commission's Rules requires that oppositions to petitions for reconsideration be filed within 15 days after public notice of these petitions is given in the FEDERAL REGISTER, there is some question as to whether the 15-day period should run from June 1 or June 8, 1978. To prevent confusion, oppositions will be accepted within 15 days of the latter of the two FEDERAL REGISTER publications to allow for comprehensive filings which address all of the filed petitions for reconsideration.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-16021 Filed 6-7-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

BankAmerica Corp.

Proposed Continuation of Lending Activities Through FinanceAmerica Commercial Corp. and Commencement of Servicing, Leasing, and Credit Insurance Agency Activities Through FinanceAmerica Commercial Corp.

BankAmerica Corp., San Francisco, Calif., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b) of the Board's Regulation Y (12 CFR 225.4(b)), for permission to continue to engage, through a subsidiary known as FinanceAmerica Commercial Corp. ("FACC"), Allentown, Pa., in inventory and accounts receivable, financing, lease financing, equipment financing, insurance premium financing, making loans to non-affiliated finance and leasing companies secured by pledges of accounts receivable of such companies, making loans secured by real and personal property, and purchasing retail installment sales contracts. It appears such activities were commenced by FACC in September 1974, without the prior approval of the Board, in apparent violation of the Act and the Board's Regulation Y.

The application also proposes the commencement by FACC of the activities: servicing loans, participating in loans and other extensions of credit, leasing real and personal property, and offering credit-related life, accident and disability and property insurance in connection with extensions of credit made or acquired by FACC. Notice of the application was published on March 31, 1978, or various dates in April 1978, in 97 newspapers circulated in areas in which FACC solicits or plans to solicit business. The activities in which FACC engages and proposes to engage appear to have

been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 30, 1978.

Board of Governors of the Federal Reserve System, June 1, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-15852 Filed 6-7-78; 8:45 am]

[6210-01]

MOLINE MANUFACTURING CO.

Formation of Bank Holding Company

Moline Manufacturing Co., Moline, Ill., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 95.68 percent of the voting shares of Southeast National Bank of Moline, Moline, Ill. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Moline Manufacturing Co., Moline, Ill., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to continue to engage in the activities of leasing real and personal property on a one-time basis. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). Notice of the

[1610-01]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was received by the Regulatory Reports Review Staff, GAO, on June 2, 1978. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed CAB request are invited from all interested persons, organizations, public interest groups, and affected business. Because of the limited amount of time GAO has to review the proposed request, comments (in triplicate) must be received on or before June 26, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

CIVIL AERONAUTICS BOARD

The CAB requests clearance of revisions of Form 251, Report of Passengers Denied Confirmed Space, caused by an amendment to Part 250 of the Board's Economic Regulations (Priority Rules, Denied Boarding Compensation Tariffs, and Reports of Unaccommodated Passengers) which (1) suspends indefinitely the requirement to file CAB Form 250, Report of Unaccommodated Passengers; (2) expands the requirements to file CAB Form 251 to include foreign air carriers serving the United States; and (3) makes various editorial changes to CAB Form 251. These reporting requirements are mandatory under the Federal Aviation Act of 1958, as amended. The CAB estimates respondents will be 124 certificated and foreign route air carriers and that reporting burden will average 2 hours per monthly report.

NORMAN F. HEYL,
Regulatory Reports,
Review Officer.

[FR Doc. 78-15943 Filed 6-7-78; 8:45 am]

application was published on May 24, 1978, in the Daily Dispatch, a newspaper circulated in Moline, Ill.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 3, 1978.

Board of Governors of the Federal Reserve System, June 2, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-15853 Filed 6-7-78; 8:45 am]

[6210-01]

RIVER OAKS BANCORP, INC.

Formation of Bank Holding Company

River Oaks Bancorp, Inc., Calumet City, Ill., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 93.4 percent of the voting shares of River Oaks Bank and Trust Co., Calumet City, Ill. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 29, 1978.

Board of Governors of the Federal Reserve System, June 1, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-15854 Filed 6-7-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA; CHIEF, BRANCH OF RECORDS AND DATA MANAGEMENT

Redelegation of Authority by State Director

Pursuant to the authority contained in section 1.1 of BLM Order No. 701 dated July 23, 1964, as amended, authority is hereby redelegated to the Chief, Branch of Records and Data Management to take action under section 2.6(k) as to mining claim instruments filed for record with BLM under 43 CFR Part 3833, as follows:

- (1) Accept and record instruments meeting recording requirements;
- (2) Notify owners to take curative actions to complete defective filings;
- (3) Reject instruments and void claims not filed within the prescribed time periods; and
- (4) Reject filings and void claims located on lands not available for mineral location on dates of location.

This delegation is effective June 1, 1978.

JOHN E. BIRCH,
Acting State Director.

Approved: May 26, 1978.

GEORGE L. TURCOTT,
Associate Director.

[FR Doc. 78-15815 Filed 6-7-78; 8:45 am]

[4310-84]

INTERAGENCY GEOTHERMAL STREAMLINING TASK FORCE

Public Meetings

The schedule of public meetings for the Interagency Geothermal Streamlining Task Force, announce May 24, 1978 (FEDERAL REGISTER, Volume 43, No. 101, page 22247) has been changed as follows: The June 23, 1978, meeting in Room 128, Salt Palace, Salt Lake City, Utah, has been postponed until June 28, 1978, to begin at 1 p.m. The meeting will be held in the Salt Palace. The room will be posted on the date of the meeting.

WINSTON B. SHORT,
Chairman, Interagency Geothermal Streamlining Task Force.

JUNE 5, 1978.

[FR Doc. 78-15864 Filed 6-7-78; 8:45 am]

[4310-84]

ROSWELL DISTRICT GRAZING ADVISORY BOARD MEETING

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Roswell District Grazing Advisory Board will be held on July 13, 1978, at

NOTICES

10 a.m., in the Berrendo Room of the Roswell Inn at 1815 North Main, Roswell, N. Mex.

The agenda for the meeting will include: (1) A discussion of the function of the Board; (2) the expenditure of range betterment funds for range improvements; (3) a review of the current policy and program relating to allotment management plans including the ongoing and future grazing environmental statement effort; (4) election of officers; and (5) discussion of the Board's future involvement in the allotment management plan program.

The meeting is open to the public. Interested persons may make oral statements to the Board between 2:30 and 3:30 p.m., or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, by July 7, 1978. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Board meeting will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

JAMES H. O'CONNOR,
District Manager.

MAY 30, 1978.

[FR Doc. 78-15847 Filed 6-7-78; 8:45 am]

[4310-84]

[W-63863]

WYOMING

Application

MAY 30, 1978.

Notice is hereby given that pursuant to sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co. of Colorado Springs, Colo., filed an application for a right-of-way to construct a 4½ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING
T. 39 N., R. 90 W.,
Sec. 29, E½SW¼ and SW¼SW¼;
Sec. 32, W½NW¼ and NE¼SW¼.

The proposed pipeline will transport natural gas from the Lester No. 1-32 well located in the NW¼ of section 32, to a point of connection with an existing pipeline located in the SW¼ of section 29, all within T. 39 N., R. 90 W., Fremont County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1300 Third Street, P.O. Box 670, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-15848 Filed 6-7-78; 8:45 am]

[4310-84]

[W-63522]

WYOMING

Application

MAY 26, 1978.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Gas Co. of Colorado Springs, Colo., has filed an application for a right-of-way to construct a 4½ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING
T. 39 N., R. 90 W.,
Sec. 29, SW¼NE¼, SE¼NW¼, NE¼SW¼
and NW¼SE¼.

The proposed pipeline will transport natural gas from the State No. 1-16 Well located in the NE¼ of section 16, T. 39 N., R. 90 W., to a point of connection with an existing pipeline located in the S½ of section 29, T. 39 N., R. 90 W. in Fremont County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, P.O. Box 670, 1300 Third Street, Rawlins, Wyo. 82301.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-15850 Filed 6-7-78; 8:45 am]

[4310-84]

[W-63854]

WYOMING

Application

Notice is hereby given that pursuant to Section 28 of the Minerals Leasing Act of 1920, as amended (30 U.S.C.

NOTICES

185) Western Oil Transportation Co., Inc., of Casper, Wyo. filed an application for a right-of-way to construct a 4½-inch O.D. pipeline for the purpose of transporting crude oil across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING
T. 44 N., R. 77 W.,
Sec. 22, SW¼SE¼.

The pipeline is a proposed addition to a gathering system in Johnson County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 951 Union Boulevard, Casper, Wyo. 82601.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands
and Minerals Operations.
[FR Doc. 78-15849 Filed 6-7-78; 8:45 am]

[4310-31]

Geological Survey

NATIONAL OUTER CONTINENTAL SHELF ORDER NO. 5

Failure and Inventory Reporting System; Requirement

The purpose of this Notice is to advise the public of this Geological Survey's intent to include in National OCS Order No. 5 a requirement for operators of production platforms in the OCS to submit certain data in accordance with a previously announced safety device Failure and Inventory Reporting System (FIRS).

By Notices in the FEDERAL REGISTER dated April 12, 1978, and May 13, 1978, the Geological Survey solicited comments on this proposed system. At the time those Notices were prepared, they were directed only toward those operators of production platforms located in the Gulf of Mexico OCS. Since the advent of the National OCS Order concept, the Geological Survey considers it desirable to include other OCS Areas. The impact of this change is extremely minimal since there are presently over 2,200 production platforms in the Gulf of Mexico OCS and only 7 in all other OCS Areas. It is anticipated that the aforementioned National OCS Order will be published in the FEDERAL REGISTER in June 1978.

Comments on the proposed FIRS were received from approximately 20 commenters. The majority of the commenters questioned the need for such a program. A few commented on some

of the data items required for submission on the proposed forms. The discussion of these two broad categories of comments follows:

NEED FOR FIRS

Equipment failure and human error contributed to nearly 100,000 barrels of oil being discharged into the Outer Continental Shelf (OCS) waters since 1970. To help prevent such incidents, safety devices are installed on OCS production platforms to protect against abnormal conditions such as overpressure, underpressure, high or low liquid levels, etc. However, since 1970, over 100 accidents and/or pollution incidents directly related to malfunctioning safety devices have occurred. To perform its duties effectively concerning the prevention of waste and the conservation of natural resources in the OCS, it is essential that the Geological Survey conduct a program to assess the reliability of safety devices and to take action to assure the improvement of such devices.

The Geological Survey is also currently instituting a standards and quality assurance program for which performance or design standards for various safety devices will be prepared. The FIRS will provide the basis for such a program. In addition, the FIRS will provide for the rapid and positive exchange of failure data so that problems experienced by one operator can be avoided by others and so that major or recurring problems which require research and development effort for resolution can be identified. Without the FIRS program, it is unlikely that consistent progress will be made toward the improvement of equipment needed if the number of accidents, amount of pollution, or volume of production lost is to be reduced to a minimum.

The petroleum industry has an excellent safety record considering the amount of drilling and the magnitude of production operations. However, as long as accidents, fires, and pollution events occur, the Geological Survey must continue to investigate operating procedures and strengthen its regulatory controls over these procedures in a manner that will promote improvement of this record.

DATA ITEMS IN PROPOSED FORMS

After receipt and review of the public comments submitted relating to data items listed in the proposed forms, the Geological Survey undertook a pilot program to assess the validity of the data requirements on the proposed forms and to verify the clarity of the instruction booklet which had been prepared to aid the users in filling out the forms. The pilot program was carried out with the cooperation of several offshore operators who gathered inventory and failure

data on various production platforms utilizing the proposed forms and instruction booklet. The pilot program provided a valuable exchange of viewpoint and ideas which resulted in modified forms and instruction booklets mutually acceptable to the U.S. Geological Survey and the representatives of the offshore oil and gas industry.

FORM APPROVAL

The Office of Management and Budget has approved the forms which will be used for the FIRS. The Geological Survey numbers assigned to the inventory form and the failure reporting form are 9-1994 and 9-1995 respectively.

W. A. RADLINSKI,
Acting Director.

[FR Doc. 78-15817 Filed 6-7-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[TA-406-2, TA-406-3, and TA-406-4]

CLOTHESPINS FROM THE PEOPLE'S REPUBLIC OF CHINA, THE POLISH PEOPLE'S REPUBLIC, AND THE SOCIALIST REPUBLIC OF ROMANIA

Time and Place of Portland, Maine, Hearing

Notice is hereby given that the public hearing in connection with the above-noted investigations scheduled for Portland, Maine, will be held beginning at 9:30 a.m., e.d.t., Thursday, June 22, 1978, in the Oxford Room of the downtown Holiday Inn, 888 Spring Street, Portland.

Requests for appearances at the hearing should be received, in writing, by the Secretary of the Commission in his office in the United States International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, not later than noon, Thursday, June 15, 1978. Notice of the investigations and public hearing was published in the FEDERAL REGISTER of May 22, 1978 (43 FR 21952).

By order of the Commission.

Issued: June 5, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-15941 Filed 6-7-78; 8:45 am]

[7020-02]

[AA1921-182]

STEEL WIRE STRAND FOR PRESTRESSED CONCRETE FROM INDIA

Investigation and Hearing

Having received advice from the Department of the Treasury on May 25, 1978, that steel wire strand from India

is being, or is likely to be, sold at less than fair value, the United States International Trade Commission on June 2, 1978, instituted investigation No. AA1921-182 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being, or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States. For purposes of Treasury's determination, the term "steel wire strand" was defined as steel wire strand, other than alloy steel, stress-relieved and suitable for use in prestressed concrete, provided for in item number 642.1120 of the Tariff Schedules of the United States Annotated (TSUSA).

Hearing. A public hearing in connection with the investigation will be held on Tuesday, July 18, 1978, in the Commission's Hearing Room, United States International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, beginning at 9:30 a.m., e.d.t. All persons shall have the right to appear in person or by counsel, to present evidence and to be heard. Requests to appear at the public hearing, or to intervene under the provisions of section 210(d) of the Antidumping Act, 1921, shall be filed with the Secretary of the Commission, in writing, not later than noon, Thursday, July 13, 1978.

By order of the Commission.

Issued: June 5, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-15942 Filed 6-7-78; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 78-23]

ACCIDENT REPORT; SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Highway Accident Report.—The National Transportation Safety Board announces the availability of its formal investigation report on the collision of a Ford sedan with a Midas Mini Motor Home on U.S. Route 69 near McAlester, Oklahoma, July 14, 1977. The report, No. NTSB-HAR-78-2, was officially released May 26.

The car, traveling south, went out of control on wet pavement, crossed the centerline sideways and collided with the northbound motor home. All six persons in the sedan were killed; the driver and right front passenger in the motor home were killed and the six other passengers of the motor home were injured.

The Safety Board determined that the probable cause of this accident was a combination of the low skid resistance of the wet road surface and the lax operating maintenance by the owner of the sedan which permitted the use of an unsafe tire and the imbalanced capability of the brake system. A factor contributing to the accident was the driver's unfamiliarity with the mechanical condition of the sedan. Contributing to the severity of the injuries were the failure of the front seat occupants of the motor home to wear the available seatbelts, and the failure of the door latch assembly.

As a result of its investigation of this accident, earlier this year the Safety Board issued five safety recommendations. Three recommendations to help prevent slippery-highway accidents—recommendations H-77-35 through 37—were issued on January 10 to the Oklahoma Department of Transportation. Recommendations H-78-15 and 16, which called for improved testing of motor vehicle latch doors, were issued March 22, to the National Highway Traffic Safety Administration. These recommendations were reported in the FEDERAL REGISTER at the time of issuance.

On May 1 the Safety Board issued these three additional recommendations in connection with the McAlester accident investigation:

To the State of Oklahoma Department of Transportation—

Have its skid trailer calibrated at a Federal Highway Administration test center as soon as possible and inform the Safety Board when the calibration is completed. (H-78-17)

To the Motor Vehicle Manufacturers Association of the United States, Inc.—

Inform its members of the details of the unwanted actuation of the door latch and encourage them to consider ways to prevent such failures in the manufacture of future door-latch assemblies. (H-78-18)

To the Federal Highway Administration—

Develop expeditiously procedures to determine the skid resistant characteristics of newly constructed and resurfaced roadways before they are opened to the public. (H-78-19)

Recommendation H-78-18 is designated "Class I, Urgent Action." Recommendations H-78-17 and H-78-19 are designated "Class II, Priority Action."

Aviation Safety Recommendations.—On May 23, 1977, a "Zuni" high performance racing glider, manufactured by Aero Tek, crashed when its wings separated in flight at Moriarity, New Mexico. The wings failed at their attachment fittings under a high positive overload during a "racing porpoise" maneuver.

On July 31, 1977, another Zuni prototype glider was heavily damaged when it ground looped while on tow for takeoff, and in January 1978 near Genoa, Nevada, still another Zuni prototype glider was involved in an incident when the pilot experienced 1½ seconds of aileron flutter, pitching oscillations accompanied by vertical accelerations, and wing flutter. Inspection of the glider revealed delaminations in the wing. The wing and control surfaces had been constructed of fiberglass.

These three gliders were being operated under experimental airworthiness certificates for the purposes of "racing and exhibition" and were restricted by the limitations of 14 CFR 91.42.

The Board's accident experience in connection with high-performance fiberglass gliders has prompted concern in several areas including structures, vibration and flutter, and stability and control. The Board states that the lack of a unified set of specific requirements relating to glider design is probably a primary factor in explaining why the Zuni was not type certificated in a standard category at the outset. As a result of its investigation of these cases, the Board on June 1 recommended that the Federal Aviation Administration:

Issue, as soon as possible, comprehensive regulations for the design and construction of gliders which reflect the current state of the art and are consistent with the regulatory requirements for other types of aircraft. (A-78-35)

Amend current regulations to prevent issuance of experimental certificates for the purposes of exhibition and/or air racing to purchasers of newly manufactured, production aircraft. (A-78-36)

Both recommendations are "Class II," for priority action.

Marine Safety Recommendations.—On November 10, 1975, the Great Lakes bulk cargo vessel *SS Edmund Fitzgerald*, with 29 crewmen and fully loaded with taconite pellets, sank in eastern Lake Superior approximately 17 miles from the entrance to Whitefish Bay, Michigan. The ship, en route from Superior, Wisconsin, to Detroit, Michigan, was proceeding at a reduced speed in a severe storm. No distress call was heard and no survivors or bodies were located, although the vessel's two inflatable liferafts, several personal flotation devices, and other debris were found. Analysis of evidence developed during investigation of this accident indicated that topside damage to ballast tanks and its tunnel and significant amounts of water entered the cargo hold of the *Fitzgerald* through nonweathertight hatch covers.

Because the annual inspections of Great Lakes bulk cargo vessels were in progress, the Safety Board submitted four recommendations to the Coast Guard on March 23, 1978, previously

reported in the FEDERAL REGISTER. As a result of the investigation of the accident, 19 additional recommendations were issued on June 1:

To the U.S. Coast Guard:

Determine if reduction in the minimum freeboard requirements for Great Lakes vessels permitted by the 1969, 1971, and 1973 amendments to 48 CFR Part 45 increases the potential for vessel flooding because the designs of weathertight closures are not adequate and report the findings. (M-78-16)

Initiate a design study to improve the current weathertight hatch cover and clamp designs used on Great Lakes bulk cargo vessels with a view toward requiring a more effective means of closure of such fittings. (M-78-17)

Insure that the masters of Great Lakes bulk cargo vessels have the loading information required by 46 CFR 45.105, including the proper sequences for simultaneous loading and deballasting or unloading ballasting. (M-78-18)

Require that the masters of all Great Lakes cargo vessels that are not required by 46 CFR 45.105 to have loading information be provided with such information, including the proper sequence for simultaneous loading and deballasting or unloading and ballasting. (M-78-19)

Require that a Great Lakes cargo vessel meet a minimum level of subdivision and damage stability to prevent the foundering of the vessel because of flooding through one hatch or flooding because of damage in a limited area of the vessel. (M-78-20)

Require a means of detecting water in the cargo holds of a Great Lakes vessel so that her master will have an early indication of flooding and can take any necessary corrective action. (M-78-21)

Amend 46 CFR 58.50-50 to require an effective bilge pumping system on Great Lakes bulk vessel so that if the vessel has trim by the bow and is listing, water can be removed from any portion of the cargo hold. (M-78-22)

Require instruments in the wheelhouse to detect changes in both trim and heel on Great Lakes bulk cargo vessels so that changes in trim and heel caused by the presence of water or a change in cargo configuration can be detected. (M-78-23)

Require that the information supplied to the master of Great Lakes cargo vessels on loading and stability also include information on the vessel's ability to survive flooding (e.g., trim and heel results after assumed damage) so that the master can take appropriate corrective action or formulate timely plans to effect crew evacuation. (M-78-24)

Require that Great Lakes vessels have emergency position indicating radio beacons (EPIRB's) so that vessels lost or in serious danger can be located rapidly and accurately. (M-78-25)

Determine, in conjunction with the American Bureau of Shipping, the limiting sea state applicable to the design of Great Lakes bulk cargo vessels including freeboard and longitudinal strength, and report the findings. (M-78-26)

Prohibit the navigation of Great Lakes vessels in wind and wave conditions which exceed the limiting sea state used for vessel design. (M-78-27)

Determine, in conjunction with the American Bureau of Shipping, the design criteria used to determine the structural adequacy of hatch covers and report the findings. Evaluate the design criteria and

impose more stringent standards if indicated. (M-78-28)

Require that all Great Lakes bulk cargo vessels have a fathometer. (M-78-29)

Increase the surface search and rescue capability on the Great Lakes during severe weather periods. (M-78-30)

To the American Bureau of Shipping:

Determine, in conjunction with the U.S. Coast Guard, the limiting sea state applicable to the design of Great Lakes bulk cargo vessels including freeboard and longitudinal strength. (M-78-31)

Determine, in conjunction with the U.S. Coast Guard, the design criteria used to determine the structural adequacy of hatch covers. (M-78-32)

To the National Oceanic and Atmospheric Administration:

Revise Lake Survey Chart No. 9 showing the areas between Michipicoten Island and Caribou Island in Lake Superior to reflect the findings of the survey performed by the Canadian Hydrographic Service. (M-78-33)

Evaluate the current methods of forecasting wave heights on the Great Lakes to determine if these methods accurately predict actual wave heights. (M-78-34)

All of the above recommendations are designated "Class II, Priority Action."

Railroad Safety Recommendations.—Last October 8, Southern Railway Company passenger train No. 1, The Crescent, entered a crossover from the main track into the Spencer Yard at Spencer, North Carolina, and sideswiped freight cars which were being assembled as train No. 152 on an adjacent yard track. Four locomotive units and five cars of The Crescent and seven cars of train No. 152 were derailed. Twenty-six persons received minor injuries and damage was estimated at \$250,000.

The Safety Board's investigation indicated that signal 330.7, which governed the signal block in which the crossover was located, displayed a clear (green) aspect for The Crescent. The track circuit controlling the signal's aspect was not shunted when the north end of the crossover was lined for the yard. The improperly lined crossover would not have caused the accident if the signal system had not failed. However, because of improper operating practices and the failure of the back-up system, which was the automatic signal system, the accident occurred.

As a result of investigation of this accident, the Safety Board on May 31 issued the following recommendations:

To the Federal Railroad Administration:

Require that the track shunt circuit imposed by contact closure in a circuit controller be phased out as soon as practicable and a series break-type circuit, which will satisfy the requirements of the FRA's Rules, Standards, and Instructions, be used in place thereof. (R-78-23)

To the Southern Railway Company:

Revise its operating rules to insure that they state as specifically as possible the action that is intended, and to enforce those rules pertaining to the operation of switches and the reporting of malfunctions of the signal system. (R-78-24)

Both are Class II recommendations, for priority action.

RESPONSES TO SAFETY RECOMMENDATIONS

Aviation

A-75-84.—Letter of May 2 from the Federal Aviation Administration is in response to the recommendation which would require air carriers to comply with 14 CFR 121.417(c)(4) by using accurate and realistic equipment and procedures simulating emergency conditions, including opening exits in emergencies, and require that during each flight attendant's initial and recurrent training he operate emergency exits which duplicate the forces encountered and actions necessary when such exits are opened in the emergency mode.

FAA reports that Order 8430.6A, Air Carrier Operations Inspector's Handbook, Change 103, was issued March 1, 1976, and contains Air Carrier Operations Bulletin No. 76-1. This bulletin interprets FAR 121.417 and specifies the requirements to be incorporated into air carrier emergency training programs. A copy of the bulletin is attached to FAA's letter.

A-77-40.—FAA's letter of April 28 addresses the recommendation which urged a comprehensive inspection of each air carrier's procedures under 14 CFR Part 103 and 14 CFR 121.433(a), specifically with regard to receiving, palletizing, consolidating, and aircraft loading, and related training.

FAA reports that a comprehensive evaluation of FAA and air carrier programs was completed on July 11, 1974, concerning effectiveness of FAA enforcement of regulations pertaining to transportation of hazardous materials. As a result, FAA's Hazardous Materials Program was revised and FAA Order 8000.34A, Transportation of Hazardous Materials, was issued on November 26, 1976. Change 1, containing objectives and policy guidelines for FAA inspectors, was added on August 3, 1977. A copy of FAA Order 8000.34A including Change 1 is attached to the response.

Marine

M-74-36.—Letter of May 3 from the U.S. Coast Guard is in further response to the recommendation calling for use of all available means of communications, including Citizens Band radio, in situations where a more rapid rescue could be provided. The recommendation was issued as a result of the loss of numerous vessels during heavy weather in the vicinity of

Chetco River, Oregon, August 16, 1972.

Coast Guard states that Commandant Instruction 16128.1, dated March 20, 1978, discusses the use and monitoring of Citizens Band radio traffic by selected U.S. Coast Guard shore units. These shore units are listed on an enclosure to the Instruction, a copy of which is provided with the response.

Pipeline

The Research and Special Programs Administration (RSPA) of the U.S. Department of Transportation on April 3 provided a detailed status report on the implementation of 15 pipeline safety recommendations issued by the Safety Board during the 1971-1973 period. The report is in response to the Board's inquiry of November 4, 1977, concerning these recommendations:

P-71-7.—This recommendation, resulting from the September 9, 1969, accident at Houston, Texas, called for a review of methods used by pipeline operators to protect existing transmission lines against accidental overpressuring upon the failure of pressure control equipment. The review was to be made in conjunction with the States.

RSPA reports that this review was included in a contract study, "Rapid Shutdown of Failed Pipeline Systems and Limiting of Pressure to Prevent Pipeline Failure Due to Overpressure." It has been reviewed by the Office of Pipeline Safety Operations (OPSO) which is now developing proposals for new regulations to include requirements for overpressure and automatic controls on both liquid and gas pipelines. The proposals for liquid lines will be published in FY 78, but the schedules for proposals on gas pipeline regulation has not been determined.

P-72-34.—Based on the October 4, 1971, accident in Richland Hills, Texas, this recommendation asked for amendment of 49 CFR Part 192 to include a section based on review of the suitability of threaded galvanized pipe, or pipe coated with other dissimilar metals, for the transportation of natural and other gas. RSPA reports that OPSO initiated a contract study to appraise the seriousness of certain types of environmentally induced cracking problems in pipelines. Hydrogen embrittlement is one of the problems addressed by the study which was begun in July 1976 and completed in January 1978. Further action on this recommendation depends on OPSO's evaluation of the contractor's report.

P-72-40 through 43.—These recommendations, resulting from the March 24, 1972, accident at Annandale, Virginia, called for amending 49 CFR Part 192 to require: (1) onsite identification

of all valves on high-pressure distribution systems; (2) each pipeline operator to prepare preplanned shutdown procedures so that any section of a high-pressure distribution system can be shut down in an emergency; (3) each operator to maintain a log which shows the receipt and handling of each leak or emergency report received; and (4) each pipeline operator to have on duty a sufficient number of dispatching personnel to effectively coordinate emergency situations.

In response, RSPA states that clarification of the emergency procedures required by §192.615, Clarification, was made through OPSO's Amendment No. 192-24, "Emergency plans," to 49 CFR Part 192, issued March 31, 1978. The new paragraph 192.615(a)(6) requires each operator to have written procedures for emergency shutdown and pressure reduction in any section of its system necessary to minimize hazard to life and property. Further, RSPA states that recommendations P-72-42 and 43 were considered when revisions to §192.615 were developed. New §192.615 requires each operator to establish written procedures for "... receiving, identifying, and classifying notices of events which require immediate response by the operator ...," "... adequate means of communication ...," "... prompt and effective response ...," "... train appropriate operating personnel ...," "... verify that training is effective ...," and "... establish ... liaison with appropriate ... public officials"

P-72-63.—This recommendation resulted from the October 4, 1972, Fort Worth, Texas, accident. RSPA reports that, as called for by this recommendation, OPSO initiated a contract study, "Pipeline Industry's Practices Using Plastic Pipe in Gas Pipeline Facilities and the Resulting Safety Factors." The study included an evaluation of plastic pipe joining procedures, methods of quality control, and non-destructive testing techniques. As a result of this study, analysis of OPSO's accident reports, and Safety Board recommendations, OPSO is now preparing a notice of proposed rule-making relative to plastic pipe joining procedures and qualifications of procedures and joiners.

P-73-2 and 4.—These recommendations, resulting from the accident at Lake City, Minnesota, October 30, 1972, asked for (1) a study of fail-safe devices to stop the flow of gas from ruptured lines and possible amendment of 49 CFR Part 192 to require the installation of such devices at appropriate locations in gas distribution systems, and (2) amendment of 49 CFR 192.181(a) to include requirements clearly expressing the intent of OPSO concerning the number and the location of emergency valves in high-

pressure gas distribution systems and which treat the need for keys in the hands of local authorities.

RSPA reports that OPSO's recently completed contract study (DOT-OS-30008) relative to rapid shutdown of failed facilities included a section on fail-safe devices, such as proposed in P-73-2. RSPA states that since such devices may have safety potential and favorable cost/benefit ratio for certain service lines, this proposal will be considered for inclusion in the FY-79 regulatory program.

With reference to P-73-4, RSPA does not feel that specific requirements could be developed to adequately apply to all operations. However, new §192.615, Emergency plans (Amendment 192-24) reinforces the requirements of §192.181, Distribution line valves, by requiring the operator to establish written procedures for "emergency shutdown and pressure reduction ... to minimize hazards to life or property ..." to have "... adequate means of communication ..." to "... verify appropriate operating personnel ..." and to "... verify that training is effective ..." RSPA does not believe it appropriate to provide for shutdown of emergency valves by other than operator personnel.

P-73-12 and 13.—These recommendations—to amend 49 CFR Parts 192 and 195 to require each pipeline operator to establish a program for preventing excavation-type damage to its underground facilities, and to revise methods of summarizing reports of individual gas pipeline leaks and failures to show clearly those accidents resulting from excavation activities—were issued in connection with the Safety Board's 1973 special study "Prevention of Damage to Pipelines."

RSPA notes with reference to P-73-12 that for an effective damage prevention program, all utilities and all excavation contractors must participate, and, since OPSO only has jurisdiction over pipeline operators, such a program must be established by an agency with authority over all utilities and excavation contractors, such as a State or local jurisdiction. RSPA reports that on March 27, 1975, OPSO amended the requirements for §192.707, Line markers for mains and transmission lines, which amendment (192-20) clarified and increased the marking requirements for gas pipelines. Similar requirements will be proposed for liquid pipelines. Also, in June 1977, OPSO wrote to all State Governors proposing a "Model Underground Utility Damage Prevention Act" to assist State legislatures in developing underground utility damage prevention legislation or in determining whether current laws can be more effective.

Concerning P-73-13, RSPA states that OPSO is addressing the problem

though its public speaking engagements, operator's seminars, and training sessions for State agency personnel. Also, OPSO has a contract study, "Study and Evaluate the Effectiveness of Programs for the Prevention of Damage to Pipelines by Outside Forces," completed December 31, 1977. Further action to prevent damage by outside forces may be developed after evaluating the report, RSPA stated.

P-73-29 and 30.—These recommendations, resulting from the May 14, 1972, accident at Hearne, Texas, called for (1) reviewing the Hazardous Materials Regulations Board proposals in Docket HM-6 and accident records of uncoated, unprotected, or partially protected pipelines, and, based on results of that review undertake rule-making to provide for either periodic hydrostatic retesting of these pipelines or progressive reduction in their operating pressures based upon the effects of continuing corrosion, or both; and (2) amending 49 CFR 195.408, Communications, to describe more fully the type of information required for safe operation of pipelines and the conditions under which this information should be transmitted remotely.

RSPA notes that OPSO had previously reviewed the comments to HM-6 and found no substantial data to support any rule change. A contract study, "Transportation of Highly Volatile, Toxic, or Corrosive Liquids by Pipeline," was completed in February 1976. The data are now being used to develop proposed rules for Part 195, relating to qualification of operating pressure by pressure test, testing procedures, operating, maintenance, and emergency procedures (which include communications), valve spacing, overpressure and remote control, and operating stress level. These proposed rules will recognize the different hazards and operating conditions that exist for pipelines transporting highly volatile, toxic, or corrosive liquids.

P-73-37 and 38.—The August 31, 1972, accident at Atlanta, Georgia, prompted these recommendations: To (1) improve accident-reporting requirements to obtain a better understanding of the causes of failures of cast-iron mains; and (2) determine, in cooperation with State regulatory agencies, the degree of nationwide compliance with 49 CFR 192.615 regarding written emergency procedures, and take enforcement action accordingly.

RSPA reports concerning P-73-37 that following completion of a contract study to analyze the reported statistics and reporting procedures and to recommend appropriate revisions, OPSO developed new reporting forms to provide data necessary to more clearly identify the causes of all types of accidents, including those caused from excavation damage and from cast-iron mains. Revisions to the reporting forms will be proposed.

With reference to P-73-38, RSPA states that amended §192.615, Emergency plans, published on March 31, 1976, did not become applicable until October 1, 1976, to allow operators, sufficient lead time to revise existing emergency plans and associated personnel training, and it is too soon to determine the degree of nationwide compliance. However, RSPA states that OPSO is monitoring actively and appropriate corrective actions are being taken.

RAILROAD

R-77-14 through 17.—On April 18, the Chicago Transit Authority (CTA) provided a report supplementary to its January 20, 1978, report on actions taken to implement these recommendations. The recommendations resulted from the February 4, 1977, collision of two CTA trains on the Chicago, Illinois, elevated rail structure.

In answer to R-77-14, which asked CTA to provide a systematic review of its operating rules so that all employees will have a clear understanding of such rules and of any changes, and insure employee compliance with the rules, CTA states that instruction materials setting forth certain standard operating procedures for signals have been rewritten and promulgated, related documents being Transportation Department bulletin G1-78; Standard Operating Procedures M-1-100, ATC signal system; and Standard Operating Procedures M-1-101, Signal aspects and indications.

With reference to R-77-15, asking that CTA discontinue the automatic display and control function of the flashing red cab signal and its associated flashing yellow 15 mph on the speedometer, CTA states that arched segments of the circle of light of the GRS-dial type aspect display unit (installed on about 140 cars) as supplied have a yellowish color cast when illuminated. Procurement of uncolored segments has been arranged, a sample installation has been placed under test in regular service, and arrangements are being made to change out all the others, according to CTA.

Regarding R-77-16 which recommended operating trains on an absolute block, and if necessary to enter an occupied block in emergency, provide procedures that will insure safe operation, CTA on January 20 stated that the rapid transit rule book (rule R6.4) now specifies absolute block operation replacing permissive operation at signals displaying stop indication. Procedures for operation into an occupied block have been appropriately revised and strengthened. No additional comments are provided in the April 18 report.

In answer to R-77-17, which asked CTA to consider an operating employee's complete service record when

judging the employee's operating capabilities, CTA provides a copy of a letter initiating arbitration on the issue of access to past records pursuant to amended contract between CTA and the unions which represent the operating employees.

CTA states that progress in implementing this action is documented by these Transportation Department bulletins: S334-77, effective July 21, 1977, covering Lake Branch; S514-77, effective January 23, 1978, covering Dan Ryan Branch, and S92-78, effective April 4, 1978, covering Englewood/Jackson Park/Howard Branch.

R-77-40.—Amtrak on March 27 responded to this recommendation, which resulted from investigation of the December 15, 1976, collision of an Amtrak passenger train, having an SDP-40F type locomotive unit, with an oil-laden tractor-cargo tank semitrailer near Marland, Oklahoma. The recommendation asked Amtrak to strengthen and improve its locomotive units' operating compartments so that they effectively resist impact forces and deter entry of flammable liquids into locomotive cabs.

In response, Amtrak notes that beginning with the General Electric Company P30CH units, all Amtrak locomotive specifications have prohibited the use of locomotive nose doors and cab designs which included inside access to headlights, number boards and strobe lights. The use of nonbreakable windshields and side window glazing is required to eliminate any entry holes in the front of the locomotive through which flammable liquids could enter. Amtrak P30CH units, Electro-Motive F40PH and F40PH(R) units meet these requirements.

Amtrak states that the EMD SDP40F is of an older design which included nose doors and inside access to number boards. Although Amtrak has a program to convert 30 to 40 of its remaining SDP40F's to the F40PH(R) configuration, a program will be started to seal the nose doors and weld them shut in the remaining SDP40F's as they go through periodic overhaul.

NOTE.—The above notice summarizes Safety Board documents recently released and recommendation response letters received. Single copies of the Highway Accident Report and the recommendation letters in their entirety are available to the general public without charge. Copies of the full text of responses to recommendations may be obtained at a cost of \$4.00 for service and 10¢ per page for reproduction.

All requests to the Board for copies must be in writing, identified by recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of the accident report may be purchased by mail from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)).)

MARGARET L. FISHER,
Federal Register Liaison Officer.

JUNE 5, 1978.

[FR Doc. 78-15933 Filed 6-7-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on May 16, 1978 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; an indication of who will be the respondents to the proposed collection; the estimated number of responses; the estimated burden in reporting hours; and the name of the reviewer or reviewing division or office.

Requests for extension which appear to raise no significant issues are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the clearance office, office of Management and Budget, Washington, D.C. 20503, 202-395-4529, or from the reviewer listed.

NEW FORMS

UNITED STATES INTERNATIONAL TRADE COMMISSION

Questionnaires on Welded Stainless Steel Pipe and Tubing, single-time, 1 Producer's questionnaire, C. Louis Kincannon, 395-3211.

ENVIRONMENTAL PROTECTION AGENCY

Chlorofluorocarbons Annual Report, annually, 70 chemical firms, Ellett, C. A., 395-6132.

DEPARTMENT OF COMMERCE

Bureau of Census, Survey of Registration and Voting Questionnaire, RAV 1-3 and RAV-5, single-time, households in 955 selected jurisdictions, Office of Federal Statistical Policy and Standards, 673-7961.

DEPARTMENT OF ENERGY

Reductions in Natural Gas Requirements Due to Fuel Switching, EIA-52, single-time, 1,515 natural gas distributors, C. Louis Kincannon, 395-3211.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service, Expanded MEDHIC Quarterly Statistical Report, Quarterly, State MEDHIC programs, Office of Federal Statistical Policy and Standards, 673-7961.

National Center for Education Statistics, Survey of Characteristics of Noncollegiate Postsecondary Students, NCES-2389, single-time, 6,600 Students enrolled in postsecondary Vocational Education Schools, Office of Federal Statistical Policy and Standards, 673-7961.

VETERANS ADMINISTRATION, CONSULTATION-EDUCATION QUESTIONNAIRE, 10-63(689), SINGLE-TIME, 300 WHVAH ALCOHOLISM PROGRAMS, CAYWOOD, D., 395-3443.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, Nutrition Education and Training Program (Regs), FNS-42, quarterly, State Agencies and FNS Regional Offices, 280 responses, 1,008 hours, Human Resources Division, 395-3532.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration: Application to be Selected as Payee, SSA-11-F6, on occasion, persons wanting to be substituted as rep payee for a minor or incompetent beneficiary, 500,000 responses, 83,333 hours, Human Resources Division, Marsha Traynham, 395-3532.

Application for Child's Insurance Benefits, SSA-4-F6, on occasion, completed by or on behalf of a child under age 18 or age 18 and over who is disabled, 575,000 responses, 95,833 hours, Human Resources Division, Marsha Traynham, 395-3532.

Application for Wife's or Husband's Insurance Benefits, SSA-2-F6, on occasion, completed by or on behalf of applicants for wife's or husband's benefits under title II benefits, 400,000 responses, 66,667 hours, Human Resources Division, Marsha Traynham, 395-3532.

Certificate of Applicant for Benefits on Behalf of Another, SSA-780, on occasion, relative or other person having an interest in a beneficiary's welfare, 450,000 responses, 60,000 hours, Marsha Traynham, 395-3773.

EXTENSIONS

U.S. CIVIL SERVICE COMMISSION

Statement of Physical Ability for Light Duty Work, SF 177, on occasion, 140,000 responses, 23,333 hours, Richard Eisinger, 395-3214.

DEPARTMENT OF AGRICULTURE

Food Safety and Quality Service: Application for Authorization of Distributor's Product—Chemicals used in Meat and Poultry Processing Plants, MP 28, on occasion, 3,253 responses, 813 hours, Clearance Office, 395-3772.

Application for Authorization of New Product—Chemicals Used in Meat and Poultry Processing Plants, MP 26, on occasion, 3,353 responses, 838 hours, Clearance Office, 395-3772.

Application for Authorization of Amended Product—Chemicals used in Meat and Poultry Processing Plants, MP 27, on oc-

casation, 1,288 responses, 215 hours, Clearance Office, 395-3772.

DEPARTMENT OF COMMERCE

Maritime Administration, Maintenance and Repair Cumulative Summary Transactions Under Accounting Instruction, No. 5, MA-140, MA-770, on occasion, 800 responses, 1,600 hours, C. Louis Kincannon, 395-3211.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration: Voluntary Statement to Explain Irregularity, SSA-1760, on occasion, 5,000 responses, 1,600 hours, Marsha Traynham, 395-3773.

Certificate of Responsibility for Welfare and Care of Child Not In Applicants Custody, SSA-781, Annually, Application For Benefits on Behalf of a Child Not In Their Custody, 14,000 responses, 2,333 hours, Marsha Traynham, 395-3773.

Railroad Employment Questionnaire, SSA-671, on occasion, 175,000 responses, 14,583 hours, Marsha Traynham, 395-3773.

Statement of Claimant or Other Person, SSA795, on occasion, 537,600 responses, 139,600 hours, Marsha Traynham, 395-3773.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit, Previous Participation Certificate, FHA 2530, on occasion, 7,600 responses, 7,600 hours, Caywood, D. P., 395-3443.

Community Planning and Development: Project Cost Estimate and Financing Plan, HUD 6200, on occasion, local public agency, 1,100 responses, 17,600 hours, Caywood, D. P., 395-3443.

Annual Report on Relocation and Real Property Acquisition Activities, HUD 7083, annually Local Government and Public Agencies with HUD Programs, 4,000 responses, 12,000 hours, Caywood, D. P., 395-3443.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration, Drivers Daily Log, MCS-139.139A, on occasion, Strasser, A., 395-6132.

VETERANS ADMINISTRATION

Employment Assistance Questionnaire (Vietnam Era Service-Connected Disabled Veterans), 20-8872K, on occasion, Caywood, D., 395-3443.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration, Monthly Farm-Raised Processed Catfish Report, NOAA 88-45, Monthly, clearance office, 395-3772.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing, Title I Property Improvement Financial, FHA-142, on occasion, Human Resources Division, Caywood, D., 395-3532.

DAVID R. LEUTHOLD,
Budget and Management
Officer.

[FR Doc. 78-15914 Filed 6-7-78; 8:45 am]

[3190-01]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

REALLOCATION OF SPECIALTY STEEL QUOTAS

AGENCY: Office of the Special Representative for Trade Negotiations.

ACTION: Notice of Shortfall Reallocation for Specialty Steel Quotas.

SUMMARY: The Special Representative for Trade Negotiations hereby reallocates shortfalls of certain specialty steel quota categories as set forth below. This action modifies certain quota quantities for the second restraint period, June 14, 1977-June 13, 1978. Quota quantities are reduced for certain suppliers who are not likely to export the quantity of steel which would fill the quotas assigned to them. The quota quantities for other suppliers who are able to supply additional steel are increased.

EFFECTIVE DATES: The reallocations which result in a reduction of a quota quantity shall be effective June 8, 1978. Reallocations which increase a quota quantity shall be effective on the second day following the date of publication of this notice in the FEDERAL REGISTER.

FOR FURTHER INFORMATION CONTACT:

Karen Alleman, Room 728, Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Washington, D.C. 20506, 202-395-7203.

SUPPLEMENTARY INFORMATION: Pursuant to subparagraph (c) of headnote 2 subpart 2 of the Appendix to the Tariff Schedules of the United States (TSUS), the Special Representative is authorized to modify the quota quantities to reallocate shortfalls as defined by subparagraph (c). The Special Representative has determined that shortfalls are likely to occur in items 923.22 and 923.26, TSUS, in the second restraint period (June 14, 1977-June 13, 1978) as follows:

Item	Article	Supplier	Shortfall (in short tons)
923.22	Bar	Canada	245
		Column 2 countries *	2
923.26	Alloy tool steel	Column 2 countries *	6

* Column 2 countries are listed in General Headnote 3(e), TSUS.

Accordingly, subpart A, part 2, of the Appendix to the TSUS is amended to substitute new quota quantities for the second restraint period (June 14, 1977-June 13, 1978) for articles provided for in items 923.22 and 923.26, TSUS, as set forth below:

A. For item 923.22 (bar):

1. By changing the quota quantity for the European Economic Community from "2,600" to "2,675";
2. By changing the quota quantity for Canada from "1,600" to "1,355";
3. By changing the quota quantity for other countries entitled to the rate of duty in rates of duty column numbered 1 from "5,200" to "5,370";
4. By changing the quota quantity for other countries from "2" to "none".

B. For item 923.26 (alloy tool steel):

1. By changing the quota quantity for other countries entitled to the rate of duty in rates of duty column numbered 1 from "1,378" to "1,384";
2. By changing the quota quantity for other countries from "6" to "none".

WILLIAM B. KELLY, Jr.,
Chairman, Trade Policy
Staff Committee.

[FR Doc. 78-16146 Filed 6-7-78; 11:43 am]

[7715-01]

POSTAL RATE COMMISSION

[Docket No. R78-1; Order No. 202]

POSTAL RATE AND FEE INCREASES, 1978

Order Granting Petitions For Intervention, Allowing Participation, Designating Presiding Officer and Officer of the Commission, Fixing Date for a Prehearing Conference, and Establishing Procedures

JUNE 1, 1978.

The United States Postal Service filed with the Postal Rate Commission a request for a recommended decision on a surcharge for nonstandard mail on April 25, 1978. The Commission issued a notice to that effect on April 27, 1978. The notice was published in the FEDERAL REGISTER on May 4, 1978 (43 FR 19308-09). The notice announced the docketing of the Postal Service's request as R78-1 and directed persons who wished to participate in docket No. R78-1 to file, on or before May 24, 1978, petitions for leave to intervene or requests to be heard as a limited participant. The notice also invited persons who wished to express their views, but did not wish to become a party or limited participant, to file comments (39 CFR §§ 3001.19-.20).

I. INTERVENTION

Four persons have petitioned to intervene in Docket No. R78-1, and three persons have requested to be heard as limited participants. These persons are listed in attachment A. In order to advise these persons of their status at the earliest possible date and to establish an initial service list for this docket, we have decided to rule on the petitions at this time, subject to

reconsideration on the basis of any answers which may be filed.

The persons listed in attachment A either are users of the mails or have otherwise demonstrated an interest in Docket No. R78-1. Accordingly, the requests for participation will be granted, subject to reconsideration as noted above.

Pursuant to § 55 of the rules of practice (39 CFR 3001.55) the service will be required to serve copies of its request and its prepared direct evidence upon the persons identified in attachment A and upon the Officer of the Commission.¹ Where service upon more than one representative has been requested in the petition to intervene or request to be heard as a limited participant, the service will be required to serve only the first two named representatives in the petition. See §§ 12 (c) and (d) of the rules of practice (39 CFR §§ 3001.12(c)-(d)).

II. APPOINTMENT OF PRESIDING OFFICER AND DATE OF INITIAL PREHEARING CONFERENCE

In furtherance of the Commission's desire for expeditious consideration and pursuant to section 30(b) of the Commission's rules of practice (39 CFR 3001.30(b)), the Commission will conduct all prehearing conferences and hearings en banc. Clyde S. DuPont, Chairman, will be the presiding officer in such proceedings (39 CFR 3001.5(e), 3001.23). An initial prehearing conference will be held on June 15, 1978, and, thereafter, on such further dates as may be designated by the presiding officer. Conferences and hearings will commence each day at 9:30 a.m. at the Postal Rate Commission's hearing room, suite 500, 2000 L Street NW., Washington, D.C. 20268, and shall be on the record and a transcript made except where the presiding officer determines otherwise.

III. APPOINTMENT OF THE OFFICER OF THE COMMISSION

The Officer of the Commission (OOC) designated to represent the general public (see 39 U.S.C. 3624(a)) in this proceeding will be Stephen L. Sharfman. During this proceeding, the OOC will direct the activities of Commission personnel assigned to assist him, and neither he nor any such personnel will participate in nor advise as to any Commission decision in the case. See 39 CFR 3001.8. The OOC will supply for the record, at the appropriate time, the names of all Commission personnel assigned to assist him in this case. In this proceeding the OOC

¹We call the attention of the participants to the service's request for a waiver of compliance with certain rules of practice. Each participant who so desires shall file an answer within 10 days of the date of this order.

shall be separately served three copies of all filings in addition to, and simultaneously with, service on the Commission of the 25 copies required by § 10(c) of the rules of practice (39 CFR 3001.10(c)).

IV. PROCEDURES FOR EXPEDITION

The Postal Reorganization Act provides that the Commission is to render its recommended decision within 10 months after receiving a request for change in rates of postage (39 U.S.C. 3624(c)(1)). In order to expedite the proceedings and still be consistent with procedural fairness, we are issuing a proposed schedule of procedural stages.

All participants should give careful consideration to expediting this proceeding and should review the proposed schedule. See attachment B. As indicated, we tentatively plan to close the record in these proceedings by November 10, 1978. We also alert the parties that our intention to expedite this proceeding applies with equal force to the briefing stage following the close of the record. Parties should therefore be prepared to adhere to a briefing schedule consonant with this policy. See attachment B.

V. PREHEARING CONFERENCE STATEMENTS

In preparation for the initial prehearing conference, each participant should serve a document captioned "Prehearing Conference Statement" on or before June 13, 1978, containing the following:

1. A suggested list which states with particularity the issues the party believes should be addressed in this case. (Asterisks, denoting those issues on which the party intends to present evidence, should precede the stated issue.)
2. A statement of the participant's tentative position on each of the proposed issues.
3. A brief statement describing for each issue the evidence, if any, the participant proposes to introduce.
4. A legal memorandum, where appropriate, in support of the issues proposed, the positions taken, the evidence to be presented and other legal matters which should be considered.
5. Any other matter the participant believes should be pursued at the prehearing conference.

Prior to the initial prehearing conference, all participants are encouraged informally and promptly to inform the Postal Service of desired preliminary clarification in the Service's presentation which each participant believes necessary in order to expedite this proceeding.¹

The Commission orders: (A) Each of the petitions identified in attachment

¹We note that OOC has already begun informal discovery. See Letter from Stephen L. Sharfman to Harold J. Hughes, May 15, 1978.

A to this order is hereby permitted to intervene or to become a limited participant in this proceeding, subject to the provisions of paragraph (B), below.

(B) The participation of the intervenors and limited participants permitted by paragraph (A), above, is subject to the rules and regulations of the Commission: *Provided, however*, That their participation shall be limited to matters affecting rights and interests specifically set forth in their respective petitions to intervene and requests to become limited participants, and *Provided, further*, That the admission of such intervenors and limited participants shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) The Postal Service shall serve copies of its request and its prepared direct evidence upon representatives of petitioners permitted to intervene and the representatives of the limited participants. For purposes of such service, where service upon more than one representative has been requested in the petition to intervene or in a request for leave to be heard as a limited participant, including those petitions and requests filed jointly and severally by two or more persons, only the first two named representatives in the petition need be served.

(D) The Commission will sit en banc, with Clyde S. DuPont, Chairman, as presiding officer, in the above-captioned proceeding.

(E) A prehearing conference in this proceeding will be held on June 15, 1978, commencing at 9:30 a.m., in the Postal Rate Commission hearing room, suite 500, 2000 L Street NW., Washington, D.C. 20268. The conference will be held for the purposes specified in § 24 of the Commission's rules of practice (39 CFR 3001.24) and in this order, and to afford all participants in the proceeding an opportunity to be heard with respect to the procedures to be followed in expeditiously determining the issues to be resolved in docket No. R78-1. The conference proceedings shall be recorded by an official reporter except where otherwise directed by the presiding officer.

(F) Stephen L. Sharfman is hereby designated as the Officer of the Commission to represent the general public in this proceeding. Service of documents on the Commission shall not constitute service on the OOC, who shall separately be served three copies of all documents.

(G) The participants have 10 days from the date of this order in which to file answers to the service's request for a waiver of compliance with certain rules of practice.

By the Commission.

DAVID F. HARRIS,
Secretary.

ATTACHMENT A.—Persons filing petitions to intervene

Association of American Publishers
Envelope Manufacturers Association
National Association of Greeting Card Publishers
J. C. Penney Company, Inc.

PERSONS FILING REQUESTS TO BECOME LIMITED PARTICIPATORS

American Retail Federation
National Industrial Traffic League
Photo Marketing Association International

ATTACHMENT B.—Tentative hearing schedule for proceedings—docket R78-1

Date	Procedural stage
June 15, 1978	Prehearing conference.
July 19, 1978	Completion of all discovery directed to the Postal Service.
Aug. 14, 1978	Filing of the case-in-chief of each participant (including that of OOC).
Sept. 6, 1978	Beginning of hearings, i.e., cross-examination of the Postal Service's case-in-chief.
Sept. 13, 1978	Completion of evidentiary hearings as to the Service's case-in-chief.
Sept. 15, 1978	Completion of all discovery directed to the intervenors.
Sept. 25, 1978	Beginning of evidentiary hearings as to the case-in-chief of each participant.
Oct. 6, 1978	Completion of the evidentiary hearings as to the case-in-chief of each participant.
Oct. 18, 1978	Rebuttal evidence of the Postal Service and each participant. (No discovery to be permitted on this rebuttal evidence; only oral cross-examination.)
Oct. 30, 1978	Beginning of evidentiary hearings on rebuttal evidence.
Nov. 10, 1978	Close of evidentiary record.
Dec. 1, 1978	Initial briefs filed.
Dec. 11, 1978	Reply briefs filed.
Dec. 19, 1978	Oral argument (if requested).

[FR Doc 78-15841 Filed 6-7-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 20557; 70-5390]

OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

Proposed Guarantee of First Mortgage Bonds and Notes of Nonaffiliated Coal Supplier and Extension of Short-Term Borrowing Authorization

MAY 26, 1978.

Notice is hereby given that Ohio Edison Co. ("Ohio Edison"), an electric utility company and a registered holding company, and its electric utility subsidiary company Pennsylvania Power Co. ("Penn Power") have filed with this Commission a post-effective amendment to their application-declaration previously filed in this matter pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, and 12(b) of the Act as applicable to the proposed

transactions. All interested persons are referred to the post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

By orders of October 30, 1973 (HCAR No. 18144), and July 26, 1974 (HCAR No. 18511), applicants-declarants were authorized to severally, and not jointly, guarantee a portion of certain debt obligations of Quarto Mining Co. ("Quarto") in connection with Quarto's development of certain coal mines which are being developed to supply coal for the operation of various generating units (Sammis Unit No. 7 and Bruce Mansfield Units Nos. 1 and 2) in which Ohio Edison and Penn Power have undivided interests

as tenants in common with one or more other electric utilities which comprise the Central Area Power Coordination Group ("CAPCO"). CAPCO is comprised of applicants-declarants together with the Cleveland Electric Illuminating Co., Duquesne Light Co., and the Toledo Edison Co. The percentage of the Quarto debt, including both first mortgage bonds ("bonds") and notes and concomitant loan certificates ("notes"), guaranteed by Ohio Edison is 49.65 percent and that guaranteed by Penn Power is 8.27 percent.

At present the following bonds and notes, guaranteed by applicants-declarants, have been issued by Quarto:

	Principal amount	Interest rate (percent)	Maturity
Series A bonds	\$20,500,000	8.25	Jan. 1, 2030
Series B bonds	20,000,000	9.70	Do.
Series A notes	32,250,000	8.50	Do.
Series B notes	10,000,000	9.75	Do.

By post-effective amendment filed in this proceeding it is proposed that an additional series of first mortgage bonds ("series C bonds") and an additional series of notes and concomitant loan certificates ("series C notes") be issued and that the CAPCO companies guarantee such new debt. Ohio Edison's and Penn Power's portion of such guarantees being the percentages stated above. The series C bonds will be issued in an aggregate principal amount of up to \$120,000,000 and will mature on January 1, 2000. It is presently intended to issue \$75,000,000 principal amount on June 30, 1978, \$25,000,000 in December 1978 and the final \$20,000,000 at a time to be determined later. The series C bonds will be subject to annual sinking fund payments equal to 5 percent of the original principal amount thereof commencing on January 1, 1981. The interest rate to be borne by the series C bonds will be supplied by further amendment. The series C notes will be issued in an aggregate principal amount of \$51,750,000 and will mature on January 1, 2000. It is presently intended to issue \$30,000,000 principal amount on June 28, 1978, and \$21,750,000 in December 1978. Until July 1, 1979, only interest will be paid on the series C notes; on that date level debt service payments will commence which are designed to pay the

interest and principal of the series C notes over their term. The interest rate to be borne by the series C notes will be supplied by further amendment. It is anticipated that the proceeds from the sales of the series C bonds and the series C notes will be applied by Quarto to reduce short-term indebtedness incurred to pay the cost of developing and equipping the mines and/or to pay such costs directly. Such short-term indebtedness is guaranteed by the CAPCO companies.

It is stated that the estimated total cost of developing and equipping the mines has increased from the \$140,000,000 originally estimated to \$360,000,000. This increase take into account revisions of the overall mining plan, which now contemplates final total annual production of 4,700,000 tons, which figure is smaller than the 6,400,000 tons originally forecast for the project. Based upon the present \$360,000,000 cost estimate, and assuming the issuance of \$120,000,000 of series C bonds, it is anticipated that an additional series of bonds aggregating \$41,500,000 will be issued and sold at a later date in order to complete the financing of the cost of developing and equipping the mines.

By order dated July 7, 1977 (HCAR No. 20102), Ohio Edison and Penn Power were authorized to make short-term borrowings and/or guarantees of

short-term borrowings of Quarto and/or the owner-trustee under the lease arrangement with Quarto of up to \$123,000,000 and \$31,000,000, respectively, through June 30, 1978. Applicants-declarants now seek authority to make such short-term borrowings and/or guarantees, without regard to the mix of such short-term borrowings and guarantees, of up to \$218,500,000 and \$40,700,000, respectively, from July 1, 1978, through June 30, 1979. Ohio Edison and Penn Power state that the requested amounts, as to each company, represent approximately 10 percent of the aggregate of: (1) the total principal amount of all bonds or other securities representing secured indebtedness issued or assumed by that company presently outstanding, and (2) the present aggregate of the part value of, or stated capital represented by, the outstanding shares of all classes of stock and of the surplus of such company, paid-in, earned, and other, if any. The amount of permissible unsecured indebtedness under the companies' charters is in each case similarly restricted to an amount equal to 10 percent of the aggregate of: (1) the total principal amount of all bonds or other securities representing secured indebtedness issued or assumed by that company presently outstanding and (2) the present aggregate of the par value of, or stated capital represented by, the outstanding shares of all classes of stock and of the surplus of such company, paid-in, earned, and other, if any. As used herein, the term "short-term borrowings" refers to borrowings that mature or are renewed for not more than 9 months, exclusive of days of grace, after the date of their issue or renewal.

Ohio Edison and Penn Power have estimated that the expected amounts of short-term borrowings and guarantees for the period through June 1979 should aggregate not more than \$137,000,000 and \$20,000,000, respectively. Ohio Edison and Penn Power both consent to a reservation jurisdiction, pending a showing of need by them, with respect to that portion of their borrowing authorizations beyond the presently expected peak amounts specified.

The short-term borrowings to be made by Quarto and/or the owner-trustee under the lease transaction, the repayment of which are to be guaranteed by the CAPCO companies, will be primarily under lines of credit with seven banks. The details with respect to these lines of credit to be in effect at July 1, 1978, are as follows:

FEDERAL REGISTER, VOL. 43, NO. 111—THURSDAY, JUNE 8, 1978

Bank	Terms	Amount	Estimated effective rates (in percent) with prime at 8 pct	
			% utilization	Full utilization
Cleveland Trust Co.	106 pct of prime and ¼ pct commitment fee on unused line	\$4,000,000	9.14	9.64
The Chase Manhattan Bank, N.A.	Prime plus fee of 4 pct of prime on line and 2 pct of prime on unused	\$5,000,000	8.80	9.32
Central National Bank of Cleveland	110 pct of prime and ¼ pct commitment fee on unused line	3,000,000	9.30	9.80
Mellon Bank, N.A.	104 pct of prime and ¼ pct commitment fee on unused line for borrowings maturing prior to Jan. 1, 1979 and, at option of bank rate can increase to no more than 107 pct of prime and ¼ pct commitment fee on unused line	\$5,000,000	8.82	9.32

Penn Power's lines of credit at July 1, 1978, will be as follows:

Bank	Amount of line	Interest rate	Compensating balances	Effective rate (in percent) (based on prime rate of 8 pct) ^a
Group of 9 banks	\$11,000,000	Prime	None	8.42
Citibank, N.A.	4,500,000	do	10 pct of line	8.89
Do	4,500,000	do	None	8.72
Total	20,000,000			
Weighted average effective rate				8.59

Bank	Terms	Amount	Estimated effective rates (in percent) with prime at 8 pct	
			% utilization	Full utilization
Cleveland Trust Co.	108 pct of prime and ¼ pct commitment fee on unused line	\$4,000,000	9.14	8.64
The Chase Manhattan Bank, N.A.	Prime plus fee of 4 pct of prime on line and 2 pct of prime on unused	\$5,000,000	8.80	8.32
Central National Bank of Cleveland	110 pct of prime and ¼ pct commitment fee on unused line	3,000,000	9.30	8.80
Mellon Bank, N.A.	104 pct of prime and ¼ pct commitment fee on unused line for borrowings maturing prior to Jan. 1, 1979 and, at option of bank rate can increase to no more than 107 pct of prime and ¼ pct commitment fee on unused line for borrowings maturing after Dec. 31, 1978.	\$5,000,000	8.82	8.32
Society National Bank of Cleveland	Prime plus ¼ pct	5,000,000	8.25	8.25
Union Commerce Bank	Prime plus ¼ pct	10,000,000	8.375	8.375
Pittsburg National Bank	109 pct of prime and ¼ pct commitment fee on unused line	3,000,000	9.22	8.72
Total		135,000,000		
Weighted average effective cost			8.79	8.35

*Effective for borrowings maturing prior to Jan. 1, 1979. The comparable percentages for borrowings maturing after Dec. 31, 1978 are 9.06 pct at ¼ utilization and 8.56 pct at full utilization.

Short-term borrowings may also be made from the note and bond escrow funds (unspent proceeds of the permanent financing previously consummated in connection with Quarto's development of the mines) prior to the time the monies therein contained are expended. In this way, amounts in the bond escrow fund can be utilized by the owner-trustee prior to the time those funds are required by Quarto and Quarto can utilize amounts in the note escrow fund prior to the time those funds are required by the owner-trustee. The interest rate for borrowing from the note escrow fund will bear interest at the interest rate applicable to the notes and the interest rate for borrowing from the bond escrow fund will bear interest at the interest rate applicable to the bonds. The repayment of such borrowing will be guaranteed by the CAPCO companies in the same way that the repayment of borrowings under the lines of credit referred to above will be guaranteed.

Ohio Edison's existing lines of credit are currently and will be on July 1, 1978, as follows:

Bank	Amount of line	Interest rate	Average compensating balances	Effective rate (in percent) (based on prime rate of 8 pct)*
Group of 55 banks with First National Bank of Akron, as agent.	\$50,000,000	Prime	None	8.39
The Chase Manhattan Bank, N.A.	20,000,000	do	Greater of 10 pct of line or 20 pct of borrowings.	8.89
Citibank, N.A.	20,000,000	do	do	8.89
Irving Trust Co.	12,000,000	do	10 pct of line plus 10 pct of borrowings.	10.00
Morgan Guaranty Trust Co.	12,000,000	do	Greater of 10 pct of line or 20 pct of borrowings.	8.89
National City Bank, Cleveland, Ohio	10,000,000	110 pct of prime	10 pct of line	9.78
Central National Bank of Cleveland	2,000,000	Prime	do	8.89
Society National	2,000,000	110 pct of prime	do	9.78
Total	143,000,000			
Weighted average effective cost				8.98

* Assumes ¼ utilization of credit line.
* Treating normal working balance as compensating balances.

In addition, Ohio Edison has arrangements with the trust departments of various banks relating to so-called master notes, which are notes issued and sold by Ohio Edison, in denominations of not less than \$1,000 and sold to trust departments and re-

payments made by Ohio Edison with respect thereto are entered on a single note as they occur, without the need for issuance of a new note or cancellation of an existing note each time a loan or repayment is made. Ohio Edison has the right to repay at any time, without penalty, all or any part of the principal amount of each note then outstanding. The issuance and sale of these "master notes" was authorized by order dated December 18, 1975 (HCAR No. 19298).

Trust department	Amount	Interest rate*
Cleveland Trust Co.	\$10,000,000	Highest rate of General Motors Acceptance Corp. commercial paper with maturity from 30 to, and including, 180 days plus ¼ pct.
First National Bank of Akron	10,000,000	Ford Motor Credit Co. 180 days commercial paper rate.
Akron National Bank Trust Co.	2,000,000	General Motors Acceptance Corp. 180-day commercial paper, plus ¼ pct.

*The rates noted would be converted to the annual simple interest equivalent since they are quoted on a discount basis. The interest payable by Ohio Edison on outstanding loans would change from time to time based on changes in the commercial paper rates specified.

Penn Power's lines of credit at July 1, 1978, will be as follows:

Bank	Amount of line	Interest rate	Compensating balances	Effective rate (in percent) (based on prime rate of 8 pct)*
Group of 9 banks	\$11,000,000	Prime	None	8.42
Citibank, N.A.	4,500,000	do	10 pct of line	8.89
Do	4,500,000	do	None	8.72
Total	20,000,000			
Weighted average effective rate				8.59

* Taking into account a fee in lieu of compensating balances equal to 9 pct of the prime rate times the line of credit.
* Treating normal working balance as compensating balances.

Ohio Edison and Penn Power propose to use any proceeds received in connection with short-term borrowings for the acquisition of property and the construction, completion, extension renewal, or improvement of their respective treasuries for expenditures made for such purposes.

The fees and expenses to be incurred in connection with the proposed transactions will be supplied by amendment. It is stated that the Public Utilities Commission of Ohio has jurisdiction over certain of the proposed transactions with respect to Ohio Edison and that the Pennsylvania Public Utilities Commission has jurisdiction over the proposed transactions with respect to Penn Power. No other State commission and no Federal commission, other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 22, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration as amended by said post-effective amendment, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-

stated addresses, and proof of service (by affidavit or, in case of attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment, or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.
[FR Doc. 78-15435 Filed 6-7-78; 8:45 am]

[8010-01]

[Release No. 20559; 70-6167]

NORTHEAST UTILITIES, WESTERN
MASSACHUSETTS ELECTRIC CO., et al.

Proposed Issuance and Sale of Short-Term
Notes to Banks and Commercial Paper to
Dealer

MAY 26, 1978.

Notice is hereby given that Northeast Utilities ("NU"), a registered holding company, and The Connecticut Light and Power Company ("CL&P"), the Hartford Electric Light Co. ("HELCO"), Western Massachusetts Electric Co. ("WMECO"), and Holyoke Water Power Co. ("HWP"), public-utility subsidiary companies of NU, have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6, 7, and 12(b) of the Act and Rules 45 and 50(a)(5) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Declarants propose to issue, from time to time through June 30, 1979, short-term notes to a number of banks and commercial paper to a dealer in commercial paper. The aggregate amount of all such short-term indebtedness at any time outstanding, whether issued to banks or to a dealer in commercial paper, will not exceed \$25,000,000 in the case of NU, and in the cases of CL&P, Helco, Wmeeco, and HWP aggregate amounts of \$160,000,000, \$40,000,000, \$45,000,000, and \$6,000,000, respectively. CL&P, Helco, and Wmeeco each have authorization from the holders of their respective preferred stocks to issue securities representing unsecured indebtedness up to a maximum of 20 percent

of their respective capitalizations not later than March 31, 1979, in the case of CL&P and Helco and February 10, 1979, in the case of Wmeco, CL&P, Helco, and Wmeco presently intend to seek an extension of the 20 percent limitation.

Declarants' outstanding short-term notes to banks and to a dealer in com-

mercial paper as of March 31, 1978, the amount of such short-term borrowings anticipated to be outstanding as of June 30, 1978, and the maximum aggregate amount of such short-term notes to be outstanding at any one time at or prior to June 30, 1979, are as follows:

(In thousands)					
	Commercial paper Mar. 31, 1978	Bank notes Mar. 31, 1978	Total Mar. 31, 1978	Anticipated June 30, 1978	Proposed ¹ July 1, 1978 to June 30, 1979
NU	\$5,800	\$4,600	\$10,400	\$9,500	\$25,000
CL&P	21,900	0	21,900	53,000	160,000
HELCO	27,800	0	27,800	10	40,000
WMECO	0	12,000	12,000	15,400	45,000
HWP	0	0	0	0	6,000

¹Maximum outstanding at any one time.

²Reflects the effect of the sale by HELCO of \$40 million of 1st mortgage bonds in April 1978.

The notes issued to banks by the declarants will each be dated the date of issue, will have maximum maturity dates of nine months with right of renewal, will bear interest at the prime rate or at the prime rate plus a fraction thereof, will be issued no later than June 30, 1979, and will be subject of prepayment at any time at the declarant's option without premium. The companies have credit lines with a number of banks subject in some cases to commitment fees and/or compensating balance requirements. The effective rate of interest on the bank note ranges from 9.33 percent to 10.31 percent per annum, assuming a prime rate of 8 1/4 percent.

Commercial paper will be issued by each declarant in the form of short-term promissory notes in denominations of not less than \$50,000 and not more than \$1,000,000, of varying maturities, with no maturity more than 270 days after the date of issue, and will not be repayable prior to maturity. The commercial paper will be sold directly to a dealer in commercial paper, at the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity. No commercial paper shall be issued having a maturity of more than 90 days at an effective interest cost to the company in excess of the effective bank interest rate at which the company could obtain loans from banks in an amount at least equal to the principal amount of such commercial paper. No commission or fee will be payable in connection with the issuance and sale of the commercial paper. The purchasing dealer, as principal, will reoffer the commercial paper to institutional investors at a discount of not more than 1/4 of 1 percent per annum less than the prevailing discount rate to the declarant.

The commercial paper will be reoffered to not more than 200 identified and designated customers in a list (nonpublic) prepared for each company in advance by the purchasing dealer. No additions will be made to this customer list. It is anticipated that the commercial paper will be held by customers to maturity, but if such customers desire to resell prior to maturity, the purchasing dealer, pursuant to a verbal repurchase agreement, will repurchase the commercial paper and reoffer the same to others in the group of 200 customers.

The new funds to be derived by NU from the issuance and sale of the bank notes and commercial paper are proposed to be used: (1) To make a capital contribution during the period from July 1, 1978, to June 30, 1979, to Northeast Nuclear Energy Co. ("NNEC"), an electric utility subsidiary of NU, in an amount not to exceed \$6,000,000; (2) to make open account advances during the period from July 1, 1978, to June 30, 1979, to HWP and to The Quinhehtuk Co., wholly-owned subsidiaries of NU, in amounts not to exceed in the aggregate \$5,000,000 and \$2,500,000, respectively; and (3) to supply funds as needed to other subsidiary companies as heretofore or hereafter authorized by the Commission. All capital contributions to subsidiaries will be credited to their capital surplus accounts. NNEC will apply such contribution, together with other funds available to it, for nuclear fuel financing during 1978 and 1979. Total expenditures for nuclear fuel in 1978 and 1979 are estimated to be \$89,600,000. The funds to be derived by CL&P, Helco, Wmeco, and HWP from the issuance and sale of the bank notes and the commercial paper will be applied, together with other funds available to these companies, to finance their respective construction ex-

pensitures in 1978 and 1979, which are estimated to be \$255,000,000, \$107,800,000, \$63,000,000, and \$922,000, respectively. It is anticipated that HWP will commence the installation of a second hydro unit at its facility on the Connecticut River in 1979; however, the construction costs have not as yet been finalized.

Declarants request exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of the commercial paper pursuant to paragraph (a)(5) thereof on the grounds that it is not practicable to invite competitive bids for commercial paper and that current rates for commercial paper for prime borrowers such as declarants are published daily in financial publications. Declarants also request authority to file certificates of notification under Rule 24 with respect to the issuance and sale of commercial paper within 30 days after the end of each calendar quarter.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions. There are no fees or expenses, other than the filing fee paid to this Commission, to be incurred in connection with the proposed transactions except charges for incidental services estimated at \$500 in the case of each declarant to be performed at cost by Northeast Utilities Service Co., the system service company.

Notice is further given that any interested person may, not later than June 22, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-15433 Filed 6-7-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 06/06/0203]

GREAT AMERICAN CAPITAL INVESTORS, INC.

Application for a License To Operate as a
Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1977)), under the name of Great American Capital Investors, Inc., 1006 Holliday Street, Wichita Falls, Tex. 76301, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the rules and regulations promulgated thereunder.

The proposed officers, directors, and shareholder are as follows:

William H. Clement, 714 Maple, Burkburnett, Tex. 76354, Chairman of the Board of Directors.

Albert S. Dillard, 718 Sunset, Burkburnett, Tex. 76354, President, General Manager, Director.

Howard R. Clement, 8 Hiawatha, Burkburnett, Tex. 76354, Secretary, Director.

First Savings & Loan Association of Burkburnett, Texas, 100 percent ownership.

There is to be only one class of stock with 1 million shares of common stock authorized. First Savings & Loan Association of Burkburnett, Texas, will own initially all of the issued and outstanding stock. Mr. William H. Clement is the sole shareholder of First Savings & Loan Association of Burkburnett, Texas.

The applicant licensee proposes to begin operations with private paid-in capital of \$510,000, less organization expenses of approximately \$10,000, leaving a net paid-in capital (i.e., regulatory capital) of \$500,000. Applicant proposes to conduct its operations principally in north Texas, and such other areas within the United States as may be approved by SBA from time to time.

Matters involved in SBA's consideration of the application include the general business reputation and character of the shareholder and management, and the probability of successful operation of the new company in accordance with the Act and regulations.

Notice is further given that any person may, not later than June 23, 1978, submit to SBA in writing, com-

ments on the proposed licensing of this company. Any such comments should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice will be published by the applicant in a newspaper of general circulation in Wichita Falls, Tex.

(Catalog of Federal Domestic Assistance Program No. 59.001, Small Business Investment Companies.)

Dated: June 1, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator
for Investment.

[FR Doc. 78-15843 Filed 6-7-78; 8:45 am]

[8025-01]

[Proposed License No. 09/09-0210]

JERMYN VENTURE CAPITAL CORP.

Application for a license To Operate as a
Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102(1978) by Jermyn Venture Capital Corp., 190 North Canon Drive, Suite 400, Beverly Hills, Calif. 90210, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors, and principal stockholders of voting common stock and nonvoting cumulative preferred stock are:

Arthur M. Sarkissian, Suite 400, 190 North Canon Drive, Beverly Hills, Calif. 90210, Chairman of Board, Secretary, 15 percent voting common.

Simon M. Olswang, 12 Highgate Avenue, London, N. 6, England, Director.

J. Barry Kulick, Suite 400, 190 North Canon Drive, Beverly Hills, Calif. 90210, President, Treasurer and Director.

Varoujan Y. Manoukian, 45 Cheyne Walk, London, SW1, England, 85 percent voting common; 100 percent nonvoting, preferred.

The applicant is a California corporation with plans to locate the principal office at Suite 400, 190 North Canon Drive, Beverly Hills, Calif. 90210. However, no regional or State limitations on operations are contemplated.

The applicant will begin operations with an initial capitalization of \$11,500,000. They have been selected to participate in SBA's movie pilot program subject to meeting all licensing requirements. The applicant was organized to specialize in the financing of production and distribution of motion pictures (classified respectively under the Standard Industrial Classification Manual prepared by the Office

of Management and Budget as Industry Nos. 7813, 7814, 7823, and 7824). For statement of general policy concerning motion picture specialist-licenses see 42 FR 60729, November 29, 1977, and 43 FR 21439, May 18, 1978.

Matters involved in SBA's consideration of the application, in view of the particular circumstances involved, include: (1) the general business reputation and character of the proposed owners and management, (2) the reasonable prospects for successful operation of the new SBIC under such management (including adequate profitability and financial soundness, in accordance with the Act and regulations), and (3) whether the proposed licensing action would be in furtherance of the purposes of the Act.

Notice is hereby given that any person may, not later than June 23, 1978, submit to SBA in writing comments on the proposed SBIC to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Los Angeles, Calif.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 31, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator
for Investment.

[FR Doc. 78-15843 Filed 6-7-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

[Redelegation of Authority No. 99.1.95]

PRINCIPAL AID OFFICERS, LATIN AMERICA, ASIA, NEAR EAST

Redelegation of Authority Regarding Operational Program Grants

Pursuant to the authority delegated to me under redelegation of authority No. 99.1 (38 FR 12836), as amended, from the Assistant Administrator for Program and Management Services, I hereby redelegate to the principal AID officer at all AID posts in Latin America, Asia, and the Near East, authority to execute operational program grants (OPG's) as defined in Appendix 7A, Chapter 7, of AID Handbook 3, Project Assistance, on the following basis:

- (1) Such OPG's shall not exceed \$500,000 for the life of the project;
- (2) Each OPG shall constitute assistance; and
- (3) The post must be advised by AID/W, prior to signing the OPG, that Congress has been notified and funds have been allotted.

This authority shall be exercised in accordance with the procedures of

Chapter 4 of AID Handbook 13, Grants, and with other regulations, procedures, and policies promulgated within AID in effect at the time this authority is exercised.

The authority herein delegated may be exercised by duly authorized persons performing the functions of the principal AID officer in an acting capacity. The authority may not be further redelegated.

Actions within the scope of this redelegation taken by the officials designated herein on or after September 27, 1977, are hereby ratified and confirmed.

The following redelegations of authority are hereby revoked.

(1) Redelegation of Authority No. 99.1.82 (42 FR 22967) dated April 27, 1977.

(2) Redelegation of Authority No. 99.1.88 (42 FR 39286) dated July 22, 1977.

This redelegation of authority is effective immediately.

Dated: May 26, 1978.

HUGH L. DWELLEY,
Director,
Office of Contract Management.
[FR Doc. 78-15851 Filed 6-7-78; 8:45 am]

[4710-01]

[Pub. Not. CM-8/66]

ADVISORY COMMITTEE ON THE LAW OF THE SEA

Partially Closed Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) as amended by Pub. L. 94-409 section 5(c), notice is hereby given that the Advisory Committee on the Law of the Sea will meet in closed sessions on Monday, June 26 and in both open and closed sessions on Tuesday, June 27, 1978. The open session of the meeting will convene Tuesday at 2 p.m. in the Loy Henderson Conference Room (formerly the International Conference Room), U.S. Department of State, 21st and C Streets NW., Washington, D.C.

The purpose of the closed meeting is to discuss specific conference issues and formal planning and policy preparations for the U.S. Delegation to the 1978 New York resumption of the Seventh Session of the Third United Nations Conference on the Law of the Sea. During these closed sessions, documents classified under the provisions of Executive Order 11652 will be discussed.

These documents relate to the issues which the United States will be negotiating at the Conference. The documents are exempt under 5 U.S.C. 552(b)(1), and are required to be withheld from disclosure in the public interest.

The issues cover such subjects as freedom of navigation on the high seas and in international straits, national security interests, the nature of a deep seabeds mining regime and proposed deep seabed mining legislation, the breadth of the continental margin, the juridical status of the economic zone, fisheries, vessel source pollution, scientific research, dispute settlement, and other related topics involving U.S. national security matters. Premature disclosure of the contents of these documents could adversely affect our foreign relations interests and jeopardize the chances of obtaining a timely and satisfactory Law of the Sea Treaty.

The open session of the Advisory Committee meeting will discuss all principal agenda issues to be considered during the Third United Nations Conference on the Law of the Sea, including those issues stated above, but will not examine the classified items discussed during the closed session.

The Advisory Committee on the Law of the Sea represents a broad cross-section of industries, professions, academic disciplines and other public groups. As such, it will comprehensively review the proposals which will come before the Conference.

At the open session, beginning at 2 p.m. June 27, the general public attending may participate in the discussion subject to instructions of the Chairman.

As entrance to the State Department is controlled, members of the public who wish to attend the open session should contact Mr. Thomas Okada by June 12 and provide their name and affiliation to facilitate their attendance. Mr. Okada's telephone number is 202-632-9514.

Dated: May 31, 1978.

ALAN BERLIND,
Director, Office of the
Law of the Sea Negotiations.
[FR Doc. 78-15834 Filed 6-7-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 78-78]

PROPOSED RELOCATED AND UPGRADED U.S. HIGHWAY 90, FROM MORGAN CITY TO LOUISIANA 311, IN ST. MARY, ASSUMPTION AND TERREBONNE PARISHES, LA.

Public Hearing

Notice is hereby given that the Commandant has authorized a public hearing to be held by the Commander, Eighth Coast Guard District on Wednesday, July 12, 1978, at 1 p.m., in the Morgan City Court Room, 1863 Highway 90 East, Morgan City, La. The purpose of the hearing is to con-

sider the application from the Louisiana Department of Transportation and Development, Office of Highways, for the proposed relocated and upgraded U.S. Highway 90, from Morgan City to Louisiana 311, in St. Mary, Assumption and Terrebonne Parishes, La.

This hearing will provide an opportunity for interested parties to express their views on this application to construct approximately 30 miles of four-lane controlled-access highway on a new alignment north of existing U.S. 90, involving 14 bridges. The purposes of the proposed State-funded project is to provide a safer and more efficient highway than is now provided by the existing 40-year-old highway.

A draft environmental impact statement (DEIS) on the project was filed with the Environmental Protection Agency on May 26, 1978, and will form the basis for this hearing. The Coast Guard, as lead agency, prepared the DEIS in compliance with the provisions of the National Environmental Policy Act of 1969 (Pub. L. 91-190). Copies of the DEIS may be obtained by writing the Bridge Administration Branch, Eighth Coast Guard District.

The public hearing will be informal. Those wishing to make oral statements should notify the Bridge Administration Branch, Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, La. 70130, by July 5, 1978. Speakers are encouraged to provide written copies of their oral statements to the chairman at the time of the hearing. Those wishing to make written comments only may submit these comments at the time of the hearing, or to the Bridge Administration Branch, Eighth Coast Guard District, through July 31, 1978.

A transcript of the hearing, as well as written comments received outside of the hearing, will be available for public review at the Eighth Coast Guard District, 500 Camp Street, Room 1140, New Orleans, La. 70130.

All comments, oral and written, will be considered before a final determination is made on the subject application by the Commandant, U.S. Coast Guard, Washington, D.C. 20590.

(Sec. 502, Act of August 2, 1946, as amended; 33 U.S.C. 525, 49 U.S.C. 1655(g)(6)(c); 49 CFR 1.46 (c)(10).)

Dated: June 5, 1978.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard
Chief, Office of Marine Environment and Systems.

[FR Doc. 78-15916 Filed 6-7-78; 8:45 am]

[4910-14]

[CGD 78-71]

CHEMICAL TRANSPORTATION ADVISORY COMMITTEE, SUBCOMMITTEE ON CHEMICAL VESSELS

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Chemical Transportation Advisory Committee's Subcommittee on Chemical Vessels to be held on July 11, 1978, beginning at 9 a.m., in the Marriott Hotel, I-70 and Lambert Airport, St. Louis, Mo. 63134. The agenda for this meeting is as follows:

To continue work on revising the rules for barges carrying hazardous chemicals, 46 CFR part 151.

Attendance is open to the interested public. With the approval of the Chairman, members of the public may present oral statements. Any member of the public may present a written statement to the Subcommittee at any time. For additional information, contact: Captain C. E. Mathieu, Commandant (G-MHM/83), U.S. Coast Guard, Washington, D.C. 20590, 202-426-2306.

For scheduling and for providing adequate seating, those wishing to present oral statements or attend the meeting should notify the above office no later than the day before the meeting.

Issued in Washington, D.C., on June 1, 1978.

H. G. LYONS,
Captain, U.S. Coast Guard,
Acting Chief, Office of Merchant Marine Safety.

[FR Doc. 78-15917 Filed 6-7-78; 8:45 am]

[4910-14]

[CGD 78-76]

PROPOSED BRIDGE ACROSS THE ST. JOHNS RIVER AND MILL COVE AT JACKSONVILLE, (DAME POINT), FLA.

Public Hearing

Notice is hereby given that the Commandant has authorized a public hearing to be held by the Commander, Seventh Coast Guard District, at the city of Jacksonville Civic Auditorium, Little Theatre, 300 West Water Street, Jacksonville, Fla., on Thursday, July 13, 1978, from 2 p.m. to 5 p.m. and 7 p.m. to 11 p.m. The purpose of the hearing is to consider the application from the Jacksonville Transportation Authority for a permit to construct a highway bridge across the St. Johns River and Mill Cove at Jacksonville (Dame Point), Fla. All interested persons may present data, views, and comments orally or in writing at the public

hearing concerning the impact of the proposed bridge on the environment and its effect on navigation. A final environmental impact statement prepared by Federal Highway Administration (FHWA) as lead agency has been filed with the Council on Environmental Quality on May 20, 1977, in compliance with the National Environmental Policy Act.

A public hearing was held on November 17 and 18, 1976, in accordance with FHWA guidelines. The public hearing included the entire project corridor. All comments presented at the hearing concerning the effects of the proposed project on the quality of the human environment and those to be presented at the scheduled hearing will be made a part of record and will be given full consideration in the permitting process. Of particular importance at this time are effects of the proposed bridge alignment and the vertical and horizontal clearances on navigation. Presentations should include factual data to support comments presented.

The hearing will be informal. A Coast Guard representative will preside at the hearing, make a brief opening statement describing the proposed bridge, and announce the procedures to be followed at the hearing. Each person who wishes to make an oral statement should notify the Commander (oan), Seventh Coast Guard District, Federal Building, 51 Southwest First Avenue, Miami, Fla. 33130, by July 10, 1978. Such notification should include the approximate time required to make the presentation. A transcript will be made of the hearing and may be purchased by the public. Interested persons who are unable to attend this hearing may also participate in the consideration of this bridge permit application by submitting their comments, in writing, on or before August 11, 1978, to the Commander (oan), Seventh Coast Guard District. Each comment should state the reasons for any objections, comments or proposed changes to the plans, and the name and address of the person or organization submitting the comment.

Copies of all written communications will be available for examination by interested persons at the office of the Commander (oan), Seventh Coast Guard District. All comments received will be considered before final action is taken on the proposed bridge permit application. After the time set for the submission of comments, the Commander, Seventh Coast Guard District, will forward the record, including all written comments, and his recommendations to the Commandant, U.S. Coast Guard, Washington, D.C. 20590. The Commandant will make the final determination of the bridge permit.

(Sec. 502, Act of August 2, 1946, as amended; 33 U.S.C. 525, 49 U.S.C. 1655(g)(6)(c); 49 CFR 1.46(c)(10).)

Dated: June 1, 1978.

F. P. SCHUBERT,
Captain, U.S. Coast Guard
Acting Chief, Office of Marine Environment and Systems.

[FR Doc. 78-15918 Filed 6-7-78; 8:45 am]

[4910-13]

Federal Aviation Administration

ADVISORY COMMITTEE

Establishment and Invitation to Participate: Special Aviation Fire and Explosion Reduction (SAFER)

Announcement. Notice is given of the establishment of the Special Aviation Fire and Explosion Reduction (SAFER) Advisory Committee. This Advisory Committee, which will remain in existence for a period of two years or less, stems from hearings held by the Federal Aviation Administration (FAA) in November of 1977 on aircraft compartment interior materials and in June of 1977 on transport category airplane post-crash fuel systems fire and explosion reduction. The Director, Flight Standards Service, is the sponsor of the Committee. The membership will include experts from the Government, the aviation industry and those representing the viewpoints of other elements of the aviation community. The Committee will make recommendations to the FAA Administrator for ways to improve cabin occupant survivability in the post-crash environment.

Public Interest. The Secretary of Transportation has determined that the formation and use of the Committee is necessary in the public interest in connection with the duties imposed on the Federal Aviation Administration by law. Meetings of the Committee will usually be open to the public.

Invitation to Participate. Any person who is interested in participating in the Committee as a member is invited to submit an application in writing, addressed to Director, Flight Standards Service, Attention: AFS-100, Federal Aviation Administration, Department of Transportation, Washington, D.C. 20591. Applications received on or before August 7, 1978, will be considered. Applicants should state their expertise and the organization, if any, which they represent. Non-Federal members of the Committee do not become Government employees. They serve without compensation and at their own expense.

Issued in Washington, D.C. on May 26, 1978.

J. A. FERRARESE,
Acting Director
Flight Standards Service.

[FR Doc 78-15544 Filed 6-7-78; 8:45 am]

[4910-13]

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) EXECUTIVE COMMITTEE

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Executive Committee to be held June 29, 1978, RTCA Conference Room 261, 1717 H Street NW., Washington, D.C., commencing at 9:30.

The agenda for this meeting is as follows: (1) Approval of minutes of meeting held May 11, 1978; (2) special committee activities report for May and June; (3) Chairman's report of RTCA administration and activities; (4) consideration of establishing new special committees; and (5) consideration of Special Committee 129 Report on Federal Communications Commission Eighth Notice of Inquiry (8 NDI), Docket 20271.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006, 202-296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C., on May 31, 1978.

KARL F. BIERACH,
Designated Officer.

[FR Doc. 78-15872 Filed 6-7-78; 8:45 am]

[4910-13]

DISCRETE ADDRESS BEACON SYSTEM (DABS)

Proposed U.S. National Aviation Standard

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed standard and reopening of comment period.

SUMMARY: On March 27, 1978, the Federal Aviation Administration published for public review and comment a proposed U.S. National Aviation Standard for the Discrete Address Beacon System (DABS). (43 FR 12816). This notice provides the text

NOTICES

of a portion of the proposed standard which was inadvertently omitted in the previous notice. It also announces that the comment period is reopened to receive comment until July 26, 1978.

DATES: Comments must be received on or before July 26, 1978.

ADDRESS: Director, Systems Research and Development Service, Attention: ARD-50, Federal Aviation Administration, Department of Transportation, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

P. D. Hodgkins, Surveillance Branch, ARD-240, Communications Division, System Research and Development Service, Federal Aviation Administration, 2100 Second Street SW., Washington, D.C. 20591, telephone 202-426-4085.

SUPPLEMENTARY INFORMATION: On March 27, 1978, the Federal Aviation Administration proposed a U.S. National Aviation Standard for DABS (43 FR 12816). The standard would define the system and the performance characteristics of its components. It is intended to satisfy overall operational needs and assure compatibility with all elements of the National Airspace System (NAS). While not regulatory, the standard may provide the basis for later rule making affecting airborne navigational equipment.

A specification for the transponder transmitted power was inadvertently omitted from the proposed standard in the previous notice. The text is therefore published in this notice.

Comments received in response to the previous notice indicate that a longer time for public comment is warranted. Further, this additional period permits the opportunity to comment on the omission in the proposed standard. The public comment period is thus reopened until July 26, 1978.

Accordingly, the comments may be submitted on this and the previous notice of proposed standard until July 26, 1978, and paragraph 2.2.2.5 is added to read as follows:

2.2.2.5 Transponder Transmitted Signal Level. When referred to the transponder RF port(s), the nominal value of the transponder power output shall be 27 dBW with a tolerance range of ± 3 dB for all pulses of all required replies.

NOTE.—For this power requirement, a nominal 3 dB transmission line loss and an antenna performance equivalent to that of a simple quarter wave antenna are assumed. In the event these assumed conditions do not apply, the radiated power of the installed transponder system must be the same as that of the assumed system.

Issued in Washington, D.C., on June 5, 1978.

DAVID J. SHEPTEL,
Director, Systems Research and
Development Service, ARD-1.

[FR Doc. 78-15974 Filed 6-7-78; 8:45 am]

[4910-60]

Materials Transportation Bureau

RAILROAD COMMISSION OF TEXAS:
APPLICATION FOR INCONSISTENCY RULING

Public Notice and Invitation for Comment

The Railroad Commission of Texas has applied for an administrative ruling as to whether that State's Liquefied Petroleum Gas Safety Rule 051.05.03.308, which regulates the interstate transportation of liquefied petroleum gas (LP-gas) within State boundaries, is inconsistent with and thus preempted by the Hazardous Materials Transportation Act or regulations issued thereunder. Public comment is solicited.

DATES: Comments received on or before July 21, 1978, will be considered before an inconsistency ruling is issued by the Office of Hazardous Materials Regulation (OHMR).

ADDRESSES: The Railroad Commission's application and the comments thereon may be reviewed in the Dockets Section, Room 6500, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590, phone 202-426-2077, both before and after close of the public comment period. Comments on the Railroad Commission's application should be submitted, preferably five copies, to the Dockets Section at the above address. A copy of each comment must also be sent to Mr. Mack Wallace, Chairman, Railroad Commission of Texas, E. O. Thompson Building, Austin, Tex. 78711, and that fact certified at the time the comment is submitted to the Dockets Section.

FOR FURTHER INFORMATION CONTACT:

Patricia L. Shebest, Office of the Chief Counsel, Research and Special Programs Administration, Department of Transportation, Room 6222, Trans Point Building, 2100 Second Street SW., Washington, D.C. 20590, phone 202-426-0656.

SUPPLEMENTARY INFORMATION: 1. Background. Section 112 of the Hazardous Materials Transportation Act (Title I of Pub. L. 93-633; 49 U.S.C. 1801-1812) (HMTA) expressly preempts "any requirement of, a State or political subdivision thereof, which is inconsistent with any requirement" of the HMTA or regulations issued under the HMTA. A requirement of a state or political subdivision which is inconsistent with a Federal requirement is

not preempted, however, if upon the application of an appropriate state agency, the Secretary of DOT determines that the state or local requirement provides an equal or greater level of public safety than HMTA requirements and does not unreasonably burden commerce.

Regulations codified at 49 CFR §§ 107.201-107.225 provide separate procedures for inconsistency rulings and nonpreemption determinations. Briefly, an inconsistency ruling is an administrative opinion as to the relationship between a Federal requirement (in the HMTA or regulations thereunder) and a requirement of a state or political subdivision. If the requirement of the state or political subdivision is determined to be inconsistent with the Federal requirement, the state or political subdivision may seek a nonpreemption determination, that is, a determination that despite the inconsistency, its regulation is not preempted because it falls within the scope of Section 112 of the HMTA.

2. Railroad Commission's Application for Inconsistency Ruling. On March 24, 1978, the Railroad Commission of Texas filed with OHMR a request for a determination as to whether that State's Liquefied Petroleum Gas Safety Rule 051.05.03.308 (Safety Rule), which regulates the interstate transportation of LP-gas within State boundaries, is inconsistent with and thus preempted by the HMTA or regulations issued thereunder.

The Safety Rule permits the use of motor vehicles for the interstate transportation of LP-gas within Texas only if the operator has been licensed by the Railroad Commission or holds an Emergency Transport Card issued by that Commission.

In order to qualify for a license, the operator of a motor vehicle must remit several statutorily-mandated fees and must demonstrate to the Railroad Commission by means of an examination that he can and will meet the safety requirements of the State.

If an applicant for a license holds an Emergency Transport Card issued by the Railroad Commission, he may engage in interstate LP-gas transport operations within the State while his application for a license is being processed. An applicant is eligible for an Emergency Transport Card if he holds a valid Interstate Commerce Commission Certificate of Emergency Temporary Authority (ETA), which authorizes him to conduct such operations within the State.

In order to obtain an Emergency Transport Card, which is valid for a 30-day period, the ETA certificate holder must file the following with the Railroad Commission:

- (1) A properly completed LP-gas truck registration form;
- (2) An application for examination for a license as an LP-gas transporter;

NOTICES

(3) A copy of a legally sufficient ETA certificate which permits transportation operations in the State of Texas;

(4) Evidence of automobile bodily injury and property damage liability insurance; and

(5) An affidavit stating that the operator will abide by all provisions of the HMTA and the rules issued thereunder.

In its application for an inconsistency ruling, the Railroad Commission of Texas requests that the specified provisions of the State's Safety Rule be examined in relationship to the following provisions of the HMTA and the regulations thereunder:

(1) Section 105(a) of the HMTA, which authorizes the Secretary of DOT to issue regulations for the safe transportation in commerce of hazardous materials;

(2) Section 107(b) of the HMTA, which authorizes the Secretary to require each transporter of hazardous materials to submit a registration statement not more often than every two years; and

(3) 49 CFR 177.802, which makes the provisions of 49 CFR Parts 170-189 applicable to all private, common and contract carriers by motor vehicle transporting hazardous materials.

In its application, the Railroad Commission asserts that the Safety Rule is not inconsistent with the HMTA or the regulations thereunder for the following reasons:

(1) The HMTA and regulations do not specifically prohibit State regulation of LP-gas on highways within the State's boundaries.

(2) The State's Safety Rule does not impose an inordinate burden on interstate commerce.

(3) The State's Safety Rule is in the interest of the general welfare and safety of the public.

3. Public Comment. Comments should be restricted to the question of whether Texas' Liquefied Petroleum Gas Safety Rule 051.05.03.308 is inconsistent with the HMTA or regulations issued thereunder. An application for a nonpreemption determination has not been filed and comments pertaining to such a determination will not be considered in this proceeding.

Insofar as the Safety Rule's effect on interstate commerce relates to the issue of nonpreemption rather than inconsistency (49 U.S.C. 1811), comments concerning that aspect of the Safety Rule are inappropriate at this time.

Persons intending to comment on the application should examine the HMTA (49 U.S.C. 1801-1812), the DOT Hazardous Materials Regulations (49 CFR Parts 171-179), and the procedures governing the Department's consideration of applications for inconsistency rulings (49 CFR 107.203-211), as

well as Texas' Liquefied Petroleum Gas Safety Rule 051.05.03.308. Each comment is to be accompanied by a certification that a copy of the comment has been sent to the Railroad Commission of Texas.

AUTHORITY: 49 U.S.C. 1811, 49 CFR 1.53(e), 49 CFR Part 107, Subpart C.

Issued in Washington, D.C., on May 26, 1978.

ALAN I. ROBERTS,
Director, Office of
Hazardous Materials Regulation.

APPENDIX

LIQUEFIED PETROLEUM GAS SAFETY RULE 051.05.03.308 PROMULGATED BY THE RAILROAD COMMISSION OF TEXAS PURSUANT TO THE AUTHORITY OF CHAPTER 113 OF THE TEXAS NATURAL RESOURCES CODE

.308 Interstate LP-Gas Transport Operations in Texas.

(a) Licensing Requirement. No person shall engage in interstate transport operations in the State of Texas unless licensed by the Railroad Commission of Texas to conduct such operations or unless operating in compliance with the provisions of section (b) of this rule.

(b) Pre-License Interstate Transport Operations in Texas.

(1) Eligibility. The holder of a legally sufficient ICC Certificate of Emergency Temporary Authority permitting transportation operations in the State of Texas may engage in interstate LP-gas transport operations in the State of Texas pursuant to the authority of Emergency Transport Card(s) issued by the Liquefied Petroleum Gas Division of the Railroad Commission of Texas.

(2) Filing Requirement. The Liquefied Petroleum Gas Division shall issue an Emergency Transport Card to each LPG transport/delivery trailer or vehicle registered with the Liquefied Petroleum Gas Division upon receipt of the following:

A. A properly completed LPG truck registration form;

B. An application for examination for license as an LP-gas transporter;

C. A copy of a legally sufficient certificate of ICC Emergency Temporary Authority permitting transportation operations in the State of Texas;

D. Evidence of automobile bodily injury and property damage liability insurance; and

E. An affidavit, subscribed and sworn to by an authorized representative of the carrier, containing a statement that the carrier will abide by all provisions of the Hazardous Materials Transportation Act and rules adopted pursuant thereto.

(3) Emergency Transport Card.

A. Authorization. The Emergency Transport Card shall authorize the person to whom it has been issued and the bona fide employees of that person who are permitted by law to operate a liquefied petroleum gas motor vehicle, and no other, to operate a motor vehicle in the transportation of liquefied petroleum gas within the State of Texas and further shall authorize the filling of the tank(s) for which it has been issued with liquefied petroleum gas.

B. Duration. An emergency transport card shall be effective for a period of thirty days from the date of issuance, except that in no event shall transport operations thereunder

survive the expiration of the Certificate of Emergency Temporary Authority under which the carrier conducts transport operations in the State of Texas.

C. Prohibitions.

i. Unauthorized Operation of LP-Gas Motor Vehicle. No person shall operate a motor vehicle in the transportation of LP-gas in this State pursuant to the authority of this section unless an Emergency Transport Card authorizing the operation of the motor vehicle hauling the tank or combination of tanks for which it has been issued is carried in the cab of such truck or unless its operation has been specifically approved by a communication from the Railroad Commission of Texas.

ii. Unauthorized Filling of Tank(s). No person shall introduce LP-gas into a tank or tanks pursuant to the authority of this section unless the Emergency Transport Card issued for that tank or combination of tanks is produced at the time of filling or unless a communication from the Railroad Commission of Texas specifically approves such operation.

(FR Doc. 78-15731 Filed 6-7-78; 8:45 am)

[4910-60]

INCONSISTENCY RULING, IR-1

Extension of Time for Filing an Appeal

By letter dated May 16, 1978, Associated Universities, Inc., has requested that the Research and Special Programs Administration extend the time for filing an appeal from the inconsistency ruling (IR-1) published in the FEDERAL REGISTER on April 20, 1978 (43 FR 16954). The request has been granted.

Persons aggrieved by the ruling may file an appeal through June 16, 1978, to the following address: Acting Administrator, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590.

Issued in Washington, D.C., on June 1, 1978.

JOHN J. FEARNSIDES,
Acting Administrator.

(FR Doc. 78-15863 Filed 6-7-78; 8:45 am)

[4910-59]

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Field Trip

The National Highway Safety Advisory Committee's State-Federal Relations Subcommittee is planning a field trip to Oklahoma City, Okla., on June 28 and 29, 1978.

Subcommittee members plan to discuss with legislators, State and local officials and FHWA and NHTSA regional personnel current program management and the impact on Okla-

homa of the new management concept envisioned in the highway safety legislation now pending before Congress. Some specific items for discussion will be how highway safety problem areas will be identified; how will countermeasures be selected and evaluated; what will be the role of local communities; and what are the State's priority programs.

A report on the trip will be made by the subcommittee chairman at the September (28-29) meeting of the full Advisory Committee. The arrangements for visits to various officials are being made by the Oklahoma Governor's Highway Safety Representative.

The visit is subject to the approval of the appropriate DOT officials.

Additional information may be obtained from the NHTSA Executive Secretary, Room 5215, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-2872.

Issued in Washington, D.C. on June 1, 1978.

WM. H. MARSH,
Executive Secretary.

(FR Doc. 78-15812 Filed 6-7-78; 8:45 am)

[4810-31]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

(Notice of No. 78-6; Reference: ATF 0 1100.861)

IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

Delegation to the Assistant Director (Regulatory Enforcement) of Authorities of the Director in 27 CFR Part 251

DELEGATION ORDER

1. *Purpose.* This order delegates certain authorities, now vested in the Director by regulations in 27 CFR Part 251, to the Assistant Director (Regulatory Enforcement), and permits redelegation to regulatory enforcement personnel, headquarters and field.

2. *Background.* Under current regulations, the Director has authority to take final action on matters relating to the importation of distilled spirits, wines, and beer into the United States from foreign countries. These matters include special (occupational) and commodity taxes, permits, records and reports, and marking, branding, labeling, and stamping of containers and packages. It has been administratively determined that certain authorities now vested in the Director by regulations in 27 CFR Part 251, Importation of Distilled Spirits, Wines, and Beer, belong to and should be delegated to a lower organizational level.

3. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treas-

ury Department Order No. 221, dated June 6, 1972, and by 26 CFR 301.7701-9, there is hereby delegated to the Assistant Director (Regulatory Enforcement) the authority to take final action on the following matters relating to 27 CFR Part 251, Importation of Distilled Spirits, Wines, and Beer:

a. To prescribe all forms required by regulations including reports, returns, and records, under 27 CFR 251.2.

b. To approve the use of other suitable materials for the manufacture of bottles which are designed or intended for use as containers of distilled spirits sold for beverage purposes, under 27 CFR 251.11.

c. To authorize labels to be affixed to containers of distilled spirits so as to partially obscure strip stamps, and to approve the use of any cup, cap, or seal after receiving a sample of the closure and container, under 27 CFR 251.69.

d. To approve applications to modify ATF F 52A, Wholesale Liquor Dealer's Report of Receipts, ATF F 52B, Wholesale Liquor Dealer's Report of Disposals, and ATF F 338 (5110.48), Wholesale Liquor Dealer's Semiannual Report, for use in tabulating or other mechanical equipment, under 27 CFR 251.135.

e. To approve applications and issue permits on ATF F 1444, Tax-Free Spirits for use of United States, for the procurement and withdrawal of imported distilled spirits for nonbeverage purposes, to receive evidence of authority to sign for the head of a department or independent bureau or agency, to receive surrendered permits, and to cancel permits after issuance, under 27 CFR 251.182 and 27 CFR 251.183.

f. To receive from customs officers a copy of ATF F 2629 (5110.26), Gauge Report, under 27 CFR 251.184.

g. To receive from Government officers the original of modified ATF F 1473 (5110.16), Shipment and Receipt—Specially Denatured, Tax-Free, or Recovered Spirits, under 27 CFR 251.186.

h. To approve, pursuant to letter applications accompanied by photographs and specimen bottles or acceptable models or representations, liquor bottles which are found to meet the requirements of 27 CFR part 5, to be distinctive, not to jeopardize the revenue, to be suitable for the intended purpose, and not to be deceptive to consumers, and to distribute the approved applications and approved photographs of the distinctive bottles, under 27 CFR 251.204.

i. To disapprove for use as a liquor bottle any bottle which is determined to be deceptive, and to advise customs officers that such deceptive bottles are not approved containers for distilled spirits for consumption in the United States, under 27 CFR 251.206.

j. To authorize an importer to receive and store used liquor bottles, under 27 CFR 251.209.

k. To approve the use of an alternate method or procedure in lieu of a method or procedure prescribed by regulations, under 27 CFR 251.221.

l. To withdraw authorization of an alternate method or procedure whenever the revenue is jeopardized or the effective administration of the regulations is hindered by the continuation of such authorization, under 27 CFR 251.221.

4. *Redelegation.* a. The authority in paragraph 3a above, may be redelegated to Regulatory Enforcement personnel in Bureau Headquarters not lower than the position of branch chief.

b. The authorities in paragraphs 3b through 3l above, may be redelegated to Regulatory Enforcement personnel in Bureau Headquarters not lower than the position of ATF specialist.

c. The authority in paragraph 3c above to affix labels to containers so as to partially obscure strip stamps and the authorities in paragraphs 3f, 3g, and 3j above, may be redelegated to regional regulatory administrators, who may redelegate these authorities to regional Regulatory Enforcement personnel not lower than the position of chief, technical services, or area supervisor.

d. The authority in paragraph 3k above may be redelegated to regional regulatory administrators to approve, without submission to Headquarters, subsequent applications for alternate methods or procedures which are identical to those previously approved by Bureau Headquarters. The authority in paragraph 3l above may be redelegated to regional regulatory administrators and, where an alternate method or procedure is withdrawn, the regional regulatory administrator will notify the Assistant Director (Regulatory Enforcement) of such withdrawal. Regional regulatory administrators may redelegate these authorities to regional Regulatory Enforcement personnel not lower than the position of Chief, technical services, or area supervisor.

Effective date: This order becomes effective on May 25, 1978.

Signed: May 25, 1978.

RON D. DAVIS,
Director.

(FR Doc. 78-15892 Filed 6-7-78; 8:45 am)

[4810-22]

Office of the Secretary

COLD ROLLED AND GALVANIZED CARBON STEEL SHEETS FROM THE UNITED KINGDOM, WEST GERMANY, FRANCE, ITALY, THE NETHERLANDS AND BELGIUM

Antidumping; Extension of Investigatory Period

AGENCY: U.S. Treasury Department.

ACTION: Extension of antidumping investigatory period.

SUMMARY: This notice is to advise the public that the Secretary of the Treasury has determined that a tentative determination as to whether sales at less than fair value of cold rolled and galvanized carbon steel sheet from the United Kingdom, West Germany, France, Italy, the Netherlands and Belgium have occurred cannot reasonably be made in six months. This decision will be made in not longer than nine months from the date of the initiation of the investigation.

EFFECTIVE DATE: June 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. David P. Mueller, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On October 25, 1977, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26 and 153.27) from counsel on behalf of National Steel Corp. indicating that cold rolled and galvanized carbon steel sheets from Italy, Belgium, France, West Germany, the Netherlands and the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921 as amended (19 U.S.C. 160 et seq.) (hereinafter referred to as "the Act"). On the basis of this information and subsequent preliminary investigation by the Customs Service, an "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of December 2, 1977. That notice stated that:

If, during the course of the investigation being initiated it is found that actual home market, or if appropriate, third country transactions, have been at prices below the Davignon Plan or list prices for these products, a comparison of these lower prices will be made with the cost of production. If below cost sales have occurred in substantial quantities and over an extended period of time at prices not permitting the recovery of all costs within a reasonable period of time, then a cost of production investigation would be deemed appropriate and would be initiated. The Customs Service will, accordingly, be directed to solicit information re-

levant to these considerations as promptly as possible from all interested persons.

Petitioner thereafter filed supplemental information supporting its claims of sales below cost. On May 31, 1978, petitioner submitted a letter withdrawing the cost of production (but not the pricing) allegations made in its petition and in supplemental information filed on January 16, 1978, without prejudice to a subsequent filing of these claims.

For purposes of this notice, the term "cold rolled and galvanized carbon steel sheets" means those items provided for in item number 608.87, 608.94, and 608.95 of the Tariff Schedules of the United States.

The merchandise in question is made and sold in a large number of sizes and forms in numerous individual transactions by 30 separate companies in the European countries involved and in the United States. Further, a variety of claims for adjustments have been made with respect to many of the transactions to be compared. Additional time is needed to analyze this data.

Accordingly, pursuant to section 201(b)(2) of the Act (19 U.S.C. 160(b)(2)), notice is hereby given that the determination provided for in section 201(b)(1) of the Act (19 U.S.C. 160(b)(1)) cannot reasonably be made within six months. The determination under section 201(b)(1) of the Act (19 U.S.C. 160(b)(1)) will therefore be made within no more than nine months.

This notice is published pursuant to section 201(b)(2) of the Act (19 U.S.C. 160(b)(2)).

ROBERT H. MUNDHEIM,
General Counsel of the
Treasury.

JUNE 2, 1978.

(FR Doc. 78-15844 Filed 6-7-78; 8:45 am)

[4810-25]

FARM CREDIT ADMINISTRATION

Designation of Securities for Exemption Under the Securities Exchange Act of 1934

Section 3(a)(12) of the Securities Exchange Act of 1934, as amended, states that the term "exempted security" or "exempted securities" shall include "such securities issued or guaranteed by corporations in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury as necessary or appropriate in the public interest or for the protection of investors * * *."

Notice is hereby given that, pursuant to the provisions of that Section and authority delegated to me by the Secretary of the Treasury, I have today designated for exemption securities of the thirteen Banks for Cooperatives entitled "The Farm Credit In-

vestment Bonds," issued pursuant to § 4.2 of the Farm Credit Act of 1971 (12 U.S.C. 2153).

This designation may be revoked, modified or amended at any time with respect to any securities not issued prior to such time.

Dated: May 31, 1978.

ROGER C. ALTMAN,
Assistant Secretary of the
Treasury (Domestic Finance).
[FR Doc. 78-15845 Filed 6-7-78; 8:45 am]

[4810-22]

STEEL WIRE ROPE FROM THE REPUBLIC OF KOREA

Antidumping; Extension of Investigatory Period

AGENCY: United States Treasury Department.

ACTION: Extension of antidumping investigatory period.

SUMMARY: This notice is to advise the public that the Secretary of the Treasury has determined that a tentative determination as to whether sales at less than fair value of steel wire rope from the Republic of Korea have occurred cannot reasonably be made in 7 months. This decision will be made in not longer than 9 months from the date of the initiation of the investigation. Sales at less than fair value generally occur when the price of merchandise sold for exportation to the United States is less than the price of such or similar merchandise sold in the home market or to third countries or is less than its cost of production.

EFFECTIVE DATE: June 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Leon McNeill, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C., 202-566-5492.

SUPPLEMENTARY INFORMATION: On September 27, 1977, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26 and 153.27) from counsel acting on behalf of Broderick and Bascom Rope Co. of St. Louis, Mo., alleging that steel wire rope is, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (hereinafter referred to as "the Act"). On the basis of this information, and "Antidumping Proceeding Notice" was published in the FEDERAL REGISTER of November 1, 1977 (42 FR 57202).

For purposes of this notice, the term "steel wire rope" means ropes, cables, and cordage other than wire strand, of

steel, other than brass plated, not fitted with fittings, not made up into articles and not covered with textiles or other nonmetallic materials.

A one month extension of the investigatory period was published in the FEDERAL REGISTER of May 3, 1978 (43 FR 19095), because additional time was needed to analyze and verify the complex information previously submitted by the respondents, concerning home and export prices of the numerous varying sizes and specifications of the subject merchandise. However, information bearing on claims that the merchandise may have been sold in the United States at less than its cost of production has not been received or analyzed, nor have respondents' submissions relating thereto been verified. Under these circumstances, pursuant to section 201(b)(2) of the Act (19 U.S.C. 160(b)(2)), the determination provided for in section 201(b)(1) of the Act (19 U.S.C. 160(b)(1)) cannot reasonably be made within 7 months. The determination under section 201(b)(1) of the Act (19 U.S.C. 160(b)(1)) will, therefore, be made within no more than 9 months.

This notice is published pursuant to section 201(b)(2) of the Act (19 U.S.C. 160(b)(2)).

Dated: June 1, 1978.

ROBERT H. MUNDHEIM,
General Counsel of the
Treasury.

[FR Doc. 78-15888 Filed 6-7-78; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

VETERANS ADMINISTRATION WAGE COMMITTEE

Notice of Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, notice is hereby given that meetings of the Veterans Administration Wage Committee will be held on: Thursday, July 13, 1978; Thursday, July 27, 1978; Thursday, August 10, 1978; Thursday, August 24, 1978; Thursday, September 7, 1978; Thursday, September 21, 1978.

The meetings will convene at 2:30 p.m. and will be held in Room 1175A, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Chief Medical Director, Department of Medicine and Surgery, on all matters involved in the development and authorization of wage rate schedules for Federal Wage System (blue-collar) employees.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local committee reports and recommenda-

tions, statistical analyses, and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, as amended by Pub. L. 94-409, meetings may be closed to the public when they are concerned with matters listed under section 552b, Title 5, United States Code. Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 U.S.C. 552b(c)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential (5 U.S.C. 552b(c)(4)).

Accordingly, I hereby determine that all portions of the meetings cited above will be closed to the public because the matters considered are related to the internal rules and practices of the Veterans Administration (5 U.S.C. 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(c)(4)).

However, members of the public who wish to do so are invited to submit material in writing to the Chairman regarding matters believed to be deserving of the Committee's attention.

Additional information concerning these meetings may be obtained by contacting the Chairman, Veterans Administration Wage Committee, Room 1175, 810 Vermont Avenue NW., Washington, D.C.

Dated: June 2, 1978.

MAX CLELAND,
Administrator.

[FR Doc. 15885 Filed 6-7-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Volume No. 95]

PETITIONS, APPLICATIONS, FINANCE MATTERS, (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

MAY 31, 1978.

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g. M1 F, M2 F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before July 10, 1978. Such protests shall comply with Special Rule 247(e) of the Commission's general rules of practice (49 CFR 1100.247) and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

NOTICE OF FILING OF PETITION

No. MC 119493 (Sub-No. 55F), Petition for Interpretation of Certificate and Issuance of Declaratory Order.

Petitioner: MONKEN CO., INC., Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. By petition filed May 5, 1978, Monken Co., Inc., seeks an interpretation of the term "containers" as used in Certificate No. MC 119493 (Sub-No. 55), specifically, whether this term encompasses all types of containers, such as plastic and paper bags, paper cups, trays, and similar items. The certificate in question authorizes the transportation of: *diatomite and mixture of diatomaceous earth, alkyl naphthalene and sodium sulfonate*, from points in NV (except Las Vegas and Henderson) to points in 10 States. The second paragraph of the certificate authorizes the transportation of *containers*, from points in the 10 destination States, to points in NV (except Las Vegas and Henderson). An informal opinion from the Commission's Bureau of Operations stated that the above description does not authorize the transportation of plastic bags, since, for transportation purposes, the term only includes solid-type receptacles used for the transporting of other commodities. Monken asserts that authority to transport containers authorizes movement of all types of items which are designed for holding goods (1) without regard to the type of material from which they are constructed, and (2) without regard to whether they are solid or flexible receptacles. Any interested person desiring to participate in this proceeding shall file an original and six copies of written representations, views, or arguments in support of or against the petition on or before July 10, 1978. No oral hearing is contemplated at this time.

No. MC 128988 (Sub-No. 29) (Notice of Filing of a Petition to Modify Permit), filed November 4, 1977. Petitioner: JO/KEL, P.O. Box 1249, City

*Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

of Industry, CA 91749. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. The notice of filing of petition is published for the above docket number in the section for Republications of Grants of Operating Rights.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before July 10, 1978. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Such pleading shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for publication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 128988 (Sub-No. 29) (Initial publication by order) (Notice of filing of a petition to modify permit), filed November 4, 1977. Petitioner: JO/KEL, P.O. Box 1249, City of Industry, CA 91749. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Petitioner has a motor contract carrier Permit pending in No. MC 128988 (Sub-No. 29), published in the FEDERAL REGISTER issues of October 17, 1973, and December 20, 1973, decided April 21, 1975, authorizing transportation, over irregular routes, of (1) *Heating and air conditioning units*, (a) from the facilities of Fraser & Johnston Co. at Emeryville, CA, to points in ID, UT, AZ, CO, and NM; and (b) from Norman, OK, Medina, OH, Elyria, OH; and Staunton, VA, to the plantsite and warehouse facilities of Fraser & Johnston Co. at Emeryville, CA; and (2) *Materials, equipment and supplies* used in the manufacture and distribution of the above-named commodities, from points in ID, UT, AZ, CO, and NM, to the plantsite and warehouse facilities of Fraser & Johnston Co. at Emeryville, CA and Hayward, CA. Restriction: The service sought herein is subject to the following restrictions: Restricted against the transportation of commodities in bulk

and those commodities which because of their size or weight require the use of special equipment; and further restricted to a transportation service to be performed under a continuing contract or contracts with Fraser & Johnston Co. By Order of the Commission, Review Board Number 3, decided March 22, 1978, and served April 4, 1978, finds that the grant of authority in No. MC 128988 (Sub-No. 29), is modified as follows: By deleting San Lorenzo, CA, as an origin point and inserting Emeryville, CA; deleting San Lorenzo, CA, as a destination point and inserting Emeryville and Hayward, CA; deleting San Lorenzo, CA, as the business headquarters of Fraser & Johnston Co., and substituting Hayward, CA, will be consistent with the public interest and the national transportation policy. Petitioner is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. Notice of this petition was not published initially in the FEDERAL REGISTER, therefore the purpose of this publication is to indicate the authority sought and the authority granted.

No. MC 142844 (Correction) (Republication), filed January 10, 1977, published in the FEDERAL REGISTER issues of April 7, 1977 and March 30, 1978 and republished, as corrected, this issue. Applicant: DON HAUSAUER, d.b.a., DON HAUSAUER TRUCKING, Fort Lincoln Estates, Bismarck, ND 58501. Representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58501. An Order of the Commission, Review Board Number 1, decided February 7, 1978, and served February 10, 1978, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, transporting: Lumber, from points in OR, ID, MT, and WA, under a continuing contract or contracts with Owens Forest Products of Duluth, MN; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to clarify that applicant is originating at points in MT in lieu of MO; and (2) indicate that Charles E. Johnson is applicant's representative.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a protest to

the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the **FEDERAL REGISTER**. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use a such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protest not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if not representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the **FEDERAL REGISTER** of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 2253 (Sub-79F), filed March 30, 1978. Applicant: CAROLINA FREIGHT CARRIERS CORP., P.O. Box 697, Cherryville, NC 28021. Representative: J. S. McCallie (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities

in bulk, and those requiring special equipment), between points in Broward, and Dade Counties, FL, on the one hand, and, on the other, points in Monroe County, FL, restricted to the transportation of shipments having prior or subsequent movement in interstate or foreign commerce. (Hearing site: Key West, or Miami, FL.)

No. MC 3255 (Sub-No. 16F), filed March 9, 1978. Applicant: PEP TRUCKING CO., INC., 386 Henderson Street, Jersey City, NJ. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the facilities of Pep Trucking Co., Inc., Jersey City, NJ, to points in Suffolk County, NY, that portion of NY, on and south of NY Hwy 17, points in Fairfield County, CT, Philadelphia, PA, and points in NJ, restricted to shipments having prior movement by motor, rail, and water common carrier. (Hearing site: New York, NY or Washington, DC.)

No. MC 14702 (Sub-No. 71F), filed April 3, 1978. Applicant: OHIO FAST FREIGHT, INC., 3893 Market Street NE., Warren, OH 44484. Representative: Paul Beery, 275 East State Street, Columbus, OH 43215. Authority sought to operate as a common carrier, over irregular routes, transporting: (1) *Plastic pipe, conduit, valves, fittings and accessories* therefor; and (2) *Materials and supplies* used in the manufacture of commodities (except commodities in bulk, in tank vehicles), between points in Geneva County, AL, on the one hand, and, on the other, points in OH, PA, IN, IL, MI, MO, NY, and NJ. (Hearing site: Columbus, OH.)

NOTE.—Common control may be involved.

No. MC 25798 (Sub-No. 317F), filed April 4, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell, P.O. Box 1186, Auburndale, FL 33823. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs and food byproducts*, including animal and vegetable oils, in bulk in tank vehicles, between points in FL, GA, NC, and SC on one hand, and on the other, points in AZ, CA, and points in and east of ND, SD, NE, CO, and NM. (Hearing site: Tampa, FL.)

NOTE.—Common control may be involved.

No. MC 47583 (Sub-69F), filed March 30, 1978. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115. Representative: D. S. Huits, P.O. Box 225, Lawrence KS 66044. Authority sought to operate as a common carrier,

over irregular routes, transporting: *Plastic articles and materials* (except in bulk) and *supplies and equipment* used in the manufacture of plastic articles, between the facilities of Mobil Chemical Co., Plastics Division, at Jacksonville and Springfield, IL, and points in the United States (except AL and HI). Restricted to traffic originating at or destined to the facilities of Mobil Chemical Co., Plastics Division. (Hearing site: Kansas City, MO.)

NOTE.—Common control may be involved.

No. MC 61440 (Sub No. 162F), filed March 30, 1978. Applicant: LEE WAY MOTOR FREIGHT, INC., 3401 Northwest 63d Street, Oklahoma City, OK 73157. Representative: Richard H. Champlin, P.O. Box 12750, Oklahoma City, OK 73157. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by commission, commodities in bulk and those requiring special equipment). Serving the facilities of Liquid Paper Corp. at or near Greenville, TX, as an off-route point in connection with carrier's otherwise authorized regular route operations. (Hearing site: Oklahoma City, OK.)

NOTE.—Common control may be involved.

No. MC 82492 (Sub-No. 197F), filed March 31, 1978. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: William C. Harris (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dairy products* (except commodities in bulk, in tank vehicles) in vehicles equipped with mechanical refrigeration. From Milbank, SD, to Champaign, IL, Springfield, MO, Marathon, Medford, Wausau, WI, and New Ulm, NM, restricted to traffic originating at and destined to the above named points. (Hearing site: Chicago, IL, or Minneapolis, MN.)

No. MC 93840 (Sub-No. 36F), filed March 30, 1978. Applicant: GLESS BROS., INC., P.O. Box 216, Blue Grass, IA 52726. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *fertilizers*, from the facilities of Map-Ren at Dubuque, IA, to points in IA, WI, and MN. (Hearing site: Des Moines, IA, or Chicago, IL.)

No. MC 105566 (Sub-No. 167F), filed March 27, 1978. Applicant: SAM TANKSLEY TRUCKING, INC. P.O. Box 1119, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901

Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Acids, adhesives, adjusters, alcohols, other than alcoholic liquors; bates, tanners; cleaning, scouring or washing compounds; soap, compounds, fuel oil treating, tree or weed killing, water clarifying; deodorants or disinfectants; depilatory, tanners, extracts, tanning, feed supplements and feeding compounds, insecticides or fungicides or repellants; paints, stains or varnishes; plasticizers; solvents; petroleum products; plastic materials, other than expanded group; plastic or rubber articles; sizing; sludge, acid, and softeners, textile* (except in bulk, in tank or hopper vehicles), from the facilities of Rohm and Haas Co. located in Hayward, CA, Calumet City, Morton Grove, and Niles, IL, Louisville, KY, Bristol, Croydon, and Philadelphia, PA, Knoxville, TN, and Dallas and Houston, TX, to points in AZ, CA, CO, ID, IL, KY, MT, NV, OR, TN, TX, UT, WA, and WY. (Hearing site: Washington, D.C.)

No. MC 105813 (Sub-No. 238F), filed March 30, 1978. Applicant: BELFORD TRUCKING CO., INC., 1759 Southwest 12th Street, P.O. Box 1936, Ocala, FL 32670. Representative: Arnold L. Burke, 180 North LaSalle Street, Chicago, IL 60601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Toilet preparations, soap and dog products* from Cranbury, Morristown, Piscataway, and Clark, NJ to points in FL and GA.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Washington, DC or New York, NY. Common control may be involved.

No. MC 107818 (Sub-No. 90F), filed March 30, 1978. Applicant: GREENSTEIN TRUCKING CO., a corporation, 280 Northwest 12th Avenue, P.O. Box 608, Pompano Beach, FL 33061. Representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs, food ingredients, food products, advertising and display items, and such commodities* as are dealt in by gift, curio and mail order houses, from points in WI, to points in TN, KY, GA, FL, and IN.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at Milwaukee, WI.

No. MC 108341 (Sub-No. 95F), filed March 27, 1978. Applicant: MOSS TRUCKING CO., INC., 3027 N. Tryon Street, P.O. Box 8409, Charlotte, NC 28208. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to

operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A)(1) *Railway track construction and track maintenance machinery and equipment*; (2) *attachments, parts and accessories* for (1) above when moving in mixed loads with (1) above; and (3) *materials, supplies, and equipment* used in the manufacture, maintenance, and distribution of commodities in (1) and (2) above, between points in Lexington County, SC, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, CO, and NM; and (b) commodities in (A)(1) above, which at the time of movement are being transported for display, tests, demonstration, show, or experiment, between points in the United States in and east of ND, SD, NE, CO, and NM, in nonradial movement. (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 110525 (Sub-No. 1234F), filed March 30, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downton, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *LIQUID CHEMICALS*, in bulk, in tank vehicles, from the plants of Jefferson Chemical Co., Inc., located at or near Port Neches, TX; Youens, Montgomery County, TX; and Austin, TX; to points in the United States (except AK and HI), restricted to shipments originating at the designated plants of Jefferson Chemical Co., Inc. (Hearing site: Houston, TX or Washington, DC.)

No. MC 110563 (Sub-No. 227F), filed March 30, 1978. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Route 29 North, Sidney, OH 45365. Representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used in the manufacture or distribution of sugar, from Baltimore, MD, to points in IL, IN, IA, KY, MI, MO, OH, and WI. Restriction: Restricted to the transportation of shipments originating at the facilities used by Amstar Corp., at or near Baltimore, MD. (Hearing site: New York, NY.)

No. MC 111310 (Sub-No. 29F), filed March 27, 1978. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, WI 54615. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Wood prod-*

ucts, builtup wood and mineral core products, and accessories and parts for the above-described commodities, from Algoma, WI, to points in the United States (except AK and HI); and (2) *Returned shipments, and equipment, materials and supplies* used or useful in the manufacture, distribution or sale of the above-described commodities, from the above-named destination points to Algoma, WI. (Hearing site: Madison, WI.)

No. MC 111320 (Sub-No. 69) (amendment), filed January 10, 1978, published in the **FEDERAL REGISTER** issue of March 2, 1978, and republished as amended, this issue. Applicant: KEEN TRANSPORT, INC., P.O. Box 1417, Hudson, OH 44236. Representative: Larry E. Gresh, (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Tractors, and their attachments* (except truck tractors used for pulling highway tractors used for pulling highway trailers), lift trucks, compactors, excavators, road rollers and dump trucks for off-highway use; (2) *parts, attachments and accessories* for the commodities described in (1) above when moving in mixed loads with the commodities in (1) above; from the plant sites, warehouses and storage areas of Caterpillar Tractor, located in IL and IA to points in CO, KA, MO, MT, NE, ND, OK, SD and WY. (Hearing sites: Omaha, NE or Denver, CO.)

NOTE.—Common control may be involved. The purpose of this republication is to broaden the commodity description.

No. MC 111401 (Sub-No. 522F), filed April 4, 1978. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Representative: Victor R. Comstock, 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the facilities of Dow Corning Corp. at Carrollton, KY to Brownsville, TX, from furtherance in foreign commerce. (Hearing site: Chicago, IL or Louisville, KY.)

No. MC 112822 (Sub-No. 454F), filed February 23, 1978. Applicant: BRAY LINES INC., 1401 N. Little Street, P.O. Box 1191, Cushing, OK 74023. Representative: Charles D. Midkiff (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk, in tank vehicles), from Industry, CA, to points in ID, OR, and WA. (Hearing site: Los Angeles or San Francisco, CA.)

NOTE.—Common control may be involved.

No. MC 114457 (Sub-No. 371F), filed March 30, 1978. Applicant: DART

TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Representative: James H. Willis, 2102 University Avenue, St. Paul, MN 55114. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vanities and cabinets, set up in boxes with accessories and parts* from Lakeville, MN to points in the States of CO, IL, IN, IA, KS, MO, MT, NE, ND, SD, and WI.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Paul, MN or Chicago, IL.

No. MC 115554 (Sub-No. 82F), filed March 10, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 915 Pennsylvania Building, 13th and Pennsylvania Ave. NW, Washington, DC 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in by food business houses, between Nashville, TN, on the one hand, and, on the other, points in TX, AL, AR, GA, FL, MS, IL, KY, IN, and LA. (Hearing site: Nashville, TN, or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 115841 (Sub-No. 620F), filed March 30, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., Suite 110, 9041 Executive Park Drive, Knoxville, TN 37919. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW, Washington, DC 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facilities of Chef Pierre, Inc., at or near Forest, MS, to points in the United States (except AK and HI). (Hearing site: Detroit, MI, or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 115841 (Sub-No. 626F), filed March 31, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 168, Concord, TN 37720. Representative: E. Stephen Heisley, 666 11th Street NW, No. 805, Washington, DC 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from the facilities of Terminal Ice & Cold Storage Co., and those utilized by Ore-Ida Foods, Inc., at Plover, WI, to points in FL, GA, NC, SC, TN, and TX, restricted to traffic originating at the named origins and destined to the named destination States. (Hearing site: Portland, OR.)

NOTE.—The carrier must satisfy the Commission that its common control possibilities are either approved by the Commission or do not require Commission approval.

No. MC 116077 (Sub-No. 393F), filed May 3, 1978. Applicant: DSI TRANS-

PORTS, INC., 4550 Post Oak Place Drive, P.O. Box 1505, Houston, TX 770001. Representative: Pat H. Robertson, 500 West 16th Street, P.O. Box 1945, Austin, TX 78767. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Avondale, LA, to points in the United States (except AK and HI). (Hearing site: New York, NY, or Washington, DC.)

NOTE.—Applicant requests consolidation with the application of Chemical Leaman Tank Lines, Inc., MC 110525 (Sub-No. 1227).

No. MC 117574 (Sub-No. 312F), filed March 31, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight, require the use of special equipment, and *related materials, supplies, and parts* of such commodities when their transportation is incidental, thereto, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith, and (3) *Iron, steel, and aluminum articles*, between points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MN, MO, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI, and DC, on the one hand, and, on the other, points in AL, AR, FL, GA, LA, MS, NC, SC, and TN, restricted to the transportation of self-propelled articles transported on trailer. (Hearing site: Washington, DC or Chicago, IL.)

NOTE.—The carrier must satisfy the Commission that its common control possibilities are either approved by the Commission or do not require Commission approval.

No. MC 119988 (Sub-No. 138F), filed March 30, 1978. Applicant: GREAT WESTERN TRUCKING CO., INC., Hwy 103 East, P.O. Box 1384, Lufkin, TX 75901. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, between the facilities of Stokely-Van Camp, Inc., at Lawrence, KS, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Dallas, TX, or Kansas City, KS.)

No. MC 120651 (Sub-No. 3F), filed March 29, 1978. Applicant: HIRES TRUCKING CO., INC., Post Office Box 836, Danville, IL 61832. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a common carrier, over regular and irregular routes, by motor vehicle,

transporting: *General commodities*, (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) over regular routes between Danville, IL and Terre Haute, IN; from Danville over U.S. Hwy 150 to Terre Haute, and return over the same route, serving all intermediate points, and (2) over irregular routes (a) between those points within 50 miles of Danville, IL, including Danville, and (b) between points within 50 miles of Danville, IL on the one hand, and, on the other, points in IL. (Hearing site: Chicago, IL.)

No. MC 121420 (Sub-No. 10F), filed March 14, 1978. Applicant: DART TRUCKING CO., INC., P.O. Box 158, 61 Railroad Street, Canfield, OH 44406. Representative: Paul F. Beery, 275 East State Street, Columbus, OH 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such bulk commodities*, as are transported in dump trucks, between points in Ashtabula County, OH, on the one hand, and, on the other, points in OH bounded by a line beginning at the western banks of the Ohio River directly across from the northern boundary of Wetzel County, WV, then north along the western banks of the Ohio River to Clarington, OH, then from Clarington, OH on OH Hwy 78 to the intersection with the western boundary of Salem Township, Monroe County, OH, then north along the western boundary of Adams Township, Monroe County, OH, then west along the northern boundary of Adams Township, Monroe County, OH, to the intersection with OH Hwy 26, then north on OH Hwy 26 to the intersection with OH Hwy 145, then west on OH Hwy 145 to the intersection with OH Hwy 800, then north on OH Hwy 800 to the intersection with OH Hwy 147, then west on OH Hwy 147 to the intersection with OH Hwy 513, then north on OH Hwy 513 to the intersection with U.S. Hwy 22, then west on U.S. Hwy 22 to the intersection with the western boundary of Madison Township, Guernsey County, OH, then north along the western boundary of Madison Township, Guernsey County, OH to the intersection with the western boundary of Washington Township, Guernsey County, OH, then north along the western boundary of Washington Township, Guernsey County, OH to the northern boundary of Guernsey County, OH, then west along the northern boundary of Guernsey County, OH, to the intersection with the western boundary of Washington Township, Tuscarawas County, OH, then north on the western boundary of Washington Township, Tuscarawas

County, OH to the intersection with OH Hwy 258, then west on OH Hwy 258 to the intersection with Interstate Hwy 77, then north on Interstate Hwy 77 to the intersection with U.S. Hwy 250, then north on U.S. Hwy 250 to the intersection with OH Hwy 21, then north on OH Hwy 21 to the intersection with U.S. Hwy 62, then east on U.S. Hwy 62 to the intersection with OH Hwy 43, then north on OH Hwy 43 to the intersection with OH Hwy 619, then east on OH Hwy 619 to the intersection with OH Hwy 44, then north on OH Hwy 44 to the intersection with U.S. Hwy 224, then east on U.S. Hwy 224 to the intersection with OH Hwy 183, then north on OH Hwy 183 to the intersection with Interstate Hwy 76, then east on Interstate Hwy 76 to the intersection with OH Hwy 225, then north on OH Hwy 225 to the intersection with Hallock Young Road, then east on Hallock Young Road to the intersection with OH Hwy 45, then north on OH Hwy 45 to the intersection with Carson Salt Springs Road, then east on Carson Salt Springs Road to the intersection of Austintown Warren Road, then north on Austintown Warren Road to the intersection with West Park Avenue, then east on West Park Avenue to the intersection with Tibbitts Corners Wick Road, then east on Tibbitts Corners Wick Road to the intersection with Warner Road, then north on Warner Road to the intersection with Chestnut Ridge Road, then east on Chestnut Ridge Road to the intersection with U.S. Hwy 62, then northeast on U.S. Hwy 62 to the intersection with Interstate Hwy 80, then east on Interstate Hwy 80 to the OH-PA state line, then south along the OH-PA state line to the intersection with the northern boundary of the state of WV, then south along the OH-WV state line to the point of beginning on the western banks of the Ohio River directly across from the northern boundary of Wetzel County, WV. (Hearing site: Columbus, OH.)

NOTE.—This is a request to eliminate the Mercer County, PA, gateway.

No. MC 123383 (Sub-No. 82F), filed March 28, 1978. Applicant: BOYLE BROTHERS, INC., RD 2, Box 329C, Medford, NJ 08055. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a common carrier, by motor vehicles, over irregular routes, transporting: *Such commodities* as are dealt in by retail home improvement, home furnishings, and lumber stores (except in bulk), between points in CT, DE, ME, MD, MA, NH, NJ, NY, WV, NC, OH, PA, RI, VT, VA, and DC in non-radial movement, restricted to shipments destined to the retail facilities of the Wickes Corp. in the above states. (Hearing site: Washington, DC.)

No. MC 125433 (Sub-No. 155F), filed March 30, 1978. F-B TRUCK LINE CO., a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: David J. Lister, 1945 South Redwood Road, Salt Lake City, UT 84104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *metal working machinery*, iron or steel (except in bulk), between points in the United States (excluding AK and HI). (Hearing site: Chicago, IL.)

NOTE.—Common control may be involved.

No. MC 125951 (Sub-No. 28F), filed April 4, 1978. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road, Suite 325, Omaha, NE 68106. Representative: Robert M. Cimino, 7000 West Center Road, Suite 325, Omaha, NE 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat byproducts, and articles distributed in meat packinghouse*, as described in sections A and C of appendix I to the report in Description in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities utilized by Spencer Foods, Inc., at or near Schuyler and Fremont NE, to NY, NJ, PA, MA and MD. (Hearing site: Omaha, NE.)

NOTE.—Applicant holds contract carrier authority in MC 135033, therefore dual operations may be involved.

No. MC 125951 (Sub-No. 30F), filed April 4, 1978. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road, Suite 325, Omaha, NE Representative: Robert M. Cimino, 7000 West Center Road, Suite 325, Omaha, NE 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat byproducts, and articles distributed in meat packinghouses*, as described in sections A and C of appendix I to the report in Description in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities utilized by MBPXL Corp. at or near Nebraska City, NE, to points in CT, DC, DE, ME, MD, MA, NH, NY, NJ, PA, RI, VT, WV. (Hearing site: Omaha, NE.)

NOTE.—Applicant holds contract carrier authority in MC 135033, therefore dual operations may be involved.

No. MC 127096 (Sub-No. 7F), filed March 30, 1978. Applicant: HENNES TRUCKING CO., a corporation, 338 South 17th Street, Milwaukee, WI 53233. Representative: Paul F. Berry, 275 East State Street, Columbus, OH 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Wampum, PA,

to points in OH. Restricted to shipments moving on bills of lading issued by Columbus Cement Corp. (Hearing site: Columbus, OH.)

NOTE.—Applicant holds contract carrier authority in MC 111862 and sub thereunder, therefore dual operations may be involved. Common control may also be involved.

No. MC 133591 (Sub-No. 39F), filed March 30, 1978. Applicant: WAYNE DANIEL TRUCK, INC., Post Office Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from facilities of Sunmark, Inc., at or near St. Louis, MO., to points in TX, NM, CO, AZ, UT, ID, NV, CA, WA, and OR. (Hearing site: St. Louis, MO.)

NOTE.—Applicant holds contract carrier authority under MC 134494, therefore dual operations may be involved.

No. MC 133591 (Sub-No. 40F), filed March 31, 1978. Applicant: WAYNE DANIEL TRUCK, INC., Post Office Box 303, Mount Vernon, MO 65712. Representative: Harry Ross, 58 South Main Street, Winchester, KY 40391. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Confectioneries*, from Belmont, Hayward, San Francisco, Los Angeles and Belle Gardens, CA, to Denver, CO; Kansas City, MO; and Robinson, IL. (Hearing site: St. Louis, MO.)

No. MC 134477 (Sub-No. 228F), filed March 30, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), (1) from points in IN, KY, MI, OH and TN to points in IL, IA, KS, MN, MO, NE AND WI, and (2) from Chicago, IL to points in IA, KS, MN, MO, NE and WI. (Hearing site: Minneapolis, MN.)

No. MC 134477 (Sub-No. 231F), filed March 30, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail and wholesale department stores* (except foodstuffs and commodities in bulk) from the facilities of Montgomery Ward at or near Chicago, IL to points in MN, SD and WI. Restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Minneapolis, MN.)

No. MC 134919 (Sub-No. 5F), filed March 30, 1978. Applicant: A & D EXPRESS, INC., P.O. Box 52, North Brunswick, NJ 0890. Representative: William J. Augello, 120 Main Street, P.O. Box Z, Huntington, NY 11743. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *malt beverages*, (1) from Merrimack, NH, to South Brunswick and Mine Hill, NJ, under a continuing contract, or contracts with High Grade Beverage, of South Brunswick, NJ; (2) from Columbus, OH, to South Brunswick and Mine Hill, NJ, and Staten Island, NY, under a continuing contract, or contracts, with High Grade Beverage, of South Brunswick, NJ, and Rutgers Distributors, Inc., of Staten Island, NY; and (3) from Williamsburg, VA, to South Brunswick and Mine Hill, NJ, and Staten Island, NY, under a continuing contract, or contracts, with High Grade Beverage, of South Brunswick, NJ. (Hearing site: Newark, NJ, or New York, NY.)

No. MC 135033 (Sub-No. 5F), filed March 30, 1978. Applicant: SILVEY REFRIGERATED CARRIERS, INC., 7000 West Center Road, Suite 325, Omaha, NE 68106. Representative: Bruce A. Bullock, Suite 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors, wines, brandies, cordials, beer and non-alcoholic beverages* (except in bulk), from New York and Hammondport, NY; Philadelphia and Schenley, PA; Lawrenceburg, IN; Frankfort, Louisville and Owensboro, KY; Chicago, Plainfield and Pekin, IL; and Hillside and Jersey City, NJ, to Omaha, NE, under a continuing contract or contracts with Nebraska Wine and Liquors, Inc. (Hearing site: Omaha, NE.)

No. MC 136343 (Sub-No. 129F) (Amendment), filed March 9, 1978, published in the FEDERAL REGISTER issue of April 27, 1978, and republished, as amended, this issue. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, over irregular routes, transporting: *Paper and Paper Products* from the sites of International Paper Co. at or near Corinth, NY, and Ticonderoga, NY to points in the New York, NY, Commercial Zone, Nassau and Suffolk Counties, NY, NJ, PA, MD, DE, OH, Washington, DC, IL, IN, MI, WV and WI. (Hearing site: Washington, DC or New York, NY.)

NOTE.—The purpose of this republication is to broaden the territorial description.

No. MC 136605 (Sub-No. 49F), filed April 4, 1978. Applicant: DAVIS

BROS. DIST., INC., MC 136605, P.O. Box 8058, Missoula, MT 59807. Representative: W. E. Seliski, P.O. Box 8058, Missoula, MT 59807. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes transporting: *Gypsum board* from Albuquerque, NM, to points in ND, SD, and MN. (Hearing site: Billings, MT.)

No. MC 138126 (Sub-No. 24F), filed March 20, 1978. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., P.O. Box 47, Old Denton Road, Federalsburg, MD 21632. Representative: Chester A. Zyblut, 366 Executive Building, 1030 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from the warehouse and storage facilities utilized by Campbell Soup Co., located at points in DE, MD, and those points in PA located on and east of Interstate Hwy 81, to points in MA, CT, RI, NY, NJ, DE, MD, PA, OH, MI, KY, WV, VA, DC, and points in TN located on and east of U.S. Hwy 127. (Hearing site: DC.)

No. MC 139577 (Sub-No. 12F) (amendment), filed February 14, 1978, published in the FEDERAL REGISTER issue of April 20, 1978, and republished, as amended, this issue. Applicant: ADAMS TRANSIT, INC., P.O. Box 338, Friesland, WI 53935. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container closures, container ends, container accessories, and materials and supplies used in the manufacture, sale and distribution of the aforementioned commodities*, (1) from Mt. Vernon and St. Joseph, MO, to points in WI, IA, IL, IN, OH, TN, KY, MS, TX, AL, and AR; (2) Mansfield, TX, to points in MS, IL, TN, AR, WI, IA and MN; and (3) from Waupun, Oconomowoc and Menomonee Falls, WI, to points in IL, TN, KY, MO, OH, IN, IA, TX, MI and MN. (Hearing site: Madison or Milwaukee, WI.)

NOTE.—The purpose of this republication is to add the state of MN as a destination point in (1) above.

No. MC 140509 (Sub-No. 5F), filed March 30, 1978. Applicant: ART KOHLER TRUCKING, INC., P.O. Box 68, Audubon, MN 56511. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor and wall coverings and materials, hand tools and supplies for the installation of floor and wall coverings from Lincoln and Los Angeles, CA; Bethany and New Haven, CT; Miami, FL; Atlanta, Calhoun, Cartersville, Chatsworth,*

Dalton, Ellijay, Rome, and Savannah, GA; Chicago, IL; Marion, IN, New Orleans, LA; Baltimore, MD; Boston, MA; Duluth, Minneapolis, and Moorhead, MN; Houston, MS; Lincoln, NE; East Northport, and New York, NY; Aberdeen NC; Fargo and Grand Forks, ND; Apple Creek, Canton, Cincinnati, Cleveland, East Sparta, Hamilton, Minerva, and Summitville, OH; Philadelphia, PA; Dallas, Houston, and Laredo, TX; Seattle and Spokane, WA; and Milwaukee, WI, to points in IA, MN, ND, SD, and WI, those points in IL on and north of Interstate Hwy 74 and those points in IL on and north of U.S. Hwy 34 and west of Interstate Hwy 74, those points in the upper peninsula of MI, and those in MT east of the Continental Divide; restricted to the transportation of shipments moving under a continuing contract, or contracts, with Rollin B. Child, Inc., of Hopkins, MN. (Hearing site: Minneapolis or St. Paul, MN.)

NOTE.—Common control may be involved.

No. MC 140587 (Sub-8F), filed March 31, 1978. Applicant: CLAXTON TRUCKING CO., Box 7, Route 3, Wrightsville, GA 31096. Representative: Ronald K. Kolins, 1055 Thomas Jefferson Street NW., Washington, DC 20007. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Glass containers*, from the plantsite and storage facilities of Midland Glass Company, Inc., at Warner Robins, GA, to Williamsburg, VA. (Hearing Site: Atlanta, GA.)

No. MC 141914 (Sub-No. 35F), filed March 29, 1978. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks, Route 1, Box 108A, Big Cabin, OK 74332. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Wooden products* from Guilford, ME, to points in and west of WI, IL, MO, AR and LA (except UT, CA, AK and HI).

NOTE.—If a hearing is deemed necessary, it is requested that it be held in Portland, ME.

No. MC 142703 (Sub-3F), filed March 30, 1978. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., 750 West Third Street, Cincinnati, OH 45214. Representative: James Duval, P.O. Box 97, 220 West Bridge Street, Dublin, OH 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 MCC 467, commodities requiring special equipment, commodities in bulk) between Columbus, OH, on the one hand, and,

on the other, points in OH, restricted to the transportation of shipments having a prior or subsequent movement by rail. (Hearing site: Columbus, OH.)

No. MC 144047 (Sub-No. 1F), filed March 27, 1978. Applicant: BROOKSIDE TRANSPORT, LTD., a corporation, P.O. Box 1809, Brooks, AB, Canada. Representative: Donald Grisbrook (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Green animal hides*, between the port of entry on the international boundary line between the United States and Canada located at or near Eastport, ID, on the one hand, and, on the other Spokane, WA, for possible movement either originating or destined to Brooks, Alberta, CD, under a continuing contract, or contracts, with (1) Lakeside Farm Industries Ltd. of Brooks, Alberta, CD; and (2) Pacific Hide & Fur Corp. of Spokane, WA. (Hearing site: Spokane, WA.)

No. MC 144405F, filed March 7, 1978. Applicant: DONALD E. RHOADES TRUCKING & GRAIN, 8988 Neff Road, Bradford, OH 45308. Representative: Richard E. Hole II, 210 Weaver Building, Greenville, OH 45331. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, bulk, bag, liquid, and skids*, between points in Dearborn, Noble, Delaware, DeKalb, Randolph, Blackford, Union, Huntington, Henry, Jay, Wayne, Grant, Allen, Miami, and Wabash Counties, IN, and points in Williams, Mercer, Defiance, Darke, Hamilton, Butler, Paulding, Preble, Van Wert, Miami, Montgomery, and Warren Counties, OH, in nonradial movement. (Hearing site: Dayton, Cincinnati, or Columbus, OH.)

No. MC 144535F, filed March 30, 1978. Applicant: ROBERT P. PEDIGO, INC., 611 West Township Line Road, Plainfield, IN 46168. Representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *anhydrous ammonia*, from Lima, OH, and Pekin, IL, to points in IN; (2) *fertilizer solutions*, in bulk, from Calumet City, Lemont, and Marseilles, IL, Henderson, KY, and Finney, OH, to IN; (3) *fertilizer*, dry, in bulk, from Marseilles, IL, and Lima, OH, to points in IN; (4) *fertilizer*, dry, in bags, from Riverdale, IL, to IN. Restricted to the transportation of shipments moving under a continuing contract, or contracts, with International Minerals & Chemical Corp., of Mundelein, IL. (Hearing site: Indianapolis, IN, or Washington, DC.)

No. MC 144543F, filed March 30, 1978. Applicant: INTERNATIONAL

CONSOLIDATORS, INC., 1335 Darlington, Upland, CA 91768. Applicant's representative: Richard Celio, 1415 West Garvey Ave., Suite 102, West Covina, CA 91790. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, to transport: *Lumber, and wooden shakes, shingles and fencing material* from ports of entry located on the United States-Canadian Border in WA, to points in AZ, CA, CO, NV, NM, TX, and UT.

NOTE.—If hearing is deemed necessary, the applicant requests it be held at Los Angeles, CA.

No. MC 144550F, filed March 30, 1978. Applicant: R & M TRANSPORTATION, INC., P.O. Box 2573, Orcutt, CA 93454. Representative: Alexander F. Simas, P.O. Box 1219, Santa Maria, CA 93454. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *oil field drilling and pumping equipment*, between Santa Maria, CA, Carlsbad, NM, Odessa and Laredo, TX, Lafayette, LA, Fallon, NV, Boise, ID, Casper, WY, Cutbank, MT, Salt Lake City and Vernal, UT, and Craig, CO, restricted to the transportation of shipments moving under a continuing contract, or contracts, with Kenai Drilling Co., of Orcutt, CA. (Hearing site: Los Angeles, CA, or San Francisco, CA.)

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers of motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An Original and two copies of protests against the granting of the requested authority must be filed with the Commission on or before July 10, 1978. Such protests shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13576. (Correction) (J. R. Christoni, Inc.—Purchase—DAVID MONGILLO & SON, INC.), published in the May 11, 1978, issue of the FEDERAL REGISTER, on page 20358. Previous notice inadvertently omitted the docket number, MC-F-13576, at the beginning of the caption. In addition, the second to the last sentence should have read as follows: Vendee is authorized to operate as a *common carrier* in MA, CT, RI, NY and NJ.

No. MC-F-13585. (Freiler Truck Lines, Inc.—Purchase—MID-WAY

TRANSPORTATION, INC.), published in the May 11, 1978, issue of the FEDERAL REGISTER. Application filed May 22, 1978, for temporary authority under section 210a(b).

MC-F-13602 Authority sought for purchase by OVERNITE EXPRESS, INC., 2550 Long Lake Road, Roseville, MN 55113, of a portion of the operating rights of Twin City Freight, Inc., 2550 Long Lake Road, Roseville, MN 55113, and for acquisition by W. E. Elsholtz, Sr., Robert W. Elsholtz, and W. E. Elsholtz, Jr., all of 2550 Long Lake Road, Roseville, MN 55113, of control of such rights through the purchase. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58102. Operating rights sought to be transferred: *General commodities*, except those of unusual value, Classes A and B explosives, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, as a common carrier, over regular routes, between St. Paul, MN, and Wahpeton, ND, and irregular routes between Minneapolis and Hutchinson, MN, and Wahpeton, ND. Vendee is authorized to operate as a common carrier in MN and WI. Application has not been filed for temporary authority under section 210a(b).

NOTE.—This application is directly related to an application by vendor under section 207 in Docket No. MC 111496 Sub 24.

No. MC-F-13606. Applicant (Transferee): CROUSE CARTAGE CO., P.O. Box 151, Carroll, IA 51401. Applicant (Transferor): The Rock Island Motor Transit Co., 2744 Southeast Market Street, Des Moines, IA 50317. Applicant's representative (transferee): William S. Rosen, 630 Osborn Building, St. Paul, MN 55102. Applicant's representatives (transferor): Raymond Goldfarb, 72 West Adams Street, Chicago, IL 60603. Donald F. Neiman, 1119 High Street, Des Moines, IA 50309. Authority sought for purchase by Crouse Cartage Co., P.O. Box 151, Carroll, IA 51401, of a portion of the operating rights of The Rock Island Motor Transit Co., 2744 Southeast Market Street, Des Moines, IA 50317, and for acquisition by Paul E. Crouse, P.O. Box 151, Carroll, IA 51401, of control of such rights through the transaction. Transferee's attorney: William S. Rosen, 630 Osborn Building, St. Paul, MN 55102; Transferor's attorneys: Raymond Goldfarb, 72 West Adams Street, Chicago, IL 60603 and Donald F. Neiman, 1119 High Street, Des Moines, IA 50309. Operating rights sought to be transferred: *General commodities*, except those of unusual value, livestock, nitroglycerine, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injur-

ious or contaminating to other lading, between Des Moines, IA and Minneapolis, MN, serving all intermediate points (except Austin, MN), and the off-route points within ten miles of Minneapolis, MN: as a common carrier over regular routes. Route No. 1: Des Moines over U.S. Hwy 69 to Ames, IA, then over U.S. Hwy 30 to Colo, IA, then over U.S. Hwy 65 via Albert Lea, MN, to Owatonna, MN (also from Albert Lea over U.S. Hwy 16, to Austin, MN, then over U.S. Hwy 218 to Owatonna), and then over U.S. Hwy 65 to Minneapolis, and return over the same route; Between Farmington, MN and St. Paul, MN, serving all intermediate points and the off-route points within ten miles of St. Paul, MN: Route No. 2: From Farmington over MN Hwy 3 to St. Paul, and return over the same route. Transferee is authorized to operate as a regular route common carrier in the States of IL, IA, MO, NE and KS, and transferee holds irregular route special commodity authority as a motor common carrier in 48 States. Applicant requests that the Commission cancel the following restriction contained in the authority sought to be transferred herein: Restriction: The operations authorized are subject to such further limitations, restrictions, or modifications as the Commission may find necessary to impose in order to insure that the service shall be auxiliary or supplementary to the train service of the The Chicago, Rock Island and Pacific Railroad, Co., hereinafter referred to as the C.R.I. & P. RR., and shall not unduly restrain competition. Application has been filed for temporary authority under section 210a(b).

OPERATING RIGHTS APPLICATION(S) DIRECTLY RELATED TO FINANCE PROCEEDINGS

The following operating rights application(s) are filed in connection with pending finance applications under section 5(2) of the Interstate Commerce Act, or seek tacking and/or gateway elimination in connection with transfer applications under section 212(b) of the Interstate Commerce Act.

An original and two copies of protests to the granting of the authorities must be filed with the Commission on or before July 10, 1978. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Protests shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247) and include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon applicant's representative, or applicant if no representative is named.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 57992 (Sub-No. 5F), filed April 27, 1978; Applicant: SEWELL MOTOR EXPRESS, INC.; 149 South Mulberry St., Wilmington, OH 45177; Representative: Joe F. Asher; 88 East Broad St. Columbus, OH 43215. Authority sought to operate as a common carrier, by motor vehicle, over regular routes and irregular routes, transporting: *General commodities* (with no exceptions), (A) Regular routes: (1) Between Cincinnati, OH and Cleveland, OH: (a) From Cincinnati over Interstate Hwy 71 to Cleveland and return over the same route. (b) From Cincinnati, over Interstate Hwy 71 to intersection of U.S. Hwy 30, then east on U.S. Hwy 30 to junction of Interstate Hwy 77, then over Interstate Hwy 77 to Cleveland and return over the same route. (c) From Cincinnati, over Interstate Hwy 71 to intersection of Interstate Hwy 76 then over Interstate Hwy 76 to Youngstown, then over Interstate Hwy 80 to Cleveland and return over the same route. (d) From Cincinnati, over Interstate Hwy 71 to intersection of U.S. Hwy 23 then over U.S. Hwy 23 to intersection of HO Hwy 4, then over OH Hwy 4 to intersection of OH Hwy 2, then over OH Hwy 2 to Cleveland and return over the same route. (e) From Cincinnati over U.S. Hwy 42 to Cleveland, and return over the same route.

(2) Between Cincinnati, OH and Gallipolis, OH: (a) From Cincinnati over U.S. Hwy 52 to intersection of OH Hwy 7, then over OH Hwy 7 to Gallipolis and return over the same route. (b) From Cincinnati over OH Hwy 32 to intersection of OH Hwy 124, then over OH Hwy 124 to Wellston and return to intersection of U.S. Hwy 35, then over U.S. Hwy 35 to Gallipolis and return over the same route.

(3) Between Cincinnati, OH and Zanesville, OH: (a) From Cincinnati over U.S. Hwy 22 to Zanesville, and return over the same route. (b) From Cincinnati over U.S. Hwy 42 to intersection of Interstate Hwy 70, then over Interstate Hwy 70 to Zanesville and return over the same route.

(4) Between Cincinnati, OH and Chillicothe, OH: From Cincinnati over OH Hwy 28 to Chillicothe and return over the same route.

(5) Between Cincinnati, OH and Athens, OH: From Cincinnati over U.S. Hwy 50 to Athens and return over the same route.

(6) Between Dayton, OH and Gallipolis, OH: From Dayton over U.S. Hwy 35 to Gallipolis, and return over the same route.

(7) Between Dayton, OH and Portsmouth, OH: (a) From Dayton over U.S. Hwy 35 to intersection of U.S.

Hwy 23, then over U.S. Hwy 23 to Portsmouth and return over the same route. (b) From Dayton over OH Hwy 48 to intersection of OH Hwy 73, then over OH Hwy 73 to Portsmouth and return over the same route.

(8) Between Dayton, OH and Wilmington, OH: From Dayton over U.S. Hwy 35 to intersection of U.S. Hwy 68, then over U.S. Hwy 68 to Wilmington, and return over the same route.

(9) Between Cincinnati, OH and Wilmington, OH: From Cincinnati over OH Hwy 28 to intersection of U.S. Hwy 68, then over U.S. Hwy 68 to Wilmington and return over the same route.

(10) Between Cincinnati, OH and Portsmouth, OH: From Cincinnati over OH Hwy 125 to intersection of U.S. Hwy 52, then over U.S. Hwy 52 to Portsmouth, and return over the same route.

(11) Between Dayton, OH and Aberdeen, OH: From Dayton over U.S. Hwy 35 to intersection of U.S. Hwy 68, then over U.S. Hwy 68 to Aberdeen, and return over the same route.

(12) Between Cincinnati, OH and Columbus, OH: (a) From Cincinnati over Interstate Hwy 71 to Columbus and return over the same route. (b) From Cincinnati over U.S. Hwy 22 to the intersection of U.S. Hwy 62, then over U.S. Hwy 62 to Columbus and return over the same route. (c) From Cincinnati over OH Hwy 28 to intersection of U.S. Hwy 23, then over U.S. Hwy 23 to Columbus and return over the same route. (d) From Cincinnati over U.S. Hwy 52 to intersection of U.S. Hwy 62, then over U.S. Hwy 62 to Columbus, and return over the same route.

(13) Between Columbus, OH and Portsmouth, OH: From Columbus, over U.S. Hwy 23 to Portsmouth, and return over the same route.

(14) Between Columbus, OH and Gallipolis, OH: From Columbus over U.S. Hwy 33 to the intersection of OH Hwy 7, then over OH Hwy 7 to Gallipolis, and return over the same route.

(15) Between Columbus, OH and Newark, OH: (a) From Columbus over OH Hwy 16 to Newark and return over the same route. (b) From Columbus over OH Hwy 161 to intersection of OH Hwy 16 then over OH Hwy 16 to Newark and return over the same route.

(16) Between Columbus, OH and Newcomerstown, OH: (a) From Columbus over OH Hwy 3 to intersection of OH Hwy 36, then over OH Hwy 36 to Newcomerstown and return over the same route. (b) From Columbus over Interstate Hwy 70, to the intersection of Interstate Hwy 77, then over Interstate Hwy 77 to the intersection of OH Hwy 36, then over OH Hwy 36 to Newcomerstown, and return over the same route.

(17) Between Columbus, OH and Wilmington, OH: (a) From Columbus

over U.S. Hwy 23 to intersection of U.S. Hwy 22, then over U.S. Hwy 22 to Wilmington, and return over the same route. (b) From Columbus over OH Hwy 3 to the intersection of U.S. Hwy 22, then over U.S. Hwy 22 to Wilmington, and return over the same route. (c) From Columbus over Interstate Hwy 71 to the intersection of U.S. Hwy 68, then over U.S. Hwy 68 to Wilmington, and return over the same route. (d) From Columbus over Interstate Hwy 70 to the intersection of OH Hwy 72, then over OH Hwy 72 to the intersection of U.S. Hwy 22, then over U.S. Hwy 22 to Wilmington, and return over the same route.

(18) Between Cincinnati, OH and Dayton, OH: (a) From Cincinnati over Interstate Hwy 75 to Dayton, and return over the same route. (b) From Cincinnati over OH Hwy 4 to Dayton, and return over the same route.

(19) Between Cincinnati, OH and Toledo, OH: (a) From Cincinnati over Interstate Hwy 75 to Toledo and return over the same route. (b) From Cincinnati over U.S. Hwy 127 to the intersection of U.S. Hwy 24, then over U.S. Hwy 24 to Toledo, and return over the same route.

(20) Between Cincinnati, OH and College Corner, OH: From Cincinnati over U.S. Hwy 27 to College Corner and return over the same route.

(21) Between Cincinnati, OH and Harrison, OH: From Cincinnati over Interstate Hwy 74 to Harrison and return over the same route.

(22) Between Wilmington, OH and Oxford, OH: From Wilmington over OH Hwy 73 to Oxford, and return over the same route.

(23) Between Wilmington, OH and Port Clinton, OH: From Wilmington over U.S. Hwy 68 to the intersection of OH Hwy 12, then over OH Hwy 12 to the intersection of OH Hwy 53, then over OH Hwy 53 to Port Clinton, and return over the same route.

(24) Between Columbus, OH and St. Marys, OH: From Columbus over U.S. Hwy 33 to St. Marys, and return over the same route.

(25) Between Dayton, OH and OH-IN line: (a) From Dayton over U.S. Hwy 35 to OH-IN line, and return over the same route. (b) From Dayton over Interstate Hwy 75 to intersection of Interstate Hwy 70, then over Interstate Hwy 70 to OH-IN line, and return over the same route.

(26) Between Dayton, OH and Greenville, OH: From Dayton over OH Hwy 49 to Greenville, and return over the same route.

(27) Between Dayton, OH and OH-WV line: From Dayton over Interstate Hwy 75 to intersection of Interstate Hwy 70, then over Interstate Hwy 70 to OH-WV line, and return over the same route.

(28) Between Dayton, OH and Cleveland, OH: From Dayton over OH Hwy

4 to intersection of U.S. Hwy 23, then over U.S. Hwy 23 to Toledo and the intersections of U.S. Hwy 20 or Interstate Hwy 80, then on either U.S. Hwy 20 or Interstate Hwy 80 to Cleveland, and return over the same route.

(29) Between Dayton, OH and Marietta, OH: From Dayton over Interstate Hwy 75 to intersection of Interstate Hwy 70, then over Interstate Hwy 70 to intersection of Interstate Hwy 77, then on Interstate Hwy 77 to Marietta, and return over the same route.

(30) Between Dayton, OH and St. Marys, OH: From Dayton over OH Hwy 48 to intersection of OH Hwy 66, then over OH Route 66 to St. Marys, and return over the same route.

(31) Between Dayton, OH and Williamsburg, OH: From Dayton over OH Hwy 48 to intersection of OH Hwy 132, then over OH Hwy 132 to New Richmond, and return to the intersection of OH Hwy 276, then over OH Hwy 276 to Williamsburg, and return over the same route.

(32) Between Wilmington, OH and Chilo, OH: From Wilmington over OH Hwy 48 to intersection of OH Hwy 133, then over OH Hwy 133 to Chilo, and return over the same route.

(33) Between Xenia, OH and Camden, OH: From Xenia over U.S. Hwy 42 to the intersection of OH Hwy 725, then over OH Hwy 725 to Camden, and return over the same route.

(34) Between Dayton, OH and Mason, OH: From Dayton over OH Hwy 741 to Mason, and return over the same route.

(35) Between Columbus, OH and Greenville, OH: (a) From Columbus over OH Hwy 161 to the intersection of OH Hwy 29, then over OH Hwy 29 to the intersection of U.S. Hwy 36, then over U.S. Hwy 36 to Greenville, and return over the same route.

(36) Between Port William, OH and Sardinia, OH: From Port William over OH Hwy 134 to Sardinia, and return over the same route.

Serving all intermediate points on the above specified routes 1 through 36.

(B) Irregular routes: (1) Between Milford, OH, on the one hand, and, on the other, points in OH. (2) Between Wilmington, OH, on the one hand, and, on the other, points in OH. (3) Between Xenia, OH, on the one hand, and, on the other, points in OH. (4) Between Dayton, OH, on the one hand, and, on the other, points in OH. (Hearing site: Columbus or Cincinnati, OH.)

NOTE.—Applicant presently holds the above irregular route authority in OH under its Certificates of Registration of OH intrastate authorities. The purpose of this application is to convert a Certificate of Registration to a Certificate of Public Convenience and Necessity; and also convert a portion of

irregular route authority to regular route authority. This application is directly related to a Section 5 application docketed No. MC-F-13575, which was published in the FR issue of May 11, 1978.

No. MC 108835 (Sub-No. 43F), filed April 26, 1978. Applicant: HYMAN FREIGHTWAYS, INC., P.O. Box 43393, St. Paul, MN 55164. Representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), (1) Between Oskaloosa, IA and Chicago, IL: (a) From Oskaloosa over U.S. Hwy 63 to junction with Interstate Hwy 80, then over Interstate Hwy 80 to junction with Interstate Hwy 57, then over Interstate Hwy 57 to Chicago, and return over the same route; (b) From Oskaloosa over IA Hwy 92 to junction U.S. Hwy 61, then over U.S. Hwy 61 to junction with Interstate Hwy 280 to junction Interstate Hwy 80, then over the route described in (a) above to Chicago, and return over the same route; (c) from Oskaloosa over IA Hwy 92 to Muscatine, IA, then over IL Hwy 92 to its junction with Interstate Hwy 280, then over the routes described in (b) above to Chicago, and return over the same route; and (d) from Oskaloosa over the above-described routes to junction of Interstate Hwys 80 and 55, then over Interstate Hwy 55 to Chicago, and return over the same route. Service is authorized in (1) (a)-(d) above to the intermediate and off-route points of Rock Island, Moline, East Moline, and Silvis, IL and Davenport, IA; and (2) Between Oskaloosa, IA and East St. Louis, IL: (a) from Oskaloosa over U.S. Hwy 63 to junction Interstate Hwy 70, then over Interstate Hwy 70 to East St. Louis, and return over the same route; and (b) from Oskaloosa over U.S. Hwy 63 to junction U.S. Hwy 34, then over U.S. Hwy 34 to junction U.S. Hwy 218, then over U.S. Hwy 218 to junction U.S. Hwy 61, then over U.S. Hwy 61 to junction U.S. Hwy 40, then over U.S. Hwy 40 to East St. Louis, and return over the same route. Service is authorized in (a) and (b) above to and from the intermediate point of St. Louis, MO. (Hearing site: Minneapolis, St. Paul, MN.)

NOTE.—This application is filed as a directly related application to a finance proceeding in No. MC-F-13490, published in the FEDERAL REGISTER issue of February 2, 1978. The purpose of this application is to convert irregular route authority to regular route authority.

No. MC 111496 (Sub-No. 24F), filed May 17, 1978. Applicant: TWIN CITY

FREIGHT, INC., 2550 Long Lake Road, Roseville, MN 55113. Representative: Alan Foss, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment), between St. Paul, MN, and Fergus Falls, MN, serving the intermediate points of St. Cloud, MN, the intermediate and off-route points in the Minneapolis-St. Paul, MN commercial zone as defined by the Commission, and also Chemulite, MN: From St. Paul, MN, over U.S. Hwy 52 to junction unnumbered hwy (formerly portion of U.S. Hwy 52) west of Evansville, MN, then over unnumbered hwy via Melby, Ashby, and Dalton, MN, to junction U.S. Hwy 52, then over U.S. Hwy 52 to Fergus Falls, MN, and return over the same route: (Hearing site: St. Paul, MN.)

NOTE.—This application is directly related to an application filed under section 5 of the act, in docket No. MC-F-13602, published in a previous section this *FEDERAL REGISTER* issue. The purpose of this application is to enable applicant to continue service between the points here involved.

MOTOR CARRIER ALTERNATE ROUTE DEVIATIONS

The following letter-notices to operate over deviation routes for operating convenience only have been filed with the Commission under the Deviation Rules—Motor Carrier of Property (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Commission in the manner and form provided in such rules at any time, but will not operate to stay commencement of the proposed operations unless filed on or before July 10, 1978.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its request.

MOTOR CARRIERS OF PROPERTY

No. MC 1074 (Deviation No. 12), **ALLEGHENY FREIGHT LINES, INC.**, P.O. Box 2080, Winchester, VA 22601, filed March 27, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Athens, OH over U.S. Hwy 33 north to junction Interstate Hwy 270, then over Interstate Hwy 270 to junction Interstate Hwy 71, then over Interstate Hwy 71 south to Cincinnati, OH, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route

as follows: From Athens, OH over U.S. Hwy 50 to Cincinnati, OH, and return over the same route.

No. MC 1074 (Deviation No. 13), **ALLEGHENY FREIGHT LINES, INC.**, P.O. Box 2080, Winchester, VA 22601, filed March 24, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Charleston, WV, over U.S. Hwy 35 north to junction Interstate Hwy 71, then over Interstate Hwy 71 south to Cincinnati, OH, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Charleston, WV, over Interstate Hwy 77 north to junction U.S. Hwy 50, then over U.S. Hwy 50 to Cincinnati, OH, and return over the same route.

No. MC 1074 (Deviation No. 14), **ALLEGHENY FREIGHT LINES, INC.**, P.O. Box 2080, Winchester, VA 22601, filed March 24, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Parkersburg, WV, over WV, Hwy 2 south to Huntington, WV, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Parkersburg, WV, over Interstate Hwy 79 south to junction Interstate Hwy 64, then over Interstate Hwy 64 west to Huntington, WV, and return over the same route.

No. MC 59856 (Deviation No. 6), **SALT CREEK FREIGHTWAYS, 3333 West Yellowstone, Casper, WY 82601**, filed April 12, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Hwy 25 and U.S. Hwy 85 located 7 miles north of Cheyenne, WY, then over U.S. Hwy 85 to Lusk, WY, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cheyenne, WY, over combined Interstate Hwy 25 and U.S. Hwy 87 to junction U.S. Hwy 20 at Orin, WY, then over U.S. Hwy 20 to Lusk, WY, and return over the same route.

No. MC 108937 (Deviation No. 15), **MURPHY MOTOR FREIGHT LINES, INC.**, 354 Hamm Building, P.O. Box 43640, St. Paul, MN 55164, filed April 24, 1978. Carrier proposes to operate as a *common carrier*, by

motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From junction U.S. Hwy 53 and U.S. Hwy 2 near Duluth, MN, over U.S. Hwy 53 to junction Interstate Hwy 94, then over Interstate Hwy 94 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Chicago, IL, (2) from junction U.S. Hwy 53 and U.S. Hwy 2 near Duluth, MN, over U.S. Hwy 53 to junction Interstate Hwy 94, then over Interstate Hwy 94 to Milwaukee, WI, and (3) from St. Paul, MN, over MN Hwy 280 to junction Interstate Hwy 94, then over Interstate Hwy 94 to junction U.S. Hwy 10, then over U.S. Hwy 10 to junction U.S. Hwy 41, then over U.S. Hwy 41 to Milwaukee, WI, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Duluth, MN, over U.S. Hwy 2 to junction U.S. Hwy 51, then over U.S. Hwy 51 to junction WI Hwy 47, then over WI Hwy 47 to Rhinelander, WI, then over U.S. Hwy 8 to junction U.S. Hwy 45, then over U.S. Hwy 45 to Oshkosh, WI, then over U.S. Hwy 41 to junction WI Hwy 175, then over WI Hwy 175 to Fond du Lac, WI, then over U.S. Hwy 45 to junction WI Hwy 145, then over WI Hwy 145 to Milwaukee, WI, then over U.S. Hwy 41 to Chicago, IL, and (2) from St. Paul, MN, over U.S. Hwy 8 via Rhinelander, WI, to junction U.S. Hwy 45, then over U.S. Hwy 45 to Oshkosh, WI, then over U.S. Hwy 41 to junction WI Hwy 175, then over WI Hwy 175 to Fond du Lac, WI, then over U.S. Hwy 45 to junction WI Hwy 145, then over WI Hwy 145 to Milwaukee, WI, and return over the same routes.

No. MC 112713 (Deviation No. 48), **YELLOW FREIGHT SYSTEM, INC.**, P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, KS 66207, filed April 7, 1978. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Newburg, NY, over Interstate Hwy 84 to junction U.S. Hwy 209 near Matamoras, PA, then over Hwy 209 to Stroudsburg, PA, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Newburg, NY, across the Hudson River to junction NY Hwy 9D, then over NY Hwy 9D to New York, NY, then across the Hudson River to junction NJ Hwy 4, then over NJ Hwy 4 to Paterson, NJ, then over NJ Hwy 62 to junction U.S. Hwy 46, then over U.S. Hwy 46 to junction U.S. Hwy 611, then over U.S. Hwy 611 to Portland, PA, then over Alternate U.S. Hwy 611 to junction

U.S. Hwy 611, then over U.S. Hwy 611 to junction U.S. Hwy 209, then over U.S. Hwy 209 to Stroudsburg, PA, and return over the same route.

By the Commission.

H.G. HOMME, Jr.,
Acting Secretary.

(FR Doc. 78-15804 Filed 6-7-78; 8:45 am)

[1505-01]

[Volume No. 90]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

Correction

In FR Doc. 78-13436 appearing at page 21528 in the issue for Thursday, May 18, 1978, the following corrections should be made:

1. On page 21529 the second motor carrier application number in the middle column should read, "No. MC 82841".

2. On page 21532 the last motor carrier application number in the last column should read, "No. MC 117639".

3. On page 21538 the second motor carrier application number appearing in the middle column should read, "No. MC 144438".

[1505-01]

[Volume No. 88]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

Corrections

In FR Doc. 78-12758 appearing at page 20297 in the issue for Thursday, May 11, 1978, the following corrections should be made:

1. On page 20313 the third motor carrier application number in the first column should read, "No. MC 141994 (Sub-No. 1F)".

2. On page 20314 the second motor carrier application appearing in the middle column should read, "No. MC 144395."

[7035-01]

[Notice No. 62]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a

statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before July 10, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77640 filed May 3, 1978. Transferee: B D Trucking Co., Old Highway 99/Jackstone Road, Ripon, CA 95366. Transferor: Bigge Drayage Co., 10700 Bigge Avenue, San Leandro, CA 94577. Applicants' representative: Edward J. Hegarty, Loughran & Hegarty, 100 Bush Street, San Francisco, CA 94104. Authority sought for purchase by transferee of a portion of the operating rights of transferor, as set forth in Certificate Nos. MC-43716, MC-43716 (Sub-No. 26), MC-43716 (Sub-No. 28), and MC-43716 (Sub-No. 31), issued December 7, 1954, January 9, 1968, July 9, 1973, and February 1, 1978, respectively as follows: *Machinery, equipment, materials and supplies* used or useful in logging, mining, road-building, and construction work, between points in CA except those in San Bernardino, Orange, Los Angeles, Riverside, San Diego, and Imperial Counties, CA, on the one hand, and, on the other, points in NV and CA, except those in San Bernardino, Orange, Los Angeles, Riverside, San Diego, and Imperial Counties CA; between points in ID and OR. *Machinery, equipment, materials, and supplies* used in logging, mining, road-building and construction work, and such commodities when moving as a replacement, addition, repair, or a standby shipment, between points in CA (except points in San Bernardino,

Orange, Los Angeles, Riverside, San Diego, and Imperial Counties), on the one hand, and, on the other, points in NV; between points in ID and OR; between points in ID and OR, on the one hand, and, on the other, points in NV and CA (except points in San Bernardino, Orange, Los Angeles, Riverside, San Diego, and Imperial Counties, CA); Iron and steel articles, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 between points in ID, OR, and NV, on the one hand, and, on the other, points in CA (except those in San Bernardino, Orange, Los Angeles, Riverside, San Diego, and Imperial Counties, CA); and between points in ID, OR, and NV; (1)(a) *Machinery, equipment, materials, and supplies* used in logging, mining, road building, and construction work, and (b) replacement, additional, repair or standby equipment to the commodities authorized in (1)(a) above, (2) *Iron and steel articles* as described in Appendix V to the report in Descriptions in Motor Carrier Certificates 61 MCC 290 and, (3) *construction materials*, between points in Ventura, Kern, Inyo, San Bernardino, Orange, Los Angeles, Riverside, San Diego, and Imperial Counties, CA. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

Transferee: Oil Country Haulers, Inc., 15714 Old Beaumont Hwy (90), Houston, TX 77049. Transferor: Sheldon Trucking Co., same as transferee. Applicants' representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration, No. MC-120228 (Sub-No. 1), issued November 22, 1972, authorizing the transportation of specific commodities between points in TX. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-C 77657, filed May 8, 1978. Transferee: BROWN GOBBLE, doing business as Gobbie Trucking Co., 706 High Street, Lawrenceburg, TN 38464. Transferor: Paulie Brazier, doing business as Brazier Co., 203 Helton Drive, Lawrenceburg, TN 38464. Applicants' representative: B. E. Bryant, 107 North Military Avenue, Lawrenceburg, TN 38464. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in certificate No. MC 136876 (Sub-No. 9), issued November 14, 1977, as follows: *Dry fertilizer*, from Humboldt, TN, and points in Davidson County, TN, to points in Colbert, Lauderdale, Lawrence, Madison, Limes-

tone, Jackson, Morgan, Franklin, and Marion Counties, AL, and points in a specified section of KY. Transferee is presently authorized to operate as a common carrier under certificate No. MC 123880. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-C 77683, filed May 23, 1978. Transferee: SUDS EXPRESS, INC., 7601 South 1st Street, Lincoln, NE 68512. Transferor: Debb Trucking Co., P.O. Box 334, Beatrice, NE 68310. Applicants' representative: Scott E. Daniel, Attorney at Law, P.O. Box 82028, Lincoln, NE 68310. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in permit No. MC 138527 (Sub-No. 1), issued July 27, 1976, as follows: *Malt beverages* (except in bulk, in tank vehicles), from St. Louis, MO, to Fairbury, NE, with restrictions. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

No. MC-F-C 77689, filed May 25, 1978. Transferee: TIGGES TRUCKING, INC., 5071 JFK Road, Dubuque, IA 52001. Transferor: Curtis Henkes, Monona, IA 52159. Applicants' representative: James M. Hodge, Attorney at Law, 1980 Financial Center, Des Moines, IA 50309. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in certificate No. MC 133262 (Sub-No. 1), issued May 12, 1969, as follows: *Sand, gravel, stone, and asphalt mix*, in dump vehicles, from Prairie due Chien, WI, to points in Allamakee, Clayton, Fayette, and Winneshiek Counties, IA. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15919 Filed 6-7-78; 8:45 am]

[7035-01]

[Docket No. AB-19 (Sub-No. 33)]

THE BALTIMORE & OHIO RAILROAD CO. ABANDONMENT OF ITS "BOWLING GREEN BRANCH" BETWEEN TONTOGANY AND NORTH BALTIMORE IN WOOD COUNTY, OHIO

Findings

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by a decision entered on September 30, 1977, and the decision of the Commission, Division 1, served May 8, 1978, as modified, adopted the decision of the Commission, Review Board No. 5, which is administratively final, stating that, subject to the conditions for the

protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 ICC 76 (1977), and for public use as set forth in said decision, the present and future public convenience and necessity permit the abandonment by the Baltimore & Ohio Railroad Co. of a portion of its line of railroad known as the "Bowling Green Branch" between Valuation Station — 2+14 at or near Tontogany, OH, and Valuation Station 880+66, at or near North Baltimore, OH, a distance of approximately 15.22 miles, all in Wood County OH. A certificate of abandonment will be issued to the Baltimore & Ohio Railroad Co. based on the above-described finding of abandonment, on July 10, 1978, unless on or before July 10, 1978, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15920 Filed 6-7-78; 8:45 am]

[7035-01]

[I.C.C. Order No. 57; Under Revised Service Order No. 1252]

REROUTING TRAFFIC

To all railroads: In the opinion of Robert S. Turkington, Agent, the Chicago & North Western Transportation Co. is unable to transport traffic over its line between Albia, Iowa, and Des Moines, Iowa, because of track damage from flooding.

It is ordered, (a) Rerouting traffic. The Chicago & North Western Transportation Co. being unable to transport traffic over its line between Albia, Iowa, and Des Moines, Iowa, because of track damage from flooding, that line is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 9 a.m., May 18, 1978.

(g) *Expiration date.* This order shall expire at 11:59 p.m. May 31, 1978, unless otherwise modified, changed, or suspended.

This order shall be served upon the Association of American Railroads,

Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and it shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 18, 1978.

INTERSTATE COMMERCE
COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 78-15921 Filed 6-7-78; 8:45 am]

[7035-01]

[Corrected Service Order No. 1304; Exception No. 3, Amdt. No. 2]

ILLINOIS CENTRAL GULF RAILROAD CO.

Car Service Order

The Illinois Central Gulf Derailed and damaged forty-two (42) privately owned jumbo covered hopper cars in a train of 115 such cars in the vicinity of Edgewood, Ill., on April 2, 1978. The railroad has requested authority to substitute thirty-five (35) of its cars for the damaged cars in order to provide time to repair those cars suffering minor damage and to locate and assemble privately owned cars to replace those which cannot be repaired promptly.

It is ordered, That, pursuant to the authority vested in the Railroad Service Board by section (a)(6) of Corrected Service Order No. 1304, the Illinois Central Gulf Railroad Co. is authorized to operate thirty-five (35) additional jumbo covered hopper cars in unit-grain-train service to replace a like number of privately owned cars damaged in a derailment in the vicinity of Edgewood, Ill., on April 2, 1978, regardless of the provisions of section (a)(1), of section (a)(4)(i) and of section (a)(5).

Effective May 31, 1978.

Expires June 15, 1978.

Issued at Washington, D.C., May 22, 1978.

ROBERT S. TURKINGTON,
Acting Chairman,
Railroad Service Board.¹

[FR Doc. 78-15922 Filed 6-7-78; 8:45 am]

[7035-01]

[I.C.C. Order No. 58 Under Revised Service Order No. 1252]

REROUTING TRAFFIC

To all railroads: In the opinion of Robert S. Turkington, Agent, the Western Maryland Railway Co. is

¹Members: Joel E. Burns, Robert S. Turkington and John R. Michael.

unable to transport promptly all traffic offered for movement over its lines between Hendricks, W. Va., and Lime Rock Siding, W. Va., because of track damage from flooding.

It is ordered, (a) Rerouting traffic. The Western Maryland Railway Co. being unable to transport promptly all traffic offered for movement over its lines between Hendricks, W. Va., and Lime Rock Siding, W. Va., because of track damage from flooding, that line is authorized to divert or reroute such traffic via any available route to expedite the movement. Traffic necessarily diverted by authority of this order shall be rerouted so as to preserve as nearly as possible the participation and revenues of other carriers provided in the original routing.

(b) *Concurrence of receiving roads to be obtained.* The railroad rerouting cars in accordance with this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order, shall notify each shipper at the time each shipment is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 9:30 a.m., May 25, 1978.

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 10, 1978, unless otherwise modified, changed, or suspended.

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. A copy of this order shall be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 25, 1978.

INTERSTATE COMMERCE
COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 78-15923 Filed 6-7-78; 8:45 am]

[7035-01]

[Notice No. 678]

ASSIGNMENT OF HEARINGS

JUNE 5, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC 116200 (Sub-Nos. 2, 3, and 5), United Parcel Service, Inc., a New York corporation, and No. MC-115495 (Sub-Nos. 3, 4, 7, 14, 16, 20, 22, 24G, and 25G), United Parcel Service, Inc., an Ohio corporation, now assigned June 5, 1978, at Washington, DC, is postponed to June 13, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

No. MC-F 13306, Beeline Motor Freight, Inc.—Purchase (Portion)—McAllister Transfer, Inc., is now assigned for hearing July 17, 1978 (1 week), at Omaha, NE, at a location to be later designated.

No. MC 143558, Cardinal Transportation Co., Inc., is now assigned for continued hearing July 27, 1978 (1 day), in the Tennessee Public Service Commission Hearing Room, Floor C-1, 122 Cordell Hull Building, Nashville, TN.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15924 Filed 6-7-78; 8:45 am]

[7035-01]

[Notice No. 88]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 2, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in

the **FEDERAL REGISTER**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 51146 (Sub-No. 497TA), filed May 3, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, WI 54306. Applicant's representative: John R. Patterson, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from the plantsite of Heover Universal, beverage Bottle Division, at New Castle, DE, to Lenexa, KS; St. Louis and Springfield, MO, and Louisville, KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Heover Universal Beverage Bottle Division, Route 2, Tri Port Road, Georgetown, KY 40324 (Thomas E. Gould). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 57239 (Sub-No. 29TA), filed April 24, 1978. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, P.O. Box 882, Indianapolis, IN 46206. Applicant's representative: B. V. Beaman, 1350 South West Street, Indianapolis, IN 46206. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air coolers or air conditioners, compactors, cooling boxes or refrigerators, freezers, dishwashers,*

washing machines, dryers, garbage disposals, ovens, stoves or ranges, stove or range hoods and other household appliances and parts, (except commodities in bulk), from Louisville, KY, and its commercial zone, to all points in MI, on and south of MI State Hwy 21, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): General Electric Co., Appliance Park, Louisville, Ky. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 57239 (Sub-No. 30TA), filed April 26, 1978. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, P.O. Box 882, Indianapolis, IN 46206. Applicant's representative: B. V. Beaman, 1350 South West Street, Indianapolis, IN 46206. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts*, serving Alma, MI, as an off-route point in connection with carrier's regular route operations to and from Lansing, MI, restricted to traffic from the plantsite or warehouses of Alma Products, Ford Motor Co., or Lobdell Emery Co., at Alma, MI, and consigned to Ford Motor Co., or to Hesco Corp., at Louisville, KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ford Motor Co., One Parklane Boulevard, Parklane Section, Towers E, Suite 200, Dearborn, MI 48126. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building & U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 82079 (Sub-No. 63TA), filed April 19, 1978. Applicant: KELLER TRANSFER LINE, INC., 5635 Clay Avenue SW., Grand Rapids, MI 49508. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49503. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery and foodstuffs* (except in bulk, in mechanically refrigerated vehicles), from the facilities of Standard Brands, Inc., at Chicago and Bensenville, IL, to points in MI, restricted to traffic originating at the named origin points and destined to the named destination points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Standard Brands Confectionery, division of Standard Brands, Inc., 3401 Mt. Prospect Road, Franklin Park, IL 60131. Send protests to: C. R. Flemming, District Supervi-

sor, Bureau of Operations, 225 Federal Building, Lansing, MI 48933.

No. MC 96881 (Sub-No. 20TA), filed April 26, 1978. Applicant: FINE TRUCK LINE, INC., 801 West Dodson Avenue, Fort Smith, AR 72901. Applicant's representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of General Electric Co. at Little Rock, AR, as an off-route point in connection with carrier's regular route operations at Fort Smith, AR, and Texarkana, TX, and Shreveport, LA, and their commercial zones, for 180 days. Carrier intends to tack this authority to other authority held by it. Carrier intends to interline with other carriers. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) General Electric Co., 6901 Lindsey Road, Little Rock, AR 72206. (2) Central Freight Lines, Inc., and Central Express, Inc., 5601 West Waco Drive, Waco, TX. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 108248 (Sub-No. 15TA), filed April 24, 1978. Applicant: SHAW TRUCKING, INC., P.O. Box E, Brockway, PA 15824. Applicant's representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers*, from the facilities of Brockway Glass Co., Inc., in Clearfield County, PA, to Fulton, S. Volney, Auburn, Syracuse and Liverpool, NY, and points in their commercial zones; and (2) *Equipment, materials and supplies* used in the production and distribution of glass containers, from the destination points described above, to the facilities of Brockway Glass Co., Inc., in Clearfield County, PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Brockway Glass Co., Inc., Brockway, PA 15824. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 112822 (Sub-No. 451TA), filed April 14, 1978. Applicant: BRAY LINES INC., P.O. Box 1218, Freeport Center, Clearfield, UT 84016. Applicant's representative: Charles D. Midkiff, 1401 North Little, Cushing, OK

74023. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), from the facilities of Rich Products Corp. at or near Murfreesboro, TN, to points in AL, AR, CA, FL, GA, IL, IN, KS, KY, LA, MS, MO, NC, OH, OK, SC, TN, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Rich Products Corp., 1145 Niagara Street, Buffalo, NY 14213. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Courthouse Building, 215 NW., 3rd, Oklahoma City, OK 73102.

No. MC 113843 (Sub-No. 256TA), filed April 14, 1978. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of Terminal Ice & Cold Storage Co. at or near Bettendorf, IA, to points in IL, IN, MI, MO, KY, OH, MN, WI, PA and NY, for 180 days. Supporting shipper(s): General Foods Corp., 240 North Street, White Plains, NY 10625. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway, Boston, MA 02114.

No. MC 121509 (Sub-No. 8TA), filed April 13, 1978. Applicant: DAUFELDT TRANSPORT, INC., 618 Clay Street, P.O. Box 675, Muscatine, IA 52761. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, (in bulk), from the facilities used by Allied Chemical Corp., located at or near Muscatine, IA, to points in IL, MO, and WI, restricted against service to points in the St. Louis, MO-East St. Louis, IL, commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Allied Chemical Corp., P.O. Box 2120, Houston, TX 77001. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 124078 (Sub-No. 803TA), filed May 3, 1978. Applicant: SCHWERMANN TRUCKING CO., 611 South 28 Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette, (same address as applicant).

Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Liquid zinc chloride* (in bulk, in tank vehicles), from Decatur, AL, to Brunswick, GA, for 180 days. Supporting shipper(s): Chemresol, Inc., P.O. Box 693, Brunswick, GA 31520. (Edward H. Shelander) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 124078 (Sub-No. 804TA), filed May 3, 1978. Applicant: SCHWERMANN TRUCKING CO., 611 South 28 Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Fly ash*, from Louisville, KY, to Bloomington, MD, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): S. J. Groves & Sons, Co., P.O. Box 3247, Shiremanstown, PA 17011. (George B. Searle). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 124078 (Sub-No. 805TA), filed May 3, 1978. Applicant: SCHWERMANN TRUCKING CO., 611 South 28 Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Salt cake* (in bulk, in tank vehicles), from Weeks, LA, to Milford, TX, for 180 days. Supporting shipper(s): Morton Chemical Co., 110 North Wacker Drive, Chicago, IL 60606. (J. L. Callaghan). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 124078 (Sub-No. 806TA), filed May 4, 1978. Applicant: SCHWERMANN TRUCKING CO., 611 South 28 Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil* (in bulk, in tank vehicles), from Carrollton, GA, to points in NC, SC, TN, and VA, for 180 days. Supporting shipper(s): E. F. Houghton & Co., 421 Garrett Street,

Carrollton, GA 30117 (Chaffer Banister). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 124284 (Sub-No. 1TA), filed April 24, 1978. Applicant: WALKER'S TRANSFER, INC., 200 Barnett Avenue, Roxboro, NC 27573. Applicant's representative: Charles E. Hubbard, 25 Abbitt Street, Box 601, Roxboro, NC 27573. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood molding, kiln dried and air dried imported nondomestic hardwood lumber*, from the site of the plant of Pat Brown Lumber Corp., at or near Roxboro, NC, to points in AL, AR, CT, DE, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MS, MO, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VA, WV, WI, and the DC, under a continuing contract, or contracts, with Pat Brown Lumber Corp., for 180 days. Supporting shipper(s): Pat Brown Lumber Corp., Hwy 501 S., Roxboro, NC 27573. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

No. MC 124344 (Sub-No. 11TA), filed April 19, 1978. Applicant: HINER TRANSPORT, INC., 1317 South Jefferson Street, Huntington, IN 46750. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mineral wool insulation* (except in bulk), from Huntington, IN, to points in the United States in and east of the States of ND, SD, NE, KS, OK, and TX, and (2) *Materials and supplies* used or useful in the manufacturing and shipping of mineral wool insulation, from points in and east of the States of ND, SD, NE, KS, OK, and TX, to Huntington, IN, under a continuing contract, or contracts, with Guardian Insulation, division of Guardian Industries, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Guardian Insulation, division of Guardian Industries, Inc., 701 North Broadway, Huntington, IN 46750. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

No. MC 129031 (Sub-No. 5TA), filed April 26, 1978. Applicant: KLAUSNER TRANSPORTATION CO., INC., 101 North Avenue 18, Los Angeles, CA 90031. Applicant's representative: Wil-

liam Davidson, 2455 East 27th Street, Los Angeles, CA 90058. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Apparel on hangers and in packages*, between Los Angeles, CA, and Carson, CA, on the one hand, and, Chicago, IL; Alsip, IL; Atlanta, GA; Forest Park, GA; and North Bergen, NJ, on the other hand with stops in transit at Atlanta, GA; Forest Park, GA; Chicago, IL; Alsip, IL, when intermediate to final destination, under a continuing contract, or contracts, with Fashion Barn, Inc., and K-Mart Apparel Corp., for 180 days. Supporting shipper(s): (1) Fashion Barn, Inc., 42-99 Francis Lewis Boulevard, Bayside, NY, 11361. (2) K-Mart Apparel Corp., 7373 West Side Avenue, North Bergen, NJ 07047. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 133566 (Sub-No. 114TA), filed April 26, 1978. Applicant: GANG-LOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Applicant's representative: Charles W. Beinhauer, 1 World Trade Center, Suite 4959, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Foodstuffs* (except in bulk), from the plantsite or facilities of Rich Products Corp., at or near Murfreesboro, TN, to points in AL, AR, DE, FL, GA, KS, KY, LA, MD, MI, MS, NJ, NY, NC, OH, OK, PA, SC, TX, VA, and WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Rich Products Corp., 1145 Niagara Street, Buffalo, NY 14213. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

No. MC 135283 (Sub-No. 36TA), filed May 2, 1978. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., P.O. Box 2122, 432 South Stahr Road, Grand Island, NE 68801. Applicant's representative: Lloyd A. Mettenbrink (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Plastic articles* (except in bulk), (1) from Grand Island, NE, to Dallas, TX, and (2) from Traverse City, MI, to Grand Island and Omaha, NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Steven S. Stauffer, Plant Manager, GIA, Inc., Subsidiary of Burwood Industries, P.O. Box 9025, Grand Island, NE 68801. Send protests to: Max H. John-

ston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 136553 (Sub-No. 60TA), filed May 4, 1978. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, IA 52001. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Limestone and gypsum feed ingredients and limestone and gypsum soil conditioners*, from Marion County, IA, to points in IL, KS, MN, MO, NE, ND, SD, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): American Pelletizing Corp., 7200 Hickman Road, Des Moines, IA 50322. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 138882 (Sub-No. 70TA), filed May 4, 1978. Applicant: WILEY SANDERS, INC., P.O. Drawer 707, Troy, AL 36081. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from OR, CA, AZ, MT, and UT, to points in AL, MO, WI, TX, NM, and AZ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Northwest Pine Sales, Inc., P.O. Box 12511, Portland, OR 97212. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 138882 (Sub-No. 72TA), filed May 4, 1978. Applicant: WILEY SANDERS, INC., P.O. Box 707, Troy, AL 36081. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, fittings, valves, hydrants, gaskets, and accessories* (except in bulk), from Holt, AL to points in TX, MO, OK, KS, NE, IA, AZ, UT, and CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Central Foundry Co., P.O. Box 188, Holt, AL 35401. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 139205 (Sub-No. 2TA), filed April 28, 1978. Applicant: DOLPHIN CARTAGE, INC., 14500 Cottage

Grove Avenue, Dolton, IL 60419. Applicant's representative: James R. Madler, 120 West Madison Street, Room 718, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated fibre board containers*, from Montgomery and Elk Grove Village, IL, to LaPorte, IN, under a continuing contract, or contracts, with Wilmette Industries, Inc., and Western Kraft Paper Group, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Western Kraft Paper Group, Wilmette Industries, Inc., Administrative Manager Frank R. Bridge, 1001 Knell Street, Montgomery, IL 60538. Send protests to: Patricia A. Roscoe, Transportation Consumer Specialist, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 139482 (Sub-No. 53TA), filed April 26, 1978. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 347, County Road 29 West, New Ulm, MN 56073. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in packages, from Jersey City, NJ; New York, NY, and Philadelphia, PA, to points in IN, MI, MN, OH, WI, Burlington, IA, Chicago, IL, Lawrence, KS, and Los Angeles, CA, for 180 days. Supporting shipper(s): Atlanta Corp., 17 Varick Street, New York, NY 10013. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 140768 (Sub-No. 18TA), filed April 20, 1978. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Applicant's representative: James C. Hardman, 33 North LaSalle Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm, dairy and water treatment equipment, materials, and supplies, and cleaning products, paint, and pesticides*, from the facilities of Babson Bros. Co., at Oak Brook, IL, and the facilities of Pfanstiel Detergent Chemicals, Inc., at Romeoville, IL, to points in CT, DE, MD, MA, ME, NJ, NH, NY, RI, PA, VT, VA, WV, and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Babson Bros. Co., 2100 South York Road, Oak Brook, IL 60521. Send protests to: Robert E. Johnston, District Supervisor, Inter-

state Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

No. MC 140820 (Sub-No. 4TA), filed April 28, 1978. Applicant: A & R TRANSPORT, INC., 2996 North Illinois 71, Rural Route No. 3, Ottawa, IL 61350. Applicant's representative: James R. Madler, 120 West Madison Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dicalcium phosphate* (in bulk) (feed grade), from Mar-seilles, IL, to points in IA, KS, MO, KY, IN, MI, WI, IL, OH, MN, and NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Beker Industries Corp., Joseph Lamme, Manager of Transportation, 124 West Putnam Avenue, Greenwich, CT 06830. Send protests to: Patricia A. Roscoe, Transportation Consumer Specialist, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 140987 (Sub-No. 2TA), filed April 13, 1978. Applicant: WILLIAM FREDERICK, P.O. Box 161, Rear 77 Mechanic Street, Leominster, MA 01453. Applicant's representative: David M. Marshall, Marshall and Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and plastic articles, and supplies and materials* used in their manufacture and distribution (except in bulk), between the facilities of Plastican, Inc., located at or near Leominster, MA, and points in Dade, Pasco, Orange, Broward, Polk, Hillsborough, Brevard, Osceola, Indian River, Duval, and St. Lucie Counties, FL, under a continuing contract or contracts, with Plastica, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Plastica, Inc., 196 Industrial Road, Leominster, MA 01453. Send protests to: David M. Miller, District Supervisor, 436 Dwight Street, Room 338, Springfield, MA 01103.

No. MC 142508 (Sub-No. 18TA), filed April 25, 1978. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37465, 10810 South 144th Street, Omaha, NE 68138. Applicant's representative: Joseph Winter, 33 North LaSalle, Suite 2108, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical and asphalt products, in containers, and empty containers and displays*, from Chicago, Ringwood, Libertyville, and Peotone, IL, and Milwaukee, WI, and the commercial zones to Mid-America Research Corp., at Columbus, NE, for 180 days. Applicant

has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ron Lambert, President, Mid-America Research Chemical Corp., 2470 14th Avenue, Box 458, Columbus, NE 68601. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 142914 (Sub-No. 2TA), filed April 17, 1978. Applicant: RAYMOND C. GRIFFITH, d.b.a., GRIFFITH TRANSPORT, P.O. Box 244, Esbon, KS 66941. Applicant's representative: Eugene W. Hlatt, 207 Casson Bldg., 603 Topeka Blvd., Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk and bag feed*, from Kansas City, MO, and St. Joseph, MO, to all points and places in KS bounded on the East by Belleville and Hwy 81; on the North by the State of NE, on the South by Hwy 24, on the West by Hwy 183, for 180 days. Applicant states it does not intend to tack or interline. Supporting shipper(s): There are approximately (6) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 147 Federal Building and U.S. Courthouse, 444 SE., Quincy, Topeka, KS 66683.

No. MC 143785 (Sub-No. 1TA), filed April 19, 1978. Applicant: B & W TRANSPORTATION, INC., 24 Collins Avenue, Randolph, MA 02363. Applicant's representative: David M. Marshall, Marshall & Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beer, and materials and supplies* used in the distribution thereof, between South Volney and Fulton, NY, on the one hand, and, on the other, Randolph, MA, under a continuing contract, or contracts, with Burke Distribution Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Burke Distribution Corp., 89 Reed Drive, Randolph, MA 02368. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

No. MC 143794 (Sub-No. 3TA), filed April 17, 1978. Applicant: EAST-WEST MOTOR FREIGHT, INC., P.O. Box 525, Hwy 45 South, Selmer, TN 38375. Applicant's representative: William J. Monheim, 13710 E. Whittier Blvd., Suite 203, Whittier, CA 90609. Author-

ity sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive parts*, from Hagerstown, MD, to Hayward, CA, under a continuing contract, or contracts, with Mack Western Division of Mack Trucks, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mack Western Division of Mack Trucks, Inc., 21021 Corsair Blvd., P.O. Box 4117, Hayward, CA 94545. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

No. MC 144042 (Sub-No. 2TA), filed April 19, 1978. Applicant: HUNTER BROKERAGE, INC., 805 Thirty Second Avenue, Council Bluffs, IA 51501. Applicant's representative: Kenneth J. Hunter (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from the International Boundary line between the United States and Canada located in MN and ND, to points in the states of ND, SD, MN, WI, IA, NE, KS, IL, IN, OH, MO, KY and TN, under a continuing contract, or contracts, with Northwood Building Materials, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Jim Pico, Operations Manager, North Building Materials, 1460 Clarence Avenue, Winnipeg, MB, Canada. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 144583 (Sub-No. 1TA), filed April 22, 1978. Applicant: D & D TRANSFER, INC., 271 Culver Avenue, Jersey City, NJ 07305. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the New York, NY, commercial zone, on the one hand, and, on the other, the railroad trailer on flat car facilities located in Alexandria, VA, restricted to traffic in trailers or containers having a prior or subsequent movement by rail, for 180 days. Supporting shipper(s): There are approximately (5) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be

examined at the field office named below. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

No. MC 144701TA, filed April 28, 1978. Applicant: BLACKSHEAR REFRIGERATED TRANSPORT, INC., 1178 Wright Avenue, Camden, NJ 08102. Applicant's representative: James H. Sweeney, P.O. Box 684, Woodbury, NJ 08096. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bakery goods, feed, and foodstuffs*, from Camden, NJ, to points in CT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Campbell Soup Co., 100 Market St., Camden, NJ 08101. Send protests to: District Supervisor, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15925 Filed 6-7-78; 8:45 am]

[7035-01]

[Ex Parte No. 241; Rule 19, 44th Rev. Exemption No. 90]

ABERDEEN AND ROCK FISH RAILROAD CO. ET AL

Exemption Under Mandatory Car Service Rules

To all Railroads: It appearing, That certain of the railroads named below own numerous 50-ft. plain boxcars; that under present conditions, there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars; and

It further appearing, That there are substantial shortages of 50-ft. plain boxcars throughout the country; that the carriers identified in this exemption by the symbol (*) have 150 percent or more of their ownership of these cars on their lines; and that such a disproportionate use of the total supply of such cars causes shippers served by other lines to be deprived of their proper share of such cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcar described in the Official Railway Equipment Register, ICC-R.E.R. No. 407, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM", and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1, 2(a), and 2(b).

Aberdeen & Rockfish Railroad Co.
Reporting Marks: AR
* The Baltimore & Ohio Railroad Co.
Reporting Marks: BO
* Bessemer & Lake Erie Railroad Co.
Reporting Marks: BLE
Camino, Placerville & Lake Tahoe Railroad Co.
Reporting Marks: CPLT
* The Chesapeake & Ohio Railway Co.
Reporting Marks: CO-PM
* Chicago & Illinois Midland Railway Co.
Reporting Marks: CIM
* Chicago, Rock Island and Pacific Railroad Co.
Reporting Marks: RI-ROCK
City of Prineville
Reporting Marks: COP
The Clarendon & Pittsford Railroad Co.
Reporting Marks: CLP
* Consolidated Rail Corp.
Reporting Marks: CR-DLW-EL-ERIE-LV-NH-NYC-P&E-PAE-PC-PCA-PRR-RDG
* Delaware & Hudson Railway Co.
Reporting Marks: DH
Duluth, Missabe & Iron Range Railway Co.
Reporting Marks: DMIR
* Florida East Coast Railway Co.
Reporting Marks: FEC
* Grand Trunk Western Railroad Co.
Reporting Marks: GTW
Greenville & Northern Railway Co.
Reporting Marks: GRN

* Carriers having 150 pct or more of ownership on lines.

Greenwich & Johnsonville Railway Co.
Reporting Marks: GJ
Louisville & Wadley Railway Co.
Reporting Marks: LW
Louisville, New Albany & Corydon Railroad Co.
Reporting Marks: LNAC
Middletown & New Jersey Railway Co., Inc.
Reporting Marks: MNJ
Municipality of East Troy, WI
Reporting Marks: METW
New Orleans Public Belt Railroad
Reporting Marks: NOPB
* Norfolk & Western Railway Co.
Reporting Marks: ACY-N&W-NKP-WAB
Pearl River Valley Railroad Co.
Reporting Marks: PRV
Raritan River Rail Road Co.
Reporting Marks: RR
Sacramento Northern Railway
Reporting Marks: SN

St. Lawrence Railroad
Reporting Marks: NSL
Sierra Railroad Co.
Reporting Marks: SERA
Terminal Railway, Alabama State Docks
Reporting Marks: TASD
Tidewater Southern Railway Co.
Reporting Marks: TS
Toledo, Peoria & Western Railroad Co.
Reporting Marks: TPW
WCTU Railway Co.
Reporting Marks: WCTR
* Western Maryland Railway Co.
Reporting Marks: WM
* Western Railway of Alabama
Reporting Marks: WA
Youngstown & Southern Railway Co.
Reporting Marks: YS
Yreka Western Railroad Co.
Reporting Marks: YW

Effective May 31, 1978, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., May 25, 1978.

INTERSTATE COMMERCE
COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 78-15926 Filed 6-7-78; 8:45 am]

¹St. Johnsbury and Lamoille County Railroad deleted.

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Board for International Broadcasting.....	1
Civil Aeronautics Board.....	2-5
Commodity Futures Trading Commission.....	6
Federal Maritime Commission ...	7, 8
Legal Services Corporation.....	9

[6155-01]

BOARD FOR INTERNATIONAL BROADCASTING.

TIME AND DATE: 9:30 a.m., June 15, 1978.

PLACE: American Consulate General, Conference Room, 5 Koeniginstrasse, Munich, Federal Republic of Germany.

STATUS: Closed, pursuant to 5 U.S.C. 552b(c)(1) and 1 CFR 460.4 (c) and (h) of the Board's rules (42 FR 9388, February 16, 1977).

MATTERS TO BE CONSIDERED: Matters concerning the broad foreign policy objectives of the United States Government.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Arthur D. Levin, Budget and Administrative Officer, Board for International Broadcasting, 1030 15th Street NW., Washington, D.C. 20005, 202-254-8040.

[S-1180-78 Filed 6-6-78; 9:12 am]

[6320-01]

[M-135; May 1, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., June 8, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 30332, IATA agreement dealing with reduced fares for cargo agents (Memo No. 7982, BPDA, BIA).
3. Docket 32237, Application of Emery Air Freight Corporation for tariff-filing authority to provide pickup and delivery service from Orlando Jetport to various points (Memo No. 7993, BPDA, OGC).

4. Dockets 30784, 30772, and 30768; Agreements CAB 18874-A61, 18874-A63, and 18874-A84; Application of the Air Traffic Conference of America for prior Board approval of agreements relating to bonding requirements for travel agents (Memo No. 7983, BPDA).

5. Docket 32079, Petition from First National Bank in Dallas, Tex. for declaratory order of no violation, or disclaimer or waiver of jurisdiction, or, an application for special exemption (Memo No. 7992, BPDA, OGC).

6. Docket 29968, Louisville Service Case—Order on Discretionary Review (Memo No. 6240-C, OGC).

7. Dockets 31951, 31949, 31990, 31992, 32026, 31947, 31950, 31991, and 32039; Pan American's application to suspend its Miami/Tampa-Merida-Mexico City and Miami-Merida services; Applications of National, Eastern, Western and Braniff for Florida-Mexico certificate authority; Applications of Eastern, National, Braniff and Western for Florida-Mexico exemption authority (Memo No. 7994, BPDA, BIA, BALJ, OGC).

8. Docket 30275, Eastern's Albany-New York Application and Petition for an order to show cause (Memo No. 7817-A, BPDA, BALJ).

9. Dockets 28366, 30233, 30339, 32151, 32145, 28273, 29106, 29764, 32282, and 32152, et al.; Route Proceedings Instituted by the Board at its May 19, 1978 Meeting (Memo No. 7976, BPDA).

10. Docket 30790, United States-Benelux Low-Fare Proceeding (BIA, BALJ, OGC).

11. Docket 32311, Laker Airways Limited Application for Renewal and Amendment of Foreign Air Carrier Permit and Petition for an Order to Show Cause (Memo No. 7991, BIA, OGC).

12. Docket 32225, Braniff's request to release International Origin-Destination Survey data in its Application for Certificate Authority between Dallas/Ft. Worth and Tokyo, Japan (Memo No. 7859-A, BIA).

13. Docket 31415, Petition for Review of WITS, Inc., d.b.a. WITS Air Freight, an air freight forwarder, of Order 78-2-99 (Memo No. 7734-C, BOE, BPDA).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 673-5068.

[S-1182-78 Filed 6-6-78; 9:12 am]

[6320-01]

3

[M-133, Amdt 4; May 31, 1978]

NOTICE OF DELETION OF ITEM FROM THE JUNE 1, 1978 AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., June 1, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 25. Docket 32321, Southern Airways, Inc., Proposed settlement of Enforcement Proceeding (Memo No. 7951, BOE).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Item 25 is being deleted because Vice Chairman Minetti requested additional information from the Board's staff. Response to this request has not yet been received. This item will be recalendar on June 14, after the material has been received and considered. Accordingly, the following Members have voted that agency business requires the deletion of Item 25 from the June 1, 1978, agenda and that no earlier announcement of this deletion was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-1183-78 Filed 6-6-78; 9:12 am]

[6320-01]

[M-133, Amdt 5; May 31, 1978]

NOTICE OF ADDITION OF ITEM TO THE JUNE 1, 1978 AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., June 1, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 8a. Docket 32264, Nashville-Cleveland Subpart M Proceeding, Order on discretionary review (Memo N. 7989, OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The initial decision in the subject case was issued on May 12. Petitions for discretionary review were due May 26. None were filed. Absent Board action, the initial decision will become effective as the Board's decision on June 3.

SUNSHINE ACT MEETINGS

As the staff recommendation is ready, the staff requests that this matter be decided at tomorrow's calendar meeting. The alternative is to issue immediately an order staying the effective date of the initial decision so that the case can be decided on the merits at a later open meeting. The latter course would delay the inauguration of service in this market. Accordingly, the following Members have voted that agency business requires the addition of this item to the June 1, 1978, agenda and that no earlier announcement of this addition was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-1184-78 Filed 6-6-78; 9:12 am]

[6320-01]

5

[M-133, Amdt 6; May 31, 1978]

NOTICE OF ADDING AND CLOSING AN ITEM FOR THE JUNE 1, 1978, MEETING AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., June 1, 1978 (4:30 p.m.—Closed).

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 26. Negotiations with Germany and other countries on rate policy and procedures (BPDA, BIA).

STATUS: Closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Negotiations with Germany involving rate issues are scheduled to begin on June 5, 1978. Staff work on these items was not completed until May 30, and therefore no earlier meeting was possible.

If a Board meeting is held on this matter, we recommend that it be closed to the public. Public disclosure, particularly to foreign governments, of opinions, evaluations, and strategies discussed could seriously compromise the ability of the U.S. Government to achieve understandings in these rate negotiations which would be in the best interests of the United States. Accordingly, we believe that public observation of this meeting would involve matters the premature disclosure of which would be likely to significantly frustrate proposed agency action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9)(B) and 14 CFR 310b.5(9)(B) and that the meeting be closed:

Chairman, Alfred E. Kahn

Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

PERSONS EXPECTED TO ATTEND

Board Members.—Chairman, Alfred E. Kahn; Vice Chairman, G. Joseph Minetti; Member, Richard J. O'Melia; and Member, Elizabeth E. Bailey.

Assistants to Board Members.—Mr. Mike Roach, Mr. James Casey, Mr. John Golden, Mr. Elias Rodriguez, and Mr. David M. Kirstein.

Office of the Managing Director.—Mr. Dennis Rapp and Mr. John Hancock.

Bureau of International Aviation.—Mr. Rosario J. Scibilia, Ms. Sandra Gersen, Mr. Donald Litton, and Mr. Anthony Largay.

Bureau of Pricing and Domestic Aviation.—Mr. Michael E. Levine, Ms. Barbara A. Clark, Mr. James L. Deegan, Mr. Don C. Sauers, Mr. Herbert P. Aswall, and Mr. John Kiser.

Office of the General Counsel.—Mr. Philip Bakes, Mr. Gary Edles, and Mr. Peter Schwarzkopf.

Office of Economic Analysis.—Mr. Darius Gaskins and Mr. Richard Klem.

Office of the Secretary.—Mrs. Phyllis T. Kaylor and Ms. Deborah A. Lee.

Reporter.—North American Reporting.

GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552(b)(9)(B) and 14 CFR 310b.5(9)(B).

PHILIP J. BAKES, Jr.,
General Counsel

[S-1185-78 Filed 6-6-78; 9:12 am]

[6351-01]

6

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., June 18, 1978.

PLACE: 8th Floor Conference Room, 2033 K Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market surveillance.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-1186-78 Filed 6-6-78; 9:12 am]

[6730-01]

7

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: June 1, 1978, 43 FR 23843.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 1 p.m., June 6, 1978.

CHANGES IN THE MEETING: Addition of the following item to the open session:

10. Proposed rulemaking on average value rate base.

[S-1188-78 Filed 6-6-78; 3:37 pm]

[6730-01]

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., June 9, 1978.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTER TO BE CONSIDERED:

1. Discussion of interim handling of Labor-Management Agreements

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5725.

[S-1189-78 Filed 6-6-78; 3:37 pm]

[6820-35]

LEGAL SERVICES CORPORATION: Committee on Provision of Legal Services.

TIME AND DATE: 1 p.m., Tuesday, June 13, 1978.

PLACE: 733 15th Street NW., 7th Floor, Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Consideration of the Report on an Evaluation of the Reginald Heber Smith Community Lawyer Fellowship Program, prepared by James Robertson.

2. Preliminary consideration of the Legal Services Institute, proposed by Gary Bellow and others.

3. Progress report on the study required by Section 1007(h) of the Legal Services Corporation Act.

4. Status report on the Quality Improvement Project.

CONTACT PERSON FOR MORE INFORMATION:

Ruth Felter, Executive Office, telephone 202-376-5100.

Issued: June 5, 1978.

THOMAS EHRLICH,
President.

[S-1181-78 Filed 6-8-78; 9:12 am]

THURSDAY, JUNE 8, 1978
PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing
Administration

MEDICARE AND MEDICAID PROGRAMS

Suspension of Physicians and
Other Individual Practitioners

[4110-35]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFAREHealth Care Financing Administration
[42 CFR Parts 405 and 450]

MEDICARE AND MEDICAID PROGRAMS

Suspension of Physicians and Other Individual
Practitioners

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Proposed rule.

SUMMARY: This proposal would establish policies under which any physician or other individual practitioner who has been convicted on or after October 25, 1977, of a criminal offense related to his involvement in the Medicare or Medicaid program would be suspended from participation on both of those programs. It would prohibit reimbursement for services provided during suspension. The proposal implements section 7 of the Medicare-Medicaid Anti-Fraud and Abuse Amendments. The purpose is to prevent fraud and abuse in the two health care programs.

DATES: Consideration will be given to written comments or suggestions received by August 7, 1978.

ADDRESSES: Address comments to: Administrator, Health Care Financing Administration, Department of Health, Education, and Welfare, P.O. Box 2372, Washington, D.C. 20013.

In commenting, please refer to PCO-182-P. Agencies and organizations are requested to send comments in duplicate. Comments will be available for public inspection, beginning approximately 2 weeks from today in Room 5231 of the Department's offices at 330 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (202-245-0950).

FOR FURTHER INFORMATION, CONTACT:

Irwin Cohen, Office of Program Integrity, Health Care Financing Administration, U.S. Department of Health, Education, and Welfare, Room 588, East High Rise, 6401 Security Boulevard, Baltimore, Md. 21235, phone 301-594-5415.

SUPPLEMENTARY INFORMATION:

STATUTORY PROVISIONS

The Medicare-Medicaid Anti-Fraud and Abuse Amendments (Pub. L. 95-142) contain several new measures designed to detect and prevent fraud and abuse in the Medicare and Medicaid programs. Section 7 of that law requires that physicians and other individual practitioners convicted of criminal offenses related to their participa-

tion in either program be automatically suspended from both programs. A suspension from Medicare is for such period of time as the Secretary deems appropriate and the suspension from Medicaid must be at least as long as the Medicare suspension. No Federal payments may be made during the period of suspension.

Prior to the enactment of Pub. L. 95-142, practitioners were not automatically suspended from these programs when convicted. The Secretary has had authority to discontinue Medicare payments to practitioners (section 1862(d) of the Social Security Act), and to providers (section 1866(b) of the Act) who have:

- (1) Falsified information related to a request for payment;
- (2) Billed the program for charges substantially in excess of the person's customary charges or the costs incurred by the provider; or
- (3) Furnished services found to be substantially in excess of any individual's needs, or harmful or of grossly inferior quality.

NOTE.—The last clause was changed by section 13 of Pub. L. 95-142 to refer to services which are of a quality which fails to meet professionally recognized standards of care.

If the Secretary discontinues Medicare payments, Federal financial participation is not available for State Medicaid payments for services furnished by that practitioner or provider. (Section 1903(d)(2) of the Act.)

Under the new legislation, State Medicaid agencies do not merely lose Federal funds with respect to convicted practitioners. They are now required to suspend practitioners who are suspended from Medicare, for a period at least equal to the period of Medicare suspension.

Recognizing that imposition of this suspension could, under unusual circumstances, deny adequate access to medical care to persons eligible for services under Medicare or Medicaid, section 7 of Pub. L. 95-142 provides that:

- (1) The Secretary may designate a community as a health manpower shortage area and place National Health Service Corps personnel in that community under section 332(c)(3) of the Public Health Service Act. (Appropriate amendments to the Public Health Service regulations, at 42 CFR Part 5, are under development.); and
- (2) The Secretary may waive suspension under Medicaid if the State Medicaid agency submits a request showing that the suspension would deprive the community of needed medical services because of the shortage of practitioners in the area.

This proposed rule would establish the procedures and standards to be used in implementing section 7 for both Medicare and Medicaid. It would

also revise the existing regulation implementing the Secretary's authority under sections 1862(d) and 1866(b) to deny Medicare reimbursement (42 CFR 405.315a), in order to conform to the change made by section 13 of Pub. L. 95-142 and to make other editorial and clarifying changes.

MAJOR PROVISIONS AND POLICY ISSUES

1. Summary of suspension procedure. We are proposing suspension procedures that are nearly identical to the existing procedures for exclusion under sections 1862(d) and 1866(b). The principal difference would occur at the initial step of the two procedures. The exclusion regulation provides for a notice of proposed exclusion and an opportunity for the provider or practitioner to show why HCFA should not take final action. (See § 405.315-1(d) of the proposed rule.) However, since the statute makes suspension mandatory upon a conviction of a crime related to the practitioner's involvement in Medicare or Medicaid, we are proposing that suspension be accomplished promptly without any preliminary proceedings on the part of HCFA. As soon as HCFA has reliable, confirmed information that a conviction has been entered, it will notify the practitioner by telegram that he is suspended from Medicare. Within 30 days of that telegram, HCFA will send the practitioner a detailed explanation of the basis for the suspension, the duration of the suspension and how the duration was determined, the means by which the practitioner may be reinstated, and the fact that suspension from Medicaid is an automatic consequence.

At this point, the practitioner could invoke the administrative hearing procedures set forth in 42 CFR 405, Subpart O. These procedures include an opportunity for a hearing before an administrative law judge. A final decision under these procedures is also subject to judicial review. Although a practitioner who has been convicted would not have any basis for contesting whether he should be suspended, he could seek to have the duration of the suspension shortened.

Concurrently with HCFA's initial notice of suspension, it would notify several other specific agencies of the suspension. State Medicaid agencies would be notified so that they could suspend the practitioner from Medicaid. The State or local licensing or certification agency would be requested to make appropriate investigations, invoke available sanctions, and inform HEW of its actions. The appropriate health systems agency would be notified so that it could determine whether the practitioner's suspension would result in a shortage of health manpower services.

Notice of the suspension would also be given to the general public, to the

beneficiaries served by the practitioner, and to several other designated agencies and institutions, where appropriate.

The practitioner would remain suspended until he was reinstated in accordance with specified procedures and HCFA would set the earliest date on which reinstatement could be sought. A practitioner who was denied reinstatement would be entitled to an informal administrative appeal within HCFA.

2. Convictions to which section 7 will be applied. Pub. L. 95-142 was enacted on October 25, 1977. Section 7 states that it is applicable to convictions entered on or after that date, or within such period of time prior to that date as the Secretary sets by regulation. We are proposing to apply section 7 only to convictions entered on or after the date of enactment, based on considerations of fair notice of possible sanctions and consistent administration of these programs.

It appears that persons convicted prior to the enactment of the statute could be suspended under section 7 consistent with constitutional precepts of due process (see *DeVeau v. Braisted*, 363 U.S. 144(1960)). However, in most cases someone convicted of an offense prior to enactment of Pub. L. 95-142 might well have been a proper subject for exclusion under 42 CFR 405.315a although such action may not have been taken. In our view, it would be difficult to justify relying on the new statutory authority to accomplish what might have been done in some cases under existing authority. In our view, no other date can be supported as logically and convincingly as the date of enactment.

3. Definition of "conviction." The statute does not define the term "convicted." We are proposing to define it as the entry of a judgment of conviction by a Federal, State or local court. There may be legally supportable alternatives, such as a jury verdict or judicial acceptance of a guilty plea, which would come earlier in the process than our proposed definition. Another alternative would be after appeals have been exhausted or the time for appeal has expired, which would be later in the process than our proposed definition.

Defining conviction as the entry of judgment is consistent with the term as generally understood among judges and attorneys practicing criminal law. It is also consistent with Rule 32(b) of the Federal Rules of Criminal Procedure, which is used for establishing post-conviction appeal rights. Using the entry of judgment will avoid the complications that would arise if a verdict is overturned on a post-verdict motion by the defendant or if a guilty plea is withdrawn. Since a judgment of conviction normally includes the sen-

tence, the proposed definition also has the administrative advantage of giving HCFA the benefit of the judge's sentencing considerations when it determines the duration of the suspension. For these reasons, we believe the proposed definition is better than the entry of a verdict or the acceptance of a guilty plea, even though this means that some delay may occur in suspending a practitioner who has entered a guilty plea or had a guilty verdict returned against him.

We do not believe, however, that it is necessary or desirable to delay a suspension until appeal rights have been exhausted, which might take many months. There is no indication in the legislative history that exhaustion of appeal rights was intended and we do not believe that outcome is required by constitutional due process. If a conviction is overturned on appeal, we would, of course, promptly remove the suspension.

4. Definition of "practitioner." Section 7 is applicable to "a physician or other individual practitioner" who has been convicted of a program related offense. However, the term "practitioner" is not defined in Pub. L. 95-142. Nor has it been previously defined in the Medicare or Medicaid statutes or regulations. In order to carry out what we believe is the clear purpose of section 7, we are proposing to define practitioner broadly to include any physician or other health care professional licensed under State law to practice his or her profession. (We have included "physician" in the definition simply to avoid having to repeat "physician or other individual practitioner" many times throughout the regulation.) We believe this definition is proper and legally supportable for the following reasons.

Clearly, "other individual practitioners" was intended to cover someone other than a physician. At the same time, we think section 7 is specifically directed at health care professionals and that the term "practitioner" connotes a person furnishing health care services. Therefore, although we would limit the term to health care professionals, we would cover every type of health care professional that each State has chosen to license for the delivery of health care.

The coverage of section 7 is necessarily limited, of course, to practitioners whose services are covered under Medicare or Medicaid. The States are authorized, however, to provide Medicaid coverage for any type of medical or remedial care or service furnished within the scope of practice defined by State law and furnished by a practitioner licensed under State law. (See 42 CFR 449.10(b)(6).) Consequently there are practitioners whose services are covered under Medicaid, but not under Medicare when furnished di-

rectly to a Medicare beneficiary by the practitioner. In each such instance, however, the practitioner's services could come within Medicare coverage if furnished in an institutional setting. Thus, for example, a pharmacist's services are not covered directly by Medicare, but could be covered if he were on the staff of a hospital or nursing home and furnished prescriptions to patients at the institution.

By defining practitioner as we propose we would be able to "suspend" from Medicare any practitioner who has been convicted of a crime related to his involvement in Medicaid, even though the practitioner has not been furnishing services to Medicare beneficiaries or could not be covered directly for services furnished to Medicare beneficiaries. Although the suspension from Medicare in this situation appears to be a mere formality, for the reasons given below we believe it is an appropriate precautionary measure and is necessary in order to implement fully the Congressional directive set forth in section 7. (Of course, the term "suspension" is not a literal characterization of the action being taken and, semantically, a different word might be desirable. For purposes of this regulation, such a "suspension" is actually a notice that the practitioner's services will not be reimbursed by Medicare under any circumstances for the period of time covered by the suspension. We do not think it necessary, however, to define a separate term in the proposed regulation just to cover this situation; to do so might create more confusion than clarity.)

In our view, suspending the Medicaid-only practitioner from Medicare serves the statutory purpose of avoiding fraud and abuse in both programs. The legislative history for section 7 clearly demonstrates that Congress had a deep concern about the potential for abuse arising from the continued participation in either the Medicare or the Medicaid program by practitioners who had been convicted of offenses related to either program. (See H. Report 95-393 Part I, pp. 62-64; H. Report 95-393 Part II, pp. 69-71; S. Report 95-453, pp. 26-27.)

In passing Pub. L. 95-142, the Congress was undoubtedly aware there are Medicaid-only practitioners. Since section 7 specifically deals with suspensions from Medicaid only for those cases in which a practitioner has been suspended from Medicare, while at the same time requiring suspension from Medicare for any practitioner convicted of a crime related to either program, it seems apparent that Congress intended that the Medicaid-only practitioner be suspended from Medicare. It would simply be incongruous not to suspend Medicaid-only practitioners from either program, when all other practitioners must automatically be suspended from both.

Our proposed approach to this situation also avoids the confusion and administrative complexity that might arise if the practitioner, subsequent to his conviction for a Medicaid-related offense, began participating in Medicare. As proposed, the Medicaid-only practitioner would be suspended from Medicare in accordance with the same procedures as any other practitioner. In particular, the period for which his services could not be covered by Medicare would start immediately, rather than being triggered at some later, indefinite date upon the submission of a Medicare claim for his services, and run until a specific date.

5. *Duration of suspension.* Section 7 of Pub. L. 95-142 (which adds a new paragraph (e) to section 1862) states that a suspension shall be for such period as the Secretary may deem appropriate. It also incorporates by reference the procedures specified in paragraph (d)(2) of section 1862 with respect to exclusions. That paragraph states that an exclusion remains in effect until the Secretary finds that the basis for the exclusion has been removed and there is reasonable assurance that it will not recur.

On the basis of these two provisions, we are proposing that a suspension will be set for a specified period, after which the practitioner may seek reinstatement. Under this procedure, the practitioner will not automatically resume participation in the program at the end of the specified period. Rather, he must apply for reinstatement and have his reinstatement approved by HCFA in order to resume participation.

The period of suspension will be commensurate with the nature and seriousness of the crime for which the practitioner is convicted. Among the factors which HCFA will consider are: the number and the nature of the violations; how the violation might have affected the practitioner's Medicare and Medicaid patients; the losses caused to the Medicare or Medicaid programs; whether there are any mitigating circumstances; and the length of the sentence imposed by the court. Although each case must be judged on its particular facts and circumstances, HCFA will seek to establish reasonable uniformity in its treatment of similar cases.

6. *Denial of payments.* Medicare payment will not be made to a practitioner (who has accepted an assignment from a beneficiary of the right to payment) for items or services furnished by the practitioner or under his direct supervision after the effective date of the suspension, with one exception. In the case of inpatient hospital or post-hospital extended care services where the beneficiary was admitted to a hospital or skilled nursing facility before the effective date of suspension, pay-

ment will be available for services furnished by the admitting practitioner for up to 30 days after that date.

If a Medicare beneficiary submits a claim directly to HCFA, however, HCFA will pay the first claim and give immediate notice of the suspension. This right to receive Medicare payment for items or services furnished by a suspended practitioner ends 6 days after the date on the notice.

Medicaid payments will not be made for any services furnished by, or under the direct supervision of, a suspended practitioner during the period of suspension, except for the case of a hospital or skilled nursing facility patient discussed above.

7. *Procedures for reinstatement and subsequent appeals.* HCFA will not grant reinstatement unless it is reasonably certain that the violation on which suspension is based will not be repeated. Factors to be considered include among others, whether there have been additional Federal, State, or local convictions relating to program participation and whether the State or local licensing authority has taken any adverse action since the effective date of the suspension. HCFA will reinstate a suspended practitioner whose conviction is reversed or vacated, without requiring the documentation specified above.) HCFA will give written notice of its reinstatement determination to the suspended practitioner. If favorable, the individual will be notified of the date when program participation may resume, and notice will be given to the public of the decision. If unfavorable, the suspended practitioner may, within 30 days of the date on the notice, submit additional evidence and argument or request to present evidence of argument orally to a HCFA official.

8. *Length of Medicaid suspension.* The statute requires that the Medicaid agency suspend the practitioner "for not less than the period specified in [the Medicare] notice * * *". We recognize that having identical periods of suspension would be administratively convenient and might avoid possible confusion. However, we believe that this language clearly indicates Congress' intent to permit States to suspend for periods longer than Medicare if they wish. We propose a simultaneous beginning date of the suspension period for both programs in order to provide administrative simplicity for practitioners, patients, and the Federal and State agencies. However, the Medicaid agency has discretion to impose a longer period of suspension.

9. *State agency notification to HCFA.* We propose requiring State Medicaid agencies to notify HCFA, within 15 days, when a State or local court has entered a judgment of conviction against a practitioner for a criminal offense related to his involve-

ment in the Medicaid program. We believe this requirement is necessary to implement fully section 7, since HCFA may not otherwise become informed of State or local convictions. However, we recognize that such a requirement assumes either that the State Medicaid agency has been involved in the investigation or prosecution, or it has developed some means of having such convictions routinely reported to it. We, therefore, seek comments on the feasibility of these requirements.

10. *Section 13 of Pub. L. 95-142.* Section 13 abolishes the program review teams which were established in Pub. L. 92-603. Congress concluded that these teams (consisting of physicians and other professional personnel in the health care field) would duplicate the function now assumed by Professional Standards Review Organizations (PSROs). Although the concurrence of the program review teams was formerly mandated by statute before HCFA could exclude providers or persons from the Medicare program and deny Federal financial participation under the Medicaid program, HCFA is not now bound to obtain the concurrence of the PSRO in abuse cases. "Abuse" cases include those in which items or services furnished are substantially in excess of a beneficiary's needs or of a quality that does not meet professionally recognized standards of health care. HCFA is authorized, however, to use the sanction reports from the PSRO for the area served by the provider or person in making a determination of abuse.

In accordance with section 13: a. Section 405.315b of the current regulation, establishing program review teams, would be revoked and references to that section would be deleted from §§ 405.315-1 and 405.614; and b. Provision would be made for HCFA to consider reports from other professional groups, as well as PSROs, in determining Medicare program abuse.

11. *Immediate implementation of the statute.* Section 7 became effective with respect to Medicare on the date of enactment and with respect to Medicaid on January 1, 1978. The statute does not explicitly require that the Secretary issue regulations prior to implementation (except as the Secretary might set a period prior to the date of enactment during which convictions would result in suspension).

Because the statute makes suspension compulsory for convictions after enactment and because of the strong views expressed by the Congress that suspensions are necessary for the integrity of these programs (see, e.g., the Report of the Senate Committee on Finance, Sen. Rept. No. 95-453, pp. 26-27) we are implementing the statute immediately with respect to any practitioners convicted of Medicare or Medicaid related offenses after Octo-

ber 25, 1977, the date of enactment. In doing so, we will follow the existing regulation establishing procedures for exclusion, except for the requirement of a notice of proposed exclusion and opportunity to show cause why a final determination should not be made (see 42 CFR 405.315a(c)). State Medicaid agencies must also comply with the statute and must suspend a practitioner from Medicaid upon being notified by HCFA of a Medicare suspension. However, the State agencies will not be required to amend their State plans or to comply with the provisions of this proposed regulation prior to its promulgation as a final rule.

42 CFR Parts 405 and 450 are amended as set forth below:

1. § 405.315a is redesignated as § 405.315-1 and revised to read as follows:

§ 405.315-1 Nonreimbursable expenses: Items or services furnished by excluded providers or persons.

(a) *Scope and applicability.* This section implements section 1862(d) of the Act, by setting forth criteria and procedures for the exclusion of providers and persons from the Medicare program. It includes procedures for administrative appeals and for reinstatement of excluded parties. The procedures set forth in this section also apply to terminations of provider agreements under § 405.614(a)(5) and (a)(7) of this part.

(b) *Definitions.* As used in this section and in § 405.315-2, unless the context indicates otherwise:

(1) "Convicted" means that a judgment of conviction has been entered by a Federal, State, or local court, irrespective of whether an appeal from that judgment is pending.

(2) "Exclusion" means that items or services furnished by a specified provider or person will not be reimbursed under Medicare.

(3) "Furnished" refers to items and services provided directly by, or under the direct supervision of, a person, practitioner, or provider. It does not refer to services ordered by one person or practitioner but provided by or under the supervision of another.

(4) "HCFA" stands for Health Care Financing Administration.

(5) "Medicaid agency" means the single State agency designated to administer, or supervise the administration of, the State Medicaid plan approved under Title XIX of the Social Security Act.

(6) "Person" means a physician or other health care practitioner or a supplier of services, who is not a "provider."

(7) "Practitioner" means a physician or other health care professional licensed under State law to practice his or her profession.

(8) "Provider" means a hospital, a skilled nursing facility, or a home

health agency (see Subparts J, K, and L of this part) and, for the limited purposes of furnishing outpatient physical therapy or speech pathology services, a clinic, rehabilitation agency, or public health agency (see Subpart Q of this part) as used in section 1866 of the Act and this Part 405.

(9) "PSRO" stands for Professional Standards Review Organization.

(c) *Bases for exclusion; exceptions.*

(1) Payment will not be made under Medicare for items or services furnished by a provider or person if HCFA determines that the provider or person has:

(i) Knowingly and willfully made or caused to be made any false statement or misrepresentation of a material fact in a request for payment under Medicare or for use in determining the right to payment under Medicare; or

(ii) Furnished items or services that are substantially in excess of the beneficiary's needs or of a quality that does not meet professionally recognized standards of health care.

(2) Payment will not be made under Medicare for items or services furnished by a person if HCFA determines the person has submitted or caused to be submitted bills or requests for payment containing charges (or costs) that are substantially in excess of that person's customary charges (or costs).

(3) HCFA's determination under paragraph (c)(1)(ii) of this section, that the items or services furnished were excessive or of unacceptable quality, will be made on the basis of reports, including sanction reports, from the following sources:

(i) The PSRO for the area served by the provider or person;

(ii) State or local licensing or certification authorities;

(iii) Peer review committees of fiscal agents or contractors;

(iv) State or local professional societies; or

(v) Other sources deemed appropriate by HCFA.

(4) *Exceptions.* (i) Notwithstanding the circumstances specified in paragraph (c)(1)(ii) of this section, HCFA will not deny Medicare payments if it has waived a disallowance on the grounds that the beneficiary and the provider or person could not reasonably be expected to know that payment would not be made for a particular item or service. (See section 1879(a) of the Act (42 U.S.C. 1395 pp (a)), and §§ 405.195 and 405.330.)

(ii) HCFA will not deny Medicare payment for bills or requests that are substantially in excess of customary charges or costs, if it finds there is good cause for those bills or requests. HCFA may find good cause, for example, if the excess charges are justified by unusual circumstances or medical complications requiring additional

time, effort, or expense in localities in which it is accepted medical practice to make an extra charge in such case.

(d) *Notice of proposed exclusion or termination.* (1) If HCFA proposes to deny reimbursement in accordance with paragraph (c) of this section (or to terminate a provider agreement in accordance with § 405.614(a)(5) or (a)(7)), it will send the provider or person written notice of its intent and the reasons for the proposed exclusion or termination.

(2) Within 30 days of the date on the notice, the provider or person may (i) submit documentary evidence and written argument against the proposed action; or (ii) request an opportunity to present evidence or argument orally to a HCFA official.

(3) For good cause shown by the provider or person, HCFA may extend the 30-day period.

(e) *Notice of exclusion or termination.* (1) If after exhaustion of the procedures specified in paragraph (d) of this section, HCFA decides to exclude a provider or person under paragraph (c) of this section, or to terminate a provider agreement under § 405.614(a)(5) or (a)(7), it will send written notice of its decision to the affected person or provider at least 15 days before the decision becomes effective.

(2) The notice will state (i) the reasons for the decision; (ii) the effective date; (iii) the extent of its applicability to the provider's or person's participation in the Medicare program; (iv) the earliest date on which HCFA will accept a request for reinstatement; and (v) the requirements and procedures for reinstatement.

(3) This decision and notice constitute an "initial determination" and a "notice of initial determination" for purposes of the administrative appeals procedures specified in Subpart O of this part.

(4) HCFA will also give notice of exclusion or termination and the effective date to the public, to beneficiaries (in accordance with paragraph (h) of this section) and, as appropriate, to:

(i) State Medicaid and title V agencies, State Medicaid Fraud Control Units, and PSROs;

(ii) Hospitals, skilled nursing facilities, home health agencies and health maintenance organizations (HMOs);

(iii) Medical societies and other professional organizations;

(iv) Contractors, health care prepayment plans and other affected agencies and organizations.

(f) *Duration of exclusion.* A practitioner who has been excluded under this section must be reinstated, in accordance with paragraph (j), in order to participate in Medicare. The written notice of exclusion will specify the earliest date on which the practitioner may seek reinstatement. In setting that date, HCFA will consider:

(1) The number and nature of the violations;

(2) The nature and degree of any adverse impact on beneficiaries;

(3) The amount of any damages incurred by the Medicare program;

(4) Whether there are any mitigating circumstances; and

(5) Any other facts bearing on the nature and seriousness of the violation.

(g) *Denial of payments to providers and persons during exclusion.* (1) Payment will not be made to an excluded provider or person (who has accepted assignment of beneficiary claims) for items or services furnished after the effective date of exclusion specified in the exclusion notice, except as provided in paragraph (g)(3) of this section.

(2) An assignment of a beneficiary's claim that is made to an excluded provider or person after the effective date of exclusion will not be valid.

(3) *Exceptions.* (i) In the case of inpatient hospital services or posthospital extended care services furnished to a beneficiary who was admitted to a hospital or skilled nursing facility before the effective date of exclusion, payment will be available for up to 30 days after that date; and

(ii) In the case of home health services furnished under a plan established before the effective date of exclusion, payment will be available for services furnished through the end of the calendar year in which exclusion became effective.

(h) *Denial of payment to beneficiaries.* If a beneficiary submits claims for items or services furnished by an excluded provider or person after the effective date of the exclusion:

(1) HCFA will pay the first claim submitted by the beneficiary and immediately give notice of the exclusion.

(2) The beneficiary's right to receive Medicare payment for items or services furnished by an excluded provider or person will end 6 days after the date on the notice to the beneficiary or on the effective date of the exclusion of the provider or person, whichever is later.

(i) *Effective date of termination of agreement.* For the effective date of termination of a provider's agreement under § 405.614(a)(5) or (a)(7), see § 405.615.

(j) *Procedures for reinstatement.*—(1) *Timing and method of request.* An excluded provider or person may request reinstatement at any time after the date specified in the notice of exclusion by submitting to HCFA:

(i) Statements from private health insurers, indicating whether there have been any questionable claims submitted during the period of exclusion;

(ii) Statements from peer review bodies, probation officers, where ap-

propriate, or professional associates, as required by HCFA, attesting to their belief, supported by facts, that the violations that led to exclusion will not be repeated; and

(iii) The provider's or other person's own statement setting forth the reasons why he should be reinstated.

(2) *Criteria for action on request.* HCFA will not grant reinstatement unless it is reasonably certain that the violations that led to exclusion will not be repeated. In making this determination, HCFA will consider, among other factors:

(i) Whether the applicant has been convicted in Federal, State or local court for activities related to his program participation; and

(ii) Whether the State or local licensing authority has taken any adverse action against the provider or person since the date of exclusion.

(3) *Notice of approval of request.* If HCFA approves the request for reinstatement it will:

(i) Give written notice to the excluded party specifying the date when program participation may resume; and

(ii) Give notice to the public and, as appropriate, to title V State agencies, State Medicaid agencies and Medicaid Fraud Control Units, hospitals, skilled nursing facilities, home health agencies, medical societies, other professional societies or associations, contractors, health care prepayment plans, health maintenance organizations (HMOs), PSROs, and other affected organizations.

(4) *Notice of denial of request.* (i) If HCFA does not approve the request for reinstatement, it will give written notice to the provider or person.

(ii) Within 30 days of the date on the notice, the excluded provider or person may submit documentary evidence and written argument against the continued exclusion or request an opportunity to present evidence or argument orally to a HCFA official.

(5) *Action following consideration of additional evidence.* After evaluating any additional evidence submitted by the excluded party (or at the end of the 30 day period, if none is submitted), HCFA will send written notice:

(i) Confirming the denial, and indicating that a subsequent request for reinstatement will not be accepted until 6 months after the date of confirmation; or

(ii) Approving reinstatement and specifying the date when program participation may be resumed. If HCFA approves reinstatement, it will notify the public and, as appropriate, the agencies and institutions as specified in paragraph (j)(3) of this section.

§ 405.315b [Revoked]

2. § 405.315b is revoked.

3. A new § 405.315-2 is added, to read as follows:

§ 405.315-2 *Suspension of individual practitioners convicted of crimes related to Medicare or Medicaid.*

(a) *Scope and purpose.* This section implements section 7 of the Medicare-Medicaid Anti-Fraud and Abuse Amendments (Pub. L. 95-142) by setting forth criteria and procedures for the suspension of practitioners convicted of crimes under Medicare or Medicaid. It includes procedures for administrative appeals and reinstatement of suspended practitioners.

(b) *Definitions.* The definitions contained in § 405.315-1(b) are applicable to this section.

(c) *Bases for suspension.* An individual practitioner who has been convicted, on or after October 25, 1977, of a criminal offense related to his involvement in the Medicare or Medicaid program will be suspended from participation in the Medicare program.

(d) *Effect of suspension.* Payment will not be made under the Medicare program for items or services furnished by the suspended practitioner during the period of suspension, except as specified in paragraphs (g)(3) and (h) of this section.

(e) *Notice of Suspension.* (1) Whenever HCFA has conclusive information that a practitioner has been convicted of a crime related to his involvement in the Medicare or Medicaid program, it will notify him by telegram that he is suspended from the Medicare Program, beginning on the day following the date of the telegram. The telegram will also state that the State Medicaid agency is required to suspend the practitioner from the Medicaid program for at least as long as his suspension from Medicare.

(2) Within 30 days, HCFA will send the suspended practitioner a written notice setting forth:

(i) The basis for the suspension;

(ii) The duration of the suspension and the factors considered in setting the duration; and

(iii) The requirements and procedure for reinstatement.

(3) HCFA will concurrently notify:

(i) The State Medicaid agencies in order that they can promptly suspend the practitioner from participation in the Medicaid program (see 42 CFR 450.85);

(ii) The State or local authority responsible for the licensing or certification of the suspended practitioner;

(iii) The appropriate health systems agency, so that it can determine whether the suspension is likely to create a shortage of health manpower in the area of practice of the suspended practitioner; and

(iv) Other appropriate entities as described in § 405.315-1(e)(4).

(4) The notice to the licensing or certifying authority will be accompanied by a request that the authority:

(i) Make appropriate investigations;

(ii) Invoke any sanctions available under State law and the authority's policies; and

(iii) Keep HCFA and the Inspector General of the Department fully and currently informed of any action it takes.

(5) The decision to suspend a practitioner because he has been convicted of a criminal offense related to his involvement in the Medicare or Medicaid program is an "initial determination" for purposes of administrative appeals procedures specified in Subpart 0 of this part.

(f) *Duration of suspension.* A suspended practitioner must be reinstated, in accordance with paragraph (i) of this section, in order to participate in Medicare or Medicaid. The written notice of suspension will specify the earliest date on which the practitioner may seek reinstatement. In setting that date, HCFA will consider:

(1) The number and nature of the violations;

(2) The nature and degree of any adverse impact on beneficiaries;

(3) The amount of the damages incurred by the Medicare and Medicaid programs;

(4) Whether there are any mitigating circumstances;

(5) The length of the sentence imposed by the court; and

(6) Any other facts bearing on the nature and seriousness of the offense.

(g) *Denial of payments to suspended practitioner.* (1) Payment will not be made to a suspended practitioner (whose has accepted assignment of the beneficiary's claims) for items or services furnished after the effective date of suspension specified in the suspension notice, except as provided in paragraph (g)(3) of this section.

(2) An assignment of a beneficiary's claim that is made to a suspended practitioner after the effective date of suspension will not be valid.

(3) *Exception.* In the case of inpatient hospital services or posthospital extended care services furnished to a beneficiary who was admitted to a hospital or skilled nursing facility before the effective date of suspension, payment for services furnished by the admitting physician will be available for up to 30 days after that date.

(h) *Denial of payment to beneficiaries.* If a beneficiary submits claims for items or services furnished by the suspended practitioner after the effective date of the suspension:

(1) HCFA will pay the first claim submitted by the beneficiary and immediately give notice of the suspension.

(2) The beneficiary's right to receive Medicare payment for items or services furnished by a suspended practitioner will end 6 days after the date on the notice to the beneficiary.

(i) *Procedures for reinstatement.* (1) The provisions regarding reinstatement

ment of excluded providers and persons (paragraph (j) of § 405.315-1) apply for reinstatement of practitioners suspended under this section.

(2) HCFA will also reinstate a suspended practitioner whose conviction has been reversed or vacated.

4. § 405.614 is amended by revising paragraphs (a)(5)(iii) and (c) to read as follows:

§ 405.614 *Termination by the Secretary.*

(a) *Cause for termination.* The Secretary may terminate an agreement if the Secretary determines that the provider of services:

• • • • •

(i) • • • • •

(ii) Has furnished items or services which HCFA has determined to be substantially in excess of the needs of individuals, or of a quality that fails to meet professionally recognized standards of health care. (See § 405.315-1(c)(3).) HCFA will not terminate a provider agreement under this clause if it has waived a disallowance with respect to the services in question on the grounds that the provider and the beneficiary could not reasonably be expected to know that payment would not be made. (See section 1879(a) of the Act (42 U.S.C. 1395pp(a).))

• • • • •

(c) *Appeal by agency or institution.* A provider may appeal a termination of its agreement by the Secretary in accordance with Subpart 0 of this part. The termination of a provider's agreement on grounds specified in paragraphs (a)(5) and (a)(7) of this section is subject to the additional procedures specified in § 405.315-1

5. § 405.1502 is amended by revising paragraph (e) to read as follows:

§ 405.1502 *Initial determinations.*

• • • • •

(e) The denial of reimbursement for items and services furnished to a Medicare beneficiary:

(1) By a provider or person excluded from participation in accordance with § 405.315-1; or

(2) By an individual practitioner convicted of a criminal offense related to the Medicare or Medicaid program, and suspended in accordance with § 405.315-2.

6. § 405.1505 is amended by adding a new paragraph (1) to read as follows:

§ 405.1505 *Administrative actions which are not initial determinations.*

• • • • •

(1) The finding that a physician or other individual practitioner, suspended

ed from the Medicare program (under section 1862(e)(1) of the Act) because of a criminal conviction, has failed to present evidence to reasonably assure that he or she will not commit further criminal violations related participation in Medicare or Medicaid.

7. § 450.80 is amended by revising paragraph (c) to read as follows:

§ 450.80 *Fraud in the medical assistance program.*

• • • • •

(c) *Federal financial participation (FFP).*

(1) FFP is not available in payments for services furnished by a provider or other person while that provider or person is excluded from the Medicare program, under § 405.315-1 of this part, for any of the following reasons:

(i) False or excessive claims; and

(ii) Furnishing of services that are substantially in excess of the recipient's needs or of unacceptable quality. (See sections 1862(d)(1) and 1866(b)(2)(D), (E), and (F) of the Act and §§ 405.315-1(c) and 405.614 (a)(5) and (a)(7) of this chapter.)

(2) The date of FFP will apply to services furnished after the effective date of exclusion from Medicare, except for those services specified in § 405.315-1(g)(3).

(3) FFP will be available for services furnished by a provider or person after he is reinstated in the Medicare program.

8. Part 450 is amended by adding a new § 450.85 to read as follows:

§ 450.85 *Suspension of individual practitioners convicted of crimes related to Medicare or Medicaid.*

(a) *Definitions.* As used in this section:

(1) "Convicted" means that a judgment of conviction has been entered by a Federal, State, or local court, irrespective of whether an appeal from that judgment is pending.

(2) "HCFA" stands for Health Care Financing Administration.

(3) "Individual practitioner" or "practitioner" means a physician or other health care professional licensed under State law to practice his or her profession.

(b) *State plan requirements.* The State Medicaid plan shall provide that the State agency will meet all requirements of this paragraph.

(1) *Notification of State or local conviction.* When a State or local court has entered a judgment of conviction against a practitioner for a criminal offense related to his involvement in the Medicaid program, the State agency shall so notify HCFA within 15 days of such judgment.

(2) *Suspension.* (i) If the State agency is notified by HCFA that a

practitioner has been suspended from participation under medicare, it shall suspend that practitioner from participation under medicaid, effective on the date established by HCFA, and at least for the period of the medicare suspension.

(ii) Except as provided in paragraph (b)(2)(iv) of this section, the State agency shall make no payment under the plan for any items or services furnished directly by, or under the supervision of, the suspended practitioner during the period of suspension.

(iii) The State agency may pay for services or items, otherwise reimbursable under the State plan, that are ordered by a suspended practitioner and furnished by a practitioner or provider in good standing.

(iv) In the case of inpatient hospital services or posthospital extended care services furnished to a beneficiary who was admitted to a hospital or skilled nursing facility before the effective date of suspension, payment for services furnished by the admitting phy-

sician will be available for up to 30 days after that date.

(3) *Reinstatement.* If the State agency is notified by HCFA that a practitioner has been reinstated, it may reinstate that practitioner under medicaid, effective on the reinstatement date specified by HCFA.

(c) *Waiver of Suspension.* (1) The State agency may request HCFA to waive a suspension if it concludes that, because of the shortage of practitioners in the area, individuals eligible to receive medicaid benefits would be denied adequate access to medical care.

(2) HCFA will approve a request for waiver only if:

(i) The Secretary designates the community as a health manpower shortage area; and

(ii) An insufficient number of National Health Service Corps personnel have been assigned to meet the needs of the area.

(d) *Notice of waiver or lifting of suspension.* HCFA will notify the State agency if and when it:

(1) Waives suspension in response to the State agency's request; or

(2) Lifts the suspension and reinstates the practitioner under medicare.

(Sections 1102, 1862(d) (1), (2), (3), and (4), 1862(e), 1866(b)(2) (D), (E), and (F), 1871 and 1902(a)(39) of the Social Security Act; 49 Stat. 647; 42 U.S.C. 1302, 1395y(d), 1395cc, 1395hh, and 1396a.)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program, No. 13.773, Medicare—Hospital Insurance, and No. 13.774, Medicare—Supplementary Medical Insurance.)

Dated: April 27, 1978.

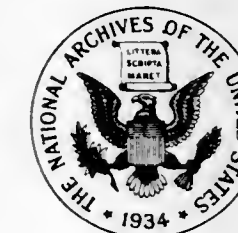
ROBERT A. DERZON,
*Administrator, Health Care
Financing Administration.*

Approved: May 29, 1978.

JOSEPH A. CALIFANO, JR.,
Secretary.

[FR Doc. 78-15512 Filed 6-7-78; 8:45 am]

THURSDAY, JUNE 8, 1978
PART III



DEPARTMENT OF TRANSPORTATION

Coast Guard

GREAT LAKES PILOTAGE RATES

[4910-14]

Title 46—Shipping

CHAPTER III—COAST GUARD,
DEPARTMENT OF TRANSPORTATION

[CGD 78-016]

PART 401—GREAT LAKES PILOTAGE
REGULATIONS

Great Lakes Pilotage Rates

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment to the Great Lakes Pilotage Regulations increases U.S. pilotage rates by 10 percent, retroactive to April 1, 1978, in all three Pilotage Districts, except the Welland Canal. The Welland Canal is entirely within Canada and U.S. pilots do not provide services there. This amendment is necessary in order to provide the three U.S. Pilot Associations with funds for a pilot training program, to cover increased operating costs, and to increase U.S. pilot compensation.

EFFECTIVE DATE: This amendment is effective on April 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: On April 13, 1978, the Coast Guard published a proposed rule (43 FR 15590) concerning this amendment. Interested persons were given until May 15, 1978, to submit comments. Two comments were received.

The effective date of this rule is made retroactive to April 1, 1978, so that these rates may be in effect for the entire shipping season which is necessary in order to meet the goals of pilot compensation comparability and adequate funds for pilot training.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: John J. Hartke, Project Manager, Office of Merchant Marine Safety, and Edward J. Gill, Jr., Project Attorney, Office of Chief Counsel.

DISCUSSION OF MAJOR COMMENTS

One comment supported the proposed rate increase, including the retroactive effective date feature.

The other comment, from the Shipping Federation of Canada, was opposed to the retroactive feature of the proposed rate increase. The Federation indicated that retroactivity could cause serious hardships because some vessels will have entered and left

the Great Lakes system before these higher rates became effective, and that this would leave little or no chance of collection by the agent if the vessels involved were not regular callers at Great Lakes ports. The Federation also stated that because the U.S. rate increase is to be effective prior to the Canadian rate increase, that this would be a breach of the Memorandum of Arrangements and that it indicates the inability of the pilotage laws in each country to integrate successfully.

Agents are "put in funds" by the owners and charterers they represent prior to the vessel incurring these costs, and the amount of funds provided the agents are an imprecise amount because of the number and variability of shipping costs. As an example of the variability of pilotage costs alone, leaving aside many other variable costs such as overtime for longshoring etc., Detention, Delay, and Cancellation are pilotage costs that cannot be determined prior to the time the vessel actually incurs these charges. The 10 percent increment resulting from this rate increase could be handled in a manner similar to other variable costs of shipping. Under present procedures, and for the past 15 years, many vessels have exited the system prior to the agent receiving the invoice for pilotage services.

This 10 percent rate increase was jointly developed with Canada and is identical to the Canadian proposal in the international sectors. Representatives of the Canadian Government have been consulted throughout the development of this rate change and they have expressed no objection to this temporary rate disparity. Under these circumstances, it is not considered a breach of the Memorandum of Arrangements. This temporary rate disparity is necessary so that the U.S. goals of pilot compensation and adequate funds for pilot training may be met. Canadian pilots are, for the most part, Government employees and their compensation has very little to do with the rate level. However, U.S. pilots are private entrepreneurs, and as such, their compensation is directly affected by the rate level.

This rule has been reviewed under the Department of Transportation's "Policies and Procedures for Simplification, Analysis and Review of Regulations" (43 FR 9582, March 8, 1978). An evaluation of the rule has been prepared, and has been included in the public docket.

Accordingly, the proposed amendment is adopted, without change, as set forth below:

May 31, 1978.

J. B. HAYES,
Admiral, U.S. Coast
Guard Commandant.

Part 401 of Title 46 of the Code of

Federal Regulations is amended as follows:

1. By revising § 401.405 to read as follows:

§ 401.405 Basic rates and charges on designated waters.

Except as provided under § 401.420, the following basic rates shall be payable effective April 1, 1978, for all services and assignments performed by U.S. Registered Pilots in the areas described in § 401.300:

(a) District 1:

(1) For passage through the District or any part thereof, \$5.70 for each statute mile, plus \$75 for each lock transited, but with a minimum basic rate of \$166 and a maximum basic rate for a through trip of \$730.

(2) For moorage in any harbor, \$250.

(b) District 2:

(1) Passage through the Welland Canal or any part thereof, \$26.80 for each statute mile, plus \$99 for each lock transited but with a minimum basic rate of \$331 and a maximum basic rate for a through trip of \$1,221. When U.S. pilots are changed at Lock 7 on a through trip, the basic rates are apportioned as follows:

(i) Between northerly limits and Lock 7, \$611.

(ii) Between Lock 7 and southerly limits, \$611.

(iii) When a vessel docks or undocks for any purpose during the course of her passage through the Welland Canal, except on the instructions of the St. Lawrence Seaway Authority or of the Great Lakes Pilotage Authority Ltd., there shall be no maximum basic fee for the through trip.

(2) Southeast Shoal to Toledo or any point on Lake Erie west of Southeast Shoal, \$369.

(3) Between points on Lake Erie west of Southeast Shoal, \$218.

(4) Southeast Shoal to Port Huron Change Point or any point on the St. Clair River when pilots are not changed at Detroit Pilot Boat, \$642.

(5) Southeast Shoal to Detroit/Windsor or any point on the Detroit River, \$369.

(6) Southeast Shoal to Detroit Pilot Boat, \$267.

(7) Toledo or any point on Lake Erie west of Southeast Shoal and Port Huron Change Point, when pilots are not changed at Detroit Pilot Boat, \$744.

(8) Toledo or any point on Lake Erie west of Southeast Shoal and Detroit/Windsor or any point on the Detroit River, \$479.

(9) Toledo or any point on Lake Erie west of Southeast Shoal and the Detroit Pilot Boat, \$369.

(10) Detroit/Windsor or any point on the Detroit River and between points on the Detroit River, \$218.

(11) Detroit/Windsor or any point on the Detroit River to Port Huron Change Point or any point on the St. Clair River, \$484.

(12) Detroit Pilot Boat to any point on the St. Clair River, \$484.

(13) Detroit Pilot Boat to Port Huron Change Point, \$375.

(14) Between points on the St. Clair River, \$218.

(15) Port Huron Change Point to any point on the St. Clair River, \$267.

(c) District 3:

(1) Between the southerly limit of the District and the northerly limit of the District or the Algoma Steel Corp. Wharf at Sault Ste. Marie, Ontario, \$664.

(2) Between the southerly limit of the District and Sault Ste. Marie, Ontario or any point in Sault Ste. Marie, Ontario other than the Algoma Steel Corp. Wharf, \$557.

(3) Between the northerly limit of the District and Sault Ste. Marie, Ontario, including the Algoma Steel Corp. Wharf, or Sault Ste. Marie, Mich., \$250.

(4) For a moorage in any harbor, \$250.

2. By revising § 401.410(a) to read as follows:

§ 401.410 Basic rates and charges on undesignated waters.

(a) Except as provided under § 401.420 and subject to paragraph (b) of this section, the basic rates to be paid by a ship that has a U.S. registered pilot on board in the undesignated waters shall be: In Lake Ontario, \$133. In Lake Erie, \$174. In Lakes Huron, Michigan, and Superior, \$133.

For each 6 hour period or part thereof that the U.S. pilot is on board, plus \$127 for each time the U.S. pilot performs the docking or undocking of the ship.

3. By revising § 401.420 to read as follows:

§ 401.420 Cancellation, delay or interruption in rendition of services.

(a) When, in designated or undesignated waters, the passage of a ship is interrupted for the purpose of loading or discharging cargo or for any reason and the services of the U.S. pilot are retained during the interruption or when a U.S. pilot is detained on board a ship after the end of an assignment for the convenience of the ship, the ship shall pay an additional charge calculated on a basic rate of \$21 for each hour or part of an hour during which each interruption lasts with a maximum basic rate of \$322 for each 24 hour period during which the interruption continues. However, there is no charge for any interruption caused by ice, weather, or traffic, except during the period beginning the 1st of December and ending on the 8th of the following April. Additionally, no charge shall be made for any interruption if the total interruption ends during the 6 hour period for which a charge has been made under § 401.410.

(b) When, in designated or undesignated waters, the departure or moorage of a ship for which a U.S. pilot has been ordered is delayed for the convenience of the ship for more than one hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is later, the ship shall pay an additional charge calculated on a basic rate of \$21 for each hour or part of an hour after the first hour of the delay, with a maximum basic rate of \$322 for each 24 hour period of the delay.

(c) When, in designated or undesignated waters, a U.S. pilot reports for duty as ordered and the order is cancelled, the ship shall pay:

(1) A cancellation charge calculated on a basic rate of \$125.

(2) If the cancellation is more than one hour after the U.S. pilot reports for duty at the designated boarding point or after the time for which he is ordered, whichever is the later, a further charge calculated on a basic rate of \$21 for each hour or part of an hour after the first hour, with a maximum basic rate of \$322 for each 24 hour period.

4. By revising § 401.428 to read as follows:

§ 401.428 Basic rates and charges for carrying a U.S. pilot beyond normal change point.

If a U.S. pilot is carried beyond his normal change point or is unable to board at his normal boarding place, the U.S. pilot shall be paid at the rate of \$127 per day or part thereof, plus reasonable travel expenses to or from his base. These charges are not applicable if the ship utilizes the services of the U.S. pilot beyond his normal change point and the ship is billed for those services. The change points to which this section applies are designated in § 401.450.

(Sec. 4 and sec. 5, 74 Stat. 260 (46 U.S.C. 216b, 216c); sec. 6(a)(4), 80 Stat. 937, as amended (49 U.S.C. 1655(a)(4)); 49 CFR 1.46(a).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended; and OMB Circular A-107.

[FR Doc. 78-15928 Filed 6-7-78; 8:45 am]

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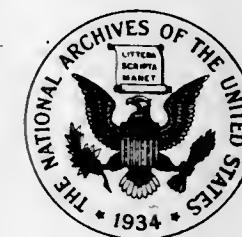
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THURSDAY, JUNE 8, 1978
PART IV



DEPARTMENT OF
TRANSPORTATION

Coast Guard

LIFESAVING EQUIPMENT
FOR GREAT LAKES
VESSELS

Exposure Suits Specifications

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 33, 35, 71, 75, 78, 91, 94, 97, 160, 189, 192, 196]

[CGD 76-33a]

LIFESAVING EQUIPMENT FOR GREAT LAKES VESSELS

Exposure Suits for Vessels Operating on the Great Lakes

AGENCY: Coast Guard, DOT.

ACTION: Proposed rules.

SUMMARY: The Coast Guard proposes to add a specification for exposure suits to the specifications in Part 160 for vessel lifesaving equipment. The proposal also contains requirements concerning the carriage, use, and inspection of exposure suits on the following vessels that operate on the Great Lakes:

- Tank Vessels (Subchapter D, Parts 33 and 35).
- Passenger Vessels (Subchapter H, Parts 71, 75, and 78).
- Cargo and Miscellaneous Vessels (Subchapter I, Parts 91, 94, and 97).
- Oceanographic Vessels (Subchapter U, Parts 189, 192, and 196).

The proposals are based in part upon a Coast Guard review of vessel casualties in the Great Lakes. The review showed that deaths in the casualties were attributable in part to complications resulting from exposure to cold water. Use of the proposed exposure suit would provide protection to the wearer while in cold water for an extended period and would serve as a protective garment if worn in a lifeboat or life raft.

DATES: Comments must be received on or before July 20, 1978.

ADDRESSES: 1. Comments should be submitted to Commandant (G-CMC/81), (CGD 76-33a), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

2. Copies of the comments reports, technical standards, Coast Guard publication (CG-473), and the draft evaluation discussed in this notice are available for examination at the above address.

3. Copies of Battelle Columbus Laboratories reports may be obtained from the National Technical Information Service, Springfield, Va. 22161.

4. Coast Guard publication CG-473 may be obtained from the Commandant (G-MMT-3/83), U.S. Coast Guard, Washington, D.C. 20590 or Superintendent of Documents, U.S. Gov-

ernment Printing Office, Washington, D.C. 20402.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 76-33a) and the specific sections of the proposal to which their comments apply, and give reasons for the comments. The proposal may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held at a time and place to be set in a later notice in the FEDERAL REGISTER if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Robert L. Markle and Lieutenant Commander Theodore J. Sampson, Project Managers, Office of Merchant Marine Safety, and William R. Register, Project Attorney, Office of the Chief Counsel.

BACKGROUND

On June 7, 1976, the Coast Guard published an advance notice of proposed rulemaking in the FEDERAL REGISTER (41 FR 22840) concerning proposals to amend the regulations governing lifesaving equipment on vessels operating on the Great Lakes. Nine proposals were described in the advance notice. The proposal concerning lights and reflectorized materials has since been expanded to cover all vessels regulated under Title 46 and was published as a notice of proposed rulemaking in the FEDERAL REGISTER of May 23, 1977 (42 FR 26229). The proposal concerning exposure suits is the subject of this notice of proposed rulemaking. The other proposals described in the advance notice of proposed rulemaking are still under consideration and may be the subjects of future rulemaking.

The notice of proposed rulemaking for lights and reflectorized materials contains proposed specifications for personal flotation device lights and retroreflective material. The proposed specification in this notice makes reference to these other proposed speci-

cations and proposes requirements concerning the use of lights and retroreflective material on an exposure suit.

DISCUSSION OF PROPOSED REGULATIONS

1. This notice proposes a specification for exposure suits and requirements concerning their carriage, inspection, and use on vessels that operate on the Great Lakes. The specification would be added to the lifesaving equipment specifications in Part 160 of Subchapter Q, Title 46. The requirements concerning carriage, use, and inspection would be added to the existing regulations in Subchapters D, H, I, and U for tank vessels, passenger vessels, cargo and miscellaneous vessels, and oceanographic vessels. The proposals in this notice are limited to Great Lakes vessels certificated under these Subchapters since the studies upon which the proposals are based were limited primarily to consideration of these types of vessels. However, it is recognized that the value of exposure suits in preventing death caused by exposure to cold water extends beyond the vessels covered by these proposed rules. Accordingly, similar requirements are currently under consideration for other types of Great Lakes vessels as well as for vessels in ocean, coastwise, and other service; and these additional requirements may be proposed at a later date.

2. The proposals in this notice are based primarily on projects done under a Coast Guard research and development program and the Great Lakes Extended Navigation Season Demonstration Program conducted by the U.S. Army Corps of Engineers. The Coast Guard participated in the Human Factors subgroup of the "Extended Season" program.

A Coast Guard review of vessel casualties in the Great Lakes, which was conducted in connection with participation in the "Extended Season" program, revealed that deaths in the casualties were attributable in part to hypothermia and other complications resulting from exposure to cold water. (The review is documented in a report entitled "Assessment of the Requirements for Survival on the Great Lakes" dated January 31, 1974 (NTIS report CG-D-55-74) and was prepared by Battelle Memorial Institute.) In order to determine the effectiveness of exposure suits in lessening the hazards involved with cold water exposure, the Coast Guard had studies performed for which the following reports were prepared:

(a) A report published by the University of Victoria on hypothermia research entitled "Man in Cold Water", dated June 30, 1975. This report estimates the survival time for a man in 44° F (7° C) water to be 2.44 hours when lightly clad, 4.10 hours when

heavily clad, and 8.53 hours when wearing the survival suit used in the test. The report also contains test results of a second type of survival suit showing that the heat loss rate of the second suit is half that of the survival suit on which the estimates of survival time are based. The estimates are based on men who are in good health, who are wearing personal flotation devices, and who are adopting "thermally-protective behavior" described in the report.

(b) A report entitled "Evaluation of Survival Suits for the Use of the Crews of Great Lakes Carriers" prepared by Battelle Columbus Laboratories, dated October 1973 (NTIS Report No. AD-785465/6). The report evaluates the effectiveness of four types of exposure suits.

The findings in these studies were used in developing the proposed specification. The approval tests in the proposed specification also adapt existing methods used by the Coast Guard in evaluating personal flotation devices.

3. The requirements and procedures set out in the proposed specification are essentially self-explanatory. However, additional explanation is provided concerning the thermal protection and buoyancy requirements, as follows:

(a) Proposed § 160.071-11(c) would require in part that an exposure suit be designed to limit the loss in body core temperature (represented by rectal temperature) to not more than 2° C (3.6° F) during a 6 hour period when a standard test subject is wearing the suit in freezing water. Proposed § 160.071-17(d)(1) describes the standard test subject as a male who is between 1.65 m (65 in.) and 1.85 m (73 in.) in height and who is not more than ten percent overweight or underweight for his height and physical type as determined by a physician or physiologist or from published physiological data. Different rates of temperature loss can be expected in the case of other types of test subjects. Also, death can be expected to occur if body core temperature drops 6° C (10.8° F) or more below normal body core temperature. An exposure suit that can limit body temperature drop to 2° C over a 6 hour period could be expected to keep the wearer alive about 18 hours in freezing water assuming that the rate of heat loss were constant. (However, a constant rate of heat loss is generally recognized to be an inexact assumption.) In contrast, a subject wearing no special exposure protection would probably survive less than an hour in freezing water.

(b) Proposed § 160.071-11(a) contains buoyancy requirements for an exposure suit. A suit designed in accordance with these requirements would perform the function of a life preserver to keep the wearer afloat. However,

the proposed regulations concerning carriage of exposure suits do not allow their substitution for life preservers though the advance notice of proposed rulemaking stated that this substitution was under consideration. An exposure suit could be used effectively in an abandon ship situation, regardless of weather and sea conditions, since hypothermia is a threat even in moderate water temperatures. The proposed suit is designed to provide protection both while in the water for an extended period and while in a lifeboat or life raft. However, the suit is not required to have self-righting characteristics required for a life preserver, and it would be somewhat cumbersome to wear on deck since it does not allow the same freedom of motion that a life preserver provides.

4. The proposed regulations for the carriage, use, and inspection of exposure suits are similar to the existing regulations for life preservers in Title 46 since the purposes of both sets of regulations are similar. However, there are significant differences between the proposed exposure suit requirements and the life preserver requirements including the following:

(a) The proposed regulations would allow exposure suits in use on a vessel before the effective date of the regulations to remain in use in lieu of exposure suits approved under Subpart 160.071 (as proposed in this notice) as long as they remained in serviceable condition. This provision would afford relief to vessel operators who have already provided exposure suits for persons on their vessels. With few exceptions, the life preserver regulations require all life preservers to be approved in accordance with current specifications for lifesaving equipment in Part 160 of Title 46.

(b) The proposed regulations contain requirements that exposure suits be stowed in work stations for persons assigned to the stations unless their staterooms, cabins, or berthing areas are in locations that are readily accessible to the work stations. The life preserver regulations, with the exception of the regulations for cargo and miscellaneous vessels, do not have comparable requirements. The purpose of these proposed requirements is to provide exposure suits for crew members who could not return to their staterooms, cabins, or berthing areas during an emergency to get the exposure suits stowed in those locations for their use.

(c) The proposed regulations contain provisions for advising passengers of the location of exposure suits and for making available to them copies of the instructions on donning and use of exposure suits. Similar requirements for life preservers are contained in the passenger vessel regulations but not in the regulations for tank vessels and

cargo and miscellaneous vessels. The proposed requirements would cover passengers on tank vessels and cargo and miscellaneous vessels, as well as passenger vessels. Because exposure suits are new equipment, there is a need to inform passengers of their purpose and method of donning and use so that they can be used properly in the event of an emergency.

(d) The proposed regulations provide that child size exposure suits must be stowed in a manner that prevents mistaking the suits for adult sizes. The life preserver regulations do not have a comparable requirement, except in the case of passenger vessels. Adult and child size suits are similar in outward appearance and, therefore, careful attention to the manner of stowage is essential to prevent mistaking one suit size for another.

(e) The proposed regulations for tank vessels, cargo and miscellaneous vessels, and oceanographic vessels require that each child on board a vessel be provided with a child size exposure suit. The life preserver regulations provide for children's life preservers but do not expressly require each child on board to be provided with one.

(f) The proposed regulations for passenger vessels require that enough adult size exposure suits be carried to equal 100 percent of the persons authorized to be carried during the Great Lakes winter season (September 16 through May 14). These proposed dates are the same as the dates that define the winter season for purposes of determining the number of lifeboats and life rafts required on most Great Lakes passenger vessels. The life preserver regulations also contain a 100 percent carriage requirement but do not distinguish between the winter and summer season and, thus, require carriage of a total number of life preservers that is significantly larger than the number of exposure suits proposed for these vessels. (The maximum number of persons authorized to be carried on a Great Lakes vessel during the summer season is larger than the number authorized for the winter season.) The proposed regulations do not require exposure suits for additional passengers carried during the summer season in order to minimize the economic impact of the requirements on vessel operators and still provide exposure suits for all passengers during the time of year when hazards associated with exposure to cold water are the greatest. As explained in paragraph 1 of this discussion, however, additional proposals concerning exposure suits are under consideration, including a proposal to require carriage of the exposure suits for the additional passengers authorized to be on board Great Lakes vessels during the summer season.

(g) The proposed regulations for passenger vessels also require that enough child size exposure suits be carried to equal ten percent of total number of passengers authorized to be carried during the winter season. The life preserver regulations have a ten percent carriage requirement for children but, as in the case of exposure suits for adult passengers, they do not distinguish between the winter and summer season. The proposal further provides that whenever the number of children on board during the winter season of operation exceeds ten percent of the number of passengers authorized during the winter season, an exposure suit must be provided for each additional child. These requirements are necessary to provide for passenger vessels carrying large groups of children on individual voyages during the winter season.

DISCUSSION OF COMMENTS TO ADVANCE NOTICE OF PROPOSED RULEMAKING

Several comments concerning exposure suits were received on the advance notice of proposed rulemaking. A discussion of the comments follows:

(a) One commenter suggested that consideration of personal exposure protection should not be limited to exposure clothing. The Coast Guard agrees with the commenter. In early 1976, the Coast Guard released a pamphlet entitled "Guide to Cold Water Survival" (Coast Guard Publication CG-473). This pamphlet was produced as part of the Coast Guard's research and development work under the Great Lakes Extended Navigation Season Demonstration Program. This pamphlet covers appropriate winter clothing for shipboard use as well as recommendations for survival of those who find themselves in cold water. This pamphlet has already been given wide distribution among Great Lakes mariners.

(b) One commenter, a Manufacturer of exposure suits, supported the proposal for the carriage of exposure suits. The company cited the record of lives lost at sea due to hypothermia and the success of their product in saving lives in vessel sinkings.

(c) One commenter, a naval architecture and marine engineering firm, suggested that exposure suits be coated with electrostatically applied aluminum as a visual and radar locating aid. The Coast Guard has experimented with similar materials and found them ineffective. Accordingly, the proposal has not been adopted.

(d) One commenter suggested that the potential benefits of the proposed regulations would not justify the costs involved. He stated further that the proposed regulations would not significantly improve the lifesaving capabilities of his Great Lakes vessels, that the existing equipment and operating

practices on his vessels are adequate, and that millions of people have used his vessels for more than 60 years without the loss of life.

The economic impact of these requirements has been analyzed under existing guidelines, and a summary of that analysis is provided in this preamble. Based on the analysis, the Coast Guard has determined that the costs associated with this proposal do not outweigh the benefits in using exposure suits. Carriage of exposure suits in addition to life preservers would significantly improve the lifesaving capabilities of Great Lakes vessels because of the protection they would provide to survivors of a vessel casualty while in a cold water environment. Though the commenter states that his vessels have an excellent safety record, the potential for a vessel casualty on his and other Great Lakes vessels still remains.

(e) Two commenters recommended that research be continued to develop a safe, workable garment before regulations are issued. One of the commenters stated that a practical exposure suit should be designed so that it—

- (1) Will not deteriorate in storage;
- (2) Will not require individual fitting;
- (3) Can be easily stowed but still readily available; and
- (4) Can be donned quickly without assistance.

As previously discussed, studies concerning the effectiveness of exposure suits have been conducted and the proposed specification is based on these studies. The exposure suit described in the proposed specification meets the criteria suggested by the commenter.

(f) The Norwegian Maritime Directorate commented on the need for exposure suits and stated that it has recently approved a suit for emergency use and for use while working on board and that it is working on the development of another suit for use specifically in an emergency. As explained previously, the suit described in this notice of proposed rule making could be used as a protective garment both in the water and in a lifeboat or life raft, but would be somewhat cumbersome to wear while on deck.

SUMMARY OF DRAFT EVALUATION

A draft evaluation has been prepared for this proposal in accordance with Department of Transportation Notice 78-1 entitled "Improving Government Regulations" (43 FR 9582-9584). DOT Notice 78-1 requires that the evaluation quantify, to the extent practicable, the estimated cost of the proposed regulations to the private sector, consumers, Federal, State and local governments, and the anticipated

benefits and impact of the regulations. The proposed regulations would affect 189 U.S.-flag vessels operating on the Great Lakes. Under these regulations, the affected vessels would need a total of approximately 13,000 exposure suits. Assuming the cost of each suit to be \$200, the total cost to outfit all of the affected vessels would be about \$2.8 million. The primary benefits to be derived from this proposal would be the prevention of injury and death from exposure to cold water as a result of abandoning a vessel in distress.

In consideration of the foregoing, the Coast Guard proposes to amend Chapter I of Title 46, Code of Federal Regulations, as follows:

PART 33—LIFESAVING EQUIPMENT

1. By adding a new Subpart 33.37 to read as follows:

Subpart 33.37—Exposure Suits

Sec.

33.37-1 Applicability—TB/L.

33.37-5 Number and type required—TB/L.

33.37-10 Shipboard inspections—TB/L.

33.37-15 Stowage containers—TB/L.

AUTHORITY: R.S. 4405, as amended, 4417a, as amended, 4462, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 375, 391a, 416, 49 U.S.C. 1655(b); 49 CFR 1.46(b), (35 FR 4959). Interpret or apply R.S. 4488, as amended, sec. 3, 68 Stat. 875; 46 U.S.C. 481, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 FR 9671, 3 CFR, 1965 Supp.

§ 33.37-1 Applicability—TB/L.

This subpart applies to each tank vessel that operates on the Great Lakes.

§ 33.37-5 Number and type required—TB/L.

(a) Each tank vessel must carry an exposure suit for each person on board.

(b) In addition to the exposure suits required by paragraph (a) of this section, the engine room, pilothouse, bow lookout, and each work station must have enough exposure suits to equal the number of persons normally on watch in, or assigned to, the station at one time. However, an exposure suit need not be provided at a watch or work station for a person whose cabin, stateroom, or berthing area (and the exposure suits stowed in that location) is readily accessible to the work station.

(c) Except as provided in paragraph (d) of this section, each exposure suit on a tank vessel must be of a type approved under Subpart 160.071 of this chapter.

(d) An exposure suit in use on a vessel before [the effective date of these regulations] may remain in use on the vessel in place of an exposure suit approved under Subpart 160.071 of this chapter as long as it remains in serviceable condition.

§ 33.37-10 Shipboard inspections—TB/L.

(a) At each inspection for certification, and more often if necessary, a marine inspector inspects each exposure suit to determine its serviceability.

(b) Each exposure suit found not to be in a serviceable condition must be removed from the vessel.

§ 33.37-15 Stowage containers—TB/L.

No stowage container for exposure suits may be capable of being locked.

PART 35—OPERATIONS

2. By adding a new § 35.10-6 to read as follows:

§ 35.10-6 Exposure suits—TB/L.

The master or person in charge of a tank vessel that operates on the Great Lakes shall ensure that—

(a) Each crew member wears an exposure suit in at least one fire and boat drill per month;

(b) In each fire and boat drill, each passenger on board is instructed in the use of exposure suits; and

(c) Each passenger is told at the beginning of the voyage where exposure suits are stowed on board and is encouraged to read the instructions for donning and use of exposure suits.

3. By adding a new § 35.30-50 to read as follows:

§ 35.30-50 Stowage of exposure suits—TB/L.

The master or person in charge of a tank vessel that operates on the Great Lakes shall ensure that—

(a) Each exposure suit required by § 33.37-5(a) is stowed in a readily accessible location in or near the berthing area of the person for whom the exposure suit is provided;

(b) Each exposure suit required by § 33.37-5(b) for a watch or work station is stowed in a readily accessible location in or near the station; and

(c) Each child size exposure suit is stowed in a manner that prevents mistaking it for an adult size.

4. By adding a new § 35.30-55 to read as follows:

§ 35.30-55 Child size exposure suit—TB/L.

The master or person in charge of a tank vessel that operates on the Great Lakes shall ensure that children, when carried, are provided with child size exposure suits.

5. In § 35.40-40(a), by inserting the words "exposure suits," between the words "life preservers," and "EPIRB". As amended, § 35.40-40(a) would read as follows:

§ 35.40-40 Vessel's name on equipment—TB/ALL.

(a) The equipment of all tank vessels, such as fire hoses, fire axes, life-

boats, life rafts, life preservers, exposure suits, EPIRB's, and buoyant apparatus, shall be painted or branded with the name of the vessel upon which they are used, except that inflatable life rafts shall be marked in accordance with § 33.25-10.

PART 71—INSPECTION AND CERTIFICATION

6. By adding a new § 71.25-15(b) to read as follows:

§ 71.25-15 Lifesaving equipment.

(b) At each inspection for certification, and more often if necessary, a marine inspector inspects each exposure suit to determine its serviceability. Each exposure suit found not to be in a serviceable condition must be removed from the vessel.

PART 75—LIFESAVING EQUIPMENT

7. By revising § 75.40-25 to read as follows:

§ 75.40-25 Notices.

The notices described in §§ 78.47-47 (a)(2) and (a)(3) of this chapter must be posted in each passenger cabin and stateroom and in conspicuous places about the decks.

8. By adding a new Subpart 75.41 to read as follows:

Subpart 75.41—Exposure Suits

Sec.

75.41-1 Applicability.

75.41-5 Number and type required.

75.41-10 Stowage containers.

AUTHORITY: R.S. 4405, as amended, 4462, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b); 49 CFR 1.46(b) (35 FR 4959). Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 875; 46 U.S.C. 391, 392, 404, 481, 489, 395, 363, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 FR 9671, 3 CFR, 1965 Supp.

§ 75.41-1 Applicability.

This subpart applies to each vessel that operates on the Great Lakes.

§ 75.41-5 Number and type required.

(a) Each vessel must carry an adult size exposure suit for each person authorized to be carried during the Great Lakes winter season (September 16 through May 14).

(b) In addition to the exposure suits required by paragraph (a) of this section, the engine room, pilothouse, bow lookout, and each work station must

have enough exposure suits to equal the number of persons normally on watch in, or assigned to, the station at one time. However, an exposure suit need not be provided at a watch or work station for a person whose cabin, stateroom, or berthing area (and the exposure suits stowed in that location) is readily accessible to the work station.

(c) Each vessel must carry enough child size exposure suits to equal 10 percent of the number of suits required by paragraph (a) of this section.

(d) Except as provided in paragraph (e) of this section, each exposure suit on a vessel must be of a type approved under Subpart 160.071 of this chapter.

(e) An exposure suit in use on a vessel before [the effective date of these regulations] may remain in use on the vessel in place of an exposure suit approved under Subpart 160.071 of this chapter as long as it remains in serviceable condition.

§ 75.41-10 Stowage containers.

(a) No stowage container for exposure suits may be capable of being locked.

(b) Exposure suits stowed overhead must be supported in a manner that allows quick release for distribution.

(c) If exposure suits are stowed more than (2.1 m) (7 ft.) above the deck, a means for quick release must be provided and must be capable of operation from the deck.

PART 78—OPERATIONS

9. By revising § 78.13-5(a)(4)(ii) to read as follows:

§ 78.13-5 Duties of crew.

- (a) . . .
- (4) . . .

(ii) Seeing that the passengers are dressed and have put on their life preservers or exposure suits correctly.

10. By adding a new § 78.17-52 to read as follows:

§ 78.17-52 Exposure suits.

The master of each vessel in Great Lakes service shall ensure that—

(a) Each crew member wears an exposure suit in at least one fire and boat drill per month; and

(b) In each fire and boat drill, each passenger is instructed in the use of exposure suits.

11. By revising paragraphs (a), (a)(3), and (b) of § 78.47-47 to read as follows:

§ 78.47-47 Stateroom notices.

(a) Notices must be conspicuously posted in each passenger cabin and stateroom and, except as provided in

paragraph (b) of this section, must contain the following information:

(3) The stowage location of exposure suits and instructions for their donning and use.

(b) On each vessel that operates on the Great Lakes, the third paragraph of the notice required by paragraph (a)(1) of this section must read as follows:

THE OCCUPANTS OF THIS ROOM ARE ASSIGNED TO LIFEBOAT NO. —. ALL PASSENGERS ARE REQUIRED TO PUT ON LIFE PRESERVERS OR EXPOSURE SUITS AND GO TO THEIR LIFEBOAT STATIONS WHENEVER THE GENERAL ALARM BELLS RING.

12. By adding a new § 78.47-51 to read as follows:

§ 78.47-51 Exposure suits.

Each container or other location for stowage of exposure suits must be plainly marked in letters and figures at least two inches high with the label "EXPOSURE SUITS", the number of suits, and their sizes.

13. In § 78.47-65, by deleting the paragraph symbol "(a)" at the beginning of the section and by revising the heading and first sentence. As amended, § 78.47-65 reads as follows:

§ 78.47-65 Life preservers, exposure suits, and ring life buoys.

Each life preserver, exposure suit, and ring life buoy must be marked with the vessel's name. For vessels on an international voyage, the vessel's port of registry must be added in similar type letters on all ring life buoys.

14. By adding a new Subpart 78.87 to read as follows:

Subpart 78.87—Exposure Suits

Sec.
78.87-1 Applicability.
78.87-5 Stowage of exposure suits.
78.87-10 Additional child size exposure suits.

AUTHORITY: R.S. 4405, as amended, 4462, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b); 49 CFR 1.46(b) (35 FR 4959). Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 62, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 395, 363, 367, 1333, 390(b); 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 FR 9671, 3 CFR, 1965 Supp.

§ 78.87-1 Applicability.

This subpart applies to each vessel that operates on the Great Lakes.

§ 78.87-5 Stowage of exposure suits.

The master of a vessel shall ensure that—

(a) Each exposure suit required by

berthed passenger is stowed in a readily accessible location in or near his or her berthing area;

(b) Each exposure suit required by § 75.41-5(b) for a watch or work station is stowed in a readily accessible location in or near the station;

(c) Each other exposure suit required by § 75.41-5 is stowed in a conspicuous, readily accessible location that is on deck or otherwise open to passengers; and

(d) Each child size exposure suit is stowed in a manner that prevents mistaking it for an adult size.

§ 78.87-10 Additional child size exposure suits.

If during the Great Lakes winter season (September 16 through May 14) the number of children on board exceeds the number of child size exposure suits required by § 75.41-5(c), the master of the vessel shall ensure that enough additional exposure suits of a child size are on board the vessel to provide one for each child.

PART 91—INSPECTION AND CERTIFICATION

15. By adding a new § 91.25-15(b) to read as follows:

§ 91.25-15 Lifesaving equipment.

(b) At each inspection for certification, and more often if necessary, a marine inspector inspects each exposure suit to determine its serviceability. Each exposure suit found not to be in a serviceable condition must be removed from the vessel.

PART 94—LIFESAVING EQUIPMENT

16. By adding a new Subpart 94.41 to read as follows:

Subpart 94.41—Exposure Suits

Sec.
94.41-1 Applicability.
94.41-5 Number and type required.
94.41-10 Stowage containers.

AUTHORITY: R.S. 4405, as amended, 4462, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 375, 416, 49 U.S.C. 1655(b); 49 CFR 1.46(b) (35 FR 4959). Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 62, 49 Stat. 1544, 1545, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 70 Stat. 152, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 395, 363, 367, 1333, 390(b); 50 U.S.C. 198; E.O. 11239, July 31, 1965, 30 FR 9671, 3 CFR, 1965 Supp.

§ 94.41-1 Applicability.

This subpart applies to each vessel that operates on the Great Lakes.

§ 94.41-5 Number and type required.

(a) Each vessel must carry an expo-

(b) In addition to the exposure suits required by paragraph (a) of this section, the engine room, pilothouse, bow lookout, and each work station must have enough exposure suits to equal the number of persons normally on watch in, or assigned to, the station at one time. However, an exposure suit need not be provided at a watch or work station for a person whose cabin, stateroom, or berthing area (and the exposure suits stowed in that location) is readily accessible to the work station.

(c) Except as provided by paragraph (d) of this section, each exposure suit on a vessel must be of a type approved under Subpart 160.071 of this chapter.

(d) An exposure suit in use on a vessel before [the effective date of these regulations] may remain in use on the vessel in place of an exposure suit approved under Subpart 160.071 of this chapter as long as it remains in serviceable condition.

§ 94.41-10 Stowage containers.

(a) No stowage container for exposure suits may be capable of being locked.

(b) Exposure suits stowed overhead must be supported in a manner that allows quick release for distribution.

(c) If exposure suits are stowed more than 2.1 m (7 ft.) above the deck, a means for quick release must be provided and must be capable of operation from the deck.

PART 97—OPERATIONS

17. By revising § 97.13-10(a)(4)(ii) to read as follows:

§ 97.13-10 Duties of crew.

(a) * * *
(4) * * *
(ii) Seeing that the passengers are dressed and have put on their life preservers or exposure suits correctly.

18. By adding a new § 97.15-37 to read as follows:

§ 97.15-37 Exposure suits.

The master of a vessel that operates on the Great Lakes shall ensure that—

(a) Each crew member wears an exposure suit in at least one fire and boat drill per month;

(b) In each fire and boat drill, each passenger on board is instructed in the use of exposure suits; and

(c) Each passenger is told at the beginning of the voyage where exposure suits are stowed on board and is encouraged to read the instructions for donning and use of the exposure suits.

19. In § 97.37-43, by revising the heading and paragraph (a) to read as

§ 97.37-43 Life preservers, exposure suits, wood floats, and ring life buoys.

(a) Each life preserver, exposure suit, wood float, and ring life buoy must be marked with the vessel's name.

20. By adding a new Subpart 97.85 to read as follows:

Subpart 97.85—Exposure Suits

Sec.
97.85-1 Applicability.
97.85-5 Stowage of exposure suits.
97.85-10 Child size exposure suits required.

AUTHORITY: R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, sec. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 3, 68 Stat. 675, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 391, 392, 404, 435, 395, 363, 367, 50 U.S.C. 198, 49 U.S.C. 1655(b); E.O. 11239, July 31, 1965, 30 FR 9671, 3 CFR, 1965 Supp.; 49 CFR 1.46(b) (35 FR 4959).

§ 97.85-1 Applicability.

This subpart applies to each vessel that operates on the Great Lakes.

§ 97.85-5 Stowage of exposure suits.

The master or person in charge of a vessel shall ensure that—

(a) Each exposure suit required by § 94.41-5(a) is stowed in a readily accessible location in or near the berthing area of the person for whom the exposure suit is provided;

(b) Each exposure suit required by § 94.41-5(b) for a watch or work station is stowed in a readily accessible location in or near the station; and

(c) Each child size exposure suit is stowed in a manner that prevents mistaking it for an adult size.

§ 97.85-10 Child size exposure suit required.

The master or person in charge of a vessel shall ensure that children, when carried, are provided with child size exposure suits.

PART 160—LIFESAVING EQUIPMENT

21. By adding a new Subpart 160.071 to read as follows:

Subpart 160.071—Exposure Suits

Sec.
160.071-1 Scope.
160.071-3 Applicable regulations and standards.
160.071-5 Independent laboratory.
160.071-7 Approval procedure.
160.071-9 Construction.
160.071-11 Performance.
160.071-13 Storage case.
160.071-15 Instructions.
160.071-17 Approval testing for adult size exposure suits.

Sec.
160.071-19 Approval testing for child size exposure suit.
160.071-21 Test report.
160.071-23 Marking.
160.071-25 Production testing.

§ 160.071-1 Scope.

This subpart contains approval procedures, construction and performance requirements, and approval tests for adult and child exposure suits that are designed to prevent shock upon entering cold water and lessen the effect of hypothermia (body heat loss during long periods of immersion).

§ 160.071-3 Applicable regulations and standards.

(a) This subpart makes reference to the following Coast Guard regulations:

(1) Subpart 161.012 of this chapter (Personal Flotation Device Lights).

(2) Subpart 164.018 of this chapter (Retro-reflective Material for Lifesaving Equipment).

(b) This subpart makes reference to the following standards of the American Society for Testing and Materials:

(1) ASTM B 117-73, Standard Method of Salt Spray (Fog) Testing.

(2) ASTM C 177-76, Standard Test Method for Steady-State Thermal Transmission Properties by Means of the Guarded Hot Plate.

(3) ASTM C 518-76, Standard Test Method for Steady-State Thermal Transmission Properties by Means of the Heat Flow Meter.

(4) ASTM D 1004-66, Tear Resistance of Plastic Film and Sheeting.

(c) This subpart makes reference to the following Federal Standards:

(1) Federal Test Method Standard No. 191, Method 5304.1, Abrasion Resistance of Cloth; Oscillatory Cylinder (Wyzenbeek) Method, dated July 9, 1971.

(2) Federal Standard No. 751a, Stitches, Seams, and Stitchings, dated January 25, 1965.

(d) The standards listed in paragraphs (b) and (c) of this section may be obtained as follows:

(1) ASTM standards may be purchased from the American Society for Testing and Materials, 1916 Race St. Philadelphia, Pa. 19103.

(2) The Federal Standards may be purchased from the Business Service Center, General Services Administration, Washington, D.C. 20407 or from any other regional General Services Administration Business Service Center.

(e) When changes are made in the standards listed in paragraphs (b) and (c) of this section, the effective date for their use will be the effective date set by the issuing authority unless otherwise determined by the Coast Guard.

§ 160.071-5 Independent laboratory.

(a) The approval and production

ed by, or under the supervision of, an independent laboratory.

(b) To be an independent laboratory, a laboratory must—

(1) Be regularly engaged in inspecting and testing marine materials and equipment; and

(2) Not be owned or controlled by a manufacturer or vendor of exposure suits or by a supplier of materials to the manufacturer.

§ 160.071-7 Approval procedure.

(a) General. An exposure suit is approved by the Coast Guard if it passes the approval tests and meets the construction and performance requirements of this subpart.

(b) Application for approval. An application for approval of an exposure suit must be sent to the Commandant (G-MMT-3/83), U.S. Coast Guard, Washington, D.C. 20590.

(c) Contents of application. An application for approval of an exposure suit must include the following:

(1) Two sets of plans describing the suit.

(2) The name of a proposed independent laboratory and a description of the laboratory's qualifications to conduct or supervise approval tests.

(3) An approval test plan describing in detail the proposed test procedures, apparatus, and facilities.

(d) Preliminary review. The Coast Guard examines the information submitted in the application and determines whether the proposed independent laboratory is acceptable to conduct or supervise the approval tests. The Coast Guard notifies the applicant of the results of this examination and determination.

(e) Approval testing. The applicant must make arrangements for the approval tests directly with the independent laboratory. Each approval test must be conducted in accordance with § 160.071-17 or § 160.071-19.

(f) Submission of test report and plans. After the approval tests are completed, the applicant must send the test report and three sets of plans to the Commandant (G-MMT-3/83). Each set of plans must include the following:

(1) An assembly drawing or general arrangement drawing.

(2) Detailed drawings showing components of the suit.

(3) For each drawing, a bill of materials or parts list containing a description of each component not detailed on the drawing.

(4) A list identifying the current revision and revision date of each drawing submitted.

(5) A detailed description of the quality control procedure used in producing the suit.

(6) A copy of the instructions described in § 160.071-15(a).

and plans and advises the applicant whether the exposure suit is approved. If the suit is approved, a certificate of approval and one copy of the approved plans are sent to the applicant.

(h) *Approval of child size suit.* No child size suit will be approved unless the adult size of the suit has been approved.

§160.071-9 Construction.

(a) *General.* Each exposure suit must be constructed primarily of a closed-cell flexible foam that meets the buoyancy and thermal insulation requirements in §160.071-11 (a) and (c). Each suit must be designed to cover the wearer's entire body, except for the area of the nose and eyes.

(b) *Impact resistance and body strength.* The body of each adult size suit must be designed so that it is not damaged when tested as prescribed in §160.071-17 (c)(11) and (j). The body of each child size suit must be designed so that it is not damaged when tested as prescribed in §160.071-19(c).

(c) *Seams.* Stitching used in each structural seam of an exposure suit must be lock type stitching that meets the requirements in Federal Standard No. 751a for one of the following:

- (1) Class 300 Lockstitch.
- (2) Class 400 Multithread chain stitch.
- (3) Class 700 Single thread lockstitch.

(d) *Seam strength.* Each seam must have a strength of at least 225 N(50 lb.).

(e) *Closures and seals.* Each closure and seal must be designed so that the suit can meet the water penetration requirements of §160.071-11(f).

(f) *Hardware.* All hardware of an exposure suit must be of a size and design that allows ease of operation by the wearer. The hardware must be attached to the suit in a manner that allows the wearer to operate it easily and that prevents it from attaining a position in which it can be operated improperly.

(g) *Metal parts.* Each metal part of an exposure suit must be—

- (1) 410 stainless steel or have salt water and salt air corrosion characteristics equal or superior to 410 stainless steel; and
- (2) Galvanically compatible with each other metal part in contact with it.

(h) *Suit exterior.* The primary color of the exterior surface of each suit must be international orange. The exterior surface of the suit must not tear or abrade when tested as prescribed in §§160.071-17 (l) and (m).

(i) *Buoyant materials and compartments.* Buoyant materials used in a suit must not be loose or granular. The suit must not have an inflated or inflatable compartment, except as prescribed in §160.071-11(a)(3).

(j) *Hand and arm construction.* The hand of each suit must be a glove that allows sufficient dexterity for the wearer to pick up a 9.5 mm ($\frac{3}{8}$ in.) diameter wooden pencil from a table and write with it. The glove may not be removeable unless it is attached to the arm and unless it can be secured to the arm or stowed in a pocket on the arm when not in use. A removeable glove must be designed so that only a small amount of water can enter the glove during use. Each arm with a removeable glove must have a wristlet seal that meets paragraph (e) of this section.

(k) *Leg construction.* Each suit must be designed to prevent air from becoming trapped in its legs when the wearer enters the water headfirst.

(l) *Foot construction.* Each leg of a suit must have a foot that has a hard sole or enough room for a work shoe to be worn inside. The sole of each foot must be—

(1) Natural or synthetic rubber that is ribbed or bossed for skid resistance; and

(2) Designed to prevent the wearer from slipping when the suit is tested as prescribed in §160.071-17(c)(5).

(m) *Size.* Each adult suit must fit adult males and females ranging in weight from 40 kg (88 lb.) to 150 kg (330 lb.) and in height from 1,500 mm (59 in.) to 1,900 mm (75 in.). Each child size suit must fit children ranging in weight from 20 kg (44 lb.) to 40 kg (88 lb.) and in height from 1,000 mm (39 in.) to 1,500 mm (59 in.). Each suit must be capable of being worn comfortably over clothing and must not restrict the wearer's motion. The suit size and design must allow successful completion of the mobility tests prescribed in §§160.071-17(c)(2) through (c)(7).

(n) *Retro-reflective material.* Each exposure suit must be fitted with Type I retro-reflective material that meets Subpart 164.018 of this chapter. When the wearer of an exposure suit is in the face-up, stable floating position described in §160.071-11(a)(2), at least 200 sq. cm (31 sq. in.) of the material must be visible above water to observers at water level directly in front of the wearer and directly behind the wearer.

(o) *PFD light.* Each exposure suit must be designed so that a light meeting the requirements of Subpart 161.012 of this chapter can be attached to its front shoulder area and so that the light when attached does not damage the suit and cannot adversely affect its performance. If the manufacturer of the suit designates a specific location for the light, or designates a specific model light, this information must be clearly printed on the suit or in the instructions prescribed by §160.071-15(c).

§160.071-11 Performance.

(a) *Buoyancy.* Each suit must meet the following buoyancy requirements:

(1) The buoyancy of each adult size suit must be at least 100 N(22 lb.). The buoyancy of each child size suit must be at least 50 N(11 lb.).

(2) Each suit must have a stable floating position in which the mouth and nose of the wearer are at least 50 mm (2 in.) above the surface of the water.

(3) If this stable floating position is horizontal or nearly so, or if the mouth and nose of the wearer are less than 100 mm (4 in.) above the surface of the water in the stable position, an auxiliary means of buoyancy such as an inflatable bladder must be provided for changing from the horizontal position to a more upright stable floating position. When using the auxiliary means of buoyancy, the mouth and nose of the wearer must be at least 100 mm (4 in.) above the surface of the water, and the torso must be inclined slightly backward from the upright position.

(4) The buoyancy of any auxiliary means of buoyancy must not be counted when determining the buoyancy of the suit.

(b) *Righting.* The suit must be designed to turn the wearer from a face-down position to a face-up position within 10 seconds or to allow the wearer without assistance to turn himself from a face-down position to a face-up position within 5 seconds. If a suit has an auxiliary means of buoyancy, the suit must be designed to meet this requirement when the auxiliary means of buoyancy is used and when it is not used.

(c) *Thermal protection.* The suit must be designed to protect against loss of body heat as follows:

(1) The thermal conductivity of the suit material when submerged 1 m (39 in.) in water must be less than or equal to that of a control sample of 4.75 mm ($\frac{3}{16}$ in.) thick, closed-cell neoprene foam. The control sample of foam must have a thermal conductivity of not more than 0.418 watt/meter-degrees K (2.90 Btu-in./hr.-sq. ft.-°F) when determined by ASTM C 177 or ASTM C 518.

(2) The suit must be able to pass the thermal protection test prescribed in §160.071-17(d)(6).

(d) *Donning time.* Each suit must be designed so that a person can don the suit correctly within one minute after reading the donning and use instructions described in §160.071-15(a).

(e) *Vision.* Each suit must be designed to allow unrestricted vision throughout an arc of 60° to either side of the wearer's straight-ahead line of sight when the wearer's head is turned to any angle between 30° to the right and 30° to the left. Each suit must be designed to allow a standing wearer to

move his head and eyes up and down far enough to see both his feet and a spot directly overhead.

(f) *Water penetration.* An exposure suit must not retain more than 5 kg (11 lb.) of water when tested for water penetration as prescribed in §160.071-17(c)(10).

(g) *Splash protection.* Each suit must have a means to prevent water spray from directly entering the wearer's mouth and nostrils.

(h) *Storage temperature.* Each suit must be designed so that it will not be damaged by storage in its storage case at any temperature between minus 20° C (minus 4° F) to 60° C (140° F).

(i) *Flame exposure.* Each suit must be designed to be useable after two seconds contact with a gasoline fire.

§160.071-13 Storage case.

(a) Each suit must have a storage case made of vinyl coated cloth or material that provides an equivalent measure of protection to the suit.

(b) Each storage case must be designed so that it is still useable after two seconds contact with a gasoline fire.

§160.071-15 Instructions.

(a) Each suit must have instructions for its donning and use in an emergency. The instructions must be in English and must not exceed 50 words. Illustrations must be used in addition to the words.

(b) The instructions required by paragraph (a) of this section must be on the exterior of the storage case or printed on a waterproof card attached to the storage case or to the suit. These instructions must also be available in a form suitable for mounting on a bulkhead of a vessel.

(c) In addition to the instructions required by paragraph (a) of this section, each suit must have instructions on care and repair of the suit and any additional, necessary information concerning stowage and use of the suit on a vessel.

§160.071-17 Approval testing for adult size exposure suit.

CAUTION: During each of the in-water tests prescribed in this section, a person ready to render assistance when needed should be near each subject in the water.

(a) *General.* Each adult size exposure suit must be tested as prescribed in this section. If the suit is also made in a child size, the child size suit must be tested as prescribed in §160.071-19.

(b) *Test samples.* Each test prescribed in this section may be performed by using as many exposure suits as are needed to make efficient use of the test subjects and test equipment, except that each subject in the impact test described in §160.071-17(c)(11) must not use more than one suit during the test.

(c) *Mobility and flotation tests.* The mobility and flotation capabilities of each exposure suit must be tested under the following conditions and procedures:

(1) *Test subjects.* Seven males and three females must be used in the tests described in this paragraph. The subjects must represent each of the three physical types (ectomorphic, endomorphic, and mesomorphic). Each subject must be in good health. The heaviest male subject must weigh at least 25 kg (55 lb.) more than the lightest male subject. The heaviest female subject must weigh at least 25 kg (55 lb.) more than the lightest female subject. Each subject must be unfamiliar with the specific suit under test. Each subject must wear a swimming suit for the in-water tests and ordinary street clothing or work clothing for the other tests.

(2) *Donning time.* Each subject is removed from the view of the other subjects and allowed one minute to examine a suit and the manufacturer's instructions for donning and use of the suit in an emergency. At the end of this period, the subject attempts to don the suit as rapidly as possible without the aid of a chair or any support to lean on; however, the subject does not don the suit completely, including gloves and any other accessories, within 60 seconds, the subject removes the suit, examines the instructions for another minute, and again attempts to don the suit. At least nine of the ten subjects must be able to don the suit completely in 60 seconds in at least one of the two attempts.

(3) *Field of vision.* The exposure suit's field of vision must be tested as follows:

(i) While wearing a suit, each subject stands upright and faces straight ahead. An observer is positioned to one side of the subject at an angle of 60° away from the subject's straight-ahead line of sight. The observer must be able to see the subject's closest eye at this position. The observer then walks past the front of the subject to a position on the subject's other side that is at an angle of 60° away from his straight-ahead line of sight. The suit must not obstruct the observer's view of the subject's eyes at any point between the two positions.

(ii) While wearing the suit, each subject stands upright and faces straight ahead. An observer is positioned to one side of the subject at an angle of 90° away from the subject's straight-ahead line of sight. The subject then turns his head through an arc of 30° toward the position of the observer. This procedure is repeated with the observer positioned on the other side of the subject of an angle of 90° away from the subject's straight-ahead line of sight. The suit must not obstruct

the observer's view of the subject's eyes when the subject's head is turned 30° toward the observer.

(4) *Hand dexterity.* While wearing a suit, including a removable glove if any, each subject must be able to pick up a 9.5 mm ($\frac{3}{8}$ in.) diameter wooden pencil from a flat hard surfaced table using only one hand. Still using only one hand, the subject must be able to position the pencil and write with it. At least eight of the ten test subjects must be able to complete this test.

(5) *Walking.* A 30 m (100 ft.) long walking course must be laid out on a smooth linoleum floor. The finish on the floor must allow water to lie on it in a sheet rather than in beads. The course may have gradual turns, but must not have any abrupt change in direction. Each subject is timed walking the course five times at a normal pace with the floor dry. Each subject then dons a suit and is timed again walking the course five times with the floor wet. The subject is given adequate rest periods between trials to avoid fatigue. The subject must not slip on the wet floor when wearing the suit. The average time for each subject to walk the course while wearing the suit must be not more than 1.25 times the subject's average time to walk the course without the suit.

(6) *Climbing.* A vertical ladder extending at least 5 meters (17 feet) above a level floor must be used for this test. Each subject is timed five times climbing the ladder to a rung at least 3 meters (10 feet) above the floor. The subject then dons a suit and is again timed five times climbing to the same rung. The subject is given adequate rest periods between trials to avoid fatigue. The average time for each subject to climb the ladder while wearing the suit must be not more than 1.25 times the subject's average time to climb the ladder without the suit.

(7) *Water emergence.* A pool with a wooden platform at one side must be used for this test. The platform must be 300 mm (1 ft.) above the water surface and must not float on the water. The platform must have a smooth painted surface.

Each subject enters the water without a suit and swims or treads water for approximately two minutes. The subject must then be able to emerge from the pool onto the platform using only his or her hands on top of the platform as an aid and without pushing off of the bottom of the pool. Any subject unable to emerge onto the platform within 30 seconds is disqualified for this test. At least five subjects must qualify and be used for this test. If less than five subjects of the original ten qualify, substitute subjects may be used. Each qualified subject dons the suit with all closures open and without any auxiliary means of

buoyancy. The subject then enters the water feet first and swims or treads water for two minutes. During this period the subject allows water to enter the suit but does not attempt to flood the suit to its capacity. After the two minute period, the subject closes each of the suit closures. The subject must then be able to emerge from the pool onto the platform, using only his or her hands on top of the platform as an aid, and without pushing off the bottom of the pool.

(8) *Stability and retro-reflective material.* While wearing a suit in water without any auxiliary means of buoyancy, each subject assumes a face-up position and then allows his or her body to become limp. The distance from the water surface to the lowest part of the subject's mouth or nose is measured. For each test subject, the stable position and the distance of the mouth and nose above water must be as prescribed in § 160.071-11(a)(2). This procedure is repeated using the auxiliary means of buoyancy, if one is provided. For each test subject the stable position and the distance of the mouth and nose above the water must be as prescribed in § 160.071-11(a)(3). During this test, each subject must be viewed by observers at water level from the front and back to determine whether the retroreflective material of the suit meets § 160.071-9(n).

(9) *Righting.* Each subject while wearing a suit in water without any auxiliary means of buoyancy takes a deep breath, assumes a face-down position, allows his or her body to become limp, and slowly expels air. The suit must cause the subject to turn face up within 10 seconds; or if the suit does not turn the subject within 10 seconds, the subject must be able to turn face up under his or her own power within 5 seconds. The procedure is repeated using the auxiliary means of buoyancy, if one is provided.

(10) *Water and air penetration.* Each subject is weighed while wearing a completely dry suit without any auxiliary means of buoyancy. The subject jumps into water from a height that will cause the subject to be completely immersed. The subject swims or treads water for approximately one minute, emerges from the water, and is weighed within 10 seconds after emerging. The procedure is repeated with the subject entering the water headfirst. As the subject enters the water headfirst, air that accumulates in the leg must be expelled automatically. At the end of this test, the weight of the subject in the wet suit must not exceed the dry weight of the subject and suit by more than 5 kg (11 lb.).

(11) *Impact.* While wearing a suit without any auxiliary means of buoyancy, each subject jumps into water feet first six times from a height of 3

m (10 ft.) above the water surface. Each subject must be able to assume a face up stable position without assistance after each jump. The suit must not tear, separate at any seam, or exhibit any characteristic that would render it unsafe or unsuitable for use in water.

(d) *Thermal protection.* The thermal protection capability of a suit must be tested under the following conditions and procedures:

(1) *Test subjects.* Male subjects must be used for this test. Each subject must be familiarized with the test procedure before starting the test. Each subject must be between 1.65 m (65 in.) and 1.85 m (73 in.) tall and must not be more than 10 percent overweight or underweight for his height and physical type as determined by a physician or physiologist or from published physiological data. Each subject must have had a normal night's sleep the night before the test, a well-balanced meal 1 to 5 hours before the test, and no alcoholic beverages for 24 hours before the test. In addition to the suit, each subject must wear a tee shirt and shorts, a long sleeved cotton shirt, denim trousers, athletic socks, and oxford type shoes if the suit is designed for shoes to be worn inside.

(2) *Test equipment.* The test must be conducted in calm water with a temperature between 0° C (32° F) and 3° C (37.4° F). The air temperature 300 mm (1 ft.) above the water surface must be between minus 10° C (14° F) and 20° C (68° F). Each subject must be instrumented with an electrocardiograph, a thermistor or thermocouple in the rectum placed 150 mm (6 in.) beyond the anus, a thermistor or thermocouple on the tip of the index finger, and a thermistor or thermocouple on the tip of the great toe. Each thermistor or thermocouple must have an accuracy of 0.1° C (1.8° F).

(3) *Test procedure.* A physician must be present during this test. Before donning the suit, each subject rests quietly in a room with a temperature between 10° C (50° F) and 25° C (77° F) for 15 minutes. The rectal temperature is then recorded as the initial rectal temperature. The subject dons a suit as rapidly as possible without damaging the instrumentation and immediately enters the water. The subject assumes a face-up, stable floating position. No auxiliary means of buoyancy may be used during this test. The subject remains in the water engaging in activity that maintains the heart rate between 50 and 140 per minute for the first hour, and between 50 to 120 per minute during the remainder of the test, except that no attempt is made to control heart rate if the subject is shivering. Each thermistor or thermocouple reading is recorded as least every 10 minutes.

(4) *Completion of testing.* Testing of a subject ends six hours after he first

enters the water, unless terminated sooner.

(5) *Termination of test.* Testing of a subject must be terminated before completion if any of the following occurs:

(i) The physician determines that the subject should not continue.

(ii) The subject requests termination due to discomfort or illness.

(iii) The subject's rectal temperature drops more than 2° C (3.6° F) below the initial rectal temperature, unless the physician determines that the subject may continue.

(iv) The subject's finger or toe temperature drops below 5° C (41° F), unless the physician determines that the subject may continue.

(6) *Test results.* The test results must be prepared as follows:

(i) The total rectal temperature drop during the test period and the average finger and toe temperature at the end of the test must be determined for each subject in the test, except subjects who did not complete testing for a reason stated in paragraph (d)(5)(i) or (d)(5)(ii) of this section. These temperatures and temperature drops must then be averaged. The average drop in rectal temperature must not be more than 2° C (3.6° F), and the average toe and finger temperatures must not be less than 5° C (41° F). Data from at least four subjects must be used in making these temperature calculations.

(ii) Rates of toe, finger, and rectal temperature drop for each subject who did not complete testing for a reason stated in paragraph (d)(5)(iii) or (d)(5)(iv) of this section must be determined using the highest temperature measured and the temperature measured immediately before testing was terminated. These rates must be used to extrapolate to 6 hours the estimated rectal, finger, and toe temperature at the end of that time. These estimated temperatures must be the temperatures used in computing the average temperatures described in paragraph (d)(6)(i) of this section.

(e) *Insulation.* Suit material must be tested under the following conditions and procedures:

(1) *Test equipment.* The following equipment is required for this test:

(i) A sealed copper or aluminum can that has at least two parallel flat surfaces and that contains at least two liters (two quarts) of water and no air. One possible configuration of the can is shown in Figure 160.071-17(e)(1)(i).

(ii) A thermistor or a thermocouple that has an accuracy of 0.1° C (0.18° F) and that is arranged to measure the temperature of the water in the can.

(iii) A control sample of two flat pieces of 4.75 mm (3/16 in.) thick, closed-cell neoprene foam of sufficient size to enclose the can between them. The control sample must have a ther-

mal conductivity of not more than 0.418 W/m·K (2.90 Btu-in/hr-sq. ft.·°F). The thermal conductivity of the control sample must be determined in accordance with the procedures in ASTM C 177 or ASTM C 518.

(iv) Two flat pieces of suit material of sufficient size to enclose the can between them. The surface covering, surface treatment, and number of layers of the material tested must be the same as those of material used in suit. If the material used in the suit varies in thickness or number of layers, the material tested must be representative of the portion of the suit having the least thickness or number of layers.

(v) A clamping arrangement to form a watertight seal around the edges of the material when the can is enclosed inside. A sealing compound may be used. Figure 160.071(e)(1)(v) shows one possible configuration of the clamping arrangement.

(vi) A container of water deep enough to hold the entire assembly of the can, material, and clamp at least 1 m (39 in.) below the surface of the water.

(vii) A means to control the temperature of the water in the container between 0° C (32° F) and 1° C (33.8° F).

(viii) A thermistor or thermocouple that has an accuracy of ±0.1° C (0.18° F) and that is arranged to measure the temperature of the water in the container at the depth at which the can, material, and clamp are held.

(2) *Test Procedure.* The can is held under water (which can be at room temperature) and clamped between the two pieces of the neoprene control sample so that the assembly formed conforms as closely as possible to the shape of the can, and so that water fills all void spaces between the can and the sample. When the water temperature in the can is at or above 45° C (113° F), the assembly is then placed in the container and submerged to a depth of 1 m (39 in.) at the highest point of the assembly. The water temperature in the container must be between 0° C (32° F) and 1° C (33.8° F) and must be maintained within this temperature range for the remainder of the test. No part of the assembly may touch the bottom or sides of the container. Every two minutes the assembly is shaken and then inverted from its previous position. The time for the water inside the can to drop from 45° C to 33° C (91° F) is recorded. This procedure is performed three times and then repeated three additional times using the suit material instead of the neoprene control sample. The shortest time for the drop in water temperature when the suit material is used must be greater than or equal to the shortest time when the neoprene control sample is used.

(f) *Storage temperature.* A suit in its storage case is placed in a chamber with a temperature of 60° C ± 3° C (140° F ± 5.4° F) for 24 hours. A test subject then enters the chamber and dons the suit. This procedure is repeated at a temperature of minus 20° C (minus 4° F), ± 3° C. The subject may wear protective clothing for this test. Under each condition, the subject must be able to don the suit without damaging it.

(g) *Buoyancy.* The buoyancy of a suit must be tested under the following conditions and procedures:

(1) *Test equipment.* The following equipment is required for this test:

(i) A mesh basket that is large enough to hold a folded suit.

(ii) Weights that are heavy enough to overcome the buoyancy of the suit when placed in the mesh basket containing a folded suit.

(iii) A tank of water that is large enough to contain the basket submerged with its top edge 50 mm (2 in.) below the surface of the water.

(iv) A scale or load cell that has an accuracy of 0.15 N (¼ oz.) and that is arranged to support and weigh the basket in the tank.

(2) *Test procedure.* The weights described in subparagraph (g)(1)(ii) of this section are placed in the mesh basket. The basket with weights is submerged so that its top edge is 50 mm (2 in.) below the surface of the water. The basket with weights is then weighed. Thereafter, a suit is submerged in water and then filled with water, folded, and placed in the submerged basket. The basket is tilted 45° from the vertical for five minutes in each of four different directions to allow all entrapped air to escape. The basket is then suspended with its top edge 50 mm (2 in.) below the surface of the water for 24 hours. At the end of this period, the basket and suit are weighed underwater. The buoyancy of the suit is the difference between this weight and the weight of the basket as determined at the beginning of the test. The buoyancy must be as prescribed in § 160.071-11 (a)(1) and (a)(4).

(h) *Suit flame exposure.* The suit's resistance to flame must be tested under the following conditions and procedures:

(1) *Test equipment.* The following equipment is required for this test:

(i) A metal pan that is at least 300 mm (12 in.) wide, 450 mm (18 in.) long, and 60 mm (2½ in.) deep. The pan must have at least 12 mm (½ in.) of water on the bottom with approximately 40 mm (1½ in.) of gasoline floating on top of the water.

(ii) An arrangement to hold the suit over the gasoline.

(2) *Test procedure.* A suit is held from its top by the holding arrangement. The gasoline is ignited and allowed to burn for approximately 30 seconds in a draft-free location. The

suit is then held with the lowest part of each foot 240 mm (9.5 in.) above the surface of the burning gasoline. After two seconds, measured from the moment the flame first contacts the suit, the suit is removed from the fire. If the suit is burning, it is allowed to continue to burn for six seconds before the flames are extinguished. If the suit sustains any visible damage other than scorching, it must then be subjected to the stability test described in paragraph (c)(8) of this section, except that only one subject need be used, the impact test described in paragraph (c)(11) of this section, except that only one subject need be used, the thermal protection test described in paragraph (d) of this section, and the buoyancy test described in paragraph (g) of this section, except that the buoyancy test need be conducted only for 2 hours.

(i) *Storage case flame exposure.* The storage case must be tested using the same equipment required for the suit flame exposure test. The exposure suit must be inside the storage case for this test. The storage case is held from its top by the holding arrangement. The gasoline is ignited and allowed to burn for approximately 30 seconds in a draft-free location. The storage case is then held with its lowest part 240 mm (9.5 in.) above the surface of the burning gasoline. After two seconds, measured from the moment the flames first contact the case, the case is removed from the fire. If the case is burning, it is allowed to continue to burn for six seconds before the flames are extinguished. The storage case material must not burn through at any point in this test and the exposure suit must not sustain any visible damage.

(j) *Corrosion resistance.* Each metal part of a suit that is not 410 stainless steel, or for which published evidence of salt-spray corrosion resistance equal to or greater than 410 stainless steel is not available, must be tested as described in ASTM B 117. A sample of each metal under test and a sample of 410 stainless steel must be tested for 720 hours. At the conclusion of the test, each sample of test metal must show corrosion resistance equal to or better than the sample of 410 stainless steel.

(k) *Body strength.* The body strength of a suit must be tested under the following conditions and procedures:

(1) *Test equipment.* The test apparatus shown in Figure 160.071-17(j)(1) must be used in this test. This apparatus consists of—

(i) Two rigid cylinders each 125 mm (5 in.) in diameter, with an eye or ring at each end;

(ii) a weight of 135 kg (300 lb.); and

(iii) ropes or cables of sufficient length to allow the suit to be suspended as shown in Figure 160.071-17(j)(1).

(2) *Test procedure.* The suit is cut at the waist and wrists, or holes are cut into it as necessary to accommodate the test apparatus. The suit is immersed in water for at least two minutes. The suit is then removed from the water and immediately arranged on the test apparatus, using each closure as it would be used by a person wearing the suit. The 135 kg (300 lb.) load is applied for 5 minutes. No part of the suit may tear or break during this test. The suit must not be damaged in any way that would allow water to enter or that would affect the performance of the suit.

(1) *Seam strength.* The strength of each different type of seam used in a suit must be tested under the following conditions and procedures:

(i) *Test equipment.* The following equipment must be used in this test:

(i) A chamber in which air temperature can be kept at 23°C (73.4°F) $\pm 2^{\circ}\text{C}$ (1.8°F) and in which relative humidity can be kept at $50\% \pm 5\%$.

(ii) A device to apply tension to the seam by means of a pair of top jaws and a pair of bottom jaws. Each set of jaws must grip the material on both sides so that it does not slip when the load is applied. Each jaw must be 25mm (1 in.) wide by 25mm (1 in.) long. The distance between the jaws before the load is applied must be 75mm (3 in.).

(2) *Test samples.* Each test sample must consist of two pieces of suit material, each of which is a 100mm (4 in.) square. The two pieces are joined by a seam as shown in figure 160.071-17(k)(3). For each type of seam, 5 samples are required. Each sample may be cut from the suit or may be prepared specifically for this test. One type of seam is distinguished from another by the type and size of stitch or other joining method used and by the type and thickness of the materials joined at the seam.

(3) *Test procedure.* Each sample is conditioned for at least 40 hours at $23^{\circ}\text{C} \pm 2^{\circ}\text{C}$ and $50\% \pm 5\%$ relative humidity. Immediately after conditioning, each sample is mounted individually in the tension device as shown in figure 160.071-17(k)(3). The jaws are separated at a rate of 5mm/second (12 in./minute). The force at rupture is recorded. The average force at rupture must be at least 225 N (50 lb.).

(m) *Tear resistance.* The tear resistance of suit material must be determined by the method described in ASTM D 1004. If more than one material is used, each material must be tested. If varying thicknesses of a ma-

terial are used in the suit, samples representing the thinnest portion of the material must be tested. If multiple layers of a material are used in the suit, samples representing the layer on the exterior of the suit must be tested. Any material which is a composite formed of two or more materials bonded together is considered to be a single material. The average tearing strength of each material must be at least 45 N (10 lb.).

(n) *Abrasion resistance.* The abrasion resistance of each type of suit material on the exterior of the suit must be determined by the method described in Federal Test Method Standard 191, Method 5304.1. If varying thicknesses of exterior suit material are used, samples representing the thinnest portion of the material must be tested. If exterior material has multiple layers, samples of the layer on the outside surface of the suit must be tested. Any exterior material which is a composite formed of two or more materials bonded together is considered to be a single material and the abrader must be applied to the surface that is on the exterior of the suit. The residual breaking strength of each material must be at least 225 N (50 lb.).

§ 160.071-19 Approval testing for child size exposure suit.

A child size suit must pass the following tests:

(a) The stability test prescribed in § 160.071-17(c)(8), except that only six children need be used as test subjects and they can be either sex. The subjects must be within the ranges of weight and height prescribed in § 160.071-9(m). The heaviest subject must weigh at least 10 kg (22 lb.) more than the lightest subject.

(b) The buoyancy test prescribed in § 160.071-17(g).

(c) The body strength test prescribed in § 160.071-17(j), except that the cylinders must be 50mm (2 in.) in diameter and the test weight must be 55 kg (120 lb.).

§ 160.071-21 Test report.

(a) after the approval tests are completed, a test report must be prepared by the independent laboratory or by the applicant. If the report is prepared by the applicant, its accuracy must be certified by the independent laboratory.

(b) The test report must contain—

(1) The name and address of the applicant;

(2) The name and address of the independent laboratory;

(3) A detailed description of the test procedure and apparatus used;

(4) Detailed test results including all data recorded and a description of each test failure and each other discrepancy;

(5) The date and location of testing;

(6) The name of each test participant and observer; and

(7) Photographs showing at least one overall view of the suit and enough additional views to show all major design details, test apparatus, and each failure occurring during testing.

§ 160.071-23 Marking.

(a) Each suit must be marked with the name of the manufacturer, the date of manufacture, the model, the size, and the Coast Guard approval number.

(b) Each storage case must be marked with the words "exposure suit" and the size.

§ 160.071-25 Production testing.

(a) One out of every 100 exposure suits produced must be tested as prescribed in § 160.071-17(g) and must be given a complete visual examination. The suit must be selected at random from a production lot of 100 suits and tested by, or under the supervision of, an independent laboratory.

(b) If the suit fails to pass the test prescribed in § 160.071-17(g), 10 additional suits from the same lot must be selected at random and subjected to the test. If a defect in the suit is detected upon visual examination, 10 additional suits from the same lot must be selected at random and examined for the defect.

(c) If one or more of the 10 suits fails to pass the test or examination, each suit in the lot must be tested or examined for the defect for which the lot was rejected. Only suits that pass the test or that are free of defects may be sold as Coast Guard approved.

(d) The manufacturer must ensure that the quality control procedure described in the test plans previously submitted for approval under § 160.071-7 (f) and (g) is followed.

(e) The manufacturer must report the results of each production test performed under paragraphs (b) and (c) of this section to the Commandant (G-MMT-3). The report must be prepared by the independent laboratory or by the manufacturer. If the report is prepared by the manufacturer, its accuracy must be certified by the independent laboratory.

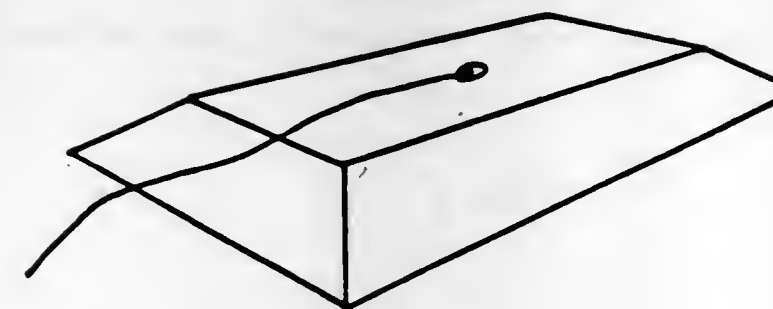


Figure 160.071(e)(1)(i). Water can for insulation test shown with thermistor lead.

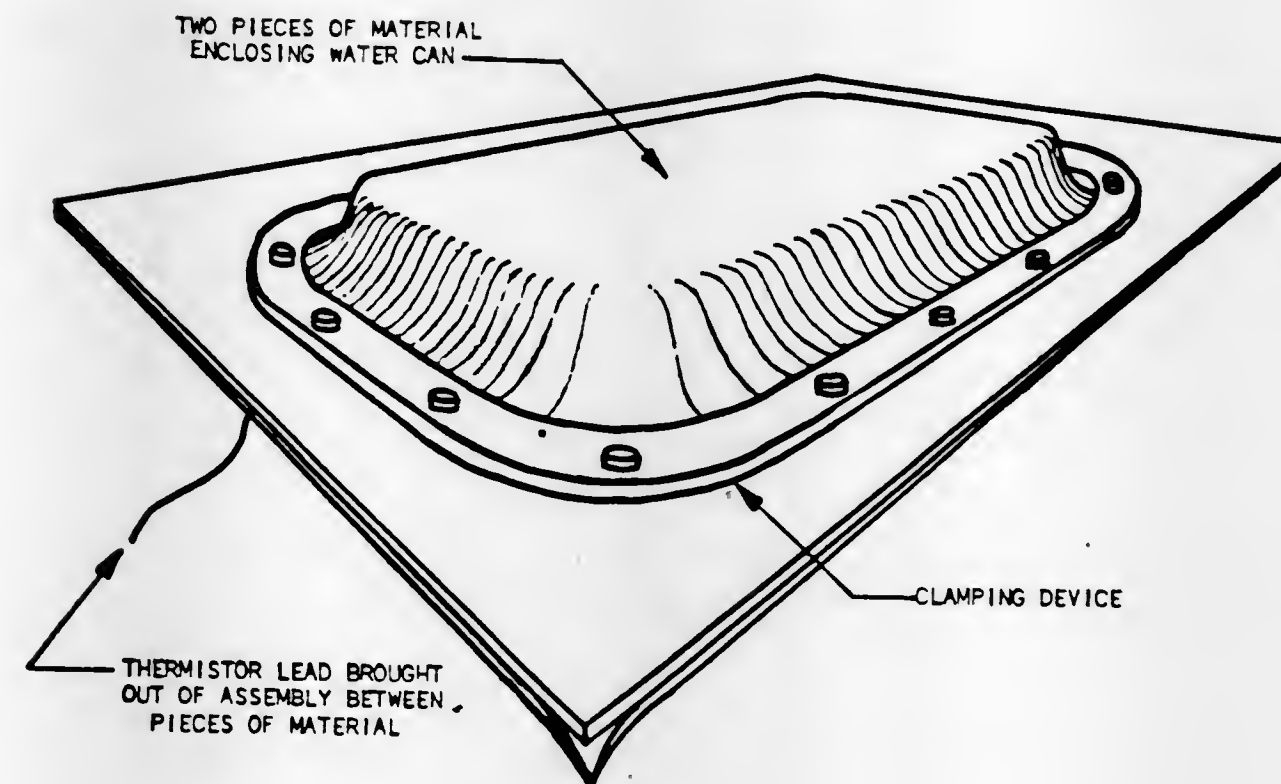


Figure 160.071-17(e)(1)(v). Insulation test assembly.

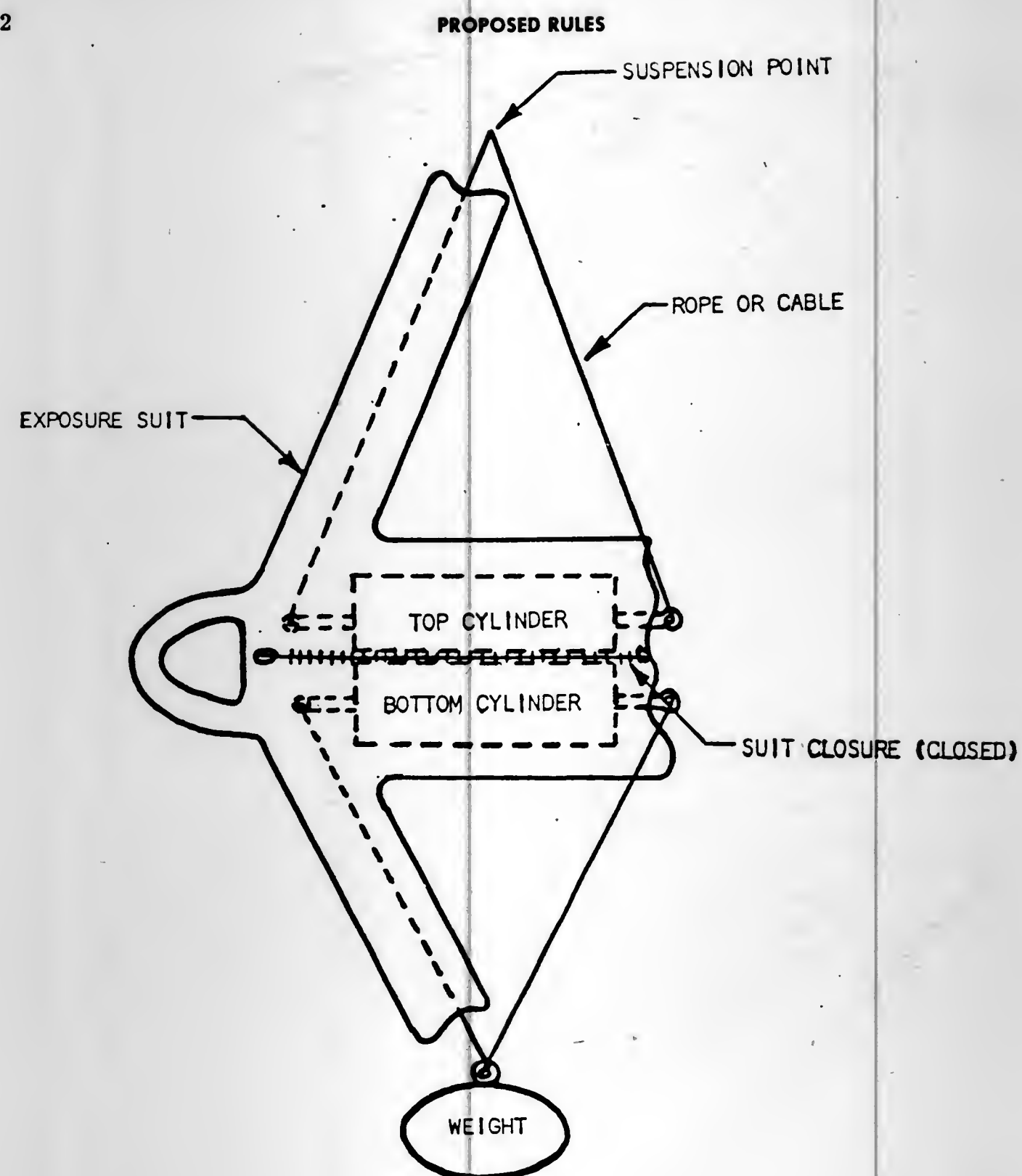


Figure 160.071-17(j)(1). Body strength test apparatus.

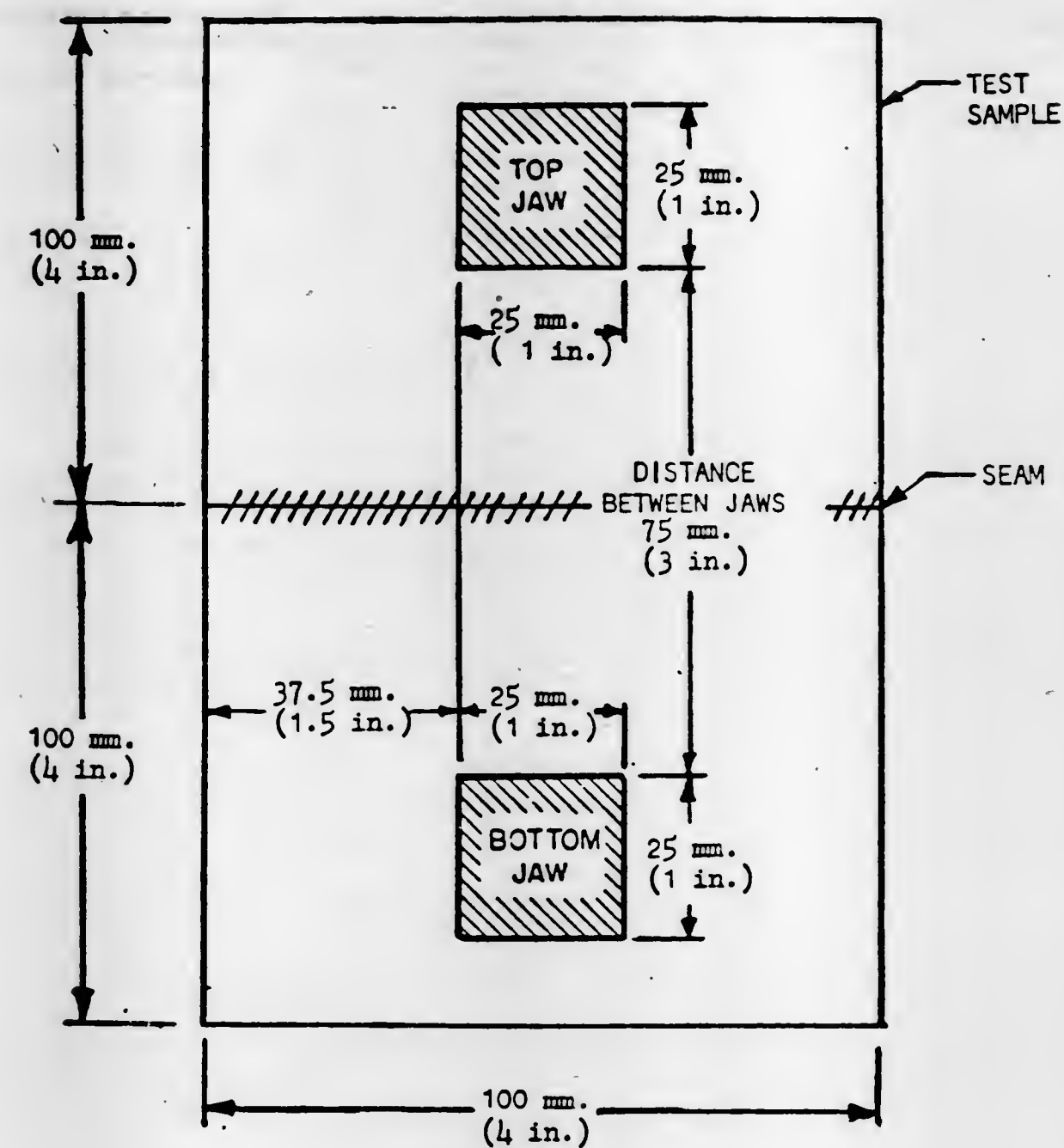


Figure 160.071-17(k)(3). Method of mounting sample for seam strength test.

PROPOSED RULES

PART 189—INSPECTION AND CERTIFICATION

22. By adding a new § 189.25-15(b) to read as follows:

§ 189.25-15 Livesaving equipment.

(b) At each inspection for certification, and more often if necessary, a marine inspector inspects each exposure suit on a vessel to determine its serviceability. Each exposure suit found not to be in a serviceable condition must be removed from the vessel.

PART 192—LIFESAVING EQUIPMENT

23. By adding a new Subpart 192.41 to read as follows:

Subpart 192.41—Exposure Suits

Sec.

192.41-1 Applicability.

192.41-5 Number and type required.

192.41-10 Stowage containers.

AUTHORITY: R.S. 4405, as amended, 4462, as amended, sec. 5, 79 Stat. 424; 46 U.S.C. 375, 416, 445. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4453, as amended, 4488, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 17, 54 Stat. 166, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 391, 392, 435, 481, 395, 363, 367, 526p, 49 U.S.C. 1655(b), E.O. 11239; 3 CFR, 1964-1965 Comp.; 49 CFR 1.4(a)(2).

§ 192.41-1 Applicability.

This subpart applies to each vessel that operates on the Great Lakes.

§ 192.41-5 Number and type required.

(a) Each vessel must have an exposure suit for each person on board.

(b) In addition to the exposure suits required by paragraph (a) of this section, the engine room pilothouse, bow lookout, and each work station must have enough exposure suits to equal the number of persons normally on watch in or assigned to, the station at one time. However, an exposure suit

need not be provided at a watch or work station for a person whose cabin, stateroom, or berthing area (and the exposure suits stowed in that location) is readily accessible to the work station.

(c) Except as provided in paragraph (d) of this section, each exposure suit on a vessel must be of a type approved under Subpart 160.071 of this chapter.

(d) An exposure suit in use on a vessel before [the effective date of these regulations] may remain in use on the vessel in place of an exposure suit approved under Subpart 160.071 of this chapter as long as it remains in serviceable condition.

§ 192.41-10 Stowage containers.

(a) No stowage container for exposure suits may be capable of being locked.

(b) Exposure suits stowed overhead must be supported in a manner that allows quick release for distribution.

(c) If exposure suits are stowed more than 2.1 m (7 ft.) above the deck, a means for quick release must be provided and must be capable of operation from the deck.

PART 196—OPERATIONS

24. By adding a new § 196.15-37 to read as follows:

§ 196.15-37 Exposure suits.

The master of a vessel that operates on the Great Lakes shall ensure that each crew member and all scientific personnel wear their exposure suits in at least one fire and boat drill per month.

25. In § 196.37-43, by revising the heading and paragraph (a) to read as follows:

§ 196.37-43 Life preservers, exposure suits, wood floats, and ring life buoys.

(a) Each life preserver, exposure suit, wood float, and ring life buoy must be marked with the vessel's name.

26. By adding a new Subpart 196.90 to read as follows:

Subpart 196.90—Exposure Suits

Sec.

196.90-1 Applicability.

196.90-5 Stowage of exposure suits.

196.90-10 Child size exposure suits required.

AUTHORITY: R.S. 4405, as amended, 4462, as amended, sec. 5, 79 Stat. 424; 46 U.S.C. 375, 416, 445. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4453, as amended, sec. 10, 35 Stat. 428, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, 1545, as amended, sec. 6(b)(1), 80 Stat. 938; 46 U.S.C. 391, 392, 435, 395, 363, 367, 49 U.S.C. 1655(b), E.O. 11239; 3 CFR 1964-1965 Comp.; 49 CFR 1.4(a)(2).

§ 196.90-1 Applicability.

This subpart applies to each vessel that operates on the Great Lakes.

§ 196.90-5 Stowage of exposure suits.

The master of a vessel shall ensure that—

(a) each exposure suit required by § 192.41-5(a) is stowed in a readily accessible location in or near the berthing area of the person for whom the exposure suit is provided; and

(b) each exposure suit required by § 192.41-5(b) for a watch or work station is stowed in a readily accessible location in or near the station.

§ 196.90-10 Child size exposure suits required.

The master of a vessel shall ensure that children, when carried are provided with child size exposure suits.

(46 U.S.C. 375, 391a, 418, and 481; 49 U.S.C. 1655(b); 49 CFR 1.46.)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107

Dated: May 31, 1978.

J. B. HAYES,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc. 78-15931 Filed 6-7-78; 8:45 am]

THURSDAY, JUNE 8, 1978
PART V



DEPARTMENT OF
TRANSPORTATION
Office of the Secretary

NONDISCRIMINATION
ON THE BASIS OF
HANDICAP

Federally-Assisted Programs and
Activities

[4910-62]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[49 CFR Part 27]

[OST Docket No. 56; Notice No. 78-6]

NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY-ASSISTED PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

AGENCY: Department of Transportation.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed regulation would implement section 504 of the Rehabilitation Act of 1973, which provides that "no otherwise qualified handicapped individual . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The proposed regulation would require recipients of Federal financial assistance ("recipients") which are employers to make reasonable accommodation to the handicaps of job applicants and employees. As providers of services, recipients would be required to make programs operated in existing facilities accessible to handicapped persons, and to ensure that new facilities are constructed so as to be readily accessible to handicapped persons.

COMMENT CLOSING DATE: September 6, 1978.

FOR FURTHER INFORMATION, CONTACT:

Martin Convisser, Director, Office of Environment and Safety, Office of Assistant Secretary for Policy and International Affairs, U.S. Department of Transportation, Washington, D.C. 20590, 202-426-4357.

SUPPLEMENTAL INFORMATION: This regulation was drafted principally by Martin Convisser and Ira Laster, Office of Environment and Safety, and reviewed for legal sufficiency by Cynthia Straker, Office of the General Counsel.

BACKGROUND

1. The Rehabilitation Act of 1973, Pub. L. 93-112, 29 U.S.C. 790 et seq., provides in section 504: "no otherwise qualified handicapped individual in the United States, as defined in section 7(6), shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

2. For the purposes of section 504, the term "handicapped individual" is

defined in section 111(a) of the Rehabilitation Act Amendments of 1974, 29 U.S.C. 706(6), to mean:

... any person who (A) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (B) has a record of such an impairment, or (C) is regarded as having such an impairment.

3. On April 28, 1976, the President issued Executive Order 11914 (41 FR 17871), which states:

[T]he Secretary of Health, Education, and Welfare shall coordinate the implementation of section 504 of the Rehabilitation Act of 1973, as amended, . . . by all Federal departments and agencies empowered to extend Federal financial assistance to any program or activity.

The Executive Order also directs the Secretary of HEW to establish certain standards and guidelines, as well as the procedures to guide other Federal departments and agencies in implementing section 504. Standards procedures and guidelines were issued by HEW on January 13, 1978, 43 FR 2132, to provide the framework for a comprehensive governmentwide approach to the effort to eliminate discrimination against the handicapped.

4. Finally, the Executive Order directs:

each Federal department and agency empowered to provide Federal financial assistance shall issue rules, regulations, and directives, consistent with the standards and procedures established by the Secretary of Health, Education, and Welfare.

This Notice of Proposed Rulemaking (NPRM) is issued to implement section 504 for the Department of Transportation (DOT) in the manner required by the Executive Order.

The DOT programs have for some time been concerned with providing access for the handicapped. Besides the Rehabilitation Act of 1973, legislative mandates for such action are found in the Urban Mass Transportation Act of 1964, as amended (UMTA Act), and the Federal-Aid Highway Act of 1973 as amended (Highway Act). Section 16(a) of the UMTA Act, 49 U.S.C. 1612(a), states: "[I]t is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation (including the programs under this Act) should contain provisions implementing this policy." The UMTA Act authorizes grants and loans to State and local public bodies and to private

nonprofit corporations and associations for the purpose of assisting in the provision of mass transportation services to "meet the special needs of elderly and handicapped persons."

Section 165(b) of the Highway Act, 23 U.S.C. 142 nt., provides that mass transit projects financed with Federal-aid highway funds "shall be planned, designed, constructed, and operated to allow effective utilization by elderly or handicapped persons." Section 228 of the Highway Act, 23 U.S.C. 402 (b)(1)(F), also provides for the "safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs . . ." This provision has been implemented in 23 CFR 625.7, which requires that "Federal-aid projects that provide curbs shall include curb ramps at all pedestrian crosswalks, and other provisions as may be appropriate for physically handicapped persons."

In response to these statutory mandates, the Urban Mass Transportation Administration (UMTA) and the Federal Highway Administration (FHWA) jointly issued a regulation (23 CFR 450.120) that requires the urban transportation planning process of State and local governments to include special efforts to plan public mass transportation facilities and services that can effectively be used by elderly and handicapped persons. UMTA and FHWA have also issued a joint supplementary statement that provides advisory information on the special planning requirements (appendix to 23 CFR Part 450, Subpart A). UMTA has also issued regulations (49 CFR Part 609 and 49 CFR 613.204) that require:

1. All transit-related buildings and fixed facilities, planned and constructed after the effective date of the regulations, to be accessible to the elderly and handicapped;

2. All new transit rolling stock purchased with capital grants awarded after the effective date of the regulations to incorporate interior design features that increase the comfort and convenience of transit vehicles for elderly and handicapped persons; and

3. All areas to plan and implement projects or project elements designed to benefit elderly and handicapped persons, specifically including wheelchair users and those with semiambulatory capabilities.

On September 23, 1977, the "Transit regulation" (42 FR 48339) was published, amending 49 CFR 609.15, and setting forth specifications for full-sized transit buses purchased with Federal transit grants after September 30, 1979. These specifications require a stationary bus floor height of not more than 22 inches and an effective floor height, including a kneeling feature, of not more than 18 inches, together with a ramp for boarding and exiting.

We anticipate issuing an additional portion of the NPRM shortly, covering programs of the National Highway Traffic Safety Administration. We welcome comments on that portion at the same time that comments are submitted on other portions of the NPRM.

The Interstate Commerce Commission (ICC) is proceeding with a rulemaking action, under the provisions of section 801 of the Rail Passenger Service Act of 1970, 45 U.S.C. 641, to parallel the provisions of this Notice with respect to rail transportation. We have coordinated with staff of the ICC to assure that the two regulations are as consistent as the separate mandates of the two agencies permit. A single set of comments may be filed with both agencies, provided that the comments specifically identify the portions of the two regulations to which they are addressed.

Additional documents prepared to fulfill regulatory and statutory requirements for this rulemaking include (1) a regulatory analysis, (2) an economic impact statement, and (3) a negative environmental declaration. These documents will be placed in the public docket for this regulation and will be available for examination by interested persons during the comment period. In addition, the economic impact statement is published immediately following the attachment to the Notice of Proposed Rulemaking.

The regulatory analysis, prepared pursuant to the Department's procedures for simplification, analysis and review of regulations (43 FR 9582, March 8, 1978), summarizes the major alternatives considered thus far during the process of developing the regulation, within the constraints of the standards, procedures and guidelines issued by HEW; and summarizes the economic consequences of implementation. The negative environmental declaration, prepared pursuant to the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4332), indicates that implementation of the regulation will not have any significant adverse impacts on the environment.

The economic impact statement describes in detail the benefits of the regulation, the costs of compliance for each mode of transportation, and the options available to meet these costs. It indicates that there are an estimated 13 million handicapped persons in the United States, many of whom would benefit from implementation of the regulation. Economic benefits for the handicapped will be realized in terms of increased job opportunities and independence for the handicapped resulting from improved access to transportation, and increased employment in the transportation industry. Of even greater importance, the addi-

tional mobility benefits which will be achieved by the regulation will affect the overall quality of life of handicapped persons, and cannot be evaluated purely in economic terms.

The great bulk of the costs of implementing the regulation will be expended to achieve structural alteration of existing rapid rail, commuter rail, and light rail facilities. The total capital cost of the regulation is estimated to be \$1.8 billion in 1977 dollars, of which \$1.6 billion is for alteration of such mass transit rail stations. The proposed regulation sets forth three options for the compliance period for altering mass transit stations: 12 years, 20 years, and 30 years. The costs of the alterations to mass transit stations would be an estimated \$2.7 billion if one assumes an annual inflation rate of six percent, a 12-year compliance period, and a project midpoint of 1986. Assuming a 30-year compliance period, a 6 percent rate of inflation, and a project midpoint of 1995, the cost of altering such rail stations would be an estimated \$4.8 billion. (In either a 12-year or 30-year compliance period, assuming a 6 percent annual inflation rate, if the project midpoint occurs earlier, the total cost would be lower, while a later project midpoint would produce a higher total.) The average annual compliance cost would be as follows:

	(Millions of dollars)	
	12 years	30 years
Constant 1977 dollars.....	133.1	53.3
Annual 6 pct. inflation rate.....	224.9	152.0

¹Alteration of mass transit stations, average annual compliance cost.

This cost of "retrofitting" existing transit stations would be unreasonably high unless spread over at least the entire 12-year compliance period provided for existing transit stations in the regulation. As noted below, and in the economic impact statement, the costs are large, and may strain local and Federal resources, particularly if not spread over a sufficient number of years. It is for this reason that the Department, although costing out a 12-year compliance period in detail, has listed in the regulation as alternatives a 20-year and a 30-year compliance period. Cost calculations based only on the 12-year deadline are meant to be illustrative and not to convey a Departmental view that this is the preferred alternative. The Department proposes to set a single deadline in the final regulation, although city by city deadlines were considered. The Department welcomes comment on the proper compliance deadline(s) to be set in this area. Commenters should bear in mind that extending the deadline for rail accessibility will prolong the period during which interim acces-

sible transportation must be available (§ 27.109).

The total capital and operating cost of the regulation, averaged over the first 12 years, would be an estimated \$221.5 million in 1977 dollars, or approximately \$360 million assuming a six percent annual rate of inflation and a project midpoint of 1986 for mass transit rail station retrofit. These annual averages are not meant to be predictive of the cost in any given year. After the initial 12-year period, capital costs would be negligible, and the total average annual operating costs would be an estimated \$71.7 million in 1977 dollars.

A summary of the estimated cost of the regulation is presented in Table 1.

The expenditures for alteration of existing mass transit rail stations would principally benefit those handicapped persons who cannot use steps or can do so only with difficulty, and who reside in the limited number of areas with existing rail mass transit systems, a number considerably smaller than the estimated 13 million total transportation handicapped persons in the United States. As with the able-bodied, it would be expected that many handicapped will choose not to use these mass transit systems.

Although constrained by the language of HEW's guidelines, which provide that existing rail facilities be made accessible over time, the Department considered alternatives to this requirement during the drafting process, both because of the large budgetary impact of retrofitting existing rail stations and the Department's desire to find, if possible, a less expensive approach that would provide substantially similar benefits. One alternative considered was a requirement that a transportation system as a whole be accessible—thus allowing for the possibility that a bus system accessible to those who could not negotiate steps could substitute for a similarly accessible rail system if it paralleled that rail system. A paratransit alternative which was considered was a voucher system to provide subsidized taxi rides, with lift- or ramp-equipped vans supplementing taxi automobiles where needed, to persons who but for the lack of level change mechanisms in rail stations could have used that rail service. Comment is specifically invited on these alternatives and any others that may be proposed as substitutes for retrofitting of existing subway systems. Comments are invited on the relative benefits and costs of such alternatives and on whether those alternatives are consistent with the HEW guidelines and/or section 504 of the statute. Comments directed at substitute service should if possible also address the level, frequency, and standards for such services that should or must be required.

TABLE 1: Total Estimated Costs of Compliance with Proposed DOT Section 504 Regulations*
(Millions of 1977 Dollars)

Employment	Total Capital	Annual Capital***		Annual Operating	
		Years 1-3	Years 4-12	Years 13-On	Years 13-On
	minimal	minimal	minimal	minimal	minimal
Federal Aviation Administration	\$40.0	\$11.6	\$ 0	\$ 0	\$ 1.0
Federal Railroad Administration	56.6	13.6	0**	0	1.9
Urban Mass Transportation Admin. Compliance periods of:					
12 years	1,700.4	141.7***	141.7	1.1	68.8
30 years	1,700.4	56.6	56.6	56.6	68.8
(Inflated at 6%****)					
(12 years)	(2.8)	(2.4)	(234.8)	(155.9)	
(30 years)	(4.3)	(5.1)	(155.9)		
Federal Highway Administration	minimal	minimal	minimal	minimal	minimal
Administrative & Compliance	minimal	minimal	minimal	minimal	minimal
TOTAL (12-year compliance period)	\$1,777.0	\$166.9	\$141.7	\$1.1	\$71.7
TOTAL (30-year compliance period)	\$1,797.0	\$ 81.8	\$ 56.6	\$56.6	\$71.7

* FAA cost estimates based on data developed from National Airport System Plan 1978-1987; FRA estimates based on analysis of data provided by Amtrak; UMTA estimates based on analysis of survey responses submitted by transit operators. The UMTA estimates do not include the costs already required by current regulations, for (1) making new fixed facilities accessible, and (2) Transbus.

** FRA costs are \$5.8 million per year for years 4 and 5.

*** Annual averages for the UMTA program were calculated by simply dividing the totals by the indicated alternative compliance periods.

**** Assumes a six percent annual rate of inflation and a project midpoint for mass transit rail station retrofit of 1986 and 1995 based on rail station compliance periods of 12 and 30 years, respectively.

FEDERAL REGISTER, VOL. 43, NO. 111—THURSDAY, JUNE 8, 1978

OVERVIEW OF THIS PROPOSED REGULATION

The proposed regulation is organized into general provisions that describe the rest of the regulation, provisions concerning employment practices and program accessibility in general, provisions addressing specific requirements applicable to each mode of transport, and an enforcement section.

SUBPART A. GENERAL

This subpart provides the general framework for the regulation. The definition of a "handicapped" person, as set forth in § 27.5, is the definition used in HEW guidelines which implement Executive Order 11914.

Section 27.7 provides the general prohibition against discrimination and describes the discriminatory actions that these regulations address. A recipient of Federal financial assistance must afford the handicapped the same, or the same quality of, aid, benefits or services, as are provided to the nonhandicapped. Such aid, benefits or services may be different from those provided to nonhandicapped persons only if necessary to provide aid, benefits, or services that are as effective as those provided to nonhandicapped. The Department's interpretation of § 27.7 on matters of accessibility to programs is set forth in Subparts D and E. It is those subparts that, in general, should be looked to for guidance on this subject. Compliance with those subparts satisfies the requirements of § 27.7 on matters of program accessibility.

Section 27.9 sets forth the form and content of written assurances from recipients of financial assistance that programs will be conducted and facilities operated in compliance with the regulations.

Section 27.11 authorizes the Department to require appropriate remedial action when discrimination is found. Recipients will also be required to evaluate their own policies and practices in terms of the requirements of the regulation, and to take appropriate steps to remedy discrimination.

Sections 27.13 and 27.15 outline certain steps that a recipient shall take to establish a grievance mechanism and to notify the public of its compliance with section 504.

SUBPART B. EMPLOYMENT PRACTICES

Subpart B contains the regulations which generally prohibit recipients of Federal financial assistance from discriminating in employment practices against "qualified handicapped persons", as defined in § 27.5.

Section 27.33 provides that the recipient shall "make reasonable accommodation to the known physical or mental limitations" of otherwise qualified applicants or employees unless it

can be demonstrated that such an accommodation would impose undue financial hardship on the operation of the recipient's program, or would have other undesirable effects, such as the creation of a safety hazard.

Section 27.35 prohibits the use of tests or other selection criteria that tend to screen out handicapped persons on a basis that is not job-related.

Section 27.37 limits required pre-employment inquiries and medical examinations to those that are relevant to the applicant's ability to perform job-related functions unless all entering employees are subjected to such an examination and the results of the examination are not used in a discriminatory manner. Information may be requested on a voluntary basis under certain circumstances. All information must be kept confidential, and only certain specified persons with a need to know may have access to the information.

SUBPART C. PROGRAM ACCESSIBILITY—GENERAL

Section 27.61 states that this subpart applies to all programs and activities receiving financial assistance from the Department of Transportation. Additional provisions with respect to certain specific programs of the Department are set forth in Subparts D and E.

Section 27.65 requires recipients to make each program or activity accessible when viewed in its entirety, but each existing facility or every part of a facility need not necessarily be accessible to and usable by the handicapped. Necessary structural changes to existing facilities shall be made as soon as practicable, and in any event not later than 3 years after the effective date of the regulation unless provided otherwise in Subpart D or E. If structural changes are necessary to comply with this subpart, the recipient must develop a transition plan, available for public inspection, describing how accessibility will be achieved.

Section 27.67 requires new facilities to be made accessible; parts of existing facilities undergoing alterations shall be made accessible, to the maximum extent feasible.

SUBPART D—PROGRAM ACCESSIBILITY REQUIREMENTS IN SPECIFIC OPERATING ADMINISTRATION PROGRAMS: AIRPORTS, RAILROADS AND HIGHWAYS

§ 27.71 Federal Aviation Administration—Airports.

General accessibility standards approved by the American National Standards Institute (ANSI) will be utilized for terminal buildings constructed after the effective date of this part. Additional specified measures will also be taken to facilitate the arrival and departure processes for handi-

capped persons, including matters relating to terminal circulation and flow, the use of the international accessibility symbol, design of ticketing system, emplaning and deplaning provisions for wheelchair confined persons, telephones, teletypewriters, vehicular loading and unloading areas, parking areas, baggage check in and retrieval, and walking area.

Existing terminals are required to be made accessible as soon as possible, and in any event within three years of the effective date of this regulation.

Operators of terminals emplaning 10,000 or more passengers per year shall make provision for assisting handicapped passengers. The 10,000 emplaning passenger per year threshold for provision of such services was estimated to be the minimal number necessary to provide program accessibility to air passenger service. The Department welcomes comments on the reasonableness of this threshold.

§ 27.73 Federal Railroad Administration—Railroads.

Fixed Facilities. New fixed facilities will be required to meet applicable ANSI standards and additional standards designed to help handicapped persons boarding the rail vehicles, including matters relating to station circulation and flow, the use of the international accessibility symbol, the design of the ticketing system, the baggage areas, the waiting area, station information, telephones, boarding platforms, teletypewriters, parking, and loading and unloading areas.

When extensive structural changes are necessary to make existing fixed facilities accessible, a transition plan must be submitted to the Federal Railroad Administration (FRA) for approval within one year. The changes must be made as soon as practicable but not later than five years after the effective date of this regulation. The FRA may exempt a maximum of ten percent of those existing facilities which have the lowest utilization rates from this provision. The Department welcomes comments on the percentage of stations that should be permitted exemptions from compliance and on criteria which might be used to evaluate requests for exemptions.

Rail Vehicles. Within 3 years from the effective date of the regulation, each train is generally required to have at least one accessible vehicle of each type of vehicle (e.g., coach) on the train. All new rail cars purchased 1 year after the effective date of this part will be accessible. Comment is invited as to whether this requirement for accessibility of all new vehicles is necessary in view of the requirement for at least one accessible vehicle of each type, per train, within 3 years.

Rail Passenger Service. The regulation generally provides that carriers

may not deny transportation to the handicapped and must provide certain services to assure accessibility.

The proposed regulation does not require Amtrak to provide station service for each of its 150 currently closed (unmanned) stations. This alternative was considered, but was concluded to be infeasible. Another alternative considered, but not adopted, would require Amtrak to meet any need for assistance to the handicapped by developing a plan for on-call staffing of unmanned stations. The Department solicits the views of interested persons on this alternative.

The proposed regulation exempts terminals accommodating fewer than 5,000 passengers per week from the requirement that a teletypewriter (TTY) be installed for communication with deaf persons when a toll-free reservation number is not provided. The Department welcomes comments on the desirability of establishing a higher or lower passenger rate threshold for this requirement.

The Department has coordinated development of the intercity rail section of this regulation with ICC. The transition plans for making existing fixed facilities accessible to handicapped persons required in this regulation shall be the same as the plan required in the ICC regulation. The Department will coordinate with ICC in the approval of transition plans submitted by recipients of Federal financial assistance.

§ 27.75 Federal Highway Administration—Highways.

The regulation requires newly constructed highway rest area facilities to conform with ANSI standards. Curb cuts or ramps will be installed in new construction pursuant to section 228 of the Federal-Aid Highway Act of 1973. Pedestrian overpasses and underpasses can have gradients no steeper than 10 percent, unless alternative safe means of crossing are provided. Public comment is invited particularly on this section of the NPRM.

In existing facilities, rest areas will be made accessible within a 3-year period.

SUBPART E—PROGRAM ACCESSIBILITY REQUIREMENTS IN SPECIFIC OPERATING ADMINISTRATION PROGRAMS: MASS TRANSPORTATION

In addition to the proposed regulations of Subpart E, Appendix A provides an analysis which should be consulted on the intended meaning of provisions in that subpart. The appendix material explains and elaborates on the regulatory language.

Section 27.81 explains the purpose of Subpart E, which is to implement, in addition to section 504, two statutes specifically concerned with mass transportation for elderly and handicapped

persons. Those statutes are section 16 of the Urban Mass Transportation Act of 1964, as amended, and section 165(b) of the Federal-Aid Highway Act of 1973, as amended. Existing Urban Mass Transportation Administration regulations and advisory guidance as published at 41 FR 18234 (April 30, 1976) will be largely or fully withdrawn at the time final regulations are issued as part of this rulemaking. In order to avoid a gap between implementation activities under the existing UMTA regulations and implementation activities under the new regulation, § 27.109(b) of the proposed regulation requires that the existing level of effort with respect to transportation for elderly and handicapped persons be maintained until significant physical implementation under the new regulation has begun.

Section 27.95 of the proposed regulation requires that all mass transportation stations and other public fixed facilities be made accessible to handicapped persons "except that in unusual circumstances where compelling reasons exist, a small proportion of stations or other fixed facilities may be exempted from this requirement upon adequate justification in the transition plan." The exception does not apply to new fixed facilities, all of which must be accessible.

The HEW guidelines implementing Executive Order 11914 say, with respect to existing facilities, that program accessibility "does not necessarily require a recipient to make each of its existing facilities or every part of an existing facility accessible to and usable by handicapped persons" (43 FR 2138-39). We particularly welcome comment on the criteria which the regulation should express concerning which facilities, if any, should be exempted from a full accessibility requirement. Should a maximum percentage of facilities which may be inaccessible be set in the regulation? Should localities be allowed to establish the criteria, with significant involvement of handicapped persons or organizations representing handicapped persons?

Section 27.99 requires that program policies and practices that prevent or inhibit travel or convenient use of services and facilities be modified as soon as reasonably possible. The appendix analysis is particularly important in understanding this section.

Section 27.101(a) states that program accessibility for a fixed route bus system requires that off-peak frequency service or half of the peak service (whichever is greater) be provided during off-peak hours as well as peak hours by wheelchair accessible buses. The same paragraph requires that fixed route bus systems achieve program accessibility as soon as practicable but no later than 3 years after the

effective date of this regulation, except for extraordinarily expensive changes, which must be achieved as soon as practicable but no later than 6 years.

Section 27.101(b) implements § 36.58 of the HEW guidelines, which requires that new buses ordered after the effective date of this regulation but prior to October 1, 1979, must be accessible unless DOT concludes that it is not feasible to impose such a requirement, in which case "comparable accessible services" must be available in the interim if inaccessible buses are ordered. Section 27.101 requires that buses ordered during this interim period be accessible if it is determined during the course of the rulemaking that such a requirement is feasible. The Department invites comment on the feasibility of such a requirement that new buses purchased prior to Transbus be accessible, and on the definition of "comparable accessible service." One possible definition of "comparable accessible service" would be comparable origin-destination range and flexibility, comparable trip time and trip decision time, and no greater fare. Another definition might involve a local determination of comparability, with consideration given to the foregoing elements of comparability.

Incorporating the current Transbus regulation, this section also requires that new, standard, full-sized urban transit buses ordered with UMTA assistance on or after October 1, 1979, be low-floor, ramped Transbuses, which are accessible to wheelchair users.

Section 27.103 requires that fixed guideway systems, which include rapid transit ("subway"), light rail ("trolley"), and commuter rail systems, achieve program accessibility as soon as practicable, but no later than 3 years, except for extraordinarily expensive changes to existing fixed facilities and vehicles. For such cases, program accessibility must be achieved as soon as practicable but no later than 5 years for commuter rail vehicles, 10 years for light rail vehicles, and 12, 20, or 30 years for fixed facilities. The Department invites comment on these alternative deadlines and any others that might be proposed, as noted above. The "as soon as practicable" phrase is very important here as well as all other occasions when it is used, for some systems may have to achieve program accessibility ahead of the deadline. A possible example is a commuter rail system with high platforms and level entry vehicles.

"Program accessibility" generally requires fixed facilities to be accessible and at least one accessible vehicle per train for rapid and commuter rail systems.

New rapid transit vehicles are, under the general vehicles (§ 27.97), required to be accessible. For new commuter

rail and light rail vehicles, however, we have deferred the proposed effective date of a full accessibility mandate until October 1, 1979. The delay is based on the current state of technology for providing wheelchair access to those vehicles and our belief that further development time is needed. The normal delivery time for rail vehicles is approximately two years from the time vehicles are ordered. Thus, the date of October 1, 1979, should provide approximately 3 years for the full test and development of wheelchair loading concepts, either carborne or off the vehicle. We invite comment on whether October 1, 1979, is the date which should be specified.

Section 27.105 of the proposed regulation requires that each paratransit system be operated so that the system, when viewed in its entirety, is accessible to handicapped persons. Program accessibility for a paratransit system requires service to handicapped persons who require a lift- or ramp-equipped vehicle.

Section 27.107 of the proposed regulation extends the general program accessibility requirement, subject to modification on a case-by-case basis, to all other forms of mass transportation not covered by a specific section.

Section 27.109(a) requires each recipient of Federal financial assistance whose system will not achieve accessibility within three years to "(1) determine, in cooperation with the MPO (Metropolitan Planning Organization), whether other accessible modes of transportation are available, and (2) proposed, document, and ensure the provision of any supplements to such transportation where necessary to assure that service levels are reasonable." The appendix analysis provides some illustrations which may be helpful in applying the regulation language.

The HEW guideline on this subject provides that "other accessible modes" must be available if a system takes longer than three years to achieve program accessibility. Comment is particularly welcome on what the DOT provision should be. One approach given serious consideration was to define "other accessible modes" of urban public transportation, within the context of that provision, to mean bus systems having fully accessible buses in operation or on order within the following periods after the effective date of this regulation:

- Thirty percent of the fleet within 3 years;
- Fifty percent of the fleet within 5 years; and
- Seventy percent of the fleet within 7 years.

All fixed route bus systems would have to meet this standard.

Concerning the proposed form of § 27.109(a) on interim accessible trans-

portation, recipients may want to consider whether the most cost-effective approach may be the achieve program accessibility in their fixed route bus system within three years if at all possible. For bus-only cities and for cities with bus systems which could serve rail passengers, reaching program accessibility for their fixed route bus system within three years would presumably eliminate any requirement under § 27.109(a) for interim accessible transportation. Comment on this point is welcome.

Section 27.111 indicates that the requirements of Subpart E will not be waived except in rare circumstances where compelling reason exists.

Finally, in order to prepare subsequent follow-up advisory information, DOT solicits specific information on facility and vehicle hardware features, operating practices, or other components of transit systems that are needed by handicapped sub-groups, especially the mentally retarded and the visually handicapped. What specific user-related features of buses, terminal operations, and other system components are not yet addressed by this regulation, existing ANSI standards (that emphasize fixed facilities), or other technical advisory material? What existing specific designs, products, service approaches, or guidance materials should DOT be aware of in preparing advisory information for recipients?

SUBPART F. ENFORCEMENT

Pursuant to the HEW guidelines, this subpart generally follows the Department's current Title VI regulations. The latter are now under review within the Department, and we expect that they will be revised. Subsequent to such revision, this subpart of the 504 regulation will also be reviewed and the need for change considered.

§ 27.121 Compliance Information.

A recipient is required by § 27.121 to keep on file for one year all complaints alleging noncompliance; a record of such complaints must be kept for five years. Compliance reports, which must be submitted to the DOT Director of Environment and Safety, must contain sufficient information to allow the Director to determine whether the recipient is complying with the Act and these regulations.

The Director or his/her designee shall have access to all pertinent information including that which normally is confidential. When confidential information is obtained in connection with an action relating to compliance, this information shall not be disclosed except as necessary in formal enforcement proceedings or as required by law.

Participants, beneficiaries, and other interested persons shall be informed

by the recipient about protection against discrimination provided by the Act and this regulation.

§ 27.123 Conduct of Investigations.

From time to time, compliance reviews will be conducted by the Director. Complaints alleging discrimination must be filed within 180 days of the alleged offense. Complaints and other indications of possible noncompliance will be investigated promptly.

§ 27.125 Compliance Procedure.

The regulation provides that if there appears to be a failure or threatened failure to comply with provisions of this Part 27 which is not resolved by informal means, compliance may be effected by suspension or termination of, or refusal to grant or continue, Federal financial assistance.

§ 27.127 Hearings.

The regulation provides that when an opportunity for a hearing is required by § 27.125(b), a recipient will have the option of requesting a hearing or submitting written information and argument for the record. Otherwise, a decision will be made on the basis of the information that has been filed for the record.

Hearings, decisions and any administrative review of these will be conducted in accordance with the Administrative Procedure Act (5 U.S.C. 551, et seq.). After an Administrative Law Judge holds the hearing and renders the initial decision, the principal parties concerned in the proceedings may file with the Director their exceptions, together with the reasons therefor, whereupon the Director will issue his/her own decision. Final decisions by officials within the Department, other than the Secretary, which provide for the suspension or termination of Federal financial assistance, or the refusal to grant or continue such assistance, or the imposition of other sanctions, will be subject to approval by the Secretary.

§ 27.129 Decisions and Notices.

This section sets forth certain procedural details concerning decision orders, and subsequent proceedings. For example, it provides that no decision to suspend or terminate financial assistance, or to refuse to grant or continue such assistance, shall be final until approved by the Secretary of Transportation. Any recipient from whom financial assistance has been denied may restore its eligibility upon a showing to the Director that it satisfies the terms and conditions contained in the termination order.

REQUEST FOR COMMENTS

The Department is interested in receiving comments on this regulation

from all interested parties. We are concerned that the provisions be clear and provide for a workable program that will achieve the objectives in a prompt and reasonable manner. The definition of handicapped persons is provided in the law, and is interpreted by HEW. The framework for the regulation is provided in the HEW guidelines.

We hope to receive comments particularly upon the specific provisions that address each transportation mode. We would wish to learn, for example, whether groups of handicapped persons are not accommodated by the provisions or if the accommodation of one group creates a barrier for another group. Are there activities that are not addressed? Is the opportunity for consumer advice adequate? If not, how might it be improved? Are timetables reasonable?

In what instances are interim measures appropriate and what should they be? Should the accessibility of one mode within a service area count, on an interim basis, for partial accessibility of another mode? In instances where full accessibility is very difficult to achieve, should such interchange be acceptable on a long-term basis?

Should certain small transportation operations be exempt from the requirements of the regulation where it is clear that the costs may force the discontinuance of service or reduce quality and quantity of service significantly? Should the cities with existing rapid rail facilities be exempted from a requirement that elevators or other level change mechanisms be installed at some or all stations? If so, on what theory and what is a suitable substitute for such rapid rail accessibility?

The Department solicits, in particular, comments on the economic benefits and costs of compliance with the regulation, and will carefully consider additional data submitted during the comment period on this issue.

Public Comments and Public Hearings. The Department of Transportation welcomes comments on the proposed rule, particularly written comments that suggest specific ways in which the regulations may be improved. Interested parties are invited to participate in the making of the rule by submitting to the Department such written data, views, or arguments as they may desire.

Communications should be submitted to the following address: U.S. Department of Transportation, Docket Clerk, Docket No. 56, Office of the General Counsel, Room 10100, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590. All written communications received on or before September 6, 1978, will be considered by the Department before final action is taken on the proposed rule. Comments received after that date will be

placed in the public docket, but considered only to the extent possible. The proposed rule contained in this Notice may be changed as a result of comments received. All comments submitted will be available from the Docket Clerk, in room 10100, for examination by interested parties, between 9 a.m. and 5:30 p.m. local time, Monday through Friday except Federal holidays.

In order to increase the opportunity for comments which can be used to evaluate and improve the proposed rule, the Department will hold a public hearing on July 26 (and, if necessary, July 27), 1978, in room 2230 of the Department of Transportation (Nassif Building), 400 Seventh Street SW., Washington, D.C. 20590. Sessions each day will convene at 9 a.m. and conclude at 4:30 p.m., with an hour recess for lunch. The room is accessible to wheelchairs, and interpreters for the deaf will be provided.

The hearing will be informal in nature and will be conducted by an official representing the Department. Since the hearing will not be of the evidentiary or judicial type, there will be no cross-examination of those persons presenting statements.

All interested persons are invited to attend the hearing. They must submit their requests postmarked by July 6, 1978, stating name, whether they represent an organization, telephone number during the day, any particular area of interest and the length of time required (to a maximum of 10 minutes). Requests should be submitted to the Office of Environment and Safety, Room 9422, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590. Persons making an oral statement are encouraged to submit the substance of their remarks in written form either at the hearing or by mail to the Office of Environment and Safety (in time to arrive on or before July 19, 1978).

Some funds are available, under authority of the Department as set forth in the Travel Manual (paragraphs 331, "Invitational Travel" and 222.c, "Non-Employee Travel"), to provide travel and per diem funds to a limited number of persons who will be testifying at the hearing. Application for such funds should provide the following information:

- (1) Name and address of individual testifying;
- (2) Name and address of organization being represented, if any;
- (3) A short statement of the purpose of the organization and of its tax status;
- (4) The interest of the individual, or the organization being represented, in the matters being discussed at the hearing;
- (5) The subject area or areas to be discussed and the general thrust of the testimony to be given;

(6) The competency of the individual to testify on this matter;

(7) An itemization of the amount of funds requested; and

(8) The reason why funding is needed.

Factors that will be considered in evaluating applications for travel and per diem expenses shall include, but not be limited to: (1) Likelihood that the applicant would not participate in the absence of the requested funding; (2) the size of the constituency or organization represented by the applicant; (3) the type of disability represented (i.e., deaf, blind, mobility-impaired); (4) applicant's familiarity with the issues at hand; and (5) the likelihood that the applicant will contribute significantly to a full and fair disposition of the issues.

Applications must be submitted by mail postmarked by June 26, 1978, to the Office of Environment and Safety, Room 9422, 400 Seventh Street SW., Washington, D.C. 20590. Late applications will be received, but cannot be assured full consideration. Applicants will be notified of approval or disapproval of travel and per diem funds by July 7.

If a very large number of persons request an opportunity to speak at the hearing, DOT reserves the right to restrict further the length of time allowed for each oral statement in order to give the maximum number of persons the opportunity to be heard. A transcript of the hearing will be made and placed in the regulatory docket for examination by interested persons.

This Preamble and the NPRM are available on standard cassette tapes to persons with sight disabilities. Requests for tapes should be made to the Office of Environment and Safety, at the above address.

This amendment to Title 49 CFR is proposed under the authority of section 504, Rehabilitation Act of 1973 (29 USC 794).

Issued in Washington, D.C. on June 5, 1978.

ALAN BUTCHMAN,
Acting Secretary
of Transportation.

PART 27—NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITTING FROM FEDERAL FINANCIAL ASSISTANCE

Subpart A—General

- Sec.
- 27.1 Purpose.
 - 27.3 Applicability.
 - 27.5 Definitions.
 - 27.7 Discrimination prohibited.
 - 27.9 Assurances required.
 - 27.11 Remedial action, voluntary action, and self-evaluation.
 - 27.13 Designation of responsible employee and adoption of grievance procedures.
 - 27.15 Notice.
 - 27.17 Effect of state or local law or other requirements and effect of employment opportunities.

Sec.

27.19-29 [Reserved].

Subpart B—Employment Practices

- 27.31 Discrimination prohibited.
- 27.33 Reasonable accommodation.
- 27.35 Employment criteria.
- 27.37 Preemployment inquiries.
- 27.39-59 [Reserved].

Subpart C—Program Accessibility—General

- 27.61 Applicability.
- 27.63 Discrimination prohibited.
- 27.65 Existing facilities.
- 27.67 New construction.
- 27.69 [Reserved].

Subpart D—Program Accessibility Requirements in Specific Operating Administration Programs: Airports, Railroads and Highways

- 27.71 Federal Aviation Administration—Airports.
- 27.73 Federal Railroad Administration—Railroads.
- 27.75 Federal Highway Administration—Highways.

Subpart E—Program Accessibility Requirements in Specific Operating Administration Programs: Mass Transportation

- 27.81 Purpose.
- 27.83 Objective.
- 27.85 Scope.
- 27.87 Definitions.
- 27.89 Transition plan.
- 27.91 Status report and evaluation.
- 27.93 Community participation.
- 27.95 Fixed facilities for the public (general).
- 27.97 Vehicles (general).
- 27.99 Program policies and practices.
- 27.101 Fixed route bus systems accessibility.
- 27.103 Fixed guideway systems accessibility.
- 27.105 Paratransit systems accessibility.
- 27.107 Systems not covered by §§27.101-27.105.
- 27.109 Interim accessible transportation.
- 27.111 Waiver.

Subpart F—Enforcement

- 27.121 Compliance information.
- 27.123 Conduct of investigations.
- 27.125 Compliance procedure.
- 27.127 Hearings.
- 27.129 Decisions and notices.
- 27.131 [Reserved].

APPENDIX A—Analysis of Subpart E (Program Accessibility, Requirements in Specific Operating Administration Programs: Mass Transportation (Urban Mass Transportation Administration)).

AUTHORITY: Sec. 504, Rehabilitation Act of 1973; 29 U.S.C. 794.

Subpart A—General

§ 27.1 Purpose.

The purpose of this part is to carry out the intent of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) as amended, to the end that no otherwise qualified handicapped individual in the United States shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

§ 27.3 Applicability.

This part applies to each recipient of Federal financial assistance from the Department of Transportation and to each program or activity that receives or benefits from such assistance.

§ 27.5 Definitions.

As used in this part:

"Act" means the Rehabilitation Act of 1973, Pub. L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516, 29 U.S.C. 790 et seq.

"Applicant" means one who submits an application, request, or plan to be approved by a Departmental official or by a primary recipient as a condition to eligibility for Federal financial assistance, and "application" means such an application, request, or plan.

"Closed station" means a station at which no services are provided to passengers by station attendants and at which trains make regularly scheduled stops.

"Department" means the Department of Transportation.

"Director" means the Director of the Office of Environment and Safety of the Department.

"Discrimination" means denying handicapped persons the opportunity to participate in or benefit from any program or activity receiving Federal financial assistance.

"Facility" means all or any portion of buildings, structures, vehicles, equipment, roads, walks, parking lots, or other real or personal property or interest in such property.

"Federal financial assistance" means any grant, loan, contract (other than a procurement contract or a contract of insurance or guaranty), or any other arrangement by which the Department provides or otherwise makes available assistance in the form of:

- (a) Funds;
- (b) Services of Federal personnel; or
- (c) Real or personal property or any interest in, or use of such property, including:

(1) Transfers or leases of such property for less than fair market value or for reduced consideration; and

(2) Proceeds from a subsequent transfer or lease of such property if the Federal share of its fair market value is not returned to the Federal Government.

"Flag stop" means any station which is not a regularly scheduled stop but at which trains will stop to entrain or detrain passengers only on signal or advance notice.

"Handicapped Person" means any person who (1) has a physical or mental impairment that substantially limits one or more major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. As used in this definition:

(1) "Physical or mental impairment" means (i) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or (ii) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; mental retardation; emotional illness; drug addiction; and alcoholism.

(2) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) "Has a record of such an impairment" means has a history of, or has been classified, or misclassified, as having a mental or physical impairment that substantially limits one or more major life activities.

(4) "Is regarded as having an impairment" means:

(i) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by a recipient as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activity only as a result of the attitudes of others toward such an impairment; or

(iii) Has none of the impairments set forth in paragraph (1) of this definition, but is treated by a recipient as having such an impairment.

"Head of Operating Administration" means the head of an operating administration within the Department (United States Coast Guard, Federal Highway Administration, Federal Aviation Administration, Federal Railroad Administration, National Highway Traffic Safety Administration, Urban Mass Transportation Administration, and Research and Special Programs Directorate) providing Federal financial assistance to the recipient.

"Open station" means a station at which passengers may make reservations and purchase tickets and where passenger assistance is available for entraining and detraining passengers on trains which make regularly scheduled stops.

"Passenger" means anyone, except a working crew member, who travels on a train the service of which is governed by these regulations.

"Primary recipient" means any recipient that is authorized or required

to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

"Qualified handicapped person" means:

(a) With respect to employment, a handicapped person who, with reasonable accommodation and within normal safety requirements, can perform the essential functions of the job in question; and

(b) With respect to other activities, a handicapped person who meets the essential eligibility requirements for the receipt of such services.

"Recipient" means any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance is extended directly or through another recipient, for any Federal program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

"Secretary" means the Secretary of Transportation.

"Section 504" means section 504 of the Act.

§ 27.7 Discrimination prohibited.

(a) *General.* No qualified handicapped person shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity that receives or benefits from Federal financial assistance administered by the Department of Transportation.

(b) *Discriminatory actions prohibited.* (1) A recipient, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap:

(i) Deny a qualified handicapped person the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified handicapped person an opportunity to participate in or benefit from the aid, benefit, or service that is not substantially equal to that afforded persons who are not handicapped;

(iii) Provide a qualified handicapped person with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as persons who are not handicapped;

(iv) Provide different or separate aid, benefits, or services to handicapped persons or to any class of handicapped persons unless such action is necessary to provide qualified

handicapped persons with aid, benefits or services that are as effective as those provided to persons who are not handicapped;

(v) Aid or perpetuate discrimination against a qualified handicapped person by providing financial or other assistance to an agency, organization, or person that discriminates on the basis of handicap in providing any aid, benefit, or service to beneficiaries of the recipient's program;

(vi) Deny a qualified handicapped person the opportunity to participate in conferences, planning or advising recipients, applicants; or would-be applicants' or

(vii) Otherwise limit a qualified handicapped person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving an aid, benefit, or service.

(2) For purposes of this part, aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement for handicapped and nonhandicapped persons, but must afford handicapped persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement, in the most integrated setting that is reasonably achievable.

(3) Even if separate or different programs or activities are available to handicapped persons, a recipient may not deny a qualified handicapped person the opportunity to participate in the programs or activities that are not separate or different.

(4) A recipient may not, directly or through contractual or other arrangements, utilize criteria or methods of administration (i) that have the effect of subjecting qualified handicapped persons to discrimination on the basis of handicap, (ii) that have the purpose or effect of defeating or substantially reducing the likelihood that handicapped persons can benefit by the objectives of the recipient's program, or (iii) that yield or perpetuate discrimination against another recipient if both recipients are subject to common administrative control or are agencies of the same State.

(5) In determining the site or location of a facility, an applicant or a recipient may not make selections (i) that have the effect of excluding handicapped persons from, denying them the benefits of, or otherwise subjecting them to discrimination under any program or activity that receives or benefits from Federal financial assistance, or (ii) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the program or activity with respect to handicapped persons.

(6) As used in this section, the aid, benefit, or service provided under a program or activity receiving or bene-

fitting from Federal financial assistance includes any aid, benefit, or service provided in or through a facility that has been constructed, expanded, altered, leased or rented, or otherwise acquired, in whole or in part, with Federal financial assistance.

(c) *Programs limited by Federal law.* In programs authorized by Federal statute or executive order that are designed especially for the handicapped, or for a particular class of handicapped persons, the exclusion of nonhandicapped or other classes of handicapped persons is not prohibited by this part.

§ 27.9 Assurances required.

(a) *General.* Each application for Federal financial assistance to carry out a program to which this part applies, and each application to provide a facility, shall, as a condition to approval or extension of any Federal financial assistance pursuant to the application, contain, or be accompanied by, written assurance that the program will be conducted or the facility operated in compliance with all the requirements imposed by or pursuant to this part. An applicant may incorporate these assurances by reference in subsequent applications to the Department.

(b) *Duration of assurance.* (1) If the Federal financial assistance is in the form of real property or is to provide real property structures on the property, the assurance shall obligate the recipient or any subsequent transferee for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) If Federal financial assistance is to provide personal property, the assurance will obligate the recipient for the period it retains ownership or possession of the property.

(3) In all other cases, the assurance shall obligate the recipient for the period during which Federal financial assistance is extended to the program for which the assurance was originally made.

(c) *Covenants.* (1) Where Federal financial assistance is provided in the form of real property or interest in the property from the Department, the instrument of transfer shall contain a covenant running with the land to assure nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

(2) Where no transfer of property is involved but property is purchased or improved with Federal financial assistance, the recipient shall agree in writ-

ing to include the covenant described in paragraph (b)(1) of this section in transferring of the property.

§ 27.11 Remedial action, voluntary action and self evaluation.

(a) *Remedial action.* (1) If the Director finds that a recipient has excluded from participation in, denied the benefits of, or otherwise subjected to discrimination a qualified handicapped person, under any program or activity, in violation of this part, the recipient shall take such remedial action as the Director deems necessary to overcome the effects of the violation.

(2) Where a recipient is found to have violated this part, and where another recipient exercises control over the recipient that has violated this part, the Director, where appropriate, may require either or both recipients to take remedial action.

(3) The Director may, where necessary to overcome the effects of a violation of this part, require a recipient to take remedial action (i) with respect to handicapped persons who are no longer participants in the recipient's program but who were participants in the program when such discrimination occurred, and (ii) with respect to handicapped persons who would have been participants in the program had the discrimination not occurred.

(b) *Voluntary action.* A recipient may take steps, in addition to any action that is required by this part, to assure the full participation in the recipient's program or activity by qualified handicapped persons.

(c) *Self-evaluation.* (1) A recipient shall, within 90 days from the effective date of this part, designate and forward to the head of any operating administration providing financial assistance, with a copy to the Director, the names, addresses, and telephone numbers of the persons responsible for evaluating the recipient's compliance with this part.

(2) A recipient shall, within 180 days from the effective date of this part after consultation at each step in paragraphs (c)(2) (i)-(iii) of this section with interested persons, including handicapped persons and organizations representing the handicapped;

(i) Evaluate its current policies and practices for implementing these regulations, and notify the head of the operating administration of the completion of this evaluation;

(ii) Identify shortcomings in compliance and describe the methods used to remedy them;

(iii) Modify, with official approval of recipient's management, any policies or practices that do not meet the requirements of this part according to a schedule or sequence that includes milestones or measures of achievement;

(iv) Take appropriate remedial steps to eliminate the effects of any discrim-

ination that resulted from the modified policies and practices; and

(v) Establish a system for periodically reviewing and updating the evaluation.

(3) A recipient shall, for at least three years following completion of the evaluation required under paragraph (c)(1) of this section, maintain on file, make available for public inspection, and furnish to the head of the operating administration:

(i) A list of the interested persons consulted;

(ii) A description of areas examined and any problems identified; and

(iii) A description of any modifications made and of any remedial steps taken.

§ 27.13 Designation of responsible employee and adoption of grievance procedures.

(a) *Designation of responsible employee.* Each recipient that employs fifteen or more persons shall, within 90 days of the effective date of this regulation, forward to the head of the operating administration that provides financial assistance to the recipient, with a copy to the Director, the name, address, and telephone number of a least one person designated to coordinate its efforts to comply with this part. Each recipient shall inform the head of the operating administration of any subsequent change.

(b) *Adoption of complaint procedures.* A recipient that employs fifteen or more persons shall, within 180 days, adopt and file with the head of the operating administration procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any action prohibited by this part.

§ 27.15 Notice.

(a) A recipient shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient, that it does not discriminate on the basis of handicap. The notification shall state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its programs or activities. The notification shall also include an identification of the responsible employee designated pursuant to § 27.13(a). A recipient shall make the initial notification required by this section within 90 days of the effective date of this part. Methods of initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in re-

cipients' publications and distribution of memoranda or other written communications.

(b) If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants, or employees, it shall include in those materials or publications a statement of the policy described in paragraph (a) of this section. A recipient may meet the requirement of this paragraph either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications. In either case, the addition or revision must be specially noted.

§ 27.17 Effect of State or local law or other requirements and effect of employment opportunities.

(a) The obligation to comply with this part is not obviated or affected by any State or local law.

(b) The obligation to comply with this part is not affected by the fact that employment opportunities in a particular occupation may be more limited for handicapped persons than for nonhandicapped persons.

§§ 27.19-29 [Reserved].

Subpart B—Employment Practices

§ 27.31 Discrimination prohibited.

(a) *General.* (1) No qualified handicapped applicant shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity that receives or benefits from Federal financial assistance.

(2) A recipient shall make all decisions concerning employment under any program or activity to which this part applies in a manner assuring that discrimination on the basis of handicap does not occur. A recipient may not limit, segregate, or classify applicants for employment or employees on the basis of handicap.

(3) A recipient may not enter a contractual or other relationship that subjects qualified handicapped applicants for employment or employees to discrimination prohibited by this subpart. The relationships referred to in this paragraph include relationships with employment and referral agencies, with labor unions, with organizations providing or administering fringe benefits to employees of the recipient, or with organizations providing training and apprenticeship programs.

(b) *Specific Activities.* A recipient shall not discriminate on the basis of handicap in:

(1) Recruiting, advertising, and processing of applications for employment;

(2) Hiring, upgrading, promoting, awarding tenure, demotion, transfer,

layoff, termination, right of return from layoff, and rehiring;

(3) Rates of pay or any other form of compensation and changes in compensation;

(4) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

(5) Leaves of absence, sick leave, or any other leave;

(6) Fringe benefits available by virtue of employment, whether or not administered by the recipient;

(7) Selection and financial support for training, including apprenticeship, professional meetings conferences, and other related activities, and selection for leaves of absence to pursue training;

(8) Employer-sponsored activities, including social or recreational programs; and

(9) Any other term, condition, or privilege of employment.

(c) A recipient's obligation to comply with this subpart is not affected by any inconsistent term of any collective bargaining agreement to which it is a party.

§ 27.33 Reasonable accommodation.

(a) A recipient shall make reasonable accommodation to the known handicaps of an otherwise qualified applicant for employment or employee unless the recipient can demonstrate to the Director that the accommodation would impose an undue hardship on the operation of its program.

(b) Reasonable accommodation includes (but is not limited to):

(1) Making facilities used by employees readily accessible to and usable by handicapped persons;

(2) Job restructuring, part-time or modified work schedules, acquisition or modification of equipment, and similar actions; and

(3) The assignment of an employee who becomes handicapped and unable to perform his/her original duties to an alternative position with comparable pay.

(c) In determining, pursuant to paragraph (a) of this section, whether an accommodation would impose an undue hardship on the operation of a recipient's program, factors to be considered include:

(1) The overall size of the recipient's program, including number of employees, number and type of facilities, and size of budget;

(2) The type of the recipient's operation, including the composition and structure of the recipient's workforce;

(3) The nature and cost of the accommodation needed; and

(4) Its effect on program accomplishments, including safety.

(d) A recipient shall not deny any employment opportunity to a qualified handicapped employee or applicant

for employment if the basis for the denial is the need to make reasonable accommodations to the handicaps of the employee or applicant.

§ 27.35 Employment criteria.

(a) A recipient shall not make use of an employment test or other selection criterion that has an adverse impact or tends to have an adverse impact on handicapped persons, unless:

(1) The test score or other selection criterion, as used by the recipient, is shown to be job-related for the position in question; and

(2) Alternative job-related tests or criteria that do not have an adverse impact or do not tend to have an adverse impact on handicapped persons are shown by the recipient to be unavailable.

(b) A recipient shall select and administer tests that, when administered to an applicant for employment or employee with impaired sensory, manual, or speaking skills, nonetheless accurately purports to measure.

§ 27.37 Preemployment inquiries.

(a) Except as provided in paragraphs (b) and (c) of this section, a recipient shall not conduct a preemployment medical examination or inquiry as to whether the applicant is a handicapped person or as to the nature or severity of a handicap. A recipient may, however, make preemployment medical examinations or inquiries into an applicant's ability to perform job-related functions.

(b) When a recipient is taking remedial action pursuant to § 27.11 (a) or (c), or when a recipient is taking affirmative action pursuant to section 503 of the Act (which relates to government procurement), the recipient may invite applicants for employment to indicate whether and to what extent they are handicapped, provided that:

(1) The recipient makes clear that the information requested is intended for use solely in connection with its remedial action obligations or its voluntary or affirmative actions efforts; and

(2) The recipient makes clear that the information is being requested on a voluntary basis, that it will be kept confidential, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with this part.

(c) Nothing in this section prohibits a recipient from conditioning an offer of employment on the results of a medical examination conducted prior to the employee's entrance on duty, if:

(1) All entering employees in that category of job classification must take such an examination regardless of whether or not they are handicapped; and

(2) The results of such an examination are used only in accordance with this part.

(d) Information obtained in accordance with this section shall be collected and maintained on separate forms and treated confidentially, except that:

(1) Supervisors and managers may be informed of restrictions on the work or duties of handicapped persons and necessary accommodations;

(2) First aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment; and

(3) Government officials investigating compliance with the Act shall be provided relevant information upon request, consistent with the Privacy Act of 1974, 5 USC 552a.

§§ 27.39-59 [Reserved]

Subpart C—Program Accessibility—General

§ 27.61 Applicability.

This subpart applies to all programs of the Department of Transportation to which section 504 is applicable. Additional provisions with respect to certain specific programs of the Department are set forth in Subparts D and E.

§ 27.63 Discrimination prohibited.

No qualified handicapped person shall, because a recipient's facilities are inaccessible to or unusable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which this part applies.

§ 27.65 Existing facilities.

(a) *Program accessibility.* A recipient shall operate each program or activity to which this part applies so that, when viewed in the entirety, it is accessible to handicapped persons. This paragraph does not necessarily require a recipient to make each of its existing facilities or every part of an existing facility accessible to and usable by handicapped persons.

(b) *Methods.* A recipient may comply with the requirements of paragraph (a) of this section through such means as redesign of equipment, alteration of existing facilities and construction of new facilities in accordance with the requirements of § 27.67(c) or any other methods that results in making its program or activity accessible to handicapped persons. In choosing among available methods for meeting the requirements of paragraph (a) of this section, a recipient shall give priority to those methods that offer programs and activities to handicapped persons in the most integrated setting appropriate.

(c) *Structural changes.* Where structural changes are necessary to make programs or activities in existing facilities meet the requirements of paragraph (a) of this section, such changes shall be made as soon as practicable, but in no event later than three years after the effective date of this regulation, unless otherwise provided in Subpart D or E.

paragraph (a) of this section, such changes shall be made as soon as practicable, but in no event later than three years after the effective date of this regulation, unless otherwise provided in Subpart D or E.

(d) *Transition plan.* In the event that structural changes to facilities are necessary to meet the requirements of paragraph (a) of this section, a recipient shall develop, and submit to the cognizant operating administration providing Federal financial assistance, within one year of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. The plan shall be developed with the assistance of interested persons, including handicapped persons or organizations representing handicapped persons. A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum:

(1) Identify physical obstacles in the recipient's facilities that limit the accessibility of its program or activity to handicapped persons;

(2) Describe the methods that will be used to make the facilities accessible;

(3) Describe how the facilities and surrounding areas will be made accessible;

(4) Specify the schedule for taking the steps necessary to achieve overall program accessibility and, if the time period of the transition plan is longer than three years, identify steps that will be taken during each year of the transition period; and

(5) Indicate the person responsible for implementation of the plan.

(e) *Notice.* The recipient shall adopt and implement procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by handicapped persons.

§ 27.67 New construction.

(a) *Design and construction.* Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient shall be designed and constructed in a manner so that the facility or part of the facility is accessible to and usable by handicapped persons, if the construction was commenced after the effective date of this part.

(b) *Alteration.* Each facility or part of a facility which is altered by, on behalf of, or for the use of a recipient after the effective date of this part in a manner that affects or could affect the accessibility of the facility or part of the facility shall, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by handicapped persons.

(c) *ANSI standards.* Design, construction or alteration of facilities in

paragraphs (a) and (b) of this section shall be in accordance with the minimum standards in the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," published by ANSI, Inc. (ANSI A117.1-1961 (R1971)), which is incorporated by reference in this part. (These standards are now being updated and the revised standards will serve as a reference when they have been adopted.) When used in this regulation, the term "accessible" refers to these standards. Departures from particular requirements of these standards by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided. (Copies available from ANSI, Inc., 1430 Broadway, New York, N.Y. 10018.)

§ 27.69 [Reserved]

Subpart D—Program Accessibility Requirements in Specific Operating Administration Programs: Airports, Railroads, and Highways

§ 27.71 Federal Aviation Administration—Airports.

(a) *Fixed facilities.* (1) New terminal—(i) Terminal facilities designed and constructed with Federal financial assistance on or after the effective date of this part, the intended use of which will require it to be accessible to the public or may result in the employment therein of physically handicapped persons, shall be designed or constructed in accordance with the ANSI or standards referenced in § 27.67(c). Where there is ambiguity or contradiction between the definitions and the standards used by ANSI and the definitions and standards used in paragraph (a)(1)(ii) of this section, the ANSI terms should be interpreted in a manner which will make them consistent with the standards in paragraph (a)(1)(ii) of this section. If this cannot be done, the standards in Paragraph (a)(1)(ii) of this section prevail.

(ii) In addition to the standards referred to in paragraph (a)(1)(i) of this section, the following standards apply to airline terminal facilities covered by paragraph (a)(1)(i) of this section:

(A) *Station circulation and flow.* Handicapped users shall be able to locate and enter the station. The basic station design shall permit efficient movement of handicapped persons while at the same time giving consideration to their convenience, comfort, and safety. It is also essential that the design, especially concerning the location of elevators, escalators, and similar devices, minimize any extra distance that wheel chair users and other persons unable to climb steps must travel compared to nonhandicapped persons, to reach ticket counters, waiting areas, baggage handling areas, and boarding locations.

(B) *International accessibility symbol.* The international accessibility symbol shall be displayed at wheelchair accessible entrances to buildings that meet the ANSI standards.

(C) *Ticketing.* The ticketing system shall be designed to provide the handicapped with the opportunity to use the primary fare collection area to obtain ticket issuance and make fare payment.

(D) *Baggage check-in and retrieval.* Baggage areas shall be accessible to handicapped persons. The facility shall be designed to provide for efficient handling and retrieval of baggage by all persons.

(E) *Boarding.* Boarding by jetways and by passenger lounges are the preferred methods for movement of handicapped persons between terminal buildings and aircraft; however, where this is not practicable, operators at terminals emplaning 10,000 or more passengers per year shall assure that there are in place handicapped lifts not normally used for movement of freight for emplaning and deplaning wheelchair-confined persons.

(F) *Telephones.* Wherever there are public telephone centers in terminals, at least one clearly marked telephone shall be equipped with a volume control or sound booster device and with a device which makes telephone communications possible for persons wearing hearing aids.

(G) *Teletypewriter.* Each carrier reservation center shall have at least one teletypewriter (TTY) to enable agents and other personnel to communicate with hearing-impaired persons.

(H) *Vehicular loading and unloading areas.* Several spaces adjacent to the terminal building entrance, separated from the main flow of traffic, and clearly marked, shall be made available for the loading and unloading of handicapped passengers from motor vehicles. The spaces should allow individuals in wheelchairs or with braces or crutches to get in and out of automobiles onto a level surface suitable for wheeling and walking.

(I) *Parking.* In addition to the requirements in the ANSI standards referenced in paragraph (a)(1)(i) of this section, the following requirements shall be met:

(1) Curb cuts or ramps with grades not exceeding 8.33% shall be provided at crosswalks between park areas and the terminal;

(2) Where multi-level parking is provided, ample and clearly marked space shall be reserved for ambulatory and semi-ambulatory handicapped persons on the level nearest the ticketing and boarding portion of the terminal facilities; and

(3) In multi-level parking areas, elevators, ramps, or other devices which can accommodate wheelchair-confined persons shall be easily available.

(J) *Waiting area/public space.* As the major public area of the airline terminal facility, the environment in the waiting area/public space should give the handicapped person confidence and security in using the facility. The space shall be designed to accommodate the handicapped providing clear direction about how to use all passenger facilities.

(K) *Station information.* Station information systems shall take into consideration the needs of handicapped persons. The primary information mode shall be visual words and letters, or symbols, using lighting and color coding. Stations shall also have facilities giving spoken information in braille or information available to touch.

(L) *Public services.* Public service facilities such as public toilets, drinking fountains, travelers aid and first aid medical facilities shall be designed in accordance with ANSI standards.

(2) *Existing Terminals—(i) Structural changes.* Where structural changes are necessary to make existing terminals which are owned and operated by recipients of Federal financial assistance accessible to and usable by handicapped persons, such changes shall be made in accordance with the ANSI standards referenced in § 27.67(c), as soon as practicable, but in no event later than three years after the effective date of this part.

(ii) *Ongoing renovation.* In terminals that are undergoing structural changes involving entrances, exits, interior doors, elevators, stairs, baggage areas, drinking fountains, toilets, telephones, eating places, curbs, and parking areas, recipients shall begin immediately to incorporate accessibility features.

(iii) *Transition.* Where extensive structural changes to existing facilities are necessary to meet accessibility requirements, recipients shall develop and submit to the Federal Aviation Administration (FAA) a transition plan setting forth the changes needed to comply with § 27.65(d).

(iv) *Boarding.* Within three years from the effective date of this part, recipients operating terminals emplaning 10,000 or more passengers per year that are not equipped with jetways or passenger lounges for boarding and unboarding shall assure that there is in place handicapped lifts, not normally used for movement of freight, for emplaning and deplaning wheelchair-confined persons.

(v) *Passenger services.* Recipients operating terminals emplaning 10,000 or more passengers per year shall assure that there are provisions for assisting handicapped passengers upon request in movement into, out of, and within the terminal, and in the use of terminal facilities, including baggage handling.

(vi) *Guide dogs.* Seeing eye and hearing guide dogs shall be permitted to accompany their owners on all certificated aircraft and shall be accorded all the privileges of the passengers whom they accompany in regard to access to terminals, facilities, and passenger compartments.

§ 27.73 Federal Railroad Administration—Railroads.

(a) *Fixed facilities.* (1) New facilities—(i) Every fixed facility or part of a facility—including every station, terminal, building, or other facility—designed or constructed with Federal financial assistance on or after the effective date of this part, the intended use of which will require it to be accessible to the public or may result in the employment therein of physically handicapped persons, shall be designed and constructed in accordance with the ANSI standards referenced in § 27.67(c). Where there is ambiguity or contradiction between the definitions and the standards used by ANSI and the definitions and standards used in paragraph (a)(1)(ii) of this section, the ANSI terms should be interpreted in a manner which will make them consistent with the standards in paragraph (a)(1)(ii) of this section. If this cannot be done, the standards in paragraph (a)(1)(ii) of this section will prevail.

(ii) In addition to the standards referred to in paragraph (i) of this section, the following standards also apply to rail facilities covered by paragraph (i) of this section:

(A) *Station circulation and flow.* Handicapped persons shall be able to locate and enter the station. The basic station design shall permit efficient movement of handicapped persons while at the same time giving consideration to their convenience, comfort, and safety. The design, especially concerning the location of elevators, escalators, and similar devices, shall minimize any extra distance that wheelchair users or other persons unable to climb steps must travel, compared to nonhandicapped persons, to reach ticket counters, baggage handling areas, and boarding locations.

(B) *International accessibility symbol.* The international accessibility symbol shall be displayed at wheelchair-accessible entrances to buildings that meet ANSI standards.

(C) *Ticketing.* The ticketing system shall be designed to provide the handicapped with the opportunity to use the primary fare collection area to obtain ticket issuance and make fare payment.

(D) *Baggage check-in retrieval.* Baggage areas shall be accessible to handicapped persons. The facility shall be designed to provide for efficient handling and retrieval of baggage by all persons.

(E) *Boarding platforms.* All boarding platforms that are located more than

two feet above ground, or present any other dangerous condition, shall be marked with a warning device consisting of a string of floor material differing in color and texture from the remaining floor surface. The design of boarding platforms shall be coordinated with the vehicle design where possible, in order to minimize the gap between platform and vehicle doorway and to permit safe passage by wheelchair users and other handicapped persons. Where it is not possible to construct boarding platforms that accommodate all vehicles, ramps or lift devices or both shall be available to permit boarding by persons in wheelchairs.

(F) *Telephones.* Wherever there is more than one public telephone in stations and terminals, at least one clearly marked telephone shall be equipped with a volume control or sound booster device and with a device which makes telephone communication possible for persons wearing hearing aids.

(G) *Teletypewriter.* Where recipient does not make available a toll-free reservation number with teletypewriter capabilities, stations and terminals serving more than 5,000 passengers per week shall be equipped with at least one clearly marked teletypewriter (TTY) to enable ticket agents and other appropriate personnel to communicate with handicapped persons.

(H) *Vehicular loading and unloading areas.* Several spaces adjacent to the terminal entrance, separated from the main flow of traffic, and clearly marked, shall be made available for the boarding and exiting of handicapped persons. The spaces should allow individuals in wheelchairs or with braces or crutches to get in and out of vehicles onto a level surface suitable for wheeling or walking.

(I) *Parking.* Where parking facilities are provided, at least two spaces shall be set aside and identified for the exclusive use of handicapped persons. Curb cuts or ramps with grades not exceeding 8.33% shall be provided at crosswalks between parking areas and the terminal. Where multi-level parking is provided, ample space which is clearly marked shall be reserved for handicapped persons with limited mobility on the level which is most accessible to the ticketing and boarding portion of the terminal facilities; such level change shall be by elevator, ramp, or by other devices which can accommodate wheelchair-confined persons.

(J) *Waiting area/public space.* As the major public area of the rail facility, the environment in the waiting area/public space should give the handicapped person confidence and security in using the facility. The space shall be designed to accommodate the handicapped by providing clear directions about how to use all passenger facilities.

(K) *Station information.* Station information systems shall take into consideration the needs of handicapped persons. The primary information mode shall be visual words and letters or symbols using lighting and color coding. Stations shall also have facilities giving spoken information and in braille or information available by touch.

(L) *Public services.* Public service facilities, such as public toilets, drinking fountains, travelers aid and first aid medical facilities, shall be designed in accordance with ANSI standards.

(2) *Existing facilities—(i) Ongoing renovation.* All recipients shall begin immediately to incorporate accessibility features in stations and terminals that are already undergoing structural changes involving entrances and exits, interior doors, elevators, stairs, baggage areas, drinking fountains, toilets, telephones, eating places, boarding platforms, curbs, and parking garages.

(ii) *Structural changes.* Existing transportation facilities shall, as explained in the transition plan to be submitted to the Federal Railroad Administration (FRA) pursuant to § 27.73(a)(2)(iii) of this section, be modified to insure that the facilities, when viewed in their entirety, are readily accessible to and usable by handicapped persons. Such changes shall be made in accordance with the ANSI standards referred to in § 27.67(c) as soon as practicable, but in no event later than five years after the effective date of this part, except that if the recipient submits a request and justification to the FRA on or before the transition plan is submitted pursuant to § 27.73(a)(2)(iii) of this section, the Administrator may exempt from this provision those existing facilities which have the lowest utilization rates, provided that such exemptions include no more than 10 percent of all stations.

(A) Within 30 days of the date the exemption request is filed with the FRA, representatives of the FRA will meet with representatives of the Interstate Commerce Commission (ICC) to determine if the justification is adequate. The representatives will coordinate their efforts so that any changes requested by either FRA or ICC are consistent.

(B) If no agreement can be reached by the FRA and ICC on the adequacy of the justification within 60 days from the date the representatives first meet, the matter shall be referred to the Secretary of the Department of Health, Education, and Welfare for resolution.

(iii) *Transition plan.* Where extensive changes to existing facilities are necessary to meet accessibility requirements, recipients shall develop and submit to the FRA within one year

after the effective date of this part, with a copy to the Director, a transition plan setting forth the changes needed to comply with § 27.65(d). The plan shall contain, but not necessarily be limited to:

(A) Identification of the physical obstacles in the facility that limit the accessibility of its program or activity to handicapped persons;

(B) Description of the methods that will be used to make facilities accessible;

(C) A schedule for undertaking the steps necessary to achieve full accessibility to the passenger handling process. If the transition plan will require more than one year to implement, then steps to be taken during each year of the transition period should be identified; and

(D) To the extent feasible, recipients should at a minimum strive to make one-fifth of all fixed facilities accessible each year until all such facilities are accessible to and usable by handicapped persons, except those exempted pursuant to the last sentence of paragraph (a)(2)(ii) of this section.

(iv) *Approval of transition plan.* (A) Within 30 days from the date the plan is filed with the FRA, representatives of the FRA will meet with representatives of the ICC to determine if the plan is adequate. The representatives shall coordinate their efforts so that any changes requested by either the FRA or the ICC will be consistent.

(B) If no agreement can be reached by the FRA and the ICC within 60 days from the date the representatives first meet, the matter shall be referred to the Secretary of the Department of Health, Education, and Welfare for resolution.

(v) *Existing danger.* Every existing facility and piece of equipment shall be free of conditions which pose a danger to the life or safety of handicapped persons. Upon discovery of such conditions, the danger shall be immediately eliminated and all necessary steps taken to protect the handicapped, or a particular category of handicapped persons, from harm during the period that the facility or equipment is being made safe.

(b) *Rail vehicles.* (1) Within three years from the effective date of this part, on each passenger train:

(i) At least one coach car shall be accessible;

(ii) Where sleeping cars are provided, at least one sleeping car shall be accessible; and

(iii) At least one car in which food service is available shall be accessible to handicapped persons, or they shall be provided food service where they are seated.

In cases where the only accessible car is not a coach, first class seating for handicapped persons shall be provided at coach fare.

(2) In order for a passenger car to be accessible to handicapped persons, the following shall be available:

(i) Space to park and secure one or more wheelchairs to accommodate persons who wish to remain in their wheelchairs, and space to fold and store one or more wheelchairs to accommodate individuals who wish to sit in coach seats.

(ii) Accessible restrooms with wide doorways, bars to assist the individual in moving from wheelchair to toilet, low sinks, and other appropriate modifications. These restrooms should be large enough to accommodate wheelchairs.

(iii) General access to food service, including wide enough aisles and accessible tables if a dinette or dining car is used.

If there is an insufficient supply of existing accessible equipment to meet the requirements set forth in paragraphs (b)(2) (i), (ii), and (iii) of this section, recipients must either retrofit a sufficient quantity of existing equipment or purchase a sufficient quantity of new accessible equipment.

All new rail vehicles ordered more than one year after the effective date of this part by recipients of Federal financial assistance shall be designed so as to be accessible to handicapped persons and shall display the international accessibility symbol at each entrance.

(c) *Rail passenger service.* (1) No recipient shall deny transportation to any person who meets the requirements of this regulation because that person cannot board a train without assistance, or use on-train facilities without assistance, except as provided in this regulation.

(2) Handicapped persons who require the assistance of an attendant shall not be denied transportation so long as they are accompanied by an attendant. Handicapped persons who require the service of an attendant, but who are unaccompanied, are not required to be transported by the recipient under this regulation. Handicapped persons requiring the assistance of an attendant shall include those cannot take care of most of their fundamental personal needs.

(3) All recipients at stations, except flag stops and closed stations, shall on advance notice of three hours or more provide assistance to handicapped persons except that those handicapped persons who require the services of an attendant, including those who are confined to a bed or stretcher, shall give advance notice of at least 12 hours. Such assistance shall include, but is not limited to, advanced boarding and assisting handicapped persons in moving from station platform onto the train and to a seat. The recipient shall provide the same assistance to handicapped persons as they leave the

train and reboard another train in the process of changing trains. Recipients shall provide assistance upon request to handicapped persons in the use of station facilities and in the handling of baggage.

(4) In all open stations, there shall be prominently displayed a notice stating the location of the recipient's representative or agent who is responsible for providing assistance to handicapped persons. Recipients shall publish in their schedules a notice of those closed stations and flag stops at which assistance cannot be provided to handicapped persons.

(5) Assistance to handicapped persons in the use of on-train facilities shall be provided as follows:

(i) *General assistance.* Recipients shall provide assistance to handicapped persons in moving to and from accommodations, including assistance in moving to and from wheelchairs.

(ii) *Restroom facilities.* All recipients shall, upon request, provide assistance to handicapped persons needing assistance in gaining access to rest and washroom facilities.

(iii) *Sleeping car service.* All recipients on all trains where sleeping car service is provided shall, upon request, provide assistance in gaining access to the facilities on various accommodations, such as roomette, bedroom, or compartment.

(iv) *Dining and lounge car service.* Where dining cars, food service cars, or lounge cars are inaccessible to handicapped persons, all recipients shall, upon request, provide meal, beverage, and snack service to handicapped persons needing such service in their accommodations.

(6) *Assistance with wheelchairs, crutches, walkers, and canes.* All recipients shall provide coach or sleeping car space to store, and shall assist in storing, such orthopedic aids as wheelchairs, walkers, crutches, and canes. These orthopedic aids shall be stored on the same coach or sleeping car in which the handicapped person travels.

(7) *Notice of assistance available provided in the use of on-board facilities.* All recipients shall, on all coaches, sleeping cars, dining cars, food service cars, and lounge cars, permanently display a notice stating where and from whom assistance in the use of facilities of various cars may be obtained.

(8) *Bedridden and stretcher-bound passengers.* (i) Where equipment is designed or modified to accept bedridden or stretcher-bound passengers without unreasonable delay, the recipient shall provide assistance in the boarding of bedridden or stretcher-bound persons into sleeping quarters. Accessibility to coaches for these persons is not required.

(ii) Advance notification of 12 hours or more is mandatory in order to

insure provision of assistance to bedridden or stretcher-bound passengers. For the purpose of this section, assistance need not necessarily include placing the bedridden or stretcher-bound person into the compartment.

(9) *Passengers requiring life support equipment.* Recipients shall not be required to transport persons who are dependent upon life support equipment.

(10) *Guide dogs.* Seeing eye dogs and hearing guide dogs shall be permitted to accompany their owners on all passenger trains, and shall be permitted in coach, sleeping, and dining cars.

(11) *Services to deaf and blind passengers.* Recipients shall provide assistance to deaf and/or blind passengers, on request, by advising them of station stops.

(12) Recipients shall notify the public that they provide services that facilitate travel by handicapped persons.

(13) *Effective date of requirement.* The requirements of this section are effective 6 months from the date of promulgation of the rule.

§ 27.75 Federal Highway Administration—Highways.

(a) *New Facilities.* (1) *Highway rest area facilities.* All such facilities which will be constructed with Federal financial assistance shall be designed and constructed in accordance with the ANSI standards referenced in § 27.87(c). Wherever the word "accessible" appears in this section, it refers to these standards.

(2) *Curb cuts.* All pedestrian crosswalks constructed with Federal financial assistance shall have curb cuts or ramps to accommodate persons in wheelchairs, pursuant to section 228 of the Federal-Aid Highway Act of 1973 (23 U.S.C. 402(b)(1)(F)).

(3) *Pedestrian over-passes and under-passes.* Pedestrian over-passes, under-passes and ramps, constructed with Federal financial assistance, shall be accessible to the handicapped, including having gradients no steeper than 10 percent, unless:

(i) Alternate safe means are provided to enable mobility-limited persons to cross the roadway at that location; or
(ii) It would be infeasible for mobility-limited persons to reach the over-passes, under-passes or ramps because of terrain obstacles unrelated to the federally assisted facility.

(b) *Existing Facilities.*

(1) *Rest area facilities.* Rest area facilities on Federal-aid highways shall be made accessible to handicapped persons, including those confined to wheelchairs, within a three-year period after the effective date of this part.

Subpart E—Program Accessibility, Requirements in Specific Operating Administration Programs: Mass Transportation

§ 27.81 Purpose.

The purpose of this subpart is, in addition to implementing section 504 of the Rehabilitation Act of 1973, also to implement section 16(a) of the Urban Mass Transportation Act of 1964, as amended, and section 165(b) of the Federal-Aid Highway Act of 1973, as amended. These latter statutes are designed to increase the availability to elderly and handicapped persons of mass transportation which they can effectively utilize, and to require access for elderly and handicapped persons to public mass transportation facilities, equipment, and services.

§ 27.83 Objective.

This subpart consolidates and revises existing Urban Mass Transportation Administration (UMTA) regulations, policies, and administrative practices implementing the statutes named in § 27.81.

§ 27.85 Scope.

This subpart covers mass transportation program accessibility, including the planning and implementation of mass transportation services, and community participation. It does not cover employment-related matters or compliance, which are covered in other subparts of this regulation.

§ 27.87 Definitions.

As used in this subpart:

"Fixed route bus system" means a system of buses of any size which operate on a fixed route pattern on a fixed schedule.

"Fixed guideway system" means any public transportation facility which utilizes and occupies a separate right-of-way for the exclusive use of public transportation service including, but not limited to, fixed rail and automated guideway transit.

"Public paratransit system" means those forms of collective passenger transportation which provide shared-ride service to the general public or special categories of users on a regular and predictable basis and which do not necessarily operate on fixed schedules or over prescribed routes.

§ 27.89 Transition plan.

(a) *General.* A transition plan shall be prepared for each urbanized and non-urbanized area receiving UMTA financial assistance. The transition plan is a staged, multi-year program. The purpose of the plan is to identify the transportation improvements and policies needed to achieve program accessibility, to provide other accessible services prior to the achievement of program accessibility, and to assure compliance with this regulation. The

service and program aspects of the self-evaluation required by § 27.11 shall be accomplished as part of the preparation of this plan.

(b) *Planning process.* (1) The urban transportation planning process of each urbanized and non-urbanized area receiving UMTA transit assistance shall include the development and periodic reappraisal of a transition plan which is an outgrowth of ongoing activities to plan public mass transportation facilities and services that can effectively be utilized by elderly and handicapped persons pursuant to 23 CFR 120(a)(5).

(2) The transition plan shall cover the entire period required to achieve program accessibility. The period for achieving program accessibility shall not exceed the deadlines established for each system in §§ 27.93-27.105 of this regulation.

(3) The development and periodic reappraisal of the transition plan shall:

(i) In urbanized areas be done under the direction of the Metropolitan Planning Organization (MPO) in conformance with 23 CFR 450.306 (a) and (b);

(ii) In non-urbanized areas be done under the direction of local elected officials in cooperation with transit operators and the State;

(iii) Be prepared with community participation required by § 27.91; and

(iv) Assure continuing self-evaluation activities.

(4) The transition plan shall be endorsed by the MPO in urbanized areas pursuant to 23 CFR 450.112, and shall be endorsed by the recipients responsible for implementing improvements and policies specified in the transition plan, with the recipient endorsement required only for the portions of the plan which affect each such recipient.

(c) *Plan content.* The transition plan shall include:

(1) Identification of public transportation vehicles, facilities, services, policies, and procedures that do not meet the program accessibility requirements of this subpart;

(2) Identification by system and recipient of the improvements and policies required for bringing them into conformance with this subpart, including any required other or comparable accessible services; the plan should indicate how other accessible transportation service levels and fares were determined to assure reasonableness;

(3) Establishment of priorities among the improvements, reasonable implementation schedules, and system accessibility benchmarks;

(4) Assignment of responsibility among public transportation providers for the implementation of improvements and policies;

(5) Identification of coordination activities to improve the efficiency of existing services;

(6) Estimation of total costs and identification of sources of funding for implementing the improvements in the plan;

(7) Description of community participation in the development of the transition plan; and

(8) Identification of responses to substantive concerns raised during public hearings on the plan.

(d) *Deadlines.* (1) Transition plans for areas with rail transit systems shall be transmitted for approval to UMTA with a copy to the Director as soon as practicable but not later than July 1, 1980.

(2) Transition plans for all other areas shall be transmitted for approval to UMTA as soon as practicable but not later than July 1, 1979.

(3) Transition plans will be reviewed and approved by UMTA as they are received.

§ 27.91 Status report and evaluation.

In order to provide a basis upon which a determination of compliance may be made, recipients (or MPO's on their behalf) shall prepare a status report summarizing the findings of the self-evaluation activity with respect to the recipient's accomplishment and plans for meeting the schedule of improvements in the area's approved transition plan. Such information shall be transmitted as an exhibit accompanying the annual element of the transportation improvement program, or, for recipients whose projects do not appear in a transportation improvement program, as an exhibit in the project application. This report shall cover the recipient's compliance with the employment provisions of this regulation as well as the program accessibility provisions. The report shall incorporate the items required to be submitted to UMTA by § 27.11(c)(2) of this part and shall satisfy that section.

§ 27.93 Community participation.

This section requires specific community involvement, particularly by handicapped persons or organizations representing handicapped persons, during the development of the transition plan and at least annually during its implementation, during significant changes in the transition plan, and at the time of any request for waiver. Agencies performing the planning, programming, and implementation activities required by this subpart shall use adequate citizen participation mechanisms or procedures during those activities. The mechanisms shall ensure participation by handicapped persons, advocacy organizations of handicapped persons (where available), public and private social service agencies, public and private operators of existing transportation for handicapped persons, public and private

transportation operators, and other interested and concerned persons. A public hearing shall be held on the proposed plan and on significant changes to the plan, and a written response shall be provided for substantive concerns raised during the hearing. This response shall indicate whether the plan has been or will be changed to accommodate the concerns and the rationale for changing or not changing the plan.

§ 27.95 Fixed facilities for the public (general).

(a) *Basic requirement.* This subpart requires that all public mass transportation stations and other fixed facilities are accessible to handicapped persons, including those who cannot use steps, except that in unusual circumstances where "compelling" reasons exist, a small proportion of stations or other fixed facilities may be exempted from this requirement upon adequate justification in the transition plan. Public fixed facilities include those structures, features, or pathways used by the traveling public and the public who participate in the planning and implementation of federally supported transportation services.

(b) *Deadlines.* Fixed facility accessibility shall be achieved by a staged sequence of fixed facility modifications, replacements, and new construction which reflect reasonable and steady progress. Changes not involving extraordinarily expensive structural changes to, or replacement of, existing facilities shall be implemented as soon as practicable but not later than three years after the effective date of this regulation. Other fixed facility accessibility changes shall be made as soon as practicable but no later than the deadlines specified in §§ 27.99-27.105.

(c) *Phasing (sequencing of accessibility activities).* (1) Localities in cooperation with recipients shall establish and document phasing criteria for projects needed to achieve program accessibility, as part of the development of required transition plans. Handicapped persons or organizations representing handicapped persons shall assist in the selection of phasing criteria and their application.

(2) Transition plans will describe the phasing for fixed facility accessibility. Projects needed to satisfy three-year requirements shall be identified, along with five-year benchmarks toward long-term fixed facility accessibility.

(d) *New fixed facilities.* Each fixed facility or part of a fixed facility for the public constructed by or for a recipient shall be designed, constructed, and operated in such manner that the fixed facility or part of the fixed facility is accessible to handicapped persons.

(e) *Alterations.* Each fixed facility or part of a fixed facility for the public

which is altered by or for a recipient in a manner that affects or could affect the usability of the facility or part of the fixed facility by handicapped persons shall, to the maximum extent feasible, be altered in such manner that the altered portion of the fixed facility is accessible to handicapped persons.

(f) *American National Standards Institute accessibility standards.* Design, construction, or alteration of fixed facilities in conformance with ANSI standards referenced in § 27.67(c) and the standards of paragraph (g) of this section shall constitute compliance with paragraphs (d) and (e) of this section. Departures from particular requirements of those standards by the use of other methods are permitted when it is clearly evident that equivalent access to the fixed facility or part of the fixed facility is thereby provided.

(g) *Other necessary features.* In addition to the ANSI standards of paragraph (f) of this section, new transit fixed facilities for the public shall incorporate such other features as are necessary to make the fixed facilities accessible to handicapped persons. Existing fixed facilities shall incorporate these same features to the extent provided by paragraph (e) of this section and by §§ 27.99-27.105. In particular among these features, the design of boarding platforms for level-entry vehicles shall be coordinated with the vehicle design in order to minimize the gap between the platform and vehicle doorway and to permit safe passage by wheelchair users and other handicapped persons. Special attention shall be given to the needs of handicapped persons in the areas of fare vending and collection systems, visual and aural information systems, telephones (wheelchair users and persons with reduced hearing ability require certain accommodations), teletype machines to handle calls from deaf persons, vehicular loading and unloading areas, and parking areas at park-and-ride facilities.

§ 27.97 Vehicles (general).

(a) New vehicles shall be accessible to handicapped persons unless otherwise provided in the section below on the applicable specific system. Unless otherwise stated, requirements are effective for vehicles ordered or leased after the effective date of this regulation.

(b) When an existing vehicle is renovated substantially to prolong its life, the vehicle shall, to the maximum extent feasible, meet the requirements for a comparable new vehicle. Lesser renovations shall incorporate accessibility features for a comparable new vehicle when practicable and justified by the remaining life expectancy of the vehicle.

§ 27.99 Program policies and practices.

(a) Program policies and practices that prevent or inhibit travel or convenient use of services and facilities by handicapped persons shall be modified as soon as reasonably possible. This requirement reflects the concept that public transportation services require more than facility and vehicle accessibility if they are to be predictably, conveniently, and safely used by handicapped travelers.

(b) The following program policies and practices which influence the achievement of program accessibility shall, along with any other appropriate practice, be addressed in the planning process:

(1) Safety and emergency policies and procedures.

(2) Periodic sensitivity and safety training for personnel.

(3) Accommodations for companions or aides of handicapped travelers.

(4) Intermodal coordination of transportation providers.

(5) Coordination with social service agencies which provide or support transportation for handicapped persons.

(6) Comprehensive marketing consideration of handicapped persons' travel needs.

(7) Leasing, rental, procurement, and other related administrative practices.

(8) Involvement of existing private and public operators of transit and public paratransit in planning and competing to provide other accessible modes and appropriate services.

(9) Regulatory reforms to permit and encourage accessible services.

(10) Management supervision of accessible facilities and vehicles.

(11) Maintenance and security of accessibility features.

(12) Labor agreements and work rules.

(13) Appropriate insurance coverage.

(c) Recipients shall:

(1) Begin immediately to identify and change program policies and practices that prevent or inhibit travel or convenient use of services and facilities by handicapped persons. Necessary changes shall be made as soon as reasonably possible but no later than three years after the effective date of this regulation.

(2) Cover policy and practice changes in the transition plan required by § 27.89 and the annual status report required by § 27.91. In each case the recipient shall estimate one-time and ongoing costs connected with these changes, and indicate which changes have been implemented and which, because of special circumstances, have yet to be implemented.

§ 27.101 Fixed route bus systems accessibility.

(a) *Program accessibility.* (1) Program accessibility for a fixed route bus system is achieved when:

(i) The system is accessible to handicapped persons who can use steps; and

(ii) The system when viewed in its entirety is accessible to handicapped persons who cannot use steps. With respect to vehicles, this requirement means off-peak frequency service or half of the peak service, whichever is greater, during off-peak hours as well as peak hours, by buses which are accessible to handicapped persons who cannot use steps.

(2) Fixed route bus systems shall achieve program accessibility as soon as practicable but no later than three years after the effective date of this regulation, provided, however, that the time limit is extended to six years for the extraordinarily expensive structural changes to, or replacement of, existing facilities, including vehicles, necessary to achieve program accessibility. Where paragraph (a)(1)(ii) of this section would require more than 50 percent of the buses in a fixed route system be accessible, the six-year standard is extended by one year for each 10 percent above the 50 percent of the buses that would have to be accessible.

(b) *Vehicles.* (1) New fixed route buses of any size ordered after the effective date of this regulation shall be accessible to handicapped persons, including those who cannot use steps, if the Secretary determines it is feasible during the course of this rulemaking, or at such later date that the Secretary determines it is feasible, but not later than October 1, 1979. If the Secretary determines that it is not feasible to require that new fixed route buses ordered prior to October 1, 1979, be accessible, comparable accessible service shall be available in the interim if inaccessible buses are ordered.

(2) Effective with procurements advertised on or after October 1, 1979, UMTA recipients may procure new, standard, full-sized urban transit buses with UMTA financial assistance only through use in the procurement solicitation of UMTA's bid document entitled "Transbus Procurement Requirements," the technical specifications portion of which requires a stationary floor height of not more than 22 inches, an effective floor height including a kneeling feature of not more than 18 inches, and a ramp for boarding and exiting.

§ 27.103 Fixed guideway systems accessibility.

(a) *Program accessibility.* (1) Program accessibility for a fixed guideway system (including rapid transit ("subway"), light rail ("trolley"), commuter rail, automated guideway, and monorail systems) is achieved when the requirement of § 27.95(a) is met and:

(i) The system is accessible to handicapped persons who can use steps; and

(ii) The system, when viewed in its entirety, including at least one vehicle per train where the system has trains, is accessible to handicapped persons who cannot use steps. With respect to light rail vehicles, this requirement means off-peak frequency service or half the peak service, whichever is greater, during off-peak as well as peak hours, by vehicles which are accessible to handicapped persons who cannot use steps.

(2) Fixed guideway systems shall achieve program accessibility as soon as practicable but no later than three years after the effective date of this regulation, provided, however, that the time limit is extended to [12], [20], [30] years for the extraordinarily expensive structural changes to, or replacement of, existing fixed facilities necessary to achieve program accessibility; to ten years for such changes to, or replacement of light rail vehicles; and to five years for such changes to, or replacement of, other existing vehicles.

(b) *Vehicles.* (1) New light rail vehicles and other commuter rail vehicles ordered before October 1, 1979, shall be accessible to those handicapped persons who can use steps.

(2) New light rail and commuter rail vehicles ordered on or after October 1, 1979, shall be accessible to handicapped persons, including those who cannot use steps.

§ 27.105 Paratransit systems accessibility.

(a) *Program accessibility.* Each paratransit system shall be operated so that the system, when viewed in its entirety, is accessible to handicapped persons. Where new vehicles must be purchased or structural changes must be made to meet this requirement, the purchase or changes shall be made as soon as practicable but no later than three years after the effective date of this regulation.

(b) *Vehicles.* New paratransit vehicles shall be accessible to handicapped persons, provided that where the paratransit system already has lift- or ramp-equipped vehicles capable of carrying a wheelchair user seated in a wheelchair, sufficient in number to provide equal service to handicapped persons who need such vehicles as is provided to other persons, the new vehicles need not be lift- or ramp-equipped.

§ 27.107 Systems not covered by §§ 27.101-27.105.

(a) *Scope.* This section applies to forms of transportation not covered by §§ 27.101-27.105 (e.g., ferry boat). All provisions of this section are subject to modification on a case-by-case basis upon appeal to the Urban Mass Transportation Administrator.

(b) *Program accessibility.* (1) Program accessibility for a subject system

is achieved when the system, when viewed in its entirety, is accessible to handicapped persons, including those who cannot use steps.

(2) Subject systems shall achieve program accessibility as soon as practicable but in no event later than three years after the effective date of this regulation, provided, however, that this period may be extended upon appeal to the Urban Mass Transportation Administrator if program accessibility can be achieved only through extraordinarily expensive structural changes to or replacement of, existing facilities, including vehicles, and if other accessible modes of transportation are available.

§ 27.109 Interim accessible transportation.

(a) Each recipient whose system will not achieve program accessibility within three years shall:

(1) Determine, in cooperation with the MPO, whether other accessible modes of transportation are available; and

(2) Propose, document, and ensure the provision of any supplements to such transportation where necessary to assure that service levels provided are reasonable.

The use of other accessible modes of transportation shall be explicitly defined in the transition plan so that it may be fully reviewed.

(b) Until the transition plan required by section 27.91 has been approved and significant physical implementation of that plan has begun, recipients shall maintain at least the same level of special efforts to provide transportation for elderly and handicapped persons as they had operated or programmed during the period prior to the effective date of this regulation.

§ 27.111 Waiver.

In rare circumstances where compelling reasons exist, the requirements of this subpart may be modified or waived on a case-by-case basis upon application to the Secretary, if the Secretary determines that such modification or waiver is clearly necessary and is consistent with the intent of the laws cited in § 27.81. A modification or waiver for a building covered by the Architectural Barriers Act of 1969 also requires the approval of the Administrator of the General Services Administration. Any request for modification or waiver should be submitted by or through the MPO (in the case of urbanized areas) and be presented for comment at an appropriate public hearing. For significant waiver requests, special attention shall be given to appropriate community participation in the decision to seek a waiver (see § 27.93). This waiver provision is in addition to the limited exemptions in § 27.95(a).

(b) *Program accessibility.* (1) Program accessibility for a subject system

is achieved when the system, when viewed in its entirety, is accessible to handicapped persons, including those who cannot use steps.

(2) Subject systems shall achieve program accessibility as soon as practicable but in no event later than three years after the effective date of this regulation, provided, however, that this period may be extended upon appeal to the Urban Mass Transportation Administrator if program accessibility can be achieved only through extraordinarily expensive structural changes to or replacement of, existing facilities, including vehicles, and if other accessible modes of transportation are available.

(b) *Program accessibility.* (1) Program accessibility for a subject system

Subpart F—Enforcement

§ 27.121 Compliance information.

(a) *Cooperation and assistance.* The Director, to the fullest extent practicable, seeks the cooperation of recipients in securing compliance with this part and provides assistance and guidance to recipients to help them comply with this part.

(b) *Compliance reports.* Each recipient shall keep on file for one year all complaints received of noncompliance. A record of all such complaints, which may be in summary form, shall be kept for five years. Each recipient shall keep such other records and submit to the Director or his/her designee timely, complete, and accurate compliance reports at such times, and in such form, and containing such information as the Director may prescribe. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient, the other recipient shall also submit compliance reports to the primary recipient so as to enable the primary recipient to prepare its report.

(c) *Access to sources of information.* Each recipient shall permit access by the Director or his/her designee during normal business hours to books, records, accounts, and other sources of information, and to facilities that are pertinent to compliance with this part. Where required information is in the exclusive possession of another agency, or person, who fails or refuses to furnish the information, the recipient shall so certify in its report and describe the efforts made to obtain the information. Considerations of privacy or confidentiality do not bar the Department from evaluating or seeking to enforce compliance with this part. Information of a confidential nature obtained in connection with compliance evaluation or enforcement is not disclosed by the Department, except in formal enforcement proceedings, where necessary, or where otherwise required by law.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this regulation and its application to the program for which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the Director finds necessary to apprise them of the protections against discrimination provided by the Act and this part.

§ 27.123 Conduct of investigations.

(a) *Periodic compliance reviews.* The Director or his/her designee shall, from time to time, review the practices of recipients to determine

whether they are complying with this part.

(b) *Complaints.* Any person who believes himself/herself or any specific class of individuals to be harmed by failure to comply with this part may, personally or through a representative, file a written complaint with the Director. A Complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the Director or his/her designee.

(c) *Investigations.* The Director or his/her designee makes a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation includes, where appropriate, a review of the pertinent practices and policies of the recipient, and the circumstances under which the possible noncompliance with this part occurred.

(d) *Resolution of matters.* (1) If, after an investigation pursuant to paragraph (c) of this section, the Director finds that there is a failure to comply with this part, the Director will inform the recipient. The matter is resolved by informal means whenever possible. If the Director determines that the matter cannot be resolved by informal means, action is taken as provided in § 27.125.

(2) If an investigation does not warrant action pursuant to paragraph (d)(1) of this section, the Director or his/her designee so informs the recipient and the complainant, if any, in writing.

(e) *Intimidating and retaliatory acts prohibited.* No employee or contractor of a recipient shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 504 of the Act or this part, or because the individual has made a complaint, testified, assisted, or participated in any manner in an investigation, under this part. The identity of complainants is kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding.

§ 27.125 Compliance procedure.

(a) *General.* If there appears to be a failure or threatened failure to comply with any provision of this part that cannot be corrected by informal means, the Director may recommend suspension or termination of, or refusal to grant or to continue Federal financial assistance, or take any other steps authorized by law. Such other steps may include, but are not limited to:

(1) A referral to the Department of Justice with a recommendation that appropriate proceedings be brought to

enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking; and

(2) Any applicable proceeding under State or local law.

(b) *Refusal of Federal financial assistance.* (1) No order suspending, terminating, or refusing to grant or continue Federal financial assistance becomes effective until:

(i) There has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part;

(ii) The Director has advised the applicant or recipient of his/her failure to comply and has determined that compliance cannot be secured by voluntary means; and

(iii) The action has been approved by the Secretary.

(2) Any action to suspend, terminate, or refuse to grant or to continue Federal financial assistance is limited to the particular recipient who has failed to comply, and is limited in its effect to the particular program, or part thereof, in which noncompliance has been found.

(c) *Other means authorized by law.* No other action is taken until:

(1) The Director has determined that compliance cannot be secured by voluntary means;

(2) The recipient or other person has been notified by the Director of its failure to comply and of the proposed action.

(3) The expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period, additional efforts are made to persuade the recipient or other person to comply with the regulations and to take such corrective action as may be appropriate.

§ 27.127 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 27.125(b), reasonable notice is given by the Director by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice advises the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action is to be taken, and the matters of fact or law asserted as the basis for this action, and either:

(1) Fixes a date not less than 20 days after the date of such notice within which the applicant or recipient may request a hearing; or

(2) Advises the applicant or recipient that the matter in question has been set for hearing at a stated place and time.

The time and place shall be reasonable and subject to change for cause. The complain-

ant, if any, also is advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing constitutes a waiver of the right to a hearing under section 504 of the Act and § 27.125(b), and consent to the making of a decision on the basis of such information as may be part of the record.

(b) *Time and place of hearing.* Hearings are held at the office of the Department in Washington, D.C., at a time fixed by the Director unless he/she determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings are held before an Administrative Law Judge designated in accordance with 5 U.S.C. 3105 and 3344 (section 11 of the Administrative Procedure Act).

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient, the complainant, if any, and the Department have the right to be represented by counsel.

(d) *Procedures, evidence and record.*

(1) The hearing, decision, and any administrative review thereof are conducted in conformity with sections 554 through 557 of Title 5 of the United States Code, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving notices subsequent to those provided for in paragraph (a) of this section, taking testimony, exhibits, arguments and briefs, requests for findings, and other related matters. The Department, the complainant, and the applicant or recipient are entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing. Any person (other than a government employee considered to be on official business) who, having been invited or requested to appear and testify as a witness on the government's behalf, attends at a time and place scheduled for a hearing provided for by this part may be reimbursed for his/her travel and actual expenses in an amount not to exceed the amount payable under the standardized travel regulations applicable to a government employee traveling on official business.

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to cross examination are applied where reasonably necessary by the Administrative Law Judge conducting the hearing. The Administrative Law Judge may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record are open to examination by the parties and opportunity

is given to refute facts and arguments advanced by either side. A transcript is made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions are based on the hearing record and written findings shall be made.

(e) *Consolidation or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this regulation with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under section 504 of the Act, the Director may, in agreement with such other departments or agencies, where applicable, provide for consolidated or joint hearings. Final decisions in such cases, insofar as this regulation is concerned, are made in accordance with § 27.129.

§ 27.129 Decisions and notices.

(a) *Decisions by Administrative Law Judge.* After the hearing, the Administrative Law Judge either makes an initial decision, if so authorized, or certifies the entire record including his recommended findings and proposed decision to the reviewing authority for a final decision. A copy of the initial decision or certification is mailed to the applicant or recipient and to the complainant, if any. Where the initial decision referred to in this or the preceding paragraph is made by the Administrative Law Judge, the applicant or recipient or the counsel for the Department may, within 30 days after the mailing of the notice of initial decision, file with the Director his/her exceptions to the initial decision, with his/her reasons therefor. Upon the filing of exceptions, the Director reviews the initial decision and issues his/her own decision, including the reasons therefor. In the absence of exceptions, the initial decision is the final decision, subject to the provision of paragraph (e) of this section.

(b) *Decisions of the Director.* Whenever a record is certified to the Director for decision or he/she reviews the decision of a hearing examiner pursuant to paragraph (a) or (c) of this section, the applicant or recipient is given a reasonable opportunity to file briefs or other written statements. A copy of the Director's final decision is given to the applicant or recipient and to the complainant, if any.

(c) *Decisions if hearing is waived.* Whenever a hearing pursuant to § 27.125(b) is waived, the Director makes his/her final decision on the record, or refers the matter to an Administrative Law Judge for an initial decision to be made on the record. A copy of the decision is given to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of the Administrative Law Judge or

the Director contains a ruling on each finding, conclusion, or exception presented, and specifies any failures to comply with this part.

(e) *Approval by Secretary.* A final decision by the Director, which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, is promptly transmitted to the Secretary, who may approve such decision, vacate it, or change any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved. The decision may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended unless and until the recipient corrects its noncompliance and satisfies the Director that it will fully comply with this part.

(g) *Subsequent proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section is restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may, at any time, request the Director to restore its eligibility, to receive Federal financial assistance. Any request must be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the Director determines that those requirements have been satisfied, he/she may restore such eligibility.

(3) If the Director denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes the Director should restore it to full eligibility. It is thereupon given a prompt hearing, and with a decision on the record. The applicant or recipient is restored to eligibility if it proves at the hearing that it satisfied the requirements of paragraph (g) (1) of this section.

While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section may remain in effect.

§ 27.131 [Reserved]

APPENDIX A—ANALYSIS OF SUBPART E (PROGRAM ACCESSIBILITY, REQUIREMENTS IN SPECIFIC OPERATING ADMINISTRATION PROGRAMS: MASS TRANSPORTATION (URBAN MASS TRANSPORTATION ADMINISTRATION))

GENERAL

(a) *Principal intent.* The principal intent of Subpart E on program accessibility for mass transportation is to require that each federally supported community transportation system (e.g., bus, subway) be made accessible to handicapped travelers by modifying the physical, policy, and procedural barriers that prevent or inhibit handicapped persons from use of the system. Program accessibility requires that the system, when viewed in its entirety, be accessible.

As a practical matter, program accessibility will involve significant costs and institutional changes that in many cases can only be achieved over time, through staged improvements to the transportation system. This regulation intends to provide a clear policy framework for local planning toward systemwide program accessibility. In order for each system to achieve program accessibility, the subpart requires the preparation and implementation of a "transition plan"—at the community or regional level, with effective input by handicapped persons, transportation providers, and other segments of the public—to be used by grant applicants and recipients.

(b) *Beneficiaries.* Transportation services should accommodate the complete range of the handicapped public that is eligible to receive transit service—persons who are not confined to their dwellings or require emergency medical or direct "hands-on" physical assistance to use transit services. Services should be available to persons who are semiambulatory (e.g., those who have difficulty climbing steps or standing for longer than a few minutes), ambulatory persons with other disabilities (e.g., the deaf, the blind, the mentally retarded), and wheelchair users (including those who can and cannot transfer from their wheelchairs to a vehicle seat and those who use powered wheelchairs). This listing does not preclude accessibility efforts on behalf of other handicapped persons. The intent is to make transportation services accessible to handicapped persons, regardless of age. This subpart is intended to ensure accessible public transportation for handicapped persons which will also provide improved transportation for the general public.

(c) *Principles.* Transportation providers and other applicants and recipients of Urban Mass Transportation Administration (UMTA) assistance should move toward program accessi-

bility in ways that reflect the following principles:

(1) Fixed facilities, vehicles, and services should be designed to permit independent use by handicapped persons, without the need for attendants or help from strangers.

(2) Fixed facilities, vehicles, and services should involve "mainstreaming," i.e., the mixing of handicapped and non-handicapped persons. Elevators, special services, and other accessibility elements should be as integrated as possible.

(3) Accessibility features should be designed, built, operated, and maintained to assure their predictable, convenient, comfortable, and safe use by handicapped persons. Consideration should be given during construction and maintenance to the needs of the blind, wheelchair users, and other handicapped persons.

(4) Handicapped persons should receive dignified treatment in all aspects of their travel. Accessibility features are to be equipped and decorated consistent with the standard for features for the general public.

(5) Simple, low-cost materials and designs for accessibility features may be used when they are feasible and as effective as complex technological devices or largescale facility changes. For example, a simple wooden ramp may in some circumstances be a suitable substitute for costly level change devices.

(6) Facility modifications may be simplified if operational changes or vehicle positioning (within trains or along platforms) can be substituted.

(7) Applicants and recipients are encouraged to consider several alternative approaches to providing vehicle accessibility (e.g., lift devices on vehicles or platforms, platform ramps that permit level entry to vehicles). In general these regulations are not intended to mandate a particular physical solution or technology approach to achieve accessibility.

(8) Engineers, architects, planners, and other persons designing equipment or aids for handicapped persons should consider the range of skills, body dimensions, and capabilities of persons with particular types of handicaps. Program accessibility design should reflect the diversity of human factors by appropriate design criteria or the use of multiple appropriate methods that can collectively serve the handicapped subgroups. Accessibility features that highlight the importance of this principle include: (i) approaches to minimize the gap distance between vehicles and boarding platforms so that most (if not all) wheelchair users can easily cross the gap and (ii) approaches to communicate effectively with people with different types of visual handicaps.

(9) Recipients should look beyond specific key problems and analyze the

total trip on the transit system to identify the complete sequence of barriers encountered by each category of handicapped traveler. This approach is encouraged to ensure that removal of barriers will be effective in providing access for a category of handicap. A thorough trip review will guard against, for example, a situation in which an elevator is installed to accommodate wheelchair users but fare gates remain too narrow for the wheelchair to pass through.

(10) The staging of accessibility efforts, such as the modification of selected facilities or the assignment of new accessible vehicles to an existing system, should avoid isolated, unconnected accessibility improvements that provide no effective or predictable service.

(d) Recipients are encouraged but not required to provide supplemental service to handicapped persons who cannot reach transit facilities, use accessible vehicles, or travel from transit stops to their destinations. This UMTA subpart is intended to increase overall travel opportunities of handicapped persons by fostering program accessibility in addition to any current or planned specialized services available from a variety of sources. No part of these regulations is intended to reduce or discourage door-to-door paratransit services or programs that help handicapped travelers directly through user-side subsidies or other methods.

STATUS REPORT AND ANNUAL DETERMINATION

The compliance procedures described in Subpart F of this part provide the basic mechanisms for ensuring compliance with the requirements of this subpart. Those procedures include provisions for on-site compliance reviews where appropriate. UMTA will also review compliance with this subpart as a basis for performing planning certifications (described in 23 CFR 450.122), program approvals (described in 23 CFR 450.320), and transition plan approvals (described in § 27.87). Failure to prepare and implement transition plans and to meet accessibility requirements of this subpart may result in program disapproval or disapproval or applications for UMTA capital or operating assistance.

UMTA will make an annual determination of compliance with this part either in conjunction with the certification and program reviews or as transition plans are transmitted to UMTA. For nonurbanized areas, a similar determination will be made as part of the application review process. A determination of compliance will be based upon a determination of satisfactory progress toward implementing the requirements of this part, including the schedules and benchmarks specified in the transition plan, and satisfactory progress towards meeting

the provisions of grant contracts. This determination will provide a basis for UMTA to certify the planning process and approve projects contained in the annual element of the transportation improvement program. Section 27.91 provides for information transmission in order to provide a basis upon which a determination of compliance may be made.

COMMUNITY PARTICIPATION

The intent of § 27.95 is to ensure significant involvement of those most concerned and knowledgeable about accessible transportation in the planning and implementation of such transportation.

Efforts should include as many and as diverse interests as possible in order to assure obtaining all the information necessary to develop a viable accessible system. The regulation lists the interests whose participation must be sought.

While as much connection as possible should be made with the area's already established community participation efforts, the special nature of the accessibility programs requires a special, identifiable effort in community participation. Due to the mobility problems of the transportation handicapped, special mechanisms may have to be developed to ensure the involvement of future consumers of the accessible services. Such mechanisms could include conference call meetings, providing special transportation to meetings, developing materials to be understood by the blind, the hard of hearing, or mentally-retarded, or meetings and discussions via television with telephone response. Of course, all of a recipient's public meetings, conferences, and workshops should be held in accessible buildings.

The community participation process, while basically an advisory process to decisionmakers, should be seriously pursued. The advice of knowledgeable and concerned individuals is essential to the development of viable plans and implementation programs. Where there is disagreement on issues developed through the community participation process, explanations of viewpoints should be given and attempts made at resolving the issue to the satisfaction of all. On plans, documents, and implementation actions, a consensus should be reached, if possible, and a recommendation made to the decisionmakers. Ideally the decisionmakers would be part of the ongoing participation process and receive not only a recommendation but the ongoing input. When consensus cannot be reached, minority opinions should be included and reasoning on both sides of the issue presented to the decisionmakers.

The U.S. Department of Transportation publication "Effective Citizen Participation in Transportation Plan-

ning" (1976) (DOT-FH-11-8514) and the booklet "Barrier Free Meetings: A Guide for Professional Associations" (American Association for the Advancement of Science, 1515 Massachusetts Avenue NW., Washington, D.C. 20005) are useful resources which agencies responsible for planning and implementation activities may wish to consult.

FIXED FACILITIES

Section 27.95(a) requires that all mass transportation stations and other public fixed facilities be accessible, "except that, in unusual circumstances where compelling reason exists, a small proportion of stations or other fixed facilities may be exempted from this requirement upon adequate justification in the transition plan." The assumption clearly is that every station or other fixed facility be accessible. The exceptions, if any, should be justified in terms of special circumstances, such as physical impossibility or infrequent use, which distinguish the subject fixed facility from other fixed facilities.

Locally established criteria for phasing fixed facility improvements over time (paragraph (c)) should include proximity of other stations, numbers of facility users, nearness to activity centers, facility use as a transfer point, availability of accessible services between stations or accessible feeder service to accessible stations.

Paragraph (d) requires that all new fixed facilities, as well as alterations that could affect access to and use of existing fixed facilities, be designed and constructed in a manner so as to make the fixed facility accessible to handicapped persons.

Public facilities covered by this subpart include, but are not limited to stations, terminals, boarding areas, park and ride lots, information centers, and conference meeting sites.

One application of paragraph (d) which should be noted is the application to bus stop shelters. Shelters must have wide enough entrances and be positioned with respect to the curb to permit access by wheelchair users and other handicapped persons.

Paragraph (e) requires certain alterations to conform to the requirement of physical accessibility in paragraph (d). If an alteration is undertaken to a portion of a building, the accessibility of which could be improved by the manner in which the alteration is carried out, the alteration must be made in that manner. Thus, if a doorway is being altered, the doorway must be made wide enough to accommodate wheelchairs. On the other hand, if the alteration involves ceilings, the provisions of this section do not apply because this alteration cannot be done in a way that affects the accessibility of the building.

Paragraph (e) is based on the belief that alterations present opportunities to design and construct the altered portion or item in an accessible fashion. It should be noted that paragraph (e) applies only to the altered portion or item of a fixed facility. Thus, a stair renovation to meet the ANSI standard does not impose a requirement for elevator installation since an elevator is not within the scope of the stair alteration project. Paragraph (e) does not create the obligation to install an elevator in an existing fixed facility which has no elevator. The basic requirement in paragraph (e) is simply to take the opportunities afforded by the alteration and, to the maximum extent feasible, make the alteration accessible. Thus, normal maintenance may take place in practically all cases without generating an accessibility requirement.

In sharp contrast to paragraph (e), the sections on specific mass transportation systems (§§ 27.101-27.107) effectively do require the installation of elevators or other level change mechanisms in fixed facilities which have no elevators. However, because of the transition plan requirement in those sections, all of a system's fixed facilities (for example, all stations in a rapid transit system) are examined at once and a rational phasing can occur.

Paragraph (g) requires the incorporation, in new transit fixed facilities, of such other features, in addition to the ANSI standards, as are necessary to make the fixed facilities accessible to the handicapped. The features include the following, or others which provide the same degree of accessibility:

(1) *Telephone.* Wherever there are public telephone centers in terminals, at least one clearly marked telephone shall be accessible to and usable by persons confined in wheelchairs. At least one telephone shall be equipped with a volume control or sound booster device and with a device which makes telephone communications possible for persons wearing hearing aids.

(2) *Vehicular Loading and Unloading Areas.* Several spaces adjacent to the station building entrance, separated from the main flow of traffic, and clearly marked, shall be made available for the loading and unloading of handicapped passengers. The spaces should allow individuals in wheelchairs or who use braces or crutches to get in and out of automobiles onto a level surface suitable for wheeling and walking.

(3) *Parking Areas.* Where park-and-ride facilities are provided, clearly marked special parking areas that are accessible and approximate to the station shall be provided for physically handicapped persons who drive to the station in their own cars. These special parking spaces shall be laid out so that

persons using wheelchairs, braces, or crutches are not compelled to wheel or walk behind parked cars.

Vehicles. Section 27.97(b) concerns the renovation of existing vehicles. Fleet rebuilding efforts undertaken by grant recipients to avoid the higher cost or problems of purchasing new equipment should be combined with retrofit accessibility efforts. This section recognizes that existing buses, rail cars, and other rolling stock are likely candidates for renovation and upgrading, and that such fleet maintenance investments might preclude the timely replacement of inaccessible equipment by accessible new equipment. Retrofit accessibility is not required for routine maintenance activities or for those modifications to vehicles that are unrelated to passengers (such as new roofs, power plants, or wheels).

Program policies and practices (general). The activities required by this section are the responsibility of each UMTA grant applicant or recipient providing transportation service. Many related activities should be coordinated and conducted jointly by several recipients, MPO's, States, or other institutions. Each activity should be described in required transition plans.

Recipients must immediately start to modify their barrier-related policies and practices. Most changes are expected to be completed while the transition plan is being prepared.

Several policy and practice reforms merit illustration to make the meaning clear. Supplemental guidance will be issued later.

Item 1. Safety and emergency policies and procedures should cover the routine transporting of persons with differing disabilities and their safe handling by recipients' personnel.

Item 4. Intermodal coordination should be effectively established among multiple services offered by a single recipient, between each recipient and other transit and paratransit providers, and between recipients and other transportation institutions and modes (e.g., Amtrak, ConRail, highway departments).

Item 5. Coordination with agencies and institutions who provide or support transportation services on behalf of the disabled should assure effective integration of their facility locations, operations, and transportation services.

Item 6. Comprehensive marketing should be integrated with the required preparation and implementation of the transition plan. Marketing should at least provide public information about accessible transportation services.

Several specific marketing activities should be conducted and described in the transition plan:

(a) An assessment of each operating recipient's management organization

and resources to assure effective marketing;

(b) Examinations of the feasibility of a local transit broker and user side subsidies;

(c) Periodic publication of reports (at the regional or State level) revealing accessible facilities and services (e.g., housing, education, commerce) and existing and planned accessible transportation services;

(d) Establishment of mail or telephone systems that provide disabled persons with effectively the same or better information, ticket purchase, or other services available to the general public.

(e) Establishment of a certification process to determine the handicapped status of a traveler, if such a process is needed to be eligible to qualify for special services, fare reduction, or other efforts to help disabled persons.

Item 7. New or renewed leases and rental agreements for facilities or vehicles should be restricted to vehicles and facilities that are accessible or will be accessible.

Item 8. Recipients should provide for the participation of existing private and public operators and public paratransit providers to assure maximum feasible opportunities to provide the desired services. Recipients, MPO's, and/or State or regional agencies should seek planning input from existing public and private operators. Recipients, MPO's, States, or regional agencies should maintain current inventories of existing transit or paratransit providers to assist them in their planning and to be considered in providing the services. The plan for implementing these objectives should be included in the transition plan.

Item 9. Regulatory reforms to permit and encourage accessible services should include, but not be limited to, actions which remove or modify unnecessary or inappropriate restrictions on types of taxicab service, insurance coverage, or entry-exit requirements on the providers of accessibility.

FIXED ROUTE BUS SYSTEMS ACCESSIBILITY

Although paragraph (a) of § 27.101 defines program accessibility in terms that do not require that every bus be accessible, paragraph (b)(3) requires that every new fixed route bus ordered on or after October 1, 1979 be accessible. Thus, the regulation effectively requires that all buses in fixed route systems eventually be accessible.

FIXED GUIDEWAY SYSTEM ACCESSIBILITY

In a provision paralleling a similar provision in the fixed route bus section, § 27.103(b)(2) effectively requires that all vehicles in light rail systems eventually be accessible.

PARATRANSIT

Automobiles may be used by transit operators or other service providers as

one form of paratransit vehicle. They are accessible to many handicapped persons, including many wheelchair users. However, automobiles are not accessible to some handicapped persons, for example, persons who use battery-powered wheelchairs which cannot be folded and carried in an automobile trunk or back seat. Thus, § 27.105(a) requires that each paratransit system operate enough paratransit vehicles with level change mechanisms to provide approximately the same level of service to handicapped persons who need such vehicles as is provided to other persons. A higher fare may not be charged just because the handicapped person needs a vehicle with a level-change mechanism.

INTERIM ACCESSIBLE TRANSPORTATION

Concerning § 27.109, the other accessible transportation may be supplied by the recipient or other providers. Tradeoffs may be made among factors such as those listed below in providing a service that is reasonable:

(a) No restrictions on trip purpose;
(b) Service hours comparable to the regular fixed-route system;
(c) Combined wait and travel time, transfer frequency, and fares comparable, to the maximum extent feasible, to that of the regular fixed-route system;

(d) Service is available to all qualified handicapped persons, including wheelchair users who cannot transfer from a wheelchair and those who use powered wheelchairs; and
(e) No waiting list exists such that a significant number of handicapped persons are excluded from the system by virtue of low capacity.

With regard to providing other accessible transportation, door-to-door service is encouraged but not required.

Paragraph (b) of § 27.109 is designed to ensure that there is not a gap between the activities undertaken or about to be undertaken as a result of UMTA's existing regulations on transportation for Elderly and Handicapped Persons (41 FR 18234, April 30, 1976) and actual implementation of actions under this regulation, which supersedes those former regulations in most cases.

THE ECONOMIC IMPACTS OF U.S. DEPARTMENT OF TRANSPORTATION REGULATIONS IMPLEMENTING SECTION 504 OF THE REHABILITATION ACT OF 1973

THE COSTS AND BENEFITS OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN FEDERALLY ASSISTED TRANSPORTATION PROGRAMS

JUNE 1978.

Table of Contents

- I. Introduction.
- II. Employment Practices.
- Personnel Practices and Procedures.
- Reasonable Accommodation.

III. Program Accessibility—The Federal Aviation Administration.

Benefits.
Costs.

IV. Program Accessibility—The Federal Railroad Administration.

Benefits.
Costs.

V. Program Accessibility—The Urban Mass Transportation Administration.

Benefits.
Costs.

VI. Program Accessibility—The Federal Highway Administration.

Benefits.
Costs.

VII. Administrative and Compliance Costs.

List of Tables

1. Total estimated accessibility costs of compliance with proposed DOT section 504 regulations.
2. Total estimated airport terminal accessibility costs of proposed DOT section 504 regulations.
3. Estimated cost of ADAP-eligible terminal development at air carrier airports, 1978-1987.
4. Number of U.S. airports served by certificated air carriers by size and passenger distribution.
5. Total estimated accessibility costs of Amtrak compliance with proposed DOT section 504 regulations.
6. Estimated costs of accessibility for Amtrak stations outside northeast corridor.
7. Projected cost of modifying northeast corridor stations to accommodate handicapped passengers.
8. Projected cost of Amtrak equipment modification to accommodate handicapped passengers.
9. Chronic conditions by transportation handicapped classification, 1976: Metropolitan areas.
10. Total estimated transit accessibility costs of proposed DOT section 504 regulations.
11. Estimated costs of rail system accessibility under proposed DOT section 504 regulations.
12. Transit station elevators required for accessibility under proposed section 504 regulations.
13. Estimated number of lifts required to make all rail vehicles accessible.
14. Rail elevator and lift operating costs under proposed section 504 regulations.
15. Incremental operating costs for transit buses equipped with handicapped lifts.

Appendices

- A. Projected cost of modifying selected existing Amtrak stations to accommodate handicapped passengers.
- B. Projected cost of making new Amtrak stations accessible to handicapped passengers.

I. INTRODUCTION

This document analyzes the costs, benefits, and economic impacts of implementing section 504 of the Rehabilitation Act of 1973, requiring nondiscrimination of handicapped persons

with respect to programs and activities carried out by the U.S. Department of Transportation (DOT). Section 504 states that:

No otherwise qualified handicapped individual in the United States . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

The Department of Transportation is fully committed to achieving accessibility for handicapped individuals under federally funded transportation programs and activities. Pursuant to section 504, the Department has prepared a Notice of Proposed Rulemaking to implement the requirements of this statute. To assist DOT in its rulemaking and to meet Executive Branch regulatory requirements, the Department of Transportation has prepared an analysis of the costs, benefits, and economic impacts of its proposed accessibility regulations. Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107 require that major proposals for the promulgation of regulations by any Executive Branch agency shall be accompanied by a statement which certifies that the inflationary impact of the proposal has been evaluated. DOT "Procedures for Considering Inflationary Impacts" (DOT Order 2050.4) require that this analysis include:

A. The principal costs or other inflationary effects of the action on markets, consumers, and businesses, as appropriate, as well as the cost to appropriate levels of government;

B. A comparison of benefits to be derived from the proposed action;

C. A review of alternatives to the proposed action that were considered.

This analysis is required for all "major" proposals, defined to include, among other criteria, all regulations resulting in aggregate increased expenditure by federal, state and local governments of more than \$100 mil-

lion in a single fiscal year, or more than \$150 million in any two consecutive fiscal years. A preliminary survey indicated that the \$100 million threshold would be reached.

A Department of Transportation regulation issued on March 8, 1978, on "Improving Government Regulations" (43 FR 9582, March 8, 1978) has superseded the above Executive Orders and regulations. This economic impact statement, prepared substantially prior to March 8, 1978, is incorporated by reference into the Regulatory Analysis required under the March 8 regulation.

While this analysis meets the requirements of OMB and DOT regulations, several unique aspects of the analysis should be noted at the outset. First of all, the analysis provides considerable detail on the cost impacts of the proposed regulations, but does not attempt to link these additional costs to inflation. The proposed regulations mandate services which will be provided by the public sector, through federal, state, or local funding. The governmental jurisdictions which must meet the added cost burden of the regulations have a number of options open to them to meet this burden, including increased fares, new or increased taxes, deficit financing, or reallocation of existing resources. It is therefore not possible to determine whether, and the extent to which, the added costs of this regulation will have inflationary impacts until more is known about how various levels of government will meet the added costs. The following analysis focuses on these costs and the benefits of the regulation.

The analysis attempts to quantify and measure benefits of the regulation where at all possible. However, it should be noted that the major benefit of these regulations will lie in improving the quality of life of handicapped individuals. The difficulty of measuring these benefits is not to

minimize their importance. To the contrary, the Congress, in passing section 504, section 16(a) of the Urban Mass Transportation Act, sections 165 and 228 of the Federal-Aid Highway Act of 1973, and other legislation, has fully recognized the rights of handicapped individuals whether these benefits can be quantified or not. DOT fully supports these congressionally stated policies and recognizes the quality of life benefits of its proposed regulations.

The analysis attempts to present all costs and benefits of the proposed regulations. Where possible, backup material is presented to allow the reader to see how estimates were arrived at and to evaluate the validity and reliability of these estimates. In some cases, it has been possible to present precise cost estimates. In other cases, only a range of estimates has been possible. DOT recognizes that the data provided in its analysis are in many cases preliminary in nature and may require revisions as additional information becomes available. The Department welcomes the comments and analysis of all interested parties with respect to the costs, benefits, and economic impacts of this proposed regulation.

A summary of the total estimated costs of accessibility under the proposed DOT regulation is presented in Table 1. For purposes of detailed analysis, this economic impact statement is divided into six sections corresponding to sections of the proposed regulation. These sections are: (1) Subpart B, Employment Practices; (2) Subpart D, Program Accessibility—Federal Aviation Administration; (3) Subpart D, Program Accessibility—Federal Railroad Administration; (4) Subpart D, Program Accessibility—Urban Mass Transportation Administration; (5) Subpart D, Program Accessibility—Federal Highway Administration; and (6) Compliance.

TABLE 1: Total Estimated Costs of Compliance with Proposed DOT Section 504 Regulations*
(Millions of 1977 Dollars)

Employment	Total Capital	Annual Capital***			Annual Operating
		Years 1-3	Years 4-12	Years 13-On	
	minimal	minimal	minimal	minimal	minimal
Federal Aviation Administration	\$40.0	\$11.6	\$ 0	\$ 0	\$ 1.0
Federal Railroad Administration	56.6	13.6	0**	0	1.9
Urban Mass Transportation Admin. Compliance periods of: 12 years 30 years (Inflated at 6%**** (12 years) (30 years)	1,700.4 1,700.4 (2,817.2) (4,678.3)	141.7*** 56.6 (234.8) (155.9)	141.7 56.6 (234.8) (155.9)	1.1 56.6 (155.9)	68.8 68.8
Federal Highway Administration	minimal	minimal	minimal	minimal	minimal
Administrative & Compliance	minimal	minimal	minimal	minimal	minimal
TOTAL (12-year compliance period)	\$1,797.0	\$166.9	\$141.7	\$1.1	\$71.7
TOTAL (30-year compliance period)	\$1,797.0	\$ 81.8	\$ 56.6	\$56.6	\$71.7

* FAA cost estimates based on data developed from National Airport System Plan 1978-1987; FRA estimates based on analysis of data provided by Amtrak; UMTA estimates based on analysis of survey responses submitted by transit operators. The UMTA estimates do not include the costs already required by current regulations, for (1) making new fixed facilities accessible, and (2) Transbus.

** FRA costs are \$5.8 million per year for years 4 and 5.

*** Annual averages for the UMTA program were calculated by simply dividing the totals by the indicated alternative compliance periods.

**** Assumes a six percent annual rate of inflation and a project midpoint for mass transit rail station retrofit of 1986 and 1995 based on rail station compliance periods of 12 and 30 years, respectively.

FEDERAL REGISTER, VOL. 43, NO. 111—THURSDAY, JUNE 8, 1978

II. EMPLOYMENT PRACTICES

Subpart B of the proposed regulation prohibits discrimination in employment against handicapped individuals by recipients of DOT financial assistance or benefits. This Subpart contains two basic components. The first relates to employer recruitment, hiring, promotion programs, tenure decisions, and other personnel practices and procedures. The second requires that "reasonable accommodation" be made at the workplace to known mental or physical limitations of otherwise qualified individuals unless undue hardship is demonstrated.

PERSONNEL PRACTICES AND PROCEDURES

The proposed prohibition against discrimination in personnel practices and procedures should result in increased job opportunities, greater promotion potential, and increased earnings for handicapped individuals in transportation-related jobs. Routine pre-employment inquiries about mental and physical conditions, a strong disincentive to many handicapped individuals in job seeking, will be prohibited. It will be easier for handicapped individuals to get jobs, to get promoted, and to achieve tenure. While these benefits are significant, it is not possible to estimate their extent in pecuniary terms.

The costs of achieving nondiscrimination in employee practices and procedures should be minimal. There is no cost, for example, in eliminating the practice of pre-employment inquiries about mental and physical conditions. Possible costs include employee training, reprinting of forms, and development of a personnel system which screens out applicants with job disqualifying handicaps without discriminating against otherwise qualified handicapped individuals.

REASONABLE ACCOMMODATION

The proposed regulation requires that recipients make reasonable accommodation to known mental or physical limitations. These accommodations might include: (1) Making physical facilities accessible and usable by handicapped persons; (2) Job restructuring; and (3) reassignment of employees who become handicapped to comparable alternative positions.

Both pecuniary and quality of life benefits should result from this section of the regulation. Pecuniary benefits will arise from new job opportunities for handicapped individuals, increased earnings, and employment stability, the latter a significant benefit for both employees and employers. The quality of life of handicapped individuals will be improved through the elimination of employment discrimination.

In a survey of the costs of bringing seven existing federal buildings into compliance with accessibility standards of the American National Standards Institute (ANSI), the General Accounting Office found that the necessary alterations would cost from 0.6 to 2.4 percent of total project cost. However, had accessibility features been incorporated during original construction, costs in all cases would have been less than one percent of total project cost.¹ The Department of Health, Education, and Welfare recommends that the cost of barrier-free new construction be estimated at one-half of one percent of total project cost.²

An estimate of the accessibility costs of complying with the reasonable accommodation provision of the proposed regulation can be accomplished only following a facility survey by recipients, a task beyond the scope of the present analysis.

III. PROGRAM ACCESSIBILITY—THE FEDERAL AVIATION ADMINISTRATION

The proposed regulations require that airport operators who receive federal financial assistance for airport development make both new and exist-

¹ See footnotes at end of document.

² See footnotes at end of document.

BENEFITS

ing terminal facilities accessible to the handicapped.

It is not known how many handicapped travelers have used commercial air carrier service in recent years, nor are precise projections available for future use. It is the goal of section 504 to fully integrate handicapped persons into society. Given this goal, it can be assumed for purposes of gross analysis that the handicapped population will use air carrier service at the same rate as the general population once full integration, including the availability of employment opportunities, is achieved.

During 1976, the general population took an estimated 180.7 million commercial airplane trips based on the recorded enplaned revenue passengers for trunk carriers.³ Assuming the same rate of travel for the handicapped population, the estimated five million handicapped persons who could use a fully accessible transportation system⁴ would take an estimated 3.8 million plane trips. It will, of course, be some time before this extensive ridership is achieved given current barriers to the handicapped in transportation and other areas. Nevertheless, the proposed regulations will clearly provide increased opportunities for the handicapped for both business and pleasure travel.

COSTS

The total estimated capital cost of making airport terminal facilities accessible under the proposed regulation is \$40.0 million. The annual capital cost for the initial three years is \$11.6 million, or 2.6 percent of the \$435 million allocated to air carrier service in FY 1976 under the Airport Development Aid Program. Thereafter, annual capital costs drop to \$1 million per year, until the eleventh year, when the capital costs become minimal. Estimated accessibility costs are broken down in Table 2, and discussed in detail below.

Table 2
Total Estimated Airport Terminal Accessibility Costs of
Proposed DOT Section 504 Regulations*
(Millions of 1977 Dollars)

	Total Capital	Annual Capital		Annual Operating
		Years 1-3	Years 4-10	Years 11 - on
Incorporation of ANSI Standards	\$27.80	\$6.89	\$1.02	\$0.98
New Terminal Construction	10.20	1.02	1.02	minimal
Existing Terminal Renovation	17.60	5.87	0	0.98
Boarding Lifts (existing terminals only)	\$11.20	\$3.73	\$0	unknown
Teletypewriters	\$ 0.98	\$0.98**	\$0	minimal
New Terminals	0.04	0.04	0	0
Existing Terminals	0.94	0.94**	0	0
TOTAL	\$39.98	\$11.60	\$1.02	\$0.98

* Existing terminal accessibility required in 3 years; new terminal costs are projected over 10 years.

**An initial year cost only.

FEDERAL REGISTER, VOL. 43, NO. 111—THURSDAY, JUNE 8, 1978

NEW TERMINAL CONSTRUCTION

The proposed regulation requires that new terminals and terminal expansions constructed with federal aid meet accessibility standards set by the American National Standards Institute. According to data developed from the National Airport System Plan, 1978-1987 (NASP), an estimated \$1 billion in ADAP-eligible terminal development will occur at air carrier airports during the next ten years (see Table 3). Eligible development includes all non-revenue producing public use facilities such as baggage areas. It does not include restaurants, cocktail lounges, and similar facilities.

TABLE 3.—Estimated cost of ADAP-eligible terminal development at air carrier airports, 1978-87

	1 to 5 years	6 to 10 years
Large hubs.....	\$320.7	\$145.0
Medium hubs.....	152.8	111.7
Small hubs.....	92.7	66.2
Nonhubs.....	71.2	59.2
Total.....	637.2	382.1

Source: "National Airport System Plan 1978-87," Federal Aviation Administration, 1978.

The Federal Aviation Administration estimates that all new terminal construction, including both eligible and non-eligible terminal facilities, will total twice the cost of eligible development, or \$2 billion. As noted in the employment section of this impact statement, the Department of Health, Education, and Welfare estimates the cost of barrier-free construction of new facilities at one-half of one percent of total project cost. Applying this figure, the total accessibility cost of new terminal construction expansion is estimated at \$10.2 million, or \$1.02 million per year over the ten-year period of terminal development.

The regulation requires that teletypewriters be provided at each air carrier reservation center at new airport terminals to assist the deaf (similar services for expanded terminal facilities will be provided by teletypewriters installed at existing facilities, the cost of which is discussed below). The *National Airport System Plan 1978-1987* estimates that one large hub airport will be constructed during the next 10 years; one small hub airport, and 27 non-hub airports. Assuming that eight teletypewriters will be required at the large hub, two units at the small hub, and one unit at each non-hub, the total anticipated teletypewriter cost at \$1,000 per unit is \$37,000.

EXISTING TERMINAL RENOVATION

The proposed regulations require that airport operators receiving federal

al financial assistance reconstruct existing terminal facilities to ANSI standards within three years. There

are currently 620 airports served by certificated air carriers, as detailed in Table 4.

TABLE 4.—Number of U.S. airports served by certificated air carriers by size and passenger distribution

Hub classification	Number		1976 passenger levels
	Hubs	Airports	
Large.....	25	37	2,153,350 or more.
Medium.....	38	38	538,338 to 2,153,349.
Small.....	93	94	107,668 to 538,337.
Non.....		177	10,000 to 107,667.
		274	Less than 10,000.
Total.....	156	620	

Source: "National Airport System Plan 1978-87," Federal Aviation Administration, 1978.

Many existing airport terminals already meet a number of ANSI accessibility standards,^a and a complete analysis of accessibility costs is not possible absent an architectural survey of all existing facilities. However, for purposes of analysis, a maximum cost estimate for achieving accessibility in all of these terminals, excluding elevators, was developed by estimating average unit costs by station size as follows: Large—\$17,000; Medium—\$15,000; Small—\$13,000; and Non—\$5,000. Applying these costs to the number of stations in each category, the total estimated cost of station accessibility (excluding elevators) was found to be \$4.7 million. It should again be emphasized that this figure is a maximum cost estimate. Actual costs should be somewhat less, given that many airports have already incorporated at least some accessibility features into their facilities.

Many existing terminal facilities will require installation of elevators to achieve accessibility. Assuming one elevator per hub airport (a high estimate, given current terminal accessibility), at an average unit cost of \$76,500, the total elevator cost is estimated at \$12.9 million. Added to the costs discussed above for achieving ANSI standards, the total estimated capital cost for existing facilities is \$17.6 million, or \$5.87 million per year over the three-year time period allowed for station accessibility.

Based on initial operating experience and usage rates for similar elevators in Amtrak station, it is estimated that each elevator will cost \$4,800 per year for power consumption and \$1,000 per year for maintenance. The total estimated annual operating cost for all elevators is \$980,200.

In addition to incorporation of ANSI standards, the proposed regulations require that operators of terminals

serving 10,000 or more enplaned passengers per year, which are not equipped with jetways or passenger lounges for boarding and unboarding, provide a mechanical lift or other system of handicapped access to the plane. The basic lift cost is \$20,000. Assuming that 5 lifts will be required at the 15 largest airports, 2 lifts at the other 154 airports serving 107,668 or more passengers, and 1 lift at airports serving 10,000-107,668, the total cost of this section is estimated at \$11.2 million, or \$3.7 million per year over the three-year period allowed to meet this requirement. Some operating expenses should result as well.

Finally, the regulation requires that each carrier reservation center provide at least one teletypewriter (TTY) for communicating with deaf people. It is estimated that the 75 large and medium-sized airports will require an average of 4 TTYS; the 94 small airports, an average of 2; and the 451 non-hub airports, only 1 TTY each. Given the basic teletypewriter cost of \$1,000 per unit, the total cost of this requirement is estimated at \$939,000.

IV. PROGRAM ACCESSIBILITY—THE FEDERAL RAILROAD ADMINISTRATION

The proposed regulations require that recipients of financial assistance from the Federal Railroad Administration provide accessibility to the handicapped in terms of fixed facilities, vehicles, and services. The only rail agency receiving assistance appropriate to this regulation is Amtrak. The following analysis pertains to the benefits and costs of Amtrak accessibility to the handicapped.

BENEFITS

Provision of accessibility for Amtrak stations, equipment, and services will

^aSee footnotes at end of document.

result in significant increases in intercity travel opportunities for the handicapped. These opportunities include business travel, vacation travel, visiting of friends and relatives, and all other trip purposes generally associated with intercity train transportation.

It is difficult to estimate the number of handicapped citizens who will utilize Amtrak services once fully available. Amtrak currently handles a substantial volume of requests for special services from handicapped individuals. Advance requests are processed by one of the five Amtrak Central Reservations Offices (CROs), and special arrangements made with station and train operations personnel. In 1977 the five CROs reported a total of 3,581 special handling requests from handicapped persons of four basic types:

(1) *Wheelchair requests.* These were requests for provision of a wheelchair at the departing and arriving stations, and redcap assistance with wheelchairs and baggage—1,897 such requests were received.

(2) *Loading/unloading requests.* These were requests for assistance in loading and unloading received from blind, deaf, elderly, and disabled persons—372 such requests were received.

(3) *Window loading requests.* These were requests for provision of person-

nel and equipment to load and unload stretcher-borne passengers through the window of a specially designed bedroom available on certain types of conventional sleeping cars—42 such requests were received.

(4) *Miscellaneous.* These requests include advance requests for meals to be served in a handicapped or elderly passenger's room, for storage of oxygen or medical supplies, and all other special service requests. A total of 1,270 miscellaneous requests were received.

No data have been kept on the number of handicapped passengers requiring special services who have presented themselves at stations without calling in advance. A rough estimate, based on a two-week tally kept by 20 stations of modest size throughout Amtrak's system, suggests that some 2,400 incidents occur annually. Of those handicapped persons who do phone for special arrangements, an estimated 350, or 10 percent of those who phone, are denied service. These denials are based primarily on lack of proper equipment or personnel to perform the requested service.

Precise projections of anticipated handicapped ridership, given a fully accessible system, are not available. Assuming that the handicapped population will use Amtrak services at the

same rate as the general population, once handicapped citizens are fully integrated into society, it can be estimated, based on 1977 ridership statistics, that handicapped passengers will take some 400,000 trips annually. This figure is, of course, the potential ridership market only, and assumes handicapped accessibility in all aspects of society, including employment.

COSTS

It is estimated that the proposed regulation will increase Amtrak capital costs by \$57 million, or \$13.6 million per year over the initial three years, and \$5.78 million per year for the remaining two years mandated for achieving accessibility. These figures are 14.6 percent and 6.2 percent, respectively, of the total \$93.1 million in capital assistance appropriated for Amtrak for fiscal year 1977. Operating costs are estimated at \$1.9 million per year, or 0.4 percent of the \$482.6 million appropriated for Amtrak in operating assistance for fiscal year 1977 (it should also be noted that Amtrak had a \$420 million operating deficit in fiscal year 1977). A breakdown of capital and operating costs is provided in table 5, and discussed in detail below.

Table 5

Total Estimated Accessibility Costs of Amtrak
Compliance With Proposed DOT Section 504 Regulations
(1977 Dollars)

CAPITAL EXPENDITURES

(1) Station Modifications (assuming no waivers)

(a) 470 off-NEC Stations	\$11,114,300
(b) 54 Northeast Corridor Stations	27,500,000
(c) Hydraulic Lift Vehicles (300)	600,000
	<u>\$39,214,300</u>

(2) Equipment Modification

(a) 80 Conventional Coaches	\$ 6,024,000
(b) 80 Conventional Sleepers	8,219,000
(c) 20 Metrosnack Cars	1,060,200
(d) RTG Turboliners	1,310,300
(e) 12 Budd RDCs	736,800
	<u>\$17,350,300</u>

Total Capital Costs: \$56.56 million
Annual Capital Costs - years 1-3: \$13.64 million
 years 4-5: \$ 5.78 million

OPERATING EXPENDITURES

(1) Elevator Power and Maintenance	\$ 713,400
(2) Reservations and Special Handling	Unknown
(3) Station Services	728,000
(4) On-Board Services	
(a) Additional Crew Costs	300,000
(5) Hydraulic Lift Vehicles	Unknown
(6) Other	
(a) Lost Revenue	70,000
(b) Management Overhead	50,000

Total Annual Operating Costs \$1,861,400

STATIONS AND RELATED FACILITIES

The proposed regulations require that within five years ticket counters, waiting rooms, baggage areas, and other public areas for both new and existing facilities be barrier-free. Public toilets, drinking fountains, and other public conveniences must be designed in accordance with the standards of the American National Standards Institute. In addition, parking lots and loading areas must be designed with special features for handicapped travelers, and safe loading of wheelchair travelers provided through appropriate platform or lift devices. The Federal Railroad Administrator may exempt from these provisions those existing facilities which have the lowest passenger utilization rates, provided that such exemptions include no more than ten percent of all stations.

It is estimated that the total maximum capital cost of all station modifications, assuming no waiver of the requirements, will be \$39.2 million, or \$7.8 million per year over five years. Assuming that the requirements are waived at ten percent of all stations,

the estimated capital cost is \$38,355,800. To arrive at this figure, stations on and off the Northeast Corridor were analyzed as follows:

Outside Northeast Corridor. The 470 Amtrak stations outside the Northeast Corridor were categorized as:

(1) Small stations, consisting only of platforms, small unstaffed shelters, or buildings with waiting rooms having an interior area of 50 to 4,999 square feet.

(2) Medium-sized stations, having waiting rooms with an interior area of 500 to 4,999 square feet.

(3) Large stations, having an interior area greater than 5,000 feet.

The cost of modification was determined for four existing stations in each category. These costs are detailed in Appendix A. In addition, the average cost of features incorporated in the design of fourteen new stations to make them barrier-free was computed by station type. The estimated costs for new stations are summarized in Appendix B.

These figures were combined into an average cost for making a station in

each category barrier-free, except for the cost of elevator installation. The average cost was multiplied by the number of stations in the appropriate category to arrive at a total cost figure. The cost of elevators was added only for stations where passengers must now change levels and will continue to do so under Amtrak's current plans. Total estimated costs are summarized in Table 6.

Assuming that waivers are granted at 10 percent of all stations, or 52 stations, and assuming that all waivers will occur at less utilized off-corridor stations, the total estimated accessibility cost for off-Northeast Corridor stations is \$10,255,800.

Northeast Corridor. The projected cost of bringing the 54 existing Northeast Corridor stations into compliance with the proposed regulations is \$27,328,300. This figure was arrived at by classifying these facilities according to the May 1976 FRA Corridor Performance Standards, as follows:

(1) An "A" station is one located in a major urban area, with a projected 1990 daily patronage of greater than 10,000.

Table 6

Estimated Costs of Accessibility for
Amtrak Stations Outside Northeast Corridor
(1977 Dollars)

(1) Small Stations

199 Stations
\$ 16,500 per Station
\$3,283,500

Elevators required at 6 stations, at \$76,500 per elevator. Total cost of elevators is \$459,000.

Total Small Station Cost: \$3,742,500

(2) Medium Stations

240 Stations
\$ 16,925 per Station
\$4,062,000

Elevators required at 21 stations, at \$76,925 per elevator. Total cost of elevators is \$1,615,425.

Total Medium Station Cost: \$5,677,425

(3) Large Stations

\$ 15,625 per Station
31 stations
\$484,375

\$ 75,625 per elevator
16 elevators
\$1,210,000 elevator cost

Total Large Station Cost: \$1,694,375

TOTAL STATION COST (assuming no waivers): \$11,114,300

PROPOSED RULES

(2) A "B" station is one located in a medium-size city, with a projected 1990 daily patronage of 4,600 to 12,700.

(3) A "C" station is one located in a suburban area adjacent to a major expressway, with a projected 1990 daily patronage of 3,000 to 9,000.

It was assumed that "C" stations would require one elevator for each of two platforms, and that a new or refurbished pedestrian tunnel would be needed to connect the platforms. The estimated cost for each of the 54 NEC stations, along with an analysis of the component costs is provided in Table 7. The total annual capital cost of NEC modification, over a 10-year period, is \$2,732,600.

TABLE 7.—Projected cost of modifying Northeast Corridor stations to accommodate handicapped passengers

Station classification	Station	Modification cost
A	Washington, D.C.	\$239,200
C	Capital Beltway	548,550
A	Baltimore	410,550
C	Aberdeen	548,550
B	Wilmington	358,500
A	Philadelphia—30th St.	515,200
B	Philadelphia—North	250,700
B	Trenton	197,800
C	Princeton Junction	548,550
C	New Brunswick	548,550
C	Metropark	548,550
B	Newark	543,950
A	New York—Penn Station	727,950
C	Rye	548,550
C	Stamford	548,550
C	Bridgeport	548,550
B	New Haven	506,000
C	Old Saybrook	548,550
C	New London	548,550
C	Mystic	548,550
C	Westbury	548,550
C	Kingston	548,550
B	Providence	878,500
C	Route 128	548,550
B	Boston—Back Bay	368,000
A	Boston—South	133,400
A	Philadelphia-Suburban Station	124,200
C	52d St.	548,550
C	Overbrook	548,550
C	Merion	548,550
C	Narberth	548,550
C	Ardmore	548,550
C	Bryn Mawr	548,550
C	Wayne	548,550
C	Berwyn	548,550
C	Paoli	548,550
C	Malvern	548,550
C	Whitford	548,550
C	Downingtown	548,550
C	Coatesville	548,550
C	Parkesburg	548,550
C	Lancaster	548,550
C	Mount Joy	548,550

TABLE 7.—Projected cost of modifying Northeast Corridor stations to accommodate handicapped passengers—Continued

Station classification	Station	Modification cost
C	Elizabethtown	548,550
C	Middletown	548,550
B	Harrisburg	332,350
C	Wallington	548,550
C	Meriden	548,550
C	Berlin	548,550
C	Hartford	548,550
C	Windsor	548,550
C	Windsor Locks	548,550
C	Thompsonville	548,550
C	Springfield	548,550
	Total	27,326,300

Passenger arrival	172,500
Parking	146,325
Walks	461,150
Ramps (exterior and interior)	575,000
Entrances	51,750
Doors	700,695
Public and work spaces	660,905
Stairs	1,782,500
Elevators	9,695,750
Toilet facilities	157,550
Drinking fountains	28,450
Public telephones	10,120
Controls, identification, warning	313,490
Pedestrian tunnels and overpasses	11,779,795
Train boarding	592,250
Total	27,326,300

Hydraulic Lift Vehicles. None of the station modification costs for on or off corridor stations include engineering costs or take inflation into account. In addition, these estimates consider only the structural costs of making the station building and vehicular approaches accessible. They do not include the cost of measures to insure that handicapped passengers are able to enter the train from the station platform. There are various possible solutions which have been explored for this problem.

Each coach and sleeper on the new superliner-equipped trains will carry a 6-foot portable ramp which can be dropped into place by one employee. Since the gradient of the ramp is 14 percent, and thus in excess of the 8.33 percent gradient required by the regulation, Amtrak must provide attendant assistance where necessary.

It is infeasible to use any ramp with Amfleet, Turboliners and conventional equipment since all three have vesti-

bule entrances approximately four and one-half feet above track level. Full accessibility would require that stations have high-level loading platforms or that some type of mechanical device be employed at the station or on the train. The construction of high-level platforms is extremely expensive.

With respect to mechanical devices, Amtrak has ordered two prototype hydraulic lift vehicles for testing and demonstration. These lifts are being purchased at a cost of \$2,500 to \$3,000, although the unit cost of a volume purchase can be expected to be somewhat lower. Assuming a unit cost of \$2,000, the estimated total cost of providing lifts at each of the 300 stations requiring such devices is \$600,000. Another possible alternative is a fixed or mobile ramp on the platform.

EQUIPMENT

The proposed regulations require that within three years at least one coach and one sleeper be accessible to handicapped travelers on each train, with provision for storage space for wheelchairs and other orthopedic aids. In addition, at least one food service car must be accessible on trains which have food service, or food service must be provided to disabled passengers at their seats.

The cost of modifying existing equipment to meet these requirements is estimated at \$17.4 million, or \$5.8 million per year, broken down as follows:

(1) Eighty 44 seat conventional coaches at \$75,000 per coach, plus design and engineering costs—\$6,024,000

(2) Eighty 10-roomette, 6-double bedroom sleeping cars at \$102,300 per car, plus design and engineering costs—\$8,219,000

(3) Twenty Metroliner snack/coach cars at \$51,500 per car, plus engineering and design costs—\$1,060,200

(4) RTG (French) Turboliner Equipment—4 dinette cars and 12 coaches, including design and engineering costs and FRA required "squeeze testing"—\$1,310,300

(5) Twelve Bud self-propelled Rail Diesel cars at \$60,000 per car, plus design and engineering costs—\$738,800

Total cost—\$17,350,300

These estimates are further broken down by vehicle type in Table 8.

PROPOSED RULES

Table 8

PROJECTED COST OF EQUIPMENT MODIFICATION TO ACCOMMODATE HANDICAPPED PASSENGERS

Budd Rail Diesel Cars

Material	\$36,600/car
Labor	23,400/car
Total	\$60,000 x 12 cars = \$720,000
	10,800 - Engineering
	6,000 - Design
	\$736,800 - Total

RTG (French) Turboliners

Material	\$44,700/Dinette car
Labor	36,000/Dinette car
Total	\$80,700 x 4 cars = \$322,800
Material	\$36,000/Coach car
Labor	39,000/Coach car
Total	\$75,000 x 12 cars = \$900,000
	32,500 - Engineering
	45,000 - FRA Squeeze Test
	10,000 - Design
	\$1,310,300 - Total

Metroliner Cars

Material	\$33,000/car
Labor	18,500/car
Total	\$51,500 x 20 cars = 1,030,000
	20,200 - Engineering
	10,000 - Design
	\$1,060,200 - Total

Conventional 10/6 Sleeping Cars

Material	\$60,800/car
Labor	41,500/car
Total	\$102,300 x 80 cars = \$8,184,000
	23,200 - Engineering
	12,700 - Design
	\$8,219,000 - Total

4410 Series-Type Conventional Coaches

Material	\$42,000/car
Labor	33,000/car
Total	\$75,000 x 80 cars = \$6,000,000
	17,800 - Engineering
	6,200 - Design
	\$6,024,000 - Total
GRAND TOTAL	\$17,350,300

RAIL PASSENGER OPERATING COSTS

The proposed regulations will result in increased operating expenditures resulting from increased power and maintenance costs, and the requirement for certain specialized services to be provided for handicapped passengers.

Elevator Power and Maintenance. As discussed earlier, the regulations will require installation of an estimated 43 elevators in off-Northeast Corridor stations, and 80 elevators in corridor stations. Based on initial experience and usage rates for elevators on the Amtrak system, it is estimated that each elevator will cost \$4,800 per year for power consumption and \$1,000 per year for maintenance. The total annual operating cost for all elevators is estimated at \$713,400.

Station Services. The proposed regulations require Amtrak to provide assistance to non-ambulatory handicapped persons at all stations with one or more station attendants if Amtrak receives appropriate advance notice. Since Amtrak periodically changes its operating schedules and makes adjustments in its station staffing, it is difficult to estimate the additional cost of this requirement. Those stations which have two or more attendants at traintime will have little or no difficulty in meeting this service requirement. Additional costs would result where stations provide only one attendant at traintime, and a second attendant is required to lift wheelchair or stretcher passengers over barriers or onto or off the train.

Amtrak is not required to hire additional full-time personnel at one-attendant stations. It is only necessary that someone be available at traintime or on call within three or twelve hours' notice, as appropriate. Most requests for special station services would likely come in urban areas, at stations which already have two or more employees. Thus, little additional manpower or financial burden is anticipated. However, Amtrak does have an estimated 250 off-corridor stations manned by only one employee. One additional person would have to be available on call at each of these stations during traintime to meet special service needs.

Of the 400,000 trips on Amtrak trains which can be anticipated by handicapped travelers assuming full accessibility, an estimated 12,000 would involve special service requests. This estimate is based on the ratio of

transportation-handicapped persons who require the help of another person, a wheelchair, or other aids, to the total chronic transportation-handicapped population.⁴ Assuming that one-third of special service requests occur at stations with only one attendant (a high figure given that most requests will occur at highly traveled urban stations which have two or more attendants), the total operating cost to service these requests, at \$9.10 per hour and two hours per request, is \$728,000.

It should be noted that the proposed regulation does not require Amtrak to provide service for each of its currently 150 unmanned stations (out of 524 total stations). This alternative was considered, and the cost found unreasonable in relation to the benefits. The basic annual wage cost of staffing a station with one attendant for one shift (including fringe benefits), five days per week, is \$22,500. The cost for a seven-day shift would be \$31,500 annually. Total annual costs for staffing 150 Amtrak stations would be \$3,375,000 and \$4,725,000, respectively. As these small stations are generally in rural areas, with little likelihood of the need for special handicapped service, the cost of such service clearly outweighs the benefits which would be gained. One possible alternative would be to require that Amtrak develop a contingency plan for on-call assistance at currently unmanned rural stations. DOT welcomes comments on this and other alternatives for handicap service at unmanned stations.

On-Board Services. The proposed regulations would require Amtrak to provide assistance to handicapped persons who request aid in moving to and from their accommodations, using rest-rooms and sleeping car facilities, and obtaining meal services. As Amtrak now provides such service for all trains on which there is a service attendant, this regulation would result in little incremental cost. However, several trains on short Northeast Corridor runs have no service attendant, including "Clocker" service between Philadelphia and New York, between Philadelphia and Harrisburg, and between New Haven and Springfield, Mass. The estimated annual labor expense of providing service attendants on these runs would be \$300,000, based on an hourly wage rate of \$9.10.

⁴See footnotes at end of document.

Other Service Costs. The proposed regulations would result in lost revenue opportunity costs and increased management expenses to accommodate handicapped travelers and to comply with the regulations. Equipment modification will reduce the number of available seats. The impact of this reduction will vary according to load factors on given trains at given times. It is anticipated that there will be some impact on revenues from long distance and Northeast Corridor trains during peak travel periods, particularly for Metroliner revenues. The required modification of 20 Metroliner cars, as documented earlier, would reduce the number of seats in each car from 60 to 55. On the basis of present ridership, 5 lost seats would otherwise be filled on an average of 15 trips per week, at an estimated loss of \$70,000 per year in Metroliner revenues.

Amtrak has estimated that increased management responsibilities will require additional staff at an estimated cost of \$50,000 per year.

V. PROGRAM ACCESSIBILITY—THE URBAN MASS TRANSPORTATION ADMINISTRATION

The proposed regulations require that recipients of financial assistance from the Urban Mass Transportation Administration provide accessible services to the handicapped in the operation of their rail and bus systems, as discussed in detail below.

BENEFITS

It has been estimated that the transportation-handicapped population in urban areas in 1975 with chronic conditions totalled 4.3 million people.⁵ Of this total, two million can now use transit services but only with some difficulty (category 1, Table 9). This entire segment of the population would potentially benefit from a fully accessible mass transit network. In addition, another 947,000 people with chronic conditions (categories 2 (a), (b), and (c), Table 9) cannot now use transit, though they are capable of leaving their homes either through wheelchairs or other aids, or with the assistance of another person. The potential benefits for this segment of the handicapped population are quite significant. Transit services would become available for new employment opportunities, for shopping, and for pleasure trips.

⁵See footnotes at end of document.

Table 9

CHRONIC CONDITIONS BY TRANSPORTATION HANDICAPPED CLASSIFICATION, 1975: METROPOLITAN AREAS

TH Classification	Age			Total
	Under 18	18 to 64	65 & Over	
1) Use Transit with Difficulty				
a) Have trouble getting around alone	43,000	912,000	687,000	1,641,000
b) Use aids other than wheelchair	5,000	137,000	281,000	424,000
Subtotal	48,000	1,049,000	968,000	2,065,000
2) Cannot Use Transit				
a) Use aids other than wheelchair	3,000	80,000	200,000	282,000
b) Need help of another person	30,000	127,000	221,000	379,000
c) Use wheelchair	18,000	120,000	148,000	286,000
d) Confined to the house	24,000	488,000	737,000	1,250,000
Subtotal	76,000	815,000	1,306,000	2,197,000
TOTAL	124,000	1,864,000	2,274,000	4,262,000

Source: The Transportation Handicapped Population, Definition & Counts, U.S. DOT, Urban Mass Transportation Administration, August 1976, Vol. I, p. 41.

It is difficult to predict what percentage of the urban handicapped population would take advantage of a fully accessible transit system. As noted earlier, the goal of section 504 is to fully integrate handicapped persons into society. A gross analysis of projected handicapped ridership can be done by assuming that the handicapped population will use transit services at the same rates as the general population (this assumption depends heavily on full integration of handicapped persons in employment). The urban population took 5.7 billion revenue passenger trips in 1976.* Assuming that three million handicapped persons in urban areas could use accessi-

*See footnotes at end of document.

ble transit systems, compared to a total urban population of 175 million, handicapped persons would take an estimated 98 million transit trips per year.

COSTS

The total estimated capital cost of achieving transit accessibility under the proposed regulations is \$1.7 billion in 1977 dollars. This latter cost would be an estimated \$2.8 billion if one assumes an annual inflation rate of six percent and a project midpoint for mass transit rail station retrofit of 1986, based on a 12-year compliance period. (If the project midpoint occurs earlier, the total would be lower, while a later project midpoint would pro-

duce a higher total.) These cost estimates are the incremental costs of implementing section 504 only, and do not include the costs of implementing existing regulations such as the requirement for Transbus.

The average annual capital cost assuming a 12-year compliance period, would be an estimated 141.7 million in 1977 dollars, or approximately \$234.8 million assuming a six percent annual rate of inflation and a project midpoint for mass transit rail station retrofit of 1986.

These annual averages are not meant to be predictive of the cost in any given year. A summary of the estimated cost of the mass transportation provisions of the regulation is presented in Table 10.

Table 10
Total Estimated Transit Accessibility
Costs of Proposed DOT Section 504 Regulations
(Millions of 1977 Dollars)

	Total Capital	Average Annual Capital*			Annual Operating
		Years 1-3	Years 4-12	Years 13-on	
Rail Systems (Inflated at 6% with rail station compliance periods of: 12 years 20 years 30 years)**	\$1,648.4 (2,765.2) (3,473.7) (4,626.3)	\$137.4 (230.4) (173.7) (154.2)	\$137.4 (230.4) (173.7) (154.2)	\$1.12 (173.7) (154.2)	\$27.4
Bus Systems***	52.0	35.3/3.3****	3.3*****	0	41.4
TOTAL	\$1,700.4	172.7/140.7****	\$140.7	\$1.12	\$68.8

* Annual averages were calculated by simply dividing the total by the number of years to achieve program accessibility. Actual annual costs would be lower or higher in many cases, and thus the annual averages are not meant to be predictive of the cost in any given year. Annual costs for the constant 1977 dollar numbers are based on 12 years.

** Assumes a six percent annual rate of inflation and project midpoints for rail station retrofit of 1986, 1990, and 1995 for compliance periods of 12, 20, and 30 years, respectively; for rapid and commuter rail vehicles of 1981; and for light rail vehicles of 1983.

*** Does not include cost of Transbus, which was required prior to proposed section 504 regulation. Assumes purchase of accessible buses in interim prior to Transbus.

**** Initial year cost is \$35.3 million. This includes an estimated \$32 million required to purchase accessible buses during interim prior to Transbus. Shows first year/second and third yrs.

***** Drops to \$0 after year 6.

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The estimated average annual capital cost of \$141.7 million in 1977 dollars would be 7.1 percent of the \$2 billion of administrative commitments included in the Department of Transportation's budget for UMTA capital assistance under the section 3 and interstate transfer (transit) programs for fiscal year 1979. The estimated average annual operating cost of \$68.8 million in 1977 dollars would be 8.1 percent of the \$850 million of administrative commitments included in the budget for UMTA assistance under the section 5 program for fiscal year 1979. In the short term, however, a high proportion of the Department's mass transportation budget already has been planned or programmed for particular categories (and, in some cases,

projects) other than retrofit of existing stations. It should be noted that the incidence of costs for transit accessibility is highly localized. In particular, the proposed regulation will significantly increase mass transit capital costs in the four largest rapid rail cities—New York, Chicago, Philadelphia, and Boston—to meet the requirement for "retrofitting" existing rapid rail stations. It is estimated that the cost of retrofitting rapid rail stations in all rapid rail cities is \$1.1 billion in 1977 dollars. The great bulk of this cost can be attributed to the four cities listed above. The cost of achieving structural alteration of existing rapid rail, commuter rail, and light rail systems, which make up \$1.6 billion of the \$1.7

billion in 1977 dollars of costs for the mass transportation provisions of the regulation, would principally benefit those handicapped persons who cannot use steps or can do so only with difficulty, and who reside in the limited number of areas with existing rail mass transit systems, a number considerably smaller than the estimated 13 million total transportation handicapped persons in the United States. As with the able-bodied, it would be expected that many handicapped will choose not to use these mass transit systems. A. *Rail System Accessibility.* The estimated costs of rail accessibility for both facilities and vehicles are summarized in Table 11, and discussed below.

Table 11

Estimated Costs of Rail System Accessibility
Under Proposed DOT Section 504 Regulations*

CAPITAL COSTS (Millions of 1977 dollars)

<u>Accessibility Cost Component</u>	<u>Rapid Rail</u>	<u>Commuter Rail</u>	<u>Light Rail</u>	<u>Total</u>
Fixed facilities	\$1076.74	\$484.32	\$36.61	\$1597.67
Vehicles	3.60	34.40	12.70	50.70
Total	\$1080.34	\$518.72	\$49.31	\$1648.37

OPERATING COSTS (Thousands of 1977 dollars)

<u>Accessibility Cost Component</u>	<u>Rapid Rail</u>	<u>Commuter Rail</u>	<u>Light Rail</u>	<u>Total</u>
Power	\$11,804	\$ 9,167	\$ 636	\$21,607
Maintenance	2,915	2,486	439	5,840
Total	\$14,719	\$11,655	\$1,075	\$27,447

* May include double counting with Federal Railroad Administration accessibility costs where transit stations are jointly used by Amtrak.

1. *Capital Costs—Facilities.* The proposed regulations require that all new fixed rail facilities constructed with Federal assistance meet the requirements of section 609.13 of the joint UMTA/FHWA regulations on "Transportation for Elderly and Handicapped Persons." The costs of implementing this provision will be incurred irrespective of section 504, and are not considered in this impact statement.

Major new costs will be incurred to make existing rail facilities accessible to the handicapped. The proposed regulations require that all existing passenger facilities be made accessible according to the standards of ANSI within 12 years. In June 1977, UMTA requested transit operators to submit estimates of the "cost of modifying existing fixed facilities to achieve total accessibility for elderly and handicapped individuals, particularly those

*See footnotes at end of document.

who are semi- or non-ambulatory and who are confined to wheelchairs." Items identified and costed by operators included station lighting, abrasive warning signs, graphics, fare collection controls, and elevator installations, the latter producing the major portion of total costs.

These survey results have been reanalyzed in light of the requirements of section 504. Transit operators were contacted to discuss their accessibility estimates. In addition, UMTA, with the assistance of an architectural consultant, conducted independent analyses of several facilities to determine accessibility costs. Analyses prepared by the American Public Transit Association were also reviewed.

Based on this comprehensive review, it was estimated that 1,700 rail stations will require 3,710 elevators to achieve full accessibility, as broken down in Table 12, as well as other accessibility measures. For New York, Boston, Philadelphia, and Chicago, the unit cost of elevator installation in

rapid rail stations was estimated at \$420,000 per elevator, while the unit cost of other necessary rapid rail station measures was estimated at \$322,000 per station. For rapid rail stations in all other cities, and for commuter and light rail stations in all cities (including New York, Boston, Philadelphia, and Chicago), the unit cost of elevator installation was estimated at \$180,000 per elevator, and the unit cost of other accessibility features at \$183,000 per station. Based on these figures, the total estimated cost of rail station accessibility under the proposed regulation is \$1.6 billion in 1977 dollars, the bulk of which can be attributed to the four largest rapid rail cities.

The above estimates do not take into account the fact that some rail facilities are jointly used by transit systems and Amtrak. This impact statement has not attempted to analyze these joint use stations, and many of the accessibility costs for these facilities may be double counted.

Table 12

Transit Station Elevators Required for Accessibility Under Proposed Section 504 Regulations

CITIES	STATIONS			ELEVATORS			
	Rapid Rail	Commuter ¹ Rail	Light ² Rail	Rapid Rail	Commuter Rail	Light Rail	TOTAL
New York	482 ³	4	-	1365	334	-	1699
Chicago	142	244	-	380	354	-	734
Philadelphia	54	200	29	136	290	31	457
Boston	41	87	18	88	127	26	241
PATH	13	-	-	13	-	-	13
PATCO	12	-	-	19	-	-	19
Cleveland	18	-	12	23	-	18	41
Connecticut	-	45	-	-	65	-	65
Pittsburgh	-	5	11	-	8	16	24
New Jersey	-	-	4	-	-	6	6
San Francisco	-	-	8	-	-	12	12
Other Commuter Rail	-	275	-	-	399	-	399
TOTAL	762	856	82	2024	1577	109	3710

- 1 Allocation of Commuter Rail Stations to specific urbanized areas does not necessarily reflect local funding responsibility.
- 2 Estimate attempts to exclude street stops requiring only vehicle accessibility measures.
- 3 Includes Staten Island Rapid Transit.
- 4 Facility Estimate Calculated Separately by Architect for LIRR.

2. *Capital Costs—Vehicles.* Key assumptions used in developing accessibility costs for rail vehicles are that WMATA and BART cars represent a standard of accessibility, and that transit operators will mount lifts on light rail and commuter cars rather than construct platforms which currently have low platform operations. Unit cost estimates were developed for national retrofit cost averages, based on information provided by transit operators and from parallel bus experience, as follows: (1) Lift mounted in step entry cars—\$17,500; (2) entryway widened in level entry cars—\$12,000; and (3) lift mounted and entryway widened—\$20,000. Car purchase dates and accessibility status were obtained from operators for rapid rail, light rail, and commuter rail vehicles, and fleet retirements were projected according to the following: (1) Operator plans for vehicle retirement; (2) cars purchased after 1960 will be retired in 20 years; and (3) cars purchased before 1960 will be retired over the next ten years. Unit costs were applied to anticipated retirement schedules to de-

velop estimated capital costs for rapid, light, and commuter rail vehicles, as discussed below.

Rapid Rail. The proposed regulation requires that all new rapid rail vehicles purchased with Federal assistance be accessible. Since this is already required by joint UMTA/FHWA regulations on "Transportation for Elderly and Handicapped Persons," the incremental cost of applying section 504 to new rapid rail vehicles is zero.

The regulation requires that sufficient existing rapid rail vehicles be retrofitted so that at least one car per train be accessible in five years. All current rapid rail vehicles are now accessible to the handicapped, with the exception of 539 cars in Chicago, which will require removal of a post in the middle of the doorway. The total cost of retrofitting all of these cars is \$10.8 million in 1977 dollars. Assuming that retrofit of one-third of these cars will provide accessibility on at least one car per train, the total capital cost is \$3.6 million in 1977 dollars, or \$0.7

million* per year over the five-year period mandated for achieving accessibility.*

Light Rail. The proposed regulation requires that all new light rail vehicles purchased after October 1, 1979, be accessible to all handicapped individuals. In addition, sufficient existing vehicles must be made accessible so that approximately one-half of the total fleet is accessible in ten years.

It is estimated that 324 lifts would be required on new vehicles; and 664 lifts on existing vehicles would make all such vehicles accessible (see Table 13 for city-by-city breakdown). The total capital cost of installation of lifts on all new and existing vehicles would be \$12.7 million in 1977 dollars, or \$1.27 million* per year over the ten-year period mandated for achieving accessibility.

*Annual averages were calculated by simply dividing the total by the number of years to achieve program accessibility. Actual annual costs would be lower or higher in many cases, and thus the annual averages are not meant to be predictive of the cost in any given year.

Table 13
Estimated Number of Lifts for
All Rail Vehicles

	LIFTS		Commuter ² Retrofit	Total
	Light Retrofit	New		
New York	-	-	380	380
Chicago	-	-	943	943
Philadelphia	248	-	415	663
Boston	229	-	195	424
PATH	-	-	-	-
PATCO	-	-	-	-
Cleveland	57 ¹	-	-	57
Connecticut	-	-	-	-
Pittsburgh	30	177	-	207
New Jersey	-	-	150	150
San Francisco	100	100	-	200
Other Commuter Rail	-	-	201	201
Washington ²	-	-	-	-
Honolulu	-	-	-	-
Atlanta	-	-	-	-
Miami	-	-	-	-
Baltimore	-	-	-	-
Buffalo	-	47	-	47
	664	324	2284	3272

1 Station platform lifts
2 Assuming all step entry vehicles have lifts

Commuter Rail. The proposed regulation requires that all new vehicles purchased after October 1, 1979, be accessible to all handicapped individuals. In addition, sufficient existing vehicles must be retrofitted for accessibility to assure that at least one car per train is accessible within five years. For purposes of costing, it was assumed that retrofit of one-third of existing vehicles would accomplish this objective.

It is estimated that an average of 75 new commuter rail cars will be purchased each year over the next 10 years. Assuming a lift cost of \$15,000 per car, the total capital cost for new vehicles is \$11.2 million in 1977 dollars, or \$1.12 million* per year for the ten-

*Annual averages were calculated by simply dividing the total by the number of

year period (this annual capital cost will continue beyond the tenth year if the assumed rate of purchase continues). The total capital cost of retrofitting one-third of existing commuter rail vehicles is \$23.1 million in 1977 dollars, or \$4.6 million* per year over the five-year period mandated for retrofit.

3. Operating Costs—Facilities and Vehicles. Rail system operating costs will increase as a result of accessibility measures taken to meet the require-

years to achieve program accessibility. Actual annual costs would be lower or higher in many cases, and thus the annual averages are not meant to be predictive of the cost in any given year.

ments of section 504. These increases will result from insurance and claim costs, maintenance, decreased capacity per vehicle, added power requirements for equipment, and overhead. Maintenance and power costs are expected to produce the most significant operating costs. Most other items are speculative, and may not be offset by other factors, such as reduced dwell time to board and unboard handicapped passengers.

Estimated power and maintenance costs for rail systems made accessible under the proposed regulations are provided in Table 14. Total elevator operating costs are projected at approximately \$27 million in 1977 dollars per year, while vehicle lift operating costs are projected at \$0.5 million per year.

Table 14

**Rail Elevator and Lift Operating Costs
Under Proposed Section 504 Regulations
(thousands of 1977 dollars)**

	POWER	MAINTENANCE	TOTAL
Cost per elevator per year ¹	\$ 5.832	\$ 1.440	\$ 7.272
Cost per lift per year ²	-	.285	.285
ELEVATORS³			
Commuter Rail (1577 units)	9,197.	2,271	11,468
Light Rail (109 units)	636	157	793
Rapid Rail (2024 units)	11,804	2,915	14,719
LIFTS			
Commuter Rail (754 units) ³		215	215
Light Rail (988 units)		282	282
TOTALS	\$21,637	\$5,840	\$27,447

¹ Based on initial industry experience and usage rates.

² Assuming a 15% out of service ratio (worse than most vehicle components) requires 1 mechanic per 130 lifts. At \$37,000 maintenance expense per mechanic (including materials and fringe benefits per Chicago 1977 records), $\frac{\$37,000}{130} = \285 .

³ Assumes accessibility of one-third of vehicles. See Tables 12 and 13.

TRANSIT BUS ACCESSIBILITY

The proposed regulations establish accessibility requirements for buses which are purchased with federal assistance. On September 23, 1977, the Secretary of Transportation mandated that all new buses acquired with UMTA assistance, advertised for bid after September 30, 1979, meet the accessibility specifications of "Transbus" (42 FR 48339, 9/30/77). These specifications include a bus floor height of not more than 22 inches, capable of kneeling to 18 inches above the ground, and a ramp for boarding. The proposed section 504 regulation incorporates the Secretary's Transbus decision for all federally assisted bus purchases advertised for bid after September 30, 1979. With respect to the interim period, from the effective date of the proposed regulation until the Transbus decision becomes operative, the Department of Health, Education, and Welfare has required in its section 504 implementation regulations for other federal agencies that:

The Department of Transportation may defer the effective date for requiring all new buses to be accessible if it concludes on the basis of its section 504 rulemaking process that it is not feasible to require compliance on the effective date of its regulation. Provided, that comparable, accessible services are available to handicapped persons in the interim and that the date is not deferred later than October 1, 1979. Federal Register, Vol. 43, No. 9, Friday, January 13, 1978, § 85.58.

The Department of Transportation will make a judgment as to this requirement for the interim period prior to Transbus following analysis of public comments received during the rulemaking. The estimated capital cost of purchasing new accessible buses during this period is \$32 million, at an estimated operating cost of \$27.4 million per year. The total estimated capital cost of "comparable accessible services" is \$30 million, at an operating cost of \$33.4 million per year. These estimates are in 1977 dollars.

The estimated costs of purchasing accessible buses and providing comparable accessible services are discussed in more detail below.

Purchase of Accessible Buses. Prior to the availability of Transbus, buses must be equipped with wheelchair lifts if they are to be accessible. It is estimated that the additional cost of a lift for a new bus is \$8,000. Transit agencies on a national scale typically purchase 4,000 buses per year. Assuming that 4,000 buses will be purchased during the interim period prior to Transbus (i.e., an estimated one-year interim period), the additional capital cost of accessibility will be \$32 million.

Additional operating costs will result from required maintenance, road calls, increased fuel consumption, tire wear, and insurance liability. The California

Department of Transportation has estimated that total operating costs will increase by 2 percent as a result of lift operations.¹⁰ The annual operating cost per bus without a lift is \$60,000. Again, assuming the purchase of 4,000 buses prior to Transbus, operating costs would increase by an estimated \$4.8 million per year, given the California estimates.

The firm of Booz, Allen & Hamilton, in a report prepared for UMTA, has reported that operating costs have increased by 20.8 percent for full-sized buses equipped with handicapped lift systems. This figure is based on current operational experience in St. Louis and San Diego with the "first buys" of lift-equipped standard-size buses tested over the recent winter. A cost breakdown is provided in Table 15. Future operating costs are expected to be somewhat less as mechanical problems are solved and operating adjustments made.

TABLE 15.—Incremental operating costs for transit buses equipped with handicapped lifts

	Cents per mile
Maintenance.....	1.95
Road calls.....	2.40
Fuel.....	.88
Tires.....	.04
Insurance liability.....	(*)
Total.....	5.27

*Unknown.
Current production bus maintenance, fuel, and tire operating cost (1976 dollars)—25.35¢ per mile.
Percentage increase in operating costs from lift equipped buses—20.8 pct.

Assuming current operating costs to be \$60,000 per bus, with an interim period purchase of 4,000 buses, operating costs would increase under the above estimate to \$50.0 million per year.

For purposes of summarizing total bus costs, an average of the Caltrans and Booz, Allen & Hamilton estimates was applied.

Comparable Accessible Services. Should non-accessible buses be purchased during the interim period prior to Transbus, the HEW regulation requires that purchasing transit operators provide services comparable to services provided by the full-size buses had they been accessible. Assuming 4,000 new bus purchases during the interim, operators would be required to provide special services comparable to what these 4,000 buses would provide, if accessible.

One possible definition of "comparable accessible services" could include those services with equivalent origin-destination range and flexibility, equivalent trip decision time, equivalent

travel time, and no greater fare. It is extremely difficult to estimate how many or what type of special service vehicles and service operations will be required in individual cities to achieve these objectives. A complete city survey of anticipated full-size bus purchases during the interim period, as well as other unique characteristics, would be required to predict comparable service costs under this as well as other definitions. Such a survey is beyond the scope of this impact statement.

The California Department of Transportation has estimated in general that to provide equivalent accessibility for the elderly and handicapped with a segregated special service, one special vehicle (van, small bus, etc.) would be required for every six full-size buses. This ratio is based on a comparison of special vehicle seat space versus full-size bus set space, given the assumption that handicapped persons will use accessible bus service in the same proportion as the general population. Applying the ratio to the anticipated nationwide purchase of 4,000 buses during the interim period, some 667 special vehicles would be required to provide the required degree of special service at any given time. Since full-size bus life is generally around 12-15 years, while special vehicle life is about 5 years, an estimated 2,000 special vehicles would be required in order to provide comparable services, if they were required over the life cycle of the full-size bus. Assuming a \$15,000 cost per vehicle, the total capital cost of such a requirement would be \$30 million, at an annual capital cost over 15 years of \$2 million. If the comparable services were required for only six years, the total capital cost would be approximately \$10 million.

The California Department of Transportation estimates that the operating cost of each special vehicle will average \$50,000 per year. Assuming that 667 vehicles will be in operation during any given year, the estimated annual operating costs of comparable services will be \$33.4 million.

Overall Fleet Accessibility. In addition to mandating future Transbus purchases, as well as detailing accessibility requirements during the interim period prior to Transbus, the proposed regulation requires that transit operators make one-half of their bus fleets accessible within six years. On the average, the full bus fleet turns over approximately every 12 years simply on the basis of normal vehicle retirement. Operators could likely meet the six-year requirement simply through normal turnover and replacement purchases of Transbus.

There may be a few cases, however, where transit operators have recently made large fleet purchases. These op-

erators would be unable to replace one-half of their fleet in six years through normal retirement, and would likely have to retrofit existing buses. Little data is available to determine how many operators would face this situation. However, we estimate that a total of 2,000 buses nationally will require retrofit within the six-year period. At a cost of \$10,000 per lift, the total estimated capital cost is \$20 million in 1977 dollars, or \$3.3 million* per year over the six-year period. Additional operating costs will range from \$2.4 million per year under the Caltrans estimate to \$25.0 million per year under the Booz, Allen & Hamilton estimate. For summary purposes, the average of these two estimates, totaling \$13.7 million, was applied.

One regulatory alternative considered but not adopted is to require that transit operators retrofit their entire existing bus fleets to make them accessible to the handicapped. The estimated \$460 million cost in 1977 dollars of such a requirement (discussed below), particularly in light of anticipated vehicle replacement cycles and provision of handicapped services through new accessible buses or special services, was found unreasonable and not required by section 504 and HEW guidelines.

The entire urban bus fleet numbers somewhere around 48,000 buses. An estimated 28,400 of these vehicles have been purchased with UMTA funds. The cost of retrofitting a bus with a lift is \$10,000 (the basic difference from the \$8,000 cost of equipping a new bus with a lift is the retrofit kit). The total capital cost of retrofitting UMTA-purchased buses would be \$284 million. The cost of retrofitting all buses would be \$480 million. Both estimates are in 1977 dollars.

Additional operating costs resulting from retrofit of UMTA-funded buses would range from \$34.1 million per year under the Caltrans estimate to

*Annual averages were calculated by simply dividing the total by the number of years to achieve program accessibility. Actual annual costs would be lower or higher in many cases, and thus the annual averages are not meant to be predictive of the cost in any given year.

\$358 million per year under the Booz, Allen & Hamilton estimate. Additional operating costs of retrofitting the entire urban fleet would range from \$57.6 million to \$599 million per year, respectively.

Paratransit. The proposed regulation requires that each paratransit system be operated so that, when viewed in its entirety, it is accessible to handicapped persons. New paratransit vehicles shall be accessible unless sufficient existing vehicles are accessible to provide the same level of handicap service as is provided to non-handicapped persons. Some additional costs may be incurred as a result of this requirement. However, these costs will depend on the current accessibility status of each local paratransit system. Absent a complete survey of local systems, which is beyond the scope of this impact statement, the total cost of the proposed requirement cannot be determined. The Department of Transportation welcomes comments as to the potential incremental costs of this section.

Interim Accessible Transportation. The proposed regulation requires that each recipient who cannot achieve program accessibility in three years must: (1) determine, in cooperation with the MPO, whether other accessible modes of transportation are available; and (2) propose, document, and ensure the provision of supplemental service where necessary to assure that service levels provided are reasonable. The costs of additional services which might be required will vary considerably from area to area. As with paratransit services, these costs are difficult to estimate absent further information on local needs and service plans. Such information will be detailed in local transition plans required under the proposed regulation. In the meantime, DOT welcomes comments on the potential cost of this section.

VI. PROGRAM ACCESSIBILITY—THE FEDERAL HIGHWAY ADMINISTRATION

The proposed regulations require that (a) all new highway rest area facilities constructed with federal aid meet standards set by ANSI; (b) all pe-

destrian crosswalks constructed with federal assistance have curb cuts or ramps; (c) all pedestrian over- and under-passes have gradients no steeper than 10 percent; and (d) all existing rest area facilities be made accessible within three years.

These requirements are expected to result in little incremental cost. FHWA is already constructing new rest area facilities to ANSI standards, and essentially all existing rest areas built with federal aid have been brought up to standards. Curb cuts are currently required by section 228 of the Federal-Aid Highway Act of 1973. FHWA believes that there will not be any significant cost increment to constructing all new pedestrian under- and over-passes at gradients of ten percent or less.

VII. ADMINISTRATIVE AND COMPLIANCE COSTS

The proposed regulations required that recipients conduct specified administrative and procedural tasks such as self-evaluations of policies and practices relating to the handicapped. All recipients will have to undertake some additional planning activities to achieve program accessibility for the handicapped. In addition, the regulations require that recipients of aid from FRA and UMTA, who must make structural changes to existing facilities, prepare transition plans detailing steps needed to achieve accessibility, with timetables and the amount and sources of funding. DOT anticipates that most if not all of these handicapped planning activities will be carried out through the established planning process, using existing staff and funding. The proposed regulation should thus result in minimal additional planning costs to recipients.

Some costs will be incurred by DOT in implementing the compliance procedures detailed in Subpart E of the proposed regulation, including the processing of complaints, investigations, and other procedural matters. Based on experience with compliance procedures under other civil rights laws, these costs are expected to be minimal.

PROPOSED RULES

APPENDIX A

PROJECTED COST OF MODIFYING
SELECTED EXISTING STATIONS
TO ACCOMMODATE HANDICAPPED PASSENGERS

STATION (RR) SITE LOCATION	STATION (RR) SITE LOCATION											
	SPRINGFIELD, MA (RR)	KANSAS CITY, MO (UN)	BUFFALO, NY (CR)	NEW ORLEANS, LA (UN)	BIRMINGHAM, AL (ICC)	ALEXANDRIA, VA (RFP)	OAKLAND, CA (SP)	DALLAS, TX (NC)	CANTON, OH (ATG)	WHEELING, WV (CR)	SYRACUSE, NY (CR)	ROME, NY (CR)
IMPROVEMENTS NEEDED TO BE BARRIER FREE	L BG	L AG	L BG	L BG	M BG	M ATG	M ATG	M BG	S ATG	S AG	S ATG	S BG
PASSENGER ARRIVAL - ADJUDICATE PLACE \$300	ok	ok	ok	ok	ok	ok	ok	ok	ok	ok	ok	ok
PARKING - SPECIAL STALL \$1000	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
PARKING - RAMPED TO BLDG. \$500	ok	ok	ok	ok	ok	ok	ok	ok	ok	ok	ok	ok
WALKS - CURB CUTS \$300 EACH	0.6	0.6	0.6	0.6	0.6	0.6	0.6	0.6	ok	0.6	0.6	0.6
WALKS - LEVEL PLATFORM AT DOORS \$2000	ok	ok	ok	ok	ok	4.0	ok	ok	ok	4.0	ok	4.0
DOORS - 32" WIDE CLEAR OPENING \$500	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	ok	1.0	1.0	1.0
DOORS - RICKETTES 16" HIGH \$100	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2	0.2
DOORS - HANDLES MAX. 42" HGT. \$50	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
DOORS - VISION PANELS 36" MAX. ABOVE FLOOR \$200	ok	ok	ok	ok	0.4	ok	0.4	0.4	ok	0.4	ok	0.4
STAIRS - NON-SLIP TREADS \$500	0.5	0.5	0.5	ok	0.5	0.5	ok	0.5	0.5	0.5	ok	0.5
STAIRS - HANDRAILS 32" HIGH, 18" BEY TOP & BTH STEPS \$1000	1.0	1.0	1.0	ok	1.0	1.0	ok	1.0	1.0	1.0	ok	1.0
STAIRS - WELL ILLUMINATED \$500	ok	ok	ok	ok	ok	ok	ok	ok	ok	0.5	ok	0.5
ELEVATORS - COMPLETE \$60,000 EACH	Plat- form	Plat- form	Plat- form	ok	ok	ok	ok	ok	Plat- form	Plat- form	ok	Plat- form
TOILET FACILITIES - MEN \$5000	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	ok	5.0	5.0	5.0
TOILET FACILITIES - WOMEN \$5000	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	ok	5.0	5.0	5.0
DRINKING FOUNTAIN COMPLETE \$300	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5	ok	0.5	0.5	0.5
PUBLIC TELEPHONE \$100	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	ok	0.1	0.1	0.1
CONTROLS - ALARMS, SWITCHES, 48" OFF FLOOR \$5000	ok	ok	ok	ok	ok	ok	ok	ok	ok	5.0	ok	ok
IDENTIFICATION & WARNINGS - RAISED, ADJUSTABLE \$1000	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
TOTALS FOR EACH STATION	76.0	76.0	76.0	76.0	76.0	76.0	76.0	76.0	76.0	76.0	76.0	76.0
AVERAGE FOR EACH SITE (TOTALS OF PAGE 416)	76.0	76.0	76.0	76.0	76.0	76.0	76.0	76.0	76.0	76.0	76.0	76.0

NOTES: (RR) = Owning Railroad Location = BG is Below Grade, AG is Above Grade,
ATG is at Grade (Entrances are Below, At, Above)
(Track Grade)

Size = L is Large, M is Medium, S is Small

PROPOSED RULES

APPENDIX B

Estimated cost of barrier-free requirements for stations
being designed or under construction:

LOCATION	Station Type	COST HandicapAid	Access Sta.-Platform	COST Access Means	TOTAL Additional Cost
Altoona, PA	50-C	25,935.00	Level	-	\$ 25,935.00
Auburn, WA	50-C	25,935.00	Level	-	25,935.00
Charleston, WV	50-C	25,935.00	Level	-	25,935.00
Dearborn, MI	50-C	25,935.00	Ramp	3,000.00	28,935.00
El Paso, TX	50-C	24,435.00	Level	-	24,435.00
Little Rock, AR	50-C	25,935.00	Level	-	25,935.00
Memphis, TN	150-B	27,635.00	Elevator	50,000.00	77,635.00
Miami, FL	300-A	79,000.00	Level	-	79,000.00
Rochester, NY	150-B	27,635.00	Level	-	27,635.00
San Antonio, TX	150-B	25,835.00	Level	-	25,835.00
Schenectady, NY	50-C	25,935.00	Elevator	50,000.00	75,935.00
St. Louis, MO	300-A	81,500.00	Level	-	81,500.00
St. Paul, MN	300-A	81,500.00	Level	-	81,500.00
Tampa, FL	50-C	24,435.00	Level	-	24,435.00

PROPOSED RULES

Footnotes

1. *Further Action Needed to Make All Public Buildings Accessible to the Physically Handicapped*, General Accounting Office, FPCD-75-166, July 15, 1976, p. 88.
2. *Discrimination Against Handicapped Persons: The Costs, Benefits, and Economic Impact of Implementing Section 504 of the Rehabilitation Act of 1973 Covering Recipients of HEW Financial Assistance*, p. 18.
3. See *Airport Activity Statistics of Certificated Route Air Carriers*, 1976, Civil Aeronautics Board.
4. See *The Transportation Handicapped Population, Definition & Counts*, U.S. Department of Transportation, Urban Mass Transportation Administration, August 1976, Vol. 1.
5. See *Access Travel: Airports, A Guide to Accessibility of Terminals*, U.S. Department of Transportation, Federal Aviation Administration, October 1977.
6. See *The Transportation Handicapped Population, Definition & Counts*, DOT Urban Mass Transportation Administration, August 1976.
7. *Ibid.*, p. 39.
8. *Transit Fact Book*, 1976-77 Edition, American Public Transit Association, p. 27.
9. *FEDERAL REGISTER*, Vol. 41, No. 85, Friday, April 30, 1976, p. 18240.
10. See "Agreement Between Department of Transportation and Department of Rehabilitation, California", together with cost estimates for implementing this agreement.

[FR Doc. 78-15999 Filed 6-7-78; 8:45 am]

THURSDAY, JUNE 8, 1978
PART VI



COPYRIGHT
ROYALTY TRIBUNAL

TERMS AND RATIO OF
ROYALTY PAYMENTS

federa register

[1410-01]

Title 37—Patents, Trademarks and Copyrights

CHAPTER III—COPYRIGHT ROYALTY TRIBUNAL

PART 304—USE OF CERTAIN COPYRIGHTED WORKS IN CONNECTION WITH NONCOMMERCIAL BROADCASTING

Terms and Rates of Royalty Payments

AGENCY: Copyright Royalty Tribunal (CRT).

ACTION: Final rule.

SUMMARY: Copyright Royalty Tribunal adopts rule establishing the terms and rates of royalty payments for the use of published nondramatic musical works and published pictorial, graphic, and sculptural works by public broadcasting entities as required by 17 U.S.C. 118(b). The rule also establishes procedures by which copyright owners may receive reasonable notice of the use of their works, and for the keeping by public broadcasting entities of records of such use.

EFFECTIVE DATE: June 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Thomas C. Brennan, Chairman, Copyright Royalty Tribunal, 202-653-5175.

SUPPLEMENTARY INFORMATION: 17 U.S.C. 118(b) provides that the Copyright Royalty Tribunal (CRT) shall publish a notice in the *FEDERAL REGISTER* of the initiation of proceedings for the determination of reasonable terms and rates of royalty payments for the use of published nondramatic musical works and published pictorial, graphic and sculptural works by public broadcasting entities. It is further provided that such rates and terms shall be adopted and published in the *FEDERAL REGISTER* not later than six months after the date of the notice. The required notice was published in the *FEDERAL REGISTER* of December 8, 1977 (42 FR 62019).

17 U.S.C. 118(b) also requires the CRT to adopt regulations by which copyright owners may receive reasonable notice of the use of their works and for the keeping by public broadcasting entities of records of such use. Notice of the proposed rulemaking was published in the *FEDERAL REGISTER* of December 8, 1977 (42 FR 62019).

The CRT conducted public hearings to receive testimony on the establishment of rates and terms of royalty payments, and the regulations required by 17 U.S.C. 118(b), on March 7, 8, 9, 13, 14, 15, and April 6, 1978. In

addition to the material presented at these hearings, the CRT received additional written statements and documentary evidence submitted in accordance with the rules of the CRT. The CRT met in public session on May 4 and 31, and June 5 and 6 to consider these matters. The schedule of rates and terms of royalty payments and the regulations were adopted on June 8, 1978.

17 U.S.C. 803(b) requires that every "final determination" of the CRT shall be published in the *FEDERAL REGISTER* and shall state "in detail the criteria that the Tribunal determined to be applicable to the particular proceeding, the various facts that it found relevant to its determination in that proceeding, and the specific reasons for its determination."

Before adopting the schedule of rates, the CRT carefully reviewed the legislative history of 17 U.S.C. 118. The CRT found the congressional committee reports (S.R. 94-473 and H.R. 1476) to be particularly useful. The Senate report states that section 118 "requires the payment of copyright royalties reflecting the fair value of the materials used." The House report states that Congress did "not intend that owners of copyrighted material be required to subsidize public broadcasting."

The CRT is required by the legislative history of section 118 to consider the "general public interest in encouraging the growth and development of public broadcasting." The record of this proceeding contains considerable data concerning the size and nature of public broadcasting audiences, the sources of public broadcasting funding, public broadcasting program practices, and the operational structure of public broadcasting. The CRT examined each of these factors in formulating the schedule of rates. The CRT is satisfied that the royalty payments required by the schedule will not have any significant impact upon the ability of noncommercial broadcasting to perform its functions.

The CRT has been impressed by the nature and quality of public broadcasting programming. Public broadcasting affords much of the American public its only opportunity to watch on television live performances of opera or ballet, regular presentations of quality drama, and direct live coverage of important public proceedings. The desire of millions of Americans to view such programs is not being adequately served by commercial broadcasting or cable television.

While aware of the special contribution of public broadcasting to American life, the CRT has also been mandated by the Congress to consider the public interest in "encouragement of musical and artistic creation." Many authors, composers, other artists and

copyright owners have made generous contributions of talent and funds to public broadcasting. Both the Copyright Act and equity require that they now receive reasonable compensation for the use of their works by public broadcasting.

The CRT, after study of section 118 and its legislative history, has concluded that it has wide discretion in determining the structure of the rate schedule, and providing for different treatment of copyright owners or public broadcasting entities on the basis of reasonable distinctions rooted in relevant considerations. The CRT has also determined that it has the authority, which it has chosen to exercise, to establish separate schedules of rates for the repertory of certain performing rights licensing associations.

The CRT has adopted the schedule of rates and terms after examination of the justification for proposed rates and terms advanced during the proceedings of the CRT. Offers made by representatives of copyright owners and public broadcasting entities in an effort to execute the voluntary agreements authorized by 17 U.S.C. 118(b)(2) were excluded from consideration. The CRT has determined that the consideration of offers made for the purpose of obtaining voluntary agreements could "frustrate the intent of Congress, reflected in several sections of the copyright statute (17 U.S.C. 111(d)(5)(A), 17 U.S.C. 116(c)(2), and 17 U.S.C. 118(e)(1)), to encourage voluntary agreements."

Section 118(b)(3) provides that the CRT "may consider the rates for comparable circumstances under voluntary license agreements negotiated." Several voluntary license agreements have been executed and filed in the Copyright Office. As provided in 118(b)(2) such agreements shall be given effect in lieu of any determination by the CRT if the agreements are filed with the Copyright Office within thirty days of execution.

The CRT has examined the voluntary agreements which have been filed with the Copyright Office as to rates and terms for performing and recording rights in musical works. The CRT found that generally the voluntary agreements provided limited guidance in the disposition of the more important issues presented in this proceeding. Concerning performing rights in musical works, the CRT found that the agreement between Broadcast Music, Inc. (BMI) and Public Broadcasting Service and National Public Radio (NPR) neither in its structure or rate of royalty payment was of assistance to the CRT in establishing a royalty schedule for the repertory of the American Society of Composers, Authors and Publishers (ASCAP). The BMI agreement is subject to an adjustment related to the ratio of perfor-

mances of BMI music to total performances of copyrighted music. That ratio is to be applied to the total fees paid for music and, if appropriate, an adjustment is to be made in the fees paid to BMI. It would be the equivalent of traveling in a circle for the CRT to now utilize the BMI agreement as the basis for establishing a reasonable royalty schedule for the use of ASCAP music.

The record of this proceeding indicates that public broadcasting and SESAC did not reach agreement on the amount of the payment in their voluntary license agreement by employing the same formula for establishing a reasonable payment. The SESAC payment, however, is of value as a guide to the reasonableness of the payment to be made to ASCAP under the CRT schedule. SESAC's annual royalty collections are estimated to be between \$3 and \$4 million, compared to \$100 million by ASCAP. The SESAC payment of slightly under \$50,000 for performance rights in music can thus be compared to the estimated total payment under this schedule for the use of ASCAP repertory.

In the determination of reasonable royalty payments for the performance of ASCAP musical compositions, the CRT examined a number of formulas. These included an annual flat payment, a fee determined on the basis of market population or size of audience, formulas related to the usage of music, and formulas geared to copyright payments made by commercial broadcasters. In examining possible formulas, the CRT has considered copyright licensing practices by United States commercial broadcasting and foreign public broadcasting systems.

The CRT finds that there is no one formula that provides the ideal solution, especially when the determination must be made within the framework of a statutory compulsory license. Any formula that was chosen would be subject to certain limitations in the absence of appropriate qualifications.

At the outset of this proceeding, public broadcasting recommended that the payment for ASCAP music be on a per composition basis. ASCAP testified that such an approach was not in accord with traditional practice for the licensing of performing rights in music. Public broadcasting subsequently withdrew its per composition proposal. The CRT has determined that a blanket license is the most suitable method for licensing public broadcasting to perform musical works.

The CRT has determined that a payment of \$1,250,000 per year is a reasonable royalty fee for the performance by PBS, NPR and their sta-

tions of ASCAP music. This payment was adopted on the basis of the entire record of this proceeding and the application of the statutory criteria. The amount of the total payment was not determined by the application of a particular formula, since the CRT had concluded that all formulas examined by it suffered from inherent limitations. The CRT notes, however, that the amount of the payment is approximately what would have been produced by the application of several formulas explored by this agency during its deliberations.

The CRT has adopted this schedule on the basis of the record made in this proceeding. When this matter again comes before the CRT, the CRT will have the benefit of several years experience with this schedule. The CRT does not intend that the adoption of this schedule should preclude active consideration of alternative approaches in a future proceeding.

In addition to establishing terms and rates of royalty payments for National Public Radio and its local stations, the CRT was required to establish rates and terms for several hundred other noncommercial radio stations, the majority of which are licensed to colleges, universities or other nonprofit educational institutions. The CRT has adopted separate schedules of rates for the stations licensed to colleges or other educational institutions, and for those not affiliated either with NPR or colleges.

The record of this proceeding reflects that BMI and SESAC have reached agreement with national representatives of colleges and universities concerning the performance of copyrighted musical compositions by such institutions, including certain noncommercial radio stations. However, no such license agreements have been filed in the Copyright Office, and the time period for filing some agreements may have expired. It is clear that Congress sought to encourage voluntary license agreements. Therefore, to implement this public policy and to remove technical bars to the implementation of such agreements, the CRT provides in this Rule that the rates and terms of such agreements shall apply in lieu of the rates and terms adopted by the CRT. A similar provision applies to any agreements between copyright owners and unaffiliated radio stations.

In establishing the schedule of rates for the performance of copyrighted musical compositions by college and the unaffiliated stations, the CRT in effect was required to establish a relationship among the several performing rights societies as to the value of their repertory and the use of their music. The public broadcasting proceeding was not an appropriate occasion for making such judgments. Accordingly,

the ratio resulting from this schedule of rates is not intended in any respect to establish a precedent for any other rate proceeding, including any future proceeding pursuant to 17 U.S.C. 118.

The schedule of rates and terms does not apply to carrier-current stations. The jurisdiction of the CRT is limited to a "public broadcasting entity" as defined in section 397 of title 47. The CRT has not been satisfied that it has jurisdiction to establish rates for carrier-current stations.

The Harry Fox Office was authorized by several hundred music publishers to act on behalf of such publishers in negotiations with PBS and NPR seeking agreement on the licensing of recording rights to certain musical works. A license agreement was executed and filed in the Copyright Office according to 17 U.S.C. 118(b)(2). However, according to the record before the CRT some 17,000 music publishers have not adhered to the license agreement.

The CRT has reviewed the rates and terms of the voluntary agreement and determined that, subject to the jurisdictional limitations of the CRT and the requirements imposed on the CRT by the provisions of section 118, it provides useful guidance to the CRT. The CRT has decided that the copyright owners of musical works which are recorded under the statutory compulsory license by local stations and regional networks of PBS and NPR and other public broadcasting entities shall be compensated for such uses and receive reasonable notice of such uses, as contemplated by the provisions of 17 U.S.C. 118.

The schedule of royalty rates in the Harry Fox agreement applies only to national programs, but the license extends to recordings for all PBS and NPR stations. The testimony by both Harry Fox and PBS witnesses reflects that the royalty rate was determined after negotiations "at great length" and was achieved as part of a general understanding involving issues in addition to the rate of compensation. The record also indicates that there was considerable bargaining over the amount of the recording fees. With this background, the CRT determined that it would be appropriate to retain the Harry Fox rates for recordings of national programs, while establishing a lower rate for all other recordings. The CRT has been persuaded that the royalty rates in the Harry Fox agreement while reasonable as part of an overall settlement were less than could be justified if the rates had been determined solely on the basis of the reasonable value of the copyrighted works recorded.

No voluntary agreements have been executed concerning the use of pictorial, graphic and sculptural works by public broadcasting entities. In addi-

tion, neither past broadcasting practice nor the record of this proceeding provided much useful data for the adoption of a rate schedule by the CRT. Consequently, the payment schedule adopted should not be regarded as a guide to future rate determinations. The current fragmented structure of the visual arts precluded the consideration by the CRT of any form of blanket licensing.

Public broadcasting urged that the CRT require payment and reports of use only for PBS and NPR programs. They argued that local fees would be so low as not to warrant the necessary administrative machinery. The representatives of the visual artists argued that the exemption of local stations and regional networks would exclude payments for at least 30% of public broadcast hours. The CRT has determined that both the Copyright Act and equity require payments for local and regional programs.

The Congress in enacting the Copyright Act has barred any review by CRT of the terms and rates of royalty payments until June 30, 1982, and any change of the schedule adopted in this proceeding until January 1, 1983. The CRT believes that it would be unfair to copyright owners if the schedule did not make some provision for changes in the cost of living. Accordingly, at one year intervals a revised schedule of rates will become effective to reflect the rise in the cost of living, as determined by the Consumer Price Index.

17 U.S.C.(e)(2) requires the Register of Copyrights to submit a report to the Congress on January 3, 1980 advising the Congress concerning voluntary licensing arrangements which have been reached with respect to the use of nondramatic literary works by public broadcast stations. The report is to present legislative or other recommendations, if warranted.

The CRT has determined that it would be appropriate, and perhaps useful to the Congress, if it also on January 3, 1980 presented to the Congress a report of its experience with the operation of section 118. Consequently, the Final Rule provides, after such proceedings as the CRT may determine to conduct, that the CRT shall transmit such a report. The report would not include recommendations or views concerning specific rates and rates of royalty payments since the Congress has determined that such matters shall not be further considered until June 30, 1982.

MINORITY VIEWS OF COMMISSIONERS JAMES AND GARCIA TO SECTION 304.3

We disagree with the opinion reached by the majority in promulgating § 304.3. It is our belief that the record adequately supports a revenue method, not a flat rate. In our opinion

the most logical bench mark to establish a rate for Public Broadcasting was to compare it to the established industry practice of commercial broadcasting, where the revenue measure of music has been a negotiated arm's length transaction. The arguments that the revenue proposal would generate too much money for ASCAP is without merit in face of the legislative history. Those most affected by the adoption of this Section are the artists of America.

Accordingly, pursuant to 17 U.S.C. 118(b)(3), 37 CFR Chapter III is amended as follows:

By adding a new Part 304, to read as follows:

Sec.

304.1 General.

304.2 Definition of public broadcasting entity.

304.3 Performance of ASCAP musical compositions by PBS and NPR and their stations.

304.4 Performance of other musical compositions by PBS and NPR and their stations.

304.5 Performance of musical compositions by public broadcasting entities licensed to colleges or universities.

304.6 Performance of musical compositions by other public broadcasting entities.

304.7 Recording rights, rates, and terms.

304.8 Terms and rates of royalty payments for the use of published pictorial, graphic, and sculptural works.

304.9 Unknown copyright owners.

304.10 Cost of living adjustment.

304.11 Notice of restrictions on use of reproductions of transmission programs.

304.12 Amendment of certain regulations.

304.13 Issuance of interpretative regulations.

304.14 Report to Congress.

304.15 Report to Congress.

304.16 Report to Congress.

304.17 Report to Congress.

304.18 Report to Congress.

304.19 Report to Congress.

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304.39 Report to Congress.

304.40 Report to Congress.

304.41 Report to Congress.

304.42 Report to Congress.

304.43 Report to Congress.

Public Radio (NPR) and its stations shall pay the American Society of Composers, Authors, and Publishers (ASCAP) in each calendar year the total sum of \$1,250,000 for the performance by PBS, NPR and their stations of copyrighted published nondramatic musical compositions in the repertory of ASCAP. However, for such use from the effective date of this schedule through December 31, 1978, 58 percent of the above sum shall be paid not later than December 31, 1978.

(b) The payment required by paragraph (a) shall be made in two equal payments on July 31 and December 31 of each calendar year.

(c) In the event that in the future an unaffiliated or new radio station becomes a member of NPR, the basic rate described in paragraph (a) hereof shall be increased by the amount ASCAP would have received from said station under § 304.5 and § 304.6 for the balance of the term remaining. In the event a current member of NPR should leave that membership, the basic rate described in paragraph (a) hereof shall be decreased by the amount ASCAP would have received from said station if they had been an unaffiliated station under § 304.5 and § 304.6.

(d) In the event that a station becomes a member or ceases to be a member of PBS, the basic rate described in paragraph (a) shall be increased or decreased by \$4,000 for the balance of the term.

(e) Records of use. (1) PBS and NPR shall maintain and quarterly furnish to ASCAP copies of their standard cue sheets listing the nondramatic performances of musical compositions on PBS and NPR programs during the preceding quarter (including the title, composer and author, type of use, and manner of performance thereof, in each case to the extent such information is reasonably obtainable by PBS and NPR in connection therewith). No such cue sheets need be furnished prior to October 1, 1978.

(2) PBS and NPR stations shall furnish to ASCAP upon the request of ASCAP a music-use report during one week of each calendar year. No more than 20 percent of the total number of PBS stations, and no more than 20 percent of the total number of NPR stations shall be required to furnish such reports to ASCAP in any one calendar year.

§ 304.4 Performance of other musical compositions by PBS and NPR and their stations.

The following schedule of rates and terms shall apply to the performance by PBS, by NPR, by stations of PBS, and by stations of NPR, of copyrighted published nondramatic musical compositions, other than compositions in the repertory of ASCAP and other

than such compositions subject to the provisions of 17 U.S.C. 118(b)(2).

(a) Determination of royalty rate.

For the performance of such a work in a feature presentation of PBS, \$100.

For the performance of such a work as background or theme music in a PBS program, \$25.

For the performance of such a work in a feature presentation of NPR, \$10.

For the performance of such a work as background or theme music in an NPR program, \$2.50.

For the performance of such a work in a feature presentation of a station of PBS, \$35.

For the performance of such a work as background or theme music in a program of a station of PBS, \$10.

For the performance of such a work in a feature presentation of a station of NPR, \$5.

For the performance of such a work as background or theme music in a program of a station of NPR, \$2.

For the purposes of this schedule series theme music rates shall be double the single program rate for the entire series.

(b) *Payment of royalty rate.* The required royalty rate shall be paid to each copyright owner not later than July 31 of each calendar year for uses during the first six months of that calendar year, and not later than January 31 for uses during the last six months of the preceding calendar year. However, the payment of the royalty fees for uses in 1978, subsequent to the effective date of this schedule, need not be made until January 31, 1979.

(c) *Records of use.* PBS and NPR shall, upon the request of a copyright owner of a published musical work who believes a musical composition of such owner has been performed under the terms of this schedule, permit such copyright owner a reasonable opportunity to examine their standard cue sheets listing the nondramatic performances of musical compositions on PBS and NPR programs. Any local PBS and NPR station that is required by § 304.3(e)(2) to prepare a music use report shall, upon request of a copyright owner who believes a musical composition of such owner has been performed under the terms of this schedule, permit such copyright owner to examine the report.

§ 304.5 Performance of musical compositions by public broadcasting entities licensed to colleges or universities.

(a) *Scope.* This section applies to the performance of copyrighted published nondramatic musical compositions by nonprofit radio stations which are licensed to colleges, universities, or other nonprofit educational institutions and which are not affiliated with NPR.

(b) *Voluntary license agreements.* Notwithstanding the schedule of rates

and terms established by this section, the rates and terms of any license agreements entered into by copyright owners and colleges, universities, and other nonprofit educational institutions concerning the performance of copyrighted musical compositions, including performances by nonprofit radio stations, shall apply in lieu of the rates and terms of this section.

(c) *Royalty rate.* A public broadcasting entity within the scope of this section may perform published nondramatic musical compositions subject to the following schedule of royalty rates:

For all such compositions in the repertory of ASCAP, \$90 annually.

For all such compositions in the repertory of Broadcast Music, Inc. (BMI), \$90 annually.

For all such compositions in the repertory of SESAC, Inc., \$20 annually.

For the performance of any other such composition, \$1.

For performances of the repertory of ASCAP, BMI, and SESAC from the effective date of this schedule through December 31, 1978 a fee of 56% of the above rates shall be paid.

(d) *Payment of royalty rate.* The public broadcasting entity shall pay the required royalty rate to ASCAP, BMI and SESAC not later than January 31 of each calendar year. For performances from the effective date of this schedule through December 31, 1978, the required fee shall be paid not later than September 1, 1978. The required fee for the performance of all other musical compositions shall be paid not later than the end of the calendar year in which the work was performed.

(e) *Records of use.* A public broadcasting entity subject to this section shall furnish to ASCAP, BMI, and SESAC upon request a music-use report during one week of each calendar year. ASCAP, BMI, and SESAC each shall not in any one calendar year request more than 10 stations to furnish such reports.

§ 304.6 Performance of musical compositions by other public broadcasting entities.

(a) *Scope.* This section applies to the performance of copyrighted published nondramatic musical compositions by radio stations not licensed to colleges, universities or other nonprofit educational institutions, and not affiliated with NPR.

(b) *Voluntary license agreements.* Notwithstanding the schedule of rates and terms established in this section, the rates and terms of any license agreements entered into by copyright owners and nonprofit radio stations within the scope of this section concerning the performance of copyrighted musical compositions, including performances by nonprofit radio sta-

tions, shall apply in lieu of the rates and terms of this section.

(c) *Royalty rate.* A public broadcasting entity within the scope of this section may perform published nondramatic musical compositions subject to the following schedule of royalty rates:

(1) For radio stations with no more than 20 watts transmitter power output:

For all such compositions in the repertory of ASCAP, \$180 annually.

For all such compositions in the repertory of BMI, \$180 annually.

For all such compositions in the repertory of SESAC, Inc., \$40 annually.

For the performance of any other such composition, \$1.

For performances of the repertory of ASCAP, BMI, and SESAC from the effective date of this schedule through December 31, 1978, a fee of 56 percent of the above rates shall be paid.

(2) For radio stations with more than 20 watts transmitter power output:

For all such compositions in the repertory of ASCAP, \$450 annually.

For all such compositions in the repertory of BMI, \$450 annually.

For all such compositions in the repertory of SESAC, Inc., \$100 annually.

For the performance of any other such composition, \$1.

For performances of the repertory of ASCAP, BMI, and SESAC from the effective date of this schedule through December 31, 1978, a fee of 56 percent of the above rates shall be paid.

(d) *Payment of royalty rate.* The public broadcasting entity shall pay the required royalty rate to ASCAP, BMI, and SESAC not later than January 31 of each calendar year. For performances from the effective date of this schedule through December 31, 1978, the required fee shall be paid not later than September 1, 1978. The required fee for the performance of all other musical compositions shall be paid not later than the end of the calendar year in which the work was performed.

(e) *Records of use.* A public broadcasting entity subject to this section shall furnish to ASCAP, BMI, and SESAC upon request a music-use report during one week of each calendar year. ASCAP, BMI, and SESAC each shall not in any one calendar year request more than 10 stations to furnish such reports.

§ 304.7 Recording rights, rates and terms.

(a) *Scope.* This section establishes rates and terms for the recording of nondramatic performances and displays of musical works on and for the radio and television programs of public broadcasting entities, whether or not in synchronization or timed relationship with the visual or aural content, and for the making, reproduc-

tion, and distribution of copies and phonorecords of public broadcasting programs containing such recorded nondramatic performances and displays of musical works solely for the purpose of transmission by public broadcasting entities, as defined in 17 U.S.C. 118(g). The rates and terms established in this schedule include the making of the reproductions described in 17 U.S.C. 118(d)(3).

(b) *Royalty rate.*

(1) For uses described in subsection (a) of a musical work in a PBS distributed program:

Feature.....	\$50.00
Feature (concert) (per minute).....	15.00
Background.....	25.00
Theme:	
Single program or first series program ..	25.00
Other series program.....	10.00

(2) For such use of a musical work in a NPR produced program. For purposes of this schedule "National Public Radio" programs includes all programs produced in whole or in part by NPR, or by any NPR station or other nonprofit institution or organization under contract with NPR:

Feature.....	\$10.00
Feature (concert) (per 1/4-hour).....	15.00
Background and theme.....	2.50

(3) For such uses other than in a PBS distributed television program:

Feature.....	\$20.00
Feature (concert) (per minute).....	5.00
Background.....	10.00
Theme:	
Single program or first series program ..	10.00
Other series program.....	5.00

(4) For such uses other than in a NPR produced radio program:

Feature.....	\$5.00
Feature (concert) (per 1/4-hour).....	7.50
Background and theme.....	2.00

For the purposes of this schedule, a "concert" feature shall be deemed to be the nondramatic presentation of all or part of a symphony, concerto, or other series work originally written for concert or opera performance.

(5) The schedule of fees covers broadcast use for a period of three years following the first broadcast. Succeeding broadcast use periods will require the following additional payment: second three-year period—50 percent; each three-year period thereafter—25 percent; provided that a 100 percent additional payment prior to the expiration of the first three-year period will cover broadcast use during all subsequent broadcast use periods without limitation. Such succeeding uses which are subsequent to December 31, 1982 shall be subject to the rates established in this schedule.

(c) *Payment of royalty rates.* PBS, NPR, or other public broadcasting entity shall pay the required royalty fees to each copyright owner not later than July 31 of each calendar year for

uses during the first six months of that calendar year, and not later than January 31 for uses during the last six months of the preceding calendar year. *Provided, however,* That payment of fees for uses in 1978, subsequent to the effective date of this schedule, need not be made until January 31, 1979.

(d) *Records of use.* (1) Maintenance of cue sheets, PBS and its stations, NPR and its stations, or other public broadcasting entity shall maintain and furnish to copyright owners whose musical works are recorded pursuant to this schedule copies of their standard cue sheets listing the recording of the musical works of such copyright owners. Such cue sheets shall be furnished not later than July 31 of each calendar year for recordings during the first six months of the calendar year, and not later than January 31 of each calendar year for recordings during the second six months of the preceding calendar year. No such furnishing of cue sheets shall be required before January 31, 1979.

(2) *Content of cue sheets.* Such cue sheets shall include:

(i) The title, composer and author to the extent such information is reasonably obtainable.

(ii) The type of use and manner of performance thereof in each case.

(iii) For concert music, the actual recorded time period on the program, plus all distribution and broadcast information available to the public broadcasting entity.

(e) *Filing of use reports with the Copyright Royalty Tribunal (CRT).*

(1) *Deposit of cue sheets.* PBS and its stations, NPR and its stations, or other broadcasting entity shall deposit with the CRT copies of their standard music cue sheets listing the recording pursuant to this schedule of the musical works of copyright owners. Such cue sheets shall be deposited not later than July 31 of each calendar year for recordings during the first six months of the calendar year, and not later than January 31 of each calendar year for recordings during the second six months of the preceding calendar year. No such deposit of cue sheets shall be required before January 31, 1979.

(2) *Content of cue sheets.* Such cue sheets shall include:

(i) The title, composer and author to the extent such information is reasonably obtainable.

(ii) The type of use and manner of performance thereof in each case.

(iii) For concert music, the actual recorded time period on the program, plus all distribution and broadcast information available to the public broadcasting entity.

§ 304.8 *Terms and rates of royalty payments for the use of published pictorial, graphic, and sculptural works.*

(a) *Scope.* This section establishes rates and terms for the use of published pictorial, graphic, and sculptural works by public broadcasting entities for the activities described in 17 U.S.C. 118. The rates and terms established in this schedule include the making of the reproductions described in 17 U.S.C. 118(d)(3).

(b) *Royalty rate.* (1) The following schedule of rates shall apply to the use of works within the scope of this section:

For such uses in a PBS distributed program: For a featured display of a work, \$30.

For background and montage display, \$15.

For use of a work for program identification or for thematic use, \$60.

For the display of an art reproduction copyrighted separately from the work of fine art from which the work was reproduced, irrespective of whether the reproduced work of fine art is copyrighted so as to be subject also to payment of a display fee under the terms of this schedule, \$20.

For such uses in other than PBS distributed programs:

For a featured display of a work, \$20.

For background and montage display, \$10.

For use of a work for program identification or for thematic use, \$40.

For the display of an art reproduction copyrighted separately from the work of fine art from which the work was reproduced, irrespective of whether the reproduced work of fine art is copyrighted so as to be subject also to payment of a display fee under the terms of this schedule, \$10.

(2) "Featured display" for purposes of this schedule means a full-screen or substantially full-screen display. Any display less than full-screen or substantially full-screen is deemed to be a "background or montage display".

(3) "Thematic use" is the utilization of the work of one or more artists where the works constitute the central theme of the program or convey a story line.

(4) "Display of an art reproduction copyrighted separately from the work of fine art from which the work was reproduced" means a transparency or other reproduction of an underlying work of fine arts.

(c) *Payment of royalty rate.* PBS or other public broadcasting entity shall pay the required royalty fees to each copyright owner not later than July 31 of each calendar year for uses during the first six months of that calendar year, and not later than January 31 for uses during the last six months of the preceding calendar year. *Provided, however,* That payment of fees for uses in 1978, subsequent to the effective date of this schedule, need not be made until January 31, 1979.

(d) *Records of use.* (1) PBS and its stations or other public broadcasting entity shall maintain and furnish either to copyright owners, or to the offices of generally recognized organi-

§ 304.9 *Unknown copyright owners.*

If PBS and its stations, NPR and its stations, or other public broadcasting entity is not aware of or unable to locate a copyright owner who is entitled to receive a royalty payment under this Part they shall retain the required fee in a segregated trust account for a period of three years from the date of the required payment. No claim to such royalty fees shall be valid after the expiration of the three year period. Public broadcasting entities may establish a joint trust fund for the purposes of this section. Public broadcasting entities shall make available to the CRT, upon request, information concerning fees deposited in trust funds.

§ 304.10 *Cost of living adjustment.*

(a) On August 1, 1979 the CRT shall publish in the FEDERAL REGISTER a notice of the change in the cost of living as determined by the Consumer Price Index (all urban consumers, all items) from the first index published subsequent to the effective date of this schedule of royalty payments to the last index published prior to August 1, 1979. On each August 1 thereafter the CRT shall publish a notice of the change in the cost of living during the period from the first index published subsequent to the previous notice, to the last index published prior to August 1 of that year.

(b) On the same date of the notices published pursuant to paragraph (a), the CRT shall publish in the FEDERAL REGISTER a revised schedule of rates which shall adjust those royalty amounts established in dollar amounts according to the change in the cost of living determined as provided in paragraph (a). Such royalty rates shall be fixed at the nearest dollar.

(c) The adjusted schedule of rates shall become effective thirty days after publication in the FEDERAL REGISTER.

§ 304.11 *Notice of restrictions on use of reproductions of transmission programs.*

Any public broadcasting entity which, pursuant to 17 U.S.C. 118, supplies a reproduction of a transmission program to governmental bodies or nonprofit institutions shall include

with each copy of the reproduction a warning notice stating in substance that the reproductions may be used for a period of no more than seven days from the specified date of transmission, that the reproductions must be destroyed by the user before or at the end of such period, and that a failure to fully comply with these terms shall subject the body or institution to the remedies for infringement of copyright.

§ 304.12 *Amendment of certain regulations.*

Subject to 17 U.S.C. 118, the Administrative Procedure Act and the Rules of Procedure of the Copyright Royalty Tribunal, the CRT may at any time amend, modify or repeal regulations in this Part adopted pursuant to 17 U.S.C. 118(b)(3) by which "Copyright owners may receive reasonable notice of the use of their works" and "under which records of such use shall be kept by public broadcasting entities."

§ 304.13 *Issuance of interpretative regulations.*

Subject to 17 U.S.C. 118, the Administrative Procedure Act and the Rules of Procedure of the Copyright Royalty Tribunal, the CRT may at any time, either on its own motion or the motion of a person having a significant interest in the subject matter, issue such interpretative regulations as may be necessary or useful to the implementation of this Part. Such regulations may not prior to January 1, 1983, alter the schedule of rates and terms of royalty payments established by this Part.

§ 304.14 *Report to Congress.*

On January 3, 1980 the CRT, after conducting such proceedings as it may deem appropriate, shall transmit a report to the United States Congress making such recommendations concerning 17 U.S.C. 118 that it finds to be in the public interest.

Effective date: This part becomes effective on June 8, 1978.

Adopted: June 6, 1978.

THOMAS C. BRENNAN,
Chairman,
Copyright Royalty Tribunal.
(FR Doc. 78-16158 Filed 6-7-78; 12:03 pm)

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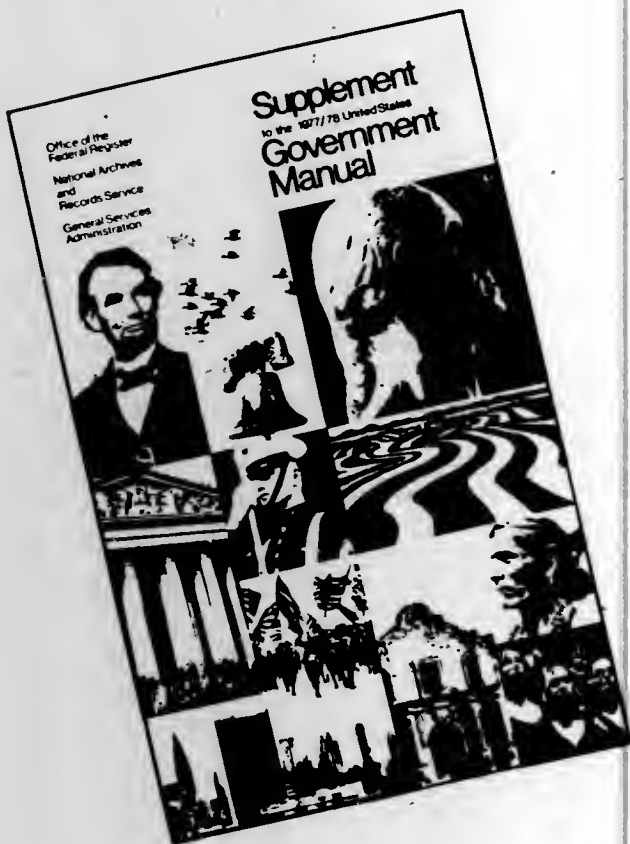
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Also included is a listing in Appendix A of the Federal agencies and functions affected by President Carter's reorganization of the Executive Office of the President and the establishment of the Department of Energy.

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highlights

SUNSHINE ACT MEETINGS 25224

FLOODPLAIN MANAGEMENT AND WETLANDS PROTECTION

Three agencies issue documents implementing Executive Orders 11988 and 11990 (Part VI of this issue) **25317**

CHILD NUTRITION PROGRAMS

USDA/FNS reapportions food service and child care food service equipment assistance funds released by States among those States requesting additional funds; effective 5-31-78 (2 documents) **25130, 25134**

CHILD NUTRITION ACT

USDA/FNS sets forth apportionment of funds for nutrition education and training among States; effective 6-9-78 **25130**

USDA/FNS implements final phase of the Nutrition Education and Training Program; effective 6-9-78, comments by 7-24-78 **25132**

CHILD SUPPORT COLLECTION

Treasury/IRS proposes assessment and collection of certain liability; comments mailed by 8-7-78 **25143**

MEDICAL DEVICES

HEW/FDA announces hearing date of 8-7-78 on proposed tentative final regulation relating to investigational device exemptions **25142**

PRESCRIPTION DRUGS

HEW/FDA withdraws proposed regulations governing proprietary and established names on labels, labeling, and advertisements; effective 6-9-78 **25142**

CONTRIBUTIONS FOR CIVIL DEFENSE EQUIPMENT

Defense Civil Preparedness Agency publishes miscellaneous amendments; effective 6-9-78 **25092**

NUCLEAR NON-PROLIFERATION

State, DOE, Commerce establish procedures pursuant to the Nuclear Non-Proliferation Act of 1978 (Part VII of this issue) .. **25326**

SOVIET MARINE INSURANCE PRACTICES

Office of Special Representative Trade Negotiations issues Presidential determination **25212**

HANDICAPPED RAIL PASSENGERS

ICC proposes regulations to insure adequate services and facilities for handicapped persons traveling as intercity rail passengers; comments by 9-7-78 **25152**

AIR BRAKE SYSTEMS ON COMMERCIAL VEHICLES

DOT/FHWA extends comment period indefinitely on a proposal to revise the Federal Motor Carrier Regulations **25156**

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

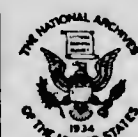
Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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FEDERAL REGISTER, VOL. 43, NO. 112—FRIDAY, JUNE 9, 1978

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"Dial-a-Regulation" (recorded summary of highlighted documents appearing in next day's issue).	202-523-5022
Scheduling of documents for publication.	523-3187
Copies of documents appearing in the Federal Register.	523-5240
Corrections	523-5237
Public Inspection Desk.....	523-5215
Finding Aids.....	523-5227
Public Briefings: "How To Use the Federal Register."	523-3517
Code of Federal Regulations (CFR) ..	523-3419
	523-3517
Finding Aids.....	523-5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents....	523-5235
Index	523-5235

PUBLIC LAWS:

Public Law dates and numbers.....	523-5266
	523-5282
Slip Laws.....	523-5266
	523-5282
U.S. Statutes at Large.....	523-5266
	523-5282
Index	523-5266
	523-5282
U.S. Government Manual.....	523-5230
Automation	523-3408
Special Projects.....	523-4534

HIGHLIGHTS—Continued

AIR TAXIS

CAB increases the maximum allowable size for all-cargo air taxis; effective 7-1-78 25087

AIR CARRIERS

CAB proposes to update accounting and reporting provisions for troubled debt restructurings, prior period adjustments, and forward exchange contracts; comments by 7-10-78 25138

AIRCRAFT RADIO STATIONS

FCC proposes to authorize broadcasts on certain frequencies in accordance with FAA recommended traffic advisory practices; comments by 7-14-78 25150

AMATEUR RADIO SERVICE

FCC amends rules regarding administration of operator examinations; effective 6-16-78 25121

RADIO FREQUENCY DEVICES

FCC interprets the definition of a CB receiver; effective 6-16-78 25122

CABLE TELEVISION SERVICES

FCC postpones the effective date of recent rule change to 6-10-78 regarding network program exclusivity protection 25123

FCC amends rules to permit continuous operation of microwave stations licensed in the Cable Television Relay Service; effective 7-14-78 25125

BUDGET RESCISSIONS AND DEFERRALS

OMB issues deferral report for USDA, Commerce, Interior, and Treasury (Part V of this issue) 25310

SUNSHINE ACT GUIDE

Administrative Conference, Office of the Chairman, announces publication of An Interpretive Guide to the Government in the Sunshine Act 25157

WATER SERVICE

Interior/Secy gives notice of proposed procedures for public participation in Bureau of Reclamation water service and repayment contract negotiations; comments by 7-10-78 25195

PESTICIDE PROGRAMS

EPA establishes a tolerance for residues of the insecticide methomyl on Bermuda grass and grass hay; effective 6-9-78 25120

FOOD LABELING

FDA, USDA, and FTC announce a series of public hearings to open discussion on food labeling topics (Part IV of this issue) 25296

FOOD ADDITIVES

HEW/FDA notice of petition for additional uses of N-alkylsulfonate 25192

NATIONAL ENVIRONMENTAL POLICY ACT

CEQ request comments by 9-11-78 on proposed implementation of regulations (Part II of this issue) 25230

POSTAL SERVICE MANUAL

PS amends regulations concerning general information on postal services 25095

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Labor/ESA issues general wage determination decisions (Part III of this issue) 25250

PRIVACY ACT

DOD/AF publishes additional system of records; comments by 7-10-78; effective 7-10-78 25170

Labor/Secy adds and revises certain systems of records 25206

Labor/Secy proposes to exempt a system of records; comments by 7-10-78 25145

VA adopts a routine use for three systems of records; effective 6-5-78 25216

FEDERAL REGISTER, VOL. 43, NO. 112—FRIDAY, JUNE 9, 1978

iii

HIGHLIGHTS—Continued

MEETINGS—

Commerce/NOAA: New England Fishery Management Council, 6-28 and 6-29-78	25169
Mid-Atlantic Fishery Management Council's Groundfish Advisory Subpanel, 6-26-78	25169
HEW/CDC: Immunization Practices Advisory Committee, 7-6 and 7-7-78	25192
Commerce/Secy: National Laboratory Accreditation Criteria Committee for Thermal Insulation Materials, 6-29 and 6-30-78	25170
CRC: Washington Advisory Committee, 6-30-78	25168
DOT/FRA: Minority Business Resources Center Advisory Committee, 6-30-78	25213
EPA: Environmental Health Advisory Committee, Study Group on Pesticide Tolerances, 6-27 through 6-29-78	25181
HEW/ADAMHA: Alcohol Training Review Committee, 7-13 through 7-15-78	25191
FDA: Discussion of regulations which apply to initial distributors of imported devices, 6-15 and 6-29-78	25192
International Communication Agency: Advisory Panel on Classical Music of the Advisory Committee on Music, 6-26 and 6-27-78	25196
National Commission on Neighborhoods, 6-23-78	25209
National Transportation Policy Study Commission, 6-29-78	25212
NFAH/NEA: Federal State Partnership Advisory Panel, 6-27 and 6-28-78	25209

VA: Station Committee on Education Allowances, 6-30 and 7-11-78	25215, 25216
---	--------------

HEARINGS—

HEW/OE: Supplemental Educational Opportunity Grant Program, National Direct Student Loan Program, College Work-Study Program, 7-5, 7-7, 7-11, and 7-13-78	25149
VA: Nondiscrimination on basis of handicap in programs and activities receiving or benefiting from Federal financial assistance, 6-26-78	25146

CHANGED MEETING—

EPA: Resource Conservation Committee, 6-13-78	25186
---	-------

CANCELLED MEETING—

National Park Service: Appalachian National Scenic Trail Advisory Council, 6-14-78	25195
--	-------

SEPARATE PARTS OF THIS ISSUE

Part II, CEQ	25230
Part III, Labor/ESA	25250
Part IV, HEW/FDA	25296
Part V, OMB	25310
Part VI, NASA, USDA, Interior	25317
Part VII, State, DOE, Commerce	25326

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

FHLBB—Investments in State housing corporations 20224; 5-11-78

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of PUBLIC LAWS.

[Last Listing: May 30, 1978]

contents

ADMINISTRATIVE CONFERENCE OF UNITED STATES

Notices	
Sunshine Act Interpretive Guide; availability	25157

AGRICULTURE MARKETING SERVICE

Rules	
Lemons grown in Calif. and Ariz.	25138

AGRICULTURE DEPARTMENT

See also Agriculture Marketing Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Farmers Home Administration; Federal Grain Inspection Service; Food and Nutrition Service; Rural Electrification Administration.

Notices	
Floodplain management and wetlands protection; procedures	25322

AIR FORCE DEPARTMENT

Notices	
Privacy Act; systems of records	25170

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Notices	
Meetings:	
Advisory committees; July	25191

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules	
Plant quarantine, domestic:	
Pink bollworm	25135
Viruses, serums, toxins, etc.:	
Minimum virus titer changes; feline panleukopenia vaccine, etc	25078
Salmonella choleraesuis bacterin and salmonella dublin bacterin	25076

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Notices	
Meetings:	
Federal-State Partnership Advisory Panel	25209

BLIND AND OTHER SEVERELY HANDICAPPED, COMMITTEE FOR PURCHASE FROM

Notices	
Procurement list, 1978; additions and deletions (2 documents)	25170

CIVIL AERONAUTICS BOARD

Rules	
Air taxi operators, classification and exemption:	
All-cargo air taxis, increased size	25087

Proposed Rules

Accounts and reports for certificated air carriers; uniform system:	
Debt restructurings, troubled, prior period adjustments and forward exchange contracts	25138
Charters:	
Advance booking; liberalization of rules; hearing	25141

Notices

Air cargo pick-up and delivery zone, application for tariff filing authority (2 documents) ..	25160
Hearings, etc.:	
American Airlines, Inc. (2 documents)	25159, 25160
Delta Air Lines, Inc.	25159
Eastern Air Lines, Inc.	25161
Hawaiian Airlines, Inc., et al ..	25161
North Central Airlines, Inc.	25163
Ozark Air Lines, Inc., et al	25164
Pan American World Airways, Inc	25165
Pittsburgh-Orlando-Daytona Beach route proceeding	25167

CIVIL RIGHTS COMMISSION

Notices	
Meetings, State advisory committees:	
Washington	25168

CIVIL SERVICE COMMISSION

Rules	
Excepted service:	
Defense Department et al	25076
Farm Credit Administration ..	25075
Interior Department	25075
Justice Department et al	25076
Navy Department	25075
Securities and Exchange Commission	25075

Notices

Noncareer executive assignments:	
Army Department et al	25168
Defense Department et al	25168

COMMERCE DEPARTMENT

See also Economic Development Administration; National Oceanic and Atmospheric Administration.

Notices

Meetings:	
Laboratory Accreditation Criteria Committee for Thermal Insulation Material, National	25170
Nuclear non-proliferation; establishment of procedures with Energy and State Departments	25328

COMMODITY CREDIT CORPORATION

Proposed Rules	
Price support programs:	
Milk	25137

DEFENSE CIVIL PREPAREDNESS AGENCY

Rules	
Contributions for civil defense equipment	25092

DEFENSE DEPARTMENT

See Air Force Department; Defense Civil Preparedness Agency.

DISEASE CONTROL CENTER

Notices	
Meetings:	
Immunization Practices Advisory Committee	25192

DRUG ENFORCEMENT ADMINISTRATION

Notices	
Registration applications, etc.; controlled substances:	
Jackson, Roosevelt, P., M.D. ...	25196

ECONOMIC DEVELOPMENT ADMINISTRATION

Notices	
Import determination petitions: Speed Tex Corp. et al	25168

ECONOMIC REGULATORY ADMINISTRATION

Rules	
Oil; administrative procedures and sanctions:	
Interpretations	25079

Notices

Consent orders:	
Allen & Shumate, Inc.	25179
Texas Eastern Transmission Corp	25180
Power rates and charges:	
Central Valley Project, Western Area Power Administration	25178
Southwestern Power Administration	25179

EDUCATION OFFICE

Proposed Rules	
Educational grant and loan programs, and college work-study program; hearings	25149

EMPLOYMENT AND TRAINING ADMINISTRATION

Notices	
Employment transfer and business competition determinations; financial assistance applications	25197

EMPLOYMENT STANDARDS ADMINISTRATION

Notices	
Minimum wages for Federal and federally assisted construction; general wage determination decisions, modifications, and supersedeas decisions (Ala., Fla., Idaho, N.J., Ohio, Okla., S. Dak., Utah, Va.)	25250

CONTENTS

ENERGY DEPARTMENT

See also Economic Regulatory Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office.

Notices
Nuclear non-proliferation; establishment of procedures with State and Commerce Departments 25326

ENVIRONMENTAL PROTECTION AGENCY

Rules
Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions: Methomyl 25120

Proposed Rules
Air quality implementation plans; approval and promulgation; various States, etc.: Oregon 25146
Air quality implementation plans; enforcement by State and Federal governments after statutory deadlines: Washington 25147

Notices
Environmental statements; availability, etc.: Agency statements, weekly receipts 25182

Meetings:
Environmental Health Advisory Committee, Pesticide Tolerances Study Group 25181
Resource Conservation Committee 25186

Pesticide registration applications 25184
Pesticides; tolerances, registration, etc.: O-Ethyl O-(4-(methylthio)phenyl) S-propyl phosphorodithioate; extension; correction 25181

ZP Tracking Powder 25181
Water pollution control; safe drinking water; public water systems designations: California 25180

ENVIRONMENTAL QUALITY COUNCIL

Proposed Rules
National Environmental Policy Act; implementation; procedural provisions 25230

FARMERS HOME ADMINISTRATION

Notices
Disaster and emergency areas: Tennessee 25157

FEDERAL COMMUNICATIONS COMMISSION

Rules
Amateur radio service: Operator examinations; administration 25121

Cable television:

Network program exclusivity protection; effective date 25123
Cable television relay services: Microwave stations; continuous operation 25125

Public safety radio services: Local government services, travelers information stations; frequencies 530, 1606, and 1612 kHz 25127

Radio frequency devices: CB receiver certification program; technical specifications 25122

Proposed Rules
Aviation services: Frequencies, certain; use at nontower airports 25150

Notices
Minority ownership of broadcasting facilities; policy statement 25188
Standard broadcast applications ready and available for processing 25186

FEDERAL ENERGY REGULATORY COMMISSION

Notices
Hearings, etc.: Gas Research Institute 25172

FEDERAL GRAIN INSPECTION SERVICE

Notices
Grain standards; inspection points: Alabama 25157
Indiana 25157

FEDERAL HIGHWAY ADMINISTRATION

Proposed Rules
Motor carrier safety regulations: Commercial motor vehicles; air brake systems; extension of comment period 25156

FEDERAL MARITIME COMMISSION

Notices
Freight forwarder licenses: Ramasi Services, Inc 25191
Oil pollution; certificates of financial responsibility 25190

FEDERAL RAILROAD ADMINISTRATION

Rules
Emergency Rail Facilities Restoration Act and Regional Rail Facilities Reorganization Act: Financial assistance, termination of certain programs 25129

Notices

Meetings: Minority Business Resource Center Advisory Committee 25213

FOOD AND DRUG ADMINISTRATION

Proposed Rules

Drug labeling: Proprietary and established names on prescription drug labels, etc.; withdrawn 25142
Medical devices, etc.: Investigational device exemption procedures; hearings 25142

Notices

Food additives, petitions filed or withdrawn: Solvay American Corp 25192
Food labeling: Ingredient labeling, nutrition labeling, and imitation foods; hearings 25296

GRAS or prior-sanctioned ingredients; hearings; correction 25192
Medical devices: Distributors of imported devices; meeting 25192

FOOD AND NUTRITION SERVICE

Rules

Child nutrition programs: Child care food program; FY 1978 apportionment 25130
Food service equipment assistance program; FY 1978 apportionment 25134

Nutrition education and training; FY 1978 apportionment 25130
Nutrition education and training program; interim regulations 25132

Proposed Rules

National School Lunch Program; extension of comment period 25137

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See Alcohol, Drug Abuse, and Mental Health Administration; Disease Control Center; Education Office; Food and Drug Administration; Health Services Administration; National Institute of Education; National Institutes of Health; Social Security Administration.

HEALTH SERVICES ADMINISTRATION

Notices
Advisory committees; report availability: Migrant Health National Advisory Council 25193

HEARINGS AND APPEALS OFFICE, ENERGY DEPARTMENT

Notices
Applications for exception, etc.; cases filed 25175

CONTENTS

INDIAN AFFAIRS BUREAU

Notices
Judgment funds; plan for use and distribution: Colville Reservation and Nez Perce Tribe 25194

INTERIOR DEPARTMENT

See also Indian Affairs Bureau; Land Management Bureau; National Park Service.

Notices

Floodplain management and wetlands protection; procedures 25319
Water service and repayment contract negotiations; public participation procedures 25195

INTERNAL REVENUE SERVICE

Proposed Rules

Procedure and administration: Child support obligations, collection 25143

INTERNATIONAL COMMUNICATION AGENCY

Notices

Meetings: Music Advisory Committee; Classical Music Advisory Panel 25196

INTERSTATE COMMERCE COMMISSION

Rules

Railroad car service orders: Trailers, insulated; return 25129

Proposed Rules

Intercity rail passenger service, adequacy 25152

Notices

Hearing assignments (3 documents) 25216
Motor carriers: Operating rights application, etc 25223

Temporary authority applications 25217

Rail carriers; purchase, control, consolidation, lease or merger procedure applications under section 5 (2) and (3): Southern Railway Co., et al 25217

Railroad car service rules, mandatory; exemptions 25223

JUSTICE DEPARTMENT

See Drug Enforcement Administration.

LABOR DEPARTMENT

See also Employment and Training Administration; Employment Standards Administration.

Proposed Rules

Privacy Act; implementation 25145

Notices

Privacy Act; systems of records 25206
Adjustment assistance: Donner-Hanna Coke Corp 25198

Fairfield-Noble Corp. et al 25197

F/V Leona Louise 25199

F/V Shirley and Roland 25199

Hart Schaffner & Marx 25200

Hibshman Screw Machine Products, Inc 25200

Republic Steel Corp. (10 documents) 25200-25204

Richards, Henry, Co., Inc 25200

River Terminal Railway Co 25205

Sea-Land Service, Inc 25205

Universal Ball Bearing Corp 25205

Western Bearings Corp 25206

LAND MANAGEMENT BUREAU

Notices

Environmental statements; availability, etc.: Wyoming (Southwestern) Draft Coal; extension of comment period 25195

Applications, etc.: New Mexico (3 documents) 25194, 25195

Motor vehicles, off road, etc.; area closures: South Dakota 25195

MANAGEMENT AND BUDGET OFFICE

Notices

Budget rescissions and deferments 25310

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Proposed Rules

Environmental quality: Floodplain and wetlands management 25317

Notices

Patent licenses, exclusive: Griswold Co 25208
Licensing Management Corp 25209

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Notices

Motor vehicle safety standards; exemption petitions, etc.: General Motors Corp.; fuel system integrity 25214

NATIONAL INSTITUTE OF EDUCATION

Notices

Grant programs, application closing dates: Advance study and research in education; experimental program for opportunities 25193

NATIONAL INSTITUTES OF HEALTH

Notices

Carcinogenesis bioassay reports; availability: Endosulfan 25193
Pentachloronitrobenzene 25193

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Coastal zone management programs; environmental statements, hearings, etc.:

Massachusetts 25169

Rhode Island 25169

Wisconsin 25169

Fishery conservation and management: Groundfish fishery, Atlantic; Mid Atlantic Fishery Management Council; Meeting 25169

Pollock, redfish, hake, etc.; New England Fishery Management Council; meeting 25169

NATIONAL PARK SERVICE

Notices

Meetings: Appalachian National Scenic Trail Advisory Council; cancellation 25195

NEIGHBORHOODS NATIONAL COMMISSION

Notices

Meetings 25209

NUCLEAR REGULATORY COMMISSION

Notices

Environmental statements; availability, etc.: Tennessee Valley Authority 25210

Applications, etc.: Indiana & Michigan Electric Co. et al 25209

Public Service Co. of New Hampshire et al 25210

Sacramento Municipal Utility District 25210

Wisconsin Public Service Corp. et al 25211

Yankee Atomic Electric Co 25211

POSTAL SERVICE

Rules

Postal Service Manual: Editorial and technical changes, packaging, etc 25095

RURAL ELECTRIFICATION ADMINISTRATION

Proposed Rules

Rural telephone program: Digital stored program controlled central office equipment, general specification; REA form 522 25138

Notices

Environmental statements; availability, etc.: Arkansas Electric Cooperative Corp 25158

Loan guarantees proposed: Central Electric Power Cooperative 25158

SECURITIES AND EXCHANGE COMMISSION

Notices

Self-regulatory organizations; proposed rule changes: Chicago Board Options Exchange, Inc 25212

CONTENTS

New York Stock Exchange, Inc. 25212	TRADE NEGOTIATIONS, OFFICE OF SPECIAL REPRESENTATIVE	TREASURY DEPARTMENT
SOCIAL SECURITY ADMINISTRATION	Notices	See also Internal Revenue Service.
Rules	Unfair trade practices, petitions: Union of Soviet Socialist Republics; marine insurance market 25212	Notices
Aged, blind, and disabled, etc.; supplemental security income for: Northern Mariana Islands; special age 72 benefits 25090	TRANSPORTATION DEPARTMENT	Authority delegations: Assistant Secretary (Enforcement and Operations); order of succession 25215
STATE DEPARTMENT	See Federal Highway Administration; Federal Railroad Administration; National Highway Traffic Safety Administration.	Organization and functions: Legal Division 25214
Notices	TRANSPORTATION POLICY STUDY, NATIONAL COMMISSION	VETERANS ADMINISTRATION
Authority delegations: Deputy Secretary et al.; nuclear nonproliferation 25213	Notices	Proposed Rules
Nuclear nonproliferation; establishment of procedures with Energy and Commerce Departments 25326	Meetings 25212	Nondiscrimination; handicapped in financial assistance programs; hearing 25146
		Notices
		Meetings: Station Committee on Educational Allowances (2 documents) 25215, 25216
		Privacy Act; systems of records 25216

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month. A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

5 CFR	21 CFR	1502 25230
213 (6 documents) 25075, 25076	PROPOSED RULES:	1503 25230
7 CFR	16 25142	1504 25230
226 25130	20 25142	1505 25230
227 (2 documents) 25130, 25132	201 25142	1506 25230
230 25134	812 25142	1507 25230
301 25135	26 CFR	1508 25230
910 25136	PROPOSED RULES:	45 CFR
PROPOSED RULES:	301 25143	PROPOSED RULES:
210 25137	29 CFR	144 25149
1430 25137	PROPOSED RULES:	175 25149
1701 25138	70a 25145	176 25149
9 CFR	32 CFR	47 CFR
113 (2 documents) 25076, 25078	1801 25092	0 25122
10 CFR	38 CFR	1 25122
205 25079	PROPOSED RULES:	15 25122
14 CFR	18d 25146	76 25123
298 25087	39 CFR	78 25125
PROPOSED RULES:	111 25095	89 25127
241 25138	40 CFR	97 25122
371 25141	180 25120	PROPOSED RULES:
1216 25317	PROPOSED RULES:	87 25150
20 CFR	52 25146	49 CFR
404 25090	65 25147	252 25129
416 25090	1500 25230	253 25129
	1501 25230	254 25129
		1033 25129
		PROPOSED RULES:
		393 25156
		1124 25152

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

1 CFR	12 CFR	20 CFR—Continued
Ch. I 23701	9 23990	PROPOSED RULES:
4 CFR	217 24518	16 25142
331 24819	329 24269	20 25142
401 24820	526 24271	201 25142
402 24820	545 24271	410 24542
403 24820	PROPOSED RULES:	812 25142
404 24820	226 23726	21 CFR
405 24820	545 23727	101 24518
406 24820	14 CFR	207 24008
407 24820	39 24272, 24273, 24824-24827	540 24010
408 24820	71 24274, 24275	PROPOSED RULES:
409 24820	73 23703	Ch. I 24066
410 24821	75 23703	146 24547
415 24821	97 24275	182 24067
5 CFR	121 24827	186 24067
213 25075, 25076	129 24827	740 24070
7 CFR	221 24277	22 CFR
2 23983	250 24277	PROPOSED RULES:
226 25130	298 25087	42 24547
227 25130, 25132	PROPOSED RULES:	24 CFR
230 25134	39 23727, 24847-24850	203 23713
246 23988	71 24324, 24851-24854	213 23713
301 25135	73 24854, 24855	234 23713
910 25136	75 24856	570 24656
905 24821	371 24542	1914 24011, 24013
908 23701, 24822	241 25138	1915 24019, 24021, 24022
910 23986	371 25141	1916 24049, 24050
932 24822	1216 25317	1917 23713-
1079 24515	15 CFR	23722, 24051-24061, 24289-24307, 24519-24526
1434 24263	315 23991	PROPOSED RULES:
1800 23986	371 24517	1710 23936
1822 24264	399 24517	1715 23936
1904 24265	16 CFR	1917 23732-
PROPOSED RULES:	13 23991	23743, 24070, 24548-24558
210 25137	458 23992	25 CFR
650 24222	PROPOSED RULES:	PROPOSED RULES:
917 23724	Ch. II 24325	54 23743
948 24846	13 24066	26 CFR
980 24846	17 CFR	PROPOSED RULES:
1062 24515	32 23704	301 25143
1126 23725	240 24287	27 CFR
1430 25137	249 24287	170 24234
1701 24064, 25138	PROPOSED RULES:	201 24234
9 CFR	1 23729	231 24243
78 23987	31 23729	252 24243
113 25076, 25078	19 CFR	29 CFR
PROPOSED RULES:	10 23708	PROPOSED RULES:
11 24064	159 23709, 23710	70a 25145
381 24064	171 23711	30 CFR
10 CFR	PROPOSED RULES:	PROPOSED RULES:
205 23989, 25079	4 23731	880 24326
212 24265, 24822	6 23731	31 CFR
430 24268	20 CFR	103 24527
PROPOSED RULES:	211 24847	
212 24847	212 24847	
465 24316	418 25090	

32 CFR		41 CFR—Continued		46 CFR—Continued	
1801	25092	7-30	24840	PROPOSED RULES—Continued	
1900	24527	8-3	24531	196	25000
32A CFR		8-52	24531	308	24075
634	24308	8-74	24531	502	24080
33 CFR		101-26	24533	47 CFR	
117	24829	101-30	24533	0	24310, 25122
36 CFR		101-38	24062	1	25122
254	24830	101-39	24062	15	25122
904	24528	101-40	24063	73	24533, 24534
37 CFR		PROPOSED RULES:		76	25123
302	24528	4	24559	78	25125
304	25068	42 CFR		89	25127
38 CFR		PROPOSED RULES:		97	25122
PROPOSED RULES:		122	24072	PROPOSED RULES:	
18d	25146	405	24332, 24873, 24988	63	24861
39 CFR		449	24873	64	24861
111	25095	450	24988	67	23746
3001	24832	43 CFR		73	24334, 24560, 24862, 24863
40 CFR		PROPOSED RULES:		81	24863
118	24309	428	24072	83	24863
120	24529	1600	24559	87	25150
171	24834	PUBLIC LAND ORDERS:		49 CFR	
180	24692, 25120	5638	24063	171	24844
PROPOSED RULES:		45 CFR		172	24845
35	24071	1067	24841	252	25129
52	24071, 24857, 24858, 25146	PROPOSED RULES:		253	25129
65	24858, 25147	130	24333	254	25129
80	24331	144	25149	571	24310
180	24714, 24861	175	25149	1033	23722, 23723, 24535-24539, 25129
1500	25230	176	25149	PROPOSED RULES:	
1501	25230	46 CFR		27	25016
1502	25230	401	24996	171	24335
1503	25230	PROPOSED RULES:		172	24335
1504	25230	Ch. IV	24559	173	24335
1505	25230	33	25000	175	24335
1506	25230	35	25000	176	24335
1507	25230	71	25000	179	24865
1508	25230	75	25000	191	24478, 24866
41 CFR		78	25000	393	24871, 25156
7-1	24839	91	25000	531	24871
7-3	24839, 24840	94	25000	1124	25152
7-4	24840	97	25000	50 CFR	
7-16	24840	160	25000	PROPOSED RULES:	
		189	25000	656	23747
		192	25000	661	23748

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	Date
23701-23982	June 1
23983-24261	2
24263-24514	5
24515-24658	6
24659-24818	7
24819-25073	8
25075-25330	9

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[6325-01]

Title 5—Administrative Personnel
CHAPTER I—CIVIL SERVICE
COMMISSION**PART 213—EXCEPTED SERVICE****Department of the Navy**

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Positions of Student Operating Room Technician for temporary, part-time, or intermittent employment in U.S. Navy facilities are excepted under Schedule A because it is not practicable to examine for them. The positions will be occupied by students who are enrolled in an approved operating room technician program in a participating non-Federal institution, and whose compensation is fixed under 5 U.S.C. 5351-54. Employment under this authority may not exceed 1 year.

EFFECTIVE DATE: May 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Sherwin, 202-632-4533.

Accordingly, 5 CFR 213.3108(a)(6) is added as set out below:

§ 213.3108 Department of the Navy.

(a) General

(6) Positions of Student Operating Room Technician for temporary, part-time or intermittent employment in U.S. naval regional medical centers and hospitals, when filled by students who are enrolled in an approved operating room technician program in a participating non-Federal institution, and whose compensation is fixed under 5 U.S.C. 5351-54. Employment under this authority may not exceed 1 year.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.

(FR Doc. 78-15725 Filed 6-8-78; 8:45 am)

[6325-01]

PART 213—EXCEPTED SERVICE**Farm Credit Administration**

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment changes the title of the Schedule C position of Deputy Governor, Finance and Research to that of Deputy Governor, Finance because the position is no longer responsible for research activities.

EFFECTIVE DATE: May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Hugh A. Strehle, Civil Service Commission, 202-632-4625.

Accordingly, 5 CFR 213.3343(c) is changed as set out below:

§ 213.3343 Farm Credit Administration.

(c) Deputy Governor, Finance.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

For the United States Civil Service Commission.

JAMES C. SPRY,
Executive Assistant
to the Commissioners.

(FR Doc. 78-15726 Filed 6-8-78; 8:45 am)

[6325-01]

PART 213—EXCEPTED SERVICE**Securities and Exchange Commission**

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Up to three positions at grades GS-13 through 15 are excepted under schedule A when filled by persons selected under SEC's Management Fellows Program because it is impracticable to examine for positions filled under this program.

EFFECTIVE DATE: May 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael D. Sherwin, 202-632-4533.

Accordingly, 5 CFR 213.3130(e) is added as set out below:

§ 213.3130 Securities and Exchange Commission.

(e) Positions at grades GS-13 through 15, when filled by persons selected under the SEC Management Fellows Program. No more than three positions may be filled under this authority at any one time. An employee may not serve under this authority longer than two years unless selected under provisions set forth in the Inter-governmental Personnel Act (IPA), 5 U.S.C. § 3372(b)(2).

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.

(FR Doc. 78-15724 Filed 6-8-78; 8:45 am)

[6325-01]

PART 213—EXCEPTED SERVICE**Department of the Interior**

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: Thirty-eight positions in the Redwood National Park, Calif., needed for rehabilitation of the park are excepted under Schedule A because the requirement in Pub. L. 95-250 that preference in filling these positions be given to persons adversely affected by expansion of the park makes examination for the positions impracticable.

EFFECTIVE DATE: May 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael D. Sherwin 202-632-4533.

Accordingly, 5 CFR 213.3112(f)(3) is added as set out below:

§ 213.3112 Department of the Interior.

(f) *National Park Service*. . . .
(3) Seven full-time permanent and 31 temporary, part-time, or intermittent positions in the Redwood National Park, Calif., which are needed for rehabilitation of the park, as provided by Pub. L. 95-250.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 78-16038 Filed 6-8-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Defense, Department of Energy

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C certain positions at the Department of Defense and the Department of Energy because they are confidential in nature.

EFFECTIVE DATES: Department of Defense—May 31, 1978; Department of Energy—March 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Sherwin, 202-632-4533.

Accordingly, 5 CFR 213.3306(a)(44) is added and 213.3331(a)(7) is amended as set out below:

§ 213.3306 Department of Defense.

(a) *Office of the Secretary*. . . .
(44) One Joint Chiefs of Staff Representative for the Comprehensive Test Ban Treaty Negotiations.

§ 213.3331 Department of Energy.

(a) *Office of the Secretary*. . . .
(7) Three Assistants to the Secretary.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 78-16039 Filed 6-8-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Justice, Department of Labor, Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C certain positions at the Department of Justice, Department of Labor, and the Department of Housing and Urban Development because they are confidential in nature.

EFFECTIVE DATE: May 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Sherwin, 202-632-4533.

Accordingly, 5 CFR 213.3310(i)(4) is added and 213.3315(a)(56) and 213.3384(a)(69) are amended as set out below:

§ 213.3310 Department of Justice.

(i) *Drug Enforcement Administration*. . . .

(4) One Special Assistant to the Administrator.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary*. . . .
(56) Two Special Assistants to the Assistant Secretary for Employment and Training.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary*. . . .
(69) Two Special Assistants to the Assistant to the Secretary for Public Affairs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 78-16040 Filed 6-8-78; 8:45 am]

[3410-34]

Title 9—Animals and Animal Products

CHAPTER 1—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

AGENCY: Animal and Plant Health Inspection Service (APHIS).

ACTION: Final rule.

SUMMARY: This amendment adds two new sections to the regulations under the Virus-Serum-Toxin Act regarding the requirements for purity, safety, potency, and efficacy to be met by all biological products containing *Salmonella Choleraesuis* Bacterin and *Salmonella Dublin* Bacterin. At the present time, such requirements appear in each Outline of Production for these products filed with Veterinary Services. This amendment makes uniform requirements available to all licensees.

EFFECTIVE DATE: This amendment becomes effective July 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. R. J. Price, Biologics Licensing and Standards Staff, USDA, APHIS, VS, Room 827, Federal Building, Hyattsville, Md. 20782, 301-436-8245.

SUPPLEMENTARY INFORMATION: Standard requirements consist of test methods, procedures, and criteria established by Veterinary Services for evaluating biological products for purity, safety, potency, and efficacy. Until such Standard Requirements are developed by Veterinary Services and are codified in the regulations (9 CFR Part 113), the test methods, procedures, and criteria to be used in the evaluation of a product are developed by the licensee and are written into the applicable Outline of Production which is required to be filed with Veterinary Services.

When Standard Requirements for a biological product have been developed by Veterinary Services, they are proposed for codification in the regulations. Such codification assures uniformity and general availability of such Standard Requirements to all licensees and to the general public.

On February 17, 1978, a notice of a proposed amendment of Part 113 was published in the FEDERAL REGISTER in 43 FR 6958.

The proposed changes contained the Standard Requirements for evaluating

all licensed products containing *Salmonella Choleraesuis* Bacterin and *Salmonella Dublin* Bacterin. Comments regarding the proposal were solicited and two responses were received. One response was favorable to the proposal as written. The other response contained suggestions that were considered appropriate and constructive. These suggestions have been incorporated in part in this final rule and are explained in the discussion of changes below.

After due consideration of all relevant matters, including the proposal set forth in the aforesaid notice, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158), the amendment of Part 113, Subchapter E, Chapter 1, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice is hereby adopted with the following exceptions:

The safety test in § 113.107(b) is changed to require that the subcutaneous route of inoculation be used when this product is in combination with *Pasteurella Multocida* Bacterin. This change correlates safety test procedures for such combination products with safety test requirements for *Pasteurella Multocida* Bacterin in § 113.106(b). The suggestion that this change also be incorporated in § 113.108(b) was rejected as unnecessary, since *Salmonella Dublin* Bacterin is not licensed in combination with *Pasteurella Multocida* Bacterin.

Part 113 is amended by adding two new sections to read:

§ 113.107 *Salmonella Choleraesuis* Bacterin.

Salmonella Choleraesuis Bacterin shall be prepared from a culture of *Salmonella choleraesuis* which has been inactivated and is nontoxic. Each serial of biological product containing *Salmonella choleraesuis* fraction shall meet the applicable requirements in 9 CFR 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test*. Final container samples of completed product shall be tested for viable bacteria and fungi as provided in 9 CFR 113.26.

(b) *Safety test*. Bulk or final container samples of completed product from each serial shall be tested for safety as provided in 9 CFR 113.33(b).

The subcutaneous route shall be used when the product is in combination with *Pasteurella Multocida* Bacterin.

(c) *Potency test*. Bulk or final container samples of completed product from each serial shall be tested for potency using the mouse test provided in this paragraph. A mouse dose shall be 1/20 of the least dose recommended on

the label for other animals, which shall not be less than 2 ml.

(1) The ability of the bacterin being tested (Unknown) to protect mice shall be compared with a Standard Reference Bacterin (Standard) which is either supplied by or acceptable to Veterinary Services.

(2) At least three fivefold dilutions shall be made with the Standard and the same fivefold dilution shall be made for each Unknown. The dilutions shall be made in Phosphate-Buffered Saline.

(3) For each dilution of the Standard and each dilution of an Unknown, a group of at least 20 mice, each weighing 16 to 22 grams, shall be used. Each mouse in a group shall be injected intraperitoneally with one mouse dose of the appropriate dilution. Each mouse shall be revaccinated on day 14, using the same schedule.

(4) Each of 20 vaccinated mice per group shall be challenged intraperitoneally 7 to 10 days after the second vaccination with a 0.25 ml dose containing 10-1,000 mouse LD₅₀ as determined by titration of a suitable culture of *Salmonella choleraesuis*. All survivors in each group of mice shall be recorded 14 days postchallenge.

(5) Test for valid assay: At least two dilutions of the Standard shall protect more than 0 percent and two dilutions shall protect less than 100 percent of the mice injected. The lowest dilution of the Standard shall protect more than 50 percent of the mice. The highest dilution of the Standard shall protect less than 50 percent of the mice.

(6) The relative potency (RP) of the Unknown is determined by comparing the 50 percent endpoint dilution (highest bacterin dilution protecting 50 percent of the mice) of the Unknown with that of the Standard by the following formula:

RP = Reciprocal of 50 percent endpoint dilution of Unknown/Reciprocal of 50 percent endpoint dilution of Standard.

(7) If the RP of the Unknown is less than 0.50, the serial being tested is unsatisfactory.

(8) If the 50 percent endpoint of an Unknown in a valid test cannot be calculated because the lowest dilution does not exceed 50 percent protection, that serial may be retested: *Provided*, That if the Unknown is not retested or if the protection provided by the lowest dilution of the Standard exceeds the protection provided by the lowest dilution of the Unknown by 6 mice or more, the serial being tested is unsatisfactory.

(9) If the 50 percent endpoint of an Unknown in a valid test cannot be calculated because the highest dilution exceeds 50 percent protection, the Unknown is satisfactory without additional testing.

§ 113.108 *Salmonella Dublin* Bacterin.

Salmonella Dublin Bacterin shall be prepared from a culture of *Salmonella*

dublin which has been inactivated and is nontoxic. Each serial of biological product containing *Salmonella dublin* fraction shall meet the applicable requirements in 9 CFR 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test*. Final container samples of completed product shall be tested for viable bacteria and fungi as provided in 9 CFR 113.26.

(b) *Safety test*. Bulk or final container samples of completed product from each serial shall be tested for safety as provided in 9 CFR 113.33(b).

(c) *Potency test*. Bulk or final container samples of completed product from each serial shall be tested for potency using the mouse test provided in this paragraph. A mouse dose shall be 1/20 of the least dose recommended on the label for other animals which shall not be less than 2 ml.

(1) The ability of the bacterin being tested (Unknown) to protect mice shall be compared with a Standard Reference Bacterin (Standard) which is either supplied by or acceptable to Veterinary Services.

(2) At least three tentfold dilutions shall be made with the Standard and the same tenfold dilutions shall be made for each Unknown. The dilutions shall be made in Phosphate-Buffered Saline.

(3) For each dilution of the Standard and each dilution of an Unknown, a group of at least 20 mice, each weighing 16 to 22 grams, shall be used. Each mouse in a group shall be injected intraperitoneally with one mouse dose of the appropriate dilution. Each mouse shall be revaccinated on day 14, using the same schedule.

(4) Each of 20 vaccinated mice per group shall be challenged intraperitoneally 7 to 10 days after the second vaccination with a 0.25 ml dose containing 1,000-100,000 mouse LD₅₀ as determined by titration of a suitable culture of *Salmonella dublin*. All survivors in each group of mice shall be recorded 14 days postchallenge.

(5) Test for valid assay: At least two dilutions of the Standard shall protect more than 0 percent and two dilutions shall protect less than 100 percent of the mice injected. The lowest dilution of the Standard shall protect more than 50 percent of the mice. The highest dilution of the Standard shall protect less than 50 percent of the mice.

(6) The relative potency (RP) of the Unknown is determined by comparing the 50 percent endpoint dilution (highest bacterin dilution protecting 50 percent of the mice) of the Unknown with that of the Standard by the following formula:

RP = Reciprocal of 50 percent endpoint dilution of Unknown/Reciprocal of 50 percent endpoint dilution of Standard.

(7) If the RP of the Unknown is less than 0.30, the serial being tested is unsatisfactory.

(8) If the 50 percent endpoint of an Unknown in a valid test cannot be calculated because the lowest dilution does not exceed 50 percent protection, that serial may be retested. *Provided*, That if the Unknown is not retested or if the protection provided by the lowest dilution of the Standard exceeds the protection provided by the lowest dilution of the Unknown by 6 mice or more, the serial being tested is unsatisfactory.

(9) If the 50 percent endpoint of an Unknown in a valid test cannot be calculated because the highest dilution exceeds 50 percent protection, the Unknown is satisfactory without additional testing.

(21 U.S.C. 151 and 154, 37 FR 28477, 28646, 38 FR 19141.)

Done at Washington, D.C., this 6th day of June 1978.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

NORVAN L. MEYER,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc. 78-16170 Filed 6-8-78; 8:45 am]

[3410-34]

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

AGENCY: Animal and Plant Health Inspection Service (APHIS).

ACTION: Final rule.

SUMMARY: This amendment lowers the minimum virus titer for three live virus vaccines. This action is taken to improve the safety characteristics of the products without affecting their efficacy. One minor change is made in the requirement for titration of Marek's Disease Vaccine, which does not affect the validity of the results.

EFFECTIVE DATE: This amendment becomes effective July 10, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. R. J. Price, Biologics Licensing and Standards Staff, USDA, APHIS, VS, Room 827, Federal Building, Hyattsville, Md. 20782, 301-436-8245.

SUPPLEMENTARY INFORMATION: The present requirements for Feline Panleukopenia Vaccine, Canine Hepatitis Vaccine, and Canine Distemper Vaccine, Ferret Avirulent, include minimum virus titers of $10^{3.0}$ throughout the dating period, regardless of

the antigenicity and stability of the vaccines. It has been determined that the safety characteristics of these products can be improved by reducing the minimum virus titer requirements to $10^{2.5}$ throughout dating.

The requirements for Marek's Disease Vaccine include the statement "shall be incubated at 37° C for 3 days before preparation for use in the titration test." As worded, this requirement has been applied to vaccine prior to release and to vaccine after release. The requirement that vaccine which has been released for sale must be incubated prior to the titration test is considered unnecessarily severe. This amendment revises the virus titer requirements by limiting the incubation requirement to testing for release.

On April 4, 1978, a notice of the proposed amendment to Part 113 was published in the FEDERAL REGISTER at 43 FR 14042.

Comments on this proposal were solicited and four responses were received. Three responses were favorable to the proposal as written. One response contained comments indicating concern that limiting the incubation requirement for Marek's Disease Vaccine to testing for release would result in the marketing of lower potency product with inferior stability. Considering the fact that incubation of the product is still required when determining titer for release, and that a satisfactory titer of virus is required throughout dating, this concern is not justified.

After due consideration of all relevant matters, including the proposal set forth in the aforesaid notice, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158), the amendment of Part 113, Subchapter E, Chapter I, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notice is hereby adopted.

1. § 113.139 would be amended by revising paragraph (d)(2) to read:

§ 113.139 Feline Panleukopenia Vaccine.

(d) . . .

(2) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of $10^{2.5}$ greater than that used in such immunogenicity test but not less than $10^{2.5}$ ID₅₀ per dose.

2. § 113.140 would be amended by revising paragraph (d)(2) to read:

§ 113.140 Canine Hepatitis Vaccine.

(d) . . .

(2) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of $10^{2.5}$ greater than that used in such immunogenicity test but not less than $10^{2.5}$ TCID₅₀ per dose.

3. § 113.141 would be amended by revising paragraph (d)(2) to read:

§ 113.141 Canine Distemper Vaccine, Ferret Avirulent.

(d) . . .

(2) *Virus titer requirements.* Final container samples of completed product shall be tested for virus titer using the titration method used in paragraph (c)(2) of this section. To be eligible for release, each serial and each subserial shall have a virus titer sufficiently greater than the titer of vaccine virus used in the immunogenicity test prescribed in paragraph (c) of this section to assure that when tested at any time within the expiration period, each serial and subserial shall have a virus titer of $10^{2.5}$ greater than that used in such immunogenicity test but not less than $10^{2.5}$ ID₅₀ per dose.

4. § 113.165 would be amended by revising paragraph (d)(3) to read:

§ 113.165 Marek's Disease Vaccine.

(d) . . .

(3) *Potency test.* The samples shall be titrated in a cell culture system or by any other titration method acceptable to Veterinary Services. Vaccine samples of desiccated vaccine shall be incubated at 37° C for 3 days before preparation for use in the titration test required to be performed prior to the release of a product. A satisfactory serial or subserial shall contain at least 1,500 plaque forming units per dose at release and maintain at least 1,000 plaque forming units when tested without incubation at any time before the expiration date.

(21 U.S.C. 151 and 154; 37 FR 28477, 28646; 38 FR 19141.)

Done at Washington, D.C., this 6th day of June 1978.

NOTE.—The Animal and Plant Health Inspection Service has determined that this

document does not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

NORVAN L. MEYER,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc. 78-16169 Filed 6-8-78; 8:45 am]

[3128-01]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION¹

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

1978 Interpretations of the General Counsel

AGENCY: Department of Energy.

ACTION: Notice of Interpretations.

SUMMARY: Attached are the Interpretations issued by the Office of the General Counsel of the Department of Energy under 10 CFR part 205, Subpart F, during the period May 1, 1978, through May 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Diane Stubbs, Office of the General Counsel, Department of Energy, 12th and Pennsylvania Avenue NW., Room 1121, Washington, D.C. 20461, 202-566-9070.

SUPPLEMENTARY INFORMATION: Interpretations issued pursuant to 10 CFR Part 205, Subpart F, are published in the FEDERAL REGISTER in accordance with the editorial and classification criteria set forth in 42 FR 7923, February 8, 1977, as modified in 42 FR 46270, September 15, 1977.

These Interpretations depend for their authority on the accuracy of the factual statement used as a basis for the Interpretation (10 CFR 205.84(a)(2)) and may be rescinded or modified at any time (§ 205.85(d)). Only the persons to whom Interpretations are addressed and other persons upon whom Interpretations are served are entitled to rely on them (§ 205.85(c)). An Interpretation is modified by a subsequent amendment to the regulation(s) or ruling(s) interpreted thereby to the extent that the Interpretation is inconsistent with the amended regulation(s) or ruling(s) (§ 205.85(e)). The Interpretations published below are not subject to appeal. However, any person aggrieved by an Interpretation may submit a petition for reconsideration pursuant to § 205.85(f). The Interpretations appended hereto are published today only for general guidance in accordance with the reasons set forth in the Notice first cited above.

Issued in Washington, D.C., June 6, 1978.

WILLIAM P. DAVIS,
Deputy Director
of Administration.

APPENDIX

No.	To	Date	Category
1978-22	Tristate Oil and Asphalt Sales, Inc.	May 1	Price.
1978-23	Jewell Oil Co., Inc.	May 12	Allocation.
1978-24	Nelson Oil Co.	May 12	Do.
1978-25	Basin, Inc.	May 17	Price.
1978-26	Air-Conditioning and Refrigeration Institute	May 19	Conservation.
1978-27	Martin Exploration Co.	May 19	Price.
1978-28	Intenco, Inc., and Houston Carbon Co., Ltd.	May 19	Do.

INTERPRETATION 1978-22

To: Tristate Oil & Asphalt Sales Inc.

Date: May 1, 1978.

Rule Interpreted: § 212.31.

Code: GCW-PI—Definition of refiner, reseller, retailer.

FACTS

Tristate Oil & Asphalt Sales, Inc. ("Tristate") of Spokane, Wash., is a small, independent processor of petroleum base stocks and unfinished oils. It produces asphaltic products and residual fuel oils.

¹EDITORIAL NOTE: Chapter II will be renamed at a future date to reflect that it contains regulations administered by the Economic Regulatory Administration of the Department of Energy.

Tristate is primarily engaged in the production of various grades of asphalt and road oil, with 55 to 65 percent of total sales in the last 4 years derived from the sale of asphaltic products. Asphalt and road oil, along with petroleum wax and petroleum coke, have been excluded from the scope of price controls since the expiration of the Economic Stabilization Program on April 1, 1974.

Tristate essentially combines heavy asphalt base stocks with unfinished oils and blending or emulsifying agents to produce a variety of grades of liquid and cement asphalt. These products must meet the particular technical specifications required by purchasers, such as State and municipal authorities and paving contractors.

Tristate's operation also includes the production and sale of residual fuel oil, which was a "covered product" under the petro-

leum price regulations in 10 CFR Part 212 until decontrolled effective June 1, 1976. Due to increased transportation costs and a shortage of tank cars, Tristate stopped purchasing and reselling residual fuel oil in April 1974. Instead, Tristate built substantial storage and processing facilities in order to improve its ability to provide the particular product needs of its customers. The firm processes reduced crude oil and other unfinished products to produce such residual fuels as Bunker C, No. 4, No. 5, and No. 6, according to the needs of various commercial and small industrial customers.

Processing by Tristate involves the use of steam, circulating pumps, settling tanks, high speed mixers, the blending of 1007 dust oil, wood treating oil, diesel oil, stove oil, and coker naphtha. Physical changes in the products processed include alteration of their viscosity, distillation curve, and API gravity. In some cases the BTU content may be changed, the flash point increased or decreased, or the pour point lowered. Chemical changes are made through heating and blending and involve the altering of sulfur content and control of carbon residue and vanadium.

ISSUE

Whether Tristate should be deemed a "refiner," subject to the price regulations applicable to refiners in 10 CFR Part 212, Subpart E, or a reseller/retailer, subject to the price regulations applicable to resellers and retailers in 10 CFR Part 212, Subpart F, with respect to its sales of residual fuel oil prior to June 1, 1976.

INTERPRETATION

Section 212.31 defines "refiner" as follows: "Refiner" means a firm . . . which refines covered products or blends and substantially changes covered products, or refines liquid hydrocarbons from oil and gas field gases, or recovers liquefied petroleum gases incident to petroleum refining and sells those products to resellers, retailers, reseller-retailers or ultimate consumers."

"Reseller" is defined in § 212.31 as: "[A] firm . . . which carries on the trade or business of purchasing covered products, and reselling them without substantially changing their form to purchasers other than ultimate consumers."

The definition of "retailer" in § 212.31 is the same as that of "reseller" except that resale of covered products is to ultimate consumers.

The key difference between refiners and resellers/retailers under the petroleum price regulations is the test of "substantial change in form." This phrase originated in the Phase II price controls under the Economic Stabilization Act of 1970 and was later carried forward through the Phase IV petroleum price regulations into the current regulations in 10 CFR Part 212.

The "substantial change in form" test was used under the Economic Stabilization Program to distinguish wholesalers and retailers from manufacturers. Wholesalers and retailers were defined as entities engaged in the business of purchasing and reselling property "without substantially changing

²The Phase IV petroleum price regulations contained the same definition of "refiner" as the current regulations. 6 CFR 150.352.

the form of that property." This contrasts with manufacturing which, due to conversion of raw materials into finished products or the use of other fabricating or assembly processes, nearly always involves a "substantial change in form."

The definitions of "wholesaler" and "retailer" under the Phase II-Phase IV general regulations were the regulatory antecedents of, and are essentially the same as, the definitions of "reseller" and "retailer" under current Mandatory Petroleum Price Regulations. As noted above, a "reseller" or a "retailer" is an entity engaged in the business of purchasing and reselling covered products "without substantially changing their form." Refiners, who fell within the broad definition of "manufacturer" in Phase II,⁶ continue under current regulations to be classified under a definition which applies the "substantial change in form" test.

As noted, "refiner" is defined in § 212.31 as a firm which "refines covered products or blends and substantially changes covered products, or refines liquid hydrocarbons . . . or recovers liquefied petroleum gases incident to petroleum refining and sells those products . . ." (emphasis added). It might appear from this definition that the "substantial change" test is not applicable to all of the activities described in the definition of "refiner." However, the processing of crude oil and liquid hydrocarbons to produce refined petroleum products and residual fuel oil, and the recovery of LPG's incident to petroleum processing, necessarily involve a substantial change in form. It was therefore necessary to include the explicit words "substantially changes" only to make it clear that "blending" would constitute refining only if accompanied by a substantial change in form.

It may be concluded, therefore, that a "refiner" is a firm which substantially changes the form of covered products and sells those products, while a "reseller" or "retailer" is a firm which purchases and resells covered products without substantially changing their form. It may also be concluded, from the inclusion of the "blends and substantially changes" alternative in the definition of "refiner," and the use of the words "covered products," that refining does not necessarily involve the refining of crude oil or the use of a refinery distillation unit or fractionating tower, and that a blending process which involves a substantial change in the form of any covered product, coupled with sale of covered products, may constitute refining for purposes of 10 CFR Part 212.

The question of what constitutes "substantial change" is not directly addressed by the regulations. However, the term "unrefined oils" is defined in § 212.31 to mean "all oils requiring further refining, i.e., any operation except mechanical blending or use as an additive." By defining "further refining" in a manner which excludes "mechanical blending," this definition suggests that a substantial change in form would not normally be achieved merely by physical

⁶ 6 CFR 300.5 (Phase II); 6 CFR 150.31 (Phase IV).

⁷ See definitions of "manufacturer," 6 CFR 300.5 (Phase II), and "manufacturing," 6 CFR 150.31 (Phase IV).

⁸ The definitions of "manufacturer" in Phase II and "manufacturing" in Phase IV specifically included "the production or refining of oil from wells," as well as other mining and refining activities. 6 CFR 300.5; 6 CFR 150.31.

mixing of related products. This view appears to be supported by *Albina Fuel Co.*, Interpretation 1975-74, 42 FR 23767 (May 10, 1977), where a retailer briefly engaged in a practice sometimes known as "truck blending." The retailer loaded appropriate proportions of light (PS 300) and industrial weight (PS 400) residual fuel oil in its delivery trucks. The fuels would become sufficiently mixed, merely through loading and transportation, to permit the refiner to sell the liquid as medium (PS 400M) residual fuel. The issue addressed by the Interpretation was whether the costs associated with such blending were product or nonproduct costs under the reseller/retailer regulations. The Interpretation found that these costs were retailer nonproduct costs. There was no suggestion that the activity constituted refining.

It appears, therefore, that the mere mechanical blending of closely related grades of finished petroleum products, such as regular and premium gasoline, No. 1 and No. 2 diesel fuel, or PS 300 and PS 400 residual fuel oils, to obtain a standard intermediate-grade finished product, normally does not constitute a change in form sufficient to constitute refining when undertaken in an otherwise clearly resale/retail context. By comparison, the residual fuel oil processing operations undertaken by Tristate appear to involve significantly more substantial changes which, in the context of Tristate's overall operation, constitute refining as defined in § 212.31. There are a number of factors which support this conclusion.

First, Tristate's business is mainly concerned with manufacturing various grades of finished asphalt products, tailored to the customer's individual specifications, from unfinished petroleum based stocks and various other chemical or emulsive ingredients. This clearly involves a "substantial change in form" of the base materials into finished products rather than mere reselling or re-tailing. The production of residual fuel oils by Tristate, sometimes using the same asphaltic base stocks used to produce finished asphalt products, is a secondary or subrelated activity. Thus, Tristate's residual fuel oil activities, however characterized, are undertaken in the primary context of the manufacture or refining of asphalt products.

Second, Tristate uses unfinished base materials, such as reduced crude oil and asphalt base stocks, to produce finished residual fuel oils. These base materials must be carefully processed to obtain the proper Btu content, sulfur content, viscosity, API gravity, carbon residue, and pour point characteristics appropriate for each grade of residual fuel oil. These characteristics are significantly altered in Tristate's production processes. Although reduced crude oil and other unfinished petroleum stocks may be burned as residual fuels without further processing, this fact does not render the production by Tristate of finished products meeting the viscosity and other specifications of No. 4, No. 5, or No. 6 residual fuel oil any less a substantial change in form over the base materials.

Third, unlike mere "truck blending" of standard finished products, Tristate's operation includes the use of unfinished base stocks of varying API and sulfur content, the application of steam to affect miscibility, the admixture of various secondary blending ingredients with the base stocks, the use of mixing and pumping equipment, and technical control of product characteristics by laboratory testing methods. These

factors indicate that the processes used by Tristate are more than mere mechanical blending.

For all of the foregoing reasons, it is concluded that Tristate's activities are deemed to qualify as "refining" within the meaning of § 212.31, and that Tristate is subject to the price regulations applicable to refiners in 10 CFR Part 212, Subpart E, with respect to its sales of residual fuel oil prior to June 1, 1978.

The determination that Tristate "substantially changes" as well as blends covered products is based upon the unique factual situation presented in this case. Other firms which blend covered products do not necessarily "substantially change" them, by virtue of the blending operation. In doubtful cases DOE will determine whether a firm is more appropriately classified as a refiner or reseller/retailer based on the particular facts and circumstances in each case.

Each firm must be categorized for price control purposes under one, and only one, of the regulatory subparts in 10 CFR Part 212, even though the firm concerned is engaged in an activity which might appear to be atypical or to present mixed elements, and even though the result might not be consistent with more restrictive industry concepts. Thus, Tristate is deemed to fall within the broad regulatory definition of refiner, for purposes of price controls, even though it may not qualify as a refiner for other purposes.

This Interpretation relates only to the status of Tristate prior to June 1, 1978, under the petroleum price regulations. It does not constitute an interpretation that Tristate was or is a refiner or refinery for purposes of the entitlements program, the buy-sell program, the oil import program, or any other program involving purchase or supply benefits or obligations accruing to refiners or refineries. Since Tristate purchases only unfinished oils or products, and not crude oil as such, it would not appear to be subject to crude oil allocation programs.

INTERPRETATION 1978-23

To: Jewell Oil Co., Inc.
Date: May 12, 1978.
Rules Interpreted: 10 CFR 211.9(a)(2)(i); 211.25.
Code: GCW-AI—Supplier/Purchaser Relationship.

FACTS

Jewell Oil Co., Inc. ("Jewell") is an independent distributor of motor gasoline and No. 1 and No. 2 fuel oils in and around Cobb, Wis. Prior to and during 1972 Union Oil Co. of California ("Union") supplied Jewell with these products. In July 1974 Union informed Jewell that, pursuant to 10 CFR 211.25, South West Wisconsin Petroleum, Inc. ("South West") would supply Jewell with premium and unleaded gasolines and NO. 1 and No. 2 fuel oils.* At that time, South West indicated that it could not supply Jewell with regular motor gasoline. Because of a contract dispute, South West terminated its supply relationship with Jewell in April 1978.

Under the Mandatory Petroleum Allocation Regulations, Union, Jewell, and South

*No. 1 and No. 2 fuel oils were exempted from the Mandatory Petroleum Allocation and Price Regulations on July 1, 1976. 41 FR 24516, 24518 (June 16, 1976). See also 10 CFR 210.35.

West are "suppliers" as that term is defined in 10 CFR 211.51. In addition, Jewell and South West are also "wholesale purchaser-resellers" as set forth in 10 CFR 211.51. Union, Jewell, and South West are all subject to the provisions of 10 CFR 211.9, regarding supplier/purchaser relationships.

ISSUE

If a supplier has arranged to supply a purchaser through a substitute supplier pursuant to 10 CFR 211.25 and the substitute supplier terminates its relationship with the purchaser, is the original supplier still obligated to maintain a supplier/purchaser relationship with the purchaser in accordance with 10 CFR 211.9?

INTERPRETATION

It has been determined that the supplier/purchaser relationship between Union and Jewell was not terminated by Union's designation of South West as a substitute supplier. Thus, pursuant to § 211.9 Union must maintain its supplier/purchaser relationship with Jewell regardless of South West's subsequent decision to cease supplying allocated products to Jewell.

Under the Mandatory Petroleum Allocation Regulations, base period supplier/purchaser relationships for certain covered products are required to be maintained. Section 211.9 states in part:

"(a) *Supplier/wholesale purchaser relationship.* (1) Each supplier of an allocated product shall supply all wholesale purchaser-resellers and all wholesale purchaser-consumers which purchased or obtained that allocated product from that supplier during the base period as specified in Subparts D through K of this part.

"(2) (i) Unless otherwise provided in this part or directed by FEO, the supplier/wholesale purchaser-reseller relationships defined by specific dates or base periods or otherwise imposed pursuant to this part shall be maintained for the duration of the Mandatory Petroleum Allocation Program and may not be waived or otherwise terminated without the express written approval of FEO.

"(ii) Unless otherwise provided in this part or directed by FEO, the supplier/wholesale purchaser-consumer relationships defined by specific dates or base periods or otherwise imposed pursuant to this part shall be maintained for the duration of the Mandatory Petroleum Allocation Program and may not be revised or otherwise terminated except that any such relationship may be terminated by the mutual consent of both parties."

Therefore, § 211.9 does not permit the termination of the supplier/purchaser relationship between a supplier and a wholesale purchaser-reseller without the written approval of the Department of Energy ("DOE"), a successor agency to the FEO.

Nevertheless, the requirement that a supplier maintain its base period supplier/purchaser relationships throughout the duration of the Mandatory Petroleum Allocation Program was somewhat qualified by the provisions of § 211.25(a). That section permits a supplier to arrange for substitute suppliers to provide the allocated product to a particular purchaser, and states in pertinent part:

"Any supplier may arrange to supply any purchaser which is entitled to receive an allocation from its through another supplier or suppliers in accordance with normal business practices. The purchaser shall, how-

ever, be entitled to receive the same amount of an allocated product from the substituted supplier that it would receive if it were directly supplied by the original supplier using that supplier's allocation fraction."

However, although § 211.25 does permit a supplier to fulfill its supply obligation for a particular purchaser through a substitute supplier, it does not abrogate the supplier's continuing obligation to assure that the base period purchaser continues to receive the allocated product. Ruling 1974-3, 39 FR 44467 (February 4, 1974), sets forth the continuing supply obligation envisioned in the Allocation Regulations:

"As a general proposition, the Regulations require a supplier to provide an allocation to each of its historical wholesale purchasers during the base period No change in such purchaser/supplier relationships is contemplated by the Regulations. However, with respect to base period wholesale purchasers who are not its current purchasers, the Regulations require the supplier to take immediate action to provide for such base period purchasers' allocation pursuant to Subpart A of the Regulations. Under Section 211.25, a supplier may arrange to supply its base period purchasers' allocations either directly or through appropriate exchange agreements with other suppliers in accordance with normal business practices."

Thus, a base period supplier, such as Union, must maintain its supply obligation to a base period purchaser, such as Jewell, even if a substitute supplier is chosen to carry out that supply obligation.

This primary supply relationship between Union and Jewell cannot be terminated without the express approval of the DOE, as set forth in § 211.9(a)(2)(i). Accordingly, Union may be relieved of its supply obligations to Jewell only by the DOE pursuant to § 211.9, and Union's substitution of South West as a supplier under § 211.25 did not abrogate its primary supplier/purchaser relationship with Jewell. This result is consistent with the goals of the Emergency Petroleum Allocation Act of 1973 ("EPAA"), as amended, Pub. L. No. 93-159 (November 27, 1973). The EPAA provides in part for the "preservation of an economically sound and competitive petroleum industry . . . [and] equitable distribution of crude oil, residual fuel oil, and refined petroleum products at equitable prices among all regions and areas of the United States and sectors of the petroleum industry" EPAA § 4(b)(1) (D) and (F). Thus, the EPAA requires that Jewell be afforded an assured source of the refined petroleum products needed to carry out its business. Although suppliers have been granted the flexibility by the DOE to meet their supply obligations through the substitution provisions of § 212.25, such latitude cannot be used to frustrate the intent of the regulatory program or to diminish the continued viability of the Allocation Program.

In the present case, Union was the base period supplier of No. 1 fuel oil, No. 2 fuel oil and various grades of motor gasoline to Jewell. No. 1 and No. 2 fuel oils have been exempted from the Mandatory Petroleum Allocation and Price Regulations since July 1, 1978. Thus, Union no longer is required to supply those products to Jewell. However, all grades of motor gasoline are presently subject to the provisions of both Part 211 and Part 212. Therefore, since South West

¹⁵ U.S.C. 751 *et seq.* (1976).

has declined to continue as Jewell's substitute supplier for motor gasoline, Union must again fulfill that obligation and continue to supply Jewell with its allocation of motor gasoline.*

INTERPRETATION 1978-24

To: Nelson Oil Co.
Date: May 12, 1978.
Rules Interpreted: §§ 211.13(c), 211.13(f).
Code: GCW-AI—Certification; Adjustments to Base Period Use.

FACTS

Nelson Oil Co. (Nelson) is a Shell Oil Co. (Shell) jobber of motor gasoline, and, as such, is a wholesale purchaser-reseller as defined in 10 CFR 211.51, and is subject to the Mandatory Petroleum Allocation Regulations. Nelson and Shell have a supplier/purchaser relationship as set forth in 10 CFR 211.9. Pursuant to the provisions of 10 CFR 211.12, the Department of Energy (DOE) (and its predecessor the Federal Energy Administration (FEA)) has on occasion assigned to Nelson additional base period wholesale purchasers. In order to supply these additional purchasers with motor gasoline, Nelson has certified to, and received upward adjustments to, its base period use from Shell in amounts equal to the new allocation entitlements, as set forth in § 211.13(c).

In accordance with the provisions of § 211.13, Shell requires that wholesale purchaser-resellers, such as Nelson, certify not only their increased supply obligations but also certify any downward adjustments to their supply obligations pursuant to § 211.13(f).

In its submission, Nelson proposes to treat § 211.13(f) as only requiring a downward certification of its adjusted base period allocation if the total volume of its supply obligations to all new wholesale purchasers assigned pursuant to § 212.12 declines.

Shell submitted comments concerning the Nelson application. In those comments Shell contends that § 211.13(f) requires a wholesale purchaser-reseller to submit to its supplier an application for a downward adjustment if its supply obligation to a newly assigned wholesale purchaser is terminated.

ISSUE

Where a wholesale purchaser-reseller has received an upward adjustment in its base period use to accommodate an assigned wholesale purchaser's supply requirements, is that wholesale purchaser-reseller required to submit an application for a downward adjustment to its base period use to reflect the termination or significant reduction of the assigned purchaser's supply requirements?

INTERPRETATION

For the reasons set forth below, it has been concluded that a wholesale purchaser-

*It should be noted that motor gasoline is allocated without regard to its different grades. 10 CFR 211.108(a). Jewell is, of course, free to purchase surplus motor gasoline from any supplier that has the product and that has complied with all of the applicable regulations regarding surplus product. See 10 CFR 211.10(g). Should Jewell choose to purchase motor gasoline from a supplier other than Union, the supplier/purchaser relationship with Union and the underlying obligation to supply Jewell will continue until it is expressly terminated with the permission of the DOE.

reseller that has received an upward adjustment to its base period use of a particular covered product based upon the DOE's assignment of a new wholesale purchaser, must comply with the downward certification provisions of § 211.13(f) if its supply obligation to that new wholesale purchaser is subsequently terminated or significantly reduced.

Section 211.13(c) requires a supplier to automatically increase its base period allocation to a wholesale purchaser-reseller, if the wholesale purchaser-reseller has been assigned to supply a new purchaser. That section provides:

"[A] wholesale purchaser-reseller shall be entitled to receive an adjustment to its base period use whenever (1) it is notified pursuant to § 205.36(d) of an assignment to supply a new wholesale purchaser * * * in an amount equal to the increases in the allocation entitlements or new allocation entitlements which the wholesale purchaser-reseller is to supply."

However, before obtaining an increase in its base period use, a wholesale purchaser-reseller must submit a certified application to its supplier pursuant to § 211.13(f). That section provides:

"Such application [for upward certification] shall contain a statement that increased allocations shall be used only for the purpose stated in the application, shall not be diverted for other uses; and that if its needs decline, the purchaser shall file an amended application for a downward adjustment to its base period use."

In its request for interpretation, Nelson maintains that § 211.13(f) requires a wholesale purchaser-reseller to submit an application for a downward adjustment only if its total supply obligation to a particular category of user is reduced. Nelson asserts that motor gasoline assigned to it for a particular new customer becomes a permanent part of its total adjusted base period use. Thus, if the new assigned customer ceases purchasing the motor gasoline from it, Nelson argues that the additional product becomes surplus which may be disposed of by Nelson to other firms which are within the same category of "uses" as the new assigned customers had been.⁹

Nelson's construction of § 211.13(f) is incorrect. In order to fully understand the purpose of § 211.13(f), its requirements must be viewed in light of § 211.13(c) and the entire scheme of the allocation program.

In the preamble adopting § 211.13(c), the FEA noted that under the new regulations, a wholesale purchaser-reseller would be entitled to an adjustment of its base period allocation for any new or increased allocation requirements resulting from an assignment order issued by the agency. 40 FR 48111 (October 14, 1975). An assignment order issued to a wholesale purchaser-reseller sets forth the assigned volume of covered product for the allocation period. This new "base period" use is determined with respect to the particular customer being assigned to the wholesale purchaser-reseller. Thus, the increased allocation of covered product obtained by the wholesale purchaser-reseller from its supplier pursuant to § 211.13(c) is directly related to the volume of product assigned to a specific customer set forth in the initial assignment order.

The provisions of § 211.13(c) are therefore complementary to § 211.13(f). That section

⁹Section 211.103 sets forth the different allocation levels for categories of "uses" of motor gasoline.

provides not only for a downward adjustment to the firm's base period use if its needs decline, but also for a certification that the additional allocations required by the wholesale purchaser-reseller will be used only for the purpose stated in the application and will not be diverted for other uses. Because of the restrictions implicit in § 211.13(c), it is clear that the term "use" as employed in § 211.13(f) refers to the individual volumes of product allocated to each assigned new customer and not to broad categories of general uses, such as those described in § 211.10 or § 211.103 for purposes of assigning allocation fractions.

Consequently, since the upward certification provisions of § 211.13(f) clearly apply to individual allocations for each new assigned customer, the downward certification provisions of § 211.13(f) must also be applicable to adjustments to a wholesale purchaser-reseller's needs based upon the termination of or significant reduction in each new assigned customer's allocation requirements.

INTERPRETATION 1978-25

To: Basin, Inc.

Date: May 17, 1978.

Rules interpreted: 10 CFR 212.182, 212.183. Code: GCW-P1—Crude oil resales, definition of transportation cost.

FACTS

Basin, Inc. (Basin) is a reseller of crude oil, and is subject to the crude oil reseller price rule, 10 CFR 212.183. That rule, a part of 10 CFR part 212, subpart L, became effective on January 1, 1978, and provides a new regulatory format for controlling the prices resellers may charge in sales of crude oil.

Under the new crude oil reseller price rule, as will be described in greater detail below, a crude oil reseller must calculate its overall monthly margin on sales of crude oil by computing its total lawful revenues and costs. One item in this computation is "transportation and gathering cost." Section 212.182 defines this cost as either a common carrier tariff actually paid for the transportation of crude oil, or the reseller's own actual cost of transporting the crude oil.

In its request for interpretation to the Department of Energy (DOE)¹⁰ Basin notes that some resellers own or control a subsidiary or an affiliate which is a common carrier (a common carrier affiliate). Basin states that since the advent of the new crude oil reseller price rule, some of these firms are transferring or selling crude oil transportation facilities to their common carrier affiliates. These firms then include the common carrier tariff paid to their affiliate for the transportation of crude oil in computing their transportation and gathering cost. Because common carrier tariffs normally include a return on capital investment, use of the common carrier tariff in computing transportation and gathering cost can be expected to add a margin which represents this return on capital investment to the prices of crude oil resales.

¹⁰Basin's original request for interpretation was dated February 21, 1978. On April 18, 1978, Basin submitted an amended request, which, while still seeking an interpretation of the same regulatory provisions, somewhat narrowed the accompanying discussion. This interpretation is based upon information presented in both the original and the amended requests.

Basin states that it has entered into negotiations to acquire a common carrier affiliate, but is hesitant to proceed further without guidance as to the treatment to be accorded a common carrier tariff paid to an affiliate for the transportation of crude oil. Accordingly, Basin seeks an interpretation of the definition of "transportation and gathering cost" to determine whether, in the event that it acquires a common carrier affiliate, it would be permitted to use the common carrier tariff paid to the affiliate for the transportation of crude oil, rather than the affiliate's actual transportation costs, to establish its prices for crude oil resales.

Notice of Basin's request for interpretation was published in the Federal Register to permit interested parties an opportunity to comment on the request.¹¹ 43 FR 11738 (March 21, 1978). Five comments were received, all of which were from firms who are engaged in the resale of crude oil. All five firms urged the DOE to conclude that a reseller with a common carrier affiliate is entitled to use the tariff it actually pays to its common carrier affiliate in calculating its transportation costs. The comments submitted, which contain much helpful information, have been carefully reviewed, and several points brought forward in those comments have been incorporated into this interpretation.

ISSUE

May a crude oil reseller which has a common carrier affiliate use the common carrier tariff which it actually pays to its affiliate for transportation of the reseller's crude oil, rather than the actual cost of transportation of the crude oil, to determine its "transportation and gathering cost" for purposes of establishing prices for crude oil resales?

INTERPRETATION

For the reasons set forth below, it has been determined that a crude oil reseller may use the common carrier tariff which it actually pays to its common carrier affiliate in computing the transportation and gathering cost of crude oil for purposes of establishing prices for crude oil resales.

Prior to January 1, 1978, crude oil resales were governed by the reseller/retailer price rule, 10 CFR part 212, Subpart F. Separate pricing provisions for resales of crude oil were adopted, however, because the historic business practices of crude oil resellers differed from those of other resellers and retailers, and, as a result, application of 10 CFR part 212, Subpart F, was impractical. Subpart L takes an entirely new approach to crude oil resales. Under these provisions, a reseller may sell crude oil at any reasonable price, so long as the reseller's average markup for all sales of crude oil in that month does not exceed the reseller's "permissible average markup." The permissible

¹¹Because of the nature of its request, there were no aggrieved parties to be served by Basin: The DOE recognized, however, that parties may be interested in commenting on the request, which, while binding only upon Basin, is an expression of agency policy which may be looked to by other persons for guidance as to the meaning of the regulations. The "persuasive effect [of interpretations] may widely transcend any binding force." *Atlantic Richfield Co. v. FEA*, 556 F.2d 542, 551 (TECA 1977).

average markup is the average markup during a base period, either May 1973 or November 1977. 10 CFR 212.182.¹² The reseller must determine its permissible average markup by calculating the difference between the total lawful revenues from the sale of crude oil in the base period and the total costs and expenses associated with the sale of that crude oil in the base period.

In determining the average markup and the permissible average markup, a reseller is permitted to subtract from its lawful revenues three categories of expenses associated with the crude oil sold in a given month: the acquisition cost, the transportation and gathering cost, and general and administrative expenses.

The present interpretation, of course, is concerned with the definition of allowable costs of transportation. That definition provides:

"Transportation and gathering cost" means (a) any common carrier tariff actually paid by a reseller to transport crude oil from the reseller's reception station or point of acquisition to a point of sale, or (b) the actual expenses, including depreciation expense, associated with the operation and maintenance of trucks, pipelines, and other modes of transportation used to transport crude oil sold from the reseller's points of acquisition to points of sale directly or through reception stations, plus the expenses, including depreciation expense, associated with the operation and maintenance of reception stations." 10 CFR 212.182.

The preambles to the proposed rule and to the final rule adopted as Subpart L do not directly address the situation in which a reseller owns or controls a common carrier which transports the reseller's crude oil, and therefore do not shed direct light on the interpretation to be given to the definition of transportation and gathering cost. It is noteworthy, however, that the Federal Energy Administration (FEA), a predecessor agency to the DOE, considered using a "transportation allowance," based upon comparable common carrier tariffs, for those resellers who transported crude oil through their own pipeline. See 42 FR at 41261 (August 15, 1977). In noting that the final rule used actual costs, rather than a transportation allowance, for resellers transporting their own crude oil, the Economic Regulatory Administration (ERA) of the DOE stated:

"On the basis of the comments, ERA has determined to modify the proposed definition of transportation cost to provide that, where the crude oil is transported through facilities owned by the reseller that are not common carriers, the reseller will be permitted to pass through its actual transportation costs without regard to the comparable common carrier tariff." 42 FR at 64859 (December 29, 1977) (emphasis added).

The quoted language implies the converse, that is, that where a reseller owns or controls common carrier facilities through an affiliate, it will be permitted to base its transportation cost upon the common carrier tariff it pays to the affiliate.

A plain reading of the phrase "any common carrier tariff actually paid by a reseller to transport crude oil" does not on its

¹²For resellers which did not sell crude oil prior to December 1, 1977, the Economic Regulatory Administration of DOE will establish a permissible average markup for that reseller. 10 CFR 212.182.

face exclude a tariff which is paid to an affiliate of the crude oil reseller, so long as that tariff is "actually paid." The question, then, is what constitutes actual payment.

All common carriers, of course, are subject to government regulation under a comprehensive state or Federal statutory scheme.¹³ As part of that regulatory scheme, a common carrier is required to charge the tariff approved for it by the appropriate regulatory agency. In the case of interstate pipelines regulated by the Federal Energy Regulatory Commission (FERC), or interstate motor carriers, regulated by the Interstate Commerce Commission (ICC), the practice of granting preferential rates to one customer has consistently been prohibited by the Interstate Commerce Act of 1887, 24 Stat. 379, the Elkins Act, 32 Stat. 847 (1903), and the Motor Carrier Act of 1935, 49 Stat. 543.¹⁴ Most state-regulated intrastate common carriers are subject to similar restrictions. Thus, it may be anticipated that where a crude oil reseller has a common carrier affiliate, it will be obligated by law to actually pay the affiliate the common carrier tariff for the transportation of crude oil, and will be barred from receiving preferential rates or treatment.

This view is borne out by the comments submitted to the DOE. One firm, which operates primarily in Texas and owns an intrastate common carrier in that state, noted that its subsidiary is required by state law to follow detailed billing procedures. The firm enumerated those statutory provisions and stated that:

"[The firm's] common carrier subsidiary adheres strictly to the foregoing regulations in billing [the firm] for crude oil hauled, and [the firm] actually issues its check to the carrier based on such billing. [The firm] understands that such practice is standard throughout the industry."

Another crude oil reseller firm which has common carrier affiliates stated that:

"When [the firm] utilizes the transportation services of these common carriers, it is billed for such services in accordance with their established tariffs, and in the same arms-length fashion as any other shipper (whether affiliated or not) which does business with these, or any other common carrier."

The DOE concludes that payment by a reseller to its common carrier affiliate constitutes actual payment as contemplated in the definition of "transportation and gathering cost." Such payments are mandated by Federal or state statutes and regulations, and compliance with those requirements is overseen by independent Federal and state regulatory bodies. There is nothing to suggest that such transfers of funds from the reseller to its affiliate have the effect of impermissibly adding artificial or unreasonable cost increases to the prices charged in crude oil resales.

This view accords with Ruling 1975-10, 40 FR 40826 (September 4, 1975). That Ruling dealt with transportation costs where a reseller or retailer provides its own transpor-

¹³For general discussion of the development and present status of regulation of common carriers, see generally A. Johnson, *Petroleum Pipelines and Public Policy* 188-206 (1967); W. Beard, *Regulation of Pipelines as Common Carriers* (1964); W. Hudson & J. Constantin, *Motor Transportation: Principles and Practices* (1958).

¹⁴These acts are now codified in 49 U.S.C. §§ 1 et seq. and 301 et seq. (1970).

tation, rather than using an independent common carrier, to bring product into inventory. In finding that increases in such transportation costs are product costs, the FEA noted that "a firm should not be disadvantaged under the FEA price regulations because it chose to use its own facilities rather than an independent carrier," 40 FR at 40827. Likewise, it is apparent that a firm should not be penalized because it chooses to use its affiliated common carrier rather than an independent carrier.

Permitting resellers with common carrier affiliates to use the common carrier tariff paid to the affiliate in establishing prices for crude oil resales is also in accord with the treatment allowed to refiners under similar circumstances. Under the refiner price rule, 10 CFR part 212, Subpart E, "transactions between affiliated entities may be used to calculate increased costs." 10 CFR 212.83(b). A refiner which owns or controls a common carrier affiliate may use the tariff which it pays to its affiliate, for the transportation of crude oil to its refinery, in calculating maximum allowable prices for refined petroleum products. While crude oil resellers constitute an entirely different segment of the oil industry, and are thus subject to an entirely separate price rule from refiners, it would nonetheless be inconsistent for the DOE to treat the common carrier transportation costs of crude oil resellers differently from those of refiners, particularly in the absence of a specific indication to the contrary in the regulations governing resales of crude oil.

The result reached in this interpretation means that a reseller with a common carrier affiliate will have a tariff basis upon which it may compute its costs for the crude oil transported by that common carrier, rather than using the carrier's actual cost of transportation. As noted previously, the common carrier tariff typically provides for a return on the capital investment made in transportation equipment and facilities, which return will be earned by the reseller's common carrier affiliate. The rate of return that the affiliate earns, however, is not arbitrary. For all common carriers, either the FERC, the ICC, or a comparable independent state regulatory agency controls the process by which tariffs are established. Typically, upon its own initiative or upon a complaint by a third party, the agency is empowered to suspend tariffs charged by the common carrier, and, in place of an excessive tariff proposed by the carrier, to establish a fair tariff based upon a reasonable rate of return. See, e.g., 49 U.S.C. 15, 316. Accordingly, it is not anticipated that a reseller could gain undue or "windfall" benefits from the use of a common carrier tariff paid to an affiliate in establishing prices for crude oil resales.

Further, the result reached here is particularly appropriate when the regulatory restrictions paid upon common carriers are considered.¹⁵ The common carrier is obligated to offer its services to others, and may not refuse a reasonable tender for its services. See, e.g., 49 U.S.C. § 1(4). In addition, the common carrier is obligated by the FERC, the ICC, or state regulatory agencies to do a number of things not required of a reseller which provides its own transportation. Typically, a common carrier must obtain a certificate of public convenience and necessity¹⁶ and submit tariff schedules

¹⁵See n. 4, supra.

¹⁶The FERC, the ICC, and virtually every state regulatory agency places the burden Footnotes continued on next page

to the agency, from which it may not vary without agency approval, and which are subject to agency investigation and change. The common carrier must maintain certain records, file regular reports on its operations, follow specified accounting rules and procedures, pay special license fees and taxes, and obtain and maintain bonds warranting its performance and insuring the safety of its operations. C. Taff, *Commercial Motor Transportation* 272 (1950). These constraints are significant, and serve to balance whatever advantage a crude oil reseller may gain by using an affiliated common carrier to transport the reseller's crude oil.

As was noted in the preamble accompanying the crude oil reseller price rule, the rule-making concerning Subpart L is under continuing review by the ERA. That preamble solicited further comments on the rulemaking, with a view toward changing the provisions governing resellers' transportation charges, and specifically asked whether "crude oil resellers should be permitted to use comparable common carrier tariffs to determine their transportation costs either irrespective of or as an alternative to using their actual transportation costs." 42 FR at 64883. Comments are welcome as to the effect of the interpretation of the definition of transportation and gathering cost set forth herein, and will be considered in any future notice of proposed rulemaking on the treatment of resellers' transportation costs of crude oil.

INTERPRETATION 1978-26

To: Air-Conditioning and Refrigeration Institute.
Date: May 19, 1978.
Rules Interpreted: 10 CFR Part 430; EPCA Title III, Part B.
Code: GCW-OI—Energy Conservation Program, Room Air Conditioners.

FACTS

The Air-Conditioning and Refrigeration Institute ("ARI") is a trade association whose members manufacture air conditioning and refrigeration equipment. The equipment manufactured by ARI members includes unitary (i.e., central) air conditioning units and heat pumps designed for home use. Also manufactured by ARI members are packaged terminal air conditioners ("PTACs"), which are self-contained air-conditioning units used primarily to heat and cool exterior offices or zones of commercial buildings. ARI members also manufacture large central heating and cooling equipment for commercial structures.

Footnotes continued from last page

upon the applicant to prove the public convenience and necessity which is a prerequisite to obtaining a certificate to operate as a common carrier. This requirement will tend to insure that crude oil resellers will not be able to create common carrier affiliates solely to obtain a common carrier tariff to be used in calculating prices for crude oil resales. However, where the public convenience and necessity indicate that a crude oil reseller will serve a public function by creating a common carrier affiliate, then the reseller will be able to use the common carrier tariff paid to the affiliate for the transportation of the reseller's crude oil. As is pointed out *infra*, this benefit will be offset by the additional obligations placed upon the reseller by the creation of the common carrier affiliate.

Under the energy conservation program for consumer products other than automobiles in 10 CFR Part 430, test procedures for measurement of energy consumption in room air conditioners have been established. The definition of "room air conditioner" in § 430.2 is sufficiently broad to encompass PTACs. It provides as follows:

"Room air conditioner" means an enclosed assembly designed as a unit for mounting in a window or through a wall for the purpose of providing delivery of conditioned air to an enclosed space. It includes a primary source of refrigeration and may include a means for ventilation and heating."

The only significant physical differences between PTAC equipment as defined by ARI and room air conditioners as defined by the Association of Home Appliance Manufacturers ("AHAM") are that PTACs must have a heating capability without altering the product configuration and capability to introduce outdoor air into the conditioned space. The AHAM definition of room air conditioner, like the definition in § 430.2, permits but does not require ventilation and heating capability.

According to an informal survey of its members conducted by ARI, approximately 89 percent of PTACs sold in 1976 in the United States were installed in commercial structures such as office buildings, motels and hospitals. The remaining 11 percent were installed in high-rise apartment buildings, homes for the aged and other institutional structures, under circumstances in which the occupants thereof did not purchase or participate in the decision concerning purchase of the air conditioning system in use.

ARI seeks an interpretation that the Federal Energy Administration ("FEA"), in promulgating the test procedures for room air conditioners in 10 CFR Part 430, did not intend to include PTACs in the definition of "room air conditioners" because PTACs are not "consumer products" within the meaning of the energy conservation program for consumer products in Part B of Title III of the Energy Policy and Conservation Act, as amended ("EPCA"), Pub. L. No. 94-163 (December 22, 1975)."

ISSUE

Whether PTACs are within the scope of the regulations applicable to test procedures for room air conditioners in 10 CFR Part 430.

INTERPRETATION

For the reasons noted below, it is concluded that PTACs are within the scope of the regulations concerning test procedures for room air conditioners in 10 CFR Part 430.

Statutory definition of "consumer product." ARI's basic contention is that PTACs should be excluded from the scope of the energy conservation program for consumer products in Part B of Title III, EPCA, because they are not "consumer products" within the intent of that program. It is ARI's position that the "consumer products" referred to are basically products purchased for use in a residence by the occupants thereof, and not products purchased for institutional or commercial application (including use in rental units, where the occupant is unlikely to have purchased or participated in the decision to purchase the product concerned). Using this approach,

"42 U.S.C. 6201 et seq. (Supp. V 1975).

and taking PTACs as a separate product category, ARI concludes that none or virtually none of the PTACs sold in recent years were sold as "consumer products."

"Consumer product" is defined, for purposes of Part B, as

"[A]ny article . . . of a type—

(A) which in operation consumes, or is designed to consume, energy; and

(B) which, to any significant extent, is distributed in commerce for personal use or consumption by individuals;" without regard to whether such article of such type is in fact distributed in commerce for personal use or consumption by an individual."

The key factor in this definition, for purposes of this interpretation, is the presence of the words "of a type" between the word "article" and the main descriptive or qualifying elements in clauses (A) and (B). This means that the qualifying criteria prescribed in clauses (A) and (B) are to be applied on the basis of the product type concerned, rather than on the basis of each sub-grouping or each individual "article" within that "type." The application of this definition on a product type basis is reinforced by the "without regard" proviso at the end of the definition of "consumer product," which makes it clear that if the qualifying test relating to distribution for "personal use or consumption by an individual" is met for the product "type" it makes no difference whether a particular article or product of the "type" concerned is so distributed or used.

The significance of the product "type" is explained in § 322(a), which provides as follows (emphasis added):

A consumer product is a covered product if it is one of the following types . . . :

- (1) Refrigerators and refrigerator-freezers.
- (2) Freezers.
- (3) Dishwashers.
- (4) Clothes dryers.
- (5) Water heaters.
- (6) Room air conditioners.
- (7) Home heating equipment, not including furnaces.
- (8) Television sets.
- (9) Kitchen ranges and ovens.
- (10) Clothes washers.
- (11) Humidifiers and dehumidifiers.
- (12) Central air conditioners.
- (13) Furnaces.
- (14) Any other type of consumer product which the [FEA] Administrator classifies as a covered product under subsection (b).

There can be no doubt that PTACs fall within the product type "room air conditioner," since by definition a PTAC is a "packaged terminal air conditioner" and by ARI's admission is used to cool rooms. No one disputes that PTACs fall within the broad regulatory definition of "room air conditioner" in 10 CFR Part 430.

In the particular terminology of Part B of Title III of the EPCA, PTACs appear to constitute a "class of covered products," a defined term which was described in the Conference Report on the EPCA as "a subcategory of a type (such as a color television set, or a microwave oven), or a classification which includes 'hybrid' products which perform functions characteristic of more than one type (such as combination clothes-washer-clothesdryer)." It is not necessary,

"EPCA § 321(a)(1) (emphasis added).
"S. Rep. No. 94-516, 94th Cong., 1st Sess. 169, reprinted in [1975] U.S. Code Cong. & Ad. News 2010 (emphasis added).

"EPCA § 321(a)(1) (emphasis added).

"S. Rep. No. 94-516, 94th Cong., 1st Sess. 169, reprinted in [1975] U.S. Code Cong. & Ad. News 2010 (emphasis added).

however, to determine the exact sub-classification of PTACs for purposes of this interpretation. It is necessary only to make it clear that qualification as a "consumer product" relates to whether the product type concerned (e.g., room air conditioners) meets both the criteria of energy consumption and significant distribution in commerce for personal use or consumption by individuals, regardless of whether a subcategory or individual "article" of the type concerned (e.g., PTACs) meets these criteria.

We conclude that because Congress chose to determine qualifications as a "consumer product" for purposes of Part B on the basis of the generic classification or "type" concerned, as a whole, and rejected as a test of such qualification the use characteristics of an individual subcategory or individual "article" of that "type," PTACs cannot be excluded from the coverage of Part B on the basis of the reasoning set forth by ARI."

Regulatory considerations. In implementing the energy conservation program for consumer products, the Department of Energy ("DOE") and FEA before it, adopted specific rules designed to exclude from the program certain appliances beyond given limits. For example, in connection with the rulemaking concerning test procedures for central air conditioners, the FEA proposed, and DOE adopted, a definition of "central air conditioners" which was restricted to units with a capacity of less than 65,000 Btu/hour. 42 FR 30401 (June 14, 1977); 42 FR 60150 (November 25, 1977). Similarly, the definition of "furnace" was restricted to devices with a heat input rate of less than 300,000 Btus per hour, for electric boilers and low pressure steam or hot water boilers, and less than 225,000 Btus per hour for forced air central furnaces, gravity central furnaces, and electric central furnaces. 43 FR 20147 (May 10, 1978). These limitations were empirically determined in the course of rulemaking proceedings in order to exclude cooling and heating systems which were deemed too large for residential use but which in the absence of such express limitations would have fallen within the scope of the regulatory program.

A similar limitation, designed to exclude PTACs or other room air conditioners which would not be used for residential purposes, might have been prescribed for the test procedures for room air conditioners, but was not. Failure to provide for such a limitation may have been due to difficulty in finding an appropriate limiting rule, since PTAC models appear to be designed on an all-purpose basis. In any event, the fact that the regulatory definition of "room air conditioner" is broad enough to encompass PTACs, and contains no restriction as to size or usage when such a limitation might have been imposed, further supports our view that such a limitation should not now be supplied through the Interpretations process.

"For purposes of this Interpretation, it is not necessary to decide whether use by tenants of landlord-owned PTACs constitutes 'personal use of consumption by individuals' within the meaning of EPCA § 321(a)(1), quoted in the text.

"We understand that PTACs models are essentially distinguishable on the basis of Btu output (e.g., a 8,000 Btu/hour model, a 10,000 Btu/hour model, etc.). A particular model may be used interchangeably to cool an office or a room of similar size in a residence.

The examples of the definition of "central air conditioner" and "furnace" illustrates that limitations as to capacity size or usage are likely to vary markedly from product type to product type, depending upon the particular engineering and other technical factors involved in each case. A capacity, size, or use limitation under the broad definition of "room air conditioner" would likely also involve substantive policy determinations based on all relevant technical and marketing data relating to PTACs. Questions concerning whether there should be such a limitation, and, if so, where or how the demarcation line should be drawn, should therefore be resolved in the context of rulemaking proceedings."

INTERPRETATION 1978-27

To: Martin Exploration Co.
Date: May 19, 1978.
Rules Interpreted: 10 CFR 212.162, 212.166(b)(3).
Code: GCW-PI—NGL products, natural gas shrinkage.

FACTS

Martin Exploration Co. ("Martin") is engaged in the production and sale of crude oil and natural gas. Martin is also a "gas plant owner" and "gas plant operator" as defined in 10 CFR 212.162. Martin acquired 100 percent of the working interest in the Wilcox B Sand Unit ("Wilcox Unit") by transfers on May 2, 1977, and September 22, 1977.

The Wilcox Unit is a condensate gas reservoir, discovered in 1966, in Beauregard Parish, La. On August 1, 1968, the Louisiana Department of Conservation created a reservoir-wide unit and approved a gas cycling program to enhance recovery of condensate.

There are seven completed wells in the Wilcox Unit—one gas injection well and six producing wells. Under the cycling program, the wet gas stream is produced and transported from the wellheads to a surface separator which recovers condensate. The remaining separator gas is presently injected into the reservoir to prevent retrograde condensation. In the absence of the cycling program the total amount of recoverable condensate would be substantially reduced, but total recovery of natural gas liquids ("NGLs") and residue gas would be only slightly reduced.

Prior to 1978, the separator gas, before its injection into the reservoir, had been run through a refrigerated absorption plant owned by Martin. In that plant NGLs were extracted and sold to Crystal Oil Co. Martin now contemplates the construction at the same site of a cryogenic gas plant, which is a more efficient extraction facility. At present, Martin does not extract NGLs before injecting the gas into the reservoir.

Martin proposes to begin extracting NGLs again, if it is permitted to calculate "increased cost of natural gas shrinkage"

"In addition to the reasons given above for the position taken in this Interpretation, it may be noted that this Interpretation is consistent with an anticipated trend toward greater use of PTACs by individuals in residences in the future. Such a trend is indicated, for example, by the growing market for condominiums which may lead to significant purchases of PTAC units by condominium owners. In addition, PTACs may be increasingly in demand for use in homes generally, due to their zonal cooling flexibility compared with central air conditioning.

using the highest gas sale price which Martin is receiving under a contract covering its gas properties in South Louisiana in the month in which extraction of NGLs occurs.

ISSUE

If Martin extracts NGLs and makes no sales of residue gas from the Wilcox Unit in the current month, may Martin calculate increased cost of natural gas shrinkage under 10 CFR 212.162 and 212.166(b)(3) using the highest residue gas sale price which Martin is receiving under a contract covering its gas properties in South Louisiana in the month in which extraction of NGLs occurs?

INTERPRETATION

For the reasons set forth below, Martin may not recoup and increased cost of natural gas shrinkage pursuant to 10 CFR 212.162 and 212.166(b)(3) where there are no residue gas sales from the Wilcox Unit in the month in which the NGLs are extracted.

An important element in the computation of lawful first sale prices in accordance with Subpart K of 10 CFR, Part 212, is increased product costs. Such costs may be passed through on a dollar-for-dollar basis. 10 CFR 212.166(a). The method of computation of increased product costs, including increased cost of natural gas shrinkage, is set forth in § 212.166(b). "Cost of natural gas shrinkage" in May 1973 and the current month, from which increases are calculated according to § 212.166(b)(3), is defined in § 212.162:

"Cost of natural gas shrinkage" means the reduction in selling price per thousand cubic feet (MCF) of natural gas processed, which is attributable to the reduction in volume or BTU value of the natural gas resulting from the extraction of natural gas liquids, as determined pursuant to the contract in effect at the time for which cost of natural gas shrinkage is being measured, and under which the processed natural gas is sold." (Emphasis added.)

To determine this shrinkage "cost" in the current month a firm must identify the selling price of the natural gas processed "at the time for which [the] cost of natural gas shrinkage is being measured (i.e. in the current month)," and "pursuant to the contract . . . under which the processed natural gas is sold (i.e. the contract, if any, under which the natural gas produced from the Wilcox Unit is sold)."

Ruling 1975-18, 40 FR 55860 (December 2, 1975), provides clear guidance as to the calculation of increased shrinkage costs in accordance with the literal language quoted above:

"The 'cost of natural gas shrinkage' is computed, as defined in § 212.162, by determining the reduction in selling price of the processed gas attributable to the extraction of natural gas liquids, by reference to the contract price in effect for the relevant month." 40 FR at 55862; accord Ruling 1975-6, 40 FR 23272 (May 29, 1975).

Martin, therefore, must measure increased shrinkage costs in the current month according to sales of natural gas from the Wilcox Unit in the current month. Martin is delaying sales of natural gas from the Wilcox Unit to maintain a pressure cycling operation to increase the ultimate recovery of condensate from that unit. Therefore, since there is no sale of the processed natural gas, it is impossible for the firm to determine "cost of natural gas shrinkage" in accordance with the express language of § 212.162.

This result (no increased shrinkage costs where there are no residue gas sales in the relevant month) has been confirmed in the context of an exception proceeding. *Twin-Tech Oil Company*, 5 FEA paragraph 183,126 (March 28, 1977), *aff'd* 6 FEA paragraph 180,565 (September 30, 1977), *filed sub nom. Twin City Barge & Towing Company, et al. v. Schlesinger*, Civil No. H-77-1577 (S.D. Tex., Sept. 22, 1977). Those decisions determined that increased shrinkage costs are only available where a gas processor experiences an actual reduction in gas sales revenues.

"In the present case Twin-Tech does not actually incur any increased costs of natural gas shrinkage because it does not sell its residual natural gas and does not therefore, experience a 'reduction in sales revenue.'" 5 FEA at 83,561 (emphasis added).

Martin maintains that *Twin-Tech* stands solely for the proposition that a seller of NGL's does not incur recoverable increased shrinkage costs if it never sells its residue gas streams. In support of this position, Martin notes that "the plant which *Twin-Tech* (operates) is situated in an isolated location which is not accessible to a pipeline through which the processed natural gas can be transported." 6 FEA at 80,830. Therefore, Martin asserts that *Twin-Tech* could never expect to sell natural gas from its property. According to Martin, it has every expectation of selling natural gas, but those sales are merely delayed. Therefore, Martin asserts that if it extracts NGL's, it must be permitted to recover shrinkage costs in current months representing: (1) The opportunity costs foregone in its future sales of natural gas; (2) an incentive for it to extract NGL's while continuing its pressure cycling operations; and (3) a matter of fairness.

Martin states that the most precise measure of its actual reduction in gas revenues would be the price Martin will receive for its gas upon blowdown projected for January 1, 1982. Recognizing the speculative nature of such an approach and the resultant audit problems, Martin submits an alternative approach to arrive at the appropriate imputed figure to be used in its shrinkage calculations for the Wilcox Unit. Martin suggests that the highest gas sales price which Martin is receiving under a contract covering its properties in South Louisiana during the month of extraction could be used to obtain an "imputed" price.

In its submission Martin recognizes the speculative nature of estimating the opportunity costs associated with NGL extraction and the necessity of constructing a method of measuring increased shrinkage costs at the Wilcox Unit. Contrary to Martin's assertions, formulating a method to compensate for the loss of gas revenues resulting from NGL extraction is not a simple, straightforward process. For example, the imputed figures must speculatively and implicitly determine whether the gas will be sold subject to price regulation and sold on a British thermal unit (Btu) or volumetric (Mcf) basis. However, the use of an actual sales price of the gas processed permits the most precise appraisal of the lost opportunity to sell the liquids in the gas stream. The use of the highest price in a nearby area, as Martin suggests, may not approximate the actual sales opportunities for gas from the Wilcox Unit in 1982.²

²Perhaps some other figure, such as the national interstate rate, the weighted aver-

The interpretations process is neither a substitute nor an alternative forum for rule-making or exception relief. Issues of equity and the maximization of general energy policy objectives are best resolved on the basis of the extensive factual information which can be developed in those forums.

Requested interpretations have been rejected because, *inter alia*, there was no basis in the regulations for the result sought. See, e.g., *Guam Oil & Refining Co., Inc.*, Interpretation 1977-5, 42 FR 10963 (February 25, 1977), *aff'd* 5 FEA 180,619 (May 3, 1977). In language relevant to these facts, the appeals decision in that case stated:

"What GORCO is in essence seeking in the context of an interpretation proceeding is a broad revision of the regulatory requirements which is specifically designed so as to reach only the particular factual situation which it is facing (sic). FEA could issue an interpretation which has no support in the language of any applicable regulatory provision and is expressly designed to apply only to the specific circumstances of one firm. If it were to do so, the FEA would not only be issuing an interpretation which is not contemplated by the regulations but would also be straining any reasonable or proper reading of the regulations for the sole purpose of conferring benefits upon GORCO." 5 FEA at 81,148.

The shrinkage calculation specified in the regulations and discussed herein is unambiguous. Accordingly, Martin must calculate its shrinkage costs, if any, based on the selling price of residue gas from the Wilcox Unit in the relevant month.

INTERPRETATION 1978-28

To: Intenco, Inc., and Houston Carbon Co., Ltd.

Date: May 19, 1978.

Rule Interpreted: § 212.31.

Code: GCW-PI—Definition of covered products.

FACTS

Intenco, Inc. (Intenco), operates a plant owned by Houston Carbon Co., Ltd. (HCCL), pursuant to a management agreement with HCCL. Intenco also has a licensing agreement with HCCL for the new Intenco "Pyroblack" process of reclaiming and processing discarded automotive tires and recycled lubricating oil to produce synthetic oil and carbon black. The synthetic oil produced from the plant by this "Pyroblack" process is expected to constitute a raw material for gasoline and fuel oil production.

ISSUE

Are the recycled lubricating oils and discarded automotive tires purchased by Intenco and the synthetic oil and carbon black produced by the "Pyroblack" process and sold by Intenco covered products under 10 CFR 212.31 of the Mandatory Petroleum Price Regulations?

INTERPRETATION

The synthetic oil and carbon black produced by Intenco's "Pyroblack" process are not covered products under the definition of that term set forth at 10 CFR 212.31 and,

age price of all sales of residue gas by Martin in the relevant month, or the residue price in the nearest field, would be a more appropriate measure of Martin's shrinkage costs. See Proposed Amendments to Subpart K, 42 FR 29490 (June 9, 1977).

therefore, are not covered by the provisions of the Mandatory Petroleum Price Regulations. Neither the petroleum products purchased as feedstocks for the "Pyroblack" process nor the products generated by the HCCL plant are presently controlled by the provisions of the Mandatory Petroleum Price Regulations.

Section 4 of the Emergency Petroleum Allocation Act of 1973, as amended (EPAA), Pub. L. No. 93-159 (November 27, 1973): "directed the President to promulgate allocation and price regulations for 'crude oil, residual fuel oil, and each refined product.'" Pursuant to this statutory mandate, the Mandatory Petroleum Price Regulations, set forth at 10 CFR Part 212, were adopted to control the pricing of crude oil, residual fuel oil, and refined petroleum products. Section 212.1(a) of 10 CFR describes the scope of this federal regulatory authority. It states that Part 212 "sets forth the price rules for firms engaged in the production and sale of covered products . . . effective 11:59 p.m., e.s.t., January 14, 1974" (emphasis added). Thus, the Mandatory Petroleum Price Regulations are only applicable to those substances which are classified as "covered products." Under the regulatory definition currently set forth at 10 CFR 212.31:

"Covered products" means aviation fuel (kerosene-type), aviation gasoline, butane, crude oil, gasoline, natural gas liquids, natural gasoline, and propane. A blend (of) two or more particular covered products is considered to be that particular covered product constituting the major proportion of the blend."

This definition is the criterion for determining whether the products which Intenco purchases, produces, and sells are subject to regulation.

Neither the recycled lubricating oils nor the discarded automotive tires which are purchased by Intenco and which constitute the feedstocks for the "Pyroblack" process employed at the HCCL plant are presently covered products for the purposes of Part 212. However, recycled lubricating oils were once products covered by the Mandatory Petroleum Price Regulations as lubricants or base oil stocks. See *Hicks Oil Co.*, Interpretation 1977-9, 42 FR 31143 (June 20, 1977). Lubricants were classified as general refinery products and were covered products under the provisions of the Mandatory Petroleum Price Regulations until September 1, 1978, when § 212.56 of 10 CFR exempted certain general refinery products from price controls. 41 FR 30096 (July 22, 1976). Thus, lubricating oils recycled from such general refinery products were also exempt from price controls as of September 1, 1978.

Sales or purchases of automotive tires have never been covered by the Mandatory Petroleum Price Regulations. Generally, automotive tires are made from petrochemicals produced from petroleum products. Although the petrochemical industry was mentioned in the Conference Report, H.R. Rep. No. 93-628, 93rd Cong., 1st Sess. (1973), which accompanied the EPAA, as an "identified objective" to be preserved and fostered by the provisions of the EPAA, only allocation controls over feedstocks to petrochemical plants were envisioned. No price controls were ever imposed on petrochemicals produced from petroleum products. Thus, discarded automotive tires, like new tires, have never been and are not now cov-

¹15 U.S.C. 751 *et seq.* (1976).

ACTION: Final rule.

SUMMARY: This rule increases the maximum allowable size for all-cargo air taxis from 7,500 pounds to 18,000 pounds payload capacity, except for Alaska and Hawaii. The larger aircraft gives the air taxi operators greater flexibility and will provide improved service to the small and rural communities they serve. The change in the regulations is in response to a petition from nine all-cargo commuter air carriers.

DATES: Adopted: June 1, 1978. Effective: June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Joseph Brooks, Office of the General Counsel, Rules Division, CAB, 1825 Connecticut Avenue NW., Washington, D.C., 202-673-5442.

SUPPLEMENTARY INFORMATION:

In response to a joint petition for rule-making filed by nine all-cargo commuter air carriers, the Board, in December 1977, issued notice of proposed rulemaking EDR-341 (42 FR 62930), asking for public comment on proposed rules to raise the aircraft size limit for all-cargo air taxis to 18,000 pounds maximum payload capacity. The notice was limited to the relief requested by the petitioners, which excluded air taxi operations in Hawaii and Alaska, in order to simplify and expedite the proceeding.¹

Twenty-seven comments, reply comments, and letters have been received from air freight forwarders, direct air carriers, air taxis, and various government and civic parties.² The scheduled

¹Supplemental notice of proposed rulemaking EDR-341A (43 FR 13892), issued on March 28, 1978, proposes to include Alaska and Hawaii in the change in aircraft size. We are proceeding with the basic rulemaking, however, so as not to delay relief to the vast majority of air taxis, while we continue to consider separately the Alaska and Hawaii issues. It is our intent to reach a decision on the Alaska and Hawaii part of the rulemaking by August 1, 1978.

²Comments and/or reply comments have been filed by: Federal Reserve Bank of Chicago, Columbia House, Precision Valley Aviation, Air Freight Forwarders Association of America (AFFA), Novo Airfreight Corp. (Novo), William J. Godbout Co., Cosmopolitan Aviation Corp., Jet Way Shippers Association, United Air Lines (United), Commuter Airline Association of America, Summit Airlines, Trans International Airlines (TIA), the Flying Tiger Line (FTL), U.S. Department of Transportation (DOT), Federal Express Corp., International Brotherhood of Teamsters, eight commuter all-cargo air carriers (Blackhawk Airways, Burl-Air Freight, Great Western Airlines, Meridian Air Cargo, Midwest Air Cargo, Midwest Air Charter, Pinehurst Airlines, Sedalla-Marshall-Boonville Stage Line, Viking International Airlines) (commuters), county of Maui, State of Hawaii, Hawaii Air Cargo Shippers Association, Meridian Air Cargo, and Trans World Airlines (TWA).

ered products under the Mandatory Petroleum Price Regulations. Accordingly, each of the components which Intenco purchases to use as the feedstocks for its "Pyroblack" process at the HCCL plant is exempt from the price regulations set forth at 10 CFR Part 212.

Likewise, neither of the products produced at the HCCL plant and sold by Intenco is a covered product for the purposes of 10 CFR Part 212. Although the synthetic oil produced by Intenco shares certain physical and chemical similarities to crude oil and may be used as a raw material in the refining of gasoline and fuel oil, the synthetic oil clearly does not meet the definition of crude oil contained in 10 CFR 212.31. The definition provides in part that:

"Crude oil" means a mixture of hydrocarbons that existed in liquid phase in underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities."

The synthetic oil did not exist in liquid phase in an underground reservoir. Rather, the synthetic oil is a product obtained by the processing of discarded automotive tires and recycled lubricating oil. Thus, Intenco may sell the synthetic oil it produces by the "Pyroblack" process at prices not subject to the price regulations set forth at 10 CFR Part 212.

In addition, the carbon black produced from the HCCL plant is not a covered product under the Mandatory Petroleum Price Regulations. Carbon black is an almost pure carbon product which is not normally produced by petroleum refining processes. It clearly does not qualify as "crude oil" or as "residual fuel oil" under the definitions of those substances set forth at 10 CFR 212.31. The carbon black is also not a refined petroleum product, i.e., "gasoline, kerosene, distillates, (including Number 2 fuel oil), LPG, refined lubricating oils or diesel fuel," under the definition set forth at § 3 of the EPAA. Thus, carbon black has never been a product covered by the Mandatory Petroleum Price Regulations.

Accordingly, Intenco's purchases of recycled lubricating oils and discarded automotive tires are not covered by the price regulations, and it may sell the synthetic oil and carbon black produced from the HCCL plant at prices not subject to the Mandatory Petroleum Price Regulations.

[FR Doc. 78-16044 Filed 6-8-78; 8:45 am]

[6320-01]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATION

[Reg. ER-1052; Amdt. 8]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Increase in Aircraft Size for All-Cargo Air Taxis

AGENCY: Civil Aeronautics Board.

²Tests of the synthetic oil indicate an API gravity of 19°, 0.774% sulphur content by weight and a pour point of -15° F.

95-163 or in its legislative history indicates a Congressional intention that the degree of deregulation there provided for all-cargo operations, regardless of the size of aircraft utilized, is to prevent the Board from continuing to provide in Part 298 its long established system of even freer authorization for air transportation of both passengers and cargo performed by a class of air carriers operating only "small aircraft," or from continuing to redefine that term, from time to time, in light of developments in the air transportation industry, taken as a whole.

The question then is whether the maximum size of cargo aircraft available under the present air taxi system is adequate for the demand of its primary markets. As more fully discussed below, we conclude that the small, short and medium haul markets which air taxis are designed to serve now need the larger cargo capacity made available by this rule, as shown in the answers and comments in this proceeding.

Between 1970 and 1976, cargo carried by commuters increased at an average annual rate of 30.5 percent, from 43.5 to 214.8 million pounds. DOT states that during the same period, the number of small communities (those with less than 100,000 population) served by certificated carriers decreased 14 percent, while the number served by commuters increased 21 percent. Further, where these small communities still do receive certificated service, AFFA complains, the cargo lift provided is often inadequate and untimely. Although §418 carriers may fill part of this need, the Board concludes that it is, and will continue to be, the air taxis, operating small aircraft, that can best respond to the changing demands and circumstances of these markets.

In addition to the general arguments opposing this rule on the basis of an alleged preemption by §418, some comments specifically argue that Pub. L. 95-163 demonstrates a Congressional intent that tariffs be filed by any carrier operating all-cargo aircraft as large as the 18,000 pound plane proposed here. Summit Airlines (one of the original petitioners, but now a §418 carrier and opposed to the rule) argues that the tariff-filing requirement imposed on a §418 certificated carrier is not burdensome for the air taxi operator, as evidenced by the many commuter rate schedules now published by these carriers. TIA and TWA support this argument, and add that to exempt all-cargo commuters from filing tariffs when they will be operating aircraft competitive with certificated carriers would be discriminatory.

United, though supporting the size increase, argues that tariff filings would be the most effective means of

enabling the Board to monitor all-cargo rate levels to prevent predatory pricing. This is especially important, it claims, to protect small shippers against discriminatory rates for favored or large-volume shippers. Novo, an airfreight forwarder, specifically argues that no carrier should be exempt from tariffs, which provide protection for customers and stability in the market.

At the outset, it should be emphasized that the Board has not yet finally decided whether Pub. L. 95-163 mandates that all-cargo carriers having §418 certificates must file tariffs. To date, it is only in the current regulations, speedily adopted to implement Pub. L. 95-163 for carriers having "grandfather" rights to immediate issuance of §418 certificates, that the Board decided not to exempt this new class of carriers from the tariff filing requirements of section 403 of the Act.¹ Moreover, even if it were unquestionable that Congress intended that all §418 carriers must file tariffs, it by no means follows that all-cargo carriers exercising Part 298 authority (i.e., operators of small aircraft) must do so. Nor are we persuaded that we should, as a matter of policy, regard the filing of tariffs as a necessary tool to monitor the pricing practices of the all-cargo air taxis. On the contrary, air taxis have long been exempt from filing tariffs, and there have been no problems of the type which concerns these commenters. Consequently, we adhere to our longstanding view that to require air taxis to file tariffs would place an unnecessary burden on these operators of small aircraft, hindering competition in service to small community markets.

In short, the enactment of Pub. L. 95-163 has not impaired our authority to extend the broad exemptions of Part 298 to operators of small all-cargo aircraft, so long as we can make the necessary statutory findings under §416 of the Act.² The Board has now concluded, on consideration of the comments, that we can make final our tentative findings, in EDR-341 that increasing to 18,000 pounds the maximum size of small aircraft used for all-cargo air taxi operations, excluding

¹ See preamble to Part 291, ER-1037, p. 4, adopted December 23, 1977 (42 FR 65139), where the Board stated that it would fully consider this question in the rulemaking that will be instituted for the full implementation of §418.

² Section 418 states that in order for the Board to exempt a carrier from provisions of the Act, it must find that enforcing these provisions would not be in the public interest, and also that enforcement would be an undue burden on the carrier, either because of the limited extent of its operations or because of unusual circumstances affecting those operations.

Hawaii and Alaska, meets these standards.

FTL, TIA, and TWA argue strenuously that the public interest is not served when unregulated air taxis are allowed to operate similar aircraft in direct competition with fully regulated certificated carriers.³ TIA claims that 18,000-pounds unregulated air taxi aircraft will be directly competitive with both its markets and operations. While air taxis might still be unable to compete with certificated carriers in the long-haul markets that require wide-bodied jet aircraft, the increased size of their aircraft proposed here, it asserts, will allow unregulated all-cargo air taxi flights in direct competition with TIA's turboprop Electras in the medium and short-haul domestic routes, carrying primarily freight forwarder traffic.

The Board disagrees with these arguments. The comments, answers and letters received in this proceeding show a clear public interest in providing the air taxi with aircraft capacity needed to meet the growing market demand. As stated by Federal Express, there is simply no reason to force these small carriers to refuse cargo for lack of space, or to waste fuel and resources by using multiple flights to meet existing demands that are too large for present air taxi aircraft and too small to attract the certificated carriers.

The Board does not regard this competition as direct or unfair. The vast majority of aircraft used today by certificated carriers are in no way competitive with 18,000 pound aircraft.⁴ Nor are the air taxi markets similar to most of those served by certificated carriers. In addition, the percentage of the present air cargo market held by air taxis is small in comparison to that of the certificated carriers. For example, using the latest comparable figures, in 1976, the commuter carriers transported 16,520,847 ton-miles of cargo, while the certificated carriers transported 2,909,257,000.⁵ The air

³ As specific examples: (1) TIA states that its Electras have a cargo payload of 32,500 pounds, but a useable cube of only 3,200 cubic feet, while the Convair 580, which is proposed for use by air taxis under the new rule, has a useable cube of 2,800 cubic feet; (2) TWA states that an 18,000 pound aircraft is approximately equal in cargo capacity to the belly space of a B-707 aircraft.

⁴ For example, as of 1976, only 8 out of the 82 aircraft used by the supplementals would be within the 18,000 pound all-cargo capacity class. TIA also has 12 L-100-30 aircraft at 50,000 pounds, and 9 L-188 aircraft at 35,000 pounds. In comparison, the smallest jet aircraft used by the supplementals, local service carriers, or the trunks has approximately 34,000 to 40,000 pounds all-cargo capacity.

⁵ Commuter air carrier traffic statistics, year ended December 31, 1976; air carrier traffic statistics, December 1977.

taxis would thus have to increase at a phenomenal rate to match the certificated carriers (which have also been steadily increasing), an unlikely occurrence because of the divergent markets and types of services provided.

In fact, commuter traffic tends to be at the expense of surface transportation, not of the larger air carriers, as the Board found in the Part 298 Weight Limitation Investigation (Orders 72-7-61, 72-9-62). As the commuter traffic increases under these new rules, it is also likely that any such increase will be fed into the certificated system, thereby increasing rather than diverting from, its freight traffic. As discussed earlier and as stated in EDR-341, the larger aircraft size is needed for these markets served by air taxis, and poses no substantial threat to other classes of air carriers.

In any event, whatever public interest argument may otherwise be sought to be implicitly grounded in the Act as indicative of congressional policy favoring the protection of certificated carriers from diversion, that argument has been invalidated as to domestic all-cargo service by Pub. L. 95-163. If nothing else, Congress has now made it unequivocally clear that there is to be no "route protection" or other artificial restraint on freedom of competition in providing domestic all-cargo air services.⁶ Consequently, certificated air carriers can no longer be heard to complain that there is any public interest against competitors' diversion, as such, insofar as domestic all-cargo service is concerned.

Under the second part of the §418 test, FTL and TIA argue that there are neither unusual circumstances surrounding, nor limited operations of, air taxis capable of operating this size of aircraft. They contend that obtaining certification under the new, easier requirements of §418, no longer entails a significant burden for air taxis operating 18,000 pound aircraft.

The Board, however, agrees with the commenters that, due to the limited extent of air taxi operations, and the surrounding unusual circumstances of the air taxi market, even certification under §418 would be an unwarranted burden on these small carriers. As we found in the Part 298 Investigation, air taxis provide a financially risky, unsubsidized service, which needs maximum operational flexibility to best serve its small community markets. It is our opinion that even the reduced requirements of a §418 certificate would needlessly hamper this flexibility. For example, tariff filings require additional initial and on-going monthly expenses, future rate changes would be delayed for 60 days under

⁶ See new paragraph (b) of section 102 of the Act, as added by section 16 of Pub. L. 95-163.

the tariff mechanism, and market response would be delayed by the forms and regulations of the §418 certificate. Taken individually, these requirements may not appear an undue burden, but taken as a whole, the Board views them and similar regulations as an unwarranted burden for this unusual type of carrier and the services provided. Equally important, however, in determining whether such requirements are a burden, is the limited extent of air taxi all-cargo operations. For example, in 1976, the largest all-cargo commuter, Federal Express, carried 46.9 million revenue ton-miles of cargo, and the next largest carried only 3.4 million RTM's of cargo. In comparison, for the same year, FTL's freight, express and mail revenue ton-miles amounted to 977,065,000; while TIA's (without including data from Saturn, which it acquired in 1976) civilian freight ton miles amounted to 51,441,427. Only nine commuter carriers transported 5,000,000 or more pounds of cargo, while approximately one-third of the commuters carried less than 50,000 pounds. Further, only 16 commuter airports handled 5,000,000 or more pounds of cargo; while over half handled less than 50,000 pounds. Of 252 commuter air carriers, only 31, or approximately 12.5 percent, conducted all-cargo operations in 1976.

TIA has made several requests to the Board to modify the proposed rules if adopted. First, supported by Rich, it asks that the Board give certificated carriers authority to provide service with similar aircraft under the same exemptions as air taxis. If such authority is not granted, the certificated carriers are placed at an unfair competitive advantage, claims TIA. The possibility of extending Part 298 exemption authority to those few members of the certificated class of carriers operating a number of small aircraft is outside the scope of this proceeding. This question, however, will be considered in the upcoming rulemaking fully implementing §418.

We are also denying TIA's request for a full evidentiary hearing. The Board is not required to use evidentiary hearing procedures in exercising its exemption authority. Particularly where the exemption has general applicability to an entire class of carriers, an informal rulemaking is a suitable procedure on which to base the requisite legislative findings under §416. In this case, there have been extensive answers, comments and reply comments, which have presented facts and arguments on all sides of the issue. No material factual issues have been raised of the kind that require resolution through oral testimony and cross-examination. The Board finds, therefore, that the record is sufficient to make the required findings under

§416, and that no further procedures are needed.

TIA's final request is to limit the application of this expanded all-cargo air taxi aircraft to interstate air transportation. It argues that no specific need has been shown for extending this change to foreign air transportation, and that a limitation to interstate markets is consistent with the geographic scope of §418. We see no reason to limit this amendment of Part 298 as TIA requests. Air taxis have always been permitted to operate in foreign air transportation, and TIA has presented no legal or economic reason why all-cargo air taxis should be so restricted. While §418 does apply only to domestic air transportation, we reiterate our view that Pub. L. 95-163, in providing certain limits on certificated all-cargo service deregulation affecting aircraft of all sizes, does not indicate that air taxi operators, providing only small aircraft cargo service, should also be so limited. We are thus adopting the rule as proposed, which permits 18,000 pound aircraft to be operated throughout the present geographical scope of Part 298, except for Hawaii and Alaska.⁷

The Teamsters oppose expansion of the aircraft size for all-cargo air taxis for the same reasons they oppose legislation increasing the aircraft size if air taxis in general. They argue that expansion of air taxi operations could cause loss of jobs, and would increase the danger of safety-related accidents, since these carriers are not as strictly regulated by the FAA as others. Their primary complaint, however, is that the Board has not considered the impact on labor of any change in the air taxi exemption.

We have seen no evidence that the expansion of air taxi all-cargo aircraft to 18,000 pounds will have the adverse effects on employment claimed by the Teamsters. In fact, as stated above, it is our opinion that this rule will lead to an increase in all-cargo air taxi operations and, in turn, to an increase in the cargo operations of scheduled carriers, thus providing an increased opportunity for employment. Moreover, as we discussed in EDR-341, several shippers and civic parties state that this amendment is needed to spur or to continue the economic development of the areas and communities served by air taxis, which again should expand employment opportunity.

The Board finds that because this amendment removes a restriction, and the public will benefit from the rule taking effect without delay, good cause is shown to make it effective immediately.

⁷ Upon review of the comments that we shall receive on EDR-341A, we shall subsequently decide whether to extend this amendment to Hawaii or Alaska, or both.

Accordingly, the Board amends Part 298 of its economic regulations (14 CFR Part 298) as follows:

1. Paragraph (i) of § 298.2 is revised to read as follows:

§ 298.2 Definitions.

(i) "Large aircraft" means: (1) Any aircraft used in passenger service having a maximum seating capacity of more than 30, or a maximum payload capacity of more than 7,500 pounds; *Provided, however,* That for the purposes of this part, large aircraft shall include all models of the Convair 240, 340, and 440; Martin 202 and 404; F-27, and FH-227; and Hawker-Siddeley 748; and shall also include any other aircraft with a maximum zero fuel weight in excess of 35,000 pounds.

(2) Any aircraft used solely in all-cargo service having a maximum payload capacity of more than 18,000 pounds, except that in connection with operations within the states of Hawaii and Alaska, such aircraft shall have a maximum payload capacity of more than 7,500 pounds.

2. Paragraph (i) of § 298.2 is amended by adding a second proviso at the end of the paragraph to read as follows:

§ 298.2 Definitions.

(1) "Maximum payload capacity" means:

Provided further, however, That for any aircraft used solely in all-cargo service under the exemption provided by this part, the maximum payload capacity shall be 18,000 pounds, based upon an aircraft having a maximum zero fuel weight of 55,000 pounds or less, or any aircraft developed subsequent to September 15, 1977, which has a higher zero fuel weight, but only a designed maximum payload of 18,000 pounds or less.

(3) Section 298.31 is revised to read as follows:

§ 298.31 Scope of service and equipment authorized.

Nothing in this part shall be construed as authorizing the operation of large aircraft in air transportation, and the exemption provided by this part to air taxi operators which register and reregister with the Board extends only to the direct operation in air transportation in accordance with the limitations and conditions of this part of aircraft having maximum passenger capacities and maximum payload capacities as defined in §§ 298.2(i) and 298.2(l) of Subpart A of this part, except that with respect to operations conducted within Hawaii and Alaska

such exemption extends only to such operation of aircraft having a maximum payload capacity of 7,500 pounds or less.

(Sec. 204, 418 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 771 (49 U.S.C. 1324, 1386).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-16064 Filed 6-8-78; 8:45 am]

[4110-07]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. Nos. 4, 16]

PART 404—FEDERAL OLD-AGE SURVIVORS, AND DISABILITY INSURANCE BENEFITS

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Extension of Special Age 72 Payments and Supplemental Security Income Benefits to the Northern Mariana Islands

AGENCY: Social Security Administration, HEW.

ACTION: Final rules.

SUMMARY: The final amendments provide that people residing in the Northern Mariana Islands (NMI), who are otherwise qualified, are eligible for special age 72 payments and supplemental security income (SSI) benefits in the same manner and under the same conditions as people now residing in the 50 States and the District of Columbia. Individuals who received interim United States citizenship under the Constitution considered citizens and qualified aliens of the United States; and residents of the NMI will be considered residents of the United States. These final amendments to the regulations are designed to implement section 502(a) of the Northern Marianas Covenant (Pub. L. 94-241; 90 Stat. 268).

DATE: These amendments shall be effective June 9, 1978. Comments will be accepted until July 10, 1978.

ADDRESSES: Although the notice of proposed rulemaking is being dispensed with for the reasons cited in the Supplementary Information section consideration will be given to any data, views, or arguments pertaining

thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Md. 21203.

Copies of all comments received in response to this notice will be available during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 5131, 330 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Mr. S. J. Weissman, Legal Assistant, Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-7341.

SUPPLEMENTARY INFORMATION: On October 24, 1977, President Carter, in accordance with sections 1003(b) and 1004(b) of the Northern Marianas Covenant (Pub. L. 94-241; 90 Stat. 277), proclaimed that the Constitution of the NMI and certain sections and articles of the Northern Marianas Covenant shall come into full force and effect on January 9, 1978 (42 FR 56593). The Covenant had been approved by joint resolution of Congress on March 24, 1976, and had previously been approved by the NMI District Legislature on February 20, 1975, and by the people of the NMI voting in a plebiscite on June 17, 1975.

The Covenant provides that the NMI of the Trust Territory of the Pacific Islands will become a commonwealth in political union with the United States upon termination of the Trusteeship Agreement (i.e., about 1981). Until then, the NMI will be in a transition period with self-government.

As herein pertinent, section 502(a) of the Covenant (effective January 9, 1978) provides: "[t]he following Laws of the United States . . . will apply to the Northern Mariana Islands . . . (1) . . . Section 228 of Title II and Title XVI of the Social Security Act as it applies to the several States . . ." Section 228 of Title II authorizes special age 72 payments to certain uninsured individuals. Title XVI (SSI program) authorizes benefit payments to needy individuals who are age 65 or older, or blind, or disabled.

When social security programs are extended to new geographical areas eligibility is ordinarily provided (unless express exceptions are prescribed) on a basis which is comparable to that for individuals who are already covered by the program. Therefore, section 502(a) of the Covenant is being interpreted to permit residents and individuals who received interim United States citizenship status under the Constitution of the NMI, or quali-

fied aliens in the NMI to qualify for special age 72 payments and SSI benefits just as if they were residents of one of the 50 States or the District of Columbia and citizens of (or qualified aliens in) the United States. Any other interpretation would not give effect to the pertinent parts of section 502(a) of the Covenant.

Since section 502(a) of the Covenant was effective January 9, 1978, operating personnel have been alerted to this change and the need to process such cases in a timely manner. This action was taken to insure prompt recognition and equitable handling of these cases, on an interim basis, until final regulations are in effect.

The amendments to the regulations are being published in final. They are substantive rules which extend special age 72 payments and SSI benefits to the people of the NMI as required by section 502(a) of Pub. L. 94-241. This section, as previously mentioned, went into effect by Presidential Proclamation January 9, 1978, and the rules have already been implemented by the Social Security Administration. Consequently, the Secretary finds that it would be unnecessary and impracticable for the Social Security Administration to publish the rules with Notice of Proposed Rulemaking.

Accordingly, Part 404 and Part 416 of 20 CFR are being amended as follows:

1. Section 404.374(a) concerning residency and citizenship requirements for entitlement to special age 72 payments is being amended to include people in the NMI, effective January 9, 1978.

2. Section 404.379 concerning suspension of special age 72 payments is being amended to provide that individuals residing in the NMI and receiving special age 72 benefits will be considered residents of the United States and, thus, are not subject to suspension while residing in the NMI.

3. Sections 416.120(c) (9) and (10), are being amended to expand the definitions of "State" and "United States" to include the NMI for purposes of the SSI program.

4. Section 416.202(b) concerning residency and citizenship requirements for SSI benefits is being amended to include people in the NMI, effective January 9, 1978.

5. Section 416.1327(a) concerning suspension of SSI benefits due to absence from the United States is being amended by expanding the definition of "outside the United States" to mean outside the 50 States, the District of Columbia, and the NMI and, thus, residents of the NMI would not be subject to suspension of their SSI benefits.

(Sec. 228, 1102, 1614(a)(1) and 1631 of the Social Security Act as amended, 80 Stat. 67, 49 Stat. 647, 86 Stat. 1471, 86 Stat. 1475; 42

U.S.C. 428, 1302, 1382c, 1383) sec. 502(a) of Pub. L. 94-241, 90 Stat. 268)

(Catalog of Federal Domestic Assistance Program No. 13.804 Special Benefits For Persons Aged 72 or Over; No. 13.807 Supplemental Security Income Program)

NOTE.—The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Dated: March 27, 1978.

DON WORTMAN,
Acting Commissioner
of Social Security.

Approved: May 31, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health,
Education, and Welfare.

Part 404 and Part 416 of Chapter III of Title 20 of the Code of Federal Regulations are amended as follows:

1. Section 404.374 is amended by revising paragraph (a)(3) and adding subparagraphs (3)(iii) and (3)(iv) to read as follows:

§ 404.374 Special payments at age 72 to certain uninsured individuals.

(a) *Requirements for entitlement.* An individual is entitled under section 228 of the Act to special payments at age 72 if such individual:

(3) Is a resident of one of the 50 States, the District of Columbia, or effective January 9, 1978, the Northern Mariana Islands and is:

(i) A citizen of the United States; or
(ii) An alien lawfully admitted for permanent residence who has resided in the United States (as defined in sec. 210(i) of the Act, i.e., the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa) continuously during the 5 years immediately preceding the month in which he files application for special payments under section 228; or
(iii) An individual who meets the requirement of the interim definition of United States citizen in section 8 of the Schedule on Transitional Matters of the Constitution of the Northern Mariana Islands; or
(iv) An alien lawfully admitted for permanent residence in the Northern Mariana Islands who has continuously during the 5 years immediately preceding the month in which he or she files an application for special benefits under section 228 resided in: The Northern Mariana Islands; the United States (having been lawfully admitted for permanent residence); or the Northern Mariana Islands and the United States.

(iv) An alien lawfully admitted for permanent residence in the Northern Mariana Islands who has continuously during the 5 years immediately preceding the month in which he or she files an application for special benefits under section 228 resided in: The Northern Mariana Islands; the United States (having been lawfully admitted for permanent residence); or the Northern Mariana Islands and the United States.

(iv) An alien lawfully admitted for permanent residence in the Northern Mariana Islands who has continuously during the 5 years immediately preceding the month in which he or she files an application for special benefits under section 228 resided in: The Northern Mariana Islands; the United States (having been lawfully admitted for permanent residence); or the Northern Mariana Islands and the United States.

2. Section 404.379 is being amended as follows:

§ 404.379 Suspension where individual is residing outside the United States.

No special payment under section 228 for any month may be paid if, during such month, the individual entitled to such special payment is not a resident of one of the 50 States, the District of Columbia, or effective January 9, 1978, the Northern Mariana Islands.

3. Section 416.120 is amended by revising paragraphs (c) (9) and (10) to read as follows:

§ 416.120 General definitions and use of terms.

(c) *Miscellaneous.* As used in this part unless otherwise indicated:

(9) "State", unless otherwise indicated, means a State of the United States, the District of Columbia, or effective January 9, 1978, the Northern Mariana Islands.

(10) The term "United States" when used in a geographical sense means the 50 States, the District of Columbia, and effective January 9, 1978, the Northern Mariana Islands.

4. Section 416.202 is amended by revising paragraph (b) and adding paragraphs (b)(3), (b)(4), and (b)(5) to read as follows:

§ 416.202 Eligibility requirements: General.

(b) Is a resident of the United States, as defined in § 416.120(c)(10) and is:

(1) A citizen of the United States, or
(2) An alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (including any alien who is lawfully present in the United States as a result of the application of the provisions of section 203(a)(7) or section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1153, 1182)), or
(3) An individual who meets the requirements of the interim definition of United States citizen in section 8 of the Schedule on Transitional Matters of the Constitution of the Northern Mariana Islands, or
(4) An individual who is born in the Northern Mariana Islands after June 17, 1975, who is a citizen of the Trust Territory of the Pacific Islands and who is domiciled in the Northern Mariana Islands or in the United States, or

(5) An alien lawfully admitted for permanent residence in the Northern Mariana Islands, or otherwise permanently residing in the Northern Mariana Islands under color of law.

(5) Section 416.1327 is amended by revising paragraph (a) to read as follows:

§ 416.1327 Suspension due to absence from the United States.

(a) *Suspension effective date.* A recipient is ineligible for benefits beginning with the first full calendar month he is outside the United States, and his payments are subject to suspension for such month. For purposes of this paragraph, "outside the United States" means outside the 50 States, the District of Columbia, and effective January 9, 1978, the Northern Mariana Islands. After a recipient has been outside the United States for 30 consecutive calendar days, he is considered as remaining outside the United States until he has returned to and remained in the United States for a period of 30 consecutive calendar days. Each calendar day consists of a full 24-hour day.

Example 1: . . .
Example 2: . . .
Example 3: . . .
Example 4: . . .

[FR Doc. 78-15792 Filed 6-8-78; 8:45 am]

[3810-01]

Title 32—National Defense

CHAPTER XVIII—DEFENSE CIVIL PREPAREDNESS AGENCY

PART 1801—CONTRIBUTIONS FOR CIVIL DEFENSE EQUIPMENT

Miscellaneous Amendments

AGENCY: Defense Civil Preparedness Agency (DCPA).

ACTION: Final rule.

SUMMARY: These amendments delete some portions and revise other portions of 32 CFR 1801 to reflect the current criteria and procedures already applicable to the obtaining of Federal financial contributions under section 201(i) of the Federal Civil Defense Act of 1950, as amended. The amendments in this part are editorial in nature, do not impose new restrictions and are already in effect under DCPA guidance. Hence they are effective June 9, 1978.

EFFECTIVE DATE: June 9, 1978.

FOR FURTHER INFORMATION CONTACT:

William L. Harding, Acting General

Counsel, Defense Civil Preparedness Agency, Room 1C521, Pentagon, Washington, D.C. 20301, 202-895-3763.

SUPPLEMENTARY INFORMATION: The action taken is essentially one of editing to delete rules which, due to changes in law and other Federal regulations are no longer applicable, and to update references to set forth new citations.

DCPA has instituted a Civil Preparedness Guide (CPG) and Civil Preparedness Circular (CPC) series as described in 32 CFR 1800.20 (42 FR 34880, July 7, 1977) to replace the Federal Civil Defense Guide. CPG 1-3 entitled "Federal Assistance Handbook" is furnished to all participating States and political subdivisions as part of the grant agreement. It contains detailed guidance on submission of project applications, billings and payment, allowable costs and grant program criteria, including standards required pursuant to OMB Circular No. A-102 (42 FR 45828) and other Federal regulations and statutes.

The definitions section is being alphabetized. Also, for brevity and clarity of text the terms "grantee," "CPG 1-3," "matching share," and "State" are being defined. This will not expand or restrict the eligibility of grantees, the applicability of DCPA manuals and circulars, the amount of DCPA's contribution, or the coverage of the term "State" from that in effect under existing DCPA criteria set forth in the body of the rules and regulations governing DCPA's financial assistance program under section 201(i) of the Federal Civil Defense Act of 1950, as amended. The cost principles set forth in Federal Management Circular 74-4 (41 CFR Subpart 1-15.7) formerly OMB Circular No. A-87 have been set forth in appendix H of CPG 1-3 as applicable to Federal assistance under DCPA programs. The definition of "allowable costs" is being updated to delete the reference to BoB Circular A-87, which has been rescinded.

Under Pub. L. 94-519 (90 Stat. 2451) Federal agencies are prohibited from obtaining excess personal property for purposes of furnishing such property to grantees of such agencies except as set forth in subsection 202(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) as amended. The provisions on "loan of excess personal property" are being revised to reflect this change in the law.

DCPA long ago stopped its practice of purchasing civil defense equipment for transfer of ownership to a grantee upon its payment to DCPA of one-half the purchase price. Procurement standards set forth in appendix E of CPG 1-3 are as required by attachment N of OMB Circular No. A-102. Except as required for compliance with Federal law, including Executive

orders, DCPA is precluded from imposing additional procurement standards on grantees. The provisions on procurement are being revised to delete reference to Federal procurement and any requirements in excess of Federal standards.

Pub. L. 94-361 (90 Stat. 932) approved July 14, 1976, added a provision to the Federal Civil Defense Act of 1950, as previously amended (50 U.S.C. App. 2251-2297) to provide specific authority for the use of civil defense personnel, activities, organizational equipment, materials, and facilities in any area of the United States which suffers a disaster other than disaster caused by enemy attack. Prior to this, DCPA had authorized such use under its general authority where it served to provide experience for civil defense units without impairing the availability of the resources for civil defense. These provisions in the regulations are being changed to reflect the specific language of the statute.

In consonance with U.S. Supreme Court decisions concerning oaths generally, DCPA no longer directs States or their political subdivisions to require the taking of an oath (of the character provided for in section 403 of the Federal Civil Defense Act of 1950, as amended) by each person appointed to serve in a State or local civil defense organization. Therefore, the provisions for a loyalty oath are being deleted.

CPG 1-3 contains provisions of financial management, property management, and grant closeout procedures which reflect the requirements of OMB Circular No. A-102. Provisions which deal with these matters are revised to delete those which appear to exceed such standards and to add references to CPG 1-3.

Under the provisions of CPG 1-3 reflecting the requirements of attachment N of OMB Circular No. A-102, the Federal Government retains an interest in nonexpendable property purchased with Federal financial assistance at a unit price of \$1,000 or more, as long as it has some fair market value. One State has pointed out that as a joint applicant with its political subdivision which procures an item, a State may find it is legally unable to guarantee payment of a share of the market value to the United States of America, but that no such constraint would apply to guaranteeing return of all or part of the Federal financial contribution. In order to accommodate State law, provision is being made in the regulations to limit the State's guarantee in such cases so as not to exceed the amount of the Federal financial contribution for the property in question.

Notice and public participation regarding these amendments in unnecessary because DCPA is, without choice,

only implementing requirements laid upon it by the Department of Defense, the Office of Management and Budget, and other similar agencies. It is not originating a requirement within DOD.

32 CFR Part 1801 is amended as follows:

1. Section 1801.2, "Definitions" is revised to read as follows:

§ 1801.2 Definitions.

Except as otherwise stated, when used in the regulations in this part, the meaning of the listed terms are as follows:

(a) *Act.* The Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251-2297).

(b) *Allowable costs.* Except where Federal assistance for such costs is restricted or prohibited by law, the cost principles set forth in attachment H of CPG 1-3, as required by FMC 74-4 (41 CFR subpart 1-15.7) apply in determining allowability and allocability of costs incurred by States and their political subdivisions. Costs which are allowable only with the approval of the grantor agency are allowable only to the extent so provided in CPG 1-3. No cost is allowable unless it is required to meet civil defense needs determined in accordance with the provisions of CPG 1-3.

(c) *Civil defense equipment.* Facilities, materials, and organizational equipment for which the DCPA approves financial contributions under section 201(i) of the act.

(d) *CPG 1-3.* DCPA's "Federal Assistance Handbook" promulgated as Civil Preparedness Guide (CPG) 1-3 as amended by numbered changes thereto and by Civil Preparedness Circulars (CPC) as provided in 32 CFR 1800.20 (42 FR 34880).

(e) *DCPA.* Defense Civil Preparedness Agency. Where action is to be taken, this term denotes the Director or other duly authorized official(s) acting under the authority delegated to the Secretary of Defense by Executive Order 10952 (26 FR 6577).

(f) *Facilities.* Buildings, shelters, and utilities, exclusive of land.

(g) *Grantee.* A State, and where applicable, a political subdivision joining in the State's application, which holds a DCPA-approved project application for Federal financial assistance under section 201(i) of the act, which has not been closed out by completion or termination under DCPA procedures set forth in CPG 1-3.

(h) *Materials.* All materials, supplies, medicines, equipment, component parts, and technical information (including training courses) and processes necessary for civil defense.

(i) *Organizational equipment.* Equipment (other than materials and facilities) determined by the DCPA to be (1) necessary to a civil defense orga-

nization, as distinguished from personal equipment, and (2) of such type or nature as to require it to be financed in whole or in part by the Federal Government. It shall not be construed to include those items which the local community normally utilizes in combating local disasters except when required in unusual quantities dictated by the requirement of the civil defense plans.

(j) *Program.* A course of action adopted by a State (or political subdivision) in a specific civil defense area of activity.

(k) *Project.* A definable part of a program which is complete in itself.

(1) *State.* Any of the several States; the District of Columbia; the Commonwealth of Puerto Rico; the Government of the Northern Mariana Islands; the territories of American Samoa, Guam, and the Virgin Islands; and interstate civil defense authorities established by interstate compact pursuant to section 201(g) of the act.

2. Section 1801.3, "Request for contributions," is revised to read as follows:

§ 1801.3 Project applications.

(a) *Forms and assurances.* A request for a Federal financial contribution shall be made on a DCPA-prescribed project application form conforming to the requirements of attachment M of OMB Circular No. A-102, and, in addition to acknowledgement of the applicant's receipt of a copy of CPG 1-3 shall contain assurances of and agreement for compliance with the regulations, policies, guidelines and requirements of DCPA regulations in chapter XVIII of title 32 of the Code of Federal Regulations, CPG 1-3, FMC 74-4 (41 CFR subpart 1-15.7) and OMB Circular No. A-102.

(b) *Scope.* The project application should cover a definable civil defense purpose, complete in itself. Although explanatory information for cost estimate purposes must be detailed, applicants are to define the project in terms of civil defense measures to be undertaken rather than as a shopping list for purchase. For example, in terms of providing a civil defense warning system for a given geographical area's population, the specific number and types of sirens and other equipment expected to be required would be indicated as background information for the budget summary.

(c) *Signature.* The project application must be signed by an authorized official of the State and in the case of a political subdivision joining the State in its application, also by an authorized official of such political subdivision. Except as otherwise required by law, no authorized official will be required to sign the same project application more than once. However, should changes in the scope of the

project, the applicable terms and conditions, or the amount of funding be requested, an authorized official representing each applicant may be required to sign a revision or an addendum on the same form as the original, but no applicant shall be required to provide information which was previously provided in the original application.

(d) *Procedures.* Procedures for the processing of project applications are set forth in CPG 1-3. They include provisions for informing the applicant of the basis for any rejection of its application.

(e) *Deadlines.* Project applications, addenda thereto, revised applications, and requests for changes or supplements to approved grants must be timed to accommodate fiscal year limitations on the obligation of Federal funds. (See § 1801.8 of this part.)

(f) *Construction projects.* Project applications for all grants where a major portion of the project involves construction work must be submitted on a DCPA-prescribed project application form conforming to the requirements of attachment M of OMB Circular No. A-102 pertaining to application for Federal assistance for construction programs, and the project must be carried out in accordance with the applicable requirements of DCPA regulations for federally assisted construction set forth in part 1812 of this chapter. Some examples of projects where a major portion normally would be considered to involve construction work are those for incorporating an emergency operating center in the construction of a new public building, the modification of a portion of an existing public building for use as an emergency operating center, the erection of antenna towers for a civil defense communications system, the erection of towers or poles for sirens for use in a civil defense warning system, and the installation of an emergency generator for civil defense use.

(g) *Appeals.* Upon rejection of a project application by the Regional Director, DCPA on a basis other than a lack of available funding, the applicant may appeal to the Director, DCPA, under procedures set forth in CPG 1-3.

3. Section 1801.4, "Conditions of contributions," is revised to read as follows:

§ 1801.4 Conditions of contributions.

DCPA contributions for civil defense equipment costs are subject to the following conditions:

(a) *Certification.* The making of a request for a contribution shall constitute a certification by the State (and political subdivision, where applicable) that the State's matching share is available or will be available before

Federal funds are disbursed; that the civil defense equipment, regarding which a contribution is requested, is needed by the applicant over and above its other-than-civil defense needs, in order to meet its requirements under civil defense operational plans approved by DCPA (local plans are approved as part of the State plans); and that the State (and political subdivision, where applicable) will comply with the policies, guidelines and requirement contained in the Assurances section of the project application, including without limitation, DCPA regulations (Code of Federal Regulations, Title 32, Subtitle A, Chapter XVIII—Defense Civil Preparedness Agency) and with criteria and procedures set forth in CPG 1-3.

(b) *Standards and specifications.* Civil defense equipment procured by the State (or political subdivision) must meet such DCPA-prescribed minimum standards and specifications as are set forth in CPG 1-3 or other DCPA guidance material referenced therein. Application of such standards and specifications to unique installation or uses of equipment shall be as determined by DCPA following receipt of full information in accordance with procedures set forth in CPG 1-3.

(c) *Financial management.*—(1) *System.* Grantees shall establish and maintain a financial management system in conformity with the standards set forth in appendix C of CPG 1-3 as required by attachment G of OMB Circular No. A-102.

(2) *Reporting.* Grantees shall comply with the uniform financial reporting requirements set forth in section 2 of chapter 3 of CPG 1-3, as required by attachment H of OMB Circular No. A-102.

(d) *Property management.*—(1) *Standards.* Grantees shall comply with the standards set forth in appendix D of CPG 1-3, as required by attachment N of OMB Circular No. A-102, governing the utilization and disposition of property which has been furnished by the Federal Government, acquired in whole or part with Federal funds, or whose cost has been charged to a project supported by a Federal grant.

(2) *Release of Federal interest.* As to the requirement under appendix D of CPG 1-3 (attachment N of OMB Circular No. A-102) for payment to DCPA of an amount equal to the Federal share of its fair market value prior to disposal or other than authorized use of an item of nonexpendable personal property procured by a political subdivision at a unit acquisition cost of \$1,000 or more, where guaranty by the State of such payment to DCPA is not permissible under State law, the guaranty by the State, as joint applicant with its political subdivision shall be limited to an amount not to exceed

the amount of the Federal contribution paid by DCPA toward procurement of the particular item of property.

(3) *Use.* With regard to application of the property management standards set forth in appendix D of CPG 1-3, "purpose of the grant program," includes use for providing emergency assistance in any area of the United States which suffers a disaster other than a disaster caused by enemy attack. Detailed guidance is set forth in CPG 1-3.

(e) *Monitoring and reporting program performance.* Grantees shall comply with the provisions set forth in appendix F of CPG 1-3, as required by OMB Circular No. A-102, regarding the monitoring and reporting of grant-supported activities and programs.

(f) *Records retention and availability.* Financial records, supporting documents, and all other records pertinent to a grant shall be retained by the grantee and made available as prescribed by appendix B of CPG 1-3 in accordance with the requirements of OMB Circular No. A-102.

§ 1801.5 [Reserved]

4. The provisions of § 1801.5, "Project application approval," are deleted and the section number is reserved.

5. Section 1801.6, "Billing and payment" is revised by deleting paragraphs (a) and (c). Since only one paragraph remains, the paragraph letter designation "(b)" is deleted. As so revised, section 1801.6 reads as follows:

§ 1801.6 Billing and payment.

When civil defense equipment procured by a State (or political subdivision) has been delivered to the State (or political subdivision), the DCPA, upon the receipt of proper billing, shall make payment, by check drawn against the Treasury of the United States, to the authorized official of the State or political subdivision designated by the State.

§ 1801.7 [Amended]

6. Section 1801.7, "Advances of Federal funds," is amended by substituting "OMB Circular No. A-102" in place of "FMC 74-7 (34 CFR 256)" wherever appearing.

7. Section 1801.8, "Limitations on obligating contributions funds" is revised to read as follows:

§ 1801.8 Limitations on amount and obligation of Federal funds.

(a) *Federal-grantee share.* The Federal contribution shall not exceed 50 percent of the total allowable cost of the civil defense equipment. The grantee's share of such cost may be derived from any source it determines consistent with its laws; *Provided, however,* That except as otherwise expressly

provided by Federal law, no part of the grantee's share has been or will be derived from Federal funds. No Federal contribution shall be made for the procurement of land. The value of any land contributed to the program or project shall be excluded from the computation of the grantee's share.

(b) *Fiscal year control.* Federal funds are available for obligation under the program in this part on a Federal fiscal year basis (October 1 to September 30, inclusive) and cannot be used to cover obligations incurred or expenditures made by a grantee prior to the date of first availability of the appropriation [otherwise remaining available for obligation. With regard to services, such as maintenance and utility services, being rendered over a continuing period of time, contributions shall be only for eligible services required to serve the civil defense needs of the grantee during the Federal fiscal year current at the time the project application is approved by DCPA.

8. Section 1801.9, "State procurement," is revised to read as follows:

§ 1801.9 Procurement.

Grantees shall comply with the provisions of Appendix E of CPG 1-3, as required by OMB Circular No. A-102, regarding the procurement of supplies, equipment, construction, and other services with the assistance of Federal funds. Included, without limitation, is a provision that, with certain specified exceptions, formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement. Where such advertised bids are obtained, the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the grantee, price and other factors considered and DCPA's contribution will be limited to its share of the allowable costs under such lowest acceptable bid.

§ 1801.10 [Reserved]

9. The provisions of section 1801.10, "Federal procurement," are deleted and the section number is reserved.

§ 1801.11 [Amended]

10. Section 1801.11, "Compliance," is amended by substituting "CPG 1-3" in place of "DCPA guidance material" in paragraph (a).

Dated: June 1, 1978.

BARDYL R. TIRANA,
Director, Defense Civil
Preparedness Agency.

[FR Doc. 78-16013 Filed 6-8-78; 8:45 am]

[7710-12]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICES

Postal Service Manual; Miscellaneous Amendments

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service hereby describes and publishes the full text of numerous miscellaneous revisions of the Postal Service Manual. Some of the revisions are minor, editorial, and technical; others are substantive. As to substantive changes, the Postal Service previously published in the *FEDERAL REGISTER* the complete text of those changes in the course of informal rulemaking proceedings. Publication of all the changes at this time is in accordance with the incorporation by reference in the *FEDERAL REGISTER* of all amendments to chapter I of the Postal Service Manual.

EFFECTIVE DATE: February 20, 1978, except that the revisions of the packaging regulations covered by .2a-r in the Explanation of Changes in the Supplementary Information below, became effective March 9, 1978 (43 FR 4988); except that the revision of the mailing list sequencing service covered by .2s in the Explanation of Changes became effective August 15, 1977 (42 FR 38904), with an extension of the grace period published February 22, 1978 (43 FR 7317); except that the revision to the regulations on solicitations in the guise of bills covered by .2u became effective December 8, 1977 (42 FR 58169); except that the revisions to the regulations on pressure sensitive labels covered by .2w and .3b became effective February 22, 1978 (43 FR 3118); except that the revision of the regulations on business reply mail covered by .3a became effective February 10, 1978 (43 FR 1619); except that the revision to the regulations on identification of mail of nonprofit organizations covered by .3i became effective January 1, 1978 (42 FR 41634).

FOR FURTHER INFORMATION CONTACT:

Paul J. Kemp, 202-245-4638.

SUPPLEMENTARY INFORMATION: Chapter I of the Postal Service Manual, which has been incorporated by reference in the *FEDERAL REGISTER* (see 39 CFR 111.1), has been amended by the issuance of Post Office Services (Domestic) Transmittal Letter 43, issue 119, dated February 20, 1978.

Consistent with 39 CFR 111.3, the amendments made by Transmittal

Letter 43, issue 119, are hereby published in full text, and notice of this publication is added as an amendment to § 111.3. In addition, the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the manual will receive these amendments automatically from the Government Printing Office. (For other availability of Chapter I of the Postal Service Manual, see CFR 111.2.) Explanation of the changes follows:

EXPLANATION OF CHANGES

- .1 Subchapter 110.
Revised 113.214 to specify that management sectional center managers or their designees must approve the opening of windows offering specialized service.
- .2 Subchapter 120.
a. Amended 121.1 to set forth postal policy on acceptance, to reference other applicable parts of the manual, and to discuss costs.
b. Amended 121.2 to further refine the definitions of loads.
c. Amended 121.31 to reference the National Safe Transit Test Standards.
d. Amended 121.32 to reference other applicable sections of the manual to differentiate fiber box bursting strengths in relation to maximum weight limits between easy and average and difficult loads and to specify reinforcement requirements in accordance with industry standards.
e. Amended 121.322 to deemphasize the use of wrappers on boxes.
f. Amended 121.323 according to established commercial standards.
g. Modified illustration 2 to show the use of tape closure and reinforcement.
h. Amended 121.325 to specify wall thicknesses for tubes and eliminate masking and cellophane tape for end closures.
i. Updated illustrations 3 and 4.
j. Amended 121.34 to delete reference to twine and cord.
k. Amended 121.342 to clarify requirements on tape and package surfaces.
l. Amended 121.343 to expand on adhesives requirements and set temperature serviceability limits.
m. Amended 121.344 to de-emphasize the use of twine and cord.
n. Modified illustration 5 to show only adequate closures.
o. Amended 121.4 to require a reading distance for marking of 30 inches, preclude extraneous information which will be confused with ZIP codes and require firm adherence of envelopes to containers.
p. Amended 121.51 to cover only stationery items.
q. Added 121.6a to provide for test packages which do not otherwise meet requirements.
r. Added 121.7 to provide packaging guidelines on specific classes of items.
s. Revised 122.53 to modify mailing list sequencing service offered to cus-

tomers by correcting wrong addresses and providing new ones if mailers meet certain specific requirements.

t. Changed title of 122.7 to Second-Class and Controlled Circulation Publications.

u. Amended 123.41 to prescribe the typography, layout and color for solicitations in the guise of bills, invoices or statements of account which bear the statutory disclaimer of 39 U.S.C. 3001(d)(2)(A).

v. Changed reference in 123.44b to 17 U.S.C. 601-603.

w. Revised 125.321 to describe the use of pressure sensitive package labels by publishers and mailers to indicate the makeup and destination of packages of second- and bulk third-class mail.

x. Revised 125.53, 125.57, 125.662, and 127.743 to delete references to form 3542. The second-class and controlled circulation publication postage computation exhibits changed using 3541.

y. Amended 125.661 to require examination of copies of second-class publications.

z. Amended 125.662 to agree with 132.13.

aa. Amended 125.67 to provide a new rate for nonsubscriber copies of second-class which are presorted and commingled with the mailing or subscriber copies.

bb. Eliminated 125.8, Controlled Circulation Publications, and replaced it with a new section outlining new verification procedures for publications that are not authorized to contain general advertising. These procedures replace those formerly in 125.66.

.3 Subchapter 130.

a. Amended 131.233 to emphasize that Business Reply Mail Permit holders must pay the normal applicable BRM postage and fees on BRM pieces which have postage stamps affixed.

b. Amended 132.13 to provide a new rate for nonsubscriber copies of second-class which are presorted and commingled with the mailing or subscriber copies.

c. Amended 132.228 and 132.461 to agree with 132.13.

d. Eliminated 133.4, Filing of Marked Copy, and replaced it with a new section giving examples of enclosures.

e. Added 133.5 and 133.6 to provide requirements for controlled circulation publications and to provide instructions for Postal Service employees who accept and verify mailings of publications at the controlled circulation postage rates.

f. Added 133.8 to provide a definition for advertisement.

g. Removed regulation prohibiting action organization from 134.522d.

h. Revised 134.431 to describe the use of pressure sensitive package labels by publishers and mailers to in-

icate the makeup and destination of packages of second- and bulk third-class mail.

i. Added 134.58 to require that an organization authorized to mail at the special bulk third-class rates for qualified nonprofit organizations to put its own name either as a return address on the mailing piece or in a prominent location on the message. Such an organization may not use a pseudonym or bogus name of a person or organization on its mail. The purpose of the rule is to avoid the appearance of unqualified mailings, as would be the case if only the name of an individual or a commercial enterprise were to appear on the mailing piece or the message.

j. Revised 135.131 to correct reference.

k. Revised 135.14 to correct reference.

l. Revised 135.25 to allow mailers of special rate fourth-class to sort to BMC's instead of three-digit ZIP codes when mailing at the present level B rate.

m. Revised 135.31 to correct numbering and reference.

n. Revised 135.543 to correct reference.

o. Amended 137.14c to state more specifically the mailability criteria applicable to franked mail.

p. Amended 137.14f to clarify that franked mail is eligible for any of the special services upon proper endorsement.

q. Amended 137.151 to refer to "franked mail" rather than "official correspondence."

r. Deleted 137.22f which authorized the use of penalty mail for certain copyright articles.

4. Subchapter 140.

a. Revised 141.114g to correct reference.

b. Revised 142.21 to provide for a service charge of \$5 to be levied against USPS customers whose checks are returned by the bank as uncollectible.

c. Revised 142.3 and .4 to change procedures for replenishment of stamp stock by window clerks and rural and star route carriers.

d. Amended 144.46 and 144.92f to permit customer ZIP codes on customer's meter stamps.

e. Amended 145.2 to clarify the content and format requirements for permit imprints.

f. Amended 146.12 to reference 146.41 to assure that special care is exercised in determining whether mail is in fact unpaid.

g. Amended 146.543 to adopt new forms 3849-A and 3849-B for use in connection with revised procedures for handling mail which requires delivery notices or delivery receipts.

h. Revised and reorganized 147.2 to separate refund procedures for post-

age from refund procedures for retail services.

5. Subchapter 150.

a. Amended 154.63, 154.91, 156.33, 158.122, 159.272, and 159.721c to adopt new forms 3849-A and 3849-B for use in connection with revised procedures for handling mail which requires delivery notices or delivery receipts.

b. Renumbered 155.42 as 155.43. Added new section 155.42 which prohibits city carriers from accepting keys for locks placed on customer's private mail receptacles.

c. Amended 158.2 and 159.2 to update from titles or correct typographical errors.

d. Revised 159.41m, 159.42a, and 159.42d to correct account numbers.

e. Amended 159.724b(2) to provide for all dead letters from post offices in Texas to be processed by the dead letter branch at Dallas, TX 75221.

f. Amended 159.724c(2) to change the address to which dead parcels from post offices in the Los Angeles Bulk Mail Center service area should be sent.

g. Amended 159.78 to show the source of supply for forms 4911 and 4913.

6. Subchapter 160.

a. Revised 161.52 to reflect storage requirements for rotary registry locks.

b. Amended 161.41, 161.761, 161.763, 161.764, 161.911b(4), 162.62, 162.72a, 163.511, 163.84, 164.54a, 165.242b, 165.341b, 165.343, 166.42, 166.43, 166.44, 168.55, 168.56, 168.61a, 168.65, and 169.825 to adopt new forms 3829-A and 3849-B for use in connection with revised procedures for handling mail which requires delivery notices or delivery receipts.

c. Amended 161.9, 162.6, 162.7, 163.7, and 168.6 to update form titles or correct typographical errors.

7. Subchapter 170.

a. Revised 171.217 to delete Bermuda and Jamaica from list of countries where money order service is available on a domestic basis.

b. Revised 172.3 to show that over-the-counter sale of U.S. Savings Bonds has been discontinued.

In consideration of the foregoing 39 CFR 111.3 is amended as follows:

§ 111.3 Amendments to Chapter I of the Postal Service Manual.

Transmittal letter	Issue	Date	"Federal Register" publication
43	119	Feb. 20, 1978	43 FR

ROGER P. CRAIG,
Deputy General Counsel.
(5 U.S.C. 552(a), 39 U.S.C. 401)

Accordingly, the amendments made by Transmittal Letter 43, Issue 119,

are hereby published and read as follows:

PART 113

SERVICE IN POST OFFICES

113.2 Hours of business.

.21 Non-holiday weekdays.

.214 Windows and services should be consolidated so that each window clerk is fully utilized during his tour of duty. Windows offering specialized service may be opened only where special conditions warrant and if approved by management sectional center managers or their designees. All such approved specialized windows will also have stamps and stamped paper, as a minimum, available for sale.

PART 121

PACKAGING

121.1 Packaging adequacy.

Articles accepted for mailing shall be prepared according to the general criteria and regulations specified herein. The Postal Service will accept properly packaged and marked parcels and reserves the right to refuse nonmailable or improperly packaged articles or substances. Other regulations, concerning packaging and mailability, are contained in part 124 for articles mailable under special rules, part 126 for overseas military post offices and Publication 42 for international mail.

121.2 Definitions.

.21 Types of loads.

b. *An average load.* Moderately concentrated items, which are packed directly into a shipping container or which may be subjected to an intermediate stage of packing, and which provide partial support to all surfaces of the container. Average loads may be prepackaged by nesting items within partitions or in separate paperboard boxes. This tends to stabilize items to prevent shifting and damage to them and the container.

c. *A difficult load.* Items which require a high degree of protection to prevent puncture, shock or distortion either to themselves or the package. Fragile items, delicate instruments, high density, small bulk items, etc., which do not support the mailing container are not acceptable in paperboard boxes or bags or wraps of any type.

121.3 Packaging for mailing.

.31 Preservation.

It is the responsibility of the mailer to provide protection against deterioration or degradation of the contents. Preshipment testing is practiced by the airline carriers and by many company managers to determine the effectiveness of their packaging as well as the durability and the quality of their product. The mailer should be aware of the characteristics of the item he is mailing, the transit time, and the mail handling and transportation environment. The National Safe Transit Association Test Procedure Project 1A is recommended for customer's evaluation of their packages. Postmasters and customer services representatives will keep customers advised on service and transit times.

.32 Containers acceptable for mailing.

.321 Boxes.

c. Unless otherwise specified, see 121.5 and 126.12, solid and corrugated fiberboard boxes are acceptable for easy and average loads up to the following weight limits:

(1) 125 pound test board up to 20 pounds.

(2) 175 pound test board up to 40 pounds.

(3) 200 pound test board up to 65 pounds.

(4) 275 pound test board up to 70 pounds.

d. Unless otherwise specified, see 121.5 and 126.12, solid and corrugated fiberboard boxes are acceptable for difficult loads up to the following weight limits:

(1) 175 pound test board up to 20 pounds.

(2) 200 pound test board up to 45 pounds.

(3) 275 pound test board up to 70 pounds.

g. Good, rigid used boxes with all flaps intact are acceptable. If a box of the desired size cannot be found, a larger one may be cut down as shown in illustration 1. Bend the four sides over the articles which have been cushioned in the box and close and band as in illustration 5. Illustration 2 shows a method of making an acceptable container by using two boxes of the same general dimensions from which the flaps have been removed.

.322 Outside wraps for boxes.

It is preferable that paper wrappers be omitted if the box itself constitutes an adequate shipping container. However, wrapping paper equivalent to a regular large grocery bag, 60 pound basis weight, may be used as an outside cover for boxes. Closure and reinforcement will be accomplished by the use of tape, see 121.34.

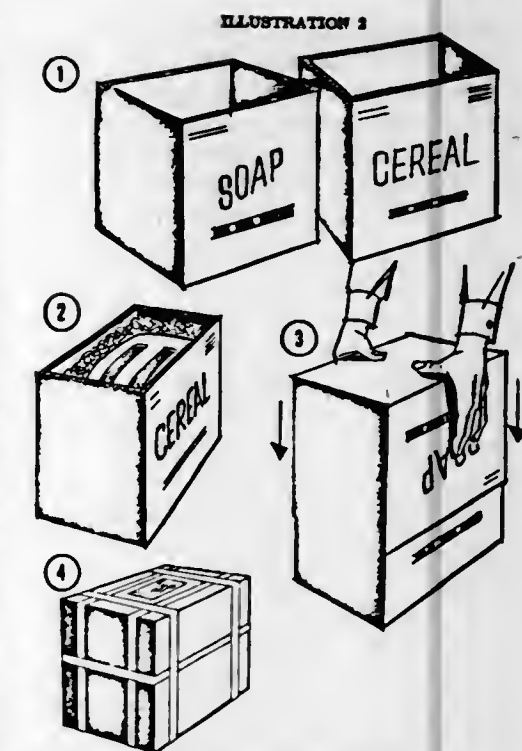
.323 Bags, bales, bundles and wraps.

Bags, bales, bundles and wraps shall not be accepted with difficult loads. The contents in bags, bales, bundles and wraps will be compressed whenever possible:

a. Paper bags and wraps are acceptable for easy loads of up to 5 pounds when they are at least 50 pounds basis weight, the strength of the average large grocery bag, and the items are immune from impact or pressure damage. A combination of plies adding up to or exceeding 50 pounds basis weight is not acceptable. Reinforced bag or bags with a minimum of 70 pounds basis weight are acceptable for easy and average loads of up to 20 pounds. Non-reinforced loose-fill padded bags are not acceptable as exterior containers, except when the exterior ply is at least 60 pounds basis weight.

b. Plastic bags shall, as a minimum, be at least 2 mil thick polyethylene or equivalent for easy loads up to 5 pounds and 4 mil for easy loads up to 10 pounds. Experience indicates that plastic bags, which will stretch and resist puncturing, are more durable than most nonreinforced paper bags and provide a high degree of waterproofness. However, the ordinary plastic bag without the above strength characteristics is to be avoided.

c. Cloth bags are acceptable for easy and average loads of up to 10 pounds provided their seams are equivalent in strength to the basic material.



The usual point of fracture is at the taped corner.

d. Bales and bundles are acceptable within postal weight limits provided they are adequately compressed and reinforced to contain the material.

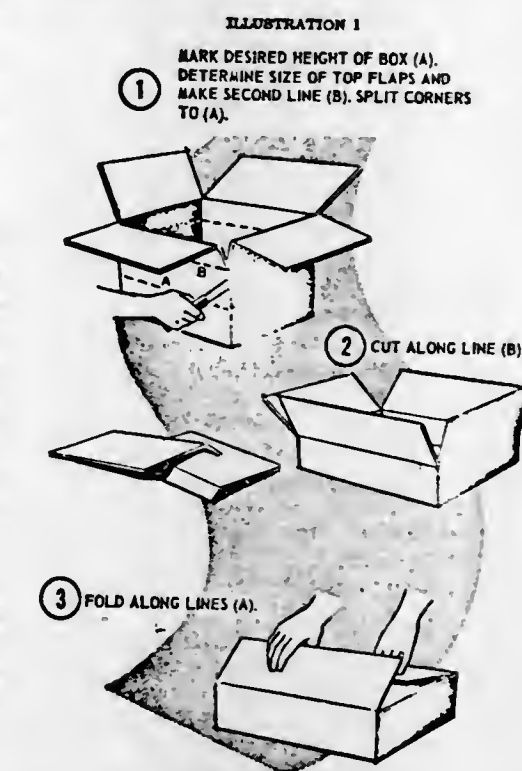
.324 Envelopes.

Envelopes may be used as containers for articles when the package can reasonably be expected to be processed and delivered without damage to the contents or other mail:

a. *Letter-style envelopes.* Letter-style envelopes, for this part of the Postal Service Manual, are those nongusseted, flat envelopes from 3" x 4 1/4" up to 6 1/8" x 11 1/2". Envelopes of this type are acceptable as containers for nonrigid stationery and material of a similar nature, up to 1 pound in weight and 1" in thickness (see 124.85).

.325 Fiberboard tubes and similar long packages.

Fiberboard tubes and similar long packages are acceptable providing their length does not exceed 10 times their girth. As a minimum, the strength of the tube ends must be equal to the tube sidewall strength, except when the contents are lightweight rolled items. In any event, sidewall strength will be equal to solid fiberboard 1/4 inch thick for tubes under 18 inches long, 3/8 inch thick for tubes 18 to 32 inches long, and 1/2 inch thick for tubes over 32 inches long. Crimped or taped end closures are not acceptable for other than lightweight, rolled items. Tape must completely encircle the seams on friction slide closures of mailing tubes.

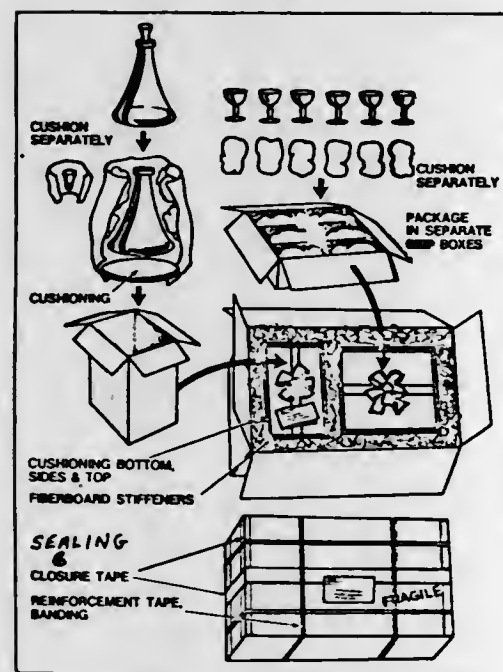


.33 Cushioning.

.331 Cushioning absorbs and distributes forces caused by shock and vibration. Examples of cushioning materials are foamed plastic, rubberized hair, corrugated fiberboard, and loose fill material, such as polystyrene, excelsior and shredded newspapers. Illustrations 3 and 4 show ways of using cushioning material for packaging odd shaped items, picture frames, fragile ceramic articles and electronic equipment.

.333 When several items are within a package they must be protected from each other as well as from external forces. Concentrated heavy items must not be packaged with fragile items unless extreme care is exercised to separate the items from each other. Heavy items must be adequately stabilized. See Illustration 3.

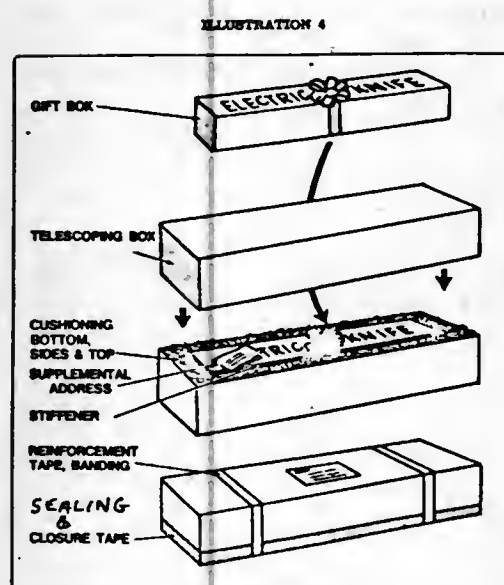
ILLUSTRATION 3



.34 Closure, sealing and reinforcement.

.341 General.

Closure and reinforcement of packages are primary considerations in the preparation and acceptability of any parcel. The principal methods of closure and reinforcement employ gummed and pressure sensitive tapes, adhesives, strapping, staples and boxes and bags; and various friction closures, screw caps and locking devices for cans and similar containers.



.342 Tape.

a. Tape is used for closure, sealing and reinforcement of containers. Cellophane and masking tape shall not be used for closure or reinforcement of packages, but may be used to augment adhesive closures on envelopes or to cover staples on bags. Pressure sensitive, filament reinforced tape is recommended for closure and reinforcement.

b. Paper tape must be at least 60 pounds basis weight kraft. This tape is widely used for closure and sealing, but is not adequate for reinforcement. Reinforced kraft paper tape is considerably more durable than plain kraft tape, and takes less time and tape for an equal closure. The adhesives on gummed tapes must be adequately activated prior to application, and must be firmly applied with the tape extending at least three inches over the adjoining side of the box. Improper application results when the gummed adhesive is not activated or when the water is absorbed by the fibrous container. Adequate activation shall be assumed if the tape remains attached to the container during handling and transportation and if at least 50 percent fiber tear occurs on the surface to which the tape is applied or if the tape delaminates during removal. The tape must be kept from freezing for at least an hour. Care should be taken when extremely cold temperatures are anticipated. Even properly applied gummed tapes tend to crack under these conditions.

c. Pressure sensitive tapes come with various paper, cloth or plastic backings, both plain and reinforced, and may be readily applied on a clean surface at any temperature above freezing. Application, especially in below freezing temperature, requires that the tape be rubbed down well to assure adhesion. Pressure sensitive tape should be used on the container in the same way as gummed tapes.

d. Illustration 5 shows proper methods of applying reinforced paper tapes and reinforced pressure sensitive tapes. Tapes can also be used to close other types of packages not illustrated, including those of irregular shapes and soft wrapped items. Packages properly closed with reinforced tape are substantially stronger than are parcels closed with nonreinforced paper tape. Except for pressure sensitive filament tape, tapes used for closure and reinforcement shall not be less than 2 inches wide. Nonreinforced plastic tapes shall be at least as strong in the cross direction as in the machine (long) direction.

.343 Adhesive.

Adhesive is a general term covering cement, glue, mucilage, paste, cold emulsion, thermal plastic, etc. Adhesive used for closure shall be assumed to have been adequate if at least 50 percent fiber-tear occurs on the surface to which the adhesive was applied. Adhesives used for closure on box flaps or on tapes must remain serviceable in temperatures from minus 20 degrees Fahrenheit to plus 160 degrees Fahrenheit. It is recommended that an adhesive cover at least 50 percent of the box flaps and be applied not more than 1/4 inch from the ends of the box flaps. Alternatively, four strips of hot melt adhesive may be used on each portion of the box flap where the outer flap overlays the inner flap. Each strip will be 1/4-inch wide after compression. Strips should be a maximum 1 1/2 inches apart, with the first strip no more than 1/4 inch from the center seam. All strips will be the full width of the inner flap, or hot melt adhesive should be applied to 25 percent of the area where the outer flap overlays the inner flap.

.344 Banding.

When banding is used for closure and reinforcement, it should encircle the package at least once girthwise and lengthwise over the sides, ends and tops of rectangular containers and bundles. Although it is preferred that twine and cord not be used for closure and reinforcement, if used, they should be at least 20 pounds tensile strength and must be secured at an intersection at least once on each side. Strapping includes both metallic and nonmetallic banding and pressure sensitive filament tape. Loose strapping, especially metal, is not acceptable because it constitutes a hazard to employees and equipment and does not reinforce the container. It is preferred that flat steel strapping have smooth or plastic coated edges.

.345 Staples and steel stitching.

a. Staples and steel stitching are acceptable providing they are spaced not more than 5 inches apart for easy and average loads and 2 1/4 inches apart for difficult loads and not more than 1 1/4 inches from the ends of the box. Boxes that do not meet these require-

ments may be made acceptable by application of a strip of three-inch-wide reinforced, tape in the gap between the staples or by strapping to compensate for the gap in the staple closure. Illustration 6 shows banding augmented staple closures.

b. Staples and steel stitching are acceptable on envelopes and bags providing they do not present a hazard to postal employees, equipment or other mail. Mailing pieces with improperly clinched or unprotected protruding ends of staples or stitches are not acceptable.

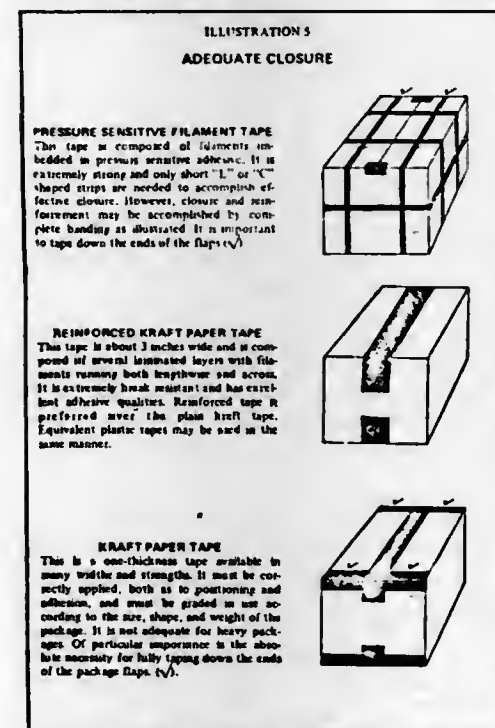
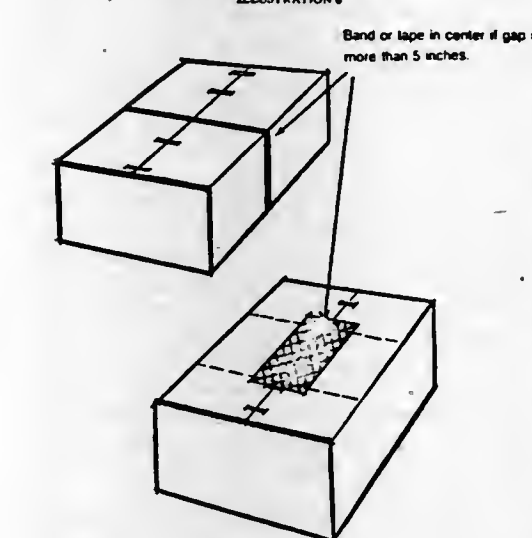


ILLUSTRATION 6



121.4 Marking.

.41 General.

a. Marking by the mailer must be by a material which is not readily water soluble nor which can easily be rubbed off or smeared and will be sharp and clear at a distance of 30 inches. It is recommended that the name and address of the sender and addressee also be inserted within the package to aid in delivery if the address on the package is defaced.

b. Restricted articles shall be marked and labeled in accordance with 124.15.

.42 Special markings.

Special markings as identified shall be placed in an area below the postage and above the name of the addressee:

a. Fragile markings shall only be applied to any package containing delicate items such as glass and electrical appliances. Identification of contents is not required.

b. Perishable markings shall be applied to any package which will degrade or decompose rapidly such as meat, produce, plants, or certain chemical samples.

c. Handling markings, such as DO NOT BEND shall be used only when contents are protected with stiffeners.

d. Words implying expedited handling, such as RUSH DO NOT DELAY, shall not be used on any package except those intended for shipment as special delivery or special handling mail.

e. Unauthorized markings which do not designate the address, nature of contents, or handling are not permitted. Obsolete markings will be obliterated. Containers improperly identified as to contents are not acceptable; e.g., a box marked as containing art supplies which contains flammable liquid. Extraneous information, such as order numbers, which will be confused with ZIP codes, are not permitted adjacent to or immediately under the last line of the address.

.43 Marking surfaces.

Marking methods or surfaces shall be of such type as to permit postal endorsements to be made by hand stamp, ball point pen, or No. 2 grade pencil. Package surfaces which will not retain an adhesive stamp, postage meter impression, ball point pen or pencil markings are not acceptable. Address labels and particularly envelopes will be firmly sealed to containers with no more than 1/4 inch separation between ends of the envelope and containers. Mailings with labels and envelopes which do not adhere to the 1/4 inch re-

quirement will be rejected if they cause problems in processing.

121.5 Mailability.

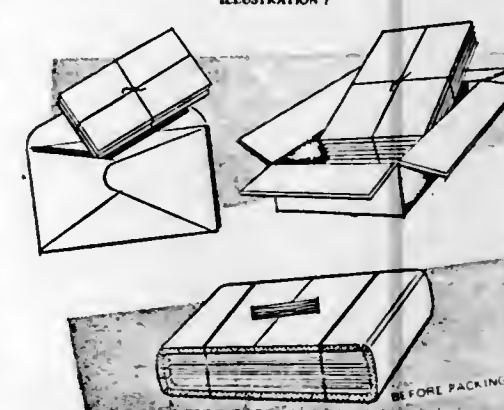
.51 Acceptability.

Acceptability of packaging is a principal criteria of mailability. No item shall be packaged so that its contents may harm personnel or equipment or other mail. Fragile items must be packaged to withstand the mail processing and transportation environment. Heavy items must be braced and cushioned to prevent damage to other mail. Some general classes of items which cause a continuing problem due to packaging deficiencies are described in this section. Further information may be obtained from parcel post window clerks, dock foremen, and mailing requirements personnel. Requests for exceptions to the prohibitions set forth herein shall be submitted for a ruling to the Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260.

.52 Stationery.

Stationery-type items constitute a major source of loose-in-the-mail items. Problems occur because of unrestrained, concentrated or shifting contents, and the use of containers, internal packaging, closures and reinforcements which are inadequate. Stationery-type items exceeding one inch in depth or one pound in weight should not be accepted in letter-style envelopes. The contents of these packages must be unitized by tying or banding or through the use of partitions on close fitting interior containers to prevent shifting. Illustration 7 gives several examples of unitizing this type material.

ILLUSTRATION 7



121.6 Packaging improvement report.

a. When packaging deficiencies are noted after acceptance that are not of such a serious nature as to require refusal for dispatch or removal from the mails, the receiving Postal employee will complete a Packaging Improvement Notice, form 3823, noting the potential source of loss or damage in accordance with 331.22. When damage occurs as a result of inadequate packaging, form 3823 will be prepared in accordance with 334.723.

b. Packaging which does not meet the minimum requirements of this Part may be allowed in a "test" status. If the test packaging achieves acceptable performance levels, the mailer may continue to use the packaging. Authority to grant "test" status to mailers may be considered by the originating BMC general manager. This decision is subject to an appeal to the Office of Mail Classification, Rates and Classification Department. Requests for interpretations of Postal Service regulations which cannot be resolved by the accepting postmaster, BMC manager, or customer requirements officer will be referred to the Postal Services Centers. When significant deviations from existing requirements are successful, the Office of Mail Classification will be notified. Test status is also available for any of the provisions under 121.7.

121.7 Guidelines.

.71 General.

The following guidelines apply to all pieces of any class of mail which will be individually processed in the Bulk Mail System. These recommended packaging materials and methods of packaging in these guidelines that are identical with mandatory requirements in 121.32-34 and 121.4 are mandatory. Particular attention is directed to the closure and reinforcement regulations in 121.34 and marking regulations in 121.4. Other recommended packaging materials and methods of packaging in these guidelines are presently optional. Those sections of the guidelines which are the same as or similar to the preceding mandatory requirements, 121.1 through 121.5 use the verbs "shall" or "will" as appropriate, whereas the optional sections use the verbs "may" or "should."

.72 Books.

.721 Scope.

Books including catalogs and similar material for purposes of packaging only and not for purposes of mail classification are defined as any item having 24 pages or more, fastened together along one edge between either hardback, paperback or self covers. These guidelines are designed to assure safe handling of packages which, if the contents are unrestrained or allowed to shift, or if inadequate containers, internal packaging, closures and reinforcement are used, are subject to possible damage.

.722 Up to 5 pounds.

a. Books exceeding 1 inch in depth or 1 pound in weight will not be accepted in letter style envelopes, which are defined as those non-gusseted, flat envelopes from 3" x 4 1/4" up to 6 1/4" x 11 1/4". Other envelopes, as defined in 121.324b, will be used.

b. Book shipments up to 5 pounds should be packaged in close fitting paperboard or fiberboard boxes or padded or reinforced bags (exterior ply minimum 60 pounds basis weight) or wraps (corrugated or minimum 60 pounds basis weight paper). The container should be no less than 1/4" thick. The contents of paperboard containers should support the package and should not permit a lateral shift of the books of more than 1/4". A snug fitting container is recommended.

c. Closure should be accomplished by multiple friction closures, (e.g., the insertion of more than one flap or tab) completely clinched staples to avoid handling injuries, heat sealing, adhesives, tape or non-metallic banding. Although shrink wrap is not acceptable as the only packaging for hardback books exceeding 1 pound or 1 inch in depth, it may be used on the exterior of otherwise acceptable containers. Shrink wrap may be used as the only method of packaging for paperback books up to three pounds. Shrink wrap material should have a coefficient of friction of 0.025 to 0.040 on metal surfaces at 20 to 25 degree elevations.

.723 From 5 to 10 pounds.

a. Books in this weight range should be packaged in fiberboard boxes with a minimum of 175 pound test board or equivalent.

b. Closures will be accomplished by the use of tape or nonmetallic banding or adhesives. The use of reinforced tape or nonmetallic banding is adequate for both closure and reinforcement. Nonmetallic banding must be firmly applied to the point that the straps must be tightened until they depress the carton at the edges in order to meet the requirements of this section.

.724 From 10 to 25 pounds.

a. Books in this weight range should be packaged in fiberboard boxes with a minimum of 200 pound test board or equivalent.

b. Closure should be as above in 121.723b for the 5 to 10 pound range, except that the container should be reinforced or banded in the direction which will provide the greatest support with reinforced paper tape, equivalent plastic tape, pressure sensitive filament tape, or firmly applied non-metallic banding. The use of reinforced tape or nonmetallic banding is adequate for closure and reinforcement of these containers. Nonmetallic banding must be firmly applied to the point that the straps must be tight-

ened until they depress the carton at the edges in order to meet the requirements of this section.

.725 From 25 to 50 pounds.

a. Books in this weight range should be packaged and closed as above in 121.724b for the 10 to 25 pound range, except that hardbound books will be packaged in 275 pound test fiberboard and paperbacks will be packaged in 200 pound test containers.

b. Outer containers of books should be reinforced at two points to provide the greatest support with reinforced paper or plastic tape, pressure sensitive filament tape, or firmly applied nonmetallic banding.

.726 From 50 to 70 pounds.

Hardbound books in this weight range should be packaged as above 121.725 for the 25 to 50 pound range, except that they should be packed in fiberboard boxes with a minimum 350 pound test board or equivalent. Paperback books will be packaged in 275 pound test fiberboard boxes.

.727 Cushioning.

Void spaces within multiple book containers will be filled with dunnage or otherwise stabilized to prevent shifting or damage to the contents or container.

.73 High density items.

.731 Scope.

High density items are defined as packages of solid objects which exceed 15 pounds per cubic foot, such as hardware, machine and auto parts, tools and similar metal or heavy items, except books. These requirements are designed to assure safe handling of packages which, if the contents are unrestrained, or if allowed to shift, or if inadequate containers, internal packaging, closures and reinforcements are used, are subject to significant damage. Articles of this type will be packaged so as not to exert more than 60 pounds per square foot pressure on the smallest side of a container.

.732 15 to 20 pounds.

a. These items should be packaged in fiberboard boxes constructed of a minimum 200 pound test board or equivalent wood, metal or plastic containers. Plastic, metal and similar hard containers should be packaged, treated, or otherwise prepared so that their coefficient of friction or ability to slide on a smooth, hard surface is similar to that of a domestic class fiberboard box of the same approximate size and weight.

b. Closure should be accomplished by staples, heat shrinking, adhesives or tape.

c. Boxes without inner packing or containing loose material should be reinforced or banded with reinforced paper or plastic tape, pressure sensitive filament tape or firmly applied nonmetallic banding.

d. Internal blocking and bracing, including the use of interior containers,

cut forms, partitions, dunnage, and liners, should be used as required so that packages will be capable of maintaining their integrity without damage to the contents if dropped once on one of their smallest sides on a solid surface from a height of 3 feet.

.733 From 20 to 45 pounds.

These items will be packaged, closed and reinforced as above in 121.732 except that reinforcement should be by the use of pressure sensitive filament tape or nonmetallic banding.

.734 From 45 to 70 pounds.

These items will be packaged, closed and reinforced as above in 121.733 except that exterior containers will be a minimum of 275 pound test fiberboard or equivalent.

.74 Softgoods.

.741 Scope.

Softgoods are defined as any textile material, normally associated with wearing apparel, sheets, blankets, pillows and pillow cases, draperies, cloth, dry goods, hats and fabrics, etc. These guidelines are designed to assure safe handling of packages which, if the containers are inadequately closed or cannot withstand puncture, friction, or compression during normal handling operations, are subject to significant damage.

.742 Up to 5 pounds.

a. Softgoods in quantities up to 5 pounds should be packaged in cloth bags or paper bags or wraps (outer ply minimum 50 pounds basis weight), plastic bags (minimum 2 mil thick polyethylene or equivalent strength), paperboard or fiberboard boxes. Boxes must be filled to capacity.

b. Paper bags, plastic bags or wraps should be closed or vented in a manner to permit rapid compression of the pack.

c. Closure of bags may be by completely clinched staples, heat sealing, adhesives, sewing or tape. Improperly clinched staples will be removed to prevent injury to handling personnel and other mail.

d. Closure of boxes may be by staples, adhesives, tape, heat shrinking, or nonmetallic banding. Paper tape should be applied along all box flaps and closure seams. Equivalent strength plastic tape is also acceptable. Although shrink wrapping is not acceptable as the only means of packaging, it may be used on the exterior of otherwise acceptable boxes.

e. When the density of softgoods is less than 4 pounds per cubic foot in boxes, they should be reinforced in at least two of the longest directions.

.743 From 5 to 10 pounds.

a. Softgoods in this weight range should be packaged in cloth bags, paper bags or wraps (outer ply minimum 70 pounds basis weight) filament reinforced paper bags, plastic bags (minimum 4 mil thick polyethylene or equivalent strength), or fiberboard boxes.

b. The methods of closure of these containers should be as specified in 121.742c and 121.742d. Reinforced tape is adequate for both closure and reinforcement.

.744 From 10 to 20 pounds.

a. Softgoods in this weight range should be packaged in paper bags or wraps (minimum 70 pounds basis weight paper), reinforced paper bags or cloth bags or fiberboard boxes with a minimum 175 pounds test board or equivalent.

b. Closure of boxes may be by staples, adhesives, reinforced paper tape or equivalent plastic tape, except that the container should be reinforced or banded by the method which will provide the greatest support with pressure sensitive filament tape, or firmly applied nonmetallic banding. The use of reinforced tape is adequate for closure and reinforcement of these containers.

.745 From 20 to 45 pounds.

a. Softgoods in this weight range should be packaged as specified for the 10 to 20 pound weight range in 121.744a except that fiberboard containers will be a minimum of 200 pound test board.

b. Closure should be as specified in 121.744b. Containers should be reinforced at two points to provide the greatest support with reinforced paper or plastic tape, pressure sensitive filament tape, or firmly applied nonmetallic banding.

.75 Sound recordings.

.751 Scope.

Sound recordings are defined for purposes of packaging only and not for purposes of mail classification as plastic, nonbreakable disc type records, normally 33 1/3, 45, or 78 RPM, as well as magnetic tapes, normally used in home and auto sound reproducing equipment. These guidelines are designed to assure safe handling and reduce breakage and loss of destination markings.

.752 Records up to 10 pounds.

a. Records in paper sleeves, paperboard or chipboard shells will be packed in 70 pound basis weight envelopes for weights up to 3 pounds, or outer corrugated, fiberboard containers for weights up to 10 pounds. The containers should be no less than 1/4" thick.

b. Closure should be accomplished by the use of adhesives, kraft paper tape, equivalent plastic tape, or staples.

.753 Records from 10 to 20 pounds.

Multiple shell containers should be closed as above in 121.752b except that

the outer container should be reinforced in at least one direction with reinforced paper or plastic tape, pressure sensitive filament tape, or firmly applied nonmetallic banding. The use of reinforced tape is adequate for closure and reinforcement of the outer container.

.754 Records from 20 to 40 pounds.

Multiple shell containers will be packaged in 175 pound test fiberboard containers or equivalent and closed and reinforced as in 121.752b except that the containers should be reinforced at two points with pressure sensitive filament or nonmetallic banding to provide the greatest support.

.755 Records from 40 to 70 pounds.

Multiple shell containers up to 65 pounds will be packaged in 200 pound test fiberboard containers or equivalent and closed and reinforced as above in 121.754, except that containers will be reinforced approximately every 8 inches around the package. Containers over 65 pounds will be 275 pound test fiberboard or equivalent.

.76 Acceptability of magnetic tapes.

.761 Scope.

Tape cassettes and cartridges are a problem because of inadequate containers for small quantities and failure to provide internal and external reinforcement of large quantities of tapes in a single parcel.

.762 Tapes up to 5 pounds.

a. Individual tapes may be packaged in plastic film wrap (minimum 0.00075 mil), cushioned bags or cushioned and packaged in paper bags with a minimum basis weight of 60 pounds. Multiple tapes will be packed in outer fiberboard containers or chipboard containers (minimum 0.022 mil).

b. Closure will be accomplished by multiple friction closures (e.g., the insertion of more than one flap or tab), completely clinched staples, heat shrinking, or adhesives, or by tape. Paper tape must be a minimum of 60 pounds basis weight kraft. Shrink wrapping is acceptable on the exterior of otherwise acceptable boxes of multiple tape shipments.

.763 Tapes from 5 to 10 pounds.

In addition to the guidelines in 121.762, closure will be accomplished only by the use of adhesives, tape or staples.

.764 Tapes from 10 to 20 pounds.

Packaging and closure will be as above in 121.763 for the 5 to 10 pound range, except that the container should be reinforced or banded in a direction which will provide the greatest support with reinforced paper or plastic tape, pressure sensitive filament tape, or firmly applied nonmetallic banding. The use of reinforced tape is adequate for closure and reinforcement of these containers.

.765 Tapes from 20 to 40 pounds.

Tapes in this weight range will be packaged in fiberboard boxes of 175

pound test. Closure will be as above in 121.764 for the 10 to 20 pound range, except that the container will be banded or reinforced at two points with reinforced paper or plastic tape, pressure sensitive filament tape, or firmly applied nonmetallic banding, to provide the greatest support.

.766 Tapes from 40 to 65 pounds. Tapes in this weight range up to 65 pounds will be packaged, closed and reinforced as above in 121.765 for the 20 to 40 pound range, except that fiberboard containers of at least 200 pound test board or equivalent will be used. Containers over 65 pounds will be 275 pound test fiberboard or equivalent.

PART 122 ADDRESSES

122.5 Mailing list services.

.53 Address cards arranged in sequence of carrier delivery.

.531 Arrange address cards in sequence of carrier route delivery without charge. Each card must include only one address. Mailers may submit address plates or stencils instead of cards when satisfactory arrangements can be made to handle them.

.532 Withdraw cards with nonexistent or other undeliverable addresses. Insert a card showing the correct address for each existing address that is not included in the owner's address cards, plates, or stencils and correct cards with incorrect addresses if the owner meets the following requirements:

a. Separate mailing lists must be submitted for each five-digit ZIP code area.

b. A mailing statement must be submitted by the owner showing:

(1) Whether the list is a residence only list, a business only list, or a combination list;

(2) The number of addresses contained in the list; and

(3) The list owner's or designated agent's name, address, and phone number.

c. The mailing list must contain:

(1) 90 percent of all residential addresses within the five-digit ZIP code area if the list is a residence only list, or

(2) 90 percent of all business addresses within the five-digit ZIP code area if the list is a business only list, or

(3) 90 percent of all addresses within the five-digit ZIP code area if the list is a combination list.

.533 In calculating the total number of addresses within a five-digit ZIP code area, apartment units or office buildings with a series of addresses will be treated as one address.

.534 Withdraw cards with incorrect addresses and insert a blank card for each existing address that is not included in the owner's address cards, plates, stencils if the owner does not meet the requirements specified above. If several addresses are missing in a series, insert a single blank card for the series and indicate on the card the number of addresses which are missing.

.535 For each correction (deletion or addition of an address), the charge is 10 cents. For apartment or office buildings with a series of addresses, for which the range of the addresses is given on one card, the charge will be 10 cents for the card.

.536 Local managers must check to see that customers whose lists have been arranged in sequence of carrier delivery ensure that bundles are prepared for each route with the individual pieces in delivery address sequence. This service shall not be provided to customers who do not ensure the required premailing preparation is made.

122.7 Second-class and controlled circulation publications.

PART 123

NONMAILABLE MATTER—WRITTEN, PRINTED AND GRAPHIC MATTER

123.4 Nonmailable written, printed or graphic matter generally.

.41 Solicitations in the guise of bills, invoices or statements of account (39 U.S.C. 3001(d)).

Any otherwise mailable matter which reasonably could be considered a bill, invoice, or statement of account due, but is in fact a solicitation for an order, is nonmailable unless it conforms to .41a or b, below:

a. The solicitation shall bear on its face the disclaimer prescribed by 39 U.S.C. 3001(d)(2)(A) in boldface capital letters of a color prominently contrasting with the background against which it appears, including all other print on the face of the solicitation, and at least as large and as bold as any other print on the face of the solicitation, but not smaller than 30-point type; or

b. The solicitation shall bear on its face the notice: **THIS IS NOT A BILL**, in capital letters of a color prominently contrasting with the background against which it appears, including all other print on the face of the solicitation, and at least as large and as bold as any other print on the face of the solicitation, but not smaller than 30-point type. The notice shall be located in accordance with one of the following options:

(1) On the center of the diagonal described by a straight line drawn from the vertex of the lower left corner to the vertex of the upper right corner; or

(2) Overprinting each portion of the solicitation which reasonably could be considered to specify a monetary amount due and payable by the recipient.

In addition, the solicitation shall bear on its face the disclaimer: **THIS IS A SOLICITATION. YOU ARE UNDER NO OBLIGATION TO PAY UNLESS YOU ACCEPT THIS OFFER.** The disclaimer shall be surrounded by clear space of at least one-quarter inch; it shall appear in capital letters no smaller than 18-point type and of the same color as the notice required by the first sentence of this subsection; and it shall not, by folding or any other device, be rendered less prominent than any other information on the face of the solicitation.

c. The disclaimer required by .41a or the notice and disclaimer required by .41b shall not be preceded or followed by words or symbols which introduce, modify, qualify, or explain the prescribed text, such as "Legal notice required by law."

d. Any solicitation which states that it has been approved by the Postal Service or by the Postmaster General or that it conforms to any postal law or regulation is nonmailable.

.44 Other prohibited matter.
The following are nonmailable:

b. Copyright violations (17 U.S.C. 601-603). Mail of foreign origin containing matter determined by a court of competent jurisdiction to violate the copyright laws of the United States, or any copyright convention or treaty to which the United States is a party.

PART 125

SECOND-CLASS BULK MAILINGS

.32 Preparation by the mailer of copies in packages and sacks.

.321 Package labels.

Pressure sensitive labels are made available to mailers through local customer services representatives and postmasters and must be used to indicate the makeup and destination of all packages that require a package label. All pieces in a package must be faced in one way and the top piece must be plainly addressed, including the ZIP code.

a. Use of package labels.

(1) *Five-digit package.* Place six or more pieces for the same ZIP code area in a bundle. Use of a package label is optional. When such packages are labeled, affix Red Label D.

b. Package labels—general.

Pressure sensitive package labels shall be applied to the lower left corner of the address side of the top piece on letter size packages and next to the address on larger packages. Facing slips shall be placed on the face of mixed states and foreign packages. While the preparation of split state bundles is optional, when such bundles are prepared, they must also be labeled with facing slips. Pressure sensitive labels and facing slips are available at post offices.

.53 Statement showing number of copies mailed.

When postage is to be computed on the bulk weight of one issue as provided for by 125.61, the publisher must file with the first mailing of each issue a statement on form 3541, Statement of Mailing-Second-Class Publications, showing the number of copies included in each zone or other separation necessary for computing the postage, and the average weight per copy as determined in the manner prescribed by 125.62. When postage is to be computed at the end of each calendar month on the total bulk weight of all issues mailed during the month as provided for by 125.63, the statement must be filed not later than 72 hours after the first mailing of the last issue mailed each month and must show the average number of copies of each issue included in each separation, the weight of one sheet, and the combined weight of one copy from each issue as determined in the manner prescribed by 125.64. The publisher must determine the average number of copies by dividing the total number of copies mailed during the month by the total number of issues mailed. On form 3541 enter only the month and year in the space provided for the date of mailing. Enter the first and last dates of the month in the space provided for the date of issue.

.56 Payment of advertising rates on reading portions.

A publisher may, if he so desires, pay postage at the advertising zone rates on both the advertising and non-advertising portions instead of marking a copy of each issue to show the advertising and nonadvertising portions. See exhibit 125.743A (p. 3). When the advertising exceeds 75 percent, the copies filed must have en-

dorsed on the first page by the publisher the words Advertising over 75 percent. When the advertising does not exceed 75 percent, the copies must have endorsed on the first page by the publisher the words Advertising not over 75 percent. The entire weight must be entered on form 3541 in the column provided for the advertising portion. The words Over 75 percent or Not over 75 percent according to whether the copies do or do not contain over 75 percent advertising must be entered in form 3541. The word Waived must be written in the space provided for the weight of the reading portion on form 3541. This option does not apply when the advertising rate is lower than the rate for nonadvertising.

125.6 Weighing and collection of postage.

.61 Procedure for determining bulk weight of one issue.

When postage is to be computed on the bulk weight of one issue (exhibit 125.743A (p. 1, 2, and 3)), the postmaster will obtain such weight by multiplying the total number of copies of the issue mailed by the average weight of one copy. The number of copies of a single issue mailed will be obtained from the statement on form 3541 required by 125.53. The average weight of one copy will also be obtained from the statement on form 3541 and must be determined by the publisher as prescribed in 125.62.

.63 How to determine bulk weight.

When publications are regularly printed on sheets of uniform weight, postmasters are not required to compute the postage on the bulk weight of each issue. Postage on such publications may be computed at the end of each calendar month on the total bulk weight of all issues mailed during the month. See exhibit 125.743B. The postmaster will obtain the total bulk weight by multiplying the average number of copies mailed by the combined weight of one copy from each issue. The average number of copies of each issue mailed during month will be obtained from the statement on form 3541 and must be determined by the publisher in the manner prescribed by 125.53. The combined weight of one copy from each issue will also be obtained from the statement on form 3541 and must be determined by the publisher in the manner prescribed by 125.64.

.65 Verification by postmasters of weights and number of copies.

The average weight per copy obtained by the publisher in the manner

prescribed by 125.62 for use either in computing postage on the bulk weight of a single issue, or in determining the weight of one sheet as provided for by 125.64, must be verified by the postmaster by weighing, or by supervising the weighing of, a representative number of copies of the issue. If the average weight per copy is used for determining the weight of one sheet, the postmaster must also verify the computation by which the publisher determines the weight of one sheet. At the end of each calendar month, when postage is computed on the total bulk weight of all issues mailed during the month, the postmaster must verify the combined weight of one copy from each issue by counting the sheets in the copies filed under the provisions of 125.51 and multiplying the total by the previously verified weight of one sheet furnished by the publisher on form 3541, Statement of Mailing—Second Class Publications. If there is reason at any time to doubt the accuracy of the information reported on form 3541, sufficient weighings must be made to resolve the doubt. The postmaster will keep a record of the verification, preferably on the back of applicable form 3541.

.66 Examination of copies.

.661 An employee designated by the installation head must examine a copy of each issue or edition to detect unauthorized enclosures and to determine whether the mailing qualifies as an issue of the publication. A log of the examination must be maintained showing the date of examination, the name of the publication, the date of the issue or edition examined, the signature of the examiner and any discrepancies found.

.662 Unless postage on a publication is computed at the end of each calendar month on the total bulk weight of all issues mailed during the month, an employee designated by the installation head must examine the mailing statement for the mailing to determine that it is completed properly. He must also confirm that the publication is authorized second-class mailing privileges at his post office and that sufficient funds are deposited to cover the postage.

.663 If postage for a publication is computed at the end of each calendar month on the total bulk weight of all issues mailed during the month, and employee designated by the installation head must maintain a monthly log showing the date of the issue being mailed, the date of mailing, the average weight per copy and the total weight of the copies in the mailing. This information must be reconciled monthly with the form 3541.

.664 When a mailing is ready for entry into the mainstream, a weighing clearance placard form 3608 or similar placard must be prepared by the ac-

FEDERAL REGISTER, VOL. 43, NO. 112—FRIDAY, JUNE 9, 1978

Computation of Postage Based on Mailings of One Issue Only
Form 3541

[illegible]

FEDERAL REGISTER, VOL. 43, NO. 112—FRIDAY, JUNE 9, 1978

**Preparation for Mailing:
Second-Class Bulk Mailings**

**Computation of Postage Based on Mailings of All Issues for Calendar Month
Form 3541**

[illegible]

FEDERAL REGISTER, VOL. 43, NO. 112—FRIDAY, JUNE 9, 1978

Computation of Postage Based on Mailings of One Issue Only
Form 3541[illegible]

FEDERAL REGISTER, VOL. 43, NO. 112—FRIDAY, JUNE 9, 1978

Exhibit 125.743C

Computation of Postage on Mailings of One Issue of a Qualifying Classroom Publication Issued Weekly
Form 3541

[illegible]

FEDERAL REGISTER, VOL. 43, NO. 112—FRIDAY, JUNE 9, 1978

RULES AND REGULATIONS

[illegible]

RULES AND REGULATIONS

MAILING DATE 12/12/71										MAILING RATE 12/12/71									
00-00000										00-00000									
POST OFFICE AND STATE										POST OFFICE AND STATE									
Mayville, MD										Mayville, MD									
DATE OF ISSUE PRINTED										DATE OF ISSUE PRINTED									
July 1977										July 1977									
FREQUENCY OF ISSUE										FREQUENCY OF ISSUE									
Monthly										Monthly									
SIGNATURE OF TRUSTEES										SIGNATURE OF TRUSTEES									
2 1 4 C										2 1 4 C									
1st CODE										1st CODE									
PUB. NO. 17-12										PUB. NO. 17-12									
NAME OF PUBLICATION										NAME OF PUBLICATION									
Industry Journal										Industry Journal									
AVERAGE WEIGHT PER COPY - 125,000 - LBS.										AVERAGE WEIGHT PER COPY - 125,000 - LBS.									
1. DOMESTIC										1. DOMESTIC									
NO. OF COPIES										NO. OF COPIES									
100,000										100,000									
TOTAL WEIGHT										TOTAL WEIGHT									
12,500 LBS.										12,500 LBS.									
2. FOREIGN										2. FOREIGN									
NO. OF COPIES										NO. OF COPIES									
100,000										100,000									
TOTAL WEIGHT										TOTAL WEIGHT									
12,500 LBS.										12,500 LBS.									
3. AIRMAIL										3. AIRMAIL									
NO. OF COPIES										NO. OF COPIES									
50										50									
TOTAL POSTAGE CHARGE										TOTAL POSTAGE CHARGE									
5 5,065.50										5 5,065.50									
SIGNATURE OF TRUSTEES										SIGNATURE OF TRUSTEES									
William R. Patten										William R. Patten									
I certify that this mailing has been inspected to verify that it qualifies for the reduced postage rate and that it is properly prepared (and postpaid where required).										I certify that this mailing has been inspected to verify that it qualifies for the reduced postage rate and that it is properly prepared (and postpaid where required).									
* Number of packages of unaddressed copies and not-value addressed copies.										* Number of packages of unaddressed copies and not-value addressed copies.									

PART 131
FIRST CLASS

.233 Postage and fees.

i. Business reply mail (BRM) having postage affixed shall be handled the same as other BRM. No effort will be made to identify or separate pieces having postage affixed. Applicable BRM postage and fees will be charged without deducting the amount of any postage stamps affixed. However business reply permit holders may request a credit or refund as provided in 147.22 for the amount of postage affixed to BRM pieces by submitting a completed form 3533, Application and Voucher for Refund of Postage and Fees, to the postmaster along with evidence of payment of the amount of excess postage for which a credit or refund is desired. In order to receive a refund, business reply permit holders must present to the designated office properly faced and banded packages of 100 business reply envelopes, with identical amounts of postage affixed. A postmaster may accept a package of less than 100 business reply envelopes if necessary to prevent loss or hardship to a mailer. The address side of the envelope may be separated and submitted as evidence in lieu of the entire envelope. Note, however, that the BRM processing fees shall not be refunded.

PART 132
SECOND CLASS

132.1 Rates.

.13 Rates for nonsubscriber copies.
.131 Commingled and presorted with subscribers' copies.
Sample copies in excess of 10 percent allowance; copies to persons not included in the list of subscribers; 13.6 cents per pound or fraction of a pound, plus 4.5 cents per piece.
.132 Transient rate for noncommingled copies.
Mailed by persons other than the publishers or registered news agents; mailed by publishers or registered news agents and not commingled and presorted as a part of the regular mailing of subscriber copies; 10 cents for the first 2 ounces, 6 cents for each additional ounce or fraction thereof; or the fourth-class rate, whichever is lower. The rates are computed on each individually addressed copy or package of unaddressed copies.

.228 Nominal rate publications.
Publications designed primarily for circulation at nominal rates may not

qualify for second-class privileges. Persons whose subscriptions are obtained at a nominal rate shall not be included as a part of the legitimate list of subscribers required by 132.225. Copies sent in fulfillment of subscriptions obtained at a nominal rate must be charged with postage at the applicable rate in 132.13. Nominal rate subscriptions include those which are sold:

.46 Copies not paid for by the addressee.
.461 Sample copies.

e. The appropriate postage rate provided by 132.13 must be paid on samples mailed in excess of the 10 percent limit.

133.4 Enclosures.
Enclosures may not be mailed at the controlled circulation postage rate. Independent materials, such as pop-up advertisements, decals, leaflets, tracts, booklets, pamphlets, catalogs, circulars, swatches, pressure sensitive labels, and envelopes are examples of enclosures which are subject to the appropriate first- or third-class postage rates. See 139.31.

133.5 Addressing, preparation and mailing.

.51 Addressing requirements.
See 122.7 for the applicable addressing requirements.

.52 Preparation requirements.
See 125.1, 125.2, 125.32 and 125.33 for the applicable preparation requirements.

.53 Submission of marked copy and mailing statement.

At the time of mailing the mailer must present a properly completed form 3541-A, Statement of Mailing-Controlled Circulation Publications, and a copy of each issue marked to show nonadvertising material. See 125.62 for the procedures the mailer is to follow to determine the average weight per copy to be used in completing form 3541-A.

133.6 Acceptance and verification.
.61 Examine mail preparation.

A Postal Service employee must verify that the mailing is prepared in accordance with 125.1, 125.2, 125.32, and 125.33. The average per copy weight must be verified by following the instructions in 125.62 as part of the acceptance procedure which must be completed before the mailing is dispatched.

.61 Qualification review.
An employee designated by the installation head must examine a copy of each issue to verify that it meets the qualification requirements of 133.21. In addition, each issue should be examined to determine whether it contains enclosures. If a publication is found to have any enclosures, postage

at the appropriate first- or third-class postage rate must be charged for the enclosures. See 139.312.

.63 Mailing statement verification.

.631 At least quarterly, all copies in a mailing of a periodical must be weighed to determine whether the total net weight (excluding tare weight) and the total copies reported on form 3541-A are correct. Except for quarterly publications, this verification should be performed on a surprise basis for each publication during a different week each quarter. The postmaster must keep a log arranged alphabetically by publication title or in numerical sequence by publication number (assigned by the Office of Mail Classification) showing the name of the publication, the date of verification, the issue verified, and the name of the verifying employee. The back of the applicable form 3541-A must be annotated to show the date of verification, issue verified, average weight per copy for the issue, total number of copies, and total pounds, and the verifying employee must sign the report. An asterisk must be placed on form 3543 to indicate the issue verified. Work papers, documents and other data sufficient to prove a proper and thorough verification was performed must be attached to the applicable form 3541-A. The results of the verification should agree with the average weight per copy for the issue, the total number of copies in the mailing, and the total weight, as reported by the publisher on form 3541-A. If the verification discloses discrepancies, the postmaster and the publisher must resolve the discrepancies before the mail is accepted and dispatched. Subsequent mailings of any publication published more frequently than quarterly must also be verified until the mailer demonstrates his mailing statements are being prepared accurately.

.632 If the number of addressed pieces shown form 3541-A is less than 90 percent of the reported number of copies, the piece count should be verified as part of the quarterly verification. This should be done by examining such records as the mailer's subscription list and address plates to determine the number of addressed pieces containing several copies of the publication.

133.8 Advertising.

The term "advertising" includes all material for the publication of which a valuable consideration is paid, accepted, or promised, that calls attention to something for the purpose of getting people to buy it, sell it, seek it, or support it. Moreover, if an advertising rate is charged for the publication of reading matter or other material, such material shall be deemed to be "advertising." Articles, items, and notices in the form of reading matter inserted in accordance with a custom or under-

standing that textual matter is to be inserted for the advertiser or his products in the publication in which a display advertisement appears are deemed to be "advertising." If a newspaper or periodical advertises its own services or issues or any other business of the publisher, whether in the form of display advertising or editorial or reading matter, this is deemed to be "advertising."

PART 134
THIRD CLASS

.43 Preparation by the mailer of pieces in packages and sacks.

.431 Package labels.
Pressure sensitive labels are made available to mailers through local customer services representatives and postmasters and must be used to indicate the makeup and destination of all packages that require a package label. All pieces in a package must be faced in one way and the top piece must be plainly addressed, including the ZIP code.

a. Use of package labels.
(1) Five-digit package. Place 10 or more pieces for the same ZIP code area in a bundle. Use of a package label is optional. When such packages are labeled, affix Red Label D.

b. Package labels—general.
Pressure sensitive package labels shall be applied to the lower left corner of the address side of the top piece on letter size packages and next to the address on larger packages. Facing slips shall be placed on the face of mixed states and foreign packages. While the preparation of split state bundles is optional, when such bundles are prepared, they must also be labeled with facing slips. Pressure sensitive labels and facing slips are available at post offices.

.58 Identification.
In order to avoid the appearance of mailings having been made by individuals or commercial enterprises, which are not qualified to mail at the special bulk third-class rates, either the mailing piece must bear the name and return address of the authorized permit holder or the message must contain the name and return address of the authorized permit holder in a prominent location. Pseudonyms or bogus names of persons or organizations may not be used. If the mailing piece bears a name and return address, it must be that of the authorized permit holder. If the mailing piece does not bear a name and return address, the message must contain in a prominent location the name and return address of the authorized permit holder. A well recognized alter-

native designation or abbreviation such as "The March of Dimes" or the "AFL-CIO" may be used in place of the full name of the organization.

PART 135
FOURTH CLASS

.252 Minimum quantities.

d. Machineable pieces mailed under the level B rate which would otherwise be required to be made up in full three-digit sacks according to 135.252c(2) may instead be made up to the destination bulk mail centers (BMC) provided the following conditions are met:

(1) There must be at least eight pieces or 20 pounds or sufficient volume to fill at least one-third of a standard No. 2 postal sack for three-digit destinations in the mailing.

(2) Sortation and sacking to five-digit destinations must be done according to 135.252c(1).

(3) The mailer must submit a complete ZIP code listing of pieces with the mailing statement. The list must show the five-digit ZIP code destinations and the number of pieces sent to each one for pieces sacked according to 135.252c(1) and the three-digit ZIP code destinations and the number of pieces sent to each of these destinations for pieces sorted to BMC's.

(4) The mailer must note on the mailing statement how many pieces would be required to fill at least one-third of a standard No. 2 postal sack.

(5) A list of BMC's and the areas they serve may be obtained by contacting the postmaster at the office of mailing.

e. A mailing will receive only one level of presort rate, under 135.252a, 135.252b, or 135.252c. A customer may, however, elect to send a product as two or more mailings with separate mailing statements in order to avail himself of the two levels of presort rates.

f. For purposes of the bulk special fourth-class rate schedule the following definitions shall apply:

(1) Full sack shall mean at least eight pieces, or pieces sufficient in cubic volume to fill at least one-third of a standard No. 2 postal sack, or pieces sufficient in weight to equal at least 20 pounds; but not to exceed 70 pounds.

(2) Substantially full sack shall mean a postal sack containing at least four pieces, or either at least 20 or more pounds or pieces sufficient in cubic volume to fill one-third of a standard No. 2 postal sack, but not to exceed 70 pounds.

(3) To qualify as identical pieces subject to this rate schedule, all pieces

must be identical in weight. However, the size and content of each piece need not be identical.

.253 Nonqualifying pieces.
Pieces which are not made up to five-digit, three-digit, or BMC destinations as set forth in 135.252 are not considered presorted for purposes of this rate schedule. Pieces which are sacked to three- or five-digit destinations but, when sacked, do not meet the full or substantially full sack criteria do not qualify for the presort rate and must be presented for mailing under a separate mailing statement if mailed under permit imprint.

.259 Presort verification.
For each 50 sacks or fraction thereof in a mailing, accepting post offices shall verify the presort as follows:

c. For mailings made up to BMC destinations, check the mailers statement as to how many pieces are required to fill one-third of a No. 2 sack to confirm that it is reasonable. Scan the listing which accompanies the mailing to ensure that there are at least eight pieces, 20 pounds, or sufficient pieces to fill one-third of a sack, to each three-digit ZIP code destination appearing on the list. Confirm that the total number of pieces appearing on the listing agrees with that shown on the mailing statement. Look at the addresses of several pieces in at least two BMC sacks and verify that they are for three-digit destinations shown on the listing. Reject the mailing if there are any apparent discrepancies in the listing that cannot be resolved.

d. If a mailing is disqualified, the next mailing by the customer at presort rates should have twice the number of sacks verified as specified in a. and b., and such intensified verification shall be extended to one-fifth of the customer's mailings during the following six-month period.

PART 137
OFFICIAL MAIL

.14 Restrictions.
The following restrictions apply to franked mail:

c. A person entitled to use franked mail may not loan his frank or permit its use by any committee, organization, or association; or permit its use by any person for the benefit or use of any committee, organization, or association. This restriction does not apply to any committee composed of Members of Congress.

d. Franked mail must meet the mailability criteria established in 123 and 124.

e. Franked mail is entitled to any special services for which it is properly endorsed.

f. Franked mail is handled as ordinary mail.

g. Franked mail is forwarded like any other mail, but when once delivered to the addressee it may not be re-mailed. A package of franked pieces may be sent by a person entitled to the franking privilege to one addressee, who, on receiving and opening the package, may on behalf of such person place addresses on the franked articles and mail them.

h. Franked mail must be addressed to the recipient by name, except as provided in 122.442.

.15 Weight and size limits.

.151 Weight.

Franked mail may not exceed 70 pounds.

PART 142

STAMPS (ADHESIVE)

142.2 Purchase of postage.

.21 Acceptable form of payment.

Foreign or mutilated money is not acceptable. When the post office cannot make change, the exact amount of the purchase must be paid. Checks are acceptable for all postal supplies and services, except money orders, provided they conform to the Postal Service check acceptance policy. A charge of \$5 will be levied against a customer whose check is returned by the bank as uncollectable. Give written notice to such a customer that the check was returned by the bank as uncollectable and that a \$5 charge plus the amount of the returned check must be promptly remitted. To send money by mail, use money order or certified check.

142.3 Replenishment of stock by window clerks.

.31 Frequency of requisitions.

.311 Clerks will requisition stock on the schedule established by the postmaster, or where applicable, by the unit manager. Off-schedule (emergency) requisitions may be made whenever necessary to maintain stock at an adequate level, or to provide for unusual transactions. Most clerks will be scheduled to requisition on a weekly or biweekly basis. (The availability of secure storage equipment is a major factor in the size and frequency of the requisitioning schedule.)

.312 Window clerks should advise supervisors whenever the authorized stock level is either inadequate or excessive with relation to the volume of business.

.32 Stamp funds and size of requisition.

.321 Funds generated through sale of postage, and all other postal funds,

except the authorized change portion of the stamp credit, must be remitted daily. (See 142.34 regarding change funds.)

.322 The value of the stamp credit is reduced daily by the postage funds which are remitted. The difference between the authorized stock level and the actual stock level (as shown on form 1412) determines the amount of stock which may be requisitioned.

.323 Adjust the size of the requisition whenever possible to permit ordering stamps in full sheets or packaged lots and postal cards or envelopes in full boxes or packaged lots. (Up to a 5 percent tolerance above the authorized stock level is permitted to accomplish the above.)

.33 How to replenish stock.

.331 Prepare form 17, Stamp Requisition, in duplicate and give (or send) it to the postmaster, unit manager, or person designated to fill stamp requisitions for your unit.

.332 Upon receipt of the stock, if a hand to hand delivery, verify the stock to the Form 17 in the presence of the person who filled the requisition. If not a hand to hand delivery, verify the stock received, with a witness if practicable. Endorse the requisition with the registry number, if any, date of receipt, and signature of both yourself and the witness.

.34 Change portion of stamp credit.

.341 The change of a stamp credit should not exceed 10 percent of the authorized stock level, or \$50, whichever is the smaller. Clerks assigned automatic changers, however, may retain an additional \$35.

.342 Clerks serving windows which are open during periods when there is no other source of change within the unit may be authorized to increase the \$50 limit to:

a. \$75 when the window is open in advance of the reporting time of other window clerks.

b. \$100 when the window is the only one scheduled to be open, such as on a Saturday.

c. An amount authorized in writing by the postmaster or unit manager to cover unusual conditions of a temporary nature.

.343 The authorized change portion is based on the upper limit established for the stamp credit. Each clerk is responsible for staying within the authorized limit of the change fund. In the event of fire or burglary any claim for loss of cash in excess of the authorized limit may be disallowed.

.344 Other provisions regarding the amount of cash which may be retained are contained in Fiscal Handbook, Series F-1.

142.4 Replenishment of stock by rural and start route carriers.

.41 Replenishment is ordinarily performed by the office at the head of the route. However, if the carrier

serves customers who receive mail through other offices on the route, the carrier will replenish the stamp credit at those offices in amounts representing sales to the customers served through such offices.

.42 A rural or start route carrier will replenish the credit once a week by purchasing from an employee who regularly sells postage. Forms 1412 will not be used and form 17 need not be used.

PART 144

POSTAGE METERS AND METER STAMPS

.46 Content.

Meter stamps must show the city and State designation of the licensing post office, meter number and amount of postage for all classes of mail. Upon approval of the licensing post office, meter indicia may contain the name and State designation of its local classified branch, which sets the meter. This authorization does not apply to classified stations or contract stations or branches. As an alternative, the ZIP code designation may be shown in the meter postmark in lieu of the city/State designation. When this occurs, the words Mailed From ZIP Code shall appear in place of the city designation and the mailer's delivery address ZIP code in place of the State. When it is necessary to print multidomination meter stamps on more than one tape, the circle showing the post office must appear on each tape.

PART 145

PERMIT IMPRINTS

145.2 Preparation of permit imprints.

a. Permit imprints may be made by printing press, handstamp, lithography, mimeograph, multigraph, addressograph, or similar device. They may not be typewritten or hand drawn. The content of the imprint must be in accordance with 145.3, and the format in accordance with 145.4. No other forms of imprints may be used. The imprint must be legible and must be of a color that contrasts sufficiently with the paper to make the imprint readable. The entire imprint must be placed in the upper right corner of the address side of each piece, parallel with the length of the piece.

PART 146

PREPAYMENT AND POSTAGE DUE

.12 Insufficient prepayment.

.121 Mail of any class, including that for which special services are in-

cluded, received at either the office of mailing or office of address without any postage (see 146.41), will be endorsed Returned for Postage and returned to the sender without an attempt at delivery. If no return address is shown, or if the delivery and return address are identical, the piece will be disposed of in accordance with 159.4. (Note that letters, but not post cards, are to be sent to dead mail offices as prescribed in 159.412m.)

.543 Failure to collect.

The carrier must leave a notice on form 3849-A, Delivery Notice or Receipt, if the deficient postage cannot be collected. Rural carriers who cannot collect without leaving the route must give notice on form 3849-A. Return the mail to the post office for the prescribed retention period pending payment of postage due or directions for disposition.

PART 147

EXCHANGES AND REFUNDS

147.2 Refunds.

.21 Conditions that justify refund.

.211 When postage and special or retail service fees have been paid, and no service is rendered, or when the amount collected was in excess of the lawful rate, a refund may be made:

a. Refunds for postage and fees paid by stamps, permit imprints, or meter impressions, unused meter impressions, and unused units set in meters are handled according to 147.24 through 147.27.

b. Refunds for retail services and fees not paid by means of stamps, permit imprint, or meter impressions are handled according to 147.28.

.212 The Postal Service is considered to be at fault and no service is rendered in cases involving returned articles improperly accepted in both domestic and international services because of excess size or weight.

.213 Mailers who customarily weigh and rate their mail are expected to be familiar with basic requirements and the Postal Service is not considered to be at fault when these mailers are required to withdraw articles from the mail prior to dispatch.

.214 See 147.222 and 147.25 for special provisions for refunding the postage value of unused meter stamps.

.215 A postage refund may be provided the sender for first-class, third-class single piece, and fourth-class mail torn or defaced during processing by the Postal Service to such extent that identification of addressee or intended delivery point cannot be made. This applies only when the failure to process and/or deliver is the fault of the Postal Service. Where possible, the

damaged item should be returned with the postage refund endorsed as applicable under 333.264e. Submission of Form 3533, Application and Voucher for Refund of Postage and Fees, is not required.

.216 Requests for refunds which are questionable, or which cannot be processed in accordance with the provisions of this section (147.2) should be forwarded to the postal services center serving the office where the request originated. The postal services center postmaster will return the request along with his ruling to the office which submitted the request.

.22 Amount of refund allowable.

.221 Refund of 100 percent will be made:

a. When the Postal Service is at fault.

b. For the excess when postage or fees have been overpaid the lawful rate.

c. When service to the country of destination has been suspended.

d. When postage is fire-scarred while in the custody of the Postal Service, including fire in letterbox, and the mail is returned to sender without service.

e. When special delivery stamps are erroneously used in payment of postage, and the mail is returned to the sender without service.

f. When fees are paid for special delivery, special handling, and certified mail, and the article fails to receive the special service for which the fee has been paid.

g. When surcharges are erroneously collected on domestic registered mail or collected in excess of the proper amount, or represented by stamps affixed to matter not actually accepted for registration.

h. For fees paid for return receipts or for restricted delivery when the failure to furnish return receipt or its equivalent, or erroneous delivery, or nondelivery, is due to fault or negligence of Postal Service.

i. For annual bulk mailing fee when no bulk mailings of third-class matter are made during the year for which the annual fee has been paid.

j. When customs clearance and delivery fees are erroneously collected.

k. When fees are paid for registry or insurance service on mail addressed to a country to which such services are not available, unless claim for indemnity is made.

l. When express mail is not delivered according to the terms of the service standards as delineated in Handbook M-68, Express Mail Service.

.222 A partial refund shall be made when complete and legible unused meter stamps are submitted within one year from the dates appearing in the stamps. See 147.25. When the face-value of the stamps does not exceed \$250, refunds of 80 percent will be

made. When the face-value of the stamps exceeds \$250, refunds will be made for the face value of the stamps less \$10 per hour for the actual man-hours required to process the refund, with a minimum charge of \$25 deducted from the amount of the refund. The employee processing the refund will enter the following endorsement on the reverse of Form 3533:

I certify that (number) hours were required to process this refund. The certifying and witnessing employees will both sign this certification.

.223 When mail is returned at the request of the sender or for a reason not the fault of the Postal Service, any difference between the amount paid and the appropriate surface rate chargeable from mailing office to interception point and return will be refunded.

.23 Unallowable refunds.

No refund will be made:

a. For an application fee to use permit imprints.

b. For registered, insured, and COD fees after the mail has been accepted by the post office even though it is later withdrawn from the mailing post office.

c. For loose unused adhesive stamps.

d. For adhesive stamps affixed to un-mailed matter.

.24 Application for postage refunds.

.241 Customers who wish to request a refund must submit an application on form 3533 to the postmaster together with the envelope or wrapper, or the portion thereof having names and addresses of sender and addressee, canceled postage and postal markings, or other evidence of payment of the amount of postage and fees for which refund is desired.

.242 Requests for refunds for optional procedure mailings must be submitted to the regional director, finance department, who will forward them to the Director, Office of Mail Classification, for review.

.25 Meters and meter stamps.

.251 Postage adjustments.

The postage value of unused units set in a meter surrendered to the post office to be checked out of service may be refunded or, if desired, an equivalent amount will be transferred to another meter used by the same license holder. If the meter is withdrawn from service because of faulty mechanical operation, a final postage adjustment or refund may be withheld pending report of the meter manufacturer of the cause of faulty operation. If the meter is damaged by fire, a refund or transfer of postage will be made only if the registers are legible, or can be reconstructed by the meter manufacturer.

.252 What to submit.

a. Unused meter stamps that are complete and legible, accompanied by an application on form 3533 within 1

year from dates appearing in the stamps, will be considered for refund. Arrange the stamps so that all of one denomination are together.

b. If portion of stamp is printed on one envelope or card and remaining portion on another, fasten the two together to show that the two portions represent one stamp.

c. Meter stamps printed on labels or tapes which have not been stuck to wrappers or envelopes must be submitted loose.

d. Refunds are allowable for stamps on metered reply envelopes only when it is obvious that an incorrect amount of postage was printed thereon.

e. Submit separately, with statement of facts, envelopes or address portions of wrappers on mail returned to sender from the mailing office marked No such post office in State named, Returned for better address, or Received without contents indicating no effort to deliver was made.

.253 What not to submit.

Do not submit:

a. Meter reply envelopes or cards paid at the proper rate of postage.

b. Meter stamps printed on labels or tape which have been removed from wrappers or envelopes.

c. Meter stamps without the name of the post office and State.

d. Meter stamps without the date printed on tape. (See 144.46.)

e. Meter stamps printed on mail which was dispatched from the mailing post office in regular course and returned to sender as undeliverable, including mail marked No such post office in State named.

f. Meter stamps on mail addressed for local delivery and returned to sender after directory service was given or effort was made to deliver.

.26 Processing refund applications for postage and fees paid by postage stamps, meter impressions, or permit imprints.

.261 At office with 950 or more revenue units.

a. Review the application and supporting papers.

b. If a refund is due, complete the Verification of Refund on form 3533.

c. Pay the applicant in cash from official funds on hand if practicable to do so and the refund is made in person.

d. Have the payee sign the receipt on form 3533.

e. If requested, or if refund is to be mailed, pay by Treasury check, or, if less than \$300, by no-fee money order in accordance with 237.233 Fiscal Handbook F-1, Financial and Cost Controls. Record the check or money order number on the receipt portion of form 3533 instead of obtaining the payee's signature. When the amount of the refund is less than \$2, a check or money order should not be issued unless the payee or his representative

is physically unable to come to the post office.

f. Retain the receipted copy of form 3533 in your files to support the office copy of the statement of account.

g. Destroy envelopes, wrappers, or other evidence submitted with the application, as provided in 147.272a(4).

h. If the application is not approved, return it with the supporting papers and an explanatory statement to the applicant.

i. Enter the amount refunded in AIC 536(D), Postage and Fees Refund, as specified in Handbook F-1.

.262 At other offices.

a. Handle the application in accordance with provisions in 147.261.

b. If no witness is available for signature in part II, form 3533, Verification of Refund, have payee sign in appropriate space.

c. Record the refund as a write-in entry on a blank line in the disbursements section of your cashbook, and show AIC 536(D), Postage and Fees Refund, for the number and title of the account as specified in Handbook F-1.

d. If the amount to be paid is greater than the \$300 limit for money orders and the processing post office does not issue Treasury checks, send form 3533 with all supporting papers and a statement certifying the claim to your management sectional center.

e. The management sectional center shall process the application as specified in 147.261 and pay by Treasury check. If the application is disapproved, return the complete file to the postmaster at the office application with written explanation which shall be furnished the applicant.

.27 Processing refund applications for metered postage.

.271 For meters checked out of service.

a. At all offices.

(1) Verify amount by examining meter registers.

(2) Fill out part V, form 3533, if refund is due.

(3) If the manufacturer's meter checkout form has all the required documentation, it may be used in lieu of form 3533.

(4) The amount of refund shall be for the full value of the unused postage.

b. At offices with 950 or more revenue units. Handle refund of metered postage in the manner prescribed in 147.261.

c. At other offices. Handle refund of metered postage in the manner prescribed in 147.262.

.272 For unused meter stamps.

a. At offices authorized to have a stamp stock destruction committee.

(1) Review the application and examine meter stamps submitted.

(2) Handle refund as outlined in 147.261. Provide a partial refund as specified in 147.222.

(3) When the customer requests a receipt and verification cannot be made at time of presentation, furnish a receipt on form 3210, Interim Receipt for Stamp Stock Submitted for Redemption, appropriately amended.

(4) The postmaster shall designate an employee other than the certifying and witnessing employees completing part II of form 3533 to destroy the stamps for which an application for refund has been approved. After destruction the employee shall certify part VI of form 3533. The designated employee need not be a member of the Postage Stamp Destruction Committee.

b. At other offices.

(1) Verify the amount claimed.

(2) Certify to the correctness of the amount on part II, form 3533, or on a separate sheet attached, if the refund is due.

(3) Handle refunds for unused meter stamps in the manner prescribed in 147.262. Provide a partial refund as specified in 147.222.

(4) Send unused meter stamps with form 3533 when application for refund is sent to the management sectional center for payment.

(5) For refunds paid at your office, send the redeemed meter stamps to your management sectional center for destruction according to the schedule in 224.331, Handbook F-1. Compute minimum values for shipment of meter stamps independently from any other stamp stock. Prepare meter stamps for shipment in the same manner as other stamp stock, but mark the envelopes Metered Postage in lieu of Nonsalable Stock.

(6) Do not prepare a destruction certificate for meter stamps sent to the management sectional center for meter stamp refunds paid at your office. Send the receipted form 3533 and a transmittal memorandum along with the meter stamps. Retain a copy of the transmittal memorandum in your files.

(7) The management sectional center will destroy the meter stamps and certify the destruction on form 3533 in the manner prescribed in 147.272a, except that he will not make or account for any refund. After the destruction has been certified, the completed form 3533 will be returned to the originating postmaster who will keep it with other supporting documents.

.273 Evidence of unused meter stamps at office of meter setting.

In lieu of submitting bulky evidence of unused meter stamps, postmasters at the office of meter setting may certify the amount and destruction of these stamps in part VI of form 3533 and forward the application to the post office where the meter is licensed.

.274 Computing fractions of a cent. In computing the amount to be refunded for unused meter stamps, re-

solve a fraction of a cent in favor of the Postal Service. For example, if 90 percent of the postage value of impression is \$4.187, the amount refunded is \$4.18.

.28 Processing refund applications for retail services.

.281 Customer request.

Application for refund of fees collected for retail services will be initiated on form 3532, Refund of Fees for Retail Services, by the customer.

.282 Postal service approval.

An authorized employee will review the application and supporting papers. If refund is due, complete approval portion of form 3532 and have it witnessed. Return form 3532 to the customer for submission to the window services section for payment.

.283 Issuance of refund.

a. The window services employee who makes a cash refund will have the payee sign the receipt portion of form 3532.

b. If requested, or refund is to be mailed, pay by Treasury check, or, if less than \$300, by no-fee money order. Record the check or money order number on the receipt portion of form 3532 instead of obtaining the payee's signature. When the amount of the refund is less than \$2, a check or money order should not be issued unless the payee or his representative is physically unable to come to the post office.

.284 Accounting for refund.

a. Enter the amount refunded in AIC535(D), Refund of Fees—Retail Services.

b. Retain the receipted copy of form 3532 to support the office copy of the statement of account.

.285 Refund not approved.

If the application is not approved, return it with the supporting papers and an explanatory statement to the applicant.

PART 154

CONDITIONS OF DELIVERY

.63 Registered mail addressed to persons at hotels and apartment houses will be delivered to the persons designated by the management of the hotel or apartment house in a written agreement with the Postal Service. Form 3801-A, Agreement by a Hotel, Apartment House or the Like, MUST be executed for this purpose. If delivery of the registered mail has been restricted by the sender, it may not be delivered to the representative of the hotel or apartment house unless the addressee has specifically authorized this person in writing to receive his restricted delivery mail. The authorization may be made on form 3849-A, Delivery Notice or Receipt; form 3849-B, Delivery Reminder or Receipt; form

3801, Standing Delivery Order, or by a letter to the postmaster.

.91 Units not operating military post offices.

Mail addressed to the Commanding General, Commander, Commanding Officer, staff sections and other officials by title, and personnel of military organizations, will be delivered to unit mail clerks or mail orderlies when such individuals have been designated on DD Form 285, Appointment of Unit Mail Clerk or Mail Orderly to receipt for all mail addressed to the unit for which he is designated. If the unit mail clerk or mail orderly has been designated on DD Form 285 to receipt for ordinary mail only, then registered, numbered insured, certified, and restricted delivery mail addressed to individuals by name may be delivered to the unit mail clerk or mail orderly only if authorized by the addressee in a letter to the post office, on form 3849-A, Delivery Notice or Receipt; form 3849-B, Delivery Reminder or Receipt; or form 3801, Standing Delivery Order.

PART 155

CITY DELIVERY

.42 Keys to customer private mail receptacle.

City delivery carriers are prohibited from accepting keys for locks on private mail receptacles, buildings or offices, except as provided in A-1-3 of Publication 17, Apartment House Mail Receptacles, Regulations and Manufacturing Standards. If city delivery customers place locks on their receptacles, the receptacle must have a slot large enough to accommodate their normal daily mail volume so that delivery is made by the carrier without using a key.

PART 156

RURAL SERVICE

.33 parcel delivery.

When an ordinary parcel too large to be delivered into the customer's box is received, the carrier will leave a notice on form 3849-A, Delivery Notice or Receipt, in the box requesting the customer to indicate the date on which he will meet the carrier to receive the parcel. If the addressee has filed a written order that the Postal Service and carriers are relieved of all responsibility in case of loss or depredation when large parcels are placed outside boxes, the carrier will deliver large parcels outside the box. If a customer lives within hailing distance of a route, the carrier will make a reason-

able effort to hail the customer so he may come to the box to receive the parcel before it is left outside the box.

PART 158

FORWARDING MAIL

.122 Forwarding.

Do not change the name of the addressee or sender. Cross off the name of your office, add the new address and ZIP code number, mark the piece Forwarded, postmark it, and dispatch under the original number. If a return receipt is attached to the article, forward it also. Show the particulars of forwarding on form 3849-A or 3849-B and file the form, or make entry in form 3850 showing this information.

.221 Records of permanent change of address orders, other than those subject to 158.23 are held one year for forwarding purposes from the end of the month in which the change becomes effective. Exception: Address changes to a post office box at the same post office, as indicated on form 1093, Application for Post Office Box or Caller Number, shall be honored indefinitely. The order is not renewable. Mail may continue to be forwarded beyond the 1-year period if the new address is known to the forwarding employee.

PART 159

UNDELIVERABLE MAIL

.272 Returning registered, numbered insured, and certified mail.

Prepare the record on both sides of form 3849-B, Delivery Reminder or Receipt, or show disposition on form 3850, Record of Delivered Registered, Number Insured, Certified, and COD Mail, if form 3850 is used as the delivery record. File 3849-B. If a return receipt is attached, indicate the reason for non-delivery on the return receipt, initial the card, postmark the card, and return the article to the mailer with the return receipt attached. Return registered mail through the registered mail system.

.287 Rightful owner not known.

If in doubt as to the rightful owner of the proceeds, request instructions from the Office of Mail Classification, Rates and Classification Department. If not possible to deliver the net proceeds to the rightful owner, hold the funds for 30 days. If unclaimed at the expiration of that period, account for the amount as Miscellaneous Nonpostal AIC 126.

.412 Disposition.

Mail undeliverable after examination under 159.411 is disposed of as follows:

n. Coins should be stripped from undeliverable circulars and their value should be accounted for as Miscellaneous Revenue, AIC 128.

.42 Money found loose in the mail. Dispose of money found loose in the mail as follows:

a. United States money found loose in the mail, unless identified with losses from mail or returned to its owner, must be promptly turned over to a supervisor. Amounts turned over must be recorded on form 25, and the entry must be receipted by both the supervisor and the finder by initialing the entry. Funds may be retained by the supervisor until \$1 or more has accumulated but should be remitted at least weekly. Funds remitted must be taken into AIC 126.

d. If a valid claim is received for money found loose in the mail after it has been taken into the postal account, make refund from current funds and take credit in AIC 624.

.721 Disposition.

At the end of retention periods specified in 159.3, mail is declared dead. Dead mail described in 159.412 a, b, c, d, e, and f is disposed of locally. First-class letters, first-class parcels, and other articles that have obvious value are forwarded on fixed schedules to dead letter or dead parcel post branches for final disposition. Dispose of as follows:

c. *Insured and COD matter.* Hold dead insured and COD mail for 6 months after it becomes dead. Then send it to your dead parcel post branch weekly. Hold dead mail having salvage value, and dead mail necessary as evidence for pending claims until disposal instructions are received from the St. Louis Postal Data Center, which adjudicates the claim. Insured and COD matter endorsed by the sender Destroy or Abandon is destroyed or abandoned when it becomes undeliverable at the last office of address. When the sender of undeliverable insured or COD mail refuses to accept it, give him written notice that the parcel will be treated as dead mail if not claimed and postage-due paid in 10 days. If parcel is not claimed, send it to the dead parcel branch on the next weekly dispatch. If parcel was insured, endorse form 3849-B to show

refusal by the sender; if COD, endorse the tag.

.724 Dead letter and dead parcel post branches.

a. Send forms 1510 inquiring for letters valued at more than \$1 and for first-class parcels to dead mail branches.

b. *Dead letter branches.*

(1) *Locations:* Atlanta, GA 30304; Boston, MA 02109; Chicago, IL 60607; Cincinnati, OH 45234; Dallas, TX 75221; Memphis, TN 38101; Minneapolis, MN 55401; New York, NY 10001; Philadelphia, PA 19104; St. Louis, MO 63155; San Francisco, CA 94101; San Juan, PR 00902; Washington, DC 20013; and Wichita, KS 67202.

(2) *Dead letter service areas:*

State or territory	Dead letter branch
Alabama	Memphis, TN 38101.
Alaska	San Francisco, CA 94101.
Arizona	San Francisco, CA 94101.
Arkansas	St. Louis, MO 63155.
California	San Francisco, CA 94101.
Colorado	San Francisco, CA 94101.
Connecticut	Boston, MA 02109.
Delaware	Philadelphia, PA 19104.
District of Columbia	Washington, DC 20013.
Florida	Atlanta, GA 30304.
Georgia	Atlanta, GA 30304.
Guam	San Francisco, CA 94101.
Hawaii	San Francisco, CA 94101.
Idaho	San Francisco, CA 94101.
Illinois	Chicago, IL 60607.
Indiana	Cincinnati, OH 45234.
Iowa	St. Louis, MO 63155.
Kansas	Wichita, KS 67202.
Kentucky	Cincinnati, OH 45234.
Louisiana	Dallas, TX 75221.
Maine	Boston, MA 02109.
Maryland	Washington, DC 20013.
Massachusetts	Boston, MA 02109.
Michigan (Lower Peninsula)	Chicago, IL 60607.
Michigan (Northern Peninsula)	Minneapolis, MN 55401.
Minnesota	Minneapolis, MN 55401.
Mississippi	Memphis, TN 38101.
Missouri	St. Louis, MO 63155.
Montana	San Francisco, CA 94101.
Nebraska	Wichita, KS 67202.
Nevada	San Francisco, CA 94101.
New Hampshire	Boston, MA 02109.
New Jersey	Philadelphia, PA 19104.
New Mexico	San Francisco, CA 94101.
New York	New York, NY 10001.
North Carolina	Atlanta, GA 30304.
North Dakota	Minneapolis, MN 55401.
Ohio	Cincinnati, OH 45234.
Oklahoma	Wichita, KS 67202.
Oregon	San Francisco, CA 94101.
Pennsylvania	Philadelphia, PA 19104.
Puerto Rico	San Juan, PR 00902.
Rhode Island	Boston, MA 02109.
Samoa	San Francisco, CA 94101.
South Carolina	Atlanta, GA 30304.
South Dakota	Minneapolis, MN 55401.
Tennessee	Memphis, TN 38101.
Texas	Dallas, TX 75221.
Utah	San Francisco, CA 94101.
Vermont	Boston, MA 02109.
Virginia	Washington, DC 20013.
Virgin Islands	San Juan, PR 00902.
Washington	San Francisco, CA 94101.
West Virginia	Washington, DC 20013.
Wisconsin	Minneapolis, MN 55401.
Wyoming	San Francisco, CA 94101.

c. *Dead Parcel Branches.*

(1) *Policy.* Dead Parcel Branches are established at selected post offices to serve post offices and bulk mail centers in a designated area. There will normally be one dead parcel branch in each BMC (bulk mail center) service area, but a dead parcel branch may serve more than one BMC service area as warranted by volume. The bulk mail center and all post offices in a BMC service area send dead parcels to their assigned dead parcel branch. If a post office is re-assigned to another bulk mail service area, its dead parcel branch assignment will also be changed.

(2) *Dead parcel service areas.*

SERVICE AREAS

Bulk mail centers	Dead parcel branch
Atlanta	Atlanta, GA 30304.
Chicago	Chicago, IL 60607.
Cincinnati	Cincinnati, OH 45234.
Dallas	Fort Worth, TX 76101.
Denver	Denver, CO 80202.
Des Moines	St. Paul, MN 55101.
Detroit	Detroit, MI 48233.
Greensboro	Greensboro, NC 27420.
Jacksonville	Jacksonville, FL 32201.
Kansas City	St. Louis, MO 63155.
Los Angeles	Bell, CA 90201. ¹
Memphis	Memphis, TN 38101.
New York	New York, NY 10001.
Philadelphia	Philadelphia, PA 19104.
Pittsburgh	Pittsburgh, PA 15219.
St. Louis	St. Louis, MO 63155.
St. Paul	St. Paul, MN 55101.
San Francisco	San Francisco, CA 94101.
Seattle	Seattle, WA 98109.
Springfield	Boston, MA 02109.
Washington	Washington, DC 20013.

¹Postmasters in the Los Angeles Bulk Mail Center service area should use this address for sending dead parcels to the dead parcel branch. Any correspondence should be directed to the Postmaster, Los Angeles, CA 90052.

.78 Reports.

Letters received at a dead letter branch must be treated promptly. Maintain a record on form 4911, Dead Letter Record. Make the count of dead letters received by the measurement or weight process. For Total Hours Used, record the total clerical hours used, the paid absences of the employees, the proportionate hours devoted to this work by supervisory employees, and the proportionate paid absences of such supervisory employees. Complete form 4913, Quarterly Report of Dead Letters, from the information on forms 4911. Submit at the end of each quarter to the Office of Mail Classification, Rates and Classification Department, Washington, DC 20260. Forms 4911 and 4913 are available only from the Office of Mail Classification and may be ordered by memorandum.

PART 161

REGISTERED MAIL

.32 Sealing.

The sender must securely seal envelopes. Self-sealing envelopes are not acceptable. Do not place paper or cellulose strips or wax or paper seals over the intersections of flaps of letter size envelopes where the postmark impressions are made. Wrap and seal packages with mucilage or glue or with plain paper or cloth tape. Packages containing currency or securities may not be sealed exclusively by use of paper strips, but must first be sealed securely with mucilage or glue. Large envelopes (flats) which are completely sealed and which also have paper strips or paper tape across the intersections of the flaps may be considered packages so far as the sealing requirements are concerned. Tape that will not adhere in such a manner as to damage the envelope or wrapper if removed, or tape which will not absorb a postmark impression, may not be used on registered mail.

.41 Procedure.

The responsibility of the Postal Service for registered mail ends with its proper delivery. Mail for delivery by carriers is taken on the first trip after it is received unless the addressee has requested the postmaster to hold his mail at the post office. The addressee or person representing him may obtain the name and address of the sender, and may look at registered mail while it is held by the postal employee, before accepting delivery and signing the delivery receipt. Identification will be required if the applicant for registered mail is unknown. The mail will not be given to the addressee until the delivery receipt is obtained by the postal employee. The signature of the person receiving the article must appear in the appropriate block on the delivery receipt. If the signature on the delivery receipt is not legible, the delivering employee must print the name of the recipient on the receipt in an area which will not interfere with other signatures.

.52 Preparing for dispatch.

.521 Rotary lock pouches.

e. The rotary registry lock(s) for the rotary lock pouch dispatches are obtained from the designated rotary lock storage area located within the registry cage, and if no cage has been established, from the registry section (note 371 and 582.2).

.76 Delivery.

.761 Window delivery.

Promptly notify the addressee on form 3849-A of the arrival of regis-

tered mail. Send the notice through the regular channels of the addressee's ordinary mail. If the mail is not called for within 5 days, issue another notice on Form 3849-B as a final notice. Endorse registered article to show dates of notices. When window delivery is made of articles bearing requests for return receipts showing address where delivered, endorse the return receipts Delivered at post office or Delivered at station. Use the following delivery receipts:

a. Forms 3849-A and 3849-B may be used at any office. Enter the registration number and the office of origin. Note (OS) officially sealed, (AO) addressee only, or such other required notations on form. Show delivering employee's signature and date of delivery.

.763 Carrier and messenger delivery.

Following instructions apply to delivery of registered mail by carriers and special-delivery messengers:

a. Assign to carriers and special-delivery messengers as follows:

(1) List individual articles on form 3867 at post offices with 190 or more revenue units. One form 3867 may be used for all carriers if volume of registered mail and number of carriers permit. Show the registration number and office (or country) of origin for each article assigned for delivery. Abbreviate offices and countries of origin. Prepare and attach to registered article a form 3849-A or 3849-B as appropriate, only when endorsed to show the special service requested, when return receipt is requested showing address where delivered or when the mail is marked for restricted delivery. Show on form 3867 or 3850 symbols to indicate return receipt, restricted delivery, bad condition, official sealed, etc. Obtain signature of the carrier on form 3867.

(2) List in triplicate three or more articles for delivery to the same addressee on firm delivery bill, form 3883. Deliver the articles to the carrier or messenger with the original and one copy of the bill. Obtain his receipt on the third copy, holding it as a charge-out record.

(3) Use form 3850 at post offices with 189 or less revenue units as the chargeout record.

b. Carriers and messengers must:

(1) Carry delivery receipts, form 3849-A or 3849-B, and enter the registration number and ZIP code of the office of origin on it before making delivery. (See 161.763a.)

(2) Comply with endorsement which restricts delivery, except as provided in 165.341.

(3) Get signature for delivery on form 3849-A or 3849-B, and on return receipt if requested by the sender. If

delivery is made to addressee's agent, addressee's name must be entered on form 3849-A (and form 3811 if requested) followed by the signature of the person actually accepting delivery. Examine each return receipt for completion and make any necessary corrections at that time. Sign and date form. Obtain signature of the addressee on form 3849-A as well as on the COD tag, for registered COD mail delivery.

(4) Enter registration number, ZIP code of the office of origin, and name of addressee on form 3849-A and leave the form as a notice of arrival if unable to deliver registered article. If registered COD mail is involved, use form 3849-A. Check both the Registered and COD blocks. Attach the tab from form 3849-A to the article and endorse the tab to show date notice was left. Return article to office or carrier delivery unit pending advice from addressee that delivery can be made. Carrier may again take the mail out for delivery without request from the addressee if he has reason to believe that delivery can be made.

(5) Obtain delivery receipt on the original form 3883 for quantity (average of three or more) deliveries to the same addressee. Deliver copy of the bill with the mail. Obtain return receipts if requested.

(6) Enter date of delivery on delivery receipt and return receipt. Enter on return receipt address where article was delivered if this service was requested by the sender.

(7) Turn in delivery receipts, return receipts, and any undelivered articles to clearing clerk at the post office.

(8) Prepare and submit form 3868, Carrier's Clearance Receipt, to be signed and returned by the clearing clerk. These receipts are the carriers' personal records.

c. Clear carriers and messengers in the following manner:

(1) Have carriers and messengers account for all registers charged to them, either by delivery receipts or returned articles. If any article is not accounted for, make immediate report to the supervisor. Endorse charge-out record when clearing is complete.

(2) Sign and give back to carriers and messengers form 3868 which they prepare and submit when accounting for registered mail assigned to them for delivery.

(3) If registered articles returned undelivered by carriers or messengers are forwarded or returned, show disposition on form 3867 or form 3850 and prepare record on form 3849-B including name of addressee. File the form 3849-B with delivery receipts.

(4) Examine all return receipts. Make sure that they are properly signed and that the date of delivery has been entered. If the mail was restricted in delivery, check to see that delivery was not made to an unauthor-

ized agent. If delivery was improper, have addressee sign another return receipt card and destroy the original after the addressee's signature has been obtained on the duplicate. Postmark all return receipts legibly, and mail no later than the next working day.

(5) Take prompt corrective action with delivering employees if return receipts or delivery receipts have not been obtained or have been improperly completed.

d. If the mail is not delivered in 5 days, issue a second and final notice to the addressee on forms 3849-A marked Final Notice. Send it through regular channels of the addressee's ordinary mail.

.764 Filing delivery receipts.

File receipted form 3849-A and 3849-B in the consolidated file, with those for certified and numbered insured mail, by the last two digits of the registration numbers. In large offices, forms 3849-A and 3849-B for registered mail may be filed in registry sections. If quantity accumulated over the filing period is less than 200 use last digit only for breaking file. File firm delivery bills, forms 3883, alphabetically by name of firms or by date of delivery.

161.9 Special instructions.

.91 Offices with 950 or more revenue units.

.911 Registry section.

a. *Transfer from opening unit.* Transfer mail to other units as follows:

(1) *City or local delivery.* Backstamp these articles. Postmark envelopes once over intersection of the flaps. Send registered mail to carrier cage and get a receipt on forms 3852, 3853, or 3854. Show the registration numbers of all articles. No receipt is required if there is no separate cage.

(2) *Transit pouches and jackets.* Send to the outgoing or dispatch cage. Get a receipt on the incoming bill if there is a separate cage. Use a separate form or back of incoming bill if you have a large number of pouches and jackets.

(3) *Transit and station articles.* Transfer to the dispatch unit to be included in outgoing dispatches.

(4) *Valuable mail.* See 161.932. Place in vault or safe for safekeeping awaiting delivery or dispatch. If it will be delivered or dispatched in a short time, place it in a pouch or jacket promptly. This mail must be receipted for by signing opposite each valuable article listed on the incoming bill. You may bracket all valuable articles and sign only once.

b. *Transfer from acceptance or delivery windows.* Transfer mail to other units without receipt except when:

(1) Valuable mail is transferred from acceptance window. See 161.932. Get receipt on office record form 3808 or firm mailing bill.

(2) Separate dis and city cages are operated. Get receipt for articles of ordinary value to be forwarded or returned. Use forms 3852, 3853, or 3854.

(3) Acceptance or delivery window is in a separate cage. Get receipt. Use forms 3852, 3853, or 3854.

(4) Registered articles are sent to dead letter section. Window clerk must get receipt on form 3849-B.

c. *Record of employees.* Keep a record of employees working in the registry section each day. Use form 1625, Record of Entry-Registry Section or Distribution Units. Keep a separate record of employees detailed to that section. Employees in charge of, or working in the valuable cage or vault, must record time of entering and leaving the valuable cage or vault. Use form 1625.

.912 Stations and branches.

a. *Mail received from main office.* Check articles received in pouches. Report to supervisor of the station or branch and supervisor in charge of main registry section any shortage or surplus. Endorse bill and coupon to show discrepancies. Mail coupons signed by both supervisor and opening clerk showing discrepancies to the official in charge of main registry section. Separate registered articles for desk delivery and for carrier delivery.

b. *Mail dispatched to main office.* Bill as instructed in 161.52.

.92 Articles intended for registration found in the ordinary mail.

.921 Register articles marked for registration found in ordinary mail which are not endorsed Not in the Registered Mail if postage and fees have been fully prepaid. Endorse article Found in ordinary mail. Mail registration receipt and form 3892, Registered Mail Found in Ordinary Mail, to sender. Show on post office registration record when and by whom the article was removed from ordinary mail. Endorse articles not fully prepaid Not in the Registered Mail and dispatch as ordinary mail.

PART 162
INSURED MAIL

.62 Numbered packages.

Postal employees will take signed receipts for the delivery of numbered packages on the following forms:

a. Form 3849-A or 3849-B, when delivery is made by carrier, and window delivery at post offices with 190 or more revenue units.

b. Form 3850, form 3849-A or 3849-B, for window deliveries made at post offices with 189 or fewer revenue units.

c. Form 3883, when addressees regularly receive an average of three or more packages at one time.

d. Also, form 3811, Return Receipt, Registered, Insured and Certified Mail, when this service is requested by the sender.

.72 Filing of delivery records.

File delivery records as follows:

a. File receipted form 3849-A and 3849-B in the consolidated file, with those for registered and certified mail, by the last two digits of the insurance number. If quantity accumulated over the filing period is less than 200, use last digit only for breaking file. When the number is not entirely legible, file the receipt alphabetically by the name of the addressee. File form 3883, Firm Delivery Book—Registered, Certified, and Numbered Insured Mail, alphabetically by the name of the addressee or by the date of delivery.

b. Delivery receipts for numbered insured packages returned to senders may be kept separately from delivery receipts covering packages delivered to addressees.

.73 Check of Records.

To make sure that delivering employees are obtaining the required delivery receipts and that receipts are properly filed, offices having carrier delivery service should:

a. Make a selective check at least quarterly, including a check of firm delivery bills. Use form 3871, Receipt Verification—Insured and Returned COD Mail.

PART 163
COD MAIL

163.5 Handling at office of address.

.51 Delivery.

.511 At offices with carrier delivery. Deliver COD mail as follows:

a. Send carrier delivery mail on the first trip after receipt, and offer it to the addressee or some person who can receive it for him.

b. Have addressee or his authorized representative sign the COD tag. The delivery employee must sign and fill in the spaces on the back of the tag. Do not use either form 3849-A or form 3849-B as a receipt for ordinary COD mail (See 163.511d). The tag for such COD mail is used for this purpose. (See 163.84 for registered COD mail.)

c. If the addressee declines acceptance and the mailer specifically requests a form 3849-D, it will be sent immediately.

d. If delivery is not made on the first attempt for any reason, complete a delivery notice on form 3849-A, Delivery Notice or Receipt, remove the stub, leave the notice at the address, affix the stub to the article, and return the article to the post office. Schedule a

second attempt to deliver on a date requested by addressee or, if mail is not called for in 5 days, send a second notice on form 3849-B, Delivery Reminder or Receipt. If the mailer specifically requests a form 3849-D, the form will be sent 5 days after leaving the first form 3849-A.

e. Hold packages addressed to members of military organizations at military installations at the main office, station, or branch. Send a notice to the addressee to call for his mail on form 3849-A. Do not deliver the mail to anyone except the addressee unless he so requests in writing.

.73 Offices with 189 or fewer revenue units.

.731 Recording and postmarking.

Postmark tags to show date of receipt and record packages promptly on form 3850, Record of Delivered Registered, Numbered Insured, Certified, and COD Mail.

.84 Handling at office of address.

Handle as follows:

a. Include the mail with other registered mail, and handle in accordance with the methods prescribed for handling other registered mail. Obtain addressee's receipt on form 3849-A or 3849-B as well as on the COD tag.

b. Keep an office record of the data required to be kept of unregistered COD mail. Furnish carries completed form 3821, in duplicate, marked Registered.

c. Instructions in 163.51, concerning number of attempts at delivery, and in 163.43, concerning notification to sender, apply to registered COD mail, except that form 3849-A, with both the Registered and COD blocks checks, shall be used as a notice of arrival for registered COD mail.

PART 164
INDEMNITY CLAIMS

.54 Action by postmaster.

Upon receipt of a form 1510-A from the accepting postmaster, postmasters at the office of address will within 5 days:

a. Check delivery record, form 3849-A, Delivery Notice or Receipt, form 3849-B, Delivery Reminder or Receipt, or form 3883, Firm Delivery Book, to ascertain whether or not the article was delivered. When c.o.d. claims are received, search the tag file; if not record is found, search the file of form 3814 at main office or station or branch involved.

PART 165
CERTIFICATES OF MAILING, RETURN RECEIPTS, AND RESTRICTED DELIVERY

.242 Request for duplicate or return receipt after mailing, form 3811-A.

a. Records of delivery shall be checked and the date of delivery and name of the individual who signed for the article shall be placed on form 3811-A.

b. If a signed receipt is not found for certified mail, send the addressee form 1572, Inquiry About Receipt of Mail. If the reply indicates that the addressee has received the certified mail, file completed form 1572 with forms 3849-A or 3849-B as a receipt. The delivery information contained on form 1572 shall be used to complete form 3811-A. If the addressee does not return completed form 1572 within 14 days, form 3811-A shall be completed to show no record of delivery and returned to the mailer.

.34 Procedures at office of delivery.

.341 Mail marked Restricted Delivery will be delivered only to the addressee or to the person he specifically authorizes in writing to receive his restricted delivery mail:

a. Addressees who regularly receive restricted delivery mail may authorize an agent by use of form 3801, Standing Delivery Order, or by a letter to the postmaster. These authorizations are for post office records. The notation This authorization is extended to include Restricted Delivery Mail must be made by the addressee on the part of the form 3801 provided for signatures of authorized agents.

b. Form 3849-A, Delivery Notice or Receipt, may be left for this authorization if the post office has no standing delivery order or letter on file. On the back of the form the addressee may enter the name of the person designated in the Deliver Article To block and sign and date the authorization. The agent must sign for receipt of the article on the front of the form in the normal manner.

.343 Restricted delivery mail addressed to the commander, staff sections or other officials of military organizations by name and title may be delivered to the unit mail clerk, mail orderly, postal clerk, assistant postal clerk, or postal finance clerk, when such individuals have been designated on DD Form 285 to receipt for all mail addressed to the units for which they are designated. If the mail clerk, etc., has been designated on DD Form 285 to receipt for ordinary mail only, then

restricted delivery mail addressed to the commander, etc., by name and title may be delivered to the mail clerk, etc., only if authorized by the addressee in a letter to the post office, on form 3849-A or 3849-B, or form 3801.

PART 166
SPECIAL DELIVERY

.42 Delivery in mail receptacles.

When no one is at the address to receive mail, the messenger, if he can determine that the occupants are absent for not more than 1 day, will leave the mail and a notice on form 3849-A, Delivery Notice or Receipt.

.43 Notice of attempted delivery.

When mail cannot be delivered as described in 166.42, the form 3849-A left under the door, between the door and doorjamb, or in the receptacle, will state where the special delivery mail is being held.

.44 Rural and star route carriers.

If delivery is attempted and cannot be made to a customer's residence or place of business, the special delivery matter is deposited in his box and a notice of nondelivery on form 3849-A is left at his residence or place of business.

PART 168
CERTIFIED MAIL

.55 Notice of arrival.

The carrier will leave a notice of arrival on form 3849 if he cannot deliver the certified article for any reason. The article will be brought back to the post office and held for the addressee. If the article is not called for within 5 days, a second notice on form 3849-B will be issued. If the article is not called for or its redelivery requested, it will be returned at the expiration of the period stated by the sender, or after 15 days if not period is stated.

.56 Delivery at post office.

Hold certified mail at a place convenient for the public to call if addressed for box or general delivery or for firm callers, or if a form 3849-A or 3849-B had been left for addressee to call. Place form 3849-A or 3849-B in post office box for lockbox customers. Form 3883 will be used where firm or other customers receive an average of three or more certified letters at one delivery.

.61 Assignment.

Send certified mail, including that for firms, to a unit or employee desig-

nated to assign it for delivery. Assign as follows:

a. *Individual pieces.* At offices with 190 or more revenue units, show on form 3867, Registered and Certified, the total number of pieces given to each carrier. The carrier will receipt in bulk on form 3867 for articles restricted in delivery of those for which returned receipts showing delivery address have been requested, and attach form 3849-A or 3849-B stamped to show the special service requested. Use form 3850 at post offices with 189 or less revenue units as the charge-out record. Receipt will be given in bulk by carrier on form 3850.

.65 Filing delivery receipts. File individual delivery receipts, form 3849-A or 3849-B, by the last two digits of the certified mail number in the consolidated delivery receipt file unless quantity accumulated over the filing period is less than 200, in which case use last digit only for breaking file. File firm delivery receipts, form 3883, by the name of the addressee or chronologically by date.

PART 169

POST OFFICE LOCKBOX AND CALLER SERVICE

.825 Service of notice. The Notice of Intent to Close a Post Office Box (or terminate caller service) may be served on the boxholder or caller by certified mail, with restricted delivery, addressed to his post office box or other address. Obtain a return receipt therefor, and forward immediately to the General Counsel. If restricted delivery cannot be made, deposit the notice in the box or in the receptacle provided for the caller for delivery as ordinary mail and this shall constitute valid service. Complete a post office delivery receipt, form 3849-B, Delivery Reminder or Receipt, and send to the General Counsel. Endorse both the form 3849-B and the return receipt for the certified mail to show that restricted delivery could not be made and that the notice was delivered as ordinary mail. An order of the Judicial Officer closing a post office box or terminating caller service or affirming the refusal to grant an original or renewal application for such box or caller service shall bar the granting of any similar application wherever made, by or on behalf of the person involved, until such order has

been revoked, amended or modified by the Judicial Officer.

PART 171

MONEY ORDERS

.217 Countries where service is available on domestic basis.¹

Country	Address
Antigua.....	Administrator St. Johns, Antigua
Bahamas.....	Postmaster Nassau, Bahamas
Barbados.....	Postmaster General Bridgetown, Barbados
Belize.....	Postmaster General Belize City, Belize
British Virgin Islands.	Administrator Tortola, British Virgin Islands
Canada (see 171.214a).	Deputy Postmaster General Financial Branch Money Order Division Ottawa ON Canada K1A 0B1
Canal Zone.....	Director of Posts Balboa Heights, Canal Zone
Dominica.....	Colonial Postmaster Dominica, West Indies
Grenada.....	Colonial Postmaster Grenada, West Indies
Montserrat.....	Administrator Montserrat, West Indies
St. Kitts-Nevis-Anguilla.	Administrator St. Kitts-Nevis-Anguilla, West Indies
St. Lucia.....	Postmaster General St. Lucia, West Indies
St. Vincent.....	Colonial Postmaster St. Vincent, West Indies
Trinidad and Tobago.	Postmaster General Port of Spain, Trinidad, West Indies

PART 172

NONPOSTAL STAMPS AND BONDS

172.3 United States Savings Bonds. The Postal Service discontinued over-the-counter sales of Savings Bonds on March 26, 1977, at the request of the Treasury Department. In the judgment of the Treasury Department, the sale of Savings Bonds at post offices is unnecessary because a sufficient number of other issuing agents are available. Customer inquiries should be referred to local financial institutions or the Treasury Department for further information.

[FR Doc. 78-15689 Filed 6-8-78; 8:45 am]

¹See sections 171.213 and 171.42c.

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[909-8; PP 1E1933/R152]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Methomyl

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide methomyl on Bermuda grass and grass hay. The amendment to the regulations was requested by the Interregional Research Project No. 4. This rule establishes a maximum permissible level for residues of methomyl on Bermuda grass and Bermuda grass hay.

EFFECTIVE DATE: Effective on June 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C., 202-755-2516.

SUPPLEMENTARY INFORMATION: On March 27, 1978, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (43 FR 12725) in response to a pesticide petition (PP 7E1933) submitted to the Agency by Dr. C. C. Compton, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, N.J. 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of North Carolina. This petition proposed that 40 CFR 180.253 be amended by the establishment of a tolerance for residues of the insecticide methomyl (S-methyl N-[(methylcarbamoyl)oxy] thioacetimidate) in or on the raw agricultural commodities Bermuda grass at 10 parts per million (ppm) and Bermuda grass hay (dried and dehydrated) at 40 ppm. No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.253 should be adopted with-

out change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before July 10, 1978, file written objections with the Hearing Clerk, EPA, Room M-3708, 401 M Street SW., Washington D.C. 20460. Such objections should specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on June 9, 1978, Part 180, Subpart C, § 180.253 is revised in its entirety by editorially reformatting the section into an alphabetized columnar listing and alphabetically inserting tolerances for Bermuda grass and Bermuda grass hay as set forth below.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(e)).)

Part 180, Subpart C, § 180.253 is amended by alphabetically inserting in the table the tolerances of 10 ppm in or on Bermuda grass and 40 ppm in or on dried and dehydrated Bermuda grass hay to read as follows:

§ 180.253 Methomyl; tolerances for residues.

Commodity:	Parts per million
Grass, Bermuda.....	10
Grass, Bermuda, hay (dried and dehydrated).....	40

Dated: June 5, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 78-15971 Filed 6-8-78; 8:45 pm]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 78-387]

AMATEUR RADIO SERVICE

Administration of Operator Examinations

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: The FCC is amending its amateur radio rules to permit the en-

gineers in charge of its various field offices to issue Amateur Code Credit Certificates. Upon presentation of a properly completed certificate, an applicant for an amateur operator license will be given examination credit for the telegraphy speed shown on the certificate. The FCC is acting in response to many complaints that it has no such examination credit program and expects that the issuance of Amateur Code Credit Certificates will relieve both applicants and the FCC of unnecessary work and effort.

EFFECTIVE DATE: June 16, 1978.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mr. Gregory M. Jones, Personal Radio Division, Safety and Special Radio Services Bureau, 202-634-6619 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Adopted: May 31, 1978.

Released: June 7, 1978.

Order. In the matter of amendment of the FCC's rules concerning the administration of operator examinations in the amateur radio service.

1. The Commission is amending its rules concerning the administration of operator examinations in the amateur radio service.

BACKGROUND

2. Under existing examination procedure, an applicant for an FCC-supervised amateur radio operator license must appear at an FCC field office or designated examining point for examination. Depending on the class of operator license for which the applicant is applying, he must successfully complete certain examination "elements", in accordance with the following schedule (see § 97.23 of the Commission's rules):

Class of Operator License and Required Examination Elements

Amateur Extra—1(C) (20 word per minute telegraphy test); 2 (basic amateur operation); 3 (general amateur practice); 4(A) (intermediate amateur practice); 4(B) (advanced amateur practice).
Advanced—1(B) (13 word per minute telegraphy test); 2, 3, and 4(A).
General—1(B), 2, and 3.
Technician—1(A) (5 word per minute telegraphy test); 2, and 3.
Novice (not administered at FCC field offices)—1(A) and 2.

3. Section 97.25(a) of the rules states that a licensed amateur operator applying for a higher class operator license will be given examination credit for the examination elements included in the examination for the class of operator license he already holds. For example, an applicant for the general

class operator license who holds a technician class license at the time of his examination will be given examination credit for examination elements 2 and 3 and need only successfully complete examination element 1(B) to obtain the general class license.

THE PROBLEM

4. It has come to our attention that many amateur licensees are not entirely satisfied with the present rule concerning examination credit in the amateur service. In particular, we have been receiving many informal requests to amend the rules to extend examination credit to an applicant for each examination element he passes, regardless of whether the applicant goes on to complete the entire examination successfully. For example, if an applicant for a general class operator license who holds no amateur license at the time of his general class examination were to pass examination element 1(B) (13 word per minute code test) but fail examination element 3 (general amateur practice), he would be given examination credit for element 1(B) upon reexamination. He would not be required to retake the 13 word per minute telegraphy test, because he would have passed it once already under FCC supervision.

THE SOLUTION

5. We believe there to be no reason to continue to require that an applicant for an amateur operator license retake examination elements he has already completed successfully, and we are by this order amending parts 0, 1, and 97 of the FCC's rules to permit the issuance of Amateur Code Credit Certificates (FCC Form 845) by the engineers in charge of the various FCC field offices. Amateur Code Credit Certificates will be issued to applicants for amateur operator licenses who pass telegraphy examination elements 1(A), 1(B), or 1(C) but who fail the written examination elements associated with the telegraphy examinations. Upon presentation of a properly completed Amateur Code Credit Certificate, an applicant for an amateur operator license will be given credit for the code speed listed on the Amateur Code Credit Certificate. Thus, an unlicensed applicant for a general class license who passes examination element 1(B) but who fails examination element 3 will, upon reexamination, be given credit for examination element 1(B). To obtain the general class license the applicant would have to complete only elements 2 and 3. An Amateur Code Credit Certificate will be valid for a period of 1 year from the date of its issuance and must be presented at the field office at which the examination was undertaken.

6. We believe the amendments we are adopting will make it simpler and

less tedious for applicants for amateur operator licenses to obtain such licenses. We also believe our service to applicants for amateur operator licenses will improve, because we will not have to administer what are essentially unnecessary telegraphy examinations. (A reduction in the number of examinations we administer is critical, in view of the extremely large number of applicants now seeking to become amateur radio operators.)

CONCLUSION

7. Authority for these amendments appears in sections 4(i), 5(d), and 303 of the Communications Act of 1934, as amended. Because the manner in which amateur radio examinations are conducted is a matter of internal agency procedure, the prior notice and public procedure provisions of the Administrative Procedure Act, 5 U.S.C. 553, are not applicable.

8. Accordingly, the Commission orders that parts 0, 1, and 97 of its rules are amended as set forth below effective June 16, 1978.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303).)

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Parts 0, 1, and 97 of Chapter I of Title 47 of the Code of Federal Regulations are amended, as follows:

PART 0—COMMISSION ORGANIZATION

1. In § 0.314, a new paragraph, (w), is added, as follows:

§ 0.314 Additional authority delegated.

(w) To issue Amateur Code Credit Certificates, under the provisions of Part 97 of this chapter.

PART 1—PRACTICE AND PROCEDURE

2. In § 1.922 a new form, FCC Form 845, is added, as follows:

§ 1.922 Forms to be used.

FCC Form and Title

845—Amateur Code Credit Certificate.

PART 97—AMATEUR RADIO SERVICE

3. In § 97.25, paragraphs (b), (c), and (d) are redesignated paragraphs (c),

¹Commissioners Ferris, Chairman; and Brown absent.

(d), and (e), respectively, and a new paragraph (b) is added, as follows:

§ 97.25 Examination credit.

(b) Upon presentation of a properly completed Amateur Code Credit Certificate, FCC Form 845, the FCC shall give the applicant for an amateur radio operator license examination credit for the code speed listed on the Amateur Code Credit Certificate. An Amateur Code Credit Certificate is valid for a period of 1 year from the date of its issuance and will be honored only at the FCC field office that issued the Amateur Code Credit Certificate.

[FR Doc. 78-16027 Filed 6-8-78; 8:45 am]

[6712-01]

[Docket No. 20746; FCC 78-365]

PART 15—RADIO FREQUENCY DEVICES¹

Extension of Receiver Certification Program To Revise the Technical Specifications for Receivers, and To Make Other Changes

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document interprets the definition of a CB receiver contained in § 15.59(a) of the FCC rules, as promulgated in docket 20746. Amateur receivers containing an 11 meter position which were manufactured prior to January 1, 1960, have been removed from the definition of a CB receiver and are, therefore, no longer subject to the January 1, 1978, marketing ban specified in that section.

EFFECTIVE DATE: June 16, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

John A. Reed, Office of Chief Engineer, 202-632-7093.

SUPPLEMENTARY INFORMATION:

Adopted: May 31, 1978.

Released: June 7, 1978.

Order. In the matter of revision of Part 15 to extend the receiver certification program, to revise the technical specifications for receivers, and to

¹In the Matter of petitions to extend the sales cut-off date for certain CB radios. Order adopted August 24, 1977, extended the sales cut-off date for hand held CB radios (as defined in paragraph 12 of the order) and denied an extension of sales cut-off for all other (23-channel) CB radios, FCC 77-586; 66 FCC 2d 139.

make other changes, Docket No. 20746.

1. A first report and order in this proceeding was adopted on July 27, 1976, and released on August 4, 1976 (41 FR 32590; 60 FCC 2d 687; 41 FR 47442, October 29, 1976). That report added § 15.59 to our Part 15 rules which established technical standards and imposed a requirement for certification of CB receivers. For the purpose of this regulation, a CB receiver was defined; the definition encompassed the following, among others:

*** The CB band of a multiband receiver in which such band can be separately selected and is labeled "CB band" or "11-meter band".

In addition, § 15.59 specified August 1, 1977, as the cut-off date for manufacture, and January 1, 1978, as the cut-off date for marketing of non-certificated CB receivers.²

2. The decision to establish a January 1, 1978, cut-off date for marketing has been reviewed three times by the Commission in response to petitions for waiver or extension of the date. The first review occurred in an order of August 24, 1977, in which the marketing cut-off date was extended to August 1, 1978, for certain hand-held CB radios. The second review occurred in our order of November 9, 1977, which denied a general waiver or extension of the January 1, 1978, marketing cut-off date. The third review occurred in an order of January 10, 1978, which authorized an extension of marketing until August 1, 1978, for designated CB converters manufactured by Tanner Electronic Systems Technology, Inc.³

3. On December 1, 1977, a suit was filed with the U.S. Court of Appeals for the D.C. Circuit by Arthur Fulmer, Inc., and the National Association of Retail Dealers of America (NARDA) questioning the Commission's refusal to extend the marketing cut-off date (Case No. 77-2064). The court announced its decision on December 16, 1977, affirming the Commission's ability to do so.⁴

4. The Commission is still of the opinion that the January 1, 1978, mar-

²In the Matter of petitions to extend the January 1, 1978, sales cut-off date for 23-channel CB radios and CB rec converters. Order adopted November 9, 1977, denied the petitions, FCC 77-768; 66 FCC 2d —.

³In the Matter of petition of Tanner Electronic Systems Technology, Inc., for waiver of § 15.59(g) of the Commission's Rules. Order adopted January 10, 1977, grants extension of marketing to August 1, 1978. FCC 78-18. Originally denied by the Commission's order of November 9, 1977 (footnote 2 above), Tanner requested reconsideration and the petition was granted in the light of the Court's judgment (see 13) that Tanner could petition for reconsideration on grounds of special circumstances.

⁴Arthur Fulmer Inc., et al v. FCC, U.S. Court of Appeals, D.C. Cir. No. 77-2064, December 16, 1977.

keting cut-off date for non-certificated CB receivers, as defined in § 15.59(a), is justified. No waivers of this marketing requirement have been issued; and none are contemplated.

5. A question has arisen as to the interpretation or classification of an amateur radio receiver which includes an 11-meter band (presently 26.96-27.41 MHz, formerly 26.96-27.23 MHz) as a CB receiver under the definition in § 15.59(a). Prior to 1958, the 11-meter band had been allocated to the Amateur Radio Service. Accordingly, it was perfectly natural that receivers manufactured when that allocation was in effect should include the 11-meter band. On September 11, 1958, the allocation of this band to the Amateur Radio Service was deleted and effective September 1, 1958, the band was reallocated to the Citizens Radio Service for use by Class D stations (now the CB Radio Service.) The Commission understands that a number of pre-1960 amateur radio receivers with an 11-meter band are still in use by licensed amateurs and that sale or trading in these receivers among amateurs is fairly common. Although, the 11-meter band was no longer an amateur band, the novelty of CB radio and amateur interest in it led manufacturers to continue building amateur radio receivers with an 11-meter band until 1960.

6. To the best of our knowledge, these pre-1960 amateur receivers have never contributed to the interference situation caused by the CB receivers that were marketed prior to January 1, 1978, and which led to our order of July 27, 1976 (see § 1 above). It was never our intention to impose the stringent technical specifications of § 15.59 on these pre-1960 amateur receivers nor to require that these receivers be certificated as a prerequisite for marketing. However, the definition in § 15.59(a) inadvertently classifies every receiver with an 11-meter band as a CB receiver; and because of the all inclusive language of § 15.59 and of § 2.803, these pre-1960 amateur receivers may not be marketed after January 1, 1978.

7. It is the purpose of this order to interpret § 15.59(a) and to remove these pre-1960 amateur radio receivers from the category of CB receivers as defined in § 15.59(a) and in this way to permit these pre-1960 amateur radio receivers to be freely traded and sold. As we have pointed out, these receivers as a class have never been a source of harmful interference and the marketing restriction that was inadvertently imposed is not justified.

8. Accordingly, § 15.59(a) is interpreted and amended to provide an exemption for pre-1960 amateur radio receivers that include an 11-meter band. As amended, § 15.59(a) reads as follows:

§ 15.59 Interference requirement for a CB receiver.

(a) For the purpose of this regulation, a CB receiver is defined as any receiver that operates in the Personal Radio Services on frequencies allocated for CB stations, as well as any receiver provided with a separate band specifically designed to receive the transmissions of CB stations in the Personal Radio Services. The term CB receiver includes the following:

(1) A CB receiver sold as a separate piece of equipment.

(2) The receiver section of a CB transceiver.

(3) A converter to be used with any receiver for the purpose of receiving CB transmissions.

(4) A multiband receiver that includes a band labeled "CB" or "11-meter" in which such band can be separately selected, except that an Amateur Radio receiver that was manufactured prior to January 1, 1960, and which includes an 11-meter band shall not be considered to be a CB receiver.

9. It should be noted that this exemption will not only to any amateur equipment which contains a CB or an 11-meter band and was manufactured after January 1, 1960. Such equipment manufactured after January 1, 1960, will continue to be classified as a CB receiver and marketing of such equipment after January 1, 1978, is prohibited unless such equipment has been granted certification by the Commission.

10. In summary, the Commission finds that it is in the public interest to interpret and amend § 15.59(a) of its rules to allow the sale, trade, etc., of receivers of the type described above even though they are not certificated. Language reflecting this interpretation is contained in the amendment to § 15.59(a) which is noted above in § 6. Because the amendment ordered herein is interpretative in nature, the prior notice, public procedures, and effective date provisions of 5 U.S.C. 553 (Administrative Procedure and Judicial Review) are found to be not applicable.

11. Authority for the rule amendment adopted in this order is contained in sections 4(i), 302, and 303(f) of the Communications Act of 1934, as amended.

12. Accordingly, It is ordered, That Part 15 of the Commission's rules and regulations is amended, effective June 16, 1978, as set forth in § 8 of this order.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082, sec. 302, 82 Stat., 290 (47 U.S.C. 154, 302, 303).)

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-16026 Filed 6-8-78; 8:45 am]

¹Commissioners Ferris, Chairman; and Brown absent.

[6712-01]

[Docket No. 19995; RM-2275; FCC 78-331]

PART 76—CABLE TELEVISION SERVICES

Network Program Exclusivity Protection by Cable Television Systems

AGENCY: Federal Communications Commission.

ACTION: Effective date of recent rule change postponed.

SUMMARY: The Commission recently amended its cable television rules regarding deletion of network programs on some local television signals. A number of parties have asked that the Commission change its decision. The Commission voted to postpone the effective date of the rule change until it acts on those requests.

EFFECTIVE DATE: Postponed to June 10, 1978.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Tom Hendrickson, Cable Television Bureau, 202-632-6468.

SUPPLEMENTARY INFORMATION:

Adopted: May 18, 1978.

Released: May 30, 1978.

In the matter of amendment of subpart F of Part 76 of the Commission's rules and regulations with respect to Network Program Exclusivity Protection by Cable Television Systems, Petitions for Stay, Docket No. 19995, RM-2275 [43 FR 22212].

1. In its "Memorandum Opinion and Order in Docket 19995," FCC 78-217, FCC 2d (1978) the Commission amended § 76.92 of its rules effective May 24, 1978. The new rule provides that the network nonduplication rules do not require deletion of programs on television stations which are "significantly viewed" in the cable community. The decision was a reversal on reconsideration of the "Third Report and Order in Docket 19995," FCC 76-1076, 62 FCC 2d 99 (1976), 43 FR 22212, May 24, 1978.

2. Five separate motions were filed asking that the effective day of the rule be stayed. Four of the motions were filed by two or more parties jointly. One was filed by Amaturo Group, Inc.; KCST, Inc., McGraw-Hill Broadcasting Co., Inc., and NEP Communications, Inc. Another was by Spartan Radiocasting Co., Post-News-

week Stations Florida, Inc., and Post-Newsweek Stations Connecticut, Inc. Another was by Henson Aviation, Inc. and Central Coast Broadcasters, Inc. Nine UHF television station licensees filed jointly.¹ Bibb Television, Inc. filed in a separate motion.

3. Comments opposing the motions were filed by the National Cable Television Association and Scripps-Howard Broadcasting Co. A joint comment supporting the stay was filed by Key Television, Inc.; Wyneco Communications, Inc.; Great Lakes Communications, Inc.; and D. H. Overmyer Telecasting Co. Separate comments supporting the motions were filed by Gill Industries, National Association of Broadcasters and National UHF Broadcasting Association.

4. Petitioners ask for several alternative types of stay. They are:

(a) Stay the effective date until the Commission rules on the petitions for reconsideration. (One reconsideration petition has already been filed. Several parties have indicated they will file.)

(b) If the Commission does not grant a stay pending reconsideration, it should grant a stay until a judicial stay can be requested and acted on.

(c) Grant a stay pending completion of judicial review. (A petition for review has already been filed with the 4th Circuit Court of Appeals by Spartan Radiocasting, Post-Newsweek Stations Florida and Post-Newsweek Stations Connecticut.)²

(d) If no general stay is granted, grant an automatic stay in individual cases where a petition for special relief is filed, until action on that petition.

5. The parties generally agree that the Commission should examine four elements in deciding whether a stay should be granted.³

(a) What are the chances that petitioner will prevail on the merits either on reconsideration by the Commission or on review by the courts?

(b) Has petitioner shown that without a stay, it would be irreparably injured?

(c) Would issuance of a stay substantially harm other parties in the proceeding?

(d) Is a stay in the public interest?

6. *Likelihood of success of the merits.* Those arguing for a stay feel the deci-

sion will be reversed either by the Commission or the courts. They state that notice that the action was under consideration was inadequate under both the Administrative Procedures Act and the Commission's own rules. Furthermore, it is urged that the Commission granted more relief than requested in the petition for reconsideration. They believe this is prohibited under section 405 of the Communications Act of 1934, as amended. One of the comments argued that the Commission failed to dispose of the issues raised on reconsideration and thus violated § 1.429(i) of its rules.

7. Aside from the procedural grounds, supporters of the motions state that the decision was arbitrary and capricious. They argue first that the Commission did not fully appreciate the consequences of the decision. Examples are cited where television stations will lose some or all of the network nonduplication protection they now receive. Petitioners state that UHF stations and small market VHF's are especially hard hit. They believe the Commission failed to consider the economic impact of the rule change on television stations. Secondly, it is urged that the rule is based on a false assumption that "significantly viewed" stations are "local" stations.

8. Commenters opposing the motions for stay believe that there is little likelihood of success either on reconsideration or before the courts. They assert the public was properly put and kept on notice that the issue was under consideration during every stage of the proceeding. NCTA points out that its comments to the petition for reconsideration reiterated a proposal going much farther than the rule finally adopted. NCTA attacks the examples given of impacted stations as conclusory and factually incomplete. As for the alleged false assumption, the opposing comments argue that movants are wrong; that the Commission is correct in viewing this issue as one of local stations versus local stations instead of local versus distant. Finally, NCTA urges that the rule is not arbitrary since special relief can be granted in cases where need is proven. It argues that the change is merely a shifting of the burden.

9. *Irreparable injury.* Movants and their supporters state that the rule change will undoubtedly mean a loss in audience to affected stations. This, they say, translates to lost revenue which leads to loss of service to the local community and in some cases may be even loss of a station. Again numerous examples are cited of potential audience loss. They assert that it may take several years for Commission and judicial review, with the losses piled up during that time. It is pointed out that the May 24, 1978 effective date falls in the May 3-30 Arbitron audience sweep and the May 4-31 Nielsen sweep. Even if the ratings do not pick up the change, advertisers are said to be aware of it.

10. Opposing comments charge that the losses are speculative, that mere monetary loss is not grounds for a stay and that, at any rate, the damage can be averted where there is actual need through the special relief process. NCTA argues that there is no loss anyway since the decision merely restores the over-the-air situation.

11. *Harm to other parties.* Movants argue that no one else is really hurt by a stay. Cable systems already have the equipment and procedures on hand, and the cost of maintaining protection is minimal. They say the television stations that will no longer be deleted are mostly large market VHF's who do not need the additional viewers. Finally, the cable subscribers are not harmed. Since the cable operator can put the priority station's signal on the otherwise blank channel, the only thing different to the subscriber is local advertisements and channel identifications.

12. Scripps-Howard on the other hand says there would be injury to the significantly viewed station which finally is getting the full carriage it deserves. Furthermore, the cable systems would be harmed because the burden of proof for waivers would shift back to them. NCTA adds that there are definite costs in that "purchase and maintenance of switching equipment, labor costs to check program logs and set up switches, as well as subscriber loss due to program deletions all work a profound negative impact on cable operators."

13. *The public interest.* Movants urge that the real issue here is the threatened loss of local service due to economic impact. They balance this against the fact that the public loses no programming through continued protection. Thus it is urged that the public risks much and gains nothing if the new rule is put into effect. Opposing comments point to documented subscriber dissatisfaction and urge that noncable viewers are not affected either way.

14. *Discussion.* The test traditionally applied to stay requests of this type are found in *Virginia Petroleum Jobbers Association v. FCC*, 259 F. 2d 921 (D.C. Cir. 1958) and *Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc.*, 559 F. 2d 891 (D.C. Cir. 1977). Under the earlier case, theoretically all four of the tests should be met by the moving party. The latter case involves a somewhat less stringent balancing of the probability of success on the merits versus the balance of hardships.

15. With respect to likelihood of success on the merits, it is clear that substantial policy issues will be raised in

connection with the reconsideration requests. The legal (Administrative Procedure Act) arguments, are, we believe, somewhat less compelling.

16. With respect to the "irreparable injury" and harm to other parties tests, it is apparent that some stations losing protection by the change in the rules will be injured and that no mechanism exists for making such stations whole if the rules are again changed. Cable subscribers, cable system operators, and stations whose signals are deleted will also be injured, although subscribers presumably will not lose any programming and cable systems already complying with the rules will not need to purchase new equipment. The significance of the losses to stations gaining carriage or losing protection will vary depending on their market configuration, number of cable systems in the area, length of time during which carriage or protection is lost, and the speed with which audience rating services and advertisers are able to take into account the changed situation. Termination of nonduplication protection for a period of several months would generally not appear to have a great impact, although inclusion of Arbitron and Nielsen rating periods within that time could tend to increase it.

17. The fourth criteria, the public interest, allows for some consideration of the impact of a stay decision on the more general public as contrasted with the more immediately interested parties and includes our interest in administrative efficiency and economy.

18. In considering the four factors we do not believe an across-the-board stay has been justified. As we see it, petitioners ask that a rule of nationwide application be stayed because some television stations may be adversely affected. Contrary to assertions in the pleadings, the Commission was well aware of the implications of the rule change. Our decision, however, is basically a shifting of the burden. Instead of protecting all stations out of concern for a minority, the new rule will result in such protection only where the need for it is demonstrated.

19. Looked at from this perspective, it seems appropriate and an exercise of orderly administration that protection now being afforded not be discontinued in those cases where there is a possibility that continued protection will be sought and granted. We do not believe a more general stay should be granted. We have decided to adopt an automatic stay procedure whereby any station which believes it has a good case for waiver can get continued protection until the Commission acts on its petition.⁴ We recognize that some

⁴We have used basically this same procedure before with good results. See "Second

stations which cannot justify waiver will get this interim protection. Further, we realize that there is some cost to significantly viewed stations, cable operators, and cable subscribers. But there considerations are outweighed by out concern that there be no injury in the cases where waiver will eventually be granted.

20. It is our intention to maintain the status quo by granting an automatic stay of the effect of § 76.92(g) of the rules to any television station which, by June 10, 1978, submits to the Commission and serves upon the relevant cable system(s) a notice that special relief will be sought on this matter. Television stations filing such notices shall submit to the Commission, no later than sixty (60) days after the filing of the notice, a petition for special relief stating fully and precisely all pertinent facts and considerations relied on to demonstrate the need for relief and to support a determination that a grant of such relief would serve the public interest. All interested parties may submit comments or oppositions to the petition within thirty (30) days after it has been filed and petitioner may file a reply to the comments or oppositions within twenty (20) days after their submission. All pleadings shall conform to the special relief requirements of § 76.7 of the Commission's rules, with the exception that one consolidated petition may be filed on behalf of a television broadcast station seeking special relief vis-a-vis its continued nonduplication protection on two or more cable television systems. Until the Commission rules on such a petition, the subject cable television system(s) shall continue to afford the petitioning broadcast station nonduplication protection against significantly viewed signals.

21. In order to accommodate this procedure, it will be necessary to delay the overall effective date of the rule from May 24, 1978 to June 10, 1978. It seems unwise to allow the rule to change back and forth over a 2 or 3 week period depending on whether a notice is filed.

Accordingly, it is ordered, That the motions for stay described above are granted in part and denied in part as indicated above.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-16028 Filed 6-8-78; 8:45 am]

Report and Order in Docket 19995," FCC 75-820, 54 FCC 2d 229 (1975).

⁵We are allowing this period of time for stations to assemble specific data and prepare the showing required in each petition. Extensions of time are not contemplated.

[6712-01]

[CT Docket No. 78-51; FCC 78-374]

PART 78—CABLE TELEVISION RELAY SERVICE

Permitting Continuous Operation

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Commission amended §§ 78.11(h), 78.53(a)(2) and 78.55 of the rules to permit continuous operation of microwave stations licensed in the Cable Television Relay Service (CARS). Improved performance of a microwave station and better equipment reliability and stability are achieved by continuous operation and CARS will now be permitted the same use as that accorded other microwave services regulated by the Commission.

EFFECTIVE DATE: July 14, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Jeffrey Chebegia or Clifford Paul, Microwave Branch, Special Relief and Microwave Division, Cable Television Bureau, 202-254-3420.

SUPPLEMENTARY INFORMATION: Adopted: May 31, 1978.

Released: June 7, 1978.

REPORT AND ORDER—PROCEEDING TERMINATED

In the matter of: amendment of Part 78 of the Commission's rules and regulations to permit continuous operation in the Cable Television Relay Service, CT Docket No. 78-51.

1. On February 8, 1978, by its "Notice of Proposed Rulemaking in CT Docket No. 78-51," FCC 78-86, — FCC 2d — (1978), the Commission proposed an amendment to Part 78 of the Commission's rules and regulations to permit continuous operation in the Cable Television Relay Service (CARS) 43 FR 7334, February 22, 1978. Continuous operation occurs when a station transmits 24 hours per day, even if information is not always being relayed. Our present rules permit operation only when information is available for transmission. The change was proposed in order to achieve improved reliability and stability of the microwave equipment.

2. Continuous operation has been allowed for microwave stations in the Common Carrier and Safety and Special Radio Services for a number of years. On December 8, 1977, the Commission adopted the "Report and Order in Docket No. 20539," FCC 77-836, — FCC 2d — (1977). As part of that proceeding, subpart F of part 74

of the rules was amended to allow continuous operation of stations in the Television Auxiliary Broadcast Service. Therein we cited the improved reliability and frequency stability of present day microwave equipment and the contribution to component failure introduced by intermittent operation of the transmitting equipment. We also noted that the Safety and Special and Common Carrier Services permit continuous operation, that the equipment is similar, and in many cases identical, to that used in such services, and found that present Television Auxiliary Broadcast requirements with respect to non-continuous operation were no longer warranted. In view of the considerations described above, the fact that the Cable Television Relay Service shares the 12.70-12.95 GHz portion of the spectrum with the Television Auxiliary Broadcast Service, and the similarity of function, equipment and operation of CARS and that of the microwave services noted above, we proposed the instant amendment to achieve equivalent reliability and stability standards for CARS microwave operation, consistent with uniform Commission treatment of the various microwave services.

3. Comments were received from six parties: A-R Telecommunications Division of Adams-Russell (A-R); the National Cable Television Association (NCTA); twenty-seven (27) cable television companies jointly (JOINT); Rockwell International Corp. (Rockwell), a major manufacturer of microwave equipment; the New York State Cable Television Association (NYSCTA); and the American Broadcasting Cos., Inc. (ABC). A-R, NCTA, JOINT, Rockwell and NYSCTA fully support the proposed amendment and urge its adoption. While ABC does not oppose the subject proposal, it suggests that action "should be held in abeyance until all parties have the opportunity to address the more fundamental and related issues raised in Docket 21505." ABC contends that the two proceedings are related in broad terms and that "Docket 21505", *supra*, raises questions affecting the future development of services in the Television Auxiliary Broadcast Service, in particular the Electronic News Gathering (ENG) service, that warrant withholding action herein pending receipt of comments in, and conclusion of, the broader proceeding.

ABC advert to the pending "Notice of Proposed Rulemaking and Notice of Inquiry in Docket 21505", FCC 77-856, — FCC 2d — (1977), which, among other things, proposes expansion of the CARS band from 12.7-12.95 GHz to 12.7-13.20 GHz and inquires as to the merits of establishing like technical standards for both the CARS and Television Auxiliary Broadcast Services in the 12.7-13.20 GHz band.

4. In support of the instant proposal, NCTA, JOINT and Rockwell point out that (1) experience has shown that continuous operation does not appreciably affect spectrum management or conservation; (2) licensees and manufacturers report that better reliability and stability of the microwave equipment is achieved by continuously operated equipment; (3) the CARS service is the only microwave service regulated by the Commission that is restricted to non-continuous use; (4) as found in "Docket No. 20539", *supra*, the potential for harmful interference to other facilities arising from continuous operation of microwave stations is minimal; and (5) the considerations found persuasive by the Commission relative to "Docket No. 20539", *supra*, with respect to the continuous operation of Television Auxiliary Broadcast stations, are equally applicable to the operation of CARS microwave equipment. A-R notes that continuous operation will permit the elimination of extra switching devices and reduce the number of equipment outages. Finally, NYSCTA cites the enhanced diversity and variety of programming that would be available to the cable subscriber as a result of continuous microwave operation. NYSCTA points out that in areas such as metropolitan New York, where CARS band facilities are integrated to a point where limited "networking" of locally-originated programming among various systems is possible, continuous operation of CARS facilities would provide increased potential for offering a wider variety of programming, unavailable by any other means, to integrated cable communities on a regional basis.

5. In reply to ABC's suggestion that action herein should be withheld pending disposition of "Docket No. 21505", *supra*, Teleprompter Corp. (Teleprompter) charges that ABC "merely points out the possible prematurity of this proceeding, but does not oppose the merits of the proposal." Teleprompter further indicates that a lack of opposition to the subject proposal is not surprising, in view of the years of experience in other services in which continuous operation has been shown to be technologically desirable for a variety of reasons, and that such operation causes no adverse consequences.

6. We concur with those parties which have offered comments in support of the instant proposal. We believe that the factors which have been set forth in this proceeding in support of permitting continuous operation by CARS microwave stations clearly demonstrate that present restrictions concerning such operation are no longer warranted. Considerations of spectrum management which previously formed the underlying basis for withholding such authority have proven to be in-

consequential, particularly in view of the fact that other similar Commission-regulated microwave services have long since permitted such operation and that like provisions recently adopted in the Television Auxiliary Broadcast Service reflect factors equally applicable to CARS. Moreover, we recognize that, unless good cause can be shown otherwise, communications services which by their nature exhibit identical or similar characteristics, as in the instant case, should be regulated in a uniform manner to the extent that they share common features. Technological and operational benefits that are deemed appropriate to one such service should likewise be made available to another where the circumstances suggest a single standard. In the instant proceeding, the foregoing information presented in support of the proposed amendment clearly justifies its adoption and we are unaware of any persuasive reasons that would warrant retention of existing restrictions that prevent continuous operation of CARS microwave stations.

7. With respect to ABC's contention that no action should be taken in this proceeding until such time as related matters are resolved in pending "Docket No. 21505", *supra*, we do not agree. Apart from its bare assertion that the two proceedings are related and its general reference to the potential impact upon television auxiliary broadcast services, such as ENG, ABC does not offer any specific explanation that suggests an inconsistency between the proposals that would require consolidated consideration of the proceedings, or that otherwise reasonably supports its claim. Under consideration here is a question that relates solely to the use of the present CARS band by a CARS microwave station—a use previously authorized for Television Auxiliary Broadcast stations sharing that band—irrespective of what provisions may be adopted concerning the expansion of the CARS band and its shared use by the Cable Television Relay and Television Auxiliary Broadcast Services. We believe that whatever measures may be deemed appropriate as a result of that proceeding are more suited to examination therein and are sufficiently distinct from the matter at hand to permit the disposition of this proceeding.

8. In view of the foregoing, the Commission is persuaded that the present restrictions against continuous operation by a CARS microwave station are no longer warranted. These stations will now be permitted to operate continuously and the rules are amended accordingly as shown below. However, the rules are also amended to indicate that radiation of the carrier without modulation may not cause harmful interference to other authorized stations.

9. Authority for the adoption of the amendments herein is contained in section 4 (i) and (j), and section 303 (b), (g), and (r) of the Communications Act of 1934, as amended. For the reasons stated above, we are of the view that amendment of the rules as formulated herein would serve the public interest.

Accordingly, it is ordered, That part 78 of the Commission's rules and regulations is amended, effective July 14, 1978, in accordance below.

It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

FEDERAL COMMUNICATIONS
COMMISSION,¹
WILLIAM J. TRICARICO,
Secretary.

Part 78 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. In § 78.11, paragraph (h) is deleted and reserved to read as follows:

§ 78.11 Permissible service.

• • • • •

(h) [Reserved]

• • • • •

2. In § 78.53(a), subparagraph (2) is deleted and reserved to read as follows:

§ 78.53 Unattended operation.

(a) • • •

(1) • • •

(2) [Reserved]

• • • • •

3. Section 78.55 is amended to read as follows:

§ 78.55 Time of operation.

A CARS station is not expected to adhere to any prescribed schedule of operation. Continuous radiation of the carrier without modulation is permitted provided harmful interference is not caused to other authorized stations.

[FR Doc. 78-16031 Filed 6-8-78; 8:45 am]

¹Commissioners Ferris, Chairman; and Brown absent.

[6712-01]

[Docket No. 20509; FCC 78-366]

PART 89—PUBLIC SAFETY RADIO SERVICES

Providing for the use of frequencies 530, 1606, and 1612 kHz by stations in the Local Government Radio Services for the transmission of certain kinds of information to the traveling public

AGENCY: Federal Communications Commission.

ACTION: Memorandum opinion and order.

SUMMARY: On June 20, 1977, the FCC released a Report and Order in Docket 20509 which amends Parts 2 and 89 of its Rules establishing a new class of local government radio station called "Travelers Information Stations." The National Association of Broadcasters (NAB), the Mississippi Broadcasters Association (MBA), and the Department of Transportation and Attorney General's Office of the State of Iowa (Iowa) each filed a Petition for Reconsideration of the Report and Order. These petitions are being denied in this action because the facts presented or the issues raised are either beyond the scope of the decision reached in this proceeding, or were already considered by the Commission in reaching its decision.

EFFECTIVE DATE: July 24, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Melvin Murray, Spectrum Allocation Division, Office of Chief, 202-632-6350.

SUPPLEMENTARY INFORMATION: Adopted: May 31, 1978.

Released: June 9, 1978.

MEMORANDUM OPINION AND ORDER

In the matter of amendment of Parts 2 and 89 of the rules to provide for the use of frequencies 530, 1606, and 1612 kHz by stations in the Local Government Radio Services for the transmission of certain kinds of information to the traveling public, Docket No. 20509.

1. On June 10, 1977, the Commission adopted a Report and Order in Docket 20509 amending Parts 2 and 89 of the rules to establish a new class of station, Travelers Information Station, for transmitting certain kinds of information to the traveling public. It was published in the FEDERAL REGISTER on June 22, 1977 (FCC 77-414; 42 FR 31594), 43 FR 10697, March 15, 1978.

2. The following parties filed Petitions for Reconsideration of the Com-

mission's action: National Association of Broadcasters (NAB) on July 22, 1977, Mississippi Broadcasters Association (MBA) on July 22, 1977, and the Department of Transportation and Office of Attorney General of the State of Iowa on July 20, 1977. An Opposition to NAB and MBA's petitions for Reconsideration was filed by LocRad, Inc. on August 19, 1977. Comments supporting Iowa's Petition in toto were filed by Halstead Communications, Inc. (Halstead) on August 19, 1977.

3. In its Petition, NAB sets forth several arguments it claims the Commission overlooked prior to releasing its Report and Order. It contends the technical rules regarding transmitter operation are inadequate. Moreover, it adds, the Commission has further "deviated from its long standing policy requiring that transmitting equipment be manufactured to certain specifications (type-approved or type-accepted) and that while in operation such equipment remain within stipulated parameters (tolerance)." A lack of adequate monitoring provisions, it continues, "raises doubts as to whether the primary broadcast service can meaningfully protected from inadvertent interference."

4. Mistakenly, NAB has failed to recognize that all transmitters operating in the Local Government Radio Service are subject to type acceptance requirements, pursuant to § 89.119 of the Commission's rules. Measurement procedures to be used in preparing type acceptance applications are contained in Subpart J of Part 2. The Commission believes the standards with which these transmitters must comply, together with the locational restrictions delineated in these rules, are sufficiently adequate to protect AM broadcast stations from interference. As a further protection measure we have made TIS operations secondary in nature and have provided that if necessary an authorization may be suspended, modified or withdrawn by the Commission to resolve any conflicts, pursuant to § 89.102(c)(1)(iii).

5. NAB further questions who must bear the responsibility for showing the presence of interference. It contends that the rules do not "charge the TIS licensee with the affirmative duty to ascertain that his station, once operational, is not in fact causing interference." On reconsideration, NAB urges the Commission to make clear that the burden of proof regarding the question of interference rests with the TIS licensee.

6. We point out that the rules promulgated in the proceeding have been designed such that if TIS's are operating compliantly, interference to AM broadcast stations should not take

¹42 FR 39422, August 4, 1977.

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place. Accordingly then, if each licensee complies with the rules in establishing his station, we do not foresee a likelihood of interference occurring. However, as mentioned previously, because of this added concern by broadcasters, provision was made to handle conflicts arising from any claims of interference (See § 89.102(c)(1)(iii)).

7. NAB reiterates a number of arguments it and other broadcast interests presented earlier in this proceeding. In brief, these are:

Economic injury will result to broadcasters due to fragmentation of audience by TIS's.

The Rules do not provide necessary safeguards to assure noninterference.

Public notification of applications for TIS's is necessary.

Since NAB fails to present any new evidence regarding these issues and because they have been discussed at length in the Report and Order in Docket 20509, we shall not further address or consider them in this item.

8. In the Third and Fifth Notice of Inquiry (NOI) for developing the U.S. position for the 1979 World Administrative Radio Conference (WARC-79), NAB points out that the Commission has gone on record as advocating an expansion of the standard AM broadcast band to include 525-535 kHz and 1605-1805 kHz for Region 2 under international allocations. Accordingly, NAB contends that the Commission's decision establishing TIS operations through Report and Order in Docket 20509 is inconsistent with a U.S. position to expand the AM band. It further urges the Commission to include in its rules "language which unquestionably establishes that TIS authority may be revoked if 525-535 kHz and 1605-1805 kHz are opened to standard broadcasting at WARC-79."

9. NAB is correct in its statement that the Commission's Fourth and Fifth NOI in Docket No. 20271 listed Broadcasting in the 525-535 and 1605-1805 kHz bands for Region 2. However, it is the Commission's current intention to reserve these bands for Travelers Information Stations as reflected in its Eighth NOI in Docket No. 20271 released on May 5, 1978.

10. In its petition, the Mississippi Broadcasters Association (MBA) requests that the Commission move to deny all the rules promulgated in the Report and Order. MBA states "that it is not in the public interest to establish a service that will compete with broadcasters where that service is designed to operate on broadcast receivers." Secondly, it claims that the Commission failed to "address the question of the habits of the motoring public, and the tendency of listeners not to regularly switch frequencies." These factors, MBA believes, will fragment the commercial broadcasters' audience causing a decline in listenership.

11. In its petition, MBA fails to present any newly discovered evidence not previously considered in this proceeding. The issues mentioned by MBA have been duly considered and were discussed at length in the Commission's Report and Order in Docket 20509. Accordingly, we shall not further address these particular points.

12. The Attorney General's Office and Department of Transportation of the State of Iowa jointly filed a Petition for Reconsideration of § 89.102(c)(1)(iv). This particular rule restricts the transmitting site of each TIS to the immediate vicinity of the following specified areas: air, train, and bus transportation terminals; public parks and historical sites; interstate highway interchanges, bridges, and tunnels. In its Petition, Iowa presents several factors with respect to this rule which, it believes, are in conflict with the public interest. Regarding the restriction to interstate highway interchanges, it contends that conditions exist on non-interstate roads "identical to those found on interstate highways wherein the information transfer capabilities of TIS could benefit the motoring public." Moreover, it claims that the restriction to interstate highway interchanges, bridges, and tunnels is in conflict with good signing practice. As an example, at interstate interchanges, information signing for TIS's "would have to compete with both interchange guide signs and local service information signs." Further, it alleges that motorists exiting at an interchange could become confused if the TIS were transmitting information relative to conditions downstream from the transmitting site.

13. From the standpoint of installation and maintenance, Iowa further points out that transmitting sites other than those permitted under § 89.102(c)(1)(iv) may be more desirable. As example, Iowa is currently operating two stations under experimental license: One site being a public rest area and the other, a truck weigh station.² "These locations", it states, "permit the placement of equipment

²On June 30, 1977, Iowa was granted authorization to operate two experimental stations under Part 5 of the Commission's Rules until July 1, 1978. These stations are KI2XCM, located two miles west of the Walnut Junction of I-80, and KI2XCL, located at the Scott County rest area north of Davenport on I-80. Iowa was granted these licenses subject to the condition that (1) each authorization was not renewable and if operation was expected to continue beyond the term of authorization, then an application to operate under Part 89 authority as a Travelers Information Station should be filed, and (2) the grant of each authorization was in no way construed as a finding that the licensee meets any of the requirements of Travelers Information Stations under Part 89 and that all expenses incurred were at the risk of the licensee.

in a climate controlled atmosphere, with frequent surveillance by DOT personnel which in turn provides security and ease of service. The locations also afford needed power and telephone transmission facilities. Nearby interchanges lack these amenities."

14. Because Federal Highway Administration authorization is required prior to any new installation of signing at interstate interchanges, a further delay, Iowa contends, would be added in setting up stations. Iowa claims the locational restrictions also "would act to impede the development of non-permanent TIS facilities. Mobile or non-permanent traveler information stations appear to be capable of providing a valuable adjunct to visual signing in the vicinity of construction and certain maintenance activities. Currently, visual signing alone does not function in an entirely satisfactory manner in these cases, with resultant safety problems and/or inconvenience to motorists." In this regard, Iowa requests that the Commission consider allowing non-permanent TIS facilities to operate within the 0.5 mv/m contour of AM broadcast stations on 540 and 1600 kHz during the hours those stations are off the air. It claims this would allow TIS to augment visual signing attendant with detours, etc., during twilight and night hours.

15. Although Iowa presents several interesting suggestions, we are not convinced at this time that it would be in the public's interest to modify the rules promulgated in this proceeding. In particular, we believe it remains necessary to maintain § 89.102(c)(1)(iv) which restricts TIS's to specified locations. These locational restrictions have been imposed to discourage the installation of "networks" or "ribbons" of stations along highways for the purpose of continuously attracting listeners (see paragraph 23 of Report and Order in Docket 20509).

16. However, we do find particular merit in Iowa's argument that certain areas are more suitable than others with respect to the installation of transmitting equipment. Accordingly, we would give due consideration to an applicant that proposes installation of the station's transmitting equipment at a suitable area: *Provided*, That it is in the vicinity of one of the permitted locations set out in § 89.102(c)(1)(iv). As a point of clarification, the location—interstate highway interchanges—is construed to mean the intersection of a Federal Interstate Highway with any other Interstate, Federal, State, or local highway. Accordingly, for clarification, the location "interstate highway interchanges" is being amended to read as "any intersection of a Federal Interstate Highway with any other Interstate, Federal, State, or local highway".

17. For the purpose of protecting adjacent channel AM broadcasters from harmful interference, we cannot consider allowing the operation of any mobile or non-permanent TIS facility. This matter of electromagnetic interference was discussed at length in paragraphs 24 and 25 of the Report and Order.

18. Accordingly, pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended: *It is ordered*, That effective July 14, 1978, Part 89 of the Commission's rules is amended as shown below.

19. *It is further ordered*, That the Petitions for Reconsideration of the Commission's decision in Docket No. 20509 are denied.

20. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS
COMMISSION,³
WILLIAM J. TRICARICO,
Secretary.

Part 89 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

-1. Section 89.102(c)(1)(iv) is amended to read as follows:

§ 89.102 Radio call box and travelers information station operation.

- (c)
(1)
(iv) The transmitting site of each Travelers Information Station shall be restricted to the immediate vicinity of the following specified areas: Air, train, and bus transportation terminals, public parks and historical sites, bridges, tunnels, and any intersection of a Federal Interstate Highway with any other Interstate, federal, state, or local highway.

(FR Doc. 78-16030 Filed 6-8-78; 8:45 am)

³Commissioners Ferris, Chairman; and Brown absent; Commissioners Quello and Fogarty concurring in the result.

[4910-06]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD
ADMINISTRATION, DEPARTMENT
OF TRANSPORTATION

252 LOANS UNDER THE EMERGENCY
RAIL FACILITIES RESTORATION
ACT

253 PAYMENTS TO TRUSTEES OF
RAILROADS IN REORGANIZATION
FOR THE CONTINUED PROVISION
OF ESSENTIAL TRANSPORTATION
SERVICES PURSUANT TO SECTION
213(a) OF THE REGIONAL RAIL RE-
ORGANIZATION ACT OF 1973

254 AGREEMENTS PURSUANT TO
SECTION 215 OF THE REGIONAL
RAIL REORGANIZATION ACT OF
1973

Revocation of Part

AGENCY: Federal Railroad Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: This rule revokes certain regulations governing financial assistance programs under the Emergency Rail Facilities Restoration Act and the Regional Rail Reorganization Act of 1973. These financial assistance programs have accomplished their statutory aims and are now terminated.

EFFECTIVE DATE: June 9, 1978.

FOR FURTHER INFORMATION
CONTACT:

Jeffrey K. Mercer, Office of Chief Counsel, Federal Railroad Administration, 202-426-7737.

SUPPLEMENTARY INFORMATION: Each of the parts revoked by this rule prescribes application requirements under certain programs for providing financial assistance to railroads. 49 CFR Part 252 governs applications for loans under the Emergency Rail Facilities Restoration Act. 49 CFR Parts 253 and 254 govern applications by railroads in reorganization for financial assistance under sections 213 and 215, respectively, of the Regional Rail Reorganization Act of 1973.

Each of these financial assistance programs has been terminated. Accordingly, 49 CFR Parts 252, 253, and 254 are hereby revoked. This rule revokes only the implementing regulations and does not affect the validity or enforceability of any obligations outstanding as a result of financial assistance provided under any of these programs.

The revocation of Parts 252, 253, and 254 will have no economic impact. Ac-

cordingly, an evaluation under Paragraph 8(b)(2) of the Secretary's Memorandum of January 31, 1978 (43 FR 9582), is unnecessary.

(Emergency Rail Facilities Restoration Act, Pub. L. 92-591, 86 Stat. 1304; Regional Rail Reorganization Act of 1973, 45 U.S.C. 701 et seq. (1970 Ed. Suppl. V. 1975); the Department of Transportation Act, 49 U.S.C. 1651 et seq. (1970 Ed.); Regulations of the Office of the Secretary of Transportation, 49 CFR 1.49 (o) and (q).)

Dated: June 6, 1978.

JOHN M. SULLIVAN,
Federal Railroad Administrator.
(FR Doc. 78-16020 Filed 6-8-78; 8:45 am)

[7035-01]

CHAPTER X—INTERSTATE
COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND
REGULATIONS

(Corrected S.O. No. 1328)

PART 1033—CAR SERVICE

Regulations for Return of Trailers;
Decision

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order (Service Order No. 1328).

SUMMARY: Because of heavy seasonal demands there is a shortage of insulated-ventilated trailers for shipments of watermelons, potatoes and other perishable freight originating at stations on the Seaboard Coast Line Railroad in Florida for movement in trailer-on-flat-car service. Service Order No. 1328 requires the return to the Seaboard Coast Line of all such trailers owned or leased by that line or by its affiliates the Clinchfield, Georgia and Louisville and Nashville Railroads.

DATES: Effective 12:01 a.m., June 1, 1978; expires 11:59 p.m., June 30, 1978.

FOR FURTHER INFORMATION
CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

An acute shortage of insulated trailers equipped with ventilating devices exists on certain railroads in the southeast for transporting melons, potatoes, and other perishable products requiring protection from heat. Shippers are being deprived of the insulated and ventilated trailers required to transport such perishable freight, thus

creating spoilage of produce and great economic loss. Many insulated, ventilated trailers, after being unloaded are being retained and appropriated for other services which do not result in their return to the major origin areas for perishable freight. Present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of insulated, ventilated trailers are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1328 Corrected Service Order No. 1328.

(a) *Regulations for return of trailers.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Remove from general distribution and deliver by rail, on flat cars insulated trailers described in paragraph (a)(1)(i) of this section to any of the following railroads:

Louisville & Nashville Railroad Co. (L&N).
Richmond, Fredericksburg & Potomac Railroad Co. (RFP).
Seaboard Coast Line Railroad Co. (SCL).

(i) Insulated trailers subject to this order are identified as follows:

Reporting Marks: RCLZ, RCRZ, RGRZ, RLNZ, RSBZ or *RSCZ 200417-200451, 700000-709999 and 786250-791024; and SBD, SBDZ or SCLZ 2002-2024, 30104-30901 and 702002-703150.

(2) Trailers described in paragraph (a)(1) of this section, located on railroads other than the L&N, RFP or SCL, may be loaded with freight requiring protection from heat to any destination to which loading is authorized by Rule 2 of the Code of Trailer Service Rules, published on page 195 of the Official Intermodal Equipment Register, ICC-OIER No. 33, issued by W. J. Trezise, or reissues thereof; or, such trailers may be loaded with any type of freight to any station on the lines of the L&N, RFP or SCL.

(3) Trailers described in paragraph (a)(1) of this section located on the L&N or RFP for which no suitable loading, as defined in paragraph (a)(4) of this section is available, shall be delivered empty, on cars, to the SCL.

(4) Trailers described in paragraph (a)(1) of this section, located on the L&N, RFP, or SCL, may be used only for transporting traffic requiring protection from heat.

*Correction.

(b) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423.

(c) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded trailer, described in this order contrary to the provisions of the directive.

(d) Application. The provisions of this order shall apply to intrastate, interstate and foreign commerce.

(e) Effective date. This order shall become effective 12:01 a.m., June 1, 1978.

(f) Expiration date. The provisions of this order shall expire at 11:59 p.m., June 30, 1978, unless otherwise modified, changed or suspended by order of this Commission.

(49 U.S.C. 1(10-17).)

A copy of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Decided May 31, 1978.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington, and John R. Michael.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15998 Filed 6-8-78; 8:45 am]

[3410-30]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—CHILD NUTRITION PROGRAMS

PART 226—CHILD CARE FOOD PROGRAM

Appendix—Second Apportionment of Fiscal Year 1978 Child Care Food Service Equipment Assistance Funds Pursuant to the National School Lunch Act

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This action reapportions child care food service equipment assistance funds released by States among those States requesting additional funds. The purpose of this action is to effect maximum utilization of such funds.

EFFECTIVE DATE: May 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Henry Rodriguez, Child Care and Summer Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-8211.

Pursuant to section 17 of the National School Lunch Act, as amended by Pub. L. 94-105, child care food service equipment assistance funds available for the fiscal year ending September 30, 1978, are reapportioned among the States as follows:

State	Total reapportionment
Connecticut.....	\$4,639
Massachusetts.....	11,173
Rhode Island.....	2,444
Delaware.....	1,330
District of Columbia.....	2,456
Maryland.....	7,470
New Jersey.....	11,721
New York.....	40,526
Virginia.....	14,121
Alabama.....	13,644
Mississippi.....	12,412
Minnesota.....	5,508
Wisconsin.....	8,534
Louisiana.....	19,094
New Mexico.....	7,538
Colorado.....	4,131
Iowa.....	4,218
Montana.....	2,716
North Dakota.....	1,581
Alaska.....	990
Arizona.....	7,536
Idaho.....	2,329
Oregon.....	5,270
Trust Territory.....	239
Washington.....	7,688
Total.....	199,304

NOTE.—The Food and Nutrition Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: May 31, 1978.

LEWIS B. STRAUS,
Administrator.

[FR Doc. 78-16042 Filed 6-8-78; 8:45 am]

[3410-30]

PART 227—NUTRITION EDUCATION AND TRAINING PROGRAM

Appendix—Apportionment of Funds for Nutrition Education and Training

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This appendix sets forth

the apportionment of funds for nutrition education and training among the States as authorized by the Child Nutrition Act of 1966, as amended. These funds will provide for nutrition education and training programs in the States.

EFFECTIVE DATE: June 9, 1978.

FOR FURTHER INFORMATION:

Dr. Kathleen M. Martin, Acting Director, Nutrition and Technical Services, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

SUPPLEMENTARY INFORMATION: Section 19(j) of the Child Nutrition Act of 1966, as amended, requires that grants to the States must be based on a rate of 50 cents for each child enrolled in the schools or institutions within the State, except that no State will receive an amount less than \$75,000 per year. Enrollment data used for this purpose must be the latest available as certified by the Office of Education of the Department of Health, Education, and Welfare.

State	Public schools ¹	Private schools ²	Child care institutions ³	Total
Connecticut.....	\$318,767.00	\$49,450.00	\$2,438.00	\$370,655.00
Maine.....	125,244.50	8,400.00	1,036.00	134,680.50
Massachusetts.....	605,232.50	87,800.00	5,483.00	698,515.50
New Hampshire.....	88,358.00	10,250.00	801.00	99,409.00
Rhode Island.....	86,625.50	16,150.00	1,388.00	104,163.50
Vermont.....	53,308.00	4,900.00	616.50	*75,000.00
Delaware.....	62,055.50	9,350.00	818.50	*75,000.00
District of Columbia.....	64,694.00	9,650.00	1,400.50	75,744.50
Maryland.....	432,179.00	66,800.00	3,349.50	502,328.50
New Jersey.....	718,144.50	150,400.00	11,970.50	880,515.00
New York.....	1,700,386.00	352,800.00	32,578.50	2,085,764.50
Pennsylvania.....	1,103,219.00	233,950.00	12,347.00	1,349,516.00
Puerto Rico.....	345,336.50	47,250.00	0.00	392,586.50
Virginia.....	552,687.00	44,900.00	4,528.50	602,115.50
Virgin Islands.....	12,815.50	3,150.00	331.50	*75,000.00
West Virginia.....	203,018.50	6,350.00	1,633.00	211,001.50
Alabama.....	376,987.50	28,200.00	6,307.00	411,494.50
Florida.....	772,046.00	73,800.00	11,810.50	857,656.50
Georgia.....	549,267.00	35,600.00	9,297.50	594,164.50
Kentucky.....	348,268.00	35,700.00	4,731.50	388,699.50
Mississippi.....	256,021.00	33,150.00	14,214.50	303,385.50
North Carolina.....	599,605.00	28,400.00	8,255.00	636,260.00
South Carolina.....	312,253.50	24,700.00	4,350.00	341,303.50
Tennessee.....	422,682.00	22,350.00	6,502.00	451,534.00
Illinois.....	1,130,664.00	206,200.00	8,269.00	1,345,133.00
Indiana.....	584,371.50	51,350.00	6,207.50	641,929.00
Michigan.....	1,024,663.50	110,050.00	6,125.00	1,140,838.50
Minnesota.....	431,646.50	50,100.00	3,156.50	484,903.00
Ohio.....	1,133,168.50	142,050.00	8,219.50	1,283,438.00
Wisconsin.....	474,899.50	94,700.00	4,567.00	574,166.50
Arkansas.....	232,429.50	10,400.00	2,649.00	245,478.50
Louisiana.....	422,519.00	82,950.00	5,587.00	511,056.00
New Mexico.....	142,843.00	7,000.00	2,650.00	152,493.00
Oklahoma.....	300,145.00	5,100.00	5,064.50	310,309.50
Texas.....	1,419,147.00	67,650.00	12,635.00	1,499,432.00
Colorado.....	286,973.50	20,300.00	4,237.00	311,510.50
Iowa.....	303,337.00	33,350.00	4,141.50	340,828.50
Kansas.....	219,370.00	16,400.00	2,332.50	238,102.50
Missouri.....	477,454.50	70,600.00	7,184.50	555,239.00
Montana.....	85,615.00	4,400.00	968.00	90,983.00
Nebraska.....	158,404.00	22,650.00	1,339.50	180,393.50
North Dakota.....	64,847.50	6,200.00	544.50	*75,000.00
South Dakota.....	74,488.50	7,400.00	815.00	82,703.50
Utah.....	157,911.50	1,950.00	671.50	160,533.00
Wyoming.....	45,565.00	1,550.00	482.50	*75,000.00
Alaska.....	46,805.50	950.00	708.50	*75,000.00
American Samoa.....	4,975.00	1,000.00	0.00	*75,000.00

FEDERAL REGISTER, VOL. 43, NO. 112—FRIDAY, JUNE 9, 1978

report the Northern Marianas as a separate participating entity.

A State's apportionment may be adjusted. *Provided That*, on or before July 10 1978, the State agency submits certified data regarding enrollment from a recognized and acceptable State or State-utilized source for private residential and public and private nonresidential child care institutions. FNS will contact State agencies regarding the procedure to be followed in submitting data.

The total grant to a State will be reduced proportionately, as provided in § 227.5(a) of the regulations, if the State education agency is prohibited by law from administering the program in nonprofit private schools or institutions. Funds withheld for this purpose will be used by FNS for the administration of the Program in such nonprofit private schools or institutions.

Pursuant to section 19(j) of the Child Nutrition Act of 1966, as amended, (42 U.S.C. 1788) funds available for the fiscal year, ending September 30, 1978, are apportioned among the States as follows:

State	Public schools ¹	Private schools ²	Child care institutions ³	Total
Arizona.....	252,213.00	28,100.00	2,869.50	283,182.50
California.....	2,194,769.50	218,900.00	16,873.00	2,430,542.50
Guam.....	14,431.00	2,550.00	0.00	*75,000.00
Hawaii.....	87,856.00	17,150.00	1,794.00	106,800.00
Idaho.....	100,279.00	2,400.00	510.00	103,189.00
Nevada.....	71,431.50	2,800.00	709.50	*75,000.00
Oregon.....	239,708.50	12,050.00	2,593.50	254,352.00
Trust Territories.....	14,891.50	2,114.00	487.00	*75,000.00
Washington.....	391,783.50	22,250.00	3,819.50	417,853.00
Northern Marianas.....	2,146.50	243.50	0.00	*75,000.00
Total.....	22,698,955.00	2,706,307.50	266,197.00	26,063,681.00

¹Schools—U.S. Department of Health, Education, and Welfare, Education Division, National Center for Education Statistics (NCES), Statistics of Public Elementary and Secondary Day Schools, Fall 1976, table 4, p. 30 except (1) Massachusetts, estimated by State for all 1975 and (2) Northern Marianas and Trust Territory 1975-76 data from Department of Interior, adjusted to include preschool. Residential institutions—Estimated enrollment, school year 1975-76, based on average daily attendance as reported for institutions, by State, under the provisions of Pub. L. 89-10, title I, pt. A, subpt. 2. Estimated by NCES.

²U.S. Department of Health, Education, and Welfare, Education Division, (NCES), Digest of Education Statistics, 1976, table 46, p. 47. Northern Marianas and Trust Territory 1975-76 data from Department of Interior, adjusted to include preschool.

³U.S. Department of Agriculture, Food and Nutrition Service, Program Reporting Staff, Average Daily Attendance (ADA) of Institutions Participating in the Child Care Food Program—March 1977, dated April 13, 1978.

*Adjusted to provide the minimum grant in accordance with sec. 19(j) of the Child Nutrition Act of 1966, as amended.

NOTE.—The Food and Nutrition Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: June 2, 1978.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc. 78-15840 Filed 6-8-78; 8:45 am]

[3410-30]

PART 227—NUTRITION EDUCATION
AND TRAINING PROGRAM

AGENCY: Food and Nutrition Service,
USDA.

ACTION: Interim rule.

SUMMARY: On March 24, 1978 interim regulations were published in the FEDERAL REGISTER (43 FR 12296-12299) to implement the initial phase of the Nutrition Education and Training Program established by section 19 of the Child Nutrition Act as added by Pub. L. 95-166. Those interim regulations governed application by State agencies for advance funds and the hiring of a State Coordinator for Nutrition Education and Training. The Department is now implementing the second and final phase by adding new sections governing the needs assessment, State plans and additional operational requirements.

DATE: This regulation shall become effective June 9, 1978, comments are due on or before July 24, 1978.

ADDRESS: Comments should be sent to: Dr. Kathleen M. Martin, Acting Director, Nutrition and Technical Services Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Joan Luck, Branch Chief, Nutrition Education and Training Branch, Nutrition and Technical Services Division, Food and Nutrition Service, U.S. Department of Agriculture,

Washington, D.C. 20250, 202-447-8286.

SUPPLEMENTARY INFORMATION: Interim regulations published on March 24, 1978, provided for the first phase of the Program, hiring the State coordinator and applying for advance funding. Rules regarding the conduct of the needs assessment, and development, submission and implementation of the State Plan were not included.

Section 19(h)(2) of the law requires States to assess the nutrition education needs of the State. This includes the identification and location of all children in need of nutrition education and the identification of resources within the State for materials, facilities, staffs, and methods related to nutrition education. However, no mention in the law is made of assessing the training needs of teachers and school foodservice personnel. The Department believes this area must be addressed. Therefore, these regulations require State agencies to conduct a needs assessment identifying the nutrition education needs of children, inservice training needs of teachers, and training needs of school foodservice personnel.

The needs assessment shall serve as the data base for developing the State plan which describes the manner in which the State agency intends to implement and operate all aspects of the Program. Although the regulations require each State agency to provide plans for reaching children, teachers, and school foodservice personnel, State agencies will also be required to establish priorities, based on the needs assessment. For example, if a State

agency determines that present ongoing inservice training activities for teachers are sufficient for the first year of the program, the State must direct its nutrition education and training resources to children and foodservice personnel. The submitted plan must substantiate the adequacy of ongoing activities in any category proposed to be excluded, e.g., inservice training for teachers, and may provide plans for these categories for the following fiscal years. Approval of the plan shall be on a fiscal year basis.

These regulations also include additional requirements regarding financial management systems, program income, recovery of funds, grant closeout procedures, and management evaluations and review. These additional sections are necessary in order to comply with OMB Circular A-102 and to ensure effective administration and management of this Program.

State agencies are now appointing a coordinator and beginning the planning process to implement their nutrition education programs. Since the conduct of the needs assessment and development of the State Plan are among the first responsibilities of the State coordinator for the Nutrition Education and Training Program, immediate action is required to provide State agencies with rules concerning these activities. Therefore, it is deemed impracticable and contrary to the public interest to issue these amendments as proposed rules. However, the Department welcomes written comments on these interim regulations and will consider all comments received in the promulgation of final regulations which will combine this set

of interim regulations with the previous set published on March 24, 1978. Written comments on these amendments will be available for public inspection during normal business hours in Room 556, Group Hospitalization Inc. Building, 500 12th Street SW., Washington, D.C. 20250. To be assured of consideration, comments on these interim regulations and those interim regulations published on March 24, 1978 should be received no later than July 24, 1978. Further, since there is an immediate need for participants to make plans with respect to the implementation of this program, and any delay may diminish the effectiveness of the program, and also because all interested parties have received prior notice further interim regulations would be published, it is found for good cause that the 30 day period before a rule becomes effective is waived, and this regulation shall become effective on the date set forth herein.

Accordingly, 7 CFR part 227 is amended as follows:

1. In § 227.5, paragraph (d) is redesignated as paragraph (e) and paragraph (e) is redesignated as paragraph (f). Paragraphs (d), (g), and (h) are added to read as follows:

§ 227.5 Program Funding.

(d) Funds for implementing State plan. Each State agency shall receive the remaining portion of its total grant in order to implement its State plan, which has been approved by FNS, if the State agency has carried out the responsibilities for which advances were received. With the submission of the State plan each State agency may apply for the funds remaining of its total grant by amending the application required under § 227.4 and § 227.30(b).

(g) Unobligated funds. The State agency will release to FNS any Federal funds made available to it under the Program which are unobligated by September 30 of each fiscal year.

(h) Funds for existing programs. State agencies shall maintain their present level of funding for existing nutrition education and training programs. FNS funds for the program shall augment current nutrition education and training programs and projects. Funds made available by FNS for this Program shall not replace such funds.

2. Section 227.30 is amended by adding a sentence to the end of paragraph (c), redesignating paragraph (d) as paragraph (f), adding new paragraphs (d) and (e), redesignating paragraph (e) as paragraph (g), and adding

subparagraphs (f) (3), (4), (5), and (6), as follows:

§ 227.30 Responsibilities of State.

(c) State Coordinator. . . . The State Coordinator shall be a State employee who reports directly or indirectly to the Chief State School Officer and is employed for the program on a full-time basis.

(d) Needs assessment. Each State agency shall conduct a needs assessment in accordance with § 227.36. The needs assessment shall be the data base utilized in formulating the State plan. Each State agency may apply for funds in order to carry out the needs assessment in accordance with § 227.5.

(e) Developing and submitting the State plan. Each State agency shall submit to the Secretary, within nine months after the award of the planning and assessment grant, a State Plan for nutrition education and training in accordance with § 227.37. The Secretary shall act on the submitted State Plan within 60 days after it is received.

(f) Records and reports. . . .

(3) Each State agency shall submit a performance report on a quarterly basis, commencing with the quarter in which funds are received, on a form to be determined by FNS. (4) Each State agency shall maintain a financial management system in accordance with Federal Management Circular 74-4 and OMB Circular A-102, Attachment G. (5) Each State agency shall comply with the requirements of OMB Circular A-102, Attachments N and O, and Federal Management Circular 74-4, for property management and the procurement of supplies, equipment and other services with Program funds. (6) Any income accruing to a State or local agency because of the Program shall be used in accordance with OMB Circular A-102, Attachment E.

3. A new § 227.31 is added to Subpart B to read as follows.

§ 227.31 Audits and management evaluation and reviews.

(a) Audits. (1) Examinations in the form of audits or internal audits shall be performed in accord with OMB Circular A-102, Attachment G.

(b) Management evaluations and reviews. The State agency is responsible for meeting the following requirements:

(1) The State agency shall establish evaluation and review procedures to monitor compliance with the State Plan for local educational agencies and land grant colleges, other institutions of higher education and public or private nonprofit educational or research agencies, institutions, or organizations.

(2) The State agency shall require participating agencies to establish pro-

gram review procedures to be used in reviewing their operations and those of subsidiaries or contractors.

4. §§ 227.36 and 227.37 is added to Subpart C to read as follows:

§ 227.36 Requirements of needs assessment.

(a) The needs assessment process identifies the discrepancies between "what should be" and "what is" and shall be applied to each category listed below to enable State educational agencies to determine their nutrition education and training needs. The needs assessment shall identify the following as a minimum: (1) children, teachers, and foodservice personnel in need of nutrition education and training; (2) existing State or federally funded nutrition education and training programs including their: (i) goals and objectives; (ii) source and level of funding; (iii) any available documentation of their relative success or failure; and (iv) factors contributing to their success or failure; (3) offices or agencies at the State and local level designated to be responsible for nutrition education and training of teachers and school foodservice personnel; (4) any relevant State nutrition education mandates; (5) funding levels at the State and local level for preservice and inservice nutrition education and training of foodservice personnel and teachers; (6) State and local individuals, and groups conducting nutrition education and training; (7) materials which are currently available for nutrition education and training programs, and determine for each: (i) subject area and content covered; (ii) grade level; (iii) how utilized; (iv) acceptability by user; (v) currency of materials; (8) any major child nutrition-related health problems in each State; (9) existing sources of primary and secondary data, including any data that has been collected, for documenting the State's nutrition education and training needs; (10) available documentation of the competencies of teachers in the area of nutrition education; (11) available documentation of the competencies of foodservice personnel; (12) problems encountered by schools and institutions in procuring nutritious food economically and in preparing nutritious appetizing meals and areas where training can assist in alleviating these problems; (13) problems teachers encounter in conducting effective nutrition education activities and areas where inservice training or materials can assist in alleviating these problems; (14) problems in dietary habits of children and areas where nutrition education may assist in positive changes; (15) problems encountered in coordinating the nutrition education by teachers with the meal preparation and activities of the foodservice facility and areas where

training might alleviate these problems.

(b) The needs assessment should provide not only data on current activities but also a description of the problems and needs in each category and whether training or materials would help alleviate the identified problems.

§ 227.37 State Plan for Nutrition Education and Training.

(a) General. Each fiscal year the State agency shall submit a State Plan for Nutrition Education and Training for approval to FNS. The plan shall be based on the needs identified from the needs assessment and provide plans for the nutrition education of students and inservice training of foodservice and education personnel. The plan shall be submitted within 9 months after award of the assessment and planning grant. Guidance for the preparation and submission of the Plan shall be provided by FNS.

(b) Requirements for the State Plan. The State Plan shall provide for the following: (1) description of the needs assessment conducted within the State; (2) the findings of the needs assessment within the State used to determine the goals and objectives of the State Plan for: (i) inservice training of foodservice personnel, (ii) nutrition education of children, (iii) inservice training in nutrition education for teachers; (3) goals and objectives of the State Plan, (4) identification of the priority populations to be reached during the fiscal year, (5) provisions for coordinating the nutrition education and training programs carried out with funds made available under this section with any related publicly supported programs being carried out within the State to include: (i) identification of existing programs that may be utilized, (ii) description of how representatives of such groups are to be involved in the planning and implementation of the State program; (iii) criteria and procedure for selection of such representatives; (6) plans to establish a State level advisory council to solicit the advice and recommendations of the National Advisory Council on Child Nutrition, other offices within the State Educational Agency, interested teachers, food and nutrition professionals and paraprofessionals, school foodservice personnel, administrators, representatives from consumer groups, parents, and other individuals concerned with the improvement of child nutrition; (7) plans including a timetable, for reaching all children in the State with instruction in the nutritional value of foods and the relationship among food, nutrition and health, for inservice training of foodservice personnel in the principles and skills of foodservice management and nutrition and for inservice instruction for teachers in sound principles of nutrition education; (8) any plans for using, on a priority basis, the resources of the land-grant colleges eligible to receive funds under the Act of July 2, 1862 (12 Stat. 503; 7 U.S.C. 301-305, 307, and 308) or the Act of August 30, 1890 (26 Stat. 417, as amended; 7 U.S.C. 312-326 and 328), including the Tuskegee Institute; (9) any plans for contracting with land-grant colleges, described above, and other institutions of higher education, and other public or private nonprofit educational or research agencies, institutions or organizations for carrying out nutrition education and training activities; (10) any plans to contract with the land-grant colleges, described above, other institution of higher education, public and nonprofit educational or research agencies, institutions, or organization to pay the cost of pilot project such as, but not limited to, project for the development, demonstration, testing, and evaluation of curricula for use in early childhood, elementary, and secondary education programs; (11) identification of schools, school districts, and sponsoring agencies which may agree to participate in the nutrition education and training program; (12) brief description of (i) involvement of land-grant colleges, other institutions of higher education, and public or private nonprofit educational or research agencies, institutions, or organizations, (ii) pilot projects, including objectives, subject matter and expected outcomes, and (iii) nutrition education and training programs to be conducted by schools, school districts, and sponsoring agencies receiving funds under this provision including objectives, subject matter, and expected outcomes; (13) time frame and milestones for implementation of State Plans; (14) evaluation component for each objective of the State Plan; (15) description of staff available to perform State agency responsibilities of the State nutrition education and training program which includes: (i) definition of duties and responsibilities, (ii) minimum professional qualifications, (iii) number and classification of personnel; (16) a description of the procedures used to comply with the requirements of Title VI of the Civil Rights Act of 1964, including racial and ethnic participation data collection, public notification procedures and the annual civil rights compliance review process; (17) plans for the conduct of audits in accordance with § 227.31, and (18) other components that the State determines necessary.

5. Subpart D—Miscellaneous is amended by adding § 227.41, § 227.42, § 227.43, and § 227.44, to read as follows:

§ 227.41 Recovery of funds.

(a) FNS may recover funds from a State agency under any of the following conditions:

(1) If FNS determines, through a review of the State agency's reports, program, or financial analysis, monitoring, audit or otherwise, that the State agency's performance is inadequate or that the State agency has failed to comply with this Part or FNS guidelines.

(2) If FNS determines that the State agency is not expending funds at a rate commensurate with the amount of funds distributed or provided for expenditure under the Program.

(3) If FNS determines that a State agency is not providing full and timely reports.

(b) FNS shall effect such recoveries of funds through adjustments in the amount of funds provided under the Program.

§ 227.42 Grant closeout procedures.

The requirements of OMB Circular A-102 Attachment L are applicable in the termination of any grant under this part.

§ 227.43 Participation of Adults.

Nothing in this part shall prohibit a State or local educational agency from making available or distributing to adults education materials, resources, activities or programs authorized by this Part.

§ 227.44 Management evaluation and reviews.

FNS shall establish evaluation procedures to determine whether State agencies carry out the purposes and provisions of this part, the State agency plan and FNS guidelines and instructions. To the maximum extent possible the State's performance shall be reviewed and evaluated by FNS on a regular basis including the use of public hearings.

EFFECTIVE DATE: This regulation shall become effective on June 9, 1978.

NOTE.—The Food and Nutrition Service has determined that this document does not contain major proposals requiring preparation of an Economic Impact statement under Executive Order 11821 and OMB Circular A-107.

Dated: June 7, 1978.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc. 78-16251 Filed 6-8-78; 10:16 am]

[3410-30]

PART 230—FOOD SERVICE EQUIPMENT ASSISTANCE PROGRAM

Appendix-Second Apportionment of Food Service Equipment Assistance Funds Pursuant to Child Nutrition Act of 1966, for Fiscal Year 1978

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This action reapportions food service equipment assistance funds released by States among those States requesting additional funds. The purpose of this action is to effect maximum utilization of such funds.

EFFECTIVE DATE: May 31, 1978.

FOR FURTHER INFORMATION:

Margaret O.K. Glavin, School Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-8130.

Pursuant to sections 5 (b) and (e) of the Child Nutrition Act of 1966, Pub. L. 89-642, 80 Stat. 887, as amended, food service equipment assistance funds available for the fiscal year ending September 30, 1978, are reapportioned among the States as follows:

SECTION 5(b)		
State	State agency	Withheld for private schools
Connecticut.....	\$2,992	
Maine.....	1,501	\$77
Rhode Island.....	933	
Vermont.....	700	
Delaware.....	885	
District of Columbia.....	784	
Maryland.....	4,603	
New Jersey.....	6,769	
New York.....	17,982	
Pennsylvania.....	14,228	
Puerto Rico.....	5,264	
Virginia.....		101
West Virginia.....	2,802	
Alabama.....	6,656	
Georgia.....	10,540	
Kentucky.....	6,495	
Mississippi.....	5,042	
South Carolina.....	5,882	
Indiana.....	7,837	
Minnesota.....	6,589	
Ohio.....	12,628	815
Arkansas.....	3,782	64
Louisiana.....	8,580	
Oklahoma.....	4,221	
Texas.....	17,954	365
Colorado.....		82
Iowa.....	5,309	
Kansas.....	3,609	
Missouri.....	6,999	26
Montana.....	1,012	
Nebraska.....	2,069	
North Carolina.....		91
Utah.....	2,418	
Alaska.....	373	
Arizona.....	2,877	
California.....	18,899	
Idaho.....	1,185	
Oregon.....	2,812	
Trust Territory.....	248	
Washington.....		56
Total.....	\$203,259	\$1,677

SECTION 5(e)		
State	State agency	Withheld for private schools
Connecticut.....	\$46,423	
Maine.....	22,067	
New Hampshire.....	6,298	
Delaware.....	3,605	

SECTION 5(e)—Continued		
State	State agency	Withheld for private schools
Maryland.....	24,352	
New Jersey.....	200,227	
New York.....	148,071	
Pennsylvania.....	67,857	
Virginia.....	670	
West Virginia.....	9,184	
Alabama.....	45	
Florida.....	7,344	
Michigan.....	152,244	
Minnesota.....	7,530	
Ohio.....	21,073	
Arkansas.....		50
Texas.....	32,925	
Iowa.....	3,587	
Montana.....	7,052	
Nebraska.....	6,692	5,942
North Dakota.....	1,317	
Utah.....	805	
Arizona.....	14,764	
California.....	164,323	
Hawaii.....		1,666
Idaho.....	3,086	
Trust Territory.....	6,721	
Total.....	\$958,262	\$7,658

(Secs. 2, 5, 6 and 9 through 16, 80 Stat. 885-890, as amended; (42 U.S.C. 1771, 1774, 1778-1785).)

NOTE.—The Food and Nutrition Service has determined that his document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A107.

Dated: May 31, 1978.

LEWIS B. STRAUS,
Administrator.

[FR Doc. 78-16041 Filed 6-8-78; 8:45 am]

[3410-34]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Pink Bollworm

MISCELLANEOUS AMENDMENTS TO REGULATED AREAS

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The supplemental regulation which lists regulated areas for purposes of the Pink Bollworm Quarantine is amended by removing all or part of the following previously regulated counties or parishes which were listed as suppressive areas: Mississippi and Washington Counties in Arkansas; and Rapides Parish in Louisiana. Based upon surveys by Federal and State inspectors, the pink bollworm has been declared eradicated from the areas deleted and it is no longer necessary to regulate these areas in order to

prevent the spread of the pink bollworm.

EFFECTIVE DATE: June 9, 1978.

FOR FURTHER INFORMATION CONTACT:

H. I. Rainwater, 301-436-8247.

SUPPLEMENTARY INFORMATION: The pink bollworm (*Pectinophora gossypiella* Saunders) is one of the most destructive and widespread insect pests of cotton in the world. This insect spread to the United States from Mexico in 1917 and now occurs throughout cotton-producing States from Arkansas to California.

Surveys conducted by the United States Department of Agriculture and State agencies have established that the pink bollworm has been eradicated in all or parts of the previously suppressive regulated areas in Mississippi and Washington Counties in Arkansas; and Rapides Parish in Louisiana; and, that it is no longer necessary to regulate these areas in order to prevent the spread of the pink bollworm. Therefore, part of Mississippi County and all of Washington County in Arkansas, and Rapides Parish, La., are deleted from the list of suppressive areas.

Accordingly, § 301.52-2a of the Pink Bollworm Quarantine regulations (7 CFR 301.52-2a) is hereby amended as follows:

In § 301.52-2a relating to the States of Arkansas and Louisiana under suppressive areas, the entire States are re-described to read as follows:

§ 301.52-2a Regulated areas; suppressive and generally infested areas.

- ARKANSAS
- (1) Generally infested area. None.
- (2) Suppressive area.
- Clark County. The entire county.
- Conway County. The entire county.
- Faulkner County. The entire county.
- Franklin County. The entire county.
- Greene County. That portion of the county lying south of State Highway 25.
- Hempstead County. The entire county.
- Jefferson County. The entire county.
- Lafayette County. The entire county.
- Lincoln County. The entire county.
- Little River County. The entire county.
- Logan County. The entire county.
- Lonoke County. The entire county.
- Miller County. The entire county.
- Mississippi County. That portion of the county lying south of State Highway 118, and west of State Highway 77.
- Pulaski County. The entire county.
- Yell County. The entire county.

- LOUISIANA
- (1) Generally infested area. None.
- (2) Suppressive area.
- Bossier Parish. The entire parish.
- Caddo Parish. The entire parish.

De Soto Parish. The entire parish.
Natchitoches Parish. The entire parish.
Red River Parish. The entire parish.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 37 FR 28464, 28477; 38 FR 19141; 7 CFR 301.52-2.)

This amendment relieves certain restrictions presently imposed, and should be made effective promptly in order to be of maximum benefit to the persons subject to the restrictions that are being relieved. This action is based on surveys by the United States Department of Agriculture and State agencies, and it does not appear that additional information would be made available to the Department by public participation in rulemaking proceedings on this amendment.

Accordingly, it is found, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to this amendment are unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

NOTE.—The Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Done at Washington, D.C., this 2d day of June 1978.

JAMES O. LEE, Jr.,
Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service.

[FR Doc.78-15802 Filed 6-8-78; 8:45 am]

[3410-02]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 149]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period June 11-17, 1978. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: June 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, and upon other information, it is found that the limitation of handling of lemons, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on June 6, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The Committee reports the demand for lemons is strong, especially for first grade fruit.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 910.449 Lemon Regulation 149.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period June 11, 1978, through June 17, 1978, is established at 340,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: June 7, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-16212 Filed 6-8-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-30]

AGRICULTURE DEPARTMENT

Food and Nutrition Service

[7 CFR Part 210]

NATIONAL SCHOOL LUNCH PROGRAM

Extension of Comment Period

AGENCY: Food and Nutrition Service, USDA.

ACTION: Extension of Comment Period.

SUMMARY: Notice is hereby given that the period is extended for receipt of comments on the proposed rule, published April 25, 1978 (43 FR 17476), delineating certain competitive foods that the Secretary of Agriculture has proposed not be approved for sale to children on school premises until after the last lunch period, for schools participating in programs under the Child Nutrition Act of 1966, and the National School Lunch Act. The Department continues to receive a large volume of public comments. In view of the number of comments received to date, and due to the complex nature of the competitive food issue, the Department considers it to be in the public interest to continue receiving comments beyond the date originally established. Therefore, the public comment period will be extended for an additional 14 days to June 23, 1978. The Department does not anticipate that this extension will result in any extension of the proposed rule's effective date.

DATES: To be assured of consideration, comments must be received on or before June 23, 1978.

ADDRESS: Comments should be sent to: Margaret O.K. Glavin, Acting Director, School Programs Division, USDA, FNS, Washington, D.C. 20250, 202-447-8130.

FOR FURTHER INFORMATION CONTACT:

Margaret O.K. Glavin, Acting Director, School Programs Division, USDA, FNS, Washington, D.C. 20250, 202-447-8130.

CAROL TUCKER FOREMAN,
Assistant Secretary for Food and Consumer Services.

JUNE 8, 1978.

[FR Doc. 78-16263 Filed 6-8-78; 11:26 am]

[3410-05]

Commodity Credit Corporation

[7 CFR Part 1430]

PRICE SUPPORT PROGRAM FOR MILK

Terms and Conditions of 1978-79 Price Support Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal announces that the Secretary of Agriculture is considering the level of price support for milk for the 1978-79 marketing year, beginning October 1, 1978, and the prices and terms of purchase by CCC of butter, cheese, and nonfat dry milk. The Secretary may also consider other matters pertaining to the milk support program.

DATE: Comments must be received on or before August 8, 1978.

ADDRESS: Director, Procurement and Sales Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 5741 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Indulis Kancitis (ASCS) 202-447-3385.

SUPPLEMENTARY INFORMATION: Section 201(c) of the Agricultural Act of 1949, as amended by the Food and Agriculture Act of 1977, provides as follows: "The price of milk shall be supported at such level not in excess of 90 percent nor less than 75 percent of the parity price therefor as the Secretary determines necessary in order to assure an adequate supply of pure and wholesome milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs. Notwithstanding the foregoing, effective for the period beginning on the effective date of the Food and Agriculture Act of 1977 and ending March 31, 1979, the price of milk shall be supported at not less than 80 per centum of the parity price therefor. Such price support shall be provided through purchases of milk and the products of milk."

Section 201(d) of the Act, as added by the Food and Agriculture Act of 1977, provides as follows: "Effective

for the period beginning on the effective date of the Food and Agriculture Act of 1977 and ending March 31, 1981, the support price of milk shall be adjusted by the Secretary at the beginning of each semiannual period after the beginning of the marketing year to reflect any estimated change in the parity index during such semiannual period. * * * Any adjustment under this subsection shall be announced by the Secretary not more than thirty days prior to the beginning of the period to which it is applicable."

The minimum level of price support for manufacturing milk must be 80 percent of the parity price, as determined pursuant to the Act, as of the beginning of the marketing year (October 1, 1978). The support price announced as of October 1, 1978, will be adjusted effective April 1, 1979, as required by the Food and Agriculture Act of 1977. Based on parity data as of May 31, 1978, 80 percent of the parity equivalent price for manufacturing milk is \$9.66 per hundredweight. This price is for milk of national average milkfat content of 3.67 percent or about \$9.46 per hundredweight for milk of 3.5 test.

Milk production October 1977 through March 1978 was 69.6 billion pounds, less than 1 percent greater than a year earlier. Milk production in February 1978 was above year-earlier levels for the twenty-ninth consecutive month. However, in March and April milk production was below a year earlier. Commercial consumption increased 2 billion pounds over the same period a year ago due to a slight increase in consumption of fluid products and a strong increase in cheese consumption.

Purchases of dairy products by Commodity Credit Corporation (CCC) under the support program between October 1, 1977, and April 30, 1978, were 92 million pounds of butter, 7 million pounds of cheese and 160 million pounds of nonfat dry milk compared to 140 million pounds of butter, 93 million pounds of cheese and 184 million pounds of nonfat dry milk during the same period a year earlier.

PROPOSED RULE

Notice is hereby given that the Secretary of Agriculture is considering the level of price support for milk for the 1978-79 marketing year, the prices and terms of purchase by CCC of butter, cheese, and nonfat dry milk,

and other matters pertaining to the milk support program. Prior to making any of the foregoing determinations, consideration will be given to any data, views and recommendations with regard to the determinations which are submitted in writing to the Director, Procurement and Sales Division. In order to be assured of consideration, all submissions must be received by the Director not later than August 8, 1978. All written submissions made pursuant to this notice, and a copy of the draft Economic Impact Statement which discusses this proposed action will be made available for public inspection at the Office of the Director, Room 5741 South Building, during regular business hours (8:15 a.m.-4:45 p.m.).

(Sec. 201(c) and (d) of the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1446); and secs. 4 and 5 of the Commodity Credit Corporation Act, as amended (62 Stat. 1070, as amended; 15 U.S.C. 714b and 714c).)

Signed at Washington, D.C., on June 7, 1978.

STEWART N. SMITH,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 78-16217 Filed 6-8-78; 8:45 am]

[3410-15]

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

Proposed New REA Form 522, General Specification for Digital, Stored Program Controlled Central Office Equipment

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: REA proposes to revise REA Bulletin 384-3 to announce the issuance of a new REA Form 522, General Specification for Digital, Stored Program Controlled Central Office Equipment. This specification was developed to cover specific requirements for a digital class 5 central office. It contains criteria for switching, traffic, transmission, reliability and electrical protection. The effect of this action will be to standardize and to provide for uniform performance characteristics for digital central office switching equipment. On issuance of REA Bulletin 384-3, Appendix A to Part 1701 will be modified accordingly.

DATE: Public comments must be received by REA no later than July 10, 1978.

ADDRESS: Persons interested in the new specification may submit written data, views or comments to the Director, Telephone Operations and Stand-

ards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Maynard S. Knapp, Chief, Central Office Equipment Branch, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1334, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-5773.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to revise REA Bulletin 384-3. A copy of the proposed revision of REA Bulletin 384-3 and the proposed new REA Form 522 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

Dated: June 1, 1978.

C. R. BALLARD,
Assistant Administrator,
Telephone.

[FR Doc. 78-15801 Filed 6-8-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[EDR-357; Docket No. 32785; Dated: June 1, 1978]

CERTIFICATED AIR CARRIERS

Accounting for Troubled Debt Restructurings, Prior Period Adjustments, and Forward Exchange Contracts

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice of proposed rulemaking would update the accounting and reporting provisions of the Uniform System of Accounts and Reports for Certificated Air Carriers (USAR) to reflect generally accepted accounting principles relating to troubled debt restructurings, prior period adjustments and forward exchange contracts. This would be accomplished by: (1) Incorporating new sections in the USAR dealing with accounting and reporting for troubled debt restructurings and (2) revising the sections in the USAR relating to prior period adjustments and forward exchange contracts. These revisions

would keep the USAR in conformity with generally accepted accounting principles.

DATES: Comments by July 10, 1978. Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 32785, Docket Section, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Raymond Kurlander, Director, Bureau of Accounts and Statistics, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5270.

SUPPLEMENTARY INFORMATION: The Board expressed its intention in ER-948, dated November 19, 1975, to modify the USAR expeditiously to include the generally accepted accounting principles that are established by the professional organizations and governmental bodies responsible for molding accounting principles and disclosure standards for American business. The Financial Accounting Standards Board (FASB), the body primarily responsible for establishing accounting standards, recently issued three statements which we are proposing to incorporate in the USAR. Statement of Financial Accounting Standards No. 15 (FASB-15)¹ details the accounting procedures to be followed by debtors and creditors when a troubled debt restructuring occurs. Statement of Financial Accounting Standards No. 16 (FASB-16)² establishes new generally accepted accounting principles relating to the treatment of prior period adjustments. Statement of Financial Accounting Standards No. 20 (FASB-20)³ amends an earlier pronouncement of the FASB by revising the accounting principles for forward exchange contracts.

ACCOUNTING BY DEBTORS AND CREDITORS FOR TROUBLED DEBT RESTRUCTURINGS

FASB-15 prescribes the accounting procedures to be followed by debtors

¹FASB-15 is entitled "Accounting by Debtors and Creditors for Troubled Debt Restructurings" and is dated June 1977.

²FASB-16 is entitled "Prior Period Adjustments" and is dated June 1977.

³FASB-20 is entitled "Accounting for Forward Exchange Contracts" and is dated December 1977.

and creditors when they enter into a troubled debt restructuring. A troubled debt restructuring results when a creditor agrees to accept less payment than originally agreed upon because he wants to minimize the loss on his investment that could result from legal or economic reasons relating to the financial difficulties of the debtor. The most common restructurings involve (1) the full or partial settlement of the debt by the transfer of assets or equity interests from the debtor and (2) the modification of the terms of the debt. Such modifications may include reducing the stated interest rate or accrued interest; reducing the face amount or the maturity amount of the debt; and extending the maturity date at a stated interest rate which is lower than the current market rate for new debt with similar risk. In addition, repossessions and foreclosures by the creditor are accounted for as troubled debt restructurings.

When a troubled debt restructuring involves the transfer of assets or equity interests from the debtor to the creditor in full settlement of the debt, the debtor will recognize a gain on the restructuring of debt equal to the difference between the carrying amount of the payable and the fair value of the assets or equity interests transferred. The debtor may also recognize a gain or a loss on the transfer of assets which is equal to the difference between the book value and the fair value of the assets. The creditor will recognize a loss on the restructuring of debt which is determined by the difference between the recorded investment in the receivable and the fair value of the assets or equity interests received.

When a troubled debt restructuring involves a modification of the terms of the debt or a combination of a partial settlement by the transfer of assets or equity interests and a modification of the terms of the debt, neither the debtor nor the creditor will, in most cases, recognize a gain or a loss on the restructuring.

Before the issuance of FASB-15, there were no generally accepted accounting principles promulgated by an authoritative body describing the accounting procedures to be followed when a troubled debt restructuring occurs. Consequently, the USAR does not contain regulations on this topic. We, therefore, propose to add a new section which would incorporate the accounting principles outlined in FASB-15.

PRIOR PERIOD ADJUSTMENTS

In conformity with the generally accepted accounting principles in effect before the issuance of FASB-16, the Board's accounting regulations currently provide for the exclusion of certain transactions from the calculation

of net income. These transactions are classified as prior period adjustments and are accounted for as adjustments to the "retained earnings" account. The current regulations specify that the following criteria must be met before a transaction is accounted for in this way. (1) The item is material in amount and specifically identified with and directly related to business activities of particular previous periods; (2) it is not attributable to economic events occurring after the date of the financial statements for the previous period; (3) it is dependent primarily upon determinations by persons other than management; and (4) it was not susceptible of reasonable estimation before such determination.

FASB-16 greatly restricts the kind of transactions that may be treated as prior period adjustments. Under this latest pronouncement, except for adjustments related to previous interim periods of the current fiscal year, only corrections of errors in earlier financial statements and adjustments resulting from the tax benefits of preacquisition loss carryforwards of purchased subsidiaries will qualify as prior period adjustments and, thus, be excluded from the calculation of net income.

FASB-16 additionally establishes special treatment for certain adjustments which are related to previous interim periods of the current fiscal year and meet the following criteria. The adjustment must be an adjustment or settlement of litigation or similar claims, of income taxes or of renegotiation proceedings that (1) has a material effect on income, (2) is specifically identified with and directly related to business activities of specific previous interim periods of the current fiscal year, and (3) became reasonably estimable in amount during the current interim period.

These adjustments would be accounted for under FASB-16 as follows, provided that they occur in other than the first interim period of the current fiscal year: (1) Any portion related to the current interim period shall be included in the determination of net income for that period; (2) the affected previous interim periods of the current fiscal year shall be restated to include the portion of the adjustment related to those periods in the determination of net income; and (3) any portion of the item related to previous fiscal years shall be included in the determination of net income in the first interim period of the current fiscal year.

We propose to modify the Board's accounting regulations to reflect FASB-16 in the accounting for prior period adjustments, with the following exception. We have tentatively determined that requiring the submission of amended CAB Form 41 schedules to

reflect adjustments made to previous interim periods of the current fiscal year would be unduly burdensome to the carriers. Therefore, we are proposing, in lieu of resubmission, to require carriers to include the adjustment in the determination of net income for the current interim period. If the interim period is a period in which monthly reports are filed, a statement showing the effects of the adjustment on the current quarter and previous quarters should be attached to the submission. When the quarterly schedules are filed, the total adjustment should again be shown in the determination of net income for the period, and the effects of the adjustment on both the current quarter and the previous quarters should be disclosed on Schedule P-2 "Notes to CAB Form 41 Report." This would have the effect of not only relieving the carriers from an increased reporting burden, but also of relieving the Board's staff from the substantial administrative burden of processing amended filings.

ACCOUNTING FOR FORWARD EXCHANGE CONTRACTS

The FASB defines a forward exchange contract as "an agreement to exchange at a specified future date currencies of different countries at a specified rate." The Board's accounting regulations specify three conditions which must be met before a gain or a loss on a forward exchange contract which is intended to be a hedge of an identifiable foreign currency commitment may be deferred and included in the measurement of the dollar basis of the related foreign currency transaction. These are: (1) The life of the forward contract extends from the foreign currency commitment date to the anticipated transaction date or a later date; (2) the forward contract is denominated in the same currency as the foreign currency commitment and for an amount that is the same or less than the amount of the foreign currency commitment; and (3) the foreign currency commitment is firm and uncancelable. FASB-20 revises the second condition by allowing the deferral of gains and losses on those portions of the forward exchange contracts which are in excess of the related commitment to the extent that the forward contract is intended to provide a hedge of the commitment on an after-tax basis. Accordingly, we propose to amend the Board's accounting regulations to reflect the provisions of FASB-20.

PERIOD FOR COMMENTS

Thirty days will be allotted for interested parties to comment on this notice of proposed rulemaking. We anticipate that comments will be limited to those of a technical accounting nature addressed to perfecting the

changes proposed. The proposed rule does not involve any substantive policy changes and is, therefore, expected to be noncontroversial. We believe that, in such circumstances, 30 days will be sufficient.

PROPOSED RULE

It is proposed to amend Part 241 of the Economic Regulations (14 CFR Part 241) as follows:

1. Amend the Table of Contents of the Uniform System of Accounts and Reports by adding a new Section 2-21 to read in pertinent part as follows:

Sec.

2-20 Accounting for leases.
2-21 Accounting for troubled debt restructurings.

2. Amend Section 2—General Accounting Policies as follows:

A. By revising paragraph (g) of Section 2-3 to read in pertinent part as follows:

Sec. 2-3 Transactions in foreign currencies.

(g) . . .
(1) . . .
(2) . . .
(i) . . .

(ii) The forward contract is denominated in the same currency as the foreign currency commitment.

B. By revising paragraph (f) of Section 2-7 to read as follows:

Sec. 2-7 Extraordinary items, discontinued operations, prior period adjustments, and accounting changes.

(f) Prior adjustments are classified as those affecting previous fiscal years and those affecting previous interim periods of the current fiscal year.

(1) Corrections of errors in earlier financial statements and adjustments resulting from the tax benefits of preacquisition loss carryforwards of purchased subsidiaries may be treated as prior period adjustments of previous fiscal years. They are reflected as adjustments to the opening balance of retained earnings.

(2) Adjustments which are related to previous interim periods of the current fiscal year are adjustments or settlements of litigation or similar claims, of income taxes or of renegotiation proceedings. The total adjustment shall be included in the determination of net income for the current interim period. If the interim period is a

period in which monthly reports are filed, a statement showing the effects of the adjustment on the current quarter and previous quarters should be attached to the submission. When the quarterly schedules are filed, these effects should again be stated on Schedule P-2, Notes to CAB Form 41 Report.

C. By adding a new Section 2-21 to read as follows:

Sec. 2-21 Accounting for troubled debt restructurings.

a. Accounting by debtors

(1) A gain on the restructuring of debt shall be recognized when the debtor transfers assets to the creditor in full settlement of the debt and shall equal the difference between the carrying amount of the payable and the fair value of the assets transferred. A gain or loss on the transfer of assets measured by the difference between the fair value and the book value of the assets transferred shall be recognized and recorded in account 88.6 Capital Gains and Losses—Other.

(2) A gain on the restructuring of debt shall be recognized when the debtor transfers an equity interest to the creditor in full settlement of the debt. The gain shall be equal to the amount that the carrying amount of the payable exceeds the fair value of the equity interest transferred.

(3) The modification of the terms of the debt in a troubled debt restructuring may take any or a combination of the following forms:

(i) Reduction of the stated interest rate or accrued interest;

(ii) Reduction of the face amount or the maturity amount of the debt; or

(iii) Extension of the maturity date at a stated interest rate which is lower than the current market rate for new debt with similar risk.

When the terms of the debt are modified so that the total future principal and interest payments are not less than the recorded amount of the payable, the effects of the restructuring shall be accounted for prospectively from the time of the restructuring by adjusting the effective interest rate so that it equates the present value of the future cash payments specified by the new terms with the carrying amount of the payable. If the total future principal and interest payments are less than the recorded amount of the payable, the amount of the payable shall be reduced so that it equals the total future principal and interest payments specified by the new terms and a gain shall be recognized which equals the amount of the reduction. In this case, all future principal and interest payments shall be treated as reductions of the payable and none shall be designated as interest. If the restructuring of the payable involves in-

determinate future cash payments, no gain on the restructuring of the debt shall be recognized as long as the maximum total future cash payments may exceed the carrying amount of the payable.

(4) When there is a combination involving both the transfer of assets or equity interests and the modification of the terms of the debt, the carrying amount of the payable shall be reduced by the total fair value of those assets or equity interests. The difference between the fair value and the carrying amount of the assets transferred shall be recognized as a gain or loss on the transfer of assets and recorded in account 88.6 Capital Gains and Losses—Other. The remaining balance of the payable shall be accounted for as discussed in subparagraph (3) above.

(5) All legal fees and other direct costs incurred to effect a troubled debt restructuring shall be deducted when measuring the gain on restructuring, or, if no gain is recognized, they shall be included in expense for the period.

(6) Gains recognized on the restructuring of debt shall be aggregated and included in measuring net income for the period. If material, the aggregate amount, net of any tax effect, should be recorded in account 96 Extraordinary Items. If not, it should be recorded in account 88.9 Other Miscellaneous Nonoperating Credits.

(7) The following information shall be disclosed on Schedule P-2 Notes to CAB Form 41 Report for all troubled debt restructurings occurring during the current period:

(i) A description of the principal changes in terms and/or the major features of settlement for each restructuring;

(ii) The aggregate gain on restructuring of payables and the related income tax effect;

(iii) The aggregate net gain or loss on the transfer of assets;

(iv) The extent to which amounts contingently payable are included in the carrying amount of restructured payables; and

(v) The total amount contingently payable on restructured payables and the conditions under which the amounts would be payable or forgiven.

b. Accounting by creditors.

(1) A loss shall be recognized on the restructuring of debt when the debtor transfers assets to the creditor in full settlement of the debt to the extent that his recorded investment in the receivable exceeds the fair value of the assets received. The assets shall be recorded in the books of account as if they had been acquired for cash.

(2) A loss shall be recognized on the restructuring of debt when the debtor transfers an equity interest to the creditor in full settlement of the debt to the extent that the recorded invest-

ment in the receivable exceeds the fair value of the equity interest. The equity interest shall be recorded in the books of account as if it had been acquired for cash.

(3) The modification of the terms of the debt in a troubled debt restructuring may take any or a combination of the following forms:

(i) Reduction of the stated interest rate or accrued interest;

(ii) Reduction of the face amount or the maturity amount of the debt;

(iii) Extension of the maturity date at a stated interest rate which is lower than the current market rate for new debt with similar risk.

When the terms of the debt are modified so that the total future principal and interest receipts are not less than the recorded investment in the receivable, the effects of the restructuring shall be accounted for prospectively from the time of restructuring by adjusting the effective interest rate to equate the present value of the future cash receipts specified by the new terms with the recorded investment in the receivable. When the terms of the debt are modified such that the total future principal and interest receipts are less than the recorded investment in the receivable, the amount of the receivable shall be reduced so that it equals the total future principal and interest receipts specified by the new terms and a loss shall be recognized which is determined by the amount of the reduction. In this case, all future principal and interest receipts shall be treated as reductions of the receivable and none shall be designated as interest. A loss shall not be recognized on a restructuring involving indeterminate future cash receipts as long as the minimum future cash receipts specified by the new terms at least equal the recorded investment in the receivable.

(4) When the troubled debt restructuring involves both the transfer of assets or equity interests and the modification of the terms of the debt, the recorded investment in the receivable shall first be reduced by the fair value of the assets or equity interests received. The remaining portion of the receivable shall be accounted for as discussed in subparagraph (3) above.

(5) All legal fees and other direct costs incurred to effect a troubled debt restructuring shall be expensed when incurred.

(6) Losses recognized on the restructuring of debt shall be included in account 89.9 Other Miscellaneous Nonoperating Debits to the extent that they are not offset against valuation accounts, such as account 1290 Allowance for Uncollectible Accounts.

(7) The following information shall be disclosed on Schedule P-2 Notes to CAB Form 41 Report for each major category of receivables whose terms

were modified in the current period such that the effective interest rate is less than the rate that the creditor would be willing to accept for a new receivable with comparable risk. The first three disclosure requirements listed below need not be followed if the effective interest rate for the modified receivable is greater than or equal to the rate that the creditor would be willing to accept for a new receivable with comparable risk:

(i) The aggregate recorded investment;

(ii) The gross interest income that would have been recorded in the period if the restructured receivables had been current according to their original terms;

(iii) The amount of interest income on the affected receivables included in net income for the period; and

(iv) The amount of any commitments to lend additional funds to debtors owing receivables whose terms have been modified in a troubled debt restructuring.

3. Amend Section 14—Objective Classification-Nonoperating Income and Expense to read in pertinent part as follows:

88.6 Capital Gains and Losses—Other

Record here gains or losses not required to be reported in accounts 88.3, 88.4 and 88.5 such as gains or losses on retirement of nonoperating property and equipment, investments in other than marketable equity securities, and the transfer of assets in a troubled debt restructuring.

88.9 Other Miscellaneous Nonoperating Credits.

Record here all credits of a nonoperating character not provided for otherwise, such as royalties from patents, gains from reacquisition and retirement or resale of debt securities issued by the air carrier, and gains resulting from troubled debt restructurings.

89.9 Other Miscellaneous Nonoperating Debits.

Record here all debits of a nonoperating character not provided for otherwise, such as fines or penalties imposed by governmental authorities, amortization expense attributable to capital leases recorded in balance sheet account 1795 Leased Property under Capital Leases; costs related to property held for future use; donations for charitable, social or community welfare purposes; losses on reacquired and retired or resold debt securities of the air carrier; losses resulting

from troubled debt restructurings; losses on uncollectible nonoperating receivables; or accruals to allowance for uncollectible nonoperating receivables. This account shall be charged with the amortization of amounts carried in balance sheet account 1870 Property Acquisition Adjustment, unless otherwise approved or directed by the Civil Aeronautics Board.

(Sec. 204(a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766, as amended, (49 U.S.C. 1324(a), 1377)).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-16063 Filed 6-8-78; 8:45 am]

[6320-01]

[14 CFR Part 371]

[Docket 32242]

ADVANCE BOOKING CHARTERS

JUNE 1, 1978.

AGENCY: Civil Aeronautics Board.

ACTION: Final Notice of Oral Argument.

SUMMARY: On March 17, 1978, the Board issued a Notice (EDR-348, SPDR-64, 43 FR 11215) proposing to replace most of the existing charter forms with a simplified form known as a "Public Charter." Comments were requested by April 26, 1978, with replying comments due May 16, 1978. Because of the scope of the proposed changes and their importance to the air transportation industry, the Board decided to hold an oral argument on the issues set forth in that proposal.

DATES: Each party which wishes to participate in the oral argument shall so advise The Secretary, in writing, on or before June 12, 1978, together with the name of the person who will represent it at the argument. Oral argument is scheduled for 10 a.m. (local time), June 30, 1978.

ADDRESSES: Send request for participation in the oral argument to: The Secretary, Civil Aeronautics Board, Office of the Secretary, 1825 Connecticut Avenue NW., Washington, D.C. 20428; the oral argument will be held at: The Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., in Room 1027.

FOR FURTHER INFORMATION CONTACT:

Phyllis T. Kaylor, Secretary, Civil Aeronautics Board, Office of the Secretary, 1825 Connecticut Avenue NW., Washington, D.C. 20428; 202-673-5068.

SUPPLEMENTARY INFORMATION: Notice is hereby given, pursuant to the

provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on June 30, 1978, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. A tentative Notice was issued on May 24, 1978, and published Tuesday, June 6, 1978, 43 FR.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-15951 Filed 6-8-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 16, 20, and 812]

[Docket No. 76N-0324]

MEDICAL DEVICES

Hearing on Proposed Tentative Final Regulation Relating to Investigational Device Exemptions

AGENCY: Food and Drug Administration.

ACTION: Notice of hearing.

SUMMARY: This is an announcement that a public hearing will be held on the tentative final regulation for investigational device exemptions. The Commissioner will consider the administrative record of the hearing, along with all comments and other information received, in preparing a final regulation.

DATES: Written notices of appearance should be filed by July 10, 1978. The hearing will be held on August 7, 1978.

ADDRESSES: Written notices of appearance (identified with the docket number found in brackets in the heading of this document) should be sent to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. The hearing will be held from 9 a.m. to 5 p.m. in Conference Room E, 3d Floor, B Wing, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Frank J. Morlock, Bureau of Medical Devices (HFK-70), Food Drug Administration, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7114.

SUPPLEMENTARY INFORMATION: The Medical Device Amendments of 1976 (Pub. L. 94-295) amending the Federal Food, Drug, and Cosmetic Act (the act) became law on May 28, 1976. Section 520(g) of the amended act (21

U.S.C. 360j(g)) requires the Secretary of Health, Education, and Welfare to prescribe, by regulations, procedures and conditions under which devices intended for human use may, upon application, be granted an exemption from otherwise applicable requirements of the act to permit investigational use by experts qualified by scientific training and experience to investigate the safety and effectiveness of the devices. Regulations were proposed in the FEDERAL REGISTER of August 20, 1976 (41 FR 35282). Because of the intense interest demonstrated by the comments on the proposal, the Commissioner notified all persons who had commented on the proposal that the final regulation would be repropounded as a tentative final regulation with further opportunity for comment, and that a public hearing would be held on the tentative final regulation.

The Commissioner issued the tentative final regulation on procedures for investigational device exemptions in the FEDERAL REGISTER of May 12, 1978 (43 FR 20726). The tentative final regulation explains the applicability of investigational controls, prescribes the format and content of applications for exemption, partially defines the duties of sponsors, and states the requirements for obtaining written informed consent of human subjects. The Commissioner is especially interested in obtaining comments from consumers and consumer advocates on the tentative final regulation.

Accordingly, the Food and Drug Administration (FDA) announces that a public hearing on its tentative final regulation on procedures for investigational device exemptions will be held August 7, 1978 from 9 a.m. to 5 p.m. in Conference Room E, 3d Floor, B Wing, 5600 Fishers Lane, Rockville, Md. 20857. This public hearing will be chaired by David Link, Director, Bureau of Medical Devices, Food and Drug Administration. The tentative final regulation has the legal effect of a repropounded and represents an extensive revision of the August 20, 1976 proposal.

To expedite review of requests to participate in the hearing, the Commissioner has limited the period for submitting notices of appearance to the first 30 days after publication of this notice. After reviewing the comments and the notices, the Commissioner will schedule each appearance and notify each person who submitted a notice of appearance of the time, date, and place of the hearing and the time allotted for each appearance. The procedures that govern the hearing are set forth in 21 CFR Part 15.

Interested persons who wish to participate may, on or before July 10, 1978, submit a notice of appearance with the Hearing Clerk, Food and

Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. All notices submitted should be identified with the Hearing Clerk docket number found in brackets in the hearing of this notice and should contain the name, address, telephone number, and any business affiliation of the person desiring to make a presentation, a brief summary of the presentation, and the appropriate time requested for the presentation.

Groups having similar interests are requested to consolidate their comments and present them through a single representative. The Commissioner may require joint presentations by persons with common interests. The Commissioner will allocate the time available for the hearing among the persons who properly file a notice of appearance.

The comment period on the tentative final investigational device exemption regulation ends on September 11, 1978. The administrative record of the hearing will remain open until the end of the comment period on the tentative final regulation to permit submission of additional written comments and views concerning matters discussed during the hearing.

Dated: June 5, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-15963 Filed 6-8-78; 8:45 am]

[4110-03]

[21 CFR Part 201]

[Docket No. 78N-0128]

PROPRIETARY AND ESTABLISHED NAMES ON PRESCRIPTION DRUG LABELS

Withdrawal of Proposal and Termination of
Rulemaking Proceeding

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of proposal.

SUMMARY: The Food and Drug Administration is withdrawing a proposal concerning the relationship of proprietary and established names on prescription drug labels, labeling, and advertisements. An excessive amount of time has elapsed since the proposal was published and it is being withdrawn for reconsideration.

EFFECTIVE DATE: June 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Philip L. Paquin, Bureau of Drugs (HFD-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-5220.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs issued a proposal published in the FEDERAL REGISTER of February 21, 1968 (33 FR 3234), to require specific relationships between proprietary and established names on labels, labeling, and advertisements of prescription drugs. This proposal would have amended Part 201 (21 CFR Part 201) (formerly 21 CFR Part 3 prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13996)) to provide guidance to manufacturers in preparing labels, labeling, and advertisements for prescription drugs.

Because of the excessive time that has elapsed since the proposal was published, the Commissioner has decided to withdraw the proposal pending his reconsideration of the matter. If he concludes that action is required on this matter, a new proposal will be issued.

Therefore, the proposed rulemaking published in the FEDERAL REGISTER of February 21, 1968 (33 FR 3234) is hereby withdrawn.

This withdrawal is issued under authority of the Federal Food, Drug, and Cosmetic Act (secs. 505, 701(a), 52 Stat. 1052-1053 as amended, 1055 (21 U.S.C. 355, 371(a)) and under authority delegated to the Commissioner (21 CFR 5.1).

Dated: June 1, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-15749 Filed 6-8-78; 8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 301]

[LR-7-75]

COLLECTION OF CHILD SUPPORT

Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations under section 6305 of the Internal Revenue Code of 1954, relating to the collection of child support obligations by the Internal Revenue Service. The addition of section 6305 to the Code was made by the Social Services Amendments of 1974.

DATES: Written comments and requests for public hearing must be delivered or mailed by August 7, 1978. The statutory amendments are effective July 1, 1975.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-7-75), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Charles C. Saverude of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T, LR-7-75, 202-566-3394, not a toll-free call.

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the regulations on Procedure and Administration (26 CFR Part 301) under section 6305 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 101(b)(1) of Part B of the Social Services Amendments of 1974 (88 Stat. 2358) and are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

CHILD SUPPORT COLLECTION

Section 6305 was added to the Code to provide for the collection of certain child support obligations by the Internal Revenue Service. The Internal Revenue Service must receive from the Secretary of Health, Education, and Welfare or his delegate a certified fixed amount of delinquent court ordered child support in order to initiate assessment and collection procedures for the amount. The certified amount is assessed and collected in the same manner, with the same powers and subject to the same limitations, except as provided to the contrary by the statute, as if the amount were an employment tax, the collection of which is jeopardized by delay. Normal procedures for collection of tax do not require a waiting period to collect the amount of tax due subsequent to assessment. However, the collection procedure for certified amounts is limited by a 60-day stay of collection after notice and demand in the case of certain first assessments against an individual.

Section 6305 of the Code allows for the levy upon certain property for the payment of certified amounts which is normally exempt from levy for the collection of taxes. However, any overcollection of funds for child support obligations as a result of levy upon property normally exempt from levy for tax liabilities may not be credited toward any outstanding tax obligation but must be fully refunded to the individual. Certain amounts of salary, wages and other income of an individual which are being withheld there-

from in garnishment for the support of minor children are exempt from levy.

Section 6305 prohibits the assessment and collection of interest and penalties. However, the normal penalties for failure to surrender property subject to levy and for tender of bad checks under section 6332 (c)(2) and 6657, respectively, of the Code shall be collected and retained by the United States.

The period of limitations prescribed under section 6502 of the Code for the collection of taxes apply to the collection of certified amounts. The period of limitations is tolled by recertification of certified amounts and the period begins to run anew with respect to the recertified amount. The date of assessment will govern the priority of collection of certified amounts as against liens for taxes and additional liens for certified amounts, the earlier assessed amount having priority over the later.

Section 6305 of the Code denies jurisdiction of any action in any court established under Article I or Article III of the constitution (with the exception of courts established for the District of Columbia) brought to restrain or review the assessment and collection of certified amounts by the Secretary or his delegate. In addition, the Secretary or his delegate may not subject to review the certified amount to be assessed and collected. However, an individual is not precluded from instituting an administrative, legal or equitable suit against the State to determine his liability for any amount assessed against him and collected or to recover any such amount collected from him pursuant to section 6305.

The IRS shall make reasonable and diligent efforts to collect the certified amounts pursuant to subtitle F of the Code as if such amounts were taxes. However, the provisions of subtitle F with respect to assessment and collection of certified amounts do not apply where such provisions are clearly inappropriate to and incompatible with the collection of certified amounts generally.

COMMENTS AND REQUEST FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of these proposed regulations was Charles C. Sa-

verude of the Legislation and Regulations Division of the Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to 26 CFR Part 301 are as follows. A new § 301.6305-1 would be added immediately after § 301.6304, to read as follows:

§ 301.6305-1 Assessment and collection of certain liability.

(a) *Scope.* Section 6305 (a) requires the Secretary of the Treasury or his delegate to assess and collect amounts which have been certified by the Secretary of Health, Education, and Welfare as representing delinquent court ordered child support obligations of an individual. These amounts are to be collected in the same manner and with the same powers exercised by the Secretary of the Treasury or his delegate in the collection of an employment tax which would be jeopardized by delay. However, where the assessment is the first assessment against an individual for a delinquent amount of court ordered support for a particular individual or individuals, the collection is to be stayed for a period of 60 days following notice and demand. In addition, no interest or penalties (with the exception of the penalties imposed by sections 6332 (c)(2) and 6657) shall be assessed or collected on the amounts; paragraphs (4), (6), and (8) of section 6334 (a) (relating to property exempt from levy) shall not apply; and, there shall be exempt from levy so much of the salary, wages, or other income of the individual which is subject to garnishment pursuant to a judgment entered by a court for the support of his minor children. Section 6305 (b) provides that sole jurisdiction for any action brought to restrain or review assessment and collection of the certified amounts shall be in a State court or a State administrative agency.

(b) *Assessment and collection.*—(1) *General rule.* Upon receipt of a certification (or recertification) from the Secretary of Health, Education, and Welfare or his delegate, under section 452 (b) of Title IV of the Social Security Act as amended (relating to collection of child support obligations with respect to an individual), the district director or his delegate shall assess and collect the certified amount (or recertified amount). Except as provided in paragraph (c) of this section, the amount so certified shall be assessed and collected in the same manner, with the same powers, and subject to the same limitations as if the amount

were as employment tax the collection of which would be jeopardized by delay. However, the provisions of subtitle F with respect to assessment and collection of taxes shall not apply with respect to assessment and collection of a certified amount where such provisions are clearly inappropriate to, and incompatible with, the collection of certified amounts generally. For example, section 6861 (g) which allows the Secretary or his delegate to abate a jeopardy assessment if he finds a jeopardy does not exist will not apply.

(2) *Method of assessment.* An assessment officer appointed by the district director pursuant to § 301.6203-1 to make assessments of tax shall also make assessments of certified amounts. The assessment of a certified amount shall be made by the assessment officer signing the summary record of assessment. The date of assessment is the date the summary record is signed by the assessment officer. The summary record, through supporting records as necessary, shall provide—

- (i) The assessed amount;
- (ii) The name, social security number, and last known address of the individual owing the assessed amount;
- (iii) A designation of the assessed amount as a certified amount, together with the date on which the amount was certified and the name, position, and governmental address of the officer of the Department of Health, Education, and Welfare who certified the amount;
- (iv) The period to which the child support obligation represented by the certified amount relates;
- (v) The State in which was entered the court order giving rise to the child support obligation represented by the certified amount;
- (vi) The name of the person or persons to whom the child support obligation represented by the certified amount is owed; and
- (vii) The name of the child or children for whose benefit such child support obligation exists.

Upon request, the individual assessed shall be furnished a copy of pertinent parts of this assessment which set forth the information listed in subdivisions (i) through (vii) of this paragraph (b)(2).

(3) *Supplemental assessments and abatements.* If any assessment is incomplete or incorrect in any material respect, the district director or his delegate may make a supplemental assessment or abatement but only for the purpose of completing or correcting the original assessment. A supplemental assessment will not be used as a substitute for an additional assessment against an individual.

(4) *Method of collection.* (i) The district director or his delegate shall make notice and demand for immedi-

ate payment of certified amounts. Upon failure or refusal to pay such amounts, collection by levy shall be lawful without regard to the 10-day waiting period provided in section 6331(a). However, in the case of certain first assessments, paragraph (c)(4) of this section provides a rule for a stay of collection for 60 days. For purpose of collection, refunds of any internal revenue tax owed to the individual may be offset against a certified amount.

(ii) The district director or his delegate shall make diligent and reasonable efforts to collect certified amounts as if such amounts were taxes. He shall have no authority to compromise a proceeding by collection of only part of a certified amount in satisfaction of the full certified amount owing. However, he may arrange for payment of a certified amount by installments where advisable.

(5) *Credits or refunds.* In the case of any overpayment of a certified amount, the Secretary of the Treasury or his delegate, within the period of limitations for credit or refund of employment taxes, may credit the amount of the overpayment against any liability in respect of an internal revenue tax on the part of the individual who made the overpayment and shall refund any balance to the individual. However, the full amount of any overpayment collected by levy upon property described in paragraph (c)(2) (i), (ii), or (iii) of this section shall be refunded to the individual. For purposes of applying this subparagraph, the rules of § 301.6402-2 apply where appropriate.

(6) *Disposition of certified amounts collected.* Any certified amount collected shall be deposited in the general fund of the United States, and the officer of the Department of Health, Education, and Welfare who certified the amount shall be promptly notified of its collection. There shall be established in the Treasury, pursuant to section 452 of Title IV of the Social Security Act as amended, a revolving fund which shall be available to the Secretary of Health, Education, and Welfare or his delegate, without fiscal year limitation, for distribution to the States in accordance with the provisions of section 457 of the Act. Section 452(c)(2) of the Act appropriates to such revolving fund out of any moneys not otherwise appropriated, amounts equal to the certified amounts collected under this paragraph reduced by the amounts credited or refunded as overpayments of the certified amounts so collected. The certified amounts deposited shall be transferred at least quarterly from the general fund of the Treasury to the revolving fund on the basis of estimates made by the Secretary of the Treasury or his delegate.

Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred. See, however, paragraph (c)(1) of this section for the special rule requiring retention in the general fund of certain penalties which may be collected.

(c) *Additional limitations and conditions.*—(1) *Interest and penalties.* No interest, penalties or additional amounts may be assessed or collected in addition to the certified amount, other than the penalty imposed by section 6332(c)(2) for failure to surrender property subject to levy and the penalty imposed by section 6657 for the tender of bad checks. Any such penalties, if collected, will not be treated as part of the certified amount and will be retained by the United States as a part of its general fund. No interest shall be allowed or paid on any overpayment of a certified amount.

(2) *Property not exempt from levy.* In addition to property not exempt from levy under section 6334(c) and the regulations thereunder, the following property shall not be exempt from a levy to collect a certified amount:

(i) Unemployment benefits described in section 6334(a)(4);

(ii) Certain annuities and pension payments described in section 6334(a)(6); or

(iii) Salary, wages, or other income described in section 6334(a)(8).

(3) *Property exempt from levy.* In addition to property exempt from levy under section 6334(a) and the regulations thereunder, other than property described in paragraph (c)(2) (i), (ii), or (iii) of this section, there shall be exempt from levy to collect a certified amount so much of the salary, wages, or other income of an individual as is withheld therefrom in garnishment pursuant to judgment entered by a court of competent jurisdiction for the support of minor children of the individual.

(4) *First assessment.* In the case of a first assessment against an individual for a certified amount in whole or in part for the benefit of a particular child or children, the collection of the certified amount shall be stayed for the period of 60 days immediately following notice and demand as described in section 6303. However, no other stay of the collection of a certified amount may be granted. Thus, the provisions of section 6863(a), relating to bonds to stay collection of jeopardy assessments, shall not apply to the collection of certified amounts.

(5) *Priority of liens.* A lien for a certified amount shall be valid as against a lien for taxes imposed by section 6321 only if the date of assessment of the certified amount precedes the date of assessment of the taxes. However, no amount collected by levy upon

property described in paragraph (c)(2) (i), (ii), or (iii) of this section may be applied other than in whole or partial satisfaction of certified amounts. In the case of two liens for certified amounts, the lien for the certified amount which is first assessed shall be valid as against the lien for the certified amount which is later assessed.

(6) *Statute of limitations on collections.* The periods of limitation on collection of taxes after assessment prescribed by section 6502 shall apply to the collection of certified (or recertified) amounts. Such periods of limitation with respect to a certified amount shall terminate upon recertification of the amount, and the period of limitation prescribed by section 6502 shall then apply and commence to run with respect to the recertified amount.

(d) *Review of assessments and collections.*—(1) *Federal courts.* No court of the United States established under article I or article III of the Constitution has jurisdiction of any legal or equitable action to restrain or review the assessment or collection of certified amounts by the district director or his delegate. See, however, paragraph (d)(3) of this section for the rule that the prohibition of this paragraph (d)(1) does not preclude courts established for the District of Columbia from exercising jurisdiction over certain actions.

(2) *Secretary of the Treasury.* Neither the Secretary of the Treasury nor his delegate may subject to review the assessment or collection of certified amounts in any legal, equitable, or administrative proceeding.

(3) *State courts.* This paragraph (d) does not preclude a State court or appropriate State agency, as the case may be, from exercising jurisdiction over a legal, equitable, or administrative action against the State by an individual to determine his liability for any certified amount assessed against him and collected, or to recover any such certified amount collected, under section 6305 and this section. For purposes of the preceding sentence, the term "State" includes the District of Columbia.

(e) *Internal Revenue regional service centers.* For purposes of this section, the terms "district director or his delegate" and "district director" include the director of the Internal Revenue service center or his delegate, as the case may be.

JEROME KURTZ,
Commissioner of
Internal Revenue.

[FR Doc.78-15946 Filed 6-8-78; 8:45 a.m.]

[4510-27]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 70a]

PROTECTION OF INDIVIDUAL PRIVACY RECORDS

Proposed Amendment of Rules

AGENCY: Office of the Secretary.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes an amendment to Department of Labor regulations on privacy to add exemptions for one new system of records under section 3 (j) and (k) of the Privacy Act.

DATE: Comments may be submitted until July 10, 1978.

ADDRESS: Send comments to Mr. Seth Zinman, Associate Solicitor for Legislation and Legal Counsel, Office of the Solicitor, Room N2428, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Sofia P. Petters, 202-523-8065.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-2873 published in the FEDERAL REGISTER (42 FR 6105) of February 1, 1977, the Department of Labor published a notice of adopted rulemaking. In FR Doc. 77-22598 published in the FEDERAL REGISTER (42 FR 39997) of August 8, 1977, the Department of Labor amended 29 CFR Part 70a by amending the exemption rule. Notice is hereby given that the Secretary of Labor proposes to amend 29 CFR Part 70a by amending the exemption rule for system of records identified as:

DOL-ESA-23: Office of Workers' Compensation Programs Investigation Files.

DOL-ESA-23 will be comprised of investigatory files maintained by the Employment Standards Administration, Office of Workers' Compensation Programs, Division of Investigation. These records are exempted under subsection (j)(2) and (k)(2) of the Act.

This amendment is proposed under the authority of the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a.

Signed at Washington, D.C., this 5th day of June 1978.

RAY MARSHALL,
Secretary of Labor.

Section 70a.13 of Title 29 of the Code of Federal Regulations is amended by adding paragraphs (a)(5)(vi) and (d)(7) to read as follows:

§ 70a.13 Exemptions.

(a) * * *

(5) The Department of Labor has published notice of intention to exempt the following record systems under the general exemption:

(vi) DOL/ESA-23 Office of Workers' Compensation Programs, Investigation Files.

(A) Purpose: The information contained in the system of records relates to activities carried out under (1) the Federal Employees' Compensation Act and related Acts, (2) the Longshoremen's and Harbor Workers' Compensation Act and related Acts, and (3) Title IV, Section 415 and Part C, of the Federal Coal Mine Health and Safety Act of 1969, as amended by the Black Lung Benefits Act of 1972. Disclosure of information would substantially compromise the effectiveness of investigations by the Office of Workers' Compensation Programs' Division of Investigation. Knowledge of such investigations would enable subjects to take action to prevent detection, conceal evidence or escape prosecution. Disclosure of information could lead to the intimidation of or harm to: informants, witnesses and their families; and could jeopardize the well-being of investigative personnel or their families.

(B) Exemption: Under the authority of subsection (j)(2) of 5 U.S.C. 552a, DOL/ESA-23 is exempted from provisions of 5 U.S.C. 552a, except for the requirements of subsections (b), (c) (1) and (2), (e) (4) (A) through (F), (e) (6), (7), (9), (10), and (11) and (i) of the Act.

(d) ***
(7) DOL/ESA-23, Office of Workers' Compensation Programs Investigation Files relates to investigations under (1) the Federal Employees' Compensation Act and related Acts, (2) the Longshoremen's and Harbor Workers' Compensation Act and related Acts, and (3) Title IV, Section 415 and Part C of the Federal Coal Mine Health and Safety Act of 1969, as amended by the Black Lung Benefits Act of 1972. In accordance with subsection 3(k)(2) of the Act, this system is exempted from the requirements of subsections (c)(3), (d), (e)(4), (G), (H), and (I), and (f). Disclosure of information related to civil law enforcement would enable the subject of the investigation to take action to prevent detection of illegal activities and could lead to the harassment or intimidation of witnesses, informants, or their families or could do harm to the well-being of investigative personnel or their families.

[FR Doc. 78-16151 Filed 6-8-78; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

[38 CFR Part 18d]

NONDISCRIMINATION ON BASIS OF HANDICAP IN PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

Hearing

AGENCY: Veterans Administration.

ACTION: Hearing on proposed regulations.

SUMMARY: The Veterans Administration is announcing a hearing to be held on June 26, 1978, to receive comments on its proposed regulations on nondiscrimination on basis of handicap. The proposed regulations implement section 504 of the Rehabilitation Act of 1973.

DATE: The hearing will be held on June 26, 1978, at 2 p.m.

ADDRESS: The hearing will be held at the Veterans Administration Conference Room, Main Building, Room 119, 810 Vermont Avenue, Washington, D.C. 20420.

FOR FURTHER INFORMATION CONTACT:

Ms. Rosa Maria Fontanez, 202-389-3281.

SUPPLEMENTARY INFORMATION: On May 3, 1978 (43 FR 19166), the Veterans Administration published proposed regulations in Part 18d, Title 38, Code of Federal Regulations for comments in the FEDERAL REGISTER. This proposed new part which implements section 504, Pub. L. 93-112 will prohibit discrimination on basis of handicap in programs and activities receiving or benefiting from federal financial assistance.

The Veterans Administration plans to hold a public meeting to afford those agencies, groups, and individuals wishing to comment on the proposed regulations, an opportunity to present their views to the Administrator. Specific details regarding the meeting are as follows:

Time and date of meeting: 2 p.m., Monday, June 26, 1978.

Place: Veterans Administration's Conference Room, Main Building, Room 119, 810 Vermont Avenue NW., Washington, D.C. 20420.

Those persons wishing to make comments should contact Ms. Rosa Maria Fontanez, Office of Human Goals, 202-389-3281, to be scheduled to speak. Other interested persons are welcome to attend as observers up to the seating capacity of the conference room.

Single copies of the proposed regulations in print or cassette can be obtained from Michael Sullivan, Office of Human Goals, 202-389-2358.

By direction of the Administrator.

Approved: June 6, 1978.

RUFUS H. WILSON,
Deputy Administrator.

[FR Doc. 78-18053 Filed 6-8-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 909-4]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revision to Oregon Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is today proposing to disapprove a revision to the Oregon State Implementation Plan (SIP) submitted by the State on October 6, 1977. The revision relates to the control of air pollution from grass seed field burning practices in the Willamette Valley. The revision seeks to increase the presently approved limit of 50,000 acres to 180,000 acres. EPA is proposing to disapprove the revision because it does not meet either the substantive or the procedural requirements of the Federal Clean Air Act and Federal regulations pertaining to the development, adoption and submission of State Implementation Plans.

DATE: Comments on the proposed action must be received on or before July 10, 1978.

ADDRESSES: Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Wash. 98101. Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. State of Oregon, Department of Environmental Quality, P.O. Box 1760, Portland, Oreg. 97207.

FOR FURTHER INFORMATION CONTACT:

Clark L. Gaulding, Chief, Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101, telephone 206-442-1230.

SUPPLEMENTARY INFORMATION: On October 6, 1977, the Oregon Department of Environmental Quality submitted revisions to Oregon Administrative Rules (OAR) Chapter 340-26-005 through 26-030, Agricultural Burning, for EPA's approval as a revision to the Oregon SIP.

BACKGROUND

In May 1972 EPA approved the Oregon SIP to attain and maintain na-

tional ambient air quality standards in the State. Part of the State's control strategy to meet the national standard for particulate matter was a total ban on open field burning in the Willamette Valley as of 1975.

In early 1975 the Oregon State Legislature determined that reasonable alternatives to open field burning were not yet available and revised the state law to implement a phase down program rather than a total ban. Under the phase down program, the maximum number of acres to be burned in 1977 was 95,000 acres and thereafter for 1978 and subsequent years not more than 50,000 would be allowed to be burned annually.

The State Environmental Quality Commission then amended the State's administrative procedures to comply with the statute and both the statute and regulation was submitted for EPA's approval as SIP revisions. The phase down program was approved by EPA on April 18, 1977 (42 FR 20131).

PROPOSED CHANGES

In 1977 the Oregon Legislature again amended the State statute regarding field burning. The major changes included: (1) Increasing the maximum number of acres allowed to be burned to 195,000 in 1977 and 180,000 in 1978 and leaving it up to the Environmental Quality Commission to determine the number to be burned in subsequent years. (2) Changing the language of the previous statute so that the Commission must authorize the maximum allowable acreage "unless the Commission finds after hearing that other reasonable and economically feasible alternatives to the practice of annual open field burning have been developed." (ORS 468.475). Previous wording of the statute allowed maximum acreage to be authorized "only if" the Commission found that reasonable alternatives to open burning were not available.

On July 15, 1977 the Environmental Quality Commission amended the state administrative regulation, OAR 340-26-005 through 26-030 to comply with the 1977 statute. This regulation was then submitted for EPA's consideration as a SIP revision on October 6, 1977.

EPA reviewed the amended regulation and determined that it does not meet either the substantive of the procedural requirements of the Federal Clean Air Act and 40 CFR Part 51.

The procedural deficiencies relate to the Federal requirements for public notice and hearing of SIP revisions. The deficiencies are detailed in EPA's Rationale for Disapproval which is available for public review at the addresses listed at the beginning of this notice.

The substantive deficiencies relate to the fact that the State is proposing

to relax controls on field burning (by increasing the number of acres to be burned) without providing increased control on this or other contributing sources of particulate matter to offset the increased emissions. Moreover, the increased burning impacts an area which has been declared nonattainment because of recorded violations of the health-related primary ambient standard for particulate matter.

It should be noted that the State is currently preparing revisions to the SIP for all designated nonattainment areas, including portions of the Willamette Valley, as required by the Clean Air Act Amendments of 1977. The State will be submitting these revisions to EPA by January 1, 1979. These revisions are to provide for an orderly reduction in particulate emissions in order to attain the national ambient air quality standards by no later than December 31, 1982.

The problem is, then, to develop an interim control strategy for the 1978 field burning season. In a letter dated January 27, 1978, EPA returned the October 6, 1977 revision to the State of Oregon and suggested two options to the State to resolve the matter. The first was that the State adopt a new, formal SIP revision and submit it in time for EPA's approval prior to the 1978 burning season.

The second option was that a one-year control strategy to be embodied in a formal agreement between EPA and the State. This option was reiterated in an April 26, 1978 letter to the Director of the Department of Environmental Quality. The agreement, in addition to the Regional Administrator's authority to exercise prosecutorial discretion to not enforce the 50,000 acre limit if there is justification, would allow the State to implement all reasonable measures to alleviate the Willamette Valley particulate problem while also allowing the State to proceed with this year's planned field burning study in order to develop a control strategy for the years after 1978.

The State chose to develop a one-year interim control strategy rather than a formal SIP revision.

EPA has been working closely with the Environmental Quality Commission, the Department of Environmental Quality, the grass seed growers and citizens of the Eugene-Springfield area to develop such a control strategy for the 1978 burning season. The Oregon State Attorney General has indicated, however, that before an interim strategy may be implemented, the State proposal of 180,000 acres must be officially acted upon by EPA. Therefore, in order to facilitate development of the strategy, EPA is today proposing to disapprove the revision to the field burning regulation. The effect of the disapproval would be to leave in effect

the statute and regulation approved by EPA on April 18, 1977 which limits the number of acres to be burned in 1978 to 50,000 acres.

EPA has prepared a Rationale for Disapproval which discusses both the procedural and substantive deficiencies of the proposed revision. The Rationale, and the State submitted revision, are available for public review at the addresses listed at the beginning of this notice. Public comments on the proposed disapproval are invited and will be accepted on or before July 10, 1980.

This notice is issued under the authority of Sections 110(a) and 301 of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601).

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is proposed to be amended as follows:

1. Section 52.1976 is added as follows:

§ 52.1976 Control strategy: Particulate Matter—Portland Interstate Air Quality Control Region.

(a) Oregon Administrative Rules (OAR), Chapter 340, §§ 26-005 through 26-030, as adopted by the Environmental Quality Commission on July 15, 1977 and submitted to EPA on October 6, 1977 is disapproved since it is inconsistent with the requirements of § 51.13. The requirements of § 51.13 are not met in that the control strategy contained in the October 6, 1977 submittal is not adequate for the attainment and maintenance of the particulate matter national ambient air quality standards.

Dated: May 30, 1978.

DONALD P. DUBOIS,
Regional Administrator.

[FR Doc. 78-15969 Filed 6-8-78; 8:45 am]

[6560-01]

[40 CFR Part 65]

[FRL 909-4]

STATE AND FEDERAL ADMINISTRATIVE ENFORCEMENT OF IMPLEMENTATION PLAN REQUIREMENTS AFTER STATUTORY DEADLINES

Proposed Approval of an Administrative Order Issued by Puget Sound Air Pollution Control Agency To Scott Paper Co.

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: EPA proposes to approve an administrative order issued by Puget Sound Air Pollution Control Agency (PSAPCA) to Scott Paper Company. The order requires the company to bring air emissions from its sulfite pulp mill at Everett, Washington into compliance with certain regulations contained in the federally-ap-

proved Washington State Implementation Plan (SIP) by July 1, 1979. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act. If approved by EPA, the Order will constitute an addition to the SIP and will alter the rights of persons to bring judicial actions against the source for violations of the SIP. The purpose of this notice is to invite public comment on EPA's proposed approval of the Order as a delayed compliance order.

DATE: Written comments must be received on or before July 10, 1978.

ADDRESS: Comments should be submitted to Director, Enforcement Division M/S 517, EPA, Region X, 1200 Sixth Avenue, Seattle, Wash. 98101. The supporting material and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Kenneth D. Brooks, EPA, Region X, 1200 Sixth Avenue M/S 513, Seattle, Wash. 98101 or telephone 206-442-1387.

SUPPLEMENTARY INFORMATION:

Scott Paper Co. operates a sulfite pulp mill at Everett, Wash. The order under consideration addresses emissions from five hogged wood waste ("hog fuel") boilers of the facility, which are subject to Washington Administrative Code (WAC) 18-04-070 and PSAPCA Regulation I. These regulations limit the emissions of particulate matter, and are part of the federally approved State Implementation Plan. As the source is unable to comply with these regulations at this time, the order requires final compliance with the regulations by July 1, 1979 through the addition of a baghouse to control emissions from the hog fuel boilers. The source has consented to the terms of this order and the first increment has been satisfied.

After public notice and a thirty-day comment period, the Board of PSAPCA held a public hearing on March 9, 1978. Mr. A. R. Dammkoehler, Air Pollution Control Officer for PSAPCA, gave a status report and discussed the schedule being proposed. There was no dissenting argument.

Because this order has been issued to a major source of particulate emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Act. If the order is approved by EPA compliance with its terms would preclude Federal enforcement action

under Section 113 of the Act against the source for violation of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the Washington SIP. EPA proposes herein to approve the order because it satisfies the appropriate requirements of Section 113(d) of the Act. The elements of the appropriate paragraphs of subsection 113(d) are met in the following Variance Order Certificate issued to the Scott Paper Company by the Puget Sound Air Pollution Control Authority on March 9, 1978.

[Delayed Compliance Order No. 78-204-1; Variance Application No. 204]

SCOTT PAPER CO., EVERETT, WASH.

Whereas, the Congress of the United States amended section 113(d) of the Federal Clean Air Act by 42 U.S.C. 7401, etc. to procure the attainment of emission standards by noncomplying industrial sources in the United States and the procedure outlined is for the local air pollution agencies to prepare a "Delayed Compliance Order" which would be reviewed and approved by the Department of Ecology and the Environmental Protection Agency, and

Whereas, the Scott Paper Co., Everett, Wash. operates five hog fuel boilers that are presently in noncompliance with the emission standards and this order is being issued pursuant to section 113(d) of the Clean Air Act and RCW 70.94.155, RCW 70.94.211 and RCW 70.94.221 and regulation I of the Puget Sound Air Pollution Control Agency, and

Whereas, this order, pursuant to the Federal Clean Air Act and state law, contains a schedule for compliance, interim requirements and reporting requirements, and

Whereas, Puget Sound Air Pollution Control Agency has issued public notice of this order and of a public hearing before the Board of Directors of the Agency to consider the order, pursuant to section 113(d) of the Federal Clean Air Act and the requirements of the Washington State Implementation Plan (WSIP), and

Whereas, the Board has considered the entire record and the statements made for and against the Compliance Order and the Variance and the Board being fully advised in the premises; Makes the following:

FINDINGS

1

On September 29, 1977, the U.S. Environmental Protection Agency (EPA) issued a Notice of Violation pursuant to section 113(a)(1) of the Clean Air

Act, to Scott Paper Co., upon the finding that the visual emissions from the five hog fuel boilers at Scott Paper Co. in Everett, Wash. are in violation of section 9.03 of regulation I of the Puget Sound Air Pollution Control Agency, a part of the applicable WSIP, as defined in section 110(d) of the act.

II

The observations of violations of section 9.03 of regulation I were made by air pollution inspectors employed by Puget Sound Air Pollution Control Agency and said observations are of record and on file in the office of the Puget Sound Air Pollution Control Agency.

III

The violations have extended beyond the thirtieth day after issuance of a Notice of Violation on September 29, 1977, and upon the further violations of Puget Sound Air Pollution Control Agency regulation I, section 9.03 observed on November 4 and 9, 1977; December 5, 16 and 19, 1977; January 5, 9 and 17, 1978; and February 3, 1978, by the air pollution inspectors of Puget Sound Air Pollution Control Agency.

Based upon the above findings, the Board does hereby enter the following:

ORDER

It is hereby determined that the schedule for compliance is as expeditious as practicable and that the terms of this Order are in compliance with section 113(d) of the act and are in furtherance of the public health, safety and welfare of the inhabitants of the Puget Sound area. Therefore it is hereby ordered:

1. That Scott Paper Co. will comply with Puget Sound Air Pollution Control Agency regulation I, section 9.03 in accordance with the following schedule on or before the dates specified therein:

a. Installation of a baghouse to control emissions from five hog fuel boilers.

(1) Submit notice of construction, Apr. 1, 1978.

(2) Approved by PSAPCA of notice of construction, May 1, 1978

(3) Procurement (bids), July 1, 1978

(4) Start construction, Nov. 1, 1978.

(5) Complete construction, June 1, 1978.

(6) Source in compliance, July 1, 1979.

b. Quarterly progress reports.

Due date	Quarter ending
(1) July 15, 1978.....	June 30, 1978.
(2) Oct. 15, 1978.....	Sept. 30, 1978.
(3) Jan. 15, 1979.....	Dec. 31, 1978.
(4) Apr. 15, 1979.....	Mar. 31, 1979.

c. That Scott Paper Co. shall perform a source test on their hog fuel

boilers on completion of their scheduled control program. Such source tests shall be conducted in accordance with PSAPCA procedures. A copy of the source test report shall be submitted to PSAPCA.

2. That Scott Paper Co. shall comply with the following interim requirements which are determined to be the best reasonable and practicable interim system of emission reduction (taking into account the requirement of which compliance is ordered in section 1, above) and are necessary to avoid an imminent and substantial endangerment to the health of persons and to assure compliance with PSAPCA regulation I, section 9.03 insofar as Scott Paper Co. is able to comply during the period this Order is in effect:

a. That the emissions from the main stack of Scott's hog fuel boilers be required to meet a modified section 9.03 (b)(1) of regulation I which shall read "Darker in shade than that designated at No. 2 (40 percent density) on the Ringelmann Chart, as published by the U.S. Bureau of Mines, except that once per calendar day visual air contaminant emissions from the hog fuel boiler stack may exceed Ringelmann No. 2 (40 percent opacity) for more than 3 minutes, but not more than an aggregate of 15 minutes in any one hour."

b. That Scott Paper Co. shall take all precautions to minimize the emission of smoke and particulate matter from subject hog fuel boilers to the maximum degree practical.

3. That Scott Paper Co. is not relieved by this order from compliance with any requirements imposed by the Washington State Implementation Plan and/or the courts pursuant to RCW 70.94.710 and RCW 70.94.715 during any period of imminent and substantial endangerment to the health of persons.

4. Scott Paper Co. shall comply with the following reporting requirements specified below:

a. Emission monitoring:

(1) Maintain existing system of opacity monitoring and recording.

(2) Evaluate laser unit for continuous particulate monitoring on or before December 31, 1978.

(3) Conduct at least two source tests before December 31, 1978.

b. Reporting requirements:

(1) No later than five days after any date for achievement of an incremental or final compliance, specified in section I-A-1 of this order. Scott Paper Co. shall notify the Agency in writing of its compliance or noncompliance (state reasons for noncompliance) with the requirement. If delay is anticipated in meeting any requirement of this order, Scott Paper Co. shall immediately notify the Agency in writing of the anticipated delay and reason

therefore. Notification to the Agency of any anticipated delay does not preclude the Agency from taking enforcement action.

(2) All submittals and reports pursuant to this order shall be made to:

Mr. A. R. Dammkoehler, Air Pollution Control Officer, Puget Sound Air Pollution Control Agency, 410 West Harrison Street, P.O. Box 9863, Seattle, Washington 98109, 206-344-7330.

5. Nothing in this order is to be construed, in any way, as to prevent enforcement and/or abatement action for any violation of any applicable law, rule or regulation of any other governmental agency.

6. Scott Paper Co. is hereby notified that its failure to achieve final compliance by July 1, 1979, may result in a requirement to pay a noncompliance penalty under section 120 of the act. In the event of such failure, Scott Paper Co. will be formally notified by EPA or its delegate of its noncompliance pursuant to section 120(b)(3) of the act and to any applicable regulation promulgated thereunder.

7. This order shall be terminated by the Board of Directors if it is determined on the record, after notice and hearing, that an inability to comply with PSAPCA regulation I, section 9.03 no longer exists.

8. Failure to comply with any condition and/or complete any specific action by its related date without prior written approval of the Agency, shall subject Scott Paper Co. to appropriate penalties and/or legal remedies as provided in RCW 70.94, for any violation of regulation I; provided further that this order, does not prevent the Agency, during the term of the order, from issuing to Scott Paper Co. notices of violation of any violation of regulation I.

9. This order is issued by the PSAPCA Board of Directors effective March 9, 1978, pursuant to PSAPCA regulation I, section 3.11, and RCW 70.94.141 and RCW 70.94.221, which are part of the Washington State Implementation Plan.

Passed and approved at a regular meeting of the Board of Directors of the Puget Sound Air Pollution Control Agency held this 9th day of March, 1978.

Puget Sound Air Pollution Control Agency.

GENE LOBE,
Chairman.

Attest:

A. R. DAMMKOEHLER,
Air Pollution Control Officer.

Approved as to form:

KEITH D. MCGOFFIN,
Agency Attorney.

If the order is approved by EPA, compliance with its terms would pre-

clude federal enforcement action under Section 113 of the Act against the source for violation of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded.

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, and after EPA has reviewed any comments received in response to this notice, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65.

The provisions of 40 CFR 65 will be promulgated by EPA soon, and will contain the procedures for EPA's issuance, approval, or disapproval of an order under Section 113(d) of the Act. In addition, Part 65 will contain sections listing or including orders issued, approved, or disapproved by EPA. A prior notice proposing regulations for Part 65, published at 40 FR 14876 (April 2, 1975), will be withdrawn, and replaced by a notice promulgating these new regulations.

(Sec. 113(d)(2) of Clean Air Act, Pub. L. 95-95 (42 U.S.C. 7413).)

Dated: May 18, 1978.

DONALD P. DUBOIS,
Regional Administrator,
Region X.

[FR Doc. 78-16015 Filed 6-8-78; 8:45 am]

[4110-02]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Parts 144, 175 and 176]

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM, NATIONAL DIRECT STUDENT LOAN PROGRAM, AND THE COLLEGE WORK-STUDY PROGRAM

Public Hearings on Possible Regulatory
Changes

AGENCY: Office of Education, HEW.
ACTION: Notice of Public Hearings on Possible Regulatory Changes.

SUMMARY: The Office of Education announces public hearings on recommendations by a Panel of Experts on the campus-based student financial assistance programs funding process. These recommendations may affect Sections 144, 175, and 176 of the regulations on the Supplemental Educational Opportunity Grant program, National Direct Student Loan Program, and the College Work-Study

program. The Office of Education has determined that additional public participation is needed before developing the regulatory changes.

DATES AND LOCATIONS: San Francisco, Calif., July 5, 1978, beginning at 9 a.m., Fairmont Hotel, Ballroom Lounge, 950 Mason Street; Houston, Tex., July 7, 1978, beginning at 9 a.m., University of Houston, University Center, Room 252, 4800 Calhoun Boulevard; Washington, D.C., July 11, 1978, beginning at 9 a.m., Howard University, School of Social Work Auditorium, Howard Place and Sixth Street NW.; Chicago, Ill., July 13, 1978, beginning at 9 a.m., Loyola University of Chicago, Lewis Towers Campus, Georgetown Room, Rush and Pearson Streets.

FOR FURTHER INFORMATION CONTACT:

Mr. Jack C. Reynolds, Office of the Deputy Commissioner, BSFA, ROB 3, Room 4662, 400 Maryland Avenue SW., Washington, D.C. 20202, 202-245-0231.

SUPPLEMENTARY INFORMATION:

GENERAL

A Panel of Experts, appointed by U.S. Commissioner of Education last year, has completed its report on recommendations for a new funding system for these federally funded campus-based financial aid programs: Supplemental Educational Opportunity Grants, National Direct Student Loan, and College Work-Study. These recommendations are being distributed to the financial aid community and comment has been requested. In holding these scheduled hearings, we are soliciting comment on this process as we develop the final system.

These recommendations detail a new method of more equitably distributing Federal funds to postsecondary educational institutions throughout the Nation. The new process will result in more efficient use of regional Office of Education personnel to aid schools with technical problems they may have in operating their on-campus programs. Additionally, this new system will involve computerization of data formerly handled manually, resulting in more efficient use of OE central office personnel. The system will also make the application process and the accompanying student data collection a much less burdensome task for the institutions.

INSTRUCTIONS FOR COMMENTS

1. Persons interested in commenting on this matter at one of the hearings should register before the day of the hearing by writing or telephoning the person whose name is listed below as the contact person in the appropriate area. Efforts will also be made to ac-

commodate those who register on the day of the hearing.

2. Speakers are encouraged to make available written copies of their presentations.

3. Written comments will also be accepted from those who do not wish to make oral presentations.

4. Persons who register or submit written comments should provide their names, addresses, telephone numbers, and (if appropriate) the names of the organizations they represent.

AREA CONTACT PERSONS

CHICAGO, ILL.

Dr. Donald Aripoli, U.S. Office of Education, 300 South Wacker Drive, Chicago, Ill. 60606, 312-353-2507.

HOUSTON, TEX.

Dr. Carl Hammack, U.S. Office of Education, 1200 Main Tower Building, Dallas, Tex. 75202, 214-767-3852.

WASHINGTON, D.C.

Mr. Jack C. Reynolds, U.S. Office of Education, BSFA, Room 4662, ROB 3, 400 Maryland Avenue SW., Washington, D.C. 20202, 202-245-0231.

SAN FRANCISCO, CALIF.

Mr. Ernest Z. Robles, U.S. Office of Education, 50 United Nations Plaza, San Francisco, Calif. 94102, 415-556-8382.

AVAILABILITY OF MEETING RECORDS FOR PUBLIC INSPECTION

Records of the oral comments made at the meeting and of the written comments received will be available for public inspection in Room 4662, Regional Office Building Three, 7th and D Streets SW., Washington, D.C.

Dated: June 2, 1978.

ERNEST BOYER,

Commissioner of Education.

[FR Doc. 78-16155 Filed 6-8-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 87]

[SS Docket No. 78-160; FCC 78-368]

AVIATION SERVICES

Authorizing Broadcasts by Aircraft Radio Stations on Certain Frequencies in Accordance With FAA Recommended Traffic Advisory Practices

AGENCY: Federal Communications Commission.

ACTION: Proposed rulemaking.

SUMMARY: This Notice proposes that the rules be amended to specifically authorize "broadcasts in the blind" by aircraft radio stations on certain frequencies, in accordance

with FAA recommended traffic advisory practices. This action was initiated as a result of a request by the FAA to review its recommended communications procedures at nontower airports for compliance with FCC regulations. The proposed rule is intended to clarify any existing uncertainty regarding the compliance of these procedures with the Commission's rules.

DATES: Comments must be received on or before July 14, 1978, and Reply Comments must be received on or before July 24, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Robert H. McNamara, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

Adopted: May 31, 1978.

Released: June 9, 1978.

By the Commission: Commissioners Ferris, Chairman; and Brown absent.

In the matter of amendment of Part 87 of the rules to specifically authorize broadcasts by aircraft radio stations on certain frequencies in accordance with FAA recommended traffic advisory practices, SS Docket No. 78-160.

1. Notice of proposed rulemaking is hereby given.

2. The Commission has received a letter from the Federal Aviation Administration (FAA) requesting that we review FAA recommended airport traffic advisory practices at nontower airports, for compliance with FCC regulations. The current "Airman's Information Manual" describes procedures to be followed for advisory purposes at airports without airdrome control stations (control towers). These communications procedures have been recommended by the FAA since the issuance of Advisory Circular AC No. 90-42 in December of 1968. The FAA indicates that recently there has been some question as to whether there may possibly be a conflict between the subject communications procedures and FCC rules. In the event that it is determined that a conflict does exist, FAA requested that the Commission initiate appropriate rulemaking action to provide for the continuation of these recommended advisory procedures.

3. The recommended aeronautical communications practices to which our attention has been drawn involve the transmission of an aircraft's position and other pertinent advisory information when it is inbound to or outbound from an airport not served by control tower and, additionally, the airport has (1) a nonfunctioning FAA flight service station (FSS); or (2) no FSS facility and a nonfunctioning aeronautical advisory station

(unicom), or (3) no FSS facility and no unicom. The frequency utilized in the first instance is the assigned FSS frequency 123.6 MHz; in the second, the unicom frequency 122.8 MHz; and in the third, the multicom frequency 122.9 MHz. The recommended procedure essentially calls for the pilot of an inbound aircraft to transmit his position and intentions about five miles from the airfield and follow this up with appropriate position calls on the downwind, base and final legs in the landing pattern. When outbound the pilot transmits his position and intentions prior to taxiing and before taxiing on to the runway for takeoff. We also note that at an airfield with a nonoperating control tower, the FAA recommends similar traffic advisories be transmitted on the assigned control tower frequency. The FAA believes that these communications practices reduce aircraft collision potential around airports without an operating control tower by augmenting the primary method of collision avoidance, i.e., visual alertness, with audio alertness.

4. These traffic advisory broadcasts recommended by the FAA are not considered to be in conflict with FCC regulations. Such "broadcasts in the blind" by aircraft radio station are viewed as communications necessary to the safe operation of aircraft within the meaning of Rule 87.181. The Commission's rules, however, do not specifically provide for the subject aircraft station transmissions. This apparently has led to confusion on the part of some members of the flying public and the resulting concern of the FAA.

5. The aviation radio service is primarily designed to provide a safety system for all aircraft users. Basically communications are limited to the needs of safe and expeditious aircraft operation. The assigned frequencies are shared among all users. The system is designed so that all pilots and concerned ground personnel will be aware of aircraft in the vicinity and, accordingly, act in the best interests of safety and the expeditious operation of aircraft. Uncertainty about advisory communications may result from a decision of the Review Board² which is based on the conclusion that

¹Docket No. 20123, released April 15, 1977, and published in the FEDERAL REGISTER April 20, 1977, at 42 FR 20469, amended the Commission's rules to, among other things, make available additional unicom and multicom frequencies. FAA intends to amend the Airman's Information Manual to reflect these changes in the next printing.

²Roberts Flying Service, Inc., 30 FCG 2d 823 (1971).

the disclosure and use by third persons of communications between an aeronautical advisory station and aircraft is an "unauthorized interception" of communications within the meaning of section 605 of the Communications Act. Among other things, section 605 prohibits persons not so authorized from divulging or using for their own or another's benefit radio communications which they have intercepted. Radio communications which are broadcast or transmitted for the use of the general public are specifically excluded from the applicability of the section. Therefore, section 605 of the Communications Act does not apply to the type of aeronautical communications which are transmitted for the use of members of the general public in the area. To hold otherwise would lead to absurd results and impair aviation safety.

6. Therefore, in light of existence of some confusion and uncertainty as to the legality of aircraft stations "broadcasting in the blind" in accordance with FAA recommended traffic advisory practices, and the applicability of Section 605 of the Communications Act to such aviation communications, we believe the Commission's rules should be clarified. Accordingly, we propose to amend §§ 87.181 and 87.201 to specifically indicate that aircraft stations may transmit pertinent advisory information on certain frequencies for the benefit and use of other stations in the aeronautical mobile service lawfully monitoring these frequencies, in accordance with FAA recommended traffic advisory practices.

7. The proposed amendment to the Commission's rules, as set forth below, is issued pursuant to the authority contained in sections 4(i) and 303 (b) and (r) of the Communications Act of 1934, as amended.

8. Pursuant to the applicable procedures set forth in section 1.415 of the Commission's rules, interested persons may file comments on or before July 14, 1978, and reply comments on or before July 24, 1978. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 5 copies of all statements, briefs or comments shall be furnished the Commission. All comments received in response to this Notice of Proposed Rulemaking, will be available for public inspection in the Docket Reference Room in the

Commission's Offices in Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Part 87 of Chapter I of Title 47 of the code of Federal Regulations is amended as follows:

In Part 87—Aviation Services:

1. Section 87.181 is amended by adding a sentence at the end of the paragraph, to read as follows:

§ 87.181 Scope of service.

*** However, aircraft stations may transmit pertinent advisory information on the appropriate air traffic control, aeronautical advisory or aeronautical multicom frequency for the benefit and use of other stations in the aeronautical mobile service lawfully monitoring these frequencies, in accordance with FAA recommended traffic advisory practices.

2. Section 87.201 is amended by adding two sentences to the end of subparagraphs (c) and (d), to read as follows:

§ 87.201 Frequencies available.

(c) *** In addition, private aircraft stations may utilize these frequencies to transmit pertinent advisory information in accordance with FAA recommended traffic advisory procedures, for the benefit and use of other stations lawfully monitoring such frequencies. The recommended transmissions on these frequencies are permitted when inbound to or outbound from an airport that does not have an airdrome control station (control tower) or an FAA flight service station, and the aircraft is unable to establish radio contact with the advisory station located on the landing area.

(d) *** In addition, private aircraft stations may utilize these frequencies to transmit pertinent advisory information in accordance with FAA recommended traffic advisory practices, for the benefit and use of other stations lawfully monitoring such frequencies. The recommended transmissions on these frequencies are permitted when inbound to or outbound from an airport that does not have an airdrome control station (control tower), an FAA flight service station or an aeronautical advisory station located at the landing area.

[FR Doc. 78-16029 Filed 6-8-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE
COMMISSION

[49 CFR Part 1124]

[Ex Parte No. 227 (Sub-No. 1)]

REGULATIONS GOVERNING THE ADEQUACY
OF INTERCITY RAILROAD PASSENGER SER-
VICE

Adequacy of Intercity Rail Passenger Service

AGENCY: Interstate Commerce Com-
mission.

ACTION: Proposed regulations.

SUMMARY: These proposed regula-
tions are for the purpose of insuring
adequate services and facilities for
handicapped persons traveling as in-
tercity rail passengers. These regula-
tions apply to all carriers providing
such services. They are substantially
identical to those being contemporane-
ously promulgated by the United
States Department of Transportation
under Section 504 of the Rehabilita-
tion Act of 1973.

DATES: Written comments are invited
from other Federal agencies and the
public. They must be received on or
before September 7, 1978. Copies of
the comments to the corresponding
DOT sections will be accepted pro-
vided they also refer to the appropri-
ate section of the Commission's pro-
posed regulations. A hearing may be
held in conjunction with DOT's hear-
ing on its proposed regulations on July
26, 1978, or a separate hearing may be
held at a time and place to be subse-
quently announced, if warranted.

ADDRESS: An original and three
copies of the comments should be sent
to the Interstate Commerce Commis-
sion, Office of Proceedings, Washing-
ton, D.C. 20423.

FOR FURTHER INFORMATION
CONTACT:

Edward J. Schack, Acting Deputy
Director, Office of Proceedings, Sec-
tion of Finance, Interstate Com-
merce Commission, Washington,
D.C. 20423, 202-275-7245.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Congress declared the National
Policy to be that "elderly and handi-

capped persons have the same rights
as other persons to utilize mass trans-
portation facilities and services . . ."
23 U.S.C. 142 note. 88 Stat. 2282. In
that statute Congress also indicated
that special efforts should be made in
the planning, design, construction and
operation of those facilities so that el-
derly and handicapped persons will
have access to public transportation.

Under section 801 of the Rail Pas-
senger Service Act, this Commission
may establish rules and regulations to
insure that adequate services and fa-
cilities will be provided to users of in-
tercity rail passenger service. We be-
lieve our regulations should provide
for adequate services and facilities for
all passengers, including those who are
handicapped.

Under section 504 of the Rehabilita-
tion Act of 1973 (Pub. L. 93-112) the
Department of Transportation (DOT)
also has responsibilities for issuing
regulations in this area. In order to
minimize the possibility of conflicting
regulations and to ease the burden on
the parties who will be participating in
these proceedings, this agency and
DOT are coordinating our efforts re-
garding regulations to insure adequate
services and facilities for handicapped
persons.

Ex Parte No. 277 (Sub-No. 1) was
originally reopened by an order served
May 26, 1977, on petition filed by the
Kentucky Easter Seal Society for
Crippled Children and Adults, Inc.
(Easter Seal). After investigation of
this matter and consultation with
DOT, this Commission discontinued the
rulemaking by order served Novem-
ber 22, 1977. The order discontinued
this proceeding indicated that a
more comprehensive rulemaking
would be forthcoming. The proposed
regulations announced in this notice
will reinstitute that proceeding.

The majority of the proposed regu-
lations are identical to DOT's propos-
als. There are, however, important dif-
ferences. The DOT regulations apply
to "recipients" ours apply to "carri-
ers." That difference may be impor-
tant in certain instances because DOT
recipients receive Federal funds while
carriers who are not recipients do not.
Where the DOT proposed regulations
refer to recipients that term should be
read as carriers for purposes of our
regulations. When our proposed regu-
lations differ from those of DOT in
significant respects, we have explained

the reasons why we believe a differ-
ence is warranted. The italicized por-
tion of the regulations denote the dif-
ferences.

We have also included an alternative
proposal for the facility regulations,
which we would appreciate comments
on. Any parties wishing to file com-
ments are requested to discuss the rea-
sonableness of the specific numbers or
time frames set forth in the proposed
regulations as well as the general
terms involved. In order to ease the
burden on parties wishing to file com-
ments, they may file with this Com-
mission the relevant comments they
submit to DOT provided such com-
ments identify the specific provision
of the Commission's proposed regula-
tions to which they are addressed.

SUMMARY OF PROPOSED REGULATIONS

The proposed regulations are divided
into 4 basic sections: definitions, facili-
ties, equipment, and services.

The additional definitions are for
the purpose of defining a handicapped
person. They would be added to the
present definitional section in the
Adequacy of Service Regulations 49
CFR 1124.1.

The proposed regulations would re-
quire all new fixed facilities used in
providing intercity passenger service
to be designed and constructed so as to
be "accessible" to handicapped per-
sons. In addition, the rules would re-
quire certain modifications in existing
facilities.

The equipment section sets forth a
minimum accessibility standard for
railroad passenger cars. It also sets a
minimum standard for accessible cars
per train to be achieved within 3
years, and requires newly purchased
cars to be "accessible."

The final section sets forth the min-
imum service standards carriers would
be required to provide to handicapped
persons. It covers services in the sta-
tion and on the train, and includes
access in boarding and detraining.

It is hereby proposed to amend part
1124 of Title 49 of the Code of Federal
Regulations as set forth below.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

1. It is proposed that 49 CFR 1124.1
is amended by adding new paragraphs
(j) through (n) to read as follows:

§ 1124.1 Definitions.

(j) "Handicapped person" means any
person who (1) has a physical or
mental impairment that substantially
limits one or more major life activities,
(2) has a record of such an impair-
ment, or (3) is regarded as having such
an impairment.

(k) "Physical or mental impairment"
means (1) any physiological disorder
or condition, cosmetic disfigurement,
or anatomical loss affecting one or
more of the following body systems:
neurological, musculoskeletal; special
sense organs; respiratory, including
speech organs; cardiovascular; repro-
ductive; digestive; genitourinary;
hemic and lymphatic; skin; and endo-
crine; or (2) any mental or psychologi-
cal disorder, such as mental retardation,
organic brain syndrome, emotion-
al or mental illness, and specific learn-
ing disabilities. The term "physical or
mental impairment" includes, but is
not limited to, such diseases and condi-
tions as orthopedic, visual, speech, and
hearing impairments; cerebral palsy;
epilepsy; muscular dystrophy; multiple
sclerosis; cancer; heart disease; mental
retardation; emotional illness; drug ad-
diction; and alcoholism.

(m) "Has a record of such an impair-
ment" means has a history of, or has
been classified, or misclassified as
having a mental or physical impair-
ment that substantially limits one or
more major life activities.

(n) "Is regarded as having an impair-
ment" means (1) has a physical or
mental impairment that does not sub-
stantially limit major life activities but
that is treated by a carrier as consti-
tuting such a limitation; (2) has a
physical or mental impairment that
substantially limits major life activi-
ties only as a result of the attitudes of
others toward such impairment; or (3)
has none of the impairments defined
in paragraph (k) of this section but is
treated by a carrier having such an im-
pairment.

2. It is proposed that 49 CFR 1124.12
is amended by adding a new paragraph
(e) to read as follows:

§ 1124.12 Consist of stations.

(e) *Fixed Facilities.* (1) New Facili-
ties. (i) Every fixed transportation fa-
cility or part of such facility, including
every station, terminal, building or
other facility used by the traveling
public—the intended use of which will
require that such fixed facility be ac-
cessible to the public—shall be de-
signed and constructed in accordance
with the standards in the "American
Standard Specifications for Making
Buildings and Facilities Accessible to
and Usable by the Physically Handi-

capped, Number A117.1-R 1971," ap-
proved by the American National
Standards Institute Inc. (ANSI). The
ANSI standards are incorporated by
reference in this part. (See DOT sec-
tion 27.73(a)(1)(i).)

(ii) Where there is ambiguity or con-
tradiction between the definitions and
the standards used by the ANSI and
the definitions and the standards used
by the Commission, the ANSI terms
should be interpreted in a manner
which will make them consistent with
the Commission's standards. If this
cannot be done, the Commission defi-
nition or standard will prevail. (See
DOT § 27.73(a)(1)(i).)

(iii) In addition to the standards re-
ferred to in paragraph (i) of this sec-
tion, the following standards also
apply to rail facilities covered by para-
graph (i). (Same as DOT
§ 27.73(a)(1)(ii).)

(A) *Station Circulation and Flow.*
Handicapped persons shall be able to
locate and enter the station. The basic
station design shall permit efficient
movement of handicapped persons
while at the same time giving consid-
eration to their convenience, comfort,
and safety. The design, especially con-
cerning the location of elevators, esca-
lators, and similar devices, shall mini-
mize any extra distance that wheel-
chair users or other persons unable to
climb steps must travel, compared to
non-handicapped persons, to reach
ticket counters, baggage handling
areas, and boarding locations. (Same
as DOT § 27.73(a)(1)(ii)(A).)

(B) *Ticketing.* The ticketing system
shall be designed to provide the handi-
capped with the opportunity to use
the primary fare collection area to
obtain ticket issuance and make fare
payment. (Same as DOT § 27.73
(a)(1)(ii)(C).)

(C) *Baggage Check-in and Retrieval.*
Baggage areas shall be accessible to
handicapped persons. The facility
shall be designed to provide for effi-
cient handling and retrieval of bag-
gage by all persons, where baggage
handling and retrieval is required by
§ 1124.13. (Same as DOT § 27.73
(a)(1)(ii)(D).)

(D) *Waiting Area/Public Space.* As
the major public area of the rail facili-
ty, the environment in the waiting
area/public space should give the
handicapped person confidence and se-
curity in using the facility. The space
shall be designed to accommodate the
handicapped by providing clear direc-
tions about how to use all passenger
facilities. (Same as DOT § 27.73
(a)(1)(ii)(J).)

(E) *Public Services.* Public service fa-
cilities, such as public toilets, drinking
fountains, travelers aid and first aid
medical facilities, shall be designed in
accordance with ANSI standards.
(Same as DOT § 27.73(a)(1)(ii)(L).)

(F) *Station Information.* Station in-
formation systems shall take into con-

sideration the needs of handicapped
persons. The primary information
mode shall be visual—words and let-
ters, or symbols using lighting and
color coding. Stations shall also have
facilities giving spoken information
and in braille or information available
by touch. (Same as DOT § 27.73(a)(1)
(ii)(K).)

(G) *Telephones.* Wherever there is
more than one public telephone in sta-
tions and terminals, at least one clearly
marked telephone shall be equipped
with a volume control or sound boost-
er device, and with a device which
makes telephone communication possi-
ble for persons wearing hearing aids.
(Same as DOT § 27.73(a)(1)(ii)(F).)

(H) *Teletypewriter.* Where a carrier
does not make available a toll-free res-
ervation number with teletypewriter
capabilities, stations and terminals
serving more than 5,000 passengers
per week shall be equipped with at
least one clearly marked teletypewrit-
er (TTY) to enable ticket agents and
other appropriate personnel to com-
municate with handicapped persons.
(Same as DOT § 27.73(a)(1)(ii)(G).)

(I) *Boarding Platforms.* All boarding
platforms that are located more than
two feet above ground, or present any
other dangerous condition, shall be
marked with a warning device consist-
ing of a strip of floor material differ-
ing in color and texture from the re-
maining floor surface. The design of
boarding platforms shall be coordinat-
ed with the vehicle design where possi-
ble, in order to minimize the gap be-
tween platform and vehicle doorway,
and to permit safe passage by wheel-
chair users and other handicapped
persons. Where it is not possible to
construct boarding platforms that ac-
commodate all vehicles, ramps or lift
devices or both shall be available to
permit boarding by persons in wheel-
chairs. (Same as DOT § 27.73(a)(1)
(ii)(D).)

(J) *Parking.* Where parking facilities
are provided, at least 2 spaces shall be
set aside and identified for the exclu-
sive use of handicapped persons. Curb
cuts or ramps with grades not exceed-
ing 8.33 degrees shall be provided at
crosswalks between parking areas and
the terminal. Where multilevel park-
ing is provided, ample space which is
clearly marked shall be reserved for
handicapped persons with limited mo-
bility on the level which is most acces-
sible to the ticketing and boarding
portion of the terminal facilities; such
level change shall be by elevator,
ramp, or by other devices which can
accommodate wheelchair-confined
persons. (Same as DOT § 27.73(a)(1)
(ii)(I).)

(K) *Vehicular Loading and Unload-
ing Areas.* Several spaces adjacent to
the terminal entrance, separated from
the main flow of traffic, and clearly
marked, shall be made available for

the boarding and exiting of handicapped persons. The spaces should allow individuals in wheelchairs or with braces or crutches to get in and out of vehicles onto a level surface suitable for wheeling or walking. (Same as DOT § 27.73(a)(1)(ii)(H).)

(L) *International Accessibility Symbol.* The international accessibility symbol shall be displayed at wheelchair-accessible entrances to buildings that meet ANSI standards. (Same as DOT § 27.73(a)(1)(ii)(B).)

(iv) *An exemption from any of the above-described new facility regulations (i.e., 1124.12(e)(1) (i)-(iii) may be sought by filing with the Commission an appropriate petition. Only carriers who do not receive federal assistance may qualify for such an exemption. Such petitions may be granted by the Commission if the carrier can show that financial and/or practical considerations make adherence to the regulation impossible. A carrier need not petition for an exemption when the carrier departs from a particular regulation if the carriers filed a notice with the Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423, indicating which regulation the carrier is departing from, what the departure entails, and how equivalent access to the facility shall be provided for the handicapped. The exemption procedures shall be those enumerated in § 1124.2(d). (No equivalent DOT section.)*

(2) *Existing Facilities.* (i) *Structural Changes.* Existing transportation facilities shall, as explained in the transition plan to be submitted to the Commission pursuant to § 1124.12(e)(2)(vi), be modified to insure that the facilities, when viewed in their entirety, are readily accessible to and usable by handicapped persons. Such changes shall be made in accordance with the ANSI standards, which are incorporated by reference in this part. Departures from particular aspects of the ANSI standards shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.

(ii) *Where structural changes are necessary to make existing facilities accessible,* such changes shall be made as soon as practicable, but in no event later than five (5) years after the effective date of the regulations.

Comment: These subsections are similar to DOT § 27.73(a)(2)(ii). The italicized portions differ from the DOT sections although similar subject matter is involved. We believe it is appropriate to indicate that the ANSI standards are guidelines not rigid rules.

(iii) *All carriers that provide intercity rail passenger service shall begin immediately to incorporate accessibility features in stations and terminals that are already undergoing structural changes involving entrances and exits,*

interior doors, elevators, stairs, baggage areas, drinking fountains, toilets, telephones, eating places, boarding platforms, curbs, and parking garages. (See DOT § 27.73(a)(2)(i)).

(iv) *Existing Danger.* Every existing facility and piece of equipment shall be free of conditions which pose a danger to the life or safety of handicapped persons. Upon discovery of such conditions, the danger shall be immediately eliminated and all necessary steps taken to protect the handicapped or a particular category of handicapped persons, from harm during the period that the facility or equipment is being made safe. (Same as DOT section 27.73(a)(2)(v)).

(v)(A) *An exemption from the above-described existing facility regulations (i.e., § 1124.12(e)(2) (i)-(iv)), may be sought by filing with the Commission an appropriate petition. Such petitions must be filed on or before the transition plan is submitted. See § 1124.12(e)(2)(vi) in accordance with the procedures enumerated in § 1124.2(d). Such petitions may be granted by the Commission if the carrier can show that financial and/or practical considerations make adherence to the regulations impossible. A carrier need not petition for an exemption when the carrier departs from a particular regulation, but clearly provides equivalent access to the facility for the handicapped, if the carrier files a notice with the Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423, indicating which regulation the carrier is departing from, what the departure entails, and how equivalent access to the facility for the handicapped shall be provided.*

(B) *If the carrier receives Federal financial assistance, the carrier shall file its exemption request with the Federal Railroad Administration (FRA) at the same time it files the petition with the Commission.*

(1) Within 30 days from the date the petition is filed with the Commission and the FRA, representatives of the Commission will meet with representatives of the FRA to determine if the justification is adequate. The representatives will coordinate their efforts so that any changes requested by either the Commission or FRA are consistent.

(2) If no agreement can be reached by the Commission and the FRA on the adequacy of the justification within 60 days from the date the representatives first meet, the matter shall be referred to the Secretary of the Department of Health, Education, and Welfare for resolution.

Comment: DOT exemption section (27.73(a)(2)(ii)) differs from the Commission's version. The differences are necessitated by the fact that each agency's regulations must conform to the intent of that

agency's particular enabling statute (i.e., ICC—section 801 of the Rail Passenger Service Act of 1970, as amended; DOT—sections 201 and 202 of the Rail Passenger Service Act of 1970 as amended, and section 504 of the Rehabilitation Act of 1973). Consistent implementation of the differing exemption provisions is insured by the inclusion of the conference procedure in both versions.

(vi)(A) *Transition plan:* Where extensive changes to existing facilities are necessary to meet accessibility requirements, a carrier shall develop and submit to the Commission, within 1 year after the effective date of these regulations, a transition plan setting forth the changes needed to comply with these regulations.

(B) The plan shall contain, but not necessarily be limited to:

(1) Identification of the physical obstacles in the facility that limit the accessibility of the facilities to handicapped persons;

(2) Description of the methods that will be used to make facilities accessible;

(3) A schedule for undertaking the steps necessary to achieve full accessibility to the passenger handling process. If the transition plan will require more than 1 year to implement, then steps to be taken during each year of the transition period should be identified.

(C) To the extent feasible, a carrier should, at a minimum, strive to make one-fifth of all fixed facilities accessible each year until all such facilities are accessible to and usable by handicapped persons, except those exempted pursuant to § 1124.12(e)(2)(iv). (Same as DOT § 27.73(a)(2)(iii)).

(D) *Carriers who receive Federal financial assistance shall file their transition plans with the FRA at the same time that they file the plans with the Commission.*

(1) Within 30 days from the date the plan is filed with the Commission and the FRA, representatives of the FRA will meet with representatives of the Commission to determine if the plan is adequate. The representatives shall coordinate their efforts so that any changes requested by either the Commission or the FRA will be consistent.

(2) If no agreement can be reached by the Commission and the FRA within 60 days from the date the representatives first meet, the matter shall be referred to the Secretary of the Department of Health, Education, and Welfare for resolution.

Comment: DOT § 27.73(a)(2)(iv) is almost exactly the same. Given the fact that Commission jurisdiction extends to carriers who do not receive federal assistance, the Commission section must specify that only federally funded carriers must submit their transition plans to the FRA as well as the ICC.

ALTERNATIVE FACILITIES REGULATIONS

Alternative § 1124.12(e)(1)

(1) New Facilities.

(i) Every fixed transportation facility or part of a facility including every station, terminal, building, or other facility used by the traveling public, the intended use of which will require that such fixed facility be accessible to the public, shall be designed and constructed in such manner that the facility is readily accessible to and usable by handicapped persons.

(ii) *An exemption from the above-described new facility regulation may be sought by filing with the Commission an appropriate petition. Only carriers who do not receive federal assistance may qualify for such an exemption. Such petitions may be granted by the Commission if the carrier can show that financial and/or practical considerations make adherence to the regulation impossible. A carrier need not petition for an exemption when the carrier departs from a particular regulation, if the carrier files a notice with the Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423, indicating which regulation the carrier is departing from, what the departure entails, and how equivalent access to the facility for the handicapped shall be provided. The exemption procedures shall be those enumerated in section 1124.2(d).*

(2) Existing Facilities

(i) *Structural changes:* Existing transportation facilities shall be modified to insure that the facilities when viewed in their entirety, are readily accessible to and usable by handicapped persons.

(ii) *Where structural changes are necessary to make existing facilities accessible, such changes shall be made as soon as practicable, but in no event later than (5) five years after the effective date of the regulations.*

(iii)(A) *An exemption from the above-described existing facility regulations (i.e., § 1124.12(e)(2) (i)-(ii)) may be sought by filing with the Commission an appropriate petition. Such petitions must be filed on or before the transition plan is submitted to the Federal Railroad Administration (FRA), in accordance with the procedures enumerated in § 1124.2(d). Such petitions may be granted by the Commission if the carrier can show that financial and/or practical considerations make adherence to the regulations impossible. A carrier need not petition for an exemption when the carrier departs from a particular regulation, if the carrier files a notice with the Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423, indicating which regulation the carrier is departing from, what the departure entails, and how equivalent access to the facility for the handicapped shall be provided.*

(B) *If the carrier receives Federal financial assistance, the carrier shall*

file its exemption request with the FRA at the same time it files the petition with the Commission.

(1) Within 30 days from the date the petition is filed with the Commission and the FRA, representatives of the Commission will meet with representatives of the FRA to determine if the justification is adequate. The representatives will coordinate their efforts so that any changes requested by either the Commission or FRA are consistent.

(2) If no agreement can be reached by the Commission and the FRA on the adequacy of the justification within 60 days from the date the representatives first meet, the matter shall be referred to the Secretary of the Department of Health, Education, and Welfare for resolution.

Comment: These alternative sections would replace all of the proposed amendments and additions previously presented as 49 CFR 1124.12. We include them to encourage comments concerning the amount of detail that is necessary in the Commission's regulations to insure the handicapped access to the intercity rail passenger facilities.

3. It is proposed that in 49 CFR 1124.14 paragraph (b) is revised to read as follows:

§ 1124.14 Equipment required to meet public demand.

(b)(1) Within 3 years from the effective date of the subsection on each passenger train (i) at least one coach car shall be accessible, (ii) where sleeping cars are provided, at least one sleeping car shall be accessible, and (iii) at least one car in which food service is available shall be accessible to handicapped persons, or they shall be provided food service where they are seated. In cases where the only accessible car is not a coach, first class seating for handicapped persons shall be provided at coach fare. (Same as DOT § 27.73(b)(1)).

(2) In order for a passenger car to be made accessible to handicapped persons, the following shall be made available:

(i) Space to park and secure one or more wheelchairs to accommodate persons who wish to remain in their wheelchairs, and space to fold and store one or more wheelchairs to accommodate individuals who wish to sit in coach seats;

(ii) Accessible restrooms with wide doorways, bars to assist the individual in moving from wheelchair to toilet, low sinks, and other appropriate modifications. These restrooms should be large enough to accommodate wheelchairs.

(iii) General access to food service, including wide enough aisles, and accessible tables if a dinette or dining car is used.

(iv) If there is an insufficient supply of existing accessible equipment to meet the requirements set forth in (i), (ii) and (iii), carriers must either retrofit a sufficient quantity of existing equipment or purchase a sufficient quantity of new accessible equipment. (Same as DOT § 27.73(b)(2)(iii)).

(3) All new rail vehicles ordered more than one year after the effective date of this subsection by carriers shall be designed so as to be accessible to handicapped persons and shall display the international accessibility symbol at each entrance. (Same as DOT § 27.73(b)(2)(iii)).

4. It is proposed that in 49 CFR 1124.15 paragraph (b) is revised to read as follows:

§ 1124.15 Services required to meet public demand.

(b) No carrier shall deny transportation to any person who meets the requirements of this regulation because that person cannot board a train without assistance, or use on-train facilities without assistance, except as provided in this regulation. (Same as DOT § 27.73(c)(1)).

(1) Handicapped persons who require the assistance of an attendant shall not be denied transportation so long as they are accompanied by an attendant. Handicapped persons who require the service of an attendant, but who are unaccompanied, are not required to be transported by a carrier under this regulation. Handicapped persons requiring the assistance of an attendant shall include those who cannot take care of most of their fundamental personal needs. (Same as DOT § 27.73(c)(2)).

(2) All carriers at stations, except flag stops and closed stations shall, on advance notice of 3 hours or more, provide assistance to handicapped persons, except that those handicapped persons who require the services of an attendant, including those who are confined to a bed or stretcher, shall give advance notice of at least 12 hours. Such assistance shall include, but is not limited to, advance boarding and assisting the handicapped persons in moving from station platform onto the train and to a seat. The carrier shall provide the same assistance to the handicapped persons as they leave the train and reboard another train in the process of changing trains. Carriers shall provide assistance upon request to handicapped persons in the use of station facilities and in the handling of baggage. (Same as DOT § 27.73(c)(3)).

(3) In all open stations there shall be prominently displayed a notice stating the location of the carrier's representative or agent who is responsible for providing assistance to handicapped

persons. Carriers shall publish in their schedules a notice of those closed stations and flag stops at which assistance cannot be provided to handicapped persons. (Same as DOT § 27.73(c)(4)).

(4) Assistance to handicapped persons in the use of on-train facilities shall be provided:

(i) *General Assistance:* All carriers shall provide assistance to handicapped persons in moving to and from accommodations, including assistance in moving to and from wheelchairs.

(ii) *Restroom Facilities:* All carriers shall, upon request, provide assistance to handicapped persons needing assistance in gaining access to restroom and washroom facilities.

(iii) *Sleeping Car Service:* All carriers on all trains where sleeping car service is provided shall, upon request, provide assistance in gaining access to the facilities on various accommodations, such as roomette, bedroom or compartment.

(iv) *Dining and Lounge Car Service:* Where dining cars, food service cars, or lounge cars are inaccessible to handicapped persons, all carriers shall, upon request, provide meal, beverage, and snack service to handicapped persons needing such service in their accommodations. (Same as DOT § 27.73(c)(5)).

(5). *Assistance with Wheelchair, Crutches, Walkers, and Canes:* All carriers shall provide coach or sleeping car space to store, and shall assist in storing, such orthopedic aids as wheelchairs, walkers, crutches, and canes. These orthopedic aids shall be stored on the same coach or sleeping car in which the handicapped person travels. (Same as DOT § 27.73(c)(6)).

(6) *Notice of Available Assistance Provided in the Use of On-Board Facilities:* All carriers shall, on all coaches, sleeping cars, dining cars, food service cars, and lounge cars, permanently display a notice stating where and from whom assistance in the use of facilities of the various cars may be obtained. (Same as DOT § 27.73(c)(7)).

(7) *Bedridden and Stretcher-Bound Passengers:* Where equipment is designed or modified to accept bedridden or stretcher-bound passengers without unreasonable delay, the carrier shall provide assistance in the boarding of bedridden or stretcher-bound persons

into sleeping quarters. Accessibility to coaches for these persons is not required. Advance notification of 12 hours or more is mandatory in order to insure provision of assistance to bedridden or stretcher-bound passengers. For the purpose of this section, assistance need not necessarily include placing the bedridden or stretcher-bound persons into the compartment. (Same as DOT § 27.73(c)(8)).

(8) *Passengers Requiring Life Support Equipment:* Carriers shall not be required to transport persons who are dependent upon life support equipment. (Same as DOT § 27.73(c)(9)).

(9) *Guide Dogs:* Seeing eye dogs and hearing guide dogs shall be permitted to accompany their owners on all passenger trains and shall be permitted in coach, sleeping and dining cars. (Same as DOT § 27.73(c)(10)).

(10) *Services to Deaf and Blind Passengers:* Carriers shall provide assistance to deaf and/or blind passengers on request, by advising them of station stops. (Same as DOT § 27.73(c)(11)).

(11) *Notice:* Carriers shall notify the public that they provide services that facilitate travel by handicapped persons. (Same as DOT § 27.73(c)(12)).

We would appreciate comments on all sections of these proposed regulations, not just the ones that differ from the DOT regulations.

Effective Date: The requirements of these regulations will become effective six months from the date of their promulgation.

[FR Doc. 78-15973 Filed 6-8-78; 9:31 am]

[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 393]

(BMCS Docket No. MC-83; Notice No. 78-71)

FEDERAL MOTOR CARRIER SAFETY REGULATIONS

Air Brake System on Commercial Vehicles—NHTSA Standard No. 121—Extended Comment Period

AGENCY: Federal Highway Administration, DOT.

ACTION: Notice of extension of comment period.

SUMMARY: The Federal Highway Administration (FHWA) issues this

notice to extend the period for comment on an outstanding FHWA proposal to revise the Federal Motor Carrier Regulations to require that any antilock system installed on the drive axle of truck tractors to comply with Federal Motor Vehicle Standard 121 (FMVSS 121) be kept operative by motor carriers engaged in interstate or foreign commerce. This action is being taken because of recent court action on FMVSS 121.

DATES: Comment period has indefinite extended period.

FOR FURTHER INFORMATION CONTACT:

Mr. William R. Fiste, Jr., Chief, Regulations Division, Bureau of Motor Carrier Safety, 202-426-0033; or Mrs. Kathleen S. Markman, Office of the Chief Counsel, 202-426-0825, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C. 20590.

SUPPLEMENTARY INFORMATION:

After publication of the proposal March 9, 1978 (43 FR 9626), The United States Court of Appeals for the Ninth Circuit remanded portions of the FMVSS 121 to the National Highway Traffic Safety Administration (NHTSA) for further proceedings. Following this, the public hearing on the NHTSA proposal also published at 43 FR 9626 (March 9, 1978) was cancelled so that the court's order could be studied. The order has been stayed and is still under study. For this reason, FHWA hereby extends indefinitely the June 7, 1978, comment period originally established for the outstanding proposal. When study of the issues raised by the court's decision is completed, FHWA will take appropriate action on the proposal. It is noted that one petition for extension of this comment period was received by FHWA and placed in the appropriate rulemaking docket, but this does not form the basis for the extended comment period.

(49 U.S.C. 304; 49 CFR 1.48 and 301.60.)

Issued on June 5, 1978.

ROBERT A. KAYE,
Director, Bureau of
Motor Carrier Safety.

[FR Doc. 78-16249 Filed 6-8-78; 10:37 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6110-01]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

INTERPRETIVE GUIDE

Publication Announcement

The Office of the Chairman of the Administrative Conference of the United States announces publication of An Interpretive Guide to the Government in the Sunshine Act. The 150-page book is the first government manual to be published on the Federal open meetings statute. The book presents a comprehensive examination of the legal and practical questions posed by the Sunshine Act. Its contents include a complete legislative history, selected bibliography, overview and summary, and discussion of all significant sections of the act. The book also contains seven appendices, including a copy of the statute, a listing of covered agencies with proposed and final regulations, sample meeting notices, and general counsel certification forms.

The Sunshine Act interpretive Guide can be purchased for \$2.75 from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Stock No. 052-003-00532-8).

Dated: June 2, 1978.

JOSEPH B. SCOTT,
Executive Director.

[FR Doc. 78-15985 Filed 6-8-78; 8:45 am]

[3410-07]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

(Designation No. A617)

TENNESSEE

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Tennessee counties as a result of excessive rainfall September 1 through October 31, 1977, and severe cold weather December 1, 1977, through March 10, 1978, with blizzard conditions starting January 8, 1978, in Pickett County; and drought July 1 through July 31, 1977, and severe cold weather January 8, 1978, through March 6, 1978, in Van Buren County.

Therefore, the Secretary has designated these areas as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904, subpart C, exhibit D, paragraph V B, including the recommendation of Governor Ray Blanton that such designation be made.

Applications for emergency loans must be received by this Department no later than November 22, 1978, for physical losses and May 29, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 2d day of June 1978.

JAMES E. THORNTON,
Associate Administrator,
Farmers Home Administration.
[FR Doc. 78-16000 Filed 6-8-78; 8:45 am]

[3410-02]

Federal Grain Inspection Service

GRAIN STANDARDS

Delegation of Authority to the State of Alabama

Statement of considerations. Under the provisions of section 7 and 7A of the U.S. Grain Standards Act, as amended (7 U.S.C. 71 et seq.) (hereinafter the "Act") the Administrator of the Federal Grain Inspection Service (FGIS) may delegate authority to a State agency to perform all or specified functions involved in official inspection and official weighing at export port locations within the State, provided the State agency was performing official export inspection services on July 1, 1976 (7 U.S.C. 79, 79a). The act requires that prior to delegating such authority to a State agency the Administrator shall conduct an investigation to determine whether the agency is qualified and meets the criteria for delegation as provided in section 7 of the Act.

The Grain Inspection and Weighing Department of the Department of Agriculture and Industries of the State

of Alabama made application for delegation of authority to perform official inspection and official weighing functions for grain at the export port locations within the State of Alabama.

FGIS has conducted the required investigation of the State of Alabama which included onsite reviews of all their inspection sites and a determination of the nature of any proscribed conflicts of interest that might have existed with individual employees and licensees of the State of Alabama. All investigations showed that the inspection and weighing operations of the State are in compliance with the Act and that any conflicts of interest situations that may have existed have been resolved.

As a result, the State of Alabama was declared eligible for delegation to perform the functions of official inspection and official weighing at export port locations within the boundaries of the State. The export elevator where the State has been performing official inspection service and will perform official inspection and official weighing services under the new official delegation is the Public Grain Elevator at Mobile. The delegation provides for the automatic inclusion of export elevators at export port locations which may be established in the future and will remain in effect until canceled by mutual agreement of FGIS and the State or until revoked by FGIS.

A document delegating this authority to the State was signed by the Assistant Deputy Administrator acting for the Administrator of FGIS and the Commissioner of Agriculture of the State of Alabama, effective April 17, 1978.

Done in Washington, D.C., on June 2, 1978.

DAVID C. MANGUM,
Acting Administrator.

[FR Doc. 78-16001 Filed 6-8-78; 8:45 am]

[3410-02]

GRAIN STANDARDS

Indiana Grain Inspection Point

Statement of considerations. On March 29, 1978, a notice was published in the FEDERAL REGISTER (43 FR 13082) announcing that (1) the Indianapolis Board of Trade, Inc., the official inspection agency designated pursuant to section 7(f) of the U.S. Grain Stand-

ards Act, as amended (7 U.S.C. 71 et seq., hereinafter the "Act"), for Indianapolis, Ind., requested that its designation be transferred to the Indianapolis Grain Inspection & Weighing Service, Inc., effective January 1, 1978; and (2) the Indianapolis Grain Inspection & Weighing Service, Inc., owned by messrs. W. D. Meyer and Jean T. Wishmire, applied for designation in accordance with the act and section 26.96 of the regulations (7 CFR 26.96) to operate as the official agency at Indianapolis, Ind.

In order that official inspection services at Indianapolis, Ind., continue to be provided in an orderly manner, the Indianapolis Grain Inspection & Weighing Service, Inc., was given an interim designation as the official inspection agency at Indianapolis, Ind., effective January 1, 1978, and the designation of the Indianapolis Board of Trade, Inc., was canceled, effective January 1, 1978, in accordance with section 26.101 of the regulations (7 CFR 26.101) under the act.

Interested persons were given until April 28, 1978, to submit written views and comments on the interim designation and the requested transfer and/or to make application to become the official agency at Indianapolis, Ind.

The one comment that was received supported this transfer. No additional applications have been received in response to the above.

NOTE.—Section 7(f) of the Act generally provides that not more than one official agency shall be operative at any one time for any geographic area.

As a point of clarification, it should be noted that the "Act" has been amended by Pub. L. 94-582, effective November 20, 1976, to extensively modify the official inspection system. The amended act provides that the Administrator of the Federal Grain Inspection Service (FGIS), after conducting investigations and other studies, will designate official agencies at the various interior points. In implementing these provisions, FGIS is currently in the process of reviewing the designations of all agencies or persons presently designated to provide official inspection services. The amended act further provides that existing agencies may continue to operate without a designation under the new law until the Administrator either grants or denies such designation to them or sets a period of time for their termination, not to exceed November 20, 1978.

Accordingly, after due consideration of the request and all relevant matters, the transfer and interim designation of the Indianapolis Grain Inspection & Weighing Service, Inc., as the official agency for Indianapolis, Ind., which is the subject of this notice, will continue until the Administrator of FGIS either grants or denies an official

designation under the amended Act to the recipient or sets a period of time for its termination.

(Sec. 4, Pub. L. 94-582, 90 Stat. 2868 (7 U.S.C. 75a); sec. 8, Pub. L. 94-582, 90 Stat. 2870 (7 U.S.C. 79); sec. 27, Pub. L. 94-582, 90 Stat. 2889 (7 U.S.C. 74 note); 7 CFR 26.96 and 26.101.)

Effective date: This notice shall become effective June 9, 1978.

Done in Washington, D.C., on June 2, 1978.

DAVID C. MANGUM,
Acting Administrator.

[FR Doc. 78-16002 Filed 6-8-78; 8:45 am]

[3410-15]

Rural Electrification Administration

CENTRAL ELECTRIC POWER COOPERATIVE, JEFFERSON CITY, MO.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider (a) providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of \$10,938,000 to Central Electric Power Cooperative of Jefferson City, Mo. and (b) supplementing such loan with an insured REA loan at 5 percent interest in the approximate amount of \$9,300,000 to this cooperative. These loan funds will be used to finance a project consisting of 172 miles of 161 kV transmission line, 26 miles of 69 kV transmission line, new substations, switching and related transmission facilities.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Carl M. Herren, Manager, Central Electric Power Cooperative, P.O. Drawer 269, Jefferson City, Mo. 65101.

In order to be considered, proposals must be submitted (within 30 days from the date of FEDERAL REGISTER publication of this notice) to Mr. Herren. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Central Electric and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 2d day of June 1978.

DAVID A. HAMIL,
Administrator, Rural
Electrification Administration.

[FR Doc. 78-15930 Filed 6-8-78; 8:45 am]

[3410-15]

ARKANSAS ELECTRIC COOPERATIVE CORP.

Draft Environmental Impact Statement

Notice is hereby given that the Environmental Protection Agency, acting as lead agency on behalf of itself and REA, has prepared a Draft Environmental Impact Statement in accordance with section 102(2)(c) of the National Environmental Policy Act of 1969, in connection with the joint participation by Arkansas Electric Cooperative Corp., Arkansas Power & Light Co. and the City Water & Light Plant of Jonesboro, Ark., in the construction of the Independence Power Plant, to be located on the White River near Newark (Independence County), Ark. The proposed plant would consist of two 800 MW (net) coal-fired, steam electric generating units.

REA anticipates receiving an application for a loan guarantee to Arkansas Electric Cooperative Corp., P.O. Box 9499, Little Rock, Ark. 72209, for AECC's share of the project.

REA has cooperated in the preparation of this document and gives notice of the issuance of this Draft Environmental Impact Statement.

Additional information may be obtained from Mr. Richard F. Richter, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are invited from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved, State and local agencies which are authorized to develop and enforce environmental standards and from the public.

Copies of the DEIS have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. The DEIS may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20250, room 4314 or at the headquarters of Arkansas Electric Cooperative Corp., whose address is given above.

Comments concerning the environmental impact of REA's proposed

action must be received on or before July 10, 1978, to be considered in connection with the proposed financing assistance.

Any financing assistance by REA pursuant to this application will be subject to, and release of funds thereunder will be contingent upon REA's reaching satisfactory conclusions with respect to environmental effects and final action will be taken only after compliance with environmental statement procedures required by the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 5th day of June 1978.

JOSEPH VELLONE,
Acting Administrator, Rural
Electrification Administration.

[FR Doc. 78-16003 Filed 6-8-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Order 78-6-5; Docket No. 32780]

AMERICAN AIRLINES, INC.

Order To Show Cause Regarding Amendment of Certificate of Public Convenience and Necessity for Route 4

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of June 1978.

By Order 78-6-4, issued concurrently with this Order, we have proposed to realign the route system of Ozark Air Lines in a manner which would, among other things, give Ozark unrestricted authority in the Indianapolis-Tulsa market, a minor market¹ where American holds restricted authority. As discussed in Orders 78-4-109, 77-11-74 and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on American as well as Ozark will give those carriers greater flexibility to establish more logical aircraft routings, and may enable them to offer new or additional service, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Therefore, consistent with our tentative findings and conclusions set forth in Order 78-6-4, and those in Order 78-4-109 we tentatively find and conclude that the elimination of restrictions on American's operations in the

¹Since this market generated 6,850 true O&D plus interline connecting passengers for the year ended 9/30/75, it meets the Board's definition of a minor market, i.e., one with less than 20 daily passengers.

5. A copy of this order shall be served upon all persons listed in Appendix I of Order 78-6-4.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-15938 Filed 6-8-78; 8:45 am]

[6320-01]

[Order 78-6-6; Docket No. 32781]

DELTA AIR LINES, INC.

Order to Show Cause Regarding Amendment of Certificate of Public Convenience and Necessity for Route 24

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of June 1978.

By order 78-6-4, issued concurrently with this order, we have proposed to realign the route system of Ozark Air Lines in a manner which would, among other things, give Ozark unrestricted authority in the New York-Springfield, Mo., market, a minor¹ market where Delta holds restricted authority. As discussed in orders 78-4-109, 77-11-74, and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Delta as well as Ozark will give these carriers greater flexibility to establish more logical aircraft routings, and may enable them to offer new or additional service thereby benefiting the traveling public without any significant adverse impact on other carriers.

Therefore, consistent with our tentative findings and conclusions set forth in order 78-6-4, and those in order 78-4-109, we tentatively find and conclude that the elimination of restrictions on Delta's operations in the New York-Springfield, Mo., market is required by the public convenience and necessity, and is consistent with our policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final.

¹All members concurred.

²Since this market generated 7,160 true O. & D. plus interline connecting passengers for the year ended September 30, 1975, it meets the board's definition of a minor market, i.e., one with less than 20 daily passengers.

We expect such persons to direct their objections, if any, to specific markets, and to support objections with detailed economic analysis. If an evidentiary hearing complete with the opportunity for oral cross-examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.²

Accordingly, *It is ordered*, That: 1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Delta's certificate for route 24 so as to remove operating restrictions in the New York-Springfield, Mo., market;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendment and modification set forth here shall, within 30 days after the date of service of this order, file with the Board and serve upon all persons listed in appendix I of order 78-6-4, a statement of objections together with a summary of testimony, statistical data, and evidence expected to be relied upon to support the stated objections; answers to objections shall be filed 15 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised before further action is taken by the Board;³

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in appendix I of order 78-6-4.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.⁴

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-15940 Filed 6-8-78; 8:45 am]

²We further tentatively find and conclude that Delta is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

³All motions or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

⁴All Members concurred.

[6320-01]

PICK-UP AND DELIVERY ZONE

Application for Tariff Filing Authority

JUNE 5, 1978.

In accordance with Part 222 (14 CFR Part 222) of the Board's economic regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 32795, from Profit By Air, Inc., 5745 Arbor Vitae Street, Los Angeles, Calif. 90045, for authority to provide pick-up and delivery service between the Sacramento, Calif., airport and Auburn, Colusa, Elk Grove, Galt, Grass Valley, Linda, Lincoln, Lodi, Marysville, Newcastle, Placerville, Rocklin, Sunset Whitney Ranch, and Yuba City, Calif.

Under the provisions of section 222.3(c) of Part 222, interested persons may file an answer in opposition to or in support of this application on or before June 26, 1978. An executed original and 19 copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and include such economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-16054 Filed 6-8-78; 8:45 am]

[6320-01]

PROFIT BY AIR, INC.

Application for Tariff Filing Authority Pick-Up and Delivery Zone

JUNE 5, 1978.

In accordance with Part 222 (14 CFR Part 222) of the Board's economic regulations (effective June 12, 1964), notice is hereby given that the Civil Aeronautics Board has received an application, Docket 32796, from Profit By Air, Inc., 5745 Arbor Vitae Street, Los Angeles, Calif. 90045, for authority to provide pick-up and delivery service between San Francisco International Airport and Cotati, Forresterville, Fulton, Graton, Healdsburg, Kenwood, Larkfield, Napa, Penngrove, Rohnert Park, Roseland, Sonoma, Santa Rosa, Sebastopol, and Windsor, Calif.

Under the provisions of section 222.3(c) of Part 222, interested persons may file an answer in opposition to or in support of this application on or before June 26, 1978. An executed original and nineteen copies of such answer shall be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. It shall set forth in detail the reasons for the position taken and include such

economic data and facts as are relied upon, and shall be served upon the applicant and state the date of such service

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-16024 Filed 6-8-78; 8:45 am]

[6320-01]

[Docket 26573; Order 78-6-24]

AMERICAN AIRLINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of June 1978.

By Order 69-8-28, August 5, 1969, in the *Service to White Plains Case*, American Airlines was awarded temporary Islip-Chicago authority. The authority was granted for a period of 5 years expiring October 6, 1974.

American has applied for renewal for a 5-year term. No answers have been filed.

We tentatively conclude that the public convenience and necessity require that American's application be granted, and that American be given permanent permissive authority in the Islip-Chicago market.¹ Service through satellite airports, such as Islip, contributes to the alleviation of congestion at the major New York area airport facilities and provides more convenient service to those of the traveling public who live or work close to the satellite. For these people, use of the satellite can shorten driving time and result in avoidance of the delays typical of major airports. Moreover, the huge New York metropolitan area and, more specifically, the heavily populated Long Island suburban areas closest to the Islip airport provide a potential traffic pool sufficient to make the Islip-Chicago service viable. American has been serving the market by means of a daily nonstop round trip since the inception of its service in 1970.

We also tentatively conclude that an oral evidentiary hearing is not required in this proceeding.²

¹American has continued to operate the route under section 9(b) of the Administrative Procedure Act (5 U.S.C. 558(c)). While American has requested a temporary award, we see no reason why it should not be made permanent. Further, we tentatively conclude that the authority should be permissive, to allow American maximum flexibility to react to market forces, including the ability to cease serving the Chicago-Islip market without express Board approval.

²Further, we tentatively find that American is fit, willing, and able properly to perform the air transportation authorized by the certificate proposed to be issued by this order and to conform to the provisions of the Act and the pertinent Board rules, regulations and requirements, and that the

Footnotes continued on next page

[6320-01]

[Docket 32782; Order 78-6-7]

EASTERN AIR LINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of June, 1978.

By Order 78-6-4, issued, concurrently with this Order, we have proposed to realign the route system of Ozark Air Lines in a manner which would, among other things, give Ozark unrestricted authority in the Milwaukee-Nashville market, a minor¹ market where Eastern holds restricted authority. As discussed in Orders 78-4-109, 77-11-74, and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on Eastern as well as Ozark will give these carriers greater flexibility to establish more logical aircraft routings, and may enable them to offer new or additional service, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Therefore, consistent with our tentative findings and conclusions set forth in Order 78-6-4, and those in Order 78-4-109, we tentatively find and conclude that the elimination of restrictions on Eastern's operations in the Milwaukee-Nashville market is required by the public convenience and necessity, and is consistent with our policy of removing restrictions which serve no useful purpose and which are otherwise wasteful and undesirable.

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support objections with detailed economic analysis. If an evidentiary hearing complete with the opportunity for oral cross-examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.²

Since this market generated 6,430 true O. & D. plus interline connecting passengers for the year ended 9/30/75, it meets the Board's definition of a minor market, i.e., one with less than 20 daily passengers.

We further tentatively find and conclude that Eastern is a citizen of the United State

Accordingly, *it is ordered*, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated in this order and amend the certificate of public convenience and necessity for Route 4 of American Airlines to delete the condition, "The authorization to serve segment 12 shall expire on October 6, 1974," and add the condition, "The authority to operate between the points Chicago and Islip on segment 12 is permissive";

2. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, or certificate amendment set forth in this order shall, within 30 days after the date of service of this order, file with the Board and serve upon all persons listed in paragraph 5 below, a statement of objections, together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections. Replies to objections shall be filed within 15 days after the expiration of the period for objections. If an oral hearing is requested, the objector should state in detail why such hearing is considered necessary and what relevant or material facts would be expected to be established through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be given the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth in this order; and

5. A copy of this order shall be served upon Allegheny Airlines, Inc., American Airlines, Inc., the mayor of Chicago, the supervisor of the town of Islip, and the airport directors of O'Hare International Airport and Islip MacArthur Airport.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.³

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-16059 Filed 6-8-78; 8:45 am]

Footnotes continued from last page

grant of American's request will not constitute a major Federal action affecting the environment within the meaning of the National Environmental Policy Act of 1969.

³All Members concurred.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of June, 1978.

By order 77-9-76, September 20, 1977, the Board instituted the *Service to Kamuela Case* in Docket 31414 to consider issues including the following:

(a) Whether the public convenience and necessity require, pursuant to section 401(g) of the Act, that Hawaiian Airlines, Inc.'s and/or Aloha Airlines, Inc.'s certificates be altered, amended, or modified so as to suspend or delete Kamuela, Hawaii, Hawaii; and

(b) Whether the public interest requires, pursuant to section 401(j) of the Act, the temporary suspension of service by Hawaiian Airlines, Inc., and/or Aloha Airlines, Inc., at Kamuela, with or without conditions.

Consolidated together, and into this case to the extent that they conformed to the issues set forth above, were the applications of Hawaiian Airlines to temporarily suspend service at Waimea (Kamuela), Hawaii (Docket 29441)¹ and of Aloha Airlines for a two-year renewal of its authority to suspend service at Kamuela.² The considerations leading up to the issuance of that order included the decline in Hawaiian's traffic and air service at Kamuela, the completion of a new highway bringing Kamuela within about 45 minutes of the Keahole (Kona) airport (where substantial service is available), the operations of the commuter Royal Hawaiian (eight daily roundtrips between Kamuela and Keahole), the ability of the Kamuela runway to accommodate only smaller aircraft of Hawaiian and Aloha (and then only if not fully loaded), and the fact that Kamuela still produced a substantial number of passengers and quantities of freight, which should have sustained in an economically viable operation there.

After preliminary procedures, including a prehearing conference, Judge Switky's report of the conference, and the establishment of procedural dates for processing the case, Hawaiian moved to withdraw its application to suspend service to Kamuela and to dismiss the proceedings insofar as they pertain to the application. In support of its position it states that it "has determined, as a matter of policy, to renew its efforts to restore profitability to its Kamuela operation, and for that purpose to begin again to

¹Hawaiian's application was denied and it continues to serve Kamuela. See Orders 76-8-119 and 77-1-21.

²Aloha has been granted temporary suspensions since 1970, the last of which expired December 29, 1976. Since then, and presently, its suspension authority continues under the automatic extension provisions of 5 U.S.C. 558(c) and Part 377 of the Board's Special Regulations.

expand services there as soon as sufficient aircraft properly adapted to that airport can reasonably be made available." The judge promptly entered an order deferring the established procedural schedule to permit the Board to act on the motion.

Answers to the motion were filed by the Hawaii Parties³ and Aloha. The Hawaii Parties oppose, on the ground that grant of the motion would not settle all the issues and would delay the proceeding. Aloha supports it, urging that since Hawaiian served Kamuela for 20 years and intends to continue to do so and to expand its services the Board should not expend its "scarce resources" on this case. Aloha acknowledges that there remain the questions of the disposition to be made of the *Service to Kamuela Case* and its application in Docket 2991. The latter problems were dealt with in Aloha's contemporaneously filed motion (1) to dismiss the *Service to Kamuela Case*, and (2) to grant its application in Docket 2991 for renewal of its suspension at Kamuela. No responses have been filed to Aloha's motion.

CONCLUSIONS

Upon consideration, the Board has determined (1) to grant Hawaiian's motion to withdraw its application in Docket 29441 and to terminate that case; (2) to defer Aloha's application for a two year renewal of its authority to suspend service at Kamuela pending disposition of an order to show cause why its authority there should not be made permissive, which we shall issue at this time; and (3) to dismiss the *Service to Kamuela Case*. In combination, these actions will leave the situation as we found it before the filing of Hawaiian's application in Docket 29441 and the institution of the *Service to Kamuela Case*, except that (1) Hawaiian has now decided to renew its efforts to restore profitability to its Kamuela operation and to expand services there, and (2) Aloha will have an opportunity to establish its authority at Kamuela on a permissive basis.

HAWAIIAN'S MOTION TO WITHDRAW ITS APPLICATION

Hawaiian indicates that it wishes to withdraw its application in Docket 29441. We shall permit it to do so and shall dismiss the application. We shall also dismiss the proceeding in Docket 31414 insofar as it relates to that application. While the Hawaii Parties seek information promptly on unanswered questions relating to the extent of the expanded services promised by Hawaiian and the dates of availability of the new aircraft Hawaiian has in contemplation, we do not

³The State and County of Hawaii.

believe that our hearing processes are required or are the best means for obtaining such information. Otherwise there are no objections to the course we are following. No harm to the public should ensue from this course of action since Hawaiian cannot terminate its service at Kamuela without our permission.

ALOHA'S APPLICATION FOR SUSPENSION

Aloha's application in Docket 2991 alleges facts comparable to those upon which three earlier orders of suspension were granted,⁴ namely, that Hawaiian has maintained service to Kamuela, that its traffic has declined, that Kamuela is also served by Royal Hawaiian, a commuter carrier offering eight daily round trips that a new high-speed road bringing Kamuela within about 45 minutes of the Kona Airport has been completed, and that operations by Aloha there would result in losses in excess of \$20,000 per month. There is no contravention of these allegations. The Hawaii Parties objected to the suspension of Aloha in this instance for the first time, apparently because Aloha's request was filed at the same time as Hawaiian's. That situation, of course, has now changed and Hawaiian continues to serve Kamuela. The Hawaii Parties have filed no response to Aloha's present motion for renewal of its suspension authority, apparently acquiescing in Aloha's express statement that Kamuela does not require the service of two certificated carriers.

Aloha has not rendered air service to Kamuela since 1970. The facts alleged in its application would warrant a further renewal of its temporary suspension. However, we believe and tentatively find that the public convenience and necessity (the standard for amendment of Aloha's certificate under section 401(g)) and the public interest (the standard for a temporary suspension under section 401(j)) would be better served if Aloha's certificate were amended to make its authority to serve Kamuela permissive. If that were done, Aloha would not be required to serve that point, just as it is not required to do so after a temporary suspension. However, there would be several major benefits. First, neither Aloha nor the Board would have to be involved in renewals of temporary suspensions. Second, if circumstances changed so that operations at Kamuela became economically desirable for Aloha it would be in a position to inaugurate such service without further Board action.⁵ Third, Aloha's authority to enter the market so

⁴Orders 70-12-151, 72-12-111, and 74-11-131.

⁵Apart from traffic growth, the availability of new equipment or changes in the Kamuela runway might be the decisive factors.

promptly might well prove to be a competitive spur to Hawaiian. Under these circumstances we shall defer action on Aloha's application for a temporary suspension at Kamuela and institute show-cause procedures to amend its certificate to make its authority permissive.

We tentatively find that the public convenience and necessity require that Aloha's authority to serve Kamuela be made permissive for an indefinite period by amendment of its certificate for Route 99. We shall issue an order giving Aloha and other interested persons an opportunity to show cause why such tentative finding shall not be made final and Aloha's certificate for Route 99 be amended to make its authority at Kamuela permissive. If such action is taken Aloha's deferred application in Docket 2991 will be dismissed.

THE SERVICE TO KAMUELA CASE

In view of the disposition of the applications in Dockets 29441 and 2991 we believe that it is unnecessary to go forward at this time with the proceeding instituted in Docket 31414. The public interest in adequate air transportation at Kamuela has been achieved sufficiently to remove the justification for the proceeding we instituted. We shall terminate the proceedings in Docket 31414. Should the need arise, they can, of course, be reinstituted.

Accordingly, it is ordered, That: 1. The motion of Hawaiian Airlines, Inc. be granted.

2. The proceeding in Docket 29441 be dismissed.

3. The *Service to Kamuela Case* instituted in Docket 31414 be terminated.

4. Except to the extent granted, the motion of Aloha Airlines, Inc. be denied.

5. The application of Aloha in Docket 2991 be deferred.

6. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending the certificate of public convenience and necessity of Aloha Airlines, Inc., for Route 99 so as to make its authority at Kamuela permissive.

7. Any interested person having objections to the issuance of an order making final any of the proposed findings, conclusions or the certificate amendment set forth in this order shall within 30 days after the date of adoption, file with the Board and serve upon all the parties to this consolidated proceeding a statement of objections together with a summary of testimony, statistical data and other evidence expected to be relied upon to support the stated objections; answers to objections shall be filed within 10 days of such date.

8. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board.

9. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth in this order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board,
PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-16057 Filed 6-8-78; 8:45 am]

[6320-01]

[Order 78-6-8; Docket 32783]

NORTH CENTRAL AIRLINES, INC.

Certificate of Public Convenience and Necessity for Route 86; Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of June, 1978.

By Order 78-6-4, issued concurrently with this Order, we have proposed to realign the domestic route system of Ozark Air Lines in a manner which would, among other things, give Ozark unrestricted authority in the Denver-Rochester, Minn. market, a minor market¹ where North Central holds restricted authority. As discussed in Orders 78-4-109, 77-11-74, and 76-5-101, it is our view that such small markets do not, as a practical matter, present competitive considerations of significant magnitude, and, accordingly, we have proposed as a matter of policy to grant unrestricted authority to all carriers authorized to serve such minor markets. The removal of operating restrictions on North Central as well as Ozark will give these carriers greater flexibility to establish more logical aircraft routings, and may enable them to offer new or additional service, thereby benefiting the traveling public without any significant adverse impact on other carriers.

Therefore, consistent with our tentative findings and conclusions set forth in Order 78-6-4, and those in Order 78-4-109 we tentatively find and conclude that the elimination of restrictions on North Central's operations in the Denver-Rochester, Minn. market is required by the public convenience and necessity and is consistent with the Board's policy of removing restrictions which serve no useful purpose

¹All Members concurred.

²Since this market generated 5,010 true O. & D. plus interline connecting passengers for the year ended 9/30/75, it meets the Board definition of a minor market, i.e., one with less than 20 daily passengers.

and which are otherwise wasteful and undesirable.²

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support objections with detailed economic analysis. If an evidentiary hearing complete with the opportunity for oral cross-examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.³

Accordingly, it is ordered, That: 1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending North Central's certificate for Route 86 so as to remove operating restrictions in the Denver-Rochester, Minn. market;

2. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendment and modification set forth here shall, within 30 days after the date of service of this order, file with the Board and serve upon all persons listed in Appendix I of Order 78-6-4, a statement of evidence expected to be relied upon to support the stated objections; answers to objections shall be filed 15 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised before further action is taken by the Board;⁴

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon all persons listed in Appendix I of Order 78-6-4.

This order shall be published in the FEDERAL REGISTER.

²As stated in Order 78-6-4, the award of nonstop authority in these minor markets will not change their subsidy status.

³We further tentatively find and conclude that North Central is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

⁴All motions or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

By the Civil Aeronautics Board.¹

PHYLLIS T. KAYLOR,
Secretary.

(FR Doc. 78-16058 Filed 6-8-78; 8:45 am)

[6320-01]

(Order 78-6-4; Dockets 28887 and 29948)

OZARK AIR LINES, INC., AND NORTH CENTRAL AIRLINES, INC.

Order To Show Cause; Routes 86 and 107¹

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of June 1978.

By application and petition filed February 17, 1976, Ozark Air Lines asked the Board to issue an order directing interested persons to show cause why its certificate of public convenience and necessity for Route 107 should not be amended and modified to realign the five existing segments into one linear segment, and to eliminate certain conditions which Ozark claims impede its operating flexibility and are no longer required for competitive reasons. In response to Order 76-7-102, July 26, 1976, Ozark resubmitted its application to provide additional information and a revised format needed to process its application.

In support of its application and petition, Ozark contends that its certificate was last realigned in early 1969,¹ that, since that time, the Board has modified its realignment standards and that, therefore, it has not had the benefit of the Board's more recent restriction removal policies, which have increased the flexibility of other carriers. Furthermore, after its first realignment, it has received important route awards to major cities outside the bounds of its regional system, and it asserts that the Board should have an opportunity to reevaluate the extremely restrictive conditions placed on this authority, since many of these restrictions were due to pre-trial conditions and no longer serve any beneficial purpose. Ozark states that it does not plan to reduce or eliminate service at any point as a result of grant of its application. Finally, it proposes a modification of one of the Board's realignment guidelines.

Specific objections to Ozark's application as it relates to individual markets are contained in answers filed by Allegheny Airlines, American Airlines, Braniff Airways, Continental Air Lines, Frontier Airlines, North Central Airlines, Texas International Airlines, Trans World Airlines, United Air Lines, and Western Air Lines. Frontier and United are also opposed to the proposed modification of the Board's

¹All Members concurred.
²Order 69-2-97, February 19, 1969.

guidelines. Delta Air Lines and North Central Airlines filed answers stating that they are not opposed to grant the application. Noting the local service carrier's opposition to trunk realignments, however, Delta and Continental suggest that further realignment of local service carriers be conditioned on final implementation of the trunk realignments. North Central also filed a motion to consolidate its application for nonstop Madison-Denver authority in Docket 29948 with Ozark's application here, since Ozark has requested removal of a one-stop restriction in that market. Finally, the Iowa State Department of Transportation and the Sioux City Airport Board have filed petitions for leave to intervene.²

Ozark filed a consolidated reply to the answers, together with a motion for leave to file an unauthorized document.³

As we stated in the recent Delta and Western route realignments,⁴ it is our policy to realign the route systems of the certificated scheduled carriers to maximize the opportunities for scheduling flexibility and equipment utilization, to conform route authority to traffic flows, and to eliminate or modify certificate conditions which serve no useful purpose, impair market development, and inhibit significant improvement in the carrier's economic performance. These objectives of the realignment process are equally applicable to trunk and local service carriers.⁵

It is our tentative conclusion that Ozark's proposed realignment, as modified by this Order, is consistent with our policy and objectives discussed above and that substantial public service and carrier benefits will result from the realigned route system. Our conclusion is supported by the tentative findings below.

The proposed realignment will offer Ozark the potential for significant improvement in operating efficiency and will permit it to provide improved service to the traveling public. The consolidation of Ozark's existing system and the modification or elimination of unnecessary and burdensome conditions will allow it to provide new or improved service in markets in which such service is currently restricted as a result of either the arbitrary segmentation of its existing route or outmoded certificate restrictions.⁶

¹We will grant the petitions.

²We will grant the motion.

³Orders 78-4-109, 77-11-74, and 76-5-101.

⁴Order 77-11-74, pp. 4-5.

⁵Ozark will, of course, be required by the Domestic Passenger-Fare Investigation—Phase 9 (Fare Structure), Order 74-12-109, December 27, 1974, to revise its fares in markets in which it receives improved authority so that the fares are calculated in a manner which properly reflects the improved authority resulting from the realignment.

Two carriers, Braniff and North Central, essentially argue that they should be accorded comparative consideration in markets covered by Ozark's application. This ground has been thoroughly ploughed before, and we refer those carriers to the orders in the Western and Delta realignments.⁷

We have applied here the guidelines used in the Delta realignment,⁸ with one exception. We propose to grant Ozark's request for nonstop authority in the Dallas/Ft. Worth-Joplin market. Although Ozark's best authority is one-stop via Tulsa, it carried 84 percent of the traffic for the year ended September 30, 1975.⁹ Application of the realignment guidelines would dictate that this authority continue to be restricted, since Frontier has nonstop authority and objects to Ozark's request.¹⁰ Frontier does not offer nonstop service, and neither carrier feels that the market can support nonstop service in the near future. Nonetheless, Ozark has shown that it is willing to serve the market, and by enabling both carriers to offer nonstop flights, we can assure that such service will be provided at the earliest opportunity. Our action here is consistent with our policy of making exceptions to our guidelines where the situation warrants.¹¹

Nonstop authority in non-minor markets that Ozark receives through this realignment will be placed in Category II of its subsidy-ineligible list. This conforms to our decision in the *Phoenix-Des Moines/Milwaukee Route Proceeding*, Order 78-1-116, January 26, 1978.¹²

Finally, Ozark has filed an environmental evaluation in conformance with Part 312 of the Board's procedural regulations indicating that its proposals will not result in any substantial increase in air carrier operations. Moreover, it asserts that the removal and amelioration of the certificate restrictions proposed in its realignment application would result in improved fuel utilization and other operational efficiency which would, in turn, afford opportunities for reductions of air pollution and for decreases in the ambient noise level. Accordingly, we tentatively find and conclude that the action we propose here will not consti-

⁷Orders 76-5-101, 77-11-74, and 78-4-109.

⁸Order 78-4-109, April 19, 1978, Appendix C.

⁹Submission of Ozark Air Lines, Appendix G.

¹⁰See Appendix G, p. 2, filed as part of the original document.

¹¹Order 78-4-109, at 9, 10.

¹²Since our minor market definition has been changed since the last realignment of a local service carrier, from 10 daily O&D passengers to 20 daily O&D plus interline connecting passengers, this results in a slight modification of the subsidy-eligibility standard.

tute a major Federal action significantly affecting the quality of the environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

We further find and conclude that Ozark Air Lines is a citizen of the United States within the meaning of the Act, and is fit, willing, and able to perform properly the air transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing complete with the opportunity for oral cross-examination is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts the objector would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered that: 1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and amending Ozark's certificate for Route 107 in the manner set forth in the accompanying proposed certificate (Appendix B);¹³

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth here shall, within 30 days after the date of service of this order, file with the Board and serve upon all persons listed in Appendix I a statement of objections together with a summary of testimony, statistical data, and evidence expected to be relied upon to support the stated objections; answers to objections shall be filed 15 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised before further action is taken by the Board;¹⁴

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action;

¹³Appendices A-I filed as part of the original document.

¹⁴All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

5. Ozark's motions for leave to file otherwise unauthorized documents be granted;

6. The petitions for leave to intervene filed by the city of Sioux City, Iowa, and the Iowa Department of Transportation be granted;

7. The motion of North Central Airlines, Inc., for consolidation of Docket 29948 be denied; and

8. A copy of this order shall be served upon all persons listed in Appendix I.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.¹⁴

PHYLLIS T. KAYLOR,
Secretary.

(FR Doc. 78-16060 Filed 6-8-78; 8:45 am)

[6320-01]

(Order 78-6-35; Dockets 29366, 31412)

PAN AMERICAN WORLD AIRWAYS, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of June 1978.

On September 19, 1977, Pan American World Airways filed an application for an amendment of its certificate of public convenience and necessity for Route 132 for fill-up authority between the domestic co-terminals of San Francisco and Seattle on flights operated in foreign or overseas air transportation. Pan American also filed a petition for issuance of an order to show cause.

In support of its petition, Pan American states that: it has provided service over a San Francisco-Seattle-London routing for a sustained period of time; its load factor between Seattle and San Francisco for the 12 months ended April 1977, was only 34 percent, and grant of fill-up authority would help alleviate the waste of resources that so low a load factor entails; the grant of fill-up rights will not impose any substantial burden on the incumbents, United Air Lines and Western Air Lines, because of the high level of daily frequencies operated by them and the number of true O&D plus interline connecting passengers in the market; it does not propose to gear its services to the local market or add new services; and the Board has granted similar petitions before.

Pan American subsequently filed an amendment to its petition in which it

¹⁴All members concurred.

¹⁵The carrier states that during the past summer peak season the Seattle-San Francisco segment was temporarily suspended due to the introduction of nonstop San Francisco-London service. However, Seattle-San Francisco flights were resumed for the winter season, October 30, 1977, to April 29, 1978.

stated its intention to introduce a standby fare of \$55, comparable to the standby fare it currently offers in the Detroit-Boston market, in which it holds fill-up authority.

The Seattle parties¹⁵ filed an answer in support of the petition. United and Western filed answers in opposition. United states that certification by show cause procedures is unlawful; that since San Francisco and Seattle are co-terminal points, Pan American does not have to serve both points if such service is uneconomic; and that the existing San Francisco-Seattle service is adequate. Western states that Pan American has not shown that lack of fill-up authority works an economic hardship; that grant of the application will hurt Western and United, while not being of great help to Pan American; and that the proposed low standby fares are aimed more at capturing a greater share of the market than at relieving economic burdens.

Pan American also filed an application for extension through April 29, 1978, of its exemption authority granted by Order 76-12-13, which permits it, for one year, to carry traffic between Seattle, on the one hand, and Hawaii and points beyond Hawaii on Pan American's transpacific routes, on the other hand, on one daily west-bound flight operated via San Francisco.¹⁶

In support of its exemption request, the carrier states that the authority produces more efficient operations for it and added convenience for passengers without disrupting the pattern of competition in the Pacific, and that it will carry an average of 20 Seattle-Hawaii/Pacific passengers per flight if the exemption is extended, with total revenues of \$576,360.

Continental filed an answer in opposition to the request. Continental claims that the renewal request confirms that the self-imposed limitation of time cited by the Board in granting

¹⁶The port of Seattle Commission, the city of Seattle, the county of King, the Seattle Chamber of Commerce and the Puget Sound Traffic Association. The answer was accompanied by a motion for leave to file an unauthorized document because the Seattle parties were not aware that the time to answer had been extended. However, as the answer was timely filed, we will dismiss the motion as moot.

¹⁷Although Seattle and San Francisco are coterminals on Pan American's transatlantic route, they are not coterminals on Pan American's transpacific or domestic routes. Therefore, the carrier is precluded by the terms of its certificates from carrying traffic between Seattle and Honolulu via the route junction point San Francisco. The carrier's authority expired December 7, 1977. However, Pan American filed a timely application for renewal and so is relying on 5 U.S.C. 558(c) for authority to continue its operations.

the original request is artificial; that Pan American states that it will be operating over the one-stop itinerary⁴ for reasons of aircraft routing, traffic demand, and operating efficiency independent of the exemption authority and that, given these reasons, there is no need to divert additional traffic from the Pacific Northwest-Hawaii carriers; and that Continental is operating its Pacific Northwest-Hawaii service at a loss and any diversion to benefit Pan American will serve to increase the loss.

Pan American filed a reply to Continental's answer.

We tentatively conclude that the public convenience and necessity require the grant to Pan American of fill-up authority in the Seattle-San Francisco market. We also tentatively conclude that the public convenience and necessity require the amendment of its certificates to permit it to transport persons, property and mail in interstate and foreign air transportation between Seattle and Honolulu and points beyond Hawaii on Pan American's Route 117 flights operating via San Francisco.⁵

In support of our conclusion concerning fill-up rights, we tentatively find that Pan American is now providing service in this market and has done so for a substantial amount of time,⁶ and that, in light of its low load factor of 34 percent, the grant of fill-up rights will benefit it, provide an added service option to the traveling public, and be conducive to greater efficiency in the utilization of both aircraft and fuel.

Also, we tentatively find that this grant will impose no substantial burden on the incumbent carriers, United and Western. There were 428,590 true O&D plus interline con-

⁴Pan American proposes to provide daily service for the period October 30, 1977, through April 29, 1978, with B-747 aircraft between Seattle and Honolulu via San Francisco, with beyond service to one or more of the following points, depending on the day of the week: Guam, Okinawa, Taipei, Manila, Singapore, Pago Pago, Papeete, Nadi, Auckland, Sidney, and Melbourne.

⁵Pan American only asked for an extension of its exemption authority. However, since it intends to operate on a seasonal basis and would need a yearly extension of its exemption authority, we have tentatively decided to grant it permanent authority by show cause procedures.

⁶Seattle and San Francisco were originally included in Pan American's certificate in the West Coast-Europe Case, Order E-11567, served July 12, 1957, and service to London from those points was inaugurated on September 10, 1957. Now, Pan American operates one daily trip between San Francisco and Seattle, in each direction, on its San Francisco-Seattle-London and London-Seattle-San Francisco flights. O.A.G., North American Edition, November 15, 1977; O.A.G., Worldwide Edition, November 11, 1977.

necting passengers in 1975 in the Seattle-San Francisco market, and the incumbents operate 28 daily one-way nonstop trips.⁷ Further, the long-haul restriction in the market—all flights would be required to operate beyond Seattle to London or another point in Europe—would tightly limit Pan American from increasing its nonstop service between the cities. Thus, while the grant of fill-up rights will aid Pan American, and provide expanded choices for the traveling public, it is unlikely to result in any significant diversion of traffic from United and Western.

Pan American's inability to carry Seattle-Honolulu traffic by way of San Francisco stems from an anomaly in the carrier's Mainland-Hawaii authority, which was historically structured as two separate routes. All other carriers awarded Mainland-Hawaii authority in 1969 in the *Transpacific Route Investigation*, 51 CAB 161, received it in the form of a single segment. Removal of this anomaly by combining segments 1 and 2 of its Route 117 is clearly in accord with our route realignment guidelines. We also tentatively find that the competitive impact on the other carriers operating in the Seattle-Honolulu market will be minor. Continental, Northwest and Pan American each provide one daily nonstop flight with wide-bodied equipment between Seattle and Honolulu in both the eastbound and westbound directions. Pan American would only be given the authority to add one-stop flights via San Francisco, and it would be operating them beyond Hawaii to points in the Pacific. The long-haul restriction will limit Pan American's ability to increase its service. Moreover, it has indicated in its exemption application that it intends to operate only one daily flight and that it does not intend to operate authority during the peak summer season.

Consequently, we tentatively find and conclude that the public convenience and necessity require that Pan American be authorized to transport persons, property, and mail in interstate air transportation between Seattle and San Francisco on flights operated in foreign or overseas air transportation pursuant to its certificate for Route 132;⁸ and in interstate and foreign air transportation between Seattle and Honolulu and points beyond Hawaii on flights operating via San Francisco pursuant to its certificate for Route 117.⁹

⁷O.A.G., North American Edition, November 15, 1977.

⁸As we have indicated in a number of recent orders, we believe that lower fares are in the public interest and we strongly encourage their institution in the markets for which we are granting fill-up authority.

⁹We further tentatively find that Pan American is a citizen of the United States

Interested persons will be given 30 days following the date of service of this order to show cause why the tentative findings and conclusions set forth should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state, in detail, why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in writing in written pleadings. General, vague, or unsupported objections will not be entertained. In this connection, we note that it is not enough merely to state that one objects to the grant of a certain type of authority by show-cause procedures. The necessity of an evidentiary hearing must be demonstrated.¹¹

Accordingly, it is ordered, That: 1. All interested persons be directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated here and authorizing Pan American World Airways, Inc., to: (1) transport persons, property, and mail in interstate air transportation between Seattle and San Francisco on flights operated in foreign or overseas air transportation pursuant to its certificate for Route 132; and (2) between Seattle and Honolulu and points beyond Hawaii on flights operating via San Francisco pursuant to its certificate for Route 117;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth here shall, within 30 days after the date of service of this order, file with the Board and serve on all persons listed in paragraph 6 below a statement of objections together with a summary of testimony, statistical data, and such evidence as is expected to be relied on to support the stated objections; answers may be filed 15 days thereafter;

within the meaning of the Act, and is fit, willing, and able to perform properly the transportation proposed here and to conform to the provisions of the Act and the Board's rules, regulations, and requirements.

¹⁰Although Pan American only asked for exemption authority in the westbound direction, we see no reason to limit the certificate amendment in that manner.

¹¹We have considered Pan American's representations as to the environmental effects resulting from awards of Seattle-San Francisco fill-up rights and Seattle-San Francisco-Honolulu rights. On the basis of these representations, we tentatively find that such awards will not be major Federal actions significantly affecting the quality of the environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised in the objections before further action is taken by the Board;¹²

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action;

5. The motion of the Seattle Parties for leave to file an unauthorized document be dismissed; and

6. A copy of this order be served upon Pan American World Airways, Continental Air Lines, Northwest Air Lines, United Air Lines, Western Air Lines, and the Seattle parties.

This order shall be published in the FEDERAL REGISTER.¹³

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-16061 Filed 6-8-78; 8:45 am]

[6320-01]

[Order 78-6-19; Dockets 32097, 32187, 32195]

PITTSBURGH-ORLANDO-DAYTONA BEACH ROUTE PROCEEDING

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of June, 1978. In the matter of Pittsburgh-Orlando-Daytona Beach route proceeding (Docket 32097); application of United Air Lines, Inc. for amendment of its certificate of public convenience and necessity (Docket 32195); application of Northwest Airlines, Inc. for a certificate of public convenience and necessity or amendment of its current certificates (Docket 32187).

By Order 78-2-42 (February 9, 1978) the Board instituted the *Pittsburgh-Orlando-Daytona Beach Route Proceeding*, Docket 32097, to determine whether the public convenience and necessity require that a carrier or carriers be certificated to provide new or additional service in the above markets,¹ and if so, whether the authority should be subject to conditions. Applications, motions to consolidate, and petitions for reconsideration were to be filed within 20 days and answers within 15 days after that.

A timely application to provide services within the defined scope of this

¹All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

²All Members concurred except Member West whose concurring and dissenting statement was filed as part of the original document.

³Eastern Airlines, Inc. is the monopoly carrier in these markets.

proceeding has been filed by Northwest Airlines, Inc., Docket 32187. The application was accompanied by a motion to consolidate it into Docket 32097 for hearing and consideration. Since the issues in the application are the same as those in the investigation, we find that their consolidation into Docket 32097 will be conducive to the proper dispatch of the Board's business, and we will order consolidation of the application into this case.

Order 78-2-42 (February 9, 1978) was issued in response to applications of Allegheny Airlines, Inc., Docket 29827, and United Airlines, Inc., Docket 30034, seeking authority between some of their Northeast markets and several Florida points.² Allegheny asked for authority between Pittsburgh, Pa., and Baltimore, Md., and the coterminous points Daytona Beach, Orlando, Sarasota, and West Palm Beach, Fla. United asked for authority in the Orlando-Buffalo/Cleveland/Pittsburgh markets. The Board determined to institute an investigation of Pittsburgh-Orlando as the primary market because it appeared able to support competitive service. We included two other markets, Daytona Beach-Orlando/Pittsburgh because they integrate well with the primary market, will maximize the operating flexibility of the applicant's service proposals, and will increase the prospect of economically viable service in all three. We specifically declined to include the other Northeast markets suggested by Allegheny and United because they either do not suffer service deficiencies or are too small to warrant priority of hearing. In addition, grant of either or both of the requests was determined likely to result in a large area investigation of Northeast-Florida service, which would not be an efficient use of the Board's resources.³ Finally, the Board rejected United's request to place its Route 51, restriction 8, in issue because there was no evidence of need for additional service in the intra-Florida markets in which it would receive single-plane authority.

Petitions for reconsideration have been submitted by Delta and United. Both petitions ask the Board to reexamine its decision not to include numerous Northeast/Great Lakes-Orlando/Daytona Beach markets in this case—Boston, New York, and Philadelphia by Delta, and Buffalo, Cleveland, and Rochester in the case of United. United also urges the Board to expand

²Delta filed an answer in which it stated that if a Northeast-Florida points service investigation is instituted, the investigation should include (1) the Boston/New York/Washington-Daytona Beach/Orlando/Sarasota/West Palm Beach markets, and (2) removal of Delta's restrictions in the Baltimore/Philadelphia-Orlando/West Palm Beach markets. Order 78-2-42, p. 4.

³Order 78-2-42, p. 7.

the case to consider permitting service beyond Orlando and Daytona Beach to Miami and Tampa by those carriers which already hold direct Pittsburgh-Miami/Tampa authority. In support of its petition, Delta contends that the Boston and Philadelphia markets are larger and less well served than the Pittsburgh markets, and that the New York-Orlando market is large enough to consider the possibility of a third nonstop competitor, particularly since Delta now holds restricted authority in it. The County of Volusia supports Delta's petition insofar as it would permit the Board to consider improved service to Daytona Beach. United argues that the Board's earlier decision denies the Great Lakes markets the opportunity to receive low-fare service which it and other applicants would probably propose if these markets were in issue. It also asserts that the addition of Tampa and Miami will permit greater operational flexibility, and is consistent with the Board's recent decision expanding the scope of the *Florida-Atlanta Competitive Service Case* (Orders 77-12-22 and 78-2-55).

Numerous answers in opposition to the petitions for reconsideration have been filed. Allegheny, Eastern, and the Board's Bureau of Pricing and Domestic Aviation oppose both petitions; Southern and Delta oppose United's to the extent that it seeks to add Tampa and Miami as beyond-segment points. In essence, they contend that a grant of one or both petitions could complicate and delay an examination of the Pittsburgh-Orlando-Daytona Beach markets, and would reinstate a large unwieldy proceeding that the instituting order in this case sought to avoid, without compensating public benefits.

We shall deny the petitions for reconsideration. For the most part, the Northeast/Great Lakes markets that Delta and United seek to add to this case were previously considered and excluded by the Board in instituting this proceeding. None of the petitions establishes error in our earlier determination or has presented convincing reasons why we should now, as a matter of discretion, transform this case into a broad, time-consuming area-type investigation. We do not agree with United's implication that the exclusion of the Great Lakes markets will deprive them of low-fare service. Since United operates nonstop service in the Pittsburgh-Buffalo/Cleveland/Rochester markets, it will be able to offer each of the Great Lakes cities low-fare one-stop service to Orlando/Daytona Beach if it is awarded the authority at issue in this case. Furthermore, exhibits have been submitted and hearings have already been completed under an expedited schedule established by the presiding administrative law judge. Expansion

of the proceeding to include Miami and Tampa at this time would complicate the case and delay the disposition of the Pittsburgh-Orlando-Daytona Beach issue.

Nonetheless, we are sensitive to the problems that can result from dead-end operations and recognize that the public can be served best by permitting airlines to operate in the most efficient manner. Our decision to include Daytona Beach-Orlando/Pittsburgh markets within the scope of this case was, in fact, based partly on these considerations. Given our reluctance to disrupt the procedural schedule in the case, should United or some other applicant serving Tampa or Miami be selected we will consider employing our show cause or proposed expedited non-oral hearing procedures to examine whether an extension to Tampa or Miami would improve the efficiency of the primary market operations.

Accordingly, it is ordered, That: 1. The petitions for reconsideration of order 78-2-42, filed by Delta and United be denied;

2. The motion to consolidate into Docket 32097 the application of Northwest Airlines, Inc. (Docket 32187) be granted;

3. Except to the extent granted, all applications, petitions, and motions are denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board: ^s

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-16062 Filed 6-8-78; 8:45 am]

[6335-01]

CIVIL RIGHTS COMMISSION WASHINGTON ADVISORY COMMITTEE

Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Washington Advisory Committee (SAC) of the Commission will convene at 2 p.m. and will end at 5 p.m. on June 30, 1978, 915 2nd Avenue, Room 2852, Seattle, Wash. 98174.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Wash. 98174.

The purpose of this meeting is to discuss project on Status of Civil Rights in Washington.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

^sSee PDR-54, dated April 18, 1978.
^sAll members concurred.

Dated at Washington, D.C., June 6, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

[FR Doc. 78-16052 Filed 6-8-78; 8:45 am]

[6325-01]

CIVIL SERVICE COMMISSION

DEPARTMENTS OF THE ARMY, HOUSING AND URBAN DEVELOPMENT, STATE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20) the Civil Service Commission authorizes the following agencies to fill by noncareer executive assignment in the expected service the positions listed below:

Department of the Army—Deputy Assistant Secretary of the Army (Acquisition), Office, Assistant Secretary of the Army (Research, Development and Acquisition), Office, Secretary of the Army.

Department of Housing and Urban Development—Director, Office of Urban Development Action Grants, Office of the Assistant Secretary for Community Planning and Development.

Department of State—Deputy Director, Policy, Planning Staff.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 78-16034 Filed 6-8-78; 8:45 am]

[6325-01]

DEPARTMENTS OF DEFENSE, HEALTH, EDUCATION, AND WELFARE, OFFICE OF MANAGEMENT AND BUDGET, ACTION

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Departments below to fill by noncareer executive assignment in the expected service the following positions:

Department of Defense—Principal Deputy Assistant Secretary (Installations and Logistics), Immediate Office, OASD (Installations and Logistics), Office of the Secretary of Defense.

Department of Health, Education, and Welfare—(1) Associate Administrator for Planning, Research, and Evaluation, Office of the Associate Administrator for Planning, Research, and Evaluation, Social and Rehabilitation Service. (2) Deputy Assistant Secretary for Health, Office of the Asst-

ant Secretary for Health, Public Health Service.

Office of Management and Budget—Special Assistant to the Deputy Director, Office of the Director, Executive Office of the President.

ACTION—a temporary identical additional position of Deputy Associate Director for Domestic and Anti-Poverty Operations, Office of the Associate Director, Office of Domestic and Anti-Poverty Operations.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commission.

[FR Doc. 78-16035 Filed 6-8-78; 8:45 am]

[3510-24]

DEPARTMENT OF COMMERCE

Economic Development Administration

SPEED TEX CORP. ET AL.

Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions were accepted for filing from three firms: (1) Speed Tex Corp., 114 Colony Lane, Syosset, N.Y. 11791, a finisher of fabrics (accepted May 31, 1978); (2) Clifton Drapery Manufacturing, Inc., 11 Circle Avenue, Clifton, N.J. 07011, a producer of drapery and upholstery fabrics (accepted June 1, 1978); and (3) US Sports, Inc., 34 West Putnam Avenue, Greenwich, Conn. 06830, a producer of athletic footwear (accepted June 2, 1978). The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the U.S. Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the 10th calendar day following the publication of this notice.

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 78-16010 Filed 6-8-78; 8:45 am]

[3510-22]

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Public Meeting

The New England Fishery Management Council, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet June 28-29, 1978, at the Southeastern Massachusetts University, Old Westport Road, North Dartmouth, Mass. The meeting starts at 10 a.m. and will adjourn at approximately 5 p.m., June 28, and 9 a.m. to approximately 5 p.m. on June 29.

Proposed Agenda: (1) Management objectives for pollock, redfish and hakes; (2) groundfish management plan; and (3) other fishery management business.

Meeting is open to the public. For more information on seating, changes to the agenda, or written comments, contact: Spencer Apollonio, Executive Director, New England Fishery Management Council, Peabody Office Building, 1 Newbury Street, Peabody, Mass. 01960, telephone 617-535-5450.

Dated: June 5, 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.

[FR Doc. 78-16004 Filed 6-8-78; 8:45 am]

[3510-22]

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL'S GROUND FISH ADVISORY SUB- PANEL

Public Meeting

The Mid-Atlantic Fishery Management Council's Groundfish Advisory Subpanel, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet on June 26, 1978, at Holiday Inn, Exit 72 of Long Island Expressway, Riverhead, N.Y., 11901. The meeting starts at 8 p.m. and will adjourn at about 10 p.m., on June 26, 1978.

Proposed Agenda: (1) Discuss New England's Groundfish Regulations.

Meeting is open to the public. For more information on seating, changes to the agenda, or written comments, contact: Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Del. 19901, telephone 302-674-2331.

Dated: June 5, 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.

[FR Doc. 78-16005 Filed 6-8-78; 8:45 am]

[3510-08]

National Oceanic and Atmospheric Administration

MASSACHUSETTS COASTAL MANAGEMENT PROGRAM

Approval

Notice is hereby given that, pursuant to the authority contained in section 306(a) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et seq.), the Assistant Administrator for Coastal Zone Management (on behalf of the Secretary of Commerce) has approved the Massachusetts coastal program (program) and awarded a grant to the Executive Office of Environmental Affairs to assist the Commonwealth in the administration of its program.

Approval was granted on April 24, 1978, and activates the Federal agency responsibility for being consistent with the Massachusetts program pursuant to the Federal consistency provisions of the Coastal Zone Management Act. Further information on the responsibilities of affected Federal agencies in this regard may be found in 15 CFR Part 930, published in the FEDERAL REGISTER on March 13, 1978.

A copy of the written findings made by the Assistant Administrator in determining that the Massachusetts program met the requirements of the Coastal Zone Management Act may be obtained on request from the North Atlantic Regional Manager, Office of Coastal Zone Management, Page Building 1, 3300 Whitehaven Street NW., Washington, D.C. 20235.

Effective date: June 2, 1978.

T. P. GLEITER,
Assistant Administrator
for Administration.

FR Doc. 78-15975 Filed 6-8-78; 8:45 am]

[3510-08]

RHODE ISLAND COASTAL MANAGEMENT PROGRAM

Approval

Notice is hereby given that pursuant to the authority contained in section 306(a) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et seq.), the Assistant Administrator for Coastal Zone Management (on behalf of the Secretary of Commerce) has approved the Rhode Island coastal management program (program) and awarded a grant to the Office of the Governor to assist the State in the administration of its program.

Approval was granted on May 12, 1978, and activates the Federal agency responsibility for being consistent with the Rhode Island program pursuant to the Federal consistency provisions of the Coastal Zone Management Act. Further information on the responsibilities of affected Federal agencies in this regard may be found in 15 CFR Part 930, published in the FEDERAL REGISTER on March 13, 1978.

A copy of the written findings made by the Assistant Administrator in determining that the Rhode Island program met the requirements of the Coastal Zone Management Act may be obtained on request from the North Atlantic Regional Manager, Office of Coastal Zone Management, Page Building 1, 3300 Whitehaven Street NW., Washington, D.C. 20235.

Effective date: June 2, 1978.

T. P. GLEITER,
Assistant Administrator
for Administration.

[FR Doc. 78-15976 Filed 6-8-78; 8:45 am]

[3510-08]

WISCONSIN COASTAL MANAGEMENT PROGRAM

Approval

Notice is hereby given that, pursuant to the authority contained in section 306(a) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1451 et seq.), the Assistant Administrator for Coastal Zone Management (on behalf of the Secretary of Commerce) has approved the Wisconsin coastal management program (program) and awarded a grant to the Office of State Planning and Energy to assist the State in the administration of its program.

Approval was granted on May 22, 1978, and activates the Federal agency responsibility for being consistent with the Wisconsin program pursuant to the Federal consistency provisions of the Coastal Zone Management Act. Further information on the responsibilities of affected Federal agencies in this regard may be found in 15 CFR Part 930, published in the FEDERAL REGISTER on March 13, 1978.

A copy of the written findings made by the Assistant Administrator in determining that the Wisconsin program met the requirements of the Coastal Zone Management Act may be obtained on request from the Great Lakes Regional Manager, Office of Coastal Zone Management, Page Building 1, 3300 Whitehaven Street NW., Washington, D.C. 20235.

Effective date: June 2, 1978.

T. P. GLEITER,
Assistant Administrator
for Administration.

[FR Doc. 78-15977 Filed 6-8-78; 8:45 am]

[3510-13]

Office of the Secretary

NATIONAL LABORATORY ACCREDITATION
CRITERIA COMMITTEE FOR THERMAL INSULATION MATERIALS

Open Meeting

The National Laboratory Accreditation Criteria Committee for Thermal Insulation will hold its second meeting on June 29-30, 1978, in the Main Commerce Building, 14th Street and Construction Avenue NW., Washington, D.C. (public entrance to the building is on 14th Street, between Constitution Avenue and E Street NW.). The Committee will meet from 9 a.m. to 5 p.m. on June 29 in Room 6043 and 9 a.m. to 4 p.m. on June 30 in Room 6802.

The Committee was established on October 12, 1977 (42 FR 55020) to develop and recommend to the Secretary of Commerce, general and specific criteria for accrediting testing laboratories that test thermal insulation materials. The Committee consists of 21 members; 10 of whom represent producers, distributors, users, consumers, academia, testing laboratories, and general interests in the private sector; 6 of whom represent Federal agency interests; and 4 of whom represent state and local government interests. The Committee is chaired by Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards, of the Department of Commerce.

Tentative agenda items include:

1. Discussion of written comments submitted by the Committee members.
2. A review of the scope of the thermal insulation materials standards and test methods to be included in the program.
3. Accuracy and precision requirements of individual test methods.
4. Inspector checklists and their use.
5. Factors influencing costs and fees for accreditation.
6. Proficiency sampling programs.
7. Discussion of form and content of general and specific criteria to be recommended to the Secretary of Commerce.

The meeting will be open to public observation. The public may submit written statements or inquiries to the Chairman before or after the meeting. A limited number of seats will be available to the public and to the press on a first-come, first-served basis.

Copies of the minutes and material distributed will be made available for reproduction, following certification by the Chairman, in accordance with the Federal Advisory Committee Act, at Room 3876, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

Additional information may be obtained from Mr. John W. Locke, Coordinator, National Voluntary Laboratory Accreditation Program, Room 3876, U.S. Department of Commerce,

NOTICES

Washington, D.C. 20230, telephone: 202-377-2054.

Dated: June 6, 1978.

JORDAN J. BARUCH,
Assistant Secretary for
Science and Technology.

[FR Doc. 78-16036 Filed 6-8-78; 8:45 am]

[6820-33]

COMMITTEE FOR PURCHASE FROM
THE BLIND AND OTHER SEVERELY
HANDICAPPED

PROCUREMENT LIST 1978

Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1978 commodities and services to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: June 9, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On December 9, 1977, April 7, 1978, and April 14, 1978, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (42 FR 62180, 43 FR 14711, and 43 FR 15767) of proposed additions to Procurement List 1978, November 14, 1977 (42 FR 59015).

After consideration of the relevant matter presented, the Committee has determined that the services and commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following commodities and services are hereby added to Procurement List 1978:

Class 7210

Cover, Mattress (IB), 7210-00-140-4234, 7210-00-140-4231, 7210-00-543-6001.

Class 7510

Binder, Note Pad (IB), 7510-01-053-5591.

SIC 0782

Grounds Maintenance (SH), Department of Energy, Morgantown Energy Research Center, Morgantown, W. Va.

SIC 7399

Microfilming Contract Files (SH), Department of the Navy, OICC Trident, Bremerton, Wash.

C. W. FLETCHER,
Executive Director.

[FR Doc. 78-16017 Filed 6-8-78; 8:45 am]

[6820-33]

PROCUREMENT LIST 1978

Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1978 a service to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: July 19, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following service to Procurement List 1978, November 14, 1977 (42 FR 59015):

SIC 7349

Janitorial/Elevator Operator, Veterans Administration Clinic Building, 17 Cove Street, Boston, Mass.

C. W. FLETCHER,
Executive Director.

[FR Doc. 78-16018 Filed 6-8-78; 8:45 am]

[3910-01]

DEPARTMENT OF DEFENSE

Department of the Air Force

PRIVACY ACT OF 1974

New System of Records

AGENCY: Department of the Air Force.

ACTION: Notice of new record system.

SUMMARY: The Department of the Air Force proposes to add a new record system to its system's inventory subject to the Privacy Act of 1974.

NOTICES

This new system is identified as F06604 AFLC A, entitled: "Maintenance Labor Distribution and Cost System." The system is needed to accumulate cost data for various workloads and functions at each Air Force maintenance depot.

DATES: This system shall be effective as proposed without further notice on July 10, 1978, unless comments are received on or before July 10, 1978, which would result in a contrary determination and require republication for further comments.

ADDRESS: Send comments to the System Manager identified in the record system.

FOR FURTHER INFORMATION CONTACT:

Mr. Jon E. Updike, HQ USAF/DADMP, Bolling AFB, Washington, D.C. 20330, 202-767-4545.

SUPPLEMENTARY INFORMATION: The Department of the Air Force system of records notices as prescribed by the Privacy Act of 1974, Pub. L. 93-579 (5 U.S.C. 552a) have been published in the FEDERAL REGISTER as follows:

FR Doc. 77-50785 (42 FR 50785) September 28, 1977.

FR Doc. 77-31218 (42 FR 56774) October 28, 1977.

FR Doc. 77-32284 (42 FR 58195) November 8, 1977.

FR Doc. 77-33780 (42 FR 59996) November 23, 1977.

FR Doc. 77-36260 (42 FR 84322) December 22, 1977.

FR Doc. 78-10398 (43 FR 18894) April 20, 1978.

The Department of the Air Force has submitted a new system report on May 12, 1978, under the provisions of 5 U.S.C. 552a(o) of the Privacy Act and in accordance with the Office of Management and Budget (OMB) guidance set forth in the FEDERAL REGISTER (40 FR 45877) on October 3, 1975. A request for waiver of the 60 day advance notice requirement by OMB was granted on May 24, 1978.

MAURICE W. ROCHE,
Director, Correspondence and
Directives, Washington Headquarters Services, Department
of Defense.

JUNE 6, 1978.

F06604 AFLC A

System name:

Maintenance Labor Distribution and Cost System.

System location: Primary system. Computer Operations Section, Data Automation Branch, Comptroller, at Oklahoma City Air Logistics Center, Tinker AFB, Okla.; Ogden Air Logistics Center, Hill AFB, Utah; Sacramento Air Logistics Center, McClellan AFB, Calif.; San Antonio Air Logistics Center, Kelly AFB, Tex.; and Warner Robins Air Logistics Center, Robins AFB, Ga.

Categories of individuals covered by the system:

All Air Force personnel (both military and civilian) assigned for duty (both permanently and temporarily) within the maintenance activity at each Air Logistics Center.

Categories of records in the system:

Employee Assignment Master File contains: (1) Social Security Number, (2) Military/Civilian Code, (3) Name, (4) Assigned Resource Control Center, (5) Assigned Shift, (6) Assigned Duty Code, (7) Assigned Special Project Code, (8) Assigned Skill Code, (9) Assigned Foreman Code, (10) Assigned Days Off, (11) Bank Card Counter, (12) Status Code, (13) Date Last Action, (14) Primary Change Effective Date, (15) Primary Change Termination Date, (16) Primary Change Resource Control Center, (17) Primary Shift Change, (18) Primary Change Duty Code, (19) Primary Change Special Project Code, (20) Primary Change Skill Code, (21) Primary Change Foreman Code, (22) Primary Change Days Off, (23) Secondary Change Effective Date, (24) Secondary Change Termination Date, (25) Secondary Change Shift, (26) Secondary Change Duty Code, (27) Secondary Change Special Project Code, (28) Secondary Change Skill Code, (29) Secondary Change Foreman Code, (30) Secondary Change Days Off, (31) Interorganization Loan Indicator, (32) Partial Pay Period Code, (33) Regular Hours Worked Pay Period-to-date, (34) Overtime Hours Worked Pay Period-to-date, (35) Holiday Hours Worked Pay Period-to-date, (36) Compensatory Hours Worked Pay Period-to-date, (37) Hazard Hours Worked Pay Period-to-date, (38) Annual Leave Hours Worked Pay Period-to-date, (39) Sick Leave Hours Pay Period-to-date, (40) Other Paid Leave Hours Pay Period-to-date, (41) Compensatory Leave Hours Pay Period-to-date, (42) Leave Without Pay Hours Pay Period-to-date. Inter-directorate Loan Data File contains: (1) Social Security Number, (2) Military/Civilian Code, (3) Name, (4) From Resource Control Center, (5) From Shift, (6) From Duty Code, (7) From Special Project Code, (8) From Skill Code, (9) From Foreman Code, (10) From Days Off, (11) To Resource Control Center, (12) To Shift, (13) To Duty Code, (14) To Special Project

Code, (15) To Skill Code, (16) To Foreman Code, (17) To Days Off, (18) Monthly Actual Hours. Inter/Intradirectorate Loan Data File contains following information on all affected individuals covered by the system: (1) Social Security Number, (2) Military/Civilian Code, (3) Name, (4) From Resource Control Center, (5) From Shift, (6) From Duty Code, (7) From Special Project Code, (8) From Skill Code, (9) From Days Off, (10) From Foreman Code, (11) To Resource Control Center, (12) To Shift, (13) To Duty Code, (14) To Special Project Code, (15) To Skill Code, (16) To Days Off, (17) To Foreman Code, (18) Starting Date, (19) Date Last Action, (20) Current Month Hours, (21) 1st Previous Month Hours, (22) 2nd Previous Month Hours, (23) 3rd Previous Month Hours.

Authority for development of the system:

10 U.S.C. 8012, Secretary of the Air Force: powers and duties; delegation by.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The purpose of the system is to accumulate labor costs for various workloads accomplished within the maintenance activity. Actual labor rates used within the system are obtained (via the Social Security Number) from the Civilian Payroll System and Military Payroll System.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Disk packs for principle storage medium with back-up maintained on magnetic tape.

Retrievability:

Retrieved by Foreman Code, Military/Civilian Code, Resource Control Center.

Safeguards:

All personnel authorized to add, change, or delete records from these files will be issued individually coded badges which are required for submission of transactions. Maintenance activity managers requiring access to update files must request information through the Data Automation Branch. All products containing Privacy Act information bear a notice at the top of each sheet, "Personal Data—Privacy Act of 1974 (PL93-579) For Official Use Only." Products are controlled by manual distribution to requesting managers.

Retention and disposal:

All Privacy Act information contained in this system is deleted (1) in

the case of the Employee Assignment Master File, at the end of the biweekly pay period following termination of an individual's assignment to a maintenance activity, and (2) in the case of files containing loan data, at the end of fifteen months following termination of an employee loan.

System manager and address:

Directorate of ADP Resources Office of DCS/Comptroller, Headquarters, Air Force Logistics Command, Wright-Patterson AFB, Ohio 45433.

Notification procedure:

Information may be obtained from the Air Logistics Center where an individual is employed: Chief, Cost Accounting Branch, Accounting and Finance Division, Comptroller, at Oklahoma City Air Logistics Center, Tinker AFB, Okla. 73145; Ogden Air Logistics Center, Hill AFB, Utah 84406; Sacramento Air Logistics Center, McClellan AFB, Calif. 95652; San Antonio Air Logistics Center, Kelly AFB, Tex. 78241; or Warner Robins Air Logistics Center, Robins AFB, Ga. 31093.

Record access procedures:

Requests from individuals should be submitted to the maintenance activity at the Air Logistics Center where employed. Written requests should contain the full name, social security number, address, telephone number, and current assignment within the maintenance activity of the requestor, and should be addressed to Director of Maintenance at: Oklahoma City Air Logistics Center, Tinker AFB, Okla. 73145; Ogden Air Logistics Center, Hill AFB, Utah 84406; Sacramento Air Logistics Center, McClellan AFB, Calif. 95652; San Antonio Air Logistics Center, Kelly AFB, Tex. 78241; or Warner Robins Air Logistics Center, Robins AFB, Ga. 31093. Request may also be made by personal contact between requestor and his/her supervisor within the maintenance activity.

Contesting record procedures:

The Air Force's rules for access to records and for contesting contents and appealing initial determinations by individuals concerned may be obtained from the systems manager.

Record source categories:

Information obtained from Civil Service Commission Standard Form 50 accompanying an employee into a maintenance activity, and from the Civilian Payroll System and Military Payroll System.

Systems exempt from certain provisions of the act:

None.

[FR Doc. 78-16153 Filed 6-8-78; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM77-14]

GAS RESEARCH INSTITUTE

Order Approving Research, Development and Demonstration Clauses and Related Rate Increases

JUNE 1, 1978.

In Opinion No. 11, issued on March 22, 1978, in the above-referenced docket, the Commission approved the initial research, development and demonstration (R.D. & D.) program of the Gas Research Institute (GRI). The Commission found, inter alia, that GRI's first year funding of approximately \$9.5 million was just and reasonable and that the 1.2 mills per Mcf General R. & D. Funding Unit was the appropriate payment to GRI by its members to collect this amount. Also the Commission provided in Opinion No. 11 that members of GRI subject to the Commission's jurisdiction may collect such payments to GRI by filing with the Commission R.D. & D. cost adjustment provisions which comply with section 154.38(d)(5)(v) of the Commission's regulations and the requirements stated in ordering paragraph (G) of Opinion No. 11. Finally, the Commission provided that collection in advance of the 1.2 mill per Mcf surcharge through jurisdictional rates could commence on May 6, 1978.

Pursuant to these provisions of Opinion No. 11 the 28 pipeline companies listed on appendix A filed R.D. & D. clauses to track the funding of monies to GRI. With the exception of two companies, Northern Natural Gas Co. (Northern) and Northwest Pipeline Corp. (Northwest), the referenced companies filed 1.2 mill per Mcf rate increases applicable to the GRI funding.

In response to the public notices of these filings, the organizations listed on appendix B filed petitions to intervene. The Commission finds that all listed petitioners have demonstrated an interest in this proceeding which warrants their participation. The petitions to intervene shall therefore be granted.

Northern and Northwest propose to defer tracking the GRI charge in their rates until their next PGA filing. Both companies propose to provide GRI with its funding timely and use deferred accounting treatment for the collection of GRI fundings.

Northern proposes to make its payments to GRI for the months of June

¹Some companies use system measurements other than Mcf such as dth or therm. These companies filed rate increases equivalent to 1.2 mill per Mcf.

1978 through December 26, 1978, without increasing its rates during the period by entering such GRI monies in its Account 186 (Miscellaneous Deferred Debits). Northern proposes to include in its rates to be effective December 27, 1978, a 12-month surcharge to recover these amounts, together with the GRI unit charge proposed to be effective January 1, 1979.² Pursuant to its proposal, Northern will estimate the GRI amounts for the months of October through December 26, 1978, in its GRI surcharge effective December 27, 1978. Any differences between the estimated and actual amounts of the deferred GRI monies included in Account 186 would be adjusted for in Northern's GRI filing for 1980. Northern's deferral request was received in letter form only; no tariff sheets outlining its proposal were filed.

Northwest included as a part of its proposed GRI R.D. & D. clause, a provision to establish a deferred GRI funding account. This provision allows Northwest to make timely payment for its portion of the GRI funding for the period June 1978, through September 1978, by entering such paid amounts into a GRI deferred account, together with carrying charges³ without increasing its rates during that period. Pursuant to its proposed R.D. & D. clause, Northwest would file a current GRI adjustment and a GRI surcharge both to be effective October 1, 1978. The GRI surcharge would be based on estimated amounts to recover the deferred GRI account inclusive of carrying costs over the next 6-month period. At the end of the 6-month period any remaining over or under collections would be credited to Northwest's PGA deferred account (Account 191).

Both Northern and Northwest state that their requested deferred account treatment for GRI trackings is necessary to reduce the frequency of rate changes. Both companies state that their customers have requested deferred trackings to alleviate tracking burdens. We believe that deferred account treatment for GRI funding in these two instances is appropriate since the treatment benefits both companies' customers and GRI receives its funding in a timely manner. However, we shall not approve Northwest's proposal for the inclusion of carrying charges in its deferred GRI account. Northwest has not provided information supporting its need for carrying charges nor is there any historical GRI cost background to indicate that carrying charges would be appropriate.

²The proposed GRI unit charge for January 1, 1979, is not known at the present.

³The proposed carrying charge is at the currently effective interest rate of 9 percent prescribed in section 154.67(c) of the Commission's regulations.

ate.⁴ Finally, we shall require Northern to reduce its deferred GRI accounting proposal to tariff form rather than letter request only.

Our review of the R.D. & D. clauses filed by the pipelines listed on appendix A indicates that, with the exception of Northwest's carrying charge proposal mentioned above, such clauses comply with section 154.38(d)(5)(v) of the Commission's regulations and ordering paragraph (G) of the Opinion No. 11. Accordingly, we shall approve these R.D. & D. cost adjustment provisions and require Northwest to file a revised R.D. & D. clause which does not provide for carrying charge on its deferred account.

As to the GRI rate increase filings reflecting the initial 1.2 mill per Mcf GRI adjustment, we have found that, subject to the discussion below, such increases are appropriate and properly reflect the Commission's instructions in ordering paragraphs (E) and (F) of Opinion No. 11.

El Paso Natural Gas Co. (El Paso) filed a substitute rate sheet (Substitute 4th Revised Sheet No. 1-D.2) to replace a rate sheet in its original GRI filing (Substitute 3rd Revised Sheet No. 1-D.2) and to update the underlying rates. El Paso states that the reason for the substitute tariff sheet is that subsequent to its original GRI filing the Commission approved its settlement agreement in Docket Nos. CP77-40 and RP77-97 which revised its base transportation rates. The substitute tariff sheet incorporates the revised base transportation rates. We shall accept Substitute 4th Revised Sheet No. 1-D.2 effective June 1, 1978 as requested by El Paso.

Columbia Gas Transmission Co.'s (Columbia) rate sheet (43rd Revised Sheet No. 16) reflects underlying settlement rates which are pending

⁴Northwest was permitted carrying charges in its PGA deferred account only after a showing that its purchased gas cost pattern indicated consistent undercollections in its PGA deferred account.

action at Docket Nos. RP76-94, RP76-95, RP76-138 and RP75-106, and underlying LNG rates pending action at Docket No. RP78-20. Our acceptance of Columbia's rate filing shall be conditioned on Columbia refiling tariff sheets which reflect those underlying rates which are in effect on the proposed effective date of June 1, 1978.

Colorado Interstate Gas Co. (CIG) filed three alternate sets of rate sheets all proposed to be effective June 1, 1978. However, on May 17, 1978, CIG filed a letter requesting that the effectiveness of its tariff sheet containing its "Gas Research Institute Charge Adjustment Provision" be deferred until October 1, 1978, and that the remaining tariff sheets filed by CIG which contain the 1.2 mill per MCF surcharge be disregarded by the Commission. CIG states that this action is necessary because CIG has not received assurances that its customers could pass-through GRI payments. We shall treat CIG proposed tariff sheets incorporating the 1.2 mill per MCF surcharge as withdrawn. However, we shall reject CIG's proposal to defer the effective date of its proposed R.D. & D. clause until October 1, 1978, without prejudice to CIG refiling said tariff sheets in accordance with section 154.22 of the Commission's regulations, which provides that tariff changes may not be filed more than 60 days prior to the proposed effective date.

The Commission finds: Good cause exists to approve, subject to the conditions hereinafter stated, the R.D. & D. clauses and related rate filings which have been filed pursuant to Opinion No. 11.

The Commission orders: (A) The Commission hereby approves, subject to the conditions hereinafter stated, the R.D. & D. clauses and related GRI rate increases effective as of the dates shown on the attached Appendix A.

(B) CIG's proposal to defer until October 1, 1978, the effectiveness of the tariff sheets containing its proposed R.D. & D. clause, is hereby rejected

APPENDIX A.—GRI filings

Company	Volume No.	Sheet Nos.	Filed	Proposed effective
Algonquin Gas Transmission Co.	1st revised vol. No. 1	1st revised sheet No. 100 original sheet Nos. 138 and 139 (original sheet Nos. 140-199 reserved for future use).	Apr. 5, 1978	May 6, 1978.
Cities Service Gas Co.	Original vol. No. 1	1st revised sheet Nos. 67-69, original sheet Nos. 70 and 71 (sheet Nos. 72-79 reserved for future use).	Apr. 7, 1978	May 23, 1978.
Colorado Interstate Gas Co.	2d revised vol. No. 1	1st revised sheet No. 6 22d revised sheet Nos. 5 and 6, 1st revised sheet No. 67B, original sheet No. 67C. Substitute 20th revised sheet Nos. 5 and 6 Replaces substitute 20th revised sheet Nos. 5 and 6	do Apr. 6, 1978 do do	Do. June 1, 1978. Do. Do.
Columbia Gas Transmission Co.	Original vol. No. 1	43d revised sheet No. 16, original sheet No. 65 (sheet Nos. 66-68 reserved for future use).	do	June 1, 1978.
Consolidated Gas Supply Corp. ¹	3d revised vol. No. 1	Original sheet No. 75-A	Apr. 5, 1978	May 8, 1978.
East Tennessee Natural Gas Co.	6th revised vol. No. 1	2d revised sheet No. 74D Original sheet No. 74E 26th revised sheet No. 4	Apr. 6, 1978 do do	June 1, 1978. Do. Do.

without prejudice to CIG refiling said tariff sheets in accordance with the notice requirements of Section 154.22 of the Commission's Regulations. CIG's remaining tariff sheets incorporating the GRI surcharge are hereby deemed withdrawn and are of no force and effect.

(C) The Commission hereby accepts El Paso's substitute rate sheet (Substitute 4th Revised Sheet No. 1-D.2) which replaces its originally filed rate sheet (Substitute 3rd Revised Sheet No. 1-D.2).

(D) The rates contained in Columbia's 43rd Revised Sheet No. 16 are accepted for filing subject to Columbia refiling a revised rate sheet which reflects those underlying rates which are in effect on the proposed effective date of June 1, 1978.

(E) Northwest's R.D. & D. clause is hereby rejected without prejudice to Northwest refiling an R.D. & D. clause which does not contain a carrying charge provision.

(F) Northern's proposal for deferred billing of GRI payments is hereby accepted subject to the condition that Northern shall file, within 30 days of the issuance of this order, a revised tariff incorporating this proposal.

(G) The petitioners to intervene listed in Appendix B to this order shall be permitted to intervene in this proceeding subject to the Commission's rules and regulations; *Provided, however*, That the participation of the intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene; and *Provided, further*, That the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

APPENDIX A.—GRI filings—Continued

Company	Volume No.	Sheet Nos.	Filed	Proposed effective
El Paso Natural Gas Co. ²	Original vol. No. 1	2d substitute 21st revised sheet No. 3-B.....do.....	Do.	Do.
		2d revised sheet No. 68.....do.....	Do.	Do.
		Original sheet Nos. 68-A and 68-B.....do.....	Do.	Do.
	3d revised vol. No. 2	2d substitute 11th revised sheet No. 1-D.....do.....	Do.	Do.
		Substitute 3d revised sheet No. 1-D.2.....do.....	Do.	Do.
	Original vol. No. 2-A	2d substitute 13th revised sheet No. 1-C.....do.....	Do.	Do.
		1st substitute 10th revised sheet No. 1-D.....do.....	Do.	Do.
Florida Gas Transmission Co.	Original vol. No. 1	17th revised sheet No. 3-A.....Apr. 3, 1978.....	Do.	Do.
		1st revised sheet No. 22-M.....do.....	Do.	Do.
		Original sheet No. 22-N.....do.....	Do.	Do.
Great Lakes Gas Transmission Co.	1st revised vol. No. 1	Original sheet No. 56A.....Apr. 6, 1978.....	Do.	Do.
		27th revised sheet No. 57.....do.....	Do.	Do.
Kansas-Nebraska Natural Gas Co., Inc.	Original vol. No. 2	2d revised sheet No. 123.....do.....	Do.	Do.
	3d revised vol. No. 1	4th revised sheet No. 4.....Apr. 11, 1978.....	Do.	Do.
		1st revised sheet No. 27.....do.....	Do.	Do.
		Original sheet No. 27A.....do.....	Do.	Do.
Kentucky West Virginia Gas Co.	1st revised vol. No. 1	5th revised sheet No. 4.....Apr. 17, 1978.....	Do.	Do.
		1st revised sheet Nos. 8, 10, 28 (original sheet Nos. 29-37 reserved for future use).....Apr. 24, 1978.....	Do.	Do.
Michigan Wisconsin Pipe Line Co.	2d revised vol. No. 1	1st revised sheet No. 38.....do.....	Do.	Do.
		8th revised sheet No. 1.....Apr. 6, 1978.....	Do.	Do.
		1st revised sheet No. 27E (iii) original sheet No. 27E (iv) 20th revised sheet No. 27F.....do.....	Do.	Do.
Midwestern Gas Transmission Co.	3d revised vol. No. 1	22d revised sheet No. 5.....do.....	Do.	Do.
		5th revised sheet No. 5A.....do.....	Do.	Do.
		2d revised sheet No. 43.....do.....	Do.	Do.
		1st revised sheet No. 95G.....do.....	Do.	Do.
		Original sheet No. 95H.....do.....	Do.	Do.
Mississippi River Transmission Corp.	Original vol. No. 2	1st revised sheet Nos. 52 and 62K.....do.....	Do.	Do.
	1st revised vol. No. 1	Original sheet No. 3C.....Apr. 10, 1978.....	Do.	Do.
		Original sheet No. 27L.....do.....	Do.	Do.
National Fuel Gas Supply Corp.	Original vol. No. 1	17th revised sheet No. 4.....Apr. 7, 1978.....	Do.	Do.
		1st revised sheet No. 36A.....do.....	Do.	Do.
		2d revised sheet No. 37.....do.....	Do.	Do.
Natural Gas Pipeline Co. of America	3d revised vol. No. 1	Original sheet No. 37A.....do.....	Do.	Do.
		31th revised sheet No. 5.....Apr. 6, 1978.....	Do.	Do.
		9th revised sheet No. 5A.....do.....	Do.	Do.
		Original sheet No. 5B.....do.....	Do.	Do.
		Original sheet No. 145.....Apr. 18, 1978.....	Do.	Do.
		Original sheet No. 146.....Apr. 6, 1978.....	Do.	Do.
		1st revised sheet Nos. 140-142.....Apr. 18, 1978.....	Do.	Do.
Northern Natural Gas Co.	do	2d revised sheet Nos. 71 and 72.....Apr. 17, 1978.....	Do.	Do.
	Original vol. No. 2	1st revised sheet No. 11.....do.....	Do.	Do.
		Original sheet No. 1j.....do.....	Do.	Do.
Northwest Pipeline Co.	Original vol. No. 1	Original sheet Nos. 61-63.....Apr. 6, 1978.....	Do.	Do.
Pacific Gas Transmission Co.	do	1st Revised sheet Nos. 10 and 16.....Apr. 7, 1978.....	Do.	Do.
Panhandle Eastern Pipe Line Co.	do	Original sheet No. 27A.....do.....	Do.	Do.
		23d revised sheet No. 3-A.....Apr. 6, 1978.....	Do.	Do.
		Original sheet No. 3-B.....do.....	Do.	Do.
		Original sheet No. 53-5.....do.....	Do.	Do.
Southern Natural Gas Co.	6th revised sheet No. 1	29th revised sheet No. 4A, 1st revised sheet No. 45H, original sheet Nos. 45I and 45J.....do.....	Do.	Do.
Tennessee Gas Pipeline Co.	9th revised vol. No. 1	21st revised sheet Nos. 12A and 12B.....do.....	Do.	Do.
		2d revised sheet No. 213L.....do.....	Do.	Do.
		1st revised sheet No. 2130.....do.....	Do.	Do.
		Original sheet Nos. 213P and 213Q.....do.....	Do.	Do.
Texas Eastern Transmission Corp.	6th revised vol. No. 2	1st revised sheet No. 267K.....do.....	Do.	Do.
	4th revised vol. No. 1	Revised 40th revised sheet No. 14.....do.....	Do.	Do.
		1st revised sheet No. 116.....do.....	Do.	Do.
		Original sheet No. 117 (sheet Nos. 118-141 reserved for future use).....do.....	Do.	Do.
Texas Gas Transmission Corp.	3d revised vol. No. 1	23d revised sheet No. 7.....Apr. 3, 1978.....	Do.	Do.
		Original sheet No. 107 (sheet Nos. 108-125 reserved for future use).....do.....	Do.	Do.
Transcontinental Gas Pipe Line Corp.	2d revised vol. No. 1	6th revised sheet No. 12.....Apr. 6, 1978.....	Do.	Do.
		5th revised sheet No. 15.....do.....	Do.	Do.
		Original sheet Nos. 252 and 253 (sheet Nos. 254-299 reserved for future use).....do.....	Do.	Do.
	Original vol. No. 2	14th revised sheet No. 121.....do.....	Do.	Do.
		3d revised sheet Nos. 637 and 670.....do.....	Do.	Do.
		2d revised sheet No. 745.....do.....	Do.	Do.
		1st revised sheet No. 912.....do.....	Do.	Do.
		3d revised sheet No. 996.....do.....	Do.	Do.
		3d revised sheet No. 1028.....do.....	Do.	Do.
		1st revised sheet Nos. 1268-A, 1282-A, 1294-A, 1397, 1404, and 1411.....do.....	Do.	Do.
Transwestern Pipeline Co.	2d revised vol. No. 1	Revised 9th revised sheet No. 5.....do.....	Do.	Do.
		1st revised sheet No. 79.....do.....	Do.	Do.
		Original sheet No. 80.....do.....	Do.	Do.
		1st revised sheet Nos. 81-104 (reserved for future use).....do.....	Do.	Do.
Trunkline Gas Co.	Original vol. No. 1	22d revised sheet No. 3-A.....do.....	Do.	Do.
		Original sheet Nos. 21-K and 21-L.....do.....	Do.	Do.
United Gas Pipe Line Co.	1st revised vol. No. 1	43d revised sheet No. 4.....do.....	Do.	Do.
		Original sheet Nos. 74J and 74-K.....do.....	Do.	Do.
	Original vol. No. 2	7th revised sheet No. 187.....do.....	Do.	Do.
		1st revised sheet Nos. 397, 401, and 407.....do.....	Do.	Do.
		4th revised sheet No. 448.....do.....	Do.	Do.
		1st revised sheet No. 909.....do.....	Do.	Do.
		2d revised sheet No. 957.....do.....	Do.	Do.

APPENDIX A.—GRI filings—Continued

Company	Volume No.	Sheet Nos.	Filed	Proposed effective
Algonquin Gas Transmission Co.	1st revised vol. No. 1	40th revised sheet No. 10.....May 1, 1978.....	Do.	Do.
		4th revised sheet No. 10-A.....do.....	Do.	Do.
Consolidated Gas Supply Corp.	3d revised vol. No. 1	3d revised sheet No. 16.....Apr. 27, 1978.....	Do.	Do.
El Paso Natural Gas Co.	3d revised vol. No. 2	Substitute 4th revised sheet No. 1-D.2.....May 1, 1978.....	Do.	Do.

¹ See page 7 for rate sheet.² See page 7 for substitute rate sheet.³ This sheet was improperly numbered and was replaced by 5th revised sheet No. 4.

APPENDIX B.—Petitions to intervene at docket No. RM77-14 (GRI)

Intervenor and Pipeline Supplier

Cascade Natural Gas Corp.—Northwest Pipeline Corp.
Southern California Gas Co.—El Paso Natural Gas Co.
Southern California Gas Co. and Pacific Lighting Service Co.—Transwestern Pipeline Co.
Atlanta Gas Light Co.—Southern Natural Gas Co.
Iowa State Commerce Commission—Michigan Wisconsin Pipe Line Co.
Iowa State Commerce Commission—Natural Gas Pipeline Co. of America
Northern States Power Co. (Minnesota) and Northern States Power Co. (Wisconsin)—Midwestern Gas Transmission Co.
State of Louisiana—United Gas Pipe Line Co.
Wisconsin Gas Co.—Michigan Wisconsin Pipe Line Co.
Wisconsin Natural Gas Co.—Michigan Wisconsin Pipe Line Co.

[FR Doc. 78-15836 Filed 6-8-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

ISSUANCE OF DECISIONS AND ORDERS BY THE OFFICE OF ADMINISTRATIVE REVIEW

Week of March 20 through March 24, 1978

Notice is hereby given that during the week of March 20 through March 24, 1978, the Decisions and Orders summarized below were issued with respect to Appeals and Applications for Exception or other relief filed with the Office of Administrative Review of the Economic Regulatory Administration of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Administrative Review and the basis for the dismissal.

APPEALS

Atlantic Richfield Co., Los Angeles, Calif., DFA-0151, Freedom of Information

The Atlantic Richfield Co. (Arco) appealed from a partial denial by the DOE Information Access Officer of a Request for Information which the firm had submitted under the Freedom of Information Act (the Act). Arco had originally sought the disclosure of certain documents relating to the DOE Transfer Pricing Program (10 CFR 212.84). On September 27, 1977, the Information Access Officer released portions of the information requested, including portions of a computer printout listing summaries of the price and volume of transactions in various crude oils which had been reported to the DOE. However, the Information Access Officer withheld the portions of the printout which listed the aggregate quantities and average prices for crude oils in months when three or fewer firms participated in the transaction. In an Appeal

Decision which it issued on December 7, 1977, the DOE determined that certain portions of the printout which had previously been withheld should be released to Arco. Atlantic Richfield Company, 1 DOE Par. 80,139 (December 7, 1977). Pursuant to that determination, the Information Access Officer on January 17, 1978 released the deleted portions of the printout which involved transactions among three or more firms. In its Appeal of the January 17 Order, Arco sought the release of the remainder of the withheld portions of the printout. In considering Arco's Appeal, the DOE determined that the firm had not presented any arguments in support of its claim which were different from those presented in its first Appeal, and had merely reiterated the contentions which were previously considered and ultimately rejected by the DOE. The DOE therefore denied the Appeal.

Diversified Chemicals and Propellants Co., Oak Brook, Ill., FIA-1370, propane and butane

Diversified Chemicals and Propellants Co. (Diversified) appealed from an Interpretation which was issued to it by the Regional Counsel of FEA Region VI. Interpretation 1976-24, 42 FR 10963 (1977). In the Interpretation, the Regional Counsel held that the propane and butane that Diversified sells for use as aerosol propellant were "covered products" as defined by § 212.31 and that as a consequence sales of those products were subject to the provisions of the Mandatory Petroleum Price Regulations. On appeal, Diversified argued that Congress did not intend in the Emergency Petroleum Allocation Act of 1973 (EPAA) to authorize the regulation of petroleum products that are not used as fuels. In considering this argument, the DOE pointed out that the EPAA contains no such limitation on its scope, and that in fact it specifically refers to the regulation of several non-fuel petroleum products such as refined lubricating oils and petrochemical feedstocks such as propane and naphtha. The DOE observed that the shortages of crude oil and refined petroleum products which led Congress to enact the EPAA affected the markets for non-fuel petroleum products to no less an extent than it did the markets for petroleum products which are used as fuels, and that the objectives of the EPAA could not therefore have been fully attained without the regulation of all refined petroleum products without regard to their end use. In addressing the arguments raised by other parties to the Appeal proceedings, the DOE found no merit in the contention that an earlier regulatory definition of the term "covered products" excluded hydrocarbon aerosol propellants. Finally, the DOE held that since the Interpretation merely explained and applied a regulation already in existence, its issuance did not constitute a retroactive rulemaking, nor was it a "major federal action" as that term is defined in the National Environmental Policy Act of 1969, which would have required the preparation of an Environmental Impact Statement. The Diversified Appeal was therefore denied.

Coastal States Gas Corp., Houston, Tex., FXA-1346, natural gas liquid products

The Coastal States Gas Corp. (Coastal States) filed an Appeal from a Decision and Order which was issued to it by the FEA on May 13, 1977. In the May 13 Order, which involved eight separate natural gas processing plants that are owned or operated by Coastal States, the FEA approved exception relief which permitted the firm to increase the prices which it charges for the natural gas liquids or products processed at those plants during the last six months of 1977 above the levels established under the provisions of 10 CFR 212.165. In its Appeal, Coastal States contended that the May 13 Decision erred in using the figure \$.00375 as the permissible non-product cost increase passthrough for its Alameda fractionator plant. Coastal States pointed out that the feedstocks processed at the Alameda facility consist of natural gas liquids which have previously been extracted by other gas plant operators, and that the firms which initially extracted the liquids are entitled to the \$.00375 per gallon passthrough specified in § 212.165. Since the maximum passthrough for natural gas liquid products in Section 212.165 is \$.005 per gallon, Coastal States contended that the proper passthrough for the Alameda fractionation operation should not exceed \$.005 minus \$.00375, or \$.00125 per gallon. In considering the Appeal, the DOE determined that Coastal States' position was correct, and that under § 212.165, the maximum amount which the firm may add to its natural gas liquid product prices to reflect non-product cost increases at the Alameda fractionator is limited to \$.00125 per gallon. The Appeal was therefore granted.

Florida Gas Co., Winter Park, Fla., FXA-1459, natural gas liquid products

The Florida Gas Co. (FGC) filed an Appeal from a Decision and Order which was issued to the firm by the EEA on August 3, 1977. The August 3 Decision denied an Application for Exception filed by FGC from the provisions of 10 CFR, Part 212, Subpart K, in which the firm requested relief to increase the sale prices of products from its natural gas liquid processing plant located in Brooker, Fla. FGC had received an Order from the Federal Power Commission (FPC) curtailing its use of natural gas as a plant fuel at the Brooker plant effective February 18, 1978, and claimed that it must undertake a substantial capital investment project to convert the Brooker plant to utilize diesel fuel as a substitute plant fuel. In denying FGC's exception request, the August 3 Order noted that FGC's cost of diesel plant fuel would be a non-product cost and the § 212.165 permits a processor of natural gas liquid products to increase its prices to recover certain non-product cost increases. The Order also noted that under Superior Oil Co., 2 FEA Par. 83,271 (August 29, 1975) a natural gas processor whose actual non-product cost increases exceed the passthrough limitations specified in Section 212.165 may seek a full passthrough of the actual increase.

In its Appeal, FGC claimed that the delay in cost recovery which is inherent in the Superior line of cases would result in its Brooker plant incurring financial losses, or only marginal profits during 1978. As a result, FGC contended that it did not have any economic incentive to make the necessary plant conversion. In considering the Appeal, the DOE noted that the Superior principles should not be rigidly applied if their application would not alleviate or prevent a hardship or inequity to the firm. In addition, the DOE found that FGC had convincingly demonstrated that the Brooker plant could incur financial losses if the firm was required to wait nine to twelve months to recover the higher diesel fuel costs which would be incurred immediately upon converting the Brooker plant. The DOE concluded that this situation resulted in a gross inequity warranting additional exception relief. Accordingly, the Appeal was granted.

Gulf Oil Corp., Houston, Tex., FRA-1423, motor gasoline

The Gulf Oil Corp. filed an Appeal from a Remedial Order which was issued to the firm by FEA Region III on July 22, 1977. The July 22 Order constituted the second modification of an earlier Remedial Order in which the FEA had found that between August 20, 1973 and the date of that Order, Gulf had been charging Anthony Weber a rental for a retail gasoline station located in Plymouth, Mich. which exceeded the maximum rental which Gulf was permitted to charge under the Economic Stabilization Program and the Mandatory Petroleum Price Regulations. Since the Temporary Emergency Court of Appeals (TECA) had determined on November 11, 1975 that the rent regulations promulgated by the FEA were beyond the scope of the agency's authority after April 30, 1974, the first Remedial Order had previously been modified to reduce the period in which Gulf was found to have overcharged Weber to the period from August 20, 1973 to April 30, 1974. The second modified Remedial Order, permitted Gulf to offset the additional rent which it could have charged Weber between November 11, 1975, the effective date of FEA's rescission of the rent regulations, and December 7, 1975, the date on which Weber vacated the leased premises. In its Appeal, Gulf contended that the TECA decision should be given retroactive effect and that the firm should therefore be permitted an additional offset for the rent it could have charged from April 30, 1974 through November 11, 1975. In considering the Appeal, the DOE observed that it had previously fully considered and rejected Gulf's assertion that the TECA decision should be given retroactive effect. Since TECA was silent on the question of retroactivity, the DOE concluded that equitable considerations should govern the issue of whether that decision should be given retroactive effect. Since the retroactive application of the court decision would result in financial hardship to many small gasoline retailers, the DOE determined that the decision should be implemented on a prospective basis only. The DOE also found that Gulf's claim that it had never been properly informed of the method utilized by the FEA in calculating the overcharges was incorrect. In addition, the DOE rejected the firm's contention that the agency was estopped from using any other method of calculating the overcharges than one which Gulf had suggested at an earlier stage of the enforcement proceedings. On the basis of these findings, the DOE denied Gulf's Appeal.

Louisiana Land and Exploration Co., Washington, D.C., FEA-1376, crude oil

Louisiana Land and Exploration Co. (LL&E) filed an Appeal from a Decision and Order which the FEA issued to the firm on May 27, 1977. *Louisiana Land and Exploration Company*, 5 FEA Par. 83.165 (May 27, 1977). In a number of prior Decisions the FEA found that the provisions of the 10 CFR 211.63(b)(1) (January 1 Rule) which required LL&E to sell all of its Jay Field crude oil to Exxon Co., U.S.A., severely hampered the firm's ability to operate a refinery which it maintains in Mobile, Ala. The FEA therefore granted LL&E exception relief from the provisions of the January 1 rule to permit the firm to retain volumes of Jay Field crude oil to operate the Mobile refinery at 87.25 percent of its certified capacity. The May 27 Decision reduced LL&E's exception relief by an amount equal to the volume of crude oil which the firm obtained through exchange agreements. LL&E's Appeal, if granted, would have restored LL&E's exception relief to the level previously granted to the firm. In considering the Appeal, the DOE noted that the May 27 Decision was designed to give proper recognition to the interests of other parties affected by the exception relief granted to LL&E. However, the DOE found that this had created a situation which was contrary to a number of the expressed objectives of the Emergency Petroleum Allocation Act (EPA). For example, under the terms of the May 27 Decision the LL&E had no incentive to attempt to obtain volumes of additional crude oil for use in the Mobile refinery. Under these circumstances, the DOE concluded that the provisions of the May 27 Decision which reduced LL&E's exception relief on a barrel-for-barrel basis for any additional crude oil which the firm obtained, resulted in a gross inequity. The May 27 Decision was therefore modified to restore LL&E's exception relief to the level previously granted to the firm and the Appeal was granted.

Mullins & Prichard, New Orleans, La., FRA-1342, crude oil

Mullins & Prichard (Mullins) filed an Appeal from a Remedial Order which the Deputy Regional Administrator of FEA Region VI issued to the firm on May 9, 1977. In the Remedial Order, the Regional Office determined that Mullins had improperly treated two separate wells on the Myers lease as two separate properties and as a result had sold crude oil produced from the wells at unlawful price levels. On the basis of these findings, Mullins was directed to refund the overcharges which it had obtained. In its Appeal submission, Mullins contended that each well constituted a separate property since each well was subject to different drilling obligations and each well produced crude oil from a separate reservoir. In considering the Appeal, the DOE found that the two wells were subject to the same oil and gas lease and the different operating rights of each well did not arise out of the lease instrument itself. The DOE therefore determined that the two wells were subject to the same "right to produce" crude oil as that term is used in Ruling 1977-1 and as a result constituted a single property under the applicable regulatory provisions. The DOE also determined that the Regional Office was correct in finding that the separate reservoirs from which the wells produce crude oil do not qualify for treatment as separate properties on a retroactive basis under the criteria established in

Ruling 1977-1. Accordingly, the Mullins Appeal was denied.

Pioneer Operations Co., Inc., Seminole, Okla., DRA-0039, crude oil

Pioneer Operations Co., Inc. appealed from a Remedial Order which DOE Region VII issued to the firm on November 11, 1977. In the Remedial Order, DOE Region VII found that Pioneer had improperly classified the Ben Rein and Flegler leases as stripper well properties and thereby sold the crude oil produced from the leases at prices which were in excess of those permitted by the Mandatory Petroleum Price Regulations. In its Appeal, Pioneer contended that although under the express terms of Ruling 1975-12 the Ben Rein No. 5 and Flegler No. 4 wells did not qualify as multiple completion wells, the Ruling itself was arbitrary and capricious and therefore invalid. Pioneer stated that if the two wells qualify as multiple completion wells, the leases would also qualify as stripper well properties during the entire audit covered by the Remedial Order. In considering the Pioneer Appeal, the DOE noted that Ruling 1975-12 did not limit the definition of a stripper well lease, but in fact broadened that definition by including certain multiple completion wells. The DOE also determined that Pioneer's failure to meet the definitional requirements for classification as multiple completion well does not in and of itself render the FEA's application of Ruling 1975-12 to the firm arbitrary and capricious. Accordingly, Pioneer's Appeal was denied.

R. V. Whitmer Thermogas Co., Wauseon, Ohio, FEA-1360, propane

The R.V. Whitmer Thermogas Co., Inc. filed an Appeal from a Decision and Order which was issued by the FEA on April 29, 1977. In that Decision the FEA denied Whitmer's request for exception relief which would permit the firm increase the prices which it may currently charge on its sales of propane above the maximum levels permitted by the provisions of 10 CFR 212.93, and retain the revenues which it might have realized during the period subsequent to November 1, 1973 as a result of charging unlawful prices for propane. In its Appeal, Whitmer argued that the April 29 Decision was erroneous and maintained that its gross margin on sales of propane on May 15, 1973 was unrepresentative of its normal operations and insufficient to enable it to realize a profit. The firm also argued that it was operating at a loss on May 15, 1973 and that this fact alone should demonstrate that an unusual event occurred during the base period which seriously distorted the intended use of that period for measurement purposes. In evaluating the Whitmer Appeal, the DOE found that the data submitted by the firm failed to substantiate its claim that its gross margin on May 15, 1973 was unusually low or unrepresentative. The DOE also noted that although Whitmer claimed that it had incurred a loss in May 1973, this loss was the apparent result of the particular method of cost allocation adopted by the firm. In addition, the DOE found that Whitmer would have operated on a profitable basis even if it had not received any overcharge revenues. In view of these findings, the DOE found that Whitmer had not demonstrated that the prior Decision and Order denying exception relief was erroneous. Accordingly, the Whitmer Appeal was denied.

REQUESTS FOR EXCEPTION

Fords Brook, Inc., Bolivar, N.Y., FEE-4834, crude oil

Fords Brook, Inc. (Fords Brook) filed an Application for Exception from the provisions of 10 CFR, part 212, Subpart D which, if granted, would permit the firm to sell at market price levels the crude oil from a well which it intends to recomplete on the Petre property located in Allegheny County, N.Y. In considering the Fords Brook application, the DOE found that a substantial expenditure is necessary to recomplete the well and purchase the equipment which is necessary to commence operations at the lease. The DOE further determined that the crude oil production estimates provided by the firm indicate that the investment would be uneconomic if the crude oil which will be produced from the property prior to its qualification as a stripper well were to be sold at upper tier ceiling prices. Moreover, the DOE determined that approximately 600 barrels of crude oil could be recovered to meet the nation's energy resource requirements if the well is recompleted. The DOE therefore determined that exception relief should be granted to Fords Brook which would provide it with a sufficient economic incentive to undertake the capital investment project at the Petre property.

Hanover Management Co., Dallas, Tex., DEX-0099, crude oil

The Hanover Management Co. (Hanover) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in the extension of the exception relief previously granted to the firm and would thereby permit Hanover to continue to sell the crude oil produced from the Fruin "A" No. 1 Well for the benefit of the working interest owners at upper tier ceiling prices. *Hanover Management Company*, 6 FEA Par. 83.006 (June 14, 1977). In considering the request, the DOE determined that Hanover was continuing to experience increased operating costs in connection with the well and that in the absence of a continuation of exception relief the working interest owners would lack an economic incentive to maintain their crude oil production activities. The DOE also determined that the operating results of the first fiscal quarter of 1973 were most representative of the firm's normal operating experience, and consequently should be utilized for purposes of calculating the proper amount of exception relief to which the firm is entitled. In view of these considerations and on the basis of recent operating data which the firm provided, Hanover was permitted to sell at upper tier ceiling prices 97.28 percent of the crude oil produced from the Fruin well for the benefit of the working interest owners.

Hunt Industries, Dallas, Tex., FFE-4512, natural gas liquids

Hunt Industries filed an Application for Exception from the provisions of 10 CFR 212.165. The exception request, if granted, would permit Hunt to increase its selling prices for the natural gas liquids produced from the Zoller plant to reflect nonproduct cost increases in excess of the passthrough permitted under the provisions of § 212.165. On September 22, 1977, the FEA issued a Proposed Decision and Order to Hunt which determined that Hunt's Application for Exception be granted. In that Proposed Decision, the FEA calculated Hunt's current

nonproduct costs per unit on the basis of production data from the fourth quarter of 1976 and the second quarter of 1977, and expense data from the first and second quarters of 1977. The FEA excluded production data from the first quarter of 1977 because the Zoller plant was shut down for 53 days during that quarter. On October 25, 1977, Hunt filed a Statement of Objections to the Proposed Decision and Order in which it contended that since the FEA excluded production data for the first quarter of 1977, the agency should also have excluded the cost data for that period. In considering the Statement of Objections, the DOE determined that the data used to calculate Hunt's exception relief was representative of normal operations at the Zoller plant, and that Hunt had not presented any material to demonstrate that the criteria which were employed were arbitrary or capricious, or that the factual findings of the Proposed Decision were in any way erroneous. In view of these considerations, the DOE concluded that the Proposed Decision and Order should be issued in final form.

Southland Royalty Co., Fort Worth, Tex., DEE-0450, crude oil

Southland Royalty Co. (Southland) filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit Southland to sell the crude oil produced from the Aztec Totah Unit (the Aztec Unit) located in San Juan County, N. Mex., at exempt price levels. In considering the exception request, the DOE found that Southland's operating costs had increased to the point where the firm no longer had an economic incentive to continue the production of crude oil from the Aztec Unit. The DOE also determined that if Southland abandoned its operations at the Aztec Unit, a substantial quantity of domestic crude oil would not be recovered. On the basis of criteria applied in previous Decisions, the DOE determined that Southland should be permitted to sell at upper tier ceiling prices 63.46 of the crude oil produced from the Aztec Unit for the benefit of the working interest owners during the six month period, March 1, 1978 through August 31, 1978.

REQUEST FOR STAY

Lunday-Thagard Oil Co., South Gate, Calif., DES-0046, crude oil

Lunday-Thagard Oil Co. filed an Application for Stay in which the firm requested that it be relieved of all entitlement purchase obligations which would otherwise be imposed on the firm prior to the issuance of a final Decision and Order on an Application for Exception which it filed on October 20, 1977. A Proposed Decision and Order was issued with respect to the firm's Application for Exception on December 20, 1977 and Lunday-Thagard filed a Statement of Objections to the Proposed Decision. In considering the stay request, the DOE noted that although the firm's January entitlement obligation was expected to be at an unusually high level, the firm will be able to recover in subsequent months most of the funds required to satisfy that obligation. The DOE therefore concluded that the firm had not demonstrated a likelihood of success on the merits of its Statement of Objections. The DOE also found that the data submitted in connection with the Application for Stay did not indicate that the firm would experience an irreparable injury in

the event that the stay relief is denied. Accordingly, Lunday-Thagard's request for stay was denied.

Supplemental Orders

Bassett Oil and Equipment Co., Inc., Bassett, Va., DRX-0052, Kerosene and No. 2 Fuel Oil

On March 1, 1978, Bassett Oil and Equipment Co., Inc. (Bassett) filed an Appeal from a revised Remedial Order which was issued to the firm by the Director of Enforcement of DOE Region III on January 18, 1978. That Remedial Order was first issued to Bassett on April 13, 1977. In an August 3, 1977 Appeal Decision, *Bassett Oil and Equipment Co., Inc.*, 6 FEA Par. 80.529 (August 3, 1977), the FEA found that the April 13 Remedial Order did not sufficiently explain certain aspects of the calculation of Bassett's increased product costs. On the basis of this finding, the Remedial Order was remanded to the Region III Office for a more precise calculation of the firm's refund obligation. As directed by the August 3 Decision, a revised Remedial Order was issued to Bassett on January 18, 1978. As part of its Appeal from the January 18 revised Remedial Order, Bassett made a number of procedural requests relating to the consideration of the present Appeal. For example, Bassett requested that the Office of Administrative Review treat the revised Remedial Order as if it were a Proposed Remedial Order which had been issued pursuant to the interim procedural regulations which were issued by the DOE on January 6, 1978. In considering this request, the DOE observed that all issues relating to Bassett's liability for overcharges were fully adjudicated in the August 3 Decision and Order which was issued in response to the Bassett Appeal, and the scope of the issues which would be considered on remand was limited to a reconsideration of the amount of the overcharge. Therefore, unlike a Proposed Remedial Order which is issued for the first time, a full administrative review of all of the issues raised in the enforcement proceeding had already taken place. Under these circumstances, the DOE determined that the procedures which governed Appeals of Remedial Orders which were filed prior to November 15, 1977 are applicable to the present Bassett Appeal. Bassett also contends that even if the new administrative procedures are not applicable in this case, the DOE should convene an evidentiary hearing in this matter and provide the firm with an opportunity for discovery. In considering this aspect of the Bassett submission, the DOE observed that Bassett had failed to make the type of showing which would lead to the conclusion that an evidentiary hearing should be convened or discovery permitted in this matter. Finally, the DOE determined that its consideration of the present Bassett Appeal will be limited in scope to those issues relating to the remand and subsequent reissuance of the April 13 Remedial Order.

Charter Oil Co., Jacksonville, Fla., DEX-0043, Crude Oil

On March 20, 1978, the DOE issued a Decision and Order to Charter Oil Co. staying that firm's obligation to purchase entitlements to the extent of the exception relief specified in a Proposed Decision and Order which was also issued to the firm on March 20, 1978.

Commonwealth Oil Refining Co., Inc., Washington, D.C., DEX-0047, Crude Oil

On April 14, 1977, the DOE issued a Decision and Order to Commonwealth Oil Refining Co., Inc. (Corco), which granted in part an Application for Exception which Corco had filed from the provisions of 10 CFR 211.67. *Commonwealth Oil Refining Co., Inc.*, 5 FEA Par. 83,132 (April 14, 1977). The relief which was approved resulted in an increase in the number of entitlements which the firm receives and is permitted to sell. However, the factual situation in the Corco case changed significantly since the issuance of the April 14 Order. On March 2, 1978, Corco filed a petition for protection under Chapter 11 of the federal bankruptcy laws with the United States District Court in San Antonio, Tex. Furthermore, on several occasions Corco's bank deposits, which would otherwise have been available to defray current operating costs, were set off by Corco's creditors in payment for loan obligations incurred by the firm in the past. Since the exception relief granted in the April 14 Order was intended by the FEA to be applied to Corco's operating expenses, certain procedures were adopted on an interim basis in order to ensure that the exception relief is being utilized for this purpose.

Little America Refining Co., Washington, D.C., DEX-0048 Crude Oil

On March 20, 1978, the DOE issued a Decision and Order to the Little America Refining Co. stating that firm's obligation to purchase entitlements to the extent of the exception relief specified in a Proposed Decision and Order which was also issued to the firm on March 20, 1978.

Little America Refining Co., Washington, D.C., DEX-0049 Crude Oil

On September 19, 1977 the FEA issued a Proposed Decision and Order to the Little America Refining Co. in which it expressed a preliminary determination to grant in part an Application for Exception which had submitted from the provisions of 10 CFR 211.67 (the Entitlements Program). On October 18, 1977 the DOE issued a Decision and Order stating that firm's obligation to purchase entitlements to the extent specified in the September 19 Proposed Decision and Order. Although Larco filed a Statement of Objections to the September 19 Proposed Decision, no final determination had as yet been issued with respect to LARCO's entitlement purchase obligations for the September 1977 through February 1978 period. However, under the specific terms of the October 18 Stay Order, LARCO would continue to receive stay relief in the amount specified in that order even though the six month exception relief period specified in the Proposed Decision and Order had expired. Accordingly, the October 18 Stay Order was amended to state that the stay relief was applicable only to the six month period September 1977 through February 1978.

Summary Decisions

The following firm filed an Application for Stay of Remedial Order which had been issued by the DOE. In considering the stay request, the DOE referred to a recent Decision in *Rickelson Oil and Gas Co.*, 6 FEA Par. 85,029 (August 24, 1977), in which it held that a Remedial Order will generally be stayed pending the determination of an Appeal unless it appeared that the public interest required immediate compliance with the Remedial Order. Since the record

in this case did not indicate that the public interest required immediate compliance with the Remedial Order, the DOE granted the request for stay pending the determination of the Appeal:

Mike Kahn, Seminole, Okla., DRS-0126

Dismissals

The following submission was dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Dynamic Exploration, Inc., Lafayette, La., DEE-0393

The following request for intervention was dismissed on the grounds that the applicant was not an aggrieved party:

Blue Flame Gas Corp., Fort Wayne, Ind., DEZ-0147

The following submission was dismissed after the applicant repeatedly failed to respond to requests for additional information:

Sentry Refining, Inc., Washington, D.C., FEA-1371

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.d.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

MELVIN GOLDSTEIN,

Director,

Office of Hearings and Appeals.

JUNE 2, 1978.

[FR Doc. 78-15988 Filed 6-8-78; 8:45 am]

[3128-01]

Economic Regulatory Administration

CENTRAL VALLEY PROJECT

Order Denying Request for Reconsideration of ERA's Order Establishing Interim Rates

Notice is hereby given that the Assistant Administrator for Utility Systems, Economic Regulatory Administration has issued the Order published below denying a request for reconsideration and modification of the Order Establishing Interim Rates for the Central Valley Project, Western Area Power Administration, issued March 20, 1978.

UNITED STATES OF AMERICA, DEPARTMENT OF ENERGY

ECONOMIC REGULATORY ADMINISTRATION

ORDER

[ERA Docket No. WAPA 78-1]

By letter dated April 20, 1978 the irrigation customers of the Central Valley Project requested the Economic Regulatory Administration (ERA) to reconsider and to modify

its "Order Establishing Interim Rates" (Order) to grant the irrigation customers a preferential rate. The letter of the irrigation customers indicates that it was served upon all parties to the proceeding.

The Order established for a one year period an interim rate for all Central Valley Project (CVP) customers which consisted of a \$2/kW/mo demand charge and a 4.2 mills/kWh energy charge. The Order reflects ERA's belief that until the customers are afforded a reasonable opportunity to comment on a proposed final rate structure it would not be appropriate to decide or pre-judge any issues relevant thereto.

In its letter the irrigation customers argue that contrary to the intention of the interim rate Order, the establishment of an identical interim power rate for all CVP customers prejudices and rejects the position of the irrigation customers that they are entitled to a 2.5 mill pumping rate. ERA rejects that argument and believes that the Order is clear on this point. The Assistant Secretary for Resource Applications (Assistant Secretary) is directed by the Order "to fully address, in its final proposed rate, the appropriateness of the Alternative A and Alternative B rates, and other rates that may be considered prior to the submission of the proposed final rate." [Emphasis added.] ERA considers that the rate suggested by the irrigation districts to be an example of such "other rates."

Moreover, the rate structure suggested by the irrigation customers would require a fundamental change in the Western Area Power Administration's pricing policies because at the present time only federally owned irrigation pumping facilities are entitled to a special project rate for irrigation pumping. The irrigation pumping facilities involved in this proceeding are not federally owned. It is ERA's understanding that the Assistant Secretary is studying the question of irrigation pumping rates for federally and non-federally owned facilities in preparation for developing proposed final rates in the CVP proceeding. ERA believes that it would be inappropriate for ERA to pre-judge this issue until the Assistant Secretary has made his final recommendation as to the proper rate structure for CVP.

Therefore, ERA will not, at this time, consider the substantive arguments set forth by the irrigation customers or any other customers regarding an appropriate CVP rate structure. The structure of a final rate adjustment is a matter which should properly be developed during the supplemental comment proceedings being conducted by the Assistant Secretary. ERA expects that when the Assistant Secretary proposes a final rate he will address the contentions of all of the interested parties regarding a proper final rate structure.

As stated in the Order, if it is ultimately determined that the irrigation customers or any other customer should be charged a rate lower than that established by the interim rate Order, a refund of the over charges plus simple interest at the rate of 7 percent per annum will be made. ERA believes that this procedure protects the rights of all CVP customers and does not pre-judge any issues.

For the foregoing reasons the request for reconsideration and modification of the Order Establishing Interim Rates is denied.

The Order was issued March 20, 1978 and is published at 43 FR 12361-63 (March 24, 1978).

Issued in Washington, D.C., this 5th day of June, 1978.

DOUGLAS C. BAUER,
Assistant Administrator for Utility Systems, Economic Regulatory Administration, Department of Energy.

[FR Doc. 78-15986 Filed 6-8-78; 8:45 am]

[3128-01]

[ERA Docket No. SWPA 78-2]

SOUTHWESTERN POWER ADMINISTRATION

Conditional Extension of Existing Rates and Notice of Intent to Confirm and Approve Extension

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Conditional extension of existing rates and Notice of Intent to exercise final confirmation and approval authority with respect to the requested extension.

SUMMARY: On May 19, 1978, the Assistant Secretary for Resource Applications requested the Administrator of the Economic Regulatory Administration to extend confirmation and approval of certain existing rates of the Southwestern Power Administration through December 1, 1978. The purpose of this Notice is to advise the public that: (1) The Administrator of ERA has conditionally extended the existing rates through December 1, 1978, and (2) the Administrator of ERA intends to exercise final confirmation and approval authority with respect to the requested extension and to invite interested parties to submit written comments. An opportunity for an oral presentation will be afforded upon request.

DATES: Written comments are due on or before July 10, 1978. Requests for an oral presentation are due June 19, 1978. If a public hearing is requested it will be held on June 30, 1978. Speakers may submit written copies of their oral presentation at the hearing.

ADDRESSES: Requests for an oral presentation and/or ten copies of written comments shall be submitted to: Office of Public Hearing Management, Box TV, Department of Energy, 2000 M Street NW., Room 2313, Washington, D.C. 20461. The public hearing, if held, will be in Room 2105, Department of Energy, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Jerry Nicholas, Office of Utility Systems, Economic Regulatory Administration, 1111 20th Street NW., Room 550, Washington, D.C. 20461, phone 202-254-9690.

Richard W. Manning, Office of the

General Counsel, 12th and Pennsylvania Avenue NW., Room 6146, Washington, D.C. 20461, phone 202-566-9653.

SUPPLEMENTARY INFORMATION: Pursuant to section 301(b) of the Department of Energy Organization Act (Pub. L. 95-91), the function to confirm and approve power rates for the Southwestern Power Administration was transferred to the Secretary of Energy. By Delegation Order No. 0204-4, effective October 1, 1977, the Secretary of Energy delegated his confirmation and approval authority to the Administrator of the Economic Regulatory Administration (ERA).

On September 22, 1977, the Federal Power Commission (FPC) issued an Order extending confirmation and approval of the Southwestern Power Administration's (SWPA) system rates through May 31, 1978 (FPC Docket No. E-7172). The Order granted SWPA's request for an extension on the ground that SWPA had submitted a schedule for the filing of new rates, but the Order noted that the FPC would not grant any further extensions beyond May 31, 1978.

On May 19, 1978, the Assistant Secretary for Resource Applications (Assistant Secretary) requested the Administrator of the Economic Regulatory Administration (ERA) to extend confirmation and approval of the existing SWPA system rates through December 1, 1978, or until such earlier date that new rates are confirmed and approved. The stated purpose of this request is to allow additional time for the Assistant Secretary to develop new rates. The Assistant Secretary has invited public comment on the new rates and has stated that he intends to submit new rates for confirmation and approval by ERA on or before September 1, 1978.

The rates requested to be extended are contained in the following rate schedules:

Rate Schedule F-1 (Firm Power)
Rate Schedule F-2 (Revised) (Peaking Power)
Rate Schedule EE (Excess Energy)
Rate Schedule IC (Interruptible Capacity)
Contract No. 14-02-001-864 (with Tex-La Electric Cooperative, Inc.)

Pending final action on the requested extension, ERA has determined that the public interest would best be served by immediately extending on a conditional basis the existing rates through December 1, 1978.

The public is invited to submit comments, as set forth in this Notice, relative to the request for the extension of the existing rates. At the conclusion of the comment procedure the Administrator of ERA will take final action on the SWPA request.

COMMENT PROCEDURES: Interested persons are invited to submit com-

ments with respect to the subject matter set forth in this Notice to: Public Hearing Management, Box TV, Room 2313, Department of Energy, 2000 M Street NW., Washington, D.C. 20461. Such written comments may be mailed or hand delivered and should be received by 4:30 p.m., e.d.t., on July 10, 1978.

Any person who has an interest in this matter or is a representative of a group or class of persons that has an interest in it may make a written request for an opportunity to make an oral presentation at a public hearing. Such a request can be mailed or hand delivered to: Public Hearing Management, Box TV, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461, and must be received before 4:30 p.m., e.d.t., on June 19, 1978.

The request shall state the name of the person making the request, identify the interest represented and if appropriate state why he or she is a proper representative of a group or class of persons that has an interest, give a concise summary of the proposed oral presentation, and give a telephone number where the person may be contacted.

DOE reserves the right to select the persons to be heard, to schedule their respective presentations and to establish the procedures governing the conduct of the hearing. The length of each presentation may be limited based on the number of persons requesting to be heard.

The public hearing, if any, will not be adjudicative in nature. A DOE official will be designated to preside at the hearing, if one is held. Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding official.

The hearing, if held, will begin at 9:30 a.m., on June 30, 1978, in Room 2105, Department of Energy, 2000 M Street NW., Washington, D.C.

Public comments, if any, and the hearing record, if any, will be available for inspection at the DOE Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Issued in Washington, D.C., on June 5, 1978.

DOUGLAS C. BAUER,
Assistant Administrator for Utility Systems, Economic Regulatory Administration, Department of Energy.

[FR Doc. 78-15987 Filed 6-8-78; 8:45 am]

[3128-01]

ALLEN & SHUMATE, INC.

Action Taken on Consent Order

Pursuant to 10 CFR section 205.199J, the Economic Regulatory

Administration (ERA) of the Department of Energy (DOE) as successor to the Federal Energy Administration (FEA) hereby gives notice to final action taken on a Consent Order. Under the terms of 10 CFR section 205.197(c), currently section 205.199J (c), no Consent Order involving sums in excess of \$500,000 shall become effective until ERA publishes notice of its execution and solicits and considers public comments with respect to its terms. On February 27, 1978, ERA published notice of a Consent Order which was executed between Allen & Shumate, Inc. and FEA (43 FR 8003, February 27, 1978). With that notice, and in accordance with 10 CFR section 205.197 (c), ERA invited interested persons to comment on the Consent Order. A press release in conformity with 10 CFR section 205.197(c) was issued simultaneously.

No public comments were received on the Consent Order. Therefore, ERA has concluded that the Consent Order as executed between ERA and Allen & Shumate, Inc. is an appropriate resolution of the compliance proceedings described in the notice published on February 27, 1978, and hereby gives notice that the Consent Order shall become effective as proposed upon publication of this notice in the FEDERAL REGISTER.

Issued in Washington, D.C., June 2, 1978.

RICHARD B. HERZOG,
Assistant Administrator for Enforcement, Economic Regulatory Administration, Department of Energy.

[FR Doc. 78-16007 Filed 6-8-78; 8:45 am]

[3128-01]

LA GLORIA OIL & GAS CO., A WHOLLY OWNED SUBSIDIARY OF TEXAS EASTERN TRANSMISSION CORP.

Proposed Consent Order

I. INTRODUCTION

Pursuant to 10 CFR 205.199J, the Economic Regulatory Administration (ERA) of the Department of Energy, as successor to the Federal Energy Administration (FEA), hereby gives notice of a Consent Order which was executed between La Gloria Oil & Gas Co. (La Gloria), a wholly owned subsidiary of Texas Eastern Transmission Corp., and the ERA on April 18, 1978. Although this Consent Order has been signed and tentatively accepted by the ERA, the ERA may, after consideration of comments received, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

II. THE CONSENT ORDER

La Gloria, located in Houston, Tex., is a firm engaged in the business of re-

fining and selling petroleum products and, therefore subject to FEA and ERA price regulations.

As a result of an audit conducted by FEA of La Gloria's pricing practices for the period August 19, 1973 through December 31, 1975, FEA advised La Gloria that La Gloria had apparently charged certain purchasers of gasoline and diesel fuel prices in excess of those permitted under the Cost of Living Council price rules in 6 CFR §§ 150.355 and 150.358 and the FEA price rule in 10 CFR § 212.82. FEA contended that those overcharges were the result of La Gloria's inclusion of unincurred, contingent costs in its crude oil cost calculations; its failure to include in the calculation of increased product costs or cost recoveries for its refinery operations, the costs incurred or the revenues received in certain "brokerage" sales of covered products; and its overrecovery of previously unrecouped increased product costs, pursuant to the provisions of the "equal application rule" at 10 CFR § 212.83.

In resolution of the issues raised by the audit results, ERA and La Gloria entered into a Consent Order, the significant terms of which are:

(1) La Gloria shall refund the amounts charged to its gasoline and diesel fuel purchasers in excess of maximum lawful prices together with appropriate interest. ERA computed the overcharge (excluding interest) to gasoline purchasers to be \$5,544,592 and the overcharge (excluding interest) to diesel fuel purchasers to be \$419,908, or a total overcharge of \$5,964,500 (excluding interest).

(2) Refunds of overcharges, plus interest, to identifiable customers will be made by check or credit memorandum within 90 days of the effective date of this Consent Order. The amount which may be refunded by credit memorandum is limited to the outstanding balance of each customer on the date the refund is made, unless agreed to by the customer. Refund payments will in no way obligate a customer to purchase additional product.

(3) In order to refund overcharges made in sales of gasoline to unidentifiable customers, La Gloria will reduce its current selling prices for gasoline to each class of purchaser by \$0.02 per gallon until the entire amount of the overcharge to unidentifiable customers, plus interest, is refunded.

(4) Refunds to identifiable customers will be accompanied by notice indicating: (a) the month or months to which the refund is applicable; (b) the amount of per gallon overcharge (plus interest) per month that is being refunded; (c) the fact that such refund is required by ERA pursuant to this Consent Order; and (d) the fact that amounts received constitute a decrease in the increased product costs for pur-

poses of DOE regulations applicable to such recipient.

(5) The provisions of 10 CFR § 205.199J, including the publication of this notice, are applicable to the Consent Order.

III. SUBMISSION OF WRITTEN COMMENTS

Interested persons are invited to comment on this Consent Order by submitting such comments in writing to Mr. Kenneth E. Merica, Acting Director of Enforcement, Region VI, Department of Energy, P.O. Box 35228, Dallas, Tex. 75235. Copies of this Consent Order may be received free of charge by written request to this same address or by calling 214-749-7626.

Comments should be identified on the outside of the envelope and on documents submitted with the designation "Comments on La Gloria Consent Order." All comments received by 4:30 p.m. on the 30th calendar day following publication of the notice in the FEDERAL REGISTER will be considered by the ERA in evaluating the Consent Order. Any information or data which, in the opinion of the person furnishing it, is confidential must be identified as such and submitted in accordance with the procedures outlined in 10 CFR § 205.9(f).

Issued in Washington, D.C., on the 5th day of June 1978.

RICHARD B. HERZOG,
Assistant Administrator for Enforcement, Economic Regulatory Administration.

[FR Doc. 78-16006 Filed 6-8-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 909-71]

STATE OF CALIFORNIA PRIMARY ENFORCEMENT RESPONSIBILITY

Final Determination

This public notice is issued under § 1413 of the Safe Drinking Water Act, as amended, 42 U.S.C. 300f et seq., and § 142.10 of the national interim primary drinking water regulations, published in the FEDERAL REGISTER on January 20, 1976, 41 FR 2916 et seq.

The California Department of Health, Public Health Division, has submitted an application to assume primary enforcement responsibility in accordance with the provisions of this Act.

Upon review of the application, a preliminary determination was made that the California Department of Health has met all conditions of the Safe Drinking Water Act and implementing regulations for the assumption of primary enforcement responsibility for public water systems in the

State of California. This determination was based upon a thorough evaluation of the State's water supply supervision program in relation to the requirements of 40 CFR 142.10, including the adoption and implementation of:

1. State primary drinking water regulations;
2. An inventory of public water systems;
3. A systematic program of sanitary surveys;
4. A State program for certification of laboratories;
5. State laboratory facilities certified by EPA;
6. A plan review program;
7. Adequate statutory or regulatory enforcement authority;
8. Recordkeeping and reporting procedures;
9. A program for issuing variances and exemptions;
10. A plan for providing safe drinking water under emergency circumstances.

A copy of the preliminary determination was published in the FEDERAL REGISTER on February 27, 1978. The FEDERAL REGISTER notice solicited public comment upon the preliminary determination and scheduled two public hearings to consider this action. These hearings were held on April 4 and 6, 1978. I have reviewed the public hearing record and have found that one of the three comments received disagreed with my preliminary determination. This comment did not cite any deficiencies with respect to any of the criteria established by 40 CFR § 142.10 for an acceptable State program; instead it recommended that a primacy determination be withheld until the direction and goals of our water resources policy are more clearly defined by the various water quality management plans. Since the determination must be based upon the criteria established in 40 CFR § 142.10, this adverse comment does not provide a sufficient basis to withhold approval of California's primacy application.

Accordingly, I hereby affirm my determination that the California Department of Health has met all requirements for the assumption of primary enforcement responsibility for public water systems in the State of California. Assumption of primary enforcement responsibility by the State of California shall be effective as of the date of this notice because immediate commencement of public water system supervision by the State of California is judged to be in the public interest and because of the lack of comments during the comment period.

Copies of the public hearing transcripts and all comments received are available for public inspection at the following addresses:

U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94105.

U.S. Environmental Protection Agency, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

Dated: June 2, 1978.

SHEILA M. PRINDIVILLE,
Acting Regional Administrator,
Region IX, Environmental
Protection Agency.

[FR Doc. 78-15995 Filed 6-8-78; 8:45 am]

[1505-01]

[PP 6G1705/T149 (FRL-899-3)]

PESTICIDE PROGRAMS

Emission of Temporary Tolerances, O-Ethyl O-[4-(methylthio)phenyl] S-propylphosphorothioate

Correction

In FR Doc 78-14458 appearing on page 22241, in the issue of Wednesday, May 24, 1978, in the first column, the last line, "June 3, 1978" should appear as "June 3, 1979".

[6560-01]

[FRL 910-1; OPP-30116A]

PESTICIDE PROGRAMS

Approval of Application To Register Pesticide Product Entailing a Changed Use Pattern

On April 21, 1976, notice was given (41 FR 16686) that Bell Laboratories, Inc., 734 East Washington Ave., Madison, Wis. 53703, had filed an application (EPA File Symbol 12455-RA) with the Environmental Protection Agency (EPA) to register the pesticide product ZP Tracking Powder containing 10 percent of the active ingredient zinc phosphide. As stated in the April 21 notice, the product is primarily used as a bait to control field and household rats and mice. The application proposed a change in use pattern to a tracking powder to control household mice and rats.

This application was approved May 16, 1978, and the product has been assigned the EPA Registration No. 12455-16. ZP Tracking Powder is classified for general use.

A copy of the approved label and the list of data references used to support registration are available for public inspection in the office of the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460. The data and other scientific information used to support registration, except for the material specifically protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), will be available for public inspection in accordance with section 3(c)(2) of FIFRA, within 30 days after the regis-

tration date of May 16, 1978. Requests for data must be made in accordance with the provisions of the Freedom of Information Act and must be addressed to the Freedom of Information Office (A-101), EPA, 401 M Street SW., Washington, D.C. 20460. Such requests should: (1) identify the product by name and registration number, and (2) specify the data or information desired.

Dated: June 5, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc. 78-15970 Filed 6-8-78; 8:45 am]

[6560-01]

[FRL 909-51]

SCIENCE ADVISORY BOARD, ENVIRONMENTAL HEALTH ADVISORY COMMITTEE, STUDY GROUP ON PESTICIDE TOLERANCES

Open Meeting

Under Pub. L. 92-463, notice is hereby given that a 3-day meeting of the Study Group on Pesticide Tolerances of the Science Advisory Board's Environmental Health Advisory Committee will be held on June 27, 28, and 29, 1978 in Room 3906-08, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. The meeting will start at 9 a.m. on June 27, 1978.

The principal purpose of the meeting will be to identify and discuss scientific issues relating to toxicology data and hazard evaluation in the context of establishing tolerances for pesticide residues in agricultural crops. The Agenda will also include some follow-up briefings and discussions relating to estimates of exposure.

Pertinent background information is as follows. In response to an Agency request to the Science Advisory Board, the Board's Environmental Health Advisory Committee established a Study Group on Pesticide Tolerances and charged it with assisting the Committee in an evaluation of the scientific basis of the Agency's system for establishing tolerances for pesticide residues in agricultural crops. This is the third meeting of the Study Group. At a meeting, on April 5, 1978, the Study Group was briefed on and discussed various aspects of the legislative authority and mandate directly or indirectly relating to the Agency's tolerance setting system. At a subsequent meeting, on May 11 and 12, 1978, the Study Group was briefed on and discussed scientific issues relating to estimates of exposure. Further meetings of the Study Group will be scheduled as needed.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper

should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460 by c.o.b. June 22, 1978. Please ask for Mrs. Ilene Stein or Ms. Barbara Robinson. The telephone number is 703-557-7720.

Dated: June 5, 1978.

RICHARD M. DOWD,
Staff Director,
Science Advisory Board (A-101).
[FR Doc. 78-15968 Filed 6-8-78; 8:45 am]

[6560-01]

[FRL 910-41]

RECEIPT OF ENVIRONMENTAL IMPACT STATEMENTS

Pursuant to the President's Reorganization Plan No. 1, the Environmental Protection Agency is the official recipient for environmental impact statements (EIS's) and is required to publish the availability of each EIS received weekly. The following is a list of environmental impact statements received by the Environmental Protection Agency from May 30, 1978 through June 2, 1978. The date of receipt for each statement is noted in the statement summary. Under the Guidelines of the Council on Environmental Quality the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days; the date of submission of comments is July 24, 1978. The thirty (30) day period for each final statement begins the day the statement is made available to the Environmental Protection Agency and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: June 6, 1978.

WILLIAM D. DICKERSON,
Acting Director,
Office of Federal Activities.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 359A, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Kisatchie Unit Plan, Kisatchie National Forest, Natchitoches County, La., June 2: This action involves the 10-year management plan for the Kisatchie unit, Kisatchie National Forest, for approximately the period from 1978 to 1987. This unit contains 99,596 acres of national forest land located in Natchitoches Parish in west-central Louisiana. Timber management activities involve: Harvesting and regenerating 834 acres

by clearcutting seedtree, and shelterwood methods; mechanical, hand seedbed, and burning site preparation on 834 acres, and thinning of 3,844 acres. (USDA-FS-R8(06)DES(ADM)-78-06.) (ELR Order No. 80600.)

Final

Ouachita National Forest Plan, in the State of Arkansas and Oklahoma, June 2: The proposed action is to manage, administer, and utilize the timber resource of the Ouachita National Forest from October 1, 1977 through September 30, 1987. The Ouachita National Forest contains 1,575,291 acres of national forest land and is located in Sebastian, Logan, Yell, Perry, Saline, Garland, Hot Spring, Pike, and Scott Counties, Ark., and in Leflore and McCurtain Counties, Okla. Major actions include harvesting 153,000,000 board feet of timber, regenerating about 17,000 acres to pine and hardwood, thinning about 23,000 acres of immature timber stands, and construction of 125 miles of new roads. (USDA-FS-R8-FES-ADM-77-11.) Comments made by: EPA, DOI, USDA, State and local agencies, groups, and individuals. (ELR Order No. 80599.)

Final

Zumbro River Watershed, South Fork, Dodge and Olmstead Counties, May 30: The proposed plan calls for flood control measures to be installed by the Soil Conservation Service (SCS) and the Army Corps of Engineers (COE), in Olmstead and Dodge Counties in southeastern Minnesota. The SCS's responsibility includes the installation of six single purpose flood prevention structures, one multiple-purpose flood prevention-recreation structure, recreation facilities, and accelerated land treatment measures. The COE will administer the installation of channel work, levee construction, bridges, sewers, and utilities. (USDA-SCS-EIS-WS(ADM)-77-1-F-MN) Comments made by: USDA, DOI, HEW, EPA, FERC, USDA, State and local agencies. (ELR Order No. 80580.)

Little Auglaize River Watersheds, several counties in Ohio, May 31: Proposed are projects for watershed protection, flood prevention, and drainage in Mercer, Putnam, and Van Wert Counties, Ohio. Due to project and area similarities, three adjacent watershed work plans (Little Auglaize River, Middle Branch, and Prairie Hoaglin Branch) are jointly covered in this statement. Of the 185.2 miles of channel work planned, 31.5 miles have been completed. Structural measures remaining to be installed consist of 153.7 miles of channel work. Channel construction will disturb 590 acres of woody vegetation, 1,380 acres of cropland, and 26 acres of other land. (USDA-SCS-EIS-WS(ADM)-76-1-F-OH.) Comments made by: USDA, COE, DOI, DOT, AHP, EPA, State and local agencies, groups, individuals, and businesses. (ELR Order No. 80584.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attention: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

Draft

Boot Key Harbor, Navigation, Marathon, Monroe County, Fla., June 1: The proposed

project is designed to provide safe navigation and reduce periodic boat damages in Boot Key Harbor entrance channel by deepening the channel to 12 feet, widening it to 100 feet, and providing a turning basin 200 x 200 feet. The dredged material removed will be disposed of in borrow pits located at each end of the Bahia Honda Bridge and on Ohio Key. The proposed project is located at Boot Key Harbor about 95 miles southwest of Miami near Marathon, Fla. (Jacksonville District.) (ELR Order No. 80591.)

Peabody Coal Co., Pit No. 3 Extension Permit, St. Clair County, Ill., June 2: The proposed action involves the issuance of a permit for the construction of levees, the draining and surface mining of approximately 7,500 feet (40 acres) of a bypassed channel and about 200 acres of land of the Kaskaskia navigation project area. Peabody Coal Co. has been actively mining coal in the vicinity of New Athens on the Kaskaskia River in St. Clair County, Ill. since the early 1960's. Peabody's operation, River King Pit No. 3 has progressed eastward from the vicinity of New Athens with the northern limits of the operation being the original channel of the Kaskaskia River. (St. Louis District.) (ELR Order No. 80602.)

Draft

Platte River and tributaries, local flood protection, Nebraska, May 31: The proposed action is a plan for local flood protection at Columbus, Grand Island, and North Platte, Nebr. on the Platte River and tributaries. The Columbus project would consist of the construction of training levees and an excavated floodway with a low-flow channel to provide flood protection. The Grand Island project would consist of a channel and levee diversion of Wood River to the Platte River west of U.S. Highway 281. The North Platte project consists of a trial levee beginning about 4 miles northwest of the city near the North Platte River channel. (Omaha district.) (ELR Order No. 80586.)

Draft supplement

Grays Harbor and Chehalis River, terminal No. 2, Grays Harbor County, Wash., June 1: This EIS supplements a final EIS filed with CEQ. The proposed action involves the construction of a new pier, dredging of a berth in front of this pier, and filling of tide lands between the new pier and adjacent to slip 2 at the port of Grays Harbor in Aberdeen, Wash. (Seattle District.) (ELR Order No. 80590.)

Cabin Creek Basin, demonstration reclamation, Kanawha and Fayette Counties, W. Va., May 30: This EIS supplements a draft EIS filed in June 1973. The recommended plan consist of a pilot demonstration reclamation project including erosion and sediment control, flood damage prevention, water quality control, a water supply system, recreational development, wildlife enhancement, intensification of complementary on-going programs and program management and analysis. The proposed action is located in Kanawha and Fayette Counties, W. Va. (Huntington district.) (ELR Order No. 80582.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-377-4335.

ECONOMIC DEVELOPMENT ADMINISTRATIVE

The review period for the following draft supplement EIS has been shortened from 45 days to 30 days.

Draft Supplement

1980 Olympic Winter Games (S-1), Essex County, N.Y., June 2: This EIS supplements a final EIS filed in January of 1977. The purposes of this draft supplemental EIS are to: (1) Disclose changes in the proposed action and its impacts which have come to the attention of the EDA since January 1977, and (2) to obtain comments to assist those making Olympic connected decisions by providing an updated understanding of environmental consequences of their acts. (ELR Order No. 80595.)

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Draft

Coastal Zone Management Program, Maryland, several counties, June 2: It is proposed that the assistant administrator approve the coastal zone management program of the State of Maryland, approval would permit implementation grants to be awarded to the State, and require that Federal actions be consistent with the program. The State will condition, restrict, or prohibit land and water uses in some parts of Maryland's coast while encouraging development in other parts. Maryland coastal area can be divided into two distinct regions; the Atlantic Coast area which has a shoreline of 31 miles and the Chesapeake Bay area which is characterized by over 4,000 miles of greatly indented shoreline. (ELR Order No. 80594.)

Final

Pacific billfishes and sharks—PMP, June 2: Proposed is a preliminary management plan for Pacific billfishes and sharks to be in effect until superseded by an approved regional fisheries management council fishery management plan. The proposed action would specify restrictions on the take, possession, and retention of billfishes by foreign fishers fishing in the U.S. fishery conservation zone seaward of the mainland West Coast, Hawaii, Guam, and American Samoa. Foreign fishers would be required to obtain from the U.S. a permit for fishing in a manner which could reasonably be expected to result in a taking of billfishes and/or sharks. Comments made by: DOI, COE, STAT, and State agencies. (ELR Order No. 80592.)

Squid Fishery of the Northwest Atlantic, FMP, June 2: Proposed is a fishery management plan for the squid fishery of the Northwestern Atlantic Ocean prepared by the mid-Atlantic fishery management council in consultation with the New England and South Atlantic fishery management councils in accordance with Pub. L. 94-265. The objectives of the plan are to: Prevent destructive exploitation of squid species; minimize capture of non-target species; and minimize user conflict. It is recommended that the 1978 optimum yield for Illex be set at 30,000 metric tons and the 1978 optimum yield for Lolligo be set at 44,000 metric tons. Comments made by: STAT, EPA, DOT, DOC, and State agencies. (ELR Order No. 80593.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Ms. Doris Lee, Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105, 415-556-3458.

Draft supplement

Greater Globe-Miami, wastewater treatment project, May 30: This draft supplement to the EIS explores in greater depth certain unresolved issues raised in the April 1976 EIS. Since that time progress has been made on facilities planning for the town of Miami plant, but some issues regarding the city of Globe plant remain unresolved. These issues include the effects of percolating effluent on groundwater; the mitigation measures to be employed to minimize disposal impacts; the implications on the Globe area of updating wastewater flow estimates and cost estimates; and site-specific impacts of expanding the treatment plant, including the need for flood protection. (ELR order No. 80581.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. Voss A. Moore, Assistant Director for Environmental Projects, P-518, Washington, D.C. 20555, 301-492-8446.

Draft

Watts Bar nuclear plant, units 1 and 2, operating Rhea County, Tenn., June 2: The proposed action is the issuance of operating licenses to the Tennessee Valley Authority (TVA) for the startup and operation of the Watts nuclear plant units 1 and 2 located on the west shore of Chickamauga Reservoir in Rhea County, 8 miles southeast of Spring City, Tenn. Each unit will employ a pressurized water reactor to produce up to 341 MWT for a total of 6,822 thermal megawatts. This head will be used to produce steam to drive steam turbines providing 2,340 MW net of electrical power capacity. The units will be cooled by cooling towers drawing makeup water from Chickamauga Reservoir. (NUREG-0352.) (ELR order No. 80598.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Richland Airport, land acquisition and improvement, Richland County, Wis., June 2: The proposed action involves the airport development program for the Richland Airport. The city of Richland Center has submitted a request for Federal financial assistance under the airport development aid program, as authorized by the Airport and Airway Development Act amendments of 1976, for a project to expand the existing general aviation airport. The purpose of the proposed project is to provide a facility that will more safely accommodate aircraft using the existing airstrip facility to better meet the aeronautical demands of today and the future. (ELR Order No. 80601.)

Final

New General Aviation Airport, Baton Rouge, East Baton Rouge County, La., May 30: Proposed is the request for Federal funds under the Airport Development Aid program for the development of a new general aviation airport to replace the recently closed downtown airport, Baton Rouge, La. The proposed development would include: Acquisition of 530 acres of land; construction of a new runway, taxiway, and parking apron; and construction of access roads, vehicle parking area, hangars and office space.

Comments made by: EPA, DOI, USDA, HEW, COE, DOT, State and local agencies. (ELR Order No. 80579.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Pine Bluff Arkansas Railroad demonstration project, Jefferson County, Ark., May 31: This action involves a railroad demonstration project undertaken in Pine Bluff, which is located in Jefferson County in southeast Arkansas, 45 miles southeast of Little Rock. The purpose is to eliminate existing railroad-community conflicts and to improve the transportation network of the area through rail system improvements. The proposal action would provide for relocation of the railroad main lines of the Missouri Pacific and the South Western Railways to the north and south of the city; or for consolidation of both main lines into a common right-of-way through the city. Six relocation alternatives and three consolidation alternatives were developed. (FHWA-AR-EIS-78-01-D.) (ELR Order No. 80587.)

Trunk Highway 65, Cambridge Bypass, Isanti County, Minn., May 31: The proposed action involves the improvement of Trunk Highway 65, which is located in east central Minnesota in Isanti County, approximately 40 miles north of Minneapolis-St. Paul. The project involves the construction of TH65 on new location east of the city of Cambridge (Cambridge bypass). The proposed bypass extends from 3.1 miles south to 3.3 miles north of the present junction of TH65 and TH95 in Cambridge. The proposed bypass, approximately 6.7 miles in length will be a four-lane divided highway, freeway design with fully controlled access. The present TH65 is generally a two-lane facility with uncontrolled access. (FHWA-MN-EIS-78-01-D.) (ELR Order No. 80585.)

WA-5, Trosper Road to Martin Way interchange, Thurston County, Wash., May 30: The proposed action involves improvement to WA-5 which is a major north-south route from the Mexican border to the Canadian border on the west coast. It connects the cities of Portland, Olympia, Tacoma, Seattle, and Vancouver, in the Pacific northwest. The proposed highway improvement consists of improving a 7.5 mile section of WA-5 from Trosper Road interchange to Martin Way interchange. The improvements involve widening the existing alignment from four to six lanes from Capitol Lake interchange to Martin Way interchange and construction of auxiliary lanes for operational improvements in some locations. (FHWA-WA-EIS-78-01-D.) (ELR Order No. 80578.)

Final

SR 54, Owensboro, Daviess County, Ky., May 31: Proposed is the widening of a 1.1 mile segment of State route 54-Leitchfield Road to four lanes. The project runs from the Owensboro beltline (State route 212) to 12th Street east of the existing alignment. The proposed improvement consists of providing a four-lane facility in a new location, east of the existing roadway. (FHWA-KY-EIS-74-08-F.) Comments made by: TVA, HUD, DOC, HEW, AHP, DOI, State, and local agencies. (ELR Order No. 80588.)

U.S. 30 Improvement, Hall County, Nebr., June 1: Proposed is the improvement of existing urban highway U.S. 30 from the west end of the central business district, Eddy Street, over the Union Pacific Railroad tracks to Webb Road. The selected improvement consists of a four-lane divided roadway

on 2d Street with a painted median east of the railroad overpass, a new four-lane divided bridge and a four-lane divided facility with a 16-foot wide median from the viaduct at Webb Road. (Region 7) (FHWA-NEB-EIS-76-01-F.) Comments made by: HUD, DOI, EPA, DOT, AHP, State, and local agencies. (ELR Order No. 80589.)

U.S. 60, Diamond to Hugheston, Kanawha County, W. Va. June 2: The statement discusses the proposed reconstruction of U.S. 60 from a 2-lane to a 4-lane highway from Diamond to Hugheston. The proposed facility is 9 miles long and parallels the Kanawha River in Kanawha County. There will be minor pollution effects resulting from construction. Also acquisition of additional rights-of-way will require the displacement of varying number of families and businesses depending on which of three alternatives is chosen. (FHWA-WV-EIS-74-07-F.) Comments made by: FPC, DOT, COE, AHP, DOI, and EPA. (ELR Order No. 80596.)

Draft Supplement

Shakwak Highway Improvement (S-1), May 30: This EIS supplements an EIS filed in December 1977. The proposed action involves the improvement of the Shakwak highway. The Shakwak project follows the bank of the Klehini River through rainy hollow for approximately 15 kilometers north from the Alaska/Alaska/Alaska border and then ascends sharply upward for five kilometers to Three Guardsmen Pass. From Three Guardsmen Pass to Dezadeash Lake, 120 kilometers the roadway traverses a series of Subal Pine valleys to the Shakwak valley which extends northward approximately 370 kilometers to the Yukon territory/Alaska border. (FHWA-BC/YT-EIS-77-01-D.) (ELR Order No. 80583.)

VETERANS ADMINISTRATION

Contact: Mr. Lyman T. Miller, Assistant Director for Construction and Valuation, Veterans Administration, 810 Vermont Avenue, Washington, D.C. 20420, 202-389-2691.

Final

VA Cemetery at Riverside County, Calif., June 2: Proposed is the development of a new cemetery for the interment of veterans at Riverside, Calif. The 750 acre site will include approximately 500 burial acres with a capacity of 437,000 burials, plus additional space for Columbariums. Initial construction will supply burial sites for 40,000 interments, and administration building, maintenance center, and a water impoundment area which will serve a dual function not only as a focal point of landscape, but as storage for irrigation water. Adverse impacts include additional traffic generated by funeral processions and visitors to the site. Comments made by: USDA, USAF, EPA, HUD, DOI, DOT, and State agency. (ELR Order No. 80597.)

[FR Doc. 78-16065 Filed 6-8-78; 8:45 am]

[6560-01]

[FRL 910-2; OPP-33000/545 & 546]

PESTICIDE REGISTRATION DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

Receipt of Application

On November 19, 1973, the Environmental Protection Agency (EPA) pub-

lished in the FEDERAL REGISTER (39 FR 3182) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" (41 FR 3339). This document described the changes in the Agency's procedures for implementing section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement which were effected by the enactment of the amendments to FIFRA on November 28, 1975 (Pub. L. 94-140), and the regulations governing the registration and re-registration of pesticides which became effective on August 4, 1975 (40 CFR Part 162).

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street SW., Washington, D.C. 20460. In the case of applications subject to the section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, are being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1)(D) for such use of his data and wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, or (d) wishes to assert confidential status under Section 10 for his data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claimant by certified

mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Every such claim must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, and 13—202/755-9315
PM 21 and 22—202/426-2454
PM 24—202/755-2196
PM 31—202/426-2635
PM 33—202/755-9041
PM 15, 16, and 17—202/426-9425
PM 23—202/755-1397
PM 25—202/426-2632
PM 32—202/426-9466
PM 34—202/426-9490

The Interim Policy Statement requires that claims for compensation be filed on or before August 8, 1978. EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before July 10, 1978. Registration will be delayed pending resolution of section 10 claims.

Dated: June 2, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATION RECEIVED 33000/545

EPA Reg. No. 52-53. West Chemical Products, Inc., 42-16 West St., Long Island City, NY 11101. WESCOL Active Ingredients: Coal Tar Neutral Oils 40.0%; Soap 20.0%; Coal tar phenols 17.0%; o-benzyl-p-chlorophenol 7.2%; Isopropanol 2.4%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Formulation change. PM32 This Label supersedes the label which appeared in the FEDERAL REGISTER on April 18, 1978 on page 16401.

EPA File Symbol 52-ELR. West Chemical Products, Inc. SUPER PHENOLA. Active Ingredients: Sodium o-Phenylphenate 8.50%; Isopropanol 2.50%; Sodium o-benzyl p-Chlorophenolate 2.20%; Sodium Tertiaryamylphenate 1.40%; Sodium dodecylbenzenesulfonate 1.05%; Sodium lauryl sulfate 1.00%; Tetrasodium ethylenediaminetetraacetate 0.04%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 193-RA. Wonder Chemical Corp., 249 Canal Rd., Fairless Hills, PA 19030. WONDER CHLOR. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 264-204. Amchem Products, Inc., Brookside Ave., Ambler, PA 19002. BROMINAL. Active Ingredients: Octanoic acid ester of bromoxynil (3,5-dibromo-4-hydroxybenzotrile) 33.1%. Method of

Support: Application proceeds under 2(b) of interim policy. Republished: Adding tank mix with Avenge. PM25

EPA File Symbol 299-ENU. C. J. Martin Co., 608 W. Main St., Nacogdoches, TX 75961. MARTIN'S DIPEL WP. Active Ingredients: Bacillus thuringiensis, Berliner, 4,320 International Units of potency per milligram (1.96 billion International Units per pound). Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 323-LT. J. I. Holcomb Co., 4415 Euclid Ave., Cleveland, OH 44103. HOLCOMB DUAL ACTION CRAWLING AND FLYING INSECT KILLER. Active Ingredients: + (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl)cyclopropanecarboxylate 0.250%; Related compounds 0.034%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA Reg. No. 352-317. E. I. du Pont de Nemours & Co. Inc., Legal Dept., D7045, Wilmington, DE 19898. SINBAR. Active Ingredients: Terbacil [3-tert-butyl-5-chloro-6-methyluracil] 80%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25

EPA File Symbol 359-ATL. Rhodia Inc. Agricultural Division, P.O. Box 125, Monmouth Junction, NJ 08852. RONSTAR HERBICIDE. Active Ingredient: Oxadiazon [2-tert-butyl-4-(2,4-dichloro-5-isopropoxyphenyl) delta 2-1,3,4-oxadiazolin-5-one] 24.4%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay. PM24

EPA Reg. No. 464-501. The Dow Chemical Co., P.O. Box 1708, Midland, TX 48640. LORSBAN 25-SL WETTABLE POWDER INSECTICIDE. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 25%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM12

EPA File Symbol 475-ENT. Boyle-Midway Inc., 685 Third Ave., New York, NY 10017. DIAPER PURE PRESOAK. Active Ingredients: N-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 0.90%; N-Alkyl (68% C12, 32% C14) dimethyl Ethylbenzyl Ammonium Chlorides 0.90%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: change in method of support. PM31

EPA File Symbol 538-RLG. ProTurf Division, O. M. Scott & Sons, Marysville, OH 43040. SCOTTS PROTURF HD INSECT CONTROL-FERTILIZER TURF INSECTICIDE. Active Ingredients: Chlorpyrifos [O, O-diethyl-O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.85%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 538-RLU. O. M. Scott & Sons. SUMMER INSECT CONTROL PLUS FERTILIZER FOR LAWNS. Active Ingredients: Chlorpyrifos [O,O-diethyl-O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.92%. Method of Support: Application proceeds under 2(b) of interim policy. PM12

EPA File Symbol 707-RGU. Rohm & Haas Co., Independence Mall West, Philadelphia, PA 19105. KATHON 886 MW 1.5%. Active Ingredients: 5-Chloro-2-methyl-4-isothiazolin-3-one 1.15%; 2-Methyl-4-isothiazolin-3-one 0.35%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 707-RUG. Rohm & Haas Co. KATHON 893T. Active Ingredients: 2-n-Octyl-3-isothiazolin-3-one 85.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 769-UAN. Woolfolk Chemical Works, Inc., Fort Valley, GA 31030. SECURITY DIPEL SPRAY BIOLOGICAL INSECTICIDE. Active Ingredients: Bacillus thuringiensis, Berliner, 4,320 International Units of Potency per mg (equivalent to 1.96 billion International units of potency per pound). Method of Support: Application proceeds under 2(b) of interim policy. PM17

APPLICATION RECEIVED 33000/546

EPA File Symbol 1658-EU. Hillyard Chemical Co., P.O. Box 909, St. Joseph, MO 64502. PHENE-O-CLEAN. Active Ingredients: Ortho-Phenylphenol 2.75%; Ortho-benzyl-para-chlorophenol 1.46%; Para-tertiary-amyphenol 0.99%; Isopropyl alcohol 0.50%; Sodium xylene sulfonate 0.10%. Method of Support: Application proceeds under 2(a) of interim policy. PM32

EPA File Symbol 2125-TL. Science Products Co. Inc., 5801 N. Tripp Ave., Chicago, IL 60648. BLOSSOM SET. Active Ingredients: Beta-naphthoxyacetic acid 0.0042%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Formulation change. PM25

EPA File Symbol 2724-ETA. Zeecon Industries, Inc., 12200 Denton Drive, Dallas, TX 75234. ZEECON MUSCAMONE FLY ATTRACTANT. Active Ingredients: (Z)-9-tricosene 60.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM13

EPA Reg. No. 2831-50. Napasco International Inc., P.O. Box 1219, Thibodaux, LA 70301. MICRO-X LEMON DISINFECTANT. Active Ingredients: o-Phenylphenol 00.17%; p-tertiary-Amylphenol 00.04%; Isopropanol 52.92%; Essential oils 00.50%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Formulation change. PM32

EPA Reg. No. 2831-51. Napasco International Inc. MICRO-X ORANGE DISINFECTANT. Active Ingredients: o-Phenylphenol 00.17%; p-tertiary-Amylphenol 00.04%; Isopropanol 52.92%; Essential oils 00.35%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Formulation change. PM32

EPA Reg. No. 3125-136. Chemagro Agricultural Division, Mobay Chemical Corp., Kansas City, MO 64120. BAYLUSCIDE 70% WETTABLE POWDER. Active Ingredients: 5-Chloro-N-(2-chloro-4-nitrophenyl)-2-hydroxybenzamide compound with 2-aminoethanol (1:1) 70%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Amendment. PM11

EPA Reg. No. 3125-277. Chemagro Agricultural Division. SENCOR 50% WETTABLE POWDER HERBICIDE. Active Ingredients: 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25

EPA Reg. No. 3125-277. Chemagro Agricultural Division. SENCOR 50% WETTABLE POWDER HERBICIDE. Active Ingredients: 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25

EPA Reg. No. 3125-277. Chemagro Agricultural Division. SENCOR 50% WETTABLE POWDER HERBICIDE. Active Ingredients: 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one 50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25

EPA Reg. No. 3125-314. Chemagro Agricultural Division. SENCOR 4 FLOWABLE HERBICIDE. Active Ingredients: 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one 41%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25

EPA Reg. No. 3125-314. Chemagro Agricultural Division. SENCOR 4 FLOWABLE HERBICIDE. Active Ingredients: 4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4H)-one 41%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM25

EPA File Symbol 3554-G. The A. I. Root Co., Medina, OH 44258. BENZALDEHYDE. Active Ingredients: Benzaldehyde 100%. Method of Support: Application proceeds under 2(a) of interim policy. PM17

EPA File Symbol 3703-E. Interchem, 5703 E. Melville Way, Anaheim, CA 92806. COOLING TOWER ALGAEICIDE. Active Ingredients: Diethyl dimethyl ammonium chloride 50%; ethyl alcohol 10%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: New offer to pay. PM31

EPA Reg. No. 3770-277. Economy Products Co., Inc., Shenandoah, IA 51601. 4% MALATHION POWER INSECTICIDE. Active Ingredients: Malathion 4%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added use. PM16

EPA Reg. No. 4254-3. Cardinal Products Corp., P.O. Box 501, Miami, FL 33138. MILDEW STOP SPRAY. Active Ingredients: 2,2-Methylenebis (4-chlorophenol) 0.9%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Formula change. PM32

EPA File Symbol 4822-RAN. S. C. Johnson & Son, Inc., 1525 Howe Street, Racine, WI 53403. OFF FORMULA III LIQUID SPRAY INSECT REPELLENT. Active Ingredients: N,N-diethyl-methyl-toluamide 17.10%; other isomers 0.90%. Method of Support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 4828-RNO. Abco, Inc., P.O. Box J, Irwin, PA 15642. SQUIRE. Active Ingredients: Poly(oxyethylene(dimethyliminio) ethylene(dimethyliminio) ethylene dichloride) 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 4823-RRN. Abco, Inc. PIONEER. Active Ingredients: Poly(oxyethylene(dimethyliminio) ethylene(dimethyliminio) ethylene dichloride) 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 4828-RRR. Abco, Inc. ASTRO. Active Ingredients: poly(oxyethylene(dimethyliminio) ethylene(dimethyliminio) ethylene dichloride) 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 4828-RRE. Abco, Inc. RESTORE. Active Ingredients: Poly(oxyethylene (dimethyliminio) ethyl-

ene-dimethyliminio) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 6720-59. Southern Mill Creek Products Co., Inc., P.O. Box 1096, Tampa, FL 33601. DURSBA 2E INSECTICIDE. Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 23.5%; Aromatic petroleum derivative solvent 14.9%; Xylene 54.9%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

ton, D.C. The third open forum will be held Tuesday, June 13, 1978, from 11 a.m. to 1 p.m. in room 3908. For further information and to request that an item for discussion be placed on the agenda, contact Susan Mann, Public Participation Liaison at 202-755-9145.

The objective of these sessions is to provide an opportunity for the exchange of ideas relating to resource conservation between interested par-

stantially complete and tendered for filing at the offices of the Commission in Washington, D.C. by the close of business of July 28, 1978. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appear-

BP-20,433 (KITI). Centralia-Chenalis, Wash., KITN-KITI Corp. Has: 1420 kHz, 1 kW, Day. Req: 1420 kHz, 1 kW, DA-N, U. BP-20,434 (WLNA). Peeskill, N.Y., Highland Broadcasting Corp. Has: 1420 kHz, 1kW, Day. Req: 1420 kHz, 1kW, 5 kW-LS, DA-2, U. BP-20,436 (WGUY). Brewer, Maine, Bangor Broadcasting Corp. Has: 1250 kHz, 5kW, Day (Bangor, Maine). Req: 1250 kHz, 5 kW, DA-N, U. (Brewer, Maine). BP-20,439 (KVIN). Coeur d'Alene, Idaho,

1 kW, 5 kW-LS, DA-2, U. Req: 1320 kHz, 5 kW, DA-2, U. BP-20,498 (WSBR). Boca Raton, Fla., Burbach Radio, Inc. Has: 740 kHz, 1 kW, DA, Day. Req: 740 kHz, 500 W, 1 kW-LS, DA-2, U. BP-20,499 (KGDN). Edmonds, Wash., King's Garden, Inc. Has: 630 kHz, 5 kW, Day. Req: 630 kHz, 1 kW, 5 kW-LS, DA-N, U. BP-20,501 (WIMS). Michigan City, Ind., Northern Indiana Broadcasters, Inc. Has:

BP-20,535 (WTKO). Ithaca, N.Y., Ivy Broadcasting Co., Inc. Has: 1470 kHz, 500 W, 1 kW-LS, DA-N, U. Req: 1470 kHz, 500 W, 5 kW-LS, DA-N, U. BP-20,538 (KRKK). Rock Springs, Wyo., Media West, Inc. Has: 1360 kHz, 500 W, 1 kW-LS, DA-N, U. Req: 1360 kHz, 1 kW, 5 kW-LS, DA-N, U. BP-20,539 (WHLP). Centerville, Tenn., Trans-Air Broadcast Corp. Has: 1570 kHz, 1 kW, Day. Req: 1570 kHz, 5 kW, Day. BP-20,541 (KKJK). Waco-Marlin, Tex.,

ene-dimethyliminol) ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 6720-59. Southern Mill Creek Products Co., Inc., P.O. Box 1096, Tampa, FL 33601. DURSABAN 2E INSECTICIDE. Active Ingredients: Chlorpyrifos (O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 23.5%; Aromatic petroleum derivative solvent 14.9%; Xylene 54.9%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM12

EPA Reg. No. 6720-148. Southern Mill Creek Products Co., Inc. DURSABAN 1E INSECTICIDE. Active Ingredients: Chlorpyrifos (O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 12.9%; Aromatic petroleum derivative solvent 78.9%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM12

EPA Reg. No. 7001-144. Occidental Chemical Co., P.O. Box 198, Lathrop, CA 95330. 50% MALATHION INSECT SPRAY. Active Ingredients: Malathion 50.0%. Xylene 35.4%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM16

EPA File Symbol 9619-0. Synthetic Labbs, Inc., P.O. Box 131, Dracut, MA 01826. GC SUPER 50. Active Ingredients: Didecyl dimethyl ammonium chloride 50%; Isopropyl alcohol 20%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 9771-1. W-B Chemical Co., Inc., 15 So. MacQuesten Pkwy, Mount Vernon, NY 10550. W-B DISINFECTANT SANITIZER AND DEODORANT. Active Ingredients: n-Alkyl (60% C14, 5% C12, 5% C18) dimethyl benzyl ammonium chloride 0.50%; n-Alkyl (50% C12, 30% C14, 17% C16, 3% C18) dimethyl ethyl benzyl ammonium chloride 0.50%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Amendment. PM31

EPA File Symbol 9800-RO. Stewart-Hall, Chemical Corp., Mount Vernon, NY 10553. RE-FRESH HUMIDIFIER TREATMENT. Active Ingredients: n-Alkyl (98% C12, 2% C14) dimethyl n-naphthylmethyl ammonium chloride monohydrate 10%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

[FR Doc. 78-16156 Filed 6-8-78; 8:45 am]

[6560-01]

[FRL 910-5]

RESOURCE CONSERVATION COMMITTEE

Change in Meeting Time

The Resource Conservation Committee staff is holding monthly informal discussion forums so that interested parties may participate in the Committee's study of a wide range of proposals aimed at improving the use of materials in the United States. These informal discussions are in addition to the formal public meetings which have been and will be held by the Committee.

These meetings take place monthly at the Environmental Protection Agency, 401 M Street SW., Washing-

ton, D.C. The third open forum will be held Tuesday, June 13, 1978, from 11 a.m. to 1 p.m. in room 3908. For further information and to request that an item for discussion be placed on the agenda, contact Susan Mann, Public Participation Liaison at 202-755-9145.

The objective of these sessions is to provide an opportunity for the exchange of ideas relating to resource conservation between interested parties. As such, the format will be informal and provide for discussion rather than formal statements. No official record will be maintained. Participants are encouraged to propose innovative policy options for discussion.

The Resource Conservation Committee is the interagency committee set up under Section 8002(j) of the Resource Conservation and Recovery Act (Pub. L. 94-580). The Committee is chaired by EPA Administrator Douglas Costle and includes the Secretaries of Commerce, Labor, Interior, Energy, and Treasury; Chairman of Council on Environmental Quality; Director of Office of Management and Budget; and Chairman of Council of Economic Advisers. The Committee will make recommendations to the President and the Congress later this year on the desirability and possible design of policy options including solid waste disposal charges, resource conservation subsidies, direct product regulation, local solid waste user fees, and other policy proposals. They would like to include the public in the decision-making process and are soliciting views on these potential legislative initiatives.

Dated: June 6, 1978.

BARBARA BLUM,
Deputy Administrator, U.S.
Environmental Protection Agency.
[FR Doc. 78-16066 Filed 6-8-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

AM BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: June 1, 1978.

Released: June 5, 1978.

Notice is hereby given, pursuant to Section 1.571(c) of the Commission's Rules, that on July 31, 1978, the AM applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to Section 1.227(b)(1) and Section 1.591(b) of the Commission's Rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on July 28, 1978, which involves a conflict necessitating a hearing with any application on this list, must be sub-

stantially complete and tendered for filing at the offices of the Commission in Washington, D.C. by the close of business of July 28, 1978. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to Section 1.571(c) of the Commission's Rules.

The attention of any party in interest desiring to file pleadings concerning any pending AM applications, pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended, is directed to Section 1.580(i) of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

APPENDIX

BML-2677 (WESR), Olney-Onancock, Ba., The Accomack Northampton Broadcasting Co., Inc. Has: 1330 kHz, 5 kW, Day (Tasley, Va.). Req: 1330 kHz, 5 kW, Day (Olney-Onancock, Va.).
BMP-14,224 (WPOM), Riviera Beach, Fla., Riviera Broadcasting Corp., Has: 1600 kHz, 1 kW, DA-1, U. Req: 1600 kHz, 1 kW, 5 kW-LS, DA-2, U.
BP-20,388 (KWUN), Concord, Calif., Adler Communications Co., Inc. Has: 1480 kHz, 500 W, DA-Day. Req: 1480 kHz, 500 W, DA-1, U.
BP-20,392 (KEES), Gladewater, Tex., Orman L. Kimbrough Has: 1430 kHz, 1 kW, Day. Req: 1430 kHz, 1 kW, 5 kW-LS, DA-N, U.
BP-20,405 (WGTO), Cypress Gardens, Fla., Hubbard Broadcasting, Inc. Has: 540 kHz, 250 W, 50 kW-LS, DA-2, S.H. Req: 540 kHz, 1 kW, 50 kW, 50 kW-LS, DA-2, U.
BP-20,412 (KKVI), McKinney-Plano, Tex., AHB Broadcasting Corp. Has: 1600 kHz, 5 kW, DA, Day. Req: 1600 kHz, 1 kW, 5 kW-LS, DA-2, U.
BP-20,413 (KARI), Blaine, Wash., The Birch Bay Broadcasting Co., Inc. Has: 550 kHz, 1 kW, 5 kW-LS, DA-2, U. Req: 550 kHz, 2.5 kW, 5 kW-LS, DA-2, U.
BP-20,415 (KLIQ), Lake Oswego, Oreg., Cascade Broadcasting Corp. Has: 1290 kHz, 5 kW, Day (Portland, Oreg.). Req: 1290 kHz, 5 kW, DA-1, U (Lake Oswego, Oreg.).
BP-20,419 (WASA), Havre de Grace, Md., The Chesapeake Broadcasting Corp. Has: 1330 kHz, 5 kW, Day. Req: 1330 kHz, 0.5 kW, 5 kW-LS, DA-N, U.
BP-20,421 (WYYZ), Jasper, Ga., Pickens County Broadcasting Co. Has: 1580 kHz, 250 W, Day. Req: 1490 kHz, 250 W, 1 kW-LS, U.
BP-20,423 (WKHJ), Holly Hill, S.C., Radio Holly Hill, Inc. Has: 1440 kHz, 1 kW, Day. Req: 1440 kHz, 1 kW, DA-N, U.
BP-20,429 (WBEV), Beaver Dam, Wis., Beaver Dam Radio, Inc. Has: 1430 kHz, 1 kW, Day. Req: 1430 kHz, 1 kW, DA-N, U.
BP-20,430 (WRMN), Elgin, Ill., Elgin Broadcasting Co., Inc. Has: 1410 kHz, 1 kW, Day. Req: 1410 kHz, 0.5 kW, 1 kW-LS, DA-N, U.

BP-20,433 (KITI), Centralia-Chehalis, Wash., KITT-KITI Corp. Has: 1420 kHz, 1 kW, Day. Req: 1420 kHz, 1 kW, DA-N, U.
BP-20,434 (WLNA), Peekskill, N.Y., Highland Broadcasting Corp. Has: 1420 kHz, 1 kW, Day. Req: 1420 kHz, 1 kW, 5 kW-LS, DA-2, U.

BP-20,436 (WGUY), Brewer, Maine, Bangor Broadcasting Corp. Has: 1250 kHz, 5 kW, Day (Bangor, Maine). Req: 1250 kHz, 5 kW, DA-N, U (Brewer, Maine).

BP-20,439 (KVEN), Coeur d'Alene, Idaho, North Idaho Broadcasting Co. Has: 1240 kHz, 250 W, 1 kW-LS, U. Req: 1080 kHz, 1 kW, 10 kW-LS, DA-N, U.

BP-20,450 (new), Troy, Ohio, Cloverleaf Broadcasting Corp. Req: 1510 kHz, 250 W, DA, Day.

BP-20,451 (WTNJ), Ewing, N.J., Progressive Communications, Inc. Has: 1300 kHz, 5 kW, DA, Day (Trenton, N.J.). Req: 1300 kHz, 2.5 kW, 5 kW-LS, DA-2, U (Ewing, N.J.).

BP-20,455 (new), Volga, S.Dak., Dakota-North Plains Corp. Req: 910 kHz, 1 kW, 500 W-LS, DA-2, U.

BP-20,462 (WEKG), Jackson, Ky., The Intermountain Broadcasting Co., Inc. Has: 810 kHz, 1 kW, Day. Req: 810 kHz, 5 kW, Day.

BP-20,466 (WLTH), Gary, Ind., Northwestern Indiana Broadcasting Corp. Has: 1370 kHz, 1 kW, Day. Req: 1370 kHz, 500 W, 1 kW-LS, DA-N, U.

BP-20,467 (WHOT), Campbell, Ohio, WHOT, Inc. Has: 1330 kHz, 1 kW, 500 W-LS, DA-2, U. Req: 1330 kHz, 5 kW, 500 W-LS, DA-2, U.

BP-20,468 (WBLG), Lexington, Ky., Village Communications, Inc. Has: 1300 kHz, 1 kW, DA-N, U. Req: 1300 kHz, 1 kW, 2.5 kW-LS, DA-N, U.

BP-20,470 (WDMJ), Marquette, Mich., WDMJ, Inc. Has: 1320 kHz, 1 kW, DA-N, U. Req: 1320 kHz, 1 kW, 5 kW-LS, DA-N, U.

BP-20,471 (WNPV), Lansdale, Pa., Equitable Publishing Co. Has: 1440 kHz, 500 W, DA, Day. Req: 1440 kHz, 500 W, DA-2, U.

BP-20,474 (KTPA), Prescott, Ark., Newport Broadcasting Co. Has: 1370 kHz, 500 W, Day. Req: 1370 kHz, 1 kW, Day.

BP-20,475 (NEW), Tuba City, Ariz., The Navajo Bible School and Mission. Req: 1050 kHz, 5 kW, Day.

BP-20,486 (KSPR), Springdale, Ark., Johnson Communications, Inc. Has: 1590 kHz, 500 W, Day. Req: 1590 kHz, 1 kW, Day.

BP-20,487 (WWCH), Clarion, Pa., Clarion County Broadcasting Corp. Has: 1300 kHz, 500 W, Day. Req: 1300 kHz, 1 kW, Day.

BP-20,488 (WRDD), Bay City, Mich., Tri-Media, Inc. Has: 1440 kHz, 500 W, 1 kW-LS, U. Req: 1440 kHz, 2.5 kW, 5 kW-LS, DA-2, U.

BP-20,489 (WECP), Carthage, Miss., Meredith Colon Johnston. Has: 1080 kHz, 250 W, Day. Req: 1080 kHz, 5 kW, DA, Day.

BP-20,490 (WGSM), Huntington, N.Y., WGSM Radio, Inc. Has: 740 kHz, 5 kW, DA, Day. Req: 740 kHz, 25 kW, DA, Day.

BP-20,492 (WCHN), Norwich, N.Y., Radio Norwich, Inc. Has: 970 kHz, 500 W, Day. Req: 970 kHz, 1 kW, Day.

BP-20,493 (WMBT), Shenandoah, Pa., Schuylkill Trans-Audio Corp., Inc. Has: 1530 kHz, 1 kW, Day. Req: 1530 kHz, 2.5 kW, Day.

BP-20,494 (WJSB), Crestview, Fla., Crestview Broadcasting Co., Inc. Has: 1050 kHz, 1 kW, Day. Req: 1050 kHz, 5 kW, Day.

BP-20,496 (KCRA), Sacramento, Calif., Kelly Broadcasting Co. Has: 1320 kHz, 1

kW, 5 kW-LS, DA-2, U. Req: 1320 kHz, 5 kW, DA-2, U.

BP-20,498 (WSBR), Boca Raton, Fla., Burbach Radio, Inc. Has: 740 kHz, 1 kW, DA, Day. Req: 740 kHz, 500 W, 1 kW-LS, DA-2, U.

BP-20,499 (KGDN), Edmonds, Wash., King's Garden, Inc. Has: 630 kHz, 5 kW, Day. Req: 630 kHz, 1 kW, 5 kW-LS, DA-N, U.

BP-20,501 (WIMS), Michigan City, Ind., Northern Indiana Broadcasters, Inc. Has: 1420 kHz, 500 W, 5 kW-LS, DA-2, U. Req: 1420 kHz, 5 kW, DA-2, U.

BP-20,502 (KLMS), Lincoln, Nebr., Telegraph-Herald, Inc. Has: 1480 kHz, 1 kW, DA-2, U. Req: 1480 kHz, 1 kW, 2.5 kW-LS, DA-2, U.

BP-20,503 (WIZR), Johnstown, N.Y., Street Broadcasting Corp. Has: 930 kHz, 1 kW, Day. Req: 930 kHz, 1 kW, DA-N, U.

BP-20,506 (WRIP), Rossville, Ga., Jay Sadow. Has: 980 kHz, 500 W, DA, Day. Req: 980 kHz, 500 W, DA-2, U.

BP-20,508 (WLEA), Hornell, N.Y., Patricus Enterprises, Inc. Has: 1480 kHz, 1 kW, Day. Req: 1480 kHz, 2.5 kW, Day.

BP-20,509 (KNWC), Sioux Falls, S. Dak., Northwestern College. Has: 1270 kHz, 1 kW, DA-N, U. Req: 1270 kHz, 2.5 kW, DA-2, U.

BP-20,510 (WRYZ), Jupiter, Fla., Light-house Broadcasting Co., Inc. Has: 1000 kHz, 1 kW, DA, Day. Req: 1000 kHz, 250 W, 1 kW-LS, DA-2, U.

BP-20,511 (KKEKQ), Tempe, Ariz., Tri-State Broadcasting Co. Inc. Has: 1060 kHz, 500 W, DA-1, U. Req: 1060 kHz, 500 W, 5 kW-LS, DA-N, U.

BP-20,514 (KANN), Ogden, Utah, Southern Nevada Communications Corp. Has: 1090 kHz, 1 kW, Day. Req: 1090 kHz, 5 kW, Day.

BP-20,516 (KTIS), Minneapolis, Minn., Northwestern College. Has: 900 kHz, 1 kW, Day. Req: 900 kHz, 2.5 kW, Day.

BP-20,517 (KEHG), Fosston, Minn., KEHG, Inc. Has: 1480 kHz, 5 kW, Day. Req: 1480 kHz, 2.5 kW, 5 kW-LS, DA-N, U.

BP-20,518 (KVLH), Pauls Valley, Okla., Garvin County Broadcasting, Inc. Has: 1470 kHz, 250 W, Day. Req: 1470 kHz, 1 kW, DA, Day.

BP-20,519 (WQCK), Warner Robins, Ga., WRBN, Inc. Has: 1600 kHz, 500 W, 1 kW-LS, DA-N, U. Req: 1600 kHz, 500 W, 2.5 kW-LS, DA-N, U.

BP-20,521 (KPRM), Park Rapids, Minn., De La Hunt Broadcasting Corp. Has: 1240 kHz, 250 W, 1 kW-LS, U. Req: 1270 kHz, 5 kW, Day.

BP-20,523 (WNNO), Wisconsin Dells, Wis., Taylor Electric Co. Has: 990 kHz, 500 W, Day. Req: 900 kHz, 1 kW, Day.

BP-20,525 (KGAA), Kirkland, Wash., Glo-Lee Broadcasting Corp. Has: 1460 kHz, 5 kW, DA, Day. Req: 1460 kHz, 2.5 kW, 5 kW-LS, DA-2, U.

BP-20,526 (WSBP), Chattahoochee, Fla., Soundway Broadcasting Co. Has: 1580 kHz, 1 kW, Day. Req: 1580 kHz, 5 kW, Day.

BP-20,527 (KSXK), Sandy, Utah, D & B Broadcasting. Has: 630 kHz, 1 kW, DA, Day (Salt Lake City, Utah). Req: 630 kHz, 500 W, 1 kW-LS, DA-2, U (Sandy, Utah).

BP-20,530 (WMCT), Mountain City, Tenn., Johnson County Broadcasting Co., Inc. Has: 1390 kHz, 500 W, Day. Req: 1390 kHz, 1 kW, Day.

BP-20,532 (WCBK), Martinsville, Ind., Morgan County Broadcasters, Inc. Has: 1540 kHz, 250 W, Day. Req: 1540 kHz, 500 W, Day.

BP-20,535 (WTKO), Ithaca, N.Y., Ivy Broadcasting Co., Inc. Has: 1470 kHz, 500 W, 1 kW-LS, DA-N, U. Req: 1470 kHz, 500 W, 5 kW-LS, DA-N, U.

BP-20,538 (KRKK), Rock Springs, Wyo., Media West, Inc. Has: 1360 kHz, 500 W, 1 kW-LS, DA-N, U. Req: 1360 kHz, 1 kW, 5 kW-LS, DA-N, U.

BP-20,539 (WHLF), Centerville, Tenn., Trans-Air Broadcast Corp. Has: 1570 kHz, 1 kW, Day. Req: 1570 kHz, 5 kW, Day.

BP-20,541 (KKIK), Waco-Marlin, Tex., Jamar Media, Inc. Has: 1010 kHz, 10 kW, DA, Day. Req: 1010 kHz, 2.5 kW, 10 kW-LS, DA-2, U.

BP-20,543 (KOGT), Orange, Tex., Sabine Area Broadcasting Corp. Has: 1600 kHz, 1 kW, DA-N, U. Req: 1600 kHz, 1 kW, 5 kW-LS, DA-2, U.

BP-20,544 (WSCP), Sandy Creek-Pulaski, N.Y., Oswego-Jefferson Broadcasting, Inc. Has: 1070 kHz, 1 kW, Day. Req: 1070 kHz, 2.5 kW, Day.

BP-20,546 (WVNH), Salem, N.H., Salem Broadcasting Co., Inc. Has: 1110 kHz, 5 kW, DA, Day. Req: 1110 kHz, 25 kW, DA, Day.

BP-20,548 (KSOP), South Salt Lake City, Utah, KSOP, Inc. Has: 1370 kHz, 1 kW, Day (Salt Lake City, Utah). Req: 1370 kHz, 500 W, 5 kW-LS, DA-N, U (South Salt Lake City).

BP-20,551 (WPLA), Plant City, Fla., WPLA Broadcasting Co., Inc. Has: 910 kHz, 1 kW, Day. Req: 910 kHz, 1 kW, DA-1, U.

BP-20,554 (KAIM), Honolulu, Hawaii, Christian Broadcasting Association. Has: 870 kHz, 5 kW, U. Req: 870 kHz, 50 kW, DA-1, U.

BP-20,555 (WPNC), Plymouth, N.C., Ralph D. Epperson. Has: 1470 kHz, 1 kW, Day. Req: 1470 kHz, 5 kW, Day.

BP-20,556 (KISA), Honolulu, Hawaii, Hagadone Capital Corp. Has: 1540 kHz, 5 kW, Day. Req: 1540 kHz, 5 kW, U.

BP-20,560 (new), Spencer, Tenn., Spencer Broadcasting Co. Req: 1420 kHz, 500 W, Day.

BP-20,562 (WKKS), Vanceburg, Ky., Ohio Valley Broadcasting Co. Has: 1570 kHz, 250 W, Day. Req: 1570 kHz, 1 kW, Day.

BP-20,567 (WQDI), Homestead, Fla., Radio South Dade, Inc. Has: 1430 kHz, 500 W, Day. Req: 1430 kHz, 500 W, DA-N, U.

BP-20,572 (WKSJ), Prichard, Ala., Capitol Broadcasting Corp. Has: 1270 kHz, 1 kW, Day. Req: 1270 kHz, 5 kW, Day.

BP-20,574 (new), Salyersville, Ky., Licking Valley Radio Corp. Req: 1140 kHz, 1 kW, Day.

BP-20,575 (new), Florala, Ala., Florala Broadcasting Co., Inc. Req: 1230 kHz, 250 W, 1 kW-LS, U.

BP-20,577 (new), Sun Prairie, Wis., Car-Mel Broadcasting. Req: 1190 kHz, 500 W, DA, Day.

BP-20,578 (new), Ketchikan, Alaska, Sitka Broadcasting Co., Inc. Req: 1290 kHz, 5 kW, U.

BP-20,580 (new), Umatilla, Oreg., Interfaith Christian Center. Req: 1090 kHz, 2.5 kW, Day.

BP-20,581 (new), Dillon, Colo., Alan K. Levin. Req: 1130 kHz, 5 kW, Day.

BP-20,584 (new), Webster, Mass., Lakeview Broadcasting Co., Inc. Req: 940 kHz, 250 W, Day.

BP-20,586 (new), Crescent City, Fla., Bascap Radio, Inc. Req: 1330 kHz, 1 kW, DA, Day.

BP-20,587 (WJNJ), Atlantic Beach, Fla., WKTX, Inc. Has: 1600 kHz, 1 kW, Day. Req: 1600 kHz, 5 kW, Day.

BP-20,590 (new), Adamsville, Tenn., Dixie Communications, Inc. of Tennessee, Req: 1540 kHz, 250 W., Day.
 BP-20,591 (new), Icard Township, N.C. Jimmy R. Jacumin, Req: 1580 kHz, 5 kW, DA, Day.
 BP-20,592 (new), Greenfield, Mass., Poet's Seat Broadcasting, Inc. Req: 1520 kHz, 10 kW, DA, Day.
 BP-20,595 (new), West Hazleton, Pa., Radio Action Co. Req: 1300 kHz, 5 kW, DA, Day.
 BP-20,596 (new), Flemingsburg, Ky., Fleming County Broadcasting, Inc. Req: 1060 kHz, 500 W, DA, Day.
 BP-20,597 (new), Elgin, Tex., Bastrop County Communications, Inc. Req: 1440 kHz, 500 W, DA-2, U.
 BP-20,612 (KUKA), San Antonio, Tex., Por Favor, Inc. Has: 1250 kHz, 1 kW, Day, Req: 1250 kHz, 1 kW, DA-N, U.
 BP-20,613 (new), Prichard, Ala., Mobile Broadcast Service, Inc. Req: 960 kHz, 2.5 kW, Day.
 BP-20,616 (new), Pittsburgh, Ky., Q Radio Group, Inc. Req: 1600 kHz, 500 W, Day.
 BP-20,617 (new), Lexington, N.C., Eastco Media, Inc. Req: 1140 kHz, 2.5 kW, DA, Day.
 BP-20,619 (new), Valdez, Alaska, Prince William Sound Broadcasters—a partnership, Req: 1400 kHz, 250 W, 1 kW-LS, U.
 BP-20,620 (new), Hilton Head Island, S.C. Coastal Empire Broadcasting Co., Inc. Req: 1130 kHz, 1 kW, Day.
 BP-20,624 (new), Gorham, Maine, Dirigo Communications, Inc. Req: 1590 kHz, 2.5 kW, 5 kW-LS, DA-2, U.
 BP-20,626 (new), Vail, Colo., Radio Vail Inc. Req: 1360 kHz, 5 kW, Day.
 BP-20,628 (WANB), Waynesburg, Pa., Commonwealth Broadcasters, Inc. Has: 1580 kHz, 250 W, Day, Req: 1580 kHz, 1 kW (500 W C.R.), Day.
 BP-20,678 (WEZQ), Winfield, Ala., John Self, Has: 1300 kHz, 1 kW, Day, Req: 1300 kHz, 5 kW, Day.
 BP-20,721 (KKAP), Aptos-Capitola, Calif., KKAP Broadcasting Co. Has: 1540 kHz, 1 kW, Day, Req: 1540 kHz, 10 kW, DA, Day.
 BP-20,745 (WXVI), Montgomery, Ala., Brothers Broadcasting Corp. Has: 1600 kHz, 1 kW, DA-N, U. Req: 1600 kHz, 1 kW, 5 kW-LS, DA-2, U.
 BP-20,800 (new), Bald Knob, Ark., John Paul Capps, Req: 710 kHz, 250 W, DA, Day.
 BP-20,830 (new), Hilton Head Island, S.C., Calibogue Broadcasting Co. Req: 1130 kHz, 1 kW, Day.
 BP-20,863 (new), Blountville, Tenn., Morgan Broadcasting Co. Req: 1140 kHz, 250 W, Day.
 BP-21,139 (WMSO), Collierville, Tenn., Albert L. Crain, Has: 1590 kHz, 500 W, Day, Req: 1220 kHz, 2.5 kW, DA, Day.
 BP-21,151 (new), Dimondale, Mich., B D T & W Broadcasting Co. Req: 1170 kHz, 1 kW, DA, Day.
 BP-21,160 (KBMR), Lincoln, N.D., KBMR Radio, Inc. Has: 1130 kHz, 10 kW, Day (Bismarck, N. Dak.), Req: 1130 kHz, 10 kW, 50 kW-LS, DA-2, U (Lincoln, N. Dak.).
 BP-21,187 (new), Vienna, Ga., Dooley Broadcasting, Req: 1550 kHz, 1 kW, Day.
 [FR Doc. 78-16023 Filed 6-8-78; 8:45 am]

[6712-01]

(FCC 78-322)

MINORITY OWNERSHIP OF BROADCASTING FACILITIES

Statement of Policy

MAY 25, 1978.

One decade ago, as a partial response to the concerns expressed in the Report of the National Advisory Committee on Civil Disorders ("The Kerner Report"),¹ the Commission articulated policies and principles which would guide it in its consideration of complaints that its licensees—or those who would be its licensees—had discriminated against minorities in their employment practices.² We observed that "we simply do not see how the Commission could make the public interest findings as to a broadcast applicant who is deliberately pursuing or preparing to pursue a policy of discrimination—of violating the National Policy."³

One year later, July 16, 1969, the Commission adopted rules which, in addition to forbidding discrimination on the basis of race, color, religion, or national origin, also required that "equal opportunity in employment . . . be afforded by all licensees or permittees . . . to all qualified persons."⁴ To meet this goal, licensees were required to develop a program of specific practices designed to assure equal opportunity in every aspect of station employment policy and practice. On May 20, 1970, the Commission adopted rules requiring most of the licensees within its jurisdiction to file annual employment reports and a written equal employment opportunity program with certain application forms.

Just 2 years ago, we reiterated and clarified our policy on employment discrimination. We emphasized that our rules embodied the concepts of nondiscrimination and affirmative action, observing that:

An Affirmative Action Plan is a set of specific and result oriented procedures which broadcasters must follow to assure that mi-

¹ Report of the National Advisory Commission on Civil Disorders, (New York: Bantam Books, 1968).

² *Petition for Rulemaking to Request Licensees to Show Nondiscrimination in their Employment Practices*, 13 FCC 2d 766 (1968). ("(A) petition or complaint raising substantial issues of fact concerning discrimination in employment practices calls for full exploration by the Commission before the grant of the broadcast application before it.")

³ Id. at 769.

⁴ *Nondiscrimination Employment Practices of Broadcast Licensees*, 18 FCC 2d 240 (1969). "Sex" was added as an impermissible basis for discrimination in May 1970. *Nondiscrimination Employment Practices of Broadcast Licensees*, 23 FCC 2d 430 (1970).

norities and women are given equal and full consideration for job opportunities.⁵

In adopting the model EEO program proposed in 1975, the Commission noted that:

As we have moved with steadily increasing actions to strengthen our rules and policies in the area of nondiscrimination in the employment policies and practices of broadcast station licensees, we have attempted to do so in line with our primary statutory mandate—the regulation of communication by wire and radio in the public interest . . .

[W]e have sought to limit our role to that of assuring on an overall basis that stations are engaging in employment practices which are compatible with their responsibilities in the field of public service broadcasting.⁶

The Supreme Court has spoken favorably of such Commission actions. In *NAACP v. FCC*, 425 U.S. 662, 670 n. 7 (1976) the Court observed:

The Federal Communications Commission has adopted regulations dealing with the employment practices of its regulatees . . . These regulations can be justified as necessary to enable the FCC to satisfy its obligation under the Communications Act of 1934 . . . to ensure that its licensees' programming fairly reflects the tastes and viewpoints of minority groups.

The Commission has taken action on other fronts as well to assure that the needs, interests and problems of a licensee's community (including minorities within that community) are both ascertained and treated in the programming of the licensee. Under our ascertainment requirements⁷ licensees are required to contact community leaders and members of the general public to obtain information about community interests and to present programming responsive to those interests. To aid licensees in these efforts, we have developed a community leader checklist consisting of 20 groupings or institutions which we believe are found in most communities. Reflecting our commitment to the expression of minority viewpoints, we have required that licensees specifically contact minorities in a community as a distinct grouping or institution (among the 20 groupings outlined by the Commission) from which representative leaders are to be drawn. Moreover, the Commission requires that the licensee interview minorities and women within the 19 "non-minority" institutions or groupings which it also expects the licensee to contact as part of its ascertainment procedure.

While the broadcasting industry has on the whole responded positively to

⁵ *Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees*, 54 FCC 2d 354, 358 (1975).

⁶ *Nondiscrimination in the Employment Policies and Practices of Broadcast Licensees*, 60 FCC 2d, 226, 229-230 (1976).

⁷ *Ascertainment of Community Problems by Broadcast Applicants*, 57 FCC 2d 418 (1976).

its ascertainment obligations and has made significant strides in its employment practices, we are compelled to observe that the views of racial minorities⁸ continue to be inadequately represented in the broadcast media.⁹ This situation is detrimental not only to the minority audience but to all of the viewing and listening public. Adequate representation of minority viewpoints in programming serves not only the needs and interests of the minority community but also enriches and educates the nonminority audience. It enhances the diversified programming which is a key objective not only of the Communications Act of 1934 but also of the first amendment.

Thus, despite the importance of our equal employment opportunity rules and ascertainment policies in assuring diversity of programming it appears that additional measures are necessary and appropriate. In this regard, the Commission believes that ownership of broadcast facilities by minorities is another significant way of fostering the inclusion of minority views in the area of programming.

As the Commission's Minority Ownership Task Force Report recounts:

Despite the fact that minorities constitute approximately 20 percent of the population, they control fewer than one percent of the 8,500 commercial radio and television stations currently operating in this country. Acute underrepresentation of minorities among the owners of broadcast properties is troublesome in that it is the licensee who is ultimately responsible for identifying and serving the needs and interests of his audience. Unless minorities are encouraged to enter the mainstream of the commercial broadcasting business, a substantial proportion of our citizenry will remain underserved, and the larger nonminority audience will be deprived of the views of minorities.¹⁰

It is apparent that there is a dearth of minority ownership in the broadcast industry. Full minority participation in the ownership and management of broadcast facilities results in a more diverse selection of programming. In addition, an increase in ownership by minorities will inevitably enhance the diversity of control of a limited resource, the spectrum. And, of course, we have long been committed to the concept of diversity of control because "diversification . . . is a public good in a free society, and is additionally desirable where a government licensing system limits access by the public to the use of radio and tele-

⁸ For purposes of this statement, minorities include those of Black, Hispanic, American Eskimo, Aleut, American Indian, and Asiatic American extraction.

⁹ See Federal Communications Commission's Minority Ownership Task Force, *Minority Ownership Report* (1978); U.S. Commission on Civil Rights, *Window Dressing on the Set* (1977); See also the Kerner Report, supra at 207, 208, 210.

¹⁰ *Minority Ownership Report*, supra.

vision facilities."¹¹ What is more, affecting programming by means of increased minority ownership—as is also the case both with respect to our equal employment opportunity and ascertainment policies—avoids direct government intrusion into programming decisions.

Hence, the present lack of minority representation in the ownership of broadcast properties is a concern to us. We believe that diversification in the areas of programming and ownership—legitimate public interest objectives of this Commission—can be more fully developed through our encouragement of minority ownership of broadcast properties. In this regard, the Commission is aware of and relies upon court pronouncements on this subject.

The United States Court of Appeals for the District of Columbia observed in *Citizens Communications Center v. FCC*, 447 F. 2d 1201 (D.C. Cir. 1971):

Since one very significant aspect of the "public interest, convenience, and necessity" is the need for diverse and antagonistic sources of information, the Commission simply cannot make a valid public interest determination without considering the extent to which the ownership of the media will be concentrated or diversified by the grant of one or another of the applications before it.

As new interest groups and hitherto silent minorities emerge in our society, they should be given the same stake in the chance to broadcast on our radio and television frequencies.¹²

In *TV 9 Inc. v. FCC*, 495 F. 2d 929 (D.C. Cir. 1973), cert. denied, 418 U.S. 986 (1974), the Court again dealt with the issue of minority ownership. In reversing a decision where the Commission had refused to award merit to an applicant in a comparative proceeding based upon minority ownership and participation the Court emphasized:

It is consistent with the primary objective of maximum diversification of ownership of mass communications media for the Commission in a comparative license proceeding to afford favorable consideration to an applicant who, not as a mere token but in good faith, as broadening community representation, gives a local minority group media entrepreneurship . . .

We hold only that when minority ownership is likely to increase diversity of content, especially on opinion and viewpoint, merit should be awarded.

The fact that other applicants propose to present the views of such minority groups in their programming, although relevant, does

¹¹ *Policy Statement on Comparative Broadcast Hearings*, 1 FCC 2d 393, 394 (1965).

¹² 447 F. 2d at 1213 n. 36.

not offset the fact that it is upon ownership that public policy places primary reliance with respect to diversification of content, and that historically has proved to be significantly influential with respect to editorial comment and the presentation of news.¹³

The Court made plain that minority ownership and participation in station management is in the public interest both because it would inevitably increase the diversification of control of the media and because it could be expected to increase the diversity of program content.¹⁴

The Commission has acted in accordance with these judicial expressions. Its Review Board has afforded comparative merit to applicants for construction permits where minority owners were to participate in the operation of the station.¹⁵ The Commission itself has ordered the expedited processing of several applications filed by applicants with significant minority ownership interests.¹⁶

Nevertheless, the continuation of an extreme disparity between the representation of minorities in our population and in the broadcasting industry requires further Commission action.¹⁷ Accordingly, in issuing this statement of policy, we today endorse our commitment to increasing significantly minority ownership of broadcast facilities.

To implement our policy we initiate the first of several steps we expect to consider in fostering the growth of minority ownership.

In conjunction with our customary examination of assignment and transfer applications,¹⁸ we intend to examine such applications where a sale is proposed to parties with a significant

¹³ 495 F. 2d at 937-38 [emphasis added].

¹⁴ As the Court observed in a subsequent opinion: "The entire thrust of TV 9 is that Black ownership and participation together are themselves likely to bring about programming that is responsive to the needs of the black citizenry, and that that reasonable expectation without 'advance demonstration' gives them relevance." *Garrett v. FCC*, 168 U.S. App. D.C. 266, 273, 513 F. 2d 1056, 1063 (1975), 1056, 1063 (D.C. Cir. 1975) (footnote omitted).

¹⁵ *Flint Family Radio, Inc.* 41 P&F Radio Reg. 2d 1155 (1977); *Gainesville Media, Inc.*, 42 P&F Radio Reg. 489 (1978).

¹⁶ *Atlas Communications, Inc.* (WJPC), 61 FCC 2d 995 (1976); *Hagadone Capital Corporation*, FCC 78-123, 42 P&F Radio Reg. 2d 632 (1978); *Letter to Messrs. L. Glaser and Francis E. Fletcher, Jr.* FCC 78-167, adopted February 22, 1978; *Letter to Ken Goodman*, FCC 78-279, adopted April 20, 1978; *Letter to Terry E. Tyler*, FCC 78-280, adopted April 20, 1978.

¹⁷ For a general treatment of the growth of Black-owned radio, see *Bachman, Dynamics of Black Radio*, (1977).

¹⁸ See section 310(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(b).

minority interest to determine whether there is a substantial likelihood that diversity of programming will be increased. In such circumstances, we will make use of our authority to grant tax certificates to the assignors or transferors where we find it appropriate to advance our policy of increasing minority ownership.²⁰ A similar proposal was advanced to us by the National Association of Broadcasters and has won the endorsement of, among others, the Carter Administration, the American Broadcasting Co., General Electric Broadcasting Co. and the National Black Media Coalition.

Moreover, in order to further encourage broadcasters to seek out minority purchasers, we will permit licensees whose licenses have been designated for revocation hearing, or whose renewal applications have been designated for hearing on basic qualification issues, but before the hearing is initiated, to transfer or assign their licenses at a "distress sale" price²¹ to applicants with a significant minority ownership interest, assuming the proposed assignee or transferee meets our other qualifications.

While we normally permit distress sales when the licensee is either bankrupt or physically or mentally disabled, there is precedent for such sales based on other grounds. See e.g. *Radio San Juan*, 29 P&F Radio Reg. 2d 607 (1974). The avoidance of time consuming and expensive hearings will more than compensate for any diminution in the license revocation process as a

²⁰Under 28 U.S.C. section 1071, the Commission can permit sellers of broadcast properties to defer capital gains taxation on a sale whenever it is deemed "necessary or appropriate to effectuate a change in a policy of, or the adoption of a new policy by, the Commission with respect to the ownership and control of radio broadcasting stations." Originally tax certification was used to remove the hardship of involuntary transfer as a result of divestiture imposed by the Commission's multiple ownership rules. Now, however, tax certificates are routinely approved in voluntary sales as an incentive to licensees to divest themselves of communications properties grandfathered under the multiple ownership rules. *Issuance of Tax Certificates*, 19 P&F Radio Reg. 2d 1831 (1970).

²¹We currently contemplate issuing a certificate where minority ownership is in excess of 50 percent or controlling. Whether certificates would be granted in other cases will depend on whether minority involvement is significant enough to justify the certificate in light of the purpose of the policy announced herein.

²²In order to provide incentive for broadcasters opting for this approach, we would expect that the distress price would be somewhat greater than the value of the unlicensed equipment, which could be realized even in the event of revocation. See *Second Thursday Corporation*, 22 FCC 2d 515 (1970) recon. granted 25 FCC 2d 112 (1970); *Northwestern Broadcasting Corporation* (WLTH), 65 FCC 2d 66 (1977).

deterrent to wrongdoing. We contemplate grants of distress sales in circumstances similar to those now obtaining except that the minority ownership interests in the prospective purchaser will be a significant factor. The parties involved in each proposed transaction will be expected to demonstrate to us how the sale would further the goals on which we are today basing the extension of our distress sale policy. All such transactions will be scrutinized closely to avoid abuses.

The Congressional Black Caucus has petitioned for rulemaking to permit distress sales to minorities. While we endorse the goal of such a proposal we have concluded that cases should be reviewed as they arise to determine that the objectives of our policies will be met. Consequently, for the present a rigid rule on such sales will not be adopted.

Applications by parties seeking relief under our tax certificate and distress sale policies can be expected to receive expeditious processing.

We are keenly aware that the first steps we announce today do not approach a total solution to the acute underrepresentation problem. They are made possible because proposals raising these issues have been submitted to us and these proposals, the collective comments received thereon, and the findings of our Minority Ownership Task Force provide us with a compelling record upon which to base our action.

Beyond the steps taken today, we intend to examine, among other things, the recommendations set forth in the Minority Ownership Report. Also, while the immediate area of concern of this statement has been broadcasting, it is expected that in the future attention will also be directed towards improving minority participation in such services as cable television and common carrier. Finally, as was concluded in our Minority Ownership Report, if the goal of significant minority ownership is to be reached, Congress, other governmental agencies, and the private sector must join in these efforts. We welcome petitions for rulemaking or other submissions from concerned parties as to other actions we might take to reach our objectives.²³

Action by the Commission May 17, 1978. Commissioners Ferris (Chairman), Lee, Quello, Washburn, Fogarty, White, and Brown.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

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²³For example, while today's actions are limited to minority ownership because of the weight of the evidence on this issue, other clearly definable groups, such as women, may be able to demonstrate that they are eligible for similar treatment.

[6730-01]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311 (p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to part 542 of title 46 CFR.

In addition, notice is also given that the operators indicated by an asterisk (*) have established evidence of financial responsibility, with respect to the vessels indicated, as required by subsection (c) of section 204 Trans-Alaska Pipeline Authorization Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Alaska Pipeline) pursuant to part 543 of title 46 CFR.

Certificate No.	Owner/Operator and Vessels
01428	Ocean Transport & Trading Ltd.: <i>Leonora Maria</i> .
01431	F. Bolton Group Ltd.: <i>Reynolds, Rossetti, Rubens</i> .
01432	David Shipping Inc.: <i>Nephelie</i> .
02001	Rederaktiebolaget Transatlantic: <i>Maneuve V. Mandure VI, Saint Jacques</i> .
02038	Polskie Linie Oceaniczne: <i>Smolny, Norwid</i> .
02190	Bugzier Reederei und Bergungs Aktiengesellschaft: <i>Lloyd Sydney</i> .
02195	Welsh Overseas Freighters Ltd.: <i>Welsh Trident, Welsh Endeavour, Welsh Troubadour, Welsh Voyager</i> .
02199	Atlantic Richfield Co.: <i>Acrographite I, Acrographite II</i> .
02233	Nedlloyd Bulk Antillen N.V.: <i>Amstellan</i> .
02367	Canadian Pacific (Bermuda) Ltd.: <i>Fort Carleton, Fort Hamilton</i> .
02416	Boland & Cornelius Inc.: <i>Saginaw Bay</i> .
02496	United States Steel Corp.: <i>A1, A2</i> .
02833	Ponte Naya (CIA Maritima) S.A.: <i>Pedro Menendez, Ponte Pasaje, Ponte Pedrito</i> .
02836	The Scindia Steam Navigation Co. Ltd.: <i>Jalapati</i> .
02958	Ashland Oil, Inc.: <i>AO 801, AO 802, AO 803, AO 804</i> .
02982	The Shipping Corp. of India, Ltd.: <i>Dadabhai Naorji, State of Nagaland</i> .
03271	Sealand Service, Inc.: <i>Sea Land Venture, Sea Land Leader, Sea Land Economy</i> .
03278	Universe Tankships, Inc.: <i>Universe Patriot</i> .
03483	Sankyo Kaiun Kabushiki Kaisha: <i>Logistic Ace</i> .
03484	Sanko Kisen K.K.: <i>Kyuko Maru</i> .
03635	Hines Inc.: <i>Hines 433B</i> .
03879	Zapata Haynie Corp.: <i>Grand Chemiere</i> .
04226	National Marine Service Inc.: <i>N.M.S. No. 1408, N.M.S. No. 1409</i> .
04230	James Fisher & Sons Ltd.: <i>Pacific Fisher</i> .
04398	Hapag-Lloyd Aktiengesellschaft: <i>Koeln Express, America Express</i> .
04642	South African Marine Corp. Ltd.: <i>Venture</i> .
04930	Panoccean Anco Ltd.: <i>Anco Endeavour</i> .
05081	United States Dredging Corp.: <i>Magic City II</i> .
05098	Esso Tankers Inc.: <i>Esso Portland</i> .
05199	Prekookeanska Plovdiva: <i>Rumija</i> .
05437	Dow Chemical Co.: <i>NMS 1452, NMS 1457</i> .

Certificate

No.	Owner/Operator and Vessels
05520	Union Carbide Corp.: <i>USL-148, USL-151</i> .
04736	Flota Cubana de Pesca: <i>Gofo de Guacanaybo</i> .
06038	Suomen Hoiviyalva Osakeyhtio Finska Angfartygs Aktiebolaget: <i>Patria, Khali Enterprise, Chase One, Chase Two</i> .
06077	Shinwa Shosen Kaisha Ltd.: <i>Mie Maru No. 7, Tosui Maru No. 11, Kaki Maru No. 3</i> .
06084	Trailer Marine Transport Corp.: <i>La Reina</i> .
06121	Charles S. Wallace III, Inc.: <i>Sea Charger</i> .
06208	Hochseefischerel Nordstern A.G.: <i>Friedrich Busse, Sagitta Maris</i> .
06248	Commercial Corporation Sovrybflot: <i>Aleksey Makhalin, Arktika, Ernst Teliman, Kamchatkaya Pravda, Kamyshin, Khibinsky Gory, Lopatin, Mathias Thesen, Mys Elagina, Mys Suslova, Otto Grolevoi, Mys Voronina, Mys Osipova, Mys Orekhova, Professor Baranov, Prometey, Rosa Luxemburg, Tykhookevsky, Voskhod, Zvezda, Koriaki, Retava, Kristian Raud</i> .
06384	Mercury Shipping Co., Ltd.: <i>Mercury Bay, Mercury Gulf</i> .
06409	India Steamship Co., Ltd.: <i>Indian Grace</i> .
06510	Compagnie Nationale Algerienne de Navigation C.N.A.N.: <i>Timimoun</i> .
06877	Societe Francaise de Transports Maritimes: <i>Ville de Brest, Ville de Bordeaux</i> .
07208	Iraqi State Enterprise for Maritime Transport: <i>Babylon, 14 July, Baghdad, Basrah, Sindad</i> .
07255	Teh Tung Steamship Co., Ltd.: <i>Silver Bay</i> .
07574	Georgian Shipping Co.: <i>Nikolay Voznesenskiy</i> .
0	
07623	Dillingham Tug & Barge Corp.: <i>DTB-37</i> .
07795	Oriental Ocean Carriers, Inc.: <i>Atlantic Seatrade</i> .
08615	Dong Sue Shipping Co., Ltd.: <i>Jindalle</i> .
08658	Il Woo Marine Co., Ltd.: <i>Ocean Dynamic</i> .
08702	Bowling Green Navigation Corp.: <i>Gretta</i> .
08994	Tranquillity Shipping and Trading Corp. S.A.: <i>Petrola 31</i> .
08999	Sause Bros. Ocean Towing Co., Inc.: <i>Bandon</i> .
09114	Blue Saga Shipping Co., Ltd.: <i>Hilda Wesch</i> .
09387	A/S Salvator Marine Services: <i>Achilles Jason</i> .
09722	The Riffe Marine Corp.: <i>RR 103</i> .
10023	United Shipping Co., Ltd.: <i>Del Sur, Corona Del Mar</i> .
10438	Oriental Pioneer Line S.A.: <i>Glen Eagle</i> .
10582	Ohio Shipping Corp.: <i>Ohio</i> .
11146	Pan Win Shipping Co., S.A.: <i>Kawana</i> .
11153	Sea Containers International Corp.: <i>Strider Australia</i> .
11161	Maraven S.A.: <i>Pariata, Caruao</i> .
11303	Sea Transport Co., Inc.: <i>Micronesia Sunrise</i> .
11322	Navimar S.A.: <i>Zarate</i> .
11383	Spanliverpool Shipping Co.: <i>Pacific Wava</i> .
12115	Nippon Kyodo Hogei K.K.: <i>Seki Maru No. 17</i> .
12118	Adonis Shipping Corp.: <i>Golden Canary</i> .
12179	Cerrahgil Denizcilik Nakliyat ve Ticaret A.S.: <i>C. Tahsin</i> .
12217	Canadian National Railways Co.: <i>Marine Evangeline</i> .
12393	Hyundai Enterprise Co., Ltd.: <i>Han Woo</i> .
12434	United Arab Shipping Co. (S.A.G.): <i>Al Muharrag, Al Rayyan, Salah Aldeen</i> .
12676	Oriental Pearl Line Kabushiki Kaisha: <i>Zutho Maru</i> .
12796	Teo Shipping Corp.: <i>Lucky Wave</i> .
12834	Central Rivers, Inc.: <i>George Weathers</i> .
12999	Silverdee Shipping, Ltd.: <i>Bandama</i> .
13025	Federal Pacific (Liberia), Ltd.: <i>Federal St. Clair</i> .
13030	Societe Italo Congolaise D'Armement et Pêche: <i>Manicongo</i> .
13157	Triscatin Shipping S.A.: <i>Golden Ace</i> .
13167	Map Tankers Inc.: <i>Unicorn Michael</i> .
13191	Fietamentos Maritimos S.A.: <i>Aragon</i> .
13233	Universal River, Inc.: <i>Litsa K</i> .

Certificate

No.	Owner/Operator and Vessels
13368	Sanko Kisen (Cayman), Ltd.: <i>Sanko Robin, Asia Alliance, Pan Alliance, Oceanic Kristin, Oceanic Erin, Serpens Constellation, Sanko Gerd, Continental Monarch</i> .
13392	Timur Carriers (Private), Ltd.: <i>TFL Independence</i> .
13434	Rommany Compania Naviera S.A.: <i>Blue Tiger</i> .
13467	Biscayan Towage & Salvage Co.: <i>Biscay Star, Biscay Sky</i> .
13494	Brema Reederel GMBH & Co. KG.: <i>Frammes</i> .
13516	Neptune Gamma (PTE), Ltd.: <i>Neptune Spinel</i> .
13519	Crisantema Line S.A.: <i>Bela Mondo</i> .
13563	Continental Steamship Co.: <i>Miley</i> .
13581	Marca Line: <i>Santa Teresa</i> .
13609	Petramar: <i>Al Idrissi, Samir</i> .
13610	Marphoecean: <i>Ibn Rochd, Ibn Jabir, Ibn Khaldoun, Ibn Otman, Al Ghassani</i> .
13622	Nativol S.A.: <i>Palm Islands</i> .
13635	Cajun Marine Service, Inc.: <i>T-104</i> .
13636	Centramar Shipping Co. S.A.: <i>Inca Express</i> .
13657	Compania De Navegacion Dormar Ltda.: <i>Yacona</i> .
13664	Tragonisi Shipping Corp.: <i>Aegis Venture</i> .
13710	Martinez, Perela Y Cia S.A.N.: <i>Castilla, Francisca</i> .
13724	Matador Service, Inc.: <i>Koch Fueller No. 1, H & S Barge No. 3, H & S Barge No. 2</i> .
13738	Allocean Container Transports, Ltd.: <i>Oriental Researcher</i> .
13744	The Oliver Transportation Co. and Hinetech Coal Corp.: <i>Emi 900</i> .
13756	Marine Alaska, Inc.: <i>B/T Alaska</i> .
13770	Silverness Shipping, Ltd.: <i>Taabo</i> .
13772	S.P.A. Copesca: <i>Airone, Pellicano</i> .
13790	C K Processing Co.: <i>Melson I</i> .
13797	Galleon Shipping Corp.: <i>Galleon Coral</i> .
13801	Shawnee, Inc.: <i>Agapi</i> .
13811	Rederiet Hamlet: <i>Hamlet Arabia</i> .
13818	East Ocean Marine Corp.: <i>Honest Right</i> .
13821	Inter-Island Shipping Co.: <i>Canaveral</i> .
13822	Western Ventures, Inc.: <i>Star Trek</i> .
13823	Elinakm S.A.: <i>Ambri</i> .
13824	Micosta, S.A.: <i>Mihalis</i> .
13827	Island Shipping Co.: <i>Lakeland</i> .
13828	Dedelos Compania Naviera S.A.: <i>Niki R, Denis M</i> .
13829	Paragon Transport Corp. of Monrovia: <i>Vincenzia</i> .
13831	Lineas Maritimas De Rio Haina S.A.: <i>Rio Haina</i> .
13832	Kalmia Shipping, Inc.: <i>Ocean Diamond</i> .
13834	Salta Shipping Corp., Ltd.: <i>Hancock Clipper</i> .
13836	Kuok Singapore Shipping Pte., Ltd.: <i>Ikan Bili</i> .
13839	Ulysses International Navigation, Ltd.: <i>Annie</i> .
13840	Oy Hermes Ship, Ltd.: <i>Passad</i> .
13841	Oy Mare Ship, Ltd.: <i>Monsun</i> .
13842	Swallow Maritime Corp.: <i>Sea Swallow, Sea Lark</i> .

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-16032 Filed 6-3-78; 8:45 am]

[6730-01]

Independent Ocean Freight Forwarder
License No. 18881

RAMASI SERVICES, INC.

Order of Revocation

On May 31, 1978, Ramasi Services, Inc., 120 Broadway, New York, N.Y. 10005, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 1888 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission

as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, That Independent Ocean Freight Forwarder License No. 1888 issued to Ramasi Services Inc., be and is hereby revoked effective May 31, 1978.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Ramasi Services, Inc.

ROBERT M. SKALL,
Deputy Director Bureau of
Certification and Licensing.

[FR Doc. 78-16033 Filed 6-8-78; 8:45 am]

[4110-88]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health
Administration

ADVISORY COMMITTEES

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory body scheduled to assemble during the month of July 1978:

ALCOHOL TRAINING REVIEW COMMITTEE

July 13-15; 9 a.m., Conference Room B, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857. Open: July 14; 9-11 a.m. Closed: Thereafter. Contact: Ms. Jeanne Trumble, Room 14C-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1056.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute on Alcohol Abuse and Alcoholism, ADAMHA, relating to training activities and makes recommendations to the National Advisory Council on Alcohol Abuse and Alcoholism.

Agenda: From 9 a.m. to 11 a.m., July 14, the Committee will be open for reports and announcements of administrative and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of section 552b(c)(6), Title 5 U.S. Code and section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact person listed above. The NIAAA information contact who will furnish summaries of the meeting and rosters of the Committee members is Mr. Harry Bell, Associate

Director for Public Affairs, National Institute on Alcohol Abuse and Alcoholism, Room 11A-17, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3306.

Dated: June 5, 1978.

CAROLYN T. EVANS,
Committee Management Officer,
Alcohol, Drug Abuse, and
Mental Health Administration.
[FR Doc. 78-15959 Filed 6-8-78; 8:45 am]

[4110-86]

Center for Disease Control IMMUNIZATION PRACTICES ADVISORY COMMITTEE Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Center for Disease Control announces the following Committee meeting.

Name: Immunization Practices Advisory Committee.

Dates: July 6-7, 1978.

Place: Room 207, Building 1, Center for Disease Control, 1600 Clifton Road, NE., Atlanta, Ga. 30333.

Time: 8:30 a.m.

Type of Meeting: Open.

Contact Person: H. Bruce Dull, M.D., Executive Secretary of Committee, Building 1, Room 2118, Center for Disease Control, 1600 Clifton Road, NE., Atlanta, Ga. 30333, phone: AC/404-633-3311, extension 3701, FTS: 236-3701.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents for public health practice.

Agenda: The Committee will discuss results of data from influenza vaccine field trials and develop a final statement on influenza vaccine for the 1978-79 influenza season.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: June 5, 1978.

WILLIAM C. WATSON, Jr.,
Acting Director,
Center for Disease Control.
[FR Doc. 78-16180 Filed 6-8-78; 8:45 am]

[1505-01]

Food and Drug Administration
[Docket No. 78N-0031]

SAFETY OF CERTAIN FOOD INGREDIENTS Opportunity for Public Hearing Correction

In FR Doc. 78-10331, appearing at page 17055 in the issue for Friday, April 25, 1978, make the following corrections:

1. On page 17055, middle column, second paragraph under "Supplementary Information", twelfth line, the word "clcium" should read "calcium".

2. On page 17056, in the table under "Substances", insert "Sodium aluminosilicate" after "Magnesium silicate".

[4110-03]

[Docket No. 78F-0145]

SOLVAY AMERICAN CORP.

Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Solvay American Corp. has filed a petition proposing that the food additive regulations be amended to provide for additional uses of *n*-alkylsulfonate as an emulsifier for vinylidene chloride (VDC) copolymer coatings for food contact applications.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 7B3274) has been filed by Solvay American Corp., 609 Fifth Avenue, New York, N.Y. 10017, proposing to amend § 178.3400 *Emulsifiers and/or surface-active agents* (21 CFR 178.3400) to provide for an increase in the maximum limit for use of *n*-alkylsulfonate as an emulsifier for vinylidene chloride (VDC) copolymer coatings from 2 to 2.6 percent by weight of coating solids. The petition further requests that the regulation be amended to provide for the use of VDC copolymer coatings containing *n*-alkylsulfonate on any substrate acceptable for use with food and in contact with all types of food except distilled spirits.

The environmental impact analysis report and other relevant material

have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 31, 1978.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc. 78-15698 Filed 6-8-78; 8:45 am]

[4110-03]

Food and Drug Administration INITIAL DISTRIBUTORS OF IMPORTED DEVICES Public Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces two 1-day, public meetings to discuss regulations which apply to initial distributors of imported devices.

DATES: Washington, June 15, 1978; San Francisco, June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Minna Leblang, Bureau of Medical Devices (HFK-132), Food and Drug Administration, 8757 Georgia Avenue, Silver Spring, Md. 20910 301-427-7194.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration announces two 1-day open public meetings to discuss requirements that initial distributors of imported devices must meet under the 1978 Medical Device Amendments (Pub. L. 94-295) to the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321 et seq.).

The first meeting will be held Thursday, June 15, 1978, at the Health, Education, and Welfare Building North, 330 Independence Avenue SW., Washington, D.C. The second meeting will be held Thursday, June 29, 1978, at the Environmental Protection Agency, Hearing Room, 215 Fremont Street, San Francisco, Calif. Each meeting will be held from 9 a.m. to 5 p.m.

The meetings will include FDA speakers who will discuss statutory provisions and regulations which apply to initial distributors of imported devices; provide guidance as to how these requirements can be met; and communicate FDA's philosophy and enforcement strategy.

These meetings are free and are open to the public. Because of space and time limitations, persons wishing

to attend either meeting should inform the contact person listed above. However, subject to space availability, any person may register at the door to participate in the meeting.

Dated: June 5, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-15964 Filed 6-8-78; 8:45 am]

[4110-84]

Health Services Administration ANNUAL REPORTS OF FEDERAL ADVISORY COMMITTEES Filing

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463, the Annual Report for the following Health Services Administration Federal Advisory Committee has been filed with the Library of Congress:

National Advisory Council on Migratory Health.

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9 a.m. and 4:30 p.m. at the Department of Health, Education, and Welfare, Department Library, North Building, Room 1436, 300 Independence Avenue SW., Washington, D.C. 20201, telephone 202-245-6791. Copies may be obtained from Mr. Jaime Manzano, Bureau of Community Health Services, Room 7A-55, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, telephone 301-443-1153.

Dated: May 31, 1978.

WILLIAM H. ASPDEN, Jr.,
Associate Administrator for
Management.

[FR Doc. 78-15960 Filed 6-8-78; 8:45 am]

[4110-08]

National Institutes of Health REPORT ON BIOASSAY OF ENDOSULFAN FOR POSSIBLE CARCINOGENICITY

Endosulfan (CAS 115-29-7) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of technical-grade endosulfan for possible carcinogenicity was conducted using Osborne-Mendel rats and B6C3F1 mice. Endosulfan was administered in the feed, at either of two concentrations, to groups of 50 male and 50 female animals of each species.

The time-weighted average high and low dietary concentrations of endosul-

fan were, respectively, 952 and 408 ppm for the male rats, and 445 and 223 ppm for the female rats. In mice the high and low time-weighted average concentrations were, respectively, 6.9 and 3.5 ppm for the males and 3.9 and 2.0 ppm for the females. Twenty animals of each sex and species were placed on test as controls. The bioassay of high dose male rats was terminated during week 82, and the bioassay of low dose male rats was terminated during week 74. After a 78-week period of chemical administration, observation of female rats continued for 33 additional weeks and observation of mice continued for 14 additional weeks.

At the doses administered to rats in this study endosulfan was toxic, inducing a high incidence of toxic nephropathy in both sexes and testicular atrophy in males.

In both species high early mortality was observed in the male groups and no conclusions concerning the carcinogenicity of endosulfan can be drawn from this part of the bioassay. However, survival among females of both species was sufficient for meaningful statistical evaluation of the incidence of late-developing tumors. It is concluded that under the conditions of this bioassay, technical-grade endosulfan was not carcinogenic in female Osborne-Mendel rats or in female B6C3F1 mice.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research.)

Dated: May 31, 1978.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.
[FR Doc. 78-15536 Filed 6-8-78; 8:45 am]

[4110-08]

REPORT ON BIOASSAY OF PENTACHLORONITROBENZENE FOR POSSIBLE CARCINOGENICITY Availability

Pentachloronitrobenzene (CAS 82-68-8) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Testing Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of technical-grade pentachloronitrobenzene (PCNB) for possible carcinogenicity was conducted using Osborne-Mendel rats and B6C3F1 mice. PCNB was administered in the feed, at either of two

concentrations, to groups of 50 male and 50 female animals of each species. The time-weighted average dietary concentrations of PCNB were, respectively, 10,064 and 5,417 ppm for male rats, 14,635 and 7,875 ppm for female rats, 5,213 and 2,606 ppm for male mice, and 8,187 and 4,093 ppm for female mice. After a 78-week period of compound administration, observation of the rats continued for an additional 33 to 35 weeks and observation of the mice continued for 14 or 15 additional weeks.

For each species, 20 animals of each sex were placed on test as controls and fed only the basal diet.

It is concluded that under the conditions of this bioassay PCNB was not carcinogenic in either Osborne-Mendel rats or B6C3F1 mice.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalogue of Federal Domestic Assistance Program No. 13.393, Cancer Cause and Prevention Research.)

Dated: May 31, 1978.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.
[FR Doc. 78-15535 Filed 6-8-78; 8:45 am]

[4110-39]

National Institute of Education EXPERIMENTAL PROGRAM FOR OPPORTUNITIES IN ADVANCED STUDY AND RESEARCH IN EDUCATION

Closing Date for Receipt of Applications

This notice is a reminder that the closing date for receipt of applications for the Experimental Program for Opportunities in Advanced Study and Research in Education is June 29, 1978. This closing date and the proposed regulations pursuant to which applications will be evaluated were published in the FEDERAL REGISTER, 43 FR 8234, on February 28, 1978.

Applications are to be mailed or delivered to: National Institute of Education, Proposal Clearinghouse, Room 708, 1832 M Street NW., Washington, D.C. 20208. An application sent by mail will be considered to be received on time by the Clearinghouse if:

(1) It is received at the Clearinghouse by 5 p.m., June 29, 1978; or

(2) The application was sent by registered or certified mail not later than 5 p.m. on June 26, 1978, as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service. Hand-delivered applications will be accepted daily between the hours of 9 a.m. and 5 p.m., Washing-

ton, D.C. time, except Saturdays, Sundays, and Federal holidays. Hand-delivered applications will not be accepted after 5 p.m. on the closing date, June 29, 1978. A dated and time-stamped receipt will be issued when the application is received by the Proposal Clearinghouse.

Application materials are available from: Program Staff, Experimental Program for Opportunities in Advanced Study and Research in Education, National Institute of Education, Washington, D.C. 20208, telephone 202-254-5929.

Dated: June 7, 1978.

RICHARD WERKSMAN,
Regulations Officer,
National Institute of Education.
[FR Doc. 78-16248 Filed 6-8-78; 10:11 am]

[4310-02]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs
COLVILLE AND NEZ PERCE

Plan for the Use and Distribution of the Confederated Tribes of the Colville Reservation and Joseph Band of Nez Perce Judgment Funds Awarded in Docket 186 Before the Indian Claims Commission

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 210 DM 1.2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of June 12, 1975, 89 Stat. 173, in satisfaction of the award granted to the Confederated Tribes of the Colville Reservation and Joseph Band of Nez Perce in Indian Claims Commission Docket 186. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated February 1, 1978, and was received (as recorded in the Congressional Record) by the House of Representatives on February 6, 1978, and by the Senate on February 9, 1978. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on May 1, 1978, as provided by Section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of June 12, 1975, 89 Stat. 173, in satisfaction of an award granted to the "Confederated Tribes of the Colville Reservation for and on behalf of the Joseph Band of Nez Perce" in Docket 186 before the Indian Claims Commission, including all interest and investment income accruing thereto, less at-

orney fees and litigation expenses, shall be used and distributed as herein provided.

The Secretary of the Interior (hereinafter "Secretary") shall divide the funds between the Nez Perce Tribe of Idaho and the Confederated Tribes of the Colville Reservation as follows: 118/268ths to the Nez Perce Tribe of Idaho and 150/268ths to the Confederated Tribes of the Colville Reservation of the State of Washington.

I. *Nez Perce Tribe of Idaho.* The Nez Perce Tribe of Idaho's share of the award shall be utilized as follows:

Per capita distribution. The Nez Perce Tribe of Idaho's latest approved membership roll shall be brought current, pursuant to the constitution and bylaws of the Nez Perce Tribe of Idaho, to include all eligible members born on or prior to and living on the effective date of this plan.

Subsequent to the preparation and approval of the membership roll referred to above, the Secretary shall make a per capita distribution of eighty (80) percent on the funds in a sum as equal as possible to each Nez Perce Tribe of Idaho enrollee.

Programming. Twenty (2) percent of the funds shall be utilized for tribal industrial, recreational, agricultural, and financial investment programs as determined by the Nez Perce Tribal Executive Committee subject to the approval of the Secretary.

II. *Confederated Tribes of the Colville Reservation.* The Confederated Tribes of the Colville Reservation's share of the award shall be utilized as follows:

Per capita distribution. The Confederated Tribes of the Colville Reservation's latest membership roll shall be brought current, pursuant to the constitution and bylaws of the Confederated Tribes of the Colville Reservation, to include all eligible members born on or prior to and living on the effective date of this plan.

Subsequent to the preparation and approval of the membership roll referred to above, the Secretary shall make a per capita distribution of the funds in a sum as equal as possible to each Confederated Tribes of the Colville Reservation enrollee.

III. *General provisions.* The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be handled pursuant to 25 CFR 104.5. The per capita shares of minors shall be handled pursuant to 25 CFR 60.10(a) and (b)(1) and 104.4, as amended November 5, 1976 (41 FR 48735, 48736). The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D. Any amounts remaining after the per capita payment to the enrollees of the above-cited tribes shall revert to the respective tribal governing bodies for use in on-going programs.

FORREST J. GERARD,
Assistant Secretary,
Indian Affairs.

[FR Doc. 78-15978 Filed 6-8-78; 8:45 am]

[4310-84]

BUREAU OF LAND MANAGEMENT

(NM 33469, 33470 and 33471)

NEW MEXICO

Applications

MAY 31, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 6 W.,
Sec. 9, SW¼SE¼;
Sec. 16, NW¼NE¼.
T. 28 N., R. 7 W.,
Sec. 24, W¼SW¼.
T. 28 N., R. 11 W.,
Sec. 27, W¼NW¼.

These pipelines will convey natural gas across 0.609 of a mile of public lands in Rio Arriba and San Juan Counties, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what term and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief Branch of Lands
and Minerals Operations.

[FR Doc. 78-15980 Filed 6-8-78; 8:45 am]

[4310-84]

(NM 33476)

NEW MEXICO

Application

MAY 31, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 9 S., R. 30 E.,
Sec. 31, SE¼SE¼.
T. 10 S., R. 30 E.,
Sec. 6, lot 1, S¼NE¼ and NW¼SE¼.

This pipeline will convey natural gas across 0.822 of a mile of public lands in Chaves County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief Branch of Lands
and Minerals Operations.

[FR Doc. 78-15981 Filed 6-8-78; 8:45 am]

[4310-84]

(NM 33466)

NEW MEXICO

Application

MAY 31, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corp. has applied for five 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 32 N., R. 7 W.,
Sec. 26, SW¼SW¼;
Sec. 33, lots 3, 4 and W¼SE¼;
Sec. 34, SW¼SE¼;
Sec. 35, NW¼NW¼ and NE¼SE¼.

These pipelines will convey natural gas across 1.117 miles of public lands in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what term and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief Branch of Lands
and Minerals Operations.

[FR Doc. 78-15982 Filed 6-8-78; 8:45 am]

[4310-84]

SOUTH DAKOTA

Designation of Off-Road Vehicle Restrictions
Fort Meade Area

Under the authority of 43 CFR 6010.4 use of off-road vehicles (ORV) on the public lands in sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, T. 5 N., R. 5 E., BHM and 25, 26, 27, 34, 35, 36, T. 6 N., R. 5 E., BHM is re-

stricted to designated roads and trails as of July 1, 1978, and until further notice. The purpose of the restriction is to stop soil erosion, vegetation loss, wildlife habitat loss, and damage to historic and cultural resources.

The restricted area consists of approximately 6700 acres located in Meade County, S. Dak.

The public lands within the designated area will remain open to other resource and recreation uses. Administrative access by ORV is allowed for BLM and BLM contractors, licensees, permittees, and all other Federal, State, and county employees when on official duty. Permits for ORV use in the area may be authorized by the district manager for other special purposes.

The roads and trails designated for ORV use will be marked by signs. A map of the area affected by this designation is available from the South Dakota area office, 310 Roundup Street, Belle Fourche, S. Dak. 57717.

GEORGE S. NEUBERG,
District Manager.

[FR Doc. 78-15979 Filed 6-8-78; 8:45 am]

[4310-84]

SOUTHWESTERN WYOMING DRAFT COAL
ENVIRONMENTAL STATEMENT

Extension of Comment Period

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of extension of comment period on southwestern Wyoming Draft Coal Environmental Statement.

SUMMARY: Under guidelines published by the Council on Environmental Quality on April 23, 1971, the Department of the Interior will comply with requests from other agencies for an extension of the comment period on the Draft Environmental Statement for Coal Development in southwestern Wyoming. Comments were requested through June 1, 1978, but are hereby extended for an additional 15 days to June 15, 1978. Comments received by that date will be considered before final action is taken on the preparation of a final environmental statement. The Environmental Statement is available for public review in Bureau of Land Management Offices in Cheyenne, Rock Springs, and Kemmerer, and in public libraries in Lincoln, Sweetwater, and Uinta Counties, Wyo.

DATE: Comments by June 15, 1978.

ADDRESS: Send comments to: Team Leader, Coal ES Team, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyo. 82910.

FOR FURTHER INFORMATION
CONTACT:

Bob Armstrong, 307-382-6190.

ARNOLD E. PETTY,
Acting Associate Director.

JUNE 8, 1978.

[FR Doc. 78-16240 Filed 6-8-78; 9:03 am]

[4310-70]

National Park Service

APPALACHIAN NATIONAL SCENIC TRAIL
ADVISORY COUNCIL, STEERING COMMITTEE

Cancellation of Meeting

Notice is hereby given of the cancellation of the meeting of the Steering Committee of the Appalachian National Scenic Trail Advisory Council scheduled to be held on June 14, 1978, at the Department of the Interior, 18th and C Streets NW., Washington, D.C., which was published in the FEDERAL REGISTER on May 25, 1978, at page 22459.

Dated: June 5, 1978.

SHIRLEY M. LUKENS,
Program Manager, Advisory
Boards and Commissions, National Park Service.

[FR Doc. 78-16016 Filed 6-7-78; 8:45 am]

[4310-09]

Office of the Secretary

PUBLIC PARTICIPATION IN WATER SERVICE
AND REPAYMENT CONTRACT NEGOTIATIONS

Notice of Proposed Procedures for Public Participation in Bureau of Reclamation Water Service and Repayment Contract Negotiations

It is the policy of the Department of the Interior to afford the public an opportunity to participate in the decisionmaking process regarding repayment and water service contracts.

Under the authority of the Secretary of the Interior, as provided in the Reclamation Act of 1902, as amended and supplemented, (32 Stat. 388, 43 U.S.C. 371), notice is given of proposed procedures and guidelines for public participation in water service and repayment contract negotiations conducted by the Bureau of Reclamation, Department of the Interior.

BACKGROUND

The repayment of reimbursable costs associated with reclamation activities requires consummation of contracts between the United States and project beneficiaries. The terms and conditions of such contracts (including but not limited to such matters as quantities of water to be furnished, delivery schedules, construction of facilities, terms and conditions of repayment) affect a wider range of the public than the immediate parties to the contract. In establishing the terms

and conditions of the contract, the views of all affected parties shall be considered and ample opportunity shall be provided for review and comment of a given repayment or water service contract or amendments thereof prior to its execution.

Negotiations on a proposed amendment contract between the United States and Westlands Water District of the San Luis Unit, Central Valley Project, Calif., are now in process. Those negotiations will be conducted in accordance with the proposed procedures to the extent practicable.

It has been determined that publication and implementation of procedures to allow broader public participation will not significantly affect the quality of the human environment and that no environmental impact statement as required by section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. section 4332(c)) is required. It is also determined that the proposed procedures do not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 as amended by Executive Order 11949 and the Office of Management and Budget Circular A-107. For contracts that are considered to be major Federal actions and if compliance with the National Environmental Policy Act has not been accomplished previously or if such environmental studies need to be updated, the public participation for the environmental statement process will be coordinated with the public participation required for the proposed contract action when possible.

PUBLIC PARTICIPATION PROCEDURES

The scope of these procedures shall apply to all repayment and water service contracts to be executed under Reclamation law, as amended and supplemented.

Notice shall be published by the Department of the Interior in the *FEDERAL REGISTER* whenever any of the following is to occur:

(1) The Bureau of Reclamation intends to enter into negotiations with potential contractors for new or amendment contracts described above. Such notice shall include a brief, general description of the proposed action; identification of the specific legislative authority for the proposed contract; a point of public contact for further inquiries and comments; and the period of time in which comments on the proposed contract will be received.

(2) The Bureau of Reclamation intends to hold public hearing(s) on a given draft contract and such notice shall include the date, time, and place of any scheduled public hearing(s). Such notice shall include a concise summary of the general terms and conditions of the proposed contract.

Publication of a notice in the *FEDERAL REGISTER* shall not preclude the Department of the Interior from providing notice by any other appropriate means.

Public participation shall be assured by the following:

(1) All meetings scheduled by the Bureau of Reclamation for the purpose of discussing terms and conditions of a proposed contract shall be open to the public as observers. Advance notice of such meetings need not be given and may be scheduled at the convenience of the parties involved.

(2) The Commissioner of Reclamation shall determine if, when, and where public hearings will be held by the Bureau of Reclamation to receive comments on repayment or water service contracts. A summary of all written comments received and testimony presented at any public hearing will be prepared and submitted to the Secretary of the Interior for consideration prior to approval or disapproval of a given contract.

Temporary water service contracts which do not represent a permanent commitment of the water resource in excess of one year shall not be subject to public hearings unless the Commissioner of Reclamation deems such hearings to be appropriate.

(3) The Commissioner of Reclamation shall establish a point of public access to each contract under consideration. Copies of each contract, and a summary thereof, will be made available. Upon request, such material will be sent to the affected parties for their review.

The Department intends to act promptly to implement changes in its public participation procedures. Interested persons may submit written comments, suggestions, or objections regarding the proposed procedures to the Commissioner, Bureau of Reclamation, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240, Attention: code 401. Comments must be received by July 10, 1978.

For further information you may contact:

Mr. Aldon D. Nielsen, Assistant Chief, Division of Water and Land, Bureau of Reclamation, Washington, D.C. 20240, (202) 343-5104.

Dated: June 1, 1978.

DANIEL P. BEARD,
Acting Assistant Secretary
of the Interior.

[FR Doc. 78-15886 Filed 6-8-78; 8:45 am]

[8230-01]

INTERNATIONAL COMMUNICATION AGENCY

ADVISORY PANEL ON CLASSICAL MUSIC OF THE ADVISORY COMMITTEE ON MUSIC

Meeting

Pursuant to Pub. L. 92-483, the Federal Advisory Committee Act, notice is hereby given that the Advisory Panel on Classical Music has scheduled a 2-day meeting to be held on Monday and Tuesday, June 26 and 27, in room 507 at State Annex 2, 515 22nd Street NW., Washington, D.C. The meeting hours will be from 9:45 a.m. to 12:30 p.m. and from 2 to 5:30 p.m. both days.

The sessions will be open to the public. The agenda is:

(1) Review of program policies and guidelines;

(2) Review of recent overseas tours in the music field sponsored by the International Communication Agency; and

(3) Evaluation of tapes and records of musicians and music groups planning tours abroad, and groups which wish to be considered as candidates for grants, sponsorship or other assistance in connection with overseas tours.

Members of the public in attendance who wish to comment on the agenda items may do so, subject to restrictions of time and direction of the Chair.

For the purpose of fulfilling building security requirements, it is requested that persons wishing to attend this open session advise the Executive Secretary, Beverly Gerstein, by telephone before June 22. The telephone number is area code 202-632-2846.

The meeting room has a seating capacity of 30, so the public will be admitted on a first-come, first-served basis.

JANE S. GRIMES,
Management Analyst, Management Analysis/Regulations Staff, Associate Directorate for Management, International Communication Agency.

[FR Doc. 78-16051 Filed 6-8-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

(Docket No. 77-34)

ROOSEVELT PETER JACKSON, M.D.

Revocation of Registration

On November 9, 1977, the Administrator of the Drug Enforcement Administration (DEA) directed to Roosevelt Peter Jackson, M.D. (Respondent) an Order to Show Cause proposing to revoke the Respondent's DEA Certificate of Registration, AJ1172472, for reason that on September 20, 1977, in

the U.S. District Court for the Northern District of Georgia, the Respondent was convicted of 42 counts of knowingly, intentionally and unlawfully dispensing Qualude, a schedule II controlled substance. On November 28, 1977, the Respondent, through counsel, requested a hearing on the issues raised by the Order to Show Cause.

On March 1, 1978, a hearing in this matter was held, the Hon Francis L. Young, Administrative Law Judge, presiding. The Respondent appeared pro se, his attorney having earlier notified the administrative law judge that he had withdrawn his appearance and that the Respondent would be representing himself. On May 17, 1978, pursuant to 21 CFR 1316.65, Judge Young certified the record of these proceedings to the Administrator, together with his opinion, recommended rulings and decision, and proposed findings of fact and conclusions of law.

The administrative law judge concluded, as a matter of law, that there is a lawful basis for the revocation of the Respondent's DEA registration pursuant to 21 U.S.C. 824(a)(2), the Respondent having been convicted of felony offenses relating to controlled substances. Judge Young further found that in less than 16 full months, 4,902 of the Respondent's Qualude prescriptions had been filled at a single Atlanta pharmacy. If each of these prescriptions had been written during a patient visit, for which Dr. Jackson's usual charge of \$20 or \$25 had been paid, the Respondent would have received gross income of between \$98,000 and \$123,000 for these prescriptions alone.

Judge Young found that if the Respondent is as sincerely dedicated to his methodology as he represents himself to be, then he is misguided, so misguided that the judge concluded that it is quite likely that Dr. Jackson would again violate the laws regulating controlled substances in pursuit of his objectives. Indeed, even at the hearing of this matter, the Respondent continued to espouse the efficacy of his discredited *modus operandi*. Judge Young concluded that the Respondent seemed not to have grasped the fact that his procedures were unlawful. Hence, the administrative law judge found that a preponderance of the evidence supported a decision to revoke the Respondent's DEA registration.

The administrator, after full consideration of the entire record in this matter, hereby adopts, in their entirety, the opinion and recommended ruling, findings of fact, conclusions of law and proposed decision of the administrative law judge. The administrator is satisfied that it would not be in the public interest to permit the Respondent to retain his DEA registration.

Accordingly, under the authority vested in the Attorney General by section 304 of the Controlled Substances Act (21 U.S.C. 824), and redelegated to the Administrator of the Drug Enforcement Administration, it is ordered that Dr. Jackson's DEA Certificate of Registration, AJ1172472, be, and it hereby is revoked, effective immediately.

Dated: June 5, 1978.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.
[FR Doc. 78-16008 Filed 6-8-78; 8:45 am]

[4510-30]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924(b), 1932, or 1942(b).

The act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate, or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR part 75. In determining whether the applications should be ap-

proved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 5th day of June 1978.

ERNEST G. GREEN,
Assistant Secretary for
Employment and Training.

APPLICATIONS RECEIVED DURING THE WEEK ENDING JUNE 2, 1978

Name of Applicant, Location of Enterprise and Principal Product or Activity

Burke Mountain Recreation, Inc., East Burke, Vt.—Ski resort and recreation area.
National Micronetics, Inc., Kingston, N.Y.—Manufacture of electronic capacitors and resistors.
Taylor Manufacturing Co., Inc., Conyers, Ga.—Manufacture of carpet adhesives.
Rancher's Markets Athens Processing Plant, Inc., Athens, Tex.—Beef slaughtering house.
G.M.G., Inc. and the Dodge House, Inc., Dodge City, Kans.—Motel.
Aero Mech, Inc., Clarksburg, W. Va.—Commuter airline operations.

[FR Doc. 78-15947 Filed 6-8-78; 8:45 am]

[4510-28]

Office of the Secretary

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of

these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility

requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 19, 1978.

Interested persons are invited to

submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 19, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 25th day of May 1978.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition	Articles produced
Fairfield-Noble Corp. (workers)	New York, N.Y.	May 23, 1978	May 23, 1978	TA-W-3,772	Houses the executive, accounting and data processing personnel for the corporation.
Lexcraft, Inc. (workers)	Fall River, Mass.	May 19, 1978	May 19, 1978	TA-W-3,773	Sleepwear and loungewear.
Kennecott Copper Corp., mines plant (USWA)	Bingham Canyon, Utah	May 22, 1978	May 22, 1978	TA-W-3,774	Mining of copper ore.
Kennecott Copper Corp., concentrator plant (USWA)	Magna, Utah	May 22, 1978	May 22, 1978	TA-W-3,775	Concentrate raw copper ore.
Kennecott Copper Corp., Utah Copper Division, refinery (USWA)	Garfield, Utah	May 22, 1978	May 22, 1978	TA-W-3,776	Refining blister copper into cathodes.
Kennecott Copper Corp., Utah Copper Division, smelter	Garfield, Utah	May 22, 1978	May 22, 1978	TA-W-3,777	Blister copper.
Lisk Savory Corp. (workers)	Buffalo, N.Y.	May 19, 1978	May 16, 1978	TA-W-3,778	Accounting for both Lisk Savory Corp. and U.S. Stamping Division in Moundsville, W. Va.
Needlecraft Dress Manufacturing Co., Corp. (workers)	Fall River, Mass.	May 17, 1978	May 15, 1978	TA-W-3,779	Ladies' better dresses, suits, and gowns.
Northern Ohio Sugar Co. (American Federation of Grain Millers)	Findlay, Ohio	May 24, 1978	May 21, 1978	TA-W-3,780	Receive raw sugar beets and processed them into refined sugar.
Sheller-Globe Corp., Inc.—Hardy Division (Allied Industrial Workers of America)	Union City, Ind.	May 22, 1978	May 19, 1978	TA-W-3,781	Zinc diecasting and plastic molders for decorative hardware.
Tab-A-Long Handbags & Accessories, Inc. (company)	East Haven, Conn.	May 17, 1978	May 17, 1978	TA-W-3,782	Handbags.

[FR Doc. 78-15635 Filed 6-8-78; 8:45 am]

[4510-28]

[TA-W-3464]

DONNER-HANNA COKE CORP., BUFFALO, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-3464: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on April 4, 1978, in response to a worker petition received on March 20, 1978, which was filed by the United Steel-

workers of America on behalf of workers and former workers producing coke and pig iron at the Buffalo, N.Y. plant of the Donner-Hanna Coke Corp.

The notice of investigation was published in the FEDERAL REGISTER on April 28, 1978 (43 FR 18360). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Donner-Hanna Coke Corp. and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the fol-

lowing criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

There were no involuntary separations of production workers from employment at the Buffalo, N.Y. plant of the Donner-Hanna Coke Corp. between February 20, 1977, 1 year prior to the signature date of the petition, and February 1, 1978. During February of 1978, separations did occur at the plant, however, such separations were solely attributable to the coal shortage in the United States. All separated workers have since been reinstated at the Buffalo, N.Y. plant, and there is currently no threat of future separations at the plant.

CONCLUSION

After careful review, I conclude that all workers at the Buffalo, N.Y. plant of the Donner-Hanna Coke Corp. are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-15894 Filed 6-8-78; 8:45 am]

[4510-28]

[TA-W-2475]

F/V "LEONA LOUISE," PROVINCETOWN, MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2475: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on October 17, 1977, in response to a worker petition received on October 4, 1977, which was filed on behalf of fishermen and former fishermen catching fish for the F/V Leona Louise, Provincetown, Mass.

The notice of investigation was published in the FEDERAL REGISTER on November 8, 1977 (42 FR 52810). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the owner of the F/V Leona Louise, his customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. It is concluded that all of the requirements have been met.

During the 1973 to 1976 period, the average annual level of imports of fresh and frozen groundfish and flatfish: whole; blocks and slabs; and fillets, was 654,706 thousand pounds. Imports in 1977 were 696,261 thousand pounds. Imports as a percentage of production increased from 173.4 percent in 1975, to 197.8 percent in 1976, and declined to 187.8 percent in 1977.

Cod represented the largest percentage of total Provincetown landings in 1977. Imports of fresh and frozen cod increased from 256,962 thousand pounds in 1975 to 331,044 thousand pounds in 1977. Imports as a percent-

age of production increased from 379.4 percent in 1975, to 446.5 percent in 1976, and increased to 463.9 percent in 1977.

Imports of edible fish products from Canada increased from 438,206 thousand pounds in 1975, to 474,015 thousand pounds in 1976, to 478,470 thousand pounds in 1977.

A survey of fish wholesalers served by the Provincetown area indicated that many had decreased purchases of fish from Provincetown. A number of these wholesalers purchased imported Canadian ground and flatfish either directly or indirectly in 1977.

The wholesalers also indicated that decreasing purchases from Provincetown were in large measure due to the increased purchases of fresh and frozen Canadian fish by their customers—fishmarkets, supermarkets, and restaurants. The Department's investigation revealed that many fish distributors and wholesalers use the imports of Canadian ground and flatfish as leverage in bidding down the exvessel prices paid to domestic fishermen for the same species of ground and flatfish.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with groundfish and flatfish caught by the F/V Leona Louise, Provincetown, Mass. contributed importantly to the decline in sales and employment related to the catching of fish aboard that vessel. In accordance with the provisions of the act, I make the following certification:

All workers of the F/V Leona Louise, Provincetown, Mass. who became totally or partially separated from employment on or after September 20, 1976, are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-15898 Filed 6-8-78; 8:45 am]

[4510-28]

[TA-W-2395]

F/V "SHIRLEY" AND "ROLAND," PROVINCETOWN, MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2395: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on September 23, 1977, in response to a worker petition received on September 23, 1977, which was filed on behalf of workers and former workers engaged in the catching and landing of ground and flatfish aboard the F/V Shirley and Roland of Provincetown, Mass.

The notice of investigation was published in the FEDERAL REGISTER on October 14, 1977 (42 FR 55316). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the F/V Shirley and Roland, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Marine Fisheries Service, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. It is concluded that all of the requirements have been met.

During the 1973 to 1976 period, the average annual level of imports of fresh and frozen groundfish and flatfish: whole; blocks and slabs; and fillets was 654,706 thousand pounds. Imports in 1977 were 696,261 thousand pounds. Imports as a percentage of production increased from 173.4 percent in 1975, to 197.8 percent in 1976, and declined to 187.8 percent in 1977.

Cod represented the largest percentage of total Provincetown landings in 1977. Imports of fresh and frozen cod increased from 256,962 thousand pounds in 1975, to 331,044 thousand pounds in 1977. Imports as a percentage of production increased from 379.4 percent in 1975, to 446.5 percent in 1976, and increased to 463.9 percent in 1977.

Imports of edible fish products from Canada increased from 438,206 thousand pounds in 1975, to 474,015 thousand pounds in 1976, to 478,470 thousand pounds in 1977.

A survey of fish wholesalers served by the Provincetown area indicated that many had decreased purchases of fish from Provincetown. A number of these wholesalers purchased imported Canadian ground and flatfish either directly or indirectly in 1977.

The wholesalers also indicated that decreasing purchases from Provincetown were in large measure due to the increased purchases of fresh and frozen Canadian fish by their customers—fishmarkets, supermarkets, and restaurants. The Department's investigation revealed that many fish distributors and wholesalers use the imports of Canadian ground and flatfish as leverage in bidding down the exvessel prices paid to domestic fishermen for the same species of ground and flatfish.

CONCLUSION

After careful review of the facts obtained in the investigation, it is concluded that increases of imports like or directly competitive with the ground and flatfish caught and landed by the F/V Shirley and Roland of Provincetown, Mass. contributed importantly to the decrease in sales and production and to the separation of workers from that vessel. In accordance with the provisions of the act, I make the following certification:

All workers of the F/V Shirley and Roland of Provincetown, Mass. who became totally or partially separated from employment on or after September 16, 1976, are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
(FR Doc. 78-15899 Filed 6-8-78; 8:45 am)

[4510-28]

[TA-W-2255]

GLENEAGLES DIVISION OF HART SCHAFFNER & MARX, CHISHOLM, MINN.

Affirmative Determination Regarding Application for Reconsideration

On May 9, 1978, the petitioner for workers and former workers of the Gleneagles Division of Hart Schaffner & Marx of Chisholm, Minn., requested administrative reconsideration of the Department of Labor's negative determination regarding eligibility to apply for worker adjustment assistance. This determination was published in the FEDERAL REGISTER on April 7, 1978 (43 FR 14762).

The petitioner raises one basic issue. He claims that the Department of Labor was in error in focusing its investigation only on golf jackets which, according to the petitioner, constituted only a small portion of output at the Chisholm factory. The petitioner claims that the Chisholm plant produced outerwear and that the majority of its production was directly affected by imports, particularly the boys' items, quilted nylon jackets and lined car coats.

CONCLUSION

After review of the application, I conclude that the claims of the petitioner are of sufficient importance to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

NOTICES

Signed at Washington, D.C., this 31st day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
(FR Doc. 78-15895 Filed 6-8-78; 8:45 am)

[4510-28]

[TA-W-3382]

HENRY RICHARDS CO., INC., HAMDEN, CONN.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-3382: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 21, 1978, in response to a worker petition received on March 2, 1978, which was filed by the International Leather, Plastics & Novelty Workers Union on behalf of workers and former workers producing ladies' handbags at the Hamden, Conn., plant of the Henry Richards Co., Inc.

The notice of investigation was published in the FEDERAL REGISTER on March 28, 1978 (43 FR 12967). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Henry Richards Co., Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

U.S. imports of handbags have increased both absolutely and relatively in every year since 1974. The import to domestic production ratio increased from 66.7 percent in 1974 to 119.7 percent in 1977.

Henry Richards Co., Inc., started importing handbags in the second quarter of 1977 and has increased purchases of imports in every quarter since that time. Imported handbags now represent a significant proportion of total company sales. The imported handbags replaced a line of handbags produced domestically by the firm.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the ladies'

handbags produced at the Henry Richards Co., Inc., have contributed importantly to the decline in sales and production and to the separation of workers at that plant as required for certification under section 222 of the Trade Act of 1974. In accordance with the provisions of the Act, I make the following certification:

All workers of the Henry Richards Co., Inc., Hamden, Conn., who became totally or partially separated from employment on or after February 27, 1977, are certified eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
(FR Doc. 78-15897 Filed 6-8-78; 8:45 am)

[4510-28]

[TA-W-3231]

HIBSHMAN SCREW MACHINE PRODUCTS, INC., UNION, MICH.

Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 23, 1978, in response to a worker petition received on that date which was filed on behalf of workers and former workers producing component parts at Hibshman Screw Machine Products, Inc., Union, Mich.

Notice of the investigation was published in the FEDERAL REGISTER on March 14, 1978 (43 FR 10650). No public hearing was requested and none was held.

The petitioner in this case requested withdrawal of the petition on April 3, 1978.

Signed at Washington, D.C., this 25th day of May 1978.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.
(FR Doc. 78-15896 Filed 6-8-78; 8:45 am)

[4510-28]

[TA-W-2705, 2719]

REPUBLIC STEEL CORP., CLEVELAND DISTRICT, CLEVELAND, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2705, 2719: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigations were initiated on December 5, 1977, in response to

worker petitions received on November 23, 1977, which were filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the strip mill and Cleveland, Ohio, plants in the Cleveland district of the Republic Steel Corp. The investigation revealed that the plant primarily produces hot and cold rolled carbon and alloy sheet and strip, carbon and alloy bars and special sections. The strip mill is part of the Cleveland district's integrated production process.

In a determination signed on June 10, 1977, all workers at the Cleveland district plant were denied eligibility to apply for adjustment assistance (see TA-W-1486).

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63487).

No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Republic Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Iron & Steel Institute, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The average number of workers in the Cleveland district increased from 1975 to 1976 and from 1976 to 1977. Employment increased in the last quarter of 1976 and each quarter of 1977 when compared to the respective quarter of the previous year.

No partial separations occurred. There is no immediate threat of separations at the Cleveland district.

CONCLUSION

After careful review, I conclude that all workers at the Cleveland district plant, Cleveland, Ohio (including the strip mill), of the Republic Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
(FR Doc. 78-15900 Filed 6-8-78; 8:45 am)

NOTICES

[4510-28]

[TA-W-2707]

REPUBLIC STEEL CORP., CULVERT DIVISION, CANTON DRAINAGE FAIRHOPE PLANT, FAIRHOPE, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2707: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 5, 1977, in response to a worker petition received on November 23, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the Canton Drainage Fairhope plant, Fairhope, Ohio, in the Culvert division of the Republic Steel Corp. The investigation revealed that the plant primarily produces sectional and tunnel liner plate and drainage pipe.

In a determination signed on September 12, 1977, all workers at the Canton Drainage Fairhope plant were denied eligibility to apply for adjustment assistance (see TA-W-1495).

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63487). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Republic Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Iron & Steel Institute, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. With respect to workers producing sectional plate and tunnel liner plate, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Shipments and production of sectional and tunnel liner plate increased from 1976 to 1977.

With respect to workers producing drainage pipe, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivi-

sion have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Imports of corrugated drainage pipe are not separately identifiable in the official trade statistics of the United States. If such products did enter the country, they would generally enter under TSUSA No. 610.3265, pipe and tubes, welded, jointed or seamed, over 16 inches in outside diameter. Industry sources state that there are no known imports of corrugated drainage pipe. Product bulkiness and the resulting high freight costs inhibit importation of such products.

CONCLUSION

After careful review, I conclude that all workers at the Canton Drainage Fairhope plant, Fairhope, Ohio, in the Culvert division of the Republic Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
(FR Doc. 78-15901 Filed 6-8-78; 8:45 am)

[4510-28]

[TA-W-2709, 2710]

REPUBLIC STEEL CORP., MAHONING VALLEY DISTRICT, NILES, OHIO, WARREN, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2709, 2710: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigations were initiated on December 5, 1977 in response to worker petitions received on November 23, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the Niles and Warren, Ohio plants in the Mahoning Valley District of the Republic Steel Corp. The investigation revealed that the Warren plant primarily produces carbon and alloy hot rolled sheet and strip, carbon cold rolled sheet and silicon. The Niles plant is part of Warren's integrated production process.

In a determination signed on July 28, 1977, all workers at the Warren and Niles plants were denied eligibility to apply for adjustment assistance (see TA-W-1489, 1490).

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63487). No

public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Republic Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Iron and Steel Institute, Industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The average number of workers at the Warren and Niles plants increased from 1975 to 1976 and from 1976 to 1977.

No partial separations occurred.

There is no immediate threat of separations at the Warren and Niles plants.

CONCLUSION

After careful review, I conclude that all workers at the Warren and Niles, Ohio plants in the Mahoning Valley District of the Republic Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-15902 Filed 6-8-78; 8:45 am]

[4510-28]

[TA-W-2711]

REPUBLIC STEEL CORP., CHICAGO DISTRICT,
SOUTH CHICAGO, ILL.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2711: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1977 in response to a worker petition received on November 23, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the South

Chicago, Ill. plant in the Chicago District of the Republic Steel Corp. The investigation revealed that the plant primarily produces carbon and alloy steel bars and semi-finished products, and carbon and alloy pipe and tubing.

In a determination signed on July 18, 1977, workers in the Chicago District who were engaged in employment related to the production of carbon and alloy steel pipe and tubing were certified as eligible to apply for adjustment assistance. Workers engaged in employment related to the production of bar products were denied eligibility to apply for adjustment assistance (see TA-W-1485). This investigation covers those workers denied previously.

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63487). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Republic Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Iron and Steel Institute, Industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Shipments and production of carbon and alloy bars (and semi-finished) increased from 1976 to 1977. Shipments also increased from 1975 to 1976.

CONCLUSION

After careful review, I conclude that all workers engaged in employment related to the production of carbon and alloy bars (and semi-finished) at the Chicago District plant, South Chicago, Ill. of the Republic Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

All workers engaged in employment related to the production of pipe and tubing continue to be eligible for adjustment assistance under the existing certification, TA-W-1485.

Signed at Washington, D.C., this 31st day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-15903 Filed 6-8-78; 8:45 am]

[4510-28]

[TA-W-2716]

REPUBLIC STEEL CORP., SOUTHERN DISTRICT,
THOMAS WORKS, BIRMINGHAM, ALA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2716: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1977 in response to a worker petition received on November 23, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the Birmingham, Ala. plant (Thomas Works) in the Southern District of the Republic Steel Corp. The investigation revealed that the Birmingham plant produces coke.

In a determination signed on July 12, 1976, all workers at the Birmingham plant, who were engaged in employment related to the production of specialty steel were denied eligibility to apply for adjustment assistance (see TA-W-748).

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63487). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Republic Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Iron and Steel Institute, Industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Thomas Works produces coke which is primarily shipped to the Southern District's Gulfsteel Works in Gadsden (TA-W-2717). In 1976, coke was also shipped to the Chicago (TA-W-2711) and Cleveland Districts (TA-W-2705, 2719) of Republic Steel. In determinations signed on May 31, 1978, workers at these plants were denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 31st day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-15908 Filed 6-8-78; 8:45 am]

[4510-28]

[TA-W-2721]

[4510-28]

[TA-W-2722]

REPUBLIC STEEL CORP. DOOR DIVISION, NILES
DOOR PLANT, NILES, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2722: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 10, 1977 in response to a worker petition received on November 3, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the Buffalo, N.Y. in the Buffalo District of the Republic Steel Corp.

The investigation was initiated on November 10, 1977 in response to a worker petition received on November 3, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the Buffalo, N.Y. in the Buffalo District of the Republic Steel Corp.

Republic Steel does not import any coke.

Since the Department has determined that workers at the Gulfsteel Works and the Chicago and Cleveland Districts have not been adversely affected by imports, workers at the Thomas Works, as part of the integrated production process, cannot be certified as eligible to apply for adjustment assistance.

CONCLUSION

After careful review, I conclude that all workers at the Thomas Works, Birmingham, Ala. in the Southern District of the Republic Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-15904 Filed 6-8-78; 8:45 am]

[4510-28]

[TA-W-2712]

REPUBLIC STEEL CORP., STEEL AND TUBES
DIVISION, ELYRIA, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2712: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1977 in response to a worker petition received on November 23, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the Elyria, Ohio plant in the Steel and Tubes Division of the Republic Steel Corp. The investigation revealed that the plant primarily produces welded carbon steel pipe and tubing.

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63487). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Republic Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Iron and Steel Institute, Industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act

must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The average number of workers at the Elyria plant increased from 1976 to 1977. Employment increased in the last quarter of 1976 and in each quarter of 1977 when compared to the respective quarter of the previous year.

No partial separations occurred. There is no immediate threat of separations at the Elyria plant. Production and shipments increased from 1975 to 1976 and from 1976 to 1977.

CONCLUSION

After careful review, I conclude that all workers at the Elyria, Ohio plant in Steel and Tubes Division of the Republic Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-15905 Filed 6-8-78; 8:45 am]

[4510-28]

[TA-W-2717]

REPUBLIC STEEL CORP., SOUTHERN DISTRICT
GULFSTEEL WORKS, GADSDEN, ALA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2717: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 5, 1977, in response to a worker petition received on November 23, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the Gadsden, Ala. plant in the Southern District of the Republic Steel Corp. The investigation revealed that the Gadsden plant (Gulfsteel Works) primarily produces carbon and alloy plates, hot and cold rolled sheet and galvanized products.

In a determination signed on June 21, 1977, all workers at the Gadsden plant were denied eligibility to apply for adjustment assistance (see TA-W-

1487). In a determination signed on June 17, 1976 all workers at the Gadsden plant, who were engaged in employment related to the production of specialty steel were denied eligibility to apply for adjustment assistance (see TA-W-751).

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63487). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Republic Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Iron and Steel Institute, Industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The average number of workers increased in the last quarter of 1976 compared to the last quarter of 1975 and from 1976 to 1977.

No partial separations occurred. There is no immediate threat of separations to the workers at the Gulfsteel Works.

CONCLUSION

After careful review, I conclude that all workers at the Gulfsteel Works, Gadsden, Ala. in the Southern District of the Republic Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-15906 Filed 6-8-78; 8:45 am]

[4510-28]

[TA-W-2593]

REPUBLIC STEEL CORP., BUFFALO DISTRICT,
BUFFALO, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2593: Investigation regarding

The investigation was initiated on November 10, 1977 in response to a worker petition received on November 3, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the Buffalo, N.Y. in the Buffalo District of the Republic Steel Corp.

The investigation was initiated on November 10, 1977 in response to a worker petition received on November 3, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the Buffalo, N.Y. in the Buffalo District of the Republic Steel Corp.

from 1975 to 1976 and increased from 1976 to 1977. Employment increased in the last quarter of 1976 and in each quarter of 1977 when compared to the respective quarter of the previous year.

No partial separations occurred.

There is no immediate threat of separations at the Canton Industrial Plant. Production and shipments increased from 1976 to 1977.

The railroad is a wholly owned subsidiary of Republic Steel Corp.

The River Terminal Railway Co. is part of Republic Steel's Cleveland district production process. Workers at the railroad provide transportation services to the Cleveland plants.

In a determination signed on June 21, 1977, all workers at the Buffalo plant were denied eligibility to apply for adjustment assistance (see TA-W-2593). In a determination signed on June 17, 1976 all workers at the Buffalo plant, who were engaged in employment related to the production of specialty steel were denied eligibility to apply for adjustment assistance (see TA-W-751).

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63487). No public hearing was requested and none was held.

certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 10, 1977 in response to a worker petition received on November 3, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the Buffalo, N.Y. in the Buffalo District of the Republic Steel Corp. The investigation revealed that the plant primarily produces carbon and alloy steel bars.

In a determination signed on June 10, 1977, all workers in the Buffalo District were denied eligibility to apply for adjustment assistance (see TA-W-1484).

The notice of investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59565). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Republic Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Iron and Steel Institute, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The average number of workers increased in the last quarter of 1976 compared to the last quarter of 1975. There were no significant employment declines from 1976 to 1977.

No partial separations occurred.

There is no immediate threat of separations to workers at the Buffalo District plant.

CONCLUSION

After careful review, I conclude that all workers in the Buffalo District plant, Buffalo, N.Y. of the Republic Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-15907 Filed 6-8-78; 8:45 am]

[4510-28]

[TA-W-2722]

REPUBLIC STEEL CORP. DOOR DIVISION, NILES DOOR PLANT, NILES, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2722: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 5, 1977, in response to a worker petition received on November 23, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the Niles door plant, Niles, Ohio, in the door division of the Republic Steel Corp. The investigation revealed that the plant primarily produces doors, frames, and sticks.

In a determination signed on September 12, 1977, all workers at the Niles door plant were denied eligibility to apply for adjustment assistance (see TA-W-1495).

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63487). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Republic Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Iron and Steel Institute, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Shipments and production of doors, frames, and sticks increased from 1975 to 1976 and from 1976 to 1977.

The average number of production workers also increased from 1976 to 1977.

CONCLUSION

After careful review, I conclude that all workers at the Niles door plant, Niles, Ohio, in the door division of the Republic Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-15908 Filed 6-8-78; 8:45 am]

[4510-28]

[TA-W-2721]

REPUBLIC STEEL CORP., INDUSTRIAL PRODUCTS DIVISION, CANTON INDUSTRIAL PLANT, CANTON, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2721: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 5, 1977, in response to a worker petition received on November 23, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing various steel products at the Canton Industrial Plant, Canton, Ohio in the industrial products division, of the Republic Steel Corp. The investigation revealed that the plant primarily produces lockers and shelving and does some contract manufacturing.

In a determination signed on September 12, 1977, all workers at the Canton Industrial Plant were denied eligibility to apply for adjustment assistance (see TA-W-1494).

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63487). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Republic Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Iron and Steel Institute, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The average number of workers at the Canton Industrial Plant was stable

from 1975 to 1976 and increased from 1976 to 1977. Employment increased in the last quarter of 1976 and in each quarter of 1977 when compared to the respective quarter of the previous year.

No partial separations occurred.

There is no immediate threat of separations at the Canton Industrial Plant. Production and shipments increased from 1976 to 1977.

CONCLUSION

After careful review, I conclude that all workers at the Canton Industrial Plant, Canton, Ohio (Industrial Products Division) of the Republic Steel Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. Signed at Washington, D.C., this 31st day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-15909 Filed 6-8-78; 8:45 am]

[4510-28]

[TA-W-2604]

THE RIVER TERMINAL RAILWAY CO., CLEVELAND, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2604: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 14, 1977, in response to a worker petition received on November 2, 1977, which was filed on behalf of workers and former workers providing railroad services at the River Terminal Railway Co., a wholly owned subsidiary of Republic Steel Corp., Cleveland, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63484). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from The River Terminal Railway Co., Republic Steel Corp., and Department files.

In order to make an affirmative determination and issue a certification of eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivi-

sion have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The railroad is a wholly owned subsidiary of Republic Steel Corp.

The River Terminal Railway Co. is part of Republic Steel's Cleveland district production process. Workers at the railroad provide transportation services to the Cleveland plants.

In a determination signed on May 31, 1978, all workers in the Cleveland district were denied eligibility to apply for adjustment assistance (See TA-W-2705, 2719).

Since the Department has determined that workers at the Cleveland district have not been adversely affected by imports, workers at the railroad, as part of the integrated production process, cannot be certified as eligible to apply for adjustment assistance.

CONCLUSION

After careful review, I conclude that all workers at The River Terminal Railway Co., Cleveland, Ohio, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-15910 Filed 6-8-78; 8:45 am]

[4510-28]

[TA-W-3372]

SEA-LAND SERVICE, INC., FORT LAUDERDALE, FLA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-3372: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 20, 1978, in response to a worker petition received on February 28, 1978, which was filed on behalf of workers formerly engaged in transport operations at Sea-Land Service, Inc., Fort Lauderdale, Fla.

The Notice of Investigation was published in the FEDERAL REGISTER on April 7, 1978 (43 FR 14778). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sea-Land Service, Inc. and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment as-

sistance, each of the group eligibility requirements of section 222 of the Act must be met. The Department has determined that services are not "articles" within the meaning of section 222 of the Act.

The Department's investigation revealed that Sea-Land Service, Inc. is a common carrier of containerized ocean going cargo.

The Fort Lauderdale, Fla., facility was a trucking terminal which provided transport services to and from the corresponding port facilities of Sea-Land. Each trucking terminal of Sea-Land was located near a port facility. Workers at the firm are engaged in transport operations and perform no production functions.

CONCLUSION

After careful review, I conclude that workers at the Fort Lauderdale, Fla., facility of Sea-Land Service, Inc. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-15911 Filed 6-8-78; 8:45 am]

[4510-28]

[TA-W-2991]

UNIVERSAL BALL BEARING CORP., STONE PARK, ILL.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2991: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 30, 1978, in response to a worker petition received on January 12, 1978, which was filed on behalf of workers and former workers producing ball and roller bearings at Universal Ball Bearing Corp., Stone Park, Ill. During the course of the investigation it was established that workers at Universal Ball Bearing Corp. are engaged only in sales and warehousing operations and do not produce an article.

The notice of investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7069). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Universal Ball Bearing Corp. and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. The Department has determined that services are not "articles" within the meaning of section 222 of the Act, and that independent firms for which the subject firm provides services cannot be considered to be the "workers' firm."

The Department's investigation has revealed that Universal Ball Bearing Corp. was an independent corporation engaged in the warehousing and sale of ball and roller bearings. Workers employed at Universal Ball Bearing Corp. were engaged solely in sales and warehousing functions and performed no production operations.

Workers at Universal Ball Bearing Corp. do not produce an article within the meaning of section 222(3) of the act. This Department has already determined that the performance of services is not covered by the adjustment assistance program. See notice of determination in *Pan American World Airways, Inc.* (TA-W-153, 40 FR 12749). The only question in this case is whether any suppliers or customers of Universal Ball Bearing Corp., i.e., firms which produce an article and for whom the service is provided, can be considered the "workers' firm." See notice of determination in *Nu Car Driveway, Inc.* (TA-W-393, 41 FR 12749).

Universal Ball Bearing Corp. is not financially, corporately, or otherwise involved in the business of any of its suppliers, or with its customer. The workers on whose behalf this petition was filed were hired and are paid by and subject to the control of Universal Ball Bearing Corporation personnel only. All employment benefits are provided and maintained by Universal Ball Bearing. Thus, Universal Ball Bearing must be considered the workers' firm.

CONCLUSION

After careful review I determine that workers at Universal Ball Bearing Corp., Stone Park, Ill., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 30th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-15912 Filed 6-8-78; 8:45 am]

[4510-28]

(TA-W-2993)

WESTERN BEARINGS CORP. STONE PARK, ILL.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2993: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 30, 1978 in response to a worker petition received on January 12, 1978 which was filed on behalf of workers and former workers producing ball and roller bearings at Western Bearings Corp. During the course of the investigation it was determined that workers at Western Bearings Corp. are engaged only in the sale and warehousing of ball and roller bearings.

The notice of investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7069). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Western Bearings Corp., and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. The Department has determined that services are not "articles" within the meaning of Section 222 of the Act, and that independent firms for which the subject firm provides services cannot be considered to be the "worker firms".

The Department's investigation has revealed that Western Bearings Corp. was an independent corporation engaged in the sale of ball and roller bearings. Workers employed by Western were engaged solely in sales functions and performed no production operations.

Workers at Western Bearings Corp., do not produce an article within the meaning of Section 223(3) of the Act. This Department has already determined that the performance of services is not covered by the adjustment assistance program. See Notice of Determination in *Pan American World Airways, Inc.* (TA-W-153, 40 FR 12749). The only question in this case is whether any suppliers or customers of Western Bearings Corp., i.e., firms which produce an article and for whom the service is provided, can be considered the "workers' firm". See Notice of Determination in *Nu Car Driveway, Inc.* (TA-W-393, 41 FR 12749).

Western Bearings Corp., is not financially, corporately, or otherwise in-

involved in the business of its supplier or its customers. The workers on whose behalf this petition was filed were hired and paid by and subject to the control of Western Bearings personnel only. All employment benefits are provided and maintained by Western Bearings. Thus, Western Bearings Corp. must be considered the workers' firm.

CONCLUSION

After careful review I determine that workers at Western Bearings Corp., Stone Park, Ill. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 30th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-15913 Filed 6-8-78; 8:45 am]

[4510-27]

PRIVACY ACT OF 1974

Systems of Records, Additions and Revision

Pursuant to 5 U.S.C. 552(e)(11), sections of the Privacy Act of 1974, the Department of Labor hereby publishes notices of systems of records DOL/ESA-23 to be established by the Employment Standards Administration, Office of Workers' Compensation Programs, and DOL/ESA-24 which is being separated from DOL/ESA-15 which is herein revised and republished, both of which are systems of records of the Employment Standards Administration, Office of Workers' Compensation Programs. DOL/ESA-23 will be an investigatory record maintained by the Employment Standards Administration, Office of Workers' Compensation Programs, Division of Investigation. This system is exempted under 5 U.S.C. 552a (j)(2) and (k)(2) of the Act. DOL/ESA-24 is being separated from DOL/ESA-15, Office of Workers' Compensation Programs, Longshoremen's and Harbor Workers' Compensation Act File. DOL/ESA-24 is maintained by the Office of Workers' Compensation, Division of Longshore and Harbor Workers' Compensation, while the records in DOL/ESA-15 are found primarily in Office of Workers' Compensation Programs District Offices.

Signed at Washington, D.C., this 5th day of June 1978.

RAY MARSHALL,
Secretary of Labor.

DOL/ESA-15

Systems name:

Office of Workers' Compensation Programs, Longshoremen's and Harbor Workers' Compensation Act Case Files.

System location:

Most files are located in District Offices but cases involving special issues may be in the National Office.

Categories of individuals covered by the system:

The system maintains records of injury, occupational disease and death of employees working in private industry who are covered by the provisions of the Longshoremen's and Harbor Workers' Compensation Act and related acts.

Categories of records in the system:

Records include: reports of injury by employees and employers, authorization for medical care; medical reports; medical and transportation bills; formal orders for or against payment of compensation; vocational evaluations, rehabilitation plans and awards and vocational progress reports; vital statistics such as birth, marriage, death certificates; enrollment and attendance records at educational institutions.

Authority for maintenance of the system:

33 U.S.C. 901 et. seq. (20 CFR 701 et. seq.) 36 U.S.C. 501 et. seq., 42 U.S.C. 1951 et. seq., 43 U.S.C. 1331 et. seq., 5 U.S.C. 8171 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such items:

Disclosure to the employer at the time of the injury or the onset of the occupational illness and to any party providing the employer with workers' compensation insurance coverage; doctors and medical service providers for the purpose of obtaining medical evaluations, physical rehabilitation or other services; public or private agencies to whom the injured worker has been referred for vocational rehabilitation services; contractors providing automated data processing services for the Department of Labor; and labor unions and other voluntary associations of which the claimant is a member acting on behalf of the individual member.

Storage:

The information is maintained as written records and documents in letter size manual files stored in 4 and

5 drawer file cabinets, located in the several District Offices.

Notification procedure:

Contact System Manager.

Record access procedure:

Any individual seeking information about a case in which he/she is a party of interest may write or telephone the OWCP District Office and arrangement will be made to provide review of the file, consonant with restrictions defined as a Routine Use.

Contesting record procedures:

Contact Systems Manager.

Record source categories:

The system obtains information from injured employees, their qualified dependents, employers, insurance carriers, physicians, medical facilities, educational institutions, attorneys, State and federal vocational rehabilitation agencies and Members of Congress.

DOL/ESA-23

System name:

Office of Workers' Compensation Programs Investigation Files.

System location:

U.S. Department of Labor, Employment Standards Administration, Office of Workers' Compensation Programs (OWCP), Division of Investigation, Washington, D.C. 20210, and ESA Regional Offices.

Categories of individuals covered by the system:

Individuals filing claims for workers' compensation benefits under (1) the Federal Employees' Compensation Act, as amended and extended (5 U.S.C. 8101 et. seq.) [except 8149 as it pertains to the Employees' Compensation Appeals Board] (2) the Longshoremen's and Harbor Workers' Compensation Act as amended and extended (33 U.S.C. 901 et. seq.) [except 33 U.S.C. 921(b) as it applies to the Benefits Review Board] and (3) Title IV, Section 415 and Part C, of the Federal Coal Mine Health and Safety Act of 1969, as amended by the Black Lung Benefits Act of 1972, 30 U.S.C. 901 et. seq.; individuals providing medical and other services to OWCP; employees of insurance companies and of medical and other services providers to OWCP; and other persons suspected of violations of law under the above Acts and related civil and criminal provisions as well as respondents, witnesses and other individuals involved in investigations and enforcement actions instituted by the Department of Labor.

Categories of records in the system:

The system contains information gathered by OWCP in connection with investigations by it into possible violations of Federal law, whether civil or criminal including (1) the Federal Employees' Compensation Act and related Acts, (2) the Longshoremen's and Harbor Workers' Compensation Act and related Acts, and (3) Title IV, Section 415 and Part C, of the Federal Coal Mine Health and Safety Act of 1969, as amended by the Black Lung Benefits Act of 1972, 30 U.S.C. 901 et. seq. Such information may be derived from materials filed with the Department of Labor, other Federal, State and local departments and agencies, court records, medical records, insurance records, records of employers, articles from publications, published financial data, corporate information, bank information, telephone data, statements of witnesses, information received from Federal, State, local and foreign regulatory and law enforcement organizations, and from other sources. This record also contains the work product of the Department of Labor, and other government personnel and consultants involved in the investigations.

Authority for maintenance of the system:

5 U.S.C. 8101 et. seq. 20 CFR 1.1, et. seq.; 33 U.S.C. 901 et. seq., 20 CFR 701 et. seq.; 36 U.S.C. 501 et. seq.; 42 U.S.C. 1951 et. seq.; 43 U.S.C. 1331 et. seq.; 5 U.S.C. 8171 et. seq.; 30 U.S.C. 901 et. seq.; 20 CFR 715 et. seq.; 20 CFR 720.1 et. seq.; 20 CFR 725.1 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records are made available to other Federal agencies and state and local agencies conducting similar or related investigations and to the Justice Department in that agency's determination regarding potential litigation and during the course of actual litigation. Records may be disclosed to contractors providing automated data processing services for the Department of Labor. Records may also be disclosed in any proceeding where the Federal Employees' Compensation Act and related Acts, Longshoremen's and Harbor Workers' Compensation Act and related Acts, Title IV Section 415 and Part C, of the Federal Coal Mine Health and Safety Act of 1969, as amended by the Black Lung Benefits Act of 1972 is in issue or in which the Secretary of Labor, any past or present Federal employee or consultant directly or indirectly involved in investigations or other enforcement activities under the above Acts, is a party or otherwise involved in an official capacity.

Retrievability:

Records are indexed by name.

Safeguards:

Access to and use of these records are limited to those persons whose official duties require such access.

Retention and disposal:

To be determined.

System manager and address:

Associate Director, Division of Investigation, Office of Workers' Compensation Programs, 200 Constitution Avenue NW., Washington, D.C. 20210.

Notification procedure:

Contact Systems Manager.

Record access procedure:

Contact Systems Manager.

Contesting record procedures:

Contact Systems Manager.

Record source categories:

Record from OWCP claim and payment files (DOL/ESA-6, 7, 8, 11, 13, 15 and 24) and from employees, insurers, service providers and parties interviewed during the course of an investigation.

Systems exempted from certain provisions of the Act:

(a) Criminal law enforcement. In accordance with paragraph 3(j)(2) of the Privacy Act, information maintained in investigation files in the Division of Investigation of the Office of Workers' Compensation Programs of the Employment Standards Administration is exempt from all provisions contained in 5 U.S.C. 552a except those requirements set forth in paragraphs (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10) and (11) and paragraph (1) of the Act. The disclosure of information contained in the criminal investigative files, including the names of persons or agencies to whom the information has been transmitted, would substantially compromise the effectiveness of the Division's investigations. Knowledge of such investigations could enable subjects to take such action as is necessary to prevent detection of criminal activities, conceal evidence, or to escape prosecution. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families, and could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, and retained would impede significantly the effectiveness of the Division's investigatory activities, and in addition, may often preclude the apprehension and successful prosecution of persons engaged in fraud of the Federal workers' compensation programs, (b) Other law

enforcement. In accordance with paragraph 3(k)(2) of the Privacy Act, investigatory material compiled for law enforcement purposes other than material declared exempt under paragraph 3(j)(2) of the Act, which is maintained in investigation files of the Division of Investigation of the Office of Workers' Compensation Programs of the Employment Standards Administration is exempt from paragraphs (c)(3), (d), (e)(4), (G), (H), and (I), and paragraph (f) of 5 U.S.C. 552a. The disclosure of information contained in civil investigative files, including the names of persons and agencies to whom the information has been transmitted, would substantially compromise the effectiveness of the Division's investigations. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence, or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of, or harm to informants, witnesses, and their respective families, and, in addition, could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, and retained would also impede significantly the effectiveness of the Division's investigatory activities.

DOL/ESA-24

System name:

Office of Workers' Compensation Programs, Longshoremen's and Harbor Workers' Compensation Act Special Fund System.

System location:

Division of Longshore and Harbor Workers' Compensation, Room C4315, 200 Constitution Avenue NW., Washington, D.C. 20210.

Categories of individuals covered by the system:

Persons receiving compensation and related benefits under the Longshoremen's and Harbor Workers' Compensation Act.

Categories of records in the system:

Bills, vouchers, and records of payment for compensation and related benefits under the Longshoremen's and Harbor Workers' Compensation Act.

Authority for maintenance of the system:

33 U.S.C. 901 et seq. (20 CFR 701 et seq.), 36 U.S.C. 501 et seq., 42 U.S.C. 1951 et seq., 43 U.S.C. 1331 et seq., 5 U.S.C. 8171 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such items:

Disclosure of payment information to insurance carriers or self-insurers under the Longshoremen's and Harbor Workers' Compensation Act in instances of verification of payment.

Storage:

The information is maintained as written records and documents in letter size manual files stored in 4 and 5 drawer cabinets.

Retrievability:

By name of payee.

Safeguards:

Files are locked at night and maintained during working hours under the constant supervision of OWCP personnel.

Retention and disposal:

To be determined.

System manager:

Associate Director, OWCP, Division of Longshore and Harbor Workers' Compensation, U.S. Department of Labor, 200 Constitution Avenue NW., Room C4315, Washington, D.C. 20210.

Notification procedure:

Contact System Manager.

Record access procedure:

Contact System Manager.

Contesting record procedures:

Contact System Manager.

Record source categories:

Insurers and self-insurers under the Longshoremen's and Harbor Workers' Compensation Act and parties providing covered benefits and service to approved claimants under the Act.

[FR Doc. 78-16152 Filed 6-8-78; 8:45 am]

[7510-01]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 78-19]

GRISWOLD CO.

Intent to Grant Exclusive Patent License

Notice is hereby given that consideration is being given to the grant to The Griswold Co., Old Lyme, Conn., of a limited, exclusive, revocable license to practice the invention described in U.S. Patent No. 3,943,763 for "Magnetic Heading Reference", issued on March 16, 1976, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a

limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR 1245.2, as revised April 1, 1972. NASA will negotiate the final terms and conditions and grant the exclusive license unless, on or before July 10, 1978, the Chairperson, Inventions and Contributions Board, NASA, Washington, D.C. 20546, receives in writing any of the following, together with supporting documentation: (i) a statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; or (ii) an application for a non-exclusive license under such invention, in accordance with §1245.206(b) in which applicant states that he has already brought or is likely to bring the invention to practical application within a reasonable period. The Board will review all written responses to the notice and then recommend to the Administrator whether to grant the exclusive license.

Dated: June 2, 1978.

GERALD J. MOSSINGHOFF,
Acting General Counsel.

[FR Doc. 78-16024 Filed 6-8-78; 8:45 am]

[7510-01]

[Notice 78-20]

LICENSING MANAGEMENT CORP.

Intent to Grant Exclusive Patent License

Notice is hereby given that consideration is being given to the grant to the Licensing Management Corp., New York, N.Y., of a limited, exclusive, revocable license to practice the invention described in U.S. Patent No. 3,692,533 for "Modification of the Physical Properties of Freeze-Dried Rice", issued on September 19, 1972, to the Administrator of the National Aeronautics and Space Administration on behalf of the United States of America. The proposed exclusive license will be for a limited number of years and will contain appropriate terms and conditions to be negotiated in accordance with the NASA Patent Licensing Regulations, 14 CFR §1245.2, as revised April 1, 1972. NASA will negotiate the final terms and conditions and grant the exclusive license unless, on or before July 10, 1978, the Chairperson, Inventions and Contributions Board, NASA, Washington, D.C. 20546, receives in writing any of the following, together with supporting documentation: (i) a statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed exclusive license; or (ii) an application for a nonexclusive license under such invention, in accordance with

§1245.206(b) in which applicant states that he has already brought or is likely to bring the invention to practical application with a reasonable period. The Board will review all written responses to the Notice and then recommend to the Administrator whether to grant the exclusive license.

Dated: June 5, 1978.

S. NEIL HOSENBALL,
General Counsel.
[FR Doc. 78-16025 Filed 6-8-78; 8:45 am]

[7532-01]

NATIONAL COMMISSION ON NEIGHBORHOODS

URBAN PRESERVATION WITHOUT DISPLACEMENT

Meeting

ACTION: Notice of meeting.

SUMMARY: This notice, required under the Federal Advisory Committee Act (5 U.S.C. Appendix I), announces a public meeting.

TIME AND DATE: Friday, June 23; 7:30-9:30 p.m.

PLACE: Langston Hughes Cultural Arts Center, 17 South Yesler Way, Seattle, Wash.

AGENDA: Panel discussion: "Urban Preservation Without Displacement."

STATUS: Open to the public.

CONTACT PERSON:

Ms. Frances Phipps, Deputy Director. Telephone No. 202-632-5200.

JONATHAN STEIN,
Administrative Officer.

[FR Doc. 78-16159 Filed 6-8-78; 8:45 am]

[7537-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

FEDERAL-STATE PARTNERSHIP ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Federal-State Partnership Advisory Panel to the National Council on the Arts will be held June 27, 1978, from 9:30 a.m. to 5 p.m., and June 28, 1978, from 9:30 a.m. to 4 p.m., at Southern Oregon State College in Ashland, Ore.; and June 29, 1978, from 9 a.m. to 4:30 p.m., at the U.S. Hotel, in Jacksonville, Ore.

This meeting will be open to the public on a space available basis. The topic for discussion will be guidelines and policy. On June 29, 1978, from 2 to

4 p.m., there will be a briefing of the Oregon Arts Commission.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

Dated: June 2, 1978.

JOHN H. CLARK,
Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 78-16014 Filed 6-8-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-315]

INDIANA & MICHIGAN ELECTRIC CO. AND INDIANA & MICHIGAN POWER CO.

Issuance of Amendment of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission), has issued Amendment No. 25 to Facility Operating License No. DPR-58, issued to Indiana & Michigan Electric Co. and Indiana & Michigan Power Co. (the licensees), which revised the license and Technical Specifications for operation of the Donald C. Cook Nuclear Plant, Unit No. 1 (the facility), located in Berrien County, Mich. The amendment is effective as of its date of issuance.

The amendment involves technical specification changes to (1) extended heat flux hot channel factor limits to greater fuel burnup values based on modified calculation techniques. The bases for the new calculational techniques are contained in Exxon Nuclear Co. Document XN-NP-76-51, WREM-Based Generic PWR ECCS Evaluation Model ENC-WREM-II, supplements 1 through 4, which the Commission finds acceptable. The amendment also (2) formally incorporates into the license heat flux hot channel factors for Westinghouse fuel as permitted by the Commission's exemption issued on May 18, 1978, and (3) corrects an inadvertent error in the technical specifications related to fire protection.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with item (1) above was published in the FEDERAL

REGISTER on February 24, 1978 (43 FR 7748). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action on that portion of the amendment. Prior public notice of the amendment with respect to items (2) and (3) above, was not required since those portions of the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 3, 1978, as supplemented by letter dated April 17, 1978, (2) Amendment No. 25 to License No. DPR-58, (3) the Commission's related safety evaluation, and (4) the Commission's exemption dated May 18, 1978. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Mich. 49085. A single copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 30th day of May 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-15952 Filed 6-8-78; 8:45 am]

[7590-01]

[Docket Nos. 50-443; 50-444]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE, ET AL., SEABROOK STATION, UNITS 1 AND 2

Prehearing Conference

To begin preparing for the evidentiary hearings on the matters remanded in ALAB-471 decided by the Atomic Safety and Licensing Appeal Board on April 28, 1978, and in accordance with the Commission's Order of May 31, 1978, the Atomic Safety and Licensing Board will conduct a prehearing conference on June 28, 1978 beginning at 10 a.m. at:

¹This date has been selected to permit the parties to meet their briefing responsibilities before the Commission and to prepare for the prehearing conference.

Superior Courtroom, 2nd Floor, Hillsborough County Courthouse, 19 Temple Street, Nashua, N.H. 03060.

The Board will consider and hear arguments concerning:

1. The specification, simplification and clarification of the remanded issues concerning which the Commission has not granted review.

2. The setting of a schedule for further procedures, including discovery and hearing, considering the fact that certain issues are still before the Commission on review.

3. The possibility of stipulations, admissions and agreements.

4. Any other matter which may aid in the orderly disposition of the remanded issues.

By order of the Board.

Dated at Bethesda, Md., this 1st day of June, 1978.

For the Atomic Safety and Licensing Board.

IVAN W. SMITH,
Chairman.

[FR Doc. 78-15953 Filed 6-8-78; 8:45 am]

[7590-01]

[Docket No. 50-312]

SACRAMENTO MUNICIPAL UTILITY DISTRICT
Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 20 to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District, which revised the license for operation of the Rancho Seco Nuclear Generating Station, located in Sacramento County, Calif. The amendment is effective as of its date of issuance.

This amendment grants an exemption from the Commission's regulations which extends the effective date by which the licensee shall conform to the provisions of 10 CFR 50.55a(g)(4) from August 18, 1978, to October 18, 1979. In addition, the amendment adds a license condition for the performance of supplementary inservice tests and inspections.

The application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

ronmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's submittal dated February 27, 1978, (2) Amendment No. 20 to License No. DPR-54, (3) the Commission's related Safety Evaluation and (4) the Commission's letter to the licensee dated May 30, 1978. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, Calif. A copy of items (2) through (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 30th day of May 1978.

For the Nuclear Regulatory Commission.

JOE W. REECE,
Acting Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 78-15954 Filed 6-8-78; 8:45 am]

[7590-01]

[Docket Nos. 50-390 and 50-391]

TENNESSEE VALLEY AUTHORITY

Availability of Draft Environmental Statement for Watts Bar Nuclear Plant, Unit Nos. 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Nuclear Regulatory Commission's regulations in 10 CFR Part 51, notice is hereby given that a Draft Environmental Statement (NUREG-0352) prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the Watts Bar Nuclear Plant, Unit Nos. 1 and 2, in Rhea County, Tenn., is available for inspection by the public in the Commission's public document room at 1717 H Street NW., Washington, D.C., and in the Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tenn. The draft statement is also being made available at the State planning office, grants review section, 660 Capitol Hill Building, Nashville, Tenn., and at the Southeast Tennessee development district, 423 James Building, 731 Broad Street, Chattanooga, Tenn. Requests for single copies of the Draft Environmental Statement should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Document Control.

mission, Washington, D.C., Attention: Director, Division of Document Control.

The Tennessee Valley Authority submitted an update of the TVA Environmental Statement (November 9, 1972) (ES), construction permit stage which was independently reviewed by the Atomic Energy Commission (now the Nuclear Regulatory Commission) as part of the construction permit licensing process. The updated environmental report of November 18, 1976, entitled "Environmental Information," was submitted pursuant to 10 CFR Part 51, and is available for public inspection at the above-designated locations. The TVA Environmental Information, Supplement No. 1, "Responses To NRC Questions for Operating License Stage Environmental Review," Watts Bar Nuclear Plant, Unit Nos. 1 and 2, is also available for public inspection at the above-designated locations.

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by July 17, 1978. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., and the Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tenn. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Bethesda, Maryland, this 1st day of June 1978.

For the Nuclear Regulatory Commission.

WM. H. REGAN, Jr.,
Chief Environmental Projects
Branch 2, Division of Site Safety and Environmental Analysis.

[FR Doc. 78-15955 Filed 6-8-78; 8:45 am]

[7590-01]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP. ET AL
Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 21 to Facility Operating License No. DPR-43 issued to Wisconsin Public Service Corp., Wisconsin Power and Light Co., and Madison Gas and Electric Co. (the licensee) which revised Technical Specifications for operation of the Kewaunee Nuclear Power Plant located in Kewaunee, Wis. The amendment is effective as of the date of issuance.

The amendment incorporates changes to the Appendix A technical specifications to support operation in cycle 4. The technical specification limiting control rod insertion during power operation is changed to maintain the shutdown margin required near end of cycle 4 operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 17, 1978, as supplemented by letters dated April 10, and May 12, 1978, (2) Amendment No. 21 to Facility Operating License No. DPR-43, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wis. 54216. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 25th day of May 1978.

FEDERAL REGISTER, VOL. 43, NO. 112—FRIDAY, JUNE 9, 1978

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors
Branch No. 1,
Division of Operating Reactors.
[FR Doc. 78-15957 Filed 6-8-78; 8:45 am]

[7590-01]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment of Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 48 to Facility Operating License No. DPR-3, issued to Yankee Atomic Electric Co. (the licensee), which revised Technical Specifications for operation of the Yankee Nuclear Power Station (Yankee-Rowe) (the facility) located in Rowe, Franklin County, Mass. The amendment is effective as of its date of issuance.

The amendment revises the Appendix A technical specifications by adding surveillance requirements for emergency core cooling system high pressure safety injection throttle valves and by reducing the maximum allowable rate for pressurizer heatup from 200°F/hour to 100°F/hour.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated November 14, 1977 (Proposed Change No. 156) and March 16, 1978 (Proposed Change No. 159), (2) Amendment No. — to License No. DPR-3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Greenfield Public Library, 422 Main Street, Greenfield, Mass. 01581. A copy of

items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 23rd day of May, 1978.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief Operating Reactors

This determination was reached after considering the results of a review conducted by the Special Representative for Trade Negotiations (STR), as required by regulations of the Office of the STR, in response to a complaint filed by the American Institute of Marine Underwriters (AIMU) on November 10, 1977, and published in the FEDERAL REGISTER on January 26, 1978. A public hearing on the com-

which, together, would implement a system for the appointment of board brokers pursuant to a competitive bidding procedure.

Notice of the proposed rule changes together with the terms of substance of the proposed rule changes was given by publication of Commission Releases (Securities Exchange Act Release Nos. 34-14688 and 14687, April 20, 1978) and by publication in the

ownership for members in member corporations. However, members in partnerships would still be required to be general partners of such partnerships. The amendments proposed in the current filing would allow a member, either as an employee or as a partner, to qualify a firm as a member organization.

The current amendments also would allow corporations to be general partner-

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED AMENDMENTS

Comments were neither solicited nor received.

BURDEN ON COMPETITION

Any burden on competition is eliminated because of the equalizing effect this proposal has on member partner-

the end of paragraph (4) and inserting a comma in lieu thereof, and by adding after paragraph (4) the following new paragraph:

"(5) Those delegated by paragraphs (a), (b) and (c) of section 2 of Executive Order 12058 of May 11, 1978, provided, That the negotiation and conclusion of international agreements

FEDERAL REGISTER, VOL. 43, NO. 112—FRIDAY, JUNE 9, 1978

Items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors. Dated at Bethesda, Maryland, this 23rd day of May, 1978.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief Operating Reactors
Branch No. 2,
Division of Operation Reactors.
[FR Doc. 78-15956 Filed 6-8-78; 8:45 am]

[6820-36]

NATIONAL TRANSPORTATION POLICY STUDY COMMISSION

OPEN MEETING

In accordance with Subsection 10(a) of the Federal Advisory Committee Act, Public Law 92-463, the National Transportation Policy Study Commission announces the following meeting:

Name: Meeting of the Commission.
Date: June 29, 1978.
Time: 9 a.m. to 1 p.m.
Place: 2167 Rayburn House Office Building, Washington, D.C. 20515.
Type of Meeting: Open.
Contact Person: Beth Singley, National Transportation Policy Study Commission, 1750 K Street NW., Suite 800, Washington, D.C. 20006

Purpose of the Commission: The National Transportation Policy Study Commission was established under section 154 of the Federal-Aid Highway Act of 1976 (Pub. L. 94-280) to report findings and recommendations with respect to the Nation's transportation needs, both national and regional, through the year 2000.

Tentative agenda: Progress Report; Special Studies; Future Scenarios; and Policy Generation.

Dated: June 5, 1978.

EDWARD R. HAMBERGER,
General Counsel.
[FR Doc. 78-16037 Filed 6-8-78; 8:45 am]

[3190-01]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

PRESIDENTIAL DETERMINATION UNDER SECTION 301(a)

Soviet Marine Insurance Practices

Pursuant to section 301(a) of the Trade Act of 1974 (19 U.S.C. 2411), the President has determined that practices of the Union of Soviet Socialist Republics (U.S.S.R.) with respect to Marine Insurance on bilateral (U.S.-U.S.S.R.) cargoes constitute an unreasonable burden and restriction on U.S. commerce.

This determination was reached after considering the results of a review conducted by the Special Representative for Trade Negotiations (STR), as required by regulations of the Office of the STR, in response to a complaint filed by the American Institute of Marine Underwriters (AIMU) on November 10, 1977, and published in the FEDERAL REGISTER on January 26, 1978. A public hearing on the complaint was held on March 7, 1978, and an interagency committee chaired by my office thoroughly reviewed the allegations and information received as a result of that hearing. In their petition, the AIMU complained that the U.S.S.R. requires virtually all insurance on U.S.-U.S.S.R. bilateral trade to be placed with Ingosstrakh, the Soviet state insurance monopoly, thus excluding U.S. marine cargo underwriters from participation in that commercial activity. (See FEDERAL REGISTER, Jan. 26, 1978, pg. 3635.) In addition, the Soviets have applied a higher rate to cover insurance of U.S. flag vessels in the U.S.-U.S.S.R. grain trade than would have been charged by U.S. insurers.

The President has directed me to establish an interagency committee to study possible ways to achieve the elimination of these practices and to make recommendations on possible further actions under section 301. As required by section 301(e), should the President determine to take any action under section 301(a), that determination will be published in the FEDERAL REGISTER and an opportunity for a public hearing will be provided.

I am hopeful that there will be further discussions with the government of the U.S.S.R. in the near future which will lead to a successful resolution of this dispute and thereby avoid any further actions under section 301.

ROBERT S. STRAUSS,
Special Representative for
Trade Negotiations.

[FR Doc. 78-16144 Filed 6-8-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 14828; SR-CBOE-78-9 and 10]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Order Extending Comment Period on Proposed Rule Changes

JUNE 5, 1978.

On April 4, 1978, the Chicago Board Options Exchange, Inc., LaSalle at Jackson, Chicago, Ill., filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of two proposed rule changes

which, together, would implement a system for the appointment of board brokers pursuant to a competitive bidding procedure.

Notice of the proposed rule changes together with the terms of substance of the proposed rule changes was given by publication of Commission Releases (Securities Exchange Act Release Nos. 34-14888 and 14687, April 20, 1978) and by publication in the FEDERAL REGISTER (43 FR 18373-74, April 28, 1978). The original period for the submission by interested persons of written data, views, and arguments concerning the submissions extended until May 19, 1978, and that period was further extended by order of the Commission until May 31, 1978 (Securities Exchange Act Release No. 14807 (May 26, 1978)). Pursuant to the request of the Board Brokers Association of the CBOE, the Commission hereby extends the period for the submission of written data, views and arguments concerning the foregoing proposals until June 8, 1978.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-16012 Filed 6-8-78; 8:45 am]

[8010-01]

[Release No. 34-14821; File No. SR-NYSE-78-30]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on May 24, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE AND BASIS AND PURPOSE OF THE PRO- POSED RULE CHANGE

The proposed changes would allow employees to be members in their member organizations, provided they are given titles and the member organization is fully responsible for all transactions executed on the Floor. Corporations would also be permitted to be general partners in member firms.

These amendments will eliminate disparities between member partnerships and member corporations which now exist in the Exchange Constitution and Rules.

In March 1977, the Exchange filed a Form 19b-4A (File No. SR-NYSE-77-13) which would end required stock

ownership for members in member corporations. However, members in partnerships would still be required to be general partners of such partnerships. The amendments proposed in the current filing would allow a member, either as an employee or as a partner, to qualify a firm as a member organization.

The current amendments also would allow corporations to be general partners in member firms. Natural person general partners would continue to be members or allied members; corporate general partners would be approved persons.

Article IX, section 10, would be amended to require that a member and the general partners or directors of his member organization must designate an alternate to take the member's place if he is selected as Exchange Director or officer on one of the Exchange's affiliated companies. A new section 3 has been added to Article XII to require documentation from a member organization evidencing (a) authority of any member who is an officer or employee to transact business on the Floor on behalf of such organization and (b) such organization's responsibility and obligation with respect to contracts entered into on the Floor by such a member.

The stem of Rule 314, requiring every member and allied member to have a fixed interest in the entire business of his member organization, would be rescinded to reflect that an employee-member might not have any interest in the organization. Rule 314.14 would be amended to require all floor commissions earned by any member to be for the organization's account, while allowing for flexibility of commission arrangements between the member and his organization.

The proposed amendments enhance the ability of any registered broker or dealer to become a member organization of the Exchange, in accordance with section 6(b)(2) of the Act, by expanding the categories of individuals eligible to qualify member organizations for membership. The proposal to allow Corporations to be general partners in member firms furthers the ability of any person to become associated with a member in accordance with section 6(b)(2) of the Act.

The proposed amendments would (A) serve to prevent fraudulent and manipulative acts and practices, (B) promote just and equitable principles of trade, (C) remove impediments to a free and open market and (D) protect investors and the public interest, in accordance with section 6(b)(5), by equalizing member partnership requirements with member corporation requirements and by requiring member organizations to be fully responsible for the transactions of their members on the Floor of the Exchange.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PRO- POSED AMENDMENTS

Comments were neither solicited nor received.

BURDEN ON COMPETITION

Any burden on competition is eliminated because of the equalizing effect this proposal has on member partnerships and member corporations.

On or before July 14, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room 1100 "L" Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 30, 1978.

For the Commission by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 31, 1978.

[FR Doc. 78-16011 Filed 6-8-78; 8:45 am]

[4710-09]

DEPARTMENT OF STATE

[Public Notice 612; Delegation of Authority No. 140-2]

AMENDMENT TO DELEGATION OF AUTHORITY NO. 140

By virtue of the authority vested in me as Secretary of State, including section 4 of the Act of May 26, 1949, as amended (22 U.S.C. 2658), State Department Delegation of Authority No. 140 of March 23, 1978 (43 FR 13456-13457), is hereby amended by striking out the word "and" at the end of paragraph (3), by striking out the period at

the end of paragraph (4) and inserting a comma in lieu thereof, and by adding after paragraph (4) the following new paragraph:

"(5) Those delegated by paragraphs (a), (b) and (c) of section 2 of Executive Order 12058 of May 11, 1978, *Provided*, That the negotiation and conclusion of international agreements shall remain subject to the Department of State's Circular 175 Procedure."

Dated: June 5, 1978.

CYRUS R. VANCE,
Secretary of State.

[FR Doc. 78-16183 Filed 6-8-78; 8:45 am]

[4910-06]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

MINORITY BUSINESS RESOURCE CENTER ADVISORY COMMITTEE

Meeting

Pursuant to section 19(a) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463); 5 U.S.C. App. I) notice is hereby given of a meeting of the Minority Business Resource Center Advisory Committee to be held June 30, 1978, at 10 a.m. until 5 p.m. at the Department of Transportation, 400 7th Street SW., Rooms 4436 and 4438, Washington, D.C. 20590. The agenda for the meeting is as follows:

MBRC PROGRAM AND GOALS

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify the Minority Business Resource Center not later than 1 day before the meeting. Information pertaining to the meeting may be obtained from Mr. Kenneth E. Bolton, Executive Director, Federal Railroad Administration, 400 7th Street SW., Washington, D.C. 20590, telephone: 202-426-2852. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on June 5, 1978.

KENNETH E. BOLTON,
Executive Director.
[FR Doc. 78-16009 Filed 6-8-78; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

[Docket No. IP78-7; Notice 1]

GENERAL MOTORS CORP.

Receipt of Petition for Determination of Inconsequential Noncompliance

General Motors Corp. of Warren, Mich., has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.301-75, Motor Vehicle Safety Standard No. 301-75, *Fuel System Integrity*. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

On May 4, 1978, NHTSA informed GM, pursuant to section 152(a) of the Act, that it had made an initial determination that the 1977 Chevette failed to conform to fuel system integrity requirements, and that it had scheduled a public proceeding on this matter to be held on June 6, since rescheduled to June 16 (43 FR 20292, 43 FR 23780). Within 30 days of its receipt of notice GM filed a petition for inconsequentiality under the provision of 49 CFR 556.4(c).

NHTSA's initial determination affects the entire 1977 model run of approximately 136,000 vehicles. GM stated the problem accurately in its petition: "It is our understanding that the NHTSA concern is possible fuel spillage which might occur as a result of contact of the Chevette pan hard rod retainer with the fuel tank during the 30 mph rear moving barrier test prescribed by the standard." GM's petition criticizes NHTSA's test results and introduces its own results as evidence of compliance with the standard. It argues that the difference in NHTSA test velocity and the 30 mph requirement of the standard is so small "that it is within a margin of test error when appropriate limitations are considered for the capability of the velocity measuring equipment." It further argues that all the valid compliance tests run by either side in the controversy show compliance. GM has reviewed field accidents data files and has found no record of any fires involving 1977 Chevettas to date which it believes demonstrates that the alleged noncompliance does not present an unreasonable risk to motor vehicle safety.

Interested persons are invited to submit written data, views and argu-

ments on the petition of General Motors Corporation described above or to make oral presentations at the hearing scheduled for June 16, 1978, in room 6332, at 10:00 a.m., Department of Transportation, 400 Seventh Street SW., Washington, D.C. Written comments should refer to the docket number and be submitted: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Because the arguments advanced by GM in support of its petition are essentially the same as arguments made to the agency during the investigation, which are contained in the file that has been publicly available since the initial determination of noncompliance published on May 11, 1978, the comment closing date on this petition is: June 30, 1978.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations to authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on June 7, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator
for Rulemaking.

[FR Doc. 78-16176 Filed 6-7-78; 3:41 pm]

[4810-25]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[General Counsel Order No. 1 (Revised)]

ORGANIZATION AND FUNCTIONS OF THE LEGAL DIVISION

Under the authority granted to me as General Counsel of the Department of the Treasury by 31 U.S.C. 1009 and 28 U.S.C. 7801, by Department Circulars 519 of June 30, 1934, and 595 of September 13, 1938, and by Treasury Department Order No. 190 (Revised), I hereby define and prescribe the organization and functions of the Legal Division of the Treasury Department.

1. The Legal Division consists of a consolidated legal staff headed by the General Counsel, who is by statute the chief law officer of the Department of the Treasury, and is composed of all attorneys providing legal service in all offices and bureaus of the Treasury Department and all support personnel assigned to them. The legal staff pro-

vides legal advice to the Secretary of the Treasury and to the officers, offices and bureaus of the Department in accordance with the designations made by this Order. The General Counsel operates principally through a Deputy General Counsel, the Assistant General Counsels, the Chief Counsels, and the Legal Counsels listed herein, to whom delegations of specific authority are made by Legal Division Orders.

2. The General Counsel provides legal advice to the Secretary of the Treasury, the Deputy Secretary, the Under Secretaries, and the Assistant Secretaries on any legal matter which may arise within the Department. He supervises the Legal Division and establishes the policies, procedures, and standards governing its functioning.

3. The Deputy General Counsel is an Assistant General Counsel designated to serve as deputy and act as General Counsel in the absence of the General Counsel. The Deputy General Counsel reviews work prepared for the General Counsel and supervises the day-to-day operation of the Legal Division. He receives on behalf of the General Counsel reports from the Assistant General Counsels and Chief Counsels, excepting the Assistant General Counsel who is the Chief Counsel of the Internal Revenue Service and the Assistant General Counsel—Tax Legislative Counsel who report directly to the General Counsel.

4. The Assistant General Counsel—Chief Counsel, Internal Revenue Service, is the legal adviser to the Commissioner of the Internal Revenue Service and supervises and directs the legal staff advising the Internal Revenue Service. He reports directly to the General Counsel.

5. The Assistant General Counsel—Tax Legislative Counsel is the legal adviser to the Assistant Secretary (Tax Policy) and provides advice concerning tax legislation, tax policy, and tax treaties. He reports directly to the General Counsel.

6. The Assistant General Counsel (International Affairs) provides legal advice to the Under Secretary (Monetary Affairs), the Assistant Secretary (International Affairs), the Assistant Secretary (Economic Policy), the Commissioner of Customs (on tariff affairs), the Deputy Assistant Secretary (Tariff Affairs), and the Special Assistant to the Secretary (National Security). He supervises the Senior Counsel (Developing Nations Finance) and the Senior Counsel (International Trade and Tariff Affairs). He reports to the General Counsel through the Deputy General Counsel.

7. The Assistant General Counsel (Administration, Legislation and Fiscal Operations) provides legal advice to the Assistant Secretary (Administration), the Fiscal Assistant Sec-

retary, the Assistant Secretary (Legislative Affairs), the Assistant Secretary (Domestic Finance), and to the Office of the Secretary generally with respect to administrative procedure and Department administration. He also serves as legal adviser to the Treasurer of the United States, the Assistant Secretary (Public Affairs), and to the U.S. Savings Bonds Division. He is in charge of the nontax legislative activities of the Department. He supervises the Chief Counsel, Bureau of the Public Debt, the Chief Counsel, Office of Revenue Sharing, and the legal functions of the Director, Office of the Director of Practice. He reports to the General Counsel through the Deputy General Counsel.

8. The Assistant General Counsel (Enforcement and Operations) provides legal advice to the Assistant Secretary (Enforcement and Operations). He acts for the General Counsel in the supervision of all nontax litigation matters and tax litigation matters which arise out of the activities of the Bureau of Alcohol, Tobacco and Firearms requiring General Counsel action. He supervises the Senior Counsel (Enforcement and Operations), the Chief Counsel, U.S. Customs Service, the Chief Counsel of the Bureau of Alcohol, Tobacco and Firearms, the Chief Counsel of the Office of Foreign Assets Control, the Legal Counsel, Bureau of the Mint, the Legal Counsel, U.S. Secret Service, the Legal Counsel, Federal Law Enforcement Training Center, and the Legal Counsel, Bureau of Engraving and Printing. He reports to the General Counsel through the Deputy General Counsel.

9. The Counselor to the General Counsel assists the General Counsel and the Deputy General Counsel by undertaking special assignments pertaining to any area of responsibility in the Office of the General Counsel. He reports to the General Counsel through the Deputy General Counsel.

10. The Chief Counsel, Bureau of Alcohol, Tobacco and Firearms, is the chief law officer for that Bureau and reports to the General Counsel through the Assistant General Counsel (Enforcement and Operations) and the Deputy General Counsel.

11. The Chief Counsel, Office of the Comptroller of the Currency, is the chief law officer for that office and reports to the General Counsel through the Deputy General Counsel.

12. The Chief Counsel, United States Customs Service, is the chief law officer for that Service and reports to the General Counsel through the Assistant General Counsel (Enforcement and Operations) and the Deputy General Counsel.

13. The Chief Counsel, Foreign Assets Control, is the chief law officer for that office and reports to the General Counsel through the Assistant

General Counsel (Enforcement and Operations) and the Deputy General Counsel.

14. The Chief Counsel, Bureau of the Public Debt, is the chief law officer for that Bureau, and reports to the General Counsel through the Assistant General Counsel (Administration, Legislation and Fiscal Operations) and the Deputy General Counsel.

15. The Chief Counsel, Office of Revenue Sharing, is the chief law officer for that Office, and reports to the General Counsel through the Assistant General Counsel (Administration, Legislation and Fiscal Operations) and the Deputy General Counsel.

16. The Legal Counsel, Bureau of the Mint, provides legal advice to that Bureau and reports to the General Counsel through the Assistant General Counsel (Enforcement and Operations) and the Deputy General Counsel.

17. The Legal Counsel, United States Secret Service, provides legal advice to that Service and reports to the General Counsel through the Assistant General Counsel (Enforcement and Operations) and the Deputy General Counsel.

18. The Legal Counsel, Federal Law Enforcement Training Center, provides legal advice to that Center and reports to the General Counsel through the Assistant General Counsel (Enforcement and Operations) and the Deputy General Counsel.

19. The Legal Counsel, Bureau of Engraving and Printing, provides legal advice to that Bureau and reports to the General Counsel through the Assistant General Counsel (Enforcement and Operations) and the Deputy General Counsel.

20. The Director of Practice (1) directs the legal functions performed in his office and reports with respect to those functions to the General Counsel through the Assistant General Counsel (Administration, Legislation and Fiscal Operations) and the Deputy General Counsel; (2) makes operating decisions in carrying out the responsibilities placed on him under 31 U.S.C. 1028 and by 31 CFR Part 10 under the administrative supervision of the General Counsel exercised by the General Counsel or the Deputy General Counsel; and (3) serves as Executive Director of the Joint Board of Actuaries pursuant to Part 901, Chapter VIII of Title 20, CFR.

A change in title of any official in the Office of the Secretary shall not affect the foregoing assignments unless the change includes a change of function. The General Counsel may, without formal Order, reassign on a temporary basis a function of an Assistant General Counsel or the Counselor.

NOTICES

Dated: June 2, 1978.

ROBERT H. MUNDHEIM,
General Counsel.
[FR Doc. 78-15993 Filed 6-8-78; 8:45 am]

[4810-25]

[T.D. Order No. 191-3 (Revised)]

Order of Succession of Officials Authorized to Act as Assistant Secretary of the Treasury (Enforcement and Operations)

By virtue of the authority vested in me as Assistant Secretary (Enforcement and Operations), the following officials, in the order of succession shown herein, are hereby authorized and directed to act as Assistant Secretary (Enforcement and Operations) and to perform all the functions of that office during the absence or disability of the Assistant Secretary or when there is a vacancy in that office:

1. Deputy Assistant Secretary (Enforcement).
2. Deputy Assistant Secretary (Operations).

Treasury Department Order No. 191-3 (Revised) dated August 24, 1976 is hereby revoked.

Dated: June 1, 1978.

RICHARD J. DAVIS,
Assistant Secretary
(Enforcement and Operations).
[FR Doc. 78-16019 Filed 6-8-78; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to section V, review procedure and hearing rules, Station Committee on Educational Allowances that on June 30, 1978, at 10:30 a.m., the Waco regional office Station Committee on Educational Allowances shall at room B-12-02, 1400 N. Valley Mills Drive Waco, Tex. 76710, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in the Associated Plumbing, Heating and Cooling Contractors of Dallas County, Inc., apprenticeship program should be discontinued as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: June 1, 1978.

JACK COKER,
Director, VA Regional Office,
1400 N. Valley Mills Drive,
Waco, Tex. 76710.

[FR Doc. 78-15983 Filed 6-8-78; 8:45 am]

[8320-01]

STATION COMMITTEE ON EDUCATIONAL ALLOWANCE

Meeting

Notice is hereby given pursuant to section V, review procedure and hearing rules, Station Committee on Educational Allowances that on July 11, 1978, at 10 a.m., the Veterans Administration regional office, Columbia, S.C., Station Committee on Educational Allowances shall at room 531, conference room, fifth floor, VA regional office, 1801 Assembly Street, Columbia, S.C., conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Southeastern Business College, 560 King Street, Charleston, S.C., 29403, should be discontinued as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: June 2, 1978.

R. STEADMAN SLOAN, Jr.,
Director, VA Regional Office,
1801 Assembly Street, Columbia, S.C. 29201.

[FR Doc. 78-15984 Filed 6-8-78; 8:45 am]

[8320-01]

PRIVACY ACT OF 1974

Systems of Records; Adoption of Routine Use

On page 15026 of the FEDERAL REGISTER of April 10, 1978, there was published a notice that the Veterans Administration was proposing adding a new routine use statement to three systems of records entitled: 49VA21 Veterans, Dependents and Beneficiaries Compensation and Pension Records—VA; 50VA22 Veterans, Dependents, Beneficiaries, and Armed Forces Personnel Education and Rehabilitation Records—VA; 58VA21/22 TARGET—Compensation, Pension, Education, and Rehabilitation Records—VA.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed routine use statement. No comments were received. Accordingly, the proposed routine use statement is adopted without change.

Effective date: The routine use statement is effective the date of final approval by the Administrator of Veterans Affairs, June 5, 1978.

Approved: June 5, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

[FR Doc. 78-18164 Filed 6-8-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION OFFICE OF HEARINGS

(Notice No. 680)

ASSIGNMENT OF HEARINGS

JUNE 6, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION

No. MC 110683 (Sub-No. 122), Smith's Transfer Corp., now assigned June 27, 1978, at Indianapolis, Ind., is canceled and transferred to modified procedure instead of canceled and dismissed.

H. G. HOMME, Jr.,
Acting Secretary

[FR Doc. 78-18046 Filed 6-8-78; 8:45 am]

[7035-01]

(Notice No. 681)

ASSIGNMENT OF HEARINGS

JUNE 6, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION*

No. FF 209 (Sub-No. 3), Lyons Transport, Inc., is now assigned for hearing July 19, 1978 (3 days), at Chicago, Ill., at a location to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-16046 Filed 6-8-78; 8:45 am]

[7035-01]

(Notice No. 679)

ASSIGNMENT OF HEARINGS

JUNE 6, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

AB 102 Sub-No. 6, Missouri-Kansas-Texas Railroad Co., abandonment near Parsons and Coffeyville in Labette and Montgomery Counties, Kans., is assigned for hearing June 26, 1978, at Coffeyville, Kans., and will be held at Room 104 Occupational Building, Coffeyville Community College.

No. MC 123405 (Sub-No. 55), Food Transport, Inc., is now assigned for hearing July 20, 1978, at the offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 143445 (Sub-No. 2), MMAR Transportation, Inc., is now assigned for hearing July 26, 1978, at the offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 60014 (Sub-No. 88), Aero Trucking, Inc., is now assigned for hearing July 26, 1978, at the offices of the Interstate Commerce Commission, Washington, D.C.

No. AB 7 (Sub-No. 49), Chicago, Milwaukee, St. Paul and Pacific Railroad Co., abandonment near Monroe and Mineral Point, in Greene, Lafayette, and Iowa Counties, Wis., now assigned July 17, 1978, at Darlington, Wis., is postponed to July 24, 1978 (5 days), for hearing on the application, at Darlington, Wis., at a location to be later designated; and is also assigned July 20, 1978 (2 days), for hearing on the environmental impact statement only, at Darlington, Wis., at a location to be later designated.

No. AB 1 (Sub-No. 41), Chicago and North Western Transportation Co., abandonment between Klevenville and Fennimore, including Lancaster Junction to Lancaster, Monfort Junction to Cuba City, and Ipswich to Platteville, in Dane, Iowa, Lafayette, and Grant Counties, Wis., is now assigned for continued hearing July 19,

*This corrects the docket number, for which the Sub-No. was mistakenly omitted in the publication of June 2, 1978, page 24158.

1978 (3 days), at Darlington, Wis., at a location to be later designated. The last 2 days of this hearing are set aside for cross-examination with regard to the environmental impact statement only.

No. AB 43 (Sub-No. 28), Illinois Central Gulf Railroad Co., abandonment between Freeport, Ill., and Madison, Wis., is now assigned for continued hearing July 20, 1978 (2 days), in regard to the environmental impact statement only, at Darlington, Wis., at a location to be later designated.

No. 38788, B & P Motor Express, Inc., Shengango Steel Co., a corporation—Investigation of practices, now assigned June 12, 1978, at Philadelphia, Pa., is postponed indefinitely.

No. MC 44914 (Sub-No. 3), Willamette Valley Transfer Co., is now assigned for hearing July 10, 1978 (10 days), at Portland, Oreg., at a location to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-16047 Filed 6-8-78; 8:45 am]

[7035-01]

(Finance Docket No. 28762)

SOUTHERN RAILWAY CO. AND BURLINGTON NORTHERN, INC.

Coordination Project—In Centralia, Marion County, Ill.

Southern Railway Co., 920 15th Street NW., P.O. Box 1808, Washington, D.C. 20013, and Burlington Northern, Inc., 176 East Fifth Street, St. Paul, Ramsey, Minn 55101, represented by Nancy S. Fleischman, Solicitor, Southern Railway Co., P.O. Box 1808, Washington, D.C. 20013 and Richard J. Schreiber, Associate Regional Counsel, Burlington Northern, Inc., 547 West Jackson Boulevard, Chicago, Ill. 60606, hereby give notice that on the 15th day of May 1978, as supplemented May 31, 1978, they filed with the Interstate Commerce Commission at Washington, D.C. an application under section 5(2) of the Interstate Commerce Act for an order seeking approval and authorization of a coordination of facilities at Centralia, Marion County, Ill. BN owns and maintains but does not operate over a spur track approximately 1,775 feet (0.34 mile) in length, between milepost 66.52 and milepost 68.20 in Centralia. Southern operates over the segment as a necessary part of its main line between Louisville and East St. Louis, including the Southern/BN run-through train from Louisville to Galesburg, Ill. Part of the segment involves an 11 degree curve with jointed rail, which at normal operating speeds creates rocking and danger of derailment.

Southern proposes to acquire the 0.34 mile segment, replace jointed with welded rail, and maintain the segment at its normal main line standard. Southern proposes no change in its current operation. BN does not now

operate over the segment but will retain the right to operate jointly with Southern to serve any industries which might locate in the vicinity.

The coordination will allow BN to eliminate excess facilities and will permit Southern to improve the efficiency and safety of its operation. No effect on employees of either Southern or BN or on direct service to the public will result.

In the opinion of the applicants, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), *Implementation—National Environmental Policy Act, 1969*, 352 ICC 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See *Implementation—National Environmental Policy Act, 1969*, *supra*, at p. 487.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 28762, and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than 45 days after the date of Notice of the filing of the application is published in the FEDERAL REGISTER. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to participate formally in a proceeding but who may desire to comment thereon, may file such statements and information as they may desire subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon Southern and BN, the Secretary of Transportation, and the Attorney General.

H. G. HOMME, Jr.,
Acting Secretary

[FR Doc. 78-16049 Filed 6-8-78; 8:45 am]

[7035-01]

(Notice No. 90)

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 5, 1978.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 11207 (Sub-No. 429TA), filed April 20, 1978. Applicant: DEATON, INC., P.O. Box 938, 317 Avenue West, Birmingham, AL 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, D.C. 20014. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between Newport, KY and Wilder, KY on the one hand and, on the other, points in AL, AR, and GA (points on and west of Hwy Interstate 75), LA, MS, and TN (points on and west of Hwy I-75), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Interlake, Inc., 9th and Lowell Streets, Newport, KY 41018. Send protests to: Mabel E. Holston, Transportation Assistant,

Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 13569 (Sub-No. 37TA), filed April 20, 1978. Applicant: THE LAKE SHORE MOTOR FREIGHT CO., INC., 1200 South State Street, Girard, OH 44420. Applicant's representative: John P. Tynan, 167 Fairfield Road, P.O. Box 1409, Fairfield, NJ 07006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites of the Republic Steel Corp., located at Canton, Cleveland, Massillon, and Warren, OH, to points in the State of IN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Republic Steel Corp., P.O. Box 6778, Cleveland, OH 44101. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 14215 (Sub-No. 14TA), filed April 24, 1978. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Applicant's representative: John L. Alden, Stiverson & Alden, 1396 West Fifth Avenue, Columbus, OH 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical process residue* in bulk, dry, from Mountsville, WV to Hagerstown, MD, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sergeant Oil & Gas Co., Inc., 3813 Buffal Speedway, P.O. Box 812, Houston, TX 77001. Send protests to: J. A. Niggemyer, District Supervisor, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, WV 26003.

No. MC 25798 (Sub-No. 318TA), filed April 27, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, 502 E. Bridgers Avenue, Auburndale, FL 33823. Applicant's representative: Tony G. Russell, P.O. Box 1186, Auburndale, FL 33823. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the facilities of Rich Products Corp. at Murfreesboro, TN, to points in AL, AR, FL, GA, IL, IN, KY, LA, MS, MO, NC, OK, SC, TX, and WI, for 180 days. There is no environmental impact involved in this application. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Rich Products Corp., 1145 Niagara Street, Buffalo, NY 14213. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey

Building, Suite 101, 8410 NW., 53rd Terrace, Miami, FL 33166.

No. MC 48956 (Sub-No. 15TA), filed April 26, 1978. Applicant: JAMES FLEMING TRUCKING, INC., 661 East Street, Suffield, CT 06078. Applicant's representative: S. Michael Richards, Raymond A. Richards, 44 North Avenue, P.O. Box 225, Webster, NY 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned baby food and dry cereal*, from Canajoharie, NY, to all points in CT, MA, and RI, under a continuing contract or contracts with Beech-Nut Foods Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Beech-Nut Foods Corp., Church Street, Canajoharie, NY 13317. Send protests to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 135 High Street, Room 324, Hartford, CT 06101.

No. MC 51146 (Sub-No. 496TA), filed April 20, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, WI 54306. Applicant's representative: John R. Patterson, 2480 E. Commercial Blvd., Ft. Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing fixtures and fittings and related equipment*, from Evansville and Rockport, IN, to Minneapolis, St. Paul, and Montevideo, MN; and Wausau, Madison, and Middleton, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Peerless Pottery, Inc., P.O. Box 6165, Evansville, IN 47712. (Ralph Foster.) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 55896 (Sub-No. 76TA), filed April 28, 1978. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in that portion of OH on and south of U.S. 30 and on and west of U.S. 23 and New Concord, OH, on the one hand, and, on the other, Chicago, IL, restricted to traffic having a prior or

subsequent movement by rail or by freight forwarder in trailer on flat car service moving in semitrailers or containers, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (7) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Timothy S. Quinn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226.

No. MC 61977 (Sub-No. 7TA), filed April 25, 1978. Applicant: ZERKLE TRUCKING CO., 34 Race Street, Middleport, OH 45760. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, WV 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers and container accessories*, from the facilities of Kerr Glass Manufacturing Corp., at Huntington, WV, to Cincinnati, Leipsic, Medina, Orrville, and Urbana, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Larry W. Wilson, Assistant General Traffic Manager, Kerr Glass Manufacturing Corp., Box 97, Sand Springs, OK 74063. Send protests to: Frances A. Ciccarello, Secretary, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 105568 (Sub-No. 168TA), filed April 20, 1978. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Applicant's representative: Thomas F. Kilroy, 6901 Old Keene Mill Road, Suite 406, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles and/or containers*, from Joliet, IL, and Parkersburg, WV, to Fresno and Union City, CA, for 180 days. Applicant does not intend to tack the authority. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): National Bottle Manufacturing Co., P.O. Box 568, Parkersburg, WV 26101. Send protests to: P. E. Binder, Acting District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 106679 (Sub-No. 14TA), filed April 28, 1978. Applicant: WHEELER FREIGHTWAYS, 3375 South Polaris

Avenue, Las Vegas, NV 89102. Applicant's representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat and meat products and refrigerated food items* for human consumption in insulated equipment, equipped with mechanical refrigeration, and commodities which are exempt from regulation when such commodities are moving in the same vehicles with meat and food products, between points in Los Angeles and San Diego Counties, CA, and Maricopa County, AZ, on the one hand, and Clark County, NV, on the other hand, for 180 days. Supporting shipper(s): There are approximately (7) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: W. J. Heutig, District Supervisor, Interstate Commerce Commission, 203 Federal Building, 705 North Plaza Street, Carson City, NV 89701.

No. MC 111956 (Sub-No. 44TA), filed April 28, 1978. Applicant: SUWAK TRUCKING CO., 1105 Fayette Street, Washington, PA 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, from Washington, PA, to Covington and Louisville, KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Metropak Containers Corp., 1099 Wall Street West, Lyndhurst, NJ 07071. Send protests to: J. A. Niggemyer, District Supervisor, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, WV 26003.

No. MC 112617 (Sub-No. 391TA), filed April 20, 1978. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, KY 40221. Applicant's representative: Charles R. Dunford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules* (in bulk, in tank vehicles), from Terre Haute, IN, to points in IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): James Dotl, President, Jadcore, Inc., 1415 North Frutridge Avenue, Terre Haute, IN 47805. Send protests to: Linda H. Sypher, District Supervisor, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

No. MC 11696 (Sub-No. 58TA), filed April 21, 1978. Applicant: HART-

MANS, INC., P.O. Box 898, 833 Chicago Avenue, Harrisonburg, VA 22801. Applicant's representative: Edward C. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen doughnuts*, from North East, PA, to Buffalo, NY, Winchester, VA, and Murfreesboro, TN, for 180 days. Supporting shipper(s): Rich Products Corp., Buffalo, NY 14213. Send protests to: Interstate Commerce Commission, Bureau of Operations, P.O. Box 210, Roanoke, VA 24011.

No. MC 113271 (Sub-No. 46TA), filed April 24, 1978. Applicant: CHEMICAL TRANSPORT, P.O. Box 2644, Great Falls, MT 59401. Applicant's representative: Ray K. Koby, 314 Montana Building, Great Falls, MT 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid* (in bulk, in tank vehicles), from Anaconda, MT, to points in ID, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kurt E. Mecham, President, M & M Crop Service, Inc., d.b.a. Sulae Co., Star Route, Box 190, Potcattello, ID 83201. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 113670 (Sub-No. 12TA), filed April 24, 1978. Applicant: PETCO INC., INTERSTATE, 7627 Dahlia Street, P.O. Box 447, Commerce City, CO 80022. Applicant's representative: Richard J. Bara, 50 South Steel Street, Suite 330, Denver, CO 80209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas* (in bulk, in tank vehicles), between points in Grand County, UT, on the one hand, and, on the other, points in CO west of the Continental Divide, for 180 days. Supporting shipper(s): Arrow Gas Co., Security National Bank Building, Suite 700, Roswell, NM. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

No. MC 114301 (Sub-No. 95TA), filed April 18, 1978. Applicant: DELAWARE EXPRESS CO., P.O. Box 97, Elkton, MD 21921. Applicant's representative: Maxwell A. Howell, 1511 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic materials*, dry, in bulk, from Leominster, MA, to points in DE, for 180 days. Applicant has also filed an underlying ETA seek-

ing up to 90 days of operating authority. Supporting shipper(s): Richard L. Roundhouse, Distribution Manager, Borden Chemical, Division of Borden, Inc., 180 East Broad Street, Columbus, OH 43215. Send protests to: W. L. Hughes, District Supervisor, Interstate Commerce Commission, 814-B Federal Building, Baltimore, MD 21201.

No. MC 114457 (Sub-No. 383TA), filed April 19, 1978. Applicant: DART TRANSIT CO., 2102 University Avenue, St. Paul, MN 55114. Applicant's representative: James H. Wills, 2102 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mops, brooms, brushes*, from Greenville, NC, to Chicago, IL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Empire Brushes, Inc., 200 William Street, Port Chester, NY 10573. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and United States Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 114457 (Sub-No. 385TA), filed April 27, 1978. Applicant: DART TRANSIT CO., 2102 University Avenue, St. Paul, MN 55114. Applicant's representative: James H. Wills, 2102 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel doors, steel door frames, and brass, bronze, copper and steel hardware*, from Milan, TN, and commercial zone to points in DE, MD, NJ, NY, OH, PA, VA and WV, and DC, for 180 days. Supporting shipper(s): Ceco Corp., 5601 West 26th Street, Chicago, IL 60650. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and United States Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 114457 (Sub-No. 386TA), filed April 27, 1978. Applicant: DART TRANSIT CO., 2102 University Avenue, St. Paul, MN 55114. Applicant's representative: James H. Wills, 2102 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty plastic containers in corrugated cartons*, from Burlington, WI, to Kansas City, KS, and Jersey City, NJ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Continental Group, Inc., 1 Landmark Square, Stamford, CT 06901. Send protests to: Delores A. Poe, Transportation Assist-

ant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and United States Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 114457 (Sub-No. 387TA), filed April 27, 1978. Applicant: DART TRANSIT CO., 2102 University Avenue, St. Paul, MN 55114. Applicant's representative: James H. Wills, 2102 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Chicago, IL, to points in KY, for 180 days. Supporting shipper(s): Castle and Cook Foods, 50 California Street, San Francisco, CA 94111. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 117568 (Sub-No. 16TA), filed April 17, 1978. Applicant: KEMPT TRUCK LINE, INC., P.O. Box 156, Verona, MO 65769. Applicant's representative: William B. Barker, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heating and air conditioning equipment*, from the plantsite and storage facilities of Southwest Manufacturing Division at or near Aurora, MO, to AL, AR, CO, GA, IL, IN, IO, KS, KY, LA, MD, MI, MN (except Minneapolis), MS, NE, NJ, NM, NY, and NC (except High Point), ND, OH, OK, PA, SC, SD, TN, TX, VA, and WV, and WI (except La-Crosse), under a continuing contract, or contracts, with Southwest Manufacturing Division of Aurora, MO, for 180 days. Supporting shipper(s): Southwest Manufacturing Division, 10 North Elliott, Aurora, MO 65605. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 117686 (Sub-No. 211TA), filed April 28, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, IA 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), from the facilities of Rich Products Corp. at or near Murreboro, TN, to points in IL, IN, IA, KS, KY, MN, MO, TN, and WI, for 180 days. Supporting shipper(s): Nelson Goodrich, corporate traffic manager, Rich Products Corp., 1145 Niagara Street, Buffalo, NY 14213. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission,

mission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 117940 (Sub-No. 266TA), filed March 28, 1978, and published in the FEDERAL REGISTER issue of May 9, 1978, and republished as corrected this issue. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Applicant's representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk) from the facilities of Continental Freezers of Illinois at Chicago, IL, to points in IN, KY, MI and OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): continental Freezers of Illinois, 4220 South Kildare Boulevard, Chicago, IL 60632. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Post Office, 110 South 4th Street, Minneapolis, MN 55401. The purpose of this republication is to indicate origin point.

No. MC 117940 (Sub-No. 267TA), filed March 28, 1978, and published in the FEDERAL REGISTER issue of May 9, 1978, and republished as corrected this issue. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Applicant's representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and potato products* from the facilities of Ore-Ida Foods, Inc., at Greenville, MI to points in CT, DE, MD, MA, NH, NJ, NY, PA, VT, VA, WV and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ore-Ida Foods, Inc., P.O. Box 10, Boise, ID 83707. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401. The purpose of this republication is to indicate origin point.

No. MC 119654 (Sub-No. 42TA), filed April 28, 1978. Applicant: HI-WAY DISPATCH, INC., 1401 West 26th Street, Marion, IN 46952. Applicant's representative: Norman R. Garvin, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale, retail, or chain grocery stores, from Fostoria, OH, to points in MI and south of State

Hwy 46, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Fostoria Distribution, P.O. Box D, Fostoria, OH 44830. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

No. MC 123157 (Sub-No. 41TA), filed April 21, 1978. Applicant: CTI, P.O. Box 397, 11115 North Casa Grande Hwy, Rillito, AZ 85246. Applicant's representative: A. Michael Bernstein, 1441 East Thomas Road, Phoenix, AZ 85014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime* (in bulk), from Hurley, NM, to the Phelps Dodge Mine at Marenco, AZ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Can-Am Corp., Paul Lime Division, P.O. Drawer T, Douglas, AZ 85607. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 124069 (Sub-No. 15TA), filed April 28, 1978. Applicant: CONCRETE DELIVERY CO., INC., 7 North Steelawanna Avenue, Lackawanna, NY 14218. Applicant's representative: William J. Hirsch, 43 Court Street, Suite 1125, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in pneumatic tank trailers, from Rochester, NY, to Davisville, RI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Halliburton Services, a division of Halliburton Co., P.O. Box 1431, Duncan, OK 73533. Send protests to: Interstate Commerce Commission, Bureau of Operations, 910 Federal Building, 111 West Huron Street, Buffalo, NY 14202.

No. MC 126539 (Sub-No. 37TA), filed April 24, 1978. Applicant: KATUIN BROS. INC., P.O. Box 311, Fort Madison, IA 52627. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pelletized agricultural limestone and gypsum*, from Marion County, IA, to points in IL, KA, MN, MO, NE, ND, SD, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): American Pelletizing Corp., P.O. Box 3628, Des Moines, IA 50322. Send protests to: Herbert W. Allen, District Supervisor, Bureau of

Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 128375 (Sub-No. 156TA), filed April 28, 1978. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, NE 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Erie and Lock Haven, PA, and Oswego, NY, and their commercial zones to TN, under a continuing contract, or contracts, with Hammermill Paper Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Leroy Wediner, Traffic Manager, Hammermill Paper Co., Erie, PA 16512. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 133565 (Sub-No. 13TA), filed April 28, 1978. Applicant: TRUE TRANSPORT, INC., 293 Wilson Avenue, Box 829, Newark, NJ 07101. Applicant's representative: Leamon McCoy, True Transport Inc., 15 Stockton Street, Newark, NJ 07105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Talc*, in bags, in containers or trailers having a subsequent movement by water, from Windsor, VT, to piers or wharves and railroad yards in the New York commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Johnson & Johnson International, 501 George Street, New Brunswick, NJ. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Room 618, Newark, NJ 07102.

No. MC 138882 (Sub-No. 66TA), filed April 20, 1978. Applicant: WILEY SANDERS, INC., P.O. Drawer 707, Troy, AL 36081. Applicant's representative: George A. Olsen, 69 Tonelle Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), from the facilities of Vlasic Foods, Inc., located at Bridgeport, Imlay City, and Memphis, MI, to the facilities of Vlasic Foods, Inc., located at Greenville, MS; and (2) from the facilities of Vlasic Foods, Inc., located at Greenville, MS, to points in AL, AR, CO, FL, GA, KS, KY, LA, MO, NM, OK, TN, TX, IL, and IN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Vlasic Foods, Inc., 33200 West 14 Mile

Road, West Bloomfield, MI 48033. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 139066 (Sub-No. 4TA), filed April 27, 1978. Applicant: VAN BUS DELIVERY CO. doing business as United Van Bus Delivery, 2601 32nd Avenue South, Minneapolis, MN 55406. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, TN 38137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities*, as are dealt in by mail order houses and retail stores and in connection therewith, such equipment, material, and supplies as are used in the conduct of such business, between Minneapolis, MN, on the one hand, and, on the other Ironwood, Calumet, Houghton, Ontonagon and L'Anse, MI, under a continuing contract, or contracts, with Sears, Roebuck & Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sears, Roebuck & Co., P.O. Box 5208, Chicago, IL 60680. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 139482 (Sub-No. 52TA), filed March 22, 1978, and published in the FEDERAL REGISTER issue of May 16, 1978, and republished as corrected this issue. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 347, County Road No. 29 West, New Ulm, MN 56073. Applicant's representative: James F. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Part 1. *Redwood furniture, redwood furniture components, and parts and accessories* intended for use therewith, between North Sioux City, SD; Fremont, OH; and Eureka, CA; on the one hand, and, on the other, points in the United States (except AK and HI). Part 2. *Materials, equipment, and supplies* used in the manufacture and assembly of redwood furniture and redwood furniture and redwood furniture components, from: (a) Eureka, CA (redwood furniture framing components) to North Sioux City, SD, and Fremont, OH; (b) from Troy, MI (hardware—nuts, bolts, etc.), to Fremont, OH; North Sioux City, SD, and Eureka, CA; (c) from Los Angeles, CA (steel springs, straps, and rivets), to North Sioux City, SD, and Fremont, OH; (d) from Spring City, TN (furniture cushions), to North Sioux City, SD; Fre-

mont, OH, and Eureka, CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Humboldt County Seats, Inc., 221 West 78th Street, Minneapolis, MN 55420. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401. The purpose of this republication is to add (b), (c), and (d), Part 2, to the territorial description, which was previously omitted.

No. MC 140024 (Sub-No. 107TA), filed April 28, 1978. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, CO 80022. Applicant's representative: John DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* (except bulk), from Philadelphia, PA, to Chicago, IL; Detroit, MI; Cleveland, OH; Denver, CO; Dallas and Houston, TX; and Los Angeles and Hayward, CA, and points in their commercial zones, for 180 days. Supporting shipper(s): Ward-Johnston Inc., 2 Pennsylvania Plaza, New York, NY 10001. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

No. MC 140389 (Sub-No. 30TA), filed April 20, 1978. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Applicant's representative: Clayton R. Byrd, P.O. Box 12566, Atlanta, GA 30315. Authority sought to operate as a *common carrier*, motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and equipment, materials, and supplies used in the conduct of such business (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of the Kroger Co., at or near Cincinnati and Columbus, OH, to Atlanta, GA; Nashville, TN; and Los Angeles, CA, and points in the commercial zone of each, for 180 days. Supporting shipper(s): The Kroger Co., 1014 Vine Street, Cincinnati, OH 45201. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 140635 (Sub-No. 11TA), filed April 6, 1978. Applicant: ADAMS LINES, INC., P.O. Box 415, 601 32nd Avenue, Council Bluffs, IA 51501. Applicant's representative: Edward A. O'Donnell, 1004 29th Street, Sioux City, IA 51104. Authority sought to

operate as a common carrier, motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses as described in sections A and C of appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of Thies Packing Co., Inc., at or near Great Bend, KS, to points in AL, AR, CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, MI, MN, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC, for 180 days. Restricted to traffic originating at the named facilities at or near the named origin and destined to the named destination States, except traffic moving in foreign commerce. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Don Dennis, General Manager, Thies Packing Co., Inc., P.O. Box 49, Great Bend, KS 67530. Send protests to: Carroll Russell, Interstate Commerce Commission, Suite 620 110 North 14th Street, Omaha, NE 68102.

No. MC 141417 (Sub-No. 2TA), filed March 28, 1978, and published in the FEDERAL REGISTER issue of May 9, 1978, and republished as corrected this issue. Applicant: SUPER SPEED DELIVERY & MESSENGER SERVICE, INC., 265 Route 46, Totowa, NJ 07512. Applicant's representative: Morton E. Kiel, 5 World Trade Center New York, NY 10048. Authority to sought to operate as a common carrier, motor vehicle, over irregular routes, transporting: *Textiles and textile picture kits*, from Lynchburg, VA; Madison Heights, VA; Pawtucket, RI; Taylorsville, Statesville, Greenville, Aberdeen, Spindale, and Williamston, NC; Greenville, Lugoff, Simpsonville, Wateree, Kingstree and Williamston, SC; to Newburgh, NY; East Rutherford, Haldeon, Oxford, Passaic, and Paterson, NJ; Derby, CT; Fall River and New Bedford, MA; and Pawtucket, RI; for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers(s): Erlanger, Blumgar & Co., Inc., 1450 Broadway, New York, NY 10018. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Room 618, Newark, NJ 07102. The purpose of this republication is to show the amended authority.

No. MC 141770 (Sub-No. 1TA), filed April 25, 1978. Applicant: T.P.C. TRANSPORTATION CO., 41 Cleveland Road East, Huron, OH 44839. Applicant's representative: Lewis R. Jones, 5495 River Road, Cincinnati, OH 45233. Authority sought to operate as a contract carrier, by motor ve-

hicle, over irregular routes, transporting: *Fertilizer and fertilizer compounds* (in bulk, in dump vehicles), from the plant site of Agrico Chemical Co. at Melbourne, KY, to points in IL, IN, KY, MI, OH, VA, and WV, restricted to the transportation of traffic originating at the above-mentioned plantsite, under a continuing contract, or contracts, with Agrico Chemical Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Agrico Chemical Co., P.O. Box 3166, Tulsa, OK 74101. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 142777 (Sub-No. 2TA), filed April 6, 1978. Applicant: BLACK-HAWK EXPRESS, INC., P.O. Box 277, Wall Lake, IA 51466. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles* distributed by meat packinghouses, as described in sections A, B, and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Estherville and Sioux City, IA, and Sioux Falls, SD, to points in AL, AR, CT, DE, DC, FL, GA, LA, ME, MD, MA, MI, MS, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, and WV, for 180 days. Restriction: Restricted to traffic originating at the plantsites and facilities of John Morrell & Co., located at the above origins and destined to the named destination States. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Curt Y. Hopkins, Manager of Transportation, John Morrell & Co., 208 South LaSalle Street, Chicago, IL 60604. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 143910 (Sub-No. 3TA), filed April 28, 1978. Applicant: NEW HAMPSHIRE CONTINENTAL EXPRESS, INC., P.O. Box 4956, Manchester, NH 03108. Applicant's representative: Edward N. Button, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, MD 21740. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Drugs and toilet articles and materials and supplies* used in the manufacture, sale and distribution thereof, between Allegan, MI, and points in its commercial zone, on the one hand, and, on the other,

points in CT, DE, FL, GA, IL, IN, KY, ME, MD, MA, NH, MN, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and the DC, under a continuing contract, or contracts, with L. Perrigo Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): L. Perrigo Co., 117 Water Street, Allegan, MI 49010 (Attention: Roland Pellegrini, Vice President and General Manager). Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3, 6 Loudon Road, Concord, NH 03301.

No. MC 144420 TA, filed March 7, 1978, published in the FEDERAL REGISTER of April 3, 1978, and republished as corrected in this issue. Applicant: MALIBU BEACH BOAT SALES & SERVICE CO., INC., Route 1, Box 261, Osage Beach, MO 65065. Applicant's representative: Harry F. Horak, 5001 Brentwood Stair Road, Room 109, Fort Worth, TX 76112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Boats*, not to exceed 45 feet in length or 13 feet 6 inches wide, in vehicles equipped with boat support equipment, between points in MO, on the one hand, and, on the other, points in AR, FL, IL, IA, KS, KY, MI, MS, OK, TN, and TX, for 180 days. Supporting shipper(s): There are approximately 11 statements of support which may be reviewed at the field office named below. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106. The purpose of this republication is to correct the number of supporting shippers.

No. MC 144653 (Sub-No. 1TA), filed April 25, 1978. Applicant: A. & D. HITCHCOCK TRUCKING, INC., 2990 Grammer Road, Webberville, MI 48892. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, MI 48080. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Scrap aluminum*, from Howell, MI, to Maple Heights, OH, for 180 days. Supporting shipper(s): Aluminum Smelting & Refining Co., Inc., 5463 Dunham Road, Maple Heights, OH 44137. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, MI 48933.

No. MC 144700TA, filed April 27, 1978. Applicant: CONTINENTAL CARRIERS, INC., P.O. Box 6238, Pompano Beach, FL 33050. Applicant's representative: Miles L. Kavalier, 315 South Beverly Drive, Beverly Hills, CA 90212. Authority sought to operate as a contract carrier, by motor vehicle,

over irregular routes, transporting: (1) *Yarn, wool and synthetic fiber yarn*, and (2) *textile machinery, parts, and supplies* used in the manufacture of those commodities, from Beaula-ville, Warsaw, Wahington, and Whiteville, NC, and Cheraw, SC, to Long Beach, CA, and Arlington, TX, under a continuing contract, or contracts, with National Spinning Co., Inc., for 180 days. There is no environmental impact involved in this application. Supporting shipper(s): National Spinning Co., Inc., P.O. Box 191, Washington, NC 27889. Send protests to: Donna M. Jones, Transportation Assistant, Interstate Commerce Commission, Monterey Building, Suite 101, 8410 Northwest, 53rd Terrace, Miami, FL 33166.

No. MC 144702TA, filed April 27, 1978. Applicant: ASHEVILLE-NEW YORK MOTOR EXPRESS, INC., 1 Bridal Path, Asheville, NC 28804. Applicant's representative: Eric Meierhoefer, 1511 K Street NW., Suite 423, Washington, DC 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Textiles, textile products, and materials and supplies* used in the manufacture and sale thereof, between New York, NY, and points in its commercial zone on the one hand, and, on the other, Asheville, NC, and points in its commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (7) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

No. MC 144704TA, filed April 26, 1978. Applicant: CHERNICKY TRUCKING, INC., P.O. Box 215, Route 66, Shippensburg, PA 16254. Applicant's representative: John A. Pillar, 205 Ross Street, Pittsburgh, PA 15219. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Coal* (in dump vehicles), from Clarion Township, Clarion County, PA, to Dunkirk Township, Chautauqua County, NY, under a continuing contract, or contracts, with Chernicky coal Co., Inc., of Shippensburg, PA, for 180 days. Supporting shipper(s): Chernicky Coal Co., Inc., P.O. Box 175, Route 66, Shippensburg, PA 16254. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 211 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 144705 TA, filed April 26, 1978. Applicant: CARL O. SCHEIDEMANTLE, Rural Delivery No. 1, Har-

mony, PA 16037. Applicant's representative: John A. Pillar, 205 Ross Street, Pittsburgh, PA 15219. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, from points in Beaver County, PA, to points in Jefferson County, OH, under a continuing contract, or contracts, with Xecol Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Xecol Corp., 1460 Coraopolis Heights Road, Coraopolis, Pa 15108. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 144706 TA filed April 27, 1978. Applicant: QUESTCO, INC., d.b.a. HAZELTON BROS., 689 Gifford Street, Falmouth, MA 02540. Applicant's representative: Joseph P. Dunn, Jr., 65 Falmouth Heights Road, P.O. Drawer U, Falmouth, MA 02541. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed automobiles* requiring the use of special equipment, from all points in Barnstable, Nantucket, and Dukes Counties, MA, to East Providence, RI, under a continuing contract, or contracts, with Auto Placement Center, Inc., for 180 days. Supporting shipper(s): Auto Placement Center, Inc., 160 Amaral Street, East Providence, RI 02915. Send protests to: Gerald H. Curry, District Supervisor, 24 Weybosset Street, Room 102, Providence, RI 02903.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-16043 Filed 6-8-78; 8:45 am]

[7035-01]

[Ex Parte No. 241; Rule 19, Second Rev. Exemption No. 138-A]

EXEMPTION UNDER MANDATORY CAR SERVICE RULES

To: All railroads.

Upon further consideration of Exemption No. 138 issued April 15, 1977. It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 138 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 is vacated.

This amendment shall become effective 11:59 p.m., May 16, 1978.

Issued at Washington, D.C., May 16, 1978.

INTERSTATE COMMERCE
COMMISSION,

ROBERT S. TURKINGTON,
Agent.

[FR Doc. 78-16048 Filed 6-8-78; 8:45 am]

[7035-01]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

No. MC 107478 (Sub-No. 21), filed November 25, 1975. Applicant: OLD DOMINION FREIGHT LINE, a corporation, 1791 Westchester Drive, P.O. Box 1189, High Point, NC 27261. Applicant's representative: Francis W. McInerney, 1000 16th Street NW., Washington, DC 20036. Applicant sought authority to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *general commodities*, with the usual exceptions, between Halifax and Vance Counties, NC on the one hand and, on the other, Baltimore, MD, and points in a described portion of Pennsylvania. The notice published at the time this application was filed failed to mention that applicant intended to tack the sought authority with other irregular-route authorities to provide a through service. The Commission has decided that applicant should actually be seeking authority to transport general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment) between points in NC, SC, and GA (except Augusta) and points in that portion of VA south of a line beginning at the VA-NC State line, and extending along U.S. Hwy 29 to Danville, VA, then along U.S. Hwy 360 to Richmond, VA, then along U.S. Hwy 60 to Norfolk, VA (except Franklin and Norfolk, VA, and points within 20 miles of Franklin or Norfolk), on the one hand and, on the other, Providence, RI, Corning, NY, Baltimore, MD, points in NJ, points in NY within 150 miles of Newark, NJ, points in MA and CT on and east of U.S. Hwy 5, points in CT on U.S. Hwy 1 between the NY-CT State line and New Haven, CT, and points in that portion of PA on, east, and south of a line beginning at the MD-PA State line and extending along Interstate Hwy 83 to York, PA, then along U.S. Hwy 30 to its junction with U.S. Hwy 202, then along U.S. Hwy 202 by way of New Hope, PA, to the PA-NJ State line. Interested persons, including protestants presently parties to this proceeding, have 30 days in which to file protests, after which time Division 1 will designate the proceeding for handling under the modified procedure, or, if deemed necessary, will assign it for oral hearing.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-16050 Filed 6-8-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 91-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board.....	1
Commodity Futures Trading Commission	2, 3
Equal Employment Opportunity Commission.....	4
Federal Election Commission.....	5
Federal Energy Regulatory Commission	6
Federal Maritime Commission	7
Federal Reserve System (Board of Governors).....	8
Federal Trade Commission	9, 10, 11
Interstate Commerce Commission	12
Nuclear Regulatory Commission	13, 14, 15, 19
Railroad Retirement Board.....	16
Renegotiation Board.....	17, 18

[6320-01]

1

[M-135, Amdt. 1; June 5, 1978]

NOTICE OF ADDITION AND DELETION OF ITEMS TO THE JUNE 8, 1978, AGENDA CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., June 8, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

(Deletion) 2. Docket 30332, IATA agreement dealing with reduced fares for cargo agents (Memo No. 7982, BPDA, BIA).
(Deletion) 6. Docket 29968, Louisville Service Case—Order on Discretionary Review (Memo No. 8240-C, OGC).
(Addition) 6a. Docket 29256 (Seaboard World Airlines, Inc. v. Overseas National Airways, Inc., Enforcement Proceeding), discretionary review on Board initiative of initial decision and order terminating proceeding alleging that ONA engaged in foreign air transportation by conducting two cargo charter flights (Memo No. 7997, OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Items 2 and 6 were inadvertently added to the June 8, 1978 agenda. Unless the Board acts on Item 6a by June 9, the initial decision, under Section 302.27 of the regulations, becomes the order of the Board on June 10, nine days after the time (May 31) for filing petitions for discretionary

review. Accordingly, the following members have voted that agency business requires the deletion of Items 2 and 6 and the addition of Item 6a and that no earlier announcement of these changes was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey
[S-1195-78 Filed 6-7-78; 8:45 am]

[6351-01]

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 5 p.m., June 12, 1978.

PLACE: 8th Floor Conference Room, 2033 K Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Personnel matters.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.
[S-1193-78 Filed 6-7-78; 8:47 am]

[6351-01]

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., June 13, 1978.

PLACE: 5th Floor Hearing Room, 2033 K Street NW., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

Regulation 1.61 Policy Discussion.
Proposed July Calendar.
Procedures for Review of Disciplinary Actions—Part 9.
Section 217—leverage policy discussion and legislative alternatives.

Portions closed to the public:

Enforcement matters.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.
[S-1194-78 Filed 6-7-78; 8:47 am]

[6570-06]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, June 13, 1978.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Parts of the meeting will be open to the public and parts will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the public:

1. Amendment of fee schedule for Freedom of Information Act requests.
2. Modification of private bar program.

Closed to the public:

1. Litigation Authorization; General Counsel Recommendations; Matters closed to the public under Sec. 1612.13(a) of the Commission's regulations (42 FR 13830, March 14, 1977).
2. Proposed settlement of a Commissioner's charge.

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat, at 202-634-6748.

This notice issued June 6, 1978.
[S-1204-78 Filed 6-7-78; 12:30 pm]

[6715-01]

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Wednesday, June 14, 1978, at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Audit reports, compliance, personnel.

DATE AND TIME: Thursday, June 15, 1978, at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

MATTERS TO BE CONSIDERED:

Portions open to the public:

Setting of future meeting dates.
Correction and approval of minutes.
Reports from division heads: Administration Division and Public Records.
Pending legislation.
Pending litigation.
Appropriations and budget.
Liaison with other Federal agencies.
Memorandum on particulars.
Classification actions.
Routine administrative matters.
Advisory opinions: AO 1978-30 and AO 1978-33.

Portions closed to the public (executive session):

Any matters not concluded at the meeting of June 14, 1978.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, telephone 202-253-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.
[S-1206-78 Filed 6-7-78; 3:16 pm]

[6740-02]

6

JUNE 6, 1978.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 1:30 p.m., June 8, 1978.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Initiation of an investigation.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.
[S-1197-78 Filed 6-7-78; 10:34 am]

[6730-01]

7

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 10 a.m., June 14, 1978.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Petition for reconsideration of order of conditional approval of Agreement No. 10270.

SUNSHINE ACT MEETINGS

2. Special Docket No. 555: *Commercial Metal Company v. Sea-Land Service, Inc.*—Review of initial decision.

3. Special Docket No. 567: *Kuehne & Nagel, Inc. v. Lykes Bros. Steamship Co., Inc.*—Review of initial decision.

4. Docket No. 75-20: Puerto Rico Maritime Shipping Authority—Rates on government cargo—Decision on request for oral argument.

5. Docket No. 75-21: *West Gulf Maritime Association v. Port of Houston Authority of the Port of Houston, Tex.*—Decision on whether to hear oral argument.

6. Special Docket No. 565: *Mitsui & Co. (USA), Inc. v. Pacific Westbound Conference*—Review of the record.

7. Informal Docket No. 387(1): *Pan American Health Organization v. Moore-McCormack Lines, Inc.*—Complainant's petition for reconsideration of the decision of the Commission.

8. Docket No. 77-31: *Chevron Chemical International, Inc. v. Sea-Land Service, Inc.*—Complainant's petition for reconsideration of the decision of the Commission.

Portions closed to the public:

1. Docket No. 77-4—Agreement Nos. 9902-3, et al.; petition for reconsideration of modification of order of investigation and hearing.

2. Activities of Sea-Train Lines, Inc., under sections 16 and 18 of the Shipping Act, 1916.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5725.

[S-1203-78 Filed 6-7-78; 10:34 am]

[6210-01]

8

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS).

TIME AND DATE: 10 a.m., Wednesday, June 14, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

SUMMARY AGENDA

Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Proposal to operate an automated clearing house at the Federal Reserve Bank of Chicago.

DISCUSSION AGENDA

1. Proposed statement to be presented to the Subcommittee on Financial Institutions of the Senate Committee on Banking, Housing and Urban Affairs regarding H.R. 10899, a bill entitled the "International Banking Act of 1978."

2. Proposed follow up report to be presented to the Senate Committee on Banking, Housing and Urban Affairs regarding a special survey undertaken by the three Federal

bank regulatory agencies concerning bank stock loans, insider loans and overdrafts.

3. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: June 7, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[S-1198-78 Filed 6-7-78; 10:34 am]

[6750-01]

9

FEDERAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: FR 43, June 2, 1978, Page No. 24169.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Tuesday, June 6, 1978.

CHANGES IN THE AGENDA: The Federal Trade Commission has deleted consideration of disposition of a non-public Part II matter, and has changed the date of the meeting to Wednesday, June 7, 1978, 10 a.m.

[S-1190-78 Filed 6-7-78; 8:47 am]

[6750-01]

10

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Wednesday, June 14, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission has not yet scheduled any matters for discussion at this meeting. If no item is placed on the agenda by 10 a.m., on Wednesday, June 14, 1978, the meeting will automatically be cancelled. Any item that is placed on the agenda before that time will be announced in accordance with the Additional Information procedures posted with Commission Meeting Notices outside Room 130 of the Federal Trade Commission.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830. Recorded Message: 202-523-3806.

[S-1191-78 Filed 6-7-78; 8:47 am]

[6750-01]

11

FEDERAL TRADE COMMISSION.

TIME AND PLACE: 2 p.m., Thursday, June 15, 1978.

PLACE: Room 532, (open); Room 540 (closed); Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

(1) Oral argument in Gold Bullion International, Ltd. et al., Docket No. 9094.

Portions closed to the public:

(2) Post-oral argument meeting to consider disposition of appeal from initial decision in Gold Bullion International, Ltd., et al., Docket No. 9094.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830. Recorded Message: 202-523-3806.

[S-1192-78 Filed 6-7-78; 8:47 am]

[7035-01]

12

INTERSTATE COMMERCE COMMISSION.

TIME AND DATE: 9:30 a.m., Tuesday, June 13, 1978.

PLACE: Room 4225, Interstate Commerce Commission Building, 12th Street and Constitution Avenue NW., Washington, D.C.

STATUS: Open special conference.

MATTERS TO BE CONSIDERED:

1. Division assignments.
2. Quarterly briefing on carrier and transportation industry outlook (economics).
3. Freight car utilization.
4. Internal minutes (PRO).

CONTACT PERSON FOR MORE INFORMATION:

Douglas Baldwin, Director, Office of Communications, telephone 202-275-7252.

The Commission's professional staff will be available to brief news media representatives on conference issues at the conclusion of the meeting.

Dated: June 6, 1978.

[S-1196-78 Filed 6-7-78; 8:47 am]

[7590-01]

13

NUCLEAR REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 28343.

PREVIOUSLY ANNOUNCED TIME AND DATE: Monday, June 5, 1978.

PLACE: Commissioner's Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Closed (cancellation).

CHANGES IN THE MEETING: 1. The discussion of personnel matter (closed—Exemption 6) scheduled for approximately 3:30 p.m. was cancelled.

CONTACT PERSON FOR MORE INFORMATION:

Roger Tweed, 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

JUNE 6, 1978.

[S-1200-78 Filed 6-7-78; 10:34 am]

[7590-01]

14

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Wednesday, June 7, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Wednesday, June 7, 10:30 a.m.—1. Discussion of draft testimony on waste management (approximately 1 hour—public meeting); continuation of June 5 meeting.

CONTACT PERSON FOR MORE INFORMATION:

Roger Tweed, 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

JUNE 6, 1978.

[S-1201-78 Filed 6-7-78; 10:34 am]

[7590-01]

15

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of June 12, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

Monday, June 12, 9:30 a.m.—1. Discussion of draft testimony on waste management legislation (approximately 1½ hours—public meeting). 2. Affirmation Items (approximately 10 minutes—public meeting): (a) Modification of ECCS Rule in 10 CFR 50.46 and (b) Order in GESMO Concerning PIRG.

Monday, June 12, 1:30 p.m.—1. Discussion of personnel matter (approximately 1 hour). (Closed—Exemption 6.) 2. Discussion of OIA/OGC inquiry in testimony of Executive Director for Operations (approximately 1 hour). (Closed—Exemption 6.)

CONTACT PERSON FOR MORE INFORMATION:

Roger Tweed, 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

JUNE 5, 1978.

[S-1202-78 Filed 6-7-78; 10:34 am]

[7905-01]

16

RAILROAD RETIREMENT BOARD.

TIME AND PLACE: 9 a.m., June 16, 1978.

PLACE: Board's meeting room on the 8th floor of its headquarters building at 844 Rush Street, Chicago, Ill. 60611.

STATUS: Part of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

- (1) Remodeling of the first floor information office.
- (2) Hearings and appeals backlog.
- (3) Rewrite of regulations on erroneous payments.
- (4) Delegation of functions by Board.
- (5) Questionnaire on employer status of certain companies.
- (6) General Services Administration proposal for commercial contractual cleaning service.
- (7) Technical amendments.
- (8) Office of Management and Budget Bulletin No. 78-13 on control of official travel.

Portion closed to the public.

(9) Appeal from referee's denial of disability annuity application, William D. Farley.

CONTACT PERSON FOR MORE INFORMATION:

R. F. Butler, Secretary of the Board, COM NO. 312-751-4920, FTS NO. 387-4920.

[S-1205-78 Filed 6-7-78; 2:05 pm]

[7910-01]

17

RENEGOTIATION BOARD.

DATE AND TIME: Tuesday, June 13, 1978; 10 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Matters 1 through 7 are open to public observations. Matters 8 and 9 are closed to public observation. Matters 10 and 11 are not applicable for status.

MATTERS TO BE CONSIDERED:

1. Approval of minutes of meeting held June 6, 1978, and other Board meetings, if any.
2. Recommendation for clearance or assignment to a division: Fairchild Industries,

Inc.—Consolidated with: Burns Aero Sea Co., Inc., and S. J. Industries, Inc., fiscal years ending December 31, 1969, 1970, and 1971.

3. Recommended clearances without assignment (List 1910):

D. Ward Leonard Electric Co., fiscal year ended December 31, 1975.

D-1. Lee Spring Co., Inc., fiscal year ended December 31, 1975.

D-2. Unimax Switch Corp., fiscal year ended December 31, 1975.

4. Recommended determination of excess profits: A. J. Industries, Inc. (Agent) (\$625,000)—Consolidated with: Sargent-Fletcher Co., Inc., Fleetwood Metals, Inc., Armstrong Products Co., Sargent Engineering Corp., fiscal year ended March 21, 1972.

5. Recommended determination of excess profits and clearance: Lanson Industries, Inc., fiscal year ended October 31, 1971 (\$750,000); fiscal year ended October 31, 1972 (Clearance).

6. Recommended determination of excess profits: Stelma, Inc., fiscal year ended March 31, 1967.

7. Partial mandatory exemption of new durable productive equipment: Bryand Grinder Corp., fiscal years ended November 30, 1974, and 1975.

8. Court of Claims Case: Whittaker Corporation, SII to Columbus Milpar and Mfg. Co. v. United States, Ct. Cl. No. 47-74.

9. Report on Eastern Regional Renegotiation Board progress.

10. Approval of agenda for meetings to be held June 27, and July 3, 1978.

11. Approval of agenda for other meeting, if any.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: June 6, 1978.

GOODWIN CHASE,
Chairman.
[S-1199-78 Filed 6-7-78; 10:34 am]

[7910-01]

18

RENEGOTIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 19105, May 3, 1978.

PREVIOUSLY ANNOUNCED DATE AND TIME OF MEETING: Wednesday, June 7, 1978; 9:30 a.m.

CHANGE IN MEETING: Date postponed to Thursday, June 22, 1978; 9:30 a.m.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M

Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: June 7, 1978.

GOODWIN CHASE,
Chairman.
[S-1207-78 Filed 6-7-78; 3:16 pm] [S-1207-78 Filed 6-7-78; 3:16 pm]

19

NUCLEAR REGULATORY COMMISSION

TIME AND DATE: Week of June 5, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

FRIDAY, JUNE 9

9 a.m.—Discussion of Stay Motion in Seabrook (ALAB-471). (approx. 1 hr.) (Closed-Exemption 10) Continued from June 7.

CONTACT PERSON FOR MORE INFORMATION:

JUNE 7, 1978.

ROGER M. TWEED,
Office of the Secretary.

[S-1208-78 Filed 6-8-78; 10:46 am]

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Registered
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Prepared

FRIDAY, JUNE 9, 1978
PART II



**COUNCIL ON
ENVIRONMENTAL
QUALITY**

**NATIONAL
ENVIRONMENTAL
POLICY ACT**

**Proposed Regulations for
Implementing Procedural
Provisions**

[3125-01]

COUNCIL ON ENVIRONMENTAL QUALITY

[40 CFR Parts 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508]

NATIONAL ENVIRONMENTAL POLICY ACT—REGULATIONS

Proposed Implementation of Procedural Provisions

MAY 31, 1978.

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Proposed regulations.

SUMMARY: These proposed regulations implementing procedural provisions of the National Environmental Policy Act are submitted for public comment. These regulations would provide Federal agencies with uniform procedures for implementing the law. The regulations would accomplish three principal aims: to reduce paperwork, to reduce delays, and to produce better decisions.

DATES: Comments must be received by August 11, 1978.

ADDRESSES: Comments should be addressed to: Nicholas C. Yost, General Counsel, Attention: NEPA Comments, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT:

Nicholas C. Yost, General Counsel on Environmental Quality (address same as above), 202-633-7032.

SUPPLEMENTARY INFORMATION:

1. PURPOSE

We are publishing for public review draft regulations to implement the National Environmental Policy Act. Their purpose is to provide all Federal agencies with an efficient, uniform procedure for translating the law into practical action. We expect the new regulations to accomplish three principal aims: To reduce paperwork, to reduce delays, and at the same time to produce better decisions, thereby better accomplishing the law's objective, which is to protect and enhance the quality of the human environment.

These regulations replace the Guidelines issued by previous Councils, under Executive Order 11514 (1970), and apply more broadly. The Guidelines assist Federal agencies in carrying out NEPA's most conspicuous requirement, the preparation of environmental impact statements (EISs). These regulations were developed in response to Executive Order 11991 issued by President Carter in 1977, and

implement "the procedural provisions of the Act." They address all nine subdivisions of Section 102(2) of the Act, rather than just the EIS provision covered by the Guidelines, and they carry out the broad purposes and spirit of the Act.

President Carter instructed us that the regulations should be:

• • • designed to make the environmental impact statement more useful to decision-makers and the public; and to reduce paperwork and the accumulation of extraneous background data, in order to emphasize the need to focus on real environmental issues and alternatives.

The President has also signed Executive Order 12044, dealing with regulatory reform. It is our intention that that Order and these NEPA regulations be read together and implemented consistently.

2. SUMMARY OF CHANGES MADE BY THE REGULATIONS

Following this mandate in developing the new regulations, we have kept in mind the threefold objective of less paperwork, less delay, and better decisions.

A. REDUCING PAPERWORK

The measures to reduce paperwork are listed in sec. 1500.4 of the regulations. Neither NEPA nor these regulations impose paperwork requirements on the public. These regulations reduce such requirements on agencies of government.

i. *Reducing the length of environmental impact statements.* Agencies are directed to write concise EISs, which shall normally be less than 150 pages, or, for proposals of unusual scope and complexity, 300 pages.

ii. *Emphasize options among alternatives.* The regulations stress that the environmental analysis is to concentrate on alternatives, which are the heart of the matter; to treat peripheral matters briefly; and to avoid accumulating masses of background data which tend to obscure the important issues.

iii. *Using an early "scoping" process to determine what the important issues are.* To assist agencies in deciding what the central issues are, how long the EIS shall be, and how the responsibility for the EIS will be allocated among the lead agency and cooperating agencies, a new "scoping" procedure is established. Scoping meetings are to be held as early in the NEPA process as possible—in most cases, shortly after the decision to prepare an EIS—and shall be integrated with other planning.

iv. *Writing in plain language.* The regulations strongly advocate writing in plain, direct language.

v. *Following a clear format.* The regulations spell out a standard format

intended to eliminate repetitive discussion, stress the major conclusions, highlight the areas of controversy, and focus on the issues to be resolved.

vi. *Requiring summaries of environmental impact statements* to make the document more usable by more people.

vii. *Eliminating duplication.* To eliminate duplication, the regulations provide for Federal agencies to prepare EISs jointly with state and local units of government which have "little NEPA" requirements. They also permit a Federal agency to adopt another agency's EIS.

viii. *Consistent terminology.* The regulations provide a uniform terminology for the implementation of NEPA. For instance, the CEQ requirement for an environmental assessment will replace the following (nonexhaustive) list of comparable existing agency procedures: "survey" (Corps of Engineers), "environmental analysis" (Forest Service), "initial assessment" (Transportation), "normal or special clearance" (HUD), "environmental analysis report" (Interior), and "marginal impact statement" (HEW).

ix. *Reducing paperwork requirements.* The regulations will reduce reporting paperwork requirements as summarized below. The existing Guidelines issued under Executive Order 11514 cover section 102(2)(C) of NEPA (environmental impact statements), and the new CEQ regulations cover sections 102(2) (A) through (I). The regulations replace not only the requirements of the Guidelines concerning environmental impact statements, but also replace more than 70 different sets of existing agency regulations, although each agency will issue its own implementing procedures to explain how these regulations apply to its particular programs.

Existing Requirements (Applicable Guidelines sections are noted.)	New Requirements (Applicable regulations sections are noted.)
Assessment (optional under Guidelines on a case-by-case basis; currently required, however by most major agencies in practice or in procedures) 1500.6.	Assessment (limited requirement: not required where there would not be environmental effects or where an EIS would normally be required) 1501.3, 4.
Notice of intent to prepare impact statement 1500.6.	Notice of intent to prepare EIS and commence scoping process 1501.7
Quarterly list of notices of intent 1500.6.	Requirement abolished.
Negative determination (decision not to prepare impact statement) 1500.6.	Finding of no significant impact 1501.4.
Quarterly list of negative determinations 1500.6.	Requirement abolished.
Draft EIS 1500.7.	Draft EIS 1502.9
Final EIS 1500.6, 10.	Final EIS 1502.9
EISs on legislative reports ("agency reports on legislation initiated elsewhere") 1500.5(a)(1).	Requirement abolished.
Agency report to CEQ on implementation experience 1500.14(b).	Do.

Existing Requirements
(Applicable Guidelines
sections are noted.)

Agency report to CEQ on substantive guidance 1500.6(c), 14.

Record of decision (no Guideline provision but required by many agencies' own procedures and in a wide range of cases generally under the Administrative Procedure Act and OMB Circular A-95, Part I, sec. 6(c) and (d), Part II, sec. 5(b)(4)).

New Requirements
(Applicable regulations
sections are noted.)

Do.

Record of decision (brief explanation of decision EIS has been prepared; no circulation requirement) 1505.2.

B. REDUCING DELAY

The measures to reduce delay are listed in § 1500.5 of the regulations.

i. *Time limits on the NEPA process.* The regulations encourage lead agencies to set time limits on the NEPA process and require that they be set when requested by an applicant.

ii. *Integrating EIS requirements with other environmental review requirements.* Often the NEPA process and the requirements of other laws proceed separately, causing delay. The regulations provide for all agencies with jurisdiction over the project to cooperate so that all reviews may be conducted simultaneously.

iii. *Integrating the NEPA process into early planning.* If environmental review is tacked on to the end of the planning process, then the process is prolonged, or else the EIS is written to justify a decision that has already been made, and genuine consideration may not be given to environmental factors.

iv. *Emphasizing interagency cooperation before the EIS is drafted.* The regulations emphasize that other agencies should begin cooperating with the lead agency before the EIS is prepared in order to encourage early resolution of differences. By having the affected agencies cooperate early in preparing a draft EIS, we hope both to produce a better draft and to reduce delays caused by unnecessarily late criticism.

v. *Swift and fair resolution of lead agency disputes.* When agencies differ as to who shall take the lead in preparing an EIS or none is willing to take the lead, the regulations provide a means for prompt resolution of the dispute.

vi. *Prepare EISs on programs and not repeat the same material in project specific EISs.* Material common to many actions may be covered in a broad EIS, and then through "tiering" may be incorporated by reference rather than reiterated in each subsequent EIS.

vii. *Legal delays.* The regulations provide that litigation should come at the end rather than in the middle of the process.

viii. *Accelerated procedures for legislative proposals.* The regulations pro-

vide accelerated simplified procedures for environmental analysis of legislative proposals, to fit better with Congressional schedules.

C. BETTER DECISIONS

Most of the features described above will help to improve decisionmaking. This, of course, is the fundamental purpose of the NEPA process, the end to which the EIS is a means. Section 101 of NEPA sets forth the substantive requirements of the Act, the policy to be implemented by the "action-forcing" procedures of Section 102. These procedures must be tied to their intended purpose, otherwise they are indeed useless paper work and wasted time. A central purpose of these regulations is to tie means to ends.

i. *Securing more accurate, professional documents.* The regulations insist upon accurate documents as the basis for sound decisions. The documents should draw upon all the appropriate disciplines from the natural and social sciences, plus the environmental design arts. The lead agency is responsible for the professional integrity of reports, and care should be taken to keep any possible bias from data prepared by applicants out of the environmental analysis. A list of people who helped prepare documents, and their professional qualifications, should be included in the EIS.

ii. *Recording in the decision how the EIS was used.* The new regulations require agencies to point out in the EIS analysis of alternatives which one is preferable on environmental grounds—including the often-overlooked alternative of no action at all. (However, if "no action" is identified as environmentally preferable, a second-best alternative must also be pointed out.)

Agencies must also produce a concise public record, indicating how the EIS was used in arriving at the decision. If the EIS is disregarded, it really is useless paperwork. It only contributes if it is used by the decisionmaker and the public. The record must state what the final decision was; whether the environmentally preferable alternative was selected; and if not, what considerations of national policy led to another choice.

iii. *Insure follow-up of agency decisions.* When an agency requires environmentally protective mitigation measures in its decision, the regulations provide for means to ensure that these measures are monitored and implemented.

Taken altogether, the regulations aim for a streamlined process, but one which as a broader purpose than the Guidelines they replace. The Guidelines emphasized a single document, the EIS, while the regulations emphasize the entire NEPA process, from

early planning through assessment and EIS preparation through provisions for follow-up. They attempt to gear means to ends—to insure that the action-forcing procedures of sec. 102(2) of NEPA are used by agencies to fulfill the requirements of the Congressionally mandated policy set out in sec. 101 of the Act. Furthermore, the regulations are uniform, applying in the same way to all federal agencies, although each agency will develop its own procedures for implementing the regulations. Our attempt has been with these new regulations to carry out as faithfully as possible the original intent of Congress in enacting NEPA.

3. BACKGROUND

We have been greatly assisted in our task by the hundreds of people who responded to our call for suggestions on how to make the NEPA process work better. In public hearings which we held in June 1977, we invited testimony from a broad array of public officials, organizations, and private citizens, affirmatively involving NEPA's critics as well as its friends.

Among those represented were the U.S. Chamber of Commerce, which coordinated testimony from business; the Building and Construction Trades Department of the AFL-CIO, for labor; the National Conference of State Legislatures, for state and local governments; the Natural Resources Defense Council, for environmental groups. Scientists, scholars, and the general public were there.

There was extraordinary consensus among these diverse witnesses. All, without exception, expressed the view that NEPA benefited the public. Equally widely shared was the view that the process had become needlessly cumbersome and should be trimmed down. Witness after witness said that the length and detail of EISs made it extremely difficult to distinguish the important from the trivial. The degree of unanimity about the good and bad points of the NEPA process was such that at one point an official spokesman for the oil industry rose to say that he adopted in its entirety the presentation of the President of the Sierra Club.

After the hearings we culled the record to organize both the problems and the solutions proposed by witnesses into a 38-page "NEPA Hearing Questionnaire." The questionnaire was sent to all witnesses, every state governor, all federal agencies, and everyone who responded to an invitation in the FEDERAL REGISTER. We received more than 300 replies, from a broad cross section of groups and individuals. By the comments we received from respondents we gauged our success in faithfully presenting the results of the public hearings. One commenter, an

electric utility official, said that for the first time in his life he knew the government was listening to him, because all the suggestions made at the hearing turned up in the questionnaire. We then collated all the responses for use in drafting the regulations.

We also met with every agency of the federal government to discuss what should be in the regulations. Guided by these extensive interactions with government agencies and the public, we prepared draft regulations which were circulated for comment to all federal agencies in December 1977. We then studied agency comments in detail, and consulted numerous federal officials with special experience in implementing the Act. Informal redrafts were circulated to the agencies with greatest experience in preparing environmental impact statements. Improvements from our December 12 draft reflect this process.

At the same time that federal agencies were reviewing the early draft, we continued to meet with, listen to, and brief members of the public, including representatives of business, labor, state and local governments, environmental groups and others. We also considered seriously and proposed in our regulations virtually every major recommendation made by the Commission on Federal Paperwork and the General Accounting Office in their recent studies on the environmental impact statement process. The studies by these two independent bodies were among the most detailed and informed reviews of the paperwork abuses of the impact statement process. In many cases, such as streamlining intergovernmental coordination, the proposed regulations go further than their recommendations.

4. EXCLUSION

It should be noted that the issue of application of NEPA to environmental effects occurring outside the United States is the subject of continued discussions within the government and is not addressed in these regulations. Affected agencies continue to hold different views on this issue. Nothing in these regulations should be construed as asserting that NEPA either does or does not apply in this situation.

5. ANALYSIS AND ASSESSMENT OF THE REGULATIONS

Since Executive Order 12044 became effective on March 23, 1978, after the Council's draft NEPA regulations had completed interagency review, the extent to which Executive Order 12044 applies to the Council's nearly completed process of developing NEPA regulations is not clear. Nevertheless, the requirements of Executive Order 12044 have been undertaken to the fullest extent possible. The analy-

ses required by sections 2 (b), (c), (d), and 3(b), to the extent they may apply to the Council's proposed NEPA regulations, are available on request.

The Council has prepared a special environmental assessment of these regulations to illustrate the analysis that is appropriate under NEPA. The assessment discusses alternative regulatory approaches. Some regulations lend themselves to an analysis of their environmental impacts, particularly regulations with substantive requirements of those which apply to a physical setting. Although the Council obviously believes that its regulations will work to improve environmental quality, the impacts of procedural regulations of this kind are not susceptible to detailed analysis beyond that set out in the assessment.

Both the analyses under Executive Order 12044 and the assessment described above are available on request. Comments may be made on both documents in the same manner and by the same time as the comments on the regulations.

6. ADDITIONAL SUBJECTS FOR COMMENTS

Several issues have been brought to our attention as appropriate subjects to be covered in the regulations. They are difficult issues on which we particularly solicit thoughtful views.

a. *Data bank.* Many were intrigued by the idea of a national data bank in which information developed in one EIS would be stored and become available for use in a subsequent EIS. Public comment on the questionnaire led us to conclude, reluctantly, that the idea is impractical. In practice most environmental information is specific to given areas or activities. To assemble a nationwide data bank would demand financial and other resources that are simply beyond the benefits that may be achieved. We have not included a data bank in these regulations but have instead tried to insure that in the scoping process the preparers of one EIS become aware of all related EISs so they can make use of the information in them. We would, however, welcome comment on this subject.

b. *Encouragement for agencies to fund public comments on EISs when an important viewpoint would otherwise not be presented.* The Council has been urged to provide either encouragement or direction to agencies, as part of their routine EIS preparation, to provide funds to responsible groups for public comments when important viewpoints would not otherwise be presented. Although we are acutely aware of the importance of comments to the success of the EIS process, we have not included such a provision. We would welcome comment on this subject also.

CONCLUSION

We look forward to your comments and help. To repeat, comments should be sent by August 11, 1978, to Nicholas C. Yost, General Counsel, Attention: NEPA Comments, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006.

Thank you for cooperating with us.

CHARLES WARREN,
Chairman.

Title 40 Chapter V is proposed to be amended by revising Part 1500 and by adding Parts 1501 through 1508 to read as follows:

PART 1500—PURPOSE, POLICY, AND MANDATE

- Sec. 1500.1 Purpose.
- 1500.2 Policy.
- 1500.3 Mandate.
- 1500.4 Reducing paperwork.
- 1500.5 Reducing delay.
- 1500.6 Agency authority.

AUTHORITY: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), section 309 of the Clean Air Act, as amended (42 U.S.C. 1857h-7), and Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970 as amended by Executive Order 11991, May 24, 1977).

§ 1500.1 Purpose.

(a) The National Environmental Policy Act (NEPA) is our basic national charter for protection of the environment. It establishes policy, sets goals (section 101), and provides means (section 102) for carrying out the policy. Section 102(2) contains "action-forcing" provisions to make sure that federal agencies act according to the letter and spirit of the Act. The regulations that follow implement Section 102(2). Their purpose is to tell federal agencies what they must do to comply with the procedures and achieve the goals of the Act. The President, the federal agencies, and the courts share responsibility for enforcing the Act so as to achieve the substantive requirements of section 101.

(b) NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA. Most important, NEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.

(c) Ultimately, of course, it is not better documents but better decisions that count. NEPA's purpose is not generate paperwork—even excellent paperwork—but to foster excellent

action. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment. These regulations provide the direction to achieve this purpose.

§ 1500.2 Policy.

Federal agencies shall to the fullest extent possible:

(a) Interpret and administer the policies, regulations, and public laws of the United States in accordance with the policies set forth in the Act and in these regulations.

(b) Implement procedures to make the NEPA process more useful to decisionmakers and the public; to reduce paperwork and the accumulation of extraneous background data; and to emphasize real environmental issues and alternatives. Environmental impact statements shall be concise, clear, and to the point, and shall be supported by evidence that agencies have made the necessary environmental analyses.

(c) Integrate the requirements of NEPA with other planning and environmental review procedures required by law or by agency practice so that all such procedures run concurrently, rather than consecutively.

(d) Encourage and facilitate public involvement in decisions which affect the quality of the human environment.

(e) Use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment.

(f) Use all practicable means, consistent with the requirements of the Act and other essential considerations of national policy, to restore and enhance the quality of the human environment and avoid or minimize any possible adverse effects of their actions upon the quality of the human environment.

§ 1500.3 Mandate.

Parts 1500-1508 of this Title provide regulations applicable to and binding on all Federal agencies for implementing the procedural provisions of the National Environmental Policy Act of 1969, as amended (Pub. L. 91-190, 42 U.S.C. 4321 et seq.) (NEPA or the Act) except where compliance would be inconsistent with other statutory requirements. These regulations are issued pursuant to NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), Section 309 of the Clean Air Act, as amended (42 U.S.C. 1857h-7), and Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Ex-

ecutive Order 11991, May 24, 1977). These regulations, unlike the predecessor guidelines, are not confined to Sec. 102(2)(C) (environmental impact statements). The regulations apply to the whole of section 102(2). The provisions of the Act and of these regulations must be read together as a whole in order to comply with the spirit and letter of the law. It is the Council's intention that judicial review of agency compliance with these regulations not occur before an agency has filed the final environmental impact statement, or has made a finding of no significant impact, or takes action that will result in irreparable injury.

§ 1500.4 Reducing paperwork.

Agencies shall reduce excess paperwork by:

(a) Reducing the length of environmental impact statements (§ 1502.2(c)), by means such as setting appropriate page limits (§ 1501.7(b)(1) and 1502.7).

(b) Preparing analytic rather than encyclopedic environmental impact statements (§ 1502.2(a)).

(c) Discussing only briefly issues other than significant ones (§ 1502.2(b)).

(d) Writing environmental impact statements in plain language (§ 1502.8).

(e) Following a clear format for environmental impact statements (§ 1502.10).

(f) Emphasizing the portions of the environmental impact statement that are useful to decisionmakers and the public (§§ 1502.14 and 1502.15) and reducing emphasis on background material (§ 1502.16).

(g) Using the scoping process not only to identify significant environmental issues deserving of study, but also to deemphasize insignificant issues, narrowing the scope of the environmental impact statement process accordingly (§ 1501.7).

(h) Summarizing the environmental impact statement (§ 1502.12) and circulating the summary instead of the entire environmental impact statement if the latter is unusually long (§ 1502.19).

(i) Using program, policy, or plan environmental impact statements and tiering from statements of broad scope to those of narrower scope to eliminate repetitive discussions of the same issues (§§ 1502.4 and 1502.20).

(j) Incorporating by reference (§ 1502.21).

(k) Integrating NEPA requirements with other environmental review and consultation requirements (§ 1502.25).

(l) Requiring comments to be as specific as possible (§ 1503.3).

(m) Attaching and circulating only changes to the draft environmental impact statement, rather than rewriting and circulating the entire statement when changes are minor (§ 1503.4(b)).

(n) Eliminating duplication with State and local procedures by providing for joint preparation (§ 1506.2) and with other Federal procedures by providing for one agency's adoption of appropriate environmental documents prepared by another agency (§ 1506.3).

(o) Combining environmental documents with other documents (§ 1506.4).

(p) Using categorical exclusions to exclude from environmental impact statement requirements categories of actions which do not individually or cumulatively have a significant effect on the human environment (§ 1508.4).

(q) Using a finding of no significant impact and not preparing an environmental impact statement when an action not otherwise excluded will not have a significant effect on the human environment (§ 1508.13).

§ 1500.5 Reducing delay.

Agencies shall reduce delay by:

(a) Integrating the NEPA process into early planning (§ 1501.2).

(b) Emphasizing interagency cooperation before the environmental impact statement is prepared rather than adversary comments on a completed document (§ 1501.6).

(c) Insuring the swift and fair resolution of lead agency disputes (§ 1501.5).

(d) Using the scoping process for an early identification of what are and what are not the real issues (§ 1501.7).

(e) Establishing appropriate time limits for the environmental impact statement process (§§ 1501.7(b)(2) and 1501.8).

(f) Preparing environmental impact statements early in the process (§ 1502.5).

(g) Integrating NEPA requirements with other environmental review and consultation requirements (§ 1502.25).

(h) Eliminating duplication with State and local procedures by providing for joint preparation (§ 1506.2) and with other Federal procedures by providing for one agency's adoption of appropriate environmental documents prepared by another agency (§ 1506.3).

(i) Combining environmental documents with other documents (§ 1506.4).

(j) Using accelerated procedures for proposals for legislation (§ 1506.8).

(k) Using categorical exclusions to exclude from environmental impact statement requirements categories of actions which do not individually or cumulatively have a significant effect on the human environment (§ 1508.4).

(l) Using a finding of no significant impact and not preparing an environmental impact statement when an action not otherwise excluded will not have a significant effect on the human environment (§ 1508.13).

§ 1500.6 Agency authority.

Each agency shall interpret the provisions of the Act as a supplement to

its existing authority and as a mandate to view traditional policies and missions in the light of the Act's national environmental objectives. Agencies shall review their policies, procedures, and regulations accordingly and revise them as necessary to ensure full compliance with the purposes and provisions of the Act. The phrase "to the fullest extent possible" in section 102 means that each agency of the Federal Government shall comply with that section unless existing law applicable to the agency's operations expressly prohibits or makes compliance impossible.

PART 1501—NEPA AND AGENCY PLANNING

- Sec.
1501.1 Purpose.
1501.2 Apply NEPA early in process.
1501.3 When to prepare an environmental assessment.
1501.4 Whether to prepare an environmental impact statement.
1501.5 Lead agencies.
1501.6 Cooperating agencies.
1501.7 Scoping.
1501.8 Time limits.

AUTHORITY: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), Section 309 of the Clean Air Act, as amended (42 U.S.C. 1857h-7), and Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May, 24, 1977).

§ 1501.1 Purpose.

The purposes of this part include:
(a) Integrating the NEPA process into early planning to insure appropriate consideration of NEPA's policies and to eliminate delay.

(b) Emphasizing cooperative consultation among agencies before the environmental impact statement is prepared rather than adversary comments on a completed document.

(c) Providing for the swift and fair resolution of lead agency disputes.

(d) Identifying at an early stage the significant environmental issues deserving of study and deemphasizing insignificant issues, narrowing the scope of the environmental impact statement accordingly.

(e) Providing a mechanism for putting appropriate time limits on the environmental impact statement process.

§ 1501.2 Apply NEPA early in process.

Agencies shall integrate the NEPA process with other planning at the earliest possible time to insure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts. Each agency shall:

(a) As specified by § 1507.2 comply with the mandate of sec. 102(2)(A) to "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social

sciences and the environmental design arts in planning and in decisionmaking which may have an impact on man's environment."

(b) Identify environmental effects and values in adequate detail so they can be compared to economic and technical analyses. Environmental documents and appropriate analyses shall be circulated and reviewed at the same time as other planning documents.

(c) Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources as provided by sec. 102(2)(E) of the Act.

(d) Provide for cases where actions are planned by other than Federal agencies before Federal involvement so that:

(1) The sponsor of the proposal initiates studies if Federal involvement is foreseeable.

(2) The Federal agency consults early with appropriate State and local agencies and with interested private persons and organizations when its own involvement is reasonably foreseeable.

(3) The Federal agency commences its NEPA process at the earliest possible time.

§ 1501.3 When to prepare an environmental assessment.

An environmental assessment (§ 1508.9) shall be prepared unless one is not necessary under the procedures adopted under § 1507.3(b). Agencies may prepare an assessment on any action at any time in order to assist agency planning and decisionmaking.

§ 1501.4 Whether to prepare an environmental impact statement.

In determining whether to prepare an environmental impact statement the Federal agency shall:

(a) Determine under § 1507.3 whether the proposal is one which

(1) Normally requires an environmental impact statement, or

(2) Normally does not require either an environmental impact statement or an environmental assessment (categorical exclusion).

(b) If the proposed action is not covered by paragraph (a), prepare an environmental assessment (§ 1508.9). The agency shall involve environmental agencies and the public, to the extent practicable, in preparing the assessment.

(c) Based on the environmental assessment make its determination whether to prepare an environmental impact statement.

(d) If the agency will prepare an environmental impact statement, the agency shall commence the scoping process (§ 1501.7).

(e) If the agency determines on the basis of the environmental assessment not to prepare a statement, the agency shall prepare a finding of no significant impact (§ 1508.13).

(1) The agency shall make the finding of no significant impact available in a manner calculated to inform the affected public as specified in § 1506.6.

(2) In certain limited circumstances the agency shall make the finding of no significant impact available for public review for 30 days before the agency makes its final determination whether to prepare an environmental impact statement and before the action may begin. The circumstances are:

(i) The proposed action is, or is closely similar to, one which normally requires the preparation of an environmental impact statement under the procedures adopted by the agency pursuant to section 1507.3(b), or

(ii) The nature of the proposed action is one without precedent.

§ 1501.5 Lead agencies.

(a) A lead agency shall supervise the preparation of an environmental impact statement if more than one Federal agency either:

(1) Proposes or is involved in the same action; or

(2) Is involved in a group of actions directly related to each other because of their functional interdependence or geographical proximity.

(b) More than one Federal, State, or local agency, one of which must be Federal, may act as joint lead agencies to prepare an environmental impact statement (section 1508.2).

(c) If an action satisfies the provisions of paragraph (a) of this section the potential lead agencies concerned shall determine by letter or memorandum which agency shall be the lead agency and which shall be cooperating agencies. The agencies shall resolve the lead agency question in a manner that will not cause delay. If there is disagreement among the agencies, the following factors (which are listed in descending importance) shall determine lead agency designation:

(1) Magnitude of agency's involvement.

(2) Project approval/disapproval authority.

(3) Expertise concerning the action's environmental effects.

(4) Duration of agency's involvement.

(5) Sequence of agency's involvement.

(d) If potential lead agencies fail to agree on which agency shall be the lead agency as specified in paragraph (c) of this section, (1) any Federal agency or (2) any State or local agency or private person substantially affected by the absence of agreement on lead agency designation may make a

written request to the potential lead agencies that a lead agency be designated.

(e) If Federal agencies are unable to agree on which agency will be the lead agency or if the procedure described in paragraph (d) of this section has not resulted within a reasonable time in a lead agency designation, any of the agencies or persons concerned may file a request with the Council asking it to determine which Federal agency shall be the lead agency.

A copy of the request shall be transmitted to each potential lead agency. The request shall consist of:

(1) A precise description of the nature and extent of the proposed action;

(2) A detailed statement of why each potential lead agency should or should not be the lead agency under the criteria specified in subparagraph (2).

(f) A response may be filed by any potential lead agency concerned within 20 days after a request is filed with the Council. The Council shall determine within 20 days after receiving the request and all responses which Federal agency shall be the lead agency and the extent to which the other Federal agencies concerned shall be cooperating Federal agencies.

§ 1501.6 Cooperating agencies.

The purpose of this section is to emphasize agency cooperation early in the NEPA process. Upon request of the lead agency, any other Federal agency which has jurisdiction by law shall be a cooperating agency. In addition any other Federal agency which has special expertise with respect to any environmental issue, which should be addressed in the statement may be a cooperating agency upon request of the lead agency.

(a) The lead agency shall:

(1) Request the participation of each cooperating agency in the NEPA process at the earliest possible time.

(2) To the maximum extent possible consistent with its responsibility as lead agency use the environmental analysis and proposals of cooperating agencies with jurisdiction by law or special expertise.

(3) Meet with a cooperating agency at the latter's request.

(b) Each cooperating agency shall:

(1) Participate in the NEPA process at the earliest possible time.

(2) Participate in the scoping process.

(3) Assume on request of the lead agency responsibility for developing information and preparing environmental analyses including portions of the environmental impact statement concerning which the cooperating agency has special expertise.

(4) Make available staff support at the lead agency's request to enhance the latter's interdisciplinary capability.

(5) Normally a cooperating agency shall use its own funds. The lead agency shall, to the extent available funds permit, fund those major activities or analyses it requests from cooperating agencies. Potential lead agencies shall include such funding requirements in their budget requests

§ 1501.7 Scoping.

There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues. This process shall be termed scoping. As soon as practicable after its decision to prepare an environmental impact statement and before the scoping process the lead agency shall publish a notice of intent (§ 1508.21) in the FEDERAL REGISTER.

(a) As part of the scoping process the lead agency shall:

(1) Invite the participation of affected Federal, State, and local agencies, any affected Indian tribe, the proponent of the action, and other interested persons (including those who might not be in accord with the action).

(2) Determine the scope (§ 1508.24) and the significant issues to be analyzed in depth in the environmental impact statement.

(3) Identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review (§ 1506.3), narrowing the discussion of these issues in the statement to a brief presentation of why they will not have a significant effect on the human environment or a reference to their coverage elsewhere.

(4) Allocate assignments for preparation of the environmental impact statement among the lead and cooperating agencies, with the lead agency retaining responsibility for the statement.

(5) Indicate any environmental assessments and other environmental impact statements which are being or will be prepared that are related to but are not part of the scope of the impact statement which is the subject of the meeting.

(6) Identify other environmental review and consultation requirements so the lead and cooperating agencies may comply with section 1502.25.

(7) Indicate the relationship between the timing of the preparation of environmental analyses and the agency's tentative planning and decision-making schedule.

(8) When practicable hold an early scoping meeting or meetings which may be integrated with any other early planning meeting the agency has. Such scoping meeting will often be appropriate when the impacts of a particular action are confined to specific sites.

(b) As part of the scoping process the lead agency may:

(1) Set page limits on environmental documents (§ 1502.7).

(2) Set time limits (§ 1501.8).

(c) An agency shall revise the determinations made under paragraphs (a) and (b) of this section if substantial changes are made later in the proposed action or if significant new circumstances (including information) arise which bear on the proposal or its impacts.

§ 1501.8 Time limits.

Although the Council has decided that universal time limits for the entire NEPA process are too inflexible to prescribe, Federal agencies are encouraged to set time limits appropriate to individual action (consistent with § 1506.10). When multiple agencies are involved the reference to agency below means lead agency.

(a) The agency shall:

(1) Consider the following factors in determining time limits:

(i) Potential for environmental harm.

(ii) Size of the proposed action.

(iii) State of the art of analytic techniques.

(iv) Degree of public need for the proposed actions, including the consequences of delay.

(v) Number of persons and agencies affected.

(vi) Degree to which relevant information is known and if not known the time required for obtaining it.

(vii) Degree to which the action is controversial.

(2) Set limits if an applicant for the proposed action requests them, provided that they are consistent with the purposes of NEPA and other essential considerations of national policy.

(b) The agency may:

(1) Set overall time limits or limits for each constituent part of the NEPA process, which may include:

(i) Decision on whether to prepare an environmental impact statement (if not already decided).

(ii) Determination of the scope of the environmental impact statement.

(iii) Preparation of the draft environmental impact statement.

(iv) Review of any comments on the draft environmental impact statement from the public and agencies.

(v) Preparation of the final environmental impact statement.

(vi) Review of any comments on the final environmental impact statement.

(vii) Decision on the action based in part on the environmental impact statement.

(2) Designate a person (such as the project manager or a person in the agency's office with NEPA responsibilities) to expedite the NEPA process.

(c) State or local agencies or members of the public may request a Federal Agency to set time limits.

PART 1502—ENVIRONMENTAL IMPACT STATEMENT

- Sec.
1502.1 Purpose.
1502.2 Implementation.
1502.3 Statutory Requirements for Statements.
1502.4 Major Federal Actions Requiring the Preparation of Environmental Impact Statements.
1502.5 Timing.
1502.6 Interdisciplinary Preparation.
1502.7 Page Limits.
1502.8 Writing.
1502.9 Draft, Final, and Supplemental Statements.
1502.10 Recommended Format.
1502.11 Cover Sheet.
1502.12 Summary.
1502.13 Purpose and Need.
1502.14 Alternatives Including the Proposed Action.
1502.15 Environmental Consequences.
1502.16 Affected Environment.
1502.17 List of Preparers.
1502.18 Appendix.
1502.19 Circulation of the Environmental Impact Statement.
1502.20 Tiering.
1502.21 Incorporation by Reference.
1502.22 Incomplete or Unavailable Information.
1502.23 Cost-Benefit Analysis.
1502.24 Methodology and Scientific Accuracy.
1502.25 Environmental Review and Consultation Requirements.

AUTHORITY: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), Section 309 of the Clean Air Act, as amended (42 U.S.C. 1857h-7), and Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May 24, 1977).

§ 1502.1 Purpose.

The primary purpose of an environmental impact statement is as an action-forcing device to insure that the policies and goals defined in the Act are infused into the ongoing programs and actions of the Federal Government. It shall provide full and fair discussion of significant environmental impacts and shall inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment. Agencies shall focus on significant environmental issues and alternatives and shall reduce paperwork and the accumulation of extraneous background data. Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses. An environmental impact statement is more than a disclosure document. It shall be used by Federal officials in conjunction with other relevant material to plan actions and make decisions.

§ 1502.2 Implementation.

To achieve the purposes set forth in § 1502.1 agencies shall prepare envi-

ronmental impact statements in the following manner:

(a) Environmental impact statements shall be analytic rather than encyclopedic.

(b) Impacts shall be discussed in proportion to their significance. There shall be only brief discussion of other than significant issues. As in a finding of no significant impact, there should be only enough discussion to show why more study is not warranted.

(c) Environmental impact statements shall be kept concise and shall be no longer than absolutely necessary to comply with NEPA with these regulations. Length should vary first with potential environmental problems and then with project size.

(d) Environmental impact statements shall state how alternatives considered in it and decisions based on it will or will not achieve the requirements of sections 101 and 102(1) of the Act and other environmental laws and policies.

(e) The range of alternatives discussed in environmental impact statements shall encompass those the ultimate agency decisionmaker considers.

(f) Agencies shall not commit resources prejudicing selection of alternatives before making a final decision (§ 1506.1).

(g) Environmental impact statements shall serve as the means of assessing the environmental impact of proposed agency actions, rather than justifying decisions already made.

§ 1502.3 Statutory requirements for statements.

As required by sec. 102(2)(C) of NEPA environmental impact statements (§ 1508.11) are to be included in every recommendation or report on proposals (§ 1508.22).

For legislation and (§ 1508.16). Other major Federal actions (§ 1508.17).

Significantly (§ 1508.25). Affecting (§§ 1508.3, 1508.8). The quality of the human environment (§ 1508.14).

§ 1502.4 Major Federal actions requiring the preparation of environmental impact statements.

(a) Agencies shall make sure the proposal which is the subject of an environmental impact statement is properly defined. Agencies shall use the criteria for scope (§ 1508.24) to determine which proposal(s) shall be the subject of a particular statement. Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in a single impact statement.

(b) Environmental impact statements may be prepared, and are sometimes required, for broad Federal actions such as the adoption of new

agency programs or regulations (§ 1508.17). Agencies shall prepare statements on broad actions to be relevant to policy and timed to coincide with meaningful points in agency planning and decisionmaking.

(c) When preparing statements on broad actions, agencies may find it useful to evaluate the proposal(s) by one or more agencies in one of the following ways:

(1) Geographic, including actions occurring in the same general location, such as an ocean, region, or metropolitan area.

(2) Generic, including actions which have relevant similarities, such as common timing, impacts, alternatives, methods of implementation, media, or subject matter.

(3) Technological development including federal or federally assisted research, development or demonstration programs aimed at developing new technologies which, if applied, could significantly affect the quality of the human environment. Statements shall be prepared on such programs and shall be available before the program has reached a stage of investment or commitment to implementation, likely to determine subsequent development or restrict later alternatives.

(d) Agencies shall as appropriate employ scoping (§ 1501.7), tiering (§ 1502.20), and other methods listed in §§ 1500.4 and 1500.5 to relate broad and narrow actions and to avoid duplication and delay.

§ 1502.5 Timing.

An agency shall commence preparation of an environmental impact statement as close as possible to the time the agency makes or is presented with a proposal (§ 1508.22) so that preparation can be completed in time for the final statement to be included in any recommendation or report on the proposal. The statement shall be prepared early enough so that it can practically serve as an important contribution to the decisionmaking process and shall not be used to rationalize or justify decisions already made (§§ 1500.2(c), 1501.2, and 1502.2). For instance:

(a) For projects directly undertaken by Federal agencies such statements shall be prepared at the feasibility analysis (go-no go) stage and may be supplemented at a later stage if necessary.

(b) For applications to the agency appropriate preliminary environmental assessments or statements shall be commenced at the latest immediately after the application is received, but federal agencies are encouraged to prepare them earlier, preferably jointly with applicable State or local agencies.

(c) For adjudication, the final environmental impact statement shall nor-

mally precede the final staff recommendation and that portion of the public hearing related to the impact study. In appropriate circumstances the statement may follow preliminary hearings designed to gather information for use in the statements.

§ 1502.6 Interdisciplinary preparation.

Environmental impact statements shall be prepared using an interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts (section 102(2)(A) of the Act). The disciplines of the preparers shall be correlated to the scope and issues identified in the scoping process (§ 1501.7).

§ 1502.7 Page limits.

The text of final environmental impact statements (e.g., paragraphs (d) through (g) of § 1502.10) shall normally be less than 150 pages and for proposals of unusual scope or complexity shall normally be less than 300 pages.

§ 1502.8 Writing.

Environmental impact statements shall be written in plain language and may use appropriate graphics so that they may be understood by decision-makers and the public. Agencies should employ writers of clear prose or editors to write, review, or edit statements, which will be based upon the analysis and supporting data from the natural and social sciences and the environmental design arts.

§ 1502.9 Draft, final, and supplemental statements.

Except as provided in § 1506.8, environmental impact statements shall be prepared in two stages and may be supplemented.

(a) Draft environmental impact statements shall be prepared in accordance with the scope decided upon in the scoping process. The lead agency shall work with the cooperating agencies and shall obtain comments as required in Part 1503. At the time the draft statement is prepared it must fulfill and satisfy to the fullest extent possible the requirements established for final statements in section 102(2)(C) of the Act. If a draft statement is so inadequate as to preclude meaningful analysis, the agency shall prepare and circulate a revised draft of the appropriate portion. In the draft statement the agency shall make every effort to disclose and discuss at appropriate points in the text all major points of view on the environmental impacts of the alternatives including the proposed action.

(b) Final environmental impact statements shall respond to comments as required in Part 1503. In the final statement the agency shall discuss at

appropriate points in the text the existence of any responsible opposing view not adequately discussed in the draft statement and shall indicate the agency's response to the issues raised.

(c) Agencies:

(1) Shall prepare supplements to either draft or final environmental impact statements if:

(i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or

(ii) There are significant new circumstances, relevant to environmental concerns (including information), bearing on the proposed action or its impacts.

(2) May also prepare supplements when the agency determines that the purposes of the Act will be furthered by doing so.

(3) Shall adopt procedures for introducing a supplement into its formal administrative record, if such a record exists.

(4) Shall prepare, circulate, and file a supplement to a statement in the same fashion (exclusive of scoping) as a draft statement unless alternative procedures are approved by the Council.

§ 1502.10 Recommended format.

Agencies shall use a format for environmental impact statements which will encourage good analysis and clear presentation of the alternatives including the proposed actions. The following standard format for environmental impact statements should be followed unless there is a compelling reason to do otherwise:

- (a) Cover sheet
- (b) Summary
- (c) Table of Contents
- (d) Purpose of and Need for Action
- (e) Alternatives Including Proposed Action (secs. 102(2)(C)(iii) and 102(2)(E) of the Act).
- (f) Environmental Consequences (especially secs. 102(2)(C) (i), (ii), (iv), and (v) of the Act.
- (g) Affected Environment.
- (h) List of Preparers.
- (i) List of Agencies, Organizations, and Persons to Whom Copies of the Statement Are Sent.
- (j) Index.
- (k) Appendices (if any).

If a different format is used, it shall include paragraphs (a), (b), (c), (h), (i), and (j), of this section and shall include the substance of paragraphs (d), (e), (f), (g), and (k) of this section as further described in §§ 1502.11-1502.18 in any appropriate format.

§ 1502.11 Cover sheet.

The cover sheet shall not exceed one page. It shall include:

(a) The name of the responsible agencies including the lead agency and any cooperating agencies.

(b) The name of the proposed action that is the subject of the statement (and if appropriate the names of related cooperating agency actions), together with the State(s) and county(ies) (or the country if applicable) where the action is located.

(c) The name, address, and telephone number of the person at the agency who can supply further information.

(d) A designation of the statement as a draft, final, or draft or final supplement.

(e) A one paragraph abstract of the statement.

(f) The date by which comments must be received (computed in cooperation with EPA § 1506.10).

§ 1502.12 Summary.

Each environmental impact statement shall contain a summary which adequately and accurately summarizes the statement. The summary shall stress the major conclusions, areas of controversy (including issues raised by agencies and the public), and the issues to be resolved (including the choice among alternatives). The summary will normally not exceed 15 pages.

§ 1502.13 Purpose and need.

The statement shall briefly specify the underlying purpose and need to which the agency is responding in proposing the action and alternatives. Normally this section shall not exceed one page.

§ 1502.14 Alternatives including the proposed action.

This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Environmental Consequences (§ 1502.15) and the Affected Environment (§ 1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharpening the issues and providing a clear basis for choice among options by the decisionmaker and the public. In this section agencies shall:

(a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for such elimination.

(b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate the comparative merits.

(c) Include reasonable alternatives not within the jurisdiction of the lead agency.

(d) Include the no action alternative.

(e) Identify the environmentally preferable alternative (or alternatives if two or more are equally preferable) and the reasons for identifying it. If

the alternative identified is for no action, the agency shall also identify the alternative other than no action that is environmentally preferable and the reasons for identifying it.

(f) Identify the agency's preferred alternative or alternatives if one or more exists in the draft statement and identify such alternative(s) in the final statement unless another law prohibits the expression of such a preference.

(g) Include appropriate mitigation measures not already included in the proposed action or alternatives.

§ 1502.15 Environmental consequences.

This section forms the scientific and analytic basis for the comparisons under § 1502.14. It shall consolidate the discussions of those elements required by secs. 102(2)(C) (i), (ii), (iv), and (v) of NEPA which are within the scope of the statement and as much of sec. 102(2)(C)(iii) as is necessary to support the comparisons. This includes the environmental impacts of the proposed action and alternatives, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposed action should it be implemented. The Council intends that preparers not cause duplication in the discussions under § 1502.14 and this section. This section shall include discussions of:

(a) Direct effects and their significance (§ 1508.8).

(b) Indirect effects and their significance (§ 1508.8).

(c) Possible conflicts between the proposed action and the objectives of Federal, regional, State, and local land use plans, policies, and controls for the area concerned.

(d) The environmental effects of alternatives including the proposed action. The comparisons under § 1502.14 will be based on this discussion.

(e) Energy requirements and conservation potential of various alternatives and mitigation measures.

(f) Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.

(g) Means to mitigate adverse environmental impacts (if not fully covered under § 1502.14(g)).

§ 1502.16 Affected environment.

The environmental impact statement shall succinctly describe the environment of the area or areas to be affected by the alternatives under consideration. The descriptions shall be no longer than is necessary to under-

stand the effects of the alternatives. Data and analyses in a statement shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced. Agencies shall avoid useless bulk in statements and shall concentrate effort and attention on important issues. Verbose descriptions of the affected environment are themselves no measure of the adequacy of an environmental impact statement.

§ 1502.17 List of preparers.

The environmental impact statement shall list the names, together with their qualifications and professional disciplines (§ 1502.6 and 1502.8), of the persons who were primarily responsible for preparing the environmental impact statement or significant background papers, including basic components of the statement. Where possible the names of persons who are responsible for a particular analysis, including analyses in background papers, shall be identified. Normally the list will not exceed two pages.

§ 1502.18 Appendix.

If an agency prepares an appendix to an environmental impact statement the appendix shall:

(a) Consist of material prepared in connection with an environmental impact statement (as distinct from material which is not so prepared and which is incorporated by reference (§ 1502.21)).

(b) Normally consist of material which substantiates any analysis fundamental to the impact statement.

(c) Normally be analytic and relevant to the decision to be made.

(d) Be circulated with the environmental impact statement or be readily available on request.

§ 1502.19 Circulation of the environmental impact statement.

Agencies shall circulate the entire draft and final environmental impact statements except as provided in § 1502.18(d) and 1503.4(c). However, if the statement is unusually long, the agency may circulate the summary instead, except that the entire statement shall be furnished to:

(a) Any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved and any appropriate Federal, State or local agency authorized to develop and enforce environmental standards.

(b) Any person, organization, or agency requesting the entire environmental impact statement.

(c) In the case of a final environmental impact statement any person, organization, or agency which submitted substantive comments on the draft.

If the agency circulates the summary and thereafter receives a timely

request for the entire statement, the time for comment for that requestor only shall be extended by at least 15 days beyond the minimum period.

§ 1502.20 Tiering.

Agencies are encouraged to tier their environmental impact statements to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review (§ 1508.26). Whenever a broad environmental impact statement has been prepared (such as a program or policy statement) and a subsequent statement or environmental assessment is then prepared on an action included within the entire program or policy (such as a site specific action) the subsequent statement or environmental assessment need only summarize the issues discussed in the broader statement and incorporate such discussions by reference and shall concentrate on the issues specific to the subsequent action. Tiering may also be appropriate for different stages of actions. (Section 1508.26.)

§ 1502.21 Incorporation by reference.

Agencies shall incorporate material into an environmental impact statement by reference when to do so will cut down on bulk without impeding agency and public review of the action. The incorporated material shall be cited in the statement and its content briefly described. No material may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment. Material based on proprietary data which is itself not available for review and comment shall not be incorporated by reference.

§ 1502.22 Incomplete or unavailable information.

Agencies dealing with gaps in relevant information including scientific uncertainty, shall always make clear that such information is lacking or that uncertainty exists.

(a) If the information is essential to a reasoned choice among alternatives and is not known and the costs of obtaining it are not exorbitant, the agency shall include the information in the environmental impact statement.

(b) If the information is important to the decision and the means to obtain it are not known (e.g., the means for obtaining it are beyond the state of the art) the agency shall weigh the need for the action against the risk and severity of possible adverse impacts were the action to proceed in the face of uncertainty. If the agency proceeds, it shall include a worst case analysis.

§ 1502.23 Cost-benefit analysis.

If a cost-benefit analysis is being considered for the proposed action, it shall be incorporated by reference or appended to the statement as an aid in evaluating the environmental consequences. To assess the adequacy of compliance with sec. 102(2)(B) of the Act the statement shall when a cost-benefit analysis is prepared discuss the relationship between that analysis and any analyses of unquantified environmental impacts, values, and amenities.

§ 1502.24 Methodology and scientific accuracy.

Agencies shall insure the professional, including scientific, integrity of the discussions and analyses in environmental impact statements. They shall identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions in the statement.

§ 1502.25 Environmental review and consultation requirements.

To the fullest extent possible, agencies shall prepare draft environmental impact statements concurrently with and integrated with environmental impact analyses and related surveys and studies required by the Fish and Wildlife Coordination Act (16 U.S.C. Sec. 661 et seq.) the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470 et seq.), the Endangered Species Act of 1972 (16 U.S.C. Sec. 1531 et seq.) and other environmental review laws.

PART 1503—COMMENTING

Sec.

1503.1 Inviting Comments.

1503.2 Duty to Comment.

1503.3 Specificity of Comments.

1503.4 Response to Comments.

AUTHORITY: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), Section 309 of the Clean Air Act, as amended (42 U.S.C. 1857h-7), and Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May 24, 1977).

§ 1503.1 Inviting comments.

(a) After preparing a draft environmental impact statement and before preparing a final environmental impact statement the agency shall:

(1) Obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved or which is authorized to develop and enforce environmental standards.

(2) Request the comments of appropriate State and local agencies which are authorized to develop and enforce environmental standards, or any agency which has requested that it re-

ceive statements on actions of the kind proposed.

(3) Request comments from the public, affirmatively soliciting comments from those persons or organizations who may be interested or affected.

(b) After preparing a final environmental impact statement an agency may request comments on it before the decision is finally made. In any case other agencies or persons may make comments before the final decision unless a different time is provided under § 1506.10.

§ 1503.2 Duty to comment.

Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved or which are authorized to develop and enforce environmental standards shall comment on statements within their jurisdiction, expertise, or authority. A Federal agency may (and a cooperating agency that is satisfied that its views are adequately reflected in the environmental impact statement would) reply that it has no comment.

§ 1503.3 Specificity of comments.

Comments on an environmental impact statement or on a proposed action shall be as specific as possible and may address either the adequacy of the statement or the merits of the alternatives discussed or both. When a commenting agency criticizes a lead agency's predictive methodology, the commenting agency should describe the alternative methodology which it prefers and why.

§ 1503.4 Response to comments.

(a) An agency preparing a final environmental impact statement shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below specifying its response in the final statement. Possible responses are to:

(1) Modify the proposed action.

(2) Develop and evaluate alternatives not previously given serious consideration by the agency.

(3) Supplement, improve, or modify its analyses.

(4) Make factual corrections.

(5) Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.

(b) All substantive comments received on the draft statement (or summaries thereof where the response has been exceptionally voluminous), should be attached to the final statement whether or not the comment is thought to merit individual discussion

by the agency in the text of the statement.

(c) If changes are minor and are confined to the responses described in paragraphs (a)(4) and (5) of this section, agencies may write them on errata sheets and attach them to the statement instead of rewriting the draft statement. In such cases only the comments, the responses, and the changes and not the final statement need be circulated (§ 1502.19). The entire document with a new cover sheet shall be filed as the final statement (§ 1506.9).

PART 1504—PREDECISION REFERRALS TO THE COUNCIL OF PROPOSED FEDERAL ACTIONS FOUND TO BE ENVIRONMENTALLY UNSATISFACTORY

Sec.

1504.1 Purpose.

1504.2 Criteria for Referral.

1504.3 Procedure for Referrals and Response.

AUTHORITY: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), Section 309 of the Clean Air Act, as amended (42 U.S.C. 1857h-7), and Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May 24, 1977).

§ 1504.1 Purpose.

(a) This part establishes procedures for referring to the Council Federal interagency disagreements concerning proposed major Federal actions that might cause unsatisfactory environmental effects. It provides means for early resolution of such disagreements.

(b) Under section 309 of the Clean Air Act (42 U.S.C. 7609), the Administrator of the Environmental Protection Agency is directed to review and comment publicly on the environmental impacts of Federal activities, including actions for which environmental impact statements are prepared. If after this review the Administrator determines that the matter is "unsatisfactory from the standpoint of public health or welfare or environmental quality," section 309 directs that the matter be referred to the Council (hereafter "environmental referrals").

(c) Under section 102(2)(C) of the Act other Federal agencies may make similar reviews of environmental impact statements, including judgments on the acceptability of anticipated environmental impacts. These reviews must be made available to the President, the Council and the public.

§ 1504.2 Criteria for referral.

Environmental referrals should only be made to the Council after concerted, timely (as early as possible in the process), but unsuccessful attempts to resolve differences with the lead

agency. In determining what environmental objections to the matter are appropriate to refer to the Council, an agency should weigh potential adverse environmental impacts, considering:

- (a) Possible violation of national environmental standards or policies.
- (b) Severity.
- (c) Geographical scope.
- (d) Duration.
- (e) Importance as precedents.
- (f) Availability of environmentally preferable alternatives.

§ 1504.3 Procedure for referrals and response.

(a) A Federal agency making the referral to the Council shall:

(1) Advise the lead agency at the earliest possible time that it intends to refer a matter to the Council unless a satisfactory agreement is reached.

(2) Include such advice in the referring agency's comments on the draft environmental impact statement, except when the statement does not contain adequate information to permit an assessment of the matter's environmental acceptability.

(3) Identify any essential information that is lacking and request that it be made available at the earliest possible time.

(4) Send copies of such advice to the Council.

(b) The referring agency shall deliver its referral to the Council not later than twenty-five (25) days after the final environmental impact statement has been made available to the Environmental Protection Agency, commenting agencies, and the public. Except when an extension of this period has been granted by the lead agency, the council will not accept a referral after that date.

(c) The referral shall consist of:

(1) A copy of the letter signed by the head of the referring agency and delivered to the lead agency informing the lead agency of the referral and the reasons for it, and requesting that no action be taken to implement the matter until the Council acts upon the referral. The letter shall include a copy of the statement referred to in § 1504.3(c)(2) below.

(2) A statement supported by factual evidence leading to the conclusion that the matter is unsatisfactory from the standpoint of public health or welfare or environmental quality. The statement shall:

- (i) Identify any material facts in controversy and incorporate (by reference if appropriate) agreed upon facts,
- (ii) Identify any existing environmental requirements or policies which would be violated by the matter,
- (iii) Present the reasons the referring agency believes the matter is environmentally unsatisfactory,
- (iv) Contain a finding by the agency whether the issue raised is one of national importance because of the threat to national environmental resources or policies or for some other reason.

(v) Review the steps taken by the referring agency to bring its concerns to the attention of the lead agency at the earliest possible time, and

(vi) Give the referring agency's recommendations as to what mitigation alternative, further study, or other course of action (including abandonment of the matter) are necessary to remedy the situation.

(d) Not later than twenty-five (25) days after the referral to the Council, the lead agency may deliver a response to the Council and the referring agency. If the lead agency requests more time and gives assurance that the matter will not go forward in the interim, the Council may grant an extension. The response shall:

(1) Address fully the issues raised in the referral.

(2) Be supported by evidence.

(3) Give the lead agency's response to the referring agency's recommendations.

(e) Not later than twenty-five (25) days after receipt of both the referral and any response or upon being informed that there will be no response (unless the lead agency agrees to a longer time), the Council may take one or more of the following actions:

(1) Conclude that the process of referral and response has successfully resolved the problem.

(2) Initiate discussions with the agencies with the objective of mediation with referring and lead agencies.

(3) Hold public meetings or hearings to obtain additional views and information.

(4) Determine that the issue is not one of national importance and request the referring and lead agencies to pursue their decision process.

(5) Determine that the issue should be further negotiated by the referring and lead agencies and is not appropriate for Council consideration until one or more heads of agencies report to the Council that the agencies' disagreements are irreconcilable.

(6) Publish its findings and recommendations (including where appropriate a finding that the submitted evidence does not support the position of an agency).

(7) When appropriate, submit the referral and the response together with the Council's recommendation to the President for action.

PART 1505—NEPA AND AGENCY DECISIONMAKING

Sec.

- 1505.1 Agency decisionmaking procedures.
- 1505.2 Record of decision in those cases requiring environmental impact statements.
- 1505.3 Implementing the decision.

AUTHORITY: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), section 309 of the Clean Air Act, as amended (42 U.S.C. 1857h-7), and Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May 24, 1977).

§ 1501.1 Agency decisionmaking procedures.

Agencies shall adopt procedures (§ 1507.3) to ensure that decisions are made in accordance with the policies and purposes of the Act. Such procedures shall include but not be limited to:

(a) Implementing procedures under section 102(2) to achieve the requirements of sections 101 and 102(1).

(b) Designating the major decision points for the agency's principal programs likely to have a significant effect on the human environment and assuring that the NEPA process corresponds with them.

(c) Requiring that relevant environmental documents, comments, and responses be part of the record in formal rulemaking or adjudicatory proceedings.

(d) Requiring that relevant environmental documents, comments, and responses accompany the proposal through existing agency review process so that agency officials use the statement in making decisions.

(e) Requiring that the alternatives considered by the decision maker are encompassed by the range of alternatives discussed in the relevant environmental documents and that the decisionmaker consider the alternatives described in the environmental impact statement. If another decision document accompanies the relevant environmental documents to the decisionmaker, agencies are encouraged to make available to the public before the decision is made any part of that document that relates to the comparison of alternatives.

§ 1505.2 Record of decision in those cases requiring environmental impact statements.

At the same time of its decision (or, if appropriate, its recommendation to Congress) each agency shall prepare a concise public record of decision. The record, which may be integrated into any other record prepared by the agency, including that required by OMB Circular A-95, part I, sections 6 (c) and (d), and part II, section 5(b)(4), shall state:

(a) What the decision was.

(b) If an alternative other than those designated pursuant to § 1502.14(e) has been selected, the reasons why other specific considerations of national policy overrode those alternatives.

(c) Whether all practicable means to avoid or minimize environmental harm have been adopted, and if not, why they were not. For any mitigation adopted, a monitoring and enforcement program where applicable shall be adopted and summarized.

§ 1505.3 Implementing the decision.

Agencies may provide for monitoring to assure that their decisions are carried out and should do so in important cases. Mitigation (§ 1505.2(c)) and other conditions established in or during the review of the environmental impact statement and committed as part of the decision shall be implemented by the appropriate agency. The lead agency shall:

(a) Include appropriate conditions in grants, permits or other approvals.

(b) Condition funding of actions on mitigation.

(c) Upon request, inform cooperating or commenting agencies on progress in carrying out mitigation measures proposed by any such agency and adopted by the agency making the decision.

(d) Upon request, make available to the public the results of relevant monitoring.

PART 1506—OTHER REQUIREMENTS OF NEPA

Sec.

1506.1 Limitations on actions during NEPA process.

1506.2 Elimination of duplication with State and local procedures.

1506.3 Adoption.

1506.4 Combining documents.

1506.5 Agency responsibility.

1506.6 Public involvement.

1506.7 Further guidance.

1506.8 Proposals for legislation.

1506.9 Filing requirements.

1506.10 Timing of agency action.

1506.11 Emergencies.

1506.12 Effective date.

AUTHORITY: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), Section 309 of the Clean Air Act, as amended (42 U.S.C. 1857h-7), and Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May 24, 1977).

§ 1506.1 Limitations on actions during NEPA process.

(a) Until an agency issues a record of decision as provided in § 1505.2 (except as provided in subsection (c)), no action concerning the proposal shall be taken which would:

(1) Have an adverse environmental impact; or

(2) Limit the choice of reasonable alternatives.

(b) If any agency is considering an application from a non-Federal entity, and is aware that the applicant is planning to take an action within the agency's jurisdiction that would meet either of the criteria in § 1506.1(a), then the agency shall promptly notify

the applicant that the agency will take appropriate action to insure that the objectives and procedures of NEPA are achieved.

(c) While work on a required program environmental impact statement is in progress and the action is not covered by an existing program statement, agencies shall not undertake in the interim any major Federal action which may significantly affect the quality of the human environment and which is covered by the program unless such action:

(1) Is justified independently of the program;

(2) Will not prejudice the ultimate decision on the program. Interim action prejudices the ultimate decision on the program when it tends to determine subsequent development or limit alternatives; and

(3) Is itself accompanied by an adequate environmental impact statement.

§ 1506.2 Elimination of duplication with State and local procedures.

(a) Agencies authorized by law to cooperate with State agencies of statewide jurisdiction pursuant to section 102(2)(D) of the Act may do so.

(b) Agencies shall cooperate with State and local agencies to the fullest extent possible to reduce duplication in NEPA and comparable State and local requirements, unless they are specifically barred from doing so by some other law. Except where an agency is proceeding in the manner specified by paragraph (a) of this section, such cooperation shall to the fullest extent possible include:

(1) Joint planning processes.

(2) Joint environmental research and studies.

(3) Joint public hearings (except where otherwise provided by statute).

(4) Joint environmental assessments and joint environmental impact statements. In such cases one or more Federal agencies and one or more State or local agencies shall be joint lead agencies. Where State laws or local ordinances have environmental impact statement requirements in addition to but not in conflict with those in NEPA, Federal agencies shall cooperate in fulfilling the requirements of those as well as Federal laws so that one document will comply with all applicable laws.

(c) To better integrate environmental impact statements into state or local planning processes, statements shall discuss any inconsistency of a proposed action with any approved State or local plan and laws (whether or not federally sanctioned).

§ 1506.3 Adoption.

(a) An agency may adopt a Federal draft or final environmental impact statement or portion thereof provided

that the agency treats the statement as a draft and recirculates it (except as provided below in paragraph (b) of this section): *And provided*, That the statement or portions thereof meets the standards for an adequate draft statement under these regulations.

(b) A cooperating agency may adopt without recirculating the environmental impact statement of a lead agency when, after an independent review of the statement, the cooperating agency concludes that its comments and suggestions have been satisfied.

(c) When an agency adopts a statement which is not final within the agency that prepared it, or when the action it assesses is the subject of a referral under part 1504, or when the statement's adequacy is the subject of a judicial action which is not final, the agency shall so specify.

§ 1506.4 Combining documents.

Any environmental document in compliance with NEPA may be combined with any other agency document to reduce duplication and paperwork.

§ 1506.5 Agency responsibility.

(a) If an agency relies on an applicant to submit initial environmental information, the agency should assist the applicant by outlining the types of information required. In all cases, the agency should make its own evaluation of the environmental issues and take responsibility for the scope and content of environmental assessments.

(b) Except as provided in §§ 1506.2 and 1506.3 any environmental impact statement prepared pursuant to the requirements of NEPA shall be prepared directly by or under contract to the lead agency or where appropriate under § 1501.6(b), a cooperating agency. In the case of such contract it is the intent of these regulations that the contractor be chosen solely by the lead agency or by the lead agency in cooperation with cooperating agencies or where appropriate by a cooperating agency to avoid any conflict of interest. Contractors shall execute a disclosure statement prepared by the lead agency or where appropriate the cooperating agency specifying that they have no financial or other interest in the outcome of the project. If the document is prepared by contract, the responsible Federal official shall furnish guidance and participate in the preparation and shall independently evaluate the statement prior to its approval. Nothing in this section is intended to prohibit any agency from requesting any person to submit information to it or any person from submitting information to any agency.

§ 1506.6 Public involvement.

Agencies shall: (a) Make diligent effort to involve the public in prepar-

ing and implementing their NEPA procedures.

(b) Provide public notice of NEPA-related hearings, meetings, and the availability of environmental documents by means calculated to inform those persons and agencies who may be interested or affected.

(1) In all cases the agency shall mail notice to those who have requested it on an individual action.

(2) In the case of an action with effects of national concern such notice shall include publication in the *FEDERAL REGISTER* and notice by mail to national organizations with interest in the matter and may include listing in the 102 Monitor.

(3) In the case of an action with effects primarily of local concern the notice may include:

(i) Notice to State and local agencies pursuant to OMB Circular A-95.

(ii) Following the affected State's public notice procedures for comparable actions.

(iii) Publication in local newspapers (in papers of general circulation rather than legal papers).

(iv) Notice through other local media.

(v) Notice to potentially interested community organizations including small business associations.

(vi) Publication in newsletters that may be expected to reach potentially interested persons.

(vii) Direct mailing to owners and occupants of nearby or affected property.

(viii) Posting of notice on and off site in the area where the action is to be located.

(c) Hold or sponsor public hearings or public meetings whenever appropriate. Criteria shall include whether there is:

(1) Substantial environmental controversy concerning the proposed action or substantial interest in holding the hearing.

(2) A request for a hearing by another agency with jurisdiction over the action supported by reasons why a hearing will be helpful.

(d) Solicit appropriate information from the public.

(e) Explain in its procedures where interested persons can get information or status reports on environmental impact statements and other elements of the NEPA process.

(f) Make environmental impact statements, the comments received, and any underlying documents available to the public pursuant to the provisions of the Freedom of Information Act (5 U.S.C. 552), without regard to the exclusion of intra- or interagency memoranda where such memoranda transmit comments of Federal agencies on the environmental impact of the proposed action.

§ 1506.7 Further guidance.

The Council may provide further guidance concerning NEPA and its procedures including:

(a) A handbook which the Council may supplement from time to time which shall in plain language provide guidance and instructions concerning the application of NEPA and these regulations.

(b) Publication of the Council's Memoranda to Heads of Agencies.

(c) In conjunction with the Environmental Protection Agency and the publication of the 102 Monitor, notice of:

(1) Research activities;

(2) Meetings and conferences related to NEPA; and

(3) Successful and innovative procedures used by agencies to implement NEPA.

§ 1506.8 Proposals for legislation.

The NEPA process for proposals for legislation (§ 1508.16) significantly affecting the quality of the human environment shall be integrated with the legislative process of the Congress. A legislative environmental impact statement is the detailed statement required by law which shall accompany proposed legislation to the Congress. Preparation of a legislative environmental impact statement shall include consultation with appropriate agencies (which may be pursuant to OMB Circular A-19) and conform with the requirements of these regulations except as follows:

(a) There need not be a scoping process.

(b) The legislative statement shall otherwise be treated in the same manner as a draft statement except as further specified. There need not be a final environmental impact statement; *Provided*, That when any of the following conditions exist both the draft and final environmental impact statement on the legislative proposal shall be prepared and circulated as provided by sections 1503.1 and 1506.10.

(1) A Congressional Committee with jurisdiction over the proposal has a rule requiring both draft and final environmental impact statements.

(2) The proposal results from a study process required by statute (such as those required by the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.) and the Wilderness Act (16 U.S.C. et seq.)).

(3) Legislative approval is sought for Federal or federally assisted construction or other projects which the agency recommends be located at specific geographic locations. For proposals requiring an environmental impact statement for the acquisition of space by the General Services Administration, a draft statement shall accompany the Prospectus or the 11(b) Report of Building or the 11(b) Report of

Building Project Surveys to the Congress, and a final statement shall be completed before site acquisition.

(4) The agency decides to prepare draft and final statements.

(c) Comments on the legislative statement shall be given to the lead agency which shall forward them along with its own responses to the Congressional committees with jurisdiction.

(d) The Environmental Protection Agency may reduce the period for review required by § 1506.10 to insure that comments and responses are received by the appropriate Congressional committee prior to hearings on the proposal.

§ 1506.9 Filing requirements.

Environmental impact statements together with comments and responses shall be filed with the Environmental Protection Agency, attention Office of Federal Activities (A-104), 401 M Street SW., Washington, D.C. 20460. Statements shall be filed with EPA no earlier than they are also transmitted to commenting agencies and the public. EPA shall deliver one copy of each statement to the Council, which shall satisfy the requirement of availability to the President.

§ 1506.10 Timing of agency action.

(a) No decision on the proposed action shall be made or recorded under § 1505.2 by a Federal agency until the later of the following dates:

(1) Ninety (90) days after publication of the notice described in paragraph (d) of this section for a draft environmental impact statement.

(2) Thirty (30) days after publication of the notice described in paragraph (d) of this section for a final environmental impact statement.

Provided, That when an agency has formally established an internal appeal process, through which agencies or the public may take appeals and make their views known after preparation of the final environmental impact statement, and which provides a real opportunity to alter the decision, an administratively reviewable decision in the proposed action may be made after publication of the notice described in paragraph (d) of this section for a final environmental impact statement. This means that the period for appeal and the period prescribed by paragraph (a)(2) of this section may run concurrently. In such a case the environmental impact statement shall explain the timing and the public's right of appeal.

Provided further, That when an agency's primary purpose is the protection of public health and safety, the agency may, with the approval of the Council, adopt procedures under § 1507.3 providing for a finding to be

published in the *FEDERAL REGISTER* that it is necessary to waive the time requirement specified in paragraph (a)(2) of this section to preserve public health and safety.

Provided further, That when an agency's primary purpose is the protection of public health and safety and when that agency publishes proposed rules in the *FEDERAL REGISTER* for a period of public review prescribed by a statute the agency administers, that time period and the period prescribed under paragraph (a)(2) of this section may run concurrently.

(b) If the final environmental impact statement is filed within ninety (90) days after a draft environmental impact statement is filed with the Environmental Protection Agency, the minimum thirty (30) day period and the minimum ninety (90) day period may run concurrently.

(c) Subject to paragraph (e) of this section agencies shall allow not less than 45 days for comments on draft statements.

(d) The Environmental Protection Agency shall publish a notice in the *FEDERAL REGISTER* each week of the environmental impact statements filed with the Environmental Protection Agency the preceding week. The date of publication of this notice shall be the date from which the minimum time periods of this section shall be calculated.

(e) The lead agency may extend prescribed periods. The Environmental Protection Agency may upon a showing by the lead agency of compelling reasons of national policy reduce the prescribed periods and may upon a showing by any other Federal agency of compelling reasons of national policy also extend prescribed periods, but only after consultation with the lead agency. (Also see § 1507.3(d).) If the lead agency does not concur, the matter shall be referred to CEQ for resolution. When the Environmental Protection Agency reduces or extends any period of time it shall notify the Council.

§ 1506.11 Emergencies.

Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these regulations, the Federal agency proposing to take the action should consult with the Council about alternative arrangements. Agencies and the Council will limit such waivers to actions necessary to control the immediate impacts of the emergency. Other actions remain subject to NEPA review.

§ 1506.12 Effective date.

The effective date of these regulations is eight months after their final publication in the *FEDERAL REGISTER*.

(a) These regulations shall apply to the fullest extent practicable to ongoing activities and environmental documents begun before the effective date. These regulations do not apply to an environmental impact statement if the draft statement was filed before the effective date of these regulations. No completed environmental documents need be redone by reason of these regulations. Until these regulations are applicable, the Council's guidelines published in the *FEDERAL REGISTER* of August 1, 1973, shall continue to be applicable. In cases where these regulations are superseded, however, nothing shall prevent an agency from proceeding under these regulations at an earlier time.

(b) NEPA shall continue to be applicable to actions begun before January 1, 1970, to the fullest extent possible.

PART 1507—AGENCY COMPLIANCE

Sec.

1507.1 Compliance.

1507.2 Agency Capability to Comply.

1507.3 Agency Procedures.

AUTHORITY: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 et seq.), Section 309 of the Clean Air Act, as amended (42 U.S.C. 1857h-7), and Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May 24, 1977).

§ 1507.1 Compliance.

All agencies of the Federal Government shall comply with these regulations. It is the intent of these regulations to allow each agency flexibility in adapting its implementing procedures authorized by § 1507.3 to the requirements of other applicable laws.

§ 1507.2 Agency capability to comply.

Each agency shall be capable (in terms of personnel and other resources) of complying with the requirements enumerated below. Such compliance may include use of other's resources, but the using agency shall itself have sufficient capability, at minimum, to evaluate what others do for it. Agencies shall:

(a) Fulfill the requirements of Sec. 102(2)(A) of the Act to utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on the human environment. Agencies shall designate a person to be responsible for overall review of agency NEPA compliance.

(b) Identify methods and procedures required by Sec. 102(2)(B) to insure that presently unquantified environmental amenities and values may be given appropriate consideration.

(c) Prepare adequate environmental impact statements pursuant to Sec. 102(2)(C) and comment on statements in the areas where the agency has jurisdiction by law or special expertise or is authorized to develop and enforce environmental standards.

(d) Study, develop, and describe alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources. This requirement of Sec. 102(2)(E) extends to all such proposals, not just the more limited scope of Sec. 102(2)(C)(iii) where the discussion of alternatives is confined to impact statements.

(e) Comply with the requirements of Sec. 102(2)(H) that the agency initiate and utilize ecological information in the planning and development of resource-oriented projects.

(f) Fulfill the requirements of sections 102(2)(F), 102(2)(G), and 102(2)(I), of the Act and of Executive Order 11514, Protection and Enhancement of Environmental Quality, Sec. 2.

§ 1507.3 Agency procedures.

(a) Not later than eight months after publication of these regulations as finally adopted in the *FEDERAL REGISTER*, or five months after the establishment of an agency, whichever shall come later, each agency shall as necessary adopt procedures to supplement these regulations. When the agency is a department major subunits are encouraged (with the consent of the department) to adopt their own procedures. Such procedures shall not paraphrase these regulations. They shall confine themselves to implementing procedures. Each agency shall consult with the Council while developing its procedures and before publishing them in the *FEDERAL REGISTER* for comment. The procedures shall be adopted only after an opportunity for public review and after review by the Council for conformity with the Act and these regulations. The Council shall complete its review within 30 days. Once in effect they shall be filed with the Council and made readily available to the public. Agencies are encouraged to publish explanatory guidance for these regulations and their own procedures. Agencies shall continue to review their policies and procedures and to revise them as necessary to ensure full compliance with the purposes and provisions of the Act.

(b) Agency procedures shall comply with these regulations except where compliance would be inconsistent with statutory requirements and shall include:

(1) Those procedures required by §§ 1501.2(d), 1502.9(c)(3), 1503.1(c), 1505.1, 1506.6(e), and 1508.4.

(2) Specific criteria for and identification of those typical classes of action:

(i) Which normally do require environmental impact statements.

(ii) Which normally do not require either an environmental impact statement or an environmental assessment (categorical exclusions (§ 1508.4)).

(iii) Which normally require environmental assessments but not necessarily environmental impact statements.

(c) Agency procedures may include specific criteria for providing limited exceptions to the provisions of these regulations for proposed actions that are specifically authorized under criteria established by an Executive Order or statute to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive Order or statute. Environmental assessments and environmental impact statements which address classified proposals may be safeguarded and restricted from public dissemination in accordance with agencies' own regulations applicable to classified information. These documents may be organized so that classified portions can be included as annexes, in order that the unclassified portions can be made available to the public.

(d) Agency procedures may provide for periods of time other than those presented in § 1506.10 when necessary to comply with other specific statutory requirements.

PART 1508—TERMINOLOGY AND INDEX

Sec.	
1508.1	Terminology.
1508.2	Act.
1508.3	Affecting.
1508.4	Categorical Exclusion.
1508.5	Cooperating Agency.
1508.6	Council.
1508.7	Cumulative Impact.
1508.8	Effects.
1508.9	Environmental Assessment.
1508.10	Environmental Document.
1508.11	Environmental Impact Statement.
1508.12	Federal Agency.
1508.13	Finding of No Significant Impact.
1508.14	Human Environment.
1508.15	Lead Agency.
1508.16	Legislation.
1508.17	Major Federal Action.
1508.18	Matter.
1508.19	Mitigation.
1508.20	NEPA Process.
1508.21	Notice of Intent.
1508.22	Proposal.
1508.23	Referring Agency.
1508.24	Scope.
1508.25	Significantly.
1508.26	Tiering.

AUTHORITY: NEPA, the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 *et seq.*), Section 309 of the Clean Air Act, as amended (42 U.S.C. 1857h-7), and Executive Order 11514, Protection and Enhancement of Environmental Quality (March 5, 1970, as amended by Executive Order 11991, May 24, 1977).

§ 1508.1 Terminology.

The terminology of this part shall be uniform throughout the Federal Government.

§ 1508.2 Act.

"Act" means the National Environmental Policy Act, as amended (42 U.S.C. 4321, *et seq.*) which is also referred to as "NEPA."

§ 1508.3 Affecting.

"Affecting" means will or may have an effect on.

§ 1508.4 Categorical exclusion.

"Categorical Exclusion" means a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency in implementation of these regulations (§ 1507.3) and for which, therefore, neither an environmental assessment nor an environmental impact is needed. Any such procedures shall provide for extraordinary circumstances in which a normally excluded action may have a significant environmental effect.

§ 1508.5 Cooperating agency.

"Cooperating Agency" means any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment. The selection and responsibilities of a cooperating agency are described in § 1501.6. A State or local agency of similar qualifications or, when the effects are on a reservation, an Indian Tribe may by agreement with the lead agency become a cooperating agency.

§ 1508.6 Council.

"Council" means the Council on Environmental Quality established by Title II of the Act.

§ 1508.7 Cumulative impact.

"Cumulative impact" is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

§ 1508.8 Effects.

"Effects" include:

(a) Direct effects, which are caused by the action and occur at the same time and place.

(b) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

Effects and impacts as used in these regulations are synonymous. Effects includes ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial.

§ 1508.9 Environmental assessment.

"Environmental Assessment":

(a) Means a public document for which a Federal agency is responsible that serves to:

(1) Briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.

(2) Aid an agency's compliance with the Act when no environmental impact statement is necessary.

(3) Facilitate preparation of such a statement when one is necessary.

(b) Shall include brief discussions of the need for the proposal, of alternatives as required by sec. 102(2)(E), of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted. Most environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted. Most environmental assessments do not exceed several pages in length.

§ 1508.10 Environmental document

"Environmental Document" includes the documents specified in §§ 1508.9, 1508.11, 1508.13 and 1508.21.

§ 1508.11 Environmental impact statement

"Environmental Impact Statement" means a detailed written statement as required by Sec. 102(2)(C) of the Act.

§ 1508.12 Federal agency.

"Federal agency" means all agencies of the Federal Government. It does not mean the Congress, the Judiciary, or the President, including the performance of staff functions for the President in his Executive Office.

§ 1508.13 Finding of no significant impact.

"Finding of No Significant Impact" means a document by a Federal

agency briefly presenting the reasons why an action, not otherwise excluded (§ 1508.4), will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared. It shall include the environmental assessment or a summary of it and shall note any other environmental documents related to it (§ 1501.7(a)(5)).

§ 1508.14 Human environment.

"Human Environment" shall be interpreted comprehensively to include the natural and physical environment and the interaction of people with that environment. (See the definition of "effects" (§ 1508.8).) This means that exclusively economic or social effects are not intended by themselves to require preparation of an environmental impact statement. When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment.

§ 1508.15 Lead agency.

"Lead Agency" means the agency or agencies which have prepared or have taken primary responsibility to prepare the environmental impact statement.

§ 1508.16 Legislation.

"Legislation" includes a bill or legislative proposal to Congress developed by or with the significant cooperation and support of a Federal agency, but does not include requests for appropriations.¹ The test for significant cooperation is whether the proposal is in fact predominantly that of the agency rather than another source. Drafting does not by itself constitute significant cooperation. Proposals for legislation include requests for ratification of treaties. Only the agency which has primary responsibility for the subject matter involved will prepare a legislative environmental impact statement.

§ 1508.17 Major Federal action.

"Major Federal action" includes actions with effects that may be major and which are potentially subject to Federal control and responsibility. Major reinforces but does not have a meaning independent of significantly (§ 1508.25). Actions include the circumstance where the responsible officials fail to act and that failure to act is relevant.

¹The Council in consultation with OMB had been prepared to propose this wording and § 1508.12 for comment. Thereafter *Sierra Club v. Andrus* (D.C. Cir. No. 75-1871, May 15, 1978) was decided. We would appreciate comment on the implications of that case for these provisions.

viewable by courts or administrative tribunals under the Administrative Procedure Act or other applicable law as agency action. If a Federal program is delegated or otherwise transferred to State or local government, unless Congress intended otherwise, the Federal agency shall continue to be responsible for compliance with the Act and shall insure the preparation of environmental impact statements if they would be required but for the delegation or transfer. If the Federal agency may legally require the State or local agency to follow an environmental impact statement process, as a condition of the delegation or transfer, it shall do so. If not, the Federal agency shall prepare the statements (except as provided in § 1506.5).

(a) Actions include new and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, regulated, or approved by federal agencies; new or revised agency rules, regulations, plans, policies, or procedures; and legislative proposals (§§ 1506.8, 1508.16). Actions do not include funding assistance solely in the form of general revenue sharing funds, distributed under the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 *et seq.*, with no Federal agency control over the subsequent use of such funds. Actions do not include bringing civil or criminal enforcement actions.

(b) Federal actions tend to fall within one of the following categories:

(1) Adoption of official policy, such as rules, regulations, and interpretations adopted pursuant to the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*; treaties and international conventions or agreements; formal documents establishing an agency's policies which will result in or substantially alter agency programs.

(2) Adoption of formal plans, such as official documents prepared or approved by federal agencies which guide or prescribe alternative uses of federal resources, upon which future agency actions will be based.

(3) Adoption of programs, such as a group of concerted actions to implement a specific policy or plan; systematic and connected agency decisions allocating agency resources to implement a specific statutory program or executive directive.

(4) Approval of specific projects, such as construction or management activities located in a defined geographic area. Projects include actions approved by permit or other regulatory decision as well as federal and federally assisted activities.

§ 1508.18 Matter.

"Matter" includes for purposes of Part 1504:

(a) With respect to the Environmental Protection Agency, any proposed

legislation, project, action or regulation as those terms are used in Section 309(a) of the Clean Air Act (42 U.S.C. 7609).

(b) With respect to all other agencies, any proposed major federal action to which Section 102(2)(C) of NEPA applies.

§ 1508.19 Mitigation.

"Mitigation" includes:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

(c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the impact by replacing or providing substitute resources or environments.

§ 1508.20 NEPA process.

"NEPA process" means all measures necessary for compliance with the requirements of Section 2 and Title I of NEPA.

§ 1508.21 Notice of intent.

"Notice of Intent" means a notice that an environmental impact statement will be prepared and considered. The notice shall briefly:

(a) Describe the proposed action and possible alternatives.

(b) Describe the agency's proposed scoping process including whether, when, and where any scoping meeting will be held.

(c) State the name and address of a person within the agency who can answer questions about the proposed action and the environmental impact statement.

§ 1508.22 Proposal.

"Proposal" refers to that stage in the development of an action when an agency subject to the Act has a goal and is actively considering one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated. Preparation of an environmental impact statement on a proposal should be timed (§ 1502.5) so that the final statement may be completed in time for the statement to be included in any recommendation or report on the proposal. A proposal may exist in fact as well as by agency declaration that one exists.

§ 1508.23 Referring agency.

"Referring agency" means the federal agency which has referred any matter to the Council after a determination that the matter is unsatisfactory from the standpoint of public

health or welfare or environmental quality.

§ 1508.24 Scope.

Scope consists of the range of actions, alternatives, and impacts to be considered in an environmental impact statement. The scope of an individual statement may depend on its relationships to other statements (§§ 1502.20 and 1508.26). In scoping environmental impact statements agencies shall consider 3 types of actions, 3 types of alternatives, and 3 types of impacts. They include:

(a) Actions (other than unconnected single actions) which may be:

(1) Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they:

(i) Automatically trigger other actions which may require environmental impact statements.

(ii) Cannot or will not proceed unless other actions are taken previously or simultaneously.

(iii) Are interdependent parts of a larger action and depend on the larger action for their justification.

(2) Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement.

(3) Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement.

(b) Alternatives, which include: (1) No action alternative. (2) Other reasonable courses of actions. (3) Mitigation measures (not in the proposed action).

(c) Impacts, which may be: (1) Direct. (2) Indirect. (3) Cumulative.

§ 1508.25 Significantly.

"Significantly" as used in NEPA requires considerations of both context and intensity:

(a) *Context*. This means that the significance of an action must be analyzed in several contexts such as society as a whole (global, national), the affected region, the affected interests, and the locality. Significant varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

(b) *Intensity*. This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.

(2) The degree to which the proposed action affects public health or safety.

(3) Unique characteristics of the geographic area such as proximity to historic sites, park lands, prime farm lands, wetlands, wild and scenic rivers, or ecologically critical areas.

(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

(6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

(7) Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

(8) Whether the action may have a significant adverse effect on an area or site listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

(9) Whether the action may have a significant adverse effect on the habitat of an endangered or threatened species that has been determined to be critical under the Endangered Species Act of 1973.

(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.

§ 1508.26 Tiering.

"Tiering" refers to the coverage of general matters in broader environmental impact statements (such as national program or policy statements) with subsequent narrower statements or environmental analyses (such as regional or basinwide program statements or ultimately site-specific statements) incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared.

Tiering is appropriate when the sequence of statements or analyses is:

(a) From a program, plan, or policy environmental impact statement to a program, plan, or policy statement or analysis of lesser scope or to a site-specific statement or analysis.

(b) From an environmental impact statement on a specific action at an early stage (such as need and site selection) to a supplement (which is preferred) or a subsequent statement or analysis at a later stage (such as design detail and environmental mitigation). Tiering in such cases is appropriate when it helps the lead agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe.

INDEX

Act.....	1508.2
Action.....	1508.17, 1508.24
Action-forcing.....	1500.1, 1502.1
Adoption.....	1500.4(n), 1500.5(h), 1506.3
Affected Environment.....	1502.10(g), 1502.16
Affecting.....	1502.3, 1508.3
Agency Authority.....	1500.8
Agency Capability.....	1501.2(a), 1507.2
Agency Compliance.....	1507.1
Agency Procedures.....	1506.1, 1507.3
Agency Responsibility.....	1506.5
Alternatives.....	1501.2(c), 1502.2, 1502.10(e), 1502.14, 1506.1(e), 1507.2(d), 1508.24(b)
Appendices.....	1502.10(k), 1502.18
Apply NEPA Early in Process.....	1501.2
Categorical Exclusion.....	1500.4(p), 1500.5(k), 1501.4(a), 1507.3(b), 1508.4
Circulating of Environmental Impact Statement.....	1502.19, 1508.3
Classified Information.....	1507.3(c)
Clean Air Act.....	1504.1, 1508.18(a)
Combining Documents.....	1500.4(o), 1500.5(i), 1508.4
Commenting.....	1502.19, 1503.1, 1503.2, 1503.3, 1503.4, 1506.6(f)
Consultation Requirement.....	1500.4(k), 1500.5(g), 1501.7(a)(6), 1502.25
Context.....	1508.25(a)
Cooperating Agency.....	1500.5(b), 1501.1(b), 1501.5(c), 1501.5(f), 1501.6, 1503.1(a)(1), 1503.2, 1506.3(b), 1508.5
Cost-Benefit.....	1502.23
Council on Environmental Quality.....	1501.5(e), 1501.5(f), 1502.9(c)(4), 1504.1, 1504.2, 1504.3, 1506.9, 1506.11, 1507.3, 1508.6, 1508.23
Cover Sheet.....	1502.10(a), 1502.11
Cumulative Sheet.....	1508.7, 1508.24(a), 1508.24(c)
Decisionmaking.....	1505.1, 1506.1
Decision points.....	1505.1(b)
Dependent.....	1508.24(a)
Draft Environmental Impact Statement.....	1502.9(a)
Early Application of NEPA.....	1501.2
Economic Effects.....	1508.8
Effective Date.....	1506.12
Effects.....	1502.15, 1508.8
Emergencies.....	1506.11
Endangered Species Act.....	1502.25, 1508.25(b)(9)
Energy.....	1502.15(e)
Environmental Assessment.....	1501.3, 1501.4(b), 1501.4(c), 1506.2(b)(4), 1508.9, 1508.10

INDEX—Continued

Environmental Consequences.....	1502.10(f), 1502.15
Environmental Consultation Requirements.....	1500.4(k), 1500.5(g), 1501.7(a)(6), 1502.25
Environmental Documents.....	1508.10
Environmental Impact Statement.....	1500.4, 1501.4(c), 1501.7, 1502.1, 1502.2, 1502.3, 1502.4, 1502.5, 1502.6, 1502.7, 1502.8, 1502.9, 1502.10, 1502.11, 1502.12, 1502.13, 1502.14, 1502.15, 1502.16, 1502.17, 1502.18, 1502.19, 1502.20, 1502.21, 1502.22, 1502.23, 1502.24, 1502.25, 1506.2(b)(4), 1506.3, 1508.8, 1508.11
Environmental Protection Agency.....	1502.11(f), 1504.1, 1504.3, 1506.7(c), 1506.8(b)(4), 1506.8(d), 1506.9, 1508.10, 1508.18(a)
Environmental Review Requirements.....	1500.4(k), 1500.5(g), 1501.7(a)(6), 1508.25
Expediter.....	1501.8(b)(2)
Federal Agency.....	1508.12
Filing.....	1506.9
Final Environmental Impact Statement.....	1502.9(b), 1503.1, 1503.4(b)
Finding of No Significant Impact.....	1500.4(q), 1500.5(i), 1501.4(e), 1508.13
Fish and Wildlife Coordination Act.....	1502.25
Format for Environmental Impact Statement.....	1502.10
Freedom of Information Act.....	1506.6(f)
Further Guidance.....	1506.7
Generic.....	1502.4(c)(2)
General Services Administration.....	1506.8(b)(3)
Geographic.....	1502.4(c)(1)
Graphics.....	1502.8
Handbook.....	1508.7(a)
Human Environment.....	1502.3, 1508.14
Impacts.....	1508.8, 1508.24(c)
Implementing the Decision.....	1505.3
Incomplete or Unavailable Information.....	1502.22
Incorporation by Reference.....	1500.4(j), 1502.21
Index.....	1502.10(j)
Indian Tribes.....	1501.6, 1501.7(a)(1)
Intensity.....	1508.25(b)
Interdisciplinary Preparation.....	1502.6, 1502.17

INDEX—Continued

Interim Actions.....	1506.1
Joint Lead Agency.....	1501.5(b), 1506.2
Judicial Review.....	1500.3
Lead Agency.....	1500.5(c), 1501.1(c), 1501.5, 1501.6, 1501.7, 1501.8, 1504.3, 1506.2(b)(4), 1506.10(e), 1508.15
Legislation.....	1500.5(j), 1502.3, 1506.8, 1508.16, 1508.17(a)
Limitation on Action During NEPA Process.....	1506.1
List of Preparers.....	1502.10(h), 1502.17
Local or State.....	1500.4(n), 1500.5(h), 1501.2(d)(2), 1501.5(b), 1501.5(d), 1501.6, 1501.7(a)(1), 1501.8(c), 1502.15(c), 1503.1(a)(2), 1506.2(b), 1506.6(b)(3), 1508.5, 1508.17
Major Federal Action.....	1502.3, 1508.17
Mandate.....	1500.3
Matter.....	1504.1, 1504.2, 1504.3, 1508.18
Methodology.....	1502.24
Mitigation.....	1502.14(g), 1502.15(f), 1505.2(c), 1505.3, 1508.19
Monitoring.....	1505.2(c), 1505.3
National Historic Preservation Act.....	1502.25
National Register of Historical Places.....	1508.25(b)(8)
Natural or Depletable Resource Requirements.....	1502.15(f)
Need for Action.....	1502.10(d), 1502.13
NEPA Process.....	1508.20
Non-Federal Sponsor.....	1501.2(d)
Notice of Intent.....	1501.7, 1508.21
OMB Circular A-19.....	1506.8
OMB Circular A-95.....	1505.2, 1506.6(b)(3)(i)
102 Monitor.....	1506.6(b)(2), 1506.7(c)
Ongoing Activities.....	1508.12
Page Limits.....	1500.4(a), 1501.7(b), 1502.7
Planning.....	1500.5(a), 1501.2(b), 1502.4(a), 1503.5, 1506.3, 1508.17
Policy.....	1500.2, 1502.4(b), 1508.17(a)
Program Environmental Impact Statement.....	1500.4(i), 1502.4, 1502.20, 1508.17
Programs.....	1502.4, 1508.17(b)

INDEX—Continued

Projects.....	1508.17
Proposal.....	1502.4, 1502.5, 1506.8, 1508.22
Proposed Action.....	1502.10(e), 1502.14
Public Health and Welfare.....	1504.1
Public Involvement.....	1501.4(e), 1503.1(a)(3), 1506.8
Purpose.....	1500.1, 1501.1, 1502.1, 1504.1
Purpose of Action.....	1502.10(d), 1502.13
Record of Decision.....	1505.2, 1508.1
Referrals.....	1504.1, 1504.2, 1504.3, 1506.3(c)
Referring Agency.....	1504.1, 1504.2, 1504.3
Response to Comments.....	1503.4
Scientific Accuracy.....	1502.24
Scope.....	1502.4(a), 1502.9(a), 1508.24
Scoping.....	1509.4(b), 1501.1(d), 1501.4(d), 1501.7, 1502.9(a), 1506.8(a)
Significantly.....	1502.3, 1508.25
Similar.....	1508.24
Small Business Associations.....	1506.8(b)(3)(v)
Social Effects.....	1508.8
Specificity of Comments.....	1500.4(i), 1503.3
State and Local.....	1500.4(n), 1500.5(h), 1501.2(d)(2), 1501.5(b), 1501.5(d), 1501.7(a)(1), 1501.8(c), 1502.15(c), 1503.1(a)(2), 1506.2(b), 1506.6(b)(3), 1508.5, 1508.17
State and Local Fiscal Assistance Act.....	1508.17(a)
Summary.....	1500.4(h), 1502.10(b), 1502.12
Supplements to Environmental Impact Statements.....	1502.9(c)
Table of Contents.....	1502.10(c)
Technological Development.....	1502.4(c)(3)
Terminology.....	1508.1
Tiering.....	1500.4(i), 1502.4(d), 1502.20, 1508.26
Time Limits.....	1500.5(e), 1501.1(e), 1501.7(b)(2), 1501.8
Timing.....	1502.4, 1502.5, 1506.10
Treaties.....	1508.16
When to Prepare an Environmental Impact Statement.....	1501.3
Wild and Scenic Rivers Act.....	1506.8(b)(2)
Wilderness Act.....	1506.8(b)(2)
Writing.....	1502.8

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FRIDAY, JUNE 9, 1978
PART III



**DEPARTMENT OF
LABOR**
Employment Standards
Administration

■
**MINIMUM WAGES FOR
FEDERAL AND
FEDERALLY ASSISTED
CONSTRUCTION**

General Wage Determination
Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are

NOTICES

to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedes Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedes Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedes Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standings, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decisions.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Idaho		
ID78-5017	Apr. 7, 1978.	
New Jersey		
NJ77-3092	Oct. 7, 1977.	
NJ78-3009	Apr. 21, 1978.	
Ohio		
OH78-2002	Feb. 10, 1978.	
OH78-2006	Feb. 24, 1978.	
OH78-2059	May 5, 1978.	
OH78-2055; OH78-2058;	May 12, 1978.	
OH78-2057; OH78-2058.		
South Dakota		
SD78-5023	Apr. 21, 1978.	
Utah		
UT78-5012	Mar. 17, 1978.	
Virginia		
VA78-3041	May 5, 1978.	
Wisconsin		
WI77-2111	Sept. 23, 1977.	
WI77-2117	Aug. 19, 1977.	
West Virginia		
WV77-3083	Sept. 30, 1977.	

SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedes Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama		
AL77-1089 (AL78-1053)	July 8, 1977.	
Florida		
FL78-1014 (FL78-1054)	Jan. 23, 1978.	
Oklahoma		
OK77-4270 (OK78-4057);	Sept. 30, 1977.	
OK77-4273 (OK78-4054);		
OK77-4284 (OK78-4058).		
OK78-4022 (OK78-4055)	Mar. 17, 1978.	
South Dakota		
SD77-5086 (SD78-5102)	Sept. 23, 1977.	
West Virginia		
WV77-3101 (WV78-3018)	July 22, 1977.	

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

None.

Signed at Washington, D.C. this 2d day of June 1978.

HERBERT GOLDSTEIN,
Acting Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 1

DECISION #ID78-5017 - Mod. #3
(43 FR 14841 - April 7, 1978)
Statewide Idaho

Change:
Roofers:
Beneath, Bonnet, Boundary,
Clearwater, Idaho County
(North of North Parallels),
Kootenai, Latah, Lewis,
 Nez Perce, Shoshone Counties

DECISION #NJ77-3092 - Mod. #5
(43 FR 54726 - October 7, 1977)
Bergen, Essex, Hudson, & Passaic
Counties, New Jersey

Drop:
All classifications and wage rates
for Plumbers, Pipefitters,
Steamfitters, and Gasfitters.

Add:
Pipefitters:
Bergen & Hudson Counties and the
City of Passaic in Passaic County

Plumbers:
Area 1
Area 2
Area 3
Area 4

MODIFICATIONS P. 2

DECISION #NJ77-3092 - Mod. #5
Plumbers & Gasfitters:
Essex (except all of the Oranges,
Livingston, & Maplewood) &
Hudson (Harrison, East Newark,
& Kearny) Counties
Plumbers & Pipefitters:
Area 1
Area 2

Basic Hourly Rates

Fringe Benefits Payments

H & W

Pensions

Vacation

Education and/or Appr. Tr.

MODIFICATIONS P. 2

DECISION #NJ77-3092 - Mod. #5
Plumbers & Gasfitters:
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Area 1
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Basic Hourly Rates

Fringe Benefits Payments

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Pensions

Vacation

Education and/or Appr. Tr.

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Area 1
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Basic Hourly Rates

Fringe Benefits Payments

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Pensions

Vacation

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Area 1
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Basic Hourly Rates

Fringe Benefits Payments

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Pensions

Vacation

Education and/or Appr. Tr.

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Area 1
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Basic Hourly Rates

Fringe Benefits Payments

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Pensions

Vacation

Education and/or Appr. Tr.

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Area 1
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Basic Hourly Rates

Fringe Benefits Payments

H & W

Pensions

Vacation

Education and/or Appr. Tr.

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Area 1
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Fringe Benefits Payments

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Pensions

Vacation

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Basic Hourly Rates

Fringe Benefits Payments

H & W

Pensions

Vacation

Education and/or Appr. Tr.

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Basic Hourly Rates

Fringe Benefits Payments

H & W

Pensions

Vacation

Education and/or Appr. Tr.

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Basic Hourly Rates

Fringe Benefits Payments

H & W

Pensions

Vacation

Education and/or Appr. Tr.

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Area 2

Basic Hourly Rates

Fringe Benefits Payments

H & W

Pensions

Vacation

Education and/or Appr. Tr.

MODIFICATIONS P. 2

DECISION #NJ77-3092 - Mod. #5
Plumbers & Gasfitters:
Essex (except all of the Oranges,
Livingston, & Maplewood) &
Hudson (Harrison, East Newark,
& Kearny) Counties
Plumbers & Pipefitters:
Area 1
Area 2

Basic Hourly Rates

Fringe Benefits Payments

H & W

Pensions

Vacation

Education and/or Appr. Tr.

MODIFICATIONS P. 2

DECISION #NJ77-3092 - Mod. #5
Plumbers & Gasfitters:
Essex (except all of the Oranges,
Livingston, & Maplewood) &
Hudson (Harrison, East Newark,
& Kearny) Counties
Plumbers & Pipefitters:
Area 1
Area 2

Basic Hourly Rates

Fringe Benefits Payments

H & W

Pensions

Vacation

Education and/or Appr. Tr.

MODIFICATIONS P. 2

DECISION #NJ77-3092 - Mod. #5
Plumbers & Gasfitters:
Essex (except all of the Oranges,
Livingston, & Maplewood) &
Hudson (Harrison, East Newark,
& Kearny) Counties
Plumbers & Pipefitters:
Area 1
Area 2

Basic Hourly Rates

Fringe Benefits Payments

H & W

Pensions

Vacation

Education and/or Appr. Tr.

MODIFICATIONS P. 2

DECISION #NJ77-3092 - Mod. #5
Plumbers & Gasfitters:
Essex (except all of the Oranges,
Livingston, & Maplewood) &
Hudson (Harrison, East Newark,
& Kearny) Counties
Plumbers & Pipefitters:
Area 1
Area 2

Basic Hourly Rates

Fringe Benefits Payments

H & W

Pensions

Vacation

Education and/or Appr. Tr.

MODIFICATIONS P. 2

DECISION #NJ77-3092 - Mod. #5
Plumbers & Gasfitters:
Essex (except all of the Oranges,
Livingston, & Maplewood) &
Hudson (Harrison, East Newark,
& Kearny) Counties
Plumbers & Pipefitters:
Area 1
Area 2

Basic Hourly Rates

Fringe Benefits Payments

H & W

Pensions

Vacation

Education and/or Appr. Tr.

MODIFICATIONS P. 2

DECISION #NJ77-3092 - Mod. #5
Plumbers & Gasfitters:
Essex (except all of the Oranges,
Livingston, & Maplewood) &
Hudson (Harrison, East Newark,
& Kearny) Counties
Plumbers & Pipefitters:
Area 1
Area 2

Basic Hourly Rates

Fringe Benefits Payments

H & W

Pensions

Vacation

Education and/or Appr. Tr.

MODIFICATIONS P. 2

DECISION #NJ77-3092 - Mod. #5
Plumbers & Gasfitters:
Essex (except all of the Oranges,
Livingston, & Maplewood) &
Hudson (Harrison, East Newark,
& Kearny) Counties
Plumbers & Pipefitters:
Area 1
Area 2

Basic Hourly Rates

Fringe Benefits Payments

H & W

Pensions

Vacation

Education and/or Appr. Tr.

MODIFICATIONS P. 2

NOTICES

MODIFICATIONS P. 9

NOTICES

MODIFICATIONS P. 10

FEDERAL REGISTER, VOL. 43, NO. 112--FRIDAY, JUNE 9, 1978

DECISION 001178-2056 (Cort'd)

Basic Hourly Rates	Fringe Benefits, Payments			
	H & W	Pensions	Vacation %	Education and/or Appr. Tr.
\$11.73	.52	.60		.045
11.72	.80	.50		
11.50	.80	.50		
10.85	.60	.50		.05
10.95	.60	.50		.05
11.00	.60	.50		.05
11.05	.60	.50		.05
11.20	.60	.50		.05
11.35	.60	.50		.05
11.60	.60	.50		.05
10.32	.60	.50		.05
10.47	.60	.50		.05
9.06	.55	.40		.05

CHANCE:

NeGa Co.

ROOFERS:

Clark, Clinton, Darks, Greene, Miami, Montgomery, Preble, & Shelby Cos.:

Slate, Tile, & Asbestos Composition, Damp & Waterproof Workers

LABORERS:

Brown, Clermont, Clinton, & Hamilton Cos.:

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

GROUP 6

GROUP 7

GROUP 8

GROUP 9

Rosa Co.:

Brick tenders; Stonemasons' tenders; Plasterers' tenders;

Mortar mixer & ops.; Cement masons' tenders; All scaffold builders (Swinging scaffolds); Jackhammer ops.; Air or electrical pneumatic tool ops.; Power driven tools; Power buggy ops.; Fork lift ops.; Power wheelbarrow ops.; Asphalt & blacktop rakers; Wall wrecker & bar man on demolition; Sandblasting; Welders on demolition; Gunnite nozzle man; Wagon & churn drill ops.; Concrete saw ops.; Brush feeders on pulverizers; Pipe layers; Bottom man; Laser Gun; Burners; Sandblasting of concrete; Vibrator man; Carpenters' tenders;

NOTICES

DECISION #OH78-2056 (Cont'd)

Basic Hourly Rates	Fringe Benefits, Payments			Education end/or Appr. Tr.
	H & W	Pensions	Vacation	
<p>CHANCE:</p> <p>Common laborers; Pouring of all concrete; Cleaning debris; Clean-up incl. vacuum cleaning; Landscape; Sod layers; Loading & unloading all trucks; Handling & conveying all materials; Washing of all windows; A man on bucket pouring concrete; Conveyor belt; All water pumps up to & incl. 3" intake</p>	\$8.86	.40	.55	.05
<p>TRUCK DRIVERS:</p> <p>Adams, Brown, Highland, Lawrence (W. of Coal Grove & W. of St. Rte #75), Pike, Ross, & Soloto Cos.:</p> <p>Jeep; Station wagons; Pickups; Fuel trucks; Dumps to & incl. 2 tons; Bus drivers (incl. all equipment used for hauling men & materials)</p> <p>Dumps over 2 tons: Tandems; Semi-tractor; Lathes; Fork lifts (incl. mason tending work); Euclid</p>	8.96		21.50a	
<p>OMIT:</p> <p>TRUCK DRIVERS:</p> <p>Gallia, Lawrence (E. of Ohio St. Rte #75), & Meigs Cos.</p>	9.88		21.50a	
<p>ADD:</p> <p>TRUCK DRIVERS:</p> <p>Gallia, Lawrence (E. of Ohio St. Rte #75), & Meigs Cos.</p>				

MODIFICATIONS P. 17

PRECISION NO. 01178--2056 (Cont'd)

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments		
		Ill & W	Pensions	Vacation
				Education end-of Appr. Tr.
Gallia, Lawrence (E. of Ohio St. Ave #75), & Meigs Cos.; Truck helpers; pickups; Station wagons; Panel trucks; Yardmen; Warehousemen; Flatbody material truck (straight job); Greasers; Washers; Tiremen; Gas pump attendants; Dump trucks (up to 5 cubic yards)	\$ 9.86 9.94	93.17d 93.17d	60.67d 60.67d	1.00 1.00
Tank trucks (straight)				
Dump trucks (5 cu. yds. & over); Semi-dump trucks; Semi-trailers (whether flat, rack or pole & hauled or pushed by truck or tractor); Agitator or mixer trucks (up to 5 cu. yds.); Tank truck (semi)	10.09	93.17d	60.67d	1.00
Low boy trailers; Winch trucks; Fork trucks; Distributor trucks (front end & back end); Truck crane; Monorail truck	10.14 10.19	93.17d 93.17d	60.67d 60.67d	1.00 1.00
Material checker & receiver	--			
Agitator or mixer truck (5 cu. yds. & over)	10.24	93.17d	60.67d	1.00
Mechanic's helper	10.19	93.17d	60.67d	1.00
Tri-axle dump trucks; Hydraulic lift tailgate trucks & farm type tractors; End dumpsters; Turners; rockers; Ross carriers; Althey wagon or similar equipment; A-frame; Hydrolift; Dual purpose trucks	10.49	93.17d	60.67d	1.00

NOTICES

MODIFICATIONS P. 18

DECISION 001178-2057 - MOD. #1

Description	Fringe Benefits, Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vocation		
CHANCE:					
(43 FR 20685 - Nov 12, 1978)					
Ashtabula, Cuyahoga, Lake, Lorain, Portage, Stark, & Summit Counties, Ohio					
	\$12.98	.60	1.20		.03
BOILERMAKERS					
BRICKLAYERS; Stonemasons:					
Ashtabula Co.	11.21	.95	.70		
Cuyahoga Co.	12.65	1.05	1.20		.01
Lake Co.	13.02	.60	1.00		
Lorain Co.	12.85		.60	f	.01
CEMENT MASONS:					
Ashtabula Co.	11.21	.95	.70		
Lake Co.	13.02	.60	1.00		.01
Lorain Co.	12.85		.60	f	
ELECTRICIANS:					
Ashtabula Co. (Twp. of Cole- brook, Wayne, Williamsfield, Orwell, & Windoor)	13.39	.60	7%		.7%
LINE CONSTRUCTION:					
Ashtabula Co. (Twp. of Cole- brook, Orwell, Wayne, Williamsfield, & Windoor); Portage Co. (Twp. of Charleston, Edinburg, Freedom, Hiram, Nelson, Palmyra, Paris, & Windom); Cable Splicer op.; Linemen; Pole Digging Equipment op.	14.07	.45	3%		½%
Groundmen:					½%
Over 3 yrs.	11.26	.45	3%		½%
3rd yr.	10.55	.45	3%		½%
2nd yr.	9.85	.45	3%		½%
1st 6 mos.	8.44	.45	3%		½%
MARBLE SETTERS:					½%
Ashtabula Co.	11.21	.95	.70		.01
Cuyahoga Co.	12.65	1.05	1.20		
Lake Co.	13.02	.60	1.00	f	.01
Lorain Co.	12.85		.60		
MARBLE SETTERS' FINISHERS:					
Cuyahoga, Lake & Lorain Cos.	11.76		1.50		
PLASTERERS:					
Ashtabula Co.	11.21	.95	.70		
Lake Co.	13.02	.60	1.00		.01
Lorain Co.	12.85		.60	f	.01

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DECISION #01178-2057 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
11.21	.95	.70			.01
12.65	1.05	1.20			
13.02	.60	1.00	f		.01
12.85		.60			
12.62		1.20			
11.21	.95	.70			
12.905	1.50	1.50			
13.02	1.00	1.00			.01
12.85	.60	.60	f		
12.29		1.50			

CHANGE:
TERRAZZO WORKERS:
Ashtabula Co.
Cuyahoga Co.
Lake Co.
Lorain Co.
TERRAZZO WORKERS' FINISHERS:
Cuyahoga, Lake, & Lorain Cos.
TILE SETTERS:
Ashtabula Co.
Cuyahoga Co.
Lake Co.
Lorain Co.
TILE SETTERS' FINISHERS:
Cuyahoga, Lake, & Lorain Cos.

ADD:
FOOTNOTES:
f. 2 paid holidays: C&D

DECISION #01178-2058 - MOD. #1
(43 FR 20691 - May 12, 1978)
Ashland, Carroll, Columblana,
Conchocton, Holmes, Medina,
Tuscarawas, & Wayne Cos.,
Ohio

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$12.98	.60	1.20			.03
12.65	1.05	1.20			.01
12.905		1.50			
12.85		.60	f		.01
10.45	.87	.85			.02
11.90	.55	10%			.5%
12.85		.60	f		.01
12.30	.45	324.50			.1%
11.76		1.50			
12.62		1.20			
12.29		1.50			

CHANGE:
Boilermakers:
Carroll, Conchocton, Holmes,
Medina, Tuscarawas, & Wayne
Cos.
Bricklayers: Marble Setters;
Stonemasons; Terrazzo Workers;
Tile Setters:
Medina (Twps. of Ilwaco, &
Grand, Brunswick, Medina,
Liverpool, Montville, & York)
Co.;
Bricklayers: Marble Setters;
Stonemasons; & Terrazzo
Workers
Tile Setters
Medina (Twps. of Litchfield,
Chatham, Harrisville, Homer, &
Spencer) Co.
Carpenters; Millwrights;
Piledriversmen; & Soft Floor
Layers:
Columblana Co.;
Carpenters
Piledriversmen
Cement Masons; Plasterers:
Medina Co. (Rem of Co.);
Cement Masons; Plasterer
Electricians:
Ashland Co.
Marble Setters' Finishers;
Terrazzo Workers' Finishers; &
Tile Setters' Finishers:
Ashland, & Medina (excl. Twps.
of Wadsworth, Guilford, Westfield,
Lafayette, & Sharon) Cos.;
Marble Setters' Finishers
Terrazzo Workers' Finishers
Tile Setters' Finishers

NOTICES

DECISION #01178-2058 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 6.00					
6.50					
6.25					
12.30	.45	324.50			1/2
8.00	.45	324.50			1/2
7.38	.45	324.50			1/2
14.07	.45	3%			
7.035	.45	3%			1/2
8.44	.45	3%			1/2
9.85	.45	3%			1/2
10.55	.45	3%			1/2
11.26	.45	3%			1/2

Notes:
Workers:
hoston Co.;
ash; Paperhangers; Wall
ashers; Wallpaper Cleaners;
Drywall Tapers
ray
ing Stage; Scaffold & Removal
f Wall paper
Construction:
land Co.;
upment Operators; Linemen
ne Truck Drivers
oundman
umbiana (Butler, Fairfield,
rry, Salem, & Unity Twps.)
men; Cable Splicers;
Operator - Pole Digging
Equipment
roundman 1st 6 mos.
roundman 2nd 6 mos.
roundman 2nd yr.
roundman 3rd yr.
roundman over 3 yrs.

notes:
2 paid holidays: C & D

NOTICES

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
11.90		.45			.02
11.21	.95	.70			
11.46	.95	.70			
12.945	.55	.35			.02
12.65	1.05	1.20			.01
12.20	.50				
11.65	.60	1.00			.05
13.02					
12.05					
12.85	.75	.60	e		.01
11.99	.50	.50			.02
10.90	.50				.04
12.20	.60	.65			.075
12.20	.60	.65			.075
10.45	.87	.85			.02

DECISION NO. 01178-2059 - MOD. #1
(43 FR 19562 - May 5, 1978)
Statewide, Ohio

Change:
Bricklayers & Stonemasons:
Allen, Auglaize, Mercer
& Van Wert Cos.
Ashtabula County:
Bricklayers
Sewer Bricklayers
Brown, Butler, Clermont, Hamil-
ton, Preble (Twps. of Dixon,
Gratis, Isreal, Lanier, &
Somers), & Warren Cos.;
Cuyahoga Co. & Medina Co. (ex-
cept the Twps. of Chatham,
Wadsworth, Guilford, West-
field, Sharon, Lafayette,
Harrisville, Homer, Litch-
field & Spencer)
Fayette, Ross & Pike Cos.
Gallia & Meigs Cos.
Geauga & Lake Cos.
Jackson & Vinton Cos.
Lorain Co. & Medina Co.
(Chatham, Harrisville, Homer,
Litchfield, & Spencer Twps.)
Trumbull County
Washington Co., & the re-
mainder of Noble Co.
Carpenters & Piledriversmen:
Brown, Butler, Clermont,
Clinton, Hamilton & Warren
Cos.;
Carpenters
Piledriversmen
Columblana, Harrison &
Jefferson Cos.;
Carpenters

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FEDERAL REGISTER, VOL. 43, NO. 112—FRIDAY, JUNE 9, 1978

MODIFICATIONS P. 25

DECISION NO. 01178-2059 (Cont'd)

/	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Lanomen (Cont'd)					
Eric Co., & Huron Co. (Rem. of Co., & Trumbull) Cos., Mahoning & Trumbull Cos., Ashtabula Co. (Remainder of Co.), Columbiana Co. (Tups. of Butler, Fairfield, Perry, Salem & Unity), Genuga Co. (Tups. of Auburn, Middlefield, Parkman, & Troy) & Portage Co. (Tups. of Charleston, Edinburg, Freedom, Hiram, Nelson, Palmyra, Paris & Windham)	12.70	.73	3%		½%
Painters:					
Athens & Hocking Cos.:					
Brush	11.58				
Spray	12.08				
Brown, Clement, & Hamilton Cos.	14.07	.45	3%		½%
Brush	12.50		.25		
Spray	12.90		.25		
Butler & Warren Counties	10.73				
Brush	11.23				
Spray	8.10				
Sandblasting	8.10				
Sandblasting pot tend	8.60				
Eric, Hancock, Huron, Sandusky Seneca and Wyandot Counties	7.60				
Brush	10.15	.50	.70		50.00 p/yr
Structural Steel & Bridges	10.60	.50	.70		50.00 p/yr
Plumbers & Steamfitters:					
Adams, Athens, Gallia, High-					
Jund, Jackson, Lawrence, Pike					
Seloto, & Vinton Cos.	12.47	.55	.75		
Meigs, Monroe (Rem. of Co.), Morgan (Rem. of Co.), & Washington Cos.	11.73	.52	.60		.045
Add:					
Bricklayers:					
Footnote:					
e. 2 paid holidays: Independence Day and Labor Day					

Add:
Bricklayers:
Footnote:

e. 2 paid holidays: Independence Day and Labor Day

MODIFICATIONS P. 26

DECISION NO. 5078-5023 - Mod. #1
(43 FR 17239 - April 21, 1978)

DECISION NO., 5078-5023 - Mod. #1 (43 FR 17249 - April 21, 1978) Meade and Teton Counties, South Dakota	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Change: Bricklayers; Stonemasons Carpenters; Carpenters, Acoustical and Drywall Applicators Piledrivers Millwrights Concrete Masons Plumbers; Steamfitters Sheet Metal Workers	\$10.25 10.26 10.51 10.76 10.70 8.90 10.28 10.60	.30 .30 .30 .30 .35 .60 .65	.30 .40 .60			.05 .05 .05 .05 .03 .03 .05
DECISION 40728-5012 - Mod. #1 (43 FR 11434 - March 17, 1978) Statewide Utah						
Change: Line Construction Workers: Groundman Line Equipment Serviceman Line Equipment Mechanic: Base Shop Right-of-way Line Equipment Operators Linemen Cable Splicers Marble Setters Sprinkler Fitters Add: Terrazzo Workers & Tile Layers	\$8.24 9.82 9.82 9.98 11.07 12.18 10.12 11.13 10.12	.45 .45 .45 .45 .45 .45 .37 .75	3% 3% 3% 3% 3% 3% 1.05 3.0			1/2% 1/2% 1/2% 1/2% 1/2% 1/2% .08

DECISION #UT78-5012 - Mod. #1
(43 FR 11454 - March 17, 1978)
Statewide Utah

NOTICES

25263

FEDERAL REGISTER, VOL. 43, NO. 112—FRIDAY, JUNE 9, 1978

STATE: Alabama
 COUNTY: *See below
 DATE: Date of Publication
 DECISION NUMBER: AL78-1053
 SUPERSEDING DECISION NO.: AL77-1089 dated July 8, 1977, in 42 FR 35537
 DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*County: Baldwin, Escambia, Mobile and Washington

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vocation		
\$10.29	.55	.95	1.020		.04
10.54	.55	.95	1.054		.04
8.55	.45	.60			.09
11.42	.45	.60	1.079		.04
10.79	.55	.95	1.104		.04
11.04	.55	.95			

Plumbers & Pipefitters:

Area 3
 Area 4
 Area 8
 Area 9
 Area 10

Contracts \$75,000 or less

Contracts over \$75,000

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vocation		
\$ 7.00					
5.50					
4.00					
4.81					
5.63					
5.50					
5.53					
3.71					
5.50					
6.50					
8.84					
7.74					
7.00	.55				
4.00					
4.00					

POWER EQUIPMENT OPERATORS:

Backhoe
 Bulldozers
 Front End Loader

STATE: Florida
 COUNTY: Hillsborough
 DATE: Date of Publication
 DECISION NUMBER: FL78-1054
 SUPERSEDING DECISION NO.: FL76-1014 dated January 23, 1976 in 41 FR 1587
 DESCRIPTION OF WORK: Building construction (excluding single family homes and garden type apartments up to and including 4 stories)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vocation		
\$10.25	.60	1.05			.02
9.15					
8.765	.325	.30			.04
9.37	.45	.45			.06
9.015	.325	.30			.04
8.60	.45	.50			.09+.01
8.87	5%	3%+3%	4%		.10
10.20	5%	3%+3%	4%		.10
10.30	.65	.50			.05
5.14					
9.49		.20			.01
10.80	.45	3%			3/4%
11.23	.45	3%			3/4%
8.30	.45	3%			3/4%
6.26	.45	.32			.06
8.65	.35	.40			.05
8.76	.30	.50			.05
7.22					
8.05	.25	.20			.02
5.60	.25	.20			.02
9.05	.45	.50			.10

LINE CONSTRUCTION:

Linen and Heavy Equipment

Operator

Cable Splicers

Winch Truck Drivers Operator

Groundmen

PAINTERS

PLASTERERS

ROOFERS

ROOFERS, Kettlemen

TILE SETTERS

Welder-receive rate prescribed

for craft performing operator to

which welding is incidental.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vocation		
\$10.89	.375	.35			.05
10.14	.375	.35			.05
9.905	.375	.35			.05
9.685	.375	.35			.05
8.135	.375	.35			.05
7.875	.375	.35			.05
7.665	.375	.35			.05

GROUP A: Cat cranes, truck cranes pile driver crane, derrick, dragline, material hoist with Chicago boom, material hoist with two drums, hydraulic lift form, diesel electric and steam generators, motor grader, pumperete or similar machine, cherry picker (trall), hypto and wheelabrator and mechanic, tractor back hoe, drill, rig & tack boom tractor

GROUP B: Tugger hoist

GROUP C: Trenching machine over 24" winch truck, material hoist (elevator type)

GROUP D: Crawler bulldozer, crawler tractor and turnapull, heavy hufftype front end loader, heavy DN-10 to DN-21 type rubber tired tractor, road roller, fireman, forklift, concrete batch plant operator

GROUP E: Air compressor 125 cu. ft. or over

GROUP F: Wellpoint system and pumps, material hoist, front end loader other than heavy huff type, rubber tired tractor with attachments other than backhoe

GROUP G: Concrete mixer, rubber tired tractor without attachments, trenching machines under 24" high lift, sand blasting machine, welding machine, air compressor, miscellaneous pumps

150' boom, including jib scale of top operator classification plus \$25 per hour.
 Tower crane operators \$25 per hour above top operator classification not including long boom pay.

DECISION NO. FL78-1054 (Cont'd)

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SUPERSEDES DECISION

STATE: Oklahoma
COUNTIES: Oklahoma, Cleveland, Caddo, Grady, Canadian, Kingfisher, Lincoln, Logan, McClain, Seminole and Pottawatomie
DATE: Date of Publication
SUPERSEDES DECISION NO. OK77-4273 dated September 30, 1977 in 42 FR 53091
DESCRIPTION OF WORK: Building construction (but does not include single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$11.75	.45	1.00		.02
BOILERMAKERS	10.55	.80	1.00		.02
BRICKLAYERS-STONEMASONS:					
Oklahoma, Cleveland, Canadian and McClain Counties	10.60	.62	.75		.05
Lincoln, Pottawatomie and Seminole Counties	9.85	.50	.30		.05
Kingfisher County	8.75	.30			.10
Logan County	10.27	.50	.50		.05
Caddo and Grady Counties	9.50	.50	.30		.05
CARPENTERS - ZONE I					
Carpenters	8.75	.55	.25		.05
Power saw operator	9.00	.55	.25		.05
Millerwrights-Piledrivemen	9.90	.45	.60		.09
CARPENTERS - ZONE II					
Carpenters	9.65	.45	.60		.09
Millerwrights-Piledrivemen	9.90	.45	.60		.09
Power saw operator	9.90	.45	.60		.09
CARPENTERS - ZONE III					
Carpenters	9.66	.45	.25		.09
Power saw operator	9.91	.45	.25		.09
Millerwrights-Piledrivemen	9.91	.45	.25		.09
CARPENTERS - ZONE IV					
Carpenters	8.70	.45	.25		.02
Millerwrights-Piledrivemen	9.525	.45	.25		.02
CARPENTERS V					
Carpenters	9.50	.50	.30		.10
Millerwrights-Piledrivemen	9.90	.45	.60		.09

CARPENTERS AREA DEFINITION
ZONE I - Northern 1/2 of Lincoln County bound on the South by Interstate 35 on the East of Highway 99
ZONE II - Pottawatomie County and part of Lincoln County south of Turner Turnpike; the City limits of Moore in Cleveland County; all of Oklahoma, Canadian, Kingfisher and Logan Counties.
ZONE III - McClain County and Cleveland County (except that area covered by the City limits of Moore)
ZONE IV - Seminole County
ZONE V - Caddo and Grady Counties

DECISION NO. OK78-4054

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CEMENT MASONS:					
Lincoln, Oklahoma, McClain, Caddo, Grady, Cleveland, Canadian, Logan & Kingfisher Cos.	\$ 9.23	.40			1 1/2
ELECTRICIANS:					
Zone I	10.85	.70	3 1/2	.50	1 1/2
Zone II	11.10	.70	3 1/2	.50	1 1/2
Zone III	11.35	.70	3 1/2	.50	1 1/2
CABLE SPLICERS:					
Zone I	11.10	.70	3 1/2	.50	1 1/2
Zone II	11.35	.70	3 1/2	.50	1 1/2
Zone III	11.60	.70	3 1/2	.50	1 1/2

ELECTRICIANS-CABLE SPLICERS ZONE DEFINITION
ZONE I - the area within the twelve mile radius of the main Post Office located in one of the cities listed as follows: El Reno, Moore, Norman, and Oklahoma City.
ZONE II - the area between the twelve mile zone 1 radius to thirty mile radius of the zone 1 post office, except where zone 2 intercepts another zone 1 area.
ZONE III - the area outside zones 1 and 2 and within the local union area.

	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELEVATOR CONSTRUCTORS	110.11	.545	.35	2 1/2	.02
ELEVATOR CONSTRUCTORS HELPER	70.12	.545	.35	2 1/2	.02
GLAZIERS	9.30				
IRONWORKERS	10.10	.45	.65		.12
LABORERS:					
ZONE I					
Group I	7.65	.25	.40		
Group II	7.90	.25	.40		
ZONE II					
Group I	6.30	.25	.40		
Group II	6.55	.25	.40		
ZONE III					
Group I	6.45	.25	.40		
Group II	6.75	.25	.40		
ZONE IV					
Group I	6.15	.25	.40		
Group II	6.40	.25	.40		

NOTICES

FEDERAL REGISTER, VOL. 43, NO. 112—FRIDAY, JUNE 9, 1978

DECISION NO. 79-4074

LABORERS CLASSIFICATION DEFINITION

GROUP I - Unskilled laborers
GROUP II - Air tool operator (jackhammer-vibrator), mason tenders, mortar mixers, pipelayers (concrete and clay), plasterers tenders

AREA COVERED BY LABORERS ZONES

ZONE I - Oklahoma, Canadian, Logan, Pottawatomie, Lincoln and Cleveland Counties.
ZONE II - McClain, Caddo and Grady Counties
ZONE III - Seminole County
ZONE IV - Kingfisher County

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
LATHERS	\$ 9.00				.01
LINE CONSTRUCTION:					
Linenmen	9.85		3%		1/2%
Cable splicers	10.44		3%		1/2%
Hole digger operator	8.94		3%		1/2%
Heavy equipment operators (or pole cat equivalent)	8.94		3%		1/2%
Line truck driver (winch op.)	8.09		3%		1/2%
Jack hammerman	7.37		3%		1/2%
Powderman	8.94		3%		1/2%
Groundman (1st year)	5.12		3%		1/2%
Groundman	6.57		3%		1/2%
Truck driver (flat bed, ton and half and under)	7.02		3%		1/2%
MARBLE MASONS	10.05		.30		
PAINTERS:					
Brush	8.95	.50	.35	.35	.03
Spray under 30 feet	9.45	.50	.35	.35	.03
Spray over 30 feet	9.45	.50	.35	.35	.03
Sandblasting under 30 feet	9.45	.50	.35	.35	.03
Sandblasting over 30 feet	9.45	.50	.35	.35	.03
Hazardous work	9.45	.50	.35	.35	.03
Paperhanging	9.45	.50	.35	.35	.03
Tapers using machine tools	9.45	.50	.35	.35	.03
PLASTERERS	10.00		.85		.10
PLUMBERS-PIPEFITTERS	11.67				
POWER EQUIPMENT OPERATORS:					
Group I	11.25	.45	.50		.12
Group II	11.00	.45	.50		.12
Group III	10.75	.45	.50		.12
Group IV	10.50	.45	.50		.12
Group V	10.25	.45	.50		.12
Group VI	10.00	.45	.50		.12
Group VII	9.75	.45	.50		.12
Group VIII	9.35	.45	.50		.12
Group IX	8.75	.45	.50		.12
Group X	8.75	.45	.50		.12
Group XI	8.75	.45	.50		.12

DECISION NO. OK78-4054

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I
All crane type equipment with 250' of boom or over (including jib)
GROUP II
All crane type equipment with 200' of boom or over (including jib)
GROUP III
All crane type equipment with 150 - 200' of boom (including jib)
GROUP IV
All crane type equipment with 100 - 150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more (as rated by mfg.), sideboom (booms 30' & over), guy derrick
GROUP V
Heavy duty mechanic, welder, crane-hood & overhead monorail, whirley, panel board, batch plant operator, pile-driver engineer, dragline, shovel, clamshell, backhoe (3/4 yd & over); sideboom (under 30'), gradeall, hydro crane, cherry picker, hoist while operating 2 or more drums, hoists while doing stacks & chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)
GROUP VI
Motor patrol (blade), fork lift (35' & over), dozer (engine h.p. 65 or over) forson tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, tournapull, DW 10, 15, 16, 20, 21 and similar rubber tired equipment, euclid, TS-24 and similar, loader operator or Hi-lift (engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, powder driven hole digger with less than 30' mast, trenching machine, concrete pump-boom type - Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications

NOTICES

GROUP VII
Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. & under, air compressor, over 500 cu. ft. (1) pumps, Battery, 3 to 6, fork-lift, bobcat and similar equipment, generator plant engineer, diesel elec., winch truck with A-frame, toiler, all types, outside elevator or building type of personnel, hoist, concrete mixer or tapper, heaters under jurisdiction of operating Engineers, fireman, boiler operator, crushing plants, oiler distributor, pulverizer, farmer tractor with or without attachments, batch plant operator (portable), conveyor-operator dual, continuous or belt bulk handling, screened operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines -- Engineers for machines not listed under the above classifications shall receive the scale comparable to those classifications
GROUP VIII
Greaser, tilt top trailer operator
GROUP IX
Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft., and under (1 or 2), welding machine (1 or 2) pump (1 or 2), fuelman, conveyor operator-single-continuous belt bulk handling
GROUP X
Asphalt lay machine- back end man, mechanic helper and welder helper
GROUP XI
Truck crane oiler driver or truck crane oiler

FEDERAL REGISTER, VOL. 43, NO. 112—FRIDAY, JUNE 9, 1978

STATE: Oklahoma
 COUNTIES: Tulsa, Creek, Craig, Ottawa, Delaware, Mayes and Rogers
 DECISION NO. OK78-4054
 DATE: Date of Publication
 SUPERSEDES DECISION NO. OK78-4022 dated March 17, 1978 in 43 FR 11451
 DESCRIPTION OF WORK: Building Construction (but does not include single family homes and garden type apartments up to and including 4 stories).

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation
ROOFERS	9.15	.60	.25	.06
SHEET METAL WORKING	10.82	.50	.84	.07
SOFT FLOOR LAYERS:				
Resilient floor layers and carpet layers	9.10	.50		.03
SPRINKLER FITTERS	11.60	.75	1.05	.08
TERRAZZO WORKERS	10.05		.30	
TERRAZZO WORKERS FINISHER	6.98			
TERRAZZO BASE MACHINE MAN	7.28			
TERRAZZO FLOOR MACHINE MAN	7.08			
TILE SETTERS	10.05		.30	
TILE & MARBLE FINISHERS:				
Experienced finishers	6.65			
TRUCK DRIVERS:				
Group I	6.92			
Group II	6.92			
Group III	6.62			

TRUCK DRIVERS CLASSIFICATION DEFINITION

GROUP I - Truck drivers for heavy equipment such as lowboys, heavy winch and floats

GROUP II - Heavy earth-moving equipment such as dump trucks and Euclid's.

GROUP III - Truck drivers and swimmers, such as dump trucks, flat beds, stake bodies, and 3/4, and 1/2 ton pick-up trucks.

WELDERS - received rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

A. 1st 6 mos. - none; 6 mos. to 5 yrs. 6%; over 5 yrs. - 8% of basic hourly rate.
 B. Paid holidays A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
 E-Thanksgiving Day; F-Christmas Day.

NOTICES

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation
CEMENT MASONS:				
Cement masons	10.22		.40	.16
Power tool operator	10.47		.40	.16
ELECTRICIANS:				
Electricians	10.65	.46	374.40	.07
Cable splicers	10.90	.46	374.40	.07
ELEVATOR CONSTRUCTORS	10.40	.545	.35	.02
ELEVATOR CONSTRUCTORS' HELPER	707JR	.545	.35	.02
(Probationary 6 months)				
GLAZIERS:	502JR			
Area I	9.16	.50	.30	.01
Area II	8.05			
GLAZIERS-AREA DEFINITIONS:				
AREA I - Tulsa, Creek, Mayes, and Rogers Counties				
AREA II - Craig, Delaware and Ottawa Counties	10.10	.45	.65	.12
IRONWORKERS:				
Group I	7.65	.25	.40	
Group II	7.95	.25	.40	
Group III	8.05	.25	.40	
Group IV	8.50	.25	.40	

LABORERS CLASSIFICATION DEFINITIONS

GROUP I - All digging and dirt work, firing of salamanders and smudge pots; loading and unloading of materials and equipment; loading and unloading of materials to and from hoist or cages for stock piling only; wheeling and placing of concrete; handling of lumber, steel, cement and distribution of materials; all cleaning, including cleaning of windows, wrecking and razing of building and all structures; cleaning when the man is directly tending; and common laborers.

GROUP II - All machines tool operators that come under the jurisdiction of the laborer; all sewer and drain tile layers and handling at the ditch, excluding distribution; operators of water pumps up to 4 inches and slip form jacks; men erecting scaffolds and directly tending ladders, masons, cement masons and plasterers, mortar mixers, bed carriers and dry mixers, high work over 30 feet from the ground or floor; cement finisher helper; work on swing-ing scaffold; all kettle and pot men; tank cleaning, all pipe doing treating and wrapping, including all men working with deep mortar and plaster mixing machine, pump-concrete machines, and gunite mixing machines, including placing of concrete; handling crocated or treated materials, liquid acids, or like materials, when injurious to health, eye and skin or clothes; all newly developed mechanical equipment which replaces wheel barrows or buggies previously used by laborers; all scale man on batch plants; all laborers screening sand, running sand drier, and feeding operating sand blaster, except nozzle; signalmen and cutting torch operators in connection with laborers work; concrete grader

GROUP III - Wagon drill operator

GROUP IV - Powdermen or blaster

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation
LATHERS	8.65		.30	.01
LINE CONSTRUCTION:				
Linemens	9.85		3%	1/2
Cable splicers	10.44		3%	1/2
Hole digger operator	8.94		3%	1/2
Heavy equipment op. (pole or cat equivalent)	8.94		3%	1/2
Jack Hammerman	7.37		3%	1/2
Line truck driver (winch op.)	8.09		3%	1/2
Powderman	8.94		3%	1/2
Groundman	6.57		3%	1/2
Truck driver (flat bed ton and half and under)	7.02		3%	1/2

NOTICES

	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation
PAINTERS (Craig, Ottawa and Delaware Counties:				
Brush, roller, tapers, paper-hangers	7.92		.30	
Spray, steamclean, sandblast, and pot tenders	8.295		.30	
PAINTERS (Tulsa, Creek, Rogers and Mayes Counties:				
Brush	10.40		.40	.07
Highwork and stage	10.80		.40	.07
Spray and sandblasting	11.05		.40	.07
Hot or bituminous	11.70		.40	.07
Sheetrock handtools	10.40		.40	.07
Sheetrock power tools	10.75		.40	.07
Insardous work	12.60	.55	.40	.07
PIPEFITTERS	11.57		.75	.08
PLASTERERS	10.15	.55	.75	.08
PLUMBERS	11.57		.75	.08
POWER EQUIPMENT OPERATORS:				
GROUP I	11.25	.45	.50	.12
GROUP II	11.00	.45	.50	.12
GROUP III	10.75	.45	.50	.12
GROUP IV	10.50	.45	.50	.12
GROUP V	10.25	.45	.50	.12
GROUP VI	10.00	.45	.50	.12
GROUP VII	9.75	.45	.50	.12
GROUP VIII	9.50	.45	.50	.12
GROUP IX	8.75	.45	.50	.12
GROUP X	8.75	.45	.50	.12
GROUP XI	8.75	.45	.50	.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - All crane type equipment with 250' of boom or over (including jib)
 GROUP II - All crane type equipment with 200' of boom or over (including jib)
 GROUP III - All crane type equipment with 150 - 200' of boom (including jib)
 GROUP IV - All crane type equipment with 100 - 150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more (as rated by mcg).
 GROUP V - Heavy duty mechanic, welder, crane-hood & overhead monorail, whirley, pane; board, batch plant operator, pilotdriver engineer, dragline, shovel, clamshell, backhoe (3/4 yd & over); sideboom (under 30'), gradeall, hydro crane, cherry picker, hoist while operating 2 or more drums, hoists while doing stacks & chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D.)

GROUP VI - Motor patrol (blade), fork lift (35' & over), dozer (engine h.p. 65 or over) forson tractor or like equipment with hoe or loader equipment of ditcher, scraper type equipment, turnout pull, 10, 15, 16, 20, 21 and similar rubber tired equipment, euclid, 78-24 and similar, loader operator or Hi-lift (engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, powder driven hole digger with less than 30' mast, trenching machine, concrete pump-boom type - Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.

GROUP VII - Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. & under, air compressor, over 500 cu. ft. (1) pumps, battery, 3 to 6, fork-lift, bobcat and similar equipment, generator plant engineer or building type of personnel, hoist, roller, all types, outside elevator or building type of personnel, hoist, concrete buster or tamper, heaters under jurisdiction of Operating Engineers, firmman, boiler operator, crushing plants, oiler distributor, pulverizer, farmer tractor with or without attachments, batch plant operator (portable), conveyor-operator dual, continuous or belt bulk handling, screw operator, signal man on large wharfs when and if required, operator for rotary drilling machines when operated from console or machines - Engineers for machines not listed under the above classification shall receive the scale comparable to those classifications.

GROUP VIII - Grader, tilt top trailer operator
GROUP IX - Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft., air compressor, 500 cu. ft., and under (1 or 2), welding machine (1 or 2) pump (1 or 2), fuelman, conveyor operator-single continuous belt bulk handling

GROUP X - Asphalt lay machine back end man, mechanic helper and welder helper

GROUP XI - Truck crane oiler driver or track crane oiler

	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	9.15	.60	.25		.04
SHEET METAL WORKERS	9.53	.50	.66		.10
SOFT FLOOR LAYERS	7.71		.45	74+b	.03
SPRINKLER FITTERS	11.15	.65	.95		.08
TERRAZZO WORKERS	9.90		.30		
TERRAZZO WORKERS' & Tile layers finishers	8.19				
TERRAZZO WORKERS' floor machine operator	8.30				
TERRAZZO WORKERS' base machine operator	8.51		.30		
TILE LAYERS	9.90				

NOTICES

	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: (DELAWARE COUNTY)					
Group I	7.55				
Group II	7.65				
Group III	7.75				
Group IV	7.70				
Group V	7.85				

DELAWARE COUNTY - TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP I - Pick-up 1 1/2 tons, or 2 1/2 yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses.
GROUP II - 3 tons or 4 yards and up to but not including 4 tons or 6 yards
GROUP III - 5 tons or 6 yards and over including heavy equipment such as pole trucks, winch trucks, euclid, Mississippi wagons, semi-dumps, turner pulls, or other heavy material moving equipment, tractor trailer drivers and similar equipment, such as tractors, ten wheelers
GROUP IV - Ready mix concrete trucks up to but not including 3 yards
GROUP V - Ready mix concrete trucks 3 yards and over

TRUCK DRIVERS (TULSA, CHERRY, GRAF)

	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group I	8.83				
Group II	8.88				
Group III	8.98				
Group IV	8.98				
Group V	8.98				

TULSA, CHERRY, GRAF, OTTAWA, MAY'S AND ROGERS COUNTIES - TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP I - Truck drivers, including pick-up, 1 1/2 tons or 2 1/2 yards up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake body or bus driver
GROUP II - 3 tons or 4 yards, up to but not including 4 tons or 6 yards.
GROUP III - 5 tons or 6 yards and over including heavy equipment
GROUP IV - Ready mix concrete truck
GROUP V - Tractor-trailer and similar equipment

FOOTNOTES:

a - 1 6 mos. none; 6 mos. to 5 yrs. -.6%; over 5 years - .8% of basic hourly rate.
b - Paid Holidays - A through F

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FEDERAL REGISTER, VOL. 43, NO. 112—FRIDAY, JUNE 9, 1978

STATE: Oklahoma

SUPERSEDES DECISION

COUNTY: Muskogee, Adair, Cherokee

and Okmulgee

DECISION NO. OK78-4015

DATE: Date of Publication

Supersedes Decision No. OK77-4284 dated September 30, 1977 in 42 FR 5109
DESCRIPTION OF WORK: Building Construction (but does not include single family homes and garden type apartments up to and including 4 stories), and heavy construction within the City of Muskogee.

	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	\$12.20	.35	.75		.015
Boilermakers	10.55	.80	1.00		.02
Bricklayers	10.25	.45	.40		.05
Carpenters:					
Area I	8.85	.45	.75		.06
Area II	8.35	.45	.75		.05
Millwrights & Piledrivers:					
Area I	9.35	.45	.65		.06
Area II	9.70	.45	.75		.05

CARPENTERS-MILLRIGHTS-PILEDRIVERS AREA DEFINITIONS

AREA I -- MUSKOGEE, ADAIR & CHEROKEE

AREA II -- OKMULGEE

Cement Masons:

Area I

Cement Masons

Power Tool Operator

Area II

Cement Masons

Power Tool Operator

Area I

Cement Masons

Power Tool Operator

Area II

Cement Masons

Power Tool Operator

Area I

Cement Masons

Power Tool Operator

Area II

Cement Masons

Power Tool Operator

Area I

Cement Masons

Power Tool Operator

Area II

Cement Masons

Power Tool Operator

Area I

Cement Masons

Power Tool Operator

Area II

Cement Masons

Power Tool Operator

Area I

Cement Masons

Power Tool Operator

Area II

Cement Masons

Power Tool Operator

Area I

Cement Masons

Power Tool Operator

Area II

Cement Masons

Power Tool Operator

Area I

Cement Masons

Power Tool Operator

Area II

Cement Masons

Power Tool Operator

	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Elevator Constructors	10.40	.545	.35	44+ab	.02
Glaziers	9.16	.50	.30		.01
Ironworkers:	10.10	.45	.65		.12
Area I -- Muskogee, Adair & Cherokee					
Area II -- Okmulgee					

ALL DIGGING AND DIRT WORK, FIRING OF SALVANDERS AND PORTABLE SPACE HEATERS.
ALL LOADING AND UNLOADING OF MATERIALS AND EQUIPMENT. ALL LOADING AND UNLOADING OF MATERIALS TO AND FROM HOIST OR CAGES FOR STOCK PILING ONLY. WHEELING AND PLACING OF CONCRETE. HANDLING OF LUMBER, STEEL, GEAR AND DISTRIBUTION OF MATERIALS. ALL CLEANING, INCLUDING CLEANING OF WINDOWS. ALL WRECKING AND RAZING OF BUILDINGS AND ALL STRUCTURES, CLEANING AND CLEANING OF DEBRIS. LOADING AND UNLOADING OF MATERIALS, HOIST OR CAGES, EXCEPT WHEN THE MACH IS DIRECTLY TENDING LATHERS, MASONS OR PLASTERERS. WATER BOYS, WHEN USED. CAR-

Area I	6.85	.25	.40
Area II	7.65	.25	.40

ALL MACHINE TOOL OPERATORS THAT COME UNDER THE JURISDICTION OF THE LABORERS.
ALL SIVER AND DRAIN TILE LAYERS AND WELDING AT THE DITCH, EXCLUDING DISTRIBUTION OPERATORS OF WATER PUMPS UP TO FOUR INCHES AND SLIP FORM JACKS. ALL MEN ERECTING SCAFFOLDS AND DIRECTLY TENDING LATHERS, MASONS, CEMENT MASONS AND PLASTERERS.
MORTAR MIXERS, ROD CARRIERS AND DRY MIXERS. HIGH WORK OVER 30 FEET FROM GROUND OR FLOORS. CEMENT FINISHER HELPER. WORK ON SWINGING SCAFFOLD. ALL KETTLE AND POT PAN, TANK CLEANING, ALL PIPE DOPING, TREATING AND WRAPPING. INCLUDING ALL MEN WORKING WITH DOPE. MORTAR AND PLASTER-MIXING MACHINE, PUMP-CRETE MACHINE, AND CONCRETE MIXING MACHINES, INCLUDING PLACING OF CONCRETE. HANDLING CRESOTED TREATED MATERIALS, LIQUID ACT, OR LIKE MATERIALS WHEN INJURIOUS TO HEALTH. FIVES AND SKIN OR CLOTHES. ALL HEAVY DEVELOPED MECHANICAL EQUIPMENT WHICH REPLACES WHEEL BARROWS OR BUCKETS PREVIOUSLY USED BY LABORERS. ALL SCALE MEN ON BATCH PLANTS. ALL LABORERS SCREENING SAND, RUNNING SAND DRIER, AND FEEDING OPERATING SAND BLASTER, EXCEPT NOZZLE. ALL FLAG MEN, SIGNAL MEN AND CUTTING TORCH OPERATORS IN CONNECTION WITH LABORERS' WORK. CONCRETE GRADER.

Area I	7.15	.25	.40
Area II	7.95	.25	.40
WAGGY DRILL OPERATOR			
Area I	7.25	.25	.40
Area II	8.05	.25	.40
FOUNDER OR BLASTIR			
Area I	7.35	.25	.40
Area II	8.50	.25	.40

NOTICES

FEDERAL REGISTER, VOL. 43, NO. 112—FRIDAY, JUNE 9, 1978

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
Lathers					
Line construction:					
Lineman	\$8.65	.30			.01
Cable splicers	9.85	3%			1/2%
Hoist digger operator (pole or cat equivalent)	10.44	3%			1/2%
Heavy equipment operator	8.94	3%			1/2%
Jack hammerman	8.94	3%			1/2%
Line truck driver (winch operator)	7.37	3%			1/2%
Powderman	8.94	3%			1/2%
Groundman	6.57	3%			1/2%
Truck driver (flat bed ton and half and under)	7.02	3%			1/2%
Marble, Tile & Terrazzo Workers	9.90	.30			
Painters (Oklahoma):					
Brush	10.40	.40			.07
Highwork and stage	10.80	.40			.07
Spray and sandblasting	11.05	.40			.07
Hot or bituminous	11.70	.40			.07
Sheetrock power tools	10.40	.40			.07
Hazardous work	10.75	.40			.07
Painters (Adair, Muskogee & Cherokee Counties, Oklahoma):	12.60	.80			.01
Brush-painting & roller	8.50	.40	.20		.07
Highwork & Stage	8.90	.40	.20		.07
Sandblasting & Spray	9.15	.40	.20		.07
Hot or Bituminous	9.80	.40	.20		.07
Hazardous work	10.65	.40	.20		.07
Sheetrock power tools	8.85	.40	.20		.15
Plumbers & Pipefitters	11.30	.50			.01
Plasterers	9.15				

POWER EQUIPMENT OPERATORS:

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
GROUP I					
II	11.25	.45	.50		.12
III	11.00	.45	.50		.12
IV	10.75	.45	.50		.12
V	10.50	.45	.50		.12
VI	10.25	.45	.50		.12
VII	10.00	.45	.50		.12
VIII	9.75	.45	.50		.12
IX	8.75	.45	.50		.12
X	8.75	.45	.50		.12
XI	8.75	.45	.50		.12

NOTICES

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

- Group I
All crane type equipment with 250' of boom or over (including jib)
- Group II
All crane type equipment with 200' of boom or over (including jib)
- Group III
All crane type equipment with 150 - 200' of boom (including jib)
- Group IV
All crane type equipment with 100 - 150' of boom (including jib), all tower cranes all crane type equipment of 3 cu. yd. or more (as rated by mfg), side-boom (booms 30' & over), guy derrick
- Group V
Heavy duty mechanic, welder, crane-hook & overhead monorail, whirley, panel board, batch plant operator, piledriver, engineer, dragline, shovel, clamshell, backhoe (3/4 yd & over); sideboom (under 30'), gradall, hydro crane, cherry picker, hoist while operating 2 or more drums, hoists while doing stack & chimney work (1 or 2 drums), power driven hole digger (with 30' & longer mast)
- Group VI
Motor patrol (blade), fork lift (35' & over), dozer (engine h.p. 65 or over) forson tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, tournapull, DW 10, 15, 16, 20, 21 and similar rubber-tired equipment, Euclid, IS-24 and similar, loader operator or hi-lift (engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multi-plate, panel board control, power driven hole digger with less than 30' mast, trenching machine, concrete pump boom type---Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications
- Group VII
Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. & over, sand barge, dredging machine, tugger, hoist---when operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. & under, air compressor, over 500 cu. ft., (1) pumps, Battery, 3 to 6, fork-lift, bobcat and similar equipment, generator plant engineer, diesel elec., winch truck with a frame, roller, all types, outside elevator or building type of personnel, hoist, concrete bucket or tamper, crushing plants, oiler distributor, pulvimer, farmer tractor with or without attachments, batch plant operator (portable) conveyor pump, form grader, screening plant, well point pump operator, signal run on large whirleys when and if required, operator for rotary drilling machines when operated from console or machines -- Engineers for machines not listed under the above classifications shall receive the scale comparable to those classifications
- Group VIII
Greaser, tilt top trailer operator
- Group IX
Permanent elevator -- building type (automatic), concrete mixer with hopper less than 1-cu. ft., air compressor, 500 cu. ft., and under (1 or 2), welding machine (1 or 2), pump (1 or 2), fuelman, conveyor operator---single-continuous belt bulk handling
- Group X
Asphalt lay machine back end man, mechanic helper, welder helper
- Group XI
Truck crane oiler driver or track crane oiler

STATE: Oklahoma COUNTY: Latimer, LeFlore, Haskell, Sequoyah and Pushmataha
DECISION NO. 0K78-4057 DATE: Date of Publication
SUPERSEDES DECISION NO. 0K77-4270 dated September 30, 1977 in 42 FR 52878
DESCRIPTION OF WORK: Building Construction (but does not include single family homes and garden type apartments up to and including 4 stories).

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
Boilers	\$ 9.15	.60	.25		.04
Sweet Metal Workers	9.55	.50	.66		.10
Sprinkler Fitters	11.60	.75	1.05		.08
Terrazzo Workers Finisher	8.19				
Terrazzo Workers Floor Operator	8.30				
Terrazzo Workers Base Machine Op.	8.51				
Truck Drivers:					
Group 1	\$ 8.03				
2	8.13				
3	8.23				
4	8.18				
5	8.33				

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

- Group I
Pick-up 1 1/2 tons, or 2 1/2 yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses
- Group II
3 tons or 4 yards and up to but not including 4 tons or 6 yards
- Group III
5 tons or 6 yards and over including heavy equipment such as pole trucks, which trucks, euclids, Mississippi wagons, semi-trails, turner pulls, or other heavy material moving equipment, tractor trailer drivers and similar equipment, such as tractors, ten wheelers
- Group IV
Ready-mix concrete trucks up to but not including 3 yards
- Group V
Ready-mix concrete trucks 3 yards and over

NOTES:
a. 1st 6 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate.
b. Paid holidays - A through F
PAID HOLIDAYS:
A-New Years Day, B-Memorial Day, C-Independence Day, D Labor Day, E-Thank's giving Day, F-Christmas Day

NOTICES

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
ASBESTOS WORKERS	\$12.20	.35	.75		.015
BOTTLEMAKERS	10.55	.80	1.00		.02
BRICKLAYERS-STONEMASONS	10.25	.45	.40		.05
CARPENTERS:					
AREA I	8.00	.45	.40		
Carpenters	8.80	.45	.40		
Millwrights & Piledrivermen	8.52	.45	.35		.05
Carpenters	9.28	.45	.35		.05
Millwrights & Piledrivermen	8.85	.45	.65		.06
Carpenters	7.80	.45	.65		.06
Millwrights & Piledrivermen	8.47				

CARPENTERS, MILLWRIGHTS & PILEDRIEVERMEN AREA DEFINITIONS

AREA I
That portion of LeFlore County south of the northern boundary of the Ouachita National Forest; Latimer County and that portion of Haskell County south of Highway 9

AREA II
That portion of LeFlore County east of Highway 82 with the line extending south of the Highway 82 to Highway 9 and the northern portion of LeFlore County south of the Ouachita National Forest; Sequoyah County east of Highway 92 excluding the city of Vian.

AREA III
Remainder of Haskell and Sequoyah Counties

AREA IV
Pushmataha County

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
CEMENT MASONS:					
LeFlore County	8.67	.25			
Pushmataha, Latimer & Haskell Co.	7.50				
Sequoyah County	9.55				
ELECTRICIANS:					
AREA I	10.65	.35	3 1/2-5.5%		1/4%
Electricians	10.90	.35	3 1/2-5.5%		1/4%
Cable splicers					

ELECTRICIANS (CONT'D)	Fringe Benefits Payments			Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	
AREA II				
Electricians	\$10.93	.60	3%	1/2%
Cable splicers	11.35	.60	3%	1/2%
AREA III				
Electricians	11.23	.60	3%	1/2%
Cable splicers	11.63	.60	3%	1/2%

ELECTRICIANS-CABLE SPLICERS- AREA DEFINITIONS

AREA I
Bradon, Pucela and Spiro Townships only in Leflore County; That part of Sequoyah County east of Brent, Pricer, Chapel, Rocky Mount and Sullivan.

AREA II
That part of Sequoyah County within a five mile radius of the Post Office in Sullivan.

AREA III
Remainder of Leflore County; Remainder of Sequoyah County; All of Haskell, Pushmataha and Latimer Counties.

GLAZIERS	Fringe Benefits Payments			Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	
IRONWORKERS	9.16	.50	.30	.01
LABORERS (Haskell, Leflore and Sequoyah Counties):	10.10	.45	.65	.12
Area I	6.85	.25	.40	
Area II	7.15	.25	.40	
Area III	7.35	.25	.40	
Area IV	7.35	.25	.40	
LABORERS (Latimer & Pushmataha Counties):				
Area I	6.45	.25	.40	
Area II	6.75	.25	.40	
Area III	6.95	.25	.40	
Area IV	6.95	.25	.40	

LABORERS- CLASSIFICATION DEFINITIONS

AREA I
Unskilled laborers

AREA II
Semi-skilled laborers, mason tenders, mortar mixers, air tool operator, (jackhammer, vibrator), pipelayers, concrete and clay, sewer drain, and plasterer tenders.

AREA III
Wagon drill operator

AREA IV
Powderman or blasterers

LINE CONSTRUCTION:	Fringe Benefits Payments			Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	
Lineman	\$ 9.85		3%	1/2%
Cable splicers	10.44		3%	1/2%
Hole digger operator (or heavy equipment operator (or pole cat equivalent))	8.94		3%	1/2%
Line truck driver (winch op.)	8.94		3%	1/2%
Jackhammer man	8.09		3%	1/2%
Postman	7.37		3%	1/2%
Groundman (1st year)	8.94		3%	1/2%
Groundman	5.12		3%	1/2%
Truck driver (flat bed, ton and half and under)	6.57		3%	1/2%
MAINTENANCE SETTERS	7.02		3%	1/2%
TILE & TERRAZZO WORKERS	9.90		.30	
TILE & TERRAZZO FINISHERS:	9.90		.30	
Experienced finishers	8.19			
Floor machine operator	8.30			
Base machine operator	8.31			
PAINTERS:				
Brush & roller	8.50		.40	.20
Highwork and stage	8.90		.40	.07
Sandblasting & spray painting	9.15		.40	.20
Hot or bituminous	9.80		.40	.07
Hazardous work	10.65		.40	.20
Shacetrock power tools	8.85		.40	.07
PLASTERERS:				
Leflore County	9.25			.02
Sequoyah County	9.65			.01
PLUMBERS & PIPEFITTERS:				
Pushmataha County	11.67	.60	.85	.10
Leflore, Sequoyah, Latimer and Haskell Counties	11.50	.50	.80	.15
ROOFERS	9.15	.60	.25	.04
SHEET METAL WORKERS	9.53	.50	.66	.10
SOFT FLOOR LAYERS	7.71		.45	.03
SPRINKLER FITTERS	11.60	.75	1.05	.08
THICK DRIVERS:				
Group 1	8.03			
Group 2	8.13			
Group 3	8.23			
Group 4	8.18			
Group 5	8.33			

NOTICES

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

GROUP I
Pick-up 1½ tons, or 2½ yards and up to but not including 3 tons or 4 yards, such as dump trucks, flat beds, stake bodies and buses

GROUP II
3 tons or 4 yards and up to but not including 4 tons or 6 yards

GROUP III
5 tons or 6 yards and over including heavy equipment such as pole trucks, which trucks, euclids, Mississippi wagons, semi-dumps, turner pulls, or other heavy material moving equipment, tractor trailer drivers and similar equipment, such as tractors, ten wheelers

GROUP IV
Ready-mix concrete trucks up to but not including 3 yards

GROUP V
Ready-mix concrete trucks 3 yards and over

POWER EQUIPMENT OPERATORS:	Fringe Benefits Payments			Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	
Group I	\$11.25	.45	.50	.12
Group II	11.00	.45	.50	.12
Group III	10.75	.45	.50	.12
Group IV	10.50	.45	.50	.12
Group V	10.25	.45	.50	.12
Group VI	10.00	.45	.50	.12
Group VII	9.75	.45	.50	.12
Group VIII	9.35	.45	.50	.12
Group IX	8.75	.45	.50	.12
Group X	8.75	.45	.50	.12
Group XI	8.75	.45	.50	.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I
All crane type equipment with 250' of boom or over (including jib)

GROUP II
All crane

GROUP III
All crane type equipment with 200' of boom or over (including jib)

GROUP IV
All crane type equipment with 150 - 200' of boom (including jib)

GROUP V
All crane type equipment with 100 - 150' of boom (including jib), all tower cranes and all crane type equipment of 3 cu. yd. or more (as rated by mfg), sideboom (booms (30' & over)), guy derrick

GROUP VI
Heavy duty mechanic, welder, crane-hood & overhead monorail, whirley, panel board, batch plant operator, piledriver engineer, dragline, shovel, clamshell, backhoe (3/4 yd & over); sideboom (under 30'), gradeall, hydro crane, cherry picker, hoist while operating 2 or more drums, hoists while doing stacks & chimney work (1 or 2 drums), power driven hole digger (with 30' and longer mast)

NOTICES

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP VI

Motor patrol (blade), fork lift (35' & over), dozer (engine h.p. 65 or over) forson tractor or like equipment with hoe or loader equipment of ditcher, scraper type equipment, turnout pull, DW 10, 15, 16, 20, 21 and similar rubber tired equipment, euclid, TS-24 and similar, loader operator or Hi-lift. (engine h.p. 65 or over), asphalt lay machine, tail boom, conveyor-multiple, panel board control, powder driven hole digger with less than 30' mast, trenching machine, concrete pump-boom type - Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications

GROUP VII

Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and over, sand barge, dredging machine, tugger, hoist - when operating one drum, welding machine, 3 to 6, air compressor, 3 to 5, 500 cu. ft. & under, air compressor, over 500 cu. ft. (1) pumps, Battery, 3 to 6, fork-lift, bobcat and similar equipment, generator plant engineer, diesel elec., winch truck with A-frame, roller, all types, outside elevator or building type of personnel, hoist, concrete buster or tamper, heaters under jurisdiction of Operating Engineers, firman, boiler operator, crushing plants, oiler distributor, pulvimeter, farmer tractor with or without attachments, batch plant operator (portable), conveyor-operator duel, continuous or belt bulk handling, screed operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large wharves when and if required, operator for rotary drilling machines when operated from console or machines -- Engineers for machines not listed under the above classifications shall receive the scale comparable to those classifications

GROUP VIII

Greasers, tilt top trailer operator

GROUP IX

Permanent el-vator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft.; air compressor, 500 cu. ft., and under (1 or 2), welding machine (1 or 2) pump (1 or 2), fuelman, conveyor operator-single-continuous belt bulk handling

GROUP X

Asphalt lay machine back end man, mechanic helper and welder helper

GROUP XI

Truck crane oiler driver or track crane oiler

FOOTNOTES:

a. PAID HOLIDAYS

A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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SUPERSEEDING DECISION

STATE: South Dakota
DECISION NUMBER: SD79-5102
COUNTY: Minnehaha
DATE: Date of Publication
Superseeded Decision No. SD77-5086 dated September 23, 1977, in 42 FR 40722
DESCRIPTION OF WORK: Building construction (does not include single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$10.40	.50	\$1.00			.02
BOILERMAKERS	10.30	.85	1.00			.05
BRICKLAYERS, Stonemasons	11.35	.45	.40			
CARPENTERS:						
Carpenters, Piledriver, Drywall,	10.16		.25			.05
Acoustical	11.12		.25			.05
CEMENT MASONS	10.10					1/2%
ELECTRICIANS:	10.40	.40	3+ .50			1/2%
Electricians	11.44	.40	3+ .50			
CABLE SPICERS	8.14					
GLAZIERS	4.35					
LABORERS:	4.45					
Mortar Mixers, Paving Breakers,						
Jack Hammer Operator						
Nozzleman (gunite, sandblast and shotcrete)	4.60					.01
LATHERS	9.96					
PAINTERS:						
Brush	7.79					
Spray	8.29					
Tapers	8.04					.01
PLASTERERS	9.36	.55	.45	.43		.03
PLUMBERS; Steamfitters	10.00		.35	1.00		.08
SHEET METAL WORKERS	9.97		1.05			
SPRINKLER FITTERS	10.55	.75				
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

SUPERSEEDING DECISION

STATE: West Virginia
LOCATION: State of West Virginia excluding the Counties of Berkeley, Jefferson, Morgan, & Nicholas
DECISION NO.: WV78-3018
DATE: Date of Publication
Superseeded Decision No. WV77-3101 dated July 22, 1977 in 42 FR 37773
DESCRIPTION OF WORK: Building construction (does not include single family homes and garden type apartments up to and including 4 stories). (See heavy and highway construction General Wage Determination for all work in connection with the clearing and grading of the site, also all paving incidental to the project, and all incidental water lines and sewers utilities to within 5 feet of the building line, when such work is let as a separate contract by the owner or as a subcontract by the prime contractor).

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS:						
AREA 1	\$10.77	.59	.89			.03
AREA 2	11.56	.85	.90			
AREA 3	13.10	.50	.70			.03

AREAS COVERED BY ASBESTOS WORKERS

AREA 1 - Hampshire and Hardy Counties.
AREA 2 - Barbour, Brooke, Grant, Hancock, Harrison, Marion, Marshall, Mineral, Monongalia, Ohio, Taylor, Tucker, Tyler, Wood and Wyoming Counties.

AREA 3 - Boone, Braxton, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Greenbrier, Jackson, Kanawha, Lewis, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Pendleton, Pleasants, Pocahontas, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Upshur, Wayne, Webster, Wirt, Wood and Wyoming Counties.

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
BOILERMAKERS:						
AREA 1	9.80	1.05	1.10	1.50		.02
AREA 2	9.815	7.5%	7%			.01

AREAS COVERED BY BOILERMAKERS

AREA 1 - Barbour, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Harrison, Jackson, Kanawha, Lewis, Lincoln, Logan, Marion, Marshall, Mason, McDowell, Mercer, Mineral, Mingo, Monongalia, Monroe, Ohio, Pendleton, Pleasants, Pocahontas, Preston, Putnam, Raleigh, Randolph, Ritchie, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Wayne, Webster, Wirt, Wood and Wyoming Counties.

AREA 2 - Hancock County.

NOTICES

DECISION NO. WV78-3018

BRICKLAYERS, STONE MASONS, MARBLE MASONS, TERRAZZO WORKERS, & TILE LAYERS:
AREA 1
AREA 2
AREA 3
AREA 4
Bricklayers & Stone masons
Marble Masons, Terrazzo workers, & Tile layers
AREA 5
Bricklayers & Stone Masons
Marble Masons, Terrazzo Workers & Tile Layers
AREA 6
Bricklayers & Stone Masons
Marble Masons, Terrazzo Workers & Tile Layers
AREA 7
Bricklayers & Stone Masons
Tile Layers
AREA 8
Bricklayers, Stone Masons & Marble Masons, Tile Setters & Terrazzo Workers

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
10.54		.40			
11.13	.55	.50			.03
9.30					
11.57	.65	.75			
11.45	.65	.25			
12.64	.30	.30			
11.55	.30	.30			
10.85	.60				.02
10.35	.60				.02
9.63	.60	6%			
9.48	.60	6%			
10.73	.50	.25			.02
6.98	.50	.25			.02

DECISION NO. WV78-3018

AREAS COVERED BY BRICKLAYERS, STONEMASONS ETC

AREA 1 - Hampshire & Mineral Counties.
AREA 2 - Barbour, Doddridge, Gilmer, Grant, Hardy, Harrison, Lewis, Marion, Monongalia, Pendleton, Pocahontas, Preston, Randolph, Taylor, Tucker, Upshur and Webster Counties.
AREA 3 - McDowell, Mercer, Monroe & Wyoming Counties.
AREA 4 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, Putnam, Raleigh, Summers and Logan Counties
AREA 5 - Cabell, Lincoln, Macdon, Mingo and Wayne Counties.
AREA 6 - Calhoun, Jackson, Pleasants, Ritchie, Roane, Wirt and Wood Counties.
AREA 7 - Marshall, Ohio, Tyler and Wetzel Counties.
AREA 8 - Brooke & Hancock Counties.

NOTICES

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
CARPENTERS & PILEDRIVERS: AREA 1 Carpenters Contracts under \$100,000 Contracts \$100,000 or more Piledrivermen Contracts under \$100,000 Contracts \$100,000 or more AREA 2 Carpenters Piledrivermen AREA 3 Carpenters Piledrivermen	11.00 11.25 11.50 11.75 10.45 10.75 10.45 10.24	.40 .40 .40 .40 .45 .45 .87 5%	.20 .20 .20 .20 .25 .25 .85 10%		.04 .04 .04 .04 .02 .02 .02 of 1%

NOTICES

DECISION NO. WV78-3018

AREAS COVERED BY CARPENTERS & PILEDRIVERMEN (CONT'D)

AREA 6 - Cabell, Mingo & Wayne Counties.

AREA 7 - Fayette, McDowell, Mercer, Summers & Wyoming Counties.

AREA 8 - Logan County.

AREA 9 - Raleigh County.

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CEMENT MASONS & PLASTERERS:					
AREA 1	10.34				
AREA 2	10.70				
AREA 3	8.70		.40		
AREA 4	11.42	.70			.01
Cement Masons Plasterers	9.10				
AREA 5	8.11	.40			.01
Cement Masons Plasterers	8.25	.25			
AREA 6	9.71	.65			.01
Cement Masons Plasterers	8.51	.30			
AREA 7	11.70				
Cement Masons Plasterers	10.25				.01
AREA 8	17.36	.38	.05	.30	.03
Cement Masons Plasterers	11.92	.70			
AREA 9	6.90	.35			.03
AREA 10	11.13				
Cement Masons					
AREA 11					

DECISION NO. WV78-3018	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
AREA 4					
Carpenters	12.07	.50	.35		.02
Piledrivermen	12.35	.50	.35		.02
AREA 5					
Carpenters	10.96	.40	.25		.02
Piledrivermen	11.21	.40	.25		.02
AREA 6					
Carpenters	10.17	.50	.75		.03
Piledrivermen	10.46	.50	.75		.03
AREA 7					
Carpenters	11.55	.50	.35		.02
Piledrivermen	11.77	.50	.35		.02
AREA 8					
Carpenters	11.40	.50	.35		.02
Piledrivermen	11.55	.50	.35		.02
AREA 9					
Carpenters	10.92	.50	.35		.02
Piledrivermen	11.22	.50	.35		.02

AREAS COVERED BY CARPENTERS & PILEDRIVERMEN

AREA 1 - Barbour, Braxton, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongalia, Pleasants, Preston, Randolph, Taylor, Tucker, Tyler, Upshur, Webster & Wetzel Counties.

AREA 2 - Grant, Hampshire, Hardy, Mineral & Pendleton Counties.

AREA 3 - Brooke, Hancock, Marshall & Ohio Counties.

AREA 4 - Boone, Clay, Greenbrier, Jackson (southern portion including the towns of Leon, Ripley & Hereford), Kanawha, Lincoln, Mason, Monroe, Pocahontas, Putnam & Roane Counties.

AREA 5 - Calhoun, Jackson (remainder of county), Ritchie, Wirt & Wood Counties.

FEDERAL REGISTER, VOL. 43, NO. 112—FRIDAY, JUNE 9, 1978

NOTICES

DECISION NO. WV78-3018

AREAS COVERED BY CEMENT MASONS & PLASTERERS

AREA 1 - Hampshire & Mineral Counties.

AREA 2 - Calhoun, Gilmer, Jackson, Mason (northern portion of the county, south to but not including Point Pleasant), Pleasants, Ritchie, Tyler, Wirt & Wood Counties.

AREA 3 - McDowell, Mercer, Monroe & Wyoming Counties.

AREA 4 - Boone, Braxton, Clay, Fayette, Kanawha, Lincoln (eastern half of county), Logan, Putnam, Raleigh & Roane Counties.

AREA 5 - Brooke (the northern portion of county to Buff. Jo Creek) and Hancock Counties.

AREA 6 - Brooke (remainder of county), Marshall, Ohio & Wetzel Counties.

AREA 7 - Barbour, Doddridge, Harrison, Lewis, Taylor, Tucker, Upshur and Webster Counties.

AREA 8 - Marion, Monongalia Counties.

AREA 9 - Cabell, Lincoln (remainder of county), Mason (remainder of county) & Wayne Counties.

AREA 10 - Greenbrier County.

AREA 11 - Grant, Hardy, Pendleton, Pocahontas & Randolph Counties.

DECISION NO. WV78-3018

ELECTRICIANS:

Barbour, Doddridge, Harrison, Lewis, Randolph & Upshur Counties:

Wiremen

Cable Splicers

Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties:

Wiremen

Cable Splicers

Brooke (Buffalo Twp. only), Marshall, Ohio & Wetzel Counties:

Wiremen

Cable Splicers

Brooke (remainder of county) and Hancock (except Grant Twp.) Counties:

Wiremen

Cable Splicers

Cabell & Wayne Counties:

Wiremen

Cable Splicers

Lincoln County:

Wiremen

Cable Splicers

Logan, Mason & Mingo Counties:

Wiremen

Cable Splicers

Mineral County:

Wiremen

Hampshire County:

Wiremen

Grant County:

Wiremen

Greenbrier, McDowell, Mercer, Monroe & Pocahontas Counties:

Wiremen

Cable Splicers

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
	9.10	.50	34+.52	2.02	.03
	10.01	.50	34+.52	2.02	.03
	10.65	.50	34+.02	1.02	.04
	10.90	.50	34+.02	1.02	.04
	10.80	.50	34+.22	1.02	.04
	11.05	.50	34+.32	1.02	.04
	12.95	.68	94	84	4 of 14
	13.35	.68	94	84	4 of 14
	11.12	.50	34+.62	1.02	.04
	11.69	.50	34+.62	1.02	.04
	11.32	.50	34+.62	1.02	.04
	11.89	.50	34+.62	1.02	.04
	11.57	.50	34+.62	1.02	.04
	12.15	.50	34+.62	1.02	.04
	10.75	.70	34+.25		14
	10.95	.70	34+.25		14
	11.15	.70	34+.25		14
	8.51	.30	34		4 of 14
	8.91	.30	34		4 of 14

FEDERAL REGISTER, VOL. 43, NO. 112—FRIDAY, JUNE 9, 1978

DECISION NO. W78-3018	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocaton	
Hardy & Pendleton Counties: Contracts under \$10,000: Wiremen	6.25	.50	38		3/4 of 18
Contracts \$30,000 or more: Wiremen	10.00	.50	38		3/4 of 18
Marion, Monongalia, Taylor Preston & Tucker Counties: Contracts under \$12,000: Wiremen	6.15	.50	38+1.02	1.52	.02
Contracts over \$12,000 Wiremen	9.50	.50	38+1.02	1.52	.02
Cable Splicers Hancock County - Grant Twp. Only:	9.65	.50	38+1.02	1.52	.02
Wiremen	10.26	88	64	93	18
Cable Splicers	10.66	88	64	88	18
Summers & Wyoming Counties: Contracts \$15,000 or less: Wiremen	8.87	.50	38+52	.77	.06
Cable Splicers	9.17	.50	38+52	.77	.06
Contracts over \$15,000: Wiremen	11.77	.50	38+52	.77	.06
Cable Splicers	12.07	.50	38+52	.77	.06
Fayette (except Falls & Kanawha Twp.) County: Contractors \$15,000 or less: Wiremen	8.67	.50	38+52	.77	.06
Cable Splicers	8.97	.50	38+52	.77	.06
Contractors over \$15,000: Wiremen	11.57	.50	38+52	.77	.06
Cable Splicers	11.87	.50	38+52	.77	.06
Raleigh (except Clear Fork & Marsh Fork Twp.) County: Contracts \$15,000 or less: Wiremen	8.37	.50	38+52	.77	.06
Cable Splicers	8.67	.50	38+52	.77	.06
Contracts over \$15,000: Wiremen	11.27	.50	38+52	.77	.06
Cable Splicers	11.57	.50	38+52	.77	.06

NOTICES

DECISION NO. W78-3010	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocaton	
Boone, Braxton, Calhoun, Clay Fayette (Falls & Kanawha Twp.), Gilmer, Kanawha, Putnam, Raleigh (Clear Fork & Marsh Fork Twp.), Roane & Webster Counties: Wiremen	11.80	.50	38+25	.25	.04
Cable Splicers	12.98	.50	38+25	.25	.04
ELEVATOR CONSTRUCTORS: Brooke, Hancock, Marshall Ohio Counties: Mechanics	10.09	.545	.35	b+c	.02
Helpers	7.06	.545	.35	b+c	.02
Probationary Helpers	5.04				
Boone, Clay, Fayette, Kanawha, Jackson, Lincoln, Putnam & Roane Counties: Mechanics	10.66	.545	.35	b+c	.02
Helpers	7.46	.545	.35	b+c	.02
Probationary Helpers	5.33				
Cabell, Mason & Wayne Counties: Mechanics	11.465	.745	.35	b+c	.02
Helpers	8.025	.745	.35	b+c	.02
Probationary Helpers	5.73				
Monongalia County: Mechanics	10.98	.745	.56	b+c	.025
Helpers	7.69	.745	.56	b+c	.025
Probationary Helpers	5.49				
GLAZIERS: AREA 1	10.13			.70	
AREA 2	10.60				
Inside	5.40	.26	.20	.60+p	
Outside	6.10	.26	.20	.60+p	
AREA 4	8.42	.60	.50		.01

FEDERAL REGISTER, VOL. 43, NO. 112—FRIDAY, JUNE 9, 1978

DECISION NO. W78-3018

DECISION NO. W78-3019

AREAS COVERED BY GLAZIERS

AREA COVERED BY IRONWORKERS

AREA 1 - Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt & Wood Counties.
 AREA 2 - Boone, Cabell, Calhoun, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Pendleton, Pocahontas, Putnam, Raleigh, Summers, Wayne & Wyoming Counties.
 AREA 3 - Barbour, Braxton, Doddridge, Gilmer, Harrison, Lewis, Marion, Randolph, Taylor, Tucker, Upshur & Webster Counties.
 AREA 4 - March 11, Ohio & Wetzel Counties.

AREA 1 - Calhoun, Doddridge, Gilmer, Jackson, Lewis, Mason, Pleasants, Ritchie, Roane, Upshur, Wirt & Wood Counties.
 AREA 2 - Barbour, Brooke, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Taylor, Tyler & Wetzel Counties.
 AREA 3 - Boone, Braxton, Clay, Fayette, Kanawha, Lincoln, Logan, McDowell, Putnam, Raleigh, Webster & Wyoming Counties.
 AREA 4 - Grant, Hampshire, Hardy, Mineral, Pendleton, Preston, Randolph & Tucker Counties.
 AREA 5 - Greenbrier, Mercer, Monroe, Pocahontas & Summers Counties.
 AREA 6 - Cabell, Mingo & Wayne Counties.

IRONWORKERS - Structural, Ornamental & Reinforcing	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocaton	
AREA 1	11.67	.90	1.05		.01
AREA 2	11.28	.76	.85		.03
AREA 3	11.63	.90	1.05		.09
AREA 4	10.44	.60	.90		.03
AREA 5	9.55	.60	.65		.03
AREA 6					
Zone 1 - 10 miles from Union Hall	11.27	.90	1.05		.01
Zone 2 - 10-15 miles from Union Hall	11.42	.90	1.05		.01
Zone 3 - 15-20 miles from Union Hall	11.52	.90	1.05		.01
Zone 4 - 20-25 miles from Union Hall	11.62	.90	1.05		.01

LABORERS:
 AREA 1
 Group 1
 Group 2
 Group 3
 AREA 2
 Group 1
 Group 2
 Group 3
 AREA 3
 Group 1
 Group 2
 Group 3
 AREA 4
 Group 1
 Group 2
 Group 3
 AREA 5
 Group 1
 Group 2
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 Group 4
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 Group 97
 Group 98
 Group 99
 Group 100

NOTICES

IRONWORKERS - Structural, Ornamental & Reinforcing	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocaton	
AREA 1	8.72	.40	.40		.03
AREA 2	9.02	.40	.40		.03
AREA 3	9.37	.40	.40		.03
AREA 4	8.26	.40	.40		.03
AREA 5	8.56	.40	.40		.03
AREA 6	8.91	.40	.40		.03
AREA 7	8.00	.40	.40		.03
AREA 8	8.30	.40	.40		.03
AREA 9	8.65	.40	.40		.03
AREA 10	8.86	.40	.40		.03
AREA 11	9.16	.40	.40		.03
AREA 12	9.51	.40	.40		.03
AREA 13	8.43	.40	.40		.03
AREA 14	8.73	.40	.40		.03
AREA 15	9.08	.40	.40		.03

DECISION NO. WV78-3018	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
AREA 6	8.40	.40	.40		.03
Group 1	8.70	.40	.40		.03
Group 2	9.05	.40	.40		.03
Group 3					
AREA 7	8.10	.40	.40		.03
Group 1	8.40	.40	.40		.03
Group 2	8.75	.40	.40		.03
Group 3					
AREA 8	8.40	.55	.40		.05
Group 1	8.50	.55	.40		.05
Group 2	8.565	.55	.40		.05
Group 3	8.60	.55	.40		.05
Group 4	8.75	.55	.40		.05
Group 5	8.78	.55	.40		.05
Group 6					
Group 7					
50' to 100'	8.73	.55	.40		.05
100' to 150'	8.90	.55	.40		.05
over 150'	9.30	.55	.40		.05
Group 8	9.00	.55	.40		.05
Group 9	8.645	.55	.40		.05
Group 10	8.93	.55	.40		.05
Group 11	8.73	.55	.40		.05
Group 12	9.23	.55	.40		.05

CLASSIFICATION DEFINITION
LABORERS - AREAS 1,2,3,4,5,6,7

GROUP 1 - Laborers; carpenter tender; flagmen; water boy; demolition worker; fire watch; landscape laborer.

GROUP 2 - Powderman helper; semi-skilled laborer; scaffold builders; chainmen & red men; grade checker; signal man; brick masons tenders; plasterer tenders; cement finishers; stone masons tenders; lathe's tenders; tile setters tenders; mortar mixers; jackhammer operators; vibrator operators; tamper operators; pavement blaster operators; chipping & peening hammer operators; air syphon & air pump operators; rimping finishers; concrete saw operators; concrete technician; power saw operators; chain saw operators; motorized buggy operators; pipelayers helpers; drill operators; sheeters & shapers; post hole digger operators; asphalt rekers; lance and/or water blaster operators; blacksmith helpers; batch house scale operators; workmen working with acid mortar, acid brick, acid or mastic asphalt; workmen working creosote; nozzlemen for gunnite or sandblasting; tool room attendants; ride or walk roller tamper.

GROUP 3 - Blacksmith; powderman; air track operator; pipe layer (including laser beam set-up); burner.

LABORERS - AREA 8

GROUP 1 - General Laborers

GROUP 2 - Rodmen and Chainmen

GROUP 3 - All Brick Handlers, Tenders for Brick Masons, Plasterers, Stone Masons Tile Setters, Mortarion for Masons and Plasterers and Men Mixing Cement for Cement Finishers, Scaffold Builders, Mortar Mixer Machine Operator.

GROUP 4 - Laborers Operating Concrete Busters, Jack Hammers, Air Spades, Chipping Hammers, Air Tamers, Vibrators, Power Buggy, Concrete Saw, Power Saw, Sand-blasters, Acetylene Burners, Souda Blower, Panel Cleaning Machine Operators, Signalmen, All Power Driven Tools, Air Turp, Air Blow Pipe, Pipelayer and Helper Working in Ditches or Tunnels and Hand Spikers on Railroads.

NOTICES

DECISION NO. WV78-3018

GROUP 5 - Instrument Men, Laser Beam

GROUP 6 - Laborers performing work pertaining to or in connection with and repair of Stoves, Blast Furnaces, Basic Oxygen Process Furnaces and Basic Oxygen Furnaces, Steeples and Stacks, Annealing Process Furnaces, Kilns, Soaking Pits, Coke Batteries on Industrial Work.

GROUP 7 - Demolition of Stacks

GROUP 8 - Blastermen and Helper, Pullman and Lancer, All Bottom men in Blast Furnaces, Stacks, Stoves and Dust Catchers.

GROUP 9 - Ditches, Trenches, Caissons and Coeffers over 6' deep, open top

GROUP 10 - Miners including Caissons and Coeffers, Horizontal or Underground, Hucking Machine Operators.

GROUP 11 - Tunnel Laborers, Muckers including Caissons and Coeffers, Horizontal and Underground.

GROUP 12 - Gunite Nozzlemen and Gunite Machine Operator--Grout Nozzlemen and Grout Machine Operator.

AREAS COVERED BY LABORERS

AREA 1 - Boone, Clay, Fayette, Kanawha, Putnam & Roane Counties.

AREA 2 - Barbour, Braxton, Doddridge, Gilmer, Grant, Hampshire, Hardy, Harrison, Lewis, Marion, Mineral, Monongalia, Pendleton, Preston, Randolph, Taylor, Tucker, Upshur & Webster Counties.

AREA 3 - Greenbrier, McDowell, Mercer, Monroe, Pocahontas, Raleigh, Summers & Wyoming Counties.

AREA 4 - Cabell, Lincoln, Mason & Wayne Counties.

AREA 5 - Logan & Mingo Counties.

AREA 6 - Calhoun, Jackson, Pleasants, Ritchie, Tyler, Wirt & Wood Counties.

AREA 7 - Marshall, Ohio & Wetzel Counties.

AREA 8 - Brooke & Hancock Counties.

DECISION NO. WV78-3018

LATHERS:

AREA 1
AREA 2
AREA 3
AREA 4
AREA 5
AREA 6

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
11.725		.10		.01
11.25		.20		.01
9.76	.50	.10		.01
8.98	.45	.10		.01
9.315		.10		.01
10.36		.15		.01

AREAS COVERED BY LATHERS

AREA 1 - Boone, Clay, Fayette, Kanawha, Putnam & Roane Counties.

AREA 2 - Barbour, Doddridge, Gilmer, Harrison, Lewis, Marion, Monongalia, Taylor, Tyler, Upshur & Wetzel Counties.

AREA 3 - Brooke, Marshall & Ohio Counties.

AREA 4 - Hancock County

AREA 5 - Cabell, Mason & Wayne Counties

AREA 6 - Calhoun, Jackson, Pleasants, Ritchie, Wirt & Wood Counties.

NOTICES

DECISION NO. W78-3018	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation
PLUMBERS & STEAMFITTERS:				
Plumbers	9.78	.45	.30	
Steamfitters	9.82	.45	.15	
AREA COVERED BY PLUMBERS & STEAMFITTERS				
Boone (remainder of county) Braxton (remainder of county), Clay, Fayette, Greenbrier, Jackson (remainder of county), Kanawha, Pocahontas, Putnam, Boone (remainder of county), Sum. 5 & Webster (remainder of county), Marion				
POWER EQUIPMENT OPERATORS:				
GROUP 1	11.62	.50	.60	.04
GROUP 2	11.12	.50	.60	.04
GROUP 3	10.72	.50	.60	.04
GROUP 4	10.32	.50	.60	.04
GROUP 5	9.32	.50	.60	.04

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

GROUP 1 - Operating cranes, derricks, tower cranes and similar equipment having a reach from the top of its boom to the ground of 175' or a lifting capacity of 70 tons; all shovels, draglines, clamshells, backhoes, endloaders and concrete mixing plants of 4 cubic yard capacity or over; hoist with 18,000 pound line pull or over.

GROUP 2 - All mechanics and those operating cranes, derricks and similar equipment; hydraulic cranes in excess of 15 tons capacity; all shovels, draglines, clamshells, gradallies, tug or tow boats; - concrete mixing plants of 3 cubic yards capacity; endloaders in excess of 2 1/2 cubic yards capacity; backhoes in excess of 1/2 cubic yard capacity; hoist in excess of 5,000 pounds line pull; side boom cat, standards gauge locomotive.

GROUP 3 - Hydraulic cranes up to and including 15 tons capacity; endloaders up to and including 2 1/2 cubic yards capacity; backhoes up to and including 1/2 cubic yard capacity, two drum hoist, well point system, concrete mixing plants, elevators, core drills, fork lift, ross carrier, air compressor (60 CFM or over), high compression equipment, concrete pumps double.

GROUP 4 - Trencher, air tugger, concrete mixer, (2 bag) material hoist, (single) "A" frame truck, rubber tired scraper, power grader, dozer, tractor and pan push cat, all tractors, oiler's standard gauge locomotive crane, truck cranes over 15 tons, grease truck operator and greaser, fireman, deckhand, asphalt and concrete paving equipment operator.

GROUP 5 - Roller and compactor, concrete mixer, (1 bag) Harbour Greene loader, mechanic helper, crawler crane oiler, air compressor, welding machine (gasoline powered), (gasoline powered) light plant, generator, conveyor, mechanical heater and pump operator.

AREA 1 - Brooke, Hancock, Marshall & Ohio Counties.				
AREA 2 - Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Putnam, Raleigh, Summers, Wayne, Webster & Wyoming Counties.				
AREA 3 - Barbour, Braxton, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Lewis, Marion, Monongalia, Pendleton, Pleasants, Pocahontas, Preston, Randolph, Ritchie, Roane, Taylor, Tucker, Tyler, Upshur, Wetzel, Wirt & Wood Counties.				
AREA 4 - Grant, Hardy & Mineral Counties.				
SHEETMETAL WORKERS:				
AREA 1	10.20	.25	2.00	.02
AREA 2	11.05	.50		.05
AREA 3	10.14	.45		.04
AREA 4	12.10	.45		.04
AREA 5	11.04	.55		.04

AREA COVERED BY ROOFERS

DECISION NO. W78-3018	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation
ROOFERS:				
AREA 1	10.43	.60	.20	
AREA 2	11.95	.45	.30	.02
AREA 3				
Commercial:				
Roofers	11.95		.10	.01
Waterproofers	12.45		.10	.01
Unprotected roofing or reroofing:				
Roofers	8.85		.10	.01
Waterproofers	9.35		.10	.01
AREA 4				
Composition Roofers	9.05	.45	.40	
Composition Membran	9.30	.45	.40	
Slaters	9.20	.45	.40	

AREA COVERED BY ROOFERS

AREA 1 - Brooke, Hancock, Marshall & Ohio Counties.

AREA 2 - Boone, Cabell, Clay, Fayette, Greenbrier, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Monroe, Putnam, Raleigh, Summers, Wayne, Webster & Wyoming Counties.

AREA 3 - Barbour, Braxton, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Lewis, Marion, Monongalia, Pendleton, Pleasants, Pocahontas, Preston, Randolph, Ritchie, Roane, Taylor, Tucker, Tyler, Upshur, Wetzel, Wirt & Wood Counties.

AREA 4 - Grant, Hardy & Mineral Counties.

DECISION NO. W78-3019

AREAS COVERED ON SHEETMETAL WORKERS

AREA 1 - Grant, Hampshire, Hardy & Mineral Counties.

AREA 2 - Cabell, Lincoln, Logan, Mingo & Wayne Counties.

AREA 3 - Brooke, Hancock, Marshall & Ohio Counties.

AREA 4 - Boone, Clay, Fayette, Greenbrier, Kanawha, Mason, McDowell, Mercer, Monroe, Putnam, Raleigh, Summers, Webster & Wyoming Counties.

AREA 5 - Barbour, Braxton, Calhoun, Doddridge, Gilmer, Harrison, Jackson, Lewis, Marion, Monongalia, Pendleton, Pleasants, Pocahontas, Preston, Randolph, Ritchie, Roane, Taylor, Tucker, Tyler, Wetzel, Wirt & Wood Counties.

SOFT FLOOR LAYERS:	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation
AREA 1	10.45	.87	.85	.02
AREA 2	10.17	.50	.75	.03
AREA 3	10.42	.50	.35	.02
AREA 4	10.35	.50	.35	.02
AREA 5	11.27	.50	.35	.02
AREA 6	10.56	.40	.25	.02

AREAS COVERED BY SOFT FLOOR LAYERS

AREA 1 - Brooke, Hancock, Marshall & Ohio Counties.

AREA 2 - Cabell, Mingo & Wayne Counties.

AREA 3 - Fayette, McDowell, Mercer, Raleigh, Summers & Wyoming Counties.

AREA 4 - Logan County

AREA 5 - Boone, Clay, Greenbrier, Jackson (southern portion including the Towns of Loon, Ripley & Hereford), Kanawha, Lincoln, Mason, Monroe, Pocahontas, Putnam & Boone Counties.

AREA 6 - Calhoun, Jackson (remainder of county), Ritchie, Wirt & Wood Counties.

DECISION NO. W78-3018

SPRINKLER FITTERS
TRUCK DRIVERS:

AREA 1

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

GROUP 6

GROUP 7

AREA 2

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

GROUP 6

GROUP 7

AREA 3

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

GROUP 6

GROUP 7

AREA 4

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

GROUP 6

GROUP 7

AREA 5

GROUP 1

GROUP 2

GROUP 3

GROUP 4

GROUP 5

GROUP 6

GROUP 7

DECISION NO. W78-3018	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation
SPRINKLER FITTERS				
TRUCK DRIVERS:				
AREA 1	11.93	.75	1.05	.08
GROUP 1	8.16			
GROUP 2	8.26			
GROUP 3	8.41			
GROUP 4	8.46			
GROUP 5	8.51			
GROUP 6	8.61			
GROUP 7	8.81			
AREA 2				
GROUP 1	7.60			
GROUP 2	7.70			
GROUP 3	7.85			
GROUP 4	8.00			
GROUP 5	8.25			
GROUP 6	8.35			
AREA 3				
GROUP 1	9.77			
GROUP 2	9.87			
GROUP 3	10.02			
GROUP 4	10.07			
GROUP 5	10.12			
GROUP 6	10.17			
GROUP 7	10.42			
AREA 4				
GROUP 1	6.10			
GROUP 2	6.20			
GROUP 3	6.40			
GROUP 4	6.45			
GROUP 5	6.50			
GROUP 6	6.08			
AREA 5				
GROUP 1	5.85			
GROUP 2	5.08			
GROUP 3	5.90			
GROUP 4	6.00			
GROUP 5	6.08			
GROUP 6	6.13			
GROUP 7	6.16			
GROUP 8	6.43			
GROUP 9	6.50			
GROUP 10	6.53			

DECISION NO. WV78-3018

AREA 6

- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5
- GROUP 6
- GROUP 7
- GROUP 8
- AREA 7
- GROUP 1
- GROUP 2
- GROUP 3
- GROUP 4
- GROUP 5

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
7.75	o			
7.76	o			
7.80	o			
7.83	o			
7.85	o			
8.08	o			
8.38	o			
8.48	o			
7.56	.60			.70
7.71	.60			.70
7.91	.60			.70
8.10	.60			.70
8.34	.60			.70

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS - AREA 1

GROUP 1 - Warehousemen, yardmen, truck helpers, pick-ups, stationwagons, panel trucks, flatbed material truck (straight job), greasers, washers, tiremen, gas pump attendants, dump trucks (up to 5 cubic yards)

GROUP 2 - Tank truck (straight)

GROUP 3 - Dump trucks (5 cubic yards and over), semi-dump trucks, semi-trailers, (whether flat rack, or pole and hauled or pushed by truck or tractor), agitator or mixer trucks (up to 5 cubic yards), farm type tractor, tank truck (semi), (front and back end), truck crane, semi-trail truck.

GROUP 4 - Low-boy trailers, winch trucks, fork trucks, distributor trucks (front and back end), truck crane, semi-trail truck.

GROUP 5 - Material checker and receiver, mechanics helpers.

GROUP 6 - Agitator or mixer truck (5 cubic yards and over).

GROUP 7 - Mechanics, euclid, dumpster, turnarocker, ross carriers, atthey wagon or similar equipment, A-frame, hydrolift, dual purpose trucks.

NOTICES

TRUCK DRIVERS - AREA 3

GROUP 1 - Warehousemen, yardmen, truck helpers, pick-ups, stationwagons, panel trucks, flatbed material truck (straight job), greasers, washers, tiremen, gas pump attendants, dump trucks (up to 5 cubic yards)

GROUP 2 - Tank truck (straight)

GROUP 3 - Dump trucks (5 cubic yards and over), semi-dump trucks, semi-trailers, (whether flat rack, or pole and hauled or pushed by truck or tractor), agitator or mixer trucks (up to 5 cubic yards), tank truck (semi), (front and back end), truck crane, semi-trail truck.

GROUP 4 - Low-boy trailers, winch trucks, fork trucks, distributor trucks (front and back end), truck crane, semi-trail truck.

GROUP 5 - Material checker and receiver, mechanics helpers.

GROUP 6 - Agitator or mixer truck (5 cubic yards and over).

GROUP 7 - Mechanics, tri-axle dump trucks, hydraulic lift tailgate truck and farm type tractor, end dumpers, turnarockers, ross carriers, atthey wagon or similar equipment, A-frame, hydrolift, dual purpose trucks.

DECISION NO. WV78-3018

TRUCK DRIVERS AREA 2

GROUP 1 - Warehousemen, yardmen, truck helpers, pick-ups, stationwagons, panel trucks.

GROUP 2 - Flatbody material trucks (straight jobs), dump trucks (up to 5 cubic yards), greasers, washers, tiremen, gas pump attendants, mechanic helpers, material checkers & receivers, tank truck (straight).

GROUP 3 - Dump trucks (5 cubic yards & over), semi-dump trucks, semi-trailer (whether flat, rack or pole and hauled or pushed by truck or tractor).

GROUP 4 - Low-boy trailers, winch trucks, fork trucks, distributor trucks (front and back end), truck crane, agitators or mixer trucks (5 cubic yards & over), hydraulic tail gate, farm type tractors.

GROUP 5 - Euclids, dumpsters, turnarockers, ross carriers, atthey wagons or similar equipment, A-frame, hydrolift, dual purpose trucks.

GROUP 6 - Mechanics.

NOTICES

DECISION NO. WV78-3018

TRUCK DRIVERS - AREA 4

GROUP 1 - Warehouse, yardmen, truck helpers, pick-ups, stationwagons, panel trucks, team 2 - up.

GROUP 2 - Flatbody material trucks (straight jobs), dump trucks (up to 5 cubic yards), material checkers, material receivers, team 4 - up, greasers, tiremen and mechanic helpers (truck)

GROUP 3 - Semi-dump truck, semi-trailers (flat rack or pole), low-boy trucks, distributor trucks, agitators or mixer trucks (up to and including 5 yards), dump trucks and dumpster (5 to 12 yards).

GROUP 4 - Dump truck, agitator or mixer trucks and other hauling equipment (12 yards to 20 yards), mixer truck, rubber-tired tractors (towing or pushing)

GROUP 5 - Pump truck, agitator or mixer trucks and other hauling equipment (20 yards and over)

GROUP 6 - "A" Farm operator, mechanics (truck).

TRUCK DRIVERS - AREA 5

GROUP 1 - Flat bed material trucks, dump trucks, semi-dump trucks.

GROUP 2 - Tank trucks (straight & semi).

GROUP 3 - Semi-trailers, tractor trailers.

GROUP 4 - Pole trailer.

GROUP 5 - Agitator & mixer trucks (up to 5 cubic yards)

GROUP 6 - Euclids, dumpsters, turnarocker, ross carriers, atthey wagons.

GROUP 7 - Agitator & mixer trucks (over 5 cubic yards)

GROUP 8 - Low-boy trailers, winch trucks, ford trucks (front and back end) truck crane.

GROUP 9 - A-Frame.

GROUP 10 - Mechanics.

TRUCK DRIVERS - AREA 6

GROUP 1 - Warehousemen, yardmen, truck helpers.

GROUP 2 - Greasers, washers, tiremen, gas pump attendants, mechanics helpers.

GROUP 3 - Flatbody material trucks, dump trucks, semi-trucks.

GROUP 4 - Tank trucks (straight & semi)

GROUP 5 - Semi-trailers & tractor trailers.

GROUP 6 - Euclids, dumpsters, turnarockers, ross carriers, atthey wagons.

GROUP 7 - Low-boy trailers, winch trucks, A-frame, fork trucks, distributor (front & back end), truck crane.

GROUP 8 - Mechanics.

DECISION NO. WV78-3018

TRUCK DRIVERS - AREA 7

GROUP 1 - Dumpmen & flagmen.

GROUP 2 - Pick-up trucks, dump trucks under 5 yard capacity, straight trucks.

GROUP 3 - Panel trucks, straight truck with multiple axle, dumpsters under 5 yard capacity, transit mix, dump trucks from 5 to 9 yards capacity, flat body material trucks (straight jobs), greasers, tiremen & mechanic helpers, rubber-tired (towing or pushing flat-body vehicles), & form trucks.

GROUP 4 - Dump trucks 10-15 yard capacity.

GROUP 5 - Dump trucks over 15 yard capacity, bottom and end dump euclids, all other euclid type trucks, turnarockers, ross carriers, atthey wagons, A-frames, mechanics, semi-trailor or tractor trailers, low boy trucks, asphalt distributor trucks, agitator mixer, dumpsters or batch trucks, specialized earth moving equipment, off-highway tandem back-dump, twin engine equipment and double hitched equipment (where not self-loaded)

AREAS COVERED BY TRUCK DRIVERS

AREA 1 - Boone, Braxton, Clay, Fayette, Greenbrier, Kanawha, McDowell, Mercer, Monroe, Pocahontas, Putnam, Raleigh, Summers, Webster & Wyoming Counties.

AREA 2 - Calhoun, Gilmer, Jackson, Pleasants, Ritchie, Roane, Tyler, Wirt & Wood Counties.

AREA 3 - Cabell, Lincoln, Logan, Mason, Mingo & Wayne Counties.

AREA 4 - Barbour, Doddridge, Harrison, Lewis, Marion, Monongalia, Randolph, Taylor, Tucker & Upshur Counties.

AREA 5 - Marshall, Ohio & Wetzel Counties.

AREA 6 - Brooke & Hancock Counties.

AREA 7 - Grant, Hampshire, Hardy, Mineral & Pendleton Counties.

Welders - Receive rate prescribed for craft performing operation to which welding is incidental

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. Paid Holiday: Christmas Day.
- b. Paid Holidays: A through F.
- c. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% of basic hourly rate for 6 months to 5 years of service at Vacation Pay Credit.
- d. Employer contributes 2¢ per hour per employee from June 1 to December 31.
- e. Employer contribution of 3¢ per hour to the Social Fund per employee and is based on the basic hourly rate, plus pension, plus health and welfare.
- f. Employer contributes \$41.16 per month per employee employed 30 days or more.
- g. Employer contributes \$34.67 per month per employee.
- h. Employer contributes \$93.17 per month per employee employed 30 days or more.
- i. Employer contributes \$26.00 per month per employee employed 30 days or more.
- j. Employer contributes \$60.67 per month per employee employed 30 days or more.
- k. Employer contributes \$28.50 per month per employee employed 30 days or more.
- l. Employer contributes \$6.30 per week per employee.

- m. Employer contributes \$6.00 per week per employee.
- n. One week's paid vacation.
- o. Employer contributes \$19.00 per week per employee.
- p. Paid Holidays: A through F, plus Christmas Eve.
- q. Employer contributes \$93.17 per month per employee employed 30 days or more.
- r. Employer contributes \$26.00 per month per employee employed 30 days or more.

(PR Doc. 78-15780 Filed 6-8-78; 8:45 am)

NOTICES

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FRIDAY, JUNE 9, 1978
PART IV



DEPARTMENT
OF HEALTH,
EDUCATION, AND
WELFARE

Food and Drug
Administration

Food Labeling

Public Hearings

[4110-03]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 78N-0158]

FOOD LABELING

Hearings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA), the U.S. Department of Agriculture (USDA), and the Federal Trade Commission (FTC) announce a series of five public hearings to discuss several issues related to food labeling, including ingredient labeling, nutrition labeling, and imitation foods.

DATES AND LOCATIONS: August 22-23, 1978—Century II Theater, 225 West Douglas, Wichita, Kans. September 18-19, 1978—Little Rock Convention Center, Robinson Auditorium, Room 102 or 103, Markham and Broadway, Little Rock, Ark. September 27-28, 1978—HEW Auditorium, 330 Independence Avenue, SW., Washington, D.C. October 12-13, 1978—Fremont Building, 215 Fremont Street, EPA Conference Room, 6th floor, San Francisco, Calif. October 25-26, 1978—Howard Johnson's 57 Motel, 200 Stuart Street, Boston, Mass.

FOR FURTHER INFORMATION CONTACT:

Taylor Quinn, Bureau of Foods (HFF-300), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20240, 202-245-1243.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs announced in October 1977 his intention to hold hearings on the broad

NOTICES

subjects of ingredient labeling, nutrition labeling, food fortification, and related matters. As explained in his announcement, such hearings are essential in order to gather information and opinions on the subject of food labeling. This public input will in turn provide a basis for development of a comprehensive strategy aimed at providing consumers with useful nutrition-oriented information on the labels of all food products.

Representatives from FDA, FTC, and USDA have been meeting regularly since the announcement of the hearings in order to work out the details of the hearings and identify the subjects that need to be discussed. The hearings will be limited to discussions on the following topics:

1. Ingredient labeling.
2. Nutritional labeling and other dietary information.
3. Open date labeling.
4. Imitation and substitute foods.
5. Food fortification.
6. The total food label.
7. Safe and suitable ingredients.

A discussion on each of the above topics is published as an appendix to this notice. Copies of the discussion are also on file in the office of the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. Additional copies may be obtained from FDA offices located in most major metropolitan areas and from the contact person identified above.

The hearings will be open to the public and will be held on the dates and at the locations listed above. Each hearing will begin at 9:30 a.m. and will be presided over by either an FDA or USDA representative. All seven topics will be discussed at each hearing.

The hearings will be conducted in accordance with Title 21 of the Code of Federal Regulations, Part 15—Public Hearing Before The Commissioner. Any person who desires to make a presentation at a particular hearing may do so by simply indicat-

ing this wish at the time of the hearing. However, for scheduling purposes, we encourage those who can to fill out and return the notice of participation form attached to this notice to Taylor Quinn at the address given for him above.

Individuals or organizations will be allowed only one opportunity to present their views in the course of the five hearings. Consumers with no organizational affiliation will be allowed to present their views first at each hearing. These are public hearings and are open to all interested parties. However, organized consumer groups as well as regulated industries and their associations are experienced in the use of other avenues for making their views known to the agency, including making written submissions in response to FEDERAL REGISTER notices. It is the special aim of these national hearings to provide an avenue for the expression of the views of individuals. In allocating time at the hearings, therefore, we intend to extend preference to such submissions. Those who are unable to appear in person may submit information and views in writing to the Hearing Clerk by close of business November 10, 1978, at the address given above. Written submissions will also be accepted at the time of each hearing for those who want additional information included in the record. Consumers with no organizational affiliation may submit a single copy of their information and views, but others should submit four copies. The submissions should be identified with the docket number found in brackets in the heading of this document. Received submissions may be seen in the office of the Hearing Clerk from 9 a.m. to 4 p.m., Monday through Friday.

Dated: June 2, 1978.

DONALD KENNEDY,
Commissioner of Food and Drugs.

NOTICES

FOOD LABELING HEARINGS
NOTICE OF PARTICIPATION

Please enter participation of: _____

(Name)

(Street Address)_____
(City, State, Zip Code)

I am representing (if other than self): _____

1. I will make an oral presentation at the _____

(Name of City)

Food Labeling Hearings. I request _____ minutes for my presentation.

I will be speaking on the following topics:

and/or

2. I am submitting for the record the attached comments on the following food labeling topics:

TOPICS

☐ Ingredient Labeling☐ Food Fortification☐ Nutrition/Dietary Labeling☐ Total Food Label☐ Open Dating☐ Safe and Suitable Ingredients☐ Imitation and Substitute Foods_____
(Signature)

INTRODUCTION

Federal laws governing the labeling of food are enforced by the United States Department of Agriculture (meat and poultry products) and the Food and Drug Administration (all other food). These Federal laws were originally passed in 1906, and although some revisions have been made since then, the basic concepts with respect to food labeling have remained unchanged for about 40 years. Significant advances in food technology during this time, coupled with increasing demand for extensive and sophisticated information about food products and increasingly antiquated statutes, have led to a complex set of food labeling regulations.

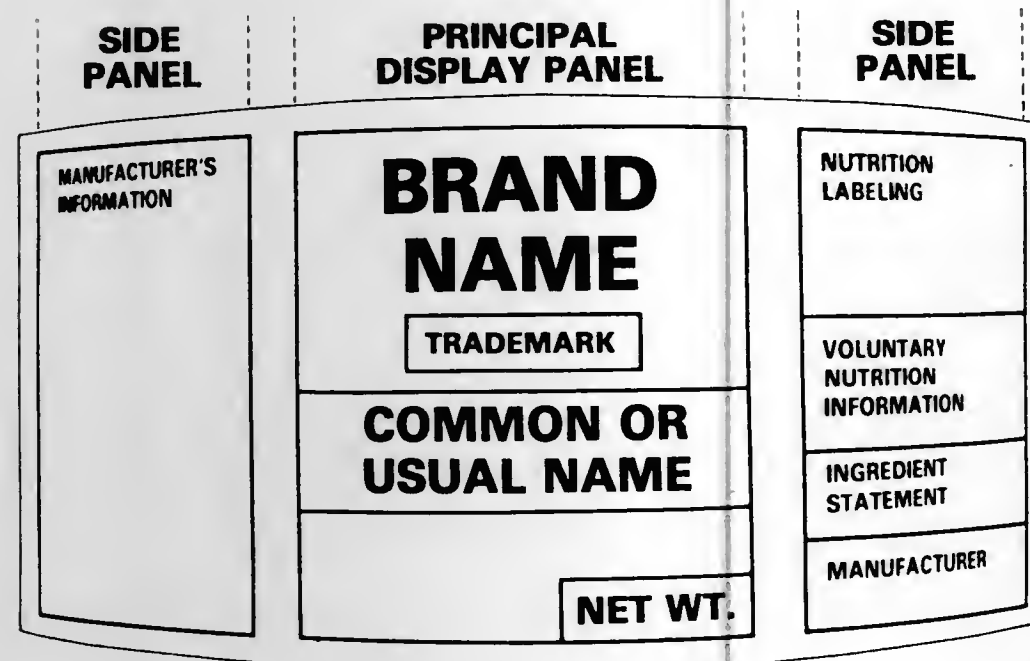
The current goal of the Food and Drug Administration (FDA) and the United States Department of Agriculture (USDA) is the development of an overall labeling strategy that provides consumers with information they want and need. In order to achieve this goal, a number of programs are underway including an audit of existing regulations to determine whether labeling regulations are adequate and to identify candidates for simplification, improved internal consistency, or elimination. The Federal Trade Commission (FTC) is also interested in food labeling because of its responsibility for regulating food advertising.

As part of the comprehensive review of food labeling, FDA, in cooperation with USDA and FTC, is seeking comments from consumers and other interested groups through public hearings. These hearings will elicit public concerns and ideas about:

- Ingredient labeling.
- Nutrition labeling and other dietary information.
- Open date labeling.
- Imitation and substitute foods.
- Food fortification.
- The total food label.
- Safe and suitable ingredients.

As an aid in focusing the discussion of these issues, background information and specific questions are provided for each topic. References are also furnished for a few pertinent statutory provisions, regulations, and judicial decisions. To aid in understanding food labeling terminology, examples of food labels are provided. Label No. 1 shows the principal food labeling elements.

LABEL 1



INGREDIENT LABELING

In this section, we discuss how ingredients are listed on labels of both standardized and nonstandardized food. Comments are desired on these related topics:

- Listing of ingredients in order of predominance.
- Quantitative ingredient listing.
- Percentage of ingredient as part of product name.
- Names of ingredients.
- Changes in ingredients.

LISTING OF INGREDIENTS IN ORDER OF PREDOMINANCE

Government regulations called standards of identity define the composition of many foods, state which optional ingredients may be used, and specify those ingredients which must be declared on the label. Examples of standardized foods are most canned fruits and vegetables, milk, cheeses, ice cream, breads, margarine, and certain seafoods, sweeteners and food dressings. Required or mandatory ingredi-

ents used in such standardized foods are exempt by law from label declaration. FDA has sought the legal authority to require the declaration of mandatory ingredients for a number of years. Proposed laws would require listing of ingredients in all foods, whether standardized or not.

Earlier standards required declaration of only a limited number of optional ingredients since the specific ingredients which could be used were named in the standard. Most standards have been or are being revised to permit greater flexibility in the use of ingredients and, at the same time, to require the declaration of all optional ingredients. The law requires, with few exceptions (e.g. spices, flavors, colors), the label declaration of all ingredients in foods which are not standardized. Labels for all meat and poultry products, whether standardized or not, must list ingredients. Government regulations require that whenever ingredients must be declared on the label, the ingredients must be listed in descending order of predominance by weight.

Label No. 2 for canned peas shows the listing of ingredients in order of predominance.

1. Some people may not know that food ingredients are listed on labels in the order of predominance. Should the label state that foods are listed in order of predominance?
2. Should exceptions be permitted from the order of predominance requirement for ingredients present in small amounts, such as spices or food colorings? FDA permits few exceptions, but some think we should be more flexible to permit minor changes in ingredients in order to keep costs down.

QUANTITATIVE INGREDIENT LISTING

Some consumer representatives have proposed requiring that labels for all food declare the percent of ingredients in the ingredient statement. Bills to do this have been introduced into Congress. On September 7, 1976, FDA published a proposal requiring percentage ingredient labeling for infant foods. Use of percentage ingredient listing would provide an ingredient statement such as the following for canned peas:

Ingredients: Peas 65 percent, Water 32 percent, Sugar 2 percent, Salt 1 percent

There are other ways of declaring the amount of ingredients, such as giving the weight of each ingredient per ounce or gram of food.

3. Should labels for all foods declare the amount of ingredients in the product? How would quantitative ingredient labeling be more helpful than the present method of listing ingredients in descending order of predominance? Should the amount of each ingredient

be declared using percentages or some other method?

4. Do you see any value in knowing the amount of ingredients present in small amounts, for example, spices, and flavorings? Do you favor a cutoff level below which ingredients present in small amounts would have to be listed, but not the amount? If so, what should the cut-off level be?

5. Should a cost/benefit study be conducted to help the government arrive at a decision on quantitative ingredient labeling, or should the decision be made on other grounds, such as the consumer's "right to know?" If you think cost should be a consideration, would you be willing to pay for the information? How much?

6. The FDA proposal for infant foods would require percentage ingredient labeling in 5 percent increments. This means that the amount of each ingredient present would be declared by rounding off to the nearest 5 percent. Would this degree of accuracy be satisfactory for all foods? If not, what increments would be better?

PERCENTAGE OF INGREDIENTS AS PART OF PRODUCT NAME

FDA requires a declaration of the percentage of some "characterizing" ingredients as part of the name of some foods when the amount of the ingredients has a material bearing on the consumer's acceptance of the food. For example, if a shrimp cocktail

consists of 50 percent shrimp, the official name of the product is "Shrimp Cocktail—Contains 50 Percent Shrimp."

7. Should a declaration of the percentage of characterizing ingredients as part of the name of food be required for more foods? Which foods? Which ingredients in those foods do you consider to be characterizing? How important a priority is this to you?

NAME OF INGREDIENTS

Most ingredients must be listed on the label by the specific name of the ingredient. There are some exceptions to this rule. Under the law, spices, flavorings and colors may be declared in the ingredient statement without naming the specific ingredient used. Furthermore, generic or collective names can sometimes be used instead of the specific name. (Example: whey can be declared when it is reconstituted whey. See Label No. 3 for American Cheese Food.) Some consumers are confused by long chemical names, while others want some specific information about ingredient identity because they may be allergic to certain ingredients.

8. Do you favor changing the law to require listing of specific spices, flavors and color ingredients?

9. Are specific names of certain ingredients confusing? What changes do you suggest?

10. Under the law, artificial color may be used in butter, cheese and ice cream without the label declaring the presence of the color. Do you think this exemption should be changed?

11. The regulations allow for some flexibility in the declaration of a fat or oil ingredient. For example, a vegetable oil may be declared as follows: "vegetable oil shortening (contains one or more of the following: soybean oil, palm oil, and/or corn oil)." Food producers indicate that such labeling allows flexibility in purchasing fats or oils according to best available price. Do you believe such labeling should be permitted? Should this method of labeling be extended to other instances where multiple ingredients are similarly interchangeable?

CHANGES IN INGREDIENTS

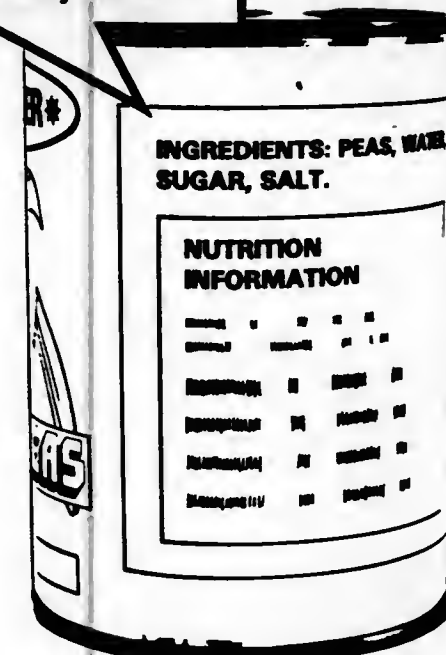
Some consumers want to require that food labels be flagged in some way when a change is made in the ingredients used. This is because once a product has been used for some time, the consumer might not realize that an ingredient change was made.

12. Do you believe that a change in ingredients should be prominently noted on the label? What kind of change (any new ingredient, removal of ingredient, etc.) should trigger the special notice?

13. Do you have any other suggestions on ingredient labeling?

LABEL 2

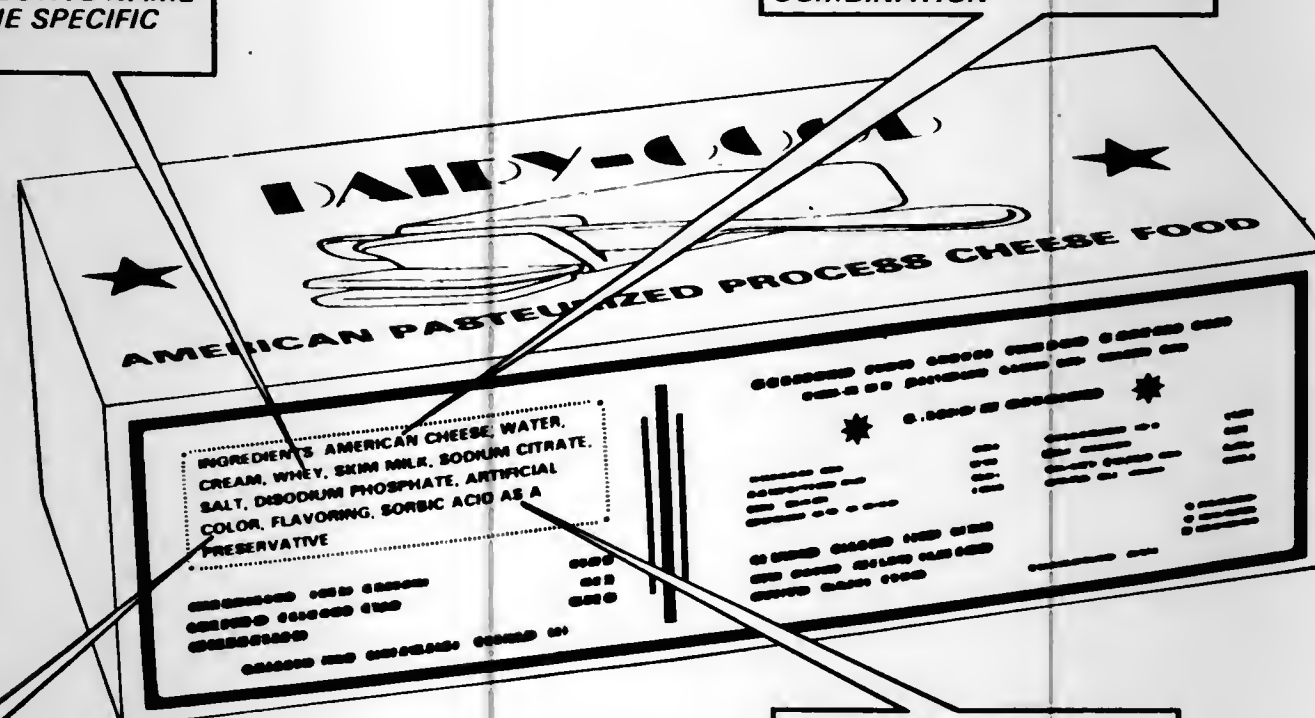
**INGREDIENTS:
PEAS, WATER,
SUGAR, SALT.**



LABEL 3

**CREAM, WHEY, SKIM MILK
INGREDIENTS CAN BE LISTED
UNDER A COLLECTIVE NAME
INSTEAD OF THE SPECIFIC
FOOD USED**

**AMERICAN CHEESE
COULD BE CHEDDAR, COLBY,
GRANULAR, OR WASHED
CURD CHEESE, ALONE, OR IN
COMBINATION**



**ARTIFICIAL COLOR, FLAVORING
THE LAW PERMITS SPICES,
FLAVORS AND COLORS TO BE
DECLARED AS SUCH**

**SORBIC ACID AS A
PRESERVATIVE
PRESERVATIVES MUST BE
DECLARED BY COMMON
NAME AND FUNCTION**

NUTRITION LABELING AND OTHER DIETARY INFORMATION BACKGROUND

Nutrition labeling is quite new. Consumer interest in nutrition labeling came into focus in late 1969 at the White House Conference on Food, Nutrition and Health. Different ways to present nutrition information on the food labels were studied during 1970 and 1971. In 1972, FDA proposed a system for nutrition labeling, and many comments from consumers, scientists, industry, and other government agencies were received. The proposal was modified and issued as a final regulation in 1973. Nutrition labeling began to appear in grocery stores in 1973, and its use has expanded greatly since then. Many billions of dollars worth of our foods are known to be nutrition labeled, but what proportion of our total \$120 billion annual food bill is accompanied by such labels is not known. An FDA nationwide survey to find the answer will be finished this summer.

Nutrition labeling is partly a voluntary program. It becomes mandatory only when a processor makes any kind of claim about the food's nutritional value in labeling or advertising, or when the food is enriched with any essential nutrients. The program applies to foods regulated by FDA (most foods, except meat and poultry which are regulated by USDA). USDA has also approved the use of the same type of labeling on many types of processed meat and poultry products. When a food label contains nutrition information, that information must be provided in a standard format: Serving size, servings per container, and then for each serving—the calories and protein, carbohydrates and fats in grams, followed by protein and a minimum of seven specified vitamins and minerals in terms of the percentage of the U.S. Recommended Daily Allowances (U.S. RDA's). Quantitative information on the content of other vitamins and minerals, sodium and potassium, cholesterol, and polyunsaturated and saturated fatty acids may also be included in a standardized way. The standardized way of presenting all this information is thought to be important to avoid confronting the consumer with multiple ways of expressing the same information. Typical examples of nutrition labeling are shown as Labels Nos. 4 (Corn Flakes) and 5 (Salad Dressing).

The basic purpose of nutrition labeling is to provide accurate nutrition information about each food. There are four basic constraints to this:

The law does not provide FDA with express authority to require nutrition labeling on all foods.

Nutrition labeling may be costly because of the expense of analyzing

products for nutrient content. FDA does not wish to take steps that would significantly increase food prices unless there is an important public health reason for doing so.

Knowledge of the nutrient content of some foods and the natural variation in this content is poor. This is particularly true of fresh fruits and vegetables, which are specifically exempted from the nutrition labeling regulation for this reason.

Knowledge about nutrition generally is quite limited. For example, we do not yet know all the effects of nutrients on health.

SOME ISSUES

Current nutrition labeling policies and regulations are considered by the government to be a good first step in the right direction, but it is recognized that the current system may not be the best possible. Consumer research studies are underway to try to improve nutrition labeling, but the government also needs help through the public hearing process. The current studies focus on the specific kinds of information needed and wanted as well as the most understandable way to present the information. After five years of experience in the marketplace, the time has come to consider the need for change.

A very important question is whether nutrition labeling is useful. The key to this issue is proper education in how to use nutrition information in selecting well-balanced diets and to minimize consumption of those food components that some consumers may wish to avoid for health or other reasons.

1. Do you think nutrition labeling is useful? If not, do you think it can be made useful through other programs. If so, what programs?

2. On what kinds of food should nutrition labeling be required? Do you think it would be useful to require nutrition labeling on all foods? Would you be willing to pay more for foods that provide this information?

One problem concerns the way information is presented.

Serving sizes are expressed in common household measures (ounces, teaspoons, pieces, etc.).

Calories are expressed as calories in a serving.

Sodium, potassium and cholesterol are in milligrams.

Protein, vitamins and minerals are in percentage of the recommended daily allowances (U.S. RDA's).

Some nutrients (e.g. sugar) are expressed in grams per serving.

This degree of complexity may ultimately prove to be necessary because there may not be a better way, but the subject needs to be explored. For example, a suggestion has been made that all the nutrients be declared as

amounts in the metric system (milligrams, etc.) per 100 calories, or that nutrients be declared as percentages of the daily allowance per 100 calories. This suggestion is referred to as the "nutrient density" concept. Another part of the problem is whether or not it would be better to eliminate as many numbers as possible, switching to some form of pictorial representation such as bar graphs or circular wedge charts ("pie charts"). It is also possible to combine nutrient density with pictorial methods. It is important, however, to think about how much education would be required to understand either one or both of these approaches. In addition, a system could conceivably be devised under which nutrition labeling would appear as words describing each food as an excellent, good, fair, poor, or zero source of each nutrient. These descriptive words would, of course, have to be defined in quantitative terms by regulation, but the quantities themselves need not appear on the label.

3. Rather than providing information in metric units and % U.S. RDA's, should some other approach be used, such as nutrient density? Or should a system be devised that would permit simplification of labeling so that foods could be stated to be excellent, good, fair, poor, or zero sources of each nutrient? Do you have suggestions on how this might be done? If such changes were made, what implications would the change have for nutrition education?

4. Should the format be changed to include as much of the information as possible in graphic or pictorial form? Do you have suggestions on how to do this?

5. Do you think it would be possible to develop a "nutrition score" for each food? If so, how would you do it?

6. Do you think the current nutrition label has too much or too little information? If too little, what further information do you think should be included? If too much, what information do you think should be eliminated?

7. Do you have other suggestions on how to present nutrition information to consumers?

Another problem is the actual information itself. The information currently provided consists primarily of energy and nutrients known through nutrition research to be needed by humans. There is concern, however, whether this is sufficient. Some persons have suggested that the label give more information about substances in food that some consumers want to avoid for health or other reasons. Primarily because of tooth decay problems, some feel that carbohydrate information should be increased to show the quantity of sugar (sucrose) and other simple carbohydrates as compared with the quantity of starches

and other complex carbohydrates. (This type of information is now voluntarily provided on the labels of many read-to-eat breakfast cereals, but is not required by FDA.)

There also is interest in more explicit information on salt or sodium content primarily because of high blood pressure problems, and some concern about the need for more information on vitamins and minerals that may be in short supply in some American diets, such as folic acid and zinc. Coupled with these specific types of additional information is the matter of prominence of display. Some feel that the content of certain components should not only be declared on the nutrition label itself, but should be routinely emphasized on the front of the label; for example, the content of calories, percentage of sugars, salt, and cholesterol. Many of these concerns are brought out in the recent publication from the Senate Select Committee on Nutrition and Human Needs entitled "Dietary Goals for the United States" (Second Edition, December 1977, 95th Congress, 1st Session, U.S. Government Printing Office, Washington, DC 20402). This year, FDA will propose that sodium and potassium content be declared on all nutrition labels. The agency also is considering ways to improve cholesterol labeling, and is in the process of developing a policy on sugar labeling.

8. If you were on a special diet, how could food be better labeled to help you to make food purchases wisely?

9. Do you think information on certain constituents should be required on the label; for example, amount of calories, sugars, sodium, fiber and/or cholesterol? Are there other examples? Should this type of information be provided on the nutrition label, on the principal display panel, or in both places?

10. Some consumers have suggested that the percentage of sugar in certain foods be declared as part of their names because they believe the amount of sugar is important to consumers for various reasons. Do you think that more information should appear on the label about the percentage or amount of sugar in food? For which foods should this information be provided? Should the amount of all sugars in the food be declared, including sugars added as a separate ingredient and those present in other ingredients? How should this information be presented on the label?

A related issue is how far we should go in determining when dietary information may be included in labeling claims or in the names of food. FDA is developing a definition for "low cholesterol" and "cholesterol reduced foods."

11. A similar problem exists concerning the sodium or salt content of foods.

Should the government continue to develop systems for determining when labeling can make claims describing food as "cholesterol free", "low

sodium", etc. Or is it better simply to provide consumers with quantitative information without further attempts to describe the nature of the food?

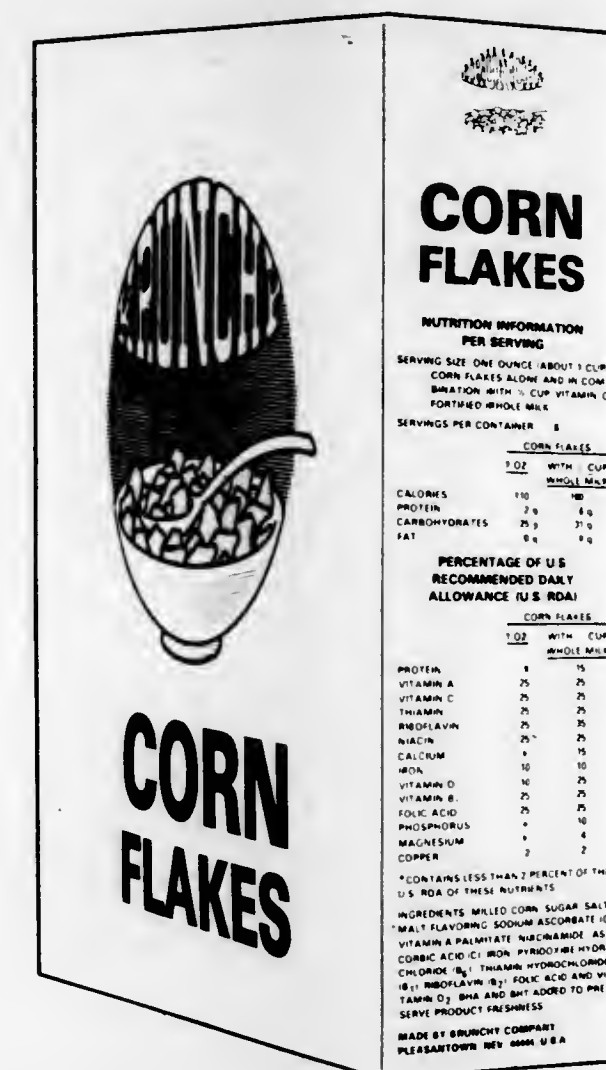
FDA has generally objected to claims in food labeling that a nutrient or other ingredient will cure or prevent a disease. These claims may make the food a drug, subject to the requirements governing drugs, including the requirements that the product be effective for the claimed purpose.

Furthermore, no disease-related or other claim can be made in food labeling if the claim is misleading. FDA has believed that it is difficult to phrase disease-related claims without being misleading because the subject may be scientifically controversial and because it is the total daily diet, not individual food items, that determines nutritional health or reduces risk of diet-related diseases. FDA has, for example, taken the position that it would be misleading to suggest that use of a specific low cholesterol food will prevent heart disease.

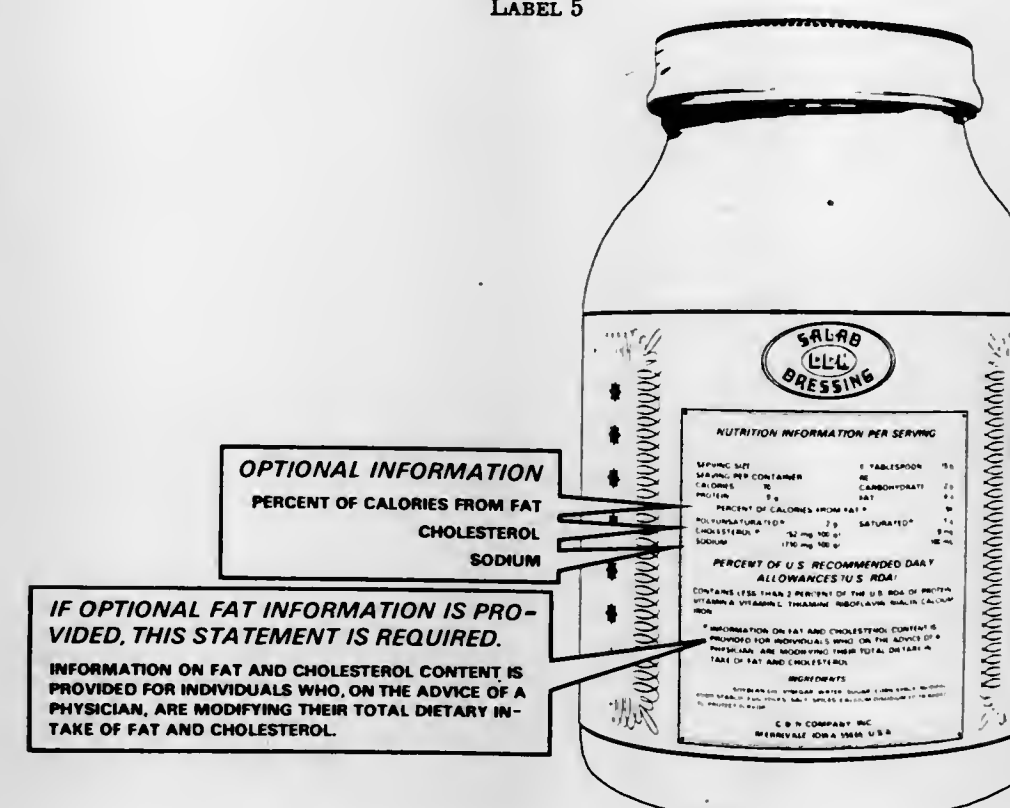
12. Should labels be permitted to contain statements about the relationship between use of the food and the prevention of diseases? If so, what type of evidence should be required in support of such statements? Does such disease information belong more properly in the classroom and doctor's office?

13. Are there other types of dietary information that should be included in food labeling?

LABEL 4



LABEL 5



OPEN DATE LABELING

An open date represents a calendar date on a food package indicating product freshness. It tells either when a product was packaged or processed, when the product should be sold by the store, or when the product should be used by the consumer. Open dating is voluntary under federal law, but mandatory for perishable foods in a few local jurisdictions. Some manufacturers voluntarily provide open date labeling.

With limited exception, the open date does not have to be accompanied by prefixes such as "Sell By," "Use By," or "Better If Used By" that tell the consumer its meaning. The exception relates to meat and poultry food products covered by the Federal Meat and Poultry Inspection Acts, which represent 25 to 30 percent of the food sold in grocery stores. Under regulations administered by USDA's Food Safety and Quality Service, if a calendar date is shown on the label of a meat or poultry food product, it must be explained in terms of "packing" date, "Sell By" date, or "Use Before" date.

Alternatively, USDA allows processors to label meat and poultry products with statements such as "Full freshness 10 days beyond date shown, when stored at 40° F or below." However, such labeling must be supported by test data that show that the statement is true. USDA also requires frozen or refrigerated meat and poultry products to be labeled "Keep Frozen" or "Keep Refrigerated."

Four types of open dates are in common use:

1. Pack date—the date of final packing.
2. Pull date—the last recommended day of retail sale that allows for sufficient home storage and use time.
3. Quality assurance date—the date after which the product is not likely to be at peak quality, e.g., "Sell By (date)."
4. Expiration date—the last day the product should be used for assured quality, e.g., "Do not use after (date)."

An example of open date labeling appears on Label No. 6, Low Fat Milk.

1. Should open dating be required for all foods, only perishable foods, or only selected perishable foods?

2. Should an explanation of the date shown be required?

3. Which of the four common types of open date labeling is most meaningful? Should different products have different types of open date labeling, such as pull dates for perishables and pack dates for canned food? Should certain products have two dates, such as the pull date and the expiration date?

4. Should storage and handling instructions be mandatory? Would home storage and handling instructions make open dating more useful?

5. Should all open dates be uniform with respect to label placement and application techniques, i.e., ink marked or pressure embossed?

6. Is an alpha-numeric (April 18) date more acceptable than a numeric (4-18) date?

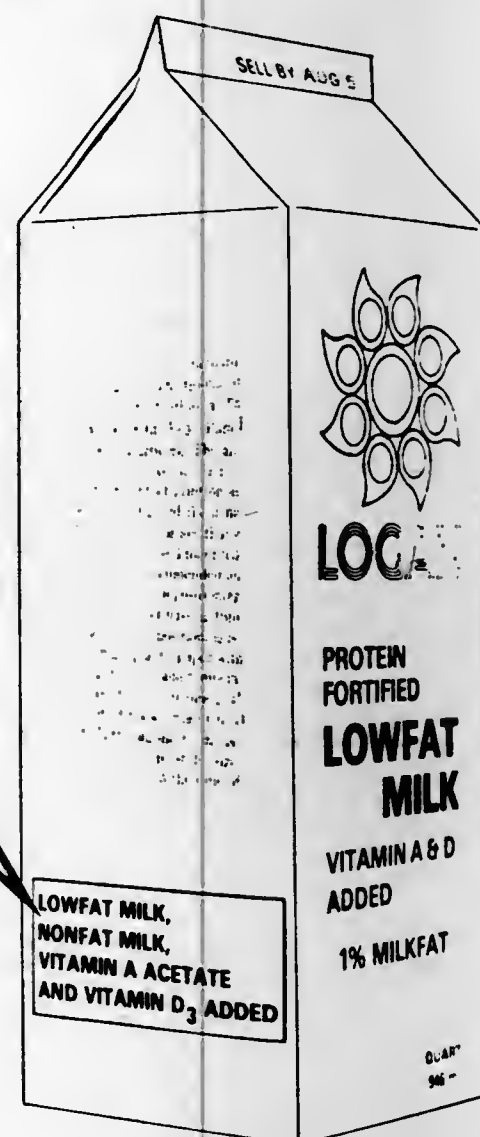
7. Is open dating of more value than other information on the label? Which information? Are you willing to pay more for products that have open dating? How much more per week?

8. How often are foods thrown out because the open date on the package is considered to be a throwout date?

9. Would a labeling sticker that changed color, say from white to red, when temperature or time had affected the product be a more meaningful way of informing about the freshness of a food product?

10. Do you favor allowing retailers to sell "out of date products" (such as day old bread)?

LABEL 6



NONFAT MILK,
VITAMIN A ACETATE
AND VITAMIN D₃ ADDED

FORTIFYING INGREDIENTS

IMITATION AND SUBSTITUTE FOODS

Substitute foods are any foods that resemble and are intended to replace another food. Some substitute foods are considered to be "imitation" foods. Under Federal law, any food that imitates another food must be labeled "imitation." Traditionally, FDA accepted the concept that substitute foods were inferior to the "real" food and has to be labeled as imitations. If a standard of identity were established for the substitute food, however, the substitute was viewed as a different food from the real food, and thus did not have to be called imitation. For ex-

ample, salad dressing does not have to be called "Imitation Mayonnaise."

In 1973, FDA reviewed its policy and decided to identify nutritionally inferior or foods by requiring them to be called "imitation," but to allow all other substitute foods to be sold without being called imitation, if they bore a name that accurately described the food. FDA made this change because it believed that the meaning of imitation was confusing.

Although the name "imitation" implies that the substitute food is inferior, some substitute foods may be equal to or better than the real food in nu-

trition. The substitute food might, for example, have lower amounts of fat and calories, which are rarely viewed today as valuable attributes. FDA also believed that its new policy would encourage manufacturers to make substitute foods nutritionally equivalent to the foods they replace, in order to avoid having to use the "imitation" label. FDA's interpretation of imitation has been upheld by the courts.

1. What kind of food should be called "imitation"?

2. What does the word "imitation" on the food label mean to you?

3. Should a substitute food always be called an "imitation" food, to indicate what it is not, in addition to being labeled with a name that identifies what it is; for example, should margarine be named "imitation butter" in addition to being labeled "margarine"? Why?

4. If a food purports to be a standardized food but does not conform to a standard of identity, should it be possible to sell the food, and, if so, under what name? Should the name of the food simply describe the difference from the standardized food? Should the food be called an "imitation"?

5. What information should be included in the name or on the label of substitute foods to inform consumers about the food? For example, should the name state the percentage of characterizing (important) ingredients?

In deciding whether a substitute food is nutritionally inferior and must be called "imitation," FDA looks at the nutrients for which there are U.S. Recommended Daily Allowances (RDA) and which are present in conventional foods at 2 percent or more of the U.S. RDA per serving of each nutrient. If there were sufficient scientific support, FDA could include other nutritional characteristics, such as the nature of the carbohydrate or fat, in the criteria for nutritional equivalence.

6. What criteria should be used to judge whether a food is nutritionally inferior? Should nutritional inferiority include the type of fat or carbohydrate (sugar, starch, fiber)? Should nutritional inferiority include trace minerals or other nutrients in addition to those for which RDA's have been established?

7. Should substitute foods that are nutritionally inferior be labeled to indicate that the food is nutritionally inferior? Do you think the term "imitation" is adequate to indicate that a substitute food is nutritionally inferior? What more information should be required?

8. Should prior approval by the government be required before a manufacturer can sell nutritionally equivalent substitute food under an accurate and descriptive name without "imitation" labeling? Why?

9. As discussed earlier, substitute foods that are nutritionally inferior must be labeled "imitation." Is the word "imitation" enough, or should the manufacturers be required to make substitute foods nutritionally equivalent? Should substitute foods have characteristics other than simply being identical in nutrient content? If so, what are the other characteristics?

Should even nutritionally equivalent substitute foods be labeled "imitation"?

11. Do you have other suggestions about how substitute foods and imitation foods should be named and labeled?

FOOD FORTIFICATION

Food fortification refers to the addition of nutrients to foods. Examples are the addition of vitamin D to milk, iodine to table salt, and various vitamins and minerals to ready-to-eat breakfast cereals.

FDA does not have a general, overall regulation that requires or prohibits food fortification. FDA has established some standards of identity that prescribe the extent to which some standardized food must be fortified. Examples are enriched bread, which must contain levels of three vitamins and one mineral, and margarine, which must contain a specific amount of vitamin A. The standard for soda water, on the other hand, specifically prohibits the addition of nutrients on the grounds that they are unsuitable optional ingredients. FDA's policies on imitation labeling encourage the fortification of a food substitute to make it nutritionally equivalent to the food substituted for.

Those who favor food fortification believe that fortification is appropriate to counteract dietary insufficiencies and prevent the occurrence of dietary deficiencies, to restore nutrients unavoidably lost in the processing of foods, and to enhance the balance of nutrients to calories in foods. For many years, nutrients added to common foods have contributed substantial proportions of the total amount of many essential vitamins and minerals in our national food supply. The addition of niacin to bread (and other baked cereal-based staples and rice) in the enrichment program in the 1940's was responsible for the decline and virtual disappearance of pellagra, which was then endemic in the South. The nutrient fortification of milk for infant feeding is an example of the addition of nutrients to prevent the occurrence of a dietary deficiency in a very susceptible population.

Because no regulations or official policy guidelines exist, over-fortification as well as inappropriate fortification of foods may occur. Over fortification in both quantity and kind of

nutrients can lead to unusual and excessive intakes of some nutrients, particularly if it encourages consumption of a food which, itself, may be considered to be nutritionally undesirable by being high in calories or containing large amounts of salt or simply being a "fun food." Indiscriminate fortification might also imply to some consumers that fortification of any kind makes a good food out of one with less desirable nutritional characteristics. As an example, some believe that adding vitamins and minerals to potato chips is inappropriate fortification.

The nature of our food supply is changing. We eat an even higher proportion of almost-ready-to-eat foods and meals than a generation ago; some foods are highly processed conventional foods and others are formulated from a wide variety of ingredients. This change is coming about primarily because of economic factors and new living styles. More consumers have the ability to buy according to their preferences, and the economics of agricultural production and the national food marketing system foster the change. More plant-derived than animal-derived foods may be eaten in the future. Some believe that limited fortification of these kinds of foods would be a desirable form of health maintenance or protection.

Please provide comments on when food fortification is appropriate and the extent to which the government should regulate food fortification. A typical label for a fortified food is shown by Label No. 6.

1. What should be the criteria for fortifying a food? Is the nature of a food or its place in the diet important? Is the occurrence of a real or suspected nutrient deficiency disease in any part of the U.S. population the only signal that some food should be fortified?

2. Are there types of foods that should not be fortified with nutrients?

3. Should the government regulate food fortification to prevent unnecessary fortification even if the fortification is safe? If fortification is unnecessary, should the food be prohibited? Explain your answers.

4. Should the extent of fortification be based on a standard such as the U.S. Recommended Dietary Allowance?

5. If the government were to regulate fortification, should prior approval be required before a food can be fortified, or should a manufacturer be able to fortify with the government later bringing a court challenge when it believes the fortification to be illegal?

6. Is the standard of identity the kind of regulation that the government should use to continue regulating food fortification? (It is the tradi-

tional way for such foods as enriched bread and skim milk fortified with vitamins A and D, and a few others.) If not, what other kind of regulation should be used? Should changes in the nutrient profiles of current food standards be made (either by eliminating nutrients or adding nutrients or changing levels)?

7. Do you have other suggestions on food fortification and labeling?

TOTAL FOOD LABEL

Labels have a limited amount of space on which there is a large quantity of information. Some information is required by law: common or usual name of the food; name and address of packager, manufacturer or distributor; listing of ingredients for most foods; presence of artificial flavoring, coloring or preservative; and the amount of food contained in the package. Nutrition labeling is required by regulation if vitamins, minerals or protein are added to the food or if nutrition claims are made. The nutrition label may contain up to 28 items of information, such as the amount of vitamins, minerals, calories, protein, carbohydrate and fat present. In addition, the label may contain other information that the manufacturer wishes to put on it, such as brand name, price, vignettes or product photographs, serving directions, a code number related to the date of manufacture, recipe suggestions, offer to send information, premium offers, product guarantee, product coupons, advertising/benefit claims, ethnic symbols, universal product code, patent numbers, storage directions and name and address of container manufacturer. An example is shown by Label No. 7, Canned Sweet Corn.

In view of the quantity and complexity of package information, some people feel that the total communication effectiveness of package labels should be evaluated. Furthermore, additional information increases manufacturers' costs, and these costs may be added to the price of the food. Some manufacturers say they have to spend money to obtain the information, and, in some instances, have to adopt a fixed source of supply for some ingredients rather than use the lowest cost ingredients available at a particular time because varying the ingredients would require a change in the label. We need to determine what information should be conveyed by labels and how that information can be most effectively presented.

A number of proposals have been made to require additional information on labels including:

More specific identification of ingredients.

Amounts of ingredients.

Drained or fill weight.

Open date labeling.

Nutrition information.

In addition, proposals have been made to use symbolic markings or graphics to display information on nutrient content and certain food and color additives. Specific questions about ingredient, open date and nutrition labeling were discussed in other sections. Comments are invited on the following general questions concerning additional information needs and the total food label.

1. What type of product information should be conveyed using labels? How will this information benefit you?

2. Some people are concerned about "information overload," that is, having so much information on the label that it's confusing, overwhelming, or just

hard to find what you want. Do you think that information overload is a problem with current labels? Would it be a problem if labels were required to have additional information?

3. Food packages are sometimes too small to accommodate a large amount of information on the label. Because of this, it may be necessary to limit label information. What current or proposed information on labels is most important? Least important? Put your answers to question No. 1 in order of priority. Does the importance of various types of label information change depending on the type of food products?

4. Do you have suggestions for improving the format or arrangement of food labels? Are there certain types of information that should be required to appear at different locations on the label?

5. Consumer representatives have suggested that symbolic markings on labels be used to call attention to the presence of a particular ingredient, such as an artificial flavor or color. This system might help people avoid certain ingredients to which they are abnormally sensitive. Do you favor this proposal? If so, give examples of specific ingredients that should be identified by symbols. How would people learn about what symbols mean?

6. Product labels are not the only method of conveying information to consumers. Other means that could be used in addition to labels include placards on display at point of sale, booklets for use in stores or at home, package inserts, etc. What role, if any, do you propose for other media?

7. What other suggestions do you have about the total food label? Give examples of labels that you think are understandable and complete. Which labels do you like best? Why?

LABEL 7

BRAND NAME

TRADE MARK

PICTURE
OF
PRODUCT

CREAM
STYLE

GOLDEN

SWEET CORN

NET WT. 16 OZ. (1 Lb.)

INGREDIENTS CORN WATER SUGAR SALT STARCH

NUTRITION INFORMATION PER CUP SERVING
SERVINGS PER CONTAINER APPROX 4
CALORIES 210 CARBOHYDRATE 46 g
PROTEIN 5 g FAT 1 g

PERCENTAGE OF U.S. RECOMMENDED DAILY
ALLOWANCES (U.S. RDA) PER CUP SERVING

PROTEIN 4
VITAMIN A 4
VITAMIN C 15
THIAMIN 2
RIBOFLAVIN 4
NIACIN 4
CALCIUM 4
IRON 4
PHOSPHORUS 8
MAGNESIUM 8

* CONTAINS LESS THAN 2% OF THE U.S. RDA
OF THIS NUTRIENT.



PACKED BY
E.Z. FOOD CO.
CITY STATE ZIP

CREAM STYLE

GOLDEN SWEET CORN

RECIPE

CORN FRITTERS—DRAIN AND ADD
ONE EGG. ½ CUP FLOUR. ½ CUP MILK.
½ TEASPOON SALT. ¼ TEASPOON BAK-
ING POWDER. DROP SPOONFUL ON
HOT LIGHTLY GREASED GRIDDLE—LIKE
GRIDDLE CAKES—AND BROWN BOTH
SIDES QUICKLY. SERVE HOT EITHER
PLAIN OR WITH SYRUP.

SAFE AND SUITABLE INGREDIENTS

FDA has issued regulations, called standards of identity, that describe the kinds of ingredients that can or must be used in making many traditional foods. Under the law, FDA can issue a food standard when the standard "will promote honesty and fair dealing in the interest of consumers." Standards of identity have been issued for milk, cheeses, frozen desserts, bread, flour, macaroni, canned fruits, canned vegetables, and other foods. Foods for which no standards of identity have been issued, such as soups, cookies and pizza, are called nonstandardized foods. In nonstandardized foods manufacturers may use any ingredients desired, but must give the food an honest and nonmisleading name, and declare all ingredients in the ingredient statement.

In the past, standards of identity were like recipes, naming the specific ingredients that could be used. These standards often allowed several optional ingredients to be used. For example, canned peas may be seasoned with one or more of the following optional seasonings: green or red peppers, mint leaves, onions, garlic, horseradish, lemon juice, butter or margarine. Thus, even under the recipe-type standard, manufacturers often have had some flexibility in making the food, and the food could vary to some degree in taste and other features.

In recent years, manufacturers have been allowed additional flexibility in choosing optional ingredients in standardized foods. Instead of listing by name in a recipe the specific ingredients that could be used, some standards permit any safe and suitable ingredient to be used for certain purposes. For example, instead of specifying the particular preservatives that could be used by name (calcium propionate, sodium benzoate, etc.), a standard might allow any "safe and suitable preservative" to be used.

When safe and suitable ingredients are permitted to be used in a particular standard, FDA believes that the additional flexibility would not change the basic character of the food. The "safe and suitable" approach also allows a manufacturer or food processor to use different ingredients because of seasonal changes or to take advantage of new ingredients and economic conditions. Previously, such flexibility could be achieved by seeking to amend the applicable regulations. Amendment is a lengthy and elaborate procedure, even where the changes do not affect the character or nutritional value of the finished food.

Only safe ingredients can be used in any food, including a standardized food.

An ingredient is considered suitable only if it performs an appropriate function in the food in which it is used. The government would not consider an ingredient to be suitable if its use significantly changed or degraded the basic characteristics of the food. Characteristics in this sense include nutritional value, taste, smell, appearance, stability, etc.

Standards vary in how much flexibility they provide in using safe and suitable ingredients. Some examples: the authorization to use safe and suitable preservatives in the cane syrup standard; safe and suitable nutritive sweeteners in a number of food standards, including the sweetened condensed milk standard; safe and suitable bread ingredients in the frozen raw breaded shrimp standard; any safe and suitable optional ingredient, except vitamins and certain other ingredients, in the soda water standard; and safe and suitable milk-derived ingredients to build solids in the creaming mixture for cottage cheese.

FDA revised the ice cream standard to permit any safe and suitable milk-derived ingredient to be used to meet the minimum dairy requirements. FDA received objections to this

change because some people thought the change would lower the nutritional quality of the food or alter its character. FDA revoked this change because of a possible difference in nutritional quality, and it is no longer in effect.

1. Do you think food standards are a good way to regulate foods? What alternatives would you suggest? For which foods are standards of identity needed? Why?

2. Do you think standards of identity should provide flexibility in the use of optional ingredients? Do you agree that a food processor or manufacturer should have the ability to use new ingredients in a standardized food? If the change does not significantly alter what the food is? If the food is informatively labeled?

3. Does the "safe and suitable" policy allow too much flexibility in the way standardized foods are made? Which of the examples of the use of "safe and suitable" ingredients given above do you agree or disagree with and why? If you disagree with any of the uses, would you have a different view if more information about the ingredients were provided on the labels?

4. Do you think there would be as much need for standards of identity if the labels for all foods provided more information, such as information in the name about the percentage of important ingredients, percentage ingredient labeling, nutrition information, or other information? Which do you think is more important, to have more standards of identity, or to have more information on the labels of all foods? If more information is desirable, specify what information.

5. What factors should be considered in determining whether the use of a new optional ingredient alters the basic character of a food? Do you think that the use of new ingredients that are similar to existing ingredients alters the basic character of a food? Does

your answer depend on the type of food involved?

6. Should food standards always specify the specific function (preservative, flavor, sweetener, etc.) for which safe and suitable ingredients may be used? For example, the soda water standard permits the use of any safe and suitable optional ingredients without specifying the functions for which the ingredients may be used? Should this be changed? How?

7. Do you have any other suggestions about food standards or about the use of safe and suitable ingredients?

REFERENCES

FEDERAL FOOD, DRUG, AND COSMETIC ACT REGULATIONS—TITLE 21 CODE OF FEDERAL REGULATIONS

- Sec.
- 101.3(e) Imitation labeling; nutritional inferiority.
- 101.4 Designation of ingredients; order of predominance; specific versus collective names.
- 101.6 Label designation of ingredients for standardized foods.
- 101.9 Nutrition labeling of food.

- 101.22 Labeling of spices, flavorings, colorings and chemical preservatives.
- 101.25 Labeling of foods in relation to fat and fatty acid and cholesterol.
- 102.5 Common or usual name for non-standardized foods; characterizing ingredient.
- 102.54 Name of seafood cocktail.
- 105 Labeling of foods for special dietary use.
- 130.3 General provisions for food standards; safe and suitable.
- 131-169 Specific food standards.

Examples

- 135 Frozen desserts.
- 136 Bakery products.
- 145 Canned fruits.
- 165 Nonalcoholic beverages.
- 166 Margarine.
- 169 Food dressings and flavorings.
- 131-169 Safe and suitable.

Examples

- 131.120 Sweetened condensed milk.
- 133.128 Cottage cheese.
- 161.175 Frozen raw breaded shrimp.
- 165.175 Soda water.
- 168.130 Cane syrup.

STATUTORY PROVISIONS

Federal Food, Drug, and Cosmetic Act citations are listed in the first

column. The United States Code citation is given in the second column.

Sec.	U.S.C.	
401	21 U.S.C. 341	Food standards.
403(a)	21 U.S.C. 343(a)	False and misleading claims.
403(c)	21 U.S.C. 343(c)	Imitation.
403(i)	21 U.S.C. 343(i)	Common or usual names; ingredient labeling; spices, flavorings and colorings.
403(j)	21 U.S.C. 343(j)	Special dietary foods.
403(k)	21 U.S.C. 343(k)	Labeling of artificial coloring or chemical preservatives; exceptions.
701(a)	21 U.S.C. 371(a)	Rulemaking authority.
701(e)	21 U.S.C. 371(e)	Procedures for food standards and certain other rules.

JUDICIAL DECISIONS

62 Cases of *Jam v. United States*, 340 U.S. 593 (1951)—Imitation labeling. *Federation of Homemakers v. Schmidt*, 539 F. 2d 740 (D.C. Cir. 1976)—FDA regulation on imitation labeling.

[FR Doc. 78-15965 Filed 6-8-78; 8:45 am]

FRIDAY, JUNE 9, 1978
PART V



OFFICE OF MANAGEMENT AND BUDGET

BUDGET RESCISSIONS AND DEFERRALS

Reports

Registered Federal

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

RESCISSIONS AND DEFERRALS

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report one proposal to rescind \$48 million in budget authority previously provided by the Congress. In addition, I am reporting three new deferrals totalling \$8.1 million and revisions to three previously transmitted deferrals increasing the amount deferred by \$0.4 million.

The rescission proposal affects the military assistance program. The new deferrals and the revisions to existing deferrals involve programs in the Departments of Agriculture, Commerce, the Interior, and the Treasury.

The details of the rescission proposal and the deferrals are contained in the attached reports.

JIMMY CARTER,

THE WHITE HOUSE.
June 5, 1978.

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

Rescission No.	Item	Budget Authority
R78-6	Funds Appropriated to the President: International Security Assistance Military assistance.....	48,000
Deferral No.		
D78-4A	Department of Agriculture: Forest Service Permanent appropriations, Licensee orphans.....	227
D78-64	Department of Commerce: Regional Action Planning Commissions Regional development programs.....	1,618
D78-65 D78-10A	National Oceanic and Atmospheric Administration Operations, research, and facilities.. Fisherman's Quarters fund.....	1,433 950
D78-16A	Department of the Interior: Heritage Conservation and Recreation Service Land and water conservation fund.....	30,000
D78-66	Department of the Treasury: Office of the Secretary Antirecession financial assistance fund.....	5,000 1/
	Subtotal, deferrals.....	39,228
	Total, rescission proposal and deferrals..	87,228

1/ Outlays only.

SUMMARY OF SPECIAL MESSAGES
FOR FY 1978
(in thousands of dollars)

	Rescissions	Deferrals
Ninth special message:		
New items.....	48,000	8,051
Changes to amounts previously transmitted.....	—	358
Effect of ninth special message....	48,000	8,409
Previous special messages.....	87,923	4,956,404
Total amount proposed in special messages.....	135,923 (in & rescis- sions)	4,964,813 1/ (in 66 deferrals)

1/ This amount represents budget authority except for \$14,573,000 consisting of four Department of the Treasury deferrals of outlays only (D78-286, D78-50, D78-53, D78-66).

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 95-344

Agency Funds Appropriated to the President: Bureau International Security Assistance	New budget authority (P.L. 95-148) \$ 220,000,000 Other budgetary resources 95,700,000 Total budgetary resources 315,700,000
Appropriation title & symbol Military Assistance 1/ 2/ 117/81080 and 1181080	Amount proposed for rescission \$ 48,000,000 3/
O/B identification code: 11-1060-0-1-152	Legal authority (in addition to sec. 1012): <input checked="" type="checkbox"/> Antideficiency Act <input type="checkbox"/> Other
Grant program <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other
Type of account or fund: <input checked="" type="checkbox"/> Annual <input checked="" type="checkbox"/> Multiple-year September 30, 1978 (expiration date) <input type="checkbox"/> No-year	

Justification:

Pursuant to the Foreign Assistance Act of 1961, as amended, the President is authorized to furnish military assistance "...to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the U.S. and promote world peace..." The Foreign Assistance and Related Programs Appropriation Act, 1978 (Public Law 95-148, approved October 31, 1977) appropriated \$220,000,000 for this purpose. Additional budgetary resources of \$135,900,000 were expected to be available in FY 1978. Public Law 95-254 rescinded \$40.2 million of these funds making an anticipated total of \$95.7 million of additional funds available for this program.

In 1974, the Congress enacted Section 620(x) of the Foreign Assistance Act of 1961, which as amended, suspends all grant military assistance to Turkey "...until the President determines and certifies to the Congress that substantial progress toward agreement has been made regarding military forces in Cyprus..." As a result, \$48 million which was authorized and appropriated for Turkey was deferred pending a Presidential certification regarding Cyprus or enactment of legislation by Congress removing the Presidential certification requirements. On April 6, 1978, the Secretary of State testified that the President was requesting the repeal of Section 620(x) and indicating that the U.S. and Turkey had agreed to renegotiate the Defense Cooperation Agreement which had been signed

1/ This account is the subject of a deferral, D78-47.

2/ This account was the subject of a similar rescission (R78-2) proposed earlier this fiscal year.

3/ This amount was included in a deferral (D78-47) transmitted to the Congress on December 15, 1977.

R78-6

2

In March 1976, the lifting of Section 620(x) would make Turkey eligible to receive the \$48 million which are no longer contemplated for use because of proposed new military assistance arrangements with that country.

Consequently, the \$48 million will not be required in 1978 to carry out the full objectives and scope of the program now contemplated, and a rescission of this amount is proposed.

Estimated Effects:

There are no programmatic or budgetary effects that result from this rescission proposal since the planned FY 1978 program can be accomplished without the funds.

Outlay Effect:

There is no outlay impact of this rescission proposal.

TITLE 1--FOREIGN ASSISTANCE ACT ACTIVITIES
FUNDS APPROPRIATED TO THE PRESIDENT
MILITARY ASSISTANCE

Of the funds appropriated under this head in the Foreign Assistance and Related Programs Appropriations Act, 1978, \$48,000,000 are reclassified.

DEFERRAL OF BUDGET AUTHORITY Report Pursuant to Section 1013 of P.L. 95-344	
Agency: Department of Agriculture	New budget authority (18 USC 711) \$ 321,000
Bureau: Forest Service	Other budgetary resources 231,738 *
Appropriation title & symbol: Licensee Program, Forest Service 1/ 12X5214	Total budgetary resources 552,738 *
	Amount to be deferred:
	Part of year \$
	Entire year 226,738 *
CBS identification code: 12-9922-0-2-302	Legal authority (in addition to sec. 1013):
Grant program: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Antideficiency Act
Type of account or fund: <input type="checkbox"/> Annual	<input type="checkbox"/> Other
<input type="checkbox"/> Multiple-year (expiration date)	Type of budget authority:
<input checked="" type="checkbox"/> No-year	<input checked="" type="checkbox"/> Appropriation
	<input type="checkbox"/> Contract authority
	<input type="checkbox"/> Other

Justification: Royalties collected under licenses for use of the characters "Smoky Bear" and "Woody Owl" are permanently appropriated and utilized for furthering the nationwide forest fire prevention campaign and promoting the wise use of the environment as provided by the Act of May 23, 1952 (18 USC 711), and for Woody Owl, (31 USC 688b-3-6). The total budgetary resources available to this program for fiscal year 1978 consist of \$231,738 in actual receipts carried forward to fiscal year 1978 from fiscal year 1977 and \$321,000 in receipts anticipated for fiscal year 1978. In keeping with routine financial management practices maintained over the years, \$226,738 of the total budgetary resources available has been reserved. The reserve is justified on two grounds: (1) the reserve contributes to a consistent, stable program level from year-to-year which, in turn, promotes more efficient operations. The fiscal year 1978 program is being funded, in part, from reserved balances carried forward from last year. The 1979 program will be partially funded by the estimated receipts being deferred in fiscal year 1978; and, (2) reservation of funds is required to avoid the possibility of a violation of the Antideficiency Act (31 USC 665, (a), (b), (h)). A violation of the sections cited could occur if all the estimates of receipts now deferred were made available and obligated while estimated receipts were not fully realized.

This reserve action is taken under provisions of the Antideficiency Act that authorize the establishment of reserves for contingencies (31 USC 665(c) (2)).

1/ This account was the subject of a similar deferral during FY 1977.

* Revised from previous report.

D78-4A

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 95-344

This report revises Deferral No. D78-4 transmitted to the Congress on October 3, 1977, and printed as House Document No. 95-235.

The amount deferred for the Forest Service's Licensee programs account is \$226,738, an increase of \$86,073 over the amount previously deferred. This change reflects an adjustment in unobligated balances brought forward on October 1, 1977, from an estimated to an actual basis.

D78-4A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 95-344

Agency: Department of Commerce	New budget authority (P.L. 95-344) \$ 64,600,000
Bureau: Regional Action Planning Commissions	Other budgetary resources 8,727,282
Appropriation title & symbol: Regional Development Programs 12X2100	Total budgetary resources 73,327,282
	Amount to be deferred:
	Part of year \$
	Entire year 1,619,000
CBS identification code: 13-2100-0-1-452	Legal authority (in addition to sec. 1013):
Grant program: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Antideficiency Act
Type of account or fund: <input type="checkbox"/> Annual	<input type="checkbox"/> Other
<input type="checkbox"/> Multiple-year (expiration date)	Type of budget authority:
<input checked="" type="checkbox"/> No-year	<input checked="" type="checkbox"/> Appropriation
	<input type="checkbox"/> Contract authority
	<input type="checkbox"/> Other

Justification: The Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1978, provided \$2,036,000 for the establishment of two new regional planning commissions. To date, only one new commission, Southwest Border Commission, has been established, leaving \$1,018,000 of the funds uncommitted. There is also available from FY 1977 \$600,000 out of \$1,000,000 appropriated for an unspecified number of new commissions, bringing the total available for new commissions to \$1,618,000. There are currently seven applications pending for the designation of economic development regions which, if approved, would result in the establishment of new commissions. While no final decision has been made on any of the applications, consistent with a wider review of the future of regional development programs, it is expected that would be required during this fiscal year should any of the applications be approved. This deferral action will reserve the funds until a final decision on pending applications has been made, at which time the funds will be available either for additional new commissions or the existing new commission.

Estimated Effects: The effect of deferring \$1,619,000 beyond 1978 will be to insure that funds will be available for initial start-up costs should any new commissions be established.

Outlay Effect: There is no outlay effect from this deferral.

D78-16A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 95-344

Agency: Department of the Interior	New budget authority (16 USC 460L, P.L. 95-74) \$30,000,000
Bureau: Heritage Conservation and Recreation Service	Other budgetary resources 128,413,438 *
Appropriation title & symbol: Land and Water Conservation Fund 1/ 16X5005	Total budgetary resources 158,413,438 *
	Amount to be deferred:
	Part of year \$
	Entire year 30,000,000
CBS identification code: 16-5005-0-2-303	Legal authority (in addition to sec. 1013):
Grant program: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Antideficiency Act
Type of account or fund: <input checked="" type="checkbox"/> Annual (the deferred funds have a one year availability)	<input type="checkbox"/> Other
<input type="checkbox"/> Multiple-year (expiration date)	Type of budget authority:
<input checked="" type="checkbox"/> No-year	<input checked="" type="checkbox"/> Appropriation
	<input type="checkbox"/> Contract authority
	<input type="checkbox"/> Other

Justification: Under the law (16 USC 460L (10e)), \$30 million of contract authority becomes available each fiscal year to the Land and Water Conservation Fund in addition to the \$600 million appropriation enacted for FY 1978. The authority is made available by the Congress for use specifically as an anti-inflation measure in purchasing authorized Federal recreation land (P.L. 90-401; Senate Report 90-1071, to accompany S. 1401). This authority was last used in 1969 and 1970. Thus, the contract authority has lapsed in fiscal years 1971-1977. The funds will be utilized in the future, as in the past, on a special case basis for emergency situations consistent with our understanding of congressional intent.

In accordance with provisions of the Antideficiency Act (31 USC 665), the \$30 million has been deferred. This contract authority lapses at the end of each fiscal year in which it is not used. An equal amount becomes available at the beginning of the next fiscal year. The other funds in this account are the FY 1978 appropriation and prior-year balances of direct appropriations that have been made available for obligation.

Estimated Effects: This reserve for contingencies has no fiscal, economic or budgetary effect in the current year. The funds would be made available and obligated only in unforeseeable circumstances.

Outlay Effect: There is no outlay effect of this deferral because the funds would not be used if made available.

1/ This account was the subject of a similar deferral during FY 1977.

* Revised from previous report.

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 95-344

This report revises Deferral No. D78-10 transmitted to the Congress on October 3, 1977, and printed as House Document No. 95-235.

This deferral for the Fishermen's guaranty fund in the National Oceanic and Atmospheric Administration of the Department of Commerce increases the previously reported deferral from \$677,926 to \$950,348. This increase of \$272,422 results from an increase in estimated receipts for FY 1978 and recovery of prior year obligations.

D78-10A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 95-344

Agency: Department of Commerce	New budget authority (P.L. 95-344) \$
Bureau: National Oceanic and Atmospheric Administration	Other budgetary resources 1,143,048 *
Appropriation title & symbol: Fishermen's Guaranty Fund 1/ 13X4316	Total budgetary resources 1,143,048 *
	Amount to be deferred:
	Part of year \$
	Entire year 950,348 *
CBS identification code: 13-4316-0-3-403	Legal authority (in addition to sec. 1013):
Grant program: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Antideficiency Act
Type of account or fund: <input type="checkbox"/> Annual	<input type="checkbox"/> Other
<input type="checkbox"/> Multiple-year (expiration date)	Type of budget authority:
<input checked="" type="checkbox"/> No-year	<input checked="" type="checkbox"/> Appropriation
	<input type="checkbox"/> Contract authority
	<input checked="" type="checkbox"/> Other 82 Stat 729

Justification:

The Fishermen's Protective Act of 1967, as amended, provides compensation to vessel owners and crews for financial losses resulting from the seizure of United States fishing vessels by foreign governments on the high seas or on the basis of foreign rights or claims to territorial waters not recognized by the United States. Capital for this fund beginning in FY 1978 is derived from fees paid by vessel owners at rates established by the Secretary of Commerce.

The current program will finance the administrative expenses of this fund and payment of all anticipated claims leaving \$950,348 that can be deferred to cover any future seizure and subsequent claims. This reserve is in accordance with the Antideficiency Act. These funds could not be used even if made available for obligation.

Estimated Effects:

Deferral of these funds will have no effect on the Fishermen's Guaranty Fund program as currently planned for FY 1978.

Outlay Effect:

There is no outlay effect of this deferral because the funds would not be used if made available.

1/ This account was the subject of a similar deferral during FY 1977.

* Revised from previous report.

D78-16A

Deferral No: D78-66

SUPPLEMENTARY REPORT

Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D78-16 transmitted to the Congress on October 3, 1977, and printed as House Document No. 95-235.

This supplementary report contains the revisions necessary to change this deferral for the land and water conservation fund in the Department of the Interior from the Bureau of Outdoor Recreation to the Heritage Conservation and Recreation Service.

Deferral No: D78-65

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of Commerce	New budget authority (P.L. 95-86)	\$607,506,000
Bureau: National Oceanic and Atmospheric Administration	Other budgetary resources	81,220,320
Appropriation title & symbol: Operations, Research, and Facilities 1/ 13-1450	Total budgetary resources	688,726,320
	Amount to be deferred: Part of year	\$
	Entire year	1,433,000
CBE identification code: 13-1450-0-1-306	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Other	
Type of account or fund: <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Multiple-year (expiration date) <input checked="" type="checkbox"/> One-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	

Justification:

Funds were provided in the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1978, for the continuation of the OCEANLAB project. Since delays have developed in completing the planning for the project and the award date for the construction contract has been rescheduled to December, 1979, at the earliest, funds totalling \$1,433,000 are deferred for the entire year. This deferral will provide the additional time necessary to complete the review and selection of the most cost effective configuration of an OCEANLAB facility.

This deferral is taken in accordance with the Antideficiency Act (31 USC 665).

Estimated Effects:

This deferral will not affect the timing of construction of the OCEANLAB facility because actual construction is not planned to begin before the end of 1979.

Outlay Effect:

There is no outlay effect of this deferral, because the funds could not be used if made available.

1/ This account was the subject of a similar deferral in FY 1977.

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

Agency: Department of the Treasury	New budget authority (P.L. 95-119)	\$1,400,000,000
Bureau: Office of the Secretary	Other budgetary resources	85,786,000
Appropriation title & symbol: Antirecession Financial Assistance Fund 208/90108	Total budgetary resources	1,485,786,000
	Amount to be deferred: Part of year	\$ 5,000,000
	Entire year	
CBE identification code: 20-0108-0-1-852	Legal authority (in addition to sec. 1013): <input checked="" type="checkbox"/> Antideficiency Act	
Grant program: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Other P.L. 94-369, P.L. 95-30	
Type of account or fund: <input type="checkbox"/> Annual <input checked="" type="checkbox"/> Multiple-year September 30, 1979 (expiration date) <input type="checkbox"/> One-year	Type of budget authority: <input checked="" type="checkbox"/> Appropriation <input type="checkbox"/> Contract authority <input type="checkbox"/> Other	

Justification:

The Antirecession Financial Assistance Fund provides for federal economic assistance to State and local governments to help prevent those governments from taking budget related actions which are injurious to national economic health. These quarterly countercyclical payments are based on the relative size of the revenue sharing payments made to the State and local governments and the extent to which the unemployment rates present in those areas, in the appropriate quarter, exceed 4.5 percent. This deferral represents payments which have been and may be withheld from various governments for reasons of non-compliance with the requirements of the Public Works Employment Act of 1976 (P.L. 94-369).

Estimated Effects:

The release of these funds is contingent upon the various governments' compliance with the law by submitting required forms and reports.

Outlay Effect:

There is no outlay effect of this deferral. The funds will be made available this fiscal year.

1/ This account is the subject of another deferral, D78-26C.
2/ This account was the subject of similar deferrals (D78-50 and D78-58) earlier this fiscal year.
3/ Outlays only.

[FR Doc. 78-16093 Filed 6-7-78; 11:16 am]

FRIDAY, JUNE 9, 1978
PART VINATIONAL
AERONAUTICS AND
SPACE ADMINISTRATIONDEPARTMENT OF THE
INTERIOR

Office of the Secretary

DEPARTMENT OF
AGRICULTURE
Office of the SecretaryFLOODPLAIN
MANAGEMENT AND
WETLANDS PROTECTIONImplementation of Executive
Orders 11988 and 11990

PREVIOUSLY PUBLISHED DOCUMENTS

Listed below are other documents on implementation of Executive Orders 11988 and 11990 previously published in the FEDERAL REGISTER:

Agency	1978 Date of Issue	Vol. 43 FR, Page No.
Small Business Administration.....	May 24	22298
Army Department, Corps of Engineers.....	May 24	22306
General Services Administration, Public Buildings Service.....	May 24	22309
Treasury Department.....	May 24	22311
Agriculture Department, Soil Conservation Service.....	June 2	24223
Interior Department, Fish and Wildlife Service.....	June 2	24225
Tennessee Valley Authority.....	June 2	24228

[7510-01]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[14 CFR Part 1216]

ENVIRONMENTAL QUALITY

Floodplain and Wetlands Management

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed Rules.

SUMMARY: NASA proposes to provide rules for its implementation of Executive Order 11988—Floodplain Management and Executive Order 11990—Protection of Wetlands. These rules are temporary and provide broad guidance to NASA field installations for the immediate uniform implementation of the Orders. Rules prescribing detailed implementing procedures will be published by November 1, 1978.

DATE: Comments or suggestions respecting the proposed rules should be submitted in writing not later than July 10, 1978.

ADDRESS: Director of Facilities, Code BX-9; National Aeronautics and Space Administration, Washington, D.C. 20546.

FOR FURTHER INFORMATION CONTACT:

Norman Willis, Real Estate Management Branch, Facilities Division, National Aeronautics and Space Administration, Washington, D.C. 20546, 202-755-3290.

SUPPLEMENTARY INFORMATION: These proposed NASA rules adopt to a major degree the Floodplain Management Guidelines for Implementing Executive Order 11988, published by the U.S. Water Resources Council (Feb. 10, 1978, 43 FR 6030). These guidelines provide an explanation of key terms and floodplain management concepts, section-by-section analyses of the Order, and procedures in the form of a decisionmaking process for implementing the Order.

14 CFR Chapter V is amended by adding a new Part 1216 consisting at this time of Subpart 1216.2, reading as follows:

Subpart 1216.2—Floodplain and Wetlands Management

- Sec.
- 1216.200 Scope.
- 1216.201 Applicability.
- 1216.202 Responsibility of NASA officials.
- 1216.203 Definition of key terms.
- 1216.204 General implementation requirements.
- 1216.205 Procedures for evaluating NASA actions impacting floodplains and wetlands.

PROPOSED RULES

AUTHORITY: Executive Order 11988 and Executive Order 11990 (42 U.S.C. 2473(c)(1)).

Subpart 1216.2—Floodplain and Wetlands Management

§ 1216.200 Scope.

This Subpart 1216.2 prescribes procedures to avoid the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and wetlands.

§ 1216.201 Applicability.

These procedures are applicable to Federal lands and facilities under the management control of NASA Headquarters and field installations regardless of location.

1216.202 Responsibility of NASA officials.

(a) Directors of field installations, and as appropriate, the Associate Administrator for Management Operations at NASA Headquarters, are responsible for:

(1) Avoiding the base floodplain or wetlands for new facilities development as well as for increased utilization unless it is the only practicable alternative.

(2) Providing for actions to adjust facilities design and land use to the base floodplain or wetlands, if such use cannot be avoided, including all practicable measures to minimize harm.

(3) Keeping the public informed of proposed actions in the base floodplain and wetlands, and encouraging public participation in floodplain decision-making.

(4) Issuing notices as prescribed in § 1216.205.

(b) The Director of facilities, NASA Headquarters, is responsible for overall, coordination of floodplain and wetlands management activities.

§ 1216.203 Definition of key terms.

(a) *Action*. Any NASA activity including acquisition, construction, modification, changes in utilization, and disposition of Federal lands and facilities.

(b) *Critical Action*. Any activity for which even a slight chance of flooding would be too great (associated with 500-year floodplains).

(c) *Floodplain*. The lowland and relatively flat areas adjoining the inland and coastal waters including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent or greater chance of flooding in any given year (the 100-year floodplain).

(d) *Base Floodplain*. The 100-year floodplain (one percent chance floodplain). Also, the term 500-year floodplain should be substituted for base

floodplain when considering critical actions.

(e) *Wetlands*. Those areas that are frequently inundated by surface or ground water and normally support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs and similar areas such as sloughs, pot-holes, river overflows, mud flats, wet meadows and natural ponds. Because all NASA wetlands lie in floodplains, and for purposes of simplifying the procedures of this subpart, floodplains will be understood as to encompass wetlands, except in cases where wetlands factors require special consideration.

§ 1216.204 General implementation requirements.

(a) Each NASA field installation shall prepare, if not already available, an installation base floodplain map based on the latest information and advice of the appropriate District Engineer, Corps of Engineers, or as appropriate, the Federal Insurance Administration (HUD). The map shall delineate the limits of both the 100-year and 500-year floodplains. A copy of the map, approved by the field installation director, will be provided to the Director of Facilities, NASA Headquarters by October 1, 1978. The map will conform to the definitions and requirements specified in the Floodplain Management Guidelines for Implementing Executive Order 11988 (43 FR 6030).

(b) For any proposed action, as defined in § 1216.203(a), using the approved floodplain map, the field installation director shall determine if the proposed action will or will not be located in the base floodplain, and proceed accordingly:

(1) If the action will be located in the base floodplain, or may directly impact or indirectly support floodplain development, field installations will adhere to the procedures prescribed in § 1216.205.

(2) If such action will not be located in the base floodplain, nor directly impact or indirectly support floodplain development, the action may be implemented without further review or coordination, provided all other applicable NASA requirements and policies have been met.

(c) Any request for new authorizations or appropriations transmitted to the Office of Management and Budget shall indicate, on a case by case basis, if the action proposed will be located in a floodplain, whether the proposed action is in accordance with Executive Orders 11988 and 11990.

(d) Each field installation shall take floodplain management and wetlands protection into account when formu-

lating water and land use plans and shall restrict the use of land and water resources appropriate to the degree of flood hazard involved.

(e) Facilities to be located in floodplains will be constructed in accordance with the standards and criteria promulgated under the National Flood Insurance Program. Deviations are allowed only to the extent that these standards are inappropriate for NASA operations, research and test activities.

(f) If NASA property used or visited by the general public is located in an identified flood hazard area, the installation shall provide on structures, and other places where appropriate, conspicuous delineation of past and probable flood height in order to enhance public awareness of flood hazards.

(g) When property in floodplains is proposed for easement or disposal to non-Federal public or private parties, the field installation shall reference in the conveyance document those uses that are restricted under identified Federal, State, or local floodplain regulations.

§ 1216.205 Procedures for evaluating NASA actions impacting floodplains and wetlands.

(a) Before taking any action a determination shall be made whether the proposed action will occur in or affect a floodplain or wetlands, using the method prescribed in § 1216.204(b).

(b) These procedures apply only to evaluations of those proposed actions which are to be located in or will adversely impact floodplains. These evaluations shall be made at the earliest practicable stage of advance planning, such as during facilities master plan development and when preparing preliminary engineering reports.

(1) Early public notice is the first step in at least two public information and involvement activities. This will be accomplished using the appropriate state and areawide clearinghouses as identified in Office of Management and Budget Circular A-95, and by coordinating with these clearinghouses as prescribed in NASA Management Instruction 8800.9. The notice provided to the clearinghouses will not exceed three pages and will include:

(i) A location map of the proposed action.

(ii) The reasons why the action is proposed to be located in a floodplain.

(iii) A statement indicating whether the action conforms to applicable state and local floodplain protection standards.

(iv) A list of any identified alternatives to be considered.

(v) A statement explaining the timing of public notice review actions to provide opportunities for the public to provide meaningful input.

(2) The costs and impacts of alternatives must be fully determined to properly assess the practicality of avoiding the base floodplain, or of minimizing harm to the floodplain if alternatives directly or indirectly support floodplain development or have other adverse impacts. As an integral function of any floodplain action finally taken, the natural and beneficial floodplain values must be restored and preserved as much as possible.

(3) The proposed action and alternatives shall now be comparatively evaluated taking into account the identified impacts, the steps necessary to minimize these impacts and opportunities to restore and preserve floodplain and wetlands values. The comparison will emphasize floodplain values.

(i) If this evaluation indicates that the proposed action in the base floodplain is still feasible, consider limiting

the action so that a non-floodplain site could be more feasible.

(ii) If the proposed action is outside the floodplain but has adverse impacts or supports floodplain development consider modifying or relocating the action to eliminate or reduce these effects or even taking no action.

(4) If, upon completing the comparative evaluation, the field installation director determines that the only practicable alternative is locating in the base floodplain, a statement of findings and public explanation must be provided to the appropriate A-95 clearing-houses, and will include as a minimum:

(i) The reasons why the proposed action must be located in the floodplain.

(ii) A statement of all significant facts considered in making the determination including alternative sites and actions.

(iii) A statement indicating whether the actions conform to applicable State and local floodplain protection standards.

(5) After a reasonable period (15 to 30 days) to allow for public response, the proposed action may proceed through the normal NASA approval process, or if disposal is anticipated, the action can be implemented in accordance with Federal Property Management Regulations real property disposal procedures.

(c) For major NASA actions significantly affecting the quality of the human environment, the evaluations required above will be included in any statement prepared under Section 102(2)(C) of the National Environmental Policy Act.

ROBERT A. FROSCHE,
Administrator.

[FR Doc. 78-15508 Filed 6-8-78; 8:45 am]

[4310-10]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

FLOODPLAIN MANAGEMENT AND WETLAND

Protection Procedures Interim Guidelines

AGENCY: Department of the Interior.

ACTION: Interim guidelines.

SUMMARY: This notice provides the Department of the Interior's interim guidelines for complying with Executive Order 11988 (Floodplain Management) and Executive Order 11990 (Protection of Wetlands).

DATE: Comments by July 10, 1978.

ADDRESS: Comments and inquiries should be directed to: Mr. Bruce Blanchard, Director, Office of Environmental Project Review, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

FOR FURTHER INFORMATION CONTACT:

Terence N. Martin, Office of Environmental Project Review, Department of the Interior, Washington, D.C. 20240, 202-343-4464.

SUPPLEMENTARY INFORMATION: These guidelines are now in use in draft form and apply to all Bureaus and Offices of the Department. The Bureaus and Offices will use these guidelines in the preparation of their own program specific guidelines for projects and activities that will affect floodplains and wetlands. These guidelines constitute the Department's policy and procedures for implementation of the Executive Orders. The final guidelines will be published in the FEDERAL REGISTER and made a part of the Departmental Manual.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary
of the Interior.

FLOODPLAIN MANAGEMENT AND WETLAND PROTECTION PROCEDURES

1.1 *Purpose.* This chapter sets forth the instructions to be followed in implementing Executive Order No. 11988, Floodplain Management, and Executive Order No. 11990, Protection of Wetlands, and hereinafter referred to as the Orders.

1.2 *Policy.* The Department of the Interior has a general mandate and broad responsibility for the management of the Nation's natural resources, including its streams, wetlands, and floodplains. It is the Department's policy to exercise leadership and take action to avoid, to the extent possible; the long- and short-term adverse impacts associated with the occupancy and modification of wetlands and floodplains. Further, it is the Department's policy to avoid the

NOTICES

25319

direct or indirect support of wetland or floodplain development whenever there is a practicable alternative.

1.3 Authority.

A. Executive Order 11988, which revoked and replaced Executive Order 11296, issued August 10, 1966, was issued in furtherance of the National Flood Insurance Act of 1968, as amended, the Flood Disaster Protection Act of 1973, and the National Environmental Policy Act of 1969 (NEPA). Section 2(d) requires issuance of new or amended agency regulations.

B. Executive Order 11990 was issued in furtherance of the National Environmental Policy Act of 1969, and section 6 requires issuance of new or amended procedures.

1.4 *References.* The following references are made an integral part of this chapter.

A. Executive Order 11988, Floodplain Management;

B. Executive Order 11990, Protection of Wetlands;

C. Unified National Program for Floodplain Management, Water Resources Council, 1976;

D. Water Resources Council Guidelines for Floodplain Management Guidelines, Water Resources Council, 1978 (43 FR 6030).

1.5 Interrelationships.

A. *General.* The Department of the Interior recognizes that the requirements of the Orders have basic interrelationships with and condition the implementation of existing Federal activities and guidance procedures. Therefore, to the extent possible, the Department will integrate floodplain management and wetland protection requirements into its programs and will utilize existing consultation, planning, and decision processes.

B. *Water Resources Council (WRC) Guidelines.* The WRC Guidelines for implementing the Floodplain Order are the basic guidance for interpretation of that Order and conduct of the floodplain management planning and decision process. Where it is deemed appropriate for the Department to diverge from the WRC Guidelines, this chapter will supersede those guidelines. In general the substantive requirements of the Floodplain Order as interpreted and explained in the Executive Summary of the Guidelines are adopted by this Department. This Department will adhere to the methods and standards set forth in the guidelines for determining risks and hazards of flood loss; minimization of impact on health, safety, and welfare; and evaluation of alternatives.

C. *Protection of Wetlands.* Executive Order 11990 requires Federal agencies to avoid destruction or modification of wetlands whenever there is a practicable alternative. Since almost all wetlands are found in the floodplain, the Department will, in general, conduct

its activities regarding wetlands in accordance with this chapter.

D. *NEPA Compliance.* For actions located in floodplains and wetlands the requirements of the Orders supplement those of NEPA. Since most Federal actions in floodplains and wetlands will impact these resources, an environmental document (environmental statement or assessment) will probably be required to comply with NEPA. For ease and economy of documentation, the Orders' requirements will be included in each action's NEPA compliance documents.

1.6 Responsibilities.

A. *Assistant Secretary Policy, Budget, and Administration (AS/PBA).*

(1) Will have overall responsibility for ensuring that the Secretary's responsibilities under the Orders are carried out. In performing this duty the AS/PBA will prepare program directives and other necessary guidance as required.

(2) Will approve Bureau procedures for complying with the Orders.

(3) Will, in consultation with program Assistant Secretaries, prepare any required reports to the Water Resources Council and/or the Council on Environmental Quality.

(4) Will mediate conflicting interests between two or more Assistant Secretaries, and either resolve differences between the parties, or refer the conflicting views to the Secretary with a recommended course of action.

B. Program Assistant Secretaries.

(1) Will maintain general supervision of bureaus and offices under their jurisdiction in order to ensure compliance with the Orders and this chapter.

(2) Will review and concur with the floodplain and wetland procedures of their bureaus and offices prior to forwarding them to AS/PBA for approval.

(3) Will be responsible for resolving any conflicts among the bureaus and offices under their jurisdiction.

C. Heads of Bureaus and Offices.

(1) Will review their programs for applicability of the Orders and apply the Orders to any of the following activities. This list is not intended to be all inclusive:

(a) Planning and designing new Federal facilities,

(b) Modifying existing Federal facilities or in constructing new ones,

(c) Acquiring, managing, and disposing of Federal lands and facilities,

(d) Carrying out and influencing programs involving land use and water planning and development, including regulating and licensing activities, and

(e) Administering construction, improvement, and land acquisition programs supported or assisted by Federal grants, loans or other forms of financial assistance.

(2) Will establish regulations, directives or procedures for determining,

for the activities listed above and any others, the degree of risk present, and whether or not an alternative location or other course of action is practicable. If not, the procedures will indicate what steps to take to minimize harm to facilities, to the floodplain, and wetland resources.

(3) Will furnish with all requests for new authorizations or appropriations (for proposals to be located in floodplains and wetlands) a statement that the proposal is in accord with the Orders.

(4) Will be responsible for assuring compliance with the public information and other procedural requirements of the Orders.

(5) Will inform private parties and State and local governments participating in regulatory, financial, and land transactions of the hazards and impacts of locating structures in floodplains and wetlands.

1.7 Procedures for Bureau Guidance.

A. General. Bureaus are required to prepare or update written procedures for complying with the Orders. Initially, bureau procedures will be prepared or updated in consultation with AS/PBA and the appropriate program Assistant Secretary. Once approved by AS/PBA, periodic minor revisions can be made without extensive reconsultation. Any major amendments, however, will require concurrence of the appropriate program Assistant Secretary and approval by AS/PBA.

B. Specific.

(1) Bureau procedures will be prepared in accordance with this chapter, its references, and existing policies and will be published in the FEDERAL REGISTER.

(2) Bureau procedures will be circulated for review to the Council on Environmental Quality (CEQ), Water Resources Council (WRC), Federal Insurance Administration (FIA), Environmental Protection Agency (EPA), Fish and Wildlife Service (FWS), and Corps of Engineers (COE) as a minimum prior to publication in the FEDERAL REGISTER.

(3) Minor procedural amendments to bureau procedures do not require extensive consultation, however, substantive amendments will be circulated in accordance with (2) above.

(4) Bureau procedures will be prepared in the most logical format. The most important criterion is that the programs to which the Order applies must have a mechanism to bring about compliance. The following two formats are recommended:

(a) *Single Procedure Document.* This format would present the bureau's procedures in one document and explain its application to all affected programs.

(b) *Dispersed Procedures.* This format would present a summary of

and reference the various separate procedures of the bureau's programs. Under this approach detailed procedures would be promulgated separately as additions or revisions to existing program guidance.

(5) Bureau procedures shall be completed and published as final documents within ninety (90) days of final promulgation of this chapter.

C. *Criteria for Review.* The following criteria will be used by AS/PBA and the program Assistant Secretaries during their review and approval of updated or amended floodplain and wetland directives and procedures:

(1) Incorporation of leadership with respect to natural and beneficial values of floodplains and wetlands;

(2) Incorporation of the principles of the "Unified National Program for Floodplain Management";

(3) Provision for a systematic review of existing rules, regulations, and procedures to incorporate protection and restoration of values;

(4) Review mechanism for applicable legislation to uncover new opportunities for protection and restoration within bureau programs;

(5) Provisions for technical consultation with WRC, CEQ, FIA, FWS, and COE, and other institutions with expertise in the natural and beneficial values of floodplains and wetlands;

(6) Assurance that planning programs and budget requests reflect consideration of natural and beneficial values of floodplains and wetlands; and

(7) Documentation of specific actions and examples of responses to the Floodplain Order for reporting purposes under that Order.

1.8 Procedures for Bureau Activities.

A. General. Procedures to be followed in applying the Floodplain Order to bureau activities are set forth in Part II of the WRC Guidelines. The Department has adopted this process and will deviate from it only when Departmental missions and programs will be more adequately served by a modified procedure. When the affected floodplain includes wetlands, the application of these procedures will also reflect the wetland considerations, and will demonstrate how the wetlands will be protected.

B. *Procedures.* When a bureau proposes an action in wetlands or a floodplain the following procedural steps (summarized from the WRC Guidelines) will be addressed and integrated into the planning process.

(1) Determine whether or not the proposed action is in the floodplain or wetland; or whether it has the potential of affecting them;

(2) Initially notify the public of the intent to locate in the floodplain or wetland;

(3) Identify and evaluate the practicable alternatives;

(4) Determine impacts of the proposed alternative on the floodplain or wetland including any indirect support to other floodplain or wetland development;

(5) Determine ways to minimize the impacts and restore and preserve floodplain or wetland values;

(6) Reevaluate the proposed alternatives;

(7) Decision and public notice; and

(8) Implementation

C. Documentation and Circulation.

(1) Case-by-case documentation is required for all bureau actions covered by the Orders. Bureau project files will be kept current and reflect compliance with the decisionmaking process outlined in the WRC Guidelines.

(2) Circulation of information and data on casework is necessary to satisfy Sections 2(a)(2), (3), and (4) of the Floodplain Order. Section 2(a)(2) is a general notice of actions to be taken. Section 2(a)(3) assures compliance with A-95 reporting procedures. Section 2(a)(4) calls for early public review whether or not the action will require preparation of an environmental impact statement.

(3) Steps 2 and 7, Part II of the WRC Guidelines give thorough information for compliance with the public notice requirements of the Floodplain Order. Bureaus will utilize the FEDERAL REGISTER as the minimum mechanism for notice when the proposed action has national significance or impact. On actions of lesser geographical importance the FEDERAL REGISTER may be used, but in addition, bureaus will use other public information methods, such as news releases, newsletters, and public meetings, to inform the interested public.

(4) For interagency coordination the bureaus will utilize the following minimum list for circulation of notices, NEPA documents, and decision statements on proposals in floodplains and wetlands:

(a) Environmental Protection Agency (EPA)

(b) Federal Insurance Administration (FIA)

(c) Fish and Wildlife Service (FWS)

(d) U.S. Geological Survey (USGS)

(e) Bureau of Reclamation (BR)

(f) Corps of Engineers (COE)

(g) Soil Conservation Service (SCS)

1.9 *Deviations from WRC Guidelines.* The Department may infrequently have to deviate from the WRC Guidelines. This paragraph is reserved for these deviations and will be amended as the need arises.

The WRC Guidelines in Part II, Step 7 describe the post-decisional process for the statement of findings and explanation to the public in the event that reevaluation results in locating the project in the floodplain. Bureau guidance will incorporate the process into its pre-decisional activities including

the reevaluation of alternatives (Step 6). The bureau should work the key parts of the WRC Guidelines into their NEPA process so that floodplain and wetland considerations remain predecisional. Then a proposed statement of findings can be included in a final environmental statement or negative declaration.

1.10 *Intra-Departmental Conflict Resolution.* When two or more bureaus of the Department hold conflicting views on a particular project the following mechanism will be followed to achieve a satisfactory solution.

A. Meeting between field-level officials of the bureaus involved to resolve the matter or to clarify their differences.

B. If not resolved, meeting with the Regional Environmental Officer (REO) and regional officials of the involved bureaus to find a solution or refer to higher authority.

C. If referred to a higher level, each involved bureau and the REO will prepare and forward to headquarters a complete case report which provides

background, analysis, acceptable alternative positions, conclusions, and recommendations. All supporting material (maps, associated reports, position papers, etc.) will accompany the case report. If the supporting materials are too voluminous, they should be summarized in the case report and made available to higher authority upon request.

D. If the opposing views are upheld within a program area under one Assistant Secretary, that Assistant Secretary will review the issue, document his/her findings, and decide the issue.

E. If the opposing views are held between two or more Assistant Secretaries, each Assistant Secretary will review the case report(s) under his/her jurisdiction and forward them with his/her findings and recommendations to the AS/PBA.

F. The AS/PBA will mediate any disputed issue forwarded, or refer it to the Secretary in those few instances where the Secretary's personal decision may be necessary.

[FR Doc. 78-15949 Filed 6-8-78; 8:45 am]

[3410-01]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

PROCEDURES FOR COMPLYING WITH EXECUTIVE ORDER 11988 ON FLOODPLAIN MANAGEMENT AND EXECUTIVE ORDER 11990 ON PROTECTION OF WETLANDS

Proposed Policy

In May of 1977 President Carter issued Executive Order 11988, Floodplain Management, and Executive Order 11990, Protection of Wetlands.

Agencies of the Department of Agriculture are developing policies and procedures for complying with the provisions of the two Executive Orders.

The Department of Agriculture hereby gives notice of its proposed policy for compliance with the two Executive Orders.

SUBJECT: DEPARTMENT OF AGRICULTURE INTERIM PROCEDURES FOR COMPLYING WITH EXECUTIVE ORDER 11988 ON FLOODPLAIN MANAGEMENT AND EXECUTIVE ORDER 11990 ON PROTECTION OF WETLANDS

TO: AGENCY HEADS—SCS, SEA, REA, FS, FMHA, ASCS, AND ESCS

Two Executive Orders were issued in May of 1977 as important components of the President's message on the environment. These Executive Orders require all executive agencies to avoid disrupting wetlands or floodplains wherever there is a practicable alternative in delivering their programs and to minimize any environmental harm that might be caused by federal actions where there exists no practicable alternative. The Orders require executive agencies to establish procedures for compliance. Specifically, executive agencies are required to issue or amend existing program regulations and procedures within one year. Agencies are also required to incorporate the provisions of the Executive Orders into agency planning and decisionmaking procedures to ensure that consideration for wetlands and floodplains will be part of existing programs and will not cause unnecessary duplication or delay in government operations.

Directives

In complying with the provisions of Executive Order 11988 on Floodplain Management and Executive Order 11990 on Protection of Wetlands, the Department and its several agencies will take the following actions.

1. The Department will strengthen its advocacy for protection of wetlands from nonessential conversion to other uses and its advocacy of actions that reduce risk from flood loss, minimize

the impacts of floods on human safety, health, and welfare, and which restore and preserve the natural and beneficial functions and values of floodplains. This will be accomplished by including wetlands and floodplains in the Department's Land Use Policy Memorandum (Secretary's Memorandum No. 1827 and Supplement No. 1 thereto) which is currently being revised.

2. Each agency having programs that may cause conversions of wetlands or which might enable others to convert wetlands to alternative uses, or that may cause construction or enable others to construct encroachments on floodplains or that may directly affect wetlands or floodplains are directed to review such programs and relevant administrative rules and regulations and to make such changes as are necessary to comply with Executive Orders 11988 and 11990.

3. Agencies having programs that may indirectly affect floodplains or wetlands by influencing decisions made by local and State government officials, planning and development organizations or agencies, or individual firms and landholders are directed to give increased attention to:

Generating and disseminating knowledge and providing technical assistance in the application of knowledge that may be useful to local and State officials, planning and development groups or agencies, or individual firms and landholders in understanding the natural and beneficial functions and values of wetlands and floodplains and in preserving and utilizing such lands.

Assisting State and local governing officials, planning and development groups or agencies, and individual firms and landholders to identify and study the feasibility of, and to implement, alternatives to converting wetlands or encroaching on floodplains to meet local development needs.

4. All agencies of the Department are directed to identify, define, specify, and propose remedies for any legal, legislative, or other constraints that limit the agency's capacity to comply fully with the provisions of these Executive Orders.

5. The Department of Agriculture Land Use Committee, created under the provisions of Secretary's Memorandum No. 1807, Revised, will provide inter-agency leadership for bringing the Department into compliance with Executive Orders 11988 and 11990 and will be responsible for monitoring the Department's progress toward implementing these Executive Orders.

M. RUPERT CUTLER,
Assistant Secretary
of Agriculture.

JUNE 7, 1978.

DEPARTMENT OF AGRICULTURE INDIVIDUAL AGENCY PROCEDURES FOR COMPLYING WITH EXECUTIVE ORDERS 11988 AND 11990

SOIL CONSERVATION SERVICE (SCS)

In response to Executive Orders 11988 and 11990, Floodplain Management and Protection of Wetlands, respectively, SCS will take the following actions:

(1) Publish SCS policy on the protection of wetlands in all programs administered by this agency. This final rule is to be published as Title 7, Chapter VI, Subchapter F, Support Activities; Part 656; Compliance with NEPA; Subpart B, Related Environmental Concerns; paragraph 650.26.

(2) Publish SCS policy on floodplain management in all programs administered by this agency. This proposed rule will be published for rulemaking as Title 7, Chapter VI, Subchapter F, Support Activities; Part 650, Compliance with NEPA; Subpart B, Related Environmental Concerns; paragraph 650.25.

(3) SCS policy on floodplain management (7 CFR 650.25) will be reviewed with the Council on Environmental Quality; Department of Housing and Urban Development's Federal Insurance Administration; and the staff of the Water Resources Council during the review period of the proposed rule, as directed in section 4(d) of the Executive Order.

(4) SCS is in the process of updating and revising existing handbooks, internal guides, and other procedural documents to address the two Executive Orders in greater detail than the general policy statements published as SCS rules.

RURAL ELECTRIFICATION ADMINISTRATION (REA)

The REA is drafting and will issue rules under REA Bulletin 20-21:320-21 for loan, loan guarantee, or other financial assistance applicants that will ensure that Department's electric and telephone cooperatives programs are in compliance with the provisions of Executive Orders 11988 and 11990. These rules will require applicants to avoid locating projects in floodplains or on wetlands where a practicable alternative exists or to utilize all practicable measures to ameliorate any minor adverse effects on floodplains or wetlands where no practicable alternative exists. The rules will also require that facilities constructed in floodplains will be designed and constructed so that occurrences of floods of less magnitude than that which may be expected every 500 years will not result in the loss of service to vital emergency and lifesaving facilities. Definitions of, and procedures for, identifying

floodplains and wetlands and for minimizing adverse impacts from projects that must be located thereon will be included.

ECONOMICS STATISTICS AND COOPERATIVES SERVICE (ESCS)

The Economics, Statistics and Cooperatives Service performs work under four major activities: (1) Economic analysis and research, (2) crop and livestock estimates, (3) statistical research and service, and (4) research and technical assistance for agricultural cooperatives. The Service also conducts many projects at the request of other agencies.

Activities covered by the two Executive Orders are: " * * (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing Federally undertaken, financed, or assisted construction and improvements; (3) conducting Federal activities and programs affecting land use, including, but not limited to, water and related land resources planning, regulating, and licensing activities."

Given the nature of our program we do believe that we are within the scope of actions covered by the Executive Orders. Our Natural Resource Economics Division has water and related land resources planning assistance (as opposed to planning) functions and in that context would be covered by the procedures of the Soil Conservation Service. We have in the past conducted, at SCS request, research on floodplain management. We will continue to serve on the Wetlands Task Force and to provide assistance in floodplain management and wetland protection as requested by the agencies of the Department.

FARMERS HOME ADMINISTRATION (FMHA)

FmHA has taken the following actions in response to Executive Orders 11988 and 11990, Floodplain Management and Protection of Wetlands.

Proposed procedures have been written which will affect all FmHA programs or operations. The numbers of these procedures will be 1901-M, Floodplain Management and 1940-Q, Protection of Wetlands. Both of the drafts of these procedures have been circulated for prior review by all of the Assistant Administrators and are now in the Office of the General Counsel for legal review. Immediately after we have obtained this legal review, we propose to have both of these two instructions reviewed with the Council on Environmental Quality, the Department of Housing and Rural Development, Federal Insurance Administration, and the Water Resource Council during the review period of the proposed rule.

The proposed changes will allow FmHA to take responsible action to

comply with the provisions of Executive Orders 11988 and 11990.

FOREST SERVICE (FS)

The principal mechanisms for Forest Service implementation of E.O. 11990 and E.O. 11988 are: (1) Rules developed in response to the National Forest Management Act, (2) specific reference to E.O. requirements in revised NEPA procedures, and (3) specific direction in appropriate sections of the Forest Service Manual.

Two new subchapters will be added to the 2500 Section of the Forest Service Manual to cover Floodplain Management Evaluations and Protection of Wetlands. These subchapters will include specific objectives, policies and responsibilities, and general direction for complying with E.O. requirements.

In addition to these new subchapters, revisions in specific direction are being made to: FSM 5430.3, 5431.7, and 5435.23 covering exchanges involving lands in floodplains; FSM 2703 covering land uses authorized by the Forest Service; FSM 7503.6 adding wetlands protection requirements to existing flood-loss reduction requirements in 7503.5 covering water storage and transmission facilities, federal buildings, structures, roads and other facilities; FSM 7706.1 covering transportation facilities; FSM 7114.1, 7114.11, and 7114.12 covering federal buildings, structures, roads and other facilities, and surplus real property, existing facilities and new facilities; FSM 7114.13 covering sources of flood hazard information; FSM 1930.3 covering funding requests for proposed projects located in floodplain or wetlands; and, FSM 2513, covering the documentation and conspicuous delineation of past and probable flood heights.

SCIENCE AND EDUCATION ADMINISTRATION (SEA)

SEA programs may have indirect impacts on efforts to protect wetlands and on the management of floodplains. SEA's program responsibilities include the generation and dissemination of knowledge that may be useful in understanding the natural and beneficial functions and values of wetlands and floodplains and in protecting and utilizing such lands. SEA also provides assistance to State and local governing officials, planning and development organizations and agencies, and individual firms and landholders to identify needs and study the feasibility of alternatives to converting wetlands or encroaching on floodplains in meeting those individual and community needs.

SEA does not make decisions that are binding on local and State governing officials, planning and development agencies or organizations, or individual firms or landholders. SEA generates and provides the latest and best scientific and technical knowledge

available in advising and assisting these people in their making of reasonable and rational decisions.

SEA will increase its emphasis, consistent with budget and staffing limitations, on its Natural Resources and Rural Development Research and Extension programs. These are the programs through which Federal Research, Cooperative Research, and Extension can influence the decisions made by landholders, planners, developers, and State and local governing officials in such manner as to avoid erosion and thereby minimize sedimentation in wetlands and preserve floodplains and to utilize these lands to meet local needs in ways that do not destroy the natural and beneficial functions and values.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (ASCS)

It will be the policy of ASCS to carry out the intent of its various commodity, conservation and related land use programs in harmony with the intent of the executive orders (E.O.'s) and any subsequent guidelines for implementing them.

Specifically, with respect to wetlands, the agency has and will continue to emphasize:

(1) Establishing measures to improve water quality, offering practices to conserve soil water resources, and establishing wildlife habitat, etc.;

(2) Prohibiting cost-sharing assistance for draining wetlands types 3 through 20;

(3) Encouraging ASCS county committees (COC's) to preserve wetlands types 1 and 2 where they are adjacent to the above type wetlands; and

(4) The prohibition of cost-sharing for the construction of levees and dikes and will continue to prohibit the rehabilitation of the same under the emergency conservation measures program (ECM).

Further, with regards to the floodplain management in floodplains areas, the agency will issue regulations which will provide:

(1) That on-going farming not be considered development for purposes of the proposed regulations;

(2) When commodity program assistance is requested which would bring new land into agricultural production other than by normal farming, ASCS will inform the landuser of the hazards and discourage development unless the COC determines that the development will not be detrimental to the environmental quality;

(3) When conservation assistance is requested, ASCS may approve the assistance unless the COC determines that the development is environmentally detrimental. In which case, it may be disapproved or forwarded to the responsible technical agency for possible design modification; and

NOTICES

(4) That assistance requested on storage structures not be approved, unless the COC determines that no practical alternative exists and the landuser will effect practical modifications to minimize potential harm in the event of flood. Further, the agency will:

(1) Provide that all environmental assessments (EA's) and environmental impact statements (EIS's) prepared on agency programs will consider impact(s) of those programs on floodplains.

(2) Provide for public review of any assistance provided in floodplains where the COC determines that the proposed action is detrimental to the environment.

(3) Comply with the E.O.'s, through regulations and handbooks of its administered programs.

[FR Doc. 78-16167 Filed 6-8-78; 8:45 am]

FRIDAY, JUNE 9, 1978
PART VII



DEPARTMENT OF
STATE
DEPARTMENT OF
ENERGY
DEPARTMENT OF
COMMERCE

Procedures Established
Pursuant to the Nuclear
Non-Proliferation Act
of 1978

Registered
Federal
Property

[4710-09]

DEPARTMENT OF STATE

DEPARTMENT OF ENERGY

DEPARTMENT OF COMMERCE

PROCEDURES ESTABLISHED PURSUANT TO THE NUCLEAR NON-PROLIFERATION ACT OF 1978

The following procedures have been established pursuant to the Nuclear Non-Proliferation Act of 1978 (Pub. L. 95-242). These procedures establish requirements solely applicable to agencies of the United States rather than individuals. Accordingly, they are not rules within the meaning of the Administrative Procedure Act. Any comments on these procedures should be directed to the appropriate responsible official listed in section 2 of Part A.

Dated: June 1, 1978.

LOUIS V. NOSENZO,
Deputy Assistant Secretary of
State for Nuclear Energy and
Energy Technology Affairs,
Bureau of Oceans and International
Environmental and Scientific Affairs.

DONALD M. KERR,
Acting Assistant Secretary of
Energy for Defense Programs.

NELSON F. SIEVERING, JR.,
Deputy Assistant Secretary of
Energy for International Programs.

STANLEY J. MARCUSS,
Deputy Assistant Secretary of
Commerce for Trade Regulation.

PART A. GENERAL PROVISIONS

SECTION 1. AUTHORITY AND SCOPE

a. The procedures herein are established by:

(i) The Department of Energy pursuant to sections 54, 57b(2), 64, 111b(1), and 131 of the Atomic Energy Act of 1954, as amended, hereinafter referred to as "the Atomic Energy Act."

(ii) The Department of State pursuant to section 126a(1) of the Atomic Energy Act;

(iii) The Department of Commerce pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978, hereinafter referred to as "the Act", and the general policies and procedures set forth in the Export Administration Act of 1969, as amended.

b. These procedures apply to agency activities with respect to the matters dealt with by sections 54, 57b(2), 64, 109, 111b(1), 126a and 131 of the Atomic Energy Act and sections 309(c) and 402(a) of the Act, and the Export Administration Act of 1969, as amended.

c. These procedures have been agreed to by the Secretaries of State, Energy, Defense, and Commerce, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission, or by the authorized designee acting on behalf of any of the foregoing.

SECTION 2. RESPONSIBLE OFFICIALS

a. Department of State, Washington, D.C. 20520—The Deputy Assistant Secretary for Nuclear Energy and Energy Technology Affairs in the Bureau of Oceans and International Environmental and Scientific Affairs.

b. Department of Energy, Washington, D.C. 20545—For sections 57b and 126a of the Atomic Energy Act and section 309(c) of the Act, the Assistant Secretary for Defense Programs. For sections 54, 64, 111b and 131, of the Atomic Energy Act and section 402 of the Act, the Deputy Assistant Secretary for International Programs.

c. Department of Defense, Washington, D.C. 20301—The Assistant Secretary for International Security Affairs.

d. Department of Commerce, Washington, D.C. 20230—The Deputy Assistant Secretary for Trade Regulation.

e. Arms Control and Disarmament Agency, Washington, D.C. 20451—The Assistant Director for Non-Proliferation.

f. The Nuclear Regulatory Commission, Washington, D.C. 20555—The Director, Office of International Programs.

SECTION 3. OFFICES FOR COORDINATION

a. Department of State—The Office of Export and Import Control in the Nuclear Energy and Energy Technology Division of the Bureau of Oceans and International Environmental and Scientific Affairs.

b. Department of Energy—For Parts B, D, and F of these procedures, the Office of the Assistant Secretary for Defense Programs. For Parts C and E of these procedures, the Office of Nuclear Affairs, in the Office of International Affairs.

c. Department of Defense—The Office of the Assistant Secretary for International Security Affairs.

d. Department of Commerce—The Office of Export Administration in the Bureau of Trade Regulations.

e. Arms Control and Disarmament Agency—The Nuclear Exports Division of the Bureau of Non-Proliferation.

f. Nuclear Regulatory Commission—The Office of International Programs, Assistant Director for Export/Import and International Safeguards.

SECTION 4. COORDINATION AND MONITORING

The Interagency Subgroup on Nuclear Export Coordination of the Na-

tional Security Council (NSC) Ad Hoc Group on Non-Proliferation shall, without prejudice to its authority to carry out other functions, monitor and facilitate the interagency processing of the activities referred to in section 1 (b), and serve as a forum for exchanging and coordinating views. This Subgroup shall meet as frequently as necessary, normally twice a month. This Subgroup shall establish such procedures as are necessary for its effective functioning.

SECTION 5. RESOLUTION OF INTERAGENCY DISAGREEMENTS

a. If, after appropriate consultation, any agency listed in section 2 does not agree with a proposed Executive branch action pursuant to section 54, 57b(2), 64, 109, 111b(1), 126a or 131 of the Atomic Energy Act, or section 309(c) or 402(a) of the Act, the steps set forth below may be followed, normally in the order indicated, to facilitate resolution of the disagreement:

(i) Consideration in the Subgroup on Nuclear Export Coordination of the NSC Ad Hoc Group on Non-Proliferation;

(ii) Consideration in the NSC Ad Hoc Group on Non-Proliferation;

(iii) Any other procedures of the NSC that are appropriate;

(iv) Referral to the President.

b. Recourse to the steps in this section shall be taken expeditiously. An agency wishing to have recourse to any of the steps above shall so indicate immediately to the offices specified in section 3. The agency concerned shall normally give five days notice before initiating action under steps (ii), (iii), or (iv).

c. Nothing in this section shall derogate from the statutory authority of any agency. If any agency considers that all statutory requirements have been met and wishes to proceed with an action within its jurisdiction covered by these procedures notwithstanding the existence of an interagency disagreement, it shall normally provide all other concerned agencies with five working days notice.

SECTION 6. CONTENT OF JUDGMENTS, FINDINGS AND CONSIDERATIONS UNDER THESE PROCEDURES

Judgments, findings and determinations under these procedures shall address the matters required by the applicable section of the Atomic Energy Act.

SECTION 7. TECHNICAL PROVISIONS

a. These procedures take effect on June 7, 1978.

b. The processing of any action subject to these procedures shall not be delayed because of the entry into effect of these procedures. Clearances obtained or matters resolved under

procedures previously in effect need not be reconsidered for the sole purpose of complying with new procedural requirements.

c. Nothing in these procedures shall affect the ability of any agency to protect classified or proprietary information pursuant to applicable law.

d. These procedures may be amended at any time subject to agreement among the agencies specified in section 1(c).

PART B. EXECUTIVE BRANCH JUDGMENTS UNDER SECTION 126a(1) OF THE ATOMIC ENERGY ACT

SECTION 1. PROCEDURES

a. Except as provided in section 2 of this Part, the Nuclear Regulatory Commission shall promptly transmit any properly completed export license application or proposed general license or proposed exemption from licensing requirements to the offices listed in paragraphs a through e of the section 3 of Part A.

b. As promptly as possible, but in no event later than 15 days after the receipt of each license application or proposed general license or proposed exemption, the offices listed in paragraphs b through e of section 3 of Part A shall review the submission and shall advise the Office of Export and Import Control:

(i) Whether that agency believes that any additional information is required in connection with preparation of the Executive branch judgment. In the event that such information is required, the Office of Export and Import Control shall seek to obtain and provide the information as promptly as possible. If additional information required is essential to further Executive branch processing, the Office of Export and Import Control may return the application, proposed general license, or proposed exemption to the Nuclear Regulatory Commission, in which event the schedule of actions and deadlines set out herein shall recommence upon receipt by the Office of a substantively complete application, proposed general license or proposed exemption from the Nuclear Regulatory Commission;

(ii) Whether that agency believes a license application appears to raise issues which will require more extensive consideration than is normally necessary in Executive branch processing or similar license applications. If such issues appear to be present, the Office of Export and Import Control will normally schedule consideration of these issues at the earliest possible meeting of the Subgroup on Nuclear Export Coordination and shall as promptly as possible initiate appropriate steps, including those required to obtain any necessary policy decisions and to initiate necessary diplomatic consultations;

(iii) Of their preliminary views on the license application, if so requested by the Office of Export and Import Control.

If the Department of Energy is the license applicant pursuant to section 111 a of the Atomic Energy Act, the designee of the Secretary of Energy shall not be required to advise the Office of Export and Import Control of its views pursuant to this paragraph.

c. No later than five working days after receipt of its copy of a license application from the Nuclear Regulatory Commission, the Department of Energy shall, as appropriate, if the proposed export appears to be consistent with the applicable agreement for cooperation, request confirmation in writing from the nation or group of nations under the agreement for cooperation of which the export is to take place, that among other things:

(i) The export will be subject to the terms and conditions of the agreement for cooperation;

(ii) The consignee is authorized to receive the export; and

(iii) Physical security measures will be maintained with respect to the export that as a minimum provide protection comparable to that set forth in document INFCIRC 225/Rev. 1 of the International Atomic Energy Agency, entitled, "The Physical Protection of Nuclear Material."

Such confirmation shall, as appropriate, be requested with respect to any intermediate destinations and the ultimate destination of the export that are identified in the license application. If any such confirmation is not received within fifty-five days after receipt of the license application by the Office of Export and Import Control in the Department of State, the Office may return the application to the Nuclear Regulatory Commission, in which event the schedule of actions and deadlines set out herein shall recommence after receipt of the confirmation and return to the Office by the Nuclear Regulatory Commission of the application.

d. Upon receipt of its copy of the license application from the Nuclear Regulatory Commission, the Department of Energy shall determine whether the proposed export involves material with respect to which the United States has agreed to consult with or obtain the approval of any other nation or group of nations prior to its export. If such an undertaking exists, the Department of Energy shall promptly inform the Department of State so that appropriate action may be taken.

e. If the license application is for an export of high enriched uranium, plutonium or uranium-233, equal to or exceeding formula quantities (as defined in 10 CFR 73.30) the Department of

energy shall prepare an analysis of the technical and economic justification for the use of such material, including whether the quantities requested are necessary for the efficient and continuous operation of the facility involved. This analysis shall be provided to the Office of Export and Import Control of the Department of State within 30 days after receipt by the Department of Energy of its copy of the export license application or as soon thereafter as possible. This analysis shall be provided to concerned agencies and shall be taken into consideration in preparing the Executive branch judgment.

f. As promptly as possible following receipt of the information in paragraph b, and no later than 30 days after its receipt of the license application, proposed general license or proposed exemption, the Office of Export and Import Control shall prepare and transmit to the offices listed in paragraphs b through e of section 3 of Part A, a proposed Executive branch judgment on the application, proposed general license or proposed exemption. If additional information has been requested from the Nuclear Regulatory Commission pursuant to paragraph b(i), or if actions are pending pursuant to paragraphs b(ii), d or e, this shall be noted in transmitting the proposed Executive branch judgment.

g. No later than ten days after the date of receipt of a proposed Executive branch judgment, the designees of the Secretaries of Energy, Defense, and Commerce, and the Director of the Arms Control and Disarmament Agency, shall each provide the Office of Export and Import Control their written views on the proposed Executive branch judgment transmitted pursuant to paragraph f. When providing its views, the Department of Energy shall transmit a copy of any confirmation obtained pursuant to paragraph c and, if applicable, any approval or confirmation obtained pursuant to paragraph d. If a required confirmation or approval is not available at that time, the Department of Energy shall so advise the Office of Export and Import Control. Upon receipt of the required confirmation, the Department of Energy shall forward it as expeditiously as possible to the Office of Export and Import Control and shall simultaneously advise the Nuclear Regulatory Commission so that the procedures in paragraph c above may be undertaken. In the event of any disagreement which cannot be resolved between agencies, the provisions in section 5 of Part A shall be followed.

h. An Executive branch judgment shall normally address the matters required by section 126a(1) of the Atomic Energy Act with respect to both any intermediate destinations and the final destination of the export

that are identified in the license application. Notice of any transfer of the export between intermediate destinations and the final destination shall be received by the Department of Energy. Any action required under Part E for approval of transfers between intermediate and final destinations specified in an application for an export license and which are expected to occur within one year of issuance of a license, normally will be accomplished without unnecessary duplication of procedural steps during the review of the license application, and publication in the *FEDERAL REGISTER* will take place as soon as possible after issuance of the export license. If any such transfer does not occur within one year following issuance of the export license, an appropriate request for approval of the transfer shall be submitted to the Department of Energy for action pursuant to the procedures in Part E.

i. A single Executive branch judgment may address more than a single application to the extent that they involve exports of similar equipment or material to the same country, in the same general time frame, of similar significance for nuclear explosive purposes and under reasonably similar circumstances.

j. An Executive branch judgment may address the matters required by section 126a(1) of the Atomic Energy Act by expressing the view that there is no material changed circumstance associated with a new license application from those existing at the time of issuance of a previous license for an export to the same country, where the previous license was subject to full analysis by the Executive branch.

k. An Executive branch judgment may address any or all of the matters required by section 126a(1) of the Atomic Energy Act by reference to an analysis previously submitted to the Nuclear Regulatory Commission if the offices in paragraphs a through e of section 3 of Part A agree that there is no material changed circumstance with respect to such matter or matters.

l. No later than 60 days after receipt of a license application, proposed general license or proposed exemption by the Department of State, the Department shall transmit to the Nuclear Regulatory Commission the Executive branch judgment on the license application, proposed general license or proposed exemption.

m. Any time period in this section may be extended by the Deputy Assistant Secretary of State for Nuclear Energy and Energy Technology: *Provided*, That the time period in paragraph l may be extended only if in the view of the Secretary of State or his designee it is in the national interest to allow additional time, in which case

he shall notify the Committee on Foreign Relations of the Senate, the Committee on International Relations of the House of Representatives, and the offices listed in paragraphs b through f of section 3 of Part A, of such extension.

n. The Office of Export and Import Control shall maintain for at least five years records of steps set forth above and the dates on which they were taken.

SECTION 2. SMALL QUANTITIES

a. Pursuant to the authority in section 126a(1) of the Atomic Energy Act to determine that any export in a category would not be inimical to the common defense and security because it lacks significance for nuclear explosive purposes, the following categories of exports shall not normally require case-by-case Executive branch review under these procedures:

(1) Byproduct material: all types and quantities, except tritium in quantities exceeding 1000 curies;

(2) Source material: all exports for nonnuclear end uses, and exports of less than 250 kilograms for nuclear end uses;

(3) Low-enriched uranium: one kilogram or less of contained uranium-235;

(4) High-enriched uranium: 0.040 effective kilograms or less;

(5) Plutonium and uranium-233: 10 grams or less;

(6) Deuterium: 225 kilograms of heavy water or its equivalent deuterium content in any other form;

(7) Nuclear grade graphite: 100 kilograms or less;

(8) Nuclear equipment: all exports with a value under \$100,000.

b. This section shall not apply to exports with end uses related to isotope separation, chemical reprocessing, heavy water production, plutonium handling, such types of advanced technology reactors as may be agreed by the agencies listed in section 1(c) of Part A, and initial exports of nuclear equipment to foreign nuclear facilities, and is subject to other limitations which the Executive branch or the Nuclear Regulatory Commission may, from time to time, deem necessary.

PART C. FOREIGN DISTRIBUTIONS UNDER SECTIONS 54 AND 64 OF THE ATOMIC ENERGY ACT

SECTION 1. PROCEDURES

a. The Office of Nuclear Affairs of the Department of Energy shall prepare an analysis of proposed distributions of source and special nuclear material. The Office shall transmit the analysis to the offices listed in paragraphs a, c, e, and f of section 3 of Part A. The analysis shall include a statement of the purpose of the distribution, reference to the applicable agreements for cooperation, other per-

tinent information and a recommended course of action. The analysis will specify whether the proposed distribution appears to raise issues which will require more extensive consideration than is normally necessary for Executive branch processing of similar requests and the Office of Nuclear Affairs will initiate as promptly as possible appropriate steps, including those required in order to obtain any necessary policy decisions and to initiate any necessary diplomatic consultations.

b. No later than 30 days following receipt of the analysis, the designees of the Secretaries of State and Defense, the Director of the Arms Control and Disarmament Agency and the Nuclear Regulatory Commission shall provide the Office of Nuclear Affairs with their written concurrence or such other views, comments or proposed courses of action which they consider appropriate. In the event of any disagreement which cannot be resolved between agencies, the provisions in section 5 of Part A shall be followed.

c. No later than 30 days following the expiration of the time limit set forth in paragraph b, the Office of Nuclear Affairs shall determine whether to authorize the proposed distribution: *Provided*, That if recourse is made to the procedures in section 5 of Part A, this period shall be 60 days.

d. Any time period in this section may be extended by the Deputy Assistant Secretary for International Programs or his designee.

SECTION 2. SMALL QUANTITIES

The Department of Energy, without further interagency concurrence or consultation may, to the extent authorized in sections 54, 64 and 82 of the Atomic Energy Act, distribute such quantities of material as are specified in paragraph a of section 2 of Part B, subject to the qualifications and conditions contained in paragraph b of that section.

PART D. DIRECT OR INDIRECT PRODUCTION OF SPECIAL NUCLEAR MATERIAL ABROAD PURSUANT TO SECTION 57b OF THE ATOMIC ENERGY ACT

SECTION 1. PROCEDURES

a. Following receipt by the Department of Energy of any application (which is properly submitted under 10 CFR, Part 810) for specific authorization, the Office of Defense Programs of the Department of Energy shall submit the application, an analysis, and a preliminary staff recommendation to the offices listed in paragraphs a and c through f of section 3 of Part A.

b. The analysis provided for in paragraph a, shall specify whether the application appears to raise issues which will require more extensive consider-

ations than is normally necessary for Executive branch processing of similar applications, and the Assistant Secretary for Defense Programs or his designee shall as promptly as possible initiate appropriate steps, including those required in order to obtain any necessary policy decisions and to initiate any necessary diplomatic consultations.

c. No later than 30 days after receipt of the analysis, the designees of the Secretary of State, Defense, Commerce, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission shall provide the Office of Defense Programs of the Department of Energy with written concurrence in the preliminary staff recommendation or such other views, comments or proposed courses of action which they consider appropriate, including such analysis as may be needed to support their position. In the event of any disagreement which cannot be resolved among the agencies, the provisions in section 5 of Part A shall be followed.

d. No later than 30 days following receipt of the concurrence or views as provided in paragraph c, the Office of Defense Programs shall provide the Secretary of Energy with a recommendation, including the views of the agencies listed in paragraph c, concerning his action on the application: *Provided*, That if recourse is made to the procedures in section 5 of Part A, this period shall be 60 days.

e. Any time period in this section may be extended by the Assistant Secretary for Defense Programs or his designees.

SECTION 2. CONTINUED EFFECT OF CURRENT PROCEDURES

a. Pursuant to section 603 of the Act, 10 CFR Part 810, Unclassified Activities in Foreign Atomic Energy Programs, continues in effect.

b. Any amendment of Part 810 which involves a determination by the Secretary of Energy regarding generally authorized activities shall be made in accordance with these procedures.

PART E. SUBSEQUENT ARRANGEMENTS UNDER SECTION 131 OF THE ATOMIC ENERGY ACT

SECTION 1. PROCEDURES

a. Any request from a nation or group of nations for a subsequent arrangement as defined in section 131a(2) of the Atomic Energy Act or request for an enrichment authorization under section 402(a) of the Act shall, if it appears consistent with applicable law and agreements and if submitted in appropriate form be transmitted promptly by the Office of Nuclear Affairs of the Department of Energy to the offices listed in paragraphs a, and c through f of section 3 of Part A, together with any supporting documents. All references to the term "subsequent arrangement" shall, for purposes of this Part, be deemed to include an enrichment authorization.

b. As promptly as possible, but no later than 15 days after receipt of each request, the offices listed in paragraphs a, and c through f of section 3 of Part A shall review the request and shall advise the Office of Nuclear Affairs.

(i) Whether that agency believes that any additional information is required. In the event that such information is required, the Office of Nuclear Affairs shall seek to obtain and provide the information as promptly as possible;

(ii) Whether that agency believes the request appears to raise issues which will require more extensive consideration than is normally necessary in Executive branch processing of similar requests. If such issues appear to be present, the Office of Nuclear Affairs will normally schedule consideration of these issues at the earliest possible meeting of the Subgroup on Nuclear Export Coordination and shall as promptly as possible initiate appropriate steps, including those required to obtain any necessary policy decisions and to begin any necessary diplomatic consultations; and

(iii) Of their preliminary view, if so requested by the Office of Nuclear Affairs.

c. The Office of Nuclear Affairs shall (if a request for a subsequent arrangement is involved, no later than 15 days after the expiration of the time limit set forth in paragraph b) prepare and transmit to the offices listed in paragraphs a, and c through f of section 3 of Part A, a proposed subsequent arrangement, proposed denial, or other proposed course of action. In this transmittal, the Office of Nuclear Affairs shall advise the Office of Export and Import Control of the Department of State if, in the view of the Department of Energy, a proposed subsequent arrangement is likely to involve negotiations of a policy nature pertaining to arrangements for the storage or disposition of irradiated fuel elements or approvals for the transfer, for which prior approval is required under an agreement for cooperation, by a recipient of source or special nuclear material, production or utilization facilities, or nuclear technology. This transmittal shall also specify any steps deemed appropriate to expedite a proposed subsequent arrangement in the instances specified in section 131a(3) of the Atomic

¹A subsequent arrangement may be initiated in certain circumstances by the Department of Energy, in which case paragraphs a and b are not applicable.

Energy Act. The transmittal may also include an analysis where necessary in the judgment of the Office of Nuclear Affairs to facilitate review. Upon the written request of any recipient office within 10 days after receipt of a proposed subsequent arrangement, the Office of Nuclear Affairs shall prepare and transmit an analysis of the proposed subsequent arrangement.

d. No later than 20 days after receipt of the proposed subsequent arrangement pursuant to paragraph c, the designees of the Secretary of State, the Secretary of Defense, the Secretary of Commerce, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission shall provide the Office of Nuclear Affairs with their written concurrences or such other views, comments, or proposed courses of action which they consider appropriate. The response of the designee of the Director of the Arms Control and Disarmament Agency shall also include a declaration of any intention of the Director to prepare a Nuclear Proliferation Assessment Statement pursuant to section 131a of the Atomic Energy Act. Any such statement shall be prepared within 60 days of the receipt by the Director or his designee of a copy of the proposed subsequent arrangement. In the event of any disagreement which cannot be resolved between agencies, the provisions of section 5 of Part A shall be followed.

e. No later than 20 days after the expiration of the time limit set forth in paragraph d, but, if the Director of the Arms Control and Disarmament Agency has declared his intention to prepare a Nuclear Proliferation Assessment Statement, only after receipt of the Statement or the expiration of the time authorized in section 131c of the Atomic Energy Act for the preparation of the Statement, whichever occurs first, the Secretary of Energy, or his designee, after making the determination required by section 131a(1) of the Atomic Energy Act and pursuant to any required judgment, under section 131b(2) of the Atomic Energy Act, shall decide whether to enter into the proposed subsequent arrangement: *Provided*, That if recourse is made to the provisions in section 5 of Part A, this period shall be 60 days.

f. After discharging the Department of Energy's responsibilities under these procedures, the Secretary of Energy or his designee shall cause to be published in the *FEDERAL REGISTER* notice of any proposed subsequent arrangement together with his written determination that the arrangement will not be inimical to the common defense and security. He shall also report to Congress with respect to any proposed subsequent arrangement of the types specified in section 131b(1) of the Atomic Energy Act. No subse-

quent arrangement shall take effect until the applicable time period or periods in section 131 of the Atomic Energy Act have elapsed.

g. Except for the time limits for the preparation of a Nuclear Proliferation Assessment Statement, any time period in this section may be extended by the Deputy Assistant Secretary for International Programs or his designee.

SECTION 2. SUBSEQUENT ARRANGEMENTS INVOLVING RETRANSFERS WITHIN THE SCOPE OF AN EXPORT LICENSE AND CERTAIN SMALL QUANTITIES

a. The Department of Energy, without further interagency concurrence or consultation and after complying with any other requirements, may approve any request for a subsequent arrangement which is limited to a retransfer where an applicable export license has authorized transfer of the material involved for the same purpose and to the same destination for which the retransfer is to be made, unless:

(i) The Department of Energy determines there has been a material change in circumstances since the issuance of the export license;

(ii) The retransfer does not occur in the same general time period as contemplated by the export license;

(iii) The retransfer is for any of the purposes set forth in paragraph b of section 2 of Part B;

(iv) The retransfer involves more than one effective kilogram of uranium-235 in uranium enriched to greater than 20 percent in the isotope 235; or

(v) The retransfer involves more than 500 grams of plutonium or uranium-233.

b. The Department of Energy, without obtaining interagency concurrence or consultation and after complying with any other requirements, may enter into a proposed subsequent ar-

angement which is limited to such quantities of material as are specified in paragraph a of section 2 of Part B, subject to the qualifications and conditions contained in paragraph b of that section.

c. The Department of Energy shall provide the offices set forth in paragraphs a, and c through f of section 3 of Part A with a copy of the executed approval form for any subsequent arrangements approved pursuant to this section.

PART F. EXPORT ITEMS UNDER SECTION 309C OF THE ACT

SECTION 1. PROCEDURES

a. A list of commodities licensed by the Department of Commerce which, if used for purposes other than those for which the export is intended, could be of significance for nuclear explosive purposes, shall be developed and maintained by the Departments of Commerce and Energy in consultation with the Departments of State and Defense, the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission.

b. Export license applications for commodities on the list referred to in paragraph 1, as well as any other applications which may involve possible nuclear uses, shall be reviewed by the Department of Commerce in consultation with the Department of Energy. When either the Department of Commerce or the Department of Energy believes that—because of the proposed destination of the export, its timing, or other relevant considerations—a particular application should be reviewed by other agencies, or denied, such application shall be referred to the Subgroup on Nuclear Export Coordination. The Subgroup shall promptly consider any such application and provide its advice and recommendations to the Department of

Commerce. Disagreements shall be handled in accordance with the provisions of section 5 of Part A.

c. Reviewing agencies shall promptly, but not later than 30 days after receipt from the Department of Commerce of an application, provide their views thereon to the Department of Commerce. If, however, it is not possible to provide views within this time or if, at any point during review, it appears that final action on an application will not be completed within 60 days of receipt by the Department of Commerce, any agency which requires additional time shall inform the Department of Commerce at the earliest possible time of the issues involved and provide an estimate of the time needed to complete its review. The Department of Commerce will then advise the exporter in writing as required by section 4(g)(1) of the Export Administration Act of 1969, as amended.

d. If the Subgroup recommends denial of an application, the reasons therefor shall be articulated for the record. If the Department of Commerce agrees with the recommendation, that Department, in accordance with section 4(g)(2)(A) of the Export Administration Act of 1969, as amended, shall notify the applicant in writing of the negative considerations raised with respect to such license application. Before final action is taken on the application, the applicant shall be afforded the opportunity to respond within 15 days to such negative considerations. If appropriate, the applicant's response will be made available to the Subgroup for further review and advice. In the event of any disagreement which cannot be resolved between agencies, the provisions in section 5 of Part A shall be followed.

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MONDAY, JUNE 12, 1978



highlights

SUNSHINE ACT MEETINGS 25405

NONDISCRIMINATION BASED ON HANDICAP

HUD extends comments to 8-1-78 on proposal that sets forth procedures and policies to assure nondiscrimination in programs receiving Federal financial assistance (Part II of this issue) 25409

VALUATION OF PLAN BENEFITS

Pension Benefit Guarantee Corporation amends interim rule prescribing rates and factors used in valuing plan benefits terminated between 12-1-77 and 3-1-78; effective 6-12-78.. 25337

VENDING FACILITY PROGRAM FOR THE BLIND

DOD updates their policies that provide blind persons with employment and thereby encourage self-sufficiency; effective 4-7-78 25337

"SINGLE-WIDE" MOBILE HOME LOANS

HUD proposes to increase maturity period for loans; comments by 7-12-78 25349

HOUSING GUARANTEE PROGRAM FOR LEBANON

State/AID issues notice stating that they will guarantee repayment of principal and interest on a loan not exceeding \$15 million by U.S. Investor to the Borrower 25399

STANDARDS OF CONDUCT

FTC improves its internal mechanisms for preventing, identifying, and resolving ethical problems with emphasis on conflicts of financial interests; effective 6-12-78 25333

PRESIDENT'S CUP REGATTA

DOT/CG issues regulations to ensure safety on Potomac River; effective from 10 a.m. EDT until 6 p.m. EDT on 6-15 through 6-18-78 25342

PRIVACY ACT

HUD/Secy publishes three new systems of records; comments by 7-12-78; effective 7-12-78 25386

MEETINGS—

Commerce/NBS: Energy Conservation Subcommittee of the Building Technology Advisory Committee, 7-18-78 25355

Integrated Approach to Safety Subcommittee of the Building Technology Advisory Committee, 7-17-78 25355

NFAH/NEA: Theatre Advisory Panel, 6-23 through 6-25-78 25389

NRC: Advisory Committee on Reactor Safeguards Subcommittee on Naval Reactors/Naval Operations, 6-28-78 . 25389

Advisory Committee on Reactor Safeguards Subcommittee on the New England Power Company Nuclear Project, 6-28 and 6-29-78 25389

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
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DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
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Subscription orders (GPO).....	202-783-3238	Executive Orders and Proclamations.....	523-5233
Subscription problems (GPO).....	202-275-3050	Weekly Compilation of Presidential Documents.....	523-5235
"Dial - a - Regulation" (recorded summary of highlighted documents appearing in next day's issue).....	202-523-5022	Public Papers of the Presidents....	523-5235
Scheduling of documents for publication.....	523-3187	Index	523-5235
Copies of documents appearing in the Federal Register.....	523-5240	PUBLIC LAWS:	
Corrections	523-5237	Public Law dates and numbers.....	523-5266
Public Inspection Desk.....	523-5215	Slip Laws.....	523-5282
Finding Aids.....	523-5227	U.S. Statutes at Large.....	523-5266
Public Briefings: "How To Use the Federal Register."	523-3517	Index	523-5282
Code of Federal Regulations (CFR)..	523-3419	U.S. Government Manual.....	523-5230
	523-3517	Automation	523-3408
Finding Aids.....	523-5227	Special Projects.....	523-4534

HIGHLIGHTS—Continued

Science and Technology Policy Office: Panel on Dam Safety Programs, 6-28-78	25392	HEARINGS—	
CHANGED MEETING—		Commerce/NOAA: Need for additional regulations for the protection of humpback whales in Hawaii, 6-26 and 6-29-78.....	25349
Commerce/NOAA: New England Fishery Management Council's Scientific and Statistical Committee, 5-31-78 ...	25356	ITC: Certain Roller Units, 6-21-78	25388
CANCELLED MEETING—		CHANGED HEARING—	
DOT/NHTSA: 1971-76 Ford Pinto and 1975-76 Mercury Bobcat Fuel Systems proceeding, 6-14-78	25404	ITC: Certain Fishing Tackle, 6-13-78 now scheduled for 6-27-78.....	25388
		SEPARATE PARTS OF THIS ISSUE	
		Part II, HUD	25411

contents

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notices
Housing guarantee program:
Lebanon, Republic of 25399

AGRICULTURAL MARKETING SERVICE

Rules
Peaches (fresh) grown in Ga..... 25331
Proposed Rules
Cranberries grown in Mass. et al 25348
Peaches (fresh) grown in Wash. 25347

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Farmers Home Administration; Science and Education Administration.

Notices
Committees; establishment, renewals, terminations, etc.:
National Poultry Improvement Plan General Conference Committee 25351

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Notices
Meetings:
Theatre Advisory Panel..... 25389

CIVIL AERONAUTICS BOARD

Rules
Practice and procedure, economic proceedings:
Briefs, format filing changes . 25332
Notices
Hearings, etc.:
Arizona Service investigation . 25351
DeLaval Turbine, Inc., et al 25351

COAST GUARD

Rules
Regattas, safety of life:
President's Cup Regatta, Washington, D.C.; special regulations 25342

COMMERCE DEPARTMENT

See Industry and Trade Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration.

COMPTROLLER OF CURRENCY

Proposed Rules
Fiduciary powers; National banks and collective investment funds:
Trust assets investment; variable amount notes, etc.; suspended 25348

DEFENSE DEPARTMENT

Rules
Blind; vending facility program on Federal property 25337

ENERGY DEPARTMENT

See also Federal Energy Regulatory Commission; Hearings and Appeals Office.

Notices
Interpretation requests filed with General Counsel's Office 25365

FARMERS HOME ADMINISTRATION

Rules
Association, community facility loans:
Water and waste disposal systems, development grants; inquiry; correction..... 25331

FEDERAL AVIATION ADMINISTRATION

Rules
Restricted areas 25331

FEDERAL COMMUNICATIONS COMMISSION

Rules
Fm broadcast stations; table of assignments:
New Mexico 25344
Frequency allocations and radio treaty matters:
Radio frequency bands, design of; minimization of interference to radio astronomy operations..... 25343

Notices
Satellite communications services; applications accepted for filing 25383

FEDERAL ENERGY REGULATORY COMMISSION

Notices
Land withdrawals:
Alaska 25366
Hearings, etc.:
Algonquin Gas Transmission Co. (2 documents)..... 25367
Arapahoe Production Co. et al 25369
Arizona Public Service Co 25370
Black Hills Power & Light Co. (2 documents) 25370
Cincinnati Gas & Electric Co. 25371
Commonwealth Edison Co 25371
Connecticut Yankee Atomic Power Co 25371
Drinkwater, Terrell C 25373
East Tennessee Natural Gas Co 25373
Fischer, Frank E 25373
Florida Power & Light Co. (2 documents) 25373
Georgia Power Co 25374
Griffin, Thomas A., Jr 25374
Homestead, Florida, City of, et al 25371
Idaho Power Co 25374
Iowa Southern Utilities Co 25374
Kansas Gas & Electric Co. (2 documents) 25375

Larkin, Frederick G., Jr 25375
Lesky, Stephen 25375
Montana-Dakota Utilities Co. 25376
Municipal Electric Utilities Association of New York State et al 25376
National Fuel Gas Supply Corp 25376
Natural Gas Pipeline Co. of America (2 documents)..... 25376, 25377
Northern States Power Co 25378
Panhandle Eastern Pipe Line Co 25378
Philadelphia Electric Co 25380
Pennzoil Louisiana & Texas Offshore Co., Inc. and Pennzoil Oil & Gas, Inc. 25378
Public Service Co. of Oklahoma 25380
Puget Sound Power & Light Co 25380
Safe Harbor Water Power Corp 25380
Seifried, Dean B 25381
Smith, James P 25381
Smith, H. Russell 25381
Tampa Electric Co. (3 documents)..... 25381, 25382
Tennessee Natural Gas Lines, Inc 25382
Transcontinental Gas Pipe Line Corp. (2 documents)..... 25382
United Gas Pipe Line Co 25382
Upper Peninsula Generating Co. (2 documents)..... 25383

FEDERAL HOME LOAN BANK BOARD

Notices
Applications, etc.:
First Federal Savings and Loan Association of Suffolk 25383

FEDERAL MARITIME COMMISSION

Rules
Self-policing systems; denial of extension of time and for stay. 25343

Notices
Agreements filed, etc 25384
Casualty and nonperformance, certificates:
Delta Steamship Lines, Inc. (2 documents) 25385

FEDERAL RAILROAD ADMINISTRATION

Rules
Acquisition and modernization assistance; CFR part revoked. 25346

FEDERAL TRADE COMMISSION

Rules
Conduct standards 25333
Games of chance in food retailing and gasoline industries; one-time exemption granted to FNK Enterprises 25336

Proposed Rules

Consent orders:
Australian Land Title, Ltd., et al.; correction 25349
Public Service Co. of Colorado; correction 25349

Notices

Cigarette testing results; tar and nicotine contents; correction .. 25385

FISCAL SERVICE

Notices
Surety companies acceptable on Federal bonds:
Continental Reinsurance Corp 25400

FISH AND WILDLIFE SERVICE

Notices
Endangered and threatened species permits; applications (4 documents) 25387, 25388

GENERAL SERVICES ADMINISTRATION

Notices
Public utilities; hearings, etc.:
Public Service Co. of New Mexico 25385
Utah Power & Light Co. 25385

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Notices
Organization, functions, and authority delegations:
Social Security Administration 25385

HEARINGS AND APPEALS OFFICE, ENERGY DEPARTMENT

Notices
Applications for exception, etc.; cases filed (4 documents) 25356-25362
Applications for exception, etc.; cases filed; correction 25361

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Proposed Rules
Mortgage and loan insurance programs:
Property improvement and mobile home loans; maturity period increase 25349
Nondiscrimination:
Handicapped in federally-assisted programs and activities 25411

Notices
Privacy Act; systems of records 25386

INDUSTRY AND TRADE ADMINISTRATION

Notices
Scientific articles; duty free entry:
Electric Power Research Institute et al 25352

Johns Hopkins University et al 25353
Ohio State University Research Foundation et al 25354
Sandia Laboratories 25355
University of Tennessee 25355

INTERIOR DEPARTMENT

See Fish and Wildlife Service.

INTERNATIONAL TRADE COMMISSION

Notices
Import investigations:
Fishing tackle; hearing change 25388
Roller units 25388

INTERSTATE COMMERCE COMMISSION

Notices
Fourth section applications for relief 25401
Hearing assignments 25401
Motor carriers:
Transfer proceedings 25401
Petitions, applications, finance matters (including temporary authorities), railroad abandonments, alternate route deviations, and intrastate applications 25401

NATIONAL BUREAU OF STANDARDS

Notices
Meetings:
Building Technology Advisory Committee (2 documents).... 25355

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Notices
Meetings:
1971-76 Ford Pinto and 1975-76 Mercury Bobcat Fuel Systems Proceeding; cancellation 25404
Motor vehicle safety standards; exemption petitions, etc.:
General Motors Corp.; fuel system integrity 25400

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Proposed Rules
Marine mammals and endangered species; interagency cooperation:
Whales, humpback, protection in Hawaii; hearing 25349

Notices
Fishery conservation and management:
Groundfish; New England Fishery Management Council; meeting 25356

NUCLEAR REGULATORY COMMISSION

Notices
Meetings:
Reactor Safeguards Advisory Committee (2 documents).... 25389
Applications, etc.:
Duquesne Light Co. et al 25390
Energy Fuels Nuclear, Inc. 25390
Florida Power & Light Co. 25390
Iowa Electric Light & Power Co. et al 25390
Puget Sound Power & Light Co. et al 25391
Toledo Edison Co. et al 25391

PENSION BENEFIT GUARANTY CORPORATION

Rules
Plan benefits valuation; rates and factors 25337

SCIENCE AND EDUCATION ADMINISTRATION

Notices
Meetings:
National Poultry Improvement Plan General Conference Committee 25351

SCIENCE AND TECHNOLOGY POLICY OFFICE

Notices
Meetings:
Dam Safety Programs Review Panel 25392

SECURITIES AND EXCHANGE COMMISSION

Notices
Hearings, etc.:
Federated Option Income Fund, Inc., et al 25392
Government Securities Trust, et al 25393
Lowell Gas Co., et al 25396
Vanderbilt Growth Fund, Inc 25397
Vanderbilt Income Fund, Inc. 25398

SMALL BUSINESS ADMINISTRATION

Notices
Applications, etc.:
Business Ventures, Inc. 25398
City Capital Investors Corp ... 25398
Quidnet Capital Corp. 25399
Disaster areas:
West Virginia 25399

STATE DEPARTMENT

See Agency for International Development.

TRANSPORTATION DEPARTMENT

See Coast Guard; Federal Aviation Administration; Federal Railroad Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See Comptroller of Currency; Fiscal Service.

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month. A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

7 CFR	16 CFR—Continued	46 CFR
918..... 25331	419..... 25336	528..... 25343
1823..... 25331	PROPOSED RULES:	
PROPOSED RULES:	13 (2 documents)..... 25349	47 CFR
921..... 25347	24 CFR	2..... 25343
929..... 25348	PROPOSED RULES:	73..... 25344
12 CFR	8..... 25411	49 CFR
PROPOSED RULES:	201..... 25349	257..... 25346
9..... 25348	29 CFR	
14 CFR	2610..... 25337	50 CFR
73..... 25331	32 CFR	PROPOSED RULES:
302..... 25332	260..... 25337	216..... 25349
16 CFR	33 CFR	217..... 25349
5..... 25333	100..... 25342	220..... 25349
		402..... 25349

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

DOE—Electric and hybrid vehicle research, development, demonstration, and production loan guaranties 20476; 5-12-78
EPA—Determination of harmful quantities for hazardous substances 10489; 3-13-78
Determination of removability of hazardous substances 10488; 3-13-78
Determination of units of measurement and rates of penalty for hazardous substances..... 10495; 3-13-78
Water programs; designation of hazardous substances 10474; 3-13-78
FCC—Definition of a cable television system and creation of classes of cable systems 20226; 5-11-78
Labor—Equal employment opportunity in apprenticeship and training; affirmative action for women 20760; 5-12-78

Treasury/BATF—Record retention requirements 20493; 5-12-78

List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

[Last Listing: June 8, 1978]

H.R. 11662 Pub. L. 95-290
To provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes. (Jun. 5, 1978; 92 Stat. 290)
Price \$.80

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

1 CFR	10 CFR—Continued	19 CFR—Continued
Ch. I..... 23701	PROPOSED RULES:	159..... 23709, 23710
4 CFR	211..... 24847	171..... 23711
331..... 24819	212..... 24847	PROPOSED RULES:
401..... 24820	465..... 24316	4..... 23731
402..... 24820	12 CFR	6..... 23731
403..... 24820	9..... 23990	20 CFR
404..... 24820	217..... 24516	404..... 25090
405..... 24820	329..... 24269	416..... 25090
406..... 24820	526..... 24271	PROPOSED RULES:
407..... 24820	545..... 24271	16..... 25142
408..... 24820	PROPOSED RULES:	20..... 25142
409..... 24820	9..... 25348	201..... 25142
410..... 24821	226..... 23726	410..... 24542
415..... 24821	545..... 23727	812..... 25142
5 CFR	14 CFR	21 CFR
213..... 25075, 25076	39..... 24272, 24273, 24824-24827	101..... 24518
7 CFR	71..... 24274, 24275	207..... 24008
2..... 23983	73..... 23703, 25331	540..... 24010
226..... 25130	75..... 23703	PROPOSED RULES:
227..... 25130, 25132	97..... 24275	Ch. I..... 24066
230..... 25134	121..... 24827	146..... 24547
246..... 23986	129..... 24827	182..... 24067
301..... 25135	221..... 24277	186..... 24067
910..... 25136	250..... 24277	740..... 24070
905..... 24821	298..... 25087	
908..... 23701, 24822	302..... 25332	22 CFR
910..... 23986	PROPOSED RULES:	PROPOSED RULES:
918..... 25331	39..... 23727, 24847-24850	42..... 24547
932..... 24822	71..... 24324, 24851-24854	24 CFR
1079..... 24515	73..... 24854, 24855	203..... 23713
1434..... 24263	75..... 24856	213..... 23713
1800..... 23986	371..... 24542	234..... 23713
1822..... 24264	241..... 25138	570..... 24656
1823..... 25331	371..... 25141	1914..... 24011, 24013
1904..... 24265	1216..... 25317	1915..... 24019, 24021, 24022
PROPOSED RULES:	15 CFR	1916..... 24049, 24050
210..... 25137	315..... 23991	1917..... 23713-
650..... 24222	371..... 24517	23722, 24051-24061, 24289-24307,
917..... 23724	399..... 24517	24519-24526
921..... 25347	16 CFR	PROPOSED RULES:
929..... 25348	5..... 25333	8..... 25411
948..... 24846	13..... 23991	201..... 25349
980..... 24846	419..... 25336	1710..... 23936
1062..... 24515	456..... 23992	1715..... 23936
1126..... 23725	PROPOSED RULES:	1917..... 23732-
1430..... 25137	Ch. II..... 24325	23743, 24070, 24548-24558
1701..... 24064, 25138	13..... 24066, 25349	25 CFR
9 CFR	17 CFR	PROPOSED RULES:
78..... 23987	32..... 23704	54..... 23743
113..... 25076, 25078	240..... 24287	26 CFR
PROPOSED RULES:	249..... 24287	PROPOSED RULES:
11..... 24064	PROPOSED RULES:	301..... 25143
381..... 24064	1..... 23729	27 CFR
10 CFR	31..... 23729	170..... 24234
205..... 23989, 25079	19 CFR	201..... 24234
212..... 24265, 24822	10..... 23708	
430..... 24268		

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FEDERAL REGISTER

27 CFR—Continued		40 CFR—Continued		46 CFR—Continued	
231	24243	PROPOSED RULES—Continued		PROPOSED RULES—Continued	
252	24243	1506	25230	160	25000
29 CFR		1507	25230	189	25000
2610	25337	1508	25230	192	25000
PROPOSED RULES:		41 CFR		196	25000
70a	25145	7-1	24839	308	24075
30 CFR		7-3	24839, 24840	502	24080
PROPOSED RULES:		7-4	24840	47 CFR	
880	24326	7-16	24840	0	24310, 25122
31 CFR		7-30	24840	1	25122
103	24527	8-3	24531	2	25343
32 CFR		8-52	24531	15	25122
260	25337	8-74	24531	73	24533, 24534, 25344
1801	25092	101-26	24533	76	25123
1900	24527	101-30	24533	78	25125
32A CFR		101-38	24062	89	25127
634	24308	101-39	24062	97	25122
33 CFR		101-40	24063	PROPOSED RULES:	
100	25342	PROPOSED RULES:		63	24861
117	24829	4	24559	64	24861
36 CFR		42 CFR		67	23746
254	24830	122	24072	73	24334, 24560, 24862, 24863
904	24528	405	24332, 24873, 24988	81	24863
37 CFR		449	24873	83	24863
302	24528	450	24988	87	25150
304	25068	43 CFR		49 CFR	
38 CFR		PROPOSED RULES:		171	24844
PROPOSED RULES:		428	24072	172	24845
18d	25146	1600	24559	252	25129
39 CFR		PUBLIC LAND ORDERS:		253	25129
111	25095	5638	24063	254	25129
3001	24832	45 CFR		257	25346
40 CFR		1067	24841	571	24310
118	24309	PROPOSED RULES:		1033	23722, 23723, 24535-24539, 25129
120	24529	130	24333	PROPOSED RULES:	
171	24834	144	25149	27	25016
180	24692, 25120	175	25149	171	24335
PROPOSED RULES:		176	25149	172	24335
35	24071	46 CFR		173	24335
52	24071, 24857, 24858, 25146	401	24996	175	24335
65	24858, 25147	528	25343	176	24335
80	24331	PROPOSED RULES:		179	24865
180	24714, 24861	Ch. IV	24559	191	24478, 24866
1500	25230	33	25000	393	24871, 25156
1501	25230	35	25000	531	24871
1502	25230	71	25000	1124	25152
1503	25230	75	25000	50 CFR	
1504	25230	78	25000	PROPOSED RULES:	
1505	25230	91	25000	216	25349
		94	25000	217	25349
		97	25000	220	25349
				402	25349
				656	23747
				661	23748

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	Date	Pages	Date
23701-23982	June 1	24659-24818	7
23983-24261	2	24819-25073	8
24263-24514	5	25075-25330	9
24515-24658	6	25331-25411	12

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-02]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 918—FRESH PEACHES GROWN IN GEORGIA

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses and a rate of assessment for the 1978-79 fiscal period, to be collected from handlers to support activities of the Industry Committee which locally administers the Federal marketing order covering Georgia peaches.

DATES: Effective March 1, 1978, through February 28, 1979.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: On May 16, 1978, notice was published in the FEDERAL REGISTER (43 FR 21003) inviting written comments not later than June 5, 1978, on proposed expenses, rate of assessment, and carryover of unexpended funds, under Marketing Order No. 918, as amended (7 CFR Part 918), regulating the handling of peaches grown in Georgia. None were received. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

After consideration of all relevant matter presented, including the proposals in the notice, it is found that:

§ 918.216 Expenses, rate of assessment, and carryover of unexpended funds.

(a) Expenses that are reasonable and likely to be incurred by the Industry Committee during the period March 1, 1978, through February 28, 1979, will amount to \$16,042.50.

(b) The rate of assessment for said period payable by each handler in accordance with § 918.41 is fixed at \$0.0125 per bushel (48 pounds net weight) of peaches.

(c) Unexpended assessment funds in excess of expenses incurred prior to February 28, 1978, up to a maximum of \$20,000, shall be carried over as a reserve in accordance with § 918.44.

It is further found that good cause exists for not postponing the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) as the order requires that the rate of assessment for a fiscal period shall apply to all assessable peaches handled from the beginning of the period.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: June 7, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-16236 Filed 6-9-78; 8:45 am]

[3410-07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 442.13]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart P—Development Grants for Community Domestic Water and Waste Disposal Systems

APPLICATION PROCESSING; CORRECTION

AGENCY: Farmers Home Administration, USDA.

ACTION: Correction.

SUMMARY: The Farmers Home Administration issues a correction to a document published in the FEDERAL REGISTER for May 11, 1978, 43 FR 20221. This action is taken to avoid confusion which might otherwise result. This action is only administrative and does not affect the substance of the amendment.

EFFECTIVE DATE: May 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Ken Lee, telephone 202-447-5717.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration published at page 20221 of the FEDERAL REGISTER for Thursday, May 11, 1978, an amendment to § 1823.472 of Subpart P, Part 1823, Chapter XVIII, Title 7 in the Code of Federal Regulations. Due to a typographical error the section numbers in the last sentence of the "Supplemental Information" section and the Section Heading were incorrectly printed as "1923.462" instead of the correct number "1823.472". Therefore, the last sentence of the "Supplemental Information" section and the section heading are corrected to read:

"Accordingly, § 1823.472 (e)(2) and (e)(2)(ii) are amended as follows:

§ 1823.472 Application processing."

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Dated: June 5, 1978.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.
[FR Doc. 78-16171 Filed 6-9-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 78-WE-9]

PART 73—SPECIAL USE AIRSPACE

Alteration of Special Use Airspace

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment increases the period of designation of two restricted areas identified as R-2304, Gila Bend, Ariz., and R-2305,

Gila Bend, Ariz. This action provides additional hours of U.S. Air Force training programs while providing for the safe and efficient use of the navigable airspace by prohibiting unauthorized flight operations within the designated areas during those periods.

EFFECTIVE DATE: July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Huff, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: 202-426-3715.

SUPPLEMENTARY INFORMATION:

HISTORY

On May 4, 1978, the FAA proposed to amend Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) to alter two restricted areas identified as R-2304, Gila Bend, Ariz., and R-2305, Gila Bend, Ariz. (43 FR 19238). The purpose of the alterations is to permit the Department of the Air Force to more effectively use these restricted areas by providing additional training hours in the existing restricted areas. Interested persons were invited to participate in this rule making proceeding by submitting written comments on the proposal to the FAA. We received two responses to the NPRM in which the commenters posed no objections to the proposal. Section 73.23 was republished in the FEDERAL REGISTER on January 3, 1978, (43 FR 664).

THE RULE

This amendment to Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) increases the time of designation of R-2304 from sunrise to 2400 local time, Monday through Friday, to continuous and R-2305 from sunrise to sunset to continuous and adopts the airspace action proposed in the NPRM (43 FR 19238).

DRAFTING INFORMATION

The principal authors of this document are Mr. Richard Huff, Air Traffic Service, and Mr. Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Part 73) as republished (43 FR 664) is amended, effective 0901 G.m.t., July 13, 1978, as follows:

In § 73.23, under R-2304, Gila Bend, Ariz., "Sunrise to 2400 local time, Monday through Friday," is deleted and "Continuous," is substituted therefor; under R-2305, Gila Bend, Ariz., "Sunrise to sunset," is deleted and "Continuous," is substituted therefor.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on June 5, 1978.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc. 78-15996 Filed 6-9-78; 8:45 am]

[6320-01]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Docket 32368; Regulation PR-174; amdt 39]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Changes in the Format for Filing Briefs to the Board

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., June 1, 1978.

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This change in Rule 31 of the Board's Rules of Practice makes final two proposed changes in the format for filing briefs to the Board. See PDR-51, 43 FR 15334 (April 12, 1978). It is designed to focus the attention of the parties and the Board on the critical matters presented for decision and speed the overall decisional process at the Board level.

DATES: Effective: July 12, 1978; Adopted: June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Gary J. Edles, Deputy General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5233. No comments have been filed; accordingly, for the reasons set forth in the summary above, the Civil Aeronautics Board amends section 302.31 as follows:

§ 302.31 Briefs before the Board.

(c) *Formal specifications of briefs—*
(1) *Contents.* Each brief shall discuss every point of law, fact, or precedent

which the party submitting it is entitled to raise and which it wished the Board to consider. Each brief shall include a summary of the argument not to exceed 5 pages. Support and justification for every point raised shall include itemized references to the pages of the transcript of hearing, exhibit or other matter of record, and citations of the statutes, regulations or principal authorities relied upon. If a brief or any point discussed in the brief is not in substantial conformity with the requirement for such support and justification, no motion to strike or dismiss such document shall be made but the Board may disregard the points involved.

(2) *Incorporation by reference.* Briefs to the Board shall be completely self-contained and shall not incorporate by reference any portion of any other brief or pleading: *Provided, however,* That instead of submitting a brief to the Board a party may adopt by reference specifically identified pages or the whole of his prior brief to the administrative law judge if the latter complies with all requirements of this section. In such cases, the party shall file with the Docket Section a letter exercising this privilege and serve all parties in the same manner as a brief to the Board.

(3) *Length and index.* Briefs shall comply with the formal specifications set forth in § 302.3(b). Except by permission or direction of the Board or the Secretary, brief shall not exceed 50 pages including pages contained in any appendix, table, chart, or other document physically attached to the brief, but excluding maps and the summary of the argument. In this case "map" means only those pictorial representations of routes, flight paths, mileage, and similar ancillary data that are superimposed on geographic drawings and contain only such text as is needed to explain the pictorial representation. Any brief that exceeds 10 pages shall contain a subject index of its contents, including page references.

(Section 204, 1001, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-16239 Filed 6-9-78; 8:45 am]

[6750-01]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—ORGANIZATION, PROCEDURE AND RULES OF PRACTICE

PART 5—STANDARDS OF CONDUCT

Amendment of Employee Conduct Regulations

AGENCY: Federal Trade Commission.
ACTION: Final rule.

SUMMARY: The Commission is amending Part 5 of this chapter to improve its internal mechanisms for preventing, identifying, and resolving ethical problems that may be faced by its employees, with particular emphasis on conflicts of financial interests.

EFFECTIVE DATE: June 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Jerome A. Tintle, Office of General Counsel, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580, 202-523-3487.

SUPPLEMENTARY INFORMATION: The provisions of Part 5 of this chapter are being amended as outlined below.

Subpart A—General Provisions

- New*
- § 5.1 *Purpose:* Former § 5.1 unchanged.
 - § 5.2 *Authority:* Former § 5.2 unchanged.
 - § 5.3 *Presidential policy:* Former § 5.3 unchanged.
 - § 5.4 *Definitions:* Former § 5.4 unchanged.
 - § 5.5 *Interpretation and advisory service:* Former § 5.5 revised to permit the General Counsel to provide legal advice on questions of interpretation.
 - § 5.6 *Procedures for reporting and resolving conflicts of interest:* Former § 5.6 revised to establish a more detailed procedure for the handling of conflicts-of-interest situations, while preserving for each Commissioner the prerogatives established in section 1(b)(3) of Reorganization Plan No. 8 of 1950.
 - § 5.7 *Disciplinary or other remedial action by the Chairman:* Former § 5.7 revised to operate in tandem with new § 5.6 and to detail further the procedure for resolving conflicts of interest.
 - § 5.8 *Exemption of insubstantial financial conflicts:* Former § 5.52 revised to vest the Executive Director with "exemption" authority over all personnel except advisors to individual Commissioners and

New

employees ranked GS-16 and above.

§ 5.9 *Publication of regulations:* Former § 5.8 renumbered.

Subpart B—Ethical and Other Conduct and Responsibilities of Employees

New

- § 5.10 *Proscribed actions:* Former § 5.10 unchanged.
- § 5.11 *Gifts, entertainment, and favors:* Former § 5.11 unchanged.
- § 5.12 *Outside employment and other activity:* Former § 5.12 unchanged.
- § 5.13 *Financial interests:* Former § 5.13 unchanged.
- § 5.14 *Criminal sanction for conflict of interest:* Former § 5.51 revised by changing the cross reference on exemptions to new § 5.8.
- § 5.15 *Use of Government property:* Former § 5.14 renumbered.
- § 5.16 *Misuse of information:* Former § 5.15 renumbered.
- § 5.17 *Indebtedness:* Former § 5.16 renumbered.
- § 5.18 *Gambling, betting, and lotteries:* Former § 5.17 renumbered. Former § 5.18 deleted as redundant and vague.
- § 5.19 *Miscellaneous statutory provisions:* Former § 5.19 is amended (1) to delete as obsolete the reference to the prohibition against the employment of a member of a Communist organization (former § 5.19(e)), and (2) to add a provision requiring employees to report suspected violations of statutes listed in § 5.19 or other relevant statutes.

Subpart C—Ethical and Other Conduct and Responsibilities of Special Government Employees: Former Subchapter C Unchanged.

Subpart D—Statements of Employment and Financial Interests

New

- § 5.31 *Form and content of statements:* Former § 5.31 unchanged.
- § 5.32 *Employees required to submit statements:* Former § 5.32 revised (1) to reflect changed job titles; (2) to delete obsolete positions; (3) to require statements of financial interests from additional employees; (4) to make clear that the provisions of this section apply to employees in the positions specified by this section whether or not they are serving in an acting capacity; and (5) to permit certain supervisors to require that financial statements be filed by additional subordinate employees.
- § 5.33 *Presidential appointees:* Former § 5.33 unchanged.
- § 5.34 *Time and place for submission of statements:* Former § 5.34 re-

vised (1) to reflect that statements of some employees will be submitted to their unit supervisor for review; (2) to waive the requirement to submit a statement where the employee has submitted such a statement during the preceding twelve months; and (3) to eliminate obsolete time requirements for submitting statements.

§ 5.35 *Supplementary statements:* Former § 5.35 revised (1) to reflect that supplementary statements of some employees will now be submitted to the employee's unit supervisor for review; (2) to require the filing of supplementary statements on September 30 each year to coincide with the end of the fiscal year; and (3) to delete a redundant reference to the provisions of section 208 of Title 18, United States Code, and Subpart B of this part.

§ 5.36 *Interests of employees' relatives:* Former § 5.36 unchanged.

§ 5.37 *Information not known by employees:* Former § 5.37 unchanged.

§ 5.38 *Information prohibited:* Former § 5.38 unchanged.

§ 5.39 *Review of employees' statements:* Part of former § 5.42 renumbered and revised to provide for a more meaningful analysis of financial statements. Responsibility for reviewing statements will now be imposed upon the supervisors of the employees who are required to file. The revision also provides for notifying the Executive Director of any employees who have failed to file the required statement and for the custody of the statements.

§ 5.40 *Confidentiality of employees' statements:* Former § 5.39 renumbered and revised to permit the General Counsel and the General Counsel's designees to examine financial statements for the purpose of rendering informal advisory opinions.

§ 5.41 *Effects of employees' statements on other requirements:* Former § 5.40 renumbered.

§ 5.42 *Specific provisions for special Government employees:* Former § 5.41 renumbered and revised to permit the Executive Director to designate a subordinate to accept financial statements submitted by special employees.

§ 5.43 *Reviewing statements of special Government employees:* Part of former § 5.42, this provision parallels new § 5.39, and establishes responsibility for the review of financial statements filed by special employees.

The amendments are set forth below.

1. Section 5.5 is amended as follows:

§ 5.5 Interpretation and advisory services.

The Executive Director, with the assistance of persons designated by the Executive Director, shall serve as counselor for the Commission on matters covered by the regulations in this part. The regional directors shall serve as deputy counselors serving their regions. They shall be responsible for giving authoritative advice and guidance to each employee and special Government employee who seeks such advice or guidance on questions of conflicts of interest or other matters pertaining to the regulations of this part. Counselors and deputy counselors may seek advice or guidance concerning the interpretation of the regulations of this part from the General Counsel.

2. Section 5.6 is amended as follows:**§ 5.6 Procedures for reporting and resolving conflicts of interest.**

(a) An employee or special Government employee who believes that his assignment to a matter may result in a conflict of interest or the appearance of a conflict of interest shall report all relevant facts to his bureau director or office head. Notwithstanding this section, conflicts of interest or apparent conflicts of interest arising in the immediate office of an individual Commissioner shall be reported and resolved as that Commissioner determines, and such determination shall be final.

(b) When a bureau director or office head believes that the assignment of an employee or special Government employee under his supervision to a particular matter may result in a conflict of interest or the appearance of a conflict of interest, the bureau director or office head shall, if possible, resolve the matter through minor remedial action (such as reassignment of the matter to another employee) with the consent of the affected employee. The existence of the conflict or apparent conflict and the nature of the remedial action taken shall be reported to the Executive Director as soon as possible but no later than 30 days after the existence of the conflict or apparent conflict has surface. If the conflict or apparent conflict cannot be so resolved, it shall be reported immediately to the Executive Director (or the Executive Director's designee).

(c) The Executive Director (or the Executive Director's designee) may resolve a conflict of interest or the appearance of a conflict of interest by determining, where appropriate, that the conflict is too insubstantial to be deemed likely to affect the services which the Government may expect, pursuant to § 5.8(b) or by such other remedial action as is within the authority of the Executive Director.

(d) Where there is substantial doubt concerning the existence of a conflict

of interest or the appearance of a conflict of interest, the type of remedial action which is required, or any other matter involving the interpretation of the regulations in this part, the Executive Director may refer the matter to the General Counsel for advice and recommendations.

3. Section 5.7 is amended as follows:**§ 5.7 Disciplinary or other remedial action by the Chairman.**

(a) Where a conflict of interest or the appearance of a conflict of interest cannot be resolved at a lower level with the consent of the affected employee, as prescribed by § 5.6, the Executive Director shall report the matter to the Chairman. The individual concerned shall be provided an opportunity to explain the conflict or appearance of conflict, or, if appropriate, to seek resolution pursuant to § 5.8.

(b) If, after consideration of the employee's explanation, the Chairman determines that remedial action is required, the Chairman will initiate action to eliminate the conflict or appearance of conflict of interest. Remedial action may include, but is not limited to:

- (1) Change in assigned duties;
- (2) Divestment of the conflicting interest by the employee;
- (3) Disciplinary action; or
- (4) Disqualification for a particular assignment.

(c) The remedial action authorized under this section shall include disciplinary action where the Chairman deems it appropriate, and such action shall be in addition to any penalty prescribed by law.

(d) Remedial action, whether disciplinary or otherwise, shall be effected in accordance with any applicable laws, executive orders, and regulations.

4. Section 5.8 is renumbered § 5.9 and a new § 5.8 is added as follows:**§ 5.8 Exemption of insubstantial financial conflicts.**

(a) An employee or special Government employee will not be subject to remedial or disciplinary action under § 5.7(b) or to criminal prosecution under 18 U.S.C. 208(a), if he makes a full disclosure in writing to the official responsible for his appointment of the nature and circumstances of the particular matter involved and of his conflicting financial interest relating thereto, and receives in advance a written determination made by such official that the interest is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from the employee or special Government employee.

(b) For the purposes of paragraph (a) of this section, the "official responsible for appointment" shall be the Executive Director in all cases where the employee is classified at grade GS-15 or below, or at a comparable pay level, except that each Commissioner shall be the "official responsible for appointment" of advisors in the Commissioner's immediate office.

(c) In all other cases, the Chairman shall be the "official responsible for appointment."

§ 5.9 [Renumbered from § 5.8]

5. Section 5.14 is renumbered 5.15 and a new § 5.14 is added as follows:

§ 5.14 Criminal sanction for conflict of interest.

Pursuant to Pub. L. 87-849 (18 U.S.C. 208), no employee or special Government employee shall, except as permitted by § 5.8, participate "personally and substantially as a Government officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other wise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest." Conviction under 18 U.S.C. 208 carries a fine of not more than \$10,000 or imprisonment for not more than two years, or both.

§ 5.15 [Renumbered from § 5.14]**§§ 5.16 through 5.17 [Renumbered as §§ 5.17 through 5.18]**

6. Sections 5.16 through 5.17 are renumbered as 5.17 through 5.18, respectively.

§ 5.18 [Deleted]

7. Section 5.18 is deleted as redundant insofar as it prohibits "criminal" conduct and, as vague, insofar as it prohibits "infamous, dishonest, immoral or notoriously disgraceful conduct, or other conduct prejudicial to the Government."

8. Section 5.19 is amended as follows:**§ 5.19 Miscellaneous statutory provisions.**

(a) All employees shall acquaint themselves with each statute that relates to their ethical and other conduct as employees of the Commission and of the Government. The attention of employees is directed to the following statutory provisions:

- (1) House Concurrent Resolution 175, 85th Congress, 2d sess., 72 Stat. B12, the "Code of Ethics for Government Service."

(2) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(3) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(4) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(5) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(6) The provision relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(7) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a(c)).

(8) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(9) The prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(10) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(11) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(12) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(13) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(14) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(15) The prohibition against political activities in subchapter III of chapter 73 of title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

(16) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(b) If an employee has reason to believe that a violation of a statute listed in paragraph (a) of this section or other relevant statute has occurred, the employee should bring the matter to the attention of the Chairman through the Executive Director or the General Counsel.

9. Section 5.32 is amended as follows:**§ 5.32 Employees required to submit statements.**

(a) The following employees, whether or not serving in an acting capacity, shall submit statements to the Executive Director:

(1) The Secretary of the Commission;

(2) The Director of the Office of Policy Planning;

(3) The Director and Deputy Director of the Office of Public Information;

(4) The General Counsel;

(5) The Director of the Bureau of Competition;

(6) The Director of the Bureau of Consumer Protection;

(7) The Director of the Bureau of Economics;

(8) The Chief Administrative Law Judge;

(9) The Assistant Executive Director for Management;

(10) The Director of Equal Employment Opportunity;

(11) The Director of Federal/State and Consumer Relations;

(12) The Assistant to the Executive Director;

(13) Directors of the Regional Offices;

(14) Advisors to the Commissioners and the Assistant to the Chairman, except that each Commissioner in the Commissioner's discretion may direct otherwise.

(b) The following employees, whether or not serving in an acting capacity, shall submit statements to the General Counsel:

(1) Deputy General Counsels;

(2) Assistant General Counsels;

(3) Deputy Assistant General Counsels;

(4) Assistants to the General Counsel.

(c) The following employees of the Bureaus of Competition, Consumer Protection and Economics, whether or not serving in an acting capacity, shall submit statements to their Bureau Director:

(1) Deputy Directors;

(2) Assistant Directors;

(3) Deputy Assistant Directors;

(4) Associate Directors;

(5) Executive Assistants to the Director and Assistants to the Director;

(6) Assistants to the Deputy Director;

(7) Presiding Officers, other than Commissioners, designated under § 1.13(c) of this chapter;

(8) Senior Administrative Officers.

(d) The following employees, whether or not serving in an acting capacity, shall submit statements to the Assistant Executive Director for Management:

(1) The Director of the Division of Administrative Services;

(2) The Director of the Division of Budget and Finance;

(3) The Director of the Information Systems Division;

(4) The Director of the Division of Personnel.

(e) Administrative Law Judges shall submit statements to the Chief Administrative Law Judge.

(f) Assistant Directors of the Regional Offices, whether or not serving in an acting capacity, shall submit statements to their Regional Office Director.

(g) The Executive Director, whether or not serving in an acting capacity, shall submit statements to the Chairman.

(h) The following persons may require employees subject to their supervision, in addition to those designated in paragraphs (a)-(h) of this section, to submit statements: The Executive Director, the General Counsel, the Directors of the Bureaus of Competition, Consumer Protection and Economics. Additional employees designated pursuant to this paragraph must be ranked at GS-13 or above, or at a comparable pay level under another authority, and must meet the requirements established by the Civil Service Commission (5 CFR 735.403). The names of additional employees so designated must be reported to the Executive Director.

(i) An employee who feels that his or her position has been improperly designated as one requiring submission of a statement of employment and financial interests has recourse to the Commission's grievance procedures set forth in chapter 5-771 of the Commission's Administrative Manual.

10. Section 5.34 is amended as follows:**§ 5.34 Time for submission of statements.**

An employee required to submit a statement of employment and financial interests under the requirements in this part shall submit that statement not later than:

(a) Thirty days after the effective date of the regulations in this part if the employee entered on duty in a position listed in § 5.32 on or before that effective date; or

(b) Thirty days after his entrance on duty in a position listed in § 5.32, but not earlier than 30 days after the effective date, if the employee entered on duty in that position after the effective date.

However, the provisions of this section shall not apply to an employee who has submitted a statement of employment and financial interests or a supplementary statement at any time during the twelve months preceding the date he would otherwise be required to submit a statement under this section.

11. Section 5.35 is amended as follows:**§ 5.35 Supplementary statements.**

Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported to the person designated in § 5.32 in a supplementary statement.

mentary statement as of September 30 each year. If no changes or additions occur, a negative report is required.

12. Section 5.39 is amended as follows:

§ 5.39 Review of employees' statements.

(a) Persons to whom the statements and supplementary statements are submitted pursuant to § 5.32 are responsible for ensuring timely submission of the statements and conducting a review of them, except that the Executive Director shall refer to a Commissioner for review and appropriate action any statements filed by that Commissioner's legal advisors, or take other action as the Commissioner may direct. Action by a Commissioner concerning any statements filed by that Commissioner's advisors shall be final. The Executive Director may delegate the review functions assigned to the Executive Director under this section.

(b) Upon completion of review, all statements received by the General Counsel, the Directors of the Bureaus of Competition, Consumer Protection, and Economics, the Assistant Executive Director for Management, the Chief Administrative Law Judge, and the Regional Office Directors shall be forwarded to the Executive Director for safekeeping.

(c) If an employee fails to file a statement or supplementary statement by the required filing date, the Bureau Director or Office head responsible for his supervision shall notify the Executive Director of the failure as soon as possible but no later than 30 days after the required filing date.

(d) Conflicts or appearances of conflicts discovered as the result of the review of the statements pursuant to this section shall be dealt with in the manner set forth in §§ 5.6 through 5.8.

13. Section 5.40 is renumbered 5.41 and a new § 5.40 is added as follows:

§ 5.40 Confidentiality of employees' statements.

(a) Each statement of employment and financial interests, and each supplementary statement, shall be held in confidence. During the course of review, only the person to whom the statement is submitted or properly referred, the Executive Director (or the Executive Director's designee), and the Chairman shall be permitted to view the statements: *Provided, however*, That if the Executive Director requests the advice of the General Counsel concerning a particular statement, the General Counsel and designated members of the General Counsel's staff may view that statement.

(b) Upon completion of the review process, the statements and supplementary statements shall be retained in confidence by the Executive Direc-

tor (or the Executive Director's designee). No access shall be allowed to, and no information shall be disclosed from, a statement except to carry out the purposes of this part. An agency may not disclose information from a statement except as the Civil Service Commission or the Chairman may determine for good cause shown.

§ 5.41 [Renumbered from § 5.40]

14. Section 5.42 is amended as follows:

§ 5.42 Specific provisions for special Government employees.

(a) Except as provided in paragraph (b) of this section, each special Government employee shall submit a statement of employment and financial interests that reports:

(1) All other employment; and
(2) The financial interests of the special Government employee that relate either directly or indirectly to his duties and responsibilities as a special Government employee.

(b) The Chairman may waive the requirement in paragraph (a) of this section for the submission of a statement of employment and financial interest in the case of a special Government employee who is not a consultant or an expert if the Chairman finds that the duties of the position held by that special Government employee are of a nature and at such a level of responsibility that the submission of a statement by the incumbent is not necessary to protect the integrity of the Government. For the purpose of this paragraph, "consultant" and "expert" have the meanings given those terms by chapter 304 of the Federal Personnel Manual.

(c) A statement of employment and financial interests required to be submitted under this section shall be submitted to the Executive Director (or the Executive Director's designee) not later than the time of employment of the special Government employee. Each special Government employee shall keep such statement current throughout his employment with the Commission by the submission of supplementary statements.

14. Section 5.43 is amended as follows:

§ 5.43 Reviewing statements of special Government employees.

(a) All statements submitted in accordance with § 5.42 shall be reviewed initially by the bureau director or office head who has supervisory authority over the special Government employee. Following this review, all statements shall be returned to the Executive Director for safekeeping.

(b) If there is a conflict or apparent conflict, the procedures specified in §§ 5.6 through 5.8 shall be followed.

§§ 5.51-5.52 [Subpart E] [Deleted]

16. Subpart E is deleted.

(EO 11222, 30 FR 6469, 3 CFR 1965 Supp.: 5 CFR 735.104.)

By direction of the Commission, dated June 1, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-16168 Filed 6-9-78; 8:45 am]

[6750-01]

PART 419—GAMES OF CHANCE IN THE FOOD RETAILING AND GASOLINE INDUSTRIES

Petition for a One-Time Exemption From the Operations of Hiatus Provision

AGENCY: Federal Trade Commission.
ACTION: Granting of petition of exemption from regulation.

SUMMARY: FNK Enterprises is granted a one-time exemption from the operation of paragraph (f) of the trade regulation rule relating to games of chance in the food retailing and gasoline industries. This action is taken in response to a petition for exemption submitted to the Commission from FNK Enterprises.

DATE: The one-time exemption to FNK Enterprises is effective immediately on June 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Noble Jones, Consumer Protection Specialist, Cleveland Regional Office, Federal Trade Commission, Suite 500, the Mall Building, 118 St. Clair Avenue, Cleveland, Ohio 44114, 216-522-4207.

SUPPLEMENTARY INFORMATION: On August 19, 1969, the Federal Trade Commission published at 34 FR 13302 the trade regulation rule relating to games of chance in the food retailing and gasoline industries. The Commission believes that it is in the public interest to grant a one-time exemption from the operation of paragraph (f) of the Trade Regulation Rule relating to games of chance in the food retailing and gasoline industries to permit the FNK Enterprises, Sterling Road, Harrison, N.Y. 10525, to begin a new game thirty (30) days after the completion of the game, or games, due to end June 9, 1978.

The Commission finds that more than a 30-day "hiatus" period between games is not required to eliminate confusion and deception in the consecutive use of games by FNK Enterprises or its participating retail establishments under the circumstances presented. The Commission has also de-

termined that it is impracticable for it to publish notice of proposed rulemaking and to receive comment on the grant of the exemption in accordance with 5 U.S.C. section 553 (b) and (c) because to do so would require the company to sustain the very delay from which it seeks relief. Moreover, there is no need to delay the effective date of the exemption. 5 U.S.C. section 553(d). The FNK Enterprises petition for exemption will be available for public inspection in the Public Reference Room, Room 130, Federal Trade Commission, 6th and Pennsylvania Avenue NW., Washington, D.C.

By direction of the Commission dated June 2, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-16188 Filed 6-9-78; 8:45 am]

[7708-01]

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2610—INTERIM REGULATION ON VALUATION OF PLAN BENEFITS

Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Amendment to the interim regulation.

SUMMARY: This amendment to the interim regulation on valuation of plan benefits prescribes the rates and factors to be used for valuing plan benefits under Title IV of the Employee Retirement Income Security Act of 1974 for plans that terminated on or after December 1, 1977, but before March 1, 1978. It is necessary to finalize the valuation rates and factors for plans that terminated during the period covered by the amendment. The amendment's effect is to provide notice of the rates and factors that will be used to value benefits provided under such plans.

EFFECTIVE DATE: June 12, 1978.

FOR FURTHER INFORMATION CONTACT:

William E. Seals, Staff Attorney, Office of the General Counsel, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, D.C. 20006, 202-254-4895.

SUPPLEMENTARY INFORMATION: On November 3, 1976, the Pension Benefit Guaranty Corporation (the "PBGC") issued an interim regulation establishing the methods for valuing plan benefits under Title IV of the

Employee Retirement Income Security Act of 1974 (the "Act") (41 FR 48484 et seq.). The regulation included an appendix containing rates and factors to be used to value benefits in plans that terminated on or after September 2, 1974, but before October 1, 1975. Subsequently, the PBGC adopted additional rates and factors for valuing benefits in plans that terminated on or after October 1, 1975, but before December 1, 1977. (42 FR 2678 et seq., 42 FR 32777 et seq., 42 FR 41858 et seq., 42 FR 59753 et seq., 43 FR 10559 et seq.)

On March 14, 1978, the PBGC published for comment in the FEDERAL REGISTER additional rates and factors for valuing benefits in plans that terminated on or after December 1, 1977, but before March 1, 1978 (43 FR 10580 et seq.). No comments were received regarding that proposed amendment to the interim regulation, and accordingly the PBGC hereby adopts the proposed interest rates and factors without change.

Because of the need to provide immediate guidance for the valuation of benefits in plans that terminated on or after December 1, 1977, but before March 1, 1978, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making this amendment to the interim regulation effective immediately.

In consideration of the foregoing, Part 2610 of Chapter XXVI of Title 29 of the Code of Federal Regulations, is amended by adding a new Table X to Appendix B to read as follows:

X. The following interest rates and quantities used to value deferred annuities shall be effective for plans that terminate on or after December 1, 1977, but before March 1, 1978.

I. Interest rate for valuing immediate annuities. An interest rate of 6% percent shall be used to value immediate annuities, to compute the quantity "Gy" in § 2610.6 and for valuing both portions of a cash refund annuity.

II. Interest rate for valuing death benefits. An interest rate of 5 percent shall be used to value death benefits other than the decreasing term insurance portion of a cash refund annuity pursuant to § 2610.8.

III. Interest rates and quantities used for valuing deferred annuities. The following factors shall be used to value deferred annuities pursuant to § 2610.6:

- (1) $k_1 = 1.0625$
- (2) $k_2 = 1.045$
- (3) $k_3 = 1.0375$
- (4) $n_1 = 8$
- (5) $n_2 = 10$

(Secs. 4002(b)(3), 4041(b), 4044, 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025-27, 1029 (29 U.S.C. 1302(b)(3), 1341(b), 1344, 1362(b)(1)(A)).)

Issued at Washington, D.C., on this 2nd day of June 1978.

RAY MARSHALL,
Chairman, Board of Directors,
Pension Benefit Guaranty
Corporation.

Issued on the date set forth above, pursuant to a resolution of the Board of Directors authorizing its Chairman to issue same.

HENRY ROSE,
Secretary, Pension Benefit
Guaranty Corporation.

[FR Doc. 78-16094 Filed 6-9-78; 8:45 am]

[3810-70]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER M—MISCELLANEOUS

[DOD Directive 1125.3]

PART 260—VENDING FACILITY PROGRAM FOR THE BLIND ON FEDERAL PROPERTY

Policies and Implementation

AGENCY: Office of the Secretary of Defense.

ACTION: Final rule.

SUMMARY: This final rule updates DOD policies to reflect the intent and purpose of the amended Randolph-Sheppard Vending Stand Act which is to provide blind persons with employment, and thereby encourage them to become self-supporting.

EFFECTIVE DATE: April 7, 1978.

FOR FURTHER INFORMATION CONTACT:

Clare A. Moelk, Assistant Director, Personnel Administration and Services, Office of Assistant Secretary of Defense (MRA&L), DASD(MPP), Pentagon, Room 3C980, Washington, D.C. 20301, 212-697-7197.

SUPPLEMENTARY INFORMATION: A proposed rule to update Department of Defense (DOD) policy to implement the Randolph-Sheppard Act Amendments of 1974 (Pub. L. 93-516) was published as 32 CFR Part 260, July 7, 1977, in the FEDERAL REGISTER (42 FR 34893). The proposed rule was organized into five sections which covered the following areas: purpose, applicability, policy, responsibilities, and definitions.

The proposed rule provided for the submittal of comments within a 30-day period ending on August 8, 1977. Sixty (60) letters were received in response to the proposed rule which included numerous comments on individual proposed provisions. Letters

were received from officials representing the Department of Health, Education, and Welfare (HEW), State licensing agencies for the blind, organizations representing the blind community and blind vendors, and individual blind vendors and other interested individuals. All comments have been considered and revisions to the proposed rule have been made where appropriate. The proposed part 260 was rearranged for consistency in DOD editorial format to separate as much as possible policy, responsibility, and requirements.

The most significant areas of comment on the proposed rule and the conclusions reached after review of the individual comments received are as follows:

1. *The purpose of the rule.* Certain comments received indicated a misunderstanding of the purpose of the proposed rule. They reflected the belief that the proposed rule was intended to implement the Randolph-Sheppard Act Amendments of 1974 within DOD in a manner different than that prescribed by HEW. Section 260.1 has been revised to clarify that the proposed rule is the means by which the amendments and the HEW regulations appearing in 45 CFR Part 1369 are implemented within DOD.

2. *The responsibility of the on-site official to insure that State licensed vendors are blind and utilize sighted persons only as reasonably necessary.* A number of comments pointed out that responsibility for insuring that operators provided by State licensing agencies are State licensed blind persons and that sighted employees or assistants are utilized by these operators only to the extent reasonably necessary belongs to the State licensing agencies rather than to the applicable on-site official. Certain of these comments suggested deletion of this requirement from § 260.3(b) of the proposed rule. The provision has been revised to recognize the State licensing agencies' primary responsibility in this area.

3. *The examples of situations where according the blind's priority to operate vending facilities could adversely affect the interests of the United States.* Many comments indicated that the examples provided in § 260.3(b)(1) of situations where according the blind their priority to operate vending facilities could adversely affect the interests of the United States were, under certain circumstances, misleading and subject to misuse. These comments were considered valid and the examples have been deleted.

4. *The permit procedure.* Certain comments questioned the propriety of the procedure set forth in § 260.3(b)(3) for requiring State licensing agencies to secure permits to establish vending facilities on Federal property. This

procedure implements 45 CFR 1369.16 of the HEW regulations and has been retained.

5. *The cleaning and maintenance of vending facilities and trash disposition responsibilities of the State licensing agency.* The requirements for State licensing agencies to clean and maintain the appearance of, and to remove all trash from, vending facilities established in § 260.3(b)(iii)(B) were challenged in certain comments. The requirement for State licensing agencies to clean and maintain vending facilities implements 45 CFR 1369.35(c)(2) of the HEW regulations and has been retained. Under this responsibility, the State licensing agency will necessarily collect trash in the vending facility and place it in the normal collection area. The requirement for the State licensing agency to "remove" this trash has been deleted as this responsibility for transporting trash from the normal collection area will be carried out by the DOD component under 45 CFR 1369.35(c)(1) of the HEW regulations.

6. *The articles authorized for sale in vending facilities.* A number of comments suggested revision of § 260.3(b)(3)(iii)(C) to delete the restriction that only nonalcoholic beverages could be sold in vending facilities, to incorporate authority for the sale of State-sponsored lottery tickets, and to recognize that articles and services could be dispensed either automatically or manually. All of these suggestions were considered valid and the provision has been revised accordingly.

7. *The fee or commission, rental charge, and support service payment requirements.* Many comments challenged the propriety of the fee or commission provisions of § 260.3(b)(3)(iv)(A), the rental charge provisions of § 260.3(b)(3)(iv)(B), and the support service payment provisions of § 260.3(b)(3)(iv)(C). The challenges to § 260.3(b)(3)(iv)(A) and (B) were considered valid and the fee or commission and rental charge provisions have been deleted. Since neither the amended act nor the HEW regulations indicate an intent to require Federal property managing agencies to assume responsibility for payment of support services (e.g., utilities and telephone service) provided to blind vendor-operated vending facilities, reimbursement or payment for such services have been retained.

8. *The authority to suspend or terminate permits.* Certain comments challenged the authority to terminate or suspend permits provided in § 260.3(b)(3)(v) which implements 45 CFR 1369.35(b) of the HEW regulations and has been retained. Additionally, a notice termination provision was added for use in cases of inactivation, loss of use of building, change in requirements, or inability of the State

licensing agency to continue operating the vending facility.

9. *The priority to operate cafeterias.* The proposed provisions on priority of the blind to operate cafeterias (§ 260.3(c)) have been rewritten in response to comments received, and to make the procedure flow chronologically. There was confusion about the meaning of the term "directly operated," so this term was deleted. There was also some feeling that the provisions should be applied to all cafeterias whether operated by a food service contractor or by the Department of Defense with its own employees. As to this matter, the HEW regulations provide that the priority applies when the Federal agency contemplates providing the cafeteria service on a contractual basis (45 CFR 1369.33). A key element in the granting of the cafeteria priority is the determination that the blind vendor has the capacity to provide the service at prices and of quality comparable to that available from other cafeteria service operators. § 260.3(c) has been revised so that this determination is made after solicitation or negotiation and based on the more complex information available, rather than prior to solicitation or negotiation. The section has also been clarified to reflect that contracts will be awarded if the blind offer is within the competitive range provided that comparable service can be offered and that award would not be adverse to the interests of the United States. There is no need to refer contract awards to the blind to HEW since such awards clearly implement the purpose of the Act.

10. *The providing of satisfactory sites.* Several valuable comments were received regarding the providing of satisfactory sites (§ 260.3(d)). Reference to March 23, 1977 date when the HEW criteria were published caused concern to some parties. This date has now been eliminated. There was also concern that the proposed regulations would result in a failure to provide those satisfactory sites required by the Act. There was concern within DOD that States might fail to respond timely and that construction would be unduly delayed; or that sites would be built at a substantial cost which the State had no capacity to use. As a consequence, § 260.3(d) has been extensively modified to accommodate all parties. The procedure set out assures the States the opportunity to have sites made available; it also insures that construction will not be unduly delayed awaiting responses from the States. Since the decision to decline a proffered satisfactory site is subject to approval of HEW, the procedure provides HEW with the opportunity for consideration of cases where the State declines a site, provides an indefinite response, or fails to respond. It is as-

sumed that HEW will work closely with the State licensing agency to insure satisfactory sites are provided when appropriate, and to further assure that taxpayer funds are not wasted on building sites which will not be used for location of a blind vending facility.

11. *The vending machine income sharing requirements.* Several comments were received on the subject of vending machine income sharing (§ 260.3(e)). There were objections to a provision indicating that income would be paid upon the request of a State. This comment was considered valid and the provision was deleted. The proposed statement of the criteria for deciding whether 30 percent or 50 percent of the income is to be shared was inaccurate and has now been modified to make it consistent with the amended Act and HEW regulations.

There were comments disagreeing with the exemption from income sharing for vending machines of the military exchanges and ships' stores. No change has been made since it is clear from the legislative history that there was no intent to make the income sharing provisions applicable to vending operations which are within or a part of the military exchange or ships' stores systems. Comments were also made about the dates for payment of amounts due for income sharing. In order to clear up misunderstanding and make the provisions consistent with HEW guidance, the language dealing with this subject has been extensively revised. Activities which were accruing and holding money for income sharing prior to March 23, 1977 are directed to pay such amounts along with their first quarterly payment. All activities will make quarterly payments of amounts due subsequently no later than 60 days after the end of the calendar quarter without regard to any request by the State agency.

12. *Full table service food activities.* The proposed rule provided that food dispensing activities which provide full table service for part of the day would not be considered cafeterias or vending facilities. HEW and some other parties commented on this position. HEW suggested that it would be more appropriate to adopt criteria and determine each case on its merits. In response, the definitions of cafeteria and vending facility were changed to require determination on a case-by-case basis dependent on the primary service offered.

Dated: June 7, 1978.

MAURICE W. ROCHE,
Director, Correspondence & Directives,
Washington Headquarters Service,
Department of Defense.

Accordingly, 32 CFR Chapter I is amended by a revision of part 260 reading as follows:

Sec.
260.1 Reissuance and purpose.
260.2 Applicability.
260.3 Policy.
260.4 Responsibilities.
260.5 Arbitration.
260.6 Definitions.

AUTHORITY.—49 Stat. 1559, as amended by Act of August 3, 1954, Pub. L. 83-565, 68 Stat. 663, as further amended by Pub. L. 93-516, 88 Stat. 1622, (20 U.S.C. 107).

§ 260.1 Reissuance and purpose.

This part updates part § 260 to implement the provisions of the Randolph-Sheppard Vending Stand Act and 45 CFR 13, Part 1369, and establishes within the Department of Defense:

- (a) Uniform policies for application of priority accorded the blind to operate vending facilities;
- (b) Requirements for satisfactory vending facility sites in DOD Component-owned or occupied buildings; and,
- (c) Vending machine income-sharing requirements on property under the jurisdiction of a DOD Component.

§ 260.2 Applicability.

The provisions of this part apply to the office of the Secretary of Defense, the Military Departments, and the Defense Agencies (hereafter referred to as "DOD Components") in the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, and the Virgin Islands.

§ 260.3 Policy.

In implementation of the Randolph-Sheppard Act, priority on DOD-controlled property will be extended to the blind as set out below:

- (a) The blind will be given a priority in establishment and operation of vending facilities.
- (b) The blind will be given a priority in award of contracts to operate cafeterias.
- (c) In conjunction with acquisition or substantial alteration or renovation of property, satisfactory sites will be provided for operation of blind vending facilities.
- (d) Certain income from vending machines operated by a DOD Component either directly or by contract will be given to State licensing agencies.
- (e) DOD components will take necessary action to ensure that, within their areas of responsibility, the requirements set forth below are implemented.

(f) The blind have a priority right to operate vending facilities on DOD-controlled property when the opportunity to operate them becomes available. The priority extended allows blind licensees to be gainfully employed. While primary responsibility for carrying out this intent falls upon the State licensing agency, it is nevertheless a responsibility of the on-site official to ensure that the operator is in fact a State licensed blind person and that sighted employees or assistants are utilized only to the extent reasonably necessary.

(1) This priority will not be accorded when the on-site official determines, after conferring with the Head of the DOD component, that the interest of the United States would be adversely affected if the priority were accorded.

(2) Any determination that according the priority would be adverse to interests of the United States must be fully justified in writing through the head of the DOD component concerned (who will consult with the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics)) (ASD(MRA&L)). The justification then shall be sent to the Secretary, Department of Health, Education, and Welfare (HEW), who has authority to determine whether the failure to accord the priority is justified by the circumstances. This determination by the Secretary, HEW must be published in the FEDERAL REGISTER and is binding upon the DOD component.

(3) Applications for permits by the State licensing agency to operate vending facilities (except cafeterias) on DOD controlled property must be submitted in writing to the head of the DOD component concerned, through the on-site official. When an application is not approved, the head of the DOD component will advise the State licensing agency in writing and will indicate the reasons for the disapproval. When issued, permits will describe the location of the vending facility and will be subject to the following requirements:

- (i) The permit will be issued in the name of the State licensing agency.
- (ii) The permit will be issued for an indefinite period of time subject to suspension or termination upon failure to comply with agreed upon terms; and subject to termination by either party upon 60 days written notice to the other party, in cases of (A) inactivation of the installation or activity, (B) loss of use of a building or other facility housing the vending facility, (C) change in the DOD component's requirements for service, or (D) inability of the State licensing agency to continue to operate the vending facility.
- (iii) The permit will provide that:
 - (A) No charge will be made by the DOD component to the State licensing

agency for normal repair and maintenance of the building, or for cleaning areas adjacent to the designated vending facility boundaries, or for trash removal from a designated collection point.

(B) The State licensing agency will be responsible for cleaning and maintaining the appearance of and for the security of the vending facility within the designated boundaries of such facility and for all costs of every kind in conjunction with vending facility equipment, merchandise and other products to be sold, except as provided in (E), below. Neither party will be responsible for loss or damage to the other's property, unless proximately caused by its acts or omissions. The State licensing agency will also be responsible for the acts or omissions of the blind vendor, his employees or agents.

(C) Articles sold at such vending facilities may consist of newspapers, periodicals, publications, confections, tobacco products, foods, beverages, chances for any lottery authorized by State law and conducted by an agency of a State within such State, and other articles or services traditionally found in blind operated vending facilities operated under the Randolph-Sheppard Act as determined by the State licensing agency in consultation with the on-site official, to be suitable for a particular location (articles and services may be dispensed automatically or manually);

(D) Vending facilities will be operated in compliance with applicable health, sanitation and building codes, ordinances, and regulations;

(E) Installation, modification, relocation, removal, and renovation of vending facilities will be subject to the prior approval of the on-site official and the State licensing agency. Costs of installation, modification, removal, relocation or renovation will be paid by the initiating party. In any case of suspension or termination of a permit to operate a vending facility on the basis of noncompliance by either party, the costs of removal from the building will be borne by the noncomplying party.

(iv) The permit will also contain appropriate requirements for reimbursement or direct payment for support services such as utilities and telephone service.

(v) In the event the blind licensee fails to provide satisfactory service or otherwise fails to comply with the requirements of the permit issued to the State licensing agency, the on-site official will, after coordinating with the Head of the DOD Component, notify the State licensing agency of this deficiency in writing and request corrective action within a specified reasonable time. The notice will indicate that failure to correct the deficiency will

result in temporary suspension or termination of the permit, as appropriate. Suspension or termination action will be taken by the Head of the DOD Component concerned after consultation with the ASD (MRA&L).

(g) The blind have a priority right to operate cafeterias on DOD-controlled property, as set out in (1) or (2), below, when the cafeteria operation involved is contracted.

(1) Procuring activity solicitations, when issued, will establish basic requirements and the criteria for judging proposals. One copy of each solicitation will be provided to the State licensing agency for the blind. The criteria upon which proposals will be evaluated may include factors such as sanitation practices, personnel, staffing, menu pricing and portion sizes, variety, budget and accounting practices, fees, and other relevant considerations.

(i) If the State licensing agency submits a proposal and it is not within the competitive range established by the contracting officer, award may be made to another offeror following normal procurement procedures, but only after the on-site official confers with the Head of the DOD Component.

(ii) If the State licensing agency submits a proposal and it is within the competitive range established by the contracting officer, the contract will be awarded to the State licensing agency except as provided in (iii), below.

(iii) The contracting officer may award to other than the State licensing agency when the on-site official determines that award to the State licensing agency would adversely affect the interests of the United States and the Secretary, HEW, approves the determination (processing will be in accordance with (f)(2), above), or when the on-site official determines, after conferring with the Head of the DOD Component, and the Secretary, HEW, agrees, that the blind vendor does not have the capacity to operate a cafeteria in such a manner as to provide food service at a comparable cost and of comparable high quality as that available from other providers of cafeteria services.

(2) Direct negotiations may be undertaken with State licensing agencies whenever the on-site official, with concurrence of the Head of the DOD Component, has determined that State licensing agency, through its blind licensee, can provide the cafeteria services required at a reasonable cost, with food of a high quality comparable to that available from other providers of cafeteria services. In the event direct negotiations fail to result in a contract with the State licensing agency, the procedures prescribed in (g)(1), above, will be followed.

(3) The operation of a cafeteria by a blind vendor will be governed by contractual agreement, not by a permit. Normal contract administration procedures will apply, except that termination actions will not be taken without prior coordination with the Head of the DOD Component concerned.

(4) All contracts for the operation of cafeterias on DOD-controlled property with other than State licensing agencies will, upon expiration, be processed under the above paragraphs unless the State licensing agency informs the on-site official that it is not prepared to exercise its priority at that time.

(h) Any DOD Component acquired (purchased, rented, leased, constructed), or substantially altered or renovated building is required to have one or more satisfactory sites (as defined in § 260.6) for a blind-operated vending facility, except as provided in paragraph (1), below.

(1) A determination that a building contains a satisfactory site or sites is presumed made if the State licensing agency and the on-site official consult and agree that the site or sites provided are satisfactory.

(i) DOD Components will notify by certified or registered mail, return receipt requested, the appropriate State licensing agency of buildings to be acquired or substantially altered or renovated. This notification will be provided at least 60 days in advance of the intended acquisition date or the initiation of actual construction, alteration or renovation. As a practical matter, the State licensing agency should be contacted early in the planning or design stage of a project. (This notice requirement does not apply in cases as described in subparagraph (C), below.) This notification will:

(A) Indicate that a satisfactory site or sites for the location and operation of a blind vending facility is included in the plans for the building.

(B) Forward a copy of a single line drawing indicating the proposed location of such site or sites.

(C) Assure the State licensing agency that, subject to the approval of the DOD Component involved, it will be offered the opportunity to select the location and type of vending facility to be operated by a blind vendor prior to completion of the final space layout of the building, and

(D) Also indicate that an unexplained response indicating that the State licensing agency does not desire to establish and operate a vending facility, or the absence of a response within 30 days will be construed by the DOD Component concerned as a determination by the State licensing agency that the number of persons using the property is or will be insufficient to support a vending facility.

(ii) The State licensing agency must respond within 30 days acknowledging

receipt of the correspondence from the DOD Component and indicating whether it is interested in establishing a vending facility, and if interested, indicating its agreement or alternate selection of a location and its selection of type of vending facility. A copy of the written notice to the State licensing agency and the State licensing agency's response, if any, will be provided to the Secretary, HEW.

(iii) If the State licensing agency responds indicating that it does not desire to establish and operate a vending facility and sets forth any specific basis other than the insufficiency of persons to support a vending facility, then a satisfactory site which meets anticipated needs of the DOD Component will be incorporated. Each such satisfactory site will meet or exceed the requirements defined in § 260.6.

(iv) If an unexplained response indicating that the State licensing agency does not desire to establish and operate a vending facility is received, or if no response is received within the 30 day period, the on-site official will, through the Head of the DOD Component, notify the Secretary, HEW, that the State licensing agency's response or failure to respond has been construed as a determination by the State licensing agency that the number of persons using the property is or will be insufficient to support a vending facility and that a satisfactory site to be operated under the auspices of the State licensing agency will not be incorporated, unless directed by the Secretary, HEW. This notification will also be provided if the State licensing agency responds and affirmatively indicates that it has made such a determination.

(2) The Secretary, HEW, has determined that the requirement to provide a satisfactory site does not apply:

(i) When fewer than 100 Federal employees (as defined in § 260.6) will be located in the building during normal working hours; or

(ii) When the building contains less than 15,000 square feet to be used for Federal Government purposes in the case of a building in which services are to be provided to the general public.

(3) The provisions of (2), above, do not preclude arrangements under which vending facilities to be operated by blind vendors may be established in buildings of a size or with an employee population less than that specified. For example, if a building is to be constructed which would contain only 80 Federal employees, upon agreement of the on-site official and the State licensing agency, the DOD Component concerned may determine to provide a satisfactory site in which the blind have agreed to operate a vending facility.

(4) When a DOD Component is leasing all or part of a privately owned

building in which the lessor or any of its tenants have an existing restaurant or other food facility in a part of the building not covered by the lease and operation of a vending facility would be in substantial direct competition with such restaurant or other food operation, the requirement to provide a satisfactory site does not apply.

(i) Effective January 2, 1975, vending machine income generated by DOD will be shared with State licensing agencies for the blind and/or blind vendors as set forth below. The on-site official is responsible for the collection of, and accounting for, such vending machine income (as defined in § 260.6) and for otherwise ensuring compliance with the requirements of this paragraph.

(1) The vending machine income-sharing requirements are as follows:

(i) One hundred percent (100%) of the vending machine income from vending machines in direct competition with blind-operated vending facilities will be provided the State licensing agency.

(ii) Fifty percent (50%) of the vending machine income from vending machines not in direct competition with blind-operated vending facilities will be provided the State licensing agency.

(iii) Thirty percent (30%) of the vending machine income from vending machines not in direct competition with blind-operated vending facilities and located where at least 50 percent of the total hours worked on the premises occurs during other than normal working hours (as defined in § 260.6) will be provided the State licensing agency.

(2) The determination of whether a vending machine is in direct competition with the blind-operated vending facility is the responsibility of the on-site official subject to the concurrence of the State licensing agency.

(3) These vending machine income-sharing requirements do not apply to:

(i) Income from vending machines operated by or for the military exchanges or ships' stores systems; or

(ii) Income from vending machines, not in direct competition with a blind-operated vending facility, at any individual location, installation, or facility (as defined in § 260.6) where the total of the vending machine income (as defined in § 260.6) from all such machines at such location, installation, or facility does not exceed \$3,000 annually.

(4) The payment to State licensing agencies under these income-sharing requirements must be made quarterly on a calendar year basis. The first payment of income, however, will be made no later than April 30, 1978. This first payment will be for the period March 23, 1977, through the end of calendar year 1977. It will also include amounts collected and set aside during the

period January 2, 1975, through March 22, 1977, for distribution to State licensing agencies. DOD Component activities which did not set aside vending machine income for distribution during the period January 2, 1975, through March 22, 1977, will consider taking steps to determine the amounts of such vending machine income which should have been withheld during that period and withhold such amounts from future income for distribution. All subsequent quarterly payments will be made within 60 days after expiration of the applicable calendar quarter.

§ 260.4 Responsibilities.

(a) The Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) (ASD (MRA&L)) will monitor the overall DOD program and consult with DOD Components on all determinations (1) that the granting of a priority to the blind would be adverse to the interests of the United States, and (2) to suspend or terminate a permit to operate a vending facility.

(b) The Head of the DOD Component concerned, in monitoring its program shall:

(1) Approve/disapprove State licensing agency applications for permits and the provision of satisfactory sites;

(2) Consult with the on-site official on determinations that granting a priority to the blind would be adverse to the interests of the United States and on termination of contracts to operate a cafeteria; and

(3) Where circumstances warrant, suspend or terminate a permit to operate a vending facility.

(c) The on-site official will be the point of contact with State licensing agencies and will:

(1) Consult with State licensing agencies on articles and services to be provided;

(2) Determine, when appropriate, that granting a priority to the blind would be adverse to the interests of the United States and justify this determination to the Secretary, Health, Education, and Welfare through the Head of the DOD Component;

(3) Notify State licensing agencies of acquisition or substantial alteration or renovation of property;

(4) Ensure that operators are in fact State licensed blind persons and that sighted employees and assistants are utilized only to the extent reasonably necessary; and

(5) Negotiate with State licensing agencies on other matters indicated in

§ 260.5 Arbitration.

Whenever any State licensing agency for the blind determines that any activity of the Department of Defense is failing to comply with the provisions of the Act and all informal attempts to resolve the issues have been

unsuccessful, the State licensing agency may file a complaint with the Secretary, HEW, who will convene an ad hoc arbitration panel in accordance with the provisions of 45 CFR 1369.37.

§ 260.6 Definitions.

(a) *Blind licensee.* A blind person licensed by the State licensing agency to operate a vending facility on Federal or other property.

(b) *Cafeteria.* A food dispensing facility which provides a broad variety of prepared foods and beverages (including hot meals) primarily through the use of a serving line where the customer serves or selects for himself from displayed selections. A cafeteria may be fully automatic, self-service, or have limited waiter or waitress service. Table or booth seating facilities are always provided. DOD Component food dispensing facilities which conduct cafeteria-type operations during part of their normal operating day and full table-service operations during the remainder of their normal operating day are not "cafeterias" if they engage primarily in full table-service operations.

(c) *Direct competition.* The presence and operation of a DOD Component vending machine or a vending facility on the same premises as a vending facility operated by a blind vendor. Vending machines or vending facilities operated in areas serving employees, the majority of whom normally do not have access (in terms of uninterrupted ease of approach and the amount of time required to patronize the vending facility) to the vending facility operated by a blind vendor, will not be considered to be indirect competition with that vending facility.

(d) *Federal Property.* Any building, land, or other real property owned, leased, or occupied by any department, agency, or instrumentality of the United States.

(e) *Head of the DOD component.* Deputy Secretary of Defense, Secretaries of the Military Departments and the Directors of Defense Agencies or their designees. For the Pentagon Building only, the Deputy Assistant Secretary of Defense (Administration) is designated as the "Head of the DOD Component."

(f) *Individual location, installation, or facility.* A single building or a self-contained group of buildings. A self-contained group of buildings means two or more buildings which are in close proximity to each other, and between which a majority of the Federal employees working in such buildings regularly move from one building to another in the normal course of their official business during a normal working day.

(g) *Federal employees.* Civilian appropriated fund and nonappropriated fund employees of the United States.

(h) *License.* A written instrument issued by a State licensing agency to a blind person, authorizing that person to operate a vending facility on Federal or other property.

(i) *Normal working hours.* An 8-hour work period between the hours of 0800 and 1800 hours, Monday through Friday.

(j) *On-site official.* The individual in command of an installation or separate facility or location. For the Pentagon Building only, the chairman of the Department of Defense Concession Committee is designated as the on-site official.

(k) *Permit.* The official written approval to establish and operate a vending facility requested by and issued to a State licensing agency by a DOD Component.

(l) *Satisfactory site.* An area fully accessible to vending facility patrons and having sufficient electrical, plumbing, heating, and ventilation outlets for the location of a vending facility in accordance with applicable health and building requirements. Effective March 23, 1977, a "satisfactory site" will have a minimum of 250 square feet available for sale of items and for storage of articles necessary for the operation of a vending facility, unless the Head of the DOD Component and the State licensing agency agree that a smaller or larger facility is appropriate.

(m) *State.* The 50 States, District of Columbia, Puerto Rico, American Samoa, Guam, and the Virgin Islands.

(n) *State licensing agency.* The State agency designated by the Department of Health, Education, and Welfare, Commissioner of the Rehabilitation Services Administration to issue licenses to blind persons for the operation of vending facilities on Federal and other property.

(o) *Substantial alteration or renovation.* A permanent material change in the floor area of a building which would render it appropriate for the location and operation of a vending facility by a blind vendor.

(p) *Vending facility.* Automatic vending machines, cafeterias, snack bars, cart services, shelters, and counters, which sell such items as newspapers, periodicals, confections, tobacco products, foods, beverages, and other articles and services to be dispensed automatically or manually and which are prepared on or off the premises in accordance with applicable health laws and further including the vending or exchange of chances for any lottery authorized by State law and conducted by an agency of a State within such State. "Vending facility" does not include food dispensing facilities (e.g., food operations of open messes/military clubs) which engage primarily in full table-service operations.

(q) *Vending machine.* For the purpose of assigning vending machine income, means a coin or currency operated machine which dispenses articles or services, except that machines providing services of a recreational nature, commonly referred to as amusement machines (e.g., jukeboxes, pinball machines, electronic game machines, pool tables, shuffle boards, etc.) and telephones, are not considered to be vending machines.

(r) *Vending machine income.* DOD Component receipts from DOD Component vending machine operations on Federal property, after deducting all applicable costs incurred (costs of goods, service, maintenance, repair, cleaning, depreciation, supervisory and administrative personnel, normal accounting, accounting for income-sharing, and so forth) where the machines are operated by any DOD Component activity; or commissions received (less applicable DOD Component costs) by and DOD Component activity from a commercial vending firm which provides vending machines on Federal property for, or with the approval of, any DOD Component activity.

(s) *Vendor.* A blind licensee who is operating a vending facility on Federal or other property.

[FR Doc. 78-16201 Filed 6-9-78; 8:45 am]

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGDS-78-04R]

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

Establishment of Special Local Regulations for the President's Cup Regatta, Washington, D.C.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This final rule details the special local regulations for the President's Cup Regatta. The special local regulations are established to ensure the safety of life on the Potomac River at Washington, D.C., immediately before, during, and immediately after the regatta.

DATES: Effective dates: From 10:00 a.m. e.d.s.t. until 6 p.m. e.d.s.t. on June 15, 16, 17 and 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Lt. Comdr. C. C. Atkins, Commander(b), Fifth Coast Guard District, Portsmouth, Va. 23705, 804-398-6202.

SUPPLEMENTARY INFORMATION: The establishment of special local regulations to ensure the safety of life on the navigable waters of the United States immediately before, during and immediately after a regatta is authorized by 46 U.S.C. sec. 454 and 33 CFR 100.35. There were no comments from the public concerning these special local regulations. In order that these special local rules will be effective at the time of the scheduled event, I find that they may be made effective in less than 30 days from publication. Accordingly, the following local regulations are established:

(a) *Location.* The area subject to these regulations is those waters enclosed by a line drawn from the southern tip of Haines Point northwards along the eastern seawall to a point 1,000 feet from the southern tip of Haines Point; thence easterly to a point 400 feet from the seawall; thence in a southerly direction to a point 1,400 feet distant; thence along a line of bearing 240° T. to the Virginia shore; thence upstream along the Virginia shoreline to the Penn Central Railroad bridge between Washington, D.C., and Arlington, Va.; thence 034° T. to the Potomac Park-Potomac River shoreline; thence along the Potomac Park-Potomac River shoreline to the southern tip of Haines Point.

(b) *Regulations.* (1) Except for participants in the President's Cup Regatta or persons or vessels authorized by the Coast Guard patrol officer, no person or vessel may enter or remain in the area specified in paragraph (a) of these regulations.

(2) The operator of any vessel in the immediate vicinity of the area specified in paragraph (a) above of these regulations shall:

(i) Stop his vessel immediately upon hearing five or more short blasts of a horn or whistle from any vessel displaying a Coast Guard ensign; and

(ii) Proceed as directed by any Coast Guard officer or petty officer

(3) Any spectator vessel may anchor outside of the area specified in paragraph (a) of these regulations.

(4) The Coast Guard patrol officer is a commissioned officer of the Coast Guard, who has been designated by the Commander, Fifth Coast Guard District.

(5) These regulations and other applicable laws and regulations shall be enforced by Coast Guard officers and petty officers on board Coast Guard, public, and private vessels displaying the Coast Guard ensign.

(46 U.S.C. sec. 454, 49 U.S.C. sec. 1655(b)(1); 33 CFR 100.35, 49 CFR 1.46(b).)

Dated: June 1, 1978.

J. E. Johansen,
Rear Admiral, U.S. Coast Guard,
Commander, Fifth Coast
Guard District.

[FR Doc. 78-16255 Filed 6-9-78; 8:45 am]

[6730-01]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[General Order 7; Docket No. 73-64]

PART 528—SELF-POLICING SYSTEMS

Denial of Motion for Enlargement of Time and for Stay

AGENCY: Federal Maritime Commission.

ACTION: Denial of motion for enlargement of time and for stay.

SUMMARY: The Federal Maritime Commission has received requests for additional time to seek reconsideration of final rules regarding self-policing systems (43 FR 18175; April 26, 1978) and to stay the July 1, 1978, effective date. The Commission denies this petition and authorizes the Secretary of the Commission to reject any future like filings.

DATES: Petitions for reconsideration to be filed by June 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street NW., Washington, D.C. 20573, 202-523-5725.

SUPPLEMENTAL INFORMATION:

Final rules in subject proceeding were published on April 18, 1978, to become effective July 1. The Commission subsequently denied a petition for stay of the rules and granted a limited enlargement of time until June 9 within which to petition for reconsideration. Counsel for a number of trans-Pacific conferences has now submitted a motion for enlargement of time to file a petition for reconsideration and for stay of the rules. Counsel cites many of the same arguments as the previous petitioner. Nothing additional has been advanced by counsel which would lead to a different action by the Commission. Accordingly, the motion is denied. Additionally, any future like filings will be subject to rejection by the Secretary of the Commission.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-16150 Filed 6-9-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20154; FCC 78-325]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Adding a New Footnote to the Table of Frequency Allocations To Reflect the Need for Special Consideration in Planning the Use of Certain Bands so as to Minimize Potential Interference to Radio Astronomy Operations in Adjacent Bands

AGENCY: Federal Communications Commission.

ACTION: Add new footnote, US 211, to Table of Frequency Allocations.

SUMMARY: This report and order minimizes potential interference to radio astronomy operations from radio stations in certain frequency bands by requesting special consideration be used by air and space system designers in planning the use of these adjacent radio frequency bands.

EFFECTIVE DATE: July 14, 1978.

ADDRESS: Federal Communications Commission, 2025 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Fred Thomas/George Sarver, Office of Chief Engineer, 202-632-6350.

REPORT AND ORDER

Adopted: May 18, 1978.

Released: June 5, 1978.

By the Commission: Commissioner Washburn dissenting and issuing a statement.

In the matter of amendment of Part 2 of the Commission's rules and regulations to add a new footnote to the Table of Frequency Allocations to reflect the need for special consideration in planning the use of certain bands so as to minimize potential interference to radio astronomy operations in adjacent bands, Docket No. 20154.

1. The Commission has before it for consideration its notice of proposed rulemaking, in the above captioned matter, released on August 30, 1974 (FCC 74-912, 39 FR 32566). This proceeding was initiated by the Commission upon a request from the Subcommittee on Radio Astronomy of the National Academy of Sciences through the Interdepartmental Radio Advisory Committee (IRAC).

2. Comments were filed by two organizations, the National Academy of Science (NAS) and the National Radio Astronomy Observatory (NRAO).

3. The basis for instigating this rule-making proceeding was the radio astronomy community's concern of receiving harmful interference from operations in adjacent bands. The radio astronomers' equipment is highly directional and sensitive thus creating a situation where stations in adjacent bands, although operating within the international or national regulations, could still cause harmful interference to the radiotelescopes. It is this particular set of unique circumstances that we believe warrants some special consideration.

4. In this effort, the Commission, in coordination with IRAC, prepared the proposed footnote. It is the intent of the Commission in this footnote to make developers or planners of systems in adjacent bands aware of the potential interference problem they present to the radio astronomy service and to take all practical steps to avoid such problems. In this effort it is requested that when several options exist and no significant disadvantage in performance or cost will be experienced that special consideration for the radio astronomy service should be made in designing systems to reduce the potential harmful interference to radio telescopes. In particular, when an option exists in selecting a transmitting frequency for an airborne or space station it should be made as far removed as possible from the adjoining radio astronomy band.

5. Both comments filed were in favor of the footnote. However, both NAS and NRAO requested additional stronger steps be taken to provide the radio astronomy service with greater protection. Both disagreed with the Commission's position that protection for the radio astronomy service should not be greater than that provided by US 74. They noted that harmful interference may be caused by stations located outside as well as in the main beam of the radiotelescope and suggested the limits set forth in CCIR Report 224 be used instead of limits set by US 74. Further, they claimed that it was not unrealistic to expect systems in adjacent bands to be designed to protect the radio astronomy service with the cost a secondary consideration.

6. The Commission is cognizant of the important contribution of radio astronomy in scientific investigation and will continue to support radio astronomy through appropriate allocations. In this effort we will continue to monitor and evaluate opportunities for improving the effectiveness of radio astronomy observations consistent with other communications needs. Such potential opportunities are being studied

in connection with our ongoing preparation for the 1979 WARC. However, it should be noted that CCIR Report 224 has not been adopted as a standard for formulating either national or international radio regulations. Therefore, at this time we believe the public interest will best be served by not requiring services using adjacent bands to incur additional expense or loss of capability in order to reduce out of band emission in radio astronomy bands beyond that required by US 74. We are therefore adopting footnote US 211 as proposed, with the belief that this action will provide some additional degree of protection to radio astronomy through increased awareness and consideration on the part of adjacent band developers.

7. Accordingly, *It is ordered*, That, effective July 14, 1978, § 2.106 of the rules is amended as set forth below. Authority for this action is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

8. *It is further ordered*, That the proceeding in Docket No. 20154 is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations, § 2.106, is amended as follows:

1. The table of frequency allocations is amended in column 6 for the bands 1427-1429 MHz, 2500-2690 MHz, 5000-5250 MHz, 14.5-15.35, 15.4-15.7, 24-24.05, 31.5-31.8, 84-86, 122.5-130, and 220-230 GHz by adding footnote designator US 211, and the text of footnote US 211 is added in proper numerical sequence to the list of footnotes following the Table as follows:

§ 2.106 Table of frequency allocations.

US 211 In the bands 1427-1429, 2500-2690, and 5000-5250 MHz and 14.5-15.35, 15.4-15.7, 24-24.05, 31.5-31.8, 84-86, 122.5-130, and 220-230 GHz, applicants for airborne or space station assignments are urged to take all practicable steps to protect observations in the adjacent exclusive radio astronomy bands from harmful interference; however, US 74 applies.

DISSENTING STATEMENT OF
COMMISSIONER ABBOTT WASHBURN
RE: PROTECTION CRITERIA FOR
RADIO ASTRONOMY

Since Karl Jansky's original observations of radio waves of extraterrestrial

¹See attached dissenting statement of Commissioner Washburn.

origin, radio astronomy has made important contributions to man's knowledge. Much of the information cannot be obtained in any other way.

The study of radio frequency lines is one of the most difficult and most promising areas in radioastronomy. We can now map the distribution of hydrogen in our own galaxy and in neighboring galaxies, and the complex organic compound lines lead to theories of how life itself is generated in our universe. This work, however, can only be done with the most sophisticated and expensive receiving equipment coupled with the most powerful of electronic computers. Even then, integration times of many hours are often required.

Because of the importance and expense of this endeavor I cannot agree that the protection standard in US Note 74 is adequate. The only commentators on our proposed rule were the National Academy of Sciences and the National Radio Astronomy Observatory. Both urged a higher standard of protection—namely—the standard adopted unanimously by the International Radio Consultative Committee of the ITU in its Report 224-3 at the XIIIth Plenary Assembly in Geneva in 1974.

The majority of this Commission has rather casually dismissed these requests by referring to excessive expense and system degradation to "other" services—services (mainly Government) whose spokesmen have not attempted to quantify these expenses or degradations and, indeed, have not even bothered to file any comments in this proceeding. Accordingly, I dissent.

[FR Doc. 78-16149 Filed 6-9-78; 8:45 am]

[6712-01]

CHAPTER I

IBC Docket No. 78-20; RM-29251 PART 73—RADIO BROADCAST SERVICES

FM Broadcast Station in Clovis, N. Mex.; Changes made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Report and Order.

SUMMARY: Action taken herein assigns a third FM channel to Clovis, N. Mex. Additional areas could be provided with first and second FM as well as first and second aural nighttime service by another FM station.

EFFECTIVE DATE: July 17, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

REPORT AND ORDER (PROCEEDING
TERMINATED) [43 FR 3407].

Adopted: June 1, 1978.

Released: June 8, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Clovis, N. Mex.), BC Docket No. 78-20 RM-2925.

1. The Commission here considers a proposal for the assignment of Class C FM Channel 298 to Clovis, N. Mex., as that community's third FM assignment. This proceeding was initiated by a Notice of Proposed Rule Making, adopted January 13, 1978, 43 FR 3407, based on a petition filed by Zia Broadcasting Co. ("Zia"), licensee of AM Station KCLV, Clovis, N. Mex. Comments were filed by Zia in which it reaffirms its intent to apply for the channel, if assigned. Opposing comments were filed by Frequently Modulated Radio Co. ("FMRC"), licensee of FM Station KKQQ (Channel 256), Clovis, and Creative Communications Corp. ("Creative"), licensee of AM Station KWKA and Station KTQM-FM, Channel 260, Clovis, N. Mex.

2. Clovis (pop. 28,495), seat of Curry County (pop. 39,517),¹ is located in eastern New Mexico, 152 kilometers (95 miles) southwest of Amarillo, Tex. Clovis is served locally by FM Station KKQQ(FM) (Channel 256) and Station KTQM-FM (Channel 260) and fulltime AM Stations KICA, KWKA and KCLV (licensed to petitioner).

3. The station proposed to be operated by Zia would provide first FM service to 1,007 persons in a 550 square kilometer (204 square mile) area and a second FM service to 1,610 persons in a 850 square kilometer (324 square mile) area. The same figures would hold true for first and second nighttime aural service. Zia states that the five communities² in the precluded area with over 2,500 population, which have no local aural service, have alternate channels available to them for assignment should the need arise.

4. Zia's comments assert that the Clovis Chamber of Commerce estimated the population of Clovis to be 32,864 in 1976, as compared to 28,495 in 1970. It states that the city's economy is dominated by agriculture, grain storage, ranching, cattle raising and meat packing. Zia adds that there are several significant manufacturing concerns in the area and notes that Clovis is the center of a large trading area and the hub of transportation for eastern New Mexico.

¹Population figures are taken from the 1970 U.S. Census.

²Texas: Abertathy (pop. 2,625), Tahoka (2,956), Dimit (4,327), Littlefield (6,738) and Wellington (2,884).

5. In opposition, FMRC disputes Zia's contention of population and economic growth. It alleges the unserved areas located 48 to 56 kilometers (30 to 35 miles) from Clovis could be served by a local Class A FM service. FMRC has submitted affidavits of people living on the fringe of and beyond its 60 dBu contour to indicate that FM service is available to the areas Zia claims it would provide with first FM service.

6. In opposing comments,³ Creative argues that Clovis cannot support an additional station and still allow the other stations in Clovis to operate and provide top quality radio service to the area. Since this is an economic issue which is normally considered in connection with an application for a construction permit, it will not be considered at this stage. However, Creative further contends that Zia's proposal would result in large preclusion areas, that it does not demonstrate it is the best possible frequency in terms of preclusion, and that there are five to six daytime AM services presently available to the underserved areas. It claims that Zia would not be able to achieve the proposed coverage because of the difficulty in acquiring aeronautical approval for the required 550 foot tower at the referenced site and environmental impact clearance. Creative argues that a tall tower would impinge upon the operation of Creative's three tower directional array of AM Station KWKA and would create problems for the Zia AM operation.

7. In reply, Zia contends that the purpose of a preclusion study is to insure that no significant community should be deprived of its first service because of the assignment under consideration. It states that it has demonstrated that no community with a population over 2,500 which has no commercial FM station, would be excluded from having an FM station by the addition of Channel 298 to Clovis. Zia asserts that availability of daytime AM service cannot be considered significant because it has shown the proposed assignment would provide additional areas and populations with first and second FM and first and second nighttime aural service. As to aeronautical, environmental and interference considerations, Zia argues that such allegations are speculative. It contends that Creative assumes that Zia intends to utilize its AM transmitter site for an FM station, which is used only as a convenient reference point, and that there is substantial latitude on the site location.

8. We have carefully considered the record in this proceeding and conclude

³Creative's comments were late-filed. However, since the lateness was due to illness of Creative's consulting engineer, we are accepting its comments.

that it would be in the public interest to assign Channel 298 to Clovis, N. Mex. Ordinarily, the Commission's FM assignment criteria would limit the number of assignments to a community the size of Clovis to one or two channels. However, there have been cases when this limitation on the number of assignments has been relaxed. As stated in *Fresno*, 38 FCC 2d 525, 526 (1972), they "are a guide and not an immutable standard." In the instant case a showing has been made that the proposed assignment could bring service to areas which now are unserved and underserved. Also, petitioner has shown that other channels are available for assignment to the precluded communities of over 2,500 population which have no commercial FM assignments. Thus, the proposed assignment to Clovis can be made without depriving any other community of an FM channel, even if the area is not a fast growing one. Finally, Creative points to the KFDW tower as being the tallest tower within 32 kilometers (20 miles). This tower appears to be a suitable antenna supporting structure, if available, for the new station. It also indicates that such a structure could be erected which would comply with the various requirements for establishment of an FM broadcast station.

9. Accordingly, pursuant to authority contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules, *it is ordered*, That effective July 17, 1978, the FM Table of Assignments (Section 73.202(b) of the Rules) is amended with respect to the community listed below:

City and Channel Nos.

Clovis, N. Mex., 256, 260, 298.¹

10. *It is further ordered*, That this proceeding is terminated.

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-16187 Filed 6-9-78; 8:45 am]

¹Any application for this channel must specify at least an effective radiated power of 100 kW and antenna height of 152 meters (500 feet) above average terrain or equivalent.

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD
ADMINISTRATION, DEPARTMENT
OF TRANSPORTATIONPART 257—ACQUISITION AND
MODERNIZATION ASSISTANCE

Revocation of Part

AGENCY: Federal Railroad Administration ("FRA"), Department of Transportation.

ACTION: Final rule.

SUMMARY: The Federal Railroad Administration is revoking Part 257 "acquisition and modernization loan assistance" because it is unnecessary. The authorizing legislation, sec. 403 of the Regional Rail Reorganization Act of 1973, as amended, was repealed on April 1, 1978. The program was never funded or implemented.

EFFECTIVE DATE: June 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Patrick O'Driscoll, Assistant Chief Counsel, State Rail and Passenger Programs Division, Federal Railroad Administration, 400 7th

RULES AND REGULATIONS

Street SW., Washington, D.C. 20590, 202-426-7710.

SUPPLEMENTARY INFORMATION: Section 403 of the Regional Rail Reorganization Act of 1973, as amended ("3R Act") (45 U.S.C. 701 et seq.), authorized a program of acquisition and modernization loans from the United States Railway Association ("Association"), as directed by the Secretary, as well as certain other assistance to States and local and regional transportation authorities to enable them to purchase lines of railroad and in addition to rehabilitate such properties to a condition which would enable safe and efficient operation thereon. The loans were to be provided by the Association under section 211 of the 3R Act. Funding for such loans would be obtained by the Association by issuing obligations under section 210 of the 3R Act.

On January 16, 1976, new Part 257 of Title 49 of the Code of Federal Regulations was promulgated by the FRA to enable applicants to seek assistance under the program. On February 5, 1976, the Railroad Revitalization and Regulatory Reform Act of 1976 ("4R Act") (Pub. L. 94-210, 90 Stat. 31 et seq.) was enacted. Section 604 of that Act amended section 210(b) of the 3R Act to eliminate therefrom any authority in the Association to issue obligations to make loans under section

211 of the 3R Act other than for assistance applied for prior to January 1, 1978 (relating to another loan program), and new subsections (g) and (h) of section 211, which were also unrelated. As a result, while section 403 was not immediately repealed, the authority to fund section 403 loans under section 211 was removed by section 604 of the 4R Act and the program could not be implemented.

Section 403 was repealed on April 1, 1978, pursuant to section 806 of the 4R Act. Since there is no further need for the regulations, 49 CFR Part 257 is hereby revoked.

The revocation of Part 257 of Title 49 will have no economic impact. Accordingly, an evaluation under paragraph 8(b)(2) of the Secretary's memorandum of January 31, 1978 (43 FR 9582), is unnecessary.

(Sec. 403, Regional Rail Reorganization Act of 1973 (45 U.S.C. 703) (1970 Ed., Suppl. V. 1975); sec. 806 of the Railroad Revitalization and Regulatory Reform Act of 1976, Pub. L. 94-210, 90 Stat. 143; the Department of Transportation Act (49 U.S.C. 1651 et seq.) (1970 Ed.), Regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(g).)

Dated: June 6, 1978.

JOHN M. SULLIVAN,
Federal Railroad Administrator.

[FR Doc. 78-16163 Filed 6-9-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 921]

FRESH PEACHES GROWN IN DESIGNATED
COUNTIES IN WASHINGTON

Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on proposed grade and size requirements on shipments of fresh Washington peaches. Those peaches shipped in the Western lug box or the standard peach box are to grade at least Washington Fancy Grade, peaches in all other containers are to grade at least Washington Extra Fancy Grade. All varieties of peaches are required to meet minimum size requirements of 2½ inches diameter except the Elberta varieties and peaches of any variety other than Elberta when packed in the standard peach box, may be shipped if they meet a minimum diameter of 2¼ inches. Loose or jumble packs are permitted in containers of a capacity equal to or greater than that of a western lug box with a net weight of 26 pounds and in such containers of a lower net weight if the packages are well filled. These requirements are designed to provide for orderly marketing of peaches in the interest of producers and consumers.

DATES: Comments must be received by June 30, 1978.

ADDRESS: Send comments to Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.29(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: The proposal was submitted by the Washington Fresh Peach Marketing Committee, established under the marketing agreement and Order No.

921 (7 CFR Part 921) regulating the handling of fresh peaches grown in designated counties in Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The recommendation of the Washington Fresh Peach Marketing Committee reflects its appraisal of the current and prospective crop and market conditions. Washington's 1978 fresh peach shipments are estimated by the committee at 9,500 tons, compared with fresh peach shipments in 1977 of 10,820 tons. The proposed regulation, herein set forth, is designed to prevent the handling on and after July 15, 1978, of low quality and small size peaches and provides for orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

Such proposal reads as follows:

§ 921.315 Peach Regulation 15.

Order. (a) During the period July 15, 1978, through July 31, 1979, no handler shall handle any lot of peaches unless such peaches meet the following applicable requirements, or are handled in accordance with paragraph (a)(5) of this section.

(1) *Minimum grade.* Such peaches shall grade at least Washington Extra Fancy Grade: *Provided,* That peaches which grade Washington Fancy Grade or better may be handled if they are packed in the Western lug box or the standard peach box.

(2) *Minimum size.* (i) Such peaches of any variety, except peaches of the Elberta varieties, when packed in any container except the standard peach box, shall measure not less than 2½ inches in diameter;

(ii) Such peaches of any variety when packed in the standard peach box shall measure not less than 2¼ inches in diameter; and

(iii) Such peaches of the Elberta varieties when packed in any container shall measure not less than 2¼ inches in diameter.

(3) *Uniform firmness.* Such peaches in individual containers shall have a reasonably uniform degree of firmness.

(4) *Pack.* (i) Such peaches in loose or jumble packs shall be in containers of a capacity equal to or greater than that of a western lug box and shall contain not less than 26 pounds net weight of peaches: *Provided,* That such containers of peaches having less

than 26 pounds net weight may be handled if such containers are well filled, and

(ii) Such peaches other than peaches in loose or jumble packs in any containers shall meet the standard pack requirements as set forth in the Washington Standards for Peaches (Order No. 1212), or the U.S. Standards for Peaches (7 CFR 51.1210 et seq.).

(5) Notwithstanding any other provisions of this section, any individual shipment of peaches sold by the producer or at an established packing-house which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 921.41 (Assessments), and of § 921.55 (Inspection and Certification) if:

(i) The shipment consists of peaches sold for home use and not for resale; and

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of peaches.

(b) The terms "Washington Extra Fancy Grade", "Washington Fancy Grade", and "mature" shall have the same meaning as when used in the Washington Standards for Peaches (effective October 18, 1971), issued by the State of Washington Department of Agriculture; the term "loose or jumble pack" shall mean that the peaches are not placed in the container in rows, cups, compartments, or otherwise are not placed in the container in symmetrical order; the term "standard peach box" shall mean a container with inside dimensions of 4¼ to 6 by 11½ by 16 inches; the term "Western lug box" shall mean any container with inside dimensions of 7 by 11½ by 18 inches; the term "well filled" shall mean that the level of fruit is filled at least to the top edge of the container; the term "diameter" shall mean the greatest distance measured through the center of the peach at right angles to a line running from the stem to the blossom end; and terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

(c) Peach Regulation 14 (42 FR 36233) is hereby terminated July 15, 1978.

PROPOSED RULES

Dated: June 6, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-16215 Filed 6-9-78; 8:45 am]

[3410-02]

[7 CFR Part 929]

HANDLING OF CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Proposed Rulemaking

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would require handlers of cranberries grown in the production area to pay interest of one percent per month on any unpaid assessments beginning 30 days from the due date prescribed by the Cranberry Marketing Committee. It would also require such handlers to file certified reports by the 10th day, rather than the 20th day, of certain specified months. The proposed interest charge is designed to encourage handlers to pay assessment obligations promptly. Earlier submission of reports by handlers should be helpful to the committee and the industry generally in planning for operations under the marketing order.

DATE: Comments must be received on or before June 26, 1978.

ADDRESS: Send two copies of comments to Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department is considering proposed amendment, as hereinafter set forth, of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 929.101 et seq.) currently in effect pursuant to the applicable provisions of the amended marketing agreement and Order No. 9029, as amended (7 CFR Part 929). The order regulates the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. This is a regulatory program effective under the Agri-

cultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal to amend said rules and regulations was recommended by the Cranberry Marketing Committee established under the order as the agency to administer the terms and provisions thereof.

The proposal would add a new § 929.152 and amend paragraph (b) of § 929.105 to read as follows:

§ 929.152 Delinquent assessments.

Each handler shall pay interest of 1 percent per month on any unpaid assessment balance beginning 30 days from the due date prescribed by the committee. Such interest charge is to apply to any unpaid assessments which become due the committee after the effective date of this section.

§ 929.105 Reporting.

(b) Certified reports shall be submitted to the committee by each handler not later than the 10th day of February, May, and August of each fiscal period shown (1) the total quantity of cranberries the handler acquired and the total quantity of cranberries the handler handled from the beginning of the crop year through January 31, April 30, and July 31, respectively, and (2) the respective quantities of cranberries and cranberry products held by the handler on the 1st day of February, May, and August of each fiscal period.

Dated: June 7, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-16237 Filed 6-9-78; 8:45 am]

[4810-33]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Part 9]

FIDUCIARY POWERS OF NATIONAL BANKS AND COLLECTIVE INVESTMENT FUNDS

Authority To Invest Trust Funds in Variable Amount Notes

AGENCY: Comptroller of the Currency.

ACTION: Suspension of proposed rulemaking.

SUMMARY: The Comptroller has suspended two proposed amendments which would have affected the amount that national bank trust departments could invest in variable amount notes and has instead adopted examining procedures to be followed by OCC trust examiners. The proposed amendments will be held in abeyance pending evaluation of the ef-

fectiveness of these examining procedures.

EFFECTIVE DATE: The proposed amendments were suspended on March 15, 1978, the date the examining procedures became effective.

FOR FURTHER INFORMATION CONTACT:

Dean E. Miller, Deputy Comptroller for Specialized Examinations, Office of the Comptroller of the Currency, Washington, D.C. 20219, 202-447-1731.

SUPPLEMENTARY INFORMATION: On March 15, 1978, the Comptroller of the Currency issued Trust Examining Circular No. 6 concerning the examination of variable amount and master notes held by national bank trust departments. The examining procedures were instituted in lieu of amendments to the Comptroller's trust regulations (12 CFR Part 9) which were proposed for comment on December 22, 1976 (41 FR 55717), and October 25, 1977 (42 FR 56339). The proposed amendments will be held in abeyance pending evaluation of the effectiveness of the examining procedures.

The examining circular provided examiners with the following instructions with regard to variable amount notes held by national bank trust departments:

1. A bank which has variable amount or master notes totaling in the aggregate in excess of 10 percent of the market value of assets held by that bank's trust department, as stated in the previous year's trust department annual report, should be requested to justify the prudence of such an investment.

2. Examiners should similarly question the prudence of any notes issued by any one company which are in excess of 5 percent of the market value of the total assets as of the end of the preceding year.

3. Notes which have "A" (demand basis) and "B" (fixed term) components should be criticized when the "B" portion is in excess of 50 percent of the principal amount of the note.

The examining circular also clarified those provisions of 12 CFR Part 9 which require that all variable amount and master notes be issued by companies classifiable as prime credits. An issuer is classified as a prime credit if it enjoys one of the two highest rating categories issued by at least two of the nationally recognized investment rating organizations. The bank should have full information on the capital, debt structure, and financial condition of the issuer. This should include the total amounts borrowed by the issuer on master notes, the issuer's total long and short term borrowings, and the issuer's most current financial statement. In addition, the bank should obtain from the issuer quarterly certi-

ificates certifying that the notes are not subordinated to any other debt of the company, that there is no litigation pending or threatened affecting such notes, and that the issuer is not in default as to the payment of principal or interest on any of its outstanding obligations.

The Comptroller's decision to adopt examining procedures in lieu of amending current regulations was based on the belief that self regulation is preferable to the imposition of regulatory restraints on business, and should first be given every opportunity to function. The Comptroller is convinced that the value of this approach outweighs any attempt at this time to limit the marketplace to a preconceived standard. At the same time it permits the Comptroller to monitor closely the variable amount notes held by banks.

Drafting information: This document was drafted by Dean E. Miller, Deputy Comptroller for Specialized Examinations, and Richard H. Neiman, Staff Attorney.

Dated: June 2, 1978.

JOHN G. HEIMANN,
Comptroller of the Currency.

[FR Doc. 78-16193 Filed 6-9-78; 8:45 am]

[1505-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 732-3312]

AUSTRALIAN LAND TITLE, LTD., ET AL.

Consent Agreement With Analysis To Aid Public Comment

Correction

In FR Doc. 78-11832 appearing at page 18685 in the issue of Tuesday, May 2, 1978, on page 18692, column two, paragraph three, in the last line, the word "redress" should be inserted before the word "fund".

[1505-01]

[16 CFR Part 13]

[File No. 772-3032]

PUBLIC SERVICE CO. OF COLORADO

Consent Agreement With Analysis To Aid Public Comment

Correction

In FR Doc. 78-11967 appearing at page 19053 in the issue of Wednesday, May 3, 1978, on page 19055, column one, the paragraph labeled "3.", in line nine, the words "retained or acquired in real property which is used or is expected to be" should be inserted between the words "be" and "used".

PROPOSED RULES

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—
Federal Housing Commissioner

[24 CFR Part 201]

[Docket No. R-78-542]

INCREASE IN MATURITY PERIOD

Proposed Rule

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: Section 309(a)(3) of the Housing and Community Development Act of 1974 authorizes a maturity period of 15 years and 32 days for a "single-wide" mobile home loan. In view of the amount authorized by the Housing and Community Development Act of 1977 from \$12,500 to \$16,000, it has been determined that a longer maturity period for a loan is necessary. The proposed amendment would increase the maturity period for a "single-wide" mobile home loan from 12 years and 32 days to 15 years and 32 days.

DATE: Comments are due on or before July 12, 1978.

ADDRESS: All material which persons wish to submit should be sent to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. A copy of each comment will be available for public inspection at this address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

William B. Stansbery, Acting Director, Title I Insured Loan Division, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-8686.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding of inapplicability will be available during regular business hours at the above address.

Accordingly, § 201.560 is amended to read as follows:

§ 201.560 Maturity provisions.

The obligation shall have a term of not less than 1 year or more than 15 years and 32 days from the date it is made, . . .

AUTHORITY: Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246, 12 U.S.C. 1703.

Issued at Washington, D.C., June 1, 1978.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing—
Federal Housing Commissioner.

[FR Doc. 78-16238 Filed 6-9-78; 8:45 am]

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

[50 CFR Parts 216, 217, 220, and 402]

INFORMATION ON THE NEED FOR ADDITIONAL REGULATIONS FOR THE PROTECTION OF HUMPBACK WHALES IN HAWAII

Public Hearing

AGENCY: National Marine Fisheries Service.

ACTION: Notice of public hearing.

SUMMARY: In consideration of the recommendations developed by the Marine Mammal Commission workshop on humpback whales in July 1977, the National Marine Fisheries Service, Southwest Region, will sponsor a public hearing to solicit information and comments regarding the possible need for regulations to control activities in areas of special significance for humpback whales (*Megaptera novaeangliae*) in Hawaii.

DATES: 7 p.m., June 26, 1978, Lahaina, Maui, Hawaii; and 7 p.m., June 29, 1978, Honolulu, Hawaii.

ADDRESSES: Lahaina Civic and Recreational Center, Honoapiilani Highway, Lahaina, Maui, Hawaii 96761; and West Room, Pagoda Hotel, 1525 Ryecroft Street, Honolulu, Hawaii 96814.

FOR FURTHER INFORMATION CONTACT:

Gerald V. Howard, Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Room 2016, Terminal Island, Calif. 90731, 213-548-2575; or Doyle E. Gates, Administrator, Western Pacific Program Office, Southwest Region, National Marine Fisheries Service, 2570 Dole Street, Honolulu, Hawaii 96813, 808-946-2181.

SUPPLEMENTARY INFORMATION: Views and information are solicited on a variety of issues, including but not limited to: identification of the parameters of humpback whale harassment; the possible effects of the modification or potential degradation of humpback whale habitat by human activities; the need for establishing regulations or other controls which may reduce or eliminate the effects of identified adverse human activities; and the scope and direction to be taken by such controls.

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PROPOSED RULES

We are also seeking comments and additional information regarding the numbers, distribution, and behavior of humpback whales in Hawaii, and the types, magnitude, and economic impact of commercial whale watching activities as they relate to the issues above.

The hearing officer will be Mr. Doyle E. Gates, Administrator, Western Pacific Program Office, Southwest Region, National Marine Fisheries Service.

Written comments may be addressed to the Administrator, Western Pacific Program Office, Southwest Region,

National Marine Fisheries Service, 2570 Dole Street, Honolulu, Hawaii 96813; or Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, Calif. 90731.

Written comments will be received until July 5, 1978.

Dated: June 6, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries
Service.

[FR Doc. 78-16071 Filed 6-9-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-22]

DEPARTMENT OF AGRICULTURE

Science and Education Administration

GENERAL CONFERENCE COMMITTEE OF THE
NATIONAL POULTRY IMPROVEMENT PLAN

Provisional Notice of Meeting

Pursuant to the Provisions of the Federal Advisory Committee Act of October 6, 1972, (Pub. L. 92-463, 86 Stat. 770-779) notice is hereby given that a public meeting of the General Conference Committee of the National Poultry Improvement Plan will be held on June 26-29 in the Aladdin Hotel, Las Vegas, Nev. This meeting is contingent upon timely re-establishment of the Committee and the filing of its charter. The meeting is open to the public and will convene at 9 a.m. on the 26th and adjourn at 3 p.m. on the 29th. Members of the public may submit comments before or after the meeting.

The purpose of this meeting is to aid and advise the Department in matters relating to recommendations concerning amendments to the National Poultry Improvement Plan provisions. These recommendations will be based on proposed changes to the National Poultry Improvement Plan that were submitted by interested persons. They will be made by State industry representatives who will be meeting simultaneously with the General Conference Committee on June 27-29. Proposals that will be considered include blood testing smaller samples for *Mycoplasma gallisepticum* and *M. synoviae* certification of breeding flocks; changes in monitoring techniques in flocks, hatcheries, and laboratories for the "U.S. Sanitation Monitored" classification; and the introduction of an *M. meleagridis* control program in turkey breeding flocks. A proposal that would classify an entire State when its turkey breeding flocks are free of *M. gallisepticum* and a proposal to reinstate the *Salmonella typhimurium* control program will also be considered. The use of labels stating the *Salmonella pullorum* and *gallinarum* (fowl typhoid) status of baby poultry and hatching eggs being sent through the mail will also be considered.

A copy of the proposed changes and the agenda for the meeting may be obtained by contacting Dr. James W. Smith, Chairman, Animal Physiology

and Genetics Institute, SEA, Building 173, BARC-East, Beltsville, Md. 20705. His telephone number is 301-344-2259.

Done at Washington, D.C., this 23d day of May 1978.

JAMES NIELSON,
Acting Director
Science and Education.

[FR Doc. 78-16162 Filed 6-9-78; 8:45 am]

[3410-22]

Office of the Secretary

GENERAL CONFERENCE COMMITTEE OF THE
NATIONAL POULTRY IMPROVEMENT PLAN

Intent to Re-Establish Advisory Committee

Notice is hereby given that the Secretary of Agriculture intends to re-establish the General Conference Committee of the National Poultry Improvement Plan as an Advisory Committee of the Department of Agriculture. This Committee will be established to provide a forum where elected State delegates (Advisory Committee members) can assemble to discuss, amend, and vote on proposed changes in the provisions of the National Poultry Improvement Plan, as contained in Title 9, Chapter IV, Subchapter A, Code of Federal Regulations. Those proposals which receive a majority vote of the Committee members would become recommendations to the Department.

The National Poultry Improvement Plan is administered under the authority of the Department of Agriculture Organic Act of 1944, as amended (7 U.S.C. 428). The General Conference Committee would be chaired by the Assistant Secretary for Conservation, Research, and Education. The Director of Science and Education would be Vice Chairman. Mr. R. D. Schar, National Poultry Improvement Plan, Science and Education Administration, would be the Executive Secretary. It has been determined that establishment of this committee is in the public interest in connection with the work of the Department of Agriculture.

Interested parties are invited to submit written comments, views, or data concerning this proposal to Raymond D. Schar, Senior Coordinator, National Poultry Improvement Plan, Building 265, BARC-East, Beltsville, Md. 20705, by June 27, 1978.

Done at Washington, D.C., this 7th day of June 1978.

JOAN S. WALLACE,
Assistant Secretary
for Administration.

[FR Doc. 78-16161 Filed 6-9-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 30635]

ARIZONA SERVICE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on June 28, 1978, at 10 a.m. (local time), in room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

Each party which wishes to participate in the oral argument shall so advise the Secretary, in writing, on or before June 16, 1978, together with the name of the person who will represent it at the argument.

The Board shall, prior to the oral argument, submit a list of questions it would like the parties to address in their oral presentations, and additional information concerning the procedures to be followed will be announced at that time.

Dated at Washington, D.C., June 6, 1978.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-16211 Filed 6-9-78; 8:45 am]

[6320-01]

DELAVAL TURBINE, INC. ET AL

Notice of Proposed Approval

Application of DeLaval Turbine, Inc. and Transamerica Corp. for exemption or approval under section 408 of the Federal Aviation Act of 1958, as amended, Docket 32386.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded until June 16, 1978, to file comments

or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., June 7, 1978.

MICHAEL E. LEVINE,
Director-designate, Bureau of
Pricing & Domestic Aviation.

Issued under delegated authority.

Application of DeLaval Turbine, Inc. and Transamerica Corporation for a disclaimer of jurisdiction or approval pursuant to section 408 of the Act, Docket 32386, Order of Approval.

By joint application DeLaval Turbine, Inc. (DeLaval) and Transamerica Corp. (Transamerica) request that the Board approve under section 408(b) of the Act, or disclaim jurisdiction over DeLaval's acquisition of Red-Lee Metal Finishing Corp. (Red-Lee).

DeLaval is a wholly owned subsidiary of Transamerica, principally engaged in the manufacture of machinery, steam turbines, pumps, compressors, hydraulic and fuel valves. It also produces minor components for aircraft hydraulic and fuel systems. Transamerica is a diversified holding company of which Trans International Airlines (TIA), a supplemental air carrier, is a wholly owned subsidiary.

Red-Lee is engaged in machining and polishing of turbine blades, and could be deemed a phase of aeronautics. During the fiscal year ending July 31, 1977, approximately 31 percent of Red-Lee's revenues were derived from sales to aeronautical customers, but TIA has not been one of its customers.

In support of the request, the applicants claim that the acquisition will have no significant anticompetitive effects. Red-Lee's gross revenues came to .55 percent of DeLaval's net sales. Thus, the acquisition will not significantly increase DeLaval's role as a supplier of aeronautical services or components.

The applicants also claim that this case is similar to others in which the Board disclaimed jurisdiction.¹ If the Board does assert jurisdiction, applicants argue that approval is warranted under the third proviso of section 408(b) on the grounds that the acquisition will not affect the control of a direct air carrier, and will not result in the creation of a monopoly or restrain competition.

No one has objected to this application or requested a hearing.

We conclude that Transamerica is a person controlling an air carrier (TIA) whose acquisition of Red-Lee, a person engaged in a phase of aeronautics, through DeLaval, is subject to section 408(a)(6) of the Act. However, we further conclude that the acquisition will not affect the control of an air carrier directly engaged in the operation of

aircraft in air transportation, or tend to restrain trade unreasonably, substantially lessen competition or create a monopoly. The transaction was entered into after arm's length bargaining, and there appear to be no interlocking relationships between Transamerica or DeLaval and Red-Lee.² No person disclosing a substantial interest in the proceeding is currently requesting a hearing, and we conclude that the public interest does not require a hearing. The transaction appears to be consistent with the public interest, and meets the requirements of section 408 of the Act. The acquisition will enable DeLaval to extend its manufacturing services to the area of turbine maintenance without creating any significant anticompetitive effects. The transaction will produce only a *de minimis* increase in the size of DeLaval; moreover, Red-Lee's line of business, the finishing of turbine blades, will remain highly competitive. We note that the original order approving Transamerica's acquisition of TIA required that transactions between TIA and DeLaval in excess of \$100,000 per calendar year be submitted for prior Board approval.³ We will also apply this condition to DeLaval's subsidiary, Red-Lee, as a means of safeguarding against any discriminatory or preferential transactions between Red-Lee and the affiliated air carrier, TIA.

We find, under authority delegated by the Board in its Regulations, 14 CFR 385.13, that it is in the public interest to approve without hearing the acquisition described above under the third proviso of section 408(b), and that all other requests in this application should be dismissed.

We have published in the Federal Register a notice of intent to dispose of this application without a hearing and have furnished a copy of such notice to the Attorney General not later than the day after such publication, both in accordance with the requirements of section 408(b) of the Act.

Accordingly, *It is ordered*, That: 1. The acquisition of Red-Lee by Transamerica through DeLaval be approved under section 408(b) of the Act; and

2. Except to the extent specifically granted here, the application be dismissed.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days of the date of service of this order.

This order shall be effective and become the action of the Civil Aero-

¹Following the acquisition, the officers and directors of Red-Lee will continue in their present positions. There will be no interlocking relationships between Red-Lee and DeLaval as a result of the acquisition.

²Order E-26459, February 23, 1968.

³Applicants cite Order E-12555 (May 23, 1958), and E-24942 (April 4, 1967).

nautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

MICHAEL E. LEVINE,
Director-designate Bureau of
Pricing and Domestic Aviation.
[FR Doc. 78-16210 Filed 6-9-78; 8:45 am]

[3510-25]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

ELECTRIC POWER RESEARCH INSTITUTE ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before July 3, 1978.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5 p.m., Monday through Friday, in Room 6886C of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00183. Applicant: Electric Power Research Institute, 3412 Hillview Avenue, P.O. Box 10412, Palo Alto, Calif. 94303. Article: Compact Capacitor/Filter and Accessories. Manufacturer: ASEA-Sweden. Intended use of article: The article is intended to be used for both power factor correction and harmonic filter applications on electric utility transmission systems. Both a 345 kV power factor correction capacitor bank and a 138 kV harmonic filter will be built, laboratory tested, and field tested for operating characteristics and reliability. The investigation will determine if these banks can be compacted to approximately 1/10 their present size without increasing cost. Application received by Commissioner of Customs: May 22, 1978.

Docket No. 78-00240. Applicant: Cornell University, Department of Chemistry, Baker Laboratory, Ithaca, N.Y. 14853. Article: LKB 8800A Ultratome

III Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for the preparation of the specimens for ultrastructural studies on normal and pathologic plant and animal tissues with specific reference to migration of diffusible ions. Application received by Commissioner of Customs: May 19, 1978.

Docket No. 78-00241. Applicant: East Carolina University, Greenville N.C. 27834. Article: Automatic Recording Spectropolarimeter, Model J-40C and Accessories. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use of article: The article is intended to be used in investigations of the circular dichroism spectra of the peptides, proteins, and nucleic acids and of combinations of these with metal ions and other small molecules. These measurements give detailed information relative to the three-dimensional interrelationships among the species present. The article will also be used in the course Biochemistry 6325, Analytical Methods and Techniques to give student direct experience in the theory and use of instrumentation and laboratory procedures. Application received by Commissioner of Customs: May 19, 1978.

Docket No. 78-00242. Applicant: VA Hospital, Cooper Drive Division, Lexington, Ky. 40507. Article: LKB 8800A Ultratome III Ultramicrotome and Accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for ultrastructural studies on normal and pathological human and animal tissues, cytochemical studies on enzyme and subcellular organelle localization in cells and tissues, and subcellular changes in cells induced by experimental treatment of animals as well as changes induced by disease in humans. The article will also be used to train students (Pathology) in the use and application of electron microscopy in diagnostic as well as research related areas. Application received by Commissioner of Customs: May 23, 1978.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-16084 Filed 6-9-78; 8:45 am]

[3510-25]

JOHNS HOPKINS UNIVERSITY SCHOOL OF HYGIENE AND PUBLIC HEALTH ET AL. Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free

entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00144. Applicant: The Johns Hopkins University, School of Hygiene and Public Health, 615 North Wolfe Street, Baltimore, Md. 21205. Article: Electron Microscope, Model JEM 100S, and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in conducting the following research projects:

(1) Enzymatic repair of damage DNA.

(2) Ongoing study of basophil leukocytes and mast cells in human allergic diseases.

(3) Replication of bacteriophage DNA.

(4) Cloning the human gene for hypoxanthine phosphoribosyltransferase in defective polyoma virus.

(5) Physical location of single genes by in situ hybridization at both metaphase chromosome level and at the DNA level.

(6) Ultrastructure of macrophages in tuberculous granulomas: Digestive and secretory enzymes and residual bacillary components, visualized by the peroxidase-antiperoxidase antibody technique.

(7) Biochemical and genetic study of human chromosomal diseases.

(8) Regulation of phosphatide metabolism in lung type II alveolar cells.

(9) Molecular mechanisms in DNA transport.

(10) The influence of membrane alterations on hepatic transport.

In addition, the article will be used for training of graduate students in the modern biochemical techniques of electron microscopy. Application received by Commissioner of Customs: April 18, 1978.

Docket No. 78-00187. Applicant: University of California School of Medicine, San Francisco, Calif.; Department of Anatomy, 3rd and Parnassus Avenue, San Francisco, Calif. 94143. Article: Electron Microscope, Model EM 10A and Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in the research areas of the structure, function, and inherited degeneration of the retina and the cell biology of retrograde axonal transport in the central nervous system, in both intact and injured axons. Investiga-

tions will be conducted with the following objectives:

(a) To better understand normal photoreceptor-pigment epithelial cell interactions, particularly that of rod outer segment renewal.

(b) To define the cellular mechanisms that are vulnerable to mutant gene action so as to produce several of the forms of inherited retinal degeneration in mice and rats.

(c) To determine what and when secondary changes occur in the inner retina subsequent to photoreceptor cell degeneration in order to know at what stage(s) the disorders must be arrested to preserve functional vision.

(d) To work out the details of several cellular mechanisms of retrograde axonal transport in both normal and injured neurons.

The article will also be used for research training by graduate and post-graduate students. Application received by Commissioner of Customs: April 14, 1978.

Docket No. 78-00188. Applicant: The Regents of the University of California, Department of Pathology, School of Medicine, University of California, SF, San Francisco, Calif. 94143. Article: Electron Microscope, Model JEM 100CX and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used both as means for analysis of naturally occurring disease and as a supplemental aid to the study of model disease systems. Specimens obtained from surgical pathology and from the autopsy will be prepared by standard means, sectioned and stained for routine transmission microscopy. Specifically, detailed analysis of soft tissue tumors, the ultrastructural features of meningiomas, and the distortions produced by liver disease will be followed. The studies will be conducted in an attempt to define the structural and functional correlations that are associated with degenerative and proliferative diseases both in animal models and in humans. The article will also be used for training graduate students in electron microscopy techniques. Article ordered: December 12, 1978.

Docket No. 78-00206. Applicant: National Eye Institute, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Article: Electron Microscope, Model EM 400 HMG with Water Chiller and Accessories. Manufacturer: Philips Electronics Instruments NVD, the Netherlands. Intended use of article: The article is intended to be used to examine plastic sections of human ocular tissues, animal tissues and tissue culture preparations in investigations related to corneal diseases, glaucoma, cataracts, retinal diseases, ocular cancer, and ocular viruses. Article ordered: July 26, 1978.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, was being manufactured in the United States at the time the articles were ordered.

Reasons: Each foreign article to which the foregoing applications relate is a conventional transmission electron microscope (CTEM). The description of the intended research and/or educational use of each article establishes the fact that a comparable CTEM is pertinent to the purposes for which each is intended to be used. We know of no CTEM which was being manufactured in the United States either at the time of order of each article described above or at the time of receipt of application by the U.S. Customs Service.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which was being manufactured in the United States either at the time of order or at the time of receipt of application by the U.S. Customs Service.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-16085 Filed 6-9-78; 8:45 am]

[3510-25]

OHIO STATE UNIVERSITY RESEARCH
FOUNDATION EL ALConsolidated Decision on Applications for
Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301). (See especially section 301.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 a.m. and 5 p.m. in room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00141. Applicant: The Ohio State University Research Foundation, 1314 Kinnear Road, Columbus, Ohio 43212. Article: LKB 2128-010/Ultratome IV Ultramicrotome and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: the article is intended to be used for

studies of nerve tissue which have been embedded in hardened epoxy resins and sectioned. Investigations will include ultrastructural studies on damaged nerve tissue, studies on individual organelles in cells and tissues, and subcellular changes induced by changes in biochemical and physical environments. Application received by Commissioner of Customs: February 27, 1978. Advice submitted by the Department of Health, Education, and Welfare on: May 18, 1978.

Docket No. 78-00151. Applicant: Old Dominion University, Department of Biological Sciences, room 120, Hampton Boulevard, Norfolk, Va. 23508. Article: LKB 8800A Ultratome III Ultramicrotome and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section plant, insect and animal specimens which have been embedded in hard epoxy and water emissible resins. Investigations will be conducted in order to understand basic ultra-structural phenomena associated with these tissues. In certain pathologic studies (human sperm and duck plague virus) attempts will be made to correlate changes with clinical treatment. The article will also be used for educational purposes in the courses: "Methods in Electron Microscopy" and "Advanced Methods in Electron Microscopy" which will involve a study of general principles on techniques and the use of the electron microscope to study the fine structure of cells, virus, and the employment of cytochemical staining to localize various enzymes and minerals. Application received by Commissioner of Customs: April 14, 1978. Advice submitted by the Department of Health, Education, and Welfare on: May 18, 1978.

Docket No. 78-00160. Applicant: University of Miami, School of Medicine, P.O. Box 520875, Miami, Fla. 33152. Article: LKB 8800A Ultratome III Ultramicrotome and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section human and animal tissues for ultrastructural studies in neuropathology. Application received by Commissioner of Customs: March 22, 1978. Advice submitted by the Department of Health, Education, and Welfare on: May 18, 1978.

Comments: No comments have been received with respect to any of the foregoing applications.

Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each of the foreign articles provides a range of cutting speeds 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicro-

tome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket No. 89-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting, (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket No. 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.

[FR Doc. 78-16086 Filed 6-9-78; 8:45 am]

[3510-25]

SANDIA LABORATORIES

Decision on Application for Duty-Free Entry of
Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00121. Applicant: Sandia Laboratories, 1515 Eubank Boulevard SE, Albuquerque, N. Mex. 87115. Article: Cinetheodolite System, Model F and accessories. Manufacturer: Contraves-Goerz, Switzerland. Intended use of article: The article is intended to be used for studies of the aerodynamic characteristics of Weapon System Flight Vehicles. The specific phenomena being investigated include accelerations, velocities, and space position versus time. Experiments will be conducted to confirm characteristics obtained from model studies and to determine interface characteristics between vehicles and delivery system. The effects of component retrofits on existing systems will also be investigated.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: This application is a resubmission of Docket No. 77-00177 which was denied without prejudice to resubmission on December 8, 1977 for informational deficiencies. The foreign article provides precision measurement (within 5 seconds of an arc) of the location of an object in space as a function of time. The National Bureau of Standards advises in its memorandum dated May 17, 1978 that (1) the specification of the article described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.
[FR Doc. 78-16087 Filed 6-9-78; 8:45 am]

[3510-25]

UNIVERSITY OF TENNESSEE

Decision on Application for Duty-Free Entry of
Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00149. Applicant: The University of Tennessee, 201 McCord Hall, Knoxville, Tenn. 37916. Article: LKB 2128-010 Ultratome IV Ultramicrotome and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section animal tissues which have been embedded into hardened epoxy resins to allow further knowledge of cellular changes at the ultrastructural level in cells and their organelles. The article will also be used to prepare thin histological sections and adjacent sections for electron microscopy of hard tissues. In addition, the article will be used for training of veterinary medical students in histology preparatory to taking histopathology.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a cutting speed range of 0.1 to 50 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by the Department of Health, Education, and Welfare in its memorandum dated May 18, 1978 that (1) cutting speeds in the excess of 4 mm/sec. are pertinent to the applicant's research studies and (2) the domestic in-

strument does not provide the pertinent feature. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director,
Statutory Import Programs Staff.
[FR Doc. 78-16088 Filed 6-9-78; 8:45 am]

[3510-13]

National Bureau of Standards
BUILDING TECHNOLOGY ADVISORY
COMMITTEE

Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C., App., notice is hereby given that a meeting of the Intergrated Approach to Safety Subcommittee of the Building Technology Advisory Committee will be held on July 17, 1978 at the National Bureau of Standards, Gaithersburg, Md. The meeting will convene on July 17, 1978, at 9 a.m. in Building 226, Room B-221.

The purpose of this meeting is to review issues relating to integrated approaches to safety and formulate for submission to the Building Technology Advisory Committee recommendations for the Bureau's building technology programs.

The public is invited to attend, and the Chairman will entertain comments or questions at an appropriate time during the meeting.

Further information concerning this meeting may be obtained by contacting Samuel Kramer, National Engineering Laboratory, National Bureau of Standards, Building 225, Room A-151, Washington, D.C. 20234, 301-921-3231.

Dated: June 6, 1978.

ERNEST AMBLER,
Director.
[FR Doc. 78-16091 Filed 6-9-78; 8:45 am]

[3510-13]

BUILDING TECHNOLOGY ADVISORY
COMMITTEE

Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5

U.S.C. App., notice is hereby given that a meeting of the Energy Conservation Subcommittee of the Building Technology Advisory Committee will be held on July 18, 1978 at the Department of Commerce, Conference Room 4833, 14th and Constitution Avenue NW., Washington, D.C. The meeting will convene on July 18, 1978 at 9 a.m.

The purpose of this meeting is to review issues relating to energy conservation and formulate for submission to the Building Technology Advisory Committee recommendations for the Bureau's building technology programs.

The public is invited to attend, and the Chairman will entertain comments or questions at an appropriate time during the meeting.

Further information concerning this meeting may be obtained by contacting Samuel Kramer, National Engineering Laboratory, National Bureau of Standards, Building 225, Room A-151, Washington, D.C. 20234, 301-921-3231.

Dated: June 6, 1978.

ERNEST AMBLER,
Director.

[FR Doc. 78-16092 Filed 6-9-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric Administration

NEW ENGLAND FISHERY MANAGEMENT COUNCIL'S SCIENTIFIC AND STATISTICAL COMMITTEE

Meeting Date and Agenda Change

Notice is hereby given of a change in the meeting date and agenda as published in the FEDERAL REGISTER, May 31, 1978 (43 FR 23628), for the New England Fishery Management Council's Scientific and Statistical Committee.

The meeting scheduled for June 13, 1978, will now be held June 20-21, at Woods Hole Oceanographic Institution, Carriage House, Woods Hole, Mass., convening at 9:30 a.m. on June 20, and adjourning at 4:30 p.m. on June 21.

Proposed Agenda: (1) Biological, economic, and sociological data needs for the groundfish management plan; and (2) other fishery management business.

Dated: June, 2 1978.

WINFRED H. MEIBOHM,
Associate Director, National Marine Fisheries Service.

[FR Doc. 78-16185 Filed 6-9-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

CASES FILED WITH THE OFFICE OF HEARINGS AND APPEALS

Week of May 12, 1978 through May 19, 1978

Notice is hereby given that during the week of May 12, 1978 through May 19, 1978, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in such cases may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

MELVIN GOLDSTEIN,
Director, Office of Hearings and Appeals.

JUNE 2, 1978.

APPENDIX.—List of cases received by the Office of Hearings and Appeals
[Week of May 12 through May 19, 1978]

Date	Name and Location of Applicant	Case No.	Type of Submission
May 12, 1978....	Bredfeldt Oil Co., Dodge City, Kans. If granted: The Nov. 4, 1977 remedial order issued by DOE region VII would be rescinded and Bredfeldt Oil Co. would not be required to refund certain overcharges made in its sales of propane.	DRX-0074.....	Supplemental order.
Do.....	Glenn & Eddie's Service, La Salle, Ill. If granted: Glenn & Eddie's Service would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-1083.....	Exception to the reporting requirements.
Do.....	James S. Ford & Son, Shandaken, N.W. If granted: James S. Ford & Son would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-1084.....	Do.
Do.....	Texaco, Inc., Denver, Colo. If granted: Texaco, Inc. would be permitted to sell the crude oil produced from the Maudlin Gulch Unit (Dakota participating area) located in Moffat County, Colo., at upper tier ceiling prices.	DEE-1085.....	Price exception (sec. 212.73).
Do.....	Texas City Refining, Inc., Texas City, Tex. If granted: Texas City Refining, Inc. would receive an exception from the provisions of 10 CFR 211.67 with respect to the entitlement obligations attributable to its recent refinery expansion.	DEE-1086.....	Exception from the entitlements program.
May 15, 1978....	Arizona Fuels Corp., Salt Lake City, Utah. If granted: A portion of the entitlements purchase obligation incurred by the Arizona Fuels Corp. would be stayed pending a final determination on its application for exception.	DEX-0075.....	Supplemental order.
Do.....	Jim Cox Oil Co., Wewoka, Okla. If granted: The provisions of the proposed remedial order issued to the Jim Cox Oil Co., on Mar. 15, 1978, would be stayed pending a final determination on the firm's objections to that order.	DRS-0059.....	Stay request.
Do.....	Guam Oil & Refining Co., Inc., Agana, Guam. If granted: An evidentiary hearing would be convened in connection with the objections submitted by the Guam Oil & Refining Co., regarding the Apr. 14, 1978, proposed decision and order issued to the firm.	DEH-0006.....	Request for evidentiary hearing.
Do.....	Kerr-McGee Corp., Oklahoma City, Okla. If granted: Kerr-McGee Corp. would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Milfay plant.	DXE-1108.....	Extension of relief granted in Kerr-McGee Corporation, Case No. DXE-0153 (decided Feb. 2, 1978) (unreported decision).
Do.....	Laketon Asphalt Refining, Inc., Evansville, Ind. If granted: A portion of the entitlements purchase obligation incurred by Laketon Asphalt Refining, Inc., would be stayed pending a final determination on its application for exception.	DEX-0076.....	Supplemental order.
Do.....	McCulloch Gas Processing Corp., Washington, D.C. If granted: McCulloch Gas Processing Corp. would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Fairview, Hillight, Jamison Prong, Tule Creek, and Well Draw plants.	DXE-1087 through DXE-1091.	Extension of relief granted in McCulloch Gas Processing Corporation, Case Nos. DXE-0111 (decided Feb. 13, 1978) (unreported decisions).
Do.....	Newhall Refining Co., Dallas, Tex. If granted: A portion of the entitlement purchase obligation incurred by the Newhall Refining Co., would be stayed pending a final determination on its application for exception.	DEX-0077.....	Supplemental order.
Do.....	Shank, Irwin, Conant, Williamson & Grevelle, Dallas, Tex. If granted: The DOE's information request denial would be rescinded and Shank, Irwin, Conant, Williamson & Grevelle would be granted access to DOE data relating to the DOE's treatment of pipeline gathering points as well as consideration of gas processing plants as separate properties.	DFA-0182.....	Appeal of an information request denial.

APPENDIX.—List of cases received by the Office of Hearings and Appeals—Continued
[Week of May 12 through May 19, 1978]

Date	Name and Location of Applicant	Case No.	Type of Submission
Do.....	Shell Oil Co., Houston, Tex. If granted: Shell Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Calumet, Conley, Elmwood, Goodwater, Houston Central, Indian Basin, Iowa Tet, Lake Washington, Molino, Seelingson, Trippett/Crossett, and Yates plants.	DXE-1092 through DXE-1103.	Extension of the relief granted in Shell Oil Co., Case Nos. DEE-0157, DEE-0158, DEE-0161, DEE-0162 (decided Feb. 27, 1978) (unreported decision). Shell Oil Co., Case Nos. DXE-0165 through DXE-0170 (decided Feb. 13, 1978) (unreported decision). Shell Oil Co., Case No. FEE-4684 (decided Dec. 5, 1977) (unreported decision). Shell Oil Co., Case No. FEE-4227 (decided June 24, 1977) (unreported decision).
Do.....	Shell Oil Co., Houston, Tex. If granted: Shell Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at its Dover, Hennessey, Person, Timbalier Bay, and Ventura plants.	DEE-1014 through DEE-1107.	Price exception (sec. 212.165).
Do.....	Upham Oil & Gas Co., Chico, Tex. If granted: Upham Gas would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Chico plant.	DXE-1109.....	Extension of relief granted in Upham Gas and Oil Co., Case No. DXE-0184 (decided Feb. 15, 1978) (unreported decision).
Do.....	Valley Oil Corp., Staunton, Va. If granted: An evidentiary hearing would be convened in connection with the Valley Oil Corp. objections regarding the Mar. 10, 1978, proposed decision and order issued to the firm.	DEH-0119.....	Request for evidentiary hearing.
May 16, 1978....	City of Long Beach, Long Beach, Calif. If granted: City of Long Beach would be permitted to sell the crude oil produced from fault block 11, located in the Wilmington field, at upper tier prices.	DXE-1118.....	Extension of relief granted in City of Long Beach, 1 DOE par. (Dec. 2, 1977).
Do.....	Dougherty Group (Normanna), Austin, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Normanna plant.	DXE-1119.....	Extension of relief granted in Dougherty Group (Normanna), Case No. DEE-0061 (decided Feb. 27, 1978) (unreported decision).
Do.....	El Paso Natural Gas Co., El Paso, Tex. If granted: El Paso Natural Gas Co. would not be required to file form 1000 (Prime Supplier's Monthly Report).	DEE-1113.....	Exception from reporting requirements.
Do.....	Fagadau, Sanford, Dallas, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Maryetta and Bluegrove plants.	DXE-1120 and DXE-1121.	Extension of relief granted in Fagadau, Sanford, Case Nos. DXE-1072 (decided Feb. 13, 1978) (unreported decision).
Do.....	Florida Gas Co., Winter Park, Fla. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Brooker plant.	DXE-1122.....	Extension of relief granted in Florida Gas Company, Case No. DXE-0193 (decided Feb. 15, 1978) (unreported decision).
Do.....	Gulf Oil Corp., Tulsa, Okla. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Azalea, Milfay, and Sand Hills plants.	DXE-1159 and DXE-1161.	Extension of relief granted in Gulf Oil Corporation, Case Nos. DXE-0312 through DXE-0314 (decided Feb. 15, 1978) (unreported decision).
Do.....	Halter Gas Co., Oran, Mo. If granted: Halter Gas Co. would be supplied propane by Phillips Petroleum Co. rather than its base period supplier, Atlantic Richfield Co.	DEE-1112.....	Exception to change suppliers.
Do.....	Marathon Oil Co., Findlay, Ohio. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Camrick, Cotton Valley, Heyser, Indian Basin, Markham, Seipio, South Coles Levee, and Stephens plants.	DXE-1123 through DXE-1130.	Extension of relief granted in Marathon Oil Company, Case Nos. DXE-0175 through DXE-0812 (decided Feb. 15, 1978) (unreported decision).
Do.....	Mid-Michigan Truck Service, Kalamazoo, Mich. If granted: Gulf Oil Corp. would supply Mid-Michigan Truck Service with its base period use of petroleum products directly rather than through a substitute supplier, the Bestrom Oil Co.,	DXE-1147 and DES-1147.	Extension of relief granted in Mid-Michigan Truck Service, 1 DOE par. (May 10, 1978). Stay request.
Do.....	Monsanto Co., Houston, Tex. If granted: Monsanto Co. would be permitted to sell crude oil produced from its Hendrick "C" lease located in Winkler County, Tex., at upper tier ceiling prices.	DXE-1115.....	Extension of relief granted in Monsanto Company, 1 DOE par. (Mar. 13, 1978).
Do.....	O'Meara Bros., New Orleans, La. If granted: O'Meara Bros. would be permitted to sell crude oil produced from its Vinton lease and State lease 2192 at upper tier ceiling prices.	DXE-1116 and DXE-1117.	Extension of relief granted in O'Meara Brothers, 1 DOE par. (Mar. 8, 1978).
Do.....	O'Neill's Truck Service, Fresno, Calif. If granted: O'Neill's Truck Service would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-1111.....	Exception to the reporting requirements.
Do.....	Permian Corp., Houston, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Possum Kingdom and Todd Ranch plants..	DXE-1131 and DXE-1168.	Extension of relief granted in Permian Corporation, Case Nos. DXE-0378, DXE-0379 (decided Feb. 13, 1978) (unreported decision).
Do.....	Quincy Oil, Inc., Boston, Mass. If granted: An evidentiary hearing would be convened in connection with the objections submitted by Quincy Oil, Inc., regarding the Mar. 17, 1978, proposed decision and order issued to the firm.	DEH-0447.....	Request for evidentiary hearing.

APPENDIX.—List of cases received by the Office of Hearings and Appeals—Continued
(Week of May 12 through May 19, 1978)

Date	Name and Location of Applicant	Case No.	Type of Submission
Do.....	Southern Natural Resources, Inc., Birmingham, Ala. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Lapeyrouse, Patterson, and Sea Robin plants.	DXE-1132 and DXE-1134.	Extension of relief granted in <i>Southern Natural Resources</i> , Case Nos. DXE-0356 through DXE-0358 (decided Feb. 15, 1978) (unreported decision).
Do.....	Standard Oil Co. (Indiana), Chicago, Ill. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Empire Abo, Lake Boeuf, Prentice, Ropes, South Jennings, South Thornwell, and White Flat plants.	DXE-1135 through DXE-1141.	Extension of relief granted in <i>Standard Oil Company (Indiana)</i> , Case Nos. DXE-0188-0192, DXE-0205, DXE-0207 (decided Feb. 15, 1978) (unreported decisions).
Do.....	Standard Oil Co. (Indiana), Chicago, Ill. If granted: Standard Oil Co. (Indiana) would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the Okeene and TSMA plants.	DEE-1144 and DEE-1145.	Price exception (sec. 212.165).
Do.....	Texas Pacific Oil Co. (Lacassane), Cameron Parish, La. If granted: Texas Pacific Oil Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the Lacassane plant.	DEE-1146.....	Do.
Do.....	Triple M Auto Service, Baton Rouge, La. If granted: Triple M Auto Service would not be required to file form EIA-8 (Retail Motor Fuel Service Station Survey).	DEE-1110.....	Exception to the reporting requirements.
Do.....	Union Oil Co. of California, Los Angeles, Calif. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Adena and Dominquez plants.	DXE-1142 and DXE-1143.	Extension of relief granted in <i>Union Oil Company of California</i> , Case Nos. DXE-0123, DXE-0124 (decided Feb. 28, 1978) (unreported decisions).
Do.....	Wallace & Wallace Chemical & Oil Corp., St. Albans, N.Y. If granted: Wallace & Wallace Chemical & Oil Corp. would receive an exception from the provisions of 10 CFR 211.67 and would be issued entitlements in the entitlement notice for June to compensate it for the entitlements issued in January which the firm was unable to sell.	DEE-1114.....	Exception from the entitlements program.
May 17, 1978....	Adobe Oil & Gas Corp., Midland, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Adobe Sale Ranch plant.	DXE-1149.....	Extension of relief granted in <i>Adobe Oil and Gas Corporation</i> , Case No. DXE-0183 (decided Feb. 15, 1978) (unreported decision).
Do.....	Allied Chemical Corp. (Perkins), Houston, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Perkins plant.	DXE-1150.....	Extension of relief granted in <i>Allied Chemical Corporation</i> , Case No. DEE-0037 (decided Feb. 8, 1978) (unreported decision).
Do.....	Continental Oil Co., Houston, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Elk Basin, Hennessey, Kettleman Hills, Medford, Neuces River, Ramsey, Thomas, and O. W. Ward plants.	DXE-1151 through DXE-1158.	Extension of relief granted in <i>Continental Oil Company</i> , Case Nos. DEE-0228 through DEE-0233 (decided Feb. 13, 1978) (unreported decision). <i>Continental Oil Company</i> , DEE-0065 (decided Feb. 2, 1978) (unreported decision). <i>Continental Oil Company</i> , Case No. DEE-0175 (decided Feb. 27, 1978) (unreported decision).
Do.....	Continental Oil Co., Houston, Tex. If granted: Continental Oil Co., would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the Chittim plant.	DEE-1168.....	Price exception (sec. 212.165).
Do.....	Guam Oil & Refining Co., Inc., Agana, Guam. If granted: Guam Oil & Refining Co., Inc., would receive a temporary stay of the enforcement proceedings initiated in a NOPV issued to the firm on Mar. 30, 1978, pending a decision on a request for stay (DRS-0060).	DRT-0008.....	Temporary stay request.
Do.....	Guam Oil & Refining Co., Inc., Agana, Guam. If granted: Guam Oil & Refining Co., Inc., would receive a stay of the enforcement proceedings initiated in a NOPV issued to the firm on Mar. 30, 1978, pending resolution of a request for exception (Case No. FEE-4105).	DRS-0060.....	Stay request.
Do.....	Ince Minerals Corp., Golden, Colo. If granted: DOE would reduce its royalty interest share in uranium ore extracted from the Bitter Creek mine.	DEE-1148.....	Mining royalty exception.
Do.....	Northeast Petroleum Industries, Chelsea, Mass. If granted: The DOE's Apr. 14, 1978, information request denial would be rescinded and Northeast Petroleum Industries would receive access to additional data regarding CLC form 92.	DFA-0184.....	Appeal of an information request denial.
Do.....	Phillips Petroleum Co., Bartlesville, Okla. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Cimarron, Goldsmith, Lusk, and Sooner plants.	DXE-1162 through DXE-1165.	Extension of relief granted in <i>Phillips Petroleum Company</i> , Case Nos. DXE-0254 through DXE-0258, DXE-0258 (decided Feb. 15, 1978) (unreported decisions).
May 18, 1978....	Phillips Petroleum Co. (Puerto Rico) Guayama, P.R. If granted: Phillips Petroleum Co. (Puerto Rico) would receive a stay of the applicable import license fees for naphtha (10 CFR 213.35), pending resolution of its request for exception (Case No. DFI-0002).	DES-0061.....	Stay request.
Do.....	Taunton Municipal Lighting Plant, Taunton, Mass. If granted: The DOE's Apr. 19, 1978, information request denial would be rescinded and Taunton Municipal Lighting Plant would receive access to additional data relating to an application for exception submitted by Quincy Oil Inc., Case No. DEE-0447.	DFA-0185.....	Appeal of an information request denial.
May 19, 1978....	Emmes Corp., McLean, Va. If granted: The DOE's Apr. 14, 1978, information request denial would be rescinded and Emmes Corp. would receive certain data regarding access to the health services contract award investigation report.	DFA-0186.....	Do.
Do.....	Guif Oil Co.'s, Tulsa, Okla. If granted: Gulf Oil Co.'s would be permitted to sell the crude oil produced from the NW Graylin "D" sand unit lease located in Logan County, Colo., at upper tier ceiling prices.	DXE-1167.....	Price exception (sec. 212.73).

Proposed remedial orders, notices of objection received
(Week of May 12 through May 19, 1978)

Date	Name and location of applicant	Case No.
May 12, 1978.....	Central Oil Co., Rayham, Mass.....	DRO-0048
Do.....	Springfield Municipal Airport, Springfield, Mo.....	DRO-0049
May 18, 1978.....	Aladdin Oil Development Co., Springfield, Ill.....	DRO-0050
Do.....	Willi I. Lewis Enterprises, Inc., Mount Vernon, Ill.....	DRO-0051
May 19, 1978.....	Homestead Gas Co., Inc., Homestead, Fla.....	DRO-0052

Notices of objection received

May 15, 1978.....	Equipment, Inc., Lafayette, La.....	FEE-4849
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[FR Doc. 78-15591 Filed 6-9-78; 8:45 am]

[3128-01]

CASES FILED WITH THE OFFICE OF HEARINGS AND APPEALS

Week of May 19 Through May 26, 1978

Notice is hereby given that during the week of May 19 through May 26, 1978, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed

with the Office of Hearings and Appeals of the Department of Energy. Under the DOE's procedural regulations, 10 CFR, Part 205, any person who will be aggrieved by the DOE action sought in this case may file with the DOE written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the

date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

MELVIN GOLDSTEIN,
Director Office of
Hearings and Appeals.

JUNE 2, 1978.

APPENDIX.—List of cases received by the Office of hearings and Appeals
(Week of May 19 through May 26, 1978)

Date	Name and location of applicant	Case No.	Type of submission
May 19, 1978....	Atlantic Richfield Co., Dallas, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Adair, Camrick, Chesterville, Crossett, Elmwood, Elk Basin, Empire Ako, Gillette, Hull, Kermit, Knox-Bromide, Lapeyrouse, Ojal Timber, Riverton, Silsbee, South Coles Levee, Taft, West Lake, West Seminole, and Warland plants.	DXE-1174 through DXE-1193.	Extension of relief granted in <i>Atlantic Richfield Company</i> , Case Nos. DXE-0128 through DXE-0141, DXE-0143, DXE-0145 through DXE-0150 (decided Feb. 13, 1978) (unreported decision).
Do.....	Bock & Bacon Houston, Tex. If granted: Bock & Bacon would be permitted to sell crude oil produced from the Champion lease, located in Newton County, Tex. at upper tier prices.	DXE-1169.....	Extension of relief granted in <i>Bock and Bacon</i> , 1 DOE Far. — Jan. 10, 1978).
Do.....	Cities Service Co., Tulsa, Okla. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Adair, Bluit, Citronelle, Garrett, Kimball, May, Midway, and Moncrief plants.	DXE-1194 through DXE-1201.	Extension of relief granted in <i>Cities Service Company</i> , Case Nos. DXE-0278 through DXE-0279, DXE-0281 through DXE-0286 (decided Feb. 15, 1978) (unreported decision).
Do.....	Coastal States Gas Corp., Houston, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Albany, Corpus Christi, Freer, Mission, and San Antonio plants.	DXE-1202 through DXE-1208.	Extension of relief granted in <i>Coastal States Gas Corp.</i> , Case Nos. DXE-1201 through DXE-1206 (decided Mar. 8, 1978) (unreported decision).
Do.....	Continental Oil Co., Houston, Tex. If granted: Continental Oil Co. would receive an exception from the provisions of 10 CFR 212.72 which would eliminate cumulative deficiencies incurred between Mar. 3, 1978, and Mar. 31, 1978, at the Grubb lease located in Ventura County, Calif.	DEE-1170.....	Price exception (sec. 212.72).
Do.....	Getty Oil Co., Los Angeles, Calif. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Bay Springs, Bayou Sale, Buena Vista, Cameron, Cymric, Kermit, Kettleman, Hills, Marlow, New Hope, Hormanna, Old Ocean, Palacios, South Pecan Lake, Ventura, and West Bernard Plants.	DXE-1207 through DXE-1221.	Extension of relief granted in <i>Getty Oil Company</i> , Case Nos. DEE-0445 (decided May 3, 1978) (unreported decision); <i>Getty Oil Company</i> , Case Nos. DXE-0208 through DXE-0211, DXE-0213 through DXE-0220, DXE-0222 through DXE-0223 (decided Feb. 15, 1978) (unreported decision).
Do.....	Mobil Oil Corp., New York, N.Y. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Adena, Bryans Mill, Cotton Valley, Dewey County, Greeley, Hagist, Heyser, Knox, Old Ocean, Postle Hough, Putnam Oswego, R. M. Stephens Shell Selling, Vanderbilt, and Wilcox plants.	DXE-1222 through DXE-1238.	Extension of relief granted in <i>Mobil Oil Corp.</i> , Case No. FEE-4709 (decided Nov. 18, 1977) (unreported decision); <i>Mobil Oil Corp.</i> , Case Nos. DXE-0260 and DXE-0261 (decided Feb. 27, 1978) (unreported decision); <i>Mobil Oil Corp.</i> , Case Nos. DXE-0264

APPENDIX.—List of cases received by the Office of hearings and Appeals—Continued
[Week of May 19 through May 26, 1978]

Date	Name and location of applicant	Case No.	Type of submission
			through DXE-0266, DXE-0269 through DXE-0277 (decided Feb. 25, 1978) (unreported decision).
Do.....	Mobil Oil Corp., New York, N.Y. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Dover-Hennessey plant.	DEE-1259.....	Price exception (sec. 212.106).
Do.....	Ozona Gas Processing, Dallas, Tex. If granted: Ozona Gas Processing would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$.005 per gal. for natural gas liquid products produced at the Ozona plant.	DXE-1237.....	Price exception (sec. 212.165).
Do.....	Pacific Resources, Inc., Honolulu, Hawaii. If granted: Pacific Resources, Inc. would be permitted to import residual fuel oil on a fee-exempt basis from May 1, 1978, through Apr. 30, 1979.	DPI-0009.....	Exception from base fee requirements.
Do.....	Rickelson Oil & Gas Co., Tulsa, Okla. If granted: The May 4, 1978 supplemental remedial order issued by DOE region VI would be rescinded and Rickelson Oil & Gas Co., would not be required to refund overcharges made in the sale of crude oil.	DRA-1087.....	Appeal of the supplemental remedial order.
Do.....	Roarda, Inc., Bel Air, Md. If granted: The DOE order of Apr. 19, 1978, would be rescinded and Roarda, Inc. would be permitted to import residual fuel oil on a fee-exempt basis.	DPI-0008.....	Appeal of base fee requirements exception denial.
Do.....	Samedan Oil Corp. (Martin), Ardmore, Okla. If granted: Samedan Oil Corp. Would be permitted to sell the crude oil produced from the Martin Munciel No. 2 lease, located in McClaine County, Okla., at upper tier ceiling prices.	DEE-1171.....	Price exception (sec. 212.73).
Do.....	Shur-Heet Oil Co., Lyndhurst, N.J. If granted: Shur-Heet Oil Co. would not be required to file form ELA-9 (No. 2 heating oil monitoring survey).	DEE-1172.....	Exception to the reporting requirements.
Do.....	Stuearts Landing & Grocery, Hot Springs, Ark. If granted: Stuearts Landing & Grocery would not be required to file form ELA-8 (Retail Motor Fuels Service Station Survey).	DEE-1173.....	Exception to the reporting requirements.
Do.....	Texaco, Inc., Houston, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Apache, Blessing, Coalanga Nose, Delhi, Elmwood, Headlee Cycling, Headlee Gas, Houma, Humble, Lamesa, Lockridge, Maurice Mermantau, North Cowden, Old Ocean, Ozona, Pampa, Pledger, TOCA, and Wilcox plants.	DXE-1238 through DXE-1257.	Extension of relief granted in Texaco, Inc., Case Nos. DXE-0334 through DXE-0339, DXE-0341, DXE-0342 and DXE-0344, DXE-0366 through DXE-0375 (decided Feb. 23, 1978) (unreported decision); Texaco, Inc., Case No. DXE-0431 (decided May 3, 1978) (unreported decision).
Do.....	Trend Exploration Ltd., Denver, Colo. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Moffat County plant.	DXE-1258.....	Extension of relief granted in Trend Exploration, Case No. DEE-0394 (decided May 3, 1978) (unreported decision).
Do.....	Vickers Energy Corp., Wichita, Kans. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its May Gas, Patterson, and Putnam-Oswego plants.	DXE-1260 through DXE-1262.	Extension of relief granted in Vickers Energy Group, Case Nos. DXE-0185 through DXE-0187 (decided Feb. 15, 1978) (unreported decision).
May 23, 1978....	Belridge Oil Co., Los Angeles, Calif. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural as liquids and natural gas liquid products at its Kern County plant.	DXE-1273.....	Extension of relief granted in Belridge Oil Company, Case No. DXE-0242 (decided Feb. 15, 1978) (unreported decision).
Do.....	Champlin Petroleum Co., Fort Worth, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Gulf Plains, Mayfield, and Peoria plants.	DXE-1263 through DXE-1265.	Extension of relief granted in Champlin Petroleum Co., Case Nos. DXE-0196 through DXE-0198 (decided Feb. 15, 1978) (unreported decision).
Do.....	Chevron, U.S.A., Washington, D.C. If granted: Chevron, U.S.A. would be permitted to reclassify the oil produced from the N-1-C Ranger fault block VI, located in Los Angeles County, Calif. from old to new crude oil.	DEE-1289.....	Price exception (sec. 212.73).
Do.....	Cities Services Co., Tulsa, Okla. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Myrtle Springs, Panola, Red Fish Bay, Rio Grande, Robstown, St. Amelia, and West World plants.	DXE-1266 through DXE-1272.	Extension of relief granted in Cities Service Co., Case Nos. DXE-0287 through DXE-0292 (decided Feb. 15, 1978) (unreported decision); Cities Service Co., Case No. DXE-0294 (decided Feb. 15, 1978) (unreported decision).
Do.....	Inter-Americas Oil Co., Pittsburgh, Pa. If granted: Inter-Americas would be permitted to import residual fuel oil on a fee-exempt basis from May 1, 1978, through Apr. 30, 1979.	DPI-0010.....	Exception to the base fee requirements.
Do.....	Matrix Land Co. (Mobeetle), Wheeler County, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Mobeetle plant.	DXE-1274.....	Extension of relief granted in Matrix Land Company, Case No. DEE-0035 (decided Feb. 15, 1978) (unreported decision).
Do.....	Michigan Hydrocarbons, Grayling, Mich. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Gaylord plant.	DXE-0855.....	Extension of relief granted in Michigan Hydrocarbons, Case No. DEE-0384 (decided May 3, 1978) (unreported decision).
May 24, 1978....	Breckenridge Gasoline Co., Breckenridge, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Ellaville and Lodi plants.	DXE-1286 and DXE-1287.	Extension of relief granted in Breckenridge Gasoline Company, Case Nos. DXE-0194 and DXE-0195 (decided Feb. 15, 1978) (unreported decision).

APPENDIX.—List of cases received by the Office of hearings and Appeals—Continued
[Week of May 19 through May 26, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Do.....	Getty Oil Co., Los Angeles, Calif. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its E. Vealmoor & Red Fish Bay plants.	DXE-1275 and DXE-1276.	Extension of relief granted in Getty Oil Co., Case Nos. DEE-0805 through DEE-0809 (decided Feb. 15, 1978) (unreported decision).
Do.....	Gulf Oil Corp., Tulsa, Okla. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Azalea plant.	DXE-1277.....	Extension of relief granted in Gulf Oil Corp., Case No. DXE-0311 (decided Feb. 15, 1978) (unreported decision).
Do.....	Kewanee Oil Co., Tulsa, Okla. If granted: Kewanee Oil Co. would be permitted to sell crude oil produced from the South Stanley Waterflood, located in Osage County, Okla., at upper tier ceiling prices.	DXE-1288.....	Extension of relief granted in Kewanee Oil Company, 1 DOE Par. — (Mar. 1, 1978).
Do.....	Knob Noster Oil Co., Inc., Knob Noster, Mo. If granted: Knob Noster Oil Co., Inc., would be assigned a new, lower-priced supplier of propane to replace its base period supplier, Ferrelgas.	DEE-1290.....	Exception to change supplier.
Do.....	Placid Oil Co., Dallas, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct cost increases incurred in producing natural gas liquids and natural gas liquid products at its Black Lake, Lake Washington, Lapryrouse, Lirette, Patterson, Prentice, Promix, and Yscloskey plants.	DXE-1278 through DXE-1285.	Extension of relief granted in Placid Oil Company, Case Nos. DEE-0326, DEE-0328 through DEE-0332 (decided Feb. 15, 1978) (unreported decision); Placid Oil Co., Case Nos. FEE-4005 through FEE-4010 (decided May 23, 1977) (unreported decision).
Do.....	Taunton Municipal Lighting Plant, Taunton, Mass. If granted: Taunton Municipal Lighting Plant would receive an evidentiary hearing in connection with its Statement of Objections filed in connection with a proposal to approve exception relief for Quincy Oil Co. (Case No. DEE-0447).	DHR-0007.....	Request for evidentiary hearing.
Do.....	Wally's Oil Co., Inc., Wilton, Minn. If granted: Wally's Oil Co. would be permitted to increase its prices for fuel oil above the maximum level permitted under the mandatory petroleum price regulations.	DEE-1291.....	Price exception (sec. 212.92).
May 25, 1978....	Iowa Development Commission, Des Moines, Iowa. If granted: Iowa Development Commission, on behalf of all sellers and marketers of petroleum products within Iowa, would receive a stay from DOE mandatory petroleum price regulations for "Gasohol".	DES-0064.....	Request for stay.
May 26, 1978....	Western Petroleum Co., Washington, D.C. If granted: Western Petroleum Co., would receive an exception from the provisions of 10 CFR 211.67 and pt. 213 with respect to its gasoline imports.	DEE-1292.....	Exception from entitlements program.

Proposed remedial orders, notice of objection received
[Week of May 19 through May 26, 1978]

Date	Name and location of applicant	Case No.
May 22, 1978.....	C. M. Dining, Inc., Washington, D.C.....	DRO-0053
May 24, 1978.....	Main Gas & Appliance Waterville, Maine.....	DRO-0054
Notices of objection received		
May 23, 1978.....	Atlas Gas Co., Inc., Jacksonville, Fla.....	DEO-0054
May 26, 1978.....	Western Petroleum Co., Minneapolis, Minn.....	FEE-4775

[FR Doc. 78-15992 Filed 6-9-78; 8:45 am]

[1505-01]

CASES FILED WITH THE OFFICE OF
ADMINISTRATIVE REVIEW

Week of March 17 Through March 24, 1978
Correction

In FR Doc. 78-11566, appearing at page 18605 in the issue of May 4, 1970 and inadvertently designated as FR Doc. 78-11549, the signature and title at the top of the third column on page 18606 should read, "Richard T. Tedrow, Acting Director, Office of Hearings and Appeals."

[3128-01]

ISSUANCE OF DECISIONS AND ORDERS BY
THE OFFICE OF HEARINGS AND APPEALS

Week of March 27 Through March 31, 1978.

Notice is hereby given that during the week of March 27 through March 31, 1978, the decisions and orders summarized below were issued with re-

spect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

APPEALS

Har-Ken Oil Co., Owensboro, Ky., DRA-0028, crude oil

Har-Ken Oil Co. filed an appeal from a remedial order which the DOE Region IV Office issued to the firm on October 21, 1977. In the remedial order, the Regional Office found that Har-Ken had incorrectly calculated the average daily production of crude oil from its Lease No. 3188 and had improperly sold crude oil from the property at stripper well prices. In its Appeal, Har-Ken contended that Region IV erred when it excluded from the calculation of average daily production adjustments which the firm made at the time of sale to reflect the base sediment and water (bs and w) content of the liquid produced. In considering the Har-Ken Appeal, the DOE rejected the firm's argument that the regulations concerning stripper well status could be construed as allowing a firm to measure the volume of crude oil sold rather than the volume produced. However, the DOE recognized that requiring firms to measure crude oil at the time of production might result in serious difficulties for many operators of economically marginal stripper wells. The DOE concluded that an interpretation of the regulations that precluded any adjustment for bs and w measured subsequent to the time of production would frustrate the Congressional policy of encouraging stripper well production. The DOE held, however, that it would permit such an adjustment only if based on actual measurements of the volume of bs and w contained in the fluid produced. Since the Region IV Office had not considered whether Har-Ken's adjustments satisfied this standard, the DOE remanded the Remedial Order for reconsideration. The DOE also acknowledged Har-Ken's additional claims of error regarding the volumetric measurement of crude oil and directed the Region IV Office to review its method of calculation of the average daily production upon remand.

Ponderosa Oil Co., Columbus, Ohio, DRA-0034, crude oil

Ponderosa Oil Co. filed an appeal from a remedial order which the DOE Region V Office issued to the firm on October 20, 1977. In the remedial order, Region V found that Ponderosa had improperly classified eight properties as stripper wells and had sold crude oil at prices which were in excess of the maximum prices permitted under 10 CFR 212.73. The remedial order directed Ponderosa to refund the overcharges through price reductions in future sales of crude oil. In considering the Ponderosa appeal, the DOE held that it had the authority to require Ponderosa to refund the full amount of the overcharges, since the firm was the operator of the eight properties in question, regardless of whether or not Ponderosa was the legal agent of the other owners of the properties. The DOE also held that Region V had exercised its discretion in a reasonable manner in issuing the remedial order to Ponderosa. However, the DOE concluded that in order to avoid potential contractual conflicts, the remedial order should be modified so as to permit

Ponderosa the alternative of making refunds in the form of direct cash payments to its customers. In all other respects the Ponderosa appeal was denied.

REQUESTS FOR STAY

I. U. International Oil & Gas, Inc., Philadelphia, Pa., DRS-0049, crude oil

I. U. International Oil & Gas, Inc. (IUOG) filed an application for stay of the provisions of a remedial order which the Regional Compliance director of FEA Region III issued to the firm on August 31, 1977, pending a determination of a judicial appeal which the firm intends to file or pending a decision by the Temporary Emergency Court of Appeals (TECA) in a case presently before it. In its request for stay, IUOG argued that its situation was similar to that of the plaintiffs in *Energy Reserves Group, Inc. v. Federal Energy Admin., C.A. Nos. 77-1146, 77-1087, 78-429-C6* (D. Kan. 1978), in which the U.S. District Court in Kansas held that Ruling 1974-29 was procedurally defective and therefore unenforceable. In considering the IUOG application for stay, the DOE noted that the District Court's decision in *Energy Reserves* was limited to the named plaintiffs in that case. In addition, the DOE noted that section 211 of the Emergency Petroleum Allocation Act provides that only TECA can enjoin the enforcement of any regulation issued under that Act. Finally, the DOE concluded that IUOG had not demonstrated a likelihood of success on the merits of a judicial appeal. Based on these considerations, the DOE denied IUOG's request for stay.

Northland Oil & Refining Co., Tulsa, Okla., DES-0934, crude oil

Northland Oil & Refining Co. requested that its obligations under 10 CFR 211.67 (the old Oil Entitlements Program) be stayed pending a final determination of an application for exception which the firm filed. In considering the request, the DOE noted that it can adjust Northland's entitlement obligations in subsequent months in order to compensate the firm for any excess entitlement purchases which it might be required to make while its exception request is pending. The DOE also found that Northland had failed to submit financial material which demonstrated that it could not meet its entitlement purchase obligations. Based on these facts, the DOE concluded that Northland had not made a showing that it would be irreparably injured in the absence of stay relief. The DOE also concluded that Northland had failed to demonstrate a likelihood of success on the merits of its exception request. The Northland application for stay was accordingly denied.

SUPPLEMENTAL ORDER

Whitco, Inc., Dallas, Tex., DEX-0055, motor gasoline

On March 31, 1978, the DOE issued a proposed decision and order to Whitco, Inc., in which it determined that a substantial price disparity existed between the rack prices for motor gasoline established by Sun Co., Inc., Whitco's base period supplier, and those established by Amtel, Inc., Sun's designated substitute supplier under the provisions of 10 CFR 211.25. The DOE therefore proposed that exception relief previously granted to Whitco which directed Sun to furnish motor gasoline directly to Whitco be extended for an additional 3 months. However, as a result of the exception procedures

which apply to the Whitco matter, the DOE noted that the previous exception relief would expire before the extension proposed on March 31, 1978 could be issued in final form. In view of the tentative determination that Whitco's exception relief should be extended, the DOE on its own motion concluded that the application of section 211.25 to Whitco should be stayed until the conclusion of the pending exception proceeding.

DISMISSAL

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Hoosier Oil Service Co., Jasper, Ind., DEE-0758

A.H. Wadsworth, Jr., Houston, Tex., DEE-0033

Lee Williams Gas Co., Eagle Lake, Fla., DEO-0007

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

Energy Action Educational Foundation, Washington, D.C., DFA-0157

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 and 5 p.m., e.d.t., except Federal holidays. They are also available in "Energy Management: Federal Energy Guidelines," a commercially published loose leaf reporter system.

MELVIN GOLDSTEIN,
Director, Office of
Hearings and Appeals

JUNE 2, 1978.

[FR Doc. 78-15989 Filed 6-9-78; 8:45 am]

[3128-01]

ISSUANCE OF DECISIONS AND ORDERS BY
THE OFFICE OF HEARINGS AND APPEALS

Week of April 3 Through April 7, 1978

Notice is hereby given that during the week of April 3 through April 7, 1978, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions which were dismissed by the Office of Hearings and Appeals and the basis for the dismissal.

APPEALS

Indiana Gas Co., Inc., Washington, D.C., DEA-0122

Petrochemical Energy Group, Washington, D.C., DEA-0124

General Motors Corp., Washington, D.C., DEA-0125, Naphtha

Indiana Gas Co., Inc., Petrochemical Energy Group (PEG), and General Motors

Corp. (GM) each filed an appeal from a decision and order which was issued to Indiana Gas by the Assistant Administrator for Fuels Regulation of the DOE Economic Regulatory Administration on November 10, 1977. In that determination, the Assistant Administrator found that, for a period of five years, Indiana Gas should be assigned a quarterly base period use of 944,187 barrels of naphtha for use as a feedstock in a synthetic natural gas plant which the firm proposed to construct in Indianapolis, Ind. The Indiana Gas Appeal, if granted, would result in the issuance of an order assigning the firm a permanent allocation of naphtha. The GM and PEG appeals, if granted, would rescind the November 10 order. During the course of the appeal proceeding, the DOE received a submission from PEG entitled "Petition for Immediate Remand." In that submission, PEG alleged that certain information concerning meetings between Indiana Gas and FEA officials was disclosed to it for the first time in the Indiana Gas Appeal. The firm also alleged that submissions on behalf of Indiana Gas had not been served on all parties in the initial proceeding. PEG therefore requested that the November 10 decision be remanded to the Assistant Administrator for further proceedings in which all interested parties were permitted to participate. In considering this request, the DOE observed that the regulations governing applications for assignment do not specifically require that all parties be notified of, and permitted to participate in, all contacts between an applicant firm and the agency. Nevertheless, the DOE found that the parties to the present proceeding were denied an opportunity to comment upon certain submissions which served as a basis for a number of findings contained in the November 10 order. Under these circumstances, the DOE concluded that the case should be remanded to the Assistant Administrator for further proceedings. Accordingly, the three Appeals were dismissed.

MacKellar, Inc., Oklahoma City, Okla., DRA-0005, crude oil

MacKellar, Inc. appealed from a supplemental remedial order that the Director of Compliance for FEA region VI issued to the firm on September 21, 1977. In the remedial order, the FEA found that during December 1973 and calendar year 1975, MacKellar sold crude oil which it produced from its Loveall and Stubbeman leases at prices which exceeded the ceiling prices specified in 10 CFR 212.73. As a result, MacKellar was ordered to refund \$38,485.45. In considering the appeal, the DOE upheld the regional office's exclusion of the volume of condensate produced from gas wells in determining the firm's eligibility for the stripper well property exemption, even though that condensate is considered to be crude oil for purposes of the crude oil pricing rules. The DOE also found that the regional office properly applied the tests described in part V of ruling 1977-2 in determining whether the condensate is associated with crude oil production, viz., whether a reservoir contains hydrocarbons in both a liquid and a gaseous state. However, the DOE found that those tests may not be dispositive in a given factual situation. Since the record did not support the regional office's conclusion that the tests were controlling in MacKellar's case, the DOE remanded the remedial order for a determination as to whether the test were dis-

positive with regard to the Loveall and Stubbeman leases.

Merchants Oil, Inc., Denver, Colo., FRA-1389, motor gasoline; No. 2 diesel fuel

Merchants Oil, Inc. appealed from a remedial order which the FEA Region VIII Office issued to it on May 18, 1977. In the remedial order, the regional office found that during the period November 1, 1973 through March 31, 1975, Merchants had sold motor gasoline and No. 2-D diesel fuel at prices in excess of its maximum permissible price. Merchants was therefore directed to refund the revenues which it had improperly obtained. In its appeal, Merchants contended that it should have been permitted to treat its retail sales as a separate firm in calculating maximum permissible prices. In considering this contention, the DOE found nothing in the price regulations of subpart F to support Merchants' position since those regulations generally require a consolidation of a firm's operations in determining its maximum permissible prices. Merchants also contended that, in calculating its increased product costs, the DOE failed to include a number of its purchases of covered products. However, the DOE found that Merchants had failed to maintain proper records of these transactions as required by section 210.92(a) and had not presented appropriate records at earlier stages of the enforcement proceeding. Under these circumstances, the DOE upheld the method of utilizing the posted prices of the firm's principal supplier which the regional office had adopted. Finally, the DOE found that Merchants had failed on appeal to make a prima facie showing that retroactive exception relief should be granted on grounds of serious hardship. The DOE therefore denied Merchants appeal.

Navajo Refining Co., FIA-1448
Yates Petroleum Corp., Artesia, New Mex., DIA-0014, crude oil

Navajo Refining Co. and Yates Petroleum Corp. filed appeals of a July 28, 1977 interpretation that the FEA Office of General Counsel issued to Navajo. In the interpretation, the General Counsel held that the prices charged by Navajo for a particular grade of crude oil must reflect price reductions based on gravity differentials if the highest posted price in the field included a system of price differentials. The Navajo and Yates appeals, if granted, would rescind the interpretation and would also result in a determination that Navajo had posted the highest prices in the Southeastern New Mexico field on May 15, 1973 and September 30, 1975. In their appeals, the firms claimed that the General Counsel erred in concluding that the applicable ceiling price for each "grade" of crude oil must be based on the particular degree of gravity, as well as the sulphur content, of the crude oil involved. In considering this contention, the DOE found that the interpretation was based on ruling 1977-1, which supported the General Counsel's conclusion that prices for a particular grade of crude oil were required to reflect reductions in gravity from the highest posted price in the field. The DOE also referred to a previous decision in which the agency held that a crude oil producer was required under the price regulations to adopt the gravity-reduced prices of the firm with the highest posted price on May 15, 1973. Accordingly, the DOE rejected the appellants' claim that gravity was unrelated to

grade for purposes of establishing applicable price ceilings. With regard to the appellants' alternative allegation that Navajo actually had the highest posted price in the field on May 15, 1973, the agency found that a May 15 price increase implemented by Navajo had not been in effect at 6 a.m. on that date, as expressly required by section 212.73. The DOE also found that the selection of 6 a.m. as the precise reference point for the lower tier ceiling price rule was a valid exercise of the agency's authority to select a single date for price control purposes under section 4(b) (2)(C) of the Emergency Petroleum Allocation Act of 1973, notwithstanding the industry practice which considered 7 a.m. as the start of the business day in the oil fields. With respect to the appellants' arguments regarding Navajo's price postings on September 30, 1975, the DOE determined that the letters sent by Navajo to certain producers during August and September 1975 did not qualify under ruling 1977-1 as "bona fide public offers of general applicability" and therefore could not be used to establish a posted price as of September 30. The DOE found that refinery run tickets mailed to producers by Navajo similarly failed to establish a valid posted price since they related to private contracts rather than public offers to purchase crude oil. On the basis of these considerations, the Navajo and Yates appeals were denied.

PETITION FOR SPECIAL REDRESS

Knowles Oil Co., Seymour, Ind., DSG-0013, DES-0048 fuel oil

Knowles Oil Co. filed a Petition for Special Redress which, if granted, would quash or modify a subpoena that FEA region V issued to the firm on December 22, 1977. In considering the petition, the DOE noted that section 205.8(h)(4) requires the DOE to undertake a preliminary review of the petition in order to determine whether there is a reasonable probability that the petitioner will be able to satisfy the criteria for special redress relief. The petition will then be considered on its merits only if the DOE determines that the petitioner might satisfy those criteria. Knowles claimed that under section 205.8(h)(2), the Regional Administrator, rather than an enforcement official, has the exclusive authority to review a denial of an application to quash a subpoena issued by the Regional Office. The DOE rejected this argument, noting that under the Department of Energy Organization Act, the Regional Directors of Enforcement assumed the enforcement responsibilities previously exercised by the FEA Regional Administrators. Knowles also contended that the DOE was precluded from initiating the present investigation because a prior investigation of the firm had been resolved through an "Agreement of Compliance." In rejecting this contention, the DOE found that the prior investigation involved only Knowles' sales of motor gasoline and was therefore irrelevant to the current investigation which involved fuel oil. The DOE concluded that the firm had failed to demonstrate a reasonable probability that exceptional circumstances existed which warranted an immediate review on the merits of its petition to correct errors in law, to prevent substantial injury to its legal rights, or to cure a gross abuse of administrative discretion. Knowles' Petition for Special Redress was therefore dismissed and its Application for Stay denied.

REQUESTS FOR EXCEPTION

Damson Oil Corp., Houston, Tex., DXE-0533
crude oil.

Damson Oil Corp. filed an Application for Exception from the provisions of 10 CFR, part 212, subpart D. The exception request, if granted, would extend the exception relief previously granted and permit the firm to continue to sell a portion of the crude oil produced from the city of Los Angeles lease No. 135 at upper tier ceiling prices. In considering the exception application, the DOE found that the firm continued to experience increased operating costs at the lease and that, in the absence of exception relief, the working interest owners would lack a sufficient economic incentive to continue crude oil production. On the basis of the operating data presented for the most recent six-month period, the DOE permitted the firm to sell 75.15 percent of the crude oil produced for the benefit of the working interest owners from the lease at upper tier ceiling prices.

Monsanto Co., Houston, Tex., FEE-4155,
crude oil.

Monsanto Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell the crude oil produced from the Buckman Well in Stark County, N. Dak. at upper tier ceiling prices. In considering the exception request, the DOE found that the costs which Monsanto incurred in operating the lease exceeded the lower tier ceiling price. The DOE determined that Monsanto no longer had an economic incentive to continue production operations at the Buckman Well and that if Monsanto terminated its operations at the property, a substantial quantity of recoverable domestic crude oil would not be produced. Therefore, the DOE granted Monsanto exception relief which permitted the firm to sell 26.47 percent of the crude oil produced for the benefit of the working interest owners of the Buckman Well at upper tier ceiling prices.

Tenneco Oil Co., Houston, Tex., FEE-4479,
crude oil.

Tenneco Oil Co. filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit the firm to sell the crude oil produced from the Veeder-Hunt Lease in the Charenton Field in St. Mary Parish, La. at upper tier ceiling prices. In considering the Application, the DOE determined that the costs of producing crude oil from the Veeder-Hunt Lease had increased to the point where those costs exceeded the prices that Tenneco is permitted to charge for the crude oil. The DOE determined that Tenneco did not have an economic incentive to continue production from the lease and that if the Veeder-Hunt Lease were abandoned, a significant quantity of recoverable domestic crude oil would not be produced. The DOE concluded that the application of the lower tier ceiling price rule resulted in a gross inequity to Tenneco. In determining the appropriate measure of exception relief, the DOE observed that certain expenditures that Tenneco incurred for well workovers during the historical base period should be partially excluded in calculating the historical cost per barrel. After making this adjustment, the DOE determined that Tenneco should be permitted to charge upper tier ceiling prices for 51.79 percent of the crude oil produced from the Veeder-Hunt Lease

for the benefit of the working interest owner.

Union Oil Co. of California, Los Angeles, Calif., FEE-4839, crude oil.

Union Oil Co. of California filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D, which, if granted, would permit Union to sell the crude oil produced from the Moulton Unit in Toole County, Mont. at upper tier ceiling prices. In considering the exception request, the DOE found that Union's operating expenses had increased to the point where the firm no longer had an economic incentive to continue the production of crude oil from the Moulton Unit. The DOE also found that if Union were to abandon its operations at the Moulton Unit, a substantial quantity of domestic crude oil would not be recovered. Therefore, the DOE permitted Union to sell 100 percent of the crude oil produced from the Moulton Unit for the benefit of the working interest owners at upper tier ceiling prices.

REQUESTS FOR MODIFICATION OR RESCISSION

City of Long Beach, Calif., Long Beach, Calif., FMR-0123, crude oil.

The city of Long Beach, Calif. filed an Application for Modification of a Decision and Order which the FEA issued to it on May 10, 1977. In that Decision, the FEA granted Long Beach exception relief from the provisions of 10 CFR, Part 212, Subpart D which permitted the city to sell at upper tier prices 32.8155 percent of the crude oil produced and sold for the benefit of the working interest from Fault Block Unit 3 of the Wilmington Field. In its Application for Modification, Long Beach requested that the level of exception relief be increased in order to permit the city to recover the increased costs which it experienced during the second quarter of 1977. In considering the application, the DOE found that the city had continued to incur losses in its operation of Unit 3, despite the exception relief previously approved. However, the DOE also found that those losses were the result to an unusual increase in costs which the city experienced during the second quarter of 1977. The DOE concluded that Long Beach had not demonstrated that this unusual cost increase would recur during future periods or that the method of granting exception relief generally employed by the DOE failed to provide Long Beach with an economic incentive to continue production operations at Unit 3. The Application for Modification was therefore denied.

Department of Defense, Washington, D.C., FMR-0118, motor gasoline.

The Department of Defense (DOD) filed an Application for Modification of a Decision and Order issued to the DOD by the FEA on September 11, 1974. In that Decision, the FEA granted three military exchange services a class exception from the provisions of 10 CFR 212.93 which required their resale motor gasoline outlets to establish prices that were comparable to the average prices for gasoline in the civilian communities surrounding the exchanges. The FEA subsequently modified the September 11 Decision by permitting the outlets to establish separate prices at full-service and self-service outlets. The present Application for Modification, if granted, would permit the resale outlets to have an additional degree of pricing flexibility to re-

spond to changing patterns of demand in their respective markets. In considering the request, the DOE found that a number of the military exchange outlets had experienced sharp decreases in demand for motor gasoline since January 1, 1974. In order to meet the objectives specified in the September 11 Decision, the DOE concluded that the DOD should be permitted to charge lower prices than were previously allowed at those stations which have experienced a decline in volume of more than 10 percent during any fiscal year beginning with January 1, 1974.

Polaris Production Corp., Midland, Tex., FMR-0119, crude oil.

Polaris Production Corp. filed an Application for Modification or Rescission of a Decision and Order which was issued by the FEA to Pierce & Dehlinger (P&D). Pierce & Dehlinger, 5 FEA Par. 83,160 (May 16, 1977). In the previous proceeding, P&D requested that the firm be permitted to sell at exempt prices the crude oil produced from the Carter Lease subsequent to the completion of certain necessary repairs. However, the FEA determined that P&D had sufficient economic incentives to undertake the capital investment without the benefit of exception relief, and the P&D application was denied. In the present proceeding, Polaris stated that P&D had declined to make the necessary investment in the lease and that Polaris subsequently acquired from P&D the entire working interest ownership of the Carter Lease. The DOE determined that the Polaris submission should be construed as a new Application for Exception rather than as a request for modification or rescission. Polaris maintained that it qualified for exception relief on the basis of current projections of cost and production data for the lease. However, the DOE found that, if Polaris sold the crude oil produced as a result of the investment at applicable ceiling prices, it would realize an internal rate of return on the proposed capital investment which was sufficient to induce the firm to proceed with its investment project. Accordingly, the Polaris exception application was denied.

U.S. Department of the Interior, Washington, D.C., DMR-0016, residual fuel oil.

The U.S. Department of the Interior (DOI), on behalf of the Government of the Northern Marianas Islands, (GNMI), filed an Application for Modification of a Decision and Order issued to the DOI by the DOE on February 2, 1978. United States Dept. of the Interior, 1 DOE Par. (February 2, 1978). In that Decision, the DOE granted retroactive exception relief for the period November 1, 1976 through March 31, 1977 which permitted the Guam Oil & Refining Co., Inc. (Gorco) to earn entitlements for residual fuel oil that it sold to GNMI through an intermediate supplier. The exception from the provisions of 10 CFR 211.67(d)(2) permitted Gorco to consider its sales to GNMI as sales within the United States, rather than as export sales. The exception relief provided GNMI with lower costs for the residual fuel oil that it purchased from Gorco through Mobil Oil Micronesia, Inc. However, the DOE denied similar relief for the period from April 1, 1976 through November 1, 1976, since it was not persuaded that GNMI would be liable for the payment of additional costs if entitlements exception relief were not awarded to Gorco for that period. Nevertheless, the

DOE indicated in its February 2 Decision that, if the DOI determined that GNMI were liable for these funds, additional retroactive exception relief could be granted. In its present Application, the DOI contended that Gorco and Mobil had demanded payment of additional funds from GNMI. The DOI Office of the Solicitor also concluded that GNMI was liable for the payment of these funds. After reviewing the relevant contracts, the DOE concluded that a sufficient probability existed that GNMI was liable for the additional costs of the residual fuel oil. In order to avoid recourse by any party to unnecessary litigation, the DOE granted the DOI Application, thereby providing retroactive exception relief for the April 1, 1976 through November 1, 1976 period.

SUMMARY DECISION

The following firm filed an Application for Stay of a Remedial Order which had been issued to it by the DOE. In considering the stay request, the DOE referred to a recent Decision in *Rickelson Oil and Gas Co.*, 6 FEA Par. 85,029 (August 24, 1977), in which it held that a Remedial Order will generally be stayed pending the determination of an Appeal unless it appeared that the public interest required immediate compliance with the Remedial order. Since the record in this case did not indicate that the public interest required immediate compliance with the Remedial Order, the DOE granted the request for stay pending consideration of the Appeal.

Adams Oil Co., Charlottesville, Va., DRS-0163.

DISMISSALS

The following submissions were dismissed following a statement by the applicant indicating that the relief requested was no longer needed:

Arrow Fuel Oil Co., Philadelphia, Pa., DEE-0521.

County of Gloucester, Woodbury, N.J., DEE-0906.

Estes Engineering, Co., Midland, Tex., DEE-0531.

Red Triangle Oil Co., Fresno, Calif., DEA-0158.

Su-Ren Associates, Newark, N.J., DEE-0502.

The following submissions were dismissed on the grounds that the requests are now moot:

Carter Brothers, Inc., Alexandria, Va., DRO-0002, DRD-0002.

The following submission was dismissed on the grounds that alternative regulatory procedures existed under which relief might be obtained:

Adams Oil Co., Inc., Charlottesville, Va., DEE-0966.

The following submission was dismissed after the applicant repeatedly failed to respond to requests for additional information:

Driscoll Production Co., Corpus Christi, Tex., DEE-0096.

Copies of the full text of these Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, be-

tween the hours of 1 p.m. and 5 p.m., e.d.t., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

MELVIN GOLDSTEIN,
Director, Office of
Hearings and Appeals.

JUNE 2, 1978.

(FR Doc. 78-15990 Filed 6-9-78; 8:45 am)

[3128-01]

REQUESTS FOR INTERPRETATION FILED WITH THE OFFICE OF GENERAL COUNSEL

Month of May 1978

Notice is hereby given that during the month of May 1978, the requests for interpretation listed in the appendix to this notice were filed pursuant to 10 CFR Part 205, Subpart F with the Office of General Counsel, Department of Energy (DOE). Copies of the requests for interpretation listed herein are on file in DOE's Public Reading Room, Information Access Office, Room 2107, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461.

Interested parties may submit written comments on the listed interpretation requests on or before July 12, 1978. Comments should be identified on the outside envelope and on documents submitted with the file number of the interpretation request and all comments should be filed with the Office of General Counsel, Department of Energy, Room 5134, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, Attention: Diane Stubbs. Aggrieved parties, as defined in 10 CFR 205.2, will continue to receive actual notice of pending interpretation requests in accordance with the current practice of the Office of General Counsel.

For further information, contact Diane Stubbs, Office of General Counsel, 12th and Pennsylvania Avenue NW., Room 5138, Washington, D.C. 20461, 202-566-9070.

Dated: June 7, 1978.

WILLIAM P. DAVIS,
Deputy Director
of Administration.

APPENDIX.—List of requests for interpretation received by the Office of General Counsel

(Month of May 1978)

Date received	Name and location of requestor	File No.
May 1	Mack C. Colt, Inc., Box 388, Iola, Kans. 66749. Issue: May a supplier/purchaser relationship be terminated by a producer of crude oil when the purchaser fails to pay the producer on a timely basis for crude oil already supplied under customary payment and credit arrangements. (10 CFR 210.62.)	A-308
May 13 ...	R. R. Abderhalden, Suite 1640, Vickers-KSB & T Bldg., Wichita, Kans. 67202. Issue: May a supplier/purchaser relationship be terminated by a producer of crude oil when the purchaser fails to pay the producer on a timely basis for crude oil already supplied under customary payment and credit arrangements. (10 CFR 210.62.)	A-308
May 16 ...	Shell Oil Co., William G. Riddoch, 1 Shell Plaza, P.O. Box 2463, Houston, Tex. 77001. Issue: Does a supplier's obligation to supply a wholesale purchaser-reseller with an adjusted base period allocation of product arise only upon proper certification by the purchaser under 10 CFR 211.13(c).	A-309
May 17 ...	Shell Oil Co., Kim J. Clifford, 1 Shell Plaza, P.O. Box 2463, Houston, Tex. 77001. Issue: Are importers permitted under 10 CFR pt. 213, to combine total duties paid for all imported crude oil and products as an offset against total import fees incurred.	A-310
May 18 ...	Houston Oil & Minerals Corp., Waverly Vest, Bracewell & Patterson, 1150 Connecticut Ave. NW., Washington, D.C. 20036. Issue: Between a purchaser and the only producer in a field, does an oral offer to purchase crude oil supersede a prior written offer and therefore constitute the posted price to be used in calculating the upper tier ceiling price for crude oil in that field. (Ruling 1977-1.)	A-311
May 22 ...	Atlantic Richfield Co., Dennis S. Young, P.O. Box 619, Dallas, Tex. 75221. Issues: (I) Whether sales of natural gas liquids and natural gas liquid products between affiliated entities constitute first sales under 10 CFR pt. 212, subpt. K. (II) Is the tax component of the interstate gas sales prices to be included in the calculation of increased cost of natural gas shrinkage. (III) Whether for the purpose of computing increased cost of natural gas shrinkage, inlet	A-312

APPENDIX.—List of requests for interpretation received by the Office of General Counsel—Continued

Date received	Name and location of requestor	File No.
May 22 —Con.	gas volumes should be measured at the plant inlet master meter or at the wellhead when the gas is purchased at the wellhead by the gas plant operator. (IV) Where the cost of natural gas shrinkage in the current month is less than such costs in May 1973, should negative shrinkage be calculated and applied so as to reduce available increased product cost in current month calculations of maximum lawful prices.	
May 24 ...	Coastal States Gas Corp., R. G. Holsclaw, 5 Greenway Plaza East, Houston, Tex. 77046. Issue: Is a refiner required to utilize the AFRA method set forth in 10 CFR 212.85(d) for determining its allowed transportation costs with regard to crude oil purchased f.o.b. port of loading and transported on spot chartered vessels to the United States, even though the refiner pays identifiable, invoiced transportation charges to an unaffiliated third party.	A-314
May 24 ...	Cascade Energy, Inc., Revel T. Call, P.O. Box 227, Rainier, Oreg. 97048. Issue: May a new corporation which proposes to build a refinery and which is owned by other energy concerns, be treated as a separate entity or "firm" for purposes of the mandatory petroleum allocation and price regulations, if no shareholder has a controlling interest in the new corporation.	A-315
May 31 ...	Blue Flame Gas Corp. Consignees: Leon Ritenour Robert E. Snyder Robert Blocker Sulphur Springs LP Gas, Inc. Claude Wright James R. Boone Robert Ernst D. Gene Bennett Chester C. Moore Norman Grosch Richard R. Robinson Jerry Spratt Stephen R. Snyder, Esq., Dunten, Beckman, Lawson, Fruechtenight & Snyder, 2410 Fort Wayne Bank Bldg., Fort Wayne, Ind. 46802. Issue: (I) Whether each consignee is a wholesale purchaser-reseller as defined in 10 CFR 211.51. (II) Whether any modification of the method by which commissions due each consignee are	A-316 A-317 A-318 A-319 A-320 A-321 A-322 A-323 A-324 A-325 A-326 A-327

APPENDIX.—List of requests for interpretation received by the Office of General Counsel—Continued

Date received	Name and location of requestor	File No.
May 31 —Con.	computed, subsequent to the base period year, is in violation of 10 CFR 210.62.	
	[FR Doc. 78-16154 Filed 6-9-78; 8:45 am]	
	[6740-02]	
	Federal Energy Regulatory Commission	
	[Docket No. DA-120-Alaska, State of Alaska]	
	LANDS WITHDRAWN IN POWER SITE CLASSIFICATION NO. 459 AND PROJECT NO. 2818	
	Determination and Order Vacating Land Withdrawal Under Section 24 of the Federal Power Act	
	JUNE 5, 1978.	
	On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. On December 23, 1977, the Secretary issued an order amending DOE delegation Order No. 0204-1 further delegating to the FERC the authority to take action in this proceeding.	
	Application has been filed by the State of Alaska (State) for the restoration to selection of the lands withdrawn in Power Site Classification No. 459 and Project No. 2818, thereby requiring Federal Energy Regulatory Commission consideration under Section 24 of the Federal Power Act. The subject lands, described in the attached Land Lists A, B, and C, are included in a 5,693-acre tract which the State seeks to acquire under authority of Section 6(a) of the Alaska Statehood Act, 72 Stat. 339, 340.	
	The subject lands are within the Tongass National Forest and lie at or near Green Lake on the Vodopad River, a coastal stream that empties into Silver Bay, about ten miles southeast of the City of Sitka, on Baranof Island, Alaska. All of the subject lands, with the exception of a few acres in Power Site Classification No. 459, lie within the boundary of the	

proposed Green Lake Project (FERC Project No. 2818) as shown on Exhibits K-1 through K-4 filed by the City and Borough of Sitka (Sitka) on September 19, 1977, with its application for license for the project.

The unconstructed Green Lake Project would consist of the following principal project works: (1) a double-curvature, concrete arch dam, 230 feet high and 460 feet long at its crest, located 80 feet downstream from the mouth of the existing Green Lake and having a centrally located uncontrolled ogee spillway section 100 feet wide; (2) Green Lake Reservoir, with a surface area of 1,000 acres and usable storage of 74,000 acre-feet at normal reservoir elevation 390 feet (mean sea level datum); (3) a 1,900-foot long power tunnel, varying in diameter from 8 to 10.6 feet, leading from the dam to the powerhouse where it would bifurcate into a manifold of two 5.6-foot diameter steel lined sections; (4) an indoor-type concrete powerhouse containing two generating units of 8,250 kW each and located on Silver Bay approximately 350 feet north of the mouth of the Vodopad River; (5) a substation over the powerhouse tailrace; (6) a 9-mile long 69-kV wood pole transmission line connecting the project substation to the Blue Lake substation.

Upon acquisition of the 5,693-acre tract, the State plans to convey the Green Lake Project lands to Sitka. Acquisition of the project lands will enable Sitka to avoid costly delays in project construction that might occur if the lands remain in Federal ownership. Such delays are foreseen because the Forest Service contends that Sitka would require a right-of-way under Section 501(a)(4) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2743, for the Green Lake Project, if the lands remain in Federal ownership. The Forest Service has advised Sitka that investigations, analyses and reports necessary for such a right-of-way would consume at least two years. Sitka states that it is facing an urgent need for electric power and cannot afford such delay, consequently, it favors conveyance of the lands to the State.

The proposed restoration to selection apparently will facilitate and expedite the use of the previously withdrawn lands for hydroelectric development. Under the circumstances, the Commission finds that restoration to selection of the lands described in Land Lists B and C, with certain conditions, is in the public interest.

An additional consideration leads us to vacate the withdrawal of the lands described in Land List A. Those lands were intended to encompass the path of the primary transmission line and access road for the proposed Green

Lake Project. But the boundaries shown on Exhibits K-1 and K-2 which determined the withdrawals on Land List A, were based upon an unsurveyed estimate prepared from preliminary aerial mapping. Partial field surveys recently conducted by Sitka have disclosed that the actual boundary for the transmission line and access roads will differ from that shown on Exhibits K-1 and K-2. Under the circumstances, it would be pointless to delimit the unsurveyed estimate for the transmission line and access roads on the ground. Therefore, the withdrawal for Project No. 2818 no longer serves a useful purpose insofar as it pertains to the lands shown on Exhibits K-1 and K-2 and described in Land List A.

The action we are taking here will not affect our licensing authority over the Green Lake Project.

The U.S. Forest Service, Bureau of Land Management and Alaska Power Administration, have endorsed the State's application for selection of the 5,693 acre tract. The Geological Survey also has no objection to the conveyance of the lands in Power Site Classification No. 459 to the State, subject to the provisions of Section 24 of the Federal Power Act.

The Commission determines: That the value of the lands described in Land Lists B and C will not be injured or destroyed for the purposes of power development by selection by the State of Alaska, subject to the provisions of Section 24 of the Federal Power Act, provided that the State agree to transfer all portions of the reserved lands required for the Green Lake Project to the City and Borough of Sitka.

The Commission orders: That the land withdrawal for Project No. 2818 insofar as it pertains to the lands described in Land List A is hereby vacated.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

Attachment: Land Lists A, B, and C.

LAND LIST A

All United States lands, in the following described protracted sections, lying within the boundary of the transmission line and access roads of Project No. 2818 as shown on map Exhibits K-1 and K-2 filed in the office of the Federal Power Commission on September 19, 1977:

COPPER RIVER MERIDIAN, ALASKA

T. 55 S., R. 64 E., unsurveyed, Sec. 34.
T. 56 S., R. 64 E., unsurveyed, Secs. 2, 3, 11, 12, 13, 24.
T. 56 S., R. 65 E., unsurveyed, Secs. 18, 19, 29, 30.
(Approximately 214 acres.)

LAND LIST B

All United States lands, in the following described protracted sections,

lying within the boundary of the reservoir, dam and powerhouse of Project No. 2818 as shown on map Exhibits K-3 and K-4 filed in the office of the Federal Power Commission on September 19, 1977:

COPPER RIVER MERIDIAN, ALASKA

T. 56 S., R. 65 E., unsurveyed, Secs. 20, 21, 26, 27, 28, 29, 33, 34, 35, 36.
T. 57 S., R. 66 E., unsurveyed, Sec. 4.
(Approximately 1,445 acres.)

LAND LIST C

Lands withdrawn in Power Site Classification No. 459, dated December 2, 1970:

All lands adjacent to Vodopad River and Green Lake upstream from the outlet at Silver Bay which lie below an altitude of 400 feet above sea level. The Port Alexander D-4 quadrangle map shows that the lands will lie wholly or in part within the following described protracted sections.

COPPER RIVER MERIDIAN, ALASKA.

T. 56 S., R. 65 E., unsurveyed, Secs. 20, 21, 26, 27, 28, 29, 33, 34, 35, 36.
(Approximately 1,095 acres.)
[FR Doc. 78-16116 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. RP72-110]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Rate Changed Pursuant to Purchased Gas Cost Adjustment Provision

JUNE 2, 1978.

Take notice that Algonquin Gas Transmission Co. ("Algonquin"), on May 25, 1978, tendered for filing 41st Revised Sheet No. 10 to its FERC Gas Tariff, First Revised Volume No. 1.

Algonquin states that this sheet is being filed pursuant to Algonquin's Purchased Gas Cost Adjustment Provision set forth in Section 17 of the General Terms and Conditions of its FERC Gas Tariff, First Revised Volume No. 1, and that the rate changed proposed to be effective July 1, 1978, is being filed to reflect a change in purchased gas costs filed by its supplier, Texas Eastern Transmission Corp.

The proposed effective date of the revised tariff sheet is July 1, 1978. Algonquin states that a copy of this filing is being served upon all affected parties and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Section 1.8 and 1.10 of the Commissions' Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1978. Protests will be

considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16101 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. CP77-3371]

ALGONQUIN GAS TRANSMISSION CO.

Dissenting Statement

JUNE 5, 1978.

Attached is Commissioner Holden's statement to the order issued April 4, 1978, in the above matter.

KENNETH F. PLUMB,
Secretary.

HOLDEN, COMMISSIONER, DISSENTING:

In the present case, the Federal Energy Regulatory Commission was asked to grant Algonquin authority to charge certain costs to its customers to recover storage charges for itself. This procedure is known as "tracking" and is essentially a kind of automatic adjustment clause.

The procedure surely mitigates delay and, to that extent, serves administrative convenience. But, questioning whether it is consistent with the purpose of our underlying legislation, I disagree with the Order that the majority have adopted.

In order to make my objections clear to all who have any occasion to read our decisions, let me state (1) a concept of what the normal rate-making process entails; (2) how the Commission has departed from it in certain recent cases; and (3) why I find the present decision regarding Algonquin unacceptable.

I. THE NORMAL RATE-MAKING PROCESS

Utility regulation is based upon the concept that the company is obliged to render a service to its customers, and is entitled to recover all the costs that it experiences in rendering such service. The company can collect money from customers only to the extent that it has been authorized by a regulatory agency, e.g., a State commission or the Federal Energy Regulatory Commission.

Section 4 of the Natural Gas Act requires that the Commission establish just and reasonable rates. In establishing these rates, the Commission analyzes the cost of service and compares it to the annual revenues that a company may collect at a given rate level.

The basis regulatory practice is that such rates, once set, remain in effect until changed. In inflationary times, this may make it hard for companies to keep their cost recovery up-to-date. As an alternative, companies may be permitted to establish special clauses, within their tariffs, under which specified additional charges or credits may be passed on, automatically and without further hearing, to the companies' customers. The generic term for such a provision is an automatic adjustment clause.¹ In the special parlance that this Commission inherited from the Federal Power Commission such clauses are also known as "trackers," since they permit the company to track, through rate changes, upward or downward changes in expenses without the formalities of hearing and order. As the defect of the formal procedure may be excessive delay in cost recovery, so the defect in "tracking" is the loss of regulatory control altogether.

II. PREVIOUS DEPARTURES IN "TRACKING" CASES

Six years ago, the then-existent Federal Power Commission amended its regulations to permit tracking purchased gas adjustment (PGA) charges.²

Five years ago, the FPC issued Order No. 483 which approved tracking for research and development activities (R. & D.).³

Five months ago we unanimously approved an order permitting tracking of specified storage costs from Consolidated to Tennessee's customers.⁴ It seemed reasonable on its face, that costs passed on from Consolidated to Tennessee should, ipso facto, be passed on the Tennessee's customers.

Slightly more than two months later, the Commission approved two more cases involving this type of flow through, thus vitiating the premise that its action in the first case was unique. On January 27, 1978, a majority of the Commission approved a similar order in *Texas Eastern Transmission Corporation, et al.*⁵ *Texas Eastern*

¹U.S. Senate, Subcommittee on Intergovernmental Relations, *Electric and Gas Utility Rates and Fuel Adjustment Clause Increases*, 1974, Washington, Government Printing Office, 1975; and U.S. House of Representatives, Subcommittee on Oversight and Investigations, *Electric Utility Problems: Fuel Adjustment Clauses*, Washington: Government Printing Office, 1975.

²Order No. 452, Docket No. R-408, issued April 14, 1972. (47 FPC 1049); Order No. 452-A, issued June 13, 1972.

³Order No. 483, Docket No. R-462, issued April 30, 1973. (49 FPC 1054).

⁴*Tennessee Gas Pipeline Co., et al.*, Docket No. CP77-419, et al., issued November 10, 1977.

⁵Docket No. CP77-313, et al., issued January 27, 1978.

is a customer of Consolidated and has an identical arrangement as that between Tennessee and Consolidated.

The Commission, erroneously in my view, could find no distinction between the first and second case. It did not perceive that the disappearance of the premise of uniqueness was a rational basis for distinction and that the preservation of authority was a rational goal to sustain.

Relying on case-by-case analogies, the Commission mistakenly acted upon what can only be called a misunderstood principle of uniformity. The wiser course for the Commission, when it discovered that Tennessee was not unique, would have been to make the following simple statement. "We thought Tennessee was unique, and we were misinformed. It is embarrassing to admit that we were wrong, but we are not going to commit further error. Instead, to maintain the integrity of the regulatory process, we will stop now, and we will deny Texas Eastern the pass-through that it seeks. Texas Eastern will have to propose a method of dealing with this when its next rate case comes before us."

III. THE PRESENT DOCKET AND THE DEFECTS OF THE MAJORITY ORDER

In the present docket, *Algonquin Gas Transmission Company*, Docket No. CP77-337, the Commission has followed a similar course, but I find it wrong.

1. Rate-making on the basis of item-by-item automatic adjustment undermines regulatory control. Rate changes based on changes in one item prevent the Commission from looking beyond the cost of the item being tracked. But while one item may be changing in one direction, another may be changing in the opposite direction. Firms will normally not seek to reflect any cost decreases automatically, but only increases.⁶ With the passage of time, a number of changes can occur which either change or maintain the balance between jurisdictional revenues and allocated cost of service. Without examining the complete picture, the balance may be upset, to the disadvantage of the customer.

The underlying assumption of the majority Order must be, if the order is to have logical coherence, that each cost increase must be reflected by an automatic and full pass through. But this is incorrect.

2. The defects of the present Order, and its predecessors, may be outlined in contrast even to the previous tracking orders as to purchased gas adjustments (PGA's)⁷ and research and de-

⁶"I shall pass over, for the time being, the debated issue as to whether automatic adjustment clauses do, or do not, reduce firms' incentives to reduce costs."

⁷In view of the extraordinary proportion of the end-customer's gas bill that is repre-

velopment charges. The authority of the FPC to institute the adjustment clauses that it did approve was challenged in both cited dockets.

As to the purchased gas adjustments (PGA), the FPC maintained that its authority to permit adjustments of this type "(was) being exercised . . . with adequate safeguards for consumer interests by means of provisions for Commission surveillance and review of PGA clauses and PGA rate changes." In Order No. 452-A, the FPC restated its position, noting that in addition to the surveillance and review procedures, the Commission must approve the PGA clause before it becomes effective.

The theory is that before a PGA is accepted as part of the tariff, the Company must demonstrate that its present annual jurisdictional revenues do not exceed its total jurisdictional cost of service. After 36 months the Company must establish a new base tariff rate by filing an annualized cost of service and revenue comparison in order to retain its PGA (Section 154.38(d)(4)(iv)). The Company is also liable for refunds based on this study. The FPC maintained that it would have a reasonable opportunity to determine whether these expenditures were "reasonably related" to the utility business in rate proceedings and other means of surveillance. The regulation also provides that any rate increase pursuant to R. & D. expenditures "shall be subject to reduction and refund of any portion found after hearing to be unjustified by a final and nonappealable Commission order." (Section 154.38(5)(ii)(e).)

In short, the principles and safeguards that the FPC sought to ensure are absent in the instant Order. Nor is there any refund obligation imposed upon the pipeline.

On the basis of this information, I conclude that it is substantively wrong to grant the authority that Algonquin seeks. It must follow that, in my view, the error is not merely one of policy but of law, and that the rate including the storage "tracker" is not a just and reasonable rate.

3. Not only do I find the result wrong in substance, but also I conclude that the Commission has been wrong procedurally. When the Commission became aware, in the *Texas Eastern* case, that its Tennessee predicate of uniqueness was wrong, it included the following passage in its Order:

If, in fact, these arrangements do proliferate, the Commission would prefer not to deal with them on an ad hoc basis but considers it desirable to consider them gener-

sented by the PGA charges to distributors, one may even believe that we may need a more precise oversight of what charges actually are passed through.

cally so that all of those involved in such arrangements may know what to anticipate from the Commission. To this end the Commission is contemplating the possibility of undertaking a proceeding which might result in the enunciation of a policy or promulgation of a substantive regulation with respect to tracking in these arrangements. (Order at 3).

The same passage was repeated in the majority order in this *Algonquin* docket. However, no follow-up action is indicated in the order, which raises not only the prospect that the Commission is, contrary to protestations, by case-by-case reasoning, establishing new policy. I cannot, of course, have any logical objection to the mere fact of establishing policy through adjudication.⁸

Nor am I endorsing the concept that rulemaking is inherently a superior method of establishing policy.⁹ Nor even, despite some doubts, do I maintain that no consideration should be given to policy change with respect to transportation and storage charges in the natural gas business. I do, however, disagree with the majority's procedure in this docket, and the preceding dockets. The majority is, by making these specific decisions while referring

⁸The proper parameters, forms, and circumstances of adjudicative policy-making are subject to re-examination from time to time, but the fact of such adjudicative policy-making is inherent in the way the American governmental system works. Edward H. Levi, *Introduction to Legal Reasoning*, Chicago: University of Chicago Press, 1948; and, Charles W. Warren, *The Supreme Court in United States History*, Boston: Little, Brown and Company, 1926.

⁹There is much merit to rulemaking, under various circumstances, but we will not gain much if we go off the deep end on the process either. A rulemaking on a significant issue will often entail as much administrative difficulty as a case. Once a rule is established, all the issues of exceptions and deviations will once more arise so that some form of rule interpretation presents itself. The vision of "clear" rules that require no complex fact-gathering evaluation, and interpretation (including subtle or not so subtle distinction) is largely a mirage. This concept underlies, and is well stated in the Levi volume I have cited above, as follows:

... It is important that the mechanism of legal reasoning should not be concealed by its pretense. The pretense is that the law is a system of known rules applied by a judge; the pretense has long been under attack. In an important sense legal rules are never clear, and, if a rule had to be clear before it could be imposed, society would be impossible. The mechanism accepts the differences of view and ambiguities of words. It provides for the participation of the community in resolving the ambiguities of words. It provides for the participation of the community in resolving the ambiguity of providing a forum for the discussion of policy in the gap of ambiguity. On serious controversial questions, it makes it possible to take the first step in the direction of what otherwise would be forbidden ends. The mechanism is indispensable to peace in a community. (P. 1.)

to some "contemplated" rulemaking, actually using Hirschman's "Principle of the Hiding Hand."¹⁰ The Commission is obscuring the new policy from itself and from the world at large. Yet, should it follow out that policy, the inevitable result would be an accretion of cases until the new policy should be fait accompli, with a presumption of legitimacy in its favor.

SUMMARY AND CONCLUSION

The decision in this case adopts a policy that tends to erode the basic requirements of ratemaking. It grants what purports to be cost-recovery without a justification in a rate proceeding of the necessity and precision of that cost recovery. The need for some new procedure, with appropriate verification and safeguards for customers, may be open to consideration. But the majority Order here makes a policy departure with no specific showing of what the necessity is or what the protections are. In that respect, I believe it violates the legal requirements for a just and reasonable rate. The Commission is slipping into the new policy mold, without appropriate justification, against the advice of staff, and disguising the consequences from itself.

One need not be the seventh son of a seventh son to anticipate the result. Every pipeline in the country will have a similar "tracker," with similar procedural defects.¹¹ Nor is it fanciful to foresee the emergence, by analogy, of a variety of "trackers" for other cost elements. This may reduce administrative workload, and it will certainly give companies less backlog of which to complain. What protection it will give customers is more difficult to foresee.

In my view, the majority order risks putting the Commission on the road to regulatory impotence, a road the Commission need not traverse if it will but resist the tyranny of small decisions.

MATTHEW HOLDEN, Jr.,
Commissioner.

[FR Doc. 78-16129 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. CI78-705]

ARAPAHOE PRODUCTION CO. v. PANHANDLE PRODUCING COMPANY, ET AL.

Notice of Application for Relief

JUNE 5, 1978.

Take notice that on April 28, 1978, supplemented May 12, 1978, Arapahoe Production Co. (Arapahoe), P.O. Box 1228, Borger, Tex. 79007, filed an application for relief in the above-captioned docket under the provisions of the Natural Gas Act.

¹⁰Albert O. Hirschman, *Development Projects Observed*, Washington: Brookings Institution, 1967.

¹¹See page 5, paragraph 2.

tioned docket under the provisions of the Natural Gas Act.

Arapahoe states that by contract Panhandle Producing Co., et al. (Panhandle) must pay Arapahoe a base rate of 66.3 cents per Mcf for gas sold in 1975, 67.6 cents per Mcf for gas sold in 1976, 68.9 cents per Mcf for gas sold in 1977, and 70.2 cents per Mcf for gas sold in 1978, subject to adjustment for tax reimbursement and Btu content in accordance with opinion No. 699-H, Arapahoe being entitled under contract and applicable regulatory orders to the maximum price to which exempt small producers are entitled for gas produced from wells drilled prior to January 1, 1973, and being sold pursuant to replacement contracts entered into after January 1, 1975. Arapahoe further states that Panhandle has resisted making such payment and does so on the grounds that the small producer exemption is not available to small producers with respect to developed gas reserves purchased by the small producers from large producers in developed form prior to May 2, 1971.

Arapahoe requests that this Commission enter an order permitting Arapahoe to abandon the sale and service provided that Arapahoe thereafter continue to sell the gas in interstate commerce to a purchaser under terms to be approved by the Commission to be no less favorable than those currently governing the sale; enter an appropriate order to force Panhandle to comply with the terms of the current contract both as to past gas production and as to future gas production; enter a declaratory order to the effect that Arapahoe is entitled to the small producer increment with respect to all gas produced after August 28, 1975; or issue a show cause order to Panhandle as to why the relief requested or such alternative relief as the Commission thinks appropriate, should not be granted.

Any person desiring to be heard or to make any protest with reference to said petition should on or before July 5, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16102 Filed 6-9-78; 8:45 am]

[6740-02]

(Docket No. ER78-396)

ARIZONA PUBLIC SERVICE CO.

Filing of Amendment to Agreement

JUNE 5, 1978.

Take notice that Arizona Public Service Co. (APS), on May 25, 1978, tendered for filing an amendment dated January 25, 1978, to the transmission agreement between Arizona Electric Power Cooperative, Inc. (AEPPO), and APS respectively, previously designated APS-FPC rate schedule No. 62. APS states that this amendment provides for an increase in electric service above the present 5 MW limit in the agreement to 10 MW. This amendment does not involve any change in the rate currently in effect.

AEPPO desires to increase, with APS consenting, the electric service set forth in the original agreement.

APS states that copies of this filing have been mailed to AEPPO and to the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before June 16, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

(FR Doc. 78-16130 Filed 6-9-78; 8:45 am)

[6740-02]

(Docket No. EL78-19)

BLACK HILLS POWER & LIGHT CO.

Declaratory Order

JUNE 2, 1978.

On April 24, 1978, Black Hills Power & Light Co. (petitioner) filed with the Federal Energy Regulatory Commission a petition for declaratory order in the above-entitled docket.

Petitioner states that it is seeking a declaratory order to remove an uncertainty with regard to its ability to participate as lessee of 20 percent of the Wyodak project. The Wyodak project consists of a 340 MW air-cooled gener-

ating plant located near Gillette, Wyo.

Applicant's petition states that in order for applicant to participate as a lessee of 20 percent of the Wyodak project, it is necessary that applicant's cost of payment of the financing lease obligation as defined in the last paragraph of section 4.04 of its 17th supplemental indenture to petitioners indenture of mortgage and deed of trust dated September 1, 1941, may not constitute "funded indebtedness" as defined in section 201 of the applicant's 18th supplemental indenture. Petitioner states:

If petitioner's financing lease obligation constitutes funded indebtedness, the funded indebtedness of petitioner may exceed 65 percent of pro forma "total capitalization of the company" in violation of section 4.04 of the 17th supplemental indenture.

Section 2.01 of petitioner's 18th supplemental indenture amends the term "funded indebtedness" and states:

... Provided, however, That "funded indebtedness" shall not include (1) any financing lease obligation, if the company shall have been specifically permitted by all regulatory authorities having jurisdiction to reflect and include the cost of payment of such obligation in the determination of rates charged by the company to its customers, ...

Petitioner states that it currently has rates on file with the Commission with regard to the transmission and sale of power for resale to Gillette and Upton, Wyo. The rates for such service were most recently approved by Commission order of October 8, 1976, in Docket No. ER76-822. Applicant states that those rates as approved by the Commission reflect and include the cost of petitioner's lease obligation on electric plants which are now leased by petitioner from Rushmore Electric Power Cooperative, Inc.

Petitioner has requested an order of the Commission providing that petitioner's cost of payment of the financing lease obligation (as defined in section 4.04 of the petitioner's 17th supplemental indenture) resulting from the participation of petitioner as a lessee of 20 percent of the Wyodak project will be reflected and included in those rates charged by the petitioner to its customers where the Commission has jurisdiction of those rates.

The Commission finds: Payments under lease agreements are costs which are properly included in a company's cost of service to be considered

¹Pacific Power & Light Co. (PP&L) would have an 80 percent lease interest in the Wyodak project. PP&L and petitioner would severably be liable for 80 percent and 20 percent, respectively, of all rent and other amounts under the lease agreement, and PP&L would be entitled to 80 percent, and the petitioner 20 percent of the facilities' output upon completion.

by the Commission in its determination of rates charged by a company to its customers. The Commission in the determination of rates to be charged by the applicant to its customers will therefore permit the applicant to reflect and include in such rates all such lease payments in the manner and to the extent such costs are shown in a rate proceeding to have been prudently incurred.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

(FR Doc. 78-16103 Filed 6-9-78; 8:45 am)

[6740-02]

(Docket No. ER78-402)

BLACK HILLS POWER & LIGHT CO.

Proposed Tariff Change

JUNE 5, 1978.

Take notice that Black Hills Power and Light Co., on May 30, 1978, tendered for filing proposed changes in its FPC Electric Service Tariff contained in FPC Docket No. ER76-822. Black Hills indicates that the proposed changes would increase revenues from jurisdictional sales and service by \$356,403 based on the 12 month period ending December 31, 1977.

According to Black Hills, the reason for the proposed increase in rates, briefly, is that the existing rate is so low that the company is earning less than one percent rate of return on capital invested to render the municipal wholesale services, which the company believes is unreasonable.

Copies of the filing were served upon the public utility's jurisdictional customers and the Public Service Commission of Wyoming, according to Black Hills.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure. (18 CFR 1.8, 1.10.) All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

(FR Doc. 78-16131 Filed 6-9-78; 8:45 am)

[6740-02]

(Docket No. ER76-709)

CINCINNATI GAS & ELECTRIC CO.

Filing

JUNE 5, 1978.

Take notice that Cincinnati Gas & Electric Co. (CG&E) on May 18, 1978, tendered for filing Rate WS-P, Wholesale Service for Resale, Third Revised Sheet No. 5. CG&E states that this filing has been mutually agreed to by Union Light, Heat and Power Co., the Village of Georgetown, Ohio, the Commission Staff and CG&E.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 16, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

(FR Doc. 78-16104 Filed 6-9-78; 8:45 am)

[6740-02]

(Docket No. EL78-28)

CITY OF HOMESTEAD, FLA. v. FLORIDA POWER & LIGHT CO.

Complaint

JUNE 5, 1978.

Take notice that the city of Homestead, Fla. (complainant) on May 24, 1978, tendered for filing a complaint stating that Florida Power & Light Co. (FP&L) has refused to provide tariff service as required by FP&L's currently effective (SR-1) tariff and its express contract commitments to the complainant. The complainant requests the Commission to issue an order directing that FP&L provide service under the SR-1 tariff and the currently effective PR rate schedule.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before July 5, 1978. Protests will be considered by

the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

(FR Doc. 78-16105 Filed 6-9-78; 8:45 am)

[6740-02]

(Project No. 2446)

COMMONWEALTH EDISON CO.

Application for Approval of Recreation Plan

JUNE 2, 1978.

Public notice is hereby given that an application for approval of an exhibit R (recreation plan) was filed on April 16, 1978, and supplemented August 16, 1978, under the Federal Power Act (16 U.S.C. 791a-825r) by Commonwealth Edison Co. (Correspondence to: Mr. H. H. Nexon, Senior Vice President, Commonwealth Edison Co., Post Office Box 767, Chicago, Ill. 60690) for the constructed Dixon Project, FERC Project No. 2446, located on the Rock River in the city of Dixon, Lee County, Ill.

The recreation plan, filed in accordance with article 30 of the project license, proposes no development of project recreational facilities. The plan indicates that all of the existing recreational areas have been provided by others. The company proposes to not pursue future recreational development at the Dixon Project because the lands bordering the project waters are privately owned and have been developed for industrial, residential, and agriculture purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 12, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4,

1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

KENNETH F. PLUMB,
Secretary.

(FR Doc. 78-16106 Filed 6-9-78; 8:45 am)

[6740-02]

(Docket No. ER78-360)

CONNECTICUT YANKEE ATOMIC POWER CO.

Order Denying Waiver, Granting Interventions and Conditionally Accepting Rate Filings

JUNE 2, 1978.

On May 5, 1978, Connecticut Yankee Atomic Power Co. (Connecticut Yankee) submitted for filing an executed Supplementary Power Contract¹ which results in a rate increase of \$11,283,000 (30 percent) for the twelve month period ending December 31, 1978 (period II), as applied to the eleven sponsor-purchaser electric utilities.² The company requests an effective date of May 1, 1978, seeking a waiver of the notice requirements and asks that any suspension period be limited to one day.

Under Rate Schedule FPC No. 1, the 1964 Power Contract, the eleven owner companies taking shares of the net output of the nuclear plant reimburse Connecticut Yankee for its costs of service in proportion to those shares. The costs of service include a fixed overall return of 6 percent on "Net Unit Investment" consisting of specified components.

As provided in the instant submittal, Connecticut Yankee's charges are supplemented to include an additional payment, which when added to the payment provided in the 1964 Power Contract, results in an overall rate of return of 10 percent per annum on Net Unit Investment. Supplementary Power Contract also modifies "Net

¹Designated as: Connecticut Yankee Atomic Power Co., Supplement No. 1 to FPC No. 1.

²See the following table:

	Ownership and power percentage
The Connecticut Light and Power Co.	25.0
New England Power Co.	15.0
Boston Edison Co.	9.5
Central Maine Power Co.	9.5
The Hartford Electric Light Co.	6.0
The United Illuminating Co.	9.5
Cambridge Electric Light Co.	4.5
Western Massachusetts Electric Co.	9.5
Public Service Co. of New Hampshire	5.0
Montaup Electric Co.	4.5
Central Vermont Public Service Corp.	2.0

Unit Investment" in the Power Contract to include the aggregate amounts properly chargeable to fuel accounts in accordance with the Commission's Uniform System of Accounts, less the balance of the accumulated provision for amortization of the cost of nuclear fuel.

Notice of the filing was issued on May 11, 1978, with comments, protests or petitions to intervene due on or before May 22, 1978. On May 22, 1978, petitions to intervene were filed on behalf of a number of customers by the Resale Customer Group and a petition to intervene was filed by the New England Power Co.³ On May 25, 1978, the New Hampshire Electric Cooperative, Inc., (New Hampshire Electric) filed a petition to intervene out of time. New Hampshire is a resale customer purchasing power and energy at wholesale from both New England Power Co. and Public Service Co. of New Hampshire, both of which own shares in Connecticut Yankee. New Hampshire Electric states that it wishes to be treated procedurally as a member of the Resale Customer Group and asserts that no other party will be adversely affected by approval of its late intervention.

The Resale Customer Group consists of resale customers who purchase power and energy pursuant to either contract demand, all requirements or partial requirements rates and other contracts from Western Massachusetts Electric Co. or other affiliates of the Northeast Utilities Co., which collectively owns 44 percent of the plant and takes that amount of the plant's output; the Cambridge Electric Light Co., which owns 4.5 percent of the plant and takes that amount of the plant's output; and the New England Power Co., which owns 15 percent of the plant and takes a like amount of the plant's output.

Each member of the Resale Customer Group asserts an interest in the outcome of this proceeding and claims that its rights cannot be represented adequately by other parties. Likewise, New Hampshire Electric and New England Power Co. claim separate interests which cannot be represented adequately by other parties.

³The Resale Customer Group consists of the following resale customers: Belmont Municipal Light Department, Belmont, Massachusetts; Chicopee Electric Light Department, Chicopee, Mass.; South Hadley Electric Light Department, South Hadley, Mass.; and Westfield Gas and Electric Light Department, Westfield, Mass.; the NEPCO Customer Rate Committee, representing the twenty-four municipal systems of the Massachusetts towns and cities of Ashburnham, Boylston, Danvers, Georgetown, Groton, Hingham, Holden, Hudson, Hull, Ipswich, Littleton, Mansfield, Marblehead, Merriam, Middleton, North Attleboro, Paxton, Peabody, Princeton, Shrewsbury, Sterling, Templeton, Wakefield and West Boylston.

By telecopier, Connecticut Yankee filed a May 30, 1978 response to the petition to intervene of the Resale Customer Group, claiming that the Resale Customer Group's small indirect interests do not warrant intervention. Connecticut Yankee also opposes a five month suspension.

The Resale Customer Group members object to Connecticut Yankee's request for an increase in its rate of return and to the Company's request for an additional \$543,000 annual increase to reflect the inclusion of nuclear plant decommissioning costs. A full five month suspension is recommended by the Resale Customer Group.

Our review of Connecticut Yankee's proposed rate increase application indicates that the Company has included construction work in progress (CWIP) in rate base without the showing required by Order No. 555 and Section 2.16 of our regulations to substantiate such inclusion.⁴ Under similar facts we have held that summary rejection of the filing would be warranted.⁵ However, in the case at hand we will not reject the company's filing in total. Instead, we will require Connecticut Yankee to refile revised rates and cost of service data reflecting the elimination of CWIP from rate base.⁶

We find that the proposed rates filed by Connecticut Yankee on May 5, 1978 have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed rates for five months and establish hearing procedures.

The Commission finds: (1) Good cause has not been demonstrated to justify waiver of the Commission's notice requirements.

(2) Good cause exists to require Connecticut Yankee to file revised rates and cost of service data based on the exclusion of CWIP from the rate base.

(3) Good cause exists to conditionally accept for filing the proposed rates (to be updated by the requirements of Subsection 1 above) and to suspend those rates for five months until November 5, 1978, when they shall become effective, subject to refund, as hereinafter ordered and conditioned.

(4) It is necessary and proper and in the public interest and to aid in the enforcement of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of Connecticut Yankee's rates as proposed to be revised herein.

(5) Participation by the Resale Customer Group and its member partici-

⁴Order No. 555, Docket No. RM75-13, issued November 8, 1976.

⁵Order issued in Louisiana Power & Light Co., Docket No. ER77-555, November 21, 1977.

⁶See, Order issued in Utah Power & Light Co., Docket No. ER77-311, June 23, 1977.

pants (including New Hampshire Electric) and the New England Power Co. may be in the public interest.

The Commission orders: (A) Connecticut Yankee's request for waiver of the Commission's notice requirements is hereby denied.

(B) Within 30 days of the issuance of this order, Connecticut Yankee shall file revised rates and cost of service data, based on the exclusion of CWIP from rate base.

(C) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, and the Commission's Rules and Regulations, a public hearing shall be held concerning the justness and reasonableness of the rates and charges included in the subject filing of Connecticut Yankee as proposed to be revised herein.

(D) Pending such hearing and decision hereon, the proposed increased rates and charges filed by Connecticut Yankee on May 5, 1978 are hereby conditionally accepted for filing, and suspended for five months, to become effective on November 5, 1978, subject to refund, and subject to the condition that it file revised rates pursuant to paragraph (B) above.

(E) The Resale Customer Group and its individual members (including New Hampshire Electric) and the New England Power Co. are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission: *Provided, however*, that participation shall be limited to matters specifically set forth in the petition to intervene; and *Provided, further*, that the admission of the intervenors shall not be construed as recognition that they might be aggrieved by any order issued in this proceeding.

(F) The Staff shall prepare and serve top sheets on all parties for settlement purposes on or before August 8, 1978 (See Administrative Order No. 157).

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See, Delegation of Authority, 18 CFR § 33.5(d)), shall convene a conference in this proceeding to be held within ten days after the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16107 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ID-1838]

TERRELL C. DRINKWATER

Notice of Application

JUNE 5, 1978.

Take notice that on May 19, 1978, Terrell C. Drinkwater (Applicant), filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, Southern California Edison Co., Public Utility.
Director, Amfac, Inc., Public Utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16097 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket Nos. RP78-12 and RM77-14]

EAST TENNESSEE NATURAL GAS CO.

Notice of Rate Filing

JUNE 1, 1978.

Take notice that on May 17, 1978, East Tennessee Natural Gas Co. (East Tennessee) tendered for filing substitute Twenty-Fifth Revised Sheet No. 4 and Substitute Twenty-Sixth Revised Sheet No. 4 to Sixth Revised Volume No. 1 of its FERC Gas Tariff to be effective May 1, 1978, and June 1, 1978, respectively.

East Tennessee states that the sole purpose of the revised tariff sheets is to include an omission in the tariff sheets previously filed in the above-captioned proceedings to permit East Tennessee to recover for the period May 1, 1978, through June 30, 1978, the Demand Surcharge for Amortizing the Unrecovered Purchased Gas Cost Account which has been approved by the Commission for that period.

East Tennessee states that copies of the filing have been mailed to all its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a peti-

[6740-02]

[Docket No. ER78-395]

FLORIDA POWER & LIGHT CO.

Filing

JUNE 2, 1978.

Take notice that on May 25, 1978, Florida Power & Light Co. (FP&L) tendered for filing a proposed service agreement and exhibit A for the sale of power and energy to the city of Homestead, Fla. under the terms of its FERC Electric Tariff from May 23, 1978 to May 31, 1978.

FP&L states that the commencement of service under its FERC electric tariff on May 23, 1978, was requested by Homestead in letters dated May 4, 1978 and May 19, 1978, and that termination of service occurred after May 31, 1978, in full accord with its notice of cancellation filed on December 1, 1977, in docket No. ER78-81 and the Commission's order issued December 30, 1977, in that proceeding which suspended the effectiveness of that notice of cancellation for 5 months. Therefore, FP&L has requested waiver of the notice provisions of the Commission's regulations in order to permit service to be provided during this period.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16109 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-400]

FLORIDA POWER & LIGHT CO.

Cancellation

JUNE 2, 1978.

Take notice that Florida Power & Light Co. (FP&L) on May 25, 1978, tendered for filing a notice of cancellation of FP&L FERC electric tariff, original volume No. 1 proposed to be effective as of June 1, 1978. Said tariff is for service to the city of Homestead, Fla.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16111 Filed 6-9-78; 8:45 am]

FP&L indicates that the notice of cancellation has been served upon the superintendent of utilities, Homestead, Fla.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16110 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-401]

GEORGIA POWER CO.

Proposed Change in Rate Schedule

JUNE 5, 1978.

Take notice that on May 30, 1978, Georgia Power Co. (Georgia) tendered for filing a proposed change in its interchange contract with Savannah Electric & Power Co. (Savannah). Georgia states that the proposed change in rate schedule does not change the level of the rate at which it and Savannah purchase and sell capacity, and that the proposed change is merely a modification of the amount of capacity Savannah will purchase from Georgia to reflect revised estimates of Savannah's load and generating capability.

Georgia requests waiver of the Commission's notice requirements to allow an effective date of June 1, 1978, to be assigned to the proposed modification since, according to Georgia, both parties have agreed upon that date, and because Savannah requires the revised quantity of capacity effective on that date.

Georgia states that copies of the proposed modification have been mailed to Savannah.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or

before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16134 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ID-1717]

THOMAS A. GRIFFIN, JR.

Application

JUNE 5, 1978.

Take notice that on May 18, 1978, Thomas A. Griffin, Jr. (Applicant), filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director and Executive Vice President, Orange & Rockland Utilities, Inc., public utility.
Director and Executive Vice President, Rockland Electric Co., public utility.
Director and Executive Vice President, Pike County Light & Power Co., public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16098 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ES78-231]

IDAHO POWER CO.

Filing

JUNE 5, 1978.

Take notice that on May 31, 1978, Idaho Power Co. (Applicant), a corporation organized under the laws of the State of Maine, and qualified to transact business in the States of Idaho, Oregon, Nevada, and Wyoming, with

its principal business office at Boise, Idaho, filed an application, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance, via negotiated sale, of up to 1,200,000 shares of its common stock, par value of \$5 per share, said shares to have an aggregate par value of \$6,000,000 and authorizing the issuance of \$60,000,000 of its first mortgage bonds, via competitive bidding.

Applicant states that the net proceeds from the issuance and sale of the common stock and bonds will be applied to the payment of all of the short-term, unsecured promissory notes outstanding and commercial paper (estimated at \$112,500,000) at the time of the sale of the common stock.

Applicant also states that the issuance of the common stock and bonds is a part of Applicant's program for financing its construction expenditures for the period January 1, 1978, through December 31, 1979, which construction expenditures are presently estimated \$255,180,000.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16113 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ES78-411]

IOWA SOUTHERN UTILITIES CO.

Filing

JUNE 5, 1978.

Take notice that on May 22, 1978, Iowa Southern Utilities Co. (Applicant) filed a request for authorization to negotiate for the private placement of up to \$7,500,000 in preferred stock. Applicant states that it will require approximately \$25,000,000 in additional external capital during the period of July 1, 1978 to July 1, 1979, and plans to acquire this sum by the issuance of up to \$7,500,000 of \$30 par value preferred stock and most of the balance by the issuance of long-term debt securities.

[6740-02]

[Docket No. ER78-364]

KANSAS GAS & ELECTRIC CO.

Proposed Tariff Change

JUNE 2, 1978.

Take notice that Kansas Gas & Electric Co. (K.G. & E.) on May 22, 1978, tendered for filing proposed changes in its FPC electric service tariff No. 46. K.G. & E. indicates that the proposed amendment extends the contract maximum load at the No. 3 and No. 7 delivery points of the Butler Rural Electric Cooperative Association, Inc.

K.G. & E. states that the amendment is necessary because the present extension expired April 18, 1978. The amendment is proposed to be effective April 17, 1978, and waiver of the Commission's notice requirements is therefore requested.

Copies of the filing were served upon the Butler Rural Electric Cooperative Association, Inc., according to K.G. & E.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16115 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ID-1840]

FREDERICK G. LARKIN, JR.

Notice of Application

JUNE 5, 1978.

Take notice that on May 19, 1978, Frederick G. Larkin, Jr., filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, Southern California Edison Co., public utility.
Director, Rockwell International Corp., diversified nonutility company.

Any person desiring to be heard or to protest said application should file

a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16133 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ID-1837]

STEPHEN LESKY

Notice of Filing

JUNE 5, 1978.

Take notice that on May 12, 1978, Stephen Lesky (applicant), filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice president, Orange & Rockland Utilities, Inc., public utility.
Vice president, Rockland Electric Co., public utility.
Vice president, Pike County Light & Power Co., public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16142 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ES78-40]

MONTANA-DAKOTA UTILITIES CO.

Notice of Filing

JUNE 5, 1978.

Take notice that on May 22, 1978, Montana-Dakota Utilities Co. (Montana-Dakota) filed a request for authorization to engage in negotiations, for a period of up to 90 days, for the issuance and sale of 100,000 shares of its series preferred stock, par value \$100, pursuant to sections 34.1a(a)(4) and 34.2(f)(2) of the Commission's regulations under the Federal Power Act. The Company requests authorization to negotiate in order to determine whether it would be desirable and in the public interest to submit a formal application for exemption from the Commission's competitive bidding requirements in connection with the issuance and sale of such securities and states that it has not engaged in any negotiations for the issuance of such preferred stock and agrees not to do so except in accordance with the Commission's authorization.

The applicant anticipates that its total capital requirements for 1978 will aggregate \$61,315,000 and that similar figures are anticipated for 1979-1981. In order to maintain a healthy capital structure to finance its continuing construction program, which constitutes a major part of its total capital requirements, the applicant states that common stock will provide the major portion of the equity component of its total capitalization and that the issuance of preferred stock offers additional flexibility. The company believes that the best interests of its customers and its stockholders would be served if the sale of the preferred stock is handled on a negotiated basis.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16117 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. EL78-24]

MUNICIPAL ELECTRIC UTILITIES ASSOCIATION
OF NEW YORK STATE v. POWER AUTHORITY
OF THE STATE OF NEW YORKNotice of Complaint and Petition for
Declaratory Order

JUNE 5, 1978.

Take notice that the Municipal Electric Utilities Association of New York State (complainant) on May 12, 1978, tendered for filing a complaint and a petition for a declaratory order. The complainant requests the Commission make the following declarations and orders:

A. Power Authority of the State of New York (PASNY) is required and ordered to comply with the terms and conditions of its license No. 2216 for the Niagara River project as well as the provisions of the Niagara Power Project Act.

B. PASNY is required and ordered to make available to preference entities at least 50 percent of the power and energy generated at the Niagara power project.

C. PASNY is required and ordered to continue sales to preference customers from the Niagara project until such time as their loads are equal to at least 50 percent of the power and energy generated at the Niagara project.

The complainant respectfully requests that the Commission institute any investigations or hold any hearings for the purpose of receiving testimony or evidence as it deems necessary for the resolution of the above matters.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before July 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16118 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket Nos. RP77-57 and RP76-96]

NATIONAL FUEL GAS SUPPLY CORP.

Order Granting Motion To Consolidate Cases

JUNE 5, 1978.

These two rate increase cases have been assigned to the same administrative law judge and hearings were conducted jointly.

On April 27, 1978, at the conclusion of the hearings, staff made a motion to consolidate the cases. All parties were present and concurred in the motion. On May 1, 1978, the judge certified the motion to the Commission for decision. Since many of the issues are identical in both cases, the judge also recommended consolidation.

The Commission finds: That docket Nos. RP77-57 and RP76-96 should be consolidated.

The Commission orders: That the motion to consolidate is granted.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-16119 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. CP77-156]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Petition To Amend

JUNE 2, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

Take notice that on May 17, Natural Gas Pipeline Co. of America (petitioner), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in docket No. CP77-156 a petition to amend further the order issued June 6, 1977, in the instant docket, pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's general policy and interpretations (18 CFR 2.79) so as to authorize petitioner to extend the term of its transportation arrangement with Nabisco, Inc. (Nabisco), to June 24, 1980, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that on January 28, 1977, it was granted temporary authorization to transport up to 500 Mcf of natural gas per day for up to 60 days for Nabisco, and that the June 6, 1977, order, granted final authorization to render such service in the instant docket. Petitioner indicates that it has agreed to extend the term of the transportation service to June 24, 1980, and that in its petition to amend filed with the Commission on September 12, 1977, which is currently pending Commission action, petitioner requested authorization to extend the term to June 23, 1978, and to increase the quantity from 500 Mcf to 1125 Mcf.

Petitioner further states that Nabisco has purchased from Edwin L. Cox, Sam P. Bennet, and Alfred Lamson (successors in interest to Emerald Exploration), and Dow Chemical Co. a quantity of natural gas estimated to average 900 Mcf per day (at 15.025 psia) to be produced from the Bayou Boullion field in Iberville and St. Martin Parishes, La. Petitioner indicates that pursuant to authorization granted in docket No. CP76-241, et al., Nabisco delivers up to 1124 Mcf of natural gas per day to Transcontinental Gas Pipe Line Corp. (Transco) for redelivery to Public Service Electric & Gas Co. for Nabisco's account, and to Commonwealth Natural Gas Corp. for the account of Nabisco. The ultimate use of such gas is in Nabisco's Fairlawn, N.J., and Richmond, Va., bakeries, it is said. Pursuant to a temporary certificate issued February 11, 1977, Transco is authorized to redirect a portion of Nabisco's gas to Texas Eastern Transmission Corp. for ultimate delivery through local distribution companies to Nabisco's plants in Pittsburgh, Pa., Buffalo and Niagara Falls, N.Y., and Philadelphia, Pa., it is said.

Petitioner states that Transco would deliver gas to petitioner for Nabisco's account, with delivery taking place by displacement at the tailgate of the LaGloria plant in Jim Wells County, Tex., and that petitioner would transport such gas through its Gulf Coast system for delivery to the Peoples Gas Light & Coke Co. (Peoples), a gas distribution utility serving Chicago and a customer of petitioner, at existing delivery points for Nabisco's account. It is said that Nabisco would utilize such gas in its bakery in Chicago, Ill., to offset any curtailment by Peoples.

Petitioner states that it would retain 5 percent of the volumes received for transportation as makeup for compressor fuel and line loss, and that it would continue under the terms of the extended agreement to collect a charge of 30 cents per Mcf (at 14.65 psia) for all quantities of gas transported and delivered to Peoples for Nabisco's account.

Any person desiring to be heard or to make any protests with reference to said petition to amend should on or before June 22, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16120 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. RP78-71]

NATURAL GAS PIPELINE CO. OF AMERICA

Proposed Changes in Rates and Charges

JUNE 5, 1978.

Take notice that on May 31, 1978, Natural Gas Pipeline Co. of America (Natural) tendered for filing proposed changes to the following tariff sheets to its FERC Gas Tariff, Third Revised Volume No. 1 and Second Revised Volume No. 2:

Third Revised Volume No. 1

Thirty-fifth Revised Sheet No. 5.
Tenth Revised Sheet No. 5A.
First Revised Sheet No. 5B.
Fifth Revised Sheet No. 116.
Second Revised Sheet No. 117.
Third Revised Sheet No. 118.
Ninth Revised Sheet No. 119.
Third Revised Sheet No. 120.
Seventh Revised Sheet No. 120-A.
Second Revised Sheet No. 120-B.
Third Revised Sheet No. 121.
First Revised Sheet No. 121-A.
Original Sheet No. 121-B.

Second Revised Volume No. 2

Eleventh Revised Sheet No. 220.
Sixth Revised Sheet No. 270.
Third Revised Sheet No. 407.
Third Revised Sheet No. 433.
Second Revised Sheet No. 653.
Second Revised Sheet No. 668.
Second Revised Sheet No. 695.
Second Revised Sheet No. 744.
Second Revised Sheet No. 816.
Second Revised Sheet No. 1000.
First Revised Sheet No. 1067.
First Revised Sheet No. 1097.

Natural proposes a July 1, 1978 effective date. Natural also tendered for filing changes to the following tariff sheets to be effective January 1, 1978:

Second Revised Volume No. 2.

Second Revised Sheet No. 653.
Second Revised Sheet No. 668.
Second Revised Sheet No. 695.

The proposed tariff sheet changes would produce increased jurisdictional revenues of \$85.2 million above the revenues collected under rates presently in effect subject to refund at Docket No. RP77-78. The subject-to-refund rates used in the calculation of the indicated revenue increase were adjusted to reflect the cumulative PGA unit adjustment (excluding the surcharge for recovery of the Deferred Purchased Gas Cost Balance) effective March 1, 1978.

Natural states that the jurisdictional rates as filed were designed to enable Natural to recover its increased jurisdictional cost of service for the test period which is based on the twelve months ended February 28, 1978, adjusted to include the annualized effect of changes which are known and measurable with reasonable accuracy and which will become effective by November 30, 1978. Natural states that the principal increased costs result from the potential Louisiana first use tax on certain gas produced outside the territorial limits of Louisiana, a proposed increase in overall rate of return to 10.80 percent, which would permit a rate of return to equity of 15.50 percent, a change in depreciation rate to 5.25 percent for production, gathering, storage and onshore transmission property, and 11.4 percent for all offshore property except for Natural's Stingray line which will remain at 5 percent, significant additional charges and increased costs for the transportation of gas by others from offshore and onshore gas supply sources, and the additional federal and state income taxes on fully depreciated tax property still being depreciated for book purposes. Natural has also included tariff revisions necessary to incorporate a Net Transportation Cost Adjustment in its existing Purchased Gas Cost Adjustment provision.

Copies of this filing have been served on the customers of Natural, and interested public bodies.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol NE., Washington, D.C., 20426, in accordance with Section 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Com-

mission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16121 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-398]

NORTHERN STATES POWER CO.

Notice of Supplement No. 1

JUNE 2, 1978.

Take notice that Northern States Power Co., on May 26, 1978 tendered for filing Supplement No. 1, dated May 15, 1978, to the Municipal Resale and Transmission Service Agreement with the City of Sioux Falls, S. Dak.

Waiver of the Commission's notice requirements is requested to allow for an effective date of May 15, 1978.

Supplement No. 1 provides a second Point of Delivery between the parties in the City of Sioux Falls, according to Northern States.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16137 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket Nos. RP71-119, RP74-31-24]

PANHANDLE EASTERN PIPE LINE CO. AND
PANHANDLE EASTERN PIPE LINE CO.
(ANCHOR HOCKING CORP.)

Notice of Petition for Relief

JUNE 5, 1978.

Take notice that on May 22, 1978, Anchor Hocking Corp. (Petitioner) filed a petition pursuant to section 1.7 of the Commission's Rules of Practice and Procedure requesting the Commission to reverse its order of August 31, 1976, in the above captioned dockets insofar as that order required Petitioner to pay back to Panhandle Eastern Pipe Line Co. (Panhandle) gas received as extraordinary relief. Petitioner also requests that the Commission order Panhandle to restore to Petitioner an amount of gas equivalent to the amount that Petitioner previously paid back pursuant to the order of August 31, 1976.

Petitioner states that on August 31, 1976, the Federal Power Commission found that its process use requirements of 790 Mcf of gas per day should be upgraded from Priority 3 under the 467-B curtailment plan to Priority 2 under the curtailment plan prescribed for Panhandle in FPC Opinion No. 754.¹ At the same time, says Petitioner, the Commission enforced an earlier order requiring Petitioner to pay back gas received as extraordinary relief under the 467-B curtailment plan that had been set aside by Opinion No. 754.

Petitioner says that on August 31, 1976, in Docket No. RP71-119, the Commission also ordered Michigan Seamless Tube Co., now Quanex, to pay back gas purchased as extraordinary relief under Panhandle's 467-B curtailment plan even though Quanex would not have needed extraordinary relief if the curtailment plan approved in Opinion No. 754 had been in effect. On December 14, 1977, however, the Commission relieved Quanex of the payback obligations of the August 31, 1976 order and ordered Panhandle to restore to Quanex any gas already paid back. In relieving Quanex of the order to pay back extraordinary relief, the Commission relied on the court's decision in *Hercules Inc., v. Federal Power Commission*, 552 F.2d 74 (3rd Cir. 1977). Petitioner maintains that in all substantive respects its position is the same as that of Quanex and it is therefore entitled to the same relief.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 20, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The notice and petitions for intervention previously filed in Docket Nos. RP71-119, et al., and RP74-31-24 will not operate to make those parties interveners or protestants with respect to the instant petitions. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file

¹Panhandle Eastern Pipe Line Co., Docket No. RP71-119, Opinion No. 754, February 27, 1976.

a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16122 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. CI77-702 and CI78-96]

PENNZOIL LOUISIANA AND TEXAS OFFSHORE CO., INC., AND PENNZOIL OIL AND GAS, INC.

Order Vacating in Part Prior Orders and
Establishing Refund Condition

MAY 26, 1978.

On May 8, 1978 the Commission issued an order in Docket Nos. CI77-702, CI77-703, and CI78-96 rejecting applications for certificates under the optional procedure for including impermissible pricing provisions within their respective contracts. As an alternative to rejection, the Commission, in its May 8, 1978 order offered the applicants an opportunity to continue their applications on file provided each applicant, respectively, agreed to collect its \$2.54 and \$3.30 rates subject to refund with interest. The May 8, 1978 order gave applicants until May 18, 1978 to make their election on the refund condition.

On May 10, 1978 Pennzoil Louisiana and Texas Offshore, Co. (PLATO), Pogo Producing Co. (Pogo), and Pennzoil Oil and Gas, Inc. (POGI) filed a conditional agreement to collect their rates subject to refund, provided that each applicant could pursue its application for rehearing of the May 8, 1978 order and, if necessary, judicial review thereof.

The Commission in a May 17, 1978 order rejected this May 10, 1978 conditional agreement as not comporting with the settlement offered to the applicants, and reiterated that unless a satisfactory election was made by May 18, 1978, the applications were deemed dismissed as of May 5, 1978.

The applicants, on May 18, 1978, filed a Motion For Stay of the May 8, and 17, 1978 orders, in the Court of Appeals for the Fifth Circuit.¹ The Court, on May 18, 1978, entered an order staying Ordering Paragraph (A) of the Commission's May 8, 1978 order until midnight May 26, 1978. Ordering Paragraph (A) states that the applications are deemed rejected effective May 5, 1978 unless the applicants have made a satisfactory election to collect their rates subject to refund by May 18, 1978.

Thereafter, counsel for the Commission, applicants, and intervenors met to discuss procedures that might re-

¹Pennzoil Louisiana and Texas Offshore Co., Inc. et al. v. FERC, 5th Circuit, No. 78-2064.

solve the matters at issue. As a result of these negotiations, applicants, on May 25, 1978, proposed certain procedures to the Commission, which if accepted, would resolve certain matters at issue in the May 8, 1978 order between PLATO and POGI and the Commission. Pogo declined to join PLATO and POGI in the latter's proposal to the Commission, and therefore, this order does not modify the May 8 and 17, orders as far as Pogo is concerned.

The two applicants (PLATO and POGI) propose to amend their respective applications and contracts eliminating therefrom all indefinite pricing provisions which the Commission found objectionable in its May 8, 1978 order, and they agree to collect their fixed rates of \$3.30/Mcf (PLATO) and \$2.54/Mcf (POGI) subject to refund with applicable interest, from May 5, 1978 until July 5, 1979, or until the Commission has issued its order on the merits of their applications (which order is no longer subject to rehearing), whichever first occurs (the "cutoff date").

In return the Commission hereby agrees to vacate those portions of the May 8, and 17 orders that pertain to PLATO and POGI and accepts each company's applications, as set forth in this order. As to Pogo, the May 8 and 17, 1978 orders remain unchanged. PLATO and POGI are authorized to collect \$3.30/Mcf and \$2.54/Mcf, respectively, from May 5, 1978 on all gas presently flowing from the subject 7 offshore Louisiana blocks² subject to refund with interest for all sales made from May 5, 1978 until the aforementioned cutoff date. If the Commission has not issued its order on the merits of these 2 applications (which order is no longer subject to rehearing) by July 5, 1979, then, in that event, PLATO and POGI shall be authorized to collect the fixed rates of \$3.30/Mcf and \$2.54/Mcf, respectively, not subject to refund, from July 5, 1979 until 10 calendar days following the Commission's order on the merits (such order being no longer subject to rehearing).

As gas deliveries commence from other of the 7 subject blocks than are presently producing, PLATO and POGI are authorized to collect their fixed rates of \$3.30/Mcf and \$2.54/Mcf, respectively, for sales of each company's share of the block's reserves subject to refund with interest from the date deliveries commence to the aforementioned cutoff date, and thereafter not subject to refund in accordance with the terms described above.

Refunds, if any are ordered in the Commission's order on the merits,

²The 7 offshore Louisiana blocks are: West Cameron (W.C.) 563, 609, 617, Eugene Island (E.I.) 261, 262, 312, and 333.

shall be measured as the difference between the fixed rates of \$3.30/Mcf and \$2.54/Mcf respectively, and the rate determined to be just and reasonable, or the applicable nationwide rate for gas covered by the 2 applications, as may be established by the Commission or by statute from time to time, whichever is the higher. If the applicants elect to reject, pursuant to 18 CFR § 2.75(n), the final order on the applications tendered by the Commission, applicants agree to refund for the period prior to July 5, 1979, the difference between the fixed rates and the applicable nationwide rate for gas covered by the applications herein as may be established from time to time by the Commission or by statute.

PLATO and POGI expressly agree to refund the computed refund principal, if any is so determined by the Commission's order on the merits, with simple interest computed at 9 percent per annum, to Sea Robin Pipe Line Co. (Sea Robin).

The term "order on the merits" would include not only an order establishing a just and reasonable rate under section 2.75, but also an order dismissing the application, because, for example, the blocks involved did not comprise the type project which qualified under section 2.75 or because of failure diligence to prosecute the application.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 16, and 19 thereof, and the Commission's rules of practice and procedure and the regulations under the Natural Gas Act (18 CFR Chapter I) in effect on May 25, 1978, the Commission hereby vacates those parts of its May 8, and 17, 1978 orders as are applicable to the applications for optional procedure certificates in Docket Nos. CI77-702 (PLATO) and CI78-96 (POGI), except that the interventions granted in Ordering Paragraph (D) of the May 8, 1978 order shall be in no way affected by this Commission order.

(B) The May 8 and 17, 1978 orders, as they relate to the application filed in CI77-703 (Pogo) remain fully effective and unchanged. Pogo's application is deemed rejected effective May 5, 1978 and all sales made by Pogo from May 5 through midnight May 26, 1978 shall be at the applicable nationwide rate. As of 12:01 a.m. CDT May 27, 1978 Pogo has no authority to make sales or deliveries of its gas from any of the offshore Louisiana blocks included in Docket No. CI77-703.

(C) The applications for certificates under the Commission's optional procedure (18 CFR § 2.75) filed in Docket Nos. CI77-702 (PLATO) and CI78-96 (POGI) are accepted for filing in accordance with the provisions of this order.

(D) The applications and their supporting contracts in Docket Nos. CI77-702 and CI 78-96 shall be amended to eliminate the indefinite pricing provisions within 10 days of the issue date of this order. Should the applicants fail to amend their applications and contracts within the time provided, this order will cease to be effective and the pertinent provisions of the May 8, and 17, 1978 orders shall be operative *nunc pro tunc*. All sales and deliveries made on and after May 5, 1978, shall be at the applicable nationwide rate, in the event this order becomes inoperative pursuant to this subsection.

(E) Applicants in CI77-702 and CI78-96 shall collect their respective fixed rates of \$3.30/Mcf and \$2.54/Mcf for all sales made on or after May 5, 1978 until the cutoff date as described herein, subject to refund with simple interest computed at 9 percent per annum. The cutoff date shall be the earlier of: (1) July 5, 1979 or; (2) the date of issuance of a Commission order on the merits of these 2 applications (which order is no longer subject to rehearing). On and after July 5, 1979, if a Commission order on the merits (no longer subject to rehearing) has not been issued in these dockets, until 10 calendar days next following the Commission's order on the merits (no longer subject to rehearing), the applicants shall be authorized to collect their respective fixed rates not subject to refund, whether or not there is a rejection pursuant to 18 CFR § 2.75(n) by the applicants of the certificate tendered by the Commission.

(F) The applicants in CI77-702 and CI78-96 are authorized to collect their respective fixed rates in accordance with this order on and after May 5, 1978 for all gas flowing as of that date and on and after the date of commencement of deliveries from any other of the subject 7 blocks which were not producing as of May 5, 1978.

(G) Refunds, if any are ordered in the Commission's order on the merits (no longer subject to rehearing), shall be measured as the difference between (1) the fixed rate of \$3.30/Mcf or \$2.54/Mcf, as the case may be, and (2) the higher of: (a) the just and reasonable rate determined in these docketed proceedings, by final non-appealable order or (b) the applicable nationwide rate set for gas covered by these 2 applications, as may be established by the Commission or by statute, from time to time. The applicants shall refund any amounts so ordered by the Commission plus simple interest computed at 9 percent per annum to Sea Robin. Subject to all the provisions of this order, if applicants elect to reject pursuant to 18 CFR § 2.75(n), the certificates tendered by the Commission's final order on the merits (no longer subject to rehearing) on the applica-

tions herein, applicants agree to refund with interest the difference between their fixed rates and the applicable nationwide rate for the gas covered by the applications herein, as may from time to time be established by the Commission or by statute.

By the Commission. Commissioner Holden dissenting. Commissioner Hall dissenting.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16283 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-409]

PHILADELPHIA ELECTRIC CO.

Notice of Proposed Tariff Change

JUNE 5, 1978.

Take notice that Philadelphia Electric Co. (PE), on May 31, 1978 tendered for filing proposed changes in its FERC Electric Service Tariff, applicable for service to the Borough of Lansdale. PE indicates that the proposed changes would increase revenues from jurisdictional sales and service by \$914,700 based on the twelve-month period ending December 31, 1978. PE proposes an effective date of July 1, 1978.

Copies of the filing were served upon the Borough of Lansdale and the Pennsylvania Public Utility Commission, according to PE.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16138 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-397]

PUBLIC SERVICE CO. OF OKLAHOMA

Notice of Proposed Rate Schedule Change

JUNE 2, 1978.

Take notice that Public Service Co. of Oklahoma (PSO), on May 25, 1978,

tendered for filing a Letter Agreement dated May 19, 1978 between PSO and Arkansas Power and Light Co. (AP&L) which provides for PSO to transfer 195,000 megawatt-hours of its 286,000 megawatt-hour entitlement for the 1978 summer exchange period. PSO indicates that this entitlement, provided for in the agreement between Tennessee Valley Authority and the Mississippi Power and Light Co., provides for delivery of the allocated diversity capacity and energy within the South Central Electric Co.'s agreement, rate schedule FERC No. 118 with Southwestern Electric Power Co. PSO states that it desires to transfer the energy and accompanying capacity entitlement to reduce its excess reserves in 1978 and AP&L desires to purchase this entitlement for its system requirements in the summer exchange period.

PSO requests waiver of the Commission's notice requirements to allow the proposed sale to become effective as of May 28, 1978.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16139 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-405]

PUGET SOUND POWER & LIGHT CO.

Notice of Proposed Agreement

JUNE 5, 1978.

Take notice that Puget Sound Power & Light Co. (Puget) on May 30, 1978, tendered for filing as a change in rate schedule, FPC Electric Tariff Original Volume No. 3, a Service Agreement dated March 21, 1978, between Puget and the city of Tacoma (Tacoma).

Puget indicates that this Service Agreement is an addition to Service Agreements previously accepted for filing under said FPC Electric Tariff Original Volume No. 3. Puget further indicates that service under FPC Electric Tariff Original Volume No. 3 is

non-firm thermal energy delivered from Puget's thermal resources.

Service to Tacoma commenced on March 21, 1978, to meet a short term generating deficiency on Tacoma's system, and Puget requests waiver of the Commission's notice requirements pursuant to 18 CFR, section 35.11 to allow an effective date of March 21, 1978 for said Agreement.

A copy of the filing has been sent to the city of Tacoma, according to Puget.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16140 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-399]

SAFE HARBOR WATER POWER CORP.

Notice of Proposed Rate Schedule Change

JUNE 5, 1978.

Take notice that Safe Water Harbor Power Corp. on May 30, 1978, tendered for filing proposed changes in its rate schedule FPC No. 8 under which it sells its output to its two customers, Baltimore Gas and Electric Co. and Pennsylvania Power & Light Co. The company states that the proposed changes would increase base rate revenues from jurisdictional sales and service by \$909,465 based upon the 12-month period ending December 31, 1977.

The company states that it has experienced an inadequate rate of return from its hydroelectric operation and that an increase is necessitated by increased financing costs.

The company proposes an effective date of July 1, 1978. Copies of the filing were served upon the public utility's jurisdictional customers named above, according to the company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE.,

Washington, D.C. 20426 in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16141 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ID-1602]

DEAN B. SEIFRIED

Notice of Application

JUNE 5, 1978.

Take notice that on May 18, 1978, Dean B. Seifried (applicant), filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Chairman of the board of directors and chief executive officer, Orange and Rockland Utilities, Inc., public utility.
Chairman of the board of directors and chief executive officer, Rockland Electric Co., public utility.
Chairman of the board of directors and chief executive officer, Pike County Light & Power Co., public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16132 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ID-1839]

H. RUSSELL SMITH

Notice of Application

JUNE 5, 1978.

Take notice that on May 19, 1978, H. Russell Smith (applicant), filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, Southern California Edison Co., public utility.
Director, Beckman Instruments, Inc., manufacturing company.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16112 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ID-1599]

JAMES F. SMITH

Notice of Application

JUNE 5, 1978.

Take notice that on May 17, 1978, James F. Smith (applicant), filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice chairman of the board of directors and chief financial officer, Orange and Rockland Utilities, Inc., public utility.
Vice chairman of the board of directors and chief financial officer, Rockland Electric Co., public utility.
Vice chairman of the board of directors and chief financial officer, Pike County Light & Power Co., public utility.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or

before June 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16136 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-411]

TAMPA ELECTRIC CO.

Notice of Filing

JUNE 5, 1978.

Take notice that on May 31, 1978, Tampa Electric Co. (Tampa) tendered for filing a contract for economy interchange service between Lake Worth Utilities Authority and Tampa. Tampa asks that the contract be permitted to become effective on June 1, 1978, so that economy interchange transactions between Tampa and Lake Worth may be initiated as soon as possible. Tampa requests waiver of the Commission's notice requirements to allow for such effective date.

Copies of the filing were served upon Lake Worth and the Florida Public Service Commission, according to Tampa.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16143 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-412]

TAMPA ELECTRIC CO.

Notice of Filing

JUNE 5, 1978.

Take notice that on May 31, 1978, Tampa Electric Co. (Tampa) tendered

for filing a contract for economy interchange service between Homestead Municipal Electric Department and Tampa. Tampa asks that the contract be permitted to become effective on June 1, 1978, so that economy interchange transactions between Tampa and Homestead may be initiated as soon as possible. Tampa requests waiver of the Commission's notice requirements to allow for such effective date.

Copies of the filing were served upon Homestead and the Florida Public Service Commission, according to Tampa.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the requirements of sections 1.8 and 1.10. All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party should file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16095 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ER78-413]

TAMPA ELECTRIC CO.

Notice of Filing

JUNE 5, 1978.

Take notice that on May 31, 1978, Tampa Electric Co. (Tampa) tendered for filing a contract for economy interchange service between Orlando Utilities Commission and Tampa. Tampa asks that the Contract be permitted to become effective on June 1, 1978, so that economy interchange transactions between Tampa and Orlando may be initiated as soon as possible. Tampa requests waiver of the Commission's notice requirements to allow for such effective date.

Copies of the filing were served upon Orlando and the Florida Public Service Commission, according to Tampa.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1978. Protests will be

considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party should file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16096 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. RP78-99]

TENNESSEE NATURAL GAS LINES, INC.

Notice of Informal Settlement Conference

JUNE 2, 1978.

Take notice that on June 8, 1978, at 10 a.m. an informal conference will be convened of all interested parties to discuss a stipulation that is required to be submitted under ordering paragraphs (B), (C), and (D) of Opinion No. 8, issued February 21, 1978, in this proceeding. The conference will be held in a hearing room at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention as a party in this proceeding.

All parties will be expected to come fully prepared to discuss the merits of all issues arising in this proceeding and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16123 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. CP78-324]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Erratum Notice

Application

JUNE 2, 1978.

Page 1, caption: Change "CP78-334" to read "CP78-324". Page 1, line 3: Change "CP78-334" to read "CP78-324".

¹ See 43 FR 23646, May 31, 1978, FR Doc. 78-14979.

Issued May 23, 1978.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16124 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. RP77-108]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Settlement Conference

JUNE 2, 1978.

Take notice that on June 12, 1978, at 11 a.m. an informal conference will be convened of all interested persons with a view towards settling the issues in the captioned proceeding. The conference will be held in a hearing room at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention as a party in this proceeding.

All parties will be expected to come fully prepared to discuss the merits of all issues arising in this proceeding and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16125 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. RP77-107]

UNITED GAS PIPE LINE CO.

Notice of Settlement Conference

JUNE 2, 1978.

Take notice that on June 13, 1978, at 10 a.m. an informal conference will be convened of all interested persons with a view towards settling the issues in the captioned proceeding. The conference will be held in a hearing room at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, attendance will not be deemed to authorize intervention as a party in this proceeding.

All parties will be expected to come fully prepared to discuss the merits of all issues arising in this proceeding and any procedural matters preparatory to a full evidentiary hearing or to make commitments with respect to such issues and any offers of settle-

ment or stipulations discussed at the conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16126 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ES78-37]

UPPER PENINSULA POWER CO.

Application by Upper Peninsula Power Co. for Authorization To Issue Securities Under Section 204(a)

JUNE 5, 1978.

Take notice that on May 23, 1978, Upper Peninsula Power Co. (Applicant) filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to section 204(a) of the Federal Power Act, to issue short-term notes of an aggregate principal amount of up to \$11,000,000.

The Applicant is incorporated under the laws of the State of Michigan, with its principal business office at Houghton, Mich. The Applicant is engaged in the electric utility business in a 4,460 square mile area in the upper peninsula of Michigan with a population of approximately 140,000.

The Applicant has proposed to issue unsecured promissory notes of a principal amount of up to \$11,000,000 outstanding at any one time, payable to such bank or banks from which the Applicant may borrow, for periods not exceeding 12 months from the date of original issuance, extension, or renewal. The notes will be issued on or before June 30, 1979, and will have a final maturity date not later than June 30, 1980. The interest rate on such notes will not exceed 120 percent of the prevailing prime commercial rate in effect from time to time. The notes will not be subject to resale to the public.

The proceeds from the sale of the notes will be used, pending permanent financing, to finance the continuation of the Applicant's construction program and the purchase of fuel supplies through June 30, 1979.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 16, 1978.

Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on

file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16127 Filed 6-9-78; 8:45 am]

[6740-02]

[Docket No. ES78-38]

UPPER PENINSULA GENERATING CO.

Application by Upper Peninsula Generating Co. for Authorization To Issue Securities Under Section 204(a)

JUNE 5, 1978.

Take notice that on May 23, 1978, Upper Peninsula Generating Co. (Applicant) filed an application with the Federal Energy Regulatory Commission seeking authority, pursuant to section 204(a) of the Federal Power Act, to issue short-term notes and bankers' acceptances of an aggregate principal amount of up to \$40,000,000.

The Applicant is incorporated under the laws of the State of Michigan, with its principal business office at Houghton, Mich. The Applicant is engaged in generation and transmission of electric energy for sale to its owners, Upper Peninsula Power Co. and Cliffs Electric Service Co.

The Applicant has proposed to issue unsecured promissory notes and bankers' acceptances of a principal amount of up to \$40,000,000 outstanding at any one time, payable to such bank or banks from which the Applicant may borrow, for periods not exceeding 12 months from the date of original issuance, extension or renewal. The notes and bankers' acceptances will be issued on or before July 1, 1979, and will have a final maturity date not later than July 1, 1980. The interest rate on such notes and bankers' acceptances will not exceed 120 percent of the prime rate in effect at the time of issue. The notes and bankers' acceptances will not be subject to resale to the public.

The notes and bankers' acceptances proposed to be issued would be in addition to short-term notes of an aggregate principal amount not exceeding \$30,000,000 at any one time, which the Applicant may issue under a revolving credit agreement authorized by the Commission in docket No. E-9461.

The proceeds from the sale of the notes and bankers' acceptances will be used for the purchase of coal supplies through July 1, 1980.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should

be filed on or before June 16, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16128 Filed 6-9-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS
COMMISSION

[Report No. I-473]

COMMON CARRIER SERVICES INFORMATION

International and Satellite Radio Applications
Accepted for Filing

JUNE 5, 1978.

The Applications listed herein have been found, upon initial review, to be Acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1). Effective March 6, 1978, all applications accepted for filing will be assigned Call Signs. However these assignments are for administrative purposes only and do not in any way prejudice Commission actions.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

SATELLITE COMMUNICATIONS SERVICES

309-CSG-R-78 Communications Satellite Corp. (WA20), Andover, Maine. Renewal of this stations license, which includes ANDOVER 3, until: June 30, 1979.
654-DSE-AL-78 Don Corbitt, d.b.a. Cobre Valley Cablevision (KF94), Globa, Ariz. Application for consent to assignment of license from Cobre Valley Cablevision to Cablecom-General, Inc.

[FR Doc. 78-16182 Filed 6-9-78; 8:45 am]

[6720-01]

FEDERAL HOME LOAN BANK BOARD

[No. AC-49]

FIRST FEDERAL SAVINGS AND LOAN
ASSOCIATION OF SUFFOLK, VA.

Notice of Approval of Conversion Application
Notice of Final Action

JUNE 7, 1978.

Notice is hereby given that on May 18, 1978, the Federal Home Loan Bank

Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 78-310 approved the application of First Federal Savings and Loan Association of Suffolk, Suffolk, Va. for permission to convert to a Virginia stock association. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 1700 G Street NW., Washington, D.C. 20552, and the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, 260 Peachtree Station NW., Atlanta, Ga. 30343.

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 78-16186 Filed 6-9-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

O'CONNELL DISTRIBUTING CO., INC.

Notice of Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; Chicago, Ill.; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 3, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreements Nos.: T-2966-2, T-2966-A-1 and T-2966-B-1.

Filing Party: Mr. J. L. Haskell, acting municipal port director, 500 North Harbor Drive, Milwaukee, Wis. 53202.

Summary: O'Connell, Distributing Co., Inc., (ODC) and the Domtar Industries, Inc., (Domtar) have filed a single document amending Agreements Nos. T-2966, T-2966-A and T-2966-B. The document provides for ODC's assignment of its right, title and interest in the following agreements: (1) Agreement No. T-2966, as amended, which provides for the lease of a port terminal facility designated as Municipal Bulk Terminal No. 1; (2) Agreement No. T-2966-A which provides for the lease of Jones Island Dock and property containing approximately 4.004 acres; and (3) Agreement No. T-2966-B which provides for the lease of 1.13 acres of land located south of east Bay Street. The City of Milwaukee consents and approves of the assignment by ODC to Domtar. The modification bears the numbers FMC Nos. T-2966-2, T-2966-A-1 and T-2966-B-1, respectively.

Agreements Nos.: T-2966-3 and T-2966-B-2.

Filing Party: Mr. J. L. Haskell, acting municipal port director, 500 North Harbor Drive, Milwaukee, Wis. 53202.

Summary: City of Milwaukee (City) and Domtar Industries, Inc., (Domtar) have filed a single document amending Agreements Nos. T-2966 and T-2966-B. The agreement modifies Agreement No. T-2966 between the parties which provides for the lease of Municipal Terminal No. 1. The purpose of the agreement is as follows: (1) provide for the relocation of Domtar in the event City determines to introduce, on Municipal Terminal No. 1, a competitive stevedoring business handling breakbulk cargo and containers; (2) increase minimum guaranteed annual rental to \$25,000 payable in equal monthly installments of \$2,083.34; (3) delete paragraph 4 of the basic agreement providing for Domtar to furnish a cash deposit, negotiable securities or letter of credit with respect to the payment of rent; and (4) increase the load limitation to 750 pounds per square foot. In addition, the agreement modifies Agreement No. T-2966-B which provides for the lease of 1.13 acres of land located south of East Bay Street. The purpose of the modification is to: (1) increase the monthly rental to \$489.76; and (2) convert the month-to-month lease to a lease which expires May 31, 1980. The modification bears the numbers FMC Nos. T-2966-3 and T-2966-B-2, respectively.

Agreement No. T-3014.

Filing party: Mr. Karl B. Eckhardt, Jr., vice President, general Manager, Atlantic division, Prudential Lines, Inc., One World Trade Center, Suite 3601, New York, N.Y. 10048.

Summary: Agreement No. T-3014, between Compania Anonima Venezolana De Navegacion (CAVN), Compania Peruana De Vapores (CPV) and Prudential Lines, Inc. (Prudential), provides for the sharing on a tonnage basis, of a leasehold expenses (including rent) of Pier 1, Brooklyn, N.Y., under a joint lease with the Port Authority of New York and New Jersey (known as F.M.C. Agreement No. T-3658), and the sharing, on the same basis, of any revenues from use of the pier by others. Universal Marine Service Corp. will provide stevedoring at the Pier under separate contract with Prudential, CAVN and CPV. CAVN will administer the various affairs related to the joint terminal lease by the parties as the representative for the parties.

Agreement No. T-3658.

Filing Party: Albert B. Dearden, deputy chief, leases and operating agreements division, The Port Authority of New York and New Jersey, One World Trade Center, New York, N.Y. 10048.

Summary: Agreement No. T-3658, between the Port Authority of New York and New Jersey (Port) and Prudential Lines, Inc., C.A. Venezolana de Navegacion and Compania Peruana de Vapores (collectively called "the Lines"), provides for the month-to-month lease of Pier 1 at the Brooklyn Port Authority Marine Terminal, New York, N.Y., for use by the Lines as a public marine terminal facility. As compensation, the Lines will pay the Port the greater of \$2 multiplied by the revenue tons handled at the facility, or \$327,750 per annum, not to exceed a maximum annual payment of \$655,500. The Lines will be subject to all Port rules and regulations, including tariffs, and will have the exclusive right to collect warpage and dockage from all vessels calling at the facility.

Agreement No. T-3659.

Filing Party: Mr. Richard L. Landes, deputy city attorney, City Hall, 333 West Ocean Boulevard, Long Beach, Calif. 90802.

Summary: Agreement No. T-3659, between City of Long Beach and Marine Terminals Corporation (MTC), provides for the five-year lease of approximately 70,270 square feet together with an office building and a garage and gear storage building located in the Harbor District of Long Beach, Calif. The premises will be used for the storage and maintenance of stevedoring equipment, for vehicular parking, for the operation of an office, and for other purposes incidental to MTC's stevedoring, container freight station and terminal operations business. As compensation, MTC will pay \$3,640 per month as rental plus utility charges. Upon approval, Agreement No. T-3659 will supersede Agreement No. T-2783.

Agreement No. 2846-37.

Filing Party: David C. Jordan, Esq., Billig, Sher & Jones, P.C., 2033 K Street NW., Washington, D.C. 20006.

Summary: Agreement No. 2846-37 would amend Article 24 of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference Agreement (WINAC) to (1) provide that conference expenses shall be allocated among the member lines as they shall by a four-fifths vote determine, and (2) increase the dual deposit for current conference expenses required of member lines from 500,000 Italian lire and four hundred dollars (\$400) to, respectively, three-million Italian lire and three thousand four hundred dollars (\$3,400).

Agreement No. 8900-9.

Filing Party: John R. Attanasio, Esq., billig, Sher & Jones, P.C., Suite 300, 2033 K Street NW., Washington, D.C. 20006.

Summary: Agreement No. 8900-9 would expand the scope of the "8900" Lines Rate Agreement to provide for the movement of cargo under through bills of lading to interior points in Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates. In addition, the instant agreement provides that the parties may (1) enter into arrangements with inland carriers; (2) agree on rates, rules, charges, classifications, practices, etc., or any other matter ancillary to the transportation and handling of intermodal shipments; and (3) individually alter any rate, rule, charge, etc. agreed upon with respect to the movement of cargo to inland points on 48 hours' notice to the other parties.

By Order of the Federal Maritime Commission.

Dated: June 7, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-16200 Filed 6-9-78; 8:45 am]

[6730-01]

SECURITY FOR THE PROTECTION OF THE PUBLIC; FINANCIAL RESPONSIBILITY TO MEET LIABILITY INCURRED FOR DEATH OR INJURY TO PASSENGERS OR OTHER PERSONS ON VOYAGES

Issuance of Certificate

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of Section 2, Pub. L. 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

Delta Steamship Lines, Inc., 1700 International Trade Mart, New Orleans, La. 70150.

Dated: June 7, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-16198 Filed 6-9-78; 8:45 am]

[6730-01]

SECURITY FOR THE PROTECTION OF THE PUBLIC; INDEMNIFICATION OF PASSENGERS FOR NONPERFORMANCE OF TRANSPORTATION

Issuance of Certificate

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Pub. L. 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Delta Steamship Lines, Inc., 1700 International Trade Mart, New Orleans, La. 70150.

Dated: June 7, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-16199 Filed 6-9-78; 8:45 am]

[1505-01]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Tar and Nicotine Content

Correction

In FR Doc. 78-14547 appearing at page 22768 of the issue of Friday, May 26, 1978, at page 22770 under the brand name "Vantage", the second listing for "King size, filter" should read "King size, filter, menthol" and the listing for "100 mm, filter, menthol" should read "100 mm, filter".

[6820-24]

GENERAL SERVICES ADMINISTRATION

[Intervention Notice 66; Docket No. ER-78-337]

FEDERAL ENERGY REGULATORY PROCEEDING, PUBLIC SERVICE COMPANY OF NEW MEXICO

Proposed Intervention in Utility Rate Proceeding

The Administrator of General Services seeks to intervene in a proceeding before the Federal Energy Regulatory Commission involving an application of Public Service Company of New Mexico for an increase in rates charged for wholesale electric service. The Administrator of General Services represents the interests of the executive agencies of the United States Government as consumers of electricity services.

Persons desiring to make inquiries of GSA concerning this case should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, telephone 202-566-0726, on or before July 12, 1978, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act (40 U.S.C. 481(a)(4)).)

Dated: May 31, 1978.

JAY SOLOMON,
Administrator of
General Services.

[FR Doc. 78-16089 Filed 6-9-78; 8:45 am]

[6820-24]

[Intervention Notice; Docket No. 78-03514]

UTAH PUBLIC SERVICE COMMISSION, UTAH POWER & LIGHT CO.

Proposed Intervention in Utility Rate Proceeding

The Administrator of General Services seeks to intervene in a proceeding before the Utah Public Service Commission involving an application of the Utah Power & Light Co. for an increase in rates charged for intrastate electric service. The Administrator of General Services represents the interests of the executive agencies of the United States Government as consumers of electric utility services.

Persons desiring to make inquiries of GSA concerning this case should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, telephone 202-566-0726, on or before July 12, 1978, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act, (40 U.S.C. 481(a)(4)).)

Dated: May 31, 1978.

JAY SOLOMON,
Administrator of
General Services.

[FR Doc. 78-16090 Filed 6-9-78; 8:45 am]

[4110-12]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

Part S (Social Security Administration) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare, 33 FR 5836-5837, dated April 16, 1968, as amended, including as pertinent here, the additional amendments made by 38 FR 15648, dated June 14, 1973; 38 FR 32828, dated November 28, 1973; 39 FR 37796, dated October 24, 1974; 40 FR 42233, dated September 11, 1975; and 41 FR 52724 dated December 1, 1976, is hereby further amended to add the following subsection at the end of the section on Delegations of Authority to the Commissioner of Social Security:

Authority vested in the Secretary under section 405 of Pub. L. 95-216, enacted on De-

cember 20, 1977, which authorizes and directs the Secretary to pay States amounts equal to the amounts expended by States for erroneous supplementary payments to aged, blind or disabled individuals where it has been determined, through an audit by the Department of Health, Education, and Welfare, which has been reviewed and concurred in by the Department's Inspector General, that: such erroneous State payments were paid during calendar year 1974, pursuant to an agreement with the particular State under section 212(a) of Pub. L. 93-66, or paid by that State as an optional State supplementation, as defined in section 1616 of the Social Security Act; such payments were made as a result of the State's good faith reliance on erroneous or incomplete information supplied by the Department of Health, Education, and Welfare through the State data exchange, or good faith reliance on incorrect supplemental security income benefit payments; and recovery of such State payments would be impossible or unreasonable.

This delegation is effective as of the date that this General Notice thereof is published in the FEDERAL REGISTER (June 12, 1978). The Commissioner or Acting Commissioner of Social Security may redelegate this authority. Any actions taken prior to the date that notice of this delegation is published in the FEDERAL REGISTER, by the Commissioner, the Acting Commissioner, or any other properly authorized SSA official which, in effect, involve the exercise of authority formally delegated by this document, are hereby affirmed and ratified.

Dated: May 29, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education,
and Welfare.

[FR Doc. 78-16148 Filed 6-9-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-78-878]

PROPOSED NEW SYSTEMS OF RECORDS

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of proposed new systems of records.

SUMMARY: As required by law (5 U.S.C. 552a), the Secretary is publishing for comment three new systems of records that are maintained by the Department. The proposed new records systems are: (1) "Executive Personnel Files" consisting of skills and attributes data pertaining to executive staff, (2) "Telephone Numbers of HUD Officials" consisting of names, titles, and home phone numbers of executive officials, and (3) "Adverse and Disciplinary Actions and Employee Grievance Records" consisting of records affecting individual employees.

EFFECTIVE DATE: These systems shall become effective as proposed without further notice on July 12, 1978, unless comments are received on or before July 12, 1978, which would result in a contrary determination.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold Rosenthal, Departmental Privacy Act Officer, 202-755-5192.

SUPPLEMENTARY INFORMATION: Reports describing these new systems are being filed, concurrently with this publication, with the Speaker of the House, the president of the Senate, and the Office of Management and Budget. The Department requested a waiver of the Office of Management and Budget 60-day advanced notice requirement because these systems existed prior to September 27, 1975. A notice for each of these systems was omitted from the original notices published on August 28, 1975, at 40 FR 29729, due to administrative oversight and suspending operation of these systems would adversely affect the public interest.

The prefatory statement containing general routine uses applicable to all of the Department's systems of records was published at 42 FR 54756 (October 7, 1977). Appendix A which lists the addresses of HUD's field offices was published at 42 FR 54777 (October 7, 1977).

It is hereby certified that the economic impact of this proposed notice has been carefully evaluated in accordance with OMB Circular A-107.

HUD/DEPT-55

System name:

Executive Personnel Files.

System location:

Headquarters office.

Categories of individuals covered by the system:

Executive employees, namely, executive levels, supergrades, schedule C's, experts and consultants, field office directors, and high potential senior level employees.

Categories of records in the system:

Data pertaining to experience, training, education, achievements, personal activities, potential and career objectives, and evaluation of these skills and attributes.

Routine uses of records maintained in the system, including categories of users and purposes of such uses:

See routine uses paragraph in prefatory statement. Other routine uses; to former employers, education, institutions, and references for information verification.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.

Storage:

Paper records in file cabinets.

Retrievability:

Name of applicant or HUD organization.

Safeguards:

Records are maintained in lockable file cabinets with access limited to authorized personnel.

Retention and disposal:

Retained during active status and then disposed, usually 3 years.

System manager and address:

Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Notification procedure:

For information, assistance, or inquiry about the existence of records, contact the Privacy Act officer at the headquarters location, in accordance with 24 CFR Part 16. This location is given in appendix A.

Record access procedure:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act officer at the headquarters location. This location is given in appendix A.

Contesting record procedures:

The Department's rules for contesting the contents of records and appealing initial denials, by the individuals concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act officer at the headquarters location. This location is given in appendix A. (ii) In relation to appeals of initial denials, the HUD departmental privacy appeals officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Record source categories:

Subject individuals, former employers and references.

HUD/DEPT-56

System name:

Telephone Numbers of HUD Officials.

System location:

Headquarters office.

Categories of individuals covered by the system:

HUD senior staff officials.

Categories of records covered by the system:

Name, title, and home phone number.

Routine uses of records maintained in the system, including categories of users and purposes of such uses:

See routine uses paragraph in prefatory statement. Other routine uses; Executive Office of the President for identification and communication with key staff.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Bookcase of Director, Office of Executive Secretariat.

Retrievability:

Office, name, and title.

Safeguards:

Records are maintained in lockable room with access limited to authorized personnel.

Retention and disposal:

Records are revised as personnel and telephone numbers change. When records are revised, older records are destroyed.

System manager and address:

Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Notification procedure:

For information, assistance, or inquiry about the existence of records, contact the Privacy Act officer at the headquarters location, in accordance with 24 CFR Part 16. This location is given in appendix A.

Record access procedure:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act officer at the headquarters location. This location is given in appendix A.

Contesting record procedures:

The Department's rules for contesting the contents of records and appealing initial denials, by the individuals concerned, appear in 24 CFR Part 16. If additional information or assistance is needed it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act

officer at the headquarters location. This location is given in appendix A; (ii) in relation to appeals of initial denials, the HUD departmental privacy appeals officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Record source categories:

Subject individuals.

HUD/DEPT-57

System name:

Adverse and Disciplinary Action and Employee Grievance Records.

System location:

Many regional, area, and insuring offices, as well as the headquarters office, maintain files of this type. For a complete listing of these offices, with addresses, see appendix A.

Categories of individuals covered by the system:

Present and former HUD employees.

Categories of records in the system:

Records contain information or documents relating to a decision or determination made by HUD affecting an individual. Records include classification appeals, performance grievance files, adverse action files, and negative determinations in acceptable level of competence (denial of within-grade increases).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See routine uses paragraphs in prefatory statement. Other routine uses: to non-HUD grievance examiners to adjudicate employee grievances; to Civil Service Commission to adjudicate appeals.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

File folders.

Retrievability:

Name of subject.

Safeguards:

Files are maintained in lockable file cabinets and desks with access limited to authorized persons.

Retention and disposal:

Adverse action files retained for 4 years after case is closed and then destroyed; grievance files retained for 3 years after case is closed unless case goes to arbitration and therefore retained for 5 years after case is closed.

System manager and address:

Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Notification procedure:

For information, assistance, or inquiry about existence of records, contact the Privacy Act officer at the appropriate location, in accordance with 24 CFR Part 16. A list of all locations is given in appendix A.

Record access procedures:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR Part 16. If additional information or assistance is required, contact the Privacy Act officer at the appropriate location. A list of all locations is given in appendix A.

Contesting record procedures:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR Part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) in relation to contesting contents of records, the Privacy Act officer at the appropriate location. A list of all locations is given in appendix A; (ii) in relations to appeals of initial denials, the HUD departmental privacy appeals officer, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Record source categories:

Subject individual, supervisors, other HUD officials, HUD investigation files and pay and leave records of employees, and Civil Service Commission.

(5 U.S.C. 552a, 88 Stat. 1896; sec. 7(d) Department of HUD Act (42 U.S.C. 3535 (d)).)

Issued at Washington, D.C., May 26, 1978.

PATRICIA ROBERTS HARRIS,
Secretary of Housing
and Urban Development.

[FR Doc. 78-16197 Filed 6-9-78; 8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

THREATENED SPECIES PERMIT

Receipt of Application

The applicants listed below wish to apply for Captive Self-Sustaining Population permits authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR

17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

These applications and supporting documents are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240. Interested persons may comment on these applications on or before July 12, 1978 by submitting written data, views, or arguments to the Director at the above address.

Clifford M. Elbert, 12520 Kent Kangley Road, Kent, Wash. 98031, PRT 2-2537.
Applicant: W. Grady Fort II, 17191 Hillwood Drive, Yorba Linda, Calif. 92686, PRT 2-2533.

Please refer to the individual applicant and the appropriately assigned PRT 2- file number when submitting comments.

Dated: June 7, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.
[FR Doc. 78-16172 Filed 6-9-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: National Zoological Park, Washington, D.C. 20008.

The applicant requests a permit to take (capture) 4-6 female prairie dogs (*Cynomys parvidens*) in Utah with the assistance of the Utah Division of Wildlife Resources, for enhancement of propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2539. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before July 12, 1978. Please refer to the file number when submitting comments.

Dated: June 7, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.
[FR Doc. 78-16174 Filed 6-9-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: B. Riley McClelland, School of Forestry, University of Montana, Missoula, Mont. 59812.

The applicant requests a permit to take (capture) bald eagles (*Haliaeetus leucocephalus*) for banding and marking in Glacier National Park.

Document and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2552. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before July 12, 1978. Please refer to the file number when submitting comments.

Dated: June 7, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.
[FR Doc. 78-16175 Filed 6-9-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Applicant: Winston Paul Smith, Department of Fisheries and Wildlife, Nash Hall, Corvallis, Ore. 97331.

The applicant requests a permit to take (capture) and salvage Columbian white-tailed deer (*Odocoileus virginianus leucurus*) for scientific research in Douglas County, Ore. Deer will be captured using box traps or immobilizing drugs in order to take measurements and mark with observation and/or radio collars.

Document and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2551. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before July 12, 1978. Please refer to the file number when submitting comments.

Dated: June 7, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.
[FR Doc. 78-16173 Filed 6-9-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[TA-201-34]

CERTAIN FISHING TACKLE

Change of Hearing Date and Notice of Hearing Time and Site

Notice is hereby given that the date for the public hearing in the Commission's Investigation No. TA-201-34, Certain Fishing Tackle, an investigation under section 201(b) of the Trade Act of 1974 (19 U.S.C. 2251(b)), previously announced by public notice in the FEDERAL REGISTER of April 4, 1978 (43 FR 14156), as beginning on Tuesday, June 13, 1978, has been changed to Tuesday, June 27, 1978.

The public hearing will commence at 9:30 a.m., C.D.T. in Chicago, Ill., in Room 3619 of the Federal Building, 230 South Dearborn Street. Requests for appearances at the hearing should be received in writing by the Secretary of the Commission at his office at 701 E Street NW., Washington, D.C. 20436, not later than noon of Thursday, June 22, 1978.

Inspection of the petition. The petition filed in this matter is available for public inspection at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and at the New York City office of the U.S. International Trade Commission located at 6 World Trade Center.

By order of the Commission.

Issued: June 7, 1978.

KENNETH R. MASON,
Secretary.
[FR Doc. 78-16213 Filed 6-9-78; 8:45 am]

[7020-02]

[Investigation No. 337-TA-44]

CERTAIN ROLLER UNITS

Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference will be held in connection with the above-styled investigation at 10 a.m. on June 21, 1978, in the Hearing Room of the Administrative Law Judge, Room 610, Bicentennial Building, 600 E Street NW., Washington, D.C. On or before June 15, 1978, the parties will have completed service of prehearing conference statements by order of the Presiding Officer. The purpose of this prehearing conference is to review such statements, complete the exchange of exhibits, and resolve any other necessary matters in preparation for the hearing.

Notice is also given that the hearing in this proceeding will commence at 10

a.m. on June 27, 1978, in the Hearing Room of the Administrative Law Judge, Room 610, Bicentennial Building, 600 E Street NW., Washington, D.C., and will continue daily until completed.

The Secretary shall serve a copy of this Notice upon all parties of record, and shall publish this notice in the FEDERAL REGISTER.

Issued June 2, 1978.

JUDGE DONALD K. DUVAL,
Presiding Officer.

[FR Doc. 78-16214 Filed 6-9-78; 8:45 am]

[7537-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

THEATRE ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Theatre Advisory Panel to the National Council on the Arts will be held June 23, 1978, from 9:30 a.m. to 5:30 p.m.; June 24, 1978, from 9:30 a.m. to 5:30 p.m.; and June 25, 1978, from 9:30 a.m. to 5 p.m., at the Essex House, 160 Central Park South, New York, N.Y.

A portion of this meeting will be open to the public on June 25, 1978 from 1:30 p.m. to 5 p.m. The topic of discussion will be program guidelines.

The remaining sessions of this meeting on June 23, 1978, from 9:30 a.m. to 5:30 p.m.; June 24, 1978, from 9:30 a.m. to 5:30 p.m.; and June 25, 1978, from 9:30 a.m. to 1:30 p.m., are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER March 17, 1977, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

Dated: June 2, 1978.

JOHN H. CLARK,
Director, Office of Council and
Panel Operation, National Endowment for the Arts.

[FR Doc. 78-16178 Filed 6-9-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON NAVAL REACTORS/NAVAL OPERATIONS

Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039; 2232b.) the ACRS Subcommittee on Naval Reactors/Naval Operations will meet on June 29, at the Kenneth H. Kesseling Site, a U.S. Government-owned reservation in Saratoga County, N.Y. This meeting will be closed to the public.

The Subcommittee will meet in closed session with its consultants, members of the NRC staff, representatives of the Division of Naval Reactors, Department of Energy (DOE), and their contractors, to exchange opinions and discuss preliminary views and recommendations related to proposed operation of the S8G prototype. The discussion of the S8G prototype will be based on documents classified as confidential restricted data as defined by the Atomic Energy Act of 1954.

I have determined in accordance with subsection 10(d) of Pub. L. 92-463 that it is necessary to close this meeting which will consist of matters specifically exempted from disclosure by statute (5 U.S.C. 552b(c)(1)).

Dated: June 7, 1978.

JOHN C. HOYLE,
Advisory Committee
Management Officer.
[FR Doc. 78-16168 Filed 6-9-78; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE NEW ENGLAND POWER COMPANY NUCLEAR PROJECT, NEP UNITS 1 AND 2

Meeting

The ACRS Subcommittee on the New England Power Co. Nuclear Project, NEP units 1 and 2, will hold a meeting on June 28-29, 1978, at the Cranston Hilton Inn, Route 1A, Cranston, R.I. 02905, to review the application of the New England Power Co. for a permit to construct units 1 and 2 of this project.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral state-

ments should notify the designated Federal employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: Wednesday, June 28, 1978-6 p.m. until the conclusion of business. Thursday, June 29, 1978-8 a.m. until the conclusion of business.

The Subcommittee may meet in executive session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the executive session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC staff, the New England Power Co., and their consultants, pertinent to this review.

The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the designated Federal employee for this meeting, Mr. Robert L. Wright, Jr., telephone 202-634-1919, between 8:15 a.m. and 5 p.m., e.d.t.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Cross Mill Public Library, Old Post Road, Charlestown, R.I. 02831.

Dated: June 7, 1978.

JOHN C. HOYLE,
Advisory Committee
Management Officer.
[FR Doc. 78-16165 Filed 6-9-78; 8:45 am]

[7590-01]

[Docket No. 50-334]

DUQUESNE LIGHT COMPANY, ET AL. (BEAVER VALLEY POWER STATION, UNIT NO. 1)**Assignment of Atomic Safety and Licensing Appeal Board**

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this spent fuel pool modification proceeding:

Alan S. Rosenthal, Chairman
Dr. John H. Buck
Dr. W. Reed Johnson

Dated: June 5, 1978.

MARGARET E. DU FLO,
Secretary to the
Appeal Board.

[FR Doc. 78-16078 Filed 6-9-78; 8:45 am]

[7590-01]

[Docket No. 40-8681]

ENERGY FUELS NUCLEAR, INC., WHITE MESA URANIUM PROJECT, SAN JUAN COUNTY, UTAH**Availability of Applicant's Environmental Report**

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, Energy Fuels Nuclear, Inc., has filed an environmental report in support of their application for a source material license for the White Mesa Uranium Project located in San Juan County, Utah. The report, which discusses environmental considerations related to the proposed acid leach uranium mill is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555. Copies of the report are also being made available at the Utah State Clearinghouse, Utah Planning Coordinator, Office of the Governor, State Capitol Building, Salt Lake City, Utah 84114 and the Southeastern Utah Association of Governments, Post Office Box 686, 109 South Carbon Avenue, Price, Utah 84501.

After the environmental report has been analyzed by the staff, a draft environmental statement will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments

of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Silver Spring, Md., this 2d day of June, 1978.

For the Nuclear Regulatory Commission.

LELAND C. ROUSE,
Chief, Fuel Processing & Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 78-16079 Filed 6-9-78; 8:45 am]

[7590-01]

[Docket No. 50-335]

FLORIDA POWER AND LIGHT CO.**Issuance of amendment to facility operating license**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 27 to Facility Operating License No. DPR-67 issued to Florida Power and Light Co. (the licensee), which revised the license and its appended Technical Specifications for operation of St. Lucie Plant, Unit No. 1 (the facility), located in St. Lucie County, Fla. The amendment is effective as of its date of issuance.

The amendment authorizes:

- (1) Technical Specification changes resulting from the analyses of Cycle 2 reload fuel;
- (2) Technical Specification changes to include consideration of a new water hole peaking factor;
- (3) Operation with sleeved Control Element Assembly (CEA) guide tubes;
- (4) Deletion of certain license requirements that have been completed;
- (5) Technical Specification changes authorizing the removal of all part length control element assemblies;
- (6) Resistance Temperature Detector testing requirements; and
- (7) Extension of time to install neutron shielding.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with Items (1) and (3) above was published in the FEDERAL REGISTER on April 18, 1978 (43 FR 16435). No request for a hearing or pe-

tition for leave to intervene was filed following notice of the proposed action. Prior public notice of the other items was not required since the items do not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated March 3 and 22, April 4, 5, 12 and 28, and May 1, 1978, as supplemented April 17 and 21, and May 11, 19, 22 and 23, 1978, (2) Amendment No. 27 to License No. DPR-67, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Fla. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md. this 26th day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-16080 Filed 6-9-78; 8:45 am]

[7590-01]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO. et al.**Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 43 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Co., Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revised Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of the date of issuance.

The amendment incorporates fire protection Technical Specifications on the existing fire protection equipment and adds administrative controls related to fire protection at the facility. The amendment also adds a license

condition that approves and requires completion of fire protection system modifications. This action is being taken pending completion of the Commission's overall fire protection review of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 26, 1977, as supplemented by letter dated December 9, 1977, (2) the Commission's letter of November 23, 1977, transmitting proposed interim Technical Specifications on fire protection and a related Safety Evaluation, (3) Amendment No. 43 to License No. DPR-49, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue SE., Cedar Rapids, Iowa 52401. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this first day of June 1978

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3 Division of Operating Reactors.

[FR Doc. 78-16081 Filed 6-9-78; 8:45 am]

[7590-01]

[Docket Nos. STN 50-522, STN 50-523]

PUGET SOUND POWER AND LIGHT CO., ET AL. (SKAGIT NUCLEAR POWER PROJECT, UNITS 1 AND 2)**Order Modifying Agenda for Evidentiary Hearing To Convene on June 20, 1978**

The Atomic Safety and Licensing Board has been in telephonic commu-

nication with the attorneys for the parties to this proceeding in a conference call initiated by the Regulatory Staff of the Commission respecting the advisability of further exploratory investigation of geologic and seismic matters in areas in the general vicinity of the proposed Skagit nuclear power site. In view of that discussion, it appears desirable to modify the Board Order issued on May 16, 1978 (43 FEDERAL REGISTER 21,957, May 22, 1978) setting forth the items to be considered at the evidentiary hearing scheduled to convene at 9 a.m. on Tuesday, June 20th in Seattle. The attorneys for the parties have indicated that consideration is being given to the advisability of further exploratory work, and one of the parties desires to suggest certain aspects that might be included in the exploratory work.

In addition to the foregoing, intervenor generally identified as SCANP, has filed a motion to reopen the record of the proceedings to consider further the need for power. The time for answers to that motion has not yet expired and opportunity should be given to consider this matter further at the June 20, 1978 evidentiary session.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, that the evidentiary session in this proceeding scheduled by Order of the Atomic Safety and Licensing Board dated May 16, 1978 shall include for consideration in addition to the items recited in the May 16, 1978 Order various aspects and matters pertaining to the advisability and scope of further exploratory and investigative work related to geologic and seismic considerations affecting the site proposed for the construction and operation of the Skagit nuclear power facility.

The June 20, 1978 evidentiary session will also consider the motion and answers thereto respecting reopening the record to further consider the need for power from the proposed Skagit facility. This matter will be considered at the commencement of the session on June 20th, and a recess will be taken for the afternoon of June 20th in order to permit one of the attorneys in this proceeding to present an argument to the Court of Appeals of the State of Washington. The evidentiary hearing will reconvene at 9 a.m. on Wednesday, June 21, 1978 at the same place in Seattle, Wash.

Issued: June 5, 1978, Bethesda, Md.
ATOMIC SAFETY AND LICENSING BOARD,

SAMUEL W. JENSCH,
Chairman.

[FR Doc. 70-16082 Filed 6-9-78; 8:45 am]

[7590-01]

[Docket No. 50-346]

THE TOLEDO EDISON CO. AND THE CLEVELAND ELECTRIC ILLUMINATING CO. DAVIS-BESSE NUCLEAR POWER STATION, UNIT NO. 1**Issuance of Amendment to Facility Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. NPF-3, issued to the Toledo Edison Co. and the Cleveland Electric Illuminating Co., for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) located in Ottawa County, Ohio. The amendment is effective as of its date of issuance.

The amendment removes a condition which stipulated the amount of time allowed from date of issuance of the operating license for completing the installation of flow measuring devices to be used for boron dilution control.

The amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action see: (1) Amendment No. 10 to License No. NPF-3, and (2) the Commission's related Safety Evaluation supporting Amendment No. 10 to License No. NPF-3. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Ida Rupp Public Library, 310 Madison Street, Port Clinton, Ohio 43452. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Md., this 26th day of May 1978.

For The Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors
Branch No. 1, Division of Project Management.

[FR Doc. 78-16083 Filed 6-9-78; 8:45 am]

[7555-02]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

REVIEW PANEL ON DAM SAFETY PROGRAMS

Meeting.

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

Name: Review Panel on Dam Safety Programs.

Date: June 28, 1978.

Time: 9:30 a.m. to 4 p.m.

Place: Room 3025, New Executive Office Building, Washington, D.C. 20500.

Type of Meeting: Open.

Contact Person: Mr. William Montgomery, Executive Office of the President, Office of Science and Technology Policy, Washington, D.C. 20500, telephone 202-395-4692.

Summary Minutes: May be obtained from the Office of Science and Technology Policy, Washington, D.C. 20500.

Purpose of Review Panel: The Office of Science and Technology Policy, in accordance with the statutory mandate to analyze and interpret significant developments and trends in science and technology and relate these to their impact on the achievement of national goals and objectives, is reviewing the activities and plans appropriate to the Federal, State, local government units, and the private sector to insure the safety of dams which are in any way affected by a Federal role.

Agenda: 9:30 a.m. to 4 p.m.—a discussion of draft materials prepared as part of the policy review process for the President.

WILLIAM J. MONTGOMERY,
Executive Officer.

[FR Doc. 78-16234 Filed 6-9-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 10263; 812-4233]

FEDERATED OPTION INCOME FUND, INC., FEDERATED HIGH INCOME SECURITIES, INC., AND FEDERATED SECURITIES CORP.

Application for Order to Permit Offers of Exchange, and for Exemption From Provisions

JUNE 2, 1978.

Notice is hereby given that Federated Option Income Fund, Inc. ("Option Fund"), Federated High Income Securities, Inc. ("Income Fund"), both of which are registered under the Investment Company Act of 1940 ("Act") as

open-end, diversified management investment companies, and Federated Securities Corp. ("FSC"), (collectively, "Applicants"), 421 Seventh Avenue, Pittsburgh, Pa. 15219, filed an application on November 23, 1977, and amendments thereto on March 7, 1978, April 12, 1978, and May 18, 1978, for an order of the Commission (1) pursuant to Section 11(a) of the Act permitting shareholders of the Income Fund and Option Fund to exchange their shares on a basis other than the relative net asset values of the securities to be exchanged, and (2) pursuant to Section 6(c) of the Act granting an exemption from Section 22(d) of the Act and Rule 22d-1 thereunder in connection with such exchanges. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

FSC, registered as a broker-dealer under the Securities Exchange Act of 1934, is a wholly-owned subsidiary of Federated Investors, Inc. FSC acts as the principal distributor for the Option Fund.

Applicants state that the Option Fund's investment objective is to seek high current return by investing primarily in high quality, dividend paying common stocks, selling covered call options on such stocks, and entering into closing purchase transactions with respect to certain of such call options. On January 10, 1978, the Option Fund commenced a continuous public offering of its shares. The sales load imposed on such offering is 8.5 percent of the purchase price on purchases of less than \$15,000 and is reduced on larger purchases.

According to the application, the Income Fund's investment objective is to seek high interest income by investing primarily in a diversified portfolio of professionally managed fixed income securities. The underwriting discount imposed on the initial offering, which closed December 29, 1977, was 5 percent on the purchase of 999 shares or less, at a public offering price of \$15 per share, in a single transaction, such discount also diminishing as the number of shares purchased increased.

Applicants assert that on January 18, 1978, the Income Fund commenced a continuous public offering of its shares. The sales load imposed on the continuous offering is 6.5 percent of the purchase price on purchases of less than \$15,000 and is reduced on larger purchases.

Applicants state that the Income Fund has filed an application with the Commission, separate and distinct from the instant application, seeking an order which, if granted, would permit investors who purchased shares of the Income Fund in its initial offer-

ing to make additional purchases for a 12 month period from the closing date of the initial offering at the same sales charge applicable to the initial offering, rather than the higher sales charge which will be applicable to the continuous offering. The instant application involves proposed offers of exchange ("Exchange Privilege").

Applicants propose to allow shareholders of the Income Fund who purchase shares of that Fund either in its initial offering or in its continuous offering to exchange all or part of their shares of the Income Fund for shares of the Option Fund on the basis of their relative net asset values plus a sales charge equal to the difference between the sales charge paid on the shares of Income Fund and the sales charge described in the Option Fund prospectus at the time of exchange. According to the application, a shareholder's investment dealer and the Option Fund's distributor will receive the additional sales load paid by the shareholder exercising the Exchange Privilege. However, the amount that the investment dealer receives as additional sales charge, when added to the amount he received on the initial sale of the Income Fund shares being exchanged, will not be greater than the amount the investment dealer would have received had he made the sale of the Option Fund shares initially.

Applicants submit that all exchanges will be made in accordance with an accumulation privilege described in the Option Fund prospectus at the time of exchange. The result, the application states, is that if a shareholder owns shares of both the Option Fund and the Income Fund and wishes to exchange some or all of his Income Fund shares for additional shares of the Option Fund, he would be permitted to add the Option Fund shares owned to the Option Fund shares to be acquired for the purpose of determining the applicable sales charge on the Option Fund shares to be acquired.

Applicants state that (1) there is no limit on the number of exchanges a shareholder may make, and (2) any Income Fund shares acquired through a dividend reinvestment plan may be exchanged at relative net asset value without a sales charge. Applicants assert that, unless otherwise requested by a shareholder, those shares which may be exchanged at relative net asset value without imposition of a sales charge will be exchanged first, and that the remaining shares to be exchanged will be selected from those shares which are entitled to be exchanged upon payment of the lowest additional sales charge. Applicants further assert that, at present, no transaction fees are charged for an exchange.

According to the application, if the shareholder does not already own

shares of the Option Fund, the minimum amount necessary for an exchange is the same as the minimum initial investment required by the Option Fund, as stated in its prospectus at the time of the exchange. If the shareholder does own shares of the Option Fund, the minimum amount necessary for an exchange is the same as the minimum additional investment required by the Option Fund, as stated in its prospectus at the time of the exchange.

Applicants submit that, in general, (1) a shareholder of the Option Fund may exchange his shares in that Fund for shares of the Income Fund at net asset value, and (2) any shares of the Income Fund so acquired may be re-exchanged for shares of the Option Fund at net asset value.

However, Applicants also propose that if, due to the sales charge break points on large sales, the sales charge on shares of the Income Fund is higher than the sales charge paid on the Option Fund, these shares of the Option Fund may be exchanged for shares of the Income Fund at relative net asset values per share plus a sales charge equal to the difference between the sales charge paid on the shares of the Option Fund and the sales charge described in current prospectus of the Income Fund at the time of the exchange, subject to all of the conditions, summarized above, applicable to exchanges from the Income Fund to the Option Fund.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such company to make, or cause to be made, an offer to the shareholder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission.

Accordingly, Applicants request an order of the Commission, pursuant to section 11(a) of the Act, permitting the proposed offers of exchange.

Applicants also request an order exempting the exchanges proposed to be made pursuant to the Exchange Privilege from the provisions of section 22(d) of the Act and Rule 22d-1 thereunder. Section 22(d) provides, in part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus. Rule 22d-1 permits certain variations in the sales load, none of which are applicable to the proposed Exchange Privilege.

Applicants assert that if, for example, shares of the Option Fund could be acquired by a shareholder of the Income Fund at net asset value in an exchange, rather than as they propose, such an exchange would arguably be in violation of section 22(d) of the Act, since an investor would be able to purchase shares of the Option Fund at a sales charge other than that described in its prospectus merely by purchasing shares of the Income Fund and subsequently exchanging those shares at net asset value for shares of the Option Fund.

Applicants assert further that an exchange offer based on the relative net asset values of the prospective securities to be exchanged would result, for example, in shareholders of the Income Fund paying a lesser sales charge for their shares of the Option Fund than similarly situated shareholders of the Option Fund who purchased their shares in accordance with the sales load listed in the Option Fund prospectus.

Section 6(c) of the Act provides, in part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or any rule thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 27, 1978, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 or the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-16072 Filed 6-9-78; 8:45 am]

[8010-01]

[Rel. No. 10266; 812-4303]

GOVERNMENT SECURITIES TRUST, GNMA SERIES 1 (AND SUBSEQUENT SERIES) ET AL

Filing of Application for an Order of Exemption

JUNE 2, 1978.

Notice is hereby given that Government Securities Trust, GNMA Series 1 (and Subsequent Series) ("Fund"), a unit investment trust registered under the Investment Company Act of 1940 (the "Act"), and the Fund's sponsors, Loeb Rhoades, Hornblower & Co., Smith Barney, Harris Upham & Co. Inc. and Blyth Eastman Dillon & Co. Inc. ("Sponsors," collectively referred to with Fund as the "Applicants"), 14 Wall Street, New York, N.Y. 10005, have filed an application on May 2, 1978, and amendments thereto on May 25, and June 2, 1978, pursuant to section 6(c) of the Act for an order of the Commission exempting the Applicants from the provisions of section 14(a) of the Act and rules 19b-1 and 22c-1 thereunder to the extent necessary to permit them to operate in the manner described in the application. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that Series 1 of the Fund will be created under Massachusetts law by a trust agreement between the Sponsors, New England Merchants National Bank ("Trustee"), and Interactive Data Services, Inc. ("Evaluator"). In the case of subsequent series of the Fund, Applicants state that one or more additional or fewer investment banking firms may act as sponsor in lieu of Sponsors; that a different bank may act as trustee in lieu of Trustee; and that a different evaluating firm may act as evaluator in lieu of Evaluator. Applicants state, however, that if none of the Sponsors would remain a sponsor as a result of any such substitution, Sponsors shall, as a condition of such substitution, cause to be filed a new registration statement under the Act for the Fund.

Applicants state further that the format of subsequent series of the Fund will follow substantially the same pattern described in the application for Series 1 of the Fund.

Applicants state that, following filings with the Commission under the Securities Act of 1933 (the "1933 Act")

and the Act, relating to each subsequent series of the Fund, there will be a period of accumulation of underlying securities backed by the full faith and credit of the United States (the "Obligations"). The Obligations to be deposited in the Fund, Series 1, will primarily be mortgaged-backed Obligations of the modified pass-through type fully guaranteed as to principal and interest by the Government National Mortgage Association ("GNMA"), although up to 20 percent of the portfolio of other series may be other types of securities backed by the full faith and credit of the United States. Applicants state that subsequent series may contain Obligations issued or guaranteed by the U.S. Government or other U.S. Government agencies or instrumentalities.

Applicants state that, when accumulation of a portfolio is completed, a closing will be held at which the Obligations are deposited with the Trustee. Simultaneously the Trustee will deliver to the Sponsors certificates representing fractional undivided interests ("Units") in the series at the rate of approximately one Unit for each \$1,000 principal amount or par or liquidation value of the Obligations deposited, which will, in the aggregate, represent the entire ownership of the series. Applicants state that at the present time the Sponsors intend to deposit with the Trustee approximately \$10,000,000 principal amount of Obligations to be included in the portfolio of the Fund, Series 1, but that this figure may be increased or decreased in the case of other series.

The application states that the Units will be offered for sale to the public at a public offering price computed by adding to the offering side evaluation of the Obligations (reflecting the best price at which the Evaluator believes an individual could purchase the particular Obligations), divided by the number of Units, a sales charge (in an amount not exceeding 3.627 percent of such evaluation in the case of the Fund, Series 1). Applicants state that while the public offering price of units will be determined on the basis of offering side evaluation of the Obligations, the value at which Units may be redeemed will be determined on the basis of the bid side valuation thereof (reflecting the best price at which the Evaluator believes an individual could sell the particular Obligations). The application also states that the aggregate offering side evaluation of the Obligations is to be determined by the Evaluator (1) on each business day during the initial public offering period, and (2) on the last business day of each week upon completion of the initial public offering, effective for all sales made during the preceding 24 hours or the following week, respectively.

Sponsors intend to maintain a secondary market for Units of the Fund and to offer to purchase such Units at prices which are based upon the aggregate offering price of the Obligations; however, if the supply of Units of any series exceeds demand, or for some other business reason, the Sponsors may discontinue such purchases of Units of that series. In that event, however, Sponsors state that they may nonetheless purchase Units, as a service to Unitholders, at a price based on the current redemption price for those Units. The application states that if the Sponsors repurchase Units in the secondary market at a price below the offering prices of Obligations in any Fund, they will not resell such Units in the secondary market.

Applicants state that the Sponsors may direct the Trustee to dispose of Obligations upon default in payment of principal or interest which is not promptly cured by the guarantor of the Obligations, default in payment of principal or interest on other obligations backed by the full faith and credit of the United States, institution of certain legal proceedings, decline in price or the occurrence of other market or credit factors which, in the opinion of the Sponsors, may make the retention of such Obligations in the fund detrimental to the interests of the Unitholders, or if the disposition of such Obligations is desirable in order to maintain the qualification of the Fund as a regulated investment company under the Internal Revenue Code.

According to the application, in Fund, Series 1, interest and principal (including any prepayment or redemption proceeds received in respect of mortgaged-backed Obligations) received by the Fund must be paid out, less applicable expenses, on the first day of the following month on a pro rata basis to Unitholders of record on the 17th day of the preceding month.

SECTION 14(a)

Section 14(a) of the Act provides, in part, that no registered investment company may make a public offering of its securities unless (1) such company has a net worth of at least \$100,000, (2) it has previously made a public offering and at that time has had a net worth of \$100,000, or (3) arrangements have been made for at least 100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicants state that each series, at the date of deposit of the underlying Obligations and before any Unit is offered to the public, is intended to have a net worth, represented by the market value of the Obligations on that date, far in excess of \$100,000, and that it is the intention of the Sponsors to sell all the units to the

public at a public offering price disclosed in the prospectus. Applicants seek an exemption from any additional requirement of section 14(a) that the Sponsors invest in \$100,000 worth or more of Units of each series under an investment letter representing that such Units are purchased for investment and not for resale to the public (or to make such a private placement to outside parties, which Applicants believe could only be done on reduced load or no-load basis). Applicants assert that any such requirement would increase the costs to the Sponsors of marketing Units without creating any significant increase in the protection of Unitholders.

Applicants state that, in connection with this request for exemption, the Sponsors agree, as a condition to such exemption, that they will (1) refund, on demand and without deduction, all sales charges to purchasers of Units of any series from the Sponsors from any underwriter or dealer participating in the distribution, and (2) liquidate the Obligations held by any Fund and distribute the proceeds thereof, if, within 90 days from the time that the registration statement relating to the Units of such Fund shall have become effective under the 1933 Act, the net worth of that series shall be reduced to less than \$100,000, or if such series shall have been terminated. The Sponsors further agree to instruct the Trustee to terminate such series in the event redemption by the Sponsors of unsold Units results in such series having a net worth of less than 40 percent of the principal amount of Obligations in the initial portfolio, and, in the event of any such termination, the Sponsors will refund, on demand and without reduction, all sales charges to purchasers of Units of such Fund from the Sponsors or from any underwriters or dealer participating in the distribution. The Application states that any future sponsor of the Fund will, as a condition to becoming a Sponsor, agree to the foregoing undertakings.

RULE 19b-1

Rule 19b-1 promulgated under the Act provides, in part, that no registered investment company shall make more than one long-term capital gains distribution in any one taxable year.

Applicants, however, propose that distributions of principal, including any capital gains, and interest on the Fund, Series 1, will be made to Unitholders each month. Applicants state that distributions of principal constituting capital gains to Unitholders may arise in the following instances: (1) An issuer might call or redeem Obligations held in the portfolio, (2) Obligations might be liquidated in order to provide the funds necessary to meet redemptions, and (3) Obligations may be disposed of in order to maintain the

unfair to the holders of their outstanding securities.

Applicants submit that the Sponsors' sale and repurchase of Units in the secondary market cannot possibly dilute the value of outstanding securities, since such sales and repurchases in no way involve the assets of the Fund. Applicants further submit that the only time Fund assets are affected by a secondary market transaction is upon redemption, and, in the case of redemption, that the Fund states that it will continue to follow the daily pricing and forward pricing procedures required by Rule 22c-1.

Applicants assert, however, that interests of investors would be impaired by imposing upon them, in connection with the Sponsors' secondary market operations, the cost of the additional determinations of net asset value which would be required by Rule 22c-1. They submit that, when the cost of the additional evaluations required by Rule 22c-1 is compared with the number of the anticipated daily transactions in the fund, the low volume of the trading would hardly seem to justify the loss of income to investors. Applicants assert that backward pricing is, given their proposed weekly pricing in the secondary market, also a necessity, for while a buyer may be willing to wait until the end of the day in the initial offering period to learn the public offering price (and, more importantly, the yield), he will not wait several days. Applicants claim that if the Fund is to remain marketable in secondary trading, Sponsors must be able to quote a yield to prospective buyers.

Applicants state that they will institute a procedure to insure, without additional cost to investors, that an investor who wishes to dispose of his Units will never receive less than the redemption value by selling his Units to the Sponsors. The Application states that the Evaluator will determine, without a formal evaluation and thus without the expense which a formal evaluation would impose upon investors, whether the bid side evaluation on any day during the week, which would be used for redemption purposes, has so changed that it might have become higher than or equal to the offering side evaluation made on the last business day of the preceding week (which is used by the Sponsors for their offers to repurchase Units). The Sponsors will obtain from the Evaluator, for each series on each trading day, a letter to the effect that, in its independent judgment, it can state that the bid side evaluation is not higher than or equal to the offering side evaluation made on the last business day of the preceding week; if the Evaluator does not believe that it can give such a letter, the Sponsors will order a new evaluation.

Applicants also propose, in order to minimize the risk that a purchasing

investor may be paying more than he would pay if daily evaluations were made, that the Evaluator will, without a formal evaluation, also determine if the evaluation has decreased by an amount greater than or equal to one-half point (or approximately \$5 in \$1,000), and if it determines that such a decrease has occurred it will perform a new evaluation which will become the basis for the public offering price until the next succeeding evaluation.

Sponsors state that interest is generally paid on Mortgage-backed Obligations of the modified pass-through type on a monthly basis, and is calculated at the coupon rate of the Obligation based on the principal amount of the underlying mortgages outstanding at the close of business on the last day of the preceding month. They state further that there is a period of a few days (usually not more than 7 or 8 business days), beginning on the first day of each month, during which the precise amount of the various mortgages underlying each of such mortgage-backed Obligations has not yet been reported by the issuer to the Government National Mortgage Association and made generally available in the marketplace. Therefore, with respect to the Fund, Series 1, and subsequent series which plan to invest in portfolios containing such Mortgage-backed Obligations, the Sponsors except that there will be a period of a few days during the first part of every month when the precise principal amount of such Obligations in the portfolios of the Funds will not be known, although the precise principal amount as of the close of business on the last day of the preceding month will be known. The Sponsors expect that the differences in such principal amounts from month to month for the Fund will not be significant. Nevertheless, the Sponsors will adopt procedures as to pricing an evaluation for the Units of the Fund which will minimize the impact of such differences, with the result that this situation will not have, in Applicants' view, a material impact upon the calculation of the public offering price per Unit, the repurchase price per Unit in the secondary market or the redemption price per Unit.

Applicants further assert that, while Rule 22c-1 requires that net asset value be determined as of the time of the close of trading on the New York Stock Exchange, Inc. ("NYSE") it is anticipated that only rarely will Obligations in the portfolios of the Fund be listed on the NYSE and, if so listed, the principal market therefore would be over-the-counter. Applicants state that the time of the close of trading on the NYSE is therefore not necessarily related to the evaluation procedures used in determining net asset value for the Funds, and that the eval-

Applicants also propose, in order to minimize the risk that a purchasing

[8010-01]

[Release No. 20575; 70-61701]

LOWELL GAS CO. AND CAPE COD GAS CO.

Proposed Short-Term Financing

JUNE 2, 1978.

uation procedure depends heavily on developments in the over-the-counter market during the day on which the evaluation is made. Applicants state that the Evaluator has indicated that 4 p.m. is the proper time for reliable evaluations, regardless of the time of the close of trading on the NYSE, which is currently 4 p.m. but which may change from time to time. They therefore seek an exemption from the provisions of Rule 22c-1, both for the initial offering periods and for secondary market operations, to permit the evaluation time to remain 4 p.m., notwithstanding any future change in the time of closing of the NYSE.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule thereunder, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 26, 1978, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-16073 Filed 6-9-78; 8:45 am]

Notice is hereby given that Lowell Gas Co. ("Lowell") 95 East Merrimack Street, Lowell, Mass. 01853, and Cape Cod Gas Co. ("Cape Cod"), P.O. Box 1360, Hyannis, Mass. 02601 public utility subsidiaries of Colonial Gas Energy System ("Colonial"), a registered holding company, have filed a joint declaration seeking authorization to extend until not later than June 30, 1980, their respective revolving line of bank credit agreements. They designate sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act") and rule 50(a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration for a complete statement of the proposed transactions.

On October 7, 1977, Colonial filed an application for exemption under section 3(a)(1) of the Act. (File No. 31-763.) Its application for exemption is pending at this time. Pursuant to a stipulation in that proceeding dated January 26, 1978, entered into by Colonial and the Division of Corporate Regulation, Colonial has registered as a public utility holding company under section 5(a) for the limited purpose of complying with the provisions of sections 6, 7, and 12(b) of the Act.

Lowell and Cape Cod each have revolving lines of credit pursuant to separate credit agreements (collectively, the "Credit Agreements") dated January 1, 1976, as amended, with Chase Manhattan Bank (N.A.), Union National Bank, Shawmut Bank of Boston, N.A., State Street Bank and Trust Co., and BayBank Middlesex, N.A. Under the Credit Agreements, the maximum principal amounts of loans which may be outstanding at any one time shall not exceed \$11,800,000 in the case of Lowell and \$7,250,000 in the case of Cape Cod. They have borrowed the full amount authorized, which loans mature June 30, 1978. Lowell also owes \$1,750,000 of the same maturity under a \$3,500,000 supplement to the bank credit agreement. Lowell and Cape Cod propose to repay \$1,750,000 and \$250,000, respectively, on or before June 30, 1978.

Lowell and Cape Cod propose to amend the Credit Agreements to extend their term to a date not later than June 30, 1980, and to provide for loans in the maximum aggregate principal amount of \$11,800,000 for Lowell and \$7,000,000 for Cape Cod. The duration of the extension is still being negotiated. Applicants are also seeking some relaxation of the existing restrictions on capital expenditures and the

payment of dividends. The maximum aggregate principal amounts of loans which may be outstanding at any one time each bank to Lowell and Cape Cod are as follows:

Bank:		
Chase Manhattan Bank, N.A.	\$5,144,800	\$2,464,000
Union National Bank	991,200	1,351,000
Shawmut Bank of Boston, N.A.	2,277,400	1,351,000
State Street Bank and Trust Co.	2,183,000	966,000
BayBank Middlesex, N.A.	1,203,600	966,000
Total	11,800,000	7,000,000

The working capital requirements of Lowell and Cape Cod include a seasonal factor due to the financing of gas inventory in months when demand is low and to the repayment of the indebtedness during the course of the winter heating season as the gas is sold. The cost of the borrowings would be: The sum of (a) a variable charge of ¼ of a percent per annum plus ¼ of the Chase Manhattan Bank's prime rate from time to time on the total commitment; plus (b) ½ of a percent per annum of the un borrowed funds, and (c) ¼ of a percent above 112¼ percent of the Chase Manhattan Bank's prime rate from time to time on short-term loans. Based upon an 8¼ percent prime interest rate, these fees are estimated to result in an effective cost of borrowing of approximately 11¼ percent to 13¼ percent per annum. No compensating balances are required.

The notes to be issued to these banks from time to time to evidence such loans will each be dated as of the date of issue, and mature not later than one year from date of issue or June 30, 1980, whichever is earlier. The loans may be prepaid, in whole or in part, in multiples of \$100,000, at the option of the companies, without premium or penalty.

Colonial anticipates equity financing which will permit it to make capital contributions to Lowell and Cape Cod thus permitting these two companies to sell long-term bonds. It is contemplated that proceeds of such financings will be used to repay a portion of the proposed short-term indebtedness. The notes of each issuer evidencing short-term indebtedness will be secured by security interests in accounts receivable, inventory and certain related intangibles of the borrower. It is contemplated that the lending banks will release their security interests when Colonial makes capital contributions to Lowell and Cape Cod, which is expected to occur simultaneously with Colonial's issuance of equity securities.

It is stated that no state or federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and ex-

penses to be incurred in connection with the proposed transactions will be filed by amendment.

Notice is further given that any interested person may, not later than June 27, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-16074 Filed 6-9-78; 8:45 am]

[[8010-01]]

[Release No. 10265; 811-1289]

VANDERBILT GROWTH FUND, INC.

Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

JUNE 2, 1978.

Notice is hereby given that Vanderbilt Growth Fund, Inc. ("Applicant"), 1800 Century Park East, Suite 204B, Los Angeles, Calif. 90067, a Maryland corporation, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on December 9, 1977, and an amendment thereto on March 10, 1978, for an order of the Commission pursuant to section 8(f) of the Act declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a

statement of the representations contained therein, which are summarized below.

The application states that Applicant was incorporated under the laws of the state of Maryland on October 26, 1964, and registered with the Commission under the Act on November 6, 1964.

Applicant represents that at a special meeting of Applicant's shareholders held on May 25, 1977, its shareholders approved an agreement and Plan of Reorganization ("Plan") which provided for: (1) The transfer by Applicant of substantially all of its assets to St. Paul Capital Fund, Inc. ("St. Paul Fund"), registered under the Act as an open-end, diversified, management investment company, in exchange for shares of voting stock of St. Paul Fund; (2) the creation of a litigation trust ("Litigation Trust") to pursue certain claims of Applicant ("Litigation") and the distribution of interests in the Litigation Trust to the shareholders of Applicant; and (3) the dissolution of Applicant and the distribution of the shares of St. Paul Fund received by Applicant to its shareholders in liquidation. Applicant represents further that the United States District Court for the Central District of California ("Court") has accepted jurisdiction over the Litigation Trust and that the Litigation Trust is subject to certain provisions set forth in the order of the Court, dated April 21, 1977, which, inter alia, approved the Plan and the establishment of the Litigation Trust.

Applicant states that, as of the close of business on June 13, 1977, Applicant had 1,044,229.200 shares outstanding and aggregate net assets of \$3,936,281.67, and that, after funding the Litigation Trust in the amount of \$128,760, Applicant's aggregate net assets, amounting to \$3,807,521.67, or a net asset value per share of \$3.64, were transferred to St. Paul Fund in exchange for 477,731.7026 shares of common stock of St. Paul Fund for a total value of \$3,807,521.67. As of the close of business on June 13, 1977, St. Paul Fund had 4,468,841.4088 shares outstanding and its net asset value per share was \$7.97. Applicant states that the shares of St. Paul Fund have been delivered to the shareholders of Applicant in accordance with their respective interests in Applicant's liquidation.

Applicant represents that it filed Articles of Transfer and its Articles of Dissolution with the State Department of Assessments and Taxation of the State of Maryland on June 14, 1977, and that Applicant has no shareholders and is engaged in no business activity; as of December 8, 1977, its only assets consisted of \$18,237.07 in cash retained to meet legal and accounting fees which were previously

incurred, or which Applicant anticipates incurring, in connection with the winding up of its business, including withdrawal from qualification in various jurisdictions, the preparation of final tax returns, the instant application, and other post-closing expenses. Applicant states that as of January 31, 1978, it had paid or incurred legal and accounting fees of approximately \$5,000, and that it anticipates that additional legal and accounting fees will not exceed \$3,000. Applicant represents that any excess cash retained after payment of such fees will be used to pay administrative and legal expenses incurred in connection with the Litigation Trust, and that such amounts will not exceed Applicant's proportionate share of litigation expenses by more than \$5,500, which excess Applicant believes is not material.

Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 27, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-16075 Filed 6-9-78; 8:45 am]

[8010-01]

(Release No. 10264; 811-757)

VANDERBILT INCOME FUND, INC.

Filing of Application for Order Declaring That Company Has Ceased To Be An Investment Company

JUNE 2, 1978.

Notice is hereby given that Vanderbilt Income Fund, Inc. ("applicant"), a Delaware corporation, 1800 Century Park East, Suite 204B, Los Angeles, Calif. 90067, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on December 9, 1977, and an amendment thereto on March 10, 1978, for an order of the Commission, pursuant to section 8(f) of the Act, declaring that applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application to file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that applicant was incorporated under the laws of the state of Delaware on September 24, 1956, and registered with the Commission under the Act on December 31, 1956.

Applicant represents that at a special meeting of applicant's shareholders held on May 25, 1977, its shareholders approved an agreement and plan of reorganization ("plan") which provided for: (1) The transfer by applicant of substantially all of its assets to St. Paul Capital Fund, Inc. ("St. Paul Fund"), also registered under the Act as an open-end, diversified, management investment company, in exchange for shares of voting stock of St. Paul Fund; (2) the creation of a litigation trust ("litigation trust") to pursue certain claims of applicant ("litigation") and the distribution of interests in the litigation trust to the shareholders of applicant; and (3) the dissolution of applicant and the distribution of the shares of St. Paul Fund received by applicant to its shareholders liquidation. Applicant represents further that the United States District Court for the Central District of California ("Court") has accepted jurisdiction over the litigation trust and that the litigation trust is subject to certain provisions set forth in the order of the Court, dated April 21, 1977, which, inter alia, approved the plan and the establishment of the litigation trust.

Applicant states that, as of the close of business on June 13, 1977, it had 946,069.429 shares outstanding and aggregate net assets of \$3,732,719.49, and that, after funding the litigation trust in the amount of \$69,900, applicant's aggregate net assets, amounting to

\$3,662,819.49, or a net asset value per share of \$3.87, were transferred to St. Paul Fund in exchange for 459,575.8456 shares of common stock of St. Paul Fund for a total value of \$3,662,819.49. As of the close of business on June 13, 1977, St. Paul Fund had 4,468,841.4088 shares outstanding and its net asset value per share was \$7.97. Applicant states that the shares of St. Paul Fund have been delivered to the shareholders of applicant in accordance with their respective interests in applicant's liquidation.

Applicant represents that it filed a certificate of dissolution with the Secretary of State of Delaware on June 14, 1977, and that applicant has no shareholders and is engaged in no business activity; as of December 8, 1977, its only assets consisted of \$7,168.28 in cash, retained to meet legal and accounting fees previously incurred or which applicant anticipates incurring, in connection with the winding up of its business, including withdrawal from qualification in various jurisdictions, the preparation of final tax returns, the instant application, and other post-closing expenses. Applicant states that, as of January 31, 1978, it had paid or incurred legal and accounting fees of approximately \$2,900, and that it anticipates that additional legal and accounting fees will not exceed \$1,500. Applicant represents that any excess cash retained after payment of such fees will be used to pay administrative and legal expenses incurred in connection with the litigation trust, but that such amounts will not exceed applicant's proportionate share of litigation expenses.

Section 8(f) of the Act provides, in part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 27, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request.

As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, Pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-16076 Filed 6-9-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

(License No. 01/02-5268)

BUSINESS VENTURES, INC.

Notice of License Surrender

Notice is hereby given that Business Ventures, Inc., 226 Dixwell Avenue, New Haven, Conn. 06511, has surrendered its license to operate as a small business investment company under section 301(d) of the Small Business Investment Act of 1958, as amended (the Act).

The company was licensed by the Small Business Administration on November 13, 1970.

Under the authority vested by the Act and pursuant to 13 CFR 107.105 (1978), the surrender by Business Ventures, Inc., of its license is hereby approved.

Accordingly, all rights, privileges and franchises derived from the license are hereby terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: June 1, 1978.

PETER F. McNEISH,
Deputy Associate
Administrator for Investment.

[FR Doc. 78-16190 Filed 6-9-78; 8:45 am]

[8025-01]

(Proposed License No. 09/09-0221)

CITY CAPITAL INVESTORS CORP.

Application for a License To Operate as a
Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to section 107.102(1978) by City Capital Investors Corp., 105th and Grand Avenues, Sun City, Ariz. 85351, for a license to operate as a small business in-

vestment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (Act), as amended (15 U.S.C. et seq.).

The Proposed officers, directors, and principal stockholders are:

Rex E. Staley, President, Director, 3500 Lincoln Drive, Phoenix, Ariz. 85018.
D. Ann Humphreys, General Manager, 8747 East Via Taz Norte, Scottsdale, Ariz. 85258.

William L. LaFollette, III, Vice President, Director,* 5542 East Palo Verde Drive, Paradise Valley, Ariz. 85253.

Susanne H. LaFollette, Treasurer, Director,* 5542 East Palo Verde Dr., Paradise Valley, Ariz. 85253.

Mona V. Mortensen, 17810 County Club Drive, Sun City, Ariz. 85313.

City Bank, 9 percent, 105th and Grand Avenues, Sun City, Ariz. 85351.

The SBIC will begin operations with an initial capitalization of \$480,000. They expect to provide financing to many small agriculturally oriented concerns, such as feedlot operators, equipment suppliers, and equipment repair shops. Mr. William L. LaFollette, III, is the principal shareholder of Recycled Waste Disposal, Inc., a corporation which will be in the business of recycling livestock feed from animal waste. It is anticipated that some of the raw material for the business of Recycled Waste Disposal, Inc., will be the animal waste produced by some or all of the small concerns which will be obtaining financing from the Applicant. Recycled Waste Disposal, Inc., will not require any of the small business concerns which will supply it with animal waste to either (1) sell all or any portion of their raw materials to Recycled Waste Disposal, Inc., or (2) buy recycled feed from Recycled Waste Disposal, Inc. Recycled Waste Disposal Inc., expects that the great bulk of its recycled feed will be purchased by parties other than the small business concerns to be financed by the Applicant. The Applicant will not require any small business concern to supply animal waste to Recycled Waste Disposal, Inc., or to any other user of such animal waste.

Matters involved in SBA's consideration of the application include (1) the general business reputation and character of the proposed owners and management, (2) the reasonable prospects for successful operation of the new SBIC under such management (including adequate profitability and financial soundness, in accordance with the Act and Regulations), and (3) whether the proposed licensing action would be in furtherance of the purpose of the Act.

Notice is hereby given that any person may, not later than June 27, 1978, submit to SBA in writing, comments on the proposed SBIC to: Deputy Associate Administrator for

* Jointly own 91 percent.

Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Sun City, Ariz.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: June 1, 1978.

PETER F. McNEISH,
Deputy Associate
Administrator
for Investment.

[FR Doc. 78-16191 Filed 6-9-78; 8:45 am]

[8025-01]

(Proposed License No. 02/02-0350)

QUIDNET CAPITAL CORP.

Application for a License to Operate as a
Small Business Investment Company

Notice is hereby given that an Application has been filed with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1977)) under the name of Quidnet Capital Corp. (Applicant), for a License to operate as a Small Business Investment Company under the provisions of the Small Business Investment Act of 1958, as amended (ACT), and the Rules and Regulations promulgated thereunder.

The Applicant was incorporated under the provisions of the New Jersey Business Corporation Act on May 12, 1978, and it will commence operation with a capitalization of \$1,490,000. Initial capitalization will be raised by the purchase of all of the Applicant's initially issued \$1 Par Value, Non-Voting Preferred Stock by the Commercial Union Insurance Co. of Boston, Mass., and all of its initially issued \$1 Par Value Voting Common Stock by the following individuals, who will be officers and directors of the Applicant:

Reid White, Chairman and Secretary, 200 Ridgeview Road, Princeton, N.J. 08540.
Stephen W. Fillo, President and Treasurer, 107 Philip Drive, Princeton, N.J. 08540.

The Applicant will have its principal place of business at 32 Nassau Street, Princeton, N.J. 08540, and it intends to make investments in qualified small business concerns throughout the United States but particularly to those within the New England and the Mid-Atlantic States.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under their management, including adequate

profitability and financial soundness in accordance with the Act and SBA Regulations.

Notice is hereby given that any person may, not later than on June 27, 1978, submit written comments on the Applicant to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Princeton, N.J.

(Catalog of Federal Domestic Program No. 59.011, Small Business Investment Companies.)

Dated: June 5, 1978.

PETER F. McNEISH,
Deputy Associate
Administrator for Investment.
[FR Doc. 78-16192 Filed 6-9-78; 8:45 am]

[8025-01]

(Declaration of Disaster Loan Area No.
1429, Amdt. No. 11)

WEST VIRGINIA

Declaration of Disaster Loan Area

The above numbered Declaration (see 43 FR 5910) is amended by adding high winds, excessively hard rainfall and runoff to the type of disaster which occurred on January 25-28, 1978, in Boone, Braxton, Gilmer, Harrison, Kanawha, Lewis, Logan, McDowell and Mingo Counties and adjacent counties within the State of West Virginia, and the time for filing applications is extended to July 5, 1978, for physical damage and December 4, 1978, for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 2, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-16189 Filed 6-9-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

HOUSING GUARANTY PROGRAM FOR
REPUBLIC OF LEBANON

Information for Investors

The Agency for International Development ("AID") is advising the Republic of Lebanon (the "Borrower") that AID is prepared to Guaranty repayment of principal and interest on a loan in an amount not to exceed \$15 million by an eligible U.S. Investor to the Borrower.

AID's guaranty will be subject to execution of an agreement by an eligible U.S. Investor acceptable to AID for

the loan and subject to the satisfaction of certain further terms and conditions by the Borrower. The Guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority, contained in section 221 of the Foreign Assistant Act of 1961, as amended (the "Act"). Proceeds of the loan will be used to finance house repair loans for low-income families.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Dr. Mohamed Atallah, President, Council for Reconstruction and Development, Presidential Palace, Baabda, Lebanon, Telex No. 21000.

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are (1) U.S. citizens, (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens, (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full no later than the thirtieth anniversary of the first disbursement of the principal amount thereof. In addition, a grace period on repayment of the principal may be negotiated between the eligible U.S. investor and Borrower for a term not to exceed ten years.

The Borrower projects a schedule of disbursements covering approximately a twelve month period from the date of the loan agreement including an initial disbursement at signing of approximately \$5 million with two additional disbursements of approximately \$5 million at four to six month intervals; prospective investors should consider this in proposing a guaranteed loan to the Borrower. In addition, the investor must provide for the servicing of his loan, i.e. recordation and disposition of loan payments received from the Borrower.

Information as to eligibility of investors, maximum interest rates and other aspects of the AID Housing Guaranty Program can be obtained from: Director, Office of Housing, Room 625, SA-12, Washington, D.C. 20523.

This notice is not an offer by AID or by the Borrower. The Borrower and not AID will select a lender and negotiate the terms of the proposed loan.

Prospective investors are requested to submit offers to the Borrower by June 30, 1978.

Dated: June 1, 1978.

PETER M. KIMM,
Director, Office of Housing
Agency for International Development.

[FR Doc. 78-16179 Filed 6-9-78; 8:45 am]

[4910-59]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety
Administration

[Docket No. IP78-7; Notice 11]

GENERAL MOTORS CORP.

Receipt of Petition for Determination of
Inconsequential Noncompliance

NOTE.—This document originally appeared in the *FEDERAL REGISTER* for Friday, June 9, 1978. It is reprinted in this issue to meet requirements for publication on an assigned day of the week. (See OFR notice 41 FR 32914, August 6, 1976.)

General Motors Corp. of Warren, Mich., has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.301-75, Motor Vehicle Safety Standard No. 301-75 Fuel System Integrity. The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

On May 4, 1978, NHTSA informed GM, pursuant to section 152(a) of the act, that it had made an initial determination that the 1977 Chevette failed to conform to fuel system integrity requirements, and that it had scheduled a public proceeding on this matter to be held on June 6, since rescheduled to June 16 (43 FR 20292, 43 FR 23780). With 30 days of its receipt of notice GM filed a petition for inconsequentiality under the provision of 49 CFR 556.4(c).

NHTSA's initial determination affects the entire 1977 model run of approximately 136,000 vehicles. GM stated the problem accurately in its petition: "It is our understanding that the NHTSA concern is possible fuel spillage which might occur as a result of contact of the Chevette pan hard rod retainer with the fuel tank during the 30 m.p.h. rear moving barrier test prescribed by the standard." GM's petition criticizes NHTSA's test results and introduces its own results as evidence of compliance with the standard. It argues that the difference in NHTSA test velocity and the 30 m.p.h. requirement of the standard is so small "that it is within a margin of test error when appropriate limitations are considered for the capability of the velocity measuring equipment." It further argues that all the valid compliance tests run by either side in the controversy show compliance. GM

has reviewed field accidents data files and has found no record of any fires involving 1977 Chevettes to date which it believes demonstrates that the alleged noncompliance does not present an unreasonable risk to motor vehicle safety.

Interested persons are invited to submit written data, views and arguments on the petition of General Motors Corp. described above or to make oral presentations at the hearing scheduled for June 16, 1978, in room 6332, at 10 a.m., Department of Transportation, 400 Seventh Street SW., Washington, D.C. Written comments should refer to the docket number and be submitted: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the *FEDERAL REGISTER* pursuant to the authority indicated below.

Because the arguments advanced by GM in support of its petition are essentially the same as arguments made to the agency during the investigation, which are contained in the file that has been publicly available since the initial determination of noncompliance published on May 11, 1978, the comment closing date on this petition is: June 30, 1978.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations to authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on June 7, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator
for Rulemaking.

[FR Doc. 78-16176 Filed 6-9-78; 8:45 am]

[4810-35]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1977 Rev., Supp. No. 25]

CONTINENTAL REINSURANCE CORPORATION

Change of Name

Pacific Insurance Company, a California corporation, has formally changed its name to Continental Reinsurance Corporation, effective January 3, 1978. The company was last listed as an acceptable surety on Federal bonds at 42 FR 34076, July 1, 1977.

A certificate of authority as an acceptable surety on Federal bonds,

dated January 3, 1978, is hereby issued under Sections 6 to 13 of Title 6 of the United States Code, to Continental Reinsurance Corporation, San Francisco, California. This new certificate replaces the certificate of authority issued to the company under its former name, Pacific Insurance Company. The underwriting limitation of \$10,071,000 established for the company as of July 1, 1977 remains unchanged.

Certificates of authority expire on June 30, each year, unless sooner revoked and new certificates are issued on July 1, so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: June 6, 1978.

D. A. PAGLIAI,
Commissioner, Bureau of
Government Financial Operations.
[FR Doc. 78-16177 Filed 6-9-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 682]

ASSIGNMENT OF HEARINGS

JUNE 7, 1978.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC 75408 (Sub-No. 43), Superior Forwarding Co., Inc., is now assigned for hearing July 17, 1978 (10 days), at El Dorado, Ark., at a location to be later designated.

No. MC 60014 (Sub-No. 69), Aero Trucking, Inc., now being assigned for hearing on July 17, 1978, at Seattle, Wash. (5 days), in a hearing room to be later designated.

No. MC 118832 (Sub-No. 8), Westours Motor Coaches, Inc., now being assigned for hearing on July 24, 1978 (4 days), at Seattle, Wash., in a hearing room to be later designated.

No. FF 508, GC Ray Transport Inc., d.b.a. Southeast Alaska Freight Forwarders, now being assigned July 31, 1978 (3 days), at Seattle, Wash., in a hearing room to be later designated.

No. MC 138446 (Sub-No. 9), Murray's Transfer & Storage Co., now assigned June 29, 1978, at St. Louis, Mo., will be held in Courtroom 3, Fifth Floor, U.S. Court and Customs House, 1114 Market Street.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-16203 Filed 6-9-78; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 7, 1978.

These applications for long-and-short-haul relief have been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of this notice.

FSA No. 43559, the Atchison, Topeka and Santa Fe Railway Co., No. 112-A, rates on wheat in bulk, from Tonkawa, Okla., to U.S. Gulf ports for export, published in its Tariff 5655-J, ICC No. 15193, effective July 5, 1978. Grounds for relief—motor competition.

FSA No. 43560, the Bank Line Ltd., No. 1, intermodal rates on general commodities, from South Pacific ports, to rail terminals at New Orleans, La., Galveston and Houston, Tex., published in its Northbound Intermodal Freight Tariff No. 1, ICC No. 1, effective July 10, 1978. Grounds for relief—all-water competition.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-16205 Filed 6-9-78; 8:45 am]

[7035-01]

[Notice No. 63]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before July 12, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the

proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

No. MC-FC-77635, filed January 17, 1978. Transferee: WILLIAM A. SAJA, Molly Bee Road, R.D. No. 8, Flemington, NJ 08822. Transferor: CHARLES WILLIAM NOLAN and FREDA RUSH NOLAN, d.b.a. NOLAN MOVING & STORAGE CO. 610 Hardwick Street, Belvidere, NJ 07823. Applicants' representative: William A. Saja, 610 Hardwick Street, Belvidere, NJ 07823. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate No. NC 52757, issued March 21, 1952, and Certificate No. MC 13263 issued March 22, 1946, to R. D. La Rue and Harry La Rue, a partnership, doing business as R. D. La Rue & Son, Hackettstown, NJ, and acquired by transferor pursuant to MC-FC-73018 approved December 17, 1971 and consummated February 4, 1972, as follows: Household goods, as defined by the Commission, (a) between Hackettstown, NJ, on the one hand, and, on the other, New York, NY, Long Island, NY, and specified points in PA, (b) between Belvidere, NJ, on the one hand, and, on the other, New York, NY, and points in PA. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-16204 Filed 6-9-78; 8:45 am]

[7035-01]

[Decisions Volume No. 5]

ORDER-NOTICE

The following applications are governed by Special Rule 247 of the Commission's Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be

filed with the Commission within 30 days after the date notice of the application is published in the **FEDERAL REGISTER**. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with rule 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, order, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

We find preliminarily that, with the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) to authorization, each application has demonstrated that its proposed service should be authorized. This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

It is ordered: In the absence of legally sufficient protests, filed within 30 days of publication of this order-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant upon compliance with certain requirements

which will be set forth in a notification of effectiveness of this order-notice. Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplicating authority shall be construed as a single operating right. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Dated: June 1, 1978.

By the Commission, Review Board No. 2, Members Boyle, Eaton, and Liberman.

H. G. HOMME, Jr.,
Acting Secretary.

No. MC 2095 (Sub-No. 15F), filed May 11, 1978. Applicant: KEIM TRANSPORTATION, INC., 420 North Sixth, R.F.D. 2, Box 10, Sabetha, KS 66534. Representative: Clyde N. Christey, Kansas Credit Union Building, 1010 Tyler, suite 110L, Topeka, KS 66612. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products*, in bulk, from the facilities of Georgia-Pacific Corp., Near Blue Rapids, KS, to the facilities of Ideal Cement Co., near Superior, NE. (Hearing site: Kansas City, Mo.)

No. MC 5227 (Sub-No. 38F), filed May 4, 1978. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Representative: Gailyn L. Larsen, 521 South 14th Street, Lincoln, NE 68501. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting (1) (a) *Solar heating and cooling systems*, (b) *parts and accessories for solar heating and cooling systems*, (c) *roofing tile*, and (d) *insulating products and materials* (except in bulk, in tank vehicles), from the facilities of Mid-America Industries, Inc., and Solar, at or near Mead, NE, to points in AL, AZ, CA, CT, DE, DC, FL, GA, ID, KY, LA, ME, MD, MA, MI, MS, NV, NH, NJ, NY, NC, OH, OR, PA, RI, SC, TN, UT, VT, VA, WA, and WV, and (2) *equipment, materials, and supplies* used in the manufacture of the commodities named in (1) (a), (b), (c), and (d) above (except commodities in bulk, in tank vehicles), from the destination points named in (1) above, to the facilities of Mid-America Industries, Inc., and Solar, Inc., at or near Mead, NE. (Hearing site: Lincoln or Omaha, NE.)

No. MC 5470 (Sub-No. 147F), filed May 9, 1978. Applicant: TAJON, INC., Rural Delivery 5, Mercer, PA 16137. Representative: Brian L. Trolano, 918 16th Street NW., Washington, D.C. 20006. Authority granted to operate as

a common carrier, by motor vehicle, over irregular routes, transporting: *Soda ash*, in dump vehicles, from South Heights, PA, to points in IN, OH, NJ (except Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties), and NY. (Hearing site: Philadelphia, PA, or Washington, DC.)

No. MC 5470 (Sub-No. 148F), filed May 9, 1978. Applicant: TAJON, INC., Rural Delivery 5, Mercer, PA 16137. Representative: Brian L. Trolano, 918 16th Street, NW., Washington, DC 20006. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Alloys and silicon metals*, in dump vehicles, from Beverly, OH, to Radford and Lynchburg, VA, and the facilities of Lynchburg Foundry, at or near Kelly, VA. (Hearing site: Chicago, IL, or Washington, DC.)

No. MC 21868 (Sub-No. 96F), filed April 25, 1978. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, PA 19512. Representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Electric storage batteries, junk batteries, and materials and supplies* used in the manufacture or distribution of electric storage batteries (except commodities in bulk, and commodities in dump vehicles), between the facilities of General Battery Corp., at or near Charlotte, NC, Charleston, Greenville, and Greer, SC, City of Industry and Los Angeles, CA, Cleveland, OH, Cudahy and Greendale, WI, Dallas, TX, Dorsey, MD, East Point, GA, Eaton Park and Opa Locka, FL, Framingham, MA, Frankfort, IN, Hamburg, Lampeter, Pittsburgh, and Reading, PA, Heflin, LA, Kenilworth, NJ, Lombard, IL, Memphis, TN, Phoenix, AZ, Portland, OR, Richmond and Tazewell, VA, Salina, KS, Selma, AL, Syracuse, NY, Wallingford, CT, and St. Louis, MO. (Hearing site: Washington, DC, or Philadelphia, PA.)

No. MC 61825 (Sub-No. 80F), filed May 15, 1978. Applicant: ROY STONE TRANSFER CORP., V. C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, in packages, from Watkins Glen, NY, to points in NC, SC, GA, points in TN on and east of U.S. Hwy 27, and points in VA on and south of U.S. Hwy 60. (Hearing site: Washington, DC.)

NOTE.—The person or persons engaged in common control must either file an application under section 5(2) of the Interstate Commerce Act or submit and affidavit indicating why such approval is unnecessary.

No. MC 114290 (Sub-No. 85F), filed May 8, 1978. Applicant: EXLEY EXPRESS, INC., 1205 South Platte River Drive, Denver, CO 80223. Representative: Eldon E. Bresee, 1205 South Platte River Drive, Denver, CO 80223. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in grocery and food business houses*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), (1) from the facilities of Kraft, Inc., at or near Pocatello, ID, to points in WA, OR, CA, MT, NV, and AZ, and (2) from points in WA, CA, MT, and AZ, to the facilities of Kraft, Inc., at or near Pocatello, ID, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Boise, ID, or Salt Lake City, UT.)

No. MC 114829 (Sub-No. 16F), filed May 10, 1978. Applicant: GENERAL CARTAGE CO., INC., West Route 30, Rock Falls, IL 61071. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Chicago, IL 60603. Authority granted to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except commodities in bulk), from Rockford, IL, to Bettendorf, Davenport, Dubuque, Cedar Rapids, Clinton, and Fort Madison, IA, and points in WI, under a continuing contract, or contracts, with Weyerhaeuser Co., of Chicago, IL. (Hearing site: Chicago, IL.)

No. MC 116915 (Sub-No. 59F), filed May 16, 1978. Applicant: ECK MILLER TRANSPORTATION CORP., 1830 South Plate Street, Kokomo, IN 46901. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40601. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Georgetown, SC, to points in IL, IN, KY, MI, MO, OH, TN, and WI. (Hearing site: Savannah, GA, or Charleston, SC.)

No. MC 117068 (Sub-No. 96F), filed May 5, 1978. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., P.O. Box 6418, North Highway 63, Rochester, MN 55901. Representative: Richard C. McGinnis, 711 Washington Building, Washington, D.C. 20005. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Material handling equipment*, from Battle Creek, MI, to points in CO, KS, and MO, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing site: Kansas City, Mo.)

No. MC 118535 (Sub-No. 119F), filed May 10, 1978. Applicant: TIONA

TRUCK LINE, INC., 111 South Prospect, Butler, MO 64730. Representative: Jim Tiona, Jr., 111 South Prospect, Butler, MO 64730. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Marseilles, IL, to points in AR, IA, KS, MN, MO, NE, OK, and WI. (Hearing site: Kansas City, MO.)

No. MC 118535 (Sub-No. 120F), filed May 12, 1978. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, MO 64730. Representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 NW 58th St., Oklahoma City, OK 73112. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry feed and dry feed ingredients*, from Butler, MO, to points in AR, CO, IA, KS, NE, OK, and TN. (Hearing site: Kansas City, MO.)

No. MC 118535 (Sub-No. 121F), filed May 12, 1978. Applicant: TIONA TRUCK LINE, INC., 111 South Prospect, Butler, MO 64730. Representative: Wilburn L. Williamson, 280 National Foundation Life Center, 3535 NW 58th St., Oklahoma City, OK 73112. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry urea and dry ammonium nitrate*, in containers, from the facilities of Atlas Powder Co., at or near Atlas and Carthage, MO, to points in AL, AR, AZ, CO, IA, IL, IN, KS, KY, LA, MN, MS, NE, ND, NM, OK, SD, TN, TX, and WI. (Hearing site: Kansas City, MO.)

No. MC 119489 (Sub-No. 50F), filed May 4, 1978. Applicant: PAUL ABLE, d.b.a. CENTRAL TRANSPORT CO., 2500 North 13th Street, P.O. Box 249, Norfolk, NE 68701. Representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from the facilities of Farmland Industries, Inc., at or near Hoag, NE, to points in IA, KS, and MO. (Hearing site: Lincoln, NE.)

No. MC 25798 (Sub-No. 320F), filed May 5, 1978. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell, P.O. Box 1186, Auburndale, FL 33823. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Confectionery*, in vehicles equipped with mechanical refrigeration (except in bulk), from the facilities of M & M Mars, Inc., at Elizabethtown, PA, Elizabethtown, NJ, and Hackettstown, NJ, to points in AL, FL, GA, LA, MS, and

TX, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: New York, NY.)

No. MC 119656 (Sub-No. 37F), filed May 12, 1978. Applicant: NORTH EXPRESS, INC., 219 Main Street, Winamac, IN 46896. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, P.O. Box 40659, Indianapolis, IN 46240. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber, and lumber mill products*, from points in Monroe County, IN, to points in IL, MI, KY, and OH. (Hearing site: Indianapolis, IN.)

No. MC 119789 (Sub-No. 464F), filed May 10, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: Lewis Coffey, P.O. Box 226188, Dallas, TX 75266. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Doors, door sections, and components and parts for doors and door sections*, from the facilities of Andes Door Co., at or near Mt. Pleasant, TX, to points in AL, AZ, CA, FL, GA, KY, MA, MN, NM, NY, NC, ND, PA, SC, SD, UT, VA, WV, and WI. (Hearing site: Dallas, TX.)

No. MC 121060 (Sub-No. 63F), filed May 5, 1978. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition board*, from Burns Harbor, IN, to points in MN, WI, IA, IL, MO, AR, LA, MS, AL, GA, FL, SC, TN, NC, VA, WV, KY, PA, OH, and MI. (Hearing site: Boston, MA, or Washington, DC.)

No. MC 128220 (Sub-No. 22F), filed May 1, 1978. Applicant: RALPH LATHAM, d.b.a. LATHAM TRUCKING CO., P.O. Box 596, Burnside, KY 42519. Representative: Robert M. Pearce, P.O. Box 1899, 1755 Chestnut Street, Bowling Green, KY 42101. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Charcoal briquettes, fireplace logs, wood chips, lighter fluid, spices, sauces, and vermiculite* (except commodities in bulk), from Crossville, TN, to Burnside, KY, and Cotter, AR; and (2) *materials, supplies, and equipment* used in the manufacture and distribution of the commodities described in (1) above, (except commodities in bulk), from points in the United States (except AK, TN and HI), to Crossville, TN, Burnside, NY, and Cotter, AR.

(Hearing site: Louisville, KY, or Lexington, KY.)

No. MC 128320 (Sub-No. 10F), filed May 8, 1978. Applicant: ART QUIRING, P.O. Box 1481, 118 1/2 W. 4th Street, Grand Island, NE 68801. Representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. Authority granted to operate as a contract carrier, by motor vehicle, over irregular routes, transporting confectioneries, from Reno, NV, to points in CA, ID, AZ, OR, and WA, under a continuing contract, or contracts, with E. J. Brach & Sons, Inc., of Chicago, IL. (Hearing site: Chicago, IL, or Reno, NV.)

No. MC 133095 (Sub-No. 189F), filed May 10, 1978. Applicant: TEXAS-CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Rocky Moore, P.O. Box 434, Euless, TX 76039. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk), from Fresno, CA, to points in TX, and IN. (Hearing site: Dallas, TX.)

No. MC 133689 (Sub-No. 200F), filed May 10, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Water softening compounds*, from points in NJ, PA, and WV, to points in WI, MN, IA, ND, and SD. (Hearing site: St. Paul, MN.)

No. MC 134501 (Sub-No. 28F), filed May 1, 1978. Applicant: INCORPORATED CARRIERS, LTD., a division of Brooks International, Inc., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK 73112. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Restaurant furniture, fixtures, equipment, and supplies*, from Cincinnati, OH, St. Louis, MO, Compton, CA, and Denver, CO, to points in the United States (except AK and HI). (Hearing site: Denver, CO, or Chicago, IL.)

No. MC 139495 (Sub-No. 356F), filed May 5, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Redwood furniture*, from

National City, CA, to Chicago, IL, Kansas City and St. Louis, MO, Kent, OH, and Milwaukee, WI, and to points in Kings, Queens, Nassau, and Suffolk Counties, NY. (Hearing site: Washington, DC.)

No. MC 140389 (Sub-No. 32F), filed May 9, 1978. Applicant: OSBORN TRANSPORTATION, INC., P.O. Box 1830, Gadsden, AL 35902. Representative: Clayton R. Byrd, P.O. Box 12568, Atlanta, GA 30315. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Rugs, carpets, and textile products*, from points in GA, to points in AL, LA, MS, and those points in TN on and west of U.S. Hwys 31 and 31W. (Hearing site: Atlanta, GA.)

No. MC 143616 (Sub-No. 8F), filed April 5, 1978. Applicant: M & S TRANSPORT LINES, INC., P.O. Box 417, Sultana, CA 93666. Representative: Dwight L. Koerber, Jr., 888 11th Street NW., No. 805, Washington, DC 20001. Authority granted to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Adhesives, chemicals, and synthetic resins*, in containers, from Fayetteville, NC, to points in WA, OR, and CA, under a continuing contract, or contracts, with Borden Chemical, Division of Borden, Inc., of Columbus, OH. (Hearing site: Columbus, OH, or Washington, DC.)

No. MC 144717 (Sub-No. 1F), filed May 4, 1978. Applicant: PERLEY D. CARMICHAEL, d.b.a. CARMICHAEL BROTHERS, Box 129, Monticello, ME 04760. Representative: Robert G. Parks, 20 Walnut Street, First Floor, Wellesley Hills, MA 02181. Authority granted to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used by grocery and food business houses*, from the facilities of First National Stores, Inc., at Windsor Locks, CT, to Rockland, Bangor, Waterville, and Old Town, ME, and to points in Aroostook County, ME, under a continuing contract, or contracts, with First National Stores, Inc., of Somerville, MA. (Hearing site: Boston, MA, or Hartford, CT.)

No. MC 144736F, filed May 7, 1978. Applicant: ROBINSON TRANSFER CO., INC., 1809 St. James Street, Box 25, La Crosse, WI 54601. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1)(a) *Roof and floor trusses, dimensional lumber, plywood, wallboard,*

and (b) *materials and supplies* used in the installation of the commodities in (1)(a) above, between the facilities of Northwest Wholesale Lumber Co., Inc., at or near La Crosse, WI, on the one hand, and, on the other, points in IA, and MN, and points in IL on and north of Interstate Hwy 80; and (2) *poles, posts, timbers, pilings, plywood, and dimensional lumber*, between the facilities of Engellen Wood Preserving, Inc., at or near Tomah, WI, on the one hand, and, on the other, points in IA, MN, and points in IL on and north of Interstate Hwy 80. (Hearing site: La Crosse, WI, or Minneapolis, MN.)

No. MC 130498F, filed May 8, 1978. Applicant: AUTOMOBILE CLUB OF WESTERN NEW YORK, a corporation, 976 Delaware Avenue, Buffalo, NY 14240. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, 425 135th Street NW., Washington, DC 20004. Authority granted to engage in operation, in interstate or foreign commerce, as a broker at Buffalo, NY, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Erie County, NY, and extending to points in the United States (including AK, but excluding HI). (Hearing site: Buffalo, NY.)

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-18202 Filed 6-9-78; 8:45 am]

[4910-59]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety
Administration

1971-76 FORD PINTO AND 1975-76 MERCURY BOBCAT

Public Proceeding Cancelled

A public proceeding scheduled for 10:00 a.m., June 14, 1978, in Room 2230, Department of Transportation Building, 400 Seventh Street SW., Washington, D.C. 20590, with respect to fuel systems in 1971-76 Ford Pintos and 1975-76 Mercury Bobcats (not including station wagons) is cancelled.

(Sec. 152, Pub. L. 95-492, 88 Stat. 1470 (15 U.S.C. 1412); delegation of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on June 9, 1978.

HOWARD J. DUGOFF,
Deputy Administrator.

[FR Doc. 78-18366 Filed 6-9-78; 12:12 pm]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

Civil Aeronautics Board.....	Item 1
Federal Council on the Arts and Humanities.....	2
Federal Energy Regulatory Commission.....	3, 4
International Trade Commission.....	5, 6
Nuclear Regulatory Commission.....	7, 8, 11
Postal Service (Board of Governors).....	9
Securities and Exchange Commission.....	10

[6320-01]

[M-136; June 6, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., June 13, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 29323, International Air Services Co., Acquisition of Control of Aloha Airlines (OGC).
3. Docket 32321, Southern Airways, Inc., Proposed settlement of Enforcement Proceeding (Memo No. 7951, BOE).
4. Dockets 31955, 30550, 31928, 32055, *Twin Cities-Las Vegas/Phoenix/San Diego Route Proceeding*, Order Consolidating Further Applications (Memo No. 7472-B, OGC).
5. Dockets 31968, 29952, Pan American's application to suspend service at New York and Dallas-Fort Worth on its Honolulu/South Pacific routes; Pan American's application for New York-Dallas/Ft. Worth fill-up authority (Memo No. 6980-J, BPDA, BIA, OGC).
6. Evergreen International Airlines, Inc., and McCulloch International Airlines, Inc.—Petition for review of staff action denying a request for refund of filing fees for "gambling" charter waivers (Memo No. 7001-C, BPDA, OGC).
7. Docket 32658, complaint by the North Dakota Automobile Club against increased charter rates filed by Braniff (BPDA).
8. Docket 32268, Petition by State and County of Hawaii for reconsideration of Order 78-4-24, which vacated suspension for intra-Hawaii fare increase (BPDA).
9. Docket 32351, Issuance of Foreign Air Carrier Permit, Air North Charter & Training Ltd. (Air North) (Memo No. 7996, BIA, OGC).
10. Notice of proposed rulemaking amending Part 241 of the Board's Economic Regulations concerning charges by foreign gov-

ernments and foreign entities for en route and airport facilities and services (Memo No. 7998, BAS, BIA, BPDA, OGC).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary,
202-673-5068.

[S-1209 Filed 6-8-78; 11:28 am]

[7537-01]

FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES.

TIME AND DATE: 11 a.m., Thursday, June 15, 1978.

PLACE: Room 158, Old Executive Office Building, Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Report of the Chairman.
2. Discussion of policy issues to be dealt with by the Federal Council on the Arts and the Humanities.
3. Discussion of by-laws and future agenda items.

CONTACT PERSON FOR MORE INFORMATION:

Anne Hartzell at 202-456-6200. Persons desiring to attend the meeting must contact Anne Hartzell prior to June 15, 1978 for clearance into the Old Executive Office Building.

Dated: June 7, 1978.

[S-1217-78 Filed 6-8-78; 3:35 pm]

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., June 14, 1978.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant

to the items on the agenda, however, all public documents may be examined in the Office of Public Information.

GAS AGENDA—124TH MEETING, JUNE 14, 1978, REGULAR MEETING (10 a.m.)

I. PIPELINE RATE MATTERS

A. Pipeline rates

- RP-1.—Docket No. RP73-97, Kentucky West Virginia Gas Co.
- RP-2.—Docket Nos. RP74-89 and RP73-35 (AP76-1), Trunkline Gas Co.
- RP-3.—Docket Nos. RP71-18, et al., and RP73-86, Columbia Gas Transmission Corp.
- RP-4.—Docket No. RP78-81, Mountain Fuel Resources, Inc.
- RP-5.—Docket No. RP75-105, Columbia Gulf Transmission Co. Docket No. RP75-106, (Consolidated Taxes), Columbia Gas Transmission Corp.

II. PRODUCER MATTERS

A. Producer certificates

- CI-1.—Docket Nos. CI77-681 and CI77-682, Southern Union Supply Co., Phillips Petroleum Co.

III. PIPELINE CERTIFICATE MATTERS

A. Pipeline certificates

- CP-1.—Docket No. CI76-432, Cabot Corp. Docket No. CP76-19, Columbia Gas Transmission Corp. and the Sylvania Corp. Docket No. CP76-361, Columbia Gas Transmission Corp.
- CP-2.—Docket Nos. CP75-104, et al., High Island Offshore System.
- CP-3.—Reserved.
- CP-4.—Reserved.
- CP-5.—Reserved.

B. Order No. 2 authorizations

- CP-6.—Docket No. CP78-45, Transcontinental Gas Pipe Line Corp.

GAS AGENDA—124TH MEETING, JUNE 14, 1978, REGULAR MEETING

- CAG-1.—Docket Nos. CS71-876, et al., Jones-O'Brien, Inc., et al.
- CAG-2.—Docket No. CI77-551, Pan Eastern Exploration Co.
- CAG-3.—Docket No. CI78-430, J. M. Huber Corp.
- CAG-4.—Docket No. CP78-43, Trunkline Gas Co.
- CAG-5.—Docket Nos. CI77-621, et al., Atlantic Richfield, Co.
- CAG-6.—Docket Nos. CP75-104, et al., High Island Offshore System. Docket No. CP76-118, U-T Offshore System.
- CAG-7.—Docket Nos. CI78-201, et al., Louisiana Land Offshore Exploration Co., Inc., et al.
- CAG-8.—Docket Nos. CI77-805, et al., Louisiana Land Offshore Exploration Co., Inc., et al.
- CAG-9.—Docket Nos. CI77-692, et al., Columbia Gas Development Corp., et al.
- CAG-10.—Docket No. CP64-89, Cities Service Gas Co. and Natural Gas Pipeline Co. of America.

CAG-11.—Docket No. CP78-248, Tennessee Gas Pipeline Co., a division of Tenneco Inc.
 CAG-12.—Docket No. CP78-261, United Gas Pipe Line Co.
 CAG-13.—Docket Nos. CP75-182, Michigan Wisconsin Pipe Line Co. Docket No. CP75-200, Michigan Consolidated Gas Co.
 CAG-14.—Docket Nos. CS74-84, et al., Priest Oil and Gas Corp., et al.
 CAG-15.—Docket Nos. G-7526, et al., Amoco Production Co., et al.
 CAG-16.—Docket Nos. G-4809, et al., Chevron U.S.A. Inc. (Operator), et al.

MISCELLANEOUS AGENDA—124TH MEETING, JUNE 14, 1978, REGULAR MEETING

M-1.—Docket No. RM75-25, Policy with respect to certification of Pipeline Transportation Agreements.

MISCELLANEOUS AGENDA—124TH MEETING, JUNE 14, 1978, REGULAR MEETING

CAM-1.—Consolidated Water Power Co.
 CAM-2.—Wisconsin River Power Co.
 CAM-3.—Alcoa Generating Corp., Long Sault, Inc., Yakin, Inc., and Tapco, Inc.

POWER AGENDA—124TH MEETING, JUNE 14, 1978, REGULAR MEETING

I. ELECTRIC RATE MATTERS

ER-1.—Docket Nos. ER78-308 and ER78-369, Boston Edison Co.
 ER-2.—Docket No. ER78-376, Florida Power & Light Co.
 ER-3.—Docket No. ER78-388, Missouri Power & Light Co.
 ER-4.—Docket No. ER78-194, Cleveland Electric Illuminating Co.
 ER-5.—Docket No. ER78-184, Kansas City Power & Light Co.
 ER-6.—Docket No. E-8755, Central Kansas Power Co., Inc.
 ER-7.—Docket No. E-7704, *The Electric and Water Plant Board of the City of Frankfort, Kentucky v. Kentucky Utilities Company*. Docket No. E-7669, Public Service Co. of Indiana. Docket No. E-7937, Indianapolis Power & Light Co. Docket No. E-8053, Kentucky Utilities Co.
 ER-8.—Docket No. E-9454, Public Service Co. of New Mexico.

II. LICENSED PROJECT MATTERS

P-1.—Project No. 2742, Copper Valley Electric Association, Inc.

POWER AGENDA—124TH MEETING, JUNE 14, 1978, REGULAR MEETING

CAP-1.—Docket No. ER78-232, Indianapolis Power & Light Co.
 CAP-2.—Docket No. ER78-377, Connecticut Valley Electric Co., Inc.
 CAP-3.—Docket No. ER78-226, Consumers Power Co.
 CAP-4.—Docket No. E-8570 (Fuel Clause), Southern California Edison Co.
 CAP-5.—Docket No. ER77-482, Michigan Power Co.
 CAP-6.—Docket No. ES78-33, El Paso Electric Co.
 CAP-7.—Docket No. DA-563, Oregon, Bureau of Land Management and U.S. Geological Survey.

KENNETH F. PLUMB,
 Secretary.

[78-1210-78 Filed 6-8-78; 11:28 am]

[6720-01]

FEDERAL HOME LOAN BANK BOARD:

TIME AND DATE: 9:30 a.m., June 16, 1978.

PLACE: 1700 G Street NW., Sixth Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION:

Franklin O. Bolling, 202-377-6679.

MATTERS TO BE CONSIDERED:

Limited Facility Application—Oceanside Federal Savings & Loan Association, Oceanside, Calif.

Application for Merger, Maintenance of Branch Offices, Cancellation of Membership and Insurance and Transfer of Bank Stock—First Federal Savings & Loan Association Wilkes-Barre, Wilkes-Barre, Pa. into Franklin Federal Savings & Loan Association of Wilke-Barre, Wilkes-Barre, Pa.

Limited Facility Application—First Federal Savings & Loan Association of Cedar Falls, Cedar Falls, Iowa.

Branch Office Application—Fidelity Federal Savings & Loan Association of Seymour, Seymour, Ind.

Consideration of Recommendation for Designation of Allen Dermody and David J. Kalina as Supervisory Agents of the Federal Home Loan Bank of Chicago.

Extension of Time for Bank Membership and Insurance of Accounts Application—First Womens Savings & Loan Association, San Francisco, Calif.

Branch Office Application—First Federal Savings & Loan Association of Lincoln, Nebr.

Application for Modification of Conditions for Bank Membership and Insurance of Accounts—Cincinnati Savings Association, Cincinnati, Ohio.

Application for Bank Membership and Insurance of Accounts—Peninsula Savings & Loan Association, Soldotna, Alaska.

Branch Office Application—First Federal Savings & Loan Association of Miami, Miami, Fla.

Satellite Office Application—Liberty Federal Savings & Loan Association, Philadelphia, Pa.

No. 158, June 8, 1978.

[S-1218-78 Filed 6-8-78; 3:35 pm]

[7020-02]

5

[USITC SE-78-28A]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 24169, June 6, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m., Thursday, June 15, 1978.

CHANGES IN THE MEETING: Additional Agenda Item:

7. Operations review by Mr. Dennin.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-1213-78 Filed 6-8-78; 11:28 am]

[7020-02]

6

[USITC SE-78-29]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Monday, June 19, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary): a. Glasses (Docket no. 515).
5. Approval of quarterly East-West Trade Report (if necessary).
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-1214-78 Filed 6-8-78; 11:28 am]

[7590-01]

7

NUCLEAR REGULATORY COMMISSION.

"Federal Register Citation of Previous Announcement: To be published.

PREVIOUSLY ANNOUNCED TIME AND DATE: Tuesday, June 6, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Closed (Changes).

CHANGES IN THE MEETING: 1. The Discussion of OIA/OGC Inquiry in Testimony of the Executive Director for Operations scheduled for approximately 3:00 p.m. has been postponed.

CONTACT PERSON FOR MORE INFORMATION:

Roger Tweed, 202-634-1410.

ROGER M. TWEED,
 Office of the Secretary.

[S-1211-78 Filed 6-8-78; 11:28 am]

[7590-01]

8

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of June 12, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Wednesday, June 14, 2:30 p.m.—Discussion of Draft Testimony on DOE Mill Tailings Legislation (approximately 2 hours). (Public meeting—Tentative)

CONTACT PERSON FOR MORE INFORMATION:

Roger Tweed, 202-634-1410.

ROGER M. TWEED,
 Office of the Secretary.

JUNE 7, 1978.

[S-1212-78 Filed 6-8-78; 11:28 am]

[7710-12]

9

POSTAL SERVICE (BOARD OF GOVERNORS).

NOTICE OF VOTE TO CLOSE MEETING.

On June 6, 1978, the Board of Governors of the United States Postal Service unanimously voted to close to public observation a portion of its meeting currently scheduled for July 6, 1978. Each of the members of the Board voted in favor of partially closing these meetings, which are expected to be attended by the following persons: Governors Wright, Holding, Ching, Coddling, Hardesty, Robertson; Postmaster General Bolger; Deputy Postmaster General Conway; and Secretary of the Board Cox.

The portion of the meeting to be closed will consist of a discussion of the Postal Service's possible strategies and positions in current collective bargaining negotiations involving parties to the 1975 National Agreement between the Postal Service and the labor organizations representing certain postal employees, which is scheduled to expire in July of 1978.

The Board of Governors is of the opinion that public access to any discussion of possible strategies that Postal Service management may decide to adopt, or the positions it may decide to assert, in any collective bargaining sessions that may take place would be likely to frustrate action to carry out those strategies or assert those positions successfully. In making this determination, the Board is aware that the effectiveness of the collective bargaining process in labor-management relations has traditional-

ly depended on the ability of the parties to prepare strategies and formulate positions without prematurely disclosing them to the opposite party. The public has a particular interest in the integrity of this process as it relates to the Postal Service, since the outcome of the negotiations between the Postal Service and the various postal unions, and consequently the cost, quality and efficiency of postal operations, may be adversely affected if the process is altered.

Accordingly, the Board of Governors has determined that, pursuant to section 552b(c)(3) of title 5, United States Code, and section 7.3(c) of title 39, Code of Federal Regulations, the portion of the meeting to be closed is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. § 552b(b)), because it is likely to disclose information prepared for use in connection with the negotiation of collective bargaining agreements under chapter 12 of title 39, United States Code, which is specifically exempted from disclosure by section 410(c)(3) of title 39, United States Code. The Board has determined further that, pursuant to section 552b(c)(9)(B) of title 5, United States Code, and section 7.3(i) of title 39, Code of Federal Regulations, the discussion is exempt, because it is likely to disclose information the premature disclosure of which is likely to frustrate significantly proposed Postal Service action. Finally, the Board of Governors has determined that the public has an interest in maintaining the integrity of the collective bargaining process and that the public interest does not require that the Board's discussion of its possible collective bargaining strategies and positions be open to the public.

In accordance with section 552b(f)(1) of title 5, United States Code, and section 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the portion of the meeting to be closed may properly be closed to public observation, pursuant to sections 552b(c)(3) and 552b(c)(9)(B) of title 5 and section 410(c)(3) of title 39, United States Code, and sections 7.3(c) and 7.3(i) of title 39, Code of Federal Regulations.

LOUIS A. COX,
 Secretary.

[S-1215-78 Filed 6-8-78; 2:05 pm]

[8010-01]

10

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 24170, June 2, 1978.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

PREVIOUSLY ANNOUNCED TIME AND DATE: Thursday, June 8, 1978, following open meeting at 2:30 p.m.

CHANGES IN THE MEETING: Additional items to be considered.

The following additional items will be considered by the Commission at the closed meeting scheduled for Thursday, June 8, 1978, immediately following the open meeting scheduled for 2:30 p.m.:

Referral of investigative files to Federal, State, or Self-regulatory authorities. Settlement of injunctive actions. Other litigation matters.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)A and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Chairman Williams, Commissioners Evans and Pollack determined that Commission business required consideration of these matters and that no earlier notice thereof was possible.

JUNE 8, 1978.

[S-1216-78 Filed 6-8-78; 2:42 pm]

11

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: June 9, 1978.

PLACE: Commissioners' Conference Room, 1717 H St., NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

9:00 a.m.—Discussion of Stay Motion in Seabrook (ALAB-471); (Approximately 1 hour); (Public Meeting).

CONTACT PERSON FOR MORE INFORMATION:

Roger Tweed, 202-634-1410.

ROGER M. TWEED,
 Office of the Secretary.

[S-1223-78 Filed 6-9-78; 11:03 a.m.]

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Register Federal

MONDAY, JUNE 12, 1978
PART II



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary



NONDISCRIMINATION BASED ON HANDICAP IN FEDERALLY ASSISTED PROGRAMS AND ACTIVITIES

Extension of Comment Period and
Schedule of Public Meetings

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[4210-01]

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 8]

[Docket No. R-78-528]

NONDISCRIMINATION BASED ON HANDICAP
IN FEDERALLY ASSISTED PROGRAMS AND
ACTIVITIES OF THE DEPARTMENT OF HOUS-
ING AND URBAN DEVELOPMENT

Extension of Comment Period and Schedule of
Public Meetings

AGENCY: Office of the Secretary,
HUD.

ACTION: Extension of Comment
Period and Schedule of Public Meet-
ings.

SUMMARY: This Notice extends the
period for comments on the proposed
rule, published April 19, 1978 (43 FR
16652) which sets forth procedures
and policies to assure nondiscrimina-
tion based on handicap in programs
and activities receiving Federal finan-
cial assistance from the Department of
Housing and Urban Development. The
Notice also sets forth the time and
place for public meetings designed to
assure maximum public participation
in the development of final regula-
tions.

DATE: The comment period is ex-
tended until August 1, 1978.

ADDRESS: Written comments, views
or data should be submitted to the
Rules Docket Clerk, Office of the
General Counsel, Room 5218, Depart-
ment of Housing and Urban Develop-

PROPOSED RULES

25411

ment, 451 Seventh Street SW., Wa-
shington, D.C. 20410.

FOR FURTHER INFORMATION
CONTACT:

Catherine A. Hillard (on the regula-
tions), 202-755-7367, or Roger P.
Watts (on the meetings), 202-755-
7366.

NOTE.—These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:
This Notice extends the period for
comments on the proposed rule, pub-
lished April 19, 1978 (24 CFR Part 8),
which sets forth procedures and poli-
cies to assure nondiscrimination based
on handicap in programs and activities
receiving Federal financial assistance
from the Department of Housing and
Urban Development, pursuant to sec-
tion 504 of the Rehabilitation Act of
1973 and Executive Order 11914. The
Notice also sets forth the time and
place for public meetings designed to
assure maximum public participation
in the development of final regula-
tions.

The Department stated, in the pro-
posed rule, its intention to hold public
meetings because of the variety and
importance of the issues involved. The
Secretary of Housing and Urban De-
velopment, in recognition of the value
of full and frank exchange in develop-
ing responsive regulations, hereby ex-
tends the comment period by 42 days
with a revised comment due date of
August 1, 1978. Public Meetings will be
held according to the following sched-
ule:

Place	Date
Atlanta.....	July 12
Boston.....	July 20
Chicago.....	July 14

Place	Date
Dallas.....	July 18
Denver.....	June 29
Kansas City.....	June 27
New York City.....	July 10
San Francisco.....	June 19
Seattle.....	June 21
Washington, D.C.....	July 6

Each meeting will take place from 9
a.m. to 6 p.m. according to the follow-
ing agenda:

9-9:30 a.m.—Discussion of proposed rule by
HUD staff.
9:30-12 Noon.—Brief verbal presentation by
the public of formal written comments
submitted to HUD staff the morning of
the meeting.
1:30-6 p.m.—“Town Meeting” Session for
Questions and Answers.

Persons wishing to speak during the
morning session should submit their
comments in writing to designated
HUD staff the morning of the meet-
ing. Written comments should also be
submitted to the Rules Docket Clerk,
Office of General Counsel, Room 5218,
Department of Housing and Urban
Development, 451 7th Street SW.,
Washington, D.C. 20410. Comments
received will be available for public in-
spection in room 5218 between 8:45
a.m. and 5:15 p.m. on all working days.
Transcripts, covering all major com-
ments received in the public meetings,
will also be available for public inspec-
tion in room 5218. All relevant com-
ments received on or before August 1,
1978 will be considered before adop-
tion of the final rule.

Issued at Washington, D.C., June 7,
1978.

PATRICIA ROBERTS HARRIS,
Secretary,
Housing and Urban Development.
[FR Doc. 78-16216 Filed 6-9-78; 8:45 am]

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TUESDAY, JUNE 13, 1978



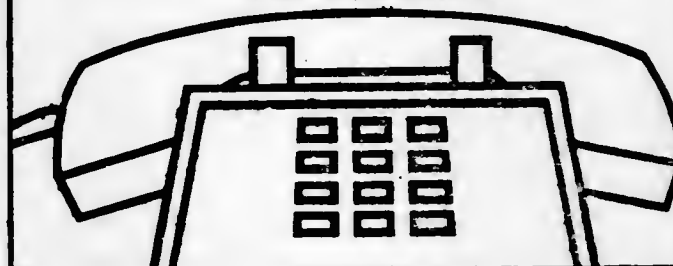
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SUNSHINE ACT MEETINGS 25528

FATHER'S DAY

Presidential proclamation 25413

REFUGEES IN SOMALIA AND DJIBOUTI

Presidential memorandum providing assistance 25415

VETERANS REHABILITATION AND EDUCATION

VA publishes regulations regarding the clinical portion of medical or dental technician courses; effective 6-8-78 25423

HOUSING ASSISTANCE PAYMENTS PROGRAM

HUD publishes fair market rents for new construction and substantial rehabilitation projects; effective 4-1-78 (Part III of this issue) 25604

CARCINOGEN POLICY

CPSC establishes interim policy and procedures for classifying, evaluating, and regulating substances that pose a risk of cancer, if they are present in consumer products; effective 6-13-78; comments by 10-11-78 (Part V of this issue) 25658

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

federal register

Area Code 202



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FEDERAL REGISTER, VOL. 43, NO. 114—TUESDAY, JUNE 13, 1978

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

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Chicago, Ill.	312-663-0884
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Photo copies of documents appearing in the Federal Register.	523-5240
Corrections	523-5237
Public Inspection Desk	523-5215
Finding Aids	523-5227
Public Briefings: "How To Use the Federal Register."	523-3517
Code of Federal Regulations (CFR) ..	523-3419
	523-3517
Finding Aids	523-5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents	523-5235
Index	523-5235

PUBLIC LAWS:

Public Law dates and numbers	523-5266
	523-5282
Slip Laws	523-5266
	523-5282
U.S. Statutes at Large	523-5266
	523-5282
Index	523-5266
	523-5282
U.S. Government Manual	523-5230
Automation	523-3408
Special Projects	523-4534

HIGHLIGHTS—Continued

DISASTER RELIEF

HUD proposes certain specifications and preference when providing relief to Presidentially declared disaster areas; comments by 7-13-78 25449

LAW AND ORDER ON INDIAN RESERVATIONS

Interior/BIA proposes rules to amend Code of Indian Tribal Offenses Committed on the Menominee Indian Reservation; comments by 8-14-78 25448

OTC NIGHTTIME SLEEP-AID AND STIMULANT PRODUCTS

HEW/FDA issues tentative final orders; objections and requests for an oral hearing by 7-13-78 (Part II of this issue) 25544

LIMITATIONS ON PAYMENT OR REIMBURSEMENT FOR DRUGS

HEW/Secy proposes to amend procedures setting a maximum allowable cost for drugs for which reimbursement is provided under Medicare, Medicaid, and other programs; comments by 7-13-78 25450

MAJOR HOUSEHOLD APPLIANCES

DOE requests interested persons to submit information concerning certain specified issues involved with manufacture and purchase; comments by 7-26-78 25459

CONTAGIOUS EQUINE METRITIS

USDA/APHIS permits unrestricted entry of certain horses from certain affected countries when specific conditions are met; effective 6-13-78 25418

FOREIGN PORTFOLIO INVESTMENT

Treasury proposes regulations for surveys regarding studies, analyses, and mandatory surveys of foreign portfolio investment in the U.S. and U.S. investment abroad; comments by 7-14-78, hearing on 7-10-78 (Part IV of this issue) 25636

MILITARY TRANSPORTATION

CAB proposes amendments of the minimum military charter rates for foreign and overseas air transportation services performed for the Department of Defense; comments by 7-3-78 25433

EMPLOYEE BENEFIT PLANS

Treasury/IRS, Labor/PWBP give notice of proposed exemption for a transaction involving the American Medical Association Members' Retirement Plan; comments by 7-21-78 25492, 25513

ASSOCIATION OF OFFICIAL ANALYTICAL CHEMISTS

HEW/FDA announces execution of memorandum of agreement; effective 2-21-78 25484

CROP PRICE SUPPORT PROGRAMS

USDA/CCC revises interest rate on loans; effective 4-1-78 ... 25453

WOOL AND MOHAIR ADVERTISING AND PROMOTION

USDA/AMS, ASCS propose to establish procedure for the conduct of referendums; comments by 7-13-78 25430

OPTIC LIQUID LEVEL SENSING SYSTEMS FROM CANADA

Treasury/Customs publish preliminary countervailing duty determination; effective 6-13-78 25512

FEDERAL REGISTER, VOL. 43, NO. 114—TUESDAY, JUNE 13, 1978

iii

HIGHLIGHTS—Continued

NEW ANIMAL DRUGS

HEW/FDA proposes to update regulations for bacitracin and bacitracin-containing drugs; comments by 8-14-78 25444

MANDATORY MEAT INSPECTION

USDA/FSQS provides a revised standard of composition for "Lard" and "Leaf Lard"; effective 7-13-78 25419

PESTICIDES

EPA approves Department of Defense plan for certification of applicators of restricted use pesticides 25649

PRIVACY ACT

NSF publishes additional system of records; comments by 7-13-78 25502

MEETINGS—

USDA/APHIS: Pseudorabies, 6-20, 6-22, 6-27, and 6-29-78 25433
HEW/OE: National Advisory Council on Vocational Education, 8-4-78 25489
Minimum Wage Study Commission, 6-20-78 25501
Labor/OSHA: Standards Advisory Committee on OSHA 25501

contents

THE PRESIDENT

Proclamation	
Father's Day	25413
Memorandums	
Somalia and Djibouti, refugees; assistance	25415

COMMODITY CREDIT CORPORATION

Notices	
Loan and price support programs; interest rate	25453
CONSUMER PRODUCT SAFETY COMMISSION	
Rules	

FEDERAL ENERGY REGULATORY COMMISSION

Notices	
Natural gas companies: Certificates of public convenience and necessity; applications, abandonment of serv-	

HIGHLIGHTS—Continued

NEW ANIMAL DRUGS

HEW/FDA proposes to update regulations for bacitracin and bacitracin-containing drugs; comments by 8-14-78 25444

MANDATORY MEAT INSPECTION

USDA/FSQS provides a revised standard of composition for "Lard" and "Leaf Lard"; effective 7-13-78 25419

PESTICIDES

EPA approves Department of Defense plan for certification of applicators of restricted use pesticides 25648

GRAS STATUS

HEW/FDA proposes affirmation of generally recognized as safe status of certain carbonates and bicarbonates; comments by 8-14-78 25438

GRAS INGREDIENTS

HEW/FDA announces opportunity for public hearing on safety of pantothenates, thiamine, urea, vitamin B12, and sodium chloride and potassium chloride; requests for oral presentation by 6-13-78 25487

NATIONAL REGISTER OF HISTORIC PLACES

Interior/HCRS requests comments by 6-23-78 on pending nominations 25489

PRIVACY ACT

NSF publishes additional system of records; comments by 7-13-78 25502

MEETINGS—

USDA/APHIS: Pseudorabies, 6-20, 6-22, 6-27, and 6-29-78 25433

HEW/OE: National Advisory Council on Vocational Education, 8-4-78 25489

Minimum Wage Study Commission, 6-20-78 25501

Labor/OSHA: Standards Advisory Committee on Cutaneous Hazards; 6-26 and 6-27-78 25490

NFAH/NEH: Advisory Committee Humanities Panel, 6-29, 7-6, 7-10, 7-11, 7-14, and 7-15-78 25501, 25502

NRC: Advisory Committee on Reactor Safeguards Subcommittee on Electrical Systems, Control and Instrumentation, 6-29-78 25503

HEARING—

PRC: Mail Classification Schedule 1977, 7-11-78 25504

SEPARATE PARTS OF THIS ISSUE

Part II, HEW/FDA 25544

Part III, HUD 25604

Part IV, Treasury 25636

Part V, CPSC 25658

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of PUBLIC LAWS.

[Last Listing: June 12, 1978]

contents

THE PRESIDENT

Proclamation
Father's Day 25413

Memorandums
Somalia and Djibouti, refugees; assistance 25415

EXECUTIVE AGENCIES

AGRICULTURAL MARKETING SERVICE

Proposed Rules
Wool and mohair advertising and promotion, procedure 25430

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Commodity Credit Corporation; Food Safety and Quality Service; Rural Electrification Administration.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules
Animal and poultry import restrictions:
Horses from United Kingdom, Ireland and France 25418

Proposed Rules
Livestock and poultry quarantine:
Pseudorabies; meetings 25433

ARTS AND HUMANITIES, NATIONAL FOUNDATION

Notices
Meetings:
Humanities Panel (5 documents) 25501, 25502

CIVIL AERONAUTICS BOARD

Proposed Rules
Military transportation; exemption of air carriers; charter rates, minimum 25433

Notices
Hearing, etc.:
Allegheny Airlines, Inc., et al. 25454
California/Southwest-Western Mexico route case 25456
International Air Transport Association 25456

CIVIL SERVICE COMMISSION

Rules
Excepted service:
Commerce Department et al. 25417
Treasury Department et al. 25417

COMMERCE DEPARTMENT

See Economic Development Administration; Maritime Administration; National Technical Information Service.

COMMODITY CREDIT CORPORATION

Notices
Loan and price support programs; interest rate 25453

CONSUMER PRODUCT SAFETY COMMISSION

Rules
Carcinogens in consumer products, classifying and evaluating; interim policy and procedure 25658

CUSTOMS SERVICE

Notices
Countervailing duty petitions and preliminary determinations:
Optic liquid level sensing systems from Canada 25512

DEFENSE DEPARTMENT

See Navy Department.

ECONOMIC DEVELOPMENT ADMINISTRATION

Notices
Import determination petitions:
Eico Electronic Instrument Co., Inc., et al. 25457

EDUCATION OFFICE

Notices
Meetings:
Vocational Education National Advisory Council 25489

ENERGY DEPARTMENT

See also Federal Energy Regulatory Commission.

Notices
Energy Conservation program; household appliances; inquiry 25459

ENVIRONMENTAL PROTECTION AGENCY

Notices
Clean Air Act and Federal Water Pollution Control Act; list of violating facilities 25468
Pesticide applicator certification:
Defense Department Federal Agency Plan 25648
Pesticide registration application 25470

FEDERAL AVIATION ADMINISTRATION

Rules
Airworthiness directives:
Cessna; correction 25420

FEDERAL COMMUNICATIONS COMMISSION

Notices
Domestic public radio services; applications accepted for filing 25472

FEDERAL ENERGY REGULATORY COMMISSION

Notices
Natural gas companies:
Certificates of public convenience and necessity; applications, abandonment of service and petitions to amend... 25460
Small producer certificates, applications 25462
Hearings, etc.:
Brown, Maurice L., Co. 25463
Colorado Interstate Gas Co. 25459
Gibson Drilling Co. 25462
Mesa Petroleum Co. et al. 25464
Mitchell Energy Corp. 25465
Pennsylvania Power Co. 25465
Prattville Pumped Storage Project 25466
Smith, Earl T. & Associates, Inc. 25460
Texas Gas Transmission Corp. 25467
Texasgulf, Inc. 25467

FEDERAL HOUSING COMMISSIONER—OFFICE OF ASSISTANT SECRETARY FOR HOUSING

Rules
Low-income housing:
Fair market rents, new construction and substantial rehabilitation; all market areas 25604

FEDERAL RESERVE SYSTEM

Notices
Applications, etc.:
Citibanc Holding Co., Inc. 25475
First Evergreen Corp. 25475
First Kansas Bancorp. 25475
Glen-An Corp. 25475
Gordon Financial Corp. 25475
Lime Springs Investment Co. 25476
Southwest Bancshares, Inc. 25476

FOOD AND DRUG ADMINISTRATION

Rules
GRAS or prior-sanctioned ingredients:
Shrimp, canned; identity and fill of container standards; correction 25423

Proposed Rules

Administrative practices and procedures:
Separation of functions and ex parte communications; withdrawn 25438
Animal and human drugs:
Bacitracin and bacitracin-containing drugs 25444
GRAS or prior-sanctioned ingredients:
Carbonates and bicarbonates 25438
Inositol; correction 25438

CONTENTS

Human drugs: Foreign new drug applica- tions; definition of "United States"; withdrawn 25443 Over-the-counter drugs; nighttime sleep-aid and stimulant products 25544	INTERNAL REVENUE SERVICE Notices Employee benefit plans: Prohibitions on transactions; exemption proceedings, ap- plications, hearings, etc. (2 documents) 25492, 25513	NATIONAL TECHNICAL INFORMATION SERVICE Notices Inventions, Government-owned; availability for licensing 25458
Notices Chemical, physical, and biologi- cal analysis; memorandum of agreement with Association of Official Analytical Chemists .. 25484 GRAS or prior-sanctioned in- gredients; hearings 25487	INTERSTATE COMMERCE COMMISSION Notices Hearing assignments 25516 Motor carriers: Temporary authority applica- tions; correction 25527 Railroad services abandonment: Detroit, Toledo and Ironton Railroad Co 25516 Illinois Terminal Railroad Co 25518 Missouri Pacific Railroad Co 25521 Southern Railway Co 25527	NAVY DEPARTMENT Rules Claims, personnel 25425
FOOD SAFETY AND QUALITY SERVICE Rules Fruits and vegetables (pro- cessed), inspection and certi- fication: Peaches, clingstone (canned); grade standards; correction.. 25417 Meat and poultry inspection, mandatory: Lard and Leaf Lard; composi- tion standard 25419	LABOR DEPARTMENT <i>See also Occupational Safety and Health Administration; Pension and Welfare Benefit Programs Office.</i> Notices Industry Study reports for ad- justment assistance eligibil- ity: Flatware, stainless steel 25494 <i>Adjustment assistance:</i> Aeroquip Corp. et al 25498 Allied Leather Co 25493 Baxter Stores, Inc. 25494 Bessemer & Lake Erie Rail- road Co 25494 Consolidated Rail Corp 25495 Cyclops Inc. 25496 Diane Handbags, Inc 25496 Dorado Fabrics, Inc 25497 Hackett, Clarence A., Inc 25495 Hydri Co 25497 International Shoe Co 25497 Karp, David, Inc 25496 Liberty Belle Fishing Corp 25500 O'Neill, L. J., Shoe Co 25499 Union Railroad Co 25500 Wean United, Inc 25500	NUCLEAR REGULATORY COMMISSION Proposed Rules Special nuclear material, physi- cal protection of plants, etc.: Safeguard requirements; mod- erate and low strategic sig- nificance material; cor- rection 25433
HEALTH, EDUCATION, AND WELFARE DEPARTMENT <i>See also Education Office; Food and Drug Administration; So- cial Security Administration.</i> Proposed Rules Drugs, maximum allowable cost (MAC); abolition of advisory committee 25450	LAND MANAGEMENT BUREAU Notices Applications, etc.: Arizona 25489	Notices Environmental statements; availability, etc.: Commonwealth Edison Co 25504 Meetings: Reactor Safeguards Advisory Committee 25503 Applications, etc.: Commonwealth Edison Co 25504 Connecticut Yankee Atomic Power Co 25503 Iowa Electric Light & Power Co. et al 25503
Notices Information collection and data acquisition activity, descrip- tion; inquiry 25476	HOUSING AND URBAN DEVELOPMENT DEPARTMENT <i>See also Federal Housing Com- missioner—Office of Assistant Secretary for Housing.</i> Proposed Rules Procurement; local contractor preference for disaster pro- curements 25449	OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION Rules State plans for enforcement of standards: Colorado 25424 Wyoming 25424
HERITAGE CONSERVATION AND RECREATION SERVICE Notices Historic Places National Regis- ter; additions, deletions, etc.: Arizona et al 25489	MARITIME ADMINISTRATION Notices <i>Applications, etc.:</i> Zapata Products Tankers, Inc 25457	Notices Meetings: Standards Advisory Commit- tee on Cutaneous Hazards 25490 State plans; development, en- forcement, etc.: Virginia; inquiry 25491
INDIAN AFFAIRS BUREAU Proposed Rules Law and order on Indian reser- vations: Menominee Indian Reserva- tion, offenses committed on 25448	MINIMUM WAGE STUDY COMMISSION Notices Meetings 25501	PENSION AND WELFARE BENEFIT PROGRAMS OFFICE Notices Employee benefit plans: Prohibitions on transactions; exemption proceedings, ap- plications, hearings, etc. (2 documents) 25492, 25513 Prohibitions on transactions; exemption proceedings, ap- plications, hearing, etc.; cor- rection 25492
INTERIOR DEPARTMENT <i>See Heritage Conservation and Recreation Service; Indian Af- fairs Bureau; Land Manage- ment Bureau.</i>	NATIONAL SCIENCE FOUNDATION Notices Privacy Act; Systems of rec- ords 25502	POSTAL RATE COMMISSION Notices Mail Classification schedule 25504
		RURAL ELECTRIFICATION ADMINISTRATION Notices Loan guarantees proposed: United Power Association 25453

CONTENTS

SECURITIES AND EXCHANGE COMMISSION Rules Securities Exchange Act: Beneficial ownership of equity securities; institutional in- vestors reporting 25420	National Government Securi- ties Trust 25510 SOCIAL SECURITY ADMINISTRATION Rules Old-age, survivors and disability insurance: Income from self employment of limited partner; exclu- sion; correction 25422	TRANSPORTATION DEPARTMENT <i>See Federal Aviation Adminis- tration.</i> TREASURY DEPARTMENT <i>See also Customs Service; Inter- nal Revenue Service.</i> Proposed Rules Portfolio investment surveys 25636
Notices Self-regulatory organizations; proposed rule changes: Boston Stock Exchange, Inc .. 25506 <i>Hearings, etc.:</i> Arcs Equities Corp 25505 Cedar Coal Co. et al 25506 Central & South West Corp. et al 25508 Louisiana Power & Light Co .. 25509	STATE DEPARTMENT Notices Meetings: Transnational Enterprises Ad- visory Committee 25512	VETERANS ADMINISTRATION Rules Vocational rehabilitation and education: Education benefits; medical- dental courses 25428

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month. A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

3 CFR PROCLAMATION: 4574 25413 MEMORANDUMS: May 23, 1978 25415 5 CFR 213 (2 documents) 25417 7 CFR 2852 25417 PROPOSED RULES: 1270 25430 9 CFR 92 25418 315 25419 319 25419 PROPOSED RULES: 85 25433 10 CFR PROPOSED RULES: 70 25433 73 25433 150 25433 14 CFR 39 25420	14 CFR—Continued PROPOSED RULES: 288 25433 16 CFR 1040 25658 17 CFR 241 25420 20 CFR 404 25422 21 CFR 161 25423 PROPOSED RULES: 10 25438 182 (2 documents) 25438 184 (2 documents) 25438 186 25438 314 25443 338 25544 340 25544 369 25444 429 25443 431 25443 505 25444 536 25444	21 CFR—Continued PROPOSED RULES—Continued 539 25444 548 25444 24 CFR 888 25604 25 CFR PROPOSED RULES: 11 25448 29 CFR 1952 (2 documents) 25424 31 CFR PROPOSED RULES: 129 25636 32 CFR 751 25425 38 CFR 21 25428 41 CFR PROPOSED RULES: 24-1 25449 45 CFR PROPOSED RULES: 19 25450
---	--	---

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

1 CFR		9 CFR—Continued		16 CFR—Continued	
Ch. I.....	23701	PROPOSED RULES:		PROPOSED RULES:	
3 CFR		11.....	24064	Ch. II.....	24325
PROCLAMATION:		85.....	25433	13.....	24066, 25349
4574.....	25413	381.....	24064	17 CFR	
MEMORANDUMS:		10 CFR		32.....	23704
May 23, 1978.....	25415	205.....	23989, 25079	240.....	24287
4 CFR		212.....	24265, 24822	241.....	25420
331.....	24819	430.....	24268	249.....	24287
401.....	24820	PROPOSED RULES:		PROPOSED RULES:	
402.....	24820	70.....	25433	1.....	23729
403.....	24820	73.....	25433	31.....	23729
404.....	24820	150.....	25433	19 CFR	
405.....	24820	211.....	24847	10.....	23708
406.....	24820	212.....	24847	159.....	23709, 23710
407.....	24820	465.....	24316	171.....	23711
408.....	24820	12 CFR		PROPOSED RULES:	
409.....	24820	9.....	23990	4.....	23731
410.....	24821	217.....	24516	6.....	23731
415.....	24821	329.....	24269	20 CFR	
5 CFR		526.....	24271	404.....	25000, 25090, 25422
213.....	25000, 25075, 25076, 25417	545.....	24271	416.....	25090
7 CFR		PROPOSED RULES:		PROPOSED RULES:	
2.....	23983	9.....	25348	16.....	25142
226.....	25130	226.....	23726	20.....	25142
227.....	25130, 25132	545.....	23727	201.....	25142
230.....	25134	14 CFR		410.....	24542
246.....	23986	39.....	24272, 24273, 24824-24827, 25420	812.....	25142
301.....	25135	71.....	24274, 24275	21 CFR	
910.....	25136	73.....	23703, 25331	101.....	24518
905.....	24821	75.....	23703	161.....	25423
908.....	23701, 24822	97.....	24275	207.....	24008
910.....	23986	121.....	24827	540.....	24010
918.....	25331	129.....	24827	PROPOSED RULES:	
932.....	24822	221.....	24277	Ch. I.....	24066
1079.....	24515	250.....	24277	10.....	25438
1434.....	24263	298.....	25087	146.....	24547
1800.....	23986	302.....	25332	182.....	24067, 25438
1822.....	24264	PROPOSED RULES:		184.....	25438
1823.....	25331	39.....	23727, 24847-24850	186.....	24067, 25438
1904.....	24265	71.....	24324, 24851-24854	314.....	25443
2852.....	25417	73.....	24854, 24855	338.....	25444
PROPOSED RULES:		75.....	24856	340.....	25444
210.....	25137	371.....	24542	369.....	25000
650.....	24222	241.....	25138	429.....	25443
917.....	23724	288.....	25433	431.....	25443
921.....	25347	371.....	25141	505.....	25444
929.....	25348	1216.....	25317	536.....	25444
948.....	24846	15 CFR		539.....	25444
980.....	24846	315.....	23991	548.....	25444
1062.....	24515	371.....	24517	740.....	24070
1126.....	23725	399.....	24517	22 CFR	
1270.....	25430	16 CFR		PROPOSED RULES:	
1430.....	25137	5.....	25333	42.....	24547
1701.....	24064, 25138	13.....	23991	24 CFR	
9 CFR		419.....	25336	203.....	23713
78.....	23987	456.....	23992	213.....	23713
92.....	25418	1040.....	25658	234.....	23713
113.....	25076, 25078				
315.....	25419				
319.....	25419				

viii

FEDERAL REGISTER, VOL. 43, NO. 114—TUESDAY, JUNE 13, 1978

FEDERAL REGISTER

24 CFR—Continued		39 CFR		46 CFR—Continued	
570.....	24656	111.....	25095	PROPOSED RULES:	
888.....	25604	3001.....	24832	Ch. IV.....	24559
1914.....	24011, 24013	40 CFR		33.....	25000
1915.....	24019, 24021, 24022	118.....	24309	35.....	25000
1916.....	24049, 24050	120.....	24529	71.....	25000
1917.....	23713-	171.....	24834	75.....	25000
	23722, 24051-24061, 24289-24307, 24519-24526	180.....	24692, 25120	78.....	25000
PROPOSED RULES:		PROPOSED RULES:		91.....	25000
8.....	25411	35.....	24071	94.....	25000
201.....	25349	52.....	24071, 24857, 24858, 25146	97.....	25000
1710.....	23936	65.....	24858, 25147	160.....	25000
1715.....	23936	80.....	24331	189.....	25000
1917.....	23732-	180.....	24714, 24861	192.....	25000
	23743, 24070, 24548-24558	1500.....	25230	196.....	25000
25 CFR		1501.....	25230	308.....	24075
PROPOSED RULES:		1502.....	25230	502.....	24080
11.....	25448	1503.....	25230	47 CFR	
54.....	23743	1504.....	25230	0.....	24310, 25122
26 CFR		1505.....	25230	1.....	25122
PROPOSED RULES:		1506.....	25230	2.....	25343
301.....	25143	1507.....	25230	15.....	25122
27 CFR		1508.....	25230	73.....	24533, 24534, 25344
170.....	24234	41 CFR		76.....	25123
201.....	24234	7-1.....	24839	78.....	25125
231.....	24243	7-3.....	24839, 24840	89.....	25127
252.....	24243	7-4.....	24840	97.....	25122
29 CFR		7-16.....	24840	PROPOSED RULES:	
1952.....	25424	7-30.....	24840	63.....	24861
2610.....	25337	8-3.....	24531	64.....	24861
PROPOSED RULES:		8-52.....	24531	67.....	23746
70a.....	25145	8-74.....	24531	73.....	24334, 24560, 24862, 24863
30 CFR		101-26.....	24533	81.....	24863
PROPOSED RULES:		101-30.....	24533	83.....	24863
880.....	24326	101-38.....	24062	87.....	25150
31 CFR		101-39.....	24062	49 CFR	
103.....	24527	101-40.....	24063	171.....	24844
PROPOSED RULES:		PROPOSED RULES:		172.....	24845
129.....	25636	4.....	24559	252.....	25129
32 CFR		24-1.....	25449	253.....	25129
260.....	25337	42 CFR		254.....	25129
751.....	25425	122.....	24072	257.....	25346
1801.....	25092	405.....	24332, 24873, 24988	571.....	24310
1900.....	24527	449.....	24873	1033.....	23722, 23723, 24535-24539, 25129
32A CFR		450.....	24988	PROPOSED RULES:	
634.....	24308	43 CFR		27.....	25016
33 CFR		PROPOSED RULES:		171.....	24335
100.....	25342	428.....	24072	172.....	24335
117.....	24829	1600.....	24559	173.....	24335
36 CFR		PUBLIC LAND ORDERS:		175.....	24335
254.....	24830	5638.....	24063	176.....	24335
904.....	24528	45 CFR		179.....	24865
37 CFR		1067.....	24841	191.....	24478, 24866
302.....	24528	PROPOSED RULES:		393.....	24871, 25156
304.....	25068	19.....	25450	531.....	24871
38 CFR		130.....	24333	1124.....	25152
21.....	25428	144.....	25149	50 CFR	
PROPOSED RULES:		175.....	25149	32.....	24696
18d.....	25146	176.....	25149	PROPOSED RULES:	
		46 CFR		216.....	25349
		401.....	24996	217.....	25349
		528.....	25343	220.....	25349
				402.....	25349
				656.....	23747
				661.....	23748

FEDERAL REGISTER, VOL. 43, NO. 114—TUESDAY, JUNE 13, 1978

ix

V
4
3
/
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1
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J
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3

7
8

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FEDERAL REGISTER

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	Date	Pages	Date
23701-23982	June 1	24819-25073	8
23983-24261	2	25075-25330	9
24263-24514	5	25331-25411	12
24515-24658	6	25413-25665	13
24659-24818	7		

presidential documents

[3195-01]

Title 3—The President

PROCLAMATION 4574

Father's Day, 1978

By the President of the United States of America

A Proclamation

Today's fathers face new challenges as America changes. In addition to their traditional role as breadwinner for the family, many fathers are playing a greater role in raising children and in the home. The preservation of America's family structure will, in large measure, depend upon their ability to meet these demands.

To honor our Nation's fathers, and to provide an opportunity to reflect upon their contributions to our society, the Congress, by joint resolution of April 24, 1972 (86 Stat. 124; 36 U.S.C. 142a), has asked the President to issue annually a proclamation calling upon the American people to observe the third Sunday in June of each year as Father's Day.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby request that Sunday, June 18, 1978, be observed as Father's Day. I direct Government officials to display the flag of the United States on all Government buildings on that day and I urge all citizens to display the flag at their homes and other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of June, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and second.



[FR Doc. 78-16438 Filed 6-9-78; 2:53 pm]

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THE PRESIDENT

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[3195-01]

Memorandum of May 23, 1978

Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended, (The "Act") Authorizing the Obligation of \$750,000 of Funds Made Available Under the United States Emergency Refugee and Migration Assistance Fund

[Presidential Determination No. 78-12]

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, May 23, 1978.

In order to meet emergent needs of refugees who are in Somalia and Djibouti as a result of hostilities in the Horn of Africa, I hereby determine, pursuant to Section 2(c)(1) of the Act, that it is important to the national interest that up to \$750,000 in funds appropriated under the United States Emergency Refugee and Migration Assistance Fund be made available for assistance to such refugees. This assistance will be furnished through contributions to the United Nations High Commissioner for Refugees, international organizations and voluntary agencies helping these refugees.

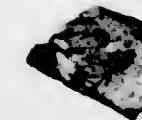
The Secretary of State is requested to inform the appropriate committees of Congress of the Determination and the obligation of funds made under their authority.

This determination shall be published in the FEDERAL REGISTER.

Jimmy Carter

[FR Doc. 78-16452 Filed 6-9-78; 3:55 pm]

FEDERAL REGISTER, VOL. 43, NO. 114—TUESDAY, JUNE 13, 1978



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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce,
Department of Energy

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment (1) changes the title of two positions in the Department of Commerce to reflect an organizational redesignation and (2) excepts under Schedule C a position in the Department of Energy because it is confidential in nature.

EFFECTIVE DATE: May 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Sherwin, 202-632-4533.

Accordingly, 5 CFR 213.3314(a)(14) and (34) are amended and 213.3331(d)(2) is added as set out below:

§ 213.3314 Department of Commerce.

- (a) Office of the Secretary. . . .
- (14) One Private Secretary to the Director, Office of Public Affairs. . . .
- (34) Deputy Director, Office of Public Affairs.

§ 213.3331 Department of Energy.

(d) Office of the Administrator of the Energy Information Administration. . . .

- (2) One Confidential Assistant (Secretary) to the Deputy Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 78-16145 Filed 6-12-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of the Treasury, Department of Commerce, Veterans Administration

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment (1) excepts under Schedule C certain positions at the Department of Treasury and the Department of Commerce because they are confidential in nature and (2) reflects a title change at the Veterans Administration due to the reorganization of that office.

EFFECTIVE DATE: May 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Sherwin, 202-632-4533.

Accordingly, 5 CFR 213.3305(a)(73), 213.3314(a)(5) and 213.3327(a)(7) are amended, 213.3314(x)(2) is added and 213.3327(a)(1) is revoked as set out below:

§ 213.3305 Department of the Treasury.

- (a) Office of the Secretary. . . .
- (73) Three Special Assistants to the Assistant Secretary (Public Affairs).

§ 213.3314 Department of Commerce.

- (a) Office of the Secretary. . . .
- (5) Two Confidential Assistants and one Private Secretary to the General Counsel. . . .
- (x) Office of the Assistant Secretary for Communications and Information. . . .

- (2) Director, Office of Congressional and Media Affairs.

§ 213.3327 Veterans Administration.

- (a) Office of the Administrator.
- (1) [Revoked]. . . .
- (7) Six Confidential Assistants to the Executive Assistant to the Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 78-16147 Filed 6-12-78; 8:45 am]

[1505-01]

Title 7—Agriculture

CHAPTER XXVIII—FOOD SAFETY AND QUALITY SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 2852—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Canned Clingstone Peaches

Correction

In FR Doc. 78-13099, appearing at page 20957 in the issue of Tuesday, May 16, 1978, the following changes should be made:

1. On page 20959, first column, the sixth line of § 2852.2563(a) should read, "[sam-]pling can be considered satisfactory as".

2. On page 20960, the first line of the first column should read, "(1) Halves; quarters—25 units." The fifth line should read, "(5) Halves and pieces; pieces or irreg-ular," and wherever the symbol "X" appears (in § 2852.2568(d)(1), § 2852.2569(c) and in the headings of Table I at the bottom of the page), it should read, "X̄". Also, where the symbol "LL" appears in the headings of the table, it should not have a subscript.

3. On page 20961, wherever the symbols "X" or subscript "x" appear in Tables I and II, they should read, "X̄" and "x̄" respectively, where the symbol "LL" appears, it should not have a subscript, and where the symbol "R" appears in the headings of Table III, it should read, "R̄".

4. On page 20962, in Table III continued, the headings now reading "X̄ min", "LWL", "LRL", and "R" should read, "X̄ min", "LWL", "LRL", and "R̄" respectively.

RULES AND REGULATIONS

5. On page 20962, the fourth and fifth lines of the first column, below Table III continued, should read, "R̄ means a specified average range value," and the last line of § 2852.2570(a)(1)(vi) should read, "of whole, halves, and quarters."

6. On page 20963, in Table IV, the eleventh line under the heading, "Halves and Quarters" should read, "Partially detached piece".

making which would amend the regulations (9 CFR 92.2, 92.4, and 92.17) to provide for the importation of certain horses into the United States from the United Kingdom, Ireland, and France which are countries affected with CEM when certain specified conditions are met. A period of 30 days was provided for receipt of comments concerning the proposal. In response to this proposal requests were received from a

(iv) Horses imported for permanent entry from the United Kingdom, Ireland, and France, if such animals are accompanied by import permits in accordance with § 92.4 of the regulations and are accompanied by a certificate signed by an official of the National Veterinary Service of such country stating that:

(A) Individual health history records that he certifies to be true and factual

on any premises at any time during which time such premises were found by an official of the Veterinary Services of the national government of the country where such premises are located, to be affected with CEM; that the horses have not been bred by or bred to any horse from an affected premises; and that they have had no other contact with horses that have been found to be affected with CEM

tions to provide for a revised standard of composition for "Lard" and "Leaf Lard." The administrator believes that such standard is necessary in order to clearly specify the ingredients permitted in "Lard" and "Leaf Lard." This amendment also deletes the current standard for "Rendered Pork Fat" since packers have generally ceased production of such product.

EFFECTIVE DATE: July 13, 1978

RULES AND REGULATIONS

might adversely affect the quality of such a product. However, the Department has determined that adoption of the new standard will not result in any reduction in product quality. The technology of lard preparation has evolved considerably from the time when the old standard became effective. By complying with the requirements set forth in this new standard, the quality of lard in the marketplace

5. On page 20962, the fourth and fifth lines of the first column, below Table III continued, should read, "F" means a specified average range value." and the last line of § 2852.2570(a)(1)(vi) should read, "of whole, halves, and quarters."

6. On page 20963, in Table IV, the eleventh line under the heading, "Halves and Quarters" should read, "Partially detached piece".

7. On page 20964, in Table IV continued, an "X" should appear under the heading "Critical" and in line with the entries "Small piece (each piece)" and "short stem and small piece (each piece)".

[3410-34]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Importation of Horses

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this document is to permit the unrestricted entry of certain horses into the United States from the United Kingdom, Ireland, and France which are countries affected with contagious equine metritis (CEM) when specific conditions are met. This action is needed to provide for the importation of horses from CEM-affected countries when this can be done without risk of introducing CEM into the United States. The effect of this action would be to provide for the importation of certain horses from CEM-affected countries.

EFFECTIVE DATE: June 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. D. E. Herrick, USDA, APHIS, VS, Room 815, Federal Building, Hyattsville, Md. 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION: On February 17, 1978, there was published in the FEDERAL REGISTER (43 FR 6957-6958) a notice of Proposed Rule-

making which would amend the regulations (9 CFR 92.2, 92.4, and 92.17) to provide for the importation of certain horses into the United States from the United Kingdom, Ireland, and France which are countries affected with CEM when certain specified conditions are met. A period of 30 days was provided for receipt of comments concerning the proposal. In response to this proposal requests were received from a representative of the Infectious Disease Committee, United States Animal Health Association, and other interested parties for additional time in which to obtain relevant data and information and to develop sound views and comments. Since the Department is interested in receiving meaningful views and comments, a notice was published in the FEDERAL REGISTER on April 4, 1978 (43 FR 14042) which extended the comment period to May 1, 1978.

A total of four comments were received, all of which suggested modification or delay in placing the proposal into effect. Three comments suggested that horses for breeding purposes not be allowed to be imported into the United States until more controls have been placed on CEM by the Government of the affected countries. One comment suggested that present restrictions be continued for an additional period of 6 months.

After due consideration of all relevant material available to the Department, including that submitted in connection with such notices, the Department has determined that the laboratory capability and swabbing techniques developed and used in the affected countries are sufficient to provide effective diagnostic capability and to provide a reasonable degree of assurance against the introduction of CEM into the United States. Additional protection is provided by the requirement that the National Veterinary Service of affected countries must certify for export only those horses that have individual health history records which show that since reaching 2 years of age such horses have not been on any premises where breeding was carried out, thereby substantially reducing the danger of their exposure to the disease.

This action will provide for the importation of horses from certain CEM affected countries in a manner that does not create an undue risk of introducing CEM into the United States.

Accordingly, part 92, title 9, Code of Federal Regulations, is amended in the following respects:

1. In § 92.2, paragraph (1) is amended to add subparagraph (2)(iv) to read:

§ 92.2 General prohibitions; exceptions.

- (i)
- (2)

(iv) Horses imported for permanent entry from the United Kingdom, Ireland, and France, if such animals are accompanied by import permits in accordance with § 92.4 of the regulations and are accompanied by a certificate signed by an official of the National Veterinary Service of such country stating that:

(A) Individual health history records show that since reaching 2 years of age such horses have not been on premises where breeding was carried out;

(B) For fillies and mares, that three negative cultures for CEM were conducted from specimens collected from each of the mucosal surfaces of the urethral and clitoral fossa, cervix, and uterus for each culture, at intervals of no less than 7 days, that one culture specimen was collected at time of estrus, and that the last of these tests was conducted within 30 days of the date of exportation;

(C) For male colts and stallions, that three negative cultures were conducted from specimens collected from each of the surfaces of the urethral fossa, the urethra, and the penile sheath for each culture at intervals of no less than 7 days, and that the last of these tests was conducted within 30 days of the date of exportation; and

(D) At the time each specimen for culturing is taken, a licensed veterinarian of such country has clinically examined such horses and has certified that such horses are clinically free of evidence of CEM. All specimens shall be cultured in a laboratory approved by the National Veterinary Service of such country to conduct cultures for CEM.

§ 92.4 [Amended]

2. The heading of § 92.4 is amended by inserting the phrase "horses from countries affected with CEM" immediately after "swine" and prior to "poultry."

3. The first sentence in § 92.4 (a)(1) and (a)(3) and the fourth sentence in § 92.4(b) is amended by inserting the phrase "horses from countries listed in § 92.2(i)(1) of the regulations" immediately after the term "poultry" and immediately preceding the term "animal semen."

4. In § 92.17, that part of the first sentence after the fourth semicolon and preceding the first proviso is amended to read:

§ 92.17 Horses, certification and accompanying equipment.

. and except as provided in 92.2(i)(2)(i) and § 92.2(i)(2)(iv), the horses have not been in any country listed in § 92.2(i)(1) as affected with CEM during the 12 months immediately prior to their importation into the United States; they have not been

on any premises at any time during which time such premises were found by an official of the Veterinary Services of the national government of the country where such premises are located, to be affected with CEM; that the horses have not been bred by or bred to any horse from an affected premises; and that they have had no other contact with horses that have been found to be affected with CEM or with horses that were imported from countries affected with CEM. . . .

These amendments relieve restrictions presently imposed on certain horses from CEM-affected countries when specific conditions are met and should be made effective promptly to be of maximum benefit to affected persons. It does not appear that further public participation in this rule-making proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of June 1978.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

PIERRE A. CHALOUX,
Deputy Administrator,
Veterinary Services.

[FR Doc. 78-16317 Filed 6-12-78; 8:45 am]

[3410-34]

CHAPTER III—FOOD SAFETY AND QUALITY SERVICE, MEAT AND POULTRY INSPECTION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 315—RENDERING OR OTHER DISPOSAL OF CARCASSES AND PARTS PASSED FOR COOKING

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

Standard of Composition for Lard and Leaf Lard Deletion of Standard for Rendered Pork Fat

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: This rule would amend the Federal meat inspection regula-

tions to provide for a revised standard of composition for "Lard" and "Leaf Lard." The administrator believes that such standard is necessary in order to clearly specify the ingredients permitted in "Lard" and "Leaf Lard." This amendment also deletes the current standard for "Rendered Pork Fat" since packers have generally ceased production of such product.

EFFECTIVE DATE: July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. I. Fried, Acting Director, Product Labels, Packaging, and Standards Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-6042.

SUPPLEMENTARY INFORMATION: The notice of proposed rulemaking published in the FEDERAL REGISTER (38 FR 15519-15520; 38 FR 17016) specified the ingredients permitted in the production of "Lard" and "Leaf Lard", and the minimum identity and quality characteristics to be required of such products by the revised standard. The notice indicated that the Department had been petitioned to amend the Federal meat inspection regulations to redefine the pork byproducts that can be used as ingredients of "Lard" and to eliminate the provisions for the production of "Rendered Pork Fat." It also explained that packers have generally discontinued production of "Rendered Pork Fat" and concentrated their merchandising efforts on lard. Therefore, such product has ceased to be a familiar retail product, and it is virtually unknown to consumers in this country. Additionally, it was pointed out that some ingredients permitted in rendered pork fat, but not in lard, could be permitted in the proposed new lard standard with no deterioration in the quality of the finished product.

A total of 52 written comments were received on this proposal of which 34 represented consumer viewpoints and 14 were submitted by processors of lard and related products. The remainder were submitted by State meat inspection program officials who expressed endorsement of provisions in the proposed standards for "Lard" and "Leaf Lard" and favored an amendment of the Federal meat inspection regulations that would delete the present standard for "Rendered Pork Fat."

In view of the circumstances referred to above, the regulations are also being amended to delete the standard and provisions concerning "Rendered Pork Fat."

The comments from consumers generally indicated opposition to changes in the lard standard which would permit the use of ingredients which

might adversely affect the quality of such a product. However, the Department has determined that adoption of the new standard will not result in any reduction in product quality. The technology of lard preparation has evolved considerably from the time when the old standard became effective. By complying with the requirements set forth in this new standard, the quality of lard in the marketplace will be consistent with that available in the past.

Comments from industry supported the proposal except on one point. The color value set forth in the proposal as a quality factor for use in determining product acceptability was considered to be too low to be practicably applied to "Lard" and "Leaf Lard" production due to the different kinds of rendering equipment presently available and the variances in processing operations from plant to plant. There appeared to be agreement that a more reasonable requirement would be a maximum of 3.0 red units in a 5/4-inch cell on the Lovibond scale. In support of this color measurement factor, it was indicated that appearance differences between products with two and three red units are not detectable even by individuals experienced in comparing lard or leaf lard quality factors. Since color of product would not be altered from a practical standpoint, it appears to be advisable to raise the measurement scale to a maximum of three red units on the Lovibond scale and thereby permit the continued production of lard and leaf lard through the use of conventional equipment and operations.

The careful review of all comments submitted on the proposal and information derived from other sources indicate that the regulation should be amended as proposed in the FEDERAL REGISTER notice with certain changes. The major changes are that the color index in § 319.702(c)(1) is changed from 2.0 to 3.0 red units as requested by industry, and cured pork tissues are eliminated as ingredients by the Administrator because of certain safety considerations as discussed below.

The proposed standard for lard, which was published in 1973, would have authorized the use of cured pork tissues as ingredients in the production of that product. However, since that time, a number of questions have arisen regarding the levels and use of nitrites as curing agents and their role in the formation of carcinogenic nitrosamines. On October 18, 1977, the Department published a request for data regarding the use of nitrites in cured products (FR 55626-27) in order to gain further information from industry prior to taking any final action regarding the use of nitrites and nitrites. The data are currently being submitted and will be reviewed by the

Department along with all other relevant information. Since the data have not been reviewed and other important safety issues concerning nitrosamine formation have not been fully resolved, the Department has concluded that it should withhold cured pork tissues as materials used in the production of lard, at least for the present time. As further information becomes available, the Department will reconsider its position.

Other changes in § 319.702(c) have been made to clarify the meaning of certain terms and to correct errors made in the transcription of the original notice. Thus, in § 319.702(c)(3), language has been added to make it clear that the maximum amount of free fatty acid to be permitted under the regulations is 0.5 percent or 1.0 acid value, as milligrams KOH per gram of sample. In § 319.702(c) (5) and (6) the phrases "By appearance of liquid" and "Maximum 0.2 percent" have been shifted to conform with the intent of the original proposal. This correction had previously been published in the FEDERAL REGISTER (38 FR 17016). Also, in § 319.702(c)(5) the term "matter" has been added to clarify the meaning of the phrase "Moisture and volatile." Finally, in § 319.702(d) an error was made in referring to paragraph (a) of the section, when the intent was to refer to paragraph (c). This has also been corrected.

Accordingly, the Federal meat inspection regulations are amended as follows:

§ 319.703 [Amended]

1. Section 319.703 (9 CFR 319.703) is amended by deleting paragraph (b) and by removing the paragraph designation "(a)" from the remaining paragraph.

2. Section 315.1 (9 CFR 315.1) is amended by deleting reference to rendered pork fat in the section title, the text of the first paragraph, the last sentence of paragraph (a), and the first sentence of paragraph (b) to read as follows:

§ 315.1 Carcasses and parts passed for cooking; rendering into lard or tallow.

Carcasses and parts passed for cooking may be rendered into lard in accordance with § 319.702 of this subchapter or rendered into tallow, provided such rendering is done in the following manner:

(a) . . . Such carcasses and parts shall be cooked for a time sufficient to render them effectually into lard or tallow, provided all parts of the products are heated to a temperature not lower than 170° F. for a period of not less than 30 minutes.

(b) At establishments not equipped with closed rendering equipment for rendering carcasses and parts passed for cooking into lard and tallow, such

carcasses or parts may be rendered in open kettles under the direct supervision of a Program employee. . . .

3. Section 319.702 is amended as set forth below:

§ 319.702 Lard, Leaf Lard.

(a) Lard is the fat rendered from clean and sound edible tissues from swine. The tissues may be fresh, frozen, cooked, or prepared by other processes approved by the Administrator in specific cases, upon his determination that the use of such processes will not result in the adulteration or misbranding of the lard. The tissues shall be reasonably free from blood, and shall not include stomachs, livers, spleens, kidneys, and brains, or settlings and skimmings. "Leaf Lard" is lard prepared from fresh leaf (abdominal) fat.

(b) Lard (when properly labeled) may be hardened by the use of lard stearin or hydrogenated lard or both and may contain refined lard and deodorized lard, but the labels of such lard shall state such facts, as applicable.

(c) Products labeled "Lard" or "Leaf Lard" must have the following identity and quality characteristics to insure good color, odor, and taste of finished product:

(1) Color	White when solid. Maximum 3.0 red units in a 5/4 inch cell on the Lovibond scale.
(2) Odor and taste	Characteristic and free from foreign odors and flavors.
(3) Free fatty acid	Maximum 0.5 percent (as oleic) or 1.0 acid value, as milligrams KOH per gram of sample.
(4) Peroxide value	Maximum 5.0 (as milliequivalents of peroxide per kilogram fat). Maximum 0.2 percent.
(5) Moisture and volatile matter	By appearance of liquid, fat or maximum 0.05 percent.
(6) Insoluble impurities	

(d) Product found upon inspection not to have the characteristics specified in paragraph (c) of this section but found to be otherwise sound and in compliance with paragraph (a) of this section may be further processed for the purpose of achieving such characteristics.

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621)

It does not appear that further public participation in rulemaking proceedings on the amendment would make additional information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public rulemaking procedures or amendments are impracticable and unnecessary.

NOTE.—The Food Safety and Quality Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Done at Washington, D.C., on: June 8, 1978.

ROBERT ANGELOTTI,
Administrator,
Food Safety and Quality Service.
(FR Doc. 78-16432 Filed 6-12-78; 8:45 am)

[1505-01]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

(Docket No. 78-CE-8-AD; Amdt. 39-3225)

PART 39—AIRWORTHINESS DIRECTIVES

CESSNA MODELS 210M, T210M, P210, 310R, T310R, 340A, 402B, 404, 414, 414A AND 421C AIRPLANES

Correction

In FR Doc. 78-14895 appearing on page 22934 in the issue of Tuesday, May 30, 1978, in the 3rd column, the 7th line should read, "on these airplanes be made inoperative" . . .

[8010-01]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

(Release No. 34-148301)

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Reporting by Certain Institutional Investors of Beneficial Ownership of Certain Equity Securities Which as of the End of Any Month Exceeds 10 Percent of the Class

AGENCY: Securities and Exchange Commission.

ACTION: Publication of staff interpretation.

SUMMARY: Certain institutional investors are obligated to file a short form acquisition statement within ten days after the end of the first month in which their beneficial ownership of a class of certain equity securities exceeds ten percent. In response to oral inquiries and a written inquiry concerning the requirement under the ten percent rule to file the short form, this document announces the position

of the Division of Corporation Finance as to the conditions under which the short form is to be filed.

FOR FURTHER INFORMATION CONTACT:

John Granda, Office of Disclosure Policy and Proceedings, Division of Corporation Finance, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, 202-755-1750.

SUPPLEMENTARY INFORMATION: Section 13(d)(1) of the Securities Exchange Act of 1934 ("Exchange Act") (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975) and Pub. L. 95-213 (December 19, 1977)) requires generally that any person who acquires beneficial ownership of more than five percent of a class of an equity security specified therein must file a statement within ten days after such acquisition. Section 13(d)(5) of the Exchange Act authorizes the Commission to require the filing of an abbreviated version of the statement required by Section 13(d)(1) if the acquisition of beneficial ownership was made in the ordinary course of business and not for the purpose nor with the effect of changing or influencing control of the issuer.

On April 21, 1978 the Commission announced, inter alia, the adoption of final rules, effective May 30, 1978, implementing the exemptive authority provided by section 13(d)(5).¹ In this regard, Rule 13d-1(b)(1) (17 CFR 240.13d-1(b)(1)) provides that specified institutional investors who acquire beneficial ownership of more than five percent of a class of securities, in the ordinary course of their business and not with the purpose nor with the effect of changing or influencing control of the issuer, may file a short form acquisition statement on Schedule 13G within forty-five days after the end of the calendar year. In an effort to reduce the cost of compliance, the Rule provides that a Schedule 13G need not be filed unless beneficial ownership as of the last day of the calendar year exceeds five percent. A supplement to the annual filing requirement was added by Rule 13d-1(b)(2) in order to provide more timely information in those instances where beneficial ownership exceeds ten percent. Thus, Rule 13d-1(b)(2) imposes a further reporting obligation on persons otherwise eligible to use Schedule 13G, but who beneficially own more than ten percent of the specified class of securities as of the last day of a month. This provision requires a filing on Schedule 13G within ten days after the end of the first month in which such person's direct or indirect beneficial ownership exceeds ten percent of

¹Exchange Act Release No. 14692 (April 21, 1978) (43 FR 18484).

the class, computed as of the last day of the month, and thereafter within ten days after the end of any month in which such person's beneficial ownership of securities of the class, computed as of the last day of the month, increases or decreases by more than five percent.

In addition to the letter which is the subject of this release, a considerable number of oral inquiries have been made to the Division as to whether a person who is eligible to file Schedule 13G and who owns, as of May 31, 1978, more than 10 percent of a class of a security would be required to file a Schedule 13G by June 10, 1978 pursuant to Rule 13d-1(b)(2), solely as a result of the Rule becoming effective on May 30, 1978.

For a filing obligation under Rule 13d-1(b)(2) to arise the Division believes that there must be either: (1) An acquisition of securities of the subject class on or after May 30, 1978 which acquisition is not otherwise exempted from the reporting requirements of Section 13(d);² or (2) a disposition of more than 5 percent of the securities of the subject class, the acquisition of which has previously given rise to a reporting obligation under the past or current rules under Regulation 13D. This view is based on the fact that Sections 13(d)(1) and 13(d)(5) are directed to the acquisition of beneficial ownership and not to the status of being a beneficial owner. This is one of the reasons Congress felt it necessary to add Section 13(g) to the Exchange Act. Prior to the adoption of Section 13(g) the Commission was not authorized to require the filing of acquisition statements from persons owning beneficially more than 5 percent of a class of securities when such ownership was acquired prior to December 22, 1970, the effective date of the five percent reporting threshold, or was otherwise exempted from Section 13(d). Since the key concept under Section 13(g) is beneficial ownership and not the "acquisition" of such ownership, the Commission may, upon implementation of section 13(g), require the filing of a Schedule 13G without regard to when the securities were acquired.

It should be noted that the position expressed by the Division assumes that persons who had prior filing obligations under Section 13(d) complied therewith. Accordingly, the determination of the obligation to file an acquisition statement under the past or current rules under Regulation 13D, other than under Rule 13d-1(b)(2), and the liability for not satisfying any such obligation is not addressed

²For example, an acquisition which is within the 2 percent exemption of Section 13(d)(6)(B) would be "otherwise exempted" within the meaning of this statement.

herein. In cases of doubt as to the existence of a filing obligation under Rule 13d-1(b)(2) persons are encouraged to resolve such doubts in favor of filing a Schedule 13G.

In order to publicly announce the Division's in this matter, the Commission authorized the Division to issue the following letter:³

DEAR SIR: I am responding to your letter of May 23, 1978, as supplemented by telephone conversations with the staff. Your letter concerns the applicability of Rule 13d-1(b)(2) under the Securities Exchange Act of 1934 ("Exchange Act") which requires persons relying on Rule 13d-1(b)(1) to use Schedule 13G, to file such Schedule within 10 days after the end of the first month in which their direct or indirect beneficial ownership exceeds ten percent of a class of equity security specified in Rule 13d-1(c). This obligation is, of course, in addition to the requirement imposed by Rule 13d-1(b)(1) that a Schedule 13G be filed within forty-five days after the end of any fiscal year in which an acquisition has occurred which results in a person becoming the beneficial owner of more than five percent of a class of a security. These rules are part of Regulation 13D which became effective on May 30, 1978.

Your inquiry essentially relates to whether persons who do not acquire any additional securities subsequent to the effective date of Rule 13d-1(b)(2) will be required to file a Schedule 13G by June 10, 1978, merely because their beneficial ownership exceeds ten percent as of May 31, 1978. In this regard, you point out that the rules under Section 13(d) of the Exchange Act are triggered by an "acquisition" of beneficial ownership rather than by the status of being a beneficial owner.

The Commission has authorized the Division to inform you that a person who on May 31, 1978, is the beneficial owner of more than ten percent of a class of a security prescribed in Rule 13d-1(c) will be required to file a Schedule 13G pursuant to Rule 13d-1(b)(2) only if: (1) Such person makes an acquisition of any securities of the subject class on or after May 30, 1978, and such acquisition is not otherwise exempted from the reporting requirements under Section 13(d); or (2) such person makes a disposition, on or after May 30, 1978, of more than five percent of the outstanding securities of the subject class, the acquisition of which was required to have been disclosed in a statement on Schedule 13D as in effect prior to May 30, 1978. It should be understood, however, that this position assumes that persons who had prior filing obligations under Section 13(d) complied therewith and that the position taken herein shall not be construed as sanctioning the continued deferral of such compliance. Accordingly, the determination of the obligation to file an acquisition statement under the past or current requirements of Regulation 13D, other than under Rule 13d-

³The text of the letter has been edited to delete identifying data and other information not germane to the publication of the Division's position.

1(b)(2), and the liability for not satisfying any such obligation, is not addressed herein. Sincerely,

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 5, 1978.

[FR Doc. 78-16266 Filed 6-12-78; 8:45 am]

[1505-01]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulation No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Subpart K—Employment—Wages—Self - Employment — Self - Employment Income From Self Employment of Limited Partner

Correction

AGENCY: Social Security Administration, HEW.

ACTION: Final rule.

SUMMARY: These final regulations provide that the distributive share of partnership income or loss received by a limited partner is excluded from social security coverage. They define limited partner as one whose financial liability with respect to the obligations of the partnership is limited to the amount of his or her financial investment in the partnership. Generally, the limited partner will not have performed services in the operation of, or participated in the control of, the business carried on by the partnership for the taxable year involved. The Social Security Amendments of 1977 added to the Social Security Act the change affecting income received by a limited partner. The effect of these regulations is exclusion from self-employment income of "investment" income of a limited partner.

The changes in the references to section 702(a) of the Internal Revenue Code conform these regulations to an amendment to that Code by the Tax Reform Act of 1976 (Pub. L. 94-455) which renumbered the provision without changing its text.

EFFECTIVE DATES: May 16, 1978.

COMMENTS: Although published without notice of Proposed Rulemaking, consideration will be given to any comments about the regulations submitted in writing on or before June 30, 1978.

ADDRESS: Comments should be sent to the Acting Commissioner of Social

Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Md. 21203.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 5131, 330 Independence Avenue SW., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Ms. Dorothy E. Algea, Legal Assistant, Office of Policy and Regulations, Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-5587.

SUPPLEMENTARY INFORMATION: For taxable years beginning before January 1, 1978, each partner's distributive share of partnership income or loss was includable in his or her net earnings from self-employment for social security purposes. The law did not distinguish between those who worked in the partnership and those who only invested money and limited their financial risk of loss. For that reason, some business organizations actively solicited investments by limited partners as a means for an investor to become insured for social security benefit purposes. In these situations the investor did no work and limited his or her financial loss to the amount invested. The advertisements were directed mainly at people engaged in work not covered by the Social Security Act. People who got social security coverage through this method qualified for social security benefits even though they performed no services and the coverage resulted, in fact, from income from investments. This was counter to the general requirement that social security benefits be work related. The change is effective for taxable years beginning after December 31, 1977.

Since these regulations revise the existing regulations for conformity with a change made in the law by the Social Security Amendments of 1977 (Pub. L. 95-216), the Secretary finds that publication of Notice of Proposed Rulemaking would be unnecessary because they are primarily reflective of the statutory amendments (5 U.S.C. 553(b)(B)). Although the Notice of Proposed Rulemaking is being dispensed with, consideration will be given to comments submitted in writing to the Acting Commissioner of Social Security.

These amendments are issued under the authority of sections 205(a), 1102, and 211 of the Social Security Act; 53 Stat. 1368, as amended; 49 Stat. 647, as amended; 64 Stat. 502, as amended;

and 91 Stat. 1535; 42 U.S.C. 405(a), 1302, and 411.

(1977 Catalog of Federal Domestic Assistance Program No. 13.803, Social Security, Retirement Insurance.)

NOTE.—The Social Security Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 (November 27, 1974) as amended by Executive Order 11949 (December 31, 1976) and OMB Circular A-107.

Dated: March 10, 1978.

DON WORTMAN,
Acting Commissioner
of Social Security.

Approved: May 9, 1978.

HALE CHAMPION,
Acting Secretary of Health,
Education and Welfare.

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. In § 404.1050, paragraphs (a) and (b) are revised to read as follows:

§ 404.1050 Definition of net earnings from self employment.

(a) Subject to the special rules set out in §§ 404.1052 to 404.1065, inclusive, and to the exclusions set out in § 404.1070, the term "net earnings from self employment" means:

(2) (i) For taxable years beginning after December 31, 1977. His or her distributive share (whether or not distributed) as determined under section 704 of the Internal Revenue Code of 1954, as amended, of the income or loss (described in section 702(a)(8) of that Code and as computed under section 703 of that Code) from any trade or business carried on by any partnership of which he or she is a member other than as a limited partner. The limited partner's distributive share is includable in net earnings from self employment if (A) it is a guaranteed payment described in section 707(c) of that Code, and (B) the amount is payment to the limited partner for services he or she actually rendered to or on behalf of the partnership. A guaranteed payment described in section 707(c) of that Code is not net earnings from self employment if and to the extent that the limited partner did not perform services to or on behalf of the partnership for the amount involved. For purposes of this Subpart K, "limited" partner means one whose financial liability with respect to the obligations of the partnership is limited to the amount of his or her financial investment in the partnership. Generally, the individual will not have performed services in the operation of, or participated in the control of, the

business carried on by the partnership for the taxable year involved.

(ii) For taxable years beginning before January 1, 1978. His or her distributive share (whether or not distributed), as determined under section 704 of the Internal Revenue Code of 1954, of the income or loss, described in section 702(a)(8) (formerly section 702(a)(9)) of that Code and as computed under section 703 of that Code, from any trade or business carried on by any partnership of which he or she was a member.

(b) (1) For taxable years beginning after December 31, 1977. An individual's gross income (see paragraph (c) of this section) from a trade or business ordinarily is determined in accordance with Subtitle A (Income Taxes) of the Internal Revenue Code of 1954, as amended. Gross income does not include income derived by an individual from an activity which is not a trade or business within the meaning of section 211(c) of the Act and § 404.1070 of this Subpart. Also, for social security purposes the gross income determined in accordance with that Code does not include a limited partner's distributive share of income or loss (see paragraph (a)(2)(i) of this section) unless it is a guaranteed payment described in section 707(c) of that Code for services actually rendered to or on behalf of the partnership by the limited partner, as described in paragraph (a)(2)(i) of this section. Section 706(a) of that Code and the regulations interpreting that provision, relating to the taxable year of a partner receiving guaranteed payments described in section 707(c), apply in computing taxable income.

(2) For taxable year beginning before January 1, 1978. With respect to taxable years to which the provisions of the Internal Revenue Code of 1954 apply, gross income derived by an individual from a trade or business includes payments received from a partnership of which he or she was a member for services rendered to the partnership or for the use of capital by the partnership, to the extent the payments are determined without regard to the income of the partnership. Payments received from a partnership not engaged in a trade or business within the meaning of section 211(c) of the Act and § 404.1070 do not constitute gross income derived by an individual from a trade or business.

2. In § 404.1051, the title and paragraphs (d) and (g) are revised to read as follows:

§ 404.1051 General rules for computation of net earnings from self employment.

(d) **Partnerships.** When an individual has net earnings from self employment within the definition of

§ 404.1050(a)(2), those net earnings are combined with his or her other net earnings from self employment in determining total net earnings from self employment for the taxable year.

(g) **Nature of Partnership Interest.** (1) For taxable years beginning after December 31, 1977, net earnings from self employment ordinarily include an individual's distributive share of the income or loss (described in section 702(a)(8) of the Internal Revenue Code of 1954, as amended) from a partnership of which he or she was a member during the taxable year. However, income or loss as a limited partner in partnership is includable as net earnings from self employment only if:

(i) The amount involved is a guaranteed payment described in section 707(c) of that Code, and

(ii) The amount is payment to the limited partner for services he or she actually performed to or on behalf of the partnership.

Income or loss as a limited partner in a partnership is not net earnings from self employment if and to the extent that the limited partner did not perform services for the amount. If a partnership elected under section 1361 of that Code to be taxed as a domestic corporation, that election does not affect how net earnings from self employment are computed by a partner for social security purposes.

§§ 404.1051, 404.1052, 404.1057, 404.1058, and 404.1065 [Amended]

3. In §§ 404.1051, 404.1052, 404.1057, 404.1058, and 404.1065, the Internal Revenue Code reference is amended to show "section 702(a)(8)" each place that "section 702(a)(9)" appears.

[1505-01]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 75P-0104]

PART 161—FISH AND SHELLFISH

Standard of Identity, Fill of Container Standard for Canned Shrimp

Correction

In FR Doc. 78-12391 appearing at page 19837 in the issue of Tuesday, May 9, 1978, the following corrections should be made:

1. On page 19839, the table "Size Designations of Canned Shrimp" should read as follows:

SIZE DESIGNATIONS OF CANNED SHRIMP

Size	Number of shrimp per 1 oz (28.4 g) of drained product		Number of shrimp per 100 g (3.5 oz) of drained product	
	Regular	Deveined	Regular	Deveined
Jumbo.....	Less than 5.0.....	Less than 5.5.....	Less than 17.5.....	Less than 19.3.....
Large.....	5.0 or more but less than 7.0.....	5.5 or more but less than 7.8.....	17.5 or more but less than 24.5.....	19.3 or more but less than 27.3.....
Medium.....	7.0 or more but less than 13.0.....	7.8 or more but less than 14.4.....	24.5 or more but less than 45.5.....	27.3 or more but less than 50.4.....
Small.....	13.0 or more but less than 22.2.....	14.4 or more but less than 24.9.....	45.5 or more but less than 77.7.....	50.4 or more but less than 87.2.....
Tiny or cocktail ..	22.2 or more.....	24.9 or more.....	77.7 or more.....	87.2 or more.....

2. On page 19841, "Table I" should read as follows:

TABLE I

Size	Number of shrimp per 28.4 g (1 oz) of drained product		Number of shrimp per 100 g (3.5 oz) of drained product	
	Other than deveined style	Deveined style	Other than deveined style	Deveined style
Extra large or jumbo.....	Less than 3.5.....	Less than 3.8.....	Less than 12.3.....	Less than 13.4.....
Large.....	3.5 to 5.0 inclusive.....	3.8 to 5.4 inclusive.....	12.3 to 17.7 inclusive.....	13.4 to 19.1 inclusive.....
Medium.....	More than 5.0 but not more than 9.0.....	More than 5.4 but not more than 9.8.....	More than 17.7 but not more than 31.8.....	More than 19.1 but not more than 34.6.....
Small.....	More than 9.0 but not more than 17.0.....	More than 9.8 but not more than 18.4.....	More than 31.8 but not more than 60.0.....	More than 34.6 but not more than 65.3.....
Tiny.....	More than 17.0.....	More than 18.4.....	More than 60.0.....	More than 65.3.....

[4510-26]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Wyoming Plan Supplement

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule.

SUMMARY: This rule approves a State-initiated supplement to the Wyoming Occupational Safety and Health plan. The supplement consists of supplemental guidelines and procedures for implementing Wyoming's safety and health program for public employees in the State. These supplemental guidelines and procedures were submitted as a completed developmental step in the Wyoming plan.

EFFECTIVE DATE: June 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles Boyd, Project Officer, Office of State Programs, Occupational Safety and Health Administration, Department of Labor, Room 149, 2100 M Street NW., Washington, D.C. 20210.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for review of changes and progress in the development and implementation of State plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this chapter. On May 3, 1974, notice was published in the FEDERAL REGISTER (39 FR 15394) of the approval of the Wyoming plan and the adoption of Subpart BB to Part 1952 containing the decision and describing the plan. On August 11, 1976, the State of Wyoming submitted a supplement to its plan involving a State-initiated change (see Subpart E of Part 1953) containing guidelines for the State's public employee program, notice of

which was published in the FEDERAL REGISTER on November 19, 1976. (41 FR 51041).

DESCRIPTION OF THE SUPPLEMENT

The supplement contains guidelines and procedures relating to the Wyoming Public Employee Program. Under this program, the State agencies will each designate one representative to serve on a permanent advisory council which is formed to advise the Occupational Health and Safety Commission. This will assure the development and promulgation of rules and regulations which will provide effective protection for employees in public employment. The rules and regulations promulgated by the Agency shall apply equally to State and local governments as well as the State's private sector except that State and local government employers shall not pay nor be assessed monetary penalties for violations of rules. They are, however, subject to court action, injunction and all other enforcement proceedings.

LOCATION OF PLAN AND ITS SUPPLEMENT FOR INSPECTION AND COPYING

A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of the Director, Federal Compliance and State Programs, Room 149, 2100 M Street NW., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 15010, Federal Building, 1961 Stout Street, Denver, Colo. 80202; and the Occupational Health and Safety Department, 200 East Eighth Avenue, Cheyenne, Wyo. 82001.

PUBLIC PARTICIPATION

Interested persons were afforded thirty (30) days from the date of the November 19, 1976, notice to submit written comments concerning whether the supplement should be approved. There were no public comments submitted concerning the plan supplement.

DECISION

After careful consideration, the Wyoming plan change described above is hereby approved under Subpart E of Part 1953 of this chapter. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally. Accordingly, Subpart BB of Part 1952 of this chapter is amended by adding a

new paragraph to § 1952.344 which reads as follows:

§ 1952.344 Completed developmental steps.

(d) Guidelines and Procedures for implementing the State's safety and health program for public employees were approved by the Assistant Secretary on June 1, 1978.

(Sec. 18 Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Washington, D.C., this 1st day of June 1978.

EULA BINGHAM,
Assistant Secretary of Labor.
(FR Doc. 78-16282 Filed 6-12-78; 8:45 am)

[4510-26]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Colorado—Change in Level of Federal Enforcement and Notice of Termination of Operational Agreement

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Change in level of Federal enforcement.

SUMMARY: This document provides notice that full Federal concurrent enforcement authority under section 18(e) of the Occupational Safety and Health Act of 1970 will be exercised with respect to enforcement of all occupational safety and health issues in the State of Colorado. This determination has been made in order to effect the orderly transition from State to Federal enforcement in the State. This action is necessary because of the failure of the State legislature to provide continued funding for the Colorado State program with the result that the State will be forced to cease all operations, under its State plan as of June 30, 1978.

EFFECTIVE DATE: June 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles Boyd, Project Officer, Office of State Programs, Occupational Safety and Health Adminis-

tration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-653-5377.

SUPPLEMENTARY INFORMATION: Part 1954 of Title 29, Code of Federal Regulations sets out procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act) for the evaluation and monitoring of State plans which have been approved under section 18(c) of the Act and 29 CFR Part 1902. Section 1954.3 of this chapter provides guidelines and procedures for the exercise of discretionary Federal enforcement authority under section 18(e) of the Act with regard to Federal standards in issues covered under an approved State plan. In accordance with § 1954.3(b) of this chapter, a State is determined to be operational when it has provided for the following requirements: Enacted enabling legislation, approved State standards, hired a sufficient number of qualified enforcement personnel and provided for the review of enforcement actions. In determining whether and to what extent a State plan meets the operational guidelines, the results of evaluations conducted under 29 CFR Part 1954 are taken into consideration. Once this determination has been made, under § 1954.3(f) of this chapter, a notice of the determination of the operational status of a State plan as described in an agreement setting forth Federal-State responsibility is to be published in the FEDERAL REGISTER.

On September 12, 1973, notice of approval of the Colorado occupational safety and health plan was published (38 FR 25172) and on February 3, 1975, notice was published in the FEDERAL REGISTER (40 FR 4910) that it had been determined that Colorado had met the conditions for operational status and of the signing of an agreement effective November 27, 1974, between James M. Shaffer, Executive Director, Colorado Department of Labor and Employment and Curtis A. Foster, Regional Administrator for Occupational Safety and Health, U.S. Department of Labor. The operational agreement sets forth the scope of the exercise of concurrent Federal authority, describes the specific areas of State responsibility and delineates continuing Federal responsibilities in the State. Under the terms and conditions of this agreement and regulations set forth at § 1954.3(f) of this chapter, the Federal Occupational Safety and Health Administration (hereinafter OSHA) may resume Federal enforcement activity where relevant factors warrant. After consideration of all relevant factors, it has been determined that at the present time full Federal enforcement in the State of Colorado should be resumed.

This determination has been made in order to effect the orderly transition from State to Federal enforcement in the State. This action is necessary because of the failure of the State legislature to provide continued funding for the Colorado State program with the result that the State will be forced to cease all operations under its State plan as of June 30, 1978. The termination of the State's operational status agreement at this time will permit the immediate resumption of full Federal enforcement authority in the State of Colorado.

Signed at Washington, D.C., this 1st day of June 1978.

EULA BINGHAM,
Assistant Secretary of Labor.
(FR Doc. 78-16328 Filed 6-12-78; 8:45 am)

[3810-71]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

PART 751—PERSONNEL CLAIMS REGULATIONS

Miscellaneous Amendments

AGENCY: Department of the Navy, Department of Defense.

ACTION: Final rule.

SUMMARY: These regulations are being amended to incorporate the changes made to the underlying regulations, Chapter XXI of the Manual of the Judge Advocate General, and to update Part 751.

EFFECTIVE DATE: July 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Jesse J. Graham II, Regulations Branch Attorney, (Code 133.1), Office of the Judge Advocate General, Department of the Navy, Washington, D.C. 20370, telephone 202-694-5267.

SUPPLEMENTARY INFORMATION: Pursuant to the authority conferred in 5 U.S.C. 301, 10 U.S.C. 5031 and 5148, 31 U.S.C. 240-243, and 32 CFR 700.206 and 700.1202, the Judge Advocate General of the Navy amends 32 CFR Part 751. Part 751 is a codification of Chapter XXI of the Manual of the Judge Advocate General. These amendments reflect changes to the underlying regulations adopted by the Secretary of the Navy. They relate to internal naval management and rules of agency organization, procedure, and practice. It has been determined that invitation for public comment on these amendments prior to adoption would

be impracticable, unnecessary, and contrary to the public interest and thus is not required under the rule-making provisions in Parts 296 and 791 of 32 CFR.

Accordingly, 32 CFR Part 751 is amended as follows:

1. Section 751.3 is amended by revising paragraphs (b)(2)(i), and (j)(2) to read as follows:

§ 751.3 Claims payable.

(b) * * *

(2) In connection with travel under orders; or

(i) Claims for damage to or loss of motor vehicles. (1) Claims for damage to or loss of motor vehicles are limited to a maximum \$1,000.00, not including the contents thereof, and are payable only if:

(i) The motor vehicle was located at quarters or other authorized places as defined in § 751.3(a), or

(ii) The damage to or loss was incurred in the authorized performance of official Government business, or

(iii) The damage to or loss was incurred while the motor vehicle was located on base: *Provided*, The loss or damage was caused by fire, flood, hurricane, or other unusual occurrence, or by theft or vandalism, or

(iv) The damage to or loss was incurred under any of the circumstances contemplated by paragraphs (a), (b), (d), (e), or (f) of this section. See also § 751.4(g).

(2) Claims arising during the shipment of motor vehicles under permanent change of station orders are not subject to a \$1,000.00 maximum.

(3) The following definitions pertain as used within this section.

(i) "Motor vehicles" includes automobiles, trucks, campers, recreation vehicles, boats, and motorcycles.

(ii) "On base" means any fixed land area, wheresoever situated, controlled, and used by United States military activities or other Department of Defense activities. Claims for damage to or loss of motor vehicles arising out of an incident occurring on board a base such as United States Naval Station, Rota, Spain (a Spanish Naval Base) or on board a NATO Base such as Allied Forces Southern Europe, Bagnoli, Naples, Italy, are not intended to be excluded by this section because the base is not "controlled" by the United States. Claims arising out of an incident occurring on board a foreign military base not controlled or used by United States military activities are intended to be excluded. In case of doubt, the matter should be referred to the Judge Advocate General (Claims).

(iii) "Other unusual occurrence" does not include collision with another vehicle. See § 751.4(g), below.

(iv) "Shipment" means transportation via Government vessel, chartered commercial vessel, or by Government bill of lading on commercial vessels, and includes storage, on-loading, and off-loading incident thereto.

(j)
(2) Claims for loss of, or damage to, house trailers and their contents while on Government property and payable under § 751.3(a)(3). Claims for loss of, or damage to, house trailers and their contents arising incident to shipment are payable under § 751.3(b)(1): *Provided*, That, when transported by other than the service member or an agent or agency of the Government, the carrier must have operating rights approved by the Interstate Commerce Commission if in interstate commerce, or under applicable State regulations when the shipment is within a single State.

2. Section 751.4 is amended by deleting paragraphs (c) and (e) and revising paragraph (a) as follows:

§ 751.4 Claims not payable.

(a) *Money or currency.* Money or currency, except as provided for by §§ 751.3(h) and 751.3(k), or when lost incident to a marine or aircraft disaster, or when lost by fire, flood, hurricane, or theft from quarters. In instances of theft from quarters, it must be conclusively shown that the money or currency was in a locked container and that the quarters themselves were locked. Exceptions to the foregoing "double lock" rule are permitted when the adjudicating authority determines that the theft loss was not caused wholly or partly by the negligent or wrongful act of the claimant, his agent, or his employee. The adjudicating authority should use the test of whether the claimant did the best he could under the circumstances to protect his property. Reimbursement for loss of money or currency will be limited to an amount which the adjudicating authority determines to have been reasonable for the claimant to have had in his possession at the time of the incident.

3. Section 751.13 is revised as follows:

§ 751.13 Recoveries from carrier, contractor, and/or insurer.

(a) *Monetary Recoveries.* In the event that a claimant receives payment from the United States under this part, and also receives compensa-

tion from a carrier, contractor, or insurer for the same loss, the United States shall request that the claimant reimburse the Government with a view to ensuring that the claimant is not compensated twice for the same loss.

(b) *Recovered Property.* When previously lost property is found, the claimant may, at his option accept all or part of the property and return that portion of the payment he has received from the United States for the accepted property and surrender the remainder of the property to the Government. Surrendered property will be disposed of in accordance with standard disposal procedures or otherwise used for the benefit of the Government.

4. Section 751.17 is amended by adding paragraphs(c)(3)(vi) and (d) which provide as follows:

§ 751.17 Evidence in support of claims.

(c)
(3)

(vi) At the time of application for shipment of household goods, the claimant shall prepare an inventory of personal property to be shipped having a value of \$200 or more. The inventory or listing shall be descriptive and in detail, and shall list those items of personal property of a value of \$200 or more that will not otherwise appear on the carrier-prepared inventory (i.e., an antique chair valued at \$350 would not be packed in a carton but would normally be separately listed on the carrier-prepared inventory, but a \$250 movie camera would normally be packed in a carton with other items vice being listed separately on the carrier-prepared inventory). The claimant-prepared inventory shall be countersigned by an appropriate individual at the office where application for the move is made. The original of the claimant-prepared inventory shall be retained by the claimant and submitted as part of his claim in the event of loss or damage to any item listed thereon. A copy thereof shall be retained by the office where application for the move is made. Nothing contained in this paragraph shall relieve the claimant from also supplying evidence to support the value of the loss. Failure to prepare the inventory/listing described supra may be considered grounds for disallowing compensation for a claimed item. Nonetheless, if a claimant fails to prepare and submit the inventory/listing described supra, for whatever reason, or inadvertently omits an item or items from the inventory, he may still be compensated for the loss or damage to items which should have been listed on the claimant-prepared inventory if the claim is accompanied by proof of ownership which may be, for instance, in the form of purchase

receipts, cancelled checks, photographs, or statements of disinterested persons who observed such items in claimant's home.

(d) *Privacy Act requirements.* When any claimant within the scope of this part is requested by a person acting of the Government's behalf to supply personal information about himself which will be made a part of the claim file, the person making the request shall first provide the individual with a Privacy Act statement, in duplicate, containing the particular advice prescribed in Secretary of the Navy Instruction 5211.5 series (32 CFR Part 701 Subparts F and G). The original is to be signed by the claimant and made a part of the claim file, and the copy should be retained by the claimant. If the information from the claimant is requested orally, the Privacy Act statement should be orally summarized and explained as necessary to ensure that the claimant fully understands it.

§ 751.20 [Amended]

5. Section 751.20 is amended by adding the following sentence to the end thereof:

... With regard to the requirements of the Privacy Act of 1974 (5 U.S.C. § 552a) as it pertains to obtaining personal information from claimants or witnesses, § 751.17, as well as appropriate parts of 32 CFR Part 750.

§ 751.21 [Amended]

6. In paragraph (f)(1)(ii) of § 751.21, at the 22nd line, the words "Code FF 20" are changed to "Code FF 330."

7. Section 751.21 is amended by adding paragraph (f)(2) and revising paragraph (2) to read as follows:

(f)
(2) *Nontemporary storage warehousemen—*(i) *Action by the claims investigating officer.* If a nontemporary warehouseman or his insurer has refused to acknowledge or respond to a claim within a reasonable time, if the claims investigating officer considers a valid claim to have been denied or no adequate settlement offered, or if there has been a delay in settlement of a claim beyond 120 days, the matter shall be referred to the adjudicating authority who paid the claim. The referral shall contain a statement of the facts, copies of pertinent correspondence and documents, and the claims investigating officer's opinion as to liability. The warehouseman should be notified of this action by a copy of the referral letter or by separate correspondence.

(ii) *Action by the adjudicating authority.* The adjudicating authority shall review the entire file and shall make a further demand on the ware-

houseman or his insurer when liability seems clear. If recovery is not affected within 30 days from this demand, or negotiations likely to result in an adequate recovery are not underway at that time, the file will be forwarded to the appropriate area Military Traffic Management Command (MTMC) Headquarters for final determination of liability by the officer administering the warehouseman's basic agreement.

(iii) *Pack-and-crate contractors.* When the origin Navy personnel property office, or the destination claims investigating officer on a shipment originating at a non-Navy transportation office, fails to receive adequate response or recovery from a pack-and-crate contractor within 60 days or when a claim is denied by the contractor without sufficient justification, the matter should be referred immediately to the officer administering the contract under which the services were performed. In the case of a shipment originating at a non-Navy transportation office, the referral should be made via the origin transportation office. Each referral will include a full statement, with supporting evidence, substantiating that the contractor's denial of the claim is unjustified or that the settlement offer is inadequate. Due to the relatively short duration of pack-and-crate contracts, it is desirable to expedite processing of unjustified denials.

(iv) *Other carriers, contractors, or insurers.* Unjustified denial by other carriers, contractors, or insurers will be referred by the claims investigating officer to the adjudicating authority. The adjudicating authority will review the entire file and shall make a further demand on the carrier, contractor, or insurer when liability seems clear. If recovery is not received within 30 days from the date of this demand, or negotiations likely to result in an adequate recovery are not underway at that time, the file will be forwarded to the Judge Advocate General for additional recovery action.

(g) *Processing of carrier checks.* On occasion, a carrier will send a check for an amount less than the adjudicated amount of the claim against the carrier, and which contains a standard liability release statement on the reverse thereof. Such a check should not be deposited. The check should be returned to the carrier with a demand for the full amount due. Language as follows is appropriate:

Your check in the amount of \$(amount) in response to our letter (date) is hereby returned as not being an acceptable settlement offer. The adjudicated amount of your liability in this case is \$(amount), and demand is hereby made for the full amount. Unless your check for the full amount is received within 30 days, the full amount will be set off from the amounts otherwise due to you.

8. Section 751.22 is amended by adding a new paragraph (f) which provides as follows:

§ 751.22 Preparation of claims investigating officers report.

(f) *Privacy Act requirements.* It is essential that each investigative report reflect that a good faith effort was made to comply with the Privacy Act of 1974 (5 U.S.C. 552a) and Secretary of the Navy Instruction 5211.5 series (32 CFR Part 701 Subparts F and G). Any indication of noncompliance shall be explained either in the investigative report on the forwarding endorsement and, when required, remedied in accordance with section 0308 of the Manual of the Judge Advocate General. The claims adjudicating authority has the responsibility to ensure that remedial action is taken to rectify noncompliance indicated in the investigative report prior to forwarding the report to the Judge Advocate General.

9. Section 751.24 is amended by revising paragraphs (a) and (b), by adding a new sentence to paragraph (e), and by deleting paragraph (g) as follows:

§ 751.24 Adjudicating authority.

(a) *Claims by Navy personnel.* (1) The following are authorized to adjudicate and authorize payment to personnel claims up to \$15,000:

- (i) The Judge Advocate General,
- (ii) Deputy Judge Advocate General,
- (iii) Any Assistant Judge Advocate General,
- (iv) The Deputy Assistant Judge Advocate General (Claims),
- (v) Commandants of Naval Districts and their staff judge advocates,
- (vi) Officers in charge of naval legal service offices,
- (vii) The Staff Judge Advocate attached to Naval Supply Center, Oakland, and Naval Activities, United Kingdom.

(2) The following are authorized to adjudicate and authorize payment of personnel claims up to \$10,000:

The Staff Judge Advocate attached to:

- (i) Naval Base, Guantanamo;
- (ii) Naval Base, Roosevelt Roads;
- (iii) Naval Station, Panama Canal;
- and
- (iv) Headquarters Support Activity, Taipei.

(3) The following are authorized to adjudicate and authorize payment of personnel claims up to \$5,000:

- (i) Heads of naval legal service branch offices;
- (ii) Any judge advocate attached to a naval legal service office when specifically designated by the officer in charge;
- (iii) The Staff Judge Advocate attached to Naval Supply Center, Puget Sound;

(4) All Navy judge advocates are hereby designated and authorized to adjudicate and authorize payment of personnel claims up to \$1,000;

(5) Any Navy judge advocate may be authorized to adjudicate personnel claims up to \$15,000 when specifically designated by the Judge Advocate General;

(6) Any naval officer, when personally designated by the Judge Advocate General, is authorized to adjudicate and authorize payment of personnel claims up to \$500; and

(7) Authorization to adjudicate and authorize payment of personnel claims up to a specific dollar amount is indicated supra, or by separate correspondence from the Judge Advocate General. Authorization to adjudicate claims up to a specific dollar amount is separate and distinct from holding an allotment. Exercise of adjudicating authority is conditioned upon receipt of funding authority and accounting data from the Judge Advocate General. Commands holding allotments from the Judge Advocate General are indicated in § 751.30. Suballottees are not listed.

(b) *Claims by Marine Corps personnel.* Claims by Marine Corps personnel, both military and civilian, are adjudicated and payment authorized by only the following:

- (1) Commandant of the Marine Corps;
- (2) Deputy Chief of Staff for Manpower;
- (3) Director, Personnel Services Division;
- (4) Head, Personal Affairs Branch, Personnel Services Division;
- (5) Head, Claims Section Personal Affairs Branch; and
- (6) Deputy Head, Claims Section, Personal Affairs Branch.

(e) Where replacement in kind is not possible because of the transfer of functions from the local Retail Clothing Store (small stores) to the Navy Exchange, normal claims procedures should be followed.

§ 751.28 [Amended]

10. In paragraph (b) of § 751.28, in the 9th line, the term "\$10,000 authority" is changed to "15,000-adjudicating-authority," and in lines 10-13, the phrase "originally adjudicated by adjudicating authorities authorized to pay claims up to \$10,000" is changed to "initially adjudicated by 15,000-adjudicating-authorities."

11. Section 751.28 is further amended by adding paragraph (c), which provides as follows:

(c) The forwarding endorsement of all adjudicating authorities shall contain specific reasons why the claim, in whole or in part, was denied, or why the requested relief was not granted, and shall address the specific points or complaints raised by the claimant's request for reconsideration.

12. Section 751.30 is revised as follows:

§ 751.30 List of commands that have received funding authority and accounting data from the Judge Advocate General.

The following is a list of commands (allottees) that have received funding authority and accounting data from the Judge Advocate General. There are personnel attached who have adjudicating authority and are capable of processing claims filed pursuant to 31 U.S.C. 240-243 (see § 751.24), or in the alternative, claims are adjudicated by personnel attached to another command, and in some instances adjudication is accomplished through a suballotment. Suballottees are not listed. The commands listed in this section are grouped for simplicity by the dollar amount adjudicating authority of personnel. The listing contained in this section does not constitute adjudicating authority. Adjudicating authority by dollar amount is contained in § 751.24(a).

(a) \$15,000 Authorities.

1. NAVLEGSVCOFF Philadelphia
2. NAVLEGSVCOFF Norfolk
3. NAVLEGSVCOFF Charleston
4. NAVLEGSVCOFF Great Lakes
5. NAVLEGSVCOFF San Diego
6. NAVLEGSVCOFF Treasure Island
7. NAVLEGSVCOFF Seattle
8. NAVLEGSVCOFF Pearl Harbor
9. NAVLEGSVCOFF Newport
10. NAVLEGSVCOFF Memphis
11. NAVLEGSVCOFF Corpus Christi
12. NAVLEGSVCOFF Washington Navy Yard
13. NAVLEGSVCOFF Pensacola
14. NAVLEGSVCOFF Jacksonville
15. NAVLEGSVCOFF Naples
16. NAVLEGSVCOFF Subic
17. NAVLEGSVCOFF Guam
18. NAVLEGSVCOFF Yokosuka
19. COMEIGHT
20. COMNAVACT United Kingdom
21. NSC Oakland

(b) \$10,000 Authorities.

22. NAVSTA Panama Canal
23. NAVBASE Roosevelt Roads
24. COMNAVBAS GTMO
25. HEDSUPACT Taipei

(c) \$5,000 Authorities.

26. NAVLEGSVBROFF New London
27. NAVLEGSVBROFF Key West
28. NAVLEGSVBROFF Orlando
29. NAVLEGSVBROFF Whidbey Island
30. NAVLEGSVBROFF Lemoore
31. NAVLEGSVBROFF Rota
32. NSC Puget Sound

(d) \$1,000 Authorities.

33. NSC Charleston
34. NAS Kingsville
35. NAS Chase Field, Beeville
36. NAS Pensacola
37. NAS Brunswick
38. NAS Bermuda
39. NAS Meridian
40. NAF Sigonella
41. NAF Atsugi
42. NAVSTA Mayport
43. NAVSTA Adak
44. NAVSTA Keflavik
45. NAVSTA Midway
46. COMSUBLANT Norfolk
47. COMOCEANSYSLANT Norfolk
48. COMDEASTFOR
49. COMFLEACTS Okinawa/NAF Kadena
50. NRMCMC Oakland
51. NAVPGSCOL Monterey
52. CBC Gulfport
53. NAVAIRTESTCEN Patuxent River
54. NAVAIRENGCCEN Lakehurst
55. NAVORDFAC Sasebo
56. NTC Morocco
57. NAVCOMMSTA Harold E. Holt
58. NAVSUPPO La Maddalena
59. NAVSECGRUACT Misawa

(e) In addition to the foregoing, naval officers attached to the following commands have been designated \$500-adjudicating-authorities by name by the Judge Advocate General by separate correspondence in accordance with § 751.24(a)(6). Some of the following commands hold an individual allotment from the Judge Advocate General, and others utilize a sub-allotment.

1. NSC Oakland,
2. NSC NFK,
3. NSC Pearl Harbor,
4. RESUPSHIP Pascagoula,
5. NSD, Guam,
6. NAVSCSCOL Athens,
7. NSD Subic Bay,
8. NAS Jacksonville,
9. NSD Yokosuka.

Dated: June 6, 1978.

P. A. WILLE,
Captain, JAGC, U.S. Navy,
Acting Deputy Assistant Judge
Advocate, General (Administrative Law).

[FR Doc. 78-16254 Filed 6-12-78 8:45 am]

[8320-01]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35, and 36—Medical-Dental Courses

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The clinical portion of a medical or dental technician course may be approved as institutional training if substantial technical or professional training is included. The change is intended to bar such status for courses primarily directed to clerical, administrative, secretarial or receptionist duties.

Also the rule pertaining to programs for full-time physicians' or dentists' assistants is restricted to those offered by the Veterans Administration and dentists' assistants are renamed expanded-function dental auxiliaries in keeping with the new terminology. The existing provisions erroneously implied that the regulation applied to such programs when offered by organizations other than the Veterans Administration. Physicians' and dentists' assistants courses offered by other organizations may still be approved if they meet the other more general requirements for approval contained in other rules and regulations.

EFFECTIVE DATE: June 8, 1978.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer, Assistant Director for Policy and Program Administration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, Washington, D.C. 20420, 202-389-2092.

SUPPLEMENTARY INFORMATION: On pages 9322 and 9323 of the FEDERAL REGISTER of March 7, 1978, there was published a notice of proposed regulatory development to amend Part 21 relative to medical-dental courses. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations. Four persons submitted comments.

Two persons stated that the Veterans Administration had no legal authority to amend § 21.4265(c). Section 1681, title 38, United States Code,

makes mention of institutional training, and 38 U.S.C. 1682 provides rates of payments for those eligible veterans and eligible persons in institutional training. However, there is no statutory definition of this term. Pursuant to the authority given the Administrator of Veterans' Affairs in 38 U.S.C. 210(c) to make rules and regulations necessary to carry out the laws administered by the Veterans Administration, § 21.4265 has been developed to allow payment at the institutional rate to eligible veterans whose training is occurring outside the walls of the institution even though it is institutional in nature. All amendments to § 21.4265 are based on this same authority.

Two persons commended the Veterans Administration for using the term "substantial" in § 21.4265(c) rather than a mathematical formula, and agreed with the thrust of the regulatory amendment.

Two persons commented that the proposed amendment to § 21.4265(c) was too restrictive and suggested that the Veterans Administration should be satisfied if courses include substantial technical or professional training rather than requiring that it include substantial professional training only. Since many courses which are affected by § 21.4265(c) do not lead to professional objectives, this suggestion has merit. It has been accepted, and incorporated into the final regulation.

One person suggested eliminating the proposed amendment to § 21.4265(c) to allow practical training connected with medically related clerical, secretarial, or receptionist courses to be considered to be institutional and revising § 21.4253 accordingly. This suggestion cannot be accepted, because there is no reason to treat medically related clerical, secretarial or receptionist courses differently from similar courses related to other fields.

One person objected to the entire proposed regulatory amendments apparently believing that they would eliminate any clinical training from ever being approved. Our experience in administering the G.I. Bill is such that we do not think that this will be the case.

The proposed changes to §§ 21.4265 and 21.4275 are deemed proper and are hereby adopted, as amended.

Approved: June 8, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

1. In § 21.4265, paragraphs (c)(1) and (d) are revised to read as follows:

§ 21.4265 Practical training approved as institutional training or on-job training.

(c) Medical and dental specialty courses. (1) Required clinical training included in a school course given in an affiliated hospital, clinic, laboratory, or medical center as a part of a medical or dental specialty course whether accredited or nonaccredited offered by a school such as X-ray technician, medical technician, medical records administrator, physical therapist, or dental technician shall be assessed as institutional training provided:

- (i) The student remains enrolled in the course during the clinical period;
- (ii) The clinical training is:
 - (a) An integral part of the course;
 - (b) A prerequisite to the successful completion of the course; and
 - (c) Under the direction and supervision of the school; and
- (iii) The course includes substantial technical or professional training and does not consist of training primarily directed to clerical, administrative,

secretarial, or receptionist duties.

(d) Medical and dental assistants courses for the Veterans Administration. A course prescribed by the Administrator for full-time physicians' assistants or for full-time expanded-function dental auxiliaries (formerly referred to as dentists' assistants) may be approved as institutional training, if the course is conducted at Veterans Administration facilities or in facilities operated by hospitals, medical schools, or medical installations pursuant to a contract with the Veterans Administration. (38 U.S.C. 4114(e).)

2. In § 21.4275, paragraph (d) is revised to read as follows:

§ 21.4275 Practical training courses; measurement.

(d) Medical and dental assistants courses for the Veterans Administration. Programs approved in accordance with the provisions of § 21.4265(d) will be measured on a clock-hour basis as appropriate in accordance with § 21.4270, however, the program will be regarded as full-time institutional training: *Provided*, The combined total of the classroom and other formal instruction portion of the program and the on-job-training portion of the program requires 30 or more clock hours of attendance per week.

[FR Doc. 78-16299 Filed 6-12-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-05]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1270]

WOOL AND MOHAIR ADVERTISING AND PROMOTION

Procedure for the Conduct of Referendums

AGENCIES: Agricultural Marketing Service and Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: The proposed rule will establish the procedure for the conduct of any referendum to determine if U.S. sheep or goat producers approve or disapprove any proposed agreement between the Secretary of Agriculture and any marketing cooperative, trade association, or other group, whose members are engaged in the handling of wool, sheep, mohair, goats, or the products thereof. The proposed agreement may authorize the Secretary to make deductions from the incentive payments made to producers by the Commodity Credit Corporation for the purpose of funding advertising and sales promotion programs and programs for the dissemination of information concerning wool, sheep, mohair, goats, or the products thereof. The proposed rule would assure that a fair and accurate referendum is held.

DATE: Comments must be received on or before July 13, 1978, in order to be assured of consideration.

FOR FURTHER INFORMATION CONTACT:

Gerald Schiermeyer, Emergency and Indemnity Payments Division, ASCS, USDA, Washington, D.C. 20013, 202-447-4428.

SUPPLEMENTARY INFORMATION: Section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787), provides that no agreement containing a provision for deductions from incentive payments shall become effective until the Secretary determines that at least two-thirds of the producers who, during a representative period determined by the Secretary, have been engaged in the production of wool, mohair, sheep, or goats, as the case may be, within the production area the Secretary determines will be benefited by the agreement, approve or favor such agreement, or that produc-

ers who, during such representative period have produced at least two-thirds of the volume of the sheep or goats, as the case may be, within the area which will be benefited by the agreement, approve or favor such agreement.

Section 708 of the Wool Act further provides that the Secretary may conduct a referendum among producers to ascertain whether they approve or favor such an agreement. An agreement will become effective if two-thirds of the total number of producers, or producers owning two-thirds of the total volume of production, represented in the referendum, approve or favor the agreement.

Interested persons may participate in this proposed rulemaking by submitting written comments to the Deputy Administrator, State and County Operations, ASCS, USDA, Washington, D.C. 20250. Comments must be received on or before July 13, 1978, in order to be assured of consideration. Copies of all written comments received will be available for examination by interested persons in room 4095, South Building, USDA, 14th Street and Independence Avenue SW., Washington, D.C.

PROPOSED RULE

In consideration of the foregoing, it is proposed to add a new Part 1270 Wool and Mohair Advertising and Promotion to 7 CFR Chapter XI and a new subpart thereunder as follows:

Part 1270—Wool and Mohair Advertising and Promotion

Subpart—Procedure for the Conduct of Referendums

- 1270.1 Referendums.
- 1270.2 Definitions.
- 1270.3 Supervision of referendums.
- 1270.4 Requirements of referendums.
- 1270.5 Computation of time.
- 1270.6 Public notice.
- 1270.7 Eligibility.
- 1270.8 Voting.
- 1270.9 Challenged ballots.
- 1270.10 Receiving ballots.
- 1270.11 Canvassing ballots.
- 1270.12 County ASCS Office Report.
- 1270.13 State ASCS Office Report.
- 1270.14 Results of referendums.
- 1270.15 Disposition of ballots and records.
- 1270.16 Suspension and termination of agreements.
- 1270.17 Instructions and forms.

Subpart—Procedure for the Conduct of Referendums

§ 1270.1 Referendums.

Referendums for the purpose of determining producer approval of any proposed agreement between the Secretary of Agriculture and any marketing cooperative, trade association, or other producer group whose members are engaged in the handling of wool, sheep, mohair, goats or the products thereof, shall be conducted in accordance with this subpart.

§ 1270.2 Definitions.

(a) "Secretary" means the Secretary of Agriculture or any other officer or employee of the U.S. Department of Agriculture to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

(b) "ASCS" means the Agricultural Stabilization and Conservation Service.

(c) "Act" means the National Wool Act of 1954 (7 U.S.C. 1781 et seq.) and any amendments thereto.

(d) "Deputy Administrator" means the Deputy or Acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(e) "State ASC Committee" means the group of persons within a State designated by the Secretary to act as the State Agricultural Stabilization and Conservation committee.

(f) "County ASC Committee" means the group of persons within a county elected to act as the county Agricultural Stabilization and Conservation committee, pursuant to the regulations governing the election and functioning of the county Agricultural Stabilization and Conservation committee.

(g) "County ASCS Executive Director" means the person employed by the county ASC committee to execute the policies of the county ASC committee and be responsible for the day-to-day operation of the county ASCS office, or the person acting in such capacity.

(h) "Person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

(i) "Agreement" means any agreement between the Secretary of Agriculture and any marketing cooperative, trade association or other produc-

er group whose members are engaged in the handling of wool, sheep, mohair, goats, or the products thereof, for the purpose of developing and conducting advertising and sales promotion programs and programs for the development and dissemination of information on product quality, production management, and marketing improvement for the commodities handled by its members. The agreement may authorize the Secretary to make deductions from the incentive payments made to producers by the Commodity Credit Corporation for the purpose of funding the programs for advertising and sales promotion and dissemination of information carried out under such agreement.

(j) "Representative period" means a consecutive twelve month period preceding the referendum designated by the Secretary.

(k) "Voting period" means a 12-day period to be announced for voting in the referendum.

§ 1270.3 Supervision of referendums.

The Deputy Administrator shall be in charge of and responsible for conducting each referendum in accordance with this subpart. Each State ASC committee shall be in charge of and responsible for supervising and directing the conduct of the referendum in its State. Each county ASC committee shall be responsible for conducting the referendum in its county. It shall be the duty of the Deputy Administrator and of each committee to conduct each referendum in a fair, unbiased and impartial manner, in accordance with this subpart.

§ 1270.4 Requirements of referendums.

An agreement shall become effective if the Secretary determines that it is approved or favored by (a) at least two-thirds of the eligible producers voting in the referendum or (b) eligible producers who produced at least two-thirds of the volume of sheep or goats, as the case may be, represented in the referendum.

§ 1270.5 Computation of time.

Sundays and Federal holidays shall be included in computing the time allowed for the filing of any documents or taking any action: *Provided*, That when such time expires on a Sunday or a Federal holiday, such period shall be extended to include the next following business day.

§ 1270.6 Public notice.

Advance public notice of the referendum shall be provided without commercial advertising expense by the State and county ASCS offices by means of newspapers, television, county newsletter, county extension agents, etc. Such notice shall announce the voting requirements and other pertinent information.

PROPOSED RULES

§ 1270.7 Eligibility.

(a) *Eligible producer.* Each producer who during a single period of at least 30 days during the representative period owned in the United States any sheep or goats, as the case may be, 6 months of age or older is entitled to vote in the referendum. Each producer entity shall be entitled to cast only one ballot in the referendum.

(b) *Proxy voting.* Proxy voting is not authorized except that an officer or employee of a corporate producer, or any guardian, administrator, executor, or trustee of a producer's estate, or an authorized representative of any producer entity (other than an individual producer), such as a corporation or partnership, may cast a ballot on behalf of such entity. Any individual voting in the referendum on behalf of any producer entity shall certify that he or she is authorized by such entity to take such action.

(c) *Joint and group interest.* A group of individuals, such as members of a family, joint tenants, tenants in common, a partnership, owners of community property, or a corporation, engaged in the production of sheep or goats, as the case may be, as a producer entity shall be entitled to only one vote; *Provided, however*, That any member of a group may vote as a producer if he or she is an eligible producer separate from the group, except as provided in paragraph (d) of this section and § 1270.8(c)(2).

(d) *Cooperative association.* A cooperative association may qualify to vote by filing with the Director of the Emergency and Indemnity Payments Division, ASCS, USDA, Washington, D.C. 20250, not later than the date announced by the Department of Agriculture, the following documents: (1) A certified copy of the articles of incorporation and bylaws of the association, and (2) a certified copy of the resolution adopted by the association's board of directors authorizing the association to vote in the referendum. The Emergency and Indemnity Payments Division, ASCS, will send a ballot to each cooperative association which establishes its eligibility to vote. A cooperative association which qualifies to vote shall cast one ballot for all the eligible producers who, on the date the ballot is cast, are members of, stockholders in, or are under contract to sell their wool, sheep, mohair or goats, as the case may be, through the association in the marketing year (January 1 through December 31) in which the referendum is held. The number of votes to be counted for the ballot cast by the cooperative association shall be equal to the number of eligible producer-members in the cooperative association. If a ballot is cast by a cooperative association, the eligible producer-members of such cooperative association shall not otherwise cast ballots in the referendum.

§ 1270.8 Voting.

(a) *Mailing of ballots.* Each ASCS county office will mail ballots to all producers of whom the office has knowledge having ranch or farm headquarters located in its county. A producer who believes that he or she is eligible to vote but has not received a ballot, can obtain a ballot from the State or county ASCS office upon request. The Emergency and Indemnity Payments Division, ASCS, USDA, will mail ballots to all cooperative associations which qualify to vote on behalf of their members and others in accordance with section 1270.7(d) of this subpart.

(b) *Facilities and ballot box.* Each county ASCS office shall provide (1) adequate facilities and space to permit producers to mark their ballots in secret and (2) a sealed ballot box which shall be kept under observation during office hours and secured at all times until the ballots are counted.

(c) *Voting—(1) All producers except cooperative associations.* Voting may be in person or by mail. Each producer shall cast a ballot on form CCC 1160 with the County ASCS office where the producer's farm or ranch headquarters is located. The producer shall provide the following information on the ballot: (i) The date, (ii) a "yes" or "no" vote by marking the appropriate box, (iii) the number of sheep or goats, as the case may be, 6 months of age or older, located in the United States which the producer owned continuously during a single period of at least 30 days during the representative period, (iv) the address of the producer and (v) the signature of the producer. If the ballot is being cast on behalf of a partnership, corporation, or other entity, except a cooperative association, the person casting the ballot must provide the name and address of the producer entity he or she represents, and certify that he or she is authorized to vote on behalf of the producer entity.

(2) *Cooperative associations.* A cooperative association shall return its marked ballot to the Director, Emergency and Indemnity Payments Division, ASCS, USDA, Washington, D.C., 20250, so that it will reach that office not later than the date designated by the Department of Agriculture. Each ballot cast by a cooperative association shall be accompanied by the original and two copies of a listing showing the names and addresses of all producers, otherwise eligible to vote, who on the date the vote is cast are members of, stockholders in, or under contract to sell their wool, sheep, mohair or goats, as the case may be, through the association in the marketing year in which the referendum is held. The producer's names shall be arranged alphabetically, on a separate sheet for each county. The listing for each county

PROPOSED RULES

shall be headed by the name and address of the cooperative association and show whether the cooperative association was voting "yes" or "no" in the referendum. In preparing the listings, the cooperative association shall show for each producer the number of sheep or goats, as the case may be, 6 months of age or older which he owned continuously in the United States during a single period of at

least two-thirds of the volume of the sheep or goats, as the case may be, within the area which will be benefited by the agreement, approve or favor such agreement, or that produc-

§ 1270.10 Receiving ballots.

A ballot shall be considered to be

release the unofficial results of the referendum in its county after the report has been given to the State ASCS office.

(b) *Final report.* Within seven days after the opening of the ballot box, each county ASCS office shall transmit a written summary certified by the county ASCS executive director of the final results of the referendum in

§ 1270.15 Disposition of ballots and records.

The county ASCS executive director shall place the voted ballots, challenged ballots found to be ineligible, spoiled ballots, and county summaries in sealed containers marked with the identification of the referendum. Such records shall be placed under lock in a

PROPOSED RULES

[3410-34]

Animal and Plant Health Inspection Service

[9 CFR Part 85]

PSEUDORABIES

Notice of Meetings

AGENCY: Animal and Plant Health Inspection Service, USDA.

These meetings are open to the public. Written statements concerning the proposed pseudorabies regulations may be filed with the Department on or before July 24, 1978.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 704, Hyattsville, Md., during regular

shall be headed by the name and address of the cooperative association and show whether the cooperative association was voting "yes" or "no" in the referendum. In preparing the listings, the cooperative association shall show for each producer the number of sheep or goats, as the case may be, 6 months of age or older which he owned continuously in the United States during a single period of at least 30 days during the representative period. After checking the ballots and lists from the cooperative associations for completeness, the lists of producers for whom the cooperative associations have voted will be forwarded to the ASCS State offices concerned for distribution to the respective ASCS county offices. If a producer casts a ballot as an individual and a cooperative association's ballot lists the producer as a member, the producer's vote by the cooperative association shall count and not the individual ballot cast by the producer. If two or more cooperative associations cast ballots for the same producer, and the ballots take the same position with reference to the agreement which is the subject of the referendum, the producer's vote will be counted only once. If they take different positions, the producer's vote will not be counted.

§ 1270.9 Challenged ballots.

A person's eligibility to vote may be challenged by any person. The county executive director shall review all ballots and promptly challenge any ballot of a producer who appears to be ineligible or to have inaccurately indicated the number of sheep or goats, as the case may be, on the ballot.

(a) *Determination of challenges.* Any person whose ballot has been challenged or whose declaration of the number of sheep or goats, as the case may be, on the ballot has been challenged, must prove to the satisfaction of the county executive director that he or she was an eligible producer or that he or she did own the declared number of sheep or goats, as the case may be, during the representative period. Records such as tax returns, sales documents, purchase documents, or other similar documents may be submitted to prove that a person is an eligible producer or that he or she owned the declared number of sheep or goats. The county ASCS executive director shall make his or her determination concerning a challenged ballot and notify the producer of such determination as soon as practicable, but no later than two days after the opening of the ballot box.

(b) *Appeal.* Appeal from a decision by the county ASCS executive director on the eligibility of a person or as to the number of sheep or goats, as the case may be, owned by the producer,

must be made to the county ASC committee within two business days after notification of such decision. Any appeal shall be determined by the county ASC committee as soon as practicable, but in all cases not later than seven days after the opening of the ballot box.

§ 1270.10 Receiving ballots.

A ballot shall be considered to have been received during the voting period (a) if it was cast in the county ASCS office prior to the close of business on the final day of the voting period, or (b) if mailed, the ballot was postmarked not later than midnight on the final day of the voting period and received in the county ASCS office prior to the close of business on the fourth day after the close of the voting period.

§ 1270.11 Canvassing ballots.

(a) *Counting the Ballots.* As soon as possible after opening of the county ASCS office on the fifth day after the close of the voting period, employees of the county ASCS office shall open the ballot box and count the ballots. The ballots shall be tabulated as follows: (1) Number of eligible producers casting valid ballots, and the number of sheep or goats, as the case may be, indicated on their ballots, (2) number of eligible producers favoring the agreement and the number of sheep or goats, as the case may be, indicated on their ballots, (3) number of eligible producers not favoring the agreement and the number of sheep or goats, as the case may be, indicated on their ballots, (4) the number of challenged ballots deemed invalid, and (5) the number of spoiled ballots.

(b) *Spoiled Ballots.* Ballots shall be considered as spoiled ballots when they are unsigned, mutilated, or marked in such a way that it cannot be determined whether it is a "yes" or "no" vote. Spoiled ballots shall not be considered as approving or disapproving the agreement or as a ballot cast in the referendum.

(c) *Confidentiality.* All ballots shall be treated as confidential and the contents of the ballots shall not be divulged except as provided for in this subpart or as the Secretary may direct. The public may witness the opening of the ballot box and the counting of the ballots, but shall remain a reasonable distance from the tabulation so as not to interfere with the tabulation or see how any person voted in the referendum.

§ 1270.12 County ASCS office report.

(a) *Preliminary report.* The county ASCS office shall notify the State ASCS office by telephone, telegraph, or messenger as to the preliminary results of the referendum as soon as possible. Each county ASCS office may

release the unofficial results of the referendum in its county after the report has been given to the State ASCS office.

(b) *Final report.* Within seven days after the opening of the ballot box, each county ASCS office shall transmit a written summary certified by the county ASCS executive director of the final results of the referendum in its county to the State ASCS office. Any appeal concerning a challenged ballot shall be resolved by the county ASC committee prior to the date of the final report. A copy of the summary shall be posted for 30 days in the county ASCS office in a conspicuous place accessible to the public and a copy shall be kept on file in the county office for a period of at least 12 months.

§ 1270.13 State ASCS office report.

(a) *Preliminary report.* Each State ASCS office shall send to the Deputy Administrator by telegraph as soon as possible a summary of the preliminary results of the referendum received from the county ASCS offices within its State. Each State ASCS office may release the unofficial results of the referendum in its State after its report has been sent to the Deputy Administrator.

(b) *Final report.* Within 10 days after the opening of the ballot boxes in the county ASCS offices each State ASCS office shall transmit to the Deputy Administrator a written summary of the final results of the referendum received from the county ASCS offices within the State. Such summary shall be prepared in triplicate and certified by the State ASCS executive director. The original and one copy of the summary shall be sent to the Deputy Administrator. One copy of the summary shall be maintained in the State ASCS office where it shall be available for public inspection for a period of not less than 12 months.

§ 1270.14 Results of Referendums.

(a) The Deputy Administrator shall prepare and submit to the Secretary or his designee a report of the results of the referendum. The official results of the referendum shall be published in the *FEDERAL REGISTER*. State summaries and related papers shall be available for public inspection in the office of the Deputy Administrator, State and County Operations, ASCS, U.S. Department of Agriculture, Room 243-W, Administration Building, Washington, D.C.

(b) If the Deputy Administrator or the Secretary deems it necessary, the report of any State or county shall be reexamined and checked by such persons that may be designated by the Deputy Administrator or the Secretary.

§ 1270.15 Disposition of ballots and records.

The county ASCS executive director shall place the voted ballots, challenged ballots found to be ineligible, spoiled ballots, and county summaries in sealed containers marked with the identification of the referendum. Such records shall be placed under lock in a safe place under the custody of the county ASCS executive director for a period of not less than 12 months after the referendum. If no notice to the contrary is received from the Deputy Administrator by the end of such time, the records shall be destroyed.

§ 1270.16 Suspension and termination of agreements.

The Secretary of Agriculture may conduct a referendum at any time, and shall hold a referendum on request of (a) producers representing 10 percent or more of the number of producers voting in, or (b) producers owning 10 percent of the sheep or goats, as the case may be, represented in the referendum approving the agreement, to determine whether such producers favor the termination or suspension of the agreement. The Secretary shall suspend or terminate such agreement six months after the Secretary determines that suspension or termination of the agreement is approved or favored by a majority of the eligible producers voting in such referendum or who produced more than 50 percent of the volume of the sheep or goats, as the case may be, produced by the producers voting in the referendum.

§ 1270.17 Instructions and forms.

The Deputy Administrator is hereby authorized to prescribe additional instructions and forms not inconsistent with the provisions of this subpart to govern the conduct of the referendum.

AUTHORITY: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 702-708, 68 Stat. 910-912, as amended (7 U.S.C. 1781-1787).

Issued at Washington, D.C., this 7th day of June 1978.

STEWART N. SMITH,
Acting Administrator, Agricultural Stabilization and Conservation Service.

WILLIAM T. MANLEY,
Acting Administrator,
Agricultural Marketing Service.

[FR Doc. 78-16274 Filed 6-12-78; 8:45 am]

[3410-34]

Animal and Plant Health Inspection Service

[9 CFR Part 85]

PSEUDORABIES

Notice of Meetings

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meetings.

SUMMARY: The purpose of this document is to give notice of a series of informal public meetings to be held on changes made in the proposed pseudorabies regulations published in the *FEDERAL REGISTER* (43 FR 22044-22053) May 23, 1978, as a result of comments and recommendations received after publication of the original proposal May 27, 1977. These meetings are being held to solicit further comments and recommendations regarding the current proposed pseudorabies regulations.

DATES: Meetings will be held from 1 to 5 p.m. in: Indianapolis, Ind., on June 20, 1978; Des Moines, Iowa, on June 21, 1978; Oklahoma City, Okla., on June 22, 1978; Nashville, Tenn., on June 27, 1978; Washington, D.C. on June 29, 1978.

Written statements concerning the proposed regulations may be filed with the Department on or before July 24, 1978.

ADDRESSES: Meetings will be held at the following locations: Indianapolis—Roadway Inn, Airport Expressway, 5212 West Southern Avenue; Des Moines—Hilton Inn, 611 Fleur Drive; Oklahoma City—Hilton West, at the junction of I-40 and Meridian; Nashville—Opryland Hotel, 2800 Opryland Drive; Washington—Loews L'Enfant Plaza Hotel, 480 L'Enfant Plaza East SW.

Written statements may be submitted to: J.A. Downard, Chief Staff Veterinarian, Swine Diseases Staff, USDA, APHIS, Veterinary Services, Room 704, Federal Center Building, Hyattsville, Md. 20782.

FOR FURTHER INFORMATION CONTACT:

J.A. Downard, 301-436-8487.

SUPPLEMENTARY INFORMATION: These meetings are sponsored by the Department of Agriculture in order to give the swine industry and other interested parties the greatest possible participation in the rulemaking process through the exchange of views and information regarding pseudorabies.

The president of the state Pork Producers Council in each state where a meeting will be held will chair that meeting except for the Washington, D.C. meeting which will be chaired by a Veterinary Services representative. The procedure will be informal and will follow a flexible agenda.

These meetings are open to the public. Written statements concerning the proposed pseudorabies regulations may be filed with the Department on or before July 24, 1978.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 704, Hyattsville, Md., during regular hours of business (8 a.m. to 4:30 p.m., Monday through Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27 (b)).

Dated: June 7, 1978.

PIERRE A. CHALOUX,
Deputy Administrator,
Veterinary Services

[FR Doc. 78-16307 Filed 6-12-78; 8:45 am]

[1505-01]

NUCLEAR REGULATORY COMMISSION

[10 CFR Parts 70, 73, 150]

SPECIAL NUCLEAR MATERIAL OF MODERATE AND LOW STRATEGIC SIGNIFICANCE

Safeguard Requirements

Correction

In FR Doc. 78-14134 appearing on page 22216 in the issue of Wednesday, May 24, 1978, in the "SUMMARY," the 5th line "owuld" should read, "would".

In the middle column, the 2nd line, "significane" should read, "significance".

On page 22217 in the middle column, § 70.22(g), the 11th line should read, "73.47(g) for 10 Kg or more of special . . .".

In the 3rd column, § 70.22(j) the 4th line should read, "[I]f licensee special nuclear material of moderate . . .".

On page 22218, in the middle column, § 73.47(b), the 1st line should read, "(b) A licensee is exempt from the re-[quirements] . . .".

In § 73.47(c), the 11th and 12th lines should read, "[re]-quirements of § 73.47(d), (e), and (g), including schedules of implemen-[tation]".

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 288]

[EDR-356; Docket No. 32784; June 1, 1978]

EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Proposed Rulemaking

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Board is proposing amendments of the minimum military

charter rates for foreign and overseas air transportation services performed for the Department of Defense (DOD) and procured by the Military Airlift Command (MAC) as a result of several problems MAC has informally brought to the Board's attention. The proposed amendments will: (1) Equate the category B passenger rates for wide-bodied aircraft with those on low-density stretched jets instead of the high-density; and, (2) permit carriers to perform categories A and Z passenger services at rates equivalent to the lowest unrestricted scheduled service commercial fare available to the general public whenever the minimum categories A and Z rates would result in a higher charge.

DATES: Comments by: July 3, 1978. Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

ADDRESSES: Twelve copies of comments should be sent to Docket 32784, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Mr. Leonard S. Friedman, Postal and Military Rates Division, B.P.D.A., B-68, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, phone 202-673-5368.

SUPPLEMENTARY INFORMATION: ER-1036, December 19, 1977, established the currently effective minimum military charter rates for foreign and overseas air transportation services.¹ MAC has informally brought to the Board's attention several problems inherent in those rates. In several instances scheduled service economy fares are lower than categories A and Z rates for the same trip.² Further, the category Y rate reflects standard jet roundtrip charter operations, even though the fixed-buy contracts have since been negotiated to include wide-bodied equipment as well. MAC recommends that the categories A, Y and Z rates all be derived from the category B wide-bodied jet service rates.³ MAC also recommends that since the category B wide-bodied jet charter passenger rates are equal to the high-density stretched jet charter passenger rate,

¹ER-1045, February 15, 1978, amended these rates to correct a computational error in the one-way Category B cargo rate for DC-8-61/63F aircraft.

²Category Z minimum rates are, by present provisions in Part 399, equated to the Category A rates fixed in Part 288.

³One-way rates for categories A and Z and roundtrip rates for Category Y.

the minimum aircraft passenger loads for wide-bodied jet charter operations should be increased to reflect a similar high-density seating configuration.⁴ This change would result in more revenue to a carrier for a wide-bodied charter. MAC contends that wide-bodied aircraft are not being made available by carriers because the current wide-bodied charter rates provide the carriers with less revenues than the previous rates.

The Board has considered the issues raised by MAC and agrees that the Categories A and Z and wide-bodied B rates warrant corrective action. However, we do not fully concur with MAC's recommended solutions. Our proposed amendments and the underlying considerations are discussed below. Interested persons, and particularly DOD and the participating carriers, are invited to comment on those proposals.

The Categories A and Z rates on scheduled services are derived from the costs for Category B planeload charter services. These rates do not reflect the costs of the scheduled services used. Under previous Part 288 rate structures, when the Category B rates were uniform for all jet equipment types and were based on the average narrow-bodied jet charter operating costs, setting rates for use on scheduled services was a simple function. The current Part 288 rate structure, however, includes rates which vary for high- and low-density seating for both standard and stretched jet equipment, with the wide-bodied jet rates equal to the high-density stretched jet rates. Thus it was necessary to select a base for setting the Category A and Z rates. The low-density standard jet rates were chosen because they are the highest Category B charter rates, and, therefore, in no instance would rates on scheduled services be less than planeload charter rates.

ER-1024⁵ set forth fully the Board's consideration of all issues, including the argument now repeated by DOD, when we established the current Categories A and Z rates. DOD offers nothing new to challenge that decision. However, it does point out that the Categories A and Z rates are higher than commercial fares in 10 specific markets. Part 288 minimum rates should not require DOD to pay more than commercial travelers for comparable service. Accordingly, we tentatively find that the present rule should be amended to provide that, in

⁴Minimum aircraft loads are contained in § 288.8. The minimum passenger loads are based on a seat-pitch of 38 inches for low-density standard and stretched jets and 36 inches for wide-bodied jets whereas the seat-pitch for the high-density standard and stretched jets is 34 inches.

⁵November 3, 1977, at 10-11.

those instances where unrestricted, scheduled service, commercial fares are lower than the minimum Categories A and Z rates, the carriers may perform Categories A and Z services at rates equal to the commercial fares. By unrestricted commercial fares we mean fares not subject to conditions such as stand-by or space available which provide lesser value service than Categories A and Z, which call for confirmed seat service.

The Board agrees that the Category B wide-bodied jet charter rates produce unacceptably low gross revenues. MAC does not recommend a specific number of seats as the proper minimum passenger load for wide-bodied jet charters, and the number of seats on wide-bodied aircraft in both scheduled and nonscheduled services varies significantly from carrier to carrier. (See Appendix I). We are not in a position to select a particular number of seats as the minimum passenger load greater than currently agreed by the carriers and MAC and reflected in Part 288. Therefore, as an alternative, we propose to increase the wide-bodied Category B rates by making them equal to the low-density stretched jet charter rates, which will produce the same plane-mile rate as MAC recommends.

The Board has before it Petitions for Reconsideration of Order 78-1-101, January 25, 1978,⁶ and Order 78-3-145, March 30, 1978. In the first order, the Board found the Category Y tariff rules of Northwest Airlines, Inc. and Pan American World Airways, Inc. unjust and unreasonable and ordered them cancelled. The second order rejected the new Category Y tariff filed by Northwest in response to Order 78-1-101. We will defer any further consideration of Category Y rates pending our decisions on these petitions.

The proposed Part 288 amendments, set forth below, will be made effective prospectively upon adoption of the final rule by the Board.

The Board believes that expeditious action on the proposed rule revision is warranted. Moreover, the amendments represent a relatively minor adjustment. Accordingly, good cause is found to provide 21 days for comments, less than the normal period, which is considered adequate for this purpose.

PROPOSED RULES

It is proposed to amend Part 288 of the Economic Regulations (14 CFR Part 288) as follows:

1. Amend paragraph (a)(1) of § 288.7 to change the table of rates as follows:

§ 288.7 Reasonable level of compensation

• • • • •

⁶Category Y Fare Investigation, Docket 28096.

(a) For charter services in foreign and overseas transportation, and in transportation between the 48 contiguous States, on the one hand, and Alaska or Hawaii, on the other hand, other than specified in paragraph (c) of this section, the following minimum rates are adopted:

(1) Performed with turbine-powered aircraft:

PROPOSED RULES

Amended Rates Effective

Aircraft Type	Passenger rates, per passenger-mile		Cargo, per ton-mile		Convertible Rates $\frac{1}{2}$		Mixed passenger-cargo rates, per revenue plane-mile $\frac{1}{2}$	
	Round Trip	One Way	Round Trip	One Way	Passenger leg, per passenger-mile	Cargo leg, per ton-mile	Round Trip	One Way
Regular Turbojets: (165 ACL) Passengers - Pallets 165 and 0 117 and 3 105 and 4 93 and 5 81 and 6 63 and 7 51 and 8 0 and 12	3.733c	7.044c	14.788c	29.045c	3.733c	17.027c	\$6.160 5.939 5.883 5.828 5.772 5.689 5.633 5.398	\$11.622 11.325 11.251 11.177 11.103 10.991 10.917 10.601
DC-8-61/63F: (219 ACL) Passengers - Pallets 219 and 0 159 and 5 65 and 13 47 and 14 0 and 18	3.378 $\frac{4}{4}$	6.373 $\frac{4}{4}$	13.314 $\frac{4}{4}$	26.150 $\frac{4}{4}$	3.378 $\frac{4}{4}$	15.362 $\frac{4}{4}$	7.398 7.012 6.409 6.293 5.991	13.956 13.462 12.635 12.461 12.078
B-727 Pacific Interland $\frac{3}{3}$ Passengers - Pallets 105 and 0 61 and 2 50 and 3 46 and 4 0 and 7	4.457	8.512	22.772	45.316	4.457	27.326	4.679 4.437 4.376 4.354 4.099	8.938 8.611 8.529 8.499 8.157
B-727 All Other: $\frac{2}{2}$ Passengers - Pallets 105 and 0 61 and 2 50 and 3 46 and 4 0 and 7	5.027	9.602	25.463	50.671	5.027	30.554	5.279 4.987 4.914 4.889 4.583	10.082 9.680 9.579 9.542 9.120

FEDERAL REGISTER, VOL. 43, NO. 114—TUESDAY, JUNE 13, 1978

PROPOSED RULES

Amended Rates Effective

Aircraft Type	Passenger rates, per passenger-mile		Cargo, per ton-mile		Convertible Rates $\frac{1}{2}$		Mixed passenger-cargo rates, per revenue plane-mile $\frac{1}{2}$	
	Round Trip	One Way	Round Trip	One Way	Passenger leg, per passenger-mile	Cargo leg, per ton-mile	Round Trip	One Way
Regular Turbojets: (180 ACL) Passengers - Pallets 180 and 0 128 and 3 115 and 4 101 and 5 88 and 6 69 and 7 54 and 8 0 and 12	3.460c	6.510c	14.788c	29.045c	3.460c	17.027c	\$6.227 5.986 5.926 5.865 5.805 5.714 5.647 5.398	\$11.718 11.393 11.312 11.231 11.150 11.028 10.937 10.601
DC-8-61/63F: (230 ACL) Passengers - Pallets 230 and 0 182 and 5 74 and 13 54 and 14 0 and 18	3.060	5.742	13.314	26.150	3.060	15.362	7.650 7.196 6.483 5.991	14.356 13.732 12.254 12.567 12.078

$\frac{1}{2}$ Conversion rates shall apply only for flights that are converted a minimum of 10 days in advance of performance of the service. Conversion charges for convertible flights or variable mixed flights shall be at the rate of \$75 per seat changed on each segment. If a flight is converted with less than 10 days' notice, the one-way rates shall apply to each leg of the converted round trip.

$\frac{2}{2}$ For the Coral Sea variable mixed operation the conversion charge shall be \$207 per cargo pallet in lieu of a seat charge.

$\frac{3}{3}$ Shall also apply to the L-382/L-100-1-/20/30 and CV-990 aircraft.

$\frac{4}{4}$ Also applies to wide-bodied (B-747, DC-10, and L-1011 equipment).

FEDERAL REGISTER, VOL. 43, NO. 114—TUESDAY, JUNE 13, 1978

2. Amend § 288.7(d)(1) by adding a proviso to read as follows:

(d) For Category A transportation services on and after¹

(1) Passengers, 7.044 cents per passenger-mile: *Provided*, That a carrier may perform Category A passenger services at a rate per passenger-mile which, when applied to the mileage between specific points in accordance with subparagraph (3) of this paragraph, produces a product fare equal to a published, unrestricted, one-way, passenger tariff fare that is in fact available to the general public for equivalent services, in the event that the Category A rate per passenger-mile, specified above, would result in a higher charge than such published tariff.

(2)

(Secs. 204, 403 and 416 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758 and 771, as amended; 49 U.S.C. 1324, 1373 and 1386.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX I—SUMMARY OF SEATING CONFIGURATIONS IN CHARTER AND SCHEDULED SERVICES

Aircraft type	Carrier	Charter service	Scheduled service
B-747	AA	364-424	343
	BN	356	356
	DL	370	370
	NW	369, 375	369
	PA	373, 381, 400, 408 437, 453	373, 400
	TW	363	363
	UA	342, 374	342
	World.	357, 395, 411, 423, 445, 461	—
L-1011	DL	256, 264	256
	EA	256	261
DC-10-10	AA	240	240
	UA	242, 259	241
DC-30	NA	283	269
	TIA	275, 303, 345, 378	—
DC-40	NW	236	236

WIDE-BODY AIRCRAFT SEATING DENSITIES PER MANUFACTURER'S SPECIFICATION

Aircraft type	Number of seats
B-747/100/200B/200C	374-500
DC-10-30/40	250-380
L-1011-1/100/200/250	250-400

[FR Doc. 78-16235 Filed 6-12-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 10]

[Docket No. 78N-0126]

SEPARATION OF FUNCTIONS AND EX PARTE COMMUNICATIONS

Withdrawal of Proposal and Termination of Rulemaking Proceedings

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of proposal.

SUMMARY: The Commissioner of Food and Drugs is withdrawing a proposal to establish rules concerning separation of functions and ex parte communications. The proposal is being withdrawn because it has been superseded by more recent procedural regulations.

EFFECTIVE DATE: June 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Richard T. Hunt, Compliance Regulations Policy Staff (HFC-10), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3480.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of March 24, 1972 (37 FR 6107), the Commissioner issued a proposal to establish regulations concerning separation of functions and ex parte communications. The proposal was intended, among other things, to more clearly define permissible and impermissible communication among parties to a public hearing and FDA officials, employees, and attorneys.

In the FEDERAL REGISTER of January 25, 1977 (42 FR 4680), the Commissioner adopted new comprehensive administrative practices and procedures that encompassed the issues of separation of function and ex parte communications.

Accordingly, the Commissioner announces that the proposal published in the FEDERAL REGISTER of March 24, 1972 (37 FR 6107) is now superseded and is hereby withdrawn.

This withdrawal is issued under the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 371)) and under the Administrative Procedure Act (secs. 4.5, 60 Stat. 238, 239 as amended (5 U.S.C. 553, 554)) and under authority delegated to the Commissioner (21 CFR 5.1).

Dated: June 5, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.
[FR Doc. 78-16089 Filed 6-12-78; 8:45 am]

[1505-01]

[21 CFR Parts 182, 184]

[Docket No. 78N-00151]

INOSITOL

Proposed Affirmation of Gras Status as a Direct Human Food Ingredient

Correction

In FR Doc. 78-13715 appearing at page 22056 in the issue for Tuesday, May 23, 1978, make the following corrections:

(1) On page 22057, in the first column, in the next to last line, "O-B-D-galactopyranosyl myo-inositol" should read "O-β-D-galactopyranosyl myo-inositol."

(2) On page 22058, in the middle column, in § 184.1341(a), in the third line, delete the space between "trans-4," and "6-cyclohexanehexol."

[4110-03]

[21 CFR Parts 182, 184, 186]

[Docket No. 78N-00711]

CARBONATES AND BICARBONATES

Proposed Affirmation of GRAS Status as Direct and Indirect Human Food Ingredients

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to affirm the generally recognized as safe (GRAS) status of calcium carbonate, potassium bicarbonate, potassium carbonate, sodium bicarbonate, sodium carbonate, and sodium sesquicarbonate as direct human food ingredients, and of sodium bicarbonate and sodium carbonate as indirect human food ingredients. The safety of these ingredients has been evaluated under a comprehensive safety review being conducted by the agency. The proposal would list calcium carbonate, potassium bicarbonate, potassium carbonate, sodium bicarbonate, sodium carbonate, and sodium sesquicarbonate as direct food substances affirmed as GRAS, and sodium bicarbonate and sodium carbonate as indirect food substances affirmed as GRAS.

DATE: Comments by August 14, 1978.

ADDRESS: Comments (preferably four copies) to the Hearing Clerk (HFC-20), Food and Drug Administration, room 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs has issued several notices and proposals (see the FEDERAL REGISTER of July 26, 1973 (38 FR 20040)) initiating a comprehensive safety review of human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. Under this review, which is being conducted by the Food and Drug Administration (FDA), the safety of calcium carbonate, potassium bicarbonate, potassium carbonate, sodium bicarbonate, sodium carbonate, and sodium sesquicarbonate has been evaluated. Under § 170.35 (21 CFR 170.35), the Commissioner proposes to affirm the GRAS status of these ingredients. Ammonium bicarbonate, ammonium carbonate, and magnesium carbonate will be considered in other proposals on ammonium and magnesium salts, respectively.

Carbonates and bicarbonates are commonly used in foods as neutralizers and leavening agents. These anions occur in body fluids and tissues as the result of normal metabolic processes and are important in the control of acid-base balance. Their salts are usually colorless or white translucent or transparent crystals, flakes, powders, or granules. Except for calcium carbonate, most of the carbonates used in foods are fairly soluble in water. They may decompose in dry and/or moist air with temperature gradients proportionately influencing the rate of degradation.

Calcium carbonate, potassium bicarbonate, potassium carbonate, sodium bicarbonate, sodium carbonate, and sodium sesquicarbonate are listed in §§ 182.1191, 182.1613, 182.1619, 182.1736, 182.1742, and 182.1792 (21 CFR 182.1191, 182.1613, 182.1619, 182.1736, 182.1742, and 182.1792), respectively, as multiple purpose GRAS food substances, under regulations published in the FEDERAL REGISTER of November 20, 1959 (24 FR 9368) and subsequently recodified. Calcium carbonate is also listed in § 182.5191 (21 CFR 182.5191) as a nutrient and dietary supplement, under regulations published in the FEDERAL REGISTER of November 20, 1959 (24 FR 9368), and is prior sanctioned for use as a stabilizer in § 181.29 (21 CFR 181.29). Sodium bicarbonate and sodium carbonate are listed in § 182.70 (21 CFR 182.70) for use in cotton and cotton fabrics used

in dry food packaging, under regulations published in the FEDERAL REGISTER of June 10, 1961 (26 FR 5224). Sodium carbonate is also listed in § 182.90 (21 CFR 182.90) for use in paper and paperboard packaging materials, under regulations published in the FEDERAL REGISTER of June 17, 1961 (26 FR 5421).

Certain Federal standards of identity list the use of some bicarbonates and carbonates in food: Calcium carbonate in frozen desserts (Part 135 (21 CFR 135)), cereal flours and related products (Part 137 (21 CFR 137)), and food dressings and flavorings (Part 169 (21 CFR Part 169)); sodium bicarbonate in cereal flours and related products (Part 137), canned vegetables (Part 155 (21 CFR Part 155)), and cacao products (Part 163 (21 CFR Part 163)); sodium carbonate in canned vegetables (Part 155), and cacao products (Part 163); and potassium bicarbonate and potassium carbonate in cacao products (Part 163).

Sodium bicarbonate is cleared by the Meat Inspection Division (MID) of the United States Department of Agriculture, to separate fatty acids and glycerol in rendered fats, and for use as a cooling and retort water treatment agent for prevention of staining exterior surfaces of food cans. Sodium carbonate is cleared by MID to refine rendered fats, to denude mucous membranes from tripe, and as a cooling and retort water treatment agent for prevention of staining exterior surfaces of food cans. The Bureau of Alcohol, Tobacco, and Firearms has cleared calcium carbonate and sodium carbonate under § 240.1051 (27 CFR 240.1051) to reduce excess natural acids in wine. Potassium carbonate and sodium carbonate are regulated as food additives in § 173.310 (21 CFR 173.310) as components of boiler water additives. Calcium carbonate is also regulated as a food additive in § 175.300 (21 CFR 175.300) for use in resinous and polymeric coatings, and in § 177.1600 (21 CFR 177.1600) for use in polyethylene resins, carboxyl modified.

A representative cross-section of food manufacturers was surveyed to determine the specific foods in which carbonates and bicarbonates have been used and the levels of usage. Information from surveys of consumer consumption was obtained and combined with the manufacturing information to obtain an estimate of consumer exposure to these ingredients. The total amounts of these ingredients used by the United States food industry in 1970 were 33 million pounds of calcium carbonate, 37,000 pounds of potassium bicarbonate, 4 million pounds of potassium carbonate, 95 million pounds of sodium bicarbonate

and 35 million pounds of sodium carbonate. No food-use data were reported for sodium sesquicarbonate in these surveys. From industry sources, however, it was reported that 712,000 pounds of sodium sesquicarbonate were sold in 1970. The total amount of carbonates and bicarbonates (including ammonium bicarbonate and ammonium carbonate) used in food in 1970 is more than double that used in 1960.

The carbonates and bicarbonates have been the subject of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered: (1) chemical toxicity; (2) occupational hazards; (3) metabolism; (4) reaction products; (5) degradation products; (6) any reported carcinogenicity, teratogenicity, or mutagenicity; (7) dose response; (8) reproductive effects; (9) histology; (10) embryology; (11) behavioral effects; (12) detection; and (13) processing. A total of 874 abstracts on carbonates was reviewed and 70 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (the Select Committee), selected by the Life Sciences Research Offices of the Federation of American Societies for Experimental Biology:

The biochemical role of the bicarbonate salts has been studied for over 50 years. Investigations using radioisotope procedures have educed extensive information concerning their absorption, metabolism, excretion, and control of acid-base balance of the body. The Select Committee has found few reports of experiments expressly designed to determine the oral toxicity, mutagenicity, teratogenicity or carcinogenicity of the various carbonate compounds. Knowledge of specific toxic levels and the effects of long-term feeding on various species of animals is lacking.

Orally administered to an unstated number of rats, potassium carbonate had an LD₅₀ of 1.87 g per kg. Potassium bicarbonate caused an 80 percent increase in intercalated cells of the collecting tubules of the kidneys of rats 4.5 hours after intubation of 345 mg.

Ten chicks fed potassium bicarbonate as a 3 percent supplement to a basal diet for up to four weeks showed no signs of illness, although two chicks developed white liver nodules. In other animal studies, 11 lambs fed a concentrated ration supplemented by 2 percent of 1:1 mixture of sodium and potassium bicarbonate for 59 days showed an increase in weight gain, feed consumption and feed efficiency.

Potassium carbonate in *in vitro* microbial assays was not mutagenic in assays with *Saccharomyces cerevisiae*, strain D4 and

Salmonella typhimurium, strains TA-1535, TA-157, and TA-1538. Tissue homogenates for plate and suspension activation assays were prepared from liver, lungs and testes of mice, rats and monkeys.

Teratologic evaluation of potassium carbonate was performed in mice and rats. The administration of up to 290 mg per kg to pregnant mice and up to 180 mg per kg to pregnant rats for 10 consecutive days (day 6 through day 15 of gestation) had no clearly discernible effect on nidation or on maternal or fetal survival. The number of abnormalities seen in either soft or skeletal tissues of the test group did not differ from the number occurring spontaneously in the sham-treated controls.

The acute oral toxicity of sodium bicarbonate was studied in intubated Wistar SPF rats weighing 100 to 150 g; LD₅₀ levels reported were 8.9 g per kg in fed rats, 7.57 g per kg in fasted rats on wire floored cages, and 8.46 g per kg in fasted rats bedded on wood shavings. Dose volume was influential: the LD₅₀ was 8.39 g per kg in fed rats receiving 20 to 25 ml per kg, compared to 5.85 g per kg in fed rats receiving 32 ml per kg. In another study using 200 g rats, the LD₅₀ levels observed at 20 ml per kg and 50 ml per kg were 5.5±0.6 g per kg and 4.85±0.3 g per kg, respectively. Intubation of 290 to 493 mg of sodium bicarbonate caused an 80 percent increase in intercalated cells of the collecting tubules of the kidneys of rats.

The intraperitoneal injection of 18 Ci of sodium [¹⁴C] bicarbonate into CFW mice was followed by assays (after 24 and 48 hours and 1, 2, 4, and 12 weeks) of blood, spleen, liver, kidneys, lungs, brain, jejunum, muscle, skin, hair, and long bones. More than 90 percent of the total radioactivity injected was lost via the respiratory route in one hour. At 24 hours, most of the radioactivity in the blood was in noncarbonate form. Specific activity in long bones paralleled that in the blood for up to 12 weeks. The radioactivity of the compound injected into a pregnant mouse was fixed in the fetal tissues more rapidly than in the maternal tissues. Variable and transient responses in erythrocyte counts and hemoglobin levels in mice to orally administered sodium bicarbonate were reported.

Rapid absorption was demonstrated in rats after intraperitoneal injection of less than one mg sodium [¹⁴C] bicarbonate. Expired radioactivity reached a maximum specific activity within 4 to 10 minutes, and by 13 to 16 minutes the specific activity was reduced by half. In a further study, rats were fasted for 24 hours and given lactate by stomach tube, followed by five intraperitoneal injections of sodium [¹⁴C] bicarbonate made at 30 minute intervals. The animals were sacrificed one-half hour later and about 60 percent of the label was accounted for. The livers were removed and the glycogen extracted; 0.3 to 1.1 percent of the administered carbon-11 was present in the glycogen. Urine contained 1.3 percent of the dose and over 50 percent of the dose was accounted for by respiratory [¹⁴C] carbon dioxide. The authors calculated that one out of eight carbon atoms present in the glycogen was derived from the bicarbonate carbon. Sodium bicarbonate has been reported to affect citrate metabolism in the kidneys of rats. An intraperitoneal injection of 872 mg per kg into four male rats caused a threefold rise in tissue citrate levels of the kidney and a smaller but significant rise in the citrate levels in the liver.

In man, at plasma bicarbonate levels below 24 mM, virtually all bicarbonate entering the renal tubules is reabsorbed. Above this level the excess bicarbonate is excreted. Oral administration of sodium bicarbonate at one g per kg as a single dose increased sodium excretion and decreased blood chloride concentration and urine chloride excretion. These studies demonstrate that the carbonate and bicarbonate ions enter and are constituents of the normal metabolic pathways of man.

As reported in a preliminary paper, two groups of 22 two-week-old chicks were given water containing 0.6 and 1.2 percent sodium bicarbonate for varying periods of time. Those fed the 1.2 percent level developed lesions of gout (kidneys damaged by accumulation of urate crystals with accumulation of water in these organs and other parts of the viscera) as early as the first day. The kidneys of chicks administered 0.6 percent sodium bicarbonate became pale on the first day but did not develop lesions of gout. An autopsy showed that all chicks, fed the higher level of bicarbonate developed urate crystals in their kidneys by the third or fourth days. Mature cockerels were not injured by feeding the 1.2 percent solution, but 2.4 percent caused clinical signs of gout and death within five days. The investigators inferred that age and severity of lesions were inversely correlated. In another study of poultry, three two-week-old ducklings received 2 percent sodium bicarbonate in their drinking water and died within 3 days; kidney damage was reported.

Intravenous administration of sodium bicarbonate over 7 days for an average total dose of 3.7 g per kg produced no pathological changes in any of 28 rats. The total dose was given in one to seven daily injections, the average being 3.7 injections. The same investigators reported no pathological kidney changes in nine rabbits receiving 2.3 g per kg of sodium bicarbonate intravenously or in four rabbits receiving 6.4 g per kg subcutaneously over a one-week period.

Additional effects on metabolism have been reported in rats and guinea pigs. Intubation of 0.2 to 0.5 g of sodium bicarbonate decreased the amount of liver glycogen in fasted rats within 3 hours. When fed in the diet, it induced increased excretion of β-hydroxybutyric acid and lactic acid in the urine of rats. In the guinea pig, sodium bicarbonate fed for 15 days at a level of 400 mg per kg with ascorbic acid resulted in an increased concentration of ascorbic acid in the adrenals and livers as compared to controls fed ascorbic acid. These observations were apparently not associated with pathologic changes.

The effect of sodium bicarbonate upon gastric secretion was studied in five dogs. Intubation of 75 to 100 mg sodium bicarbonate per kg three times daily increased gastric secretory activity a short time after a meal; later the secretory volume decreased. In a 19 kg dog intravenous injection of 27.4 to 42.5 g of sodium bicarbonate induced alkalosis and caused a decrease in serum calcium, chloride and phosphorus but with a large increase in total base, sodium, and blood bicarbonate. Intravenous addition of sodium chloride did not alter the severity of the alkalosis, and the sodium and total base values were further elevated.

Potassium was retained and ammonia formation decreased in a 25-year-old man who consumed 8.4 g sodium bicarbonate daily (122 mg per kg) for six days. Six adult humans ingested 120 mg per kg of sodium bicarbonate daily for five days. Urine calcium decreased significantly for all six subjects when compared to that of a similar control diet period.

Thirty-three patients with gastric or peptic ulcers were treated via gastric tube with sodium bicarbonate in daily doses of up to 100 g at a constant rate for three weeks. All developed alkalosis as plasma carbon dioxide content rose, inulin and endogenous creatinine clearances indicated no impairment of renal function. The glomerular filtration rate increased during treatment, but it tended to drop to subnormal and recover to normal levels when therapy stopped. No renal damage was observed. Large amounts of sodium were apparently retained in an expanded extracellular space. Oral administration of large doses (840 mg per kg per day) to an infant for 8 days also caused sodium retention. One 23-year-old patient (54 kg) received a total dose of 3.2 kg sodium bicarbonate over a period of 20 months for treatment of duodenal ulcer, without marked difference in acid-base balance or decrease in urea clearance and with no change in red and white blood cell counts or hemoglobin values.

The effect of oral and intravenous administration of sodium bicarbonate to dogs was studied. One kidney was surgically removed from each dog for comparison of pre- and post-treatment morphology. Nine dogs received gradually increased doses from 5 to 60 g sodium bicarbonate (up to 10 g per kg) per day. Five of these dogs received oral doses for 30 to 114 days. The remaining four dogs received oral doses of sodium bicarbonate daily and intravenous injection each week for a period of 125 to 261 days. Two dogs in the oral dose group survived; the rest died in acute alkalosis. Renal lesions of toxicity were hyperemia, edema and protein precipitation in the tubules. The dogs receiving the intravenous supplement had the greatest renal damage.

In humans, sodium bicarbonate temporarily decreases protease and amylase activity when introduced directly into the jejunum in isotonic solution. Cardiac and respiratory rate increases associated with hard exercise were more pronounced under the influence of sodium bicarbonate fed to adult men as a single dose (100 mg per kg). Marked diuresis occurred during fatigue. Decreased plasma levels and decreased excretion of ascorbic acid in the urine were observed during a two-week study when 15 g of sodium bicarbonate was fed daily to two female subjects on a diet containing 67 mg of ascorbic acid. Drug interactions reported included an increased absorption rate of sulfadiazine when taken with sodium bicarbonate on an empty stomach but sodium bicarbonate apparently delayed absorption of sulfadiazine if given after a meal.

Sodium bicarbonate was not mutagenic in *in vitro* assays with *Salmonella* or *Saccharomyces*. Sodium bicarbonate and sodium carbonate were not teratogenic in mice or rats. Sodium carbonate was neither toxic nor teratogenic in the chick embryo at levels up to 200 mg per kg. Studies of metabolism and excretion have included intraperitoneal implantation of 0.40 mCi of calcium [¹⁴C] carbonate as a pellet in a male rat. About 72 percent of the radioactivity was excreted as respiratory carbon dioxide between 2 and 142 hours after implantation (most after 69 hours). About 30 percent of the dose was recovered in unabsorbed pellet. Urinary radioactivity accounted for 0.27 percent and fecal radioactivity for about 0.07 percent of the dose; 1 percent of the absorbed dose was retained

by the tissues. Significant amounts of radioactivity were incorporated into the inorganic fraction of bone and into bone protein, dentin and enamel, as well as in fatty acids, glycerol, hemin, red cell protein, plasma protein, liver and muscle glycogen, muscle protein and the proteins of the testes, thoracic and abdominal viscera; in the kidney, the highest concentration was in the cortex. The same investigators distributed the compound over the peritoneal viscera of a male rat and collected exhaled air. The largest amount of radioactivity in respiratory carbon dioxide was present on the 7th and 8th days; none was detected on the 22nd day.

Calcium [¹⁴C] carbonate injected into a rat produced a higher specific activity in the saturated fatty acids than in the unsaturated fatty acids. Similar results were obtained with sodium [¹⁴C] carbonate. The carbon-14 content of the carboxyl carbon atoms was twice as high as the average for all fatty acid carbon atoms. Five rats were fed [¹⁴C] calcium carbonate for three days at 3 g per kg of feed (0.3 g per kg body weight). All rats remained healthy; calcium-45 was deposited in the femur, demonstrating the availability of calcium in the carbonate form.

In humans it has been reported that calcium carbonate taken orally in single doses from 16 to 200 mg per kg caused a transient rise in blood serum calcium. After 40 g (0.66 g per kg) calcium carbonate was fed daily for 4 days to three adult humans with peptic ulcers, a large reduction of urinary potassium was observed.

Addition of calcium carbonate to the basal diet at levels of 1 and 3 percent resulted in lower tissue iron values in anemic rats; this was interpreted as a disturbance in the normal concentration of inorganic ions in the principal absorptive portions of the digestive tract. Other investigators have shown that low intake of calcium and a high intake of phosphorus can cause impaired iron utilization with anemia. Under some circumstances either calcium salts or phosphate salts may improve iron absorption, while an excess of either may inhibit iron absorption. Calcium carbonate at 7.26 g per pound of flour in an 80 percent bread diet for 10 weeks in anemic rats (about 0.3 g CaCO₃ daily per kg body weight) decreased food consumption and decreased weight gain. Even though the treated diet contained supplemental iron, the iron content of the liver decreased and hemoglobin regeneration was retarded; heart weights increased. It was postulated that the calcium saturated the alimentary mucosal cells, presenting a block to the absorption of iron. The calcium:phosphorus ratio of the experimental diet was about 5:1.

Feeding a cariogenic ration consisting largely of coarsely ground corn supplemented with 3 percent calcium carbonate and 2 to 4 I.U. vitamin D for about four months to three groups of weanling rats resulted in marked reduction of weight gain but had no effect on dental caries incidence.

In humans, the oral administration of calcium carbonate to 28 peptic ulcer patients at a level of 500 mg per kg per day, divided into hourly doses during waking hours for three weeks, resulted in six patients developing hypercalcemia (five within 72 hours) with nausea, vomiting, anorexia, weakness, lethargy, headache, and dizziness. Blood urea nitrogen values increased significantly.

After withdrawal of calcium carbonate the serum calcium values returned to normal.

Calcium retention increased 86.3 percent, and urinary calcium output also increased, when a basal diet providing 1 g calcium daily was supplemented with 2.5 g calcium carbonate and fed to 10 men for 10 days. This provided calcium carbonate at 40 mg per kg and a daily calcium intake of 2 g.

Female Swiss mice were bred after one week on diets which were supplemented by 0.5, 1.0, and 2.0 percent of calcium carbonate. First and second litters were studied. The highest levels of calcium carbonate gave a calcium carbonate intake of about 3 g per kg body weight and a calcium:phosphorus ratio of 2.3:1. This diet significantly lowered the number and total weight of the weanling mice and increased the number and proportion of deaths as compared to a control diet. The control diet provided 0.34 percent calcium and a calcium:phosphorus ratio of 0.70:1. The diet having the highest calcium content caused hypertrophy of the heart and a tendency toward decrease in thymus weight in the weanling rats. These changes were prevented by supplementing the maternal diets with iron. It has been pointed out in another report by the Select Committee that an excess of dietary calcium may precipitate a deficiency of zinc and perhaps certain other trace inorganic elements.

No specific biological information on sodium sesquicarbonate is available to the Select Committee.

All of the available safety information on bicarbonates and carbonates has been carefully evaluated by qualified scientists of the Select Committee. It is the opinion of the Select Committee that:

... [It] is not aware of any long-term experimental studies on chronic administration of any of the carbonate salts. The results of acute toxicity and short-term feeding experiments are not readily extrapolated in determining toxic levels for carbonate salts consumed by humans. Treatment of gastric or peptic ulcers in patients with large amounts of carbonate salts in various forms has been utilized for many years and only rarely have deleterious results of changes of acid-base balance been reported. When the human respiratory and renal functions are normal, the mechanisms for

disposing of bicarbonate intake in large amounts through excretion appear to be highly efficient.

Studies of mice suggest that large intakes of calcium carbonate may interfere with reproductive performance. Such effects could be indirectly attributable to certain trace nutrient deficiencies. Comparable intake levels of calcium may occur when calcium carbonate is used for therapeutic purposes but the amounts added to foods in normal manufacturing processes are not high enough to be harmful. While the Select Committee is not aware of any studies on sodium sesquicarbonate *per se*, reasoned judgment suggests its biochemical conversion and metabolism would be similar to that of sodium carbonate and bicarbonate.

The Select Committee concludes that there is no evidence in the available information on calcium carbonate, potassium carbonate, potassium bicarbonate, sodium carbonate, sodium bicarbonate, or sodium sesquicarbonate that demonstrates or suggests reasonable grounds to suspect a hazard to the public when used at levels that are now current or that might reasonably be expected in the future. Based upon his own evaluation of available information on these carbonates and bicarbonates, the Commissioner concurs with this conclusion. The Commissioner therefore maintains that no change in the current GRAS status of these ingredients is justified. Ammonium bicarbonate, ammonium carbonate, and magnesium carbonate will be considered in other proposals on ammonium and magnesium salts, respectively.

Copies of the scientific literature review on the carbonates, mutagenic evaluations of potassium carbonate and sodium bicarbonate, teratogenic evaluations of potassium carbonate, sodium bicarbonate, and sodium carbonate, and the report of the Select Committee are available for review at the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22161, as follows:

Title	Ordering No.	Price code	Price ¹
Carbonates (scientific literature review)	PB-221-231	A07	\$7.25
Potassium carbonate (mutagenic evaluation)	PB-245-501/AS	A03	4.50
Sodium bicarbonate (mutagenic evaluation)	PB-245-436/AS	A03	4.50
Potassium carbonate (teratogenic evaluation)	PB-245-522/AS	A03	4.50
Sodium bicarbonate (teratogenic evaluation)	PB-234-871/AS	A03	4.50
Sodium carbonate (teratogenic evaluation)	PB-234-868/AS	A03	4.50
Carbonates and bicarbonates (Select Committee report)	PB-254-535/AS	A03	4.50

¹Price subject to change.

This proposed action does not affect the present use of bicarbonate and carbonate salts for pet food.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s),

409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes to amend Parts 182, 184, and 186 as follows:

PART 182—SUBSTANCES GENERALLY
RECOGNIZED AS SAFE

§ 182.70 [Amended]

1. In § 182.70 *Substances migrating from cotton and cotton fabrics used in dry food packaging* by deleting the entries for "Sodium bicarbonate" and "Sodium carbonate."

§ 182.90 [Amended]

2. In § 182.90 *Substances migrating to food from paper and paperboard products* by deleting the entry for "Sodium carbonate."

§§ 182.1191, 182.1613, 182.1619, 182.1736, 182.1742, 182.1792, and 182.5191 [Deleted]

3. By deleting § 182.1191 *Calcium carbonate*, § 182.1613 *Potassium bicarbonate*, § 182.1619 *Potassium carbonate*, § 182.1736 *Sodium bicarbonate*, § 182.1742 *Sodium carbonate*, § 182.1792 *Sodium sesquicarbonate*, § 182.5191 *Calcium carbonate*.

PART 184—DIRECT FOOD SUBSTANCES AF-
FIRMED AS GENERALLY RECOGNIZED AS
SAFE

4. In Part 184 by adding new §§ 184.1191, 184.1613, 184.1619, 184.1763, 184.1742, and 184.1792 to read as follows:

§ 184.1191 Calcium carbonate.

(a) Calcium carbonate (CaCO_3 , CAS Reg. No. 471-34-1) is prepared by three common methods of manufacture:

(1) As a byproduct in the "Lime soda process";

(2) By replacement of carbon dioxide in the "Carbonation process"; or

(3) By precipitation of calcium carbonate from calcium chloride in the "Calcium chloride process."

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972), as amended by the first supplement.¹

(c) The ingredient is used in food as an anticaking and free-flow agent as defined in § 170.3(o)(1) of this chapter, dough strengthener as defined in § 170.3(o)(6) of this chapter, firming agent as defined in § 170.3(o)(10) of this chapter, formulation aid as defined in § 170.3(o)(14) of this chapter, leavening agent as defined in § 170.3(o)(17) of this chapter, lubricant and release agent as defined in § 170.3(o)(18) of this chapter, nutrient supplement as defined in § 170.3(o)(20) of this chapter, pH control agent as defined in § 170.3(o)(23) of this chapter, processing aid as defined in § 170.3(o)(24) of this chapter, stabilizer and thickener as defined in § 170.3(o)(28) of this chapter, and syn-

ergist as defined in § 170.3(o)(31) of this chapter.

(d) The ingredient is used in food and infant formulas, in accordance with § 184.1(b)(1), at levels not to exceed good manufacturing practice. Current good manufacturing practice results in a maximum level, as served, of 0.5 percent in baked goods as defined in § 170.3(n)(1) of this chapter, 0.02 percent in nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter, 1.3 percent in breakfast cereals as defined in § 170.3(n)(4) of this chapter, 14 percent in chewing gum as defined in § 170.3(n)(6) of this chapter, 7.5 percent in confections and frostings as defined in § 170.3(n)(9) of this chapter, 0.9 percent in gelatins, puddings, and fillings as defined in § 170.3(n)(22) of this chapter, 1.2 percent in reconstituted vegetables as defined in § 170.3(n)(33) of this chapter, 1.4 percent in soft candy as defined in § 170.3(n)(38) of this chapter, 2.5 percent in sweet sauces, toppings, and syrups as defined in § 170.3(n)(43) of this chapter, 1.4 percent in infant formulas, and 0.3 percent or less in all other food categories.

§ 184.1613 Potassium bicarbonate.

(a) Potassium bicarbonate (KHCO_3 , CAS Reg. No. 298-14-6) is made by treating a solution of potassium carbonate with carbon dioxide.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).¹

(c) The ingredient is used as a formulation aid as defined in § 170.3(o)(14) of this chapter, nutrient supplement as defined in § 170.3(o)(20) of this chapter, pH control agent as defined in § 170.3(o)(23) of this chapter, and processing aid as defined in § 170.3(o)(24) of this chapter.

(d) The ingredient is used in food and infant formulas, in accordance with § 184.1(b)(1) at levels not to exceed good manufacturing practice. Current good manufacturing practice results in a maximum level, as served, of 3 percent in confections and frostings as defined in § 170.3(n)(9) of this chapter, and 0.02 percent in infant formulas.

§ 184.1619 Potassium carbonate.

(a) Potassium carbonate (K_2CO_3 , CAS Reg. No. 584-08-7) is produced by the electrolysis of potassium chloride followed by exposing the resultant potassium to carbon dioxide.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).¹

(c) The ingredient is used in food as a flavoring agent and adjuvant as defined in § 170.3(o)(12) of this chapter, nutrient supplement as defined in § 170.3(o)(20) of this chapter, pH control agent as defined in § 170.3(o)(23) of this chapter, and processing aid as

defined in § 170.3(o)(24) of this chapter.

(d) The ingredient is used in food, in accordance with § 184.1(b)(1), at levels not to exceed good manufacturing practice. Current good manufacturing practice results in a maximum level, as served, of 0.5 percent in baked goods as defined in § 170.3(n)(1) of this chapter, 0.01 percent in nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter, 3 percent in confections and frostings as defined in § 170.3(n)(9) of this chapter, 0.2 percent in dairy product analogs as defined in § 170.3(n)(10) of this chapter, and in soft candy as defined in § 170.3(n)(38) of this chapter, and 0.09 percent in sweet sauces as defined in § 170.3(n)(43) of this chapter.

§ 184.1736 Sodium bicarbonate.

(a) Sodium bicarbonate (NaHCO_3 , CAS Reg. No. 144-55-8) is prepared by dissolving sodium carbonate and treating the solution with carbon dioxide. As carbon dioxide is absorbed a suspension of sodium bicarbonate forms. The slurry is filtered, forming a cake which is washed and dried.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).¹

(c) The ingredient is used in food as a curing and pickling agent as defined in § 170.3(o)(5) of this chapter, dough strengthener as defined in § 170.3(o)(8) of this chapter, flavor enhancer as defined in § 170.3(o)(11) of this chapter, flavoring agent and adjuvant as defined in § 170.3(o)(12) of this chapter, leavening agent as defined in § 170.3(o)(17) of this chapter, nutrient supplement as defined in § 170.3(o)(20) of this chapter, pH control agent as defined in § 170.3(o)(23) of this chapter, processing aid as defined in § 170.3(o)(24) of this chapter, propellant and aerating agent as defined in § 170.3(o)(25) of this chapter, stabilizer and thickener as defined in § 170.3(o)(28) of this chapter, surface-active agent as defined in § 170.3(o)(29) of this chapter, and texturizer as defined in § 170.3(o)(32) of this chapter.

(d) The ingredient is used in food and infant food, in accordance with § 184.1(b)(1), at levels not to exceed good manufacturing practice. Current good manufacturing practice results in a maximum level, as served, of 6 percent in baked goods as defined in § 170.3(n)(1) of this chapter, 5.6 percent in nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter, 0.07 percent in dairy product analogs as defined in § 170.3(n)(10) of this chapter, 1.3 percent in grain products and pastas as defined in § 170.3(n)(23) of this chapter, 0.8 percent in hard candy and cough drops as defined in § 170.3(n)(25) of this chapter, 2.9 percent in processed fruit and fruit juices

as defined in § 170.3(n)(35) of this chapter, 1.8 percent in soft candy as defined in § 170.3(n)(38) of this chapter, 0.8 percent in infant baked goods, 0.005 percent in infant formulas, and 0.6 percent or less in all other food categories.

§ 184.1742 Sodium carbonate.

(a) Sodium carbonate (Na_2CO_3 , CAS Reg. No. 487-19-8) is derived either from purified trona ore that has been calcined to soda ash or from trona ore calcined to impure soda ash and then purified. Sodium carbonate is also synthesized from limestone by the Solvay process.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).¹

(c) The ingredient is used in food as an antioxidant as defined in § 170.3(o)(3) of this chapter, curing and pickling agent as defined in § 170.3(o)(5) of this chapter, flavoring agent and adjuvant as defined in § 170.3(o)(12) of this chapter, pH control agent as defined in § 170.3(o)(23) of this chapter, and processing aid as defined in § 170.3(o)(24) of this chapter.

(d) The ingredient is used in food, in accordance with § 184.1(b)(1), at levels not to exceed good manufacturing practice. Current good manufacturing practice results in a maximum level, as served, of 0.1 percent in baked goods as defined in § 170.3(n)(1) of this chapter, 0.04 percent in nonalcoholic beverages as defined in § 170.3(n)(3) of this chapter, 0.4 percent in confections and frostings as defined in § 170.3(n)(9) of this chapter, 0.2 percent in gelatins, puddings, and fillings as defined in § 170.3(n)(22) of this chapter, 0.1 percent in processed vegetables and vegetable juices as defined in § 170.3(n)(36) of this chapter, 0.3 percent in sweet sauces, toppings, and syrups as defined in § 170.3(n)(43) of this chapter, and 0.05 percent or less in all other food categories.

§ 184.1792 Sodium sesquicarbonate.

(a) Sodium sesquicarbonate ($\text{Na}_2\text{CO}_3 \cdot \text{NaHCO}_3 \cdot 2\text{H}_2\text{O}$, CAS Reg. No. 533-96-0) is prepared by partial carbonation of soda ash solution followed by crystallization, centrifugation, and drying.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).¹

(c) The ingredient is used as a pH control agent as defined in § 170.3(o)(23) of this chapter.

(d) The ingredient is used in cream, in accordance with § 184.1(b)(1), at levels not to exceed good manufacturing practice. Current good manufacturing practice utilizes a level of the ingredient sufficient to control lactic acid prior to pasteurization and churning of cream into butter.

PART 186—INDIRECT FOOD SUBSTANCES AF-
FIRMED AS GENERALLY RECOGNIZED AS
SAFE

5. In Part 186 by adding new §§ 186.1736 and 186.1742 to read as follows:

§ 186.1736 Sodium bicarbonate.

(a) Sodium bicarbonate (NaHCO_3 , CAS Reg. No. 144-55-8) is prepared by dissolving sodium carbonate and treating the solution with carbon dioxide. As carbon dioxide is absorbed, a suspension of sodium bicarbonate forms. The slurry is filtered, forming a cake which is washed and dried.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).¹

(c) The ingredient is used as a constituent of cotton and cotton fabrics used in dry food packaging materials.

(d) The ingredient is used at levels not to exceed good manufacturing practice.

§ 186.1742 Sodium carbonate.

(a) Sodium carbonate (Na_2CO_3 , CAS Reg. No. 487-19-8) is derived either from purified trona ore that has been calcined to soda ash or from trona ore calcined to impure soda ash and then purified. Sodium carbonate is also synthesized from limestone by the Solvay process.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).¹

(c) The ingredient is used as a constituent of food-packaging materials.

(d) The ingredient is used at levels not to exceed good manufacturing practice.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of these ingredients in food under conditions different from those proposed herein or different from that in Part 181. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act (21 U.S.C. 342), and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Part 181, incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before August 14, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Ad-

ministration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this proposal will not have a major economic impact as defined by Executive Order 11821 (amended by Executive Order 11949) and OMB Circular A-107.

Dated: May 17, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

NOTE.—Incorporation by reference was approved by the Director of the Office of the Federal Register on July 10, 1973, and is on file in the Federal Register Library.

[FR Doc. 16253 Filed 6-12-78; 8:45 a.m.]

[4110-03]

[21 CFR Parts 314, 429 and 431]

[Docket No. 78N-0127]

DEFINITION OF "UNITED STATES"

Withdrawal of Proposal and Termination of
Rulemaking Proceeding

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of proposal.

SUMMARY: The Commissioner of Food and Drugs is withdrawing a proposal to define the term "United States" for establishing residency requirements or place of business requirements for authorized agents of foreign new drug applicants or manufacturers. Upon further consideration of the proposal, the Commissioner has concluded that rulemaking in this matter is not necessary.

EFFECTIVE DATE: June 13, 1978.

FOR FURTHER INFORMATION
CONTACT:

Philip L. Paquin, Bureau of Drugs (HFD-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-7220.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 18, 1973 (38 FR 19130), the Commissioner issued a proposal to define the term "United States." The proposed rule would have amended §§ 310.3 and 429.40 (21 CFR 310.3 and 429.40) (formerly 21 CFR 130.1 and 164.2 respectively, both of which were recodified

and published in the FEDERAL REGISTER of March 29, 1974 (39 FR 11680). It also would have amended § 431.1 (21 CFR 431.1) (formerly 21 CFR 146.2 prior to recodification published in the FEDERAL REGISTER of May 30, 1974 (39 FR 18922)).

The proposal was intended to make certain that there is a person residing or maintaining a place of business in the United States who is legally responsible for ensuring that all of the

SUMMARY: The agency proposes to amend the new animal drug regulations by updating certain obsolete sections and by making certain technical changes. Affected are those portions of the regulations which provide for certification of bacitracin and bacitracin-containing animal drugs.

DATE: Written comments by August 14, 1978.

ADDRESS: Written comments to

one of which is now legally permitted and being marketed. Accordingly, this document would revoke § 548.113 and would amend § 548.114 to incorporate the drug currently being marketed. In addition the term "feed-grade zinc bacitracin" is changed to read "unrefined bacitracin zinc."

ii. Section 548.110b provides the requirements for certification for bacitracin zinc-containing ointments de-

PART 369—INTERPRETIVE STATEMENTS RE
WARNINGS ON DRUGS AND DEVICES FOR
OVER-THE-COUNTER SALE

§ 369.21 [Amended]

1. By amending § 369.21 to delete the reference to § 548.313b in the parenthetical insert immediately following the category "BACITRACIN-CONTAINING OINTMENTS."

(ii) The number of units of bacitracin per gram, the number of grams of bacitracin activity per pound, and the weight of the drug in the immediate container.

(iii) An expiration date prescribed for the drug as provided in § 432.5(a)(3) of this chapter.

(iv) The statement "For use only in the manufacture of nonsterile animal

(iii) An expiration date prescribed for the drug as provided in § 432.5(a)(3) of this chapter.

(iv) The statement "For use only in the manufacture of nonsterile animal drugs".

(3) Requests for certification; samples. In addition to complying with the requirements of § 514.50 of this chapter, each such request shall contain:

and published in the FEDERAL REGISTER of March 29, 1974 (39 FR 11680). It also would have amended § 431.1 (21 CFR 431.1) (formerly 21 CFR 146.2 prior to recodification published in the FEDERAL REGISTER of May 30, 1974 (39 FR 18922)).

The proposal was intended to make certain that there is a person residing or maintaining a place of business in the United States who is legally responsible for ensuring that all of the conditions for approval of the new drug application (NDA) or antibiotic or insulin certification are met. The proposal would have dealt with a rather unique procedural issue concerning whether a new drug application from an applicant located in a United States territory or possession may be filed without being countersigned by an authorized agent who resides or maintains a place of business within the United States.

The one comment received on the proposal expressed the view that the net effect of the proposal would be increased certification costs, duplicate assays, and additional delays on certification times.

Upon further consideration of the proposal and the comment, along with other information, the Commissioner has decided to withdraw the proposal and terminate rulemaking in this matter.

The Commissioner concludes that rulemaking is not necessary for this procedural issue because the Federal Food, Drug, and Cosmetic Act is enforceable in United States territories and possessions. There is no reason to require an "authorized domestic agent" on NDA's filed on behalf of firms located in such territories or possessions.

Accordingly, the proposal published in the FEDERAL REGISTER of July 18, 1973 is hereby withdrawn.

This withdrawal is issued under authority of the Federal Food, Drug, and Cosmetic Act (sections 505(b), 506(b), 507(b), 701(a), 52 Stat. 1052-1053, 1055, as amended; 55 Stat. 851, 59 Stat. 463, as amended; (21 U.S.C. 355(b), 356(b), 357(b), 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1).

Dated: June 6, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-16067 Filed 6-12-78; 8:45 am]

[4110-03]

[21 CFR Parts 369, 505, 536, 539, 548]

[Docket No. 77N-0014]

BACITRACIN AND BACITRACIN-CONTAINING
DRUGS

Updating and Technical Revisions

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The agency proposes to amend the new animal drug regulations by updating certain obsolete sections and by making certain technical changes. Affected are those portions of the regulations which provide for certification of bacitracin and bacitracin-containing animal drugs.

DATE: Written comments by August 14, 1978.

ADDRESS: Written comments to Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Patricia N. Cushing, Bureau of Veterinary Medicine (HFV-234), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3460.

SUPPLEMENTARY INFORMATION: The antibiotic drug regulations (human use) concerning bacitracin and bacitracin zinc under Parts 436 and 448 (21 CFR Parts 436 and 448) were amended in the FEDERAL REGISTER of May 27, 1977 (42 FR 27228). Conforming amendments to certain animal drug regulations under Parts 539 and 548 (21 CFR Parts 539 and 548) concerning certification of similar bacitracin drug products were published in the same issue (42 FR 27239). However, certain other changes are needed to update and revise portions of these regulations and of Parts 369, 505, and 536 (21 CFR Parts 369, 505, and 536). These proposed changes involve revocation of sections, deletion of obsolete cross references, revision of nomenclature, updating, and technical changes, as follows:

REVOCATION OF SECTIONS

Several sections that provide for certification of drugs that are not currently marketed for animal use are being proposed for revocation, specifically §§ 536.518, 548.110, 548.111, 548.112c, 548.212, 548.310a, 548.313, 548.313a, and 548.313b (21 CFR 536.518, 548.110, 548.111, 548.112c, 548.212, 548.310a, 548.313, 548.313a, and 548.313b). Also proposed for revocation are §§ 548.113 and 548.310b (21 CFR 548.113 and 548.310b), discussed in the next paragraph.

NOMENCLATURE AND UPDATING CHANGES

a. The name "zinc bacitracin" has been revised in the United States Pharmacopeia to read "bacitracin zinc." This document would similarly revise the nomenclature in the animal drug regulations.

b. The proposed changes would make the sections in Part 548 consistent with those for similar bacitracin-containing drugs in Part 448, specifically:

i. Section 548.113 provides for two forms of feed grade bacitracin, only

one of which is now legally permitted and being marketed. Accordingly, this document would revoke § 548.113 and would amend § 548.114 to incorporate the drug currently being marketed. In addition the term "feed-grade zinc bacitracin" is changed to read "unrefined bacitracin zinc."

ii. Section 548.310b provides the requirements for certification for bacitracin zinc-containing ointments described in §§ 548.314a and 548.314b (21 CFR 548.314a and 548.314b). Section 548.310b is proposed to be revoked and §§ 548.314a and 548.314b are proposed to be amended to include the requirements for certification.

TECHNICAL CHANGES

In order to update the regulations and to reduce the number of cross references, this notice proposes that: (1) Maximum potency limits be raised from 85 percent to 90 percent where applicable; (2) tests and methods of assays be revised to reference the general methods in Part 436 rather than other monographs; (3) § 539.310 be revised under new §§ 539.310a and 539.310b to describe bacitracin methylene disalicylate and the solubilized form individually; (4) §§ 548.112b(a)(1) and 548.112d(a)(1) be revised by substituting § 539.310a(a)(1) for the reference to § 539.310(a)(1); and (5) the moisture limit be reduced from 1.0 percent to 0.5 percent for § 548.314a *Bacitracin zinc-polymyxin B sulfate-neomycin sulfate ophthalmic ointment*, and § 548.314b *Bacitracin zinc-polymyxin B sulfate-neomycin sulfate-hydrocortisone ophthalmic ointment*.

The Commissioner of Food and Drugs has reviewed these proposed changes and knows of no person adversely affected by their approval. However, to provide reasonable opportunity for the public to be informed of his intent and to comment on the proposal, he is providing 60 days after date of publication of this proposal for submission of comment before publication of a final order.

The Commissioner has carefully considered the potential environmental effects of the proposed amendments and, because the proposed action would not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the Food and Drug Administration environmental impact assessment is on file with the Hearing Clerk (HFC-20), Food and Drug Administration.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-351 (21 U.S.C. 360b, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Parts 369, 505, 536, 539, and 548 be amended as follows:

PART 369—INTERPRETIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

§ 369.21 [Amended]

1. By amending § 369.21 to delete the reference to § 548.313b in the parenthetical insert immediately following the category "BACITRACIN-CONTAINING OINTMENTS."

PART 505—INTERPRETIVE STATEMENTS RE WARNINGS ON ANIMAL DRUGS FOR OVER-THE-COUNTER SALE

§ 505.10 [Amended]

2. In § 505.10:

a. By amending § 505.10 to delete completely the following categories: "Bacitracin-containing preparations with vasoconstrictor; bacitracin ophthalmic (see § 548.310a(a) of this chapter). Warning—Not for injection. Bacitracin- (or zinc bacitracin-) neomycin-polymyxin power topical (see § 548.313a of this chapter). This drug is required to bear the label statement: 'Not sterile.'"

b. By amending § 505.10 to delete only the parenthetical references to §§ 548.110(a), 548.112c(a), and 548.113(a) from the category entitled: "Bacitracin or feed grade bacitracin power oral veterinary; bacitracin methylene disalicylate and streptomycin sulfate capsules, power, or tablets oral veterinary."

PART 536—TESTS FOR SPECIFIC ANTIBIOTIC DOSAGE FORMS

§ 536.518 [Revoked]

3. By revoking § 536.518 *Bacitracin-neomycin in oil*.

PART 539—BULK ANTIBIOTIC DRUGS SUBJECT TO CERTIFICATION

4. By revising § 539.310 and adding new §§ 539.310a and 539.310b, to read as follows:

§ 539.310 Bacitracin methylene disalicylate bulk provisions.

§ 539.310a Bacitracin methylene disalicylate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* The drug is the methylene disalicylate salt of a kind of bacitracin. It is so purified and dried that:

(i) Its potency is not less than 14 units of bacitracin per milligram on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 7 percent.

(iv) Its pH is not less than 3.5 and not more than 5.

(2) *Labeling.* Each package shall bear on the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units of bacitracin per gram, the number of grams of bacitracin activity per pound, and the weight of the drug in the immediate container.

(iii) An expiration date prescribed for the drug as provided in § 432.5(a)(3) of this chapter.

(iv) The statement "For use only in the manufacture of nonsterile animal drugs".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 514.50 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, and pH.

(ii) Samples required: 5 packages, each containing approximately 5 grams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a high-speed glass blender jar. Add 99 milliliters of 2 percent sodium bicarbonate solution (solution 14) and 1 milliliter of polysorbate 80. Blend for 3 minutes. Allow the foam to subside. Remove an aliquot of the solution and dilute with 1 percent potassium phosphate buffer, pH 6 (solution 1), to the reference concentration of 1 unit of bacitracin per milliliter (estimated). At the reference concentration, the sample must have the same acidity as the standard, adding 0.01N HCl as needed.

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using a saturated solution (approximately 50 milligrams of the sample per milliliter).

§ 539.310b Soluble bacitracin methylene disalicylate.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* The drug is the methylene disalicylate salt of a kind of bacitracin which has been solubilized with sodium bicarbonate. It is so purified and dried that:

(i) Its potency is not less than 8 units of bacitracin per milligram on an anhydrous basis.

(ii) It passes the safety test.

(iii) Its loss on drying is not more than 8.5 percent.

(iv) Its pH is not less than 8 and not more than 9.5.

(2) *Labeling.* Each package shall bear on the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units of bacitracin per gram, the number of grams of bacitracin activity per pound, and the weight of the drug in the immediate container.

(iii) An expiration date prescribed for the drug as provided in § 432.5(a)(3) of this chapter.

(iv) The statement "For use only in the manufacture of nonsterile animal drugs".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 514.50 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, loss on drying, and pH.

(ii) Samples required: 5 packages, each containing approximately 5 grams.

(b) *Tests and methods of assay—*(1) *Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a high-speed glass blender jar. Add 99 milliliters of 2 percent sodium bicarbonate solution (solution 14) and 1 milliliter of polysorbate 80. Blend for 3 minutes. Allow the foam to subside. Remove an aliquot of the solution and dilute with 1 percent potassium phosphate buffer, pH 6 (solution 1) to the reference concentration of 1 unit of bacitracin per milliliter (estimated). At the reference concentration, the sample must have the same acidity as the standard, adding 0.01N HCl as needed.

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using a solution containing approximately 25 milligrams of the sample per milliliter.

PART 548—CERTIFIABLE PEPTIDE ANTIBIOTIC DRUGS FOR ANIMAL USE

§§ 548.110 and 548.111 [Revoked]

5. In Part 548:

a. By revoking § 548.110 *Bacitracin powder* and § 548.111 *Feed grade manganese bacitracin powder oral*.

b. By revising § 548.112a(a), (b), (c), and (c)(1) to read as follows:

§ 548.112a Bacitracin methylene disalicylate soluble powder.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* The drug is soluble bacitracin methylene disalicylate with suitable and harmless diluents. It contains the equivalent of 50 grams of bacitracin activity, as defined in § 430.6(a)(2) of this chapter, per pound. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the labeled amount of bacitracin. Its loss on drying is not more than 8.5 percent. Its pH is not less than 8 and not more than 9.5. The soluble bacitracin methylene disalicylate used conforms to the standards prescribed by § 539.310b(a) of this chapter.

(2) *Labeling.* In addition to the requirements of § 510.55 of this chapter and paragraph (c) of this section, each package shall bear on the outside wrapper or container and the immediate container, the number of units of bacitracin per gram, the number of grams of bacitracin activity per pound, and the weight of the drug in the immediate container.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 514.50 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The bacitracin methylene disalicylate used in making the batch for potency, safety, loss on drying, and pH.

(b) The batch for potency, loss on drying, and pH.

(ii) Samples required:

(a) The soluble bacitracin methylene disalicylate used in making the batch: 5 packages, each containing approximately 5 grams.

(b) The batch: a minimum of 6 immediate containers, unless each such container is packaged to contain more than 30 grams, in which case the sample shall consist of 30 grams for each 5,000 containers in the batch, but in no case less than six 30-gram portions.

(b) *Tests and methods of assay—(1) Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a high-speed glass blender jar. Add 99 milliliters of 2 percent sodium bicarbonate solution (solution 14) and 1 milliliter of polysorbate 80. Blend 3 minutes. Allow the foam to subside. Remove an aliquot of the solution and dilute with 1 percent potassium phosphate buffer, pH 6 (solution 1) to the conference concentration of 1 unit of bacitracin per milliliter (estimated). At the reference concentration, the sample must have the same acidity as the standard, adding 0.01N HCl as needed.

(2) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using a solution containing approximately 50 milligrams of sample per milliliter.

(c) *Conditions of marketing—(1) Specifications.* The drug conforms to the certification requirements of paragraph (a) of this section.

(ii) *Samples required:*

(a) The unrefined bacitracin zinc used in making the batch: 3 packages, each consisting of a composite of 6 portions of approximately 500 milligrams, each taken at random from different locations in the batch.

(b) The batch: a minimum of 6 immediate containers, unless each such container is packaged to contain more than 30 grams, in which case the sample shall consist of 30 grams for each 5,000 containers, but in no case less than six 30-gram portions.

(b) *Test and methods of assay—(1) Unrefined bacitracin zinc used in making the batch—(i) Potency.* Proceed as directed for bacitracin zinc in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.01N hydrochloric acid to give a bacitracin concentration of 100 units per milliliter (estimated). Further dilute an aliquot with 1 percent potassium phosphate buffer, pH 6 (solution 1) to the reference concentration of

§ 548.112b [Amended]

c. By amending § 548.112b(a)(1) by substituting "§ 539.310a(a)(1)" for "§ 539.310(a)(1)".

§ 548.112c and 548.113 [Revoked]

d. By revoking § 548.112c *Capsules bacitracin methylene disalicylate*

streptomycin sulfate oral and § 548.113 *Crude, unrefined, feed grade bacitracin/zinc bacitracin powder oral*.

§ 548.112d [Amended]

e. By amending § 548.112d(a)(1) by substituting "§ 539.310a(a)(1)" for "§ 539.310(a)(1)".

f. By revising § 548.114 (a), (b), (c), and (c)(1) to read as follows:

§ 549.114 *Bacitracin zinc soluble powder.*

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* The drug is a mixture of unrefined bacitracin zinc and zinc proteinates with or without one or more suitable and harmless diluents, flavorings, and colorings. It contains the equivalent of not less than 5 grams of bacitracin, as defined in § 430.6(a)(2) of this chapter, per pound. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the labeled amount of bacitracin. Its loss on drying is not more than 5 percent. The unrefined bacitracin zinc used has a potency of not less than 2 units per milligram, its zinc content is not more than 2 grams for each gram of bacitracin, and its loss on drying is not more than 6 percent.

(2) *Labeling.* It shall be labeled in accordance with the requirements of paragraph (c) of this section and § 510.55 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 514.50 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The unrefined bacitracin zinc used in making the batch for potency, loss on drying, and zinc content.

(b) The batch for potency and loss on drying.

(ii) Samples required:

(a) The unrefined bacitracin zinc used in making the batch: 3 packages, each consisting of a composite of 6 portions of approximately 500 milligrams, each taken at random from different locations in the batch.

(b) The batch: a minimum of 6 immediate containers, unless each such container is packaged to contain more than 30 grams, in which case the sample shall consist of 30 grams for each 5,000 containers, but in no case less than six 30-gram portions.

(b) *Test and methods of assay—(1) Unrefined bacitracin zinc used in making the batch—(i) Potency.* Proceed as directed for bacitracin zinc in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.01N hydrochloric acid to give a bacitracin concentration of 100 units per milliliter (estimated). Further dilute an aliquot with 1 percent potassium phosphate buffer, pH 6 (solution 1) to the reference concentration of

1.0 unit of bacitracin per milliliter (estimated). At the reference concentration, the sample and standard must have the same acidity, adding 0.01N HCl as needed.

(ii) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(c) *Conditions of marketing—(1) Specifications.* The drug contains 50 grams of bacitracin activity per pound, and conforms to the certification requirements of paragraph (a) of this section.

(ii) *Samples required:*

(a) The unrefined bacitracin zinc used in making the batch: 3 packages, each consisting of a composite of 6 portions of approximately 500 milligrams, each taken at random from different locations in the batch.

(b) The batch: a minimum of 6 immediate containers, unless each such container is packaged to contain more than 30 grams, in which case the sample shall consist of 30 grams for each 5,000 containers, but in no case less than six 30-gram portions.

(b) *Test and methods of assay—(1) Unrefined bacitracin zinc used in making the batch—(i) Potency.* Proceed as directed for bacitracin zinc in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.01N hydrochloric acid to give a bacitracin concentration of 100 units per milliliter (estimated). Further dilute an aliquot with 1 percent potassium phosphate buffer, pH 6 (solution 1) to the reference concentration of

1.0 unit of bacitracin per milliliter (estimated). At the reference concentration, the sample and standard must have the same acidity, adding 0.01N HCl as needed.

(ii) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(c) *Conditions of marketing—(1) Specifications.* The drug contains 50 grams of bacitracin activity per pound, and conforms to the certification requirements of paragraph (a) of this section.

1.0 unit of bacitracin per milliliter (estimated). At the reference concentration, the sample and standard must have the same acidity, adding 0.01N HCl as needed.

(ii) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(iii) *Zinc content.* Proceed as directed in § 436.312 of this chapter.

(2) *Bacitracin zinc soluble powder—(i) Potency.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.01N hydrochloric acid to give a bacitracin concentration of 100 units per milliliter (estimated). Further dilute an aliquot with solution 1 to the reference concentration of 1 unit of bacitracin per milliliter (estimated). At the reference concentration, the sample and standard must have the same acidity, adding 0.01N HCl as needed.

(ii) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(c) *Conditions of marketing—(1) Specifications.* The drug contains 50 grams of bacitracin activity per pound, and conforms to the certification requirements of paragraph (a) of this section.

(ii) *Samples required:*

(a) The unrefined bacitracin zinc used in making the batch: 3 packages, each consisting of a composite of 6 portions of approximately 500 milligrams, each taken at random from different locations in the batch.

(b) The batch: a minimum of 6 immediate containers, unless each such container is packaged to contain more than 30 grams, in which case the sample shall consist of 30 grams for each 5,000 containers, but in no case less than six 30-gram portions.

(b) *Test and methods of assay—(1) Unrefined bacitracin zinc used in making the batch—(i) Potency.* Proceed as directed for bacitracin zinc in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.01N hydrochloric acid to give a bacitracin concentration of 100 units per milliliter (estimated). Further dilute an aliquot with 1 percent potassium phosphate buffer, pH 6 (solution 1) to the reference concentration of

1.0 unit of bacitracin per milliliter (estimated). At the reference concentration, the sample and standard must have the same acidity, adding 0.01N HCl as needed.

(ii) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(c) *Conditions of marketing—(1) Specifications.* The drug contains 50 grams of bacitracin activity per pound, and conforms to the certification requirements of paragraph (a) of this section.

(ii) *Samples required:*

(a) The unrefined bacitracin zinc used in making the batch: 3 packages, each consisting of a composite of 6 portions of approximately 500 milligrams, each taken at random from different locations in the batch.

(b) The batch: a minimum of 6 immediate containers, unless each such container is packaged to contain more than 30 grams, in which case the sample shall consist of 30 grams for each 5,000 containers, but in no case less than six 30-gram portions.

(b) *Test and methods of assay—(1) Unrefined bacitracin zinc used in making the batch—(i) Potency.* Proceed as directed for bacitracin zinc in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.01N hydrochloric acid to give a bacitracin concentration of 100 units per milliliter (estimated). Further dilute an aliquot with 1 percent potassium phosphate buffer, pH 6 (solution 1) to the reference concentration of

1.0 unit of bacitracin per milliliter (estimated). At the reference concentration, the sample and standard must have the same acidity, adding 0.01N HCl as needed.

(ii) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(c) *Conditions of marketing—(1) Specifications.* The drug contains 50 grams of bacitracin activity per pound, and conforms to the certification requirements of paragraph (a) of this section.

(ii) *Samples required:*

(a) The unrefined bacitracin zinc used in making the batch: 3 packages, each consisting of a composite of 6 portions of approximately 500 milligrams, each taken at random from different locations in the batch.

Subpart B—[Reserved]

§ 548.212 [Revoked]

g. By revoking the heading of Subpart B—*Implantation or Injectable Dosage Forms* and reserving it for future use; and by revoking § 548.212 *Bacitracin methylene disalicylate tablets; bacitracin/zinc bacitracin implantation pellets*.

Subpart C—Ophthalmic and Topical Dosage Forms

§§ 548.310, 548.310a, and 548.310b [Revoked]

h. By revoking § 548.310 *Bacitracin ophthalmic and topical dosage forms*, § 548.310a *Bacitracin ophthalmic*, and § 548.310b *Bacitracin-polymyxin-neomycin ointment*.

§§ 548.313, 548.313a, and 548.313b [Revoked]

i. By revoking § 548.313 *Bacitracin/zinc bacitracin ophthalmic and topical dosage forms*, § 548.313a *Bacitracin/zinc bacitracin-neomycin-polymyxin powder topical*, and § 548.313b *Bacitracin/zinc bacitracin ointment*.

j. By revising §§ 548.314 and 548.314a to read as follows:

§ 548.314 *Bacitracin zinc ophthalmic and topical dosage forms.*

§ 548.314a *Bacitracin zinc-neomycin sulfate-polymyxin B sulfate ophthalmic ointment.*

(a) *Requirements for certification—(1) Standards of identity, strength,*

quality, and purity. The drug contains bacitracin zinc, neomycin sulfate, and polymyxin B sulfate in a suitable and harmless ointment base. Each gram contains:

(i) 500 units of bacitracin, 3.5 milligrams of neomycin, and 5,000 units of polymyxin B; or

(ii) 400 units of bacitracin, 3.5 milligrams of neomycin, and 5,000 units of polymyxin B.

Its bacitracin zinc content is satisfactory if it is not less than 90 percent and not more than 140 percent of the labeled amount of bacitracin. Its neomycin sulfate content is satisfactory if it is not less than 90 percent and not more than 140 percent of the labeled amount of neomycin. Its polymyxin B sulfate content is satisfactory if it is not less than 90 percent and not more than 140 percent of the labeled amount of polymyxin B. It is sterile. Its moisture content is not more than 0.5 percent. It passes the test for metal particles. The bacitracin zinc used conforms to the standards prescribed by § 448.13a(a)(1) of this chapter. The neomycin sulfate used conforms to the standards prescribed by § 444.42a(a)(1), except for pyrogens. The polymyxin B sulfate used conforms to the standards prescribed by § 448.30a(a)(1), except for pyrogens and residue on ignition.

(2) *Labeling.* It shall be labeled in accordance with the requirements of paragraph (c) of this section and § 510.55 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 514.50 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The bacitracin zinc used in making the batch for potency, safety, loss on drying, pH, zinc content, and identity.

(b) The neomycin sulfate used in making the batch for potency, safety, loss on drying, pH, and identity.

(c) The polymyxin B sulfate used in making the batch for potency, safety, loss on drying, pH, and identity.

(d) The batch for bacitracin zinc content, neomycin content, polymyxin B content, sterility, moisture, and metal particles.

(ii) Samples required:

(a) The bacitracin zinc used in making the batch: 10 packages, each containing approximately 1.0 gram.

(b) The neomycin sulfate used in making the batch: 10 packages, each containing approximately 1.0 gram.

(c) The polymyxin B sulfate used in making the batch: 10 packages, each containing approximately 1.0 gram.

(d) The batch:

(1) For all tests except sterility: A minimum of 17 immediate containers.

(2) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—(1) Potency—(i) Bacitracin zinc content.*

Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until they are homogeneous. Add 20 to 25 milliliters of 0.01N hydrochloric acid and shake well. Allow the layers to separate. Remove the acid layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of 0.01N hydrochloric acid. Combine the acid extractives in a suitable volumetric flask and dilute to volume with 0.01N hydrochloric acid. (If the bacitracin content is less than 100 units per milliliter in 0.01N hydrochloric acid, add sufficient additional hydrochloric acid to each standard response line concentrations so that each standard solution contains the same amount of acid as the 1.0 unit per milliliter sample solution.) Remove an aliquot and further dilute with 1 percent potassium phosphate buffer, pH 6.0 (solution 1) to the reference concentration of 1.0 unit of bacitracin per milliliter (estimated).

(ii) *Neomycin content.* Proceed as directed in § 448.105 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 0.01M potassium phosphate buffer, pH 8.0, (solution 3) and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of solution 3. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 3. Remove an aliquot and further dilute with solution 3 to the reference concentration of 1.0 microgram of neomycin per milliliter (estimated).

(iii) *Polymyxin B content.* Proceed as directed in § 436.105 of this chapter, except add to each polymyxin B standard response line concentration a quantity of neomycin to yield the same concentration of neomycin as that present when the sample is diluted to contain 10 units of polymyxin B per milliliter. Prepare the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of 10 percent potassium phosphate buffer, pH 6.0, (solution 6) and shake well. Allow the layers to separate. Remove the buffer layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of solution 6. Combine the buffer extractives in a suitable volumetric flask and dilute to volume with solution 6. Remove an aliquot and further dilute with solution 6 to the reference concentration of 1.0 microgram of polymyxin B per milliliter (estimated).

(2) *Sponsor.* To firms identified by drug listing numbers in § 510.600(c) of this chapter, approvals as follows:

(i) To 000009; for a drug containing in each gram 500 units of bacitracin, 3.5 milligrams of neomycin, and 5,000 units of polymyxin B.

(ii) To 025463; for a drug containing in each gram 400 units of bacitracin, 3.5 milligrams of neomycin, and 5,000 units of polymyxin B.

(3) *Conditions of use.* (i) The drug is used in the treatment of superficial bacterial infections of the eyelid and conjunctiva of dogs and cats when due to organisms susceptible to the antibiotics contained in the ointment.

(ii) Apply a thin film over the cornea 3 or 4 times daily. Laboratory tests should be conducted including in vitro culturing and susceptibility tests on samples collected from animals prior to treatment with the drug.

(iii) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

k. By revising § 548.314b(a), (b), (c), and (c)(1) to read as follows:

§ 548.314b *Bacitracin zinc-neomycin sulfate-polymyxin B sulfate-hydrocortisone ophthalmic ointment.*

(a) *Requirements for certification.* The requirements for certification for the drug are described in § 548.314a(a), except that the drug contains, in each gram, 400 units of bacitracin zinc, 3.5 milligrams of neomycin (as neomycin sulfate), 5,000 units of polymyxin B sulfate, and 10 milligrams of hydrocortisone acetate.

(b) *Tests and methods of assay.* The tests and methods of assay are described in § 548.314a(b).

(c) *Conditions of marketing—(1) Specifications.* The drug conforms to the certification requirements of paragraph (a) of this section.

(ii) *Samples required:*

(a) The unrefined bacitracin zinc used in making the batch: 3 packages, each consisting of a composite of 6 portions of approximately 500 milligrams, each taken at random from different locations in the batch.

(b) The batch: a minimum of 6 immediate containers, unless each such container is packaged to contain more than 30 grams, in which case the sample shall consist of 30 grams for each 5,000 containers, but in no case less than six 30-gram portions.

(b) *Test and methods of assay—(1) Unrefined bacitracin zinc used in making the batch—(i) Potency.* Proceed as directed for bacitracin zinc in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.01N hydrochloric acid to give a bacitracin concentration of 100 units per milliliter (estimated). Further dilute an aliquot with 1 percent potassium phosphate buffer, pH 6 (solution 1) to the reference concentration of

1.0 unit of bacitracin per milliliter (estimated). At the reference concentration, the sample and standard must have the same acidity, adding 0.01N HCl as needed.

(ii) *Loss on drying.* Proceed as directed in § 436.200(b) of this chapter.

(c) *Conditions of marketing—(1) Specifications.* The drug contains 50 grams of bacitracin activity per pound, and conforms to the certification requirements of paragraph (a) of this section.

(ii) *Samples required:*

(a) The unrefined bacitracin zinc used in making the batch: 3 packages, each consisting of a composite of 6 portions of approximately 500 milligrams, each taken at random from different locations in the batch.

duration with each of three more 20- to 25-milliliter quantities of solution 6. Combine the buffer extractives in a suitable volumetric flask and dilute with solution 6 to the reference concentration of 10 units of polymyxin B per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(3) of that section.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *Metal particles.* Proceed as directed in § 436.206 of this chapter.

(c) *Conditions of marketing—(1) Specifications.* The drug conforms to the certification requirements of paragraph (a) of this section.

(2) *Sponsor.* To firms identified by drug listing numbers in § 510.600(c) of this chapter, approvals as follows:

(i) To 000009; for a drug containing in each gram 500 units of bacitracin, 3.5 milligrams of neomycin, and 5,000 units of polymyxin B.

(ii) To 025463; for a drug containing in each gram 400 units of bacitracin, 3.5 milligrams of neomycin, and 5,000 units of polymyxin B.

(3) *Conditions of use.* (i) The drug is used in the treatment of superficial bacterial infections of the eyelid and conjunctiva of dogs and cats when due to organisms susceptible to the antibiotics contained in the ointment.

(ii) Apply a thin film over the cornea 3 or 4 times daily. Laboratory tests should be conducted including in vitro culturing and susceptibility tests on samples collected from animals prior to treatment with the drug.

(iii) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

k. By revising § 548.314b(a), (b), (c), and (c)(1) to read as follows:

§ 548.314b *Bacitracin zinc-neomycin sulfate-polymyxin B sulfate-hydrocortisone ophthalmic ointment.*

(a) *Requirements for certification.* The requirements for certification for the drug are described in § 548.314a(a), except that the drug contains, in each gram, 400 units of bacitracin zinc, 3.5 milligrams of neomycin (as neomycin sulfate), 5,000 units of polymyxin B sulfate, and 10 milligrams of hydrocortisone acetate.

(b) *Tests and methods of assay.* The tests and methods of assay are described in § 548.314a(b).

(c) *Conditions of marketing—(1) Specifications.* The drug conforms to the certification requirements of paragraph (a) of this section.

(ii) *Samples required:*

(a) The unrefined bacitracin zinc used in making the batch: 3 packages, each consisting of a composite of 6 portions of approximately 500 milligrams, each taken at random from different locations in the batch.

(b) The batch: a minimum of 6 immediate containers, unless each such container is packaged to contain more than 30 grams, in which case the sample shall consist of 30 grams for each 5,000 containers, but in no case less than six 30-gram portions.

(b) *Test and methods of assay—(1) Unrefined bacitracin zinc used in making the batch—(i) Potency.* Proceed as directed for bacitracin zinc in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 0.01N hydrochloric acid to give a bacitracin concentration of 100 units per milliliter (estimated). Further dilute an aliquot with 1 percent potassium phosphate buffer, pH 6 (solution 1) to the reference concentration of

1.0 unit of bacitracin per milliliter (estimated). At the reference concentration, the sample and standard must have the same acidity, adding 0.01N HCl as needed.

(ii) *Loss on drying.* Proceed as

Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE—The Food and Drug Administration has determined that this proposal will not have a major economic impact as defined by Executive Order 11821 (amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: June 6, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.
(FR Doc. 78-16252 Filed 6-12-78; 8:45 am)

[4310-02]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 11]

LAW AND ORDER ON INDIAN RESERVATIONS

Offenses Committed on the Menominee Indian Reservation

MAY 31, 1978.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking would amend the Code of Indian Tribal Offenses, by adding several offenses that would be punishable only on the Menominee Indian Reservation. Presently, the Menominee Tribe has no approved code of civil law, so these regulations are proposed to adopt certain State laws and codes and county and town ordinances until the Tribe enacts its own ordinances. Wisconsin State law is adopted for traffic offenses, liquor violations, resisting or obstructing officers, juvenile offenses, breaking and entering and the possession of controlled substances. A provision of the Wisconsin Administration Code requiring a permit before setting a fire is also adopted. Menominee County ordinances are adopted concerning curfew and keeping of livestock. Ordinances of the Town of Menominee are also adopted concerning firearms, control of dogs, and garbage and rubbish. The amendments also include a section providing for the extradition of Indians accused of committing a crime outside the reservation unless the Menominee Court of Indian Offenses finds there is no probable cause to believe the Indian is guilty or

PROPOSED RULES

that the Indian will probably not receive a fair trial in the State court.

DATES: Comments must be received on or before August 14, 1978.

ADDRESS: Written comments should be directed to: Minneapolis Area Director, Bureau of Indian Affairs, 831 Second Avenue, South, Minneapolis, Minn. 55402.

FOR FURTHER INFORMATION CONTACT:

Mr. Elmer T. Nitzchke, Jr., Twin Cities Field Solicitor, Department of the Interior, 686 Federal Building, Fort Snelling, Twin Cities, Minn. 55111, telephone: 612-725-3540.

SUPPLEMENTARY INFORMATION: The primary authors of this document are: Elmer T. Nitzchke, Jr., whose address and telephone number are listed above, and Steven Felsenthal, formerly of Preloznik and Felsenthal (now Preloznik and Associates), 122 W. Mifflin Street, Madison, Wis. 53703, telephone: 608-256-7711.

These amendments are proposed under the authority contained in 5 U.S.C. 301 and 25 U.S.C. 2 and delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 230 DM 2.

It is proposed to amend 25 CFR Part 11 as follows:

1. By adding a § 11.50ME to read as follows:

§ 11.50ME Traffic violations.

Until such time as the Menominee Tribe enacts its own traffic code, the provisions of the Wisconsin State Traffic Laws (chapter 346, Title 32 of Wisconsin Statutes) are hereby applicable to the operation of motor vehicles on the Menominee Reservation with the exception that any Indian found guilty of violating such laws shall, in lieu of the penalties provided by State law, be sentenced to labor for a period not to exceed six (6) months and may be deprived of the right to operate any motor vehicle for a period not to exceed six (6) months.

2. By adding a § 11.55ME to read as follows:

§ 11.55ME Liquor violations.

Until such time as the Menominee Tribe enacts its own liquor control ordinance, the provisions of the Wisconsin State laws found in Wis. Ann. §§ 176.01-176-91 relating to liquor control, are hereby incorporated by reference and made applicable to the buying, selling, and consumption of alcoholic beverages on the Menominee Reservation, with the exception that any Indian found guilty of violating such law shall, in lieu of the penalties provided by State law, be sentenced to labor for a period not to exceed sixty (60) days.

3. By adding a § 11.70ME to read as follows:

§ 11.70ME Resisting or obstructing officers.

Until such time as the Menominee Tribe enacts its own ordinances dealing with resisting or obstructing an officer, the provisions of Wisconsin Statutes 946.41 are hereby incorporated by reference and made applicable with the exception that any Indian found guilty of violating the provisions of Wisconsin Statutes 946.41(1) shall, in lieu of the penalties therein provided, be sentenced to labor for a period not to exceed sixty (60) days.

4. By adding §§ 11.88ME-11.98ME to read as follows:

§ 11.88ME Curfew.

Until such time as the Menominee Tribe enacts its own curfew ordinance, the provisions of Menominee County Ordinance No. 23A relating to curfew are hereby incorporated by reference and made applicable with the exception that any Indian parent or guardian found guilty of violating such law shall, in lieu of the penalties provided by Menominee County Ordinance No. 23A be sentenced to labor for a period not to exceed five (5) days.

§ 11.89ME Firearms.

Until such time as the Menominee Tribe enacts its own firearms ordinance, the provisions of the Town of Menominee Ordinance No. 39 relating to the use of firearms are hereby incorporated by reference and made applicable within the unincorporated Villages of Keshena, Neopit, and Zoar, according to the plats thereof and additions thereto as recorded with the Register of Deeds for Menominee County, Wisconsin, with the exception that any Indian found guilty of violating such laws shall, in lieu of the penalties provided by the said ordinance, be sentenced to labor for a period not to exceed thirty (30) days.

§ 11.90ME Keeping of livestock.

Until such time as the Menominee Tribe enacts its own ordinances dealing with the keeping of livestock, the provisions of Menominee County Zoning Ordinance, Article 6, Section 41, prohibiting the keeping of livestock within 200 feet of residential property lines are hereby incorporated by reference and made applicable with the exception that any Indian found guilty of violating such law shall, in lieu of the penalties provided by the Menominee County Zoning Ordinance, be sentenced to labor for a period not to exceed thirty (30) days.

§ 11.91ME Control of dogs.

Until such time as the Menominee Tribe enacts its own ordinances regu-

lating the keeping of dogs, the provisions of the Town of Menominee Ordinance No. 1 regulating the licensing and control of dogs are hereby incorporated by reference and made applicable, with the exception that any Indian found guilty of violating such law, in lieu of the penalties provided by the said ordinance, be fined five dollars (\$5.00) for the first offense and ten dollars (\$10.00) for each succeeding offense.

§ 11.92ME Forest fire protection.

Until such time as the Menominee Tribe enacts its own ordinances dealing with fire protection, detection, control and suppression, the provisions of the Wisconsin Administration Code, DNR Section 26.12(5)(a) requiring a written permit issued by Wisconsin Department of Natural Resources Fire Warden before any person sets any fire except for warming the person or cooking food, are hereby incorporated by reference and made applicable to the setting of fires on the Menominee Reservation. Any Indian found guilty of failing to obtain a permit shall be sentenced to labor for a period not to exceed thirty (30) days.

§ 11.93ME Possession of controlled substances.

Until such time as the Menominee Tribe enacts its own ordinances dealing with the possession of controlled substances, the provisions of Wisconsin Statutes 161.41(3) are hereby incorporated by reference and made applicable with the exception that any Indian found guilty of violating such law shall, in lieu of the penalties provided by Wisconsin Statutes 161.41(3), be sentenced to labor for a period not to exceed thirty (30) days.

§ 11.94ME Garbage and rubbish.

Until such time as the Menominee Tribe enacts its own ordinances dealing with garbage, rubbish, and inflammable material, the provisions of the Town of Menominee Ordinance No. 4 regulating disposal of garbage, rubbish and inflammable material are hereby incorporated by reference and made applicable with the exception that the designation of Menominee Enterprises, Inc., shall include Menominee Tribal Enterprise, that public dumps may be designated by Menominee Tribe as well as by Town of Menominee and that any Indian found guilty of violating such law shall, in lieu of the penalties provided by Town of Menominee Ordinance No. 4, be sentenced to labor for a period not to exceed five (5) days in the event of the first offense and not to exceed thirty (30) days for each succeeding violation.

§ 11.95ME Extradition.

Whenever the Area Director, Minneapolis Area Office, is informed and be-

PROPOSED RULES

lieves that an Indian has committed a crime outside the Menominee Reservation and is present on the Menominee Reservation, using it as an asylum from prosecution, the Area Director may order a police officer of the Menominee Reservation to apprehend such Indian and deliver him to the authorities seeking his arrest at the exterior boundaries of the reservation.

If a person, apprehended pursuant to this section, so demands, he shall be taken by the arresting police officers to the Menominee Court of Indian Offenses where a Judge shall hold a hearing. If it appears that there is no probable cause to believe the Indian is guilty of the crime with which he is charged outside the reservation, or if it appears probable that the Indian will not receive a fair trial in the state court, the Judge shall order the Indian released from custody.

§ 11.96ME Breaking and entering.

Until such time as the Menominee Tribe enacts its own breaking and entering ordinance, the provisions of Wisconsin Statutes 943.14, "Criminal trespass to dwellings," are hereby incorporated by reference and made applicable, with the exception that any Indian found guilty of violating the provisions of Wisconsin Statutes 943.14 shall, in lieu of the penalties therein provided, be sentenced to labor for a period not to exceed six (6) months.

§ 11.97ME Juvenile services.

Until such time as the Menominee Tribe enacts its own juvenile code, the provisions of the Wisconsin state laws relating to juveniles, Wisconsin Statutes §§ 48.12-48.47, § 48.78, §§ 48.81-48.97, and Chapter 54, are hereby incorporated by reference and made applicable to juvenile cases arising on the Menominee Reservation. *Provided*, That the following statutes are not to apply: Wis. Stat. Ann. §§ 48.31, 48.32, 48.41, 48.83, and 48.89. And *provided further*, That rendering of juvenile services to the Menominee Tribe shall be in accordance with the agreement entered into on March 15, 1978, between the Wisconsin Department of Health and Social Services and the Menominee Restoration Committee.

§ 11.98ME Date of incorporated statutes.

All Wisconsin statutes, Menominee County ordinances, and ordinances of the Town of Menominee, incorporated in §§ 11.50ME-11.97ME shall be those in effect on the date of publication of this rulemaking, together with any amendments hereafter adopted.

FORREST G. GERARD,
Assistant Secretary for
Indian Affairs.

(FR Doc. 16256 Filed 6-12-78; 8:45 am)

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[41 CFR Part 24-1]

[Docket No. R-78-543]

DISASTER PROCUREMENTS

Local Contractor Preference

AGENCY: Department of Housing and Urban Development, Office of Administration.

ACTION: Proposed rule.

SUMMARY: Section 310 of the Disaster Relief Act of 1974 provides that when contracting to provide relief to a Presidentially declared disaster area, preference shall be given to the extent feasible and practicable to those organizations, firms, and individual residing or doing business primarily in the area affected by such major disaster. This action is proposed in order to set forth a uniform policy implementing this section of the Act.

COMMENTS DUE: On or before July 13, 1978.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Lydia Jackson, 202-724-0038.

SUPPLEMENTARY INFORMATION: The Department of Housing and Urban Development proposes to revise 41 CFR 24-1 to include guidance for giving preference to local contractors when procurement is initiated to assist victims of Presidentially declared disasters. This preference shall be applicable to competitively negotiated procurements in disaster areas designated by the Administrator of the FDAA and identified as such in the FEDERAL REGISTER.

Interested persons may participate in this rulemaking by submitting written data, views, or arguments to the Rules Docket Clerk at the address listed above. Each person submitting a comment should include his or her name and address, refer to this proposal by the docket number indicated in the heading and give reasons for any recommendations. Copies of comments received by the date indicated above will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in the Office of the Rules Docket Clerk at the address listed above. The proposal may be changed in the light of comments received.

The Department has determined that an environmental impact state-

PROPOSED RULES

ment is not required with respect to this rule. A copy of the finding of inapplicability is available for inspection at the above address.

Accordingly, it is proposed to amend 41 CFR 24-1 to include a new subpart as follows:

Subpart 24-1.5—Preference to Local Contractors in Procurements Resulting from Presidentially Declared Major Disasters or Emergencies

ence. To be eligible for local contractor preference, the offeror shall have been residing (in the case of individuals) or doing the major portion of its business (in the case of business entities) in the disaster area.

(c) Offerors for which eligibility is established (local offerors) shall be permitted to reduce their proposed price to meet the lowest price received

[4110-35]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[45 CFR Part 19]

LIMITATIONS ON PAYMENT OR REIMBURSEMENT FOR DRUGS

nation of proposed MAC's. Consequently, this proposed rule would abolish the advisory committee.

MAJOR PROVISIONS

1. Substitution of public hearings and consultants for the PRAC.

Under the current MAC regulation, the Pharmaceutical Reimbursement Board, composed of six HEW officials, is responsible for establishing MAC's.

rience that the existing process unduly delays the establishment of MAC's on account of the reasons stated above.

2. An additional amendment to the regulation would provide that the Director, Office of Pharmaceutical Reimbursement, rather than the Administrator, Health Care Financing Administration, shall serve as Chairman of the Board.

(b) Review by the Food and Drug Administration. The Board shall notify the Food and Drug Administration in writing of each drug identified in accordance with paragraph (a) of this section. The Food and Drug Administration, in response to each such notification, shall advise the Board in writing whether there is any regulatory action, either pending or under consid-

PROPOSED RULES

ment is not required with respect to this rule. A copy of the finding of inapplicability is available for inspection at the above address.

Accordingly, it is proposed to amend 41 CFR 24-1 to include a new subpart as follows:

Subpart 24-1.5—Preference to Local Contractors in Procurements Resulting from Presidentially Declared Major Disasters or Emergencies

Sec.

- 24-1.500 Scope of subpart.
- 24-1.501 Geographical coverage.
- 24-1.502 Procedures for implementation of the procurement of supplies and services for disaster relief response.
- 24-1.502-1 Provision for competitively negotiated settlements.
- 24-1.503 Exception to use of local preference provisions.
- 24-1.504 Additional methods for encouraging local participation.

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Subpart 24-1.5—Preference to Local Contractors in Procurements Resulting from Presidentially Declared Major Disasters or Emergencies

§ 24-1.500 Scope of subpart.

This subpart establishes policies relating to local contractor preference to receive procurement awards resulting from competitively negotiated solicitations within a Presidentially declared major disaster or emergency operation.

§ 24-1.501 Geographical coverage.

The geographic areas to which local contractor preference shall apply are those affected by the Presidentially declared disaster and designated by the Administrator of the Federal Disaster Assistance Administration (FDAA) in the FEDERAL REGISTER. Geographical areas shall be identified by county or other political subdivision.

§ 24-1.502 Procedures for implementation of the procurement of supplies and services for disaster relief response.

The provision contained § 24-1.502-1 shall be included in each competitively negotiated solicitation for disaster relief response.

§ 24-1.502-1 Provision for competitively negotiated solicitations.

(a) In awarding any contract(s) pursuant to this solicitation, the Government shall give preference to local organizations, firms, and individuals residing or doing business primarily in the geographic area identified as the disaster area by the Administrator, Federal Disaster Assistance Administration (FDAA).

(b) The contracting officer reserves the right to request offerors to furnish documentation to demonstrate eligibility for this local contractor prefer-

ence. To be eligible for local contractor preference, the offeror shall have been residing (in the case of individuals) or doing the major portion of its business (in the case of business entities) in the disaster area.

(c) Offerors for which eligibility is established (local offerors) shall be permitted to reduce their proposed price to meet the lowest price received from an otherwise eligible nonlocal offeror, provided that the proposed price from the local offeror(s) does not exceed 130 percent of the price received from the nonlocal offeror. The lowest priced local offeror within 130 percent of the lowest nonlocal price shall be given the initial opportunity to meet the nonlocal price. If the local offeror meets the lowest nonlocal price and is determined to be responsible, award shall be made. If the nonlocal offer is not met, the next lowest local offeror within 130 percent shall be given an opportunity to meet the lowest nonlocal price. This process shall continue until award is made to a local offeror within the 130 percent requirement or the supply of such local offerors is exhausted and award made to the lowest nonlocal offeror.

§ 24-1.503 Exception to use of local preference provisions.

If it is determined by the contracting officer to be in the best interest of Government the provision set forth in 24-1.502-1 need not be included in solicitations. Such determination shall be documented in the contract file with a findings and determination signed by the contracting officer and approved by the head of the procuring activity.

§ 24-1.504 Additional methods for encouraging local participation.

In the event that the contracting officer makes the determination of § 24-1.503 above, local participation may be encouraged by:

- (a) Setting the procurement aside for labor surplus areas if the disaster area has been established a labor surplus area;
- (b) Advertising only in the local disaster area; and/or
- (c) Subdividing large requirements into several smaller requirements.

(Sec. 7(d), Department of Housing and Urban Development Act 42 U.S.C. 3535(d).)

Issued at Washington, D.C., June 6, 1978.

WILLIAM A. MEDINA,
Assistant Secretary
for Administration.

[FR Doc. 78-16196 Filed 6-12-78; 8:45 am]

[4110-35]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Office of the Secretary

[45 CFR Part 19]

**LIMITATIONS ON PAYMENT OR
REIMBURSEMENT FOR DRUGS**

Abolition of Advisory Committee

AGENCY: Office of the Secretary, HEW.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the procedures by which the Department sets a maximum allowable cost (MAC) for drugs for which reimbursement is provided under Medicare, Medicaid, and other programs administered by the Department. The proposal would abolish the Pharmaceutical Reimbursement Advisory Committee (PRAC) and substitute routine, informal public hearings and the discretionary use of consultants.

DATE: Consideration will be given to written comments or suggestions received on or before July 13, 1978.

ADDRESS: Address comments to: Executive Secretary, Pharmaceutical Reimbursement Board, Room 3076, Mary E. Switzer Building, HCFA, Medicaid Bureau, 330 C Street SW., Washington, D.C. 20201. In commenting, please refer to MMB-244-P. Comments will be available for public inspection, beginning approximately two weeks from today, at the above address, on Monday through Friday of each week from 9 a.m. to 5:30 p.m.

**FOR FURTHER INFORMATION,
CONTACT:**

Peter Rodler, 202-472-3820.

SUPPLEMENTARY INFORMATION: The Department's regulation establishing maximum allowable cost limitations on payments or reimbursement for drugs was published on July 31, 1975. Since the implementation of this regulation, we have concluded that the process for setting a MAC is unnecessarily burdensome. One of our major concerns is the role presently established for the PRAC and the potential for conflicts of interest being raised with respect to PRAC members, who are to be selected by the Secretary on the basis of their knowledge, experience, and judgment in the areas of pharmacy, medicine, pharmaceutical marketing, public health, and consumer affairs. Although we believe that conflicts of interest have been avoided to date, the potential for such problems could make it difficult to find highly qualified people to serve on the committee and our concerns about this problem have hampered the smooth and expeditious determi-

nation of proposed MAC's. Consequently, this proposed rule would abolish the advisory committee.

MAJOR PROVISIONS

1. Substitution of public hearings and consultants for the PRAC.

Under the current MAC regulation, the Pharmaceutical Reimbursement Board, composed of six HEW officials, is responsible for establishing a MAC. However, the Board must submit each proposed MAC to the 15-member advisory committee and must consider the advice and recommendations of the advisory committee before making a final determination. The members of the committee cannot be full time employees of the United States and, as noted above, are selected on the basis of their knowledge and experience in areas pertinent to the consideration of a MAC. The current regulation also gives the Board discretion to hold an informal public hearing before making a final determination, if the Board concludes that such a hearing will aid its deliberations and determinations.

Although we originally thought that the use of the advisory committee would be an effective way of obtaining both highly qualified expertise and the viewpoints of the general public, without raising serious problems of conflicts of interest, we have grown increasingly concerned that the committee cannot perform its intended role. The potential for a conflict of interest could cause some highly qualified individuals to be reluctant to serve on the advisory committee. As a result, the MAC regulation is not being implemented in a timely and effective manner.

In order to remedy this situation, while retaining our objective of obtaining both expertise and public input, we propose that, in place of the advisory committee, the Board would be required to hold a public hearing on each proposed MAC. The hearing would be announced in the FEDERAL REGISTER and any interested person or organization could request the opportunity to make an oral presentation.

In addition, the Board would be authorized to utilize consultants to advise it on any technical or complex issues during its consideration of a proposed MAC. Such consultants would provide the expertise and insight which the advisory committee was designed to provide, but can be selected on a case-by-case basis so as to avoid any potential for a conflict of interest.

The purpose of this amendment is to make the process for setting a MAC less burdensome and more responsive to rapid changes in the market prices of drugs and to resolve the potential for conflicts of interest on the part of PRAC members. The basis of the amendment is the Department's expe-

rience that the existing process unduly delays the establishment of MAC's on account of the reasons stated above.

2. An additional amendment to the regulation would provide that the Director, Office of Pharmaceutical Reimbursement, rather than the Administrator, Health Care Financing Administration, shall serve as Chairman of the Pharmaceutical Reimbursement Board. The Director is better able to devote the time necessary to running the program and has greater expertise in the area of drug reimbursement.

Although the Administrator will no longer be the Chairman of the Board, the proposed regulation would authorize him to concur or nonconcur with the Board's proposed final determination. No MAC would be adopted without the Administrator's concurrence. If the Administrator nonconcurs, the Board may reinstitute proceedings to adopt a different MAC for that drug. We believe that it is appropriate for the Administrator to have this authority since the MAC program principally affects reimbursement under Medicaid and Medicare.

3. In § 19.5, we are proposing changes only in paragraphs (c) through (i) of the present regulation. However, for the convenience of those wishing to comment, we are reprinting paragraphs (a) and (b) without change, so that the proposed changes can be readily understood in context.

45 CFR Part 19 is amended as follows:

1. Section 19.4 is revised to read as follows:

§ 19.4 Establishment of pharmaceutical reimbursement board.

(a) There is established in the Health Care Financing Administration a Pharmaceutical Reimbursement Board consisting of six full time employees of the Department, representing the principal offices and agencies concerned with developing and implementing cost determinations under this part. The Director, Office of Pharmaceutical Reimbursement, shall serve as the Chairman.

(b) The Board may make use of outside consultants to advise it on any technical or complex issues during its consideration of a proposed MAC.

2. Section 19.5 is revised to read as follows:

§ 19.5 Determination of maximum allowable cost.

(a) *Identification of drugs to which a MAC may be applied.* The Board shall identify those multiple source drugs for which significant amounts of Federal funds are or may be expended under the programs and for the activities described in § 19.1 and for which there are or may be significantly different prices.

(b) *Review by the Food and Drug Administration.* The Board shall notify the Food and Drug Administration in writing of each drug identified in accordance with paragraph (a) of this section. The Food and Drug Administration, in response to each such notification, shall advise the Board in writing whether there is any regulatory action, either pending or under consideration, bearing upon the marketability of, or to establish a bioequivalence requirement for, the drug and shall further advise the Board whether, in the judgment of the Food and Drug Administration, any such action is a reason for delaying or withholding the establishment of a MAC for the drug.

(c) *Initial determination of lowest unit price.* For each drug identified in accordance with paragraph (a) of this section and for which the Food and Drug Administration has not advised delaying or withholding the establishment of a MAC, the Board shall make an initial determination of the lowest unit price at which the drug is widely and consistently available from any formulator or labeler. This determination will be based on the package size of drug most frequently purchased by providers. If it appears to the Board that a drug is or will be unavailable to providers in one or more localities at the same lowest unit price at which it is available elsewhere, the Board shall make a separate determination for each such locality.

(d) *Proposed MAC.* The Board shall determine whether the lowest unit price should be proposed as the maximum allowable cost (MAC) for the drug.

(e) *Notice and comment.* The Board shall publish as a notice in the FEDERAL REGISTER each proposed MAC and a summary of the Board's reasons for its proposal. The Notice shall invite interested persons and organizations to submit in writing comments on the proposed MAC. All comments received will be maintained for public inspection at the Office of the Board.

(f) *Public hearing.* A public hearing will be held with respect to each proposed MAC. The hearing will be held no sooner than 45 days from the date of the notice in the FEDERAL REGISTER. The dates, time, and location of the hearing shall appear in the notice.

(g) *Conduct of hearing.* The hearing shall be open to the public and a transcript shall be made of the proceedings. Persons or organizations wishing to make presentations shall submit to the Board's Executive Secretary, no later than 15 days prior to the hearing, a minimum of 20 copies of the proposed oral presentation in its entirety, together with all supporting studies or materials and the names and addresses of proposed participants. The Board will allot time for each oral presentation which, in the

judgment of the Board, is relevant to the proposed MAC. Those requesting to appear at the hearing in accordance with this paragraph will be notified in writing.

(h) *Proposed final determination.* After considering the written comments, the presentations made at the public hearing and any other evidence included as a part of the record, the Board shall decide whether a MAC should be established for each drug for which a notice of proposed MAC was published and, if so, shall make a

proposed final determination of a MAC for each drug.

(i) *Administrator's concurrence.* The Board shall submit each proposed final determination to the Administrator of HCFA. The Administrator shall concur or nonconcur, but may not modify the Board's proposed final determination. If the Administrator concurs, the proposed determination becomes final. If the Administrator nonconcurs, the Board may reinstitute proceedings under this section to adopt a MAC for that drug at a different level.

(j) *Publication.* Notice of the final determination shall be published in the *FEDERAL REGISTER* together with a statement of the Board's reasons for its determination.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

Dated: June 5, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

[FR Doc. 78-16297 Filed 6-12-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 114—TUESDAY, JUNE 13, 1978

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-05]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

LOAN PROGRAMS—1973 AND SUBSEQUENT CROP PRICE SUPPORT PROGRAMS AND FARM STORAGE AND DRYING EQUIPMENT LOAN PROGRAM

Announcement of Interest Rate

The announcement by Commodity Credit Corporation published on page 35403 of the *FEDERAL REGISTER* of October 1, 1974, as amended in the issue of March 31, 1975, at page 14347, in the issue of October 1, 1975, at page 45211, in the issue of April 1, 1976, at page 13971, and in the issue of April 11, 1977, at page 18882, of the rate of interest applicable to price support programs on 1973 and subsequent crops or production and to financing the purchase or construction of farm storage facilities and drying equipment is hereby revised to announce the interest rate on such loans effective April 1, 1978. The revised announcement reads as follows:

A. *Price support programs.* 1. Loans (including the amounts paid by CCC under cooperative loan agreements) made on all commodities shall bear interest as follows:

(a) On all 1973 and prior crop tobacco loans, at the rate specified in the applicable loan agreement.

(b) On 1974 crop tobacco loans, for which applications were received prior to October 1, 1974, at the rate of 7.25 percent per annum.

(c) On 1974 and 1975 crop tobacco and rosin loans, for which applications were received on or after October 1, 1974:

(1) 9.375 percent per annum from date of disbursement through March 31, 1975.

(2) 6.125 percent per annum from April 1, 1975, through September 30, 1975.

(3) 7.5 percent per annum from October 1, 1975, through March 31, 1977.

(4) 6 percent per annum from April 1, 1977, until date of repayment.

(d) On 1976 crop commodity loans:

(1) 7.5 percent per annum from date of disbursement through March 31, 1977.

(2) 6 percent per annum from April 1, 1977, until date of repayment or date of conversion to grain reserve loan.

(e) On 1977 crop commodity loans at the rate of 6 percent per annum from

date of disbursement until date of repayment or date of conversion to grain reserve loan.

(f) (1) For 1976 and 1977 crops placed in the grain reserve from April 4, 1977, through March 1, 1978: (i) If the grain reserve loan agreement provides for interest at 6 percent per annum, the rate shall be 6 percent per annum; (ii) if the grain reserve loan agreement provides for interest not to exceed 6 percent per annum, the rate shall be 6 percent per annum or such lower rate(s) as may be subsequently publicly announced from time to time by the President or Executive Vice President, CCC, except that the President or Executive Vice President, CCC, may waive or adjust such interest.

(2) For 1976 and 1977 crops placed in the grain reserve after March 1, 1978, at the rate of 6 percent per annum or such lower rate(s) as may be subsequently publicly announced from time to time by the President or Executive Vice President, CCC, except that the President or Executive Vice President, CCC, may waive or adjust such interest.

(g) For 1978 crops, except upland cotton, at the per annum rate of 7 percent from the date of disbursement until date of repayment.

(h) For 1978 crop upland cotton, at a rate to be announced subsequently, from date of disbursement until date of repayment.

2. Notwithstanding the foregoing, if there has been (a) a willful conversion of any portion of the commodity under loan or a fraudulent representation in the loan documents, in obtaining the loan, or in connection with the settlement or delivery under the loan; or (b) a fraudulent representation in connection with the settlement or delivery under the purchase provisions of a price support program or in connection with any documents thereunder, the loan indebtedness and related charges or the amount paid by CCC on such purchase shall bear interest from the date of disbursement thereof as follows: (i) At the per annum rate of 6 percent with respect to 1969 and prior crops or production; (ii) at the per annum rate of 12 percent with respect to 1970 through 1973 crops or production; and (iii) at the per annum rate of 18 percent with respect to 1974 and subsequent crops or production.

B. *Farm storage and drying equipment loan program.* Loans made for

the purchase, construction, erection, or installation of farm storage facilities or drying equipment shall bear interest as follows:

(1) Loans disbursed by CCC prior to April 1, 1977, on applications filed on or after October 1, 1974, shall bear interest at the per annum rate of 9.375 percent from the date of disbursement through March 31, 1975, at the per annum rate of 6.125 percent from April 1, 1975, through September 30, 1975, at the per annum rate of 7.500 percent from October 1, 1975, through March 31, 1977, and at the per annum rate of 7.000 percent from April 1, 1977, until date of repayment.

(2) Loans disbursed by CCC on or after April 1, 1977, shall bear interest at the per annum rate of 7.0 percent from the date of disbursement until date of repayment; a different interest rate may be subsequently announced for new loans.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); sec. 401 (a) and (b), 63 Stat. 1051, as amended (7 U.S.C. 1421 (a) and (b)).)

Signed at Washington, D.C. on June 7, 1978

STEWART N. SMITH,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 78-16308 Filed 6-12-78; 8:45 am]

[3410-15]

Rural Electrification Administration

UNITED POWER ASSOCIATION ELK RIVER, MINN.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of \$36,168,000 to United Power Association (UPA) of Elk River, Minn. These loan funds will be used to finance the construction and installation of a coal-fired supplemental steam generator (boiler), air quality control equipment and related facilities at UPA's existing Stanton, N. Dak., generating station.

FEDERAL REGISTER, VOL. 43, NO. 114—TUESDAY, JUNE 13, 1978

Legally organized lending agencies capable of making, holding, and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for loan advances to UPA from Mr. Philip O. Martin, Manager, United Power Association, Elk River, Minn. 55330.

47,600 true O&D passengers in 1975, the market is larger than three other U.S.-Bermuda markets with U.S. carrier nonstop service; that the economic vitality of the Philadelphia-Bermuda market is supported by growth at an average annual rate of over 9 percent since 1968, and that this rate, higher than that of any other U.S.-Bermuda market, is particularly noteworthy

ing or a recommended decision by an administrative law judge; the Board will receive the evidence, dispose of any interlocutory requests, and issue its decision.

So we can reach a decision as quickly as possible, we direct the parties are directed to comply with the evidence request attached to this order. We believe that this evidence should provide

4. The motion of Eastern Air Lines to proceed by non-oral hearing proceedings be granted;

5. Any authority awarded in this proceeding shall be granted without eligibility for subsidy;

6. The applications of Allegheny Airlines, in docket 29706, American Airlines, in docket 31956, and Eastern Air Lines, in docket 31216, be consolidated

data for fiscal 1977 for single-plane operations in the Philadelphia-Bermuda market by carrier, showing the following information:

a. Departures scheduled and operated; b. Total pounds of cargo transported on-board; c. On-board passengers transported; d. On-board passenger load factor; e. On-flight origin/destination of passengers and cargo.

(2) Provide a listing of United States-Bermuda passengers by O&D market for fiscal

Show beyond-segment portions of the flights. Show clearly all currently operated system schedules which will be discontinued or altered to accommodate the Philadelphia-Bermuda nonstop proposal.

3. Submit a traffic forecast net of self-diversion for fiscal 1979 (to be considered the first normal year), detailing the sources of all traffic. Include any changes in the traffic in other markets on the applicant's existing system in which service will be altered

Legally organized lending agencies capable of making, holding, and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for loan advances to UPA from Mr. Philip O. Martin, Manager, United Power Association, Elk River, Minn. 55330.

In order the be considered, proposals must be submitted on or before July 13, 1978, to Mr. Martin. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as UPA and REA deem appropriate. Prospective lenders are advised that the guaranteed financing for this project is available from the Federal Financing Bank under a standing agreement with the Rural Electrification Administration.

Copies of REA Bulletin 20-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 5th day of June 1978.

JOSEPH VELLONE,
Acting Administrator, Rural
Electrification Administration.
[FR Doc. 78-16160 Filed 6-12-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket Nos. 32786, etc., Order 78-6-22]

ALLEGHENY AIRLINES, INC., ET AL.

Order Regarding Philadelphia-Bermuda
Nonstop Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of June 1978.

On July 23, 1977, a new bilateral air transport agreement between the United States and the United Kingdom was signed, which provides for authorization of a U.S. carrier to operate between Philadelphia and Bermuda.¹

Allegheny Airlines (docket 29706), American Airlines (docket 31956), and Eastern Air Lines (docket 31216) have filed applications for this authority on a nonstop basis.

On August 18, 1977, Allegheny filed a motion for hearing on its application. In support of the motion, it states that Philadelphia is Bermuda's third largest U.S. market, and is Bermuda's largest U.S. market without authorized nonstop service;² that with

47,600 true O&D passengers in 1975, the market is larger than three other U.S.-Bermuda markets with U.S. carrier nonstop service;³ that the economic vitality of the Philadelphia-Bermuda market is supported by growth at an average annual rate of over 9 percent since 1968, and that this rate, higher than that of any other U.S.-Bermuda market, is particularly noteworthy since the market lacks the stimulation normally provided by nonstop service; and finally that the institution of Philadelphia-Bermuda nonstop service will save a substantial amount of time for travelers and will also benefit numerous beyond-market passengers.

Answers in support of Allegheny's motion were filed by the Pittsburgh Airport Advisory Committee and the Philadelphia parties.⁴ The Philadelphia parties also filed a petition for leave to intervene in any proceeding instituted to consider Allegheny's application.

Answers in opposition were filed by American and Eastern. Both carriers argue that Allegheny's motion should be denied because it lacks the minimum economic and operating data required by the Board's Rules of Practice to accompany motions for immediate hearing. Eastern also contends that the Board should award it nonstop Philadelphia-Bermuda authority instead of Allegheny.

Allegheny filed a motion for leave to file an otherwise unauthorized document, accompanied by a consolidated reply to the answers of American and Eastern.⁵

Last, Eastern filed a motion to dispense with an oral hearing on the applications for Philadelphia-Bermuda authority. Answers in support of Eastern's motion were filed by Allegheny and American.

We have decided to institute the Philadelphia-Bermuda Nonstop Investigation to consider whether the public convenience and necessity require nonstop service between Philadelphia and Bermuda. Accordingly, we are consolidating into this investigation the applications of Allegheny, American, and Eastern in dockets 29706, 31956, and 31216. As suggested by the carrier applicants, we will proceed without an oral evidentiary hearing.

between Bermuda and three U.S. points to be selected by the U.K. Annex 1-route schedules, U.K. Route 8.

¹Philadelphia currently receives one-stop Bermuda service by Eastern (via Baltimore) and by American (via New York). Each carrier provides one daily round trip. O.A.G. April 1, 1978.

²Baltimore/Washington, Chicago, and Detroit.

³The City of Philadelphia and the Greater Philadelphia Chamber of Commerce.

⁴We have decided to deny Allegheny's motion; good cause for the acceptance of the carrier's reply has not been shown. Rule 4(f) of the Board's rules of practice.

ing or a recommended decision by an administrative law judge; the Board will receive the evidence, dispose of any interlocutory requests, and issue its decision.⁷

So we can reach a decision as quickly as possible, we direct the parties are directed to comply with the evidence request attached to this order. We believe that this evidence should provide all of the information necessary for us to resolve the issues in this case. Parties will, however, have an opportunity to suggest deletions, alterations or additions to the evidence request in the time provided for reconsideration of this order.⁸ The filing dates for the submission of the information and evidence are as follows:

Information responses—1 week from the date of service of this order.

Direct exhibits—3 weeks from the date the IR's are filed.

Rebuttal exhibits—3 weeks from the date the directs are filed.

Briefs to the Board—2 weeks from the date the rebuttal exhibits are filed.

Oral argument to the Board—2 weeks from the date the Briefs to the Board are filed.

Board decision—3 weeks from the date of oral argument.

Finally, Allegheny, American, and Eastern have not submitted sufficient information for us to determine the environmental consequences of their certificate amendment applications. Therefore, we will require them, and any other carriers filing applications in this proceeding, to file the information set forth in Part 312 of the Board's Procedural Regulations within 30 days of the date of adoption of this order.

Accordingly, it is ordered, That:

1. The motion of Allegheny Airlines for hearing in docket 29706 be granted;

2. A proceeding to be known as the Philadelphia-Bermuda Nonstop proceeding, docket 32786, be instituted;

3. The proceeding instituted in paragraph 2, above, shall include consideration of the following issues:

(a) Do the public convenience and necessity require the certification of an air carrier or carriers to engage in nonstop foreign air transportation between Philadelphia, Pennsylvania, and Bermuda?

(b) If the answer to (a) is in the affirmative, which air carrier(s) should be authorized to engage in such service?; and

(c) What terms, conditions and/or limitations, if any, should be placed on the operations of such carrier(s)?

⁷By regulation PDR-54, April 18, 1978, we have proposed to dispense with oral evidentiary hearings where possible to expedite hearing procedures in route and rate cases.

⁸Parties are, of course, free to submit additional evidence that is relevant and material to the issues.

⁹Any exhibit information not rebutted will be considered uncontroverted.

4. The motion of Eastern Air Lines to proceed by non-oral hearing procedures be granted;

5. Any authority awarded in this proceeding shall be granted without eligibility for subsidy;

6. The applications of Allegheny Airlines, in docket 29706, American Airlines, in docket 31956, and Eastern Air Lines, in docket 31216, be consolidated with the proceeding instituted by paragraph 2, above;

7. The petition of the city of Philadelphia and the Greater Philadelphia Chamber of Commerce for leave to intervene, in docket 29706, be granted;

8. Allegheny Airlines, American Airlines, Eastern Air Lines, the city of Philadelphia and the Greater Philadelphia Chamber of Commerce, and the Pittsburgh Airport Advisory Committee, be made parties to the proceeding instituted by paragraph 2, above;

9. The motion of Allegheny Airlines for leave to file an otherwise unauthorized document be denied;

10. Allegheny Airlines, American Airlines, Eastern Air Lines and all other carriers filing application in this proceeding shall file environmental evaluations pursuant to § 312.12 of the Board's procedural regulations within 30 days of adoption of this order;

11. Applications, motions to consolidate and petitions for reconsideration of this order shall be filed within 10 days from the service date of this order and answers within 7 days thereafter; and¹⁰

12. This order shall be served upon all parties to the proceeding instituted by paragraph 2, above.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board;

PHYLLIS T. KAYLOR,
Secretary.

APPENDIX A

It is determined, under § 399.100 of the Board's Rules, International O&D survey data for passengers between the United States and Bermuda for the year end June 30, 1977 (fiscal 1977) are relevant and material to the issues in this proceeding and may be disclosed.

It is determined, under § 241.19-6 of the Board's Economic Regulations, that service segment data for fiscal 1977, for all through flights operated between Philadelphia, on the one hand, and Bermuda, on the other, including the segments of such flights beyond Philadelphia, are material and relevant to the issues and may be furnished for the record in this proceeding.

REQUEST FOR INFORMATION AND EVIDENCE

I. Information Response

A. Bureau of Pricing and Domestic Aviation. (1) Provide monthly service-segment

¹⁰We shall not entertain petitions for reconsideration seeking to alter the scope of the proceeding.

¹¹All members concurred.

data for fiscal 1977 for single-plane operations in the Philadelphia-Bermuda market by carrier, showing the following information:

a. Departures scheduled and operated; b. Total pounds of cargo transported on-board; c. On-board passengers transported; d. On-board passenger load factor; e. On-flight origin/destination of passengers and cargo.

(2) Provide a listing of United States-Bermuda passengers by O&D market for fiscal 1977, broken down by O&D gateway.

B. Incumbent carriers (American and Eastern). (1) Furnish the current fares (including discount and excursion fares) applicable in the market in issue.

(2) Furnish the latest available passenger revenue yields and experienced dilution factors for total traffic, coach traffic and first class traffic.¹² Explain the basis of constructing these data, including dates and extent of recent surveys, and methodology used.

(3) Provide the latest available cargo revenue yield per revenue ton mile in the market in issue. Specify period.

(4) Furnish single-plane schedules operated in the base year (fiscal 1977) and to be operated in fiscal 1979, (a) without an award of new authority and (b) with an award of new authority to an applicant (other than the respondent).

(5) Furnish information as to whether incumbent will match low fares and if so, to what extent, i.e., on all flights, selected flights or by allocating limited capacity on flights providing low fare service.

(6) To assist in the computation of normalized growth rates, furnish dates of work stoppages and other abnormal factors, if any, which during the last 10 years directly or indirectly affected traffic in the market in issue.

(7) Indicate the total gallons of fuel consumed (by aircraft type and by segment) on flights moving between Philadelphia and Bermuda during fiscal 1977.

C. Government of Bermuda and applicant carriers. To the extent possible, supply by facility the number of hotel rooms now available or under construction and available for occupancy for the year ended June 1979. Furnish any available data on the average number of beds per room, the average number of persons using those beds per year, and the average stay per visitor. For the most recent two year period, indicate the rate of occupancy by month and the percentage of U.S. to total visitors.

II. Direct Exhibits

A. Applicant carriers. 1. In order of importance state in narrative form which carrier selection factors are relied upon for the grant of authority in this proceeding. Provide either (1) a discrete exhibit for each selection factor setting forth the data and analyses supporting reliance on that factor (e.g., route strengthening); or (2) where the exhibits in support of the selection factor are part of the response to the Bureau's request for evidence (e.g., beyond-market service benefits), cross-reference to each selection factor the corresponding exhibit(s).

2. Submit proposed schedules to be operated in fiscal 1979, including seating configuration for each aircraft type and all information required to be supplied in official schedules filed with the Board, i.e., arrival and departure times (real time), equipment, airport, days of weeks, and classes of service.

¹²See footnote 1 on page 4, infra.

Show beyond-segment portions of the flights.¹³ Show clearly all currently operated system schedules which will be discontinued or altered to accommodate the Philadelphia-Bermuda nonstop proposal.

3. Submit a traffic forecast net of self-dilution for fiscal 1979 (to be considered the first normal year), detailing the sources of all traffic. Include any changes in the traffic in other markets on the applicant's existing system in which service will be altered as a result of the proposal in this case and, if a local service carrier, show separately whether each change affects the subsidy eligible or subsidy ineligible portions of the carrier's operations. The basis for any forecasting technique used shall be clearly explained. Fiscal 1977 will be used as the base year for forecasting traffic. Forecast year operating data shall include:

Number of revenue passengers by class of service;
Revenue passenger miles by class of service;
Revenue ton-miles of cargo (mail, express and freight);
Revenue tons enplaned;
Revenue plane-miles operated by equipment type;
Revenue block-hours by equipment type;
Revenue aircraft departures by equipment type;
Available seat miles by class of service;
Average number of cabin attendants per departure by equipment type;¹⁴
Passenger load factor

4. Indicate proposed fares in the market at issue. If standard or normal coach and first class fares are used for the revenue forecasts they should be those in effect as of September 15, 1977. Applicants proposing reduced fares¹⁵ should submit:

a. An economic rationale for the various price/quality options proposed. The justification could include reduced amenities, higher seating densities, increased load factors, or improved aircraft utilization.

b. Estimates of the stimulative effects of reduced fares based on studies of direct price elasticity, cross price elasticity and price/quality tradeoffs upon which fare reductions are premised. All internal studies or consultant studies should be included.

5. Based on the traffic forecast in (3) above and proposed fares in (4) above, indicate the net revenue anticipated from the proposed service in fiscal 1979. Show the revenue dilution factors used in the calculation and explain how such dilution factors were arrived at.¹⁶

¹³If extensions or modifications of existing flights are involved, show for each flight the monthly load factor on the two immediately-beyond flight stages for the most recent 12-month period.

¹⁴Applicant and incumbent carriers are also requested to provide system cabin attendant block hours by aircraft type for the year ended September 30, 1977.

¹⁵Such as reduced normal fares, promotional fares and various forms of offpeak pricing by time of day, day of the week, or season.

¹⁶1. Local traffic over the segment in issue which has an origin and destination in the market and travels on one carrier is subject to a discount fare dilution factor. 2. Interline connecting traffic on one carrier over the segment in issue is subject to joint fare pro-rate dilution in addition to discount fare dilution. 3. On-line connecting traffic to

Footnotes continued on next page

6. Estimate the expense which will be incurred in providing the proposed service in fiscal 1979. Each applicant shall submit one estimate using subpart K methodology for the year ended September 30, 1977.¹ Applicants also may submit an alternate forecast. Any contingencies, cost escalation and other adjustments in experienced unit costs included in the alternate forecast shall be fully identified and explained.

7. Submit a profit and loss statement for fiscal 1979 summarizing the above revenue expense and return and tax estimates. This summary should reflect, in separate columns: (a) Philadelphia-Bermuda nonstop on-segment results only; (b) impact on the balance of applicant's system (beyond-segment including, e.g., New York-Bermuda); and (c) net impact on the applicant's system of all changes relating to or resulting from the new operations—items (a) plus (b).

8. Estimate the gallons of fuel to be consumed in fiscal 1979 as a result of the proposed new operations. Submit a statement as to availability of the required fuel.

9. Submit a system map showing how the routes applied for will fit into the applicant's existing system.

10. Submit a complete specimen certificate as it will appear, including a description of the route authority sought and delineating any terms, conditions, or limitations and the duration of the certificate. The route numbers should be indicated, the new language identified by underlining and deleted language indicated by brackets. Any low-fare condition proposed in the certificate should be specifically detailed and supported by explanatory testimony.

B. All parties. To the extent not already requested above, provide elasticity studies, market potential studies (e.g., studies of surface travel), or other analyses deemed relevant to the issues of this case.

III. *Rebuttal Exhibits*

A. *Incumbent carriers.* Submit estimates on a projected participation and growth offset basis of revenue passenger miles and revenue which will be diverted from the carrier in fiscal 1979 in the event that nonstop authority is awarded. Also show the traffic-related and any other expenses which the carrier will save as a result of loss of this traffic. Show changes in load factor as a result of diversion.

APPENDIX B

1. *Evidence.*—The evidentiary record shall be limited to factual material, and argument should be presented in the briefs.

2. *Exhibits generally.*—Two copies of each set of exhibits, fully tabbed, shall be served upon Legal Processing Division, BPDA, and one copy upon the parties as set forth in the list attached here as Appendix C. The exhibits shall include appropriate footnotes or narrative explaining the source of the information used and the methods employed in statistical compilations and estimates.

The exhibits of the air carrier parties will adhere to the uniform system of numbering

Footnotes continued from last page

beyond points is subject to a discount fare dilution factor applicable to the fare for the entire journey. 4. To the extent these different types of traffic are combined into a single pool for the markets in issue, the dilution factor will be a combination of 1, 2 and 3 above and will reflect the mix of each type of these passengers.

¹Procedural regulation 172, adopted April 14, 1978.

exhibits set forth below. The suffix "IR" should be added to the number of information responses, the suffix "R" added to the number of the rebuttal exhibits, and the suffix "SR" added to the number of the rebuttal exhibits. The exhibits will be numbered in accordance with the following breakdown:

Exhibits 100-199—Introductory and Summary Exhibits

Exhibits 200-299—Schedule and Equipment Exhibits

Exhibits 300-399—Traffic Exhibits

Exhibits 400-499—Financial Exhibits (Balance Sheet, Profit and Loss Statement, Revenues and Expenses, Financial Forecasts and Plans, etc.)

Exhibits 500-599—Diversification Exhibits

Exhibits 600-699—Miscellaneous Exhibits (Proposed Certificate, Maps, etc.)

Exhibits 700-799—Sales and Promotion Exhibits

Exhibits 800-899—General Public Convenience and Necessity Exhibits

Exhibits 900-999—Carrier Selection Exhibits

The exhibit number and the docket number of the proceeding shall be shown in the upper righthand corner of each exhibit page. The rebuttal exhibits should show the specific exhibits being rebutted. Each party should provide a separate listing setting forth the evidence requests and showing the conformance of its exhibits to that list.

Where one part of a multi-page exhibit is based upon another part, appropriate cross-reference shall be made. For example, a profit-and-loss forecast based on detailed estimates appearing on other pages should contain specific references showing which pages support the different individual items of the forecast. Such exhibits shall be arranged in an organized manner in accordance with the party's theory of the case.

3. *Title of exhibits.*—The principal title of each exhibit should state precisely what is contained and may also contain a statement of the purpose for which the exhibit is offered. However, such statements will not be considered as part of the evidentiary record.

4. *Authenticity of documents.*—The authenticity of all documents submitted as proposed exhibits in advance of the hearing shall be deemed admitted unless written objections thereto is filed prior to the Board decision, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection (e.g., absent objection, if an exhibit purporting to be a copy of a letter mailed on a certain date were submitted, it would not be necessary to prove such mailing or the accuracy of the copy).

APPENDIX C

Mr. William D. Stewart, Jr., Vice President, American Airlines, Inc., 633 Third Avenue, New York, N.Y. 10017.

Morton Ehrlich, Senior Vice President—Planning, Eastern Air Lines, Inc., Miami International Airport, Miami, Fla. 33148.

Robert N. Duggan, Kilpatrick, Cody, Rogers, McClatchey and Regenstien, 2033 K Street NW., Washington, D.C. 20006.

Herbert Smolen, Deputy City Solicitor, 1580 Municipal Services Building, Philadelphia, Pa. 19107.

Edward MacNeal, 175 Strafford Avenue, Wayne, Pa. 19087.

Austin B. Brough, Division of Aviation, Philadelphia International Airport, Philadelphia, Pa. 19153.

Bernard H. Diekmeyer, Diemler & Diekmeyer, Inc., Airport and Aviation Consultants, 7823 Friars' Court, Alexandria, Va. 22306.

Alfred V. J. Prather, Prather, Seeger, Doolittle, Farmer & Ewing, 1101 Sixteenth Street NW., Washington, D.C. 20036.

James E. Reinke, Vice President—Government Affairs, Eastern Air Lines, Inc., 1030 15th Street NW., Washington, D.C. 20005.

Lawrence L. Stentzel, II, William L. Howard, Regulatory Law, Allegheny Airlines, Inc., Washington National Airport, Washington, D.C. 20001.

William T. Burns, Division of Aviation, Philadelphia International Airport, Philadelphia, Pa. 19153.

Charles E. Curran, III, Landrum & Brown, Airport Consultants, 290 Central Trust Tower, Cincinnati, Ohio 45202.

Thomas L. Widing, Vice President, Regional Transportation Council, Greater Philadelphia Chamber of Commerce, Suite 1960, 1617 John F. Kennedy Blvd., Philadelphia, Pa. 19103.

F. Regan Nerone, Director, Allegheny County Department of Aviation, Greater Pittsburgh International Airport, Pittsburgh, Pa. 15231.

Alexander Jaffurs, Solicitor, Howard Voigt, Assistant Solicitor, County of Allegheny, Department of Law, 919 Jones Law Annex Bldg., Pittsburgh, Pa. 15219.

Emery P. Sedlak, Secretary, Pittsburgh Airport Advisory Committee, Fourth Floor—West Wing, 2 Gateway Center, Pittsburgh, Pa. 15222.

[FR Doc. 78-16311 Filed 6-12-78; 8:45 am]

[6320-01]

[Docket No. 32665]

CALIFORNIA/SOUTHWEST-WESTERN MEXICO ROUTE CASE

Supplemental Notice of Prehearing Conference

The Prehearing Conference in this proceeding will be held on June 22, 1978, at 9:30 a.m., e.s.t., in Room 1003, Hearing Room A, 1875 Connecticut Avenue NW., Washington, D.C.¹

Dated at Washington, D.C., June 6, 1978.

STEPHEN J. GROSS,
Administrative Law Judge.

[FR Doc. 78-16309 Filed 6-12-78; 8:45 am]

[6320-01]

[Docket Nos. 30777, etc.; Agreement CAB 27217 R-2, etc.; Order 78-6-51]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger and Currency Matters

Adopted by the Civil Aeronautics Board at its offices in Washington, D.C., on the 7th day of June 1978.

Agreements have been filed with the Board under section 412(a) of the Federal Aviation Act of 1958 (the Act) and

¹See 43 FR p. 22429 May 25, 1978, and notice to all parties, dated May 30, 1978.

part 261 of the Board's Economic Regulations between various U.S. and foreign member air carriers of the Traffic Conferences of the International Air Transport Association (IATA).

Agreement CAB 27217, R-2, proposes increases of about 20 percent in the charges for berths, which are available to first class passengers on North/Central Pacific flights under Resolution 250 (sleeper surcharge). The resolution defines a berth as either a permanent, built-in bunk, or sleeping accommodation converted from regular seating which requires more than one seat for each berth. For passengers originating or terminating in Honolulu, Anchorage or Fairbanks, the charge would increase from \$75 to \$90; for west coast passengers, from \$100 to \$120; and for travel to and from other U.S., and Mexican points, from \$125 to \$148. Agreement CAB 27234 would revalidate existing Resolution 021LL (special rules for currency adjustments—cargo rates), and agreement CAB 27235 would amend currency adjustment factors for travel originating in Switzerland.

The Board has decided to approve the resolutions, subject to previous conditions where applicable. Agreement CAB 27234 on currency adjust-

ment rules merely extends an existing resolution which has already been approved, and Agreement CAB 27235 adjusts currency factors to bring local selling prices in Swiss francs more into line with recent movements in exchange rates. The increase in the sleeper surcharge deals with an ancillary service for first class passengers, does not affect the general fare level, and is a pricing matter best left to carrier management. While we recognize that it is one thing to leave such decisions to the discretion of the management of an individual carrier and quite another to leave it to a collective decision of several carriers, this distinction raises the basic question of the acceptability of traffic conferences—a question better handled generally than in the context of specific cases like this one. So long as we continue to accept the conference procedure, this particular application is a reasonable one.

The Board, under sections 102, 204(a), and 412 of the act, does not find the following resolutions, incorporated in the agreements indicated, to be adverse to the public interest or in violation of the act provided that approval is subject, where applicable, to conditions previously imposed by the Board:

IATA No.	Title	Application
Agreement CAB: 27217—R-2.....	250 Sleeper Surcharge (Readopting and Amending).	3/1
27234.....	IATA Resolution 100, 200, 300 (Mail 211)021LL.	
27235.....	IATA Resolution 200, JT12, JT23, JT123 (Mail 221)002m.	

Accordingly, it is ordered, That: Agreements CAB 27217, R-2, CAB 27234 and CAB 27235 are approved subject, where applicable, to conditions previously imposed by the Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,¹
Secretary.

[FR Doc. 78-16310 Filed 6-12-78; 8:45 am]

[3510-24]

DEPARTMENT OF COMMERCE

Economic Development Administration

EICO ELECTRONIC INSTRUMENT CO., INC., ET AL.

Petitions for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions were accepted for filing from three firms: (1) Eico Electronic

¹All Members concurred.

Instrument Co., Inc., 108 New South Road, Hicksville, N.Y. 11801, a producer of electronic testing instruments and security devices (accepted June 5, 1978); (2) Specialty Bolt & Screw Manufacturing Co., P.O. Box 473, Cleveland, Ohio 44127, a producer of screws and bolts (accepted June 7, 1978); and (3) Hill Fastener Corp., P.O. Box 399, Rock Falls, Ill. 61071, a producer of screws and nuts (accepted June 7, 1978). The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (Pub. L. 93-618) and section 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business June 23, 1978.

CHARLES L. SMITH,
Acting Chief, Trade Act Certification Division, Office of Planning and Program Support.

[FR Doc. 78-16315 Filed 6-12-78; 8:45 am]

[3510-03]

Maritime Administration

[Docket No. S-613]

ZAPATA PRODUCTS TANKERS, INC.

Application

Zapata Products Tankers, Inc. (Zapata) is the holder of a long-term operating-differential subsidy agreement under which it operates four 35,000 DWT tankers, built with construction-differential subsidy, in the worldwide bulk trade. By application of June 1, 1978, attorneys for the Zapata requested certain Maritime Administration approvals in connection with Zapata's desire to offer tankers to the Military Sealift Command (MSC) for a six-month consecutive voyage charter. Zapata is requesting Maritime Administration approval for all four of its vessels, although Zapata believes that not more than one tanker would be under such MSC charter at any one time. The tendering date is July 1978.

Zapata does not have written permission under section 805(a) of the Merchant Marine Act, 1936, as amended (the Act), for its four tankers to engage in domestic trade. Inasmuch as the trading limits of the proposed charter are worldwide, the Zapata vessels could engage in domestic as well as foreign trade, although the MSC has indicated that domestic trading at maximum would occupy less than two months of the vessel's six-month charter period. Approval of the application under section 805(a) is required. Such written permission is necessary notwithstanding the fact that any operation of the vessel under MSC charter would not be eligible for operating-differential subsidy, and payback of construction-differential subsidy would be required pursuant to section 506 of the Act for such time as the vessel may engage in domestic trade.

Any person, firm, or corporation having any interest (within the mean-

ing of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) and desiring to submit comments or views concerning the application must, by close of business on June 19, 1978, file same with the Secretary, Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties withstanding to be heard, a hearing will be held, the purpose of which will be to receive evidence under section 805(a) relative to whether the proposed operations (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

By order of the Assistant Secretary for Maritime Affairs.

Dated: June 7, 1978.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 78-16241 Filed 6-12-78; 8:45 am]

[3510-04]

National Technical Information Service GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for \$0.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield Virginia 22161 for \$4 (\$8 outside North American Continent). Requests for copies of patent applications must include the Patent Application number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in

the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Information Service.

U.S. DEPARTMENT OF THE AIR FORCE, AF/JACP, 1900 Half Street SW., Washington, D.C. 20324.

Patent application 850,325: Thinned Withdrawal Weighted Surface Acoustic Wave Interdigital Transducers; filed Nov. 10, 1977.

Patent application 864,065: Junction-Storage JFET Bucket-Brigade Structure; filed Dec. 23, 1977.

Patent application 864,067: Nondestructive Testor for Fiberglass-Aluminum Honeycomb Structures; filed Dec. 23, 1977.

Patent application 865,269: Precision Antenna Alignment Procedure; filed Dec. 28, 1977.

Patent application 866,125: Simplified Plug-In Filter; filed Dec. 30, 1977.

Patent application 866,186: Communication System Beamport Sidelobe Canceller; filed Dec. 30, 1977.

Patent 4,070,655: Virtually Nonvolatile Static Random Access Memory Device; filed Nov. 5, 1976; patented Jan. 24, 1978; not available NTIS.

Patent 4,070,709: Piecewise Linear Predictive Coding System; filed Oct. 13, 1978; patented Jan. 24, 1978; not available NTIS.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements and Patent Branch, General Services Division, Federal Building, Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 775,228: Control of Nematodes and Other Helminths; filed Mar. 7, 1977.

Patent application 873,570: Process for Preparing Mixed Bean Salads; filed Jan. 30, 1978.

Patent application 873,573: Mini-Injector; filed Jan. 30, 1978.

Patent application 875,049: Attractant for Male Mediterranean Fruit Fly; filed Feb. 3, 1978.

Patent 4,066,792: Method of Producing Soybean Milk Yogurt; filed Sept. 22, 1976; patented Jan. 3, 1978; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20014.

Patent application 828,926: The Compounds, 4-Carboxyphthalato (1,2 Diaminocyclohexene) Platinum (II) and Alkali Metal Salts Thereof and its Use in Alleviating L1210 Murine Leukemia; filed Aug. 29, 1977.

Patent application 847,022: Parabolic Focusing Thermal Detector for Low Level Ultrasonic Power Measurements; filed Oct. 31, 1977.

U.S. DEPARTMENT OF THE NAVY, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 833,218: Safing a Fluoric Cartridge Initiator; filed Sept. 14, 1977.

Patent application 843,760: Solar Energy Window; filed Oct. 20, 1977.

Patent application 852,119: Underwater Self-Gripping Pile Cutting Device; filed Nov. 16, 1977.

Patent application 852,126: Photographic Image Enhancement by Photofission; filed Nov. 16, 1977.

Patent application 853,157: Fiber Optic Delay Line Filters; filed Nov. 21, 1977.

Patent application 853,777: Thoroidal Polisher; filed Nov. 21, 1977.

Patent application 859,837: Single Filament Fiber Optic Cable Parting Tool; filed Dec. 12, 1977.

Patent application 863,840: Cryogenic Refrigeration System; filed Dec. 23, 1977.

Patent application 864,417: Growth Technique for Preparing Graded Gap Semiconductors and Devices; filed Nov. 24, 1978.

Patent application 867,819: Radiolodine Detector Based on Laser Induced Fluorescence; filed Jan. 6, 1978.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546.

Patent application 858,596: Over-under Double-Pass Interferometer; filed Dec. 8, 1977.

Patent application 858,767: Clutter Free Synthetic Aperture Radar Correlator; filed Dec. 8, 1977.

Patent application 863,773: Method of Construction of a Multi-Cell Solar Array; filed Dec. 23, 1977.

Patent application 878,542: Microwave Dichroic Plate; filed Feb. 16, 1978.

Patent 3,359,568: Helmet Feedport; filed Mar. 30, 1966; patented Dec. 26, 1967; not available NTIS.

Patent 3,487,765: Protective Garment Ventilation System; filed Oct. 6, 1966; patented Jan. 6, 1970; not available NTIS.

Patent 3,488,771: Helmet Latching and Attaching Ring; filed Mar. 17, 1966; patented Jan. 13, 1970; not available NTIS.

Patent 3,490,074: Restraining Mechanism; filed Oct. 8, 1966; patented Jan. 20, 1970; not available NTIS.

Patent 3,908,118: Cross Correlation Anomaly Detection System; filed Feb. 27, 1973; patented Sept. 23, 1975; not available NTIS.

Patent 3,909,602: Automatic Visual Inspection System for Microelectronics; filed Sept. 27, 1973; patented Sept. 30, 1975; not available NTIS.

Patent 4,053,231: Interferometer Mirror Tilt Correcting System; filed Dec. 18, 1975; patented Oct. 11, 1977; not available NTIS.

Patent 4,055,041: Integrated Gas Turbine Engine-Nacelle; filed Nov. 3, 1975; patented Oct. 25, 1977; not available NTIS.

Patent 4,055,089: Semiconductor Projectile Impact Detector; filed Mar. 11, 1976; patented Oct. 25, 1977; not available NTIS.

Patent 4,055,147: Automatic Fluid Dispenser; filed Oct. 8, 1975; patented Oct. 25, 1977; not available NTIS.

Patent 4,055,777: Window Comparator; filed Nov. 2, 1976; patented Oct. 25, 1977; not available NTIS.

Patent 4,055,810: Independent Gain and Bandwidth Control of a Traveling Wave Maser; filed July 26, 1976; patented Oct. 25, 1977; not available NTIS.

Patent 4,065,053: Low Cost Solar Energy Collection System; filed July 24, 1975; patented Dec. 27, 1977; not available NTIS.

Patent 4,068,763: Wrist Joint Assembly; filed July 26, 1976; patented Jan. 17, 1978; not available NTIS.

Patent 4,069,661: Variable Mixer Propulsion Cycle; filed June 2, 1975; patented Jan. 24, 1978; not available NTIS.

Patent 4,070,574: Magnifying Image Intensifier; filed Apr. 28, 1976; patented Jan. 24, 1978; not available NTIS.

[FR Doc. 78-16242 Filed 6-12-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

ENERGY CONSERVATION PROGRAM FOR APPLIANCES

Request for Information

AGENCY: Department of Energy.

ACTION: Notice.

SUMMARY: The Department of Energy, by this notice, requests interested persons to submit information concerning certain specified issues involved with the manufacture, purchase, and use of major household appliances.

DATE: Comments by July 26, 1978.

ADDRESS: Comments to Office of Public Hearing Management, Box TR, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

James A. Smith, Office of Consumer Products, Room 307, Old Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

SUPPLEMENTARY INFORMATION: The energy conservation program for appliances was established pursuant to Title III, Part B of the Energy Policy and Conservation Act (Act) (Pub. L. 94-163), and is designed to encourage manufacturers to produce, and consumers to purchase, significantly more efficient appliances by 1980. This notice is directed to the named types of appliances covered by the act, which are: Refrigerators and refrigerator-freezers; freezers; dishwashers; clothes dryers; water heaters; room air conditioners; home heating equipment, not including furnaces; television sets; kitchen ranges and ovens; clothes washers; humidifiers and dehumidifiers; central air conditioners; and furnaces.

Because of its continuing responsibilities under this program, the Department of Energy (DOE) intends to improve and update its sources of information in order to insure its continuing access to current and relevant data. Specifically, DOE intends to compile certain new data regarding the manufacture, purchase and use of appliances. By this notice, DOE invites

interested parties to submit relevant written information covering the following four areas:

1. DOE is interested in receiving information concerning the number of presently covered appliances in use by households, the efficiency of those appliances (quantified and method of derivation explained), and average household use of those appliances, in terms of the number of loads per day, hours of use per day, average temperature setting, British thermal units (Btu's) consumed per day, or other appropriate measure. DOE's purpose in seeking this information is to assist its evaluation of current patterns of appliance energy consumption in consumer households.

2. DOE is presently evaluating a 1977 survey performed by Market Facts, Inc., concerning present levels of appliance ownership and consumer attitudes toward the purchase of more efficient appliances. DOE is soliciting public comments to aid DOE in its own evaluation of the survey. DOE is particularly interested in comments concerning the statistical validity of this survey, and the clarity of the questions asked in the survey. Copies of the survey are available at DOE's Freedom of Information Office, Room 2107, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

3. DOE has a variety of responsibilities under the Act which are related to the economic condition of the appliance industry. DOE accordingly intends to develop a questionnaire to collect information on the economic performance and financial posture of appliance manufacturers. DOE invites suggestions from interested persons concerning the design of the questionnaire. Comments are also sought on the information to be elicited by the questionnaire, such as profits, bond ratings, debt, and analysis of corporate balance sheets and income statements.

4. DOE also invites any further public comments to aid in DOE's reevaluation of its technological and economic methodology described in 42 FR 36648, July 13, 1977. This effort reflects DOE's awareness that its methodology bears periodic reexamination and improvement wherever possible.

Comments should be sent to the Office of Public Hearing Management, Box TR, Department of Energy, Room 2313, 2000 M Street NW., Washington, D.C. 20461. Comments should be identified on the outside of the envelope and on documents submitted to DOE with the designation "Household Appliance Data and Analysis." Fifteen copies should be submitted. All comments received by July 26, 1978, before 4:30 p.m., e.d.t., will be considered.

Any information or data considered by the person furnishing it to be confi-

dential must be so identified and submitted in writing, one copy only. DOE reserves the right to determine the confidential status of that information or data and to treat it accordingly.

WILLIAM P. DAVIS,
Deputy Director
of Administration.

[FR Doc. 78-16293 Filed 6-12-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission
(Docket No. CP78-342)

COLORADO INTERSTATE GAS CO.

Application

JUNE 5, 1978.

Take notice that on May 22, 1978, Colorado Interstate Gas Co. (Applicant), P.O. Box 1087, Colorado Springs, Colo. 80944, filed in docket No. CP78-342 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon its Little Polecat purchase meter station and a 450-horsepower compressor all located in Park County, Wyo., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant indicates that the subject gas purchase facilities were constructed pursuant to its budget-type authorization issued in docket No. CP72-209, and that these facilities were installed to receive natural gas from two wells controlled by Amoco. Applicant further indicates that since November 1975, the metering and compressor facilities have been idle, and that this situation encourages vandalism. As a result, the equipment has suffered some damage. Consequently, Applicant proposes to abandon, salvage, and return to stock the subject facilities. No change in service to Applicant's customers would result because of the proposed abandonment, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 27, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and sub-

ject to the jurisdiction conferred upon the Federal Energy Regulatory Commission, sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

(FR Doc. 78-16284 Filed 6-12-78; 8:45 am)

[6740-02]

[Docket No. RI78-55]

EARL T. SMITH & ASSOCIATES, INC.

Petition For Special Relief

JUNE 5, 1978.

Take notice that on April 24, 1978, Earl T. Smith & Associates, Inc. (Smith), 501 Amarillo National Bank Building, P.O. Box 9600, Amarillo, Tex. 79105, filed a petition for special relief pursuant to 18 CFR §2.76 requesting a rate of 85.52 cents per Mcf at 14.65 psia for the sale of its gas from the Barker No. 1-36L well in Beaver County, Okla., to Northern Natural Gas Co. This sale is presently being made pursuant to a contract dated November 18, 1963 under Smith's certificate issued in docket No. CS71-31 and rate schedule No. 4 at a rate of 19 cents per Mcf at 14.65 psia.

Smith states that price relief is necessary in order to purchase, install and

operate compression equipment at an initial cost of \$85,000. Smith's well being presently unable to produce natural gas in commercial quantities against the existing pressure of Northern's gathering line. Smith estimates that the remaining recoverable gas from the well's spacing unit, which will result from the installation of the additional facilities, in 366,271 Mcf.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 27, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

(FR Doc. 78-16285 Filed 6-12-78; 8:45 am)

[6740-02]

[Docket Nos. G-3721, et al.]

GETTY OIL COMPANY, ET AL.

Applications For Certificates, Abandonment of Service and Petitions To Amend Certificates¹

JUNE 2, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 29, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
G-3721, D, May 17, 1978	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Texas Eastern Transmission Corp., G. T. Roberts lease, South Tuleta field, Bee County, Tex.	Deleted to the extent that continuation of service is unwarranted, plugged and abandoned.	
G-5985, C, May 18, 1978	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	Mississippi River Transmission Corp., J. H. Mathewes No. 2 well (limited to production from the Houston Sand) located in sec. 29-19N-2W, North Ruston field, Lincoln Parish, La.	(¹)	15.025
O-8817, et al. D, May 15, 1978.	Chevron U.S.A. Inc., P.O. Box 7643, San Francisco, Calif. 94120.	Tennessee Gas Pipeline Co., various fields and various counties in Louisiana.	Certain leases relinquished.	
G-10012, D, May 17, 1978	Coastal States Gas Producing Co., 5 Greenway Plaza East, Houston, Tex. 77048.	Trunkline Gas Co., Hidalgo field area, Hidalgo County, Tex.	Reserves depleted, wells plugged and abandoned and leases expired by their own terms.	
CI68-466, D, May 15, 1978	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	Transcontinental Gas Pipe Line Corp., Cameron SU "B" C. P. Zaumbrecher, No. A-1 well, SE. Gueydan field, Vermillion Parish, La.	(¹)	

FEDERAL REGISTER, VOL. 43, NO. 114—TUESDAY, JUNE 13, 1978

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
CI75-633, C, May 22, 1978	MRT Exploration Co., 9900 Clayton Rd., St. Louis, Mo. 63124.	Mississippi River Transmission Corp., T. O. Narramore unit, Waskom field, Harrison County, Tex.	(¹)	14.65
CI77-110, C, Apr. 7, 1978	Cities Service Co., P.O. Box 300, Tulsa, Okla. 74102.	Panhandle Eastern Pipe Line Co., Christensen "B" No. 1 and Federal "AR" No. 1 wells in Campbell County, Wyo. and Federal "AH" No. 1, Federal "AH" No. 2 and Federal "AH" No. 3 wells in Johnson County, Wyo., limited to casinghead gas of the Shannon formation.	(¹)	15.025
CI77-311, A, Dec. 19, 1977	Coastal States Gas Producing Co. (operator) et al.	Trunkline Gas Co., Alta Loma field, Galveston County, Tex.	(¹)	14.65
CI77-593, C, May 24, 1978	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Panhandle Eastern Pipe Line Co., certain acreage located in Campbell County, Wyo.	(¹)	15.025
CI78-394, C, May 15, 1978	Amoco Production Co.	El Paso Natural Gas Co., Choza Mesa field, Rio Arriba County, N. Mex.	(¹)	14.65
CI78-400, C, May 22, 1975	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., certain acreage located in the Blanco field, San Juan County, N. Mex.	(¹)	15.025
CI78-772, A, May 12, 1978	Elf Aquitaine, Inc., 950 Threadneedle, suite 200, Houston, Tex. 77079.	El Paso Natural Gas Co., certain acreage in the Nipp field, San Juan County, N. Mex.	(¹)	14.73
CI78-773, A, May 15, 1978	Transco Exploration Co., P.O. Box 1398, Houston, Tex. 77001.	Transcontinental Gas Pipe Line Corp., South Marsh Island area blocks 130 and 131, offshore, La.	(¹)	15.025
CI78-774, A, May 16, 1978	Florida Gas Exploration Co., P.O. Box 44, Winter Park, Fla. 32790.	Florida Gas Transmission Co., Oakvale field area unit 6-6 well, Jefferson Davis County, Miss.	(¹)	15.025
CI78-775 (CI70-1137), B, May 17, 1978.	Paleo, Inc., suite 205 May-Ex Bldg., 3022 NW. Expressway, Oklahoma City, Okla. 73112.	Equitable Gas Co., Arnett area, Braxton County, W. Va.	Bazze Gas Co.'s Litigation with Equitable Gas Co.	
CI78-776 (CI65-394), B, May 17, 1978.	Texaco, Inc., P.O. Box 2100, Denver, Colo. 80201.	El Paso Natural Gas Co., Cha Cha Gallup field, San Juan County, N. Mex.	Depleted, plugged and abandoned.	
CI78-777, A, May 17, 1978	Ocean Production Co., et al. P.O. Box 61780, New Orleans, La. 70161.	Michigan Wisconsin Pipe Line Co., blocks A-332 and A-327, High Island area, in the Gulf of Mexico, offshore, Tex.	(¹)	14.73
CI78-778, A, May 18, 1978	American Petrofina Co. of Texas (operator), et al P.O. Box 2159, Dallas, Tex. 75221.	Tranco Gas Supply Co., West Cameron area, block 436 field, offshore, La.	(¹)	14.73
CI78-779, A, May 18, 1978	Cotton Petroleum Corp., 4200 1 Williams Center, Tulsa, Okla. 74103.	El Paso Natural Gas Co., certain acreage in the Amacker-Tippett field, Upton County, Tex., limited to the Wolfcamp and Strawn formations.	(¹)	14.65
CI78-780, A, May 18, 1978	Cotton Petroleum Corp.	El Paso Natural Gas Co., certain acreage in the Eldson field, Lea County, N. Mex., limited to the Morrow formation.	(¹)	14.65
CI78-781, A, May 18, 1978	American Petrofina Co. of Texas	Northern Natural Gas Co., blocks A-502, A-513, A-533, A-534, and A-571, High Island area, south addition; blocks A-297, A-298, and A-304 High Island area, east addition, south extension; and block A-130, Galveston area, south addition, all offshore, Tex336(¹).		14.73
CI78-788, (CI69-1146), B, May 15, 1978.	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Transwestern Pipeline Co., Henderson Deep unit, Winkler County, Tex.	Ceased production, plugged and abandoned and leases released.	
CI78-789, A, May 15, 1978	Mesa Petroleum Co., P.O. Box 2009, Amarillo, Tex. 79189.	El Paso Natural Gas Co., Blanco-Pictured Cliffs field, San Juan County, N. Mex.	(¹)	15.025
CI78-791 (G-13968), B, May 17, 1978.	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	El Paso Natural Gas Co., Crosby-Devonian field, Lea County, N. Mex.	Leases under contract are nonproductive and have been released and gas purchase contract has been terminated.	
CI78-792, A, May 18, 1978	Cotton Petroleum Corp., 4200 One Williams Center, Tulsa, Okla. 74103.	Northern Natural Gas Co., certain acreage in the Hansford and Lipscomb Counties, Tex.	(¹)	14.65
CI78-793, A, May 18, 1978	Cotton Petroleum Corp.	Northern Natural Gas Co., certain acreage in Hansford County, Tex.	(¹)	14.65
CI78-794, A, May 18, 1978	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., West Cameron area, offshore, La.	(¹)	15.025
CI78-795, A, May 18, 1978	Cotton Petroleum Corp.	Arkansas Oklahoma Gas Corp., certain acreage in the Paw Paw field, Sequoyah County, Okla.	(¹)	14.65
CI78-796, A, May 18, 1978	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	El Paso Natural Gas Co., certain acreage in the White City Penn field, Eddy County, N. Mex., limited to the Morrow formation.	(¹)	14.65
CI78-797, A, May 19, 1978	Mobil Oil Corp., 3 Greenway Plaza East, suite 800, Houston, Tex. 77048.	Natural Gas Pipeline Co. of America, certain acreage in the Tomball field, Harris County, Tex.	(¹)	14.65
CI78-798, A, May 21, 1978	Monsanto Co., 1300 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77056.	Natural Gas Pipeline Co., Morrow formation underlying the Mayer No. 1 well located in sec. 24-T20S-R24E in Eddy County, N. Mex. and limited as to depth to the interval between 9,330 ft. and 9,355 ft. as shown on Compensated Neutron Density Log dated Aug. 14, 1977, on the Mayer No. 1 well.	(¹)	14.65
CI78-799, A, May 21, 1978	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	Michigan Wisconsin Pipe Line Co., West Cameron area, offshore, La.	(¹)	15.025
CI78-800 (G-11899), B, May 22, 1978.	C. F. Abendroth, suite 1500, Beck Bldg., Shreveport, La. 71101.	Trunkline Gas Co., San Salvador (7,900 ft) Sand, Hidalgo County, Tex.	(¹)	

FEDERAL REGISTER, VOL. 43, NO. 114—TUESDAY, JUNE 13, 1978

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
CS78-801(G-11899), B, May 22, 1978.	J. T. Palmer, suite 1500, Beck Bldg., Shreveport, La. 71101.	.....do.....	(*)	.....

*Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.
 *Ceased production Dec. 5, 1978, plugged and abandoned June 15, 1977. There were no economically recoverable reserves remaining and lease expired to the extent of 0.96 acre.
 *On Apr. 14, 1977, Trunkline filed a proposed form of gas purchase contract which was renegotiated and the resulting contract filed about Dec. 12, 1977.
 *Applicant is filing under Gas Purchase Contract, dated Jan. 6, 1978, amended by amendment dated Apr. 15, 1978.
 *Applicant is filing under Gas Purchase Contract, dated Jan. 6, 1978, amended by amendment dated Apr. 22, 1978.
 *Applicant is willing to accept the applicable national rates pursuant to opinion Nos. 749-C and 770-A, as amended.
 *Applicant is filing under Gas Purchase Contract dated Mar. 1, 1978.
 *Reservoir depleted, last sales made was January 1971, plugged and abandoned Feb. 13, 1971, lease expired and reverted to owners. To owners knowledge, there are no recoverable reserves and there has not been additional exploratory efforts in the area and the lease was dropped and no additional activity will be undertaken by the owner.
 Filing code: A—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Succession. F—Partial succession.

[FR Doc. 78-16100 Filed 6-12-78; 8:45 am]

[6740-02]

[Docket No. RI78-59]
GIBSON DRILLING CO.
 Petition For Special Relief

JUNE 5, 1978.

Take notice that on May 1, 1978, Gibson Drilling Co. (Petitioner), P.O. Drawer 1540, Kilgore, Tex. filed a petition for special relief in Docket No. RI78-59 pursuant to section 2.76 of the Commission's General Policy and Interpretations (18 CFR § 2.76) for the sale of natural gas from W. M. Tate 699.36 Ac. Gas Unit, Penn-Griffith (Pettit) Field, Rusk County, Tex. to Natural Gas Pipe Line Co. of America. Petitioner currently receives 35 cents per Mcf and requests a rate of \$1.75 per Mcf for the sale of said gas. Petitioner plans to rework said well but without special relief, abandonment will result.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 27, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing, therein, must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
 Secretary.

[FR Doc. 78-16286 Filed 6-12-78; 8:45 am]

[6740-02]

[Docket Nos. CS78-445, et al.]
GRAND BANKS ENERGY CO., ET AL.
 Applications for "Small Producer" Certificates¹
 JUNE 2, 1978.

Take notice that each of the Applicants listed herein has filed an appli-

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

cation pursuant to Section 7(c) of the Natural Gas Act and Section 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 30, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
 Secretary.

Docket No., Date Filed, and Applicant

CS78-445, May 11, 1978, Grand Banks Energy Co., 600 Gihls Tower West, Midland, Tex. 79701.
 CS78-446, May 11, 1978, Field Drilling Co., 930 Milam Bldg., San Antonio, Tex. 78205.
 CS78-447, May 11, 1978, Homestake Oil & Gas Co., Sunburst, Mont. 59482.
 CS78-448, May 11, 1978, DS Gas Associates, Star Route 1, Box 29, Walton, W. Va. 25286.
 CS78-449, May 11, 1978, Lomax Exploration Co., 256 North Belt East, Suite 252, Houston, Tex. 77060.
 CS78-450, May 12, 1978, Buttonwood Petroleum, Inc., 320 South Boston—Suite 2010, Tulsa, Okla. 74103.
 CS78-451, May 12, 1978, SCG Gas Quest, Inc., 880 Broad Street, Bridgeport, Conn. 06609.
 CS78-452, May 12, 1978, James Noel, 515 Rusk, Room 10501, Houston, Tex. 77002.
 CS78-453, May 12, 1978, Martha B. Bernhard & C. Melvin, Bernhard, 2511 Poplar Crest Road, Louisville, Ky. 40207.
 CS78-454, May 15, 1978, Michael H. Walsh, 508 Empire Savings Bldg., 650-17th St., Denver, Colo. 80202.
 CS78-455, May 15, 1978, Meritt B. Chastain, Jr., 717 Commercial Natl. Bank Bldg., Shreveport, La. 71101.
 CS78-456, May 15, 1978, Mote Resources, Inc., 330 Meadows Bldg., Dallas, Tex. 75208.
 CS78-457, May 16, 1978, John Henry Reetz, Jr., 222 E. 27th St., Apt. No. 3, New York, N.Y. 10016.
 CS78-458, May 16, 1978, Lowry's Lease Management, Inc., P.O. Box 1578, Liberal, Kans. 67901.
 CS78-459, May 16, 1978, Marden Producing Co., P.O. Box 2470, Evergreen, Colo. 80429.
 CS78-460, May 18, 1978, Illini Gas Co., Inc., P.O. Box 3245, Springfield, Ill. 62701.
 CS78-461, May 17, 1978, E. W. Roberts & Monita I. Roberts, (Husband & Wife) d.b.a. ** R. & R. Gas Co., P.O. Box 2241, Kansas City, Kans. 66110.
 CS78-462, May 17, 1978, Irvin Abell Jr. M.D., Mockingbird Valley Road, Louisville, Ky. 40207.
 CS78-463, May 17, 1978, T. C. Craighead & Co., P.O. Box 576, Ardmore, Okla. 73401.
 CS78-464, May 17, 1978, The First National Bank of Santa Fe, Trustee U/A Lamar Lunt, P-273, P.O. Box 609, Santa Fe, N. Mex. 87501.
 CS78-465, May 18, 1978, Escott & Ballinger, P.O. Box 864, Nowata, Okla. 74048.
 CS78-466, May 18, 1978, Jim T. Smith, Route 5, Box 181, Claremore, Okla. 74017.
 CS78-467, May 18, 1978, Matt Insalaco, P.O. Box 762, Nowata, Okla. 74048.

CS78-468, May 18, 1978, Golden Eagle Energy of Oklahoma, Inc., P.O. Box 913, Nowata, Okla. 74048.
 CS78-469, May 21, 1978, B. G. Byars Estate, 624 Citizens 1st Natl. Bank Bldg., Tyler, Tex. 75702.
 CS78-470, May 22, 1978, James P. Riggs, Box 33, Fredericksburg, Tex. 78624.
 CS78-471, May 22, 1978, Charles W. Young and Carl B. Young, d.b.a. Villing Oil & Gas Co., Bomont, W. Va. 25030.
 CS78-472 May 22, 1978, William F. Grauten, 1432 Denver Club Bldg., Denver, Colo. 80202.
 CS78-473, May 24, 1978, Gene Stainaker, Inc., Box 9, Letter Gap, W. Va. 25255.
 CS78-474, May 24, 1978, Sigma Energy Corp., 6440 North Central Expressway, Dallas, Tex. 75206.
 CS78-475, May 25, 1978, Louis A. Gaz, 612 S. Bermont Ave., Lafayette, Colo. 80026.
 [FR Doc. 78-16099 Filed 6-12-78; 8:45 am]

[6740-02]

[Docket Nos. RI77-124 et al.]

THE MAURICE L. BROWN CO.

Order Granting Special Relief and Permitting Intervention

JUNE 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the functions under the DOE Act and regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC" 10 CFR—, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

During the month of September, 1977,¹ The Maurice L. Brown Co. (Brown), a small producer, filed petitions for special relief in the above-captioned dockets pursuant to section 2.76 of the Commission's² Statements of General Policy and Interpretations. In all the petitions filed except that in Docket No. RI77-125, Brown requests authorization to charge and collect rates ranging from 97.45 cents per Mcf to 194.03 cents per Mcf for sales of gas from wells located in the Bethany Field, Harrison and Panola Counties, Tex. to United Gas Pipe Line Co. (United). In Docket No. RI77-125, Brown as operator, requests a rate increase to 97.45 cents per Mcf for the sale of the 100 percent working interest of Leslie Oil and Gas Co. (Leslie) in production from the Strackeljohn Gas Unit No. 1, Finney County, Kans. to Northern Natural Gas Co. (Northern).

Notices of Brown's petitions for special relief were issued by the Commission³ and were published in the FEDERAL REGISTER. United filed timely petitions to intervene in all the original petitions for special relief in which United was the purchaser. In those instances in which amended petitions were filed, they were noticed by the Commission and published in the FEDERAL REGISTER.⁴

Except for the gas covered by Docket No. RI77-125, the sales of the subject gas are being made pursuant to Brown's small producer certificate issued in Docket No. CS72-950 under a contract with United dated July 16, 1974. The gas dedicated to Northern in Docket No. RI77-125 is being sold pursuant to Leslie's small producer certificate issued in Docket No. CS73-472 under a contract dated April 30, 1955. Only the petition filed in Docket No. RI77-127 qualifies for special relief

¹Brown's petitions for special relief in Docket Nos. RI77-124 and RI77-125 were filed on September 1, 1977; the petitions for special relief in Docket Nos. RI77-126 and RI77-127 were filed on September 6, 1977; petition for special relief in Docket No. RI77-130 was filed on September 9, 1977, and the petition for special relief in Docket No. RI77-135 was filed on September 19, 1977.

²Prior to October 1, 1977, "The Commission" refers to the Federal Power Commission; subsequent thereto, it refers to the Federal Energy Regulatory Commission.

³RI77-124—Notice of petition issued on Sept. 30, 1977; RI77-125—Notice of petition issued on Sept. 30, 1977; RI77-126—Notice of petition issued on Sept. 29, 1977; RI77-127—Notice of petition issued on Sept. 28, 1977; RI77-130—Notice of petition issued on Sept. 29, 1977; RI77-135—Notice of petition issued on Oct. 19, 1977.

⁴RI77-124—Notice of amended petition issued on Feb. 7, 1978; RI77-125—Notice of amended petition issued on Feb. 7, 1978; RI77-127—Notice of amended petition issued on Feb. 17, 1978; RI77-130—Notice of amended petition issued on Feb. 14, 1978.

pursuant to section 2.76 since this is the only petition in which Brown proposes any additional investment. The remaining petitions qualify for treatment pursuant to section 2.56b(h), out-of-pocket costs.

DOCKET NO. RI77-124

On January 31, 1978, Brown filed an amended petition requesting \$1.2074 per Mcf⁵ for gas from the Sneed Gas Units Nos. 1 and 2, Harrison County, Tex.

Brown states that it is uneconomical to continue producing gas from the Sneed Gas Units No. 1 and 2 at the current base rate of 70 cents per Mcf. Although no new investment is proposed, Brown avers that special relief is necessary to avoid premature abandonment of the estimated gross remaining reserves of 107,462 Mcf recoverable over the remaining seven year productive life. Based on data filed by the Applicant, it is estimated that operating expenses will total \$103,049 over the seven year remaining life. Staff has conducted an out-of-pocket cost study, utilizing the above costs and reserves. The results of this study indicate that Brown's requested rate of \$1.2074 per Mcf is cost supported.

DOCKET NO. RI77-126

Brown requests the authority to charge \$1.9403 per Mcf⁶ for gas from the Ruby Russel Gas Unit No. 1, Harrison County, Tex.

Although no new investment is proposed, Brown contends that special relief is necessary to avoid premature abandonment of the estimated remaining gross reserves of 43,788 Mcf recoverable over the remaining ten year productive life. Based on data filed by Brown, it is estimated that operating expenses will total \$72,316 over the ten year remaining life. Staff has conducted an out-of-pocket cost study utilizing the above costs and reserves. The results of this study indicate that the requested rate of \$1.9403 per Mcf is cost supported.

DOCKET NO. RI77-127

On January 31, 1978, Brown filed an amended petition requesting \$1.2931 per Mcf⁷ for gas from the Blocker-Fultz Gas Unit No. 1, Harrison County, Tex.

⁵In their original petition, Brown requested a rate of \$1.8469 per Mcf for the sale of this gas. The present rate collected for said gas is 70 cents per Mcf.

⁶The current base rate for said gas is 70 cents per Mcf.

⁷In their original petition, Brown requested a rate of \$1.5986 per Mcf for the sale of this gas. The current base rate collected for said gas is 70 cents per Mcf.

Applicant proposes to workover the subject well at a total investment of \$21,560. It is anticipated that the expenditure will enable Brown to recover the remaining estimated 134,533 Mcf of gross reserves over the estimated ten year productive life. Based on data filed by the Applicants, Staff has determined that Brown has no remaining net book investment. Staff examined Applicant's current and historical operating expenses and estimated future expenses will total \$86,938 over the ten years of estimated life remaining. Staff employed the above costs and reserves in a traditional cost study. The results of this study indicate that the requested rate of \$1.2931 is cost supported.

DOCKET NO. RI77-130

On January 31, 1978, Brown filed an amended petition requesting \$1.3257 per Mcf⁹ for gas from the Newton-Whiteside Gas Unit No. 1, Harrison County, Tex.

Brown states that it is uneconomical to continue producing gas from the Newton-Whiteside Gas Unit No. 1 at the current base rate of 70 cents per Mcf. Although no new investment is proposed, Applicant asserts that special relief is necessary to avoid premature abandonment of the estimated gross remaining reserves of 87,600 Mcf of gas and 451 Bbls. of liquids producible over the estimated ten year productive life. Based on data filed by the Applicants, it is estimated that operating expenses will total \$79,478 over the ten year remaining life. Staff has conducted an out-of-pocket cost study utilizing the above costs and reserves. The results of this study indicate that the requested rate of \$1.3257 per Mcf is cost supported.

DOCKET NO. RI77-135

Brown requests the authority to charge \$1.3394 per Mcf⁹ for gas from the Furrh-Cooper Gas Unit No. 1, Panola County, Tex.

Although no new investment is proposed, Brown avers that special relief is necessary to avoid premature abandonment of the estimated gross remaining reserves of 24,090 Mcf recoverable over the remaining four year productive life. Based on data filed by Brown, it is estimated that operating expenses will total \$30,675 over the four year remaining life. Staff has conducted an out-of-pocket cost study utilizing the above costs and reserves. The results indicate that the requested rate of \$1.3394 per Mcf is cost supported.

⁹In their original petition, Brown requested a rate of \$2.333 per Mcf for the sale of this gas.

¹⁰The current base rate for said gas is 70 cents per Mcf.

DOCKET NO. RI77-125

On January 31, 1978, Brown filed an amended petition for Leslie requesting 97.45 cents per Mcf¹⁰ for gas from the Strackeljohn Gas Unit No. 1, Finney County, Kans. to Northern Natural Gas Co. (Northern).

Brown operates the subject well for Leslie and states that it is uneconomical to continue producing gas from the Strackeljohn Gas Unit No. 1 at the current rate of 27.29 cents per Mcf. Applicant contends that special relief is necessary to avoid premature abandonment of the estimated gross remaining reserves of 54,212 Mcf producible over the estimated nine years of productive life. Based on data filed by Brown, it is estimated that operating expenses will total \$40,187 over the nine year remaining life. Staff has conducted an out-of-pocket cost study utilizing the above costs and reserves. The results of this study indicated that the requested rate is supported.

GENERAL

Upon consideration of the data submitted in the above-mentioned dockets and Staff's analysis thereof, we conclude that Brown's petitions for special relief should be granted.

The Commission finds: The petitions for special relief filed by Brown in Docket Nos. RI77-124, RI77-125, RI77-126, RI77-130 and RI77-135 meet the criteria set forth in section 2.56(b)(h) of the Commission's General Policy and Interpretations. The petition for special relief filed by Brown in Docket No. RI77-127 meets the criteria set forth in section 2.76 of the Commission's General Policy and Interpretations.

The Commission orders: (A) The petitions for special relief filed by Brown in Docket Nos. RI77-128 and RI77-135 are granted. The amended petitions for special relief filed by Brown in Docket Nos. RI77-124, RI77-125, RI77-127, and RI77-130 are granted.

(B) Brown is authorized to collect the following rates at 14.65 psia for the sale of gas to United:

Sneed No. 1 Well, 120.74 cents per Mcf.
Sneed No. 2 Well, 120.74 cents per Mcf.
Ruby Russel No. 1 Well, 194.03 cents per Mcf.
Blocker-Fultz No. 1 Well, 129.31 cents per Mcf.
Newton-Whiteside No. 1 Well, 132.57 cents per Mcf.
Furrh-Cooper No. 1 Well, 133.94 per Mcf.

Brown is authorized to collect the following rate at 14.65 psia for the sale of gas to Northern:

Strackeljohn No. 1 Well, 97.45 cents per Mcf.

(C) The rate authorized in Ordering Paragraph (B) above for the Blocker-

¹⁰Applicant requested \$1.5879 per Mcf in its original petition for special relief.

Fultz No. 1 well is effective as of the date of this order or the date of the completion of the proposed work, whichever is later, subject to the following conditions: Brown must file, within 30 days of the effective date, a statement signed by United setting forth the date the proposed work has to be completed to its satisfaction and subject to the conditions set forth in Paragraph (e), below;

(D) The rates authorized in Ordering Paragraph (B) above for the Sneed No. 1, Sneed No. 2, Strackeljohn No. 1, Ruby Russel No. 1, Newton-Whiteside No. 1, and Furrh-Cooper No. 1 are effective as of the date of this order, subject to the conditions set forth in Paragraph (E) below;

(E) Within 30 days of the date of issuance of this order, Brown must file (1) an amended contract signed by Brown and United providing for the payment of the rate approved and (2) a notice of independent producer rate change for each well for which special relief is hereby granted.

(F) United is permitted to intervene in the above-entitled proceeding, subject to the Rules and Regulations of the Commission; *Provided, however*, that its participation shall be limited to matters affecting asserted rights and interests specifically set forth in its petition for leave to intervene; and *Provided, further*, that the admission of United in the manner provided shall not be construed as recognition by the Commission that United might be aggrieved because of any order or orders entered in this proceeding, and that United agrees to accept the record as it now stands.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-16292 Filed 6-12-78; 8:45 am]

[6740-02]

[Docket No. CI77-497 et al.]

MESA PETROLEUM CO, ET AL.

Order Amending Prior Order To Rescind Escrow Requirement and Permit Collection of National Rate and Dismissing Application for Rehearing

ISSUED JUNE 6, 1978.

On November 16, 1977, we issued an order in these proceedings granting Mesa Petroleum Co. (Mesa) a certificate of public convenience and necessity to sell gas to Tennessee Gas Pipeline Co. (Tennessee) from Block 31, South Timbalier Area offshore Louisiana (Federal Domain) at the national rate provided in Opinion No. 770, as amended. Such order provided, *inter alia*, that this rate be reduced by a carrying charge for certain advance payments made by Tennessee to Mesa at

tributable to Block 31.¹ On December 16, 1977, Mesa filed an application for rehearing of the November 16 order, (1) objecting to imposition of the carrying charge, and in the alternative, if (1) is denied, (2) requesting greater specificity regarding such carrying charge. On January 16, 1977, we granted rehearing solely for purposes of further consideration.

On March 8, 1978, Mesa filed an amendment to its application for rehearing stating that it and Tennessee have reached "an agreement under which Tennessee has agreed not to include in its rate base either the installment advance payments currently in question or any future installment advance payments required under their existing advance payment agreement."

Similarly, on April 17, 1978, Tennessee filed a response to our November 16, 1977, order in which it stated:

Subsequent to the November 16, 1977, order, Tennessee and Mesa entered into negotiations to revise the advance payment agreement applicable to South Timbalier 31. Those negotiations resulted in an amendment to the advance payment agreement² and conversion of post-November 5, 1976, advance payments to Mesa into a nonjurisdictional loan by Tennessee to Mesa. Tennessee also agreed to remove from its rate base any amounts advanced to Mesa since November 5, 1976.³

Based on the foregoing, both Mesa and Tennessee request that we amend our November 16 order to rescind all conditions therein relating to the imposition of a carrying charge credit on sales by Mesa from South Timbalier 31.

The actions of the parties described above obviate the need for any carrying charges to be deducted from the purchase gas costs payable by Tennessee for gas certificated in this proceeding and for Tennessee to escrow any portion of such costs.

The Commission orders: (A) Based on the actions of the parties set out in the body of this order, our order herein issued November 16, 1977, is hereby amended to rescind the following portions thereof:

(1) The last phrase or Ordering Paragraph (A) which reads "and further subject to Paragraph (B) below."

¹Under Opinion No. 770-A, slip op. at 149-153, a producer is required to reduce the price for gas committed under any advance payment made on or after 1 p.m., e.s.t., November 5, 1976, by the cost of the advance borne by consumers.

²Tennessee filed the amendment to the advance payment agreement with the Commission on March 15, 1978.

³Accordingly, the cost of service underlying the Stipulation and Agreement filed by Tennessee on February 24, 1978, in Docket Nos. RP75-13, et al. does not reflect the inclusion of the post-November 5, 1976, advances to Mesa in Tennessee's rate base, and Tennessee will not include such advance in its rate base in the final disposition of Docket No. RP77-62.

(2) All of Ordering Paragraph (B),
(3) All of Ordering Paragraph (C),
(4) All of Ordering Paragraph (F), and
(5) The last sentence of Ordering Paragraph (K).

(B) In all other respects, the terms and conditions of the order issued November 16, 1977, in Docket No. CI77-497, et al., remain in full force and effect.

(C) Mesa's application for rehearing herein, filed December 16, 1977, and amended March 8, 1978, is hereby dismissed as moot and this proceeding is terminated.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-16287 Filed 6-12-78; 8:45 am]

[6740-02]

[Docket No. CI78-704]

MITCHELL ENERGY CORP.

Petition for Declaratory Order

JUNE 5, 1978.

Take notice that on April 28, 1978, Mitchell Energy Corp. (Mitchell), 3900 One Shell Plaza, Houston, Tex. 77002 filed a petition for declaratory order pursuant to section 1.7(c) of the Commission's rules of practice and procedure. Mitchell is seeking to remove an uncertainty with regard to sales of gas from 17 wells in the Wise County area of Texas.

Specifically, Mitchell requests that the Commission issue an order finding that the natural gas produced by it from 17 wells in the Wise County area was not dedicated in interstate commerce to Natural Gas Pipeline Co. of America (Natural) under a 1954 gas purchase contract and certificate authorization issued to Mitchell in Docket No. G-4283, Opinion No. 299. Under the provisions of the gas contract, if a well did not meet certain standards and was rejected by Natural, the well and the surrounding acreage were released from the contractual provisions, allowing Mitchell to sell the production of these wells to third parties. Mitchell states that the 17 wells in question were never connected by Natural because of the distance from Natural's gathering system or the marginal producing characteristics of the wells.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 27, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in de-

termining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16288 Filed 6-12-78; 8:45 am]

[6740-02]

[Docket No. ER77-277]

PENNSYLVANIA POWER CO.

Order Denying Appeal From Ruling of Administrative Law Judge

ISSUED JUNE 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.¹

The "savings provisions" of section 705(b) of the DOE Act provide that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

The joint regulation adopted on October 1, 1977 by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

BACKGROUND

At issue in this order is the correctness of the February 9, 1978 ruling of the administrative law judge directing the Pennsylvania Boroughs² to

¹The "Commission" when used in the context of an action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

²The Boroughs of Ellwood City, Grove City, New Wilmington, Wampum and Zelienople, Pa., intervenors.

comply with a data request of the Pennsylvania Power Co. dated September 23, 1977. The data request consists of thirty-seven items and pertains primarily to the "price squeeze" issues raised by the Boroughs in their April 20, 1977 petition to intervene, which was granted by the FPC on September 2, 1977. The Boroughs filed their appeal on April 7, 1978, pursuant to Section 1.28 of the Rules of Practice and Procedure. Answers opposing the appeal were filed by Commission Staff Counsel and Penn on April 24, 1978, and April 26, 1978, respectively. To allow sufficient time for consideration of the Boroughs' appeal we issued a Notice of Intent to Act on May 5, 1978.³ On May 19, 1978, the Boroughs filed a Reply to the answers of Staff and Penn.

The present controversy arose out of Penn's filing on April 1, 1977 of a proposed wholesale rate increase of \$1,317,600 to its Municipal Resale Class customers (the five Boroughs). The prehearing conference began on September 20, 1977, and Penn submitted the data request in controversy on September 23, 1977. The Boroughs filed responses to the data request on November 10, 15 and 16, 1978. These responses are included as Appendices B, C and D to the Boroughs appeal. The Judge found that the responses were not adequate and ordered the production of documents and data as called for in the data request. The data request is included as Appendix A to the appeal.

DISCUSSION

Section 1.28(a) of the Rules of Practice and Procedure provides that appeals from rulings of an administrative law judge may not be taken "during the course of hearings or conferences except in extraordinary circumstances where prompt decision by the Commission is necessary to prevent detriment to the public interest."⁴ This Commission has repeatedly held that the burden upon the appellant in meeting the extraordinary circumstances requirement is "stringent."⁵ However, alleged serious disruption of service was found to constitute extraordinary circumstances in *Boston Edison Company*.⁶ In the instant

³Otherwise, the appeal would have been deemed denied by operation of law upon the expiration of 30 days after the filing. Section 1.28(c), Rules of Practice and Procedure.

⁴18 CFR § 1.28(a).

⁵Order Denying Appeal From Ruling of the Presiding Administrative Law Judge on Procedural Dates, *Commonwealth Edison Company*, Docket No. E-9002 (November 23, 1977); Order Granting Appeals From Evidentiary Ruling of Presiding Administrative Law Judge, *Older Tail Power Company*, Docket Nos. ER77-5 and E-8152 (April 13, 1978).

⁶Order Denying in Part and Granting in Part Appeal From Evidentiary Ruling of

appeal and at various times in the course of the February 9, 1978 prehearing conference, counsel for the Boroughs have argued that compliance with the judge's ruling would seriously hamper the ability of the Boroughs to provide uninterrupted service to their customers. Counsel have alleged that some of the Boroughs have only part-time assistance available for getting together the required data.⁷ In the context of this appeal, however, such circumstances are not extraordinary and would not seem to impose an unreasonable burden on the Boroughs. The administrative law judge has ordered that the Boroughs turn over to Penn the requested documents as they are developed in the course of the Boroughs' preparation of their own prima facie price squeeze case. He did not order the immediate production of documents.⁸ Parties cannot litigate complex price squeeze cases without undertaking burdens. We cannot say at this time that the judge's disposition of the matter is unfairly burdensome.

The only remaining factor which might constitute extraordinary circumstances is the Boroughs' argument that the judge's directive to comply with the data request prior to the filing of the Boroughs' prima facie case contravenes the principles and procedures set forth in Order No. 563.⁹ The thrust of Order No. 563 is toward the expedition of price squeeze cases. Although Order No. 563 does not expressly address the question raised by the Boroughs' appeal, close examination shows that nothing in Order No. 563 would preclude the discovery procedure ordered by the judge. Order No. 563 does not prevent an applicant utility from discovering an intervenor's documents prior to the filing of the intervenor's prima facie case. The Boroughs have not shown that their case will be prejudiced by compliance with the judge's ruling.

This disposition of the matter is in accord with our holding in *Boston Edison Company*, supra, p. 3, where we determined that the "Option to Produce Business Records" rule was available to the intervening Towns when the burden of deriving the requested information was substantially the same for both parties, by analogy to Rule 33(c) of the Federal Rules of Civil Procedure. We believe that at present there is a lesser burden upon the Boroughs, as they are in the process of preparing their prima facie case

Administrative Law Judge, *Boston Edison Company*, Docket No. ER76-90 (December 29, 1977).

⁷Tr. 253.

⁸Tr. 326.

⁹Order Prescribing a New Section 2.17 of the Commission's General Policy and Interpretations and Terminating Rulemaking, Docket No. RM76-29 (March 21, 1977).

and could easily comply with the judge's ruling.

The Commission finds: The Boroughs have not shown extraordinary circumstances which would justify consideration of their appeal.

The Commission orders: The appeal of the Pennsylvania Boroughs of Ellwood City, Grove City, New Wilmington, Wampum, and Zellenople from the February 9, 1978 ruling of the administrative law judge directing the Boroughs to comply with the Pennsylvania Power Co.'s September 23, 1977 data request is hereby denied.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

[FR Doc. 78-16289 Filed 6-12-78; 8:45 am]

[6740-02]

[Project No. 2729]

PRATTSVILLE PUMPED STORAGE PROJECT

Availability of Staff Draft Environmental Impact Statement

Applicant: Power Authority of the State of New York.

Notice is hereby given in the captioned project, that on or about June 13, 1978, as required by section 2.81(b) of Commission Order No. 415-C, a draft environmental impact statement prepared by the staff of the Federal Energy Regulatory Commission was made available for comments. This statement deals with the environmental impact of the proposed 1,000 MW Prattsville pumped storage project, located on Schoharie Creek, a tributary of the Mohawk River, in the towns of Gilboa and Conesville (Schoharie County), Prattsville (Greene County), and Roxbury (Delaware County), N.Y.

This statement has been circulated for comments to Federal, State, and local agencies, has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426, and at its New York regional office located at 26 Federal Plaza, New York, N.Y. 10007. Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426.

Any person who wishes to do so may file comments on the staff draft statement for the Commission's consideration. All comments must be filed on or before August 1, 1978.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to section 1.8 of the Commission's rules of practice and

subcontract, grant, subgrant, loan, or subloan where a facility listed would be utilized for the purposes of any such agreement.

The purpose of this notice is to remove from subpart 2 the facility of Velsicol Chemical Corp., Bayport, Tex. Pursuant to this authority, the Director, Office of Federal Activities, U.S. Environmental Protection Agency, certifies that the following fa-

procedure. Petitioners must also file timely comments on the draft statement in accordance with section 2.81(c) of Order No. 415-C.

All petitions to intervene must be filed on or before August 1, 1978.

KENNETH F. PLUMB,
Secretary

[FR Doc. 78-16469 Filed 6-12-78; 8:45 am]

[6740-02]

[Docket No. CP76-520]

TEXAS GAS TRANSMISSION CORP.

Petition To Amend

JUNE 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulations adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on May 17, 1978, Texas Gas Transmission Corp. (Petitioner), P.O. Box 1160, Owensboro, Ky. 42301, filed in Docket No. CP76-520 a petition to amend the order of December 22, 1976 (56 FPC —) issued by the Federal Power Commission in the instant docket pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) so as to authorize Petitioner to transport natural gas for The Ana-

conda Co., Wire and Cable Division (Anaconda) for an additional 2 year period, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that pursuant to the FPC order of December 22, 1976, Petitioner was authorized in the instant docket to transport, on an interruptible basis, and deliver a volume of natural gas to Louisville Gas and Electric Co. (Louisville) for ultimate delivery by Louisville to the La Grange Plant of Anaconda, which plant is located in La Grange, Ky. It is further indicated that the natural gas which Petitioner is presently transporting for Anaconda is produced from certain leasehold interests presently owned or controlled by Par Oil Corp. (Par) in the Athens Field, Claiborne Parish, La. Anaconda's gas purchase contract will expire by its own terms on June 30, 1978, it is said.

Pursuant to an agreement dated April 17, 1978, between Petitioner and Anaconda, Petitioner has agreed to provide transportation for Anaconda for an extended 2-year term. Petitioner states that the volumes of natural gas which it proposes to transport for Anaconda for the extended term, commencing July 1, 1978, would be supplied by the American Producing Division of Atlantic Richfield Co. (Atlantic Richfield) under an intercompany-transfer arrangement. The subject gas would be produced from the Katy Field, located in Waller, Harris, and Ft. Bend Counties, Tex. Anaconda is a wholly-owned subsidiary of Atlantic Richfield. It is stated that such gas would be delivered to Petitioner for Anaconda's account by Transcontinental Gas Pipe Line Corp. (Transco), at an existing point of exchange between Petitioner and Transco, located near Mamou, Evangeline Parish, La., or at other mutually agreeable existing points of exchange between Petitioner and Transco. Petitioner indicates that it would simultaneously redeliver the volumes of gas received from Transco up to 270 Mcf per day to its existing point or points of delivery with Louisville, for ultimate delivery by Louisville to Anaconda's La Grange, Ky., plant.

Petitioner states that it would retain 10.34 percent of the volumes received for transportation as makeup for compressor fuel and line loss, which percentage was calculated on an incremental basis for pipeline throughput to and within the rate zone in which the delivery by Petitioner would be made, i.e., Zone 4. Petitioner further states that it would collect an initial charge of 30.36 cents per Mcf for all volumes of natural gas delivered to Louisville for the account of Anaconda.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or

before June 27, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and Procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16290 Filed 6-12-78; 8:45 am]

[6740-02]

[Docket No. R178-39]

TEXASGULF INC.

Petition for Declaratory Order

JUNE 5, 1978.

Take notice that on March 9, 1978, supplemented April 24, 1978, Texasgulf Inc. (Texasgulf), 1100 Milam Building, 31st Floor, Houston, Tex. 77002 filed in Docket No. R178-39 a petition pursuant to section 1.7 of the Commission's rules of practice and procedure (18 CFR § 1.7) requesting that the Commission issue such order and grant such waivers of its rules and regulations as are necessary to declare that Texasgulf's reserve dedications have discharged one-half of its refund obligation owed Michigan Wisconsin Pipe Line Co. (Mich.-Wis.) as of August 1, 1971, and all of its refund obligation owed Columbia Gas Transmission Corp. (Columbia) as of August 1, 1971.

Texasgulf states that as a respondent in Docket No. AR69-1, and in accordance with Ordering Paragraph (G) of Opinion No. 598, Texasgulf sold gas produced from the Jeanerett (North) Field, St. Mary Parish, La., to Mich.-Wis. under Texasgulf's FPC gas rate schedule No. 2. During the period from October 1, 1968, to January 1, 1971, Texasgulf collected rates which were, in part, subject to the refund and discharge provisions of Opinion No. 598. Texasgulf itself owned Mich.-Wis. \$10,723.45, including principal and interest, as of August 1, 1971. Texasgulf further states that during the period between August 1, 1971, and June 21, 1974, Texasgulf dedicated far more than enough new gas reserves in the southern Louisiana area to interstate sales to completely offset its refund obligation.

As to Columbia, Texasgulf's refund obligation as of May 1, 1978, is

FEDERAL REGISTER, VOL. 43, NO. 114—TUESDAY, JUNE 13, 1978

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 911-3]

CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

List of Violating Facilities

Pursuant to section 306 of the Clean

\$3,497.16 owed as of August 1, 1971, plus interest from that date of May 1, 1978, of \$1,652.42, totalling \$5,149.58. Texasgulf further states that its dedication and delivery of new gas to the interstate market will offset all of its obligation to Columbia.

Texasgulf states that the reason for the petition filed herein is that it appeared to Texasgulf that Order No. 428, by its express terms, did not re-

ees. Also, in cases where a Federal agency does not voluntarily comply with State certification plans, as mentioned in the Notice of Intent, it is probable that the States do not have sufficient authority to adequately enforce their certification requirements against employees of that agency who are engaged in the use of pesticides as part of their official duties. Therefore, exercise of enforcement responsibility

use restricted use pesticides in the course of their official duties, in compliance with the requirements of FIFRA. Any change of DOD policy with regard to the use of commercial pest control services is a matter primarily within Department discretion and irrelevant to EPA's responsibility or decision to approve the DOD Plan. A related concern expressed by these commenters is that approval of the

\$3,497.16 owed as of August 1, 1971, plus interest from that date of May 1, 1978, of \$1,652.42, totalling \$5,149.58. Texasgulf further states that its dedication and delivery of new gas to the interstate market will offset all of its obligation to Columbia.

Texasgulf states that the reason for the petition filed herein is that it appeared to Texasgulf that Order No. 428, by its express terms, did not require any small producer to file a refund report or notice of election as to how refund obligations would be discharged and Texasgulf did not file those items. Nor did Texasgulf file either the supplemental refund reports mentioned in the November 7, 1972, order in Docket No. AR69-1, or the form described in Ordering Paragraph (D) of Opinion No. 598. Texasgulf is now unsure whether it should have filed the refund report and notice of election on November 1, 1971, or not in order to obtain the appropriated credit against its refund obligation from its additional gas dedications.

Texasgulf recites the benefits received by the interstate market as a result of its dedication of substantial new reserves thereto and requests that the Commission declare that Texasgulf's reserve dedications have discharged one-half of its refund obligation owed Mich.-Wis. and all of its refund obligation owed Columbia as of August 1, 1971, and that if Texasgulf was incorrect in believing that it was exempt from the above stated requirements that the commission should, in the exercise of its powers and discretion, waive that filing requirement as to Texasgulf because imposition of such a technical rule under these circumstances would be grossly inequitable and not of any meaningful benefit to any other party.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 26, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16291 Filed 6-12-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 911-3]

CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

List of Violating Facilities

Pursuant to section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Federal Water Pollution Control Act (33 U.S.C. 1368) and Executive Order 11738, EPA has been authorized to provide certain prohibitions and requirements concerning the administration of the Clean Air Act and Federal Water Pollution Control Act with respect to Federal contracts, grants, or loans. On April 16, 1975, regulations implementing the requirements of the statutes and the Executive order were promulgated in the FEDERAL REGISTER (see 40 CFR Part 15, 40 FR 17124, April 16, 1975). Section 15.20 of the regulations provides for the establishment of a list of violating facilities which will reflect those facilities ineligible for use in nonexempt Federal contracts, grants, or loans.

The representatives of any facility under consideration for listing are afforded the opportunity to appear at a listing proceeding conducted by the Director, Office of Federal Activities. Listing occurs when the Director determines there is adequate evidence of noncompliance with clean air or water standards. Federal, State, and local criminal convictions, civil adjudications, and administrative findings of noncompliance may serve as a basis for consideration of listing. However, in the case of a State or local civil adjudication or administrative finding, EPA may consider listing only at the request of the Governor.

The list of violating facilities is contained in two sublists. Sublist 1 includes those facilities listed on the basis of a conviction under section 113(c)(1) of the Clean Air Act or section 309(c) of the Federal Water Pollution Control Act. Sublist 2 includes those facilities listed on the basis of: any injunction, order, judgment, decree, or other form of civil ruling by a Federal, State, or local court issued as a result of noncompliance; or on the basis of noncompliance with an order under section 113(a) of the Clean Air Act or section 309(a) of the Federal Water Pollution Control Act; or having given rise to the initiation of court action under section 113(b) of the Clean Air Act or section 309(b) of the Federal Water Pollution Control Act; or having been subjected to equivalent State or local proceedings to enforce clean air or water standards.

No agency in the executive branch of Government shall enter into, renew, or extend any nonexempt contract,

subcontract, grant, subgrant, loan, or subloan where a facility listed would be utilized for the purposes of any such agreement.

The purpose of this notice is to remove from sublist 2 the facility of Velsicol Chemical Corp., Bayport, Tex.

Pursuant to this authority, the Director, Office of Federal Activities, U.S. Environmental Protection Agency, certifies that the following facilities are on the list of violating facilities as of June 5, 1978. The list of violating facilities will be revised periodically as any listings or delistings occur.

LIST OF VIOLATING FACILITIES

Sublist 1: Allied-Chemical Corp., Semet-Solvay Division, Ashland, Ky.
Sublist 2: ITT Rayonier, Inc., Fernandina Beach, Fla.

Dated: June 5, 1978.

WILLIAM D. DICKERSON,
Acting Director,
Office of Federal Activities.

[FR Doc. 78-16488 Filed 6-12-78; 9:20 am]

[6560-01]

[OPP-40006A; FRL 892-4]

DEPARTMENT OF DEFENSE

Approval of Federal Agency Plan for the Certification of Applicators of Restricted Use Pesticides

Under authority of section 4(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (7 U.S.C. 136b(a)(1)), the Administrator of the Environmental Protection Agency (EPA) published a Notice of Intent to Recognize Federal Agency Certification of Federal Employees to Apply Restricted Use Pesticides (Notice of Intent). This Notice was published in the FEDERAL REGISTER on August 19, 1977 (42 FR 41907).

In accordance with the terms of the August 19 Notice of Intent, any Federal agency desiring to certify its employees to use restricted use pesticides in the performance of their duties must submit a plan describing its certification program to EPA for approval. Any Federal agency program approved by EPA shall be maintained in accordance with the Federal agency plan.

On November 10, 1977, notice was published in the FEDERAL REGISTER (42 FR 58564) of the intent of the Administrator, EPA, to approve the Department of Defense Plan for the Certification of Pesticide Applicators (DOD Plan). That notice included a summary of the DOD Plan. Copies of the plan were made available for public inspection at:

Armed Forces Pest Control Board, Forest Glen Section, Walter Reed Army Medical Center, Executive Secretary, Washington, D.C. 20012, phone 202-427-5191.

U.S. Environmental Protection Agency, Office of Pesticide Programs (WH-57), Rm. 2709, 401 M Street SW., Washington, D.C. 20460, phone 202-755-0356.

U.S. Environmental Protection Agency, Region I, John F. Kennedy Bldg., Rm. 2113, Boston, Mass. 02203, phone 617-223-5777.

U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, N.Y. 10007, phone 212-264-8359.

U.S. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Rm. 3323, Philadelphia, Pa. 19108, phone 215-597-9869.

U.S. Environmental Protection Agency, Region IV, 345 Courtland Street NE., Rm. 204, Atlanta, Ga. 30308, phone 404-881-3621.

U.S. Environmental Protection Agency, Region V, Federal Office Building, 230 South Dearborn Street, Chicago, Ill. 60604, phone 312-353-2192.

U.S. Environmental Protection Agency, Region VI, 1201 Elm Street, First International Bldg. 28th floor, Dallas, Tex. 75270, phone 214-749-1121.

U.S. Environmental Protection Agency, Region VII, 1735 Baltimore Avenue, 1st floor, Kansas City, Mo. 64108, phone 816-374-3036.

U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Suite 900, Denver, Colo. 80295, phone 303-837-3926.

U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, 5th floor, San Francisco, Calif. 94105, phone 415-556-3352.

U.S. Environmental Protection Agency, Region X, 1200 Sixth Avenue, Rm. 11C, Seattle, Wash. 98101, phone 206-442-1090.

Public comments were received from four organizations. Those comments pertinent to the approval of the DOD Plan are discussed below.

One commenter criticized various aspects of the certification standards and of the commercial applicator categories established by Federal regulations at 40 CFR 171.3-171.6, and their incorporation, in part, by the DOD Plan. While the standards and categories established by those rules may be subjected to modification as experience is gained in this area, any change at this time would be unwarranted. Furthermore, the Department's action is consistent with the requirements imposed by 40 CFR 171.7(e)(1) on States submitting certification plans. Therefore, incorporation of these standards and categories in the DOD Plan is entirely appropriate.

Three commenters objected to approval of the DOD Plan on the grounds that enforcement of the plan and the law upon which it is based would primarily be the responsibility of the Department rather than the States where DOD activities take place. EPA does not agree that this facet of the DOD program must result in rejection of the plan. Under most State plans approved by EPA, States have enforcement responsibilities over State employees analogous to that to be exercised by DOD over its employ-

ees. Also, in cases where a Federal agency does not voluntarily comply with State certification plans, as mentioned in the Notice of Intent, it is probable that the States do not have sufficient authority to adequately enforce their certification requirements against employees of that agency who are engaged in the use of pesticides as part of their official duties. Therefore, exercise of enforcement responsibilities by the Department complements limited State authority in matters which would otherwise be within the exclusive jurisdiction of EPA enforcement officials. For these reasons, the Agency believes that approval of the DOD Plan will not create an enforcement conflict between DOD and the States, but will instead ensure a more comprehensive and effective enforcement system.

On a related issue, one commenter noted that, in the DOD Plan, right of entry onto Department installations by appropriate State or Federal officials is permitted only after "sufficient advance notification" is given. The commenter expressed concern that making right of entry onto DOD installations contingent upon advance notification will work an inequity against individuals who are subject to inspection without prior notice under approved State plans. In response to this comment, it should be noted that a State under an approved State plan is merely required to have authority to enter "by consent or warrant." (See 40 CFR 171.7(b)(1)(iii)(C).) EPA imposes no requirement for right of entry without prior notice and has approved several State plans containing provisions analogous to that described in the DOD Plan. In addition, DOD has submitted a letter of explanation to EPA stating that the "advance notification" requirement was established "for military security reasons" which make it advisable that inspectors "contact the installation commander prior to entry." (Copies of this letter will be attached to the DOD Plan and will be available for public inspection.) Therefore, the Department's provision for "advance notification" is consistent with Federal regulations governing State plans, and is not unfair to those individuals who are regulated by States which choose not to require notice prior to entry.

Several commenters expressed concern that EPA approval of the DOD Plan would adversely affect DOD policy toward contracting with commercial pest control firms. One concern is that approval of the plan might result in the Department decreasing or eliminating its reliance on commercial firms for the performance of pest control on DOD property. EPA's approval of the DOD Plan is intended solely to allow DOD employees, certified by the Department, to

use restricted use pesticides in the course of their official duties, in compliance with the requirements of FIFRA. Any change of DOD policy with regard to the use of commercial pest control services is a matter primarily within Department discretion and irrelevant to EPA's responsibility or decision to approve the DOD Plan.

A related concern expressed by these commenters is that approval of the DOD Plan might lead the Department to require further demonstrations of competency by commercial applicators certified by the States, prior to utilizing the services of such applicators. Although such a contracting policy would also be within the Department's discretion and irrelevant to EPA's consideration of the approvability of the plan itself, DOD has taken steps to alleviate this concern. At its own initiative, the Department is revising DOD Directive 4150.7 to provide that certification by States with approved plans will be accepted by DOD as a sufficient demonstration of the competency of certified applicators working under contract.

One commenter questioned facts presented by the Department relating to the need for a DOD certification program. Although the Agency has no reason to question the validity of DOD's assertion of need, it should be noted that a showing of need is not required of any State or Federal agency seeking EPA approval. In every case, it is assumed that the decision to develop a plan is made by the State or Federal agency with due regard to its own policies, administrative resources, and other uniquely relevant factors. This decision can only be made by the State or agency involved, not by EPA.

In a related matter, it was argued that a Federal agency certification program unnecessarily duplicates State certification programs, thereby creating an unnecessary burden on the taxpayer. This comment presents substantially the same question as that raised by the commenters who claimed that the Department had failed to show the necessity for approval of its plan. As discussed in the preceding paragraph, the necessity for establishing Federal agency plans is not a matter which FIFRA requires EPA to consider. However, as previously stated in this notice, EPA has already concluded that potential limitations on State enforcement authority over Federal agencies which do not voluntarily submit to State certification programs is substantial justification for some form of Federal agency certification. Therefore, EPA does not agree that approval of such Federal programs is an unnecessary or wasteful use of Federal resources.

It has been determined by EPA that the DOD Plan satisfies the requirements of section 4(a)(1) of the amend-

[6712-01]

FEDERAL COMMUNICATIONS
COMMISSION

[Report No. 913]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

JUNE 5, 1978.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies.

Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.)

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21536-CD-P-78 The Ohio Bell Telephone Co. (KWU263) C.P. for additional facilities to operate on 152.84 MHz to be located at a new site described as Loc. No. 10: 3.4 miles south of Lancaster on State Route 793, 1.0 miles north of Blue Valley Road, Lancaster, Ohio.

21538-CD-P-78 Phil L. Woodbury, d.b.a. Mobilfone of Kansas (KUO567) C.P. to change antenna system and relocate facilities operating on 152.15 MHz to be located 1.5 miles southeast of Pratt, Kans.

21539-CD-P-78 Jim Kennedy TV Sales, Inc. (new) C.P. for a new one-way station to operate on 158.70 MHz to be located at 1503 Baltimore Street, Defiance, Ohio.

21540-CD-P-78 Jim Kennedy TV Sales, Inc. (new) C.P. for a new station to operate on 152.06 MHz to be located at 1503 Baltimore Street, Defiance, Ohio.

21541-CD-P-78 Autophone of Gainesville, Inc. (new) C.P. for a new station to operate on 454.025 MHz to be located 0.3 miles east of U.S. highway 23, Buford, Ga.

21542-CD-P-78 J. R. & P. J. Dodd, d.b.a. Answering Service Unlimited (new) C.P. for a new station to operate on 152.12 MHz to be located on Grey Butte, 5.5 miles northeast of Terrebonne, Ore.

21543-CD-P-78 J. R. & P. J. Dodd, d.b.a. Answering Service Unlimited (new) C.P. for a new one-way station to operate on 158.70 MHz to be located on Grey Butte, 5.5 miles northeast of Terrebonne, Ore.

21544-CD-P-78 Dale and Patricia Crowe, Norman and Rose McDonlad d.b.a. Olympia Mobile Phone (new) C.P. for a new station to operate on 454.025 MHz to be located at Tumwater Hill, Tumwater, Wash.

21545-CD-P-78 Two-Way Radio of Carolina, Inc. (KUD235) C.P. for additional facilities to operate on 75.88 MHz, control at Loc. No. 2: 400 South Tyron, Charlotte, N.C.

21546-CD-P-78 Two-Way Radio of Carolina, Inc. (KWT882) C.P. for additional facilities to operate on 75.88 MHz, control to be located at a new site described as Loc. No. 2: 400 South Tyron, Charlotte, N.C.

21547-CD-P-78 Two-Way Radio of Carolina, Inc. (KUC985) C.P. for additional facilities to operate on 75.88 MHz, control to be located at a new site described as Loc. No. 2: 400 South Tyron, Charlotte, N.C.

21548-CD-P-78 Intrastate Radio Telephone, Inc., of San Francisco (KMA833) C.P. for additional facilities to operate on 454.025, 454.125, 454.150, and 454.175 MHz to be located at Big Rock, 4 miles southwest of Novato, Calif.

21549-CD-P-78 Henderson Cooperative Telephone Co. (KWU441) C.P. to restate expired C.P. to operate on 454.450 MHz to be located at 1.15 miles southeast of Henderson, Nebr.

21550-CD-P-78 Mountain Home Telephone Co., Inc. (KLB773) C.P. to change antenna system and relocate facilities operating on 152.66 MHz to be located on State Highway 5, 2 miles northwest of Mountain Home, Ark.

21551-CD-P-78 Jerry E. Horne, d.b.a. Radio Dispatch Service (KQK577) C.P. to replace transmitter operating on 152.09 MHz located on U.S. Highway 31, 0.25 mile east of Holland, Mich.

21552-CD-P-78 Kankakee Telephone Answering Service (KWH301) C.P. for additional facilities to operate on 158.70 MHz to be located at 1335 East Locust, Kankakee, Ill.

21553-CD-P-78 Radio Communications, Inc. (new) C.P. for a new station to operate on 454.200 and 454.350 MHz at Loc. No. 1: 4011 Miller Road, Baltimore, Md. and 454.125 and 454.325 MHz at Loc. No. 2: 101 West Fayette Street, Baltimore, Md.

21555-CD-P-78 Continental Telephone Co. of California (new) C.P. for a new 1-way station to operate on 158.10 MHz to be located at 520 South China Lake Boulevard, Ridgecrest, Calif.

21556-CD-P-78 Continental Telephone Co. of Indiana (new) C.P. for a new 1-way station to operate on 43.58 MHz to be located 2 miles south of Corydon, Ind.

21557-CD-P-78 Empire Mobilcomm Systems, Inc. (new) C.P. for a new 1-way station to operate on 152.24 MHz to be located at 2 sites described as Loc. No. 1: Otter Crest, 8.5 miles north of Newport, Ore.; and Loc. No. 2: 1.5 miles southeast of Toledo, Ore.

21558-CD-P-78 Empire Mobilcomm Systems, Inc. (KFL955) C.P. to replace transmitter and relocate facilities operating on 152.06 MHz, base and 454.15 MHz, control at Loc. No. 2: 0.7 mile northwest on Awbrey Butte, Bend, Ore.

21559-CD-P-78 Empire Mobilcomm Systems, Inc. (KWT976) C.P. to replace transmitter and relocate facilities operating on 152.24 MHz to be located 0.7 mile northwest on Awbrey Butte, Bend, Ore.

21560-CD-P-78 Mobile Telecommunications Corp. (new) (developmental) C.P. for a new station to operate on 459.675 MHz to be located at 5201 Bridge Street, Fort Worth, Tex.

21561-CD-P-78 Mobile Telecommunications Corp. (new) (developmental) C.P. for a new station to operate on 459.675 MHz to be located at Highway No. 67, Cedar Hill, Tex.

21562-CD-P-78 Empire Mobilcomm Systems, Inc. (new) C.P. for a new station to operate on 152.12 MHz, base and 459.050 MHz, repeater at Loc. No. 1: Hoodoo Butte, Ore.; and 454.050 MHz, control at Loc. No. 2: 0.7 mile northwest of Bend on Awbrey Butte, Bend, Ore.

21563-CD-P-78 Air Page, Inc. (new) C.P. for a new station to operate on 152.06 MHz to be located at Acorn Road, Wayland, N.Y.

21564-CD-P-78 Mobile Telecommunications Corp. (new) C.P. for a new 1-way station to operate on 35.30 and 35.62 MHz to be located at 4 sites to be described as Loc. No. 1: Highway No. 67, Cedar Hill, Tex.; Loc. No. 2: 5201 Bridge Street, Fort Worth, Tex.; Loc. No. 3: 7800 Spanky Creek Road, Renner, Tex.; and Loc. No. 4: 7038 Greenville Avenue, Dallas, Tex.

20214-CD-P-78 Capital Telecom Systems, Tallahassee, Fla. (new) Amend to change station location, control point location, and transmitting equipment. All other particulars to remain as reported on PN No. 884, dated November 14, 1977.

20888-CD-P-78 J. M. Blodgett, d.b.a. Radio Page Communications, Marlton, N.J. (KWT885) Amend to change the antenna system. All other particulars to remain as reported on PN No. 900 dated March 6, 1978.

21322-CD-P-78 Beep Communication System, Inc. (KUS282). Correct entry to read: C.P. to change antenna system operating on 454.025 MHz at Loc. No. 1: Video Lane (Booth Hill), Trumbull, Conn. All other particulars to remain as reported on PN No. 909, dated May 8, 1978.

21335-CD-P-78 Southern Bell Telephone & Telegraph Co. (KIG298). Correct frequency to read 152.51 MHz. All other particulars to remain as reported on PN No. 909, dated May 8, 1978.

21575-CD-P-78 Bennett Communications Systems, Inc., John W. Bennett (KOP326). Change file number to read: 21475-CD-P-78. All other particulars to remain as reported PN No. 912, dated May 30, 1978.

21502-CD-P-78 Tel-Page Corp. (new). Correct to add: (developmental). All other particulars to remain as reported on PN No. 912, dated May 30, 1978.

21503-CD-P-78 Tel-Page Corp. (new). Correct to add: (developmental). All other particulars to remain as reported on PN No. 912, dated May 30, 1978.

21504-CD-P-78 Radio Paging, Inc. (new). Correct to add: (developmental). All other particulars to remain as reported on PN No. 912, dated May 30, 1978.

RENEWAL OF LICENSES EXPIRING JULY 1, 1978.
TERM: JULY 1, 1978 TO JULY 1, 1983

Chesapeake & Potomac Telephone Co., KGA586, Washington, D.C.
Chesapeake & Potomac Telephone Co., KGC590, Washington, D.C.
Chesapeake & Potomac Telephone Co. of West Virginia, KQK724, West Virginia.
Chesapeake & Potomac Telephone Co. of Virginia, KLY769, Virginia.
Chesapeake & Potomac Telephone Co. of Virginia, KFL627, Virginia.
Chesapeake & Potomac Telephone Co. of Virginia, KFL924, Virginia.
Chesapeake & Potomac Telephone Co. of Virginia, KIB529, Virginia.
Chesapeake & Potomac Telephone Co. of Virginia, KIC347, Virginia.
Chesapeake & Potomac Telephone Co. of Virginia, KIG852, Virginia.
Chesapeake & Potomac Telephone Co. of Virginia, KLF628, Virginia.
Consolidated Telephone Co., KRM977, Nebraska.
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General Telephone Co. of the Southwest, KFL879, Texas.
General Telephone Co. of the Southwest, KFL905, Oklahoma.
General Telephone Co. of the Southwest, KFL909, Texas.
General Telephone Co. of the Southwest, KFL951, Texas.
General Telephone Co. of the Southwest, KFL943, Texas.
General Telephone Co. of the Southwest, KJU816, Texas.
General Telephone Co. of the Southwest, KKA284, New Mexico.
General Telephone Co. of the Southwest, KKO350, Texas.
General Telephone Co. of the Southwest, KKO351, Texas.
General Telephone Co. of the Southwest, KKK966, Texas.
General Telephone Co. of the Southwest, KLB326, Texas.
General Telephone Co. of the Southwest, KLB578, Texas.
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General Telephone Co. of the Southwest, KIB758, New Mexico.
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General Telephone Co. of Wisconsin, KSA622, Wisconsin.
General Telephone Co. of Wisconsin, KRH644, Wisconsin.
Highland Telephone Cooperative Inc., KTY465, Tennessee.
Ludlow Telephone Co., KUS336, Vermont.
Michigan Bell Telephone Co., KQA787, Michigan.
Michigan Bell Telephone Co., KQD608, Michigan.
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Michigan Bell Telephone Co., KQA772, Michigan.

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Michigan Bell Telephone Co., KQD605, Michigan.
Michigan Bell Telephone Co., KQA772, Michigan.

23230. VIROCID 4430. Active Ingredients: Poly[oxyethylene(dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 30.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 41849-E. Virochem Inc. VIROCID 4415. Active Ingredients: Poly[oxyethylene (dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 41849-G. Virochem Inc. VIROCID 4420. Active Ingredients: Poly[oxyethylene (dimethyliminio)ethylene(dimethyliminio)ethylene dichloride] 20.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39669-0. Pro-Specialties, Inc., 7754 W. Harwood Ave., Wauwatosa, WI 53213. PRO-140-1. Active Ingredients: n-Alkyl(60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl(68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%; tetrasodium ethylenediamine tetraacetate 1.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 39669-1. Pro-Specialties, Inc. PRO-139-1. Active Ingredients: n-Alkyl(60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl(68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of the interim policy. Republished: Revised offer to pay. PM31

EPA File Symbol 39669-T. Pro-Specialties, Inc. PRO-138-1. Active Ingredients: n-Alkyl(60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl(68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of the interim policy. Republished: Revised offer to pay. PM31

EPA File Symbol 39669-A. Pro-Specialties, Inc. PRO-137-1. Active Ingredients: n-Alkyl(60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 6.25%; n-Alkyl(68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.25%; Tetrasodium ethylenediamine tetraacetate 3.60%. Method of Support: Application proceeds under 2(b) of the interim policy. Republished: Revised offer to pay. PM31

EPA File Symbol 39669-G. Pro-Specialties, Inc. PRO-134-1. Active Ingredients: n-Alkyl(60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl(68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay. PM31

[FR Doc. 78-16318 Filed 6-12-78; 8:45 am]

21335-CD-P-78 Southern Bell Telephone & Telegraph Co. (KIG298). Correct frequency to read 152.51 MHz. All other particulars to remain as reported on PN No. 909, dated May 8, 1978.

21575-CD-P-78 Bennett Communications Systems, Inc., John W. Bennett (KOP326). Change file number to read: 21475-CD-P-78. All other particulars to remain as reported PN No. 912, dated May 30, 1978.

21502-CD-P-78 Tel-Page Corp. (new). Correct to add: (developmental). All other particulars to remain as reported on PN No. 912, dated May 30, 1978.

21503-CD-P-78 Tel-Page Corp. (new). Correct to add: (developmental). All other particulars to remain as reported on PN No. 912, dated May 30, 1978.

21504-CD-P-78 Radio Paging, Inc. (new). Correct to add: (developmental). All other particulars to remain as reported on PN No. 912, dated May 30, 1978.

RENEWAL OF LICENSES EXPIRING JULY 1, 1978.
TERM: JULY 1, 1978 TO JULY 1, 1983

Chesapeake & Potomac Telephone Co., KGA586, Washington, D.C.
Chesapeake & Potomac Telephone Co., KGC590, Washington, D.C.
Chesapeake & Potomac Telephone Co. of West Virginia, KQK724, West Virginia.
Chesapeake & Potomac Telephone Co. of Virginia, KLY769, Virginia.
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Chesapeake & Potomac Telephone Co. of Virginia, KLF628, Virginia.
Consolidated Telephone Co., KRM977, Nebraska.
General Telephone Co. of the Southwest, KFL875, Texas.
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General Telephone Co. of the Southwest, KFL905, Oklahoma.
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General Telephone Co. of the Southwest, KFL951, Texas.
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General Telephone Co. of the Southwest, KKO350, Texas.
General Telephone Co. of the Southwest, KKO351, Texas.
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General Telephone Co. of Wisconsin, KRS628, Wisconsin.
General Telephone Co. of Wisconsin, KFK928, Wisconsin.
General Telephone Co. of Wisconsin,

ment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than July 5, 1978.

Board of Governors of the Federal Reserve System, June 5, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

(FR Doc. 78-16301 Filed 6-12-78; 8:45 am)

[6210-01]

LIME SPRINGS INVESTMENT CO.

Formation of Bank Holding Company

Lime Springs Investment Co., Lime Springs, Iowa, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Exchange State Bank, Lime Springs, Iowa. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 27, 1978.

Board of Governors of the Federal Reserve System, June 5, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

(FR Doc. 78-16303 Filed 6-12-78; 8:45 am)

[6210-01]

SOUTHWEST BANCSHARES, INC.

Acquisition of Bank

Southwest Bancshares, Inc., Houston, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of Baybrook National Bank, Harris County, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 30, 1978.

Board of Governors of the Federal Reserve System, June 5, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

(FR Doc. 78-16304 Filed 6-12-78; 8:45 am)

[4110-89]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Assistant Secretary for Education

INFORMATION AND DATA ACQUISITION
ACTIVITY

Comments on Collection

Pursuant to section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The National Center for Education Statistics, and the U.S. Office of Education have proposed collections of information and data acquisition activities which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

These data acquisition activities are subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activities are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before July 13, 1978, and should be addressed to Administrator, National Center for Education Statistics, Attn: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue SW., Washington, D.C. 20202.

Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202-245-1022.

Dated: June 7, 1978.

MARIE D. ELDRIDGE,
Administrator, National Center
for Education Statistics.

DESCRIPTION OF A PROPOSED COLLECTION OF
INFORMATION AND DATA ACQUISITION
ACTIVITY

1. Title of proposed activity: Postsecondary Network Surveys System.
2. Agency/bureau/office: National Center for Education Statistics, Division of Statistical Services, Federal/State Coordination Branch.

3. Agency form number: NCES 2405.
4. Legislative authority for this activity: " . . . The (National) Center (for Education Statistics) shall— . . . collect, collate, and, from time to time, report full and complete statistics on the condition of education in the United States . . . " (Sec. 501 of Pub. L. 93-380; Sec. 406(b) of the General Education Provisions Act, 20 USC 1221e-1).
5. Voluntary/obligatory nature of response: Voluntary.

6. How information to be collected will be used: Survey results will be used by NCES: (1) To evaluate the usefulness of data obtained in its data collection efforts; (2) to evaluate data collection instruments or portions thereof that will result in specific alterations and/or deletions that will ultimately permit reduction in respondent burden; (3) to improve coordination with State collection efforts; (4) to develop optional modes for disseminating data to users.

Survey results will be used by States: (1) To query other States about workable solutions to problems of mutual concern; (2) to query other States about methodologies employed in planning, making projections, developing data systems, etc.; (3) to query other States about policies relating to postsecondary education.

7. Data acquisition plan:
 - a. Method of collection: Mail.
 - b. Time of collection: On occasion, July 1978 through September 1981.
 - c. Frequency: 6-8 times per year.

8. Respondents:
 - a. Type: State education agencies.
 - b. Number: 57.
 - c. Estimated average man-hours per respondent: 10.

9. Information to be collected: Information on: State uses of HEGIS and other data regularly collected on postsecondary education; workable solutions to common problems; areas of concern possibly neglected or overlooked; impact of revised NCES policies relating to data collection; State policies relating to specific aspects of postsecondary education.

DESCRIPTION OF PROPOSED COLLECTION OF
INFORMATION AND DATA ACQUISITION ACTI-
VITY

1. Title of Proposed activity: Application for Nonprofit Organization Grants Under the Emergency School Aid Act.
2. Agency/bureau/office: U.S. Office of Education/Bureau of Elementary and Secondary Education/Equal Educational Opportunity Programs.
3. Agency form number: OE Form 116, 11/77.

4. Legislative Authority for this Activity. " . . . the Assistant Secretary . . . may assist by grant or contract any public or private nonprofit agency, institution, or organization (other than a local educational agency) and to carry out programs or projects designed to support the development or implementation of a plan, program, or activity described in section 706."

(Pub. L. 92-318, sec. 708(b)(1)); (20 U.S.C. 1604(a)(3) and 1607(b)(1)); (45 CFR 185.61(a).)

Bilingual projects (nonprofit organiza-
tions).

" . . . the Assistant Secretary is authorized to make grants to, and contracts with— (A) private nonprofit agencies, institutions, and organizations to develop curricula, at the request of one or more educational

agencies which are eligible for assistance under section 708, designed to meet the special educational needs of minority group children who are from environments in which a dominant language is other than English, for the development of reading, writing, and speaking skills, in the English language and in the language of their parents or grandparents, and to meet the educational needs of such children and their classmates to understand the history and cultural background of the minority groups of which such children are members . . . "

(Pub. L. 92-318, sec. 708(c)(1)(A)); (20 U.S.C. 1607(c)(1)(A)); (45 CFR 185.51(b).)

Special mathematics projects.

"(3) The Assistant Secretary is authorized to make grants to, and contracts with, one or more private, nonprofit agencies, institutions, or organizations, for the conduct, in cooperation with one or more local educational agencies, of special programs for the teaching of standard mathematics to children eligible for services under this Act through instruction in advanced mathematics by qualified instructors with bachelor degrees in mathematics, or the mathematical sciences from colleges or other institutions of higher education, or equivalent experience."

(Pub. L. 92-318, sec. 708(a)(3)); (20 U.S.C. 1605(d) and 1607(a)(3)); (45 CFR 185.92.))

5. Voluntary/Obligatory nature of response: Required to obtain benefits.

6. How information to be collected will be used: Each application for a nonprofit organization grant under the Emergency School Aid Act will be subject to the following reviews:

A. *Statistical data review.* The statistical data regarding the enrollment and isolation of minority group students will be taken from the application and used to compute the extent of reduction of minority group isolation in the local educational agency or agencies whose plan(s) the applicant proposes to support.

B. *Eligibility/assurances review.* The Office for Civil Rights (OCR) has the delegated authority to validate those assurances which determine if districts are eligible to apply for and receive financial assistance. In addition, OCR determines if the document submitted as a desegregation plan is actually a plan which requires the elimination, reduction or prevention of minority group isolation. The remaining ESAA assurances are verified by program personnel responsible for administering the Emergency School Aid Act.

C. *Educational quality review.* The educational quality score of each application will be determined by a panel of qualified persons. The listing of prominent milestones outlined by the applicant will be used by OE personnel to track the relative progress of the project.

7. Data Acquisition Plan:

- a. Method of collection: Mail.
 - b. Time of collection: January.
 - c. Frequency: Annually.
8. Respondents:
 - a. Type: Public and private nonprofit agencies, institutions, or organizations.
 - b. Number: Sample—1,000.
 - c. Estimated average number manhours per respondent: 35 hours.

9. Information to be collected: Applicants are required to submit the following information:

(a) *Documentation.* (1) A copy of the charter, articles of incorporation, bylaws, or

other legal documents indicating the nature and purpose of the application, including evidence of nonprofit status.

(2) A copy or description of the plan being implemented by the appropriate local educational agency, except where the LEA has also applied for assistance.

(3) Applicants proposing to support the development of a plan or project should provide written documentation of the LEA's request for such support of development.

(4) A statement indicating the name of the LEA representative to whom the application was submitted and the date of submission and any comments received.

(5) A description of the provisions which have been made for effective liaison with the cooperating LEA with regard to operation of the proposed project.

(b) *Data items.* (1) Data regarding the establishment of the advisory committee including date established, date application was submitted to advisory committee for review and comment and the date the names of the advisory committee members and purpose of such committee were published in a newspaper.

(2) Data regarding the composition of the advisory committee including names of committee members, race or ethnic group and community organization represented. Applicant must also indicate if the advisory committee member is a parent of student affected by the ESAA plan or project, a classroom teacher or secondary school student.

(3) The current enrollment of minority group students in all schools of the LEA, and the total number of schools currently operated by the local educational agency and the total number of schools which have been affected by the desegregation plan under which the LEA is operating. This information need not be provided by applicants for bilingual projects.

NOTE.—Items (4) through (6) apply only if the LEA is not applying for Emergency School Aid Assistance.

(4) By names of schools affected by the LEA's desegregation plan and by number of schools not affected by the plan, provide the total enrollment of the school district and the number and percentage of minority group pupils enrolled in such schools.

(5) By names of schools predicted to be affected by the LEA's desegregation plan, and by number of schools predicted not to be affected by the plan, provide the total enrollment and the number and percentage of minority pupils predicted to be enrolled in such schools.

(6) Provide a copy of the plan to prevent minority group isolation or plan to establish or maintain one or more integrated schools. By names of schools predicted to be affected by the LEA's desegregation plan, and by number of schools not predicted to be affected, provide the total enrollment and the number and percentage of minority group pupils predicted to be enrolled in such schools assuming the plan is implemented and assuming the plan is not implemented.

(7) Applicants for bilingual projects only.

Provide the total enrollment in the LEA of pupils from environments in which a dominant language is other than English and the number and percentage of such children who receive instruction of any kind (prior to the application for assistance under this subpart) in such language, the average number of hours per day such instruction is provided, and the educational goals of such instruction; the extent to which minority

group children are separated from nonminority group children by or within classes for any part of the day for the provision of instructional or other services to such minority group children or for purposes of ability grouping or homogenous instruction, and the educational justification for such separation; the extent to which materials utilized for reading instruction are varied (by primary language, subject matter, or intended level of instruction as between the various schools in the affected school district or between the various classrooms within such schools).

(c) A program narrative presented in the following manner: (1) The needs assessment with each need ranked in order of priority and presented separately. Under each need component, the objectives and activities associated with the particular need, the plans for evaluation of those activities and the management of resources. Key project staff positions should be discussed.

(2) A statement of past activities, etc.

(3) A statement of the extent to which other public or private nonprofit agencies or organizations in the affected school districts have been consulted in the preparation of the application and the provisions made for coordination with such organizations which have applied for or received Emergency School Aid Act (ESAA) assistance.

(4) Procedures by which the proposed ESAA program, project or activity will be coordinated with projects conducted pursuant to Titles I, III, and VII of the Elementary and Secondary Education Act of 1965 and Title IV of the Civil Rights Act of 1964.

DESCRIPTION OF A PROPOSED COLLECTION OF
INFORMATION AND DATA ACQUISITION

1. Title of Proposed Activity: Application for Grants under the Emergency School Aid Act for Local Educational Agencies and Other Public Agencies or Organizations.
2. Agency/Bureau/Office: U.S. Office of Education, Bureau of Elementary and Secondary Education, Equal Educational Opportunity Programs.
3. Agency Form Number: OE Form 116-1
4. Legislative Authority for This Activity:
 - (A) *Basic Grants:* "The Assistant Secretary is authorized to make a grant to, or contract with a local educational agency—

(A) Which is implementing a plan—
(i) Which has been undertaken pursuant to a final order issued by a court of the United States, or a court of any State, or any other State agency or official or competent jurisdiction, and which requires the desegregation of minority group segregated children or faculty in the elementary and secondary schools of such agency, or otherwise requires the elimination or reduction of minority group isolation in such schools; or
(ii) Which has been approved by the Secretary as adequate under Title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated children or faculty in such schools; or
(B) Which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt and implement, a plan for the complete elimination of minority group isolation in all of the minority group isolated schools of such agency; or
(C) Which has adopted and is implementing, or will, if assistance is made available to it under this Act, adopt and implement, a plan—

(i) To eliminate or reduce minority group isolation in one or more of the minority group isolated schools of such agency.

(ii) To reduce the total number of minority group children who are in minority group isolated schools of such agency.

(iii) To prevent minority group isolation reasonably likely to occur (in the absence of assistance under this title) in any school in such district in which school at least 20 per centum but not more than 50 per centum, of the enrollment consists of such children, or

(D) Which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this title, adopt, and implement a plan to enroll and educate in the schools of such agency children who would not otherwise be eligible for enrollment because of nonresidence in the school district of such agency, where such enrollment would make a significant contribution toward reducing minority group isolation in one or more of the school districts to which such plan relates; or

(E) Which will establish or maintain one or more integrated schools as defined in section 720(7) and which—

(i) Has a sufficient number of minority group children to comprise more than 50 per centum of the number of children in attendance at the schools of such agency, and

(ii) Has agreed to apply for an equal amount of assistance under section (b)."

(Pub. L. 92-318, section 706(a)(1)); (20 U.S.C. 1605(a)(1)); (45 CFR 185.11).

(B) Pilot Projects.

"The Assistant Secretary is authorized to make grants to or contracts with local educational agencies * * * for unusually promising pilot programs or projects designed to overcome the adverse effects of minority group isolation by improving the academic achievement of children in one or more minority group isolated schools if * * * the local educational agency had a number of minority group children enrolled in its schools * * * which (1) is at least 15,000 or (2) constitutes more than 50 per centum of the total number of children enrolled in such schools."

(Pub. L. 92-318, section 706(b)); (20 U.S.C. 1605(b)); (45 CFR 185.21).

(C) Bilingual Projects.

"(c)(1) The Assistant Secretary shall carry out a program to meet the needs of minority group children who are from an environment in which a dominant language is other than English * * * the Assistant Secretary is authorized to make grants to and contracts with * * *

(B) Local educational agencies eligible for assistance under section 706 for the purpose of engaging in such activities; or

(C) Local educational agencies which are eligible to receive assistance under section 706 for the purpose of carrying out activities authorized under section 707(a) * * *"

(Pub. L. 92-318, section 708(c)(1) (B) and (C)); (20 U.S.C. 1607(c)(1) (B) and (C)); (45 CFR 185.51).

(D) Special Projects.

"The Assistant Secretary is authorized to make grants to, and contracts with, State and local educational agencies, and other public agencies and organizations (or a combination of such agencies and organizations) for the purpose of conducting special programs and projects carrying out activities otherwise authorized by this title, which the

Assistant Secretary determines will make substantial progress toward achieving the purposes of this title."

(1) Special Arts Projects.

"(a) Any public agency or organization responsible for the administration of statewide public arts programs, such as a State Arts Council or State Arts and Humanities Commission, may apply for assistance by grant * * * for special projects that would through the arts provide opportunities for interracial and intercultural communication and understanding to help meet the special needs incident to the implementation of a plan or project described in § 185.11 or § 185.31(a) * * *"

(Pub. L. 92-318, section 708(a)(2)); (20 U.S.C. 1607(a)(2)); (45 CFR 185.91).

(2) Special Student Concerns Projects.

"(a) Any public agency or organization * * * other than a local educational agency may apply for assistance by grant * * * for the conduct of special student concerns projects designed to eliminate the disproportionately high incidence of suspension, expulsion, and other disciplinary action involving minority group students in the schools of cooperating local educational agencies * * *"

(Pub. L. 92-318, section 708(a)); (20 U.S.C. 1607(a)(2)); (45 CFR 185.93).

(3) Other Special Projects.

"(a)(1) The Assistant Secretary may assist * * * any State or local educational agency or other public agency or organization * * * for the purpose of conducting special programs or projects which the Assistant Secretary determines will make substantial progress toward achieving the purposes of the Act."

(Pub. L. 92-318, section 708(a)); (20 U.S.C. 1607(a)); (45 CFR 185.94).

(4) Special Compensatory Projects.

"(a) The Assistant Secretary shall, in accordance with the provisions of this title, carry out a program designed to achieve the purpose set forth in section 702(b). There are authorized to be appropriated for the purpose of carrying out this title * * * and \$1,000,000 for the period beginning July 1, 1976, and ending September 30, 1979, except that of the sums available under section 708(a), the Assistant Secretary is limited in the use of such sums to an amount, not more than 5 percent, which may be used for providing compensatory services funded in whole or in part under Title I of the Elementary and Secondary Education Act of 1965, but who are no longer receiving such services as a result of attendance area changes under a desegregation order or plan issued after August 21, 1974."

(Pub. L. 92-318, section 704(a)); (20 U.S.C. 1603(a)); (45 CFR 185.95-1).

(E) Magnet School and University/Business Cooperation.

(F) Neutral Site Planning.

"There are authorized to be appropriated in addition to the sums authorized under subsection (a) of this section \$25,000,000 for fiscal year 1977 * * * for the purpose of carrying out activities specified in paragraphs (13) through (15) of section 707(a) of this Act * * *"

(13) Planning and design of, and conduct of programs in, magnet schools.

(14) The pairing of schools and programs with specific colleges and universities and with leading businesses.

(15) The development of plans for neutral site schools."

(Pub. L. 92-318, section 704(d), section 707(a)); (20 U.S.C. 1603(d), 1606(a)); (45 CFR 185.102).

(G) Preimplementation Grants.

"Under the authority of section 708(a)(2) of the Emergency School Aid Act (Title VII of Pub. L. 92-318, as amended 20 U.S.C. 1601-1619), the Commissioner of Education invites applications for assistance to prepare for the implementation of desegregation plans (or other plans described in section 706(a)(1) (A)(i), (B), or (C) (i) or (ii) of the Act, involving the elimination or reduction of minority group isolation in public elementary and secondary schools).

Applications will be accepted from local educational agencies (LEA's), State educational agencies (SEA's), and other public agencies and organizations in connection with plans under which children (or, in the case of required plans described in section 706(a)(1)(A), faculty), will be reassigned to schools in the 1978-79 school year."

8. How Information Collected Will Be Used: Each application for a LEA grant under the Emergency School Aid Act will be subject to the following reviews.

A. Statistical Data Review.

The statistical data regarding the enrollment and isolation of minority group students will be taken from the application and used to compute the extent of projected reduction of minority group isolation. Pilot project applications must be verified to have at least 15,000 minority group students in the district or 50 percent minority enrollment in the project schools.

B. Eligibility/Assurances Review.

The Office for Civil Rights (OCR) has been delegated authority to determine if districts are eligible to apply for and receive assistance under Pub. L. 92-318. The Office of Education is responsible for determining if the applicant has met the requirements for all other assurances.

C. Educational Quality Review. The educational quality score of each application will be determined by a panel of qualified persons using the criteria outlined in 45 CFR 185.14, 185.24, 185.34, 185.35, 185.54(b), 185.91-2, 185.92-3, 185.93-3, 185.94-3, 185.106, and 185.107, as applicable. The listing of prominent milestones outlined by the applicant will be used by OE personnel to track the progress of the project.

7. Data Acquisition Plan.

a. Method of collection: Mail.
b. Time of Collection: January.
c. Frequency: Annually.

8. Respondents.

a. Type: Local educational agencies and other public agencies or organizations.
b. Number: Sample—1,150.

c. Estimated average man hours per respondent: 40 hours.

9. Information to be collected.

Applicants for local educational agency (LEA) grants, including basic grants, pilot projects, territories, special arts, special student concerns projects, magnet schools and university/business cooperation projects, neutral site planning projects and preimplementation projects are required to submit the following information:

(a) A copy of the desegregation plan including attachments to document assurances. (Applicants for magnet schools and university/business cooperation projects and neutral site planning projects are not required to have a desegregation plan.)

(b) A program narrative presented in the following manner: *Needs Assessment* should be broken down into individual needs, and each need should be ranked in order of priority and presented separately. Under each component, discuss the objectives and activities associated with the particular need, the plans for evaluation of those activities, the management of resources and for pilot projects only, the plans for replication of the program. In discussing staffing, present a biographical sketch of the program director which includes his or her name, address, telephone number, background and other qualifying experience for the project. Special arts applicants must also state the prior experience in education, the arts, and interracial/intercultural relations of the State director level to be employed. Also, list the name and relevant experience of other key personnel to be involved in the project.

Bilingual applicants must include a description of the plan for inservice training, and a plan for the implementation of any program developed or proposed to be developed (see 45 CFR 185.52 (b) and (c)).

LEA applicants only: (1) Describe the procedures proposed for the coordination of this proposed program or project with projects, when applicable, of Titles I, III, and VII of the Elementary and Secondary Education Act of 1965 and Title IV of the Civil Rights Act of 1964 and other laws of the United States (see 45 CFR 185.13(h)).

(2) Attach a description of how nonpublic school children and staff are expected to participate in the proposed project and of the procedure by which the applicant consulted with representatives of nonpublic schools in the development of the application, and procedures for effective liaison with such persons after the receipt of the funds requested (see 45 CFR 185.42(f)).

Applicants for special compensatory projects only. Provide (1) a precise description of attendance area changes under the desegregation plan; (2) the number of students eligible to receive compensatory services under this division, and a description of how the applicants determined their eligibility; (3) a description of the compensatory services for which the applicant seeks assistance; and (4) a detailed budget which shows the additional cost of providing the compensatory services in the most economical way.

(c) Enrollment data showing the number of schools to be affected by the plan under which the LEA is operating.

(d) Enrollment data on the number and/or percentage of minority group students as defined in 45 CFR 185.02(f) currently enrolled in such school district. (Applicants for bilingual projects must also list the total non-English dominant enrollment in the LEA.)

(e) Names of schools to be affected by the plan, where applicable, as well as the percentage of minority group students enrolled in such schools for

(1) School year immediately preceding the initiation of a LEA's current desegregation plan. (Applicants for magnet schools and university/business cooperation projects must provide enrollment data for two school years immediately preceding the year for which funds are requested.)

(2) School year for which funds are being requested or the next most recent school term for which such data are available.

(f) For applicants for integrated schools projects only, for each school provide the total predicted enrollment and the number and percent of minority enrollment for each

school affected by the plan and each school not affected by the plan.

(g) For 45 CFR 185.104(c)(1)(i)(C), enter names of schools by decreasing percentages of minority pupils predicted to be enrolled and participate in project. (Magnet school and university/business cooperation projects only.)

(h) Number of schools not affected by the plan and the number and percentage of minority pupils currently enrolled.

(i) Number of students who are expected to participate in each school, by type of project and by racial category.

(j) For 45 CFR 185.13(1)(2), list by race, the number of principals, full-time classroom teachers, and head athletic coaches employed by district for academic year immediately preceding implementation of any portion of district plan.

(k) For 45 CFR 185.13(1)(3), give the total number of all minority or all nonminority classes in the district and attach an educational justification of such assignments.

(m) For each nonpublic school which enrolls students or employs staff who will participate in the proposed ESAA project (45 CFR 185.42(f)), indicate the type of grant, the total number of staff and students, by race, in each school, and the number of staff and students who will participate in each project.

(n) For 45 CFR 185.13(1)(1), list the district's transactions with nonpublic schools since June 23, 1972, including gifts, leases, loans, sales or other transactions of property or service, by name and address of nonpublic school, date of transaction and description of property or services.

(o) For 45 CFR 185.13(1), show the total local revenue and tax rate or show expenditures per pupil from local revenues for the applicable fiscal years (potential 3 years), and for 45 CFR 185.103(a)(3), show expenditures per pupil for the magnet schools, by grade level organization.

(p) For 45 CFR 185.13(1)(4), supply the district's current enrollment by race and type of disability in classes for the mentally retarded or for children with other learning disabilities; supply the current number and percentage of students enrolled in the first grade in the district whose primary home language is other than English. If the number of non-English dominant students is more than 100 or more than 5 percent, attach the averages of the students enrolled in the third and sixth grades (or the nearest grades).

(q) Provide data for advisory committees, including date established, date application submitted to committee for review, date the names of members and purpose were published in a newspaper and a copy of the minutes of the hearing, and a copy of the written comments of the advisory committee.

(r) Provide a copy of the letter to the State Educational Agency requesting SEA comments on the application.

(s) For applicants for bilingual projects only. Provide (1) number and percentage of minority group children, in the district from an environment in which the dominant language is other than English, who currently receive instruction in such language, the average number of hours per day, and the educational goals of such instruction; (2) indicate the extent to which such minority children are separated from nonminority children by or within classes for any part of the day for the provision of instructional or other services or for purposes of ability

grouping or homogeneous instruction, by name of school, average number of hours of separation per day, and educational justification for separations (45 CFR 185.53(c)); and (3) explain any variation in materials used for reading instruction between the various schools in the district or between the various classrooms within such school. Variations should be described in terms of primary language, subject matter, or intended level of instruction.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of Proposed Activity: Fourth Annual Data Collection in Response to Section 437 of the General Education Provisions Act.

2. Agency/bureau/office: U.S. Office of Education, Office of Planning, Budgeting, and Evaluation.

3. Agency form number: OE 511.

4. Legislative authority for this activity.

"Responsibility of States to furnish information. (a) The Commissioner shall require that each State submit to him, within ninety days after the end of any fiscal year, a report on the uses of Federal funds in that State under any applicable program for which the State is responsible for administration. Such report shall:

(1) List all grants and contracts made under such program to the local educational agencies and other public and private agencies and institutions within such State during such year;

(2) Include the total amount of funds available to the State under each such program for such fiscal year and specify from which appropriation Act or Acts these funds were available;

(3) With respect to the second preceding fiscal year, include a compilation of reports from local educational agencies and other public and private agencies and institutions within such State which sets forth the amount of such Federal funds received by each such agency and the purposes for which such funds were expended;

(4) With respect to such second preceding fiscal year, include a statistical report on the individuals served or affected by programs, projects, or activities assisted with such Federal funds; and

(5) Be made readily available by the State to local educational agencies and other public and private agencies and institutions within the State, and to the public.

(b) On or before March 31 of each year, the Commissioner shall submit to the Committee on Labor and Public Welfare of the Senate and to the Committee on Education and Labor of the House of Representatives an analysis of these reports and a compilation of statistical data derived therefrom.

((20 U.S.C. 1232f) Enacted August 21, 1974, Pub L. 93-380, sec. 512(a), 88 Stat. 571.)

5. Voluntary/obligatory nature of response: Required to obtain or maintain benefits.

6. How information to be collected will be used: Data collected in this activity will be compiled, analyzed, and publicly disseminated to serve multiple uses:

(a) To respond to the specific Congressional mandate to list all grants and contracts made by the States under their responsibilities to administer certain Federal education programs; to establish the specific program purposes for which such funds are being expended; and to estimate the num-

bers of program participants or beneficiaries.

(b) To establish a data base for the benefit of program management, assessment of program effectiveness, program evaluation, research, and future legislative actions;

(c) To make this information readily available to the public.

7. Data acquisition plan:

a. Method of collection: A computer generated data collection form will be mailed to respondents.

b. Time of collection: At or before the end of the fiscal year, September 30, 1978; return of completed forms is specified by law for no later than December 31, 1978.

c. Frequency: Annually.

8. Respondents:

a. Type: State education agencies.

b. Number: 51.

c. Estimated average man-hours per respondent: 175.

a. Type: Federal education agencies.

b. Number: 1.

c. Estimated average man-hours per respondent: 20.

a. Type: State library agencies not under SEA's.

b. Number: 35.

c. Estimated average man-hours per respondent: 8.

a. Type: VEA program offices not under SEA's.

b. Number: 7.

c. Estimated average man-hours per respondent: 80.

a. Type: AEA program offices not under SEA's.

b. Number: 5.

c. Estimated average man-hours per respondent: 5.

a. Type: HEA program offices not under SEA's.

b. Number: 56.

c. Estimated average man-hours per respondent: 1.

9. Information to be collected: Section 437 of the General Education Provisions Act defines two broad classes of data to be collected for State administered Federal education programs. These classes are: (a) State level data, and (b) local level data.

(a) *State level data.* Paragraph (a)(2) requires that the State report "include the total amount of funds available to the State under each such program . . . and specify from which appropriation Act or Acts these funds were available . . ."

For this data collection we are concerned with Federal funds appropriated for fiscal years 1978 and 1977, respectively. The allocation of fiscal year 1978 funds to States by program is available at USOE; these items will not be collected from the respondents. However, we will ask for a report by State and program of fiscal year 1977 funds carried over for allocation by States in fiscal year 1978.

(b) *Local level data.* Paragraph (a)(1) requires that the respondent "list all grants and contracts made under such program to the local educational agencies and other public and private agencies and institutions within such State during such year . . . We are therefore asking respondents to provide such a list of grants and contracts made under applicable programs during fiscal year 1978.

The list should show all grantees which are ultimate recipients of Federal funds, and the amount of such funds. If a State agency makes a grant to another State agency, which in turn further allocates Fed-

eral funds, the intermediate action should not be shown, but the final grant activity must be reported. In some programs, Federal funds have been commingled with State funds for convenience. Section 437 requires that Federal funds alone be reported.

We have identified seven classes of recipient agency: local educational education agency, institution, intermediate administrative agency, State agency, university, public library, and other. These classes will be defined in instructions to be sent to respondents. The list of grantees called for by Paragraph (a)(1) should contain an agency name, and the proper code for agency type. For local education agencies, the standard ELSEGIS code should be included. (Code lists will be sent to respondents.)

The clerical burden of compiling the required list will be substantially reduced by USOE's use of a computer-generated data collection form with a pre-printed list of most expected grantees.

Paragraph (a)(3) requires that with respect to the second preceding fiscal year (that is, fiscal year 1977), the respondents will report "the amount of such Federal funds received by each such agency and the purposes for which such funds were expended . . ." This requirement is a report of expenditures made against grants made in fiscal year 1977, these expenditure reports must be aggregated to the total for a recipient agency. Partial reports, or reports of disbursement by project, classroom, school within an LEA, etc., are not acceptable.

The "purposes for which such funds were expended" are defined below for each applicable program.

Paragraph (a)(4) requires that with respect to such preceding fiscal year the respondent must include a statistical report on "the individuals served or affected by programs, projects, or activities assisted with such federal funds . . ."

For this data collection (for some programs only) we require a single program participant count (from best data available to state agencies) along with a code identifying data characteristics. (Code lists will be furnished to respondents.) This participant count will accompany reports of expenditures defined above, for certain applicable programs. (See list below.)

Data collection requirements by program. For the fourth annual data collection in response to Section 437 of the General Education Provisions Act we have identified 22 applicable State administered Federal education programs. However, because of program consolidations in the Elementary and Secondary Education Act of 1965 (as amended) and in the Vocational Education Act of 1963 (as amended), data collection requirements vary substantially among programs. Accordingly, the list below will show specifically for each program the current requirement (if any) for:

(a) A report of FY 1978 grants;

(b) A report of expenditures made against previously reported FY 1977 grants;

(c) A report of FY 1977 program participants;

(d) Categories of program purpose for a breakdown of FY 1977 expenditures.

1. *Elementary and Secondary Education Act of 1965, Title I, Educationally Deprived Children, Handicapped.* OMB Catalog No.: 13.427.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is required;

(d) A breakdown of FY 1977 expenditures is required.

(c) A report of FY 1977 program participants is required;

(d) A breakdown of FY 1977 expenditures is required using the following categories of program purpose:

1. State administration.
2. Trainable mentally retarded.
3. Educable mentally retarded.
4. Specific Learning Disabled.
5. Emotionally Disturbed.
6. Speech Impaired.
7. Orthopedically Impaired.
8. Visually Handicapped.
9. Deaf-Blind.
10. Deaf.
11. Hard of Hearing.
12. Other Health Impaired.

2. *Elementary and Secondary Education Act of 1965, Title I, Educationally Deprived Children, Migrants.* OMB Catalog Number: 13.429.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is required;

(d) A breakdown of FY 1977 expenditures is required using the following categories of program purpose:

1. Local Projects.
2. Instructional Services.
3. Support Services.
4. Staff Development.
5. Other.
6. State Education Agency.

3. *Elementary and Secondary Education Act of 1965, Title I, Educationally Deprived Children, State Administration.* OMB Catalog Number: 13.430.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is not required;

(d) A breakdown of FY 1977 expenditures is not required.

4. *Elementary and Secondary Education Act of 1965, Title I, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children.* OMB Catalog Number: 13.431.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is required;

(d) A breakdown of FY 1977 expenditures is required using the following categories of program purpose:

1. Neglected Children.
2. Delinquent Children.
3. Children in State Correctional Institutions.

5. *Elementary and Secondary Education Act of 1965, Title I, Part A—Educationally Deprived Children—Local Education Agencies.* OMB Catalog Number: 13.428.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is required;

(d) A breakdown of FY 1977 expenditures is not required.

6. *Elementary and Secondary Education Act of 1965, Title I, Part B—Educationally Deprived Children—Special Incentive Grants.* OMB Catalog Number: 13.512.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is required;

(d) A breakdown of FY 1977 expenditures is not required.

7. *Elementary and Secondary Education Act of 1965, Title IV, Part B—Libraries and Learning Resources.* OMB Catalog Number: 13.570.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is not required;

(d) A breakdown of FY 1977 expenditures is required using the following categories of program purpose:

1. SEA Administration.
2. Public School Library Resources and Other Instructional Material.
3. Public Textbooks.
4. Public Equipment.
5. Minor Remodeling.
6. Public Testing.
7. Public Counseling and Guidance.
8. Private School Library Resources and Other Instructional Material.
9. Private Textbooks.
10. Private Equipment.
11. Private Testing.
12. Private Counseling and Guidance.

8. *Elementary and Secondary Education Act of 1965, Title IV, Part C—Educational Innovation and Support.* OMB Catalog Number: 13.571.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is required;

(d) A breakdown of FY 1977 expenditures is required using the following categories of program purpose:

1. SEA Administration.
2. Strengthening Leadership Resources of SEA's.
3. Strengthening Leadership Resources of LEA's.
4. Supplementary Centers and Services: Developmental/Innovative Projects.
5. Supplementary Centers and Services: Adopter/Dissemination/Facilitator.
6. Supplementary Centers and Services: All other programs.
7. Nutrition and Health.
8. Dropout Prevention.
9. *Education of the Handicapped Act, Title VI, Part B, Handicapped Preschool and School Programs.* OMB Catalog Number: 13.449.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is required;

(d) A breakdown of FY 1977 expenditures is required using the following categories of program purpose:

1. SEA Administration.
2. Strengthening Leadership Resources of SEA's.
3. Strengthening Leadership Resources of LEA's.
4. Supplementary Centers and Services: Developmental/Innovative Projects.
5. Supplementary Centers and Services: Adopter/Dissemination/Facilitator.
6. Supplementary Centers and Services: All other programs.
7. Nutrition and Health.
8. Dropout Prevention.
9. *Education of the Handicapped Act, Title VI, Part B, Handicapped Preschool and School Programs.* OMB Catalog Number: 13.449.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is required;

(d) A breakdown of FY 1977 expenditures is required using the same 12 categories of program purpose shown above for "Title I, Educationally Deprived Children, Handicapped."

10. *Adult Education Act, Title III, Grants to States.* OMB Catalog Number: 13.400.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is required;

(d) A breakdown of FY 1977 expenditures is not required.

15. *Vocational Education Amendments of 1968, Title I, Part F—Consumer and Home-making.* OMB Catalog Number: 13.494.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is not required;

(d) A breakdown of FY 1977 expenditures is not required.

16. *Vocational Education Amendments of 1968, Title I, Part G—Cooperative Education.* OMB Catalog Number: 13.495.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is not required;

(d) A breakdown of FY 1977 expenditures is not required.

17. *Vocational Education Amendments of 1968, Title I, Part H—Work Study.* OMB Catalog Number: 13.501.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is not required;

(d) A breakdown of FY 1977 expenditures is not required.

(d) A breakdown of FY 1977 expenditures is required using the following categories of program purpose:

1. State Administration.
2. Special Projects, Sec. 306.
3. Teacher Training, Sec. 306.
4. Research.
5. Programs of Instruction, Grades 1-8.
6. Programs of Instruction, Grades 9-12.
7. State Advisory Councils.
8. Special Projects, Sec. 309.
9. Teacher Training, Sec. 309.
10. Programs for Institutionalized Persons, Grades 1-8.
11. Programs for Institutionalized Persons, Grades 9-12.
12. *Vocational Education Amendments of 1968, Title I, Part B, Basic Grants to States.* OMB Catalog Number: 13.493.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is required;

(d) A breakdown of FY 1977 expenditures is required using the following categories of program purpose:

1. SEA Administration.
2. Public School Library Resources and Other Instructional Material.
3. Public Textbooks.
4. Public Equipment.
5. Minor Remodeling.
6. Public Testing.
7. Public Counseling and Guidance.
8. Private School Library Resources and Other Instructional Material.
9. Private Textbooks.
10. Private Equipment.
11. Private Testing.
12. Private Counseling and Guidance.

8. *Elementary and Secondary Education Act of 1965, Title IV, Part C—Educational Innovation and Support.* OMB Catalog Number: 13.571.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is required;

(d) A breakdown of FY 1977 expenditures is required using the following categories of program purpose:

1. SEA Administration.
2. Strengthening Leadership Resources of SEA's.
3. Strengthening Leadership Resources of LEA's.
4. Supplementary Centers and Services: Developmental/Innovative Projects.
5. Supplementary Centers and Services: Adopter/Dissemination/Facilitator.
6. Supplementary Centers and Services: All other programs.
7. Nutrition and Health.
8. Dropout Prevention.
9. *Education of the Handicapped Act, Title VI, Part B, Handicapped Preschool and School Programs.* OMB Catalog Number: 13.449.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is required;

(d) A breakdown of FY 1977 expenditures is required using the following categories of program purpose:

1. SEA Administration.
2. Strengthening Leadership Resources of SEA's.
3. Strengthening Leadership Resources of LEA's.
4. Supplementary Centers and Services: Developmental/Innovative Projects.
5. Supplementary Centers and Services: Adopter/Dissemination/Facilitator.
6. Supplementary Centers and Services: All other programs.
7. Nutrition and Health.
8. Dropout Prevention.
9. *Education of the Handicapped Act, Title VI, Part B, Handicapped Preschool and School Programs.* OMB Catalog Number: 13.449.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is not required;

(d) A breakdown of FY 1977 expenditures is not required.

14. *Vocational Education Amendments of 1968, Title I, Part D—Innovation (Exemplary Programs and Projects).* OMB Catalog Number: 13.502.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is not required;

(d) A breakdown of FY 1977 expenditures is not required.

21. *Higher Education Act of 1965, Title I—University Community Service, Grants to States (Community Service and Continuing Education Programs).* OMB Catalog Number: 13.491.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is not required;

(d) A breakdown of FY 1977 expenditures is not required.

22. *Higher Education Act of 1965, Title I—University Community Service, Grants to States (Community Service and Continuing Education Programs).* OMB Catalog Number: 13.491.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is not required;

(d) A breakdown of FY 1977 expenditures is not required.

23. *Higher Education Act of 1965, Title I—University Community Service, Grants to States (Community Service and Continuing Education Programs).* OMB Catalog Number: 13.491.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is not required;

(d) A breakdown of FY 1977 expenditures is not required.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is required;

(d) A breakdown of FY 1977 expenditures is required using the following categories of program purpose:

1. Secondary.
2. Postsecondary.
3. Adult.
4. Depressed Areas Secondary.
5. Depressed Areas Postsecondary.
6. Depressed Areas Adult.
7. *Vocational Education Amendments of 1968, Title I, Part G—Cooperative Education.* OMB Catalog Number: 13.495.

(a) A report of FY 1978 grants is not required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is required;

(d) A breakdown of FY 1977 expenditures is not required.

17. *Vocational Education Amendments of 1968, Title I, Part H—Work Study.* OMB Catalog Number: 13.501.

(a) A report of FY 1978 grants is not required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is required;

(d) A breakdown of FY 1977 expenditures is not required.

18. *Vocational Education Act of 1963, as amended, Program Improvement and Supportive Services.* OMB Catalog Number: 13.496.

(a) A report of FY 1978 grants is required;

(b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is not required;

(d) A breakdown of FY 1977 expenditures is not required.

19. *Library Services and Construction Act, Title I, Grants for Public Libraries.* OMB Catalog Number: 13.464.

(a) A report of FY 1978 grants is required;

(d) A breakdown of FY 1977 expenditures is not required.

22. Higher Education Act of 1965, Title IV, Part A, Grants to States for State Student Incentive. OMB Catalog Number: 13.548.

(a) A report of FY 1978 grants is required; (b) A report of expenditures made against previously reported FY 1977 grants is required;

(c) A report of FY 1977 program participants is required;

(d) A breakdown of FY 1977 expenditures is not required.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of proposed activity: A Study of the Requirements for Forming State Guarantee Agencies in GSLP.

2. Agency/bureau/office: Office of Education, Office of Planning, Budgeting, and Evaluation, Postsecondary Programs Division.

3. Agency form number: OE-530.

4. Legislative authority for this activity:

"The Commissioner shall develop and execute a plan designed to encourage the establishment of student loan insurance program by each State which does not have such a program . . ." Sec. 421(c)(1).

"The Commissioner shall make a report to the Congress . . . Which shall include a description of the activities the Commissioner and his designees have undertaken pursuant to paragraph (1) . . ." (Sec. 421(c)(3)(A), (20 U.S.C. 1071), Pub. L. 94-482.

5. Voluntary/obligatory nature of response: Voluntary.

6. How information collected will be used: Collected data will be presented to existing State guarantee agencies and to non-agency (Federal Program) States planning to form such agencies.

7. Data acquisition plan:

a. Method of collection: Site visits to each of 26 State guarantee agencies.

b. Time of collection: Summer, 1978.

c. Frequency: Once.

8. Respondents:

a. Type: State agencies/private non-profit corporations.

b. Number: 26.

c. Estimated average man-hours per respondent: 20 hours.

9. Information to be collected:

(a) The operating structures of agencies.

(b) Levels and types of services provided to lenders, borrowers, and educational institutions.

(c) Cost of services provided.

DESCRIPTION OF PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of proposed activity: Technical Assistance Needs Assessment for Handicapped Children's Early Education Program Grantees.

2. Agency/bureau/office: U.S. Office of Education/Bureau of Education for the Handicapped.

3. Agency form number: OE 609.

4. Legislative authority for this activity:

"Section 623. Commissioner is authorized to arrange by contract, grant, or otherwise . . . for the development and carrying out by such agencies and organizations of experimental preschool and early education programs . . . which the Commissioner determines show promise of promoting a comprehensive and strengthened approach to

the special problems of such children . . ." (20 U.S.C. 1423), Pub. L. 91-230.

5. Voluntary/obligatory nature of response: Voluntary.

6. How information collected will be used: The information collected will be used to determine the type and amount of TA services necessary in the following areas: program planning and management; program content regarding parents, children and other service recipients; evaluation of project effectiveness; and project coordination with local and State agencies. On the basis of the information collected the technical assistance centers decide with the grantee, the mode of delivery of technical assistance services.

7. Data acquisition plan:

a. Method of Collection: Personal interview.

b. Time of collection: Fall.

c. Frequency: Annually.

8. Respondents:

a. Type: Local education agencies, State education agencies, public and private non-profit educational agencies and organizations.

b. Number: Approximately 115.

c. Estimated average man-hours per respondent: 6.

9. Information to be collected: Grantees participating in needs assessment services will provide information which will focus on the following program development areas:

a. Administration: Planning project activities, recordkeeping, cost effectiveness procedures, and fiscal management.

b. Child Identification and Screening: developing and implementing appropriate mechanisms and instrumentation for locating, referring, and admitting children who can benefit from early education intervention and related services.

c. Educational program: Development of assessment, training, and delivery of educational services to children. This includes curriculum development and instrumentation for measurement of child change.

d. Parent family services: The planning and coordination of community educational and supportive services to the families of children receiving services. This activity includes training of parents to teach children.

e. Community coordination: Planning and utilization of existing and potential community resources to improve service delivery to children.

f. Staff development: Identifying and utilizing resources to train staff in specific skill areas relative to the educational approach being developed.

g. Demonstration: Utilizing staff and facilities to demonstrate the educational approach and techniques utilized in the delivery of services to children.

h. Dissemination: Developing and disseminating products to appropriate educational service delivery organizations.

i. Continuation: Identification of state and local resources which can provide fiscal and program support for projects after the Federal funding period terminates.

j. Program evaluation: Development and implementation of efforts to assess the effectiveness of model components.

These program areas are those which form the basic components of HCEEP model development projects.

Information relative to each grantee's perceived need in the identified program components is collected through the administration of the structured interview by the needs assessor.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of proposed activity: Annual Program Plan for ESEA Title IV, Part B and C, Libraries and Learning Resources, Education Innovation and Support.

2. Agency/bureau/office: U.S. Office of Education, Bureau of Elementary and Secondary Education.

3. Agency form number: OE 634.

4. Legislative authority for this activity:

"Sec. 403. (a) Any State which desires to receive grants . . . shall submit to the Commissioner a State plan, in such detail as the Commissioner deems necessary . . ." (20 U.S.C. 1803), Pub. L. 93-380.

5. Voluntary, obligatory nature of response: Required to obtain or maintain benefits.

How information collected will be used: The information is necessary to fulfill the statutory requirements contained in Section 403. The information is needed by the Commissioner to assure that the necessary assurances and purposes are in compliance with the Act.

7. Data acquisition plan:

a. Method of collection: Mail.

b. Time of collection: Summer.

c. Frequency: Annual.

8. Respondents:

a. Type: State education agencies.

b. Number: 58.

c. Estimated average man-hours per respondent: 100.

9. Information to be collected: The Annual Program Plan requests information on the following topics for Libraries and Learning Resources:

Assurances and statements.

A. Administration.

B. State Advisory Council.

C. Dissemination.

D. Commingling.

Libraries and Learning Resources:

A. Program.

B. Criteria for Distribution of Part B Funds Program Narrative, Part C: Strengthening State and Local Educational Agencies. Program Narrative, Part C: Supplementary Educational Centers and Services; Nutrition and Health; and Dropout Prevention.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of proposed activity: Study of Program Management Procedures in the Campus-Based and Basic Grant Programs.

2. Agency/bureau/office: U.S. Office of Education, Office of Planning, Budgeting, and Evaluation.

3. Agency form number: OE 637.

4. Legislative authority for this activity:

" . . . the Secretary shall transmit to (appropriate Congressional committees) an annual evaluation report which evaluates the effectiveness of applicable programs . . . such report shall . . . contain information on the progress being made . . . describe the cost and benefits of the applicable program . . . identify which sectors of the public receive the benefits of such program . . ." (20 U.S.C. 1226c, sec. 417(a)(1), Pub. L. 93-380.

5. Voluntary/obligatory nature of response: Voluntary.

6. How information to be collected will be used: The major purposes of this study are to evaluate the effectiveness and efficiency of operations and management procedures

in terms of achieving the intended benefits of the Campus-Based and Basic Grant Programs; and to recommend appropriate techniques for improvements in the operation and managerial procedures.

Data will be gathered from institutions on their policy, practices and costs in financial aid management. Data obtained from students will yield information on the equity of the distribution of aid to students and other impacts relative to institutional operating procedures.

7. Data acquisition plan:

a. Method of collection: Personal interviews.

b. Time of collection: Fall, 1978, spring, 1979.

c. Frequency: Single time.

8. Respondents:

a. Type: Financial aid officers.

b. Number: 175.

c. Estimated average man-hours per respondent: 8.

a. Type: Chief fiscal officers.

b. Number: 175.

c. Estimated average man-hours per respondent: 0.5

a. Type: Loan officers.

b. Number: 150.

c. Estimated average man-hours per respondent: 0.5.

a. Type: Registrars or admissions officers.

b. Number: 100.

c. Estimated average man-hours per respondent: 0.5.

a. Type: Provosts.

b. Number: 100.

c. Estimated average man-hours per respondent: 0.5.

a. Type: Students.

b. Number: 20,000.

c. Estimated average man-hours per respondent: 0.5.

9. Information to be collected:

FINANCIAL AID OFFICER

Staffing of the financial aid officer, the distribution of office work functions among the staff, and operating costs.

Procedures for keeping financial aid records and for maintaining the confidentiality of student records.

Statistical data on aid recipients.

Procedures for and types of staff training.

Activities undertaken to both establish and maintain program eligibility.

Procedures for completing the application for participation in Campus-Based aid programs.

Procedures for hiring financial aid office personnel who provide counseling to students, and the activities undertaken to provide student counseling services.

Procedures for informing potential students about financial aid programs.

Procedures for developing student aid packages and for determining the costs of education.

Type of need analysis system used by the institution. Procedures for arranging for CWS jobs.

Procedures for validating and correcting information submitted by students on Basic Grant and Campus-Based applications.

Procedures used to allocate aid to students, including the notification and delivery of aid and the repackaging of aid.

Procedures to prevent multiple awarding or overawarding of aid to students.

Procedures for monitoring the enrollment of aid recipients and for the recovery of aid from recipients who are no longer eligible.

DESCRIPTION OF PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of proposed activity: Lender's Manifest for Health Education Assistance Loans.

2. Agency/bureau/office: U.S. Office of Education, Bureau of Student Financial Assistance, Division of Policy and Program Development, Health Loan Branch.

3. Agency form number: OE 639.

4. Legislative authority for this activity:

"Section 732(a)(3) An application submitted pursuant to subsection (a)(1) shall contain . . . (B) an agreement by the applicant that if the loan is covered by insurance, the applicant will submit such supplementary reports and statements during the effective period of the loan agreement, upon such forms, at such times, and containing such information as the Secretary may prescribe by or pursuant to regulation." (42 U.S.C. 294e), Pub. L. 94-484.

5. Voluntary/obligatory nature of response: Required to obtain or maintain benefits.

6. How information to be collected will be used: The reporting of various transactions conducted by a lending institution such as disbursements, collection of insurance premiums, conversions and payments in full is necessary to assure the proper making and servicing of the loans. The Lender's Manifest will function as the information-collecting document for this purpose.

7. Data acquisition plan:

(a) Method of collection: Mail.

(b) Time: As necessary (maximum of 30 days after disbursement, conversion or full payment occurred).

(c) Frequency: This data will be collected on a continual basis. However, it is anticipated that no more than four reports per year will be necessary based on the lender's disbursement and conversion activity.

8. Respondents:

(a) Type: Colleges and Universities.

(b) Number: 320.

(c) Estimated average man-hours per respondent: 0.25.

(a) Type: Financial institutions.

(b) Number: 200.

(c) Estimated average man-hours per respondent: 0.25.

9. Information to be collected: Reported by Lending Institution: Information includes lender identification and address information; borrower identification; type, date and amount (if applicable) of transaction.

DESCRIPTION OF A PROPOSED COLLECTION OF INFORMATION AND DATA ACQUISITION ACTIVITY

1. Title of proposed activity: Standard Application for Federal Assistance (Non-construction) for Follow Through Program.

2. Agency/Bureau/Office: Office of Education/Bureau of Elementary and Secondary Education/Division of Training and Facilities.

3. Agency form number: OE 4473.

4. Legislative authority for this activity:

"Sec. 551. (a)(1) The Secretary is authorized to provide financial assistance in the form of grants to local educational agencies, combination of such agencies, and, as provided in paragraph (2) of this subsection, any other public or appropriate nonprofit private agencies, organizations, and institutions for purpose of carrying out Follow Through Program . . ." (42 U.S.C. 2929)

Procedures for operating prior to the issuance of program regulations, and the costs to the institution as a result of delays in program regulations.

Procedures for collecting and compiling data for the BEOG Quarterly and FISCOP reports in order to comply with USOE requirements.

Outcomes of program reviews and audits, and the procedures for rectifying any exceptions.

CHIEF FISCAL OFFICERS

Actions taken to establish eligibility to participate in financial aid programs, and the costs associated with these actions.

Actions taken to regain full eligibility to participate in aid programs and the associated costs of these actions, if applicable.

Procedures for drawing funds after the award level of Campus-Based aid has been established.

LOAN OFFICER

Number and dollar amount of NDSL awards, cancellations, deferments, collectible accounts and delinquent accounts.

Procedures for verifying the grounds for NDSL cancellation or deferment.

Procedures for collecting repayment from NDSL borrowers (including the conduct of entrance and exist interviews, tracking borrowers after leaving the institution and tracking delinquent borrowers, and the associated costs of these procedures).

REGISTRARS OR ADMISSIONS OFFICERS

Enrollment data.

Special procedures for recruiting and retaining disadvantaged students.

PROVOSTS

Actions taken to establish eligibility, and the costs associated with these actions.

Actions taken to regain full eligibility to participate in aid programs and the associated costs of these actions, if applicable.

STUDENTS

Background data (age; sex; ethnicity; marital status; residence status; dependency status; income; and parents' income). High school experience (academic achievement; quality of financial aid counseling received in high school).

Work experience.

Postsecondary school experience (class level; major area of study; enrollment level status; educational aspirations; academic achievement; and estimates of the cost of education).

Types and amounts of financial aid received.

Sources helpful to student in learning about financial aid programs.

Experience in completing financial aid application forms in terms of the time and difficulty.

Loan counseling and repayment terms (NDSL recipients).

Validation of SER (time and money expended to verify data).

Date of notification of eligibility for aid and of actual size of award.

Satisfaction with the financial aid counseling provided by the institution.

5. Voluntary/obligatory: Required to obtain benefit.

6. How information collected will be used: Information will be used to determine the eligibility of the applicant and the amount of grant award.

7. Data acquisition plan:

(a) Method of collection: Mail.

(b) Time of collection: Winter.

(c) Frequency: Annually.

8. Respondents:

(a) Type: Local Education Agencies (including Resource Centers).

(b) Number: 162.

(c) Estimated average man-hours per respondent: 30.

(a) Type: Colleges and Universities.

(b) Number: 20.

(c) Estimated average man-hours per respondent: 30.

(a) Type: State Education Agencies.

(b) Number: 52.

(c) Estimated average man-hours per respondent: 30.

9. Information to be collected:

In addition to the standard application (OMB Circular No. A-102) with modification as required by law and regulations, the following information items are also requested:

1. Number of students (1) who are low-income children calculated in the Federal per-child cost and other children, (2) with and without Headstart or equivalent experiences, and (3) enrolled in public and non-public schools.

2. Number of staff who are low-income parents of Follow Through students and other personnels.

(FR Doc. 78-16321 Filed 6-12-78; 8:45 am)

[4110-03]

Food and Drug Administration

MEMORANDUM OF AGREEMENT WITH THE ASSOCIATION OF OFFICIAL ANALYTICAL CHEMISTS

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has executed a memorandum of agreement with the Association of Official Analytical Chemists (AOAC). The purpose of the memorandum is to set forth specific FDA-AOAC arrangements that have been in force in the past and are to be continued in the future.

DATE: The agreement became effective February 21, 1978.

FOR FURTHER INFORMATION CONTACT:

Douglas L. Park, Office of Science (HFS-57), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-245-1503.

SUPPLEMENTARY INFORMATION: Under the notice published in the Fed-

ERAL REGISTER of October 3, 1974 (39 FR 35697), stating that future memoranda of understanding and agreements between FDA and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs is issuing the following memorandum of agreement:

MEMORANDUM OF AGREEMENT BETWEEN THE ASSOCIATION OF OFFICIAL ANALYTICAL CHEMISTS AND THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, FOOD AND DRUG ADMINISTRATION

CONCERNING SCIENTIFIC AND FINANCIAL RELATIONSHIPS

Supplementary information. Pursuant to the Interim Memorandum of Agreement between FDA and the Association of Official Analytical Chemists (AOAC) signed October 18, 1976, the Commissioner of Food and Drugs is issuing the details of the Agreement.

Background. The Commissioner of Food and Drugs often must rely upon the results obtained by chemical, physical and biological methods of analysis to demonstrate compliance or noncompliance with the Federal Food, Drug, and Cosmetic Act and other statutes and regulations. It has been FDA's policy to utilize methods of analysis approved and adopted by the Association of Official Analytical Chemists (AOAC) when methods are not specified in statutes and regulations. This policy statement is published in 21 CFR 2.19 (formerly 21 CFR 3.89). AOAC methods are published in the Association's "Official Methods of Analysis of the AOAC" and its supplements and reports supporting their reliability are published in the Journal of the AOAC.

The AOAC is a non-profit scientific organization whose primary purpose is to develop, test, validate, adopt and publish analytical methods to meet the needs of Government regulatory agencies.

Its membership is comprised of scientists from Federal, State, and other regulatory agencies who operate within the AOAC mechanism as associate or general referees, method collaborators, committee members or elected Association officers. FDA and its predecessor agencies have had a special continuing and interdependent relationship with AOAC since its inception in 1884. Although FDA has been one of the principal supporters of AOAC, the Association also receives financial support through grants, contracts, agreements from several other Federal agencies, the Canadian Government, and a number of states. AOAC employs a professional and clerical staff whose salaries are paid by the AOAC from the above support and from income derived from sales of its publications, registration fees at meetings, and other related income-producing activities.

FDA has, pursuant to authority in 21 U.S.C. 377, contributed support to the AOAC by allowing a number of its employees to work with the AOAC in managerial, editorial, and clerical capacities and by providing certain services and office space for AOAC activities. Presently, AOAC offices are located in FDA Federal Office Building facilities. The FDA plans to continue this support and wishes to set forth the specific arrangements used in its implementation.

Purpose. The Memorandum of Agreement will provide direct scientific and financial support for AOAC method development and validation programs, and strengthen the relationship between FDA and AOAC.

Agreement. Under this Memorandum of Agreement:

A. *The Association of Official Analytical Chemists will:* 1. Provide a mechanism to develop, standardize, validate and adopt analytical methods necessary to enforce provisions of the Federal Food, Drug, and Cosmetic Act and other acts administered by FDA. This effort shall include, but not be limited to:

a. The appointment of experts in specific areas of analytical methodology, as recommended by FDA; (Appointment of FDA employees for specific assignments will require prior approval by the FDA Liaison Officer or his designee).

b. The appointment of supervisory experts in analytical methodology in the following broad subject areas: standard materials; human and veterinary drugs, food identities; industrial, agricultural and natural contaminants in foods and drugs; food and color additives; microbial and fungal contaminants in foods and feeds; extraneous materials in foods and drugs; nutritional quality of foods; radiochemistry; toxicology; biochemistry; cosmetics; veterinary drug residues; medical devices; and for such other major areas as recommended by FDA and approved by the AOAC.

c. The guidance of analytical method development, testing and validations studies through the interlaboratory mechanism.

d. The appointment of committees to review and approve method-validation studies and to recommend their adoption, as considered appropriate.

2. Plan and conduct an annual meeting which will include sessions in methodology development in areas of interest to FDA, as agreed upon by FDA and AOAC. The AOAC shall provide for printing the program and abstracts, registration, projection of slides and other necessary services.

3. Conduct, as the AOAC's Board of Directors shall approve, a mid-year workshop or training meeting on subjects mutually agreed upon by FDA and AOAC.

4. Provide FDA with editorial services for scientific papers in methods of analysis and publish such papers and methods in media acceptable to the scientific and legal professions, such as the:

a. *Journal of the AOAC.*

b. *Official Methods of Analysis of the AOAC.*

c. Recognized official compendia of analytical methods.

d. FDA-oriented publications, such as manuals for food, cosmetic, and drug analysis.

e. Professionally-oriented publications, such as those reviewing statistical requirements for the design and analysis of interlaboratory studies for methods validation.

5. Provide incentive programs to encourage excellence in development of analytical methods.

6. Provide method development mechanisms for high priority programs in advanced analytical techniques utilizing: trace analysis, radioimmunoassay, microbiological, toxicological, and biochemical principles.

7. Provide expanded participation with the U.S. Pharmacopeia Convention, International Organization for Standardization (ISO) and other national and international method development oriented organizations.

8. Publish in the Journal of the AOAC an annual financial report showing the details of funding provided by FDA in support of

the method development and validation programs herein described.

9. Publish the results of the scientific programs outlined above.

B. *The Association of Official Analytical Chemists will as manpower and funds become available and as agreed to on a priority basis by FDA:*

1. Develop, in conjunction with FDA, laboratory quality assurance programs for FDA laboratories in such form and in such areas as the parties may mutually agree upon.

2. Develop, in conjunction with FDA, such handbooks and training materials as may be of value to FDA as well as to cooperating State scientists.

3. Develop, in conjunction with FDA, specialized programs such as symposia, and international method validation studies.

4. Provide the necessary supervisory and editorial services needed for performing the above functions.

C. *The Food and Drug Administration will:* 1. Allow FDA employees currently serving in managerial, editorial and clerical capacities in the AOAC to continue such work, and continue to furnish support services and office space for their activities. If and when such incumbent employees shall leave the FDA, adjustments will be made in payment by the FDA to AOAC, as the parties shall agree upon, to allow the AOAC to employ suitable replacements and to provide office space, furniture, office equipment and related services, and supplies for such persons. The FDA reserves the right to furnish such persons, acceptable to the AOAC, from its own personnel and/or to furnish space, furniture, equipment, services, and supplies as deemed necessary.

2. Provide administrative and technical services, as necessary, for planning, coordinating and conducting the scientific programs covered by this Agreement.

3. Assign staff to serve as scientific experts and supervisory scientific experts in analytical methodology, as collaborators and as members of reviewing committees in these programs.

4. Pay the AOAC each fiscal year a sum (the amount FDA reimburses the AOAC each fiscal year will be available upon request from FDA's Public Records and Documents Center, Rockville, Md., subject to annual negotiation and the availability of funds, to be used specifically by AOAC to:

a. Employ either an AOAC Deputy Executive Director (this position is to understudy the incumbent AOAC Executive Director, an FDA employee.) It is assumed that the transition from the incumbent Executive Director to the new AOAC Executive Director will be completed by January 1, 1979.

b. Employ a managing editor for the Journal of the AOAC.

c. Employ secretarial support (3 positions) for the executive director and the managing editor.

5. Provide office space, furniture, supplies and services for AOAC personnel.

D. It is mutually understood and agreed: 1. For purposes of this Agreement, FDA recognizes that information and activities of other organizations (operating within the AOAC mechanism) related to foods, drugs, and cosmetics and their components are of direct value to FDA and are considered as services to FDA.

2. The programs of the AOAC will be sensitive to the particular methodology needs of FDA and be sufficiently flexible to respond quickly to high priority programs designated by FDA.

3. FDA and the AOAC shall each pay its respective overhead or indirect costs and no claim for these costs shall be made by either party.

4. The results of the scientific programs herein outlined shall be published by the AOAC and manuscripts pertinent to the Agreement shall be submitted to the AOAC for editing and publishing.

5. All conditions and provisions of this Agreement shall become effective upon date of final signature and continue in force from year to year by mutual agreement of the parties in writing. In the event the Agreement is not in effect for a full fiscal year, or the employees designated in C4 above are not employed for a full year, the funds furnished by FDA to the AOAC shall be prorated on a time in effect basis.

6. The Agreement can be amended or modified at any time by mutual agreement of the parties hereto in writing and either party may terminate particular provisions of this Agreement upon 90 days notice in writing to the other party.

7. (a) Except as otherwise provided in this Agreement, any dispute concerning a question of fact arising under this Agreement which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the AOAC. The decision of the Contracting Officer shall be final and conclusive unless within 30 days from the date of receipt of such copy, the AOAC mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the AOAC shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the AOAC shall proceed diligently with the performance of the Agreement in accordance with the Contracting officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above. Provided, that nothing in this Agreement shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

8. (a) That the Comptroller General of the United States and the Secretary, or any of their duly authorized representatives, shall until expirations of 3 years after final payment under this Agreement or of the time period for the particular records in Part 1-20 of the Federal procurement regulations (41 CFR Part 1-20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of the AOAC involving transactions related to this Agreement.

(b) To include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States, or his duly authorized representatives shall, until expiration of 3 years after final payment under the subcontract, or of the time periods for the particular records specified in Part 1-20

of the Federal procurement regulations (41 CFR Part 1-20) whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding \$10,000, and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(c) The periods of access and examination described in (a) and (b) above, for records which relate to (1) appeals under the "Disputes" clause of this contract, (2) litigation or the settlement of claims arising out of the performance of this contract, or (3) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals, litigation, claims, or exceptions have been disposed of.

9. FDA employees involved in AOAC programs are exempt from the requirements established for participation in outside standard setting activities (21 CFR 10.95). List of FDA employee participation with AOAC programs are available upon the request from FDA's Public Records and Documents Center, Rockville, Md.

10. As used throughout this Agreement, the following terms shall have the meanings set forth below: (a) The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the Department of Health, Education, and Welfare, or any person, persons, or board authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this Agreement on behalf of the Government, and any other officer or employee who is properly designated contracting officer; and the term includes, except as otherwise provided in this Agreement, the authorized representative of the contracting officer acting within the limits of his authority.

(c) The term "Liaison Officer" means the person representing the Government for the purpose of monitoring technical performance under this Agreement. The Liaison Officer is not authorized to issue any instructions or directions which effect any increase or decrease in the cost of this Agreement or which change the delivery date(s) or period of performance.

(d) Except as otherwise provided in this Agreement, the term "subcontract" includes purchase orders under this Agreement.

11. The rights in data provisions applicable to this Agreement are attached as exhibit A and made part hereof.

12. During the performance of the cooperative activities agreed upon in this Agreement, the AOAC shall be bound by the Equal Opportunity and Non-discrimination provisions set forth in exhibit B and the non-segregation of Facilities provision set forth in exhibit C and made a part hereof.

E. *Liaison Officers:* 1. Frederick M. Garfield, Project Director, Association of Official Analytical Chemists, 200 C Street SW., Washington, D.C. 20204.

2. Director, Scientific Liaison Staff, Food and Drug Administration, 5600 Fishers Lane (HFS-50), Rockville, Md. 20857.

F. *Reporting requirements and deliverable items.* AOAC will submit to the Grants Management Branch, FDA the following items in the quantities and during the time periods listed below. Additionally, one copy

of each item will be submitted directly to the FDA Liaison Officer under separate cover.

Item	time and description	Quantity	Delivery
1	Financial Statement showing income and expenses relating to this Agreement.	3	Quarterly.
2	Annual Report of Financial Condition (audited).	3	Annually.
3	Brief Semi-Annual Report—Including but not limited to the following: number and name of active subject areas of active topics of interest to FDA; special programs workshops, symposiums, annual meetings, etc.; publications; incentive programs; advances in areas of new method development; progress in national and international liaison arrangement.	3	Semi-annually.
4	Annual Report—Items listed under item 3 above plus the following: financial reports; number and details of methods of analyses adopted by AOAC; significant scientific contributions by AOAC in the area of method development and such other items that may be of interest and value to FDA.	3	Annually.
5	Journal of the AOAC—Provide subscriptions to offices or employees designated by FDA.	3	Bi-monthly.

G. **Payment:** AOAC will submit properly executed invoices or vouchers quarterly and reimbursement, therefore, will be made within 30 working days, by FDA. AOAC, except for fringe benefits, will not request reimbursement for indirect costs, overhead, and administrative expenses pursuant to this Agreement. Checks covering payments will be drawn in the name of the "Association of Official Analytical Chemists" (FDA Agreement). Unless amended by mutual agreement, the total amount of this Agreement will not exceed \$99,800 for fiscal year 1978.

Approved and accepted for the association of official analytical chemists.

A. J. MALANOSKI,
President.

Dated: February 21, 1978.

Approved and accepted for the Food and Drug Administration.

D. KENNEDY,
Commissioner.

Dated: February 21, 1978.

EXHIBIT A

RIGHTS IN DATA

(a) **Subject data.** As used in this clause, the term "Subject Data" means writings, sound recordings, pictorial reproductions, drawings, designs or other graphic representations, procedural manuals, forms, diagrams, workflow charts, equipment descriptions, data files and data processing or computer programs, and works of any similar nature (whether or not copyrighted or copyrightable) which are specified to be delivered under this Agreement. The term does not include financial reports, costs analyses, and similar information incidental to Agreement administration.

(b) **Government rights.** Subject only to the proviso of (c) below, the Government may use, duplicate or disclose in any manner and for any purpose whatsoever, and have or permit others to do so, all subject data delivered under this Agreement.

(c) **License to copyrighted data.** In addition to the Government rights as provided in (b) above, with respect to any Subject Data which may be copyrighted, the AOAC agrees to and does hereby grant to the Government a royalty-free, nonexclusive and irrevocable license throughout the world to use duplicate or dispose of such data in any manner and for any purpose whatsoever, and to have or permit others to do so: Provided, however, That such license shall be only to the extent that the AOAC now has, or prior to completion or final settlement of this Agreement may acquire, the right to grant such license without becoming liable to pay compensation to others solely because of such grant.

EXHIBIT B

EQUAL OPPORTUNITY

During the performance of this Agreement, the AOAC agrees as follows:

(a) The AOAC will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The AOAC will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to, the following employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The AOAC agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Equal Opportunity clause.

(b) The AOAC will, in all solicitations or advertisements for employees placed by or on behalf of the AOAC, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

(c) The AOAC will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency advising the labor union or worker's representative of the AOAC's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The AOAC will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The AOAC will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

(f) In the event of the AOAC's noncompliance with the Equal Opportunity clause of this Agreement or with any of the said rules, regulations, or orders, the Agreement may be canceled terminated or suspended, in whole or in part and the AOAC may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The AOAC will include the provisions of paragraphs (a) through (f) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The AOAC will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance. Provided, however, that in the event the AOAC becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the AOAC may request the United States to enter into such litigation to protect the interests of the United States.

EXHIBIT C

CERTIFICATION OF NONSEGREGATED FACILITIES

As a condition for performance under this Agreement, the cooperator certifies that he does not maintain or provide for his employees any segregated facilities at any of his establishments, and that he does not permit his employees to perform their services at any location, under his control, where segregated facilities are maintained. He certifies further that he will not maintain or provide for his employees any segregated facilities at any of his establishments, and that he will not permit his employees to perform their services at any location under his control, where segregated facilities are maintained. The cooperator agrees that a breach of this certification is a violation of the Equal Opportunity clause in this Agreement. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, rest rooms and wash rooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. He further agrees that he will obtain identical certifications from subcontractors, if any, prior to the award of subcontracts exceeding \$10,000 which are not exempt from the provisions of the Equal Opportunity clause and that he will retain such certifications in his files.

NOTE.—The penalty for making false statements is prescribed in 18 U.S.C. 1001.

Effective date: This memorandum of agreement became effective February 21, 1978.

Dated: June 6, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

(FR Doc. 78-16246 Filed 6-12-78; 8:45 am)

[4110-03]

Food and Drug Administration

[Docket No. 78N-0154]

SAFETY OF CERTAIN FOOD INGREDIENTS

Opportunity for Public Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

Substances	Select committee tentative conclusion	Scientific literature review order No.; price code; price	Animal study report order No.; cost	Other information
Pantothenates:				
D-pantothyl alcohol.....	1	PB-234-892/AS; A05; \$6.....		
D-calcium pantothenate.....	1			
DL-calcium pantothenate.....	1			
D-sodium pantothenate.....	1			
DL-sodium pantothenate.....	1			

a. Human intake data from "A comprehensive survey of industry on the use of food chemicals generally recognized as safe (GRAS)" available from the National Technical Information Service, PB-221-920 (set); price code, E99; price, \$173.
b. Unpublished data (1949-63) on pantothenates submitted by Hoffman-La Roche, Inc., Nutley, N.J. to FDA, Washington, D.C.

SUMMARY: This document announces an opportunity for public hearing on the safety of pantothenates, thiamine, urea, vitamin B₁₂, and sodium chloride and potassium chloride to determine whether they are generally recognized as safe (GRAS) or subject to a prior sanction. This action accords with procedures of a comprehensive safety review that the agency is conducting. Interested persons are given an opportunity to give their views on the safety of these substances.

DATE: Requests to make oral presentations at the public hearing must be postmarked on or before July 13, 1978.

ADDRESSES: Written requests to the Select Committee on GRAS Substances, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, Md. 20014, and to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs issued in the FEDERAL REGISTER of July 26, 1973 (38 FR 20053) a notice advising the public that an opportunity would be provided for oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (hereafter, the Select Committee), about the safety of ingredients used in food to determine if they are GRAS or subject to a prior sanction.

The Commissioner now gives notice that the Select Committee is prepared to conduct a public hearing on the following categories of food ingredients: pantothenates (D-pantothyl alcohol, D-calcium pantothenate, DL-calcium pantothenate, D-sodium pantothenate, and DL-sodium pantothenate); thiamine (thiamine hydrochloride and thiamine mononitrate); urea; vitamin

B₁₂; and potassium chloride and sodium chloride, with the latter considered for direct use and for paper and paperboard and cotton and cotton fabric food packaging.

The public hearing will provide an opportunity before the Select Committee reaches its final conclusions for any interested person(s) to present scientific data, information, and views on the safety of these substances, in addition to those previously submitted in writing pursuant to notices published in the FEDERAL REGISTERS of July 26, 1973 (38 FR 20051, 20053), April 17, 1974 (39 FR 13798), and March 28, 1978 (48 FR 12941).

The Select Committee has reviewed all the available data and information on the categories of food ingredients listed above and has reached one of the five following tentative conclusions on the status of each:

1. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future.

2. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current and in the manner now practiced. However, it is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard.

3. Although no evidence in the available information demonstrates a hazard to the public when it is used at levels that are now current and in the manner now practiced, uncertainties exist requiring that additional studies be conducted.

4. The evidence is insufficient to determine that the adverse effects reported are not deleterious to the public health when it is used at levels that are now current and in the manner now practiced.

5. The information available is not sufficient to make a tentative conclusion.

The following table lists each ingredient, the Select Committee's tentative conclusion (keyed to the five types of conclusions listed above), and the available information on which the Select Committee reached its conclusions:

Substances	Select committee tentative conclusion	Scientific literature review order No.; price code; price	Animal study report order No.; cost	Other information
Thiamine: Thiamine hydrochloride..... Thiamine mononitrate.....	1 1	PB-241-951/AS; A17; \$13		a. Human intake data from "A comprehensive survey of industry on the use of food chemicals generally recognized as safe (GRAS)" available from the National Technical Information Service, PB-221-920 (set); price code, E99; price, \$173. b. Memorandum to Kathleen Dennis, FASEB, from H. F. Chinn, FASEB. c. Human intake data from "A comprehensive survey of industry on the use of food chemicals generally recognized as safe (GRAS)" available from the National Technical Information Service, PB-221-920 (set); price code, E99; price, \$173. d. Human intake data from "A comprehensive survey of industry on the use of food chemicals generally recognized as safe (GRAS)" available from the National Technical Information Service, PB-221-920 (set); price code, E99; price, \$173. e. Letter dated June 30, 1977, from Linda Taylor, FDA, Washington, D.C.
Urea.....	1	PB-241-971/AS; A10; \$9.25		a. Human intake data from "A comprehensive survey of industry on the use of food chemicals generally recognized as safe (GRAS)" available from the National Technical Information Service, PB-221-920 (set); price code, E99; price, \$173. b. Letter dated June 30, 1977, from Linda Taylor, FDA, Washington, D.C.
Vitamin B ₁₂	1	PB-241-966/AS; A14; \$11.75 and PB-275-755/AS; A02; \$4.		a. Human intake data from "A comprehensive survey of industry on the use of food chemicals generally recognized as safe (GRAS)" available from the National Technical Information Service, PB-221-920 (set); price code, E99; price, \$173. b. Letter dated June 30, 1977, from Linda Taylor, FDA, Washington, D.C.
Sodium chloride and potassium chloride..... Potassium chloride..... Sodium chloride (direct food additive). Sodium chloride (cotton and cotton fabric dry food packaging). Sodium chloride (paper and paperboard food packaging).	1 4 1 1	PB-241-973/AS; A13; \$11		a. Teratologic evaluation of sodium chloride (FDA 71-70) in mice, rats, and rabbits by Food and Drug Research Laboratories, Inc., under FDA contract (PB-234-878/AS); price code, A03; price, \$4.50. b. Teratologic evaluation of potassium chloride (FDA 73-78) in mice, and rats by Food and Drug Research Laboratories, Inc., under FDA contract (PB-245-528/AS); price code, A03; price, \$4.50. c. Mutagenic evaluation (tier 1) of potassium chloride (FDA 73-78) by Litton Bionetics, Inc., under FDA contract (PB-245-507/AS); price code, A03; price, \$4.50.

NOTE.—The above stated prices are subject to change.

Reports in the table with "PB" prefixes may be obtained from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Va. 22151.

In addition to the information contained in the documents listed in the table above, the Select Committee supplemented, where appropriate, its reviews with specific information from specialized sources as announced in a previous hearing opportunity notice published in the FEDERAL REGISTER of September 23, 1974 (39 FR 34218).

The Select Committee's tentative reports on (1) pantothenates (D-pantothenyl alcohol, D-calcium pantothenate, DL-calcium pantothenate, D-sodium pantothenate, and DL-sodium pantothenate); (2) thiamine (thiamine hydrochloride and thiamine mononitrate); (3) urea; (4) vitamin B₁₂; and (5) potassium chloride and sodium chloride, with the latter considered for direct use and for paper and paperboard and cotton and cotton fabric food packaging are available for review at the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers

Lane, Rockville, Md. 20857, and also at the Public Information Office, Food and Drug Administration, Room 3807, 200 C Street SW., Washington, D.C. 20204. In addition, all reports and documents used by the Select Committee to review the ingredients are available for review at the office of the Hearing Clerk, Food and Drug Administration.

To schedule the public hearing, the Select Committee must be informed of the number of persons who wish to attend and the amount of time requested to give their views. Accordingly, any interested person who wishes to appear at the public hearing to make an oral presentation shall so inform the Select Committee in writing, addressed to: the Select Committee on GRAS Substances, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, Md. 20914. A copy of each such request shall be sent to the Hearing Clerk, address noted above, and all requests shall be placed on public display in that office. Any such request must be postmarked on or before July 13, 1978, shall state the substance(s) on which an opportunity to present oral views is requested, and shall state

how much time is requested for the presentation. As soon as possible thereafter, a notice announcing the date, time, place, and scheduled presentations for any public hearing that may be requested will be published in the FEDERAL REGISTER.

The purpose of the public hearing is to receive data, information, and views not previously available to the Select Committee about the substances listed above. Information already contained in the scientific literature reviews and in the tentative Select Committee report shall not be duplicated, although views on the interpretation of this material may be presented.

Depending on the number of requests for opportunity to make oral presentations, the Select Committee may reduce the time requested for any presentation. Owing to time limitations, individuals and organizations with common interests are urged to consolidate their presentations. Any interested person may, in lieu of an oral presentation, submit written views, which shall be considered by the Select Committee. Three copies of such written views shall be addressed to the Select Committee at the ad-

dress noted above, and must be postmarked not later than 10 days before the scheduled date of the hearing. A copy of any written views shall be sent to the Hearing Clerk, Food and Drug Administration, and shall be placed on public display in that office.

A public hearing will be presided over by a member of the Select Committee. Hearings will be transcribed by a reporting service, and a transcript of each hearing may be purchased directly from the reporting service and will also be placed on public display in the office of the Hearing Clerk (HFC-20), Food and Drug Administration.

Dated: June 6, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.
[FR Doc. 78-16070 Filed 6-12-78; 8:45 am]

[4110-02]

Office of Education
NATIONAL ADVISORY COUNCIL ON
VOCATIONAL EDUCATION

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the National Advisory Council on Vocational Education will hold a meeting open to the public from 9:00 a.m. to 5:00 p.m. on August 4, 1978, local time, at the Western Hills Guest Ranch, Wagoner, Okla. On August 4, 1978, from 8:30 a.m. to 12:00 Noon, local time, the National Advisory Council on Vocational Education meeting will be closed to the public. This portion of the meeting will be closed to the public in accordance with the provisions of section 10(d), Federal Advisory Committee Act, Pub. L. 92-463 and Title 5, U.S. Code, section 552b(c) (2) and (6). The purpose of the closed meeting is to discuss internal personnel matters with regard to selection of a new Executive Director, and documents may be presented which, if open to the public, would constitute a clearly unwarranted invasion of personal privacy.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of vocational education programs, supported with assistance under the Act; review the administration and operation of vocational education programs under the Act, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to

the Secretary of HEW for transmittal to the Congress, and conduct independent evaluation of programs carried out under the Act and publish and distribute the results thereof.

The agenda shall include:

August 3, 1978:
A.M.: Report of the Chairman.
Planning for Council Activities for the coming year.
Reports of Task Force Chairmen.
P.M.: Continuation of Reports of Task Force Chairmen.
Other Council Business.
August 4, 1978:
Meeting closed to the Public.
8:30 A.M.—Noon Adjournment.

For further information call Virginia Solt, 202-376-8873.

Records of the meeting proceedings shall be kept and made available for public inspection at the office of the Council's Executive Director, located at 425—13th Street NW., Suite 412, Washington, D.C. 20004.

A summary of the proceedings of the closed session will be available within fourteen days after the date of the meeting at the above address.

Signed at Washington, D.C. on May 16, 1978.

REGINALD PETTY,
Executive Director.
[FR Doc. 78-16320 Filed 6-12-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. A 108801]

ARIZONA

Application

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Southwest Gas Corp., P.O. Box 15015, Las Vegas, Nev. 89114, filed an application for a right-of-way to construct a 24" O.D. pipeline for the purposes of transporting natural gas across the following described lands:

GILA AND SALT RIVER MERIDIAN, ARIZONA
T. 20 N., R. 22 W.,
Sec. 20, NW¼.

The pipeline will transport natural gas to the Bullhead City Middle School.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views on this matter should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Man-

agement, Yuma District Office, 2450 Fourth Avenue, Yuma, Ariz. 85364.

Dated: June 1, 1978.

MARIO L. LOPEZ,
Chief, Branch of Lands
and Minerals Operations.
[FR Doc. 78-16243 Filed 6-12-78; 8:45 am]

[4310-03]

Heritage Conservation and Recreation Service
NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before June 2, 1978. Pursuant to section 60.13(a) of 36 CFR part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by June 23, 1978.

WILLIAM J. MURTAGH,
Keeper of the National Register.

ARIZONA

Coconino County

Flagstaff vicinity, Santa Fe Dam, SE of Flagstaff.

Maricopa County

Phoenix, Phoenix Townsite, bounded by Monroe, Adams, 6th and 7th Sts.

CALIFORNIA

Alameda County

Berkeley, Teverit Tuppa, 1819 10th St.
Livermore, Bank of Italy, 2250 1st St.
Oakland, Dunns Block, 725 Washington St.

Fresno County

Fresno, Y.W.C.A. Residence, 1660 M St.

Humboldt County

Trinidad, Holy Trinity Church, Parker and Hector Sts.

Los Angeles County

Altadena, Keyes Bungalow, 1337 E. Boston St.

Monterey County

Salinas vicinity, Rancho Las Palmas, S of Salinas at 200 River Rd.

Napa County

Napa, Manasse Mansion, 443 Brown St.

Orange County

Anaheim, Carnegie Library, 241 S. Anaheim Blvd.
Orange, Plaza, The, Chapman Ave. and Glassell St.

NOTICES

Placentia, Bradford, A.S., House, 136 Palm Circle.

San Diego, County

San Diego, Chaplain's House, 836 Washington St.

San Francisco County

San Francisco, Atherton House, 1990 California St.

San Francisco, San Francisco National Guard Armory and Arsenal, 1800 Mission St.

San Francisco, Schoenstein and Company Pipe Organ Factory, 3101 20th St.

Santa Clara County

Cupertino vicinity, Woodhills, S of Cupertino on Prospect Rd.

San Jose vicinity, We and Our Neighbors Clubhouse, S of San Jose at 15460 Union Ave.

Solano County

Benicia, Crooks Mansion, 285 W. G St.

Sonoma County

Petaluma, Old Petaluma Opera House, 147-149 Kentucky St.

Santa Rosa vicinity, West, Mark, Springs Lodge, N of Santa Rosa at 2520 Mark West Springs Rd.

GEORGIA

Baldwin County

Milledgeville vicinity, Boykin, Maj. Francis, House, 10 mi. (16 km) SE of Milledgeville off GA 24 HABS.

Milledgeville vicinity, Old State Prison Building, 3 mi. (4.8 km) W of Milledgeville on GA 22.

Milledgeville vicinity, Woodville, 3 mi (4.8 km) S of Milledgeville on GA 243.

HAWAII

Honolulu County

Honolulu, Hawaiki Theatre, 1130 Bethel St.

IOWA

Boone County

Boone, Eisenhower, Mamie Doud, Birthplace, 709 Carroll St.

Dubuque County

Epworth, Kidder, Zephaniah, House, Main St.

Humboldt County

Dakota City vicinity, Brown, Corydon, House, E of Dakota City off IA 3.

Johnson County

Iowa City, Park House Hotel, 130 E. Jefferson St.

Jones County

Monticello, Farrell, S. S., House, 301 N. Chestnut St.

Linn County

Cedar Rapids, C.S.P.S. Hall, 1105 3rd St., SE.

Cedar Rapids, First Universalist church of Cedar Rapids, 600 3rd Ave., SE.

Cedar Rapids, Mosher, Orrin, House, 2336 Linden Dr., SE.

NOTICES

Polk County

Des Moines, Gabriel, Rees, House, 1701 Pennsylvania Ave.

Des Moines, Iowa State Historical Building, E. 12th and Grand Ave.

Des Moines, Peak, George B., House, 1080 22nd St.

Des Moines, Rollins, Ralph, House, 2810 Fleur Dr.

Des Moines, Studio Building, 524 E. Grand Ave.

Shelby County

Harian, Shelby County Courthouse, 7th and Court Sts.

Story County

Ames, Horticulture Laboratory, Iowa State University campus.

Nevada, Edwards-Swayze House, 1110 9th St.

Van Buren County

Farmington, Burg Wagon Works Building, 131 S. 2nd St.

Winnebago County

Decorah, Decorah Ice Cave, Ice Cave Rd. Frankville, Frankville School, State St.

Worth County

Fertile, Rhodes Mill, Main St.

Kentucky

Boyle County

Danville vicinity, Harlan-Bruce House, 5 mi (8km) E of Danville off KY 52.

Fayette County

Lexington, Hall, Augustus, House, 165 Barr St.

Lexington, Hart, Col. Thomas, Historic District, 156-192 N. Broadway and 320-322 W. 2nd St.

Mason County

Maysville, Cox-Hord House, 128 E. 3rd St.

Meade County

Brandenburg vicinity, Doe Run Creek Historic District, 4 mi. (6.4 km) SE of Brandenburg off KY 1638.

Woodford County

Midway vicinity, Graham, John, House, SE of Midway on Weisenberger Mill Rd.

MARYLAND

Baltimore (independent city)

Fells Point Historic District (boundary increase).

MASSACHUSETTS

Adams County

Natchez, U.S. Marine Hospital, 801 Maple St.

MISSOURI

St. Charles County

St. Charles, Lindenwood Hall (Sibley Hall), Lindenwood College campus.

NEW HAMPSHIRE

Grafton County

Endfield vicinity, Enfield Shaker Historic District, S of Enfield on NH 4A.

NEW MEXICO

Taos County

Taos, Bent, Gov. Charles, House, Bent St.

NEW YORK

Albany County

Albany, Lafayette Park Historic District, roughly bounded by State, Swan, Elk, Spruce, Chapel, and Eagle Sts.

St. Lawrence County

Chase Mills, Chase Mills Inn, Mein and Townline Rds.

Westchester County

Goldens Bridge vicinity, Bridge L-158, W of Goldens Bridge at Croton River.

TEXAS

Bexar County

San Antonio, Bonham, James Butler, Elementary School, 925 S. St. Marys St.

San Antonio, Fourth Ward School, 141 Lavaca St.

San Antonio, Navarro, Jose Antonio, Elementary School, 623 S. Pecos St.

Bowie County

Texarkana, Saenger Theater, 219 Main St.

Collin County

McKinney, McKinney, Collin, Cabin, Finch Park.

Harris County

Houston, Covington, Dr. B. J., House, 2219 Dowling St.

Throckmorton County

Throckmorton, Throckmorton County Courthouse and Jail, Public Sq. and Chestnut St.

Travis County

Austin, Bremond Block Historic District (boundary decrease).

UTAH

Iron County

Cedar City, Wood, George H., House, 432, N. Main St.

Washington County

St. George vicinity, Blake, Wallace, House, S of St. George.

[FR Doc. 78-15997 Filed 6-12-78; 8:45 am]

[4510-26]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON CUTANEOUS HAZARDS

Meeting

Notice is hereby given that the Standards Advisory Committee on Cutaneous Hazards will meet on June 26 and 27, 1978, in Room N-3437 of the Department of Labor Building, Third Street and Constitution Avenue NW., Washington, D.C.

NOTICES

The Standards Advisory Committee on Cutaneous Hazards was established under Section 7(b) of the Occupational Safety and Health Act of 1970 (Pub. L. 91-596) to assist the Secretary of Labor in his standards-setting function.

Preliminary plans for the Committee's report to OSHA will be discussed at the meeting. Consultants will be heard from industries concerned with skin and eye hazards. On both days, the meeting will begin at 9 a.m. The public is invited to attend.

FOR ADDITIONAL INFORMATION CONTACT:

Mr. John M. Couric, Division of Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue NW., Room N-3635, Washington, D.C. 20210, telephone 202-523-8024.

Written data or views concerning these agenda items may be submitted to the Division of Consumer Affairs. Such documents which are received before the scheduled meeting dates, preferably with 20 copies, will be presented to the Committee and included in the official record of the proceedings.

Anyone who wishes to make an oral presentation should notify the Division of Consumer Affairs before the meeting date. The request should include the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the chairman of the Committee, to the extent which time permits. Official records of the meetings will be available for public inspection at the Division of Consumer Affairs.

Signed at Washington, D.C. this 9th day of June 1978.

EULA BINGHAM,
Assistant Secretary,
Occupational Safety and Health.
[FR Doc. 78-16476 Filed 6-12-78; 8:45 am]

[4510-26]

VIRGINIA

Request for Comments

AGENCY: Occupational Safety and Health Administration, U.S. Department of Labor.

ACTION: Request for public comment.

SUMMARY: This notice requests public comment on whether the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter Assistant Secretary) should accept or deny, in whole or in part, a petition by

the Oil, Chemical, and Atomic Workers International Union to withdraw approval of the Virginia State plan for the development and enforcement of State occupational safety and health standards.

DATES: Comments and requests for hearing should be submitted by July 3, 1978.

ADDRESSES: Written comments and requests for an informal hearing should be submitted to the Director, Federal Compliance and State Programs, Occupational Safety and Health Administration, Room N-3101, 200 Constitution Avenue NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Dennis Lubow, Project Officer, Office of State Programs, Occupational Safety and Health Administration, Room N-3101, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-653-5381.

SUPPLEMENTARY INFORMATION:

BACKGROUND

A petition signed by Steven Wodka, International Representative of the Oil Chemical and Atomic Workers International Union, was sent on February 21, 1978, to the Assistant Secretary. The petition, submitted under authority of section 18(f) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667(f)) (hereinafter called the Act) requests the Assistant Secretary to withdraw her approval of the Virginia State plan for the development and enforcement of State occupational safety and health standards. The petition, submitted in conjunction with a Complaint Against a State Program Administration—Virginia, (CASPA) alleges several complaints against continued operation of the plan, which also form the basis for the CASPA. The Virginia State plan was approved under section 18(c) of the Act as a developmental plan on September 28, 1976 (41 FR 12655). It is described at 29 CFR Part 1952, Subpart EE.

INFORMATION REQUESTED

The petition alleges several complaints, all of which arose from the State's alleged denial of party status to the Oil, Chemical, and Atomic Workers International Union, Local 8-403, as the authorized employee representative for affected employees at the Amoco Oil Co. petroleum products marketing terminal in Fairfax, Va. This facility was inspected and citations for safety violations issued by the State following an accident which occurred on June 23, 1977. The six complaints alleged by the union involve the availability of employee rights under the plan as follows:

(1) On January 5, 1978, the union requested from the State a copy of the citation and proposed penalties but the State's response on January 9, 1978 included only the citation.

(2) On February 13, 1978, a hearing was held in the general district court at which the union was denied party status even though it had earlier elected party status by letter.

(3) On February 11, 1978, the union learned that settlement negotiations between the State and Amoco had been conducted the previous date at which the union was not allowed to participate.

(4) The State refused the union permission to look at and receive a copy of the settlement agreement and not until February 17, 1978, was a copy received by the union.

(5) The settlement agreement contains no real abatement date in that abatement is keyed to nonoperation of the Amoco facility due to the explosion and once repairs are completed the facility will start up again with no real abatement date correlated to elimination of the hazards related to the explosion, which terms the union would have objected to had it been afforded party status.

(6) Contrary to the Federal Review Commission procedures, the requirement of Virginia State law that a party must appear in court represented by an attorney is detrimental to the union because of the expense.

Comments are requested on any or all of the above six (6) allegations both as to their validity and whether, if true, they are cause for withdrawal of approval of the Virginia plan under section 18 of the Act as set forth in 29 CFR 1955.3(a)(3).

AVAILABILITY OF THE PETITION AND PUBLIC SUBMISSIONS FOR INSPECTION AND COPYING

A copy of the petition and all public comments and requests may be inspected and copied during normal business hours at the Office of the Director, Federal Compliance and State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Washington, D.C. 20210; Office of the Assistant Regional Director, Occupational Safety and Health Administration, 15220 Gateway Center, 3535 Market Street, Philadelphia, Pa. 19104.

If it is determined that substantial objections which warrant public discussion have been filed, an informal hearing on the petition may be held. All relevant comments, arguments, and requests submitted in accordance with this notice will be considered and a decision to grant or deny the petition will thereafter be issued.

Signed at Washington, D.C., this 1st day of June 1978.

EULA BINGHAM,
Assistant Secretary of Labor.
(FR Doc. 78-16281 Filed 6-12-78; 8:45 am)

[1505-01]

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 78-6]

CLASS EXEMPTION FOR TRANSACTIONS INVOLVING COLLECTIVELY BARGAINED MULTIPLE EMPLOYER APPRENTICESHIP AND TRAINING PLANS

Prohibited Transaction Exemption

Correction

In FR Doc. 78-14897 appearing on page 23024 in the issue of Tuesday, May 30, 1978, the 2nd line in the heading, in small type should read as it appears above.

[4510-29] DOL
[4830-01] IRS

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Application No. D-858]

CERTAIN TRANSACTIONS INVOLVING MURRAY FINANCIAL CORPORATION PROFIT SHARING PLAN FOR EMPLOYEES AND PARTICIPATING AFFILIATES

Proposed Exemption

AGENCIES: Department of Labor, Department of the Treasury/Internal Revenue Service.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor and the Internal Revenue Service (the Agencies) of a proposed exemption from the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the sale of a parcel of real property by the Murray Financial Corp. Profit Sharing Plan for Employees and Participating Affiliates (the Plan) to Murray Properties Co. (the Subsidiary), a wholly owned subsidiary of Murray Financial Corp. (the Employer). The proposed exemption, if granted, would affect participants and beneficiaries of the Plan, the Employer, the Subsidiary and other persons participating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before July 14, 1978.

ADDRESS: All written comments and requests for a hearing (at least six copies) should be sent to: Office of Regulatory Standards and Exceptions, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application No. D-858. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C. 20216, and at the Internal Revenue Service National Office Reading Room, 1111 Constitution Avenue NW., Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Robert N. Sandler of the Department of Labor, 202-523-8882. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Agencies of an application for exemption from the restrictions of section 406(a)(1) and 406 (b)(1) and (b)(2) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722.

SUMMARY OF FACTS AND REPRESENTATIONS

The application contains facts and representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Agencies for the complete representations of the applicants.

On November 17, 1976, the Board of Directors of the Employer authorized and approved the permanent discontinuance of contributions to the Plan, and, in due course, the termination of the Plan and the Plan's trust. No contributions were made to the Plan during 1976. In order to terminate the Plan and distribute to the participants their account balances, the assets of the Plan's Trust, including the subject property, must be liquidated.

The parcel of unimproved real property the Plan wishes to sell is commonly known as "Site 30" and is located in the Great Southwest Industrial Dis-

trict in Arlington, Tex. The Plan purchased the property from the Subsidiary on December 20, 1974 for a purchase price of \$15,120.00, which represented a discount of 20 percent from the appraised market value as of August 28, 1974. The appraisal was performed by G. H. Jaynes and Associates, an independent appraiser.

Since the Plan purchased the property, several real estate firms have attempted to sell it. Some of these firms have placed "for sale" signs on the property. The offering price was either \$0.70 per square foot (or approximately \$18,900.00, the appraised value) or \$0.75 per square foot, except that on January 14, 1977, the property was offered to Great Southwest Industrial District at a price of \$0.50 per square foot. In addition, the Subsidiary, acting on behalf of the Plan, made numerous attempts to sell the property. The Subsidiary believes that it has offered the property to most of the companies actively engaged in developing or marketing office/warehouse/showroom facilities in the Dallas area. All of the above efforts to sell the property have been unsuccessful.

The proposed sale would be for \$18,900.00 cash. No commission will be paid in connection with the sale. The proposed price represents approximately four percent of the assets of the Plan. G. H. Jaynes and Associates, which updated the original appraisal, determined the fair market value of the property as of June 24, 1977 to be \$18,900.00 but further stated that based upon the market conditions prevailing within the Great Southwest Industrial District, that an additional two to four year marketing period should be anticipated in order to sell the property. In addition, because of the anticipated extended marketing period, the appraiser states that some consideration should be given to reducing the offering price by a substantial amount in order to induce a sale.

The trustees of the Plan are Jack E. Crozier, President and a Director of the Employer and a Director of the Subsidiary, Jack Sommerfield, executive Vice President of the Employer and a Director of both the Employer and the Subsidiary, and Charles W. Karlen, Vice President and Treasurer of the Employer. Mr. Crozier owns approximately ten percent of the outstanding common stock of the Employer. It is represented that none of the trustees have any personal interest in the proposed transaction.

NOTICE TO INTERESTED PERSONS

Notice of the proposed exemption will be given to all interested parties, including the trustees of the Plan and all active and inactive participants of the Plan, within ten days of the publication of this notice in the FEDERAL

REGISTER, by posting a copy of the notice of proposed exemption in all locations customarily used for employee communications and by mailing a copy thereof to any former employees who are currently participants in the Plan.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of any exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which require among other things, a fiduciary to discharge his duties respecting the plan solely in the interests of participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408 (a) of the Act and section 4975(c)(2) of the Code, the Agencies must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the right of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction. This document does not meet the Treasury Department's criteria for "significant regulations".

WRITTEN COMMENTS AND HEARING REQUEST

All interested persons are invited to submit written comments or request for a hearing on the proposed exemption to the address and within the time period set forth above. All comments will be made a part of the record. Comments and request for hearing should state the reasons for the writer's interest in the pending ex-

emption. Comments received will be available for public inspection with the application for exemption at the addresses set forth above.

PROPOSED EXEMPTION

Based on the facts and representation set forth in the application, the Agencies are considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with procedures set forth in ERISA Procedure 75-1 and Rev. Proc. 75-26. If the exemption is granted, the restrictions of section 406(a)(1) and 406 (b)(1) and (b)(2) of the Act, and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the sale of real property known as Site 30 by the Plan to the Subsidiary for a total consideration of \$18,900.00, provided that this amount is not less than the fair market value of the property. The pending exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that that application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 7th day of June, 1978.

IAN D. LANOFF,
Administrator of Pension and Welfare Benefit Programs
Labor-Management Services Administration.

FRED J. OCHS,
Director, Employee Plans Division, Internal Revenue Service.

(FR Doc. 78-16264 Filed 6-8-78; 11:46 am)

[4510-28]

DEPARTMENT OF LABOR

Office of the Secretary

[TA-W-2496]

ALLIED LEATHER CO., WILMINGTON, DEL.

Negative Determination Regarding Application for Reconsideration

On May 1, 1978, the petitioners requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance in the case of workers and former workers of Allied Leather Co. of Wilmington, Del. The determination was published in the FEDERAL REGISTER on April 7, 1978, (43 FR 14753).

Pursuant to 29 CFR 90.18(c), reconsideration may be granted under the following circumstances:

(1) If it appears, on the basis of facts not previously considered, that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justifies reconsideration of the decision.

In their application, the petitioners raise one major issue and two ancillary ones. The major point made by the petitioners is that increased imports of men's footwear had led to the decline in production and sales and separation of workers at Allied Leather. The second issue raised is that a more detailed review of production at the Wilmington facility of Allied Leather will indicate that while sales may have increased in 1976 compared to the previous year in value and volume terms, there was a decline in terms of "labor expended." The third point made by the petitioners is that increased exports of raw hides represented the export of tanning industry workers' jobs from the United States.

In a May 4 addendum to their application, the petitioners point to the impact on Allied Leather of the long-term trend of imports of tanned and finished cattle hide imports, especially the increase in imports in 1976.

With respect to the first issue, there is a substantial body of legislative history, administrative precedent, and court decision supporting the Department's interpretation that tanned leather cannot be considered like or directly competitive with finished men's footwear. The product produced by Allied's Wilmington plant was finished leather. The like or directly competitive imported article is also finished leather not footwear.

As for the petitioners' point regarding the decline in 1976 of the cost of labor per foot of leather soles, the Trade Act of 1974 clearly sets forth the certification test in section 222 that "sales or production" of the firm or subdivision of the firm in which the petitioning workers were employed must have declined. Cost of labor per unit of sales has no relevance to the statutory test of a sales or production decline.

As for the petitioners' claim that exports of raw cattle hide led to a direct job loss at tanning facilities including the Wilmington plant of Allied Leather, again the statutory test in section 222 of the Trade Act of 1974 is that "increase of imports" of articles like or directly competitive with those produced by the petitioning workers' firm or subdivision must have contributed importantly to the workers' separations. Increased exports of raw hides cannot be construed as meeting the test of increased imports of directly competitive articles.

From 1972 through 1975, imports of tanned and finished cattle hides declined each year. Although there was a

significant rise in 1976, imports were down in the first three quarters of 1977, compared to the same period in 1976. In 1978, sales and production at the Wilmington plant increased over 1975. After August 1976, most of the output of Wilmington was sent to Allied's Waterboro plant for further processing. Customers of the Waterboro plant who were surveyed (in the course of an investigation which resulted in the denial of a petition filed on behalf of Waterboro workers, TA-W-2060) did not shift to imported patent leather.

CONCLUSION

After careful review of the application and the investigative file, I conclude that there has been no error or misinterpretation of fact or misinterpretation of the law which would justify reconsideration of the Department of Labor's prior decision. The application is, therefore, denied.

Signed at Washington, D.C., this 2nd day of June 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-16231 Filed 6-12-78; 8:45 am]

[4510-28]

[TA-W-3161]

BAXTER STORES, INC., TRENTON, N.J.

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3161: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 21, 1978, in response to a worker petition received on February 6, 1978, which was filed by the Amalgamated Clothing and Textile Workers Union on behalf of workers and former workers producing men's and boys' tailored clothing at the Trenton, N.J. plant of Baxter Stores, Inc.

The notice of investigation was published in the FEDERAL REGISTER on March 3, 1978 (43 FR 8864). No public hearing was requested and none was held.

All workers at the Trenton, N.J. plant were previously certified as eligible to apply for adjustment assistance. The certification expired January 12, 1978.

The information upon which the determination was made was obtained principally from officials of Baxter Stores, Inc., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. The investigation revealed that all of the criteria have been met.

United States imports of men's and boys' tailored suits increased from 3,106 thousand units, in 1975 to 3,562 thousands of units in 1976 and increased to 4,091 thousands of units in 1977. The import to domestic production ratio increased in 1975 to 18.3 percent and in 1976 to 20.0 percent.

Imports of men's and boys' dress and sport trousers increased from 55,508 thousands of units in 1975 to 73,209 thousands of units in 1976 and increased to 76,419 thousands of units in 1977. The import to domestic production ratio increased in 1975 to 34.1 percent and increased to 41.9 percent in 1976.

Imports of men's and boys' tailored dress coats and sportcoats increased from 5,465 thousands of units in 1975 to 6,965 thousands of units in 1976 and decreased to 6,269 thousands of units in 1977.

All the retail outlets of Baxter Stores, Inc. were closed because of declining sales. The decline in sales was related to increasing competition from discount stores which were selling imported apparel.

Baxter Stores, 2939 Freedom Drive, Charlotte, N.C.
Baxter Stores, 721 Kannapolis Highway, Concord, N.C.
Baxter Stores, Union Square, Hickory, N.C.
Baxter Stores, 3923 Park Ave., Memphis, Tenn.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the men's and boys' tailored clothing produced at Trenton, N.J. facility of Baxter Stores contributed importantly to the decline in sales of the retail outlets and production of the Trenton plant and to the separation of workers of those facilities. In accordance with the provisions of the act, I make the following certification:

All workers at the Trenton, N.J. plant of Baxter Stores, Inc. who became totally or partially separated from employment on or after January 12, 1978 and all workers of the retail outlet stores (listed on the attached) who became totally or partially separated from employment on or after January 31, 1977 are certified as eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of June 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-16230 Filed 6-12-78; 8:45 am]

[4510-28]

[TA-W-2812]

BESSEMER & LAKE ERIE RAILROAD CO., ALBION, PA.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on December 27, 1977, in response to a worker petition received on December 8, 1977, which was filed on behalf of workers and former workers engaged in transporting iron ore, coal and coke at Bessemer & Lake Erie Railroad Co., Albion, Pa.

Notice of Investigation was published in the FEDERAL REGISTER on January 10, 1978 (43 FR 1555). No public hearing was requested and none was held.

On November 23, 1977, an investigation was initiated in response to a worker petition which was filed on behalf of the same group of workers (TA-W-2646). Notice of the Investigation was published in the FEDERAL REGISTER on December 6, 1977 (42 FR 61695).

Since the identical group of workers is the subject of the ongoing investigation, TA-W-2646, a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C. this 24th day of May 1978.

HAROLD A. BRATT,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc. 78-16223 Filed 6-12-78; 8:45 am]

[4510-28]

CERTAIN STAINLESS STEEL FLATWARE

Import Relief Provisions

On May 8, 1978, the International Trade Commission (ITC) determined that increased imports of "Certain Stainless Steel Flatware" are a substantial cause of serious injury, or the threat thereof, to the domestic industry for purposes of the import relief provisions of the Trade Act of 1974 (43 FR 20873).

Section 224 of the Trade Act directs the Secretary of Labor to initiate an industry study whenever the ITC begins an investigation under the import relief provisions of the Act. The purpose of the study is to determine the number of workers in the domestic industry petitioning for relief who have been or are likely to be certified as eligible for adjustment assistance and the extent to which existing programs can facilitate the adjustment of such workers to import competition. The Secretary is required to make a report of this study to the President and also make the report public (with the exception of informa-

tion which the Secretary determines to be confidential).

The Department of Labor has concluded its report on "Certain Stainless Steel Flatware". The report found as follows:

1. Since April 3, 1975, the effective date of the adjustment assistance program, the Department of Labor has received six petitions for certification of eligibility for adjustment assistance from workers engaged in the production of stainless steel table flatware. The Department certified all six cases. As of February 28, 1978, 2,633 workers employed in plants producing stainless steel table flatware had received \$2,686,966 in the form of trade readjustment allowances.

2. Employment of workers producing stainless steel table flatware declined in 1976 and 1977. Additional reductions in employment in the industry seem likely during the current year as smaller firms in the industry seem likely during the current year as smaller firms in the industry with unprofitable stainless steel table flatware lines continue to reduce employment. Most separated workers should be eligible for trade adjustment assistance.

3. Unemployment rates in 8 of the 11 areas with stainless steel table flatware plants are above the national unemployment rate of 7.0 percent (unadjusted) for January 1978. High local unemployment rates and unfavorable local labor market conditions for many of the areas indicates reemployment prospects for many of the workers in impacted areas are unfavorable.

4. The age distribution for workers in the stainless steel table flatware industry indicates that workers are generally older than clients targeted by CETA sponsors for impacted areas. Although the Comprehensive Employment and Training Act (CETA) and other Employment Training Administration programs appear to have sufficient funding and slots for displaced workers, the characteristics of the workers and the relatively high unemployment rates in their localities may limit the applicability of available programs to meet their training needs.

Copies of the Department report containing nonconfidential information developed in the course of the 6-month investigation may be purchased by contacting the Office of Trade Adjustment Assistance, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210, phone 202-523-7665.

Signed at Washington, D.C., this 5th day of June 1978.

HERBERT N. BLACKMAN,
Associate Deputy Under
Secretary, International Affairs.
[FR Doc. 78-16233 Filed 6-12-78; 8:45 am]

[4510-28]

[TA-W-3006]

CLARENCE A. HACKETT, INC., LACKAWANNA, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Depart-

ment of Labor herein presents the results of TA-W-3006: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 2, 1978, in response to a worker petition received on January 16, 1978, which was filed by the United Steelworkers of America on behalf of workers and former workers of Clarence A. Hackett, Inc., at Bethlehem Steel Corp.'s Lackawanna, N.Y., plant.

The notice of investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7066). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Clarence A. Hackett, Inc., and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. The Department of Labor has determined that services are not "articles" within the meaning of section 222 of the Act.

Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increased imports of articles like or directly competitive with those produced by the firm or subdivision contributed importantly to the worker separations, or threat thereof, and to the decrease in sales or production.

Clarence A. Hackett, Inc. employees at Lackawanna are under contract with Bethlehem Steel Corp.'s Lackawanna plant. Hackett, Inc., removes from the furnace area the spillage (slag) produced in the steelmaking process. The slag is hauled by Hackett, Inc., truckdrivers to a worksite provided by the mill, where it is dumped and allowed to cool. The slag is processed and scrap metal is reclaimed. The scrap metal is returned to the furnace and recycled into steel. The slag and scrap metal are owned by Bethlehem Steel Corp.

Clarence A. Hackett, Inc., is involved in the production of scrap metal of which imports are negligible. Hackett, Inc., is under contract to Bethlehem Steel's Lackawanna plant to this specialized production of scrap metal. When the Lackawanna plant reduced its output of steel production the need for production of scrap metal declined accordingly. The reduction of scrap metal production was caused by decreased production of steel at Bethlehem's Lackawanna plant.

CONCLUSION

After careful review of the issues, I conclude that increases of imports like or directly competitive with the steel

scrap produced by Clarence A. Hackett, Inc., located in Lackawanna, N.Y. did not contribute importantly to the decline in sales or production or to the total or partial separation of workers of the firm and that the workers should therefore be denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 2d day of June 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-16224 Filed 6-12-78; 8:45 am]

[4510-28]

[TA-W-2998]

CONSOLIDATED RAIL CORP., PITTSBURGH-MONONGAHELA DIVISION, PITTSBURGH, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2998: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 31, 1978, in response to a worker petition received on January 12, 1978, which was filed on behalf of workers and former workers maintaining and providing railway transport services in the Pittsburgh-Monongahela Division of Consolidated Rail Corp. in Pittsburgh, Pa.

The notice of investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7067). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Consolidated Rail Corp. and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. The Department has determined that services are not "articles" within the meaning of section 222 of the Act, and that independent firms for which the subject firm provides services cannot be considered to be the "workers' firm."

The Department's investigation revealed that the Consolidated Rail Corp. (ConRail) is a railway transport firm which was founded in 1976 when six Northeast railroads were merged under the Regional Rail Reorganization Act of 1973. The firm operates in 16 States and has no parent company. ConRail is licensed as a common carrier.

The petitioning group of workers work in the Pittsburgh-Monongahela Division in the Central Region of Consolidated Rail Corp. This division, like other divisions of the firm, transports passengers and a variety of products, especially steel-related items. Workers at the Pittsburgh-Monongahela Division of ConRail transport freight and passengers and do not produce an article within the meaning of section 222 (3) of the Act.

Consolidated Rail Corp. and its customers have no controlling interest in each other. The workers on whose behalf this petition was filed were hired and are paid by and subject to the control of Consolidated Rail Corp. personnel only. All employment benefits are provided and maintained by Consolidated Rail Corp. Thus, Consolidated Rail must be considered the workers' firm.

CONCLUSION

After careful review I conclude that all workers at the Pittsburgh-Monongahela Division of Consolidated Rail Corp. in Pittsburgh, Pa., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 2d day of June 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
(FR Doc. 78-16221 Filed 6-12-78; 8:45 am)

[4510-28]

(TA-W-3072)

CYCLOPS INC., EMPIRE DETROIT DIVISION
DOVER, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3072: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on February 7, 1978 in response to a worker petition received on January 10, 1978 which was filed by the United Steel Workers of America on behalf of workers and former workers producing all steel products at the Dover, Ohio plant of Cyclops, Inc.-Empire Detroit Division. Subsequent investigation revealed that the plant produces galvanized sheets and coils and fabricated galvanized products.

The Notice of Investigation was published in the FEDERAL REGISTER on February 24, 1978 (43 FR 7744). No public hearing was requested and none was held.

The information upon which the determination was made was obtained

principally from officials of Cyclops Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

The Department conducted a survey of some of the customers of the Dover, Ohio plant of Cyclops. Among the customers responding to the survey, most did not purchase any imported galvanized sheets, coils or fabricated galvanized products in 1976 or 1977.

CONCLUSION

After careful review I conclude that all workers at the Dover, Ohio plant of Cyclops Inc.-Empire Detroit Division are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of June 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
(FR Doc. 78-16228 Filed 6-12-78; 8:45 am)

[4510-28]

(TA-W-3130)

DAVID KARP, INC., PHILADELPHIA, PA.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 15, 1978 in response to a worker petition received on February 2, 1978, which was filed on behalf of workers and former workers engaged in employment related to the distribution of industrial sewing threads at the Philadelphia, Pa. plant of David Karp, Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on February 28, 1978 (43 FR 8209). No public hearing was requested and none was held.

During the course of the investigation it was established that all workers of David Karp, Inc., Philadelphia, Pa. were permanently laid off in the spring of 1975. Section 223(b)(1) of the Trade Act of 1974 stated that a certification of eligibility shall not apply to any worker whose last total or partial

separation from the firm or an appropriate subdivision of the firm occurred more than twelve months before the date of the petition.

All workers at the Philadelphia, Pa. plant were separated more than twelve months prior to the signature date of the petition which is January 26, 1978 and therefore not eligible for program benefits under title II, chapter 2, subchapter B of the Trade Act of 1974.

Signed at Washington, D.C. this 1st day of June 1978.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.
(FR Doc. 78-16218 Filed 6-12-78; 8:45 am)

[4510-28]

(TA-W-3275)

DIANE HANDBAGS, INC. NEWBURGH, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3275: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 22 of the act.

The investigation was initiated on March 1, 1978 in response to a worker petition received on February 21, 1978 which was filed by the International Leather Goods, Plastic, and Novelty Workers Union on behalf of workers and former workers producing ladies' vinyl handbags at Diane Handbags, Inc., Newburgh, N.Y.

The Notice of Investigation was published in the FEDERAL REGISTER on March 14, 1978 (43 FR 10649). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Diane Handbags, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that sales or production, or both, of the firm or subdivision have decreased absolutely.

Diane Handbags produces on a contract basis exclusively for one manufacturer. The value of contract work at Diane Handbags increased in each quarter of 1977 compared to the previous quarter and increased in every

quarter of 1977 compared with the like period of 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I determine that workers of Diane Handbags, Inc., Newburgh, N.Y. are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 2nd day of June 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
(FR Doc. 78-16225 Filed 6-12-78; 8:45 am)

[4510-28]

(TA-W-2942)

DORADO FABRICS, INC., PHILADELPHIA, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2942: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on January 23, 1978 in response to a worker petition received on January 3, 1978, which was filed on behalf of workers and former workers producing double-knit fabric at Dorado Fabrics, Inc., Philadelphia, Pa.

The notice of investigation was published in the FEDERAL REGISTER on February 3, 1978 (43 FR 4697). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Dorado Fabrics, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Evidence developed during the course of the investigation revealed that the impact of imports of circular knit fabric, which include double-knit fabric and single-knit fabric, has been

negligible and declining. Imports of circular knit fabric declined absolutely and relative to domestic production in 1976 compared to 1975 and further declined in the first nine months of 1977 compared to the same period of 1976. Imports during this period represented less than one percent of domestic production. Imports of colored and bleached man-made knit fabric also represented less than one percent of domestic production and followed the same pattern as imports of circular knit fabrics.

A survey of customers of Dorado Fabric's converter revealed that respondents did not purchase imported double knit fabric.

CONCLUSION

After careful review I conclude that all workers of Dorado Fabrics, Inc., Philadelphia, Pa. are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 2nd day of June 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
(FR Doc. 78-16220 Filed 6-12-78; 8:45 am)

[4510-28]

(TA-W-2999)

HYDRIL CO., YOUNGSTOWN, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2999: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on January 31, 1978, in response to a worker petition received on January 12, 1978, which was filed on behalf of workers and former workers threading pipes and tubes at the Youngstown, Ohio facility of the Hydril Co.

The notice of investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7076). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Hydril Co., industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. The Department has determined that services are not "articles" within the meaning of section

222 of the act and that independent firms for which the subject firm provides services cannot be considered to be the "workers' firm."

The Hydril Co. was founded in 1935 in the State of Delaware. This company has no parent firm and it provides pipe threading services to the steel industry. The Hydril Co. has facilities in Youngstown, Ohio, Rochester, Pa., Harvey, La., and Houston, Tex. Corporate headquarters are located in Los Angeles, Calif.

The Youngstown facility commenced operations in July of 1936, and leases space within the Youngstown plant of Youngstown Sheet & Tube Co. Equipment includes 12 machines, modified Warner-Swazey 3A and 4A milling machines.

The Youngstown facility of the Hydril Co. cuts its own designed thread solely onto pipes and casings that are owned by the Youngstown Sheet & Tube Co. These seamless pipes and casings are used in oil drilling.

The Youngtown, Ohio facility of the Hydril Co. does not produce an article within the meaning of section 222(3) of the act.

Youngstown Sheet & Tube Co. and the Hydril Co. do not have a controlling interest in each other.

All workers who thread pipes and casings at the Youngstown, Ohio facility of the Hydril Co. are employed by the Hydril Co. All personnel action and payroll transactions are controlled by the Hydril Co. Workers are not at any time under employment or supervision of the Youngstown Sheet & Tube Co. Thus, Hydril Co. must be considered the workers firm.

CONCLUSION

After careful review I conclude that all workers at the Youngstown, Ohio facility of the Hydril Co. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 2d day of June 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
(FR Doc. 78-16222 Filed 6-12-78; 8:45 am)

[4510-28]

(TA-W-3009)

INTERNATIONAL SHOE CO., ST. CLAIR, MO.
A Certification Regarding Eligibility To Apply for
Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3009: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on February 2, 1978, in response to a worker petition received on January 19, 1978, which was filed by the United Shoe Workers of America on behalf of workers and former workers producing shoe component parts at the St. Clair, Mo. plant of the International Shoe Co.

The notice of investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7066). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the International Shoe Co., its customers, the Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

On February 24, 1976, the Department issued a notice of certification regarding eligibility of all workers at the St. Clair, Mo. plant (TA-W-350). The impact date was November 13, 1974.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. It is concluded that all of the requirements have been met.

Imports of women's nonrubber footwear, except athletic, declined, in absolute terms, from 1973 to 1974, increased from 1974 to 1975, and increased from 1975 to 1976. Imports decreased 6.5 percent from 1976 to 1977. The ratios of imports to domestic production and consumption increased from 117.9 percent and 54.1 percent, respectively, in 1976 to 122.8 percent and 55.1 percent, respectively, in 1977.

Imports of men's dress and casual footwear decreased, in absolute terms, from 1973 to 1974, increased from 1974 to 1975, and increased from 1975 to 1976. Imports decreased 3 percent from 1976 to 1977. The ratios of imports to domestic production and consumption declined from 70.4 percent and 41.3 percent, respectively, in 1976 to 71.7 percent and 41.8 percent, respectively, in 1977.

The U.S. International Trade Commission recently found that certain footwear articles, including men's and women's shoes, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing such articles. The Commission had considered

factors other than imports that have been alleged as more important causes of injury, but concluded that, although such factors may have contributed in part, imports have been the most important cause of injury.

In the case of women's nonrubber footwear, the ratio of imports to domestic production has been greater than 100 percent in each of the past 5 years, reaching a peak level of 122.8 percent in 1977. Similarly, the ratio of import of men's dress and casual footwear to domestic production has been greater than 50 percent in each of the past 5 years, reaching a peak level of 71.7 percent in 1977.

International Shoe imported women's shoes throughout 1977, and retail customers of the company shifted to imports from 1976 to 1977.

Production of component parts at the St. Clair plant is part of International's integrated shoe production process.

The greater percentage of St. Clair's production is for women's shoes. Total production of women's shoes by International and production at the St. Clair plant, declined from 1976 to 1977 and in the first quarter of 1978 compared to the same period of 1977. Employment at the St. Clair plant declined during the same period of comparison.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's shoes produced at the International Shoe Co. contributed importantly to the decline in shoe component production and to the total or partial separation of workers at the St. Clair, Mo. plant of that firm. In accordance with the provisions of the act, I make the following certification:

All workers at the St. Clair, Mo. plant of the International Shoe Co., who became totally or partially separated from employment on or after February 24, 1978, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 2d day of June 1978.

JAMES T. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-16227 Filed 6-12-78; 8:45 am]

[4510-28]

Office of the Secretary

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 19, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 19, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 18th day of May 1978.

MARVIN M. FOOKS,
Director, Office of,
Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Aeroquip Corp. (URWA)	Youngstown, Ohio	May 11, 1978	May 8, 1978	TA-W-3,723	Wire braided hydraulic hose, freon hose, spiral hose, fuel and oil hose, loom hose, flex mandrel hose.
Angle Clothing Co., Inc. (ILGWU)	Newburgh, N.Y.	Apr. 28, 1978	Apr. 24, 1978	TA-W-3,724	Ladies' winter and spring coats.
Apex Glove Co. (ACTWU)	Milwaukee, Wis.	May 15, 1978	Apr. 28, 1978	TA-W-3,725	Men's work gloves (construction, firemen, and forest rangers).
E Plus E, Inc. (ILGWU)	Los Angeles, Calif.	Apr. 10, 1978	Apr. 6, 1978	TA-W-3,726	Ladies' better dresses.
Burnham-Edina Manufacturing Co. (ACTWU)	Edina, Mo.	May 15, 1978	Apr. 28, 1978	TA-W-3,727	Gloves and mittens, construction work and dress.
Frederick H. Burnham Co. (ACTWU)	Michigan City, Ind.	.....do	.....do	TA-W-3,728	Work gloves.
Bethlehem Steel Corp., Bethlehem plant, alloy and tool steel department (workers).	Bethlehem, Pa.	Apr. 17, 1978	Apr. 12, 1978	TA-W-3,729	Tool steel and alloy steel.
Bethlehem Steel Corp., Bethlehem plant, forge division (workers).	.....do	.....do	.....do	TA-W-3,730	Machine tools, heavy and light forgings, and drop forgings.
Bethlehem Steel Corp., Bethlehem plant, foundry division (workers).	.....do	.....do	.....do	TA-W-3,731	Brass and iron and steel foundry products.
Dan Deb Manufacturing Co., Inc. (ACTWU)	Auburn, Nebr.	May 15, 1978	May 11, 1978	TA-W-3,732	Children's wear.
GAP Photo Service (workers)	Philadelphia, Pa.	May 11, 1978	May 3, 1978	TA-W-3,733	Photo finishing and film processing.
Jasper Brassiere Co. (workers)	Jasper, Ala.	May 16, 1978	May 9, 1978	TA-W-3,734	Brassieres and girdles.
The Jay Garment Co. (ACTWU)	Brookville, Ind.	Jan. 31, 1978	Jan. 10, 1978	TA-W-3,735	Men's jeans and work pants.
Levi-Olteneimer (workers)	Baltimore, Md.	May 11, 1978	May 10, 1978	TA-W-3,736	Ladies' jumpsuits, blouses, shorts, slacks and boys' sportswear (mainly slacks).
Levi Strauss & Co. (ACTWU)	Valdosta, Ga.	May 15, 1978	Apr. 20, 1978	TA-W-3,737	Jeans.
Phelps Dodge Mercantile Co. (workers)	Ajo, Ariz.	May 2, 1978	Apr. 24, 1978	TA-W-3,738	Selling of general merchandise to the employees of the copper mines in Ajo, Ariz.
Ro Tarr Fashions, Inc. (ILGWU)	Newburgh, N.Y.	Apr. 28, 1978	.....do	TA-W-3,739	Wool coats and raincoats for women.
Rockland Weaving (workers)	Baltimore, Md.	May 16, 1978	May 11, 1978	TA-W-3,740	Greige goods and some synthetic cotton.
Weld, Inc. (ACTWU)	Ruritan, N.J.	May 15, 1978	.....do	TA-W-3,741	Boys' and men's outerwear.

[FR Doc. 78-15893 Filed 6-12-78; 8:45 am]

[4510-28]

[TA-W-3088]

L. J. O'NEILL SHOE CO., ST. LOUIS, MO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3088: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the act.

The investigation was initiated on February 7, 1978, in response to a worker petition received on January 26, 1978, which was filed on behalf of workers and former workers engaged in warehousing women's shoes, for the Florsheim Shoe Co., at the L. J. O'Neill Shoe Co., St. Louis, Mo.

The notice of investigation was published in the FEDERAL REGISTER on February 24, 1978 (43 FR 7744). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Florsheim Shoe Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

(On September 15, 1975, the Department issued a notice of certification regarding all workers engaged in employment related to the production of women's shoes at the L. J. O'Neill Shoe Co., St. Louis, Mo.—TA-W-91.)

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the act must be met. It is concluded that all of the requirements have been met.

Imports of women's nonrubber footwear, except athletic decreased 6.5 percent in absolute terms, from 1976 to 1977. The ratios of imports to domestic production and consumption increased from 117.9 percent and 54.1 percent, respectively, in 1976, to 122.8 percent and 55.1 percent, respectively, in 1977.

The U.S. International Trade Commission recently found that certain footwear articles, including women's shoes, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing such articles. The Commission had considered factors other than imports that have been alleged as more important causes of injury, but concluded that, although such factors may have contributed in part, imports have been the most important cause of injury.

In the case of women's nonrubber footwear, the ratio of imports to domestic production has been greater than 100 percent in each of the past 5 years, reaching a peak level of 122.8 percent in 1977.

The L. J. O'Neill Co., a Florsheim subsidiary, serves as a warehouse exclusively for women's shoes produced by Florsheim. L. J. O'Neill is therefore part of Florsheim's integrated production operation for women's shoes. In February 1978, Florsheim formally discontinued all manufacturing and wholesale distribution of women's shoes, thereby eliminating the need for the L. J. O'Neill warehouse.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's shoes produced at the Florsheim Shoe Co. contributed importantly to the total or partial separation of workers at the L. J. O'Neill Shoe Co., St. Louis, Mo. In accordance with the provisions of the act, I make the following certification:

All workers at the L. J. O'Neill Shoe Co., St. Louis, Mo., who became totally or partially separated from employment on or after September 15, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 2d day of June 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-16229 Filed 6-12-78; 8:45 am]

[4510-28]

[TA-W-2324]

**LIBERTY BELLE FISHING CORP.,
PROVINCETOWN, MASS.****Certification Regarding Eligibility To Apply for
Worker Adjustment Assistance**

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2324: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on September 8, 1977, in response to a worker petition received on that date which was filed on behalf of workers and former workers engaged in the catching and landing of various types of commercial fish at Liberty Belle Fishing Corp. of Provincetown, Mass. The investigation revealed that Liberty Belle Fishing Corp. owns and operates the fishing vessel F/V *Liberty Belle* which is engaged in the catching and landing of ground and flatfish.

The notice of investigation was published in the *FEDERAL REGISTER* on October 4, 1977 (42 FR 54031). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Liberty Belle Fishing Corp. and its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Marine Fisheries Service, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

During the 1973 to 1976 period the average annual level of imports of fresh and frozen groundfish and flatfish: whole; blocks and slabs; and fillets was 654,706 thousand pounds. Imports in 1977 were 696,261 thousand pounds. Imports as a percentage of production increased from 173.4 percent in 1975 to 197.8 percent in 1976 and declined to 187.8 percent in 1977.

Cod represented the largest percentage of total Provincetown landings in 1977. Imports of fresh and frozen cod increased from 256,962 thousand pounds in 1975 to 331,044 thousand pounds in 1977. Imports as a percentage of production increased from 379.4 percent in 1975 to 446.5 percent in 1976 and increased to 463.9 percent in 1977.

Imports of edible fish products from Canada increased from 438,206 thousand pounds in 1975 to 474,015 thousand pounds in 1976 to 478,470 thousand pounds in 1977.

A survey of fish wholesalers served by the Provincetown area indicated that many had decreased purchases of fish from Provincetown. A number of these wholesalers purchased imported Canadian ground and flatfish either directly or indirectly in 1977.

The wholesalers also indicated that decreasing purchases from Provincetown were in large measure due to the increased purchases of fresh and frozen Canadian fish by their customers—fishmarkets, supermarkets, and restaurants. The Department's investigation revealed that many fish distributors and wholesalers use the imports of Canadian ground and flatfish as leverage in bidding down the exvessel prices paid to domestic fishermen for the same species of ground and flatfish.

CONCLUSIONS

After careful review of the facts obtained in the investigation, it is concluded that increases of imports like or directly competitive with the ground and flatfish caught and landed by the F/V *Liberty Belle* owned by Liberty Belle Fishing Corp. of Provincetown, Mass., contributed importantly to the decrease in production and to the separation of workers from that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Liberty Belle Fishing Corp. of Provincetown, Mass., who became totally or partially separated from employment on or after August 27, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 2d day of June 1978.

JAMES F. TAYLOR,
*Director, Office of Management,
Administration, and Planning.*
(FR Doc. 78-16232 Filed 6-12-78; 8:45 am)

[4510-28]

[TA-W-2849]

UNION RAILROAD CO., EAST PITTSBURGH, PA.**Termination of Investigation**

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on January 4, 1978, in response to a worker petition received on December 14, 1977, which was filed by the Brotherhood of Locomotive Engineers on behalf of workers and former workers engaged in transporting of raw materials into the United States Corp. plants, interplant moves, and finished products from the plants to interchange points at Union Railroad Co., East Pittsburgh, Pa.

Notice of investigation was published in the *FEDERAL REGISTER* on January 27, 1978 (43 FR 3777). No public hearing was requested and none was held.

On November 14, 1977, an investigation was initiated in response to a worker petition which was filed on behalf of the same group of workers (TA-W-2605). Notice of the investigation was published in the *FEDERAL REGISTER* on December 16, 1977 (42 FR 63484).

Since the identical group of workers is the subject of the ongoing investigation, TA-W-2605, a new investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 26th day of May 1978.

MARVIN M. FOOKS,
*Director, Office of
Trade Adjustment Assistance.*
(FR Doc. 78-16226 Filed 6-12-78; 8:45 am)

[4510-28]

[TA-W-2328 through 2332]

**WEAN UNITED, INC., VANDERGRIFT, PA., ET
AL.****Negative Determinations on Reconsideration**

On March 16, 1978, the Department made an affirmative determination regarding application for reconsideration for workers and former workers of Wean United, Inc., Vandergrift, Pa. (TA-W-2328), Youngstown, Ohio, Henricks Road (TA-W-2329), Youngstown, Ohio, Phelps Street (TA-W-2330), Warren, Ohio (TA-W-2331), and Canton, Ohio (TA-W-2332). These determinations were published in the *FEDERAL REGISTER* on March 24, 1978 (43 FR 12399).

The petitioner in this case, the United Steelworkers of America, raised two basic issues. The first has to do with the adequacy of the Department's customers survey and the second with the period analyzed in the investigation. The petitioner considered the sample of customers, representing under 50 percent of sales, as inadequate. The petitioner claims the Department should have evaluated the entire 1977 period rather than limited the analysis to 1976 and the first half of 1977.

With respect to the first issue raised, the Department, in its original investigation, surveyed customers for rolling mill equipment produced at the five petitioning facilities. Responses it received on rolling mill machinery and rolls, with one minor exception, did not reveal any customers that replaced Wean's products with foreign products. In fact, sales of rolls and rolling mill equipment to the domestic market were higher in 1976 than in 1975 and higher in 1977 than in 1976. Aggregate import data and customer comment indicate import competition to be generally slight in the area of special machinery produced by Wean.

An analysis of the overall sales performance of the five petitioning plants

indicates that the dominant cause of a decline in production and for the significant separation of workers at those plants was a loss in foreign sales. In 1976, sales of the five facilities combined declined by 17 percent. Export sales, which represented well over half of the output of the plants, fell by almost twice as much as domestic sales. In 1977, overall sales of the five petitioning plants were down by a further 16 percent. Sales in the domestic market in 1977, however, actually increased. The loss in export sales accounted for all of the loss in the petitioning plants' sales in 1977.

As for the petitioner's claim that the time period analyzed in the initial investigation should have included the entire year 1977, the Department does not agree given the fact that the date of the petition was August 15, 1977. In its reconsideration, however, the Department took into account sales and production at Wean for the full year 1977 with results outlined above.

CONCLUSION

After reconsideration, I reaffirm the original denial of eligibility to apply for adjustment assistance to workers and former workers at Wean United, Inc., at Vandergrift, Pa., Henricks Road and Phelps Street, Youngstown, Ohio, Warren, Ohio, and Canton, Ohio.

Signed at Washington, D.C., this 2d day of June 1978.

JAMES F. TAYLOR,
*Director, Office of Management,
Administration, and Planning.*
(FR Doc. 78-16219 Filed 6-12-78; 8:45 am)

[4510-23]

**MINIMUM WAGE STUDY
COMMISSION****PUBLIC MEETING**

The second meeting of the Minimum Wage Study Commission will be held on June 29, 1978, at 9:00 a.m., in the Lower Lobby Conference Room, 2120 L Street, NW., Washington, D.C. The meeting is open to the public.

The agenda for the meeting will be concerned with the staffing of the Commission, the adoption of procedures, and the establishment of priorities for the accomplishment of the Commission's work plans. In addition, the Commission will begin its deliberations on the extent to which the exemptions from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938 may apply to employees of conglomerates.

Telephone inquiries and communications concerning this meeting should be directed to:

Mr. Dennis G. Condie, Acting Administrative Officer, Room G-340, General Services Administration

Building, 18th and F Street, NW., Washington, D.C. 20405, telephone 202-566-1792.

Signed at Washington, D.C., this 8th day of June 1978.

GERALD M. FEDER,
Chairperson.
(FR Doc. 78-16275 Filed 6-12-78; 8:45 am)

[7536-01]

**NATIONAL FOUNDATION ON THE
ARTS AND THE HUMANITIES****National Endowment for the Humanities****HUMANITIES PANEL, ADVISORY COMMITTEE****Meeting**

JUNE 8, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Humanities Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in the 11th floor conference room from 9 a.m. to 5:30 p.m., on Thursday, June 29, 1978.

The purpose of the meeting is to review NEH Museums and Historical Organizations applications submitted to the National Endowment for the Humanities for projects beginning after November 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
*Advisory Committee
Management Officer.*
(FR Doc. 78-16276 Filed 6-12-78; 8:45 am)

[7536-01]

HUMANITIES PANEL, ADVISORY COMMITTEE**Meeting**

JUNE 2, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the

Humanities Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in the eighth floor conference room from 9 a.m. to 5:30 p.m., on July 10, 1978.

The purpose of the meeting is to review general social science applications submitted to the National Endowment for the Humanities for projects beginning after September 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-724-0367.

STEPHEN J. MCCLEARY,
*Advisory Committee
Management Officer.*
(FR Doc. 78-16277 Filed 6-12-78; 8:45 am)

[7536-01]

HUMANITIES PANEL, ADVISORY COMMITTEE**Meeting**

JUNE 5, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Humanities Panel will be held at "Strawberry Banke", Portsmouth, N.H., on July 6 and 7, from 9 a.m. to 5:30 p.m., on each day.

The purpose of the meeting is to review NEH Museums and Historical Organizations program applications submitted to the National Endowment for the Humanities for projects beginning after November 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen McCleary, 806 15th Street NW., Washington, D.C. 20506 or call area code 202-724-0367.

(Museums and Historical Organizations Program, Division of Public Programs.)

STEPHEN J. MCCLEARY,
Advisory Committee

hereby given that a meeting of the Humanities Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in the 11th floor conference room from 9 a.m. to 5:30 p.m., on July 14 and July 15.

The purpose of the meeting is to review NEH Museums and Historical Organizations program applications submitted to the National Endowment for the Humanities for projects begin-

Science and Research Applications, 1800 G Street NW., Washington, D.C. 20550. Computer tapes are maintained at Kappa Systems, Inc., 1501 Wilson Boulevard, Arlington, Va. 22209.

Categories of individuals covered by the system:

Individuals who have agreed to participate in the NSF applied research evaluation project.

[7590-01]

**NUCLEAR REGULATORY
COMMISSION****ADVISORY COMMITTEE ON REACTOR SAFETY
SUBCOMMITTEE ON ELECTRICAL
SYSTEMS, CONTROL AND INSTRUMENTA-
TION****Meeting**

463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid

ration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's submittals dated May 22 and 24, 1978, (2) Amendment No. 26 to License No. DPR-61, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen McCleary, 806 15th Street NW., Washington, D.C. 20506 or call area code 202-724-0367.

(Museums and Historical Organizations Program, Division of Public Programs.)

STEPHEN J. McCLEARY,
Advisory Committee
Management Officer.

[FR Doc. 78-16278 Filed 6-12-78; 8:45 am]

[7536-01]

HUMANITIES PANEL, ADVISORY COMMITTEE

Meeting

JUNE 5, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that a meeting of the Humanities Panel will be held at the Newberry Library, 60 West Walton Street, Chicago, Ill. 60610, from 9 a.m. to 5:30 p.m., on July 10 and 11, 1978.

The purpose of the meeting is to review applications for the development of humanities Public Program formats submitted to the National Endowment for the Humanities for projects beginning after October 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature and disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call 202-724-0367.

(Public Programs/Program Development.)

STEPHEN J. McCLEARY,
Advisory Committee
Management Officer.

[FR Doc. 78-16279 Filed 6-12-78; 8:45 am]

[7536-01]

HUMANITIES PANEL, ADVISORY COMMITTEE

Meeting

JUNE 5, 1978.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is

hereby given that a meeting of the Humanities Panel will be held at 806 15th Street NW., Washington, D.C. 20506, in the 11th floor conference room from 9 a.m. to 5:30 p.m., on July 14 and July 15.

The purpose of the meeting is to review NEH Museums and Historical Organizations program applications submitted to the National Endowment for the Humanities for projects beginning after November 1, 1978.

Because the proposed meeting will consider financial information and disclose information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506, or call 202-724-0367.

(Museums & Historical Organizations Program, Division of Public Programs.)

STEPHEN J. McCLEARY,
Advisory Committee
Management Officer.

[FR Doc. 78-16280 Filed 6-12-78; 8:45 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION

PRIVACY ACT OF 1974

Additional System of Records

Pursuant to the requirements of section 3 of the Privacy Act of 1974, 5 U.S.C. 552a(c)(4), notice is hereby given of the existence and character of a new system of records to be maintained by the National Science Foundation and of the routine uses thereof. Interested persons are invited to submit written data, views, or arguments to the Director, National Science Foundation, Attn.: General Counsel, Washington, D.C. 20550, not later than July 13, 1978.

NSF-47

System name:

NSF Applied Research Evaluators Roster.

System location:

Paper records are maintained at National Science Foundation, Office of Special Assistant for Oversight and Evaluation, Directorate for Applied

Science and Research Applications, 1800 G Street NW., Washington, D.C. 20550. Computer tapes are maintained at Kappa Systems, Inc., 1501 Wilson Boulevard, Arlington, Va. 22209.

Categories of individuals covered by the system:

Individuals who have agreed to participate in the NSF applied research evaluation project.

Categories of records in the system:

Name, address, and scientific/professional group categorization.

Routine uses of records maintained in the system:

Other Government agencies needing names of potential reviewers or specialists in particular fields may be given information from this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.

Storage:

Paper records and computer tapes.

Retrievability:

Paper records are filed alphabetically by last name; computer records retrievable by appropriate combination of field of science and engineering and field of application codes.

Safeguards:

Records at NSF: Building employs security guard. Building is locked during nonbusiness hours when guard is not on duty. Room in which records are kept is locked during nonbusiness hours. Computer records: A password must be used to access computer files.

Retention and disposal:

File is cumulative and is maintained indefinitely.

System manager(s) and address:

Special Assistant for Oversight and Evaluation, Directorate for Applied Science and Research Applications.

Notification procedure:

The NSF Privacy Act officer should be contacted in accordance with procedures found at 45 CFR Part 613.

Record access procedures:

See "Notification" above.

Contesting record procedures:

See "Notification" above.

Record source categories:

Information obtained from individual.

Dated: June 8, 1978.

RICHARD C. ATKINSON,
Director.

[FR Doc. 78-16273 Filed 6-12-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON ELECTRICAL SYSTEMS, CONTROL AND INSTRUMENTATION

Meeting

The ACRS SUBCOMMITTEE ON ELECTRICAL Systems, Control and Instrumentation, will hold a meeting on June 29, 1978, in room 1046, 1717 H St., NW., Washington, D.C. 20555 to discuss the use of loose-parts-monitoring systems in nuclear power plants. The Subcommittee is also seeking comments on Revision 1 to Regulatory Guide 1.133, "Loose-Part Detection Program for the Primary System of Light-Water-Cooled Reactors."

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

THURSDAY, JUNE 29, 1978

8:45 a.m. until the conclusion of business. The Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, Babcock and Wilcox Co., Baltimore Gas and Electric Co., Combustion Engineering, Inc., Consumers Power Co., Duke Power Co., Florida Power Corp., Technology for Energy Corp., Westinghouse Electric Corp., and their consultants, concerning the capability of loose-parts-monitoring systems to detect loose parts in the reactor plant and the need for such a system to be installed. Other companies or individuals wishing to provide a presentation on the use of loose-parts-monitoring systems are asked to call Mr. Gary Quittschreiber, ACRS Senior Staff Engineer (202-634-1374) so that they may be included on the presentation schedule for this or subsequent meetings on this subject.

It may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with subsection 10(d) of Pub. L. 92-

463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Gary R. Quittschreiber (telephone 202-634-1374) between 8:15 a.m. and 5:00 p.m., E.d.t.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C. 20555.

Dated: June 8, 1978.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 78-16333 Filed 6-12-78; 8:45 am]

[7590-01]

[Docket No. 50-213]

CONNECTICUT YANKEE ATOMIC POWER CO.

Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 26 to Facility Operating License No. DPR-61, issued to Connecticut Yankee Atomic Power Co. (the licensee), for operation of the Haddam Neck Plant (the facility) located in Middlesex County, Conn. The amendment is effective as of its date of issuance.

The amendment adds license condition C.(3), which restricts operation of the facility beyond 300 effective full power days into the present Cycle 8. The amendment also changes the bases to the Appendix A Technical Specifications to support this action.

The license amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration

and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the licensee's submittals dated May 22 and 24, 1978, (2) Amendment No. 26 to License No. DPR-61, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Russell Library, 119 Broad Street, Middletown, Conn. 06457. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md. this 26th day of May 1978

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors
Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-16261 Filed 6-12-78; 8:45 am]

[7590-01]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT AND POWER CO. ET AL

Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Facility Operating License No. DPR-49 issued to Iowa Electric Light and Power Company, Central Iowa Power Cooperative, and Corn Belt Power Cooperative, which revises the Technical Specifications for operation of the Duane Arnold Energy Center, located in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment will delete the Reactor Water Cleanup System High Temperature Limitation from Table 3.2-A and 4.2-A.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant envi-

ronmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 29, 1978 (IE-78-454), (2) Amendment No. 44 to License No. DPR-049, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Cedar Rapids Public Library, 426 Third Avenue, S.E., Cedar Rapids, Iowa 52401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 6th day of June 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of Operating Reactors.

(FR Doc. 78-16262 Filed 6-12-78; 8:45 am)

[7590-01]

(Docket Nos. 50-373 and 50-374)

COMMONWEALTH EDISON CO., LA SALLE COUNTY STATION, UNITS NO. 1 AND NO. 2

Order Extending Construction Completion Dates

Commonwealth Edison Co. is the holder of Construction Permits Nos. CPPR-99 and CPPR-100 issued by the Atomic Energy Commission¹ on September 10, 1973, for the construction of the La Salle County Station, Units No. 1 and No. 2, presently under construction at the applicant's site in Brookfield Township, La Salle County, Ill. On September 22, 1977, the applicant filed a request for an extension of the completion dates. By letter, dated October 13, 1977, the Nuclear Regulatory Commission requested additional information in order to justify extending the construction completion dates. Supplemental information was received from Commonwealth Edison Co., dated February 2, 1978, stating that construction had been delayed due to:

(1) Optimistic construction schedule,

¹Effective January 20, 1975, the Atomic Energy Commission became the Nuclear Regulatory Commission and permits in effect on that day continued under the authority of the Nuclear Regulatory Commission.

(2) Delays due to unusually wet winter,

(3) Numerous strikes and work stoppages,

(4) Lack of manpower, i.e., in crafts,

(5) Design revisions and structural changes due to additional analysis of multiple or prolonged discharge of the safety relief valves,

(6) Additional requirements by the staff.

This action involves no significant hazards consideration; good cause has been shown for the delay; and the requested extension is for a reasonable period, the bases for which are set forth in the staff evaluation dated May 31, 1978. The preparation of an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the Order other than that which has already been predicted and described in the Commission's Final environmental Statement for the La Salle County Nuclear Station, Units No. 1 and No. 2, published in February 1973, and the Draft Environmental Statement published in March 1978. A Negative Declaration and an Environmental Impact Appraisal have been prepared and are available, as are the above stated documents, for public inspection at the Commission's Public Document room, 1717 H Street NW., Washington, D.C. 20555 and at the local public document room established for the La Salle County Station facility in the Illinois Valley Community College Library, Rural Route No. 1, Oglesby, Ill. 62450.

It is hereby ordered that the latest completion date for CPPR-99 be extended from June 1, 1978 to March 31, 1980 and for CPPR-100 be extended from June 1, 1979 to December 31, 1980.

Date of Issuance: May 31, 1978.

For The Nuclear Regulatory Commission.

RICHARD C. DEYOUNG,
Deputy Director, Division of Project Management, Office of Nuclear Reactor Regulation.

(FR Doc. 78-16259 Filed 6-12-78; 8:45 am)

[7590-01]

(Docket Nos. 50-373 and 50-374)

LA SALLE COUNTY STATION UNITS NO. 1 AND 2 (CPPR-99 AND CPPR-100) COMMONWEALTH EDISON CO.

Negative Declaration Supporting Order Relating To the Extension of Dates for Completion of Construction

The U.S. Nuclear Regulatory Commission (the Commission) has reviewed the Order relating to the construction permits for the La Salle

County Station, Units No. 1 and 2 (CPPR-99 and CPPR-100), located in La Salle County, Ill., issued to Commonwealth Edison Co. The Order would authorize the extension for twenty-two months of the date for completion of construction of Unit No. 1, and for nineteen months of the date for completion of construction of Unit No. 2.

The Commission's Division of Site Safety and Environmental Analysis has prepared an environmental impact appraisal for the Order, and has concluded that an environmental impact statement for this particular action is not warranted because there will be no environmental impact attributable to the Order other than that which has already been predicted and described in the Commission's Final Environmental Statement for the La Salle County Nuclear Station, Units No. 1 and 2, published in February 1973, the Draft Environmental Statement published in March 1978, the Atomic Safety and Licensing Board decisions of September 1973 and March 1974, and the Atomic Safety and Licensing Appeal Board decisions of October 1973 and April 1974.

The environmental impact appraisal is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Illinois Valley Community College Library, Rural Route No. 1, Oglesby, Ill. 62450. A copy may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Site Safety and Environmental Analysis.

Dated at Bethesda, Md., this 31st day of May 1978.

For the Nuclear Regulatory Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects
Branch No. 1, Division of Site Safety and Environmental Analysis.

(FR Doc. 78-16260 Filed 6-12-78; 8:45 am)

[7715-01]

POSTAL RATE COMMISSION

(Docket No. MC77-22)

MAIL CLASSIFICATION SCHEDULE, 1977

Prehearing Conference

JUNE 7, 1978.

Notice is hereby given that pursuant to the Presiding Officer's "Notice of Prehearing Conference, Dated June 7, 1978", a final Prehearing Conference will be held in the above-docketed proceeding on July 11, 1978, at 10:30 a.m., or immediately upon the conclusion of the scheduled prehearing conference

in Docket No. MC76-5, should that conference extend past the hour of 10:30 a.m., Hearing Room, Postal Rate Commission, Suite 500, 2000 L Street NW., Washington, D.C.

DAVID F. HARRIS,
Secretary.

(FR Doc. 78-16244 Filed 6-12-78; 8:45 am)

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

(Release No. 10267; 812-4106)

ARCS EQUITIES CORP.

Filing of Application for Amendment to Order Granting Temporary Exemption and Certain Other Provisions of the Act

JUNE 5, 1978.

Notice is hereby given that Arcs Equities Corp. ("Applicant"), 850 Third Avenue, New York, N.Y. 10022, a New York corporation, filed an application on May 26, 1978, pursuant to sections 6(c) and 6(e) of the Investment Company Act of 1940 ("Act"), for an amendment to an order of the Commission dated February 22, 1978 (Investment Company Act Rel. 10128), which temporarily exempted Applicant from the provisions of section 7 and certain other provisions of the Act from May 13, 1977, to June 30, 1978. Applicant seeks an amendment to the earlier order to extend the temporary exemption from June 30, 1978, until the earlier of August 31, 1978, or such time as the Commission has acted upon Applicant's original application under sections 3(b)(2) and 6(c) of the Act. The original application was filed by Applicant and Federated Capital Management Associates, Inc., a Delaware corporation, which merged into Applicant in January 1978 for an order of the Commission declaring that they are not investment companies or, in the alternative, declaring that they are exempt from all provisions of the Act. All interested persons are referred to the application for amendment to the prior order on file with the Commission for a statement of Applicant's representations, which are summarized below.

Applicant states that as part of the Consent and Undertaking ("Consent"), which is incorporated in the Final Judgment of Permanent Injunction and Other Equitable Relief entered against Applicant in connection with the settlement of the litigation commenced by the Commission in January 1978 against Applicant and others, Applicant was required to appoint two additional new independent Directors and establish an audit committee of the Board of Directors of Applicant composed of such new independent Directors. The new Directors

shall have the responsibility, among other things, to review as to fairness to Applicant and Applicant's stockholders, and to recommend to the Board of Directors of Applicant the approval or disapproval of proposed sales or purchases of Applicant's securities by Applicant, as well as proposed transactions between Applicant and Bates Manufacturing Co., Inc., ("Bates") and any proposed transactions whereby Applicant will be liquidated, dispose of all or substantially all of its assets or otherwise cease to exist. To date, Applicant has appointed only one new independent Director and is in the process of appointing a second.

Applicant states that as part of the Consent, it has also granted to Bates an option to acquire 135,000 shares of Bates Common Stock owned by Applicant at a price of \$31 per share. The option, which originally expired on May 18, 1978, was extended by stipulation executed by all parties to the aforementioned litigation and court order to August 31, 1978, or until such earlier date as Applicant shall be liquidated, or until an earlier date determined by court order. On May 16, 1978, the Board of Directors of Bates took action to approve the exercise of the option as to all 135,000 shares of Bates Common Stock, such exercise to be effective on August 31, 1978, or at an earlier date as provided for by court order.

Applicant represents that since the execution of the Consent, it has been proceeding diligently to comply with the terms and provisions of the Consent and to complete the formulation of a Plan of Complete Liquidation and Dissolution ("Plan"). Applicant further represents that, upon completion, the Plan will be reviewed and considered by the audit committee and the Board of Directors of Applicant and submitted to stockholders.

Applicant seeks to amend the prior exemptive order to extend the period of temporary exemption of Applicant from the provisions of section 7 and certain other provisions of the Act for the following reasons. In connection with the exercise of the option granted by Applicant to Bates for Bates to purchase from Applicant 135,000 shares of Bates Common Stock, certain tax questions affecting Applicant have been raised which Applicant states were not previously foreseen. It is represented that this matter is currently under study, particularly the applicability of personal holding company provisions of the Internal Revenue Code to the transaction if it occurs prior to the liquidation of Applicant. In that event, it may result in a penalty tax imposition upon Applicant, which would be detrimental to Applicant's stockholders.

Moreover, it is asserted that the Applicant's independent auditors have

raised questions concerning the form and presentation of Applicant's financial statements in light of the prospective formulation by Applicant of the Plan. These considerations include the carrying value of the Bates securities owned by Applicant in these circumstances. These questions must be considered and resolved by the auditors and Applicant and its Board of Directors prior to completion of proxy material for stockholders of Applicant to consider the Plan. It is contended that the Plan and its terms and provisions are directly affected by the foregoing consideration, and the resolution thereof may necessitate additional changes in the proposed Plan.

For these reasons, Applicant contends that there is insufficient time before June 30, 1978, to prepare and file preliminary and definitive proxy material for a meeting of the stockholders of Applicant to consider and vote upon the Plan, to solicit proxies from such stockholders prior to such meeting within the period prescribed by the laws of the State of New York, and to liquidate Applicant if the Plan is approved by its stockholders.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(e) of the Act provides that, if, in connection with any order under section 6 exempting any investment company from section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the Act pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

Notice is further given that any interested person may, not later than June 29, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address

(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

(FR Doc. 78-16267 Filed 6-12-78; 8:45 am)

[8010-01]

[Release No. 34-14832; File No. SR-BSE-78-4]

BOSTON STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Changes

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on May 30, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes amending in part File No. SR-BSE-77-4,¹ which was designed to conform certain of the Boston Stock Exchange rules to sections of the Securities Acts Amendments of 1975 relating to the comparison, clearance, and settlement of exchange transactions.

TEXT OF PROPOSED RULE CHANGES

The text of the proposed rule changes is as follows (brackets indicate proposed deletions from the current rules and italics indicate new material):

RULES OF THE EXCHANGE

CHAPTER III

Comparisons—Liability on Contracts

Sec. 1. It shall be the duty of every member to report each of his transactions as promptly as possible to his office, where prompt verification shall be made with the comparison report received from the [Boston Stock Exchange Clearing Corporation] *Exchange*.

¹ Securities Exchange Act Release No. 14297 (December 21, 1977), 42 FR 65337 (December 30, 1977).

CHAPTER V

Delivery Closing Time

Sec. 10. In all sales or contracts for delivery of securities between members of the Exchange, the party who is to receive the same shall not be bound to take them after the delivery closing time prescribed by the [Boston Stock Exchange Clearing Corporation] *registered clearing agency through which clearing and settlement is to take place*, but may postpone the payment, without being charged interest, to the following delivery day.

CONSTITUTION

ARTICLE XVII

[Clearing House]

[Purpose]

[Sec. 1. There shall be a Clearing House for the purpose of acting as the common agent of the members of the Exchange in receiving and delivering securities.]

[Boston Stock Exchange Clearing Corporation]

[Sec. 2. The Clearing House shall be conducted by Boston Stock Exchange Clearing Corporation, a Massachusetts corporation, all the stock of which is owned by the Exchange, which Corporation shall designate from time to time the securities which shall be cleared.]

Comparison Service

The Exchange shall maintain on the floor of the Exchange a station or stations for the reporting and comparing of trades and may impose a charge for such service.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule changes is as follows:

The proposed rule changes are being adopted in order to increase the capacity of the Boston Stock Exchange to carry out the purposes of the Securities Exchange Act of 1934 as amended by establishing a comparison service for the reporting of trades on the Boston Stock Exchange separate and distinct from clearing and settlement functions and by removing reference to the delivery closing time of the Boston Stock Exchange Clearing Corporation.

No comments on the proposed rule changes have been or are to be solicited.

BSE believes that the proposed rule changes will not impose any burdens on competition.

On or before July 18, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period

to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof, with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

All submissions should refer to the file number referenced in the caption above and should be submitted on or before July 5, 1978.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

JUNE 6, 1978.

(FR Doc. 78-16272 Filed 6-12-78; 8:45 am)

[8010-01]

[Rel. No. 20577; 70-6152]

CEDAR COAL CO. ET AL

Proposed Mining Equipment Leases by Coal Mining Subsidiaries

JUNE 5, 1978.

In the matter of Cedar Coal Co., 1220 Charleston National Plaza, Charleston, W. Va. 25301; Central Appalachian Coal Co., 301 Virginia Street East, Charleston, W. Va. 25301; Central Ohio Coal Co., 301 Cleveland Avenue, SW., Canton, Ohio 44702; Southern Appalachian Coal Co., 301 Virginia Street East, Charleston, W. Va. 25301; Southern Ohio Coal Co., Post Office Box K, Moundsville, W. Va. 26041.

Notice is hereby given that Cedar Coal Co. ("Cedar"), Central Appalachian Coal Co. ("CACO") and Southern Appalachian Coal Co. ("Saco"), coal mining subsidiaries of Appalachian Power Co. ("Appalachian"), and Central Ohio Coal Co. ("COCO") and Southern Ohio Coal Co. ("SOCO"), coal mining subsidiaries of Ohio Power Co., which, like Appalachian, is an electric utility subsidiary of American Electric Power Co., Inc., a registered holding company, have filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Com-

pany Act of 1935 ("Act"), designating sections 9 and 10 of the Act as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Cedar, CACO, SACO, COCO, and SOCO (collectively, "mining subsidiaries") each propose to enter a separate master leasing agreement with BLC Corp. ("BLC"), a subsidiary of Bankers Leasing Corp., under which BLC will commit to lease to the mining subsidiaries mining equipment with an aggregate amortized value not exceeding \$25,000,000 at any time, except that the equipment to be leased to CACO will be limited to an aggregate amortized value not exceeding \$2,500,000 ("BLC Leases"). The mining subsidiaries, except for CACO, also each propose to enter into a separate master leasing agreement with Manufacturers Hanover Trust Co. ("MHT") under which MHT will commit to lease to the mining subsidiaries mining equipment with a total cost to MHT not exceeding \$60,000,000 ("MHT Leases").

It is stated that the BLC Leases will provide for the rental by BLC to each lessee of various types of equipment for surface and underground mining of coal. The aggregate amortized value of the equipment (the net price paid by BLC, including excise, sales and uses taxes, installation expenses and freight charges, less the sum total of quarterly amortization payments by the lessee with respect to such equipment) to be leased under all of the BLC Leases may not at any time exceed \$25,000,000. With respect to the proposed BLC Leases with CACO, the aggregate amortized value of equipment under such lease may not at any time exceed \$2,500,000.

It is further stated that under the BLC Leases, rent will be payable quarterly in arrears. Rentals will provide for the amortization of BLC's acquisition cost over periods of 12 to 40 calendar quarters; the amortization period of each item to be determined by the lessee at the time the item is placed under lease. Each quarterly rental payment with respect to an item of equipment under lease will consist of (i) one quarter's amortization of the acquisition cost of the item on a level basis over the lease term for that item, plus (ii) an additional rental factor, applied to BLC's amortized acquisition cost of the item on the first day of the quarter, equal to the sum of the "monthly lease rates" for each month in such quarter, divided by three and prorated for the number of days in the quarter (360 day basis). Each "monthly lease rate" will be equal to 1.05 percent plus the higher of (x) the prime interest rate of The Chase Manhattan Bank N.A., or (y) the rate charge to BLC for dealer-issued 90-day commer-

cial paper, as of the fifteenth day of the preceding month. If an item of equipment is placed under lease other than on the first day of a calendar quarter, the rental for each month or fraction thereof during that quarter, will consist only of the "monthly lease rate" for that month, applied to BLC's acquisition cost of the item and prorated for the number of days in the month that the item was under lease (360 day basis). When the aggregate amortization of any item equals the acquisition cost of such item, the quarterly rent thereafter will be an amount equal to 0.125 percent of the acquisition costs of the item.

The BLC Leases will also provide that at the expiration of the prescribed amortization period, the lease with respect to each item of equipment will automatically be extended from quarter to quarter unless the lessee elects to terminate it. After 1 year has elapsed from the date that rent for an item first includes amortization, the lessee may terminate the lease of that item if it has become obsolete or no longer useful in the lessee's business by selling the item to a third party and paying BLC the amortized value of the item plus the accrued unpaid additional rental factor. If, during the term of the BLC lease, the coal supply agreement between the lessee and its immediate parent is terminated for any reason or modified in any way that BLC considers will materially and adversely affect the ability of the lessee to perform its obligations under the BLC Lease, BLC will have the right to immediately terminate the BLC Lease; in which case the lessee shall be required to pay BLC the amortized value of all equipment then under lease and effect a sale of the equipment. The BLC leases permit equipment under lease to be used by third parties. Investment tax credits will be for the account of the lessee. The BLC leases are net leases with all expenses directly related to the transaction borne by the lessee. BLC will be indemnified by the lessees against all liabilities and risks of loss.

It is stated that the MHT Leases will provide for the rental to each lessee of various types of equipment for surface and underground mining of coal for terms of 3, 5, 7, or 10 years. The total cost to MHT (the total price paid by MHT, including all freight charges, taxes and installation costs) of all equipment to be leased under the MHT Leases shall not exceed \$60,000,000 in the aggregate; and of that amount the total costs to MHT of equipment leased for 10-year term shall not exceed \$2,000,000 in the aggregate. Rent will be payable quarterly in arrears. Quarterly rental payments per \$1,000 of cost to MHT will be approximately \$95.87 for a 3-year term, \$62.49 for a 5-year term, \$48.37

for a 7-year term and \$38.01 for a 10-year term. All of such rates produce an effective lease cost to the lessee of 8.90 percent per annum.

It is further stated that the MHT Leases do not contain any option to renew after the expiration of the original lease term. Upon 90 days' notice to MHT, the lessee may terminate its MHT Lease as to all of the equipment, or as to any item of equipment with a cost in excess of \$5,000 which has been under lease for at least 1 year, by purchasing the item from MHT at a price equal to 100.5 percent of its unamortized cost to MHT (the termination value), plus all accrued unpaid rent on such item and taxes and charges on the sale. In lieu of paying the termination value of an item of equipment, the lessee may instead convey to MHT an item of equipment of the same type and of equivalent value and condition to be leased for the remaining balance of the lease term. In the event that the coal supply agreement between the lessee and its immediate parent should cease to be in force or be rescinded or terminated, the MHT Lease will automatically terminate and the lessee will be obligated to purchase all of the equipment under lease from MHT on the next quarterly payment date, for the unamortized cost to MHT of such equipment, plus all accrued unpaid rent and taxes and charges on the sale. The lessee may not, without the prior written consent of MHT, assign the MHT Lease or any interest in it or sublease any of the equipment. The lessees will have the right to purchase any item of equipment at the end of the lease term for a price of \$1 per item. Investment tax credits will be for the account of the lessee. The MHT Leases are net leases, with all expenses directly related to the transaction borne by the lessee. MHT will be indemnified by the lessees against all liabilities and risks of loss. Equipment must be leased within one year from the date of the Commission's order granting this application or by June 1, 1979, whichever is sooner.

The mining subsidiaries supply coal to their respective parents for use at Appalachian's and Ohio's coal fired generating stations. It is stated that the mining equipment to be obtained under the BLC and MHT Leases will contribute to maintaining and improving the efficiency and capacity of Appalachian's and Ohio's fuel supply operations. The coal mined by the mining subsidiaries is of a quality which permits it to be burned in conformance with environmental standards applicable to the consuming power plants, except for coal produced by COCO, which will require blending with coal of lower sulfur content to meet environmental standards which become effective on October 19, 1979.

The fees and expenses to be incurred in connection with the proposed trans-

actions are estimated at \$8,000. Additionally, MHT will charge the mining subsidiaries a fee of 1/4 of 1 percent of the average daily unused amount of its \$60,000,000 commitment, commencing on the earlier of May 22, 1978, or the date of the order of this Commission. BLC will not charge a commitment fee, but will charge closing costs equal to 0.05 percent of the cost of each equipment item leased, payable quarterly in arrears. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 30, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

(FR Doc. 78-16268 Filed 6-12-78; 8:45 am)

[8010-01]

(Rel. No. 20579; 70-6163)

CENTRAL AND SOUTH WEST CORP. ET AL

Proposed Extension of System Money Pool Arrangement, Proposed Establishment of New Short-Term Borrowing Limitations and Request for Exception From Competitive Bidding

In the matter of Central & South West Corp., 2700 One Main Place, Dallas, Tex. 75250; Central Power & Light Co., P.O. Box 2121, Corpus

Christi, Tex. 78403; Southwestern Electric Power Co., P.O. Box 21106, Shreveport, La. 71156; Public Service Co. of Oklahoma, P.O. Box 201, Tulsa, Okla. 74102; West Texas Utilities Co., P.O. Box 841, Abilene, Tex. 79604; Central & South West Services, Inc., 2700 One Main Place, Dallas, Tex. 75250.

Notice is hereby given that Central & South West Corp. ("CSW"), a registered holding company, and five of its subsidiary companies, Central Power & Light Co. ("CP&L"), Southwestern Electric Power Co. ("SWEPCO"), West Texas Utilities Co. ("WTU"), Public Service Co. of Oklahoma ("PSO") and Central & South West Services, Inc. ("CSWS") have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6, 7, 9(a), 10, 12(b), and 12(f) thereof and rules 43 and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

By order dated December 30, 1976 (HCAR No. 19829) CSW, CP&L, SWEPCO, PSO, WTU and CSWS (collectively the "CSW System" or "Applicants") were authorized to establish and maintain through June 30, 1978 a CSW System money pool ("money pool") to coordinate their short-term borrowings. The money pool is composed of funds from any one or more of the following sources: (i) Surplus funds of CSW; (ii) surplus funds of any of the subsidiaries; (iii) borrowings by CSW or the subsidiaries from banks and (iv) proceeds of CSW's sales of commercial paper. Borrowings by each of the constituent companies was authorized to be made only within prescribed units and the aggregate amount of short-term loans outstanding was not to exceed \$115,000,000.

CSW administers the money pool by matching up, to the extent possible, short-term cash surpluses and loan requirements of CSW and its various subsidiaries. Subsidiary requests for short-term loans are met first from surplus funds of the other subsidiaries which are available to the money pool and then from CSW's corporate funds to the extent available. Where these sources of funds are insufficient to meet short-term loan requests, borrowings are made from outside the System. To that end CSW was authorized to issue and sell up to \$115,000,000 of its commercial paper to A-G Becker & Co., Inc. ("Becker") at a discount rate not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity sold by issuers thereof to com-

mercial paper dealers and at an interest cost not exceeding the effective cost of money for unsecured prime commercial bank loans prevailing on the date of issue of such commercial paper. Furthermore, in the event that borrowings from banks at the prime rate of interest would produce a lower cost of money to CSW than the issue of its commercial paper, and to the extent that funds in the system money pool are insufficient to meet the subsidiaries' requests for short term loans, CSW and the subsidiaries were authorized to borrow from banks from time to time prior to July 1, 1978, an amount not to exceed \$102,020,000 at any one time outstanding, and subject further to the aggregate short-term borrowing limitation of \$115,000,000.

The interest rate applicable to all loans of surplus funds through the money pool is the rate published in the Wall Street Journal for commercial paper placed directly by a major finance company and having a term most nearly equal to the term of the particular money pool loan in question. The interest rate applicable to the funds borrowed by CSW from external sources and loaned through the money pool is equal to CSW's net cost for the external borrowings.

The money pool authorization was subsequently amended in HCAR No. 20355 to permit CSW or a subsidiary to borrow directly from a bank even if the cost of such borrowing is not less than the cost of equivalent borrowings through the money pool if and only to the extent that such bank requires that the borrowings be made on a condition of maintaining the subsidiary's line of credit with the bank; subject to an aggregate limit of \$10,000,000 at any one time outstanding for all such bank borrowings and a limit of \$5,000,000 at any one time outstanding for any one subsidiary. The money pool agreement was further amended by HCAR No. 20385, increasing the total borrowing authorization and authorizing CSW to maintain compensating balances, where necessary, not in excess of 10 percent of the bank lines of credit.

The applicants now request authority to extend the money pool arrangement's authorization through December 31, 1979, subject to new and increased borrowing limitations. Applicants state that in all other salient respects the money pool will operate substantially in the same manner that it operates in now.

It is proposed by the Applicants that the authorized aggregate amounts outstanding at any one time be increased to \$250,000,000 and that the individual maximum borrowings outstanding be set at the following amounts: CSW, \$250,000,000; CP&L, \$92,000,000; PSO, \$80,000,000; SWEPCO, \$65,000,000; and WTU, \$32,000,000 but, in no case,

to exceed 10 percent or, in the case of WTU 20 percent, of the aggregate of the borrowers secured debt, capital stock and premiums thereon and, surplus at the time of borrowing.

Applicants state that the proceeds of any short-term borrowings, except by CSWS, would be used (i) in the case of borrowings by CPL, PSO, SWEPCO and WTU (the "operating companies") for the interim financing of their capital programs during the period and to provide for other temporary working capital needs; (ii) in the case of borrowings by CSW, to loan or contribute as capital to the subsidiaries for such purposes; and (iii) to repay borrowings previously incurred for such purposes.

The estimated capital programs for 1978 and 1979 for the operating companies are as follows:

	1978	1979
CP&L.....	\$247,000,000	\$216,000,000
PSO.....	257,000,000	251,000,000
SWEPCO.....	110,000,000	142,000,000
WTU.....	21,000,000	24,000,000

It is stated that none of the proceeds from such borrowings will be utilized to pay the cost of facilities ("interconnection facilities") which would not be needed to provide service to customers of any of the operating companies if such operating company were not part of the CSW System, nor will any expenditures be made by any of the operating companies for the construction or acquisition of any facility not so needed prior to the time all funds covered by this Application-Declaration have been expended. For the purposes of the foregoing representation, there is included within the meaning of the term "interconnection facilities" all facilities, construction or acquisition of which is or would be part of any proposal for synchronous interstate operation of the CSW System forming the subject of the proceedings in Central and South West Corporation, et al. (Admin. Proc. File No. 3-4951) which would not also be required for the continuation of dissynchronous interstate/intrastate operation in the mode presently prevailing in the Central and South West System.

Proceeds of borrowings by CSWS will be used to provide working capital for CSWS's operations or to repay borrowings used for such purpose.

At March 31, 1978, the Applicants had the following amounts of short-term borrowings outstanding, all of which were in the form of open account advances from CSW:

CSW.....	0
CPL.....	0
PSO.....	0
SWEPCO.....	\$23,860,000
WTU.....	14,000,000
CSWS.....	600,000

The applicants state that in all other salient aspects the organization and functioning of the CSW System

money pool will remain identical to that previously authorized in HCAR No. 19829 and as subsequently modified in HCAR Nos. 20355 and 20305.

Applicants state that presently there are no compensating balance arrangements under any of the lines of credit maintained by them. The applicants have in the past been able to borrow from banks at the prime rate available to commercial borrowers. If it is assumed that the prime rate is 8 1/2 percent (as quoted in the Wall Street Journal for June 5, 1978) and that a maximum compensating balance of 20 percent is required, the effective interest rate would be 10.625 percent. CSW requests exemption from the competitive bidding requirements of rule 50 under the Act in connection with the proposed issuance of commercial paper pursuant to paragraph (a)(5)(B) thereof.

It is stated that no state commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. It is further stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at \$13,500 including rating agency fees of \$10,500 and \$500 in legal fees.

Notice is further given that any interested person may, not later than June 29, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

(FR Doc. 78-16269 Filed 6-12-78; 8:45 am)

[8010-01]

[Release No. 20580; 70-6169]

LOUISIANA POWER & LIGHT CO.

Proposed Issuance and Sale of First Mortgage Bonds at Competitive Bidding

JUNE 6, 1978.

Notice is hereby given that Louisiana Power & Light Co. ("Louisiana"), 142 Delaronde Street, New Orleans, La. 70174, an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Louisiana proposes to issue and sell at competitive bidding up to \$60,000,000 principal amount of its First Mortgage Bonds of a new series having a term of not less than five nor more than 30 years. Louisiana will determine and give notice of, the maturity date of the bonds not later than 11 a.m. on the third business day preceding the day fixed for the presentation of bids. The interest rate of the bonds and the price, exclusive of accrued interest, to be paid to Louisiana for the bonds will be not less than 98 percent nor more than 101 1/4 percent of the principal amount thereof, and will be determined by competitive bidding. The bonds will be issued under the Mortgage and Deed of Trust, dated as of April 1, 1944, between Louisiana and The Chase Manhattan Bank (N.A.), as trustee, as heretofore supplemented by various indentures and as it is to be further supplemented by a twenty-fifth supplemental indenture to be dated the first day of the calendar month in which the bonds are issued. The bonds will be redeemable, at the option of Louisiana, in whole or in part at any time prior to maturity. The supplemental indenture will include a prohibition, for a period of not more than five years, against refunding the bonds directly or indirectly, with funds borrowed at a lower effective interest cost.

Louisiana will use the net proceeds derived from the sale of the bonds to pay, in part, short-term borrowings estimated to total \$75,000,000 at the time the proceeds are received, to fi-

nance, in part, Louisiana's construction program, and for other corporate purposes.

The fees and expenses to be incurred in connection with the proposed transaction are estimated at \$180,000, including legal fees of \$48,000 and accounting fees of \$12,500. The fee of counsel for the purchasers of the bonds is estimated at \$17,000 and will be paid by the successful bidders. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 30, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

(FR Doc. 78-16270 Filed 6-12-78; 8:45 am)

[8010-01]

[Release No. 10270; 812-4304]

**NATIONAL GOVERNMENT SECURITIES TRUST,
FIRST GNMA SERIES AND SIMILAR AND
SUBSEQUENT SERIES**

**Filing of Application for Order Granting
Exemption**

JUNE 6, 1978.

Notice is hereby given that National Government Securities Trust, First GNMA Series and Similar and Subsequent Series ("Applicant"), c/o Thomson McKinnon Securities Inc., One

New York Plaza, New York, N.Y. 10004, a unit investment trust registered under the Investment Company Act of 1940 ("Act"), filed an application on May 5, 1978, and an amendment thereto on June 6, 1978, pursuant to Section 6(c) of the Act for exemption from the provisions of section 14(a) of the Act and Rules 19b-1 and 22c-1 under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant is composed of unit investment trusts which will be organized under the laws of the Commonwealth of Massachusetts as set forth below. Thomson McKinnon Securities Inc. and Piper, Jaffray & Hopwood Inc. presently act as Sponsors of the Applicant. The public sale of the fractional undivided interests in such trusts (the "Units") may be made through the Sponsors as sole Underwriters or through an underwriting account.

Each Series of the Applicant will be governed by a trust agreement for that Series (hereinafter called the "Trust Agreement") under which the Sponsors (or any succeeding sponsor or sponsors) will act as such, United States Trust Co. of New York will act as Trustee, State Street Bank and Trust Co. (Boston, Mass.) will act as co-Trustee, and Interactive Data Services, Inc. will act as Evaluator. In the case of subsequent Series and subject to compliance with the applicable provisions of the Trust Agreements relating thereto, other firms may act as Sponsor or Sponsors in addition to or in substitution for the Sponsors listed above, the public sale of the Units may be accomplished through the Sponsors as sole underwriters or through an underwriting account, which shall include other investment banking firms (all such firms are sometimes herein-after collectively called the "Sponsors"). The Sponsors listed above have agreed that if none of the sponsors listed above would remain a Sponsor as a result of any such proposed substitution, the Sponsors shall, as a condition to such substitution, cause to be filed a new Registration Statement under the Act concerning the Applicant. Also, in future Series a different bank may act as co-Trustee or as Trustee and a different evaluating firm may act as Evaluator. The Trust Agreement for each Series will contain terms and conditions of trust common to all Series.

Pursuant to the Trust Agreement, the Sponsors will deposit with the Trustee not less than \$3,000,000 principal amount of securities backed by the full faith and credit of the United States, including contracts and funds (represented by cash, cash equivalents and/or an irrevocable letter of credit issued by a major commercial bank)

for the purchase of such obligations (hereinafter called the "Securities"), which the Sponsors shall have accumulated for such purpose. After such deposit, the Trustee will deliver to the Sponsors registered certificates for Units (at the rate of approximately one Unit for each \$1,000 principal amount or par or liquidation value of the Securities deposited) representing the entire ownership of the Series. Following the deposit, an amendment which forms the basis for the final prospectus relating to the Series will be filed with the Commission.

The application states that the Units will then be offered for sale to the public by the Sponsors separately through a final prospectus at the public offering prices set forth therein plus the sales charges specified. The sales charges may vary in the case of subsequent Series which may or may not be offered in conjunction with the securities of other investment companies. The public offering prices are based upon the aggregate offering side evaluation of the underlying Securities in the Trust portfolio, plus a sales charge. Aggregate offering side evaluation of the Securities is to be determined by the Evaluator on each business day during the initial public offering period and on the last business day of each week upon completion of the initial public offering as of the Evaluation Time (the "Evaluation Time") set forth in the Prospectus for each Series (in the case of the First GNMA Series, 3:30 p.m., New York time), effective for all sales made during the preceding 24 hours or the following week, respectively.

The Sponsors will accumulate the Securities for the purpose of deposit in the Applicant's First GNMA Series and a similar procedure of accumulating the Securities will be followed for each future Series. The Securities to be deposited in the First GNMA Series will primarily be mortgage-backed securities of the modified pass-through type fully guaranteed as to principal and interest by the Government National Mortgage Association, although up to 20 percent of the portfolio of such Series may be other types of securities backed by the full faith and credit of the United States. The application states that it is possible that subsequent Series will contain Securities issued or guaranteed by the United States Government or other United States Government agencies or instrumentalities. The securities for the First GNMA Series will be selected on the basis of (i) the types of such securities available, (ii) the prices and yields of such securities relative to other comparable securities, and (iii) the maturities of such securities.

The application states that while the Sponsors are not obligated to do so, it is their present intention to

maintain a market for Units of each Series of the Applicant and continuously to offer to purchase Units at prices based upon the aggregate offering price of the underlying Securities.

SECTION 14(a)

Section 14(a) of the Act, in substance, provides that no registered investment company and no principal underwriter for such a company shall make a public offering of securities of which such company is the issuer unless (1) the company has a net worth of at least \$100,000; (2) at the time of a previous public offering it had a net worth of \$100,000; or (3) provision is made that a net worth of \$100,000 will be obtained from not more than twenty-five responsible persons within ninety days, or the entire proceeds received, including sales charge, will be refunded.

Applicant asserts that Section 14(a) of the Act is intended to limit the formation of undercapitalized investment companies. Applicant states that it is intended that each Series, at the date of deposit and before any Unit is offered to the public, will have a net worth far in excess of \$100,000, that the Sponsors intend to sell all Units to the public at offering prices disclosed in the prospectus for such Series, that it is intended that a secondary market for the Units be maintained, and that interest rates and other applicable information concerning the underlying Securities will be disclosed in the Prospectus.

The Sponsors have agreed to the requested exemption being subject to the condition that they will refund, on demand and without deduction, all sales charges paid by purchasers of Units in the initial public offering of a Series if, within 90 days from the time that the Registration Statement relating to such Series becomes effective, either (i) the net worth of such Series shall be reduced to less than \$100,000, or (ii) such Series shall have been terminated. The Sponsors have further agreed to instruct the Trustee on the date of deposit of each Series that in the event that redemption by the Sponsors of Units constituting a part of the unsold Units of a Series shall result in that Series having a net worth of less than \$500,000, the Trustee shall terminate such Series in the manner provided in the Trust Agreement and distribute any securities or other assets deposited with the Trustee in connection with such Series pursuant to the Trust Agreement as provided therein. The Sponsors further agree, in such event, to refund any sales charges to any purchaser of Units purchased from the Sponsors or any dealer participating in the underwriting on demand and without deduction.

RULE 19b-1

Rule 19b-1(a) provides, in part, that no registered investment company which is a "regulated investment company" as defined in Section 851 of the Internal Revenue Code shall make more than one distribution of long-term capital gains in any one taxable year of such investment company.

Applicant proposes to make monthly distributions of principal and interest to Unit holders. Applicant states that distributions of principal constituting capital gains to Unit holders may arise in three instances: (1) If an issuer calls or redeems a Security held in the Portfolio, the sums received will be distributed to Unit holders on the next distribution date; (2) if Units are redeemed by the Trustee and Securities from the portfolio are sold to provide the funds necessary for such redemption each Unit holder will receive his pro rata portion of the proceeds from the securities sold; and (3) if Securities are disposed of in order to maintain the qualification of such Series as a regulated investment company under the Internal Revenue Code. In such instances, a Unit holder may receive in his distribution funds which constitute capital gains because the value of the Securities redeemed or sold may have increased since the date of initial deposit.

Applicant states that the dangers against which Rule 19b-1 is intended to guard will not exist in connection with any Series of Applicant, because neither Applicant nor the Sponsors has control over the events which could trigger capital gains. Applicant seeks to make a combined distribution of principal, including capital gains, and interest each month, and states that any capital gains in such distribution will be clearly indicated as such in accompanying reports to Unit holders. Applicant further notes that paragraph (b) of Rule 19b-1 provides that a unit investment trust may distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt. Applicant states that the purpose behind such provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and distribute them only at year end. Applicant further alleges that its situation places it squarely within the purpose of such provision. In order to comply with the literal requirements of the Rule, however, Applicant would be forced to hold any moneys which would constitute capital gains upon distribution until the end of its taxable year. Applicant contends that such a practice would clearly be to the detriment of the Unit holders.

RULE 22c-1

Rule 22c-1 provides, in part, that redeemable securities of registered in-

vestment companies may be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant states that the Rule has two purposes: (1) To eliminate or to reduce any dilution of the value of outstanding redeemable securities of registered investment companies which would occur through the redemption or repurchase of such securities at a price above their net asset value or the sale of such securities at a price based on a previously established net asset value which would permit a potential investor to take advantage of an upswing in the market and the accompanying increase in the net asset value of the securities; and (2) to minimize speculative trading practices in the securities of registered investment companies.

Applicant represents that the Sponsors intend to maintain a market for the Units and continuously to offer to purchase Units, at prices in excess of redemption prices. For purposes of the secondary market transactions, an evaluation will only be made once each week. Applicant asserts that the sale and repurchase of Units of the Applicant in the secondary market cannot dilute the value of outstanding securities. Such sales and repurchases will be made only by the Sponsors and not the Trustee and in no way involve the assets of any Trust.

Applicant claims that public Unit holders benefit from the Sponsors' pricing procedure in the secondary market, because they receive a normally higher repurchase price for their units without the cost burden of daily evaluation of the Unit redemption price. Moreover, the application states that the Sponsors have undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide the Sponsors with estimated evaluations on trading days. In the case of a repurchase, if the Evaluator cannot state that the previous Friday's price is at least equal to the current bid price, the Sponsors will order a full evaluation. In case of resale, if the Evaluator cannot state that the previous Friday's price is no more than one-half point greater than the current offering price, a full evaluation will be ordered.

Applicant states that interest is generally paid on mortgage-backed securities of the modified pass-through type on a monthly basis, and is calculated at the coupon rate of the securities based on the principal amount of the

underlying mortgages outstanding at the close of business on the last day of the preceding month. Applicant further states that there is a period of a few days (usually not more than 7 or 8 business days) beginning on the first day of each month, during which the precise amount of the various mortgage-backed securities has not yet been reported by the issuer to the Government National Mortgage Association and made generally available in the marketplace. Therefore, according to Applicant, with respect to the First GNMA Series and any subsequent Series which plan to invest in portfolios containing mortgage-backed securities, the Sponsors expect that there will be a period of a few days during the first part of every month when the precise principal amount of such securities in the portfolio of the Series will not be known, although the precise amount as of the close of business furnished on the last day of the preceding month will be known. Applicant states that the Sponsors expect that the differences in such principal amounts from month to month for any Series will not be significant. Nevertheless, according to Applicant, the Sponsors will adopt procedures as to pricing and evaluation for the Units of each Series as set forth in the application with such modifications, if any, as they deem necessary for the protection of Unit holders, which will minimize the impact of differences, with the result that this situation will not have, in Applicant's view, a material impact upon the calculation of the public offering price per Unit, the repurchase price per Unit in the secondary market or the redemption price per Unit.

Finally, Rule 22c-1 requires that net asset value be determined as of the time of the close of trading on the New York Stock Exchange. Applicant asserts that it is anticipated that only rarely will Securities in the portfolios of the various Series be listed on the New York Stock Exchange and, if so listed, the principal market therefor would be over-the-counter. It is contended that the time of the close of trading on the New York Stock Exchange therefore bears little relationship to the evaluation procedures used in determining net asset value for the Series. Since the evaluation procedure depends heavily on developments in the over-the-counter market during the day on which the evaluation is made, Applicant asserts that the Evaluator has indicated that 3:30 p.m. is the most reliable time for evaluations, regardless of the time of the close of trading on the New York Stock Exchange, which may change from time to time.

Section 6(c) of the Act provides, in part, that the Commission may condi-

tionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 28, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and order issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-16271 Filed 6-12-78; 8:45 am]

[4710-07]

DEPARTMENT OF STATE

[Public Notice CM-8167]

ADVISORY COMMITTEE ON TRANSNATIONAL ENTERPRISES

Revision of Press Release No. 227 of May 24

The Department of State will hold meetings for two of the Working Groups of the Advisory Committee on Transnational Enterprises. The Working Group on the UN/OECD Investment Undertakings will meet June 27 from 2 p.m. to 5 p.m. in Room 1205 of the State Department, 2201 C Street NW., Washington, D.C. The Working

Group on Accounting Standards will meet June 28 from 2 to 5 p.m. in Room 1207 of the State Department. The meeting will be open to the public.

The Working Group on Accounting Standards was originally scheduled to meet June 27. Unavoidable scheduling conflicts encountered by members of the Committee required a postponement until June 28. At the meeting, the Working Group will review developments on the standardization of accounting practices within the UN, OECD, and international and national professional groups.

The June 27 meeting on UN/OECD investment matters will review the results of the Fourth Session of the UN Commission on Transnational Corporations, and discuss preparations for the July 3-4 meeting of the OECD's Committee on International Investment and Multinational Enterprises.

Requests for further information on the meeting should be directed to Richard Kauzlarich, Office of Investment Affairs, Bureau of Economic and Business Affairs, Department of State, Washington, D.C. 20520. He may be reached by telephone on area code 202-632-2728.

Members of the public wishing to attend the meeting must contact Mr. Kauzlarich's office in order to arrange entrance to the State Department Building.

The Chairman of each working group will, as time permits, entertain oral comments from members of the public attending the meetings.

Dated: June 2, 1978.

RICHARD D. KAUZLARICH,
Executive Secretary.

[FR Doc. 78-16245 Filed 6-12-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

OPTIC LIQUID LEVEL SENSING SYSTEMS FROM CANADA

Preliminary Countervailing Duty Determination

AGENCY: U.S. Customs Service, Treasury Department.

ACTION: Preliminary countervailing duty determination.

SUMMARY: This notice is to inform the public that a countervailing duty investigation has resulted in a preliminary determination that the Government of Canada has given benefits which are considered to be bounties or grants on the manufacture or exportation of optic liquid level sensing systems by Honeywell, Ltd. A final determination will be made by November 14, 1978. Interested persons are invited to comment on this action.

EFFECTIVE DATE: June 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Vincent P. Kane, Operations Officer, U.S. Customs Service, Duty Assessment Division, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On January 25, 1978, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the *FEDERAL REGISTER* (43 FR 3453). The notice stated that a petition had been received alleging that payments or bestowals conferred by the Government of Canada upon the manufacture, production, or exportation of optic liquid level sensing systems constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

The optic liquid level sensing systems under consideration are produced in Canada by Honeywell, Ltd., and are used to prevent the overfilling of tank trucks and storage tanks in the petroleum industry.

On the basis of an investigation conducted pursuant to section 159.47(c) of the Customs regulations (19 CFR 159.47(c)), it tentatively has been determined that benefits have been received by Honeywell, Ltd., in producing optic liquid level sensing systems which may constitute bounties or grants within the meaning of the Act.

The program preliminarily found to be a bounty or grant was the partial payment by the Canadian Government of costs incurred by Honeywell, Ltd., in the commercial introduction of optic liquid level sensing systems. The funds allocated were used to defray the costs of commercial feasibility studies, prototype production and the adaptation of prototype production to full scale commercial production among other things. Eligibility for these funds is not contingent upon future export performance. However, this type of assistance would be regarded as a bounty or grant if the preponderance of production is exported and if the dollar amount of the assistance expressed as a percent of sales is significant. Information received to date indicates that in 1977 a preponderance of Honeywell's total production of this product was exported and the ad valorem benefit received by Honeywell from the grants was 17.8 percent. Both of these figures are considered sufficient to warrant considering these payments as bounties or grants for the purposes of a preliminary determination.

Before a final determination is made, consideration will be given to any relevant data, views, or arguments submitted in writing with respect to

this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office on or before July 13, 1978.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190, Revision 15, March 16, 1978, the provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and section 159.47 of the Customs regulations (19 CFR 159.47), insofar as they pertain to the issuance of a preliminary countervailing duty determination by the Commissioner of Customs, are hereby waived.

Dated: May 26, 1978.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.
[FR Doc. 78-16258 Filed 6-12-78; 8:45 am]

[4510-29]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs

EMPLOYEE BENEFIT PLANS

Proposed Exemption for a Transaction Involving the American Medical Association Members' Retirement Plan (Application No. D-771)

AGENCIES: Department of the Treasury/Internal Revenue Service and Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Internal Revenue Service and the Department of Labor (the agencies) of a proposed exemption from the prohibited transactions restrictions of the Employee Retirement Income Security Act of 1974 (the act) and from certain taxes imposed by the Internal Revenue Code of 1954 (the code). The proposed exemption would exempt the purchase by the American Medical Association (A.M.A.) of certain parcels of real property from the American Medical Association members' retirement plan (M.R.P.). The proposed exemption, if granted, would affect participants and beneficiaries of the M.R.P., the A.M.A., and other persons participating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Internal Revenue Service on or before July 21, 1978.

ADDRESSES: All written comments and requests for a hearing (at least six copies) should be sent to: Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: E:EP:PT:2 (Application No. D-771). The application for exemption and the comments received will be available for public inspection in the Internal Revenue Service National Office Reading Room, Room 1565, 1111 Constitution Avenue NW., Washington, D.C. 20224, and in the Public Documents Room of Pension and Welfare Benefit Programs, Room N-4677, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT:

Tom Mahoney of the Prohibited Transactions Staff, Employee Plans Division, Internal Revenue Service, 202-566-3089 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the agencies of an application for exemption from the restrictions of sections 406(a)(1) (A) and (D) and 406(b) (1) and (2) of the act and from the taxes imposed by sections 4975 (a) and (b) of the code by reason of section 4975(c)(1) (A), (D), or (E) of the code. The proposed exemption was requested in an application filed by the A.M.A., the M.R.P., and the Harris Trust & Savings Bank of Chicago, Ill. (the Harris Bank), pursuant to section 408(a) of the act and section 4975(c)(2) of the code, and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1 C.B. 722.

SUMMARY OF FACTS AND REPRESENTATIONS

The application contains facts and representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the agencies for the complete representations of the applicants.

1. The American Medical Association (A.M.A.) is an Illinois not-for-profit corporation with principal offices at 535 North Dearborn Street, Chicago, Ill. Its membership consists of approximately 175,000 physicians.

2. The American Medical Association members' retirement plan (M.R.P.) is an H.R. 10 master plan which the A.M.A. sponsors for the benefit of its members and their employees. The M.R.P. was established in 1963 and by January 1977 had 9,700 participants.

3. Any A.M.A. member or any partnership having one or more A.M.A. members may become a participating employer by executing an agreement adopting A.M.A.'s members' retire-

ment plan. This agreement also incorporates the terms of the members' retirement trust described below.

4. A form of trust entitled the American Medical Association members' retirement trust (the trust agreement) has been promulgated to implement and carry out the provisions of the M.R.P. The trust agreement names the Harris Bank as trustee. Pursuant to its terms, trust assets may be placed in a fixed income fund for the purchase of annuities issued by such insurance company or companies as shall be selected by the A.M.A., or in an equity fund established under the A.M.A. pooled trust for self-employed retirement plans (the pooled trust). The pooled trust was established under a separate trust agreement between the A.M.A. and the Harris Bank to form a collective investment fund for all individual trust funds.

5. The M.R.P., the trust agreement, and the pooled trust delegate certain powers and responsibilities to the A.M.A. The A.M.A. exercises this authority through its retirement plan committee (which is comprised of the members of the executive committee of the board of trustees of the A.M.A.) and through the manager of the M.R.P., who is the administrator of the M.R.P. and is appointed by the executive vice president of the A.M.A.

6. Prior to a recent amendment, the pooled trust agreement delegated to the A.M.A. all responsibility for directing the investment of assets contained in the equity fund. The pooled trust agreement was amended during 1977 to give the trustee full authority and responsibility for the investment and reinvestment of the assets of the equity fund, subject, however, to the overall review and supervision of the American Medical Association.

7. The M.R.P. owns approximately twenty (20) parcels of real estate located several blocks north of the central business district of the city of Chicago, Ill., in an area roughly bounded on the north by Erie Street, on the south by Illinois Street, on the east by Wabash Avenue, and on the west by LaSalle Avenue, which is in the vicinity of the A.M.A.'s Dearborn Street headquarters.

8. These properties were acquired by the M.R.P. in a series of separate purchases beginning in April 1974 and continuing through January 1976. The total cost of the properties was \$4,798,186. As of October 1, 1976, the properties were estimated to have an aggregate market value of \$3,685,000, which amounted to approximately 3 percent of the net asset value of the equity fund, of which they comprise a part.

9. The A.M.A. itself owns several parcels of real property in the same general area. These properties were

acquired by the A.M.A. prior to May 1973. The A.M.A. also owned another entire city block in this area until June 1976 when this property was sold to the U.S. Postal Service.

10. In 1973, the A.M.A. and a prominent real estate developer, the Urban Investment & Development Co., undertook a preliminary study of the possible development of land in the vicinity of the A.M.A.'s headquarters. This study resulted in a proposal for the creation of a center for professional associations. The proposed "Campus of Professional Associations" was to consist of several buildings which would have included offices, auditoriums, conference rooms, and related facilities designed to provide headquarters space for professional associations and similar entities.

11. In directing the M.R.P.'s investments during the period from 1974 to 1976, the A.M.A., through its retirement committee, took into account its own extensive ownership of nearby real estate and its plans for developing and improving the area. The M.R.P.'s real estate investments in this area were intended to enable the M.R.P. to participate in the appreciation in property values which was expected to result in part from the development of the Campus of Professional Associations.

12. The A.M.A. believes that section 404 of the act and the prohibited transactions provisions of the act and code create uncertainties regarding the continued holding or future development of these properties. It has concluded, therefore, that it should not proceed with development of its or the M.R.P.'s real estate holdings, particularly development which would involve the joint commitment of the M.R.P.'s holdings and its own, and it has proposed a purchase of all or part of the M.R.P.'s properties in order to avoid further problems.

13. On September 9, 1976, the Board of Trustees of the A.M.A. directed the executive vice president of the A.M.A., on behalf of the A.M.A., to make an offer to purchase from the M.R.P. any one, or more, or all of the parcels of real estate owned on this date by the M.R.P., subject to the following terms and conditions:

(a) The purchase of such real estate shall be contingent upon the issuance by the Agencies of exemptions from the prohibited transactions provisions of the Act and Code for such purchases;

(b) The M.R.P. shall secure appraisals and real estate advice whether the sale of the properties appears to be in the M.R.P.'s best interest, and, if such appraisals and advice indicate that the M.R.P. will desire to sell the properties, shall cooperate in seeking to obtain such exemptions, based upon the offer to purchase made by the A.M.A.;

(c) The A.M.A. offer to purchase such real estate will be held open for final acceptance in writing by the M.R.P. within six months

from the date when the prohibited transactions exemptions are issued, with the closing of such purchase to be completed within 60 days after acceptance; provided that such exemptions are issued within one year from September 30, 1976, and that A.M.A. reserves the right to withdraw its offer if the U.S. Department of Labor or Internal Revenue Service either denies the exemptions or refuses to grant them before September 30, 1977; and

(d) The purchase price with respect to each parcel shall be the greater of either: (1) the fair market value of such parcel, as determined by an independent real estate appraisal by a recognized independent real estate appraisal firm to be selected by the M.R.P. and acceptable to A.M.A., such appraisal to be updated to not more than one month prior to the date of written acceptance by the M.R.P., or (2) the cost of acquisition of such parcel by the M.R.P. plus interest at a compound rate of 8 percent (8%) per annum from the date of acquisition to the date of closing.

14. The executive vice president of the A.M.A. extended this offer to the M.R.P. in a letter dated September 10, 1976. Pursuant to the terms of the offer, the M.R.P. then authorized an independent real estate appraisal firm, Appraisal Research Counsellors, Ltd., of Chicago, Ill., to conduct an appraisal of these properties. On January 19, 1977, Eugene W. Stunard, president of that firm, submitted an appraisal to the M.R.P. estimating the market value of the M.R.P. properties on October 1, 1976, to be \$3,685,000. The appraisal took into consideration, among other things, values arising from the use of contiguous parcels as assemblages.

15. On April 22, 1977, the A.M.A. and the M.R.P. filed an application for the exemption from the prohibitions of section 406 of the act and section 4975 of the code upon which the offer is contingent.

16. The A.M.A. believes that a failure to grant the requested exemption may result in an economic loss to the M.R.P. and its participants and beneficiaries, as well as to themselves, by continuing the uncertainty regarding future development of the area, thereby preventing the expected increase in property values and possibly resulting in a substantial decline in those values.

17. The A.M.A. further believes that the terms of its offer will guarantee that the M.R.P. will receive the highest reasonable price for any properties it chooses to sell. The M.R.P. is further protected, they assert, because the Harris Bank is not required to sell any of the properties but is required in its capacity as trustee to form an independent judgment as to whether any sale is in the best interests of the M.R.P.

18. On September 9, 1977, the Board of Trustees of the A.M.A. extended and revised its offer to purchase the M.R.P.'s real estate properties. The

principal revision of the offer was to limit the interest component of the cost-plus-interest purchase price formula to interest accrued through September 30, 1977. Under the terms of this revised offer, therefore, the purchase price for each parcel of real estate which the Trustee chooses to sell to the A.M.A. will be the greater of (a) the fair market value of such parcel or (b) the M.R.P.'s cost for such parcel plus interest at the rate of 8 percent compounded annually from the date of acquisition to September 30, 1977. The offer was also restated to be contingent upon the granting of an exemption by the Agencies on or before January 31, 1978. In addition, because the Harris Bank is now acting as Pooled Trust trustee with complete investment authority, rather than at the direction of the A.M.A., the offer no longer requires the M.R.P. to obtain independent real estate advice on the decision to sell the property. However, Harris is required to form its own independent judgment on whether the price offered by the A.M.A. is in the best interests of the M.R.P. and its participants and beneficiaries.

19. Under the terms of the extended offer, the Harris Trust requested that Appraisal Research Counsellors, Ltd., update the 1976 appraisal. By an appraisal dated October 20, 1977, the market value of the M.R.P.'s properties was estimated to be \$3,869,000, determined as of October 3, 1977.

20. On December 6, 1977, the Harris Bank informed the A.M.A. that it had concluded that a sale to the A.M.A. of all of the properties owned by the M.R.P. would be in the best interests of the M.R.P., and outlined the factors that it had considered in reaching that decision. Harris stated that it had considered all relevant factors, including the current and anticipated future income and expenses of the properties, the current appraised values of such properties as determined by an independent real estate appraiser, and the prospects for appreciation in value in the foreseeable future. Harris concluded that the current net income from the properties does not produce an adequate rate of return relative to their appraised value, and that it did not believe that the net income can be increased significantly unless most of the existing structures are either demolished or replaced or, in a few instances, renovated. Harris further noted that although there is a prospect for appreciation in the underlying value of the land, the degree of such appreciation and the time period involved is uncertain so that, in its view, it would be inappropriate under current conditions for the M.R.P. to rely upon the possibility of appreciation for a return on its investment. And because the A.M.A.'s offer is very substantially higher than the

current appraised value of the properties, considerable appreciation in value would have to occur before the M.R.P. could reasonably expect to obtain even an equivalent price through sales to third parties.

21. By a letter dated December 7, 1977, the Harris Bank joined the A.M.A. in this request for an exemption. Pursuant to the terms of the revised offer, this action does not commit the Harris Bank in any way to sell the M.R.P. properties to the A.M.A. That decision will only be made by Harris Bank after the requested exemptions are granted and based upon the information available to it prior to the actual sale date.

22. On January 25, 1978, the Board of Trustees of the A.M.A. extended its offer to be contingent upon the granting of an exemption by the Agencies on or before June 30, 1978. All other terms and conditions of the offer were unchanged by this extension.

NOTICE TO INTERESTED PERSONS

The A.M.A. will provide notice of this pending exemption to all plan participants by June 27, 1978. This notice will be sent by first class mail, postage paid, and shall contain a copy of this notice of pendency and shall inform each participant of his right to comment and to request a hearing within the period set forth herein.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the act and section 4975(c)(2) of the code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the act and the code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which require, among other things, that a fiduciary discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the act; nor does it affect the requirement of section 401(a) of the code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the act and section 4975(c)(1)(F) of the code;

(3) Before an exemption may be granted under section 408(a) of the act and section 4975(c)(2) of the code, the Agencies must find that the exemption is administratively feasible, in the

interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the act and the code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(5) This document does not meet the criteria for significant regulations set forth in paragraph 8 of the proposed Treasury directive appearing in the FEDERAL REGISTER for Wednesday, May 24, 1978 (43 FR 22319).

WRITTEN COMMENTS AND HEARING REQUEST

All interested persons are invited to submit written comments or requests for a hearing on the proposed exemption to the address and within the time period set forth above. All comments will be made part of the record. Comments and requests for a hearing should state the reason for the writer's interest in the proposed exemption. Comments received will be available for public inspection with the application for exemption at the addresses set forth above.

PROPOSED EXEMPTION

Based upon the facts and representations set forth in the application, the Agencies are considering granting the requested exemption under the authority of section 4975(c)(2) of the code and section 408(a) of the act and in accordance with the procedures set forth in Rev. Proc. 75-26 and ERISA Procedure 75-1. If the exemption is granted, the taxes imposed by sections 4975 (a) and (b) of the Code by reason of sections 4975(c)(1) (A), (D), or (E) of the Code and the restrictions of sections 406(a)(1) (A) and (D) and 406(b)(1) and 406(b)(2) of the act shall not apply to the purchase by the A.M.A. of any or all of the properties described above from the M.R.P. pursuant to the terms of its offer dated September 9, 1976, as extended, provided that the following conditions are met:

(1) Within 10 days from the publication of an exemption in the FEDERAL REGISTER the A.M.A. and the Harris Bank publish notice of the A.M.A.'s offer, the proposed sale, and of the administrative exemption granted by the Agencies in at least one newspaper of general circulation in the city of Chicago, Ill., such notice to be published consecutively for a period of not less than 30 days. This notice must also provide the name and telephone number of an officer of the Harris Bank to whom inquiries may be directed;

(2) The Harris Bank does not accept the A.M.A.'s offer for a period of at least 90

days from the date of the publication of the first notice required by the preceding paragraph; and

(3) The M.R.P. receives not less than fair market value for each of the properties.

The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 7th day of June, 1978.

FRED J. OCHS,
Director, Employee Plans Division,
Internal Revenue Service.

IAN D. LANOFF,
Administrator for Pension and Welfare Benefit Programs,
Labor Management Services Administration,
U.S. Department of Labor.

[FR Doc. 78-16250 Filed 6-8-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 683]

ASSIGNMENT OF HEARINGS

JUNE 8, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. FD 28697, Southern Railway Co. Discontinuance of Trains Nos. 1 and 2 Between Washington, D.C. and New Orleans, La. now assigned June 14, 1978, at New Orleans, La. will be held in Room 125, Hale Boggs Building, 500 Camp Street, instead of West Courtroom 265, U.S. Court of Appeals, 600 Camp Street.

No. MC 83539 (Sub-No. 490F), C & H Transportation Co., Inc., now assigned June 12, 1978, at Atlanta, Ga. is canceled and application dismissed.

No. MC 99498 (Sub-No. 5), Jimmy Stein Motor Lines, Inc., now being assigned for continued hearing June 14, 1978, at Montgomery Ala., at the Public Service Commission Hearing Room, State Office Building.

MC 113658, Sub 16, Scott Truck Line is assigned for hearing July 11, 1978 at Chicago, Ill., and will be held at Rm. 1319, E.M. Dirksen Bldg., 219 South Dearborn St.

MC 531, Sub-351, Younger Brothers, Inc., is assigned for hearing July 12, 1978 at Chicago, Ill., and will be held at Rm. 3855A, 230 South Dearborn.

MC 124947 Sub-83, Machinery Transports, Inc., is assigned for hearing July 11, 1978 at Chicago, Ill., and will be held at Rm. 3855A, 230 South Dearborn.

MC 82492 Sub-176, Michigan & Nebraska Transit Co., Inc. is assigned for hearing July 14, 1978 at Chicago, Ill., and will be held at Rm. 350, 230 South Dearborn St.

MC 115730 Sub-43, The Mickow Corp., is assigned for hearing July 13, 1978 at Chicago, Ill., and will be held at Rm. 350, 230 South Dearborn St.

MC 27089 Sub-4, Chi-Waukee Truck Lines, Inc., is assigned for hearing July 12, 1978 at Chicago, Ill., and will be held at Rm. 350, 230 South Dearborn St.

MC 720 Sub-41, Bird Trucking Company, Inc., is assigned for hearing July 11, 1978 at Chicago, Ill., and will be held at Rm. 350, 230 South Dearborn St.

MC 113855 Sub-396, International Transport, Inc., is assigned for hearing July 24, 1978 at Chicago, Ill., and will be held at Rm. 1319, E. M. Dirksen Bldg., 219 South Dearborn St.

MC 142069 Sub-1, Camionetas Modernas, is assigned for hearing July 26, 1978 at Chicago, Ill., and will be held at Rm. 1319, E. M. Dirksen Bldg., 219 South Dearborn St.

MC 107102 Sub-250, North American Van Lines, Inc., is assigned for hearing July 24, 1978 at Chicago, Ill., and will be held at Room 572, E. M. Dirksen Bldg., 219 South Dearborn St.

MC 118989 Sub-170, Container Transit, Inc., is assigned for hearing July 17, 1978 at Chicago, Ill., and will be held at Room 572, E. M. Dirksen Bldg., 219 South Dearborn St.

FF 209 Sub-3, Lyons Transport, Inc., is assigned for hearing July 19, 1978 at Chicago, Ill., Room 572 E. M. Dirksen Bldg., 219 South Dearborn St.

No. MC 41406 (Sub-No. 62), Artim Transportation System, Inc.; No. MC 89397 (Sub-No. 32), James H. Hartman & Son, Inc.; No. MC 74321 (Sub-No. 138), B. F. Walker, Inc.; No. MC 83539 (Sub-No. 483F), C & H Transportation Co., Inc.; No. MC 88380 (Sub-No. 28), Reb Transportation, Inc.; No. MC 105045 (Sub-No. 81F), R. L. Jeffries Trucking Co., Inc.; No. MC 107445 (Sub-No. 15), Underwood Machinery Transport, Inc.; No. MC 115904 (Sub-No. 92), Grover Trucking Co.; No. MC 120257 (Sub-No. 43F), K. L. Breeden & Sons, Inc.; No. MC 123048 (Sub-No. 389F), Diamond Transportation System, Inc.; No. MC 127625 (Sub-No. 27F), Santee Cement and No. MC 128270 (Sub-No. 26), Rediehs Interstate, Inc., are now assigned for hearing July 18, 1978 at the offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 94350 (Sub-No. 399), Transit Homes, Inc., is now assigned for hearing September 6, 1978 (3 days) at Boise, Idaho, at a location to be later designated.

No. MC 33641 (Sub-No. 131), IML Freight, Inc., is now assigned for hearing September 11, 1978 (2 weeks) at Boise, Idaho, at a location to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc 78-16312 Filed 6-12-78; 8:45 am]

[AB 111 (SDM)]

DETROIT, TOLEDO AND IRONTON RAILROAD CO.

Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in title 49 of the Code of Federal Regulations, part 1121.23, that the Detroit, Toledo and Ironton Railroad Co., has filed with the Commission its amended color-coded system diagram map in docket No. AB 111 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on April 5, 1978, received a certificate of publication as required by said regulation which is considered the effective date on which the amended system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, section of dockets, by requesting docket No. AB 111 (SDM).

H. G. HOMME, Jr.,
Acting Secretary.

Under 49 CFR 1121.20, Detroit, Toledo and Ironton Railroad is required to publish and file a system map showing all lines of railroad which are either potentially subject to or have an application pending to abandon. Such a map is attached and shows that DT&I has:

1. The following line under section 1121.20(b) 1 (anticipated abandonment):

(a) Tecumseh Branch—portion
(b) Located in Ohio
(c) Located in Henry and Fulton Counties

(d) The portion is described as MP 8.0 near Napoleon, Ohio to MP 18.7 near Wauseon, Ohio

(e) The line includes the following stations:

MP 11.7 Gerald, Ohio
MP 17.9 Wauseon, Ohio

2. No lines under section 1121.20(b)2 (potential abandonment).

3. The following line under section 1121.20(b)3 (pending abandonment):

(a) Tecumseh Branch—portion
(b) Located in Michigan and Ohio
(c) Located in Lenawee County (Michigan) and Fulton County (Ohio)

(d) Portion is described as MP 18.7 near Wauseon, Ohio to MP 55.4 at Tecumseh, Michigan

(e) The line includes the following stations:

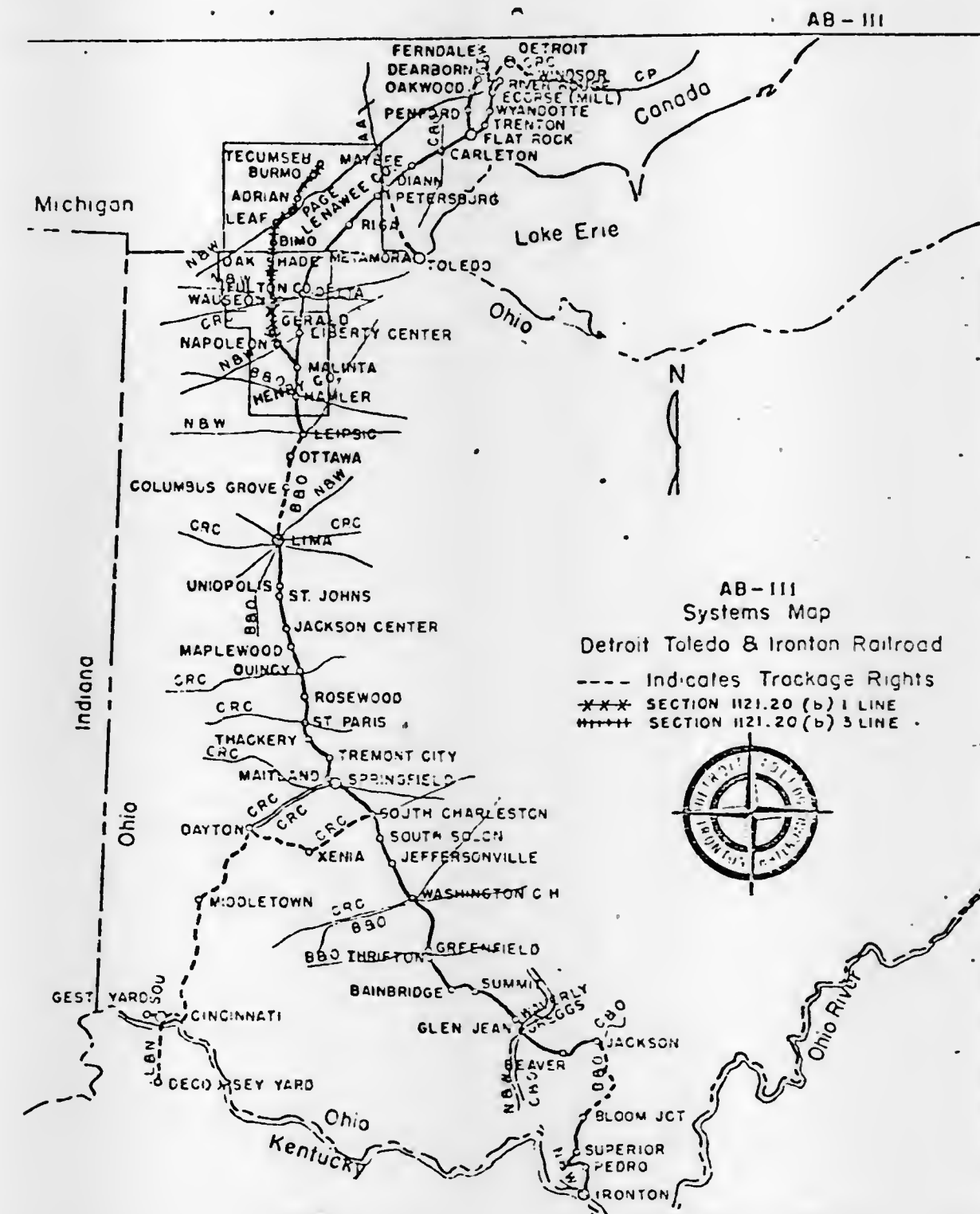
MP 26.1 Oak Shade, Ohio
MP 32.0 Bimo, Mich.

[FR Doc 78-16208 Filed 6-12-78; 8:45 am]

MP 35.8 Leaf, Mich.
MP 44.3 Page, Mich.
MP 46.6 Adrian, Mich.
MP 53.3 Burmo, Mich.
MP 55.4 Tecumseh, Mich.

Copies of this map will be furnished to interested parties, on request in writing to:

Mr. M. H. Weisman, Treasurer, Detroit, Toledo and Ironton Railroad Co., One Parklane Blvd., Dearborn, Mich. 48126.



[FR Doc. 78-16208 Filed 6-12-78; 8:45 am]

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UMI

NOTICES

[7035-01]

[AB 84 (SDM)]

ILLINOIS TERMINAL RAILROAD CO.

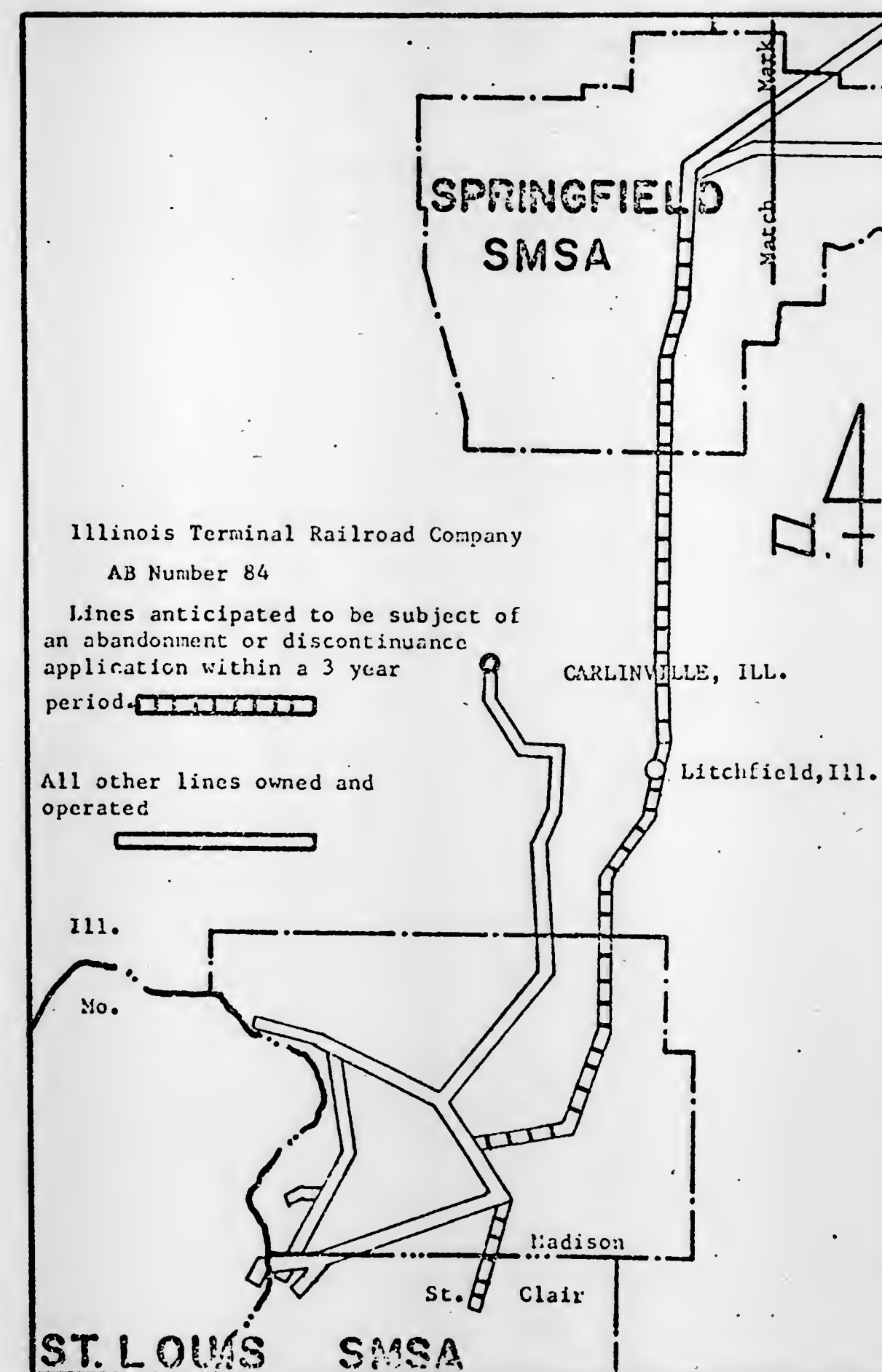
Amended System Diagram Map

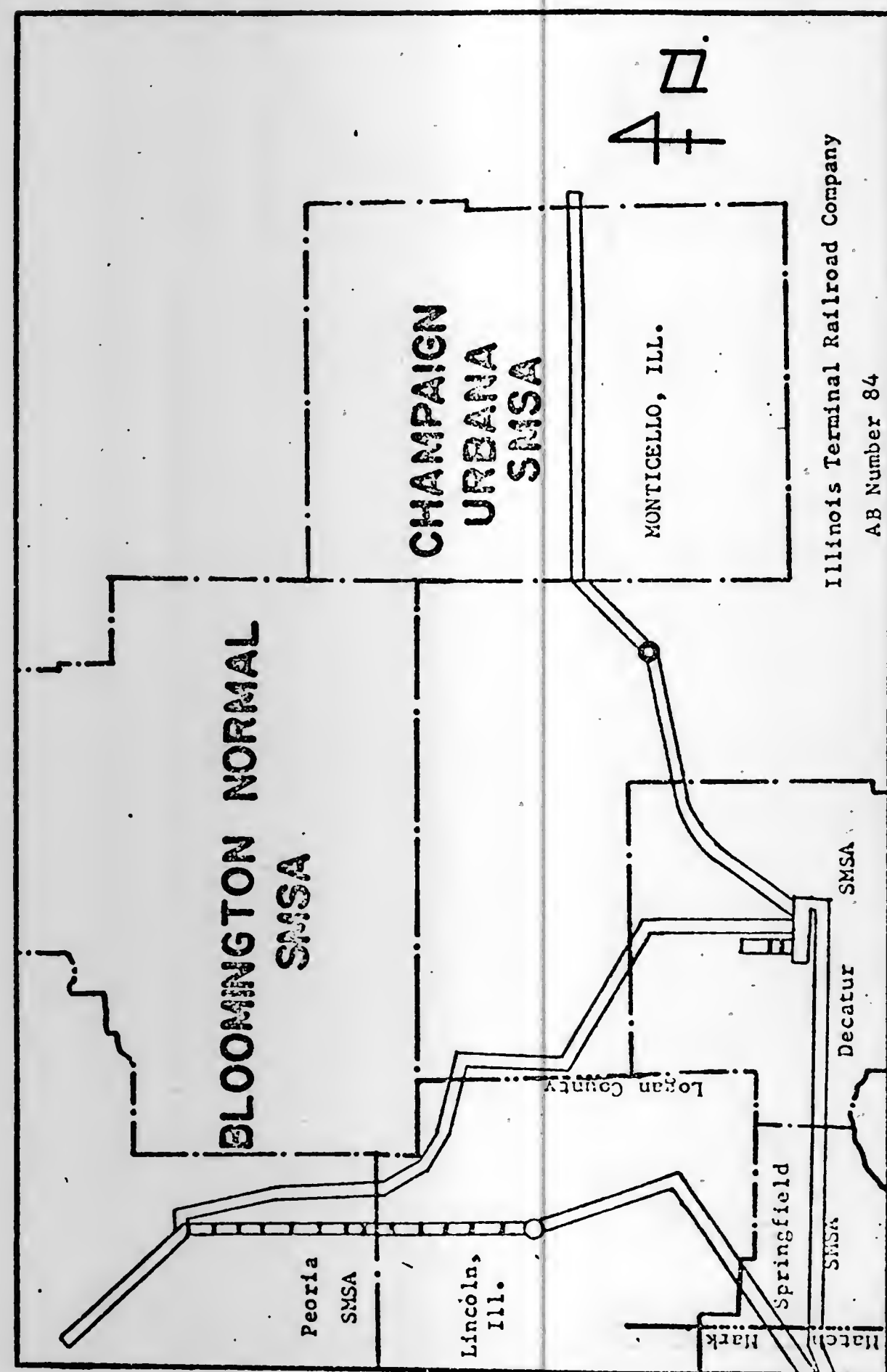
Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal regulations, Part 1121.23, that the Illinois Terminal Railroad Co., has filed with the Commission its amended color-coded system diagram map in Docket No. AB 84 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on April 7, 1978, received a certificate of publication as required by said regulation which is considered the effective date on which the amended system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each State in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 84 (SDM).

H. G. HOMME, Jr.,
Acting Secretary.

NOTICES





FEDERAL REGISTER, VOL. 43, NO. 114—TUESDAY, JUNE 13, 1978

ILLINOIS TERMINAL RAILROAD CO.

[7035-01]

AB NUMBER 84

[AB 3 (SDM)]

Description of Lines

State of Illinois

Category. All lines or portions of lines which the Carrier anticipates will be the subject of an abandonment or discontinuance application to be filed within the 3-year period following the date upon which the diagram is filed with the Interstate Commerce Commission.

- I. (a) O'Fallon Branch.
- (b) State of Illinois.
- (c) Madison County, Ill. and St. Clair County, Ill.
- (d) Milepost 20.3 to Milepost 30.6.
- (e) Agency Station—Troy Junction, Ill.—Milepost 20, and Agency Station—O'Fallon, Ill.—Milepost 30.

- II. (a) Forsyth Branch.
- (b) State of Illinois.
- (c) Macon County, Ill.
- (d) Milepost 2.5 to Milepost 7.0.
- (e) Agency Station—Forsyth, Ill.—Milepost 7.

- III. (a) Lincoln to East Peoria Line.
- (b) State of Illinois.
- (c) Logan County, Ill., and Tazewell County, Ill.
- (d) Milepost 128.4 to Milepost 155.9.
- (e) Terminal Station—Allentown, Ill.—Milepost 156.
- Agency Station—Lincoln, Ill.—Milepost 128.
- Agency Station—Union, Ill.—Milepost 137.
- Agency Station—Mindale, Ill.—Milepost 147.

- IV. (a) Mont to Springfield.
- (b) Located wholly within the State of Illinois.
- (c) Located in Madison, Macoupin, Montgomery, and Sangamon Counties.
- (d) Milepost 194.8 to Milepost 272.9.
- (e) Agency Station at Mont, Ill.—Milepost 18.2.

[FR Doc. 78-16207 Filed 6-12-78; 8:45 am]

MISSOURI PACIFIC RAILROAD CO.
Amended System Diagram Map

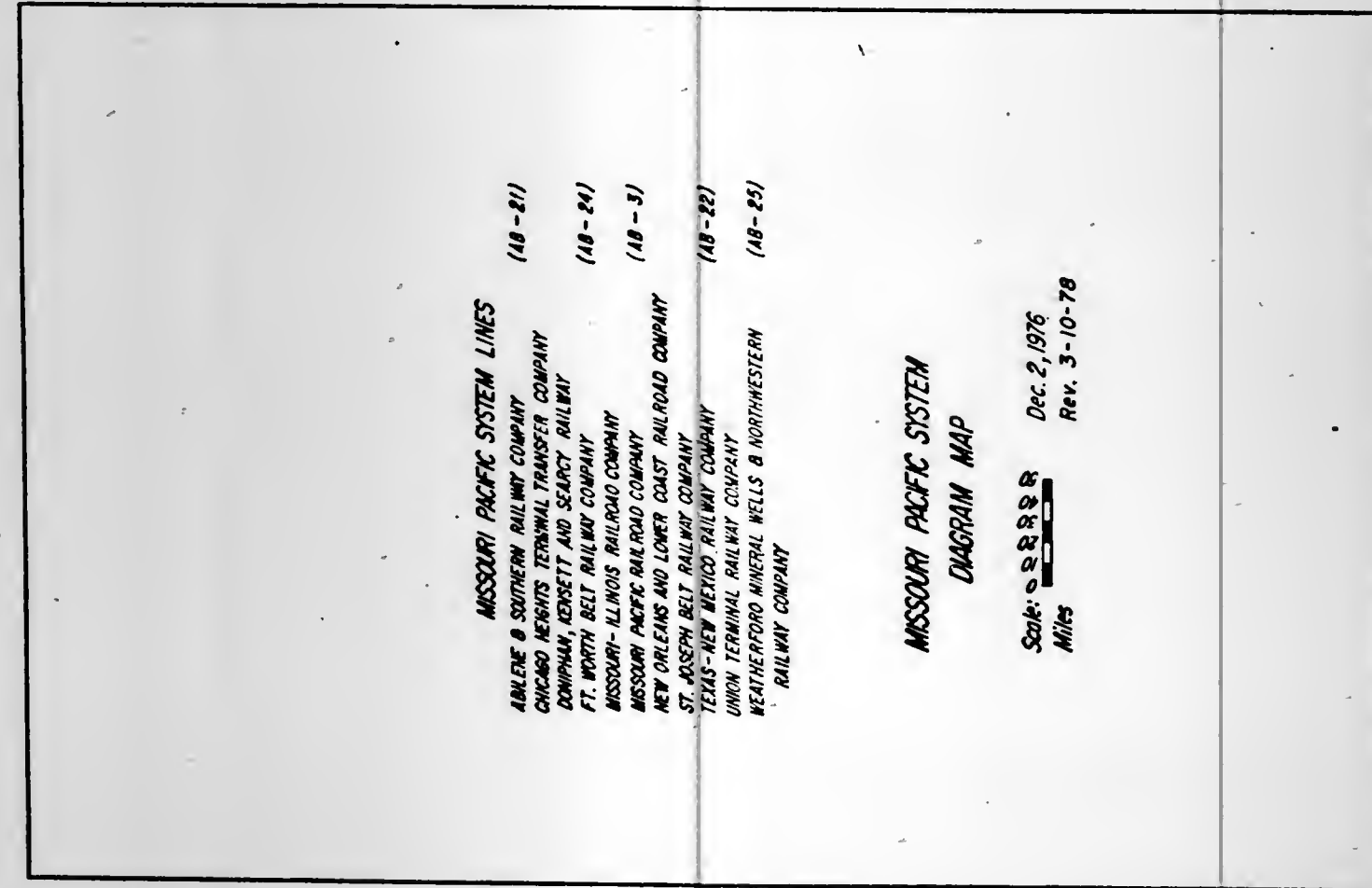
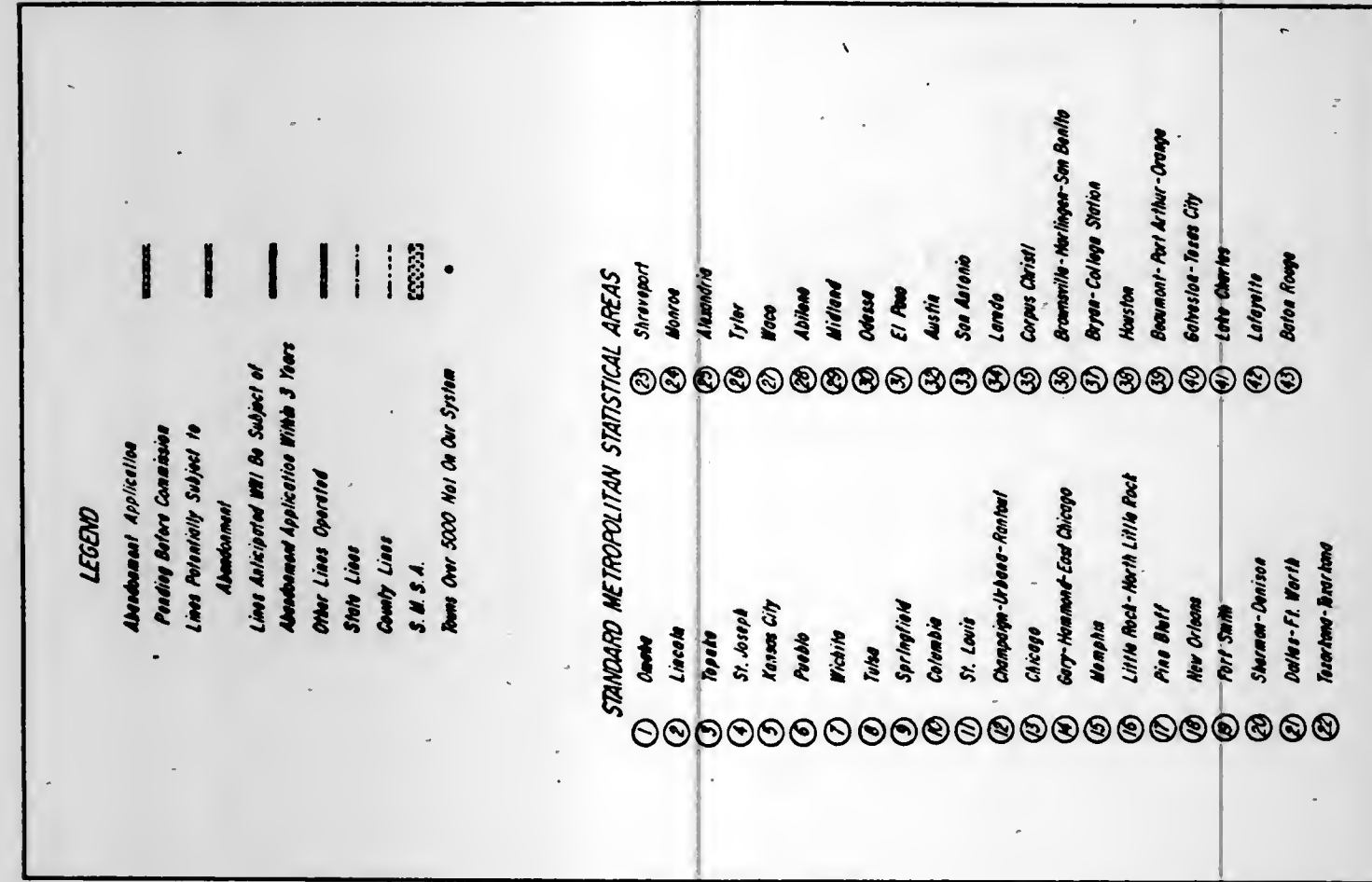
Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Missouri Pacific Railroad Co. (and affiliated members), has filed with the Commission its amended color-coded system diagram map in Docket No. AB 3 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on May 22, 1978, received a certificate of publication as required by said regulation which is considered the effective date on which the amended system diagram was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting Docket No. AB 3 (SDM).

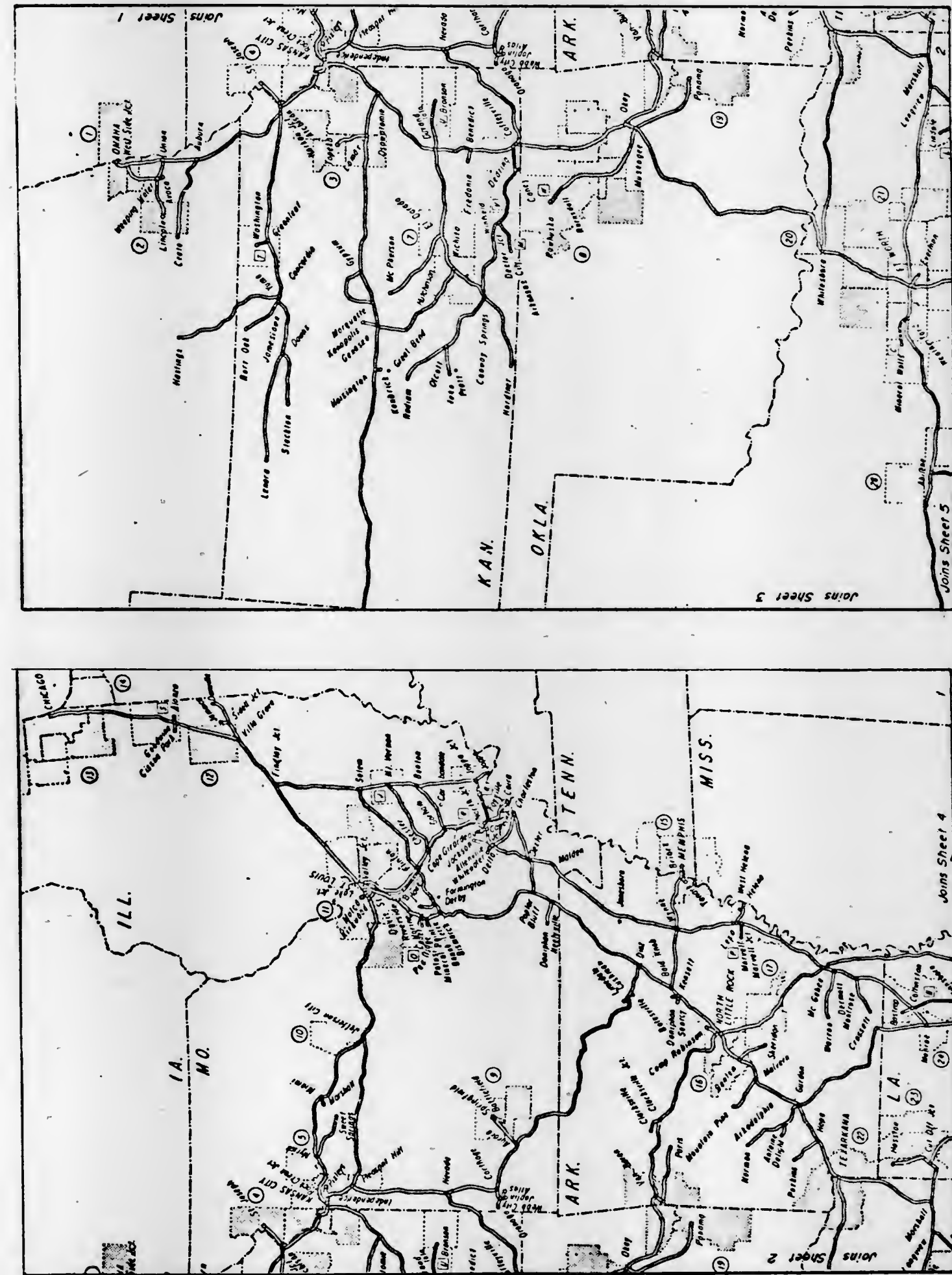
H. G. HOMME, Jr.,
Acting Secretary.

¹AB 3 (SDM) includes all Missouri Pacific System Lines subsidiaries: AB 21, Abilene & Southern Railway Co., Chicago Heights Terminal Transfer Co., Doniphan, Kensett & Searcy Railway; AB 24, Fort Worth Belt Railway Co., Missouri-Illinois Railroad Co.; AB 142, New Orleans & Lower Coast Railroad Co., St. Joseph Belt Railway Co.; AB 22, Texas-New Mexico Railway Co.; AB 23, Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans, Union Terminal Railway Co.; AB 25, Weatherford Mineral Wells & Northwestern Railway Co.

FEDERAL REGISTER, VOL. 43, NO. 114—TUESDAY, JUNE 13, 1978

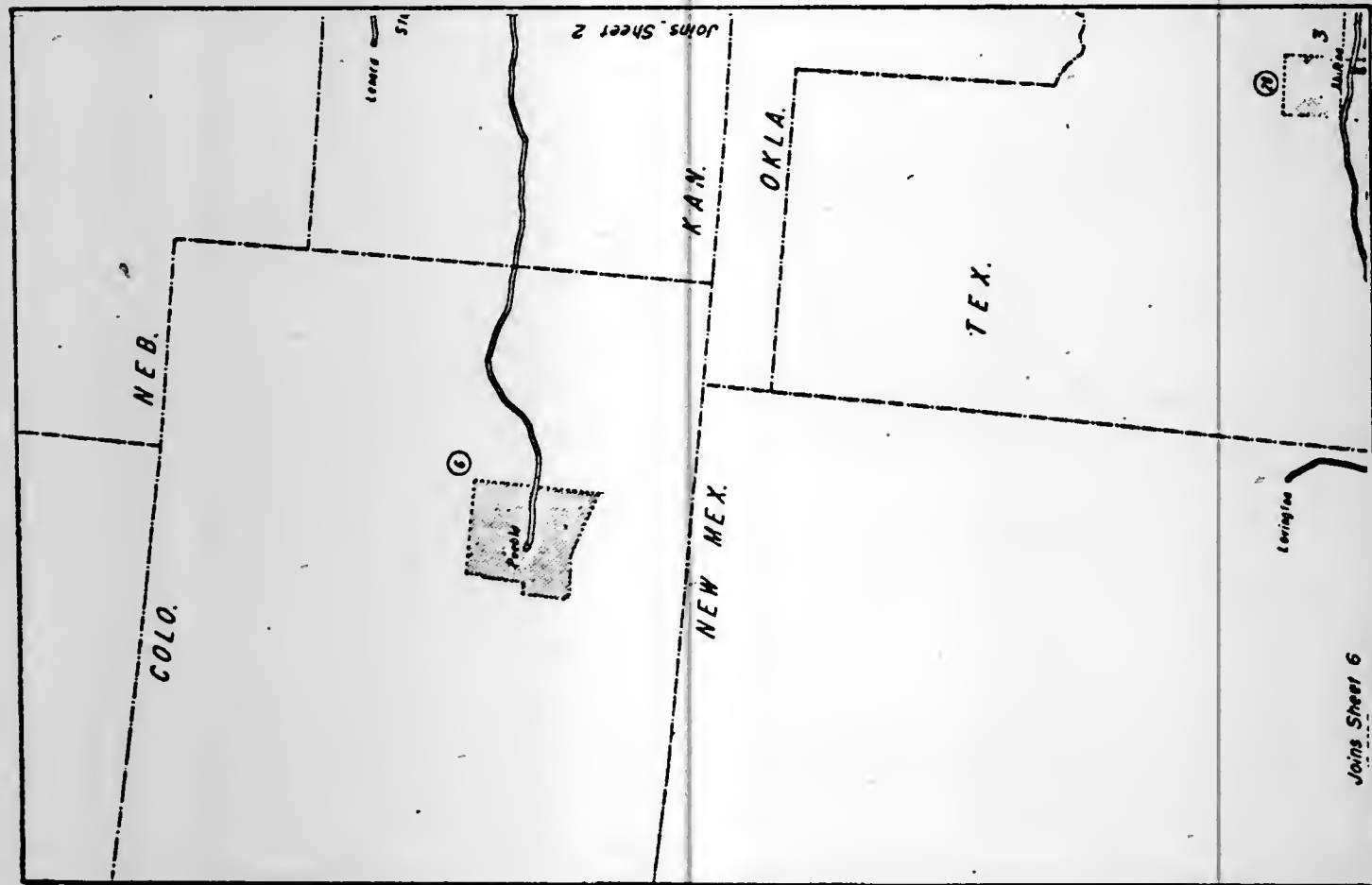
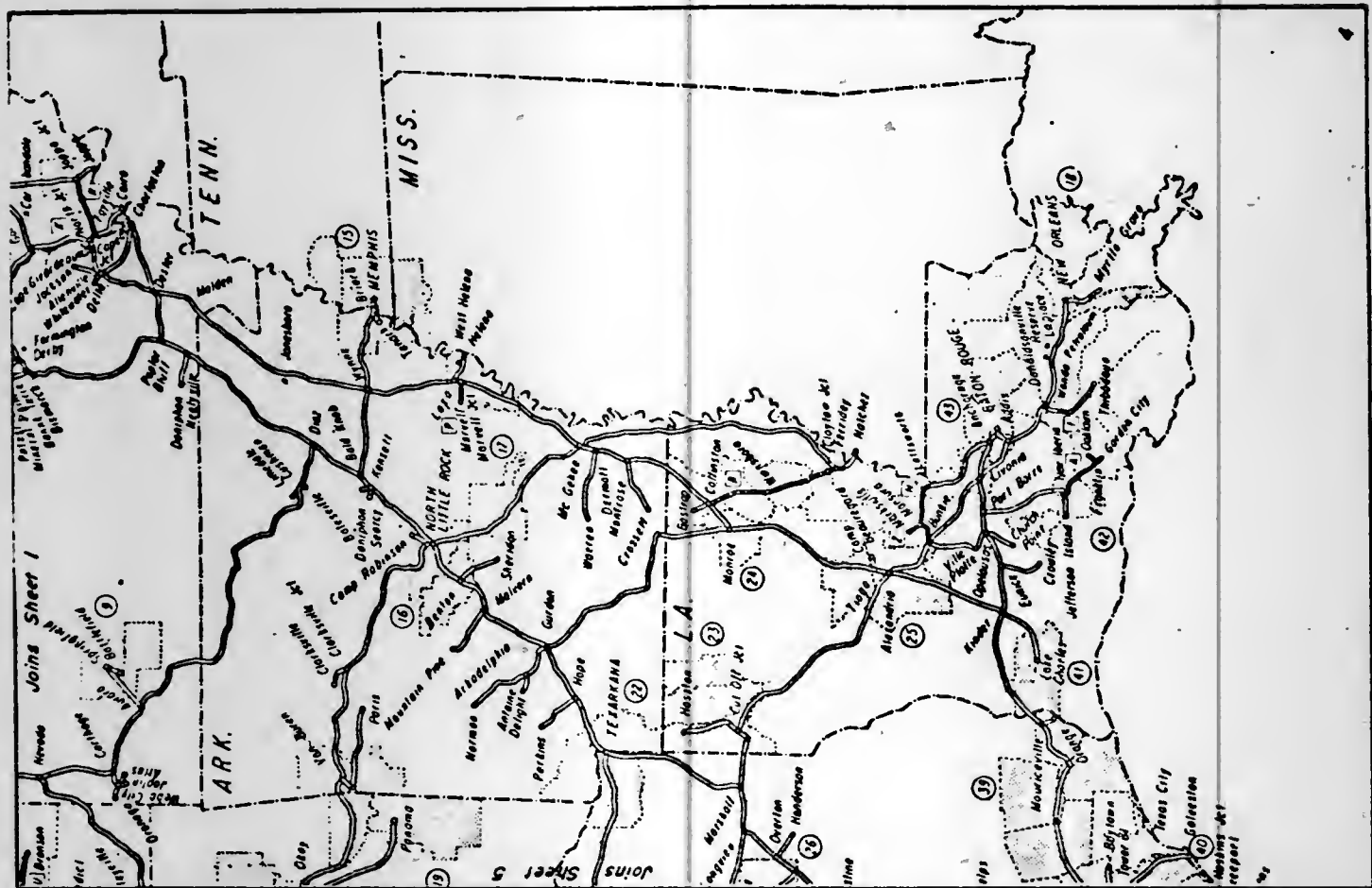


FEDERAL REGISTER, VOL. 43, NO. 114—TUESDAY, JUNE 13, 1978

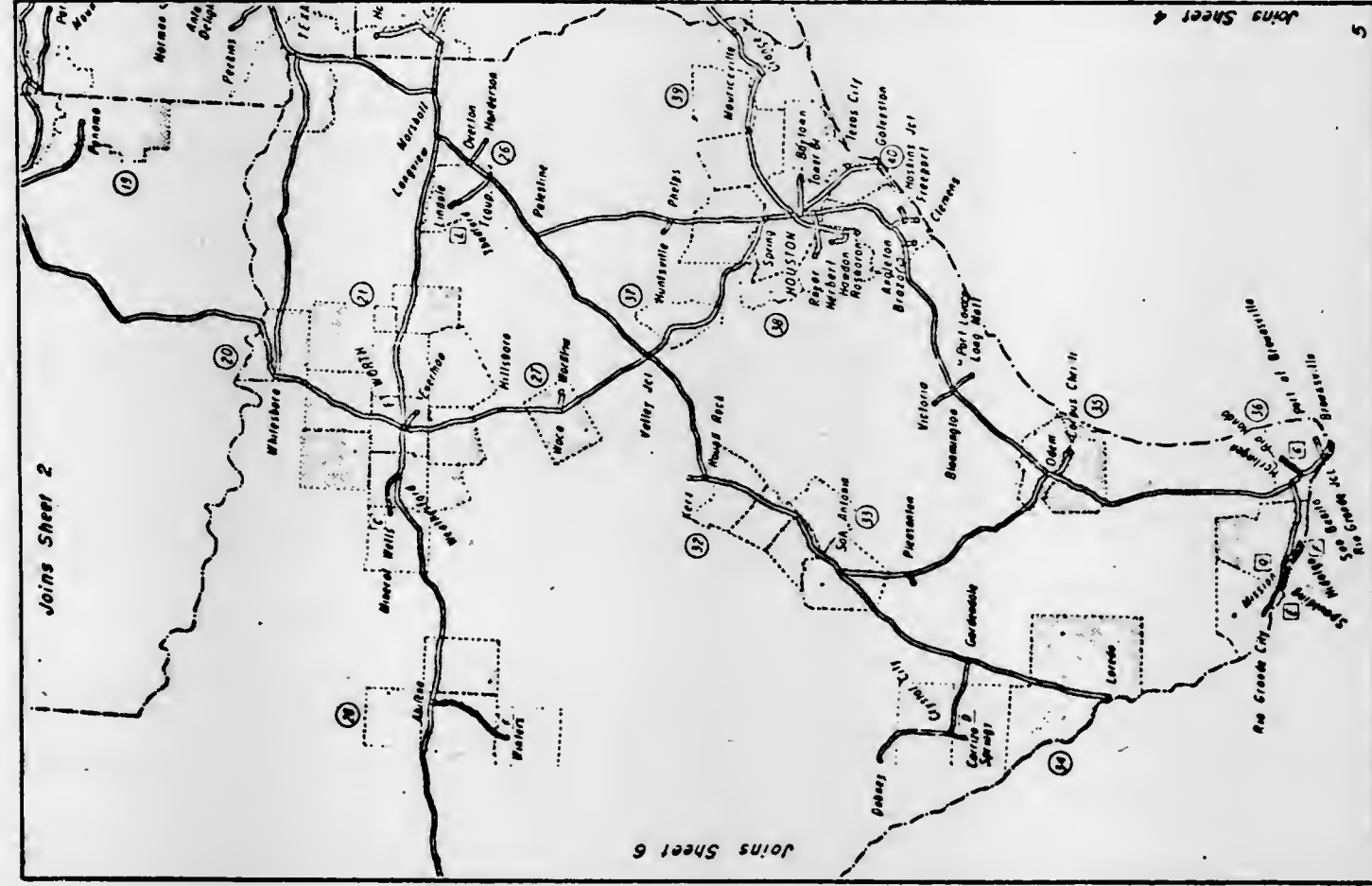
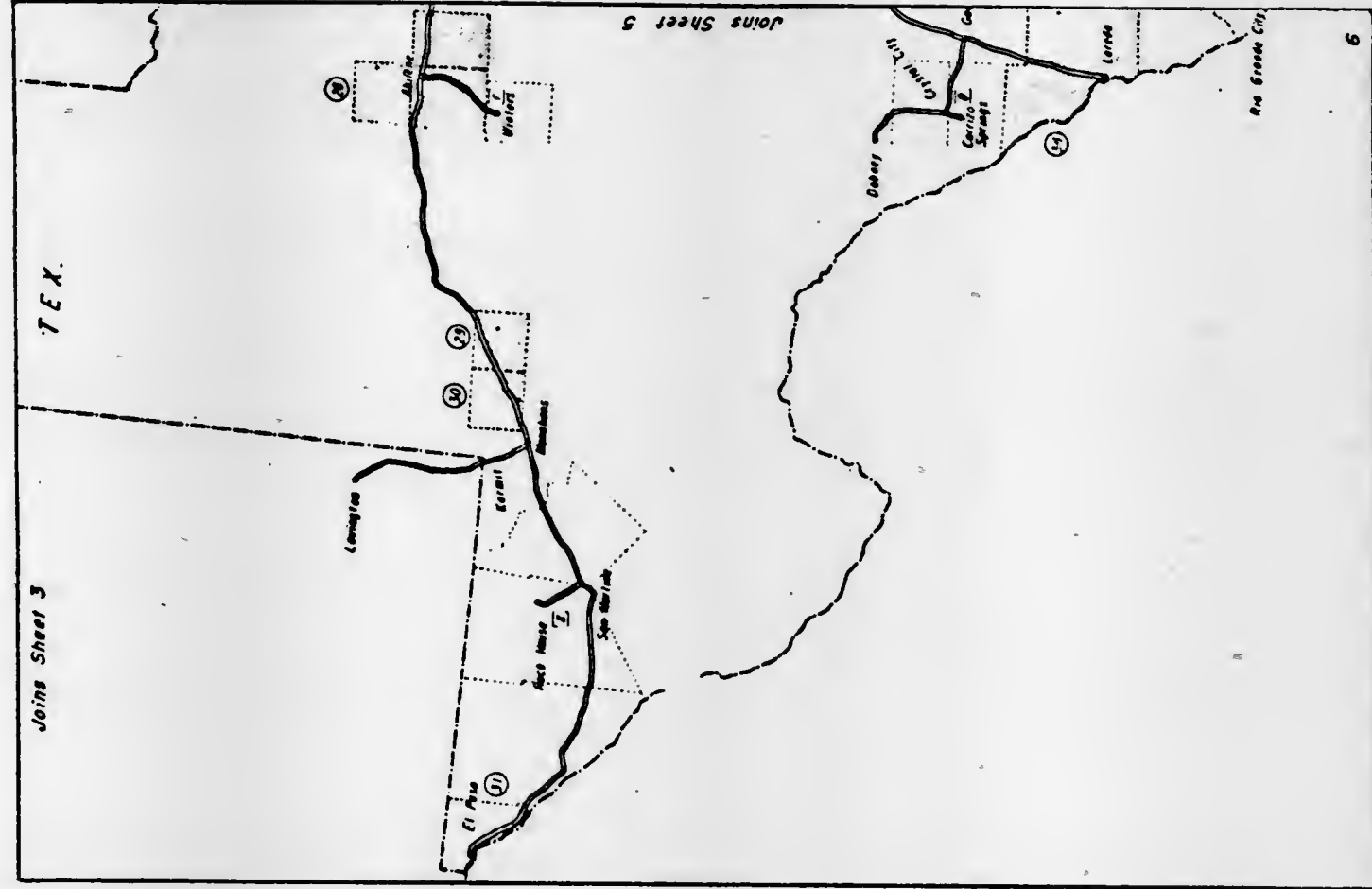


FEDERAL REGISTER, VOL. 43, NO. 114—TUESDAY, JUNE 13, 1978

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FEDERAL REGISTER, VOL. 43, NO. 114—TUESDAY, JUNE 13, 1978



FEDERAL REGISTER, VOL. 43, NO. 114—TUESDAY, JUNE 13, 1978

MISSOURI PACIFIC SYSTEM

Description of Lines to Accompany the System Diagram Map

CATEGORY (1)

Lines or portion of lines which the carrier anticipates will be subject of an abandonment or discontinuance application to be filed within three years.

Missouri

Map Code [K]

- (a) Cape Girardeau to Frisco connection (3.4 mile segment of Cape Girardeau Subdivision).
- (b) Located wholly within State of Missouri.
- (c) Located wholly within Cape Girardeau county.
- (d) Milepost 128.6 to 132.0.
- (e) Customer Service Center at Cape Girardeau not included in abandonment.

Map Code [O]

- (a) Potosi Industrial Lead (3.7 miles).
- (b) Located wholly within State of Missouri.
- (c) Located wholly within Washington County.
- (d) Milepost 60.8 to 64.5.
- (e) No agency stations on segment. Served by Customer Service Center at Bismarck.

Arkansas

Map Code [P]

- (a) Marvell Industrial Lead (10.0 miles).
- (b) Located wholly within State of Arkansas.
- (c) Located wholly within Phillips County.
- (d) Milepost 11.9 to 21.9.
- (e) No agency stations on segment. Served by Customer Service Center at Helena.

Texas

Map Code [L]

- (a) Thedford to Lindale (2.7 mile segment of Tyler Subdivision).
- (b) Located wholly within State of Texas.
- (c) Located wholly within Smith County.
- (d) Milepost 30.1 to 32.8.
- (e) No agency stations on segment. Served by Customer Service Center at Longview.

Map Code [E]

- (a) Spaulding to Rio Grande City (17.1 mile segment of Mission Subdivision).
- (b) Located wholly within State of Texas.
- (c) Located in Hidalgo and Starr Counties.
- (d) Milepost 56.5 to 73.6.
- (e) No agency stations on segment. Served by Customer Service Center at Harlingen.

Map Code [Y]

- (a) Abilene to Winters (38.6 mile Abilene & Southern Railway).
- (b) Located wholly within State of Texas.
- (c) Located in Taylor and Runnels Counties.
- (d) Milepost 0.1 to 38.7.
- (e) No agency stations on segment. Served by Customer Service Center at Abilene.

NOTICES

Kansas

Map Code [V]

- (a) Dearing to Dexter (70.1 mile segment of Conway Springs Subdivision including Caney Spur).
- (b) Located wholly within State of Kansas.
- (c) Located in Montgomery, Chataqua and Cowley Counties.
- (d) Milepost 428.6 to 497.2, 0.0 to 1.5 (Caney Spur).
- (e) Agency stations at Dexter (M.P. 497.7) dualized with Cedarvale (M.P. 480.9) and at Sedan (M.P. 458.9) dualized with Caney (M.P. 442.1).

Map Code [T]

- (a) Washington Industrial Lead (6.9 miles).
- (b) Located wholly within State of Kansas.
- (c) Located wholly within Washington County.
- (d) Milepost 443.9 to 450.8.
- (e) No agency station on segment. Served by Customer Service Center at Concordia.

Louisiana

Map Code [N]

- (a) Bunkie to Lettsworth (37.2 mile segment of Avoyelles Subdivision, including 14.1 miles trackage rights over L&A).
- (b) Located wholly within State of Louisiana.
- (c) Located in Avoyelles and Pointe Coupee Parishes.
- (d) Milepost 46.6 to 35.2, and 0.0 to 3.9—Bunkie to Mansura (MP). L&A Mileposts—Mansura to Hamburg (L&A).
- (e) Milepost 29.9 to 22.1—Hamburg to Simmesport (MP).
- (f) L&A Mileposts—Simmesport to Lettsworth (L&A).

NOTE.—Mileposts are not numbered in sequence.

- (e) No agency stations on segment. Served by Customer Service Center at Alexandria.
- (f) Comments: MP trackage between Bunkie and Mansura and between Hamburg and Simmesport would be abandoned. MP trackage rights over L&A between Mansura and Hamburg and between Simmesport and Lettsworth would be terminated. Between Hamburg and Simmesport L&A has trackage rights over MP and it is proposed to sell such trackage to L&A.

Map Code [A]

- (a) New Iberia to Garden City and Oaklawn, Franklin Industrial Lead (includes 10.1 miles remaining MP owned main track and 30.3 miles of rights on SP main track).
- (b) Located wholly within State of Louisiana.
- (c) Located wholly within Iberia and St. Mary Parishes.
- (d) Milepost 47.6 to 79.8.

- (e) No agency stations on segment. Served by Customer Service Center at New Iberia.

(f) Comments: Includes all MP owned trackage and all rights over SP trackage southeast of Milepost 47.6 at New Iberia.

CATEGORY (2)

Lines or portion of lines potentially subject to abandonment.

Texas

Map Code [G]

- (a) Rio Hondo Industrial Lead (9.2 miles).
- (b) Located wholly within State of Texas.
- (c) Located wholly within Cameron County.
- (d) Milepost 0.0 to 9.2 (Rio Hondo).
- (e) No agency stations on segment. Served by Customer Service Center at Harlingen.

Map Code [D]

- (a) Carrizo Springs Industrial Lead (11.6 miles).
- (b) Located wholly within State of Texas.
- (c) Located in Zavala and Dimmit Counties.
- (d) Milepost 144.7 to 156.3 (Carrizo Springs).
- (e) No agency stations on segment. Served by Customer Service Center at San Antonio.

Map Code [F]

- (a) Hidalgo-Mission Industrial Lead (9.7 miles).
- (b) Located wholly within State of Texas.
- (c) Located wholly within Hidalgo County.
- (d) Milepost 0.0 to 9.7 (Mission).
- (e) No agency stations on segment. Served by Customer Service Center at Harlingen.

Map Code [C]

- (a) Weatherford to Mineral Wells (22.0 mile W.M.W.&N.W. Railway).
- (b) Located wholly within State of Texas.
- (c) Located in Parker and Palo Pinto Counties.
- (d) Milepost 0.0 (TP 277.3) to 22.0.
- (e) No agency stations on segment. Served by Customer Service Center at Ft. Worth.

Map Code [Q]

- (a) Mission to Spaulding (14.5 mile segment of Mission Subdivision).
- (b) Located wholly within State of Texas.
- (c) Located wholly within Hidalgo County.
- (d) Milepost 42.0 to 56.5.
- (e) No agency stations on segment. Served by Customer Service Center at Harlingen.

Louisiana

Map Code [B]

- (a) Collinston to Clayton Junction (75.7 mile segment of Collinston Subdivision).
- (b) Located wholly within State of Louisiana.
- (c) Located in Morehouse, Richland, Franklin, Catahoula and Concordia Parishes.
- (d) Milepost 561.5 to 637.2.
- (e) No agency stations on segment. Served by Customer Service Center at Monroe.

Map Code [I]

- (a) Wanda Petroleum to Thibodaux (21.9 mile segment of Thibodaux Subdivision).
- (b) Located wholly within State of Louisiana.
- (c) Located in Assumption and Lafourche Parishes.
- (d) Milepost 8.3 to 30.9.
- (e) No agency stations on segment. Served by Customer Service Center at Donaldsonville.

CATEGORY (3)

Lines or portions of lines for which an abandonment or discontinuance application is currently pending before the Interstate Commerce Commission.

Illinois

Map Code [J]

- (a) Mt. Vernon to connection with J&SW (3.6 mile segment of Pinckneyville Subdivision).
- (b) Located wholly within State of Illinois.
- (c) Located wholly within Jefferson County.
- (d) Milepost 121.6 to 125.2.
- (e) No agency stations on segment. Mt. Vernon (M.P. 276.2 on Chicago Subdivision) beyond limits of proposed abandonment.

Map Code [R]

- (a) Joppa Junction to Fayville (25.7 mile segment of Thebes Subdivision).
- (b) Located wholly within State of Illinois.
- (c) Located in Johnson, Pulaski and Alexander Counties.
- (d) Milepost 347.6 to 373.3.
- (e) No agency stations on segment. Served by Customer Service Center at West Frankfort.

NOTICES

Map Code [S]

- (a) Goodwine to Alonzo (2.9 mile Alonzo Industrial Lead).
- (b) Located wholly within State of Illinois.
- (c) Located wholly within Iroquois County.
- (d) Milepost 89.4 to 92.3.
- (e) No agency stations on segment. Served by Customer Service Center at Villa Grove.

Kansas

Map Code [U]

- (a) Iola to Bronson (17.2 mile segment of Wichita Subdivision).
- (b) Located wholly within State of Kansas.
- (c) Located in Allen and Bourbon Counties.
- (d) Milepost 348.9 to 366.1.
- (e) Agency station at Bronson (Milepost 348.9).

Map Code [M]

- (a) Dexter-Winfield and Dexter Junction to Arkansas City (39.8 miles, segments of the Conway Springs and Arkansas City Subdivision).
- (b) Located wholly within State of Kansas.
- (c) Located wholly within Cowley County.
- (d) Milepost 497.2 to 513.5 (near Winfield) and Milepost 498.1 to 521.6 (near Arkansas City).
- (e) Agency stations at Arkansas City (Milepost 522.9) and Winfield (Milepost 517.2) beyond limits of abandonment and at Dexter (Milepost 497.7).
- (f) Comments: Abandonment contingent on acquiring ATSF trackage rights between Winfield and Arkansas City.

Louisiana

Map Code [Z]

- (a) Mansura Junction to Marksville (5.1 mile Marksville Industrial Lead).
- (b) Located wholly within State of Louisiana.
- (c) Located wholly within Avoyelles Parish.
- (d) Milepost 79.6 to 84.7.
- (e) No agency stations on segment. Served by Customer Service Center at Alexandria.

Oklahoma

Map Code [W]

- (a) Barnsdall to Pawhuska (13.4 mile segment of Midland Valley Subdivision).
- (b) Located wholly within State of Oklahoma.
- (c) Located wholly within Osage County.
- (d) Milepost 188 to 201.4.
- (e) Agency station Pawhuska (Milepost 200.6) dualized with Barnsdall (Milepost 187.2).

Texas

Map Code [X]

- (a) San Martine to Rockhouse (27.2 mile Rockhouse Industrial Lead).
- (b) Located wholly within State of Texas.
- (c) Located in Culberson and Reeves Counties.
- (d) Milepost 686.3 to 713.5.
- (e) No agency stations on segment. Served by Customer Service Center at Odessa.

[FR Doc. 78-16206 Filed 6-12-78; 8:45 am]

[1505-01]

[Notice No. 84]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

Correction

In FR Doc. 78-15410 appearing at page 24158 of the issue of Friday, June 2, 1978, at page 24162 in the first paragraph, "No. MC 28404" should be "No. MC 12840."

[7035-01]

[No. FD 28697]

SOUTHERN RAILWAY CO.

Discontinuance of Trains Nos. 1 and 2 Between Washington, D.C. and New Orleans, LA.

JUNE 7, 1978.

The above-entitled proceeding now assigned June 14, 1978, at New Orleans, La., will be held in Room No. 125, Hale Boggs Building, 500 Camp Street, instead of West Courtroom 265, U.S. Court of Appeals, 600 Camp Street.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-16313 Filed 6-12-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board	1, 2, 3, 4
Federal Deposit Insurance Corporation	5, 6
Legal Services Corporation	7
National Mediation Board	8
Postal Rate Commission	9
Renegotiation Board	10

[6320-01]

[M-135, Amdt. 2; June 7, 1978]

NOTICE OF ADDITION OF ITEM TO THE JUNE 8, 1978, MEETING

CIVIL AERONAUTICS BOARD.

TIME AND DATE: June 8, 1978, 10 a.m.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 14. Docket 28627, IATA Agreements Concerning Agency Matters—Uniform Commission Rates (Instructions to Staff).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The Board will hear oral argument in the IATA Agreements Concerning Agency Matters—Uniform Commission Rates on June 7, 1978. In keeping with its policy of issuing instructions to staff as soon as possible after an oral argument, the Board will issue the instructions on Thursday, June 8, 1978. Accordingly the following Members have voted that agency business requires the addition of Item 14 to the June 8, 1978 agenda and that no earlier announcement of this addition was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-1219-78 Filed 6-9-78; 10:51 am]

[6320-01]

2

[M-135, Amdt. 3; June 7, 1978]

NOTICE OF DELETION OF ITEM FROM THE JUNE 8, 1978, AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., June 8, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 10. Docket 30790, *United States-Benelux Low-Fare Proceeding* (BIA, BALJ, OGC).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The staff has requested that Item 10 be deleted from the June 8, 1978, agenda because additional time is needed for coordination. Accordingly, the following Members have voted that agency business requires the deletion of Item 10 from the June 8, 1978, agenda and that no earlier announcement of this deletion was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-1227-78 Filed 6-9-78; 3:55 pm]

[6320-01]

3

[M-136, Amdt. 1; June 8, 1978]

NOTICE OF ADDITION OF ITEMS TO THE JUNE 13, 1978, AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., June 13, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

4a. Docket 32393, *Boston, New York, Philadelphia, Baltimore, Washington, Puerto Rico, Virgin Islands Investigation—Order on Reconsideration of instituting order* (Memo No. 7829-B, OGC).

5a. Dockets 31873 and 31884; Petition of Wright Air Lines for review of staff action granting Britt Airlines an exemption to operate Convair aircraft in air taxi service; Application of Music City International Airways, Inc. for an exemption to operate two Convair aircraft in air taxi passenger service (Memo No. 7939, BPDA).

8a. Docket 30790, *United States-Benelux Low-Fare Proceeding* (BIA).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The Board had originally planned to

meet on Wednesday, June 14. Late in the afternoon on Tuesday, June 6, however, it was necessary to change the meeting date to Tuesday, June 13, 1978. Because of the short time on Tuesday available for preparation of the meeting announcement, staff components which would have given items to the Secretary for the Wednesday, June 14 meeting agenda did not have a chance to do so. So that the Board's consideration of items ready for action will not be delayed, the following Members have voted that agency business requires the addition of Items 4a, 5a, and 8a and that no earlier announcement of the additions was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-1228-78 Filed 6-9-78; 3:55 pm]

[6320-01]

[M-137, June 8, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., June 15, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Oral Argument—Dockets 21866, 31290 and 30891, Domestic Passenger-Fare Investigation; Domestic Passenger-Fare Level Policies; Domestic Passenger-Fare Structure Policies; Discount Fare Policy.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

[S-1229-78 Filed 6-9-78; 3:55 pm]

[6714-01]

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 10:30 a.m., June 16, 1978.

PLACE: Board Room, 6th Floor, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Disposition of minutes of previous meetings. Applications for Federal deposit insurance:

The Cottage Grove Bank, a proposed new bank to be located on Gibbs Street, between Sixth and Seventh Streets, Cottage Grove, Ore., for Federal deposit insurance.

Mount Hood Security Bank, a proposed new bank to be located at 300 East Powell Boulevard, Gresham, Ore., for Federal deposit insurance.

Recommendation regarding the liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,543-NR—United States National Bank, San Diego, Calif.

Recommendations with respect to payment for legal services rendered and expenses incurred in connection with receivership and liquidation activities:

Kaye, Scholer, Fierman, Hays & Handler, New York, N.Y., in connection with the liquidation of Franklin National Bank, New York, N.Y.

Miller & Martin, Chattanooga, Tenn., in connection with the liquidation of the Hamilton National Bank of Chattanooga, Chattanooga, Tenn.

Memorandum proposing the payment of a third dividend of 12.5 percent on proved claims in connection with the receivership of the First National Bank of Cripple Creek, Cripple Creek, Colo.

Memorandum proposing the payment of a first dividend of 40 percent on proved claims in connection with the receivership of the Peoples Bank of the Virgin Islands, Charlotte Amalie, St. Thomas, V.I.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of security transactions authorized by the Chairman.

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-1225-78 Filed 6-9-78; 3:32 pm]

[6714-01]

6

FEDERAL DEPOSIT INSURANCE CORPORATION.

TIME AND DATE: 10:00 a.m., June 16, 1978.

PLACE: Room 6135, FDIC Building, 550 17th Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Application for Federal deposit insurance:

American Bank of Casper, a proposed new bank to be located at the corner of David and First Streets, Casper, Wyo., for Federal deposit insurance.

Application for consent to change a main office location:

SUNSHINE ACT MEETINGS

Unity Bank & Trust Co., Boston (Roxbury), Mass., for consent to change the location of its main office from 418 Warren Street to 2343 Washington Street, both locations within Boston (Roxbury), Mass.

Applications for consent to establish branches:

Unity Bank & Trust Co., Boston (Roxbury), Mass., for consent to establish

branches at 1630 Blue Hill Avenue, Boston (Mattapan), Mass., and at 592 Washington Street, Boston (Dorchester), Mass.

Recommendations regarding liquidation of a bank's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 43,484-L—First State Bank of Hudson County, Jersey City, N.J.

Case No. 43,542-SR—Surety Bank & Trust Co., Wakefield, Mass.

Case No. 43,544-NR—United States National Bank, San Diego, Calif.

Case No. 43,545-L—State Bank of Clearing, Chicago, Ill.

Recommendations with respect to the initiation or termination of cease-and-desist proceedings, termination-of-insurance proceedings, or suspension or removal proceedings against certain insured banks or officers or directors thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

CONTACT PERSON FOR MORE INFORMATION:

Alan R. Miller, Executive Secretary, 202-389-4446.

[S-1226-78 Filed 6-9-78; 3:32 pm]

[6820-35]

7

LEGAL SERVICES CORPORATION: COMMITTEE ON APPROPRIATIONS AND AUDIT.

TIME AND DATE: 12:30 p.m., Monday, June 19, 1978.

PLACE: 733 15th Street NW., 7th Floor, Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

1. Fiscal year 1978 budget adjustments:

a. Allocation of investment income for quality improvement projects.

b. Status of "one time" funds and reserve accounts.

c. Allocation of funds for rural telephone and travel adjustments.

2. Fiscal year 1979 budget.

3. Reports:

a. Cost variation study.

b. Budget and planning information system.

c. Assistance to programs to implement financial planning.

CONTACT PERSON FOR MORE INFORMATION:

Ruth Felter, Executive Office, telephone 202-376-5100.

Issued: June 9, 1978.

THOMAS EHRLICH, President.

[S-1224-78 Filed 6-9-78; 3:32 pm]

[7550-01]

8

NATIONAL MEDIATION BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 22517.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m.; Wednesday, June 7, 1978.

CHANGES IN THE MEETING: Addition to matters to be considered—Determination that the Board does not have the authority to administratively change the form of the ballot used in NMB representation investigations.

SUPPLEMENTARY INFORMATION: Chairman Ives and Board Members Stowe and Harris have determined by recorded vote that Agency business required this change and that no earlier announcement of such change was possible.

Date of Notice: June 8, 1978.

[S-1222-78 Filed 6-9-78; 10:51 am]

[7715-01]

9

POSTAL RATE COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, June 14, 1978.

PLACE: Conference Room, Room 500, 2000 L Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Recommended decisions regarding:

1. MC 76-2. Expand Availability of Red Tag and Institute a Surcharge for Expedited Service. (Closed pursuant to 5 USC 552 b(c)(10).)

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268, telephone 202-254-5614.

[S-1220-78 Filed 6-9-78; 10:51 am]

SUNSHINE ACT MEETINGS

[7910-01]

10

THE RENEGOTIATION BOARD.
"FEDERAL REGISTER" CITATION
OF PREVIOUS ANNOUNCEMENT:
42 FR 19105, May 3, 1978.

PREVIOUSLY ANNOUNCED DATE
AND TIME OF MEETING: Wednes-
day, June 28, 1978; 9:30 a.m.

CHANGE IN MEETING: Date post-
poned to: Wednesday, August 2, 1978;
9:30 a.m.

CONTACT PERSON FOR MORE IN-
FORMATION:

Kelvin H. Dickinson, Assistant Gen-
eral Counsel-Secretary, 2000 M
Street NW, Washington, D.C. 20446,
202-254-8277.

Dated: June 9, 1978.

GOODWIN CHASE,
Chairman.

[S-1221-78 Filed 6-9-78; 10:51 am]

TUESDAY, JUNE 13, 1978
PART II



DEPARTMENT OF
HEALTH,
EDUCATION, AND
WELFARE

Food and Drug
Administration

■

OVER-THE-COUNTER
NIGHTTIME SLEEP-AID
AND STIMULANT
PRODUCTS

Tentative Final Orders

federa register

[4110-03]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 338, 340]

[Docket No. 75N-0244]

OVER-THE-COUNTER NIGHTTIME SLEEP-AID
AND STIMULANT PRODUCTS

Tentative Final Orders

AGENCY: Food and Drug Administration.

ACTION: Tentative final orders.

SUMMARY: These tentative orders establish conditions under which over-the-counter (OTC) nighttime sleep-aid and stimulant products are generally recognized as safe and effective and not misbranded and conditions under which daytime sedatives are not generally recognized as safe and effective and are misbranded. These orders are based on the recommendations and findings of the OTC Sedative, Sleep-Aid, and Tranquillizer Panel and a proposal by the Commissioner of Food and Drugs, in accordance with procedures for the agency's ongoing review of OTC drug products.

DATES: Written objections and/or requests for an oral hearing before the Commissioner regarding these tentative orders should be filed on or before August 14, 1978.

ADDRESSES: Send objections and/or requests for an oral hearing to: Hearing Clerk (HFC-20, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

William E. Gilbertson, Bureau of Drugs (HFD-510), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4960.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of December 8, 1975 (40 FR 57292), the Commissioner of Food and Drugs, pursuant to § 330.10(a)(6) (21 CFR 330.10(a)(6)), issued a proposal to establish monographs for over-the-counter (OTC) nighttime sleep-aid, daytime sedative, and stimulant drug products, together with a summary of the report containing the conclusions and recommendations of the OTC Sedative, Sleep-Aid and Tranquillizer Panel (Panel), the Advisory Review Panel responsible for evaluating data on drugs in these categories. Interested persons were invited to submit comments on the proposal by March 8, 1976. Within 30 days after the final day for submission of comments, reply comments could be filed with the Hearing Clerk in response to

comments filed in the initial 90-day period.

A request was filed for extension of the deadlines for filing comments and reply comments due to the complex nature of the Panel report and proposed monographs, the fact that the information evaluated by the Panel was not available until 30 days after their publication, and the fact that there had been an outbreak of flu at the requester's office. The request was denied because the 90-day comment period, which is already 1½ times longer than that usually provided for proposed regulations under Part 330 (21 CFR Part 330), provides ample time for comment.

In accordance with § 330.10(a)(2) (21 CFR 330.10(a)(2)), the data and information considered by the Panel was put on public display in the office of the Hearing Clerk, Food and Drug Administration (FDA), Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, after deletion of trade secret information.

In response to the proposal, 27 comments and reply comments were received from 3 trade associations, 8 drug manufacturers, 3 consumer groups, and 13 consumers. The Commissioner, having reviewed the comments and reply comments, sets forth his conclusions under the following sections:

Section I containing the general comments and reply comments, as well as on the specific comments and reply comments on each of the three product categories.

Section II containing the Panel's recommendations for Category I, Category II and Category III conditions as well as Category III testing guidelines, all as modified by him on the basis of the comments and FDA's independent evaluation of the Panel's report. The Commissioner's conclusions will include a restatement of the Panel's recommendations and will constitute the Commissioner's adoption of the Panel's findings, as modified. In addition to substantive modifications in the Panel's findings, the restatement will include changes for clarity, for regulatory accuracy, and for reflection of any new data or information that has come to the Commissioner's attention. Gratuitous or unsupported statements will be excluded. The Commissioner's agreement with comments suggesting modification of the Panel's findings, and the Commissioner's own decisions to modify them, will be reflected in the Commissioner's version of these sections.

Section III containing the tentative final orders. All Category I conditions (generally recognized as safe and effective) decisions of the Commission, including modifications thereof due to agreement with the comments, will appear in the tentative final orders.

The Commissioner advises that for clarity the format of the labeling section of the tentative final orders has been revised from that originally contained in the proposed monographs.

The Commissioner is aware that recent studies have implicated methapyrilene as a possible carcinogen or carcinogen synergist with nitrites in rats. The report concerns the finding of a 30-percent incidence of liver cancer resulting from the combined administration of methapyrilene and sodium nitrite. There is concern aroused by the nitrosation of tertiary amines because of the possibility that such reactions may occur in the human stomach (from ingested amines in foods and drugs and nitrites in food, as well as the high nitrite content of human saliva) and thus create a potential health hazard.

The studies implicating methapyrilene are too preliminary to support a definitive finding that methapyrilene is itself a carcinogen and must be removed immediately from all products in the OTC drug market.

However, after thoroughly reviewing all studies bearing on the carcinogenicity potential of methapyrilene, and in view of the fact that one study has shown evidence of at least a cocarcinogenic or synergistic effect, the Commissioner has concluded that the studies are sufficiently persuasive to warrant that methapyrilene be classified as Category II for use as an OTC nighttime sleep-aid. This issue is discussed at greater length later in this document.

FDA has requested and received assurance from the National Cancer Institute (NCI) that high priority will be given to methapyrilene testing in short term carcinogenicity screening tests developed at the Frederick Research Center; NCI has initiated a carcinogenesis bioassay on methapyrilene at the Frederick Research Center.

In the event that data from these other studies produce evidence that methapyrilene poses a health hazard as a carcinogen, the agency will take appropriate action to remove this active ingredient from the market, whatever its use, i.e., sleep-aid, antihistamine.

I. THE COMMISSIONER'S CONCLUSIONS
ON THE COMMENTS AND REPLY COMMENTS

A. GENERAL COMMENTS

1. A comment urged the agency to explicitly recognize the legal status of the monographs issued under the OTC Drug Review as being interpretive, as distinguished from substantive regulations.

This subject was dealt with in paragraphs 85 through 91 of the preamble to the procedures for classification of over-the-counter drugs published in

the FEDERAL REGISTER of May 11, 1972 (37 FR 9464), and the Commissioner reiterates the conclusions stated there.

2. Numerous comments from private citizens voiced concern over the false and misleading claims made for many of the products considered by this Panel and expressed support for the proposed monographs.

One of the purposes of the proposed monographs is, of course, to eliminate any exaggerated or false and misleading claims for these classes of products. Such support by consumers for the agency proposals is greatly appreciated.

3. A comment stated that FDA will have to modify the Panel's recommendations substantially if the final monographs are to be in accord with Executive Order 11821, which requires a financial impact assessment.

The combined annual sales of OTC nighttime sleep-aids, daytime sedatives, and stimulant products do not reach the minimum inflation impact limits necessary to invoke Executive Order 11821. Moreover, elimination of daytime sedatives, proposed elsewhere in this document, together with the cost of required testing for other classes of drugs does not approach the minimum limits necessary to invoke Executive Order 11821.

4. Two comments claimed that there is no provision in the law for Category III and that it is illegal per se. The gist of the comment is that Category III status is incompatible with continued lawful marketing of a product without an approved NDA.

This matter is presently in litigation. The Commissioner's position will be explained there.

5. One comment stated that the indications for the products should not be limited to the precise words as set forth in quotation marks in the proposed monographs. The comment argued that there are obviously other ways and other words that can be used to convey the same meaning as the phrases set forth in the proposed monographs and it would be unduly restrictive, unlawful and unconstitutional to prevent the use of such alternatives.

The Commissioner concludes that the limitation of terminology in the indications for these products is essential to assure their proper and safe use by the public. The Commissioner will permit alternative terminology only after approval of an appropriate petition to the agency under § 330.10(a)(12) (21 CFR 330.10(a)(12)) and publication of an amendment to an appropriate monograph. The rationale behind this policy was discussed in the Commissioner's response to comments in the antacid tentative final monograph published in the FEDERAL REGISTER of November 12, 1973 (38 FR 31260). The policy was further

discussed in the amendment to the antacid monograph published in the FEDERAL REGISTER of March 13, 1975 (40 FR 11718), which restricts labeling to the exact terms approved by the Commissioner.

6. A comment stated that the Panel went beyond its charter in making statements concerning the advertising of the products under review, and that such statements regarding OTC drug product advertising were not only formulated with inadequate information but were also highly inappropriate for inclusion in a scientific report.

The Panel went beyond the limits of its charter in making statements with respect to advertising. However, the Panel members understood the limits of FDA authority when they did so and simply wished to make their views known to FDA and the Federal Trade Commission (FTC), which controls such advertising, that a coordinated effort was essential to assure compliance by the industry with the standards imposed by the OTC monographs. Since the Commissioner cannot act on this recommendation other than to bring the Panel's views to the FTC's attention, there is no need to reply to the adequacy of the data on the basis of which the Panel made it.

7. A comment noted that the Panel failed to differentiate between dosage levels of active ingredients on the basis of their salt forms and urged that this oversight be corrected.

The Commissioner agrees with the comment and concludes that where more than one salt form of an active ingredient has been placed in Category I or Category III, the dosage levels will be evaluated and expressed in terms of the concentration of the base.

8. A comment expressed concern with the increasing number of drugs being placed in Category III by the advisory panels, which, the comment suggested, are taking "the easy way out" by relieving themselves of the decisionmaking responsibility.

The comment identifies a real possibility but has no application here. In the case of OTC nighttime sleep-aids, little, if any, scientific study had ever been done on the active ingredients for the sleep-aid indication. These ingredients are all antihistamines and were marketed as nighttime sleep-aids to capitalize on the common side effect of antihistamines, i.e., drowsiness. By placing such ingredients in Category III, the Panel was in effect asking for effectiveness studies to be carried out, in many cases for the first time, to relate the known pharmacologic action of the ingredients to the indication for use for which they were being evaluated. Additionally, the Panel carefully set forth testing guidelines designed to permit movement to Category I. As for daytime sedatives,

the Panel, in addition to putting specific ingredients in Category II, placed the entire class of products in Category III because it felt that so little research had been carried out that there was a serious question whether a target population exists who needs this class of products, and further, whether antihistamine ingredients are capable of performing a "sedative" or "calmative" function that would be safe for daytime use.

9. A comment expressed concern that no nighttime sleep-aid or daytime sedative ingredient had been placed in Category I and stated that "This continued attempt to restrict the marketing of OTC drugs, which was previously manifest in the OTC monograph on anti-diarrheal drugs and the monograph on skin antiseptics, is contrary to the original objectives set forth for these monographs." The comment quotes remarks of former Department of Health, Education, and Welfare (HEW) Secretary Weinberger and former FDA Commissioner Schmidt, generally predicting that the OTC Drug Review would not result in drastic curtailment in the availability of OTC products.

The quoted remarks of former Secretary Weinberger and former Commissioner Schmidt related to all OTC drug products, and did not imply a general rule in favor preserving as many products in each category as possible even if there were insufficient data to support the safety and effectiveness of the ingredients reviewed.

10. One comment expressed opposition to both prescription and nonprescription (OTC) nighttime sleep-aids and daytime sedatives on the grounds that they either create dependency or are ineffective. The comment urged that much stricter controls be imposed on all drugs of this type.

The Commissioner believes that the comment reflects misunderstanding of the very different and much milder physiological action of antihistamines, which are the active ingredients in OTC nighttime sleep-aids and daytime sedatives, compared to the more potent active ingredients used in prescription drugs of this type. These prescription drugs, because of their abuse liability, are subject to strict controls under the Controlled Substances Act (21 U.S.C. 801 et seq.). Antihistamines which are not regulated under that act, have generally been regarded as having low abuse potential and no ability to create dependency. The Commissioner concluded that while the effectiveness of antihistamines in existing sleep-aid and sedative products may well be questioned, as has been the case in this rule making proceeding, adequate clinical evaluation following the Category III testing guidelines should resolve such questions in the future.

The Commissioner advises that he will continually review any evidence of misuse or abuse. If information becomes available to suggest that further action is necessary to protect the public health, such action will be initiated.

The Panel has recommended and the Commissioner concurs that nighttime sleep-aids and stimulants be limited to not more than 14 days continuous use because symptoms requiring use for longer periods may indicate serious underlying disease. In such a case, the patient should consult a physician.

The Panel also recommended that the quantity of drug available in an OTC nighttime sleep-aid product container be limited to prevent abuse and misuse of OTC nighttime sleep-aids, as well as accidental ingestion of a lethal dose. The Commissioner has no authority to limit package size, but urges industry to comply voluntarily with the panel's recommendation as discussed in the report below.

The Commissioner has concluded in comment 68 below, based on the lack of a suitable target population and adequate studies proving safety and effectiveness, that daytime sedatives shall be Category II for safety and effectiveness. Therefore, the comment, as it relates to daytime sedatives, is moot.

11. Two comments objected to the Panel's recommendations that daytime sedative and nighttime sleep-aid packaging be designed to protect small children and that the quantity of the drug in the container be limited to prevent accidental ingestion of a lethal dose. The comment criticized the Panel for exceeding its mandate, since the Consumer Product Safety Commission, not FDA, is the agency charged by Congress with setting standards for safety packaging.

The Panel's suggestion is both logical and appropriate. Because the FDA does not regulate products under the Poison Prevention Packaging Act, the Panel's recommendations will be referred to the Consumer Product Safety Commission. Since the Commissioner has determined that daytime sedatives shall be Category II on grounds of safety and effectiveness and for lack of a suitable target population, the comment is moot as to those agents.

12. One comment expressed opposition to the Panel's statement at 40 FR 57317 on talc because it failed to distinguish adequately between high purity talc, used in cosmetics and pharmaceuticals, and mixed general dusts, generally referred to as "talc" and used in industrial situations. The comment maintains that talc can be an important, if not essential, pharmaceutical aid in the manufacturing of particular dosage forms. The proposed

monograph permits the use of talc that does not contain asbestos, but the comment argues that the use of the term "talc containing asbestos" was an inappropriate term chosen by the Panel. Further, the comment charges that although the Panel conclusion was logical, the prelude to that conclusion does not properly represent published scientific data.

The Commissioner has reviewed the available data and concludes that the comment has raised a valid point in its reference to the term "talc containing asbestos." Contamination of talc by asbestos has in the past occurred, and the Panel cited several references on that point. Currently, however, FDA and a trade association are cooperating in the development of more sensitive techniques to detect any potential asbestos contamination. The Commissioner concurs with this effort and recognizes that talc that has no detectable asbestos contaminants is available for cosmetic and pharmaceutical uses.

The Commissioner disagrees with the charge that the Panel did not properly represent published scientific literature. The Panel may not have been sufficiently careful to distinguish between "cosmetic grade talc" and talc containing asbestos contaminants. That imprecision does not detract from the Panel's major concern, which was that no asbestos contamination be present in any of the products under consideration. High purity, or platy talc, however, is the only grade presently used by responsible firms in the manufacture of drugs, and improving methods of detecting asbestos fibers in talc will make it more feasible to guarantee that no asbestos contamination will occur.

Since talc is an inactive ingredient, it will not be categorized as I, II, or III, but talc in pharmaceutical preparations will be governed by the Commissioner's proposed regulation governing inactive ingredients published in the FEDERAL REGISTER of April 12, 1977 (42 FR 19156). This proposal would prohibit the use in pharmaceutical preparations of talc or any other inactive ingredient that is not listed in an official compendium as a pharmaceutical aid, or is not safe in the amount administered. Of course, asbestos contamination would render the talc unsafe and would be prohibited by the regulation.

13. A comment objected to the following statement in the Panel's conclusions at 40 FR 57297:

The Panel concludes that approval of an active ingredient or combination of active ingredients for a particular indication should not be interpreted as unique to the active ingredient or to the combination. Labeling, package insert, or advertising shall not refer to such approval either directly or by inference as a unique or exclusive endorsement of such an ingredient or combination of ingredients.

The comment argues that, "because of the unnecessary concern, the Panel has attempted to impose an improper prior restraint on the First Amendment rights of the OTC manufacturer."

The panel's conclusion was that claims implying an exclusive endorsement by FDA of ingredients or combinations would be misleading and would, therefore, fall within the definition of misbranding under section 502(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(a)). The prohibition against introducing misbranded drugs into interstate commerce has been upheld as constitutional for over 60 years. See *Seven Cases v. United States*, 239 U.S. 510, 36 S. Ct. 190 (1915). Prohibiting such claims does not constitute a prior restraint against First Amendment rights, since the First Amendment does not protect statements that misbrand products. Such a restriction relates not to the general utterances or printing of inaccuracies regarding the approval of drugs for specific indications, but to references that offend against the drug in such a way as to misbrand the product. See *United States v. 8 Cartons, etc.*, 103 F. Supp. 626 (W.D.N.Y., 1951); *United States v. Article of Drug*, 32 F.R.D. 32 (S.D. Illinois, N.D., 1963). There is, moreover, no prior restraint involved in the Panel's statement; a particular claim thought by FDA to be misleading for the reasons identified by the Panel would be proceeded against in a judicial action relating to the specific language used by the manufacturer.

The Panel's statement does not deny the right of manufacturers to refer to the report or monograph. It merely urges that they be truthful and state that such approval is not exclusive to their products. The Commissioner concurs with the Panel's statement.

14. A comment objected to the following general warning recommended by the Panel for OTC daytime sedatives and nighttime sleep-aids: "Do not take this product if you are presently taking a prescription or OTC drug without consulting a physician or pharmacist". The comment suggested that it be deleted in favor of specific drug interaction warnings where appropriate.

The question of whether to have general or specific drug interaction warnings was discussed in considerable length in the preamble to the proposed general conditions on OTC drugs published in the FEDERAL REGISTER on June 4, 1974 (39 FR 19880). In that document the Commissioner concluded that the proper way to handle possible drug interactions is to require that OTC drug labeling include a separate section, entitled "Drug Interaction Precautions," stating the specific or general interaction problem in-

involved with each drug, if any. The Commissioner continues to believe that a general drug interaction precaution on all OTC products will most likely be disregarded by the general public whereas a specific warning will have the intended impact. The Panel's recommendation of a general warning will therefore not be accepted; specific drug interaction warnings will instead be required where appropriate.

15. One comment urged the immediate removal of bromides from OTC drugs since those who rely on such medicines may be ignorant of the hazards posed by these products and may be placing their lives in danger with continued use.

The Commissioner agrees that ingredients that are not generally recognized as safe should be removed from the market as soon as possible. However, the Panel concluded and the Commissioner agrees that bromides are safe but ineffective at currently marketed dosage levels, and unsafe only at the higher dosage levels that would be necessary for them to be effective. Since there is no question of safety at the currently marketed dosage levels, the Commissioner can find no rationale for removal of these products before the completion of the OTC Drug Review process. However, the Commissioner notes that the manufacturer of one bromide-containing product with both nighttime sleep-aid and daytime sedative claims has reformulated the product to remove bromides.

16. A comment requested that all ingredients in OTC sleep-aid and stimulant drugs be conspicuously listed on the label of these products.

The Commissioner advises that section 502(e)(1)(A) of the act requires that the established name of each active ingredient appear on a drug product label. Certain other ingredients, whether active or not, are also required to appear on the label under this section. Although there is no authority under the law to require a declaration of inactive ingredients, this has frequently been suggested by OTC advisory panels, and inactive ingredients are sometimes included voluntarily by certain manufacturers.

The Commissioner favors the declaration of all ingredients including the inactive ones, and in the absence of authority to require the inclusion of inactive ingredients in OTC product labeling, issued the April 12, 1977 proposal setting forth the manner in which inactive ingredients must be declared if they are voluntarily included in the labeling by the manufacturer.

17. A comment stated that the Panel recommended that similar methodology be used in the evaluation of both OTC and prescription nighttime sleep-aids, as described in the Prescription Drug Hypnotic Guidelines (40 FR 57314; Dec. 8, 1975). The comment ob-

jected that these guidelines had not been furnished to the OTC drug industry and consequently cannot be commented on.

The Commissioner advises that the guidelines in question are properly indexed and have been on display with all other documents pertaining to this report in the office of the Hearing Clerk, FDA, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, since January 4, 1976, as provided in the OTC drug review regulation (21 CFR 330.10(a)(2)). These guidelines are indexed and labeled as OTC Volume 050048. Copies are available on written request to the office of the Hearing Clerk.

It should be noted that these prescription drug guidelines were merely used as an aid in drafting the Panel's own testing guidelines and were given no special status.

B. GENERAL COMMENTS ON OTC NIGHTTIME SLEEP-AIDS

18. One comment stated that the Panel seeks to make all "sleeping pills" prescription drugs, which will greatly increase their cost.

The comment is mistaken; the Panel report and proposed monograph clearly recognize the usefulness and value of OTC nighttime sleep-aids and do not propose that they all be restricted to prescription use.

19. Two comments urged that sleep-aids be available only on prescription because of their potential for misuse.

The Commissioner has reviewed the data on abuse of OTC nighttime sleep-aids, and has not found sufficient evidence of pharmacologic potential for misuse or abuse of these agents to warrant placing OTC nighttime sleep-aids on prescription or recommending that they be subject to increased controls on prescription and distribution under the Controlled Substances Act.

Although there is little or no pharmacologic potential for abuse of the ingredients in OTC nighttime sleep-aids, the Commissioner is aware that some OTC products have appeared in the Drug Enforcement Administration's Drug Abuse Warning Network Reports. One possible explanation offered is that certain OTC nighttime sleep-aids, daytime sedatives and stimulants intentionally or unintentionally bear a strong physical resemblance in capsule or tablet size, shape, or color to controlled prescription stimulants, tranquilizers, hypnotics, and sedatives that are frequently abused and sold in illegal transactions. In fact, certain OTC products have even been marketed with trade names that closely resemble those of controlled prescription drugs. These look-alike/sound-alike drugs may also represent an attempt to benefit from such resemblance by implying some type of added efficacy or strength to a product. If

such look-alikes present an opportunity for abuse, the Commissioner may consider initiating appropriate action under section 502(a) of the act.

20. A pharmacist commented that Dr. William W. Douglas in L. S. Goodman and A. Gilman (eds.), "The Pharmacological Basis of Therapeutics," 4th Ed., McMillan, New York, p. 645, states that "while antihistamines . . . are generally ineffective in recommended doses, some singularly sensitive individuals may derive benefit." The comment objects to the idea of marketing antihistamines for sleep since only those singularly sensitive individuals will benefit.

The Commissioner notes that the passage referred to in the comment reads: "The tendency of certain antihistamines . . . to produce somnolence has led to their use as hypnotics. They are by no means as powerful or effective as the barbiturates, for example, but they may have value in selected patients. Antihistamines, particularly methapyrilene, are present in various proprietary remedies for insomnia that are sold 'over the counter.' While these remedies are generally ineffective in the recommended doses, some singularly sensitive individuals may derive benefit."

The Panel concurred with the conclusion that existing OTC dosage levels were not effective and recommended that methapyrilene be placed in Category III so that appropriate safety and effectiveness studies could be carried out at the higher dosage recommended by the Panel. Data supporting the effectiveness of the ingredients need not show that they are effective in all patients, just in a significant proportion of the target population (21 CFR 330.10(a)(4)(ii)). The Commissioner has reviewed the available data and concludes that the Panel was justified in its decisions. If the further testing recommended by the Panel fails to prove the safety and effectiveness of any antihistamine for use as a nighttime sleep-aid in a suitable target population, that ingredient will be reclassified as Category II and removed from the market 6 months after publication of the final order. The point is, of course, moot for methapyrilene since it has already been reclassified as Category II for safety.

21. A comment stated that the conclusions reached by the Panel demonstrate a prejudice against the OTC nighttime sleep-aid class of drugs and that judgment on the issues of safety and effectiveness should not be clouded by philosophical considerations.

The Panel members were aware of and sensitive to philosophical considerations. However, they did not base their decisions on those concerns. In fact, the Panel Chairman, Dr. Karl Rickels, specifically pointed out in his

speech at the December 4, 1975 FDA press conference on the report that:

Although the Panel informally discussed the philosophical issues relating to drug abuse and misuse as well as chemical intervention in mood modification, we did not address these subjects in the report for two reasons. First, our mandate from FDA was based on much narrower grounds. We were asked to review the data placed before us and to determine if the active ingredients we reviewed could be generally recognized as safe and effective. Second, as constituted, our Panel simply did not have the expertise to discuss the philosophical and moral questions.

The comment offers no evidence, examples, or proof of bias on the part of the Panel. Far from being "biased" against OTC nighttime sleep-aids, the Panel stated in the preamble to the December 8, 1977 proposal at 40 FR 57296: "The Panel accepts that experiencing occasional sleep problems is a valid indication for OTC medication."

C. COMMENTS ON SCOPOLAMINE

22. A comment disagreed with the Panel's placement of scopolamine in Category II as a nighttime sleep-aid for reasons of lack of safety and efficacy and urged its placement in Category III. The comment points out that the Panel has held that it had insufficient data on the efficacy or safety of scopolamine at dosages currently employed but, at the same time, it had not adduced any evidence to show that it would not be effective or that it would produce untoward effects at those levels. This is particularly true in regard to the use of scopolamine in combinations with other ingredients for hypnotic purposes. There is already good documentation for the effectiveness of such combinations, according to the comment, although the comment acknowledged that factorial studies have not been performed to evaluate the contribution of individual constituents. The comment states that such a situation argues compellingly for placement of scopolamine in Category III in combination sleep-aid products so that its potential benefits and risks as a component of OTC nighttime sleep-aids can be properly investigated.

The Commissioner concurs with the Panel's conclusion that scopolamine is presently marketed at ineffective dosage levels. The Panel advised that there are documented safety problems at what they perceived as the effective dosage level. The comment offers no new data to support effectiveness at the lower dosage level. In addition the comment points to no conclusive factual or theoretical evidence that scopolamine is effective at lower dosage levels in combination with other ingredients. The Commissioner concludes that should such evidence be produced, perhaps scopolamine might be

generally recognized as safe and effective in that combination. If at some future time evidence is developed of effectiveness of scopolamine at lower levels in combination with antihistamines, a petition to amend the monograph can be filed.

D. COMMENTS ON DIPHENHYDRAMINE

23. A comment stated that sufficient data and information were submitted to the Panel to warrant the placing of diphenhydramine at a level of 50 mg in Category I as an OTC nighttime sleep-aid.

The comment offered no new or additional information. The Commissioner concludes that additional data are necessary to support the classification of diphenhydramine as a Category I OTC nighttime sleep-aid. The Commissioner also concludes that two well-controlled clinical studies following the principles established in §314.111(a)(5)(ii) are necessary to demonstrate the safety and effectiveness of diphenhydramine as an OTC nighttime sleep-aid. Both the 50-mg and 100-mg dosage levels should be studied with a careful comparison of side effects at both dosage levels.

24. One comment state that the reference material cited for diphenhydramine hydrochloride shows that 188 subjects were tested in 3 EEG studies, which demonstrated effectiveness at a 50-mg dose, and that, consequently, further EEG studies should not be required to place diphenhydramine hydrochloride in Category I as a nighttime sleep-aid.

The Commissioner agrees that, in view of the extensive EEG testing already done, additional EEG studies will not be required to demonstrate the effectiveness of diphenhydramine as a nighttime sleep-aid.

E. COMMENTS ON DOXYLAMINE

25. A number of comments supported the safety of doxylamine succinate as an OTC nighttime sleep-aid and argued that it should be placed in Category I.

The Commissioner has reviewed all pertinent data available on the safety of doxylamine succinate, including that available to the Advisory Review Panel on Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Drug Products, whose recommendations and conclusions published in the *FEDERAL REGISTER* of September 9, 1976 (41 FR 38311).

The Commissioner has concluded in comment 26 below that testing is required to prove the safety and effectiveness of doxylamine succinate as an OTC nighttime sleep-aid. As part of these controlled trials, the side effects should be carefully monitored. A decision on the safety of doxylamine succinate as an OTC nighttime sleep-aid will be made after a benefit-to-risk evaluation of the controlled trials.

26. A number of comments urged that doxylamine succinate be generally recognized as effective as an OTC nighttime sleep-aid and objected to the proposed requirement of five additional studies as being excessive. Among the comments was one which pointed out that L. S. Goodman and A. Gilman (eds.), "The Pharmacological Basis of Therapeutics," 4th Ed. (McMillan, New York, p. 132 (1970)), states that doxylamine, one of the older antihistamines, has impressive hypnotic properties.

The Panel concluded in their report that doxylamine succinate in a single dosage of 25 to a maximum of 50 mg per day at bedtime may be both safe and effective as an OTC nighttime sleep-aid. A minimum of at least five additional well-controlled studies, including at least three clinical and two EEG studies, were recommended to prove both safety and effectiveness.

The Commissioner concurs with the comments that five additional studies are excessive for this drug. The Commissioner concludes that two well-controlled clinical studies following the principles established in §314.111(a)(5)(ii) and one EEG study are necessary to demonstrate the safety and effectiveness of doxylamine succinate as an OTC nighttime sleep-aid.

Testing requirements for phenyltoloxamine and pyrilamine are also modified to conform to the requirement of two well-controlled clinical studies and one EEG study to demonstrate the safety and effectiveness of these drugs as OTC Nighttime Sleep-aids.

F. COMMENTS ON METHAPYRILENE

27. Two comments objected to the placement of methapyrile hydrochloride and methapyrile fumarate in Category III with respect to safety. The comments cite the extensive marketing experience with methapyrile both as a nighttime sleep-aid and as an antihistamine and the Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products Advisory Review Panel's conclusion that methapyrile is safe at dosages of up to 50 mg every 6 hours. The comments go on to point out the safety data presented to the Advisory Review Panel on OTC Nighttime Sleep-Aid, Daytime Sedative and Stimulant Products, the Panel's own conclusion in its final report that these drugs are probably safe, and its conclusion in its earlier draft of the final report that methapyrile is in fact safe. The comments urge placement of methapyrile hydrochloride and methapyrile fumarate in Category I with respect to safety as a nighttime sleep-aid in dosages up to 50 mg.

The safety issue to which these comments are addressed is the propensity

of methapyrile or its salts to cause anticholinergic side effects or adverse reactions, not to its role as a possible carcinogen or co-carcinogen. The Commissioner has indicated in the preamble to this document that preliminary data exist which tend to implicate methapyrile as a carcinogen or co-carcinogen in rats. While the issue of carcinogenicity is being studied by the National Cancer Institute (NCI), as discussed in this document, the Commissioner has concluded that existing data justify classification of methapyrile in Category II for safety. The Commissioner concurs with the comment that the safety of methapyrile (apart from any carcinogenic potential) has been adequately demonstrated at doses up to 50 milligrams. He therefore concludes that no further safety testing would be required to monitor anticholinergic side effects or adverse reactions at doses up to or at doses of 50 milligrams. The data presented, together with the conclusions of the OTC Cough, Cold, Allergy, Bronchodilator, and Antiasthmatic Drug Products Advisory Panel, would amply justify this decision (41 FR 38312). The point is moot, however, since methapyrile is in Category II due to its possible carcinogenic potential.

28. Two comments objected to the Panel's requirement for five additional well-controlled studies each to establish the effectiveness of methapyrile hydrochloride and methapyrile fumarate at a dosage of 50 mg as OTC nighttime sleep-aids. The comments cite the abundant data already presented to the Panel as well as four additional studies using an OTC nighttime sleep-aid-analgesic combination containing methapyrile. The comments contend that the Panel's concern that dosages above 50 mg seem worth investigating is insufficient reason for failing to recognize the effectiveness of these drugs at the 50 mg level.

The Commissioner notes that the Panel's main concern with methapyrile involved effectiveness, especially the dosage level at which it would be most effective. The Commissioner feels that, in view of both the data presented and the long and extensive clinical history of its sedative side effects, methapyrile is probably effective as an OTC nighttime sleep-aid at a dosage of 50 mg. The point is moot, however, since methapyrile has been placed in Category II for reasons relating to safety.

29. One comment stated that, since the references cited indicate that methapyrile was tested by Dr. W. K. Noell in EEG studies of 100 subjects and found to be significantly better than placebo in time to "end of wakefulness" and in time to "onset of sleep", no further EEG studies should

be required to place methapyrile in Category I as a nighttime sleep-aid.

The Commissioner concluded in comment 28 above that effectiveness considerations for methapyrile are moot since it has been placed in Category II for safety due to its possible carcinogenic potential.

G. COMMENTS ON OTC NIGHTTIME SLEEP-AID COMBINATIONS

30. One comment pointed out that the regulation dealing with safety of OTC drugs (21 CFR 330.10(a)(4)(i)) provides:

Safety means a low incidence of adverse reactions or significant side effects under adequate directions for use and warnings against unsafe use as well as low potential for harm which may result from abuse under conditions of widespread availability. Proof of safety shall consist of adequate tests by methods reasonably applicable to show the drug is safe under the prescribed, recommended, or suggested conditions of use. This proof shall include results of significant human experience during marketing. General recognition of safety shall ordinarily be based upon published studies which may be corroborated by unpublished studies and other data.

The comment maintains that proof of the low incidence of adverse reactions was submitted to the Panel in accordance with the regulation, which calls for "adequate tests by methods reasonably applicable to show the drug is safe." In those tests there was no significant difference between an OTC nighttime sleep-aid/analgesic combination and the placebo control. Proof of the "low potential for harm" under conditions of "abuse" consists, according to the comment, of the marketing experience of an OTC sleep-aid/analgesic combination product showing approximately 1 complaint for every 25 million tablets sold up to July 1973 and approximately 1 complaint for every 50 million tablets sold since July 1973.

The comment points out further that, as required by the regulation, material showing the safety of the OTC nighttime sleep-aid/analgesic combination has been published. The comment contends that every condition of the regulations for establishment of general recognition of safety of this combination product has been met and that the only reasonable conclusion is that 50 mg of methapyrile individually and in any combination product as an integral drug must be considered as generally recognized as safe under the proper standard of the governing law and regulations.

As stated above in comment 27, the Commission has concluded that with respect to its propensity to cause side effects or adverse reactions, methapyrile is safe for use as an OTC nighttime sleep-aid at doses up to 50 mg.

The Commissioner has no reason to believe that this safety would be any

less when it is combined with an OTC analgesic product. These judgments concern only adverse reactions and anticholinergic side effects and not the possible carcinogenicity potential of methapyrile which has resulted in its placement in Category II. Of course, this Category II classification includes combinations containing methapyrile.

31. A comment stated that the Panel's recommendation to the Commissioner on combinations of nighttime sleep-aid ingredients is an inflexible and arbitrary prohibition on permissible combinations, is at variance with existing agency regulations for combinations of OTC drugs, and evidences a bias on the part of the Panel against OTC combination drugs. The regulations (21 CFR 330.10(a)(4)(iv)) state that:

An OTC drug may combine two or more safe and effective active ingredients and may be generally recognized as safe and effective when each active ingredient makes a contribution to the claimed effect(s); when combining of the active ingredients does not decrease the safety or effectiveness of any of the individual active ingredients; and when the combination, when used under adequate directions for use and warnings against unsafe use, provides rational concurrent therapy for a significant proportion of the target population.

The comment argues that, since two drugs from the same pharmacological category may not be the same in a functional sense, the agency's position on OTC combination drugs should be consistent, whether the active ingredients come from the same or from different pharmacological classes. The Panel has approved combinations of an antihistamine and analgesic, subject to further testing and the identification of a suitable target population. It has not permitted combinations of two ingredients from the same pharmacological class.

The comment maintains that the general spectrum of pharmacologic activity may be very similar for several members of a pharmacologic class, but the intensity of effects will frequently vary with each compound. Also, where different chemical analogues in a class are present or where pharmacologic action is similar but chemical structure is not, different mechanisms of action may exist to achieve effects not possible when one of the drugs is used alone.

According to the comment, it is well-known that one can combine antihistamines to minimize sedation and maximize or maintain antiallergic activity. If this is so, the converse should be too, that is, one can maximize specific sleep-aid potency at low dosages and minimize unwanted other "antihistamine" side effects.

The comment also argues that all of the nighttime sleep-aid products considered in this review, including the

combination products, are known and demonstrated to be extremely safe at labeled dosages. The position expressed in the comment is that the Panel's concern with possible enhancement, through the combination of single ingredients, of "toxic effects, allergic and/or idiosyncratic reactions, and possibly unrecognized and undesirable drug interaction(s)" is based on speculation alone, and not on any supporting evidence. The Panel's citation of the sulfonamides or "triple sulfas" as a justifiable exception to their ruling against combination of single class ingredients serves to undermine their argument since Lehr, in his important work, found not only that the combination of different sulfonamides achieved therapeutic potency while avoiding the problem with crystalluria, as noted by the Panel in its report, but also that such a combination actually lowered the incidence of untoward sensitivity reactions.

The comment argues that the Panel failed to provide documentation adequate to justify its failure to follow the regulations set forth for the OTC drug review on combination drugs, and that furthermore, one combination OTC nighttime sleep-aid under consideration which combines two antihistamines has an overwhelming record of safe public use. For these reasons, OTC combination nighttime sleep-aids containing two ingredients from the same pharmacologic class should be placed in Category III, and made available to the public while testing is being carried out to verify the effectiveness of the combination.

The Commissioner disagrees. The comment's justification for the inclusion of two antihistamines in a combination product is based on theoretical generalizations for which no documented evidence was submitted. The comment failed to cite any data to support the contention that the effectiveness of combinations can be maximized at low dosages while minimizing side effects.

A Category III classification for a combination of two antihistamines would require the submission of data tending to show that such a combination is safe and/or effective but which are insufficient to make a final determination. Such data have not, in fact, been submitted. Accordingly, combinations of two antihistamines must be classified in Category II.

32. A comment objected to the Panel's Category III classification of products containing methapyrilene and an analgesic that are offered for the relief of pain and to aid sleep. The Panel's decision was based on the fact that the antihistamine methapyrilene was independently classified in Category III as a nighttime sleep-aid, and on the lack of sufficient data to establish the existence of a meaningful

target population requiring concurrent therapy from both ingredients. The comment contends that adequate and well-controlled studies demonstrate that the combination is, compared with placebo, effective in inducing sleep, improving the quality of sleep, and reducing pain. Combination drugs must, according to the comment, be evaluated as entities: If they accomplish their labeled purpose, they must be deemed effective, even if there is no evidence that the combination is more effective than any of its components.

The Commissioner agrees with the Panel's analysis and rejects the comment's position. The Panel's classification of methapyrilene in Category III for effectiveness as a nighttime sleep-aid precludes placement of a combination drug containing that ingredient in Category I. Although the comment is moot as to methapyrilene, it raises an issue that is involved in testing for any antihistamine/analgesic combinations used as OTC nighttime sleep-aids.

That a combination of an antihistamine and an analgesic is more effective than placebo in inducing or improving the quality of sleep is not necessarily evidence for the effectiveness of methapyrilene as a sleep-aid, for the effectiveness observed in the studies can as readily be attributed to the pain relief afforded by the analgesic component as to the soporific effects of the antihistamine. The promotion of sleep through the relief of pain is not a therapeutic effect properly associated with a "nighttime sleep-aid"; a nighttime sleep-aid exerts its therapeutic effect through a pharmacologic action that brings about or maintains drowsiness, not through the elimination of distractions that inhibit or interrupt sleep. Accordingly, a study of a combination antihistamine and analgesic product to establish the effectiveness of the combination as a nighttime sleep-aid must be designed to test the combination against its analgesic component alone in the indicated patient population. Only if the combination were successful in such a study could it be inferred that the antihistamine as a component of the combination is an effective nighttime sleep-aid.

Such success would not, however, demonstrate that the combination itself is effective for its intended therapeutic use for it would remain to show the existence of a significant patient population that requires concurrent therapy from an antihistamine for sleeplessness that is not caused by the distraction of pain, and from the analgesic, for sleeplessness that is. The two categories of patients are not self-evidently congruent: It may be that people who suffer sleeplessness for reasons other than pain are not the same people who suffer sleeplessness as the result of pain. Only where the two categories overlap are there pa-

tients who can benefit from concurrent therapy for the two independent conditions. It is the manufacturer's burden to demonstrate that the degree of overlap is such as to represent a significant target population. To evaluate the significance of such a target population, if it exists, requires a study in which patients reporting concurrent symptoms of sleeplessness that is not perceived as resulting from pain, and sleeplessness that is so perceived are administered the combination as well as each of its components separately. If the combination is more successful than either of its components in this patient population, then the existence of the target population has been established, and its significance can then be evaluated. None of the studies submitted to the Panel conform to this design. Therefore, they do not demonstrate the effectiveness of the combination in accordance with the combination drug effectiveness criteria of 21 CFR 330.10(a)(4)(iv) of the regulations. To meet these criteria, the factorial design testing recommended by the Panel and adopted by the Commissioner must be conducted.

The comment contends that the existence of the target population has already been demonstrated from market survey information indicating that significant numbers of people report "trouble sleeping due to pain." This misses the point: If the patient can in fact determine that his/her sleep problems are due to pain, he will take an analgesic to relieve the pain, and thus promote his sleep. It is contrary to sound medical practice for such a patient to treat himself with a product that also contains a nighttime sleep-aid, which, by hypothesis, he does not need.

The comment also argues that patients are capable of determining whether they require both a nighttime sleep-aid and an analgesic, pointing to the Panel's statements that patients, through experience, are able to judge the dosage of analgesic that meets their needs. It does not follow, however, that a patient able to estimate how much of an analgesic he/she needs to relieve pain is also capable of diagnosing sleeplessness that is due simultaneously to both pain and an unrelated sleep problem for which a sleep-aid is effective therapy. Moreover, even if patients could correctly diagnose such a condition it remains to be shown that such a condition actually exists. Only the factorial design studies recommended by the Panel can demonstrate whether it does and whether the combination can treat it effectively.

33. A comment argued that it is incompatible with the new drug provisions of the act for the Commissioner to require a combination drug product to be shown to be effective by com-

parison with each of its components. According to the comment, if the combination achieves its labeled therapeutic effect, it must be found "effective" within the meaning of the act regardless of whether the combination is no more effective than any of its components taken singly or whether a specific component is found not to be generally recognized as safe and effective. The product discussed in the comment is the combination of methapyrilene and an analgesic described in comment 32.

The Commissioner disagrees. The OTC Drug Review is a rule making proceeding pursuant to section 701(a) of the act. In such a proceeding, the Commissioner is not confined to making product-by-product determinations in accordance with section 505 of the act, but may apply the new drug definition by therapeutic class to ingredients found in more than one product. "Weinberger v. Hynson, Westcott and Dunning, Inc.," 412 U.S. 609, (1973); "Weinberger v. Bentex Pharmaceuticals, Inc.," 412 U.S. 645, 650 (1973); "USV Pharmaceutical Corp. v. Weinberger," 912 U.S. 655, 664-67, (1973).

The sections of the act cited in the comment deal with the definition of "new drug" and the requirements for a new drug application (NDA). These provisions do not directly bear upon the program for the classification by drug monograph of OTC drugs as generally recognized as safe and effective, although the option for a manufacturer to submit an NDA pursuant to the new drug provisions of the act is always open.

The OTC Drug Review regulation for combination drugs (21 CFR 330.10(a)(4)(iv)) provides that an OTC drug may combine two or more safe and effective active ingredients when each active ingredient makes a contribution to the claimed effect or effects and when the combination of active ingredients does not decrease the safety or effectiveness of any of the individual active ingredients. These requirements necessarily include a prior determination of the safety and effectiveness of each active ingredient for the claimed indication for use. If an ingredient has been determined to be in Category III for the sleep-aid indication, it must follow that a combination product containing that ingredient is a Category III sleep-aid.

Evidence that a particular combination product is effective as an entity does not demonstrate that both components of the combination make a statistically significant contribution to effectiveness. The studies submitted to the Panel did not compare the marketed product with the individual ingredients in the formulation, and thus, did not substantiate the effectiveness of

the antihistamine component as a nighttime sleep-aid. Since the Panel did not have sufficient independent evidence respecting the effectiveness of the antihistamine component as a sleep-aid to classify it other than in Category III, it could not properly conclude that the product should be classified in Category I as generally recognized as safe and effective as a fixed combination.

If substantial evidence exists that a product containing a combination of ingredients is generally recognized as effective as a fixed combination, then there should also be evidence that each ingredient in that product is individually generally recognized as effective. No such evidence was submitted with respect to any analgesic/nighttime sleep-aid combination. Conversely, if it is determined that an ingredient is not generally recognized as effective for a particular indication, there can be no basis for concluding that a fixed combination product containing that ingredient is generally so recognized.

The contrary position taken in the comment not only repudiates the agency's combination drug policy, which has been applied for nearly a decade without serious legal challenge, but is also medically irrational. Pursued to its logical conclusion, the comment's reasoning would require the agency to approve as an effective nighttime sleep-aid a combination that contains not only agents that induce sleep and that promote sleep by relieving pain, but also antibiotics and any other ingredients unrelated to the induction or promotion of sleep, simply because they do not detract from the effectiveness of the sleep-aid ingredient itself in bringing about a state of drowsiness. The comment's position is erroneous both medically and legally.

34. A comment criticized the Panel's conclusion that studies on an analgesic/nighttime sleep-aid were invalid because they were not blind in the true sense. The Panel noted that the investigators received a list of test subjects indicating by the use of the letters A and B who received the placebo. The comment points out that these lists were in a sealed envelope marked "to be opened only at the conclusion of the study or in the event of an emergency." The comment therefore states that the judgments made by the Panel with respect to these tests were in error.

This fact was not made clear in the original data submitted to the Panel for review and has now been taken into account in the Commissioner's evaluation of the safety and effectiveness of analgesic/nighttime sleep-aid combination drugs.

35. A comment contended that seven studies presented to the Panel on a combination OTC nighttime sleep-aid/analgesic containing methapyrilene

showed positive sleep induction activity. Since three of these studies involved patients with no pain, and since methapyrilene was the only sedative ingredient in the combination, the comment maintains that the sleep induction activity must be attributed to it. The comment points out further that these seven studies are discussed by the Panel in the December 8, 1975 proposal at 40 FR 57316 stating in part that "The manufacturer produced seven well-designed, well-controlled studies in support of his claim All seven studies were generally well done, They indicate clearly that the combination is more effective than placebo in inducing sleep, creating a better quality of sleep, and reducing pain."

The comment contends that in opposing the conclusion reached in these seven studies, the Panel makes several arguments which are not germane to a proper decision. The comment argues that the Panel either directly or by implication makes judgments about the relative effectiveness of the individual ingredients and rejects valid results, and insists on a factorial design study which is not well-suited to the demonstration of sleep-aid effectiveness.

The Commissioner disagrees. The Panel did not reject the conclusions of the studies in question but merely found them to be irrelevant because it was impossible to attribute the results to only one of the active ingredients. Testing a combination drug against its individual ingredients is the only way to make sure that an observed effect is due to one rather than all of the ingredients. Therefore, the Panel quite properly required a factorial design study so that the relative contribution, if any, of each of the active ingredients could be determined. While combinations containing methapyrilene are classified in Category II, the factorial design study suggested by the Panel will be retained in the testing guidelines for other combinations of analgesics and Category I or Category III antihistamines. (See part II, paragraph D, below—Data Required for OTC Nighttime Sleep-aid Ingredient Evaluation.)

36. One comment stated that the Panel's true reason for failure to give recognition of safety to OTC nighttime sleep-aid/analgesic combinations was grounded in bias against combination products. The comment contends that preference for single ingredient products because of "possible unrecognized and undesirable drug interaction(s)" is not a viable basis for denying general recognition of safety and effectiveness. Mere speculation based upon an abstract, theoretical generalization that perhaps some drugs might be rendered unsafe by the addition of further ingredients cannot

prevail against the concrete demonstration by adequate studies submitted to the Panel that a combination OTC nighttime sleep-aid/analgesic product specifically, under its recommended conditions of use, is in fact safe. Neither, then, according to the comment, is methapyrilene itself unsafe as it appears and is used in the combination product.

The comment is correct that theoretical considerations cannot be accepted in place of actual data. The Category III status of analgesic-nighttime sleep-aid combinations is not based upon a question of safety but upon whether there is a significant target population which requires analgesia and sleep induction concurrently. (See comment 32 above.)

37. A comment objected to the Panel's statement that "whether the combination of an analgesic and a nighttime sleep-aid enhances the effectiveness of either type of agent cannot be answered from the data reviewed." The comment states that there is no requirement that one ingredient in a combination enhance the activity of another. It is only required that there not be diminution of safety and effectiveness due to inclusion of another active ingredient.

The comment takes out of context and misinterprets the Panel's statement, which was part of an extensive discussion of the effectiveness of an analgesic/nighttime sleep-aid combination for a target population of individuals suffering from both pain and inability to sleep (40 FR 57316). The Panel, in an attempt to assist studies in this area, suggested that it might be possible that either the sleep-aid ingredient or the analgesic ingredient had an enhancing effect on the other ingredient. The Panel did not require a sparing or enhancing effect for the combination to exist, but merely suggested that such an effect would be beneficial if it could be proved.

38. One comment stated that, while much has been written about the interaction of marketed drug products, in every instance these reactions are related to the pharmacologic spectrum of the drug. At the present time, insofar as can be anticipated, the risk of interaction of antihistamines with other substances in our environment has been anticipated by the Panel in its requirements for labeling stating that an OTC nighttime sleep-aid product should not be used with other medications. The comment argues that, although it is possible that interactions presently unknown between antihistamines and some other drug may be identified at some future date, such theoretical possibility cannot stand as sufficient justification to proscribe the use of antihistamines either alone or in combination with analgesic ingredients.

The comment is valid and emphasizes the need for the Panel to justify every position taken. Based upon currently available information, the Commissioner concludes that the combination of an OTC nighttime sleep-aid with an analgesic presents no special or unique safety problems from the standpoint of drug interactions. (See comment 36 above.)

39. One comment was accompanied by four additional clinical studies not previously published or reviewed by the Panel. These studies used an analgesic/nighttime sleep-aid combination product consisting of aspirin, acetaminophen and methapyrilene fumarate. The comment contends that, based on these studies as well as the other available data, methapyrilene fumarate 50 mg and an analgesic/sleep-aid combination drug containing methapyrilene should be generally recognized as safe and effective for decreasing sleep latency and in providing better quality sleep, especially in the case of the analgesic/sleep-aid combination product for sleep disrupted by pain. The comment requests that both methapyrilene fumarate 50 mg and the analgesic/methapyrilene combination be placed in Category I as OTC nighttime sleep-aids since all conditions of the applicable regulations (21 CFR 330.10(a)(4)(iv)) have been met. In addition, the comment objects to any further requirements to identify the target population of OTC analgesic/nighttime sleep-aid combinations as a waste of time, money, and research facilities.

The Commissioner finds that the above clinical studies do provide additional data, but still leave unanswered the basic questions of whether there is a significant target population for OTC analgesic/sleep-aid combinations and whether each ingredient in the product contributes significantly to its effects. The difficulty with these additional studies is that the final formulation product was not tested against the individual ingredients. Since the product was tested as a combination the new studies do not help answer the question as to relative effectiveness of the individual ingredients. Each ingredient must be tested alone, and in combination and evaluated against a placebo. The Commissioner notes that such combinations were also reviewed by the Advisory Review Panel on OTC Internal Analgesic and Antirheumatic Drug Products, whose recommendations and conclusions were published in the FEDERAL REGISTER of July 8, 1977 (42 FR 35346). That Panel concurred with the Advisory Review Panel on OTC Nighttime Sleep-aid, Daytime Sedative, and Stimulant Drug Products.

The Commissioner also concludes that a suitable target population must be demonstrated, that is, people suf-

fering from concurrent pain and sleeplessness due to factors other than pain.

The Commissioner concurs with the Panel's finding that double-blind controlled factorial design testing as set forth in the testing guidelines is needed for combinations of this type. (See part II, paragraph D, below—Data Required for OTC Nighttime Sleep-aid Ingredient Evaluation.) Of course the specific combination mentioned by the comment, aspirin, acetaminophen and methapyrilene fumarate, has been placed in Category II due to the possible carcinogenic potential of methapyrilene. Consequently, the issue of what testing is appropriate in this case is moot.

40. One comment objected to the Panel's statement that "the Panel has insufficient information to identify a meaningful target population for OTC analgesic/nighttime sleep-aid combination products." The comment contends that the population has been established as "individuals who suffer from the minor painful conditions stated in the labeling together with resultant sleep impairment." The comment further contends that the target population for an OTC analgesic/sleep-aid combination has been identified (1) by unassailable logic, (2) by the conditions of use set forth in the labeling, (3) by recognition by the Panel itself in the statement at 40 FR 57316 that the "combination is recommended for nighttime use in patients suffering from a combination of pain and insomnia or from 'insomnia expectation,'" (4) by medical studies submitted to the Panel and referenced in their report as Refs. 2, 3, 4, and 5 at 40 FR 57317, and (5) by market studies showing that significant numbers of people report "trouble sleeping due to pain."

The Commissioner has reviewed the items noted in the comment and is unable to reach the same conclusion. Merely discussing a target population does not make that population exist. Nor does labeling that identifies the intended conditions of use guarantee the existence of a significant target population. The medical studies submitted to the Panel were rejected by it as inadequate, and the Commissioner concurs with the finding; the target population must be demonstrated by the factorial design recommended by the Panel.

The Commissioner concurs with the Panel's concern as to whether a significant population exists which suffers both from pain and sleeplessness that cannot be alleviated by an analgesic alone. As previously noted above in comment 39, the Commissioner advises that such combinations have been reviewed by the Advisory Review Panel on OTC Internal Analgesic and Antirheumatic Drug Products, as published

on July 8, 1977, and that that Panel concurred with the findings of the Advisory Review Panel on OTC Nighttime Sleep-Aid, Daytime Sedative, and Stimulant Drug Products.

H. COMMENTS ON OTC NIGHTTIME SLEEP-AIDS LABELING AND WARNINGS

41. A comment contended that the Panel made no findings of fact which would support any recommended change in labeling, that in every instance the Panel's recommended changes are based upon opinion and speculation but have no other foundation, and that there is, therefore, a lack of any evidentiary base to support the Panel's recommendation with regard to the labeling of OTC nighttime sleep-aids. In addition, the comment states that the Panel's recommendations are made in the face of extensive industry experience in the marketing of OTC sleep-aids with existing directions and warnings.

The Panel's recommendations are well-documented, referenced, and supported. The Commissioner therefore rejects the comment as unfounded.

42. Comments objected to use of the term "nighttime sleep-aids," since use of the word "nighttime" might confuse persons wishing to use these products in order to sleep during the daytime.

The Commissioner thinks it is unlikely that those who sleep in the daytime will be confused by the terminology. The purpose of specifying "nighttime sleep-aid" is to make it clear that the product will make one drowsy, not just relaxed, and to minimize the possibility of persons taking the product for purposes other than that indicated.

43. Comments both supported and objected to the proposed limitation of indications and labeling claims for OTC nighttime sleep-aids to the terms "helps fall asleep" and "for relief of occasional sleeplessness." In those comments objecting to this restriction, the charge was made that the proposal is unduly restrictive, unlawful, and unconstitutional in that it prevents manufacturers from using truthful alternative wording.

The Commissioner believes that labeling terminology relating to indications for use is inseparable from the scientific and medical determinations made by the Panel and by FDA concerning the conditions under which a drug ingredient is safe and effective. If a manufacturer varies the terminology approved in the monograph, it is representing its product as safe and effective for a condition for which the product's ingredients have not been found to be safe and effective, or else it is assuming that the variant terminology means the same thing as the terminology approved in the monograph. To permit this practice would defeat

the purpose of the OTC Drug Review. The Commissioner believes that the listed indications provide a concise description of those therapeutic effects that scientists recognize OTC nighttime sleep-aids to have, in language that is clear, accurate, and meaningful to the layman. If alternative wording or synonyms are desired, the agency may be petitioned for their inclusion in the monograph.

The Commissioner rejects the contention that limiting permissible labeling claims to those approved in the monograph is unlawful and unconstitutional because it prohibits use of truthful alternative wording. The purpose of the OTC Drug Review is to determine which claims are truthful and which are not, and ample opportunity is provided to settle the question through the OTC Drug Review and monograph amendment procedures.

44. A comment suggested that the claim "Helps you relax so you can fall asleep" should be placed in Category I for nighttime sleep-aids because it merely describes one of the requirements of a Category I ingredient.

The Commissioner finds that the term "relax" has definite tranquilizing or calmative connotations that do not properly relate to the OTC use of nighttime sleep-aids. Also, the use of such a term could result in confusion as to whether the product is a daytime sedative or a nighttime sleep-aid. The Commissioner, therefore, proposes to place this claim in Category II for nighttime sleep-aids.

45. A comment suggested that the claim "Reduced time to fall asleep" should be placed in Category I for nighttime sleep-aids because it simply describes one of the requirements of a Category I ingredient.

The Commissioner concludes that the claim for "Reduced time to fall asleep" is not fully synonymous with the requirements for Category I nighttime sleep-aid ingredients. The use of a nighttime sleep-aid should indeed "reduce" the time required for a person to get to sleep by providing the means for such sleep in the case of an individual who might otherwise remain awake. On the other hand, the unqualified claim "Reduced time to fall asleep" can easily be interpreted to support use of the drug by an individual who simply wishes to get to sleep faster than he normally would, but who might not be having any real sleep disturbance. While such use of nighttime sleep-aids may be appropriate, the Commissioner supports the Panel conclusion that it must be proven by further study. The claim therefore remains in Category III.

46. Several comments objected to the recommended warnings for OTC nighttime sleep-aids as too verbose and recommended that only those warnings that are absolutely necessary

to make the product generally recognized as safe and effective and not misbranded be used. The comments observed that consumers do not read long-winded warning statements. One comment quotes FDA's statement published in the FEDERAL REGISTER of March 13, 1975 (40 FR 11717):

It is also recognized that if labeling contains too many required statements, especially general statements of common sense, the impact of all warning statements on the label will be reduced. In addition, there is a space limitation on the number of statements that can appear on labeling.

The Commissioner agrees that the comment raises a reasonable point. The Commissioner has reviewed the recommended warnings and finds that in several cases they are too complex and lengthy for clear and easy understanding by the target population to whom they are directed. Accordingly, the Commissioner has revised several of the Panel's recommended warnings in the interests of conciseness, legibility, and clarity.

47. One comment stated that the proposed warning in § 338.50(c)(1): "For adults only. Do not give to children under 12 years of age" is redundant since both sentences are essentially the same. The comment, while agreeing with the basic warning, suggests that the second sentence be made optional.

The Commissioner agrees that the warning is redundant. However, the Commissioner concludes that the second sentence ("Do not give to children under 12 years of age") should be required since it defines the age group for which the drug is appropriate. The first sentence ("For adults only") should be deleted from the warning.

48. A comment objected to the proposed warning in § 338.50(c)(2): "Do not take this product if pregnant or if nursing a baby." The comment points out that the Panel did not cite any evidence that warrants this warning.

The Commissioner agrees with the Panel's concern that it is best that no drug be used during pregnancy, or while nursing, without the advice of a physician. However, in the absence of any data or information suggesting that this potential safety hazard exists from these drugs, the Commissioner concurs that the warning should not be required.

49. A comment suggested that the word "condition" in the first sentence of the proposed warning in § 338.50(c)(4) be changed to "sleeplessness" for the sake of clarity.

The Commissioner concurs with the comment. Since this wording clarifies the warning, the first sentence of the warning will be revised to read "If sleeplessness persists continuously for more than 2 weeks, consult your physician."

50. A comment recommended deletion of the second sentence of the pro-

posed warning in § 338.50(c)(4): "Insomnia may be a symptom of serious underlying medical illness" as being unnecessary, suggestive and possibly alarming to consumers.

The Commissioner finds that the intent of the warning in question is to inform consumers of the limitations on the usefulness of OTC nighttime sleep-aid drugs. This class of drugs is

antihistamines are ingested with alcohol. The Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator, and Antihistaminic Drug Products (September 9, 1976, 41 FR 38311) recommended an antihistamine-alcohol drug interaction warning. The Commissioner is also aware that such a warning is included in the labeling of prescription antihistamine drugs. The

supported by any evidence. While the comment admits that general insomnia in children is not amenable to OTC treatment, it maintains that sleeplessness due to pain is properly treatable in children by an OTC analgesic-nighttime sleep-aid combination product.

The Commissioner disagrees with the comment that an OTC analgesic-

laboratory studies be accomplished before nighttime sleep-aid ingredients can attain Category I status. The comments point out that there is considerable disagreement among experts in the field regarding the meaning and value, if any, of the EEG and polygraphic data obtained from sleep laboratory studies and that the statements and views of several noted experts contradict the Panel's position. One com-

prived. Despite considerable research we are not positive that REM sleep has any function, although any state with this degree of organization must have some physiological purpose.

Dr. Morgan—... Methods for evaluating hypnotics have changed little in 20 years. Newer objective techniques such as the use of the electroencephalogram have increased our knowledge of sleep but have not improved the evaluation of hypnotic efficacy.

Finally, the comments object to the

their belief that antihistamines are basically safe as OTC nighttime sleep-aids, and that their safety is not in question at the dosage recommended by the Panel. The comment also asks that the requirement for preclinical animal testing be deleted in view of the extensive safety data on antihistamines that have been submitted to the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator, and

posed warning in § 338.50(c)(4): "Insomnia may be a symptom of serious underlying medical illness" as being unnecessary, suggestive and possibly alarming to consumers.

The Commissioner finds that the intent of the warning in question is to inform consumers of the limitations on the usefulness of OTC nighttime sleep-aid drugs. This class of drugs is intended for short-term symptomatic relief in basically healthy individuals. Chronic sleeplessness is a sign of a serious underlying physical, emotional or psychological malady requiring professional medical attention. It is not the purpose of OTC drugs to deal with such medical problems. The Commissioner believes it is in the consumer's best interest to provide full disclosure to the public of all understandable and meaningful information relating to OTC drug usage. This warning is both clear and accurate, and will be retained.

51. A comment objected to the proposed warning for OTC nighttime sleep-aids: "If condition persists continuously for more than two weeks consult your physician. Insomnia may be a symptom of a serious underlying medical illness". The comment suggested instead the following warning: "Do not give to children under 6 or use for more than 10 days unless directed by physician". The comment maintains that this caution is sufficient since neither methapyrilene alone nor analgesic/nighttime sleep-aid combinations containing methapyrilene are subject to abuse in the manner assumed by the Panel, and there have been no findings of such abuse.

The Commissioner finds that abuse is not the issue dealt with by the warning in question. The Commissioner is concerned with misuse or overuse because of failure to understand the limits of OTC drugs. OTC drugs are for minor, self-limiting symptoms which can be self-diagnosed. The warning is designed to assist the user in determining when the limits of self-treatment have been reached. The Commissioner agrees with the Panel's warning.

52. One comment objected to the proposed warning for nighttime sleep-aids in § 338.50(c)(5): "Take this product with caution if alcohol is being consumed" on the basis that this is essentially a drug interaction warning. The comment claimed that there is no documentation of a potentially hazardous alcohol-drug interaction with any of the ingredients in this class of OTC drugs in the amounts used.

While the Commissioner is unaware of any documentation of any past adverse problems with the use of antihistamines as OTC nighttime sleep-aids in connection with alcohol, he is aware of the additive depressant effect when

antihistamines are ingested with alcohol. The Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products (September 9, 1976, 41 FR 38311) recommended an antihistamine-alcohol drug interaction warning. The Commissioner is also aware that such a warning is included in the labeling of prescription antihistamine drugs. The Advisory Review Panel on OTC Nighttime Sleep-aid, Daytime Sedative, and Stimulant Drug Products had documentation at 40 FR 57308 of an alcohol-antihistamine interaction in which deepened and prolonged sleep was reported. The Commissioner concludes that the alcohol warning should be retained in the OTC labeling of antihistamine drugs marketed as nighttime sleep-aids.

53. A comment objected to the proposed warning "Caution: This product contains an antihistamine drug" for OTC nighttime sleep-aids since this suggests that every known active ingredient in OTC drugs should be similarly listed. The comment maintains that there is no rationale for this caution and that it is consequently unjustified.

The Commissioner agrees that the Panel did not fully articulate the basis for its recommended warning. In fact, the Commissioner is unaware of any safety data to support the need for this warning at this time. Should an individual ingest a nighttime sleep-aid containing an antihistamine and a cold or allergy product containing an antihistamine, he would at most double the OTC dosage on a one-time-only basis. This has not been shown to be toxic or to have side effects serious enough to warrant such labeling. Based on extensive antihistamine data in the report of the Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products Advisory Panel (September 9, 1976, 41 FR 38311) and the fact that OTC nighttime sleep-aids are for occasional use, the Commissioner concludes that the warning should be deleted.

The Commissioner also believes that as written the warning has no meaning to the consumer since it does not provide him with a clear choice of alternative actions.

54. A comment requested the omission of the proposed warning for OTC analgesic-nighttime sleep-aid combinations containing methapyrilene: "For adults only. Do not give to children under 12 years of age". The comment maintains that the Panel's statement that many children have an opposite reaction to drugs compared to that of adults is based on data with regard to diphenhydramine used in infants. The comment maintains that extension of this concern to methapyrilene and to the 6 to 12 year old age group is un-

supported by any evidence. While the comment admits that general insomnia in children is not amenable to OTC treatment, it maintains that sleeplessness due to pain is properly treatable in children by an OTC analgesic-nighttime sleep-aid combination product.

The Commissioner disagrees with the comment that an OTC analgesic-nighttime sleep-aid combination would be useful in treating children with sleeplessness due to pain. As noted in comment 32 above, the purpose of such a combination is to treat pain and sleeplessness unrelated to the pain. The Commissioner concludes that insomnia in children should not be treated with OTC drugs. Insomnia does not routinely occur in children, except when it is associated with emotional or behavioral disorders. These conditions should be treated by a physician, and the availability of OTC medication might permit the parents to delay seeking professional help. For these reasons the Commissioner agrees with the Panel that all nighttime sleep-aids either alone or in combination should not be used in children under 12 years of age. As discussed in comment 47 above, the Commissioner has found that the second sentence of the adults only warning proposed by the Panel, "Do not give to children under 12 years of age" should be required. The first sentence "For adults only" should be deleted.

55. A consumer commented that OTC nighttime sleep-aids should bear a warning that these drugs should not be used by persons with glaucoma and that this warning should be in large letters so that it can be readily seen by persons with glaucoma.

The Commissioner notes that the Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products Review Panel recommended (September 9, 1976, 40 FR 38311) the inclusion of this and some additional warnings for antihistamine drugs. In view of the expertise of that Panel with respect to the side effects of antihistamines, and after reviewing the basis for that Panel's recommendations, the Commissioner proposes to require the following warning for all OTC nighttime sleep-aids containing antihistamines: "Do not take this product if you have asthma, glaucoma or enlargement of the prostate gland except under the advice and supervision of a physician".

In view of the fact that this warning is of great importance to persons with glaucoma, who might have difficulty reading it, the Commissioner further requires that this warning be in type at least twice as large as that of all other warnings on the package.

I. COMMENTS ON OTC NIGHTTIME SLEEP-AIDS TESTING GUIDELINES

56. Several comments objected to the proposed requirement that sleep

laboratory studies be accomplished before nighttime sleep-aid ingredients can attain Category I status. The comments point out that there is considerable disagreement among experts in the field regarding the meaning and value, if any, of the EEG and polygraphic data obtained from sleep laboratory studies and that the statements and views of several noted experts contradict the Panel's position. One comment quotes Drs. Anthony and Joyce Kales as stating:

Although considerable information has been amassed in sleep research regarding the physiological characteristics of sleep stages, we have repeatedly stated that we do not know the importance of any sleep stage. For example, the role of R.E.M. deprivation does not result in adverse physiological changes. Similarly, the importance of increasing or decreasing stage-4 sleep with hypnotic drugs is also not established. (Kales, A., J. D. Kales, "Shortcomings in the Evaluation and Promotion of Hypnotic Drugs," *New England Journal of Medicine*, 293:826-827, 1975.)

Dr. G. W. Vogel is quoted as stating:

It is concluded that the evidence does not support the hypothesis that R.E.M. deprivation is harmful, and does not support the hypothesis that schizophrenia is an eruption of the dream or R.E.M. state into wakefulness. (Vogel, G. W., R.E.M. Deprivation, III, "Dreaming and Psychoses," *Archives General Psychiatry*, 18:312-329, 1968.)

The comment then goes on to quote various sleep laboratory study experts who participated in a symposium on hypnotics in 1974 as making the following statements about sleep laboratory studies [as reported in Kagan, F., T. Harwood, K. Rickels, A. D. Rudjick, and H. Sorer, "Hypnotics, Methods of Development and Evaluation," Spectrum Publication, New York, 1975.]:

Dr. Hauri—... During the past 20 years the EEG-defined sleep stages and the R.E.M.-NREM dichotomy have been the main focus of sleep research. This was based on the assumption that something as regular, predictive, and observed among all mammals as these sleep stages must have some basically meaningful place in the general scheme of sleep. However, we have not yet found the meaning. (page 24).... Therefore to me, the ultimate test of a hypnotic is not the type of sleep, but the type of wakefulness it produces. (page 25).

Dr. Greeman—... What is the physiological or clinical meaning of these polygraphic sleep findings? We are unable to attribute any meaning to acute REM suppression. When this effect was first described some scientists felt that the mechanism of action of sleeping pills had been discovered; hypnotics cause less REM sleep, so the sleeper, upon awakening, has had less dramatic mental activity during sleep and feels that he has "slept like a log". Others looked upon REM sleep suppression as an undesirable side effect. The early, uncontrolled studies of experimental deprivation of REM sleep had shown dramatic effects, now known to be due to the fact that awakenings were so frequent that the subjects were total sleep deprived as well as REM de-

prived. Despite considerable research we are not positive that REM sleep has any function, although any state with this degree of organization must have some physiological purpose.

Dr. Morgan—... Methods for evaluating hypnotics have changed little in 20 years. Newer objective techniques such as the use of the electroencephalogram have increased our knowledge of sleep but have not improved the evaluation of hypnotic efficacy.

Finally, the comments object to the Panel's statement at 40 FR 57296 that "The drug should not interfere in an unusual manner or to an unusual degree with physiological EEG patterns characteristic of normal sleep," since as one comment contends "that the alterations in EEG pattern have not been demonstrated to reflect deleterious effects to generate a consensus within the community of researchers in sleep." The comment requests deletion of this testing requirement.

The Commissioner recognizes that sleep laboratory testing and the exact meaning of electroencephalogram measurements and their relationship to sleep are the subject of much scientific controversy. They do, however, represent one of the few truly objective measurements available for testing this class of drugs. Since the only alternatives available are such subjective measurements as having someone watch the test subject to determine sleep onset, or asking the subject about the quality or duration of his sleep, and since no better alternatives were offered by the comments, the Commissioner concludes that EEG and/or sleep laboratory test results are of value in determining the overall effectiveness of these drugs and should be included in testing to establish their safety. The Commissioner wishes to emphasize that the results of such tests will be evaluated as one component of the test results from sleep laboratory and clinical testing. As noted in comments 24 and 29 above, such tests will not be required for some ingredients.

57. A comment objected to the Panel's requirement for safety testing of nighttime sleep-aids (December 8, 1975, at 40 FR 57313). The Panel stated that "Safety should be evaluated using the current requirements for preclinical testing in animals as defined in 21 CFR 312.1(a)(2)(6).a." The comment contends that this was a testing requirement applicable to "New Drugs for Investigational Use" (21 CFR 312.1), and should be required only for those OTC ingredients which have not been subjected to extensive clinical studies or with which there has not been extensive clinical experience, and not to OTC ingredients, such as those reviewed by this Panel, which have a long history of safe consumer use. The comment points out further that the Panel stated in several places in their report

their belief that antihistamines are basically safe as OTC nighttime sleep-aids, and that their safety is not in question at the dosage recommended by the Panel. The comment also asks that the requirement for preclinical animal testing be deleted in view of the extensive safety data on antihistamines that have been submitted to the Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products.

The Commissioner concurs with the comment and will not require that OTC nighttime sleep-aid ingredients be subject to preclinical testing specified in 21 CFR 312.1. Preclinical testing in animals is required to conclude that a drug is relatively safe to initiate clinical testing in humans. In the case of the OTC nighttime sleep-aid ingredients, such testing would serve no useful purpose since these drugs have been used in humans for as long as 25 to 30 years without any serious safety hazard.

The Commissioner concludes that most ingredients in OTC nighttime sleep-aids are basically safe and merely require some additional proof of effectiveness. Specific effectiveness or safety testing requirements are set forth where necessary for each ingredient.

58. One comment requested clarification of the following Panel statement at 40 FR 57313 about effectiveness testing for approved claims for nighttime sleep-aids: "Regarding effectiveness, a number of important variables must be considered: (1) Sleep latency (time required to fall asleep), (2) number of awakenings, (3) total time spent awake, (4) sleep duration, (5) sleep quality, as estimated by the sleeper, (6) sleep stages and cycles evaluated by EEG and polygraphic criteria, and (7) side effects."

The comment requested clarification as to whether all of these variables must be investigated, irrespective of the claim made for the ingredient. It also argued that except for item 7 (side effects) only those variables directly pertaining to the claim being contemplated for the ingredient should be investigated.

The Commissioner notes that the Panel wanted all these variables tested to yield a complete picture of a drug's effectiveness. Ideally all could be measured in the same test, but some factors can be measured by separate tests. The Commissioner concurs with the Panel that each of these variables should be tested to obtain a complete profile of the drug. (The exception is item 6, which, as noted in comments 24 and 29, will not be required for some ingredients.)

59. A comment stated that the Panel was apparently of the opinion that some special advantage will accrue from laboratory sleep studies of the

antihistaminic drugs proposed for use as nighttime sleep-aids, as evidenced by a statement at 40 FR 57313 that: "On the other hand, objective sleep laboratory studies have obvious advantages to assess objectively and exactly continuous measures of sleep, thus providing exact measures of sleep latency, sleep duration, number of awakenings, and other variables of interest." The comment further objected to the EEG monitoring as unnecessary since these same measures of sleep would be observed by a trained nurse-observer in a clinical trial.

The Commissioner is unaware of any evidence demonstrating that a trained observer can provide monitoring and measurement of variables over an extended time period as accurately as scientific instruments with recording capabilities. The Panel is correct in viewing results from EEG monitoring as an advantage since the problem with previous studies was the softness or lack of objectivity of the data. Accordingly, the Commissioner concludes that where laboratory sleep studies are helpful to a determination of general recognition of effectiveness or safety, they will be retained. Additional clinical studies where sleep is documented by a trained nurse-observer may also be required for some ingredients.

60. One comment objected to the proposed testing requirement that the duration of the nighttime sleep-aid studies "may vary from 1 to 2 weeks." The comment proposed that the length of the studies should depend on and vary with the nature of the protocol.

The Commissioner notes that the normal length of time for OTC nighttime sleep-aid use is not to exceed 2 weeks. It is therefore reasonable to require that testing be done within that same basic length of time. The Commissioner realizes, however, that there may be protocols developed which would require slight deviation from this guideline. The Commissioner concludes that such deviation will be permitted, on an individual basis, if adequate scientific justification is submitted.

61. A comment objected to the Panel's requirement at 40 FR 57313 that studies of nighttime sleep-aids "establish an optimal dosage for the target population for which it is intended under conditions which more closely resemble actual OTC use." The comment states that "it would not be profitable to attempt to precisely define 'optimal dosage'" in light of the heterogeneity of the target population and suggests that the choice of dosage level to be investigated must remain with the manufacturer. The comment proposes that the word "suitable" be substituted for the word "optimal" in the Panel's statement.

The Commissioner disagrees with the comment. The term "suitable" is too imprecise and would defeat the basic purpose of the OTC drug monographs. The function of the OTC drug monographs is to delineate to the extent possible, in light of the present state of the art, the safest and most effective dosage level. Therefore, the Commissioner concludes that since the "optimal dosage" is the smallest dosage that shows both the desired effectiveness and safety, it is exactly this dosage level that should be determined.

62. Another comment objected to the Panel's statement at 40 FR 57313 regarding the objectives of clinical studies of nighttime sleep-aids. The comment specifically objected to the requirement that these studies "determine any preferences the subjects may have between 2 nights (drug versus placebo)" since this can only be satisfied by the performance of crossover studies in which both placebo and drug are tested within a short interval.

The comment is correct that a crossover design study is required to determine subject preference between the drug and the placebo, and that ideally the interval between the drug and the placebo test should be rather short. While this may present some difficulty, it is extremely important to have this subject preference data as part of the overall evaluation of safety and effectiveness of these drugs, since the placebo effect is extremely high in all drugs of this type. The Commissioner agrees with the Panel and will retain the requirement.

63. One comment requested clarification of the following statement at 40 FR 57313 regarding the types of population to be studied for nighttime sleep-aids: "A greater variety of populations differing as to age, sex, diagnostic categories, social class, treatment setting, previous treatment, etc., may be studied." Specifically, the comment wishes clarification of whether the first sentence implies that a large variety of populations "must" be studied.

The Commissioner finds that, taken in context, the requirement is suggestive, not mandatory.

64. One comment objected to the requirement that a factorial design test is necessary to determine the effectiveness of each ingredient, or placebo, on the grounds that such a requirement is unjustified, academically oriented research, and not sanctioned under the law. The comment points out that no factorial design studies were required for testing of antacid/analgesic combinations products in the OTC Antacid monograph. The comment contends that all that is required to justify the combination is evidence of a pharmacologic contribution. The comment further points out that the

Panel has stated that: "If a combination contains an analgesic and a nighttime sleep-aid, both of which are safe and effective when used alone, it is convenient to combine the ingredients in a combination for the treatment of concurrent symptoms. The Panel would recognize the combination as safe and effective (effective as both a nighttime sleep-aid and as an analgesic in a significant proportion of the population having both sleeplessness and pain at the same time)." The comment contends that these conditions have been met by data submitted to the Panel, and therefore urges that a combination of methapyrilene and aspirin, acetaminophen or salicylamide be placed in Category I.

The Commissioner disagrees. The factorial design testing is a practical method of determining if each ingredient does in fact contribute significantly to the combination. In any case, the comment would no longer apply since methapyrilene, and consequently the entire combination, has been placed in Category II for safety.

65. A comment stated that, while the Panel's general description of a suitable target population for nighttime sleep-aids (those with mild or occasional sleep disturbances) was appropriate, clinical studies should not be constructed in such a way that subjects would be tested only on those nights when they happened to experience a spontaneous sleep disturbance.

The Panel did not feel that individuals with induced or chronic sleeplessness were ideal subjects for testing these drugs. The Panel in its report, in fact, rejected testing of chronic insomniacs at a mental institution because they were not normal individuals suffering from occasional sleeplessness. The Commissioner fully agrees with the Panel that these drugs should be tested on the same basic target population in whom they are intended for use. The comment is therefore rejected, and the requirement will be retained.

66. One comment was made regarding the Panel's statement at 40 FR 57313: "Females of childbearing age may be included if results of animal reproductive and teratologic studies are satisfactory. However, the Panel believes that new drugs not intended for lifesaving use should not be used in women known to be pregnant or who are nursing a baby." The comment questioned both the meaning of the first sentence and the necessity for conducting the reproductive and teratologic studies in every case for the ingredients being considered as OTC nighttime sleep-aids in view of the vast clinical experience with them.

The Commissioner agrees that it is not appropriate to use pregnant or nursing women in the studies requested by the Panel. The Panel was merely

expressing its concern and general feeling with regard to the use of pregnant or nursing women and women of childbearing age as subjects in any but the most critical research. However, there is no data or information that would indicate any reason to exclude from these studies women of childbearing age. The Commissioner concludes that animal reproductive and teratology studies are likewise unnecessary in view of the vast clinical experience with these drugs and their well-known clinical profiles.

67. One comment objected to the Panel's requirement that for studies of OTC nighttime sleep-aids "The investigators should be experienced in evaluating drugs affecting the central nervous system; and in the conduct of clinical trials; they should have ready access to the target population group for whom the nighttime sleep-aid may be indicated." The objection was based on the limited number of investigators who would be available under this restriction, and the comment requested the agency to broaden the description of investigator to include at least competent clinical pharmacologists and others qualified by virtue of training and experience to conduct such studies.

The Commissioner wishes to emphasize that the purpose of this requirement is to ensure competent, well-designed and well-conducted studies and not to develop a small cadre of selective individuals to carry out the studies. While such competence is often shown by previous experience and by access to the target population, it is the opinion of the Commissioner that this should not be made a requirement, and the Testing Guidelines will be modified to reflect this. The Agency will review the adequacy of all tests on their own merits.

J. GENERAL COMMENTS ON OTC DAYTIME SEDATIVES

68. One comment stated that the Panel's factual findings require the Commissioner to place daytime sedatives in Category II and order them removed from the market on grounds of both safety and effectiveness.

The Panel recommended that the Commissioner place four antihistamine ingredients in Category III on the ground that the available evidence would not permit a final classification in Category I or II. The comment objected to this classification because Category III status would authorize the marketing of OTC antihistamine daytime sedatives for 3 additional years when the Panel found no evidence of benefit from them. The Panel concluded that antihistamine daytime sedatives may cause drowsiness, but that "There is little or no evidence that such drugs possess anti-anxiety psychotropic properties comparable to

those demonstrated in clinical studies with prescription tranquilizers." "Any anti-anxiety psychotropic activity, if it exists, most likely would be related to the 'drowsiness' effect of the antihistamine." Antihistamine daytime sedatives make the user sleepy, they do not affect mood, or reduce anxiety, as do some prescription tranquilizers. For this reason they are ineffective as daytime sedative agents and, therefore, the comment argues, the Commissioner should place them in Category II.

The comment also stated that, in addition to being ineffective, daytime sedatives should be placed in Category II because they are unsafe. The Panel has noted its concern "with a possible danger in 'treating' simple and transient variations in normal mood and behavior with OTC products containing antihistamines." According to the Panel, "There is also possible danger that because of excessive sedation, individuals with normal anxiety-like symptoms will involuntarily and unwittingly suffer reduced alertness, ability to concentrate and motor coordination." Thus, according to the comment the drug might be unsafe if its user were to drive or cook, and for this additional reason the Commissioner should place all antihistamine daytime sedatives in Category II.

The Commissioner notes that the Panel decision as to whether daytime sedatives should be placed in Category II or III was not unanimous. The majority of the Panel was doubtful that there were adequate "benefits inherent in the changes claimed to be produced by OTC daytime sedatives" (40 FR 57318). They were unable to determine any demonstrable indications for which OTC daytime sedatives are useful, and felt that further testing would be necessary to prove the existence of a suitable target population, as well as the safety and effectiveness of OTC daytime sedatives. The majority wished to allow maximum opportunity to prove these factors, even though they expressed doubt that a suitable target population could be delineated, or that effectiveness apart from drowsiness could be shown. Thus, they placed antihistamine OTC daytime sedatives in Category III. The minority of the Panel found no clear evidence of effectiveness and no sharply defined indications. In addition, they were concerned that the proposed clinical trials, if properly conducted, would probably take 4 to 6 years to prove effectiveness. They indicated that this interval would constitute an extraordinary length of time to market a group of drugs not deemed effective at present dosage levels, and potentially hazardous to ambulatory patients at higher doses. The minority would have classified OTC daytime sedatives as Category II.

The Commissioner believes that maximum opportunity should be offered to all interested parties to come forward with supporting data. However, for several reasons, the Commissioner is unable to support the continued marketing of OTC daytime sedatives while testing is carried out. Before any drug can be generally recognized as safe and effective, a suitable target population must be defined, as required in 21 CFR 330.10(a)(4)(ii). A suitable target population would include those persons who require treatment for tension and other symptoms of anxiety on a short-term or intermittent basis. "Tension" or "nervous tension" is not a single disease entity, but is a component of the anxiety syndrome. The Commissioner concludes, based on recent data, that the mode of action of prescription anti-anxiety drugs does not involve inducing drowsiness; drowsiness is not only unrelated to the anti-anxiety effect of these drugs, but is an undesirable side effect of these anti-anxiety agents. In contrast, the only effect of antihistamine drugs is to make one drowsy or sleepy, not to calm him or reduce anxiety. The drowsiness, while it serves as a logical basis for permitting antihistamines to be marketed as OTC nighttime sleep-aids provides no benefit for patients who would use these products during the day when they need to be alert. Since this is the case, the Commissioner rejects the premise that proving that an antihistamine makes one drowsy constitutes proof of effectiveness in treating symptoms of anxiety. For these reasons, the Commissioner concludes that there are no suitable OTC indications for these drugs and no identifiable target population and that, therefore, OTC antihistamines cannot be generally recognized as safe and effective as daytime sedatives.

69. One comment stated that, since the bromides and scopolamine are not safe and effective as daytime sedatives and since the antihistamines cause drowsiness without "calming" the user, all daytime sedatives are ineffective and should be removed from OTC sale.

The Commissioner has reviewed, and concurs with, the findings of the Panel that scopolamine and the bromides should be placed in Category II (not generally recognized as safe and effective or misbranded) and in due course they will be removed from the market. The major class of drugs reviewed for use as OTC daytime sedatives is the antihistamine group. In its discussion of OTC nighttime sleep-aids, the Panel concluded that some antihistamines are probably useful in producing drowsiness and sleep due to a general, nonspecific central nervous system (CNS) depression. But as discussed in comment 68 above, this nonspecific CNS depression is not effective

tive in reducing tension or other symptoms of anxiety and the drowsiness caused by antihistamines can be hazardous in patients whose daytime activities require mental alertness and coordination such as driving a car or operating machinery.

After reviewing all available data, the Commissioner concludes that antihistamines as well as scopolamine and the bromides should be classified as Category II for lack of effectiveness and safety at marketed OTC dosage levels.

70. A comment pointed out that the Panel has failed to recognize the effectiveness of any ingredient as a daytime sedative and expressed the feeling that the Panel's requirements for proof of effectiveness are largely due to a general bias against this class of drugs. The comment contends that, taken in their entirety, the studies required are unreasonable.

The Commissioner disagrees. There are very few studies on the effectiveness of antihistamines as daytime sedatives or calmatives. The available data on the sedative effects of antihistamines relate to their effectiveness in promoting sleep, an effect very different from that of a daytime sedative. The studies suggested by the Panel would require 4 to 6 years to complete, and the Commissioner has concluded that OTC daytime sedatives cannot be permitted on the market during that period of time. The reasons for this decision have been discussed in the response to comment 68 above.

71. One comment stated that OTC daytime sedative ingredients found to be unsafe should be removed from the market.

The Commissioner emphasizes that any ingredients found to be unsafe will be removed from the market. However, the Panel concluded and the Commissioner agrees that the ingredients placed in Category II are presently marketed at levels too low to result in any serious safety concern. If such a situation did exist, the Commissioner would act outside the usual OTC Drug Review administrative process as he did for the halogenated salicylanilides as published in the *FEDERAL REGISTER* of October 30, 1975 (40 FR 50527). The Commissioner appreciates the support of the drug industry in this OTC Drug Review process and notes that the major drug manufacturer of the bromide salts in the United States has removed these ingredients from its product.

As noted above in comment 68, the Commissioner has concluded that OTC daytime sedatives, in current OTC dosages, may cause drowsiness that can be hazardous in persons trying to adhere to a normal daytime routine. The Commissioner has concluded that these products should be classified in Category II on grounds of

both lack of safety and lack of effectiveness. He further concludes, based upon the current available data, that there is not a demonstrated, sufficient hazard to health to initiate action outside the normal OTC Drug Review administrative process.

72. One comment alleged that Category III was illegal, and that, for this reason, FDA has no authority to sanction the marketing of OTC daytime sedatives in the absence of an approved new drug application.

This position was answered in the reply to comment No. 4 of this preamble. The matter is currently in litigation, and the Commissioner's position will be explained there.

73. A comment stated that, even if the Commissioner decides that Category III is authorized by statute, this is not an appropriate case for permitting the marketing of a drug which is not generally recognized as safe and effective. The comment argues that it has been almost 4 years since the agency notified manufacturers of daytime sedatives of the OTC Drug Review, and requested evidence on safety and effectiveness. Having failed to produce any reliable evidence up to this time, the comment argues, it is unlikely that these manufacturers will generate evidence showing safety and effectiveness in 3 additional years. The comment goes on to state that there is no justification for marketing these drugs pending final testing if, as the panel found, these drugs confer no benefit.

The Commissioner believes that the comment has misinterpreted the original call for data. There was no requirement for testing imposed at that time, merely a request to submit, for review and evaluation, published and unpublished data and information pertinent to the designated Category of OTC drugs. The Panel, after 3 years of deliberation, determined that further studies would have to be carried out on daytime sedatives. This was only an advisory opinion and manufacturers were not required to begin testing. Testing is required only when a final monograph is published in the *FEDERAL REGISTER*.

In addition, the comment has incorrectly interpreted the findings of the Panel, at least those of the majority. The Panel questioned whether the existence of a target population could be proven and having insufficient data to positively disprove the existence of this population placed this drug in Category III. The Panel requested information showing the existence of a population, but a minority of the Panel argued that there could be no identifiable target population for OTC daytime sedatives and hence there was no basis for a Category III classification. It is the Commissioner's view that the conclusions of the minority

are better reasoned and supported. The Commissioner concludes that the time frame projected for completion of the studies, 4 to 6 years, is too long to permit OTC daytime sedatives to remain on the market when no target population has been clearly defined and where there is no proof of effectiveness. Therefore, the Commissioner has concluded that OTC daytime sedatives should be classified in Category II as discussed above in comment 68.

74. One comment stated that the Panel's statement at 40 FR 57322 expressing concern over advertising of OTC daytime sedatives and recommending a ban on advertising during the testing period should be rejected by the Commissioner as being biased and without scientific merit and beyond the Panel's charge. The comment contends that the concept of allowing the Panel to recommend that advertising for daytime sedatives be banned is totally repugnant to and inconsistent with the cooperation being given by the industry, consumers, and the agency in the conduct of this OTC Drug Review.

The OTC Drug Review Panels are advisory, and as such do not issue binding rules or regulations. They are, however, free to comment on any scientific or policy issue that they have considered in the course of their review. The Commissioner welcomes their suggestions and comments even in cases such as this, where he has no authority to implement their recommendations. The Commissioner advises that he will bring the Panel's concerns to the attention of the Federal Trade Commission, which has the responsibility for regulating OTC drug advertising.

75. Another comment supported the Panel's conclusion that, if a person has simple nervous tension every day for longer than 2 weeks, then he is likely to be taking an OTC daytime sedative for a condition which requires medical intervention.

Since the Commissioner has determined that all OTC daytime sedatives shall be Category II, the comment is moot.

76. A comment stated that "simple nervous tension" is defined by current medical standards, and that the Panel has acknowledged that many persons experience tension at some time and most have learned to deal with it. The comment takes the position that "simple nervous tension" is an OTC indication for the symptomatic relief of a mild degree of tension in the normal functioning individual with periods of episodic stress, and that these symptoms do not require prescription drugs.

The comment states further that the target population for daytime sedatives in a modern environment is very large. The person manifesting

severe symptoms and unable to cope with minor stresses obviously requires medical supervision and is not an appropriate candidate for OTC medication. On occasion almost all persons are subject to stress requiring symptomatic relief of simple nervous tension, and these individuals should have a readily available mild medication for relief of the symptoms of stress that do not require a physician's or psychiatrist's attention.

The comment contends that the symptomatology of simple nervous tension is measurable in a target population by objective studies utilizing known techniques for measuring mood, discomfort, and life crises.

The Commissioner disagrees that the term "simple nervous tension" is a well-defined medical entity. The Commissioner is unaware of any data or information that supports this statement, nor does the comment provide any definitions, references, or other supporting data. The comment does not spell out what these symptoms are nor what techniques could be used to measure them. Although tension is one of the components of anxiety, the syndrome of "simple nervous tension" has not been clearly associated with the clinical syndrome known as "anxiety," according to data submitted to FDA. Nor has the syndrome of "simple nervous tension" been defined in any medical literature. Tension is only a component of the anxiety syndrome; it does not exist alone as a disease entity.

After reviewing all available data, the Commissioner concludes that there is no target population of persons who could benefit from OTC daytime sedatives. Individuals with true anxiety and accompanying tension should be treated with appropriate anti-anxiety therapy by a physician. Persons with normal episodic tension should probably not be treated with drugs at all, and the drugs currently available as daytime sedatives have no effect on symptoms of anxiety and tension. Their only effect is to make one drowsy, and there is no data that show that drowsiness or sleepiness acts to relieve tension. For all these reasons, the Commissioner has concluded that the claim "occasional simple nervous tension" and the class of daytime sedatives used to treat it should both be classified as Category II.

K. COMMENTS ON OTC DAYTIME SEDATIVES LABELING AND WARNINGS

77. Comments both supported and opposed the Panel's recommendation that labels for Category III daytime sedatives contain the following warning: "Warning: This product has not been demonstrated to be effective to the satisfaction of the Food and Drug Administration." One comment urged

that a similar warning be placed on the label of all drugs in Category III since consumers have a right to adequate and accurate information about drugs they use.

The Commissioner disagrees. Daytime sedatives, or for that matter most drugs placed in Category III, have been on the market for many years. Classification in this category permits them to remain on the market for a brief additional period while evidence is developed to permit their final classification into either Category I or Category II. To require an effectiveness warning on products while these questions are being resolved would be misleading since such a warning implies a total absence of data on the effectiveness of products. Additionally, there may be minor questions about safety, labeling, or combinations with other ingredients which have not been resolved (e.g., the product may cause minor irritation, have a minor side effect or be longer acting when combined with another ingredient) that require Category III classification but that are too minor to make such a warning appropriate. Finally, the Commissioner is concerned that labeling of this type might cause a useful ingredient to be dropped and not tested purely for economic and not scientific reasons. This would defeat the very purpose of Category III, that is, to encourage testing of products using modern experimental methods within a certain time.

Accordingly, the Commissioner concludes that such a warning is inappropriate. However, since the Commissioner has classified daytime sedatives as Category II, the point is moot as to them.

78. On comment urged that labeling for OTC daytime sedatives be made larger and clearer to permit easier reading of labels by senior citizens.

The Commissioner notes that the Fair Packaging and Labeling Act and its implementing regulations currently require that the labeling of all OTC drugs be clear and legible. The Commissioner sees no need to specify the exact size and style of type for all labeling for particular OTC products, but he agrees with the intent of the comment. He urges that labeling for any OTC products whose population may include substantial numbers of senior citizens or people with impaired vision be designed to ensure adequate size and clarity of all print. However, since daytime sedatives are classified as Category II, the comment is moot.

79. A comment stated that use of the term "daytime sedative" to describe a class of products for simple nervous tension or nervous tension headaches is confusing and may be misleading as these products are not intended as sleep-aids. The term "sedative" by its very definition suggests sleep. "Day-

time calmative" was suggested as a far more appropriate term to distinguish these products from sleep-aids and more potent prescription tranquilizers.

The Commissioner agrees that the use of the term "daytime calmative" is more appropriate for a class of drugs indicated for use in relieving tension during periods of normal daytime activity. But, as discussed in Comment 68 above, the Commissioner has concluded that none of the ingredients reviewed by the Panel for use in OTC daytime sedatives effectively relieve tension during periods of normal daytime activity and that all ingredients submitted as daytime sedatives should be classified in Category II. Therefore, the comment is moot, and the term "daytime sedative" will be retained in this document.

80. One comment objected to the Category II classification of the following daytime sedative labeling claims: "Nervous tension headaches", "nervous irritability", "simple nervous tension due to everyday overwork and fatigue", and "calmative". The comment stated that these claims are equivalent to or explanatory of the recommended Category III claim "occasional simple nervous tension". The comment stated further that the other phrases objected to by the Panel, namely, "a relaxed feeling", "calming down and relaxing", "gently sooth away the tension", and "resolving that irritability that ruins your day", appear to constitute promotional claims rather than labeling and are thus not within the purview of the Panel.

The Commissioner concurs with the Panel that the claims for "nervous tension headaches" and "nervous irritability" are not equivalent to the recommended Category III claim of "occasional simple nervous tension" in that they imply a special type of problem or tension from a particular source. They will remain in Category II.

The Commissioner is also concerned about the phrase "simple nervous tension due to everyday overwork and fatigue". It refers to factors that are in and of themselves unlikely to cause nervous tension. OTC daytime sedatives do not relieve fatigue and, in fact, may increase such fatigue by their pharmacological mode of action. Therefore, the Commissioner concurs with the Panel's Category II recommendation for this phrase or similar phrases which attempt, albeit unsuccessfully, to describe the cause or source of tension.

The Commissioner concluded above in comment 76 that the claim "occasional simple nervous tension" should be classified in Category II since this term does not refer to a well-defined medical entity. As discussed in comment 79 above, the Commissioner will

retain the Panel's Category II recommendation for the term "calmative".

The comment's contention that the other phrases objected to by the Panel are promotional claims and consequently not within the Panel's purview is rejected. The Commissioner concludes that any labeling for an OTC product is within the Panel's purview. In addition, it is entirely correct for a Panel to recommend against the use in labeling of any term or phrase that they consider misleading or medically imprecise, even if such a claim has previously been limited to advertising.

81. One comment objected to the proposed warning "Do not take this product if pregnant or if nursing a baby" recommended for use on daytime sedatives, on the basis that the Panel did not cite any specific evidence supporting the need for this warning.

The Commissioner agrees with the Panel that it is best that no drug be used without the advice of a physician during pregnancy or while nursing. However, a decision to require a label warning against the use of a particular drug or class of drugs during that period must be based on a substantial reason to believe that an actual safety hazard would result from such use. In view of the lack of such data the Commissioner must concur with the comment. However, since all ingredients used as daytime sedatives have been classified as Category II, the point is moot.

82. Another comment objected to the following general warning recommended by the Panel for OTC daytime sedatives: "Do not take this product if you are presently taking a prescription or OTC drug without consulting a physician or pharmacist", and suggesting that it be deleted in favor of specific drug interaction warnings where appropriate.

The question of whether to have general or specific drug interaction warnings was discussed at considerable length in the June 4, 1974 proposed general conditions on OTC drugs, and that discussion will not be repeated here. Based on that discussion, the Commissioner has concluded that the proper way to inform the consumer of potential drug interactions is to require that the labeling include a separate section headed "Drug Interaction Precautions." The Commissioner realizes that such interactions may be somewhat complicated. He is concerned, however, that a broad general warning would have no impact and would not be in the consumer's best interest, since the user would not be alerted to specific drug/drug or drug/disease interactions that could in certain circumstances be life threatening. The Commissioner supports specific warnings where appropriate, but since

all daytime sedatives are Category II, the point is moot.

83. One comment objected to, and requested the deletion of, the proposed warning: "Take this product with caution if alcohol is being consumed" for daytime sedatives as being inappropriate for this class of OTC drugs. The comment expressed ignorance of any documentation by the Panel of potentially dangerous alcohol drug interactions with any OTC daytime sedatives at marketed doses, and pointed out that other FDA OTC Drug Advisory Review Panels have not required a warning regarding the same OTC ingredients.

The Commissioner concluded in comment 52 that such a warning should be required for OTC nighttime sleep-aids since the depressant effect of alcohol when combined with the antihistamines would be additive. This same additive effect would be especially hazardous when daytime sedatives are consumed with alcohol. The Commissioner concludes that an alcohol warning would be appropriate for daytime sedatives. However, since all daytime sedatives are Category II, the point is moot.

84. One comment pointed out that the two sentences in the proposed daytime sedative warnings, "For adults only. Do not give to children under 12 years of age," are redundant. The comment suggested that the second sentence in the warning be made optional.

As noted in comment 47 relating to OTC nighttime sleep-aids, the Commissioner concurred that the warning is redundant and deleted the first sentence of the warning. However, any discussion of warnings is moot since this entire class of drugs is Category II.

L. COMMENTS ON OTC DAYTIME SEDATIVES TESTING GUIDELINES

85. One comment conOP1136"tended that the time provided for Category III testing of OTC daytime sedatives, in view of the acknowledged necessity for developing methodology in this area, is so confining as to be prejudicial.

The Commissioner concluded in comment 68 that all daytime sedatives should be classified Category II. The Commissioner concludes that it is inappropriate to discuss any further testing for safety and effectiveness of daytime sedatives and will delete any discussion of testing guidelines for this class of drugs from this document.

86. One comment objected to the safety testing requirement proposed for daytime sedatives since, with respect to safety, it is obvious that those drugs, which are antihistamines, will possess the same properties as antihistamines in the same dosages for other OTC drug indications.

The comment is correct in stating that antihistamines have the same properties when used in the same dosages whether used as daytime sedatives or for other indications. A number of safety issues such as impairment of motor function, reduced alertness and impairment of sensory performance are not problems when these drugs are used as OTC nighttime sleep-aids. Reduced alertness is important, however, when these ingredients are used in patients conducting normal daily activities. It becomes extremely important to determine the degree to which antihistamines might impair an individual's ability to react to motor traffic, operate machinery, cook, or deal with everyday hazards.

The Commissioner has concluded, however, that antihistamines are not appropriate for use as daytime sedatives and that safety testing guidelines should therefore not be included in this document.

87. Comments objected to the following statement on effectiveness testing of OTC daytime sedatives at 40 FR 57322: "The Panel doubts, however, that any such effectiveness can be differentiated from the placebo effect." The comment contends that the Panel's conclusion is arbitrary and biased in face of the well-recognized calmative effects of the ingredients used in this class of products.

The Commission disagrees that the calmative effects of antihistamines are well-recognized. The sedative effects may be evident, but there is no conclusive evidence that these drugs have any calmative action. The Panel's remark was intended to point out that, while these ingredients were placed in Category III to permit definitive testing of their calmative effects, the Panel, based on its review of antihistamine mechanisms of action and the available data, had serious doubts as to the potential success of such testing. The Panel did not intend to display bias, but to point out quite clearly the difficulties in the development of data required to prove the effectiveness of these ingredients as daytime sedatives.

The Commissioner proposes to place OTC daytime sedatives in Category II and concludes that testing guidelines should therefore not be included in this document.

88. One comment objected to the requirement that the qualifications of investigators be provided to FDA before beginning studies on Category III daytime sedatives.

While agreeing with the Panel's statement that studies be conducted by qualified investigators, the Commissioner concurs with the comment that there is no demonstrated need for preclearance of investigators. However, since the daytime sedatives have been classified as Category II, the point is moot.

M. GENERAL COMMENTS ON OTC STIMULANTS

89. A comment stated that caffeine preparations should be removed from the OTC market because a stimulant should be used in disease states only where a stimulant is recognized as a therapeutic necessity. At the present time, most people are using it to replace sleep.

The Commissioner notes that the Panel was composed of medical experts who were of the opinion that there exists a suitable healthy adult target population which can benefit from the occasional use of safe and effective OTC stimulant drugs. The Panel did not recommend their use in disease states. The Panel emphasized that such products are for occasional use only and never for more than 1 to 2 weeks except under the advice and supervision of a physician. The Commissioner concludes that stimulants should be used only to temporarily help restore mental alertness or wakefulness when experiencing fatigue or drowsiness.

90. A comment stated that stimulants containing caffeine are dangerous. The person who comment urged that they be packed in glass, tin, or plastic containers with safety caps since his pet dog died after eating a number of caffeine tablets packaged in a cardboard box.

The Commissioner, after reviewing all pertinent data, finds no evidence that stimulants containing caffeine in currently marketed OTC drug products are dangerous to humans and finds no reason to prohibit their being packaged in cardboard containers.

The Commissioner advises that the issue of whether these drugs may be safely packaged in cardboard containers would, of course, be within the jurisdiction of the Consumer Product Safety Commission, which administers the Poison Prevention Packaging Act.

91. One comment stated that according to J. M. Ritchy in L. S. Goodman and A. Gilman, eds., "The Pharmacological Basis Therapeutics," McMillan, N.Y., 4th Ed., p. 359, 1970, caffeine's main action is to allay drowsiness and fatigue and that this action may be brought on by the administration of 150 to 200 mg of caffeine. The comment then stated that most of the OTC preparations, if taken as suggested, will not elicit a pharmacological response.

The Commissioner notes that the Panel was aware of the Goodman and Gilman citation and used this reference as well as a variety of additional data in arriving at their decision that the administration of 100 to 200 mg of caffeine not more often than every 3 to 4 hours does elicit a pharmacological response and that this dosage range is suitable for use as an OTC stimulant drug. While narrower, the

activity range suggested by J. M. Ritchy in Goodman and Gilman coincides with that arrived at by the Panel. The Commissioner finds no basis for revising the dosage schedule proposed by the Panel.

92. One comment stated that caffeine-containing stimulants do not belong on the OTC drug market because their dosage is only equivalent to a strong cup of coffee or tea.

The Commissioner disagrees with the comment. While the consumer may derive the same stimulant effect from drinking beverages containing caffeine, the Panel recognized and the Commissioner concurs that there is a suitable target population which can benefit from the occasional use of safe and effective OTC stimulant products containing caffeine. It is the Commissioner's view that some individuals, for a variety of reasons, may prefer the tablet or capsule form of this drug to the beverage, and thus should have such a choice available to them.

N. COMMENTS ON OTC STIMULANT COMBINATIONS

93. A comment requested that the classification of ammonium chloride as a single active ingredient for use in stimulant drug products be deleted for the following reasons:

a. There has been no submission of such a drug product to the Panel for their evaluation.

b. There is no labeling of any pharmaceutical product relying on ammonium chloride as a stimulant.

c. There has been no claim of efficacy made for this ingredient other than as a diuretic agent.

The comment expressed concern that the listing of this ingredient in the stimulant area will cause confusion.

The Commissioner notes that a submission was made to the Panel on a stimulant that declared among its active ingredients ammonium chloride. While the Panel was well aware that this ingredient has some use as a diuretic, it was not specified to them whether any stimulant properties were being attributed to it in the product in question. They had no alternative, therefore, but to consider it and classify it with respect to stimulant activity. The classification of it in Category II for one type of use of course is not intended to reflect on its safety and effectiveness for other uses. The Panel clearly points out in their report that they deferred review of ammonium chloride as a diuretic to the Advisory Review Panel on OTC Miscellaneous Internal Drug Products. The comment is therefore rejected.

94. One comment stated that the combination of caffeine and ammonium chloride is safe and effective as an aid in the relief of premenstrual symptoms of swelling, weight gain, and fa-

tigue. The comment stated that the purpose of the caffeine is to alleviate the mental and physical fatigue which commonly accompanies water retention during the premenstrual period. The comment also states that the report does not indicate what evidence, if any, was considered or relied upon to make the determination that the combination of caffeine with ammonium chloride is irrational, and that there is no indication in the report or in the evidence before the Panel to show that due consideration was given to a need for concurrent treatment of water retention and fatigue in premenstrual women.

The comment urges that the recommendation of the Panel with respect to the combination of ammonium chloride and caffeine for OTC use to relieve the symptoms of swelling, weight gain, and fatigue which occur during the premenstrual period be set aside and that only the pertinent recommendation for caffeine be accepted. The comment then urges that final classification of the combination be deferred until the Advisory Review Panel on OTC Miscellaneous Internal Drug Products has had an opportunity to review the effectiveness of ammonium chloride as a diuretic agent.

The Commissioner advises that the Panel, based on its expertise and the data reviewed on caffeine, stated that if found no acceptable evidence that this combination of ingredients would be effective in relieving fatigue. The Panel further stated at 40 FR 57327 that caffeine alone could be expected to increase rather than cause any decrease in the nervousness associated with premenstrual tension. Since the comment offers no additional data to refute the Panel's findings, the Commissioner rejects the comment and will retain the Panel's classification of this combination. In the event that the Advisory Review Panel on OTC Miscellaneous Internal Drug Products classifies this combination differently in light of new or additional data, the Commissioner will reopen the issue.

O. COMMENTS ON OTC STIMULANTS LABELING AND WARNINGS

95. A comment stated that the indications for stimulants as set forth in the proposed monograph omit any references to the perfectly valid use of such products to ward off anticipated drowsiness. Although the Panel's recommended dosage directions acknowledge the usefulness of such products in preventing the return of drowsiness by the allowance for repeat doses every 3 to 4 hours, there is no provision for general prophylactic use.

The Commissioner advises that while the Panel recognized that OTC stimulants could safely and effectively be used to restore mental alertness or wakefulness when fatigue or drowsi-

ness was being experienced, the Panel found no basis for recommending general prophylactic use of OTC stimulants. In fact, any recommendation for general prophylactic use would run directly counter to the Panel's recommendation that these products are only for occasional use. "General prophylactic use" would imply very regular long term use at any time that an individual felt he might conceivably become fatigued. Neither the Panel nor the Commissioner has any objections to the ready availability of OTC stimulants for use when needed; in fact, they support it. The Commissioner concludes, however, that it would be irresponsible to recommend that an OTC drug be consumed regularly because the user might or might not experience the symptoms for which it is recommended. Using the same logic, one could recommend "general prophylactic use" of an antacid or laxative every day on the chance that one might experience the need for it at some later time during the day. The Commissioner rejects the comment as inappropriate.

96. One comment objected to the following warnings: "Caution: Do not exceed recommended dose since side effects may occur which include increased nervousness, anxiety, irritability, difficulty in falling asleep and occasionally disturbances in hearing rate and rhythm called palpitations" and "Contains caffeine. Do not take this product with large amounts of caffeine-containing beverages such as coffee, tea or cola drinks". The comment argued that these warnings are unnecessary since the established name of the drug, caffeine, must appear on the principle display panel of the product label and since the public, as a result of its vast experience with coffee, tea, and cola drinks, is well aware of the side effects of excessive caffeine intake. The comment states that these warnings are excessive since they are based solely on the Panel's opinion and since the dosage of those products is only approximately equivalent to a single cup of coffee.

Even though the public is familiar with caffeine, the Panel felt and the Commissioner concurs, that the public is not aware of all the possible side effects of excessive caffeine consumption. The Commissioner concludes that the warning, "Caution: Do not exceed recommended dose since side effects may occur which include increased nervousness, anxiety, irritability, difficulty in falling asleep and occasionally disturbances in heart rate and rhythm called palpitations", alerts the consumer to the possible specific effects of excessive caffeine consumption, and he invites further comment on this warning. Since individuals could inadvertently overdose themselves with caffeine if they in-

gested it from several different sources simultaneously, the Commissioner concludes that the other Panel recommended warning is necessary, but further clarifies it to read: "The recommended dose of this product contains about as much caffeine as a cup of coffee. Take this product with caution while taking caffeine-containing beverages such as coffee, tea or cola drinks because large doses of caffeine may cause side effects as cautioned elsewhere on the label". The Commissioner concludes that this proposed warning will have more meaning to the consumer than the warning originally recommended by the Panel, and he is interested in receiving further comment on this warning.

97. One comment stated that the warning "For occasional use only. If fatigue or drowsiness persists continuously for more than two weeks, consult a physician" is unnecessary since it is based on speculation and not on findings of fact as to its need and, in addition, it tends to state the obvious.

The Commissioner finds that fatigue or drowsiness, especially when experienced for 2 weeks or more, may be symptomatic of a number of serious disorders requiring the attention of a physician. This is common medical knowledge and sound common sense, not mere "speculation" as the comment suggests. As to the comment's contention that this warning states the obvious, the Commissioner agrees. However, many if not most warnings serve that purpose, and they remind people of important facts which, while obvious to many, might be overlooked by some. The comment is therefore rejected. The Commissioner concludes that the warning should be retained.

98. One comment objected to the following proposed warning for OTC stimulant drugs: "Caution: Do not exceed recommended dose since side effects may occur which include increased nervousness, anxiety, irritability, difficulty in falling asleep, and occasionally disturbances in heart rate and rhythm called palpitations" on the basis that it is too long and may cause concern among consumers.

The comment further states that there is no need for the label to reiterate the possible side effects of higher than normal doses, and states this warning is more appropriate for prescription package insert labeling. In addition, the comment expresses concern that the layman would fail to understand the terminology and be frightened unnecessarily even to the point that he might not take the medication but would consult a physician needlessly. The comment also raises the possibility that some consumers might develop psychosomatic side effects after reading about them. Consequently, the comment proposes that this warning be revised to simply read: "Do not exceed recommended dose".

The Commissioner finds after reviewing all pertinent data that the more specific warning is more informative to the public. The Commissioner believes that the consumer should be fully informed and that the consumer has a right to full disclosure of the reasons behind label warnings and the possible consequence of ignoring those warnings. The Commissioner concludes that a more specific warning should therefore be retained.

99. A comment proposed that the second sentence of the following warning proposed for OTC stimulants be made optional since it is redundant: "For adults only. Do not give to children under 12 years of age".

The Commissioner concluded in comment 47 relating to nighttime sleep-aids, that the warning is redundant. The Commissioner concludes that this warning is likewise redundant for OTC stimulants. The second sentence "Do not give to children under 12 years of age" should be required; the first sentence should be deleted.

100. One comment objected to the proposed warning in §340.50(c)(4) for products containing caffeine: "Do not take this product with large amounts of caffeine-containing beverages such as coffee, tea or cola drinks". The comment argues that it is unnecessary and recommends its deletion since the Panel did not cite any situations where consumers are harmed by taking OTC products containing caffeine or by consuming beverages containing caffeine. The comment points out that the Panel recognized that a toxic dose of caffeine is much higher than the dose recommended for OTC use.

The Commissioner advises that the intention of the warning proposed by the Panel is to alert individuals to the danger of possible overdosage or overstimulation through consumption of caffeine from a number of different sources. While the toxic dose of caffeine is much higher than the recommended OTC dose, overstimulation could occur in some individuals through the ingestion of the drug from multiple sources, e.g., OTC stimulant drugs plus coffee, hot or iced tea, or cola beverage, within a short period of time. The comment is therefore rejected.

The Commissioner concluded in comment 96 that such a warning is necessary, although it should be clarified.

101. Comments expressed general agreement with the Panel's proposed warning for caffeine-containing stimulants but pointed out that many products besides the three mentioned in the warning, namely, coffee, tea and cola drinks, also contain caffeine, e.g., cocoa, chocolate candy and icings, and some OTC and prescription drugs.

The comments suggest the following alternative wordings for this warning:

"Contains caffeine: Do not ingest more than (leave blank—to be filled with proper dosage) without advice of your physician."

or
"Contains caffeine: Do not ingest this product with large amounts of caffeine-containing food or drug products without the advice of your physician."

or
"Contains caffeine: Do not take this product with large amounts of caffeine-containing foods, beverages or medication."

The comments recommend this more general language for the warning as being more effective in informing the consumer than the originally proposed language, which merely identifies a few food products. The comments point out that the original language would only serve to lull the user into a false sense of security and frustrate the purpose of the proposed rule since there are other food products and OTC drugs that contain caffeine and that are not identified in the original warning.

The Commissioner acknowledges that there are other sources of caffeine than the three examples given in the Panel's proposed caffeine warning. He notes, however, that these examples were selected as being the largest and most likely sources of additional caffeine by users of OTC stimulants. The Commissioner further notes that these comments do not disagree with the need for this warning but merely object to the specific examples of those beverages.

The Commissioner concluded in comment 96 that such a warning is necessary, but that it needs clarification.

102. One comment challenged the Panel's statement that the "teratogenicity of caffeine can be detected in rats if sufficiently high doses are given; these are of the order of 250 mg/kg and would be equivalent to 100 cups of coffee containing 125 mg of caffeine each." The comment contended that the statement was erroneous and "implied that there is no possible teratogenic hazard to developing embryos." It argued that caffeine may be teratogenic in humans as doses producing malformations in animals are only slightly greater than those consumed by women and that consequently there is an inadequate safety margin. The comment also cited human retrospective studies implicating caffeine with problem pregnancies and low birth weight.

Several animal studies were cited in the comment to show that caffeine is teratogenic at doses consumed by humans (Refs. 1 through 5). The contention is made that the studies indicate that birth defects occurred at 30 to 50 mg/kg doses and that this dose

range is a level to which "a small minority of pregnant women is likely to be exposed." This contention is based on the assumption that a 100-lb. (46 kg) pregnant woman drinks between 10 and 20 cups of coffee daily, each containing 125 mg of caffeine and producing dose levels of 3 mg/kg of caffeine per cup, or a total of between 30 and 60 mg/kg of caffeine. An undocumented source is quoted in the comment as asserting that 9 percent of coffee drinkers average seven or more cups daily.

The Commissioner notes that since 1974 the Select Committee on GRAS Substances of the Federation of American Societies for Experimental Biology (FASEB) has been reviewing the safety of caffeine as a food additive for FDA's Bureau of Foods. This group is aware of the studies cited in the comment and has included the results of these studies as part of its review of caffeine. The FASEB Committee submitted a tentative report to FDA in November 1976 and held a public hearing on the report in September 1977. The FASEB Committee then reconvened to evaluate the additional information obtained at the hearing. A final report on the safety of caffeine as a food additive will be submitted to FDA within the next few months. FDA's Bureau of Foods is about to begin a laboratory study in animals to assess whether the animal teratology studies reviewed by FASEB can be replicated.

While the comment states that the animal studies indicate that birth defects occurred at 30 to 50 mg/kg doses, the Commissioner notes that these animal studies do not show consistent malformations at doses up to 75 mg/kg. The comment quotes the FASEB report, "Tentative Evaluation of the Health Aspects of Caffeine as a Food Ingredient," as concluding that "At doses greater than 75 mg/kg teratogenic effects are apparent in animal studies" (Ref. 6). In three mouse studies at 50 mg/kg of caffeine, only one "uniquely deformed" fetus occurred (Refs. 3 and 4). At test doses of 100 mg/kg and above, malformations were reported in these studies.

The results reported on the teratogenicity of caffeine in animals vary for a given dose of caffeine (Ref. 5). This variability has been attributed to species differences, strain differences, the source and form of the caffeine tested by different investigators, the stage of embryonic development at which caffeine was administered, the rate of caffeine administration, the route of caffeine administration and differences in caffeine metabolism between species and strains. In studies in mice and rats cited in the comment, caffeine was administered orally as well as by other routes. Teratogenic effects in the oral studies varied with the

time period over which the dose was administered, the gestational period when administered, the strain of animal, and the method of oral administration (intubation or feeding). Oral doses at which teratogenicity occurred ranged from 100 to 500 mg/kg.

Differences between species and strains of test animals are also reflected in the variability of the lethal dose of caffeine. In most instances, the dose administered in animal teratology studies approximated the lethal dose. The available acute toxicity data (Ref. 6) show that the oral LD₅₀ of caffeine in the mouse is 132 mg/kg. The oral LD₅₀ in the rat varies from 192 to 296 mg/kg, and one study reports 1,050 mg/kg.

The doses which produced teratogenicity in animals were in the lethal range, approximately 100 to 300 mg/kg. In man, the ingestion of large doses of caffeine up to 10 g (200 mg/kg) has caused convulsions and vomiting with complete recovery in 6 hours (Ref. 9). The acute human lethal dose of caffeine is unknown but appears to be greater than 200 mg/kg. It should be pointed out that a dose of 10 g of caffeine is the amount of caffeine contained in 70 to 100 cups of coffee. The 200 mg/kg dose in man is a high toxic dose but apparently not a lethal dose. It may be that humans are less sensitive to caffeine than the mouse or rat. No caffeine-related teratogenic effects have been reported in humans. The comment failed to consider in its evaluation of the teratogenic potential of caffeine that the daily consumption of 10 cups of coffee, which is estimated in the comment to contain 20 to 30 mg/kg of caffeine, is taken over a period of several hours and not in a single dose. In the animal studies, the teratogenic doses, which approximated the lethal dose, were administered as a single dose.

The comment also cited human retrospective studies. One such study was claimed to report that 13 of 14 heavy coffee drinkers (seven or more cups of coffee per day) had problem pregnancies, including miscarriages and stillbirths (Ref. 7). Another study was claimed to indicate that coffee consumption was associated with an increased incidence of low birth weight infants (6.6 percent as compared to 4.2 percent of the controls), but that no association with birth defects was noted (Ref. 8).

The Commissioner has examined the results of three human studies (Refs. 7, 8, and 10). Two of these three studies were summarized in the comment and mentioned above. The Commissioner finds many discrepancies between the comment's summary of these two studies and the published reports. The comment's summary of one of the reports stated that 13 out of 14 heavy coffee drinkers (seven or

more cups of coffee a day) had problem pregnancies, including miscarriages and stillbirths. The study (Ref. 7) actually states that these 14 women were part of a group of 800 women from whom a survey team received replies to a questionnaire. Most of the 800 women were noncoffee, nonalcoholic beverage drinkers. About 200 of these women (about 25 percent) reported problem pregnancies. It is apparent that the 14 women who reported drinking 7 or more cups of coffee daily were part of the 200 of 800 women reporting problem pregnancies. The remaining 186 women with pregnancy problems were noncoffee drinkers. The published report is an incomplete study and the survey team agreed that their study by no means pointed to coffee as the cause of the problem pregnancies.

In the second study summarized in the comment (Ref. 8), the comment stated that coffee consumption was associated with an increased incidence of low births weight in infants (6.6 percent as compared to 4.2 percent in the controls). The comment noted that the report did not find an association between caffeine and birth defects. In this study, 5,200 women were asked to describe their coffee consumption during pregnancy as none, seldom or frequent. Other parameters, such as maternal age, parity, socioeconomic status, body weight, etc., were not considered by the investigators. The questions asked of the women did not require a quantitative answer, i.e., the number of cups of coffee consumed daily. The answers were subjective. The investigators concluded that because of other variables that were not considered it was questionable whether a direct causal relationship existed between coffee consumption and low birth weight. In addition, the investigators studied the association between coffee consumption and shortened gestation period and found no relationship. It is also interesting to note that in the two human studies cited by the comment, the investigators did not inquire whether any drugs, in addition to the coffee, were taken by the women during pregnancy.

The third human study examined by the Commissioner (Ref. 10) was cited in a report prepared for the FDA's Bureau of Foods by FASEB (Ref. 6), "Tentative Evaluation of the Health Aspects of Caffeine as a Food Ingredient." This study was not cited by the comment, although the FASEB report was mentioned in the comment in relation to animal studies. In this study, the investigators considered the association of drugs taken by women during pregnancy with the incidence of malformed infants delivered by these women. Caffeine, as a drug, was one of the ingredients compared with the incidence of malformations.

In this study, the ingestion of caffeine, as an ingredient in analgesics, by 458 mothers of malformed infants was compared with the ingestion of caffeine by 911 mothers of normal infants. Virtually all of these women (1,333 out of a total of 1,389) had taken one or more drugs during pregnancy. The investigators carefully checked the prescribed and self-administered drug histories of these women for the period of their pregnancies. They also eliminated bias in the selection of the mothers with abnormal infants and the mothers with normal infants. Statistical comparisons were made between caffeine used during the whole period of pregnancy and caffeine used during the first trimester. The data showed that 2.4 percent of mothers with abnormal infants had taken caffeine during the whole period of pregnancy as compared to 1.5 percent of mothers with normal infants. This difference was not statistically significant. The data on the use of caffeine during the first trimester of pregnancy show that the drug was ingested by 0.2 percent of mothers with malformed infants as compared with 0.7 percent of mothers with normal infants. FASEB concurred with the author's conclusions that there was no association between caffeine used as a drug and abnormalities in offspring.

The Commissioner wishes to emphasize that the concern of the Advisory Review Panel on OTC Nighttime Sleep-aid, Daytime Sedative, and Stimulant Drug Products was with the use of caffeine as a stimulant and not as a food ingredient. The Panel recommended caffeine as a stimulant at an oral dose of 100 to 200 mg not more often than every 3 to 4 hours. The highest single dose recommended, 200 mg (4 mg/kg), is 50 times less than the toxic dose of 200 mg/kg in man. The highest total daily dose that would be received if 200 mg were taken every 3 hours for 24 hours would be 1,600 mg (32 mg/kg). This total dose is approximately 6.3 times less than the toxic single dose of 200 mg/kg. An individual who continuously takes a stimulant for 24 hours is clearly ignoring the recommended labeling that restricts the product by the label caution: "For occasional use only. If fatigue or drowsiness persists continuously for more than 2 weeks, consult a physician." It can be assumed that under usual circumstances an individual will sleep for at least 6 hours. During the 18-hour waking period, a total of 200 mg could be taken six times, i.e., 1,200 mg or 24 mg/kg which is approximately 8.3 times less than the known toxic single dose of 200 mg/kg. An important consideration that further increases the margin of safety is the fact that the total dose of 24 mg/kg of caffeine is taken in fractionated doses of 4 mg/kg. In animal studies in which the

total daily dose was fractionated, the incidence of teratogenicity decreased (Ref. 5). In man, a direct causal relationship between caffeine and malformations has not been reported in the years that caffeine has been consumed in coffee, tea, and beverages.

In an evaluation of caffeine ingestion and its relation to teratogenicity, animal studies alone cannot be the overriding consideration when information on human experience with the drug is available. The Commissioner finds the comment's interpretation of the studies on coffee consumption by pregnant women at variance with the data and conclusions of the studies. Long usage of caffeine and retrospective studies have not revealed a teratogenic effect in humans. These facts must be considered regardless of demonstrated teratogenic effects of high doses of caffeine in animals. The relationship between the dose of caffeine necessary to elicit a teratogenic effect in animals and the number of cups of coffee that a human would have to drink to approximate this dose must be a consideration. Even a lower teratogenic dose of 100 mg/kg in animals represents 40 cups of coffee containing 125 mg of caffeine per cup. From human experience, it appears that man may be a species that is less sensitive to caffeine than the mouse or rat. It has been suggested that humans are protected by the rapid metabolism of caffeine, with only 1 percent excreted unchanged (Ref. 11).

After a review of the available data, and in view of the fact that caffeine is a naturally occurring substance present in widely consumed foods and is also used as a food additive, the Commissioner is deferring any regulatory action until he has carefully reviewed the final findings of the FASEB Select Committee and the results of the FDA caffeine teratology study.

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REFERENCED OTC VOLUME SUBMISSIONS

All "OTC Volumes" cited throughout this document refer to the submissions made by interested persons pursuant to the calls for data published in the FEDERAL REGISTER of August 22, 1972 (37 FR 16885) and May 25, 1973 (38 FR 13763). The volumes are on public display in the office of the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

For the convenience of the reader, the Commissioner includes the following tables summarizing his conclusions regarding the categorization of single active ingredients and combination of ingredients:

CATEGORIZATION OF SINGLE INGREDIENTS

Ingredient	Night-time sleep-aid	Day-time sedative
Antihistamines:		
Diphenhydramine hydrochloride	III	II
Doxylamine succinate	III	II
Methapyrilene fumarate	II	II
Methapyrilene hydrochloride	II	II
Phenyltoloxamine dihydrogen citrate	III	II
Pyrimamine maleate	III	II
Bromides:		
Ammonium bromide	II	II
Potassium bromide	II	II
Sodium bromide	II	II
Scopolamine compounds:		
Scopolamine aminoxide hydrobromide	II	II
Scopolamine hydrobromide	II	II
Miscellaneous compounds:		
Acetaminophen	II	II
Aspirin	II	II
Salicylamide	II	II
Thiamine hydrochloride	II	II
Passion flower extract	II	II
Niacinamide	II	II

Ingredient	Stimulant
Caffeine	I
Ammonium chloride	II
Ginseng	II
Vitamin E	II

*These ingredients have not been marketed previously as OTC nighttime sleep-aid. Therefore, according to 21 CFR 330.13 (41 FR 32580, August 4, 1976), marketing of these ingredients as OTC nighttime sleep-aid is prohibited prior to determination by the Commissioner that they are generally recognized as safe and effective, or a new drug application for the product has been approved.

*Ingredients have not been submitted as daytime sedatives and would not be appropriate for such use.

*Referred to OTC Internal Analgesics Panel for evaluation of analgesic claims.

*Referred to OTC Miscellaneous Internal Drug Products Panel for evaluation of diuretic claim.

Ingredient	Night-time sleep-aid	Day-time sedative
Combinations containing 2 antihistamines:		
Combinations containing more than 2 antihistamines	II	II
Combinations containing bromides	II	II
Combinations containing scopolamines	II	II
Combinations containing analgesics	III	II
Combinations containing thiamine hydrochloride, passion flower, or vitamins	II	II
Stimulant		
Combinations containing diuretics	II	II
Combinations containing ginseng	II	II
Combinations containing vitamin E	II	II

II. THE COMMISSIONER'S CONCLUSIONS ON NIGHTTIME SLEEP-AIDS

A. GENERAL DISCUSSION

Sleep is generally defined as a regularly recurrent, easily reversible behavioral state characterized by relative quiescence and a greatly increased threshold of response to stimulation from the environment. In recent years it has been shown that a series of well-defined changes in brain wave patterns and other physiological changes regularly accompany behavioral sleep. These polygraphically recorded patterns are now useful in determining exact time of sleep onset and minute-by-minute changes in sleep stages. It appears justifiable at this point to add to the above behavioral definition of sleep that normal sleep must be accompanied by the usual well-determined sequence of polygraphic patterns.

The Commissioner concludes that experiencing occasional sleep problems is a valid indication for OTC medication. Sleep problems amenable to help by OTC products would fall into two broad categories: (1) Occasional difficulty in falling asleep (an increase in sleep latency), and (2) occasional difficulty in remaining asleep (an increase in number of awakenings, total time awake after sleep onset, or early morning awakening). Normal sleep patterns vary considerably and a person should take OTC medication only when his pattern deviates widely from his usual pattern.

Patients with severe or chronic insomnia are not candidates for self-medication; they should consult their physicians. Severe insomnia can be defined as sleep difficulty serious enough to interfere regularly with a person's normal waking activities. Chronic insomnia is sleep difficulty occurring every night or almost every night for at least several weeks.

An OTC nighttime sleep-aid, then, is a substance which helps an individual fall asleep or is used for the relief of occasional sleeplessness. Possible uses for such products, if demonstrated by adequate testing, would be to reduce time taken to fall asleep, number of awakenings, or early morning awakening or any combination of the above circumstances if these circumstances (delayed sleep, frequent awakenings, light sleep, or reduced duration of sleep) interfere with the normal sleep pattern of the individual.

B. SAFETY AND EFFECTIVENESS

The Commissioner concludes that the following criteria apply to establish the safety and effectiveness of nighttime sleep-aid.

The active ingredient must be safe in the doses suggested on the labeling. The demonstration of safety should be based on current criteria used to evaluate centrally acting drugs. This includes the guidelines for testing the safety of nighttime sleep-aid. (See part II, paragraph D, below—Data Required for OTC Nighttime Sleep-Aid Ingredient Evaluation.) The general guidelines used in the introduction of drugs for prescription use should also be followed in assessing safety. Drugs that are suspected of causing mutations and/or cancer should not be authorized for OTC use.

Because these drugs are intended for nighttime use, their action should not persist into the daytime hours, or beyond the intended period of sleep, so that no interference with normal motor or sensory performance is encountered during the waking state.

The drug should be effective without causing undue disturbance in the period after sleep, such as depressed motor or sensory activity, including reduced ability to perform simple motor tasks. The drug should not interfere in an unusual manner or to an unusual degree with physiological EEG patterns characteristic of normal sleep. There should be a low potential for allergic manifestations and for idiosyncratic responses to the drug. The margin between an effective and a toxic dose should be large, and the desired effect should be produced ordinarily with a single dose; occasionally a repeated dose may be needed. The drug should not be habit-forming or addicting. There should be no serious toxicity that would result from ill-advised or inadvertent chronic use of the drug.

Determination of effectiveness of an OTC nighttime sleep-aid can be made to some extent by subjective reports from patients or subjects, and by nurses' observations, but are made more accurately by all-night sleep laboratory recordings. Preferably, several methods should be used, such as all-night sleep recordings in a small number of subjects combined with subjective reports in a large number of subjects, to make certain that a potential sleep-aid does improve sleep as verified both by objective criteria and by reports of improved sleep by the subjects themselves. The Commissioner has included later in this document guidelines for evaluating the effectiveness of a nighttime sleep-aid. (See part II, paragraph D, below—Data Required for OTC Nighttime Sleep-Aid Ingredient Evaluation.)

In accordance with current practice, the packaging of such drugs should be designed to protect small children. The Panel recommended that the quantity of the drug available in an OTC nighttime sleep-aid product container be limited to prevent accidental ingestion of a lethal dose. The Commissioner has no authority to limit package size, but will refer the Panel's recommendations to the Consumer Product Safety Commission. He urges industry to comply voluntarily with the Panel's recommendation and notes that the problem of accidental poisonings in children led to the adoption of a similar voluntary package size restriction for children's aspirin (32 FR 3440).

The Commissioner is concerned that OTC nighttime sleep-aid may also be involved in some accidental poisonings. He therefore urges industry to voluntarily limit package size to a sub-lethal dose, but in any event to no more than 2 week's supply.

LABELING

The Commissioner has included discussions on labeling elsewhere in this document. (See part II, paragraph C.1. below—Category I Labeling, paragraph C.2. below—Category II Labeling, and paragraph C.3. below—Category III Labeling.)

C. CATEGORIZATION OF DATA

1. *Category I conditions under which OTC nighttime sleep-aids are generally recognized as safe and effective and are not misbranded.*

Category I Active Ingredients

The Commissioner concludes that none of the submitted active ingredients can be generally recognized as safe and effective and not misbranded as OTC nighttime sleep-aids.

Category I Labeling

The Commissioner has reviewed the Panel report and has concluded that

the following changes in Category I labeling should be made based on submitted comments and additional data. The general drug interaction warning has been deleted in favor of specific warnings where applicable. (See comment 14.) The contraindication of antihistamines in pregnancy and lactation has been deleted as being without scientific basis. (See comment 48.) The recommended general warning "Caution: This product contains an antihistamine drug" has been deleted as having no meaning to the consumer. (See comment 53.) The first sentence of the adults only warning has been deleted since it is redundant; the second sentence is more definitive. (See comment 47.) The word "condition" has been changed to "sleeplessness" in the 2-week use limitation warning for the sake of clarity. (See comment 49.) The Commissioner concludes that a warning should be added contraindicating the use of antihistamines in persons who have glaucoma, asthma, or enlarged prostate. (See comment 55.)

The Commissioner concludes that the following labeling shall be Category I for nighttime sleep-aid active ingredients generally recognized as safe and effective and not misbranded:

a. *Indications.* (1) "Helps fall asleep".

(2) "For relief of occasional sleeplessness".

(3) "Helps to reduce difficulty in falling asleep".

b. *Warning.* (1) "Do not give to children under 12 years of age". The Commissioner concludes that since all of the studies reviewed by the Panel dealt with adults, not enough data are available on these drugs for use in children. Also, there are insufficient data on how children will react, especially in light of the fact that many children have an opposite reaction to that of adults. For example, it is possible that children may be more easily stimulated rather than sedated with antihistamines used as nighttime sleep-aids (Ref. 1).

(2) "If sleeplessness persists continuously for more than 2 weeks, consult your physician. Insomnia may be a symptom of serious underlying medical illness". The Commissioner is concerned that consumers should be informed of the limitation of usefulness of OTC nighttime sleep-aid drugs. This class of drugs is intended for short-term occasional sleeplessness experienced by basically healthy individuals. Continuous use of an OTC nighttime sleep-aid for more than 2 weeks may be indicative of a serious underlying physical, emotional or psychological disturbance requiring professional medical attention.

(3) For products containing an antihistamine: (i) "Take this product with caution if alcohol is being consumed".

The Commissioner concludes that the depressant effects of antihistamines and alcohol are additive and could create a greater soporific effect than is desirable.

(ii) "Do not take this product if you have asthma, glaucoma or enlargement of the prostate gland except under the advice and supervision of a physician". This warning should be in type at least twice as large as all other warnings on the package. The Advisory Review Panel on OTC Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products (September 9, 1976), recommended the inclusion of this warning for antihistamines because of the atropine-like effects associated with this class of drugs. While the Advisory Review Panel on OTC Nighttime Sleep-Aid, Daytime Sedative and Stimulant Drug Products did not recommend such a warning, the Commissioner concludes that this same warning should apply to antihistamines when used as nighttime sleep-aids. This atropine-like or anticholinergic effect could be hazardous in patients with glaucoma and could lead to difficulty in urination in those individuals with an enlarged prostate. In asthma, the antihistamines may cause drying of the bronchial secretions, making expectoration of the secretions more difficult and thereby increasing obstruction of the airway.

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2. *Category II conditions under which OTC nighttime sleep-aids are not generally recognized as safe and effective or are misbranded.*

Category II Active Ingredients

The Commissioner concludes that the following OTC nighttime sleep-aid active ingredients cannot be generally recognized as safe and effective or are misbranded:

Bromides: Ammonium bromide, potassium bromide, and sodium bromide.

Methapyrilene hydrochloride and methapyrilene fumarate.

Scopolamine compounds: Scopolamine aminoxide hydrobromide and scopolamine hydrobromide.

Miscellaneous compounds: Acetaminophen, aspirin, passion flower extract, salicylamides, and thiamine hydrochloride.

a. *Bromides (ammonium, potassium, sodium).* The Commissioner concludes that ammonium bromide, potassium bromide and sodium bromide are not safe in therapeutic dosage levels as OTC nighttime sleep-aids because of toxicity and possible teratogenic effects. The Commissioner further concludes that at the dosage levels presently marketed these ingredients are

not effective as OTC nighttime sleep-aids. Ammonium, potassium, and sodium bromides are similar in their pharmacological action and will be discussed as a group.

Bromine was discovered by Balard in 1826 and introduced into medicine in the salt form in the treatment of epilepsy in 1843 by Laycock. Its application as a hypnotic by Behrend dates back to 1864 (Ref. 1). The toxicity of bromides was noted in the 19th century. Wuth in 1927 reemphasized the toxicity of bromides which had been ignored for almost 100 years (Ref. 2). The barbiturates replaced bromides in the treatment of epilepsy, and bromides came to be used mainly as hypnotics and sedatives in the early 20th century.

By the late 1920's, bromides were widely prescribed and sold OTC as sedatives and hypnotics. Modern case reports about bromide toxicity recall their widespread use and importance before barbiturates, and the so-called "minor tranquilizers" such as meprobamate replaced them to a very large extent in the 1950's (Ref. 3). With the availability of more prescription drugs, the use of bromides shifted primarily to OTC use, although cases of poisoning still result from prescribed drugs. The OTC preparations have become the largest source of bromide use today in medicine. They are seldom recommended by physicians although toxic effects have resulted from prescriptions containing bromides within the past 10 years (Ref. 4).

Bromide, the negatively charged ionic form of bromine, is the drug we are concerned with in this discussion. Its close chemical relation to the chloride ion should be noted. Both chlorine and bromine are chemical elements included in a group known as the halogens. Special analytical methods are needed to detect bromide ion in the presence of chloride ion in biological fluids (Refs. 5 through 11). Bromides are ordinarily given by mouth and are efficiently absorbed. At high doses, subjects complain about gastrointestinal irritation, even when the drugs are given after meals, and some physicians in the past recommended that the bromides be given daily in three divided doses (Ref. 12). Divided doses cut down the intensity of gastrointestinal irritation, but serve no other purpose. A daily dose, if it could be tolerated without gastrointestinal irritation, would maintain therapeutic levels of bromide in the body. Absorption of a single oral dose is complete in 2 to 3 hours according to a study with radioactive bromide (⁷⁶Br) (Ref. 13). Peak plasma levels are reached about 30 to 45 minutes after a single oral dose (Ref. 14).

Distribution of bromide is the same as distribution of chloride, except for certain relatively minor differences.

Like chloride, bromide distributes through the extracellular space, which is approximately 21 percent of total body weight. For a 150-lb (70 kg) man, the chloride or bromide extracellular space is approximately 15 liters. This space includes interstitial fluid and blood plasma. Large amounts of bromide appear in the salivary glands and also in gastric juice, where hydrogen bromide is formed. Bromide secretion by the gastric mucosa is analogous to that of chloride. Formation of hydrogen bromide contributes to the gastric discomfort experienced by chronic users of bromides. Like chloride, bromide enters the red blood cells in appreciable amounts. Monovalent inorganic anions like chloride or bromide are not bound to any considerable extent to plasma protein, so that plasma determinations of these two ions refer to free halogen.

The total halogen concentration in the extracellular space, as measured in the plasma, is predominately chloride and is normally about 99 to 105 milliequivalents per liter (mEq/L). In cases of poisoning by bromide, the chloride concentration may appear to go up, and this may be a clue to bromide poisoning. Usually bromide simply replaces part of the chloride, and standard laboratory tests report both ions as chloride.

Bromide does not penetrate cells in the brain to a greater extent than chloride, nor has there been found any qualitatively different distribution in brain tissue. It is assumed that bromide acts directly on the central nervous system (CNS), but not much information is available about the mechanism of its action. This is due, in large part, to the fact that bromides have been less widely used in the modern era in which more sophisticated ways of monitoring central nervous system function have been introduced.

At least 80 percent of the elimination of bromide proceeds via the kidney. Both chloride and bromide ions are cleared from the kidney by simply filtration, and then each is partially reabsorbed by the tubules of the kidney. The renal clearance of bromide is slightly less than that for chloride because the bromide ion is reabsorbed from the renal tubules somewhat more efficiently than chloride (Ref. 16). If chloride intake is kept constant and enough bromide is given, it is possible to reach high steady state levels of bromide. If bromide intake is maintained constant and chloride intake is reduced, there will be a more rapid increase in the body concentration of bromide. The half-time for elimination of bromide from the body is about 12 days, on the average, for persons with normal kidney function assuming that sodium chloride intake remains constant (Ref. 13).

The maintenance dose of bromide, about 0.9 g per day, if taken from the

start of dosing, would produce no ill effects, because almost 6 weeks would elapse before effective concentrations would be attained in the body fluids. This rate of accumulation is much too slow, since no one taking the drug on his own volition, would wait that long for symptomatic relief; thus, large doses have to be taken initially to produce an effect rapidly. If dosage continues at the same high initial rate, cumulative poisoning would soon occur. At a moderate dose of 1 g 3 times a day, the minimal effective blood concentration of 50 mg/100 ml is only attained after a week. After 3 weeks of continuous administration at the same rate, the blood level rises to 110 mg/100 ml, a blood concentration likely to produce toxic effects such as rashes, mental disturbances consisting of impaired thought and memory, dizziness and irritability (Ref. 17).

The body content of bromide may increase to a toxic level if the dosage is greater than the required maintenance dose and/or the renal elimination is below the expected level. At a steady rate, where intake equals output, the blood level will be just below the toxic range. If the rate of elimination were reduced, not unusual in older persons, the new steady state blood level of bromide would be a toxic concentration.

The blood serum concentration associated with toxicity is usually reported as 150 mg bromide per 100 ml or above. But cases of toxicity have occurred with serum levels of 50 mg/100 ml, and some patients have tolerated blood levels higher than 150 mg (Ref. 18).

To use these drugs chronically without monitoring the patient's chloride balance and blood serum bromide is not safe medical practice since small changes in chloride intake or small changes in kidney function can lead to severe poisoning.

In 1927 Wuth (Ref. 2) stated, "Taking into account the interaction of bromides and chlorides, it is evident that if these individual variations of chloride intake are not considered it is merely a matter of luck whether bromide treatment is successful or not, or whether it does or does not lead to intoxication."

Depression of the central nervous system occurs with therapeutic amounts of bromides. With low doses an individual becomes drowsy. Larger doses produce impairment of central function causing difficult speech, difficulty in thinking, and impaired memory.

There has been considerable argument about the effects of bromides on motor preference, but very little research has been done. In a "semi-blind" study by Uhr and collaborators (Ref. 19), several tests of motor coordination, including simulated auto-

mobile driving, tests of memory, and behavioral profiles, were studied comparing a placebo, meprobamate and bromide. One group was not told what they were ingesting and the other group receiving different amounts of bromide were told that they were all ingesting the same amount. This is a bizarre design. In the doses used, 5 to 8 g of bromide per day, there were no major deficits in performance produced by the bromides.

Jellinek and his associates (Ref. 18) inquired about the effects of bromides on human subjects as one increased the blood levels from sedative to mildly toxic ranges. The study was designed so that bromide levels of about 100 to 200 mg/100 ml of serum would be achieved and monitored in normal and psychotic subjects. Physical and psychological examinations were carried out during the course of the study. By giving daily doses of 50 mg of sodium bromide per kg body weight to all subjects, 78 normal subjects attained a mean serum bromide level of 148 mg/100 ml (range 120 to 200). However, a mean of 134 mg (range 98 to 186) was attained in 20 psychotic subjects.

In the normal subjects only sedative effects were noted. "Sounder and increased sleep" and some loss of concentration were noted. Skin rashes were seen in 2 of the 78 subjects. Some moderate tremors of the tongue, slightly increased patellar reflexes, and subjective feelings of "unsteadiness" were noted. Psychological tests showed that (6 subjects) had reduced ability to concentrate. Sixteen subjects volunteered the information that they had developed a sexual indifference. Of the 20 psychotic patients with blood levels comparable to those for normal subjects, 2 showed sluggish or fixed pupillary reactions to light. Except for these, there was "generally a picture of sedation and even of some therapeutic effect."

In the same study (Ref. 18), in a second group of 28 psychotic patients, doses of 75 to 100 mg/kg body weight of sodium bromide were given daily. A mean blood serum level of bromide of 228 mg/100 ml was obtained (range) 175 mg to 310 mg). Sixteen subjects were dropped from the study after the fifth week because of various toxic signs. These signs included positive Romberg test (six subjects), bromoderma (two or possibly three), unsteadiness and/or dizziness in four, sleepiness or similar symptoms in eight, and a few miscellaneous toxicities. "An exacerbation of psychotic symptoms was not prominent" in this whole group of 28 subjects.

The Commissioner notes that the conclusion reached by the authors is that bromide therapy does not uncover psychotic behavior, but that psychotic patients generally show the

same kinds of symptoms reported for normal subjects who are intoxicated. It is suggested by the authors that at blood levels below 200 mg bromide/100 ml of serum an additional factor is at work in cases where "bromism" or "bromide psychosis" has been reported.

Various types of skin rashes are seen in cases of bromide toxicity. The diagnosis is often missed because the possibility of bromide ingestion is not considered by the physician (Refs. 20 and 21). Because these reactions occur in only 1 to 10 percent of subjects taking bromides, it is likely that they represent an allergic reaction to the drug.

A single oral dose of bromide is not effective, because it takes a few days to achieve a therapeutic concentration in the extracellular fluid. This means that the sedative activity will be persistent and not transitory, as is intended when a hypnotic (sleep inducer) is used to induce sleep. Because bromides cannot induce sleep promptly after a single dose and must be used for several days and because these ingredients then have a continued pharmacological action, the Commissioner concludes that bromides should not be indicated as OTC sleep-aids. Sleep is not induced, says Sollman (Ref. 1), but is made possible by the calming action: "... the bromides tend to produce a mental calm, aloofness progressing to lassitude. These predispose to sleep which can be resisted."

The Commissioner notes that contraindications to bromide therapy have been listed repeatedly (Ref. 22). These include: (1) Anorexia: Vomiting and diarrhea induced by taking of bromides can easily deplete the body's chloride content, thus making chronic bromide intoxication more easily produced, (2) Alcoholism: Bromides enhance and prolong symptoms of hangover and intoxication, (3) Congestive heart failure: Usually patients with cardiac failure are on a restricted salt diet, so that intoxication with bromides will occur more readily than in normal subjects, and (4) Kidney disease: Excretion of bromides is likely to be reduced more than in the normal individual and toxicity is to be anticipated.

Depression of the entire central nervous system is the usual pharmacological effect, except that the medulla is not depressed until very high drug concentrations are achieved. Psychic functions are depressed and spinal reflexes are diminished. Muscle tone is lowered. Large doses lessen arterial tension, lower body temperature, depress sexual drive, and cause somnolence, loss of coordination and sluggish reflexes. Psychic phenomena may include hallucinations of auditory or visual type, depression, or maniacal excitation. The neurological examination usually, but not always, shows a

symmetrical distribution of altered function. This is useful in distinguishing between a central lesion and intoxication.

There has been discussion in the literature about the distinction between true schizophrenia and the apparent schizophrenia exhibited by some patients with bromide intoxication. Clearing up of the symptoms and their nonrecurrence as the intoxication disappears are useful indices. Some authors, for example, Levin (Ref. 23), claim that they can distinguish the two types of patient by the content of their hallucinations.

Neurological symptoms are commonly observed in cases of poisonings. Weakness was most common in one study of 27 cases (Ref. 24). It can involve a single extremity and thus mimic a central nervous system tumor or cerebrovascular accident. Sleepiness and stupor were also common. The state of consciousness was depressed in 14 of the patients, varying from drowsiness to coma. Thirteen patients were incontinent. Twenty has abnormal reflexes. Ataxia with the appearance of intoxication was the most common cerebellar sign; coarse tremor of the hands or tongue was seen in seven patients. Slurred speech was also common. Psychic manifestations included extreme excitement (12 cases), emotional instability, confusion, disorientation, and incooperativeness. In 12 cases, the average bromide concentration was 239 mg/100 ml of blood serum. Most of these patients had bronchopneumonia and/or urinary tract infection. The two deaths were due to pneumonia, a frequent cause of death in comatose patients.

"Ocular bobbing" is an intermittent conjugate downward deviation of the eyes in the absence of any reflex lateral eye movements. It is ordinarily caused by destruction of part of the brain. The sign is also seen in cases of bromism where there is a lateral deviation of the eyes as well as the downward movement.

Animal studies have pointed to the possibility that bromides may be teratogenic (cause abnormalities in the developing fetus) (Ref. 26). In studies carried out on animals with chronic bromide intake such that the concentration in the body was about as great as in human subjects on therapeutic doses, there appeared to be mental retardation as evidenced by reduced learning ability in offspring (Ref. 27). In this case, the bromide was given to pregnant rats from the 4th to 12th day of gestation at a total dosage of 192 mg of bromide per kg.

A woman who had previously had two normal children delivered two boys, 1.5 years apart, while taking bromides. Both boys showed growth retardation and reduced head size. One was described as a "true microcephalic" (Ref. 28).

It is clear that bromides cross the placenta readily. Cases of bromide intoxication have occurred in newborns. A girl born after 40 weeks of gestation weighed only 2,020 g (4.45 lb), was irritable and difficult to feed in the post-natal period and developed slowly (Ref. 29). At age 2.5 years, she showed retarded mental and motor development and was below the 10th percentile in height, weight, and skull circumference. The mother had taken large amounts of a bromide-containing preparation all through gestation to relieve headaches.

A 7-day-old girl entered a children's hospital with lethargy, poor sucking reflex and a blood serum bromide level of 365 mg/100 ml (Ref. 30). The mother, a nurse, took 1 quart of an OTC bromide preparation the day before delivery and had apparently taken lesser amounts during her 39-week pregnancy. On the 6th post partum day, the mother was found to have a serum bromide of 320 mg/100 ml. Both mother and infant recovered in this case, even though the blood levels were quite high.

A case of bromism with skin rash present was detected in a premature male infant (Ref. 28). Ten days after delivery, skin lesions began to appear and penicillin treatment was started. The penicillin did not affect the rash, and it was suggested that the mother's milk be tested for bromide. The milk contained 120 mg bromide per 100 ml. The child was cured by substituting cow's milk.

There are numerous case reports of bromide poisoning in infants (Ref. 31).

In summary, the Commissioner concludes that because the mode of action of the bromides involves displacement of chloride, a normal body constituent, and because this displacement takes many days to occur after ingestion of many of the "recommended" doses, the bromides cannot be considered for the use of occasional symptoms of sleeplessness. The mode of action involves a disturbance in the body's salt balance which requires the therapeutic level of the drug to be very close to the toxic level. In addition, bromides readily cross the placental barrier which might result in teratogenic effects such as mental retardation of the offspring. The Commissioner concludes that there is no indication for which bromides should be available on the OTC market. The risks involved in the uncontrolled use of bromides as nighttime sleep-aids are too great to permit general availability in the OTC market (Refs. 32 through 37).

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B. METHAPYRILENE FUMARATE AND METHAPYRILENE HYDROCHLORIDE

As noted in the preamble to this document, the Commissioner is aware that recent studies have implicated methapyrilene as a potential carcinogen or carcinogen synergist with nitrates in rats. Based on his review of these studies and other available data, the Commissioner has concluded that methapyrilene cannot be generally recognized as safe and is therefore classified in Category II. The data are not sufficiently definitive, however, to support a firm conclusion that methapyrilene is itself a carcinogen and must be removed immediately from all products in the OTC market. Should such data be developed, the Commissioner will consider what further action is appropriate.

The information on which the Commissioner's conclusion is based is as follows:

One investigator has reported on a series of experiments on the combined administration of several test chemicals with sodium nitrite to rats. The chemicals selected for study were tertiary amines for which he had evidence of nitrosamine formation under

defined test tube or in vitro conditions. The particular nitrosamines produced in a number of these reactions are the potent carcinogens, dimethylnitrosamine (DMN) and diethylnitrosamine (DEN).

With the combined administration of methapyrilene and sodium nitrite to rats for 90 weeks, the investigator observed a 30 percent incidence of liver cancer and concluded that this effect resulted from the in vivo formation of DMN. (Refs. 1 and 2).

The Commissioner has reviewed the toxicity studies in NDA's in the agency's files, as well as the nitrosation potential of methapyrilene and the carcinogenicity of DMN. Based on this review, it appears that methapyrilene itself rather than DMN may be primarily responsible for the response reported by Dr. Lijinsky. This opinion is based on the following considerations:

(1) Nitrosation potential of methapyrilene and other tertiary amines.

(2) Estimated total dosages of DMN based on in vitro reaction results vs dosages of DMN producing a carcinogenic response.

(3) Disparity in tumorigenic response of a number of tertiary amines vs. methapyrilene, as reported in Lijinsky's papers.

(4) Liver pathology and tumor types reported for test chemical-nitrite studies yielding DMN as the nitrosation product and for DMN itself.

(1) *Nitrosation potential of methapyrilene and other tertiary amines.* N-nitroso compounds are produced by the acid-catalyzed reaction of nitrite with certain nitrogen compounds, e.g., secondary or tertiary amines, alkylureas, and amino acids. For nitrosation to occur, nitrite is usually first converted to nitrous acid, and then to an active nitrosating species, e.g., nitrous anhydride, nitrosyl halide, or nitrous acidium ion. The amount of nitroso-compound produced will depend partly on the nitrosation kinetics.

The kinetic equations and rate constants for nitrosation of amines are based on experiments performed at 25° C. From the tabulation of these data the generalization has been derived that the ease of nitrosation increases as the basicity of the amine decreases. From information developed to date, which includes the rate constants for 14 secondary amines, one tertiary amine and 13 amides, it has been concluded that compounds that do not yield N-nitroso derivatives under the conditions used in the development of these rate constants would probably not be nitrosated in vivo.

The rate of reaction for some tertiary amines has been estimated, from which it has been postulated that in vivo nitrosation of simple tertiary amines probably will not prove important biologically. When tremethylamine and triethylamine, 1.0 molar (M)

each, were reacted with 50 millimolar (mM) nitrite at pH 3.4, 25° C for 4 hr, the yield of DMN and DEN was 0.1 to 0.2 micromolar (μ M). This nitrosation rate was estimated to be 10,000 times slower than that for dimethylamine. Also, N-methylpiperidine was nitrosated at least 10,000 times slower than the secondary amine piperidine.

In a review article discussing the formation of N-nitroso compounds, Mirvish points out that studies on 12 tertiary amine drugs produce yields of volatile nitrosamines of less than 1 percent except for tolazamide, oxytetracycline, and aminopyrine under defined conditions (e.g., 37° C, pH 3.4, 4 hrs). To achieve comparable yields for most of the tertiary amines, it was necessary to employ extreme conditions (heating at 90° C for several hours with high nitrite concentration).

Table 1 below shows the in vitro nitrosamine yields for some of the compounds reported in the Lijinsky study. The most easily nitrosated compounds are aminopyrine, dimethylphenylurea and oxytetracycline. The yields for methapyrilene, chlorpromazine and lucanthone indicate that these compounds are poor nitrosators. It is concluded that the latter three compounds would probably not be nitrosated to DMN to any marked degree in vivo.

The in vivo nitrosation rate would be dependent upon the concentrations of both the amine and nitrite, the rate of absorption of nitrite, the conversion of available nitrite to nitrous acid, and other stomach contents such as inhibitors and catalysts. The yields of DMN from methapyrilene at 37° C in vitro have been determined to be:

150 mM NaNO₂ + 30 mM amine → 9 μ g/ml;
0.7 percent
40 mM NaNO₂ + 10 mM amine → 0.6 μ g/ml;
0.08 percent

In the study included in the Lijinsky paper the concentrations of nitrite and methapyrilene in the drinking water were:

30 mM NaNO₂ + 4 mM amine

The yield probably would be considerably lower than those above. In the in vivo situation, the availability of nitrite would be reduced to a significant extent. It has been shown that residual nitrite in rats 10 minutes after intubation was 12 percent in an empty stomach and 30 percent when nitrite was intubated after feeding. By 20 minutes, the residual nitrite values were 0 percent and 4.4 percent, respectively.

In vitro-in vivo nitrosation relationships may be inferred from several studies in the literature. Dimethylamine, trimethylamine, and trimethylamine oxide are more readily nitrosated than methapyrilene. Both di- and trimethylamine have been shown to yield nitroso derivatives at 25° C. At

temperatures above 25° C, the nitrosation potential of trimethylamine oxide is equal to or greater than trimethylamine, depending upon the amine-to-nitrite ratio. However, the results of studies of the amine-nitrite administration for each of these compounds indicate there was not sufficient in vivo nitrosation to induce a tumorigenic response. Chronic feeding of rats with trimethylamine + nitrite (each 0.5 percent in the diet) did not induce tumors after 1 year (Ref. 3). Another study using Swiss and Strain A mice, in which the induction of lung adenomas was used to detect and estimate the presumed in vivo formation of Nitroso compounds, dimethylamine at 2 to 7 grams per kilogram in food, did not show a positive response (Ref. 4). Also, other studies in the literature, reviewed by Mirvish, indicate that only readily nitrosatable compounds are sufficiently nitrosated in vivo for tumors to be induced (Ref. 3). No liver tumors were observed following the combined administration of trimethylamine oxide and nitrite for 50 weeks (Refs. 1 and 2).

Conclusion: Methapyrilene would not be sufficiently nitrosated under the conditions of Lijinsky's experiment to produce a positive response attributable to DMN.

(2) *Estimated total dosages of DMN based on in vitro reaction results vs dosages of DMN producing a carcinogenic response.* Assuming an in vivo nitrosation rate equal to the in vitro rate at the greater amine and nitrite concentrations, as shown in Table 1 below, the total nitrosamine dosage has been estimated for some of the compounds included in the Lijinsky study. In effect, it is an "idealized" estimate. For methapyrilene the total DMN dosage administered to the rats in the Lijinsky study over the period of 90 weeks is estimated to be 16.2 mg.

In addition to total dosage, the amount of each individual dose must be taken into account, i.e., the higher the individual dose, the shorter the animal survival time. The total dosage for a tumorigenic response is considerably lower than doses compatible with a good survival rate. Taylor et al., for example, reported a high tumorigenic response (18/18) at a total dosage of 120 mg of DMN. In the Taylor study the 4-milligrams-per-week dosage of DMN is in the range of dosages producing carcinogenic effects with only short-term exposure and is considerably greater than the estimated 0.18 mg per week of DMN that would have formed in vivo at the in vitro rate of nitrosation given in Table 1 (Ref. 5).

A dose-response study by Terracini et al. (Ref. 6) is used for comparison in Table 2 below. Terracini reports that a diet of DMN was fed for 104 weeks and that the 5 ppm level gave a total dosage of 54 mg. It can be seen from

the table that at 2 ppm the tumor incidence was about 3.8 percent.

The total dosage at this level has been estimated as 22 mg. Thus at a dosage greater than the estimated 16.2 mg of DMN given the rats in Lijinsky's experiment there was a tumor yield only one-eighth (1/8) that reported by Lijinsky. At the 5 ppm dose (54 mg) the total dosage is greater than three times that of the estimated DMN intake in Lijinsky's study, but the tumor response is approximately one-third (1/3).

It is concluded that the estimated total DMN dosage based on in vitro nitrosation rates (even at concentrations of methapyrilene and nitrite five times greater than in the Lijinsky study) would not be sufficient to produce a 30-percent carcinogenic response.

(3) *Disparity in tumorigenic response of a number of tertiary amines vs. methapyrilene, as reported in Lijinsky papers* (Refs. 1 and 2). Based on the nitrosation rates in Table 1 below and the total nitrosamine dosage, the predicted biological response would be: aminopyrine greater than dimethylphenylurea greater than oxytetracycline greater than methapyrilene greater than or equal to chlorpromazine. However, dimethylphenylurea, with a total dose greater than three times that of methapyrilene, produced a 6.9-percent liver tumor yield vs. 30 percent for methapyrilene. Chlorpromazine produced only a 3-percent tumor yield, although the estimated total nitrosamine intake is 62 percent that of methapyrilene. Perhaps the greatest discrepancy in results was seen with lucanthone, a compound which shows an in vitro yield of nitrosamine comparable to methapyrilene. The nitrosamine, DEN, is also a potent liver carcinogen. The combined administration of lucanthone and nitrite resulted in only 2 liver tumors (6.9 percent). On the other hand, lucanthone without nitrite showed a highly significant carcinogenic response with a 30-percent liver tumor yield.

Except for methapyrilene and oxytetracycline, the tumor yields are consistent with the results reported for DMN by Terracini et al. Although the results with oxytetracycline appear aberrant, i.e., low total dosage of DMN producing a high (16.7 percent) tumor yield, the in vitro yield data at greater concentrations of drug and nitrite show oxytetracycline to be a fairly good nitrosator. The toxicity of oxytetracycline itself might contribute to the result also, since it is known that oxytetracycline can cause changes in liver enzymes.

Conclusion: When compared with biological response and nitrosation rates of other DMN yielding amines as well as with lucanthone, the 30 percent carcinogenic response for methapyrilene is too great to be attributable to DMN.

(4) *Liver pathology and tumor types reported for test chemical nitrite studies yielding DMN as the nitrosation product and for DMN itself.* The tumors reported for dimethylnitrosamine are those of the liver and the kidney. Short-term exposure of up to 4 weeks at dosage levels ranging from 6 mg to 42 mg DMN yielded kidney tumor incidences of 20 percent to 100 percent (Ref. 6). In a chronic dose range study, Terracini et al. found that the incidence of liver tumors falls rapidly when the dietary concentration of DMN is reduced from 50 to 5 ppm. Although no kidney tumors were found in rats receiving 5 ppm DMN for up to 104 weeks (54 mg), eight liver tumors were seen, consisting of 2 sarcomas and 6 hepatocellular carcinomas (Ref. 6).

Taylor et al. reported that all rats receiving DMN developed Kupffer cell sarcomas of the liver (hemangioendotheliomas) (Ref. 5). The authors state:

The fact that DMN did not produce hepatocellular tumors is not consistent with commonly reported results. The difference in response could be due to a number of variables, such as strain of rat, influence of different diets, immediate and cumulative doses, and life-span after receiving DMN. This disparity may be due to differences in diagnostic interpretation of these tumors. Perhaps better documentation of tumors reported in future literature would be in order. Certainly, there should be some unanimity reached on classification of these tumors of liver origin, especially in view of the many metabolic studies involving DMN.

The hemangioendotheliomas were reported as similar to those produced in a previous experiment in rats fed aminopyrine or heptamethyleneimine together with nitrite.

A second finding in Taylor's paper relates to the combined administration of aminopyrine, sodium nitrite, and carbon tetrachloride to rats. Both Kupffer cell sarcomas and hepatocellular tumors were observed. Although rats receiving similar dosage of carbon tetrachloride alone did not show any tumors, a report in the literature states that hepatocellular carcinomas were observed in Wistar, Osborne-Mendel and Japanese rats following CCl₄ administration (Ref. 7).

Taylor et al. view the DMN-CCl₄ as follows:

From our studies, it appears that the Kupffer cells are more responsive to the action of DMN than are liver cells themselves; however, hepatocytes did respond to the carcinogenic stimulus in the presence of CCl₄. The inducement of mitosis in liver cells by CCl₄ provides a situation not unlike that reported in many instances where carcinogenesis is greatly enhanced by mitotic activity of target cells. Besides alteration of mitotic states, the effect of CCl₄ on liver cell enzymes and membranes that influence the metabolism of DMN is no doubt of great importance also in the initiation of these tumors.

With methapyrilene and nitrite, Lijinsky reports the following types of liver tumors:

5 liver cholangiocarcinomas
3 hepatocellular carcinomas
1 liver hemangioendothelial sarcoma.

Eight of the nine tumors are types that Lijinsky has never observed with DMN in his laboratory rats, and the cholangiocarcinomas have never been reported as a DMN-induced tumor in rats. In short, only one animal showed the tumor type that has been reported by Lijinsky as the only tumor that DMN induced in his many rat studies.

In addition, Lijinsky reports that in the methapyrilene experiment, almost 50 percent of the animals not having liver tumors showed necrotic and other degenerative changes in the liver.

This finding is supported by data in the FDA files, which show methapyrilene to be a hepatotoxic agent at dosage levels comparable to those used by Lijinsky. The toxicity was explored to the greatest extent by a firm proposing to market a combination product. In three subchronic studies, rats were intubated 5 days per week for 30 administrations of either methapyrilene alone or the proposed combination containing methapyrilene. At 60 mg/kg, methapyrilene showed bile duct proliferation and a variety of degenerative and regenerative changes in all animals. Hepatic cord cell changes were characterized by increase in size, binucleate forms, increased nuclear and nucleolar sizes, and mitoses. At 20 mg/kg the changes were present in all males and 6 of 10 female rats, although they were reported as milder.

The firm which submitted the NDA was sufficiently concerned about liver toxicity to have an examination of the slides by four pathologists. The histopathology was summarized by comparing the findings of liver toxicity with those associated with toxins such as those in certain poisonous plants, i.e., the senecio. These plants contain pyrrolizidine alkaloids, a number of which have been reported to be liver carcinogens.

It is concluded that the major tumor type in the Lijinsky study (cholangiocarcinoma) has never been reported as having been induced by DMN in rats. Although hepatocellular carcinoma (the other tumor type observed by Lijinsky) has been reported in rats, he has never observed it as a DMN-induced tumor type in the Sprague-Dawley rat in his laboratory. Hemangioendothelioma, the only tumor type attributed to DMN in his previous studies, was observed in only one animal.

The liver pathology and tumor types reported in the Lijinsky study are not, in fact, unlike that produced by the

senecio alkaloids. The liver pathology caused by methapyrilene is also similar to that of the senecio alkaloids.

This overall analysis thus suggests that the tumorigenic response in Lijinsky's experiments was induced by a chemical other than DMN. At this point the nitrosamine cannot be ruled out completely. If it has a role, however, it is one of a synergist as with the CCl₄ studies mentioned above.

There are two complicating factors which preclude a stronger statement on the carcinogenic potential of methapyrilene: the negative results of the short-term tests and the possibility of a synergistic effect of one or more nitrosamines.

The utility of short-term tests in detecting compounds as suspect carcinogens is still undergoing exploration, but the available results suggest that methapyrilene is not a direct-acting carcinogen. The National Cancer Institute has arranged for the study of methapyrilene in short-term tests which are being considered for a carcinogenesis screen. These tests are (1) salmonella typhimurium test, (2) in vitro neoplastic transformation, (3) the mouse lymphoma system, and (4) DNA repair utilizing primary hepatocytes.

Reports received and evaluated by the FDA to date include the results of the first two tests listed above (Ref. 8).

(1) *Salmonella typhimurium* mutagenicity test. The salmonella/microsome test uses bacteria as sensitive indicators of DNA damage and mammalian liver extracts for conversion of carcinogens to their active mutagenic forms. With this test system there is a high correlation between mutagenicity and carcinogenicity: 90 percent of carcinogens tested were mutagenic.

Seven dosage levels of methapyrilene hydrochloride were tested with and without metabolic activation systems in five salmonella tester strains. The activation systems were both uninduced and induced S-9 liver preparations from rats, mice, and Syrian hamsters. No mutagenic response was observed in any of the tests, including the various combinations of bacterial strain and S-9 preparation.

In addition, tests were run with methapyrilene hydrochloride reacted with nitrite prior to exposure to the tester strains. In this series of tests similar to those mentioned above, a sixth bacterial strain was added. Here, too, no mutagenic response was observed in any of the series of tests.

(2) *Hamster in vitro* neoplastic transformation system (Ref. 9). This test system, being developed at the

Frederick Cancer Research Center, has shown promise based on approximately 100 compounds which have been studied. A number of the carcinogens which showed negative responses in the different mutagenicity test systems have shown a positive response in this system. Included in this category are some of the heavy metals. The second encouraging aspect of this test system is the fact that neither false positive results nor spontaneous transformations have been observed to date.

The protocol for the methapyrilene studies was in two parts. In the first part, nine dosage levels of methapyrilene were tested with and without metabolic activation (hamster liver S-9 fraction). In these series no transformed colonies were observed. The second part of the protocol allowed for the in vitro nitrosation reaction at a 5:1 molar ratio of nitrite to methapyrilene. The reaction mixture was bioassayed with and without metabolic activation. A positive response was observed at the highest dosage of the methapyrilene-nitrite reaction mixture only with metabolic activation.

In this study, nitrite rather than methapyrilene alone seems to be the key element to the neoplastic transformation response. One could assume that sufficient nitrosamine was formed from the reaction to evoke the positive response.

These negative findings in in vitro systems must be tempered with the following comments: Although the bacterial system has shown a high correlation between mutagenicity and carcinogenicity, a number of hepatocarcinogens have not shown positive responses, e.g., carbon tetrachloride, chloroform, the halogenated hydrocarbon pesticides DDE and dieldrin, safrole, and several hypocholesteremic agents. Since the liver pathogenesis shown by methapyrilene appears to be similar to these compounds, it is not surprising that a negative response was observed.

The interesting feature of the bacterial study was the negative response observed following exposure of the tester strains to the in vitro methapyrilene-nitrite reaction products, one of which should have been DMN. The literature states that the potent carcinogen dimethylnitrosamine (DMN) is weakly positive in the Salmonella system. Apparently, insufficient DMN was formed in the in vitro nitrosation reaction to produce a positive response.

The neoplastic transformation system is in a relatively early stage of development at the Frederick Cancer

Research Center. Thus the number of compounds tested is limited. Since DMN has shown a positive response in other transformation systems, it could be the agent responsible for the positive response that was observed in this test.

The other carcinogenic compounds listed above as showing a negative response in the bacterial system have not yet been explored in this transformation system.

It is concluded that short term test data suggest that methapyrilene is not a direct-acting carcinogen. The mechanism of carcinogenesis might be similar to other hepatocarcinogens showing a negative response in the short term tests.

In summary, Lijinsky concludes that the finding of a 30-percent incidence of liver cancer resulting from the combined administration of methapyrilene and sodium nitrite for 90 weeks is due to the in vivo formation of DMN. There is concern aroused by the nitrosation of tertiary amines because of the possibility that such reactions may occur in the human stomach (from ingested amines in foods and drugs and nitrites in food, as well as the high nitrite content of human saliva) and thus create a potential health hazard.

This analysis, however, suggests that the carcinogen in Lijinsky's experiment was methapyrilene rather than DMN.

1. Methapyrilene would not be sufficiently nitrosated under the conditions of Lijinsky's experiment to produce a positive response attributable to DMN.

2. The estimated total DMN dosage based on in vitro nitrosation rates (at concentrations of methapyrilene and nitrite that are five times greater than in the Lijinsky study) would not be sufficient to produce a 30-percent carcinogenic response.

3. When compared with biological response and nitrosation rates of other DMN yielding amines as well as with lucanthone, the 30 percent carcinogenic response for methapyrilene is too great to be attributable to DMN.

4. An evaluation of liver pathology and tumor types reported for test chemical-nitrite studies yielding DMN as the nitrosation product and for DMN itself indicates that the results are of a severity that is greater than can be attributed to DMN-induced carcinogenesis. The possibility of synergism cannot be excluded, however, since a mechanism similar to that reported for CCl₄ could account for the tumorigenic response.

PROPOSED RULES

TABLE NO. 1

	Concentration		Temp.	Time (hr)	pH	N-Nitroso compound	Yield of NO-compound	
	Amine mg/ml	NaNO ₂ mg/ml					ug/ml	% Theoretical
Methapyrilene	5	10	37*	4	3.4	DMN	9	0.7
Dimethylphenylurea	1.6	2.8	37	3	3.5	DMN	33	4.2
Chlorpromazine	5	10	37	4	3.4	DMN	10	0.88
Oxytetracycline	8	16	37	4	3.0	DMN	20	15.0
	1	1	37	2	3.2	DMN	0.5	0.3
Aminopyrine	0.25	0.25	37	2	3.2	DMN	33	40
Lucanthone	5	10	37	4	3.6	DEN	10	0.7

Table No. 2

	Nitrosation product in vitro	Concentration in water (%)			Total dose per animal			Liver tumors		Reference
		Test Chem	Nitrite	Treatment period(wks)	Test Substance (gm)	Nitrite (gm)	Estimated nitrosamine (mg)	# Animals	%	
Methapyrilene	DMN	0.1	0.2	90	9	18	16.2	9/30	30.0	Refs. 1 and 2
Dimethylphenyl-urea	DMN	0.1	0.2	50	5	10	51.2	2/29	6.9	"
Chlorpromazine	DMN	0.1	0.2	50	5	10	10	1/30	3.3	"
Oxytetracycline	DMN	0.1	0.1	60	6	6	3.0	5/30	16.7	"
Aminopyrine	DMN	0.1	0.1	30	3	3	396.0	29/30	96.7	"
		0.025	0.025	50	1.25	1.25	165.0	26/30	86.7	"
Trimethylamine oxide	DMN	0.08	0.2	50	4	10	---	0		"
Dimethyldodecylamine	DMN	0.18	0.2	80	14	16	---	1/24	4.2	"
	NO-N-HDC ^{1/}									
Lucanthone	DEN	0.14	0.2	50	7	10	14	2/30	6.7	"
		0.14	---	50	7	---	---	6/21	30.0	"
DEN ^{2/}					64 mg/kg		ca 30	11/20	55.0	Ref. 10
DMN		2 ppm		60			21-22	1/26	3.8	"
		5 ppm		60			54	8/74	10.8	"
		20 ppm		60			216	15/23	65.2	"
		50 ppm		60			540	10/12	83.4	Ref. 10
DMN		0.4%		30			120	18/18	100	Ref. 5

^{1/} Nitroso-N-methyldodecylamine(NO-N-HDC)--another nitrosation product that has not been shown to produce liver tumors. There was, however, a 20.8 percent incidence of kidney and bladder tumors in rats that may be attributable to NO-N-HDC.

^{2/} DEN produced esophageal and liver tumors, as well as tumors of the nasal cavity.

The Commissioner further concludes that data other than those related to the carcinogenicity issue discussed above are inadequate to prove that methapyrilene hydrochloride and methapyrilene fumarate are safe and effective as OTC nighttime sleep-aids in appropriate dosages (equivalent to 25 to a maximum 100 mg of the base) in a single dose at bedtime. Although classification of these ingredients in Category II makes such additional testing unnecessary at this time, if they were classified in Category III, further testing for both safety and effectiveness would be necessary.

The Commissioner has prepared the following chart comparing the dose of the base, and of the hydrochloride and fumarate salts, based on the fact that their molecular weights are in the ratio of 1(base):1.1(hydrochloride):1.5(fumarate):

Comparison of dosage of methapyrilene (base) to the hydrochloride and fumarate salts

Base	Hydrochloride (mg)	Fumarate (mg)
25 mg	27.5	37.5
50 mg	55	75
75 mg	82.5	112.5
100 mg	110	150

In the following discussion the dose will be expressed in terms of the base unless otherwise stated:

Most studies have been performed with the hydrochloride salt whose weight is close to that of the base. The ingredients have been marketed as OTC sleepaids containing 10 to 26 mg per tablet or capsule. The Commissioner notes that the recommended dosage of the various OTC preparations (25 to 50 mg) is substantially below the 100 mg dose at which patients receiving the drug for various allergies experienced drowsiness (Ref. 11). There is some evidence of effectiveness at a bedtime dose of 50 mg (Refs. 12 and 13) but others report drowsiness only at 100 mg (Ref. 11). Since these ingredients have been classified in Category II because of their possible carcinogenicity potential, any further discussion of the testing required is unnecessary.

Methapyrilene was introduced clinically by Feinberg and Bernstein 1 year after diphenhydramine (Ref. 14). Its antihistaminic and antianaphylactic activity was verified in experimental animals and its antiallergic activity documented in a varied series of 253 patients, whose average dose was 50 mg orally 1 to 4 times daily; a few patients received 100 mg doses, but such a dose was frequently not well tolerated. In this apparently uncontrolled study, side effects were noted in approximately 25 percent of the pa-

tients. Sedation was the most common side effect, occurring in 48, or 19 percent, of the patients studied. The degree of sedation was not as great as that produced by diphenhydramine, but equaled or exceeded that of tripeleminamine.

Kierland and Potter (Ref. 15) compared methapyrilene with diphenhydramine and tripeleminamine in 126 dermatologic patients. Doses, given 3 or 4 times daily, were usually 100 mg of methapyrilene and 50 mg of the other two drugs. Improvement was comparable with the three drugs. Drowsiness was observed in 10 of the 126 patients receiving methapyrilene, 3 or 47 with diphenhydramine and 1 of 44 with tripeleminamine, although the authors noted that the degree of drowsiness was more marked with diphenhydramine than with either of the other drugs.

The Friedlanders (Ref. 11) also verified antiallergic effectiveness of methapyrilene in 85 of 117 patients. Dosage was usually 100 mg 4 times daily for adults and 25 to 50 mg daily for children. One or more side effects, generally mild, occurred in about 25 percent of the patients, usually at the 100 mg (adult) dose level, and were frequently obviated by reduction in dosage to 50 mg. Of special interest was that drowsiness was observed in 19, or 16 percent, of the patients studied.

The classic paper on the hypnotic effects of methapyrilene offered in evidence for its effectiveness as a nighttime sleep-aid is the study of Straus et al. (Ref. 12). In that study the authors compared 50 mg of methapyrilene with 100 mg of phenobarbital and placebo under double-blind conditions in 54 male insomniac patients in a Veterans Administration hospital. The experimental design called for each patient to receive each medication 6 times for a total of 18 nights in 3 weeks (a few nights were missed). Drug administrations were randomized, except that no drug succeeded itself. Evaluations of effectiveness consisted of objective (graded by nurses observing the patients hourly during the night) and subjective (as reported by the patients to a physician the next day) reports of three criteria: Falling asleep (sleep latency), staying asleep and overall evaluation. A 4-point scale was used, ranging from 0 (no sleep response) to 3 (excellent sleep response). The data indicate that both methapyrilene and phenobarbital were more efficient than placebo in their hypnotic effect. The nurses' observations found methapyrilene more effective than phenobarbital in inducing sleep (but the patients could not distinguish between the two compounds); in overall evaluation the patients favored phenobarbital (but the nurses could not differentiate between the two); and for staying asleep, neither patients nor

nurses could distinguish between them. The authors concluded that the two drugs exerted approximately equal hypnotic effects, in each case significantly greater than that of the placebo. It should be noted that phenobarbital, with its known slow onset of action, is not the ideal barbiturate hypnotic; secobarbital or pentobarbital would have been better choices for comparison. Nevertheless, the study does provide data demonstrating hypnotic effectiveness of methapyrilene in 50 mg doses.

In another study, Shapiro (Ref. 16) used methapyrilene from 1 to 66 days as a sedative in 33 hyperactive children ranging in age from 4 weeks to 12 years. The drug produced sleep and relaxation of hyperactive states during the daytime in 24 of 31 children, with nausea experienced by one child only. Nowhere in the article is the dosage defined.

Noell et al. (Ref. 17), in a daytime EEG study with over 3,000 Air Force volunteers, found that of 33 antihistamines studied, methapyrilene 50 mg ranked eighteenth in time to "end of wakefulness" and fifth in time to "onset of sleep." In both of these effects methapyrilene scored significantly better than placebo but nearly as well as secobarbital 100 mg.

Feinblatt and Ferguson (Ref. 13) compared methapyrilene niacin, methapyrilene hydrochloride and placebo in a double-blind study involving 53 patients with insomnia. The dose of each methapyrilene salt was 50 mg (calculated as methapyrilene base). Both were considerably more effective than placebo, inducing "satisfactory sleep" in 37 (70 percent) of the 53 cases, "partial relief" in 9 (17 percent) and failing in 7 (13 percent).

More recently, Teutsch et al. (Ref. 18) used subjective responses to evaluate sleep following pentobarbital 100 mg, diphenhydramine 50 mg, methapyrilene 50 mg or placebo in 150 patients in two Veterans Administration hospitals. The four preparations, in identical capsules, were administered by a nurse-observer on each of 4 consecutive nights of randomized program. Next morning the patients reported to the nurse how well they had slept, the time taken to fall asleep, how long they had slept, and how the sleep compared with their usual night's sleep at home. For all response variables, both pentobarbital and diphenhydramine were found significantly better than placebo when evaluated by the subjective question, "How long did you sleep?" In one of the two hospitals, methapyrilene was superior to placebo while in the other hospital it was not.

The Commissioner is aware of instances of poisoning, either accidental or suicidal, with methapyrilene. For example, fatalities have included a 15-

month old girl who developed hyperpyrexia, cerebral edema, upper nephron nephrosis and uremia (Ref. 19), and an adult suicide who died in convulsions (Ref. 20). Examples of nonfatal cases include a 20-month-old child (Ref. 21) and two adults (Ref. 22), all manifesting convulsions, and a pregnant female with a toxic psychosis mimicking eclampsia (Ref. 23).

A number of additional studies in which methapyrilene was used in combination with salicylamide and scopolamine (Ref. 24) have been reported. The Commissioner concludes that the evidence clearly supports a positive effect: methapyrilene in these combinations almost certainly is able to produce drowsiness, EEG shifts, and reduced sleep latency. These effects are probably present but not strong with 50 mg of methapyrilene and since this appeared to the Panel to be a relatively safe drug, doses of 75 mg or 100 mg seemed to them to be worth evaluating (Ref. 24).

The Panel reviewed all data available to it which bore on the safety of methapyrilene, and concluded that methapyrilene salts were probably safe and might be effective at appropriate doses for use as an OTC nighttime sleep-aid. At that time, there were no published studies that showed methapyrilene to have any carcinogenic or co-carcinogenic potential. Since this was the case, the Panel directed its attention toward the EEG and clinical studies necessary to prove effectiveness and establish an optimum dosage range. The Panel voiced early in the report its conclusion that the antihistamines "are basically safe as OTC nighttime sleep-aid products * * * approval of these preparations is based on demonstration of effectiveness" (40 FR 57294).

The Panel recommended clinical studies to evaluate effectiveness of dosages of 50 to 100 mg in which anticholinergic and other side effects were to be monitored. The Panel stated its conclusion: "Should anticholinergic or other side effects prove not serious in these additional (clinical) studies, and should these studies in dosages of 50 mg and possibly up to 100 mg prove methapyrilene to be effective, i.e., significantly better than placebo in improving sleep in one or more sleep parameters, this drug could be moved from Category III to Category I" (40 FR 57310).

In sum, the Commissioner concurs with the Panel's findings relating to aspects of safety and effectiveness of methapyrilene other than carcinogenicity, which the panel did not address. However, since the Commissioner has determined that methapyrilene is Category II because of its possible carcinogenicity potential, any further discussion of the studies required for effectiveness, or safety not related to

the carcinogenicity issue, is unnecessary.

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c. *Scopolamine compounds.* The Commissioner concludes that scopolamine, scopolamine hydrobromide, and scopolamine aminoxide hydrobromide are not safe at dosage levels which might possibly be effective as OTC nighttime sleep-aids. Although there are insufficient data available for OTC nighttime sleep-aid products concerning the effectiveness of scopolamine alone in producing sleep, the Commissioner concludes, on the basis of the reported toxicity associated with these compounds, that doses high enough to be possibly effective as OTC nighttime sleep-aids are not safe. In the dosages currently used, the Commissioner concludes that these ingredients are ineffective as OTC nighttime sleep-aids.

Scopolamine (L-hyoscyne) occurs naturally as an alkaloid of belladonna. It is chemically and pharmacologically similar to atropine. Scopolamine in clinical doses (0.5 to 1.0 mg, orally or parenterally) normally causes drowsiness, euphoria, amnesia, fatigue, and dreamless sleep (Ref. 1). Meyers and Abreu (Ref. 2) suggest that differences in the therapeutic potencies of atropine and scopolamine may produce dissimilar effects in the brain.

Selected doses of either drug produce sedation in animals. Large doses of scopolamine (1.0 to 1.5 mg/kg) produce persistent excitement and larger doses produce transient excitement followed by deep sedation (Ref. 2). The sedative effects of scopolamine in man appear with doses of 0.3 to 0.6 mg whereas 2.0 mg or more of atropine are required to produce sedation, amnesia, and drowsiness (Ref. 3).

The belladonna alkaloids are absorbed rapidly from the gastro-intestinal tract, more so from the intestine than the stomach (Ref. 4). They also

enter the circulation when applied locally to the mucosal surfaces of the body. Only limited absorption occurs from the eye and the intact skin, but in the lung atropine can be absorbed sufficiently from inhaled smoke to produce extrapulmonary effects such as blockade of peripheral symptoms due to cholinergic stimulation (Ref. 5).

Only about 1 percent of an oral dose of scopolamine is eliminated in the urine. Much of the alkaloid is thought to be destroyed by enzymatic hydrolysis, particularly in the liver.

Tolerance to scopolamine apparently occurs, although experimental evidence for it is sparse. Studies in mice suggest that tolerance occurs when scopolamine is given chronically to antagonize pilocarpine-induced hypothermia (Ref. 6). Tolerance did develop to scopolamine's effects in a behavioral situation in which chronic doses were injected into rats (Ref. 7). However, other workers have found no tolerance to scopolamine in mice when the drug was given chronically and then withdrawn to test the effects of pilocarpine (Ref. 8).

Studies in humans strongly suggest that chronic scopolamine administration (10 mg/kg intramuscularly) produces tolerance in the central nervous system as well as some involuntary (autonomic) effects (Ref. 9). Tolerance is noticed particularly in patients with parkinsonism, who may eventually receive daily doses of scopolamine that would result in toxic levels, if given to patients receiving the drug for the first time (Ref. 10).

Habituation and true addiction probably do not occur, although the literature on this aspect of scopolamine's actions is also sparse. In patients with parkinsonism who are suddenly withdrawn from large therapeutic doses, vomiting, malaise, sweating, and salivation have been known occur (Ref. 1).

The side effects with therapeutic doses are mainly of importance because of their subjective unpleasantness to the patient and include the following: (1) Dryness of the mouth, (2) blurred vision, (3) photophobia (abnormal visual intolerance of light), and (4) cardiac effects (tachycardia, bradycardia, arrhythmias, and palpitations). These are the most common side effects, and can rarely be completely avoided with the doses required to obtain significant therapeutic benefit (Ref. 11). Tolerance to the side effects, as with the therapeutic doses, apparently occurs.

Other side effects which sometimes occur include the following: (1) Acute glaucoma (increased intraocular pressure); (2) constipation, which can progress into complete obstruction of the bowel; (3) urinary retention, when enlargement of the prostate is present; (4) anhidrosis (lack of sweating), which may produce heat intolerance

and in some cases can seriously impair body temperature regulation in individuals in a hot environment (children are especially sensitive to this effect); (5) hypersensitivity reactions, particularly skin rashes, and occasional edema (swelling) of parts of the mouth and throat; (6) ataxia, manifested by stumbling or difficulty in walking, which may be seen with therapeutic doses in susceptible individuals; and (7) toxic psychoses (hallucinations, agitated delirium, belligerence, violence), which may occur, particularly when scopolamine is combined with bromides or methapyrilene and taken in high doses (Refs. 12 and 13). In a report involving scopolamine given as a premedication before surgery, 20 percent of the patients given 0.2 to 0.6 mg intravenously became delirious postoperatively (Ref. 14).

It has been reported that the sedation, tranquilization, and amnesia produced by scopolamine are useful in many circumstances, including labor, delirium tremens, toxic psychoses and manic states (Ref. 1). In these conditions, the drug is almost always combined with agents which produce analgesia and sedation. However, when given alone in the presence of pain or severe anxiety, scopolamine may induce outbursts of uncontrolled behavior.

As indicated earlier, therapeutic doses of scopolamine normally cause drowsiness, euphoria, amnesia, fatigue, and dreamless sleep. The same doses, however, occasionally cause excitement, restlessness, hallucinations, or delirium instead (Ref. 1). These atypical reactions may be idiosyncratic (unusual, infrequent, genetically caused reactions). They resemble the central effects of toxic doses of atropine, and occur regularly after large doses of scopolamine.

Infants, young children, and old people are especially susceptible to the effects of an overdose of scopolamine. The symptoms of poisoning develop soon after ingestion of the drug. The mouth becomes dry and burns; swallowing and talking are difficult; and there is marked thirst. The vision is blurred, and photophobia (sensitivity to light) occurs. The skin is hot, dry, and flushed. A rash may appear especially over the face, neck, and upper part of the trunk. The body temperature rises and may reach 109° F. or higher in infants. The pulse is weak and very rapid, but in infants and old people the increased heart rate may not occur. Palpitations are prominent, and the blood pressure is elevated. Urinary urgency and difficulty in urination are sometimes noted.

The patient is restless, excited, confused, and exhibits weakness, giddiness, and muscular incoordination. Walking and talking are disturbed. Nausea and vomiting sometimes occur.

The behavioral and mental symptoms may suggest an acute organic psychosis. Memory is disturbed, orientation is faulty, hallucinations are common, and mania and delirium often occur. In some cases of scopolamine poisoning, a mistaken diagnosis of acute schizophrenia or alcoholic delirium has been made, with the individuals being committed to a psychiatric institution for observation and treatment (Ref. 13). The entire syndrome often lasts 48 hours or longer. Depression and circulatory collapse occur only in cases of severe intoxication; the blood pressure declines, respirations become inadequate, and finally respiratory failure occurs after a period of paralysis and coma.

Fatalities from scopolamine are rare, but sometimes occur in belladonna poisoning in children. In these cases, the cause of death is apparently uncontrolled fever. Of all the potent alkaloids, atropine is usually stated to be more toxic than scopolamine, but the evidence for this is inconclusive; persons have survived doses of 500 mg of scopolamine. In the case of atropine, doses of 1,000 mg have been survived. The best antidote for scopolamine is physostigmine 2 to 3 mg subcutaneously every 2 hours as needed (Ref. 15).

As with any depressant drug, the actions of scopolamine can be expected to enhance the effects of or be enhanced by other depressants such as alcohol (Ref. 16), barbiturates, narcotics, or tranquilizers. The drug has also been shown to produce an acute psychotic reaction when combined with marijuana (Ref. 17).

The following study plus many other studies suggest a "depressant" effect of scopolamine in animals which could be extrapolated to a depressant, or sedative, effect in humans. The dosages used cannot accurately be compared to those used in humans, but they do demonstrate that all of scopolamine's effects in animals are in the range of 0.01 to 10.0 mg/kg when given by injection.

Longo (Ref. 18) studied the effects of atropine and scopolamine on the encephalogram of the rabbit. The two alkaloids produced a sleep pattern (slow synchronous activity) while blocking the "awakening reaction." scopolamine was 10 to 15 times more active than atropine in this regard. The generally classified EEG synchronization is "dissociated" from the behavioral effects of the drug in that the animal is apparently alert during the time that the EEG indicates a sleep pattern. This is known to be a characteristic of antimuscarinic central action.

The bulk of the literature on scopolamine's effects in man concerns its actions as an antinotion sickness and antiparkinsonism drug. This literature

really indicates nothing more than the fact that scopolamine somehow depresses those areas of the brain involved in motion sickness (e.g., the cerebellum, semicircular canals and associated structures, and/or the medullary emetic centers) and in parkinsonism (basal ganglia and extrapyramidal system), and that the doses used are similar to those which appear to be effective in producing drowsiness.

The number of papers which document the sleep-inducing effect of scopolamine is surprisingly small, and many of these are reviews which assume the sedative effect of scopolamine, or simply refer again and again to the few papers available.

Very early reports in the European literature document the use of scopolamine hydrobromide in producing amnesia during labor when given in doses of 1/100 gr (0.6 mg) intravenously. This preceded its use in combination with morphine to produce "twilight sleep" as a form of obstetrical analgesia with amnesia. Orkin et al. (Ref. 19) have studied atropine and scopolamine as preanesthetic medications and have found that smaller quantities of thiopental and meperidine are required to produce unconsciousness when scopolamine (0.4 to 0.6 mg intravenously) is given as a preanesthetic medication. One of their conclusions was that "scopolamine in 0.4 to 0.6 mg doses (intravenously) is almost as hypnotic as 100 mg of meperidine."

Tesoriere (Ref. 20) has also confirmed the "depression of the cortex" and amnesic effects in patients being prepared for surgery. The "common dose" of 0.32 to 0.43 mg (intravenously) can severely depress the older patient and must be used with caution.

Ostfeld and Aruguete (Ref. 21), in an often cited study, reported that 0.8 mg of scopolamine injected subcutaneously can impair performance in behavioral tests involving the ability to focus attention, to recall objects and words, and to maintain an attentive set. They also noted that whereas the administration of atropine was accompanied by a rise in pulse rate, scopolamine administration was followed by a decrease in such rate. Finally, the subcutaneously administered scopolamine appeared to induce sleep, hallucinations, and mental disorientation more frequently than 10 mg of atropine administered orally.

Eger (Ref. 4), in a very complete review, reaffirmed the central nervous system effects of scopolamine, and noted that scopolamine is some 5 to 15 times more potent in producing drowsiness than atropine.

Environmental conditions and subjective attitudes greatly influence the response to scopolamine. Although these factors have not been extensively studied, a few examples are available (Ref. 22): (1) The pain of labor can

cause the response to amnesic doses of scopolamine to change to a state of delirious excitement and restlessness, often to such a degree that restraints are necessary; (2) the loss of a night's sleep can markedly increase the psychotomimetic effects of scopolamine; and (3) in high ambient temperatures the central effects of scopolamine are significantly accentuated. The mechanism for this last effect is unclear.

The Commissioner concludes from the available literature that scopolamine has central depressant effects in animals, and that in appropriate doses it produces drowsiness and sleep in humans. However, there is a serious lack of sufficient data on the central effects of scopolamine over a wide range of doses in man.

(1) *Scopolamine hydrobromide*. There are products presently on the OTC market promoted for sleep which contain 0.25 mg of scopolamine hydrobromide per unit dose as part of a combination of ingredients. The Commissioner concludes that this ingredient is not effective as a nighttime sleep-aid in doses presently marketed, and that at higher, possibly more effective doses it would not be safe.

Although scopolamine hydrobromide has central depressant effects in animals, the evidence for its hypnotic effect in humans is mainly anecdotal on the basis of the drug's early use in Parkinsonism and motion sickness. One source, also anecdotal, states that an oral dose of 0.3 mg has "little soporific effect" (Ref. 23). However, the Commissioner is aware that no clinical studies of the effects of scopolamine hydrobromide alone on sleep onset or duration of sleep were located.

As mentioned earlier, there is evidence which suggests an alarming frequency of side effects when scopolamine is given in doses necessary for a central depressant effect (0.6 mg and above) (Ref. 11). Side effects which can be seen with scopolamine hydrobromide in oral doses of 0.6 mg and above are dryness of the mouth, blurred vision, photophobia, and cardiac irregularities. Occasionally, constipation, urinary retention, hypersensitivity reactions, acute glaucoma, excessive restlessness and toxic psychosis can be seen. Infants, young children, and old people are especially susceptible to higher doses of the drug (Refs. 3 and 4).

Doses of 2.0 mg orally in man often produce psychotomimetic effects (Ref. 24). On the basis of this toxicity, the Commissioner concludes that doses high enough to be effective as an OTC nighttime sleep-aid would not be safe.

(2) *Scopolamine aminoxide hydrobromide*. There are products presently on the OTC market promoted for sleep which contain 0.125 to 0.5 mg of scopolamine aminoxide hydrobromide per unit dose as part of a combination

of ingredients. The Commissioner concludes that this ingredient is not effective as an OTC nighttime sleep-aid in doses presently marketed, and that at higher, possibly more effective doses it would not be safe.

While the Commissioner is aware of some animal studies relating to the safety of scopolamine aminoxide hydrobromide, the literature on this ingredient is not voluminous and, in fact, no documented evidence for the safety of this ingredient in humans was located. Even though the Commissioner is aware that scopolamine compounds have been marketed for over 50 years and that the OTC drug review procedures relating to safety (21 CFR 330.10(a)(4)(i)) provide for consideration of marketing experience, the Commissioner finds that such information is insufficient to support safe use of scopolamine at levels that would be effective as OTC nighttime sleep-aids.

The therapeutic value of scopolamine aminoxide hydrobromide is due to its metabolism in the body to scopolamine. The claimed reduction in toxicity compared to that of scopolamine hydrobromide may be due to the slow conversion of scopolamine aminoxide hydrobromide to the parent base, so that a sustained action is seen with few toxic effects (Ref. 10). Since there are no clinical studies in the literature on the scopolamine base substance alone, the usual way to discuss scopolamine aminoxide hydrobromide has been to compare it with scopolamine hydrobromide, for which there are experiments reported in the literature. Therefore, all of the previous discussion on scopolamine hydrobromide (pharmacology, toxicity, side effects, etc.) would be applicable here.

Reports of controlled clinical studies on the effectiveness of scopolamine aminoxide hydrobromide alone as a nighttime sleep-aid in the recommended doses of 0.125 to 0.5 mg could not be located. An old (1927) French thesis by Lados, cited by Scharf (Ref. 10), reported on the effects of scopolamine aminoxide hydrobromide in 16 cases of postencephalitic parkinsonism. Lados claimed that scopolamine aminoxide hydrobromide, in earlier experiments with dogs, was 1/100 as toxic as scopolamine, and proceeded to use doses of 4.0 mg of scopolamine aminoxide hydrobromide per day with no toxic symptoms in patients with parkinsonism. Scharf himself (Ref. 10) used scopolamine aminoxide hydrobromide in doses of 2.0 mg/day to treat patients with parkinsonism, with no toxic effects. On the other hand, doses of 2.0 mg 3 times a day of scopolamine aminoxide hydrobromide do produce a significant number of side effects (nightmares, blurred vision, dry mouth and tinnitus or ringing in the ears) when given for seasickness (Ref. 25). These

authors noted that 2.0 mg of scopolamine aminoxide hydrobromide "produced far more severe reactions than had 0.75 mg of scopolamine hydrobromide." They stated that in these doses the toxicity and duration of action of scopolamine aminoxide hydrobromide were at least as great as those of scopolamine hydrobromide. A more recent paper, in which antinotem sickness drugs were reviewed (Ref. 26), indicates that scopolamine aminoxide hydrobromide 2.0 mg and scopolamine hydrobromide 0.6 to 1.0 mg have similar actions, toxicities, and durations of action.

Another old paper (1945) by Co Tui and Debrulle (Ref. 27) states that scopolamine aminoxide hydrobromide is one-third as potent and one-sixth as toxic as scopolamine hydrobromide, and that in equipotent doses the effect of scopolamine aminoxide hydrobromide seems to last only one-third as long as that of the nonaminoxide compound. However, these conclusions were drawn on the basis of lethal dose studies in mice and abolition of the acetylcholine depressor effect on the blood pressure of the cat, and are difficult to extrapolate to man. Most importantly, the literature regarding the toxicity and effectiveness of scopolamine aminoxide hydrobromide appears to be too sparse and inconsistent to substantiate the routine use of this derivative in an OTC product.

If it is assumed from these animal studies that scopolamine aminoxide hydrobromide is one-sixth as toxic and one-third as effective as scopolamine hydrobromide, then in equipotent doses scopolamine aminoxide hydrobromide becomes only one-half as toxic as scopolamine hydrobromide; therefore, the safety is still questionable. Furthermore, clinical studies have not confirmed this reduced toxicity of scopolamine aminoxide hydrobromide.

Although these early uncontrolled studies in animals suggested that scopolamine aminoxide hydrobromide is less toxic than other scopolamine salts, most newer reports conclude that scopolamine aminoxide hydrobromide and scopolamine hydrobromide have similar actions, toxicities, and durations of action in doses of about 2:1, aminoxide hydrobromide to hydrobromide (Ref. 28). On the basis of the toxicity associated with scopolamine aminoxide hydrobromide, the Commissioner concludes that doses high enough to be possibly effective as nighttime sleep-aids would have toxicity similar to that of scopolamine hydrobromide, and that these doses would not be safe.

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d. *Miscellaneous compounds*—(1) *Acetaminophen, aspirin, salicylamide*. The Commissioner has no evidence that these ingredients are effective OTC nighttime sleep-aids. The drugs were deferred to the Advisory Review Panel on OTC Internal Analgesic and Antirheumatic Drug Products for an opinion on their analgesic effects. That Panel's recommendations were published in the FEDERAL REGISTER of July 8, 1977 (42 FR 35346).

- (2) *Passion flower extract, thiamine hydrochloride*. The Commissioner has not been presented with any valid scientific data to support the use of these ingredients as OTC nighttime sleep-aids. The Commissioner is unable to identify a role for either passion flower extract or thiamine hydrochloride in the central nervous system in inducing sedation. Therefore, these ingredients are classified by the Commissioner as Category II for use in OTC nighttime sleep-aid products.

CATEGORY II LABELING

The Commissioner concludes that the following labeling claims are classified as Category II and shall be removed from OTC nighttime sleep-aid labeling because they are seriously misleading or ambiguous: "natural sleep", "normal sleep", "sound sleep", "non-habit-forming", "guaranteed (fast acting)", "refreshing sleep", "helps you relax so you can fall asleep".

"Natural sleep" is ambiguous since "natural" is not a well-defined term and

could have referred to a natural feeling state in the morning or to normal appearing sleep by any number of physiological criteria. The term is misleading when these drugs are taken, since the drug is an exogenous non-naturally occurring agent introduced into the body. Hence, the body is obviously not entirely in its "natural" state during drug-induced sleep.

"Normal sleep" is ambiguous and is misleading for the same reasons given under natural sleep. "Sound sleep" is similarly ambiguous. The term "non-habit-forming" is misleading, undesirable and probably false because it is very hard to prove that any product with psychotropic activity can be non-habit-forming; but more importantly, there is an insinuation that other OTC sleep-aid products obviously are habit-forming.

"Guaranteed" is misleading and a false promise if used in a general way such as "guaranteed fast-acting". No drug helps 100 percent of the time. The Commissioner concludes that the word "guarantee" should be prohibited in regard to medical claims. The Commissioner will not comment on the use of the term in labeling when it refers to promotional consideration such as "Guarantee: Your money will be refunded without question if you are in any way dissatisfied with this product".

"Refreshing sleep" is misleading and ambiguous since the term "refreshing" is difficult to define. As discussed in comment 44, the claim "Helps you relax so you can fall asleep" is confusing since the term "relax" has calumetive connotations that do not properly relate to the OTC use of nighttime sleep-aids.

The Commissioner concludes that approval of an active ingredient or combination of active ingredients for a particular indication should not be interpreted as unique to the active ingredient or to the combination. Labeling, package insert, or advertising shall not refer to such approval either directly or by inference as a unique or an exclusive endorsement of such an ingredient or combination of ingredients.

3. *Category III conditions under which the available data are insufficient to permit final classification at this time.*

CATEGORY III ACTIVE INGREDIENTS

The Commissioner concludes that the available data are insufficient to permit final classification of the claimed OTC nighttime sleep-aid ingredients listed below. The Commissioner believes it reasonable to provide 3 years for the development and review of such data. Marketing need not cease during this time for those products currently being marketed as OTC nighttime sleep-aids if adequate

testing is undertaken. If adequate effectiveness and/or safety data are not obtained within 3 years, however, the ingredients listed in this Category shall no longer be marketed as OTC nighttime sleep-aids.

ANTIHISTAMINES

Diphenhydramine hydrochloride.¹
Doxylamine succinate.¹
Phenyltoloxamine dihydrogen citrate.¹
Pyrilamine maleate.

a. *General discussion*. The Advisory Review Panel on OTC Nighttime Sleep-aid, Daytime Sedative, and Stimulant Drug Products proposed (40 FR 57292) a concept known as "Category III with a marketing hold" for doxylamine succinate and phenyltoloxamine dihydrogen citrate, two ingredients never before marketed as OTC nighttime sleep-aids. These ingredients are currently available in OTC drug products for other indications at dosages lower than those recommended for these ingredients as nighttime sleep-aids.

The Panel also recommended that the ingredient diphenhydramine hydrochloride, a prescription drug which has never been legally marketed for any indication for OTC use, be classified as Category III as a nighttime sleep-aid, and suggested marketing be permitted while final testing is carried out.

The Commissioner determined that the procedures promulgated in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464), establishing the OTC Drug Review, did not provide for a "marketing hold" for Category III conditions and that such a concept is equivalent to classifying an ingredient in Category II. In addition, the Commissioner determined that the classification of a prescription ingredient, like diphenhydramine hydrochloride, in Category III represented no more than an opinion that the ingredient may be shown at some future time to be generally recognized as safe and effective for OTC use with adequate studies.

The Commissioner concluded that doxylamine succinate, phenyltoloxamine dihydrogen citrate and diphenhydramine hydrochloride as nighttime sleep-aids were new drugs within the meaning of section 201(p) of the act implemented by §310.3(g) and (h)(5) (21 CFR 310.3(g) and (h)(5)).

Subsequently, the Commissioner issued final regulations (21 CFR 330.13) to clarify the interim market-

¹These ingredients have not been marketed previously as OTC nighttime sleep-aids. Therefore, according to 21 CFR 330.13 (41 FR 32850, August 4, 1976), marketing of these ingredients as OTC nighttime sleep-aids is prohibited prior to determination by the Commissioner that they are generally recognized as safe and effective, or a new drug application for the product has been approved.

ing status of prescription ingredients or OTC ingredients in higher dosages than those available OTC and reviewed and classified by the Panel in Category I, II, or III. Those regulations were published in the FEDERAL REGISTER of August 4, 1976 (41 FR 32580), and became effective on September 3, 1976. The regulations provide, among other things, that an OTC advisory review panel may place in Category III an active ingredient, limited on or after May 11, 1972, to prescription use for the indication under consideration by the panel, or an active ingredient recommended for use at a dosage level higher than that available in any OTC drug product on December 4, 1975. However, these ingredients may not be lawfully marketed until the ingredient is determined by the Commissioner to be generally recognized as safe and effective, or until a new drug application for the product has been approved.

The Commissioner concludes, based on the available data, that doxylamine succinate, phenyltoloxamine dihydrogen citrate and diphenhydramine hydrochloride shall be Category III as OTC nighttime sleep-aids. However, marketing of these ingredients for the sleep-aid indication cannot take place unless and until they are classified in Category I in the final monograph, or until the required testing is completed pursuant to the Category III Testing Guidelines published in the FEDERAL REGISTER of April 12, 1977 (42 FR 19137), and described below and the Commissioner determines the ingredients to be generally recognized as safe and effective for such use pursuant to a petition to amend the monograph, or a new drug application is approved for such use.

b. *Antihistamines*. Histamine is a chemical substance normally concerned with inflammatory responses to irritants or injury. In sensitized individuals, it is released in one or more target organs (especially skin and mucous membranes) causing allergic reactions such as itching, swelling, hay fever, asthma, etc. (Ref. 1).

The antihistamines, as their name implies, are a class of drugs useful in antagonizing these actions of histamine. They can also exert side actions, including both drowsiness and then stimulation, depending upon the dose (Ref. 2). The sedative action, commonly seen in allergic patients, may be the major effect observed with their use in nonallergic individuals. This has led to the introduction of the application of this sedative action as the primary effect of some antihistamines in OTC sleep-aids marketed for a target population whose chief complaint is sleeplessness.

The mechanism by which antihistamines accomplish the blockage or antagonism is apparently a competitive

inhibition of already released histamine, rather than an interference with the release itself (Ref. 3). Thus, the skin manifestations of histamine release, i.e., itch, flare, wheal, capillary permeability and edema, are all decreased by antihistamines, although the dosage varies with the relative potency of the compound used. For example, equivalent inhibition of histamine-induced skin wheals is produced in man by 25 mg promethazine and 175 mg of pyrilamine (Ref. 4).

In the respiratory tract, rhinorrhea and bronchospasm are both decreased by antihistamines. Paradoxically, antihistamines themselves can cause bronchoconstriction in man, and they have been shown to cause contraction of isolated strips of guinea pig tracheal smooth muscle at concentrations in the usual antihistaminic therapeutic range (Refs. 5 and 6).

Apart from their specific antagonism to the actions of histamine, the antihistaminic drugs may also exert other effects, some useful, some undesirable. Stimulation of the central nervous system has been observed in some patients with focal cortical lesions, in whom small doses of antihistamines may cause electroencephalographic (EEG) activation and even frank seizures (Ref. 7). Excessive doses in any patient may cause restlessness, excitation, delirium, tremors and even convulsions (Ref. 2). Depression of the central nervous system is also frequently observed with the use of antihistaminic drugs. When these drugs are used to block histamine, drowsiness is common with antihistaminic therapeutic doses, a characteristic which makes the use of these drugs possible as OTC nighttime sleep-aids.

Sedation is perhaps the most frequently reported side effect associated with the use of antihistaminic agents (Ref. 1). Its manifestations may vary from inability to concentrate, dizziness and incoordination, to deep sleep. The sedative effect can be hazardous in ambulatory patients whose daytime activities require mental alertness and motor coordination (e.g., driving an automobile). The sedative effect, of course, would become the primary indication when these drugs are marketed for use as OTC nighttime sleep-aids.

Antihistamines not only have the two primary indications discussed above, but also exhibit a number of other side effects and toxicities, many related to anticholinergic activity (Ref. 8).

Central and peripheral nervous system manifestations of toxicity from the use of antihistaminic drugs may include dizziness, tinnitus (ringing in the ears), lassitude, incoordination, fatigue, blurred vision, double vision, euphoria, nervousness, irritability, insomnia, anxiety, disorientation, ver-

tigo, confusion, delirium, hyperreflexia, tremors, muscle spasm, convulsions (especially in children) and coma (Ref. 9). Fatal or near fatal overdoses cause fixed, dilated pupils, muscular twitchings followed by convulsions, coma, circulatory collapse and respiratory failure. Convulsions may persist for 24 hours, coma for 2 days, but death rarely occurs later than 24 hours after ingestion, unless due to infection associated with agranulocytosis (Ref. 10).

Gastrointestinal manifestations may include loss of appetite, nausea, vomiting, epigastric distress, constipation or diarrhea.

Cardiovascular symptoms may include palpitations (i.e., irregularities of heart rate and/or rhythm), hypotension, headache or tightness of the chest. In the genitourinary system, increased urinary frequency and/or difficulty in urination may be encountered. Skin rashes and photo-sensitivity may occur. Hematologic complications, fortunately rare, include leucopenia, thrombocytopenia, hemolytic anemia and agranulocytosis. Depending upon dose response relationships, some antihistamines may actually liberate histamine or serotonin, thus possibly contributing to adverse reactions such as bronchospasm.

Most antihistamines have some anticholinergic (atropine-like, belladonna-like) activity (Ref. 8). The action is not usually intense enough to be of therapeutic significance, but this activity may account for dryness of the mouth seen in some patients and, more rarely, for other dysfunctions such as difficulty in urination and impotence (Ref. 1). Tingling, heaviness, and weakness of the hands may also be observed. Overdoses may cause mammary gland enlargement in both sexes, with secretion of milk. This effect has been attributed to depression of the hypothalamus with release of lactogenic hormone (Ref. 10).

The Commissioner is aware that the differences in chemical structure of the various antihistamine groups will have a significant effect on the sleep-aid indication. The groups may be classified as follows (Ref. 11):

Ethanamines (examples: Diphenhydramine, doxylamine and phenyltoloxamine). The drugs in this group are potent and effective histamine antagonists that possess significant atropine-like activity and have a pronounced tendency to induce sedation. With conventional antihistamine treatment doses, about half of the individuals who are treated with these drugs experience drowsiness. The incidence of gastrointestinal side effects, however, is low in this group.

Ethylenediamines (examples: Methapyrilene and pyrilamine). These, too, are highly effective histamine antagonists. These agents do not have a

strong central nervous system action and may not produce a therapeutic somnolence even though a fair number of patients will exhibit drowsiness. Gastrointestinal side effects are quite common. This group contains some of the oldest and best-known antihistamines.

Alkylamines (example: Chlorpheniramine). Antihistamines in this group are among the most active histamine antagonists and are generally effective in relatively low doses. These agents are not so prone to produce drowsiness and may be among the more suitable agents for daytime use; but again, a significant proportion of patients do experience this effect. Side effects involving central nervous system stimulation are more common in this than in other groups.

Piperazine (example: Chlorcyclizine). The oldest member of this group, chlorcyclizine, is a valuable histamine antagonist with prolonged action and comparatively low incidence of drowsiness. The others are used primarily to counter motion sickness. The incidence of untoward effects, both central nervous system depressant and atropine-like, seems to compare favorably with that of other antihistamines. The possibility of some dulling of mental alertness should be borne in mind when the subject may be called upon to perform exacting and potentially hazardous tasks, such as driving a car.

Phenothiazines (example: promethazine). Most drugs of this class are histamine antagonists. The prototype, promethazine, was introduced in 1946 for the management of allergic conditions. The prominent sedative effects of this compound and its value in motion sickness were early recognized. Promethazine and its many congeners are now used primarily for their central depressant properties.

The problem for all the antihistamines when used as OTC nighttime sleep-aids, is to ensure that the dosage recommended is adequate for the intended sedative effect desired, yet not so large that toxic effects result. The Commission is concerned that in currently available antihistamine OTC products promoted for sleep, dosages may have been reduced by the manufacturer to borderline or ineffective levels to avoid toxicity. The Commissioner concludes that higher doses as recommended below should be studied for some antihistamines to be used as nighttime sleep-aids.

Except for methapyrilene and pyrilamine, the Commission is unaware of any products containing antihistamines promoted for sleep on the OTC market. Pylamine is currently used as an OTC sleep-aid at very low doses and therefore, information to make a final determination that this ingredient should be generally recognized as

safe and effective is insufficient. Until such time as these data are available to the FDA, the Commissioner concludes that pyrilamine be placed in Category III, with an additional period of 3 years for testing. As discussed above in this document, methapyrilamine has been reclassified as Category II due to its possible carcinogenic potential.

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- (12) **Diphenhydramine hydrochloride.** The Commissioner concludes that clinical experience with diphenhydramine hydrochloride as a prescription drug for use as an antihistamine agent strongly suggests that in an appropriate dosage (50 mg to a maximum 100 mg single dose at bedtime) it may be effective as an OTC nighttime sleep-aid.
- (13) Physicians have used diphenhydramine hydrochloride as a sleep-aid for many years because of its sedative side effects. However, since only a few studies exist for the sleep indication, the Commissioner has determined that further testing is required to establish the safety of diphenhydramine hydrochloride as an OTC nighttime sleep-aid.
- (14) Diphenhydramine hydrochloride is not currently available as a single active ingredient for OTC use, but be-

cause of well-established and documented safe clinical use for many years as a prescription drug for various indications the Commissioner concludes that this ingredient is classified as Category III for the sleep-aid indication. However, since diphenhydramine hydrochloride has never been legally marketed OTC for any indication, regulations governing the marketing status of ingredients recommended for OTC use (21 CFR 330.13), prohibit marketing of diphenhydramine hydrochloride as an OTC nighttime sleep-aid until the Commissioner determines that it is generally recognized as safe and effective or a new drug application for this indication has been approved.

Available evidence suggests that doses of 25 mg are ineffective (Refs. 1, 2, and 3). However, EEG studies with 25 and 30 mg doses indicate sedation, especially with the larger dose (Ref. 4). Doses of 50 mg or more have been reported to be as effective as doses of 100 mg or more of secobarbital or pentobarbital (Refs. 5 through 9). An additional well-controlled study is required to determine whether diphenhydramine in doses of 50 mg is both effective and sufficiently safe to permit its use as an OTC nighttime sleep-aid. This will not require but may include EEG studies.

Diphenhydramine was the first antihistamine produced in this country (Ref. 10). It is described (Ref. 11) as a potent antihistamine with a high incidence of sedation, mild antitussive effects and antiemetic effectiveness equal to dimenhydrinate, and is the antihistamine of choice for parenteral use in treatment of anaphylactic reactions.

Based on a review of this drug by the National Academy of Sciences/National Research Council (NAS/NRC), it was classified as "probably" effective for the sedation indication as follows: "For intractable insomnia and insomnia predominant in certain medical disorders." That group recommended that final classification required further investigation (Ref. 12).

The sedative properties of diphenhydramine have been employed by anesthesiologists as a useful adjunct to preoperative medication (Refs. 13 and 14). The sedative action of diphenhydramine has been utilized in obstetric patients during labor (Ref. 15) and in the preoperative preparation of surgical patients (Ref. 13). Sedation determined by EEG examination was reported in one laboratory study (Ref. 4), while effectiveness in producing sleep was verified in two other EEG laboratories (Refs. 5 and 21) and also in a comprehensive drug surveillance program (Refs. 6 and 9).

Curiously, although antihistaminic drugs commonly produce drowsiness in patients, this effect is not observed

in animals receiving comparable doses (Ref. 16). Therefore, a suitable animal model to test the sedative effect of new antihistaminic compounds in man does not exist. However, Winter (Ref. 16) postulated that it is possible to demonstrate a sedative action of an antihistaminic drug in animals by giving the test drug in connection with administration of a drug of known sedative action. This was accomplished with diphenhydramine and other antihistaminics administered in doses of 10 mg/kg injected subcutaneously into mice, followed in ½ hour by intraperitoneal administration of hexobarbital 100 mg/kg. The mean (average) sleeping time was prolonged about 40 percent by diphenhydramine, from 39.2±1.4 minutes to 56.4±1.9 minutes. Similarly, diphenhydramine 10 mg/kg prolonged mean sleep time obtained with pentobarbital 50 mg/kg in mice from 36.0±0.86 minutes to 53.8±0.86 minutes. Comparable results were obtained using guinea pigs receiving diphenhydramine 10 mg/kg and hexobarbital 35 mg/kg. Sleep time was prolonged from 50 to 73 minutes.

Other investigators (Refs. 17 and 18) have confirmed prolongation of barbiturate sleep as a valid method for demonstrating the sedative action of antihistaminic drugs in animals. It should be noted that the studies above demonstrate only prolongation of sleep and not a true potentiation of the sedative effect of the barbiturate used. For example, a subhypnotic dose of pentobarbital (25 mg/kg intraperitoneally) in mice was not converted to a sleep dose by the addition of diphenhydramine in doses of 12.5 to 100 mg/kg orally (Ref. 3).

The sedative effect of diphenhydramine, alone or in combination, has been evaluated in a variety of ways. Sachs (Ref. 19) found it the major side effect in a series of 1,210 patients receiving diphenhydramine.

Friedlander (Ref. 5) examined sleep EEG's of 48 patients receiving secobarbital 200 mg or diphenhydramine 100 mg by mouth (the first sleep was with secobarbital in 21 patients). Both drugs were equally effective in induction and maintenance of sleep. Minor differences in the amount of abnormal brain activity of various types led Friedlander to the conclusion that, in the dosage given, diphenhydramine might be "a little better drug" than secobarbital for obtaining sleep EEG's.

In a study by Goldstein et al. (Ref. 4), EEG frequency analysis in 42 human volunteers receiving diphenhydramine in doses of 25 or 50 mg revealed predominantly increased low amplitude activity (i.e., "low energy sedation"). Not surprisingly, the effect was more marked with the larger dose.

Noell et al. (Ref. 8) used more than 3,000 male volunteers in a carefully controlled daytime EEG study of 33

antihistamines, secobarbital and placebo. Diphenhydramine 50 mg ranked second among the antihistamines, after dimenhydrinate, in time to "end of wakefulness" and thirteenth in time to "onset of sleep". It was significantly superior to placebo in both of these effects.

Jaattela et al. (Ref. 20) compared the effects of oral daytime administration of the tranquilizer diazepam 10 mg, diphenhydramine 50 mg and placebo (sodium lactate) on mood and psychomotor function in 270 healthy medical students 20 to 23 years of age, divided into three groups (65 men, 25 women). Both drugs decreased activity in men and women and caused some euphoria in men. Diphenhydramine had a slightly greater depressant effect than diazepam on mental functions (as determined by standard tests, e.g., Nowlis adjective check list, digit symbol test and ability to repeat numbers in series).

An abstract by Bjerver and Goldberg (Ref. 2) refers to the central depressant action of as number of antihistamine compounds, including diphenhydramine, without providing details.

Three studies were designed to evaluate the sedative-hypnotic effects of the ingredients methaqualone 250 mg and diphenhydramine 25 mg separately and together in combination. The combination was derived from the demonstrated potentiation of methaqualone by diphenhydramine in the laboratory (Ref. 21). The first study was conducted by Beaublen et al. (Ref. 1) on psychiatric in-patients who received unidentified capsules containing either the combination, methaqualone 250 mg or diphenhydramine 25 mg. The capsules were distributed at random to 18 patients in double-blind fashion for a total of 200 sleeps. Nurses and patients each rated induction and duration of sleep and presence or absence of morning drowsiness and sluggishness on a 4-point scale.

There was some indication that the combination is superior to either methaqualone or diphenhydramine alone in regard to sleep induction, while the combination and methaqualone alone are equal and both superior to diphenhydramine 25 mg in maintaining sleep.

In the second study, Bordeleau et al. (Ref. 22) compared the sleep produced during 5 consecutive nights by the combination (methaqualone 250 mg and diphenhydramine 25 mg), methaqualone 250 mg, diphenhydramine 25 mg, secobarbital 200 mg and placebo in 101 female psychiatric patients averaging 37.1 years (range 17 to 62 years.). Results were evaluated with a questionnaire concerning duration and quality of falling asleep, duration and quality of sleep itself and subjective state on awakening and during the morning. The two single hypnotics

(methaqualone and secobarbital) and the combination were found significantly superior to diphenhydramine and the placebo in quality and duration of both falling asleep and sleep itself. It was impossible to differentiate diphenhydramine 25 mg from the placebo in any of the five parameters of sleep studied.

In a third study, by Norris and Telfer (Ref. 14), the sedative effectiveness of diphenhydramine 25 mg appeared more favorably. This again was a comparison of the sedative effects of methaqualone 250 mg and diphenhydramine 25 mg in fixed combination, the individual ingredients and placebo in 200 otherwise healthy female patients undergoing minor gynecologic operations. The patients were divided into groups of 50, handled in double-blind fashion. Although both the mean sedation score and the number of patients showing good sedation were higher after the combination than after diphenhydramine 25 mg, the differences were not statistically significant. Changes in heart rate and blood pressure were minimal after each of the drugs, and postoperative nausea and vomiting were rare.

Cappe and Pollin (Ref. 15), aware of the sedative side effects of antihistamine drugs, explored the extent of hypnosis and analgesia with diphenhydramine and chlorprophenpyridamine in obstetric patients during labor and delivery. Each drug was administered to 30 patients in fractional doses intravenously. Moderate analgesia was achieved in 35 to 40 percent of patients receiving diphenhydramine (30 to 120 mg) or chlorprophenpyridamine. Untoward effects included nausea, vomiting and drop in blood pressure, but not respiratory depression in the newborn.

In another study, Lear et al. (Ref. 13) compared the sedative effectiveness of preoperative medication with various tranquilizers in 1,159 surgical patients. They administered chlorpromazine 12.5 to 50 mg intramuscularly to 350 patients, mepazine 200 to 400 mg orally to 434, promethazine 25 to 50 mg intramuscularly to 193 and diphenhydramine 50 to 100 mg intramuscularly to 132, using as controls a mixed series of 262 patients who received either morphine or meperidine and a belladonna derivative with or without a barbiturate. All of the tranquilizers diminished undesirable reflex activity while causing less overall depression than with the narcotics and barbiturates. The incidence of post-operative nausea and vomiting was reduced, especially with chlorpromazine. Among the 182 patients receiving diphenhydramine, sedation was rated as nil in 15 percent, slight in 34 percent, moderate in 46 percent and marked in 5 percent. The authors noted that diphenhydramine has been used clinical-

ly at bedtime for sedation, either alone or in combination with barbiturates, for the apprehensive patient. Occasionally it has replaced the barbiturates for sedation, even in the allergic patient. The authors further noted that diphenhydramine combined with meperidine is useful preoperatively for brief procedures requiring early ambulation such as vein ligations and for other forms of minor surgery such as dilatation and curettage, removal of simple breast tumors, and incision and drainage.

Two pertinent papers have emerged from a group headed by Jick and Slone, who have established a comprehensive drug surveillance program in three Boston hospitals. The first of these (Ref. 6) concerns a double-blind comparison in adult medical patients of three hypnotic drugs: Chloral betaine 750 mg (equivalent to chloral hydrate 500 mg), diphenhydramine 50 mg, pentobarbital 100 mg and a placebo. Fifty bottles of each of the drugs and 100 of placebo were numbered randomly and assigned in numerical order to patients requiring hypnotics. Of the original 250 patients entered into the trial, 195 (86 males, 109 females) received one or more of the prepared capsules. The average age and weight of patients receiving one of the hypnotic drugs were 56.3 years and 70.8 kg, respectively, and of those receiving placebo were 53.7 years and 68.5 kg, respectively. Hypnotic effectiveness was rated by the physician as "good," "fair," "poor," or "don't know." Because 59 patients received a "don't know" rating, analysis of effectiveness was confined to the remaining 136 patients. Statistically, no differences were evident ($P=0.50$) among the hypnotic drugs but all were superior to placebo: Ratings were "good" or "fair" in 17 of 24 patients receiving chloral betaine, 23 of 28 with diphenhydramine, 20 of 24 with pentobarbital and 28 of 60 with placebo.

The second report from this drug surveillance program (Ref. 9) concerns the clinical effects of four hypnotic drugs (chloral hydrate, diphenhydramine, secobarbital and pentobarbital) in 2,045 patients, each receiving one or more of the four drugs in the treatment of insomnia. All four drugs were reasonably effective but, unfortunately, no placebo was used. In the case of diphenhydramine, it is of interest to note that doses were 100 mg in 46 patients (9 percent) and 25 mg in 24 patients (5 percent). Adverse effects were reported in nine patients (1.8 percent) receiving diphenhydramine; of these, seven received 50 mg and two received 100 mg. Vomiting occurred in one case and central nervous system depression in eight, in one of which depression was deemed "major." All of the patients recovered promptly when the drug was discontinued, and there were no complications.

Another study, by Teutsch et al. (Ref. 23), evaluated sleep following pentobarbital 100 mg, diphenhydramine 50 mg, methapyrilene 50 mg or placebo in 159 patients in two Veterans Administration Hospitals. They found that both pentobarbital and diphenhydramine, but not methapyrilene, were significantly better than the placebo when evaluated by the subjective question "How long did you sleep?" In one of the two hospitals, methapyrilene was superior to the placebo, while in the other hospital, it was not. The authors further state that these findings confirm the results of another comparison between pentobarbital and diphenhydramine which they conducted earlier in 110 patients.

Vogel et al. (Ref. 24) conducted a double-blind EEG study of the effect of diphenhydramine 50 mg on the sleep of six healthy adult volunteers with both subjective and objective insomnia. Placebo controls were not used.

Significant changes were observed by Vogel. They included a decrease in sleep latency and an increase in total sleep time, the latter being mainly accomplished by a significant increase in stage 2 sleep. The drug had no effect on delta or deep sleep. There was a small but statistically significant rapid eye movement (REM) deprivation (significant reduction in duration of REM sleep and increase in REM latency, with an almost significant REM rebound). There were no significant changes in subjective sleep variables, nor were important side effects encountered. Slightly more than base line drowsiness was reported by four of the six subjects the next morning, by two subjects on three and six mornings, respectively, following drug administration and by one subject one evening. It was concluded that diphenhydramine 50 mg significantly decreased EEG latency and increased duration of EEG sleep without significant side or toxic effects.

Diphenhydramine has been classed as a potent antihistamine with a high incidence of sedation (Ref. 11). The data in the present reports are confirmatory and suggest that a useful sedative-hypnotic effect may be obtained with diphenhydramine in doses of 50 to 100 mg. Diphenhydramine hydrochloride 25 mg, the amount contained in a combination preparation previously described (Ref. 14), is much less effective than the other constituent, methaqualone 250 mg.

With reference to safety, available data (Ref. 25) indicate a definite but low order of toxicity, unless dosage exceeds 100 mg. Instances of poisoning, accidental and suicidal, have been reported with diphenhydramine. Toxic psychoses from overdose of the drug have been observed (Ref. 26). Possibly the earliest suicide was that reported

by Duerfeldt in 1947 (Ref. 27). Wynngaarden and Seever (Ref. 28) listed a 6-month-old child who died in convulsions and a group of adults, ranging from 18 to 72 years in age, who sustained nonfatal convulsions, excitation, toxic psychosis, coma, petit mal or somnolence. These are typical examples rather than a complete compilation.

Also of interest are observations that diphenhydramine is an enzyme inducer, i.e., it stimulates the activity of microsomal enzymes in the liver which metabolize a variety of drugs (Refs. 29 through 32). Examples of drugs whose metabolism in the body is so accelerated are zoxazolamine (Ref. 29), aminopyrine (Ref. 31) carisoprodol (Ref. 30), some oral anticoagulants, barbiturates, corticosteroids, diphenylhydantoin, griseofulvin and diphenhydramine itself (Ref. 27). Since enzyme induction requires repeated use of the inducing drug, this problem would ordinarily not occur with OTC preparations intended for occasional use.

The Commissioner concludes that evidence already at hand strongly suggests that diphenhydramine in an appropriate dosage (50 mg single dose at bedtime) could prove effective as an OTC nighttime sleep-aid.

However, only a few studies exist for the sleep indication, and, therefore, the Commissioner concludes that a minimum of two well-controlled clinical studies following the principles established in §314.111(a)(5)(ii) are required to establish the safety and effectiveness of diphenhydramine hydrochloride as an OTC nighttime sleep-aid. The Commissioner believes that reported observations of anticholinergic and other side effects cannot be overlooked and need to be evaluated. Both the 50 mg and 100 mg dosage levels should be studied with a careful comparison of side effects at both dosage levels. In view of the extensive EEG data already available, additional EEG studies will not be required to demonstrate effectiveness. While this ingredient is classified in Category III, regulations on the marketing status of ingredients recommended for OTC use (21 CFR 330.13) prohibit lawful marketing of diphenhydramine hydrochloride as an OTC nighttime sleep-aid until the Commissioner determines that it is generally recognized as safe and effective or a new drug application for the product has been approved.

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(2) *Doxylamine succinate*. This drug is presently marketed as an antihistamine available by prescription in doses of 12.5 to 25 mg 3 to 4 times daily for adults, or 6.25 mg 2 to 4 times daily for children under 12 years and is also available OTC as an antihistamine in doses of 3.75 to 7.50 mg 3 to 4 times a day for adults or 3.75 mg 4 times a day for children under 12 years.

The Commissioner concludes that in an appropriate dosage (25 to a maximum 50 mg single dose at bedtime), doxylamine succinate may be both safe and effective as an OTC nighttime sleep-aid, but further evidence of safety and effectiveness is needed and therefore, places this ingredient in Category III.

However, final regulations on the marketing status of OTC ingredients (21 CFR 330.13) state that an active ingredient at a dosage level higher than that available in any OTC drug product on December 4, 1975, and classified in Category III, may not be lawfully marketed until the ingredient is determined by the Commissioner to be generally recognized as safe and effective or a new drug application for the

product has been approved.

In antihistaminic sedative potency, doxylamine succinate resembles other antihistamines in the ethanolamine class. One paper (Ref. 1) indicates that doxylamine succinate is a potent antihistamine which shows a high incidence of sedation with average therapeutic doses. Feinberg (Ref. 2) grades the sedation of 12.5 mg of doxylamine succinate the same as that of 25 mg of methapyrilene hydrochloride, while other researchers contend that the sleep-inducing effect of doxylamine is significantly greater than that of methapyrilene (Ref. 3).

The exact mechanism of central nervous system depression by doxylamine is unknown and there is nothing in the literature on the absorption and fate of doxylamine in humans. In male rats, 7 to 21 percent of a single intravenous or oral dose of the succinate is excreted in the urine within 24 hours of administration, while in female rats the amount excreted is 17 to 30 percent (Ref. 14). Dogs receiving daily oral doses of doxylamine succinate for prolonged periods consistently eliminate about 20 percent of the daily dose in the urine. Snyder and co-workers (Ref. 4) concluded, on the basis of tissue determinations of the drug and urinalysis of excreted products, that the bulk of the administered drug is metabolized in the body.

Brown and Werner (Ref. 1) found the intravenous LD₅₀ (defined as a dose that is lethal for 50 percent of the test animals) for doxylamine succinate to be 49 and 82 mg/kg for rabbits and mice, respectively. Subcutaneously in mice and rats or orally in mice, the compound was about 1/2 as toxic as when given intravenously. It was about 1/2 as toxic orally in rabbits. In mice and rats, acute toxicity was similar for both sexes. They also found a favorable ratio of effectiveness to toxicity for guinea pigs.

Acute toxicity studies in dogs showed that oral doses of 7.5 mg/kg of doxylamine succinate produced no evidence of toxicity (Ref. 5). Repeated administration of 15 mg/kg 3 times a day caused some loss of appetite and weight, mydriasis, apprehension, and muscular tremors in three out of four dogs. Similar effects occurred in one of two monkeys at dose levels of 16 to 20 mg/kg 3 times daily. Lower doses produced no such toxic effects.

In the same studies, the administration of doses of doxylamine succinate as high as 45 mg/kg twice daily for a period of 38 days had no significant effect in rats, as judged by gross signs of toxicity, hematologic determinations, and histopathology. Repeated administration of increasing doses from 50 to 150 mg/kg also had no gross effects. However, an increase to 200 mg/kg resulted in a decreased rate

of growth in some animals, and an increase up to 400 mg/kg caused anorexia and death in one case. Thus repeated doses resulted in toxicity only when the doses approached acutely lethal ones.

In a test for teratogenic effects of a combination of doxylamine and dicyclomine (a product used for treating nausea of pregnancy), doxylamine succinate was given orally to rabbits, in doses of 10 to 100 mg/kg/day (Ref. 6). Neither doxylamine, dicyclomine nor the combination had any deleterious effects on pregnancy maintenance, litter size or fetal weight in the rabbit, except when maternal toxicity was produced. In rats, the same doses produce no alteration in breeding, conception, pregnancy maintenance, litter size or fetal weight, although a dose-related decrease in body weight gain did occur in rat pups from doxylamine and dicyclomine-treated mothers.

Feinberg and Bernstein (Ref. 7) found that in 118 patients being treated for allergy with doses of 12.5 to 25 mg of doxylamine succinate, side effects were observed in 39 of them. Sedation or sleepiness was seen in 36 of the 39 patients. Nervousness was noted in four patients, and vertigo in four others. No serious toxic effects were noted after use of the drug for 6 months.

Keeney (Ref. 8) states that the use of doxylamine succinate as an antihistamine is infrequently followed by side effects, but McQuiddy (Ref. 9) says that such side effects are "quite frequent" with the 50 mg dose of doxylamine succinate although with the 25 mg dose the number of reactions decreases "materially" while clinical results remain satisfactory. McQuiddy concludes that doxylamine succinate is a safe and effective medication, having seen no reactions of any severity during his clinical study, with principally drowsiness and occasionally nausea being the main side effects.

Sheldon et al. (Ref. 10) gave allergic patients 12.5 to 200 mg of doxylamine succinate and found that 57 percent complained of drowsiness. However, the authors noted no apparent correlation between the dosage of the drug and drowsiness. Palpitations, irritability, and diarrhea were noted in three separate instances. There was no evidence of any hepatic, renal or vascular changes.

Finally, Ferguson (Ref. 11) gave schizophrenic patients up to 1,600 mg of doxylamine succinate daily by mouth for up to 6 months and found few side effects. He even remarked about the lack of sedation or drowsiness with high doses, noting that a combination of 900 mg doxylamine and 270 mg of phenobarbital daily produced no sedation, whereas 270 mg of phenobarbital alone produced an all-day sleep, therefore suggesting even

an antagonism of phenobarbital's hypnotic effects by doxylamine. There were no changes in pulse, respiration, temperature or blood pressure with the high doses used in Ferguson's study, and blood chemistry and organ function tests remained normal, yet the doses were encouragingly effective in treating schizophrenic patients. In addition, after giving doxylamine to schizophrenics, Ferguson found "there has been no habituation to doxylamine, but a mild degree of tolerance has been noted." He indicated that during a 6-month period the dose had to be increased in some patients from 300 to 900 mg daily to maintain satisfactory results. Partially confirming these data was the work of Selzer and Waldman (Ref. 12), who gave chronic psychotic patients doses of doxylamine (unspecified salt) up to 900 mg/day for 3 months. Side effects were also virtually nonexistent in this study.

There were only a few citations found in the literature for tolerance buildup to the sedative effects of antihistamines, and all of these are unsubstantiated.

Thompson and Werner (Ref. 5), for example, state in their toxicity experiments that repeated administration of doxylamine succinate to rats in large doses for a comparatively long period did not lead to tolerance or accumulation. However, Feinberg (Ref. 2) states that there is a definite tendency for the rapid development of tolerance to the sedative effects of (all) antihistamines.

It has been reported that the depressant actions of antihistamines are additive with the effects of alcohol and other central nervous system depressants (Refs. 13 and 14). Brown (Ref. 14) says that such combinations produce deepened and prolonged sleep.

It appears from some studies that 50 mg and above of doxylamine succinate produce the side effect of sedation when the drug is used as an antihistamine (Ref. 7 and 14). However, as stated above, Ferguson (Ref. 11) and Selzer and Waldman (Ref. 12), gave doses up to 900 mg daily in three divided doses with little evidence of drowsiness in schizophrenic patients. Such apparently contradictory results need to be explained.

No literature was found concerning poisoning or doses which cause death in humans.

Acute toxicity studies in animals which have been reported make no mention of the behavior of the animals before death, except that they died in convulsions. Chronic toxicity studies (Ref. 5) mention that dogs appear "apprehensive" after 15 mg/kg of doxylamine succinate 3 times daily, and that a monkey given 20 mg/kg 3 times daily yawned frequently, was apprehensive, and upon handling exhibited convulsive tremors.

PROPOSED RULES

The drowsiness effect of doxylamine in humans, as with other antihistamines, is well documented (Ref. 2). As mentioned earlier, doxylamine is a potent antihistamine with a high degree, compared with other antihistamines, of central nervous system depression as well. It may be stimulatory at higher doses, as suggested by the chronic toxicity studies in dogs and monkeys.

Only two clinical reports on the effectiveness of doxylamine as a sleep-aid have been found. The first study, by Noell et al. (Ref. 15), was performed on more than 3,000 men for the purpose of evaluating the sedative effects of over 20 antihistamines by EEG methods and comparing these effects with those of barbiturate and nonbarbiturate hypnotics. Doxylamine succinate 25 mg was one of the three most sedating antihistamines, producing a significantly reduced latency to end of wakefulness and comparing favorably with established hypnotic drugs such as secobarbital and pentobarbital in sedation activity. It was chosen as the antihistamine, based on dosage, causing the earliest onset of sleep.

The second study, by Sjoqvist and Lasagna (Ref. 3), compared the effectiveness of 25 and 50 mg of doxylamine succinate as a nighttime hypnotic with that of placebo and two doses of secobarbital. Both drugs were shown to be significantly better than placebo, and both doses of doxylamine scored better than 100 mg of secobarbital but not as well as 200 mg of secobarbital. There were few side effects, other than hangover, with both drugs. Two weaknesses of the study were (1) the high placebo effect (50 percent of the patients slept as well on placebo as on their previous hypnotic medication) and (2) the lack of a dose-related difference in effectiveness between the two doses of doxylamine used.

Both of the above mentioned studies suggest that doxylamine may have nighttime sleep-aid potential.

In summary, the Commissioner notes that the potential effectiveness of doxylamine succinate as an OTC nighttime sleep-aid is shown by the fact that there were 33 percent side effects (primarily sedation or sleepiness) in one study where individual doses of up to 50 mg were used for the treatment of allergy (Ref. 7). No serious side effects were noted after use of the drug for 6 months. The Commissioner notes that studies in which high doses (up to 1,600 mg/day) of doxylamine succinate were given to schizophrenic patients (Ref. 11) suggest that the drug is relatively safe. However, it is possible that psychotic patients do not respond to high doses of centrally active drugs in the same manner as non-psychotic individuals.

The Commissioner concludes that two well-controlled clinical studies fol-

lowing the principles established in § 314.111(a)(5)(ii) plus one EEG study are required to determine the safety and effectiveness of doxylamine succinate as an OTC nighttime sleep-aid. The appropriate dosage for testing should be limited to 25 mg to a maximum 50 mg single dose at bedtime. While this ingredient is classified as Category III as an OTC nighttime sleep-aid, regulations on the marketing status of ingredients recommended for OTC use (21 CFR 330.13) prohibit OTC marketing until the Commissioner determines it to be generally recognized as safe and effective or a new drug application for the product has been approved.

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(4) *Phenyltoloxamine dihydrogen citrate*. The Commissioner concludes that in an appropriate dosage (100 to a maximum 200 mg single dose at bedtime) phenyltoloxamine dihydrogen citrate may be both safe and effective as an OTC nighttime sleep-aid, but further evidence of safety and effectiveness is needed.

Phenyltoloxamine (also called phenoxadriene), one of the ethanolamine group of antihistamines, is available on an OTC basis in a dose of 30 mg as an ingredient in a combination analgesic-calimative preparation. It is also marketed in OTC combination products (22-89 mg of the dihydrogen citrate salt) for the treatment of bronchial asthma, allergic coryza, allergic cough, headache and other pain, and gastric hyperacidity due to nervous tension.

The Commissioner concludes that this ingredient is Category III as an OTC nighttime sleep-aid, but since the recommended dose is higher than that available in any OTC product on December 4, 1975, regulations on the marketing status of OTC drugs (21 CFR 330.13), prohibit marketing of this ingredient as an OTC nighttime sleep-aid until the Commissioner determines the ingredient to be generally recognized as safe and effective or a new drug application for the product has been approved.

Phenyltoloxamine is a potent histamine antagonist, and the early literature on this drug stresses its apparently low acute and chronic toxicity. Extensive clinical studies have provided evidence that the drug is effective in relieving vasomotor rhinitis, hay fever, pruritis, eczema, urticaria, asthma, and certain allergic drug reactions (Ref. 1). Like other antihistamines, the drug has distinct local anesthetic properties and some antispasmodic activity. In addition, LaVerne (Ref. 2) lists the following properties without documentation: autonomic suppressant, adrenergic stimulant, sedative, mild hypnotic effect, and no adverse effect on mental acuity. After the 1957 report by Sainz (Ref. 3) on the effects of the drug on psychotic patients, phenyltoloxamine achieved the reputation of being a "phrenotropic" or tranquilizing drug. A number of reports then appeared on its therapeutic usefulness as a sedative (Refs. 4, 5, and 6).

The side effects of phenyltoloxamine are apparently mild in therapeutic doses, and soporific (sleep-inducing) effects are low and occur in less than 7 percent of patients (Ref. 7).

In general, the mechanism of central nervous system depression by phenyltoloxamine is unknown, although a report by DeSalva and Oester (Ref. 8) suggests that phenyltoloxamine acts similarly to mephenesin and morphine sulfate in depressing polysynaptic reflexes in cats. Such a test has traditionally been used for studying central muscle relaxant activity, which may be indicative of sedative or tranquilizing potential.

The only study found concerning the absorption and fate of phenyltoloxamine was performed by Hoekstra et al. in 1953 (Ref. 9). Extrapolating from experiments performed in dogs, rats and mice for other purposes, it was concluded that phenyltoloxamine is readily absorbed from the gastrointestinal tract and peritoneal cavity and distributed rapidly throughout the body. Very little is known of its destruction, conjugation, or excretion, since attempts to isolate unchanged phenyltoloxamine or certain possible breakdown products from the urine of dogs were not successful. Hoekstra et al. (Ref. 9) also did acute toxicity studies in mice which compared the LD₅₀'s of phenyltoloxamine hydrochloride, phenyltoloxamine dihydrogen citrate, diphenhydramine hydrochloride and tripeleminamine. Phenyltoloxamine hydrochloride was one-fifth as toxic intraperitoneally and one-twelfth as toxic orally as when given intravenously. It was one-half as toxic as tripeleminamine and two-thirds as toxic as diphenhydramine hydrochloride when intraperitoneal LD₅₀'s were compared.

Acute toxicity studies of various doses of phenyltoloxamine in a few rats showed that oral doses greater than 680 mg/kg caused death preceded by hyperactivity, excitement, convulsions and respiratory depression. In dogs, intravenous doses above 20 mg/kg caused death, while lower doses produced ataxia, excitement followed by depression, and slight narcosis (Ref. 9).

Finally, limited chronic studies showed that dogs tolerate phenyltoloxamine dihydrogen citrate in daily oral doses of 20 and 40 mg/kg (calculated in terms of active moiety) with no untoward effects. There were no indications of blood dyscrasia at any time during the experiments.

In general, clinical studies in man in which phenyltoloxamine has been evaluated as an antihistamine consistently show few side effects with doses of 25 to 50 mg of the dihydrogen citrate salt. Sainz (Ref. 3) performed a preclinical study in 48 patients to determine side effects and toxicity and found that mild drowsiness appeared at oral doses above 200 mg 4 times a day, or with single doses of 400 mg. Ataxia or abnormal reflexes were not noted at oral doses of 400 mg 4 times a day; there were no extrapyramidal symptoms; the EEG was not affected; and a slight blood pressure increase was seen. Doses higher than 200 mg 4 times a day produced adrenergic stimulation (in-

creased salivation, gastritis, and diarrhea). Heartburn was found in 14 percent of patients taking the drug, and occasionally nausea was seen. No changes were noted in metabolic, nutritional, endocrine, hematologic, urologic or liver function studies. Sainz concluded that the drug is not only safe but remarkably free from undesirable reactions at oral doses of 100 mg 4 times daily.

Cronk and Naumann (Ref. 10) gave 2,380 allergic patients with non-specific upper respiratory infections 100 to 600 mg of phenyltoloxamine dihydrogen citrate daily and reported only three cases of side effects caused by the drug. These were manifested as a mild soporific state after administration of 200, 300 and 600 mg of the salt, and in no case was the side effect severe enough to warrant discontinuation of the drug. Although this study suggests that the incidence of drowsiness with phenyltoloxamine is low, a later study by Fleischmajer et al. (Ref. 4) found a much higher incidence of central nervous system depression. Fifty patients received the drug (unidentified salt) for treating allergic cutaneous disorders in doses of 100 mg 3 times a day (after meals) and 200 mg at bedtime. In 39 patients (78 percent) there was excellent relaxation, lessening of inner tension, and improvement in the ability to sleep. Most of these patients noted a pleasant calmness within 30 to 60 minutes after taking the drug. The other side effects noted were blurred vision, vomiting, tachycardia, dry mouth, and marked hypnosis, but only 3 patients discontinued therapy because of the severity of these effects.

Finally, in a study designed to test the usefulness of phenyltoloxamine in chronic schizophrenics, Barsa and Saunders (Ref. 11) gave 60 female patients gradually increasing doses of phenyltoloxamine (unidentified salt) with the highest dose reached being 800 mg 4 times a day. The patients received the drug for 3 to 5 months. It was seen that when the dose was below 1,600 mg per day, most of the patients were stimulated, becoming more alert but also more restless and irritable. As the daily dose went above 1,600 mg, the excessive stimulation disappeared and the psychosis appeared to improve. However, most of the patients could not tolerate the high dose. Forty patients (67 percent) complained of nausea or loss of appetite; 10 of these also experienced vomiting. Fifty patients showed an average weight loss of almost 5 kg (11 lb). Other patients complained of generalized weakness, fainting, ataxia, parkinson-like symptoms, and generalized tremulousness. All of these side effects disappeared when the dosage was reduced. Hematological tests, liver function tests, and urinary studies showed no significant changes in any of the patients.

Few reports on tolerance to phenyltoloxamine were found in the literature. Cronk and Naumann (Ref. 10) mentioned in passing that at the end of their experiments considerable adaptation had apparently developed in that the sedation effect had become subjectively less severe after 200 to 600 mg of dihydrogen citrate salt per day for 3 days.

Although there are no reports in the literature on interactions of phenyltoloxamine with other drugs, the Commissioner expects that, like other antihistamines, phenyltoloxamine could interact with central nervous system depressants.

The average oral antihistamine dose of the dihydrogen citrate salt for adults is 50

mg 3 to 4 times daily. This may be increased if the desired therapeutic response is not obtained or in side effects do not become pronounced (Ref. 7). In one study such doses produced a rather low incidence of drowsiness (approximately 7 percent) (Ref. 7), but another study (Ref. 4) suggests a much higher incidence of central depression (78 percent) with higher doses (100 mg 3 times a day, unspecified salt). Single doses of 400 mg (unspecified salt) produced sedation and moderate hypnotic effect in 100 percent of healthy volunteers in one study (Ref. 12).

Doses higher than 1,600 mg per day (unspecified salt in 4 divided doses) in humans apparently can be considered to be the upper limit of usage of the drug, since above this amount generalized toxicity is observed in schizophrenic patients (Ref. 11). Below this dose, however, signs of central nervous system stimulation were apparent in the same patients.

No literature was found concerning poisoning or doses which cause death in humans.

Two uncontrolled and three controlled studies were found concerning the effectiveness of phenyltoloxamine as a sedative. In an apparently uncontrolled study (Ref. 3), phenyltoloxamine (dihydrogen citrate salt) was used to treat 227 cases of psychotic behavior, using oral doses of 100 to 500 mg 4 times a day. Sainz concluded that the drug has a powerful affective and behavioral effect, although it does not produce euphoria, exhilaration, mental cloudiness, or confusion. Addiction and withdrawal reactions were not noted after 6 months of continued high dosage in certain patients. For certain anxieties, the calming effect produced by the drug is, in Sainz' opinion, slightly more pronounced than that produced by phenobarbital and the meprobamates and, because of the absence of immediate or eventual reactions, much safer and preferable to either.

The other uncontrolled study was by Fleischmajer et al. (Ref. 4), who gave 500 mg per day (unspecified salt) by mouth to 50 patients with a variety of dermatoses in whom a tension factor was believed to be associated with the disorder. They found that in 39 of the patients there was excellent relaxation, lessening of inner tension, and an improvement in the ability to sleep. They evaluated various dosage schedules and recommended 200 mg for nighttime sedation, with the comment that the ideal individual dose should be determined for each person.

The first controlled study by Noell et al. (Ref. 5) was performed on over 3,000 men for the purpose of both evaluating the sedative effects of more than 20 antihistamines by EEG methods and comparing these effects with those of barbiturate and nonbarbiturate hypnotics. Phenyltoloxamine (dihydrogen citrate salt) 50 mg was significantly better than placebo and ranked better than 50 mg of methapyrilene hydrochloride in the experiment on determination of onset of

sleep. The dihydrogen citrate salt ranked better than diphenhydramine hydrochloride 50 mg, considered by the authors one of the three most sedating antihistamines.

The second controlled study (Ref. 12) was a comparative double-blind study with reserpine and placebo on 15 volunteers who received single oral doses of 400 mg of phenyltoloxamine (unspecified salt), 5 mg of reserpine, or placebo. Physiological measurements and a battery of psychological performance and learning tests were used to determine drug effects on behavior and function of the individuals. The results showed that 400 mg of phenyltoloxamine produced sedation and a moderate hypnotic effect, reaching a peak in 4 to 5 hours. Although latency and duration of sleep itself were not measured in this study, at the peak action of the drug there was drowsiness and a slowing of psychomotor and mental performance, followed by a state of relaxation, increased learning, and improved performance.

The third controlled study (Ref. 6) evaluated the effectiveness of phenyltoloxamine (unspecified salt, 50, 100, and 200 mg orally) as a daytime sedative, comparing it with 2 doses of phenobarbital and a placebo. One hundred and thirty-one ambulatory patients, all of whom required a sedative for control of an anxiety state, were used. The workers concluded that phenyltoloxamine 3 to 4 times daily for several weeks of continuous therapy is safe. Although they did not make any comparisons with phenobarbital in their discussion, it appears that 100 mg of phenyltoloxamine was equivalent to 15 mg of phenobarbital in a "combined sedation and hypnotic effect" measure that they presented.

In summary, the Commissioner concludes that the available data on the safety and effectiveness of phenyltoloxamine dihydrogen citrate in the dose range of 100 to 200 mg are not adequate to permit its use as an OTC nighttime sleep-aid. There is some evidence that the drug may have effectiveness as an OTC nighttime sleep-aid. For example, in one study (Ref. 5) the drug ranked better than methapyrilene hydrochloride when measuring "end of wakefulness" and better than diphenhydramine hydrochloride on determination of "onset of sleep."

The Commissioner concludes that a minimum of three additional well-controlled studies are necessary to establish the safety and effectiveness of phenyltoloxamine dihydrogen citrate as an OTC nighttime sleep-aid. At least one EEG study and at least two clinical studies are necessary. The Commissioner has determined that an appropriate dosage for testing should be limited to a single dose of 100 mg to 200 mg at bedtime. However, as stated previously, phenyltoloxamine dihydro-

gen citrate cannot be lawfully marketed as an OTC nighttime sleep-aid until it is determined by the commissioner to be generally recognized as safe and effective, or a new drug application for the product is approved.

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(4) *Pyrimamine maleate*. The Commissioner concludes that there is insufficient information on the safety and effectiveness of pyrimamine maleate as an OTC nighttime sleep-aid and has therefore placed the ingredient in Category III. Described as an effective antihistamine with low incidence of sedation (Ref. 1), it appears ancillary to methapyrilene as an ingredient in three currently marketed OTC products promoted for sleep. The usual single OTC dose for an adult is 25 to 50 mg. The Commissioner has determined that further testing in well-controlled studies is required to assure the safety and effectiveness of a suggested dosage of 25 to a maxi-

mum 50 mg single dose at bedtime. (See part II, paragraph D, below—Data Required for OTC Nighttime Sleep-Aid Ingredient Evaluation.)

Pyrimilamine is chemically related to methapyrilene. To date there is no evidence that pyrimilamine has any carcinogenic, cocarcinogenic, or carcinogen-synergistic effects. In the event that any data demonstrating such effects are developed, the Commissioner will carefully review such studies. However, in the absence of any current evidence suggesting a potential for carcinogenicity, the Commissioner considers any regulatory action to be inappropriate and premature at this time.

Pyrimilamine was discovered in France (Ref. 2) 2 years after the introduction of Antergan, the first antihistamine used clinically (Ref. 3). Pyrimilamine effectively inhibits experimental production of skin wheals by histamine and can prevent the increase in capillary permeability ordinarily produced by histamine (Ref. 5). In addition to its effectiveness as an antihistamine, pyrimilamine also possesses local anesthetic activity (Refs. 6 and 7) and even exerts a mild analgesic action (Ref. 8).

In doses of 25 to 50 mg, anorexia, nausea, and vomiting are commonly encountered but can be minimized by the simple precaution of taking this ingredient at mealtimes. However, the Commissioner believes that this is difficult when pyrimilamine is used as an OTC nighttime sleep-aid. The Panel located only one study pertaining to the hypnotic potential of pyrimilamine used alone (Ref. 9). This study provides some evidence that pyrimilamine maleate 50 mg is superior to placebo in reducing the time to "end of wakefulness" by EEG criteria but not in the subjective evaluation of "time to sleep onset." Subjects were military personnel studied under daytime nap conditions.

The Commissioner is aware of instances of accidental poisoning with pyrimilamine (Ref. 10). For example, two fatalities of accidental poisoning have been reported in the literature. In one case a 15-month-old infant died 6 hours after ingestion of 1,500 mg of the drug, and in a second case a 23-month-old infant died 6 hours after ingestion of 10 tablets (dose unspecified). Both victims exhibited coma and/or convulsions previous to death. The Commissioner therefore believes that when further testing is conducted, special attention should be given to the minimum dosage level required for effectiveness.

The Commissioner concludes that insufficient data are available on the safety and effectiveness of pyrimilamine maleate as an OTC nighttime sleep-aid and has therefore placed the ingredient in Category III. Further testing is necessary in a suggested dosage of 25 to a maximum 50 mg single dose at

bedtime. The Commissioner concludes that three additional well-controlled studies are necessary to establish the safety and effectiveness of the ingredient as an OTC nighttime sleep-aid. At least one EEG study and at least two well-controlled clinical studies are necessary to support safety and effectiveness of this drug and permit reclassification from Category III to Category I.

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CATEGORY III LABELING

The Commissioner concludes that the following label claims would be acceptable for OTC nighttime sleep-aid products if sufficient data were provided to substantiate their use. Labeling such as "Reduces time to fall asleep in persons with difficulty falling asleep," "Reduces number of awakenings in persons who wake frequently during the night," and "Prolongs sleep," may be valid if proven by well-controlled studies. (See part II, paragraph D, below—Data Required for OTC Nighttime Sleep-Aid Ingredient Evaluation.)

D. DATA REQUIRED FOR OTC NIGHTTIME SLEEP-AID INGREDIENT EVALUATION

The Commissioner considers these testing guidelines to be final, subject

to modification upon request. These guidelines, and future modifications thereto, will be available in the office of the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. No further changes in these guidelines will be published in the FEDERAL REGISTER. However, notification of amendments to the guidelines will appear as a notice in the FEDERAL REGISTER pursuant to § 10.90(b) of the agency's administrative practices and procedures (21 CFR 10.90(b)).

The Commissioner concludes that the following data are required for the evaluation of safety and effectiveness of an agent to be used as an OTC nighttime sleep-aid:

1. *Minimum requirements to determine safety and effectiveness.* The active ingredient must be safe in the doses suggested on the labeling for OTC use. Regarding effectiveness, a number of important variables must be considered: (1) Sleep latency (time required to fall asleep), (2) number of awakenings, (3) total time spent awake, (4) sleep duration, (5) sleep quality, as estimated by the sleeper, (6) sleep stages and cycles evaluated by EEG and polygraphic criteria (may or may not be necessary as stated in individual ingredient discussions), and (7) side effects. Typically, an OTC medication might be tested to determine whether it reduces sleep latency (or possibly increases sleep duration) without detrimental effects on the other variables.

A target population must be identified so that wherever possible in studies of effectiveness subjects tested are similar to those who will eventually take the drug. For OTC nighttime sleep-aids, the population would consist of individuals with symptoms of mild or occasional sleep disturbance.

It is important to provide both subjective and objective assessment of sleep. Certain important aspects, such as the subject's estimate of the quality of sleep and feeling state in the morning, can only be assessed subjectively. On the other hand, objective sleep laboratory studies have obvious advantages to assess objectively and exactly continuous measures of sleep, thus providing exact measures of sleep latency, sleep duration, number of awakenings, and other variables of interest. Other clinical aspects can also be assessed both subjectively and objectively.

Any claimed ingredient(s) or labeling claim(s) classified by the Commissioner as Category III should be evaluated using the concepts and methodology described below in the suggested guidelines.

2. *Sleep laboratory studies.* A small number of appropriate subjects (e.g., 6 to 12 per study) should be studied intensively in a sleep laboratory. Sleep

laboratory studies should involve the use of both placebo and active medication in a properly controlled design. The exact design would depend on individual drug factors, such as time required for washout, necessity in some cases for studies of continuous administration, etc. This would allow precise determination of sleep latency, sleep duration, number and length of awakenings, and time spent in the various sleep stages. Such a study can help determine effectiveness and can also be used as a safety or toxicity study since disturbances of sleep and mood can be studied during and after drug administration. Such laboratory studies would ideally include investigation of the drug when taken on multiple consecutive nights and after discontinuation, since withdrawal effects after continuous administration can be of importance. However, since the drug is an OTC preparation to be taken as a single dose for occasional insomnia, such long-term studies are not absolutely essential, though still advisable.

3. *Clinical studies in a suitable target population.* A large number of appropriate subjects should be studied for subjective effects on sleep. Subjects should be mild insomniacs falling directly within the target population expected to take the drug. Such a study should preferably use separate large groups, perhaps 40 to 80 subjects per group, since intergroup comparisons have statistical advantages. A well planned crossover study, however, might also be acceptable. If several doses of a drug are to be studied, or if a combination of several ingredients is being studied, a larger number of groups is required. For instance, if a combination containing two ingredients (A+B) is studied, a design should include four separate groups: One taking placebo, one taking A, one taking B and one taking A+B. Subjects are to be assigned by systematized randomization with packaging and coding of the drug on an individual patient basis rather than on a treatment group basis. The integrity of the study should be maintained and subjects should not be able to determine drug from placebo, since the findings are heavily dependent on subjective parameters. Each dose unit (drug or placebo) should be singly identified by code and administered singly (e.g., in envelopes) in a predetermined sequence.

The variables to be investigated include the subject's estimate of quality of sleep, sleep latency, number of awakenings, sleep duration, how well he feels in the morning, and a report of any side effects.

In certain cases other designs may be reasonable; for instance, a design in which the subject indicates a preference between two treatments (drug versus placebo) may be used but would not be considered a pivotal study.

4. *Clinical studies for OTC nighttime sleep-aids—*a. *Objectives.* The overall objectives are: (1) To determine the effects of the drug on sleep in individuals in the target population with symptoms of mild insomnia likely to use such an OTC drug, (2) to determine the subjects' estimate of quality of sleep (an estimate of how well they feel in the morning) and (3) to determine any preferences the subjects may have between 2 ingredients (drug versus placebo).

These studies, if results are clinically significant, will provide an extension of comparative controlled studies to confirm fully in a target population the drug's basic nighttime sleep-aid activity and to provide more specific information about symptoms and subject types in which the drug is especially effective. The studies will also establish an optimal dosage for the target population for which it is intended under conditions which more closely resemble those of actual OTC use.

b. *Sample considerations.* Subjects should be mild insomniacs falling directly within the target population expected to use the drug. Subjects with severe or chronic insomnia are not candidates for self-medication since they should be under the supervision of a physician.

A greater variety of populations differing as to age, sex, diagnostic categories, social class, treatment setting, previous treatment, etc., may be studied. Within each study, groups of subjects should be selected so as to be as homogeneous as possible regarding the variables above. In any case, full reporting of subjects' characteristics is necessary to allow for adequate interpretation of results. Exclusions should be stated.

Females of childbearing age may be included. However, the Commissioner believes that new drugs not intended for lifesaving use should not be used in women known to be pregnant or who are nursing a baby.

c. *Sample size.* The studies should use separate large groups containing 40 to 80 subjects per group. In a study comparing separate groups, a minimum of two groups (drug and placebo) are necessary. A large number of groups are required if several doses of a drug are studied or if a combination of several ingredients is evaluated, since each ingredient should be compared to the combination and a placebo.

d. *Setting.* Varying environmental influences should be decreased as much as possible in each study. Different treatment environments may be used which should be similar to those likely to be found among users (consumers) of such OTC products. Since these drugs are indicated for nighttime use, their action should not persist into the

daytime hours or beyond the intended period of sleep.

e. *Investigators.* As discussed in comment 67, the commissioner is deleting the Panel's recommendation concerning investigators.

f. *Design.* Of primary importance are well-controlled studies designed to confirm fully the effectiveness of the drug as a nighttime sleep-aid. Special consideration should be given to controls, duration of study, dosage, and design which do not interfere with validity (biostatistical consultation is recommended), to accommodate greater variation in settings and subjects.

g. *Duration.* The duration of studies may vary from 1 to 2 weeks. The normal length of time for OTC nighttime sleep-aids use is not to exceed 2 weeks. It is therefore reasonable to require that testing be done within that same basic length of time. The Commissioner realizes, however, that there may be protocols developed which would require slight deviation from this guideline. Such deviation will be permitted, on an individual basis, if there is sufficient justification. In most cases the drug will be taken as a single dose for occasional insomnia, and therefore long-term studies are not absolutely essential. However, the Commissioner believes that such studies are advisable.

h. *Assessment.* Activity as an OTC nighttime sleep-aid should be determined by accepted methods. Determination of clinical effectiveness should include subjective reports from patients or subjects and EEG, and inpatient studies should also include objective measures.

5. *General concepts for conducting clinical drug evaluation of OTC nighttime sleep-aids.* The Commissioner concurs with the current regulations for conducting clinical trials evaluating efficacy as defined in 21 CFR 314.111(a)(5)(ii). The desired studies shall include a systematic assessment of possible adverse side effects as discussed above under clinical studies for nighttime sleep-aids and shall include continued surveillance for adverse side effects after marketing.

6. *Minimum data required for classification as a Category I ingredient.* In summary, the commissioner concludes that similar methodology should be used in the evaluation of an OTC nighttime sleep-aid as in the evaluation of a prescription hypnotic with two major exceptions:

a. Only those who are occasionally insomniac are included.

b. A larger patient sample than is customary in the evaluation of prescription drugs is necessary for a parallel design study (for example, 80 and not 40 patients per drug group may be needed), since relatively smaller clinical effects may be encountered.

E. COMBINATIONS OF ACTIVE INGREDIENTS

1. *General statements.* The Commissioner notes the current regulation (21 CFR 330.10(a)(4)(iv)) which states:

An OTC drug may combine two or more safe and effective active ingredients and may be generally recognized as safe and effective when each active ingredient makes a contribution to the claimed effect(s); when combining of the active ingredients does not decrease the safety or effectiveness of any of the individual active ingredients; and when the combination, when used under adequate directions for use and warnings against unsafe use, provides rational concurrent therapy for a significant proportion of the target population.

The Commissioner concludes that, in general, the fewer the ingredients, the safer and more rational the therapy. The Commissioner believes that the interests of the consumer are best served by exposing the user of OTC drugs to the fewest ingredients possible at the lowest possible dosage regimen consistent with a satisfactory level of effectiveness. The Commissioner further concludes that OTC drugs should contain only such inactive ingredients as are known to be safe and are necessary for pharmaceutical formulation.

2. *Requirement of significant contribution.* The Commissioner concludes that each claimed active ingredient in a combination must make a significant contribution to the claimed effect or effects.

The Commissioner is unable to establish the percent of contribution that an active ingredient must make to the effectiveness of the product for that contribution to be considered "significant." The Commissioner concludes that where a combination product is permitted, as discussed below, it is sufficient to demonstrate in well-controlled clinical trials that each of the ingredients makes a statistically significant contribution to the claimed effect. (See part II, paragraph D. above—Data Required for Nighttime Sleep-Aid Ingredient Evaluation.) As long as "statistical significance" is shown in meaningful sample sizes, the Commissioner concludes that the contribution toward OTC nighttime sleep-aid activity will also have been shown to be clinically "significant."

3. *Single active ingredients.* The Commissioner concludes that the most desirable product for the consumer is one that contains the least number of ingredients. A product containing a safe and effective single ingredient is preferred to one having multiple active ingredients because of the reduced risks of toxic effects, allergic and/or idiosyncratic reactions, and possibly unrecognized and undesirable drug interaction(s). Because of these increased risks, the Commissioner further concludes that the use of two active ingredients of the same phar-

macological class in the same preparation is not rational.

The Commissioner applies this view to all ingredient combinations that the Panel has reviewed. Even the antihistaminic drugs cause non-dose-related adverse reactions, such as drug allergy. In other words, even the presence of two antihistamines may increase the risk that a subject will have an allergic response to the OTC preparation. A person may not be allergic to one of the two active ingredients whereas he might respond with an allergic reaction to the other. Paradoxically, such hypersensitivity reactions do occur to the antihistamines, drugs which are themselves often used to treat allergic responses.

Certain problems peculiar to the formulation of combination products should be stated explicitly before dealing with specific cases. First of all, there are situations where the use of a combination is appropriate and clearly rational. Such an example is the case of the "triple sulfas" described below.

The misconception about the safety of using more than a single member of a pharmacologic class of drugs seems to be based upon a very special case. When the sulfonamides were introduced to clinical medicine, it became apparent that their low solubilities (particularly in the large doses needed to treat certain bacterial infections of the urinary tract) could result in precipitation of crystalline drug in the kidney. This problem was solved by using combinations of sulfonamide drugs, e.g., "triple sulfas," such that each of the three sulfonamides was present in an amount too small to crystallize out in the kidney but such that the combined three sulfonamides provided an effective therapeutic concentration. The basis for this effect is the fact that the solubility of each member of the series is independently determined. No such problem of dosage scheduling that approaches saturation leading to crystallization has been noted in the review of the antihistamine drugs submitted.

The Commissioner is aware of other cases where multidrug therapy is rational. Two different antibiotics may be given together for an organism known to be sensitive to the combination. Perhaps one of the best known combinations is the use of multivitamin preparations for the treatment of nutritional deficiencies. In these last two cases, the combination is used to achieve a certain convenience where the individual active ingredients are known to be effective separately. The Commissioner recognizes, that, in vitamin and in certain antibiotic therapy, a large dose of drug usually, but not always, carries no more risk than a smaller dose. This is an unusual situation in medicine.

If an OTC nighttime sleep-aid is indicated, it may very well be that a con-

sumer will need one or two doses to get the intended effect. An occasional subject may need half of the suggested dose. If an analgesic is also needed, the consumer through experience will be able to judge whether he needs one, two, or one-half of the usually recommended OTC analgesic dose. If a consumer needs an OTC nighttime sleep-aid alone or an OTC analgesic alone, it would be an irrational act to take a combination product.

The Commissioner questions the advantage the combination confers. If the consumer cannot fall asleep readily, he may wish to take an OTC nighttime sleep-aid for this condition. He may also have some discomfort due to an injury, infection, burn or other ailment and may wish to take an OTC analgesic. The Commissioner concludes that the likelihood that a combination drug will contain the optimal dose is less than if the consumer is permitted to make this decision, that is, to take individually an analgesic and/or nighttime sleep-aid.

In light of present knowledge, it is not wise to give two or more different active ingredients in fixed combinations to different individuals. In addition, it does not make sense unless there is information that the effective dose of each active ingredient is known for the individual taking such a combination.

A very simple exercise will demonstrate the decreasing benefit to be expected when two or more active ingredients are combined in a single preparation. Suppose that 60 percent of the population requires one unit of drug A for relief of pain. Now, combine A with ingredient B, a drug that promotes sleep. Assume that, by good fortune, a dose of B is found that will have a favorable effect on 60 percent of the population. The chances that the 60 percent who need one unit of A will also need one unit of B is 0.60×0.60 , or 36 percent. Thus, by combining we have reduced the chance of a successful outcome for both indications from these preparations. The number of people who need half of A and half of B or two of A and two of B are vanishingly small and may be ignored for present purposes. One could add yet a third active ingredient (certainly not unheard of) and find that the appropriate population for this preparation would be $0.60 \times 0.60 \times 0.60$, or 22 percent of consumers.

Thus the Commissioner concludes that even if the addition of another active ingredient represents addition of a potential benefit to an existing product, the chances that the consumer will benefit from a fixed combination is in fact less likely than if that individual has the option to use active ingredients separately.

The Commissioner notes that individuals metabolize different active in-

gredients at vastly different rates and may eliminate them at different rates.

These biochemical differences are the basis for different dosage requirements on the part of individual human subjects. Ordinarily, in a relatively small group of persons there may be as much as a 10-fold difference in the rate of metabolism of a drug. The effect of these differences becomes apparent in the case of drugs used chronically. For OTC drugs used only occasionally and for nonfatal illnesses, it is not necessary to ensure that the dosage provided will be effective for 90 or 100 percent of the population. A 2- to 4-fold variation in the dose needed may be expected to achieve a desired effect in a significant proportion of the population. It has been pointed out above by simple calculations, using the probability of independent events, that combinations may reduce the likelihood of achieving the most effective dosage regimen because of differences between individuals with respect to drug metabolism. The implications of this knowledge for dosage requirements cast some doubt upon the combination of nighttime sleep-aids and analgesics.

In spite of the considerations above, the Commissioner recognizes the argument that there may be convenience in putting more than one active ingredient into the same product. The Commissioner concludes that, if a combination contains an analgesic and a nighttime sleep-aid both of which are safe and effective when used alone, it is convenient to combine the ingredients in a combination for the treatment of concurrent symptoms. The Commissioner would recognize the combination as safe and effective (effective as both a nighttime sleep-aid and as an analgesic in a significant proportion of the population having both sleeplessness and pain at the same time). The Commissioner concludes that permission to market such a combination should be granted. However, it will be necessary to demonstrate that there exists a well-defined target population that requires both an OTC nighttime sleep-aid and an analgesic. Several studies are necessary using a factorial design demonstrating that the combination is safe and effective for a significant proportion of the target population requiring relief from both symptoms of pain and sleeplessness. For these reasons, a combination containing a nighttime sleep-aid and an analgesic is placed in Category III. If the target population is not demonstrated or if the combination is not found to be effective in a significant portion of the target population within the 3-year testing period, these products will be withdrawn from the market.

The labeling of a combination product of the type described above should reflect its limited applicability to per-

sons with both symptoms, pain and sleeplessness, who respond favorably to the unit dose of each active ingredient in the combination. The labeling should indicate that only that portion of the target population having both indications at the same time may be expected to derive effective and safe responses to the fixed combination.

It is an established medical principle to give only those medications, preferably as single entities, necessary for the safe and effective treatment of the patient. This principle applies equally to self-medication. To add needlessly to the patient's medication increases the risk of adverse reactions. Therefore, only single ingredients of each pharmacologic class should be permitted in Category I combinations. Combinations containing more than one active nighttime sleep-aid ingredient of the same pharmacologic class are classified as Category II products.

4. *Active ingredients not reviewed by the Panel.* The Commissioner concludes that each claimed active ingredient must be an ingredient that was reviewed by the Panel. If a product contains an active ingredient that was not reviewed by the Panel and consequently not found in their report, such ingredient is automatically classified as a Category II ingredient, i.e., it is not generally recognized as safe and/or effective. Appropriate animal and human testing and prior approval by the Food and Drug Administration are required before a product containing such an ingredient may be marketed.

5. *Review of submitted combination products.* The Commissioner is considering only those combination products submitted pursuant to the notice published in the FEDERAL REGISTER of August 22, 1972 (37 FR 16885). The Commissioner recognizes that other combination products may be in the market place, but he has either no knowledge of such products or insufficient data with respect to such products to make a reasonable judgment of safety and/or effectiveness.

Accordingly, the Commissioner concludes that any new combination, or any presently marketed combination not submitted, be evaluated through the new drug procedures or be the subject of an appropriate petition to the Commissioner for review and amendment of the OTC nighttime sleep-aid monograph.

6. *Combinations containing irrational ingredients.* The Commissioner is aware of the available data of those nighttime sleep-aid ingredients which are in combination with such non-nighttime sleep-aid ingredients as vitamins and passion flower extract. The Commissioner considers such combinations to be irrational.

For example, generally a healthy individual ingesting a well-balanced diet will receive adequate daily vitamin

intake. The safety, effectiveness and labeled claims for vitamins have been deferred to the Advisory Review Panel on OTC Vitamin, Mineral and Hematinic Drug Products. However, the Commissioner recognizes that most clinicians agree that the therapeutic use of vitamins should be restricted to the treatment of unequivocal deficiency states or as dietary supplements in certain clinical situations, such as (1) inadequate intake due to poor diet, (2) malabsorption, (3) pregnancy, or (4) hypermetabolic states producing increased tissue requirements.

The proper functioning of all cells requires an adequate intake of all vitamins (water-soluble and fat-soluble). It is misleading to assume or propose that individuals consuming certain OTC nighttime sleep-aids, tranquilizers and sedatives have selected deficiencies of just those water-soluble vitamins discussed in this document. Vitamin deficiencies are generally manifold and not restricted to one or two vitamins. If treatment of vitamin deficiencies is indicated, high doses are used and ordinarily several vitamins are given, particularly in the case of water-soluble vitamins. Also, there is virtually nothing in the current medical or pharmaceutical literature to support the inclusion of selected water-soluble vitamins in the OTC nighttime sleep-aids, daytime sedatives, or stimulants. The water-soluble vitamins discussed in this document appear to be of no use in conditions unassociated with vitamin deficiency or impending deficiency. In addition to the irrationality, there is a danger in the possibility that administration of one or two vitamins in small amounts may delay proper diagnosis and treatment in occasional cases of true deficiency. The vague suggestion in the labeling of such products is that "nerves" may be the reason for wakefulness, anxiety or agitation and that B-vitamins are good for the nerves. This claim, whether explicit or implicit in the labeling, is not supported by objective and conclusive clinical data.

7. *Criteria for determining Category I combinations.* Although the Commissioner has not placed any products containing combinations of active ingredients in Category I, appropriate guidelines are necessary. Accordingly, to qualify as a Category I combination, i.e., one that is generally recognized as safe and effective, each of the following conditions must be met:

a. The combination should include only one Category I active nighttime sleep-aid ingredient from a given pharmacological class when such ingredient(s) is identified.

b. Each ingredient in the subject combination will have to be present within the dosage range for a Category I active nighttime sleep-aid ingredient when each such ingredient is identified.

8. *Criteria for Category II combination products.* A combination is classified by the Commissioner as a Category II product, i.e., one that is not generally recognized as safe and/or not generally recognized as effective, if any of the following apply:

a. The combination contains two or more drugs from the same pharmacologic class as nighttime sleep-aids.

b. The combination contains any ingredient that is listed elsewhere in this document as a Category II ingredient.

c. The combination contains any active nighttime sleep-aid ingredient that has not been reviewed by the Panel and accordingly is not listed in this document.

d. The combination contains a nighttime sleep-aid ingredient combined with a non-nighttime sleep-aid ingredient which the Commissioner has found to be an irrational ingredient.

e. The following combinations have been classified by the Commissioner as Category II: (1) *Combinations containing two or more antihistamines.* The Commissioner concludes that there is no rationale for combining two or more drugs of the same pharmacologic class to achieve a desired effect. There are no data to support claims of safety and effectiveness for such combinations.

(2) *Combinations containing bromides (ammonium, potassium and sodium).* The Commissioner concludes that combinations containing ammonium bromide, potassium bromide or sodium bromide are not safe for OTC use.

(3) *Combinations containing scopolamine compounds (scopolamine aminoxide hydrobromide and scopolamine hydrobromide).* The Commissioner concludes that combinations containing scopolamine aminoxide hydrobromide or scopolamine hydrobromide are not safe at dosage levels possibly effective as OTC nighttime sleep-aids.

(4) *Combinations containing passion flower.* The Commissioner concludes that there is no rationale for adding passion flower to a nighttime sleep-aid. The relationship between the ingredient and sedation has not been demonstrated.

(5) *Combinations containing vitamins (all vitamins, including thiamin (vitamin B₁), niacin (nicotinic acid), and niacinamide).* The Commissioner concludes that there is no rationale for adding vitamins to a nighttime sleep-aid. The relationship between vitamins and sedation has not been demonstrated.

9. *Criteria for Category III combination products.* A combination is classified as a Category III combination if the nighttime sleep-aid active ingredient is classified as Category III elsewhere in the document. The following combinations have been classified by the Commissioner as Category III:

a. *Combinations containing antihistamines and certain analgesics (acetaminophen, aspirin, and salicylamide).* These combinations are placed in Category III for two reasons: (1) The sleep-aid component has been categorized as Category III by the Commissioner; and (2) the Commissioner has insufficient information to identify a significant target population. Additional studies are required to show that there is a target population of significant size requiring ingredients for both pain and sleep. Experimental design for such studies should include double-blind investigations using a factorial design testing the combination against each ingredient and placebo. If evidence is not forthcoming within 3 years that each ingredient (e.g., the claimed nighttime sleep-aid and the analgesic) makes a meaningful contribution to the claimed effect, these products shall be withdrawn from the market.

The Commissioner concludes that combinations containing a nighttime sleep-aid and an analgesic are not rational therapy for patients suffering from sleeplessness or pain alone.

In a combination drug containing a nighttime sleep-aid ingredient and one or more analgesic compounds such as acetaminophen, aspirin or salicylamide, these latter ingredients are considered only as analgesics. If the analgesic component is judged effective by the Advisory Review Panel on OTC Internal Analgesic and Antirheumatic Drug Products, if the sedative component can be proved to be a safe and effective OTC nighttime sleep-aid, and if well-controlled studies can identify a significant and meaningful target population for use of such a combination, then the combination may prove to be rational for concurrent use, i.e., for sleeplessness when accompanied by pain. For example, in a currently marketed sleep-aid combination product containing an antihistamine and analgesics, the manufacturer recommends "For best results, adults take two tablets at bedtime to help relieve pain and aid sleep." Thus, according to the manufacturer's claim, this particular combination is recommended for nighttime use in patients suffering from a combination of pain and insomnia or from "insomnia expectation." The analgesic combination, when taken as recommended, namely, two tablets, seems to be a fairly appropriate mild analgesic, although the final decision regarding this effect has been deferred to the Advisory Review Panel on OTC Internal Analgesic and Antirheumatic Drug Products.

Whether the combination of an analgesic and a nighttime sleep-aid enhances the effectiveness of either type of agent cannot be answered from the data reviewed. Only a factorial design (Ref. 1) comparing the combination

with a placebo would provide the answer. One may well postulate that, once pain is relieved by the analgesic component, the patient will sleep even without a nighttime sleep-aid. On the other hand, the OTC nighttime sleep-aid may indeed provide additional benefits. The studies submitted do not provide an answer to these uncertainties.

In any studies designed to evaluate such a combination, subjects selected should be individuals with pain as well as sleep problems. A more elaborate design could include a group of subjects with both pain and sleep problems, a group of subjects with only sleep problems, and a group of subjects with only pain, but the first factorial design is considered sufficient.

The data presented to the Commissioner do not establish whether patients use the combination primarily for pain or primarily for sleep induction. The combination seems to be proposed primarily as a pain reliever implying that, if one does not have pain, one will sleep well. The combination is not suggested for the general insomnia.

The manufacturer produced seven well-designed, well-controlled studies in support of its claim. Four of these studies were "analgesic-sedative studies" conducted in patients suffering primarily from pain, possibly associated with secondary sleep disturbances (Refs. 2 through 5); one was a study of chronic insomniacs in an outpatient population (Ref. 6); one was a study conducted in a nursing home (Ref. 7); and one was an experimental study conducted in normal subjects who were loaded with water to produce wakefulness (Ref. 8).

All seven studies were generally well done, some involving an acute type of experiment with each patient receiving one medication; a few studies involved giving medication to geriatric patients and other outpatients over a longer period of time. The most clear-cut and best designed experiments are some of the acute experiments (Ref. 3). They indicate clearly that the combination is more effective than placebo in inducing sleep, creating a better quality of sleep, and reducing pain. The problem with all of these investigations is that they were designed to show effectiveness of the combination. They were not designed to find out whether both the analgesic and antihistamine medications are needed or whether all patients with pain and pain related insomnia, or even only expected insomnia, would have been improved just as well with only the analgesic medication. Therefore, these seven well-designed studies do not define the relative effectiveness of the hypnotic and analgesic ingredients in the combination.

In an analgesic nighttime sleep-aid combination such as that discussed

above, the Commissioner concludes as follows:

The general regulations for the OTC drug review required the Panel to address drug active ingredients and claims, rather than finished total products. In this case, the Panel was required to determine which ingredient in the combination product has activity as an OTC nighttime sleep-aid and which ingredients have activity as analgesics. The Panel could not, as was suggested in one submission, set aside this requirement and merely determine that the whole product is safe and effective.

Pain may indeed prevent sleep, as might acid indigestion, coughing or sunburn. If the Commissioner were to follow the rationale that pain discomfort prevents sleep and that something which affords relief from pain discomfort can therefore be considered a nighttime sleep-aid, it would be necessary to permit the use of a similar nighttime sleep-aid claim for any ingredient used to treat any condition that might interfere with sleep. Such ingredients might be antacids, cough remedies, or sunburn lotions. It is obvious that such drugs are not intended to induce sleep per se. If evidence is not forthcoming to support the presence of Category III antihistamines as active OTC nighttime sleep-aid ingredients in combination with analgesics, nighttime sleep-aid labeling claims made on the basis of analgesics alone would be misleading.

The Commissioner is aware that there may well be a significant number of people suffering from both pain and sleeplessness caused by factors other than pain. An analgesic nighttime sleep-aid combination could be rational for such a group. Its target population, however, would include only those individuals suffering from both symptoms simultaneously. Labeling for such a combination would have to state clearly that it is for use only when both symptoms occur together, not only that one or the other is anticipated.

For combinations containing both antihistamines and analgesics, additional studies are required to show that there is a significantly large target population requiring ingredients concurrently for both pain and sleep. Experimental design for such studies should include double-blind investigations using a factorial design testing the combination against each ingredient and placebo. If evidence is not forthcoming within 3 years that each ingredient (e.g., the sleep-aid and the analgesic) makes a meaningful contribution to the desired effect, the product should be withdrawn from the market.

10. *Inactive ingredients.* The Panel recommended that OTC drugs should contain only such inactive ingredients

as are necessary for pharmaceutical formulation and are known to be safe and they also expressed concern about the presence of talc containing asbestos in OTC products. As discussed in comment 12, the Commissioner concluded that inactive ingredients, including talc, will be governed by the Commissioner's proposed regulation on inactive ingredients published in the FEDERAL REGISTER of April 12, 1977 (42 FR 19156). Therefore, the Commissioner has deleted any further discussion of inactive ingredients from this document.

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- (4) Kantor, T. G., "Sleep Induction Study W-1752 III," Draft of unpublished paper in OTC Volume 050043.
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- (7) Stern, F. H., "Sleep-Inducing Properties of a Nonbarbiturate Analgesic/Sedative Preparation in Elderly Patients," *Clinical Medicine*, 31-33, 1972.
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III. THE COMMISSIONER'S CONCLUSIONS ON DAYTIME SEDATIVES

A. GENERAL DISCUSSION

The Commissioner concludes that the term "tranquillizer" is not an apt description of the drugs promoted as daytime sedatives or calmatives, because it promises a qualitatively different effect from that which an OTC drug can provide. Therefore, the Commissioner has used the term "OTC daytime sedative" within this document to describe an OTC drug claiming mood modification.

The Panel voted to place OTC daytime sedatives in Category III to offer maximum opportunity for those wishing to develop evidence that suitable target population existed and that these ingredients were effective in reducing nervous tension. The Commissioner has reviewed the available data and concludes that he is unable to permit the marketing of these ingredients during the 4 to 6 years necessary to complete testing. The labeling claims for these ingredients suggest that they are useful for occasional

"simple nervous tension," "nervous irritability," and "simple nervousness due to common everyday overwork and fatigue." The Commissioner has determined that these claims do not refer to any definable symptom requiring medication, but that they are descriptions of normal transient variations in mood which are inappropriate for OTC drug therapy. Thus these ingredients offer no benefit to the user.

The major class of drugs reviewed for use as OTC daytime sedatives was the antihistamine group, products that the Commissioner recognizes as probably effective at appropriate doses in producing drowsiness and sleep. The Commissioner has reviewed that available data and has determined that there is no evidence of any anti-anxiety or calmative effect apart from the sleep-inducing properties of antihistamine daytime sedatives. (See comment 68.) This sedative effect would be hazardous in persons whose daytime activities require alertness and coordination.

Based on the scientific data available for marketed products and on the Panel's review of the literature, the Commissioner has concluded that there are no demonstrable conditions for which OTC daytime sedatives are useful, and hence no target population who could benefit by their use. These issues are more fully discussed in comments 68, 73, and 76.

The Commissioner concludes that he will accept the minority position of the Panel with respect to OTC antihistamine, daytime sedatives and that these products shall be classified as Category II, and shall be removed from the market. Scopolamine and the bromides were classified by the Panel as Category II on grounds of safety and effectiveness, and the Commissioner concurs with these findings.

B. SAFETY AND EFFECTIVENESS

Currently marketed products which have been classified as OTC daytime sedatives generally contain antihistamines, scopolamines or bromides either singly or in combinations. Scopolamines and bromides have been determined by the Commissioner to be unsafe for OTC use and will be further discussed below. Antihistamines, as stated previously in the discussion pertaining to OTC nighttime sleep-aids, may, in addition to their antihistaminic action, induce drowsiness when used in the treatment of allergies. (See part II, paragraph C.3.a. above—Antihistamines.)

Furthermore, with respect to the profile of pharmacological activities of the antihistamines, the Commissioner concludes that there is little or no evidence that such drugs possess anti-anxiety psychotropic properties comparable to those demonstrated in clinical

cal studies with the prescription tranquilizers. Some antihistamines may, however, produce a sedative effect that would have no value as a mood modifier or anti-anxiety drug. Any anti-anxiety psychotropic activity, if it exists, most likely would be related to the "drowsiness" effect of the antihistamines.

Therefore, the Commissioner is concerned with a possible danger in "treating" simple and transient variations in normal mood and behavior with OTC products containing antihistamines or any similar sedating agent. The Commissioner believes that such drugs affecting mind and mood have much broader implications than other OTC classes of drugs (e.g., antacids, laxatives) in that alterations in an individual's mood indirectly affect other individuals. There is also possible danger that because of the excessive sedation, individuals with normal anxiety-like symptoms will involuntarily, and unwittingly suffer reduced alertness, ability to concentrate and motor coordination. The Commissioner concludes that such use will restrict the individual's ability to cope with his environment. In the case of antihistamines, depressant effects appear at low concentrations and excitatory effects at high concentrations (Ref. 1); however, this varies from person to person. In some cases the excitatory effect is dominant even at low concentrations, and in other cases antihistamines produce depression throughout the normal dosage range so that therapeutic effects lack predictability.

In the general population, many people experience tension and most people have learned how to deal with it. Where tension becomes disabling, some individuals need medical assistance (e.g., counseling) and/or psychotropic medication. In such cases, effective psychotropic drugs do exist but are available only on prescription. The Commissioner concludes that it is highly unlikely that the submitted OTC ingredients could be shown to be effective because normal tension or anxiety is difficult to measure in a target population by current medical standards. In any case, the Commissioner concludes that there are insufficient data (or, more accurately, there is a sufficient dearth of data supporting effectiveness) to determine that the ingredients are not generally recognized as safe and effective for treating that condition, and accordingly cannot appropriately be classified in Category III. If they are effective, this can be demonstrated in a new drug application.

A suggestion was made in one submission (Ref. 2) to replace alcohol use (or abuse) with OTC daytime sedatives when individuals emotionally upset or

hol. The Commissioner is aware that there is massive alcohol abuse in the U.S. and that there are also thousands of people who misuse and abuse drugs in this country.

Since the primary function of OTC products is to relieve symptoms of self-limiting diseases not requiring medical intervention, the Commissioner has concluded that OTC daytime sedative self-medication is not safe and not effective in the treatment of serious emotional and behavioral problems, including chronic alcohol and/or drug abuse. A substitution of OTC daytime sedatives for alcohol will certainly not exert any constructive effects on the individual's basic psychological or environmental problems. Where individual subjects are using alcohol to resolve serious personal life stress problems, they most likely would require medical and often psychiatric intervention. Use of an OTC daytime sedative as a substitute for alcohol in relieving life stress is particularly contraindicated since it delays proper medical treatment.

The Commissioner also takes note of the fact that there is a very high frequency of cases of poisoning involving simultaneous use of sedative drugs and alcohol; the additive effects of these agents can lead to serious toxicity. The Commissioner is not aware of any data to support the contention that nonuse of daytime sedatives marketed for "occasional simple nervous tension," or the like, leads to abuse of alcohol or alcoholism. The epidemiology of alcohol abuse is an extremely complex subject that allows very few "causative" statements to be made. It is conceivable that there may be situations where drugs should be substituted for alcohol abuse but that is more properly the province of the physician with a great deal of experience in dealing with alcohol abuse and certainly is far beyond the scope of the OTC Drug Review.

The Commissioner concludes, based upon the current available data and the lack of well-defined indications for safe OTC use, that if there is to be pharmacological intervention in cases of anxiety-like symptomatology, the drugs of choice are tranquilizers, available by prescription, which have been extensively studied and evaluated as psychotropic drugs. The Commissioner recognizes that several antihistamines (methapyrilene, pyrilamine and phenyltoloxamine) have been marketed for OTC daytime sedative activity, but concludes that there is no meaningful data which demonstrate that these ingredients have psychotropic activity.

Therefore, the Commissioner has placed antihistamines in Category II since the available data do not show that they are safe or effective as day-

ratio and lack of an appropriate target population. The following is a review of the available published and unpublished material relating to the effectiveness of products marketed as OTC daytime sedatives.

Only one controlled clinical trial evaluating the role of OTC daytime sedatives in mild to moderately anxious patients exists in the literature (Ref. 3). In this study, a claimed OTC daytime sedative containing methapyrilene, pyrilamine maleate and scopolamine is compared with aspirin, chlor-diazepoxide and placebo in a 2-week clinical trial. The results indicate chlor-diazepoxide produces significantly more improvement than the other three agents which did not differ significantly from each other. In fact, the OTC product was no different from placebo in effectiveness.

Besides the published study mentioned above, there are only two unpublished reports in the submissions (Refs. 4 and 5).

The first unpublished report (Ref. 4) does not provide enough details to evaluate it fully. This study uses only 25 subjects and a design which identifies drug and placebo simply as A and B, permitting users to determine which drug they are ingesting, thus destroying the double-blind design. The study suggests mild sedative activity of the daytime drug, but it does not conclusively support the effectiveness of the drug reviewed.

The statistical results in the second unpublished report (Ref. 5) at first sight are more impressive, since the significance obtained is acceptable for clinical studies. However, the fact that patients with headaches had to be omitted from such significance to occur is unfortunate. It is well known that tension and headache are often concomitant symptoms (80 percent of the patients in this study had headache), and breaking any link in the tension-headache-tension cycle by drug treatment is usually sufficient to allay both the tension and the pain.

One other problem concerns the choice of subjects. These were patients who were seen for "other complaints" which did not interfere with the evaluation of the sedative. It was not clear how the investigators were sure of that fact. Almost any complaint considered serious enough for the patient to consult his physician could be associated with some degree of stress, which might conceivably interfere with a tension-sedative treatment program.

The possibility mentioned by the authors that some patients took aspirin during the study period is unfortunate because aspirin could significantly alter the tension state by reducing a headache or other body pains which

number of patients who took aspirin, it is difficult to evaluate its effect on the results obtained.

Finally, in the first part of the study, in a sample group of 87 patients, drug and placebo responses were practically identical. Drug-placebo differences were only obtained in the crossover portion of the study and no differences were observed comparing the OTC sedative (N=40 patients) and placebo (N=47 patients) when given first (Ref. 6).

This report is the only available to date which may possibly be considered as providing some support for the effectiveness of an OTC daytime sedative. However, the separation between tense individuals who have and who do not have headache, both for the purpose of producing statistical significance in the study and for identifying potential users of the OTC drug in practice, does not seem to be a realistic approach in light of the frequent occurrence of headaches in tense individuals. In addition, the OTC drug was often used only once daily, and without having data as to the time of day the drug was taken. One cannot exclude the possibility that the OTC drug was primarily used in the evening, as a mild sleep inducer and not as a daytime sedative, since it might tend to slant the results toward greater effectiveness.

In summary, the Commissioner is aware of only one published controlled study (Ref. 3). This study established clearly the methodology for clinical studies of OTC daytime sedatives and the ineffectiveness of the OTC sedative combination in relieving mild anxiety tension. The only claims of effectiveness of OTC daytime sedatives have been offered by two submissions to the Panel (Refs. 5 through 8). Of the data submitted, only one study (Ref. 5) presents data on the effectiveness of OTC daytime sedatives and that study has deficiencies discussed earlier in this document.

The Commissioner concludes that evidence presently available does not support the use of OTC daytime sedatives since a suitable target population has not been identified and the sedation accompanying these ingredients produces an unacceptably low benefit to risk ratio. Therefore the Commissioner concludes that daytime sedatives shall be classified as Category II.

LABELING

The Panel discussed several warnings to be included on daytime sedative products. The Commissioner has concluded that all daytime sedatives are Category II and concludes also that all labeling for these products is Category II. Therefore a general discussion on labeling is not warranted.

PROPOSED RULES

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C. CATEGORIZATION OF DATA

1. *Category I conditions under which daytime sedatives are generally recognized as safe and effective and are not misbranded.*

Category I Active Ingredients

The Commissioner concludes that none of the submitted active ingredients can be generally recognized as safe and effective and not misbranded as daytime sedatives.

Category I Labeling

The Commissioner concludes that since all daytime sedatives are Category II no labeling can be generally recognized as safe and effective and not misbranded. Therefore, a discussion of Category I labeling is unnecessary.

2. *Category II conditions under which daytime sedatives are not generally recognized as safe and effective or are misbranded.*

Category II Active Ingredients

The Commissioner concludes that the following daytime sedative active ingredients cannot be generally recognized as safe and effective or are misbranded:

Antihistamines:

Diphenhydramine hydrochloride
Doxylamine succinate
Methapyrilene (methapyrilene hydrochloride, methapyrilene fumarate)
Phenyltoloxamine dihydrogen citrate
Pyrilamine maleate

Bromides:

Ammonium bromide
Potassium bromide
Sodium bromide

Scopolamine compounds:

Scopolamine aminoxide hydrobromide
Scopolamine hydrobromide

Miscellaneous compounds:

Niacinamide
Thiamine hydrochloride

The Commissioner discusses above the reasons why agents that produce drowsiness are not properly classified in Categories I or III for use as daytime sedative or calmate drugs. Below, he discusses particular aspects of individual ingredients considered by the panel for this indication.

a. *Antihistamines.* The Commissioner concludes that while the pharmacological effects of the antihistamines may be of value as nighttime sleep-aids as discussed earlier in this document, there are no meaningful data to determine that the antihistamines are safe or effective for OTC use as daytime sedatives.

(1) *Diphenhydramine hydrochloride.* The Commissioner concludes that diphenhydramine hydrochloride cannot be generally recognized as safe or effective because there are no data to support clinical effectiveness as a daytime sedative product and because although the drug may be safe in terms of toxicity, the drowsiness effect could be hazardous in daytime use. The Commissioner notes that no submission was received for this ingredient as an OTC daytime sedative and that it has no claim and has never been marketed for this activity. In addition, unlike the extensive clinical use of diphenhydramine as a nighttime sleep-aid, there are no reports of clinical experience with this ingredient as a daytime sedative.

The discussion above relating to diphenhydramine hydrochloride for use as an OTC nighttime sleep-aid carefully sets forth the action as well as side effects of this ingredient. From that discussion, the Commissioner is unable to determine how this ingredient should be employed in OTC daytime sedatives. All of the discussion in the OTC nighttime sleep-aid area tends to show diphenhydramine hydrochloride as an ingredient which will produce excessive drowsiness at therapeutic levels resulting either in sleep or decreased motor function (e.g., inability to function properly when driving or operating machinery).

(2) *Doxylamine succinate.* The Commissioner concludes that doxylamine succinate cannot be generally recognized as either safe or effective because there are no data to support clinical effectiveness as a daytime sedative product and because, although the drug may be safe in terms of toxicity, the drowsiness effect could be hazardous in daytime use. The Commissioner notes that no submission was received for this ingredient as an OTC daytime sedative and that it has never been claimed or marketed for this use.

In the discussion above relating to

have been carefully set forth. From this discussion the Commissioner is unable to determine how this ingredient should be employed in OTC daytime sedatives. All of the discussion in the OTC nighttime sleep-aid area tends to show doxylamine succinate as an agent which will cause drowsiness, although only two clinical reports on the effectiveness of doxylamine as a nighttime sleep-aid have been found. No reports have been found on the use of this ingredient as a daytime sedative.

(3) *Methapyrilene hydrochloride, methapyrilene fumarate, pyrilamine maleate*. The methapyrilenes appear in a number of marketed OTC products with daytime sedative claims. Pyrilamine appears in one marketed OTC combination product submitted to the Panel but there are no data on the single ingredient.

The Commissioner concludes that there is no evidence of effectiveness for methapyrilene hydrochloride, methapyrilene fumarate and pyrilamine maleate to be used in a daytime sedative product. The Commissioner concludes that, while these antihistamines may be safe in terms of toxicity, the drowsiness that occurs with both methapyrilene and pyrilamine could be hazardous in daytime use. For these reasons the Commissioner has placed these ingredients for use as daytime sedatives in Category II. In addition, as previously discussed, the Commissioner has placed methapyrilene in Category II due to its possible carcinogenic potential.

In the discussion above relating to the methapyrilenes and pyrilamine for use as OTC nighttime sleep-aids, the Commissioner has carefully set forth the actions as well as side effects of these ingredients. From these discussions, the Commissioner is unable to determine how these ingredients should be employed in OTC daytime sedatives.

(4) *Phenyltoloxamine dihydrogen citrate*. The Commissioner concludes that there is no evidence of effectiveness for phenyltoloxamine dihydrogen citrate to be used in a daytime sedative product. While this product may be safe in terms of toxicity, the drowsiness effect could be hazardous in daytime use. The drug is currently promoted as a "calmative" in an OTC combination drug product.

In the discussion above relating to phenyltoloxamine dihydrogen citrate for use as an OTC nighttime sleep-aid, the Commissioner has carefully set forth the actions as well as side effects of this ingredient. From these discussions, the Commissioner is unable to determine how this ingredient should be employed in OTC daytime sedatives and has classified this ingredient as Category II.

b. *Bromides (ammonium, potassium, sodium)*. Based on the discussion

above relating to bromides for use as OTC nighttime sleep-aids, the Commissioner concludes that they are unsafe as daytime sedatives. If taken over the period of time needed to reach therapeutic levels, severe toxic symptoms frequently occur. This is because bromides and chlorides are cleared from the kidney, but bromide clearance is slightly less efficient, so that the bromide level tends to build up.

The only submitted product suggests a dosage level of not less than 600 mg and not more than 1,800 mg per day of a combination of all three bromide salts. This product, which claims "calmative" action, sets no limit on the length of use of bromides. Yet, to use the bromides chronically without monitoring the patient's chloride balance and serum bromide is not safe medical practice since small changes in chloride intake or small changes in renal function can lead to severe poisoning.

The Commissioner concludes that ammonium bromide, potassium bromide and sodium bromide, which act by displacement of body chloride, if taken in dosage levels presently recommended, do not act as daytime sedatives in a single dose. If taken over the period of time needed to reach therapeutic levels, severe toxic symptoms frequently occur. In addition, bromides readily cross the placental barrier, which might result in teratogenic effects such as mental retardation of the offspring.

The discussion of bromides in the nighttime sleep-aids section above shows not only that the bromides are agents which, once they finally reach therapeutic levels, can cause excessive drowsiness, but also shows them to possess sufficient toxic characteristics to render them unsuitable for use as OTC daytime sedatives.

c. *Scopolamine compounds (scopolamine hydrobromide, scopolamine aminoxide hydrobromide)*. The Commissioner concludes that these compounds are unsafe because of their extensive toxicity and are ineffective in presently marketed dosages.

In the discussion above relating to scopolamine for use as an OTC nighttime sleep-aid, the Commissioner has carefully set forth the action as well as toxic effects of this ingredient. From this discussion the Commissioner is unable to determine how this ingredient should be employed in OTC daytime sedatives. All of the discussion in the OTC nighttime sleep-aid area tends to show scopolamine compounds as agents which may result in extensive toxicity without any data to support their clinical effectiveness as daytime sedatives.

d. *Miscellaneous compounds (acetaminophen, aspirin, salicylamide, nicotinamide, thiamine hydrochloride)*.

The Commissioner concludes that these compounds are irrational for use either singly or in combination as daytime sedatives.

The Commissioner is unaware of any data for analgesics (acetaminophen, aspirin, salicylamide) or vitamins (nicotinamide, thiamine hydrochloride) which support their use as daytime sedatives.

Category II Labeling

The following claims were submitted for the daytime sedative products: "occasional simple nervous tension", "nervous irritability", "nervous tension headache", "simple nervousness due to common everyday overwork and fatigue", "a relaxed feeling", "calming down and relaxing", "gently soothe away the tension", "calmative", and "resolving that irritability that ruins your day". The Commissioner has concluded that there appear to be no clear cut indications for the use of OTC daytime sedatives, and that the area of normal or relatively normal variations in mood is not an appropriate one for pharmacological intervention. Also, an indication has not been clearly identified. For these reasons the Commissioner has determined that daytime sedatives are Category II. Since the entire class of daytime sedatives are Category II the Commissioner concludes that all labeling for such products is also Category II.

3. *Category III conditions under which the available data are insufficient to permit final classification at this time*. The Commissioner has determined above that all daytime sedatives and labeling are Category II. Therefore, any discussion of Category III conditions will be deleted from this document.

D. DATA REQUIRED FOR OTC DAYTIME SEDATIVE INGREDIENT EVALUATION

The Commissioner is unable to determine a class of drugs that are safe and effective in the relief of anxiety-like symptoms for daytime use. The Commissioner has determined that all OTC daytime sedatives are Category II. The Commissioner concludes that any further testing for safety and effectiveness would be fruitless and therefore deletes any discussion of testing guidelines from this document.

E. COMBINATIONS OF ACTIVE INGREDIENTS

The Commissioner has not identified an indication or appropriate active ingredient for use in OTC daytime sedatives and has placed all daytime sedatives in Category II. Therefore, any product containing a Category II daytime sedative would also be Category II. There was one combination containing the antihistamine phenyltoloxamine dihydrogen citrate, an analgesic and caffeine in a submitted prod-

uct which claimed both calmative action and enhanced pain relief. This particular combination divided its analgesic and calmative claims and attributed the calmative action only to phenyltoloxamine dihydrogen citrate. The Commissioner places this combination in Category II for the calmative claim. As to the claimed enhancement of the analgesic effect which results when the analgesic is combined with the antihistamine, the Commissioner deferred to the OTC Internal Analgesics Panel for such a determination. That Panel's recommendations were published in the FEDERAL REGISTER of July 8, 1977 (42 FR 35346).

IV. THE COMMISSIONER'S CONCLUSIONS ON STIMULANTS

A. GENERAL DISCUSSION

The Commissioner is aware of the use of either prescription drugs (e.g., amphetamines, desoxyephedrine) or OTC drugs (e.g., caffeine) by many individuals to promote wakefulness and to decrease the sense of fatigue and boredom in performing tedious work over rather long periods of time. Such drugs are referred to as stimulants and are used to increase mental alertness. For example, caffeine is commonly used as an aid to automobile driving, especially for the relief of the phenomenon "highway hypnosis" encountered during extensive periods of continuous driving. Currently marketed OTC products are promoted with such claims as "keep alert," "restore mental alertness," and "for fast pick-up."

The Commissioner believes that a suitable adult target population exists which can benefit from the occasional use of safe and effective OTC stimulant drugs. In cases where mental alertness or motor performance is necessary, such drugs can modify fatigue states to allow successful completion of a required task. The Commissioner concludes that use of such OTC products by individuals under 12 years of age should only be under the advice and supervision of a physician.

The Commissioner concludes that an ideal OTC stimulant preparation must be able to produce enhanced motor performance when such performance is reduced because of fatigue or drowsiness. The therapeutic effect should be of sufficient duration to be useful in accomplishing a particular task. For example, the drug should permit an automobile driver to maintain normal performance in completing a reasonably short journey to a stopping place. Hence, such products are for occasional use only and never for more than 1 to 2 weeks except under the advice and supervision of a physician.

B. SAFETY AND EFFECTIVENESS

The Commissioner concludes that the ideal OTC stimulant preparation

should produce stimulation without untoward physiological effects on the central nervous system or the cardiovascular system or other acute toxic signs. Such undesirable effects would include an appreciable number of abnormalities of rate and/or rhythm of the heart or of respiration, or excitement or other undue disturbances of central nervous system function. In general, side effects that follow use of the drug should not be of such a degree or quality as to offset the beneficial effects of the drug. For example, excessive nervous system stimulation to an extent that would exceed the effect required to reduce fatigue could reduce the efficiency of a motor vehicle operator. The drug should produce enhanced performance without leading to a dangerous and unanticipated letdown after the therapeutic effect is achieved. There should be no distressful effect upon peripheral nervous functions, such as an obvious tremor or incoordination caused by the stimulant. There should be no interference of a significant degree with the normal pattern of sleep, including the quality, distribution in time, and the quantity of REM sleep. REM or D-state is rapid-eye-movement sleep associated with dreaming. When the amount of such sleep is reduced, it may lead to excess restlessness or irritability in the waking state. The drug should be for occasional use of not more than 2 weeks, and there should neither be tolerance nor dependence after such use. There should be a safe margin between the toxic and therapeutic doses of the drug. There should be no interactions of a dangerous or unpleasant nature between the drug and the other commonly employed drugs, foods or beverages when these are taken concomitantly.

C. CATEGORIZATION OF DATA

1. *Category I conditions under which OTC stimulants are generally recognized as safe and effective and are not misbranded.*

Category I Active Ingredients

a. *Caffeine*. The Commissioner concludes that caffeine is safe and effective for use as a stimulant when used in the recommended oral dose of 100 to 200 mg not more often than every 3 to 4 hours.

The Commissioner is not aware of any reports of fatal accidents after oral ingestion of caffeine and concludes that the incidence of fatal toxicity is low. The fatal dose for man is probably far greater than recommended doses since ingestion of up to 10 g was followed by complete recovery in 6 hours (Ref. 1). With doses of 1 g, insomnia, anxiety, irritability, muscle twitching, headache and nausea may be experienced. Palpitations, tachycardia and cardiac irregularity may also occur (Ref. 2).

Death was reported after intravenous administration of 3.2 g. In such cases, there may well be other factors. Too rapid injection of almost any drug can cause cardio-respiratory collapse and death. A review of acute and chronic toxicity with regard to caffeine has been prepared by Peters (Ref. 2). Severe poisoning causes cardiovascular collapse, including a fall in blood pressure. Vomiting and convulsions have followed oral doses of 10 g of caffeine with complete recovery in 6 hours.

Chronic ingestion of caffeine in larger than recommended doses can lead to "habituation" which is a mild form of drug addiction. When this occurs, caffeine, usually taken in the form of beverages, is required to feel "normal." Withdrawal symptoms are not severe or life-threatening (Refs. 3, 4, and 5). However, the Commissioner concludes that products containing caffeine should not include claims such as "non-habit forming" in their labeling. Caffeine affects the pattern, but not the total amount of REM sleep (Ref. 6).

The Commissioner notes that coffee (or strong tea) contains about 100 mg caffeine per cup, the same amount as the usual recommended dose of caffeine currently marketed in OTC preparations. The literature contains much information about studies on coffee drinkers vs. noncoffee drinkers.

The stimulating effect of caffeine (100 to 200 mg) on motor performance has been quite consistently reported by many investigators using a variety of experimental designs and tests of performance. The drug is most effective in the presence of fatigue, restoring alertness and the ability to perform tasks requiring muscular coordination with greater facility and less error. Reports of such effects can be explained on the basis of CNS stimulation and do not depend on peripheral effects, such as direct effects on the retina, improvement in "night vision," or the like (Refs. 7 through 10). In large doses, caffeine can stimulate respiration, but drugs are not ordinarily used for this effect in present day clinical medicine (Ref. 11).

Chemically, caffeine is 1,3,7-trimethylxanthine. It is an alkaloid that occurs in plants (coffee, tea, cocoa, cola) widely distributed around the world. Because of its ubiquitous use and availability from nondrug sources, the Panel felt and the Commissioner concurs that assessment of the compound should be based on an "in-depth" review of its pharmacology.

Approximately 7 million kg of caffeine in coffee are consumed each year in the United States (Ref. 12). As mentioned above, 1 cup of coffee contains about 100 to 115 mg of the drug. The major pharmacological effects are on the CNS and the cardiovascular

system. It is also diuretic and stimulates gastric secretion.

Caffeine stimulates the cerebral cortex and medullary centers. In usual doses, it causes wakefulness and alertness. As a beverage form, caffeine in coffee (among others) has been habit-forming in a proportion of the population. This "habituation" is probably a weak form of "addiction" in that differences may be detected between persons who use coffee regularly and those who do not use it at all. Goldstein and colleagues showed that chronic coffee drinkers given decaffeinated coffee showed sleepiness and irritability whereas noncoffee drinkers given caffeine-containing coffee showed upset stomachs and jitteriness due to caffeine. Users of coffee felt increased alertness and "Contentedness" when given caffeine in the "coffee" (Ref. 3). In a related study conducted by questionnaire, it was found that chronic users of coffee did not experience as much wakefulness due to coffee as did nonusers. Moreover, they experienced unpleasant symptoms when morning coffee was omitted (Ref. 4). Additional evidence for an addiction of some degree is the finding that sudden withdrawal of caffeine produced severe headache in a majority of trials among volunteer subjects. The headache produced in these young adults was relieved by aspirin, but more efficiently by caffeine (Ref. 5). Many of the persons studied by these authors were subject to migraine headaches. It is noteworthy that caffeine, generally in large doses, is used in the treatment of migraine.

The stimulatory effect of caffeine on motor performance has been quite consistently reported. The clearly effective CNS caused by caffeine ingestion has been supported by carefully designed studies (Refs. 3, 4, 7, 8, and 13).

In a comprehensive review of the effects of stimulant drugs, Weiss and Laties (Ref. 9) concluded that caffeine can enhance "a wide range of behavior . . . all the way from putting the shot to monitoring a clock face." There is evidence from a variety of studies that nervousness, headache, and irritability, for example, may accompany the use of large doses, 240 mg of caffeine and above. There seems to be no evidence of serious types of addiction, and their conclusion is that the incidence of habituation is quite low.

Studies that measure ability to perform simulated driving tests with adequate lighting and in conditions of reduced lighting were submitted by one of the manufacturers of a drug containing caffeine (Ref. 10). All responses that were favorable may be explained on the basis of enhanced CNS performance and did not seem to involve improvement in vision at the

level of the orb itself, that is, cornea to retina. In so far as any may be demonstrated, effects on "night vision" are probably due to enhanced alertness (Ref. 10).

Caffeine has a stimulant action on the heart and can increase cardiac output. Soliman (Ref. 14) states that methylxanthines (which include caffeine) are useful potentially in acute heart failure, but the effects appear to be manifold and unpredictable. Theophylline, another xanthine, is said to be more effective than caffeine in stimulating the output of the failing heart by a direct inotropic effect.

For OTC oral use as a stimulant, citrated caffeine is currently available in 60 and 120 mg oral tablets. Caffeine is also added to headache remedies containing salicylates and acetaminophen, and to ergotamine for the relief of migraine. The Commissioner deferred to the Advisory Review Panel on OTC Internal Analgesic and Antirheumatic Drug Products the determination of the safety and effectiveness of caffeine for the relief of headache or migraine. The Panel's recommendations were published in the FEDERAL REGISTER of July 8, 1977 (42 FR 35346).

Caffeine and sodium benzoate are given also by physicians in dosages of 0.5 to 1.0 g for subcutaneous or intramuscular use as a central nervous system stimulant. Small doses seem to enhance alertness and ability to perform learned tasks. Large doses can stimulate respiration. Caffeine and other xanthines are often used as acetate, benzoate, or salicylate salts. Forming the salt simply increases solubility; it does not affect action. Addition of sodium benzoate probably assists absorption in the acid pH of the stomach, although the nonionic form would probably be well absorbed from the intestine. In any case, the drug appears to be well absorbed when given by mouth (Ref. 15).

The exact mechanism of action of caffeine is not precisely known.

The problem of mutagenicity of caffeine has been reviewed. There is evidence that concentrations of caffeine many times higher than would ordinarily be found in human or animal tissues cause certain mutations in the bacterium *Escherichia coli*, and in the fungus *Ophiostoma multiannulatum* (Refs. 16 and 17). Caffeine has also been reported to induce chromosome aberrations in onion root tips and in human cells in vitro (Refs. 18 and 19). Very careful studies in mammals have failed to reveal evidence of mutagenicity (Refs. 20 and 21).

Caffeine causes chromosome breakage in the human lymphocyte in tissue culture (Refs. 20, 22, 23, and 24) but no evidence for this action in vivo in man or other mammals has been found (Ref. 20). The mechanism of the

chromosome breakage has been studied, but not explained (Ref. 25). Lymphocytes from human volunteers ingesting 800 mg caffeine daily (equivalent to 8 cups of coffee) for 30 days showed no increase in chromosome damage when the cells were placed in culture. In the human volunteers, the peak plasma levels were 29.6 ug/ml of caffeine, over 3-fold greater than any pre-experiment level. There was no increase in chromosome breakage when these cells were cultured.

HeLa cells were exposed to concentrations of caffeine in the medium about 10 times greater than that found in vivo in plasma of human subjects drinking 8 cups of coffee per day (800 mg caffeine). There was no increase in chromatid breaks in cultures studied through 48 generations of the HeLa cells (Ref. 26).

Looking for mutagenic indications, different concentrations of caffeine in vitro were studied for an antimutagenic action on cell division of human lymphocytes stimulated to divide by phytohemagglutinin, a plant product. Concentrations of caffeine in the medium that interfered with cell division were about 100-fold greater than would be encountered in human tissues after an intake of a usual dose of caffeine or right after drinking a cup of strong coffee (approximately 100 mg caffeine) (Ref. 27). In one study, the effects of three xanthines, theobromine, theophylline, and caffeine were studied for their effectiveness in blocking mitosis of human lymphocytes in 72-hour culture. High concentrations of caffeine (10^{-2} to 10^{-4} molar) were needed to demonstrate cytostatic and antimutagenic effects. It was concluded that any mutations in man caused by caffeine at concentrations ordinarily achieved would have to occur at a rate too low to be detectable (Ref. 28).

The suspected role of caffeine in mutagenesis and also teratogenesis has led to a scrutiny of this substance, a scrutiny that is almost certainly more intensive and extensive than that conducted for any other commonly ingested food or drug. Teratogenicity of caffeine can be detected in rats if sufficiently high doses are given; these are of the order of 250 mg/kg and would be equivalent to 100 cups of coffee containing 125 mg of caffeine each. Metabolism of caffeine in man is rapid, and it may be that this protects man from teratogenic effects (Ref. 29). A review of the mutagenic effects, in particular dominant lethal tests, shows less evidence for organisms higher than bacteria fungi, and higher plants (Ref. 29).

The Commissioner notes that a comment submitted in response to the Panel's report and proposed monograph suggested a pregnancy warning for caffeine-containing products. The

Commissioner has extensively discussed this issue in comment 102 above and will not repeat that discussion here.

The safety of coffee has been questioned recently by a drug surveillance group (Ref. 30). The findings of the group suggested an increase of serious heart disease among heavy coffee drinkers. However, there was no positive association among tea drinkers. This would appear to exclude implication of caffeine present in both coffee and tea. The report has been criticized by others who indicate further evidence is needed to demonstrate a role of coffee in the genesis of cardiovascular disease (Ref. 31). These other investigators found no evidence for the role of coffee in any increased risk of death because of cardiovascular disease in a large, well-known (Framingham study) prospective study of factors involved in the genesis of coronary heart disease (Ref. 32). No generally accepted evidence would implicate caffeine as a danger in this regard. Furthermore, another recent publication using large numbers of subjects has not supported the contention about coffee drinking promulgated by the Drug Surveillance Group (Ref. 33). The Commissioner concludes that there is inconclusive evidence linking coffee and/or caffeine to cardiovascular diseases. In another study of paired, control patients, there was a higher incidence of myocardial infarction with very high consumption of coffee. Caffeine was implicated only indirectly, on the basis of elevation of serum lipids evoked by caffeine administration (Ref. 34). In a study of 1,700 men between the ages of 40 and 55 years (Ref. 35), there was said to be an "increasing incidence of angina pectoris and of myocardial infarction with survival" among men consuming 5 or more cups of coffee a day. Curiously, the death rate was highest among those who took no coffee or consumed 5 or more cups of coffee per day. There is no level of significance given and the number of deaths is small.

In contrast to the irritating qualities of many coffee extracts, caffeine itself does not seem to cause irritation of the gastrointestinal tract in the usual doses. This is an advantage when the drug is used for its stimulant properties.

The observations that suggest some central stimulation that leads to, or is associated with, a mild form of addiction to caffeine raise questions about long-term use. This appears to be true for most hypnotics in that we now know that there are, at the least, changes in the amount of REM sleep and that some kind of deficit is built up. This occurs in addition to the separate risk of addiction to the hypnotic itself. In the case of stimulants used to enhance the performance of school

children deemed hyperactive, Sroufe and Stewart have suggested that there may be no persistent effect of drug therapy upon these children, but that they become dependent upon the stimulant drugs to maintain a level of performance not much different from pre-drug performance (Ref. 36).

The Commissioner has not been presented with any evidence that would suggest this same conclusion from the long-term use of caffeine.

In summary, the Commissioner concludes that caffeine as an OTC stimulant appears to be safe and effective. It is reasonably nontoxic in that fatal doses for man are estimated to be greater than 10 g by mouth.

Caffeine has the ability to produce a low grade of "addiction" that is commonly referred to as "habituation," and has been most extensively studied in coffee drinkers. The Commissioner concludes that this is not a dangerous problem and does not believe that a warning regarding habituation is necessary. However, the Commissioner concludes that stimulant products containing caffeine should not include in the labeling a suggestion such as "non-habit-forming."

Caffeine has not been shown to be mutagenic to man or mammals, although there are some weak mutagenic effects that can be demonstrated in certain bacterial viruses. The claim that coffee drinkers have more heart disease than noncoffee drinkers is not proven to the satisfaction of the Commissioner and is not relevant because it does not extend to caffeine. The claim relating to heart disease has involved coffee and has "absolved" tea drinkers (who ingest caffeine in their tea). The possibility that extensive daily caffeine intake (tablets, coffee, cola drinks, etc.) may mimic neurotic anxiety reaction has recently been raised (Ref. 37). Labeling will therefore include a warning to this effect.

The addition of substances to caffeine preparations as marketed should be closely scrutinized. Since the addition of proprietary flavors such as menthol and peppermint or sugars or their substitutes encourages ingestion by children, they serve to enhance the possibility of poisoning. The Commissioner concludes that such substances should not be included in stimulant products. The Panel expressed concern over the use of talc in preparations intended for human consumption. The Commissioner has concluded earlier in this document (see comment 12 above), that since talc is an inactive ingredient it will be governed by the proposed inactive ingredient regulations published in the FEDERAL REGISTER of April 12, 1977 (42 FR 19156). The Commissioner, therefore, excludes any further discussion of talc from this document.

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Category I Labeling

The Commissioner concludes that the following labeling for stimulant active ingredients shall be generally recognized as safe and effective and not misbranded:

a. **Indications.** "Helps restore mental alertness or wakefulness when experiencing fatigue or drowsiness".

b. **Warnings and/or cautions.** Labeling shall contain the following warnings:

(1) "Caution: Do not exceed recommended dose since side effects may occur which include increased nervousness, anxiety, irritability, difficulty in falling asleep and occasionally disturbances in heart rate and rhythm called palpitations".

(2) "For occasional use only. If fatigue or drowsiness persists continuously for more than 2 weeks, consult a physician".

(3) "Do not give to children under 12 years of age". The Commissioner has determined in comment 99 above that the first sentence of the adults only warning recommended by the Panel is redundant and should be deleted.

(4) "The recommended dose of this product contains about as much caffeine as a cup of coffee. Take this product with caution while taking caffeine-containing beverages such as coffee, tea or cola drinks because large doses of caffeine may cause side effects as cautioned elsewhere on the label". The Commissioner concludes that such a warning is necessary since an average cup of coffee or strong tea contains an amount of caffeine about equal to that in the average dose of OTC products. Certain cola drinks also contain a significant amount of caffeine and should also be included in the warning. The combined amount of caffeine ingested could be large enough to produce side effects in some individuals.

2. **Category II conditions under which stimulant products are not generally recognized as safe and effective or are misbranded.** The Commissioner concludes that no scientific basis or even sound theoretical reasons have been presented for the claimed effectiveness of a number of ingredients used in OTC stimulants. In addition, certain labeling claims are clearly misleading. For example, statements or suggestions that stimulants and stimulant combination products (with non-stimulant ingredients) "increase sensual pleasure" are undocumented claims in the presently available literature and are, therefore, unacceptable to the Commissioner.

The Commissioner concludes that stimulant products containing the following ingredients cannot be generally recognized as safe and effective or are misbranded since there are no data to support their use alone or in combination as a stimulant. The Commissioner has determined that these ingredients have no action as a stimulant nor do they contribute to the claimed effectiveness of a stimulant (e.g., caffeine) as an ingredient in a combination product.

Category II Active Ingredients

Combinations of caffeine and nonstimulant active ingredients

Ammonium chloride

Ginseng Vitamins

a. **Ammonium chloride.** The Commissioner concludes that a combination product in which caffeine is combined with ammonium chloride is not rational for use as an OTC stimulant preparation. The Commissioner is unaware of any data which demonstrate a role for use of ammonium chloride, either alone or in combination with caffeine, as a stimulant.

The Commissioner is aware that products containing ammonium chloride and caffeine are promoted for premenstrual tension with the claim "helps relieve premenstrual symptoms: swelling, weight gain and fatigue."

The Commissioner has not found acceptable evidence that the use of ammonium chloride and caffeine is rational for the purpose of reducing fatigue. Caffeine alone may be expected to increase rather than decrease associated nervousness. The use of ammonium chloride for other claims has been deferred by the Commissioner to the Advisory Review Panel on OTC Miscellaneous Internal Drug Products for review as to the safety and effectiveness of this ingredient.

b. **Ginseng.** The Commissioner concludes that there is no rationale for adding ginseng to a stimulant drug.

The Commissioner concludes that no data have been presented to suggest a stimulant action for ginseng or for potentiation or enhancement of the stimulant effect of caffeine. After an extensive review of the available scientific literature, the Commissioner found no reasonable studies or supporting documentation to suggest ginseng in combination with caffeine to affect or enhance sexual drives or awareness.

c. **Vitamins.** The Commissioner concludes that there is no acceptable medical rationale for combining vitamins (especially Vitamin E) with caffeine. The Commissioner further makes reference to the discussion of vitamins in the section on nighttime sleep-aids. (See part II, paragraph E.6. above—Combinations containing irrational ingredients.) The Commissioner has found no acceptable rationale to explain the combination of caffeine and vitamins.

The Commissioner defers to the Advisory Review Panel on OTC Vitamin, Mineral, and Hematinic Drug Products on the safety, effectiveness and labeled claims for vitamins. The Commissioner notes that the proper functioning of all cells requires an adequate intake of all vitamins (water-soluble and fat-soluble). The Commissioner concludes that it is misleading to assume or propose that individuals consuming stimulant drugs have certain vitamin deficiencies and that there is virtually nothing in the cur-

rent medical or pharmacological literature to support the inclusion of selected vitamins in OTC stimulants. In addition, the small amounts of water-soluble vitamins contained in OTC stimulants are virtually homeopathic due to the fact that vitamins are rapidly excreted in the urine. This provides no rationale to support the inclusion of these ingredients in products designed to provide CNS stimulation.

The Commissioner supports the Panel's statement that polypharmacy and a "shotgun" approach to treatment of symptoms with fixed-dose combinations have no rational, therapeutic basis.

The value of the placebo effect in the management of psychosomatic illness and minor neuroses is obvious. It is extremely doubtful, however, that the inclusion of vitamins in a self-prescribed stimulant enhances any placebo effect these products may confer.

Category II Labeling

In one submission, a combination product containing caffeine and ginseng is claimed to "increase sensual awareness and pleasure". Although not stated explicitly, it is apparent to the Commissioner that the intent of this labeling is to equate sensual awareness and pleasure with increased sexual capability and pleasure. The utility of ginseng has been discussed previously where it was stated that no evidence of enhanced sexual experience or potency has been found. In the case of caffeine, the Commissioner is unaware of any studies that clearly show an enhancement of sensual or sexual experience by the ingestion of this drug. Certainly no submissions to the Panel deal with this indication. In the absence of any positive evidence for an effect on sensual or sexual experience, the Commissioner objects to labeling that states or implies "increases sensual pleasure."

In the same submission, caffeine with vitamin E is claimed to "increase sensual (sexual) awareness." The Commissioner concludes that no reasonable supporting documentation has been presented to even suggest that vitamin E in combination with caffeine affects or enhances the sensual (sexual) experience in people. The Commissioner concludes that neither ingredient has been shown to affect sexual experience in men or women and therefore such claims are false and misleading.

The Commissioner also concludes that labeling claim(s) that suggest a product containing caffeine is "non-habit forming" are misleading and should not be allowed. Prolonged ingestion of caffeine especially in larger than recommended doses can lead to habituation.

3. **Category III conditions under which the available data are insuffi-**

cient to permit final classification at this time. The Commissioner concludes that adequate and reliable scientific evidence is not available to permit final classification of the claimed labeling listed below:

Category III Labeling

The question of whether a stimulant such as caffeine "enhances performance" in the nonfatigued state cannot be answered definitively at this time. Although there are some suggestions, but not proof, that this may be true, additional evidence in well-controlled trials would be necessary for such an indication to be included in the labeling. If such proof is obtained, it must also be demonstrated, in the same human subject, that no side effects accompany enhanced performance. In the case of caffeine, such side effects would include, among others, tremor, palpitations, and nervousness.

The Commissioner has carefully considered the environmental effects of the proposed regulation and, because the proposed action will not significantly affect the quality of the human environment, has concluded that an environmental impact statement is not required. A copy of the environmental impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Therefore, under the Federal Food, Drug and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040-1042 as amended, 1050-1053 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371) and the Administrative Procedures Act (5 U.S.C. 553, 554, 702, 703, 704) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Subchapter D of Title 21 of the Code of Federal Regulations be amended by adding new Parts 338 and 340 to read as follows:

PART 338—NIGHTTIME SLEEP-AID PRODUCTS FOR OVER-THE-COUNTER HUMAN USE

Subpart A—General Provisions

Sec.
338.1 Scope.
338.3 Definition.

Subpart B—Active Ingredients

338.10 Nighttime sleep-aid active ingredients. [Reserved]

Subpart C—[Reserved]

Subpart D—Labeling

338.50 Labeling of nighttime sleep-aid products.

AUTHORITY: Secs. 201, 502, 505, 701, 52 Stat. 1040-1042 as amended, 1050-1053 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371), (5 U.S.C. 553, 554, 702, 703, 704).

Subpart A—General Provisions

§ 338.1 Scope.

An over-the-counter nighttime sleep-aid product in a form suitable for oral administration is generally recognized as safe and effective and is not misbranded if it meets each of the conditions in this Part 338 and each of the general conditions established in § 330.1 of this chapter.

§ 338.3 Definition.

As used in this part, "nighttime sleep-aid" is an agent which helps an individual fall asleep or is used for the relief of occasional sleeplessness.

Subpart B—Active Ingredients

§ 338.10 Nighttime sleep-aid active ingredients. [Reserved]

Subpart C—[Reserved]

Subpart D—Labeling

§ 338.50 Labeling of nighttime sleep-aid products.

(a) **Statement of identity.** The labeling of the product shall contain the established name of the drug, if any, and shall identify the product as a "nighttime sleep-aid".

(b) **Indications.** The labeling of the product shall contain a statement of the indications under the heading "Indication(s)" that shall be limited to one or more of the following phrases: "Helps fall asleep", "For relief of occasional sleeplessness", "Helps to reduce difficulty in falling asleep".

(c) **Warnings.** The labeling of the product shall contain the following warnings under the heading "Warnings":

(1) "Do not give to children under 12 years of age".

(2) "If sleeplessness persists continuously for more than 2 weeks, consult your physician. Insomnia may be a symptom of serious underlying medical illness".

(3) For products containing an antihistamine:

(i) "Do not take this product if you have asthma, glaucoma, or enlargement of the prostate gland except under the advice and supervision of a physician". This warning shall be in type at least twice as large as all other warnings on the package.

(ii) "Take this product with caution if alcohol is being consumed".

(d) **Directions.** The labeling of the product shall contain the following statement under the heading "Directions": Dosage is (insert appropriate dosage of individual product) once daily at bedtime, or as directed by a physician".

PART 340—STIMULANT PRODUCTS FOR OVER-THE-COUNTER HUMAN USE**Subpart A—General Provisions**

- Sec.
340.1 Scope.
340.3 Definition.

Subpart B—Active Ingredient

- 340.10 Stimulant active ingredients.

Subpart C—[Reserved]**Subpart D—Labeling**

- 340.50 Labeling for stimulant products.

AUTHORITY: Secs. 201, 502, 505, 701, 52 Stat. 1040—1042 as amended, 1050-1053 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 321, 352, 355, 371); (5 U.S.C. 553, 554, 702, 703, 704).

Subpart A—General Provisions

- § 340.1 Scope.

An over-the-counter stimulant product in a form suitable for oral administration is generally recognized as safe and effective and is not misbranded if it meets each of the conditions in this Part 340 and each of the general conditions established in § 330.1 of this chapter.

- § 340.3 Definition.

As used in this part, "stimulant" is an agent which helps restore mental alertness or wakefulness during fatigue or drowsiness.

Subpart B—Active Ingredient

- § 340.10 Stimulant active ingredients.

The active ingredient of the product consists of caffeine when used within the dosage limit established: Adult

oral dosage 100 to 200 mg not more often than every 3 to 4 hours.

Subpart C—[Reserved]**Subpart D—Labeling**

- § 340.50 Labeling of stimulant products.

(a) *Statement of identity.* The labeling of the product shall contain the established name of the drug, if any, and shall identify the product as a "stimulant".

(b) *Indications.* The labeling of the product shall contain a statement of the indications under the heading "Indications" that shall be limited to the following phrase: "Helps restore mental alertness or wakefulness when experiencing fatigue or drowsiness".

(c) *Warnings.* The labeling of the product shall contain the following warnings under the heading "Warnings":

(1) "Caution: Do not exceed recommended dose since side effects may occur which include increased nervousness, anxiety, irritability, difficulty in falling asleep, and occasionally disturbances in heart rate and rhythm called palpitations".

(2) "For occasional use only. If fatigue or drowsiness persist continuously for more than 2 weeks, consult a physician".

(3) "Do not give to children under 12 years of age".

(4) For products containing caffeine: "The recommended dose of this product contains about as much caffeine as a cup of coffee. Take this product with caution while taking caffeine-containing beverages such as coffee, tea, or cola drinks because large doses of caffeine may cause side effects as cautioned elsewhere on the label".

(d) *Directions.* The labeling of the product shall contain the following statement under the heading "Directions": For products containing caffeine: "Adult oral dosage is 100 to 200 mg not more than every 3 to 4 hours".

Interested persons may file written objections and/or request an oral hearing before the Commissioner regarding these tentative final monographs on or before August 14, 1978. Request for an oral hearing must specify points to be covered and time requested.

All objections and requests shall be submitted (preferably in quadruplicate identified with the Hearing Clerk docket number found in brackets in the heading of this document) to the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and shall be accompanied by a memorandum or brief in support thereof. Objections and requests may be seen in the above office between 9 a.m. and 4 p.m. Monday through Friday. Any scheduled oral hearing will be announced in the FEDERAL REGISTER.

NOTE.—The Food and Drug Administration has determined that this proposal will not have a major economic impact as defined by Executive Order 11821 (amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Date: May 27, 1978.

DONALD KENNEDY,
Commissioner of Food
and Drugs.

[FR Doc. 78-15994 Filed 6-12-78 8:45 am]

TUESDAY, JUNE 13, 1978
PART III



DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant
Secretary for Housing—
Federal Housing
Commissioner

FAIR MARKET RENTS
FOR SECTION 8
NEW CONSTRUCTION
AND SUBSTANTIAL
REHABILITATION
PROJECTS

[4210-01]

Title 24—Housing and Urban Development

CHAPTER VIII—LOW INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-78-517]

PART 888—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—FAIR MARKET RENTS AND CONTRACT RENT AUTOMATIC ANNUAL ADJUSTMENT FACTORS

Fair Market Rents for New Construction and Substantial Rehabilitation

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: HUD is publishing Fair Market Rents for Section 8 new construction and substantial rehabilitation projects. Fair Market Rents are required to be revised at least annually. Accordingly, the revised rents are being made effective April 1, 1978, one year from the last general revision of the rents.

EFFECTIVE DATE: April 1, 1978.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410, 202-755-7603.

FOR FURTHER INFORMATION CONTACT:

Henry F. P. Cassagne, Chief Appraiser, Office of Technical Support, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-472-4810.

SUPPLEMENTARY INFORMATION: This rule establishes section 8 Fair Market Rents applicable to new construction and substantial rehabilitation for all market areas, in compliance with the requirements of section 8(c)(1) of the U.S. Housing Act of 1937, and § 888.103 of 24 CFR that Fair Market Rents be established and published in the FEDERAL REGISTER at least annually. The last annual revision of the Fair Market Rents applicable to new construction and substan-

tial rehabilitation was published in the FEDERAL REGISTER on June 30, 1977, effective April 1, 1977. Since HUD is obligated under section 8 to publish Fair Market Rents at least annually, the revised schedule is retroactive to April 1, 1978. The amended Fair Market Rents reflect the changes which have occurred in the general levels of market rents for recently completed or newly constructed dwelling units within each market area since the last annual or special (interim) revision.

Notice was given on March 31, 1978, at 43 FR 13758 that HUD was proposing to amend Title 24 of the Code of Federal Regulations by incorporating in Part 888, Subpart A, a revised Schedule A, "Fair Market Rents for New Construction and Substantial Rehabilitation (including Housing Finance and Development Agencies Program)" for all market areas. HUD has received 66 comments in response to the March 31, 1978, publication concerning the Fair Market Rents for 162 of the 510 market areas for which proposed Fair Market Rents were published. As a result of consideration of six comments received on or before April 14, 1978, the deadline for receipt of comments, the Schedule A rents for 55 market areas have been modified. The remaining comments received after April 14, 1978 will be carefully considered and additional amendments will be published at a later date if appropriate.

The Fair Market Rents that are currently being reviewed in response to the comments received are those for the following market areas: Maine, all market areas; New Hampshire, all market areas; New Jersey, all market areas; Pennsylvania, all market areas; St. Petersburg, Fla.; Kentucky, all market areas; Greensboro, N.C.; Indiana, all market areas; Benton Harbor, Mich.; Ohio, all market areas; Wisconsin, all market areas; Arkansas, all market areas; New Orleans, La.; Oklahoma, all market areas; North Dakota, all market areas; and West Virginia, all market areas.

A discussion of the applicability of a particular Schedule of Fair Market Rents where the rents are revised downward follows: In the State Agency Program, Part 883, the Fair Market Rents in effect on the date the "Application for Assignment of Portion of Set-Aside to Specific Project" is submitted to HUD shall apply, except in cases where a Proposal or Preliminary Proposal is submitted

before the Application. In the latter case, the rents in effect on the date of submission of the Proposal shall apply. For New Construction and Substantial Rehabilitation Projects, Parts 880, 881 and 885, which are not subject to a Notice of Fund Availability (NOFA) or not subject to a deadline in a NOFA, the Fair Market Rents in effect on the date the Preliminary Proposal or section 202 Application for Fund Reservation is submitted shall apply. For New Construction and Substantial Rehabilitation Projects which are subject to deadlines stated in NOFAs, the Fair Market Rents stated in the NOFA shall apply. However, for all projects where the Fair Market Rents are revised upward after the date of the processing stage specified above, the revised Fair Market Rents shall apply to all subsequent processing in reviewing Contract Rents.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk at the address set forth above.

Accordingly, Schedule A of Part 888 is amended as set forth below:

(Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d).)

Issued at Washington, D.C., June 5, 1978.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing,
Federal Housing Commissioner.

SCHEDULE A—FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION—INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAM

These Fair Market Rents have been trended ahead two years to allow time for processing and construction of proposed new construction and substantial rehabilitation rental projects.

NOTE: The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size units, not to exceed 2-Bedroom, multiplied by 1.05 rounded to the next higher whole dollar, (2) congregate housing dwelling units are the same as for non-congregate units and (3) single room occupancy dwelling units are those for 0-Bedroom units of the same type.

AREA OFFICE HARTFORD, CONN. REGION I - BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HARTFORD	DETACHED	---	---	484	540	581
	SEMI-DETACHED/ROW	---	395	459	514	554
	WALKUP	335	390	454	510	549
	ELEVATOR-2-4 Sty 5 + Sty	350	407	472	---	---
DANBURY	DETACHED	---	---	501	560	602
	SEMI-DETACHED/ROW	---	412	477	532	573
	WALKUP	350	406	472	528	570
	ELEVATOR-2-4 Sty 5 + Sty	364	423	490	---	---
NEW HAVEN	DETACHED	---	---	484	540	581
	SEMI-DETACHED/ROW	---	395	459	514	554
	WALKUP	335	390	454	510	549
	ELEVATOR-2-4 Sty 5 + Sty	350	407	472	---	---
BRIDGEPORT	DETACHED	---	---	501	560	602
	SEMI-DETACHED/ROW	---	412	477	532	573
	WALKUP	350	406	472	528	570
	ELEVATOR-2-4 Sty 5 + Sty	364	423	490	---	---
NEW LONDON	DETACHED	---	---	476	532	574
	SEMI-DETACHED/ROW	---	397	452	505	546
	WALKUP	327	381	446	502	541
	ELEVATOR-2-4 Sty 5 + Sty	342	397	464	---	---
NEW MILFORD	DETACHED	---	---	477	534	570
	SEMI-DETACHED/ROW	---	379	451	502	543
	WALKUP	325	375	447	494	534
	ELEVATOR-2-4 Sty 5 + Sty	340	390	465	---	---

AREA OFFICE HARTFORD, CONN. REGION I - BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WINDHAM	DETACHED	---	---	449	507	548
	SEMI-DETACHED/ROW	---	363	427	481	521
	WALKUP	303	358	421	477	516
	ELEVATOR-2-4 Sty 5 + Sty	315	373	438	---	---
STAMFORD	DETACHED	---	---	512	570	611
	SEMI-DETACHED/ROW	---	421	484	543	583
	WALKUP	358	415	480	536	577
	ELEVATOR-2-4 Sty 5 + Sty	375	432	500	---	---
RIDGEFIELD	DETACHED	---	---	512	570	611
	SEMI-DETACHED/ROW	---	421	484	543	583
	WALKUP	358	415	480	536	577
	ELEVATOR-2-4 Sty 5 + Sty	375	432	500	---	---
NORWICH	DETACHED	---	---	476	532	574
	SEMI-DETACHED/ROW	---	387	452	505	546
	WALKUP	327	381	446	502	541
	ELEVATOR-2-4 Sty 5 + Sty	342	397	464	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

INSURING OFFICE BANGOR, ME. REGION I - BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
AUGUSTA	DETACHED	---	346	396	448	509
	SEMI-DETACHED/ROW	291	334	382	431	488
	WALKUP	267	305	351	394	448
	ELEVATOR-2-4 Sty 5 + Sty	287	349	414	---	---
BANGOR	DETACHED	---	346	396	448	509
	SEMI-DETACHED/ROW	291	334	382	431	488
	WALKUP	267	305	351	394	448
	ELEVATOR-2-4 Sty 5 + Sty	287	349	414	---	---
BRUNSWICK	DETACHED	---	346	396	448	509
	SEMI-DETACHED/ROW	291	334	382	431	488
	WALKUP	267	305	351	394	448
	ELEVATOR-2-4 Sty 5 + Sty	287	349	414	---	---
CALAIS	DETACHED	---	346	396	448	509
	SEMI-DETACHED/ROW	291	334	382	431	488
	WALKUP	267	305	351	394	448
	ELEVATOR-2-4 Sty 5 + Sty	287	349	414	---	---
LEWISTON	DETACHED	---	346	396	448	509
	SEMI-DETACHED/ROW	291	334	382	431	488
	WALKUP	267	305	351	394	448
	ELEVATOR-2-4 Sty 5 + Sty	287	349	414	---	---
PORTLAND	DETACHED	---	346	396	448	509
	SEMI-DETACHED/ROW	291	334	382	431	488
	WALKUP	267	305	351	394	448
	ELEVATOR-2-4 Sty 5 + Sty	287	349	414	---	---

INSURING OFFICE BANGOR, ME. REGION I - BOSTON

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WATERVILLE	DETACHED	---	346	396	448	509
	SEMI-DETACHED/ROW	291	334	382	431	488
	WALKUP	267	305	351	394	448
	ELEVATOR-2-4 Sty 5 + Sty	287	349	414	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

AREA		OFFICE BOSTON, MASS.					REGION I - BOSTON	
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS						
		0	1	2	3	4 or more		
BOSTON	DETACHED	---	---	---	---	---		
	SEMI-DETACHED/ROW	---	382	447	567	627		
	WALKUP	295	372	404	434	500		
	ELEVATOR-2-4 Sty 5 + Sty	316	396	467	---	---		
CAPE COD	DETACHED	---	---	463	496	583		
	SEMI-DETACHED/ROW	---	---	367	447	498		
	WALKUP	256	323	334	372	410		
	ELEVATOR-2-4 Sty 5 + Sty	287	364	411	---	---		
PITTSFIELD	DETACHED	---	---	---	---	---		
	SEMI-DETACHED/ROW	---	332	415	447	482		
	WALKUP	265	308	343	387	446		
	ELEVATOR-2-4 Sty 5 + Sty	268	323	398	---	---		
SPRINGFIELD	DETACHED	---	---	---	---	---		
	SEMI-DETACHED/ROW	---	313	382	439	498		
	WALKUP	199	299	334	387	456		
	ELEVATOR-2-4 Sty 5 + Sty	258	323	398	---	---		
WORCESTER	DETACHED	---	---	---	---	---		
	SEMI-DETACHED/ROW	---	340	415	520	578		
	WALKUP	297	323	374	474	530		
	ELEVATOR-2-4 Sty 5 + Sty	290	356	437	---	---		
FALL RIVER	DETACHED	---	---	---	---	---		
	SEMI-DETACHED/ROW	---	337	424	467	498		
	WALKUP	290	308	374	406	432		
	ELEVATOR-2-4 Sty 5 + Sty	---	339	420	---	---		

AREA		OFFICE BOSTON, MASS.					REGION I - BOSTON	
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS						
		0	1	2	3	4 or more		
LOWELL	DETACHED	---	---	598	682	722		
	SEMI-DETACHED/ROW	---	374	433	520	570		
	WALKUP	305	347	396	476	515		
	ELEVATOR-2-4 Sty 5 + Sty	309	387	459	---	---		
SALEM	DETACHED	---	---	---	---	---		
	SEMI-DETACHED/ROW	---	357	429	487	586		
	WALKUP	271	339	374	451	530		
	ELEVATOR-2-4 Sty 5 + Sty	316	396	472	---	---		
	DETACHED	---	---	---	---	---		
	SEMI-DETACHED/ROW	---	---	---	---	---		
	WALKUP	---	---	---	---	---		
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---		
	DETACHED	---	---	---	---	---		
	SEMI-DETACHED/ROW	---	---	---	---	---		
	WALKUP	---	---	---	---	---		
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---		
	DETACHED	---	---	---	---	---		
	SEMI-DETACHED/ROW	---	---	---	---	---		
	WALKUP	---	---	---	---	---		
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---		

AREA		OFFICE MANCHESTER, N.H.					REGION I - BOSTON	
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS						
		0	1	2	3	4 or more		
CONCORD	DETACHED	---	346	410	482	532		
	SEMI-DETACHED/ROW	269	337	391	449	507		
	WALKUP	240	308	357	423	483		
	ELEVATOR-2-4 Sty 5 + Sty	267	331	417	---	---		
DOVER	DETACHED	---	346	410	482	532		
	SEMI-DETACHED/ROW	269	337	391	449	507		
	WALKUP	240	308	357	423	483		
	ELEVATOR-2-4 Sty 5 + Sty	267	331	417	---	---		
KEENE	DETACHED	---	346	410	482	532		
	SEMI-DETACHED/ROW	269	337	391	449	507		
	WALKUP	240	308	357	423	483		
	ELEVATOR-2-4 Sty 5 + Sty	267	331	417	---	---		
MANCHESTER	DETACHED	---	346	410	482	532		
	SEMI-DETACHED/ROW	269	337	391	449	507		
	WALKUP	240	308	357	423	483		
	ELEVATOR-2-4 Sty 5 + Sty	267	331	417	---	---		
NASHUA	DETACHED	---	346	410	482	532		
	SEMI-DETACHED/ROW	269	337	391	449	507		
	WALKUP	240	308	357	423	483		
	ELEVATOR-2-4 Sty 5 + Sty	267	331	417	---	---		
PORTSMOUTH	DETACHED	---	346	410	482	532		
	SEMI-DETACHED/ROW	269	337	391	449	507		
	WALKUP	240	308	357	423	483		
	ELEVATOR-2-4 Sty 5 + Sty	267	331	417	---	---		

AREA		INSURING OFFICE PROVIDENCE, R.I.					REGION I - BOSTON	
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS						
		0	1	2	3	4 or more		
PROVIDENCE	DETACHED	---	---	450	505	540		
	SEMI-DETACHED/ROW	---	365	440	500	540		
	WALKUP	269	356	431	488	528		
	ELEVATOR-2-4 Sty 5 + Sty	269	374	495	---	---		
NEWPORT	DETACHED	---	---	440	480	510		
	SEMI-DETACHED/ROW	---	315	374	443	478		
	WALKUP	229	299	356	404	444		
	ELEVATOR-2-4 Sty 5 + Sty	264	334	382	---	---		
WESTERLY	DETACHED	---	---	450	505	541		
	SEMI-DETACHED/ROW	---	356	447	505	541		
	WALKUP	276	338	437	488	534		
	ELEVATOR-2-4 Sty 5 + Sty	278	351	422	---	---		
PAWTUCKET	DETACHED	---	---	450	505	515		
	SEMI-DETACHED/ROW	---	332	395	467	503		
	WALKUP	261	315	386	458	498		
	ELEVATOR-2-4 Sty 5 + Sty	265	354	453	---	---		
WOONSOCKET	DETACHED	---	---	445	500	510		
	SEMI-DETACHED/ROW	---	313	364	435	475		
	WALKUP	253	295	364	409	440		
	ELEVATOR-2-4 Sty 5 + Sty	263	363	490	---	---		

AREA		INSURING OFFICE BURLINGTON, VT.					REGION I - BOSTON	
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS						
		0	1	2	3	4 or more		
BENNINGTON	DETACHED	---	---	387	450	526		
	SEMI-DETACHED/ROW	---	329	377	429	493		
	WALKUP	277	320	367	413	464		
	ELEVATOR-2-4 Sty 5 + Sty	302	338	405	---	---		
BRATTLEBORO	DETACHED	---	---	387	450	526		
	SEMI-DETACHED/ROW	---	329	377	429	493		
	WALKUP	277	320	367	413	464		
	ELEVATOR-2-4 Sty 5 + Sty	302	338	405	---	---		
BURLINGTON	DETACHED	---	---	387	450	526		
	SEMI-DETACHED/ROW	---	329	377	429	493		
	WALKUP	277	320	367	413	464		
	ELEVATOR-2-4 Sty 5 + Sty	302	338	405	---	---		
MONTPELIER	DETACHED	---	---	387	450	526		
	SEMI-DETACHED/ROW	---	329	377	429	493		
	WALKUP	277	320	367	413	464		
	ELEVATOR-2-4 Sty 5 + Sty	302	338	405	---	---		
RUTLAND	DETACHED	---	---	387	450	526		
	SEMI-DETACHED/ROW	---	329	377	429	493		
	WALKUP	277	320	367	413	464		
	ELEVATOR-2-4 Sty 5 + Sty	302	338	405	---	---		

AREA		OFFICE CAMDEN, N.J.					REGION II - NEW YORK	
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS						
		0	1	2	3	4 or more		
CAMDEN	DETACHED	---	---	470	570	621		
	SEMI-DETACHED/ROW	---	395	422	510	555		
	WALKUP	289	325	385	468	510		
	ELEVATOR-2-4 Sty 5 + Sty	307	344	395	---	---		
ATLANTIC CITY	DETACHED	---	---	466	566	617		
	SEMI-DETACHED/ROW	---	349	417	505	550		
	WALKUP	282	318	379	462	504		
	ELEVATOR-2-4 Sty 5 + Sty	295	380	496	---	---		
BURLINGTON	DETACHED	---	---	468	568	619		
	SEMI-DETACHED/ROW	---	353	420	508	553		
	WALKUP	287	323	383	466	508		
	ELEVATOR-2-4 Sty 5 + Sty	307	344	395	---	---		
GLOUCESTER	DETACHED	---	---	470	570	621		
	SEMI-DETACHED/ROW	---	395	422	510	555		
	WALKUP	289	325	385	468	510		
	ELEVATOR-2-4 Sty 5 + Sty	307	344	395	---	---		
TRENTON	DETACHED	---	---	505	605	656		
	SEMI-DETACHED/ROW	---	379	457	545	590		
	WALKUP	313	349	420	503	545		
	ELEVATOR-2-4 Sty 5 + Sty	320	372	493	---	---		
VINELAND	DETACHED	---	---	435	545	586		
	SEMI-DETACHED/ROW	---	320	387	475	520		
	WALKUP	254	290	350	433	475		
	ELEVATOR-2-4 Sty 5 + Sty	277	306	373	---	---		

AREA		OFFICE NEWARK, N. J.			REGION II - NEW YORK		
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS					
		0	1	2	3	4 or more	
NEWARK	DETACHED	---	---	595	694	732	
	SEMI-DETACHED/ROW	---	402	491	580	632	
	WALKUP	348	378	464	550	598	
	ELEVATOR-2-4 Sty 5 + Sty	398	430	557	---	---	
ASBURY PARK	DETACHED	---	427	536	647	660	
	SEMI-DETACHED/ROW	346	385	465	552	611	
	WALKUP	319	359	437	522	579	
	ELEVATOR-2-4 Sty 5 + Sty	359	411	516	---	---	
NORTH BERGEN	DETACHED	---	---	600	705	738	
	SEMI-DETACHED/ROW	---	429	545	622	676	
	WALKUP	352	395	509	595	636	
	ELEVATOR-2-4 Sty 5 + Sty	405	460	616	---	---	
FREEHOLD	DETACHED	---	427	564	675	688	
	SEMI-DETACHED/ROW	346	385	493	580	639	
	WALKUP	319	359	465	550	607	
	ELEVATOR-2-4 Sty 5 + Sty	359	411	522	---	---	
	DETACHED	---	---	---	---	---	
	SEMI-DETACHED/ROW						
	WALKUP						
	ELEVATOR-2-4 Sty 5 + Sty						
	DETACHED						
	SEMI-DETACHED/ROW						
	WALKUP						
	ELEVATOR-2-4 Sty 5 + Sty						

INSURING OFFICE ALBANY, N. Y. REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WATERTOWN	DETACHED	---	---	429	517	571
	SEMI-DETACHED/ROW	---	317	376	458	508
	WALKUP	249	309	361	424	479
	ELEVATOR-2-4 Sty 5 + Sty	294	360	447	---	---
SCHENECTADY	DETACHED	---	---	429	517	571
	SEMI-DETACHED/ROW	---	317	376	458	508
	WALKUP	249	309	361	424	479
	ELEVATOR-2-4 Sty 5 + Sty	294	360	447	---	---
BINGHAMTON	DETACHED	---	---	429	517	571
	SEMI-DETACHED/ROW	---	317	376	458	508
	WALKUP	249	309	361	424	479
	ELEVATOR-2-4 Sty 5 + Sty	294	360	447	---	---
ITHACA	DETACHED	---	---	429	517	571
	SEMI-DETACHED/ROW	---	317	376	458	508
	WALKUP	249	309	361	424	479
	ELEVATOR-2-4 Sty 5 + Sty	294	360	447	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

AREA OFFICE BUFFALO, N. Y. REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BUFFALO	DETACHED	---	---	448	505	563
	SEMI-DETACHED/ROW	---	355	392	459	532
	WALKUP	282	314	363	428	453
	ELEVATOR-2-4 Sty 5 + Sty	353	374	444	---	---
ELMIRA	DETACHED	---	---	440	510	565
	SEMI-DETACHED/ROW	---	383	422	475	530
	WALKUP	299	329	389	449	510
	ELEVATOR-2-4 Sty 5 + Sty	358	401	479	---	---
JAMESTOWN	DETACHED	---	---	448	504	566
	SEMI-DETACHED/ROW	---	375	409	468	535
	WALKUP	308	334	379	435	501
	ELEVATOR-2-4 Sty 5 + Sty	370	396	460	---	---
ROCHESTER	DETACHED	---	---	436	487	539
	SEMI-DETACHED/ROW	---	353	401	465	524
	WALKUP	275	301	356	419	471
	ELEVATOR-2-4 Sty 5 + Sty	368	393	467	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

AREA OFFICE NEW YORK, N. Y. REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEW YORK CITY	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	502	599	697	813
	WALKUP	390	461	555	652	753
	ELEVATOR-2-4 Sty 5 + Sty	448	523	623	710	801
SUFFOLK	DETACHED	---	---	548	674	763
	SEMI-DETACHED/ROW	406	429	507	549	657
	WALKUP	328	397	471	508	568
	ELEVATOR-2-4 Sty 5 + Sty	408	501	592	---	---
WESTCHESTER	DETACHED	---	---	636	723	769
	SEMI-DETACHED/ROW	---	450	531	635	709
	WALKUP	350	410	492	600	678
	ELEVATOR-2-4 Sty 5 + Sty	374	429	534	625	---
ORANGE	DETACHED	---	---	506	582	628
	SEMI-DETACHED/ROW	---	345	414	488	563
	WALKUP	247	325	388	476	515
	ELEVATOR-2-4 Sty 5 + Sty	366	469	555	---	---
ROCKLAND	DETACHED	---	---	648	735	779
	SEMI-DETACHED/ROW	---	420	523	617	662
	WALKUP	328	397	500	595	640
	ELEVATOR-2-4 Sty 5 + Sty	350	428	544	---	---
NASSAU	DETACHED	---	---	713	758	874
	SEMI-DETACHED/ROW	---	515	619	714	812
	WALKUP	380	475	580	676	750
	ELEVATOR-2-4 Sty 5 + Sty	386	509	602	---	---

AREA OFFICE NEW YORK, N. Y. REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PUTNAM	DETACHED	---	---	636	723	769
	SEMI-DETACHED/ROW	---	450	531	635	709
	WALKUP	350	410	492	600	678
	ELEVATOR-2-4 Sty 5 + Sty	374	429	534	625	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

AREA OFFICE SAN JUAN, P. R. REGION II - NEW YORK

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SAN JUAN	DETACHED	---	---	343	404	439
	SEMI-DETACHED/ROW	---	323	343	404	439
	WALKUP	256	323	343	404	439
	ELEVATOR-2-4 Sty 5 + Sty	301	369	391	---	---
PONCE	DETACHED	---	---	362	426	463
	SEMI-DETACHED/ROW	---	340	362	426	463
	WALKUP	273	340	362	426	463
	ELEVATOR-2-4 Sty 5 + Sty	316	387	411	---	---
MAYAGUEZ	DETACHED	---	---	354	417	455
	SEMI-DETACHED/ROW	---	334	354	417	455
	WALKUP	265	334	354	417	455
	ELEVATOR-2-4 Sty 5 + Sty	310	380	403	---	---
ARECIBO	DETACHED	---	---	354	417	455
	SEMI-DETACHED/ROW	---	334	354	417	455
	WALKUP	265	334	354	417	455
	ELEVATOR-2-4 Sty 5 + Sty	310	380	403	---	---
ST. THOMAS	DETACHED	---	---	437	521	553
	SEMI-DETACHED/ROW	---	321	401	482	514
	WALKUP	239	318	387	424	486
	ELEVATOR-2-4 Sty 5 + Sty	285	365	436	---	---
ST. CROIX	DETACHED	---	---	395	455	473
	SEMI-DETACHED/ROW	---	261	381	438	456
	WALKUP	228	258	345	359	406
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

INSURING OFFICE WILMINGTON, DEL. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WILMINGTON	DETACHED	---	---	383	408	505
	SEMI-DETACHED/ROW	---	257	348	395	414
	WALKUP	238	257	321	393	---
	ELEVATOR-2-4 Sty 5 + Sty	251	280	351	---	---
DOVER	DETACHED	---	---	352	375	465
	SEMI-DETACHED/ROW	---	254	320	363	381
	WALKUP	197	254	312	361	---
	ELEVATOR-2-4 Sty 5 + Sty	231	258	323	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

AREA OFFICE WASHINGTON, D. C. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WASHINGTON, D. C.	DETACHED	---	---	---	593	663
	SEMI-DETACHED/ROW	---	395	469	511	578
	WALKUP	---	274	360	434	502
	ELEVATOR-2-4 Sty 5 + Sty	---	312	373	498	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

AREA OFFICE BALTIMORE, MD. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
BALTIMORE	DETACHED	---	---	524	615	660
	SEMI-DETACHED/ROW	---	324	357	449	574
	WALKUP	279	309	351	433	540
	ELEVATOR-2-4 Sty 5 + Sty	290	330	410	---	---
HAGERSTOWN	DETACHED	---	---	433	499	633
	SEMI-DETACHED/ROW	---	311	328	393	566
	WALKUP	264	296	322	378	528
	ELEVATOR-2-4 Sty 5 + Sty	274	316	376	---	---
SALISBURY	DETACHED	---	---	429	494	630
	SEMI-DETACHED/ROW	---	286	326	397	565
	WALKUP	242	272	320	381	534
	ELEVATOR-2-4 Sty 5 + Sty	251	290	374	---	---
WALDORF	DETACHED	---	---	524	615	660
	SEMI-DETACHED/ROW	---	324	357	449	574
	WALKUP	279	309	351	433	540
	ELEVATOR-2-4 Sty 5 + Sty	290	330	410	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

AREA OFFICE PHILADELPHIA, PA. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PHILADELPHIA	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	336	418	460	506
	WALKUP	258	307	385	445	483
	ELEVATOR-2-4 Sty 5 + Sty	280	340	405	---	---
ALLENTOWN	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	295	365	438	483
	WALKUP	255	287	360	431	471
	ELEVATOR-2-4 Sty 5 + Sty	303	320	375	---	---
BELLEFONTE	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	284	382	430	471
	WALKUP	240	276	351	423	460
	ELEVATOR-2-4 Sty 5 + Sty	275	305	390	---	---
HARRISBURG	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	292	366	468	517
	WALKUP	250	287	353	456	505
	ELEVATOR-2-4 Sty 5 + Sty	275	320	363	---	---
LANCASTER	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	293	360	428	460
	WALKUP	242	288	349	418	448
	ELEVATOR-2-4 Sty 5 + Sty	272	320	404	---	---
YORK	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	293	360	428	460
	WALKUP	242	288	349	418	448
	ELEVATOR-2-4 Sty 5 + Sty	272	320	404	---	---

AREA OFFICE PHILADELPHIA, PA. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
POTTSTOWN	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	291	344	430	471
	WALKUP	240	277	321	399	437
	ELEVATOR-2-4 Sty 5 + Sty	270	320	363	---	---
READING	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	291	344	430	471
	WALKUP	240	277	321	399	437
	ELEVATOR-2-4 Sty 5 + Sty	270	320	363	---	---
SCRANTON	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	324	380	435	491
	WALKUP	250	302	366	430	475
	ELEVATOR-2-4 Sty 5 + Sty	275	330	385	---	---
BETHLEHEM	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	295	365	438	483
	WALKUP	255	287	360	431	471
	ELEVATOR-2-4 Sty 5 + Sty	303	320	375	---	---
WELLSBORO	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	284	382	430	471
	WALKUP	240	276	351	423	460
	ELEVATOR-2-4 Sty 5 + Sty	275	305	390	---	---

AREA OFFICE PITTSBURGH, PA. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEW CASTLE	DETACHED	---	325	381	449	540
	SEMI-DETACHED/ROW	---	317	353	416	500
	WALKUP	233	288	330	389	451
	ELEVATOR-2-4 Sty 5 + Sty	278	333	400	---	---
PITTSBURGH	DETACHED	---	390	420	491	565
	SEMI-DETACHED/ROW	---	364	400	457	526
	WALKUP	264	328	378	428	496
	ELEVATOR-2-4 Sty 5 + Sty	293	354	426	---	---
ERIE	DETACHED	---	364	402	448	525
	SEMI-DETACHED/ROW	---	339	372	404	487
	WALKUP	245	302	350	400	463
	ELEVATOR-2-4 Sty 5 + Sty	290	347	419	---	---
SHARON	DETACHED	---	325	381	449	540
	SEMI-DETACHED/ROW	---	317	353	416	500
	WALKUP	233	288	330	389	451
	ELEVATOR-2-4 Sty 5 + Sty	278	333	400	---	---
ALTOONA	DETACHED	---	344	396	462	540
	SEMI-DETACHED/ROW	---	344	378	432	505
	WALKUP	245	302	365	412	474
	ELEVATOR-2-4 Sty 5 + Sty	275	329	396	---	---
JOHNSTOWN	DETACHED	---	344	396	462	540
	SEMI-DETACHED/ROW	---	344	378	432	505
	WALKUP	245	302	365	412	474
	ELEVATOR-2-4 Sty 5 + Sty	275	329	396	---	---

AREA OFFICE RICHMOND, VA. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
RICHMOND	DETACHED	---	---	355	411	487
	SEMI-DETACHED/ROW	---	276	316	381	425
	WALKUP	221	254	313	378	421
	ELEVATOR-2-4 Sty 5 + Sty	221	281	360	---	---
NORFOLK	DETACHED	---	---	353	418	470
	SEMI-DETACHED/ROW	---	268	313	391	428
	WALKUP	221	267	310	386	428
	ELEVATOR-2-4 Sty 5 + Sty	236	267	321	---	---
VIRGINIA BEACH	DETACHED	---	---	353	418	470
	SEMI-DETACHED/ROW	---	268	313	391	428
	WALKUP	221	267	310	386	428
	ELEVATOR-2-4 Sty 5 + Sty	236	267	321	---	---
PORTSMOUTH	DETACHED	---	---	353	418	470
	SEMI-DETACHED/ROW	---	268	313	391	428
	WALKUP	221	267	310	386	428
	ELEVATOR-2-4 Sty 5 + Sty	236	267	321	---	---
SUFFOLK	DETACHED	---	---	353	418	470
	SEMI-DETACHED/ROW	---	268	313	391	428
	WALKUP	221	267	310	386	428
	ELEVATOR-2-4 Sty 5 + Sty	236	267	321	---	---
CHESAPEAKE	DETACHED	---	---	353	418	470
	SEMI-DETACHED/ROW	---	268	313	391	428
	WALKUP	221	267	310	386	428
	ELEVATOR-2-4 Sty 5 + Sty	236	267	321	---	---

AREA OFFICE RICHMOND, VA. REGION III - Philadelphia

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ROANOKE	DETACHED	---	---	334	392	441
	SEMI-DETACHED/ROW	---	245	300	378	418
	WALKUP	198	232	284	356	395
	ELEVATOR-2-4 Sty 5 + Sty	211	269	350	---	---
LYNCHBURG	DETACHED	---	---	334	392	441
	SEMI-DETACHED/ROW	---	245	300	378	418
	WALKUP	198	232	284	356	395
	ELEVATOR-2-4 Sty 5 + Sty	211	269	350	---	---
DANVILLE	DETACHED	---	---	334	392	441
	SEMI-DETACHED/ROW	---	245	300	378	418
	WALKUP	198	232	284	356	395
	ELEVATOR-2-4 Sty 5 + Sty	211	269	350	---	---
NEWPORT NEWS	DETACHED	---	---	341	414	454
	SEMI-DETACHED/ROW	---	276	312	388	432
	WALKUP	212	235	276	354	395
	ELEVATOR-2-4 Sty 5 + Sty	224	253	309	---	---
FREDERICKSBURG	DETACHED	---	---	367	424	484
	SEMI-DETACHED/ROW	---	267	315	380	423
	WALKUP	217	258	310	376	420
	ELEVATOR-2-4 Sty 5 + Sty	217	275	353	---	---
HARRISONBURG	DETACHED	---	---	316	354	431
	SEMI-DETACHED/ROW	---	245	296	354	401
	WALKUP	197	232	276	347	399
	ELEVATOR-2-4 Sty 5 + Sty	204	256	332	---	---

AREA OFFICE RICHMOND, VA. REGION III - Philadelphia

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WARRENTON	DETACHED	---	---	316	354	431
	SEMI-DETACHED/ROW	---	245	296	354	401
	WALKUP	197	232	276	347	399
	ELEVATOR-2-4 Sty 5 + Sty	204	256	332	---	---
BRISTOL	DETACHED	---	---	273	345	375
	SEMI-DETACHED/ROW	---	210	264	318	365
	WALKUP	194	207	257	315	362
	ELEVATOR-2-4 Sty 5 + Sty	203	239	312	---	---
HAMPTON	DETACHED	---	---	341	414	454
	SEMI-DETACHED/ROW	---	276	312	388	432
	WALKUP	212	235	276	354	395
	ELEVATOR-2-4 Sty 5 + Sty	224	253	309	---	---

INSURING OFFICE CHARLESTON, W. VA. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CHARLESTON	DETACHED	---	---	395	434	484
	SEMI-DETACHED/ROW	---	330	373	416	466
	WALKUP	214	273	316	373	420
	ELEVATOR-2-4 Sty 5 + Sty	316	366	412	---	---
BECKLEY	DETACHED	---	---	356	391	436
	SEMI-DETACHED/ROW	---	263	335	366	412
	WALKUP	231	263	298	332	365
	ELEVATOR-2-4 Sty 5 + Sty	280	332	372	---	---
BLUEFIELD	DETACHED	---	---	356	391	436
	SEMI-DETACHED/ROW	---	263	335	366	412
	WALKUP	231	263	298	332	365
	ELEVATOR-2-4 Sty 5 + Sty	280	332	372	---	---
HUNTINGTON	DETACHED	---	---	359	432	469
	SEMI-DETACHED/ROW	---	263	341	408	449
	WALKUP	185	245	322	389	426
	ELEVATOR-2-4 Sty 5 + Sty	280	332	397	---	---
PARKERSBURG	DETACHED	---	---	317	366	402
	SEMI-DETACHED/ROW	---	263	299	345	380
	WALKUP	215	246	291	327	361
	ELEVATOR-2-4 Sty 5 + Sty	273	327	397	---	---
WHEELING	DETACHED	---	---	319	395	447
	SEMI-DETACHED/ROW	---	257	302	379	432
	WALKUP	216	250	294	368	401
	ELEVATOR-2-4 Sty 5 + Sty	276	330	400	---	---

INSURING OFFICE CHARLESTON, W. VA. REGION III - PHILADELPHIA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MARTINSBURG	DETACHED	---	---	368	408	457
	SEMI-DETACHED/ROW	---	307	347	391	437
	WALKUP	235	286	334	368	415
	ELEVATOR-2-4 Sty 5 + 5ty	313	343	382	---	---
FAIRMONT	DETACHED	---	---	368	408	457
	SEMI-DETACHED/ROW	---	307	347	391	437
	WALKUP	235	286	334	368	415
	ELEVATOR-2-4 Sty 5 + 5ty	313	343	382	---	---
POINT PLEASANT	DETACHED	---	---	316	364	398
	SEMI-DETACHED/ROW	---	253	298	343	378
	WALKUP	214	245	290	324	359
	ELEVATOR-2-4 Sty 5 + 5ty	271	324	362	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + 5ty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + 5ty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + 5ty					

AREA OFFICE BIRMINGHAM, ALA. REGION IV - ATLANTA		NUMBER OF BEDROOMS					
MARKET AREA	STRUCTURE TYPE	0	1	2	3	4 or more	
BIRMINGHAM	DETACHED	-	-	353	412	449	
	SEMI-DETACHED/ROW	-	245	285	360	395	
	WALKUP	205	240	280	385	390	
	ELEVATOR-2-4 Sty 5 + Sty	245	290	340	-	-	
DOTHAN	DETACHED	-	-	302	359	390	
	SEMI-DETACHED/ROW	-	235	280	345	380	
	WALKUP	195	230	275	345	380	
	ELEVATOR-2-4 Sty 5 + Sty	235	275	330	-	-	
FLORENCE	DETACHED	-	-	321	385	421	
	SEMI-DETACHED/ROW	-	237	296	350	385	
	WALKUP	195	230	275	325	365	
	ELEVATOR-2-4 Sty 5 + Sty	235	275	330	-	-	
HUNTSVILLE	DETACHED	-	-	329	391	430	
	SEMI-DETACHED/ROW	-	237	296	345	380	
	WALKUP	195	230	275	325	365	
	ELEVATOR-2-4 Sty 5 + Sty	235	275	330	-	-	
MOBILE	DETACHED	-	-	342	396	429	
	SEMI-DETACHED/ROW	-	240	285	375	410	
	WALKUP	195	235	280	350	385	
	ELEVATOR-2-4 Sty 5 + Sty	235	280	335	-	-	
MONTGOMERY	DETACHED	-	-	335	390	428	
	SEMI-DETACHED/ROW	-	240	285	375	410	
	WALKUP	195	235	290	350	385	
	ELEVATOR-2-4 Sty 5 + Sty	235	290	335	-	-	

AREA OFFICE BIRMINGHAM, ALA. REGION IV - ATLANTA		NUMBER OF BEDROOMS					
MARKET AREA	STRUCTURE TYPE	0	1	2	3	4 or more	
TUSCALOOSA	DETACHED	-	-	336	399	435	
	SEMI-DETACHED/ROW	-	235	280	345	380	
	WALKUP	195	235	280	345	380	
	ELEVATOR-2-4 Sty 5 + Sty	235	280	335	-	-	
	DETACHED	-	-	-	-	-	
	SEMI-DETACHED/ROW	-	-	-	-	-	
	WALKUP	-	-	-	-	-	
	ELEVATOR-2-4 Sty 5 + Sty	-	-	-	-	-	
	DETACHED	-	-	-	-	-	
	SEMI-DETACHED/ROW	-	-	-	-	-	
	WALKUP	-	-	-	-	-	
	ELEVATOR-2-4 Sty 5 + Sty	-	-	-	-	-	
	DETACHED	-	-	-	-	-	
	SEMI-DETACHED/ROW	-	-	-	-	-	
	WALKUP	-	-	-	-	-	
	ELEVATOR-2-4 Sty 5 + Sty	-	-	-	-	-	

AREA OFFICE JACKSONVILLE, FLA. REGION IV - ATLANTA		NUMBER OF BEDROOMS					
MARKET AREA	STRUCTURE TYPE	0	1	2	3	4 or more	
JACKSONVILLE	DETACHED	-	-	294	363	401	
	SEMI-DETACHED/ROW	-	259	294	353	371	
	WALKUP	206	237	294	353	371	
	ELEVATOR-2-4 Sty 5 + Sty	244	297	375	-	-	
FORT WALTON BEACH	DETACHED	-	-	280	377	408	
	SEMI-DETACHED/ROW	-	238	261	340	363	
	WALKUP	199	218	261	340	363	
	ELEVATOR-2-4 Sty 5 + Sty	245	284	338	-	-	
GAINESVILLE	DETACHED	-	-	324	417	449	
	SEMI-DETACHED/ROW	-	276	307	381	397	
	WALKUP	235	254	307	381	397	
	ELEVATOR-2-4 Sty 5 + Sty	263	307	374	-	-	
PANAMA CITY	DETACHED	-	-	280	362	369	
	SEMI-DETACHED/ROW	-	235	261	334	349	
	WALKUP	199	218	261	334	349	
	ELEVATOR-2-4 Sty 5 + Sty	245	284	338	-	-	
PENSACOLA	DETACHED	-	-	280	377	408	
	SEMI-DETACHED/ROW	-	238	261	340	363	
	WALKUP	199	218	261	340	363	
	ELEVATOR-2-4 Sty 5 + Sty	245	284	338	-	-	
TALLAHASSEE	DETACHED	-	-	363	407	413	
	SEMI-DETACHED/ROW	-	265	291	363	378	
	WALKUP	221	240	288	362	378	
	ELEVATOR-2-4 Sty 5 + Sty	260	302	365	-	-	

INSURING OFFICE CORAL GABLES, FLA. REGION IV - ATLANTA		NUMBER OF BEDROOMS					
MARKET AREA	STRUCTURE TYPE	0	1	2	3	4 or more	
MIAMI	DETACHED	-	-	424	446	506	
	SEMI-DETACHED/ROW	-	316	379	438	486	
	WALKUP	251	286	361	432	472	
	ELEVATOR-2-4 Sty 5 + Sty	258	291	387	-	-	
FORT LAUDERDALE	DETACHED	-	-	472	491	533	
	SEMI-DETACHED/ROW	-	303	388	458	500	
	WALKUP	257	278	378	427	466	
	ELEVATOR-2-4 Sty 5 + Sty	263	282	382	-	-	
FORT MYERS	DETACHED	-	-	322	396	432	
	SEMI-DETACHED/ROW	-	283	322	396	432	
	WALKUP	230	276	322	396	432	
	ELEVATOR-2-4 Sty 5 + Sty	236	282	328	-	-	
KEY WEST	DETACHED	-	-	395	427	505	
	SEMI-DETACHED/ROW	-	317	395	427	457	
	WALKUP	243	317	395	419	444	
	ELEVATOR-2-4 Sty 5 + Sty	249	317	401	-	-	
WEST PALM BEACH	DETACHED	-	-	400	464	494	
	SEMI-DETACHED/ROW	-	282	400	464	494	
	WALKUP	248	282	353	433	472	
	ELEVATOR-2-4 Sty 5 + Sty	254	288	359	-	-	

INSURING OFFICE TAMPA, FLORIDA REGION IV - ATLANTA		NUMBER OF BEDROOMS					
MARKET AREA	STRUCTURE TYPE	0	1	2	3	4 or more	
TAMPA	DETACHED	-	-	327	384	405	
	SEMI-DETACHED/ROW	-	246	281	343	390	
	WALKUP	212	231	270	324	343	
	ELEVATOR-2-4 Sty 5 + Sty	214	233	272	-	-	
COCOA	DETACHED	-	-	309	362	394	
	SEMI-DETACHED/ROW	-	250	303	359	394	
	WALKUP	203	219	264	298	317	
	ELEVATOR-2-4 Sty 5 + Sty	205	221	266	-	-	
DAYTONA BEACH	DETACHED	-	-	323	378	399	
	SEMI-DETACHED/ROW	-	265	323	363	397	
	WALKUP	214	231	281	316	335	
	ELEVATOR-2-4 Sty 5 + Sty	216	233	283	-	-	
LAKELAND	DETACHED	-	-	321	358	379	
	SEMI-DETACHED/ROW	-	275	321	345	377	
	WALKUP	226	242	281	326	344	
	ELEVATOR-2-4 Sty 5 + Sty	228	244	283	-	-	
ORLANDO	DETACHED	-	-	312	364	387	
	SEMI-DETACHED/ROW	-	253	311	355	387	
	WALKUP	186	219	270	321	339	
	ELEVATOR-2-4 Sty 5 + Sty	188	221	272	-	-	
FORT PIERCE	DETACHED	-	-	323	378	399	
	SEMI-DETACHED/ROW	-	265	323	363	397	
	WALKUP	214	231	281	316	335	
	ELEVATOR-2-4 Sty 5 + Sty	216	233	283	-	-	

INSURING OFFICE TAMPA, FLA. REGION IV - ATLANTA		NUMBER OF BEDROOMS					
MARKET AREA	STRUCTURE TYPE	0	1	2	3	4 or more	
SARASOTA	DETACHED	-	-	343	399	422	
	SEMI-DETACHED/ROW	-	293	341	373	408	
	WALKUP	236	253	293	354	374	
	ELEVATOR-2-4 Sty 5 + Sty	238	255	295	-	-	
ST. PETERSBURG	DETACHED	-	-	331	383	403	
	SEMI-DETACHED/ROW	-	264	321	364	398	
	WALKUP	197	231	281	349	368	
	ELEVATOR-2-4 Sty 5 + Sty	199	242	285	-	-	
	DETACHED	-	-	-	-	-	
	SEMI-DETACHED/ROW	-	-	-	-	-	
	WALKUP	-	-	-	-	-	
	ELEVATOR-2-4 Sty 5 + Sty	-	-	-	-	-	
	DETACHED	-	-	-	-	-	
	SEMI-DETACHED/ROW	-	-	-	-	-	
	WALKUP	-	-	-	-	-	
	ELEVATOR-2-4 Sty 5 + Sty	-	-	-	-	-	

AREA OFFICE ATLANTA, GA. REGION IV - ATLANTA		NUMBER OF BEDROOMS					
MARKET AREA	STRUCTURE TYPE	0	1	2	3	4 or more	
ATLANTA	DETACHED	-	-	354	408	447	
	SEMI-DETACHED/ROW	-	278	325	389	426	
	WALKUP	250	270	320	377	413	
	ELEVATOR-2-4 Sty 5 + Sty	273	293	343	-	-	
ALBANY	DETACHED	-	-	307	394	422	
	SEMI-DETACHED/ROW	-	236	291	377	401	
	WALKUP	213	230	285	371	396	
	ELEVATOR-2-4 Sty 5 + Sty	236	253	308	-	-	
AUGUSTA	DETACHED	-	-	309	369	414	
	SEMI-DETACHED/ROW	-	244	288	353	394	
	WALKUP	215	238	279	342	383	
	ELEVATOR-2-4 Sty 5 + Sty	238	261	302	-	-	
BRUNSWICK	DETACHED	-	-	323	377	406	
	SEMI-DETACHED/ROW	-	255	302	360	386	
	WALKUP	221	244	291	348	375	
	ELEVATOR-2-4 Sty 5 + Sty	244	267	314	-	-	
COLUMBUS	DETACHED	-	-	320	374	412	
	SEMI-DETACHED/ROW	-	267	308	360	407	
	WALKUP	230	250	297	354	390	
	ELEVATOR-2-4 Sty 5 + Sty	253	273	320	-	-	
MACON	DETACHED	-	-	335	362	409	
	SEMI-DETACHED/ROW	-	241	308	358	407	
	WALKUP	212	229	304	334	376	
	ELEVATOR-2-4 Sty 5 + Sty	235	252	327	-	-	

AREA OFFICE ATLANTA, GA.		REGION IV - ATLANTA				
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ROME	DETACHED	---	---	303	359	397
	SEMI-DETACHED/ROW	---	238	279	337	378
	WALKUP	207	227	274	331	367
	ELEVATOR-2-4 Sty 5 + Sty	230	250	297	---	---
SAVANNAH	DETACHED	---	---	367	424	468
	SEMI-DETACHED/ROW	---	285	354	413	450
	WALKUP	244	274	335	394	436
	ELEVATOR-2-4 Sty 5 + Sty	267	297	358	---	---
VALDOSTA	DETACHED	---	---	310	353	404
	SEMI-DETACHED/ROW	---	244	291	348	396
	WALKUP	213	232	285	331	378
	ELEVATOR-2-4 Sty 5 + Sty	236	255	308	---	---
	DETACHED	279	302	372	---	---
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					

AREA OFFICE LOUISVILLE, KY REGION IV - ATLANTA		NUMBER OF BEDROOMS					
MARKET AREA	STRUCTURE TYPE	0	1	2	3	4 or more	
LOUISVILLE	DETACHED	-	-	341	437	491	
	SEMI-DETACHED/ROW	-	277	323	409	458	
	WALKUP	237	268	316	379	417	
	ELEVATOR-2-4 Sty 5 + Sty	249	280	329	-	-	
ASHLAND	DETACHED	-	-	361	410	464	
	SEMI-DETACHED/ROW	-	292	340	387	435	
	WALKUP	239	269	314	354	391	
	ELEVATOR-2-4 Sty 5 + Sty	255	284	327	-	-	
BOWLING GREEN	DETACHED	-	-	345	397	471	
	SEMI-DETACHED/ROW	-	275	331	375	444	
	WALKUP	216	246	302	365	400	
	ELEVATOR-2-4 Sty 5 + Sty	227	260	316	-	-	
CORBIN	DETACHED	-	-	384	461	516	
	SEMI-DETACHED/ROW	-	293	366	435	485	
	WALKUP	234	265	338	399	439	
	ELEVATOR-2-4 Sty 5 + Sty	250	280	352	-	-	
COVINGTON	DETACHED	-	-	367	438	504	
	SEMI-DETACHED/ROW	-	299	344	402	460	
	WALKUP	233	269	314	365	411	
	ELEVATOR-2-4 Sty 5 + Sty	245	284	327	-	-	
HOPKINSVILLE	DETACHED	-	-	355	399	450	
	SEMI-DETACHED/ROW	-	294	341	380	428	
	WALKUP	236	264	308	350	402	
	ELEVATOR-2-4 Sty 5 + Sty	252	278	321	-	-	

AREA OFFICE LOUISVILLE, KY REGION IV - ATLANTA		NUMBER OF BEDROOMS					
MARKET AREA	STRUCTURE TYPE	0	1	2	3	4 or more	
LEXINGTON	DETACHED	-	-	379	431	486	
	SEMI-DETACHED/ROW	-	318	363	410	459	
	WALKUP	235	265	338	399	432	
	ELEVATOR-2-4 Sty 5 + Sty	247	276	352	-	-	
MIGOLSBORO	DETACHED	-	-	393	458	499	
	SEMI-DETACHED/ROW	-	302	374	433	469	
	WALKUP	236	265	338	399	439	
	ELEVATOR-2-4 Sty 5 + Sty	246	280	352	-	-	
MURRAY	DETACHED	-	-	363	414	458	
	SEMI-DETACHED/ROW	-	304	346	391	438	
	WALKUP	241	274	314	354	420	
	ELEVATOR-2-4 Sty 5 + Sty	255	289	331	-	-	
NEWPORT	DETACHED	-	-	376	442	500	
	SEMI-DETACHED/ROW	-	303	351	404	457	
	WALKUP	233	269	314	363	401	
	ELEVATOR-2-4 Sty 5 + Sty	249	284	328	-	-	
OWENSBORO	DETACHED	-	-	383	423	469	
	SEMI-DETACHED/ROW	-	321	366	401	446	
	WALKUP	214	238	344	370	404	
	ELEVATOR-2-4 Sty 5 + Sty	225	252	356	-	-	
PADUCAH	DETACHED	-	-	333	413	467	
	SEMI-DETACHED/ROW	-	280	318	392	435	
	WALKUP	230	259	298	367	400	
	ELEVATOR-2-4 Sty 5 + Sty	245	273	310	-	-	

AREA OFFICE LOUISVILLE, KY REGION IV - ATLANTA		NUMBER OF BEDROOMS					
MARKET AREA	STRUCTURE TYPE	0	1	2	3	4 or more	
FRANKFORT	DETACHED	-	-	379	451	510	
	SEMI-DETACHED/ROW	-	287	360	427	479	
	WALKUP	235	265	338	399	440	
	ELEVATOR-2-4 Sty 5 + Sty	251	280	352	-	-	
	DETACHED	-	-	-	-	-	
	SEMI-DETACHED/ROW	-	-	-	-	-	
	WALKUP	-	-	-	-	-	
	ELEVATOR-2-4 Sty 5 + Sty	-	-	-	-	-	
	DETACHED	-	-	-	-	-	
	SEMI-DETACHED/ROW	-	-	-	-	-	
	WALKUP	-	-	-	-	-	
	ELEVATOR-2-4 Sty 5 + Sty	-	-	-	-	-	
	DETACHED	-	-	-	-	-	
	SEMI-DETACHED/ROW	-	-	-	-	-	
	WALKUP	-	-	-	-	-	
	ELEVATOR-2-4 Sty 5 + Sty	-	-	-	-	-	
	DETACHED	-	-	-	-	-	
	SEMI-DETACHED/ROW	-	-	-	-	-	
	WALKUP	-	-	-	-	-	
	ELEVATOR-2-4 Sty 5 + Sty	-	-	-	-	-	

AREA OFFICE JACKSON, MISS. REGION IV - ATLANTA		NUMBER OF BEDROOMS					
MARKET AREA	STRUCTURE TYPE	0	1	2	3	4 or more	
JACKSON	DETACHED	-	-	342	420	466	
	SEMI-DETACHED/ROW	267	289	328	405	448	
	WALKUP	258	282	327	402	438	
	ELEVATOR-2-4 Sty 5 + Sty	341	373	441	-	-	
BILOXI	DETACHED	-	-	292	344	390	
	SEMI-DETACHED/ROW	227	242	282	336	376	
	WALKUP	227	241	282	336	373	
	ELEVATOR-2-4 Sty 5 + Sty	305	329	392	-	-	
CORINTH	DETACHED	-	-	287	365	411	
	SEMI-DETACHED/ROW	211	234	274	347	388	
	WALKUP	202	232	274	347	385	
	ELEVATOR-2-4 Sty 5 + Sty	285	319	384	-	-	
GREENVILLE	DETACHED	-	-	338	368	409	
	SEMI-DETACHED/ROW	237	261	316	345	388	
	WALKUP	223	252	315	342	378	
	ELEVATOR-2-4 Sty 5 + Sty	304	339	423	-	-	
GREENWOOD	DETACHED	-	-	301	341	390	
	SEMI-DETACHED/ROW	232	256	301	332	372	
	WALKUP	224	254	301	332	369	
	ELEVATOR-2-4 Sty 5 + Sty	304	340	409	-	-	
GULFPORT	DETACHED	-	-	292	344	390	
	SEMI-DETACHED/ROW	227	242	282	336	376	
	WALKUP	227	241	282	336	373	
	ELEVATOR-2-4 Sty 5 + Sty	305	329	392	-	-	

AREA OFFICE JACKSON, MISS. REGION IV - ATLANTA		NUMBER OF BEDROOMS					
MARKET AREA	STRUCTURE TYPE	0	1	2	3	4 or more	
HATTIESBURG	DETACHED	-	-	305	357	399	
	SEMI-DETACHED/ROW	204	228	283	334	377	
	WALKUP	193	221	282	331	367	
	ELEVATOR-2-4 Sty 5 + Sty	275	308	390	-	-	
SOUTHAVEN	DETACHED	216	265	339	359	404	
	SEMI-DETACHED/ROW	214	256	339	348	386	
	WALKUP	210	254	308	348	386	
	ELEVATOR-2-4 Sty 5 + Sty	284	334	406	-	-	
TUPELO	DETACHED	-	-	287	365	411	
	SEMI-DETACHED/ROW	214	234	274	347	388	
	WALKUP	202	232	274	347	385	
	ELEVATOR-2-4 Sty 5 + Sty	285	319	384	-	-	
	DETACHED	-	-	-	-	-	
	SEMI-DETACHED/ROW	-	-	-	-	-	
	WALKUP	-	-	-	-	-	
	ELEVATOR-2-4 Sty 5 + Sty	-	-	-	-	-	
	DETACHED	-	-	-	-	-	
	SEMI-DETACHED/ROW	-	-	-	-	-	
	WALKUP	-	-	-	-	-	
	ELEVATOR-2-4 Sty 5 + Sty	-	-	-	-	-	
	DETACHED	-	-	-	-	-	
	SEMI-DETACHED/ROW	-	-	-	-	-	
	WALKUP	-	-	-	-	-	
	ELEVATOR-2-4 Sty 5 + Sty	-	-	-	-	-	

AREA OFFICE GREENSBORO, N.C. REGION IV - ATLANTA		NUMBER OF BEDROOMS					
MARKET AREA	STRUCTURE TYPE	0	1	2	3	4 or more	
GREENSBORO	DETACHED	-	-	319	383	433	
	SEMI-DETACHED/ROW	215	250	290	355	410	
	WALKUP	215	250	290	355	410	
	ELEVATOR-2-4 Sty 5 + Sty	235	270	310	-	-	
ASHEVILLE	DETACHED	-	-	295	370	425	
	SEMI-DETACHED/ROW	205	245	285	350	405	
	WALKUP	205	245	285	350	405	
	ELEVATOR-2-4 Sty 5 + Sty	225	265	305	-	-	
CHARLOTTE	DETACHED	-	-	309	364	414	
	SEMI-DETACHED/ROW	205	240	280	340	390	
	WALKUP	205	240	280	340	390	
	ELEVATOR-2-4 Sty 5 + Sty	225	260	300	-	-	
DURHAM	DETACHED	-	-	293	352	406	
	SEMI-DETACHED/ROW	200	235	280	335	385	
	WALKUP	200	235	280	335	385	
	ELEVATOR-2-4 Sty 5 + Sty	220	255	300	-	-	
GREENVILLE	DETACHED	-	-	290	340	390	
	SEMI-DETACHED/ROW	200	235	275	325	375	
	WALKUP	200	235	275	325	375	
	ELEVATOR-2-4 Sty 5 + Sty	220	255	295	-	-	
RALEIGH	DETACHED	-	-	321	397	446	
	SEMI-DETACHED/ROW	220	255	295	360	415	
	WALKUP	220	255	295	360	415	
	ELEVATOR-2-4 Sty 5 + Sty	240	275	315	-	-	

AREA OFFICE GREENSBORO, N.C. REGION IV - ATLANTA		NUMBER OF BEDROOMS					
MARKET AREA	STRUCTURE TYPE	0	1	2	3	4 or more	
WINSTON - SALEM	DETACHED	-	-	300	366	417	
	SEMI-DETACHED/ROW	210	250	290	350	400	
	WALKUP	210	250	290	350	400	
	ELEVATOR-2-4 Sty 5 + Sty	230	270	310	-	-	
FAYETTEVILLE	DETACHED	-	-	299	353	403	
	SEMI-DETACHED/ROW	205	240	285	330	380	
	WALKUP	205	240	285	330	380	
	ELEVATOR-2-4 Sty 5 + Sty	225	260	305	-	-	
WILMINGTON	DETACHED	-	-	312	373	424	
	SEMI-DETACHED/ROW	205	235	280	335	390	
	WALKUP	205	235	280	335	390	
	ELEVATOR-2-4 Sty 5 + Sty	225	255	300	-	-	
	DETACHED	-	-	-	-	-	
	SEMI-DETACHED/ROW	-	-	-	-	-	
	WALKUP	-	-	-	-	-	
	ELEVATOR-2-4 Sty 5 + Sty	-	-	-	-	-	
	DETACHED	-	-	-	-	-	
	SEMI-DETACHED/ROW	-	-	-	-	-	
	WALKUP	-	-	-	-	-	
	ELEVATOR-2-4 Sty 5 + Sty	-	-	-	-	-	

AREA OFFICE COLUMBIA, S. C.		REGION IV - ATLANTA				
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
GREENVILLE	DETACHED	255	280	310	370	425
	SEMI-DETACHED/ROW	250	275	305	365	420
	WALKUP	240	265	295	355	410
	ELEVATOR-2-4 Sty 5 + Sty	250 260	290 300	345 355	- -	- -
GREENWOOD	DETACHED	265	275	305	355	395
	SEMI-DETACHED/ROW	250	270	300	350	390
	WALKUP	240	260	290	340	380
	ELEVATOR-2-4 Sty 5 + Sty	250 260	290 300	345 355	- -	- -
MYRTLE BEACH	DETACHED	255	280	315	370	440
	SEMI-DETACHED/ROW	250	275	310	365	435
	WALKUP	240	265	300	355	425
	ELEVATOR-2-4 Sty 5 + Sty	250 260	290 300	345 355	- -	- -
NORTH AUGUSTA	DETACHED	255	275	310	355	405
	SEMI-DETACHED/ROW	250	270	305	350	400
	WALKUP	240	260	295	340	390
	ELEVATOR-2-4 Sty 5 + Sty	250 260	290 300	345 355	- -	- -
ORANGEBURG	DETACHED	255	275	310	355	400
	SEMI-DETACHED/ROW	250	270	305	350	395
	WALKUP	240	260	295	340	385
	ELEVATOR-2-4 Sty 5 + Sty	250 260	290 300	345 355	- -	- -
ROCKHILL	DETACHED	255	275	310	355	405
	SEMI-DETACHED/ROW	250	270	305	350	400
	WALKUP	240	260	295	340	390
	ELEVATOR-2-4 Sty	250 260	290 300	345 355	- -	- -

AREA OFFICE COLUMBIA, S. C. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
COLUMBIA	DETACHED	255	275	310	360	405
	SEMI-DETACHED/ROW	250	270	305	355	400
	WALKUP	240	260	295	345	390
	ELEVATOR-2-4 Sty 5 + Sty	250	290	345	-	-
AIKEN	DETACHED	255	275	310	355	405
	SEMI-DETACHED/ROW	250	270	305	350	400
	WALKUP	240	260	295	340	390
	ELEVATOR-2-4 Sty 5 + Sty	250	290	345	-	-
ANDERSON	DETACHED	265	275	305	355	395
	SEMI-DETACHED/ROW	250	270	300	350	390
	WALKUP	240	260	290	340	380
	ELEVATOR-2-4 Sty 5 + Sty	250	290	345	-	-
BEAUFORT	DETACHED	255	280	315	370	440
	SEMI-DETACHED/ROW	250	275	310	365	435
	WALKUP	240	265	300	355	425
	ELEVATOR-2-4 Sty 5 + Sty	250	290	345	-	-
CHARLESTON	DETACHED	255	280	315	370	440
	SEMI-DETACHED/ROW	250	275	310	365	435
	WALKUP	240	265	300	355	425
	ELEVATOR-2-4 Sty 5 + Sty	250	290	345	-	-
FLORENCE	DETACHED	255	275	310	355	400
	SEMI-DETACHED/ROW	250	270	305	350	395
	WALKUP	240	260	295	340	385
	ELEVATOR-2-4 Sty 5 + Sty	250	290	345	-	-

AREA OFFICE COLUMBIA, S. C. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SPARTANBURG	DETACHED	255	280	310	370	425
	SEMI-DETACHED/ROW	250	275	305	365	420
	WALKUP	240	265	295	355	410
	ELEVATOR-2-4 Sty 5 + Sty	250	290	345	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					

AREA OFFICE KNOXVILLE, TENN. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
KNOXVILLE	DETACHED	---	---	330	390	420
	SEMI-DETACHED/ROW	---	255	315	380	410
	WALKUP	225	245	305	365	395
	ELEVATOR-2-4 Sty 5 + Sty	250	270	325	---	---
CHATTANOOGA	DETACHED	---	---	310	370	400
	SEMI-DETACHED/ROW	---	270	305	365	395
	WALKUP	240	260	290	350	380
	ELEVATOR-2-4 Sty 5 + Sty	265	285	330	---	---
JOHNSON CITY	DETACHED	---	---	290	345	370
	SEMI-DETACHED/ROW	---	240	280	335	360
	WALKUP	210	230	265	320	345
	ELEVATOR-2-4 Sty 5 + Sty	230	255	290	---	---
KINGSPORT	DETACHED	---	---	290	345	370
	SEMI-DETACHED/ROW	---	240	280	335	360
	WALKUP	210	230	265	320	345
	ELEVATOR-2-4 Sty 5 + Sty	230	255	290	---	---
OAKRIDGE	DETACHED	---	---	330	390	420
	SEMI-DETACHED/ROW	---	255	315	380	410
	WALKUP	225	245	305	365	395
	ELEVATOR-2-4 Sty 5 + Sty	250	270	325	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					

INSURING OFFICE MEMPHIS, TENN. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MEMPHIS	DETACHED	---	---	350	399	457
	SEMI-DETACHED/ROW	286	312	350	393	426
	WALKUP	209	234	284	333	364
	ELEVATOR-2-4 Sty 5 + Sty	261	297	355	---	---
JACKSON	DETACHED	---	---	285	322	368
	SEMI-DETACHED/ROW	202	230	270	316	359
	WALKUP	193	220	266	304	343
	ELEVATOR-2-4 Sty 5 + Sty	239	276	328	---	---
UNION CITY	DETACHED	---	---	284	315	351
	SEMI-DETACHED/ROW	208	236	283	315	351
	WALKUP	198	232	278	313	348
	ELEVATOR-2-4 Sty 5 + Sty	259	291	343	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					

INSURING OFFICE NASHVILLE, TENN. REGION IV - ATLANTA

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NASHVILLE	DETACHED	---	---	348	397	434
	SEMI-DETACHED/ROW	---	250	288	378	420
	WALKUP	210	240	282	378	414
	ELEVATOR-2-4 Sty 5 + Sty	225	270	315	---	---
CLARKSVILLE	DETACHED	---	---	330	377	412
	SEMI-DETACHED/ROW	---	216	288	368	391
	WALKUP	175	216	264	330	357
	ELEVATOR-2-4 Sty 5 + Sty	195	240	285	---	---
COLUMBIA	DETACHED	---	---	330	377	412
	SEMI-DETACHED/ROW	---	217	288	370	395
	WALKUP	175	217	260	348	380
	ELEVATOR-2-4 Sty 5 + Sty	195	240	285	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					

AREA OFFICE CHICAGO, ILL. REGION V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CHICAGO	DETACHED	---	---	600	632	736
	SEMI-DETACHED/ROW	---	463	508	553	620
	WALKUP	328	361	435	527	549
	ELEVATOR-2-4 Sty 5 + Sty	316	370	445	538	---
MOLINE	DETACHED	---	---	567	578	644
	SEMI-DETACHED/ROW	---	443	469	529	558
	WALKUP	324	355	427	511	540
	ELEVATOR-2-4 Sty 5 + Sty	332	364	437	---	---
ROCKFORD	DETACHED	---	---	461	492	557
	SEMI-DETACHED/ROW	---	396	419	439	469
	WALKUP	274	303	361	418	447
	ELEVATOR-2-4 Sty 5 + Sty	282	312	371	---	---
ROCK ISLAND	DETACHED	---	---	567	578	644
	SEMI-DETACHED/ROW	---	443	469	529	558
	WALKUP	324	355	427	511	540
	ELEVATOR-2-4 Sty 5 + Sty	332	364	437	---	---
STERLING	DETACHED	---	---	443	472	536
	SEMI-DETACHED/ROW	---	389	412	432	461
	WALKUP	274	304	360	415	444
	ELEVATOR-2-4 Sty 5 + Sty	282	313	370	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					

INSURING OFFICE SPRINGFIELD, ILL. REGION V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SPRINGFIELD	DETACHED	---	---	405	458	516
	SEMI-DETACHED/ROW	---	337	384	437	490
	WALKUP	289	316	379	432	481
	ELEVATOR-2-4 Sty 5 + Sty	299	334	397	---	---
BELLEVILLE	DETACHED	---	---	365	421	483
	SEMI-DETACHED/ROW	---	284	343	397	456
	WALKUP	238	275	338	392	443
	ELEVATOR-2-4 Sty 5 + Sty	256	292	355	---	---
CARBONDALE	DETACHED	---	---	388	444	504
	SEMI-DETACHED/ROW	---	301	367	420	478
	WALKUP	253	292	362	412	459
	ELEVATOR-2-4 Sty 5 + Sty	276	310	380	---	---
CRANFORD	DETACHED	---	---	385	439	497
	SEMI-DETACHED/ROW	---	304	363	417	472
	WALKUP	258	293	359	411	459
	ELEVATOR-2-4 Sty 5 + Sty	277	310	376	---	---
DANVILLE	DETACHED	---	---	416	472	532
	SEMI-DETACHED/ROW	---	337	395	468	503
	WALKUP	288	324	390	443	493
	ELEVATOR-2-4 Sty 5 + Sty	311	346	412	---	---
EAST ST. LOUIS	DETACHED	---	---	356	413	475
	SEMI-DETACHED/ROW	---	280	334	389	448
	WALKUP	233	271	330	384	435
	ELEVATOR-2-4 Sty 5 + Sty	254	291	350	---	---

INSURING OFFICE SPRINGFIELD, ILL. REGION V - CHICAGO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LASALLE	DETACHED	---	---	394	453	516
	SEMI-DETACHED/ROW	---	311	372	428	489
	WALKUP	256	293	356	410	459
	ELEVATOR-2-4 Sty 5 + Sty	276	311	374	---	---
QUINCY	DETACHED	---	---	350	405	462
	SEMI-DETACHED/ROW	---	280	329	382	436
	WALKUP	235	270	324	376	424
	ELEVATOR-2-4 Sty 5 + Sty	254	291	342	---	---
PEORIA	DETACHED	---	---	436	493	552
	SEMI-DETACHED/ROW	---	356	415	468	527
	WALKUP	311	348	410	464	513
	ELEVATOR-2-4 Sty 5 + Sty	332	367	429	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					

AREA		REGION V - CHICAGO				
OFFICE INDIANAPOLIS, IND.						
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
INDIANAPOLIS	DETACHED	---	---	422	502	541
	SEMI-DETACHED/ROW	---	274	335	409	446
	WALKUP	238	269	326	405	---
	ELEVATOR-2-4 Sty	257	289	366	---	---
	5 + Sty	305	338	421	---	---
BLOOMINGTON	DETACHED	---	---	407	441	484
	SEMI-DETACHED/ROW	---	253	330	360	392
	WALKUP	219	248	320	353	---
	ELEVATOR-2-4 Sty	239	268	360	---	---
	5 + Sty	285	319	413	---	---
EVANSVILLE	DETACHED	---	---	416	452	494
	SEMI-DETACHED/ROW	---	272	349	389	411
	WALKUP	238	262	330	365	---
	ELEVATOR-2-4 Sty	258	282	371	---	---
	5 + Sty	300	332	421	---	---
FORT WAYNE	DETACHED	---	---	424	460	504
	SEMI-DETACHED/ROW	---	280	341	376	412
	WALKUP	240	271	320	357	---
	ELEVATOR-2-4 Sty	260	291	361	---	---
	5 + Sty	308	340	418	---	---
GARY	DETACHED	---	---	453	496	535
	SEMI-DETACHED/ROW	---	315	379	423	451
	WALKUP	279	307	365	406	---
	ELEVATOR-2-4 Sty	299	328	406	---	---
	5 + Sty	349	385	466	---	---
HAMMOND	DETACHED	---	---	461	506	548
	SEMI-DETACHED/ROW	---	318	377	421	457
	WALKUP	277	307	365	406	---
	ELEVATOR-2-4 Sty	297	328	406	---	---
	5 + Sty	341	375	457	---	---

AREA		REGION V - CHICAGO				
OFFICE INDIANAPOLIS, IND.						
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LAFAYETTE	DETACHED	---	---	417	460	499
	SEMI-DETACHED/ROW	---	284	332	373	402
	WALKUP	230	281	329	365	---
	ELEVATOR-2-4 Sty	270	302	370	---	---
	5 + Sty	318	351	416	---	---
SOUTH BEND	DETACHED	---	---	457	501	541
	SEMI-DETACHED/ROW	---	310	376	410	445
	WALKUP	274	305	371	407	---
	ELEVATOR-2-4 Sty	294	326	412	---	---
	5 + Sty	340	375	458	---	---
TERRE HAUTE	DETACHED	---	---	415	459	500
	SEMI-DETACHED/ROW	---	285	329	369	401
	WALKUP	246	277	325	365	---
	ELEVATOR-2-4 Sty	267	298	366	---	---
	5 + Sty	316	348	414	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty	---	---	---	---	---
	5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty	---	---	---	---	---
	5 + Sty	---	---	---	---	---

AREA		REGION V - CHICAGO				
OFFICE DETROIT, MICH.						
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
DETROIT	DETACHED	---	---	456	489	515
	SEMI-DETACHED/ROW	---	393	421	448	489
	WALKUP	271	311	375	414	441
	ELEVATOR-2-4 Sty	293	348	389	---	---
	5 + Sty	314	379	467	---	---
ANN ARBOR	DETACHED	---	---	456	489	515
	SEMI-DETACHED/ROW	---	393	421	448	489
	WALKUP	271	311	375	414	441
	ELEVATOR-2-4 Sty	293	348	389	---	---
	5 + Sty	314	379	467	---	---
FLINT	DETACHED	---	---	418	450	476
	SEMI-DETACHED/ROW	---	317	381	424	455
	WALKUP	246	294	344	387	413
	ELEVATOR-2-4 Sty	278	331	370	---	---
	5 + Sty	298	360	444	---	---
SAGINAW	DETACHED	---	---	418	450	476
	SEMI-DETACHED/ROW	---	317	381	424	455
	WALKUP	246	294	344	387	413
	ELEVATOR-2-4 Sty	278	331	370	---	---
	5 + Sty	298	360	444	---	---
YPSILANTI	DETACHED	---	---	456	489	515
	SEMI-DETACHED/ROW	---	393	421	448	489
	WALKUP	271	311	375	414	441
	ELEVATOR-2-4 Sty	293	348	389	---	---
	5 + Sty	314	379	467	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty	---	---	---	---	---
	5 + Sty	---	---	---	---	---

AREA		REGION V - CHICAGO				
INSURING OFFICE GRAND RAPIDS, MICH.						
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
GRAND RAPIDS	DETACHED	---	---	400	442	462
	SEMI-DETACHED/ROW	---	323	347	403	421
	WALKUP	213	247	305	354	---
	ELEVATOR-2-4 Sty	268	305	333	---	---
	5 + Sty	286	325	358	---	---
BATTLE CREEK	DETACHED	---	---	287	438	459
	SEMI-DETACHED/ROW	---	316	358	399	417
	WALKUP	238	241	298	339	---
	ELEVATOR-2-4 Sty	261	298	327	---	---
	5 + Sty	270	319	333	---	---
BENTON HARBOR	DETACHED	---	---	376	430	465
	SEMI-DETACHED/ROW	---	299	330	430	465
	WALKUP	226	260	287	347	---
	ELEVATOR-2-4 Sty	249	286	315	---	---
	5 + Sty	266	307	342	---	---
KALAMAZOO	DETACHED	---	---	387	439	459
	SEMI-DETACHED/ROW	---	316	353	399	417
	WALKUP	209	246	298	343	---
	ELEVATOR-2-4 Sty	261	298	327	---	---
	5 + Sty	279	319	353	---	---
LANSING	DETACHED	---	---	396	448	468
	SEMI-DETACHED/ROW	---	267	334	393	428
	WALKUP	220	259	308	371	---
	ELEVATOR-2-4 Sty	257	303	364	---	---
	5 + Sty	265	319	387	---	---
MUSKEGON	DETACHED	---	---	374	426	446
	SEMI-DETACHED/ROW	---	305	341	387	404
	WALKUP	204	239	286	363	---
	ELEVATOR-2-4 Sty	249	286	315	---	---
	5 + Sty	267	307	341	---	---

AREA		REGION V - CHICAGO				
INSURING OFFICE GRAND RAPIDS, MICH.						
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TRAVERSE CITY	DETACHED	---	---	447	503	525
	SEMI-DETACHED/ROW	---	373	412	463	481
	WALKUP	252	286	354	399	---
	ELEVATOR-2-4 Sty	313	353	384	---	---
	5 + Sty	332	375	412	---	---
MARQUETTE	DETACHED	---	---	411	467	490
	SEMI-DETACHED/ROW	---	336	377	427	447
	WALKUP	208	248	317	366	---
	ELEVATOR-2-4 Sty	231	273	350	---	---
	5 + Sty	257	300	379	---	---
JACKSON	DETACHED	---	---	438	490	512
	SEMI-DETACHED/ROW	---	318	360	418	443
	WALKUP	242	278	347	395	---
	ELEVATOR-2-4 Sty	266	300	373	---	---
	5 + Sty	280	315	395	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty	---	---	---	---	---
	5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty	---	---	---	---	---
	5 + Sty	---	---	---	---	---

AREA		REGION V - CHICAGO				
OFFICE MINNEAPOLIS, MINN.						
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MINNEAPOLIS-ST. PAUL	DETACHED	---	---	497	539	554
	SEMI-DETACHED/ROW	---	363	408	448	489
	WALKUP	232	285	332	417	438
	ELEVATOR-2-4 Sty	281	327	407	429	450
	5 + Sty	310	360	448	---	---
DULUTH	DETACHED	---	---	472	514	532
	SEMI-DETACHED/ROW	---	385	433	475	521
	WALKUP	234	303	399	442	464
	ELEVATOR-2-4 Sty	290	333	421	452	473
	5 + Sty	319	367	464	---	---
MANKATO	DETACHED	---	---	457	498	540
	SEMI-DETACHED/ROW	---	350	395	435	478
	WALKUP	239	265	342	392	413
	ELEVATOR-2-4 Sty	283	320	404	429	454
	5 + Sty	312	353	445	---	---
ROCHESTER	DETACHED	---	---	443	491	507
	SEMI-DETACHED/ROW	---	353	396	444	468
	WALKUP	232	273	342	394	417
	ELEVATOR-2-4 Sty	285	328	392	417	442
	5 + Sty	314	361	432	---	---
ST. CLOUD	DETACHED	---	---	441	500	516
	SEMI-DETACHED/ROW	---	350	395	435	476
	WALKUP	232	255	314	401	422
	ELEVATOR-2-4 Sty	278	319	402	427	454
	5 + Sty	306	351	443	---	---
WORTHINGTON	DETACHED	---	---	445	486	501
	SEMI-DETACHED/ROW	---	346	391	431	438
	WALKUP	237	247	290	391	411
	ELEVATOR-2-4 Sty	287	319	402	427	454
	5 + Sty	316	351	443	---	---

INSURING OFFICE CINCINNATI, OHIO		REGION V - CHICAGO				
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CINCINNATI	DETACHED	---	---	519	568	594
	SEMI-DETACHED/ROW	---	363	423	480	510
	WALKUP	250	289	351	410	440
	ELEVATOR-2-4 Sty	255	295	360	435	455
	5 + Sty	366	428	547	---	---
DAYTON	DETACHED	---	---	509	561	597
	SEMI-DETACHED/ROW	---	342	404	474	505
	WALKUP	302	337	387	435	485
	ELEVATOR-2-4 Sty	305	340	395	470	500
	5 + Sty	413	475	581	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					

INSURING OFFICE CLEVELAND, OHIO		REGION V - CHICAGO				
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
YOUNGSTOWN	DETACHED	---	---	429	467	508
	SEMI-DETACHED/ROW	---	314	363	401	446
	WALKUP	260	289	315	379	415
	ELEVATOR-2-4 Sty 5 + Sty	279	309	359	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

AREA OFFICE COLUMBUS, OHIO		REGION V - CHICAGO				
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
COLUMBUS	DETACHED	---	---	420	470	495
	SEMI-DETACHED/ROW	---	290	340	405	435
	WALKUP	255	285	315	380	400
	ELEVATOR-2-4 Sty 5 + Sty	300	340	400	---	---
ATHENS	DETACHED	---	---	400	455	480
	SEMI-DETACHED/ROW	---	300	330	390	420
	WALKUP	255	290	325	355	395
	ELEVATOR-2-4 Sty 5 + Sty	295	330	390	---	---
LIMA	DETACHED	---	---	400	455	480
	SEMI-DETACHED/ROW	---	300	330	390	420
	WALKUP	255	290	325	355	395
	ELEVATOR-2-4 Sty 5 + Sty	295	330	390	---	---
MARIETTA	DETACHED	---	---	400	455	480
	SEMI-DETACHED/ROW	---	300	330	390	420
	WALKUP	255	290	325	355	395
	ELEVATOR-2-4 Sty 5 + Sty	295	330	390	---	---
NEWARK	DETACHED	---	---	400	455	480
	SEMI-DETACHED/ROW	---	300	330	390	420
	WALKUP	255	290	325	355	395
	ELEVATOR-2-4 Sty 5 + Sty	295	330	390	---	---
SPRINGFIELD	DETACHED	---	---	400	455	480
	SEMI-DETACHED/ROW	---	300	330	390	420
	WALKUP	255	290	325	355	395
	ELEVATOR-2-4 Sty 5 + Sty	295	330	390	---	---

AREA OFFICE COLUMBUS, OHIO		REGION V - CHICAGO				
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TROY	DETACHED	---	---	400	455	480
	SEMI-DETACHED/ROW	---	300	330	390	420
	WALKUP	255	290	325	355	395
	ELEVATOR-2-4 Sty 5 + Sty	295	330	390	---	---
ZANESVILLE	DETACHED	---	---	400	455	480
	SEMI-DETACHED/ROW	---	300	330	390	420
	WALKUP	255	290	325	355	395
	ELEVATOR-2-4 Sty 5 + Sty	295	330	390	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

AREA OFFICE MILWAUKEE, WIS.		REGION V - CHICAGO				
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MADISON	DETACHED	---	---	420	491	531
	SEMI-DETACHED/ROW	---	294	362	427	465
	WALKUP	247	277	331	390	---
	ELEVATOR-2-4 Sty 5 + Sty	259	289	343	402	---
REEDSVILLE	DETACHED	---	---	404	464	513
	SEMI-DETACHED/ROW	---	326	347	410	480
	WALKUP	227	250	318	377	---
	ELEVATOR-2-4 Sty 5 + Sty	239	262	330	389	---
SUPERIOR	DETACHED	---	---	426	501	534
	SEMI-DETACHED/ROW	---	295	363	428	475
	WALKUP	255	287	343	408	---
	ELEVATOR-2-4 Sty 5 + Sty	267	294	355	420	---
MILWAUKEE	DETACHED	---	---	463	543	580
	SEMI-DETACHED/ROW	---	327	399	464	512
	WALKUP	274	304	357	419	---
	ELEVATOR-2-4 Sty 5 + Sty	286	316	369	431	---
EAU CLATRE	DETACHED	---	---	398	471	511
	SEMI-DETACHED/ROW	---	278	352	409	442
	WALKUP	238	268	313	372	---
	ELEVATOR-2-4 Sty 5 + Sty	253	280	345	384	---
GREEN BAY	DETACHED	---	---	399	466	498
	SEMI-DETACHED/ROW	---	275	337	400	439
	WALKUP	217	246	312	369	---
	ELEVATOR-2-4 Sty 5 + Sty	229	258	324	412	---

AREA OFFICE MILWAUKEE, WIS.		REGION V - CHICAGO				
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
WAUSAU	DETACHED	---	---	413	475	502
	SEMI-DETACHED/ROW	---	301	363	449	442
	WALKUP	230	259	322	380	---
	ELEVATOR-2-4 Sty 5 + Sty	242	271	334	392	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

AREA OFFICE LITTLE ROCK, ARK.		REGION VI - DALLAS				
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
FAYETTEVILLE	DETACHED	---	---	283	336	406
	SEMI-DETACHED/ROW	183	216	265	325	380
	WALKUP	183	216	263	325	361
	ELEVATOR-2-4 Sty 5 + Sty	217	256	311	---	---
LITTLE ROCK	DETACHED	---	---	289	342	411
	SEMI-DETACHED/ROW	187	221	271	323	389
	WALKUP	187	221	263	321	363
	ELEVATOR-2-4 Sty 5 + Sty	221	262	311	---	---
TEXARKANA	DETACHED	---	---	282	336	404
	SEMI-DETACHED/ROW	178	217	267	317	383
	WALKUP	178	209	255	314	351
	ELEVATOR-2-4 Sty 5 + Sty	211	247	302	---	---
FORT SMITH	DETACHED	---	---	259	307	370
	SEMI-DETACHED/ROW	166	201	250	296	356
	WALKUP	156	197	244	288	334
	ELEVATOR-2-4 Sty 5 + Sty	185	233	289	---	---
JONESBORO	DETACHED	---	---	275	325	392
	SEMI-DETACHED/ROW	174	211	263	311	374
	WALKUP	167	207	262	310	358
	ELEVATOR-2-4 Sty 5 + Sty	198	245	310	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

AREA OFFICE NEW ORLEANS, LA.		REGION VI - DALLAS				
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
NEW ORLEANS	DETACHED	---	---	430	510	618
	SEMI-DETACHED/ROW	---	281	351	454	544
	WALKUP	232	273	337	430	498
	ELEVATOR-2-4 Sty 5 + Sty	242	299	374	---	---
LAKE CHARLES	DETACHED	---	---	432	514	620
	SEMI-DETACHED/ROW	---	293	363	498	577
	WALKUP	234	293	363	498	577
	ELEVATOR-2-4 Sty 5 + Sty	244	304	382	---	---
LAFAYETTE	DETACHED	---	---	405	482	583
	SEMI-DETACHED/ROW	---	277	349	423	492
	WALKUP	222	277	349	423	492
	ELEVATOR-2-4 Sty 5 + Sty	232	287	355	---	---
BATON ROUGE	DETACHED	---	---	376	445	537
	SEMI-DETACHED/ROW	---	249	316	419	497
	WALKUP	230	249	316	419	484
	ELEVATOR-2-4 Sty 5 + Sty	241	298	373	---	---
BURAS	DETACHED	---	---	430	510	618
	SEMI-DETACHED/ROW	---	281	351	454	544
	WALKUP	232	273	337	430	498
	ELEVATOR-2-4 Sty 5 + Sty	242	299	374	---	---
HOUMA	DETACHED	---	---	387	461	557
	SEMI-DETACHED/ROW	---	257	322	418	485
	WALKUP	205	257	322	418	485
	ELEVATOR-2-4 Sty 5 + Sty	214	266	330	---	---

INSURING OFFICE SHREVEPORT, LA.		REGION VI - DALLAS				
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SHREVEPORT	DETACHED	---	---	351	401	485
	SEMI-DETACHED/ROW	198	225	292	336	405
	WALKUP	181	210	280	321	370
	ELEVATOR-2-4 Sty	265	285	305	---	---
	5 + Sty	281	303	405	---	---
ALEXANDRIA	DETACHED	---	---	299	355	426
	SEMI-DETACHED/ROW	175	202	255	302	357
	WALKUP	161	200	250	298	349
	ELEVATOR-2-4 Sty	246	269	289	---	---
	5 + Sty	249	290	367	---	---
MONROE	DETACHED	---	---	317	379	457
	SEMI-DETACHED/ROW	174	216	281	334	385
	WALKUP	170	210	267	321	370
	ELEVATOR-2-4 Sty	260	283	303	---	---
	5 + Sty	261	310	405	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					
	6 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					

INSURING OFFICE ALBUQUERQUE, N.M. REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ALBUQUERQUE	DETACHED	---	---	310	380	414
	SEMI-DETACHED/ROW	220	246	280	330	390
	WALKUP	180	222	259	310	355
	ELEVATOR-2-4 Sty 5 + Sty	225	265	325	---	---
ALAMOGORDO	DETACHED	---	---	291	358	416
	SEMI-DETACHED/ROW	218	248	276	331	396
	WALKUP	178	222	251	297	343
	ELEVATOR-2-4 Sty 5 + Sty	203	237	299	---	---
ARTESIA	DETACHED	---	---	302	360	426
	SEMI-DETACHED/ROW	230	260	296	346	407
	WALKUP	190	231	260	310	355
	ELEVATOR-2-4 Sty 5 + Sty	207	240	301	---	---
CARLSBAD	DETACHED	---	---	302	360	426
	SEMI-DETACHED/ROW	230	260	296	346	407
	WALKUP	190	231	260	310	355
	ELEVATOR-2-4 Sty 5 + Sty	207	240	301	---	---
CLOVIS	DETACHED	---	---	296	356	431
	SEMI-DETACHED/ROW	220	255	290	340	405
	WALKUP	190	230	260	310	355
	ELEVATOR-2-4 Sty 5 + Sty	205	238	299	---	---
FORT SUMNER	DETACHED	---	---	318	380	449
	SEMI-DETACHED/ROW	243	274	306	365	433
	WALKUP	200	249	290	342	393
	ELEVATOR-2-4 Sty 5 + Sty	222	250	323	---	---

INSURING OFFICE ALBUQUERQUE, N.M. REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
GALLUP	DETACHED	---	---	325	387	462
	SEMI-DETACHED/ROW	248	282	314	370	439
	WALKUP	202	256	289	335	360
	ELEVATOR-2-4 Sty 5 + Sty	222	266	323	---	---
HOBBS	DETACHED	---	---	302	360	426
	SEMI-DETACHED/ROW	230	260	296	346	407
	WALKUP	190	231	260	310	355
	ELEVATOR-2-4 Sty 5 + Sty	207	240	301	---	---
LAS CRUCES	DETACHED	---	---	299	354	430
	SEMI-DETACHED/ROW	223	255	287	342	403
	WALKUP	188	232	268	310	350
	ELEVATOR-2-4 Sty 5 + Sty	210	243	304	---	---
LAS VEGAS	DETACHED	---	---	320	381	449
	SEMI-DETACHED/ROW	240	270	300	360	425
	WALKUP	190	245	276	331	374
	ELEVATOR-2-4 Sty 5 + Sty	212	255	323	---	---
LOS ALAMOS	DETACHED	---	---	320	381	449
	SEMI-DETACHED/ROW	240	270	300	360	425
	WALKUP	190	245	276	331	374
	ELEVATOR-2-4 Sty 5 + Sty	212	255	323	---	---
MADON	DETACHED	---	---	320	381	449
	SEMI-DETACHED/ROW	240	270	300	360	425
	WALKUP	190	245	276	331	374
	ELEVATOR-2-4 Sty 5 + Sty	212	255	323	---	---

INSURING OFFICE ALBUQUERQUE, N.M. REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SOCORRO	DETACHED	---	---	291	358	416
	SEMI-DETACHED/ROW	218	248	276	331	396
	WALKUP	178	222	251	297	343
	ELEVATOR-2-4 Sty 5 + Sty	203	237	299	---	---
RUIDOSO	DETACHED	---	---	318	380	449
	SEMI-DETACHED/ROW	243	274	306	365	433
	WALKUP	200	249	290	342	393
	ELEVATOR-2-4 Sty 5 + Sty	222	250	323	---	---
DULCE	DETACHED	---	---	318	380	449
	SEMI-DETACHED/ROW	243	274	306	365	433
	WALKUP	200	249	290	342	393
	ELEVATOR-2-4 Sty 5 + Sty	222	250	323	---	---
ISLETA	DETACHED	---	---	310	380	414
	SEMI-DETACHED/ROW	220	246	280	330	390
	WALKUP	180	222	259	310	355
	ELEVATOR-2-4 Sty 5 + Sty	225	265	325	---	---
JEMEZ	DETACHED	---	---	320	381	449
	SEMI-DETACHED/ROW	240	270	300	360	425
	WALKUP	190	245	276	331	374
	ELEVATOR-2-4 Sty 5 + Sty	212	255	323	---	---
LAGUNA	DETACHED	---	---	325	387	462
	SEMI-DETACHED/ROW	248	282	314	370	439
	WALKUP	202	256	289	335	360
	ELEVATOR-2-4 Sty 5 + Sty	222	266	323	---	---

INSURING OFFICE ALBUQUERQUE, N.M. REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SANTA FE	DETACHED	---	---	320	381	449
	SEMI-DETACHED/ROW	240	270	300	360	425
	WALKUP	190	245	276	331	374
	ELEVATOR-2-4 Sty 5 + Sty	212	255	323	---	---
SILVER CITY	DETACHED	---	---	318	380	449
	SEMI-DETACHED/ROW	243	274	306	365	433
	WALKUP	200	249	290	342	393
	ELEVATOR-2-4 Sty 5 + Sty	222	250	323	---	---
TRUTH OR CONSEQUENCES	DETACHED	---	---	291	358	416
	SEMI-DETACHED/ROW	218	248	276	331	396
	WALKUP	178	222	251	297	343
	ELEVATOR-2-4 Sty 5 + Sty	203	237	299	---	---
TIERRA AMARILLA	DETACHED	---	---	318	380	449
	SEMI-DETACHED/ROW	243	274	306	365	433
	WALKUP	200	249	290	342	393
	ELEVATOR-2-4 Sty 5 + Sty	222	250	323	---	---
TAOS	DETACHED	---	---	318	380	449
	SEMI-DETACHED/ROW	243	274	306	365	433
	WALKUP	200	249	290	342	393
	ELEVATOR-2-4 Sty 5 + Sty	222	250	323	---	---
FARMINGTON	DETACHED	---	---	318	380	449
	SEMI-DETACHED/ROW	243	274	306	365	433
	WALKUP	200	249	290	342	393
	ELEVATOR-2-4 Sty 5 + Sty	222	250	323	---	---

INSURING OFFICE ALBUQUERQUE, N.M. REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MESCALERO	DETACHED	---	---	318	380	449
	SEMI-DETACHED/ROW	243	274	306	365	433
	WALKUP	200	249	290	342	393
	ELEVATOR-2-4 Sty 5 + Sty	222	250	323	---	---
FENASCO	DETACHED	---	---	320	381	449
	SEMI-DETACHED/ROW	240	270	300	360	425
	WALKUP	190	245	276	331	374
	ELEVATOR-2-4 Sty 5 + Sty	212	255	323	---	---
POJOAQUE	DETACHED	---	---	320	381	449
	SEMI-DETACHED/ROW	240	270	300	360	425
	WALKUP	190	245	276	331	374
	ELEVATOR-2-4 Sty 5 + Sty	212	255	323	---	---
	DETACHED	---	---	320	381	449
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	320	381	449
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

AREA OFFICE OKLAHOMA CITY, OKLA. REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
OKLAHOMA CITY	DETACHED	---	---	250	346	394
	SEMI-DETACHED/ROW	201	216	248	327	363
	WALKUP	175	188	215	284	315
	ELEVATOR-2-4 Sty 5 + Sty	201	214	241	---	---
ADA	DETACHED	---	---	298	403	475
	SEMI-DETACHED/ROW	201	240	282	382	441
	WALKUP	175	208	259	332	383
	ELEVATOR-2-4 Sty 5 + Sty	201	234	285	---	---
ARMORE	DETACHED	---	---	278	319	369
	SEMI-DETACHED/ROW	195	220	271	310	347
	WALKUP	169	191	235	269	301
	ELEVATOR-2-4 Sty 5 + Sty	195	217	261	---	---
ENID	DETACHED	---	---	361	417	477
	SEMI-DETACHED/ROW	213	251	327	377	419
	WALKUP	185	218	284	327	363
	ELEVATOR-2-4 Sty 5 + Sty	211	244	310	---	---
GUYMON	DETACHED	---	---	288	334	395
	SEMI-DETACHED/ROW	182	214	273	317	363
	WALKUP	158	186	237	275	315
	ELEVATOR-2-4 Sty 5 + Sty	184	212	263	---	---
LAWTON	DETACHED	---	---	339	378	452
	SEMI-DETACHED/ROW	202	227	304	357	415
	WALKUP	175	197	264	310	360
	ELEVATOR-2-4 Sty 5 + Sty	201	223	290	---	---

AREA OFFICE OKLAHOMA CITY, OKLA. REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SHAWNEE	DETACHED	---	---	258	349	394
	SEMI-DETACHED/ROW	153	193	246	331	363
	WALKUP	133	167	213	287	315
	ELEVATOR-2-4 Sty 5 + Sty	159	193	239	---	---
STILLWATER	DETACHED	---	---	275	364	431
	SEMI-DETACHED/ROW	195	220	262	346	398
	WALKUP	169	191	227	300	345
	ELEVATOR-2-4 Sty 5 + Sty	195	217	253	---	---
WOODWARD	DETACHED	---	---	257	347	400
	SEMI-DETACHED/ROW	193	230	284	330	368
	WALKUP	167	200	246	296	319
	ELEVATOR-2-4 Sty 5 + Sty	193	216	279	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

INSURING OFFICE TULSA, OKLA. REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TULSA	DETACHED	---	---	420	461	495
	SEMI-DETACHED/ROW	---	338	383	430	457
	WALKUP	290	316	377	425	453
	ELEVATOR -2-4 Sty	437	450	562	---	---
	5 - Sty	445	458	550	---	---
DARTLESVILLE	DETACHED	---	---	372	403	431
	SEMI-DETACHED/ROW	---	322	341	376	400
	WALKUP	269	289	320	356	381
	ELEVATOR -2-4 Sty	397	403	454	---	---
	5 - Sty	405	411	462	---	---
MC ALESTER	DETACHED	---	---	277	324	371
	SEMI-DETACHED/ROW	---	226	251	294	337
	WALKUP	176	197	230	268	292
	ELEVATOR -2-4 Sty	273	286	337	---	---
	5 + Sty	281	294	365	---	---
MUSKOGEE	DETACHED	---	---	374	368	397
	SEMI-DETACHED/ROW	---	264	312	345	375
	WALKUP	176	230	253	320	344
	ELEVATOR -2-4 Sty	281	345	430	---	---
	5 + Sty	289	353	438	---	---
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR -2-4 Sty					
5 + Sty						
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR -2-4 Sty					
5 + Sty						

RULES AND REGULATIONS

AREA OFFICE DALLAS, TEXAS		REGION VI - DALLAS				
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
DALLAS	DETACHED	---	---	379	493	541
	SEMI-DETACHED/ROW	---	262	330	389	454
	WALKUP	195	244	307	362	422
	ELEVATOR-2-4 Sty 5 + Sty	215	270	340	---	---
SHERMAN	DETACHED	---	---	307	400	439
	SEMI-DETACHED/ROW	---	213	268	315	368
	WALKUP	159	198	249	295	343
	ELEVATOR-2-4 Sty 5 + Sty	174	219	276	---	---
TYLER	DETACHED	---	---	306	398	437
	SEMI-DETACHED/ROW	---	212	267	314	367
	WALKUP	159	197	248	292	338
	ELEVATOR-2-4 Sty 5 + Sty	173	217	274	---	---
WACO	DETACHED	---	---	304	395	434
	SEMI-DETACHED/ROW	---	209	264	312	364
	WALKUP	156	195	246	289	339
	ELEVATOR-2-4 Sty 5 + Sty	171	215	272	---	---
MARSHALL	DETACHED	---	---	295	355	425
	SEMI-DETACHED/ROW	169	206	250	302	362
	WALKUP	161	200	250	298	346
	ELEVATOR-2-4 Sty 5 + Sty	238	255	275	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

INSURING OFFICE FORT WORTH, TX.		REGION VI - DALLAS				
MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
FORT WORTH	DETACHED	---	---	300	376	412
	SEMI-DETACHED/ROW	---	198	273	342	375
	WALKUP	191	197	273	342	375
	ELEVATOR-2-4 Sty 5 + Sty	245	279	352	---	---
WICHITA FALLS	DETACHED	---	---	294	396	434
	SEMI-DETACHED/ROW	---	190	247	324	355
	WALKUP	155	190	247	324	355
	ELEVATOR-2-4 Sty 5 + Sty	236	280	359	---	---
SAN ANGELO	DETACHED	---	---	261	373	408
	SEMI-DETACHED/ROW	---	172	217	310	339
	WALKUP	---	172	217	310	339
	ELEVATOR-2-4 Sty 5 + Sty	178	250	313	---	---
ABILENE	DETACHED	---	---	315	380	416
	SEMI-DETACHED/ROW	---	180	266	321	352
	WALKUP	---	180	266	321	352
	ELEVATOR-2-4 Sty 5 + Sty	242	285	345	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

INSURING OFFICE HOUSTON, TX.

REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HOUSTON	DETACHED	---	---	458	567	657
	SEMI-DETACHED/ROW	244	290	365	443	508
	WALKUP	244	281	356	437	488
	ELEVATOR-2-4 Sty 5 + Sty	293	337	427	---	---
BEAUMONT	DETACHED	---	---	419	507	599
	SEMI-DETACHED/ROW	202	257	322	406	447
	WALKUP	196	257	322	389	441
	ELEVATOR-2-4 Sty 5 + Sty	235	308	386	---	---
BRYAN	DETACHED	---	---	395	464	542
	SEMI-DETACHED/ROW	251	285	379	464	540
	WALKUP	223	261	348	436	477
	ELEVATOR-2-4 Sty 5 + Sty	268	313	418	---	---
EL CAMPO	DETACHED	---	---	429	525	615
	SEMI-DETACHED/ROW	187	235	315	396	431
	WALKUP	187	227	315	384	431
	ELEVATOR-2-4 Sty 5 + Sty	224	272	378	---	---
LUFKIN	DETACHED	---	---	415	478	596
	SEMI-DETACHED/ROW	184	223	300	364	419
	WALKUP	179	214	300	344	412
	ELEVATOR-2-4 Sty 5 + Sty	215	257	360	---	---
TEXAS CITY	DETACHED	---	---	390	463	559
	SEMI-DETACHED/ROW	201	245	317	374	434
	WALKUP	201	245	317	374	434
	ELEVATOR-2-4 Sty 5 + Sty	241	294	380	---	---

INSURING OFFICE LUBBOCK, TX.

REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LUBBOCK	DETACHED	---	---	308	402	464
	SEMI-DETACHED/ROW	199	235	296	386	442
	WALKUP	187	226	286	374	424
	ELEVATOR-2-4 Sty 5 + Sty	231	253	292	---	---
AMARILLO	DETACHED	---	---	322	417	460
	SEMI-DETACHED/ROW	206	237	303	392	430
	WALKUP	193	226	292	380	411
	ELEVATOR-2-4 Sty 5 + Sty	231	253	292	---	---
EL PASO	DETACHED	---	---	297	383	424
	SEMI-DETACHED/ROW	206	231	292	376	414
	WALKUP	193	220	281	363	395
	ELEVATOR-2-4 Sty 5 + Sty	231	253	292	---	---
MIDLAND	DETACHED	---	---	323	402	452
	SEMI-DETACHED/ROW	225	256	311	393	429
	WALKUP	215	248	303	374	415
	ELEVATOR-2-4 Sty 5 + Sty	251	273	312	---	---
ODESSA	DETACHED	---	---	331	407	447
	SEMI-DETACHED/ROW	227	264	314	386	422
	WALKUP	215	253	303	374	403
	ELEVATOR-2-4 Sty 5 + Sty	251	273	312	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

RULES AND REGULATIONS

AREA OFFICE SAN ANTONIO, TX.

REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SAN ANTONIO	DETACHED	---	---	309	396	463
	SEMI-DETACHED/ROW	214	248	292	378	443
	WALKUP	202	234	281	360	410
	ELEVATOR-2-4 Sty 5 + Sty	302	331	404	---	---
AUSTIN	DETACHED	---	---	367	466	492
	SEMI-DETACHED/ROW	250	274	351	420	471
	WALKUP	236	256	331	400	432
	ELEVATOR-2-4 Sty 5 + Sty	346	350	456	---	---
CORPUS CHRISTI	DETACHED	---	---	325	422	504
	SEMI-DETACHED/ROW	197	251	311	380	458
	WALKUP	184	235	293	362	420
	ELEVATOR-2-4 Sty 5 + Sty	274	322	409	---	---
EAGLE PASS	DETACHED	---	---	345	491	503
	SEMI-DETACHED/ROW	---	290	330	420	474
	WALKUP	199	248	297	378	416
	ELEVATOR-2-4 Sty 5 + Sty	314	355	430	---	---
HARLINGEN	DETACHED	---	---	352	431	528
	SEMI-DETACHED/ROW	---	236	322	412	480
	WALKUP	174	213	275	352	500
	ELEVATOR-2-4 Sty 5 + Sty	275	285	394	---	---
LAREDO	DETACHED	---	---	345	491	503
	SEMI-DETACHED/ROW	---	280	330	420	474
	WALKUP	199	248	297	378	416
	ELEVATOR-2-4 Sty 5 + Sty	314	355	430	---	---

AREA OFFICE SAN ANTONIO, TX.

REGION VI - DALLAS

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
VICTORIA	DETACHED	---	---	325	422	504
	SEMI-DETACHED/ROW	197	251	311	380	458
	WALKUP	184	235	293	362	420
	ELEVATOR-2-4 Sty 5 + Sty	274	322	409	---	---
DEL RIO	DETACHED	---	---	345	491	503
	SEMI-DETACHED/ROW	---	280	330	420	474
	WALKUP	199	248	297	378	416
	ELEVATOR-2-4 Sty 5 + Sty	314	355	430	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

INSURING OFFICE DES MOINES, IOWA

REGION VII - KANSAS CITY

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
DES MOINES	DETACHED	---	---	442	491	562
	SEMI-DETACHED/ROW	---	---	305	395	455
	WALKUP	234	262	336	389	426
	ELEVATOR-2-4 Sty 5 + Sty	302	357	418	---	---
BETTENDORF	DETACHED	---	---	422	473	544
	SEMI-DETACHED/ROW	---	---	303	400	442
	WALKUP	248	265	343	390	421
	ELEVATOR-2-4 Sty 5 + Sty	308	365	428	---	---
CEDAR RAPIDS	DETACHED	---	---	419	468	539
	SEMI-DETACHED/ROW	---	---	287	385	424
	WALKUP	223	250	330	374	418
	ELEVATOR-2-4 Sty 5 + Sty	308	365	428	---	---
COUNCIL BLUFFS	DETACHED	---	---	400	478	548
	SEMI-DETACHED/ROW	---	---	288	351	410
	WALKUP	193	228	292	353	385
	ELEVATOR-2-4 Sty 5 + Sty	284	336	392	---	---
DAVENPORT	DETACHED	---	---	422	473	544
	SEMI-DETACHED/ROW	---	---	303	400	442
	WALKUP	248	265	343	390	421
	ELEVATOR-2-4 Sty 5 + Sty	308	365	428	---	---
DUBUQUE	DETACHED	---	---	429	472	548
	SEMI-DETACHED/ROW	---	---	307	370	416
	WALKUP	236	255	302	353	419
	ELEVATOR-2-4 Sty 5 + Sty	308	365	428	---	---

INSURING OFFICE DES MOINES, IOWA

REGION VII - KANSAS CITY

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
MASON CITY	DETACHED	-	-	404	448	516
	SEMI-DETACHED/ROW	-	242	371	398	463
	WALKUP	236	255	312	364	400
	ELEVATOR-2-4 Sty 5 + Sty	308 336	365 399	428 482	-	-
SIOUX CITY	DETACHED	-	-	412	479	550
	SEMI-DETACHED/ROW	-	309	371	416	483
	WALKUP	234	287	341	380	463
	ELEVATOR-2-4 Sty 5 + Sty	308 336	365 399	428 482	-	-
WATERLOO	DETACHED	-	-	405	448	490
	SEMI-DETACHED/ROW	-	292	349	393	455
	WALKUP	253	272	315	367	403
	ELEVATOR-2-4 Sty 5 + Sty	308 336	365 399	428 482	-	-
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty 5 + Sty					
	DETACHED					
	SEMI-DETACHED/ROW					
	WALKUP					
	ELEVATOR-2-4 Sty					

RULES AND REGULATIONS

AREA OFFICE KANSAS CITY, KAN. REGION VII - KANSAS CITY

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
KANSAS CITY	DETACHED	-	-	367	419	448
	SEMI-DETACHED/ROW	-	266	329	419	448
	WALKUP	213	259	288	376	421
	ELEVATOR-2-4 Sty 5 + Sty	219	282	331	-	-
JOPLIN	DETACHED	-	-	304	352	380
	SEMI-DETACHED/ROW	-	251	298	347	371
	WALKUP	175	201	248	292	316
	ELEVATOR-2-4 Sty 5 + Sty	195	266	310	-	-
ST. JOSEPH	DETACHED	-	-	299	386	423
	SEMI-DETACHED/ROW	-	249	292	386	423
	WALKUP	207	242	289	330	363
	ELEVATOR-2-4 Sty 5 + Sty	217	279	328	-	-
SEDALIA	DETACHED	-	-	284	323	351
	SEMI-DETACHED/ROW	-	226	272	323	351
	WALKUP	187	212	261	307	334
	ELEVATOR-2-4 Sty 5 + Sty	194	265	308	-	-
SPRINGFIELD	DETACHED	-	-	295	351	373
	SEMI-DETACHED/ROW	-	258	301	351	373
	WALKUP	173	202	236	281	311
	ELEVATOR-2-4 Sty 5 + Sty	195	266	310	-	-
	DETACHED	-	-	295	351	373
	SEMI-DETACHED/ROW	-	258	301	351	373
	WALKUP	173	202	236	281	311
	ELEVATOR-2-4 Sty 5 + Sty	195	266	310	-	-

INSURING OFFICE TOPEKA, KAN. REGION VII - KANSAS CITY

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
TOPEKA	DETACHED	-	-	364	421	457
	SEMI-DETACHED/ROW	-	301	355	412	448
	WALKUP	199	253	309	370	425
	ELEVATOR-2-4 Sty 5 + Sty	223	304	385	-	-
GARDEN CITY	DETACHED	-	-	351	405	432
	SEMI-DETACHED/ROW	-	278	342	397	422
	WALKUP	213	247	301	362	405
	ELEVATOR-2-4 Sty 5 + Sty	223	304	385	-	-
PITTSBURG	DETACHED	-	-	343	400	435
	SEMI-DETACHED/ROW	-	280	325	386	411
	WALKUP	208	243	294	362	405
	ELEVATOR-2-4 Sty 5 + Sty	215	299	378	-	-
SALINA	DETACHED	-	-	344	399	442
	SEMI-DETACHED/ROW	-	281	338	388	431
	WALKUP	210	243	296	359	397
	ELEVATOR-2-4 Sty 5 + Sty	223	304	385	-	-
WICHITA	DETACHED	-	-	355	416	446
	SEMI-DETACHED/ROW	-	286	346	405	441
	WALKUP	195	249	303	371	421
	ELEVATOR-2-4 Sty 5 + Sty	223	304	385	-	-
	DETACHED	-	-	355	416	446
	SEMI-DETACHED/ROW	-	286	346	405	441
	WALKUP	195	249	303	371	421
	ELEVATOR-2-4 Sty 5 + Sty	223	304	385	-	-

AREA OFFICE ST. LOUIS, MO. REGION VII - KANSAS CITY

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ST. LOUIS	DETACHED	-	-	316	373	450
	SEMI-DETACHED/ROW	-	316	373	450	530
	WALKUP	230	289	352	426	473
	ELEVATOR-2-4 Sty 5 + Sty	260	324	392	-	-
CAPE GIRARDEAU	DETACHED	-	-	243	312	399
	SEMI-DETACHED/ROW	-	243	312	399	446
	WALKUP	186	236	302	369	412
	ELEVATOR-2-4 Sty 5 + Sty	226	271	342	-	-
COLUMBIA	DETACHED	-	-	268	343	420
	SEMI-DETACHED/ROW	-	268	343	420	470
	WALKUP	217	258	332	406	450
	ELEVATOR-2-4 Sty 5 + Sty	247	293	372	-	-
KIRKSVILLE	DETACHED	-	-	261	328	414
	SEMI-DETACHED/ROW	-	261	328	414	454
	WALKUP	200	249	312	387	427
	ELEVATOR-2-4 Sty 5 + Sty	230	284	352	-	-
ROLLA	DETACHED	-	-	239	306	390
	SEMI-DETACHED/ROW	-	239	306	390	446
	WALKUP	180	228	295	363	395
	ELEVATOR-2-4 Sty 5 + Sty	210	263	335	-	-
	DETACHED	-	-	239	306	390
	SEMI-DETACHED/ROW	-	239	306	390	446
	WALKUP	180	228	295	363	395
	ELEVATOR-2-4 Sty 5 + Sty	210	263	335	-	-

AREA OFFICE OMAHA, NEB. REGION VII - KANSAS CITY

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
OMAHA	DETACHED	-	-	435	485	515
	SEMI-DETACHED/ROW	-	306	379	450	478
	WALKUP	232	259	316	371	393
	ELEVATOR-2-4 Sty 5 + Sty	276	317	402	-	-
GRAND ISLAND	DETACHED	-	-	386	431	465
	SEMI-DETACHED/ROW	-	293	362	428	455
	WALKUP	225	250	303	353	374
	ELEVATOR-2-4 Sty 5 + Sty	265	303	383	-	-
LINCOLN	DETACHED	-	-	428	478	504
	SEMI-DETACHED/ROW	-	290	361	430	458
	WALKUP	229	256	311	364	385
	ELEVATOR-2-4 Sty 5 + Sty	276	316	399	-	-
NORFOLK	DETACHED	-	-	411	459	487
	SEMI-DETACHED/ROW	-	294	363	430	456
	WALKUP	226	252	305	357	378
	ELEVATOR-2-4 Sty 5 + Sty	270	309	391	-	-
NORTH PLATTE	DETACHED	-	-	385	431	461
	SEMI-DETACHED/ROW	-	285	350	409	439
	WALKUP	215	249	301	352	373
	ELEVATOR-2-4 Sty 5 + Sty	270	308	389	-	-
SCOTTS BLUFF	DETACHED	-	-	383	429	457
	SEMI-DETACHED/ROW	-	288	353	416	442
	WALKUP	222	247	299	355	381
	ELEVATOR-2-4 Sty 5 + Sty	267	305	385	-	-

RULES AND REGULATIONS

INSURING OFFICE DENVER, COLO. REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
DENVER	DETACHED	-	332	378	442	490
	SEMI-DETACHED/ROW	306	327	364	410	442
	WALKUP	247	276	323	397	435
	ELEVATOR-2-4 Sty 5 + Sty	247	276	330	-	-
COLORADO SPRINGS	DETACHED	-	-	213	238	265
	SEMI-DETACHED/ROW	-	213	238	265	321
	WALKUP	209	238	265	321	363
	ELEVATOR-2-4 Sty 5 + Sty	-	-	273	-	-
DURANGO	DETACHED	-	-	214	238	293
	SEMI-DETACHED/ROW	-	225	251	299	372
	WALKUP	211	230	283	348	388
	ELEVATOR-2-4 Sty 5 + Sty	219	238	291	-	-
GRAND JUNCTION	DETACHED	-	-	300	321	354
	SEMI-DETACHED/ROW	-	300	321	354	399
	WALKUP	248	277	336	374	412
	ELEVATOR-2-4 Sty 5 + Sty	-	285	344	-	-
GREELEY	DETACHED	-	-	252	293	361
	SEMI-DETACHED/ROW	-	252	293	361	417
	WALKUP	213	231	277	337	376
	ELEVATOR-2-4 Sty 5 + Sty	221	239	-	-	-
PUEBLO	DETACHED	-	-	234	255	286
	SEMI-DETACHED/ROW	-	234	255	286	322
	WALKUP	208	232	273	301	338
	ELEVATOR-2-4 Sty 5 + Sty	-	240	281	-	-

INSURING OFFICE HELENA, MONT. REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HELENA	DETACHED	-	-	353	412	450
	SEMI-DETACHED/ROW	-	284	349	405	443
	WALKUP	222	276	340	397	435
	ELEVATOR-2-4 Sty 5 + Sty	237	291	354	-	-
BILLINGS	DETACHED	-	-	349	397	426
	SEMI-DETACHED/ROW	-	262	341	390	419
	WALKUP	213	254	332	382	412
	ELEVATOR-2-4 Sty 5 + Sty	227	268	345	-	-
BOZEMAN	DETACHED	-	-	340	402	431
	SEMI-DETACHED/ROW	-	274	333	394	423
	WALKUP	226	266	326	386	416
	ELEVATOR-2-4 Sty 5 + Sty	240	282	342	-	-
BUTTE	DETACHED	-	-	341	402	432
	SEMI-DETACHED/ROW	-	285	333	395	425
	WALKUP	228	278	326	387	418
	ELEVATOR-2-4 Sty 5 + Sty	242	294	343	-	-
GREAT FALLS	DETACHED	-	-	339	390	419
	SEMI-DETACHED/ROW	-	268	332	382	412
	WALKUP	217	260	325	375	405
	ELEVATOR-2-4 Sty 5 + Sty	233	271	340	-	-
HAVRE	DETACHED	-	-	335	381	416
	SEMI-DETACHED/ROW	-	254	328	374	408
	WALKUP	212	247	320	366	400
	ELEVATOR-2-4 Sty 5 + Sty	231	263	338	-	-

INSURING OFFICE HELENA, MONT. REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
KALISPELL	DETACHED	-	-	341	399	430
	SEMI-DETACHED/ROW	-	263	333	392	425
	WALKUP	219	256	325	384	417
	ELEVATOR-2-4 Sty 5 + Sty	236	270	340	-	-
MILES CITY	DETACHED	-	-	335	381	416
	SEMI-DETACHED/ROW	-	254	328	374	408
	WALKUP	212	247	320	366	400
	ELEVATOR-2-4 Sty 5 + Sty	231	263	338	-	-
MISSOULA	DETACHED	-	-	340	400	430
	SEMI-DETACHED/ROW	-	267	333	393	424
	WALKUP	221	260	325	385	415
	ELEVATOR-2-4 Sty 5 + Sty	238	275	341	-	-
	DETACHED	-	-	340	400	430
	SEMI-DETACHED/ROW	-	267	333	393	424
	WALKUP	221	260	325	385	415
	ELEVATOR-2-4 Sty 5 + Sty	238	275	341	-	-
	DETACHED	-	-	340	400	430
	SEMI-DETACHED/ROW	-	267	333	393	424
	WALKUP	221	260	325	385	415
	ELEVATOR-2-4 Sty 5 + Sty	238	275	341	-	-

INSURING OFFICE FARGO, N.D. REGION VIII - DENVER

INSURING OFFICE SIOUX FALLS, S. D. REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SIOUX FALLS	DETACHED	-	-	365	385	420
	SEMI-DETACHED/ROW	-	305	340	370	400
	WALKUP	250	290	320	355	385
	ELEVATOR-2-4 Sty	265	300	330	365	-
	5 + Sty	270	305	335	---	-
ABERDEEN	DETACHED	-	-	355	385	420
	SEMI-DETACHED/ROW	-	300	340	370	400
	WALKUP	240	280	320	355	385
	ELEVATOR-2-4 Sty	250	290	330	365	-
	5 + Sty	260	300	335	---	-
FORT THOMPSON	DETACHED	-	-	365	397	436
	SEMI-DETACHED/ROW	-	311	349	380	421
	WALKUP	259	295	330	366	400
	ELEVATOR-2-4 Sty	267	303	338	374	-
	5 + Sty	271	307	342	---	-
MCLAUGHLIN	DETACHED	-	-	365	397	436
	SEMI-DETACHED/ROW	-	311	348	380	421
	WALKUP	259	295	330	366	400
	ELEVATOR-2-4 Sty	267	303	338	374	-
	5 + Sty	271	307	342	---	-
MISSION	DETACHED	-	-	365	397	436
	SEMI-DETACHED/ROW	-	311	349	380	421
	WALKUP	259	295	330	366	400
	ELEVATOR-2-4 Sty	267	303	338	374	-
	5 + Sty	271	307	342	---	-
PIERRE	DETACHED	-	-	365	395	430
	SEMI-DETACHED/ROW	-	310	350	380	420
	WALKUP	240	285	320	360	400
	ELEVATOR-2-4 Sty	255	295	330	370	-
	5 + Sty	260	300	335	---	-

INSURING OFFICE SIOUX FALLS, S. D. REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
RAPID CITY	DETACHED	-	-	365	395	435
	SEMI-DETACHED/ROW	-	315	350	380	420
	WALKUP	250	290	330	370	400
	ELEVATOR-2-4 Sty	265	305	340	375	-
	5 + Sty	270	310	345	-	-
	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	-	-	-	-
	WALKUP	-	-	-	-	-
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	-	-	-	-	-
	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	-	-	-	-
	WALKUP	-	-	-	-	-
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	-	-	-	-	-
	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	-	-	-	-
	WALKUP	-	-	-	-	-
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	-	-	-	-	-
	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	-	-	-	-
	WALKUP	-	-	-	-	-
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	-	-	-	-	-

INSURING OFFICE SALT LAKE CITY, UTAH REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SALT LAKE CITY	DETACHED	-	-	352	388	441
	SEMI-DETACHED/ROW	-	245	267	297	325
	WALKUP	180	240	262	292	317
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	238	308	352	-	-
CEDAR CITY	DETACHED	-	-	293	324	349
	SEMI-DETACHED/ROW	-	226	263	294	312
	WALKUP	168	219	257	288	306
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	-	-	-	-	-
PROVO	DETACHED	-	-	308	352	406
	SEMI-DETACHED/ROW	-	245	272	308	352
	WALKUP	194	238	263	299	344
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	-	-	-	-	-
VERNAL	DETACHED	-	-	353	415	466
	SEMI-DETACHED/ROW	-	288	344	407	458
	WALKUP	178	233	280	332	374
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	-	-	-	-	-
MOAB	DETACHED	-	-	293	324	349
	SEMI-DETACHED/ROW	-	226	263	294	312
	WALKUP	168	219	257	288	306
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	-	-	-	-	-
LOGAN	DETACHED	-	-	352	388	441
	SEMI-DETACHED/ROW	-	245	267	297	325
	WALKUP	180	240	262	292	317
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	238	308	352	-	-

INSURING OFFICE CASPER, WYO REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
CASPER	DETACHED	-	-	461	526	590
	SEMI-DETACHED/ROW	-	317	418	526	576
	WALKUP	273	317	418	526	576
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	358	418	490	-	-
CHEYENNE	DETACHED	-	-	447	526	575
	SEMI-DETACHED/ROW	-	317	390	512	562
	WALKUP	266	317	390	512	562
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	332	403	461	-	-
CODY	DETACHED	-	-	418	489	548
	SEMI-DETACHED/ROW	-	331	396	480	526
	WALKUP	267	324	396	468	526
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	338	396	461	-	-
GILLETTE	DETACHED	-	-	447	541	605
	SEMI-DETACHED/ROW	-	317	418	533	591
	WALKUP	273	317	418	526	570
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	346	411	480	-	-
JACKSON	DETACHED	-	-	483	576	634
	SEMI-DETACHED/ROW	-	361	447	541	597
	WALKUP	302	346	432	533	562
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	374	426	497	-	-
LARAMIE	DETACHED	-	-	421	497	569
	SEMI-DETACHED/ROW	-	332	403	497	548
	WALKUP	266	324	396	497	538
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	324	396	453	-	-

INSURING OFFICE CASPER, WYO REGION VIII - DENVER

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
RIVERTON	DETACHED	-	-	418	491	548
	SEMI-DETACHED/ROW	-	331	396	476	526
	WALKUP	266	324	396	468	526
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	331	396	461	-	-
ROCK SPRINGS	DETACHED	-	-	468	533	605
	SEMI-DETACHED/ROW	-	324	432	533	590
	WALKUP	281	324	418	533	576
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	367	425	483	-	-
	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	-	-	-	-
	WALKUP	-	-	-	-	-
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	-	-	-	-	-
	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	-	-	-	-
	WALKUP	-	-	-	-	-
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	-	-	-	-	-
	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	-	-	-	-
	WALKUP	-	-	-	-	-
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	-	-	-	-	-
	DETACHED	-	-	-	-	-
	SEMI-DETACHED/ROW	-	-	-	-	-
	WALKUP	-	-	-	-	-
	ELEVATOR-2-4 Sty	-	-	-	-	-
	5 + Sty	-	-	-	-	-

INSURING OFFICE PHOENIX, ARIZ. REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
PHOENIX	DETACHED	---	---	350	410	459
	SEMI-DETACHED/ROW	---	293	330	370	410
	WALKUP	210	253	315	370	410
	ELEVATOR-2-4 Sty	245	280	355	---	---
	5 + Sty	321	376	475	---	---
CASA GRANDE	DETACHED	---	---	310	380	431
	SEMI-DETACHED/ROW	---	264	303	380	431
	WALKUP	235	264	302	361	384
	ELEVATOR-2-4 Sty	242	281	319	---	---
	5 + Sty	---	---	---	---	---
FLAGSTAFF	DETACHED	---	---	365	458	470
	SEMI-DETACHED/ROW	---	252	300	340	381
	WALKUP	221	252	300	340	381
	ELEVATOR-2-4 Sty	238	269	317	---	---
	5 + Sty	---	---	---	---	---
KEAMS CANYON	DETACHED	---	---	307	342	412
	SEMI-DETACHED/ROW	---	221	307	332	402
	WALKUP	188	211	248	296	344
	ELEVATOR-2-4 Sty	205	228	265	---	---
	5 + Sty	---	---	---	---	---
TUCSON	DETACHED	---	---	366	407	456
	SEMI-DETACHED/ROW	---	267	327	397	447
	WALKUP	230	246	309	382	424
	ELEVATOR-2-4 Sty	247	263	326	---	---
	5 + Sty	344	372	486	---	---
YUMA	DETACHED	---	---	361	405	454
	SEMI-DETACHED/ROW	---	307	341	383	430
	WALKUP	231	264	324	362	399
	ELEVATOR-2-4 Sty	248	281	341	---	---
	5 + Sty	---	---	---	---	---

AREA OFFICE LOS ANGELES, CA. REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
LOS ANGELES	DETACHED	---	---	528	588	670
	SEMI-DETACHED/ROW	---	460	487	541	613
	WALKUP	294	349	443	471	511
	ELEVATOR-2-4 Sty	309	364	458	486	526
	5 + Sty	388	501	699	---	---
BAKERSFIELD	DETACHED	---	---	406	491	585
	SEMI-DETACHED/ROW	---	293	380	467	504
	WALKUP	244	280	363	448	488
	ELEVATOR-2-4 Sty	259	295	378	463	510
	5 + Sty	372	414	530	---	---
LANCASTER	DETACHED	---	---	446	478	519
	SEMI-DETACHED/ROW	---	288	383	424	458
	WALKUP	240	275	354	406	448
	ELEVATOR-2-4 Sty	255	290	369	409	451
	5 + Sty	368	411	533	---	---
OXNARD	DETACHED	---	---	494	526	584
	SEMI-DETACHED/ROW	---	371	428	509	553
	WALKUP	284	319	363	434	475
	ELEVATOR-2-4 Sty	299	334	378	449	490
	5 + Sty	412	453	530	---	---
SANTA BARBARA	DETACHED	---	---	584	616	658
	SEMI-DETACHED/ROW	---	379	467	587	634
	WALKUP	289	325	399	510	553
	ELEVATOR-2-4 Sty	304	340	414	525	568
	5 + Sty	416	460	566	---	---
SANTA MARIA	DETACHED	---	---	401	434	473
	SEMI-DETACHED/ROW	---	307	363	406	443
	WALKUP	248	283	331	372	414
	ELEVATOR-2-4 Sty	263	298	346	387	429
	5 + Sty	378	421	502	---	---

INSURING OFFICE SACRAMENTO, CA. REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SACRAMENTO	DETACHED	---	---	359	404	464
	SEMI-DETACHED/ROW	---	287	341	387	455
	WALKUP	224	258	302	371	420
	ELEVATOR-2-4 Sty 5 + Sty	300 335	325 375	370 431	---	---
CHICO	DETACHED	---	---	372	420	482
	SEMI-DETACHED/ROW	---	298	354	402	473
	WALKUP	223	273	306	377	425
	ELEVATOR-2-4 Sty 5 + Sty	312 ---	338 ---	385 ---	---	---
DAVIS	DETACHED	---	---	359	404	464
	SEMI-DETACHED/ROW	---	287	341	393	455
	WALKUP	225	271	310	393	420
	ELEVATOR-2-4 Sty 5 + Sty	300 ---	325 ---	370 ---	---	---
PLACERVILLE	DETACHED	---	---	368	414	480
	SEMI-DETACHED/ROW	---	294	350	397	467
	WALKUP	229	265	310	381	431
	ELEVATOR-2-4 Sty 5 + Sty	308 ---	333 ---	380 ---	---	---
REDDING	DETACHED	---	---	373	420	482
	SEMI-DETACHED/ROW	---	298	354	402	473
	WALKUP	225	257	297	368	405
	ELEVATOR-2-4 Sty 5 + Sty	312 ---	338 ---	385 ---	---	---
STOCKTON	DETACHED	---	---	341	404	460
	SEMI-DETACHED/ROW	---	284	335	386	435
	WALKUP	215	256	293	368	420
	ELEVATOR-2-4 Sty 5 + Sty	300 335	325 375	370 431	---	---

INSURING OFFICE SACRAMENTO, CA. REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
YREKA	DETACHED	---	---	378	427	492
	SEMI-DETACHED/ROW	---	302	365	410	483
	WALKUP	234	274	283	395	448
	ELEVATOR-2-4 Sty 5 + Sty	297 ---	322 ---	366 ---	---	---
SUSANVILLE	DETACHED	---	---	467	526	587
	SEMI-DETACHED/ROW	---	327	384	443	504
	WALKUP	217	294	372	440	500
	ELEVATOR-2-4 Sty 5 + Sty	297 ---	322 ---	372 ---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

INSURING OFFICE SAN DIEGO, CA. REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SAN DIEGO	DETACHED	---	---	441	493	537
	SEMI-DETACHED/ROW	---	363	419	462	503
	WALKUP	269	319	373	431	467
	ELEVATOR-2-4 Sty 5 + Sty	338 360	390 443	489 542	---	---
EL CAJON	DETACHED	---	---	441	493	537
	SEMI-DETACHED/ROW	---	363	419	462	503
	WALKUP	269	319	373	431	467
	ELEVATOR-2-4 Sty 5 + Sty	338 360	390 443	489 542	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

AREA OFFICE SAN FRANCISCO, CA. REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SAN FRANCISCO	DETACHED	---	---	839	935	970
	SEMI-DETACHED/ROW	---	526	716	798	827
	WALKUP	436	463	631	703	729
	ELEVATOR-2-4 Sty 5 + Sty	460 577	498 623	670 812	---	---
FRESNO	DETACHED	---	---	423	483	506
	SEMI-DETACHED/ROW	---	300	351	419	444
	WALKUP	243	262	325	391	416
	ELEVATOR-2-4 Sty 5 + Sty	298 413	335 462	413 564	---	---
MODESTO	DETACHED	---	---	388	441	462
	SEMI-DETACHED/ROW	---	295	343	410	426
	WALKUP	249	273	324	385	411
	ELEVATOR-2-4 Sty 5 + Sty	298 417	335 466	408 564	---	---
SAN JOSE	DETACHED	---	---	469	492	589
	SEMI-DETACHED/ROW	---	348	407	481	515
	WALKUP	293	348	407	481	515
	ELEVATOR-2-4 Sty 5 + Sty	324 491	363 534	442 646	---	---
OAKLAND-MARIN	DETACHED	---	---	643	702	719
	SEMI-DETACHED/ROW	---	426	485	577	605
	WALKUP	298	342	408	500	545
	ELEVATOR-2-4 Sty 5 + Sty	316 449	352 512	472 619	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

INSURING OFFICE SANTA ANA, CA. REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
SANTA ANA	DETACHED	---	---	405	497	566
	SEMI-DETACHED/ROW	---	312	385	456	530
	WALKUP	241	302	363	421	455
	ELEVATOR-2-4 Sty 5 + Sty	256 370	318 442	381 538	---	---
SAN BERNARDINO	DETACHED	---	---	335	407	473
	SEMI-DETACHED/ROW	---	260	325	393	439
	WALKUP	219	252	316	371	410
	ELEVATOR-2-4 Sty 5 + Sty	234 344	268 384	334 483	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

AREA OFFICE HONOLULU REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
HONOLULU	DETACHED	---	---	474	551	633
	SEMI-DETACHED/ROW	---	379	412	499	532
	WALKUP	283	325	396	469	504
	ELEVATOR-2-4 Sty 5 + Sty	291 311	333 348	404 409	---	---
GUAM	DETACHED	---	---	444	515	556
	SEMI-DETACHED/ROW	---	364	403	474	515
	WALKUP	234	293	381	446	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
HILO	DETACHED	---	---	378	451	485
	SEMI-DETACHED/ROW	---	318	361	434	477
	WALKUP	255	280	311	388	424
	ELEVATOR-2-4 Sty 5 + Sty	263 ---	288 ---	319 ---	---	---
KAUAI	DETACHED	---	---	439	500	541
	SEMI-DETACHED/ROW	---	382	414	475	516
	WALKUP	272	305	331	404	438
	ELEVATOR-2-4 Sty 5 + Sty	280 ---	313 ---	339 ---	---	---
KONA	DETACHED	---	---	418	491	534
	SEMI-DETACHED/ROW	---	358	401	474	517
	WALKUP	268	303	368	445	481
	ELEVATOR-2-4 Sty 5 + Sty	276 ---	311 ---	376 ---	---	---
MAUI	DETACHED	---	---	440	515	558
	SEMI-DETACHED/ROW	---	393	420	495	538
	WALKUP	260	303	399	479	516
	ELEVATOR-2-4 Sty 5 + Sty	268 ---	311 ---	407 ---	---	---

INSURING OFFICE RENO, NEV. REGION IX - SAN FRANCISCO

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
RENO	DETACHED	---	---	430	572	592
	SEMI-DETACHED/ROW	---	331	406	482	---
	WALKUP	264	308	381	461	---
	ELEVATOR-2-4 Sty 5 + Sty	271 307	320 362	394 459	---	---
LAS VEGAS	DETACHED	---	---	412	491	506
	SEMI-DETACHED/ROW	---	317	368	431	---
	WALKUP	267	317	368	431	---
	ELEVATOR-2-4 Sty 5 + Sty	274 310	329 371	381 446	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
	DETACHED	---	---	---	---	---
	SEMI-DETACHED/ROW	---	---	---	---	---
	WALKUP	---	---	---	---	---
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

AREA OFFICE ANCHORAGE, ALASKA REGION X - SEATTLE

MARKET AREA	STRUCTURE TYPE	NUMBER OF BEDROOMS				
		0	1	2	3	4 or more
ANCHORAGE	DETACHED	---	---	625	632	702
	SEMI-DETACHED/ROW	---	538	596	608	675
	WALKUP	359	441	501	533	592
	ELEVATOR-2-4 Sty 5 + Sty	489 498	576 586	644 655	---	---
FAIRBANKS	DETACHED	---	---	618	674	734
	SEMI-DETACHED/ROW	---	530	594	667	720
	WALKUP	465	505	571	642	706
	ELEVATOR-2-4 Sty 5 + Sty	570 581	655 668	729 743	---	---
JUNEAU	DETACHED	---	---	597	652	711
	SEMI-DETACHED/ROW	---	509	564	621	678
	WALKUP	419	468	524	587	646
	ELEVATOR-2-4 Sty 5 + Sty	465 474	510 520	567 578	---	---
KETCHIKAN	DETACHED	---	---	492	598	613
	SEMI-DETACHED/ROW	---	398	469	530	594
	WALKUP	322	372	443	505	566
	ELEVATOR-2-4 Sty 5 + Sty	395 402	482 492	565 577	---	---
BARTER ISLAND, NORTH COASTAL AREA	DETACHED	---	---	678	745	819
	SEMI-DETACHED/ROW	---	658	724	796	876
	WALKUP	581	639	703	773	850
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---
COASTAL AREA, NORTH OF ALEUTIANS	DETACHED	---	---	678	745	819
	SEMI-DETACHED/ROW	---	658	724	796	876
	WALKUP	581	639	703	773	850
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---

AREA OFFICE BOISE, IDAHO REGION X - SEATTLE		NUMBER OF BEDROOMS					
MARKET AREA	STRUCTURE TYPE	0	1	2	3	4 or more	
BOISE	DETACHED	---	---	419	478	507	
	SEMI-DETACHED/ROW	---	311	372	425	462	
	WALKUP	243	285	338	397	432	
	ELEVATOR-2-4 Sty 5 + Sty	297	364	425	---	---	
IDAHO FALLS	DETACHED	---	---	415	467	511	
	SEMI-DETACHED/ROW	---	320	364	437	461	
	WALKUP	259	283	349	422	457	
	ELEVATOR-2-4 Sty 5 + Sty	303	371	433	---	---	
MCALL	DETACHED	---	---	306	345	384	
	SEMI-DETACHED/ROW	---	234	273	319	358	
	WALKUP	176	215	254	306	345	
	ELEVATOR-2-4 Sty 5 + Sty	222	273	326	---	---	
POCATELLO	DETACHED	---	---	428	474	505	
	SEMI-DETACHED/ROW	---	316	371	431	461	
	WALKUP	246	289	356	428	451	
	ELEVATOR-2-4 Sty 5 + Sty	300	367	429	---	---	
TWIN FALLS	DETACHED	---	---	395	448	479	
	SEMI-DETACHED/ROW	---	300	370	410	450	
	WALKUP	235	259	329	374	401	
	ELEVATOR-2-4 Sty 5 + Sty	283	347	405	---	---	
LEWISTON	DETACHED	---	---	429	472	514	
	SEMI-DETACHED/ROW	---	286	365	423	460	
	WALKUP	247	273	329	395	432	
	ELEVATOR-2-4 Sty 5 + Sty	295	361	422	---	---	

AREA OFFICE BOISE, IDAHO REGION X - SEATTLE		NUMBER OF BEDROOMS					
MARKET AREA	STRUCTURE TYPE	0	1	2	3	4 or more	
COEUR D'ALENE	DETACHED	---	---	395	440	489	
	SEMI-DETACHED/ROW	---	280	365	418	446	
	WALKUP	220	261	321	380	420	
	ELEVATOR-2-4 Sty 5 + Sty	281	344	402	---	---	
	DETACHED	---	---	---	---	---	
	SEMI-DETACHED/ROW	---	---	---	---	---	
	WALKUP	---	---	---	---	---	
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---	
	DETACHED	---	---	---	---	---	
	SEMI-DETACHED/ROW	---	---	---	---	---	
	WALKUP	---	---	---	---	---	
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---	
	DETACHED	---	---	---	---	---	
	SEMI-DETACHED/ROW	---	---	---	---	---	
	WALKUP	---	---	---	---	---	
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---	

AREA OFFICE PORTLAND, ORE. REGION X - SEATTLE		NUMBER OF BEDROOMS					
MARKET AREA	STRUCTURE TYPE	0	1	2	3	4 or more	
PORTLAND	DETACHED	---	---	314	380	415	
	SEMI-DETACHED/ROW	217	248	307	365	401	
	WALKUP	209	236	289	343	380	
	ELEVATOR-2-4 Sty 5 + Sty	248	311	360	---	---	
BEND	DETACHED	---	---	290	363	403	
	SEMI-DETACHED/ROW	---	243	284	351	383	
	WALKUP	194	231	270	334	364	
	ELEVATOR-2-4 Sty 5 + Sty	236	286	332	---	---	
COOS BAY	DETACHED	---	---	294	327	361	
	SEMI-DETACHED/ROW	---	251	284	318	350	
	WALKUP	201	234	268	301	335	
	ELEVATOR-2-4 Sty 5 + Sty	242	289	330	---	---	
EUGENE	DETACHED	---	---	305	371	407	
	SEMI-DETACHED/ROW	---	248	281	335	368	
	WALKUP	212	236	270	323	355	
	ELEVATOR-2-4 Sty 5 + Sty	248	287	329	---	---	
MEDFORD	DETACHED	---	---	306	352	392	
	SEMI-DETACHED/ROW	---	247	292	338	378	
	WALKUP	199	232	284	320	353	
	ELEVATOR-2-4 Sty 5 + Sty	239	287	346	---	---	
ONTARIO	DETACHED	---	---	305	346	387	
	SEMI-DETACHED/ROW	---	243	284	332	375	
	WALKUP	187	228	270	325	367	
	ELEVATOR-2-4 Sty 5 + Sty	214	262	313	---	---	

AREA OFFICE PORTLAND, ORE. REGION X - SEATTLE		NUMBER OF BEDROOMS					
MARKET AREA	STRUCTURE TYPE	0	1	2	3	4 or more	
WEST SALEM	DETACHED	---	---	298	360	390	
	SEMI-DETACHED/ROW	---	249	283	345	375	
	WALKUP	207	240	276	332	370	
	ELEVATOR-2-4 Sty 5 + Sty	250	298	340	---	---	
	DETACHED	---	---	---	---	---	
	SEMI-DETACHED/ROW	---	---	---	---	---	
	WALKUP	---	---	---	---	---	
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---	
	DETACHED	---	---	---	---	---	
	SEMI-DETACHED/ROW	---	---	---	---	---	
	WALKUP	---	---	---	---	---	
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---	

AREA OFFICE SEATTLE, WASH. REGION X - SEATTLE		NUMBER OF BEDROOMS					
MARKET AREA	STRUCTURE TYPE	0	1	2	3	4 or more	
SEATTLE	DETACHED	---	---	329	405	436	
	SEMI-DETACHED/ROW	---	273	329	377	424	
	WALKUP	218	259	324	372	421	
	ELEVATOR-2-4 Sty 5 + Sty	250	316	370	---	---	
ABERDEEN	DETACHED	---	---	306	367	413	
	SEMI-DETACHED/ROW	---	259	306	361	413	
	WALKUP	226	259	302	344	394	
	ELEVATOR-2-4 Sty 5 + Sty	250	279	342	---	---	
BELLINGHAM	DETACHED	---	---	307	403	448	
	SEMI-DETACHED/ROW	---	254	306	371	418	
	WALKUP	209	234	287	340	383	
	ELEVATOR-2-4 Sty 5 + Sty	260	278	333	---	---	
LONGVIEW	DETACHED	---	---	308	367	422	
	SEMI-DETACHED/ROW	---	255	308	358	422	
	WALKUP	208	241	287	344	395	
	ELEVATOR-2-4 Sty 5 + Sty	249	300	348	---	---	
OLYMPIA	DETACHED	---	---	320	372	420	
	SEMI-DETACHED/ROW	---	248	288	350	404	
	WALKUP	216	238	288	350	404	
	ELEVATOR-2-4 Sty 5 + Sty	250	305	349	---	---	
PORT ANGELES	DETACHED	---	---	324	380	421	
	SEMI-DETACHED/ROW	---	247	298	360	404	
	WALKUP	199	239	296	351	386	
	ELEVATOR-2-4 Sty 5 + Sty	236	280	337	---	---	

AREA OFFICE SEATTLE, WASH. REGION X - SEATTLE		NUMBER OF BEDROOMS					
MARKET AREA	STRUCTURE TYPE	0	1	2	3	4 or more	
YAKIMA	DETACHED	---	---	302	348	394	
	SEMI-DETACHED/ROW	---	267	292	347	389	
	WALKUP	196	234	274	347	389	
	ELEVATOR-2-4 Sty 5 + Sty	243	280	332	---	---	
	DETACHED	---	---	---	---	---	
	SEMI-DETACHED/ROW	---	---	---	---	---	
	WALKUP	---	---	---	---	---	
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---	
	DETACHED	---	---	---	---	---	
	SEMI-DETACHED/ROW	---	---	---	---	---	
	WALKUP	---	---	---	---	---	
	ELEVATOR-2-4 Sty 5 + Sty	---	---	---	---	---	

INSURING OFFICE SPOKANE, WASH. REGION X - SEATTLE		NUMBER OF BEDROOMS					
MARKET AREA	STRUCTURE TYPE	0	1	2	3	4 or more	
SPOKANE	DETACHED	---	---	298	384	431	
	SEMI-DETACHED/ROW	---	251	282	349	391	
	WALKUP	195	238	274	341	383	
	ELEVATOR-2-4 Sty 5 + Sty	249	310	365	---	---	
CHENEY	DETACHED	---	---	298	384	431	
	SEMI-DETACHED/ROW	---	251	282	349	391	
	WALKUP	195	238	274	341	383	
	ELEVATOR-2-4 Sty 5 + Sty	249	310	365	---	---	
KENNEWICK	DETACHED	---	---	368	435	475	
	SEMI-DETACHED/ROW	---	319	365	435	475	
	WALKUP	220	268	326	385	425	
	ELEVATOR-2-4 Sty 5 + Sty	265	325	392	---	---	
PULLMAN	DETACHED	---	---	334	404	444	
	SEMI-DETACHED/ROW	---	270	316	371	416	
	WALKUP	210	256	308	363	398	
	ELEVATOR-2-4 Sty 5 + Sty	265	325	392	---	---	

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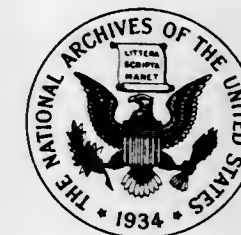
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TUESDAY, JUNE 13, 1978
PART IV



DEPARTMENT OF
THE TREASURY

Monetary Offices

■

PORTFOLIO INVESTMENT
SURVEY REGULATIONS

[4810-25]

DEPARTMENT OF THE TREASURY

Monetary Offices

[31 CFR Part 129]

PORTFOLIO INVESTMENT SURVEY
REGULATIONS

Proposed Rulemaking

AGENCY: Department of the Treasury.

ACTION: Proposed rulemaking and survey forms.

SUMMARY: This notice proposes regulations, together with forms and instructions, for portfolio investment surveys to implement the President's responsibilities under the International Investment Survey Act of 1976 (22 U.S.C. 3101 et seq.), regarding studies, analyses, and mandatory surveys of foreign portfolio investment in the United States and United States portfolio investment abroad. The President's responsibilities concerning portfolio investment were delegated to the Secretary of the Treasury pursuant to Executive Order 11961, 42 FR 4321, January 24, 1977. In addition, the existing Part 129 of 31 CFR will be simultaneously revoked, as it pertains to a 1974 foreign portfolio investment survey which has been completed.

DATES: These regulations, together with forms and instructions, will become effective when published in final form in the FEDERAL REGISTER. Written comments on these proposed regulations, forms, and instructions must be received on or before July 14, 1978. A public hearing will be held on July 10, 1978 at 10 a.m. in the "Cash Room" on the second floor, Department of the Treasury, 15th Street and Pennsylvania Avenue NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Leo Maley, Foreign Portfolio Investment Project, Office of the Assistant Secretary (Economic Policy), U.S. Department of the Treasury, Room 5465D, Main Treasury Building, Pennsylvania Avenue at 15th Street NW., Washington, D.C. 20220. 202-566-8125.

Primary Author: Leo Maley, Foreign Portfolio Investment Project, Office of the Assistant Secretary (Economic Policy), U.S. Department of the Treasury, Room 5465D, Main Treasury Building, Pennsylvania Avenue at 15th Street NW., 202-566-8125.

SUPPLEMENTARY INFORMATION: On October 11, 1976 the President signed into law the International Investment Survey Act of 1976 (Pub. L. 94-472; 90 Stat. 2059; 22 U.S.C. 3101, et seq. (the "Act")) which requires the collection and analysis of data relating to

PROPOSED RULES

international investment and its effect upon the national security, commerce, employment, inflation, general welfare, and foreign policy of the United States.

In Section 2 of Executive Order 11961, 42 FR 4321, January 23, 1977, the President designated the Secretary of the Treasury as the federal executive responsible for collecting the required data on portfolio investment. The Secretary of the Treasury has delegated this responsibility to the Assistant Secretary for Economic Policy. This survey is subject to approval by the Office of Management and Budget under the Federal Reports Act (44 U.S.C. 3501, et seq.).

The filing of these forms is mandatory under Section 5(b)(2) of the Act. As provided in Section 5(c) of the Act, the information reported may be used only for analytical and statistical purposes and for enforcement proceedings as provided for in the Act. Access to the information shall be available only to officials and employees (including consultants and contractors and their employees) designated by the President to perform functions under the Act. Except as specifically provided for in the Act, no official or employee (including consultants and contractors and their employees) shall publish or make available to any other person any information collected under the Act in such a manner that the person to whom the information relates can be specifically identified. Reports and copies of reports prepared pursuant to the Act are confidential and their submission or disclosure shall not be compelled by an person without the prior written consent of the person who filed the report and the customer of the person who filed the report where the information supplied is identifiable as being derived from the records of the customer.

The regulations, when published in final form, will supercede the existing Part 129 of 31 CFR which will be revoked at that time. The existing Part 129 applies to a 1974 foreign portfolio investment survey. The 1974 survey has been completed and the existing Part 129 is now obsolete.

Pursuant to Section 5(a) of the Act, which authorizes the promulgation of such rules and regulations as may be necessary to carry out the purposes of the Act, the Department of the Treasury herewith promulgates proposed regulations pertaining to portfolio investment surveys, together with proposed forms and instructions to carry out a benchmark survey of foreign portfolio investment in the United States authorized and directed by the Act. No survey of United States portfolio investment abroad is scheduled at this time.

Dated: June 8, 1978.

DANIEL H. BRILL,
Assistant Secretary
for Economic Policy

PART 129—PORTFOLIO INVESTMENT SURVEY
REGULATIONS

Subpart A—Basic requirements

- Sec.
- 129.1 Purpose.
- 129.2 General definitions.
- 129.3 Record keeping requirements.
- 129.4 Reporting requirements.
- 129.5 Response required.
- 129.6 Confidentiality.
- 129.7 Penalties.
- 129.8 Miscellaneous.

Subpart B—Rules and regulations for Survey of Foreign Portfolio Investment in United States Securities.

- 129.9 Basic requirement.
- 129.10 Specific definitions.
- 129.11 Form TD F90-19.1—Report for United States issuers of securities (FPI-1).
- 129.12 Form TD F 90-19.2—Report for United States holders of record (FPI-2).
- 129.13 Special reports.
- 129.14 Due date.

Subpart C—Rules and regulations for Survey of United States Portfolio Investment Abroad. [Reserved]

AUTHORITY: Pub. L. 94-472, 90 Stat. 2059 (22 U.S.C. 3101, et seq.); EO 11961, 42 FR 4321, January 24, 1977.

Subpart A—Basic Requirements

§ 129.1 Purpose.

The purpose of this part is to set forth the rules and regulations necessary to implement the data collection programs and analyses with respect to portfolio investment provided for by the International Investment Survey Act of 1976 (Pub. L. 94-472, 90 Stat. 2059, 22 U.S.C. 3101 et seq. (the "Act")). The overall purpose of the Act is to provide comprehensive and reliable information concerning international investment, including portfolio investment, while minimizing the reporting burden on respondents.

129.2 General definitions.

(a) "United States", when used in a geographic sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, and all territories and possessions of the United States.

(b) "Foreign", when used in a geographic sense, means that which is situated outside the United States or which belongs to or is characteristic of a country other than the United States.

(c) "Person", means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including

a foreign government, the United States Government or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency).

(d) "United States person" means any person resident in the United States or subject to the jurisdiction of the United States.

(e) "Foreign person" means any person resident outside the United States or subject to the jurisdiction of a country other than the United States.

(f) "Business enterprise" means any organization, association, branch, or venture which exists for profit making purposes or to otherwise secure economic advantage, and any ownership of any real estate.

(g) "International investment" means (1) the ownership or control, directly or indirectly, by contractual commitment or otherwise, by foreign persons of any interest in property in the United States, or of stock, other securities, or short- and long-term obligations of a United States person, and (2) the ownership or control, directly or indirectly, by contractual commitment or otherwise, by United States persons of any interest in property outside the United States, or of stock, other securities, or short- and long-term debt obligations of a foreign person.

(h) "Direct investment" means the ownership or control, directly or indirectly, by one person of 10 percent or more of the voting securities of an incorporated business enterprise or an equivalent interest in an unincorporated business enterprise.

(i) "Portfolio investment" means any international investment which is not direct investment.

(j) "Foreign official institution" means central governments of foreign countries and their possessions, including recognized central banks of issue, including the following:

(1) The treasuries, including ministries of finance, or corresponding departments of national governments; central banks, including all departments thereof; stabilization funds, including official exchange stabilization funds, exchange control offices, or other governmental exchange authorities; and fiscal agents of the national governments which have as an important part of their functions, activities similar to those of a treasury, central bank or stabilization fund—*Provided*, That branches or agencies of foreign official banking institutions which are located in the United States shall not be considered foreign official institutions for purposes of data collection programs set forth in this Part.

(2) Diplomatic and consular establishments and other departments and agencies of national governments,

PROPOSED RULES

such as military departments, purchasing commissions and state trading organizations.

(3) Any international or regional organization, or subordinate or affiliated agency thereof, created by treaty or convention between sovereign states. *Provided*, That the term "foreign official institution" shall not include the following:

(i) Nationalized or other government-owned banks or corporations unless such banks or corporations fall within one of the descriptive categories set forth in paragraph (j)(1) of this section.

(ii) Personal accounts of foreign diplomatic and other official representatives of foreign countries.

§ 129.3 Record keeping requirements.

Persons subject to the jurisdiction of the United States shall maintain all information (including journals or other books of original entry, minute books, stock transfer records, lists of shareholders, or financial statements) which is necessary for carrying out the surveys and studies provided for by the Act.

§ 129.4 Reporting requirements.

Persons subject to the jurisdiction of the United States shall furnish under oath, any report containing information which is determined to be necessary to carry out the surveys and studies provided for by the Act. Such reports may be required from, among others, United States persons in which foreign persons hold portfolio investment; United States holders of record which hold, on behalf of foreign persons, portfolio investment in United States persons; United States persons which hold portfolio investment abroad; United States holders of record which hold, on behalf of United States persons, portfolio investment abroad; and United States intermediaries which assist or intervene in the purchase or sale of interests in portfolio investment.

§ 129.5 Response required.

Reports, as specified in Subparts B and C of this part, are required from all persons subject to the reporting requirements, whether or not they are contacted by Treasury. In addition, any person Treasury contacts, either by sending report forms or by inquiring in writing whether the person is subject to the reporting requirements of a survey conducted pursuant to this part, must reply in writing. The response must be made either by filing the properly completed report form or else by filing a written certified claim for exemption from filing a report. A claim for exemption must be filed within 30 days after the end of the calendar year being surveyed or within 30 days after receiving the forms. Whichever is later.

§ 129.6 Confidentiality.

Information collected pursuant to § 129.4 will be kept in confidence.

(a) Access to this information shall be available only to officials and employees (including consultants and contractors and their employees) designated by the President to perform functions under the Act.

(b) Subject to § 129.6(d), the President may authorize the exchange of information between agencies or officials designated by him to perform functions under the act.

(c) Nothing in this part shall be construed to require any Federal Agency to disclose information otherwise protected by law.

(d) This information shall be used solely for analytical or statistical purposes or for enforcement proceedings as provided for in the Act.

(e) No official or employee (including consultants and contractors and their employees) may publish or make available to any other person any information collected under the Act in such a manner that the person to whom the information relates can be specifically identified except as provided for in this Section.

(f) No person can compel the disclosure of reports, or copies of reports, prepared pursuant to this Part without the prior written permission of the person who filed the report and the customer of the person who filed the report where the information supplied is identifiable as being derived from the records of the customer.

§ 129.7 Penalties.

(a) Whoever fails to furnish any information required by the Act or by any other rule, regulation, order or instruction promulgated under the Act may be subject to a civil penalty not exceeding \$10,000 in a proceeding brought in an appropriate United States court and to injunctive relief commanding such person to comply, or both.

(b) Whoever willfully fail to submit any information required by the Act or willfully violates any other rule, regulation, order or instruction promulgated under the Act, upon conviction, shall be fined not more than \$10,000 and, if an individual, may be imprisoned for not more than one year, or both. Any officer, director, employee or agent of any corporation who knowingly participates in such violation, upon conviction, may be punished by a like fine, imprisonment, or both.

(c) Any person who willfully violates § 129.6 shall, upon conviction, be fined not more than \$10,000, in addition to any other penalty imposed by law.

§ 129.8 Miscellaneous.

(a) *Required information not available.* All reasonable efforts should be

made to obtain information required for reporting. Every question on the appropriate report form must be answered, except where specifically exempted.

(b) *Estimates.* When actual information cannot be obtained estimates will be accepted but should be labeled as such.

(c) *Space on form insufficient.* When space on a form is insufficient to permit a full answer to any question, the required information should be submitted on supplementary sheets appropriately labeled and referenced to the item number and the form. All supplementary sheets should be attached to the form to which they pertain.

(d) *Number of copies.* A single original copy of each report shall be filed with the Department of the Treasury. In addition, each person reporting shall retain a copy of his report.

(e) *Extension of reporting deadline.* Written requests for extensions will be considered provided they are received at least fifteen (15) days prior to the due date of the report and that they enumerate substantive reasons necessitating the extension.

(f) *Other.* Instructions concerning filing dates, mailing and information addresses, and specific instructions for completing the forms are contained in each report. General inquiries should be directed to:

Foreign Portfolio Investment Project,
Office of the Assistant Secretary (Economic Policy), U.S. Department of the Treasury, Washington, D.C. 20220, 202—

Subpart B—Rules and Regulations For Survey of Foreign Portfolio Investment in United States Securities

§ 129.9 Basic requirement.

A survey of foreign portfolio investment in United States securities will be conducted covering foreign ownership as of December 31, 1978. In addition to the requirements contained in subpart A herein, specific additional rules and regulations are given below.

§ 129.10 Specific definitions.

(a) "Securities", for purposes of this survey, means long-term marketable United States securities of debt and equity. Long-term securities have no contractual maturity (stocks) or an original maturity of more than one year from date of issue. Marketable securities include both bearer and registered securities that are publicly traded or privately placed in United States and/or foreign markets. The term "securities" includes common and preferred stocks or investment company shares, including rights, warrants, and scrip; bonds, debentures, equipment trust certificates, and similar long-term corporate debt instru-

ments; long-term debt obligations of the United States Treasury, Federal financing institutions, United States Government corporations, and Federally-sponsored agencies; and long-term debt obligations of State and local governments, including any agencies, corporations, financing institutions, or other instrumentalities thereof.

(b) "United States issuer" means any United States person who issues, through public or private distribution, any security.

(c) "United States holder of record" means any United States person who is carried on stock transfer records or other ownership records as having title to any security of a United States issuer which he is holding on behalf of another person. "United States holder of record" includes such persons as nominees, custodians, agents, trustees, other fiduciaries, banks, brokers, or other intermediaries, who hold title to investments on behalf of another person. The term also extends to any United States person acting as a custodian for bearer securities, even though such person is not carried on ownership records as holding title to such securities.

(d) "Reporter" means the United States person required to file a report, or for which the report is required to be filed, pursuant to this subpart.

(e) "Foreign direct investor", for purposes of this survey, means any foreign person who owns, directly or indirectly, ten (10) percent or more of the voting securities of an incorporated United States business enterprise.

(f) "Employer's identification number (EIN)" means the unique taxpayer's identification number assigned to an employer by the Internal Revenue Service.

§ 129.11 Form TD F 90-19.1—Report for United States issuers of securities (hereinafter referred to as "Form FPI-1").

(a) *Who must report.* The reporting obligations of United States issuers are governed by the following classifications:

(1) Routine large issuer reporter—asset test. A report on Form FPI-1 is required from every private United States issuer irrespective of whether it has evidence of foreign investment, which, as of the latest available closing date of its accounting records had:

(i) Total consolidated assets of more than \$50 million, if it is a nonbanking business enterprise;

(ii) Total consolidated assets of more than \$100 million, if it is a banking business enterprise.

(2) Selected small issuer reporters—foreign ownership test.

Except as otherwise provided in § 129.11(c) below, a report on Form FPI-1 is required from every private United States issuer who is not a rou-

time reporter under § 129.11(a)(1) above, and who has evidence of foreign ownership of its securities. This requirement applies without regard to size of the issuer's assets determined under §§ 129.11(a)(1)(i) and (ii) above.

(b) *Consolidated reports.* Where several United States corporations are affiliated with or under the control of a single United States parent corporation, the parent corporation shall file a consolidated Form FPI-1 following generally accepted U.S. accounting principles as required for reports to shareholders. United States affiliates or subsidiaries which are not normally consolidated in the parent corporation's report to shareholders, must file their own Form FPI-1 if they meet the requirements in § 129.11(a) above.

(c) *Total exemption—asset test.* A report of Form FPI-1 is not required from any United States issuer, irrespective of whether it has knowledge of foreign ownership of its securities, who, as of the latest available closing date of its books, had total consolidated assets of less than \$2 million.

(d) *Information reported.* On Form FPI-1, private United States issuers of securities are required to report foreign ownership, by country and issue, of securities issued by them which are held by foreign persons as of December 31, 1978 and to supply certain information relating to ownership distribution (domestic and foreign) of outstanding issues, type of foreign owner, industry of United States issuer and other information. Specific instructions as to information to be reported are contained in the instructions to Form FPI-1.

§ 129.12 Form TD F 90-19.2—Report for United States holders of record (hereinafter referred to as "Form FPI-2").

(a) *Who must report.* Except as otherwise provided in § 129.12(c) below, a report is required to be filed on Form FPI-2 by any United States person who acts on behalf of a foreign person as a holder of record of any security of a United States issuer. Included are United States trustees who hold securities in United States trusts created by foreign insurance companies and other foreign companies or foreign governments.

(b) *Combined report.* Where several nominees, trustees, or other holders of record are affiliated with or under the common control of a single bank, broker, or other institution, the parent institution shall file a combined Form FPI-2 on behalf of all such holders of record.

(c) *Exempted holders of record.* A report on Form FPI-2 is not required from any holder of record who held for all its foreign customers, combined investments in United States securities aggregating \$50,000 or less based on fair market value as of December 31,

1978. This exemption does not apply to holders of record under common management or control as described in § 129.12(b) above, except where aggregate holdings of all holders of record under a single parent institution total \$50,000 or less.

(d) *Information reported.* On Form FPI-2, United States holders of record are required to report foreign ownership, by country and issue, of all securities which they held on behalf of foreign persons as of December 31, 1978. Specific instructions as to information to be reported are contained in the instructions to Form FPI-2.

§ 129.13 Special reports.

Any person subject to the provisions of this subpart may be required to submit a special report which the Secretary of the Treasury deems necessary to supplement information supplied on Forms FPI-1 and FPI-2 or which may otherwise be necessary to enable the Secretary of the Treasury to carry out his function under the Act.

§ 129.14 Due date.

Reports on Forms FPI-1 and FPI-2 are due on March 1, 1979.

Subpart C—Rules and Regulations for Survey of United States Portfolio Investment Abroad—[Reserved]

SURVEY OF FOREIGN PORTFOLIO INVESTMENT IN UNITED STATES SECURITIES

PROPOSED FORMS AND INSTRUCTIONS

GENERAL INSTRUCTIONS

I. *Definitions.* (For the purpose of this notice, refer to proposed regulations of 31 CFR 129.2 and 129.10 for definitions.)

II. *Who must report and forms required.* (For the purpose of this notice, refer to proposed regulations of 31 CFR 129.11 and 129.12.)

III. *Response required when contacted by Treasury.* (For the purpose of this notice, refer to proposed regulations of 31 CFR 129.5.)

IV. *Clarification of coverage and specific situations.* A. Information to be reported.

1. Form FPI-1 (Report for United States issuers of securities). a. Inclusions. Except as otherwise provided in these instructions, United States issuers must report all ownership (domestic and foreign), as of December 31, 1978, of the following securities: 1. Common and preferred stocks or investment company shares, including rights, warrants, and scrip. 2. Bonds, debentures, equipment trust certificates and similar long-term debt instruments, including marketable long-term notes. Do not include as securities, long-term liabilities which are reportable on Treasury International Capital (TIC) Form C-1/2, Liabilities To, and Claims On, "Foreigners", pursuant to 31 CFR 128.15.

1. Intercompany holdings. Form FPI-1 should exclude from the listing and description of the issuer's securities, all issues held entirely within the reporter's company system. For example, if a domestic subsidiary has one issue of securities held entirely by its parent corporation as well as other

publicly-held issues, only the latter should be listed and described in the appropriate items on Form FPI-1.

2. Issues of foreign subsidiaries. Issues of securities of subsidiaries or affiliates incorporated under the laws of a foreign jurisdiction should not be listed and described as issues of the reporter on Form FPI-1. Bonds issued by foreign financing subsidiaries abroad to raise funds for use by the parent company in the United States are excluded from this survey and should not be reported on Form FPI-1.

3. Certain types of long-term debt. All long-term debt obligations not covered by the definition of "securities" should be excluded from Form FPI-1. Such debt obligations include mortgages, certificates of deposit, bank and other long-term loans, and non-marketable long-term notes. These obligations are reportable on Treasury International Capital Form (TIC) C-1/2.

4. Certain types of equity interests. All equity interests not covered by the definition of "securities" should be excluded from Form FPI-1. Such equity interests include equity interests arising from ownership of policies or accounts with mutual insurance companies, mutual savings banks, and cooperatives; limited partnership interests; and any fractional interest in oil and gas, real estate, crops, or other investment property.

2. Form FPI-2 (Report for United States holders of record). a. Inclusions. Except as otherwise provided in these instructions, United States holders of record must report ownership by foreign persons, as of December 31, 1978, of the following United States securities: 1. United States private securities. a. Common and preferred stocks or investment company shares, including rights, warrants and scrip. b. Bonds, debentures, equipment trust certificates and similar marketable long-term debt instruments.

2. United States public securities. a. Long-term debt instruments of the United States Treasury, Federal financing institutions, United States Government corporations, and Federally-sponsored agencies, including bonds, notes and similar debt instruments. b. Marketable long-term debt instruments of State and local governments including any agencies, corporations, financing institutions or other instrumentalities thereof.

b. Exclusions. 1. Certain equity interests. Equity interests arising from policies or accounts with mutual insurance companies, mutual savings banks, and cooperatives are not to be reported on Form FPI-2. Also to be excluded are limited partnership interests and any fractional interest in oil and gas, real estate, crops, or other investment property.

2. Certain United States trusts. Assets in United States trusts created by foreign individuals are not to be reported on a Form FPI-2.

B. United States Trusts. Trustees of the following foreign-created United States trusts holding United States securities are required to file a Form FPI-2 as a United States holder of record: 1. United States trusts created by foreign insurance companies.

NOTE.—Branches or agencies of foreign insurance companies located in the United States are not foreign persons and, accordingly, United States trusts created by such branches or agencies should not be reported on Form FPI-2.

2. United States trusts created by foreign companies or foreign governments. For example, a United States trust created under

indentures relating to the issuance or amortization of foreign dollar bonds or payment of interest thereon.

C. Nationality of foreign individuals. Form FPI-1 (Schedules A and B) and Form FPI-2 (Schedule C) require a breakdown of individual holders of securities residing abroad to indicate whether the individuals are United States nationals residing in a foreign country or foreign nationals residing abroad.

All reasonable efforts should be made by United States issuers (Schedules A and B) and United States holders of record (Schedule C) to determine whether or not the individual foreign resident is a United States national. In the absence of any contrary information, the reporter can estimate whether or not the individual is a United States national by determining whether the individual holds a United States Social Security number.

V. *Reporting procedures.* A. Required information not available.—All reasonable efforts should be made to obtain information required for reporting. Every question on the appropriate report form must be answered. However, line items and columns on attached schedules which are not applicable to a particular reporter should be left entirely blank.

B. Estimates.—When actual information cannot be obtained, estimates will be acceptable but must be labeled as such.

C. Space on form insufficient.—When space on a form is insufficient to permit a full answer to any question, the required information should be submitted on supplementary sheets appropriately labeled (including reporter name and E.I. number) and referenced to the item number and the form. All supplementary sheets, including continuation sheets should be attached to the form to which they pertain.

D. Country detail and codes.—Several items on the report forms and Schedules A and B request country information. Country detail and codes must be reported in accordance with the country list shown in Annex A. Please note that the country identification to be used in the report should include both the name of the country and the code number provided for each country.

E. CUSIP number.—Each issue of securities reportable in Parts II and III, and on Schedules A and B of Form FPI-1, or on Schedule C of Form FPI-2, must be identified by its CUSIP number in the space provided. (The CUSIP number was developed by the Committee on Uniform Security Identification Procedures of the American Bankers Association. It is assigned to long-term securities by the CUSIP Service Bureau, Standard & Poor's Corporation, 34 Hudson Street, New York, N.Y. 10014.) If a particular stock or long-term debt instrument does not have a CUSIP number, no entry should be made in the space for the CUSIP number, but all other information regarding the issue must be reported.

F. Industry classification of reporter.—The Enterprise Standard Industrial Classification (ESIC) is used to classify reporters by the kind of economic activity in which they are engaged. The ESIC codes are listed on the report forms in item 13 of Form FPI-1 and item 3 of FPI-2. The "Enterprise Standard Classification Manual," 1974, sets forth an all inclusive industry classification system for companies, and which in turn is related to the "Standard Industrial Classification Manual," 1972, (SIC), which sets forth an all inclusive industry classification

PROPOSED RULES

system for the individual establishments of an enterprise.

The 1974 ESIC Manual (stock number 041-001-00092-5) and 1972 SIC Manual (stock number 041-001-00066-6) are available from the U.S. Government Printing Office, Washington, D.C. 20402.

G. Foreign currency securities—All amounts requested for each issue of securities denominated in foreign currency should be given in that foreign currency only and should not be converted into U.S. dollars. This applies particularly to item 20 and Schedule B of Form FPI-1, and to Schedule C of Form FPI-2.

H. Number of copies—A single original copy of the report shall be filed. In addition, each person reporting shall retain a copy of his report.

I. Time and place of filing reports—Reports shall be filed no later than March 1, 1979. Reports shall be mailed to: Foreign Portfolio Investment Project, Office of the Assistant Secretary (Economic Policy), U.S. Department of the Treasury, Washington, D.C. 20220.

J. Method of filing reports—All data are to be typed on the report forms using continuation sheets and supplemental sheets as necessary, as described in paragraph C.

Certain reporters may be required to submit a very large amount of data on Schedule C of Form FPI-2. Magnetic tape output produced by data processing equipment may be submitted in lieu of type-written schedules provided permission has been received from Treasury. Physical specifications, labels and format detail, and other requirements will be furnished to reporters when the request for submitting magnetic tapes is approved. Only tapes which meet these specifications will be accepted as satisfying the reporting requirements.

Send request for submitting magnetic tape in lieu of Schedules C to the address in paragraph I. Briefly indicate the magnitude of data required to be reported. Treasury will provide a written response to such requests.

K. Extension of reporting deadline—A written request for an extension will be considered provided it is received at least 15 days prior to the due date of the report and enumerates substantial reasons necessitating the extension.

L. Assistance—Anyone desiring copies of the forms or instructions, or having any questions concerning preparation or reports should direct inquiries to the address in paragraph I or phone, (202) ———.

ANNEX A—LISTING OF COUNTRIES AND COUNTRY CODES

The foreign holdings of United States securities are required to be reported in the country detail listed below. Insert in schedules A and B of Form FPI-1, on separate lines, the respective country names and codes that are needed and insert on schedule C of Form FPI-2 the applicable country name and code in item 4.

Name of country	Country code
Afghanistan	4040-1
Albania	1510-5
Algeria	5010-5
Angola	5020-2
Argentina	3010-4
Australia	6008-9
Austria	1018-9
Bahamas	3531-9

Name of country	Country code
Bahrain	4070-3
Bangladesh	4074-6
Barbados	3015-5
Belgium	1025-1
Belize (British Honduras)	3571-8
Benin	5180-2
Bermuda	3560-2
Bhutan	4081-9
Bolivia	3020-1
Botswana	5050-4
Brazil	3030-9
British West Indies	3600-5
British Oceania	6020-8
Brunei	4100-9
Bulgaria	1520-2
Burma	4110-6
Burundi	5080-6
Cambodia	4120-3
Cameroon	5100-4
Canada	2999-3
Cape Verde	5120-9
Chad	5130-6
Central African Republic	5140-3
Chile	3040-6
China (Mainland China)	4140-6
China (Taiwan)	4630-2
Colombia	3050-3
Comoro Islands	5151-9
Congo (Brazzaville)	5160-3
Costa Rica	3058-9
Cuba	3070-8
Cyprus	1040-5
Czechoslovakia	1528-8
Denmark	1050-2
Djibouti	5230-2
Dominican Republic	3060-9
Ecuador	3100-3
Egypt	5700-2
El Salvador	3108-9
Equatorial Guinea (Fernando Po and Rio Muni)	5194-2
Estonia	1540-7
Ethiopia, including Eritrea	5210-8
Falkland Islands	3630-7
Fiji	6060-7
Finland	1070-7
France	1080-4
French Polynesia	6070-4
French West Indies and Guiana	3660-9
Gabon	5241-8
Gambia	5250-7
Germany Democratic Republic (East)	1600-4
Germany, Federal Republic of (West)	1100-2
Ghana	5260-4
Gibraltar	1108-8
Greece	1120-7
Grenada	3670-6
Guatemala	3120-8
Guinea	5270-1
Guinea-Bissau	5440-2
Guyana	3130-5
Haiti	3140-2
Honduras	3148-8
Hong Kong	4200-5
Hungary	1550-4
Iceland	1130-4
India	4210-2
Indonesia	4221-8
Iran	4230-7
Iraq	4240-4
Ireland	1140-1
Israel	4250-1
Italy	1150-9
Ivory Coast	5300-7
Jamaica	3160-7
Japan	4260-9
Jordan	4270-6
Kenya	5310-4
Korea, Republic of (South)	4300-1
Kuwait	4310-9
Laos	4330-3
Latvia	1560-1
Lebanon	4341-9
Lesotho	5315-5
Liberia	5320-1
Libya	5330-9
Liechtenstein	1160-6
Lithuania	1570-9
Luxembourg	1170-3

Name of country	Country code
Macao	4350-8
Madagascar	5340-6
Malawi	5350-3
Malaysia	4360-5
Maldives Islands	4370-2
Mali	5358-9
Malta, including Gozo	1181-9
Mauritania	5370-8
Mauritius	5380-5
Mexico	3170-4
Monaco	1200-9
Mongolia	4381-8
Morocco	5400-3
Mozambique	5408-9
Nauru	6130-1
Nepal	4420-2
Netherlands	1210-6
Netherlands Antilles	3720-6
New Caledonia	6140-9
New Hebrides	6160-3
New Zealand	6168-9
Nicaragua	3180-1
Niger	5420-8
Nigeria	5430-5
North Korea	4440-7
Norway	1220-3
Oman (Muscat and Oman)	4410-5
Other Western Europe	1490-7
Pakistan	4470-9
Panama	3188-7
Papua New Guinea	6175-1
Paraguay	3210-7
Peru	3230-4
Philippines	4480-6
Poland	1576-8
Portugal	1231-9
Qatar	4510-1
Reunion Island	5460-7
Rhodesia (Southern)	5470-4
Romania	1580-6
Rwanda	5501-8
St. Helena	5070-9
St. Pierre and Miquelon Islands	6221-9
Sao Tome and Principe	5520-4
Saudi Arabia	4560-8
Senegal	5530-1
Seychelles	5540-9
Sierra Leone	5550-6
Singapore	4601-9
Somalia	5560-3
South Africa	5571-9
Spain	1250-5
Sri Lanka (Ceylon)	4131-9
Sudan	5610-3
Surinam	3770-2
Swaziland	5621-9
Sweden	1260-2
Switzerland	1268-8
Syria	4520-5
Tanzania	5640-5
Thailand	4641-8
Togo	5650-2
Tonga	6244-8
Trinidad and Tobago	3240-9
Tunisia	5670-7
Turkey	1280-7
Uganda	5680-4
United Arab Emirates	4680-4
United Kingdom	1300-5
United States Trust Territory of the Pacific Islands	6520-2
Upper Volta	5711-8
Uruguay	3260-3
U.S.S.R.	1610-1
Vatican City	1310-2
Venezuela	3271-9
Viet-Nam	4690-6
Western Sahara	5690-6
Western Samoa	6261-8
Yemen (Aden)	4708-2
Yemen (Sana)	4710-4
Yugoslavia	1321-8
Zaire	5170-5
Zambia	5720-7

*Includes Anguilla, Antigua, British Virgin Islands, Calicos Islands, Cayman Islands, Dominica, Montserrat, Saint Christopher and Nevis, Saint Lucia, Saint Vincent, and Turk Islands.

*Includes Andorra and San Marino.

Name of country	Country code
International and regional:	
African regional organizations	7690-2
Asian regional organizations	7690-6
Bank of International Settlements	1330-7
European Fund	1340-4
European regional organizations	7390-3
International organizations	7290-7
Latin American regional organizations	7491-8
Middle Eastern regional organizations	7790-9
*Includes African Development Bank, Arab Bank for Economic Development in Africa.	
*Includes Asian Development Bank and South-east Asia Treaty Organization.	
*Includes European Atomic Energy Community (Euratom), European Coal and Steel Community, European Economic Community, European Investment Bank, North Atlantic Treaty Organization, and Organization for Economic Cooperation and Development.	
*Includes Food and Agriculture Organization, International Atomic Energy Agency, International Bank for Reconstruction and Development, International Children's Emergency Fund, International Development Association, International Finance Corporation, International Labor Organization, International Monetary Fund, International Refugee Organization, United Nations and its Specialized Agencies and Commissions, Universal Postal Union, and World Health Organizations.	
*Includes Central American Bank for Economic Integration, Inter-American Development Bank, Organization of American States (Pan American Union) and affiliated organizations.	
*Includes Arab Fund for Agricultural Investment, Arab Fund for Economic and Social Development, Arab Monetary Fund, Islamic Development Fund and Fund for Arab Oil Importing Countries.	
SPECIFIC INSTRUCTIONS FOR REPORT FORMS	
TD F 90-19.1 AND TD F 90-19.2	
I. Form TD F 90-19.1—Report for United States issuers of securities (hereinafter referred to as "Form FPI-1").	
A. Who must report. Form FPI-1 is required only of certain private United States issuers. For information as to which types of issuers are required to file Form FPI-1, as well as the exemption level for certain small issuers, please refer to Part II, Section A of the General Instructions.	
B. What must be reported. General information as to what must be reported by United States issuers filing Form FPI-1 may be found in Part IV of the General Instructions.	
C. Acknowledgement required. The regulations and General Instructions require United States issuers receiving copies of Form FPI-1 from Treasury to submit an acknowledgement of receipt and a completed report or valid claim for exemption. Information regarding required response when contacted by Treasury may be found in Part III of the General Instructions. The package of reporting forms includes a reply card for acknowledgement of receipt and a certification form for claiming exemption from filing.	
D. Instructions pertaining to specific items on Form FPI-1:	
Item 1. Enter Employer's Identification number. Refer to paragraph I. of Part I of the General Instructions for the definition of "Employer's Identification number."	
Note.—The Employer's Identification number entered in item 1 is the same E.I. number required to be entered on all Schedules A and B in this report. If an issue being reported on a given Schedule A or B is that of United States affiliate or subsidiary consolidated in this Form FPI-1, do not enter the affiliate's or subsidiary's E.I. number on Schedules A or B.	
Item 3-9. Consolidated financial data should be given for the calendar year ending December 31, 1978 for issuers operating on a calendar year basis, or for the latest available closing date for issuers operating on a fiscal year basis. If audited year-end data are not available, estimates should be reported. Information should be based on consolidation used in reports to shareholders.	

Amounts that have to be converted into U.S. dollars should be converted using generally accepted U.S. accounting principles as required for reports to shareholders.

Note.—These conversion rules apply only to financial data items 3-9. Issues denominated in foreign currencies and reported in Part III and Schedule B are not to be converted into U.S. dollars.

Items 10 and 11. If a foreign person(s) owns 10 percent or more of the reporter's voting securities the name, country of location, and ownership percent of the "foreign direct investor" must be entered in item 11. For the definition of "foreign direct investor", see paragraph F of Part I of the General Instructions.

Item 12. Enter the number of Schedules A and B required to be filed with Form FPI-1. Note.—Individual Schedules A and B may consist of more than one page. Enter number of Schedules A and B included in this report, not the number of pages.

Parts II and III. If the columns provided are not sufficient to describe all of your securities that have to be reported, you may reproduce Parts II and III for use as supplementary sheets. Information regarding use of supplementary sheets may be found in paragraph C of Part V of the General Instructions.

Items 15a and 19f. Enter market value as of December 31, 1978. If no transactions in a security occurred in the market on December 31, 1978, enter the market values as of the latest available preceding date when a transaction occurred. If a security was not traded within the 90 days preceding December 31, 1978 give your best estimate of the market value. For securities traded on a bid and asked basis, use the average of the bid and asked price as the market value.

Item 15b. Enter book value per share of common stock as of December 31, 1978. If you do not normally close your books as of that date, enter book value as of the date reported in item 3.

Item 16. Enter cash dividends. Stock dividends or dividends in kind should not be included in this item.

Item 20. If the face amount of the bond, debenture, or other long-term debt issue outstanding is denominated in a foreign currency, do not convert the face amount of the issue into U.S. dollars. Enter the face amount of the security in the currency of denomination. List the foreign currency in item 19G and enter the country code of the currency in item 19H.

E. Instructions pertaining to Schedules A and B. Number of schedules required: A single Schedule A is required to be filed for each security identified in Part II which is held by foreign persons other than foreign direct investors, i.e., each security having an entry on line 14b. A single Schedule B is required to be filed for each bond, debenture and similar long-term debt instrument identified in Part III which is held by foreign persons other than foreign direct investors, i.e., any bond, debenture or similar debt instrument having an entry on line 20b. The identification of issue on a Schedule A or B must correspond to the identification reported in the appropriate column on Part II or III.

Country detail: For each country in which your securities are held, list the name of the country in column 1 and the corresponding country code in column 2. Refer to Annex A of the General Instructions for a list of countries and country codes. If lines provided are not sufficient to complete the country listing for a given security, continue the listing on a reproduced "Schedule A (Continuation Sheet)" or "Schedule B (Continuation Sheet)", as appropriate. Single

continuation sheets for both schedules are included in the package of forms for this purpose. Repeat all of the identification of the issue on the additional sheets, but do not enter the total, or data for the six pre-printed countries, on a continuation sheet. Information regarding supplementary sheets may be found in paragraph C of Part V of the General Instructions.

Columns 4 and 5. Information regarding clarification of nationality of individual foreign holders may be found in Part IV of the General Instructions.

Column 6. The definition of foreign official institutions may be found in paragraph K of Part I of the General Instructions.

II. Form TD F 90-19.2—Report for United States holders of record (hereinafter referred to as "Form FPI-2").

A. Who must report. Form FPI-2 is required only of United States holders of record. For the definition of United States holders of record please refer to paragraph I of Part I of the General Instructions. For information as to which United States holders of record are required to file Form FPI-2, as well as the exemption level, please refer to section B of Part II of the General Instructions.

B. What must be required. General information as to what must be reported by United States holders of record filing Form FPI-2 may be found in Part IV of the General Instructions.

C. Acknowledgement required. The regulations and General Instructions require United States holders of record receiving copies of Form FPI-2 from Treasury to submit an acknowledgement of receipt and a completed report or valid claim for exemption. Information regarding required response when contacted by Treasury may be found in Part III of the General Instructions. The package of reporting forms includes a reply card for acknowledgement of receipt and a certification form for claiming exemption from filing.

D. Instructions pertaining to specific items on Form FPI-2:

Item 1. Enter Employer's Identification number. Refer to paragraph I. of Part I of the General Instructions for the definition of "Employer's Identification number."

Item 4. Enter the number of foreign accounts for which you are a holder of record of reportable securities.

Item 5. Enter the number of Schedules C submitted with Form FPI-2. Refer to information below regarding number of Schedules C required to be filed.

E. Instructions pertaining to Schedule C. Number of schedules required. A Schedule C is required to be filed for each account held for a foreign person, or for an aggregated group of foreign accounts, in which you are the holder of record of reportable securities. Reporters may aggregate foreign accounts for purposes of filing Schedule C provided that the accounts fall within a single country and a single category of type of foreign owner listed in item 6. Reporters using this method are not obligated, however, to aggregate all accounts in a single country/type of owner category. Neither does an election to aggregate for one or more country/type of owner categories bind the reporter to use the aggregate method for all accounts reported on Schedules C.

Investment detail. For each account, or aggregation of accounts, reported on Schedule C, list the type of reportable security held in column 1. If lines provided are not sufficient to complete the listing of securities held for an account, or aggregation of accounts, continue the listing on a reproduced "Schedule C (Continuation Sheet)".

PROPOSED RULES

Consolidated Financial Data:

3. Reporting period - Financial data are
for the year ending --> Month Day Year
 1977

Thousands of Dollars
Billion Million Thousand

4. Total assets (equals items 5 plus 6) \$ 000,000
5. Total liabilities \$ 000,000
6. Total net worth \$ 000,000
7. Total net sales or operating revenues \$ 000,000
8. Total income \$ 000,000
9. Total net income, after provisions
for U.S. income taxes \$ 000,000

Foreign ownership

10. Did a "foreign direct investor" own 10 percent or more
of your voting securities on 12/31/78? (See definition
of foreign direct investor, page ____ of instructions)
Mark one:

☐ Yes ☐ No

11. If "Yes" is marked in item 10, complete below:

Name of foreign direct investor(s)	Country	Ownership Percent
		%
		%
		%

12. Number of Schedules A and B required to be filed by
Reporter (see rules covering filing of Schedules A
and B, page ____ of instructions.)

Number of Schedules A -----
Number of Schedules B -----

Person to consult concerning questions about this report:

Name and address	Title	Telephone		
		Area Code	Number	Extension

Certification: The undersigned reporter, and the official
executing this certification on its behalf, hereby certifies
that the information contained in this report, including
any supplemental pages, schedules or statements attached
hereto, is correct and complete to the best of his knowledge
and belief.

Name of Reporter	Authorized official's signature	Title	Date

PROPOSED RULES

13. Industry Classification of Reporter (by percent of net
sales or gross operating revenue) - Enter the appropriate
2-digit industry code(s) and the percent of net sales or
revenues (as reported in item 7) associated with each
code. See list of codes below. If you use fewer than
five codes you must account for 100 percent of sales.

	Industry Code	Percent of Sales or Revenues
a. Enter code with largest percent of sales		%
b. Enter code with second largest percent of sales		%
c. Enter code with third largest percent of sales		%
d. Enter code with fourth largest percent of sales		%
e. Enter code with fifth largest percent of sales		%
f. TOTAL percent of net sales accounted for (sum of items a through e)		%
Treasury use only ----->		

List of Enterprise Standard Industrial Classification Codes

A: Agriculture, Forestry, and Fishing

- 01 - Agricultural production - crops
- 02 - Agricultural production - livestock
- 07 - Agricultural services
- 08 - Forestry
- 09 - Fishing, hunting and trapping

B: Mining

- 10 - Metal mining
- 11 - Coal mining
- 13 - Oil and gas extraction
- 14 - Nonmetallic minerals, except fuels

C: Construction

- 15 - General building contractors
- 16 - Heavy construction contractors
- 17 - Special trade contractors

D: Manufacturing

- 20 - Food and kindred products
- 21 - Tobacco manufactures
- 22 - Textile mill products
- 23 - Apparel and other textile products
- 24 - Lumber and wood products
- 25 - Furniture and fixtures
- 26 - Paper and allied products
- 27 - Printing and publishing
- 28 - Chemicals and allied products
- 29 - Petroleum and coal products
- 30 - Rubber and miscellaneous plastics products
- 31 - Leather and leather products
- 32 - Stone, clay and glass products
- 33 - Primary metal industries
- 34 - Fabricated metal products
- 35 - Machinery, except electrical
- 36 - Electrical and electronic equipment
- 37 - Transportation equipment
- 38 - Instruments and related products
- 39 - Miscellaneous manufacturing industries

E: Transportation and Public Utilities

- 40 - Railroad transportation
- 41 - Local and interurban passenger transit
- 42 - Trucking and warehousing

- 44 - Water transportation
- 45 - Transportation by air
- 46 - Pipe lines, except natural gas

47 - Transportation services

- 48 - Communication
- 49 - Electric, gas, and sanitary services

F: Wholesale Trade

- 50 - Wholesale trade - durable goods
- 51 - Wholesale trade - nondurable goods

G: Retail Trade

- 52 - Building materials and garden supplies
- 53 - General merchandise stores
- 54 - Food stores
- 55 - Automotive dealers and service stations
- 56 - Apparel and accessory stores
- 57 - Furniture and home furnishing stores
- 58 - Eating and drinking places
- 59 - Miscellaneous retail

H: Finance, Insurance, and Real Estate

- 60 - Banking
- 61 - Credit agencies other than banks
- 62 - Security, commodity brokers and services
- 63 - Insurance carriers
- 64 - Insurance agents, brokers and service
- 65 - Real estate
- 66 - Combined real estate, insurance, etc.
- 67 - Holding and other investment companies

I: Services

- 70 - Hotels and other lodging places
- 72 - Personal services
- 73 - Business services
- 75 - Auto repair, services and garages
- 76 - Miscellaneous repair services
- 78 - Motion pictures
- 79 - Amusement and recreation services
- 80 - Health services
- 81 - Legal services
- 82 - Educational services
- 83 - Social services
- 86 - Membership organizations
- 89 - Miscellaneous services

J: Public Administration

- 90 - Public administration

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Form TD F 90-19.1

FPI-1 SCHEDULE B

Breakdown of Foreign Ownership (Other than by Foreign Direct Investors) in Reporter's Bonds, Debentures, and other Long-Term Debt Securities, by Country

Name of Reporter (Same as Item 2, FPI-1)

Describe Issue (From Part III, FPI-1)

NOTE: If issue is denominated in a foreign currency DO NOT convert into U.S. Dollars

E.I. Number (Same as Item 1, FPI-1)

CUSIP Number (From Part III, FPI-1)

Issue Code Number (From Part III, FPI-1)

Face Amount of Issue Held by Foreign Persons as of 12/31/78

Country Codes (See Instructions page for list of codes)

Foreign Countries

(1)

(2)

Total - all countries (Enter total on first page only)

0000-0

2999-8

1080-4

1100-2

1210-6

1268-8

1300-5

Switzerland

United Kingdom

Other Countries - List

INDIVIDUALS RESIDING ABROAD		ALL OTHER FOREIGN PERSONS			
Total (Columns (4) through (8))	U.S. nationals residing in foreign countries	Foreign nationals residing in foreign countries	Official institutions	Banks, brokers and nominees	Investment companies, insurance companies, trusts, and other persons owning or controlling funds or trusts
(9)	(4)	(5)	(6)	(7)	(8)

Treasury Use Only

Form TD F 90-19.1

FPI-1 SCHEDULE B (Continuation Sheet)

Breakdown of Foreign Ownership (Other than by Foreign Direct Investors) in Reporter's Bonds, Debentures, and other Long-Term Debt Securities, by Country

Name of Reporter (Same as Item 2, FPI-1)

Describe Issue (From Part III, FPI-1)

NOTE: If issue is denominated in a foreign currency DO NOT convert into U.S. Dollars

E.I. Number (Same as Item 1, FPI-1)

CUSIP Number (From Part III, FPI-1)

Issue Code Number (From Part III, FPI-1)

Face Amount of Issue Held by Foreign Persons as of 12/31/78

Country Codes (See Instructions page for list of codes)

Foreign Countries

(1)

(2)

INDIVIDUALS RESIDING ABROAD		ALL OTHER FOREIGN PERSONS			
Total (Columns (4) through (8))	U.S. nationals residing in foreign countries	Foreign nationals residing in foreign countries	Official institutions	Banks, brokers and nominees	Investment companies, insurance companies, trusts, and other persons owning or controlling funds or trusts
(9)	(4)	(5)	(6)	(7)	(8)

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Form TD F 90-19.2

Treasury Use Only

SURVEY OF FOREIGN PORTFOLIO INVESTMENT IN
UNITED STATES SECURITIES - 1978

Report for United States Holders of Records (FPI-2)

Note: Mail completed form to:

Foreign Portfolio Investment Project
Office of the Assistant Secretary (Economic Policy)
U.S. Department of the Treasury
Washington, D. C. 20220

Mandatory: This survey is being conducted pursuant to the International Investment Survey Act of 1976 (P.L. 94-472, 90 Stat. 2059, 22 U.S.C. 3101, et seq [the "Act"]). Filing of reports is mandatory.

Penalties: Whoever fails to report may be subject to civil penalty not exceeding \$10,000 and to injunctive relief commanding such person to comply, or both. Whoever willfully fails to report shall be fined not more than \$10,000 and, if an individual, may be imprisoned for not more than one year or both (22 U.S.C. 3105).

Confidentiality: The information filed in this report may be used only for analytical and statistical purposes and to enforce the Act. Access to the information shall be available only to officials and employees (including consultants and contractors and their employees) designated by the President to perform functions under the Act (22 U.S.C. 3104). Persons having access to individual company information submitted pursuant to the Act are subject to penalties for unauthorized disclosure (22 U.S.C. 3104 and 18 U.S.C. 1905).

PART I - Identification of Reporter

1. Employer's Identification Number (E.I.) ☐ - ☐

2. Name and Address of Reporter (Enter name and mailing address in blocks below. Skip a single block between words.)

Name of Reporter

☐

Street or P.O. Box

☐

City and State

Zip Code

☐

3. Industry classification of Reporter - Enter the appropriate 2-digit industry code representing your principal business activity.

Industry Code ☐

List of Industry Codes

Industry Code	Activity
60	Banking
61	Credit agencies other than banks
62	Security, commodity brokers and services
67	Holding and other investment companies
81	Legal services
99	Other → Specify _____

Person to consult concerning questions about this report:

Name and address	Title	Telephone		
		Area Code	Number	Extension

Certification: The undersigned reporter, and the official executing this certification on its behalf, hereby certifies that the information contained in this report, including any supplemental pages, schedules or statements attached hereto, is correct and complete to the best of his knowledge and belief.

Name of Reporter	Authorized official's signature	Title	Date

Part II - Information relating to United States securities held for foreign accounts or customers.

4. Enter the number of foreign accounts for which you are a holder of record of United States securities:

--	--	--	--	--

5. Enter the Number of Schedules C submitted with this report:

--	--	--	--	--

NOTE: A single Schedule C is required to be filed for each foreign person or aggregated group of foreign persons. See instructions, page _____ for rules governing aggregation of foreign accounts.

List of Issue Codes to be used in Completion of Schedule C

Type of Security	Code No.
Voting common stock	11
Non-voting common stock	12
Warrants, rights, or scrip	13
Voting preferred stock	14
Non-voting preferred stock	15
Registered bonds or debentures excluding convertible issues	21
Bearer bonds or debentures, excluding convertible issues	22
Convertible bonds or debentures	23
Marketable long-term notes	24
Other marketable long-term debt securities	25
United States Treasury bonds and long-term notes	31
Federally-sponsored agencies bonds and long-term notes	33
Federal financing institutions and U.S. Government corporations bonds and long-term notes	34
State and local government bonds and long-term notes	41

Form TD F 90-19.2

Part II - Schedule C

Breakdown of United States Securities Held for Foreign Persons

Name of Reporter (Same as Item 2, FPI-2)

2.1. Number (Same as Item 1, FPI-2)

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only

Part I - Identification of Foreign Account(s)

1. Number of accounts reported on this schedule (See instructions, page _____ for rules regarding aggregation of accounts by type and country of foreign owner)
2. This Schedule C is number _____ of _____ for this Schedule C.
3. This page is number _____ of _____ for this Schedule C.
4. Country of foreign owner(s) _____ Country: _____
5. Country code. Enter 3 digit country code _____ (See instructions, page _____ for list of codes)

6. Type of foreign owner(s). Mark "X" one block:
☐ a. U.S. national residing abroad (See instructions, page _____ for method of determining nationality)
☐ b. Foreign national residing abroad (See instructions, page _____ for definition of foreign official institutions)
☐ c. Foreign official institution
☐ d. Bank, broker, or nominee
☐ e. Investment company, insurance company, pension fund, and other employee benefit fund or trust
☐ f. Other business firm

Part II - U.S. Stocks, Bonds, Debentures and Similar Marketable Long-term Debt Securities Held for Foreign Person(s) as of 12/31/78.

Identification of Investment Held for this Account(s)	Stocks	Bonds and Debentures, and other long-term debt securities
Name of issuer and type of stock or type of bond. (See list on page _____ for similar marketable long-term debt security.)	Number of Shares	Country of foreign currency if issue is not denominated in U.S. dollars
Issue Code (See list on page _____ for list of codes)	CUSIP Number	Name of foreign country (see instructions, page _____ for list of codes)
(1)	(2)	(3)
		(4)
		(5)
		(6)
		(7)

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Form TD F 90-19.2
FPI-2 Schedule C (Continuation Sheet)
Breakdown of United States Securities Held for Foreign Persons

Name of Reporter (Same as Item 2, FPI-2) _____ E 1 Number (Same as Item 1, FPI-2): _____

PART I Identification of Foreign Account(s):

1. Number of accounts reported on this schedule _____
(See instructions, page _____, for method of aggregation of accounts by type and country of foreign owner)
2. This Schedule C is number _____ of _____ for this Schedule C.
3. This page is number _____ of _____ for this Schedule C.
4. Country of foreign owner(s) _____ Country: _____
5. Country code. Enter 3 digit country code _____
(See instructions, page _____, for list of codes)

6. Type of foreign owner(s) Mark "X" one block:
☐ a. U.S. national residing abroad (See instructions, page _____, for method of determining nationalities)
☐ b. Foreign national residing abroad
☐ c. Foreign official institution (See instructions, page _____, for definition of foreign official institutions)
☐ d. Bank, broker, or nominee
☐ e. Investment company, insurance company, pension fund, and other employee benefit fund or trust
☐ f. Other business firm

PART II U.S. Stocks, Bonds, Debentures and Similar Marketable Long-term Debt Securities Held for Foreign Person(s) as of 12/31/78.

Identification of Investment Held for this Account(s)

Name of issuer and type of stock or type of bond, debenture, or similar marketable long-term debt security.

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Issue Code (See instructions, page _____, for list of codes)	CUSIP Number	Face Amount (in U.S. dollars or foreign currency of denomination)	Number of Shares	Country of foreign currency (if issue is NOT denominated in U.S. dollars)	Name of foreign country	Country code (see instructions, page _____, for list of codes)

[FPI-2 Doc. 78-16365 Filed 6-8-78; 12:25 pm]

PROPOSED RULES

FEDERAL REGISTER, VOL. 43, NO. 114—TUESDAY, JUNE 13, 1978

Federal Register

TUESDAY, JUNE 13, 1978
PART V



CONSUMER
PRODUCT SAFETY
COMMISSION

CLASSIFYING,
EVALUATING, AND
REGULATING
CARCINOGENS IN
CONSUMER PRODUCTS

Interim Statement of Policy and
Procedure

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER A—GENERAL

PART 1040—INTERIM POLICY AND PROCEDURE FOR CLASSIFYING, EVALUATING, AND REGULATING CARCINOGENS IN CONSUMER PRODUCTS

Statement of Policy and Procedure

AGENCY: Consumer Product Safety Commission.

ACTION: Interim statement of policy and procedure on which comment is solicited.

SUMMARY: The purpose of this document is to establish on an interim basis, and to solicit comments on, the CPSC's general policy and procedure concerning the classification, evaluation, and regulation of substances that, if present in consumer products, pose a risk of cancer to consumers. The system is intended to assist the general public and regulated industry by providing guidelines concerning: (1) The standards CPSC will apply in classifying substances suspected of causing cancer, and evaluating products containing such substances, and (2) the regulatory action likely to be taken by the Consumer Product Safety Commission following classification and evaluation. This document also sets forth the procedures CPSC will follow in arriving at the classification of substances and the regulation of carcinogens in consumer products.

EFFECTIVE DATE: The policy and procedure will be effective on an interim basis June 13, 1978.

COMMENT DATE: Written comments on the interim statement of policy and procedure, preferably in five copies, should be submitted by October 11, 1978.

ADDRESSES: Written comments should be submitted to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. All material relevant to this policy and procedures statement, including any comments that may be received, may be seen in, or copies obtained from, the Office of the Secretary, 3rd Floor, 1111 18th Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Francine Shacter, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6557.

SUPPLEMENTARY INFORMATION: The purpose of this document is to es-

tablish and solicit public comments on a statement of policy and procedure concerning the classification, evaluation, and regulation of substances that, if present in consumer products, pose a risk of cancer to consumers.

BACKGROUND AND NEED FOR A STATEMENT OF POLICY AND PROCEDURE

Like the Occupational Safety and Health Administration (OSHA), the Food and Drug Administration (FDA), and the Environmental Protection Agency (EPA), the CPSC may need to regulate a large number of products containing known or suspected human carcinogens. CPSC recognizes that a number of chemical substances or mixtures are known to cause cancer in humans. Many more have been identified as carcinogens in animals. Still others are currently being tested by the National Cancer Institute and other groups.

CPSC has, since its creation in 1973, identified and taken regulatory action to prohibit the use of four carcinogens in consumer products. The first was the CPSC's ban of aerosol products containing vinyl chloride and intended for use in or around the household. (39 FR 36576 (October 11, 1974), revised and reissued, 43 FR 12308 (March 24, 1978).)

The second instance was the agency's interpretation of the Federal Hazardous Substances Act as banning the use of the chemical Tris (2,3-dibromopropyl) phosphate (TRIS) in children's sleepwear. (42 FR 18850 (April 8, 1977), revised and reissued, 42 FR 61621 (December 6, 1977).)

The third instance was CPSC's use of the provisions of the Consumer Product Safety Act to ban consumer patching compounds and artificial embezzling materials containing respirable free-form asbestos. (42 FR 63354 (December 15, 1977).)

The fourth and most recent action was CPSC's decision of April 27, 1978, to propose a ban on benzene as an intentionally added ingredient and as a contaminant at levels of 0.1 percent or greater in all consumer products, except gasoline and benzene for laboratory use. (43 FR 21839 (May 19, 1978).)

CPSC believes that in regulating in this area it will be helpful to set forth its approach and policy regarding certain issues which tend to recur in each case. The present document is intended to provide general guidance to the staff and the public.

While full implementation of a regulatory policy ultimately depends on the financial and personnel resources available to the agency, CPSC believes that failure to develop and publish its general approach and policy at this time would be a failure to fulfill its public responsibility.

CPSC's policy is similar in some respects, and different in others, from

the proposed rule on regulation of carcinogens published by OSHA on October 4, 1977 (42 FR 54148). (The Commission has also considered guidelines published by EPA on May 25, 1978 (41 FR 21402).)

A fundamental difference between the CPSC and OSHA documents is that this document is not being proposed as a rule and has no binding legal effect. The determination to take regulatory action against particular products or classes of products will continue to be made in individual proceedings, in accordance with the applicable statutory provisions and the terms of this policy statement.

The chief similarities between the CPSC and OSHA policies are the underlying scientific concepts, and the existence of a classification system for substances based on evidence as to their carcinogenic potential.

Since this document is a general statement of policy, it is exempt from the notice, public procedure and delayed effective date provisions of the Administrative Procedure Act. (5 U.S.C. 553). However, in view of the importance of the policy and the Commission's belief that comments on the policy from the general public, industry, and experts in relevant scientific disciplines are a valuable source of information and views which must be considered in establishing the policy, the Commission has decided to solicit public comment. In addition, CPSC is interested in gaining some practical experience from the operation of the policy and procedure set forth in the document before issuing a final statement. Accordingly, the policy and procedure will be effective on an interim basis as of the date of publication of this document in the FEDERAL REGISTER (June 13, 1978). The document will be included in the Code of Federal Regulations so the public and all affected parties will have notice of and access to the policy and procedures which CPSC will follow in this area. In publishing this statement of policy and procedure for comment, the Commission does not intend to set a precedent for future policy statements.

Therefore, pursuant to the Consumer Product Safety Act, Pub. L. 92-573, 86 Stat. 1207 et seq. as amended, 15 U.S.C. 2051 et seq., and the Federal Hazardous Substances Act, Pub. L. 86-613, 84 Stat. 372 et seq., as amended, 15 U.S.C. 1261, et seq., CPSC adds to Title 16, Chapter II, Subchapter A, of the Code of Federal Regulations, a new Part 1040 as follows:

PART 1040—INTERIM POLICY AND PROCEDURE FOR CLASSIFYING, EVALUATING, AND REGULATING CARCINOGENS IN CONSUMER PRODUCTS

Subpart A—General Statement of Policy, Background, General Provisions, and Summary

Sec.

- 1040.1 Statement of general policy.
- 1040.2 Scope of policy.
- 1040.3 Definitions.
- 1040.4 Legal background and statutory authority.
- 1040.5 Interagency cooperation.
- 1040.6 Summary of principles and procedure for classification, evaluation, and regulation of carcinogens.

Subpart B—Preliminary Screening

- 1040.11 Scope of preliminary screening.
- 1040.12 Procedure.

Subpart C—Classification

- 1040.21 Scope and principles of classification.
- 1040.22 Description of categories.
- 1040.23 Commission review of staff classification.

Subpart D—Staff Evaluation and Commission Appraisal of Products Containing Classified Substances

- 1040.31 Priorities for staff evaluation and commission appraisal.
- 1040.32 Guidelines and procedures for staff evaluation and commission appraisal.
- 1040.33 Factors considered in staff evaluation and commission appraisal.

Subpart E—Regulatory Treatment of Products Containing Category A Substances

- 1040.41 Regulatory approach.
- 1040.42 Effective date, recall, and imminent hazards.
- 1040.43 Public participation.

Subpart F—Regulatory Treatment of Products Containing Category B and C Substances

- 1040.51 Regulatory options.

Subpart G—Products Containing Category D Substances

- 1040.61 CPSC action.

AUTHORITY: Consumer Product Safety Act, Pub. L. 92-573, as amended 86 Stat. 1207, et seq. (15 U.S.C. 2051 et seq.); Federal Hazardous Substances Act, Pub. L. 86-613, as amended, 84 Stat. 372 et seq. (15 U.S.C. 1261, et seq.).

Subpart A—General Statement of Policy, Background, General Provisions, and Summary

§ 1040.1 Statement of general policy.

(a) The Consumer Product Safety Commission has both statutory jurisdiction and a public responsibility to regulate products containing carcinogens where the carcinogen is available for human uptake.

(b) The CPSC's policy is that it should not permit known carcinogens to be intentionally added to consumer products if they can be absorbed, inhaled or ingested into the human system.

(c) If carcinogens are capable of entering the human system, CPSC will require that the use of such carcinogens be phased out in favor of reasonable substitutes where they exist.

(d) If no reasonable substitute is available, and there is evidence that elimination of the carcinogenic substance would result in unacceptable economic and social costs, the CPSC will require reduction of the substance to the lowest attainable level until substitutes are identified.

§ 1040.2 Scope of policy.

This policy is intended to address risks of cancer associated with the presence of toxic substances in consumer products. The CPSC recognizes that these substances may also create risks of mutations, birth defects, sterility and other conditions, the causes of which also may not easily be traced. The CPSC does not intend, by adopting this policy, to preclude regulation of a product or substance that can be shown to cause chronic illnesses or conditions other than cancer. However, the principles guiding such regulation will be established on a case by case basis until the CPSC is able to establish general policies for these conditions as well.

§ 1040.3 Definitions.

As used in this Part 1040, the following terms shall have the meanings set forth:

(a) *Carcinogen*. Any substance which may produce cancer in humans or animals.

(b) *Human Uptake*. The process by which a substance enters the human system, either through ingestion, inhalation or absorption through the skin.

(c) *Intentionally added*. Any substance or mixture (1) added deliberately as an ingredient intended to impart specific characteristics or (2) contained in the final product as a result of intentionally using a raw material containing the substance, whether the raw material contains the substance as a result of deliberate addition or through contamination.

(d) *Lowest Attainable Level*. The lowest level to which a substance can be reduced that is consistent with the public health and safety and that does not result in unacceptable economic and social costs.

§ 1040.4 Legal background and statutory authority.

(a) *Legal background*. (1) The causes and mechanisms of cancer induction are still at the frontiers of scientific

knowledge. Nevertheless, the courts have recognized the need for agencies to make decisions concerning the regulation of cancer and other chronic hazards, even in the absence of data sufficient to resolve all questions factually. In such cases, the courts recognized that agency decisions are essentially policy judgments rather than resolutions of controverted facts, e.g., *Environmental Defense Fund v. EPA* (Velsicol), 548 F.2d 998 (D.C. Cir. 1976); *Ethyl Corp. v. EPA*, 541 F.2d 1 (D.C. Cir. 1976), cert. denied, 96 S.Ct. 2662 (1976); *Society of the Plastics Industry v. OSHA*, 509 F.2d 1301 (2d Cir. 1975), cert. denied sub nom. *Firestone Plastics Corp. v. Dept. of Labor*, 421 U.S. 992 (1975); *Industrial Union Dept., AFL-CIO v. Hodgson*, 499 F.2d 467 (D.C. Cir. 1974).

(2) It is clear that in regulating carcinogens, as well as other hazards, the statutes administered by CPSC, discussed more fully below, permit it to act on a precautionary basis and do not require it to establish proof of actual harm. The test mandated by the CPSC as a predicate to regulatory action to ban or limit the use of a substance is the existence of an unreasonable risk of injury. Risk, as noted by the courts, is not a fixed probability of harm but rather a complex relationship involving probability and severity. "That is to say, the public health may properly be found endangered both by a lesser risk of a greater harm and by a greater risk of a lesser harm." *Ethyl Corp. v. EPA*, supra at 18.

(b) *Statutory authority*. (1) Two statutes are administered by CPSC under which it is empowered to regulate substances in consumer products which present potential carcinogenic hazards. Under the Consumer Product Safety Act (15 U.S.C. 2051 et seq.), CPSC has the responsibility to protect the public from the unreasonable risk of injury, illness or death associated with consumer products. In addition, the Commission has the responsibility under the Federal Hazardous Substances Act (15 U.S.C. 1261, et seq.) to protect the public health and safety from hazards involved in the presence or use of toxic and other hazardous substances in households.

(2) *Consumer Product Safety Act*. (i) The basis for issuing consumer product safety standards and bans under the Consumer Product Safety Act (CPSCA) is the existence of an unreasonable risk of injury associated with a consumer product. The determination of unreasonable risk involves a balancing of the probability that risk will result in harm and the gravity of such harm against the effect of reducing or eliminating the harm on the product's utility, cost and availability to the consumer. As the legislative history of the CPSCA indicates:

An unreasonable hazard is clearly one which can be prevented or reduced without

affecting the product's utility, cost, or availability or one which the effect on the product's utility, cost, or availability is outweighed by the need to protect the public from the hazard associated with the product. There should be no implication, however, that in arriving at its determination the Commission would be required to conduct and complete a cost-benefit analysis prior to promulgating standards under this act. Of course, no standard would be expected to impose added costs or inconvenience on the consumer unless there is reasonable assurance that the frequency or severity of injuries or illnesses will be reduced." H.R. Rep. No. 92-1153, 92nd Cong., 2nd Sess. 33 (1972).

(ii) CPSC has the authority to take regulatory action to protect the public against such unreasonable risk through the issuance of consumer product safety standards, or, where no feasible standard would adequately protect the public from such risk, through the issuance of a rule declaring the product a banned hazardous product. In issuing consumer product safety rules (standards or bans) CPSC must find that the rule is reasonably necessary to eliminate or reduce an unreasonable risk of injury.

(iii) CPSC also may, by rule, require recordkeeping, labeling, and the furnishing of such performance and technical data to the agency and consumers as is determined to be necessary to carry out the purposes of the Act.

(iv) In addition to taking action through rule making, CPSC may determine, after affording interested persons the opportunity for a hearing, that a product presents a substantial hazard, or may file a civil action in a United States district court against a product presenting an imminent hazard. In both substantial product hazard and imminent hazard actions, an order may be issued to require notification to consumers of the hazard and the recall, repair or the replacement of, or the refund for, the product.

(3) *Federal Hazardous Substances Act.* The Federal Hazardous Substances Act (FHSA) requires every hazardous substance to be labeled and in certain cases where the product is intended for use by children, may act to automatically ban the substance or article. CPSC may ban hazardous substances other than those intended for use by children, when by regulation, CPSC determines that:

(A) Notwithstanding such cautionary labeling as is or may be required under this Act for that substance, the degree or nature of the hazard involved in the presence or use of such substance in households is such that the objective of the protection of the public health and safety can be adequately served only by keeping such substance, when so intended or packaged, out of the channels of interstate commerce. Section 2(q)(1)(B), 15 U.S.C. 1261(1)(B).

While neither the language of the FHSA nor its legislative history con-

tains any explicit requirement to balance the degree or nature of the hazard against the effect of reducing the hazard on the cost, utility or availability of the product, the requirement that CPSC find that "protection of the public health and safety can be adequately served only by (banning) the substance" recognizes that the less stringent alternative of labeling must be considered before the Commission bans a substance. If CPSC finds that the continued distribution for household use of the hazardous substance presents an imminent hazard to the public health, the agency may publish a notice of such finding in the *FEDERAL REGISTER*, thus banning the substance pending completion of the rulemaking proceeding.

(c) *Relationship to other statutory authorities.* Under the CPSCA, CPSC is required to defer to OSHA if risks can be adequately reduced by that agency, to EPA if a risk can be reduced under the Clean Air Act and to FDA with respect to radiation emitted from electronic products. Foods, drugs and cosmetics are among the products excluded from the CPSC's jurisdiction under the FHSA and CPSCA. The Toxic Substances Control Act (TSCA) vests EPA with omnibus authority to regulate all aspects of the production, distribution and use of toxic substances. This authority is concurrent with the Commission's authority to regulate such substances in consumer products. Section 9 of TSCA (15 U.S.C. 2608) prescribes a complex scheme under which the EPA Administrator, in his or her discretion, may refer risks associated with toxic substances to other agencies, including CPSC, if they can be more adequately addressed under a statute administered by the other agency.

(d) *Imminent hazards.* (1) In determining whether to exercise its authority regarding imminent hazards, described above, CPSC will consider: (i) The relative certainty of the scientific case against the substance; (ii) The apparent potency of the substance; (iii) The extent of consumer exposure to products containing the substance including, (A) The number and kinds of products; (B) The amount of the substance contained in the products; and (C) To the extent feasible, the amount of the substance available for human uptake.

(2) In addition to the factors set forth above, imminent hazard determinations under the FHSA (See 15 U.S.C. 1261(q)(2)) are subject to regulations issued by FDA at 21 CFR 2.5.

§ 1040.5 Interagency cooperation.

Cooperation among the Federal agencies charged with protecting the public health and safety from risks associated with toxic substances is clearly essential in order to afford the

greatest possible protection at the least cost to society. CPSC, EPA, FDA, and OSHA, have formed the Interagency Regulatory Liaison Group to achieve this goal of common cooperation. CPSC also participates as an agency member of the Toxic Substances Strategy Committee, chaired by the Council on Environmental Quality.

§ 1040.6 Summary of principles and procedure for classification, evaluation, and regulation of carcinogens.

(a) In order to ensure that rapid, effective and responsible regulation ensues in appropriate cases, and that consistent criteria will be applied, the following internal procedural guidelines are established. These guidelines describe a four-step process to be used by CPSC for: The preliminary screening of substances about which a question of carcinogenicity has been raised; the classification of those substances used in consumer products; the evaluation of consumer products containing classified substances; and a determination as to any regulatory action to be taken regarding those products. This document does not address the procedure CPSC staff may use in seeking out and identifying potentially carcinogenic substances. To date, the agency has had to assume a predominantly reactive posture with respect to carcinogenic and other chronic hazards. Petitions, consumer complaints, interagency referrals, etc., have consumed all available staff resources. The Commission is now attempting to develop an internal system for identifying chronic hazards needing investigation.

(b) *Preliminary screening.* The first step in addressing substances about which a question of carcinogenicity has been raised is a preliminary screening conducted by the staff. The purpose of this screening is to determine whether CPSC has jurisdiction or authority to act. During this stage, a determination is made whether there is reason to believe the substance is present in any consumer products subject to CPSC jurisdiction or whether the agency need not act because another agency is adequately dealing with the potential hazard.

(c) *Classification.* (1) When it is determined that the substance may be present in one or more consumer products subject to CPSC jurisdiction, the next step is the classification of this substance based on the type and quality of the available test data and studies. CPSC recognizes that the question of what presents a carcinogenic risk to humans is highly controversial. Scientists do not agree on the mechanisms of carcinogenesis. Many gaps remain in our knowledge of the causes, prevention and cure of cancer. However, the Commission believes it is not con-

sistent with its mission to protect the public health to wait for years to resolve these issues scientifically without a policy and system for the regulation of those substances in consumer products for which there is evidence of a carcinogenic risk.

(2) The Commission therefore will use a system for the classification of such substances into four categories, based on the available data that the substances present carcinogenic risks to humans. The first category (Category A) will contain substances for which there is strong evidence of carcinogenicity. The second category (Category B) will contain those substances for which the evidence is suggestive but not as strong. The third category (Category C) will contain two types of substances. First, it will contain substances about which a question has been raised regarding the potential carcinogenic hazard to humans, but for which there is very limited evidence of carcinogenicity. Second, it will contain substances belonging to classes or families of chemicals where many members of the class or family have been shown to be carcinogenic. CPSC believes that substances belonging to such a class or family require further testing if the substance is or may become widely used in consumer products. The fourth category (Category D) will contain substances which had been previously classified as either A, B or C but for which the existing evidence does not indicate carcinogenic potential at the time of reclassification.

(3) CPSC recognizes that new information about classified substances will likely be developed as a result of further testing and investigation. Therefore, the classification determinations under this policy, particularly in Category B and C, will be subject to change. In order to insure that substances are classified on the basis of the most current information, the classification of all substances under this policy will be subject to periodic review and reaffirmation or adjustment by the Commission. Individual substances may be reclassified by the Commission on an ad hoc basis should the need arise.

(d) *Evaluation of products containing classified substances.* The next step in the Commission's procedural guidelines provides for evaluation of products containing classified substances. This includes an evaluation of the factors to be considered by CPSC in determining the nature and extent of any regulatory action that should be taken, including such factors as the extent to which products containing the substance are used and by whom; the potency of the substance, potential for human uptake, the probable effect of regulation on the hazard; and the social and economic impact of the regulation.

(e) *Regulatory treatment of products containing Category A substances.* This step includes the selection of the appropriate regulatory strategy, including both identification of the appropriate statutory authority and the specific remedial action required.

(f) *CPSC action regarding products containing Category B, C, and D substances.* Generally, CPSC's policy will be to make every reasonable effort to see that Category B substances receive further testing. Pending the completion of additional tests, CPSC may take appropriate steps to warn the public of the possibility of consumer risks by methods such as requiring manufacturers to make health and safety information available to consumers. The CPSC may take similar steps for Category C substances which are or may become widely used in consumer products. The CPSC will not take action on Category D substances other than to maintain records and update information on available test data and studies.

(g) *Adjustments to the policy.* CPSC recognizes that from time to time, adjustments to this policy may be necessary to reflect significant new scientific information, legal and policy developments and interagency regulatory initiatives.

Subpart B—Preliminary Screening

§ 1040.11 Scope of preliminary screening.

When information comes to the attention of the Commission or its staff concerning a substance about which a question of carcinogenicity is raised,¹ the staff on its own initiative shall conduct a preliminary screening of readily available data. The chief purpose of this screening is to establish whether there is reason to believe the substance is present in any consumer products subject to CPSC jurisdiction before initiating additional analyses and evaluation involving substantial expenditure of resources. In addition, this process may reveal cases in which the risk to the public health and safety posed by a substance is being adequately reduced by another agency. The only criteria for not proceeding beyond this stage are the absence of consumer products containing the substance or action by another agency. Questions of potential carcinogenicity, human uptake, exposure, etc. will be addressed at a later point in the process.

¹ The Commission or its staff currently receives information concerning possible carcinogens primarily from interagency referrals from testing agencies such as the National Cancer Institute, and from regulatory agencies such as EPA, and from petitions. The staff will also monitor the medical and scientific literature for indications of new risks.

§ 1040.12 Procedure.

(a) The staff will periodically notify the Commission, in writing, of the receipt of the information referred to in § 1040.11 and set forth a time schedule for the preliminary screening and if warranted, the subsequent classification of the substance and evaluation of products containing the substance. The Commission may revise the time schedule, as it deems appropriate.

(b) In the preliminary screening, the staff will collect and assemble readily available data on the uses of the substance in consumer products under CPSC jurisdiction and determine if another agency is addressing possible risks of injury presented by such products. The staff will notify the Commission, by memorandum, only if one of the criteria for not proceeding further applies. Otherwise, the staff will proceed to the classification stage of the process. The order in which the staff will classify substances will be based on priority criteria that will be developed and approved by the Commission.

Subpart C—Classification

§ 1040.21 Scope and principles of classification.

(a) *Scope.* After the initial screening and the determination that a substance may be present in consumer products subject to CPSC jurisdiction, the staff² will classify the substance into one of four categories based on the existing evidence that the substance is a possible human carcinogen.³

(b) *Principles.* In analyzing the evidence regarding potential carcinogenicity, the staff will be guided by the following general principles:

(1) *Human studies.*—(i) *Use and limitations.* Epidemiological studies of human populations can provide strong evidence of a relationship between exposure to substances and disease. Human studies can provide direct data about such factors as sensitivity and metabolism, route and length of exposure, latency periods and spontaneous tumor rates. On the other hand, human epidemiological studies almost

² In addition to its own scientific staff, the agency may seek out expert advice by retaining consultants or establish a panel of experts from relevant disciplines such as toxicology, medicine, pathology, chemistry, biometry, and epidemiology. Establishment of such a panel will be governed by the Federal Advisory Committee Act (5 U.S.C. App. I, § 1 et seq.). These experts may be available to the Commission staff as necessary to evaluate the available data and test results, in terms of the quality, adequacy and interpretation of experimental and epidemiological data.

³ In the classification phase the staff will not be limited to readily available data. Full literature searches and consultations with experts in the field may be conducted.

never establish a direct cause and effect relationship between exposure to a substance and disease. Amount of exposure is generally estimated and the study group is usually exposed to a variety of substances as well as being affected by other factors. Further, since the study group is virtually always selected retrospectively, experimental conditions cannot be controlled. Nevertheless, while questions may be raised concerning human studies, CPSC will regard positive results in sound epidemiological studies as reliable indicators of carcinogenicity in humans.

(ii) *Positive versus negative results.* For the reasons set forth below, the agency will not rely on negative results in epidemiological studies to establish the safety of substances. The latency period between exposure to carcinogenic substances and the onset of disease can vary from five to forty years. Given this latency period, CPSC believes that the basic type of cohort or case control study, which must be conducted retrospectively, is more likely to provide false negative than false positive results. Follow-up time may simply have been too short to cover individual susceptibilities in latency period for the cohort study. For the case-control study, the latency period may be too long to adequately evaluate exposure. Thus, a chemical that appears safe for human exposure on the basis of negative results may subsequently be demonstrated to cause cancer. The latency period also creates special problems when young children are exposed to a carcinogenic substance because more time will be available during their lives for disease to manifest itself.

(2) *Animal studies.* (i) With the possible exception of arsenic and benzene (still under study) all chemical substances or mixtures that have been shown to be carcinogenic in humans as a result of epidemiological studies have also been shown to be carcinogenic in experimental animals. However, because of the difficulty in obtaining epidemiological data, there is often no evidence as to whether a chemical that has been shown to be carcinogenic in animals is also carcinogenic in humans. Nevertheless, prudence requires an assumption that such chemicals pose a risk of cancer to humans. This principle has been recognized and applied by a number of Federal agencies, including CPSC in its interpretation of the FHSA as banning TRIS in children's sleepwear, and has been affirmed by the courts. It is set forth in the "General Criteria for Assessing the Evidence for Carcinogenicity for Chemical Substances," recently proposed for the National Cancer Institute by the Subcommittee on Environmental Carcinogenesis of its National Cancer Advisory Board ("NCAB

Report") 58 J. Nat. Cancer Inst. 461 (Feb. 1977). The staff will be generally guided by the NCAB Report in assessing experimental conditions and the kinds of statistically significant changes in tumor incidence that may be used to characterize carcinogenic potential.

(ii) More specifically, CPSC will rely on the following concepts in evaluating animal studies for purposes of classification:

(A) *Mammalian species.* CPSC generally will rely only upon results found in testing mammalian species as opposed to reptiles, fish, etc. As a practical matter, small mammals such as hamsters, rats and mice will be the test animals of choice, because of their convenience, relatively low cost, and susceptibility to agents known to be carcinogenic to humans.

(B) *Positive versus negative results.* In general, positive results in tests with experimental animals, if obtained under sound experimental conditions and with proper statistical confirmation, should supersede negative results. Further, because of interspecies variations in susceptibility, negative results in one species should not detract from the significance of clearly positive results obtained in another species. Moreover, because of the inherent difficulties in epidemiological studies, sound positive animal data should generally supersede negative human data.

(C) *Testing at high dose.* Testing of chemicals at high exposure levels, at or approaching the maximum tolerated dose level, is employed to compensate for the limited number of animals available for long term bioassays and CPSC will consider results in such tests reliable indicators of carcinogenicity.

(D) *Organ specificity.* In some instances the site of cancer seen in laboratory animals is often the same as that recorded in human epidemiological studies. In others, the site is different. Therefore, the Commission will not presume that the organ affected in animal studies will necessarily be the same as that in humans.

(E) *Benign tumors.* CPSC proposes placing the same weight on the results of animal experiments in which only benign tumors are observed, as upon experiments in which both malignant and benign tumors are observed. Although historically a distinction has been drawn between the two kinds of tumors, considerations such as the fact that benign tumors are hazardous without progressing to malignant stages, and the lack of any basis for determining which benign tumors may or may not progress to the malignant stage, have led agencies and expert committees to be more cautious. Thus, in the instances where benign, but not malignant, tumors are observed, CPSC

will give these results the same weight as tests resulting in malignant tumors.

(F) *Increased incidence of spontaneous tumors.* CPSC recognizes that certain animal strains have high and variable spontaneous incidence of tumors in one or more organs. An example is the incidence of liver tumors in certain strains of mice. Even in cases where the spontaneous tumor incidence is high, however, positive inferences can be drawn from a decrease in the latency period or an increase in the number of tumors per animal. Accordingly, CPSC proposes to interpret the results of experiments showing a statistically significant increased incidence of tumors, or a statistically significant decreased time to onset of tumors in treated animals versus controls as positive evidence of carcinogenicity, regardless of the spontaneous tumor incidence.

(G) *Routes of exposure.* In cases where the test compound administered to the experimental animals is circulated systemically, giving rise to tumors at sites other than the point of application, it seems reasonable to regard the route of administration as immaterial in weighing the potential risks to humans. Where tumors are induced only at the site of administration, it becomes important to evaluate the appropriateness of the route of exposure with that likely to occur during use of the consumer products. For example, this evaluation is particularly important in those cases in which the only tumors observed are skin tumors at the site of application, but consumer exposure is likely to be through skin contact.

(iii) In relying on animal studies for purposes of classification, CPSC will ensure that tests, to the extent feasible, conform to the guidelines for design of chronic toxicity and carcinogenicity tests set forth in "Principles and Procedures for Evaluating the Toxicity of Household Substances," National Academy of Sciences (June 1977) ("NAS Publication 1138").

(3) *Short-term or in vitro tests for carcinogens.* (i) CPSC is aware that a number of short-term or *in vitro* tests are currently being developed and appear promising as part of a screening system for potential carcinogens in humans and experimental animals. The development of such tests is based on the assumption that cancer can be related to genetic alterations and that, therefore, detection of such changes is indicative that a substance may have carcinogenic potential. The various short-term tests are discussed more fully in NAS Publication 1138, cited above.

(ii) As the NCAB report⁴ states, none of the existing short-term tests can be used to establish whether a

⁴58 J. Nat. Cancer Inst. 463.

compound will or will not be carcinogenic in humans or experimental animals. Therefore, CPSC concludes at this time that positive results in such tests without confirmation in animal species or in humans will not support a decision to ban or limit the use of the substance in consumer products on the basis of its suspected carcinogenicity. However, in view of the fact that positive results in these tests suggest the need for testing of the substance in long term bioassays, CPSC will consider as possible options: performing, requiring or encouraging further testing of such substances, and requiring recordkeeping and submission of technical data to the agency.

(4) *Classes or families of chemicals.* CPSC believes that substances belonging to a class or family of chemicals, many members of which have been shown to be carcinogenic, should be subject to further testing if they are presently or will become widely used in consumer products.

(5) *Threshold limits.* CPSC concludes that threshold limits for exposure to carcinogens below which it can be said there is no effect have yet to be established. While CPSC recognizes that relationships between dose and response have been identified for a number of carcinogens and generally these seem to follow traditional curves, with response increasing with increasing dose, no threshold has yet been identified below which a carcinogen has no effect. The nature of the dose-response relationship and the existence of thresholds have been discussed by many experts in the field of cancer research and they are substantially in agreement that dose-response data cannot be used to set no-effect levels for exposure to chemical carcinogens. Moreover, CPSC must consider varying individual susceptibilities within the heterogeneous human population. This contrasts with the homogeneous strains of animals used in tests and the relative homogeneity of defined human study groups. Thus, once a presumption of carcinogenicity has been established for a substance, any exposure to the substance must be considered to be attended by some risk when considering any given population.

§ 1040.22 Description of categories.

CPSC recognizes that any assessment of carcinogenic risk must ultimately rest upon the best judgment of individuals expert in evaluating and interpreting the data derived from experimental studies and human observations. However, guidance is necessary to structure such findings and assure consistency of regulatory treatment. Such guidance is provided in the following criteria for classifying substance based on the conclusions reached from the existing data.

(a) *Category A.* This category consists of those substances for which

there is strong evidence of carcinogenicity. This evidence may come either from human epidemiological studies, long term animal studies, a combination of long term animal studies and *in vitro* testing, or other information provided by the staff which the Commission regards as compelling evidence of carcinogenicity. Specifically, a substance will be classified as Category A if:

(1) The National Cancer Institute has issued a finding that the substance is an animal or human carcinogen; or

(2) The substance either significantly increases the incidence or reduces the time to onset of benign or malignant neoplasms in humans in the exposed versus nonexposed group; or

(3) (i) The administration of the substance to groups of animals in well designed and soundly conducted experiments significantly increases the incidence or reduces the time to onset of one or more types of benign or malignant neoplasms in the treated groups as compared to control groups maintained under identical conditions but not given the test compound.

(ii) Ordinarily, the results referred to in paragraph (3)(i) of this section must follow from systemic distribution of the substance and must be obtained in either: (A) Two species of test animals; (B) One species of test animal when replicated in a second experiment using independent control groups; (C) One species of test animal when supported by a battery of well designed and soundly conducted relevant short-term tests, such as assays for: Neoplastic transformation of mammalian cells in culture; mutagenesis in mammalian somatic cells; mutagenesis in bacteria, yeast, *Drosophila melanogaster* or other appropriate cell systems; or the induction of DNA damage and repair; or

(4) The Commission finds that there is other evidence sufficiently compelling to warrant classifying the substance as Category A. For example, on the basis of a staff analysis that the results constitute sufficiently strong evidence of carcinogenicity, the Commission may, in its discretion, classify a substance as Category A based on a single, unreplicated long term animal study.

(b) *Category B.* This category will consist of those substances for which the evidence of carcinogenicity is suggestive that a risk to humans exists. A substance will be classified as Category B if:

(1) Human or animal data are suggestive but not conclusive of carcinogenicity because they are statistically inconclusive or methodologically deficient but nonetheless tend to support a finding of carcinogenicity; or

(2) Positive results exist in one or more short-term tests but have not

been confirmed by positive data from either human studies or long-term animal experiments; or

(3) Positive results exist in only one unreplicated long term animal test the results of which are not sufficiently compelling to warrant classification as Category A, and are not supported by a battery of positive results in short-term test.

(c) *Category C.* This category will consist of substances which are members of a class or family of chemicals, many members of which are known to be carcinogens. It also consists of other substances about which a question has been raised regarding the potential carcinogenic hazard to humans, but for which the evidence is very limited.

(d) *Category D.* This category will consist of substances which had been previously classified as either A, B or C, but for which the existing evidence does not indicate carcinogenic potential at the time of re-classification.

§ 1040.23 Commission review of staff classification.

After the classification has been initially determined by the staff, the staff will prepare a briefing package and, where necessary, a FEDERAL REGISTER notice, summarizing the information and the opinions of the staff and others who assisted in determining the classification. At the same time, the staff will bring to the Commission's attention any evidence which it believes the Commission might find sufficiently compelling to exercise its discretion under § 1040.22(a)(4). The Commission will expeditiously consider the information furnished by the staff and any other information and data it deems relevant and appropriate and will approve the staff recommendation or make such changes as the Commission determines are appropriate and necessary. The provisional classification of a substance into Category A or B will be published for public comment in the FEDERAL REGISTER. Comment will also be requested on the distribution and use of the substance in consumer products and the availability of the substance for human uptake. Any comments received will be analyzed by the staff to determine if significant questions are raised concerning the correctness of classification. If, in the opinion of the Executive Director or his or her designee, significant questions are raised, the issues will be brought before the Commission for resolution. If the substance is classified as Category A, the Commission, in accordance with assigned priorities (see § 1040.31), will direct the staff to proceed with the evaluation phase while awaiting resolution by the Commission of any significant questions raised by the public comments.

Subpart D—Staff Evaluation and Commission Appraisal of Products Containing Classified Substances

§ 1040.31 Priorities for staff evaluation and Commission appraisal.

In determining the order in which products containing classified substances will be evaluated by the staff, the Commission recognizes that it may need to set priorities among substances. Generally, priority will be based on the relative certainty of the evidence concerning the substance (i.e., the category to which it is assigned), the apparent potency of the substance, the extent of consumer exposure to products containing the substance, including the approximate number of products and the amount of the substance contained in each, and the potential for human uptake. This may lead in some cases to the allocation of resources to the investigation and possible regulation of high priority Category B or C substances rather than low priority Category A substances.

§ 1040.32 Guidelines and procedures for staff evaluation and Commission appraisal.

(a) *Guidelines.* In accordance with Commission assigned priorities, as discussed in § 1040.31, the staff will prepare, for each Category A substance, and in certain appropriate cases, for Category B or C substances, an evaluation of products contain the substance for the use of the Commission in considering the nature and extent of any regulatory action. In appraising the staff evaluation, the Commission will be guided by the Statement of General Policy set forth in § 1040.1.

(b) *Procedure.* There may be two stages of staff evaluation of products containing classified substances.

(1) *First stage evaluation.* In the first stage, the staff will supply only the data and analysis which can be developed adequately within a minimum amount of time. The staff will, as expeditiously as possible, prepare a report and brief the Commission on the results of the preliminary analysis. After reviewing the report, the Commission will decide either to consider regulatory action, or to proceed with a second level of staff evaluation and Commission appraisal.

(2) *Second stage evaluation.* The Commission will direct the staff to prepare a second level of analysis only when the first indicates that unresolved questions are serious enough to warrant further exploration. The Commission will provide the staff with

*Potency should be estimated using human data or, where that is not available, using dose response data for the most sensitive animal species in which the substance has been tested.

guidance as necessary on specific problems to be covered in the second stage analysis. Thus, the second stage analysis need not expand on every factor considered in the first stage, but only those where substantial uncertainties remain. The staff will prepare a report and brief the Commission on the results of the second stage analysis. Regulatory action will then be considered.

§ 1040.33 Factors considered in staff evaluation and Commission appraisal.

The factors set forth below will be considered by the staff and the Commission in evaluation and appraisal of products containing Category A substances and in certain appropriate cases, products containing Category B or C substances:

(a) *Exposure.* The staff evaluation shall consider, to the extent warranted by the particular circumstances of each case, the following information on exposure: (1) Products and/or classes of products in which the substance appears; (2) ranges or levels of concentration and forms in which the substance appears; (3) major use characteristics of the products as they may affect routes of entry into the body; (4) intensity or duration of exposure of the public to a substance; (5) volume of products in consumer's hands and the distribution chain; and (6) population exposed, including high exposure or high vulnerability groups.

(b) *Human uptake.* The staff evaluation shall consider, to the extent warranted by the particular circumstances of each case, the factor of human uptake, including the quantity of the substance that could come in contact with tissue or organs under reasonably foreseeable conditions of product use or misuse. This analysis may take into account the physical and chemical characteristics of the substance and the product in which it appears, including solubility, particle size for aerosols, skin penetration, and absorption rates.

(c) *Substitutes.* The staff evaluation shall consider, to the extent warranted by the particular circumstances of each case, the availability, adequacy and comparative costs of probable substitutes. The evaluation should also discuss possible hazards of probable substitutes, including toxicity.

(d) *Potential economic and social effects.* The staff evaluation shall consider, to the extent warranted by the particular circumstances of each case, the following information:

(1) The need of the public for the consumer products containing the substance;

(2) The probable effect of regulation on the utility, cost, or availability of products to meet the need; and

(3) Any means of achieving the regulatory objective while minimizing adverse effects on competition or disruption

tion or dislocation of manufacturing and other commercial practices.

(e) *Environmental assessment.* To the maximum extent possible, the staff evaluation should serve as the basis for CPSC's assessment of the effect of possible regulatory action on the environment.

(f) *Interaction of risk factors.* (1) In estimating the risk of injury or illness presented by a product containing a carcinogenic substance, it is important to assess the interaction of several factors, including the potency of the carcinogenic substance, the exposure to that substance, and the availability of the substance for human uptake. This assessment of the risk of injury or illness will generally take the form of an estimate based on reasonable assumptions or self-evident circumstances.

(2) CPSC recognizes that the varying potency of chemical carcinogens (in comparable animal test systems) can elicit responses which vary by as much as a factor of 10 million. Likewise, exposure patterns of products vary widely and differences often exist between routes of exposure in animal bioassays and actual product use. Differences in human uptake patterns and in sensitivity between animal and human systems are also factors which, to a lesser degree, affect the carcinogenicity of substances to humans.

(3) The great magnitude of the differences cited above suggests that there are situations in which it is desirable to estimate quantitatively the level of risk presented by a product using mathematical relationships interrelating estimates of exposure conditions, sensitivity, and human uptake factors. It is recognized, however, that these quantitative estimates of risk utilizing mathematical relationships have varying degrees of reliability, depending both upon the data and the assumptions involved. This is especially so when extrapolating from doses sufficiently high to produce tumors in animals to the lower doses of expected consumer exposure.

(4) Accordingly, quantitative estimates of risk may be used by CPSC in making judgments as to the relative degree of risk of injury or illness presented by a product in setting priorities for regulatory action.

Subpart E—Regulatory Treatment of Products Containing Category A Substances

§ 1040.41 Regulatory approach.

(a) As stated in the Statement of General Policy, § 1040.1, CPSC will not permit known carcinogens to be intentionally added to consumer products if they can be absorbed, inhaled or ingested into the human system, unless elimination of the carcinogenic substance would result in unacceptable

economic and social costs, in which case CPSC will require reduction of the substance to the lowest attainable level until reasonable substitutes are identified.

(b) Consequently, it is reasonable to assume that CPSC will act to ban, or reduce to the lowest level attainable, the intentional addition to a consumer product of a Category A substance. However, the timing of this action will depend, as discussed in § 1040.31, on the priority accorded the substance in comparison with other substances. Products containing Category A substances assigned a low priority for regulatory action to ban or limit the use of the substance, may be subject to interim regulatory action as provided in § 1040.51(b).

§ 1040.42 Effective date, recall and imminent hazards.

In determining the effective date of a ban, as well as the need to exercise its recall or imminent hazard authority, CPSC will seek ways to minimize the disruptive effect of its actions on commerce to the extent consistent with protection of public health and safety.

§ 1040.43 Public participation.

The Commission will ensure that the public is involved to the greatest practicable extent in the decision-making process leading to the regulation of carcinogenic risks. The public has the right, under the CPSA, to furnish to the Commission data, views and arguments in writing and orally on proposed consumer product safety rules and has similar procedural rights under the FHSA. In addition, where appropriate, the Commission will provide for other hearings and public

meetings on questions of regulation of carcinogens.

Subpart F—Regulatory Treatment of Products Containing Category B and C Substances

§ 1040.51 Regulatory options.

(a) *Testing.* Category B substances are those for which the scientific evidence of carcinogenicity is suggestive but not as strong as that for Category A. Category C substances are those about which a question of carcinogenicity is raised, either on the basis of limited evidence or membership in a family or class of chemicals, many of which have been shown to be carcinogenic. Generally, CPSC will make every reasonable effort to see that substances classified as Category B and C receive further testing.*

(b) *Interim regulatory action.* Pending the completion of additional tests, CPSC may consider whether interim regulatory action should be taken.

(1) *Warning statements.* Interim action could take the form of regulation under section 27(e) of the CPSA requiring manufacturers to make information available to consumers at point of sale, including requiring an explicit cautionary statement regarding positive results of any tests conducted on the substance;

(2) *Labeling.* CPSC may consider mandatory labeling of products containing Category B and C substances.

*CPSC may require manufacturers, under the provisions of section 27(e) of the CPSA to conduct specific tests and to provide it with the results of those tests. CPSC may also request EPA to require manufacturers to supply testing data under the Toxic Substances Control Act.

(See e.g., section 27(e), CPSA, 15 U.S.C. 2076(e) and section 3(b) FHSA (15 U.S.C. 1262(b)).

(3) *Recordkeeping.* CPSC may consider mandatory recordkeeping of the production and distribution of products containing Category B and C Substances under section 16(b) of the CPSA (15 U.S.C. 2065(b)).

Subpart G—Products Containing Category D Substances

§ 1040.61 CPSC Action.

CPSC will monitor sources of information concerning Category D substances and maintain any data received in order to determine whether re-classification into Category A, B, or C is warranted. No regulatory action will be taken with regard to products containing Category D substances.

Interested persons are invited to submit written comments on this statement of policy and procedures before the close of business October 11, 1978. Comments received after that date will be considered to the extent practicable. Comments should be accompanied by any relevant supporting data, and should be submitted preferably in five copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments may be seen in the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street NW., third floor, Washington, D.C. during working hours Monday through Friday.

Dated: June 8, 1978.

SADYE E. DUNN,
Acting Secretary, Consumer
Product Safety Commission.

[FR Doc. 78-16441 Filed 6-9-78; 3:28 pm]

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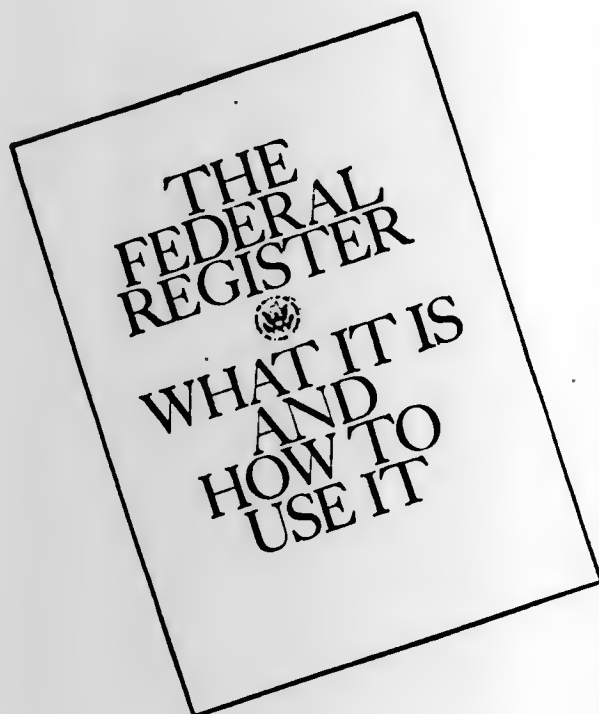
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highlights

SUNSHINE ACT MEETINGS 25769

AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAMS

HEW/SSA solicits comments by 8-14-78 on interim regulations regarding disclosure of official records 25672

COMMUNITY DEVELOPMENT BLOCK GRANTS

HUD/CPD proposes procedures and invites applications for competitive grants for technical assistance in planning, developing, and administering assistance (2 documents); comments by 7-14-78; grants applications by 7-31-78 (Part III of this issue) 25780, 25782

LOANS FOR COLLEGE HOUSING PROGRAM

HUD/FHC sets forth requirements for fiscal year 1978; effective 6-14-78; comments by 7-14-78 (Part IV of this issue) 25784

EXPORTATION OF TRIS AND OTHER TRIS PRODUCTS

CPSC states and discusses its enforcement policy; effective 5-5-78 25711

TOLERANCE FOR CERTAIN INERT INGREDIENTS IN PESTICIDE FORMULATIONS

EPA proposes to amend regulations permitting the use of exempted ingredients; comments by 7-14-78 25697

SOLICITATION AND ADVERTISING BY PRACTITIONERS

Treasury/Secy amends and revises provisions of regulations governing practice by attorneys, certified public accountants, enrolled agents, and others who represent clients before the Internal Revenue Service; comments by 7-14-78 25695

METHYL ALCOHOL FROM CANADA

Treasury/Secy initiates an antidumping investigation; effective 6-14-78 25758

SHORT SUPPLY CONTROLS

Commerce/ITA exempts agricultural commodities from quantitative limitations on export; effective 6-9-78 25667

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM

HEW/SSA plans to rewrite and reorganize regulations 25695

ADEQUATE RAILROAD REVENUE LEVELS

ICC adopts regulations providing for procedures to be followed in handling proceedings; effective 6-7-78 and announces institution of revenue adequacy proceeding; intent to participate by 6-20-78; railroads and other interested parties statements by 7-10-78 and 9-10-78; rebuttal statements of railroads by 9-30-78; and Commission decision by 11-30-78 (2 documents) (Part II of this issue) 25774, 25778

CONTINUED INSIDE

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

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Finding Aids	523-5227
Public Briefings: "How To Use the Federal Register."	523-3517
Code of Federal Regulations (CFR)..	523-3419
	523-3517
Finding Aids	523-5227

PRESIDENTIAL PAPERS:

Executive Orders and Proclamations.	523-5233
Weekly Compilation of Presidential Documents.	523-5235
Public Papers of the Presidents	523-5235
Index	523-5235

PUBLIC LAWS:

Public Law dates and numbers	523-5266
	523-5282
Slip Laws	523-5266
	523-5282
U.S. Statutes at Large	523-5266
	523-5282
Index	523-5266
	523-5282

U.S. Government Manual	523-5230
Automation	523-3408
Special Projects	523-4534

HIGHLIGHTS—Continued

GRANTS

CSA proposes regulations to inform grantees that the aggregate annual advance requiring issuance of a Letter-of-Credit has been reduced; comments by 7-14-78 25698

SPACE TRANSPORTATION SYSTEM FLIGHTS

NASA proposes regulations authorizing each individual participating as a flight crew member or a payload specialist to carry on the flight a Personal Preference Kit; comments by 7-15-78 25693

PRIVACY ACT

DOD/DIA amends an existing exemption rule; effective 6-8-78 25672
OMB lists reports on new systems that have been filed 25751

CERTAIN VISAED COTTON APPAREL FROM INDIA

CITA places additional import controls; effective 6-12-78 25710

CERTAIN SWIVEL HOOKS AND MOUNTING BRACKETS

ITC investigates a complaint in unfair methods and acts in importation and sale 25743

FINANCIAL DISCLOSURE REGULATIONS FOR COMMISSION STAFF

ITC amends rules of agency organization procedure and practice; effective 6-14-78 25671

MEETINGS—

DOD/Secretary: Department of Defense Wage Committee, 8-78	25712
DOE: Food Industry Advisory Committee, 7-12-78	25712
Interior/Secretary: Animal Damage Control Act Study Advisory Committee, 6-29 and 6-30-78	25742
Joint Board for the Enrollment of Actuaries, 7-7-78	25743
National Commission on Employment and Unemployment Statistics, 7-25 and 7-26-78	25746
USDA/AMS: Flue-Cured Tobacco Advisory Committee, 6-29-78	25701

CANCELLED MEETING—

USDA/FS: National Forest Management Act Committee of Scientists, 6-19 through 6-21-78	25701
---	-------

CHANGED MEETINGS—

DOD/Secretary: Defense Science Board Task Force on SSBN Security, 6-28-78	25712
HEW/OE: Accreditation and Institutional Eligibility Advisory Committee, 6-21 through 6-23-78	25740

SEPARATE PARTS OF THIS ISSUE

Part II, ICC	25774
Part III, HUD/CPD	25780
Part IV, HUD/FHC	25784

contents

ACTUARIES, JOINT BOARD FOR ENROLLMENT

Notices
Meetings:
ERISA actuarial services examinations 25743

AGRICULTURAL MARKETING SERVICE

Notices
Meetings:
Flue-Cured Tobacco Advisory Committee 25701

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Forest Service; Soil Conservation Service.

AIR FORCE DEPARTMENT

Notices
Environmental statements; availability, etc.:
Mobile Land-Based Intercontinental Ballistic Missile System 25711

ALCOHOL, TOBACCO AND FIREARMS BUREAU

Notices
Firearms granting of relief 25755

ANTITRUST DIVISION, JUSTICE DEPARTMENT

Notices
Competitive impact statements and proposed consent judgments; U.S. versus listed companies:
Guild Savings and Loan Association 25744

CIVIL AERONAUTICS BOARD

Rules
Oversales; bumping and boarding policies; GAO approval of reporting requirements 25667

Notices
Hearings, etc.:
Allegheny Airlines, Inc 25703
Frontier Airlines, Inc 25704
Frontier Airlines, Inc., et al 25704
Pan American World Airways, Inc., et al 25706

COMMERCE DEPARTMENT

See also Industry and Trade Administration; Maritime Administration; National Oceanic and Atmospheric Administration.

Notices
Committees; establishment, renewals, terminations, etc.:
Asian and Pacific Americans Population for 1980 Census Advisory Committee 25709

Black Population for 1980 Census Advisory Committee 25710

COMMUNITY SERVICES ADMINISTRATION

Proposed Rules
Uniform Federal standards; Letter-of-Credit amount reduction 25698

CONSUMER PRODUCT SAFETY COMMISSION

Notices
Children's wearing apparel containing TRIS, exportation; policy statement 25711

DEFENSE DEPARTMENT

See also Air Force Department; Defense Intelligence Agency.

Notices
Meetings:
Science Board task forces, SSBN Security; meeting change 25712
Wage Committee 25712

DEFENSE INTELLIGENCE AGENCY

Rules
Privacy Act; implementation 25672

EDUCATION OFFICE

Notices
Meetings:
Accreditation and Institutional Eligibility Advisory Committee; location change 25740

EMPLOYMENT AND UNEMPLOYMENT STATISTICS, NATIONAL COMMISSION

Notices
Meetings 25746

ENERGY DEPARTMENT

See also Federal Energy Regulatory Commission.

Notices
Financial or other interests in energy concerns:
Waivers granted; designation of certain employees 25712
Meetings:
Food Industry Advisory Committee 25712

ENVIRONMENTAL PROTECTION AGENCY

Rules
Air quality implementation plans; approval and promulgation; various States, etc.:
California (11 documents) 25673-25689
Missouri 25691

Proposed Rules

Pesticide chemicals in or on raw agricultural commodities; tolerances and exemptions; etc.:
Calcium hypochlorite etc 25697

Notices

Air pollution control; new motor vehicles and engines:
California; waivers 25729

FEDERAL COMMUNICATIONS COMMISSION

Proposed Rules
FM broadcast stations; table of assignments:
New Jersey 25698

Notices

Domestic public radio and satellite communications services application filings; publication policy 25737
Television broadcast applications ready and available for processing 25737
Hearings, etc.:
Castelletti, Joseph E., Jr 25739
ITT World Communications, Inc., et al 25737

FEDERAL DEPOSIT INSURANCE CORPORATION

Notices
EDP examination, scheduling and report distribution; policy statement 25739

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Notices
Disaster and emergency areas:
Mississippi 25741
Montana 25741
Wyoming 25741

FEDERAL ENERGY REGULATORY COMMISSION

Notices
Hearings, etc.:
Anza Electric Cooperative, Inc 25720
Central Maine Power Co 25713
Central Telephone & Utilities Corp 25720
Columbia Gas Transmission Corp 25721
Consolidated Gas Supply Corp 25721
Delmarva Power & Light Co 25721
Duke Power Co. (2 documents) 25713, 25721
East Tennessee Natural Gas Co 25722
Eastern Shore Natural Gas Co 25722
Electric Energy, Inc. 25722
Elrod, Hubert K., et al 25720

CONTENTS

Rules

College housing; loan program for 78 FY 25784

Proposed Rules

Community development block grants:
Discretionary grants applications and contracts for technical assistance 25780

Notices

Authority delegations:
Boston Disaster Field Office Director 25742
Community development block grants:
Technical assistance discretionary grants, application period 25782

INDUSTRY AND TRADE ADMINISTRATION

Rules

Export licensing:
Agricultural commodities; exemption from quantitative limitations; short supply controls 25667

INTERIOR DEPARTMENT

See also Fish and Wildlife Service; Land Management Bureau; Surface Mining Reclamation and Enforcement Office.

Notices

Meetings:
Animal Damage Control Policy Study Advisory Committee 25742

INTERNAL REVENUE SERVICE

Authority delegations:
Assistant Regional Commissioner (Appellate) et al 25757

INTERNATIONAL TRADE COMMISSION

Rules
Conduct standards; Deputy Ethics Counselor; designation 25671
Notices
Import investigations:
Swivel hooks and mounting brackets 25743

INTERSTATE COMMERCE COMMISSION

Rules
Rail carriers:
Revenue levels, adequate; standards and procedures for establishment 25774

Notices
Hearing assignments 25758

Motor carriers:
Property broker special licensing; applications 25768
Temporary authority applications 25762
Transfer proceedings 25768
Rail carriers:
Revenue levels, adequacy; 1978 proceeding 25778

Railroad freight rates and charges; various States, etc.:
Nationwide 25759
Railroad operation, acquisition, construction, etc.:
Grand Trunk Western Railroad Co. et al 25759

JUSTICE DEPARTMENT

See also Antitrust Division, Justice Department.

Notices

Pollution control; consent judgments; U.S. versus listed companies, etc.:
Witco Chemical Corp 25746

LAND MANAGEMENT BUREAU

Notices

Organization and functions:
Fairbanks, Alaska, District Office; relocation 25742

MANAGEMENT AND BUDGET OFFICE

Notices

Privacy Act; System of records 25751

MARITIME ADMINISTRATION

Notices

Applications, etc.:
Apollo Marine Co. et al 25708

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Proposed Rules

Space transportation system:
Personal preference kit; authorized articles 25693

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Notices

Marine mammal permit application, etc.:
Ministry of Fisheries, USSR 25709

NUCLEAR REGULATORY COMMISSION

Notices

Biological effects of ionizing radiation; BEIRMOD, computer program for calculating effects; report availability 25749
International Atomic Energy Agency codes of practice and safety guides; availability of drafts 25750
Meetings:
Reactor Safeguards Advisory Committee; correction 25751

Rulemaking petitions:
Non Destructive Testing Management Association et al 25749

Safety analysis reports, safety evaluation reports; availability, etc.:
Babcock & Wilcox Co 25747
New England Power Co. et al 25748

Applications, etc.:
Arizona Public Service Co. et al 25746

CONTENTS

Commonwealth Edison Co. et al	25749	SOCIAL SECURITY ADMINISTRATION	Rose Gaffney School Land Draining RC & D Measure, Maine	25702
Consumers Power Co	25748	Rules		
Duquesne Light Co. et al	25748	Information and official records disclosure:	SURFACE MINING RECLAMATION AND ENFORCEMENT OFFICE	
Metropolitan Edison Co. et al	25751	Aid to families with dependent children; State and local government agencies and officials administering program; inquiry	Rules	
Yankee Atomic Electric Co.	25750		Abandoned mine reclamation fund; fee collection and coal production reporting; interest rate and computation; correction	25672
SECURITIES AND EXCHANGE COMMISSION		Proposed Rules	TEXTILE AGREEMENTS IMPLEMENTATION COMMITTEE	
Notices		Old-age, survivors, and disability insurance; Applications; filing of; advance notice	Notices	
<i>Hearings, etc.:</i>			Cotton textiles: India	25710
American Utility Shares, Inc., et al	25752	SOIL CONSERVATION SERVICE	TREASURY DEPARTMENT	
Colonial Gas Energy System et al	25754	Environmental statements on watershed projects; availability, etc.:	<i>See also</i> Alcohol, Tobacco and Firearms Bureau; Internal Revenue Service.	
Pacific Far East Line, Inc.	25754	Conneautville Flood Prevention RC & D Measure, Pa.	Proposed Rules	
Tiffany Industries, Inc.	25755	Fort Stanton Farm Irrigation RC & D Measure, N. Mex.	Practice before Internal Revenue Service; advertising and solicitation	25695
SMALL BUSINESS ADMINISTRATION		Hamilton Creek Watershed, Tex	Notices	
Notices		Johnson Lake Public Water-Based Recreation RC & D Measure, Ind	Antidumping: Methyl alcohol from Canada..	25758
Applications, etc.:		Little Walnut Creek watershed, Project, Ind		
Orangeco Investment Co.	25755			
Disaster areas:				
New York	25755			

list of cfr parts affected in this issue

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, follows beginning with the second issue of the month. A Cumulative List of CFR Sections Affected is published separately at the end of each month. The guide lists the parts and sections affected by documents published since the revision date of each title.

14 CFR		24 CFR		43 CFR—Continued	
250	25667	279	25784	PROPOSED RULES:	
PROPOSED RULES:		PROPOSED RULES:		180	25697
1214	25693	570	25780	41 CFR	
15 CFR		30 CFR		5A-72	25692
377	25667	837	25672	45 CFR	
19 CFR		31 CFR		PROPOSED RULES:	
200	25671	PROPOSED RULES:		1050	25698
20 CFR		10	25695	47 CFR	
401	25672	32 CFR		PROPOSED RULES:	
PROPOSED RULES:		298a	25672	73	25698
404	25695	40 CFR		49 CFR	
		52 (12 documents)	25673-25691	1109	25774

CUMULATIVE LIST OF CFR PARTS AFFECTED DURING JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

1 CFR		9 CFR		15 CFR—Continued	
Ch. I	23701	78	23987	377	25667
3 CFR		92	25418	399	24517
PROCLAMATIONS:		113	25076, 25078	16 CFR	
4574	25413	315	25419	5	25333
EXECUTIVE ORDERS:		319	25419	13	23991
12063	24659	PROPOSED RULES:		419	25336
12064	24661	11	24064	456	23992
MEMORANDUMS:		85	25433	1040	25658
May 23, 1978	25415	381	24064	PROPOSED RULES:	
4 CFR		10 CFR		Ch. II	24325
331	24819	205	23989, 25079	13	24066, 25349
401	24820	212	24265, 24822	17 CFR	
402	24820	430	24268	32	23704
403	24820	PROPOSED RULES:		240	24287
404	24820	70	25433	241	25420
405	24820	73	25433	249	24287
406	24820	150	25433	PROPOSED RULES:	
407	24820	211	24847	1	23729
408	24820	212	24847	31	23729
409	24820	465	24316	19 CFR	
410	24821	12 CFR		10	23708
415	24821	9	23990	159	23709, 23710
5 CFR		217	24516	171	23711
213	25000, 25075, 25076, 25417	329	24269	200	25671
7 CFR		526	24271	PROPOSED RULES:	
2	23983	545	24271	4	23731
226	25130	PROPOSED RULES:		6	23731
227	25132	9	25348	20 CFR	
230	25134	226	23726	401	25672
246	23986	545	23727	404	25000, 25090, 25422
301	25135	14 CFR		416	25090
910	25136	39	24272, 24273, 24824-24827, 25420	PROPOSED RULES:	
905	24821	71	24274, 24275	16	25142
908	24822	73	23703, 25331	20	25142
910	23986	75	23703	201	25142
918	25331	97	24275	404	25695
932	24822	121	24827	410	24542
1079	24515	129	24827	812	25142
1434	24263	221	24277	21 CFR	
1800	23986	250	24277, 25667	101	24518
1822	24264	298	25087	161	25423
1823	25331	302	25332	207	24008
1904	24265	PROPOSED RULES:		540	24010
2852	25417	39	23727, 24847-24850	PROPOSED RULES:	
PROPOSED RULES:		71	24324, 24851-24854	Ch. I	24066
210	25137	73	24854, 24855	10	25438
650	24222	75	24856	146	24547
917	23724	371	24542	182	24067, 25438
921	25347	241	25138	184	25438
929	25348	288	25433	186	24067, 25438
948	24846	371	25141	314	25443
980	24846	1214	25693	338	25444
1062	24515	1216	25317	340	25444
1126	23725	15 CFR		369	25444
1270	25430	315	23991	429	25443
1430	25137	371	24517	431	25443
1701	24064, 25138			505	25444

V
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FEDERAL REGISTER

21 CFR—Continued		32A CFR	43 CFR
PROPOSED RULES—Continued		634..... 24308	PROPOSED RULES:
536..... 25444		33 CFR	428..... 24072
539..... 25444		100..... 25342	1600..... 24559
548..... 25444		117..... 24829	PUBLIC LAND ORDERS:
740..... 24070		36 CFR	5638..... 24063
22 CFR		254..... 24830	45 CFR
PROPOSED RULES:		904..... 24528	1067..... 24841
42..... 24547		37 CFR	PROPOSED RULES:
24 CFR		302..... 24528	19..... 25450
203..... 23713		304..... 25068	130..... 24333
213..... 23713		38 CFR	144..... 25149
234..... 23713		21..... 25428	175..... 25149
279..... 25784		PROPOSED RULES:	176..... 25149
570..... 24656		18d..... 25146	1050..... 25698
888..... 25604		39 CFR	46 CFR
1914..... 24011, 24013		111..... 25095	401..... 24996
1915..... 24019, 24021, 24022		3001..... 24832	528..... 25343
1916..... 24049, 24050		40 CFR	PROPOSED RULES:
1917..... 23713-		52..... 25673-25691	Ch. IV..... 24559
23722, 24051-24061, 24289-24307,		118..... 24309	33..... 25000
24519-24526		120..... 24529	35..... 25000
PROPOSED RULES:		171..... 24834	71..... 25000
8..... 25411		180..... 24692, 25120	75..... 25000
201..... 25349		PROPOSED RULES:	78..... 25000
570..... 25780		35..... 24071	91..... 25000
1710..... 23936		52..... 24071, 24857, 24858, 25146	94..... 25000
1715..... 23936		65..... 24858, 25147	97..... 25000
1917..... 23732-		80..... 24331	160..... 25000
23743, 24070, 24548-24558		180..... 24714, 24861, 25697	189..... 25000
25 CFR		1500..... 25230	192..... 25000
PROPOSED RULES:		1501..... 25230	196..... 25000
11..... 25448		1502..... 25230	308..... 24075
54..... 23743		1503..... 25230	502..... 24080
26 CFR		1504..... 25230	47 CFR
PROPOSED RULES:		1505..... 25230	0..... 24310, 25122
301..... 25143		1506..... 25230	1..... 25122
27 CFR		1507..... 25230	2..... 25343
170..... 24234		1508..... 25230	15..... 25122
201..... 24234		41 CFR	73..... 24533, 24534, 25344
231..... 24243		5A-72..... 25692	76..... 25123
252..... 24243		7-1..... 24839	78..... 25125
29 CFR		7-3..... 24839, 24840	89..... 25127
1952..... 25424		7-4..... 24840	97..... 25122
2610..... 25337		7-16..... 24840	PROPOSED RULES:
PROPOSED RULES:		7-30..... 24840	63..... 24861
70a..... 25145		8-3..... 24531	64..... 24861
30 CFR		8-52..... 24531	67..... 23746
837..... 25672		8-74..... 24531	73..... 24334,
PROPOSED RULES:		101-26..... 24533	24560, 24862, 24863, 25698
880..... 24326		101-30..... 24533	81..... 24863
31 CFR		101-38..... 24062	83..... 24863
103..... 24527		101-39..... 24062	87..... 25150
PROPOSED RULES:		101-40..... 24063	49 CFR
10..... 25695		PROPOSED RULES:	171..... 24844
129..... 25636		4..... 24559	172..... 24845
32 CFR		24-1..... 25449	252..... 25129
260..... 25337		42 CFR	253..... 25129
298a..... 25672		PROPOSED RULES:	254..... 25129
751..... 25425		122..... 24072	257..... 25346
1801..... 25092		405..... 24332, 24873, 24988	571..... 24310
1900..... 24527		449..... 24873	1033..... 23722,
		450..... 24988	23723, 24535-24539, 25129
			1109..... 25774

FEDERAL REGISTER

49 CFR—Continued	49 CFR—Continued	50 CFR—Continued
PROPOSED RULES:	PROPOSED RULES—Continued	PROPOSED RULES:
27..... 25016	191..... 24478, 24866	216..... 25349
171..... 24335	393..... 24871, 25156	217..... 25349
172..... 24335	531..... 24871	220..... 25349
173..... 24335	1124..... 25152	402..... 25349
175..... 24335	50 CFR	656..... 23747
176..... 24335	32..... 24696	661..... 23748
179..... 24865		

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	Date	Pages	Date
23701-23982.....	June 1	24819-25073.....	8
23983-24261.....	2	25075-25330.....	9
24263-24514.....	5	25331-25411.....	12
24515-24658.....	6	25413-25665.....	13
24659-24818.....	7	25667-25787.....	14

reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

Interior/FWS—Whooping crane, determination of critical habitat 20933; 5-15-78
OSMRE—Establishment of an interest rate for delinquent reclamation fee payments and method of interest computation 20793; 5-15-78

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—
Apricots (fresh) grown in designated counties in Washington; handling regulations; comments by 6-19-78 23585; 5-31-78
Pears (fresh), plums, and peaches grown in California; proposed handling regulations; comments by 6-19-78 23584; 5-31-78
Pears, plums, and peaches (fresh) grown in California; proposed extension of grade and size requirements; comments by 6-23-78 23724; 6-1-78
Potatoes (Irish) grown in Colorado; handling regulations; comments by 6-23-78 24846; 6-8-78
Sweet cherries grown in designated counties in Washington; extension of grade, size, and container requirements; comments by 6-22-78 23585; 5-31-78
Animal and Plant Health Inspection Service—
Imports of birds; identification; comments by 6-20-78 16346; 4-18-78
Rural Electrification Administration—
Audit of REA Borrowers' Accounting Records; proposed revision of REA bulletin; comments by 6-22-78 22043; 5-23-78
Rural electric program; supplemental loan criteria; comments by 6-22-78 22043; 5-23-78

CIVIL AERONAUTICS BOARD

Expedited procedures for licensing and rates cases; reply comments by 6-20-78 19403; 5-5-78
Indirect cargo carriers; liberalization of regulations on operations; comments by 6-23-78 21465; 5-18-78
[First published at 43 FR 15720, Apr. 14, 1978]

COMMODITY FUTURES TRADING COMMISSION

Reporting omnibus accounts on a gross basis; comments by 6-23-78 22220; 5-24-78

DEFENSE DEPARTMENT

Corps of Engineers, Department of the Army—
Water resources policies and authorities, implementation of E.O. 11988 on Flood-

plain Management; comments by 6-24-78 22306; 5-24-78

ENERGY DEPARTMENT

Federal Energy Administration—
Federal loan guarantees for development of underground coal mines; comments by 6-19-78 21682; 5-19-78
Federal Energy Regulatory Commission—
Short form license and associated standardized conditions (L-Form); comments by 5-23-78 18196; 4-28-78

ENVIRONMENTAL PROTECTION AGENCY

Approval and promulgation of state implementation plans:
Florida; comments by 6-19-78 16350; 4-18-78
Electroplating point source category pretreatment standards for existing sources; comments by 6-19-78 16517; 4-19-78
Methomyl, tolerances for the pesticide chemicals; comments by 6-19-78 21700; 5-19-78
National Pollutant Discharge Elimination System; comments by 6-22-78 22167; 5-23-78
State air quality implementation plans; requirements for intergovernmental consultation in preparation, adoption and submission; comments by 6-23-78 21467; 5-18-78
State and Federal Administrative Orders permitting a delay in compliance with State implementation plan requirements; comments by 6-22-78 22221; 5-24-78

FEDERAL COMMUNICATIONS COMMISSION

Communications to and from pilots, making frequency 156.875 MHz available for exclusive use; comments by 6-22-78 24863; 6-8-78
FM broadcast stations, table of assignments:
Beaverton, Mich.; comments by 6-20-78 19240; 5-4-78
El Dorado, Ark.; comments by 6-23-78 19692; 5-8-78
Greensboro, Ga.; comments by 6-20-78 19241; 5-4-78
Las Vegas, Nev.; reply comments by 6-19-78 16354; 4-18-78
Martin and Neon, Ky.; comments by 6-20-78 19691; 5-8-78
Permitting ship radiotelegraph stations to communicate with amateur stations; reply comments by 6-22-78 20249; 5-11-78
Radiotelegraph services; interconnection and upgrading of public coast facilities; replies to comment responses by 6-19-78 10414; 3-13-78—16335; 4-18-78
TV broadcast stations; table of assignments:
Lewiston, Idaho; comments by 6-20-78 19693; 5-18-78

FEDERAL RESERVE SYSTEM

Bank holding companies; comments by 6-23-78 23588; 5-31-78

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—
Frozen strawberries; revised proposal to establish standards of identity and quality; comments by 6-20-78 16991; 4-21-78
Mercury vapor lamps; proposed performance standards; comments by 6-20-78 16997; 4-21-78—19423; 5-5-78
Public Health Service—
Health Systems agency reviews of certain proposed uses of Federal health funds; comments by 6-23-78 24072; 6-2-78

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Commissioner—
Property improvement and mobile home loans; refinancing of loans; comments by 6-22-78 22058; 5-23-78
Office of the Secretary—
Nondiscrimination based on handicap in Federally assisted programs and activities of HUD; comments by 6-19-78 16652; 4-19-78

INTERIOR DEPARTMENT

Fish and Wildlife Service—
Endangered and threatened species; leatherback sea turtle, U.S. Virgin Islands; comments from Governors by 6-21-78 12050; 3-23-78
Migratory bird hunting provisions; comments by 6-21-78 22421; 5-25-78
65 Taxa on endangered species list; comments by 6-18-78 16527; 4-19-78

JUSTICE DEPARTMENT

Attorney General—
Privacy Act of 1974; exemption of records systems; comments by 6-21-78 21901; 5-22-78

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Development work for industry in NASA wind tunnels; comments by 6-19-78 21691; 5-19-78

NUCLEAR REGULATORY COMMISSION

Domestic licensing of special nuclear material; comments by 6-23-78 22215; 5-24-78
Export of certain minor quantities of nuclear material; proposed licensing provisions; comments by 6-23-78 19861; 5-9-78
Licensing of production and utilization facilities, special nuclear material; facilities and access for resident inspection; comments by 6-23-78 19860; 5-9-78
Special nuclear material of moderate and low strategic significance; safeguard requirements; comments by 6-23-78 22216; 5-24-78

SMALL BUSINESS ADMINISTRATION

Floodplain Management and Wetlands Protection; comments by 6-23-78 22298; 5-24-78

Small business size standards; construction contractor for purposes of surety bond guarantee; comments by 6-19-78 21689; 5-19-78

TRANSPORTATION DEPARTMENT

Materials Transportation Bureau—
Hazardous materials table and communications regulations; forbidden material; comments by 6-22-78 7449; 2-23-78
National Highway Traffic Safety Administration—
Federal motor vehicle safety standard for new pneumatic tires on passenger cars; comments by 6-22-78 22420; 5-25-78
Federal motor vehicle safety standards; motor vehicle lighting; comments by 6-19-78 19250; 5-4-78

VETERANS ADMINISTRATION

Veterans education; policies and procedures; comments by 6-22-78 22059; 5-23-78

Next Week's Meetings

AGRICULTURE DEPARTMENT

Farmers Home Administration—
Pacific Crest National Scenic Trail Advisory Council, Southern California Subgroup (open) Pasadena, Calif. 6-20-78 21027; 5-16-78

Forest Service—

National Forest Management Act Committee of Scientists, Portland, Oreg. (open) 6-19 through 6-21-78 23007; 5-30-78

Food and Nutrition Service—

Maternal, Infant, and Fetal Nutrition Advisory Council, Boston, Mass. (open) 6-21 and 6-22-78 21708; 5-19-78

ANTITRUST LAWS AND PROCEDURES, NATIONAL COMMISSION FOR THE REVIEW OF

Organizational meeting, Washington, D.C. (open) 6-21-78 24635; 6-6-78

ARTS AND HUMANITIES NATIONAL FOUNDATION

Music Advisory Panel, Washington, D.C. (closed) 6-22-78 24386; 6-5-78
Special Projects Advisory Panel, Washington, D.C. (partially open) 6-23 through 6-25-78 24386; 6-5-78

CIVIL RIGHTS COMMISSION

State advisory committees:
California San Diego, Calif., (open) 6-25-78 22066; 5-23-78
Florida, Pensacola, Fla., (open) 6-21-78 24108; 6-2-78
Idaho, Boise, Idaho (open) 6-24-78 24421; 6-7-78
Illinois, Chicago, Ill. (open) 6-18 and 6-19-78 22066; 5-23-78
Maryland, Baltimore, Md. (open) 6-24-78 24721; 6-7-78
New Jersey, New Brunswick, N.J. (open) 6-20-78 20259; 5-11-78
Pennsylvania, Coraopolis, Pa. (open) 6-23-78 24722; 6-7-78

REMINDERS—Continued

South Carolina, Columbia, S.C. (open) 6-19-78 22767; 5-26-78
Tennessee, Nashville, Tenn. (open) 6-23-78 21921; 5-22-78

COMMERCE DEPARTMENT

Industry and Trade Administration—
Computer Systems Technical Advisory Committee, Washington, D.C. (closed) 6-22-78 22430; 5-25-78
Electronic Instrumentation Technical Advisory Committee (partially open) Washington, D.C. 6-20-78 21029; 5-16-78
Exporters' Textile Advisory Committee, Washington, D.C. (open) 6-20-79 24347; 6-5-78
Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee, Washington, D.C. (open) 6-21-78 22431; 5-25-78
Hardware Subcommittee of the Computer Systems Technical Advisory Committee, Washington, D.C. (closed) 6-20-78 22432; 5-25-78
Hardware Subcommittee of the Computer Systems Technical Advisory Committee Washington, D.C. (partially open) 6-21-78 24723; 6-7-78
Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee, Washington, D.C. (open) 6-20-78 24347; 6-5-78
National Oceanic and Atmospheric Administration—
National Marine Fisheries Service, Washington, D.C. (open) 6-22 and 6-23-78 22067; 5-23-78
North Pacific Fishery Management Council and Scientific and Statistical Committee and Advisory Panel Anchorage, Alaska 6-21 through 6-23-78 24115; 6-2-78
South Atlantic Fishery Management Council, Scientific and Statistical Committee and Advisory Panel, Charleston, S.C. (open) 6-20 through 6-22-78 23629; 5-31-78

Office of the Secretary—
Commerce Technical Advisory Board, Washington, D.C. (open) 6-22 and 6-23-78 23753; 6-1-78

DEFENSE DEPARTMENT

Air Force Department—
USAF Scientific Advisory Board, Brooks Air Force Base, Tex. (closed) 6-19 and 6-20-78 20260; 5-11-78
USAF Scientific Advisory Board, Los Angeles, Calif. (closed) 6-19 and 6-20-78 23754; 6-1-78
Army Department—
Armed Forces Epidemiological Board, Subcommittee on Health Maintenance Systems (open) Washington, D.C. 6-23-78 24117; 6-2-78
Armed Forces Institute of Pathology Scientific Advisory Board, Washington, D.C. (open) 6-22 and 6-23-78 21347; 5-17-78
Army Advisory Panel on ROTC Affairs, Fort Riley, Kans. (open) 6-21-78 22067; 5-23-78
Office of the Secretary—
Defense Intelligence Agency Scientific Advisory Committee, San Bernardino, Calif. (closed) 6-20-78 20533; 5-12-78

Department of Defense Wage Committee, Washington, D.C. (closed) 6-20-78 15179; 4-11-78

ECONOMIC OPPORTUNITY NATIONAL ADVISORY COUNCIL

Work Program; Discussion, Development and Refinement, Berkeley, Calif. (open) 6-22 and 6-23-78 22250; 5-24-78

ENERGY DEPARTMENT

Solar energy policy, Atlanta, Ga. (open) 6-21-78 24589; 6-6-78
Solar energy policy, New York, N.Y. (open) 6-24-78 24569; 6-6-78
Office of Energy Technology—
Geothermal Energy Advisory Committee, Legal and Institutional Subcommittee, Los Angeles, Calif. (open) 6-20-78 23648; 5-31-78

ENVIRONMENTAL PROTECTION AGENCY

Grants for construction of municipal wastewater treatment works, Philadelphia, Pa. (open) 6-22-78 24713; 6-7-78
Resource Conservation Committee, Chicago, Ill. (open) 6-23-78 22442; 5-25-78
Science Advisory Board Executive Committee, Subcommittee on Toxic Substances, Washington, D.C. (open) 6-22-78 23013; 5-30-78

FEDERAL COMMUNICATIONS COMMISSION

RTCM SC 69/FCC, WARC-79 Advisory Committee for Maritime Mobile, Washington, D.C., 6-21-78 23759; 6-1-78
Radio Technical Commission for Marine Services Executive Committee, Washington, D.C., 6-22-78 23759; 6-1-78
Satellite Broadcasting Service Group; 1979 World Administrative Conference, Washington, D.C. (open) 6-22-78 24747; 6-7-78

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Alcohol, Drug Abuse, and Mental Health Administration—
Developmental Problems Research Review Committee, Chevy Chase, Md. (partially open) 6-22 through 6-24-78 18252; 4-28-78
Personality and Cognition Research Review Committee, Washington, D.C. (partially open) 6-21 through 6-23-78 18252; 4-28-78
Social Problems Research Review Committee, Chevy Chase, Md. (partially open) 6-22 through 6-24-78 18252; 4-28-78
Education Office—
Accreditation and Institutional Eligibility Advisory Committee, Washington, D.C. (open) 6-21 through 6-23-78 16810; 4-20-78
Bilingual Education National Advisory Council, Chicago, Ill. (open) 5-18-78 18264; 4-28-78
Bilingual Education, National Advisory Council, Washington, D.C. (open) 6-22 and 6-23-78 24608; 6-6-78

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UMI

REMINDERS—Continued

Extension and Continuing Education, National Advisory Council, Seattle, Wash. (open) 6-21 through 6-23-78 ... 24608; 6-6-78

National Advisory Council on the Education of Disadvantaged Children, Washington, D.C. (open) 6-23-78..... 22451; 5-25-78

National Advisory Council on Vocational Education and its Search Committee, Chicago, Ill. (closed) 6-20 through 6-22-78 21946; 5-22-78

Women's Educational Programs National Advisory Council, Washington, D.C., 6-21 through 6-24-78 .. 23760; 6-1-78

Food and Drug Administration—

Ear, Nose, and Throat Device Classification Panel, Washington, D.C. (open) 6-22 and 6-23-78 21052; 5-16-78

Gastrointestinal Drugs Advisory Committee, Subcommittee on Hepatotoxicity, Rockville, Md. (open) 6-23-78... 21052; 5-16-78

Panel on Review of Miscellaneous Internal Drug Products, Rockville and Chevy Chase, Md. (open) 6-23 through 6-25-78 21052; 5-16-78

Science Advisory Board, Little Rock, Ark. (open) 6-22 and 6-23-78 21052; 5-16-78

Health Resources Administration—

Graduate Medical Education National Advisory Committee, Washington, D.C. (open) 6-22 and 6-23-78 22786; 5-26-78

National Institutes of Health—

Applied Physiology and Orthopedics Study Section, Bethesda, Md. (partially open) 6-22 through 6-24-78 18260; 4-28-78

Biomedical Library Review Committee, Bethesda, Md. (open) 6-19 and 6-20-78. 21736; 5-19-78

Bladder and Prostatic Cancer Review Committee, Prostatic Subcommittee, Buffalo, N.Y. (partially open) 6-23-78. 19464; 5-5-78

Cancer Control Community Activities Review Committee, Silver Spring, Md. (partially open) 6-23-78 19464; 5-5-78

Cancer Immunotherapy Committee, Bethesda, Md. (partially open) 6-20-78. 19464; 5-5-78

Cancer Immunotherapy Committee, Bethesda, Md. (partially open) 6-22-78. 19464; 5-5-78

Cellular and Molecular Basis of Disease Review Committee, Bethesda, Md. (partially open) 6-19 and 6-20-78 .. 16416; 4-18-78

Clinical Trials Review Committee, Bethesda, Md. (open) 6-22-78 22788; 5-26-78

Communicative Disorders Review Committee, Bethesda, Md. (partially open) 6-20-78 18263; 4-28-78

Cooperative Group Chairmen, Bethesda, Md. (open) 6-20-78 18264; 4-28-78

Dental Caries Program Advisory Committee, Bethesda, Md. (open) 6-19 and 6-20-78..... 19465; 5-5-78

Developmental Behavioral Sciences Study Section, Washington, D.C. (partially open) 6-20 through 6-23-78 18260; 4-28-78

Experimental Psychology Study Section, Silver Spring, Md. (partially open) 6-21 through 6-23-78 18260; 4-28-78

Experimental Virology Study Section, Bethesda, Md. (partially open) 6-18 through 6-21-78 18260; 4-28-78

General Research Support Program Advisory Committee, Bethesda, Md. (partially open) 6-22 and 6-23-78 22787; 5-26-78

Hematology Study Section, Bethesda, Md. (partially open) 6-21 through 6-24-78. 18260; 4-28-78

Human Embryology and Development Study Section, San Francisco, Calif. (partially open) 6-18-78 18260; 4-28-78

Immunobiology Study Section, Glacier Park, Mont. (open) 6-19 and 6-20-78. 17059; 4-21-78

Immunobiology Study Section, East Glacier Park, Mont. (partially open) 6-19 through 6-23-78 18260; 4-28-78

Metabolism Study Section, Bethesda, Md. (partially open) 6-21 through 6-24-78. 18260; 4-28-78

Metabolism Study Section, Bethesda, Md. (open) 6-22 through 6-24-78 ... 21737; 5-19-78

Molecular Cytology Study Section, Bethesda, Md. (partially open) 6-22 through 6-24-78 18260; 4-28-78

Nutrition Study Section, Bethesda, Md. (partially open) 6-21 through 6-23-78. 18260; 4-28-78

Pharmacology-Toxicology Research Program Committee, Bethesda, Md. (partially open) 6-22 and 6-23-78 24607; 6-6-78

Surgery, Anesthesiology, and Trauma Study Section, Arlington, Va. (partially open) 6-23 and 6-24-78 18260; 4-28-78

Virus Cancer Program Scientific Review Committee, Bethesda, Md. (partially open) 6-22 and 6-23-78 19464; 5-5-78

Vision Research Program Committee, Bethesda, Md. (partially open) 6-22-78 18264; 4-28-78

INTERIOR DEPARTMENT

Land Management Bureau—

Geothermal Streamlining Task Force, Salt Lake City, Utah (open) 6-23-78 22247; 5-24-78

INTERNATIONAL TRADE COMMISSION

Preliminary Conference, Washington D.C. (open) 6-22-78 24749; 6-7-78

JUSTICE DEPARTMENT

Federal Bureau of Investigation—

National Crime Information Center Advisory Policy Board, Seattle, Wash. (open) 6-21 and 6-23-78 15018; 4-10-78

LABOR DEPARTMENT

Occupational Safety and Health Administration—

Occupational Safety and Health Federal Advisory Council, Washington, D.C. (open) 6-20-78 24150; 6-2-78

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Life Sciences Advisory Committee, Kennedy Space Center, Fla. (open) 6-19 through 6-21-78 22795; 5-26-78

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Mathematical and Computer Sciences Subcommittee for Computer Science, Washington, D.C. (partially open) 6-19 and 6-20-78 24152; 6-2-78

Atmospheric Sciences Advisory Committee, Washington, D.C. (open) 6-22 through 6-24-78 24151; 6-2-78

NUCLEAR REGULATORY COMMISSION

Allens Creek Nuclear Generating Station, Unit 1, Houston, Tex., 6-22-78 18365; 4-28-78

Reactor Safeguards Advisory Committee, Diablo Canyon Nuclear Power Station Subcommittee, Washington, D.C. (partially open) 6-21 and 6-22-78 24635; 6-6-78

OCEANS AND ATMOSPHERE, NATIONAL ADVISORY COMMITTEE

Washington, D.C. (partially open) 6-22 and 6-23-78 24750; 6-7-78

STATE DEPARTMENT

Agency for International Development—

Board for International Food and Agricultural Development, Washington, D.C. (open) 6-22-78 24394; 6-5-78

Office of the Secretary—

Advisory Committee on the 1979 World Administrative Radio Conference, Washington, D.C. (open) 6-21-78..... 23667; 5-31-78

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

Radio Technical Commission for Aeronautics (RTCA) Special Committee 134—General Purpose Electronic Test Equipment, Washington, D.C. (open) 6-22 and 6-23-78 23068; 5-30-78

Federal Railroad Administration—

Local Rail Services Assistance Program, Washington, D.C., 6-22-78 22262; 5-24-78

Materials Transportation Bureau—

Group of Rapporteurs of the United Nations Committee of Experts on the Transport of Dangerous Goods, Washington, D.C., 6-19-78 20883; 5-15-78

Next Week's Public Hearings

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

Milk in the St. Louis-Ozarks marketing area, Bridgeton, Mo., 6-21-78. 24540; 6-6-78

REMINDERS—Continued

COPYRIGHT ROYALTY TRIBUNAL

Access to coin-operated phonorecord players, Washington, D.C., 6-21-78 20513; 5-12-78

EMPLOYMENT AND UNEMPLOYMENT STATISTICS NATIONAL COMMISSION

San Francisco, Calif., 6-20-78 23660; 5-31-78

ENVIRONMENTAL PROTECTION AGENCY

Electroplating point source category, Washington, D.C., 6-22 and 6-23-78 22360; 5-25-78

Standards applicable to transporters of hazardous waste, Alexandria, Va., 6-20-78 18506; 4-28-78

State air quality implementation plans; requirements for intergovernmental consultation in preparation, adoption, and submittal, Washington, D.C., 6-19-78. 21467; 5-18-78

FEDERAL ELECTION COMMISSION

Presidential election campaign fund; Federal financing of conventions, Presidential primary matching fund and general election financing, Washington, D.C., 6-20-78 23587; 5-31-78

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

Injectable Oxytocic Drugs, Rockville, Md., 6-21-78 15779; 4-14-78

TREASURY DEPARTMENT

Internal Revenue Service—

Establishment of single level of administrative appeal, Washington, D.C., 6-20-78..... 13899; 4-3-78

List of Public Laws

This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

[Last Listing: June 12, 1978]

H.R. 11370 Pub. L. 95-291
To authorize an appropriation to reimburse certain expenditures for social services provided by the States prior to October 1, 1975, under titles I, IV-A, VI, X, XIV, and XVI of the Social Security Act. (June 12, 1978; 92 Stat. 304) Price \$.50

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[6320-01]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[ER-1053, Amdt. No. 10 to Part 250]

PART 250—PRIORITY RULES, DENIED BOARDING COMPENSATION TARIFFS AND REPORTS OF UNACCOMMODATED PASSENGERS

Notice of Approval by the Comptroller General

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule gives notice of approval by the Comptroller General of the reporting requirements contained in a regulation on the filing of copies of carriers' boarding priority and denied boarding compensation policies and procedures for flights which are oversold. This approval is required by the Federal Reports Act and was transmitted to the Civil Aeronautics Board by letter dated May 31, 1978.

DATES: Effective: June 9, 1978. Adopted: June 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Raymond Kurlander, Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5270.

Accordingly, the Civil Aeronautics Board amends Part 250 of its economic regulations (14 CFR Part 250) by adding the following note at the end of Part 250:

NOTE.—The reporting requirements contained in sections 250.3 and 250.9 have been approved by the U.S. General Accounting Office under No. B-180226 (R0073).

This amendment is issued under authority delegated from the Board to the Secretary in 14 CFR 385.24(b) (sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; U.S.C. 1324).

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-16477 Filed 6-13-78; 8:45 am]

[3510-25]

Title 15—Commerce and Foreign Trade

CHAPTER III—INDUSTRY AND TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 377—SHORT SUPPLY CONTROLS

Exemption of Agricultural Commodities from Quantitative Limitations on Export

AGENCY: Office of Export Administration, Bureau of Trade Regulation, Industry and Trade Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: Adopted as a final rule, with minor modifications made for purposes of clarification, are the proposed regulations published in the FEDERAL REGISTER on January 23, 1978 (43 FR 3134). These establish a procedure under which agricultural commodities purchased by or for use in a foreign country may be stored in, and exported from, the United States free from any quantitative restrictions on export which may subsequently be imposed for reasons of short supply.

EFFECTIVE DATE OF ACTION: June 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Converse Hettinger, Director, Short Supply Division, Office of Export Administration, Department of Commerce, Washington, D.C. 20230, telephone 202-377-3795.

SUPPLEMENTARY INFORMATION: On January 23, 1978, the Department published proposed regulations implementing section 4(f) of the Export Administration Act (EAA) of 1969, as amended by section 105 of the Export Administration Amendments of 1977 (Pub. L. 95-52). Interested parties were invited to submit their comments, views, or data concerning these

proposed regulations by February 28, 1978, to assist the Department in developing final regulations.

Twenty-nine comments were received in response to the proposed ruling. In addition, one comment on section 105 of the Export Administration Amendments of 1977 was received prior to publication of the proposed rule. Discussion of this comment is included in the discussion below of the other comments received.

Most of these comments were favorable, expressing interest in using the program and welcoming the establishment of rules applicable to the export of agricultural commodities during times of supply shortages. Other comments revealed a misunderstanding or misinterpretation of certain provisions of the proposed regulations. Where practicable, these have led to modification of the proposed regulations in order to clarify the Department's intent. Still other comments raised issues not germane to or outside the scope of the proposed rule. The principal comments received, including those which led to minor modification of the proposed rule for purposes of clarification, are discussed below.

1. PRIVATE VERSUS GOVERNMENTAL OWNERSHIP OF RESERVES

Two of those who commented evidently interpreted the regulations as requiring that reserves must be owned by the government of the country in which they are to be used in order to qualify under these regulations. They noted that such a requirement would inhibit use of the program by countries in which trade in agricultural commodities is in private hands.

The regulations are intended to permit reserves to be purchased by either governments or private persons but do require the government of the country of ultimate use to recognize any privately owned reserves as part of that country's agricultural commodity reserve. Modifications have been made in the final regulations in order to make this clear.

2. IDENTIFICATION OF THE COMMODITY BY GENERIC DESCRIPTION

One of those who commented proposed that the regulations provide for relatively broad designation, especially as to class and grade, of the commodity to be registered in order to reduce a buyer's reluctance to participate

based on uncertainty about future needs. This would permit him to draw on more ample supplies of the same general commodity in a tightening market rather than being restricted to specific classes or grades which might be in particularly short supply.

The Department believes that adoption of this proposal would be inconsistent with the purposes of the statute. Moreover, it could, in fact, constrain approvals under the program by preventing the registration of any lot of a commodity at a time when only a specific grade and class of that same commodity was in actual or foreseeable short supply.

3. REGISTRATION REQUIREMENT

One of those who commented inquired whether registration under this program would be required for all agricultural commodities purchased for use in a foreign country and stored in the United States for a period of time before shipment to the country in which they will be consumed.

The Regulations do not require the registration of foreign-owned agricultural commodities stored in the United States. Instead, they establish a procedure whereby a foreign purchaser may, at his option, apply for exemption from quantitative restrictions on export which may subsequently be imposed on such commodities for reasons of short supply. A foreign purchaser may, if he wishes, continue to purchase and store agricultural commodities in the United States without seeking their exemption from export controls through participation in the registered storage program.

4. AVAILABILITY OF STORAGE SPACE

One of those who commented noted that the provision limiting storage space under the program to that which is in excess of domestic needs creates uncertainty as to whether adequate space will be available in the United States on a continuing basis. This person also noted that the location of available storage space (i.e., in the interior or at port) is also important.

Section 4(f) of the EAA expressly requires that the Secretary of Commerce and the Secretary of Agriculture find "that storage of such commodities in the United States will not unduly limit the space available for storage of domestically owned commodities," in order for a registration approval to be granted. This requirement is reflected in the regulations.

Because it is impossible to project regional storage availability for an indefinite period, the regulations provide that approvals will be granted for storage at a specified location for a specified period. However, the applicant selects the location of the facility, and the regulations contain a pro-

cedure for seeking extension of the registration period. Thus, the uncertainty expressed by the comment will be minimized to the extent possible under the law. This uncertainty could be further minimized were a foreign purchaser to construct a storage facility or otherwise add to the available storage capacity in the region where the commodities would be stored.

5. CREDIT PURCHASES

One of those who commented cited as a disadvantage of the regulations the absence of provisions for credit purchases or deferral of payment until time of export.

This reflects a misunderstanding of the regulations. Section 377.4(b)(1)(i) of the regulations states that the commodities are deemed "purchased" if "they are the subject of a binding contract for sale to a foreign purchaser and such contract describes the commodities by kind, grade, and quantity, contains a fixed price or basis for calculating price, and requires the commodities to be exported or delivered for export within a specified time." Thus, under this definition, cash payment need not have been made when the commodities are registered under this program, nor even prior to their actual export and consumption if the contract for sale provides otherwise. Thus, the regulations accommodate both cash and credit purchases. While, as discussed below, credit financing under the CCC Program may be compatible with registration of the commodities for exemption from short supply limitations on export, the actual financing (Government or private) of these transactions is outside the scope of these regulations.

6. PROOF OF DELIVERY REQUIREMENT

A further disadvantage cited in one comment is the required proof of delivery of the commodities to the country stated in the application when short supply controls are in effect. The comment noted correctly that this provision does not allow for storage in transit.

One statutory criterion of approval of a storage registration application is the receipt of adequate assurance by Commerce and the finding by both Commerce and Agriculture that the purpose of the storage is to establish a reserve for later use in a designated foreign country. Consequently, the Department considers it both reasonable and necessary during a period of short supply export controls to require proof of delivery of commodities exempted from those controls to the country of ultimate use designated at the time the approval was granted. While it is true that the requirement that proof of delivery be submitted within 60 days of export does not allow for an extended period of in-

transit storage in a third country after the commodities have been withdrawn from registered storage in the United States and exported, it is believed that the need for such extended in-transit storage would not often arise. However, in exceptional circumstances, should a foreign purchaser desire to withdraw from registered storage in this country commodities for which there is no immediate need in the country of ultimate use but which are in short supply in the United States in order to place them in in-transit storage in a third country, the Department will consider a request from the Government of the country whose reserve the commodities constitute for an extension of the 60 day period during which proof of delivery must be submitted. Alternatively, the Department will consider a request for extension of the period for which registered storage approval was initially granted so as to permit continued storage in this country.

7. CHANGING THE COUNTRY OF DESTINATION FROM THAT ORIGINALLY APPROVED

One of those who commented stated that U.S. exporters lack the power to enforce destinations given to them by buyers and suggested that rather than attempt to trace the ultimate destination of the exported commodities, the regulations provide for acceptance of certification from the buyer as to intended destination at time of purchase, recognizing that this intention may be altered by subsequent events. Since the statute requires that "the purpose of such storage is to establish a reserve of such commodities for later use (in a specified country), not including resale to or use by another country," the Department believes that any change in the regulations to accommodate this comment would be inconsistent with the statute.

8. STATUS OF THE EEC AS A "COUNTRY"

One of those who commented inquired whether the European Economic Community could be considered a "country" for purposes of these regulations, thus permitting a reserve purchased and stored by the EEC to be used in any one of the EEC member countries without designation of any particular country or the country of destination. In addition, this same comment criticized as excessively restrictive the requirement that the stored commodities be used only in the country designated at the time of storage, and noted that it would prevent the use of such reserves for food aid purposes.

As previously indicated, section 4(f) of the Export Administration Act requires as a precondition of approval that the Secretaries of Commerce and Agriculture find "that the purpose of

such storage is to establish a reserve of such commodities for later use, not including resale to or use by another country." In view of the statutory language, no changes can be made in the regulations to accommodate this comment. However, where particular circumstances warrant, the Department will consider a request from an appropriate international organization, or a similar body such as the EEC (but not from a private firm), for an exception to the regulations to permit registered storage of commodities to be used as a food reserve for one or more countries specifically designated by the organization, or for a change in the country originally designated as that in which the registered commodities are to be used.

9. SALE OF REGISTERED COMMODITIES IN THE U.S. MARKET OR IN A COUNTRY OTHER THAN THAT DESIGNATED IN THE REGISTRATION APPROVAL

One comment proposed that foreign purchasers be permitted to resell the registered commodities in the U.S. market at a time of domestic short supply and high prices. It was suggested that such a sale would merely defer the export shipment authorized in the registration approval to a time when domestic supplies are more ample.

To provide such an option to foreign purchasers would not only relieve them of the conditions under which the commodities were permitted to be registered but would also discriminate against owners of domestic stocks who, at a time of domestic short supply, would be faced with competition from stocks previously designated exclusively for the export market. In addition, such an option might foster use of the program for speculative purposes. However, the Department recognizes that, under certain circumstances, it may be in the national interest of the United States to permit disposition of registered commodities in a manner other than through export to the country stated in the registration application for use therein, and the Regulations provide for consideration of such requests.

10. APPLICABILITY OF PUB. L. 480 AND CCC CREDIT PROGRAMS

Two of those who commented inquired whether Pub. L. 480 or CCC Credit Programs could be used in establishing the agricultural reserves contemplated by these Regulations.

According to the Department of Agriculture, Pub. L. 480 programs can not be employed in establishing a reserve under the Regulations, since Pub. L. 480 requires that, among other things, priority attention be given to the immediate (as distinguished from future or reserve) food needs of recipient countries, CCC Credit Programs, on the other hand, can be used, ac-

cording to Agriculture, in establishing such reserves so long as the purchaser complies with both CCC and these Regulations. Among other things, the reserve would have to be stored in a U.S. warehouse acceptable to the CCC, and the acceptable period for export established by CCC and the period of exemption approved by Commerce would have to be compatible.

11. "COMPLEXITY" OF THE REGULATIONS

One of those who commented criticized the proposed regulations as too complicated, based on "a lot of subjective criteria," and further complicated by the need for approval by two different government agencies. Another comment suggested that the rules and procedures contained in the regulations are likely to discourage participation in the program, while still another expressed the belief that the requirement that both Commerce and Agriculture determine that "neither the sale nor export will result in an excessive drain of scarce materials and have a serious domestic inflationary impact" largely negates the value of the program.

In drafting the regulations, the Department sought to make the program as uncomplicated as possible within the constraints of the statutory provisions. However, since the very purpose of the program is to guarantee that commodities may be exported at the time they are most needed in the United States—i.e., in periods of short supply—it is believed that close monitoring of activities under this program is necessary to achieve the program's objectives while preventing circumvention of U.S. export policy. Accordingly, no changes can be made in the regulations to accommodate these comments.

12. TOBACCO LEAF AS AN AGRICULTURAL COMMODITY

One comment was received inquiring if the regulations would apply to purchases of U.S. leaf tobacco.

The regulations apply to purchases of any agricultural commodity. Tobacco is considered to be an agricultural commodity for these purposes.

13. LOCAL AND STATE TAXATION OF STORED COMMODITIES

One comment was received inquiring whether the commodities stored under this program would be subject to state and local taxes.

That is a matter of state, local, Federal and, perhaps, constitutional law and is to be determined independently of these regulations.

Accordingly, the Export Administration Regulations (15 CFR Part 368 et seq.) are amended by adding a new § 377.4 to read as follows:

§ 377.4 Registration of U.S. Agricultural Commodities for exemption from short supply limitations on export.

(a) *General.* Agricultural commodities of U.S. origin purchased by or for use in a foreign country and stored in the United States for export at a later date may be registered with the Department of Commerce under the provisions of this section for exemption from any quantitative limitations on export which may subsequently be imposed under Section 3(2)(A) of the Export Administration Act for reasons of short supply.

(b) *Definitions.* For the purpose of this § 377.4 the following definitions will apply:

(1) Agricultural commodities are deemed "purchased" by or for use in a foreign country if:

(i) Such commodities are in being and title thereto has been transferred to a foreign purchaser, or they are the subject of a binding contract for sale to a foreign purchaser and such contract describes the commodities by kind, grade, and quantity, contains a fixed price or basis for calculating price, and requires the commodities to be exported or delivered for export within a specified time; and

(ii) The purpose of the transaction is the creation of a reserve for later export to and use in a particular foreign country.

(2) The term "stored in the United States" means that the commodities are in storage, either on an identity preserved or commingled basis, in a particular storage facility in the United States.

(c) *Findings necessary for approval.* Applications to register such commodities may be approved by the Office of Export Administration if that Office receives adequate assurances and in conjunction with the Department of Agriculture determines:

(1) That such commodities will eventually be exported;

(2) That neither the sale nor the export thereof will result in an excessive drain of scarce materials and have a serious domestic inflationary impact;

(3) That storage of such commodities in the United States will not unduly limit the space available for storage of domestically-owned commodities; and

(4) That the purpose of such storage is to establish a reserve of such commodities for later use within a specified foreign country, not including resale to or use by or within another country.

(d) *Procedures for filing registration applications.* (1) Applications to register agricultural commodities must be submitted by a person or firm subject to the jurisdiction of the United States acting as a duly authorized agent for the foreign purchaser. Such applications shall be submitted, in du-

plicate, by letter addressed to the Office of Export Administration, Attention: Short Supply Division, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230. The letter shall:

(i) Describe the commodities to be registered by kind, grade and quantity;

(ii) Identify the specific storage facility where they are or will be stored and indicate whether they are or will be stored on an identity preserved or commingled basis;

(iii) State the length of time during which it is proposed to keep the commodities in storage in the United States;

(iv) Identify the foreign purchaser of the commodities and the foreign country in which they will ultimately be used;

(v) set forth any other details that the applicant considers to be relevant to the proposed storage and export transactions; and

(vi) Contain the following certification: "I certify that the commodities described herein have been purchased as a reserve for export to (country) and use therein (not including resale to, or use by or within another country); that they will be stored in the facility identified herein; and that they will be exported to that country prior to the expiration of such period as may be approved by the Office of Export Administration or, in the absence of quantitative limitations on export, within 60 days thereafter. I understand that, if the commodities have not been exported within the registration period approved by the Office of Export Administration, they will be subject to any quantitative limitations on export that may be in effect at the time of proposed export; and that failure to export the commodities in accordance with the terms of the registration approval, or failure to comply with any other conditions of approval, may result in compliance action pursuant to section 387 of the Export Administration Regulations or any other applicable law."

(2) The following documents shall be submitted with the letter:

(i) Two copies of the contract of sale to the foreign buyer;

(ii) A statement, in duplicate, from an appropriate official representative of the government of the country in which the commodities are ultimately to be used, identifying the specific transaction to which the statement relates and describing the commodities by kind, grade, and quantity; stating that the commodities are a part of that country's agriculture commodity reserve (owned either by the government or private persons) for use in that country; and further stating that any necessary import authorizations or other documentation have been or will be issued for the entry of the commodities into that country;

(iii) An affidavit, in duplicate, from the operator of the facility where the commodities are to be stored, stating that storage in that facility of the commodities proposed to be registered will not limit his ability to meet anticipated storage needs of the facility's traditional customers, or if it will limit such ability, the extent of such limitation.

(e) *Preliminary advice.* Before submitting a formal application for registration, the applicant may consult with the Office of Export Administration in person or by letter as to the likelihood of approval of an application for registration. The Office of Export Administration will try to respond promptly and fully to such inquiries. However, a definitive determination on approval of an application can be made only on the basis of a fully documented application in light of all the facts and circumstances at the time of its filing.

(f) *Commerce action on registration applications.* Upon receipt by the Office of Export Administration, a copy of each request and accompanying documentation will be forwarded to the Department of Agriculture for that Department's determination of whether the application meets each of the criteria for approval and its recommendation on whether the application should be approved. No application will be approved unless the Department of Agriculture determines that the criteria for approval have been met. If the application is approved, the applicant will be informed of such approval by letter, identifying the commodities, storage facility and country of destination; stating the period for which the registration is effective; and setting forth any other conditions of approval. The period for which storage is approved will not necessarily equal the period requested in the application. The following general conditions are applicable to all approved registrations:

(1) The applicant will be required to:

(i) Have the operator of the storage facility place on the original warehouse receipt a legend reading: "These commodities have been registered with the Department of Commerce for export to (country) and may be removed from storage only for purposes of export to that country, unless other disposal is permitted pursuant to advance written authorization from the Office of Export Administration"; and (ii) within ten days of receipt of the notification of registration approval, provide Commerce with two certified copies of the original warehouse receipt bearing such legend.

(2) Registration approvals will be effective for a specified period, and the registered commodities will be exempt from quantitative limitations on export for reasons of short supply only during such period.

(3) Commodities which are or have been registered must be exported within the period of such registration or, in the absence of quantitative limitations on export, within 60 days thereafter. Should the foreign purchaser, for reasons beyond his control, be prevented from exporting such commodities within the specified period, the Department will consider a request for extension of such period. Such requests should be submitted in writing within the specified period, describe the circumstances which prevent the timely export of such commodities, and state when such commodities will be exported.

(4) Unless otherwise permitted by the Department of Commerce, commodities which are or have been at any time registered may be disposed of only by exporting to the country stated in the registration for use in that country.

(5) Failure to export commodities which are or have been registered as required by this section, the export or reexport of such commodities to a country other than that approved in the registration, or failure to comply with any other condition attached to the registration of these commodities by the Department of Commerce may result in compliance action pursuant to Part 387 of the Export Administration Regulations or any other applicable law.

(g) *Application for extension of registration.* An application for extension of the period for which registered storage approved was initially granted shall be made at least 30 days prior to expiration of that period. Such application shall be made by letter, in duplicate, and shall make reference to the original storage approval and state the reason or reasons why the extension is requested. Accompanying documentation, in duplicate, shall be submitted as necessary to update that submitted with the original application. The mere filing of an application for extension will not extend the original period, and if approval of extension is not granted before expiration of the original period, such period shall lapse in accordance with the terms of the original registration.

(h) *Export of registered commodities.* Upon export of commodities which are or have been registered, the person receiving registered storage approval shall report the export to the Office of Export Administration, Attention: Short Supply Division, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230. Such report shall be by letter citing the storage approval and date issued and certifying that such commodities have been withdrawn from registered storage and exported. The report shall also transmit (1) a copy of the on board bill of lading and (2) an inde-

pendent inspector's certificate of analysis at the port of export attesting to the quantity and grade of the commodity being exported. If the quantity (less normal shrinkage) and grade do not conform to that shown on the warehouse receipt and the registered storage approval, appropriate documentation establishing the continuity of movement from warehouse to exporting carrier must also be transmitted. Such report shall be submitted within 15 calendar days of export except that if partial shipments are made the report and accompanying documentation may be held until final shipment has been made and then submitted within 15 calendar days of the final shipment.

(i) *Procedure for exporting registered commodities during a period when short supply controls are in effect.* (1) Should short supply export controls be imposed for a commodity being stored in the United States under a valid registered storage approval, the person to whom such approval was granted shall file an Application for Export License, Form DIB 622-P, in accordance with the procedure set forth in Part 372, except that no accompanying documentation shall be required. The application shall cite in Item 12 the relevant registered storage approval issued by the Office of Export Administration and shall state the quantity of the commodities covered by the registered storage approval already exported or which will be exported pursuant to the terms of any Saving Clause contained in the announcement imposing short supply export controls. Upon verification that the registered storage approval is valid, the Office of Export Administration will issue a validated export license for the quantity authorized in the registered storage approval, less any quantities previously exported or in process of being exported under any Saving Clause, without regard to any quantitative short supply export limitations which are then in effect. The license shall be valid through the date specified thereon.

(2) In addition to the report required under paragraph (h) of this section, the person to whom an export license has been issued under this provision shall report each export pursuant to such license, within 60 days of the final shipment under the license, to the Office of Export Administration, Attention: Short Supply Division, Room 1617M, Washington, D.C. 20230, by letter citing the applicable registered storage approval and enclosing: (i) A statement from an appropriate official of the government of the importing country attesting to the fact that the commodities—which must be identified by kind, grade and quantity—have been imported into that country for use therein and (ii) the

validated export license with the reverse side completed so as to record the shipment data and signature of the licensee or his duly authorized agent.

(j) *Effect of other provisions.* Unless inconsistent with the provisions of this § 377.4, all the provisions of the Export Administration Regulations, including Parts 387 and 388, apply equally to the procedure set forth in this section. Attention is called particularly to the provisions of § 387.11 under which pertinent records must be kept and made available for inspection and to the administrative and criminal sanctions in § 387.1 for violation of the Export Administration Act of 1969, as amended, or any order, regulation or license issued thereunder.

(Sec. 4 Pub. L. 91-184, 83 Stat. 842 (50 U.S.C. App. 2403), as amended; E.O. 12002, 42 FR 35623 (1977); Department Organization Order 10-3, dated December 4, 1977, 42 FR 64721 (1977); and Industry and Trade Administration Organization and Function Order 45-1, dated December 4, 1977, 42 FR 64716 (1977).)

NOTE.—The Office of Export Administration has determined that this document does not contain a major action which would require the preparation of an economic impact statement.

STANLEY J. MARCUSS,
Deputy Assistant Secretary
for Trade Regulations.

[FR Doc. 78-16327 Filed 6-9-78; 10:22 am]

[7020-02]

Title 19—Customs Duties

CHAPTER II—UNITED STATES INTERNATIONAL TRADE COMMISSION

PART 200—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Amendments to Financial Disclosure Regulations for Commission Staff

AGENCY: United States International Trade Commission

ACTION: Notice of rulemaking.

SUMMARY: This action amends the rules of agency organization, procedure, and practice, to provide that the Deputy Ethics Counselor with regard to matters covered by this part, "employee responsibilities and conduct" will be the Deputy General Counsel. Previously, the regulations had provided that the Assistant to the General Counsel of the Commission was to be the Deputy Ethics Counselor. Effective with the recent reorganization of the Commission, the second ranking officer in the General Counsel's office became the Deputy General Counsel, a new position, and the supervisory functions formerly exercised by the Assistant to the General Counsel were

transferred to the Deputy General Counsel. It is therefore appropriate that the Deputy General Counsel of the Commission exercise the function of Deputy Ethics Counselor, since this would be consistent with the objectives of existing regulations. This amendment makes two other changes. First, the Ethics Counselor would be designated by the Chairman, rather than by the Commission as before, which is consistent with the Chairman's administrative authority enacted in Pub. L. 95-106 effective August 17, 1977. Second, the Deputy Counselor would be authorized to designate an employee to assist him and the Counselor, which is required by the increasing burden of ethics matters. It is expected that the Deputy Counselor will exercise discretion in his choice, designating an employee of suitable experience in whom the staff and the Commission are likely to repose confidence.

EFFECTIVE DATE: These regulations will be effective June 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Jeffery M. Lang, Esq., Deputy General Counsel, U.S. International Trade Commission, Washington, D.C. 20436, telephone 202-523-0143.

The Commission's financial disclosure regulations are amended as follows:

Title 19, part 200, subpart A—general provisions of the Code of Federal Regulations is hereby amended to delete the first paragraph of section 200.735-103 thereof and replace it with the following:

§ 200.735-103 Counseling service.

To provide advice and guidance to employees of the Commission with regard to the matters covered in this part, a Commissioner shall be designated by the Chairman to be the Counselor on such matters, the Deputy General Counsel of the Commission shall be the Deputy Counselor. The Deputy General Counsel may designate an employee to assist him and the Counselor.

Subparagraphs (a), (b), and (c) of this section are not affected by this amendment.

By order of the Chairman.
Issued: June 9, 1978.

KENNETH R. MASON,
Secretary.

[FR Doc. 78-16480 Filed 6-13-78; 8:45 am]

[4110-07]

Title 20—Employees' Benefits**CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

[Regs. No. 1]

PART 401—DISCLOSURE OF OFFICIAL RECORDS AND INFORMATION**Aid to Families With Dependent Children Programs; Solicitation of Public Comment**

AGENCY: Social Security Administration, HEW.

ACTION: Solicitation of public comment.

SUMMARY: On January 30, 1978, the Social Security Administration (SSA) published interim regulations in the FEDERAL REGISTER (43 FR 3907) changing its regulations on the disclosure of official records and information. The changes reflected a requirement in Pub. L. 95-216 that SSA give earnings information to State and local government agencies and officials for administering programs of aid to families with dependent children (AFDC) established by Title IV-A of the Social Security Act. Those interim regulations also set out measures which the State or local agencies and officials should observe to ensure the disclosed information is used only for proper AFDC purposes.

At the time we published those interim regulations we did not solicit public comment. We are now inviting all interested persons or agencies to submit written comments on those interim regulations and on any experiences with them thus far. These comments will be used to determine if any changes are needed before publishing the interim regulations as final rules.

DATES: Comments must be received by September 12, 1978.

ADDRESSES: Please submit any comments in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Md. 21203. Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 5181, 330 Independence Avenue, Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Armand Esposito, Legal Assistant,

RULES AND REGULATIONS

Office of Policy and Regulations, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-7455.

(Secs. 1102, 1106(a), Social Security Act; 49 Stat. 647, 53 Stat. 1398; 42 U.S.C. 1302, 1306; sec. 411, Social Security Act (42 U.S.C. 611), as added by Pub. L. 95-216 (91 Stat. 1561).) (Catalog of Federal Domestic Assistance Programs No. 13.800-13.807, Social Security Programs.)

Dated: April 25, 1978.

DON WORTMAN,
Acting Commissioner
of Social Security.

Approved: June 5, 1978.

JOSEPH A. CALIFANO, JR.,
Secretary of Health,
Education, and Welfare.

[FR Doc. 78-16429 Filed 6-13-78; 8:45 am]

[4310-05]

Title 30—Mineral Resources**CHAPTER VII—OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, DEPARTMENT OF THE INTERIOR****PART 837—ABANDONED MINE RECLAMATION FUND—FEE COLLECTION AND COAL PRODUCTION REPORTING****Establishment of an Interest Rate For Delinquent Reclamation Fee Payments and Methods of Interest Computation****Correction**

In FR Doc. 78-13072 appearing at page 20793, in the issue of Monday, May 15, 1978, make the following change:

On page 20795, in the 1st and 6th line of § 837.15, in paragraph (e), insert "June 15, 1978", and "June 14, 1978", in place of "(31 days after publication)", and "(30 days after publication)", respectively.

[3810-70]

Title 32—National Defense**CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE**

[DIS Reg 28-4]

PART 298a—DEFENSE INVESTIGATIVE SERVICE**Amendment of Exemption Rule**

AGENCY: Defense Intelligence Agency (DIS).

ACTION: Final rule.

SUMMARY: The Defense Intelligence Agency is amending an existing exemption rule under the Privacy Act for a record system by deleting the exemption from the provisions of subsection (c) of the act. This provision of the exemption rule would exempt the DIS from submitting a new or altered record system report as required by the act on the record system. This is contrary to the Department of Defense (DoD) policy that all DoD Components shall submit a report for a new or altered record system. The effect of this amendment is that the DIS shall be required to submit a new or altered system report in accordance with subsection (c) of the Privacy Act.

EFFECTIVE DATE: June 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Lt. Col. Dale L. Hartig, Assistant for Information (D0020), Defense Investigative Service, 1000 Independence Avenue SW., Washington, D.C. 20314, telephone, 202-693-1740.

SUPPLEMENTARY INFORMATION: The DIS issued a proposed amendment to an existing exemption rule for a record system identified as DIS 5-01, entitled: "Investigative Files", which was published in the FEDERAL REGISTER on May 8, 1978 (43 FR 19689), to delete the exemption from the provisions of subsection (c) of the Privacy Act. Interested persons were invited to comment on the proposed amendment. No public comments were received. Accordingly, the proposed amendment is hereby adopted as set forth below.

MAURICE W. ROCHE,
Director, Correspondence and
Directives, Washington Headquarters Services, Department
of Defense.

JUNE 9, 1978.

§ 298a.14 Exemptions.

- (c) *Investigative files.*—DIS 5-01.
- (1) Exemption. 5 U.S.C. 552a(c) (3) and (4); (d); (e) (1), (2), (3), (5) and (8); and (g);
- (2) Authority. 5 U.S.C. 552a(j)(2);
- (3) Reasons. Records maintained by, or at the direction of the DIS Special Cases Division include criminal investigations for which DIS has primary responsibility and certain reports and reciprocal investigations, as well as security or counterintelligence information, which may be used in criminal prosecution. The withholding of this information will be to the extent necessary to allow the DIS Special Cases Division, a criminal law enforcement component, to conduct effective investigations into alleged unlawful activity, or crime conducive situations, without jeopardizing such investigations.

RULES AND REGULATIONS

Dated: June 7, 1978.

DOUGLAS M. COSTLE,
Administrator.

Subpart F of Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220 is amended by adding paragraph (c)(39)(v) as follows:

§ 52.220 Identification of plan.

- • • • •
- (c) • • •
- (39) • • •
- (v) Yolo-Solano APCD.
- (A) Amended Rule 2.21.

2. Section 52.255 is amended by revising paragraph (b) as follows:

§ 52.255 Gasoline transfer vapor control.

• • • • •

(b) This section is applicable in the Metropolitan Los Angeles, Sacramento Valley and San Joaquin Valley Intra-state Air Quality Control Regions with the following exceptions:

(1) The control requirements of this section are limited to facilities with a total throughput less than 20,000 gallons per day, the refilling of delivery vessels at these facilities, and storage containers serviced by these facilities for those air pollution control districts identified below.

- (i) Fresno County APCD.
 - (ii) Kern County APCD.
 - (iii) Merced County APCD.
 - (iv) Sacramento County APCD.
 - (v) San Joaquin County APCD.
 - (vi) Santa Barbara County APCD.
 - (vii) Southern California APCD.
 - (viii) Stanislaus County APCD.
 - (ix) Tulare County APCD.
 - (x) Ventura County APCD.
- (2) The requirements of this section are limited to paragraphs (c)(3)(iii), (d)(1) and (d)(2) and those portions of paragraph (c) required for their interpretation and enforcement for the Yolo-Solano APCD.

3. Section 52.269 is revised by adding paragraph (c) as follows:

§ 52.269 Control strategy and regulations: Photochemical oxidants (hydrocarbons) and carbon monoxide.

• • • • •

(c) The following rules and regulations are disapproved because they represent a relaxation of promulgated EPA regulations, and an adequate control strategy demonstration has not been submitted showing that the re-

Knowledge of the investigations of the Special Cases Division would enable subjects or suspects to take actions to prevent detection of criminal activities, fabricate evidence, influence witnesses improperly, conceal or destroy evidence, or to escape prosecution. It would also lead to intimidation of, or harm to, sources, informants, witnesses and their families. Information from this system will be withheld only to the extent that its release would interfere with such investigations.

[FR Doc. 78-16431 Filed 6-13-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY****SUBCHAPTER C—AIR PROGRAMS**

[FRL 911-1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**California Plan Revision: Yolo-Solano Air Pollution Control District**

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove changes to the Yolo-Solano Air Pollution Control District (APCD) portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and regulations and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: July 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Acting Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94105, Attn: David R. Souten, 415-556-7288.

SUPPLEMENTARY INFORMATION: On September 20, 1977 (42 FR 47227) EPA published a notice of proposed rulemaking for revisions to the Yolo-Solano APCD's rules and regulations submitted on June 6, 1977 by the California Air Resources Board for inclusion in the California SIP. The June 6, 1977 submittal contained only revisions to Rule 2.21, Vapor Control for Organic Liquid Transfer and Storage.

The notice of proposed rulemaking provided for a 30-day comment period. Comments were received from the Yolo-Solano APCD concerning those

portions of Rule 2.21 which EPA is disapproving. The District commented that the requirements for submerged fill pipes on agricultural tanks are of questionable significance since there are a small number of farm tanks affected that are currently in use, and since the District regulations provide more stringent requirements for non-agricultural tanks than required by 40 CFR 52.255, Gasoline Transfer Vapor Control. However, the Yolo-Solano APCD has not submitted a detailed control strategy analysis indicating that their requirements provide the same amount of control as provided for in § 52.255. Thus, EPA cannot approve the relaxation of controls for agricultural tanks.

Yolo-Solano APCD also commented that the exemption for small bulk plants from vapor controls during out-loading is consistent with State requirements. While this may be the case, such exemptions are not consistent with the EPA requirements, stated in § 52.255, and therefore cannot be approved.

Pursuant to section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as State Implementation Plan revisions.

This notice approves Rule 2.21, submitted on June 6, 1977, with the exception of sections (b)(1), (b)(2), (b)(4), (b)(5), and (b)(6) which are disapproved. The disapproved portions of Yolo-Solano's Rule 2.21 would have provided exemptions which are not allowed under 40 CFR 52.255 for small bulk plants, storage tanks less than 2000 gallons installed between July 1, 1975 and March 1, 1976, agricultural tanks, and delivery vessels. The Yolo-Solano APCD has not submitted a control strategy which shows that these exemptions will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards. Those portions of Rule 2.21 which are being approved are consistent with all EPA requirements. Paragraphs (c)(3)(iii), (d)(1) and (d)(2) of 40 CFR 52.255 as well as those portions of paragraph (c) necessary for their interpretation and enforcement will remain applicable in the Yolo-Solano APCD.

Paragraph (b) of § 52.255 has been restructured to allow for the above mentioned actions concerning Yolo-Solano's Rule 2.21. The substance of the previously promulgated paragraph (b) has not been altered by the restructuring.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

(Secs. 110, 301(a), Clean Air Act as amended (42 U.S.C. 7410 and 7601(a).))

laxation would not interfere with the attainment and maintenance of the national standards for photochemical oxidants:

(1) Sacramento Valley Intrastate AQCR.

(i) Yolo-Solano APCD.

(A) Rules 2.21(b)(1), 2.21(b)(2), 2.21(b)(4), 2.21(b)(5) and 2.21(b)(6), submitted on June 6, 1977.

[FR Doc. 78-16340 Filed 6-13-78; 8:45 am]

[6560-01]

[FRL 894-6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: El Dorado County Air Pollution Control District (APCD)

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove or take no action on revisions to the El Dorado County APCD portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and regulations, and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: July 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Acting Director, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105, Attention: Wayne Blackard, telephone 415-556-7382.

SUPPLEMENTARY INFORMATION: On May 26, 1977 (42 FR 26997), EPA published a notice of proposed rulemaking for revisions to the rules and regulations of the El Dorado County APCD submitted by the California Air Resources Board (ARB) on July 25, 1973, April 10, 1975, and August 2, 1976 for inclusion in the California SIP. Since the April 10, 1975 and August 2, 1976 submittals supersede the July 25, 1973 submittal, only they will be addressed in this notice.

Revisions on rules concerning new source review have been submitted; however, no action is being taken at this time as these rules will be acted upon in a separate FEDERAL REGISTER notice.

The changes contained in the April 10, 1975 and August 2, 1976 submittals that are being acted on by this notice include the following:

(a) New definitions are added.

(b) The visible emission limitations are changed from Ringelmann No. 2 to No. 1 (emission of uncombined water is exempted from this rule).

(c) A new rule is adopted to control emissions from fossil fuel-steam generator facility.

(d) Allowable emission rates for particulate matter based on process weight rates are changed.

(e) A new rule governing equipment for the reduction of animal matter is adopted.

(f) Obsolete effective dates are dropped from certain rules.

(g) Rules for controlling open outdoor fires including agricultural burning are amended.

(h) New rules are added to specify permit system conditions: responsibility of permittee, responsibility of sources in recordkeeping and reporting, etc.

(i) Several administrative changes are made in the procedure before the hearing board.

(j) Rules are added to designate the manner in which measurements should be made in case of separation or combination of emissions.

(k) Minor wording changes, that do not involve the degree of control, are made to a number of rules.

(l) The language of the Health and Safety Code has been incorporated into a number of rules.

(m) The entire set of rules is recodified.

(n) The rule which indicates that if a part of a rule is found unconstitutional, the remaining part of the rule remains valid is deleted.

(o) The rule which indicates that all new applicable California laws shall have full effect in the District is deleted.

A list of the regulations considered by this notice was published as part of the May 26, 1977 notice of proposed rulemaking (42 FR 26997). The proposed rulemaking provided 30 days for public comments. No comments were received.

Under Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the submitted regulations as SIP revisions.

It is the purpose of this notice to approve all the revisions contained in the April 10, 1975 and August 2, 1976 submittals, and incorporate them into the California SIP, with the exception of those rules not being acted upon, those rules being disapproved, and certain rescission actions as discussed below.

No action is being taken on the following rules because they have been

superseded by SIP revisions submitted by the ARB on November 4, 1977: Rules 201, 203, 205, 205(a), 207, 208, 210(b), 213, 215, 216, 216-49, 216-50, 216-51, 216-52, 216-53, 216-54, 216-55, 216-56, 216-1, 216-2, 216-3, 302, 303, 304, 307, 308, 314, 319, 320, 321, 322, 324, 402, 404, 407, 409, 507, 603, 700, 703, and 710. These rules will be addressed in another FEDERAL REGISTER notice.

Rule 211, Process Weight Per Hour, in the August 2, 1976 submittal and the companion Rule 212, Process Weight Table, in the April 10, 1975 submittal are analogous to the previously approved Rule 55, Dust and Condensed Fumes, in the February 21, 1972 submittal. Although Rule 211, which controls "dust" only, covers a narrower range of pollutants than the previously approved Rule 55, which controls both "dust and condensed fumes", Rule 212 contains allowable emission rates more stringent than those contained in Rule 55. Since Rules 211 and 212 are interdependent and since a control strategy demonstration has not been submitted to show that the replacement of Rule 55 with Rules 211 and 212 will not interfere with the attainment and maintenance of the NAAQS, EPA is disapproving Rules 211 and 212, and at the same time retaining Rule 55 for Federal enforcement purposes.

Rule 408, Source Recordkeeping and Reporting, in the April 10, 1975 submittal is a new rule that requires the owner or operator of a stationary source of air pollution to maintain files and records of the nature and amounts of emissions, and report findings to the APCD. This rule meets the requirements of 40 CFR 51.19(a) and is thus approved. El Dorado county APCD, therefore, is rescinded from the disapproval notice in 40 CFR 52.234(a) and the associated substitute regulations in 40 CFR 52.234(d).

Regulation VII revisions (which includes Rules 701, 702, 704 to 709, and 711 to 717 in the April 10, 1975 submittal) are approved as part of a procedure for the granting of variances. Each variance, however, must satisfy the requirements of section 110 of the Clean Air Act and 40 CFR Part 51 in order to be approved by EPA as a revision to the SIP.

The deletion in the April 10, 1975 submittal of Rule 5, Validity; Rule 6, New Laws; and Rule 7 Effective Date, approved in the February 21, 1972 submittal, is approved because these rules are not required by 40 CFR Part 51 and their omission will not cause any relaxation in the control regulations.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

(Secs. 110, 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7601(a)).

Dated: June 7, 1978.

DOUGLAS M. COSTLE,
Administrator.

Subpart F of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220, paragraphs (c)(27)(viii) and (c)(32)(vi) are added as follows:

§ 52.220 Identification of plan.

• • • • •

(c) • • •

(27) • • •

(viii) El Dorado County APCD.

(A) New or amended rules 101, 102, 202, 204, 206, 209, 210(a), 212, 214, 301, 305, 306, 309, 310, 311, 312, 313, 315, 316, 317, 318, 323, 401, 403, 405, 406, 408, 601, 602, 701, 702, 704, 705, 706, 707, 708, 709, 711, 712, 713, 714, 715, 716, 717.

(B) Previously approved and now deleted (without replacement) Rules 5, 6, 7.

• • • • •

(c) • • •

(32) • • •

(vi) El Dorado County APCD.

(A) Amended rule 211.

• • • • •

2. Section 52.234, paragraph (a)(3)(iv) is added as follows:

§ 52.234 Source surveillance.

(a) • • •

(3) • • •

(iv) El Dorado County APCD.

• • • • •

3. Section 52.275, paragraph (b)(2) is added as follows:

§ 52.275 Particulate matter control.

(a) • • •

(b) • • •

(2) Sacramento Valley Intrastate AQCR:

(i) El Dorado County APCD.

(A) Rule 211, Process Weight Per Hour, submitted on August 2, 1976, and Rule 212, Process Weight Table, submitted on April 10, 1975, are disapproved; while the analogous Rule 55, Dust and Condensed Fumes, previously approved in the February 21, 1972, submittal is retained and shall remain in effect for Federal enforcement purposes.

• • • • •

[FR Doc. 78-16341 Filed 6-13-78; 8:45 am]

[6560-01]

[FRL 903-7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: Yolo-Solano Air Pollution Control District

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove or take no action on changes to the Yolo-Solano Air Pollution Control District (APCD) portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and regulations and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: July 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Acting Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94105, Attn: Wayne A. Blackard, 415-556-7382.

SUPPLEMENTARY INFORMATION: On May 24, 1977, in 42 FR 26438, EPA published a notice of proposed rulemaking for revisions to the Yolo-Solano Air Pollution Control District Rules and Regulations submitted on July 25, 1973; July 19, 1974; January 10, 1975; and April 21, 1976 by the California Air Resources Board for inclusion in the California SIP.

The changes contained in these submittals and being acted upon by this notice include the following: Changes to incorporate the recodification of the California Health and Safety Code; changes to the open burning and agricultural burning regulations; administrative and procedural changes in fee requirements and hearing board activities; the renumbering and retitling of regulations; additions and changes to the "Definitions" rule; changes to the rule on public availability of emission data; additions and changes to the "Organic Solvent" rule and other related rules; changes to the fuel burning rule; and the addition of a new process weight table.

Under section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as State Implementation Plan revisions.

Rules concerning gasoline vapor recovery, emergency episode actions, and new source review have been added or revised; however, no action is being

taken at this time and these rules will be acted upon in separate FEDERAL REGISTER notices.

The State has also submitted rules and regulations for the Yolo-Solano APCD concerning New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS) (Regulation VIII and Exhibit A). These regulations implement sections 111 and 112 of the Clean Air Act, and are not appropriate for inclusion in a State Implementation Plan under section 110 of the Act. Therefore, these regulations will be neither approved nor disapproved by EPA as part of an applicable implementation plan. They were, however, reviewed under the appropriate provisions of sections 111 and 112, and delegation of authority to implement and enforce the NSPS and NESHAPS standards was made to the State on behalf of the Yolo-Solano APCD on November 19, 1976. The FEDERAL REGISTER notice for this delegation of authority will be published at a future date.

Regulation V, Procedures Before the Hearing Board, contains procedures by which variances from emission limits may be obtained. While EPA is approving the changes to Regulation V, each variance must satisfy the requirements of section 110 of the Clean Air Act and 40 CFR Part 51 in order to be approved by EPA as a revision to the SIP.

A list of the Rules being considered by this action was published as part of the notice of proposed rulemaking and can be found in 42 FR 26438 (May 24, 1977). Comments were received from the Yolo-Solano APCD during the 30-day public comment period. No other comments were received.

The APCD commented that the adoption of Rule 2.8(c)(4), while allowing for the burning of material on days when the Air Resources Board has determined that meteorological conditions exist which preclude such burning, is not a weakening of the air pollution program because other APCD regulations now prohibit some specified burning practices, and these other regulations more than compensate for the apparent relaxation of Rule 2.8(c)(4). Nevertheless, EPA is disapproving Rule 2.8(c)(4) because: (1) The APCD has not submitted a technical analysis supporting their comment; (2) No criteria have been established by the APCD, and submitted as an SIP revision to the EPA stating how the Air Pollution Control Officer (APCO) determines that such burning is "not to have a significant air pollution effect"; and (3) No indication is given as to what types of burning operations are allowed under this provision.

The APCD commented that disapproval of Rule 6.1(a) would be unwarranted.

ranted since the APCD regulations, which exempt range improvement burning from no-burn day criteria during the time period from January to May, are consistent with the State plan and strategy. While State law may allow for this type of exemption, this State law is not a part of the applicable SIP. The State must submit technical support to justify this regulatory relaxation (the superseded County Rule 4.1 did not provide for this exemption). EPA has not received a technical justification showing that the relaxation would not interfere with the attainment and maintenance of the NAAQS. EPA is therefore disapproving Rule 6.1(a).

The APCD commented on the disapproval of Rules 6.1(e)(6), 6.3, and 6.5. The APCD stated that these rules are in accord with State law and that EPA has implicitly approved such regulations previously, and that this disapproval is "unwarranted if not arbitrary." The EPA cannot approve rules that provide for exemptions from emissions control regulations when such exemptions are based solely upon a showing of economic harm. Such exemptions are permissible only if all other requirements of section 110 of the Clean Air Act are met. Without a showing that the granting of such exemptions will not interfere with the attainment or maintenance of the NAAQS, EPA must disapprove these three rules.

The APCD also commented on the disapproval of the new Rule 2.16 which contains a number of changes which require more stringent control than the old Rule 2.16. It is correct that the new Rule 2.16 does have several improved features. However, the new Rule 2.16 also contains a number of changes which could result in a relaxation of emission control requirements. No detailed strategy analysis, including a documented emission inventory analysis, has been presented to EPA to show that the net effect of these changes will not result in a relaxation of emission control requirements. Thus, these changes could interfere with the attainment and maintenance of the NAAQS; and for this reason EPA is disapproving this new submittal of Rule 2.16 and retaining the Rule 2.16 previously approved by EPA for inclusion in the SIP.

Rule 2.13, Organic Solvents, Rule 2.14, Architectural Coatings, and Rule 2.15, Disposal and Evaporation of Solvents, have been revised and are equivalent to the Federally promulgated requirements of 40 CFR 52.254. These rules are approved and Yolo-Solano APCD is rescinded from 40 CFR 52.254.

It is the purpose of this final rule-making notice to approve all changes contained in the July 25, 1973; July 19, 1974; January 10, 1975; and April 21,

1976 submittals and incorporate them into the California SIP with the exception of those rules not being acted upon, and the rules discussed below.

Rule 1.3, Confidential Information, provides for public availability of emission data, but does not provide for correlation of emission data with applicable emission limitations as required by 40 CFR 51.10(e). This rule is approved. However, the portion of the substitute regulation which provides for correlation of emission data in 40 CFR 52.224, is retained.

Rule 2.8(c)(4), Open Burning, General, authorizes the Air Pollution Control Officer (APCO) to permit fires on all days which he determines necessary and not to have significant air pollution effects. This rule is disapproved since there are no guidelines provided which limit the authority to issue permits under this section. In addition, no data has been submitted which demonstrates that the exemption will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS).

Rule 2.8(c)(5), Open Burning, General, permits the burning of pesticide sacks on all days. This rule is disapproved since it provides for a new exception to the open burning rule without an accompanying analysis which demonstrates non-interference with the attainment and maintenance of the NAAQS.

EPA is disapproving Rule 2.16, Fuel Burning Heat or Power Generators, which contains emission limitations for SO₂, NO_x, and particulate from fuel burning equipment. This rule has been revised by relaxing the particulate emission limit, and by adding provisions that apply during periods of gas fuel unavailability. This revision cannot be approved without an adequate control strategy demonstration that this relaxation will not interfere with the attainment and maintenance of the NAAQS.

Rule 6.1(a), Prohibitions, Burning Days, is disapproved because it exempts range improvement burning from January 1 to May 31 from the burning prohibition on "no burn" days and no analysis has been submitted which demonstrates that this additional burning will not interfere with the attainment and maintenance of the NAAQS. Rule 4.1(a), submitted on February 21, 1972, and previously approved under 40 CFR 52.223, will be retained for Federal enforcement purposes.

Rule 6.1(g), Prohibitions, Burning Hours, is disapproved because it allows more burning due to an increase in burning hours. The revision lengthens burning hours from 8:00 a.m. to 5:00 p.m. for materials other than rice straw or stubble and from 10:00 a.m. to 5:00 p.m. for rice straw or stubble. The

burning hours in the old Rule 4.1(g) were 9:00 a.m. to 3:00 p.m. This rule is disapproved since it increases burning and no data has been submitted which demonstrates that this additional burning will not interfere with the attainment and maintenance of the NAAQS. Rule 4.1(g), submitted on February 21, 1972, and previously approved under 40 CFR 52.223 will be retained for Federal enforcement purposes.

Rule 6.1(e)(6), Prohibitions, Material Preparation, is disapproved because it authorizes the APCO to shorten required minimum drying times set forth in Rule 6.1(e) upon a determination that economic loss is threatened by denial of a permit. Rule 6.3, Special Permits, is disapproved since it fails to adequately specify the type of information required by an application for a special permit and allows threatened economic loss to be considered as a basis for granting a special permit.

Rule 6.5(a), Standards for Granting Applications, is disapproved since it authorizes special permits to be issued on "no-burn" days upon a showing of threatened economic loss. Economic factors are an impermissible basis upon which to condition the granting of variances from the emission limitations absent a demonstration showing that all other requirements of Section 110 of the Clean Air Act as well as the NAAQS will be met. Rules 4.1(e)(6), 4.3 and 4.5, submitted on February 21, 1972, and previously approved under 40 CFR 52.223, will remain in effect. However, these rules will be proposed for disapproval at a later date for the reasons indicated above.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

(Secs. 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7601(a)).

Dated: June 7, 1978.

DOUGLAS M. COSTLE,
Administrator.

Subpart F of Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220, paragraphs (c)(21)(xiv), (24)(ix)(B), (26)(xiv) and (31)(xiv) are added as follows:

§ 52.220 Identification of plan.

(c) * * *

(21) * * *

(xiv) Yolo-Solano APCD.

(A) New or amended Rules 1.2 (a, b, d to g, i to x, and z to ae), 1.4, 2.4(e), 2.8, 2.9, 4.1 to 4.5, 5.1 to 5.18, 6.1 (i) and (j), 6.2 to 6.5, and 6.7 to 6.8.

(24) * * *

(ix) * * *

(A) * * *

(B) New or amended Rules 1.2 (c, h, and y), 1.3, 2.11 to 2.16, 2.19, 4.3, 5.4, 5.6, and 5.12.

(26) * * *

(xiv) Yolo-Solano APCD.

(A) New or amended Rule 6.1 (a), (b), (c), (d), (e), and (g) (1, 2, and 3).

(31) * * *

(xiv) Yolo-Solano APCD.

(A) New or amended Rules 6.1(f) (1 and 2), (g)(4), (h) (1 and 2) and 6.6.

2. Section 52.224, paragraph (a)(2)(ii) is added as follows:

§ 52.224 General requirements.

(a) * * *

(2) * * *

(ii) Sacramento Valley Intrastate: (A) Yolo-Solano APCD.

3. Section 52.254, paragraph (a)(3)(ii) is added as follows:

§ 52.254 Organic solvent usage.

(a) * * *

(3) * * *

(ii) Yolo-Solano APCD.

4. Section 52.273, paragraph (a)(1)(iv) is added as follows:

§ 52.273 Open burning.

(a) * * *

(1) * * *

(iv) Yolo-Solano APCD.

(A) Rule 2.8(c)(4) and Rule 2.8(c)(5) Open Burning, General, submitted on July 25, 1973.

(B) Rule 6.1(a), Prohibitions, Burning Days, submitted on January 10, 1975. Rule 4.1(a), Prohibitions, No Burn Days, submitted on February 21, 1972 and previously approved in 40 CFR 52.223, is retained.

(C) Rule 6.1(e)(6), Prohibitions, Material Preparation, submitted on January 10, 1975.

(D) Rule 6.1(g), Prohibitions, Burning Hours, submitted on January 10, 1975. Rule 4.1(g), Prohibitions, Burning Hours, submitted on February 21, 1972 and previously approved in 40 CFR 52.223, is retained.

(E) Rule 6.3, Special Permits, submitted on July 25, 1973.

(F) Rule 6.5(a), Standards for Granting Applications, submitted on July 25, 1973.

5. Section 52.280, paragraph (a)(2)(i) is added as follows:

§ 52.280 Fuel burning equipment.

(a) * * *

(2) Sacramento Valley Intrastate AQCR:

(i) Yolo-Solano APCD.

(A) Rule 2.16, Fuel Burning Heat or Power Generators, submitted on July 19, 1974 is disapproved; and Rule 2.16, Fuel Burning Equipment, submitted on June 30, 1972 and previously approved as part of the SIP in 40 CFR 52.223, is retained.

[FR Doc. 78-16342 Filed 6-13-78; 8:45 am]

[6560-01]

[FRL 901-4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: Del Norte County Air Pollution Control District (APCD)

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove or take no action on changes to the Del Norte County APCD portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and regulations and to correct certain deficiencies in the SIP. EFFECTIVE DATE: July 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Acting Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94105, Attn: Wayne A. Blackard, 415-556-0217.

SUPPLEMENTARY INFORMATION: On June 14, 1977 (42 FR 30394) and July 11, 1977 (42 FR 35662), EPA published notices of proposed rulemaking for revisions to the Del Norte County Air Pollution Control District's Rules and Regulations submitted on July 25, 1973; October 23, 1974; April 10, 1975; July 22, 1975; and November 10, 1976. Since the November 10, 1976 submittal represents the most recent complete set of rules and regulations for the District, only it will be addressed in this notice.

The rules contained in the November 10, 1976 submittal comprise a com-

plete revision of the Del Norte County APCD's rules and regulations and are identical for four of the five APCD's in the North Coast Air Basin. All rules have been renumbered, and many have been reworded or reorganized. In addition to those changes, the most significant changes to rules being acted upon by this notice are as follows:

(a) Language changes are made to conform with recodification of the State Health and Safety Code and to accommodate the Uniform Regulations of the North Coast Air Basin.

(b) Procedures are added regarding public records and trade secrets.

(c) Provisions are added regarding severability, intent of the regulations, and liberal construction.

(d) Monitoring requirements are made more specific.

(e) Exceptions to the visible emissions rule are added.

(f) Specific limits on particulates from steam generating units and Kraft recovery furnaces are established.

(g) Measures to be taken to control fugitive dust are added.

(h) Controls over incineration of animal matter are added.

(i) A requirement for submerged fill pipes for stationary gasoline tanks is added.

(j) Procedures for issuing orders for abatement are updated and detailed.

(k) Exemptions from open burning prohibitions are added.

(l) Open burning policies are specified.

(m) Use classifications under which open fires are allowed on "permissive-burn" days are specified.

(n) Procedures for notifying the public of "permissive-burn" and "no-burn" days are specified.

(o) Reporting procedures, exceptions to prohibition of burning on "no-burn" days, and agencies that may issue burning permits are specified.

(p) Conditions under which waste may be burned are specified, and an exception to the rule on drying time is provided.

(q) Penalties for violations of open burning rules are established.

Lists of the rules being considered by this action were published as part of the notices of proposed rulemaking on June 14, 1977 (42 FR 30394) and on July 11, 1977 (42 FR 35662). The notices of proposed rulemaking provided 30 days for public comment.

In response to EPA's Evaluation Reports on the Del Norte County APCD's rules, and to a letter dated July 21, 1977, from EPA to the Del Norte County APCD, the Humboldt County APCD sent two letters, dated July 27 and 28, 1977, to EPA. Both letters dealt with Regulation 2, Open Burning Procedures, while the July 28 letter also dealt with Rule 240(e), Mandatory Monitoring Requirements.

Regarding Regulation 2, and in particular the general prohibitions as set forth at page 1, the July 27 letter noted that certain exceptions would not allow the unregulated burning that EPA had questioned, because of limiting definitions, conditions normally included in the granting of exemptions, and a proposed revision of the general prohibitions. In an August 16, 1977 letter to the Humboldt County APCD, EPA responded to those comments by suggesting ways in which the regulation could be further improved, and pointing out that, until a revision is submitted to EPA by the California Air Resources Board as an official SIP revision, EPA cannot act upon it.

The July 28 letter noted that special burning practices permitted on the basis of economic considerations might "be further conditioned that they will not cause a violation of the SIP control strategy." EPA encourages such conditioning, provided also that a demonstration is made that such permitted burning practices will not prevent the attainment or maintenance of the National Ambient Air Quality Standards (NAAQS).

Regarding Rule 240(e), the July 28 letter noted that the Del Norte County APCD has adopted a revised Rule 240(e). Although that revised rule was submitted to EPA by the California Air Resources Board on November 4, 1977, it has not yet been evaluated. It will be acted upon in a subsequent FEDERAL REGISTER notice.

Under section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove these regulations as State Implementation Plan revisions.

Rule 150, Public Records, is being approved. Because the rule does not provide for correlation of emission data with applicable emission limitations, however, the Del Norte County APCD is being retained under the substitute regulation (40 CFR 52.224(b)(4)).

Rule 240(d), Compliance Verification, has been added to provide additional source surveillance requirements. Except for paragraph (3), which is not being acted upon, it is being approved. Because Rule 240(d) meets the requirements of 40 CFR 51.19 (a) and (b), the Del Norte County APCD is being rescinded from the requirements of 40 CFR 52.234(d).

Rule 630, Decisions, is being approved as a procedure for the granting of variances. Each variance, however, must satisfy the requirements of section 110 of the Clean Air Act and 40 CFR Part 51 in order to be approved by EPA as a revision to the SIP.

It is the purpose of this notice to approve all changes contained in the November 10, 1976 submittal and to incorporate them into the California

SIP, with the exceptions of the rules discussed below.

EPA is disapproving Rules 410(c)(2), 410(c)(7), and 420(e), and the following portions of Regulation 2, Open Burning Procedures: General prohibitions (all of page 1) (Open Burning Procedures), paragraphs (e) and (f) of Article I (Scope and Policy), paragraphs (f) and (g) of Article V (Burning Permits and Reports), and paragraph (f) of Article VI (Burning Preparation and Restrictions).

Paragraph (c)(7) of Rule 410, Visible Emissions, would exempt from the opacity limit of Rule 410(a) "dust and particulate matter released incident to completing and cleaning out a geothermal well and placing it in production." This paragraph is disapproved because no analysis has been submitted to show that the exemption would not interfere with the attainment/maintenance of the NAAQS.

Rule 420(e), Waste Incineration, would exempt from the emission limit of Rule 420(a) single chamber incinerators "used for the disposal of approved combustibles subject to permit conditions specified by the Control Officer after a finding that such use is compatible with the county solid waste management program and will not cause a violation of the control strategy." This rule is disapproved because it relaxes emission control, provides an excessive amount of discretion on the part of the Control Officer, and as such could interfere with the attainment/maintenance of the NAAQS.

Paragraph (c)(2) of Rule 410, Visible Emissions, would exempt from the opacity limit of Rule 410(a) "smoke from fires set pursuant to Regulation 2 (Open Burning Procedures) of the North Coast Air Basin." Several provisions of Regulation 2 are being disapproved for the reasons given in the four paragraphs immediately following. Rule 410(c)(2) is disapproved for the same reasons.

The general prohibitions (all of page 1) of Regulation 2 would permit the burning of specified substances under certain conditions. These general prohibitions (all of page 1) are disapproved because no analysis has been submitted to show that such burning would not interfere with the attainment/maintenance of the NAAQS.

Paragraph (e) of Article I of Regulation 2 would permit open outdoor fires "on those days for which satisfactory meteorological burning conditions and adequate area ventilation are predicted to occur." This provision is disapproved because it is too vague to be enforceable.

Paragraph (f) of Article I, paragraph (g) of Article V, and paragraph (f) of Article VI, all of which are contained in Regulation 2, are disapproved be-

cause each would allow the granting of exceptions from open burning rules if "imminent and substantial economic loss" is threatened by denial of an exception. Economic factors are an impermissible basis upon which to grant such an exception absent a showing that all other requirements of section 110 of the Clean Air Act, as well as the NAAQS, will be met.

Paragraph (f) of Article V of Regulation 2 would allow, from January 1 until May 31, range improvement or forest management burning on "no-burn" days, provided that more than 50 percent of the land has been "brush treated." This paragraph is disapproved because no analysis has been submitted to show that the allowance would not interfere with the attainment/maintenance of the NAAQS.

No action is being taken at this time on rules concerning emergency episodes, non-criteria pollutants, new source review, mandatory monitoring, nuisance, sulfide emission standards, organic gas emission, malfunction, and open burning (use classifications). Of these rules, Rule 140, Emergency Conditions; Chapter II, Permits (except Rule 240(d)); and Rule 540, Equipment Breakdown, will be or have been acted upon in separate FEDERAL REGISTER notices.

Rule 160, Ambient Air Quality Standards (excluding paragraph (a), which does not apply to the Del Norte County APCD), is being approved with the exceptions of the non-criteria pollutants, which are not appropriate for inclusion in the SIP.

Paragraph (3) of Rule 240(d), Compliance Verification, is not being acted upon because it relies upon Rule 540, Equipment Breakdown, which has been disapproved (43 FR 3275).

Rule 240(e), Mandatory Monitoring Requirements, which concerns the requirements of 40 CFR 51.19(e), has been replaced by a more recent submittal. Therefore, EPA is taking no action on this rule.

Paragraphs (a) and (c) of Rule 400, Public Nuisance, are not appropriate for inclusion in the SIP because they are not specifically directed at the attainment or maintenance of the NAAQS. Therefore, EPA is taking no action on these paragraphs.

Rule 450, Sulfide Emission Standards, is not appropriate for inclusion in the SIP because it would regulate a pollutant for which there is no NAAQS. Therefore, EPA is taking no action on this rule.

Use Classification 6 of Article III or Regulation 2, Open Burning Procedures, is not appropriate for inclusion in the SIP because it expired on January 1, 1977. Therefore, EPA is taking no action on this rule.

Paragraph (a) of Rule 160, Ambient Air Quality Standards; paragraph (b) of Rule 410, Visible Emissions; Rule

460, Organic Gas Emissions; Appendix (map) to Regulation 1; and Appendices A, B, and C (maps) to Regulation 2, Open Burning Procedures, although included in the Uniform Regulations of the North Coast Air Basin, do not apply to the Del Norte County APCD. Therefore, EPA is taking no action on these rules.

The State has submitted Rules 490 and 492, and Regulations 3 and 4, concerning New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS). These rules and regulations implement sections 111 and 112 of the Clean Air Act, and are not appropriate for inclusion in the SIP under Section 110 of the Act. Therefore, these regulations will be neither approved nor disapproved by EPA as part of an applicable implementation plan. NSPS and NESHAPS regulations were, however, reviewed under the appropriate provisions of sections 111 and 112, and delegation of authority to implement and enforce the NSPS and NESHAPS standards was made to the State of California, on behalf of the Del Norte County APCD, on July 10, 1975. The FEDERAL REGISTER notice for this delegation of authority was published on September 11, 1975 (40 FR 42237).

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

(Secs. 110, 301(a), Clean Air Act, as amended, 42 U.S.C. 7410, 7601(a).)

Dated: June 7, 1978.

DOUGLAS M. COSTLE,
Administrator.

Subpart F of Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220, paragraph (c)(35)(ix)(C) is added as follows:

§ 52.220 Identification of plan.

(c) * * *
(35) * * *
(ix) * * *

(C) New or amended Rules 100, 110, 120, 130, 150, 160 (except 160(a) and non-criteria pollutants), 190, 240(d) (except paragraph (3)), 300, 310, 320, 340, 400(b), 410(a), 410(c), 420, 430, 440, 470, 480, 482, 500, 510, 520, 600, 610, 620, 630, 640, and 650; and the following portions of Regulation 2: general prohibitions (all of page 1), Articles I and II, paragraphs A1, A2, A3, A4, 5, 7, and 8 of Article III, and Articles IV to VII.

2. Section 52.224, paragraph (a)(2)(iii) is added as follows:

RULES AND REGULATIONS

§ 52.224 General requirements.

(a) * * *
(2) * * *
(iii) North Coast Intrastate:
(A) Del Norte County APCD.

3. Section 52.234, paragraph (a) is amended to read as follows:

§ 52.234 Source surveillance.

(a) Except in the Air Pollution Control Districts (APCDs) listed in this paragraph, the requirements of § 51.19(a) of this chapter are not met since the plan does not provide for recordkeeping and periodic reporting of emission data by sources.

(1) * * *
(iii) Del Norte County APCD.

4. In § 52.273, paragraphs (a)(4) and (b)(3) are added as follows:

§ 52.273 Open burning.

(a) * * *
(4) North Coast Intrastate Region:
(i) Del Norte County APCD.

(A) Rule 410(c)(2) and the following portions of Regulation 2: General prohibitions (all of page 1), paragraph (f) of Article I, paragraphs (f) and (g) of Article V, and paragraph (f) of Article VI, submitted on November 10, 1976.

(b) * * *
(3) North Coast Intrastate AQCR:
(i) Del Norte County APCD.

(A) Paragraph (e) of Article I of Regulation 2, submitted on November 10, 1976.

5. Section 52.275, paragraph (b)(3) is added as follows:

§ 52.275 Particulate matter control.

(b) * * *
(3) North Coast Intrastate:
(i) Del Norte County APCD.

(A) Rules 410(c)(7) and 420(e), Waste Incineration, submitted on November 10, 1976.

[FR Doc. 78-16343 Filed 8-13-78; 8:45 am]

[6560-01]

[FRL 894-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: Bay Area Air Pollution Control District

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to disapprove or take no action on changes to the Bay Area Air Pollution Control District's portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and regulations and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: July 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Acting Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94105, Attn: Wayne A. Blackard, 415-556-7288.

SUPPLEMENTARY INFORMATION: On September 7, 1977, in 42 FR 44822, EPA published a notice of proposed rulemaking for certain revisions to the Bay Area Air Pollution Control District's (APCD) Rules and Regulations submitted on July 25, 1973, April 21, 1976, and June 6, 1977 by the California Air Resources Board for inclusion in the California SIP.

Pursuant to section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as State Implementation Plan revisions.

Rules concerning malfunction (submitted on April 21, 1976), New Source Performance Standards (NSPS), and National Emission Standards for Hazardous Air Pollutants (NESHAPS) (submitted on June 6, 1977) were proposed on September 7, 1977; however, no action is being taken on the malfunction rules at this time, as these rules will be acted upon in a separate FEDERAL REGISTER notice.

The NSPS and NESHAPS regulations implement sections 111 and 112 of the Clean Air Act, and are not appropriate for inclusion in a State Implementation Plan under section 110 of the Act. Therefore, these regulations will be neither approved nor disapproved by EPA as part of an applicable implementation plan. They were, however, reviewed under the appropriate provisions of sections 111 and 112,

and delegation of authority to implement and enforce the NSPS and NE- SHAPS standards was made to the State on behalf of the Bay Area Air Pollution Control District on May 23, 1975 and June 15, 1977. The FEDERAL REGISTER notice for the May 23, 1975 delegation of authority was published on September 11, 1975 (40 FR 42194). The FEDERAL REGISTER notice for the June 15, 1977 delegation of authority will be published in the near future.

The changes contained in the July 25, 1973 submission and being acted on by this final rulemaking include the addition of Regulation 2, sections 1214 to 1214.3, Experimental Operations and Regulation 3, sections 1205 to 1205.3, Experimental Operations. These sections allow exemptions for certain investigative, experimental, or research operations from meeting the requirements of Regulation 2 and Regulation 3. Since these sections would permit the exemption of sources from the applicable emission limitations and therefore do not satisfy the enforcement imperatives of section 110 of the Clean Air Act, they are disapproved. In addition, a control strategy demonstration has not been submitted showing that these exemptions will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards.

A list of the Rules and Regulations initially considered for this notice was published as part of the notice of proposed rulemaking. The proposed rulemaking provided for a 30-day public comment period. Comments were received from the Bay Area APCD on the proposed disapproval of the Experimental Operations rules. According to the APCD, the granting of exceptions for experimental operations have been few in number, short in duration, and that their effect could not interfere with the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). EPA's position is that emission limitation exemption rules, such as the APCD's experimental operations rules, should not be approved unless the rules contain the essential safeguard that the emission exemption permit not be issued unless it was demonstrated that the issuance of such a permit would not interfere with the attainment and maintenance of the NAAQS. It is EPA's conclusion that the APCD research exemption rules do not contain such a safeguard, and thus should be disapproved.

The APCD also commented on the fact that Regulation 2, sections 1214 to 1214.3 and Regulation 3, sections 1205 to 1205.3 submitted on February 21, 1972, as part of the original SIP were approved under 40 CFR 52.223. Those sections were approved, but will be proposed to be disapproved in the near future. The disapproval of re-

search exemption rules is a result of a more thorough analysis by EPA of APCD research exemption rules and their relationship to the Clean Air Act requirements.

It is the purpose of this final rulemaking to disapprove of the addition of Regulation 2, sections 1214 to 1214.3, Experimental Operations and Regulation 3, sections 1205 to 1205.3, Experimental Operations submitted on July 25, 1973.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

(Secs. 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601(a)).

Dated: June 7, 1978.

DOUGLAS M. COSTLE,
Administrator.

Subpart F of Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220, paragraph (c)(21)(iv) (C) and (D) are added as follows:

§ 52.220 Identification of plan.

- (c) . . .
- (21) . . .
- (iv) . . .
- (C) Regulation 2.
- (1) Division 1, Sections 1214 to 1214.3.
- (D) Regulation 3.
- (1) Division 1, Sections 1205 to 1205.3.

2. Section 52.272, paragraph (a)(3) is added as follows:

§ 52.272 Research operations exemptions.

- (a) . . .
- (3) San Francisco Bay Area Intra-state Region:
- (i) Bay Area APCD.
- (A) Regulation 2, Division 1, sections 1214 to 1214.3, Experimental Operations, submitted on July 25, 1973 are disapproved.
- (B) Regulation 3, Division 1, sections 1205 to 1205.3, Experimental Operations, submitted on July 25, 1973 are disapproved.

[FR Doc. 78-16344 Filed 6-13-78; 8:45 am]

[6560-01]

[FRL 901-11]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: Plumas County Air Pollution Control District

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove or take no action on revisions to the Plumas County Air Pollution Control District (APCD) portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and regulations, and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: July 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Acting Director, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105, telephone 415-556-7882.

SUPPLEMENTARY INFORMATION: On May 26, 1977 (42 FR 27000), EPA published a notice of proposed rulemaking for revisions to the rules and regulations of the Plumas County APCD submitted by the California Air Resources Board (ARB) on July 25, 1973, January 10, 1975, July 22, 1975 and August 2, 1976 for inclusion in the California SIP. Since the January 10, 1975, July 22, 1975 and August 2, 1976 submittals supersede the July 25, 1973 submittal, the latter will not be addressed in this notice.

Revisions to rules concerning new source review have been submitted; however, no action is being taken at this time as these rules will be acted upon in a separate FEDERAL REGISTER notice.

The changes contained in the January 10, 1975, July 22, 1975 and August 2, 1976 submittals that are being acted on by this notice include the following:

- (a) New definitions are added.
- (b) A statement is added to indicate that the rules and regulations are applicable in all parts of the District unless stated otherwise.
- (c) The visible emission limitations are changed from Ringelmann No. 2 to No. 1 (emission of uncombined water is exempted from this rule).
- (d) New rules are adopted to control emissions from fossil fuel-steam generator facilities.

(e) The rule governing equipment for the reduction of animal matter is amended.

(f) Special allowance is made for sources existing in 1974, prior to the adoption of the new regulations.

(g) Emission standards for sulfur dioxide are modified.

(h) New rules are adopted to control open-outdoor fires including agricultural burning.

(i) New rules are added to specify permit system conditions: Responsibility of permittee, responsibility of sources in recordkeeping and reporting, etc.

(j) Several administrative changes are made in the procedure before the hearing board.

(k) A new rule is added to indicate the Section in the California Health and Safety Code from which the Air Pollution Control Officer (APCO) derives his authority.

(l) Minor wording changes, that do not involve the degree of pollution control, are made to a number of rules.

(m) Emission control requirements for 1955 through 1962 model year cars are deleted.

(n) The rule for control of organic solvents is deleted.

(o) The entire set of rules is recodified.

A list of the regulations considered by this notice was published as part of the May 26, 1977 notice of proposed rulemaking. The proposed rulemaking provided 30 days for public comments. No comments were received.

Pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the submitted regulations as SIP revisions.

It is the purpose of this notice to approve all the revisions contained in the January 10, 1975, July 22, 1975 and August 2, 1976 submittals, and incorporate them into the California SIP, with the exception of those rules not being acted upon, those rules being disapproved, and certain rescission actions as discussed below.

The following rules are not being acted upon because they have been superseded by SIP revisions submitted by the ARB on June 6, 1977: Rules 203, 205, 207, 208, 211, 212, 213, 215, 301, 302, 303, 304, 307, 308, 319, 320, 321, 322, 323, 402, 404, 407, 409, 507, 601, 602, 603, 700, 703, and 710. The corresponding rules submitted on June 6, 1977 will be addressed in a future FEDERAL REGISTER notice.

In addition, Rule 210(b), Total Reduced Sulfur; Rule 216-52, Nuisance; and Rule 216-53, Exceptions to Rule 216-52, in the January 10, 1975 submittal are not acted upon because these rules are not specifically directed at the attainment and maintenance of the NAAQS and thus are not appropriate for inclusion in the SIP.

Rule 210(a), Sulfur Compounds, and Rule 216-56(a), Specific Contaminants, in the January 10, 1975 submittal are disapproved because they relax the emission standard for sulfur dioxide from 0.1% to 0.2% without any showing that the NAAQS for sulfur dioxide will be maintained. Rule 56, Sulfur Oxide Emissions, previously approved in the February 21, 1972 submittal is retained and shall remain in effect for Federal enforcement purposes.

Rule 314, Exceptions to Rule 313, in the January 10, 1975 submittal is disapproved because it authorizes the APCO to shorten the required minimum drying times set forth for materials to be burned in Rule 313 upon a determination that "economic loss" is threatened by denial of a permit. Economic factors are an impermissible basis for the granting of variances absent a showing that all other requirements of section 110 of the Clean Air Act as well as the NAAQS will be met.

Rule 408, Source Recordkeeping and Reporting, in the January 10, 1975 submittal is a new rule that requires the owner or operator of a stationary source of air pollution to maintain files and records of the nature and amounts of emissions, and to report findings to the APCD. This rule meets the requirements of 40 CFR 51.19(a) and is thus approved. Plumas County APCD, therefore, is rescinded from the disapproval notice in 40 CFR 52.234(a) and the associated substitute regulations in 40 CFR 52.234(d).

Regulation VII revisions (which include Rules 701, 702, 704 to 709, and 711 to 717 in the January 10, 1975 submittal) are approved as part of a procedure for the granting of variances. Each variance, however, must satisfy the requirements of Section 110 of the Clean Air Act and 40 CFR Part 51 in order to be approved by EPA as a revision to the SIP.

The deletion of Rule 51.7, Emission Control for Used Motor Vehicles, previously approved in the June 30, 1972 submittal, is approved because the emission control requirements of the rule, which are set by the State, are contained in California law.

The deletion of Rule 57.5, Organic Solvents, previously approved in the February 21, 1972 submittal, is approved because the promulgated rules in 40 CFR 52.254 will remain in effect for the District.

The deletion of Rule 62, Review of Standards, and Rule 70, Appeals from the Hearing Board, previously approved in the February 21, 1972 submittal, is approved because these rules are only administrative and procedural in nature, and their omission will have no effect on the control regulations.

Certification has been received from the ARB that the public hearing re-

quirements of 40 CFR 51.4 have been satisfied.

(Secs. 110, 301(a), Clean Air Act, as amended (42 U.S.C. 7410 and 7601(A)).

Dated: June 7, 1978.

DOUGLAS M. COSTLE,
Administrator.

Subpart F of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220, paragraphs (c)(26)(xvi) and (c)(32)(v) are added as follows:

§ 52.220 Identification of plan.

- (c) . . .
- (26) . . .
- (xvi) Plumas County APCD.
- (B) New or amended Rules 101, 102, 201, 202, 204, 206, 209, 210(a), 214, 216, 216-49, 216-50, 216-51, 216-54, 216-55, 216-56, 216-1, 216-2, 216-3, 305, 306, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 401, 403, 405, 406, 408, 701, 702, 704, 705, 706, 707, 708, 709, 711, 712, 713, 714, 715, 716, 717.
- (C) Previously approved and now deleted (without replacement) Rules 51.7, 57.5, 62, 70.

- (32) . . .
- (v) Plumas County APCD.
- (A) Amended Rule 324.

2. Section 52.231, paragraph (a)(3) is added as follows:

§ 52.231 Regulations: Sulfur oxides.

- (a) . . .
- (3) Sacramento Valley Intrastate:
- (i) Plumas County APCD.
- (A) Rule 210(a), Sulfur Compounds, and Rule 216-56(a), Specific Contaminants, submitted on January 10, 1975 are disapproved; and Rule 56, Sulfur Oxide Emissions, previously approved in the February 21, 1972 submittal is retained and shall remain in effect for Federal enforcement purposes.

3. Section 52.234, paragraph (a)(3)(iii) is added as follows:

§ 52.234 Source surveillance.

- (a) . . .
- (3) . . .
- (iii) Plumas County APCD.

4. Section 52.273, paragraph (a)(1)(iii) is added as follows:

§ 52.273 Open burning.

- (a) . . .

- (1) * * *
- (iii) Plumas County APCD.
- (A) Rule 314, *Exceptions to Rule 313*, submitted on January 10, 1975.

[FR Doc. 78-16345 Filed 6-13-78; 8:45 am]

[6560-01]

[FRL 901-31]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: Amador County Air Pollution Control District

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve, and where appropriate, disapprove or take no action on revisions to the Amador County Air Pollution Control District (APCD) portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and regulations, and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: July 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Acting Director, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105, telephone 415-556-7882.

SUPPLEMENTARY INFORMATION: On May 31, 1977 (42 FR 27616), EPA published a notice of proposed rulemaking for revisions to the rules and regulations of the Amador County APCD submitted by the California Air Resources Board (ARB) on July 25, 1973, January 22, 1974, July 19, 1974 and April 21, 1976 for inclusion in the California SIP. Since the April 21, 1976 submittal supersedes all previous submittals, only it will be addressed in this notice.

Revisions on rules concerning new source review, malfunction and gasoline vapor recovery have been submitted; however, no action is being taken at this time as these rules will be acted upon in separate FEDERAL REGISTER notices.

The State has also submitted regulations concerning New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS). These regulations implement sections 111 and 112 of the Clean Air Act, and are not ap-

propriate for inclusion in the SIP under section 110 of the Act. Therefore, these regulations will be neither approved nor disapproved by EPA as part of an applicable implementation plan. They will, however, be reviewed in determining whether to delegate authority to implement and enforce the NSPS and NESHAPS in the APCD under the appropriate provisions of sections 111 and 112. Announcement of any such delegation would appear in a separate FEDERAL REGISTER notice.

The changes contained in the April 21, 1976 submittal that are being acted on by this notice include the following:

- (a) Additions and amendments are made to the definitions.
 - (b) References to the California Health and Safety Code are renumbered to conform with the recodification of the Code.
 - (c) New rules are added to provide penalties for violations.
 - (d) A new rule is added to indicate the effective date of the rules.
 - (e) A new rule is added to indicate that the rules and regulations are applicable in all parts of the District unless otherwise stated.
 - (f) A new rule is added to control asphalt concrete plants constructed or modified after 1975.
 - (g) The rule for controlling orchard heaters is modified.
 - (h) The coverage of the rule for controlling all fuel burning equipment is narrowed to control fossil-fuel steam generators only.
 - (i) New rules are added to control open burning including agricultural burning.
 - (j) New rules are added to specify the permit system conditions: Responsibility of permittee, authority of the Air Pollution Control Officer (APCO) to inspect sources, responsibility of sources in recordkeeping and reporting, public availability of emission data, etc.
 - (k) A fee system is set up for permits.
 - (l) Several administrative changes are made on the procedure before the hearing board.
 - (m) New requirements are added to petitions for variances.
 - (n) The control rule for architectural coatings is dropped.
 - (o) Emission control for 1955 through 1962 model year cars is deleted.
 - (p) Minor wording changes, that do not involve the degree of control, are made to some rules for clarification purposes.
 - (q) The entire set of rules is recodified.
- A list of the regulations considered by this notice was published as part of the May 31, 1977, notice of proposed rulemaking (42 FR 27616). The proposed rulemaking provided 30 days for

public comments. No public comments were received.

Pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the submitted regulations as SIP revisions.

It is the purpose of this notice to approve all the revisions contained in the April 21, 1976, submittal and incorporate them into the California SIP, with the exception of those rules not being acted upon, those rules being disapproved, and certain rescission actions as discussed below.

No action is being taken on the following rules because they have been superseded by SIP revisions submitted by the ARB on October 13, 1977: Rules 103, 203, 205, 207, 302, 304, 306, 313, 507, 602.1, 701, 703 and 710. The corresponding rules submitted on October 13, 1977, will be addressed in a future FEDERAL REGISTER notice.

Also, no action is being taken on Rule 210(B), Total Reduced Sulfur, because this rule is not specifically directed at the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS), and thus is not appropriate for inclusion in the SIP.

Rule 209, Fossil Fuel-Steam Generator Facility, revises Regulation V, Rule 19, Fuel Burning Equipment, previously approved in the June 30, 1972, submittal, by limiting its coverage from all fuel burning equipment to fossil fuel-fired steam generators only. This new rule is disapproved because this narrowing in coverage is not supported by any analysis demonstrating non-interference with the attainment and maintenance of the NAAQS. The previously approved Regulation V, Rule 19, Fuel Burning Equipment, is retained and shall remain in effect for Federal enforcement purposes.

Rule 211, Process Weight Per Hour, and Rule 212, Process Weight Table—Dust and Condensed Fumes, revise Regulation V, Rule 13, Process Weight Rate, and Rule 14, Process Weight Table, previously approved in the June 30, 1972 submittal, by narrowing the pollutant coverage from the more inclusive "particulate matter" to "dust and condensed fumes" only. The two new rules are disapproved because no analysis has been submitted to demonstrate that this relaxation in control will not interfere with the attainment and maintenance of the NAAQS. The previously approved Regulation V, Rules 13 and 14 are retained and shall remain in effect for Federal enforcement purposes.

No action is being taken on the new Rule 213, Storage of Petroleum Products, and Rule 213.1, Organic Liquid Loading, because EPA is now in the process of re-evaluating the appropriateness of applying the vapor recovery programs specified in 40 CFR 52.255

Subpart F—California

1. Section 52.220, paragraphs (c)(31)(xviii) (B) and (C) are added as follows:

§ 52.220 Identification of plan.

- (c) * * *
- (31) * * *
- (xviii) * * *
- (B) New or amended Rules 101, 102, 104, 105, 106, 107, 201, 202, 204, 206, 207.1, 209, 210(A), 211, 212, 213.2, 213.3, 214, 305, 307, 308, 312, 401, 402, 403, 405, 406, 408, 409, 601, 602, 603, 702, 704, 705, 706, 707, 708, 709, 711, 712, 713, 714, 715, 716, 717.
- (C) Previously approved and now deleted (without replacement) Rules 18.1 (Regulation V), 22 (Regulation V).

2. Section 52.234, paragraph (a)(2)(iii) is added as follows:

§ 52.234 Source surveillance.

- (a) * * *
- (2) * * *
- (iii) Amador County APCD.

3. Section 52.273, paragraph (a)(3)(iv) is added as follows:

§ 52.273 Open burning.

- (a) * * *
- (3) * * *
- (iv) Amador County APCD.
- (A) Rule 308, *Exceptions to Permit Requirements*; and Rule 312, *Mechanized Burning*, submitted on April 21, 1976.

4. Section 52.275, paragraph (b) is added as follows:

§ 52.275 Particulate matter control.

- (a) * * *
- (b) The following regulations are disapproved because they relax the control on particulate matter emissions without any accompanying analyses demonstrating that these relaxations will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards.
- (1) San Joaquin Valley Intrastate:
- (i) Amador County APCD.
- (A) Rule 211, Process Weight Per Hour, and Rule 212, Process Weight Table—Dust and Condensed Fumes, submitted on April 21, 1976 are disapproved; and Regulation V, Rule 13, Process Weight Rate, and Rule 14, Process Weight Table, previously approved in the June 30, 1972 submittal are retained.

and 40 CFR 52.256 to the districts within the area presently known as the Mountain Counties Air Basin. This Air Basin is allowed and expected to become a separate air quality control region pursuant to the 1977 Clean Air Act Amendments. Preliminary information supplied by the Mountain Counties Coordinating Council indicates that existing ambient air quality standard excursions for oxidant in the Mountain Counties Air Basin are due to transport from the Sacramento Valley and the San Joaquin Valley rather than to the emissions of hydrocarbons within the area. Thus, EPA, by this notice, is soliciting public comments on this thesis for the purpose of promulgating final approval or disapproval of Rules 213 and 213.1. Comments may be sent to the EPA Region IX Office at the aforementioned address. Comments received on or before July 14, 1978, will be considered and made available for public inspection at the EPA Region IX Office and the EPA Public Information Reference Unit.

In addition, copies of the proposed rules and preliminary analysis are available for public inspection during normal business hours at the EPA Region IX Office and at the following locations:

Amador County Air Pollution Control District, 810 Court Street, Jackson Calif. 95642.

California Air Resources Board, 1709 11th Street, Sacramento, Calif. 95814.

Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street SW., Washington, D.C. 20460.

Rule 308, *Exceptions to Permit Requirements*, is disapproved because it grants five exceptions to the general rule that specifies no burning on days designated by the ARB as "no-burn days." The most significant exception is set forth in 308(B) which permits the APCO to grant a special burning permit upon a showing of threatened economic loss. Economic factors are an impermissible basis upon which to condition the granting of a variance from emission limitations absent a showing that all other requirements of section 110 of the Clean Air Act as well as the NAAQS will be met. Thus Rule 308(B) must be disapproved. In addition, 308(A) exempts the burning of empty pesticide sacks and containers; 308(C) exempts range burning between January and May; 308(D) exempts open burning in agricultural operations at altitudes above 3,000 feet mean sea level (msl) and 308(E) exempts agricultural burning in areas above 6,000 feet (msl) from the "no-burn day" requirements with a special permit from the APCO. All are disapproved because no analysis has been submitted to demonstrate that the rules will not interfere with the attainment and maintenance of NAAQS.

Rule 312, *Mechanized Burning*, is a new rule that exempts open burning

in mechanized burners from "no-burn day" requirements. Although a visible emission limitation of Ringlemann No. 1 is set, there is no analysis demonstrating non-interference with the attainment and maintenance of the NAAQS. Thus the rule is disapproved.

Rule 408, *Source Recordkeeping and Reporting*, is a revision of Regulation V, Rule 2, *Analyses Required*, previously approved in the June 30, 1972 submittal, that requires the owner or operator of a stationary source of air pollution to maintain files and records of the nature and amounts of emissions, and to report findings to the APCD. This rule meets the requirements of 40 CFR 51.19(a) and is thus approved. Amador County APCD, therefore, is rescinded from the disapproval notice in 40 CFR 52.234(a) and the associated substitute regulations in 40 CFR 52.234(d).

Rule 409, *Public Records*, is a new rule that provides for public availability of emission data furnished by source owners or operators. Since the rule does not require the emission data to be correlated with applicable emission limitations, it only partially satisfies the requirements of 40 CFR 51.10(e) and, therefore, is disapproved. The disapproval notice in 40 CFR 52.224(a) and the associated substitute regulations in 40 CFR 52.224(b), concerning public availability of emission data, will remain in effect for the District.

Regulation VII revisions (which include Rules 702, 704 to 709, 711 to 717) are approved as part of a procedure for the granting of variances. Each variance, however, must satisfy the requirements of section 110 of the Clean Air Act and 40 CFR Part 51 in order to be approved by EPA as a revision to the SIP.

The deletion of Regulation V, Rule 18.1, *Architectural Coatings*, previously approved in the June 30, 1972 submittal, is approved because the Federal regulation contained in 40 CFR 52.254 on control of organic solvent usage remains in effect.

The deletion of Regulation V, Rule 22, *Emission Control for Used Motor Vehicles*, previously approved in the June 30, 1972 submittal, is approved because the emission control requirements, which are set by the ARB, are contained in the California Health and Safety Code, Section 43650-43658, and are enforced by the State.

Certification has been received from the ARB that the public hearing requirements of 40 CFR 51.4 have been satisfied.

(Secs. 110, 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601(a)).)

Dated: June 7, 1978.

DOUGLAS M. COSTLE,
Administrator.

Subpart F of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

5. Section 52.280 is added as follows:

§ 52.280 Fuel burning equipment.

(a) The following rules and regulations are disapproved because they relax the control on emissions from fuel burning equipment without any accompanying analyses demonstrating that these relaxations will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards.

(1) San Joaquin Valley Intrastate AQCR:

(i) Amador County APCD.

(A) Rule 209, Fossil Fuel-Steam Generator Facility, submitted on April 21, 1976 is disapproved; and Regulation V, Rule 19, Fuel Burning Equipment, previously approved in the June 30, 1972 submittal, is retained.

[FR Doc. 78-16346 Filed 6-13-78; 8:45 am]

[6560-01]

[FRL 901-21]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: Placer County Air Pollution Control District

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve or take no action on revisions to the Placer County Air Pollution Control District (APCD) portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and regulations, and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: July 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Acting Director, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105, Telephone 415-556-7882.

SUPPLEMENTARY INFORMATION: On May 26, 1977 (42 FR 26999), EPA published a notice of proposed rulemaking for revisions to the rules and regulations of the Placer County APCD submitted by the California Air Resources Board (ARB) on July 25, 1973, January 10, 1975, April 10, 1975, and February 10, 1976 for inclusion in the California SIP. Since the July 25, 1973 submittal and April 10, 1975 sub-

mittal were superseded by subsequent submittals, they are not considered in this notice. Also, the February 10, 1976 submittal is not addressed because it only involved the deletion of a rule that was proposed in the intermediate January 10, 1975 submittal. The only submittal that is addressed in this notice is the January 10, 1975 submittal.

Revisions to rules concerning new source review have been submitted; however, no action is being taken at this time as these rules will be acted upon in a separate FEDERAL REGISTER notice.

The changes contained in the January 10, 1975 submittal that are being acted on by this notice include the following:

(a) New definitions are added.
(b) The visible emission limitations are changed from Ringelmann No. 2 to No. 1 (emission of uncombined water is exempted from this rule).

(c) A new rule is adopted to control emissions from fossil fuel-steam generator facilities.

(d) Rules for controlling open outdoor fires including agricultural burning are amended.

(e) New rules are added to specify permit system conditions: Responsibility of permittee, authority of the Air Pollution Control Officer (APCO) to inspect sources, etc.

(f) Several administrative changes are made in the procedure before the hearing board.

(g) Minor wording changes, that do not involve the degree of control, are made to a number of rules.

(h) Rules are renumbered.

A list of the regulations considered by this notice was published as part of the May 26, 1977 notice of proposed rulemaking (42 FR 26999). The proposed rulemaking provided 30 days for public comments. No comments were received.

Pursuant to section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the submitted regulations as SIP revisions.

It is the purpose of this notice to approve all the revisions contained in the January 10, 1975 submittal, and incorporate them into the California SIP, with the exception of those rules not being acted upon as discussed below.

No action is being taken on the following rules because they have been superseded by SIP revisions submitted by the ARB on October 13, 1977: Rules 101, 103, 104, 106, 107, 108, 203, 205, 205.1, 206, 207, 208, 210, 211, 212, 213, 214, 215, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 313, 401, 402, 407, 408, 409, 507, 601, 602, 603, 702, 703, 704, 706, 708, 709, 710 and 715. The corresponding rules submitted on October 13, 1977 will be addressed in a future FEDERAL REGISTER notice.

Regulation VII revisions (which include Rules 701, 705, 707, 711 to 714, 716 and 717) are approved as part of a procedure for the granting of variances. Each variance, however, must satisfy the requirements of section 110 of the Clean Air Act and 40 CFR Part 51 in order to be approved by EPA as a revision to the SIP.

Certification has been received from the ARB that the public hearing requirements of 40 CFR 51.4 have been satisfied.

(Secs. 110, 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601(a)).

Dated: June 7, 1978.

DOUGLAS M. COSTLE,
Administrator.

Subpart F of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220, paragraph (c)(26)(xvii) is added as follows:

§ 52.220 Identification of plan.

(c) * * *
(26) * * *
(xvii) Placer County APCD.
(A) New or amended Rules 102, 105, 201, 202, 204, 209, 312, 403, 405, 406, 701, 705, 707, 711, 712, 713, 714, 716, 717.

[FR Doc. 78-16347 Filed 6-13-78; 8:45 am]

[6560-01]

[FRL 894-7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision—Metropolitan Los Angeles Intrastate Air Quality Control Region (AQCR)

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: EPA takes final action to approve, and where appropriate, disapprove changes to the rules of county Air Pollution Control Districts (APCD) within the Metropolitan Los Angeles Intrastate AQCR portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: July 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Acting Director, Air and Hazardous Materials Division,

Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94105, Attn: Wayne A. Blackard, 415-556-7882.

SUPPLEMENTARY INFORMATION: On May 26, 1977 in 42 FR 27000, EPA published a notice of proposed rulemaking for revisions to the rules of county APCDs within the Metropolitan Los Angeles Intrastate AQCR, submitted on July 25, 1973; April 10 and November 3, 1975; February 10, April 21, August 2, and November 10, 1976; and February 10, 1977 by the California Air Resources Board (CARB) for inclusion in the SIP.

Pursuant to section 110 of the Clean Air Act as amended and 40 CFR Part 51, the Administrator is required to approve or disapprove the rules as SIP revisions.

Rules concerning new source review, emergency episodes, gasoline vapor recovery, malfunction, in-stack monitoring, and permits for open burning are not being considered in this notice and will be acted upon in separate FEDERAL REGISTER notices.

Regulations II, III, and VII are not being acted upon in this notice because they concern new source review, superseded fee rules, and emergency air episodes respectively. These regulations will be the topic of separate FEDERAL REGISTER notices.

The Air Resources Board withdrew the rescission of Rule 67 for Los Angeles, San Bernardino, and Orange Counties, and Rule 72 for Riverside County (Fuel Burning Equipment) as a revision to the SIP in a letter to the EPA dated March 22, 1978. The effect of this withdrawal action is that Rules 67 and 72 remain part of the federally approved SIP.

Los Angeles, Riverside, San Bernardino, and Orange County APCD's separately submitted rules for inclusion in the original SIP in 1972. Revisions by these county APCD's to their rules were submitted in 1973, 1974, and 1975. These four county agencies combined in 1976 to form the Southern California APCD, which then submitted as further revisions to the SIP a comprehensive new set of rules applicable throughout the four counties. Those rules previously approved for inclusion in the original SIP for the four county APCD's remain in effect and federally enforceable until subsequent revisions are officially approved by EPA.

The new set of rules has been compared to those rules previously approved for each county, but only with respect to those portions of the above counties that lie within the Metropolitan Los Angeles Intrastate AQCR. This region, comprised of portions of six counties, was used for evaluation because of a subsequent change to the

Southern California APCD. In January 1977, the State split the Southern California APCD into the South Coast Air Quality Management District (AQMD) on the west coast and three separate APCD's, formed out of the remaining parts of three counties, in the eastern desert areas. The area defined by the South Coast AQMD generally conforms to boundaries of the Metropolitan Los Angeles Intrastate AQCR. Rules of the Southern California APCD remain in effect for the South Coast AQMD until amended by the South Coast district board. (California Health and Safety Code 40440(b)).

General changes to the rules contained in the above mentioned submittals and being acted upon by this notice include the following: Rescission of most county rules; changes to combine the rules of the Orange, Los Angeles, San Bernardino, and Riverside County APCD's into the Southern California APCD; renumbering and retitling the county rules to incorporate them into the Southern California APCD; and updating changes involving deletion of the final compliance dates that have expired, conversion to metric system units, and reference number changes to the revised California Health and Safety Code.

Both the individual county APCD rules and the rules of the Southern California APCD are divided into functional groups called regulations. These regulations have the same numbers and titles in all four counties and were adopted unchanged by the Southern California APCD. The following paragraphs refer to the changes by the Southern California APCD to the rules within the regulations of the original four county APCD's. Unless otherwise specified, the individual rules discussed below are the same in all four counties.

The changes to Regulation I, General Provisions, contained in the above mentioned submittals and being acted upon by this notice include the following: Expansion of the scope of General Provisions, with addition of a new rule, which supplies a definition of the area comprising the Southern California APCD; and addition of procedural rules to authorize arrests and also to detail reporting requirements for source test data and compliance schedules.

The changes to Regulations IV, Prohibitions, contained in the above mentioned submittals and being acted upon include the following: New fugitive dust controls; exemption of liquid sulfur compounds from the concentration of particulate matter limitations; changes to the particulate matter-weight rule which establishes a process weight table in Riverside County, modify the table in San Bernardino County, and specify averaging times in

all four counties; specification of averaging times for the calculation of carbon monoxide emissions; specification of minimum averaging times for combustion contaminant calculations; updating of gasoline specifications by referencing new ASTM methods; new exemptions for research operations; new safety pressure valve requirements; specification of minimum averaging periods for sulfur scavenging units; new definitions for a description of asphalt air blowing; new asphalt handling equipment controls (except Riverside County which already had a similar rule); new definitions for the reduction of animal matter; specification of averaging time for waste disposal; changes to fuel-burning equipment which modify the nitrogen oxide emission rate table in all four counties, and add a special rate table for steam generating equipment in San Bernardino and Riverside Counties; new electric and steam generating equipment rules; changes to the open fires rule which set forth stricter burning requirements in San Bernardino and Riverside Counties; and in San Bernardino County only, deletion of combustion contaminants (now covered by a separate rule) from the county's specific contaminants rule, new agricultural burning, forest burning, and new sandblasting rules.

The changes to Regulation V, Procedure Before the Hearing Board, contained in the above mentioned submittals and being acted upon by this notice include: Changing the number of board members necessary to specify actions; clarifications; changes in the length of grace periods; new addresses; changes in rule titles and number set; and addition of a new procedural rule outlining the bases of hearing board decisions.

The changes to Regulation VI, Orchard Grove Heaters, contained in the above mentioned submittals and being acted upon by this notice include total replacement of county rules by California Health and Safety Code sections covering Orchard Heaters.

Regulation VIII, Orders for Abatement, is a new regulation which specifies procedural requirements applying to hearings on abatement.

A listing of rules initially considered for this notice was published as part of the notice of proposed rulemaking and can be found in 42 FR 27000 (May 26, 1977).

The proposed rulemaking notice provided a 30-day public comment period. The South Coast AQMD returned specific remarks concerning three rules being acted on: Breakdown Provisions, a malfunction rule that EPA is considering for disapproval, was defended by the District on the grounds that a similar rule has EPA's approval. Action on this and other APCD's malfunction rules within the State of California

will be taken in a separate FEDERAL REGISTER notice. The South Coast AQMD also stated that they will review their rules dealing with research operations and fuel burning equipment, rules which EPA criticized.

It is the purpose of this notice to approve all changes, including rescissions, contained in the July 25, 1973, April 10, and November 3, 1975, February 10, April 21, August 2, and November 10, 1976, and February 10, 1977 submittals and incorporate them into the California SIP with the exception of those rules not being acted upon and the rules discussed below.

Rule 5, Public Availability of Emission Data of the San Bernardino County APCD is inadequate. Although it was part of the June 1973 submittal, it was subsequently rescinded in an April 1976 submittal except for part 5(a). This resulted in a rule inadequate to cover public availability of emission data; therefore 40 CFR 52.224 will continue to be enforced.

Rule 404, Particulate Matter—Concentration, is disapproved. This rule, submitted in July 1976 by the Southern California APCD, would exempt liquid sulfur compounds from particulate matter emission limitations. This could result in a relaxation of sulfur emission limits. In addition, non-sulfur particulate emissions could also be increased. Sources would be permitted to subtract sulfur compounds from total particulate measurements. Since the emission limit would remain unchanged, the non-sulfur fraction of particulates could be increased by the amount of sulfur compounds subtracted. No demonstration has been presented to show that this less stringent limit will not interfere with attainment and maintenance of National Ambient Air Quality Standards (NAAQS). Therefore the rescission of Rule 52 in Los Angeles, Riverside, and Orange Counties and 52A in San Bernardino County is disapproved. These county rules remain federally enforceable as part of the California SIP.

Rule 441, Research Operations, is disapproved. This new rule, submitted by Southern California APCD in July 1976 would permit exemptions for research operations. However, it could be used to exempt numerous sources from applicable emission limits. In addition, no control strategy demonstration has been presented to show that these research exemptions will not interfere with attainment and maintenance of NAAQS. Therefore this rule does not satisfy the enforcement imperatives of section 110 of the Clean Air Act.

Rule 465, Vacuum Producing Devices or Systems, is disapproved. This rule, submitted in July 1976 by the Southern California APCD, limits organic emissions from vacuum producing devices to 3.3 pounds per hour. This

figure is 10 percent higher in allowable emissions than the county rules it would replace. No demonstration has been presented to show that this less stringent limit will not interfere with attainment and maintenance of NAAQS. Therefore the July 1976 rescission of Rule 69 in Orange, San Bernardino, and Los Angeles Counties, and Rule 74 in Riverside County is disapproved. These county rules remain federally enforceable as part of the California SIP.

Rule 473, Disposal of Solid and Liquid Wastes, is disapproved. This rule, submitted in July 1976 by the Southern California APCD, would permit increased emissions. In two counties, the particulate matter emission limit would be raised 20 percent (from 0.25 to 0.3 grains/ft³). In addition, in all four counties the range of affected incinerators has been reduced. Presently incinerators with a design burn rate greater than 100 lbs/hr must be controlled. This revision would exempt incinerators smaller than 110 lbs/hr, a 10 percent increase. No demonstration by Southern California APCD has been presented to show that these less stringent limits will not interfere with attainment and maintenance of NAAQS. Therefore the July 1976 submittal rescinding Rule 58 in Orange, Riverside, and Los Angeles Counties and Rule 58A in San Bernardino County is disapproved. These county rules remain federally enforceable as part of the California SIP.

Rule 474, Fuel Burning Equipment—Oxides of Nitrogen, is disapproved for Orange County. This rule, submitted by the Southern California APCD in February 1977, was to replace approved county Rules 67.1 Fuel Burning Equipment, and 68, Fuel Burning Equipment—Oxides of Nitrogen. Although Rule 474 is being approved for Los Angeles, San Bernardino, and Riverside counties, it is not entirely adequate for Orange County. The nitrogen oxides emission limits set by new Rule 474 are not as restrictive as those of approved Rule 67.1 of Orange County, particularly for fuel burning equipment with a heat input between 250 and 2142 million BTU/hour not used for steam generation. Since no analysis has been presented to show that this relaxation will not interfere with attainment and maintenance of NAAQS as required by section 110 of the Clean Air Act, Rule 474 and the July 1976 rescission of Rules 67.1 and 68 are disapproved for Orange County. Orange County Rules 67.1 and 68 will continue to be federally enforced as part of the California SIP.

Rule 402, Nuisance, is not appropriate for inclusion in the SIP because it is not specifically directed at the attainment and maintenance of the National Ambient Air Quality Standards.

Therefore, EPA is taking no action on this rule.

Regulation V, Procedures Before the Hearing Board, establishes procedures by which variances from emission limits may be obtained. While EPA is approving the changes to Regulation V, each variance still must satisfy the requirements of section 110 of the Clean Air Act and 40 CFR Part 51 in order to be approved by EPA as a revision to the SIP.

The CARB has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

(Secs. 110 and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410 and 7601(a)).

Dated: June 7, 1978.

DOUGLAS M. COSTLE,
Administrator.

Subpart F of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220, paragraphs (c)(21)(xv), (c)(27)(v), (c)(27)(vi), (c)(28)(x), (c)(30)(x), (c)(31)(vi), (c)(32)(iv), and (c)(37) are added as follows:

§ 52.220 Identification of plan.

(c) * * *

(21) * * *

(xv) San Bernardino County APCD.
(A) New or amended Rules 5(a), 53A, 57, 57.1, 57.2.

(27) * * *

(v) San Bernardino County APCD.
(A) New or amended Rule 73.
(vi) Riverside County APCD.
(A) New or amended Rule 57.

(28) * * *

(x) Riverside County APCD.
(A) New or amended Rule 53.

(30) * * *

(x) Southern California APCD.
(A) New or amended Rules 501, 502, 506, 507, 508, 509, 511, 512, 513, 514, 515, 516, 517, 518, 801, 803, 804, 807, 808, 809, 810, 811, 813, 814, 815, 817.

(31) * * *

(vi) Southern California APCD.
(B) New or amended Rules 103, 104, 105, 106.

(iv) * * *

(iv) Southern California APCD.

(A) New or amended Rules 403, 404, 405, 407, 408, 409, 432, 441, 443, 464, 465, 467, 470, 471, 472, 473, 504, 505, 510, 802, 805, 806, 812, 816.

(B) Previously approved and deleted (without replacement).

(1) Los Angeles County APCD Rules 53.1, 55.

(2) San Bernardino County APCD Rules 50, 51.

(3) Riverside County APCD Rule 55.

(4) Orange County APCD Rule 55.

(37) Revised regulations for the following APCD's submitted on February 10, 1977, by the Governor's designee.

(i) Southern California APCD.
(A) New or amended Rules 102, 468, 469, 474, 475, 476.
(B) * * *

2. Section 52.227, paragraphs (b)(3) and (c) are added as follows:

§ 52.227 Control strategy and regulations: Particulate matter, Metropolitan Los Angeles Intra-state Region.

(b) * * *

(3) Southern California APCD:
(i) Regulation IV, Rule 404 Particulate Matter—Concentration, submitted on August 2, 1976.

(ii) Regulation IV, Rule 473 Disposal of Solid and Liquid Wastes, submitted on August 2, 1976.

(c) The rescission by the Southern California APCD of the following rules, which were previously approved in the May 31, 1972 (37 FR 10850) and September 22, 1972 (37 FR 19813) FEDERAL REGISTER issues, is disapproved since adequate replacement rules have not been submitted and no analysis has been presented to show that this rescission will not interfere with the attainment and maintenance of the NAAQS for particulate matter as required by section 110 of the Clean Air Act. In addition, the following rules, as submitted in June 1972 and approved for the SIP, remain federally enforceable:

(1) Los Angeles County APCD.
(i) Regulation IV, Rule 52 Particulate Matter—Concentration.
(ii) Regulation IV, Rule 58 Disposal of Solid and Liquid Wastes.

(2) San Bernardino County APCD.
(i) Regulation IV, Rule 52A Particulate Matter—Concentration.

(ii) Regulation IV, Rule 58A Disposal of Solid and Liquid Wastes.
(3) Riverside County APCD.

(i) Regulation IV, Rule 52 Particulate Matter—Concentration.
(ii) Regulation IV, Rule 58 Disposal of Solid and Liquid Wastes.

(4) Orange County APCD.

(i) Regulation IV, Rule 52 Particulate Matter—Concentration.

(ii) Regulation IV, Rule 58 Disposal of Solid and Liquid Wastes.

3. Section 52.229, paragraphs (b) and (c), are added as follows:

§ 52.229 Control strategy and regulations: Photochemical oxidants (hydrocarbons), Metropolitan Los Angeles Intra-state Region

(a) * * *

(b) The following rules are disapproved because they would result in a relaxation of control requirements contained in the presently approved State Implementation Plan, and no analysis has been presented to show that this relaxation will not interfere with the attainment and maintenance of NAAQS for photochemical oxidants (hydrocarbons) as required by section 110 of the Clean Air Act.

(1) Southern California APCD.
(i) Regulation IV, Rule 465 Vacuum Producing Devices or Systems, submitted on August 2, 1976.

(c) The rescission by the Southern California APCD of the following rules, which were previously approved in the September 22, 1972 (37 FR 19813) FEDERAL REGISTER issue, is disapproved since adequate replacement rules have not been submitted and no analysis has been presented to show that this rescission will not interfere with the attainment and maintenance of the NAAQS for photochemical oxidants (hydrocarbons) as required by section 110 of the Clean Air Act. In addition, the following rules, as submitted in June 1972 and approved for the SIP, remain federally enforceable:

(1) Los Angeles County APCD, Regulation IV, Rule 69, Vacuum Producing Devices or Systems.

(2) San Bernardino County APCD, Regulation IV, Rule 69, Vacuum Producing Devices or Systems.

(3) Riverside County APCD, Regulation IV, Rule 74, Vacuum Producing Devices or Systems.

(4) Orange County APCD, Regulation IV, Rule 69, Vacuum Producing Devices or Systems.

4. Section 52.230 is revised as follows:

§ 52.230 Control strategy and regulations: Nitrogen dioxide, Metropolitan Los Angeles Intra-state Region.

(a) The requirements of § 51.14(c)(3) of this chapter are not met since the plan does not provide for the degree of nitrogen oxides emission reduction attainable through application of reasonably available control technology in the Metropolitan Los Angeles Intra-state Region. Therefore, Rule 68.b of the Orange County Air Pollution Control District is disapproved.

(b) The following rules are disapproved since they are not part of the approved control strategy and do not provide for the degree of control necessary for the attainment and maintenance of NAAQS for nitrogen dioxide in the Metropolitan Los Angeles Intra-state AQCR:

(1) Orange County APCD, Regulation IV, Rule 474, Fuel Burning Equipment—Oxides of Nitrogen, submitted on February 10, 1977.

(c) The rescission by the Southern California APCD of the following rules is disapproved since adequate replacement rules have not been submitted and no analysis has been presented to show that this rescission will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards as required by section 110 of the Clean Air Act. In addition, the following rules, as submitted in June 1972 and approved for the SIP, remain federally enforceable:

(1) Orange County APCD, Regulation IV, Rule 68, Fuel Burning Equipment—NO_x.

(2) Orange County APCD, Regulation IV, Rule 67.1, Fuel Burning Equipment.

5. Section 52.272, paragraph (a)(2) is added as follows:

§ 52.272 Research Operations Exemptions.

(a) * * *

(2) Metropolitan Los Angeles Intra-state Region.

(i) Southern California APCD.

(A) Rule 441, Research Operations, submitted on August 2, 1976 is disapproved.

[FR Doc. 78-16348 Filed 6-13-78; 8:45 am]

[6560-01]

[FRL 901-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: Nevada County Air Pollution Control District

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove or take no action on revisions to the Nevada County Air Pollution Control District (APCD) portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended

effect of this action is to update rules and regulations, and to correct certain deficiencies in the SIP.

DATES: Effective Date: July 14, 1978. Comments on Rule 213 only: On or before August 14, 1978. See Supplementary Information for details.

ADDRESS: Comments on Rule 213 only: Air and Hazardous Materials Division, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94105.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Acting Director, Air and Hazardous Materials Division, U.S. Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94105, Tel: 415-556-7882.

SUPPLEMENTARY INFORMATION: On May 31, 1977 (42 FR 27617), EPA published a notice of proposed rulemaking for revisions to the rules and regulations of the Nevada County APCD submitted by the California Air Resources Board (ARB) on July 25, 1973, April 10, 1975 and April 21, 1976 for inclusion in the California SIP. Since the April 10, 1975 and April 21, 1976 submittals supersede the July 25, 1973 submittal, only they will be addressed in this notice.

Revisions to rules concerning new source review and gasoline vapor recovery have been submitted; however, no action is being taken at this time as these rules will be acted upon in separate FEDERAL REGISTER notices.

The changes in the April 10, 1975 and April 21, 1976 submittals that are being acted upon by this notice include the following:

- New definitions are added.
- New rules are added to provide penalties for violations and for arrest of violators without warrant.
- The visible emission limitations are modified (emission of uncombined water is exempted from this rule).
- New rules are adopted to control orchard heaters, and fossil fuel-fired steam generators.
- A new rule is added to control emission of sulfur dioxide.
- Allowable emission rates for particulate matter based on process weight rates are modified.
- Special allowance is made for sources existing in 1974, prior to the adoption of the new regulations.
- New rules are adopted to control open outdoor fires, including agricultural burning.
- New rules are added to specify permit system conditions: responsibility of permittee, responsibility of sources in recordkeeping and reporting, etc.
- New rules are adopted to specify the analysis procedure in the case of separation of emissions and in the case of combination of emissions.

(k) Several administrative changes are made in the procedure before the Hearing Board.

(1) The entire set of rules is recodified.

A list of the regulations being considered by this action was published as part of the May 31, 1977 Notice of Proposed Rulemaking. The proposed rulemaking provided 30 days for public comments. No comments were received.

Under section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the submitted regulations as SIP revisions.

It is the purpose of this notice to approve all the revisions contained in the April 10, 1975 and April 21, 1976 submittals, and incorporate them into the California SIP, with the exception of those rules not being acted upon, those rules being disapproved, and certain rescission actions as discussed below.

No action is being taken on the following rules because they have been superseded by SIP revisions submitted by the ARB on June 6, 1977: Rules 103, 104, 205, 207, 304, 319, 320, 321, 402, 407, 409, 507, 514, 700, 704, and 710. The corresponding rules submitted on June 6, 1977 will be addressed in a future FEDERAL REGISTER notice.

Rule 203(g) (4/10/75 submittal), exceptions, should be disapproved because it exempts "the use of other equipment in agricultural operations" from the visible emission control rule without defining the term "other equipment", thus rendering certain visible emission limitations unenforceable. However, disapproving the rule at this time will have no legal effect because the analogous and also disapprovable rule 55(d), exceptions, mistakenly approved in the February 21, 1972 submittal will remain in effect. Therefore, final action on this rule, together with the rescission of the analogous rule in the February 21, 1972 submittal, will be taken in a future notice.

No action is being taken on rule 210(b) (4/10/75 submittal), total reduced sulfur, because this rule is not specifically directed at the attainment and maintenance of the NAAQS and thus is not appropriate for inclusion in the SIP.

Rule 211, process weight per hour, in the April 21, 1976 submittal and the companion rule 212, process weight table, in the April 10, 1975 submittal are analogous to the previously approved rule 52.1, process weight rate, in the June 30, 1972 submittal. Although rule 211, which controls "dust" only, covers a narrower range of pollutants than the previously approved rule 52.1, which controls all particulate matters, rule 212 contains allowable emission rates more stringent than

those contained in rule 52.1. Since rules 211 and 212 are interdependent and since a control strategy demonstration has not been submitted to show that the replacement of rule 52.1 with rules 211 and 212 will not interfere with the attainment and maintenance of the NAAQS, EPA is disapproving rules 211 and 212, and at the same time retaining rule 52.1 for Federal enforcement purposes.

No action is being taken on rule 213 (4/10/75 submittal), storage of petroleum products, because EPA is now in the process of reevaluating the appropriateness of applying the vapor recovery programs specified in 40 CFR 52.255 and 40 CFR 52.256 to the districts within the area presently known as the mountain counties air basin. The air basin is allowed and expected to become a separate air quality control region according to the 1977 Clean Air Act Amendments. Preliminary information supplied by the Mountain Counties Coordinating Council indicates that existing ambient air quality standard excursions for oxidant in the mountain counties air basin are due to transport from the Sacramento Valley and the San Joaquin Valley rather than to the emissions of hydrocarbons within the area. Thus, EPA, by this notice, is soliciting public comments on this thesis for the purpose of promulgating final approval or disapproval of rule 213. Comments may be sent to the EPA Region IX office at the aforementioned address. Comments received within sixty (60) days following the publication of this notice will be considered, and made available for public inspection at the EPA Regional Office and the EPA Public Information Reference Unit.

In addition, copies of the proposed revisions and the preliminary analysis are available for public inspection during normal business hours at the EPA Region IX Office and at following locations:

Nevada County Air Pollution, Control District, H.E.W. Complex, Nevada City, Calif. 95959.

California Air Resources Board, 1709-11th Street, Sacramento Calif. 95814.

Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street SW., Washington, D.C. 20460.

Rule 302(C) (4/10/75 submittal), exceptions to rule 301, allows for the first time open burning of unsellable wood waste from property being developed for commercial or residential use. Since no control strategy has been submitted to demonstrate that this relaxation will not interfere with the attainment and maintenance of the NAAQS, the open burning related to development cannot be allowed. Thus Rule 302(C) is disapproved.

Rule 307 (4/10/75 submittal), exceptions to rule 306, is disapproved be-

cause it grants four exceptions to the general rule that there will be no burning on days designated by the ARB as "no-burn days." The most significant exception is set forth in 307(A)(1), which permits the APCO to grant a special burning permit upon a showing of threatened economic loss. Economic factors are an impermissible basis upon which to condition the granting of variances from emission limitations absent a showing that all other requirements of section 110 of the Clean Air Act as well as NAAQS will be met. In addition, 307(A)(2) exempts the burning of empty pesticide sacks and containers, 307(B) exempts range burning between January and May, and 307(C) exempts open burning of agricultural waste at altitudes above 6,000 feet (msl) from the "no-burn day" requirements. All are disapproved because no demonstration has been made by the District that these exemptions will not interfere with the attainment and maintenance of the NAAQS.

Rule 314 (4/10/75 submittal), exceptions to rule 313, is disapproved because it authorizes the APCO to shorten the required minimum drying times for materials to be burned set forth in rule 313 upon a determination that "economic loss" is threatened by denial of a permit. As discussed in the critique of rule 307, above, economic factors are not a permissible basis for a variance.

Rule 322 (4/10/75 submittal), mechanized burners, is disapproved because it exempts open burning in mechanized burners from "no-burn day" requirements. Although a visible emission limitation of Ringelmann No. 1 is set, no analysis has been submitted by the District demonstrating non-interference with the attainment and maintenance of the NAAQS.

Rule 404 (4/10/75 submittal), upset conditions, breakdown or scheduled maintenance, was not submitted in the package and is therefore not reviewed by this office.

Rule 408 (4/10/75 submittal), source recordkeeping and reporting, is a new rule that requires the owner or operator of a stationary source of air pollution to maintain files and records of the nature and amounts of emissions, and report findings to the APCD. This rule meets the requirements of 40 CFR 51.19(a) and is thus approved. Nevada County APCD, therefore, is rescinded from the disapproval notice in 40 CFR 52.234(a) and the associated substitute regulations in 40 CFR 52.234(d).

Regulation VII revisions (which include rules 701 to 703, 705 to 709, and 711 to 717 in the April 10, 1975 submittal) are approved as part of a procedure for the granting of variances. Each variance, however, must satisfy the requirements of section 110 of the

Clean Air Act and 40 CFR Part 51 in order to be approved by EPA as a revision to the SIP.

Certification has been received from the ARB that the public hearing requirements of 40 CFR 51.4 have been satisfied.

AUTHORITY: Secs. 110 and 301(a) of the Clean Air Act, as amended [42 U.S.C. 7410 and 7601(a)].

Dated: June 8, 1978.

DOUGLAS M. COSTLE,
Administrator.

Subpart F of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220, paragraphs (c)(27)(vii) and (c)(31)(xv) are added as follows:

§ 52.220 Identification of plan.

• • • • •

(c) • • •

(27) • • •

(vii) Nevada County APCD.

(A) New or amended Rules 101, 102, 105, 106, 107, 201, 202, 203 [with exception of (g)], 204, 206, 208, 209, 210(a), 212, 214, 215, 301, 302, 303, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 322, 401, 403, 405, 406, 408, 601, 602, 701, 702, 703, 705, 706, 707, 708, 709, 711, 712, 713, 714, 715, 716, 717.

• • • • •

(31) • • •

(xv) Nevada County APCD.

(A) Amended Rule 211.

• • • • •

2. Section 52.234, paragraph (a)(3)(ii) is added as follows:

§ 52.234 Source surveillance.

(a) • • •

(3) • • •

(ii) Nevada County APCD.

• • • • •

3. Section 52.273, paragraph (a)(1)(ii) is added as follows:

§ 52.273 Open burning.

(a) • • •

(1) • • •

(ii) Nevada County APCD.

(A) Rule 302(C), exceptions to rule 301; rule 307, exceptions to rule 306; rule 314, exceptions to rule 313; and rule 322, mechanized burners, submitted on April 10, 1975.

• • • • •

4. Section 52.275, paragraph (b)(2)(ii) is added as follows:

§ 52.275 Particulate matter control.

(a) • • •

(b) • • •

(2) • • •

(ii) Nevada County APCD.

(A) Rule 211, process weight per hour, in the April 21, 1976 submittal and rule 212, process weight table, in the April 10, 1975 submittal are disapproved; and rule 52.1, process weight rate, previously approved in the June 30, 1972 submittal is retained and shall remain in effect for Federal enforcement purposes.

• • • • •

[FR Doc. 78-16489 Filed 6-13-78; 8:45 am]

[6560-01]

[FRL 899-11]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: Merced County Air Pollution Control District (APCD)

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove or take no action on changes to the Merced County portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to update rules and regulations and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: July 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Acting Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94105, Attention: Wayne A. Blackard, 415-556-7288.

SUPPLEMENTARY INFORMATION: On June 14, 1977, at 42 FR 30396, EPA published a notice of proposed rulemaking for revisions to the Merced County Air Pollution Control District's Rules and Regulations submitted on August 2, 1976 by the California Air Resources Board for inclusion in the California SIP.

The changes contained in this submittal and being acted on by this notice include the following: procedural changes update California Health and Safety Code citations; definitions have been deleted; procedures for handling confidential information are

modified; a rule is added which makes each rule severable; procedures for making air pollution records available to the public are added; a procedural change is made with regard to authority to arrest and issue notices to appear; prohibition of rule circumvention activities is specified; a requirement is made that a source be subject to the most stringent emission limits when more than one applies; rules regarding source sampling have been modified; the restrictions on emitting particulate matter from incinerator operations are changed; outdated compliance deadlines are eliminated from particulate matter emission rates; procedures for separation or combination of emissions are added; emission limitations for NO_x and combustion contaminant emissions from fuel burning equipment are added; additional burning operations and exceptions to those operations classified as agricultural burning are added; a rule is added to require burning reports; emission rates for organic solvents have been modified; emission limitations from architectural coatings and disposal of solvents have been added; permit fee schedules have been changed; regulations have been renumbered; a wording change has been made for clarification of rules controlling organic liquid loading and storage; a language change is made to the rule specifying the content of petitions for variances; a change is made to the hearing notice time requirement for announcing variance or permit hearings; clarifying language is added to the rule specifying the effective date of a hearing board decision; and a change is made in the procedural requirements for making an appeal from a permit or variance denial.

Under section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as State Implementation Plan revisions.

Rules concerning malfunction, vapor recovery, emergency episodes, new source review, in-stack monitoring and exceptions to visible emissions have been submitted; however, no action is being taken on these rules at this time and they will be acted on in separate FEDERAL REGISTER notices.

Rules concerning Standards of Performance for New Stationary Sources and rules concerning National Emission Standards for Hazardous Air Pollutants have also been submitted. These rules implement sections 111 and 112 of the Clean Air Act, and are not appropriate for inclusion in a State Implementation Plan under section 110 of the Act. Therefore, these regulations will be neither approved nor disapproved by EPA as part of an applicable implementation plan. They will, however, be reviewed in determining whether to delegate authority to

the APCD to implement and enforce the appropriate provisions of Sections 111 and 112. Announcement of such delegation would appear in a separate FEDERAL REGISTER notice.

Regulation V rule revisions (which include Rules 501 to 518 being acted on here) are approved as part of a procedure for the granting of variances. Each variance, however, must satisfy the requirements of section 110 of the Clean Air Act and 40 CFR Part 51 in order to be approved by EPA as a revision to the SIP.

A list of the Rules initially considered for this notice was published as part of the Notice of Proposed Rulemaking and can be found in 42 FR 30399 (June 14, 1977). The proposed rulemaking provided 30 days for public comment. Merced County APCD commented on May 24, 1977 that small incinerators cannot comply with old Rule 407.1, Disposal of Solid or Liquid Wastes, and that the replacement of this rule with a weakened Rule 407.1 should be approved. An additional letter dated January 19, 1978 was submitted by the APCD which demonstrated that the impact of the relaxation of the emission limitation for incinerators burning less than 100 pounds would be small. However, since it has not been demonstrated that this relaxation will not interfere with the attainment and maintenance of the NAAQS, this rule cannot be approved. No other public comments were received.

Rule 409, Organic Solvents, is approved as consistent with the daily emission rate limitations of the federally promulgated regulation contained in 40 CFR 52.254. However, the rule does not contain the hourly emission rate limitations contained in 40 CFR 52.254 (b), (c), and (d). Therefore, the hourly emission limitations contained in paragraphs (b), (c), and (d) are retained for Federal enforcement purposes. In addition, 40 CFR 52.254 (e) through (l) and (o) through (q) are retained for interpretation and enforcement of these hourly emission limitations.

Rules 409.1 and 409.2 concerning architectural coatings and solvent disposal are approved as consistent with 40 CFR 52.254 (m) and (n). Therefore, paragraphs (m) and (n) of 40 CFR 42.254 are rescinded for Merced County APCD.

It is the purpose of this final rulemaking to approve all of the changes contained in the August 2, 1976 submittal for Merced County and to incorporate them into the California SIP, with the exception of those rules not being acted upon, and the rules discussed below.

Rule 416.1(II)(M), Agricultural Burning, Rule 418, Nuisance, and Rule 419, Exceptions are nuisance type rules which have been submitted and

are not appropriate for inclusion in the SIP because they are not specifically directed at the attainment and maintenance of the National Ambient Air Quality Standards. Therefore, EPA will take no action on rules 416.1(II)(M), 418, and 419.

Rule 102(hh), Standards Cubic Foot of Gas, has been deleted from the definition rule by the August 21, 1976 submittal. This definition stated specifically that emissions would be calculated on a dry basis. Since the deletion of this definition could result in a relaxation of the emission control requirements, it is being disapproved. Rule 102(hh) submitted on June 30, 1972 and previously approved in 40 CFR 52.223 is retained for Federal enforcement purposes.

Rule 103, Confidential Information, provides for public availability of emission data, but does not provide for correlation of emission data with applicable emission limitations as required by 40 CFR 51.10(e). The rule is approved. However, the portion of the substitute regulation which provides for correlation of emission data in 40 CFR 52.224, is retained.

Rule 407.1, Disposal of Solid or Liquid Waste is disapproved because it relaxes particulate matter concentration limits for certain incineration operations without an accompanying analysis to show that this relaxation will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards.

Rule 416(h), Exceptions, exempts agricultural operations, range improvements, and forest management from the open burning rule 415, but subjects these activities to the requirements of rule 416.1, Agricultural Burning. Since this new exemption allows more burning and no analysis has been submitted to demonstrate that this additional burning will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards, it is disapproved.

Rules 416.1 (I)(A)(2), (III)(A), (V)(A), (V)(B), (V)(C), and (V)(D) Agricultural Burning, are disapproved because they exempt agricultural burning operations from agricultural burning restrictions either on the basis of "brush treatment" criteria, altitude criteria, or because prohibition of such burning would threaten imminent and substantial economic loss. No analysis has been presented to show that these extensive exemptions will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards and they must therefore be disapproved.

Rule 421(b), Burning Reports, is not being acted on. This rule requires that reports be made concerning permit exemptions issued that authorize burning on "no-burn" days, when the denial of such a permit would threat-

en imminent and substantial economic loss. Since EPA is disapproving portions of the rule 416.1 which authorize such exemptions, no action is being taken on Rule 421(b) at this time.

The California Air Resources Board has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

AUTHORITY: Secs. 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601(a)).

Dated: June 7, 1978.

DOUGLAS M. COSTLE,
Administrator.

Subpart F of Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220, paragraph (c)(32)(iii) (C) and (D) is added as follows:

§ 52.220 Identification of plan.

• • • • •
(c) • • •

• • • • •

(32) • • •

(iii) • • •

(A) • • •

(B) • • •

(C) New or amended rules 102, 103, 103.1, 104, 105, 108.1, 110 to 115, 302, 401, 404, 405, 407.1, 408.1, 408.2, 409, 409.1, 409.2, 410, 412, 416, 416.1(I), (II) (A-L), (II) (N-O), (III), (IV), (V), and (VI)1, 421(a), 501, 504, 505, 511 and 518.

(D) Previously approved and now deleted (without replacement) Rules 102(hh) and 102(ii).

• • • • •

2. Section 52.224, paragraph (a) is revised as follows:

§ 52.224 General requirements.

(a) The requirements of § 51.10(e) of this chapter are not met except in certain Air Pollution Control Districts (APCD) as indicated in this paragraph since the plan does not provide procedures by which emission data, as correlated with applicable emission limitations, will be made available to the public.

(1) The following APCD's meet the requirements of § 51.10(e) of this chapter:

(i) Northeast Plateau Intrastate
(A) Siskiyou County APCD.
(B) Shasta County APCD.
(ii) Sacramento Valley Intrastate:
(A) Sutter County APCD.
(B) Glenn County APCD.
(C) Tehama County APCD.
(D) Sierra County APCD.
(E) Shasta County APCD.

(F) Sacramento County APCD.
(iii) San Diego Intrastate:
(A) San Diego County APCD.
(IV) Southeast Desert Intrastate:
(A) San Diego County APCD.
(B) Kern County APCD.
(v) San Joaquin Valley Intrastate:
(A) Stanislaus County APCD.
(B) Fresno County APCD.
(C) Calaveras County APCD.
(D) Tuolumne County APCD.
(E) San Joaquin County APCD.
(F) Mariposa County APCD.
(G) Tulare County APCD.
(H) Kern County APCD.
(I) Madera County APCD.
(vi) North Coast Intrastate:
(A) Siskiyou County APCD.
(B) Lake County APCD.
(vii) Great Basin Valleys Intrastate:
(A) Great Basin Unified APCD.
(viii) Metropolitan Los Angeles Intrastate:

(A) Ventura County APCD.
(ix) North Central Coast Intrastate:
(A) Monterey Bay Unified APCD.

(2) The following APCD's do not provide for the correlation of emission data with applicable emission limitations as required by § 51.10(e) of this chapter. In these APCD's, only the requirements of § 52.224(b)(4) are in effect:

(i) San Joaquin Valley Intrastate:
(A) Merced County APCD.
(b) • • •

• • • • •
3. Section 52.226, paragraph (b)(10) is added as follows:

§ 52.226 Control strategy and regulations:
Particulate matter, San Joaquin Valley Intrastate Region.

(a) • • •
(b) • • •

• • • • •
(10) Merced County APCD.

(i) Rule 407.1, Disposal of Solid or Liquid Wastes, submitted on August 2, 1976 is disapproved; and rule 407.1 submitted on June 30, 1972 and previously approved in 40 CFR 52.223 is retained.

• • • • •
4. Section 52.236, paragraph (c) is added as follows:

§ 52.236 Rules and regulations.

(a) • • •
(b) • • •

(c) Since the following Air Pollution Control Districts have deleted definitions which could allow a relaxation of emission limitations, the deletions are disapproved:

(1) San Joaquin Valley Intrastate Region:
(i) Merced County APCD.
(A) Rule 102(hh), Standard Cubic Foot of Gas, deleted by the August 2,

1976 submittal and previously submitted on June 30, 1972 and approved in 40 CFR 52.223 is retained.

• • • • •
5. Sections 52.254, paragraph (a)(1)(vi) is added as follows:

§ 52.254 Organic solvent usage.

(a) • • •
(1) • • •
(vi) Merced County APCD.

• • • • •
6. Section 52.273, paragraphs (a)(3)(iii) and (b)(2) are added as follows:

§ 52.273 Open burning.

(a) • • •

• • • • •
(3) • • •

• • • • •
(iii) Merced County APCD.

(A) Rule 416(h), Exceptions, submitted on August 2, 1976.

(B) Rule 416.1 (III)(A), (V)(A), (V)(B), (V)(C) and (V)(D), Agricultural Burning submitted on August 2, 1976. Rule 416.1(c)(2) submitted on June 30, 1972 and previously approved is retained. Rule 416.1(a)(1) submitted on June 30, 1972 and previously approved is retained for purpose of enforcing rule 416.1(c)(2).

• • • • •
(b) • • •
(2) San Joaquin Valley Intrastate AQCR:
(i) Merced County APCD.
(A) Rule 416.1(I)(A)(2), Agricultural Burning, General Definitions, submitted on August 2, 1976.

• • • • •
(FR Doc. 78-16490 Filed 6-13-78; 8:45 am)

[6560-01]

(FRL 898-2)

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Missouri: Disapproval of State-Issued Variances Submitted as Revisions to the Missouri State Implementation Plan.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: By this rulemaking, the Administrator of EPA is taking final

action to disapprove four variances which were submitted by the State of Missouri as revisions to the State implementation plan (SIP). The specific variances being disapproved are those issued by the Missouri Air Conservation Commission to Meremac Mining Co. (Pea Ridge), Missouri Portland Cement Co. (Sugar Creek), Missouri Public Service Co. (Sibley power plant), and Tamko Asphalt Products, Inc. (Joplin). The intended effect of this action is that these sources continue to be subject to existing requirements in the approved SIP.

EFFECTIVE: June 14, 1978.

ADDRESSES: Copies of the variances disapproved in this rulemaking and corresponding EPA evaluation reports are available for public inspection during normal business hours at the following locations: Environmental Protection Agency, Region VII, 1735 Baltimore, Kansas City Mo. 64108; Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Michael J. Sanderson or Gale A. Wright, Legal Branch, Enforcement Division, Environmental Protection Agency, 1735 Baltimore, Kansas City, Mo. 64108, telephone 816-374-2576.

SUPPLEMENTARY INFORMATION:

The variance orders which are the subject of this rulemaking action were submitted by the State of Missouri, pursuant to section 110(a)(3) of the Clean Air Act, as revisions to the Missouri State implementation plan. The variances were reviewed by EPA and determined to be unapprovable due to deficiencies in the accompanying control strategy demonstrations as required under 40 CFR 51.12. These deficiencies are more specifically described in the notice of proposed rulemaking for Meremac Mining Co., Missouri Portland Cement Co., and Missouri Public Service Co., which was published in the FEDERAL REGISTER on

February 2, 1978 (43 FR 4442), and for Tamko Asphalt Products, Inc., which was published in the FEDERAL REGISTER on February 28, 1978 (43 FR 8160). No comments were received concerning the proposed disapproval of these variance orders. In the February 2, 1978, notice of proposed rulemaking (43 FR 4442), EPA also proposed disapproval of variances for City Utility of Springfield, Mo. (James River unit Nos. 1, 2, and 3), Empire District Electric Co. (Asbury power plant), and Noranda Aluminum, Inc. These three variances are still under review and final action will be taken on them in the near future.

This rulemaking will become effective immediately upon publication. The agency finds that good cause exists for not deferring the effective date of this rulemaking since, pursuant to 40 CFR 51.8, revisions of a State implementation plan are not considered part of the applicable plan until approved by the Administrator, and disapproval of a State variance order thus does not change the source's un-

derlying obligation to comply with the existing requirements of the approved State implementation plan.

This rulemaking is promulgated pursuant to the authority of section 110 of the Clean Air Act, as amended, 42 U.S.C. 7410.

Dated: June 8, 1978.

DOUGLAS M. COSTLE,
Administrator,
Environmental Protection
Agency.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations, is amended as follows:

Subpart AA—Missouri

1. In section 52.1335, the table in paragraph (b) is amended by adding the following:

§ 52.1335 Compliance schedules.

(b) * * *

Source	Location	Regulation involved	Date adopted
Meremac Mining Co., furnace and cooler No. 1 through 5.	Pea Ridge	II (10 CSR 10-3.050)	Feb. 23, 1977
Missouri Portland Cement Co., clinker cooler No. 1.	Sugar Creek	II (10 CSR 10-2.030)	June 22, 1977
Missouri Public Service Co., Sibley power plant, unit Nos. 1, 2, and 3.	Sibley	V (10 CSR 10-2.060)	June 26, 1977
Tamko Asphalt Products, Inc., asphalt saturating line.	Joplin	V (10 CSR 10-3.060)	July 26, 1977

[FR Doc. 78-18491 Filed 6-13-78; 8:45 am]

[1505-01]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

[FSS-P 2800.8B CHGES 19-26]

PART 5A-72—PROCUREMENT OF STOCK ITEMS

Correction

In FR Doc. 78-15121, appearing at page 23575 in the issue for Wednesday, May 31, 1978, on page 23579, in the middle column, in § 5A-72.502-1(a)(3), in the sixth line, "PBA" should read "BPA".

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[7510-01]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[14 CFR Part 1214]

SPACE TRANSPORTATION SYSTEM

Articles Authorized To Be Carried on Space Transportation System Flights

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rule.

SUMMARY: The proposed regulations would authorize each individual participating on a space transportation system flight as a flight crew member or a payload specialist to carry on the flight a personal preference kit. The kit would consist of items to be given as mementoes to the individual's relatives or close friends. The items to be carried would be subject to restrictions as to their kind, number, and weight, as well as to their use. Under no circumstances will commercialization of personal items flown be allowed or tolerated. For the first time individuals who are not NASA employees will have the opportunity to participate in space flights as payload specialists. NASA intends to apply the same restrictions to these individuals as will apply to agency employees who will serve as flight crew members, insofar as the practice of carrying personal items on a flight is concerned.

DATE: Any comments received by July 15, 1978, will be considered before a final regulation is adopted.

ADDRESS: Office of General Counsel, Mail Code GG-1, NASA Headquarters, Washington, D.C. 20546.

FOR FURTHER INFORMATION:

Susan McGuire Smith, 202-755-3924.

SUPPLEMENTARY INFORMATION: In the past, NASA has had internal agency directives on this subject which affected only our own employees, namely the astronauts who have flown on missions. Under these directives, limits were placed on the kinds, numbers, weights, and use of items that would be flown by a crew member to be used as mementoes or personal gifts to relatives and close friends.

The space transportation system, which will include the reusable space shuttle, signals a new era in manned space flight. For the first time individuals who are not NASA employees will have the opportunity to participate in

space flights as payload specialists. NASA intends to apply the same restrictions to these individual as will apply to agency employees who will serve as flight crew members, insofar as the practice of carrying personal items on a flight is concerned. However, because the proposed regulations would affect individuals outside the agency, public comment is being invited on the proposal.

ROBERT A. FROSCH,
Administrator.

1. 14 CFR Part 1214 is amended by adding a new subpart 1214.6 reading as follows:

Subpart 1214.6—Articles Authorized To Be Carried on Space Transportation System Flights

- Sec.
- 1214.600 Scope.
- 1214.601 Definitions.
- 1214.602 Policy.
- 1214.603 Approval and disposition of contents of the official flight kit.
- 1214.604 Policy on personal preference kits.
- 1214.605 Safety requirements.
- 1214.606 Procedures for approval of contents of personal preference kits.
- 1214.607 Preflight packaging and storage of kits.
- 1214.608 Public announcements of contents of kits.
- 1214.609 Disposition of kits after flight.
- 1214.610 Loss or theft.
- 1214.611 Applicability of this subpart.

AUTHORITY: Pub. L. 85-568, 72 Stat. 426, 42 U.S.C. 2473(c).

Subpart 1214.6—Articles Authorized To Be Carried on Space Transportation System Flights

§ 1214.600 Scope.

This subpart establishes policy, procedures, and responsibilities governing the selection, approval, packing, storage, post-flight disposition, and public announcement of articles authorized to be carried on space transportation system flights.

§ 1214.601 Definitions.

(a) The official flight kit contains selected items such as flags, patches, medallions, and other memorabilia to be presented to government officials, Members of the Congress, and others who receive such awards as a result of individual contributions to the space program, as determined by the Administrator.

(b) The personal preference kit contains individual items of a personal nature selected by each flight crew

member and payload specialist for each space transportation system flight.

(c) The flight crew consists of the commander, pilot, and mission specialist(s).

(d) A payload specialist is an individual selected to operate assigned payload elements on a specific space transportation system flight.

§ 1214.602 Policy.

Articles authorized to be carried on a space transportation system flight, other than articles related to the execution of a mission, are limited to those items approved by the Administrator for carrying in the official flight kit or a personal preference kit, in accordance with the requirements of this subpart.

§ 1214.603 Approval and disposition of contents of the official flight kit.

(a) *Proposed contents.* Both the Director, Johnson Space Center, and the program Associate Administrator responsible for payload mission management for a given flight shall suggest items for inclusion in the official flight kit to the associate administrator for space transportation systems.

(b) *Recommendation by Associate Administrator for Space Transportation Systems.* The Associate Administrator for Space Transportation Systems shall recommend to the Administrator a final list to be included in the official flight kit.

(c) *Disposition of kit.* Once the flight is completed the contents of the official flight kit shall be forwarded by the Director, Johnson Space Center, through the Associate Administrator for Space Transportation Systems, to the Administrator.

(d) *Approval authority.* The Administrator shall make all decisions concerning the contents and disposition of the official flight kit.

§ 1214.604 Policy on personal preference kits.

(a) *Purpose.* Each flight crew member and payload specialist shall be permitted to carry certain items of a personal nature in his/her personal preference kit on each space transportation system flight for use by him/her as personal gifts for immediate family and relatives (spouses, children, parents, in-laws, brothers, and sisters) or close friends. No more than one article may be given to one individual.

(b) *Limit on number of items.* No more than 20 items will be included in the personal preference kit.

(c) *Weight limitations.* Each personal preference kit will be limited to 1.5 pounds, which limitation may be reduced on a given flight because of overall weight considerations, if approved by the Associate Administrator for Space Transportation Systems upon the recommendation of the Director, Flight Operations, Johnson Space Center. Under no circumstances will an increase in the limitation be authorized.

(d) *Sale or commercial use prohibited.* Items carried in the personal preference kit shall not be sold or transferred for sale, or used, or transferred for economic gain or for any commercial or fund-raising purpose. Items will not be approved for carrying that by their nature may lend themselves to exploitation by the recipients, create problems with respect to good taste, or have a known or suspected commercial value, such as philatelic covers and coins.

(e) *Certification required.* At the time a list of proposed contents is submitted, each flight crew member and payload specialist shall make the following written certification:

"In compliance with the requirements of 14 CFR 1214.6—Articles Authorized to be Carried on Space Transportation System Flights—I submit this certification along with my proposed list of items to be carried in my Personal Preference Kit on _____ (applicable flight).

1. I have read and understand the requirements of 14 CFR 1214.6 and agree to comply with those requirements.

2. My proposed list of items to be carried in my personal preference kit complies with the requirements.

3. Other than items approved by the Administrator for inclusion in my personal preference kit, I will carry no other items for use by myself or anyone else.

4. The items carried in my personal preference kit will be used as personal gifts. I will present no more than one item to an individual. The items will not be sold or transferred for sale, or used, or transferred for economic gain or for any commercial or fund-raising purpose.

5. I understand and agree that if I carry an item in violation of the requirements of 14 CFR 1214.6, that item will become the property of the U.S. Government, and that I may be subject to disciplinary or appropriate legal action.

6. I understand and agree that I assume the risk of loss for items carried in my kit, no matter what the cause.

Signature.

(f) *Violations.* Any item carried by a flight crew member or payload specialist in violation of the requirements of this subpart shall become the property of the U.S. Government subject to applicable Federal laws and regulations.

(g) *Exceptions.* No exceptions to the policy of this section on personal preference kits will be authorized. Flight

crew members and payload specialists will not receive any U.S. Government or other property carried on the flight unless it is property contained in a personal preference kit.

§ 1214.605 Safety requirements.

Items included in the official flight kit and personal preference kits shall meet the safety requirements of the NASA Headquarters document "Safety Policy and Requirements for Payloads Using the STS."

§ 1214.606 Procedures for approval of contents of personal preference kits.

(a) *Individual submits list.* At least 60 days before the scheduled launch date an individual desiring to carry a personal preference kit shall provide the Director, Flight Operations, Johnson Space Center, a list with the following information:

(1) A description of each item proposed to be included;

(2) The intended recipient of each item and his/her relationship;

(3) The certification required by § 1214.604(e).

In the case of a payload specialist, the list shall first be approved by the program Associate Administrator responsible for the payload mission management.

(b) *Action by Johnson Space Center.* The Director, Flight Operations, Johnson Space Center, shall review the lists for compliance with this subpart, and will submit them with weight data through the Director, Johnson Space Center, to the Associate Administrator for Space Transportation Systems, not later than 45 days before the scheduled launch date.

(c) *Action by headquarters.* The Associate Administrator for Space Transportation Systems shall submit the lists with his/her recommendation to the Administrator for approval. A final decision will be made not later than 30 days before the scheduled launch date.

(d) *Approved list.* A copy of each approved list, including the required certification, shall be provided to the individual flight crew member or payload specialist, as well as the Associate Administrator for External Relations, the Associate Administrator for Space Transportation Systems, the General Counsel, and the Director, Johnson Space Center.

§ 1214.607 Preflight packaging and storage of kits.

The Director, Flight Operations, Johnson Space Center, shall:

(a) Ensure that the official flight kit and the personal preference kits are packaged and sealed in his/her presence and that the contents of each kit correspond with the lists approved by the Administrator;

(b) Verify that each kit meets the weight requirements of § 1214.604(c);

(c) Place the packed kits in bonded storage not less than 21 days before the scheduled launch date; and

(d) Certify in writing to the Associate Administrator for Space Transportation Systems, through the Director, Johnson Space Center, that the above actions have taken place.

§ 1214.608 Public announcements of contents of kits.

(a) *Official flight kit.* The contents of the official flight kit shall be announced in a NASA press release no later than 30 days after the flight has been completed.

(b) *Personal preference kits.* The contents of each personal preference kit shall be announced in a NASA press release no later than 30 days after the flight has been completed. At the request of the individual flight crew member or payload specialist the contents of his/her kit may be announced sooner by NASA, but only after the contents of the kit have been approved by the Administrator.

(c) *Responsibility.* The Associate Administrator for External Relations is responsible for ensuring that the required press releases are issued.

(d) *Inquiries before announcements.* The Director, Flight Operations, Johnson Space Center, will respond to all inquiries concerning the contents of the kits prior to the required press releases being issued.

§ 124.609 Disposition of kits after flight.

The Director, Flight Operations, Johnson Space Center, shall:

(a) Ensure the removal and safekeeping of the kits following the flight;

(b) Return the personal preference kits to the individual flight crew members or payload specialists; and

(c) Forward the official flight kit as required by § 1214.603(c).

§ 1214.610 Loss or theft.

(a) *Responsibility.* Each individual who carries a personal preference kit assumes the risk of loss for that kit or any item in it, regardless of the cause. The National Aeronautics and Space Administration shall not be responsible for the loss, theft of, or damage to a personal preference kit.

(b) *Report of loss or theft.* Any NASA employee who becomes aware that an item contained in a personal preference kit or the official flight kit has been lost or is missing shall immediately notify the Inspections Division and the Installation Security Office.

§ 1214.611 Applicability of this subpart.

(a) *Acknowledgement of requirements.* (1) When this subpart goes into effect, or upon his/her selection, each flight crew member and payload spe-

cialist shall sign an acknowledgement that he/she has read the subpart and will comply with its requirements, and provide the acknowledgement to the Director, Johnson Space Center.

(2) The acknowledgement required by this section shall be updated upon the assignment of an individual to a flight.

(3) Acknowledgements required by this section and made by flight crew members, or payload specialists who are NASA employees, shall be retained in the individual's official personnel folder.

(4) Acknowledgements made by payload specialists who are not NASA employees shall be retained by the program Associate Administrator sponsoring their payload activities, or by the Associate Administrator for Space Transportation Systems, as appropriate.

(b) *Procedures required to bring non-NASA employees under this subpart.*

(1) The requirements of this subpart will be made applicable to payload specialists who are not NASA employees.

(2) The Associate Administrator for External Relations, the Associate Administrator for Space Transportation Systems, or the Director, Procurement Office, is responsible for ensuring that payload specialists not employed by NASA are made subject to these requirements through the terms of the applicable interagency agreement, contract, or other agreement.

[FR Doc. 78-16518 Filed 6-13-78; 8:45 am]

[4110-07]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM

Filing of Applications and Other Forms; Decision to Develop Regulations

AGENCY: Social Security Administration, HEW.

ACTION: Notice of Decision to Develop Regulations

SUMMARY: The Social Security Administration plans to rewrite and reorganize its current regulations on filing an application for social security benefits under title II of the Social Security Act. The purpose is to make these regulations clearer and easier to understand.

As part of the overall revision, we plan to change the regulations to reflect a new statutory limitation on the retroactivity of an application for reduced benefits. Under this change in the law, benefits may not be paid retroactively in certain cases for months before the filing of an application.

FOR FURTHER INFORMATION, CONTACT:

James MacDonald, Room 4212, West High Rise Building, 6401 Security Boulevard, Baltimore, Md. 21235, (301)-594-5298.

Dated: May 15, 1978.

DON WORTMAN,
Acting Commissioner of
Social Security.

[FR Doc. 78-16430 Filed 6-13-78; 8:45 am]

[4810-25]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[31 CFR Part 10]

PRACTICE BEFORE THE INTERNAL REVENUE SERVICE

Proposed Revision of the Provisions Governing Solicitation by Practitioners Before the Internal Revenue Service

AGENCY: Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: The proposed rule amends and revises the advertising and solicitation provisions of the regulations governing practice by attorneys, certified public accountants, enrolled agents and others who represent clients before the Internal Revenue Service. Further, the solicitation provisions formerly found in § 10.24 of the regulations have been combined with the provisions of § 10.30. The general purpose of these changes is to permit the expansion of advertising by professions, consistent with recent judicial determinations on the subject.

DATE: Comments must be in writing and must be received on or before (30 days after publication). The effective date will be 30 days after publication of the anticipated final rule in the FEDERAL REGISTER. No hearing is contemplated, but one may be held at a time and place set in a later notice in the FEDERAL REGISTER if requested by an interested person desiring an opportunity to comment orally and raising a genuine issue.

ADDRESS: Comments and requests for a hearing should be addressed to the Office of Director of Practice, U.S. Department of the Treasury, Washington, D.C. 20220.

FOR FURTHER INFORMATION CONTACT:

Mr. Leslie S. Shapiro, Director of Practice, 202-376-0767.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The United States Supreme Court, in *Bates v. State Bar of Arizona*, 433

U.S. 350, 97 S.Ct. 2691, 53 L.Ed. 2d 810 (1977), held that an absolute ban on lawyer advertising violated the First Amendment right of free speech and that some forms of lawyer advertising should be permitted. *Bates* specifically allowed lawyers the right to publish in the newspaper fee information about routine services they provided. That decision has prompted many professional organizations to re-evaluate their regulations governing advertising and solicitation, and some have adopted new rules in this area.

31 CFR, Part 10 (reprinted in Treasury Department Circular No. 230) contains regulations governing the conduct of attorneys, certified public accountants, enrolled agents and others in their practice before the Internal Revenue Service. These regulations include provisions which address the subject of advertising and solicitation of employment in matters related to the Internal Revenue Service. Since Circular 230 regulates segments of both the accounting and legal professions, the Department of the Treasury has reviewed the new advertising and solicitation rules of the National Society of Public Accountants, the American Institute of Certified Public Accountants, and the American Bar Association.

The Department of the Treasury referred to the ethical rules of those professional organizations for guidance in ascertaining the accounting and legal professions' interpretations of the *Bates* decision. The Department of the Treasury felt that their rules helped answer many questions left unresolved by the Court. In this connection, the American Bar Association's recently adopted rules provided the Department of the Treasury with a basic format for its proposed regulations. The proposed advertising and solicitation rules set forth will not supersede or preempt any advertising and solicitation rules applied to practitioners before the Internal Revenue Service by any national, state, or local organizations controlling the professional conduct of Internal Revenue Service practitioners.

DESCRIPTION OF PROPOSED CHANGES

It is proposed that the absolute ban which prohibits any attorney, certified public accountant or enrolled agent from soliciting employment, directly or indirectly, in matters related to the Internal Revenue Service, be changed.

Section 10.30(a), as proposed, outlines those forms of advertising which still are not permitted. That section prohibits advertising containing any false, fraudulent, misleading, deceptive, self-laudatory or unfair statement or claim. The proposal also prohibits advertising a past or present connection with the Internal Revenue Service with the exception of one's en-

rollment to practice before the Internal Revenue Service or description of an area of practice. In addition, in-person solicitation is generally prohibited; however, it does not apply to certain tax exempt organizations.

Section 10.30(b), as proposed, enumerates those forms of public communication (information) that practitioners before the Internal Revenue Service are permitted to use. Section 10.20(b)(x) gives the revision flexibility by permitting one to publish, broadcast, or use facts which would be relevant in selecting a practitioner before the Internal Revenue Service.

Section 10.30(c), as proposed, provides guidance as to the advertisement of fee information. This guidance is designed to make the advertisement of fees more informative to the public and less susceptible to misinterpretation.

Section 10.30(d), as proposed, defines public communication media practitioners are permitted to use. They include professional lists, telephone directories, newspapers, radio and television.

Section 10.30(e), as proposed, currently is a part of § 10.24 of the regulations. Section 10.24 provides that persons eligible to practice before the Internal Revenue Service may not accept employment from organizations which solicit business contrary to the provisions contained in the regulations. The Department of the Treasury wishes to place all the solicitation provisions under one section of its regulations and therefore proposes to transfer the solicitation segment of § 10.24 to § 10.30 and, accordingly, to make appropriate revision to § 10.24.

These amendments and revisions are proposed under the authority of section 3, 23 Stat. 258, sections 2-12, 60 Stat. 237 et seq., 5 U.S.C. 301, 500, 551-59, 31 U.S.C. 1026, Reorg. Plan No. 26 of 1950, 15 FR 4935, 64 Stat. 1280, 3 CFR 1949-1953 Comp.

DRAFTING INFORMATION

The principal author of this amendment is Mr. Leslie S. Shapiro, Director of Practice, Office of the General Counsel, Department of the Treasury, and members of his staff. Personnel from other offices of the Office of General Counsel and from the Internal Revenue Service also participated in developing this amendment.

PROPOSED AMENDMENTS TO THE REGULATIONS

In consideration of the foregoing, it is proposed to amend 30 CFR Part 10 as follows:

PARAGRAPH 1. § 10.24, is revised to read as set forth below:

§ 10.24 Assistance from disbarred or suspended persons and former Internal Revenue Service employees.

No attorney, certified public accountant or enrolled agent shall, in prac-

tice before the Internal Revenue Service, knowingly and directly or indirectly:

(a) Employ or accept assistance from any person who is under disbarment or suspension from practice before the Internal Revenue Service.

(b) Accept employment as associate, correspondent, or subagent from, or share fees with, any such person.

(c) Accept assistance in a specific matter from any person who participated personally and substantially or had official responsibility in such matter as an Internal Revenue Service officer or employee. See paragraph (c)(1) and (2) of § 10.26.

PARAGRAPH 2. Section 10.30, is revised to read as set forth below:

§ 10.30 Solicitation.

(a) *Solicitation restrictions.* (1) No attorney, certified public accountant, enrolled agent, or other individual eligible to practice before the Internal Revenue Service shall, with respect to any Internal Revenue Service matter, in any way use or participate in the use of any form of public communication containing a false, fraudulent, misleading, deceptive, self-laudatory or unfair statement or claim. For the purposes of this subsection, the prohibition includes, but is not limited to, statements pertaining to the quality of services rendered, claims of specialized expertise not authorized by State or Federal agencies having jurisdiction over the practitioner, statements or suggestions that the ingenuity and/or prior record of a representative rather than the merit of the matter are principal factors likely to determine the result of the matter.

(2) No attorney, certified public accountant, enrolled agent or other individual eligible to practice before the Internal Revenue Service shall, by letterhead, professional card, or in any public communication, make any written or oral statement referring to a past or present connection with, or relationship to, the Internal Revenue Service. However, reference to the Internal Revenue Service in a description of services offered or in the area of limitation of one's practice as provided for in § 10.30 (b)(1)(iii) or (viii), or reference to the enrollment status of an enrolled agent as provided for in § 10.30(b)(1)(ix) shall not be considered in violation of this prohibition.

(3) No attorney, certified public accountant, enrolled agent or other individual eligible to practice before the Internal Revenue Service shall solicit employment, directly or indirectly, in matters related to the Internal Revenue Service without the intervention of permissible print or electronic media. Solicitation includes in-person contacts, telephone communications, and personal mailings by practitioners or by another person or entity acting

for them. This restriction does not apply to in-person solicitation by those eligible to practice before the Internal Revenue Service while acting as an employee, member, or officer of an exempt organization listed in section 501(c)(3) through (8), (19) or (20) of the Internal Revenue Code of 1954 (26 U.S.C.). This restriction also does not apply to solicitation by personal mailings which are not specifically designed and/or intended for an individual potential client.

(b) *Public Communication.* (1) Attorneys, certified public accountants, enrolled agents and other individuals eligible to practice before the Internal Revenue Service, may publish, broadcast, or use in a dignified manner:

(i) The name, address, telephone number, and office hours of the practitioner or firm.

(ii) The names of individuals associated with the firm.

(iii) A factual description of the services offered.

(iv) Acceptable credit cards and other credit arrangements.

(v) Foreign language ability.

(vi) Membership in pertinent, professional organizations.

(vii) Pertinent professional licenses.

(viii) A statement that an individual's or firm's practice is limited to certain areas.

(ix) In the case of an enrolled agent, the phrase "enrolled to represent taxpayers before the Internal Revenue Service."

(x) Other facts relevant to the selection of a practitioner in matters related to the Internal Revenue Service which are not prohibited by these regulations.

(2) Attorneys, certified public accountants, enrolled agents and other individuals eligible to practice before the Internal Revenue Service may use customary biographical insertions in approved law lists and reputable professional journals and directories, as well as professional cards, letterheads and announcements: *Providing*, That: (i) Attorneys do not violate applicable standards of ethical conduct adopted by the American Bar Association, (ii) certified public accountants do not violate applicable standards of ethical conduct adopted by the American Institute of Certified Public Accountants, and (iii) enrolled agents do not violate applicable standards of ethical conduct adopted by the National Society of Public Accountants or the National Association of Enrolled Agents, of whichever they are members, but enrolled agents who are not members of either organization may meet the applicable standards of ethical conduct adopted by either organization.

(c) *Fee Information.* (1) Attorneys, certified public accountants, enrolled agents and other individuals eligible to practice before the Internal Revenue

Service may disseminate the following fee information: *Provided*, That clients or potential clients are notified that they are entitled, without charge, to a written estimate of the fees likely to be charged for the services to be rendered:

Fixed fees for specific routine services, provided a statement clearly indicates that the quoted fees are for services in matters of average complexity and that the actual fees for such services will depend upon the actual complexity of the client's particular matter.

(ii) Hourly rates.

(iii) Range of fees for particular services.

(2) Attorneys, certified public accountants, enrolled agents and other individuals eligible to practice before the Internal Revenue Service may also publish the availability of a written schedule of fees, as well as the fee charged for an initial consultation.

(3) Attorneys, certified public accountants, enrolled agents and other individuals eligible to practice before the Internal Revenue Service shall be bound to charge the hourly rate, the fixed fee for specific routine services, the range of fees for particular services, or fee for an initial consultation published for a reasonable period of time, but no less than thirty days from the last publication of such hourly rate or fees.

(d) *Public Communications.* Public communications, including fee information, shall be limited to professional lists, telephone directories, print media, radio and television. In the case of radio and television broadcasting, the broadcast shall be pre-recorded and the practitioner shall retain a recording of the actual transmission.

(e) *Improper Associations.* No attorney, certified public accountant or enrolled agent shall, in matters related to the Internal Revenue Service, knowingly and directly or indirectly employ or accept assistance as an associate, correspondent, or subagent from, or share fees with, any person or entity who, to the knowledge of the practitioner, obtains clients or otherwise conducts his practice in a manner forbidden under this section.

Dated: May 26, 1978.

ROBERT H. MUNDHEIM,
General Counsel.

[FR Doc. 78-16367 Filed 6-13-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRL 911-2; OPP-3000151]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Exemptions From Requirement of a Tolerance for Certain Inert Ingredients in Pesticide Formulations

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that certain additional inert (or occasionally active) ingredients in pesticide formulations be exempted from tolerance requirements. The proposal was submitted by various firms. This amendment to the regulations would permit the use of the exempted ingredients in pesticide products.

DATE: Comments must be received on or before July 14, 1978.

ADDRESS COMMENTS TO: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 20460.

Inert ingredient	Firm	Bases for approval
Calcium hypochlorite.....	Olin Corp., 275 Winchester Ave., New Haven, Conn. 06504.	Analogue of sodium hypochlorite, which was cleared under 40 CFR 180.1001 and which has a similar toxicity profile. Potential residues, if any, would be in the form of calcium carbonate and calcium chloride, both of which are generally recognized as safe (GRAS) under 21 CFR 1191 and 1193, respectively. Neither use conditions nor time factors involved would result in residues of theoretical halocarbons popularly described as carcinogens resulting from water chlorination.
Silicon dioxide.....	Cabot Corp., 125 High St., Boston, Mass. 02110.	Highly purified silica product differing from other previously cleared silica products in 40 CFR 180.1001 only in its physical form.

Based on the above information, available information on the chemistry of these substances, and a review of their uses, it has been found that, when used in accordance with good agricultural practice, these substances are useful and do not pose a hazard to the environment. It is concluded, therefore, that the proposed amendment to 40 CFR 180.1001 will protect the public health, and it is proposed

FOR FURTHER INFORMATION CONTACT:

Mr. David L. Ritter, Toxicology Branch, Registration Division (WH-567), Office of Pesticide Programs, EPA, 202-426-2680.

SUPPLEMENTARY INFORMATION: At the request of several interested persons, the Administrator is proposing to amend 40 CFR 180.1001 by exempting certain additional pesticide chemicals which are inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have pesticidal efficacy of their own): Solvents such as water, baits such as sugar, starches, and meat scraps, dust carriers such as talc and clay, fillers, wetting and spreading agents, propellants in aerosol dispensers, emulsifiers. The term inert is not intended to imply toxicological inertness or lack of toxicity; the ingredient may or may not be chemically or toxicologically active.

The preambles to proposed rulemaking documents of this nature include the common or chemical name under consideration, the name and address of the firm making the request for exemption, and the toxicological and other scientific bases used in arriving at a conclusion of safety in support of the exemption.

that the regulation be established as set forth below.

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before July 14, 1978, that this rule-making proposal be referred to an ad-

visory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "OPP300015". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the FEDERAL REGISTER from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: May 16, 1978.

HERBERT S. HARRISON,
Acting Director,
Registration Division.

§ 180.1001 Exemptions from the requirement of a tolerance.

(c) . . .		
Inert ingredients	Limits	Uses
Calcium hypochlorite.....		Sanitizing and bleaching agent.
Silicon dioxide, fused, amorphous.		Flow control, anticaking, and carrier agent.

[FR Doc. 78-16493 Filed 6-13-78; 8:45 am]

[6315-01]

COMMUNITY SERVICES ADMINISTRATION

[45 CFR Part 1050]

[CSA Instruction 6800-10, Ch. 1]

UNIFORM FEDERAL STANDARDS

Payment Requirements (Uniform Federal Standard)

AGENCY: Community Services Administration.

ACTION: Proposed rule.

SUMMARY: The Community Services Administration is proposing regulations to inform grantees that the aggregate annual advance requiring issuance of a Letter-of-Credit has been reduced from \$250,000 to \$120,000. This change is required to implement Treasury Circular No. 1075. This will immediately affect organizations receiving an initial grant. Current grantees will not be affected until time of refunding.

DATES: CSA welcomes comments on this proposed rule. Comments received

on or before July 14, 1978 will be considered and proposed regulations will be revised if warranted. Please address comments to: Ms. Maryann J. Fair, Community Services Administration, Office of Community Action, Policy Development and Review Division, 1200 19th Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Ms. Maryann J. Fair, 202-254-5047.
(AUTHORITY: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.)

GRACIELA (GRACE) OLIVAREZ,
Director.

45 CFR 1050 Subpart J, is amended as follows:

§ 1050.92 [Amended]

In § 1050.92(b)(1) "\$250,000" is changed to read "\$120,000".

§ 1050.93 [Amended]

In § 1050.93(a) "\$250,000" is changed to read "\$120,000", in each place it appears.

In § 1050.93(b) "\$250,000" is changed to read "\$120,000", in every place it

STATUTORY AUTHORITY: Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).

It is proposed that Part 180, Subpart D, § 180.1001 be amended by revising the item "Silica, hydrated silica" in paragraph (c) to read "Silica, hydrated" and by alphabetically inserting new items in the tables in section 180.1001 (c) and (d) to read as follows:

§ 180.1001 [Amended]

Section 180.1001(c) is amended in the table by revising the words "Silica, hydrated silica" to read "Silica, hydrated."

2. Section 180.1001 (c) and (d) is amended by alphabetically inserting the following new items in the tables:

appears. In § 1050.93(c) "\$250,000" is changed to read "\$120,000".

[FR Doc. 16330 Filed 6-13-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

IBC Docket No. 78-168; RM-2922; RM-2966]

FM BROADCAST STATION IN CAPE MAY COURT HOUSE, NEW JERSEY

Proposed Changes in Table of Assignments;
Memorandum Opinion and Order

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order and Notice of Proposed Rulemaking.

SUMMARY: This action proposes to assign a class A channel to Cape May Court House, N.J., as a first FM channel. A counterproposal to assign a class B channel to this community is denied for failure to demonstrate that an exception should be made to the Commission's policy of assigning class A channels to small communities.

DATE: Comments must be filed on or before August 7, 1978, and reply comments on or before August 28, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mark N. Lipp, Broadcast Bureau,
202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: June 8, 1978.

Released: June 15, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Cape May Court House, N.J.) BC Docket No. 78-168, RM-2922, RM-2966.

1. The Commission has before it a petition for rulemaking to assign channel 288A to Cape May Court House, N.J., filed by Shore Broadcasting Associates ("Shore"). A counterproposal to assign channel 225 to Cape May Court House by substituting channel 288A for channel 224A at Rehoboth Beach, Del., and by substituting channel 221A for channel 288A at Salisbury, Md., was filed by Triplett Broadcasting Co., Inc. ("Triplett"), licensee of various stations in Ohio. Comments in opposition to both pro-

The petition also includes a request to assign channel 224A to Snow Hill, Md., which would become available for assignment if the same channel were deleted from Rehoboth Beach as proposed.

posals were submitted by Avalon Broadcasting Co., Inc., licensee of Station WWOC (FM), Avalon, N.J. Comments in opposition to the Triplett proposal were received from WMID, Inc., licensee of station WMID (AM), Atlantic City, N.J., and station WGRF (FM), Pleasantville, N.J.; from GCC Communications of Chicago, Inc., licensee of station WFLI (FM), Philadelphia, Pa.; Radio WAYV, licensee of Station WAYV (FM), Atlantic City, N.J.; and Seashore Broadcasting Corp., licensee of Station WOBM (FM), Toms River, N.J.²

2. Cape May Court House (pop. 2,062)³ is the seat of Cape May County (pop. 59,554). It is located approximately 46 kilometers (29 miles) southwest of Atlantic City, N.J. Cape May Court House has no local aural service. The county has two AM stations (full-time station WCMC, Wildwood, and daytime-only station WSLT, Ocean City-Somers Point) and four FM stations (station WWOC (channel 232A), Avalon; station WRIO-FM (channel 272A), Cape May; station WSLT (channel 292A), Ocean City-Somers Point; and station WCMC-FM (channel 264), Wildwood).

THE TRIPLETT PROPOSAL

3. By way of background, the Commission, on October 14, 1975, denied a request by Triplett for the same channel assignment (channel 225) to Cape May Court House. See Cape May Court House, N.J. and Rehoboth Beach, Del., 40 FR 49338, 35 R.R. 2d 278 (1975).⁴ Triplett's proposal was

²A "Motion to Accept Supplemental Statement in Support of Counterproposal" was submitted on behalf of the Triplett Broadcasting Co., Inc. on May 15, 1978, more than 6 months late. The previous deadline for filing comments was December 9, 1977. We are asked to accept this pleading since it addresses certain matters to which Triplett had no previous opportunity to respond and it sets forth facts not previously available. Basically, this information consists of survey responses and township resolutions in support of its proposal, arguments concerning population and economic growth and recent news pertaining to exploratory oil drilling off the coast of New Jersey. The latter information is included to make the point that since substantial numbers of workers will be engaged in oil drilling in an area with inadequate radio service, a high powered station would be needed to reach them. We find that most of this information either was previously obtainable or that attempts could have been made to make the Commission and all parties aware that more time would be needed to acquire the information. To the extent that some of the facts were unavailable we find that they are of such little consequence considering all the factors which will be discussed herein that the proceeding should not be delayed for that purpose. Therefore, the Motion to Accept is denied.

³Population data are taken from the 1970 U.S. Census.

⁴At that time, it was not necessary to substitute channels at both Rehoboth Beach

then rejected for failure to demonstrate that an exception to the Commission's policy of assigning class A channels to small communities was warranted. In particular, Triplett was unable to show that any first or second FM or aural service could be provided by the proposed station. It was also noted that a class A channel (channel 288A) could be assigned to Cape May Court House, if some interest in applying for the channel were forthcoming. However, no such party came forward and that channel assignment was also denied.

4. In its petition, Triplett reiterates the public interest benefits that it asserts would accrue from the proposal, essentially as it did in docket No. 20374. In this regard it is contended that a greater number of persons would receive the signal of a class B station than of a class A station especially during the summer months when there is a large influx of vacationers. Further, Triplett notes that no class B station within 50 miles of Cape May County provides service to the entire county and that the proposed class A station for Cape May Court House would also fail to offer such service. In an attached engineering study, Triplett asserts that a second FM service would be provided by its proposal to an area around and including most of Cape May City (population 4,392) at the southernmost tip of New Jersey. Finally, Triplett brings up to date some growth factors concerning business and other activities of Cape May Court House to demonstrate the county is undergoing rapid growth. We are warned by Triplett that channel 225 cannot be used elsewhere in the area and will, if not assigned as proposed, lie fallow. It cites Cape Charles, Va., docket No. 21355, 43 FR 6606 (1978), as holding in effect that to permit an available channel to go to waste if not assigned would result in an inefficient use of the spectrum. Triplett also notes that Snow Hill would receive its first FM channel assignment and that no existing stations would be adversely affected under the proposal. Finally, although information concerning the request to assign a class A channel to Snow Hill is set forth, it is not necessary to relate that information in light of the discussion that follows.

5. Opponents are all in agreement that Triplett's proposal is nothing more than a repetition of its previously rejected petition and therefore it offers no basis for granting an exception to the Commission's policy to refuse class B assignments to small communities. Rather, contending that the proposal is in actuality designed to

and Salisbury as would now be required. The request to "drop in" channel 224A to Snow Hill is also new.

be a county-wide station and to reach the Atlantic City market, and that the county is already well served by existing stations, they assert that the class A proposal would adequately serve the needs of Cape May Court House itself.⁵

6. After carefully analyzing Triplett's proposal, we again find no basis for granting an exception to our policy to assign class A channels to small communities,⁶ nor has Triplett offered any new information that would justify reversing our previous decision in docket No. 20374. Triplett's allegation that second FM service would be provided to the southernmost portion of Cape May County is incorrect. That area, under ROANOKE RAPIDS' criteria, would receive service from stations WRIO-FM, Cape May and WCMC-FM, Wildwood. Thus, no first or second FM or aural service will be provided by Triplett's proposed class B station. As for the contention that no station presently provides service to the entire county, it is noted that station WCMC, Wildwood, could do so by an improvement in its present facilities. Also, station WWOC, Avalon, serves most of the county (except Cape May Point (pop. 204)) and a portion of Cape May City, and the proposed class A station for Cape May Court House (channel 288A), depending on the transmitter site, could serve the entire county. While we recognize that Cape May County has undergone considerable growth in recent years it has not been shown that radio service is inadequate to meet the county's needs. Triplett cites Cape Charles, Va., supra, for the proposition that available frequencies should be assigned if unavailable to any other qualified community. However, in that case, the basis for assigning a class B channel to Cape Charles was the need for area-wide coverage stations in the Delmarva peninsula where there are few population centers. This consideration is not present in the instant case. Accordingly, the request to assign channel 225 to Cape May Court House is denied. In addition, we note that the request to assign channel 224A to Snow Hill, Md., has elicited no interest and Triplett has not stated that it is interested in applying for the channel. Thus, that proposal is also denied since it is Commission policy to refuse the assignment of channels where no demand has been shown.⁸

⁵Seashore Broadcasting Corp. notes that if the channel 225 assignment were granted, its own station at Toms River, operating on a first adjacent channel, would be locked into its present transmitter site by the Commission's minimum mileage separation requirements.

⁶See, e.g., Cabool, Mo., 52 FCC 2d 240 (1975).

⁷FCC 2d 672 (1972).

⁸Schulenberg, Tex., 50 FCC 2d 1005 (1975); West Memphis, Ark., 41 FR 44712 (adopted September 28, 1976).

THE SHORE PROPOSAL

7. In its petition, Shore notes that the Commission previously proposed to assign channel 288A to Cape May Court House but since no interest was expressed in the channel, the assignment was denied. It states that but for its expression of interest, the relevant facts have not changed materially since then. Avalon Broadcasting Co. disagrees with the assertion that the situation has not changed, arguing that there is no showing that the assignment is still feasible from a technical standpoint and that a sixth station has commenced operation in Cape May County since that earlier proceeding was terminated. In any event, it contends that the community is well served by broadcast and print media. In reply, Shore argues, in effect, that if Avalon Broadcasting is correct in stating that service from outside sources is sufficient to override the need for local service then the city of Avalon would never have received its channel assignment. Further, in Shore's opinion, there is considerable precedent for the channel assignment as a first local service here. Rather than detail the demographic data of the community, Shore refers us to the showing made by Triplett.

8. We believe that the Shore request for first local service to Cape May Court House, should be pursued. This community is the seat of a growing county and a class A station can provide a valuable service to the residents of the community. In view of the stated willingness of Shore to apply for the channel if assigned, we shall propose the assignment of channel 288A to Cape May Court House.

9. Accordingly, it is proposed to amend § 73.202(b) of the Commission's rules, the FM Table of Assignments, with respect to the city listed below as follows:

City: Cape May Court House, N.J.; proposed channel No. 288A.

10. The Commission's authority to institute rulemaking proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached appendix and are incorporated herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the appendix before a channel will be assigned.

11. Interested parties may file comments on or before August 7, 1978, and reply comments on or before August 28, 1978.

12. *It is ordered*, That the Motion to Accept Supplemental Statement in Support of Counterproposal submitted by Triplett Broadcasting Co., Inc. is denied.

13. *It is further ordered*, That the petition of Triplett Broadcasting Co., Inc. to assign channel 225 to Cape May Court House, N.J., and to assign channel 224A to Snow Hill, Md., is denied.

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and Regulations, as set forth in the notice of proposed rulemaking to which this appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking to which this appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its

present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cutoff procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking to which this appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

Public inspection of filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-16440 Filed 6-13-78; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY
COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

NAME: Flue-Cured Tobacco Advisory Committee.

DATE: June 29, 1978.

PLACE: Tobacco Division, Agricultural Marketing Service, U.S. Department of Agriculture, Laboratory, Room 223, Flue-Cured Tobacco Cooperative Stabilization Corporation, 1306 Annapolis Drive, Raleigh, N.C. 27505.

TIME: 1 p.m.

PURPOSE: To discuss marketing area opening dates and selling schedules for flue-cured tobacco to be sold in each marketing area for the 1978 season. Also, other matters as specified in 7 CFR, Part 29, Subpart G, § 9404.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting should contact Mr. Leonard J. Ford, Acting Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street SW., U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-2567.

Dated: June 8, 1978.

WILLIAM T. MANLEY,
Deputy Administrator,
Marketing Program Operations.
[FR Doc. 78-16368 Filed 6-13-78; 8:45 am]

[3410-11]

Forest Service

NATIONAL FOREST MANAGEMENT ACT
COMMITTEE OF SCIENTISTS

Meeting Cancellation

The Committee of Scientists meeting announced in the FEDERAL REGIS-

TER on May 30, 1978, scheduled in Portland, Oreg., on June 19-21, 1978, has been cancelled.

This meeting will be rescheduled for a later time in July.

Dated: June 7, 1978.

GLENN P. HANEY,
Associate Deputy Chief.
[FR Doc. 78-16369 Filed 6-13-78; 8:45 am]

[3410-16]

Soil Conservation Service

CONNEAUTVILLE FLOOD PREVENTION R.C. &
D. MEASURE, PENNSYLVANIAIntent to Prepare an Environmental Impact
Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Conneautville Flood Prevention R.C. & D. Measure, Crawford County, Pa.

The environmental assessment of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Graham T. Munkittrick, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

The measure concerns a plan for flood prevention. The planned works of improvement includes a single-purpose flood prevention dam and conduit for an adequate outlet through the Borough of Conneautville.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Graham T. Munkittrick, State Conservationist, Soil Conservation Service, Federal Building, 228 Walnut Street, Harrisburg, Pa. 17108, 717-782-2202.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation

and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: June 5, 1978.

JOSEPH W. HAAS,
Assistant Administrator for
Water Resources, Soil Conservation Service.

[FR Doc. 78-16409 Filed 6-13-78; 8:45 am]

[3410-16]

HAMILTON CREEK WATERSHED, TEXAS

Intent To Prepare an Environmental Impact
Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Hamilton Creek Watershed, Burnet County, Tex.

The environmental assessment of this federally assisted action indicates that the project may cause local, regional, or national impacts on the environment. As a result of these findings, Mr. George C. Marks, State Conservationist, has determined that the preparation and review of an environmental impact statement is needed for this project.

The project concerns a plan for flood prevention and watershed protection. The planned works of improvement consist of three floodwater retarding structures.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The SCS invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement.

The draft environmental impact statement will be developed by Mr. George C. Marks, State Conservationist, Soil Conservation Service, W. R. Poage Federal Building, 101 South Main Street, Temple, Tex. 76701; 817-774-1255.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Pub. L. 83-566, 16 U.S.C. 1001-1008.)

Dated: June 5, 1978.

JOSEPH W. HAAS,
Assistant Administrator for
Water Resources, Soil Con-
servation Service, U.S. Depart-
ment of Agriculture.

[FR Doc. 78-16410 Filed 6-13-78; 8:45 am]

[3410-16]

JOHNSON LAKE PUBLIC WATER-BASED RECREATION R.C. & D. MEASURE, INDIANA

Intent Not to Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Johnson Lake Public Water-Based Recreation R.C. & D. Measure, Jefferson County, Ind.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Buell M. Ferguson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for public water-based recreation. The planned works of improvement include lake reconstruction and the development of water-based recreation facilities. Facilities planned are: shelter houses, playground equipment, associated facilities, and 6 acres of recreation area planting.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Buell M. Ferguson, State Conservationist, Soil Conservation Service, Atkinson Square-West, Suite 2200, 5610 Crawfordville Road, Indianapolis, Ind. 46224, 317-269-6515. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 14, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: June 5, 1978.

JOSEPH W. HAAS,
Assistant Administrator for
Water Resources, Soil Con-
servation Service.

[FR Doc. 78-16412 Filed 6-13-78; 8:45 am]

[3410-16]

LITTLE WALNUT CREEK WATERSHED PROJECT, INDIANA

Intent to Not Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Little Walnut Creek Watershed project, Putnam and Parke Counties, Ind.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Buell M. Ferguson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement remaining include installation of recreation facilities at the previously constructed multiple-purpose structure.

The notice of intent to not prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, 5610 Crawfordville Road, Indianapolis, Ind. 46224, 317-269-3785. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal is available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until July 14, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83-566, 16 U.S.C. 1001-1008.)

Dated June 5, 1978.

JOSEPH W. HAAS,
Assistant Administrator for
Water Resources, Soil Con-
servation Service, U.S. Depart-
ment of Agriculture.

[FR Doc. 78-16414 Filed 6-13-78; 8:45 am]

[3410-16]

ROSE GAFFNEY SCHOOL LAND DRAINAGE R.C. & D. MEASURE, MAINE

Intent Not to Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Rose Gaffney School Land Drainage R.C. & D. Measure, Washington County, Maine.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Warwick M. Tinsley, Jr., State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for providing surface water control for the Rose Gaffney School property. The planned works of improvement include a grassed waterway and vegetative stabilization of disturbed areas.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Warwick M. Tinsley, Jr., State Conservationist, Soil Conservation Service, USDA Building, Orono, Maine 04473, 207-866-2132. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 14, 1978.

(Catalog of Federal Domestic Assistance program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: June 5, 1978.

[FR Doc. 78-16411 Filed 6-12-78; 8:45 am]

[3410-16]

FORT STANTON FARM IRRIGATION R.C. & D. MEASURE, NEW MEXICO

Intent Not to Prepare an Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of

1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Fort Stanton Farm Irrigation R.C. & D. Measure, Lincoln County, N. Mex.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. A. W. Hamelstrom, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for rehabilitation of the irrigation system on the Fort Stanton State Hospital and Training School farm. The present system utilizes water diverted from the Rio Bonito and earthen ditches. The proposed plan calls for the drilling of a well and approximately 3,300 feet of plastic irrigation pipe. The end result of both systems is flood prevention.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. A. W. Hamelstrom, State Conservationist, Soil Conservation Service, 517 Gold Avenue SW., Albuquerque, N. Mex. 87103, 505-766-3277. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until July 14, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: June 5, 1978.

[FR Doc. 78-16413 Filed 6-13-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket No. 31633; Order 78-6-10]

ALLEGHENY AIRLINES, INC.

Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of June 1978.

Allegheny Airlines has filed a petition for reconsideration of Order 78-2-

79, which dismissed without prejudice its application for exemption authority to operate a maximum of two daily round-trips between Cleveland, Ohio, and Rochester, N.Y.

In support of its reconsideration petition, Allegheny asserts that the Board has been granting permissive route authority without traditionally required financial information and has awarded authority by show-cause procedures where less economic data have been supplied than have been here; and that the Board should either grant it an exemption or process its application by show-cause procedures.

American Airlines answered in opposition to Allegheny's petition. It states that the recent Board decisions granting permissive awards in subpart A and subpart M proceedings provide no excuse for not complying with the regulations concerning exemption applications; that the rules require that more than financial information be filed; that, under section 416 of the act, exemptions are to be granted only in certain circumstances; that the circumstances surrounding the show-cause proceedings referred to by Allegheny are different from these; and that show-cause procedures are not proper here because of the competitive implications of the application.

We have decided to grant Allegheny's petition for reconsideration and to remove its one-stop restriction in the Cleveland-Rochester market by the use of show-cause procedures. Our original decision to dismiss the exemption application because it did not include the information required by section 302.402(c) of the Board's regulations was correct, and even Allegheny in its reconsideration petition states that it recognizes that it has not supplied all of the data required by the regulations. Upon review of the original application, however, we have determined that enough data have been supplied to support the use here of show-cause procedures to amend Allegheny's certificate. Furthermore, we favor the certificate amendment route rather than merely exemption. Certification is the norm under the act and results in permanent authority. We therefore tentatively conclude that the public convenience and necessity require the removal of Allegheny's one-stop restriction in the Cleveland-Rochester market. We also tentatively conclude that a hearing is not necessary. No competing applications have been filed, and only American objects to the restriction removal. Our conclusions are supported by the tentative findings below.¹

¹We further tentatively find that Allegheny is a citizen of the United States within the meaning of the act, and is fit, willing, and able to perform properly the transportation proposed here and to conform to the

The Cleveland-Rochester market generated 31,110 O&D plus connecting passengers during the year ended September 30, 1977.² Service consists of American's one daily nonstop flight in each direction, Allegheny's daily one-stop flight eastbound, and Allegheny's nonstop connecting flights at Buffalo.³ Despite its inferior authority, Allegheny has a market share of 38 percent.⁴ Allegheny proposes to operate a maximum of two daily nonstop round trips. Under these circumstances, we believe that the public convenience and necessity require the removal of Allegheny's one-stop restriction and the grant to it of permissive nonstop authority.

American objects that the competitive implications of the application disqualify it from show-cause procedures, that Allegheny has failed to show that there is a need for additional Cleveland-Rochester nonstop service, and that American's low load factors indicate that such service would be uneconomic. We see no reason to retain Allegheny's stop restriction on the basis of these objections. We have long believed that such restrictions are inherently wasteful and inconvenient for the traveling public, and should be removed unless there are affirmative reasons for retaining them.

The fact that additional nonstop service may be uneconomic does not dissuade us from our decision. We need not find that the proposed operations will be profitable in order to find that they will be in the public interest. As we have stated before, it is up to the carrier's management, responding to market forces, to determine the level of service most profitable for it, the carrier.⁵ Since Allegheny's authority will be permissive, it will be able to discontinue nonstop service if it finds it uneconomic. We also do not believe that the authorization of a second carrier will result in either conducting uneconomic operations. In fact, it may actually stimulate the market through the introduction of competitive service benefits such as lower fares and new price/quality options. Even the threat of the entrance of a competitor may benefit the public by encouraging the incumbent carrier to provide better service.

Allegheny has requested a waiver of the requirement to file an environmental evaluation. However, its application contains insufficient information upon which to make a finding concerning the environmental effect. We will therefore require the carrier to submit an environmental evaluation

provision of the act and the Board's rules, regulations and requirements.

²Tables 8 and 10, CAB O&D survey.

³OAG, May 1, 1978.

⁴Table 10, CAB O&D survey, year ended September 30, 1977.

⁵Buffalo-St. Louis subpart M Proceeding, Order 77-4-25, April 6, 1977.

of its proposed service within the time period given interested persons' for comment.

Interested persons will be given 30 days following the date of this order to show cause why the tentative findings and conclusions set forth here should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If a full evidentiary hearing is requested, the objector should state in detail what he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. Allegheny Airlines' petition for reconsideration in order 78-2-79 in docket 31633 be granted;

2. All interested persons are directed to show cause why the Board should not make final the tentative findings and conclusions stated here and amend the certificate of public convenience and necessity of Allegheny Airlines for Route 97 so as to remove its one-stop restriction in the Cleveland-Rochester market;

3. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth here shall, within 30 days after the service date of this order, file with the Board and serve upon all parties in docket 31633 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; answers to such objections may be filed 10 days thereafter;

4. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

5. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth here; and

6. Allegheny Airlines be directed to file an environmental evaluation pursuant to Part 312 of the Board's Procedural Regulations within 30 days after the date of this order.

This order shall be published in the FEDERAL REGISTER.

*Since provision is made for the filing of objections to this order, petitions for reconsideration will not be entertained.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-16465 Filed 6-13-78; 8:45 am]

[6320-01]

[Docket No. 32741; Order 78-6-48]

FRONTIER AIRLINES, INC.

Order Granting Exemption

Issued under delegated authority June 6, 1978.

By application filed May 25, 1978, Frontier Airlines, Inc. (Frontier) requests an exemption from Order 74-12-109¹ to the extent necessary to permit it to establish a fare between Denver and Cheyenne, Wyo., which matches the fare that will be charged by Rocky Mountain Airways, Inc. (RMA), a commuter air carrier scheduled to operate in this market pursuant to part 298 of the Board's Economic Regulations.

In support of its application, the carrier states that it and Western are the only Board-certificated air carriers currently providing service between Cheyenne and Denver, and its standard class fare is \$26.85; on June 1, 1978, RMA is scheduled to inaugurate service with a standard class fare of \$25.93 between Cheyenne and Denver and that, without the exemption, Frontier will be placed at a competitive disadvantage; it desires to match RMA's fare but is precluded from doing so by the coach fare formula of phase 9 of the Domestic Passenger-Fare Investigation (DPFI) which sets the lowest fare at \$26.85; the Board has in the past granted it an exemption in similar situations;² the Board has explicitly recognized that certificated carriers should be allowed to establish fares below those prescribed by phase 9 to meet competition from non-certificated carriers; the Board has similarly held, in Investigation of Interstate and Intrastate Fares in California and Texas Markets,³ that fares of certificated carriers may be lowered below phase 9 minima to the extent necessary to meet competition from intrastate carriers.

No answer has been filed in opposition to Frontier's application.

Upon review of the statements contained in the application and all other relevant matters we find that enforce-

¹All Members concurred.

²The Board's Opinion and Order on Reconsideration in phase 9 of the Domestic Passenger Fares Investigation, (DPFI) December 27, 1974. In order to be competitive with RMA, Frontier is requesting short-notice permission.

³Orders 78-4-97, April 18, 1978, 78-2-43, February 9, 1978, and 77-1-164, January 31, 1977.

⁴Order 76-7-23, July 7, 1978.

ment of the requirements of phase 9 of the DPFI, insofar as they would prevent Frontier from matching standard class fares offered by RMA between Cheyenne and Denver, would be an undue burden on the carrier by reason of the limited extent of and unusual circumstances affecting its operations and would not be in the public interest.

We believe that granting the requested exemption authority comports with our long-standing policies according the maximum possible pricing flexibility to local service carriers and permitting certificated carriers, generally, to match genuinely competitive fares.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, and 1002, and the authority duly delegated in the Board's Regulations, 14 CFR 385.14(b),

It is ordered, That

1. Frontier Airlines, Inc. is exempted from the requirements of Orders 74-12-109 to the extent necessary to permit it to file tariffs containing fares between Cheyenne, Wyo. and Denver, Colo., matching the published fares of Rocky Mountain Airways, Inc. in this market.

2. To the extent not granted herein, the application in docket 32741 is denied; and

3. A copy of this order be served upon all U.S. certificated air carrier parties in phase 9 of the Domestic Passenger-Fare Investigation⁴ and Rocky Mountain Airways, Inc.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petition within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-16466 Filed 6-13-78; 8:45 am]

[6320-01]

[Docket Nos. 28273; 32709; Order 78-5-127]

FRONTIER AIRLINES, INC.

Order Instituting Investigation Regarding Tucson-San Diego Nonstop Route

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of May 1978.

¹Order 74-12-109, December 27, 1974.

On August 8, 1977, Frontier Airlines filed a motion for immediate hearing on its application in Docket 28273. Although the application included Tucson-Phoenix-San Diego authority, the motion is limited to Tucson-San Diego authority.¹ In support of its application for nonstop authority in the Tucson-San Diego market, Frontier states that: Service by Hughes Airwest and American Airlines has been erratic; there is an insufficient level of service offered by Airwest and American in this market as indicated by the lack of convenient arrival and departure times and the number of passengers who are forced to use connecting rather than single-plane service; it will add three nonstop round trips and provide important beyond-market benefits, particularly in the Albuquerque-San Diego market; and service in the Tucson-San Diego market will reduce its subsidy need by approximately \$580,000.

Answers in support of Frontier's motion were filed by the city and Chamber of Commerce of Albuquerque and the Tucson Airport Authority.²

Answers in opposition to Frontier's motion were filed by Airwest, American, and Trans World Airlines. Airwest contends that the market is receiving sufficient service and that there is no reason to give Frontier's application priority over other applications involving markets with no service and/or substantially more traffic than the San Diego-Tucson market.³ American alleges that: there is no pressing need for a third nonstop carrier in the market, as indicated by American's average nonstop load factor of 48 percent for the year ended July 31, 1977; Frontier, under its service proposal, would experience only a 42-percent load factor, on the basis of its own figures; Frontier's service proposal fails to correct the alleged lack of turnaround service in the market; and Frontier's attempt to prove service deficiencies in the Tucson-San Diego market by reliance on the number of passengers using connecting service is invalid because the figure cited—40 percent—includes both online and interline connecting passengers, the number of in-

¹We will dismiss Frontier's application in Docket 28273 to the extent that it does not conform to the scope of the investigation that we are instituting.

²Albuquerque's answer was accompanied by a motion for leave to file an otherwise unauthorized document which we will grant.

³Airwest's argument that it is waiting action on two motions for immediate hearing is moot. Its applications in Dockets 30550 and 29554 have been incorporated in whole or in part into the *Twin Cities-Las Vegas/Phoenix-San Diego Route Proceeding*, (Docket 31955) and the *Las Vegas-Houston Competitive Service Investigation* (Docket 32152).

terline connecting passengers is decreasing, and the existence of Phoenix as a strong, direct connecting point distinguishes the Tucson-San Diego market from other Tucson and San Diego markets that Frontier cites as having a higher through-to-connecting passenger ratio. Finally, TWA argues that there is a greater need for service in the San Diego-St. Louis/Kansas City markets for which TWA has filed an application and motion for immediate hearing in Docket 30387.⁴

In accordance with Board instructions at the sunshine meeting on February 1, 1978, the Board's Office of Community and Congressional Relations (OCCR), February 24, held a discussion with civic parties and the incumbent carriers concerning service in the Tucson-San Diego market and filed its report on March 13, 1978. OCCR concluded that improved service in the market would only be achieved if provided by a carrier with relatively small capacity equipment and/or a different geographic system than the incumbents.

Answers to OCCR's report were filed by Airwest, Frontier, the Arizona Department of Transportation, the San Diego Chamber of Commerce, and the Tucson Airport Authority. Both the Arizona Department of Transportation and Frontier suggest show cause or other non-oral expedited procedures to permit Frontier to enter the market. San Diego and Tucson urge expedited consideration of Frontier's application. Airwest, on the other hand, restates its opposition to grant of Frontier's motion for immediate hearing on the ground that a third competitor might jeopardize the service it now offers in the market, the increased service it anticipates providing as a result of the award it received in the *Phoenix-Des Moines/Milwaukee Route Proceeding*, and the low fares it plans to inaugurate.

We have decided to institute the *Tucson-San Diego Nonstop Route Investigation*, Docket 32709, to consider the need for additional nonstop service in the Tucson-San Diego market.

In accordance with the policy announced in our order instituting the *Chicago - Albany / Syracuse - Boston Competitive Service Investigation* (Order 77-12-50), the offer or failure to offer lower prices will be taken into account in determining whether the public convenience and necessity require the award of new authority, and, if so, which carrier(s) should be selected. We therefore expect the instituted case to include an examination of the need for and feasibility of various new price/quality options and related

⁴By Order 78-1-132, TWA's application was consolidated into the *St. Louis/Kansas City-San Diego Route Proceeding*, Docket 32061.

issues, as we explained in Order 77-12-50.⁵ We repeat, however, that traditional service benefits, including the benefits of city/pair competition, are important issues which will be weighed with price and price/quality considerations. Moreover, as more fully set out in Order 77-12-50, the parties and the judge should focus on whether any new authority should be permissive, whether multiple awards should be made, whether multiple awards may encourage real price competition, and whether they are consistent with the Federal Aviation Act.

Accordingly, it is ordered, That: 1. The motion for hearing of Frontier Airlines in Docket 28273 be granted;

2. An investigation designated as the *Tucson-San Diego Nonstop Route Investigation*, Docket 32709, be instituted under section 204 of the Act and be set for hearing before an Administrative Law Judge of the Board at a time and place to be designated later;

3. This investigation shall consider whether the public convenience and necessity require that new authority be granted in the Tucson-San Diego market; if so, which air carrier(s) should be authorized; and whether the new or existing authority should be subject to any terms, conditions or limitations;

4. Frontier Airlines' application in Docket 28273 be consolidated to the extent it conforms to the scope of the issues in the proceeding initiated by paragraph 2, above, and be dismissed to the extent it does not conform to the scope of the issues in paragraph 3, above;

5. Any authority awarded in this investigation shall be Class II-subsidy ineligible;

6. The motion of the City and Chamber of Commerce of Albuquerque for leave to file an otherwise unauthorized document be granted;

7. American Airlines, Hughes Airwest, Trans World Airlines, the City and Chamber of Commerce of Albuquerque, the Arizona Department of Transportation, the San Diego Chamber of Commerce, and the Tucson Airport Authority be made parties to this investigation;

8. Applications, amendments to applications, motions to consolidate, and

⁵We are contemplating a change in our direction to the administrative law judges concerning their analysis of low-fare proposals, and we will be issuing a second order shortly discussing that aspect of this case in more detail. Normally, staff components of the Board become parties to proceedings at the time of the instituting order. Because of the need in this case for further expert analysis on this point, no staff component will become a party until we have issued the second order; we see no reason, however, why the staff cannot submit a statement of issues and requests for evidence as required by the administrative law judge.

petitions for reconsideration of the order shall be filed within 20 days from the date of service of this order and answers within 10 days thereafter; and

9. All other carriers filing applications that they seek to have consolidated into the investigation shall file environmental evaluations pursuant to § 312.12 of the Board's regulations within 30 days of the date of service of this order.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,⁷
Secretary.

[FR Doc. 78-16467 Filed 6-13-78; 8:45 am]

[6320-01]

[Docket Nos. 31951, etc.; Order 78-6-59]

PAN AMERICAN WORLD AIRWAYS, INC., ET AL

Order Regarding Suspension Authority

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C. on the 8th day of June 1978.

Application of Pan American World Airways, Inc., for suspension authority. Docket 31951; Application of Eastern Air Lines, Inc., Docket 31947, National Airlines, Inc., Docket 31950, Braniff Airways, Inc., Docket 31991, and Western Air Lines, Inc., Docket 32039, for Florida-Mexico exemption authority; applications of National Airlines, Inc., Docket 31949, Eastern Air Lines, Inc., Docket 31990, Western Air Lines, Inc., Docket 31992, and Braniff Airways, Inc., Docket 32026, for certificate or certificate amendments; Florida-Mexico City Investigation, Docket 32830.

On January 4, 1978, Pan American World Airways filed an application for authority to suspend service at Miami, Tampa, Merida and Mexico City on Segment II and at Merida on Segment I(B)(3)(c)(iii) of Route 136. The carrier states that the markets have insufficient traffic to justify B-747 service and involve shorter stage lengths than are economically feasible with its fleet; that, as a result, it incurred an operating loss of \$4.7 million for the year ended September 30, 1977; that other carriers can achieve reasonable load factors using smaller aircraft without sacrificing any service benefits to the public; and that suspension will allow it to concentrate on its major intercontinental markets where it can best and most efficiently serve the traveling public.

⁶We delegate to the presiding administrative law judge the authority to consolidate by order any applications which conform to the scope of the proceeding.

⁷All Members concurred.

Eastern, National, Braniff and Western have filed both certificate and exemption applications for Florida-Mexico authority in response to Pan American's proposal to suspend service (see Appendix A). The exemption applications of the first three parallel their requests for certificate authority. Specifically, they ask for exemption authority to provide foreign air transportation between Miami and Tampa, on the one hand, and Merida and Mexico City, on the other. Western, however, requests exemption authority only between Miami and Tampa, on the one hand, and Mexico City, on the other. Its certificate amendment application requests authority over both that routing and a separate Miami-Tampa-Merida-Mexico City routing.

In support of their various exemption requests, the applicants state that the withdrawal of Pan American from the Florida-Mexico markets will leave these markets without U.S.-flag service; that they are ready to step in immediately to fill the void; that their service proposals include low fares and meet the needs of the Florida-Mexico markets without causing any adverse impact on any other carrier; and that the *Kodiak* Doctrine¹ is not a bar because there is a compelling need for continued U.S.-flag service. Eastern and Braniff note that they serve three of the points (Miami, Tampa, Mexico City), that they have been recommended by an administrative law judge for Merida authority in the *Houston/New Orleans-Yucatan Route Proceeding*, Docket 29789, and that they are fare innovators. Western notes that it serves both Miami and Mexico City and that expenses of opening a station at Tampa would be minor compared to those which National would incur in opening two stations in Mexico. National, on the other hand, points to its strong identity throughout Florida and argues that a Mexican route is a natural adjunct to its domestic and European authority.

Numerous answers, replies and motions were filed (see Appendix B). The civic parties and the Department of State urge the Board to grant Pan American's suspension and to authorize substitute exemption service. The Tampa Bay Area Parties explicitly support National to provide the replacement service. National and Eastern support Pan American's request and urge their own selection as replacement carrier. Western, in a consolidated answer in opposition to National's and Eastern's exemption applications, states that all the carriers are seeking authority to operate over a new route and that grant of an exemption would prejudice the outcome of

¹*Kodiak Airways, Inc., v. C.A.B.*, 447 F.2d 241 (D.C. Cir. 1971).

any Florida-Mexico certification proceeding; that the facts will not support the necessary statutory findings under section 416(b) of the Act; and that grant of exemption authority to National would violate the *Kodiak* Doctrine.

National filed a motion to dismiss Eastern's exemption application, contending that the application was deficient as it did not contain the data required by section 402 of the Board's Rules of Practice. Eastern filed an answer stating that National's motion is moot as a result of its January 13 supplement which included all the required data.² The U.S. Department of Transportation (DOT) also filed an answer to National's motion to dismiss, urging the Board to suspend Pan American and select a carrier or carriers to provide replacement services, but suggesting that the Board do so through an expedited certificate proceeding rather than the exemption process. If the Board chooses to exercise its exemption powers, DOT urges it to submit the decision to the President for section 801 review.

Replies to the various answers were filed by the carriers.

We have decided to institute the *Florida-Mexico City Investigation*, Docket 32830, to consider the need for U.S.-flag service between Miami and Tampa, on the one hand, and Mexico City, on the other, and the suspension or deletion of Pan American's authority in these markets. We are consolidating for hearing the applications in Dockets 31949 (National), 31990 (Eastern), 31992 (Western) and 32026 (Braniff) to the extent they seek Miami/Tampa-Mexico City authority.³ Under the new civil aviation agreement with Mexico, Pan American's former Miami-Tampa-Merida-Mexico City route has been split into three segments: Route C.2 (Miami/Tampa-Mexico City), Route D.9 (Miami-Merida/Cancun/Cozumel) and Route D.10 (Tampa-Merida/Cancun/Cozumel). In addition, the agreement provides for U.S.-flag service between the Yucatan points and a number of other U.S. cities.⁴ We intend shortly to institute a proceeding to consider U.S.-Yucatan service, to include Miami/Tampa-Merida authority and the suspension or deletion of Pan American's rights in the markets.

The certificate applicants have proposed various discount fares in the

²We will dismiss National's motion in view of Eastern's supplement.

³We will grant Western's motion to consolidate its application in Docket 31992 with National's application in Docket 31949. All persons who filed pleadings in Dockets 31947, 31949, 31950, 31991, and 32039 will be made parties to the certificate proceeding.

⁴Atlanta, Chicago, Cleveland, Dallas/Fort Worth, Detroit, Houston, New Orleans, New York, and Washington/Baltimore.

Miami/Tampa-Mexico City markets. Mexico City is a major tourist destination and, as such, it is particularly price sensitive. We will solicit additional reduced-fare proposals from the applicants. In accordance with the policy announced in our order instituting the *Chicago-Albany/Syracuse-Boston Competitive Service Investigation*, Order 77-12-50, the offer or failure to offer lower prices will be taken into account in determining whether the public convenience and necessity require the award of new authority, and if so, which carrier(s) should be selected. We therefore expect the investigation to include an examination of the need for, and feasibility of, various new price/quality options and related issues, as we explained in Order 77-12-50.⁵ We repeat, however, that traditional service benefits are important issues which will be weighed with price and price/quality considerations.

Western has not submitted sufficient information for us to determine the environmental consequences of its certificate amendment application at this time. Therefore, we will require Western to file the information set forth in Part 312 of the Board's Procedural Regulations. We will allow Western and all other carriers filing applications in this proceeding 30 days from the date of service of this order to file their environmental evaluations.

We also have decided to authorize Pan American to suspend its services on Segment II and at Merida on Segment I of Route 136, and to grant Eastern exemption authority to provide replacement service pending final decision in the proceeding instituted here and the soon-to-be instituted U.S.-Yucatan case.⁶ We take these actions because an investigation will take some time to complete, the incumbent carrier has asked to be relieved of its obligations, and there are willing carriers ready to step in and provide replacement service.

Despite the fact that Pan American pioneered service in the Miami-Merida and Mexico City-Florida markets and has made substantial contributions to their development, now it is faced with unacceptable operating losses. It states that these services accounted for \$4.7

⁵We are contemplating a change in our direction to the administrative law judges concerning their analysis of low-fare proposals, and we will be issuing a second order shortly discussing that aspect of this case in more detail.

⁶Pan American now possesses suspension authority at Merida over all of Segment I until 60 days after final decision in the *Caribbean Area Service Investigation*, Docket 30697, under the terms of Order 77-4-27, April 6, 1977. Merida is not in issue in that case, however. The suspension we are granting here supersedes the grant in Order 77-4-27.

million in operating losses for the year ended September 30, 1977. This estimate appears reasonable, and there is no prospect for improved results for Pan American in the near term. Moreover, it has reduced service to one weekly Miami-Merida and two weekly Miami/Tampa-Mexico City round trips. Our failure to act immediately could lead to even greater reductions in Miami/Tampa-Mexico service, creating a further hardship on the traveling and shipping public. Since we will exempt another carrier to provide replacement service, discontinuation of Pan American's service will not result in substantial inconvenience to the public. Under these circumstances, we find that grant of the suspension is in the public interest.

Pan American's Florida-Mexico services were, until recently, the only direct U.S.-flag services between Miami and Tampa, on the one hand, and Mexico, on the other. The Tampa-Mexico City flights, formerly offered on a daily basis, are Tampa's only direct link with Mexico and, pending decision in the *Yucatan* case, the Miami-Merida services are the only U.S.-flag services from any point in the U.S. to the Yucatan. Continuation of these services is vital to the commerce of Miami and Tampa and to the maintenance of the economic balance of the bilateral agreement. It is imperative that there be no interruption in U.S.-flag services in these markets; consequently, we find that there is a compelling need for *pendente lite* exemption authority to replace Pan American.

We agree with the applicants that *Kodiak* is not a bar to granting an exemption. However, the size of the markets⁷ and the practical reality that the United States may designate only one carrier to serve each route agreed on under the U.S.-Mexico bilateral effectively prevent us from granting exemption authority to more than one carrier. The needs of the traveling and shipping public are paramount and force us to choose one of the applicants.

Looking at the various applicants and their proposals, we believe there are arguments that could be made for each one. For example, National could integrate its Florida-Europe and Florida-Mexico services, and Western could complete the last side of its Miami-Los Angeles-Mexico City triangle. In the final analysis, however, we must reach a decision based on short-term factors which will leave us with a maximum flexibility to decide the long-term issues in the route proceeding.

⁷During the year ended September 30, 1977, Pan American only carried 52,780 passengers over its Miami/Tampa-Mexico City sector and 15,358 passengers over its Miami/Merida sector.

National does not serve Mexico and would have to open two stations there and train personnel to staff them. While we do not believe that this would necessarily require a very large, irretrievable commitment of resources, it argues against a temporary award to that carrier. Similarly, Western does not serve Tampa or Merida (and does not in its exemption request propose to serve the latter), so its position is about the same as National's. It would be easier and less expensive for Braniff or Eastern to institute temporary replacement service because each has existing stations at Miami, Tampa and Mexico City. We find that granting authority to Eastern will be more compatible with meeting the objectives discussed above.

Eastern's service proposal, equipment mix and comprehensive discount-fare package appear to offer excellent consumer benefits. But more important, Eastern has a far greater identity at Miami, Tampa and Mexico City than Braniff has.⁸ It is also a significant participant in the O&D traffic in these markets, accounting for the largest share of revenue passenger-miles after Pan American of any of the U.S.-flag carriers during 1976. This is the decisive factor in our selection of Eastern here. The problem with selecting one of several applicants for an exemption pending the outcome of a route proceeding is that its investment under the exemption may sway the Board to prefer it at the time of decision. The Board has consistently taken the view that it will not take exemption operations into account in deciding certification cases. So it is here. Moreover, in this case, Eastern already has significant historic participation and operates at three of the points,⁹ so its selection for temporary authority is least likely to have an influence, however unconscious, on the ultimate selection of a carrier in the route proceedings. We emphasize that the question of an award of Florida-Mexico authority to any carrier is not being decided here, nor is the question of carrier selection for such service. The *Florida-Mexico City* proceeding and the U.S.-Yucatan case remain the proper forums for dealing with the various certificate applications. In the interim, the public interest will best be served by suspending Pan American, authorizing Eastern to provide replacement service and denying the other exemption applications. As noted, our grant

⁸Enplan passengers, December 31, 1976—Miami (Braniff, 303,970; Eastern, 2,773,936), Tampa (Braniff, 97,309; Eastern, 772,858), and Mexico City (Braniff, 62,461; Eastern, 101,487).

⁹On May 12, 1978, the Board voted to recommend to the President an award to Eastern of authority to serve the fourth point, Merida, in the *Houston/New Orleans-Yucatan Route Proceeding*, Docket 2978.

of an exemption is motivated solely by the need for effective measures to assure dependable scheduled service to Mexico to the thousands of passengers who now use Miami or Tampa.¹⁰

The exemption authority granted to eastern is of limited extent in terms of scope and duration. To require it to undergo a certificate proceeding first to perform the daily Miami/Tampa-Mexico City round trip and the less than daily Miami-Merida round trip would have the practical effect of precluding the proposed operations, thus depriving the public of needed service. Accordingly, we find that enforcement of section 401 of the Act and the terms, conditions, and limitations of Eastern's certificate for Route 131, to the extent that they would otherwise prevent it from providing the services authorized, would be an undue burden on the carrier by reason of the limited extent of its operations, and would not be in the public interest.¹¹

Accordingly, it is ordered, That:

1. The Florida-Mexico City Investigation, Docket 32830, be instituted under section 204 of the Act and set for hearing before an administrative law judge of the Board, at a time and place to be designated later;

2. The investigation instituted in paragraph 1, above, shall consider the following issues:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in foreign air transportation between Miami and Tampa, Fla., on the one hand, and Mexico City, on the other;

(b) If the answer to (a) is affirmative, in whole or in part, which air carrier(s) should be authorized and should the authority be subject to any terms, conditions, or limitations;

(c) Should Pan American's authority between Miami/Tampa and Mexico City be suspended or deleted;

3. Any authority awarded in this investigation shall be ineligible for subsidy;

¹⁰Further, we wish to comment on DOT's suggestion that any exemption grant be submitted to the President under section 801 of the Act. Its approach raises legal problems and is unnecessary to protect the President's foreign policy interests. The courts have determined that exemptions under section 416(b) are not subject to presidential review. *Northwest Airlines, Inc. v. C.A.B.*, 539 F.2d 749 (D.C. Cir. 1976). Moreover, the authority we are granting is quite limited in extent and time. The President will, of course, have the opportunity to review the Board's actions in the certificate cases.

¹¹On review of the environmental evaluations submitted by Eastern and Pan American in their applications, to which no answers were filed, we find that our decision does not constitute a major Federal Action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

4. The applications of National Airlines (Docket 31949), Eastern Air Lines (Docket 31990), Western Air Lines (Docket 31992), and Braniff Airways (Docket 32026) be consolidated into the investigation instituted by paragraph 1, above, to the extent consistent with its scope; and to the extent not consolidated, they be dismissed;

5. The motion of Western Air Lines to consolidate Docket 31992 with Docket 31949 be granted;

6. The Tampa Bay Parties, Dade County and the Greater Miami Traffic Association, the U.S. Department of State, Pan American and the U.S. Department of Transportation be made parties to this investigation;

7. The authority of Pan American World Airways to serve Miami, Tampa and Mexico City on Segment II of Route 136 be suspended under section 401(j) until 90 days after final decision in Docket 32830;

8. The authority of Pan American World Airways to serve Merida on Segments I and II of Route 136 be suspended under section 401(j) until 90 days after decision in an investigation to be instituted on U.S.-Yucatan service;

9. The applications of National Airlines (Docket 31950), Braniff Airways (Docket 31991) and Western Air Lines (Docket 32039) for exemption authority be denied;

10. Eastern Air Lines be exempted from section 401 of the Act and the terms, conditions, and limitations of its certificate for Route 131 to the extent necessary to permit it to provide foreign air transportation between Miami and Tampa, Fla., on the one hand, and Mexico City, on the other, until 90 days after final decision in Docket 32830, and between Miami and Tampa, Fla., on the one hand, and Merida, on the other, until 90 days after final decision in an investigation to be instituted on U.S.-Yucatan service;

11. The motion of National Airlines to dismiss Eastern's exemption application, in Docket 31947, be dismissed;

12. The motions of the Department of State and Eastern Air Lines, in Dockets 31947, 31950, 31951, and 31991, to file late or otherwise unauthorized documents be granted;

13. The motion of the Miami Parties for immediate action, in Dockets 31947, 31950, 31951, 31991, and 32039, be granted;

14. The authority granted above shall be effective on the date of adoption of this order;

15. Western Air Lines and all other carriers filing applications in this proceeding shall file environmental evaluations under § 312.12 of the Board's Procedural Regulations within 30 days of the date of service of this order;

16. Applications, motions to consolidate and petitions for reconsideration

of this order shall be filed within 20 days of the date of service of this order and responsive answers shall be filed within 10 days later; and

17. This order may be amended or revoked in the discretion of the Board without hearing.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,¹²
Secretary.

[FR Doc. 78-16468 Filed 6-13-78; 8:45 am]

[3510-03]

DEPARTMENT OF COMMERCE

Maritime Administration

(Docket No. S-614)

APOLLO MARINE CO. AND ARTEMIS MARINE CO.

Notice of Application

Notice is hereby given that applications dated May 9, 1978, have been filed under the Merchant Marine Act, 1936, as amended (the Act), for operating-differential subsidy (ODS) with respect to the operation of two Catag OBO vessels for service in the U.S. foreign trade. The applicants intend to operate the vessels in both the domestic and foreign trade (including foreign-to-foreign trading) in the carriage of both liquid and dry bulk cargo. The applicants have requested ODS on a standby basis to cover only that period during which the vessels are in the foreign trade.

Inasmuch as companies affiliated with the applicants own vessels operating in the domestic, intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Act will be required if their applications for operating-differential subsidy are to be granted, and the applicants have requested such permission.

Amherst Shipping Co., Inc.; Kingston Shipping Co., Inc.; Bolton Shipping Co., Inc., and Colby Shipping Co., Inc., companies affiliated with the applicants, own the *St. Aries*, *St. Capricorn*, *St. Pisco* and *St. Virgo*, respectively, each of which is operated in the domestic trade. In addition, Judge Oil Transport, Inc., an affiliate of the limited partners in Worth Oil Transport Co. (which is affiliated with the applicants) operates a barge in the coastwise trade.

The applicants have also requested written permission under section 805(a) of the Act to operate their respective vessels in the domestic, coastwise, and/or intercoastal service periodically.

Any person, firm, or corporation having any interest (within the mean-

¹²All Members concurred.

3. Name and Number of Animals:

Ribbon seal (<i>Halpriophoca fasciata</i>)	100
Harbor seal (<i>Phoca vitulina</i>)	200
Ringed seal (<i>Pusa hispida</i>)	350
Bearded seal (<i>Erignathus barbatus</i>)	100
Walrus (<i>Odobenus rosmarus</i>)	200

4. Type of Activity: To kill in the wild for the purpose of studying the biology and distribution (morphometry, age, characteristics, and reproduction) of the species. The project is in accordance with the 1972 Agreement on Environmental Protection between the USSR and the USA.

5. Location of Activity: D Chukchi Sea, U.S. Fishery Zone.

6. Period of Activity: 1 year.

Concurrent with the publication of this notice in the Federal Register the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on that portion of this application dealing with pinnipeds other than walrus should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before July 14, 1978. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. Comments, views or requests for a public hearing on that portion of this application dealing with walrus should be submitted to the Director, Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service or the Fish and Wildlife Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C.
Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802; and
Director, Fish and Wildlife Service, 18th and C Streets NW., Washington, D.C.

Dated: June 8, 1978.

ROLAND F. SMITH,
Acting Assistant Director
for Fisheries Management.

[FR Doc. 78-16325 Filed 6-13-78; 8:45 am]

[3510-17]

Office of the Secretary

CENSUS ADVISORY COMMITTEE ON THE ASIAN AND PACIFIC AMERICANS POPULATION FOR THE 1980 CENSUS

Notice of Renewal

In accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), and Office of Management and Budget Circular A-63 (revised), and after consultation with GSA, it has been determined that the renewal of the Census Advisory Committee on the Asian and Pacific Americans Population for the 1980 Census is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee was first established in June 1976, with an initial termination date in June 1978. Its purpose is to provide an organized and continuing channel of communications between the Asian and Pacific Americans Population and the Bureau of the Census on problems and opportunities of the Twentieth Decennial Census as they relate to the Asian and Pacific Americans population of the United States. Major efforts to improve decennial census data are necessary since such data are widely used for such critical matters as legislative apportionment, allocation of government funds, and public and private program planning.

Having an established channel of communication has been helpful to the Census Bureau in its efforts to develop the procedures and techniques which are expected to result in a reduction in the undercount of the Asian and Pacific Americans population. To the extent that these efforts are successful, there will be direct and substantial gains to the Asian and Pacific Americans population.

The Committee will continue to draw on the knowledge and expertise of its members to provide advice during the planning of the 1980 Census of Population and Housing on such elements as improving the accuracy of the population count, recommending subject content and tabulations of special use to the Asian and Pacific Americans population, expanding the dissemination of census results among present and potential users of census data in the Asian and Pacific Americans community, and generally maximizing the usefulness of the census product.

The Committee will consist of 21 members appointed from among a broad spectrum of community leaders. The Committee will report and be responsible to the Director, Bureau of the Census. The Committee will function solely as an advisory body, and in compliance with the Federal Advisory

Committee Act, as amended, and Office of Management and Budget Circular A-63 (revised).

Copies of the Committee's revised charter will be filed with appropriate Committees of Congress and with the Library of Congress.

Inquiries or comments may be addressed to the Committee Control Officer, Mr. Clifton S. Jordan, Decennial Census Division, Bureau of the Census, Room 3779, Federal Building 3, Suitland, Md. 20233, telephone 301-763-5169.

Dated: June 7, 1978.

GUY W. CHAMBERLIN, Jr.,
Assistant Secretary
for Administration.

[FR Doc. 78-16464 Filed 6-13-78; 8:45 am]

[3510-17]

CENSUS ADVISORY COMMITTEE ON THE BLACK POPULATION FOR THE 1980 CENSUS

Notice of Renewal

In accordance with the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), and Office of Management and Budget Circular A-63 (revised), and after consultation with GSA, it has been determined that the renewal of the Census Advisory Committee on the Black Population for the 1980 Census is in the public interest in connection with the performance of duties imposed on the Department by law.

The Committee was first established in September 1974, with an initial termination date in June 1976, and renewed for a 2-year period ending in June 1978. Its purpose is to provide an organized and continuing channel of communication between the black population and the Bureau of the Census on problems and opportunities of the Twentieth Decennial Census as they relate to the black population of the United States. Major efforts to improve decennial census data are necessary since such data are widely used for such critical matters as legislative apportionment, allocation of government funds, and public and private program planning.

Having an established channel of communication has been helpful to the Census Bureau in its efforts to develop the procedures and techniques which are expected to result in a reduction in the undercount of the black population. To the extent that these efforts are successful, there will be direct and substantial gains to the black population.

The Committee will continue to draw on the knowledge and expertise of its members to provide advice during the planning of the 1980 Census of Population and Housing on such elements as improving the accu-

racy of the population count, recommending subject content and tabulations of especial use to the black population, expanding the dissemination of census results among present and potential users of census data in the black community, and generally maximizing the usefulness of the census product.

The Committee will consist of 21 members appointed from among a broad spectrum of community leaders. The Committee will report and be responsible to the Director, Bureau of the Census. The Committee will function solely as an advisory body, and in compliance with the Federal Advisory Committee Act, as amended, and Office of Management and Budget Circular A-63 (revised).

Copies of the Committee's revised charter will be filed with appropriate Committees of Congress and with the Library of Congress.

Inquiries or comments may be addressed to the Committee Control Officer, Mr. Clifton S. Jordan, Decennial Census Division, Bureau of the Census, Room 3779, Federal Building 3, Suitland, Md. 20233, telephone 301-763-5169.

Dated: June 7, 1978.

GUY W. CHAMBERLIN, Jr.,
Assistant Secretary
for Administration.

[FR Doc. 78-16463 Filed 6-13-78; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN VISAED COTTON APPAREL FROM INDIA

Additional Import Controls

JUNE 9, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Controlling cotton apparel in Category 335 (visaed cotton women's, girls' and infants' coats) during the twelve-month period which began on January 1, 1978. (A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421) and March 3, 1978 (43 FR 8828).)

SUMMARY: Under the terms of paragraph 14 of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India, the Government of the United States has decided to control imports of visaed cotton apparel in Category 335, produced or manufactured in India and exported to the United States during the

twelve-month period which began on January 1, 1978, in addition to those categories previously designated (See 43 FR 4451).

EFFECTIVE DATE: June 12, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

SUPPLEMENTARY INFORMATION: On February 2, 1978, there was published in the FEDERAL REGISTER (43 FR 4451) a letter dated January 27, 1978, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain specified categories of cotton, wool, and man-made fiber textile products, produced or manufactured in India, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1978, and extends through December 31, 1978. In accordance with the terms of the bilateral agreement, the United States Government has decided also to control imports in Category 335 for the agreement year which began on January 1, 1978. Accordingly, there is published below a letter from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that imports in this category be limited to the designated level of restraint. The level has not been adjusted to reflect any imports during the period which began on January 1, 1978. Adjustments will be made to account for imports during the period beginning on January 1, 1978, and extending through the effective date of this action.

RONALD I. LEVIN,
Acting Chairman, Committee for
the Implementation of Textile
Agreements.

JUNE 9, 1978.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive issued to you on January 27, 1978, by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in India.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made

Fiber Textile Agreement of December 30, 1977, as amended, between the Governments of the United States and India; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on June 12, 1978, and for the twelve-month period beginning on January 1, 1978, and extending through December 31, 1978, entry into the United States for consumption, and withdrawal from warehouse for consumption, of cotton textile products in Category 335 (visaed), produced or manufactured in India, in excess of the following level or restraint:

Category and Twelve-Month Level of Restraint¹

335 (visaed)—16,949 dozen

Cotton textile products in the foregoing category which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1977 (43 FR 3421) and March 3, 1978 (43 FR 8828).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of India and with respect to imports of cotton textile products from India have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

RONALD I. LEVIN,
Acting Chairman, Committee for
the Implementation of Textile
Agreements.

[FR Doc. 78-16499 Filed 6-13-78; 8:45 am]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

EXPORTATION OF TRIS-TREATED CHILDREN'S WEARING APPAREL AND OTHER TRIS PRO- DUCTS

Statement of Policy

AGENCY: Consumer Product Safety Commission.

ACTION: Statement of policy.

SUMMARY: In this notice, the Commission states and discusses its enforcement policy concerning the ex-

¹The level of restraint has not been adjusted to account for imports after December 31, 1977.

portation of certain TRIS products that it believes are banned hazardous substances under the Federal Hazardous Substances Act.

DATES: The policy became effective on May 5, 1978.

FOR FURTHER INFORMATION CONTACT:

Alan Shakin, Office of the General Counsel, Consumer Product Safety Commission, Washington, D.C. 20207, telephone 202-634-7770.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Since April 1977 the Commission has taken a number of actions concerning the chemical flame retardant TRIS, and certain products containing TRIS, that it believes are "banned hazardous substances" under the Federal Hazardous Substances Act (FHSA, 15 U.S.C. 1261 et seq.). These actions, as well as some litigation that has resulted from them, are discussed in FEDERAL REGISTER notices dated April 8 (42 FR 18850), June 1 (42 FR 28060), and December 6, 1977 (42 FR 61593 and 61621).

On October 20, 1977 the Commission considered issues relating to the export of the TRIS products that the Commission believes are banned hazardous substances. On May 5, 1978 the Commission reconsidered these issues.

STATEMENT OF POLICY

The Commission's existing policy, based on its interpretation of the FHSA, is that it has authority to prohibit the export of TRIS products which have ever been sold or offered for sale in domestic commerce and which are banned hazardous substances. For the reasons discussed in the December 6 FEDERAL REGISTER statement of policy, the Commission believes that the TRIS products named in the April 8 and June 1 FEDERAL REGISTER notices are "banned hazardous substances" (in the discussion below, these products will be referred to as "TRIS products").

In addition, the Commission has considered the question of when a TRIS product has been sold or offered for sale in domestic commerce, and is thus within the scope of this export policy. In the Commission's view:

(1) If a TRIS product has been sold or offered for sale in domestic commerce in its present form, it would clearly be within the policy. For example, if a TRIS-treated children's garment had been on the shelf of a retail store and was then recalled, it would be included within the policy. Similarly, if a bolt of TRIS-treated fabric intended for use in children's wearing apparel has been sold in domestic commerce, it would be included within the policy.

(2) If a TRIS product has not been sold or offered for sale in domestic commerce in its present form, it would be within the export policy as long as a component which is a TRIS product has been sold or offered for sale in domestic commerce. For example, even if a TRIS-treated children's garment has never left the factory where it was manufactured, it would be included within the policy if one or more of its components that are banned hazardous substances such as TRIS-treated fabric, have been sold or offered for sale in domestic commerce.

Any parties who disagree with the Commission's policy, or with its application to particular products, will have ample opportunity to contest it at a hearing in Federal district court, if and when the Commission files enforcement actions against the products of such parties.

Dated: June 9, 1978.

SADYE E. DUNN,
Acting Secretary, Consumer
Product Safety Commission.

[FR Doc. 78-16437 Filed 6-13-78; 8:45 am]

[3910-01]

DEPARTMENT OF DEFENSE

Department of the Air Force

MOBILE LAND-BASED INTERCONTINENTAL BALLISTIC MISSILE SYSTEM

Intent to Prepare Environmental Impact Statement

JUNE 6, 1978.

This is to advise that, in accordance with the National Environmental Policy Act, Pub. L. 91-190, the United States Air Force intends to prepare an Environmental Impact Statement (EIS) on the Mobile Land-Based Intercontinental Ballistic Missile (ICBM) System known as MX.

In fiscal year 1979, the Air Force plans to submit evaluations of various programs and alternatives for the considerations of the Defense System Acquisition Review Council (DSARC) regarding full-scale development of MX systems, construction and flight testing of prototype systems, and selection of a preferred basing mode. An EIS will be submitted as part of these evaluations. This EIS will in general address the overall MX program and will specifically evaluate the environmental impacts of the above items to be considered and decided upon by the DSARC.

In event that decisions are made to implement these items, subsequent EIS's are planned for future MX decision points regarding such matters as deployment site selection and full scale production and operation.

Anyone desiring to comment on the preparation of the forthcoming EIS

should submit their comments to Dr. Carlos Stern, Deputy for Environment and Safety, SAF/MIQ, Office of the Secretary of the Air Force, Pentagon, Washington, D.C. 20330, telephone 202-697-9297.

FRANKIE S. ESTEP,
Air force Federal Register Liaison Officer, Directorate of Administration.

[FR Doc. 78-16362 Filed 6-13-78; 8:45 am]

[3810-70]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON SSBN SECURITY

Change in Meeting Date

The meeting date for the Defense Science Board Task Force Quarterly Review of SSBN Security Technology Program scheduled for a closed session on June 20, 1978 in the Pentagon, as published in the FEDERAL REGISTER (43 FR 23755), June 1, 1978, has been changed to June 28, 1978. In all other respects the original notice cited above remains the same.

Dated: June 8, 1978.

MAURICE W. ROCHE,
Director, Correspondence and Directives DoD/WHS.

[FR Doc. 78-16370 Filed 6-13-78; 8:45 am]

[3810-70]

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, August 1, 1978; Tuesday, August 8, 1978; Tuesday, August 15, 1978; Tuesday, August 22, 1978; and Tuesday, August 29, 1978, at 9:45 a.m. in Room 1E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Pub. L. 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Pub. L. 92-463, the Federal Advisory Committee Act, meetings may be

closed to the public when they are "concerned with matters listed in section 552b of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency." (5 U.S.C. 552b(c)(2)), and those involving "trade secrets and commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 U.S.C. 552b(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

Dated: June 8, 1978.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

[FR Doc. 78-16371 Filed 6-13-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

CONSERVATION AND SOLAR APPLICATIONS FOOD INDUSTRY ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Food Industry Advisory Committee will meet Wednesday, July 12, 1978, at 9 a.m., in Room 3000A, 12th and Pennsylvania Avenue NW., Washington, D.C.

The Committee was established to provide the Secretary of Energy with recommendations and advice with respect to the development and implementation of policies and programs affecting the food industry.

The agenda for the meeting is as follows:

1. Opening Remarks.
2. Committee Administration.
3. Organization of Committee.
4. Food Industry Advisory Committee Charter.

5. Priority Issues in the Food Industry.

6. Goals and Objectives of the Committee.

7. Assignments and Responsibilities of Committee Membership.

8. Remarks From Floor (10 minute rule).

The meeting is open to the public. The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Georgia Hildreth, Acting Director, Advisory Committee Management, 202-577-9969, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Transcripts of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 2107, DOE, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcripts from the reporter.

Issued at Washington, D.C. on June 9, 1978.

WILLIAM P. DAVIS,
Deputy Director of Administration.

[FR Doc. 78-16361 Filed 6-13-78; 8:45 am]

[3128-01]

CONDUCT OF EMPLOYEES

Waiver Pursuant to Subsection 602(c) of the Department of Energy Organization Act (Pub. L. 95-91)

Subsection 602(c) of the Department of Energy Organization Act (Pub. L. 95-91, hereinafter referred to as the "Act") authorizes the Secretary of Energy to grant waivers from the divestiture requirements of subsection 602(a) of the Act to "supervisory employees" (as defined in subsection 601(a) of the Act) of the Department of Energy who have financial interests in "energy concerns" (as defined in subsection 601(b) of the Act), where exceptional hardship would result.

It has been established to my satisfaction that the interest of the individual "supervisory employee" of the Department of Energy whose name is listed below satisfies the requirements of subsection 602(c) of the Act. Accordingly, I have granted him a waiver from the divestiture provisions of subsection 602(a) of the Act until such time as the entity in which he has an

interest no longer qualifies as an "energy concern" within the meaning of the Act, or until his employment with the Department of Energy terminates, whichever first occurs.

Name and Energy Concern

George M. Crossland—Osage Indian Tribe of Oklahoma.

The employee named above will be directed not to participate personally and substantially, as a Government employee, in any particular matter the outcome of which could have a direct and predictable effect on the energy concern in which he has a financial interest, unless the employee's supervisor and the counselor agree that the financial interest in the particular matter is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect of the employee.

Dated: May 12, 1978.

JAMES R. SCHLESINGER,
Secretary of Energy.

[FR Doc. 78-16439 Filed 6-13-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Project Nos. 2284 and 2834]

CENTRAL MAINE POWER CO.

Application for New License for Constructed Project and Amendment of License

JUNE 2, 1978.

Take notice that applications were filed with the Federal Energy Regulatory Commission by the Central Maine Power Co. (correspondence to: Charles E. Monty, Senior Vice President, Engineering and Production, Central Maine Power Co., Edison Drive, Augusta, Maine 04336; and copy to: Seward B. Brewster, General Counsel, same address) (1) on January 11, 1978, for the proposed Brunswick Hydroelectric Project, FERC No. 2834 and (2) on May 8, 1978, for amendment to the license for the existing Brunswick-Topsham Project No. 2284, on the Androscoggin River in the Towns of Brunswick (Cumberland County) and Topsham (Sagadahoc County), Maine. The proposed Brunswick Project No. 2834 would be built at the site of the existing licensed 2.3 MW Brunswick-Topsham Project, FERC No. 2284. In view of the extensive redevelopment proposed, Applicant is requesting a new 50-year license for Project No. 2834.

Project No. 2284 consists of:

Brunswick—a lower dam comprised of two timber crib overflow sections and a short concrete masonry non-overflow section connecting to the

powerhouse on the right bank; a reservoir, with an area of about 12 acres and normal water surface at elevation 17.4 feet (USGS) contained within the river banks; a powerhouse containing four 483-horsepower turbines connected to three 375-kilowatt generators and one 348-kilowatt generator; step-up transformers; and appurtenant facilities;

Topsham—an upper dam comprised of two concrete and one timber crib sections; two intake sections, one on each shore; a reservoir, with an area of about 300 acres and normal water surface at elevation 39 feet (USGS), extending upstream about 4½ miles; an enclosed concrete flume extending from the left bank intake to a powerhouse containing three 400-horsepower turbines each connected to a 300-kilowatt generator; and overhead circuit to a non-project substation; semi-automatic control equipment; step-up transformer; and appurtenant facilities.

Applicant requests that the license for Project No. 2284 be amended by changing the expiration date of the license from December 31, 1993, to five (5) months after issuance of the new license for Project No. 2834 to allow continued operation of the existing project during initial construction stages of Project No. 2834.

Project No. 2284 would also be subject to Federal takeover under sections 14 and 15 of the Federal Power Act.

The Applicant has calculated that the estimated net investment would amount to \$496,576 as of December 31, 1977. The Applicant estimated severance damages as of December 31, 1977, would amount to \$175,000. The taxes paid by the Applicant for 1977 amounted to \$38,190.48.

Existing project facilities licensed under Project No. 2284 to be retained in the redevelopment for Project No. 2834 consist of: (1) the wood crib dam located between Shad Island and Topsham (The wood crib dam is to be reduced in height to 14.2 feet msl and used as a fish barrier. The remaining portion of the lower dam extending between Shad Island and Brunswick and the integral powerhouse are to be removed); and (2) an existing 3-foot high, 20-foot long concrete fish barrier weir across Granny Hole Stream.

New Project facilities to be constructed as part of Project No. 2834 would consist of: (1) a concrete dam 35 feet high and 605 feet long in the same location as, and replacing, the existing upper dam and powerhouse; (2) a reservoir having a surface area of 300 acres at a normal water surface elevation of 39.4 feet msl and extending 4.5 miles upstream; (3) a powerhouse and intake structure integral with the dam, located adjacent to the Brunswick shoreline, containing a single turbine and generator having an

installed capacity of 12 MW; (4) a fishway adjacent to the new powerhouse; (5) a 21-foot high fish barrier wall between the new dam and Shad Island; and (6) appurtenant facilities. The total cost of the project is estimated at \$13,500,000.

The Applicant proposes to designate lands in the project area for future recreational use when esthetic and water quality conditions improve. Some fishing by boat will continue to be practical from an existing municipal boat launching ramp located 0.4 miles below the U.S. Highway 201 Bridge.

Applicant intends to use all of the power developed at the project in the Applicant's distribution system for sale to its customers.

Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR § 1.8 or § 1.10). All such petitions or protests should be filed on or before July 31, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16399 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. ER78-415]

Duke Power Co.

Proposed Tariff Change

JUNE 7, 1978.

Take notice that Duke Power Co. (Duke) on June 1, 1978, tendered for filing proposed changes in its FPC Electric Service Tariff, Volume Nos. I-VI. Duke indicates that the proposed changes would increase revenues from jurisdictional sales and service by approximately \$15,339,000 based on the twelve-month period ending December 31, 1978.

Duke states that the reasons for the proposed changes are as follows. For the twelve months ending December 31, 1977, Duke earned a rate of return on its wholesale business of only 6.35 percent. Such a rate of return is considered inadequate and will not permit Duke to attract necessary capital on

reasonable terms to provide reliable service to its customers. The rates proposed in this filing would give the Company the opportunity to earn a rate of return more closely approaching that required to attract the necessary capital. Duke proposes an effective date of July 1, 1978.

Copies of the filing were served upon the public utility's jurisdictional customers, the Southeastern Power Administration, the North Carolina Utilities Commission and The Public Service Commission of South Carolina, according to Duke.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16400 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. RP76-148; (PGA78-2)]

GAS GATHERING CORP.

Proposed Change in Rates Under Purchased Gas Adjustment Clause Provision

JUNE 8, 1978.

Take notice that Gas Gathering Corp. (GGC), on May 31, 1978, tendered for filing proposed changes in its F.E.R.C. Gas Tariff providing for increased charges to Transcontinental Gas Pipe Line Corp. (Transco), its sole jurisdictional customer, under GGC's PGA Clause. The proposed changes would increase the rate charged Transco by 28.06652 cents per Mcf over those rates presently in effect. The proposed rates are proposed to be made effective on July 1, 1978.

GGC states that the filing is made to allow it to recover increased current costs of purchased gas, and to permit it to recover the balance of its Unrecovered Purchase Gas Cost Account as of March 31, 1978 through a six-month surcharge.

A copy of the filing has been served upon Transco.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the

Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16401 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. ER78-417]

KENTUCKY UTILITIES CO.

Filing of Increased Rates

JUNE 7, 1978.

Take notice that on June 1, 1978, Kentucky Utilities Co. ("KU") filed an increased rate designated rate WPS-78. KU indicates that the increased rate applies to service to its affiliate Old Dominion Power Co., to Jackson Purchase Electric Cooperative, to Berea College, and to Nicholasville (Sub. No. 3). KU states that a corresponding increase designed to produce the same return was also filed applicable to the City of Paris. KU states that the filing would increase rates to the affected customers by \$7,557,918 on an annual basis. KU states that it has not implemented a wholesale rate increase since 1973 and that the increase is necessary in order to recover the current cost of providing service.

In addition KU states that it has given notice of the filing to its other wholesale customers currently served under what the Commission has determined to be fixed-rate contracts. KU states that it intends to put such other customers on the rate filed herein or superseding rate at such time as the fixed-rate contracts of each individual customer expires.

KU requests an effective date of July 1, 1978.

Any person desiring to be heard in regard to this filing should file a petition to intervene or protest on or before June 19, 1978, with the Federal Energy Regulatory Commission, Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing

to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16402 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. CP78-341]

MICHIGAN WISCONSIN PIPE LINE CO.

Application

JUNE 1, 1978.

Take notice that on May 22, 1978, Michigan Wisconsin Pipe Line Co. (Applicant), One Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP78-341 an application pursuant to section 7(c) of the Natural Gas Act and section 157.7(b) of the regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction during the 12-month period commencing July 13, 1978, and operation of facilities, to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers and other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally coextensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

The application states that the total cost of the proposed facilities would not exceed \$12,000,000, with the cost of no single offshore project exceeding \$2,500,000 and the cost of no single onshore project exceeding \$1,500,000, which cost would be financed with cash on hand.

Any persons desiring to be heard or to make any protest with reference to said application should on or before June 23, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate

action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16403 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. ER78-398]

NORTHERN STATES POWER CO.

Supplement No. 1

JUNE 2, 1978.

Take notice that Northern States Power Co., on May 26, 1978 tendered for filing Supplement No. 1, dated May 15, 1978, to the Municipal Resale and Transmission Service Agreement with the City of Sioux Falls, S. Dak.

Waiver of the Commission's notice requirements is requested to allow for an effective date of May 15, 1978.

Supplement No. 1 provides a second Point of Delivery between the parties in the City of Sioux Falls, according to Northern States.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before June 12, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party

must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16404 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. CP78-348]

NORTHWEST PIPELINE CORP.

Application

JUNE 8, 1978.

Take notice that on May 25, 1978, Northwest Pipeline Corp. (Applicant), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP78-348 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 5,000 Mcf of natural gas per day for Colorado Interstate Gas Co. (CIG), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that CIG has acquired, or otherwise controls, certain natural gas reserves in Garfield County, Colo., which are distant from its existing transmission system, and that in order to make the gas produced from such reserves available to CIG's system, CIG and Applicant have entered into a gas gathering and transportation agreement (Agreement) dated March 16, 1978. Pursuant to the subject agreement, Applicant proposes to provide CIG with a wellhead gathering and transportation service for volumes of natural gas, up to a maximum of 5,000 Mcf per day, which gas CIG would have available from the several wells presently listed in the agreement. Additional wells may be added from time to time, as necessary to provide for the gathering and transportation of future volumes acquired by CIG in the area covered by the agreement, it is asserted.

Applicant proposes to receive the volumes of gas tendered by CIG from the specified wells, and to transport such volumes from the well-heads to various points of delivery on RMNG Gathering Company's (RMNG) South Canyon gathering system. It is indicated that pursuant to a gas purchase, transportation and exchange agreement between Applicant and RMNG, dated February 2, 1977, as amended September 12, 1977 and February 20, 1978, RMNG would, inter alia, receive the above-described volumes delivered by Applicant and would redeliver equivalent volumes to Applicant, less certain volumes which RMNG has the right to purchase from Applicant, at the existing RMNG exchange meter station located on Applicant's main-

line in Mesa County, Colo. Applicant states that it would further transport the subject volumes of gas, on Applicant's mainline system, from the RMNG exchange meter station to the existing point of interconnection between Applicant and CIG in Sweetwater County, Wyo., where Applicant would deliver volumes of gas to CIG which are thermally equivalent to 75 percent of the volumes received by Applicant from CIG hereunder, reduced by CIG's pro rata share of compressor fuel utilized by Applicant in gathering and transporting CIG's gas.

It is indicated that Applicant would purchase 25 percent of the volume of gas received from CIG at each well-head, and that the price to be paid by Applicant for the volumes of gas so purchased would be equal to the price then paid by CIG for such gas, including taxes and other permissible adjustments. The proposed deliveries of natural gas would, to the extent possible, be balanced monthly on a heating value basis, it is said.

Applicant indicates that for the transportation of gas for CIG as described, it proposes to charge CIG a three-part rate as follows:

(1) A gathering rate based on Applicant's cost-of-service attributable to gathering CIG's gas and delivering such gas to the points of interconnection with RMNG's South Canyon gathering system. The initial rate which Applicant would charge CIG for the proposed gathering service is 36.72 cents per Mcf.

(2) A transportation rate based on RMNG's cost-of-service attributable to the transportation of CIG's gas through RMNG's South Canyon gathering system for Applicant's account. As set forth in Applicant's petition to amend in Docket No. CP77-263 being filed concurrently herewith, the initial rate which RMNG would charge Applicant, and consequently Applicant would charge CIG, for the proposed transportation on RMNG's system is 8.0 cents per Mcf.

(3) A mainline transportation rate equal to Applicant's average, rolled-in system transmission cost for all volumes transported by Applicant for CIG's account from the point of interconnection between RMNG and Applicant to the point of redelivery to CIG. The initial rate which Applicant would charge CIG for the proposed mainline transportation service is 16.03 cents per Mcf, which is the rate utilized in settlement of Applicant's most recent general rate filing in Docket No. CP76-115.

Applicant states that it would construct the gathering facilities necessary to connect to RMNG's gathering system each of the wells from which Applicant proposes to gather for CIG pursuant to its budget-type certificate authority granted in Docket No. CP77-507.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16405 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. ER78-408]

NORTHERN INDIANA PUBLIC SERVICE CO.

Filing

JUNE 7, 1978.

Take notice that on May 31, 1978, Northern Indiana Public Service Co. (Northern Indiana) tendered for filing Memorandum No. 70 providing for use of release capacity under the Supplemental Electric Service Agreement between Commonwealth Edison Co. of Indiana, Inc. and Northern Indiana dated as of January 1, 1960, as amended. Northern Indiana proposes an effective date of July 1, 1978.

According to Northern Indiana copies of this filing were served upon Commonwealth Edison Co. of Indiana, Inc. and the Public Service Commission of Indiana.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16372 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. RP76-158]

NORTH PENN GAS CO.

Proposed Changes in FERC Gas Tariff

JUNE 7, 1978.

Take notice that North Penn Gas Co. (North Penn) on May 31, 1978, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1, pursuant to Article II of the Settlement Agreement of March 3, 1978 and ordering paragraph No. (4) of the Federal Energy Regulatory Commission's (Commission) Letter Order dated May 11, 1978 at Docket No. RP76-158.

North Penn states that Second Substitute Fifty-Fourth Revised Sheet No. PGA-1 reflects a Base Tariff Rate of \$1.51462 per Mcf, which is a decrease of \$0.02925 per Mcf from the presently effective Base Tariff Rate \$1.54387 and will result in an annual decrease in jurisdictional revenues of \$404,612 from the increase of \$1,339,790 filed for by North Penn in its original filing of September 30, 1976.

Although North Penn believes no waiver of the Commission's rules and regulations are required in order to permit the proposed tariff sheet to become effective June 1, 1978, should waivers be required, North Penn requests that they be granted. A June 1, 1978 effective date is necessary in order that North Penn may meet in a timely manner the refund and interest obligations specified in Article III of the Settlement Agreement and Ordering Paragraph No. (5) of the Commission's Order.

Copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the

tion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16373 Filed 6-13-78; 8:45 am]

[6740-02]

[Project No. 77]

PACIFIC GAS AND ELECTRIC CO. (POTTER VALLEY PROJECT)

Further Extension of Time

JUNE 6, 1978.

On May 17, 1978, the Forest Service filed a letter requesting an extension of time until July 20, 1978 to file comments on the Draft Environmental Impact Statement (DEIS) in the above-captioned proceeding. A similar request was filed by the State of California for an extension to July 9, 1978. A previous extension had been granted to June 30, 1978 by notice issued May 12, 1978.

Upon consideration, notice is hereby given that an extension of time is granted to and including July 20, 1978 for submitting comments on the DEIS.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16374 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. ER78-410]

PHILADELPHIA ELECTRIC CO. AND
SUSQUEHANNA ELECTRIC CO.

Proposed Tariff Change

JUNE 7, 1978.

Take notice that Philadelphia Electric Co. and Susquehanna Electric Co. (Applicants) on May 31, 1978, tendered for filing proposed changes in electric service provided to Conowingo Power Co. The Applicants indicate that the proposed changes would increase revenues by approximately \$3,177,900.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE.,

Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16375 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. CP76-249]

SOUTHERN NATURAL GAS CO.

Petition To Amend

JUNE 6, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulations adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this proceeding in accordance with the above mentioned authorities.

Take notice that on May 19, 1978, Southern Natural Gas Co. (Petitioner), P.O. Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP78-249 a

petition to amend the order of May 24, 1978 (55 FPC —) issued in the instant docket pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) so as to provide for the transportation of natural gas for Cone Mills Corp. (Cone Mills) and Nabisco, Inc. (Nabisco) for an extended 2-year period, and to provide for an increased in the maximum volume of gas that it is authorized to transport for Cone Mills, all as more fully set forth in the application on file with the Commission and open to public inspection.

It is indicated that pursuant to the order of May 24, 1976, Petitioner was authorized to transport up to 1,875 Mcf of natural gas per day for Cone Mills and up to 1,125 Mcf of natural gas per day for Nabisco for a 2-year period, which transportation commenced on June 24, 1976, and will expire June 24, 1978.

The petition states that Cone Mills and Nabisco have obtained extensions of their gas purchase contracts with Edwin L. Cox, Sam P. Bennett and Alfred Lamson (Sam P. Bennett and Alfred Lamson being successors in interest to Emerald Exploration) and the Dow Chemical Co. for a 2-year period ending June 24, 1980. Such gas would be produced from the Bayou Bouillon Field, Iberville and St. Martin Parishes, La., it is said. It is indicated that Cone Mills has contracted with these same producers to purchase such volumes as may be available and which it may require over and above those provided for in its original gas purchase contracts.

Petitioner states that it, Cone Mills and Nabisco have agreed to maintain in effect their gas transportation agreement for the proposed 2-year period. Consequently, Petitioner requests that the Commission amend the order of May 23, 1976, in the instant docket so as to provide for the transportation service for Cone Mills and Nabisco for an extended period ending June 24, 1978, and to provide for an increase in the maximum volume of gas transported for Cone Mills from 1,875 Mcf per day to 3,000 Mcf per day.

It is indicated that during the first year of the 2-year extension, Cone Mills' purchase price for the first 1,875 Mcf of gas per day from its gas supply in southern Louisiana would \$1.75 per million Btu's and for any volumes exceeding 1,875 Mcf per day up to the maximum of 3,191 Mcf per day the price will be no more than \$1.72 per million Btu's. During the second year of the extended period, the price that Cone Mills will pay for the subject gas would not exceed \$2.25 per million Btu's, it is said.

It is indicated that Nabisco would pay a price during the extended

period, equal to the average of the three highest prices being paid by a pipeline purchaser or purchasers for gas produced in Cameron, Vermillion, St. Martin and Iberville Parishes, La., and sold under contracts which are in existence 90 days prior to the beginning of such additional year and which have a primary term of 2 or more years, *Provided however*, That such price would not exceed the higher of \$2.25 per million Btu's or the highest price established by any governmental authority which is applicable to agreement of this nature.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 27, 1978 filed with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16376 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. RP73-64; (PGA78-1b)]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

JUNE 7, 1978.

Take notice that Southern Natural Gas Co. (Southern), on May 31, 1978, tendered for filing proposed changes to its FPC Gas Tariff, Sixth Revised Volume No. 1, to be effective for the one day of January 1, 1978. Such filing is pursuant to the Commission's Order issued December 30, 1977 in Docket No. RP73-64 (PGA78-1a and DCC78-1a) and reflects amended rates filed by Southern's pipeline supplier, United Gas Pipe Line Co., which is effective for the one day of January 1, 1978. Southern states that upon Commission approval of the revised tariff sheet, Southern will issue approximately \$41,000 of credits to its customers for the one day of January 1, 1978.

Copies of the filing are being served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the

Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16377 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. RP77-32; (PGA No. 78-2)]

SOUTH GEORGIA NATURAL GAS CO.

Revision to Tariff

JUNE 7, 1978.

Take notice that, on May 30, 1978 South Georgia Natural Gas Co. (South Georgia) tendered for filing Seventh Revised Sheet No. 4 to First Revised Volume No. 1 of its FPC Gas Tariff. The proposed changes would increase South Georgia's rates as a result of the following items:

(1) A Current Adjustment, as provided for under its PGA clause, for the purpose of tracking a rate increase filing made by Southern Natural Gas Co. (Southern) on May 16, 1978. South Georgia states that the instant filing will increase South Georgia's jurisdictional rates by \$1,424,974.

(2) A Surcharge Adjustment, as provided for under section 14.3 of the General Terms and Conditions of South Georgia's FPC Gas Tariff, for the purpose of returning the balance which has accumulated in the Unrecovered Purchased Gas Cost Account. The total balance in its Unrecovered Purchased Gas Cost Account of \$(74,178) will be refunded over the estimated sales for the six-month period commencing July 1, 1978 by a Surcharge Adjustment rate of (0.89) cents per MMBtu.

South Georgia is making this filing as provided for in section 14 (Purchased Gas Adjustment) of the General Terms and Conditions of South Georgia's FPC Gas Tariff. Therefore, South Georgia requests this proposed increase to be made effective July 1, 1978, or such other date as the rate increase proposed by Southern is permitted to go into effect.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission,

825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16378 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket Nos. RP77-62 and RP73-114, et al.]

TENNESSEE GAS PIPELINE CO. A DIVISION OF TENNECO INC.

Filing of Revised Tariff Sheets Pursuant to Stipulation and Agreement

JUNE 7, 1978.

Take notice that on May 31, 1978, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), tendered for filing revised tariff sheets to its FERC Gas Tariff, to be effective June 1, 1978, consisting of the following:

NINTH REVISED VOLUME NO. 1

Substitute Twenty-First Revised Sheet Nos. 12A and 12B.

First Revised Sheet No. 213C.

SIXTH REVISED VOLUME NO. 2

Second Revised Sheet No. 141A.

Third Revised Sheet Nos. 246D, 247D, 248D, 249H and 249I.

Fourth Revised Sheet No. 245D.

Fifth Revised Sheet Nos. 76 and 215.

Sixth Revised Sheet Nos. 53, 54 and 77.

Seventh Revised Sheet No. 141.

Ninth Revised Sheet Nos. 11 and 12.

Tennessee states that these tariff sheets reflect the reduced Base Tariff Rates in Docket No. RP77-62 resulting from the Commission's May 1, 1978 letter order approving the Stipulation and Agreement (February 24, 1978) in Docket Nos. RP75-13, et al.

Tennessee also tendered for filing Substitute Twenty-Second Revised Sheet Nos. 12A and 12B and Substitute Alternate Twenty-Second Revised Sheet Nos. 12A and 12B, to be effective July 1, 1978. Tennessee states that these tariff sheets amend its May 19, 1978 filing in Docket Nos. RP73-114, et al. to reflect the reduced Base Tariff Rates in Docket No. RP77-62 described above.

Tennessee states that copies of the filing have been mailed to all its jurisdictional customers and affected State regulatory commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the

Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 20, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16379 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. RP77-141, et al.]

TENNESSEE GAS PIPELINE CO., ET AL

Filing of Settlement Agreement

JUNE 7, 1978.

In the matter of Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Pike Natural Gas Co. and Delta Natural Gas Co.) (Docket No. RP77-141); Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Pike Natural Gas Co. and Delta Natural Gas Co.) (Docket No. RP77-132); Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Pike Natural Gas Co. and Delta Natural Gas Co.) (Docket No. RP77-133-1); Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Springfield Gas System, Springfield, Tenn.) (Docket No. RP77-134).

Take notice that on May 17, 1978, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee) submitted for the Commission's consideration and approval a Settlement Agreement (Agreement) in these proceedings. Tennessee states that, when approved, the Agreement will resolve all outstanding issues in these cases.

Tennessee explains that these cases arose from various pleadings filed with the Commission requesting special treatment under Tennessee's curtailment plan for the small customers on its system. Tennessee notes that the Agreement provides this treatment by (1) exempting Small Customers from daily curtailment; (2) assuring that Curtailment Period Quantity Entitlements (CPQEs) for the Small Customers will not be reduced below their originally announced level if Tennessee changes the CPQEs of its other customers; and (3) Small Customers' originally announced CPQEs may increase to the combined level of their Priority 0, 1, and 2 requirements if Tennessee increases the CPQEs of other customers.

Tennessee also states that the Agreement (1) modifies the grouping

provisions of the Settlement Agreement in Docket No. RP75-50 to assure that a non-qualifying customer does not benefit from the instant agreement; (2) relieves certain parties of payback requirements; and (3) reserves the parties' rights to raise issues concerning rates and storage sprinkling in other proceedings.

Tennessee states that copies of the Agreement have been served on its jurisdictional customers, affected state commissions, parties to these proceedings, and participants in the various settlement conferences, including Commission Staff Counsel.

Since the Agreement is not unanimous, the Commission will provide for the filing of initial and reply comments. Persons opposing the Settlement Agreement shall state if they request a hearing. Further any request for hearings should outline the scope and issues to be heard. Any person desiring to be heard or to protest such Settlement Agreement should file initial comments by June 20, 1978, and reply comments by June 27, 1978, with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. All protests and comments will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any party wishing to become a party must file a petition to intervene in accordance with the Commission's rules; provided, however, that persons that have previously filed a notice or petition for intervention in this proceeding need not file additional notices or petitions to become parties with respect to the instant filing. Copies of this Settlement agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16380 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. CP78-350]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

JUNE 7, 1978.

Take notice that on May 26, 1978, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP78-350 an application pursuant to section 7(c) of the Natural Gas Act and section 2.79 of the Commission's general policy and interpretations (18 CFR 2.79), for a certificate of public convenience and necessity authorizing Applicant to transport up to 645 Mcf of natural gas per day on an interruptible basis for Corning Glass Works

(Corning), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport for a period of two years up to 645 Mcf of natural gas per day (at 14.65 psia) for Corning, an existing industrial customer of the City of Danville, Va. (Danville), one of Applicant's resale customers served under its Rate Schedule CD-2, pursuant to an agreement dated April 10, 1978, among Applicant, Corning, and Danville.

It is stated that Corning has purchased from Driscoll Production Co. (Driscoll) and Tejano Development Co., Inc. (Tejano) up to 645 Mcf of natural gas per day (at 14.65 psia) to be produced in the Benavides Field, Duval County, Tex., and in the Plymouth Field, San Patricio County, Tex., at a price of \$1.90 per million Btu's. The gas would be delivered to Applicant at the inlet side of metering facilities owned and operated by Applicant at a mutually agreeable point in said counties. It is further stated that Applicant would redeliver the transportation volumes to Danville for the account of Corning and Danville would then deliver such natural gas to Corning's Danville plant. Applicant states that no additional facilities would be required to effectuate the transportation service.

Applicant proposes to charge an initial rate of 55.08 cents per dekatherm equivalent of natural gas delivered to Danville for Corning's account and to retain 3.8 percent of the transportation volumes for compressor fuel and line loss make-up.

The application states that the gas is intended for Priority 2 process purposes in the manufacturing of optical glasses which requires precise temperature control, precise flame characteristics, and atmospheric purity.

Applicant asserts he was unable to purchase the subject natural gas supply because of the unwillingness of the producer to sell the gas for resale in the interstate market.

It is stated that Corning's Danville plant is experiencing a total curtailment from its supplier, Danville, because the latter is being curtailed by Applicant. It is asserted that such curtailment would result in a complete shutdown of the plant on or about April 16, 1978, and lead to extensive layoffs and subsequent economic hardship to the respective communities as well as a substantial deleterious ripple effect.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure

(18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16381 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. RP72-133, PGA78-2]

UNITED GAS PIPE LINE CO.

Filing of Revised Tariff Sheet

JUNE 7, 1978.

Take notice that on May 24, 1978, United Gas Pipe Line Co. (United) tendered for filing Forty-Fourth Revised Sheet No. 4 to its FERC Gas Tariff, First Revised Volume No. 1. This tariff sheet and supporting information are being filed 30 days before the effective date of July 1, 1978, pursuant to the Purchased Gas Cost Adjustment provisions set out in section 19 of United's tariff.

Copies of the revised sheet and supporting data are being mailed to United's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure.

dures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 20, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16382 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. RP78-68]

UNITED GAS PIPE LINE CO.

Proposed Changes in FERC Gas Tariff

JUNE 7, 1978.

Take notice that United Gas Pipe Line Co. (United), on May 31, 1978, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2. The proposed changes are based on the twelve-month period ending January 31, 1978, as adjusted, and would increase jurisdictional sales and transportation revenues by \$28,842,293.

United states that the proposed rate increase is necessary to permit it to recover its jurisdictional cost of service for the test period of twelve months ended January 31, 1978, as adjusted. The cost of service reflects increases in all levels of cost, except gas costs which are reflected in the cost of service on the basis of the average unit cost of gas purchased as contained in United's PGA rate change effective January 2, 1978.

Copies of the filing have been served upon United's jurisdictional customers and the public service commission of the states of Alabama, Florida, Louisiana, and Mississippi, and the Texas Railroad Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 22, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with

the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16383 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. RI78-60]

HUBERT K. ELROD, C. DAVID LONG

Petition for Special Relief

JUNE 5, 1978.

Take notice that on May 1, 1978, Hubert K. Elrod and C. David Long (Petitioners), 125 N. Roosevelt, Box 292, Guyton, Okla. 73942 filed a petition for special relief in Docket No. RI78-60 pursuant to section 2.76 of the Commission's General Policy and Interpretations (18 CFR § 2.76) for the sale of gas from the Bacon Gas Well Unit, Sec. 17-3N-15 ECM, Texas County, Okla. to Western Gas Interstate.

Petitioners currently receive 41.84 cents per Mcf and request a rate of 76.188 cents per Mcf for the sale of said gas. Petitioners state that the well is under produced creating a financial hardship on Petitioners who must pay for the rising costs of operating items.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 27, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16384 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. EL78-26]

ANZA ELECTRIC COOPERATIVE, INC.

Application to Establish a New Physical Connection and to Revise Rate Schedule

JUNE 7, 1978.

Take notice that Anza Electric Cooperative, Inc. (Anza) on May 19, 1978, tendered for filing an application requesting that the Commission direct Southern California Edison Co. (Edison) (1) to establish a new delivery point on its existing 33 kv line between

San Juacinto and Idylweld, Calif. from which service can be provided to Anza, and (2) to modify Edison's existing FPC Rate Schedule 19 under which Edison provides electric service to Anza to allow for combined billing for service to Anza from the two delivery points. Anza indicates that these actions are necessary to permit Anza to build and to operate, at its own expense, a new transmission line to its service area which will provide needed additional reliability for its customers.

Any person desiring to be heard or protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.1). All such petitions or protests should be filed on or before June 23, 1978. Protests will be considered by the commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16385 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. ER78-403]

CENTRAL TELEPHONE & UTILITIES CORP.

Filing

JUNE 7, 1978.

Take notice that Central Telephone & Utilities Corp. (CTU) on May 30, 1978, tendered for filing an Addendum dated May 1, 1978, to the contract between Central Telephone & Utilities Corp. and Central Kansas Electric Cooperative, Inc., dated June 27, 1963. (FPC No. 35).

CTU indicates that the Addendum provides for an additional point of delivery in the NE ¼, section 7, T22S, R13W, Stafford County, Kans. CTU further indicates that the delivery voltage of this point of delivery is designated as 115 Kv and the kilowatt capacity is designated as 24,000 Kw.

CTU proposes an effective date of May 1, 1978, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been sent to Central Kansas Electric Cooperative, Inc., and the Utilities Division of the Kansas State Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the

Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16386 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. RP73-65 (PGA78-3)]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in FERC Gas Tariff

JUNE 7, 1978.

Take notice that Columbia Gas Transmission Corp. (Columbia) on May 31, 1978, tendered for filing proposed changes in its FERC Gas Tariff, Original Volume No. 1. The proposed changes to be effective July 1, 1978, provide for a purchased gas adjustment to reflect increased costs of gas purchased from pipeline suppliers of \$60,951,762.

Copies of the filing were served upon the company's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 23, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16387 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. RP72-157]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FERC Gas Tariff

JUNE 7, 1978.

Take notice that Consolidated Gas Supply Corp. (Consolidated) on June 1, 1978 tendered for filing proposed changes in its FERC Gas Tariff, Third Revised Volume No. 1, pursuant to its PGA clause for rates to be effective July 1, 1978. The proposed rate increase would produce approximately \$69.0 million annually in jurisdictional revenues.

Consolidated stated that the PGA filing was made to reflect increased rates of Texas Eastern Transmission Corp. and Tennessee Gas Pipeline Co. (Tennessee), both for effectiveness July 1, 1978. Additionally Tennessee filed alternate rates which reflect the elimination of certain purchases from Tenneco Oil Company which are anticipated to commence in July 1978.

Accordingly, Consolidated included in its filing Alternate Fourth Revised Sheet No. 16. The alternate sheet reflects the alternate rates of Tennessee and would produce \$61.5 million annually in jurisdictional revenues.

Consolidated requests a waiver of any of the Commission's rules and regulations as may be required.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 23, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16388 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. ER78-414]

DELMARVA POWER & LIGHT CO.

Rate Schedule Filing

JUNE 7, 1978.

Take notice that Delmarva Power & Light Co. on May 31, 1978 tendered

for filing revisions in the rates for wholesale electric service to all of its wholesale customers. The proposed effective date for the tariffs filed herein is July 1, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16389 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. ER78-406]

DUKE POWER CO.

Supplement to Electric Power Contract

JUNE 7, 1978.

Take notice that Duke Power Co. (Duke Power) tendered for filing on May 30, 1978 a supplement to the Company's Electric Power Contract with the City of Newberry. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule EPC No. 268.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in contract demand: Delivery Point No. 3, from 5,000 Kw to 8,000 Kw.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of July 19, 1978.

According to Duke Power copies of this filing were mailed to the South Carolina Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure.

dures (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before June 26, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16390 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. ER78-407]

ELECTRIC ENERGY, INC.

Filing

JUNE 7, 1978.

Take notice that on May 30, 1978, Electric Energy, Inc. (EEI) tendered for filing Supplement No. 10 to Rate Schedule FERC No. 8, dated May 11, 1978, and entitled "Fourth Revised Service Schedule B" to the Interim, Supplemental and Surplus Power Agreement, Amendment No. 5. This agreement is between EEI and its Sponsoring Companies: Central Illinois Public Service Co. (CIPS), Illinois Power Co. (IP), Kentucky Utilities Co. (KU), and Union Electric Co. (UE).

EEI further states that Fourth Revised Service Schedule B provides for an increase in the reservation charge for the supply of Supplemental Power by the Sponsoring Companies to EEI. The Company requests that Fourth Revised Service Schedule B be permitted to become effective on July 1, 1978.

According to EEI copies of this filing have been sent to the Missouri Public Service Commission, the Illinois Commerce Commission, and the Kentucky Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16391 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket Nos. RM77-14 and RP71-15]

EAST TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

JUNE 7, 1978.

Take notice that on May 31, 1978 East Tennessee Natural Gas Co. (East Tennessee) tendered for filing Second Substitute Twenty-Sixth Revised Sheet No. 4 to be effective June 1, 1978 and Substitute Twenty-Seventh Revised Sheet No. 4 and Substitute Alternative Twenty-Seventh Revised Sheet No. 4 to be effective July 1, 1978.

East Tennessee states that the sole purpose of these revised tariff sheets is to adjust rates previously filed by East Tennessee to reflect decreased purchased gas costs resulting from a rate decrease filed May 31, 1978, by its sole long-term supplier, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.

East Tennessee further states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 20, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16392 Filed 6-13-78; 8:45 am]

[6740-02]

EASTERN SHORE NATURAL GAS CO.

[Docket No. RP72-134]

Adjustment to Rates and Charges

JUNE 7, 1978.

Take notice that Eastern Shore Natural Gas Co. (Eastern Shore) on May 25, 1978, tendered for filing Substitute Second Revised Sheet No. 5, Superseding Second Revised Sheet No. 5, and Second Revised PGA-1: Substitute Revised Sheets No. 10, 11 and 12, to its FERC Gas Tariff, Original Volume No. 1. These revised Tariff sheets, to

be effective June 1, 1978, will decrease the commodity or delivery charges of Eastern Shore's Rate Schedules CD-1, CD-E, G-1, E-1, and PS-1 by 8.4 cents per dekatherm to reflect credits to Eastern Shore's Account 191 from revenues received for transportation of natural gas pursuant to Order No. 533. The tariff sheets also increase the commodity or delivery charges of Eastern Shore's Rate Schedules CD-1, CD-E, G-1, E-1, I-1, and PS-1 by 0.12 cent per dekatherm to track an increase filed by its pipeline supplier, Transcontinental Gas Pipe Line Corporation, pursuant to the Commission's Opinion No. 11 issued in Docket No. RM77-14 (March 22, 1978).

Copies of this filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 20, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16393 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. ER78-404]

ILLINOIS POWER CO.

Filing

JUNE 7, 1978.

Take notice that on May 30, 1978, Illinois Power Co. (Illinois Power) tendered for filing proposed Modification No. 6, dated April 17, 1978, to the Interconnection Agreement, dated March 30, 1973, between Central Illinois Light Co. and Illinois Power Co.

Illinois Power indicates that this filing is made for an increase Short-Term Firm Capacity, Maintenance Power and Short-Term Non-Firm Power reservation charges and for a return of equivalent Emergency Energy by mutual agreement.

Illinois Power requests an effective date of June 1, 1978, and therefore requests waiver of the Commission's notice requirements.

Illinois Power states that a copy of the filing was served upon Central Illi-

nois Light Co. and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file comments or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16394 Filed 6-13-78; 8:45 am]

[6740-02]

KANSAS GAS AND ELECTRIC CO.

[Docket No. ER78-416]

Proposed Tariff Change

JUNE 7, 1978.

Take notice that Kansas Gas and Electric Co. (KG&E) on June 1, 1978 tendered for filing proposed changes in its FPC Electric Service Tariff No. 48. KG&E indicates that the proposed Amendment changes the maximum and minimum amounts of power at Delivery Point No. 9 and provides for the removal of Delivery Point No. 4 for the Radiant Electric Cooperative, Inc.

KG&E states that the Amendment is necessary because the Cooperative has exceeded the maximum amount of power at Delivery Point No. 9 and is requesting that Delivery Point No. 4 be removed because the load is being transferred to another delivery point.

KG&E requests an effective date of March 10, 1978, and therefore requests waiver of the Commission's notice requirements. Copies of this filing were served on the Radiant Electric Cooperative, Inc., according to KG&E.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this application are of file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16395 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. ES78-39]

MONTANA DAKOTA UTILITIES CO.

Application

JUNE 7, 1978.

Take notice that on May 20, 1978, Montana-Dakota Utilities Co. (Applicant) a corporation organized under the laws of the State of Delaware and qualified to do business in the States of Minnesota, Montana, North Dakota, South Dakota, and Wyoming, with its principal business office at Bismark, N. Dak., filed an application with the Federal Energy Regulatory Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of up to \$40,000,000 of Promissory Notes that will be issued either in the form of ordinary unsecured Promissory Notes or in the form of commercial paper (both forms of Promissory Notes being hereinafter sometimes referred to as the "Notes"). The Notes will be dated as of the respective dates of their issue, which dates will not be later than December 31, 1980, and in no event will any of such Notes be due later than December 31, 1981.

The Notes issued as ordinary unsecured Promissory Notes will be issued to commercial banks and will bear interest at the best rate for bank loans available to comparable companies on the dates such Notes are issued. Such Notes issued directly to the purchasing commercial banks shall be due not more than one year after their respective dates of issue.

The Notes issued in the form of commercial paper will bear interest at the prevailing commercial paper rates for Prime-1 companies in effect on the dates such Notes are issued. Such Notes will be issued in bearer form to A. G. Becker & Co., or other recognized investment bankers in an amount not exceeding \$15,000,000 at any one time and will be issued at a discount which will not be in excess of the discount rate per annum prevailing at the dates of issuance for commercial paper of comparable quality and like maturities. Applicant proposes to sell commercial paper only so long as the discount rate or the effective cost for such commercial paper does not exceed the equivalent cost of borrowings from commercial banks on the date of sales. The commercial paper will have varying maturities of not more than 270 days after the date

of issue and will be issued and sold in varying denominations of not less than \$50,000 and not more than \$1,000,000.

The proceeds from the issuance of the Notes is to provide temporary financing for part of the cost of Applicant's 1978, 1979 and 1980 construction programs.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 19, 1978 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16396 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. ER78-279]

NIAGARA MOHAWK POWER CORP.

Filing

JUNE 7, 1978.

Take notice that Niagara Mohawk Power Corp. (Niagara) on May 25, 1978, tendered for filing, in order to cure the deficiency in the above-noted Docket, the following information: (1) A rate of return computation for Niagara for calendar years 1975, 1976, and 1977; (2) a cross-reference between New York State Public Service Commission Accounts and the accounts established under the Uniform System of Accounts for Public Utilities under the Federal Power Act; (3) the New York State Public Service Commission description of items properly includible in Account 501-Fuel, and (4) the October 31, 1968 agreement among Niagara, Central Hudson and Consolidated Edison Co. of New York, Inc.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 21, 1978. Protests will

be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16397 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Tariff Filing

JUNE 8, 1978.

Take notice that Transcontinental Gas Pipe Line Corp. (Transco) on May 31, 1978, tendered for filing revised tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1 and Original Volume No. 2 to become effective July 1, 1978. Pursuant to the provision contained in its Tariff providing for "tracking" of curtailment credits, Transco proposes to increase its rates effective July 1, 1978 to reflect the balance of credits in the Deferred Account as of April 30, 1978.

Seventh Revised Sheet No. 12 and Sixth Revised Sheet No. 15 to Second Revised Volume No. 1, and Fifteenth Revised Sheet No. 121 to Original Volume No. 2 included in the filing reflect an increase of 0.1 cent in the

commodity rate or delivery charge of the Company's CD, G, OG, E, PS, S-2, and X-20 rate schedules.

The Company states that copies of the filing were mailed to each of the Company's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16407 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. RP73-94 (PGA 78-2)]

VALLEY GAS TRANSMISSION, INC.

PGA Rate Increase

JUNE 7, 1978.

Take notice that on May 31, 1978, Valley Gas Transmission Inc. (Valley),

filed as part of its FERC Gas Tariff, Original Volume No. 1, its proposed Thirteenth revised Sheet No. 2A. The proposed effective date is July 1, 1978.

Valley states that this tariff sheet is filed in order to make certain corrections in its proposed purchased gas charges under the regular operation of its Purchased Gas Cost Adjustment Provision. The proposed changes involve Valley's "Current Surcharge Adjustment" and "Current Gas Cost Adjustment." Such adjustments are supported by computations attached to the filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 21, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16408 Filed 6-13-78; 8:45 am]

[6740-02]

EL PASO NATURAL GAS CO.

[Docket No. CP78-346]

Application

JUNE 8, 1978.

Take notice that on May 24, 1978, El Paso Natural Gas Co. (applicant), P.O. Box 1492, El Paso, Tex. 79978, filed in docket No. CP78-346 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery, on a best efforts basis, of up to 10,000 Mcf of natural gas per day for Natural Gas Pipeline Co. of America (Natural), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Natural has acquired natural gas supplies in the San Juan basin area of New Mexico, which supplies are located in close proximity to applicant's existing field gathering and other related facilities. Natural desires to have such gas delivered to its system and has entered into an agreement dated March 8, 1978, with applicant, whereby Natural would cause the delivery to applicant at one or more specified receipt point(s) of up to 10,000 Mcf of natural gas per day. Applicant proposes to accept, on a best-effort basis, the subject gas, and gather, process and transport such supplies for Natural's account and deliver such gas to Natural, on a best-effort basis, at an existing delivery point in the Lockridge field, Ward County, Tex. The gas redeli-

vered would be an aggregate quantity of natural gas equivalent to 90 percent of the quantity of natural gas received by applicant from Natural at the receipt point(s), it is stated.

Applicant indicates that its undertaking pursuant to the transportation agreement to receive, gather, process, and transport the gas for Natural and to redeliver to Natural equivalent quantities, is predicated on the availability of excess idle capacity in applicant's system. Applicant further indicates that if it becomes necessary or desirable, with Natural's concurrence, to add additional facilities of whatever nature in order to accomplish the purpose of the transportation agreement, Natural would reimburse applicant for the actual cost of such additional facilities, including capital costs, carrying charges and related taxes, and operating costs, if any, not otherwise provided for. Should an imbalance occur between quantities of natural gas received by applicant for the account of Natural and the quantities of natural gas delivered by applicant to Natural, the parties would cooperate to eliminate, as soon as practicable, any such imbalances that may occur from time to time, it is stated.

The application indicates that the proposed transportation is a back-haul or displacement arrangement in that applicant's delivery point to Natural is upstream of the points of receipt of natural gas by applicant. Therefore, applicant is not required physically to transport the quantities of natural gas to Natural and, in effect, can reduce, on an Mcf for Mcf basis, the required

flow in a segment of its pipeline system, it is indicated. Natural would compensate applicant for such back-haul transportation service through the payment of an administrative fee consisting of 1 cent for each Mcf of natural gas delivered by applicant at the delivery point, it is said. It is indicated that Natural would pay applicant, for the gathering and processing of the natural gas received from Natural, the rates in effect and reflected from time to time as the "production area charge—field gathering" and the "production area charge—processing," respectively, which are each set forth on sheet No. 1-D:2 of applicant's FERC gas tariff, third revised volume No. 2 or superseding tariff. The volumes of natural gas to which such production area charges are to apply are those volumes which applicant receives at the receipt point(s) less than 10-percent reduction for shrinkage which results from field gathering and processing operation, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the

proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16417 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket Nos. ER78-292 and ER78-313]

OHIO POWER CO. AND INDIANA & MICHIGAN ELECTRIC CO.

Order Accepting for Filing, Suspending Rate Increase, Waiving Regulations, and Consolidating Proceeding

MAY 26, 1978.

On April 7, 1978, American Electric Power Service Corp. (AEPSCO) on behalf of its affiliates, Indiana & Michigan Electric Co. (I&M), and Ohio Power Co. (OPCO) tendered for filing modification No. 5, dated March 15, 1978, to the interconnection agreement, dated December 12, 1949, among I&M, OPCO, and the Cincinnati Gas & Electric Co. (Cincinnati) designated I&M rate schedule FPC No. 16 and OPCO rate schedule FPC No. 21. Also tendered for filing on April 7 were Cincinnati's certificate of concurrence and certain cost support data.

On April 17, 1978, AEPSCO on behalf of OPCO tendered for filing modification No. 7, dated April 15, 1978, to the facilities and operating agreement, dated September 6, 1962, between OPCO and Duquesne Light Co. (Duquesne), designated as OPCO rate schedule FPC No. 33. Also tendered on April 17 were Duquesne's certificate of concurrence and certain cost support data.

Both the April 7 and April 17 filings by AEPSCO contain proposed new

service schedules amending the aforementioned interconnection agreements and providing for the sale and delivery of conservation energy during an energy emergency among the parties to the subject agreements and further providing for flexibility to permit such transactions with interconnected third-party utilities. AEPSCO states that the filings were made because of the recent coal miners strike which adversely affected the supply of fuel to OPCO, I&M, Cincinnati, Duquesne, and neighboring utilities.

Public notice of AEPSCO's April 7, 1978, filing was issued on April 13, 1978, with comments, protests, or petitions to intervene due on or before April 24, 1978. Public notice of AEPSCO's April 17, 1978, filing was issued on April 22, 1978, with comments, protests, or petitions to intervene due on or before May 8, 1978. No such comments, protests, or petitions were filed.

AEPSCO states that possible energy shortages resulting from the recent coal miners strike and other events beyond the control of the parties may necessitate near-term use of the proposed schedules. Accordingly, pursuant to 18 CFR § 35.11, AEPSCO submits that good cause exists for waiver of notice requirements and requests that the Commission waive its notice requirements and order the proposed conservation schedules to be effective as soon as possible. Proposed schedule E will terminate on February 28, 1979, and proposed schedule G will terminate on April 5, 1979, unless extended by mutual agreement. Neither schedule will take the place of existing schedules.

The proposed conservation schedules provide that parties to the proposed rate schedule modifications may arrange to obtain conservation energy when, in the judgment of the supplying party, such party has the capability and fuel resources to provide the same. The proposed schedules also provide for delivery of conservation energy for periods of 1 or more weeks, with the parties determining the number of megawatts per hour to be supplied, the period of supply, the source and destination of the energy, and the estimated cost of the energy.

AEPSCO asserts that the terms and conditions of the service proposed by its filings are substantially the same as modification No. 10 to the interconnection agreement, dated November 27, 1961, between I&M and Illinois Power Co. (I&M rate schedule FPC No. 23), which was filed on February 24, 1978 (docket No. ER78-229) and similar to the agreement between the Allegheny Power Service Corp.—Pennsylvania, New Jersey, Maryland group

¹Conservation service schedule E (Docket No. ER78-292) and conservation service schedule G (Docket No. ER78-313).

recently filed (Docket Nos. ER78-107, 108, and 109).

To comply with 18 CFR § 35.13(a), AEPSCO states that section 2.1 of proposed schedules E and G provide that the charge for conservation energy is 110 percent of the out-of-pocket replacement cost of generating the energy, plus 5 mills per kilowatt-hour. Section 2.3 of proposed schedules E and G defines the replacement cost of generating the energy as the out-of-pocket cost of generating said energy, plus or minus an adjustment to reflect increases or decreases in the cost of fuel on a Btu basis between the month in which the energy is delivered and the second month after such month of delivery.

AEPSCO states that proposed schedule E provides for transmission service charges excluding transmission losses of 1.1 mills per kilowatt-hour (deliveries to OPCO and I&M) and 1.7 mills per kilowatt-hour (deliveries to Cincinnati) and that proposed schedule G provides for similar charges of 1.4 mills per kilowatt-hour (deliveries to OPCO) and 1.7 mills per kilowatt-hour (deliveries to Duquesne).

To comply with 13 CFR § 35.13 (b), AEPSCO states that "because of the uncertainty of events which might determine the need for conservation energy transfers and because of variable operating restrictions in the event transfers are required, estimates of the transactions and revenues under" the proposed conservation schedules have not been made. Accordingly, AEPSCO requests that, to the extent 18 CFR § 35.13(b) is deemed applicable to the April 7 and April 17 filings, the Commission waive the requirements of such regulation.

AEPSCO's filings of April 7 and April 17 indicate that the recent coal miners strike may have resulted in a weakened ability of the electric utilities, to which the filings relate, to respond to fuel curtailments or similar emergency conditions until fuel stocks are restored to prestrike levels. Transactions to conserve fuel supplies and to avoid threats to reliability of electric service could require the use of the proposed conservation service schedules on relatively short notice. Accordingly, we shall waive 18 CFR § 35.11 notice requirements and accept AEPSCO's submittals for filing in order to assign them early effective dates, as hereinafter ordered and conditioned.

On May 5, 1978, the Commission Secretary advised AEPSCO that its April 7, 1978, filing was deficient regarding the provision of cost-support data. Similarly, on May 17, 1978, the Commission Secretary advised AEPSCO that its April 17, 1978, filing was likewise deficient.² Notwithstanding,

²The cost-support data submitted by AEPSCO in its April 7 and April 17 filings is Footnotes continued on next page

ing, the Commission will waive the filing requirements not yet complied with in order to accept the proposed revised rate schedules for filing. However, we shall require AEPSCO to submit the cost-support data required by our regulations.

The proposed conservation schedules tendered for filing on April 7, 1978, in docket No. ER78-292 and on April 17, 1978, in docket No. ER78-313 have not been shown to be just and reasonable and therefore may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds good cause exists to consolidate docket Nos. ER78-292 and ER78-313. Due to common issues of law and fact, the consolidation of these dockets will save time and expense for all parties.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission accept for filing the proposed rate schedule modifications filed on April 7, 1978, in docket No. ER78-292 and on April 17, 1978, in docket No. ER78-313 by AEPSCO and that such proposed schedules be suspended and their use deferred, all as hereinafter ordered.

(2) Good cause exists to waive the Commission's notice and filing requirements set out in the Commission's rules and regulations.

(3) Good cause exists to consolidate docket Nos. ER78-292 and ER78-313.

The Commission orders: (A) Proposed modification No. 5 filed by AEPSCO on behalf of I&M and OPCO on April 7, 1978, in docket No. ER78-292, is hereby accepted for filing as of April 7, 1978, suspended, and the use thereof deferred until April 8, 1978, when it shall become effective subject to refund.

(B) Proposed modification No. 7 filed by AEPSCO on behalf of OPCO on April 17, 1978, in docket No. ER78-313 is hereby accepted for filing as of April 17, 1978, suspended and the use thereof deferred until April 18, 1978, when it shall become effective subject to refund.

(C) AEPSCO is hereby directed to file the cost support data required by our regulations.

(D) Docket Nos. ER78-292 and ER78-313 are hereby consolidated.

(E) Upon the filing of the cost-support data described in paragraph (C) above, the Commission shall further

Footnotes continued from last page similar to that filed in docket No. ER78-229. Staff is currently reviewing AEPSCO's response to a staff data request in this docket. The cost-support data submitted herein on behalf of Cincinnati and Duquesne is incomplete with respect to 18 CFR § 35.13. A staff data request with respect to the April 7 filing is currently outstanding.

evaluate the filings and shall set a date for a public hearing, should such procedure be appropriate.

(F) Pursuant to the provisions of 18 CFR § 35.11, the notice requirements of 18 CFR § 35.3 are hereby waived. 18 CFR § 35.13 filing requirements not yet complied with are hereby waived.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-16419 Filed 6-13-78; 8:45 am]

[6740-02]

[Docket No. ER78-3421]

FLORIDA POWER & LIGHT CO.

Order Accepting for Filing and Suspending Notice of Cancellation, Granting Intervention, and Establishing Procedures

MAY 31, 1978.

On April 28, 1978, Florida Power & Light Co. (F.P. & L.) tendered for filing pursuant to section 35.15 of the Commission's regulations a notice of cancellation of service under its tariff to the Fort Pierce Utilities Authority (Fort Pierce). The proposed effective date of the cancellation is June 1, 1978. The company indicates that this proposed cancellation of service is in accordance with the terms of the service agreement initiating service to Fort Pierce, filed on March 29, 1978, in docket No. ER78-282.

F.P. & L. states that in its order issued April 28, 1978, the Commission indicated that before service can be terminated under this rate schedule, it must be shown to be consistent with the public interest.

F.P. & L. submits that the termination of the service is in the public interest because:

F.P. & L.'s rate schedule PR has been designed on the basis of the load characteristics of customers which are dependent upon F.P. & L. for a portion of the power supply needed to meet the needs of the consumers whom they serve. In contrast, Fort Pierce is a fully self-sufficient municipal electric system with reserve capacity of more than 90 percent. In addition, Fort Pierce and F.P. & L. have executed a full service interchange agreement pursuant to which they may exchange power and energy under service schedules for economy service, emergency service, and short-term and limited-term firm service.

The notice of the proposed cancellation indicated that petitions to intervene or protests should be filed by May 15, 1978. On that date, Fort Pierce filed a protest, petition to intervene, and request for summary rejection. Fort Pierce argues that F.P. &

L.'s filing is a continuation of its unlawful refusal to sell it wholesale power and its anticompetitive and discriminatory design. It also maintains that F.P. & L.'s intent to terminate service to it on June 1, 1978, is in violation of its current and proposed tariffs. Fort Pierce posits that F.P. & L. has not shown that its proposed termination is lawful.

Fort Pierce states:

At or about 5 p.m. on March 24, 1978 (i.e., immediately after F.P. & L., as cited above, again admitted Fort Pierce's eligibility for service under the current (SR-1 tariff), F.P. & L. delivered to Fort Pierce a new response (docket Nos. ER78-19, et al.) to the request for SR-1 service made by Fort Pierce (through counsel) on March 17, 1978, in Docket Nos. ER78-19, et al. F.P. & L. stated that Fort Pierce's request would be honored, and supplied Fort Pierce with a service agreement. The proposed service agreement, however, provided for the termination of service on June 1, 1978. On March 27, 1978, Fort Pierce accepted the offer of power—but, by written transmittal to F.P. & L., expressly rejected F.P. & L.'s condition that service be terminated on June 1, 1978. As Fort Pierce made clear, it accepted power under the terms of F.P. & L.'s tariff—including the (2-year) notice and (5 year) initial term provisions the tariff contains. (*Denotes where transcript references have been omitted.) (At pages 8-9.)

F.P. & L.'s requested June 1, 1978, termination (after 2 months of service) is directly contrary to the "term provision of both F.P. & L.'s present (SR-1) and proposed (PR) tariff, which states:

"10. Term.

The contract for service with respect to each delivery point shall remain in effect from the date of execution thereof until terminated by either party by giving the other party at least 2 year's written notice, specifying the point or points of delivery where service is to be terminated and specifying the date of termination as to each delivery point; *Provided, however*, The initial term for service at a point of delivery shall not be less than 5 years from the effective date shown on the exhibit A for such point of delivery." (Page 9.)

Fort Pierce requests that:

(1) It be granted intervention in this proceeding;

(2) That the Commission find that F.P. & L.'s proposal to terminate service to Fort Pierce on June 1, 1978, is contrary to F.P. & L.'s tariff and the Federal Power Act and inconsistent with the Commission's April 28, 1978, order in docket No. ER78-282;

(3) That the Commission find that F.P. & L. has not shown that its proposed termination of service is consistent with the public interest;

(4) That F.P. & L.'s request for approval of a June 1, 1978, termination be rejected; and

(5) If the Commission does not summarily reject F.P. & L.'s filing, a 5-month suspension should be ordered.

In the Commission's order of April 28, 1978, in docket No. ER78-282, it declared that any self-executing termi-

nation provision in the service agreement which would effect a termination of service to Fort Pierce was inconsistent with the public interest. The Commission made it clear that before P.P. & L. could terminate service to Fort Pierce it had to file pursuant to section 35.15 of the Commission's regulations, a notice of termination; on April 28, 1978, P.P. & L. so filed. Commission review of P.P. & L.'s notice of cancellation filed herein indicates that the proposed termination has not been shown to be consistent with the public interest and may be unlawful. Consequently, the Commission will suspend P.P. & L.'s notice of cancellation for 5 months and order an expedited hearing to determine if the proposed cancellation of service to Fort Pierce is in the public interest.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of P.P. & L.'s notice of cancellation to Fort Pierce filed on April 28, 1978, and suspend the proposed notice for 5 months.

(2) Participation by Fort Pierce in this proceeding may be in the public interest.

The Commission orders: (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's rules of practice and procedure and the regulations under the Federal Power Act, a hearing shall be held to determine whether P.P. & L.'s proposed cancellation of service to Fort Pierce is consistent with the public interest.

(B) P.P. & L.'s notice of cancellation of service to Fort Pierce is hereby suspended for 5 months.

(C) A presiding administrative law judge to be designated by the chief administrative law judge for that purpose, shall convene a prehearing conference within 20 days of the issuance of this order to establish an expedited procedural schedule that will insure prompt resolution of the issues in this proceeding.

(D) Fort Pierce is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission. *Provided, however,* That participation of Fort Pierce shall be limited to the matters specifically set forth in its petition to intervene; and *Provided, further,* That the admission of Fort Pierce shall not be construed as recognition by the Commission that it might be aggrieved by any orders entered in this proceeding.

(E) The Secretary shall cause prompt publication of this order.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

(FR Doc. 78-16420 Filed 6-13-78; 8:45 am)

[6740-02]

EL PASO NATURAL GAS CO.

(Docket No. RP78-18)

Order Granting Motion To Make Effective Revised Tariff Sheets After Suspension, Motion To Withdraw Tariff Sheets, and Waiver of the Regulations, and Denying Motion To Reject Revised Tariff Sheets

ISSUED MAY 31, 1978.

By order issued December 30, 1977, the Commission accepted for filing and suspended for five months, until June 1, 1978, tariff sheets reflecting a proposed rate increase of \$112 million. Acceptance was subject to a condition that El Paso Natural Gas Co. (El Paso) file revised tariff sheets on or before June 1, 1978, adjusting the rate increase to eliminate costs attributable to facilities not in service on June 1, 1978. Also, the Commission rejected alternative tariff sheets reflecting El Paso's estimate of the maximum cost impact of enactment of the Pearson-Benson deregulation proposal, \$122 million annually, and El Paso's proposal that it be permitted to track in its rates changes in royalty payments and production taxes.

On May 1, 1978, El Paso filed a motion to place in effect on June 1, 1978, the suspended tariff sheets, as revised to include in the proposed base rates a rate increase under the purchase gas adjustment (PGA) provision in El Paso's tariff that was accepted by the Commission and permitted to become effective on April 2, 1978, and a Gas Research Institute (GRI) surcharge of 0.12 cents per Mcf for research, development and demonstration (R.D. & D.) pursuant to Opinion No. 11, issued March 22, 1978, in Docket No. RM77-14. These tariff sheets are shown in Appendix A to this order. El Paso also tendered alternate tariff sheets, shown in Appendix B, reflecting its estimate of additional costs, \$61.6 million annually that would result from enactment of a compromise deregulation proposal; and El Paso again requested that it be permitted to track changes in royalty payments and production taxes. Finally, El Paso stated that all facilities for which costs were reflected in its original filing has been placed in service and therefore that further revision of the proposed rates was not necessary.

Notice of this filing was issued on May 9, 1978, providing for protests or petitions to intervene to be filed on or before May 19, 1978. Arizona Electric Power Cooperative, Inc. (AEP) and the City of Wilcox, Ariz. filed, on May

11, 1978, a joint motion to reject El Paso's motion and the revised tariff sheets. On May 19, 1978, El Paso filed a response to AEP's motion and a notice of partial withdrawal. El Paso moved to withdraw those tariff sheets reflecting deregulation cost increases and its tracking proposal. On May 19, 1978, AEP filed a pleading raising substantially the same issues it raised in its May 11, 1978, pleading and which also requested that the Commission suspend El Paso's revised tariff sheets if AEP's motion to reject is denied. On May 26, 1978, El Paso filed an answer to AEP's May 19, 1978 pleading and on May 30, 1978, AEP filed a reply thereto. These two pleadings raise no arguments that have not already been made in this proceeding.

El Paso will be permitted to make effective subject to refund on June 1, 1978, the rate increase originally accepted and suspended, and to revise the tariff sheets reflecting that increase to include the PGA increase already accepted and suspended for one day by the Commission during the suspension period and the GRI surcharge, upon condition that collection of the surcharge shall be subject to compliance with the requirements stated in any further orders on El Paso's GRI surcharge in Docket No. RM77-14.

Our review of AEP's motion to reject and its request for suspension indicates that they should be denied. The major issues raised by AEP have been mooted by El Paso's motion for partial withdrawal. To the extent not covered by the partial withdrawal or otherwise dealt with by this order, we find that the arguments raised in AEP's pleadings do not represent good cause for rejection or further suspension of El Paso's filing, as revised. AEP is of course free to raise any issues not resolved by this order and by El Paso's partial withdrawal in the evidentiary proceedings in this docket.

Pursuant to section 154.66 of the Regulations, the Commission shall grant special permission El Paso to modify the proposed rates under suspension as it now proposes. The PGA rate increase to be included in the base rates to be effective on June 1, 1978 has already been reviewed by the Commission and permitted to become effective subject to refund on April 2, 1978, by order issued March 31, 1978 in Docket Nos. RP77-18 and RP72-155 (PGA78-1 and AP78-1). Inclusion of this PGA increase within the base rates proposed in this docket will not affect the collection of these charges subject to refund; and this adjustment has been permitted routinely by the Commission. It is also appropriate to allow El Paso to include its GRI surcharge of 0.12 cents per Mcf in the

proposed rates. This amount will be collected subject to an explicit condition that El Paso comply with the terms of any further order on this matter following a review of the claimed costs of R.D. & D. funding to GRI in Docket No. RM77-14.

Finally, AEP suggests that El Paso is attempting to retroactively amend the proposed rates to reflect additional costs attributable to facilities that were not in service when El Paso's original rate tender was made. In the order of December 30, 1977, the Commission granted waiver of section 154.63(e)(2)(ii) and permitted El Paso to include in its proposed rates the costs of certain facilities expected to be in service prior to June 1, 1978, the end of the five month suspension period, upon condition that on or before June 1, 1978, El Paso file revised tariff sheets eliminating the costs of any facilities not in service by June 1, 1978. Because all of the subject facilities have been placed in service, the filing of revised tariff sheets is not required. Further, review of El Paso's filings in this docket indicates that El Paso has not increased the originally proposed rates to include the cost of additional facilities.

The Commission finds: Good cause has been shown to grant special permission to El Paso to revise the tariff sheets accepted for filing in this docket on December 30, 1977, to include increased purchased gas costs and a GRI funding surcharge, to grant El Paso's motion to partially withdraw the tariff sheets tendered in this docket on May 1, 1978, and to permit El Paso to place into effect on June 1, 1978, the revised tariff sheets tendered on May 1, 1978, subject to refund and the condition hereafter ordered.

The Commission orders: (A) El Paso's motion to make effective is hereby granted; and appropriate waiver of the Commission's regulations shall be granted to permit El Paso to make effective on June 1, 1978, the tariff sheets shown in Appendix A to this order, subject to refund and the condition that El Paso shall comply with the terms of any further order of the Commission on its GRI funding surcharge in Docket No. RM77-14.

(B) El Paso's motion to partially withdraw filed on May 19, 1978 in this docket is hereby granted.

(C) AEP's motion to reject, filed on May 11, 1978, and its request for suspension of the filing in its May 19, 1978, pleading in this docket is hereby denied.

By the Commission.

LOIS D. CASHELL,
Acting Secretary.

APPENDIX A

EL PASO NATURAL GAS CO.

The following sheets are included in the instant tender under the tab designated

"Revised Tariff Sheets" and "Alternative Tariff Sheets" and are described by category.

REVISED TARIFF SHEETS

Category I. The following tariff sheets reflect the suspended rates at Docket No. RP77-18, modified to include: (1) the increase in rates authorized in El Paso's PGAC notice of change in rates which became effective on April 2, 1978, and (ii) the GRI R.D. & D. Funding Unit of 0.12 cents per Mcf proposed and expected to become effective on June 1, 1978:

Tariff Volume No. and Sheet Designation

Original volume No. 1, substitute twenty-second revised sheet No. 3-B.
Third revised volume No. 2, substitute twelfth revised sheet No. 1-D.
Original volume No. 2A, substitute fourteenth revised sheet No. 1-C.

Category II. The following tariff sheets contain the surcharge rate applicable to the Rhodes Reservoir Storage operations and reflect the 0.50 cents per Mcf increase in the surcharge rate making the total surcharge rate 1.65 cents per Mcf. Such sheets are identical to their counterpart sheets suspended at Docket No. RP77-18, except the effective date of June 1, 1977, has been inserted thereon.

Tariff Volume No. and Sheet Designation

Original volume No. 1, sixth revised sheet No. 63-C-8.
Third revised volume No. 2, sixth revised sheet No. 1-M-6.
Original volume No. 2A, sixth revised sheet No. 7-MM-6.

Category III. The following tariff sheet contains the rates suspended at Docket No. RP78-18 under special rate schedules modified to include the GRI R.D. & D. Funding Unit of 0.12 cent per Mcf proposed and expected to become effective on June 1, 1978:

Tariff Volume No. and Sheet Designation

Third revised volume No. 2, substitute fifth revised sheet No. 1-D-2.

APPENDIX B

EL PASO NATURAL GAS CO., ALTERNATIVE TARIFF SHEETS

The following tariff sheets contain the suspended rates at Docket No. RP78-18, adjusted as described in Category I above and further modified to incorporate proposed rate adjustments resulting from pending Federal legislation on deregulation of natural gas on or before June 1, 1978.

Tariff Volume No. and Sheet Designation

Original volume No. 1, substitute twenty-second revised sheet No. 3-B.
Third revised volume No. 2, substitute twelfth revised sheet No. 1-D.
Original volume No. 2A, substitute fourteenth revised sheet No. 1-C.

(FR Doc. 78-16421 Filed 6-13-78; 8:45 am)

[6560-01]

ENVIRONMENTAL PROTECTION

AGENCY

[FRL 897-3]

CALIFORNIA STATE MOTOR VEHICLE POLLUTION CONTROL STANDARDS

Waiver of Federal Preemption

I. INTRODUCTION

By this decision, issued under section 209(b) of the Clean Air Act, as amended (hereinafter the "Act"), I am granting the State of California a waiver of Federal preemption to enforce the California exhaust emission standards applicable to 1979 and subsequent model year passenger cars. Under section 209(b) of the Act, the Administrator is required to grant the State of California a waiver of Federal preemption, after opportunity for a public hearing, if the State determines that the State standards will be, in the aggregate, at least as protective of public health and welfare as the applicable Federal standards.¹ A waiver cannot be granted if I find that the determination of the State of California is arbitrary and capricious, that the State does not need such State standards to meet compelling and extraordinary conditions, or that such State standards and accompanying enforcement procedures are not consistent with section 202(a) of the Act. State standards and enforcement procedures are deemed not to be consistent with section 202(a) if there is inadequate lead time to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within that time frame, or if the Federal and California certification and test procedures are inconsistent. For the reasons given below, I have concluded that I cannot make the findings required for the denial of the waiver under section

¹ 42 U.S.C. § 7543(b)(1), as amended by Pub. L. No. 95-95, 91 Stat. 755 (1977).

² Public hearings were held on May 16-19 and August 4, 1977, pursuant to notices published by the Environmental Protection Agency (EPA) in the FEDERAL REGISTER, see 42 Fed. Reg. 19372 (April 13, 1977); 42 Fed. Reg. 36009 (July 13, 1977), to consider the questions that pertain to today's decision. On September 30, the California Air Resources Board (CARB) found that the standards under consideration in today's decision were, in the aggregate, at least as protective of public health and welfare as the applicable Federal standards. See State of California, Air Resources Board, *Resolution 77-48*, September 30, 1977. This determination, as well as changes to the 1981 and subsequent model year California standards, was considered at a public hearing held on October 13, 1977, pursuant to notice published by EPA in the FEDERAL REGISTER, see 42 Fed. Reg. 45942 (September 13, 1977).

209(b) of the Act in the case of these California standards.

In light of the fact that the California Air Resources Board (CARB) has recently taken many actions in this area of emissions regulation, I believe that it is necessary to clarify at the outset the scope of my decision today. This decision is concerned with the 1979 and subsequent model year California exhaust emission standards, certi-

II. DISCUSSION

Public and Health and Welfare.

Under one of the criteria of section 209(b) of the Act, I cannot grant a waiver if I find that California's determination that its "standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards" is arbitrary and capricious. On September 30, 1977, the

clear that these standards (except for the 1981 oxides of nitrogen (NO_x) standard under the optional 100,000 mile certification procedure) are at least as stringent as the applicable Federal standards and are therefore deemed under the Act to be at least as protective of public health and welfare as the comparable Federal standards.¹ Thus, I cannot find that California's

dated under the Clean Air Act Amendments of 1977, additional control of NO_x emissions from motor vehicles was necessary to protect the public health in California and to attain the California ambient air quality nitrogen dioxide (NO₂) standard and the Federal ambient air quality oxidant standard. This determination was also based on the fact that the adoption of a carbon monoxide (CO) emission

than emissions of CO, the CARB stated that it was reasonable to permit California to adopt and enforce its CO standard if it was necessary to ensure that the required reduction in NO_x emissions could be achieved.² In adopting the standard for hydrocarbon (HC) emissions, the CARB concluded that any increase in HC control associated with a 0.41 total HC stand-

Amendments of 1977. The Administrator is precluded from substituting his judgment for that of California. Based on the public record, I cannot find that there is clear and compelling evidence that California acted unreasonably in making its determination.³ As a result, I cannot find that California's determination with regard to these standards is arbitrary and capricious.

209(b) of the Act in the case of these California standards.

In light of the fact that the California Air Resources Board (CARB) has recently taken many actions in this area of emissions regulation, I believe that it is necessary to clarify at the outset the scope of my decision today. This decision is concerned with the 1979 and subsequent model year California passenger car standards, certification procedures and high altitude regulations considered at the May 16-19, August 3-4 and October 13, 1977, Environmental Protection Agency (EPA) public hearings,³ including certain administrative changes which have been made to these regulations at various times.⁴ This decision further considers the waiver request for California's compliance testing and inspection program with respect to 1979 model year gasoline-powered passenger cars and 1980 and subsequent model year gasoline and diesel-powered passenger cars, conducted under sections 2100 et seq. of title 13 of the California Administrative Code, and "California New Motor Vehicle Compliance Test Procedures," adopted on June 24, 1976, last amended June 30, 1977.⁵ However, this waiver decision does not include the waiver requests concerning limitations on allowable maintenance during the certification of 1980 and subsequent model year passenger cars adopted by the CARB on May 26, 1977, or certification requirements covering the carburetor idle air/fuel mixture adjustment mechanism. These waiver requests will be the subject of a waiver decision to be published in the FEDERAL REGISTER in the near future.

³The California high altitude certification regulations adopted on November 23, 1976, as amended June 8, 1977, have been the subject of a previous waiver decision. See 43 Fed. Reg. 1829, 1832 (January 12, 1978). I believe that the findings previously made in that decision with regard to these regulations are also applicable to today's decision. See *id.*

⁴By letter dated June 9, 1977, the CARB informed the EPA that it had adopted revisions of an administrative nature to its regulations covering 1978 and 1979 standards and certification procedures. In addition, by letter dated July 6, 1977, the CARB informed the EPA that it had taken a minor administrative action to correct the model year referenced under a section of the California Administrative Code considered in this decision. I have determined that those actions taken with respect to the 1978 standards and test procedures fall within the scope of a waiver currently in effect, and therefore, do not require a new waiver. See 42 Fed. Reg. 1503, 1504 (January 7, 1977).

⁵The California compliance testing and inspection program, as applicable to light-duty trucks, medium-duty vehicles and heavy-duty vehicles and engines, has been the subject of a previous waiver decision. See 43 Fed. Reg. 9344 (March 7, 1978). I believe that the findings previously made in that decision with regard to this program are also applicable to today's decision. See *id.*

II. DISCUSSION

Public and Health and Welfare. Under one of the criteria of section 209(b) of the Act, I cannot grant a waiver if I find that California's determination that its "standards will be, in the aggregate, at least as protective of public health and welfare as applicable Federal standards" is arbitrary and capricious. On September 30, 1977, the CARB determined⁶ that the standards under consideration in this decision were, in the aggregate, at least as protective of public health and welfare as the applicable Federal standards.⁷ With regard to the 1979 and primary set of 1981 California standards, it is

⁶See State of California, Air Resources Board, Resolution 77-48, September 30, 1977.

⁷The California exhaust emission standards under consideration in this decision are as follows (expressed in grams per vehicle mile):

Model year	Hydrocarbons (HC) ^a	Carbon monoxide (CO)	Oxides of nitrogen (NO _x) ^b
1979	0.41	9.0	1.5
1980	0.39 (0.41)	9.0	1.0 (1.5)
1981	0.41	3.4	1.0 (1.5)
		or ^c	
	0.39 (0.41)	7.0	0.7
1982	0.39 (0.41)	7.0	0.4 (1.0)
		or ^c	
	0.39 (0.41)	7.0	0.7
1983 and subsequent	0.39 (0.41)	7.0	0.4 (1.0)

^aBeginning in 1980, the hydrocarbon standard is expressed as a non-methane hydrocarbon standard. Hydrocarbon standards in parentheses apply to total hydrocarbons, or, for 1980 models only, to emissions corrected by a methane content correction factor. The requirements for the demonstration of compliance with this standard are set forth in subparagraph 3(a) of the "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as amended September 30, 1977.

^bOxides of nitrogen standards in parentheses are applicable to engine families which are certified under the optional 100,000 mile certification procedure set forth in paragraph 6 of the "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as amended September 30, 1977.

^cThroughout this decision, the first set of standards set forth above for the 1981 and 1982 model years shall be referred to as the "primary" set of standards for these model years. The second set of passenger car standards is optional. This set of standards shall hereinafter be referred to as the "optional" set of standards for either the 1981 and 1982 model years. A manufacturer must select either the primary or optional set of standards for its full gasoline-powered or diesel-powered product line for the entire two-year period. See Letter from Thomas C. Austin, CARB, to Benjamin R. Jackson, Director, Mobile Source Enforcement Division (MSED), EPA, November 1, 1977.

The applicable Federal exhaust emission standards are as follows (expressed in grams per vehicle mile):

clear that these standards (except for the 1981 oxides of nitrogen [NO_x] standard under the optional 100,000 mile certification procedure) are at least as stringent as the applicable Federal standards⁸ and are therefore deemed under the Act to be at least as protective of public health and welfare as the comparable Federal standards.⁹ Thus, I cannot find that California's determination concerning these standards is arbitrary and capricious.

As to the 1980, optional 1981, and 1982 and subsequent model year California standards, the California determination was based on the conclusion that given the Federal standards man-

Model year	HC	CO	NO _x
1979	1.5	15.0	2.0
1980	0.41	7.0	2.0
1981 and subsequent	0.41	3.4	**1.0

⁸The Administrator may prescribe a CO standard not exceeding 7.0 grams per vehicle mile for the 1981 and 1982 model years if certain statutory criteria are met. See 42 U.S.C. §7521(b), as amended by Pub. L. No. 95-95, 91 Stat. 751 (1977).

⁹For the 1981 and 1982 model years, certain manufacturers may be subject to a 2.0 U.S.C. per vehicle mile NO_x standard. See 42 U.S.C. §7521(b), as amended by Pub. L. No. 95-95, 91 Stat. 751, 752 (1977). In addition, if certain statutory criteria are satisfied, the Administrator may waive this standard to not exceed 1.5 grams per vehicle mile for any class or category of passenger cars manufactured during any period of up to four model years beginning after the 1980 model year if a manufacturer demonstrates that such waiver is necessary to permit the use of an innovative power train technology, or innovative emission control device or system in such class or category of passenger cars, or for the four model year period beginning with the 1981 model year, if a manufacturer can show that such waiver is necessary to permit the use of diesel engine technology in such class or category of passenger cars. See *id.*

Ford contended that it was improper for me to assume the level of applicable Federal standards for the purposes of reviewing California's determination in the absence of the promulgation of such Federal standards. See Memorandum from John P. Eppel and Helen O. Petruskas, Ford Motor Company, to B. R. Jackson, Director, MSED, EPA, December 2, 1977. I cannot agree. Since the Clean Air Act Amendments of 1977 provide that regulations applicable to emissions from 1979 and subsequent model year passenger cars must contain specific emission standards, I believe that I may consider the Federal standards required under these Amendments for the purposes of reviewing California's determination in this matter.

⁸See Memorandum from Eric O. Stork, former Deputy Assistant Administrator for Mobile Source Air Pollution Control, EPA, to Norman D. Shutler, Deputy Assistant Administrator for Mobile Source and Noise Enforcement, EPA, January 13, 1978; Memorandum from Eric O. Stork, former Deputy Assistant Administrator for Mobile Source Air Pollution Control, EPA, to Norman D. Shutler, Deputy Assistant Administrator for Mobile Source and Noise Enforcement, EPA, April 4, 1978.

⁹41 U.S.C. §7543(b)(2), as added by Pub. L. No. 95-95, 91 Stat. 755 (1977).

dated under the Clean Air Act Amendments of 1977, additional control of NO_x emissions from motor vehicles was necessary to protect the public health in California and to attain the California ambient air quality nitrogen dioxide (NO₂) standard and the Federal ambient air quality oxidant standard. This determination was also based on the fact that the adoption of a carbon monoxide (CO) emission standard less stringent than the Federal standard would still be adequate to meet the Federal and California CO ambient air quality standard by 1985 or 1990.¹⁰ Based on its belief that emissions of NO_x pose a more significant threat to public health in California

¹⁰See Transcript of Public Hearing on California Waiver Requests, San Francisco, California, October 13, 1977, at 26-27, 29, 30-35, 51-52, 168 (hereinafter "Tr. of October 1977 Hearing"); Transcript of Public Hearing on California Waiver Request (August 4, 1977), Volume II, at 262-284, 265, 268 (hereinafter "Tr. of August 1977 Hearing"); Letter from Thomas C. Austin, CARB, to Ben Jackson, Director, MSED, EPA, August 31, 1977, at Attachment V; State of California, Air Resources Board, "Control Strategies for Oxidant and Nitrogen Dioxide," January 25, 1977; State of California, Air Resources Board, Staff Report No. 76-18-2, September 21, 1976, at 1-2; State of California, Air Resources Board, Staff Report No. 76-22-2(a), November 23, 1976, at 2, 5, 28-30 (hereinafter "CARB November Staff Report"); State of California, Air Resources Board, Staff Report No. 77-20-3, September 12, 1977, at 22; State of California, Air Resources Board, Supplement to Staff Report 77-20-3, September 28, 1977, at 1-3 (hereinafter "Supplement to CARB September 1977 Staff Report"); Brief for California Air Resources Board at 5-6, 7-9. In the Matter of Application of California Air Resources Board for a Waiver From the Provisions of Section 209(a) of the Clean Air Act for the California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, adopted November 22, 1976, amended June 22, 1977, last amended September 29, 1977; State of California, Air Resources Board, Resolution 76-44, November 23, 1976; State of California, Air Resources Board, Resolution 77-5, January 25, 1977; State of California, Air Resources Board, Resolution No. 77-13-2, June 22, 1977; Transcript of Public Hearing to Consider Amendments to Vehicle Emission Regulations in Light of New Federal Waiver Requirements, State of California, Air Resources Board, Public Hearing No. 77-20-2, Los Angeles, California, September 29-30, 1977, at 4, 10-13, 117-118, 125-128, 158-169, 184 (hereinafter "Tr. of CARB September 1977 Hearing"); Transcript of Meeting of State of California Air Resources Board, Sacramento, California, June 22, 1977, at 1, 4, 10-17, 94-96, 105-106 (hereinafter "Tr. of CARB June 1977 Meeting"); "Statement by American Motors Corporation in Response to the California Air Resources Board Proposed Changes in the Emissions Standards and Test Procedures for 1979 and Subsequent Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles," Presented at the CARB Hearing, November 23, 1976, at 7.

than emissions of CO, the CARB stated that it was reasonable to permit California to adopt and enforce its CO standard if it was necessary to ensure that the required reduction in NO_x emissions could be achieved.¹¹ In adopting the standard for hydrocarbon (HC) emissions, the CARB concluded that any increase in HC control associated with a 0.41 total HC standard compared with a 0.39 non-methane HC standard was a function of the technology used to meet the HC standard and that such increase in HC control was only marginal at best and not justified at the present time. Although its HC standard may provide less HC control than a 0.41 total HC standard, the CARB believed that it was reasonable to conclude that this slight difference in HC control was completely offset by the significant reduction in NO_x emissions provided under the California standards as compared to the Federal standards.¹²

The CARB indicated that it had considered all arguments raised against adopting such emission standards and that it had adopted these standards on account of the peculiar oxidant and NO_x air quality problems in the California South Coast Air Basin.¹³ This situation was clearly anticipated by Congress in enacting the Clean Air Act

¹¹Brief for California Air Resources Board at 16-17. In the Matter of Application of California Air Resources Board for a Waiver From the Provisions of Section 209(a) of the Clean Air Act for the California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles, adopted November 22, 1976, amended June 22, 1977, last amended September 29, 1977. In this connection American Motors Corporation stated that there is scientific evidence that a 3.4 and 9.0 CO standard are equivalent with respect to the protection of future health. See Tr. of CARB September 1977 Hearing, *supra* note 10, at 68-69. General Motors Corporation also agreed that there was no need for a CO standard more stringent than 9.0 grams per vehicle mile. See "General Motors Statement to the California Air Resources Board on Proposed 1979 and Subsequent Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicle Emission Standards," Presented at the CARB Hearing, Los Angeles, California, November 23, 1976, at 2.

¹²See Tr. of October 1977 Hearing, *supra* note 10, at 28, 46-47, 50-51, 234-239; Supplement to CARB September 1977 Staff Report, *supra* note 10, at 2; Letter from Thomas C. Austin, CARB, to Benjamin R. Jackson, Director, MSED, EPA, November 1, 1977. Ford Motor Company and General Motors also indicated that a 0.41 grams per vehicle mile total HC standard would result in a marginal difference in reactive HC control as compared to a 0.39 grams per vehicle mile non-methane HC standard. See Letter from D. A. Jensen, Ford Motor Company, to B. R. Jackson, Director, MSED, EPA, October 28, 1977; Tr. of October 1977 Hearing, *supra* note 10, at 200.

¹³See Tr. of October 1977 Hearing, *supra* note 10, at 16, 223-224.

Amendments of 1977. The Administrator is precluded from substituting his judgment for that of California. Based on the public record, I cannot find that there is clear and compelling evidence that California acted unreasonably in making its determination.¹⁴ As a result, I cannot find that California's determination with regard to these standards is arbitrary and capricious.

Lead Time and Technology. Under section 209(b), I also cannot grant a waiver if I find that California standards and accompanying enforcement procedures are not "consistent with section 202(a)." Section 202(a) states that standards promulgated under its authority "shall take effect after such period as the Administrator finds necessary to permit the development and application of the requisite technology, giving appropriate consideration to the cost of compliance within such period." In order for California standards to be consistent with section 202(a), it is not required that the requisite technology be developed at present, but rather that the available lead time appear to be sufficient to permit the development and application of that technology.¹⁵

With respect to the 1979-1980 California standards, Ford Motor Co. testified that it would support the waiver request for these standards if the certification mileage accumulation fuel were not required to contain 0.125 gram per gallon of methylcyclopentadienyl manganese tricarbonyl (MMT).¹⁶ No such requirement will exist for certification in California.¹⁷ Even though General Motors Corporation was not confident it could sell vehicles meeting these standards due to the California assembly-line, compliance and inspection testing requirements, the manufactur-

¹⁴H.R. Rep. No. 95-294, 95th Cong., 1st sess. 302 (1977).

¹⁵See 41 FEDERAL REGISTER 44209, 44210 (October 7, 1976).

¹⁶See Transcript of Public Hearing on California Waiver Request (May 16-20, 1977), Volume III, at 391-397, 401, 408, 411-415 (hereinafter "Tr. of May 1977 Hearing"); Tr. of October 1977 Hearing, *supra* note 10, at 129. General Motors, Chrysler Corp. and American Motors Corp. shared Ford's concerns with the use of methylcyclopentadienyl manganese tricarbonyl (MMT). See Tr. of May 1977 Hearing at 445-447, 501; Letter from Michael W. Grice, Chrysler Corp., to Benjamin R. Jackson, Director, MSED, EPA, June 8, 1977.

¹⁷On July 7, 1977, the CARB adopted a prohibition against the addition of any manganese additives to fuels sold in California after September 8, 1977. See 13 Cal. Admin. Code §2254 (1977). As a result, the CARB stated that MMT will not be required in the test fuel for the certification of 1979 and subsequent model year light-duty trucks and medium-duty vehicles. See 13 Cal. Admin. Code §1960 (1976); Letter from G. C. Hass, CARB, to all Motor Vehicle Manufacturers, July 8, 1977.

er stated that it would be able to certify some vehicles to these standards in 1980.¹⁸ General Motors also stated that its diesel-powered passenger cars could not meet a 1.0 gram per vehicle mile NO_x standard in combination with a 0.41 gram per vehicle mile HC standard.¹⁹ Chrysler Corp. indicated that the requisite technology was currently available to meet emission levels of 0.41 total HC, 9.0 CO and 1.0 NO_x.²⁰ Although American Motors Corp. claimed that the 1980 NO_x standard was not technologically feasible within the available lead time and that it could not estimate at the present time the lead time required for the development of the requisite technology, it nevertheless stated that test results on the physical durability of three-way catalysts were satisfactory and that it might be able to certify one engine family to the California standards in 1980.²¹ Volkswagen of America stated that it had undertaken a developmental program in order to sell gasoline-powered passenger cars in California in 1980, but had already concluded that it would not be able to sell diesel-powered cars in California if the NO_x standard was below 1.5 grams per vehicle mile.²² Honda Motor Co. stated that it would offer three passenger car models for sale in California in 1980.²³ Mercedes-Benz claimed that its diesel-powered passenger car product line, with the exception of its very light vehicles with small diesel engines at low mileages, could not meet the 1980 1.0 NO_x standard.²⁴ Mercedes-Benz fur-

ther claimed that its vehicles would show adverse performance effects and increased maintenance costs if these vehicles were required to certify to a 1.5 NO_x standard under the 100,000 mile optional certification procedure.²⁵ Nissan Motor Co. indicated that its 1980 passenger cars would be able to meet the applicable California standards.²⁶ Subaru of America stated that the requisite technology is currently available to meet a 1.0 NO_x passenger car standard with certain fuel economy, driveability and cost penalties.²⁷ Toyota Motor Co. suggested that the 1980 standards could be met through the use of an oxidation catalyst-exhaust gas recirculation emission control system with fuel economy and driveability penalties, or through the use of a three-way catalyst emission control system with a retail price increase of 350 dollars over 1977 California models.²⁸ Finally, the CARB testified that the requisite technology was currently available to meet these standards. In support of this conclusion, the CARB presented 1977 certification data provided by 16 manufacturers showing that 38 engine families had met the emission levels required under the 1980 standards.²⁹ The CARB also stated that there was adequate lead time to permit the development and application of three-way catalyst technology in the event that any manufacturer should decide to utilize this technology in order to meet these standards.³⁰

Benz of North America, Inc., to Benjamin R. Jackson, August 22, 1977; von Manteuffel, Peter, Daimler-Benz A. G., "Statement Before the State of California Air Resources Board," Presented at the CARB Hearing, Los Angeles, Calif., November 23, 1976.

¹⁸See Letter from Daimler-Benz Aktiengesellschaft to G. C. Hass, *supra* note 24.

¹⁹See Letter from Motoo Harada, Nissan Motor Co., Ltd., to G. C. Hass, CARB, July 19, 1976.

²⁰See "Statement by Subaru of America, Inc. to the California Air Resources Board," Presented at the CARB Hearing, Los Angeles, Calif., November 23, 1976.

²¹See "Toyota Comments on the Proposed Exhaust Emission Standards and Test Procedures for 1979 and Subsequent Model Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles," Presented at the CARB Hearing, Los Angeles, Calif., November 23, 1976; Letter from Keitaro Nakajima, Toyota Motor Co., to G. C. Hass, CARB, October 18, 1976.

²²See "Statement of the California Air Resources Board Before the U.S. Environmental Protection Agency Regarding California's Request for a Waiver of section 209(a) of the Clean Air Act in Order That California May Implement More Stringent Emission Standards and Test Procedures for 1978 and Later Model-Year Motorcycles, Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," Presented at the EPA California Waiver Hearing, San Francisco, Calif., May 18, 1977.

²³See Letter from Hideo Sugiura, Honda Motor Co., Ltd., to G. C. Hass, CARB, July 27, 1976.

²⁴See Letter from Daimler-Benz Aktiengesellschaft to G. C. Hass, CARB, July 19, 1976; Letter from H. W. Gerth, Mercedes-

With respect to the cost of compliance with the 1979-1980 standards, Honda expected a retail price increase of forty dollars for its 1980 model year vehicles as a result of these standards.³¹ Mercedes-Benz estimated a fuel economy penalty ranging from 0.2 to 1.0 miles per gallon due to these standards.³² General Motors estimated a zero to twenty percent fuel economy penalty and a 110 to 130 dollar retail price increase over 1977 Federal models associated with these standards.³³ Finally, the CARB testified that the 1980 standards would result in a retail price increase ranging from zero to 506 dollars over 1979 model year costs and a fuel economy benefit of approximately five percent.³⁴

In light of the above discussion as well as the judgment of my technical staff,³⁵ giving appropriate consideration to the cost of compliance within such period, I cannot conclude that the appropriate technology cannot be developed and applied within the available lead time to permit manufacturers to meet California's 1979-1980 passenger cars standards.

As to the primary set of 1981 California standards and the optional set of 1981-1982 California standards, Ford contended that there was inadequate lead time available to meet a 0.41 total HC standard and that therefore the primary set of 1981 standards was not technologically feasible.³⁶ Ford claimed that the HC standard would present both higher certification risks and significant fuel economy penalties for both six and eight cylinder engine passenger cars.³⁷ However, in order to achieve compliance with this standard, Ford has initiated a program to reduce the amount of total hydrocarbons in the tailpipe emissions.³⁸ Although it presented data indicating that its small four cylinder engine vehicles could meet a 0.7 NO_x standard and stated that its larger engine vehicles could meet this stand-

Air Resources Board, Resolution 76-44, November 23, 1976; CARB November Staff Report, *supra* note 10, at 21-28.

³¹See *supra* note 23.

³²See Letter from Daimler-Benz Aktiengesellschaft to G. C. Hass, *supra* note 24.

³³See Tr. of May 1977 Hearing, *supra* note 16, at 429; 451-452, 454.

³⁴See *id.* at 342-343, 345-346. The CARB has provided data submitted by the manufacturers on this question. See CARB November Staff Report, *supra* note 10, at 11-20.

³⁵See Memorandum from Eric O. Stork to Norman Shutler, *supra* note 21, at 8-12.

³⁶See Tr. of October 1977 Hearing, *supra* note 10, at 70-71, 86, 120-129; Jensen, D. A., "Statement of D. A. Jensen, Director, Automotive Emissions and Fuel Economy Office, Ford Motor Co.," Presented at the EPA California Waiver Hearing, San Francisco, Calif., October 13, 1977, at Attachment 1-7.

³⁷See Letter from D. A. Jensen to B. R. Jackson, *supra* note 12.

³⁸See *id.*

ard with a fifty percent confidence level, Ford testified that it did not know at the present time whether a 0.7 NO_x standard was technologically feasible.³⁹ Consequently, based on the available data, Ford recommended that I grant California a waiver for a 0.39 non-methane HC/7.0 CO/1.0 NO_x set of standards for the 1981 model year.⁴⁰

Volkswagen testified that any NO_x standard for gasoline and diesel-powered engines below 1.0 and 1.5, respectively, was not technologically justified.⁴¹ Volkswagen was confident, though, that its gasoline-powered vehicles could meet a 0.41 total HC/9.0 CO/1.0 NO_x set of standards by 1981,⁴² but it had serious reservations with regard to the technological feasibility of the 100,000 mile optional certification procedure.⁴³

Chrysler Corp. testified that it would comply with either set of 1981 California standards.⁴⁴

General Motors indicated that its diesel-powered vehicles may not be able to meet either a 0.41 total HC standard or a 0.39 non-methane HC standard.⁴⁵ Nevertheless, it stated that it would not be able to offer some presently undetermined product line for sale in 1980.⁴⁶ General Motors further stated that its vehicles would have difficulty in meeting a NO_x standard below 1.0 grams per vehicle mile.⁴⁷

The Automobile Importers of America (AIA) contended that the record did not support the finding that these standards were technologically feasible.⁴⁸

Finally, the CARB indicated that the increase in the stringency of the CO standard over that originally adopted by the CARB should not create any lead time problems.⁴⁹ It further indicated that the primary set of standards for the 1981 model year were intended to be identical to the applicable Federal standards for that year.⁵⁰

Concerning the cost of compliance with these standards, very little information was provided by the manufacturers at the hearing.

With respect to the 1982 primary set of standards as well as the 1983 and

³⁹See Tr. of October 1977 Hearing, *supra* note 10, at 72, 85, 88, 91, 94-100, 103-104.

⁴⁰See *id.* at 73, 87-88, 134; Tr. of August 1977 Hearing, *supra* note 10, at 330-331.

⁴¹See Tr. of October 1977 Hearing, *supra* note 10, at 158-160.

⁴²See *id.* at 161.

⁴³See *id.* at 183-185.

⁴⁴See *id.* at 214-215.

⁴⁵See Letter from T. M. Fisher, General Motors Corp., to Benjamin R. Jackson, Director, MSED, EPA, June 17, 1977, at 81.

⁴⁶See Tr. of October 1977 Hearing, *supra* note 10, at 193-194.

⁴⁷See *id.* at 197.

⁴⁸See *id.* at 216.

⁴⁹See *id.* at 229.

⁵⁰See *id.*

subsequent model year standards, General Motors stated that neither its gasoline nor diesel-powered vehicles could currently meet the 0.4 NO_x standard,⁵¹ but that it would probably be able to certify gasoline-powered vehicles to this standard in 1982.⁵² It also claimed that it was premature to consider the technological feasibility of the 100,000 mile optional certification procedure at the present time.⁵³

Although Ford identified certain emission control systems which may have the future capability to meet a 0.4 NO_x standard, it testified that the requisite technology was not currently available to meet this standard and it could not determine at the present time when such level of NO_x control would be feasible.⁵⁴ As a result, it concluded that the 1982 standards were currently not technologically feasible.⁵⁵ Ford also testified that its vehicles could achieve the same emissions performance as the Volvo vehicle product line if its vehicles were equipped with fuel injection technology, but it believed that this could not be accomplished on its entire passenger car product line by 1982.⁵⁶ Conse-

⁵¹See Tr. of August 1977 Hearing, *supra* note 10, at 368-369, 380, 386, 390, 392-393, 396.

⁵²See *id.* at 382-383.

⁵³See *id.* at 385, 395.

⁵⁴See *id.* at 300, 302-304, 306, 313; Tr. of October 1977 Hearing, *supra* note 10, at 72-73, 131-132; Memorandum from John P. Eppel and Helen O. Petruskas, Ford Motor Co., to B. R. Jackson, Presiding Officer, EPA, September 9, 1977, at 15-23; Jensen, D.A., "Statement of Donald A. Jensen, Director, Automotive Emissions and Fuel Economy Office," Presented at EPA California Waiver Hearing, San Francisco, Calif., August 4, 1977, at Attachment IV, V (hereinafter "Ford August 1977 Statement").

⁵⁵See Tr. of August 1977 Hearing, *supra* note 10, at 313. However, Ford did point out that its statements on these standards should not be interpreted as an indication that it believed that these standards would not be attainable at some future date. See *id.* at 302.

⁵⁶See *id.* at 326-327.

⁵⁷See *id.* at 300, 307-308. Ford indicated, though, that PROCO engine vehicles experience 20 percent better fuel economy than those vehicles equipped with a conventional engine. See *id.* at 332. Data from the PROCO engine research program indicated that vehicles with such engines would suffer a five to ten percent fuel economy penalty in meeting a 0.4 NO_x standard over that in meeting a 1.0 NO_x standard. See *id.*

⁵⁸See Ford August 1977 Statement, *supra* note 54, at Attachment IV, V.

⁵⁹See Tr. of August 1977 Hearing, *supra* note 10, at 318, 322-329.

⁶⁰See *id.* at 337.

⁶¹See Ford August 1977 Statement, *supra* note 54, at Attachment III; Letter from E. E. Weaver, Ford Motor Co., to Benjamin R. Jackson, Director, MSED, EPA, August 25, 1977. Ford also stated that its PROCO engine vehicles could meet a 0.4 NO_x standard at low mileages. See Tr. of August 1977 Hearing, *supra* note 10, at 331-332.

quently, Ford expressed concern that the enforcement of this standard may result in significant compromises in model availability, fuel economy and costs of compliance which might outweigh the potential beneficial effects on air quality associated with such a standard.⁶² On the other hand, Ford indicated that it was presently undertaking a conventional engine and PROCO engine research program in order to develop viable technology for meeting a 0.41 total HC/3.4 CO/0.4 NO_x set of standards.⁶³ Ford further indicated that there would be no lead time problems with meeting a 0.4 NO_x standard if this research and development program proceeded successfully as scheduled.⁶⁴ Based on its ongoing research efforts, Ford recommended that I defer a decision on the waiver request for these standards for at least one year in order to permit it to evaluate the results of this program.⁶⁵ In addition, Ford submitted data on 20 research test cars which had met emission levels of 0.41 HC/3.4 CO/0.4 NO_x at low mileages and on two other test vehicles which had met emission levels of 0.41 HC/9.0 CO/0.4 NO_x also at low mileages.⁶⁶

Chrysler testified that it could not certify production vehicles to a 0.4 NO_x standard at the present time in light of the Federal fuel economy requirements and the California assembly-line testing requirements. It also suggested that there may be an inadequate amount of lead time available to meet such a standard by 1982.⁶⁷ This conclusion was not affected by whether the applicable CO standard was 7.0 or 9.0 grams per vehicle mile.⁶⁸ Chrysler further indicated that its diesel-powered vehicles would not be able to meet any NO_x standard below 1.0 at the present time.⁶⁹ On the other hand, Chrysler testified that it was continuing its developmental efforts to achieve a 0.4 NO_x standard and presented test data from its advance emission control system developmental program showing emissions performance below 0.41 HC/3.4 CO/1.0 NO_x emission levels.⁷⁰

⁶²See Tr. of August 1977 Hearing, *supra* note 10, at 341, 345-346, 348, 350, 352, 354-357, 360; Letter from R. M. Wagner, Chrysler Corp., to Benjamin R. Jackson, Director, MSED, EPA, August 25, 1977. For the reasons stated in a prior waiver decision, I cannot agree with the contention raised by Chrysler that an emission standard which is likely to result in civil penalties due to a violation of the Federal fuel economy standards is not technologically feasible as a matter of law. See 42 FEDERAL REGISTER 1829, 1831 (January 12, 1978).

⁶³See *id.* at 348-347.

⁶⁴See *id.* at 341; Letter from R. M. Wagner to Benjamin R. Jackson, *supra* note 62.

⁶⁵See Tr. of August 1977 Hearing, *supra* note 10, at 348-349, 352; Letter from R. M. Wagner to Benjamin R. Jackson, *supra* note 62.

Other manufacturers also submitted comments on this question. American Motors Corp. stated that its vehicles would not be able to meet a 0.4 NO_x standard in 1982.⁶⁶ American Motors further stated that an additional period of lead time beyond that necessary for the development and application of the requisite technology would be required for low volume, vendor dependent manufacturers if such a NO_x standard were enforced in California.⁶⁷ Mercedes-Benz contended that a 0.4 NO_x standard was not technologically feasible within the time frame proposed by the CARB.⁶⁸ While Volkswagen stated that the technology was not currently available to meet a 0.4 NO_x standard, the CARB reported that Volkswagen has previously indicated that a 1982 0.4 NO_x standard was technologically feasible within the available lead time.⁶⁹ Although test data on a Toyota vehicle using three-way catalyst technology showed emission levels less than 0.4 NO_x at 31,000 miles, Toyota Motor Co. claimed that it still faced emission control system deterioration problems in meeting this standard, and as a result, it was doubtful that it could comply with such a standard by 1982.⁷⁰ Subaru of America stated that its vehicles could probably comply with a 0.4 NO_x standard in spite of the fact that such a standard would force the unwise and impractical use of catalyst technology on its vehicles.⁷¹ Honda reported that its low

⁶⁶ See "Statement by American Motors Corp. on the California Air Resources Board Proposal for 1982 and Later Passenger Car, Light-Duty Truck and Medium-Duty Vehicle NO_x Exhaust Emission Standards," Presented at the CARB Hearing, June 22, 1977; "Statements by American Motors Corp. in Response to the California Air Resources Board Proposed Changes in the Emissions Standards and Test Procedures for 1982 and Later Passenger Cars, Light-Duty Trucks and Medium-Duty Vehicles," Presented at the CARB Hearing, January 25, 1977; "Statement by American Motors Corp. in Response to the California Air Resources Board Proposed Changes in the Emissions Standards and Test Procedures for 1979 and Subsequent Passenger Car, Light-Duty Trucks and Medium-Duty Vehicles," Presented at the CARB Hearing, November 23, 1976.

⁶⁷ See Tr. of August 1977 Hearing, *supra* note 10, at 397-399, 402, 404-406.

⁶⁸ See Letter from H. W. Gerth to Benjamin R. Jackson, *supra* note 24.

⁶⁹ See Letter from J. Kennebeck, Volkswagen of America, Inc., to Director, MSED, EPA, October 21, 1977; CARB November Staff Report, *supra* note 10, at 20.

⁷⁰ See Letter from Keitaro Nakajima, Toyota Motor Co., Ltd., to G. C. Hass, CARB, October 18, 1976; Nakajima, Keitaro, "Toyota Comments Before the Environmental Protection Agency Waiver Hearing on the California Exhaust Emission Standard for 1982 and Subsequent Light and Medium-Duty Vehicles," August 4, 1977.

⁷¹ See Tr. of August 1977 Hearing, *supra* note 10, at 407, 410, 415.

NO_x CVCC system showed test results between 0.3 and 0.4 grams of NO_x per vehicle mile.⁷² The Motor and Equipment Manufacturers Association (MEMA) contended that the CARB had not made the requisite findings with regard to the technical feasibility of the 100,000 mile optional certification procedure.⁷³

Finally, the CARB testified that the vehicles of two different manufacturers have already met 0.4 NO_x emission levels during 1977 model year certification.⁷⁴ The CARB believed that the technology used by these manufacturers could be applied to the vehicles of other manufacturers to permit these vehicles to meet a 0.4 NO_x standard within the available lead time.⁷⁵ The CARB also stated that a 7.0 grams of CO per vehicle mile standard would pose no additional technical burdens on any manufacturer other than those already imposed by a 9.0 CO standard.⁷⁶ With respect to the standards under the optional 100,000 mile certification procedure, the CARB stated that this procedure was adopted in response to the manufacturers' concerns with the problem of emission controls on diesel-powered vehicles.⁷⁷ Although the CARB noted that all diesel-powered vehicles may not be able to certify to a 1.0 NO_x standard, it nevertheless concluded that the "... use of exhaust gas recirculation on diesel engines can provide sufficient control, even for large diesel-powered passenger cars, to achieve a 1.0 g/mi [grams per mile] NO_x standard."⁷⁸ As a result, the CARB concluded that the 1982 primary set of standards as well as the 1983 and subsequent model year standards were technologically feasible within the lead time remaining.⁷⁹ In support of its conclusion, the CARB reported that various manufacturers have indicated that a 0.4 NO_x standard was feasible at low mileages and submitted 1977 quality audit test data obtained from the assembly-line testing

⁷² See *Supra* note 22.

⁷³ See Tr. of August 1977 Hearing, *supra* note 10, at 279-280, 290.

⁷⁴ See *id.* at 265-266, 357; Letter from Thomas C. Austin to Ben Jackson, *supra* note 10.

⁷⁵ See Tr. of August 1977 Hearing, *supra* note 10, at 266, 270-274.

⁷⁶ See *id.* at 276-278.

⁷⁷ See *id.* at 266; Tr. of CARB June 1977 Meeting, *supra* note 10, at 5-8.

⁷⁸ State of California, Air Resources Board, "Staff Report 77-13-2," June 22, 1977, at 9-10 (hereinafter "CARB June Staff Report").

⁷⁹ See *id.* at 5, 9-13; Tr. of August 1977 Hearing, *supra* note 10, at 266, 272-274; CARB November Staff Report, *supra* note 10, at 21-26; State of California, Air Resources Board, "Resolution 77-13-2," June 22, 1977; State of California, Air Resources Board, "Resolution 77-48," September 30, 1977; State of California, Air Resources Board, "Staff Report 76-18-2," September 21, 1976.

of Volvo and Saab vehicles and test data from the CARB Volvo test program.⁸⁰

In light of the above discussion, as well as the judgment of my technical staff and the ongoing developmental efforts of the manufacturers,⁸¹ I am unable to conclude that the requisite technology cannot be developed and applied within the available lead time in order to achieve compliance with the 1981 and subsequent model year California standards.

With respect to the cost of compliance with the 1981 and subsequent model year California standards, the CARB concluded that this cost would not be excessive.⁸² Although both Ford and General Motors stated that there would be a fuel economy penalty associated with a 0.4 NO_x standard, Ford believed that it would still be able to meet the applicable Federal fuel economy requirements.⁸³ Chrysler stated that a 1.0 or 0.4 NO_x standard would result in adverse effects on fuel economy, limitations in product availability, and increases in vehicle cost.⁸⁴ Chrysler further stated that "... the minimum fuel economy penalty in going from 1.5 HC, 15.0 CO and 2.0 NO_x to 0.4 HC, 3.4 CO and 0.4 NO_x is about 15 percent even if three-way catalyst techniques are used."⁸⁵ Very little specific information was provided by American Motors, although it indicated that its vehicles would suffer a fuel economy penalty under a 0.4 NO_x standard.⁸⁶ Subaru

⁸⁰ See Tr. of August 1977 Hearing, *supra* note 10, at 266; Letter from Thomas C. Austin to Ben Jackson, *supra* note 10, at Attachments, V, IX, X.

⁸¹ See Memorandum from Eric O. Stork to Norman D. Shutler, January 13, 1978, *supra* note 8; Memorandum from Eric O. Stork to Norman D. Shutler, April 4, 1978, *supra* note 8. Based on a certain set of assumptions, my technical staff has previously concluded that a 0.41 HC/3.4 CO/0.4 NO_x set of standards could be met as early as the 1982 model year. See Emission Control Technology Division, Mobile Source Air Pollution Control, Office of Air and Waste Management, EPA, "Automobile Emission Control—The Development Status, Trends, and Outlook as of December 1976," A Report to the Administrator, EPA, April 1977.

⁸² See Tr. of August 1977 Hearing, *supra* note 10, at 275. The CARB also presented information provided by the manufacturers on this question. See CARB November Staff Report, *supra* note 10, at 10-20. I have also considered information relevant to this question in prior waiver decisions. See 43 FEDERAL REGISTER 1829, 1832 (January 12, 1978); 43 FEDERAL REGISTER 15490, 15492 (April 13, 1970).

⁸³ See Tr. of August 1977 Hearing, *supra* note 10, at 329-330, 388-389.

⁸⁴ See *id.* at 341. In this regard Chrysler indicated that the cost of equipping passenger cars with three-way catalyst emission control technology would be approximately 300 to 350 dollars per vehicle. See *id.* at 358-359.

⁸⁵ Letter from R. M. Wagner to Benjamin R. Jackson, *supra* note 82.

⁸⁶ See CARB November Staff Report, *supra* note 10, at 14.

stated that it would cost approximately three hundred dollars per vehicle, in addition to increased maintenance expenses, in order to equip passenger cars with a three-way catalyst emission control system.⁸⁷ MEMA stated that the competitive impact of the 100,000 mile optional certification procedure "... would be devastating, in that it would result in a substantial loss of business for automotive manufacturers, independent garages and other repair outlets."⁸⁸

In spite of the concerns expressed by some of the manufacturers, I do not believe that the costs of compliance are so excessive as to warrant a denial of a waiver on these grounds, given the intent of Congress in adopting section 209 of the Act.⁸⁹

Certification and Test Procedures. Under section 209(b), I also cannot grant a waiver if I find that the California certification and test procedures are in conflict with the corresponding Federal procedures. This situation may arise where: (1) A manufacturer elects the 100,000 mile optional certification procedure during the certification of 1981 and subsequent model year passenger cars and the demonstration of compliance with this procedure does not satisfy the applicable Federal requirements for this vehicle; or (2) two test vehicles representing the same engine family are required to go through Federal and California certification procedures in order to satisfy the Federal "line-crossing" requirements.⁹⁰ In the event that a manufacturer should elect the 100,000 mile optional certification procedure, I have decided that EPA will, pursuant to section 209(b)(3), accept the data used to successfully certify any vehicle under this procedure for Federal certification purposes. With respect to the second situation, I have decided that EPA will, pursuant to section 209(b)(3), accept the data used to successfully certify any vehicle under

⁸⁷ See Tr. of August 1977 Hearing, *supra* note 10, at 407, 410, 419.

⁸⁸ See *id.* at 284.

⁸⁹ See Memorandum from Eric O. Stork to Norman D. Shutler, January 13, 1978, *supra* note 8, at 1, 2, 20-23; Memorandum from Eric O. Stork to Norman D. Shutler, April 4, 1978, *supra* note 8, at 18-22.

⁹⁰ See 40 CFR § 88.077-28 (1975). The term "line-crossing," as defined by the Federal procedures, refers to the situation where the durability vehicle interpolated 4,000 or 50,000 mile points on the least-squares fit straight line drawn through the test data points exceed the Federal exhaust emission standards. This situation does not include the case where no applicable durability vehicle test data point exceeded the applicable standard. The California "line-crossing" requirements may be found in subparagraph 3(c) of the "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," as amended September 30, 1977.

the California test procedures as demonstrating that such vehicle complies with the applicable Federal standards, and the appropriate Federal certificate of conformity will be issued on this basis. With respect to both of the foregoing points, the resulting Federal certificate of conformity issued on the basis of compliance with the corresponding California standards will cover only those vehicles introduced into commerce for sale in the State of California and possibly in States which have adopted California standards pursuant to section 177 of the Act. Whether the certificate would apply in those States, and under precisely what circumstances, are issues not before me now.

Objections to granting the waiver. For the reasons stated in a prior decision concerned with 1978 through 1982 model year light-duty trucks and medium-duty vehicles,⁹¹ I must dismiss the objections raised concerning the applicable standard of review in a California waiver decision and the adequacy of the opportunity to comment on the 1980 0.39 grams per vehicle mile non-methane HC standard and the California high altitude regulations.⁹² In that decision I have also addressed the manufacturers' request that I consider the impacts of a California waiver decision in light of section 177 of the Act.⁹³

Ford objected to the granting of the waiver on the grounds that section 202 of the Act does not permit the regulation of methane emissions. Ford stated that the legislative history behind the Act clearly indicates that the intent of Congress was to control only detrimental HC emissions and not harmless exhaust constituents such as methane.⁹⁴ After careful consideration of this objection, I have determined that Ford's interpretation of the Clean Air Act is not correct.⁹⁵ Furthermore, it is

⁹¹ See 43 FEDERAL REGISTER 1829, 1833 (January 12, 1978).

⁹² See 43 FEDERAL REGISTER 1829, 1832, 1833, 1834 (January 12, 1978); see also letter from Stuart R. Perkins to Benjamin R. Jackson, *supra* note 21.

⁹³ See 43 FEDERAL REGISTER 1829, 1833 (January 12, 1978).

⁹⁴ See Tr. of October 1977 Hearing, *supra* note 10, at 69, 76-85, 129-130; Ford Motor Co., "Non-Methane Hydrocarbon Motor Vehicle Standards Under the Clean Air Act Amendments of 1977," Presented at the EPA California Waiver Hearing, San Francisco, Calif., October 13, 1977.

⁹⁵ The EPA has previously indicated that compliance with the statutory requirements of section 202(b) of the Act would be based on a total HC standard. See 42 FEDERAL REGISTER 32906 (June 28, 1977); Letter from David G. Hawkins, Assistant Administrator for Air and Waste Management, EPA, to Herbert Misch, Ford Motor Co., November 17, 1977. Although Ford contends that the Clean Air Act Amendments of 1977 require otherwise, I continue to believe that the express language of section 202(b) of the Act

EPA's practice to leave the decisions on controversial matters of public policy, such as whether to regulate methane emissions, to California.⁹⁶

Ford argued that I should not grant California a waiver of Federal preemption unless I can make the findings required to support California's contention that a waiver should be granted.⁹⁷ However, as has been stated in prior waiver decisions, I have interpreted section 209 of the Act to impose on the manufacturers the burden of demonstrating that the conditions exist which warrant the denial of a waiver request.⁹⁸

Ford and others claimed⁹⁹ that these standards may result in a restricted vehicle offering incapable of meeting basic market demand in California contrary to *International Harvester v. Ruckelshaus*.¹⁰⁰ I cannot agree. While the information presented on this issue does indicate that California's emission standards may limit the number of models of passenger cars which may be sold in California in the future, I cannot conclude on the basis of this record that any limitation will in fact occur or that any such limitation will cause basic market demand not to be satisfied.¹⁰¹

AIA contended that the CARB had not provided interested parties with a fair and adequate opportunity to comment on the 1981 and 1982 California standards at the CARB public hearing of September 29, 1977.¹⁰² If this argument has any validity, the EPA waiver hearing is not the proper forum in which to raise it. Section 209(b) does not require that EPA insist on any particular procedures at the State level. Furthermore, a complete oppor-

permits the regulation of methane emissions. The legislative history behind the Clean Air Act contains no statement to the contrary.

⁹⁶ See 41 FEDERAL REGISTER 44209, 44210 (October 7, 1976); 42 FEDERAL REGISTER 31641 (June 22, 1977).

⁹⁷ See Memorandum from John P. Eppel and Helen O. Petruskas to B. R. Jackson, *supra* note 6.

⁹⁸ See 41 FEDERAL REGISTER 44209 (October 7, 1976); 42 FEDERAL REGISTER 25755, 25756 (May 19, 1977).

⁹⁹ See Tr. of August 1977 Hearing, *supra* note 10, at 300, 308, 341, 343-344, 352-354; Tr. of October 1977 Hearing, *supra* note 10, at 75, 159; Letter from Michael W. Grice, Chrysler Corp., to Benjamin R. Jackson, Director, MSED, EPA, October 28, 1977.

¹⁰⁰ 478 F.2d 615 (D.C. Cir. 1973).

¹⁰¹ See *supra* notes 16-81. I am not deciding here that the "basic demand" test of *International Harvester* is applicable in the context of a California waiver. Any determination in this matter would be guided by the interpretation of the applicability of *International Harvester* in a California waiver situation as set forth in a previous waiver decision. See 41 FEDERAL REGISTER 44209, 44212, 44213 (October 7, 1976).

¹⁰² See Tr. of October 1977 Hearing, *supra* note 10, at 216.

tunity was provided at the EPA waiver hearing for the presentation of views.

Subaru of America contended that the adoption and enforcement of an optional 100,000 mile certification procedure violated the consistency requirement of section 209.¹⁰³ Subaru took the position that since section 202(a) states that emission standards "shall be applicable to . . . vehicles and engines for their useful life (as determined under subsection (d)), then in order to be consistent with section 202(a) any certification procedure required by California must be related to a vehicle's "useful life." However, inasmuch as this certification procedure is merely optional, and any manufacturer may, if it chooses, comply with the 50,000 mile California certification procedure, I cannot deny this waiver request on this ground.

In any event, the concept of a 100,000 mile certification procedure is not in violation of the requirement of consistency. Congress has intended that the question of being "consistent with section 202(a)" only relate to whether the standards are technologically feasible within the available lead time, given appropriate consideration to the cost of compliance within this time frame, or whether the California certification and test procedures are in conflict with the applicable Federal procedures.¹⁰⁴ Inasmuch as the problems of conflicting procedures have been resolved above, it is therefore in the framework of technology and lead time that California's use of a 100,000 mile certification procedure has entered into the question of consistency, especially in analyzing durability data supplied by the manufacturers and in determining the lead time require-

ments for distance accumulation during certification. The questions of technology and lead time as they relate to this certification procedure have been previously discussed.

American Motors contended that the 1981 and 1982 model year California standards must be consistent with section 202(b) of the Act and that therefore the CARB must seek an additional waiver of the 1981 and subsequent model year Federal standards for light-duty vehicles produced by low volume manufacturers who are dependent on other manufacturers for technology development.¹⁰⁵ However, given the legislative history of the Clean Air Act Amendments of 1977, I do not concur with this interpretation of section 209 and the responsibilities of the State of California thereunder as suggested by American Motors. In enacting these Amendments, I believe Congress intended that all passenger cars would be required to meet any standard set by California and waived by me under section 209 of the Act.¹⁰⁶ Furthermore, the legislative history of the Clean Air Act Amendments of 1977 contains no statement imposing such an additional burden on the State of California as American Motors contends. In fact, these Amendments specifically reaffirm the original intent of Congress behind section 209 . . . to afford California the broadest possible discretion in selecting the best means to protect the health of its citizens and the public welfare.¹⁰⁷ As a result, I believe that it would be inconsistent with the intent of Congress in enacting section 209 to impose such a burden on California.¹⁰⁸

Finally, various manufacturers questioned the need for these standards and the wisdom of California's emission control strategy. These arguments, however, are not grounds for denying California a waiver. Such arguments all fall within the EPA practice of leaving the decision on controversial matters of public policy to California's judgment.¹⁰⁹

III. FINDING AND DECISION

Having given due consideration to the record of the public hearings of

¹⁰³ See Letter from Stuart R. Perkins to Benjamin R. Jackson, *supra* note 21.

¹⁰⁴ See S. Rep. No. 95-127, 95th Cong., 1st sess. 71 (1977).

¹⁰⁵ H.R. Rep. No. 95-294, 95th Cong., 1st sess. 301-302 (1977).

¹⁰⁶ See *id.* at 71, 301-302; H.R. Rep. No. 95-564, 95th Cong., 1st sess. 170 (1977); 41 FEDERAL REGISTER 44209, 44212 (October 7, 1976).

¹⁰⁷ See Tr. of August 1977 Hearing, *supra* note 10, at 299-302, 334-338, 338, 345, 365-367, 369, 371-372, 374, 376-379, 381, 409, 411-414; Memorandum from John P. Eppel and Helen O. Petruskas to B. R. Jackson, *supra* note 54, at 8-11; Letter from Stuart R. Perkins to Benjamin R. Jackson, *supra* note 21; 43 FEDERAL REGISTER 1829, 1833 (January 12, 1978).

May 16-19, August 3-4, and October 13, 1977, all material submitted for this record and other relevant information, I find that I am unable to make the determinations required for a denial of the waiver under section 209(b) of the Act, and therefore, I hereby waive application of section 209(a) of the Act to the State of California with respect to the following sections of title 13 of the California Administrative Code:

Section 1959.5, adopted on June 8, 1977, as amended June 22, 1977, and "California Exhaust Emission Standards and Test Procedures for 1979 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," adopted on June 8, 1977, with respect to 1979 model year passenger cars,

Sections 1960 (a) and (b), adopted November 23, 1976, as amended September 30, 1977, and "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles," adopted on November 23, 1976, as amended September 30, 1977, with respect to 1980 and subsequent model year passenger cars, and

Sections 2100 *et seq.*, adopted June 24, 1976, as amended June 30, 1977, and "California New Motor Vehicle Compliance Test Procedures," adopted June 24, 1976, last amended June 30, 1977, with respect to 1979 model year gasoline-powered and 1980 and subsequent model year gasoline and diesel-powered passenger cars.

As stated above, this decision does not include (i) the California certification requirements covering the carburetor idle air/fuel mixture adjustment mechanism and (ii) the limitations on allowable maintenance incorporated by reference in section 1960 of title 13 of the California Administrative Code under the "California Exhaust Emission Standards and Test Procedures for 1980 and Subsequent Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles."

In addition, I find that those actions of an administrative nature taken by the CARB with regard to the 1978 passenger car standards and test procedures fall within the scope of a waiver currently in effect, and therefore, do not require a new waiver.

My decision to grant the waiver will affect not only persons in California but also the manufacturers located outside the State who must comply with California's standards in order to produce passenger vehicles for sale in California. For this reason I hereby determine and find that this decision is of nationwide scope and effect.

A copy of the above standards and procedures, as well as the record of these hearings and those documents used in arriving at this decision, is available for public inspection during

normal working hours (8 a.m. to 4:30 p.m.) at the U.S. Environmental Protection Agency, Public Information Reference Unit, Room 292 (EPA Library), 401 M Street SW., Washington, D.C. 20460. Copies of the standards and test procedures are also available upon request from the California Air Resources Board, 1102 Q Street, Sacramento, Calif. 95812.

Dated: June 7, 1978.

BARBARA BLUM,
Acting Administrator.

(FR Doc. 78-16492 Filed 6-13-78; 8:45 am)

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

TV BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING PURSUANT TO SECTION 1.573(d) OF THE COMMISSION'S RULES

Adopted: June 7, 1978.

Released: June 8, 1978.

By the Chief, Broadcast Bureau.
Notice is hereby given, pursuant to section 1.573(d) of the Commission's rules, that the television broadcast applications listed below will be considered to be ready and available for processing on July 24, 1978. Since the listed applications are mutually exclusive and have been cut off, no other application which involves a conflict with these applications may be filed. Rather, the purpose of this notice is to establish a date by which the parties to the forthcoming comparative hearing may compute the deadlines for filing amendments as a matter of right under section 1.522(a)(2) of the rules and pleadings to specify issues pursuant to section 1.584.

BPCT-5002 (new), Lima, Ohio, Associated Christian Broadcasters, Inc., Channel 44.
BPCT-5048 (new), Lima, Ohio, Strang Telecasting, Inc., Channel 44.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

(FR Doc. 78-16424 Filed 6-13-78; 8:45 am)

[6712-01]

COMMON CARRIER SERVICES INFORMATION

Publishing Cost

JUNE 8, 1978.

Due to the high cost of publishing notices listing Common Carrier applications accepted for filing with the Commission, they will, as of July 1, 1978, no longer be published in the FEDERAL REGISTER. This information is available in various industrial publications and as part of FCC news releases.

Questions concerning this revision may be directed to George Combs, FCC Rules Section, at 632-7024.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

(FR Doc. 78-16423 Filed 6-13-78; 8:45 am)

[6712-01]

[Docket No. 20546; FCC 78-372]

ITT WORLD COMMUNICATIONS, INC. AND WESTERN UNION INTERNATIONAL, INC.

Instituting Investigation

MEMORANDUM OPINION AND ORDER

Adopted: May 31, 1978.

Released: June 7, 1978.

By the Commission: Commissioners Ferris, Chairman; and Brown absent.

In the matter of ITT World Communications, Inc. Revisions to Tariff F.C.C. No. 43, Docket No. 20546; ITT World Communications, Inc. Revisions to Tariff F.C.C. No. 43, Transmittal No. 2081; Western Union International, Inc. Revisions to Tariff F.C.C. No. 4, Transmittal No. 1238.

1. By Memorandum Opinions and Orders, FCC 78-37, released January 27, 1978, and FCC 78-112, released February 27, 1978, the Commission suspended the proposed rate reductions of Western Union International, Inc. (WUI), and RCA Global Communications, Inc. (Globcom) for alternate voice/data (AVD) channel service between Hawaii and U.S. mainland. Now before the Commission for its consideration are (a) ITT World Communications Inc. (Worldcom) transmittal No. 2081 which contains a proposed rate reduction matching the WUI and Globcom suspended rates and a proposed reduction in the Hawaii-Guam rate; (b) WUI transmittal No. 1238 which contains a proposed rate reduction from the current rate for AVD circuits but which is higher than the suspended rate; (c) Petitions to reject these proposed reductions, filed by Hawaiian Telephone Co. (HTC); and (d) Opposition filed by Worldcom and WUI.

BACKGROUND

2. In an order released September 15, 1977, Western Union International, Inc., 66 FCC 2d 373 (1977), we determined that an investigation was warranted into the rate reduction for AVD circuits from \$3,770 to \$2,965 per month then proposed by WUI. In a subsequent order released October 4, 1977, ITT World Communications, Inc., 66 FCC 2d 330 (1977), we announced our intention to investigate Worldcom's proposed reduction from \$3,770 to \$2,944 per month for the same service. By Memorandum Opin-

ion and Order, FCC 77-749, released November 2, 1977, we announced that the investigation would also include Globcom's proposed reduction from \$3,770 to \$2,920 per month for this service. We further stated in this last order that should the other carriers propose to match Globcom's proposed rate that the investigation would relate to the \$2,920 rate rather than the higher rates then in effect. None of these reductions was suspended.

3. In those orders we noted that the cost support material supplied by the carriers raised substantial questions in the areas of entrance facility costs, fill factors, impact on other services and projected rates of return. Our analysis of those submissions indicated that the proposed rates in the \$2,900 range may cover the carriers' estimated operational expenses and, therefore, we did not suspend those reductions. However, we noted that the reasonableness of the rates was, at best, speculative.

4. In our two suspension orders, supra, pertaining to WUI's and Globcom's proposed further reductions (to \$2,735 for WUI and \$2,720 for Globcom), the carriers' cost support was found deficient since the cost support material reflected earlier contract rates for entrance facilities as opposed to the higher tariff rates then in effect. Moreover, the proposed rates were less than the carriers' own estimated revenue requirement. Thus, the question of cross-subsidy was clearly raised. Also, the reasonableness of the rate was even more in question since the rate of return on the service appeared to be less than cost of capital. No explanations were offered concerning how the deficiencies would be handled and the proposed reductions were suspended for the maximum statutory period.

PRESENT PROPOSALS AND CONTENTION OF THE PARTIES

A. WUI

5. WUI now proposes a rate of \$2,830 per month to be effective on May 22, 1978.¹ (Its suspended \$2,735 rate becomes effective on June 20, 1978 following the suspension period.) WUI estimates its revenue requirement for the service at \$2,811 per month, an increase over the estimated revenue requirement for the \$2,735 rate. WUI's support material indicates that the new rate proposal recognizes increased

¹ "Entrance facilities" are the facilities the international record carriers obtain between their operating units and cable heads or earth stations. These facilities are generally obtained from the telephone company.

² By order of the Chief, Common Carrier Bureau requiring full statutory notice, WUI has deferred the effective date of this revision to June 8, 1978.

entrance facility charges³ which are offset by other reductions. In part, WUI claims its rate base has been modified in light of an agreement to purchase additional satellite circuits from AT&T/GSAT between San Francisco and Hawaii. Thus, the larger number of circuits will affect its other revenue requirements by spreading them over more facilities. WUI also projects, for ratemaking purposes, a fill factor of 75 percent.

6. HTC argues that the fill factor utilized by WUI does not comport with WUI's own projection. Using WUI's projected utilization forecast, HTC claims that a 67 percent fill ratio should be employed. In addition, HTC asserts that WUI has also agreed to purchase 10 additional circuits for service between Hawaii and the east coast of the U.S. mainland. Adding these circuits into the San Francisco-Hawaii total, will result in, according to HTC, a fill factor of 61 percent. Utilizing its estimated adjustments to WUI's figures, HTC claims WUI's revenue requirement would be \$3,025 per month. Finally, HTC argues that not only is the \$2,830 rate non-compensatory, but also that WUI has not sought or obtained Commission authorization to acquire the additional 40 or 50 new domestic satellite circuits.

7. In operation, WUI argues that its ratemaking principles are in accord with accepted principles and that the proposed rate reflects the most current cost data available. Specifically, WUI argues that it should not include circuits from its east coast gateway since the proposed rate is from its west coast gateway. WUI also argues that since it intends to seek an amendment to its authority to acquire satellite circuits, it was proper to include these prospective facilities in its calculations. WUI also notes that since the proposed rate would only be effective for 29 days, a possible violation of §61.59(a) of the Commission's rules, WUI would be willing to defer the effective date of its \$2,735 rate for one additional day, should the Commission deem such action necessary.

B. WORLDCOM

8. Worldcom proposes to reduce its main-land Hawaii AVD rate from \$2,920 to \$2,720 per month to become effective May 16, 1978.⁴ In its cost support material it estimates a monthly revenue requirement of \$2,720 based on a return requirement of 2.5 per-

³WUI utilizes a weighted average cost for such facilities as opposed to actual lease charges for AVD entrance facilities.

⁴Worldcom also proposes to reduce the AVD rate between Hawaii and Guam from \$6,840 per month to \$6,435 per month. By order requiring these changes to be filed on full statutory notice, the effective date of these proposed revisions has been extended to June 5, 1978.

cent. Worldcom asserts that this rate change will not impact traffic or revenue from other services provided by Worldcom. In addition, Worldcom shows no investment in U.S./Hawaii cable No. 1 on the grounds that average cable/repeater depreciation life is between 20-23 years and cable No. 1 was put in service in 1957. Moreover, Worldcom utilizes an allocation of circuits rather than taking total cable investment. It also employs a cable-satellite fill ratio of 85 percent.

9. With regard to the Mainland-Hawaii rates HTC asserts that since Worldcom assigns three circuits to U.S.-Hawaii Cable No. 1, it must allocate its investment in that cable to this offering and Worldcom's investment would increase from \$96,326 to \$109,462. HTC also claims that the 85 percent fill ratio used to support the proposal is not supported in Worldcom's cost justification schedule and must be rejected as improper rate-making. HTC also asserts that Worldcom's own projected 2.5 percent rate of return is inadequate to cover even interest on debt, and thus the existence of cross-subsidization and burden on other services is necessarily apparent. HTC notes that this rate was developed apparently in response to the procurement policy announced by the Defense Commercial Communications Office (DECCO), which directs carriers to propose rates below tariff rates and that contract awards will be based on its cost projections subject only to the expiration of the required tariff notice period and statutory suspension period. Thus, HTC concludes a new dimension has been added to carrier ratemaking and in light of the obvious deficiencies in the filing, the proposed tariff should be rejected.⁵

10. In opposition, Worldcom submits that the Hawaii No. 1 Cable has been substantially depreciated and that inclusion of the cost of that cable with the lower costs of other facilities would create a significant inflation in the overall costs. Worldcom further argues that the use of any fill factor is necessarily somewhat arbitrary, however, the 85 percent figure is Worldcom's world-wide average. Thus, Worldcom asserts that its use for the Hawaii market is appropriate. Worldcom also argues that the proposed rates were developed in response to a competitive market, and that the return produced by such rates should not be a factor. Finally, Worldcom asserts that rejection is not an appropriate remedy and if the Commission believes that reasonableness of any ele-

⁵HTC also argues that the Hawaii-Guam rate should be rejected for similar deficiencies. Since the Commission has an on-going investigation of Hawaii-Guam rates, docket 20458, we believe that such investigation should address the current proposal.

ment is questionable, the appropriate course of action would be an investigation pursuant to Section 204 of the Communications Act.

DISCUSSION

11. In our orders suspending WUI's and Globcom's proposed rates supra, we noted that substantial questions as to the lawfulness to the rates within the meaning of section 201 of the Communications Act, 47 U.S.C. 201, existed. We further noted that rejection of the proposed rates was not an appropriate remedy in those particular factual circumstances. It is clear that the Worldcom filing raises similar questions to those we previously noted. Since we are instituting an investigation of the WUI and Globcom rates, we will enlarge that proceeding to include the present Worldcom proposal. Inasmuch as the tariff revisions filed by Worldcom proposing a mainland-Hawaii rate of \$2,720 is not contrary to a prior Commission decision, and is not otherwise clearly unlawful on its face, rejection is not warranted. Similarly, the Hawaii-Guam rate is also not rejectable; however, in light of the serious questions raised concerning this rate and the existing investigation we believe suspension is warranted. As to the present WUI filing, we find that it violates §61.59 of the rules, which requires that, without special permission granted prior to filing, a tariff change must remain effective for not less than 30 days. At present, WUI's suspended rate has not been effective for thirty days and WUI has not sought special permission to file the instant interim rate proposal. Therefore, the filing is in violation of Commission Rules and Regulations and will be rejected.⁶

12. Although the present WUI filing is being rejected, we note that it shows a revenue requirement larger than that shown to support its \$2,720 rate. This larger deficiency exacerbates our concern that the \$2,720 rate may be unreasonably low, thus making cross-subsidization by other services more likely. In light of the other questions previously raised, e.g. projected fill factors, operational and maintenance costs, and questions concerning the proper allocation of entrance facility

⁶Even if allowed, WUI's offer to defer the effectiveness of the \$2,735 rate for one day would not cure the violation of the rule. Section 61.59(a) of the rules states that "after notice of a change has been published and filed, the new changes or regulations must be allowed to become effective and remain so for at least 30 days from their effective date before any change can be made therein." Therefore, since the \$2,735 rate was filed and published before the \$2,830 rate, it (i.e., the \$2,735 rate) must, absent special permission, become effective and remain so for 30 days before being changed.

costs, the reasonableness of WUI's present rate proposal and suspended rate appear to be even more questionable. The present Worldcom filing in which the carrier forecasts only a 2.5 percent rate of return clearly raises an additional question of reasonableness. Questions of reasonableness in the context of the Communications Act, not the procurement policies of DECCO, clearly exist in the present filings as well as the previously suspended rates. We will therefore consolidate the present Worldcom filing with the presently suspended WUI and Globcom rates for investigation and hearing. This investigation will address the carriers' allocations of cost, the reasonableness of the rate of return, and the extent and permissibility of any cross-subsidization of other services resulting from the rates charged for AVD service. Finally, the hearing will address whether the Commission should prescribe rates and practices for the service offering.⁷

13. Accordingly, it is ordered, That, pursuant to the provisions of section 204 of the Communications Act of 1934, as amended, 47 U.S.C. 204, the tariff revisions contained in ITT World Communications, Inc., Transmittal No. 2081 are hereby suspended until October 16, 1978;

14. It is further ordered, That, by separate order, an investigation into the lawfulness of the tariff revisions filed by ITT World Communications, Inc., in transmittal No. 2081, proposing a reduction in its mainland-Hawaii rate, including any revisions thereof, shall be instituted.

15. It is further Ordered, That the tariff revisions contained in ITT World Communications, Inc. transmittal No. 2081 establishing charges between Honolulu, Hawaii and Guam shall be included in the on-going investigation, in docket No. 20546, of rates between the U.S. Mainland and Guam.

16. It is further ordered, That the tariff schedules filed by Western Union International Inc. contained in transmittal No. 1238 are rejected.

17. It is further ordered, That the petitions to reject the captioned transmittals filed by Hawaiian Telephone Co. are granted to the extent indicated above but are denied in all other respects.

18. It is further ordered, That the Secretary shall send a copy of this order by certified mail, return receipt requested, to ITT World Communications, Inc., and shall cause a copy to be published in the FEDERAL REGISTER.

⁷The issues for a consolidated hearing involving all of these Hawaii-mainland rates will be set forth in a subsequent order upon our completion of the evaluation of the material submitted in docket No. 20778, the international record carrier preliminary audit proceeding.

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-16427 Filed 6-13-78; 8:45 am]

[8712-01]

[SS Docket No. 78-1631]

JOSEPH E. CASTELLETTI, JR.

Designating Application for Hearing on Stated
Issues

Adopted: June 7, 1978.

Released: June 8, 1978.

In the matter of the application of Joseph E. Castelletti, Jr., 214 8th Avenue SW., Largo, Fla. 33540, for amateur radio station and novice class operator licenses.

The Chief, Safety and Special Radio Services Bureau, has under consideration an application for an amateur radio station license and a novice class operator license filed by Joseph E. Castelletti, Jr., on July 28, 1977.

1. Castelletti was granted a citizens band radio station license on June 3, 1975, for a 5-year term. On February 15, 1978, the Commission released an order (SS-535-77) revoking Castelletti's citizens band license. That order concluded that Castelletti transmitted on the frequencies 27.536 and 27.546 MHz without a Commission license authorizing such operation, in willful violation of section 301 of the Communications Act of 1934, as amended. The order further concluded that Castelletti, by his unlicensed operation, disrupted the legitimate use of frequencies and circumvented the Commission's scheme of regulation. The order further concluded that Castelletti did not identify his transmissions by a call sign assigned to him by the Commission, but instead used the designator "27W192," a designator of the type assigned by organizations known as "Whiskey" Clubs. The order concluded that organizations such as the "Whiskey" Clubs actively promote and encourage unlicensed and illegal operation and that Castelletti had further demonstrated his unfitness to be a Commission licensee by adhering to the operating procedures of the Florida "Whiskey" organization.

2. In view of the findings and conclusions of the order of revocation (SS-535-77) released on February 15, 1978, it cannot be determined that a grant of Castelletti's application would serve the public interest, convenience and necessity. Therefore, the Commission must designate the application for hearing. The findings and conclusions of the order of revocation shall be res judicata as to the applicant and shall not be relitigated in this proceeding.

Accordingly, It is ordered, Pursuant to section 309(e) of the Communications Act of 1934, as amended, and §§0.331

and 1.973 of the Commission's rules, that the captioned application is designated for hearing at a time and a place to be specified by subsequent order, upon the following issues:

(1) To determine the effect of the facts and conclusions contained in the order of revocation, released February 15, 1978 (SS-535-77), upon the applicant's qualifications to be a licensee of the Commission.

(2) To determine, in light of the evidence adduced under the foregoing issue, whether the applicant has the requisite qualifications to be a licensee of the Commission.

(3) To determine whether the public interest, convenience, and necessity would be served by a grant of the application for amateur radio station and novice class operator licenses.

It is further ordered, That to avail himself of the opportunity to be heard, the applicant herein, pursuant to §1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in the order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

It is further ordered, That a copy of this order shall be sent by certified mail—return receipt requested, and by regular mail to the licensee at his address of record as shown in the caption.

Chief, Safety and Special Radio Services Bureau.

GERALD M. ZUCKERMAN,
Chief, Legal, Advisory, and
Enforcement Division.

[FR Doc. 78-16426 Filed 6-13-78; 8:45 am]

[6714-01]

FEDERAL DEPOSIT INSURANCE CORPORATION

EDP EXAMINATION, SCHEDULING, AND
REPORT DISTRIBUTION

Policy Statement

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Policy statement.

SUMMARY: This policy statement reflects the judgment of the Corporation that its adoption will result in more efficient use of its examination staff and will eliminate the multiple examinations of individual data centers. The policy statement also specifies the procedure for distribution of examination reports.

EFFECTIVE DATE: June 14, 1978.

FOR FURTHER INFORMATION
CONTACT:

Thomas E. Dollar, Chief, Automation Section, Federal Deposit Insurance Corporation, Washington, D.C. 20429, 202-389-4351.

STATEMENT OF POLICY CONCERNING EDP EXAMINATION, SCHEDULING, AND REPORT DISTRIBUTION

DEFINITIONS

1. *Insured institution.* Any bank, savings and loan association, or other financial institution whose deposits or shares are insured by a Federal agency.
2. *Service institution.* Any insured institution which receives data processing services.
3. *Independent data center.* Any data center that provides data processing services to an insured institution, but is not owned by or affiliated with an insured institution.
4. *Holding company.* Any organization which has control over one or more insured institutions.
5. *Bank service corporation.* A servicing corporation as defined in the Bank Service Corporation Act, 12 U.S.C. 1861-1865.

I. EXAMINATION RESPONSIBILITY

- Insured institutions.* Data centers operated by an insured institution, or its subsidiary, will be examined by the Federal regulatory agency responsible for the insured institution.
- Holding companies.* 1. Data centers operated by a holding company, or its affiliate, which services only one class of insured institution will be examined by the Federal regulatory agency responsible for that class of insured institution.
2. Data centers operated by a holding company, or its affiliate, which services more than one class of insured institutions will be examined jointly, or on a rotated basis, as agreed to by the Federal regulatory agencies responsible for those classes of insured institutions.
- Data centers operated by holding companies which control only one insured institution, or its affiliate, will be examined by the Federal regulatory agency responsible for the insured institution.
- Independent data centers.* Responsibility for the examination of independent data centers will be based on the class of insured institution being serviced. The guidelines for holding companies (item B) will apply.
- Bank service corporations.* Responsibility for the examination of bank service corporations will be based on the class of insured institutions being serviced. The guidelines for holding companies (item B) will apply.
- Independent examinations.* No Federal regulatory agency is precluded from conducting an independent examination of any data center that is providing data processing services to an insured institution for which the agency is responsible or where and agency has regulatory responsibility for holding company data centers.

II. SCHEDULING AND REPORT PREPARATION

- Joint examinations.* 1. Joint examinations will be scheduled at the regional level. Examination duties will be divided and rotated among the EDP examiners assigned.
2. One report will be prepared and signed by the examiner-in-charge from each agency. The participating examiners will reach an agreement on the report comments and the responsibility for authoring the finished report.

3. Interested state agencies will be invited to participate when institutions operating under their charter are being serviced.
B. *Rotated examinations.* 1. When joint examinations are not scheduled for servicers of various classes of insured institutions, the examination responsibilities will be rotated among the appropriate agencies for 2-year periods. However, when the data center's overall condition is determined to be less than satisfactory, joint examinations must be scheduled for the subsequent examination.
2. The examining agency will complete its standard report of examination when conducting rotated examinations.

III. REPORT DISTRIBUTION POLICIES AND PROCEDURES

- At the conclusion of the examination the examiner will discuss the report comments with the senior management. Management will be informed that, as a matter of policy, these or similar report comments will be distributed to all insured serviced institutions. The distribution policy will be repeated in the cover letter transmitting the completed report to the data center.
- The examining agency will furnish all other affected agencies (at the district or regional level) a copy of the completed report, a complete list of serviced institutions, and an outline of any request for corrective action. If the receiving agency feels additional follow-up is warranted, it will immediately request the initiating agency to do so.
- Each agency will be responsible for reproducing and distributing the report comments to its serviced institutions. A transmittal letter will be used to advise each recipient that the comments are for their internal use only, are not to be construed to satisfy audit requirements, and remain the confidential property of the sending agency. A written receipt will be obtained from each recipient. Report comments resulting from joint examinations will be distributed by the participating agencies to their respective serviced institutions.

These procedures do not affect existing distribution agreements with State agencies. The agency conducting the examination will be the only one permitted to provide non-participating State authorities copies of the report. In the case of joint examinations, participation by State agencies and report distribution to those State agencies will be decided on an individual basis (at the district or regional level) by the participating Federal agencies.

D. Regardless of the distributing agency, report comments transmitted to serviced institutions will be limited to the examiner's conclusions, recommendations and comments. Matters of a proprietary or competitive nature relating to the servicer will be excluded from report comments prepared for distribution to serviced institutions, but will be contained in the report provided to the servicer and other Federal agencies. Requests for additional information will be considered on an individual basis. Each agency with serviced institutions will have access to examiner work papers in addition to the complete report (including confidential sections).

E. In cases where the servicer is examined by a single agency and does not respond to corrective action requests, it may be necessary to report the uncorrected deficiencies to the serviced institutions. However, the regulatory agencies of all serviced institutions will first agree on the need and jointly meet with the servicer.

By order of the Board of Directors,
June 9, 1978.

ALAN R. MILLER,
Executive Secretary.

[FR Doc. 78-16450 Filed 6-13-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder
License No. 117-R]

CARBONELL FORWARDING CO.

Order of Revocation

On May 16, 1978, Carbonell Forwarding Company, previously located at 1170 Broadway, New York, NY 10001, voluntarily surrendered its Independent Ocean Freight Forwarder License No. 117-R for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 117-R issued to Carbonell Forwarding Company be and is hereby revoked effective May 16, 1978, without prejudice to reapply for a license in the future.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon Carbonell Forwarding Company, c/o Mr. Alfonso Silva, 23 Clinton Road, Garden City, New York 11530.

ROBERT M. SKALL,
*Deputy Director, Bureau
of Certification & Licensing.*

[FR Doc. 78-16462 Filed 6-13-78; 8:45 am]

[4110-02]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ADVISORY COMMITTEE ON ACCREDITATION AND INSTITUTIONAL ELIGIBILITY:

Change in Location of Meeting

AGENCY: Department of Health, Education, and Welfare Office of Education.

ACTION: Revision of notice.

SUMMARY: Notice is hereby given of a change in location of the meeting of the Advisory Committee on Accreditation and Institutional Eligibility. Notice of the meeting was published previously in the FEDERAL REGISTER on April 20, 1978, 43 FR 16810-16811. The meeting will be held at the International Inn, No. 10 Thomas Circle NW., Washington, D.C. 20005. Notice is also given of a change in time for the meeting on June 22. The meeting will begin

at 8:30 a.m., local time, and will end at 6:00 p.m.

DATES: June 21, 1978, 9:00 a.m. to 5:00 p.m., local time; June 22, 1978, 8:30 a.m. to 6:00 p.m.; and June 23, 1978, 9:00 a.m. to 3:00 p.m.

FOR FURTHER INFORMATION CONTACT:

John R. Proffitt, Director, Division of Eligibility and Agency Evaluation, Office of Education, Room 3030, ROB 3, 400 Maryland Avenue SW., Washington, D.C. 20202, 202-245-9873.

Signed at Washington, D.C. on June 9, 1978.

JOHN R. PROFFITT,
*Director, Division of Eligibility
and Agency Evaluation, Office
of Education.*

[FR Doc. 78-16494 Filed 6-13-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-3063-EM; Docket No. NFD-630]

MISSISSIPPI

Amendment to Notice of Emergency Declaration

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This notice amends the notice of emergency declaration for the State of Mississippi (FDAA-3063-EM-), dated April 24, 1978.

DATED: May 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The notice of emergency for the State of Mississippi, dated April 24, 1978, is hereby amended to include the following counties among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of April 24, 1978:

The counties of Coahoma, Grenada, and Panola.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM H. WILCOX,
*Administrator, Federal Disaster
Assistance Administration.*

[FR Doc. 78-16483 Filed 6-13-78; 8:45 am]

[4210-01]

[FDAA-558-DR; Docket No. NFD-632]

MONTANA

Major Disaster and Related Determinations

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Montana (FDAA-558-DR), dated May 29, 1978, and related determinations.

DATED: May 29, 1978.

FOR FURTHER INFORMATION CONTACT:

A. C. Reid, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on May 29, 1978, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Montana resulting from severe storms, flooding and mudslides beginning about May 15, 1978, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of Montana.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Donald G. Eddy of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Montana to have been adversely affected by this declared major disaster. The Counties of: Big Horn, Powder River, Rosebud, Treasure, and Yellowstone.

(Catalog of Federal Domestic Asst. No. 14.701, Disaster Asst.)

WILLIAM H. WILCOX,
*Federal Disaster Assistance
Administration.*

[FR Doc. 78-16482 Filed 6-13-78; 8:45 am]

[4210-01]

[FDAA-557-DR; Docket No. NFD-6317]

WYOMING

Major Disaster and Related Determinations

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Wyoming (FDAA-557-DR), dated May 29, 1978, and related determinations.

DATED: May 29, 1978.

FOR FURTHER INFORMATION CONTACT:

A. C. Reid, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on May 29, 1978, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Wyoming resulting from severe storms, flooding and mudslides beginning about May 15, 1978, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Wyoming.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Donald G. Eddy of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Wyoming to have been adversely affected by this declared major disaster.

The Counties of: Big Horn, Converse, Hot Springs, Park, Niobrara, Washakie, Campbell, Crook, Johnson, Natrona, Sheridan, and Weston.

(Catalog of Federal Domestic Asst. No. 14.710, Disaster Asst.)

WILLIAM H. WILCOX,
*Federal Disaster Assistance
Administration.*

[FR Doc. 78-16481 Filed 6-13-78; 8:45 am]

[4210-01]

(Docket No. D-78-502)

DIRECTOR OF THE BOSTON DISASTER FIELD OFFICE**Redelegation of Authority**

AGENCY: Department of Housing and Urban Development.

ACTION: Redelegation of authority.

SUMMARY: This document redelegates certain authority, originally delegated by the Secretary to the Regional Administrator, to the Director of the Boston Disaster Field Office.

EFFECTIVE DATE: February 10, 1978.

SUPPLEMENTARY INFORMATION: The Director of the Boston Disaster Field Office, established pursuant to the President's declaration of a major disaster in Massachusetts on February 10, 1978, is authorized to exercise the authority delegated to the Regional Administrator by the Assistant Secretary for Housing to implement specified provisions of section 404 of the Disaster Relief Act of 1974 (41 FR 37659 (September 7, 1976)). This authority is to be exercised in conformity with HUD rules and regulations and subject to Assistant Secretary for Housing—Federal Housing Commissioner mission assignments. The program policies contained in § 2205.45, proposed rules, 42 FR 47 (March 10, 1977), shall be followed with the exception of section 2205.45(r), Federal responsibility.

In order to exercise the authority delegated above, the Director's authority includes, but is not limited to, the power to:

(a) Appoint and fix compensation of temporary employees at disaster sites in accordance with section 309(b) of Pub. L. 93-288;

(b) Administer the oath of office required by 5 U.S.C. 3331 incident to entrance into the executive branch, or any other oath required by law in connection with employment in the executive branch as authorized under 5 U.S.C. 2903(b); (c) Establish a basic work week of 40 hours for full time employees as provided in 5 U.S.C. 6101;

(d) Certify time and attendance and other records to support salary payments;

(e) Designate the administrative officer to administer oaths in connection with employment matters;

(f) Designate employees who report directly to him the authority to: (1) certify time and attendance records and reports; and (2) approve disbursements for petty cash purchases or travel advances from the imprest fund,

provided that the person designated as imprest fund cashier shall not be an employee who makes or approves purchases or travel advances;

(g) Designate an agent and an alternate to receive, safeguard, and distribute salary checks, provided the designees are not authorized to maintain and certify time and attendance records and reports, and initiate personnel actions.

This designation shall be in writing to the Assistant Regional Administrator for Administration, Boston Regional Office;

(h) Certify to the necessity of official commercial long distance telephone calls placed through official telephone facilities;

(i) Direct essential travel within region I by employees under his jurisdiction and approve travel vouchers submitted by HUD employees while assigned to the Disaster Field Office;

(j) Certify for payment processing all documents related to costs and other disbursements to be made in connection with this disaster activity;

(k) Enter into and administer procurement contracts; and

(l) Execute leases for temporary housing of disaster victims.

The Director of the Boston Disaster Field Office may redelegate to employees of the Department of Housing and Urban Development any of the authority delegated above.

(E.O. 11795 of July 11, 1974, 39 FR 25939; sec. 7d, Department of HUD Act, 42 U.S.C. 3535(d); redelegation of authority, 41 FR 37659, September 7, 1976.)

Issued at Boston, Mass., February 24, 1978.

EDWARD T. MARTIN,
Regional Administrator, Region
I, Department of Housing and
Urban Development.

(FR Doc. 78-16484 Filed 6-13-78; 8:45 am)

[4310-84]

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****RELOCATION OF FAIRBANKS, ALASKA, DISTRICT OFFICE**

The Fairbanks, Alaska, District Office of the Bureau of Land Management will relocate all of its present office personnel, equipment and functions from its present 1028 Aurora Drive site to a new site located on North Post, Fort Wainwright, Alaska.

This move will be effective and completed by 8 a.m., June 23, 1978. The relocation involves the move of the District Land Office which will close for business at 4 p.m. on June 22, 1978, and open for business at 10 a.m. on June 23, 1978. The mailing address and telephone number for the new location will remain: Bureau of Land

Management, P.O. Box 1150, Fairbanks, Alaska, 99707, telephone 907-452-4725.

A Public Information Office, including land office information, will be maintained at the Fairbanks Federal Office Building, 101 12th Avenue, Room 112.

ARNOLD E. PETTY,
Acting Associate Director.

JUNE 9, 1978.

(FR Doc. 78-18471 Filed 6-13-78; 8:45 am)

[4310-10]

Office of the Secretary**ANIMAL DAMAGE CONTROL POLICY STUDY****Advisory Committee Meeting**

Notice is hereby given in accordance with the Animal Damage Control Act of March 2, 1931, that a meeting of the Animal Damage Control Policy Study Advisory Committee will be held on June 29 and 30, 1978.

PURPOSE OF THE COMMITTEE

The purpose of the committee is to provide advisory services in coordination with a policy analysis of the problems of mammal predation of western livestock with major emphasis on the problems of coyote depredation. The analysis will address issues related to mammal predation damage as opposed to migratory bird damage control. The study will be an objective examination of the nature and scope of the predation problems affecting the western livestock industry, the environmental concerns and impacts associated with predatory damage control, and will present options, including the consequences of various levels and methods of predator control.

COMMITTEE MEETING

The advisory committee meeting will be held on June 29 and 30, 1978, at 9 a.m. and will conclude at 5 p.m. each day at the American Institute of Architects, Board Room, 1735 New York Avenue NW., Washington, D.C. 20006. The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited (about 40 spaces) and persons will be accommodated on a first-come, first-served basis.

Any member of the public may file, with the committee, written statements concerning the matters to be discussed.

Persons wishing further information concerning the meeting or who wish to submit written statements, may contact Ms. Sheila Minor, Office of the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, Washington, D.C. 20240, telephone 202-343-4945.

Minutes of the meeting will be available for public inspection thirty days after the meeting and the public hearings in Room 3145, Main Interior Building, 18th and C Streets NW., Washington, D.C. 20240.

Dated: June 9, 1978.

RICHARD J. MYSHAK,
Deputy Assistant Secretary
for Fish and Wildlife and Parks.
(FR Doc. 78-16436 Filed 6-13-78; 8:48 am)

[7020-02]

INTERNATIONAL TRADE COMMISSION

(Investigation No. 337-TA-53)

CERTAIN SWIVEL HOOKS AND MOUNTING BRACKETS**Notice of Investigation**

Notice is hereby given that on May 9, 1978, Coats & Clark, Inc. (complainant), 72 Cummings Point Road, Stamford, Conn. 06904, filed a complaint with the United States International Trade Commission under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337). The complaint alleges unfair methods of competition and unfair acts in the unauthorized importation and sale of certain swivel hooks and mounting brackets for hanging plants and other objects in the home, by reason of the following:

(1) The alleged coverage of the swivel hooks by claims 1, 2, 3, and 4 of U.S. Patent No. 2,995,822, which patent is owned by the complainant;

(2) The alleged coverage of the mounting brackets by all claims of U.S. Patent No. 4,049,255, which patent is owned by the complainant;

(3) The alleged violation of the common law trademarks "Swivel Hook/Eye" and "Swivel Ceiling Hook," which are allegedly common law trademarks owned by the complainant;

(4) The alleged unlawful copying of trade dress associated with the swivel hooks and mounting brackets produced and sold by the complainant which are subject to this investigation;

(5) The alleged unlawful importation sale, and offers for sale of swivel hooks and mounting brackets bearing false designations of origin; and

(6) The alleged unlawful acquisition and use of know-how transmitted in confidence by the complainant to one of the respondents named below, Sato Metal Trading Company, Ltd., concerning such swivel hooks and mounting brackets.

The complaint alleges that such unfair methods of competition have the effect or tendency to destroy or substantially injure an industry efficiently and economically operated in the United States.

Complainant requests a permanent exclusion order against swivel hooks and mounting brackets which infringe its U.S. Patents Nos. 3,995,822 and 4,049,225; which infringe its trademarks; which falsely designate origin; and which copy its trade dress.

Having considered the complaint, the United States International Trade Commission on June 7, 1978, ordered: 1. That, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine, under subsection (c) whether, on the basis of the allegations set forth in the complaint and the evidence adduced, there is a violation of subsection (a) of this section in the unauthorized importation of certain swivel hooks and mounting brackets into the U.S., or in their subsequent sale by reason of:

(1) The alleged coverage of the swivel hooks by claims 1, 2, 3, and 4 of U.S. Patent No. 3,995,822, which patent is owned by the complainant;

(2) The alleged coverage of the mounting brackets by all claims of U.S. Patent No. 4,049,225, which patent is owned by the complainant;

(3) The alleged violation of the common law trademark "Swivel Hook Eye" and "Swivel Ceiling Hook," which are allegedly common law trademarks owned by the complainant;

(4) The alleged unlawful copying of trade dress associated with the swivel hooks and mounting brackets produced and sold by the complainant which are the subject of this investigation;

(5) The alleged unlawful importation sale and offers for sale of swivel hooks and mounting brackets bearing false designations of origin; and

(6) The alleged unlawful acquisition and use of know-how transmitted in confidence by the complainant to one of the respondents named below, Sato Metal Trading Company, Ltd., concerning such swivel hooks and mounting brackets;

the effect or tendency of which is to destroy or substantially injure an industry efficiently and economically operated in the United States.

2. That, for the purpose of this investigation so instituted, the following are hereby named as parties:

a. The complainant is Coats & Clark, Inc., 72 Cummings Point Road, Stamford, Conn. 06904.

b. The respondents are the following companies alleged to be involved in the unauthorized importation of such articles into the United States, or in their sale, and are parties upon which the complainant and this notice are to be served.

(1) Jordan Industries, Inc., 3030 NW 75 Street, Miami, Fla. 33147.

(2) Carol Cable Co., 249 Roosevelt Avenue, Pawtucket, R.I. 02862.

(3) Sato Metal Trading Co., Ltd., No. 13, 2-Chome, Kanda-Sudacho, Chiyoda-ku, Tokyo, 101, Japan.

(4) Sato American Metal, Inc., 60 East 42nd Street, New York, N.Y. 10017.

(5) Japan Hardcraft, Inc., c/o Ostrolenk, Faber, Gerb & Soffer, 260 Madison Avenue, New York, N.Y. 10016.

c. Jo Ann Miles, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named Commission investigative attorney, a party to this investigation.

3. That, for the purpose of the investigation so instituted, Judge Donald K. Duvall, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby appointed as presiding officer.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure, (19 CFR 210.21). Pursuant to sections 201.16(d) and 210.21(a) of the Rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute waiver of the right to appear and contest the allegations of the complaint and of this notice, and will authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination, respectively, containing such findings.

The complaint, with the exception of business confidential information, is available for inspection by interested persons at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and in the New York City office of the Commission, 6 World Trade Center.

By Order of the Commission.

Issued: June 9, 1978.

KENNETH R. MASON,
Secretary.

(FR Doc. 78-16478 Filed 6-13-78; 8:45 am)

[4810-25]

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES**MEETING**

Notice is hereby given that the Joint Board for the Enrollment of Actuaries will meet in Room 4121, Main Treasury Building, 1500 Pennsylvania

Avenue NW., Washington, D.C. on July 7, 1978, beginning at 9:30 a.m.

The purpose of the meeting is to discuss with representatives of the American Society of Pension Actuaries, the Society of Actuaries, and the Casualty Actuarial Society the feasibility of jointly administered examinations to meet the basic and pension actuarial knowledge requirements of the regulations governing enrollment to perform actuarial services under the Employee Retirement Income Security Act of 1974.

The meeting will be open to the public as space is available. Time permitting, after discussion of agenda subjects by Joint Board members and representatives of the actuarial organizations, interested persons may make statements germane to the topic. Persons wishing to make oral statements should advise the Executive Director of the Joint Board in writing by June 30, 1978, and should submit the written text or, at a minimum, an outline of comments they propose to make orally. Such comments will be restricted to 10 minutes in length. In addition, any interested person may file a written statement for consideration by the Joint Board. All requests and statements must be sent to Mr. Leslie S. Shaprio, Executive Director, Joint Board for the Enrollment of Actuaries, c/o U.S. Department of the Treasury, Washington, D.C. 20220.

Dated: June 9, 1978.

ROWLAND E. CROSS,
Chairman, Joint Board for
the Enrollment of Actuaries.

[FR Doc. 78-16331 Filed 6-13-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES VS. GUILD SAVINGS AND LOAN ASSOCIATION

Proposed Consent Judgment and Competitive Impact Statement

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b) through (h), a proposed consent judgment and a competitive impact statement (CIS) as set out below have been filed with the U.S. District Court for the Eastern District of California, in *United States vs. Guild Savings and Loan Association*, Civil Action No. S-76-360, filed June 30, 1976. The complaint in this case alleged that the defendant violated section 1 of the Sherman Act by contracting with builders to commit to builders low interest government subsidized mortgage commitments on the condition that the builders also purchase construction loans. The proposed judgment enjoins defendant from condi-

tioning the availability of Government National Mortgage Association commitments on the builder's purchase of construction loans. The CIS describes the terms of the judgment and the background of the action. Public comment is invited within the statutory sixty (60) days waiting period. These comments and the Department of Justice's responses thereto will be published in the FEDERAL REGISTER and filed with the Court. Comments should be directed to Kenneth C. Anderson, Chief, Special Regulated Industries Section, Antitrust Division, Department of Justice, Safeway Building, Room 504, Washington, D.C. 20530, within the statutory 60 day comment period.

Dated: June 2, 1978.

JOHN H. SHENEFIELD,
Assistant Attorney General,
Antitrust Division.

Kenneth C. Anderson, George Edelstein, Steven J. Gordon, U.S. Department of Justice, Antitrust Division, Room 504, Safeway Building, Washington, D.C. 20530, telephone, 202-739-2244.

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

United States of America, Plaintiff, v.
Guild Savings and Loan Association, Defendant.

Civil Action No. S-76-360.

Filed: June 2, 1978.

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to the plaintiff and defendant in this and any other proceedings.

For the Plaintiff: John H. Shenefield, William E. Swope, Charles F. B. McAleer, Kenneth C. Anderson, George Edelstein, Steven J. Gordon, Attorneys, Department of Justice.

For the Defendant: Paul Fitting, Charles G. Miller, Esq., McKenna & Fitting, 1920 Mills Tower, 220 Bush Street, San Francisco, Calif. 94104.

Kenneth C. Anderson, George Edelstein, Steven J. Gordon, U.S. Department of Justice, Antitrust Division, Room 504, Safeway Building, Washington, D.C. 20530, telephone (202)-739-2244.

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

United States of America, Plaintiff, v.
Guild Savings and Loan Association, Defendant.

Civil Action No. S-76-360.

Filed: June 2, 1978.

FINAL JUDGMENT

Plaintiff, *United States of America*, having filed its Complaint herein on June 30, 1976, and defendant, *Guild Savings and Loan Association*, having appeared by its counsel, and both parties by their respective attorneys having consented to the making and entry of this Final Judgment without this Final Judgment constituting evidence or an admission by either party in respect to any issue;

Now, Therefore, before any testimony has been taken herein, without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

Ordered, adjudged and decreed, as follows:

I

This Court has jurisdiction over the subject matter of this action and of the parties hereto. The complaint states claims upon which relief may be granted against the defendant under Section 1 of the Sherman Act.

II

As used in this final Judgment:

(A) "Defendant" shall mean *Guild Savings and Loan Association*;

(B) "Person" shall mean any corporation, partnership, firm, individual, or any other business or legal entity;

(C) "GNMA" means the Government National Mortgage Association, an agency of the federal government, created to subsidize mortgages for residential buildings;

(D) "GNMA mortgage loan" means a below market or low interest rate mortgage subsidized by GNMA pursuant to the Emergency Housing Act of 1975, which mortgage is purchased by GNMA after the loan has been made to a qualified purchaser of a single-family residence;

(E) "GNMA mortgage take-out commitment" means a promise for consideration by a lender, who has a forward commitment from GNMA, to a builder of a single family residence to set aside a specified sum of GNMA funds to make a GNMA mortgage loan which can be used at a later time by the builder's customers in financing their homes;

(F) "Construction loan" means those monies borrowed at interest by a builder to build homes.

III

The provisions of this Final Judgment applicable to the defendant shall also apply to each of its officers, employees, agents, successors and assigns, and to all other persons in active concert of participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

IV

Defendant is enjoined and restrained from making or offering to make any GNMA mortgage take-out commitment to any person on the condition, express or implied, that such person obtain any construction loan from defendant.

Nothing herein shall be deemed to prevent defendant from making or offering to make both GNMA mortgage take-out commitment and a construction loan to any person.

V

For the purpose of determining or securing compliance with this Final Judgment any duly authorized representative of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant, made to its principal office, be permitted, subject to any legally recognized privilege: (a) access during the office hours of defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession, or under the control of defendant relating to any matters contained in this Final Judgment; and (b) subject to the reasonable convenience of defendant, and without restraint or interference from it, to interview officers, directors, agents, servants or employees of the defendant, who may have counsel present, regarding any such matters. Upon the written request of the Attorney General, or the Assistant Attorney General in charge of the Antitrust Division, defendant shall submit such reports in writing with respect to any of the matters contained in this Final Judgment as from time to time may be requested. No information obtained by the means provided in this Section V or previously obtained by plaintiff from defendant shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law. If at any time information or documents are furnished by defendant to plaintiff, defendant represents and identifies in writing the material in any such information or documents of a type described in Rule 26(c)(7) of the Federal Rules of Civil Procedure, and defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then 10 days notice shall be given by plaintiff to defendant prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which defendant is not a party.

VI

Jurisdiction is retained for the purpose of enabling either of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the modification, construction or carrying out of this Final Judgment, for the enforcement of compliance therewith, and for the punishment of violations thereof.

VII

This Final Judgment shall remain in full force and effect for a period of ten (10) years from the date it is entered.

VIII

Entry of this Final Judgment is in the public interest. Date:

United States District Judge
Kenneth C. Anderson, George Edelstein;
and Steven J. Gordon, U.S. Department of

Justice, Antitrust Division, Room 504, Safeway Building, Washington, D.C. 20530, telephone 202-739-2244.

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

United States of America, Plaintiff, v.
Guild Savings and Loan Association, Defendant.

Civil Action No. S-76-360.

Filed: June 2, 1978.

COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b)-(h), P.L. 93-528 (December 21, 1974)) the United States of America hereby files this competitive impact statement relating to the proposed Final Judgment in this civil antitrust proceeding.

I

NATURE AND PURPOSE OF THE PROCEEDINGS

This is a civil antitrust action by the United States against *Guild Savings and Loan Association*, Sacramento, California. The complaint, which was filed on June 30, 1976, alleges that the defendant has entered into unlawful contracts which restrain interstate trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

The instant case was brought to enjoin defendant from entering into such contracts.

II

PRACTICES AND EVENTS GIVING RISE TO THE ALLEGED VIOLATION OF THE ANTITRUST LAWS

During the early 1970's mortgages for single family residences were either not available or were available only at high interest rates ranging between 9 and 10 1/2 percent. The housing industry was in a depressed state. The Congress responded by passing the Emergency Home Purchase Act of 1974 (12 U.S.C. 1723(e)) a central purpose of which was to authorize the Secretary of the Department of Housing and Urban Development to make available low interest home mortgage money whenever the Secretary deemed the economic circumstances to warrant such action. A 1975 Amendment (12 U.S.C. 1723e § 206) authorized the Secretary to make available a maximum of \$10 billion in mortgage money at any given time. Mortgages under this program have a maximum interest rate of 7 1/2 percent.

The act provides that the Secretary of Housing and Urban Development shall delegate the overall administration and policy direction of the emergency mortgage program to the Government National Mortgage Association (hereinafter "GNMA"). GNMA distributes the mortgage funds to lenders through the Federal National Mortgage Association (hereinafter "FNMA") and the Federal Home Loan Mortgage Corporation (hereinafter "FHLMC").

Each participating lender receives an allocation of the GNMA mortgage money. A builder will then request that the lender commit a portion of its allocation of this money for his proposed project. The builder, in turn, will be able to guarantee that qualifying purchasers will be able to finance the purchase of the builder's home at an interest rate considerably below the prevailing market rate for conventional mortgages. Thus, the commitments of GNMA mortgage money are valuable to the builder in that it

makes his homes more attractive to potential buyers.

For the commitment, a lender can charge the builder a commitment fee of a maximum of 1 percent of the amount of the commitment. This commitment fee is then remitted by the lender to GNMA.

In July, 1975, \$2 billion of GNMA mortgage funds were released for distribution to lenders. The defendant received an allocation of \$2,374,000. The defendant then committed its entire allocation of these funds to builders in eastern California.

The complaint alleged that beginning in 1975, the defendant entered into contracts with builders for the commitment of GNMA mortgage funds under which the defendant would commit GNMA mortgage funds to the builders on the condition that the builders obtain from the defendant the construction loans for the homes to be financed by GNMA mortgages.

According to the complaint, these contracts prevented the builders from obtaining construction loans from lenders of their own choosing, and deprived lenders which compete with the defendant of the opportunity to issue construction loans to such builders.

III

EXPLANATION OF THE PROPOSED FINAL JUDGMENT

The United States and defendant have agreed that a Final Judgment, in the form negotiated by the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act, provided that the United States has not withdrawn its consent. The stipulation provides that there has been no admission by any party with respect to any issue of law or fact. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the Judgment is conditioned upon a determination by the Court that it is in the public interest.

Section IV of the proposed final judgment enjoins the defendant from making or offering to make any GNMA mortgage take-out commitment to any person on the conditions, express or implied, that such a person obtain any construction loan from defendant. However, Section IV does not prevent defendant from otherwise making or offering to make both a GNMA mortgage take-out commitment and a construction loan to any person.

The proposed Final Judgment expressly provides in Section III that its terms apply to the defendant's officers, employees, agents, successors, and assigns, and to all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

Under Section V of the proposed Final Judgment, the Department of Justice will have access upon reasonable notice to the records and personnel of the defendant in order to determine the defendant's compliance with the provisions of the Final Judgment. Under Section VI of the Final Judgment, jurisdiction is retained by the Court for the purpose of enabling any party to apply for such orders or directions as may be necessary to carry out the Final Judgment, for modification of any of its provisions, or for punishment of violations of it.

Section VII of the proposed Final Judgment limits its forces and effect to a period of ten (10) years from the date it is entered.

REMEDIES TO THE PRIVATE PLAINTIFF

Section 4 of the Clayton Act (15 U.S.C. § 15) provides that any person who has been injured in his business or property as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered as well as costs and reasonable attorney's fees. Entry of the proposed Final Judgment in this proceeding will neither impair nor assist the bringing of any such private antitrust action.

Under the provision of Section 5(a) of the Clayton Act (15 U.S.C. § 16(a)), the proposed Final Judgment may not be used as *prima facie* evidence in any subsequent private lawsuit which may be brought against the defendant since it is a consent judgment that will be entered before any testimony has been taken.

V

PROCEDURES AVAILABLE FOR MODIFICATIONS OF THE PROPOSED JUDGMENT

As provided by the Antitrust Procedure and Penalties Act any person believing that the proposed Final Judgment should be modified may submit written comments to Kenneth C. Anderson, Chief, Special Regulated Industries Section, Department of Justice, Safeway Building, Room 504, Washington, D.C. 20530 within the 60-day period provided by the Act. These comments and responses to them will be filed with the Court and published in the FEDERAL REGISTER. All comments will be given due consideration by the Department of Justice which remains free to withdraw its consent to the proposed Final Judgment at any time prior to its entry if it should be determined that some modification of the Final Judgment is necessary.

VI

ALTERNATIVES TO THE PROPOSED FINAL JUDGMENT

The proposed Final Judgment prohibits the defendant from engaging in the illegal conduct alleged in the complaint. The only possible alternative to the judgment would be to litigate the issues. This case, however, does not involve any unusual or novel desirable alternative that entry of the proposed Final Judgment.

VII

OTHER MATERIALS

There are no materials or documents which the Government considered determinative in formulating this proposed Final Judgment. Therefore none are being filed along with this Competitive Impact Statement.

Kenneth C. Anderson, Chief, Special Regulated Industries Section; George Edelstein and Steven J. Gordon, Attorneys, Department of Justice.

[FR Doc. 78-18449 Filed 6-13-78; 8:45 am]

[4410-01]

UNITED STATES v. WITCO CHEMICAL CORP.

Proposed Consent Judgment in Action To Enjoin Discharge of Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029,

notice is hereby given that on May 24, 1978, a proposed consent decree in *United States v. Witco Chemical Corp.* was lodged with the United States District Court for the Eastern District of Louisiana. The proposed decree would abate discharges from the defendant's Gretna, LA plant into the Mississippi River.

The Department of Justice will receive on or before July 14, 1978, written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States v. Witco Chemical Corp.*, D.J. Ref. 90-5-1-1-865.

The proposed consent decree may be examined at the office of the United States Attorney, Hale Boggs Federal Building, 500 Camp Street, New Orleans, LA 70130, at the regional office of the United States Environmental Protection Agency, 1st International Building, 1201 Elm Street, Dallas, TX 75270, and at the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Department of Justice Building, Room 2625, Ninth Street and Pennsylvania Avenue NW., Washington, D.C., 20530. A copy of the proposed consent judgment may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

SANFORD SAGALKIN,
Acting Assistant Attorney General,
Land and Natural Resources Division.

[FR Doc. 78-16448 Filed 6-13-78; 8:45 am]

[4510-23]

NATIONAL COMMISSION ON EMPLOYMENT AND UNEMPLOYMENT STATISTICS

PUBLIC MEETING

Notice is hereby given that the National Commission on Employment and Unemployment Statistics will hold a public meeting on July 25 and 26, 1978, in Room 6510, 2020 K Street NW., Washington, D.C. 20006.

The National Commission on Employment and Unemployment Statistics was established under section 13 of the Emergency Jobs Program Extension Act of 1975, Pub. L. 94-444. Its purpose is to advise the President and the Congress on reliable and comprehensive measurements of employment and unemployment by examining the procedures, concepts, and methodology involved in employment and unemployment statistics, and suggesting ways and means of improving them.

The meeting will begin each day at 9:30 a.m. to discuss alternative labor

force measures and appraise the concepts and definitions underlying the counting of special groups in the labor force. The meeting on July 25 will conclude at 4:30 p.m. The meeting on July 26 will conclude at 12:30 p.m. The public is invited to attend. Official records of the meetings will be available for public inspection by contacting: Mr. Wesley H. Lacey, Administrative Officer, National Commission on Employment and Unemployment Statistics, Suite 550, 2000 K Street NW., Washington, D.C. 20006.

Signed at Washington, D.C. this 8th day of June 1978.

SAR A. LEVITAN,
Chairman.

[FR Doc. 78-16326 Filed 6-13-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-592 and STN 50-593]

ARIZONA PUBLIC SERVICE CO., ET AL (PALO VERDE NUCLEAR GENERATING STATION, UNITS 4 AND 5)

Receipt of Antitrust Information and Application for Construction Permits and Operating Licenses: Time for Submission of Views on Antitrust Matters

Arizona Public Service Co. on behalf of itself and 10 joint applicants—Southern California Edison Co., El Paso Electric Co., San Diego Gas and Electric Co., Nevada Power Co., Department of Water and Power of the city of Los Angeles, city of Anaheim, city of Burbank, city of Glendale, city of Pasadena, and city of Riverside, Calif. (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, filed portions of their application. These parts which consist of the Safety Analysis Report, general and financial information were accepted for docketing on March 31, 1978, and are assigned Docket Nos. STN 50-592 and STN 50-593.

In addition a portion of the application filed contains the information requested by the Attorney General for the purpose of an antitrust review of the application as set forth in 10 CFR 50, appendix L, and was also accepted for docketing and is assigned Docket Nos. STN 50-592-A and STN 50-593-A.

The application is for authorization to construct and operate two pressurized water reactors designated as the Palo Verde Nuclear Generating Station, Units 4 and 5 on the applicants' site in Maricopa County, Ariz. The reactor is designed for operation at a core power level of 3,800 megawatts thermal, with an equivalent net electrical output of approximately 1,307 megawatts.

A Notice of Hearing setting forth the radiological issues to be considered

during the review is being published separately. A date for submitting petitions for leave to intervene on radiological issues is set forth in the Notice of Hearing.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation, on or before July 6, 1978. The request should be filed in connection with Docket Nos. STN 50-592-A and STN 50-593-A.

The Environmental Report was tendered but initially rejected and is expected to be resubmitted on or before September 1, 1978. A separate notice of receipt and availability for this remaining portion will be published at that time. A deadline for filing of other contentions relating to matters covered in the omitted material will be established by the Board subsequent to acceptance of the Environmental Report for a detailed review.

After the Environmental Report has been received and analyzed by the Commission's Director of Nuclear Reactor Regulation or his designee, a draft environmental statement will be prepared by the Commission's staff. Upon preparation of the draft environmental statement, the Commission will cause to be published in the FEDERAL REGISTER a notice of availability of the draft statement, requesting comments from interested persons on the draft statement. Upon consideration of comments submitted with respect to the draft environmental statement, the staff will prepare a final environmental statement, the availability of which will be noticed in the FEDERAL REGISTER.

Copies of the individual portions of the application, as noted above are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555, and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Ariz. 85004.

Dated at Bethesda, Md., this 20th day of April 1978.

For the Nuclear Regulatory Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors
Branch No. 1, Division of Project Management.

[FR Doc. 78-16334 Filed 6-13-78; 8:45 am]

[7590-01]

[Docket No. STN 50-561]

BABCOCK & WILCOX CO.

BSAR-205 Standard Nuclear Steam Supply System; Issuance of a Safety Evaluation Report and Preliminary Design Approval

Notice is hereby given that the staff of the Nuclear Regulatory Commission (the NRC staff) has issued a Safety Evaluation Report (SER) dated May 1978 and a Preliminary Design Approval No. PDA-12, dated May 31, 1978 for the nuclear steam supply system portion of a nuclear power plant as described in the Babcock & Wilcox Co. Standard Safety Analysis Report (BSAR-205). The BSAR-205 application was filed on October 23, 1975 and docketed on March 1, 1976. Notice of Receipt of a Standard Analysis Report was published in the FEDERAL REGISTER on March 11, 1976 (41 FR 10485). BSAR-205 was reviewed by the NRC staff pursuant to Appendix 0 to 10 CFR Part 50.

BSAR-205 contains preliminary safety-related design information for the nuclear steam supply system portion of a pressurized water nuclear power plant which includes the reactor coolant system, emergency core cooling system, reactor control and protection systems, engineered safety features actuation system, residual heat removal system, fuel handling equipment, and related systems and features. The BSAR-205 reference system is designed to operate at a core power level of up to 3,800 megawatts thermal.

The SER documents the results of the staff's review and evaluation of BSAR-205, including amendments 1 through 25 thereto. The SER also addresses the comments of the Advisory Committee on Reactor Safeguards (ACRS) as reflected in its report to the Commission, dated August 18, 1977. A copy of the ACRS report is included as appendix D to the SER.

PDA-12 provides NRC staff approval of the preliminary nuclear steam supply system design described in BSAR-205, including amendments 1 through 25, and described and evaluated in the SER. The issuance of PDA-12 documents the staff determination that the design is acceptable as a standard for referencing in utility applications for construction permits. The BSAR-205 nuclear steam supply system design as described in the Safety Evaluation Report, subject to the conditions in PDA-12, shall be utilized and relied upon by the NRC staff and the ACRS in their review of facility license applications for construction permits incorporating by reference the BSAR-205 nuclear steam supply system preliminary standard design, unless there exists significant new information which substantially affects

the determinations in PDA-12, or other good cause.

Issuance of PDA-12 and the staff's Safety Evaluation Report does not constitute a commitment to issue a permit or license, or in any way affect the authority of the Commission, Atomic Safety and Licensing Appeal Board, Atomic Safety and Licensing Boards and other presiding officers in any proceeding under subpart G of 10 CFR part 2. This action only approves the preliminary design of a nuclear steam supply system for use for reference purposes in applications for permits to construct a nuclear power plant. It does not authorize the construction or operation of any nuclear power plant or any other facility. The environmental impacts associated with any facility proposed to be constructed utilizing the approved reference design will be considered in accordance with the Commission's regulations in 10 CFR part 51.

PDA-12 is effective as of its date of issuance and shall expire 3 years later on May 31, 1981, unless earlier superseded by issuance of an appropriate Final Design Approval (FDA) for the BSAR-205 nuclear steam supply system standard design or extended by the NRC staff. The expiration of PDA-12 on May 31, 1981, shall not affect use of PDA-12 for reference in any construction permit application docketed prior to the PDA expiration date.

A copy of (1) the Preliminary Design Approval No. PDA-12 dated May 31, 1978; (2) the report of the Advisory Committee on Reactor Safeguards dated August 18, 1977; (3) the NRC staff's Safety Evaluation Report, NUREG-0433, dated May 1978; (4) the Babcock & Wilcox Co. Standard Safety Analysis Report and amendments 1 through 25 thereto; (5) WASH-1341, the Commission's "Programmatic Information for the Licensing of Standardized Nuclear Power Plants", dated August 1974, which also includes the Standardization Policy issued on March 5, 1973; and (6) amendment 1 to WASH-1341, dated December 1974, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555. A copy of PDA-12 may be obtained upon request. The request should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management. Copies of the Safety Evaluation Report (Document No. NUREG-0433) may be purchased at current rates from the National Technical Information Service, Springfield, Va. 22161.

Dated at Bethesda, Md., this 31st day of May 1978.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors
Branch No. 3, Division of Project Management.

[FR Doc. 78-16335 Filed 6-13-78; 8:45 am]

[7590-01]

[Docket Nos. 50-329-OL and 50-330-OL]

CONSUMERS POWER CO.

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, and 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

CONSUMERS POWER CO.

(Midland Plant, Units 1 and 2)

This action is in reference to a notice published by the Commission on May 4, 1978, in the FEDERAL REGISTER (43 FR 19304) entitled "Availability of Applicant's Environmental Report; Consideration of Issuance of Facility Operating Licenses; and Opportunity for Hearing".

The Chairman of this Board and his address is as follows:

Ivan W. Smith, Esq., Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

The other members of the Board and their addresses are as follows:

Mr. Lester Kornblith, Jr., Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dr. Frederick P. Cowan, 6152 North Verde Trail, Apartment B-125, Boca Raton, Fla. 33433.

Dated at Bethesda, Md., this 6th day of June, 1978.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
ROBERT M. LAZO,
Acting Chairman.

[FR Doc. 78-16336 Filed 6-13-78; 8:45 am]

[7590-01]

[Docket No. 50-334]

DUQUESNE LIGHT CO., ET AL.

Issuance of Amendment to Facility Operating License and Negative Declaration

In the matter of Duquesne Light Co., Ohio Edison Co., and Pennsylvania Power Co.

The U.S. Nuclear Regulatory Commission (the Commission) has, pursuant to the initial decision of its Atomic Safety and Licensing Board dated May 4, 1978, issued amendment No. 14 to Facility Operating License No. DPR-66, issued to the Duquesne Light Co. (the licensee), which revised the license and Technical Specifications for operation of unit No. 1 of the Beaver Valley Power Station (the facility) located in Beaver County, Pa. The amendment is effective as of its date of issuance.

The amendment revised the license and technical specifications for the facility to permit replacement of the existing spent fuel storage racks having a capacity of 272 fuel assemblies with new storage racks having a capacity of 833 fuel assemblies.

The initial decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the initial decision may be reviewed by the Commission.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment. Notice of proposed issuance of the amendment was published in the FEDERAL REGISTER on January 12, 1977 (42 FR 5155). A hearing was requested by the city of Pittsburgh. The hearing was held March 13 and 14, 1978, and subsequently the above-referenced initial decision issued May 4, 1978.

The Commission has prepared an environmental impact appraisal relating the environmental considerations associated with modifications to the spent fuel pool of the Beaver Valley Power Station, unit No. 1, dated August 12, 1977, and has concluded that an environmental impact statement for this particular action is not warranted because the actions authorized by the license amendment will not significantly affect the quality of the human environment.

For further details with respect to this action, see (1) the application for amendment dated December 3, 1976, as supplemented by filings dated February 1, April 13, May 23, and 31, 1977, and February 14 and March 6, 1978 (two letters), (2) amendment No. 14 to license No. DPR-66, (3) the Commission's related safety evaluation dated August 12, 1977, and amendment No. 1 dated March 7, 1978, (4) the Commission's environmental impact appraisal dated August 12, 1977, and amendment No. 1 dated March 7, 1978, and

(5) the initial decision of the Atomic Safety and Licensing Board dated May 4, 1978. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Beaver Valley Memorial Library, 100 College Avenue, Beaver, Pa. A single copy of items (2), (3), (4), and (5) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 31st day of May 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-16337 Filed 6-13-78; 8:45 am]

[7590-01]

[Docket Nos. 50-568 and 50-569]

NEW ENGLAND POWER CO., ET AL.

Availability of Safety Evaluation Report for New England Power-1 and New England Power-2 (NEP-1 and NEP-2)

The Office of Nuclear Reactor Regulation has published its safety evaluation report on the proposed construction of the NEP-1 and NEP-2 units to be located in Washington County at Charlestown, R.I. Notice of receipt of the New England Power Co., et al. application to construct and operate the New England Power units was published in the FEDERAL REGISTER on October 12, 1976 (41 FR 44763).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at

Bangor Hydro-Electric Co.; Canal Electric Co.; Fitchburg Gas and Electric Co.; Montaup Electric Co.; The Narragansett Electric Co.; Burlington Electric Department; Pascoag Fire District, Electric Department; Taunton Municipal Lighting Plant; Vermont Electric Cooperative, Inc.; Ashburnham Municipal Light Department; Boylston Municipal Light Department; Danvers Electric Department; Hingham Municipal Lighting Plant; Holden Municipal Light Department; Holyoke Gas and Electric Department; Hudson Light and Power Department; Littleton Electric Light Department; Mansfield Municipal Electric Department; Marblehead Municipal Light Department; Middleborough Gas and Electric Department; Middleton Municipal Light Department; North Attleborough Electric Department; Paxton Municipal Light Department; Peabody Municipal Light Plant; Reading Municipal Light Board; Shrewsbury's Electric Light Plant; Templeton Municipal Lighting Plant; Wakefield Municipal Light Department; West Boylston Municipal Lighting Plant; and Westfield Gas and Electric Light Department.

the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Cross Mill Public Library, Old Post Road, Charlestown, R.I. 02813 and the University Library, Publications Office of the University of Rhode Island, Kingston, R.I. 02881 for inspection and copying. The report (Document No. NUREG-0424) can also be purchased, at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Va. 22161.

Dated at Bethesda, Md., this 7th day of June 1978.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors
Branch No. 3, Division of Project Management.

[FR Doc. 78-16338 Filed 6-13-78; 8:45 am]

[7590-01]

TOPICAL REPORT

Issuance and Availability

The Nuclear Regulatory Commission has issued a topical report, NUREG-0444, "BEIRMOD, a Computer Program for Calculating the Effects of Exposure to Ionizing Radiation."

NUREG-0444 explains and tells how to use a computer program based on models from the BEIR (Biological Effects of Ionizing Radiation) Report, "The Effects on Populations of Exposure to Low Levels of Ionizing Radiation," National Academy of Sciences—National Research Council, 1972. These models are used for calculating the probability that an "average" person will develop cancer as a consequence of exposure to ionizing radiation.

NUREG-0444 is available for inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Copies may be purchased at current rates from the National Technical Information Service, Springfield, Va. 22161. (Paper copy: \$4.50; Microfiche: \$3.)

(5 U.S.C. 552(a).)

Dated at Rockville, Md., this 6th day of June 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc. 78-16339 Filed 6-13-78; 8:45 am]

[7590-01]

[Docket Nos. 50-237, 50-249, 50-254 and 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS & ELECTRIC CO.

Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued an amendment each to Facility Operating License Nos. DPR-19, DPR-25, DPR-29 and DPR-30, issued to Commonwealth Edison Co. (and, in the matter of License Nos. DPR-29 and DPR-30, the Iowa-Illinois Gas & Electric Co.), which revised Technical Specifications for operation of each of the Dresden and Quad Cities Nuclear Power Stations (collectively referred to as the facilities). The Dresden Station consists of Unit Nos. 1, 2, and 3 is located in Grundy County, Ill. However, the actions noticed herein relate to Dresden Station Units 2 and 3. The Quad Cities Station consists of Unit Nos. 1 and 2 and is located in Rock Island County, Ill. These amendments are effective as of their dates of issuance.

The amendments revised the Technical Specifications to incorporate requirements for establishing and maintaining the drywell to suppression chamber differential pressure and suppression chamber water level, to maintain the margins of safety established in the Commission staff's "Mark I Containment Short Term Program Safety Evaluation," NUREG-0408. Operation in accordance with the conditions specified in NUREG-0408 has been previously authorized in 43 FR 13106 March 29, 1978, and 43 FR 77415, April 24, 1978.

The application for the amendments comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR Section 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendment dated November 30, 1976 and supplements thereto dated April

18 and April 19, 1977, (2) Amendment Nos. 37 and 35 to License Nos. DPR-19, and DPR-25, (3) Amendment Nos. 46 and 46 to License Nos. DPR-29 and DPR-30, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and for those items relating to Dresden Unit Nos. 2 and 3 at the Morris Public Library, 604 Liberty Street, Morris, Ill. 60450, and for those items relating to Quad Cities Unit Nos. 1 and 2 at the Moline Public Library, 504-17th Street, Moline, Ill. 60625. A single copy of items (2), (3), and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md. this 17th day of June 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-16443 Filed 6-13-78; 8:45 am]

[7590-01]

[Docket No. PRM-71-7]

NON DESTRUCTIVE TESTING MANAGEMENT ASSOCIATION, ET AL.

Filing of Petition for Rulemaking

Notice is hereby given that Mr. Walter P. Peeples, Jr., President, Non Destructive Testing Management Association, by letter dated May 10, 1978, on behalf of Non Destructive Testing Management Association, seven undersigned radiography camera manufacturers, and six undersigned source manufacturers, has filed with the Nuclear Regulatory Commission a petition for rulemaking to amend the Commission's regulation, "Packaging of Radioactive Material for Transport and Transportation of Radioactive Material Under Certain Conditions," 10 CFR Part 71.

The petitioners request that the Commission revoke Appendix E—Quality Assurance Criteria for Shipping Packages for Radioactive Materials—of 10 CFR Part 71. The petitioners also request a delay in the effective date of implementation of appendix E until a hearing can be conducted. The petitioners state that the basis for their petition is "... the rule was forced on the industry and not discussed nor did the Commission attempt to notify two-thirds of the manufacturers in this specific area of its attempt to create an almost insurmountable and expensive paperwork program."

The petitioners make the following statements in support of their petition:

1. Only two of the seven camera manufacturing firms are located in the jurisdiction of the U.S. Nuclear Regulatory Commission even though the Department of Transportation required the NRC to evaluate its type B requests covering all manufacturers unless the manufacturer uses a DOT-specification container.

2. The U.S. Nuclear Regulatory Commission did not notify those manufacturers in agreement States of the pending part 71, appendix E, changes.

3. There is a distinct discrepancy concerning the NRC position and the information passed to agreement States concerning the understanding of the material contained in appendix E, part 71. (Reference meeting on Design of Radiographic Exposure Devices, Bethesda, Md., Tuesday, April 18, 1978, page 100 of the transcript.)

4. There is a lack of distinction concerning package criteria related to fissile materials and type B quantities of specific isotopes. In the field of industrial radiography we are concerned with only a few byproduct materials.

5. The program cited in part 71, appendix E, is not national in scope since the U.S. NRC services less than one-half of the industry and cannot truly express that it represents a majority. This is pointed out by the fact that the U.S. NRC splits with agreement States and that in the case of industrial radiography it represents only one-third of those manufacturing and shipping type B quantities.

6. The further lack of proper consideration prior to adopting the part 71, appendix E, quality assurance program is indicated in the fact that a great deal of the purpose is lost to existing exemptions and the fact that those using DOT-specification containers do not fall under the program.

A copy of the petition for rulemaking is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition may be obtained by writing to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

All persons who desire to submit written comments or suggestions concerning the petition for rulemaking should send their comments to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by August 14, 1978.

Dated at Washington, D.C., this 9th day of June 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.
[FR Doc. 78-16444 Filed 6-13-78; 8:45 am]

[7590-01]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 49 to facility operating license No. DPR-3, issued to Yankee Atomic Electric Co. (the licensee), which revised technical specifications for operation of the Yankee nuclear power station (Yankee-Rowe) (the facility), located in Rowe, Franklin County, Mass. The amendment is effective as of its date of issuance.

The amendment revises the technical specifications to correct typographical and editorial errors; to improve clarity and consistency of several technical specification requirements; and to add other changes found to be necessary since issuance of the technical specifications in the present new format to update the technical specifications so as to reflect actual plant conditions.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see: (1) The application for amendment dated March 23, 1977, (2) amendment No. 49 to license No. DPR-3, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Greenfield Public Library, 422 Main Street, Greenfield, Mass. 01581. A copy of items (2) and (3) may be obtained upon request addressed to the U.S.

Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 30th day of May 1978.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors
Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-16445 Filed 6-13-78; 8:45 am]

[7590-01]

INTERNATIONAL ATOMIC ENERGY AGENCY
DRAFT SAFETY GUIDE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear powerplants. These codes and guides will be developed in the following five areas: Government organization, siting, design, operation, and quality assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs.

The IAEA codes of practice and safety guides are developed in the following way. The IAEA receives and collates relevant existing information used by member countries. Using this collation as a starting point, an IAEA working group of a few experts then develops a preliminary draft. This preliminary draft is reviewed and modified by the IAEA Technical Review Committee to the extent necessary to develop a draft acceptable to them. This draft code of practice or safety guide is then sent to the IAEA senior advisory group which reviews and modifies the draft as necessary to reach agreement on the draft and then forwards it to the IAEA Secretariat to obtain comments from the member states. The senior advisory group then considers the member state comments, again modifies the draft as necessary to reach agreement and forwards it to the IAEA Director General with a recommendation that it be accepted.

As part of this program, safety guide SG-QA4, "Quality Assurance for Site Construction of Nuclear Power Plants," has been developed. The working group, consisting of Mr. C. Carrier, France; Mr. J. S. Cordell, United Kingdom; Mr. A. W. Crevasse (Tennessee Valley Authority), United States of America; Mr. J. Deckers, Federal Republic of Germany; and Mr. K. Loosemore, United Kingdom developed the initial draft of this safety guide from an IAEA collation during a meeting on November 4-October 24, 1977. The working group draft of this

safety guide was modified by the Technical Review Committee on Quality Assurance which met on February 13-17, 1978, and we are soliciting public comments on this modified draft. Comments on this draft received by July 28, 1978, will be useful to the U.S. representatives to the Technical Review Committee and Senior Advisory Group in evaluating its adequacy prior to the next IAEA discussion.

Single copies of this draft may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

(5 U.S.C. 522(a).)

Dated at Rockville, Md., this 6th day of June 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.
[FR Doc. 78-16446 Filed 6-13-78; 8:45 am]

[7590-01]

[Docket No. 50-320]

METROPOLITAN EDISON CO. ET AL

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment 5 to facility operating license No. DPR-73, issued to the Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co., for operation of the Three Mile Island nuclear station, unit 2 (the facility), located in Dauphin County, Pa. The amendment is effective as of its date of issuance.

The license is amended by revising certain technical specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

The Commission has determined that the granting of this relief will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action, see: (1) Amendment No. 5, to facility operating license No. DPR-73, and (2) the Commission's related safety evaluation supporting amendment No. 5 to facility operating license

ACTION

System name:

Combined Domestic and International Volunteer Applicant System.

Report Date:

May 10, 1978.

Point-of-Contact:

Mr. John F. Nolan, Director, Administrative Services Division, AF/AS P-314, 806 Connecticut Avenue NW., Washington, D.C. 20525.

Summary:

This is an existing system of records, which ACTION proposes to revise by the addition of race and ethnic background information. The Report on this system indicates that "furnishing the information will be voluntary and will not be used to determine eligibility for acceptance" and states that the data is required by Justice Department Regulations for implementation of the Civil Rights Act of 1964.

DEPARTMENT OF JUSTICE

System Name:

Tax Disclosure Index File and Associated Records.

Report Date:

May 12, 1978.

Point-of-Contact:

Ms. Bronson Clayton, Department of Justice, Washington, D.C. 20530.

Summary:

The Criminal Division of the Department of Justice proposes this new section of records to meet the requirement of section 6103(p)(4) of the Internal Revenue Code (26 U.S.C. 6103(p)(4)), which requires that Federal agencies which seek access to and disclosures of that material. The Criminal Division, as an agency which seeks access to tax material, needs the system to comply with section 6103.

DEPARTMENT OF DEFENSE

System Name:

Maintenance Labor Distribution and Cost System.

Report Date:

May 12, 1978.

Point-of-Contact:

Mr. William Cavaney, Defense Privacy Board, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20314.

Summary:

The Air Force, which will maintain this system, states that its purpose is "to accumulate cost data for various workloads and functions within each

No. DPR-73. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the State Library of Pennsylvania, Commonwealth and Walnut Streets, Harrisburg, Pa. 17126.

Dated at Bethesda, Md., this 5th day of June 1978.

For the Nuclear Regulatory Commission.

HARLEY SILVER,
Acting Branch Chief, Light
Water Reactors Branch 4, Division of Project Management.
[FR Doc. 78-16447 Filed 6-13-78; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, INDIAN POINT NUCLEAR GENERATING STATION, UNIT NO. 3, AND SEISMIC ACTIVITY SUBCOMMITTEES

Correction

Notice of the June 16, 1978, meeting of the ACRS Subcommittees on the Indian Point Nuclear Generating Station, Unit No. 3, and Seismic Activity which was published in the FEDERAL REGISTER on June 1, 1978, is corrected as follows: Change "Port Authority of the State of New York" to read, "Power Authority of the State of New York."

All other matters pertaining to this meeting remain the same as published in above cited notice.

Dated: June 8, 1978.

JOHN J. HOYLE,
Advisory Committee
Management Officer.
[FR Doc. 78-16519 Filed 6-13-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

PRIVACY ACT

New Systems

JUNE 12, 1978.

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires the agencies to give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period May 15, 1978 through May 26, 1978, the Office of Management and Budget received the following reports on new (or revised) systems of records.

Air Force maintenance depot." It should be noted that the Air Force requested and received from OMB a waiver of the advance notice period to permit earlier release of the RFP for the computer equipment which will support the system.

VELMA N. BALDWIN,
Assistant to the Director
for Administration.

[FR Doc. 16556 Filed 6-13-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

(Rel No. 10271 (812-4307))

AMERICAN UTILITY SHARES, INC. AND LORD
ABBETT INCOME FUND, INC.

Notice of Filing of Application for Orders
JUNE 7, 1978.

Notice is hereby given, that American Utility Shares, Inc. ("American Utility"), 63 Wall Street New York, N.Y. 10005, a closed-end, diversified investment company registered under the Investment Company Act of 1940 ("Act") and Lord Abbett Income Fund, Inc. ("Lord Abbett Income"), an open-end, diversified investment company registered under the Act (collectively "Applicants"), filed an application on May 10, 1978, and amendments thereto on May 30, 1978, and on June 5, 1978 for orders, pursuant to section 17(b) of the Act, exempting from section 17(a) of the Act the proposed merger of American Utility and Lord Abbett Income; pursuant to section 17(d) of the Act and rule 17d-1 thereunder, permitting American Utility and Lord Abbett Income to participate in the proposed merger; and pursuant to section 6(c) of the Act, exempting the issuance of shares of Lord Abbett Income from section 22(c) of the Act and rule 22c-1 thereunder and from Section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants represent that, on March 31, 1978, American Utility had net assets of \$18,758,040 and Lord Abbett Income had net assets of \$26,073,681. American Utility's primary objective is current income from dividends and interest and its secondary objective is capital appreciation. At least 80 percent of the total assets of American Utility must be invested in equity or debt securities of public utility companies engaged in the production, transmission and distribution of electricity, gas and water and in providing communications services. American Utility may, however, hold some or all of its assets in short-term securities when American Utility believes that a defensive position is advisable. Lord Abbett Income's investment objective is to

provide its stockholders with a high current income with relatively low risk of price decline. Lord Abbett Income may not concentrate investments in any one industry and does not intend to invest more than 25 percent of its assets in any one industry, although concentration could under unusual economic and market conditions amount to more than 25 percent.

Applicants state that American Utility proposes to merge into Lord Abbett Income, with Lord Abbett Income as the surviving corporation. On the effective date of such merger, shares of capital stock of American Utility will be converted into full and fractional shares of capital stock of Lord Abbett Income having the same aggregate net asset value as the shares being converted. No adjustment in the net asset values of the Applicants will be made to reflect any potential federal income tax impact on the stockholders of the Applicants which may result from differences between the Applicants in the ratio of each Applicant's net realized or unrealized capital appreciation or depreciation to its net asset value. Net asset values will be determined for the purpose of the conversion ratio as of the close of business on the business day next preceding the effect date of the merger. No sales charge will be payable upon the conversion of shares. Stockholders of Lord Abbett Income will continue to hold the same number of shares of capital stock of Lord Abbett Income after the merger. Stockholders of Applicants will have no appraisal rights in connection with the merger but they will have the right to have their shares redeemed after the merger at current net asset value in accordance with the Act.

Applicants state that American Utility has agreed to sell up to \$4 million of its portfolio securities of electric utility issuers in order to insure that the surviving corporation will not have more than 25 percent of its assets invested in any one industry. If sales in excess of \$4 million are required to meet this investment restriction, Lord Abbett Income will make such sales from its portfolio prior to the effective date of the merger. Applicants estimate that the expenses to be borne by American Utility (including the expenses of selling a portion of its electric utilities portfolio) will approximate \$75,000 and that the expenses to be borne by Lord Abbett Income will approximate \$78,000.

Section 17(a) of the Act provides, in part, that it is unlawful for an affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, knowingly to sell to or purchase from such registered investment company any security or other property. Section 2(a)(3) of the Act provides, in part, that an affiliated person of an

other person means any person directly or indirectly controlling, controlled by, or under common control with, such other person. Section 17(b) of the Act provides, in part, that the Commission shall exempt a proposed transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants state that each may be deemed to be an affiliated person of the other because each has an investment management agreement with Lord Abbett and because Applicants have certain officers and a director in common with one another who are affiliated with Lord Abbett. Accordingly, Applicants request an order, pursuant to section 17(b) of the Act, exempting the proposed merger from the provisions of section 17(a) of the Act.

Applicants represent that the terms of the merger are the result of arms-length negotiations by those directors of Applicants who are not "Interested persons" (as defined by the Act) of Lord Abbett or of either Applicant. No such director of either Applicant is a director of the other Applicant. Each Applicant was represented in the negotiations by separate legal counsel.

In the case of American Utility, the proposed merger was unanimously approved by the board of directors as the best method of implementing a stockholder resolution adopted on November 3, 1977, requesting that the board take the steps necessary to provide that American Utility become an open-end investment company. Applicants represent that a committee of directors who were not "Interested persons" of Lord Abbett or either Applicant recommended merger with Lord Abbett Income to the board after conducting a study of alternatives and after evaluating other investment companies with similar investment objectives as merger candidates.

In the case of Lord Abbett Income, the proposed merger was unanimously approved by its board of directors at the recommendation of a merger committee consisting of two directors who were not "Interested persons" of Lord Abbett or either Applicant. Applicants contend that, assuming certain redemptions after the merger and a 1/4 of 1 percent advisory fee, which is being voted on separately by Lord Abbett Income stockholders, the increase in assets resulting from the merger would lower the ratio of expenses to assets from 1.0386 percent for 1977 to an estimated 0.9737 percent after the

merger by spreading the fixed and semi-fixed expenses of Lord Abbett Income over a greater asset base. An increase in assets could also result in an increase in sales of Lord Abbett Income capital stock, which could permit a further reduction in the per share expense ratio and provide additional assets for portfolio expansion.

Applicants further submit that the terms of the merger are reasonable and fair and do not involve overreaching on the part of any person in that on the effective date of the merger, shares of capital stock of American Utility will be converted into full and fractional shares of capital stock of Lord Abbett Income having the same aggregate net asset value as the shares being converted without the payment of any commission.

Applicants further submit that the bearing of expenses in connection with the merger is fair and reasonable in that each Applicant will pay its own expenses in connection with the merger with two exceptions: (1) American utility has agreed to pay the filing fee for the order of the Commission requested by this application and registration fees under state securities laws and (2) Applicants have agreed to share equally printing expenses (other than for the printing of copies of definitive proxy material). Applicants assert that the bearing of certain expenses and the required sale of electric utility securities by American Utility is reasonable and fair in that such requirement was the subject of arms-length bargaining between the non-interested directors of each Applicant, after taking into account the relative benefits to the parties, and, in the case of the sale of portfolio securities, the fundamental policy of the surviving corporation.

Applicants submit that, if approved by stockholders, the proposed merger will be consistent with the policy of each of the Applicants and with the general purposes of the act. At the present time, the investment objectives of the Applicants are substantially similar, although not identical, since the primary objective of each Applicant is current income.

Section 17(d) of the act and rule 17d-1 thereunder prohibit any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, from affecting any transaction in which such investment company is a joint participant, unless an application has been filed with the Commission and has been granted by order. In passing upon such applications, the Commission will consider whether the participation of such registered company in such arrangement, on the basis proposed, is consistent with the provisions, policies and purposes of the act, and the extent to which such

participation is on a basis different from, or less advantageous than, that of other participants.

Applicants have requested an order pursuant to section 17(d) of the act and rule 17d-1 thereunder to permit the proposed merger. Applicants submit that the merger is consistent with the provisions, policies, and purposes of the Act and that the participations therein are on bases appropriate in the public interest and consistent with the protection of investors in that the terms are reasonable and fair and the result of arms-length negotiations between the non-interested directors of Applicants, as discussed above.

Section 22(c) of the act and rule 22c-1 thereunder prohibit registered investment companies from issuing redeemable securities except at a price based on the current net asset value of such securities which is next computed after receipt of an order to purchase. Because, in the proposed merger, the conversion ratio will be determined as of the close of business on the business day immediately preceding the effective date of the merger, the issuance by Lord Abbett Income of shares of its capital stock upon consummation of the merger may not comply with rule 22c-1.

Section 6(c) of the act provides that the Commission, upon application, may exempt a transaction from any provision of the act or rule thereunder if it finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Lord Abbett Income requests an exemption from section 22(c) and rule 22c-1 thereunder asserting that the timing of the determination of the conversion ratio is necessary to allow each Applicant adequate time to prepare for the closing with respect to the merger. Lord Abbett Income does not believe that computation of the conversion ratio immediately prior to the effective date of the merger will give rise to the type of speculative activity which rule 22c-1 was designed to prohibit. Therefore, Lord Abbett Income submits that the granting of the exemption requested is necessary and appropriate, is in the public interest and is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Section 22(d) of the act provides, in pertinent part, that registered open-end investment companies may sell their shares only at a current public offering price described in the prospectus. Because shares of capital stock of Lord Abbett Income will be issued upon consummation of the merger without the imposition of the

sales charge provided in the Lord Abbett Income prospectus, Lord Abbett Income requests an exemption, pursuant to section 6(c), from the provisions of section 22(d). Lord Abbett Income asserts that the granting of the exemption requested is necessary and appropriate, is in the public interest and is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act. Although stockholders of American Utility will not be required to pay the sales charge which is payable by investors in Lord Abbett Income, Lord Abbett Income believes that this is justified by reason of (a) the saving of brokerage commissions that would be payable had the same amount of shares been issued for cash, and (b) the potential benefits to stockholders of Lord Abbett Income resulting from the merger.

Notice is further given, that any interested person may, not later than July 3, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule O-5 of the rules and regulations promulgated under the act, an order disposing of the application will be issued following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-16472 Filed 6-13-78; 8:45 am]

[8010-01]

(Rel. No. 20583 (70-6177))

COLONIAL GAS ENERGY SYSTEM

Notice of Proposed Issuance and Sale of Cumulative Convertible Preferred Stock by Parent and Issuance and Sale of Common Stock to Parent by Subsidiaries

JUNE 7, 1978.

In the matter of Colonial Gas Energy System, 73 East Merrimack Street, Lowell, Mass. 01853, Lowell Gas Co., 95 East Merrimack Street, Lowell, Mass. 01853, Cape Cod Gas Co., P.O. Box 1360, Hyannis, Mass. 02601.

Notice is hereby given, that Colonial Gas Energy System ("Colonial"), a registered holding company, Lowell Gas Co. ("Lowell"), and Cape Cod Gas Co. ("Cape Cod"), public utility subsidiaries of Colonial, have filed a joint declaration designating sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("Act"), and rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration for a complete statement of the proposed transactions.

On October 7, 1977, Colonial filed an application for exemption under section 3(a)(1) of the act. (File No. 31-763). Its application for exemption is pending. Pursuant to a Stipulation in that proceeding dated January 26, 1978, entered into by Colonial and the Division of Corporate Regulation, Colonial has registered as a public utility holding company under section 5(a) for the limited purpose of complying with the provisions of sections 6, 7, and 12(b) of the Act.

Colonial proposes to issue and sell cumulative convertible preferred stock ("Preferred Stock") through a negotiated sale to underwriters who will make a public offering thereof. It is proposed that the aggregate public offering price will be approximately \$5,550,000. Colonial proposes to use the net proceeds derived from such sale to purchase common stock of its public utility subsidiaries, Lowell and Cape Cod for an aggregate purchase price of approximately \$3,100,000 and to redeem 212,000 outstanding shares of its existing preferred stock at a redemption price of \$1,700,000 plus an amount equal to the dividends accrued thereon. Any balance of such net proceeds will be added to Colonial's working capital. Lowell and Cape Cod are seeking authorization to issue and sell such common stock to Colonial. They contemplate using the proceeds from such sales to repay a portion of the short-term indebtedness which is the subject of a separate filing. (HCAR No. 20575).

The terms of the Preferred Stock, including the terms of conversion, will

be filed by amendment. Colonial states, however, that such terms will differ from the standards set forth in the Commission's Statement of Policy Regarding First Mortgage Bonds and Preferred Stock ("SOP") (HCAR No. 35-13106, February 16, 1956) in two respects. Colonial's ratio of unsecured debt to long-term debt and stockholders equity has for some time exceeded the ratios set forth in paragraph (c) of the SOP. Colonial states that the sale of the Preferred Stock is a step in improving its capitalization but will not be sufficient to permit it to limit future short-term borrowings to the ratios contemplated by said paragraph (c). Colonial further states that the restriction on dividends on junior stock provided for in paragraph (e) of the SOP cannot be adopted, since the change in common stock dividend policy which would be required by those restrictions would, because of the conversion feature of the proposed Preferred Stock, tend to make the Preferred Stock unmarketable.

Colonial became a publicly held corporation in November 1975, when it sold 495,000 shares of common stock at a public offering price of \$12 a share. Its common stock is presently held by 1,700 shareholders. Prior to that time, Colonial's common stock was held for many years by six individuals. In connection with the public issuance of common stock, the six existing shareholders agreed to a restriction through the year 1980 on dividends paid upon their shares. As a condition to the proposed public offering of the Preferred Stock, the restriction will be extended through the year 1988.

The consolidated net earnings of Colonial and its subsidiaries are insufficient to justify a common stock offering at this time. Since its initial public offering in 1975, Colonial's consolidated net earnings have declined on a per share basis from \$1.58 to \$1.13 for the year ended December 31, 1977. Although consolidated net earnings have improved with the quarter ending March 31, 1978, they are less than the aggregate dividends declared and paid on Colonial's common stock during that period. Colonial states, however, that consolidated net earnings for the 12 months ended March 31, 1978, when considered with the annual effect of rate increases which the Massachusetts Department of Public Utilities recently allowed Lowell and Cape Cod in 1977, are expected to permit the issue and sale of the Preferred Stock.

In view of its financial status and market situation, Colonial believes competitive bidding would be inappropriate and requests exemption therefrom pursuant to rule 50(a)(5). Colonial proposes, and is hereby authorized, forthwith, to negotiate with un-

derwriters. The actual negotiated terms, subject to further authorization, will be supplied by amendment.

The fees and expenses incurred or to be incurred in connection with this proposal will be filed by amendment. It is stated that in the event the issuance of the Preferred Stock is not consummated, Colonial will reimburse the underwriters, in an amount not to exceed \$40,000, for legal fees incurred. No state or federal commission, other than this Commission, has jurisdiction over the proposed issue and sale of Preferred Stock. The Massachusetts Department of Public Utilities has jurisdiction over the proposed issue and sale of common stock by Lowell and Cape Cod. No other state or federal commission has jurisdiction over such proposed issue and sale of common stock.

Notice is further given. That any interested person may, not later than June 30, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the act, or the Commission may grant exemption from its rules under the Act as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

(FR Doc. 78-16473 Filed 6-13-78; 8:48 am)

[8010-01]

(File No. 500-1)

PACIFIC FAR EAST LINE, INC.**Notice of Suspension of Trading**

JUNE 8, 1978.

It appearing to the Securities and Exchange Commission that the sum-

mary suspension of trading in the securities of

Pacific Far East Line, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

THEREFORE, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 10 a.m. (EDT) on June 8, 1978, through June 17, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

(FR Doc. 78-16476 Filed 6-13-78; 8:45 am)

[8010-01]

(File No. 500-1)

TIFFANY INDUSTRIES, INC.**Suspension of Trading**

JUNE 9, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of

Tiffany Industries, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 9:30 a.m. on June 9, 1978, through June 18, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

(FR Doc. 78-16475 Filed 6-13-78; 8:45 am)

[8025-01]

SMALL BUSINESS ADMINISTRATION

(Declaration of Disaster Loan Area #1486)

NEW YORK**Declaration of Disaster Loan Area**

The area of the intersection of Rt. 6 and 6N in Mahopac, Putnam County, N.Y., constitutes a disaster area because of damage resulting from a fire which occurred on May 3, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on August 7, 1978, and for economic injury until the close of business on March 6, 1979, at: Small Business Administration, District Office, 26 Federal Plaza—Room 3100, New York, N.Y. 10007, or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: June 6, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.
(FR Doc. 78-16416 Filed 6-13-78; 8:45 am)

[8025-01]

ORANGECO INVESTMENT CO.

(License No. 09/09-5178)

License Surrender

Notice is hereby given that Orangeco Investment Co., 1140 South Bristol, Santa Ana, Calif. 92704, has surrendered its license to operate as a small business investment company under section 301(d) of the Small Business Investment Act of 1958, as amended (the Act).

The company was licensed by the Small Business Administration on February 26, 1975.

Under the authority vested by the Act and pursuant to 13 CFR 107.105 (1978), the surrender by Business Ventures, Inc. of its license is hereby approved.

Accordingly, all rights, privileges and franchises derived from the license are hereby terminated.

(Catalog of Federal Domestic Assistance Program Number 59.011, Small Business Investment Companies.)

Dated: June 6, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator
for Investment.

(FR Doc. 78-16460 Filed 6-13-78; 8:45 am)

[4810-31]

DEPARTMENT OF THE TREASURY**Bureau of Alcohol, Tobacco and Firearms****GRANTING OF RELIEF PURSUANT TO SECTION 925(c), TITLE 18, UNITED STATES CODE**

Notice is hereby given that pursuant to 18 U.S.C. 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions of each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Arel, Edward S., 1940 W. Hopkins, Pasco, Wash., convicted on June 13, 1974, in the

Benton County Superior Court, Washington.

Arquette, William, P.O. Box 190, White Swan, Wash., convicted on July 29, 1957, in the U.S. District Court, Eastern District of Wash.

Baller, Carl J., Jr., 2339 Lumber Avenue, Wheeling, W. Va., convicted on May 21, 1974, in the U.S. District Court, Northern District, West Virginia.

Baranick, Anthony J., 7076 62nd Street, Pinellas Park, Fla., convicted on July 20, 1953, in the Circuit Court of Etowah County, Gadsden, Ala.

Barrett, Daniel E., Box 288, Augusta, Mont., convicted on April 12, 1971, in the District Court of the First Judicial District of Montana.

Bayles, Glenn W., 5304 85th Avenue, Apt. B-5, New Carrollton, Md., convicted on May 24, 1954, in the Circuit Court of Randolph County, W. Va.

Beers, James L., R.D. No. 1, Box 30C, Oxford, Wis., convicted on April 5, 1963, in the County Court, Racine County, Wis.

Bell, George T., Route 2, North Wilkesboro, N.C., convicted on May 23, 1951, in the U.S. District Court for the Middle District of North Carolina; and between December 1937 and February 1951, in the U.S. District Courts in North Carolina.

Bell, Thomas L., Route 2, Box 204, North Wilkesboro, N.C., convicted on November 20, 1935, May 20, 1944, May 22, 1948, and on November 23, 1956, in the U.S. District Court, Wilkesboro, N.C.; on March 17, 1941, in the U.S. District Court, Charlotte, N.C.; and on November 17, 1948, in the U.S. District Court, Middle District, North Carolina.

Bernard, Roland P., 501 Kees Circle, Lafayette, La., convicted on June 14, 1976, in the District Court, St. Mary Parish, Franklin, La.

Bever, Robert L., 129 E. Erie Drive, Tempe, Ariz., convicted on April 4, 1949, in the U.S. District Court for the District of Arizona.

Blick, Michael F., Route 4, Box 548, Shawano, Wis., convicted on October 23, 1975, in the County Court, Florence County, Wis.

Blum, William, 3637 Snell Avenue, No. 379, San Jose, Calif., convicted on March 1, 1957, in the U.S. District Court, Northern District of Illinois.

Bollman, William C., P.O. Box 416, San Marcos, Tex., convicted on December 19, 1972, in the U.S. District Court, Western District of Texas.

Bracco, Michael G., 6710 S.W. Montgomery Street, Wilsonville, Ore., convicted on May 16, 1973, in the Circuit Court of Multnomah County, Portland, Ore.

Brewer, Waldon T., 1-22 Horseshoe Bend Tr., Weatherford, Tex., convicted on April 10, 1975, in the U.S. District Court, Northern District of Texas, Fort Worth Division.

Brogden, Farrell, 10-D Deerfield Apartments, Northport, Ala., convicted on April 17, 1959, in the Circuit Court, Covington County, Ala.; and on November 23, 1964, in the Circuit Court, Montgomery County, Ala.

Bull, John J., Route 2, Box 229, Tahlequah, Okla., convicted on April 8, 1965, in the Latimer County District Court, Okla.

Cabe, William A., route 3, Box 764A, Thomasville, N.C., convicted on March 28, 1973, in the Court of Justice, Randolph County, N.C.

Canfield, Victor E., Lot 19, Woodland Trailer Park, Grafton, Va., convicted on May

20, 1974, in the U.S. District Court, Eastern District, Virginia.

Cannon, Richard C., 6724 Longwood, Little Rock, Ark., convicted on September 21, 1971, in the Washington County Circuit Court, Arkansas.

Carroll, Dewey F., Route 6, Box 372, Oxford, Ala., convicted on or about March 29, 1952, and on or about May 25, 1964, in the Circuit Court, Calhoun County, Ala.

Cavender, Steven R., Route No. 2, Bartley Roda, LaGrange, Ga., convicted on February 14, 1966, in the Superior Court, Troup County, Ga.

Chambers, William J., 8705 N.E. Alberta, Portland, Ore., convicted on March 20, 1957, and on October 29, 1959, in Anchorage, Alaska; and on June 7, 1965, in the Superior Court for the State of Alaska, Third Judicial District.

Coleman, Paul D., Route 3, Box 47, Hamptonville, N.C., convicted on March 29, 1972, in the U.S. District Court, Western District of North Carolina, Statesville, N.C.

Cook, Richard A., 37721 Hixford Place, G-11, Westland, Mich., convicted on December 27, 1955, in the Circuit Court, 35th Judicial Circuit of the State of Michigan.

Craven, Jeremiah B., Route 1, Box 104B, Bowman, S.C., convicted on July 20, 1950, in the U.S. District Court, Eastern District, South Carolina.

Crowley, Arnold J., 1480 Peachwood Drive, Flint, Mich., convicted on January 9, 1950, in the Superior Court, Cumberland County, Maine.

Czeszynski, Anthony J., 38152 Park Street, Oconomowoc, Wis., convicted on May 26, 1969, in the U.S. District Court, Eastern District, Wisconsin.

Davis, Grady, Jr., 1572 Beatie Avenue, SW., Atlanta, Ga., convicted on June 26, 1962, and on February 18, 1964, in the Fulton County Superior Court, Atlanta, Ga.

Davis, Leon, 1928 S. Carmona Avenue, Los Angeles, Calif., convicted on March 23, 1956, and on May 27, 1958, in the Circuit Court, Tenth Judicial Circuit of Alabama.

DeCoux, Charles L., 2511A 20th Place, Ensley, Birmingham, Ala., convicted on June 19, 1961, in the Muscogee Superior Court, Columbus, Ga.

Dinger, Barry J., Box 31, Oak Ridge, Pa., convicted on March 5, 1976, in the Court of Common Pleas of Clarion County, Pa.

Dow, Gaylord L., 602 1/2 N. Waterloo Street, Jackson, Mich., convicted on September 6, 1960, in the Circuit Court of Osceola County, Mich.

Eyre, Timothy R., 11224 Nevada Avenue, North, Champlin, Minn., convicted on November 19, 1971, in the Fourth Judicial District Court, County of Hennepin, Minn.

Feichtner, Ronald J., 6900 30th Avenue, Kenosha, Wis., convicted on or about November 18, 1956, in the Municipal Court, City and County of Kenosha, Wis.

Fowler, Archie L., RR No. 1, Grand Rivers, Ky., convicted on December 8, 1944, April 25, 1967, and on November 2, 1971, in the U.S. District Court, Ky.

Ganas, Andy W., 724 Vallotton Drive, Valdosta, Ga., convicted on June 19, 1974, in the Superior Court of Lowndes County, Ga.

Graeter, Jack H., 434 Biscayne Road, Lancaster, Pa., convicted on or about May 19, 1956, in the Chester County Court of Common Pleas, Chester County, Pa.

Gregory, Alvin G., Route 2, Box 257, Ronda, N.C., convicted on October 26, 1971, in the U.S. District Court, Wilkesboro, N.C.

Griffith, Brant L., RR No. 2, Box 144A, Jasonville, Ind., convicted on July 19, 1972, in the Green County Circuit Court, Bloomfield, Ind.

Hallman, Mickey R., 8 Houser Street, Montgomery, Ala., convicted on November 12, 1973, in the U.S. District Court, Middle District, Alabama.

Hebert, Robert L., 2621 Mary Ann Street, Sulphur, La., convicted on February 15, 1960, in the 14th Judicial District Court, Lake Charles, La.

Heliker, Leroy J., 3302 West Lake Road, Erie, Pa., convicted on August 9, 1968, in the Court of Quarter Sessions of Warren County, Pa.

Howell, Donald H., 1852 Queens Way, Chamblee, Ga., convicted on June 8, 1973, in the U.S. District Court, Eastern District of Virginia, Alexandria Division.

Hummer, William G., 29657 E. River Road, Perrysburg, Ohio, convicted on June 15, 1973, in the Circuit Court of Rockbridge County, Va.

Iacono, Vincent, 11401 Morrison, New Orleans, La., convicted on July 11, 1975, in the U.S. District Court, Florida.

Ireland, Ronald G., 113 O'Connell, Howe, Tex., convicted on February 6, 1976, in the 59th Judicial District Court in Sherman, Tex.

Jeffries, Milton C., 4324 N.W. 16th Street, Oklahoma, City, Okla., convicted on July 29, 1971, in the District Court of Travis County, Tex.; and on October 8, 1971, in the District Court of Harris County, Tex.

Johnson, Gary L., Route 7, Box 63, North Wilkesboro, N.C., convicted on November 7, 1972, in the U.S. District Court, Winston-Salem, N.C.

Johnson, Gilbert O., 305 North Street, Sunnyside Park, Jefferson, N.C., convicted on October 22, 1945, in the Ashe County Superior Court, North Carolina; and on September 29, 1947, in the Alleghany County Superior Court, North Carolina.

Johnson, Lester P., Route 7, Box 109, North Wilkesboro, N.C., convicted on May 18, 1942, January 8, 1946, and on or about May 2, 1953, in the U.S. District Court, Wilkesboro, N.C.

Johnston, Ronald F., 615 N.E. Hill Street, Sheridan, Ore., convicted on November 25, 1974, in the U.S. District Court, Oregon.

Karns, Tolbert, Jr., RD No. 1, Fayetteville, Pa., convicted on February 29, 1952, in the Court of Quarter Sessions of Franklin County, Pa.

Kennedy, James F., Route No. 2, Box 84, Dickson, Tenn., convicted on July 29, 1953, in the U.S. District Court for the Eastern District of Louisiana, and on July 19, 1956, in the Comanche County Circuit Court, Lawton, Okla.

Knight, Daniel H., 5441 Pine Grove Avenue, Norfolk, Va., convicted on March 29, 1974, in the U.S. District Court, Eastern District of Virginia, Norfolk Division.

Kvapil, Robert J., Jr., 203 E. Grand Avenue, Chippewa Falls, Wis., convicted on April 25, 1974, in the St. Croix County Circuit Court, Hudson, Wis.

Laxson, Paul V., 14834 Burley Avenue, S.E., Burley, Wash., convicted on October 25, 1974, in the Superior Court of Washington, Kitsap County, Port Orchard, Wash.

Lombardo, Michael J., 515 West 17th Street, Erie, Pa., convicted on June 25, 1940, and on May 13, 1942, in the Court of Quarter Sessions, Erie County, Pa.

Mack, Floyd W., P.O. Box 464, Neah Bay, Wash., convicted on April 15, 1968, in the Superior Court of Clallam County, Wash.

Manuel, George, 8787 Sullivan Road, Tipp City, Ohio, convicted on June 28, 1974, in the U.S. District Court, Northern District, of Illinois; and on February 3, 1971, in the U.S. District Court, Indianapolis, Ind.

Marlowe, Jack F., 26 Fortune Lane, Levittown, Pa., convicted on June 4, 1958, in the Court of Quarter Sessions of the Peace for the County of Philadelphia, Pa.

Masiello, Raymond, 4331 - Washington Street, Roslindale, Mass., convicted on February 9, 1954, in the U.S. District Court, Boston, Mass.

Matulka, Otto J., 2469 1/2 S. 16th Street, Omaha, Nebr., convicted on November 20, 1974, in the U.S. District Court, District of Nebraska.

McDaniel, Anthony B., 180 Scott Street, Orange, Va., convicted on October 26, 1972, in the Circuit Court of Orange County, Va.

Mears, David W., 4275 Taylor Road, Apt. K-1, Chesapeake, Va., convicted on July 14, 1966, in the Circuit Court of the City of Chesapeake, Va.; and on July 30, 1968, in the Nansemond County Circuit Court, Va.

Miller, Lannon E., 10043 Alendra, Shreveport, La., convicted on March 4, 1977, in the U.S. District Court, Western District, La.

Morris, James B., Route No. 2, Box 11, Johnson, Kans., convicted on May 7, 1973, in the District Court, First Judicial District of Oklahoma; and on February 5, 1974, in the District Court, Grant County, Kans.

Morris, Larry H., 1717 Madison Avenue, Baltimore, Md., convicted on October 30, 1962, in the U.S. District Court for the District of Columbia.

Moses, Richard J., 402 N. 9th, Worland, Wyo., convicted on September 13, 1976, in the U.S. District Court, District of Wyoming, Cheyenne, Wyo.

Offredl, Gary V., 401 W. Diamond Street, Butler, Pa., convicted on March 17, 1970, in the Court of Quarter Sessions, Armstrong County, Pa.

Okuly, Delmar L., 1136 Summit Street, New Haven Ind., convicted on November 20, 1961, in the Allen Circuit Court, County of Allen, Ind.

Palmer, Roger C., 8907 Sylvania Street, Lorton, Va., convicted on November 22, 1965, in the Circuit Court of Orange County, Va.

Payne, Samuel C., 16 Poplar Street, Porterdale, Ga., convicted on March 27, 1967, in the Newton County Superior Court, Covington, Ga.

Pigza, Joseph P., 180 Forrest Street, Gallitzin, Pa., convicted on January 15, 1964, in the Court of Quarter Sessions of the Peace for the County of Blair, Pa.

Pretice, Raymond E., 8834 W. Deer Valley, Peoria, Ariz., convicted on November 10, 1961, in the Circuit Court, Mississippi County, Ark.

Prevette, James R., Route 1, Box 325, Roaring River, N.C., convicted on May 25, 1951, November 23, 1956, November 25, 1958, and on November 26, 1962, in the U.S. District Court, Wilkesboro, N.C.

Proto, Constantine, Box 1318, Roosevelt, Utah, convicted on September 25, 1970, in the Suffolk County Court, Riverhead, N.Y.

Reinhardt, John E., 1510 Jarvis Street, Winston-Salem, N.C., convicted on May 2, 1967, in the U.S. District Court, Middle District of North Carolina.

Rice, Budd L., RD No. 2, Box 99, Seneca, Pa., convicted on July 15, 1974, in the U.S.

District Court, Western District of Pennsylvania.

Ritter, Robert C., 7611 Bull Run Road, Manassas, Va., convicted on April 25, 1952, in the Circuit Court of Montgomery county, Va.

Roberts, Bobby R., 5600 Hawkinsville Road, Lot 47, Macon, Ga., convicted on November 17, 1956, in the Circuit Court of Laclede County, Mo.; and on or about May 28, 1960, in the Circuit Court of Volusia County, Fla.

Robinson, Craig A., 1104 West Stewart Road, Midland, Mich., convicted on October 10, 1973, in the Circuit Court, Midland County, Mich.

Robinson, James D., 11309 Mitchell Hill Road, Fairdale, Ky., convicted on March 11, 1975, in the U.S. District Court, Western District, Louisville, Ky.

Roden, Johnny R., Star Route 3, Alturas, Calif., convicted on March 13, 1973, in the Modoc County Superior Court, Calif.

Rose, Roger D., 415 Sycamore Street, Dawson Springs, Ky., convicted on December 5, 1967, in the Lyon Circuit Court, Lyon, Ky.; and on June 7, 1969, in the Caldwell Circuit Court, Ky.

Schmidt, Tommy, 1830 Rauch Road, Erie, Mich., convicted on March 19, 1964, in the U.S. District Court, Eastern District of Mich.

Shew, James W., Route 2, Box 407, Wilkesboro, N.C., convicted on May 9, 1965, in the U.S. District Court, Wilkesboro, N.C.

Shover, Paul P., R.F.D. No. 3, Box 494, Chambersburg, Pa., convicted on September 17, 1954, in the Court of Quarter Sessions of Franklin County, Pa.

Simons, Richard D., 11927 Woodbine Street NW., Anoka, Minn., convicted on November 12, 1970, in the Circuit Court, Ogle County, Ill.

Sims, Roy C., 104 1/2 West 1st Street, Winslow, Ariz., convicted on December 19, 1975, in the U.S. District Court, Eastern District of Arkansas, Little Rock, Ark.

Smith, Carmen L., 10642 1/2 Hillhaven, Tujunga, Calif., convicted on July 2, 1974, in the Superior Court, Maricopa County, Phoenix, Ariz.

Smith, Nicholas T., P.O. Box 293, Mansfield, Wash., convicted on January 12, 1976, in the Superior Court of the State of Washington in and for the County of Okanogan.

Spencer, Alan H., 8054 Seabeck Highway NW., Bremerton, Wash., convicted on July 2, 1970, in the Superior Court of the State of Washington for the County of King.

Stans, James J., Rural Route No. 2, Battle Lake, Minn., convicted on October 16, 1970, in Hennepin County, Fourth Judicial District Court, Minn.

Summerhill, James L., Route No. 2, Box 387A, Florence, Ala., convicted on June 9, 1967, and on November 6, 1967, in the Lauderdale County Circuit Court, Florence, Ala.

Trulson, Terry M., 708 North Irving, Kennewick, Wash., convicted on January 9, 1970, in the Superior Court, Franklin County, Wash.

Tucker, John W., 1806 Julianne Drive, Marion, Ill., convicted on June 12, 1967, in the Pope County Circuit Court, Golconda, Ill.

Turner, George M., Jr., R.F.D. No. 1, Leon Court, Hanson, Mass., convicted on or about November 15, 1946, in the Middlesex District Court, Framingham, Mass.

Verwald, Fred, P.O. Box 147, Browning, Mont., convicted on January 5, 1932, in

the District Court, Fifteenth Judicial District, County of Beltrami, Minn.; and on May 21, 1934, in the District Court, Fourteenth Judicial District, County of Mahanomen, Minn.

Waley, Harmon M., Box 1007, Waldport, Ore., convicted on March 12, 1930, in the Lewis County District Court, Lewis County, Idaho; and on June 30, 1931, in the Thurston County Superior Court, Olympia, Wash.; and on June 21, 1935, in the U.S. District Court, Western District, Tacoma, Wash.

Ward, Thomas L., Jr., 2042 East 35th Street, Tucson, Ariz., convicted on July 22, 1955, in the Superior Court, Westchester County, White Plains, N.Y.

Warren, Roland C., Route No. 4, Box 338, Buhl, Idaho, convicted on July 30, 1976, in the District Court, Fifth Judicial District, State of Idaho, Twin Falls County.

Weber, Gerald D., 2305 20th Street, Columbus, Nebr., convicted on April 25, 1975, in the District Court of Platte County, Nebr.

Weber, Nelson, 2116 South State Street, Springfield, Ill., convicted on July 23, 1964, in the U.S. District Court for the Southern District of Illinois, Southern Division.

Weinman, Charles T., 1369 Anchor Street, Philadelphia, Pa., convicted on November 18, 1971, in the U.S. District Court for the Eastern District of Pennsylvania.

Williams, Louis B., 4322 Lancaster Avenue, Philadelphia, Pa., convicted on or about February 10, 1930, and on November 14, 1940, in the Court of Common Pleas, Philadelphia County, Pa.

Williamson, Jack M., Route No. 1, Ethel, Miss., convicted on or about January 13, 1958, on or about October 14, 1958, on or about December 7, 1960, on or about May 1, 1965, and on February 6, 1969, in the U.S. District Court, Northern District, Aberdeen, Miss.

Williamson, James, Route 1, Ethel, Miss., convicted on or about April 14, 1953, on or about April 20, 1955, on or about November 2, 1962, and on February 6, 1969, in the U.S. District Court, Northern District, Aberdeen, Miss.

Willis, James K., 6038C Cheshire, Indianapolis, Ind., convicted on March 18, 1966, in the Superior Court, Morgan County, Ind.

Yeager, Melvin A., 1365 Howard Drive, Albany, Ore., convicted on October 17, 1975, in the U.S. District Court, District of Portland, Ore.

Zayas, Louis R., 809 Borregas Avenue, Sunnyvale, Calif., convicted on June 19, 1974, in the U.S. District Court, Southern District of New York.

Signed at Washington, D.C., this 5th day of June 1978.

REX D. DAVIS,
Director, Bureau of
Alcohol, Tobacco and Firearms.
[FR Doc. 78-16329 Filed 6-13-78; 8:45 am]

[4830-01]

Internal Revenue Service
[Delegation Order No. 42 (Rev. 8)]
SERVICE CENTER DIRECTOR
Delegation of Authority
AGENCY: Internal Revenue Service.

ACTION: Delegation of Authority.

SUMMARY: The authority delegated by the Commissioner of Internal Revenue to the Service Center Director, to redelegate the authority to sign all consents fixing the period of limitations on assessment or collection is extended to include Revenue Officers in the service centers.

EFFECTIVE DATE: June 8, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles A. Hulberg, 1111 Constitution Avenue NW., Room 7539, Washington, D.C. 20224, 202-566-4604 (not toll free).

This document does not meet the criteria for significant Regulations set forth in paragraph 8 of the proposed Treasury Directive appearing in the FEDERAL REGISTER for Wednesday, May 24, 1978.

JAMES D. HALLMAN,
Acting Director, Collection
Division.

Subject: Authority to execute consents fixing the period of limitations on assessment or collection under provisions of the 1939 and 1954 Internal Revenue Codes.

1. Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 120, dated July 31, 1950; Order No. 150-2, dated May 15, 1952; 26 CFR 301.6501(c)-1; 26 CFR 301.6502-1; 26 CFR 301.6901-1(d); and 26 CFR 301.7701-9; the authority to sign all consents fixing the period of limitations on assessment or collection is delegated to the following officials: a. Assistant Regional Commissioners (Appellate); b. Assistant Regional Commissioners (Employee Plans and Exempt Organizations); c. Service Center Directors; d. District Directors; and e. Director of International Operations.

2. This authority may be redelegated but not below the following levels for each activity: a. Service Centers—Chief, Accounting Branch; Chief, Correspondence Audit Branch and Revenue Officers; b. Collection—Chiefs, Office Branch and Office Groups and Revenue Officers; c. Audit—Conferees and Reviewers, Grade GS-11; Group Managers; Case Managers; and Returns Program Managers; d. Intelligence—Chief, Intelligence Division; e. Appellate—Appellate Appeals Officer; f. Office of International Operations—Representatives at foreign posts; Revenue Agents, Tax Auditors and Special Agents on foreign assignments; and levels b., c., and d., above; and g. Employee Plans and Exempt Organizations—Conferees and Reviewers, Grade GS-11; Group Managers.

3. This Order supersedes Delegation Order No. 42 (Rev. 7), issued March 14, 1977.

Dated: May 30, 1978.

JEROME KURTZ,
Commissioner.

[FR Doc. 78-16316 Filed 6-13-78; 8:45 am]

[4810-22]

Office of the Secretary

METHYL ALCOHOL FROM CANADA

Antidumping Proceeding

AGENCY: U.S. Treasury Department.

ACTION: Initiation of Antidumping Investigation.

SUMMARY: This notice is to advise the public that a petition in proper form has been received and an antidumping investigation is being initiated for the purpose of determining whether imports of methyl alcohol from Canada are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. However, as there is substantial doubt that imports of the subject merchandise alleged to be at less than fair value are the cause of present, or likely future, injury to an industry in the United States, the case is being referred to the U.S. International Trade Commission for preliminary injury consideration pursuant to Section 201(c) of the Act.

EFFECTIVE DATE: June 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Vincent Kane or Michael E. Crawford, Operations Officers, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On May 2, 1978, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from E. I. du Pont de Nemours & Co., indicating a possibility that methyl alcohol from Canada is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

The margins of dumping alleged, based on a comparison of sales to the U.S. with prices in the home market, range from approximately 12 to 100 percent.

There is evidence on record concerning injury or likelihood of injury from the alleged less than fair value imports. This evidence also indicates that although petitioner's domestic production, sales, and share of the domestic market for noncaptive uses of methanol (so-called "merchant-market sales") declined in 1977 compared to 1976, the other domestic producers of the product experienced increases in each of these categories during the same period. Evidence on hand also indicates that while profitability on merchant-market sales for the entire in-

dustry producing methyl alcohol has declined, that decline may, in part, be attributable to rapidly increased costs of production. Furthermore, in determining whether profitability has been adversely affected, it appears inappropriate to consider merchant-market sales separately from total production and use or sale, particularly as the share of domestic production accounted for by captive consumption of U.S. producers has increased substantially in recent years. In 1977, 73 percent of U.S. production was used by domestic producers for further processing. Moreover, domestic prices for methanol appear to have increased sharply over the past five years, including the periods in which Canadian sales occurred. In that connection, in determining pursuant to section 201(c)(2) of the Antidumping Act as recently as October 1977 that there was no reasonable indication of injury from imports of methyl alcohol from Brazil, Chairman Minchew of the U.S. International Trade Commission noted that "U.S. purchasers of open-market methyl alcohol have had to rely on imports to meet part of their raw material requirement." 42 FR 55950 (October 20, 1977).

Therefore, it has been concluded that there is substantial doubt of injury, or likelihood of injury, to an industry in the United States as a result of imports of such merchandise from Canada. Accordingly, the U.S. International Trade Commission is being advised of such doubt pursuant to section 201(c)(2) of the Act.

Having conducted a summary investigation as required by section 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value. Should the International Trade Commission, within 30 days of receipt of the advice cited in the preceding paragraph, advise the Secretary that there is no reasonable indication that an industry in the United States is being, or is likely to be, injured by reason of the importation of such merchandise into the United States, the Department will publish promptly in the FEDERAL REGISTER a notice terminating the investigation. Otherwise the investigation will continue to conclusion.

This notice is published pursuant to section 153.30 of the Customs Regulations (19 CFR 153.30).

ROBERT H. MUNDHEIM,
General Counsel
of the Treasury.

JUNE 8, 1978.

[FR Doc. 78-16428 Filed 6-13-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 684]

ASSIGNMENT OF HEARINGS

JUNE 19, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC 111871 (Sub-No. 10), Southeastern Freight Lines, now being assigned for hearings on July 18, 1978, at Atlanta, GA at the Ramada Inn—Central, I-85 North at Monroe Street.

No. MC-F-13400, Overnite Transportation Co.—Purchase—St. Louis-Kansas City Express, Inc., is now assigned for prehearing conference July 17, 1978, at the offices of the Interstate Commerce Commission, Washington, DC.

No. MC 111302 (Sub-No. 99), Highway Transport, Inc., now assigned July 6, 1978, at Nashville, TN, will be held in Room A-440, Federal Building, 801 Broadway.

No. MC 44914 (Sub-No. 3), Willamette Valley Transfer Co., now assigned July 10, 1978 at Portland, OR, will be held in Room 103, Pioneer Courthouse, 555 Southwest Yamhill Street.

MC 134038 Sub 6, Majors Transit, Inc., now being assigned July 27, 1978 (1 day), for continued hearing at Nashville, TN and will be held at the Tennessee Public Service Commission, Hearing room 123, Floor C-1, Cordell Hull Building.

MC 13207 Sub 26, Short Way Lines, Inc., now assigned June 28, 1978, at Toledo, OH is cancelled, application dismissed.

MC 121142 Sub 17, J & G Express, Inc., now being assigned July 18, 1978 (3 days), at Jackson, MS in a hearing room to be later designated.

No. MC 126574 (Sub-No. 3), M. L. Hatcher Pickup & Delivery Services, Inc., now assigned July 11, 1978, at Raleigh, NC, will be held in Room 505, Federal Building, 310 New Bern Avenue.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-16454 Filed 6-13-78; 8:45 am]

[7035-01]

[Finance Docket No. 28676 (Sub-No. 1)]

GRAND TRUNK WESTERN RAILROAD CO. AND GRAND TRUNK CORP.—CONTROL—DETROIT, TOLEDO AND Ironton RAILROAD CO. AND THE DETROIT AND TOLEDO SHORE LINE RAILROAD CO.

Notice of Acceptance and Consideration of Supplement to Application

AGENCY: Interstate Commerce Commission.

ACTION: Acceptance of Supplement to the Application, and Consideration with Application filed in Finance Docket No. 28499 (Sub-No. 1) Norfolk and Western Railway Co. and Baltimore and Ohio Railroad Co.—Control—Detroit, Toledo and Ironton Railroad Co., to which this is an inconsistent application. The proceedings have been set for oral hearing, Judge Beddow presiding, at a time and place to be announced later.

SUMMARY: Supplemental material to the inconsistent application was accepted. Grand Trunk has been found in full compliance with the Commission's Railroad Acquisition, Control, Consolidation, Coordination Project, Trackage Rights and Lease Procedures. This proceeding is inconsistent with Finance Docket No. 28499 (Sub-No. 1), Norfolk and Western Railway Co. and Baltimore & Ohio Railroad Company—Control—Detroit, Toledo and Ironton Railroad Co. and is being considered with it for handling. These proceedings have been set for oral hearing at a time and place to be determined later.

FOR FURTHER INFORMATION CONTACT:

Edward J. Schack, Acting Deputy Director, Section of Finance, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7580.

SUPPLEMENTARY INFORMATION: The Commission accepted the inconsistent application by order of March 17, 1978, but required by that order that additional information be submitted in order to cure serious deficiencies in the required filings. Specifically, a traffic study for DT&I, maps, supporting materials and additional financial information was required. On June 6, 1978, the Commission found that these requirements have been met and the deficiencies have been cured.

The proceeding has been set for oral hearing, along with the proceeding in

¹This application is inconsistent to the application filed in Finance Docket No. 28499 (Sub-No. 1) Norfolk and Western Railway Co. and Baltimore and Ohio Railroad Co.—Control—Detroit, Toledo and Ironton Railroad Co.

Finance Docket No. 28499 (Sub-No. 1) to which it is an inconsistent application, Judge Beddow presiding. A prehearing conference has been scheduled for June 27, 1978, at the Commission's offices in Washington, D.C.

This acceptance does not reach the issue of the necessity of joinder of Canadian National set forth in the petitions to dismiss filed by Canadian Pacific Limited, and jointly filed by Norfolk and Western Railway Co. and Baltimore and Ohio Railroad Co.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-16456 Filed 6-13-78; 8:45 am]

[7035-01]

[Ex Parte No. 349]

INCREASED FREIGHT RATES AND CHARGES, 1978, NATIONWIDE

Decision

JUNE 7, 1978.

In a decision served May 4, 1978, we permitted the filing of a master tariff, subject to protest and possible suspension, providing for publication of increases in freight rates and charges by 4 percent within Eastern territory, within Western territory and between Eastern and Western territory, and 2 percent from, to, and within Southern territory. The master tariff, Tariff of Increased Rates and Charges X-349, filed May 9, 1978, contains specified holddowns and exceptions including a 7 percent increase on many coal movements.

An extensive record has been assembled in this proceeding and oral argument was held before the Commission on June 5, 1978. The record discloses that the revenue yield from the proposed increase will not exceed the increased cost in labor and other expenses which have occurred since the last general increase proposal, Ex Parte No. 343, Nationwide Increased Freight Rates and Charges—1977, became effective. Accordingly, we find that the increase is justified from a cost and revenue need standpoint. However, during the course of this proceeding other issues, which we consider important, have surfaced. These issues will be discussed separately.

COAL

The proposed increase of 7 percent on coal as proposed in Item Nos. 800, 805, and 810¹ of the master tariff has not been justified. The Commission, while favoring selective increases, does not believe that, in an across-the-board general increase, one commodity should be singled out for disproportionate treatment, absent compelling

circumstances. Such a showing has not been made here. On the contrary, protestants have established that coal is relatively profitable, particularly when compared with the overall cost/revenue relationship of 126.9 for all traffic. The carriers are, of course, free to publish whatever adjustment they believe necessary on this individual commodity. The matter can then be handled in the depth it deserves on a more complete record relating specifically to this commodity.

Coal is a basic energy source and an increase not fully justified, even if later ordered cancelled, would have an inflationary impact. In addition, we note that there have recently been a number of controversial coal cases, and we do not believe the carriers should be permitted to sidestep normal investigation and suspension procedures by imposing an increase greater on coal than any other commodity in a general increase proceeding. However, no reason has been shown to exempt this traffic from bearing a portion of the carriers' demonstrated cost increases. Accordingly, in order to avoid disruption of rate relationships we will limit the increase on coal to 4 percent within and between all territories.

It is ordered: The proposed increase on coal is suspended, without prejudice to the refiling, upon cancellation of the above items, of increases of 4 percent. In no event shall the increase exceed that proposed in the X-349 tariff.

REVENUE/COST RELATIONSHIPS

Many parties in this proceeding have called attention to the need for further refinement of our Ex Parte No. 290 procedures, *Procedures Governing Rail General Increase Proc.*, 351 ICC 544 (1976), as subsequently amended. We intend to reopen that proceeding for this purpose in the near future. At the same time protestants have directed our attention to the problem caused for other commodities when some commodities are transported at below-cost rates. As discussed in Ex Parte No. 338, decision dated January 31, 1978, this matter requires further attention. In this proceeding, the carriers' own submission discloses this to be a fact. While we intend to take action in this area, the carriers should not await a formal proceeding but should take immediate steps to remedy this situation. Failure to do so will bring into question the statutory standards of economical and efficient management under section 15a(4) of the Interstate Commerce Act.

In Ex Parte No. 343, Nationwide Increased Freight Rates and Charges—1977, the Commission ordered into investigation the rates on the following commodities:

¹STCC Nos. 11 1, 11 212 10, 11 212 90, 11 219, 11 22, 29 919 50, 29 919 55.

SPC No.
1. Newsprint paper..... 57
2. Sodium alkalies..... 69

	SPC No.	
3. Industrial gases.....	71	
4. Sulphuric acid.....	73	
5. Rubber, natural or synthetic.....	78	
6. Manufactured iron or steel.....	100	
7. Recyclables.....	NA	

These commodities were selected because of apparently high revenue/cost ratios. That investigation is still pending. In view of that fact and since the carriers' own submission in this proceeding and various protests demonstrate the continued existence of unusually high ratios, these same commodities are placed under investigation here.

In addition, the present record and in particular "Schedule C" and protestants' cost evidence discloses a need for investigation of the following commodities due to high ratios of revenue to variable cost:

	SPC No.	STCC No.
Soda ash.....	70	28 123 22
Plastic materials.....	77	28 211
Iron and steel pipe—Western Territory only.....	101	33 126

DIFFERING TERRITORIAL INCREASES

In some instances the lower 2 percent increase in the south will disrupt rate relationships. In order to avoid undue disruption, that will occur as disclosed on this record absent some relief, increases on the following commodities shall be as follows:

2 Percent

Feed Grains from Midwestern origins to New England points. The proposed disproportionate increase on feed grains would nullify our hold-down in Ex Parte No. 343.

Printing Paper (STCC 26-213); Wrapping Paper (STCC 26-214); and Paper Bags (STCC 26-43) within the West, except Mountain Pacific territory, and from the West, except Mountain Pacific territory, to Eastern territory. The confused situation on paper in the West is of the carriers' own making. In view of the numerous flagouts reducing the increase on the other commodities to 2 percent and to avoid disruption of rate relationships, we are imposing a uniform 2-percent hold-down.

Peanuts from the Southwest to Eastern territory. This action is necessary to prevent section 3(1) violation, particularly in view of the fact that no increase on this commodity is now proposed with regard to certain movements from the South.

3 Percent

In accordance with the carrier's request, the increase on automobile parts rates within Eastern territory is limited to 3 percent until July 1, 1978, after which the proposed 4 percent increase shall become effective.

GRAIN

Numerous protests and verified complaints were filed in this proceeding with regard to grain rates and service problems. We are addressing issues relating to the grain rate structure in Ex Parte No. 270 (Sub-No. 9), *Investigation of the Railroad Freight Structure—Grain and Grain Products*. The grain rate structure is exceedingly complex and we believe that proceeding is the appropriate vehicle to consider rate issues.

We agree with protestants that action must be taken to improve rail service and to relieve car shortages. The Commission is considering various means of improving service including increased or penalty per diem, required publication of freight schedules and reverse demurrage. We are also stepping up our enforcement effort. Again we remind the carriers that improved service is imperative to avoid serious questions of economical and efficient management under section 15a(4) of the Act.

NOTICE

Many protestants have contended that one day's notice of our action is not adequate. In this proceeding where the proposal has not been fully justified necessitating various changes in the tariff, additional notice is necessary. Balancing the needs of carriers and shippers, we will require a 10-day postponement from the date of service of this order.

PORT EQUALIZATION

We direct the carriers' attention to our admonitions in prior general increase proceedings concerning maintenance and preservation of existing port relationships. See, for example, *Increased Freight Rates and Charges, 1972*, 341 ICC 288, 336, and *Increased Freight Rates, 1970 and 1971*, 339 ICC 125, 188. In making effective any increases permitted herein, the carriers are required to protect and maintain all existing port relationships, duly established by order of the Commission or recognized customs of the trade, and to observe the prohibitions of the Interstate Commerce Act with regard to unjust discrimination and undue and unreasonable preference and prejudice.

All outstanding orders of the Commission are modified to the extent necessary to permit the proposed increases authorized in this decision to become effective not less than 10 days from date of service of this decision. Our decision to grant fourth section relief, special permission and our decision to permit the increase to become effective is premised upon the carriers' willingness to effect the necessary changes to render the proposal lawful.

FOURTH SECTION NO. 20560

Respondent railroads have applied for relief from the provisions of Section 4 of the Act necessary to establish the rates and charges originally sought; that the increases in rates and charges authorized herein cannot be published and made effective without producing in some instances rates or charges that yield greater compensation in the aggregate for the transportation of the like kind of property for a shorter than for a longer distance over the same line or route in the same direction, or greater compensation as a through rate or charge than the aggregate-of-intermediate rates or charges subject to the Act, in contravention of Section 4 thereof; that the increased cost of railroad operation necessitates the increases in rates and charges involved in this proceeding which cannot be made effective without fourth-section relief; that application of the increased charges to or from more distant points will not result in the establishment of rates to or from more distant points that are not reasonably compensatory; that no protestant adequately opposed issuance of the fourth-section relief sought on the ground that it would be adversely affected by the fourth-section departures that may be created by the increased rates; and that a special case has been presented in which the Commission may authorize relief from the provisions of Section 4;

Carriers subject to the Interstate Commerce Act and parties to said proceeding be, and they are hereby, authorized to establish and maintain the increased rates and charges described herein without observing the provisions of Section 4 of the Act;

Parties to said proceeding be, and they are hereby, authorized to establish and maintain rates and charges permitted to become effective in this order without observing the long-and-short haul provisions of Section 4 of the Act in cases arising out of the failure to apply the full increases in rates and charges over interstate routes between points in a single State, in turn caused by the failure of the State authorities to authorize the full increases permitted in this proceeding;

In those instances in which rates in contravention of Section 4 are established under authority contained herein, the schedule containing such rates shall make reference to this decision in the manner required by Rule 28 of Tariff Circular No. 20.

AMENDMENT TO SPECIAL PERMISSION NO. 78-2700 AUTHORIZING CERTAIN DEPARTURES FROM THE COMMISSION'S PUBLISHED TARIFF AND ORDERS

It is ordered: That Special Permission No. 78-2700 be, and it is hereby, amended to permit the establishment of the increases in freight rates and

charges authorized by the Commission in this order, subject to the terms, conditions, and limitations provided therein.

Pursuant to Special Permission Application Nos. 259 seeking to not apply increase as to plastic materials; 248, 262, 263, and 264 seeking to not apply increase as to various paper articles; 260 seeking to not apply increase as to Tobacco products; 251 seeking to not apply increase as to Peanuts, Iron, and Steel Scrap and charges for pulling and spotting and respotting trailers, all filed by Western Trunk Line Committee, Agent on the following respective dates, June 5; May 26; June 2; June 2; June 2; June 5; May 26, 1978, in various items of Tariff of Increased Rates and Charges X-349, WTL ICC A-5094, on behalf of all railroad parties to the X-349 proceeding and other agents and carriers.

All of the applications seek to make the amendments effective the earliest possible date on one day's notice, except that application No. 248 seeks an effective date of June 8, 1978, on one day's notice.

It is ordered: That the applications are granted except that publication is authorized to become effective not sooner than 10 days' from the service date of this order.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

Chairman O'Neal, concurring: I concur in the separate expression of Commissioner Clapp. I also concur with Commissioner Gresham, to the extent Commissioner Clapp concurs with those views.

In this proceeding the Commission faces the difficult task of helping the railroads attain adequate revenue levels as mandated by the 4R Act, while ensuring that matters affecting the public interest, such as the rising inflation rate, are considered.

The Commission has attempted to carry out these conflicting mandates by authorizing in part the rate increases sought but limiting the increase on coal, imposing hold-downs on certain other commodities, and imposing investigations on commodities which already seem to be subject to rates which earn the carriers high profit levels. Several of the commodities subjected to investigation here are already being examined as part of the Commission's investigation in Ex Parte No. 343, "Nationwide Increased Freight Rates and Charges—1977." Commissioner Clapp has noted that he would have preferred to suspend the increases on those commodities pending the resolution of that investigation, and I think much can be said for that point.

The carriers should not be given unfettered discretion to meet their need

for increased revenue by exploiting their monopoly power where it exists. While deference to management discretion is necessary in the area of pricing their services, the Commission has a statutory obligation to see that discretion is exercised in a way that does not violate the public interest.

Where there are indications that commodities are moving at highly compensatory rates, I believe the Commission has an obligation to take action. One such commodity in this proceeding is grain from the West, which appears to be moving at highly profitable rates. In addition, the protestants raised legitimate concerns about the need for longer notice of our action for grain shippers. I would have given 20 days postponement for grain instead of 10 days.

Consistent with the position I have taken in the past, I believe the Commission should take steps to prevent the greater absolute increase which results on long hauls, as opposed to short hauls, when flat percentage increases are imposed in general increase proceedings. Therefore, I would have imposed a hold-down on rates for lumber and forest products from, to, and within the West.

(Commissioner Stafford agrees with Chairman O'Neal insofar as the 20 days' notice on grain.)

Vice Chairman Christian, dissenting in part: I do not believe that this record affords a sufficient basis for placing under investigation the commodities investigated in Ex Parte No. 343, "Nationwide Increased Freight Rates and Charges—1977." With respect to all other matters, I am in agreement with the majority.

Commissioner Murphy, concurring in part, dissenting in part: I am in agreement with the majority to the extent that it imposes some restrictions in the proposals proposed by the carriers in each of the separate three rate territories or between those territories. However, I cannot agree with the majority's drastic action in other respects as noted below.

At the outset it should be pointed out that this is a general revenue proceeding and not an investigation and suspension proceeding on particular commodities. Despite the contentions of several parties at oral argument on June 5, 1978, the proposed increase on coal is nationwide and in that respect it can itself be considered as a "general increase." Contentions of various parties that respondents should not seek a general increase on coal in this proceeding is misplaced. I have always been in favor of the respondents seeking increases (or decreases) in proceedings other than general revenue proceedings. Nevertheless, the Commission has approved and urged respondents in the past to seek selective increases in a general revenue proceed-

ing. See, "Increased Freight Rates and Charges, 1972," 341 ICC 290.

The majority mistakenly relies on a revenue/variable cost ratio to hold down some increases or to put others under investigation. The procedures adopted in Ex Parte No. 290 were not intended as a device to circumvent respondents' urgent needs for additional revenues. In that light, I might note that the procedures in Ex Parte No. 290 are somewhat similar to those adopted in Ex Parte No. MC-82, "New Procedures in Motor Carrier Rev. Proc.," 340 ICC 1 and subsequent decisions therein.

With respect to the proposed increase on coal of 7 percent, I believe that respondents should be given the opportunity, if necessary, in a sub-numbered proceeding, to justify the additional 3 percent proposed. Respondents will bear the brunt of transporting the energy needs of this Nation for a considerable period into the future. There is no question but that their revenue needs to provide this essential transportation service should be readily acknowledged. I cannot, therefore, agree with the majority's proposed restriction.

The majority proposes to include in a new investigation those commodities now under investigation in Ex Parte No. 343 and would add thereto several other commodities. The proposed investigation will undoubtedly complicate matters to such an extent that the investigations would amount to somewhat of a continuing investigation with no end in sight.¹ Since the majority has opted to institute the investigation into those commodities now under investigation in Ex Parte No. 343, I would urge that the decision herein instituting the investigation provide that where the Commission finds no need to make an adjustment in Ex Parte No. 343 that the investigation on similar commodities herein be automatically dropped or on petition of respondents.

To the extent that the views expressed above differ from the majority's decision today, I respectfully dissent therefrom.

Commissioner Brown, concurring: I concur in Chairman O'Neal's separate expression, relative to his observations as to the general considerations underlying the Commission's decision, and consideration of the use of hold-downs, investigations and other devices available to us to adjust the proposals to the best interest of both the carriers and the shipping public.

I concur fully with the Commission's expressed intent to reopen Ex Parte No. 290, "Procedures Governing Rail General Increase Proceedings," to further refine the procedures governing

¹Cf., "Increased Freight Rates, 1970 and 1971," 339 ICC 125.

the evidentiary submissions required in a general rate increase. To me, this represents the kind of on the job improvement required to keep the Commission moving in step with the nation's transportation needs.

One further matter, these general revenue proceedings are a continuing process. For example, we are authorizing rate increases in the instant proceeding although we have not concluded our consideration of the investigations commenced in Ex Parte No. 343. In my view, we should cleanup as we go. How much better it would be for all parties concerned—the carriers, shippers and the general public—if the increases authorized in these proceedings were determined at the time of the initial decision, or if any portion of the proposal was unresolved, such portion would be disposed of as part of the next increase proposed by the carriers.

Commissioner Gresham, dissenting in part: I am unable to support the majority's action to impose significant holddowns on the proposed increase. I do not believe the majority has given adequate consideration to the revenue impact of these holddowns and fear this action can only accelerate the arrival of a subsequent general increase proposal.

In particular, I cannot agree with the decision to limit proposed increases on bituminous steam coal. The majority's efforts to force a holddown on coal flies directly in the face of the Commission's previous calls for selectivity in rail management's pricing decisions. I share the concerns voiced by the protesting public utilities that the proposed increase would be inflationary and contrary to the important energy policy questions our Nation must face. Accordingly, I would insist that this effort to require coal users to bear a higher burden of carrier revenue needs be subject to thorough investigation. However, in light of the carriers' demonstrated revenue needs, I respectfully dissent from the majority's position. In the past, flag-outs and holddowns have been characteristic of general increase proposals. It would seem that selective increase proposals on broad descriptions of traffic should be similarly appropriate. The knife should cut both ways, particularly in light of our prior call for pricing flexibility and selectivity. Section 15a of the Act obligates the Commission to assist the Nation's rail carriers in their efforts to obtain adequate revenue levels. The majority's decision to foreclose the avenue here proposed by the carriers appears inconsistent with that obligation.

Commissioner Clapp, concurring: I agree with Commissioner Gresham that the railroads should not be automatically precluded from taking a larger increase on one commodity

than on others. The 4R is a mandate for rate flexibility, even in general increase cases. Nevertheless, the Commission does have an obligation to assess the impact of the increase on traffic which is moving at a high ratio of revenue to cost. It appears that a substantial amount of coal is moving at high ratios, and that the application of a 7 percent increase could result in unreasonable rates in many instances. In my view, the railroads have not presented any evidence to the contrary. They have shown that capital expenses such as coal hopper cars and track construction and maintenance are increasing to keep pace with a rapid increase in coal use. But revenue for the transportation of coal is increasing at a corresponding rate.

Another matter which troubles me is the failure of the railroads to adjust the data relating to the level of rates on particular commodities in Schedule C. While the railroads are in technical compliance with the Ex Parte 290 procedures, I agree with the Fertilizer Institute that the failure to adjust the costs to reflect the economies of multiple car movements renders this evidence useless. In my view, adjusted and accurate costs in Schedule C are absolutely essential to informed decision making.

Certain carrier representatives implied at oral argument that the requirement that rates be just and reasonable should be suspended until the railroads achieve adequate revenue. The Commission rejected that approach in Ex Parte 338, and properly continues to do so here.

Finally, while the action of the majority is not unreasonable, pending the outcome of the investigation in Ex Parte 343, I would prefer to suspend the items included in that case.

[FR Doc. 78-16459 Filed 6-13-78; 8:45 am]

[7035-01]

[Notice No. 92]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 6, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The

protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application the weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2095 (Sub-No. 12TA), filed April 25, 1978. Applicant: KEIM TRANSPORTATION, INC., 420 North Sixth Street, R.F.D. 2, Box 10, Sabetha, KS 66534. Applicant's representative: Clyde N. Christey, Kansas Credit Union Bldg., Suite 1101, 1010 Tyler, Topeka, KS 66612. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products*, (in bulk), from the facilities of Georgia-Pacific Corp., near Blue Rapids, KS, to the facilities of Ideal Cement Co., near Superior, NE, for 180 days. Applicant states it does not intend to tack or interline. Applicant had also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Georgia-Pacific Corp., Gypsum Division, 1062 Lancaster Avenue, Rosemont, PA 19010. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 147 Federal Building and U.S. Courthouse, 444 SE., Quincy, Topeka KS 66683.

No. MC 43593 (Sub-No. 7TA), filed April 14, 1978. Applicant: FUNK'S HAULING SERVICE, INC., 2750 Grant Avenue, Philadelphia, PA 19114. Applicant's representative: Alan Kahn, Suite 1920, 2 Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, from the facilities of K-Mart Corp. in Bensalem Township, Bucks County, PA, to

points in PA, for 180 days. Supporting shipper(s): K-Mart Corp., 3100 West Big Beaver Road, Troy, MI 48084. Send protest to: T. M. Esposito, Transportation Assistant, 600 Arch Street, room 3238, Philadelphia, PA 19106.

No. MC 59241 (Sub-No. 7TA), filed April 21, 1978. Applicant: JOHN GIBBONS, INC., 650 Eddystone Avenue, Eddystone, PA 19013. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Reels, skids and pallets and materials and supplies* used in the manufacture thereof, between Baltimore, MD, on the one hand, and, on the other, points in PA, for 180 days. Supporting shipper(s): The Nelson Co., 2116 Sparrows Point Road, Sparrows Point, MD 21219. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, room 3238, Philadelphia, PA 19106.

No. MC 69397 (Sub-No. 42TA), filed April 14, 1978. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, U.S. Route 13, Pocomoke City, MD 21851. Applicant's representative: Wilmer B. Hill, Suite 805, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and fence posts* from the facilities of Long Life Treated Wood, Inc., at Dorsey, MD to points in CT, DE, KY, ME, MA, NH, NJ, NY, PA, RI, TN, VT, VA, WV, and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Great Northern Fence Co., Inc., 3180 Espressway Drive, South Central Islip, NY 11722. Send protests to: Interstate Commerce Commission, room 1413, District Supervisor W. C. Hersman, 12th and Constitution Avenue NW, Washington, DC 20423.

No. MC 78400 (Sub-No. 60TA), filed April 6, 1978. Applicant: BEAUFORT TRANSFER CO., P.O. Box 151, Gerald, MO 63037. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Cellulose fiber insulation material*; and (2) *scrap paper and materials* used in the manufacture of cellulose fiber insulation materials: (1) from Fulton, MO, on the one hand, and, on the other, points in IN, AR, IL, IA, KY, KS, MN, MT, NE, OK, SD, TN, TX, and WI; and (2) from points in IN, AR, IL, IA, KY, KS, MN, MT, NE, OK, SD, TN, TX, and WI on the one hand, and, on the other, Fulton, MO, for 180

days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Roe-Hainkle, Inc., P.O. Box 378, Fulton, MO 65251. Send protests to: Peter E. Binder, District Supervisor, 210 North 12th Street, room 1465, St. Louis, MO 63101.

No. MC 99610 (Sub-No. 29TA), filed April 10, 1978. Applicant: ROSS NEELY EXPRESS, INC., 1500 Second Street, Pratt City Station, Birmingham, AL 35214. Applicant's representative: Tommy Neely (same as above). Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other laden: (1) between Anniston, AL and Rocky Face, GA; from Anniston, AL over AL Hwy 21 to Piedmont, AL, then over U.S. Hwy 278 to Rockmart, GA, then over GA Hwy No. 113 to the junction of GA Hwy No. 113 and GA Hwy No. 61, then over GA Hwy No. 61 to Cartersville, GA, then over U.S. Hwy No. 41 to Rocky Face, GA, and return over the same route, serving all intermediate points. (2) Between Cedartown, GA and Calhoun, GA; from Cedartown, GA over U.S. Hwy No. 27 to Rome, GA, then over GA Hwy No. 53 to Calhoun, GA, and return over the same route, serving all intermediate points. (3) Between Piedmont, AL and Rock Springs, GA; from Piedmont, AL over U.S. Hwy No. 278 to the junction of U.S. Hwy No. 278 and AL Hwy No. 29, then over AL Hwy No. 29 to junction of AL Hwy No. 29 and U.S. Hwy 411, then over U.S. Hwy No. 411 to junction U.S. Hwy 411 and U.S. Hwy No. 27, then over U.S. Hwy No. 27 to Rock Springs, GA, and return over the same route, serving all intermediate points. (4) Between Gadsden, AL and Cartersville, GA; from Gadsden, AL over U.S. Hwy 411 to Centre, AL, then over AL Hwy No. 9 to the AL-GA State line, then over GA Hwy No. 20 to Rome, GA, then over U.S. Hwy No. 411 to junction U.S. Hwy No. 411 and U.S. Hwy No. 41, then over U.S. Hwy No. 41 to Cartersville, GA, and return over the same route, serving all intermediate points. (5) Between Centre, AL and Summerville, GA; from Centre, AL over AL Hwy No. 68 to the AL-GA State line, then over GA State Hwy No. 114 to Summerville, GA, and return over the same route, serving all intermediate points. (6) Between Scottsboro, AL and Summerville, GA; from Scottsboro, AL over AL Hwy No. 35 to junction of AL Hwy No. 35 and AL Hwy No. 71, then over AL Hwy No. 71 to junction of AL Hwy No. 71 and AL Hwy No. 40, then over AL Hwy 40 to junction of AL Hwy 40 and AL Hwy No. 117, then over AL Hwy No. 117 to

the AL-GA State line, then over AL Hwy No. 48 to Summerville, GA, and return over the same route, serving all intermediate points. (7) Between Gadsden, AL and Trenton, GA; from Gadsden, AL over U.S. Hwy No. 278 to Attalla, AL, then over U.S. Hwy No. 11 to Trenton, GA, and return over the same route, serving all intermediate points. (8) Between Centre, AL and Rome, GA; from Centre, AL over U.S. Hwy No. 411 to Rome, GA, and return over the same route, serving all intermediate points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (26) statements of support attached to the application which may be examined at the field office named below. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 99610 (Sub-No. 32 TA), filed April 20, 1978. Applicant: ROSS NEELY EXPRESS, INC., 1500 Second Street, Pratt City, Birmingham, AL 35214. Applicant's representative: Tommy Neely, 1500 Second Street, Pratt City, Birmingham, AL 35214. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities requiring special equipment and commodities in bulk); (1) between Aliceville, AL, and Columbus, MS, via AL State Hwy 14 and MS State Hwy 69; (2) between Reform, AL, and Columbus, MS, via U.S. Hwy 82; (3) between Sulligent, AL, and the junction in MS at U.S. Hwy 45 via U.S. Hwy 278 serving intermediate points; (4) between Hamilton, AL, and Tupelo, MS, via U.S. Hwy 78 serving intermediate points; (5) between Russellville, AL, and Tremont, MS, via AL State Hwy 24 and MS State Hwy 23; (6) between Columbus, MS, and Tupelo, MS, via U.S. Hwy 45 serving intermediate points and Columbus Air Force Base, MS, and Prairie, MS, as off-route points; (7) between Fulton, MS, and Aberdeen, MS, via MS State Hwy 25 serving intermediate points; (8) between Amory, MS, and Nettleton, MS, via MS State Hwy 6 serving intermediate points; (9) junction U.S. Hwy 278 and MS State Hwy 8 to junction MS State Hwy 8 and U.S. Hwy 45, for 180 days. Applicant intends to tack this authority with the authority it presently holds and to interline with other carriers. Supporting shipper(s): There are approximately (139) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the

field office named below. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 104654 (Sub-No. 157TA), filed April 10, 1978. Applicant: COMMERCIAL TRANSPORT, INC., P.O. Box 469, Belleville, IL 62222. Applicant's representative: Edward G. Villalon, Attorney, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, DC 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Spent petroleum oils* in bulk, in tank vehicles, from points in IL, KY, OH, PA, MI, AL, MS, WI, TN, MN, WV, and GA to Indianapolis, IN; and (2) *Petroleum oils* in bulk, in tank vehicles, from Indianapolis, IN, to points in IL, KY, OH, PA, MI, AL, MS, WI, TN, MN, WV, and GA, for 180 days. Supporting shipper(s): James P. Tomlinson, Jr., Metal Working Lubricants, 6785 Telegraph, Birmingham, MI 48010. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 111981 (Sub-No. 22TA), filed April 14, 1978. Applicant: ROBI-DEAUS EXPRESS, INC., Front Street and Oregon Avenue, Philadelphia, PA 19148. Applicant's representative: Alan Kahn, Suite 1920, 2 Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Food and foodstuffs*, in vehicles equipped with mechanical refrigeration, from Mt. Airy, MD, to points in the States of OH, WV, NC, MD, DE, DC, PA, NY, NJ, MA, CT, NH, and ME, for 180 days. Supporting shipper(s): Lamb-Weston, Division of Amfac Foods, Inc., 6600 Southwest Hampton, Street, Portland, OR 97223. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, room 3238, Philadelphia, PA 19106.

No. MC 113434 (Sub-No. 101TA), filed April 12, 1978. Applicant: GRABELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Applicant's representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Glass containers and accessories*, from the plantsite of Kerr Glass Manufacturing Corp. at or near Huntington, WV to Cincinnati, Columbus, Leipsic, Medina, and Orrville, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority.

Supporting shipper(s): Kerr Glass Manufacturing, P.O. Box 97, Sand Springs, OK 74063. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, MI 48933.

No. MC 113908 (Sub-No. 435TA), filed April 11, 1978. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180 G.S., Springfield, MO 65804. Applicant's representative: B. B. Whitehead, Traffic Manager (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors* (except whiskey), in bulk, from Bardstown, KY, to Dayton, NJ, for 180 days. Supporting shipper(s): Barton Brands, Ltd., P.O. Box 220, Bardstown, KY 40004. Send protests to: District Supervisor John V. Barry, Interstate Commerce Commission, 600 Federal Building 911 Walnut Street, Kansas City, MO 64106.

No. MC 113908 (Sub-No. 436TA), filed April 11, 1978. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, G.S.S., Springfield, MO 65804. Applicant's representative: B. B. Whitehead, Traffic Manager (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors* (except whiskey), in bulk, from Bardstown, KY, to Plainfield, IL, for 180 days. Supporting shipper(s): Barton Brand, Ltd., Bardstown, KY 40004. Send protests to: District Supervisor John V. Barry, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 115975 (Sub-No. 27TA), filed April 25, 1978. Applicant: C.B.W. TRANSPORT SERVICE, INC., P.O. Box 48, Wood River, IL 62985. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum grease* (in bulk, in tank vehicles), from the facilities of Southwest Oil & Grease, Inc., at or near Bakerstown, PA, to the facilities of Hewett-Robbins Co., at Passaic, NJ, under a continuing bilateral contract, or contracts, with Mobil Oil Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Roger P. Williams, Manager, Mobil Oil Corp., 150 East 42nd Street, New York, NY 10017. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 118202 (Sub-No. 89TA), filed April 7, 1978. Applicant: SCHULTZ

TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Applicant's representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture, furniture parts and materials, equipment, and supplies* used in the manufacture of new furniture, (1) from Archbold and Stryker, OH, to points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, VT, VA, WV, WI, and Washington, DC; (2) from Jasper, IN; Clay City, IL; Middleboro and Princeton, KY; Tewksbury, MA; Monroe, MI; and Morristown, TN, to Archbold and Stryker, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sauder Woodworking Co., Box 156, Archbold, OH 43502. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 118431 (Sub-No. 28TA), filed April 21, 1978. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Applicant's representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites of and storage facilities utilized by Kitchens of Sara Lee at Deerfield and Chicago, IL, to points in OH, under a continuing contract, or contracts, with Kitchens of Sara Lee, for 180 days. Supporting shipper(s): Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, IL 60015. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 119787 (Sub-No. 342 TA), filed April 21, 1978. Applicant: BEAVER TRANSPORT CO., P.O. Box 168, Pleasant Prairie, WI 53158. Applicant's representative: Joseph K. Raber (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs, refrigerated and frozen* (except in bulk), from the facilities of U.S. Cold Storage at Lyons, IL, to points in OH and IN for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): U.S. Cold Storage, 8424 West 47th Street, Lyons, IL 60534 (Raymond J. White). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517

East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 120618 (Sub-No. 9TA), filed April 7, 1978. Applicant: SCHALLER TRUCKING CORP., 5700 West Minnesota Street, Indianapolis, IN 46241. Applicant's representative: John R. Bagileo, 700 World Center Building, 918 16th Street NW., Washington, DC 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum extrusions, ingots, pipe, and tubing* being hauled on open top equipment, from the plantsites and storage facilities of the Aluminum Co. of America located at or near Lafayette, IN, to points located in these cities: Bantam, Beacon Falls, Briston, East Hartford, Greenwich, Milford, Stafford, Waterbury, Windsor, and Windsor Locks, CT; in Augusta, Eatonton, Mariette, and Norecross, GA, and points located in the commercial zone of Atlanta, GA; in Charleston, Effingham, Rock Falls, and Troy, IL, and points located in the commercial zone of Chicago, IL; in Beria, Cambellsville, Florence, Lexington, and Louisville, KY; in Hopedale, North Grafton, Pittsfield, Springfield, and Wheelwright, MA, and points located in the commercial zone of Boston, MA; in Big Rapids, Cadillac, Dawagiac, Flint, Grand Rapids, Kalamazoo, and Port Huron, MI, and points located in the commercial zone of Detroit, MI; in Springfield, MO, and points located in the commercial zone of Kansas City, MO; in Bow, Littleton, Lincoln, Nashua, and Plainmont, NH; in Cranbury, East Brunswick, Greensboro, Oak Ridge, Plainsboro, and Union, NJ, and points located in commercial zone of New York, NY, within the State of NJ; Albany, Binghamton, Cheektowaga, Cortland, Granville, Horseheads, Marathon, Massena, Oswego, Rochester, Tonawanda, and Webster, NY, and points located in the commercial zone of Buffalo, Syracuse, and New York, NY; in Chillicothe, Dayton, Jackson Center, Londonville, Marion, North Canton, Oxford, Sidney, Shreve, Springfield, Toledo, Wickliffe, Willington, Wooster, and Van Wert, OH, and points located in the commercial zones of Cincinnati and Cleveland, OH; in Alcoa Center, Clearfield, Harleysville, Huntingdon, Huhnsville, Lancaster, Leetsdale, Merwin, Montgomery, New Castle, Union Town, Wilkes-Barre, and Zelenople, PA, and points located in the commercial zones of Philadelphia and Pittsburgh, PA; in Alcoa, Clarksville, Columbia, Knoxville, Madisonville, Memphis, Nashville, Portland, Selmer, and Tullahoma, TN; in Amarillo, Arlington, Beasley, Beaumont, Dallas, Denver City, Garland, Grand Prairie, Houston, Hurt, Irving, Langview, Nacodoches, Pearl, Richardson, Rockdale, and Tyler, TX; in Newport News,

Norfolk, Portsmouth, Powhatan, Richmond, Salem, and South Boston, VA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Aluminum Co. of America, 1501 Alcoa Building, Pittsburgh, PA 15219. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building, and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 123048 (Sub-No. 400TA), filed April 18, 1978. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, P.O. Box A, Racine, WI 53401. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum cable on reels*, from Williamsport, PA, to points in NE for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Alcan Aluminum Corp., 100 Erieview Plaza, Cleveland, OH 44114 (Clifford G. Pearson). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 124212 (Sub-No. 99TA), filed April 20, 1978. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, OH 44130. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement* (in bulk), (1) from Framingham, MA, to points in MA and RI, and (2) from Hartford, CT, to points in CT, restricted to traffic originating at the facilities of Alpha Portland Cement Co. at Cementon, NY, and further restricted to shipments having an immediately prior movement by rail, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Alpha Portland Cement Co., P.O. Box 191, Easton, PA 18042. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 124344 (Sub-No. 10TA), filed March 29, 1978. Applicant: HINER TRANSPORT, INC., 1317 South Jefferson Street, Huntington, IN 46750. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Printed*

matter, from Huntington and Indianapolis, IN, to points in TX, PA, LA, IL, KY, OH, MI, NJ, NY, MO, MN, and MS, with no transportation for compensation on return except as otherwise authorized; and from points in the above-named destination States to Huntington, IN, with no transportation for compensation on return except as otherwise authorized; (2) *materials, supplies, and equipment* used or useful in the maintenance and operation of printing houses (except commodities in bulk, in tank vehicles), from Chicago, IL, to Huntington, IN, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with Noll Printing Co., Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Noll Printing Co., Inc., 100 Noll Plaza, Huntington, IN 46750. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

No. MC 125335 (Sub-No. 17TA), filed April 20, 1978. Applicant: GOODWAY, INC., P.O. Box 2283, York, PA 17405. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except in bulk), from the plantsite or facilities of Rich Products Corp., at or near Murfreesboro, TN, to points in AL, AR, DE, FL, GA, KS, KY, LA, MD, MI, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, VA, and WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Rich Products Corp., 1145 Niagara Street, Buffalo, NY 14213. Send protests to: Charles F. Meyers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, Washington, DC 20423.

No. MC 125368 (Sub-No. 31TA), filed April 21, 1978. Applicant: CONTINENTAL COAST TRUCKING CO., INC., P.O. Box 26, Holly Ridge NC 28445. Applicant's representative: C. W. Fletcher, P.O. Box 26, Holly Ridge NC 28445. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Food products and merchandise* used in the manufacture and distribution of pickles and food products, between the plantsite and storage facilities of Vlastic Foods, Inc., Millsboro, DE, on the one hand, and, on the other, points in CT, DC, FL, GA, KY, MA, MD, MS, MI, NH, NJ, NY, NC, OH,

PA, RI, SC, TN, VT, VA, and WV, for 180 days. Supporting shipper(s): Vlastic Foods, Inc., 33200 West 14 Mile Road, West Bloomfield, MI 48042. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, P.O. Box 26896, 624 Federal Building, 310 New Bern Avenue, Raleigh, NC 27611.

No. MC 126118 (Sub-No. 75TA), filed April 6, 1978. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, NE 68501. Applicant's representative: Duane W. Acklie, (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fresh, brine, salted, and processed seafood and seafood products, and seafood products* in mixed loads with exempt commodities, from Bellingham, Port of Bellingham, Seattle, Redmond, Anacortes, Ilwaco, and Everett, WA, and Port Orford, Port Astoria, Newport, Depoe Bay, and Bandon, OR, to all points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, NE, MD, MA, MI, MN, MS, MO, NE, NC, NH, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VT, VA, and WV, WI, and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately five statements of support attached to the application which may be examined at the field office named below. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 126717 (Sub-No. 11TA), filed April 21, 1978. Applicant: WALT'S DRIVE-A-WAY SERVICE, INC., 1103 East Franklin Street, Evansville, IN 47711. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, IN 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Mine, well, or quarry drilling machinery, in drive-away service*, in initial movements, from Sherman, TX, to all points in the United States, (except HI), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Drill Division, Chicago Pneumatic Tool Co., P.O. Box 1225, Enid, OK 73701. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio St., Room 429, Indianapolis, IN 46204.

No. MC 129328 (Sub-No. 9TA), filed April 19, 1978. Applicant: PALTEX TRANSPORT CO., P.O. Box 296, Palestine, TX 75801. Applicant's representative: Kenneth R. Hoffman, 1100 Milam Bldg., Suite 3300, Houston, TX 77002. Authority sought to operate as

a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Glassware, (except cut glassware), and closures therefor*, from the facilities of or utilized by Glass Containers Corp. at or near Palestine and Dallas, TX, and Jackson, MS, to Denver, CO, and points in its commercial zone, and to Hutchinson, Lenexa, Pauline, Topeka, and Wichita, KS, and (2) *Materials, equipment, and supplies* used in the manufacture, sales, or distribution of the commodities in (1) above, from Denver, CO, and points in its commercial zone and from Hutchinson, Lenexa, Pauline, Topeka, and Wichita, KS, to the facilities of or utilized by Glass Containers Corp., at or near Palestine, TX., and Jackson, MS, under a continuing contract, or contracts, with Glass Containers Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Glass Containers Corp., 1301 S. Keystone Avenue, Indianapolis, IN 46203. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

No. MC 133566 (Sub-No. 110TA), filed April 21, 1978. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN 46947. Applicant's representative: Charles W. Beinhauer, One World Trade Center, Suite 4949, New York, NY 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts* in vehicles equipped with mechanical refrigeration, between the plantsite and storage facilities of Lykes Bros., Inc., of A at or near Albany, GA, and points in KY, IL, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Lykes Bros. Inc., of GA, P.O. Box 427, Albany, GA 31702. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

No. MC 136035 (Sub-No. 12TA), filed April 24, 1978. Applicant: W. S. DUNNING & SON, INC., P.O. Box 793, Progress Way, Jeffersonville, IN 47130. Applicant's representative: Gerald K. Gimmel, 4 Professional Drive, Suite 145, Gaithersburg, MD 20760. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs, (except in bulk)*, from the facilities of Morgan Packing Co., Inc., Austin and Brownstown, IN, to NY, PA, OH, MD, VA, SC, NC, FL, CT, MA, NJ, and WV, under a continuing contracts, with Morgan Packing Co,

for 180 days. Supporting shipper(s): Morgan Packing Co., Inc., Austin, IN 47102. Send protests to: Beverly J. Williams, Transportation, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 136728 (Sub-No. 3TA), filed April 18, 1978. Applicant: HUB FREIGHT SYSTEMS, INC., P.O. Box 729, Marietta, OH 45750. Applicant's representative: Calvin C. Dye, P.O. Box 729, Marietta, OH 45750. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum sheet, plate, blanks, foil and lineal shapes*, from the facilities of Kaiser Aluminum & Chemical Corp. at or near Ravenswood, WV, to Farnhurst, DE; Louisville, and Richmond, KY; Baltimore, MD, and points in IL, IN, MI, NJ, PA, VA and DC for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): R. E. Nowell, Manager Transportation Services, Kaiser Aluminum & Chemical Corp., P.O. Box 98, Ravenswood, WV 26164. Send protests to: Francis A. Ciccarello, Secretary, Interstate Commerce Commission, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 136818 (Sub-No. 24TA), filed April 18, 1978. Applicant: SWIFT TRANSPORTATION CO., INC., P.O. Box 3902, 335 West Elwood Road, Phoenix, AZ 85030. Applicant's representative: Donald Fernaays, 4040 East McDowell Road, Phoenix, AZ 85008. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products and materials, and accessories* used in the installation thereof, from the plantsite of Georgia-Pacific at Acme, TX, to points in AZ, CO, and NM, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Georgia-Pacific Corp., 900 S.W., Fifth Ave., Portland, OR 97204. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Room 2020 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 136981 (Sub-No. 7TA), filed April 13, 1978. Applicant: BLAIR CARTAGE, INC., 13658 Auburn Road, P.O. Box 52, Newbury, OH 44065. Applicant's representative: Lewis S. Witherspoon, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Litharge, nepheline syenite, soda ash, glass bulbs, glass rods and tubing, glassware, metal racks, cullet, electric lamps, batteries*

and battery chargers, lighting fixtures, holiday decorations, packaging materials, steel nestainers, sand, potash, metals N.O.I., dolomite, lamp bases, compressed gases in cylinders, nitrates and materials used in the manufacture thereof. Between Buffalo, NY, points in that portion of PA north and west of a line beginning at the WV-PA State line and extending along Interstate Hwy 70 to junction Interstate Hwy 76, then along Interstate Hwy 76 to the PA-OH State line, points in AR, FL, IL, IN, KY, MI, MO, OH, TN, and WI, for 180 days, under a continuing contract or contracts with General Electric Co. Supporting shipper(s): General Electric Co., Component 4504, Nela Park, OH 44112. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 138792 (Sub-No. 3TA), filed April 21, 1978. Applicant: D. J. VISKOE TRUCKING, INC., P.O. Box 98, Big Falls, MN 56627. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the facilities of Anderson Clayton Foods at or near Jacksonville, IL, to Baltimore, Landover and Jessup, MD; Secaucus, NJ; Philadelphia and Pittsburgh, PA; Boston, MA; Syracuse and Rochester, NY; and points in CT and VA for 180 days. Supporting shipper(s): Anderson Clayton Foods, P.O. Box 6165, Dallas, TX 75222. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268 Federal Building and U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

No. MC 141320 (Sub-No. 10TA), filed April 20, 1978. Applicant: UNITED STATES PRIORITY TRANSPORT CORP., 900 Walt Whitman Road, Suite 303, Huntington Station, NY 11746. Applicant's representative: Martin D. Friedman (Same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, medical isotopes, medical test kits and related apparatus*, between points in NJ, on the one hand, and, on the other, all points in the States of ME, VT, NH, NY, MA, CT, RI, PA, DE, MD, and the DC, under a continuing contract, or contracts, with E. R. Squibb & Sons, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): E. R. Squibb & Sons, Inc., 5 Georges Road, New Brunswick, NJ 08903. Send protests to: Maria B. Keiss, Transportation Assistant, Interstate Commerce Commis-

slon, 26 Federal Plaza, New York, NY 10007.

No. MC 143503 (Sub-No. 11TA), filed April 6, 1978. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, CA 93031. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK 73112. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department stores* between the facilities of Goldsmiths, a division of Federated Department Stores in Memphis, TN, on the one hand, and, on the other, points in DeSoto, Tunica, Tate, Coahoma, Quitman, Panola, Lafayette, Marshall, Benton, Tiptah, Union, Pontotoc, Lee, Itawamba, Prentiss, Alcorn, and Tishomingo Counties, MS; Butler, Stoddard, New Madrid, Pemiscot, Dunklin, Scott, Mississippi, and Ripley Counties, MO; Randolph, Clay, Sharp, Greene, Lawrence, Mississippi, Craighead, Independence, Jackson, Poinsett, Crittenden, Cross, Woodruff, St. Francis, White, Prairie, Lee, Monroe, Phillips, and Arkansas Counties, AR; and Ballard, Carlisle, Hickman, Fulton, Graves, McCracken, Marshall, Calloway, Lyon, Trigg, Caldwell, and Christian Counties, KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Goldsmiths a division of Federated Department Stores; P.O. Box 449; Memphis, TN 38143. Send protests to: Mr. Walter W. Strakosch; District Supervisor; Bureau of Operations; Interstate Commerce Commission; 1321 Federal Building; 300 North Los Angeles Street; Los Angeles, CA 90012.

No. MC 144228 (Sub-No. 2TA), filed April 20, 1978. Applicant: BAGLE TRANSPORT LINES, INC., 9632 Palo Pinto Road, Ft. Worth, TX 76116. Applicant's representative: Harry F. Horak, 5001 Brentwood Stair Road, room 109, Ft. Worth, TX 76112. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Heat sentrys, attic fans, louver vents, and parts and machinery* used in the manufacture thereof, between the facilities of Henry N. Butler Co. at or near Mineral Wells, TX, on the one hand, and, on the other, points in the United States (except AK and HI), under a continuing contract, or contracts, with Henry N. Butler Co., for 180 days. Supporting shipper(s): Henry N. Butler Co., Route 3, Box 3, Mineral Wells, TX 76067. Send protests to: Robert J. Kirspel, District Supervisor, room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 144500 TA, filed March 23, 1978, and published in the FEDERAL

REGISTER issue of May 16, 1978, and republished as corrected this issue. Applicant: WALSH TRUCKING CO., INC., 311 Seventeenth Street, Jersey City, NJ 07307. Applicant's representative: Piken & Piken, One Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used in the operation of retail department stores*. Between the facilities of Abraham & Straus located at or near Secaucus, Paramus, Woodbridge, and Eatontown, NJ, and Brooklyn, Rego Park, Hempstead, Manhasset, Huntington, Babylon, White Plains, and Smithtown, Carle Place, NY. Condition: Authority is limited to service rendered under contract or continuing contracts with Abraham & Straus of Brooklyn, NY, for 180 days. Supporting shipper(s): Abraham & Straus, 470 Fulton Street, Brooklyn, NY 11201. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, room 618, Newark, NJ 07102. The purpose of this republication is to correct the territorial description.

No. MC 144613 (Sub-No. 1TA), filed April 19, 1978. Applicant: LYMAN WEATHERLY, d.b.a. WEATHERLY GRAIN TRUCKING, P.O. Box 1553, Rentschler's Truck Plaza, Sioux Falls, SD 57101. Applicant's representative: Mark Menard, 5301 North Cliff, P.O. Box 480, Sioux Falls, SD 57101. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Hides and skins (green, pickled, salted, and/or chrome)*, from Sioux Falls, SD, Alton, IA, Quimby, IA; and Spencer, IA, to Los Angeles, CA; Denver, CO; Chicago, IL; Detroit, MI; Portland, OR; Houston, TX; Laredo, TX; Seattle, WA, and Milwaukee, WI, under a continuing contract, or contracts, with Central States Hide Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Central States Hide Co., 2000 North Wabash, Sioux Falls, SD 57103. (Marvin E. Tripp owner) Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 455, Federal Building, Pierre, SD 57501.

No. MC 144642TA, filed April 13, 1978. Applicant: LEOPOLD CHATIGNY, St. Isidore (Dorchester), PQ JOS 2SO. Applicant's representative: William H. Shawn, 1730 M Street NW, Suite 501, Washington, DC 22036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Soy meal*, in bulk, in dump vehicles, from Rouses Point, NY and Swanton, VT to ports of entry on the international bound-

ary lines between the United States and Canada located at or near Rouses Point, NY and Highgate, VT restricted to traffic destined to St. Charles de Bellechasse, Ste. Anselme, Ste. Bernard de Bauche, Ste. Narcisse and Ste. Marquerite, PQ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Cooperative Federe of Quebec, 422 Belanger Avenue, Quebec City, PQ. Attention Andre Bergervin, Director of Grain Department. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, room 3, 6 Loudon Road, Concord, NH 03301.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-16458 Filed 6-13-78; 8:45 am]

[7035-01]

[Notice No. 64]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 14, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-F-C 77700. By application filed June 5, 1978, AG TRUCKING, INC., Rural Route 1, Box 206, Milford, IN 46542, seeks temporary authority to lease the operating rights of Hoosier Haulers, Inc., 27800 County Road 38, Route 3, Goshen, IN 46526, under section 210a(b). The transfer to AG Trucking, Inc., of the operating rights

of Hoosier Haulers, Inc., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-16453 Filed 6-13-78; 8:45 am]

[7035-01]

[Notice No. 18]

SPECIAL PROPERTY BROKERS

JUNE 18, 1978.

The following applicants seek to participate in the property broker special licensing procedure under 49 CFR 1045A authorizing operations as a broker at any location, in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of property (except household goods), between all points in the United States including AK and HI. Any interested person shall file an original and one copy of a verified statement in opposition limited in scope to matters regarding applicant's fitness within 30 days after this notice. Statements must be mailed to: Broker Entry Staff, Room 2379, Interstate Commerce Commission, Washington, DC 20423. Opposing parties shall serve one copy of the statement in opposition concurrently upon applicant's representative, or applicant if no representative is named.

If an applicant is not otherwise informed by the Commission, it may commence operation 45 days after this notice.

B-78-16, filed February 21, 1978. Applicant: KEYSTONE TRUCK BROKERS, INC., Hwys 17 and 92 West, Haines City, FL 33844. Applicant's representative: Elbert Brown, Jr., 1131 South Orange, Orlando, FL 32806.

B-78-31, filed March 24, 1978. Applicant: VON DER AHE VAN LINES, INC., 600 Rudder Avenue, Fenton, MO

63026. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036.

B-78-32, filed March 24, 1978. Applicant: VON DER AHE INTERNATIONAL, INC., 600 Rudder Avenue, Fenton, MO 63026. Applicant's representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington, DC 20036.

B-78-36, filed March 23, 1978. Applicant: CARTWRIGHT INTERNATIONAL VAN LINES, INC., 11901 Cartwright Avenue, Grandview, MO 64030. Applicant's representative: William F. Gremmels (same address as applicant).

B-78-64, filed May 10, 1978. Applicant: RANKO BALOG CO., a corporation, 9320 Bellanca Avenue, Los Angeles, CA 90045. Applicant's representative: Ranko Balog (same address as applicant).

B-78-67, filed April 25, 1978. Applicant: FURSTHALL, INC., 600 Southwest 10th Avenue, No. 539, Portland, OR 97205. Applicant's representative: Dennis W. Hass (same address as applicant).

B-78-69, filed May 3, 1978. Applicant: L & R SERVICE, INC., 1701 North Delaware Avenue, Philadelphia, PA 19125. Applicant's representative: Thomas F. X. Foley, Colts Neck Professional Plaza, State Hwy 34, Colts Neck, NJ 07722.

B-78-72, filed May 31, 1978. Applicant: EXPRESS FORWARDING & STORAGE CO., INC., 19 Rector Street, New York, NY 10006. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, DC 20006.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-16455 Filed 6-13-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Item
Civil Aeronautics Board.....	1, 2, 3, 4, 5
Equal Employment Opportunity Commission.....	6
Federal Deposit Insurance Corporation	7
Federal Energy Regulatory Commission	8
Federal Maritime Commission	9
Indian Claims Commission	10
Nuclear Regulatory Commission	11
Occupational Safety and Health Review Commission.....	12
Renegotiation Board	13, 14

[6320-01]

[M-136, Amdt. 2; June 9, 1978]

NOTICE OF ADDITION OF ITEMS TO THE JUNE 13, 1978, AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., June 13, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

7a. Clarification of the Board's Charter Exemption Policy (Memo No. 8001, BPDA). 7b. Docket 32621, Trans International Airlines, Inc.—Exemption to sell individually-ticketed seats on transcontinental positioning flights (BPDA).

8b. Docket 32765, "No Strings" fares proposed by TWA in several short-haul markets. These fares are reduced by 31 percent to 51 percent from normal coach fares (BPDA).

8c. Docket 32766, "Short Stop" fares proposed by American in 18 short-haul markets. These fares are reduced by 50 percent from normal coach fares. (BPDA).

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 673-5068.

STATUS: Open.

SUPPLEMENTARY INFORMATION: The Board had originally planned to meet on Wednesday, June 14. Late in the afternoon on Tuesday, June 6, however, it was necessary to change the meeting date to Tuesday, June 13, 1978. Because of the short time on Tuesday available for preparation of the meeting announcement, staff components which would have given items to the Secretary for the Wednesday, June 14 meeting agenda did not have a

chance to do so. So that the Board's consideration of items ready for action will not be delayed, the following Members have voted that agency business requires the addition of Items 7a, 7b, 8b and 8c and that no earlier announcement of the additions was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Elizabeth E. Bailey

Member O'Melia voted to approve the addition of Item 7a. He voted to disapprove the additions of Items 7b, 8b and 8c because the staff work on these items had not been circulated to the Members. It was Mr. O'Melia's view that Members should have sufficient time to review the staff work and analyze the issues before the meeting.

[S-1238-78 Filed 6-12-78; 3:44 pm]

[6320-01]

2

[M-136, Amdt. 3; June 9, 1978]

NOTICE OF ADDITION AND DELETION OF ITEMS TO THE JUNE 13, 1978 AGENDA

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., June 13, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: (Addition) 4b. Docket 30570, Service to Brunswick and Savannah Case—Order on Discretionary Review (OGC). (Deletion) 8. Docket 32268, Petition by State and County of Hawaii for reconsideration of Order 78-4-24, which vacated suspension for intra-Hawaii fare increase (BPDA).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The staff's request that Item 4b be "short-noticed" is predicated on the belief that (1) inasmuch as Brunswick presently has no certificated service whatever and the Atlanta-Savannah market has no competitive service, it is imperative that service be inaugurated promptly, and (2) the staff is recommending that the Board defer consideration and invite briefs on the more controversial issues in this proceeding and, consequently, it does not appear

that the parties will be materially injured by an expeditious resolution on the less controversial issues.

The staff's recommendation on Item 8 will be forwarded to the Board soon, in time to be considered for the original calendar date of June 15, but not in time for the rescheduled date of June 13. Accordingly, the following Members have voted that agency business requires the addition of Item 4b and the deletion of Item 8 to the June 13, 1978 agenda and that no earlier announcement of these changes was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-1239-78 Filed 6-12-78; 3:44 pm]

[6320-01]

3

[M-138; June 9, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 4 p.m., June 12, 1978.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Mexico: Renewal of procedure for reviewing capacity increases and resolving dissatisfaction through consultations. Instruction to staff; (Memo No. 8000).

STATUS: Closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: The Government of Mexico has proposed renewal of the procedure for reviewing capacity increases and resolving difficulties through consultations. This meeting will concern what position the Board will recommend to the Department of State on the matter. Public disclosure of the options, evaluations, and opinions of the Board could seriously compromise the ability of the negotiators to resolve the matter in the best interests of the United States. Accordingly, the following Members have voted that public observation of this meeting would involve matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action within the

meaning of the exemption provided under 5 U.S.C. 552b(9)(B) and 14 CFR section 310b.5(9)(B) and that any such meeting should therefore be closed:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

This item involves whether or not the procedure for reviewing capacity increases and resolving dissatisfaction through consultations with the Mexican Government should be renewed. The matter should be resolved as quickly as possible so that U.S. carriers will know what procedure to follow when changing their schedules to Mexico. The week of June 12 through 16 has several Board meetings and individual Members have individual responsibilities. The most convenient time for a meeting to discuss this item will be Monday, June 12, 1978. Accordingly, the following Board Members have voted that agency business requires that the Board meet on Monday, June 12, 1978, on less than seven days notice, and that no earlier announcement of the meeting was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

PERSONS EXPECTED TO ATTEND

Board Members.—Chairman, Alfred E. Kahn; Vice Chairman, G. Joseph Minetti; Member, Lee R. West; Member, Richard J. O'Melia; and Member, Elizabeth E. Bailey.

Assistants to Board Members.—Mr. Mike Roach, Mr. James Casey, Mr. John Golden, Mr. Elias Rodriguez, and Mr. David M. Kirstein.

Office of the Managing Director.—Mr. Dennis Rapp and Mr. John Hancock.

Bureau of International Aviation.—Mr. Donald Farmer, Mr. Rosario Scibilia, Ms. Carolyn Coldren, Mr. Frank Murphy, and Mr. Donald Litton.

Office of the General Counsel.—Mr. Gary Edles and Mr. Peter Schwarzkopf.

Bureau of Pricing and Domestic Aviation.—Mr. Michael E. Levine, Ms. Barbara A. Clark, Mr. James L. Deegan, Mr. Herbert P. Aswall, Ms. Terri Smith, Mr. John McCamant, and Mr. Stephen Carrier.

Office of Economic Analysis.—Mr. Sanford Rederer and Mr. Richard Klem.

Office of the Secretary.—Mrs. Phyllis T. Kaylor and Ms. Deborah A. Lee.

Reporter.—North American Reporting.

GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552(b)(9)(B) and 14 CFR section 310b.5(9)(B).

PHILIP J. BAKES, Jr.,
General Counsel.

IS-1240-78 Filed 6-12-78; 3:44 pm

[6320-01]

[M-140; June 9, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 4 p.m., June 14, 1978.

PLACE: Room 1011, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Enforcement Policy on Rebating.

STATUS: Closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary,
202-673-5068.

SUPPLEMENTARY INFORMATION: This meeting will concern the Board's future enforcement policy regarding rebating. This discussion will take place, however, in the context of several pending court cases including injunctions in the North Atlantic passenger market. Public observation of the Board's discussion would be likely to disclose details of investigative records and litigation strategy with respect to these pending cases. Accordingly, the following Members have voted that public observation of this meeting would be likely to disclose investigatory records compiled for law enforcement purposes which would interfere with enforcement proceedings or deprive a person of a right to a fair trial or an impartial adjudication and would specifically concern the agency's participation in a civil action or proceeding within the meanings of the exemptions provided by U.S.C. 552b(c)(7) (A) and (B) and (10) and that the meeting should be closed:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

On Wednesday, June 7, 1978, this item was ready for the issuance of a meeting announcement. The vote on whether or not to close the discussion, however, was not completed until June 8, 1978. So as not to delay consideration of this item, the following Members have voted that agency business requires that the Board meet on Wednesday, June 14, 1978, on less than seven days' notice, and that no earlier announcement of the meeting was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

PERSONS EXPECTED TO ATTEND

Board Members.—Chairman, Alfred E. Kahn; Vice Chairman, G. Joseph Minetti; Member, Lee R. West; Member, Richard J. O'Melia; and Member, Elizabeth E. Bailey.

Assistants to Board Members.—Mr. Mike Roach, Mr. James Casey, Mr. John

Golden, Mr. Elias Rodriguez, and Mr. David M. Kirstein.

Office of the Managing Director.—Mr. Dennis Rapp and Mr. John Hancock.

Office of the General Counsel.—Mr. Philip Bakes and Mr. Dan Campbell.

Bureau of Pricing and Domestic Aviation.—Mr. Michael E. Levine and Ms. Barbara Clark.

Office of Economic Analysis.—Mr. Sanford Rederer and Mr. Richard Klem.

Bureau of Enforcement.—Mr. James L. Weldon, Mr. T. Christopher Browne, and Mr. James D. Tussing.

Office of the Secretary.—Mrs. Phyllis T. Kaylor and Ms. Deborah A. Lee.

Reporter.—North American Reporting.

GENERAL COUNSEL CERTIFICATION

I certify that this meeting may be closed to the public under 5 U.S.C. 552(b)(9)(B) and 14 CFR section 310b.5(9)(B).

PHILIP J. BAKES, Jr.,
General Counsel.

IS-1241-78 Filed 6-12-78; 3:44 pm

[6320-01]

[M-139; June 9, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9 a.m., June 16, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Continental/Air Micronesia to make a presentation regarding its Micronesian air service (9:00).

2. Oral Argument.—Dockets 21866, 31290 and 30891, Domestic Passenger-Fare Investigation; Domestic Passenger-Fare Level Policies; Domestic Passenger-Fare Structure Policies; Discount Fare Policy (11:00).

3. Dockets 21866, 31290 and 30891, Domestic Passenger-Fare Investigation; Domestic Passenger-Fare Level Policies; Domestic Passenger-Fare Structure Policies; Discount Fare Policy (Instructions to Staff).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary,
202-673-5068.

IS-1242-78 Filed 6-12-78; 3:44 pm

[6570-06]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-1204-78.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m. (eastern time), Tuesday, June 13, 1978.

CHANGE IN THE MEETING: The time and date of the meeting are

changed to 9 a.m. (eastern time), Thursday, June 15, 1978.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer,
Executive Secretariat at 202-634-6748.

This notice issued June 9, 1978.

IS-1230-78 Filed 6-12-78; 9:54 am

[6714-01]

FEDERAL DEPOSIT INSURANCE CORPORATION

NOTICE OF AGENCY MEETING

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Corporation's Board of Directors will meet in open session at 5 p.m. on Friday, May 26, 1978, by telephone conference call, to amend Part 329 of the Corporation's rules and regulations, entitled "Interest on Deposits," among other things, increase the rate of interest payable on Individual Retirement Accounts (IRA's), effective June 1, 1978.

In scheduling the meeting, the Board determined that Corporation business required its consideration of the amendments on less than seven days' notice to the public and that no earlier notice of the meeting was practicable.

Requests for information concerning the meeting may be directed to Mr. Alan R. Miller, Executive Secretary of the Corporation, at 202-389-4446.

Dated: May 26, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,

Executive Secretary.

IS-1233-78 Filed 6-12-78; 10:52 am

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 25405, published June 12, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., June 14, 1978.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company

CI-2.—CI77-469 and CI 78-12, Mobil Oil Corp.

CP-3.—CP78-171, Southern Natural Gas Co., Texas Gas Transmission Corp., and United Gas Pipe Line Co.

CP-4.—CP77-585, Texas Eastern Transmission Corp. and Consolidated Gas Supply Corp.

CP-7.—RP78-5, City of Des Arc, Complainant v. Mississippi River Transmission Corporation, Respondent.

CP-8 (A).—RP71-29, et al., (Phase II), United Gas Pipe Line Co. (B) RP71-29, et al., (Phase II), United Gas Pipe Line Co. (C) RP71-29, et al., (Phase III), United Gas Pipe Line Co.

P-2.—DA-222-Washington, Bureau of Land Management.

KENNETH F. PLUMB,
Secretary.

IS-1236-78 Filed 6-12-78; 10:52 am

[6730-01]

FEDERAL MARITIME COMMISSION.

TIME AND DATE: 2 p.m., June 20, 1978.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

1. Report on notation items disposed of during May, 1978.

2. Report of the Secretary on times shortened for submitting comments on section 15 agreements pursuant to delegated authority during May, 1978.

3. Report of the Secretary on Applications for Admission to Practice approved during May, 1978, pursuant to delegated authority.

4. Assignment of Informal Dockets by the Secretary during May, 1978, pursuant to delegated authority.

5. Monthly report of actions taken pursuant to authority delegated to the Managing Director.

6. Agreement No. 9474-4: Modification of the Thailand-Pacific Freight Conference Agreement to expand its scope to include Pacific Coast ports of Canada.

7. Agreement No. 10285: Rate agreement between the Straits/New York Conference and four mini-landbridge carriers, conditionally disapproved February 1, 1978—Request of proponents for hearing.

8. Violations of Shipping Act, 1916 and intended denial of independent ocean freight forwarder application—Trimodal, Inc.

9. Docket No. 72-48: Pacific Maritime Association Cooperative Working Arrangements, possible violations of sections 15, 16 and 17, Shipping Act, 1916—Review of Order of Discontinuance.

10. Docket No. 73-38: Council of North Atlantic Shipping Associations, et al. v. American Mail Lines, Ltd., et al.—Proposed final environmental impact statement.

Portion closed to the public:

1. Docket No. 74-5: Agreement No. 10066—Cooperative working arrangement—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5725.

IS-1243-78 Filed 6-12-78; 3:46 pm

[7030-01]

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m., June 21, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

Portion of the meeting open to the public:

Docket 29-E, Hannahville.

Docket 59, Saginaw Chippewa.

Docket 73-A, Seminole.

Docket 133-B, Ottawa.

Docket 295-A, Mojave.

Docket 332-C, Yankton Sioux.

Portion of the meeting closed to the public:

Personnel.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, telephone 202-653-6174.

IS-1232-78 Filed 6-12-78; 9:54 am

[7590-01]

NUCLEAR REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

TIME AND DATE: Week of June 5, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and Closed (Changes).

MATTERS TO BE CONSIDERED:

FRIDAY, JUNE 9

1. The meeting entitled Discussion of Stay Motion in Seabrook (ALAB-471) (public meeting) scheduled for 9 a.m., was a continuation of the meeting of the same title held on June 7.

2. The meeting entitled Discussion of Stay Motion in Seabrook (ALAB-471) (Closed—Exemption 10) (continued from June 7) was held at 10:30 a.m. in the Chairman's Conference Room. This meeting had been scheduled for 9 a.m.

3. A meeting entitled Discussion of Stay Motion in Seabrook (ALAB-471) (Closed—Exemption 10) was held at 4 p.m. in the Chairman's Conference Room, and was a continuation of the 10:30 a.m. meeting.

25772

SUNSHINE ACT MEETINGS

CONTACT PERSON FOR MORE INFORMATION:

Roger Tweed, 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

JUNE 9, 1978.

[S-1237-78 Filed 6-12-78; 10:52 am]

[7600-01]

12

[Form 1]

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 10 a.m., June 16, 1978.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: This meeting is subject to being closed by a vote of the Commissioners taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudication process.

CONTACT PERSON FOR MORE INFORMATION:

Ms. Lottie Richardson, 202-634-7970.

Dated: June 12, 1978.

[S-1231-78 Filed 6-12-78; 9:54 am]

[7910-01]

13

RENEGOTIATION BOARD.

DATE AND TIME: Friday, June 9, 1978; 10:15 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Open to public observation.

MATTERS TO BE CONSIDERED: Contract Authorization.

CONTRACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: June 9, 1978.

GOODWIN CHASE,
Chairman.

[S-1234-78 Filed 6-12-78; 10:52 am]

[7910-01]

14

RENEGOTIATION BOARD.

DATE AND TIME: Monday, June 12, 1978; 10 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Personnel matter.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: June 9, 1978.

GOODWIN CHASE,
Chairman.

[S-1235-78 Filed 6-12-78; 10:52 am]

WEDNESDAY, JUNE 14, 1978
PART II



INTERSTATE
COMMERCE
COMMISSION

ADEQUATE RAILROAD
REVENUE LEVELS

Standards and Procedures for
Establishment; Institution of
Proceeding

[9035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE
COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 338]

PART 1109—REQUIREMENTS AND
PROCEDURES RELATING TO RAIL-
ROAD REVITALIZATION AND REG-
ULATORY REFORM ACT OF 1976Standards and Procedures for the Es-
tablishment of Adequate Railroad
Revenue LevelsAGENCY: Interstate Commerce Com-
mission.

ACTION: Final rule.

SUMMARY: The Commission is adopting modifications to its regulations for the determination of adequate rail revenue levels. The Railroad Revitalization and Regulatory Reform Act of 1976 requires the Commission to assist the rail carriers in determining adequate rail revenue levels. The adopted regulations provide the procedures to be followed in handling proceedings determining adequate rail revenue levels.

EFFECTIVE DATE: June 7, 1978.

FOR FURTHER INFORMATION
CONTACT:Janice M. Rosenak, 202-275-7693 or
Harvey Gobetz, 202-275-7656.

SUPPLEMENTARY INFORMATION: Notice of the adoption of a final rule in this proceeding was published in the FEDERAL REGISTER on February 10, 1978 (43 FR 5386).

Upon considering appeals, the Commission has issued a decision making certain modifications in the adopted rule. The primary effects of these modifications are to (1) require a fair rate of return analysis by individual carrier and district as well as on a national basis; (2) add a requirement for evidence on productivity; (3) allow submission of evidence from other interested persons by August 10 of each year, rather than July 30; (4) permit the Commission to authorize a departure from the regulation's evidentiary requirements or procedural schedule where warranted; and (5) revise Schedule A of the regulation to conform its evidentiary requirements more closely to the conclusions of the Commission's decision.

Set forth below is the revised regulation (except schedules I and J, which are unchanged). Concurrently with the issuance of this notice of amended rule, the Commission is also issuing a

RULES AND REGULATIONS

notice instituting a revenue adequacy proceeding.

Issued at Washington, D.C., June 6, 1978.

By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Murphy, Brown, Stafford, Gresham, and Clapp. Commissioner Murphy concurring in part and dissenting in part. Commissioner Stafford would make the filing of a fair rate of return analysis optional.

(AUTHORITY: 49 U.S.C. 15a(4).)

H. G. HOMME, JR.,
Acting Secretary.

Accordingly, the text of 49 CFR 1109.25 and its schedule A are revised to read as set forth below. (Schedules I and J are unchanged.)

§ 1109.25 Standards and procedures for the establishment of adequate railroad revenue levels.

In order to assist the Nation's railroads in attaining adequate revenue levels, within the meaning of section 15a(4) of the Interstate Commerce Act (49 U.S.C. 15a(4)), the Commission will observe the following standards and procedures.

(a) *Standards.* (1) The revenue adequacy of the Nation's railroads on a composite level shall be judged in accordance with the criteria of section 15a(4) and upon consideration of all pertinent financial indicators, including a rate of return on net investment equal to the cost of capital, other financial ratios, and the flow of funds.

(2) The revenue adequacy of an individual carrier shall be determined in accordance with the criteria of section 15a(4), upon consideration of all pertinent financial indicators and other evidence as to ability to make needed investment.

(3) The need for revenue adequacy will be taken into account and regarded as a highly important factor both in general rate increase proceedings and in individual rate proceedings.

(b) *Procedures.* Each year, the Commission shall make a determination of revenue adequacy for the Class I railroads as a national composite, as a district composite, and individually, according to the following procedures:

(1) On or before April 30 of each year, the Commission shall issue a notice announcing that a revenue adequacy proceeding is to be conducted. The notice shall state that the Nation's Class I railroads are respondents in the proceeding, and shall provide for the submission by interested persons of notices of intent to participate. A press release describing the notice shall be issued, and the notice shall be published in the FEDERAL REGISTER.

(2) By May 31 of each year, the Commission shall issue a list of all persons who have indicated an intent to participate, and shall serve the list on

the railroads and on all listed participants. Each of the filings and issuances set forth in the following paragraphs of this subsection (b) shall be served on the railroads and on each listed participant.

(3) On or before June 30 of each year, the Commission shall publish a funds flow projection for comment by participants.

(4) By June 30 of each year, all Class I railroads individually and jointly, as appropriate, shall file verified statements containing data consistent with the following requirements. For the purposes of this rule, the revenue requirements used to determine whether a carrier is a Class I line-haul railroad, will include only freight service revenues.

(i) Schedules A, I, and J, as set forth and explained at the end of this section. In addition, data on transactions with affiliates shall be submitted as follows: Each railroad shall submit details of transactions with its parent, subsidiary, or affiliated companies in each of the last 3 calendar years as follows: (A) Advances, whether in cash or property; (B) encumbrances of railroad assets or the assets of a parent, and affiliate, or subsidiary for noncarrier purposes; and (C) any other monetary or property transactions, including the payment and receipt of dividends. Normal transactions, such as interline settlements, and any other considered necessary to and normally considered in the course of railroad business, need not be reported for the purpose of this particular section. After the initial submission of data based on the preceding three calendar years, the carriers are required only to report data based on the immediately preceding calendar year.

(ii) A cost of capital study sufficient to support the findings described in paragraph (b)(7)(iii) of this section.

(iii) A fair rate of return analysis by individual Class I railroad, and on a district and national basis.

(iv) A statement of adequate revenue levels based on (A) traffic volume and expenses in the prior calendar year, and (B) estimated traffic volume and expenses for the current year based on the latest available information.

(v) Evidence of each carrier's most recent bond ratings and, in the initial submission, of ratings during the preceding three calendar years.

(vi) Evidence of present productivity levels in comparison with past levels, accompanied by discussions of factors believed responsible for changes.

(vii) Such other evidence as they desire to present pertaining to the standards set forth in this regulation. All underlying data used in preparation of the material outlined above shall be made available for inspection upon reasonable request in writing, and shall be furnished by the railroads

RULES AND REGULATIONS

to the Commission upon request. Official notice will be taken of all the railroads' annual and quarterly reports on file with the Commission.

(5) By August 10 of each year, other interested parties may file reply statements, including evidence and arguments pertinent to the standards set forth in this regulation, and their comments, if any, on the Commission's funds flow projections.

(6) By August 31 of each year, rebuttal to the reply statements may be filed by the railroads, including their comments, if any, on the Commission's

funds flow projections.

(7) By October 31 of each year, the Commission will issue a decision setting forth the following findings:

(i) An adequate revenue level for the Nation's railroads as a whole and for each of the three districts, stated as a percentage return on net investment.

(ii) A determination (with explanation) for each class I railroad as to whether its existing revenue is adequate or inadequate.

(iii) A determination of the following cost of capital items:

(A) The cost of embedded debt for

each class I railroad, and for the district and national composites.

(B) The cost of new debt for a selected group of railroads.

(C) The cost of equity capital based on market value studies of a selected group of railroads.

(D) The cost of equity capital indicated by studies of comparable earnings.

(8) Departure from the evidentiary requirements and procedural schedule set forth in this regulation may be authorized by the Commission where warranted.

SCHEDULE A.—Selected financial data (dollars in thousands)

Line No.	Item	Source ¹	Calendar year 19— (c)	Calendar year 19— (d)	Calendar year 19— (e)
(a)	(b)				
1.	Net income	A. R. Sch. 210 (after account 592)			
2.	Depreciation and retire- ments—road	A. R. Sch. 412, total col. (b) + col. (c)			
3.	Depreciation and retire- ments—equipment	A. R. Sch. 415, L. 40, cols. (c) + (d)			
4.	Long-term debt due within 1 yr.	A. R. Sch. 200, account 764			
5.	Long-term debt due after 1 yr.	A. R. Sch. 200, total of accounts 765, 767, 766, 766.5, 768, 769, 770.1, and 770.2			
6.	.....do ²	See L. 5			
7.	Income available for fixed charges	A. R. Sch. 210 (after account 553)			
8.	Fixed and contingent charges	A. R. Sch. 210, total of accounts 546 (a) and (b), 547, 548, and 546(c)			
9.	Railway operating expenses	A. R. Sch. 210, account 531			
10.	Railway operating revenues	A. R. Sch. 210, account 501			
11a.	Net revenue from railway operations	A. R. Sch. 210 (after account 531)			
11b.	Income taxes on ordinary income	A. R. Sch. 210, account 556			
11c.	Provision for deferred income taxes	A. R. Sch. 210, account 557			
11d.	Income from lease of road and equipment	A. R. Sch. 210, footnote			
11e.	Rent for leased roads and equipment .....	.....do			
11f.	Net railway operating income	L. 11a—L. 11b—L. 11c—L. 11d+L. 11e			
12a.	Decrease in tax accrual from investment tax credit	A. R. Sch. 450, L. 11 or 12(5)			
12b.	Net railway operating income (less investment tax credit)	L. 11f—L. 12a			
13.	Equity in earnings (losses) of affiliated companies	A. R. Sch. 210, income from affiliated companies: dividends + equity in un- distributed earnings (after account 519)			
14.	Total current assets	A. R. Sch. 200 (after account 713)			
15.	Total current liabilities	A. R. Sch. 200 (after account 764)			
16.	Stockholders' equity	A. R. Sch. 200, net stockholders' equity (after account 798.5)			
17.	.....do ³	See L. 16			
18.	Cash dividends paid	A. R. Sch. 220, L. 11+L. 12			
19.	Release of premiums on funded debt	A. R. Sch. 210, account 517			
20a.	Working capital	Rail form A formula (attach computation) ⁴			
20b.	Net road and equipment	A. R. Sch. 200 (after account 736)			
20c.	Interest during construction	A. R. Sch. 330 and 330A, L. 44			
20d.	Other elements of invest- ment (debits)	Account 80 (debits only)			
20e.	Net investment in railroad property	L. 20a+L. 20b—L. 20c—L. 20d			
20f.	Accumulated deferred income tax credits	A. R. Sch. 200, account 786			
20g.	Net investment in railroad property (less deferred taxes)	L. 20e—L. 20f			
21a.	Net investment in railroad property ⁵	See L. 20e			
21b.	Net investment in railroad property (less deferred taxes) ⁶	See L. 20g			
22.	Current ratio	L. 14÷L. 15			
23.	Dividend pay-out ratio	L. 18÷L. 1			
24a.	Rate of return on net in- vestment in railroad property	L. 11f÷L. 21a			
24b.	Rate of return on net in- vestment in railroad property (adjusted for tax treatment)	L. 12b÷L. 21b			

SCHEDULE A.—Selected financial data (dollars in thousands)—Continued

Line No.	Item	Source ¹	Calendar year 19—	Calendar year 19—	Calendar year 19—
	(a)	(b)	(c)	(d)	(e)
25.	Rate of return on stockholders' equity.	L 1÷L 17			
26.	Cash flow	Ls. 1 through 3+L 11c—L 13			
27.	Throw off to debt ratio, current maturities.	L 28÷L 4			
28.	Capital structure ratio	L 5÷(L 5+L 16)			
29.	Rate of return on total capitalization.	(L 1+L 8—L 19)÷(L 6+L 17)			
30.	Fixed and contingent charge coverage (times).	L 7÷L 8			
31.	Ratio railway operating expenses (includes net rents) to railway operating revenue.	L 9÷L 10			

¹Annual report sources refer to 1978 proposed Annual Report Form R-1. See No. 36275, Revision to the Annual Report Forms for Class I and Class II Railroads (notice of proposed rulemaking served January 3, 1978). For years subsequent to 1978, use the comparable annual report sources. For years prior to 1978, see Conversion Table for Schedule A.
²Show average of beginning and end-of-year figures.
³Forms for the computation of working capital may be obtained from the section of cost and valuation of the Commission's bureau of accounts.

SCHEDULE A

Purpose: The purpose of Schedule A is to provide key data and ratios for judging the financial posture of the individual railroads and groups of railroads.
Instructions: Schedule A should report financial data for class I carriers only. A separate Schedule A must be prepared for the following:

- (1) Each individual class I carrier,
 - (2) Composite district class I carriers, and
 - (3) Composite nationwide class I carriers.
- Time frame requirements:
Column c—The data reported in column c should be based on the 3d calendar year preceding the filing of the involved schedule.
Column d—The data reported in column d should be based on the 2d calendar year

preceding the filing of the involved schedule.
Column e—The data reported in column e should be based on the calendar year immediately preceding the filing of the involved schedule.
NOTE.—After the initial submission of data for Schedule A, the carriers are required to report only column e data.

SCHEDULE A CONVERSION TABLE.—Data sources for 1977 and previous years

Line No.	Schedule A.—Item	System of accounts effective Jan. 1, 1978.—Source: proposed 1978 A.R. form R-1	System of accounts prior to Jan. 1, 1978.—Comparable data from 1977 annual report, R-1
1.	Net income	A.R. Sch. 210 (after account 592)	A.R. Sch. 300, L. 69, col. (b).
2.	Depreciation and retirements—road.	A.R. Sch. 412, total col. (b)+col. (c)	A.R. Sch. 320, L. 47+L. 48+L. 68, col. (b).
3.	Depreciation and retirements—equipment.	A.R. Sch. 415, L. 40, cols. (c)+(d)	A.R. Sch. 320, L. 81+L. 82, col. (b).
4.	Long-term debt due within 1 yr.	A.R. Sch. 200, account 764	A.R. Sch. 200, L. 65.
5.	Long-term debt due after 1 yr.	A.R. Sch. 200, total of accounts 765, 767, 768, 766.5, 768, 769, 770.1 and 770.2	A.R. Sch. 200, L. 74.
6.	Long-term debt due after 1 yr (average beginning and end of year).	See L. 5	See L. 5, above.
7.	Income available for fixed charges.	A.R. Sch. 210 (after account 553)	A.R. Sch. 300, L. 48—L. 49+L. 5 (account 533)+Sch. 350, total income taxes, L. 59.
8.	Fixed and contingent charges.	A.R. Sch. 210, total of accounts 546 (a) and (b), 547, 548, and 546(c)	A.R. Sch. 300, L. 54—L. 49+L. 58.
9.	Railway operating expenses.	A.R. Sch. 210, account 531	A.R. Sch. 300, L. 2—L. 13+L. 20—L. 24+L. 49+(Sch. 350 L. 64—L. 59).
10.	Railway operating revenues.	A.R. Sch. 210, account 501	A.R. Sch. 300, L. 1.
11a.	Net revenue from railway operations.	A.R. Sch. 210 (after account 531)	Not needed.
11b.	Income taxes on ordinary income.	A.R. Sch. 210, account 556	Do.
11c.	Provision for deferred income taxes.	A.R. Sch. 210, account 557	A.R. Sch. 300, L. 5.
11d.	Income from lease of road and equipment.	A.R. Sch. 210, footnote	Not needed.
11e.	Rent for leased roads and equipment.	do	Do.
11f.	Net railway operating income.	L 11a—L 11b—L 11c—L 11d+L 11e	A.R. Sch. 300, L. 22.
12a.	Decrease in tax accrual from investment tax credit.	A.R. Sch. 450, L. 11 or 12(5)	A.R. Sch. 350, pt. C, L. 20 or 25.
12b.	Net railway operating income (less investment tax credit).	L 11f—L 12a	L 11f—L 12a, above.
13.	Equity in earnings (losses) of affiliated companies.	A.R. Sch. 210, income from affiliated companies: dividends+equity in undistributed earnings (after account 519)	A.R. Sch. 300, L. 36.
14.	Total current assets.	A.R. Sch. 200 (after account 713)	A.R. Sch. 200, L. 15.
15.	Total current liabilities.	A.R. Sch. 200 (after account 764)	A.R. Sch. 200, L. 64+L. 65.
16.	Stockholders' equity.	A.R. Sch. 200, net stockholders' equity (after account 798.5)	A.R. Sch. 200, L. 99.
17.	Stockholders' equity (average beginning and end of year).	See L. 16	See L. 16, above.

SCHEDULE A CONVERSION TABLE.—Data sources for 1977 and previous years —Continued

Line No.	Schedule A.—Item	System of accounts effective Jan. 1, 1978.—Source: proposed 1978 A.R. form R-1	System of accounts prior to Jan. 1, 1978.—Comparable data from 1977 annual report, R-1
18.	Cash dividends paid	A.R. Sch. 220, L. 11+L. 12	A.R. Sch. 305, L. 11.
19.	Release of premiums on funded debt.	A.R. Sch. 210, account 517	A.R. Sch. 300, L. 31.
20a.	Working capital	Rail form A formula (attach computation)	Rail form A formula (attach computation).
20b.	Net road and equipment	A.R. Sch. 200 (after account 736)	A.R. Sch. 200, L. 41.
20c.	Interest during construction	A.R. Sch. 330 and 330A, L. 44	A.R. Sch. 211, L. 46.
20d.	Other elements of investment (debits).	Account 80 (debits only)	Account 80 (debits only).
20e.	Net investment in railroad property.	L 20a+L 20b—L 20c—L 20d	L 20a+L 20b—L 20c—L 20d, above.
20f.	Accumulated deferred income tax credits.	A.R. Sch. 200, account 786	A.R. Sch. 200, L. 82.
20g.	Net investment in railroad property (less deferred taxes).	L 20e—L 20f	L 20e—L 20f, above.
21a.	Net investment in railroad property (average beginning and end of year).	See L 20e	See L 20e, above.
21b.	Net investment in railroad property (less deferred taxes) (average beginning and end of year).	See L 20g	See L 20g, above

COMMISSIONER MURPHY (CONCURRING IN PART, DISSENTING IN PART)

While the modifications to the regulations adopted in the prior report, Ex Parte No. 338, served February 3, 1978, do mark an improvement, I am still seriously concerned with the effect of the yearly determination of revenue need in a separate proceeding on the small shipper.
The regulations provide that: (3) The need for revenue adequacy will be taken into account and regarded as a "highly important factor" both in general rate increase proceedings and in individual rate proceedings (my emphasis).
It is axiomatic that failure to participate

in the yearly "Adequacy of Railroad Revenue" proceeding may well be held as a waiver of any objections to the results thereof in a subsequent rate proceeding before the Commission or other forum. And it is clear beyond argument that the actual participants in the revenue adequacy proceeding cannot be regarded as surrogates of individual shippers.
Section 15a(4) of the Interstate Commerce Act, as amended, requires respondents to present evidence of "honest, economical, and efficient management." The majority, as an interim measure, now proposes to require respondents to submit evidence of present productivity levels in comparison with past levels. A more immediate and potent requirement would be a comparison

of the past, present, and projected bad order ratios. A reduction in the bad order ratio would instantly increase the available freight car supply in this period of severe car shortages.
Although the majority suggests that it will exercise restraint in suspending a proposed rate if it is below a specified rate/variable cost figure, I find no such authority in the Act which would guarantee respondents virtual immunity in establishing rates. And, accordingly, I specifically disavow any such guarantees.
To the extent that the views stated above do not correspond with the majority's decision, I respectfully dissent from the latter.

[FR Doc. 78-16257 Filed 6-8-78; 10:36 am]

25778

[7035-01]

**INTERSTATE COMMERCE
COMMISSION**

[Ex Parte No. 353]

ADEQUACY OF RAILROAD REVENUE

1978 Determination

AGENCY: Interstate Commerce Commission.

ACTION: Notice of institution of revenue adequacy proceeding.

SUMMARY: In accordance with the Commission's regulations, a proceeding will be conducted to make a current determination of adequate railroad revenue levels.

DATES: Notices of intent to participate due June 20, 1978; Commission funds flow projection to be issued July 10, 1978; Statements of railroads due July 10, 1978; Statements of other interested parties due September 10, 1978; Rebuttal statements of railroads due September 30, 1978; and Commission decision to be issued November 30, 1978.

ADDRESSES: Send notices of intent to participate to:

Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423.

Send other statements to:

Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, 202-275-7693 or Harvey Gobetz, 202-275-7656.

SUPPLEMENTARY INFORMATION: Section 1109.25 of the Commission's regulations (49 CFR 1109.25) provides that a yearly proceeding shall be conducted for the determination of adequate railroad revenue levels. This reg-

NOTICES

ulation was adopted in Ex Parte No. 338, *Standards and Procedures for the Establishment of Adequate Railroad Revenue Levels*, — ICC — (served February 3, 1978), and modified in a subsequent decision on appeal in the same proceeding, — ICC — (served concurrently with this notice).

Under section 1109.25, this notice is being issued to announce the institution of a proceeding for the determination of adequate railroad revenue levels. As provided in the regulation, the Nation's Class I railroads are respondents in the proceeding.

Any person intending to participate in the proceeding shall, on or before June 20, 1978, file an original and one copy of a notice of intent to participate. Because the Commission desires to conserve time, to avoid unnecessary expense, and to limit the service of statements in this proceeding to persons who intend actively to participate, each notice of intent to participate shall include a detailed statement of (1) whether the person's interest extends merely to receiving Commission releases in this proceeding; (2) whether the person wishes to participate by filing and receiving statements; (3) whether, if the person desires to file statements, his interests can be consolidated with those of other persons by the filing of joint statements; and (4) any other pertinent information to aid in limiting the service list to be issued in this proceeding. The Commission will prepare and make available, to all persons submitting notices of intent to participate, a service list which will contain the names and addresses of all persons participating in this proceeding.

Evidentiary statements of the parties are due on or before the dates set forth in the preamble to this notice. An original and 15 copies (if possible) of each statement shall be filed with

the Commission, and one copy shall be served upon each person on the service list. In at least two of the copies of respondents' filed statements, the data for each individual railroad should be separately bound, for the convenience of staff analysts.

Section 1109.(b)(8) provides that departures from the evidentiary requirements and procedural schedule of the regulation may be authorized where warranted. Because of special circumstances applicable to this initial revenue adequacy proceeding, the procedural schedule set forth in the preamble to this notice will be observed in lieu of the one described in the regulations. If a party believes that a deviation from evidentiary requirement of the regulation is necessary in order to achieve substantial overall compliance within the time available, the deviation should be described in the party's evidentiary statement and the reason for it explained.

Copies of this notice and of the concurrent decision and notice of amended rule in Ex Parte No. 338¹ shall be available to the public at the Office of the Secretary, and both notices shall be published in the **FEDERAL REGISTER**. A press release describing this matter shall be issued.

Issued at Washington, D.C., June 6, 1978.

By the Commission, Chairman O'Neal, Vice Chairman Christian, Commissioners Murphy, Brown, Stafford, Gresham, and Clapp.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-16209 Filed 6-8-78; 11:34 am]

¹See FR Doc. 78-16257 published as the first document in this separate part.

**WEDNESDAY, JUNE 14, 1978
PART III**



**DEPARTMENT OF
HOUSING AND
URBAN
DEVELOPMENT**

**Office of Assistant
Secretary for Community
Planning and
Development**

**COMMUNITY
DEVELOPMENT BLOCK
GRANTS**

**Applications for Discretionary
Grants and Contracts for
Technical Assistance—1978**

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for
Community Planning and Development

[24 CFR Part 570]

[Docket No. R-78-545]

COMMUNITY DEVELOPMENT BLOCK GRANTS

Applications for Discretionary Grants and
Contracts for Technical Assistance

AGENCY: Department of Housing
and Urban Development (HUD).

ACTION: Proposed rule.

SUMMARY: This rule establishes procedures by which HUD awards grants or contracts for the purpose of providing technical assistance in planning, developing, and administering assistance under the Community Development Block Grant program. This rule is necessary to implement a 1977 amendment to the Block Grant program authorizing technical assistance.

COMMENT DUE DATE: July 14, 1978.

ADDRESS: Send comments to: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Rich Coward, Acting Director, Technical Assistance Division, Office of Policy Planning, Community Planning and Development, Room 7164, U.S. Department of Housing and Urban Development, Washington, D.C. 20410, telephone 202-755-5970.

SUPPLEMENTARY INFORMATION: The 1977 amendments to the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) authorized grants from the Secretary's Discretionary Fund for "technical assistance". Under section 107(a)(8) of the Act, grants may be awarded to States, units of general local government, Indian tribes, or areawide planning organizations, for the purpose of providing technical assistance in planning, developing and administering Community Development Block Grant assistance. The Secretary may also provide technical assistance directly or through contracts.

This rule would implement the technical assistance program. The rule would provide grants and contracts for three categories of technical assistance: (1) Regional Technical Assistance, administered by HUD Regional Offices, and designed to respond quickly to requests for assistance, utilizing such methods as training sessions or individual or organizational

PROPOSED RULES

experts; (2) State Technical Assistance, by which States would improve their ability to deliver technical assistance to Community Development Block Grant recipients; and (3) National Technical Assistance, which must address certain national priorities.

Grants could be awarded either with or without competition. Contracts would be awarded according to HUD's usual contracting procedures (41 CFR Part 24) and the Federal Procurement Regulations (41 CFR Part 1).

Technical Assistance is an eligible cost under the Community Development Block Grant program, and can be purchased through block grant funds directly, or obtained through the State, HUD Regional Office, or National Assistance programs by recipients of Community Development Block Grant funds. Areawide activities would generally be provided as components of the State or Regional assistance program.

HUD will invite applications for grants by notice published in the FEDERAL REGISTER. Because the Department wishes to begin awarding grants at the earliest possible date, a notice published on the same date as this proposed rule will invite applications for grants immediately, and through the next forty-five (45) days. Should the final rule differ substantially from the proposed rule, however, the deadline for submission of applications will be extended. No grants will be awarded until after publication of a final rule.

A finding of inapplicability with regard to environmental impact has been made in accordance with HUD Handbook 1390.1. Accordingly, Part 570 is amended by adding a new § 570.402 as follows:

§ 570.402 Technical assistance grants and contracts.

(a) *Definition.* Technical Assistance is defined as the transfer of skills and knowledge in planning, developing, and administering the Community Development Block Grant program from those individuals and institutions which possess them to eligible block grant applicants which need them in order to increase the effectiveness with which eligible block grant applicants can use Community Development Block Grant funds to meet community development national and local program objectives.

(b) *Forms of Assistance.* Technical Assistance may be funded either by grant or by contract. Assistance may take several forms, such as the provision of written information, person-to-person exchange, seminars, workshops, or training sessions. HUD may award grants either with or without competition.

(c) *Beneficiaries of Technical Assistance.* Technical assistance may be pro-

vided to any individual or entity participating in the administration, planning and implementation of the block grant program, including, but not limited to, officials of eligible Community Development Block Grant applicants, block grant program managers, housing, renewal and economic development agencies and their employees, and neighborhood non-profit tenant and citizen organizations and their representatives.

(d) *Eligible Applicants—(1) Grants.* Eligible applicants for grants are States, units of general local government, Indian tribes, and areawide planning organizations which can demonstrate that they have the capability, skill, experience, facilities, techniques and commitment to provide technical assistance in the administration, planning or implementation of a community development block grant program.

(2) *Contracts.* Eligible proposers for contracts are the same as those eligible for grants, and, in addition, but not limited to, universities, public interest groups, quasi-governments, for-profit and not-for-profit organizations and individuals which have the satisfactory qualifications for providing technical assistance.

(e) *Criteria for Selection and Weighting—(1) Threshold selection criteria for grants and contracts.* Each grant application or contract proposal must offer one of the following categories of technical assistance:

(i) *Regional Technical Assistance.* This assistance shall respond to requests for aid in delivering Community Development Block Grant assistance, utilizing, for example, training sessions, existing assistance materials, individual and organizational experts, educational systems, or peer-to-peer exchanges. Regional technical assistance will be administered by each Region of HUD. Applicants seeking funds to provide this assistance shall apply to the appropriate HUD Regional Office. Applicants may propose to provide technical assistance throughout an entire HUD Region or only part of a Region.

(ii) *State Technical Assistance.* This assistance shall improve States' ability to deliver Community Development Block Grant technical assistance. In order to provide this assistance, States may choose to expand their own existing staff resources, or may develop cooperative arrangements with other organizations. These arrangements may include combinations of State government agency staffs, areawide planning organizations, universities, municipalities, or other organizations with proven capability to provide technical assistance to block grant recipients. State technical assistance will be administered by HUD Central Office.

(iii) *National Technical Assistance.* This assistance shall address one or

more of the following national priorities:

(A) Development of city and county capacities to undertake block grant urban economic development and commercial revitalization;

(B) Development of city and county capacities to implement block grant neighborhood rehabilitation and urban homesteading programs;

(C) Promotion of effective citizen participation in the block grant program and improvement of the capacity of neighborhood and non-profit organizations to carry out community development and housing programs;

(D) Assistance to fair housing groups, housing agencies and local governments to provide housing in a manner which promotes spatial deconcentration of low- and moderate-income families, implements block grant Housing Opportunity Plans and Housing Assistance Plans or helps to meet the housing needs of households eligible for housing assistance;

(E) Improvement of the administrative capacity of smaller block grantees to effectively carry out community development and housing programs;

(F) Improvement of the technical capability of block grant grantees to meet environmental review requirements;

(G) Assistance to upgrade block grant environmental design capacity.

National Technical Assistance will be administered by HUD's Central Office in Washington, D.C.

(2) *Allocation.* HUD will allocate a specified amount of money for competitive grants or contracts for assistance to each of the categories of technical assistance in paragraph (e)(1) of this section.

(3) *Criteria for ranking competitive grant applications.* Within each of the categories of paragraph (e)(1) of this section, grants made by competitive selection will be based on the following selection factors:

(i) Probable effectiveness of the proposal in meeting needs of localities and accomplishing overall project objectives; (25 points)

(ii) Soundness of approach based on the extent to which application identifies techniques or systems that can

PROPOSED RULES

significantly impact on the key problem(s) identified; (25 points)

(iii) Methodology for transfer of successful technical assistance techniques to other potential assistance providers; (10 points)

(iv) Organizational and management plan reflecting a rational project management system; (15 points)

(v) Application qualifications based on present and past relevant experience and the competence of key personnel assigned to the project; (15 points)

(vi) Potential for assistance activities being sustained beyond the period of the grant; (10 points)

(4) *Contracts.* HUD will follow its usual contracting procedures in compliance with its Procurement Regulations (41 CFR Part 24) and the Federal Procedure Regulations (41 CFR Part 1).

(f) *Grant Application Requirements—(1) Dates.* HUD will invite applications for grants by notice published in the FEDERAL REGISTER.

(2) *Addresses.* Grant Applications for Regional Technical Assistance under § 570.402(e)(1)(i) must be submitted to the applicant's local HUD Regional Office. Grant Applications for State or National Priority Technical Assistance under § 570.402(e)(1)(ii) and (iii) must be submitted to:

Mr. Howard E. Ball, Director, Office of Policy Planning, Community Planning & Development, Room 7158, 451 7th Street SW., Washington, D.C. 20410.

(3) *Distribution.* Applicants for Regional Technical Assistance and National Technical Assistance will send three (3) copies of their applications to the appropriate HUD offices as designated above. States, in addition to sending three (3) copies of their applications to the Central Office, will also send one (1) copy to their local HUD Regional Office.

(4) *Contents.* Applications must include:

(i) A brief letter of transmittal signed by the Chief Executive Officer, i.e., the elected or appointed official who has responsibility for the conduct of affairs of the State, unit of general local government, Indian Tribe or area planning organization;

(ii) Standard Form 424 prescribed by OMB Circular A-102;

(iii) A one-page abstract of the project summarizing the proposal and its total cost;

(iv) A project narrative statement describing:

Proposed recipients of technical assistance;

Method of determining and prioritizing needs;

The goals and objectives of the project;

The duration of the project and the earliest and the latest start-up time;

The management plan indicating the resources to be used (including resources in addition to community development block grant funds);

The administrative tasks and program of work tasks to be carried out;

The staff to be assigned to the project;

The plan for monitoring and evaluating the project, including the sequence of specific events, and data requirements;

And tangible products to be purchased and additional program facts which may be necessary to implement the above as part of the project.

(v) A proposed budget clearly showing how HUD funds would be used;

(vi) A proposed quarterly and final report format;

(vii) Certifications required by § 570.307 with the following exemptions:

(c) A-95.
(d) Citizen Participation Plan.
(f) Community Development Plan.
(h) Labor Standards § 570.605.

Further guidance as to the detailed selection process which HUD will use in awarding technical assistance grants to States will be made available to all Governors through solicitation letters to be sent from HUD.

Issued at Washington, D.C., June 8, 1978.

ROBERT C. EMBRY, JR.,
Assistant Secretary,
Community Planning and
Development.

[FR Doc. 78-16433 Filed 6-13-78; 8:45 am]

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NOTICES

[4210-01]

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT

Office of the Assistant Secretary for
Community Planning and Development

[Docket No. N-78-879]

COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM

Application Period for Discretionary Grants for
Technical Assistance—1978

AGENCY: Department of Housing
and Urban Development.

ACTION: Notice.

SUMMARY: This Notice invites appli-
cations for competitive grants for
technical assistance in planning, devel-
oping and administering assistance
under the Community Development
Block Grant program.

DATE: Applications must be delivered

or post-marked no later than July 31,
1978.

FOR FURTHER INFORMATION
CONTACT:

Rich Coward, Acting Director, Tech-
nical Assistance Division, Office of
Policy Planning, Community Plan-
ning and Development, Room 7164,
Department of Housing and Urban
Development, 451 Seventh Street
SW., Washington, D.C. 20410, tele-
phone 202-755-5970.

SUPPLEMENTARY INFORMATION:

The 1977 amendments to the Housing
and Community Development Act of
1974 (42 U.S.C. 5301 et seq.), author-
ized grants from the Secretary's Dis-
cretionary Fund for "Technical Assist-
ance." This assistance involves the
transfer of skills and knowledge in
planning, implementing and evaluat-
ing the Community Development
Block Grant program from those indi-
viduals or institutions which possess

them to eligible block grant applicants
which need them.

This Notice invites applications for
competitive grants for technical assist-
ance. Applications must be delivered
or post-marked no later than July 31,
1978.

This Notice is being published on
the same date as the proposed rule im-
plementing the technical assistance
program because the Secretary wishes
to begin awarding technical assistance
grants as soon as possible. Should the
final rule differ substantially from the
proposed rule, however, the deadline
for submission of applications will be
extended. No grants will be awarded
until after publication of a final rule.

Issued at Washington, D.C., June 8,
1978.

ROBERT C. EMBRY, Jr.,
Assistant Secretary, Community
Planning and Development.

[FR Doc. 78-16434 Filed 6-13-78; 8:45 am]

WEDNESDAY, JUNE 14, 1978
PART IV



DEPARTMENT OF
HOUSING AND
URBAN
DEVELOPMENT

Office of Assistant
Secretary for Housing—
Federal Housing
Commission

LOANS FOR COLLEGE
HOUSING PROGRAM
FOR FISCAL YEAR 1978

[4210-01]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-78-544]

PART 279—COLLEGE HOUSING

Subpart C—Loans for College Housing Program for Fiscal Year 1978

AGENCY: Department of Housing and Urban Development

ACTION: Final rule and request for comment.

SUMMARY: The following amendments set forth the Department's requirements applicable to the fiscal year 1978 college housing program, including categories of loan requests eligible for funding, restrictions as to the number of reservations per institution, the maximum loan amounts, and the distribution of available funds among different categories of loan requests.

DATES: Effective date: June 14, 1978. Comments (written date, suggestions, or arguments) due on or before: July 14, 1978.

ADDRESS: Comments to: Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, Washington, D.C. 20410. Copies of all comments received will be available for public inspection at the above address during regular business hours before and after the close of the comment period.

FOR FURTHER INFORMATION CONTACT:

Mr. Robert W. Wilden, Director, Direct Loan Division, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-755-6528.

SUPPLEMENTARY INFORMATION: The Department is amending Title 24, Part 279, College Housing, by adding a new Subpart C. The amendment will implement the continuation of the college housing program for fiscal year 1978.

The amendment incorporates many of the provisions of Subpart B of the current regulations; however, several changes are made, as follows:

1. Eliminated as a priority category are projects to provide student housing and related dining facilities for which the prime construction contract was executed on or before January 14, 1977, which had not been permanently financed in whole or in part, and

which would alleviate a current severe housing shortage. This eligibility category was designed specially to permit the completion of unfinished college housing projects and to provide permanent financing for such projects, many of which had not been completed or permanently financed due to unfavorable financing conditions in the private market. Projects which fell into this category received top funding priority during fiscal year 1977. The Department feels that sufficient opportunity to apply for fund reservations was provided during fiscal year 1977 for colleges with projects in this category. Provided construction has not been completed at the time of filing of the application, such projects will still be eligible under the new construction, substantial rehabilitation, acquisition, or conversion category, but will not receive priority in funding and instead must compete on the basis of the institution's existing need for such housing.

2. Inasmuch as the competition for fund reservations is nationwide, there will be only one funding cycle for the fiscal year 1978 program in order to provide all interested applicants with equal opportunity to compete for the limited funds available and to permit applicants sufficient time to develop and submit complete and detailed preliminary applications.

3. In an effort to assist as many applicants as possible with the limited funds available, the number of reservations that may be received is being restricted to only one per institution in each of the funding categories listed in this subpart and the maximum loan amount is being reduced from \$7,500,000 to \$5,000,000.

4. Because of the large number of requests received in fiscal year 1977 for fund reservations to provide student housing needed to alleviate current, severe housing shortages, 25 percent of the funds available for the college housing program in fiscal year 1978 is being allocated to the category which permits loans to be made for the purpose of renovating existing housing and related dining facilities to reduce fuel consumption and/or other operating costs and the remaining 75 percent of the available funds is being allocated to the category which permits loans to be made for the purpose of constructing or acquisition of student housing and related dining facilities and related dining facilities and conversion of nondwelling structures to such facilities, to alleviate a current, severe student housing shortage.

5. Since first mortgages and first liens on revenues may not be available as security for loans for projects proposing the rehabilitation of existing structures to conserve energy or reduce fuel and/or operating costs, al-

ternative acceptable forms of security are provided in § 279.32.

6. Section 279.33 is added in order to implement the requirements of section 403 of the Housing Act of 1950 regarding apportionment of the loan funds available.

7. Certain nonprofit corporations which were included under § 279.11(f) are not eligible for loans under the definition of "eligible applicant" contained in § 279.27(e).

Part 279, Subpart A will continue to apply to all applications submitted prior to October 1, 1976, and Subpart B will continue to apply to all applications submitted between October 1, 1976, and September 30, 1977.

Because of the need for sufficient time prior to September 30, 1978, for eligible applicants to prepare and submit their applications and for HUD to review and rank the applications and issue fund reservations to the applicants that are selected, the Secretary has determined that public comment is impractical at this time, that delay in implementation would be contrary to the public interest, and that this rule should be implemented immediately. However, interested persons are invited to submit such written data, suggestions, or arguments as they may desire on or before July 14, 1978, for consideration in connection with future policy development for the college housing program. All such materials should be filed with the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, Washington, D.C. 20410. Copies of all comments received will be available for public inspection at the above address during regular business hours before and after the close of the comment period.

The Department has determined that this final rule will not have a significant impact upon the quality of the environment. A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of the finding of inapplicability is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, Washington, D.C. 20410.

Accordingly, Title 24, Part 279—College Housing, is amended by adding a new Subpart C reading as follows:

Subpart C—College Housing Program for Fiscal Year 1978

Sec. 279.26 Applicability of Part 279 to 1978 programs.
279.27 Definitions.
279.28 Applications for reservation of funds.

Sec. 279.29 Limitations on loan amounts.
279.30 Priority categories and funding criteria.
279.31 Approval of applications for reservation of funds.
279.32 Loan terms.
279.33 Apportionment.
279.34 Other requirements.

AUTHORITY: Sec. 402, Housing Act of 1950, 12 U.S.C. 1749a; sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Subpart C—College Housing Program for Fiscal Year 1978

§ 279.26 Applicability of Part 279 to 1978 programs.

All of the provisions of Subpart B, Part 279, concerning policies and requirements for projects to be funded under the college housing program for fiscal year 1977 shall apply with full force and effect to projects to be funded under the college housing program for fiscal year 1978 except the following: Secs. 279.11, 279.13, 279.14, 279.15, 279.16, 279.18, and 279.24.

§ 279.27 Definitions.

As used in this part:

(a) "Act" means Title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749 et seq.).

(b) "Construction" means the erection of new housing and related dining facilities, or the rehabilitation of existing housing and related dining facilities, or the conversion of nonhousing structures to such facilities.

(c) "Current severe student housing shortage" means an existing shortage in the supply of decent, safe, and sanitary housing available for currently enrolled full-time students at reasonable rents within the commuting area of the educational institution, which shortage must at least equal accommodations for the greater of 50 students or 2 percent of the institution's full-time enrollment.

(d) "Development cost" means the cost of land and site improvements, architectural and engineering services, construction, legal and administrative services, interest during construction, the cost of acquiring existing housing and related dining facilities, and the cost of built-in or installed kitchen equipment, such as ranges and refrigerators in apartments or food service equipment in central dining facilities, all as approved by the Secretary. (The cost of all furnishings such as beds, dressers, chests, desks, tables, and chairs is not included in the definition of development cost, regardless of whether such furnishings are built-in or movable.)

(e) "Eligible applicant" means:

(1) Any public or nonprofit private college, university, or other institution which offers, or will offer within a reasonable time after completion of the proposed project, at least a 2-year program acceptable for full credit toward a bachelor's degree;

(2) Any public or nonprofit private hospital operating a school of nursing beyond the level of high school approved by State authority, or operating an internship program approved by recognized authority;

(3) Any public educational institution which is administered by an accredited college or university and offers technical or vocational instruction;

(4) Any public body, eligible under section 404(b) of the act, and established for the purpose of providing and/or financing housing and related dining facilities for students and faculty members at any educational institution defined in section 404(b) (1) and (2) of the act; and

(5) Any nonprofit student housing cooperative corporation established for the purpose of providing housing for students at any educational institution defined in paragraph (e) (1), (2), and (3) of this section. In the case of a nonprofit student housing cooperative corporation under this section (paragraph (e)(5)) above, the loan to such corporation must be guaranteed by the educational institution which the project is intended to serve or, where the law of a State in effect on September 2, 1964, prevents the educational institution from guaranteeing the loan, the corporation and the proposed project must be approved by the educational institution at the time the application is submitted.

(f) "Field office" means any HUD area or regional office which is delegated authority to process and approve applications under the college housing program.

(g) "Full-time enrollment" means the number of full-time undergraduate and graduate, resident and non-resident students reported to the Office of Education for the fall semester of 1977.

(h) "Housing" means structures or portions of structures which consist of living accommodations, including apartment units, for students and faculty members.

(i) "Related dining facilities" means kitchen and dining facilities serving the residents of the housing proposed for assistance.

(j) "Secretary" means the Secretary of Housing and Urban Development or other official authorized to perform the functions of the Secretary.

(k) "State" means the several States, the District of Columbia, and the Territories and possessions of the United States, including the Commonwealth of Puerto Rico.

§ 279.28 Applications for reservation of funds.

(a) Only one application for reservation of funds will be approved per institution under each category of funding stated in § 279.30.

(b) Information and application forms may be obtained from and applications submitted to the field office which serves the area in which the educational institution is located. Applications may be submitted at any time after the effective date of this subpart, and will be accepted until close of business on July 28, 1978.

(c) Applications for assistance will consist of two parts:

(1) Part 1 must be submitted to receive consideration for a fund reservation and must include the following information:

(i) Name, type, and accreditation of the educational institution;

(ii) Description and estimated cost of the proposed project including engineering data, appraisals (if available) and/or other documentation on which estimated costs are based;

(iii) With respect to applications proposing rehabilitation to reduce fuel consumption and/or other operating costs of existing eligible housing and related dining facilities, an estimate of annual operating cost savings, if any, based on the difference between the average of routine project operating expenses for the previous 3 years and future operating expenses estimated on the basis of the current prices of fuel, supplies, and services.

(iv) Evidence of need for the proposed project including documentation which supports the eligible applicant's estimate of such need;

(v) Preliminary plans and specifications (if applicable); and

(vi) Proposed method of financing.

(2) Part 2 must be submitted to receive consideration for loan approval and must include the information specified in § 279.17.

(d) Applications for reservations of funds shall be submitted to and reviewed by HUD field offices. Field offices will recommend reservations for projects in accordance with the priority categories and funding criteria described in § 279.30. No application shall be recommended for fund reservation after August 31, 1978, and no projects will be recommended for fund reservation where the applicant is in financial delinquency with respect to any outstanding college housing loan.

(e) Because of the limited amount of funds available and the uncertainty as to which areas will generate the greatest demand for funds, no predetermined allocations of funds to the field office will be made. Funds will be reserved, subject to availability, for specific projects by HUD headquarters on the basis of field office recommendations.

(f) The priority categories and funding criteria specified in § 279.30(a) will be used by all field offices. Therefore, the ranking numbers assigned to individual applications in accordance with that section will permit a comparison

by HUD headquarters among applications recommended for funding by different field offices.

(g) In the event HUD headquarters receives more recommendations for fund reservations than can be funded, HUD headquarters will prepare a nationwide priority list for each of the categories specified in § 279.30(a) by using the ranking numbers assigned by the field offices on the basis of the criteria described in that section. Fund reservations will then be made on the basis of the nationwide lists.

(h) Field office recommendations and rankings for the categories specified in § 279.30(a) will be due in HUD headquarters on August 31, 1978. Funds will be reserved, subject to availability, not later than September 30, 1978.

(i) Applications for which funds are not reserved by the close of business on September 30, 1978, shall be returned to the applicant by the field office.

§ 279.29 Limitations on loan amount.

(a) The maximum loan which any eligible applicant may request is the least of the following: \$5,000,000; or \$2,500 per full-time student; or \$12,200 per occupant based on design capacity of the proposed housing, plus \$65 per gross square foot of any related dining facilities other than individual apartment kitchen and dining facilities. The number of full-time students stated in the application must be the same as reported to the Office of Education for the fall semester of 1977. These limitations are applicable to the individual campuses of a multicampus college or university, or college or university system.

(b) The minimum loan which may be requested is \$25,000.

(c) In order to exclude projects which are uneconomical or exceed reasonable design standards, applications proposing a development cost (exclusive of land or extraordinary project costs as determined by the Secretary) in excess of \$14,000 per occupant based on the design capacity of the proposed housing are not eligible.

(d) The limitations specified in paragraphs (a), (b), and (c) of this section will be adjusted to reflect local construction costs on the basis of a nationwide cost index of local construction costs to be furnished by HUD headquarters.

§ 279.30 Funding categories and criteria.

(a) In recommending and making reservations of funds, all eligible applications shall be placed in the following categories and ranked by field offices and HUD headquarters according to the funding criteria indicated below:

(1) Rehabilitation proposed to reduce fuel consumption and/or other operating costs of existing eligible

housing and related dining facilities. Applications in this category shall be ranked on the basis of the estimated number of months or fractions thereof before the operating cost savings will equal the development cost as defined in § 279.27(d). *Provided, however,* That in the case of a tie in ranking numbers, applications proposing the rehabilitation of housing and related dining facilities originally financed under the college housing program shall be ranked above other applications in this category.

(2) New construction or acquisition of student housing and related dining facilities, conversion of nondwelling structures to such facilities, and rehabilitation (other than for the purposes specified in paragraph (a)(1) of this section) of existing eligible housing and related dining facilities, to alleviate a current severe student housing shortage. Applications in this category shall be ranked on the basis of the number of accommodations needed to eliminate the shortage at the institution to be served by the proposed project.

(3) New construction or acquisition of faculty housing and related dining facilities, conversion of nondwelling structures to such facilities, and rehabilitation (other than for the purposes specified in paragraph (a)(1) of this section) of existing eligible housing and related dining facilities to alleviate a current faculty housing shortage. Applications in this category shall be ranked on the basis of the number of accommodations needed to eliminate the shortage at the institution to be served by the proposed project, multiplied by the same number expressed as a percentage of the full-time faculty at the institution to be served by the proposed project.

(b) Fund reservations for applications described in paragraph (a)(1) of this section will be made in the following order:

(1) For applications in the category described in paragraph (a)(1) of this section, recommended to HUD headquarters, reservations will be made in aggregate amounts up to 25 percent of the total funds available for the college housing program in fiscal year 1978.

(2) For applications in the category described in paragraph (a)(2) of this section, recommended to HUD headquarters, reservations will be made in aggregate amounts of up to 75 percent of the total funds available for the college housing program in fiscal year 1978.

(3) In the event that the aggregate reservations made in either category are less than the available funds for

that category, the unused funds shall be used to make reservations for applications in the other category.

(4) Funds will be reserved subject to availability for applications in the category described in paragraph (a)(3) of this section after all eligible applications in paragraphs (a)(1) and (a)(2) of this section have received reservations.

§ 279.31 Approval of applications for reservation of funds.

(a) To be eligible for selection, an application must be received by HUD within the period specified herein and must be complete and responsive to the requirements specified herein. Application for fund reservations will be approved by the Secretary based on an evaluation procedure that takes into account the information provided pursuant to § 279.28.

(b) Eligible applicants whose applications for fund reservations are approved shall be notified by letter from the field office, which shall:

(1) Specify the amount of the fund reservation;

(2) State that use of the fund reservation is conditioned on approval by the field office of a part 2 loan application;

(3) Instruct the applicant to submit a part 2 application for loan approval to the field office; and

(4) State that the amount of loan funds reserved or any portion thereof unused by the applicant may not be transferred by the applicant.

(c) The Secretary shall cancel any reservation of loan funds for a project, the construction, rehabilitation, or conversion of which has not commenced or the acquisition of which has not been completed within the 18-month period following issuance of the written notification to the applicant that funds have been reserved, unless an extension of time, not to exceed 6 additional months, is requested of and granted by the Secretary.

§ 279.32 Loan terms.

(a) The loan amount shall not exceed the total eligible development cost of a project, as determined by the Secretary.

(b) Loans shall be for such periods not to exceed 40 years, bear interest at such rate not to exceed 3 percent per annum, be so secured, and be subject to such terms and conditions, as shall be determined by the Secretary.

(c) Loans will be evidenced by either notes or bonds issued by the applicant.

(d) The interest rate shall be determined by the Secretary on the basis of the formula prescribed in the act as follows:

(1) Section 401(c)(1) of the act provides that the loans shall bear an interest rate of not more than the lower of:

(i) Three (3) per centum per annum, or

(ii) The total of one-quarter of one (1) per centum per annum added to the rate of interest paid by the Secretary on funds obtained from the Secretary of the Treasury as provided in section 401(e) of the act.

(2) Section 401(e) of the act provides that notes or other obligations issued by the Secretary to obtain funds for these loans shall bear interest at a rate determined by the Secretary of the Treasury which shall not be more than the lower of:

(i) Two and three fourths (2¾) per centum per annum, or

(ii) The average annual interest rate on all interest-bearing obligations of the United States then forming a part of the public debt as computed at the end of the fiscal year next preceding the issuance by the Secretary and adjusted to the nearest one-eighth of 1 per centum.

(e) The security for loans normally shall be:

(1) In the case of loans to private applicants, a general obligation secured by a first mortgage on the project and a pledge of project revenues.

(2) In the case of loans to public applicants, in order of preference:

(i) A general obligation secured by a first mortgage on the project and a pledge of project revenues, where legally available;

(ii) A special obligation secured by a first mortgage on the project and a pledge of project revenues, where legally available; or

(iii) A special obligation secured by a pledge of project revenues.

(3) In the case of loans made pursuant to § 279.30(a)(1) where the security described in paragraphs (e) (1) and (2) of this section is not legally available:

(i) A general obligation secured by a second mortgage on the project, and a pledge of project revenues or a pledge of income from endowment funds, securities, or other revenue sources;

(ii) A general obligation secured by a first mortgage on other facilities, and a pledge of project revenues or a pledge of income from endowment funds, securities, or other revenue sources; or

(iii) A general obligation by a collateral account of not less than 100 percent of the outstanding loan amount, and a pledge of project revenues or a pledge of income from endowment funds, securities, or other revenue sources.

(4) Such other security as may be acceptable to the Secretary.

(f) If the field office director determines that additional security is needed to reasonably assure loan repayment, a mortgage on other facilities, a guarantee of the payment of principal and interest by a third party,

and/or a pledge of income from endowment funds, securities, or other revenue sources may be required as deemed necessary to supplement the security pledge pursuant to paragraph (e) of this section and to reasonably assure repayment.

(g) Loans will be amortized by approximately equal periodic payments of combined principal and interest over the life of the loan. Such payments shall be made not less often than annually and not more often than semiannually. *Provided, however,* That the payment of interest only may be permitted for a reasonable period of time, normally not exceeding two (2) years following the date of the loan.

(h) Financing on a parity with other lenders will be permitted provided that all other provisions of this subpart are met.

§ 279.33 Apportionment.

Not more than 12½ per centum of the loan funds available shall be made available to educational institutions within any one State.

§ 279.34 Other requirements.

(a) Construction plans and specifications are subject to review and approval by the field office.

(b) Unless otherwise agreed to in writing by the Secretary, all prime construction contracts must be awarded to the responsible bidder submitting the lowest bid on the basis of open competitive bidding, and all construction work must be undertaken pursuant to contracts approved by the Secretary.

(c) All laborers and mechanics employed by contractors and subcontractors in the construction of housing and related dining facilities assisted under the act shall be paid wages at rates not less than those prevailing in the locality involved for the corresponding classes of laborers and mechanics employed on construction of a similar character as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours Standards Act (40 U.S.C. 327-332).

(d) All contracts for construction work paid for, in whole or in part, from loan funds provided under the act shall provide that the contractor shall comply with the Copeland ("Anti-Kickback") Act (40 U.S.C. 276c) and the regulations of the Secretary of Labor thereunder (29 CFR Part 3).

(e) The requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) that no person in the United States shall, on the ground of

race, color, or national origin, be excluded from participation in, or be denied the benefits of, or be otherwise subjected to discrimination are applicable to applicants receiving assistance under the act.

(f) All contracts for construction work paid for in whole or in part from loan funds provided under the act are subject to Executive Order 11246 (30 FR 12319, September 28, 1965), as amended by Executive Order 11375 (32 FR 14303, October 17, 1967), providing for equal opportunity in employment, and the rules and regulations of the Department of Labor with respect thereto.

(g) The provisions of Title VIII (Fair Housing) of the Civil Rights Act of 1968 (Pub. L. 90-284, 42 U.S.C. 3601-3619), prohibiting refusal to rent to or discrimination against any person in terms or conditions of rental or provision of services on account of race, color, religion, sex, or national origin, are applicable to projects assisted under the act.

(h) All projects for which loans are made pursuant to this subpart are subject to the following requirements:

(1) Equal opportunity requirements, which include Executive Order 11063 and section 3 of the Housing and Urban Development Act of 1968 and regulations and guidelines pursuant thereto;

(2) HUD requirements implementing the National Environmental Policy Act of 1969 (83 Stat. 852);

(3) Governmental requirements implementing the Clean Air Act (77 Stat. 392, as amended) and the Federal Water Pollution Control Act (66 Stat. 755, as amended); and

(4) HUD requirements implementing the Flood Disaster Protection Act of 1973 (87 Stat. 975).

(5) HUD requirements implementing section 504 of the Rehabilitation Act of 1973.

(i) Projects for which loans are made to public educational institutions or eligible public bodies pursuant to this subpart are also subject to the following requirements:

(1) HUD relocation requirements established pursuant to the Uniform Relocation Assistant and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894); and

(2) Any special requirements for the handicapped pursuant to the standards established by HUD under the Architectural Barriers Act of 1968 (82 Stat. 718).

Issued at Washington, D.C., June 6, 1978.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing—
Federal Housing Commissioner.
[FR Doc. 78-16195 Filed 6-13-78; 8:45 am]

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